

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A29-02268 #100
Date Received: 4/27/1990
Receipt No: E013794
Received By: DM

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: CARL BARNES 208-897-5775
Address: 3717 E. BACK DOWNATA RD.
DOWNEY, ID 83234

OR
Name: ANAVOE BARNES 208-897-5775
Address: 3717 E. BACK DOWNATA RD.
DOWNEY, ID 83234

2. Date of Priority: MAR 27, 1947

3. Source: MARSH CREEK Trib. to: PORTNEUF RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
12S	37E	5	SE	SE	SE		BANNOCK

5. Description of diverting works:
PUMP IN CREEK TO SPRINKLER SYSTEM FOR IRRIGATION.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	1.000		

7. Total Quantity Appropriated is:
1.000 C.F.S. (and/or) A.F.A.

8. Total consumptive use is 125.0 Acre Feet Per Annum.

9. Non-irrigation uses:
N/A

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
12S	37E	4	SW	SW		IRR	36.0
						Section Acres	36.0
		5	SE	SE		IRR	14.0
						Section Acres	14.0
						Total Acres	50.0

11. Place of use in counties: BANNOCK

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:
A29-11799

14. Remarks:
A29-11799 IS AN EXPANSION OF THIS LICENSE.

15. Basis of Claim: LICENSE

Water Right Number: 20040

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): Capt Barnes Date: 4-27-90
Travis Barnes Date: 4-27-90

State of Idaho

County of

BOONEVILLE

) SS.
)

Subscribed and sworn (or affirmed) before me this 27 day

of

April

19

90

[Signature]
Notary Public

Seal

Residing at

Idaho Falls

My Commission Expires

9-12-91

A. AJ CLAIM POINT OF DIVERSION AND SOURCE:

RIGHT	TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	POD FLAG	COUNTY	DIVERSION NAME	DIVERSION NUMBER
A29-02268	12S	37E	5		SE	SE			BANNOCK		
OTHER AJ CLAIMS WITH SAME AJ POD				WR RECORDS IN SAME 40 ACRE TRACT							
A PREFIX				R PREFIX							
A29-11799				NONE							
				29-02326							
				29-02356							

SOURCE: MARSH CREEK

TRIB: PORTNEUF RIVER

B. WR POINT OF DIVERSION AND SOURCE:

RIGHT	TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	POD FLAG	COUNTY	DIVERSION NAME	DIVERSION NUMBER
29-02268	12S	37E	5		SE	SE			BANNOCK		
OTHER WR RECORDS WITH SAME WR POD				AJ CLAIMS IN SAME 40 ACRE TRACT							
				A PREFIX							
				R PREFIX							
29-02326				A29-11799							
29-02356				NONE							

SOURCE: MARSH CREEK

TRIB: PORTNEUF RIVER

C. IS THE CLAIMED POD WITHIN THE SAME 40 ACRE TRACT THAT IS DESCRIBED IN THE WATER RIGHT FILE? N/A() Y() N()

* IF NO, AND IF THE CHANGE IS VERIFIED AS AN ACCOMPLISHED CHANGE IN POD, DESCRIBE THE INJURY ANALYSIS PERFORMED AND ENTER FLAG "C" WITH THE APPROPRIATE EXPLANATORY CODE.

D. CAN THE CLAIMED POD BE VERIFIED USING THE WATER RIGHT FILE OR GPS DATA? N/A() Y() N()

E. SHOULD THE CLAIMED POD BE VERIFIED BY FIELD EXAM? Y() N()

F. IS THE CLAIMED SOURCE THE SAME AS DESCRIBED IN THE WATER RIGHT FILE? N/A() Y() N()

* IF NO, AND IF THE CHANGE IS VERIFIED AS AN ACCOMPLISHED CHANGE IN SOURCE, DESCRIBE THE INJURY ANALYSIS PERFORMED AND ENTER FLAG "C" WITH THE APPROPRIATE EXPLANATORY CODE.

