

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: **A29-10622**
Date Received: 3/19/1990
Receipt No: E012419
Received By: _____

**COPY FOR
YOUR FILES**

**NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW**

**COPY FOR
YOUR FILES**

1. Name: LYLE BARNES 208-897-5635
Address: BOX 22
DOWNEY ID 83254

2. Date of Priority: JUL 1, 1935

3. Source: SPRINGS Trib. to: PECK CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
11S	37E	6	SW	SE			BANNOCK

5. Description of diverting works:
AT THE OUTLET OF THE PONDS ARE HEADGATES AND SCREENS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
FISH PROPAGATION	01/01	12/31	7.000		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
FISH PROPIGATION

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use
11S	37E	6	SW	SE		FISH

11. Place of use in counties: BANNOCK

Acres
NOV 13 1996

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

13. Other Water Rights Used:
NONE

14. Remarks:

THE SPINGS FLOW INTO THE PONDS AND THROUGH THEM. THERE ARE HEADGATES AND SCREENS ATE THE OUTLETS. THE FISH ARE RAISED IN 8 PONDS.

CHANGED OWNERSHIP 5/8/96/JT/EC

15. Basis of Claim: BENEFICIAL USE

NOV 13 1996

120⁰⁰

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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: A29-10622
Date Received: 3/19/1990
Receipt No: E012419
Received By: DMD

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: LEONA B. DAVIS 208-897-5581
Address: PO BOX 154
DOWNEY, ID 83254

2. Date of Priority: JUL 01, 1935

3. Source: SPRINGS Trib. to: PECK CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
11S	37E	6	SW	SE			BANNOCK

5. Description of diverting works:
AT THE OUTLET OF THE PONDS ARE HEADGATES AND SCREENS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
FISH PROPAGATION	01/01	12/31	7.000		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
FISH PROPIGATION

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
11S	37E	6	SW	SE		FISH	

11. Place of use in counties: BANNOCK

A29-10622

Page 1

Date: 03/19/90

MICROFILMED
NOV 16 1992



41	SET III
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T11S
R37E

DOWNEY WEST ORTHO
IDAHO





State of Idaho
DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Idaho Falls, Idaho 83402-1718 - (208) 525-7161 - Fax (208) 525-7177

EASTERN REGION

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

MAY 9, 1996

LYLE BARNES
BOX 22
DOWNEY ID 83254

RE: CHANGE IN OWNERSHIP FOR A29-10622 AND A29-10623

Dear Mr. Barnes:

The request for Change in Ownership concerning the Notice(s) of Claim in the above reference has been processed and the Notice(s) modified to reflect you as the new owner. A27-04081 is not on the Warranty Deed you provided for the Change in Ownership form you submitted along with A27-07114. Therefore, it was not changed to your name.

Enclosed are copies of the Notice(s) of Claim, with your name shown as the current owner. Review the forms and if there are other corrections or questions, feel free to contact this office.

If there are no questions or corrections, please keep these Notices for your records.

Respectfully submitted,

Jo Thompson
Adjudication Secretary

Enclosure: Notices of Claim

NOV 13 1996

Dear Sir

If you need more information
let me know

RECEIVED

FEB 24 1995

Department of Water Resources
Eastern District Office

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NOV 13 1999

Yours Truly

Leona B. Davis
P.O. Box 154
Woomy Island 83234

This agreement, made and entered into this fifth day of January, 1948, by and between Oliver Denney and his wife, Ruth Denney, parties of the first part, and Joseph H. Smith and Wendell H. Smith, parties of the second part, Witnesseth:

That the parties of the first part hereby agree to sell and the second parties hereby agree to purchase the following described real estate situated in Bannock County, Idaho, to-wit:

Commencing at a point 1075 feet West of the Northeast corner of Section 7, Township 11 South, Range 37, East of Boise Meridian, thence running West 1359 feet; thence South $37^{\circ} 27'$ East 766 feet; thence North $54^{\circ} 23'$ East 1100 feet, more or less, to the place of beginning, containing about 9.7 acres.

The consideration which the first parties agree to accept and which the second parties agree to pay for the said property is the sum of Two Thousand Dollars, which is to be paid as follows: \$600.00 on the execution of this agreement, receipt of which is hereby acknowledged by the first parties; \$500.00 January 5, 1949, \$500.00 Jan. 5, 1950, and \$400.00 Jan. 5, 1951. Deferred payments shall bear interest at the rate of four per cent per annum, payable annually.

It is understood that this property is being acquired for purposes of production of fish for commercial purposes; and it is further understood and agreed that the parties of the first part reserve the permanent use of all of the said land which is not actually used by the second parties in the production of fish for pasturage purposes; and the first parties further reserve the permanent right to pump on and convey from the said land above described water to the amount of one and one-half second feet, said water to be pumped at a point to be mutually agreed upon by the parties hereto, such reservations to be free to the first parties.

