

10/21/2005

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

RIGHT NUMBER: 79-14095

NAME AND ADDRESS: LARRY J BARANY
HC 01 BOX 58J
WHITE BIRD ID 83554

JANET F BARANY
HC 01 BOX 58J
WHITE BIRD ID 83554

SOURCE: UNNAMED STREAM TRIBUTARY: SLATE CREEK

QUANTITY: 0.220 CFS

The quantity of water under this right for stockwater use shall not exceed 13,000 gallons per day.

PRIORITY DATE: 06/06/1916

POINT OF DIVERSION:

T27N R02E S32 NWNW Within IDAHO County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	02/15 11/30	0.200 CFS
STOCKWATER	02/15 11/30	0.020 CFS

PLACE OF USE: IRRIGATION Within IDAHO County

T27N R02E S32 NWNW 10.0

STOCKWATER same as IRRIGATION

10 ACRES TOTAL

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

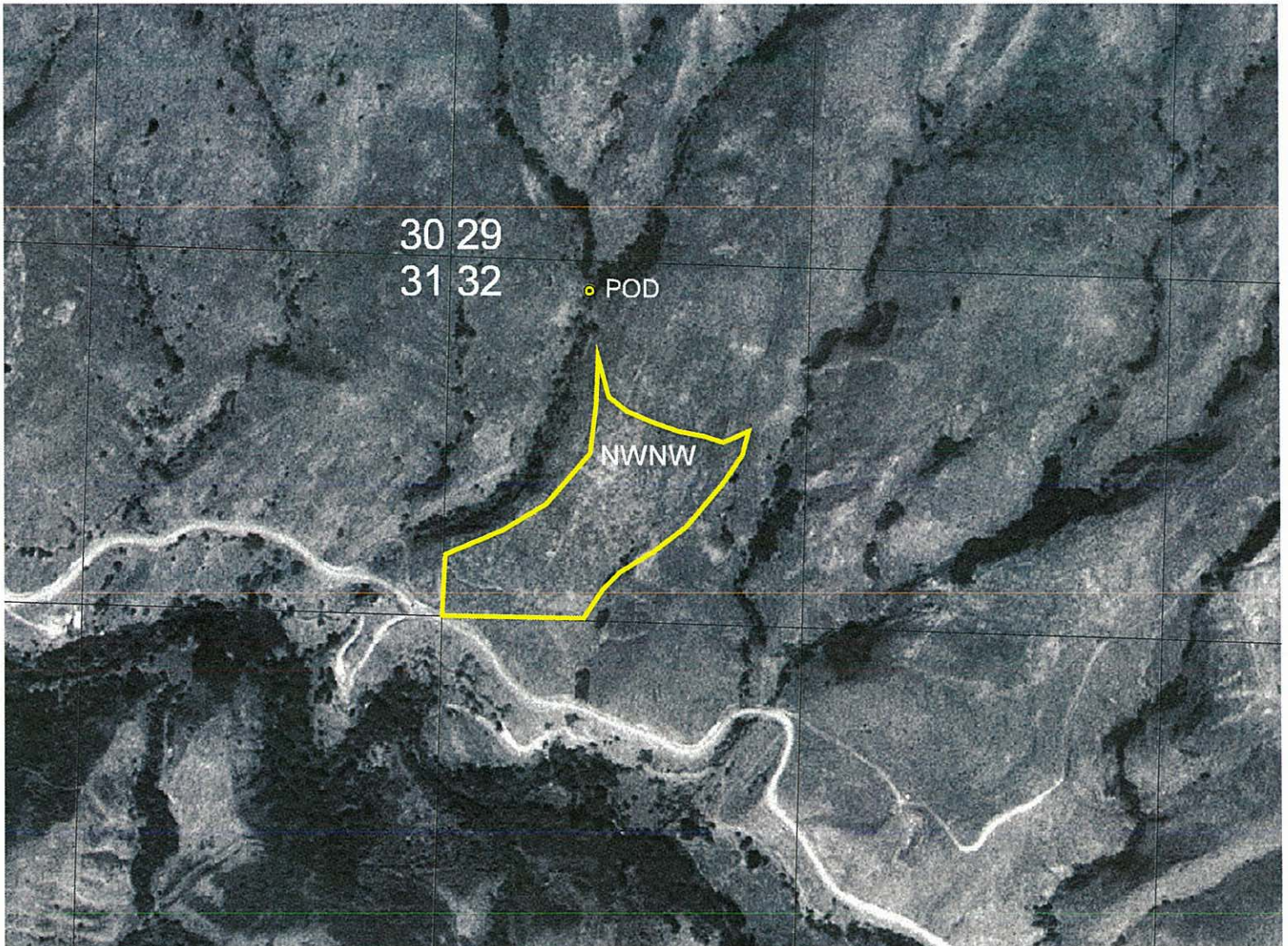
This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

The quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial use.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

Source is also known as Nelson Creek.

79-14095



900 0 900 1800 Feet

T27N R02E S32

Map prepared by: Carter Fritschle
Date prepared: 10/21/05
Digital Orthophotoquad - 1992 Photography
Idaho 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 THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number 79-14095
Date Received: 7/26/2004
Receipt No: C074625
Received By:

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

1. Name of Claimant(s)

LARRY J BARANY Phone: (208)839-2833

HC 01 BOX 58J
WHITE BIRD ID USA 83554

JANET F BARANY Phone: (208)839-2833

HC 01 BOX 58J
WHITE BIRD ID USA 83554

2. Date of Priority: 06/06/1912

3. Source: NELSON CREEK Trib. to: SLATE CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
27N	02E	32	NW NW	IDAHO	

5. Description of diverting works:

SEASONAL CREEK. GRAVITY FEED FLOOD IRRIGATION. COMBINATION OF PIPE AND
DITCHES.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	03/15	11/30	0.2	
STOCKWATER	02/15	11/30	0.02	

7. Total Quantity Appropriated is:
0.22 C.F.S. and/or 20 A.F.A.

8. Total consumptive use:

9. Non-irrigation uses:
Number of other uses: 10 HORSES AND MULES

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
27N	02E	32	NE	NE	IRRIGATION	10
					Section Acres	10
					Total Acres	10

11. Place of use in counties: IDAHO

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

13. Other Water Rights Used:

14. Remarks:

THIS IS A SEASONAL CREEK AND DATES VARY YEAR TO YEAR. I HAVE INCLUDED A COPY OF THE PATENT DATED 1912 AND A MAP.

15. Basis of Claim: Beneficial Use

CLAIMANT'S NAME Barany, Larry/Kanet CLAIM IDENT. NO. 79-14075

DATE RECEIVED 7-26-04 CK # 12074625 AMOUNT \$ 60.00

	YES	NO	Required Info?
1. Is the name and address complete with zip code?	☒	☐	*
2. Is a priority date entered?	☒	☐	*
Is the priority date acceptable in view of mandatory filing dates? See Adjudication Memos #1 and #4 to determine if a Permit is required.	☒	☐	*
3. (a) Is a source entered?	☒	☐	*
(b) Is a tributary to entered? (if required) N/A	☒	☐	
4. Is the legal description of the p.d. sufficient?	☒	☐	*
5. Is there a description of the diverting works?	☒	☐	
6. Are the water uses appropriate for the form? The short form is limited to domestic and stockwater uses with direct diversion. All claims that include storage or instream stockwater must use long form.	☒	☐	*
Is the period of use included?	☒	☐	
Is a quantity claimed for each use?	☒	☐	*
7. Is a total quantity claimed entered?	☒	☐	
8. If required is a consumptive use entered? N/A	☒	☐	
Is the consumptive use correct? N/A	☒	☐	
9. Are the non-irrigation uses listed properly? If this claim is on the short form, and more than one domestic use is listed, single ownership must be stated. If not under single ownership, see Adjudication Memo # 4. N/A	☒	☐	*
10. Is (are) the place(s) of use and purpose(s) indicated?	☒	☐	*
11. Is (are) the county(ies) entered?	☒	☐	
12. Is the ownership of p.u. checked?	☒	☐	
13. Are other water rights listed or "none" indicated?	☐	☒	
14. If required, are remarks correct? (If the claimant does not own the place of use, authority for filing the claim must be explained in the remarks.) N/A	☒	☐	
15. Is the basis of the claim indicated?	☒	☐	
16. If the claimant requested a monthly docket sheet, is payment enclosed? (If yes, describe payment status in "Comments" below.) N/A	☒	☐	
17. Is the claim signed by the claimant, and is the signature appropriate? Organizations must complete the organization block.	☒	☐	*
18. Has the claim been signed, sealed, and dated by a notary?	☒	☐	*
19. Was this claim filed on time, or was an extension granted?	☒	☐	*
20. Is the fee enclosed correct? Exempt	☒	☐	*
21. If this claim is based on an existing water right, has the identification number been entered? N/A	☒	☐	
22. Should this claim be data entered?	☒	☐	