G. CAN THE CLAIMED SOURCE BE VERIFIED USING THE WATER RIGHT FILE? Y() N()

H. SHOULD THE CLAIMED SOURCE BE VERIFIED BY FIELD EXAM? Y() N()

I. HOW WAS THE POD AND SOURCE VERIFIED?

LICENSING FIELD EXAM (DATE OF FIELD EXAM _____) Y() N()

AJ FIELD EXAM (DATE OF FIELD EXAM _____ NAME OF EXAMINER _____) Y() N()

OTHER (DESCRIBE IN NOTES BELOW)

NOTES: _____

=====

RECOMMENDED POINT(S) OF DIVERSION AND SOURCE: CHECK HERE IF RECOMMENDED AS CLAIMED ()

TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	POD FLAG	COUNTY	DIVERSION NAME	DIVERSION NBR
12S	37E	5		SE	SE			BANNOCK		
_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____

SOURCE: MARSH CREEK

TRIB: PORTNEUF RIVER

REVIEWED BY: _____ DATE: _____

=====

SYSTEM DESCRIPTION: DESCRIBED BELOW (), SEE LICENSE FILE (), OR SEE ATTACHMENT ()

A. ROOT WATER RIGHT NUMBERS: A29-02268

B. POU LISTING

TWP	RNG	SEC	1/4	1/4	LOT	NAME	AJ #/ACRES	WR #/ACRES	LANDSAT DATA	FIELD EXAM.	RECOMM. ACRES
12S	37E	4	SW	SW		BARNES, ANAVOE	A29-02268 / 36.0	29-02268 / 22.0	33.0		
			SW	SW		BARNES, CARL	A29-11801 /	- /			
			SW	SW		BARNES, CARL	29-11801 /	- /			
12S	37E	5	SE	SE		BARNES, ANAVOE	A29-02268 / 14.0	29-02268 / 28.0	40.0		
			SE	SE		BARNES, CARL	A29-11799 / 14.0	- /			
			SE	SE		BARNES, CARL	A29-003488 / 20.0	- /			

ADDITIONAL POU FOUND

TOTAL ACRES A29-02268 50.00 50.00 73.00

POU COUNTY: BANNOCK

C. IS WATER USAGE FOUND IN TRACTS OTHER THAN THOSE CLAIMED?

Y() N()

* IF YES, ARE THESE TRACTS LISTED ABOVE (), OR ARE THEY LISTED ON AN ATTACHED SHEET ()

LIST OF ALL RIGHTS WITH A SAME POU AND IRRIGATION USAGE

CLAIM NO.	SOURCE	NAME	DIV. RATE	DIV. RATE/ACRE	DIV. VOL.	DIV. VOL./ACRE
A29-02268	MARSH CREEK	BARNES, ANAVOE	1.000	0.020		
A29-003488	CHERRY CREEK	BARNES, CARL	0.680	0.020		
A29-11799	MARSH CREEK	BARNES, CARL	0.560	0.020		

LIST ALL RIGHTS WITH SAME POU BUT NOT USED FOR IRRIGATION.

CLAIM NO.	PURPOSES	NAME	MONTH/DAY	RATE	VOLUME
A29-11801	STOCKWATER	BARNES, CARL	FROM 01-01 TO 12-31	0.050 CFS	
29-11801	STOCKWATER	BARNES, CARL	FROM 01-01 TO 12-31	0.050 CFS	

D. ARE OTHER WATER RIGHTS USED FOR THE SAME PURPOSE?

Y() N()

* IF YES, COMPLETE OVERLAP REVIEW:

OTHER RIGHTS LISTED IN CLAIM: A29-11799

E. IS THE CLAIMED POU THE SAME AS DESCRIBED IN THE WATER RIGHT FILE?

N/A() Y() N()

* IF NO, AND IF THE CHANGE IS VERIFIED AS AN ACCOMPLISHED CHANGE IN POU, DESCRIBE THE INJURY ANALYSIS PERFORMED AND ENTER FLAG "C" WITH THE APPROPRIATE EXPLANATORY CODE.

F. CAN THE CLAIMED POU BE VERIFIED USING THE WATER RIGHT FILE AND AVAILABLE AERIAL PHOTOS?

N/A() Y() N()

G. SHOULD THE CLAIMED POU BE VERIFIED BY FIELD EXAM?

Y() N()

H. IS THERE ANY INDICATION THAT THERE HAS BEEN A FIVE YEAR PERIOD OF CONTINUOUS NONUSE OF THIS RIGHT, OR ANY PORTION OF THIS RIGHT?

