

Idaho Department of Water Resources

T03N, R01W,
S21

Claim No: 63-4848

Prepared By: Kimberly Brown

Date: August 4, 2005



Place of Use



Section Lines

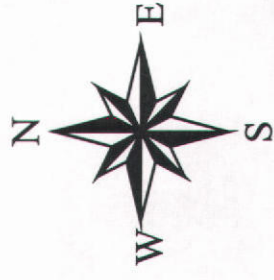


1/4 1/4



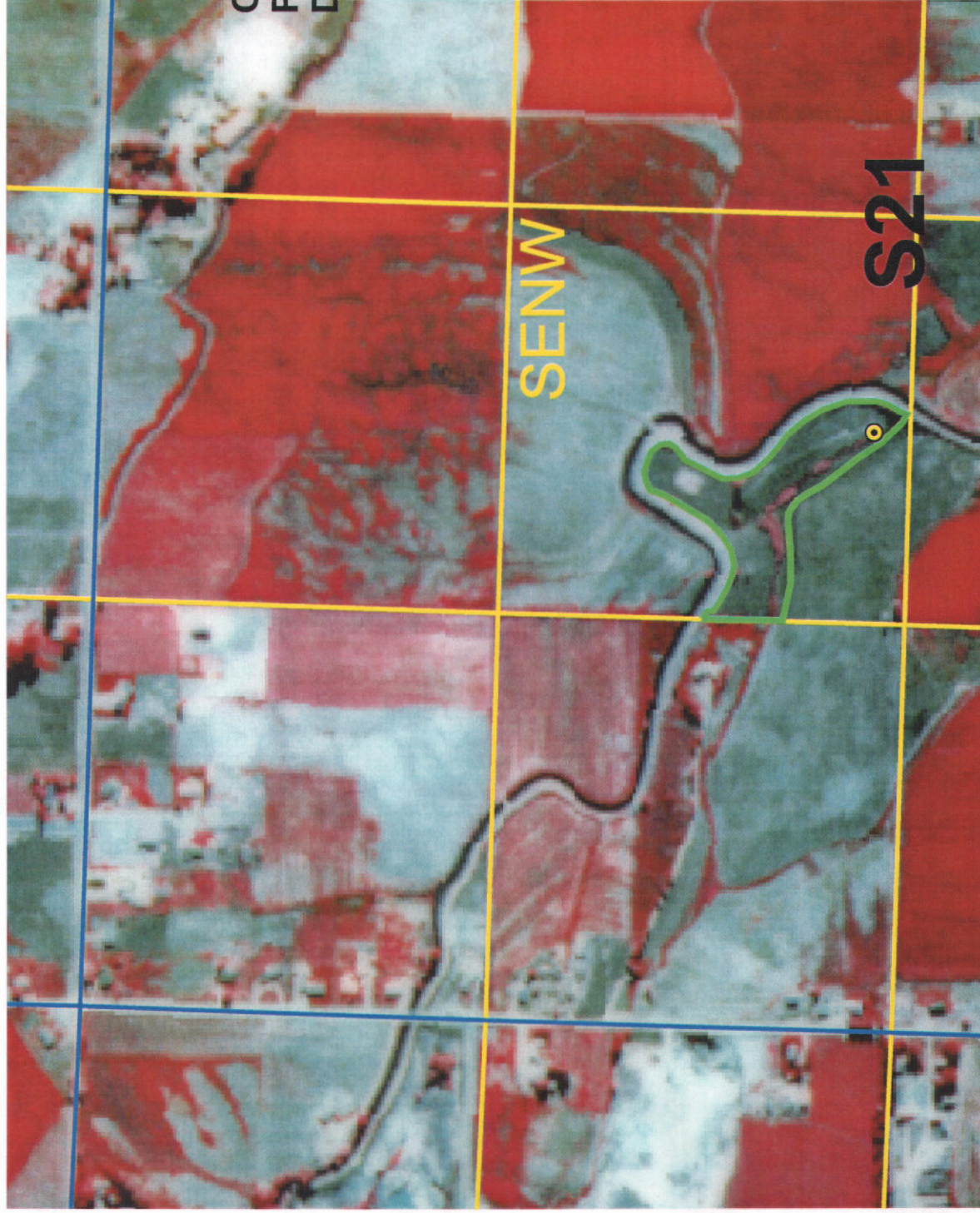
Point of Diversion

Acres Irrigated = 5.0



300 0 300 600 Feet

1987 NAPP



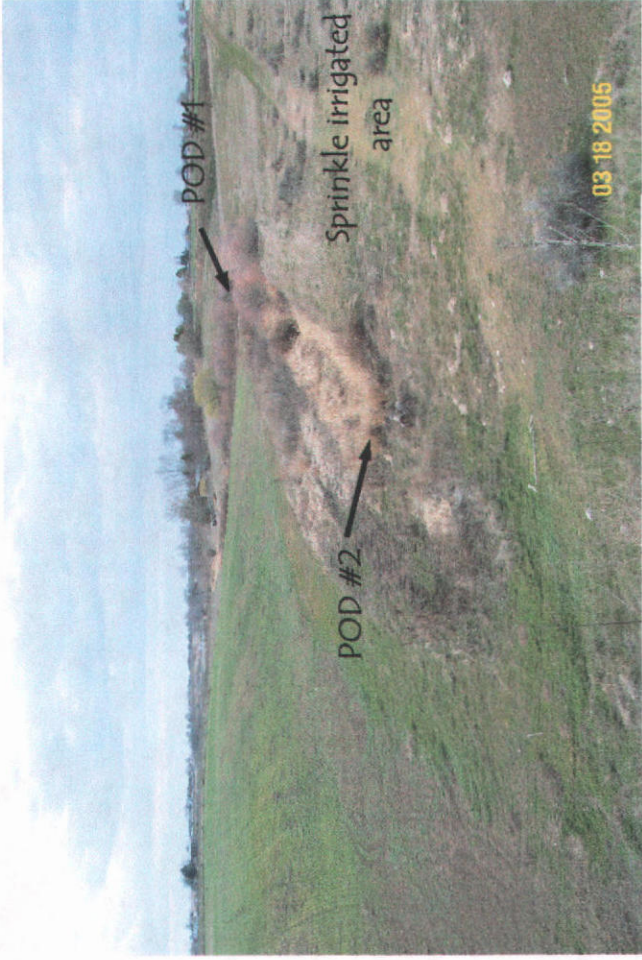


Looking West from Canal Bank

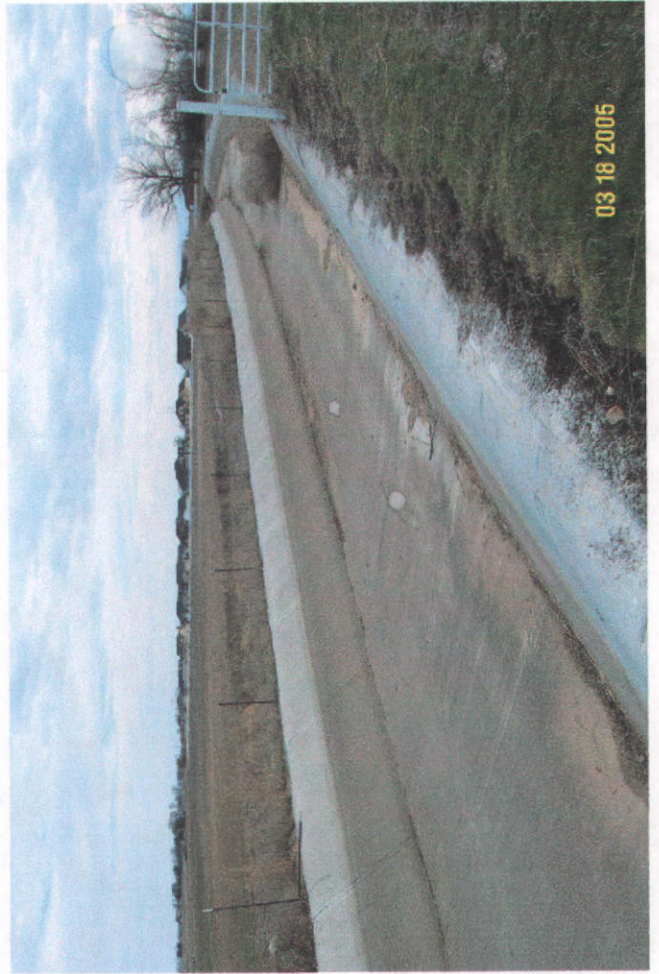
Barson

63-4848

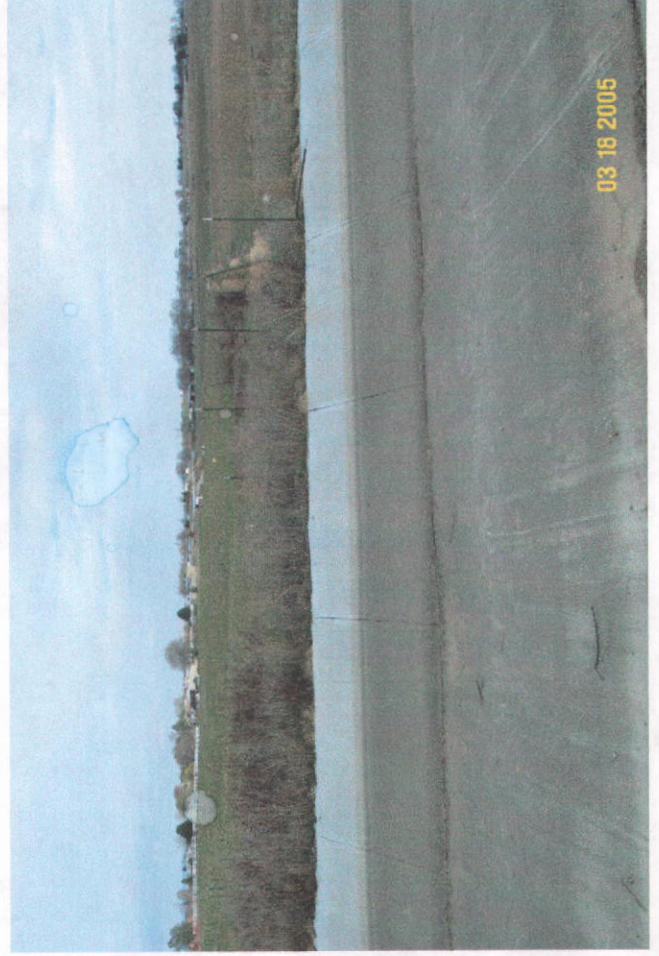
Looking Northeast from canal bank



From Canal Bank looking Southeast



Looking East from Canal Bank

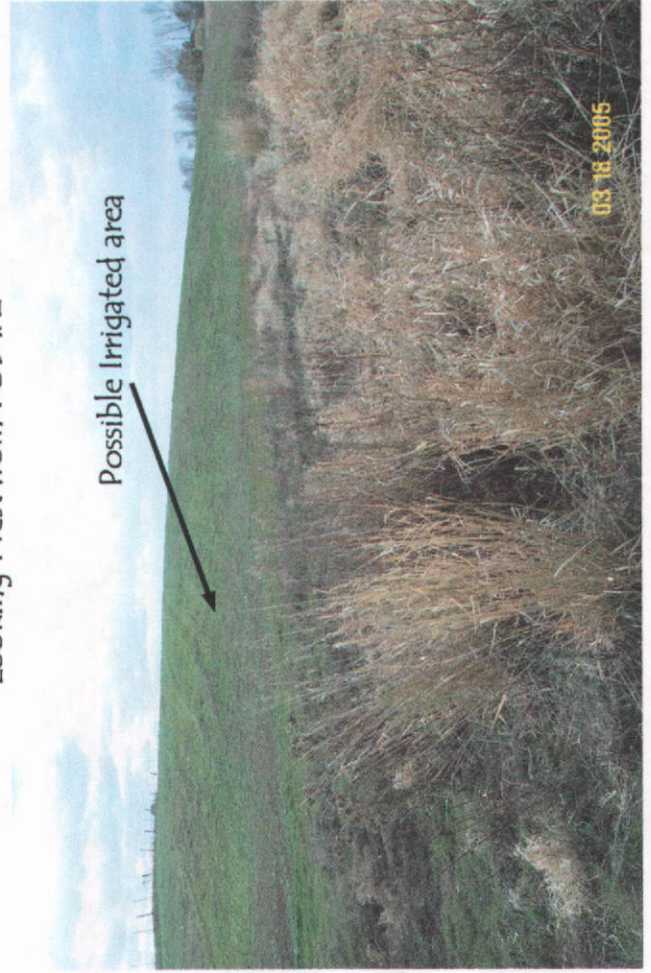




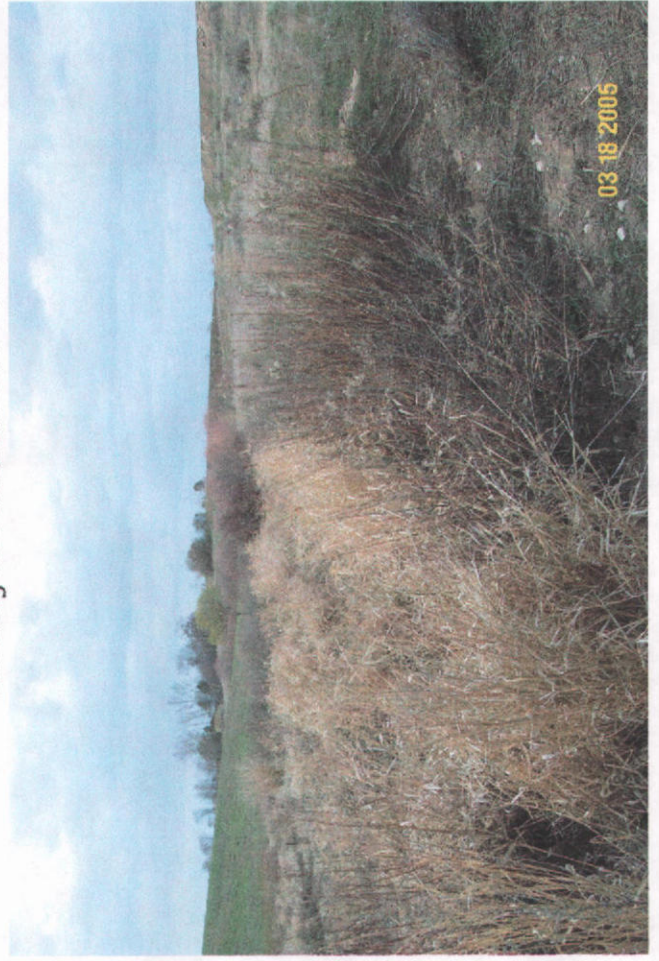
Near POD #2 Looking East

Barson
63-4848

Looking West from POD #2



Looking Northeast from POD #2



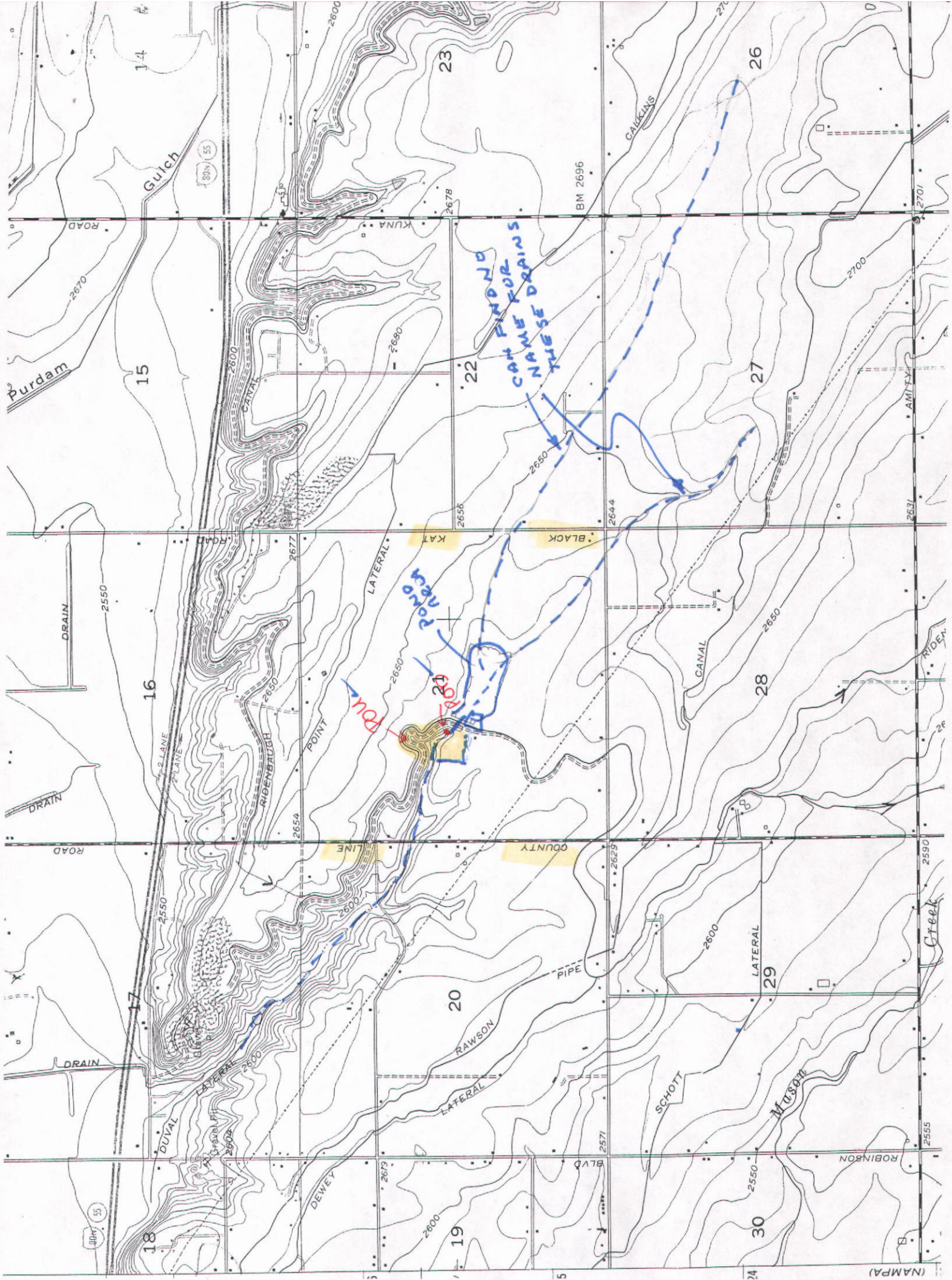
1987 Napp Photo

Legal: T3N, R1W, S21

Point of Diversion

Section Lines







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AUG 20 1992

ZZ



Idaho Department of Water Resources

Claim Number: 63-04848
Legal: T3N, R1W, S21
Reviewed By:

● Point of Diversion



Place of Use



Section Lines



Quarter Quarter Lines

1987 Napp Photo



0 0.25 0.5 Miles



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: A63-04848
Date Received: 5/22/1989
Receipt No: W002916
Received By: EJK

