

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 43-95
Date Received: 5/17/89
Receipt No:
Received By:

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

1. Name of Claimant(s)

Name: KATHRYN H BARKER Phone: (801)375-7237
Address: 1621 W 950 N
PROVO UT USA 84604

AND

Name: RUEL BARKER Phone: (801)375-7237
Address: 1621 W 950 N
PROVO UT USA 84604

2. Date of Priority: 04/30/1880

3. Source: Cassia Creek Trib. to: Raft River

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4	Lot	County
14S	25E	5	SW NW NW		CASSIA
14S	25E	5	SE NW NW		CASSIA
14S	25E	5	SE NE NW		CASSIA
14S	25E	5	NW NE NW		CASSIA
14S	25E	5	NW SE NW		CASSIA

5. Description of diverting works:

MEASURING HEADGATE, - BARKER, RICE- LESSEY, & DRY WASH DITCHES.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	4/01	11/01	1.2	

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

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
14S	25E	5	NE NW	3	IRRIGATION	40
			NW NW	4	IRRIGATION	40
					Section Acres	80
					Total Acres	80

11. Place of use in counties: CASSIA

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

13. Other Water Rights Used:

14. Remarks:

CHANGE OF OWNERSHIP MADE BASED UPON WARRANTY DEED SUBMITTED TO THE
DEPT. THE WARRANTY DEED STATES IN PART, ... AND ALL WATER AND WATER RIGHTS,
AND ALL OTHER RIGHTS AND PRIVILEGES... KKC 7-31-2000

15. Basis of Claim: Decreed



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

SOUTHERN REGION

**DIRK KEMPTHORNI
GOVERNOR**

July 31, 2000

**KARL J. DREHER
DIRECTOR**

RUEL BARKER
1621 W 950 N
PROVO UT 84604

RE: CHANGE OF OWNERSHIP FOR 43-00094, 43-00095 AND 43-00441

Dear Ruel

Enclosed are the copies of the adjudication claims showing the change in ownership. They do not, however, represent the final recommendation. The recommendation should be out later this fall. I observed some of the ground being retained by Vivian as being irrigated but as the warranty deed indicated that you have received all of the water rights, I have changed the entire rights into your name. My recommendation will also reflect the same thing.

If you have any questions please contact this office.

Sincerely

Kelly K Christensen
Sr Water Resource Agent

Enclosures



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

SOUTHERN REGION

**DIRK KEMPTHORN
GOVERNOR**

JULY 31, 2000

**KARL J. DREHER
DIRECTOR**

**VIVIAN DARINGTON
1191 E 2000 S
ELBA ID 83342**

RE: CHANGE OF OWNERSHIP FOR 43-00094, 43-00095 AND 43-00441

Dear Vivian

Based upon the information in the warranty deed, all of each of the rights were to be changed into Ruel's name which I have now done.

If you have any questions please contact this office.

Sincerely

**Kelly K Christensen
Sr Water Resource Agent**

Enclosures

RECEIVED

JUL 12 2000

Department of Water Resources
Southern Region

STATE OF IDAHO

IDAHO DEPARTMENT OF WATER RESOURCES

NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type. Attach pages with additional information. Instructions are on the back of this page.
Incomplete forms will be returned.

1. Water Right No(s): 43-00441 43-0099
Adjudication Claim No(s): 43-0095

2. The following **REQUIRED** information must be submitted with this form:
 - A. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating you ownership of the property and water rights or claims in question, **WITH ATTACHED LEGAL DESCRIPTION.**
 - AND**
 - B. **PLAT OF PROPERTY** or **SURVEY MAP** showing the location of the place of use of the water right(s) or claims(s) (These are usually attached to your deed or on file with the county.)
 - OR**
 - C. If your water right or adjudication claim is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **AERIAL PHOTO** with irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY** or **SURVEY MAP**.

3. Name and Address of Former Owner/Claimant Vivian Darrington
1191 East 2000 South

4. New Owner/Claimant(s) Elba, ID 83342
Name Connector (Check one): ☒ and, ☐ or, ☐ and/or
New Mailing Address Ruel Barker / Kay Barker
City, State and ZIP Code 1621 W. 950N Provo, UT 846
New Telephone Number (801) 375-7237

5. Date you acquired the property May 17, 2000

6. **Did you acquire all of the former owner's property? If you did, skip this item and go to item 7. If you acquired only portion of the former owner's property, IDWR may need to split the water right(s) or adjudication claim(s). Describe in detail your portion of each water right or adjudication claim in the spaces in the box below only if the water right(s) or claim(s) need to be split between owners. If necessary, attach additional pages. If a water right or adjudication claim is being split and you are not sure how to identify your portion of the original right or claim, please contact the nearest IDWR office for assistance.**

Number of acres you irrigate with this water right _____ Number and type of stock _____

Diversion rate in CFS _____ Number of homes you acquired _____ Other uses _____

7. Signature of New Owner(s) or Claimant(s) Ruel Barker
Kay Barker
Corporations or other organizations must submit a list of directors and/or officers demonstrating authority to sign form.

