

12/20/2005

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

RIGHT NUMBER: 79-14096

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

LARRY J BARANY
HC 01 BOX 58J
WHITE BIRD ID 83554

SOURCE: SLATE CREEK

TRIBUTARY: SALMON RIVER

QUANTITY: 0.110 CFS

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

PRIORITY DATE: 05/19/1909

POINT OF DIVERSION:

T27N R02E S32 SWNW Begin of Stream Flow Within IDAHO County

T27N R02E S32 SWNW End of Stream Flow Within IDAHO County

T27N R02E S32 NWSE 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	0.090 CFS
STOCKWATER	01/01 12/31	0.020 CFS

PLACE OF USE: IRRIGATION Within IDAHO County

T27N R02E S32 SWNW 2.5 T27N R02E S32 SENW 0.4

STOCKWATER same as IRRIGATION

2.9 ACRES TOTAL

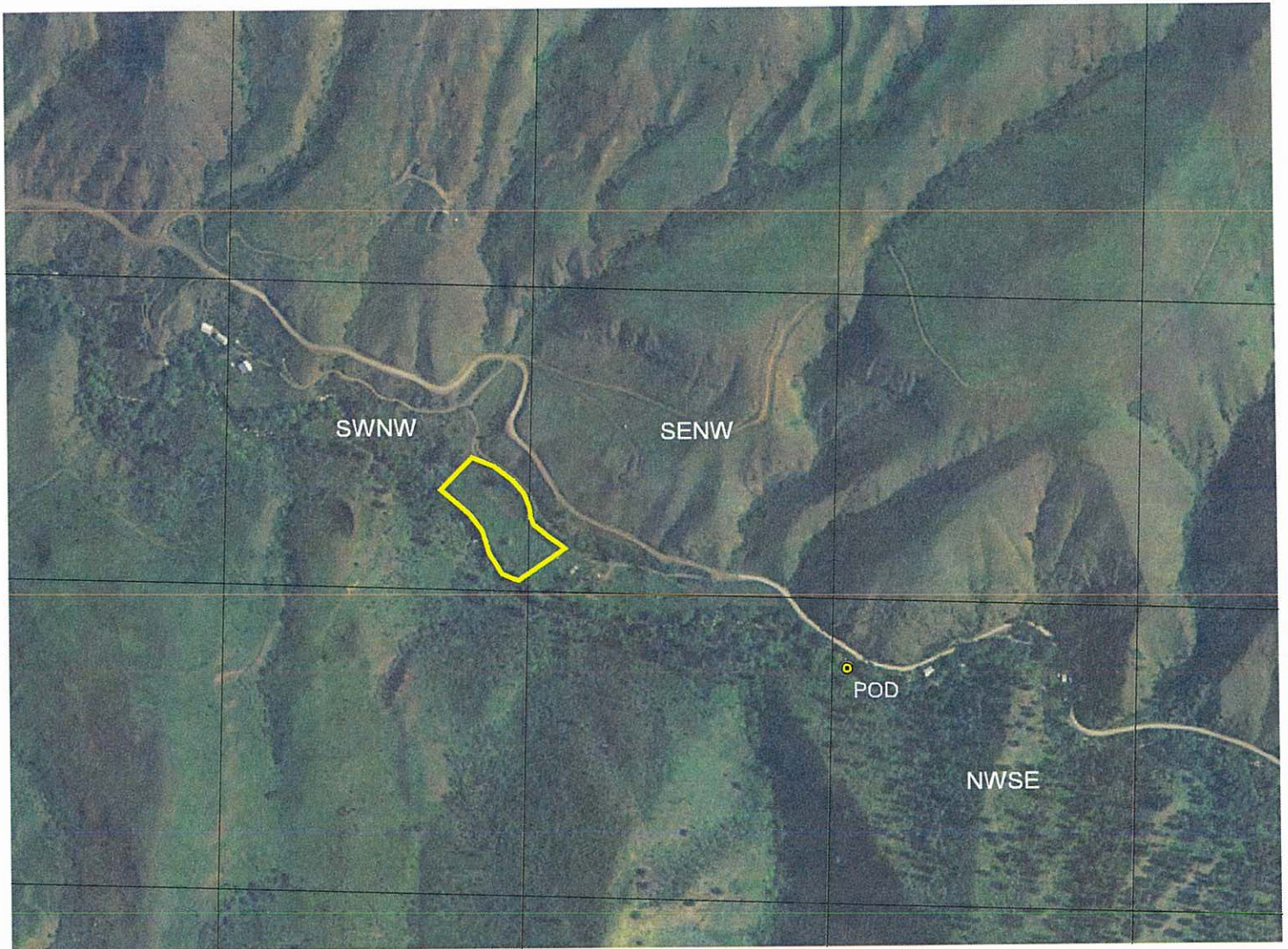
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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