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: BARSON FARMS 208-466-6834
Address: 5547 W. OVERLAND
MERIDIAN, ID 83642

2. Date of Priority: AUG 01, 1949

3. Source: RACHEL DRAIN Trib. to: BOISE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
03N	01W	21	SE	NW			ADA

5. Description of diverting works:
PUMP AT DRAIN TO PIPELINE TO SPRINKLER AND/OR FLOOD IRRIG.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.120		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
03N	01W	21	SE	NW		IRR	6.0
Section Acres							6.0

10. Place of Use: Continued

Total Acres 6.0

11. Place of use in counties: ADA

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

13. Other Water Rights Used:
NONE

14. Remarks:

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): Edna L. Roush Date: May 22, 1989

Date: _____

State of Idaho)
County of Ada) SS.

Subscribed and sworn (or affirmed) before me this 22 day
of May 19 89

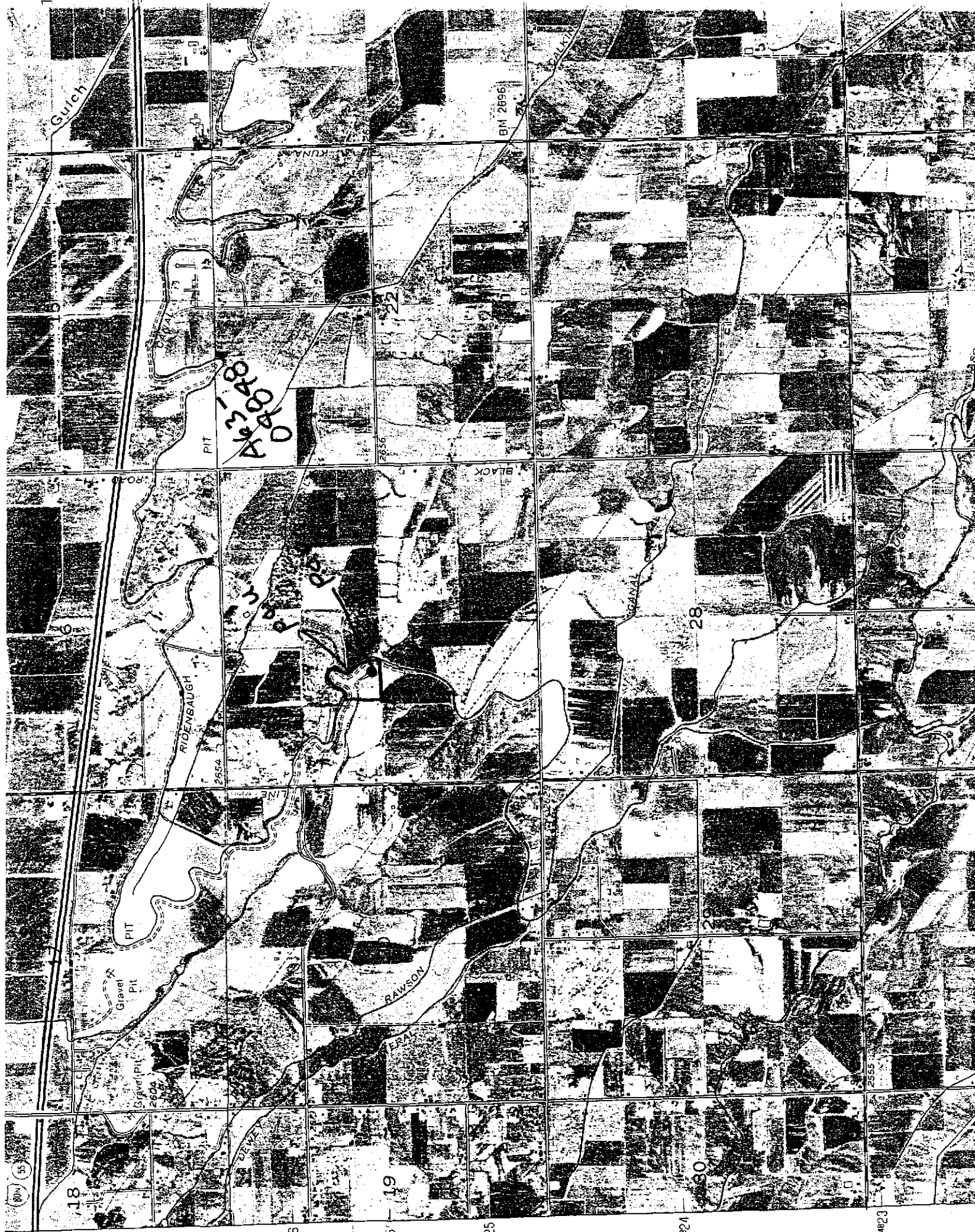
Edna L. Roush
Notary Public

Seal

Residing at _____

My Commission Expires Edna L. Roush

Residing at Boise, Idaho
My Commission Expires September 8, 1994
Date: 05/22/89



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AUG 20 1992

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HR4001NP
(00-21)IDaho DEPARTMENT OF WATER RESOURCES
WATER RIGHTS MICROFILME BY PLACE OF USEDATE: 01/07/89
PAGE: 1119

