

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: A73-04003
Date Received: 12/ 1/1989
Receipt No: M005285
Received By: _____

COPY FOR
YOUR FILES

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

COPY FOR
YOUR FILES

1. Name: DONALD L BARNES
Address: HC 62 BOX 2190
MAY ID

208-876-4483

83253

AND/OR

Name: DEBRA L BARNES
Address: HC 62 BOX 2190
MAY ID

208-876-4483

83253

2. Date of Priority: MAY 1, 1950

3. Source: O'NEAL CREEK

Trib. to: PAHSIMEROI RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
13N	23E	28	SW	SW	NE		CUSTER

5. Description of diverting works:
CEMENT HDGATE WITH FLOOD IRR.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	2.000		

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

A.F.A.

8. Total consumptive use is 400.0 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

MICROFILMED
NOV 15 1996

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
13N	23E	20	NE	SW		IRR	40.0
			SW	SW		IRR	40.0
			SE	SW		IRR	40.0
						Section Acres	120.0
		29	NE	NW		IRR	40.0
						Section Acres	40.0
						Total Acres	160.0

11. Place of use in counties: CUSTER

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

13. Other Water Rights Used:
A7300150C,00188B,04001.

14. Remarks:

THIS RIGHT WAS INCORRECTLY CLAIMED AS A SOURCE OF THE PAHSIMEROI RIVER, IT SHOULD HAVE BEEN O'NEAL CREEK (ALSO KNOWN AS SPRING CREEK).

THIS RIGHT WAS DECREED BY STIPULATION CASE NUMBER 2244, IN JUNE 26, 1981 OR 89. PINE GRASING ASSOC. INC. VS. EDGAR GILBERT WATER ALLOCATIONS SHOULD BE ASSINGING NEW NUMBERS FOR THESE AS THEY ARE LISTED IN THE ABOVE STIPULATION.

CHANGED OWNERSHIP 12/26/95/JT/HWJ

15. Basis of Claim: STATUTORY CLAIM

50-
X

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: A73-04003
Date Received: 11/30/1989
Receipt No: mon 5285
Received By: JDC

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: CHARLES W. WUNSCH 208-879-4732
Address: P.O. BOX 406
CHALLIS, ID 83226

AND/OR

Name: SHIRLEY M. WUNSCH 208-879-4732
Address: P.O. BOX 406
CHALLIS, ID 83226

2. Date of Priority: MAY 01, 1950

3. Source: O'NEAL CREEK Trib. to: PAHSIMEROI RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
13N	23E	28	SW	SW	NE		CUSTER

5. Description of diverting works:
CEMENT HDGATE WITH FLOOD IRR.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	2.000		

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

8. Total consumptive use is 400.0 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

A73-04003

Page 1

Date: 11/30/89

A7304003
MICROFILMED
DEC 14 1992

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
13N	23E	20	NE	SW		IRR	40.0
			SW	SW		IRR	40.0
			SE	SW		IRR	40.0
						Section Acres	120.0
		29	NE	NW		IRR	40.0
						Section Acres	40.0
						Total Acres	160.0

11. Place of use in counties: CUSTER

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

13. Other Water Rights Used:
A7300150C,00188B,04001.

14. Remarks:

THIS RIGHT WAS INCORRECTLY CLAIMED AS A SOURCE OF THE PAHSIMEROI RIVER, IT SHOULD HAVE BEEN O'NEAL CREEK (ALSO KNOWN AS SPRING CREEK).

THIS RIGHT WAS DECREED BY STIPULATION CASE NUMBER 2244, IN JUNE 26, 1981 OR 89. PINE GRASING ASSOC. INC. VS. EDGAR GILBERT WATER ALLOCATIONS SHOULD BE ASSINGING NEW NUMBERS FOR THESE AS THEY ARE LISTED IN THE ABOVE STIPULATION.

15. Basis of Claim: STATUTORY CLAIM

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): Charles W. Wunsch Date: 1 Dec 89

Shirley M. Wunsch Date: 12-1-89

State of Idaho)

County of Butte) SS.