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

79-14096



1000 0 1000 2000 Feet

A horizontal scale bar with four segments. The first segment is labeled '1000', the second '0', the third '1000', and the fourth '2000 Feet'.

T27N R02E S32

Map prepared by: Carter Fritschle
Date prepared: 12/20/05
2004 NAIP Photography
Idaho Department of Water Resources



12/12/05

Jan & Larry Barany
HC01 Box 58J
White Bird Idaho 83554
In reply to: Letter date November 10, 2005
Attention: Carter Fritschle
Subject: Priority Date for Civil Case # 39576
Identification # 79-14096
Water Claim: Slate Creek 27N 02E 32

RECEIVED

DEC 14 2005

DEPARTMENT OF
WATER RESOURCES

We have been unable to locate anyone who remembers what happened in 1908/09 when Alfred McGaffee first secured the property under the Homestead Act. We did contact Betty Jewitt Rauch who lived on the property as a young girl from 1937 to 1944. According to her recollections, the property was originally flood irrigated from two flumes originating near the boundary line between Hopp and Ferguson in Sec 32. (See attached map). She remembers flood irrigating the entire flat area. This area included pastures for livestock, several gardens and orchards. She recalls the fruit and nut trees being mature and well established and estimates many were at least 20 years old. Her family bought the property from the McGaffees and it seems that the McGaffees had planted a number of the trees.

SW $\frac{1}{4}$ of NE $\frac{1}{4}$ of Sec 32

We also talked with Glenn Chandler, who has lived on Slate Creek since 1944. He remembers the irrigation flumes and his description of the flumes is the same as Mrs. Rauch's. Around 1970 Mr. Chandler did some excavation work on this property and bulldozed some of the orchards including an apple orchard that he estimated as 50 to 60 years old. Also there was a large black walnut tree that was cut and he believes given the size of tree that it was at least 60 years old. I have included contact information for both Mr. Chandler and Mrs. Rauch.

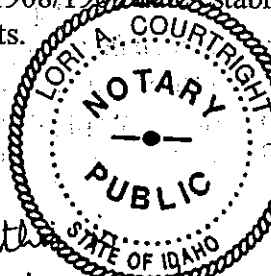
Mrs. Betty Rauch
10 Mt Idaho Loop Rd
Grangeville, Idaho 83530
Phone: 208-983-1239

Mr. Glenn Chandler
HC01 Box 54
White Bird, Idaho 83554
Phone: 208-839-2377

From talking with these two individuals it seems evident that the water usage priority date must be very close to the 1908/1909 date established in the Homestead Patent. I hope this meets the requirements.
Respectfully,

Jan Barany
Jan Barany

I give my word this is a true and accurate account of what I was told.



Lori A. Courtright
Notary, for State of Idaho
XP 7-30-08

SCANNED

DEC 15 2005

ID# 79-14096

JAN & LARRY BARANY
HCOI Box 58 J
White Bird

Sec
30

Sec
29

Slate Creek Road

Slate Creek

Sec
31

BARANY

BARANY

Fred
Hopp

BARANY

BARANY

Fred
Hopp

BARANY

Flumes
5
32

pt of origin
SW 1/4 of NE 1/4
of 32

Fred
Hopp

Ferguson

Area
Irrigated



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

Phone: (208) 327-7900 FAX: (208) 327-7866 www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

November 10, 2005

79-14096
LARRY J BARANY
JANET F BARANY
HC 01 BOX 58J
WHITE BIRD ID 83554

Re: Evidence of Priority Date

Dear Claimants:

**RESPONSE DEADLINE
DECEMBER 16, 2005**

The Notice of Claim to a Water Right (claim) identified with the number shown above your names has been filed in the Snake River Basin Adjudication (SRBA). The claim indicates your water usage is based on "Beneficial Use" or a "Statutory Claim." Water rights of this type are established by the historic use of water, dating back to when water was first used for the purpose claimed, and are termed beneficial use rights. The date of first use, known as the priority date, has not been confirmed by a License, Decree or Permit. Since the priority date and historic use of a beneficial use right cannot be confirmed by field examination, **proof must be provided by the claimant** supporting the priority date claimed and the historic use of the water.