TWP	RNG	SECT	TRACT	LOT	ACRES	WATER-USE CODE	WATER RIGHT NO.	LAST NAME	Q	STG	PRIORITY DATE	WATER SOURCE
03N	J1N	19	NE SE NE SE	1 4 1 4	43 43		63-04668 63-04687	PAPPAS BLACK	C	S	01/01/1949 09/01/1953	GROUNDWATER GROUNDWATER
19			NE NE		01	04.43	63-02388 63-04578	U.S. DEPT. OF INTE PENNINGTON	C	S	08/18/1924 06/01/1952	BOISE RIVER GROUNDWATER
			SW NE SE NE NE NE NE NE NE NE SW NE		7.0 8.0	01.43 01.43 04.43 43 43 43	63-10390 63-10390 62-05085 63-07367 63-04509 63-04673	SHERVICK SHERVICK THOMPSON STRINGER SUNK JOHNSON	C	P P S L S	11/06/1986 11/06/1986 01/01/1957 09/03/1970 06/01/1940 06/01/1962	GROUNDWATER GROUNDWATER GROUNDWATER GROUNDWATER GROUNDWATER GROUNDWATER
20			NE SE		1.0	01.04.43	63-10195	JOHNSON GROGAN	C	P	07/01/1983	GROUNDWATER
			NE NE		01	01.04.43	63-02388 63-04339	U.S. DEPT. OF INTE DENGE	C	L S	08/18/1924 06/01/1955	BOISE RIVER GROUNDWATER
21			NE NE NE NE SE NE NE SE		01 04.43 04.43 6.0	01 04.43 04.43 01	63-02388 63-04838 63-04838 63-04848 63-07964	U.S. DEPT. OF INTE BARSON FARMS BARSON FARMS BARSON FARMS PHILLIPS	C	L S S S L	08/18/1924 08/01/1949 08/01/1949 08/01/1949 04/11/1974	BOISE RIVER GROUNDWATER GROUNDWATER GROUNDWATER RACHEL DRAIN GROUNDWATER
22 23			NE SE		01	04.43	63-02388 63-04250	U.S. DEPT. OF INTE U.S. DEPT. OF INTE	C	L S	08/18/1924 04/01/1930	BOISE RIVER GROUNDWATER
			NE SE		04.43	04.43	63-07920	GRIAT	C	L	01/28/1974	GROUNDWATER
			NE SE		43		63-07922	GRIAT	C	L	01/28/1974	GROUNDWATER
24			NE NE		01 04.10		63-02388 63-04780	MURGOITIO U.S. DEPT. OF INTE	C	L S	08/18/1924 3.01/1941	BOISE RIVER GROUNDWATER
			NE NE		04.43		63-09724	SCOTT	C	L	04/27/1981	GROUNDWATER
			SW NE NE NE NE NE		16.0 3.0 8.0	01.43 01 43.04.01	63-02230 63-03543 63-09342	SCOTT WITHERS STEWART STREIB	C	L L L	11/25/1913 09/19/1966 02/12/1980	PURDUM GULCH GROUNDWATER GROUNDWATER
			NE NE		11.0	01	63-03543	STREIB	C	L	09/19/1964	GROUNDWATER
			SW NE SE NE NE NE		39.0 34.0 1.0	01 01 01.43	63-03543 63-03543 63-04305	STEWART STEWART BLATTNER	C	L L S	09/19/1966 09/19/1966 03/15/1971	GROUNDWATER GROUNDWATER GROUNDWATER
			SW NE SE NE		2.0	01.43	63-10264 63-04778	MODEL FARM COMMUNI CRITELL	C	L S	09/09/1984 01/01/1951	GROUNDWATER GROUNDWATER
			NE SE		43		63-09380	CRITELL TOMLIN	C	L	05/21/1980	GROUNDWATER

MICROFILMED

AUG 20 1992

SRBA

SUBCASE SUMMARY REPORT 63-04848

[Return to SRBA Home Page](#)

SRBA
10-29-2007

SUBCASE SUMMARY REPORT

HTML12

SUBCASE: 63-04848 FILE#: 01338
CLAIMANT: BARSON FARMS
5547 W OVERLAND

MERIDIAN ID 83642
STATUS: READY FOR PD SPECIAL MASTER: MELANSON, JOHN M
WATER SOURCE: UNNAMED DRAIN TRIBUTARY: BOISE RIVER
ISSUES: NAME AND ADDRESS DESCRIPTION
SOURCE OF WATER
QUANTITY OF WATER USED
PRIORITY DATE
POINT(S) OF DIVERSION DESCRIPTION
PURPOSE OF USE DESCRIPTION
PERIOD OF YEAR WHEN WATER IS USED
PLACE OF USE OR IRRIGATED ACRES IN EACH 40 A.
0

**** PARTIES INVOLVED ****

BARSON FARMS C PRO SE
NAMPA AND MERIDIAN O ATTY: DANIEL V. STEENSON
USDI BUREAU OF RECLAMATION R ATTY: US DEPARTMENT OF JUSTICE

**** ROA ENTRIES ****

04-21-2006	OBJ 01 F/B NAMPA AND MERIDIAN	RB	06-23-2006	0001
06-23-2006	RESPONSE TO OBJ 0001 F/B USDI BUREAU OF RECLA			0001
09-11-2006	NOTICE SETTING INITIAL HEARING	1S	12-05-2006	1015
12-05-2006	INITIAL HEARING HELD (NO SHOW)	HH	12-05-2006	1015
12-05-2006	MINUTES			
12-20-2006	ORDER TO SHOW CAUSE	HS	01-09-2007	0130
01-09-2007	ORDER TO SHOW CAUSE HEARING HELD	HH	01-09-2007	0130
01-09-2007	MINUTES FILED			
01-10-2007	NOTICE SETTING INITIAL HEARING	1S	03-20-2007	0230
03-20-2007	INITIAL HEARING HELD	1H	03-20-2007	0230
03-20-2007	MINUTES			
03-30-2007	NOTICE SETTING STATUS CONFERENCE	UV	05-08-2007	1130
04-11-2007	NOTICE RESETTING STATUS CONFERENCE	US	05-08-2007	0400
04-12-2007	ORDER VACATING EVENT ON 05082007 AT 1130			
05-08-2007	STATUS CONFERENCE HELD	UH	05-08-2007	0400
05-08-2007	MINUTES			
05-10-2007	ORDER SETTING STATUS CONFERENCE	US	07-31-2007	0215
07-27-2007	STANDARD FORM 5 FILED		07-27-2007	
	CHANGE: ADD SOURCE REMARKS			
08-20-2007	REPORT & RECOMMENDATION OF MASTER	CB	09-28-2007	
08-20-2007	NOTICE OF ISSUANCE - MASTERS R&R			

08-20-2007 CERTIFICATE OF MAILING - MASTER R&R
08-20-2007 MASTER WAS: 705 BOOTH, THEODORE R.

[Return to SRBA Home Page](#)

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

In Re SRBA

Case No. 39576

)
)
)
)
)
)
)

Subcase No. 63-04848

STANDARD FORM 5

**STIPULATED ELEMENTS OF A
WATER RIGHT**

This form is used to report the stipulated elements of one water right acquired under state law and/or one federal reserved water right. Submission of this form will not automatically result in the issuance of a partial decree. The Presiding Judge or Special Master will conduct any hearing necessary to determine whether the facts, data, expert opinions and law support the issuance of a partial decree for the water right.

The parties agree that the Snake River Basin Adjudication Court has jurisdiction of the parties and subject matter to enter a partial decree for this water right; that they have been served with sufficient process, according to the law; and that they have appeared, prosecuted, and defended their positions with regard to this water right dispute.

The parties and IDWR agree and stipulate that the elements of this water right should be described per the attached. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

CLAIMANT:

Barson Farms

Vaughn Barson
Title:

Date

*Back
to S.O.*

*6/26/07 -
KW*

OBJECTOR(s):

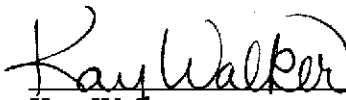
Nampa & Meridian Irrigation Dist.

USDI Bureau of Reclamation

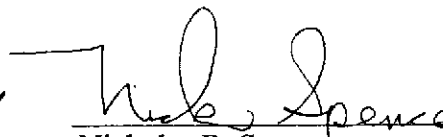
Bryce Farris Date
Attorney for Objector

David J. Gehlert, USDOJ Date
Attorney for Objector

IDWR Concurrence:

 6-26-07

Kay Walker Date
Senior Water Resource Agent

 6-25-07

Nicholas B. Spencer Date
Deputy Attorney General
Attorney for IDWR

SF5 Right No. 63-4848

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

RIGHT NUMBER: 63-4848

NAME AND ADDRESS: BARSON FARMS
5547 W OVERLAND
MERIDIAN ID 83642

SOURCE: UNNAMED DRAIN TRIBUTARY: BOISE RIVER

The source of this water right is waste water. The wasting of water may be discontinued at any time.

NBS
law

QUANTITY: 0.100 CFS

PRIORITY DATE: 08/01/1949

POINT OF DIVERSION:

T03N R01W S21 SENW Within ADA County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/01 11/15	0.100 CFS

PLACE OF USE: IRRIGATION in ADA County

T03N R01W S21 SENW 5.00

5 ACRES TOTAL

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.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

Use of this right is combined with water from Nampa Meridian Irrigation District.

SF5 Right No. 63-4848

CERTIFICATE OF MAILING

I certify that on _____, 2007, I mailed the original and copies of this form, including all attachments, to the following persons by mailing the original and/or copies, postage prepaid and addressed as follows:

1. Original to:

CLERK OF THE DISTRICT COURT
SNAKE RIVER BASIN ADJUDICATION
253 THIRD AVENUE NORTH
P. O. BOX 2707
TWIN FALLS, IDAHO 83303-2707

2. Copies to:

NAMPA AND MERIDIAN

Represented by:
DANIEL V. STEENSON
455 S THIRD ST
PO BOX 2773
BOISE, ID 83701-2773

USDI BUREAU OF RECLAMATION

Represented by:
US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATL' RESOURCES
550 WEST FORT STREET, MSC 033
BOISE, ID 83724

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

BARSON FARMS
5547 W OVERLAND
MERIDIAN, ID 83642

Signature of person or attorney mailing form

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

RIGHT NUMBER: 63-4848

NAME AND ADDRESS: BARSON FARMS
5547 W OVERLAND
MERIDIAN ID 83642

SOURCE: UNNAMED DRAIN TRIBUTARY: BOISE RIVER

The source of this water right is waste water. The wasting of water may be discontinued at any time.

QUANTITY: 0.100 CFS

PRIORITY DATE: 08/01/1949

POINT OF DIVERSION:

T03N R01W S21 SENW Within ADA County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/01 11/15	0.100 CFS

PLACE OF USE: IRRIGATION in ADA County

T03N R01W S21 SENW 5.00

5 ACRES TOTAL

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.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

Use of this right is combined with water from Nampa Meridian Irrigation District.

**RINGERT
CLARK**
CHARTERED
LAWYERS

L
RECEIVED
MAY 30 2007

DEPARTMENT OF
WATER RESOURCES

Laura E. Burri
Jeffrey R. Christensen
David P. Claiborne
D. Blair Clark
S. Bryce Farris
Jon C. Gould
David Hammerquist
Charles L. Honsinger
James P. Kaufman
Jennifer Reid Mahoney
James G. Reid
Daniel V. Sieenson

William F. Ringert of Counsel
Alynn L. Sweeney of Counsel
Samuel Kaufman (1921-1986)

May 29, 2007

Von Barson
Barson Farms
5547 W. Overland Road
Meridian, Idaho 83642

Re: Water Right No. 63-4848 in the name of Barson Farms

Dear Mr. Barson:

Enclosed please find a Stipulation involving the above-referenced water right. The Stipulation provides for a waste water remark in the source portion of this water right. A copy of the water right, with the remark is attached to the Stipulation.

If the Stipulation meets your approval, kindly execute the same and return it to me and I will obtain the remaining signatures and file it with the Court.

Please contact me if you have any questions.

Yours very truly,



S. Bryce Farris

SBF:kw
Enclosures

cc: Nick Spencer
David Gehlert
NMID

RECEIVED

MAY 30 2007

DEPARTMENT OF
WATER RESOURCES

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

In Re SRBA

Subcase No. 63-4848

Case No. 39576

STANDARD FORM 5

STIPULATED ELEMENTS OF A WATER RIGHT

This form is used to report the stipulated elements of one water right acquired under state law and/or one federal reserved water right. Submission of this form will not automatically result in the issuance of a partial decree. The Presiding Judge or Special Master will conduct any hearing necessary to determine whether the facts, data, expert opinions and law support the issuance of a partial decree for the water right.

The parties agree that the Snake River Basin Adjudication Court has jurisdiction of the parties and subject matter to enter a partial decree for this water right; that they have been served with sufficient process, according to the law; and that they have appeared, prosecuted, and defended their positions with regard to this water right dispute.

The parties and IDWR agree and stipulate that the elements of this water right should be described per the attached recommendation. There shall be a remark in source portion of this water right which provides: "The source of this water right is waste water. The wasting of water may be discontinued at any time."

CLAIMANT(s):

Barson Farms

OBJECTOR:

Nampa & Meridian Irrigation District

Von Barson

Date _____

S. Bryce Farris

Attorney

Date _____

IDWR Concurrence:

Jan Shurte Date
Water Rights Supervisor

Nicholas B. Spencer
Deputy Attorney General

Walker, Kay

From: Harvey, Becky
Sent: Wednesday, April 18, 2007 11:27 AM
To: Walker, Kay
Subject: RE: Claim 63-4848

Not a problem Kay. The irrigation district(s) and BOR are working on revising the waste water remark so it is something all parties can live with. Once they agree and IDWR is okay with their proposal for the remark, I am going to send out a mass mailing to the remaining waste water subcase participants - there's about 30 or so left. SM Booth set a status conference for May 8th at 4:00 p.m. so that he can be updated on the progress. Nothing needed from you right now...I will let you know when we are ready to draft the SF5 adding the remark.

