

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 43-2433 V1

WATER RIGHT NUMBER: 43-2433 V1

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	STATE OF IDAHO DEPT OF TRANSPORTATION DIVISION OF HIGHWAYS PO BOX 7129 BOISE, ID 83707 (208)334-8505
Current Owner	EVELYN ALTHEA BARNES 2346 E 2525 S BOX 2022 MALTA, ID 83342 (208)645-2473

Priority Date: 05/25/1955

Basis: License

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
DOMESTIC	1/01 to 12/31	0.056 CFS	
	<u>Total Diversion:</u>	0.056 CFS	

Location of Point(s) of Diversion

GROUND WATER	SE1/4SW1/4	Sec. 20, Twp 16S, Rge 28E, B.M.
CASSIA County		

Place of UseDOMESTIC Within CASSIA County

T16S R28E S20 SESW

Total Acres: 0

Conditions of Approval:

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. General STREVELL PORT OF ENTRY

Dates and Other Information:

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 43-2433 V1

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:

Water District Number:

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



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

August 2, 2001

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

EVELYN ALTHEA BARNES
2346 E 2525 S BOX 2022
MALTA ID 83342

Re: SRBA Claim(s) 43-2433

Dear Mrs. Barnes:

Pursuant to the change in ownership request that has been submitted to the Department, we have changed the record of current ownership to you. Please find the enclosed copies of the computer records of the claim(s) noting the change in claimant. Review these records and if there is an error, or you have any questions, please contact this office.

Sincerely,

A handwritten signature in cursive script, appearing to read 'Trish Fawcett'.

Trish Fawcett
Technical Records Specialist

Enc.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

Please print or type. Attach pages with additional information. Instructions are included at the end of this form.
 Incomplete forms will be returned.

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided (under the "split" heading), if the change in ownership is limited to a portion of a water right in which case division of the existing water right or adjudication claim record will be required.

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
	43-2433				

2. The following **REQUIRED** information must be submitted with this form:

- A. The appropriate **FILING FEE**. See instructions for fee amounts.
- B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.
- C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
PLAT OF PROPERTY or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).

OR

If your water right(s) and/or adjudication claim(s) is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **AERIAL PHOTO** with the 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(s)

4. New Owner/Claimant(s)

New Mailing Address

City, State and ZIP Code

New Telephone Number

5. Date you acquired the property

Evelyn Althea Barnes
 Name Connector (Check one): [] and, [] or, [] and/or
 2346 E. - 2525 So. Box 2022
 Malta, Idaho - 83342
 208 645-2473

RECEIVED

AUG 01 2001

Department of Water Resources
 Southern Region

6. If the change in ownership affects the entire water right for each water right or adjudication claim number listed in item 1, THEN SKIP THIS ITEM AND GO TO ITEM 7. If the change in ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (one water right per box, you may copy this page as necessary). If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

7. Signature of New Owner(s) or Claimant(s)
(include title if applicable)

Evelyn Althea Barnes

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

For Office Use Only

Received by _____ Date _____ Fee _____
 Received by _____ Date _____ Receipt No. _____
 Processed by *[Signature]* AJ Date *4/2/01* WR _____ Date _____



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

July 13, 2001

PAUL DEAN BARNES
EVELYN BARNES
HC 72 BOX 2244
MALTA ID 83342

RE: OWNERSHIP CHANGE FOR ADJUDICATION CLAIM 43-2433

Dear Claimant:

The Idaho Department of Transportation has notified us that you are the current owners of the property to which the above adjudication claim is appurtenant. In order for our records to be changed, however, it is necessary for you to complete the enclosed Notice of Change of Water Right Ownership form. Please fill in the areas highlighted in yellow, sign under item 7 on page 2 and return the form in the enclosed self-addressed envelope. Once the completed form is received, the changes will be made to our records, and you will be sent confirmation that the change has been completed. Please return the form by July 20, 2001.

Thank you for your prompt attention to this matter and should you have any questions please feel free to contact me.