Claim checked by: D. Sharma Date: 8-5-04

Claim must be returned to claimant: (Yes) (No) ☒

Claimant must be notified of modifications: (Yes) (No)

Receipt Prepared by: M. Mickle Date: 7-26-04

Claim data entered by: D. Sharma Date: 8-5-04 Checked by: _____ Date: _____

Sent to claimant by: _____ Date: _____

Comments: _____

Hi Sally,

July 23, 2004

Thanks for all your patient help. Here are the (hopefully) completed forms. Rather than drawing maps I have attached section maps. I hope these will be adequate. I am still a little confuse by the consumptive acre per anum use, but have followed the instructions. If you need more information, or find any discrepancies please let me know. On the irrigation properties I have include copies of the original homestead patents, which I understand to be adequate proof of priority date. If further details are needed please let me know as soon as possible.

Thanks again

Jan Barany

HC01 Box 58J

White Bird, Idaho 83554

(208)-839-2833

RECEIVED
JUL 26 2004
Department of Water Resources

Enclosed Check # 1341

Domestic — \$25.00

Irrigation

Slate Creek — 53.50

Nelson Creek — 60.00

Total \$138.50

79-14094
79-14095
79-14096

RECEIVED

JUL 26 2004

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 FALLSIN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER:

Ident. Number

Date Received

Receipt Number

39576

79-14095

1-26-04

C074625

JL. 8-5-04

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of Claimant (s) LARRY J. & Janet F. BARANY Phone (208) 839-2833Mailing Address HCO1 Box 58 J White Bird, ID Zip 835542. Date of Priority (Only one (1) per claim) June 6 19123. Source of water supply (a) Nelson Creek
which is tributary to (b) Slate Creek4. a. Location of existing point of diversion is: Township 27 N Range 2 E Section 32,NW 1/4 of NE 1/4 of NE 1/4, Govt. Lot, B.M., County of Idaho

Additional points of diversion if any: _____

b. If instream flow, beginning point of claimed instream flow is:

Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4,

Govt. Lot _____ B.M., County of _____

ending point is: Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____

_____ 1/4, Govt. Lot _____ B.M., County of _____

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, 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.Seasonal Creek, Gravity feed Flood Irrigation
Combination of pipe & ditches.

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For Irrigation purposes from 3-15 to 10-30 amount .2 or _____

For Stock water purposes from 2-15 to 10-30 amount .02 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 0.22 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is 20 acre feet per annum. 2 acre ft/ANUM x 10

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) Horses & mules 6-10

10. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
<u>27N</u>	<u>2E</u>	<u>32</u>	<u>10</u>																<u>10</u>

Total number of acres irrigated 10

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

12. Do you own the property listed above as place of use? Yes X 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. _____ or None ()

14. Remarks: This is a seasonal Creek and dates vary year to year. I have Included a copy of the patent, dated 1912. and a map