Becky

-----Original Message-----

From: Walker, Kay
Sent: Wednesday, April 18, 2007 11:23 AM
To: Harvey, Becky
Cc: Walker, Kay
Subject: Claim 63-4848

Hi, Becky. I have this file on my desk and am trying to figure out what happened at the last status conference. I went into the SRBA website to see what had happened but I can't tell. Could you please find out what happened and what is supposed to happen at the next status conference so I know if I need to do something? Sorry if I'm causing you more work but I'll get better at it after I get familiar with the court stuff. Thanks. Kay

RECEIVED

DEC 22 2006

2006 DEC 20 AM 8:00

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED

BARSON FARMS, INC

63-4848

ask Beck

DISTRICT OF THE

TWIN FALLS

AUSE

Office Setting

arms (hereinafter

"Claimant") was notified of the hearing via first class mail sent to his/her last known address. The Claimant failed to appear at the December 5, 2006, initial hearing either in person or through counsel.

On April 21, 2006, the Nampa & Meridian Irrigation District, by and through its attorney Daniel Steenson of Ringert Clark Chartered, filed an objection to the *Director's Report* for this water right claim, asserting that the source of the water right claim is wastewater belonging to the Nampa & Meridian Irrigation District, and that the water right should not exist. On June 23, 2006, the United States of America, Department of Interior, Bureau of Reclamation, filed a response to the objection, also asserting that the water right should not exist.

It is hereby ordered that the Claimant shall appear before this Special Master on January 9, 2007, at 1:30 P.M. Mountain Time, at the Snake River Basin Adjudication Courthouse, 253 3rd Avenue North, Twin Falls, Idaho, or participate by telephone by dialing 1-225-383-1099 participation code 675342, to show cause why the objection filed by the Nampa & Meridian Irrigation District -- seeking disallowance of the claim -- should not be granted. The purpose of the show cause hearing is to provide the Claimant with a final opportunity to oppose the objection despite failing to appear at the initial hearing.

RECEIVED

DEC 22 2006

DEPARTMENT OF
WATER RESOURCES

2006 DEC 20 AM 8:00

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED

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

In Re SRBA	)	Subcase 63-04848
	)	
Case No. 39576	)	ORDER TO SHOW CAUSE
	)	

This matter came before this Special Master pursuant to a *Notice Setting Subcases for Initial Hearing* issued September 11, 2006. Barson Farms (hereinafter "Claimant") was notified of the hearing via first class mail sent to his/her last known address. The Claimant failed to appear at the December 5, 2006, initial hearing either in person or through counsel.

On April 21, 2006, the Nampa & Meridian Irrigation District, by and through its attorney Daniel Steenson of Ringert Clark Chartered, filed an objection to the *Director's Report* for this water right claim, asserting that the source of the water right claim is wastewater belonging to the Nampa & Meridian Irrigation District, and that the water right should not exist. On June 23, 2006, the United States of America, Department of Interior, Bureau of Reclamation, filed a response to the objection, also asserting that the water right should not exist.

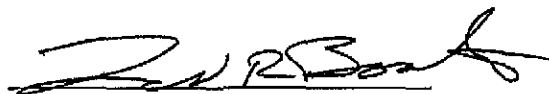
It is **hereby ordered** that the Claimant shall appear before this Special Master on **January 9, 2007, at 1:30 P.M. Mountain Time**, at the Snake River Basin Adjudication Courthouse, 253 3rd Avenue North, Twin Falls, Idaho, or participate by telephone by dialing 1-225-383-1099 participation code 675342, to show cause why the objection filed by the Nampa & Meridian Irrigation District -- seeking disallowance of the claim -- should not be granted. The purpose of the show cause hearing is to provide the Claimant with a final opportunity to oppose the objection despite failing to appear at the initial hearing.

Participation in the show cause hearing is **not mandatory** and failure to appear will not be considered contempt of court. **However, failure to appear will result in the Claimant being deemed to have consented to the disallowance of the water right claim.** If the Claimant participates in the hearing, the Claimant will be expected to notify this Special Master whether he/she intends to oppose the objection, and accordingly a trial date will be set. In such case, no additional evidence or argument need be presented as subcase(s) will be allowed to proceed to trial as a matter of course. Therefore the parties need not produce testimony or evidence in accordance with I.R.C.P. 6(c)(4).

A copy of this *Order to Show Cause* shall be served upon the Claimant not less than five (5) days prior to the date herein shown, upon which those parties are required to appear before this Special Master and show cause. Service of the *Order to Show Cause* shall be made in accordance with I.R.C.P. 5(b) and 6(c)(2).

IT IS SO ORDERED

Dated December 19, 2006



THEODORE R. BOOTH
Special Master
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER TO SHOW CAUSE was mailed on December 20, 2006, with sufficient first-class postage to the following:

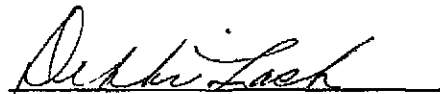
Director of IDWR
PO Box 83720
Boise, ID 83720-0098

Barson Farms
5545 W Overland Rd
Meridian, ID 83642

U.S. Department of Justice
Environment & Natural Resources Div.
550 W Fort St., MSC 033
Boise, ID 83724

Bryce Farris
Ringert Clark Chartered
PO Box 2773
Boise, ID 83701

Barson Farms LLC
5547 W Overland Rd
Meridian, ID 83742


Deputy Clerk

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

In Re SRBA)

Case No. 39576)

A. Subcase 63-4848
(Insert water right number
from the Objection Form)

**STANDARD FORM 2
RESPONSE TO OBJECTION**

Please print or type the following information:

B. NAME AND ADDRESS OF PERSON RESPONDING

Name: E. Gail McGarry
United States of America acting through the Department of Interior,
Bureau of Reclamation, Regional Director PN Code-3100
Address: 1150 N. Curtis Rd. Suite 100
Boise, ID 83706 -1234
Daytime Phone: (208) 378-5306

Name & Address of Attorney, if any:

David W. Gehlert (303) 844-1386 Trial Attorney,
Natural Resources Section
Environment and Natural Resource Division
U.S. Department of Justice
1961 Stout Street – 8th Floor
Denver, CO 80294

**C. NAME AND ADDRESS OF PERSON WHO FILED THE OBJECTION TO
WHICH YOU ARE RESPONDING**

Name: Nampa & Meridian Irrigation District
Address: c/o Daniel V. Steenson & S. Bryce Farris
Ringert Clark, Chtd
P. O. Box 2773
Boise, ID 83701

D. I am responding to the objections to the following elements. (Please check the appropriate box (es)).

1. ☒ Name and Address
2. ☒ Source
3. ☒ Quantity
4. ☒ Priority Date
5. ☒ Point(s) of Diversion
6. ☐ Instream Flow Description
7. ☒ Purpose(s) of Use
8. ☒ Period of Year
9. ☒ Place of Use
10. Recommendation:
 - ☒ This water right should not exist.
 - ☐ This water right was not recommended, but should be recommended with the elements described above.

E. VERIFICATION (Must be Completed)

State of Idaho)
) ss.
County of Ada)

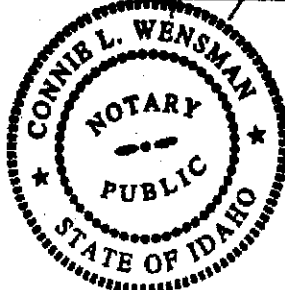
Jerrold D. Gregg, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

That I am the party/claimant filing this response as defined by I.C. §§ 42-1401A (1) and (6) or that I am the attorney for the party/claimant responding and that I have read this response, know its contents and believe that the statements are true to the best of my knowledge.

[Signature]
(Signature of person filing response)

[Signature]
(Attorney signing in representative capacity)

Subscribed and sworn to before me on: 6/23/06



Notary Public for: Idaho
Residing at: Meridian
My Commission Expires: 10/06/10

INSTRUCTIONS FOR MAILING

You must mail the response, including all attachments, to the Clerk of the Court. **FAX filings will not be accepted.** You must also send a copy to all the parties listed below in the Certificate of Mailing.

F.

CERTIFICATE OF MAILING

I certify that on 6-23, 2006, I mailed the original and copies of this response, including all attachments, to the following persons:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
PO Box 2707
Twin Falls, ID 83303-2707

2. One copy to the claimant of the water right at the following address:

Name: Barson Farms
Address: 5545 W. Overland
Meridian, ID 83642

3. One copy to the party who filed the objection at the following address:

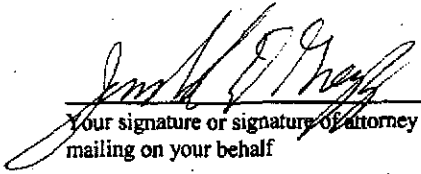
Name: Nampa & Meridian Irrigation District
Address: c/o Daniel V. Steenson & S. Bryce Farris
Ringert Clark, Chtd
P. O. Box 2773
Boise, ID 83701

4. Copies to:

IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

United States Department of Justice
Environment & Natural Resource Division
550 West Fort Street, MSC 033
Boise, ID 83724

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
PO Box 4449
Boise, ID 83711-4449


Your signature or signature of attorney
mailing on your behalf

RECEIVED
OCT 21 2006
DEPARTMENT OF
WATER RESOURCES

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

In Re SRBA)

A. Subcase 63-4848

(Insert water right no.)

Case No. 39576)

STANDARD FORM 1
OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: NAMPA & MERIDIAN IRRIGATION DISTRICT

Address: 1503 First Street South
Nampa, Idaho 83651

Daytime Phone: 208-466-7861

Name & Address of Attorney, if any:

Daniel V. Steenson
S. Bryce Farris
Ringert Clark Chartered
P.O. Box 2773
Boise, ID 83701

C. CLAIMANT OF WATER RIGHT AS LISTED IN DIRECTORS'S REPORT

Name: Barson Farms

Address: 5545 W. Overland
Meridian, Idaho 83642

SCANNED
OCT 03 2006

D. I object to the following elements as recommended in the Director's Report. (Please check the Appropriate box(es)).

1. X **Name and Address**
 Should be: Disallowed. See below.
2. X **Source**
 Should be: Disallowed. See below.
3. X **Quantity**
 Should be: Disallowed. See below.
4. X **Priority Date**
 Should be: Disallowed. See below.
5. X **Point(s) of Diversion**
 Should be: Disallowed. See below.
6. ☐ **Instream Flow Description**
 Should be: N/A
7. X **Purpose(s) of Use**
 Should be: Disallowed. See below.
8. X **Period of Year**
 Should be: Disallowed. See below.
9. X **Place of Use**
 Should be: Disallowed. See below.
10. X **I object because:**

 X This water right should not exist.

 ☐ This water right was not recommended, but should be recommended with the elements described above.

E. **REASONS SUPPORTING OBJECTION (S):** This claimed water right is within the boundaries of Nampa & Meridian Irrigation District ("NMID") and the source of said claim is a drain which was constructed or enlarged by or for NMID. Said drain is owned, operated, maintained and controlled by NMID and the water within said drain is seepage or waste water that has been developed, captured and/or controlled by NMID. Therefore, said water is not subject to appropriation, would amount to an impermissible trespass, and this claimed water right should not exist.

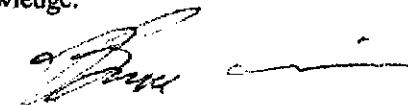
F.

VERIFICATION (must be completed)

State of Idaho)
) ss.
County of Ada)

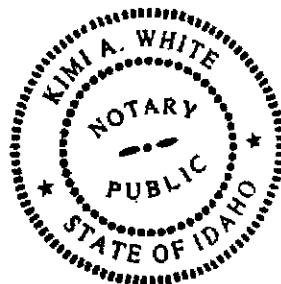
S. Bryce Farris, duly sworn, upon oath, deposes and says:

That I am the party/claimant filing this objection, as defined by I. C. §§ 42-1401A (1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.



S. Bryce Farris

Subscribed and sworn to before me on: April 20, 2016





Notary Public for Idaho
Residing at: Paul, Idaho
My Commission Expires: 2/28/18

INSTRUCTIONS FOR MAILING

You must mail the objection, to the Clerk of the Court. **FAX filings will not be accepted.** You must also send a copy to all the parties listed below in the Certificate of Mailing.