8. For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him or her for all matters related to your claims.

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JUL 12 2000

Department of Water Resources
Southern Region

EXHIBIT C
PURCHASE MONEY MORTGAGE

MORTGAGE, made this 12th day of May, 2000, by RUEL M. BARKER and KATHRYN H. BARKER, husband and wife, of 1621 West 950 North, Provo, Utah 84604 ("Mortgagor") to VIVIAN DARRINGTON, a single person, of 1191 East 2000 South, Burley, Idaho 83313, ("Mortgagee").

W I T N E S S E T H:

The Mortgagor, for and in consideration of the sum of One Hundred Sixty-Eight Thousand Five Hundred and No/100 Dollars (\$168,500.00) and other good and valuable consideration, herein receipted for but not recited, in lawful money of the United States of America, receipt whereof is hereby acknowledged, have granted, bargained, sold, conveyed, assigned, transferred, set over and mortgaged unto the Mortgagee, the successors and assigns of Mortgagee, the real estate described on Schedule A located in Cassia County, State of Idaho.

AND TOGETHER with all and singular the improvements thereon and all water and water rights, and all other rights and privileges owned by the Mortgagor or belonging to, or with, leading to, connected with or usually had or enjoyed in connection with the real estate or any part thereof, whether or not hereinabove expressly mentioned or described and all and singular the tenements, hereditaments, and appurtenances thereunto belonging or in anywise appertaining and the rents, issues and profits

Attn: Kelly Christensen

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JUL 12 2000

Department of Water Resources
Southern Region

In the official documents, the property listed as lot 1 $\frac{3}{4}$ 2 for Aunt Mamie property there is an 1894 water Decree on the the Job Adams decree.

We would like to update this file also and would appreciate your help with this.

Thank-you!

Any questions contact:

Tom Ottley

638-5571

or

Ruel Barker

801-375-7237

SCHEDULE A

Parcel No. 1:

GROUND NOT IRRIGATED

The SW 1/4 of Section 33, Township 13 South, Range 25 East of the Boise Meridian, Cassia County, Idaho.

Less: (Tax 6460A)

P/U is East of Gardiner State Key Bridge

A parcel of land located in the Northwest 1/4 of the Southwest 1/4 of Section 33, Township 13 South, Range 25 East of the Boise Meridian, Cassia County, Idaho, more particularly described as follows as surveyed by Desert West Land Surveys, Job No. 3621-95B1, dated 14 April 1995, and recorded as Instrument Number 237205, records of Cassia County, Idaho:

beginning { Beginning at the West 1/4 corner of said Section 33, said corner marked by a 5/8" rebar; Thence North 89°38'33" East (East rec.) along the 1/4 section line for a distance of 20.00 feet to the POINT OF BEGINNING;
Thence South 00°01'27" West (South rec.) for a distance of 330.00 feet (20 rods rec.) to a point;
Thence North 89°38'33" East (East rec.) for a distance of 466.54 feet to a point;
Thence North 00°16'41" East for a distance of 330.01 feet to a point on the 1/4 section line;
Thence South 89°38'33" West (West rec.) along said 1/4 section line for a distance of 468.01 feet to the POINT OF BEGINNING.

Less: (Tax 7381)

A parcel of land located in the Northwest 1/4 of the Southwest 1/4 of Section 33, Township 13 South, Range 25 East of the Boise Meridian, Cassia County, Idaho, more particularly described as follows:

Beginning at the West 1/4 corner of said Section 33, said corner marked by a 5/8" rebar which shall be the POINT OF BEGINNING;

Thence North 89°38'33" East along the 1/4 section line for a distance of 20.00 feet to a point;

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JUL 26 2000

Department of Water Resource
Southern Region

Thence South $00^{\circ}01'27''$ West (South, rec.) along the West line of the Elba Cemetery for a distance of 330.00 feet to a point;

Thence North $89^{\circ}38'33''$ East (East, rec.) along the South line of the Elba Cemetery for a distance of 466.54 feet to a point;

Thence South $00^{\circ}16'41''$ West for a distance of 42.99 feet to a $5/8''$ rebar;

Thence North $89^{\circ}24'10''$ West for a distance of 486.37 feet to a $5/8''$ rebar on the West line of Section 33;

Thence North $00^{\circ}01'27''$ East along said line for a distance of 339.67 feet to a $5/8''$ rebar;

Thence North $00^{\circ}01'27''$ East along said line for a distance of 25.21 feet to the POINT OF BEGINNING.