Subscribed and sworn (or affirmed) before me this 1 day

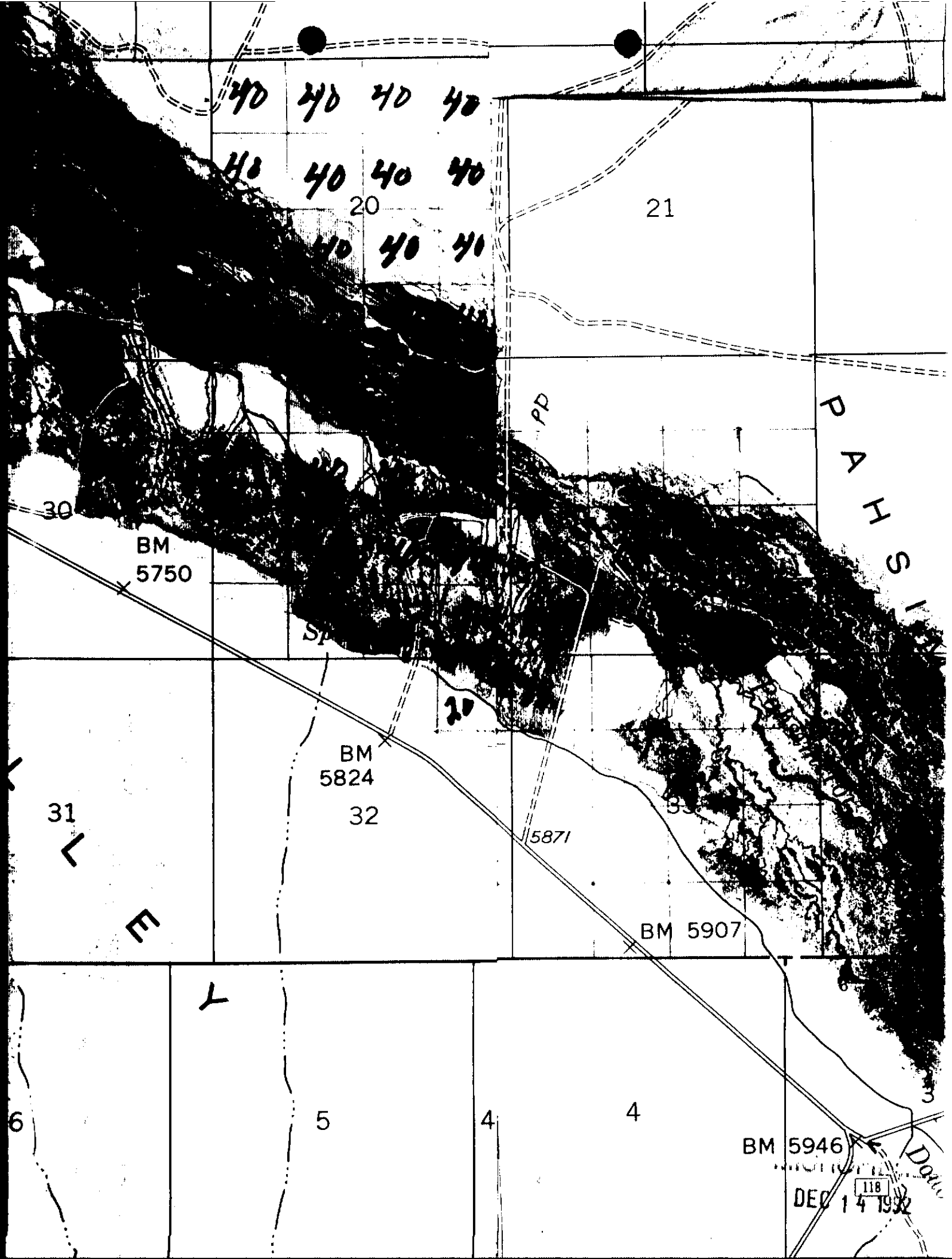
of Dec 19 89

John Dal Carbon
Notary Public

Seal

Residing at Boise Id

My Commission Expires 6/2/94





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

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

DECEMBER 27, 1995

DONALD L BARNES
HC 62 BOX 2190
MAY ID 83253

RE: CHANGE IN OWNERSHIP FOR A73-02159, -02162, -10022,
-00174C, -04003, -10023, -04001, -10025, -10024, -00015A,
-04004A, -00188B, -02147, AND -00150C

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.

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

MICROFILMED
NOV 15 1996



NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type
(see instructions on back of page)

DATE OF CLOSING: _____

LEGAL DESCRIPTION OF PROPERTY: Township _____ Range _____
Section _____, 1/4 of _____ 1/4 of _____ 1/4, Govt. Lot _____, BM.
Lot _____, Block _____, Subdivision/Townsite _____
If you have additional legal descriptions, please attach separate sheet.