Y() N()

NOTES: _____

NOTES: _____

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1000

[illegible]

RECOMMENDATIONS:

TOTAL ACRES: _____ N/A()

REVIEWED BY: _____ DATE: _____

Abstract

32

4802

T11S

T12S
R37E

A29-02268

Spr

ROAD

Creek

MARSH VALLEY CANA

ND

MICROFILMED

NOV 13 1992

Log for claim A29-02268

Spatial Dynamics TWB

5/16/00

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
12s37e	4	SWSW	36	38	
12s37e	5	SESE	14	7.7	
Totals:			50	45.7	

State of Idaho

License and Certificate of Water Right

Water License No. 20040

Amount One second foot

Water District No. _____

Priority March 27, 1947

THIS IS TO CERTIFY that

John T. Sharp

of Downey, Idaho, made application for a permit to appropriate the public waters of the State of Idaho, dated March 27,, 19 47; that Permit No. 20040 was issued under said application; that Certificate of Completion of works, with a carrying capacity of one second foot, was issued thereunder on January 23, 19 48, showing that said works were completed on the 21st day of January, 19 48; and that on the 31st day of March, 1948,

JOHN T. SHARP

of Downey, State of Idaho, made proof to the satisfaction of the State Reclamation Engineer of Idaho, of the right to use the waters of Marsh Rivers Creek, a tributary of Portneuf & Snake/, for the purpose of Irrigation

, under Use Permit No. 20040 of the Department of Reclamation and that said right to the use of said waters has been perfected in accordance with the laws of Idaho, and is hereby confirmed by the State Reclamation Engineer of Idaho and entered of record in Volume

8 of Licenses at page 4485, on the 4th day of May, 19 49;

The right hereby confirmed dates from March 27,, 19 47;

The Point of Diversion is located

in the SE 1/4 SE 1/4, Sec. 5, Tp. 12 S., R. 37 E., B. M. Bennock County.

That the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall not exceed One cubic foot per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
12S.	37 E.	4	SW 1/4 SW 1/4	25	22
		5	SE 1/4 SE 1/4	25	28
		Number of Acres Actually Irrigated -			

The right to the use of the water aforesaid hereby confirmed is restricted to the lands or place of use herein described, as provided by the laws of Idaho.

WITNESS the seal and signature of the State Reclamation Engineer, affixed at Boise, Idaho, this

4th day of May, 19 49.

MARK R. KULP

State Reclamation Engineer

(SEAL)

10-111111

To Appropriate the Public Waters of the State of Idaho

Application No. 27627

Permit No. 20040

District No.

1. Name of Applicant: JOHN T. SHARP

Postoffice address: Downey

County: Bannock

State: Idaho

I. If applicant is a corporation, give:

(a) Date and place of incorporation:

(b) Amount of capital stock:

(c) Amount paid in:

(d) Names and addresses of directors:

II. The financial resources of the applicant are:

(a) Cash on hand: \$1,000.00

(b) Treasury stock:

(c) Bonds to be issued:

(d) Other resources: Farm land valued at \$10,000.00

2. Quantity of water claimed: One (1)

cubic feet per second.

3. Source of water supply: Marsh Creek

which is a tributary of Portneuf & Snake Rivers

4. Location of point of diversion: 1200' N., 200' W.

feet distant from the Southeast

corner of Section 5, T. 12 S., R. 37 E., B.M., and is in the SE $\frac{1}{4}$ SE $\frac{1}{4}$

of Section 5, T. 12 S., R. 37 E., B.M., County of Bannock

5. Water is to be used for Irrigation

6. If for mining, milling, power or manufacturing purposes, give:

(a) Point of use of water:

feet distant from

corner of Section

T., R., B.M., in the

of Section

, T.

, R.

, B.M.

(b) Amount of power generated:

H.P., under

feet head.

(c) Water is to be returned to

at a point

distant from the

corner of Section

, T.

, R.

, B.M., in the

of Section

, T.

, R.

, B.M.