Last Name BARANY Ident No. 79-14095

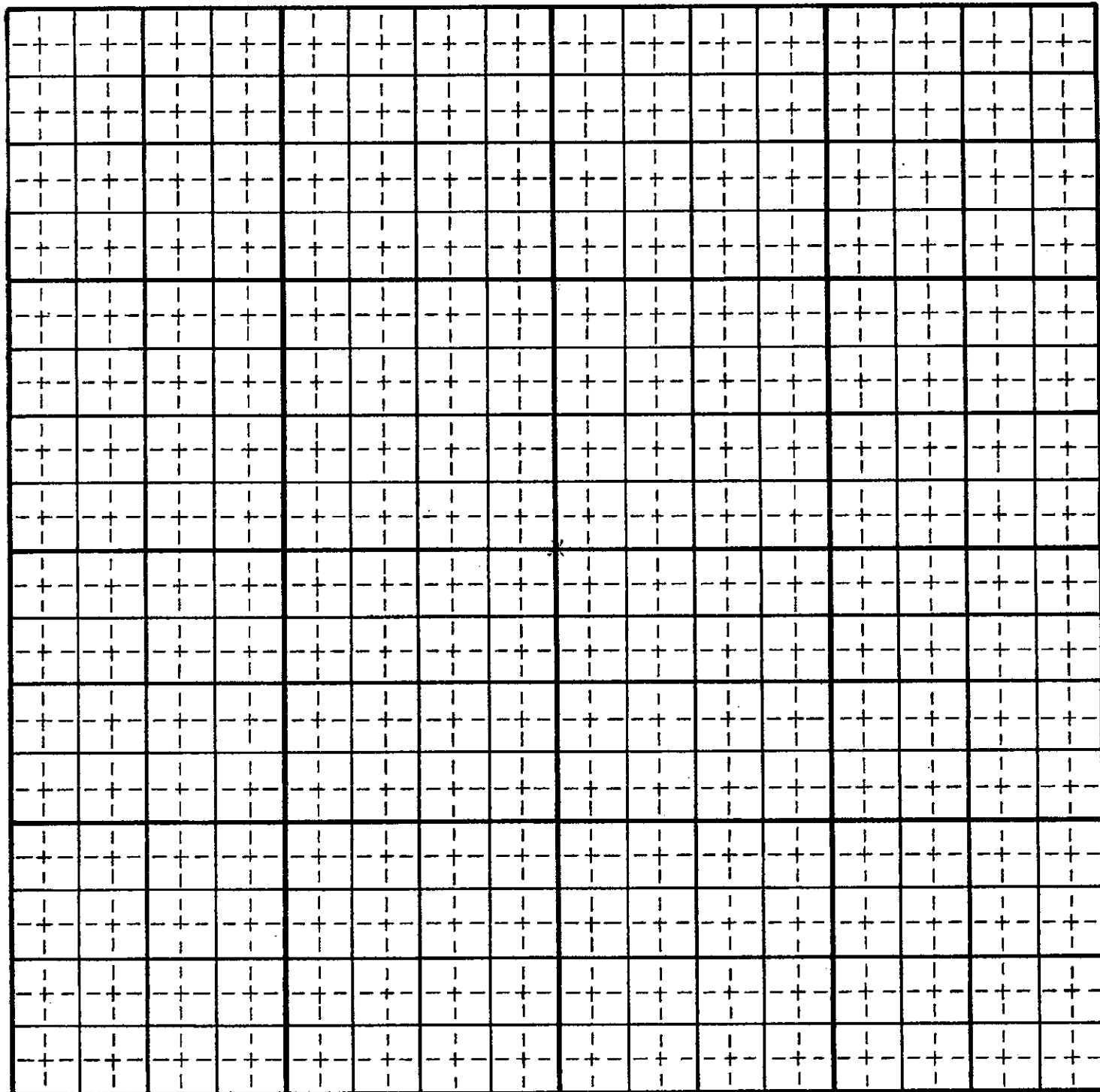
Map of Project: show clearly the point of diversion, place of use, section number, township, and range number.

Scale: 2 inches equals 1 mile

See Attached
map

30

29



31

32

Last Name

BARANY

Ident No.

