



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 KEMPTHORNE
GOVERNOR**

**KARL J. DREHER
DIRECTOR**

December 13, 2000

JOSEPH BARRETT
2197 RODOCKER LN
MALTA ID 83342

RE; CHANGE OF OWNERSHIP FOR 43-323B, 43-323C, 43-4105C, 43-4105D, AND 43-4105E

Dear Mr Barrett

Enclosed is the change of ownership form, for the above rights. I have also enclosed a map with some of the locations identified as we discussed. This map does not represent the final recommendation for all of the above rights although it does represent the basic relationship between the various parcels. I am planning on renumbering one of the 43-4105 series claims to reflect the 1982 domestic use.

The Cassia Creek rights did not list the actual location of the diversion from Cassia Creek. I have identified a point of diversion as shown on the map. I believe that location to be your point of diversion. Would you confirm this location or identify the correct point of diversion please?

Please note that the warranty deed is required for the ownership change.

Sincerely

Kelly K Christensen
Sr Water Resource Agent

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: A43-04105D
Date Received: 5/31/1989
Receipt No: S007405
Received By: W

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: JOSEPH BARRETT 208-645-2520
Address: HC 72 BOX 2024
MALTA, ID 83342

AND/OR

Name: MARY LUANA BARRETT 208-645-2520
Address: HC 72 BOX 2024
MALTA, ID 83342

2. Date of Priority: APR 01, 1925

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
13S	26E	24	SE	of	NW		CASSIA

5. Description of diverting works:
WELL, PUMP, GRAVITY IRRIG.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
DOMESTIC	01/01	12/31	0.040		
IRRIGATION	03/15	11/15	0.100		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
D/1 HOUSE

A43-04105D

Page 1

Date: 05/31/89

MICROFILMED

MAR 05 1993

10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
13S	26E	24	SE	NW	DOMEST IRR	5.0
Section Acres						5.0
Total Acres						5.0

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:
A43-04105C, 04105E, 00323B

14. Remarks:
WELL SPLIT. USED FOR 3 DOMESTIC HOUSES AND ALSO A SEPERATE
5 ACRES.
TRANS 2541
BASED ON WR 43-04105A

15. Basis of Claim: STATUTORY CLAIM

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): Joseph W Barrett Date: 31 May 1989

Date: _____

State of Idaho)
County of TF) SS.

Subscribed and sworn (or affirmed) before me this 31st day
of May 19 89 Lou White
Notary Public

Seal

Residing at TF
My Commission Expires 5/94

**NOTICE OF ERROR
REPLY**

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: June 15, 2001

Water right number: 43-4105D

MARY LUANA BARRETT

HC 72 BOX 2024

MALTA ID 83342

Telephone Number: (208)645-2520

JOSEPH W BARRETT

HC 72 BOX 2024

MALTA ID 83342

Telephone Number: (208)645-2520

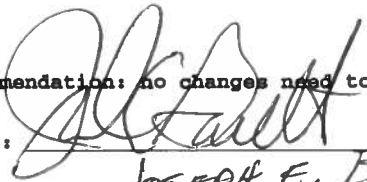
1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):

2. Describe the changes you wish to make in the proposed recommendation:

3. Give a brief explanation as to why you disagree with these portions:

____ I AGREE with this proposed recommendation: no changes need to be made.

DATE: 5/31/01

SIGNATURE: 

Please print your name: Joseph E. Barrett

IDWR Regional Office, 1341 Fillmore St, Suite 200, Twin Falls, ID 83301, 2087363033

01/23/2001

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

RIGHT NUMBER: 43-4105D

NAME AND ADDRESS: JOSEPH BARRETT
MARY LUANA BARRETT
HC 72 BOX 2024
MALTA, ID 83342

VERIFIED BY KKC

SOURCE: GROUND WATER

QUANTITY: 0.04 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED
13,000 GALLONS PER DAY.