Because this water is being pumped from Slate Creek, I need to know when the pumps were installed, where the water was diverted prior to the installation of the pumps, when the water was first applied to the land for irrigation and how much water was applied to the land for irrigation.

Enclosed you will find a computer printout of your claim and the pamphlet entitled "Evidence of Priority." The pamphlet describes the types of evidence required and suggests which documents will fulfill this requirement.

PLEASE NOTE: IDWR will recommend the SRBA Court decree the claim disallowed if no evidence of the priority date and of the historic use is submitted. It will be to your advantage to provide clear and convincing evidence. If you choose to submit statements from individuals as evidence, the statement should be in the form of a notarized affidavit.

Please submit the required evidence supporting the priority date and the historic use by the date shown above, referencing all documents with the corresponding claim number. If you have questions not covered by this letter or the enclosed pamphlet, please contact me at (208) 287-4917 or by email at Carter.Fritschle@idwr.idaho.gov.

Sincerely,

Carter Fritschle
Water Rights Supervisor

Enclosures

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 79-14096
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)

JANET F BARANY Phone: (208)839-2833

HC 01 BOX 58J
WHITE BIRD ID USA 83554

LARRY J BARANY Phone: (208)839-2833

HC 01 BOX 58J
WHITE BIRD ID USA 83554

2. Date of Priority: 05/19/1909

3. Source: SLATE CREEK , SLATE CREEK Trib. to: SALMON RIVER , SALMON RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 Lot	County	Type
27N	02E	32	SE	SW	NW	IDAHO	Beginning Point
27N	02E	32	SE	SW	NW	IDAHO	Ending Point

5. Description of diverting works:

4-HP PUMP, 2-IN PIPE, 9000 GAL PER HR CAPACITY. HYDRAULIC RAM PUMP WITH 2-IN INTAKE, 300 GAL PER HOUR.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	03/15	11/30	1.05	
STOCKWATER	01/01	12/31	0.02	

7. Total Quantity Appropriated is:
1.07 C.F.S. and/or 0.7 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	NW	SE	IRRIGATION	3.5
					Section Acres	3.5
					Total Acres	3.5

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:

I HAVE INCLUDED A COPY OF PATENT AND TWO MAPS. AS THIS IS A RATHER SMALL AREA THERE IS A LARGER MAP AND A DETAILED MAP.

15. Basis of Claim: Beneficial Use

CLAIMANT'S NAME <u>Barang, Larry Janet</u>		CLAIM IDENT. NO. <u>79-14076</u>	
DATE RECEIVED <u>7-26-04</u>	CK # <u>12074625</u>	AMOUNT \$ <u>53.50</u>	
		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: P. 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: P. 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

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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

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JUL 26 2009

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: 39576

Ident. Number 79-14096

Date Received 7-26-09

Receipt Number C074625

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 585 WhiteBird, Id Zip 835542. Date of Priority (Only one (1) per claim) May 19, 19093. Source of water supply (a) Slate Creek
which is tributary to (b) Salmon River4. a. Location of existing point of diversion is: Township 27N Range 2E Section 32,
SE 1/4 of SW 1/4 of NW 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 27N Range 2E Section 32, SE 1/4 of SW 1/4 of NW 1/4,Govt. Lot _____ B.M., County of Idahoending point is: Township 27N Range 2E Section 32, SE 1/4 of SW 1/4 ofNW 1/4, Govt. Lot _____ B.M., County of Idaho5. 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.4 hp Pump 2" Pipe - 9000 gal/hr capacityHydraulic Ram Pump 2" intake 300 gals/hr

