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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: **A31-11332**
Date Received: 8/30/1999
Receipt No: E025248
Received By: _____

**COPY FOR
YOUR FILES**

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

**COPY FOR
YOUR FILES**

1. Name: CLYDE BARNEY
Address: 230 S RANCHOS LEGANTE DR
GILBERT AZ 85296 480-813-1575

2. Date of Priority: JUL 1, 1892

3. Source: BEAR GULCH CREEK
COLD SPRING CREEK Trib. to: WEST CAMAS CREEK
WEST CAMAS CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
13N	38E	15	SW	SW			CLARK
			SE	SW			CLARK
			SW	SE			CLARK
			SE	SE			CLARK

5. Description of diverting works:
IN STREAM STOCKWATER

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
STOCKWATER	01/01	12/31	0.070		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
13N	38E	15	SW	SW		STOCK	

A3111332



10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
13N	38E	15	SE	SW		STOCK	
			SW	SE	.	STOCK	
			SE	SE		STOCK	

11. Place of use in counties: CLARK

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

13. Other Water Rights Used:

14. Remarks:

STOCKWATER, 250 CATTLE

15. Basis of Claim: BENEFICIAL USE

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLSIN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Identification No. A31-11332Date Received 8-27-99Receipt Number EO 25248NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW
For Domestic and/or Stockwater Purposes
Where Daily Use is less than 13,000 gallons per day.

Filing Fee \$25

Please type or print clearly

- Name of Claimant (s) Clyde Barney Phone (480) 813-1575
Mailing Address 230 S. Ranchos Legante Dr., Gilbert, Az 85296
- Date of Priority (Only one per claim) 7-1-1892 Month/Day/Year
- Source of water supply (Check one) () Groundwater or Other () (a) Bear Gulch Creek & Cold Spring Creek which is tributary to (b) West Camas Creek
Name or kind of source
- Location of point of diversion is: Township 13N Range 38E
Section 15 SW 1/4 of SW 1/4 of _____ 1/4, Govt. Lot _____, B.M.,
County of Clark
Additional points of diversion if any: SE SW, SWSE & SESE
- Description of existing diversion works (Ditches, Wells, Pumps, Pipelines, Headgate Etc.), including the dates of any changes or enlargements in use, the dimensions of the diversion works as constructed and as enlarged and the depth of each well. In stream stockwater
- Water is claimed for the following: (limited to Domestic and/or Stockwater only. See Instructions.)
For Stockwater purposes from 1 Jan ^{Month/Day} to 31 December ^{Month/Day} amount _____ (cfs)
(Both dates are inclusive)
For _____ purposes from _____ to _____ amount _____
- Total quantity claimed .07 (cfs)
- Total consumptive use claimed is de minimus
- Non-irrigation uses. Describe fully. (Domestic: give number of households served if single ownership; Stockwater: Type and Number of livestock) 250 Cows + calves

10. Place of use is: Township: 13N Range 38E
Section 15 SW 1/4 of SW 1/4, Govt. Lot _____, B.M. _____

for (Circle One) Domestic Stock Domestic and Stock
Additional places of use, if any SESW, SWSE & SESE

11. In which county (ies) are lands listed above as place of use located? Clark

12. Do you own the property listed above as place of use? Yes No _____
If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above.
() None or _____

14. Remarks: _____

15. Basis of Claim (Circle One) Beneficial Use Posted Notice License Permit Decree

Court _____ Decree Date _____ Plaintiff vs Defendant _____

If applicable provide IDWR Water Right Number _____

16. Signature (s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understood 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 do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant (s) x Cene Bauer Date 8-23-99
_____ Date _____

For Organizations: I do solemnly swear or affirm that I am Owner

of Ranch Title _____, that I have signed the foregoing

document in the space below as Owner of MF
Title _____ Organization _____

and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent _____ Date _____

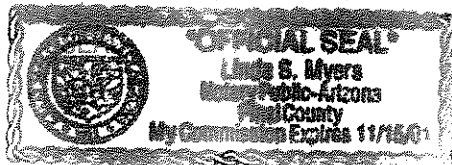
Title and Organization _____

State of ~~Idaho~~/or ARIZONA)

County of PINAL) ss.