79-14095

15. Basis of Claim (check one) Beneficial Use ☒ Posted Notice _____ License _____ Permit _____
Decree _____
If applicable provide IDWR Water Right Number _____
Court _____ Case Number _____ Decree Date _____
Plaintiff vs Defendant _____

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 2

For Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true
and correct.

Signature of Claimant (s)

Janet Barany

Date

July 23, 2004

Date

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

Title

of _____, that I have signed the foregoing

Organization

document in the space below as _____ of _____

Title

Organization

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

Signature of Authorized Agent _____

Title and Organization _____

Date _____

State of Idaho/or Idaho)
County of Idaho) SS.

Subscribed and sworn (or affirmed) before me this

23rd

day of

July

2004

Notary Public

Linda S. Aiken

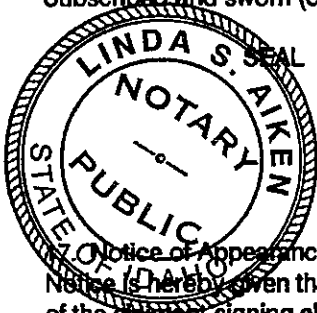
Residing at

Grangeville, Idaho

My Commission Expires

01/31/08

Please Print Name



Notice of Appearance:

Notice is hereby given that I, _____

will be acting as attorney at law on behalf
of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above
should be mailed to me at the address listed below.