7. Estimated cost of works: \$ 1,500.00

8. Kind of works: Pump and pipe line

9. Height of dam

feet; length of dam at top

feet; length of dam at bottom

feet; material used in dam:

10. Size of headgate: Width

feet; height

11. Ditch: Width at bottom 1

feet; width at water line 2

feet; depth of water $\frac{3}{4}$

Dimensions of flume:

Diameter of pipe

8

inches; length of conduit

(700') $\frac{1}{8}$

Average grade per mile

200

feet.

for the completion of such work is One (1)

years.

the complete application of the water to the proposed use is None

additional y

described in the following tabulation: See remarks.

15. (a) Is reservoir to be used? No If so, fill in (b) and (c) below.
 (b) Name of Reservoir and number of Storage Permit:
 (c) Date of filing of Application for Storage Permit and Name of Applicant:

BE IT KNOWN THAT The undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.

JOHN T. SHARP Applicant.

By Agent.

Date of first receipt at Department of Reclamation: 9:00 A. M. March 27, 1947

Returned to applicant for correction:

Corrected application received:

Approval of State Reclamation Engineer

The number of this permit is 20040

Recorded in Book 72 Page 20040 Approved March 31, 1947

This is to certify that I have examined the within application for a permit to appropriate the public waters of the State of Idaho, and hereby approve the same, subject to the following limitations and conditions:

Bond in the sum of \$ to be filed on or before

Work to begin on or before May 31, 1947 and to continue diligently and uninterruptedly to completion, unless temporarily interrupted by circumstances over which permit holder has no control.

One-fifth of the work above specified to be completed on or before September 30, 1947

The whole of said work to be completed on or before March 31, 1948

Beneficial use of water appropriated in accordance herewith, to be made on or before March 31, 1948

Witness my hand this 31st day of March, 1947

MARK R. KULP
State Reclamation Engineer.

IN TESTIMONY WHEREOF, We, C. A. ROBINS, Governor of the State of Idaho, and J. D. "CY" PRICE, Secretary of State of the State of Idaho, have caused this instrument to be executed in the name of the State of Idaho, and caused the Great Seal of the State of Idaho to be hereunto affixed, this 31st day of March, 1947.

Countersigned:

(SEAL)

By J. D. "CY" PRICE

Secretary of State.

By C. A. ROBINS

Governor.

Remarks: Beginning at a point about 1/2 mile below the point of diversion, and extending for about thirty miles down stream, a flood condition exists and land owners have been asking the Army Engineers to approve a drainage project to dispose of surplus. In many years the water prevents the harvesting of hay on the native meadows adjacent to Marsh Creek below the proposed pump s 14.

Twp.	Range	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
12 S.	37 E.	4																	25
		5																	25

Total Number of Acres to be Irrigated - - - - 50

PERMIT NO. 20040
Certificate of Completion of Works

To All Whom it may Concern:

This is to certify that JOHN T. SHARP, of Downey, County of Bannock, and State of Idaho, the holder of Permit No. 20040 issued upon Application No. 27627, bearing date of priority of March 27, 1947, authorizing the diversion of one (1) second foot of the waters of Marsh Creek, a tributary of Portneuf & Snake Rivers, County of Bannock and State of Idaho, for irrigation purposes, has fully complied with the provisions of the laws of the State of Idaho relating to the proof of completion of the works of diversion set out and described in said Permit; that said works are adequate for diverting and conveying to the place of intended use one (1) second foot of the waters of Marsh Creek; that the point of diversion of said waters is 1200 ft. North and 200 ft. West from the Southeast corner of Section 5, Township 12 South, Range 37 East, B.M., and in the SE 1/4 SE 1/4 of said Section 5; and that the lands proposed to be irrigated by the use of said water are described as follows, to-wit: SW 1/4 SW 1/4 Section 4, and SE 1/4 SE 1/4 Section 5, Township 12 South, Range 37 East, B. M.

Witness my hand this 23rd day of January, A. D. 1948.

Proof of completion of works made January 21, 1948

Certificate of completion of works issued January 23, 1948

MARK R. KULP
State Reclamation Engineer

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

BOISE, IDAHO

REPORT OF ENGINEER

Permit No. 20040

This proof is for Beneficial use

In Water District No.

