



Idaho Department of Water Resources

MEMORANDUM

File: 21-12985 Fuchs
Date: February 19, 2009
Subject: Priority Date

An amended claim for 21-12985 was filed to change the priority date from 12/10/1949 to 6/01/1890. 21-12985 was an enlargement and based on beneficial use. The original claim was filed on 12/10/1949 and was advertised on 12/15/1949.

On 12/10/1949, Edgar Barney filed an Affidavit for Change of Point of Diversion of a Decreed Water Right with IDWR. He claimed that it was "too much upkeep on present ditch".

This claim was not based on a Posted Notice or included in the Rexburg Decree but based on beneficial use. Based on that information, the priority date can not be changed to 6/01/1890.

During the investigation to resolve the objection for this water right, IDWR noticed that the original claimed priority date was inaccurate based on the information in the file. The affidavit for the change of diversion was submitted in December 1949, but the change couldn't have begun or finished until spring of 1950. The earliest date that this water right could have been put to beneficial use is 4/1/1950. From that information, the priority date for 21-12985 will be changed to 4/1/1950.

From the desk of Denise Kidman

December 15, 1949

Mr. Edger Barney
Box 205
St. Anthony, Idaho

Dear Mr. Barney:

This will acknowledge receipt of Affidavit for Change of Point of Diversion of Decreed Water Right from the SW $\frac{1}{4}$ Section 18 to a proposed point of diversion in the SE $\frac{1}{4}$ Section 35, Township 9 North, Range 43 East, B.M.

Notice of Publication has been sent to the Fremont County News for publication of notice once a week for two consecutive weeks. It will be necessary for you to pay for the publication and to furnish this office with an Affidavit of Publication from the newspaper, with \$1.00 fee for record- and said Certificate, after which a Certificate of Change in Point of Diversion will be mailed to you.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Roy W. Thompson
Supervisor of Water Distribution

RWT:bh

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STATE OF IDAHO
DEPARTMENT OF RECLAMATION

Boise

Date December 12, 1949

**Fremont County News,
St Anthony, Idaho.**

Gentlemen:

Enclosed you will find notice for publication once a week
for two consecutive weeks prior to **January 5, 1950**
the date set for the hearing, the expense of the publication to be
paid by the applicant, **Edgar Barney, Box 805 St. Anthony, Idaho.**

to whom you should furnish proof of publication on or prior to the
date set for the hearing.

Please acknowledge receipt of this notice, and furnish this
department with a copy of the first publication, in order that we may
check same.

Very truly yours,

MARK R. KULP
State Reclamation Engineer

By

Roy W. Thompson,
Supervisor of Water Distribution,

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NOTICE OF PROPOSED CHANGE OF POINT OF DIVERSION

Notice is hereby given that Edgar Barney of St. Anthony, Idaho, has applied to the State Reclamation Engineer, of the State of Idaho for a certificate authorizing him to change the point of diversion of 5.8 cubic feet per second of the waters of Fall River and Black Spring Creek, from his present point of diversion located in the SW $\frac{1}{4}$ Section 18, Twp. 8.N. R. 42 E. to a proposed point of diversion located in the SE $\frac{1}{4}$ Section 35, Twp. 9.N. R. 43.E.

And that on the 5th day of January 1950, at Room 107, State House Boise, Idaho, before the State Reclamation Engineer, or his authorized agent, opportunity will be given any and all persons to appear and present for his consideration any reasons or reasons why a certificate should not be issued authorizing such change in point of diversion.

MARK. R. KULP.

State Reclamation Engineer,