Parcel No. 2:

Main W. ground?
Lots 1, 2, 3, and 4 of Section 5, Township 14 South, Range 25 East of the Boise Meridian, Cassia County, Idaho.

Less:

A parcel of land located in Lot 3 of Section 5, Township 14 South, Range 25 East of the Boise Meridian described as follows:

(Dawson Farnshead)
Beginning at the N $1/4$ corner of said Section 5, said corner marked by a $5/8''$ rebar with a 3" cap on top which shall be the POINT OF BEGINNING;

Thence South $89^{\circ}58'00''$ West (West, rec.) along section line for a distance of 600.00 feet to a point;

Thence South $00^{\circ}30'23''$ East (South rec.) parallel to the East Boundary line of Lot 3 for a distance of 400.00 feet to a point;

Thence North $89^{\circ}58'00''$ East (East, Rec.) parallel to the North boundary line of Section 5 for a distance of 600.00 feet to the East boundary line of Lot 3;

Thence North $00^{\circ}30'23''$ West (North, rec.) along the East boundary line of Lot 3 for a distance of 400.00 feet to the POINT OF BEGINNING.

Parcel No. 3:

top portion of the SW $1/4$
A parcel of land located in the Northwest quarter of Section 5, Township 14 South, Range 25, East of the Boise Meridian, Cassia County, Idaho, more particularly described as follows:

Beginning 65.12 rods North of the Southwest corner of the Northwest quarter of Section 5, Township 14 South, Range 25, East of the Boise Meridian, running thence East 80 rods, thence North 14.88 rods, thence West 80 rods, thence South 14.88 rods to point of beginning.

Parcel No. 4:

Top portion of the SE NW
A parcel of land located in the Northwest quarter of Section 5, Township 14 South, Range 25, East of the Boise Meridian, Cassia County, Idaho, more particularly described as follows:

Beginning 65.12 rods North of the Southeast corner of the Northwest quarter of Section 5, Township 14 South, Range 25, East of the Boise Meridian, running thence West 80 rods, thence North 14.88 rods, thence east 80 rods, thence South 14.88 rods to point of beginning.

Less:

A parcel of land located in the Northwest quarter of Section 5, Township 14 South, Range 25, East of the Boise Meridian, Cassia County, Idaho, more particularly described as follows:

not part of ir gnd (see end of section for additional notes)
Beginning at the South 1/4 section corner of said Section 5, said corner marked by a U.S. GLO iron pipe with brass cap; thence North $00^{\circ}30'23''$ West along the East line of the W 1/2 of Section 5 for a distance of 2624.20 feet to the Center 1/4 section corner of Section 5; thence North $00^{\circ}30'23''$ West along the East line of the W 1/2 of Section 5 for a distance of 1074.48 feet to the NE corner of that property as deeded to Alvin & Mary J. Carpenter by Warranty Deed dated 31 May 1974 and recorded in the office of the County Recorder of Cassia County on 28 Mar. 1975 as Instrument Number 82172, which shall be the POINT OF BEGINNING;

Thence South $89^{\circ}48'21''$ West along the North line of the Carpenter Property as mentioned above for a distance of 473.01 feet;

Thence North $60^{\circ}08'52''$ East for a distance of 102.87 feet to a 1/2" rebar;

Thence North $70^{\circ}07'42''$ East for a distance of 31.37 feet to a 1/2" rebar;

Thence North $89^{\circ}22'25''$ East for a distance of 346.42 feet to a 1/2" rebar;

Thence North $89^{\circ}22'25''$ East for a distance of 7.32 feet to the East line of the SE 1/4 NW 1/4;

Thence South $00^{\circ}30'23''$ East along the East line of the SE 1/4 NW 1/4 for a distance of 64.13 feet to the POINT OF BEGINNING.

The parcel is on the hillside in the NE corner of the SE 1/4. It is outside of the irrigated ground. It describes the roadway into the Carpenter Property.