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For Irrigation purposes from 2-15 to 10-30 amount 1.05 or _____

For Stockwater purposes from 1-1 to 12-31 amount .02 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 1.07 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is 7 acre feet per annum. 2 acre ft/yr x 3.5 acres

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

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	
27N	2E	32														3.5			3.5

Total number of acres irrigated 3.5

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 (X)

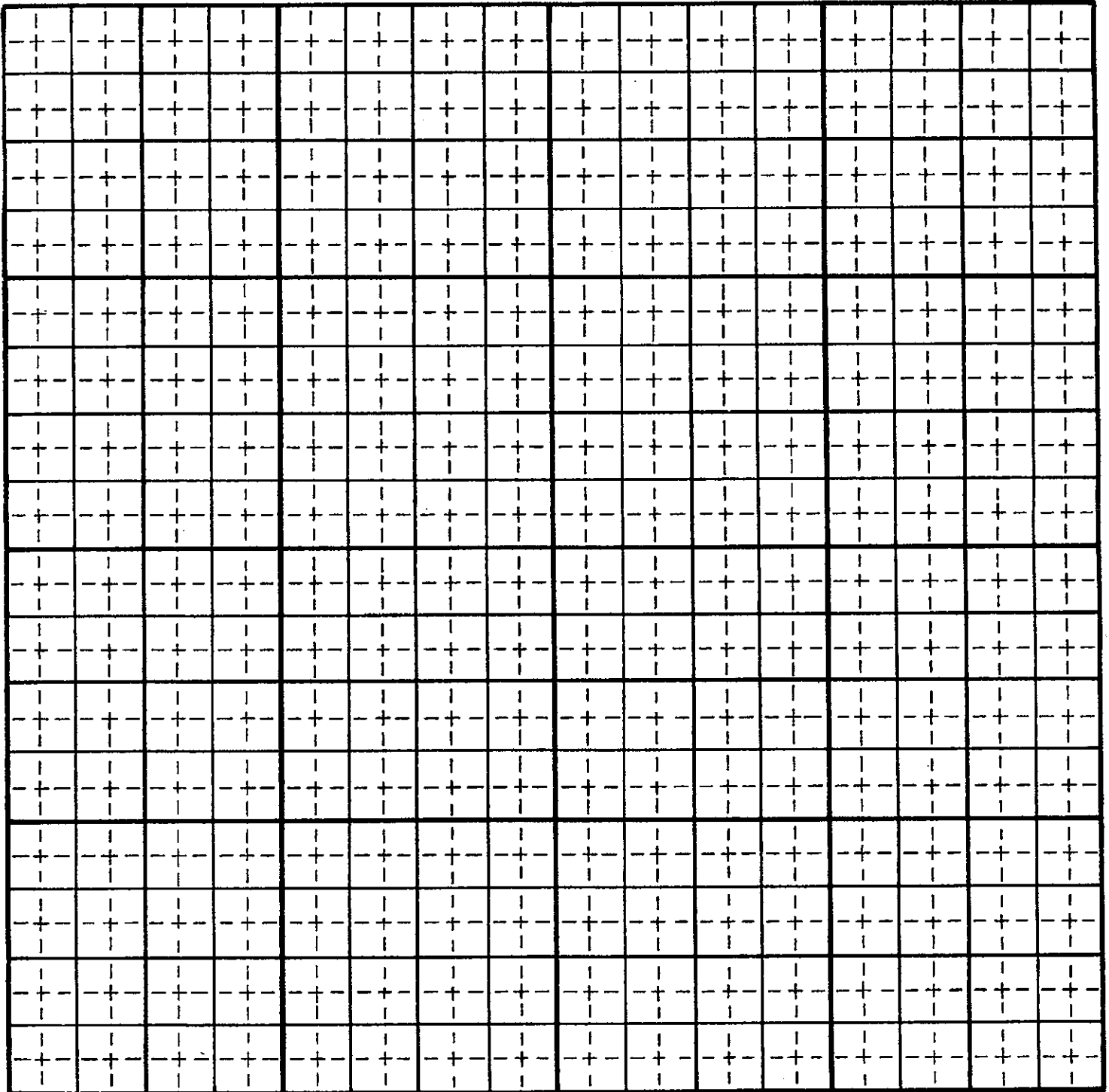
14. Remarks: I Have Included a copy of Patent & 2 maps. As this is a rather small area there is a larger map & a detail map.