CERTIFICATE OF MAILING

I certify that on April 20th, 2006, I mailed the original and copies of this objection, including all attachments, to the following persons:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
PO Box 2707
Twin Falls, ID 83303-2707

2. One copy to the Claimant of the water right at the following address:

Name: Barson Farms

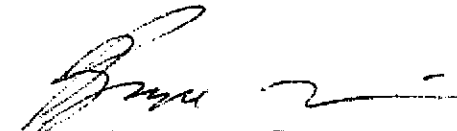
Address: 5545 W. Overland
Meridian, Idaho 83642

3. Copies to:

IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

United States Department of Justice
Environment and Natural Resource Division
550 West Fort Street, MSC 033
Boise, ID 83724

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
PO Box 44449
Boise, ID 83711-4449



Signature of Objector or attorney
mailing on Objector's behalf

08/04/2005

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

RIGHT NUMBER: 63-4848

NAME AND ADDRESS: BARSON FARMS
5545 W OVERLAND
MERIDIAN ID 83642

SOURCE: UNNAMED DRAIN

TRIBUTARY: BOISE RIVER

QUANTITY: 0.100 CFS

PRIORITY DATE: 08/01/1949

POINT OF DIVERSION:

T03N R01W S21 SENW Within ADA County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

03/01 11/15

0.100 CFS

PLACE OF USE: IRRIGATION Within ADA County

T03N R01W S21 SENW 5.0

5 ACRES TOTAL

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.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

Use of this right is combined with water from Nampa Meridian Irrigation District.

Idaho Department of Water Resources

T03N, R01W,
S21

Claim No: 63-4848

Prepared By: Kimberly Brown

Date: August 4, 2005



Place of Use

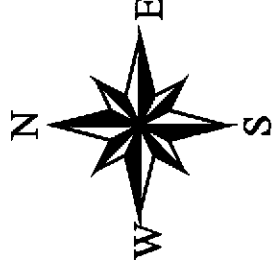


Section Lines

1/4 1/4

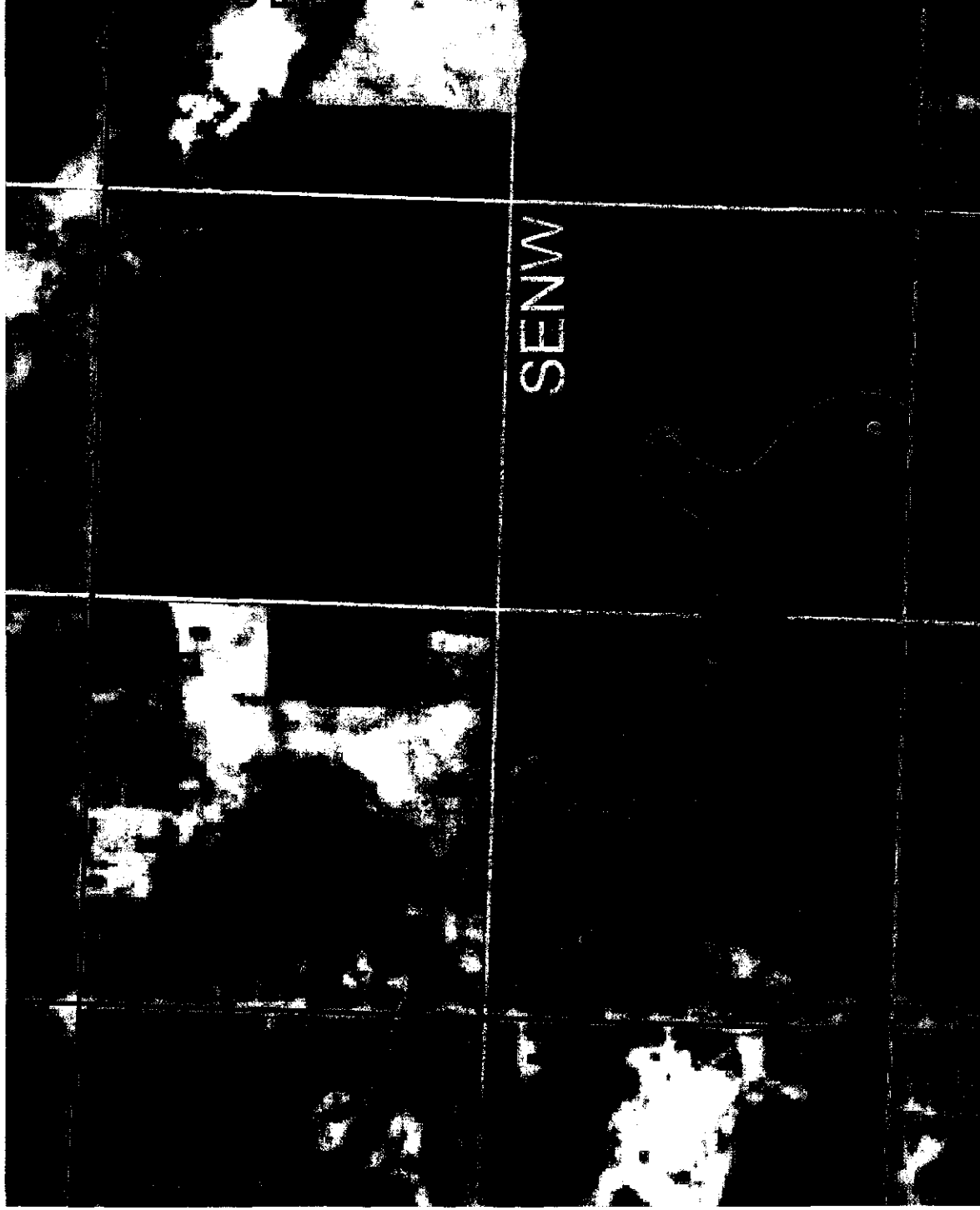
⊙ Point of Diversion

Acres Irrigated = 5.0



300 0 300 600 Feet

1987 NAPP



Water Right Report 63-4848

WATER RIGHT NUMBER: 63-4848

Name and Address

BARSON FARMS
5545 W OVERLAND
MERIDIAN, ID 83642
(208)466-6834

Vaughn P. and Gertrude M. Barson

Basis:

08/01/1949
~~Statutory Claim~~ Beneficial Use

Status: Active

Tributary

UNNAMED-~~RACHEL~~-DRAIN

BOISE RIVER

From	To
------	----

Diversion Rate

Annual Volume

IRRIGATION

	From	To	
Change to	3/15	11/15	
3/1 - 11/15			Total

0.1

~~0.420 CFS~~

Total Diversion:

~~0.120 CFS~~

0.1

surface - no AF ant.

Location of Point(s) of Diversion

RACHEL DRAIN

SE1/4NW1/4

Sec. 21, Twp 03N, Rge 01W, B.M.

ADA County

Place of Use

IRRIGATION

[illegible]

Total Acres: 6

Conditions of Approval:

Remarks:

-Season of use is 3/1 to 11/15.

Comments:

Comments: ADD W - Use of right combined with Nampa-Meridian Irrigation District water.

Dates and Other Information:

Parcel No: a portion of 81221120770. (119.1 AC)

Field Exam Date 8.29.03

(in office)

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION FIELD REPORT

Prior to Field Exam

- ☒ Copy of Claim, claim has been signed, sealed, and dated by notary?
- ☒ Check fees paid \$56.00
- ☐ Well logs (if needed) N/A
- ☒ Copy of topo or NAPP
- ☒ Check of Govt. Lots, if needed, Govt. Plat/Tax lot information
- ☒ Check POD & POU overlap, see below – include overlapping right for exam
- ☒ Evidence of Priority – if none, talk with claimant Rec'd. Affidavit 8.29.03

CLAIMANT INFORMATION – verify contact information is complete

Claim No(s) 63-4848
Owner: Barson Farms → Vaughn P. & Gertrude M. Barson
Phone No. (208) 466-6834
Current Address: 5545 W. Overland, Meridian 83642

- ☒ No change NAME IS THE SAME
- ☐ NEW OWNER
- ☒ No change Address
- ☐ NEW ADDRESS
- ☐ How long owned property?

Accompanied by: N/A

PRIORITY DATE

- ☒ No change – Complete evidence submitted or not necessary (8.29.03)
- ☐ Incomplete – Claimant should be asked when water was first used and submit proof of date.
- ☒ Priority date is acceptable/within mandatory filing dates?

Affidavit signed by
Vaughn Barson.

Priority date, per claimant, is: August 1, 1949

(If priority date, based on your exam, seems questionable, explain below.)

Source: Rachel Drain Tributary to Boise River

- ☐ No Change – SAME SOURCE
- ☒ Source found is different than claimed: Unnamed Drain

POINT OF DIVERSION

- ☒ No change
- ☐ POD found is different than claimed:
- ☐ If different, when did POD change?

DIVERSION AND DELIVERY SYSTEM

Points of Diversion:

ID #	Govt Lot #	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Method of Determination/Remarks GPS ID

Description of diverting works

pump at drain to pipeline - See Field Report.

OVERLAP REVIEWOther water rights with the same point of diversion: None

Does overlap add acres or uses to existing system, increase rate of flow or volume, or other? Explain:

see POD overlap review sheet (enclosed)

WATER USES

Season of use is 3/1 to 11/15 per new IDWR standard.

☒ No change☐ Different Uses

5 AC
0.02 cfs/acre
0.10 cfs

Use Irrigation From 3/1 To 11/15 Amount 0.1 CFS Ø AFA
 Use _____ From _____ To _____ Amount _____ CFS _____ AFA
 Use _____ From _____ To _____ Amount _____ CFS _____ AFA

TOTAL VOLUME - Groundwater only☐ Incomplete on claim, the total is, Amount _____ CFS Ø AFA☒ Changes found, the new total is, Amount 0.1 CFS _____ AFA☐ More than 1" per Acre? Yes _____ (claimant must complete excess flow sheet)**NON-IRRIGATION USES:**☒ No change☐ Changes Exam found: Domestic # of homes _____ Stock # _____

Types _____ Additional comments: _____

PLACE OF USE:☐ No Change☒ Changes shown below:

Parcel No: a portion of 81221120770.

Place of Use			NE				NW				SW				SE				Totals
TWP	RGE	SEC	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
										5.0									5.0

Overlap with other water rights: _____

Wanapa-Meridian Irr. Dist.

Does overlap increase rate of flow, volume, additional acres, different source for same acres? Explain:

no - see POU overlay review sheet.

Delivery System Narrative:

irrigation pipeline to sprinklers and/or flood

** See Field Report.*

Well or Diversion Identification No GPS ID	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge size

FLOW MEASUREMENTS:

N/A - See Field Report.

Attach appropriate documents

NARRATIVE/REMARKS/COMMENTS

(COVER)

Season of use is 3/1 to 11/15.

Use of this right is combined with water from Nampa-Meridian
Irrigation District.

Parcel No: a portion of S122112 0770.

AFTER EXAM THE FILE SHOULD CONTAIN:

- ☒ Completed claim checklist
- ☐ Photographs of POD's and POU N/A
- ☐ GPS readings N/A
- ☒ Completed map and or GIS layout showing POD's and POU

DATE EXAM CONDUCTED: _____

(in office)

FIELD EXAMINER: _____

Kimberly Brown

Field Exam Date 3/18/05

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION FIELD REPORT**

Prior to Field Exam

- ☐ Copy of Claim, claim has been signed, sealed, and dated by notary?
- ☐ Check fees paid
- ☐ Well logs (if needed)
- ☐ Copy of topo or NAPP
- ☐ Check of Govt. Lots, if needed, Govt. Plat/Tax lot information
- ☐ Check POD & POU overlap, see below – include overlapping right for exam
- ☐ Evidence of Priority – if none, talk with claimant

CLAIMANT INFORMATION – verify contact information is complete

Claim No(s) 63-4848

Owner: BARSON FARMS Phone No. 466-6834

Current Address: 5547 W. OVERLAND RD.

- ☒ No change NAME IS THE SAME
- ☐ NEW OWNER
- ☒ No change Address
- ☐ NEW ADDRESS
- ☐ How long owned property? _____

Accompanied by: VAUGHAN BARSON

PRIORITY DATE

- ☒ No change – Complete evidence submitted or not necessary
- ☐ Incomplete – Claimant should be asked when water was first used and submit proof of date.
- ☐ Priority date is acceptable/within mandatory filing dates?

Priority date, per claimant, is: _____

(If priority date, based on your exam, seems questionable, explain below.)