ALL IN CASSIA COUNTY, STATE OF IDAHO

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: A43-00095
Date Received: 5/17/1989
Receipt No: M003614
Received By: RLH

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: KEITH O. DARRINGTON 208-638-5551
Address: ELBA, ID 83326
OR
Name: VIVIAN O. DARRINGTON 208-638-5551
Address: ELBA, ID 83326

2. Date of Priority: APR 30, 1880

3. Source: CASSIA CREEK Trib. to: RAFT RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
14S	25E	5	NW	NE	NW		CASSIA
			SE	NE	NW		CASSIA
			SW	NW	NW		CASSIA
			SE	NW	NW		CASSIA
			NW	SE	NW		CASSIA

5. Description of diverting works:
MEASURING HEADGATE, - BARKER, RICE- LESSEY, & DRY WASH DITCHES.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	1.200		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

A43-00095

Page 1

Date: 05/17/89

MICROFILMED
MAR 02 1993

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
14S	25E	5	NE	NW	3	IRR	40.0
			NW	NW	4	IRR	40.0
						Section Acres	80.0
						Total Acres	80.0

11. Place of use in counties: CASSIA

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

13. Other Water Rights Used:
43-0093-0094, 43-00441

14. Remarks: *PTD Pump used in stream to operate Sprinklers*

15. Basis of Claim: DECREED
Case Number:
Court :
Decree date:

ALBION-IDAHO LAND CO.
Decree Plaintiff

vs

JOBE ADAMS ET AL
Decree 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: _____

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): Keith O. Arrington Date: 5-17-89

Date: _____

State of Idaho)
County of Cassia) SS.

Subscribed and sworn (or affirmed) before me this 17th day
of May 19 89

Robert V. Horsteld
Notary Public

Seal

Residing at Twin Falls, Idaho
My Commission Expires 1/16/1995

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 43-95 V1

WATER RIGHT NUMBER: 43-95 V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	KATHRYN H BARKER 1621 W 950 N PROVO, UT 84604 (801)375-7237
Current Owner	RUEL BARKER 1621 W 950 N PROVO, UT 84604 (801)375-7237
Original Owner	VIVIAN W DARRINGTON ELBA, ID 83326 (208)638-5551
Original Owner	KEITH O DARRINGTON ELBA, ID 83326 (208)638-5551

Priority Date: 04/30/1880

Basis: Decreed

Status: Active

SourceCASSIA CREEK
CROSS CREEKTributaryRAFT RIVER
CASSIA CREEK

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	04/01 to 10/31	1.200 CFS	
	<u>Total Diversion:</u>	1.200 CFS	

Location of Point(s) of Diversion

CASSIA CREEK	NW1/4SW1/4NE1/4	Sec. 6, Twp 14S, Rge 25E, B.M.
CASSIA County		

CROSS CREEK	NW1/4NE1/4NW1/4	Sec. 12, Twp 14S, Rge 24E, B.M.
CASSIA County		

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
14S	25E	5					27.0	32.0	7.1	6.3									72.4
							L 3	L 4											

Total Acres: 72.4

Conditions of Approval:

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 43-95 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.

Remarks:

1. Quantity USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 1.45 CFS. COMBINED RIGHT NOS: 43-93, 43-94, 43-95, AND 43-441
2. Place of Use - Irrigation USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 72.4 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS. 43-93, 43-94, 43-95, AND 43-441.
3. Explanatory WATER IS DELIVERED THROUGH THE RICE LESSEY DITCH IN TWP 14S, RNG 25E, SEC 6, NWSWNE.^^ WATER IS DELIVERED THROUGH THE BARKER DITCH IN TWP 14S, RNG 24E, SEC 12, NWNENW.^^

Comments:Dates and Other Information:

Decreed Date:
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
Defendant:
Plaintiff:
Civil Case Number:
Judicial District:
Notice of Error Flag: NONE RECEIVED
State or Federal: S
Owner Name Connector: OR
Water District Number: 43C
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

11/14/2000

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

RIGHT NUMBER: 43-95

NAME AND ADDRESS: KATHRYN H BARKER
RUEL BARKER
1621 W 950 N
PROVO, UT 84604

VERIFIED BY KKC
11-14-00

SOURCE: CASSIA CREEK
CROSS CREEK

TRIBUTARY: RAFT RIVER
CASSIA CREEK

QUANTITY: 1.2 CFS

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED
DIVERSION RATE OF 1.45 CFS. COMBINED RIGHT NOS: 43-94, 43-95, AND
43-441

PRIORITY DATE: 04/30/1880

POINT OF DIVERSION: T14S R24E S12 NWNENW Within CASSIA County
T14S R25E S6 NWSWNE Within CASSIA County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	04-01 10-31	1.20 CFS

PLACE OF USE:

IRRIGATION Within CASSIA County

T14S R25E S5	SENW	6.3	T14S R25E S5	SWNW	7.1
T14S R25E S5 LOT 3	NENW	27	T14S R25E S5 LOT 4	NWNW	32
72.4 ACRES TOTAL					

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION
OF A COMBINED TOTAL OF 72.4 ACRES IN A SINGLE IRRIGATION
SEASON. COMBINED RIGHT NOS. 43-94, 43-95, AND 43-441.