NOTARIZATION REQUIRED FOR EACH CLAIM

Subscribed and sworn (or affirmed) before me this 23rd day of August 19 99



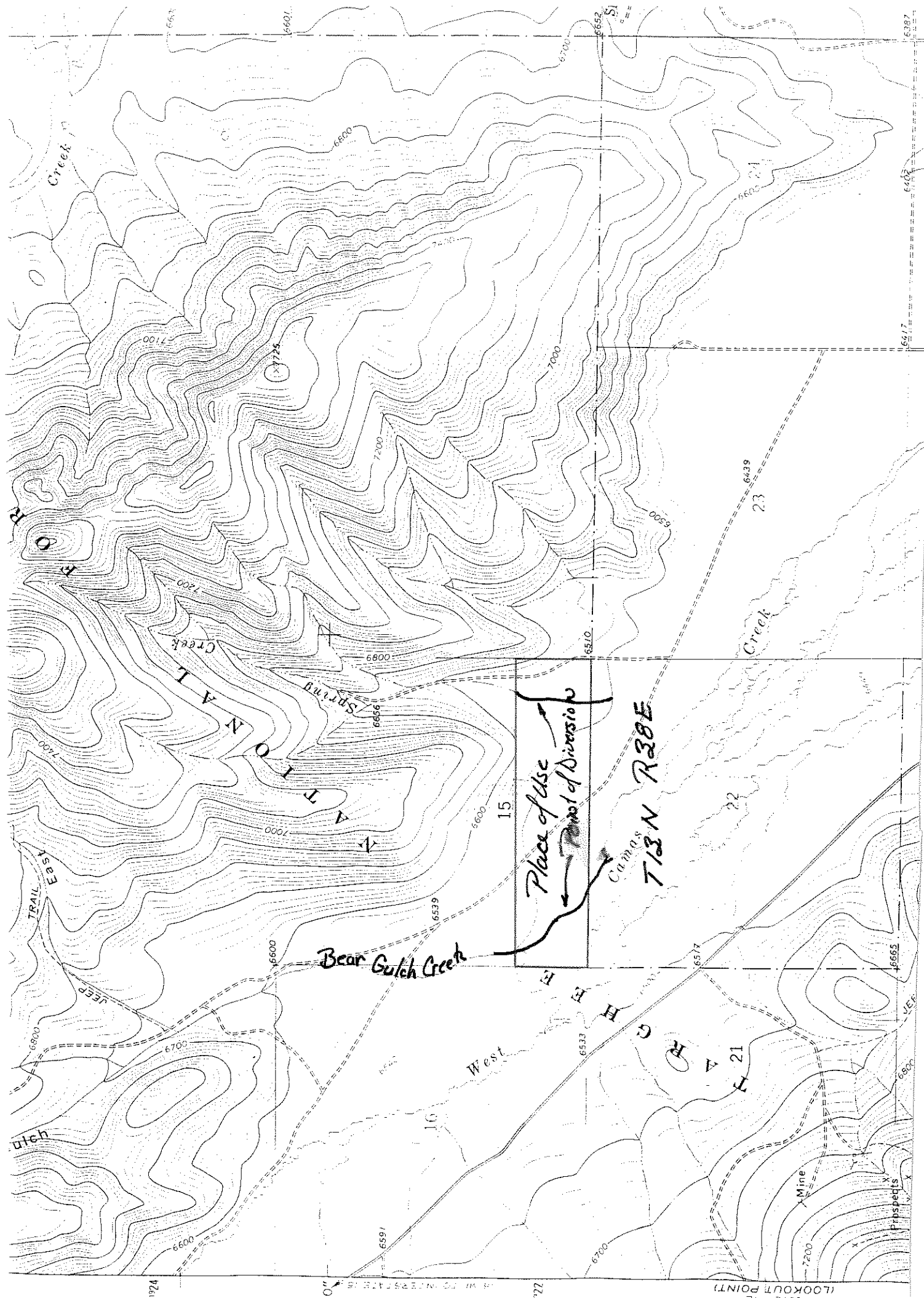
Notary Public Linda S. Myers

Residing at Pinal County ARIZONA

My Commission Expires _____

Last Name _____ Ident No. _____

Copies: White-State, Yellow-Claimant



E025248

8/27/1999

ATD ENTERPRISES LLC

ADJUDICATION CLAIM	41503	337	1155	25.00
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CHECK	3495		\$	25.00
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A31-11332	-	Water Right Numbers	-	-	-
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Region: EASTERN

Signature: J Hoagland

12/19/2000

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Claim Report

WATER RIGHT NO. 31-11332

Owner Type Name and Address
Current Owner CLYDE BARNEY
 230 S RANCHOS LEGANTE DR
 GILBERT, AZ 85296
 (480)813-1575

Priority Date: 07/01/1892
Basis: Beneficial Use
Status: Valid

Source Tributary to
BEAR GULCH CREEK WEST CAMAS CREEK
COLD SPRING CREEK WEST CAMAS CREEK