Source: UNKNOWN NAME
DRAIN- Tributary to _____

- ☒ No Change –SAME SOURCE
- ☐ Source found is different than claimed: _____

POINT OF DIVERSION

- ☐ No change
- ☐ POD found is different than claimed: _____
- ☐ If different, when did POD change? _____

SITETAG NOT PLACED (NO PLACE TO PUT ITEM)

GPS #1 2300834 #65
OLD 1378863

GPS #2 2300888 #66
NEW 1378776

DIVERSION AND DELIVERY SYSTEM

Points of Diversion:

ID #	Govt Lot #	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Method of Determination/Remarks GPS ID
OLD 1		SW	SE	NW	21	3N	1W	ADA	GPS'D
NEW 2		"	"	"	"	"	"	"	"

Description of diverting works

PRESENTLY THERE ARE NO PUMPS OR OTHER EQUIPMENT IN PLACE. IN THE PAST HE HAS USED PORTABLE PUMPING EQUIPMENT AND SPRINKLER MAINLINE + LATERALS. (SCENARIATIVES)

OVERLAP REVIEW

Other water rights with the same point of diversion: NAMPA-MERIDIAN

Does overlap add acres or uses to existing system, increase rate of flow or volume, or other? Explain:

WATER USES

☒ No change

☐ Different Uses

Use _____ From _____ To _____ Amount _____ CFS _____ AFA
 Use _____ From _____ To _____ Amount _____ CFS _____ AFA
 Use _____ From _____ To _____ Amount _____ CFS _____ AFA

TOTAL VOLUME - Groundwater only

- ☐ Incomplete on claim, the total is, Amount _____ CFS _____ AFA
- ☐ Changes found, the new total is, Amount _____ CFS _____ AFA
- ☐ More than 1" per Acre? Yes _____ (claimant must complete excess flow sheet)

NON-IRRIGATION USES:

- ☐ No change
- ☐ Changes Exam found: Domestic # of homes _____ Stock # _____
 Types _____ Additional comments: _____

PLACE OF USE:

- ☒ No Change
- ☐ Changes shown below:

Place of Use			NE				NW				SW				SE				Totals
TWP	RGE	SEC	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
3N	1W	21								6									6

Overlap with other water rights: _____

Does overlap increase rate of flow, volume, additional acres, different source for same acres? Explain: _____

Delivery System Narrative: _____

Well or Diversion Identification No GPS ID	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge size

FLOW MEASUREMENTS:

Attach appropriate documents

NARRATIVE/REMARKS/COMMENTS

P.O.D. WHEN MR BARSON WAS IRRIGATING THIS AREA TO BEGIN WITH HE HAD PUMPING EQUIPMENT SETUP @ P.O.D.#1- HE EVENTUALLY RELOCATED IT TO P.O.D.#2. HE HAS NOT IRRIGATED THIS AREA CONSISTENTLY FOR SEVERAL YEARS ONLY. DUE TO HEALTH & AGE HE HAS NOT USED THIS ROUGH AREA OF HIS FARM. HE NOW LEASES THE FARM TO A PERSON WHO DOES NOT WANT TO "MESS WITH IT". THE CANAL CO ENLARGED THE CANAL AND DESTROYED MUCH OF HIS FENCING SO HE CANNOT PASTURE THE ROUGH AREA.

DRAINAGE

THE WATER WHICH COMES INTO THIS DRAINAGE IS IRRIGATION WASTE WATER FROM ALL THE FARM LAND WITHIN THE DRAINAGE. IT IS DEFINITELY AN INTERMITTENT STREAM. I COULD NOT FIND A NAME FOR IT ON ANY MAP. THE FARMER DID NOT KNOW OF ANY NAME FOR IT. ON THE UPSTREAM SIDE OF THE CANAL, THERE IS A FAIRLY LARGE POND FORMED BY THE CANAL BANK AS A DAM. IT HAS A CONTROL STRUCTURE AND CONNECTS TO THE PIPELINE UNDER THE CANAL. THE LAND OWNERS ABOVE THE CANAL PUMP FROM THIS POND TO IRRIGATED SMALL AREAS.

AFTER EXAM THE FILE SHOULD CONTAIN:

- ☐ Completed claim checklist
- ☐ Photographs of POD's and POU
- ☐ GPS readings
- ☐ Completed map and or GIS layout showing POD's and POU

DATE EXAM CONDUCTED: 3/18/05 4/8/05

FIELD EXAMINER: Donna H. Scholz



Looking West from Canal Bank

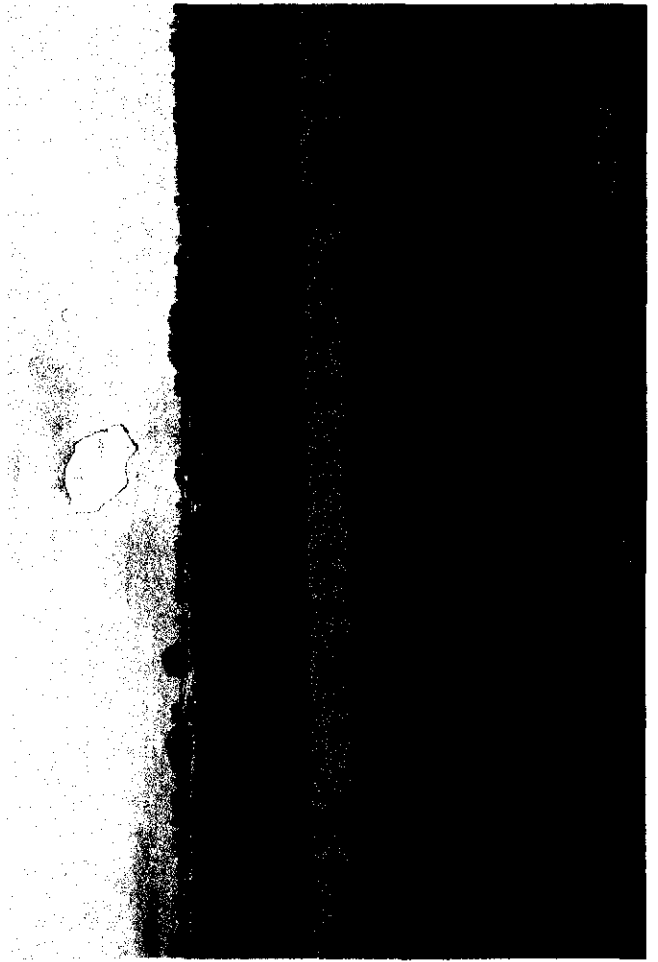


Looking Northeast from canal bank

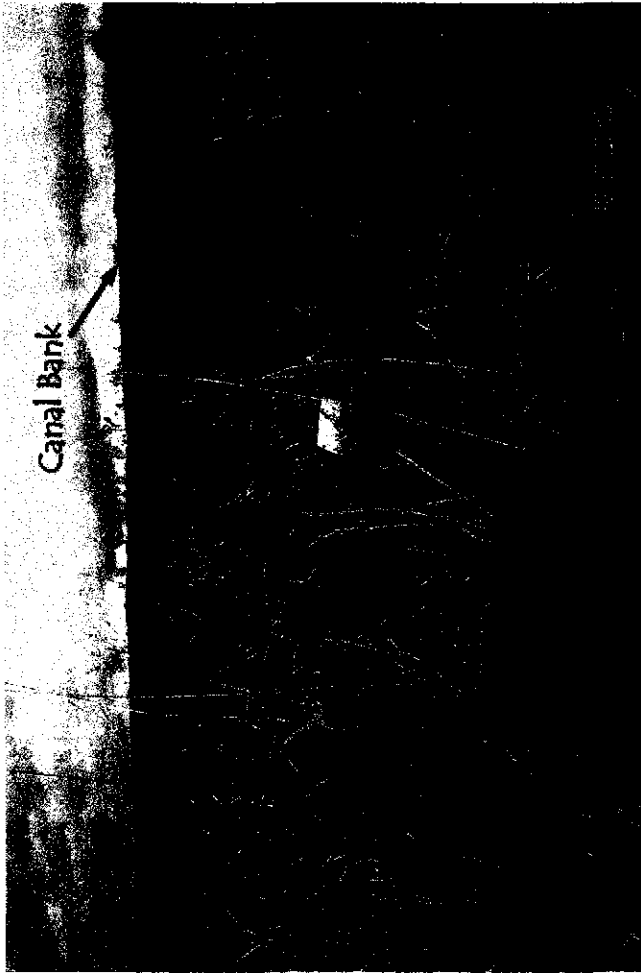
Barson
63-4848



From Canal Bank looking Southeast



Looking East from Canal Bank



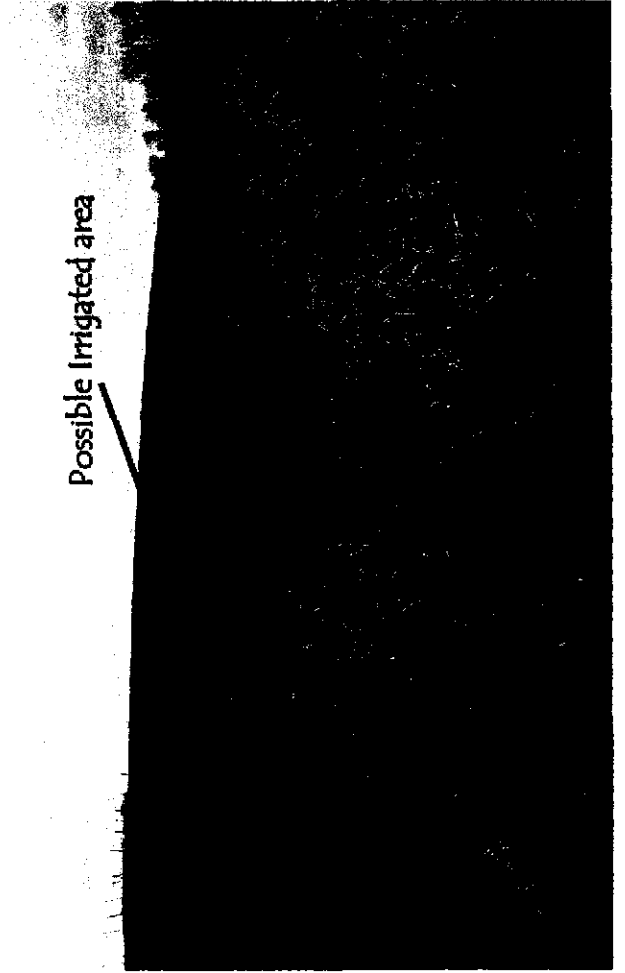
Canal Bank

Near POD #2 Looking East



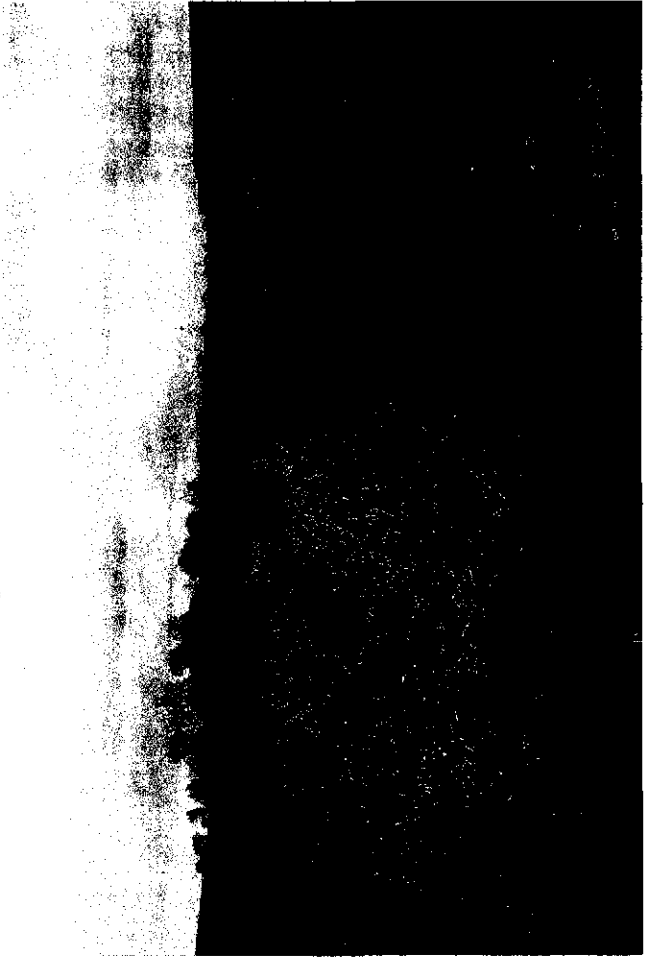
Barson
63-4848

Looking West from POD #2



Possible Irrigated area

Looking Northeast from POD #2



FIELD EXAM REQUEST

RE: Snake River Basin Adjudication Water Right No. A63-4848
Barson Farms

September, 2004

Location: 5547 W. Overland (Near Overland and McDermott -- near the Ada/Canyon Co. line)

Contact: Vaughn Barson - #466-6834 (He has Fridays off from 10-2 p.m.)