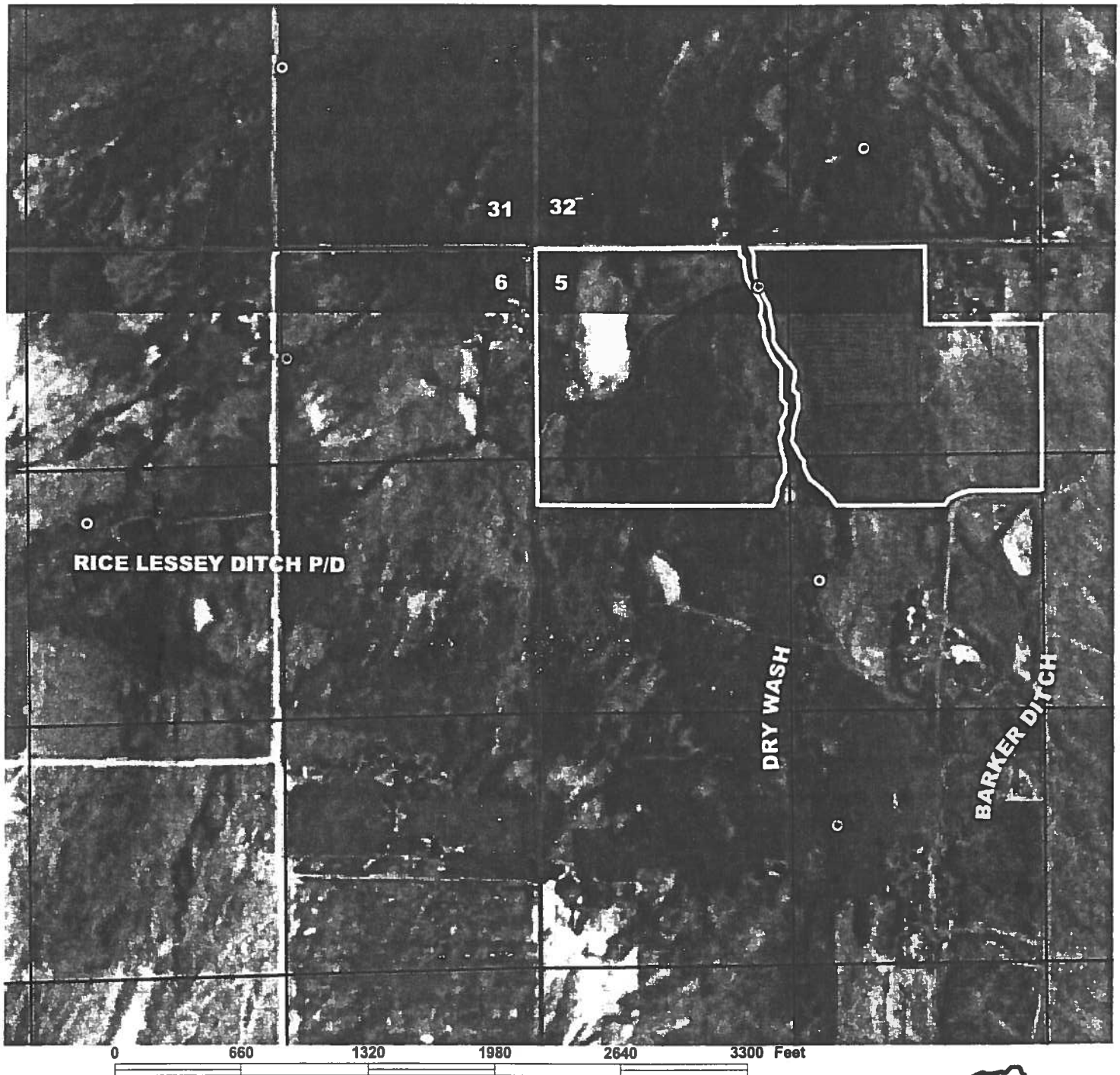
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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 - Decreed