Signature _____

Address _____

Date _____

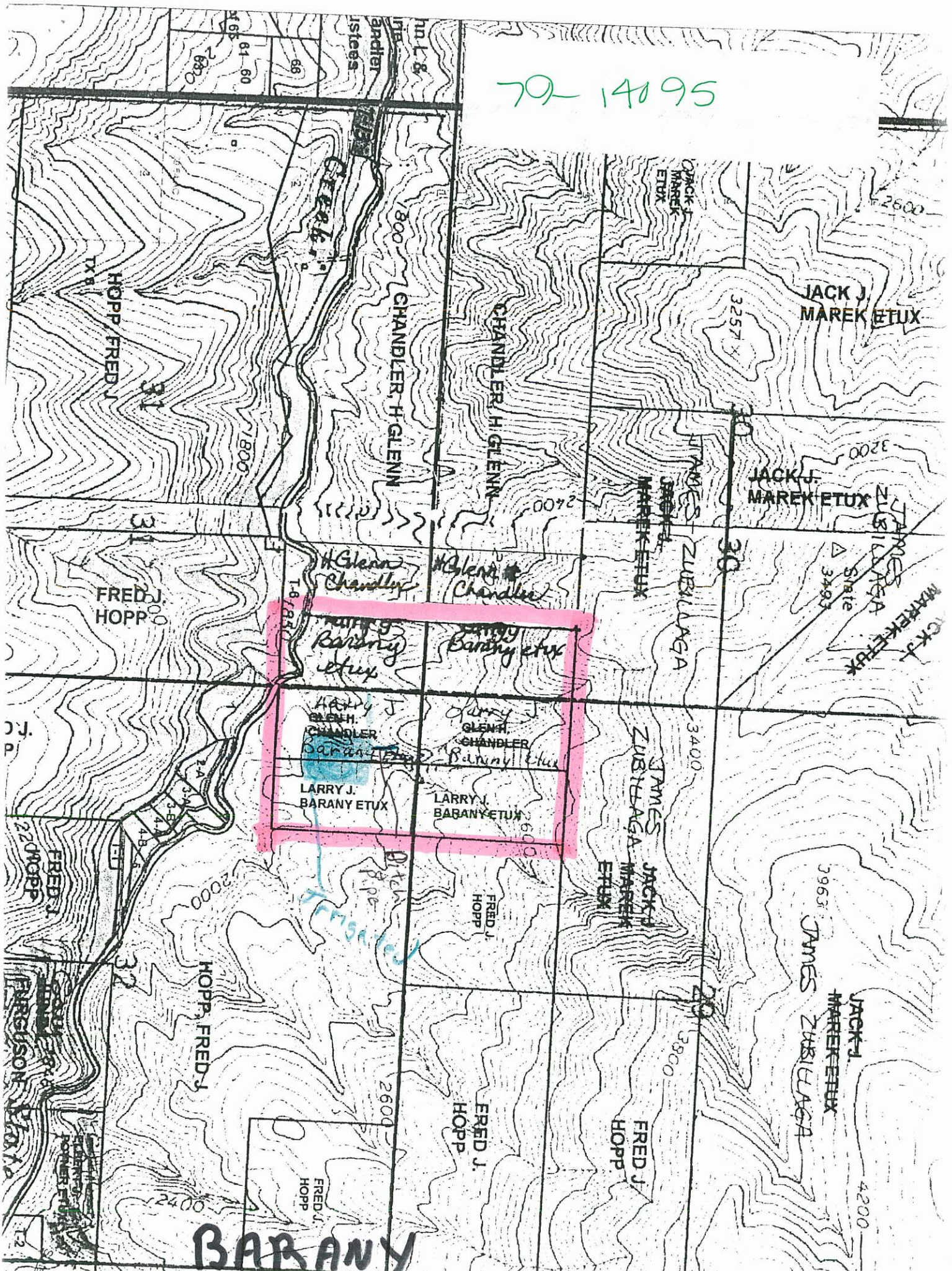
Last Name

Barany

Ident. Number

79-14095

72 14095



BARANY

That the said parties of the first part will Warrant and Defend the title to the same forever against all lawful claims and demands whatsoever.

IN WITNESS WHEREOF, The said parties of the first part have hereunto set their hands the day and year first above written.

Signed and delivered in the presence of
the undersigned as witnesses: A.C. Elder.
Chloe Berry.

A.J. McDonald.
Mary L. McDonald.

State of Idaho,)
 : ss. On this twenty-seventh day of February, in the year one thousand
County of Idaho.) nine hundred and seventeen, before me, A.C. Elder, a Notary Public, within and for said County
and State, personally appeared A.J. McDonald, and Mary L. McDonald, husband and wife, known to me
to be the persons described in and whose names are subscribed to the within instrument, and
acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my Notarial Seal the day and
year in this certificate first above written.

" A.C. Elder, Notary Public.
" Idaho County, Idaho.
" A.C. Elder, Notary Public.
Residing at White Bird, Idaho.

State of Idaho,)
 : ss. Filed for record in the office of the recorder of Idaho County, at
County of Idaho.) the request of Salmon River State Bank, on the 1 day of March,
A.D. 1917, at 9 o'clock A.M.

John P. Timmers, County Recorder.
By Virginia Branscombe. Deputy.

Fee, \$ 1.20.

47444.

United States)
 :)
To :)
George S. Tipton.) MJK. United States Land Office, Lewiston, Idaho.

Act June 6, 1912.

FINAL CERTIFICATE.

HOMESTEAD.

Serial No. 04943.

Receipt No. 114734-
1942045.

December 18th, 1916.

IT IS HEREBY CERTIFIED that, pursuant to the provisions of Section 2291, Revised Statutes
of the United States, George S. Tipton, has made payment in full for SW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 29, SE $\frac{1}{4}$ SE $\frac{1}{4}$
Sec. 30, NE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 31, and NW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 32, Township 27 North, Range 2, East Boise Meridian
Idaho, containing 160 acres.

Now, therefore, be it known that, on presentation of this Certificate to the Commissioners
of the General Land Office, the said George S. Tipton, shall be entitled to receive a Patent
for the land above described if all then be found regular.

Henry Heitfeld, Register.

State of Idaho,)
 : ss. Filed for record in the office of the Recorder of Idaho County, at
County of Idaho.) the request of Salmon River State Bank, on the 1 day of March, A.D. 1917, at 9 o'clock A.M.

John P. Timmers, County Recorder.
By Virginia Branscombe. Deputy.

Fee, 40 c.

BARANY

79-14095