[] Served Only by a Public Service Water Supply (all water is received from a city or company who maintains water supply system, owns the water right, and bills the customer on a regular basis)

[] Water Right Number(s)
Assigned by IDWR: _____

See Attached sheet

[] Name and Address of Former
Owner/Claimant(s)(Seller): _____

Charles W. Wunsch

[] New Owner/Claimant
(Purchaser): _____

Donald L. Barnes or Debra L. Barnes

[] New Mailing Address: _____

HC 62 Box 2190

May, ID 83253

[] New Telephone Number: _____

(208) ~~844~~ - 4483
876

[] Does the change in ownership result in a splitting of the water right owned/claimed? ☒ yes ☐ no
If yes, then describe the portion of the water right that is now owned/claimed by the new owner:

[] Attach proof of
ownership, describe
proof attached: _____

(proof of ownership must describe either the property conveyed or include the claim number. Proof of ownership is not required if this form is signed by the former owner/claimant.)

[] Signature of New
Owner/Claimant(s): _____

Date 7-1-95

Date

[] Signature of Former
Owner/Claimant(s): _____

Date

Date 6-29-95

(Signature of former claimant(s) is not required if proof of ownership is attached.)

FOR IDWR USE ONLY:

Initial Review and Data-Entry

Date: _____ By: _____

Further Action Needed:

Further Action Taken

Date: _____ By: _____

Final Review and Data-Entry

Date: _____ By: _____

Claim Numbers of Split, if any:

MICROFILMED

NOV 15 1996

Original to be mailed to Idaho Department of Water Resources
Copies to Former Owner and New Owner

Attachment for Don Barnes
Change of ownership

A73-02159 ✓ 1 copy

-02162 ✓

-10022 ✓ - R -

-00174C ✓

-04003 ✓

-10023 ✓ - R -

-04001 ✓

-10025 ✓ - R -

-10024 ✓ - R -

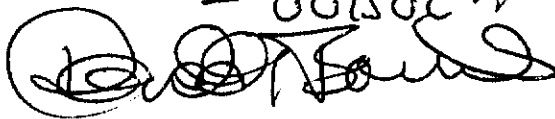
-00015 A ✓

-04004A ✓

-00188B ✓

-02147 ✓

-00150C ✓



- R -

MICROFILMED
NOV 15 1996

Water Right Number - 73-04003

Adj. Flag Translation: Standard Water Right Number

Old (D) Number -

+ - - - - Last Name - - - - + + - First Name - - + + - - - - - Address - - - - - +

*** C - CURRENT OWNER ***
BALDWIN

J. G.

1 -
2 -
3 -City- MAY
Phone -

State- ID Zip-

+ - - Priority Date - - + + - - Region - - - + + - - Stage - - - + + - - Status - - - +
02/06/1910 15 S - STATUTORY CLAIM+ - - - - Source - - - - + + - - - - - Tributary - - - - - +
PAHSIMEROI RIVER SALMON RIVER+ - - - - Point of Diversion - - - - - +
TwN Rng Sec Tract Lot RFlg County Stream Index (Blank if no Index Code)

13N 23E 28 NW NW (37) CUSTER

+ - - - - Water Use - - - - - +
Code Description Period From Period To Diversion Rate Diversion Volume

01 - IRRIGATION

04/00 11/30

3.200

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Div. Capacity - + + - Total Consumptive Use - + + - KW Usage - +
3.200+ - - - - Place of Use - - - - - +
TwN Rng Sec Tract Lot Acres Code Description County

13N	23E	20	NE SW		40.0	01	IRRIGATION	(37) CUSTER
13N	23E	20	SW SW		40.0	01	IRRIGATION	(37) CUSTER
13N	23E	20	SE SW		40.0	01	IRRIGATION	(37) CUSTER
13N	23E	29	NE NW		40.0	01	IRRIGATION	(37) CUSTER

Total Acres: 160.0

+ - - Diversion Means -

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use -

+ - - - - Remarks - - - - - +
No Remarks found.+ - - - - Conditions of Approval - - - - - +
No Conditions of Approval found.

+ - - - - Decree Plaintiff - - - + + - - - - Decree Defendant - - - + + - Decree Date - +

Water right number - 73-04003

Adj. flag translation: Standard Water Right Number

+ - - Audit Fields - 05/20/85

05/22/88 CONVERT

+ - - - - - Water Rights Dates and Flags Area - - - - - +

Proof Due Date	- 00/00/0000	Field Exam Made	- 00/00/0000	Field Exam Fee	-
Approved/Denied	- 00/00/0000	Protested Date	- 00/00/0000	Swan Falls	-
Proof Made Date	- 00/00/0000	Hearing Date	- 00/00/0000	Temporary Right	- P
Start Work Date	- 00/00/0000	Verified Date	- 05/20/1985	DLE/Carey Act	-
Order Show Cause	- 00/00/0000	Receipt Number	-	Water District	- 73
Licensed Date	- 00/00/0000	Appl Received	- 00/00/0000	Transfer/Amended	-
Decree Date	- 00/00/0000				

DO NOT FILM

COPY

Rent W. Foster
of HOLDEN, RIDWELL, HAHN & CRAPO
P.O. Box 129
Idaho Falls, Idaho 83401
Telephone: 208 523-0620

Ray W. Rigby and
G. Rich Andrus
of RIGBY, THATCHER, ANDRUS,
BARTON & WALTERS, Chartered
Attorneys at Law
25 North Second East
Rexburg, Idaho 83440
Telephone: 208 356-3633

FILED AT 1:00 P. M.