1. Name of applicant John T. Sharp, Downey, Idaho
2. Source of water supply: Marsh Creek
3. Location of point of diversion: Is in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 5
T. 12 S. R. 37 E. County of Bannock
4. Describe works as they exist, giving dimensions and capacities of same: Diversion equipment consists of an intake trench leading 40ft. to sump and pumping installation of a direct connected horizontal centrifugal pump and motor. Thence via 840 of 12 inch, 12 gage steel pipe; A 30 foot lift delivers to a concrete dividing box 6ft. X 4ft. X 3ft. deep, and ditches 1 $\frac{1}{2}$ feet wide, and 1 foot deep
5. Water is used for: Irrigation
6. State whether or not water has been turned into works of diversion: Yes
7. List legal subdivisions of lands to be irrigated. If proof is for beneficial use, give exact number of acres under cultivation in each forty-acre tract. (Describe manner and place of use if other than irrigation):
SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 4, and SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 5; Township 12 South, Range 37 East, B.M.

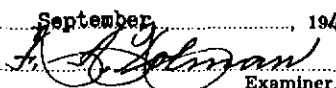
(Submit map on attached plat, showing location and details of above description.)

8. What large stream would the water here appropriated finally reach? Snake River

Remarks:

This examination was made on the 17th day of September, 1948

(Signed)


 Examiner.