Last Name BARANY Ident No. 29-14096

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 Maps



Last Name BARANY

Ident No. 79-14096

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 3

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 F. Barany

Date July 23, 2004

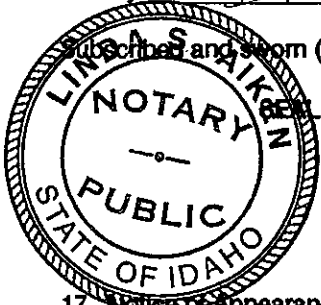
Date _____

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 192004

Notary Public Linda S. Aiken

Residing at Grangeville, Idaho

My Commission Expires 01/31/08

Please Print Name

17. 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 79-14096

4
S

SE 1/4 NW 1/4
40.6219 ACRES

1323.59967'
N 0° 33' 52" W

▲ POI

○ POI

● SEC

◐ QUA

⊠ 1/16

⊠ CEN

● SET

⊗ POI

QUA

1/16

RIG

ROA

LOT

SUB

NOM

HIG

79-14096

LOT 3
4.44129 ACRES

LOT 4
3.26196 ACRES

LOT 5
1.94131 ACRES

TAX LOT 3 1010.000'

1124
S89°48'47"E 1336

SLATE MEADOWS SUB-DIVISION

PARTS OF THE SE 1/4 OF THE NE 1/4, SEC. 31
AND THE SW 1/4 OF THE NW 1/4, SEC. 32
AND THE SE 1/4 OF THE NW 1/4, SEC. 32

T 27 N

'1994'

R 2 E

BARANY

BARNY

113-13. V

The United States of America

Homestead Certificate No. 2786-
Application 113-13.

TO ALL TO WHOM THESE PRESENTS SHALL COME—GREETING:

WHEREAS, There has been deposited in the General Land Office of the United States a Certificate of the Register of the Land Office at Lawrence, Idaho whereby it appears that, pursuant to the Act of Congress approved 20th May, 1862, "To Secure Homestead to Actual Settlers on the Public Domain," and the acts supplemental thereto, the claim of Alfred S. McE. Gaffee has been established and duly consummated, in conformity to law, for the

South half of the Northwest quarter, the Northeast quarter of the Northwest quarter and the Northwest quarter of the North East quarter of Section thirty-two in Township twenty-seven, North of Range two East of the Idaho Meridian, Idaho, containing one hundred and sixty acres.

79-14096

according to the Official Plat of the Survey of the said Land, returned to the General Land Office by the Surveyor General:

NOW, KNOW YE, That there is, therefore, granted by the United States unto the said Alfred S. McE. Gaffee the tract of land above described:

TO HAVE AND TO HOLD the said tract of Land, with the appurtenances thereof, unto the said Alfred S. McE. Gaffee and to his heirs and assigns, forever; subject to any vested and accrued water rights for mining, agriculture, manufacturing or other purposes, and rights to ditches and reservoirs used in connection with such water rights, as may be recognized and acknowledged by the local customs, laws and decisions of Courts, and also subject to the right of the proprietor of a vein, or lode, to extract and remove his ore therefrom, should the same be found to penetrate or intersect the premises hereby granted, as provided by law, and there is reserved from the lands hereby granted a right-of-way thereon for ditches or canals constructed by the authority of the United States.

IN TESTIMONY WHEREOF, I, Charles Roosevelt President of the United States of America, have caused these Letters to be made Patent, and the Seal of the General Land Office to be hereunto affixed.

May 19 1892

Given under my hand, at the City of Washington, the 19th day of November, in the year of our Lord one thousand nine hundred and eighty, and of the Independence of the United States the one hundred and thirty third

BY THE PRESIDENT: Charles Roosevelt

By M. W. Young Secretary.

Patent Number -
29327.

Recorded Vol. Page

C. W. Sanford Recorder of the General Land Office.

Filed for Record at 4 30 o'clock P. M. May 19 A. D. 1902.

By J. L. Overman Deputy, Idaho Survey Recorder