WATER IS DELIVERED THROUGH THE RICE LESSEY DITCH IN TWP
14S, RNG 25E, SEC 6, NWSWNE
WATER IS DELIVERED THROUGH THE BARKER DITCH IN TWP 14S,
RNG 24E, SEC 12, NWNENW

**RECOMMENDED PLACE OF USE FOR
43-00094, 43-00094, and 43-00441**



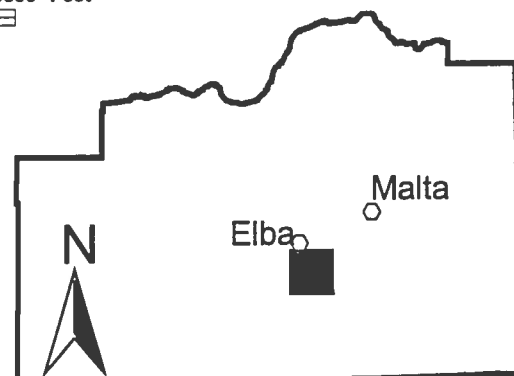
PLACE OF USE
TWP 14S, RNG 25E, SEC 5
Data entry on AUG 2, 2000

GIS PLACE OF USE PRESENTATION
1987/1988 NAPP AERIAL PHOTOGRAPHY
DATA ENTRY BY KELLY K CHRISTENSEN

⊙ RECOMMENDED POINT OF DIVERSION

RECOMMENDED PLACE OF USE

SECTION LINES
QUARTER/QUARTER LINES



CLAIM NUMBER
43-00094
00095
00441

DATE
7-31-00

AGENT
KKC

TRANSFER NUMBER

CLAIMED ACRE TOTAL
80

GIS ACRE TOTAL
72

	TWP	RNG	SEC	NE				1344NW				SW				SE				
				NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
CLAIM	14S	25E	5	L				40	40											E
GIS								26.6	31.6	7.2	6.3									
RECOM								27	32	7.2	6.3									7
CLAIM	43-00441		5.					17.1	16.2		3.6					total				
GIS																				
RECOM								17	16							total				
CLAIM																				
GIS																				
RECOM																				

B43-POU.SHP
SHAPE NOS.
32
33

Lots 3 & 4 are $\approx$ 33ac ea. The field boundary extends into the S $\frac{1}{2}$ NW $\frac{1}{4}$ making the Prop $\approx$ 80 acres. See Warranty deed submitted with Chg Ownership Darrington to Barker.

- B43-POD.SHP
- NOS.
DESCRIPTION
- 12
NENWNW Sec 5 (Drywash Pump site)
- 11
~~SW~~SENW Sec 5 Drywash gravity div. KKC change based upon GPS Data.
- 10
NWSWNE Sec 6 (Rice-Lessey ditch)
- 13
NWNENW Sec 12 (Barker Ditch) ((14S-24E))

DBF TABLES UPDATED
B43-DBPOU.DBF
9-13-99
Revised 7-31-00
B43-DBPOD.DBF
9-13-99
JPEG LAYOUT
43-00094 Darrington

Dry wash has been historically applied to approx 37 acres. the decree lists .80 CFS on 40 ac @ 1" As the P/U for Dry Wash is not clear I am recommending this right with a 40 AC limit

R PROOF

CVR

*SEE 43-00094
for CVR.*

MAPS

PHOTOS

*see
43-00094*

MISC

Prepared by Kelly K Christensen
September 10, 1999

D:\Data\basin data\b43\aj

ANALYSIS FOR A43-00094 43-00095, & 43-00441

Historical practice has been that the property has and is irrigated from 3 different sources, Cassia Creek through the Rice Lessey Ditch, Cross Creek through the Barker Ditch, and Dry wash through a ditch and gravity system and a pump system. The claims list numerous points of diversion, however they represent where the ditches enter the property rather than where the water is diverted from the source. The adjudication recommendation describes the points of diversion at the location where the water is diverted from the sources.

The claims indicated that the place of use was in the N $\frac{1}{2}$ NW $\frac{1}{4}$. All aerial photography indicates that approximately 15 acres in the S $\frac{1}{2}$ NW $\frac{1}{4}$. This was later confirmed by the county assessor. Apparently there has historically been confusion over the property boundaries for this property and the next two properties south of this system. The claimant submitted a revised warranty deed to correct the discrepancy. To the best of my knowledge those acres were part of the place of use prior to the Jobe Adams decree. I am therefore recommending these rights with the acres in the S $\frac{1}{2}$ NW $\frac{1}{4}$ as part of the original place of use and, therefore, I do not consider them to be an enlargement of the original decreed place of use.