Sincerely,

Trish Fawcett
Technical Records Specialist

234498

QUITCLAIM DEED

For Value Received JAMES BARNES aka JAMES L. BARNES AND PATRICIA BARNES
aka PATRICIA A. BARNES, HUSBAND AND WIFE

do hereby convey, release, remise and forever quit claim unto

PAUL DEAN BARNES AND EVELYN BARNES, HUSBAND AND WIFE

HC 72 Box 2244, Malta, ID 83342

the following described premises, to-wit:

An irregular strip of land lying in the Southeast Quarter of the Southwest Quarter (SE1SW1) of Section 20, Township 16 South, Range 28 East, Boise Meridian described as follows:

Beginning at the intersection of the Northeasterly right-of-way of the Raft River Highway and the South line of said Section 20, which point is approximately 370.0 feet West from the South quarter corner of said Section 20; Thence North 28°24' West along a line parallel to and 40.0 feet Northeasterly from the center line of said highway, a distance of 800.0 feet to a point; Thence North 61°36' east for 300.0 feet to a point; Thence South 28°24' East for 962.0 feet, more or less, to a point on the South line of said Section 20; Thence West along said South section line for 341.0 feet, more or less, to the Point of Beginning

ALL IN CASSIA COUNTY, STATE OF IDAHO

RECORDED AT THE REQUEST OF
CASSIA COUNTY ABSTRACT
FILM 2161
1994 DEC 29 P 3:11
CASSIA COUNTY ABSTRACT
FEE \$ 200 DEPUTY [Signature]
GABRIEL H. ROSKELLEY
RECORDER

together with their appurtenances.

Dated: December 21, 1994

James L Barnes
James Barnes

Patricia Barnes
Patricia Barnes

STATE OF IDAHO, COUNTY OF CASSIA:

On this 24th day of December, 1994 before me, a notary public in and for said State, personally appeared

James Barnes aka James L. Barnes and
Patricia Barnes aka Patricia A. Barnes

known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

Richard S. Harper

Residing at Burley

Idaho Comm Expires 2/20/98

For Recording Only

234498

107604 QUITCLAIM DEED

For Value Received JAMES BARNES a/k/a JAMES LELAND BARNES and PATRICIA BARNES, his wife; ROBERT BARNES a/k/a ROBERT WENDELL BARNES and MILDRED BARNES, his wife; PAUL DEAN BARNES and EVELYN BARNES, his wife; RICHARD BARNES a/k/a RICHARD GRANT BARNES and COLEEN BARNES, his wife; ELDON M. BARNES a/k/a ELDON MATHEWS BARNES and WANDA BARNES, his wife; a co-partnership doing business under the Firm Name of BARNES BROTHERS,

do hereby convey, release, remise and forever quit claim unto

JAMES BARNES a/k/a JAMES LELAND BARNES and PATRICIA BARNES, his wife, and, ROBERT BARNES a/k/a ROBERT WENDELL BARNES and MILDRED BARNES his wife

the following described premises, to-wit:

Township 16 South, Range 26 East, Boise Meridian

Section 23: SE $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$, E $\frac{1}{4}$ SE $\frac{1}{4}$

Section 24: SW $\frac{1}{4}$, W $\frac{1}{4}$ SE $\frac{1}{4}$

Township 16 South, Range 27 East, Boise Meridian

Section 29: NE $\frac{1}{4}$, N $\frac{1}{4}$ NW $\frac{1}{4}$

Section 30: E $\frac{1}{4}$ NE $\frac{1}{4}$

Township 16 South, Range 28 East, Boise Meridian

Section 20: W $\frac{1}{4}$ lying East of U.S. Highway 30 South

ALL IN CASSIA COUNTY, STATE OF IDAHO.

RECORDED AT THE REQUEST OF
JAMES BARNES
FILE 117
MAY 16 2 48 PM '78
CASSIA COUNTY, IDAHO
FRANK B. K. ARNS
RECORDER
FEE 1.00 DEPUTY BILL
Re: Mfg. Dept.
83345

107604

together with their appurtenances.

