

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: **A43-10816**

Date Received: 6/16/1989

Receipt No: X777777

Received By: _____

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

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

2. Date of Priority: APR 30, 1881

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	1.730		

7. Total Quantity Appropriated is:
1.730 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:

THIS CLAIM IS BASED ON A COMBINATION OF THE FOLLOWING DECREES
WITH COMMON PRIORITY USED ON SAME LANDS:

43-00137 0.13 CFS

43-00157 0.70 CFS

43-00265 0.90 CFS

TOTAL 1.73 CFS

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: / /

ALBION-IDAHO LAND CO.

Decree Plaintiff

JOBE ADAMS ET AL

vs 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): _____ Date: _____

_____ Date: _____

State of Idaho)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this _____ day

of _____ 19 _____

Notary Public

Seal

Residing at _____

My Commission Expires _____

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-~~00137~~ ¹⁰⁸¹⁶
Date Received: 6/16/1989
Receipt No: 5008280
Received By: for

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

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

2. Date of Priority: APR 30, 1881

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 of	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	1.730		

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

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

A43-~~00137~~
¹⁰⁸¹⁶

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Date: 06/16/89

CROFILM

AR 0519

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:
THIS CLAIM IS BASED ON A COMBINATION OF THE FOLLOWING DECREES
WITH COMMON PRIORITY USED ON SAME LANDS:
43-00137 0.13 CFS
43-00157 0.70 CFS
43-00265 0.90 CFS

TOTAL 1.73 CFS

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date:

ALBION-IDAHO LAND CO.

Decree Plaintiff

vs

JOBE ADAMS ET AL

Decree Defendant

A43-00137
10816

Page 2

Date: 06/16/89

PROFIL

AR 0515

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 Map 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): Ruel 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
[Signature]
Notary Public

Seal

Residing at Kinsley, ID
My Commission Expires 6/30/92



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301 (208) 736-3033

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

11-Feb-1992

KATHRYN H. BARKER
RUEL BARKER
1620 W 950 N
PROVO UT 84604

RE: Snake River Basin Adjudication (SRBA)
Notice of Claim #A43-00137
Identification Number Change

Dear Mr. and Mrs. Barker:

The Identification Number of your Notice of Claim to a Water Right has been changed from A43-00137 to A43-10816. The change in numbers has been done to better reflect the fact that your Notice of Claim combined Decreed rights 43-00137, 43-00157 and 43-00265. This change does not affect your claim in any other way.

Enclosed is a computer-generated copy of your claim with the new Identification Number. Refer to this Identification Number in any future inquiries or correspondence.

Please do not hesitate to contact this office, if you have any questions.

Sincerely,

A handwritten signature in cursive script that reads 'Jeanie'.

Jeanie Robertson
Records Clerk

/jr
Enclosure:
Copy of Claim A43-10816

MICROFIL

MAR 05 1992

Water Right Number - A43-10816

Prefix Translation: ADJUDICATION CLAIM

Old (D) Number -

+ - - - - Last Name - - - - + - - - - First Name - - - - + - - - - Address - - - - +

*** C - CURRENT OWNER ***
BARKER

KATHRYN H.

1 - 1621 WEST 950 NORTH
2 -
3 -

State- UT Zip- 84604

BARKER

RUEL

City- PROVO
Phone - 801-375-7237
1 - 1621 WEST 950 NORTH
2 -
3 -
City- PROVO
Phone - 801-375-7237

State- UT Zip- 84604

+ - - Priority Date - - + + - - - Region - - - + + - - - Stage - - - + + - - - Status - - - +
04/30/1881 17 SOUTHERN D - DECREED

+ - - - - Source - - - - + - - - - Tributary - - - - +
CASSIA CREEK
CROSS CREEK
CLYDE CREEK
RAFT RIVER
CASSIA CREEK
CASSIA CREEK

+ - - - - Point of Diversion - - - - +
Twn Rng Sec Tract Lot Rflg County
13S 25E 31 NW NE SE (31) CASSIA
14S 24E 12 NW NE NW (31) CASSIA
25E 6 NW SW NE (31) CASSIA
SE SW NW 5 (31) CASSIA

+ - - - - Water Use - - - - +
Code Description Period From Period To Diversion Rate Diversion Volume
01 - IRRIGATION 03/15 11/15 1.730

+ - Total Div. Rate - + - Total Div. Volume - + - Total Consumptive Use - + - KW Usage - +
1.730 582.0

+ - - - - Place of Use - - - - +
Twn Rng Sec Tract Lot Acres Code Description County
13S 25E 31 NE SE 36.0 01 IRRIGATION (31) CASSIA
13S 25E 31 SE SE 40.0 01 IRRIGATION (31) CASSIA
13S 25E 32 NE SW 38.0 01 IRRIGATION (31) CASSIA
13S 25E 32 SW SW 40.0 01 IRRIGATION (31) CASSIA
13S 25E 32 NW SE 40.0 01 IRRIGATION (31) CASSIA