Claims A43-00094 and A43-00095 were decreed as having Cassia Creek as the source. Other rights within the decree describe Cassia Creek as the source when in reality the correct source is actually another named stream tributary to Cassia Creek. The diversion from Cross Creek is considered to be in the same circumstance. Therefore, I am recommending both of these rights with two points of diversions. One from each source. Both sources are shown on the recommendations.

The claimant indicated that their historical use is to alternate the diversion of the rights between the two sources based upon the needs of the property. In general the northwestern corner of the property is irrigated from the Rice Lessey Ditch and the rest is irrigated from the Barker Ditch. All of the place of use can be irrigated from these two points of diversion.

Claim A43-00441 was decreed with the source being from Dry Creek. This source is diverted from two different locations, one a pumping and the other a gravity system.

The system operation currently is to use the gravity system to irrigate ground east of the Dry Wash as far east as the gravity system will allow. Ms Darrington indicated that the use is normally just in the early spring.

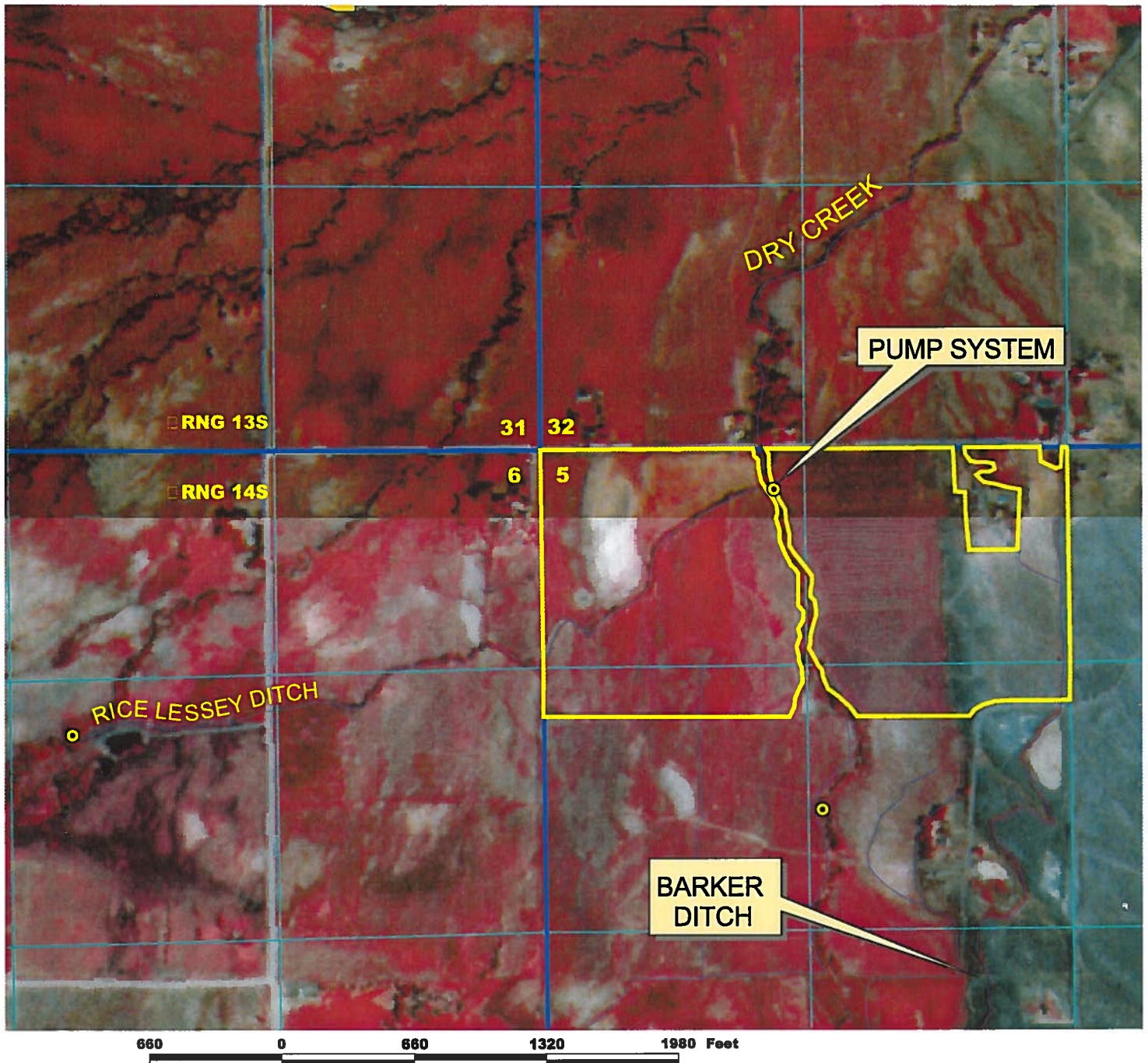
She further stated that during the irrigation season water rises in the Dry Wash channel below that point of diversion. The water that rises in the Dry Wash can be diverted through the pump system that has been established approximately 230 feet south of the point where the channel leaves the property. The water is delivered to the ground east of Dry Wash and up to the base of the hillside. This area is approximately $\frac{1}{2}$ of the NENW (lot 3). She indicated that they have also allowed the water in Dry Wash to enter the Rice Lessey Ditch just north of the pump location as an exchange system.