PRIORITY DATE: 12/31/1927

POINT OF DIVERSION:	T13S R26E S24	NWSENW	Within CASSIA County
	T13S R26E S24	NWSENW	Within CASSIA County
	T13S R26E S24	SWSENW	Within CASSIA County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
DOMESTIC 1 HOMES	01-01 12-31	0.04 CFS

PLACE OF USE:

DOMESTIC Within CASSIA County
T13S R26E S24 SENW

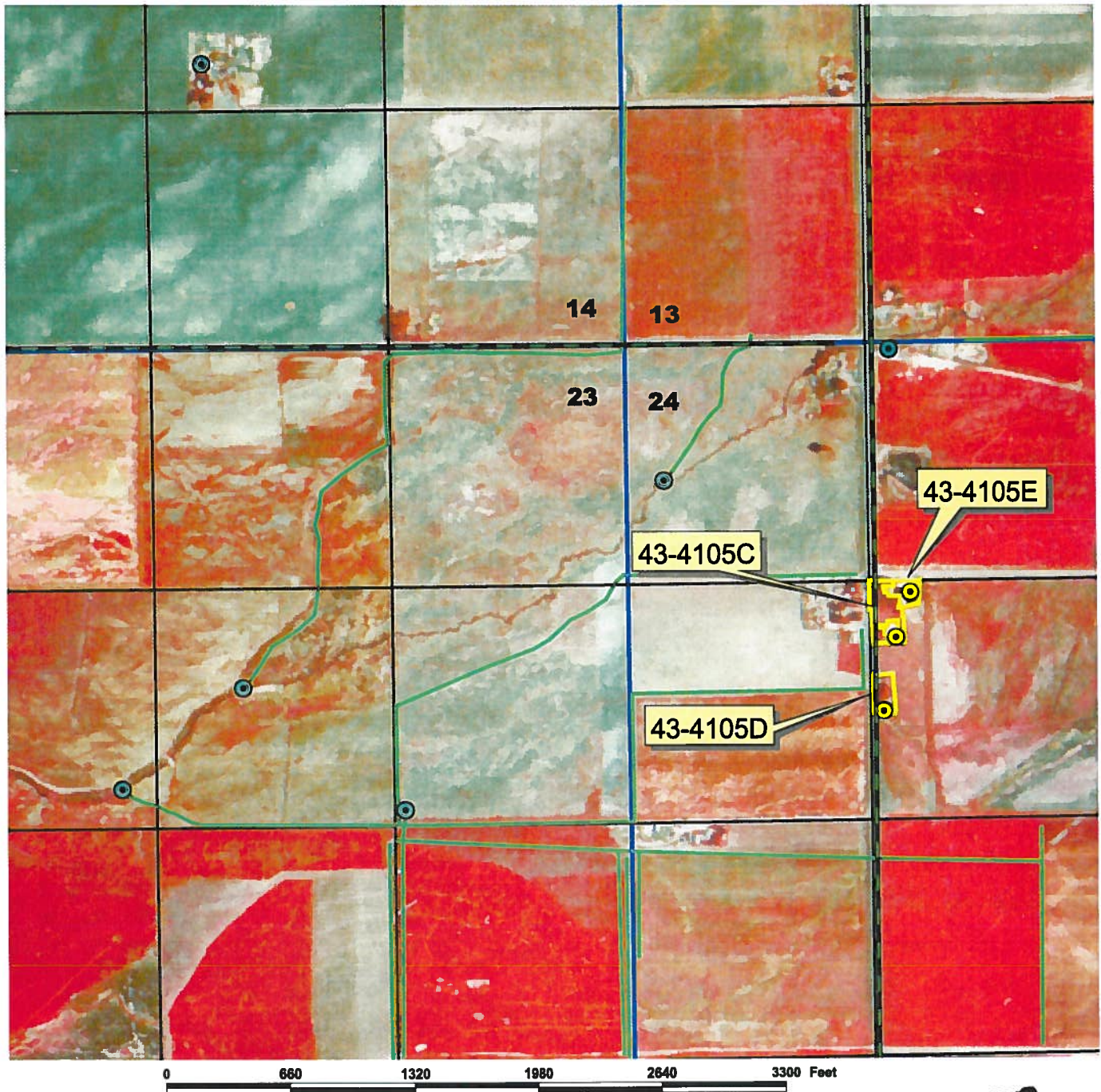
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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 IS NOT A
DETERMINATION OF HISTORICAL BENEFICIAL USE.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

