

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: A43-00238
Date Received: 6/16/1989
Receipt No: 5008280
Received By: AD

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: RUEL BARKER 801-375-7237
Address: 1621 WEST 950 NORTH
PROVO, UT 84604
AND/OR
Name: KATHRYN H. BARKER 801-375-7237
Address: 1621 WEST 950 NORTH
PROVO, UT 84604

2. Date of Priority: APR 30, 1886

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

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
13S	25E	31	NW	NE	SE		CASSIA
			SW	NE	SE		CASSIA
14S	24E	12	NW	NE	NW		CASSIA
	25E	6	NW	SW	NE		CASSIA
			SE	SW	NW	5	CASSIA

5. Description of diverting works:
EARTHEN DITCHES FOR FLOOD IRRIGATION OF LAND

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.100		

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

8. Total consumptive use is 582.0 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
13S	25E	31	NE	SE		IRR	36.0
			SE	SE		IRR	40.0
						Section Acres	76.0
		32	NE	SW		IRR	38.0
			SW	SW		IRR	40.0
			NW	SE		IRR	40.0
						Section Acres	118.0
						Total Acres	194.0

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:

A43-00135, 00236, 00137, 00138, 00139, 00238 & 04167

14. Remarks:

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: See Mzp A43-00135

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):

Paul Barker

Date:

6/16/89

Date:

State of Idaho)

County of

Twin Falls

) SS.

Subscribed and sworn (or affirmed) before me this 16th day

of June 19 89

Dee Menter
Notary Public

Seal

Residing at

Kimberly, Id

My Commission Expires

6/30/94

11/09/2000

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

RIGHT NUMBER: 43-238

NAME AND ADDRESS: KATHRYN H BARKER
RUEL BARKER
1621 WEST 950 NORTH
PROVO, UT 84604

VERIFIED BY

KKC
11-9-00

SOURCE: CASSIA CREEK
CLYDE CREEK
CROSS CREEK

TRIBUTARY: RAFT RIVER
CASSIA CREEK
CASSIA CREEK

QUANTITY: 0.1 CFS

WHEN COMBINED THE FOLLOWING RIGHTS SHALL PROVIDE NO MORE
THAN .02 CFS PER ACRE. COMBINED RIGHT NOS. 43-135, 43-139,
43-236, 43-238, 43-10816, 43-10817, 43-4167 AND 43-4167.

PRIORITY DATE: 04/30/1886

POINT OF DIVERSION:	T13S R25E S31	NWNESE	Within CASSIA County
	T13S R25E S31	SWNESE	Within CASSIA County
	T13S R25E S31	NWSESE	Within CASSIA County
	T14S R24E S12	NWNENW	Within CASSIA County
	T14S R25E S6	SWNENE	Within CASSIA County
	T14S R25E S6	NWSWNE	Within CASSIA County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04-01 10-31	0.10 CFS

PLACE OF USE:

<u>IRRIGATION Within CASSIA County</u>					
T13S R25E S31	NESE	35	T13S R25E S31	SESE	40
T13S R25E S32	NESW	34	T13S R25E S32	NWSW	38
T13S R25E S32	SWSW	40			
187 ACRES TOTAL					

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 34 ACRES WITHIN
THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION
SEASON.

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION
OF A COMBINED TOTAL OF 187 ACRES IN A SINGLE IRRIGATION
SEASON. COMBINED RIGHT NOS. 43-135, 43-139, 43-236, 43-238,
43-10816, 43-10817 AND 43-4167.

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

BARKER SYSTEM ANALYSIS

FOR P/U IN SW¹/₄ OF SEC 32 AND E¹/₂SE¹/₄ OF SEC 31

The claimed P/U consists of four different decreed parcels. The four parcels are now owned by one individual and operated as a permissible place of use with rights of like priority date claimed within a single combined claim. The property is irrigated through a series of diversions from Cassia Creek, one diversion from Clyde Creek and one diversion from Cross Creek. Some diversions are shared with other users through common ditch systems and others are for this ground only.

I found approximately 187 irrigated acres and the total claimed diversion rate from all rights is 3.40 cfs. This is less than one inch per acre for the found place of use. All rights are recognized as valid at each right's decreed diversion rate. I am recommending each right within the permissible place of use with an individual acre limit or for the 10, 000 series claims, with a combined right limitation. (See the following table).