Dated: March 16, 1978 BARNES BROTHERS, a co-partnership
JAMES BARNES James Barnes
ROBERT BARNES Robert Barnes
PAUL DEAN BARNES Paul Dean Barnes
RICHARD BARNES Richard Barnes
ELDON M. BARNES Eldon M. Barnes
PATRICIA BARNES Patricia Barnes
MILDRED BARNES Mildred Barnes
EVELYN BARNES Evelyn Barnes
COLEEN BARNES Coleen Barnes
WANDA BARNES Wanda Barnes

STATE OF IDAHO, COUNTY OF Cassia
On this 13 day of April, 1978,
before me, a notary public in and for said State, personally
appeared JAMES BARNES and PATRICIA BARNES;
ROBERT BARNES and MILDRED BARNES; PAUL DEAN
BARNES and EVELYN BARNES; RICHARD BARNES
and COLEEN BARNES; BARNES BROTHERS, a co-
partnership,

known to me to be the persons whose names are
subscribed to the within instrument, and acknowledged to
me that they executed the same.

Lex R. Newman
Notary Public
Residing at Burley, Idaho
Comm. Expires 11-11-78

STATE OF CALIFORNIA, COUNTY OF SAN DIEGO

On this 6th day of May, 1978,
before me, a notary public in and for said
State, personally appeared

Monique Barnes
ELDON M. BARNES and WANDA BARNES

known to me to be the persons whose names
are subscribed to the within instrument;
and acknowledged to me that they executed
the same.

Cynthia Jeanne Cherry
Notary Public
Residing at: 1000 Cornet San Diego, CA
Comm. Expires: 7-1-81

INSTRUMENT NO.

STATE OF IDAHO DEED

Number 10,030

Certificate No. 20,010

To All to Whom These Presents Shall Come, Greetings:

Whereas, on the 30 day of AUGUST 1967, all that tract or parcel of DEPARTMENT OF HIGHWAYS - SURF land of the State of Idaho, hereinafter mentioned and particularly described, was sold in the manner provided by law to BARNES BROTHERS, A PARTNERSHIP

of NaF, State of Idaho, for the aggregate price of EIGHT HUNDRED AND NO/100 DOLLARS

And Whereas, the said sum of EIGHT HUNDRED AND NO/100 DOLLARS has been fully paid to the proper receiving officer for the State of Idaho, by BARNES BROTHERS, A PARTNERSHIP, NaF, Idaho,

as shown by the records in the office of the State Board of Land Commissioners, the said sum being the whole amount of the purchase price for the said tract or parcel of land hereinafter described:

Now, Know Ye, That the said State of Idaho, in pursuance of law in such case made and provided, and in consideration of the premises aforesaid, and of the aforesaid sum of

EIGHT HUNDRED AND NO/100 DOLLARS to the said State of Idaho paid, doth by these presents grant, bargain, sell, convey and confirm, in fee, unto the said BARNES BROTHERS, A PARTNERSHIP

their heirs and assigns, all of the said tract and parcel of land situated in the County of CASSIA and State of Idaho, and described as follows, to-wit:

An irregular strip of land lying in the Southeast Quarter of the Southwest Quarter (SE1/4SW1/4) of Section Twenty (20), Township Sixteen (16) South, Range Twenty-Eight (28) East, Boise Meridian, described as follows, to-wit:

Beginning at the intersection of the Northeastly right of way boundary of the Raft River Highway and the South line of Section Twenty (20), Township Sixteen (16) South, Range Twenty-Eight (28) East, Boise Meridian, which point is approximately 370.0 feet West from the South Quarter corner of said Section Twenty (20); thence North 28°24' West along a line parallel to and 40.0 feet Northeastly from the center line of said highway, a distance of 800.0 feet to a point; thence North 61°36' East - 300.0 feet to a point; thence South 28°24' East - 962.0 feet, more or less, to a point on the South line of said Section Twenty (20); thence West along said South line 341.0 feet, more or less, to the point of beginning.

No buildings or structures, except irrigation or drainage structures, shall be permitted to be constructed on the property herein conveyed, within 20.0 feet of the right of way line of U. S. Highway No. 30S., Project No F. I.-2011(1) Highway Survey. ** (OVER)

To have and to hold the said premises and parcel of land above particularly described, with the appurtenances thereon, unto the said BARNES BROTHERS, A PARTNERSHIP

their heirs and assigns, in fee simple forever, subject to the provisions of Section 58-804, Idaho Code, as amended by Chapter 44, 1951 Session Laws; which grants over all lands belonging to the State a right of way for ditches constructed by authority of the United States; and to the provisions of Section 47-701, Idaho Code, reserving to the State all Mineral rights in lands sold subsequent to the 8th day of May, 1923. / including Sand and Gravel

In Witness Whereof, I, DON SAMUELSON, the Governor of the State of Idaho, have hereunto signed my name and caused the Great Seal of the State of Idaho and the Seal of the Board of Land Commissioners to be hereunto affixed, this 6 day of September, 1967 A.D.