The first parties further grant to the second parties the right to use the natural channel of the spring originating on the land retained by the first parties, and not included in the above description, for the purpose of producing fish. Also, the second parties are given the right to traverse the land of the first parties to and from the County Road to the land above described.

In the event the second parties shall fence any part of the land above described, they shall not interfere with the pasturage of the same by the first parties.

The first parties agree to pay all taxes against the said property up to and including the year 1947, and the second parties will pay all subsequent taxes on said land.

On receipt of the final payment of principal and interest, the first parties will convey the said property to the second parties subject to the conditions above provided herein. In the event the second parties shall fail to pay any installment of principal or of interest or of taxes which may be due as above specified, when the same shall be due and payable, or any one of such payments, the first parties may, at their option, declare this agreement terminated; but before such termination shall be effective, the first parties shall give the second parties written notice calling attention to the matters wherein the second parties are in default and if the second parties shall fail to comply with the terms of this agreement within thirty days after such notice has been given, this agreement shall automatically terminate, and in that event the second parties will deliver up to the first parties the peaceable possession of the said

In the event the parties shall require the services of an attorney to enforce the provisions of this agreement, the party or parties in default shall be liable to the party or parties not in default for a reasonable attorney's fee.

In witness whereof, the parties hereto have hereunto affixed their signatures the day and year in this agreement first written.

B.M. Almond.

Oliver Denney

Witness.

Ruth Denney

First Parties

P. M. Condie

Joseph H. Smith

.Witness.

Wendell H. Smith

State of Idaho,)

Second Parties.

ss

County of Franklin.)

On this 5th day of January, 1948, before me P. M. Condie, a notary public for Idaho personally appeared Joseph H. Smith and Wendell H. Smith, known to me to be the persons whose names are subscribed to the foregoing instrument, and acknowledged to me that they executed the same.

In Witness Whereof, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

(Seal)

P. M. Condie Notary Public,
Preston, Idaho

State of Idaho,)

ss

County of Bannock)

On this 5th day of January, 1948, before me. B. M. Almond, a Notary Public for Idaho, personally appeared Oliver Denney and wife, Ruth Denney, known to me to be the persons whose names are subscribed to the foregoing instrument, and acknowledged to me that they executed the same.

In Witness whereof, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

(SEAL)

B. M. Almond, Notary Public
Residing at Downey, Ida.

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	LEONA B DAVIS PO BOX 154 DOWNEY ID 83254 (208) 897-5581	07/01/1935	FISH PROPAGATION	01-01 12-31	7.00 CFS	
TOTAL DIVERSION:					7.00 CFS	

Water Source: SPRINGS

Tributary to: PECK CREEK

Stage: BENEFICIAL USE

Point(s) of Diversion:

T11S R37E S06

SWSE

BANNOCK County

Place of use Legal Description for: FISH PROPAGATION

				NE				NW				SW				SE									
T	R	S	:	NENE	NWNE	SWNE	SENE	:	NENW	NWNW	SWNW	SENW	:	NESW	NWSW	SWSW	SESW	:	NESE	NWSE	SWSE	SESE	:		
			:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:
11S	37E	6	:					:					:					:						:	
			:					:					:					:						:	

POU County: BANNOCK

Non-Irrigation Uses: FISH PROPAGATION

Other Rights: NONE

Remarks: THE SPINGS FLOW INTO THE PONDS AND THROUGH THEM. THERE ARE HEADGATES AND SCREENS ATE THE OUTLETS. THE FISH ARE RAISED IN 8 PONDS.

Dates: Exam Made Date:

Verified Date:

Misc: Water District Number:

Field Inspection Flag:
Presumption Flag:

RECEIVED

FEB 24 1995

Department of Water Resources
Eastern District Office

NOV 13 1994
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RECEIVED

MAR 23 1990

3-21-90

Department of Water Resources
Eastern District Office

Dear Kenneth M. Dunn:

I found two papers
that Morris wrote on

In 1953

134,000 trout we bought
beside the fish we already
had.

In 1954

We had 252,000 trout

I'm guessing, we probab
had 12,000 lb of trout
are own, beside the
broodstock.

MICROFILMED

NOV 16 1992

Yours Truly,
Lona E. Davis

**RECEIPT
For Monies Paid
to the
IDAHO DEPARTMENT OF WATER RESOURCES**

Receipt No: E012419

RECEIVED

**Date: 03/19/90
Time: 14:25:33**

FEB 24 1995

Department of Water Resources
Eastern District Office

Received

From: DAVIS, LEONA P

Type of Payment	Program Acct Class	Amount
ADJUDICATION FEE	0410162 9337 6490	\$145.00
	Total	\$145.00

CHECK 958

WR/NO: A29-10622 A29-10623

Idaho Department of Water Resources

Region: EASTERN

Signature: *Dennis M. Dunn*

MICROFILMED

NOV 13 1996