DECREE VS CLAIM ANALYSIS

The following table lists the adjudication claims in the first column and then identifies the basis for that claim in one or more of the next four columns. Those columns are identified as systems 1 through 4 and each column or system represents those rights decreed to a common place of use. The combined claimed rates match the total of the individual diversion rates for decreed rights combined in the 10,000 series claims. The left acre limit column identifies the found irrigated acres as related to the original decreed place of use. The right acre limit column represents the irrigated acre limit for the individual claim whether it is a 10,000 series claim or not.

CLAIM NUMBER	DECREE SYSTEM NUMBERS				PRIORITY DATE	DECREED RATE	CLAIMED RATE	ACRE LIMIT	
	The system # represents how the original decreed rights were decreed on a common place of use.								
A43-00135	43-00135				4-30-75	0.24	0.24	73	73
A43-10816	43-00137				4-30-81	0.13	1.73	73	153
		43-00265			4-30-81	0.70		50	
			43-00157		4-30-81	0.90		30	
A43-10817	43-00138				4-03-82	0.36	0.66	73	107
		43-00237			4-30-82	0.30		34	
A43-00139	43-00139				4-30-84	0.37	0.37	73	73
A43-00236		43-00236			4-30-80	0.30	0.30	34	34
A43-00238		43-00238			4-30-86	0.10	0.10	34	34
					totals	3.40	3.40		

POINT OF DIVERSION ANALYSIS

	Ditch Name	Legal Description	Source	Comments
1	Barker Ditch	14S, 24E Sec 12 NWNENW	Cross Creek	A shared ditch
2	Rice Lessey Ditch	14S 25E Sec 6 NWSWNE	Cassia Creek	A shared ditch
3		14S 25E Sec 6 SWNESE	Cassia Creek	Shared with 43-00124
4		13S 25E Sec 31 NWNESE	Clyde Creek	Just south of Elba Park. Not shared
5		13S 25E Sec 31 SWNESE	Cassia Creek	Not shared
6		13S 25E Sec 31 NWSESE	Cassia Creek	Not shared

1. A portion of the property in the southeast corner receives water from the Barker ditch at the end of that ditch. This is a multiple user ditch. The stream name is Cross Creek. This property is the last (northern most) portion of ground irrigated from that system.
2. The next P/D is the Rice-Lessey ditch system located in Twp 14S; Rng 25E; Sec 6; NWSWNE B.M. This is also a multiple user system. Water is diverted from the Rice Lessey ditch in several places with measuring devices at those locations.
3. This P/D from Cassia Creek is just east of the county road that splits the NE¼ of section 6. The legal for that P/D is Twp 14S; Rng 25E; Sec 6; SWNESE Lot 1 B.M. That P/D is shared with one other user represented by claim A43-00124. The delivery ditch runs north along side the county road and enters the property in the southwest corner.
4. There is one P/D from Clyde Creek located at the point where Clyde Creek enters the property that is at the southwest corner of Elba Park. The diversion structure is currently washed out and Tom Ottley indicated that he is attempting to negotiate with the neighbor to the west to change the P/D to that ground. A transfer would be required, as this change would place the P/D in a different quarter/quarter. The current location is Twp 13S; Rng 25E; Sec 31; NWNESE B.M. The delivery ditch from this diversion point runs south along the same county road described above.
5. The next P/D is on one of the braided channels of Cassia Creek and is located in Twp 13S; Rng 25E; Sec 31; SWNESE B.M. That channel catches wastewater from other systems and/or from small-unnamed springs in the general area. The delivery system carries water north toward the Clyde Creek diversion, again along the same described county road.
6. This diversion point is from another of the braided side channels from Cassia Creek. It is located south of the point of diversion described above as number 5. Tom Ottley indicated that they periodically have to construct diversion works in the southern channel of Cassia Creek in Sec 6 to force a portion of the Cassia Creek water into that channel. There is no measurement device at the split in Cassia Creek. There is a measurement device for the diversion at the road. As control of the water initially begins at the above point I am recommending that point as the P/D although at times work is done in Sec 6 to get water to that point.