Countersigned:

Pete T. Cenarrusa
Secretary of State

Don Samuelson
Governor of Idaho and President of
State Board of Land Commissioners

Countersigned:

G. C. Trombley
State Land Commissioner

STATE OF IDAHO, } ss.
County of Ada,

On this 6 day of September, in the year 1967, A.D. before

me, a Notary Public in and for said State, personally appeared Don Samuelson, known to me to be the Governor of the State of Idaho, and Pete T. Cenarrusa, known to me to be the Secretary of the State of Idaho, and G. C. Trombley, known to me to be the Land Commissioner of the State of Idaho, who executed said instrument and acknowledged to me that such State of Idaho executed the same.

In Witness Whereof, I have hereunto set my hand and seal on the day and year last above written.



John W. C. [Signature]
Notary Public residing at Boise, Idaho

7/65, 428 E 2311.

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by
G.
H.

6-14-0

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OF + PROPER

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100-445

100-5-2 24122200
100-5-2 24122200

**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: 43-2433

STATE OF IDAHO
DEPT OF TRANSPORTATION
DIVISION OF HIGHWAYS
PO BOX 7129
BOISE ID 83707
Telephone Number: (208)334-8505

RECEIVED

JUN 14 2001

Department of Water Resource
Southern Region

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

2. Describe the changes you wish to make in the proposed recommendation:
This parcel was sold by the State of Idaho to Barnes Brothers, a partnership, on 9/6/1967. It is currently owned by Paul Dean Barnes and Evelyn Barnes.

3. Give a brief explanation as to why you disagree with these portions:
See attached map and deeds.

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

DATE: 6/12/01

SIGNATURE: Bonita Koonce

Please print your name: Bonita Koonce, District 4 Right of Way Supervisor
Idaho Transportation Department

IDWR Regional Office, 1341 Fillmore St, Suite 200, Twin Falls, ID 83301, (208)736-3033

Strevell Port of Entry
Cassia Co.

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: A43-02433
Date Received: 4/04/1988
Receipt No: C002215
Received By: CA

RECEIVED

AUG 23 1988

Department of Water Resources
Southern Region Office

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: STATE OF IDAHO
Address: DEPT. OF TRANSPORTATION
DIVISION OF HIGHWAYS
P.O. BOX 7129
BOISE, ID 83707
208-334-8505

2. Date of Priority: MAY 25, 1955

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
16S	28E	20	SE	SW			CASSIA

5. Description of diverting works:
WELL AND PUMP.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
DOMESTIC	01/01	12/31	0.056		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
OPERATION OF A PORT OF ENTRY.

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
16S	28E	20	SE	SW		DOMEST	

A43-02433

Page 1

Date: 07/05/88

MICROFILMED

MAR 6 5 1993

JUL 27 1988

Department of Water Resources

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:
NONE

14. Remarks:
STREVELL PORT OF ENTRY.

15. Basis of Claim: LICENSE
Water Right Number: 25973

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 Organizations:

I do solemnly swear or affirm that I am Senior R/W Agent of _____

S.T.D., Div. of Hwy's, that I have signed the foregoing
Organization

document in the space below as Senior R/W Agent of _____

S.T.D., Div. of Hwy's and that the statements contained in the
Organization

foregoing document are true and correct.

Murain S. Gould
Signature of Authorized Agent

SR/W/A, S.T.D., Div. of Hwy's
Title and Organization

7/14/88
Date

State of Idaho)
County of Ada) SS.

Subscribed and sworn (or affirmed) before me this 15th day

of July 19 88

Rock A. Bachmeyer
Notary Public

Seal

Residing at Boise

My Commission Expires 5-11-93