Beneficial Use From To Diversion Rate Volume Subuse Code
STOCKWATER 1/01 12/31 0.07 CFS

Total Diversion .02 0.07 CFS ✓

Location of Point(s) of Diversion:

Place(s) of use:

Place of Use Legal Description: STOCKWATER

CLARK County

Townsh	Rang	Secti	Lo	Tract	Acres	Lo	Tract	Acres	Lo	Tract	Acres	Lo	Tract	Acres
ip	e	on	t			t			t			t		
13N	38E	15		SWSW			SESW							
				SWSE			SESE							

Remarks:

1. Explanatory STOCKWATER, 250 CATTLE ✓

Dates:

Licensed Date:
Claim Received Date:
Decreed Date:
Enlargement Use Priority Date:
Enlargement Statute Priority Date:

Other Information:

Receipt Number(s):
State or Federal: S
Owner Name Connector:
Water District Number:
Overall Max Diversion Rate: 0.07
Overall Max Diversion Volume:
Generic Max Rate per Acre:
Generic Max Volume per Acre:
Civil Case Number:
Old Case Number:
Decree Plaintiff:

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
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IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
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CIVIL CASE NUMBER: 39576

Ident. Number 31-11332
Date Received: 8/27/99
Receipt No: E025248
Received By:

AMENDED

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

CLYDE BARNEY Phone: (480)813-1575

230 S RANCHOS LEGANTE DR
GILBERT AZ USA 85296

2. Date of Priority: 07/01/1892

3. Source: BEAR GULCH CREEK

Trib. to: WEST CAMAS CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot			County	Type
13N	38E	15	SW	SE	SW	CLARK	Ending Point
13N	38E	15	NW	SW	SW	CLARK	Beginning Point

5. Description of diverting works:

IN STREAM STOCKWATER

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
STOCKWATER	01/01	12/31	0.02	

7. Total Quantity Appropriated is:
0.02 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
13N	38E	15	SW	SW	STOCKWATER	

SE SW STOCKWATER

11. Place of use in counties: CLARK

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

13. Other Water Rights Used:

14. Remarks:

STOCKWATER, 250 CATTLE
CLAIM AMENDED; CORRECTS POD/POU TO IN-STREAM USE.

15. Basis of Claim: Beneficial Use

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): David M. Murrell, representative Date: Mar 2, 2001

Date:

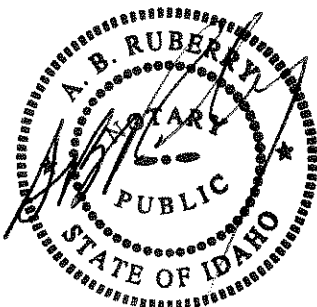
State of Idaho)
County of Bonneville) SS.

Subscribed and sworn (or affirmed) before me this 2nd
of March 2001

Allen B. Ruberry
Notary Public

Residing at Idaho Falls ID

My commission Expires 09/23/03



BEAR CULCH CREEK

COLD SPRING CREEK
POINT OF DIVERSION

31-11332

75

700

31-11645

SUBJECT PROPERTY
Places of use

31-11645

T. 13N, R. 38E

00 U 43

RECEIVED

FEB - 7 2001

Department of Water Resources

NOTICE OF ERROR
REPLY

RECEIVED

FEB 12 2001

Department of Water Resources
Eastern Region

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: March 9, 2001

Water right number: 31-11332

CLYDE BARNEY
230 S RANCHOS LEGANTE DR
GILBERT AZ 85296
Telephone Number: (480)813-1575

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):

Point of diversion of Cold Spring Creek

2. Describe the changes you wish to make in the proposed recommendation:

Point of diversion should be:

T13N R38E S15 SWSW within Clark County
T13N R38E S15 NENE within Clark County

3. Give a brief explanation as to why you disagree with these portions:

My grandfather and father cleaned and maintained the ditch out of Cold Springs. They removed trees, limbs, trash and would keep the stream flowing for our livestock.

☐ I AGREE with this proposed recommendation: no changes need to be made.

DATE: 2-5-01

SIGNATURE:

Clyde Barney

Please print your name:

Clyde Barney

IDWR Regional Office, 900 N Skyline, Idaho Falls, ID 83402, 2085257161

Changed POD's AS REQUESTED, ALSO CHANGED POD TO
COMPLY W/ POD. ADDED CONDITION NO. 8.