Total Acres: 194.0

+ - - Diversion Means - EARTHEN DITCHES FOR FLOOD IRRIGATION OF LAND

Water right number - A43-10816

Prefix Translation: ADJUDICATION CLAIM

+ - - Non-Irrigation Use - NONE

+ - - Other Rights for Same Use - A43-00135, 00236, 00137, 00138, 00139, 00238 & 04167

+ - - Remarks

THIS CLAIM IS BASED ON A COMBINATION OF THE FOLLOWING DECREES
WITH COMMON PRIORITY USED ON SAME LANDS:

43-00137 0.13 CFS
43-00157 0.70 CFS
43-00265 0.90 CFS

TOTAL 1.73 CFS

+ - - 4300137 - - - Old Water Right Numbers - - -
4300157
4300265

+ - - Conditions of Approval - - -
No Conditions of Approval found.

+ - - Decree Plaintiff - - - + JOBE ADAMS ET AL + Decree Date - - +
ALBION-IDAHO LAND CO. 00/00/0000

+ - - Comments - - -
No Comments Found

+ - - Audit Fields - - +
00/00/00

+ - - Adjudication Rights Dates and Flags Area - - -

Court Report Filing	- 00/00/0000	Field Inspection Made	- 00/00/0000	Civil Case Number	- 39576
Objection Filed Date	- 00/00/0000	Field Inspection Flag	-	Old Case Number	-
Response Filed Date	- 00/00/0000	Verified Date	- 00/00/0000	Old Judicial District	-
Claim Received Date	- 06/16/1989	Last Amended Date	- 00/00/0000	Temporary Right	- P
		Receipt Number	- X777777	Water District	- 43C
		POU Ownership Flag	- Y	Federal/State Indicator	- S
		Name Connector	- AND/OR	Presumption Flag	- D
				Notice of Error Flag	-

Water Right Number - 43-00137

Prefix Translation: WATER RIGHT

Old (D) Number -

Last Name - + First Name - + Address - +
*** C - CURRENT OWNER ***
HEPMORTH
GEORGE
1 -
2 -
3 -
City-
Phone -
State- Zip-

Priority Date - + 04/30/1881 + Region - + 17 SOUTHERN + D - DECREED + Status - +

Source - + CASSIA CREEK + Tributary - + RAFT RIVER +

Twn Rng Sec Tract Lot Rflg County Point of Diversion - + Stream Index (Blank if no Index Code)

Code Description Period From Period To Water Use - + Diversion Rate Diversion Volume
01 - IRRIGATION
0.130

Total Div. Rate - + 0.130 + Total Div. Volume - + + Total Div. Capacity - +

Twn	Rng	Sec	Tract	Lot	Acres	Place of Use	Code	Description	County
13S	25E	31	NE SE			01	IRRIGATION		(31) CASSIA
13S	25E	32	SE NW			01	IRRIGATION		(31) CASSIA
13S	25E	32	NW SW			01	IRRIGATION		(31) CASSIA

- - - Diversion Means -

- - - Non-Irrigation Use -

- - - Other Rights for Same Use - 43-0135-0136, 0138-0139

Remarks - - -
SEE DECREE FOR FURTHER DESCRIPTION OF P. U.

- - - Old Water Right Numbers - - -
No Old Water Right Numbers found.

- - - Conditions of Approval - - -
No Conditions of Approval found.

- - - Decree Plaintiff - - - + - - - Decree Defendant - - - + - - - Decree Date - - +
ALBION-IDAHO LAND CO. JOBE ADAMS ET AL 10/18/1928

Water right number - 43-00137

Prefix Translation: WATER RIGHT

-----Comments-----
No Comments Found

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+ - - Audit Fields - 02/11/86 05/28/88 CONVERT

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Water Rights Dates and Flags Area

Proof Due Date	- 00/00/0000	Field Exam Made	- 00/00/0000	Field Exam Fee	-
Approved/Denied	- 00/00/0000	Protested Date	- 00/00/0000	Swan Falls	-
Proof Made Date	- 00/00/0000	Hearing Date	- 00/00/0000	Temporary Right	- P
Exam to S.O. Date-	00/00/0000	Verified Date	- 03/12/1985	DLE/Carey Act	-
Order Show Cause	- 00/00/0000	Receipt Number	-	Water District	- 43C
Licensed Date	- 00/00/0000	Appl Received	- 00/00/0000	Transfer/Amended	-
Decree Date	- 10/18/1928	Presumption Flag	-		

11/09/2000

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

RIGHT NUMBER: 43-10816

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: 1.73 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: 04/30/1881

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

LOT 1

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04-01 10-31	1.73 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				

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.

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 153 ACRES
WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION
SEASON.

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

THIS RIGHT IS A COMBINATION OF OLD RIGHT NOS. 43-137, 43-
265, and 43-157.

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 The system # represents how the original decreed rights were decreed on a common place of use.				PRIORITY DATE	DECREED RATE	CLAIMED RATE	ACRE LIMIT	
	SYSTEM 1	SYSTEM 2	SYSTEM 3	SYSTEM 4					
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.