2 specific requests only : *this exam **does not** require any measurements

#1.) - Determine whether or not the claimed source, the "Rachel Drain," is:

1.) a man-made drain (that flows year round)

2.) **OR** an intermittent stream (as the map depicts; does not flow year round).

COULD NOT DETERMINE
IF THIS IS THE NAME
FROM ANY OF THE
MAPS I COULD FIND

THIS
IS IT

#2.) - Make sure there is a point of diversion. (Please GPS, photograph, and pin-point on the attached map)

OLD
POD

GPS 2300834 #65
1378863

NEW GPS 2300888 #66
1378776

*RECOMMENDED

this the
coordinate
to use

Kimberly Brown
Senior Water Resource Agent

Idaho Department of Water Resources

Claim Number: 63-04848
Legal: T3N, R1W, S21
Reviewed By:

⊙ Point of Diversion

Place of Use

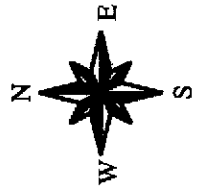
Section Lines

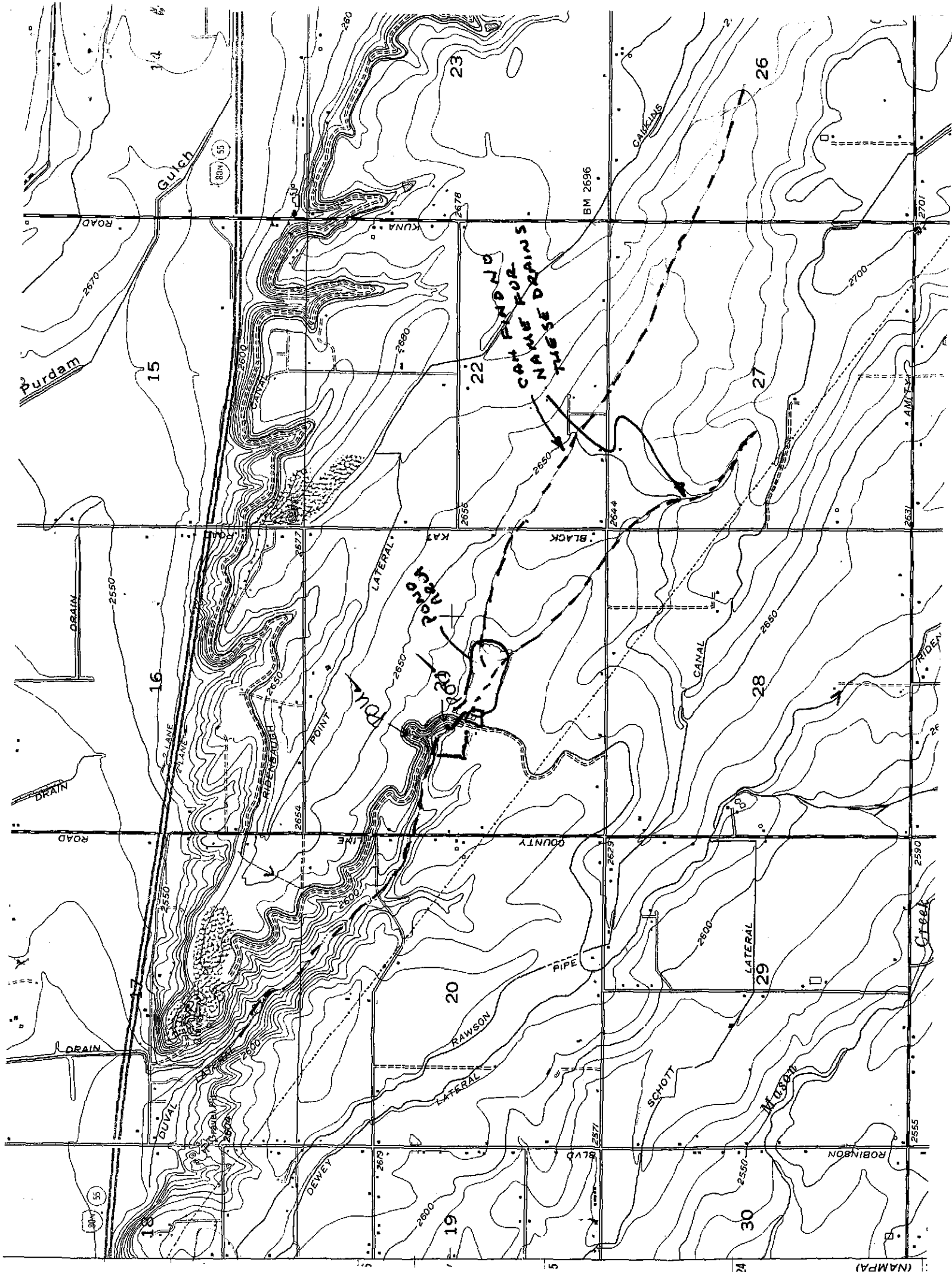
Quarter Quarter Lines

1987 Napp Photo



0 0.25 0.5 Miles







MICROFILMED

AUG 20 1992

77

FIELD EXAM REQUEST

**RE: Snake River Basin Adjudication Water Right No. A63-4848
Barson Farms**

September, 2004

Location: 5547 W. Overland (Near Overland and McDermott -- near the Ada/Canyon Co. line)

Contact: Vaughn Barson - #466-6834 (He has Fridays off from 10-2 p.m.)

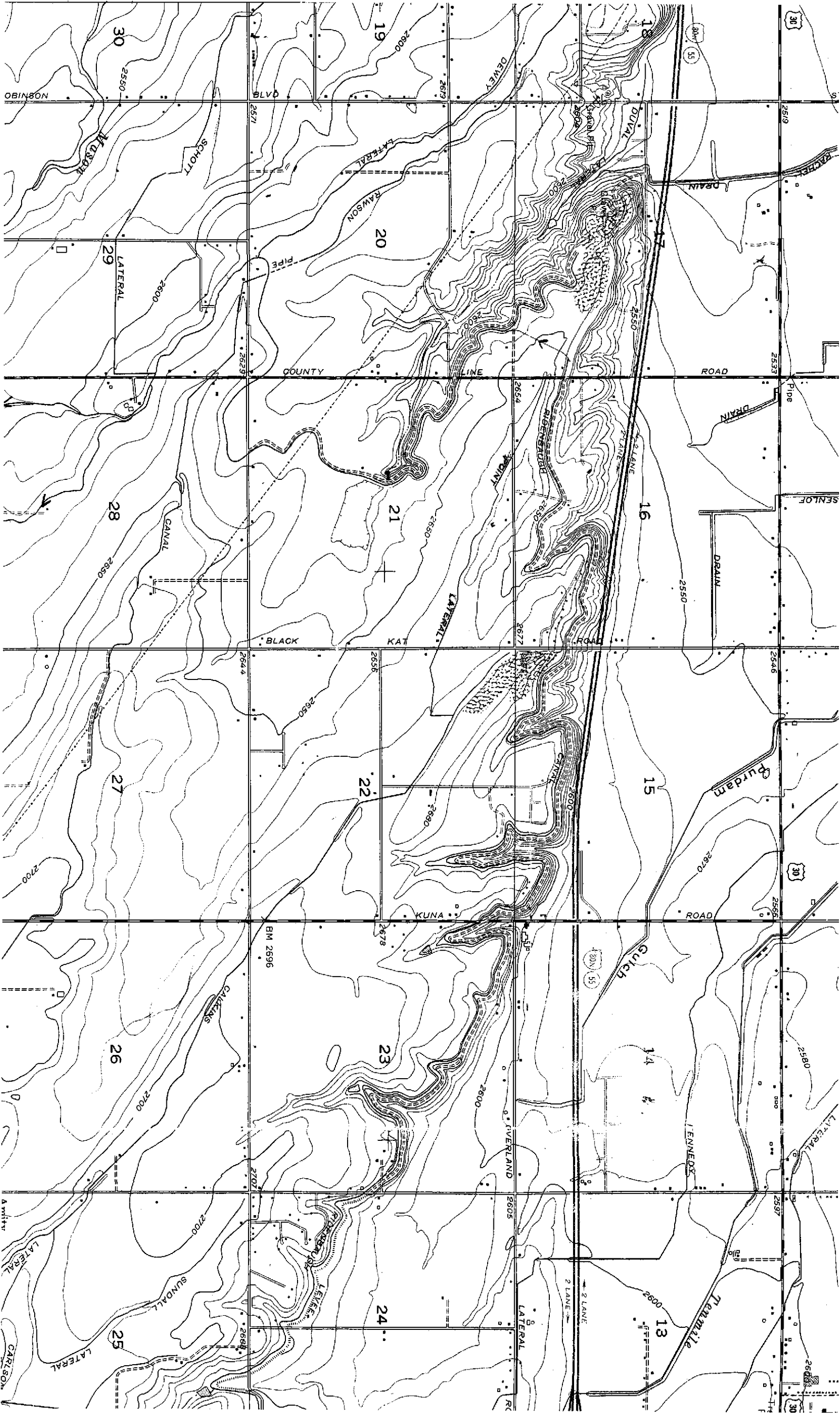
2 specific requests only : *this exam **does not** require any measurements

- Determine whether or not the claimed source, the "Rachel Drain," is:

- 1.) a man-made drain (that flows year round)
- 2.) **OR** an intermittent stream (as the map depicts; does not flow year round).

- Make sure there is a point of diversion. (Please GPS, photograph, and pin-point on the attached map)

Kimberly Brown
Senior Water Resource Agent



overlap review -

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM POD REVIEW REPORT
ADJUDICATION CLAIM NUMBER: 63-4848

08/04/2005

1

Water Right #	Type	Twp	Rge	Sec	QQ	Q	Lot	Source	Name
~~63-4848~~	~~Claim~~	~~03N~~	~~01W~~	~~21~~	~~SE~~	~~NW~~		~~RACHEL DRAIN BOISE RIVER~~	~~BARSON FARMS~~
~~63-4848~~	~~Water Right~~	~~03N~~	~~01W~~	~~21~~	~~SE~~	~~NW~~		~~RACHEL DRAIN BOISE RIVER~~	~~BARSON FARMS~~

no overlap

overlap review -

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM POU REVIEW REPORT
ADJUDICATION CLAIM NUMBER: 63-4848

08/04/2005

1

Right #	Type	Twp	Rge	Sec	QQ	Q	Lot	Purpose of Use	Acres/Total	Name
~~4848~~	~~Claim~~	~~03N~~	~~01W~~	~~21~~	~~SE~~	~~NW~~		~~IRRIGATION~~	~~6/6~~	~~BARSON FARMS~~
~~4848~~	~~Water Right~~	~~03N~~	~~01W~~	~~21~~	~~SE~~	~~NW~~		~~IRRIGATION~~	~~6/6~~	~~BARSON FARMS~~

no overlap

overlap review

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-4838 V1

WATER RIGHT NUMBER: 63-4838 V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	BARSON FARMS 5545 W OVERLAND MERIDIAN, ID 83642 (208)466-6834

Priority Date: 08/01/1940

Basis: Beneficial Use

Status: Closed

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
STOCKWATER	1/01 to 12/31	0.130 CFS	
DOMESTIC	1/01 to 12/31	0.080 CFS	
	<u>Total Diversion:</u>	0.210 CFS	

Location of Point(s) of Diversion

GROUND WATER	NE1/4NW1/4	Sec. 21, Twp 03N, Rge 01W, B.M.
ADA County		
GROUND WATER	NW1/4NE1/4	Sec. 21, Twp 03N, Rge 01W, B.M.
ADA County		

Place of Use

STOCKWATER

Twp	Rge	Sec	NE				NW				SW				SE				
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
03N	01W	21		X				X											

DOMESTIC

Twp	Rge	Sec	NE				NW				SW				SE				
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
03N	01W	21		X				X											

Conditions of Approval:

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-4838 V1

1. C18 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.
2. N11 THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.
3. N13 THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000 GALLONS PER DAY.

Remarks:

1. Explanatory STOCKWATER, 150 DAIRY CATTLE PARCEL NO. RP S1221120770
2. Point of Diversion 2 POINTS OF DIVERSION LOCATED IN T03N, R01W, S21, NWNE.