Approved 3/2/01

[Signature]
2/13/01

2/13/01

Clyde Barney
230 S Ranchos Legante Dr
Gilbert AZ 85296

Re: Notice of Error of Water Right 31-11332

Dear Mr. Barney

I am in receipt of your Notice of Error response. In review of the original claim, area map, recommendation, and your Notice of Error response I find considerable differences.

I have enclosed copies of the above referenced documents and area map for your perusal. Please use the map copy to detail the following; 1.) Property boundary, 2.) Point(s) of Diversion, 3.) Conveyance means (ditches) 4.) Places of use.

It appears that the original claim is in need of amendment. Your detailed illustration on the map copy and notes will help determine the elements of the claim that require changes for an accurate recommendation. Please feel free to make whatever notes you feel necessary on the documents provided, then return all documents to me.

I look forward to your timely response. Should you have questions regarding this matter please feel free to contact me at (208) 525-7161.

Respectfully submitted,

Allen B. Ruberry
Sr. Water Resource Agent
Adjudication Bureau

CC: file

Enclosures: Notice of Claim 31-11332 (copy)
Area map excerpt (reference OQ U-43)
SRBA Recommendation 31-11332

CLYDE BARNEY
230 S. Ranchos Legante Dr.
Gilbert, AZ 85296
(480) 813-1575

Feb. 21, 2001

RECEIVED

FEB 26 2001

Department of Water Resources
Eastern Region

Mr. Allen B. Ruberry
Sr. Water Resource Agent
DEPARTMENT OF WATER RESOURCES
900 N. Skyline Dr., Suite A
Idaho Falls, ID 83402-1718

Dear Mr. Ruberry:

I am writing in answer to your letter of Feb. 13, 2001, regarding Water Right 31-11332.

I am enclosing the map you sent with the details you asked for. I hope I made them clear. I need drinking water for our livestock on that property.

My father and grandfather cleaned and maintained Cold Spring Creek and Bear Gulch Creek. In the late '50s, the sheep were allowed to run into Cold Spring Canyon. They tramped this spring in. So now, where the Spring used to be, there is about a 10-acre swamp. There is no water now coming down the creek to our property.

The point of diversion is where the spring comes out of the ground. Anything that you could do to help me get a water right to Cold Spring Creek so that I can maintain the creek once again to bring water to our livestock, would be immensely appreciated.

We are grateful for the prompt response we have received on this matter. Thank you so much. If you have any further questions, please feel free to call.

Sincerely,

CLYDE BARNEY

CLYDE BARNEY
230 S. Ranchos Legante Dr.
Gilbert, AZ 85296
(480) 813-1575
(602) 309-0286

Feb. 26, 2001

MR. ALLEN B. RUBERRY
SR. WATER RESOURCE AGENT
ADJUDICATION BUREAU
DEPT. OF WATER RESOURCES

THIS LETTER SENT VIA FACSIMILE

Dear Mr. Ruberry:

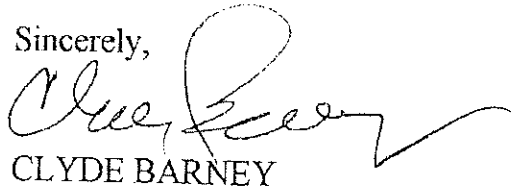
I am writing with regard to Water Right 31-11332.

I hereby authorize Mr. Jerri Messerli to act as my agent and on my behalf with regard to the above referenced water right.

He will act for me with regard to Bear Gulch Creek and Cold Spring Creek and our point of diversion in the Kilgore area.

Thank you so much for your help with this matter. If you have any questions regarding this, I can be reached at both numbers above.

Sincerely,



CLYDE BARNEY

03/02/2001

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 31-11332

NAME AND ADDRESS: CLYDE BARNEY
230 S RANCHOS LEGANTE DR
GILBERT, AZ 85296

SOURCE: BEAR GULCH CREEK TRIBUTARY: WEST CAMAS CREEK

QUANTITY: 0.02 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED
13,000 GALLONS PER DAY.

PRIORITY DATE: 07/01/1892

POINT OF DIVERSION:	T13N R38E S15	NWSWSW	Beginning of Stream Flow	Within CLARK County
	T13N R38E S15	SWSESW	End of Stream Flow	Within CLARK County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
STOCKWATER	01-01 12-31	0.02 CFS

PLACE OF USE:

<u>STOCKWATER Within CLARK County</u>			
T13N R38E S15	SWSW	T13N R38E S15	SESW

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE
EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE
ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER
THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6),
IDAHO CODE.

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A
DETERMINATION OF HISTORICAL BENEFICIAL USE.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

STOCKWATER, 250 CATTLE