20040

John T. Sharp
Downey, Idaho

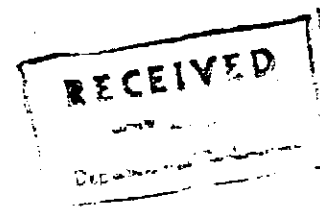
Permit No. 20040

Examination for Beneficial use

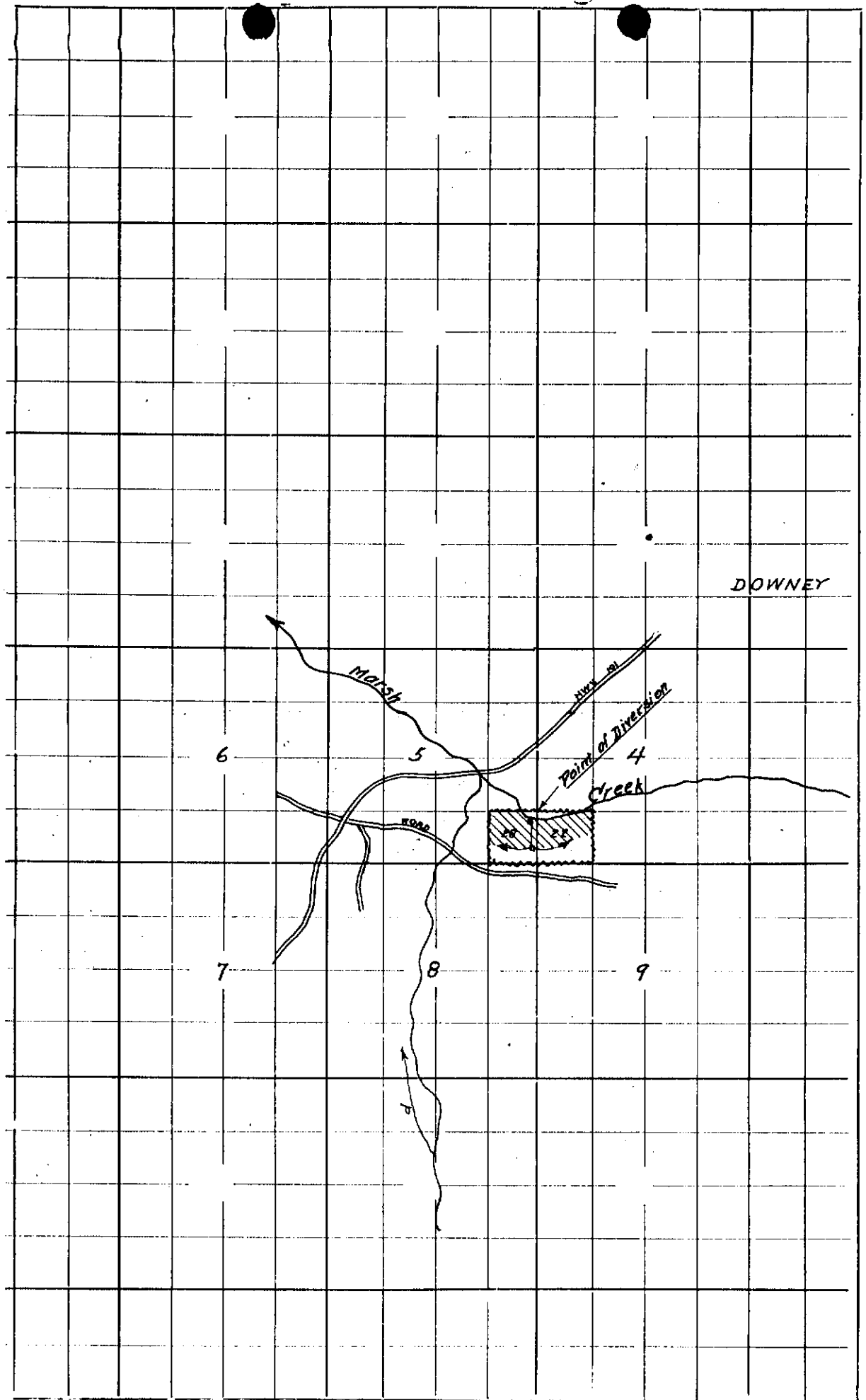
County Bannock

INSTRUCTIONS TO EXAMINERS

1. Always carefully note the location of the point of diversion and accurately plat same.
2. When proof is for beneficial use, carefully check up the number of acres actually irrigated in each forty and accurately plat same.
3. Make a map showing the correct location of streams and ditches, and the irrigated lands, and any adjacent permanent landmarks, such as towns, lakes, large streams and public roads.
4. If any unusual conditions are discovered, make plain statement of them under remarks.
5. Always see the holder, if possible, and go over the whole ground with him and make your report only upon actual existing facts and conditions.
6. Give general characteristics of soils, topography, and crops raised.



20040



Scale: 2 Inches Equals 1 Mile. Draw Map In Ink.

20040

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE

REPORT OF ENGINEER

PERMIT NO. 20040

REPORT ON PROOF OF Beneficial use

1 cfs
max

slip. 1 cfs.

50 acres
2-403

20040

AJ5809NP
No. A29-02268

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 04/24/00
PAGE: 52

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	ANAVOE BARNES	03/27/1947	IRRIGATION	04-01 11-01	1.000 CFS	
C	CARL BARNES					
	3717 E BACK DOWNATA RD			TOTAL DIVERSION:	1.000 CFS	
	DOWNNEY ID 83234			CONSUMPTIVE USE:		125.00 AFA
	(208) 897-5775					

Water Source: MARSH CREEK

Tributary to: PORTNEUF RIVER

Stage: LICENSE

Point(s) of Diversion: T12S R37E S05 SESE

BANNOCK County

Place of use Legal Description for: IRRIGATION

		NE				NW				SW				SE				
T	R S	: Lt Ac	Lt Ac	Lt Ac	Lt Ac	: Lt Ac	Lt Ac	Lt Ac	Lt Ac	: Lt Ac	Lt Ac	Lt Ac	Lt Ac	: Lt Ac	Lt Ac	Lt Ac	: SUM	
12S	37E 4	:				:				:			36	:			: 36.0	
12S	37E 5	:				:				:				:		14	: 14.0	
																TOTAL ACRES	50.0	

POU County: BANNOCK

Non-Irrigation Uses: N/A

Other Rights: A29-11799

Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):
A29-11799

Other Water Rights Listing Overlapping Place(s) of Use:
A29-00348B A29-11799

Remarks: GEN A29-11799 IS AN EXPANSION OF THIS LICENSE.

Dates: Exam Made Date:

Verified Date:

Objection Filed Date:

Misc: Water District Number: 29H

Field Inspection Flag:
Presumption Flag:

Audit: 04/28/90 MEYER 06/02/94 COX 03/29/95 POST-STD