Comments:

1. CORR1 2/18/1997 COPIED FROM REMARKS

Comment: 1 P/D IN NENW, SECTION 21. TWO WELLS FIRST PUT TO USE IN 1940, NOT 1949 AS ORIGINALLY CLAIMED. CLAIMANT STATES THAT PRIORITY DATE OF 1949 WAS USED SINCE THAT WAS THE DATE THAT HE FIRST USED WELLS. THE WELLS WERE FIRST PUT TO USE IN 1940. ORIGINAL CLAIM LISTED 2 POINTS OF DIVERSION IN THE NWNE OF SECTION 21. ACTUALLY THERE IS ONE WELL IN THE NWNE AND ONE WELL IN THE NENW OF SECTION 21 THAT WAS FIRST USED IN 1940. A SUPPLEMENTAL WELL WAS DRILLED AND USED IN 1957 LOCATED IN THE NENW OF SECTION 21. ELR

SD-1603-3

Idaho Department Of Water Resources
Detail Receipt Summary Screen

Date: 08/29/03
Time: 12:19:14

Rec/No - W002916 AR/No -
From: - BARSON FARMS

Receipt Type - CK Doc/No - 4484
Remarks -

MOST CURRENT RECEIPT

Receipt Date: 05/22/1989

Type Of Payment
ADJUDICATION FEE

Fund	FD	PCA	Obj	Subsid	Fee
9337		410162	6490		176.00

Total Due - 176.00

WR/No
A6304838

WR Fee
50.00

WR/No
A6304848

WR Fee
56.00

WR/No
A6315438

WR Fee
70.00

(Enter=Continue)

(GOLD7=Selection Screen)

(GOLD8=Cancel)

CONVERSATION MEMORANDUM

RE: Snake River Basin Adjudication Water Right No. 63-04848

May 24, 2004

After speaking with the Boise Project Board of Control, I called the District 2 Office (#342-5086) to speak with the Water Master. Dennis answered the telephone and found that all of the weirs (#311, #312, & #465) are located on the Point Lateral only.

Kimberly Brown
Water Resource Agent
Western Region

CONVERSATION MEMORANDUM

RE: Snake River Basin Adjudication Water Right No. 63-04848

May 24, 2004

After speaking with the Nampa-Meridian Irrigation District, I called the Boise Project Board of Control (#344-1141) in order to glean more information regarding Mr. Barson's water use and find out how many individuals are included in his tap. The woman who answered the telephone found 3 different taps for Vaughn Barson and the 157.5 project acres. According to the Board's information, these 3 taps have 3 different delivery points along the Point Lateral:

- 311 Weir (delivered to Barson only)
- 312 Weir (delivered to Barson only)
- 465 Weir (delivered to Barson only)

[Based on this information, Mr. Barson is the only individual in his tap.]

When I asked if the Board had the specific location of the weirs, it was suggested that I call the Division 2 Office (#342-5086) in order to speak to the Water Master. The woman helping me mentioned that Dennis would probably answer the telephone and that he would also be able to help me, since he was the former Water Master of the area in question.

Kimberly Brown
Water Resource Agent
Western Region

CONVERSATION MEMORANDUM

RE: Snake River Basin Adjudication Water Right No. 63-04848

May 24, 2004

When claimant, Mr. Vaughn Barson, supplied an affidavit as evidence of priority, he also submitted a copy of a 1990 Agreement entered between the Nampa & Meridian Irrigation District, the Boise Project Board of Control, and Mr. Barson (see file).

During the process of reviewing this claim, I called the Nampa-Meridian Irrigation District (#466-0663 Shop) in order to answer a few questions regarding the Agreement and whether or not the Rachel Drain is part of the District's system. After checking a list, the woman who answered the telephone stated that the Rachel Drain is on their list and is, therefore, part of the District's system. She then stated, "Yes, it's our water, but the Board of Control delivers it because we can't." She then checked her computer database and found that the Board of Control delivers 98.44 miner's inches for 157.5 project acres to Vaughn Barson. She said that the 157.5 project acres could be the total acres on Mr. Barson's tap that could conceivably include just himself or up to 50 people, for example.

In order to find out how many individuals are included in Mr. Barson's tap, it was suggested that I call the Boise Board of Control at #344-1141 for more information. The woman helping me then gave me Mr. Barson's Assessment Number, which is #1471, to help the investigative process while talking to the Board.

Kimberly Brown
Water Resource Agent
Western Region

CONVERSATION MEMORANDUM

RE: Snake River Basin Adjudication Water Right No. A63-4848 & -15438

August 4, 2003

I spoke with Mrs. Gertrude Barson regarding evidence of priority. According to Mrs. Barson, the previous owner is deceased; but the Barsons took possession of the property in 1949. Therefore, the Barsons have the personal knowledge to supply evidence of priority.

In respect to claim #63-15437, Mrs. Barson mentioned that they do not have a well; but that they use Nampa Meridian Irrigation District water to irrigate the land.

Regarding #63-4848, she said that they do irrigate from the Rachel drain. In addition, she also informed me that when the size of the Riddenbaugh Canal was increased, that it decreased their acreage for this area from 9 acres to 6 acres. She also mentioned that the "upper terrain is extremely rocky."

May 19, 2004

I spoke with Mr. Vaughn Barson who also verified that they do not have a well (in association with #63-15438). He stated that they have no ground water, that the source for 63-15438 is Nampa-Meridian Ditch Co. water, and he agreed that it should be disallowed. Concerning 63-4848, Mr. Barson also said that they use water from the Rachel drain to sprinkler/flood irrigate this pasture land; but added that the "upper terrain is extremely rocky." Mr. Barson informed me that this water 'only runs when irrigation water comes down the drain.'

June 10, 2005

Regarding the new lessee of the land and Burke Scholer's comments in the 63-4848 *Field Report* (3/18/05), Mr. Barson said that the water will continue to be used in the future (see Narrative/Remarks/Comments).

Kimberly Brown
Senior Water Resource Agent
Western Region

AFFIDAVIT

State of Idaho
County of Ada

being first duly sworn,

deposes and says: I, Vaughn Barson, present owner of property at 5547 W. Overland Rd. Meridian, Id. 83642 (Legal description Townships 3 N, Range 1 W Section 21, SE 1/4 NW 1/4, County of Ada) attest that irrigation from this drain began prior to August 1, 1949. My family moved to this property and began farming in August 1949 and the pumping facility was used prior to that date.

Vaughn Barson
(Signature)

(Signature)

Subscribed and sworn to before me this
day 29th of August, 2003.


(Notary Public)

(Notary Public)

Residing at McMinn County Courthouse, McMinn, Tenn.

My Commission Expires Residing at Boise, Idaho
~~My Commission Expires September 23, 2000~~



Nampa Meridian - # 466-7861

466-0663 (shop)

AGREEMENT

THIS AGREEMENT made and entered into this 31 day of May, 1990, by and between VAUGHN BARSON, Meridian, Idaho, hereinafter referred to as the Party of the First Part, NAMPA & MERIDIAN IRRIGATION DISTRICT, hereinafter referred to as the District, and the BOISE PROJECT BOARD OF CONTROL, hereinafter referred to as the Board,

W I T N E S S E T H:

WHEREAS, First Party is the owner of 12.40 acres lying in the W $\frac{1}{4}$ NE $\frac{1}{4}$ and the SE $\frac{1}{4}$ NW $\frac{1}{4}$, ^{approx. 9 AC} Section 21, T 3 N, R 1 W, BM, and 6.30 acres lying within NE $\frac{1}{4}$ and NW $\frac{1}{4}$ of Section 21, T 3 N, R 1 W, BM, all of which lands are within the boundaries of the District and are subject to assessment by the District but are too high to be conveniently irrigated from its irrigation system, which lands may, however, be irrigated more easily from the irrigation system operated by the Board; and

WHEREAS, the parties hereto desire to enter into an agreement whereby the Board will deliver water to the above described land, 18.7 acres, of First Party for the purpose of irrigating the same,

NOW, THEREFORE, In consideration of the mutual promises and agreements of each of the parties hereto, it is understood and agreed as follows:

The Board will deliver water to the above described lands of First Party out of the Point Lateral operated by it in the same quantities and on the same basis as the Board delivers water to lands in the Boise Federal Reclamation Project, subject, however, to available capacity of the Point Lateral. The obligation of the

Board to deliver water shall be limited to delivery at the present points of diversion from the Point Lateral and to make deliveries in the same manner as it delivers water to lands within the Boise Federal Reclamation Project, subject only to available capacity of the Point Lateral.

The assessments on account of the water delivered to the above-described lands shall be processed in the same manner as provided in the 1926 contract between the United States and the Nampa & Meridian Irrigation District for the delivery of water to lands lying within the Nampa & Meridian Irrigation District and are delivered by the Boise Project Board of Control.

VAUGHN BARSON

Vaughn Barson
First Party

NAMPA & MERIDIAN IRRIGATION
DISTRICT

J. G. Bob Williams
President

BOISE PROJECT BOARD OF
CONTROL

Kenny Henley
Manager

Is Rachel Drain part of your system? Nampa Meridian

Yes, Rachel Drain Is on their list
Board of Control - 98.44 m.i. (1.9688 cfs)
157.56 project acres

It's our water (Nampa-Meridian)
but Board of Control delivers, cause we can't.
344-1141
Assessment # 1471
which Acres?
could be total acres on this
but → could be 50 people.
3N 1W Sec. 21
5.24.04



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

FAX (208) 334-2348

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

August 26, 2003

BARSON FARMS
5547 W. OVERLAND
MERIDIAN, ID 83642

RE: EVIDENCE OF PRIORITY
Snake River Basin Claim No(s): A63-4848

Dear Claimant(s),

In the past, you submitted the above referenced claim(s) during the Snake River Basin Adjudication (SRBA) claims taking. Enclosed is a computer generated print-out of the claim(s) for your reference only, it is not necessary to return this print-out or re-file it. You indicated, when this claim was filed, that the water right(s) was based on either a "Statutory Claim" or "Beneficial Use" of the water. Water rights of this type are established by historical use of the water for a beneficial use purpose, dating back to the time the water was first used; this date being the "Priority Date" as shown on the enclosed print-out. Your claim(s) has not been confirmed by a previous filing with the Department of Water Resources since there is no decree, license, or permit on file to verify the use of this water. For this reason, the Department is required to gather evidence from claimants supporting the date of priority for claims based on historical beneficial use of water.

Enclosed is a pamphlet entitled "Evidence of Priority" which describes why evidence of the priority date is necessary, along with examples of types of evidence that can be submitted to fulfill this requirement. While I encourage you to read the entire pamphlet, I direct your attention to the two sections entitled **"What Kind of Evidence is Required"** and **"Some Examples of Documents Which May Be Evidence of the Priority Date."**

It is important that each element of the Notice of Claim be substantiated. For instance, regarding claims for irrigation, the evidence should tend to show that diversion works were in place, that they were capable of diverting the claimed diversion rate, and that the diverted water was beneficially used on the entire claimed place of use on or before the claimed priority date.

If no evidence is submitted, or we do not hear from you within the time limit below, your priority date, as claimed, may not be recommended to the SRBA court for decree. This could jeopardize your water use under this right(s) if water availability problems arise in the future.

The required evidence supporting the priority date(s) requested needs to be submitted by September 23, 2003. Please let me know if you may not be able to submit proof of priority or have any questions not covered by this letter and the enclosed pamphlet, by the date indicated



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

FAX (208) 334-2348

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

above.

Respectfully Submitted,

Kimberly L. Brown

Kimberly L. Brown
Water Resource Agent
Adjudication Bureau

Enclosure: "Evidence of Priority" pamphlet
Notice of Claim A63-4848

NOTE: If you no longer own the property upon which this claim was filed, please contact this office immediately. Idaho State law requires that the Department be notified of a change of owner or address on a water right.

IDWR - WESTERN REGION

CONTRACTOR: Karan Waters

CLAIM/ID #: A63-04848

Date: 2-27-01

				NE				NW				SW				SE				Sum
	TNS	RNG	SEC	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
Claim	3N	1W	21								6									6
GIS											9									9
Claim																				
GIS																				
Claim																				
GIS																				
Claim																				
GIS																				

Number of POD's 1

Total Claimed Acres: 6

Total GIS Acres: 9

Overlapping POU Claim #'s:

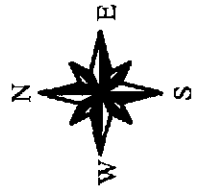
COMMENTS:

Per claim map.

Idaho Department of Water Resources

Claim Number: 63-04848
Legal: T3N, R1W, S21
Reviewed By:

- ☐ Point of Diversion
- ☐ Place of Use
- ☐ Section Lines
- ☐ Quarter Quarter Lines



1987 Napp Photo