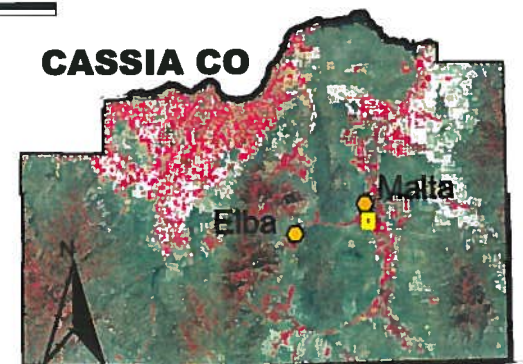
RECOMMENDED PLACE OF USE FOR 43-4105C, AND 43-4105D



PLACE OF USE
TWP 13S, RNG 26E, SEC 24
Data entry on January 23, 2001

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



**Idaho Dept of Water Resources
Claims review notes and narrative**

Date: 12-12-2000

File: 43-4105c barrett

Prepared by Kelly K Christensen

**SYSTEM REVIEW FOR BARRETT
43-323B, 43-323C, 43-4105C AND 43-4105D**

SURFACE WATER CLAIMS

The decreed right claims are both for portions of the decreed place of use acquired at different times. They are contiguous. There is a third claim against the decreed right filed by Montoya for 10 acres along the eastern side of the decreed place of use. The decreed right has been claimed in full and proportionally through the three claims.

GROUNDWATER CLAIMS

There are 4 claims against statutory claim 43-4105A and/or 43-04105B. The original statutory claim was split through T-2541.

CLAIMS AGAINST 43-4105A

There are three claims against this right.

Claim	use	rate	non irr use/acres	Claimant	Comments
43-4105C	dom	0.04	1 home	Barrett	Property description in warranty deed identifies approx. 62 acres
	irr	1.22	61 acres		
43-4105D	dom	0.04	1 house	Barrett	Property identified by arcview indicates approximately 7 acres
	irr	0.10	5 acres		
43-4105E	dom	0.04	1 home	Hartshorn	Location not clear from claim.

I called the county assessor on 12-12-2000 and she indicated that there are three homes under the Barrett ownership. Golden Gardner has a rental trailer on the 80 ft by 686 ft parcel listed as an exclusion in the Barrett warranty deed. There needs to be a change of ownership completed for 43-4105E, Hartshorn to Barrett. The assessor indicated that the property is now listed in a trust name.

I called Joseph Barrett (son to original claimant) and he indicated that he now owns the property. He indicated that the Hartshorn farmstead is located in the northwest corner of the SENW and has been there since the early 1900's. This property is identified under 43-4105E. This right has been decreed as a domestic use only.

The farmstead just south of that domestic use is where his parents live. He indicated that that use has been in existence since 1982. I am recognizing this use under 43-4105C and am including 1.1 acres of irrigation. I am recognizing the domestic use as an unrecorded transfer, changing the irrigation use for the ground where the home was built to domestic use year round.

The third domestic use is along the western border of the SENW and roughly in the middle of the quarter/quarter. This system has also been in since the early 1900s. I am recommending this use under 43-4105D as domestic use only as it appears that the farmstead area is approximately ½ acre in size.

He said that all three farms share the original well but that there is an additional well at the Hartshorn and his parent's homes. He stated that all wells are tied into a common mainline for backup purposes. I told him that I would recommend each home with three points of diversion. He confirmed that the original well is only used for the domestic homes and maybe 2 acres of lawn irrigation between the three homes.

CLAIMS AGAINST 43-4105B

43-4105B	irr	0.20	10 acres	Montoya	Only claim against the B portion.
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RUPERT, IDAHO
15 JAN 1992

TO WHOM IT MAY CONCERN

I HAVE PERSONAL KNOWLEDGE OF THE BENEFICAL USE OF WATER FROM
A WELL USED TO IRRIGATE PROPERTY IN MALTA, IDAHO T 13S R 26E S 24
1/4 OF 1/4 SW OF NE 30 ACRES SE OF NW 31 ACRES.
I PERSONALLY HELPED DIG AND OPERATE THIS WELL IN THE YEAR 1927
THIS SHOULD SERVE AS A PRIORITY DATE FOR WATER ON
THIS PROPERTY.

RECEIVED

JAN 21 1992

DEPARTMENT OF WATER RESOURCES
SOUTHERN REGIONAL OFFICE

WITNESSES

Lester Tracy
Linda Petittel
January 15, 1992

Orig in
43-4105C