When they allow the Dry Wash water to enter the Rice Lessey Ditch, they then divert a matching amount from the Rice Lessey at the point where the ditch enters the property at the southwest corner of the NWNW quarter. That water is used to irrigate the same ground as previously described.

Virtually all of the owned property is irrigated through one system or another. The claimant indicated that since a secondary ditch system coming from the Barker ditch has been rerouted that they have difficulty irrigating a small area in the SW corner of the property. However, I am not excluding that ground from the recommended place of use.

IDAHO DEPARTMENT OF WATER RESOURCES

**PLACE OF USE FOR
43-00094, 43-00095, & 43-00441**



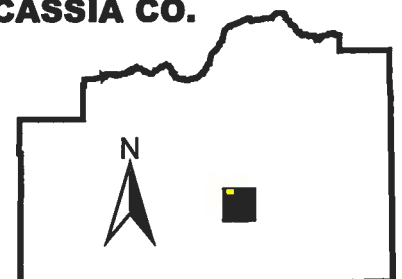
TWP 14S, RNG 25E, SEC 5

JPEG LAYOUT CREATED 9-10-99

GIS PLACE OF USE PRESENTATION
1992 USDA-F AERIAL PHOTOGRAPHY
DATA ENTRY BY KELLY K CHRISTENSEN

-  POINT OF DIVERSION
-  PLACE OF USE
-  SECTION LINES
-  QUARTER/QUARTER LINES

CASSIA CO.



CLAIM NUMBER 43-00094
-00095
-000441

DATE 9-10-99
 AGENT KKC

TRANSFER NUMBER _____
 CLAIMED ACRE TOTAL 80
 GIS ACRE TOTAL 74.

Copy

	TWP	RNG	SEC	NE				NW				SW				SE			
				NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE
CLAIM	14S	25E	5					~~40~~ 40											8.
GIS	<i>Preliminary</i>		5					32.5	32.7	7	7								8.
RECOM								29	32	7.2	6.3								79
								17.1	16.2		3.6								37.
CLAIM																			
GIS																			
RECOM																			
CLAIM																			
GIS																			
RECOM																			

ground irrigated from Dry Creek

could be slightly more than shown.

B43-DBPOU.SHP

SHAPE NOS.

32 _____

33 _____

43-DBPOD.SHP

NOS. DESCRIPTION

lots 3 & 4 are ≈ 33 acres ea. Field Boundary extends into the S 1/2 NW 1/4 making the P/A 80 Acres. Ownership of the 15 acres in the S 1/2 NW 1/4 not confirmed. Those quarter/quarters are claimed @ 80 Acres by Carpenter 43-00342 & others but it appears that the P/A split occurs south of those 80 Acres also.

See Analysis dated 9-10-99 for P/A analysis.

12 *NENWNW SEC 5 (DRY WASH PUMP SITE)*

11 *SWSE NW SEC 5 (DRY WASH - GRAVITY DIVERSION)*

10 *NWSWNE SEC 6 (RICE LESSEY DITCH)*

13 *NWNENW SEC 12 TWP 14S, RNG 24E (BARKER DITCH)*

DBF TABLES UPDATED

B43-DBPOU.DBF 9-13-99

B43-DBPOD.DBF 9-13-99

JPEG LAYOUT 9-10-99 (Recom)

Dry creek has historically been applied to 37 acres within the PPA. That ground is the NW corner of the NWNW & the ground at the base of the slope & west to the Dry Wash in the NENW & SE NW.