6:30, 1985

Gerard M. Beck

CLERK OF THE DISTRICT COURT
Deputy

IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO IN AND FOR THE COUNTY OF CUSTER

PINES GRAZING ASSOCIATION, INC.,)
a corporation; J. GRANT BALDWIN)
and EVELYN F. BALDWIN, his wife)
as individuals; and A. M. HATCH)
& SONS, a general partnership,)
consisting of A. M. HATCH, LOLA)
E. HATCH, his wife, RUSSELL A.)
HATCH and MERLE HATCH, his wife,)
RALPH HATCH and RUTH HATCH, his)
wife, BERT L. HATCH and DORIS F.)
HATCH, his wife,)

Plaintiffs,)

vs.)

EDGAR GILBERT, Water Master,)
Water District No. 73, State of)
Idaho,)

Defendant,)

DON M. O'NEAL and VIOLA O'NEAL,)
husband and wife; JOE A. ZIEGLER)
and RUBY ZIEGLER, husband and)
wife; JAMES CHESTER WHITTIER)
and THETA HULET WHITTIER, husband)
and wife; GOLBERG GRAZING ASSOC.,)
INC., an Idaho corporation;)
PHILLIP MILLER and CHELDA MILLER,)
husband and wife; JOE SCOBLE and)
LILLIE D. SCOBLE, husband and)
wife; DAWAYNE HAMILTON and LINDA)
HAMILTON, husband and wife; GRANT)
D. HAMILTON and LOLA S. HAMILTON,)
husband and wife; DEAN WHEELER)
and GERALDINE WHEELER, husband)
and wife; EMA LU WHITWORTH,)
individually, and EMA LU)
WHITWORTH, as the administratrix)
of the estate of Jack M.)
Whitworth, deceased,)

Applicants for Inter-
vention)

Case No. 2244

STIPULATION

MICROFILMED

DEC 14 1992

Northeast Quarter ($N\frac{1}{2}NE\frac{1}{4}$), of Section 12; the West Half of the East Half ($W\frac{1}{2}E\frac{1}{2}$), the West Half ($W\frac{1}{2}$), the Southeast Quarter of the Southeast Quarter ($SE\frac{1}{4}SE\frac{1}{4}$), of Section 13; the East Half of the Northeast Quarter ($E\frac{1}{2}NE\frac{1}{4}$), the South Half of the Southeast Quarter ($S\frac{1}{2}SE\frac{1}{4}$) of Section 14; the Northeast Quarter ($NE\frac{1}{4}$) of Section 23; the North Half ($N\frac{1}{2}$), the North Half of the Southeast Quarter ($N\frac{1}{2}SE\frac{1}{4}$), the Northeast Quarter ($NE\frac{1}{4}$) of the Southwest Quarter ($SW\frac{1}{4}$) of Section 24; Township 13 North, Range 22 E.B.M.

Lot 4 in Section 18; Lots 1, 2, 3 and 4, the Southeast Quarter of the Northwest Quarter ($SE\frac{1}{4}NW\frac{1}{4}$), the East Half of the Southwest Quarter ($E\frac{1}{2}SW\frac{1}{4}$), the Northwest Quarter of the Southeast Quarter ($NW\frac{1}{4}SE\frac{1}{4}$), the South Half of the Southeast Quarter ($S\frac{1}{2}SE\frac{1}{4}$), the Northeast Quarter of the Northwest Quarter ($NE\frac{1}{4}NW\frac{1}{4}$), the West Half of the Northeast Quarter ($W\frac{1}{2}NE\frac{1}{4}$), the Southeast Quarter of the Northeast Quarter ($SE\frac{1}{4}NE\frac{1}{4}$), and the Northeast Quarter of the Southeast Quarter ($NE\frac{1}{4}SE\frac{1}{4}$) of Section 19; the West Half of the Northwest Quarter ($W\frac{1}{2}NW\frac{1}{4}$), the Northwest Quarter of the Southwest Quarter ($NW\frac{1}{4}SW\frac{1}{4}$) of Section 29; Lot 1, the Northeast Quarter ($NE\frac{1}{4}$), the Northeast Quarter of the Northwest Quarter ($NE\frac{1}{4}NW\frac{1}{4}$) of Section 30; the Northwest Quarter of the Southwest Quarter ($NW\frac{1}{4}SW\frac{1}{4}$) of Section 20; all in Township 13 North, Range 23 E.B.M.

T-411 in Section 35, Township 14 North, Range 22 E.B.M.

All in Custer County, State of Idaho.

2. Baldwins:

A. 1.2 cubic feet per second (60 miner's inches) of waters of Spring Creek (or Upper Spring Creek), a tributary of the Pahsimeroi River, with a priority date of May 1, 1950. The point of diversion for said rights is the Northwest Quarter of the Northwest Quarter ($NW\frac{1}{4}NW\frac{1}{4}$) of Section 28, Township 13 North, Range 23 East, Boise Meridian.

✓ B. 4.4 cubic feet per second (220 miner's inches) of the waters of Goldberg Creek (Bullberg Creek), with a

priority date of May 1, 1950. The point of diversion for said right is the Northeast Quarter of the Southeast Quarter (NE $\frac{1}{4}$ SE $\frac{1}{4}$) of Section 28, Township 13 North, Range 23 E.B.M.

C. 2.0 cubic feet per second (100 miner's inches) of the waters of O'Neal Creek, (or Spring Creek) with a priority date of May 1, 1950. The point of diversion for said right is the Southwest Quarter of the Northwest Quarter (SW $\frac{1}{4}$ NW $\frac{1}{4}$), of Section 28, Township 13 North, Range 23 E.B.M.

D. .4 cubic feet per second (20 miner's inches) of the waters of O'Neal Creek (or Spring Creek) with a priority date of May 1, 1950. The point of diversion for said right is the Southeast Quarter of the Northeast Quarter (SE $\frac{1}{4}$ NE $\frac{1}{4}$) of Section 29, Township 12 North, Range 23 E.B.M.

E. .4 cubic feet per second (20 miner's inches) of the waters of Spring Creek (or Upper Spring Creek), with a priority date of May 1, 1950. The point of diversion for said right is the Southwest Quarter of the Northwest Quarter (SW $\frac{1}{4}$ NW $\frac{1}{4}$) of Section 28, Township 13 North, Range 23 E.B.M., and the Southwest Quarter of the Southwest Quarter (SW $\frac{1}{4}$ SW $\frac{1}{4}$) of Section 20, Township 13 North, Range 23 E.B.M.

The land upon which the water rights described in A, B, C, D, and E above should be used and to which said rights should be appurtenant are described as follows:

The South Half of the Southeast Quarter (S $\frac{1}{2}$ SE $\frac{1}{4}$), the North Half (N $\frac{1}{2}$), and the North Half of the Southeast Quarter (N $\frac{1}{2}$ SE $\frac{1}{4}$), the East Half of the Southwest Quarter (E $\frac{1}{2}$ SW $\frac{1}{4}$), and the Southwest Quarter of the Southwest Quarter (SW $\frac{1}{4}$ SW $\frac{1}{4}$) of Section 20; T-916 in Sections 28 and 3; the East Half (E $\frac{1}{2}$), the Southeast Quarter of the Northwest Quarter (SE $\frac{1}{4}$ NW $\frac{1}{4}$), and the East Half of the Southwest Quarter (E $\frac{1}{2}$ SW $\frac{1}{4}$), and the Northeast Quarter of the Northwest Quarter (NE $\frac{1}{4}$ NW $\frac{1}{4}$) of Section 29; the Northeast Quarter of the Northeast Quarter (NE $\frac{1}{4}$ NE $\frac{1}{4}$), Section 32; all in Township 13 North, Range 29 E.B.M.

3. A. M. Hatch and Sons:

A. 1.6 cubic feet per second (80 miner's inches) of the waters of Goldberg Creek (or Bullberg Creek) with a priority date of May 1, 1950. The point of diversion for said right is the Northeast Quarter of the Southeast Quarter (NE $\frac{1}{4}$ SE $\frac{1}{4}$), Section 28, Township 13 North, Range 23 E.B.M. The lands upon which said water should be used and to which said rights shall be appurtenant are described as follows: DEC 14 1992

The West Half of the Southwest Quarter (SW $\frac{1}{2}$ SW $\frac{1}{4}$), in Section 27; the Southeast Quarter (SE $\frac{1}{4}$), the Northwest Quarter (NW $\frac{1}{4}$), and T-917 in Section 28; T-1047, the