

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

Right includes accomplished change in purpose of use pursuant to Section 42-1425, Idaho Code.

09/06/2006

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:

Water right number: 22-13177

MARY E BARNEY
PO BOX 132
CHESTER ID 83421
Telephone Number: (208) 624 3439

KEITH BARNEY
PO BOX 132
CHESTER ID 83421
Telephone Number: (208) 624 3439

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: 10-9-06

SIGNATURE: Mary E. Barney Keith Barney

Please print your name: Mary E. Barney Keith Barney

IDWR Regional Office, 900 N Skyline Dr Ste A, Idaho Falls, ID 83402, 2085257161

Handwritten initials:
KWB
10/9/06



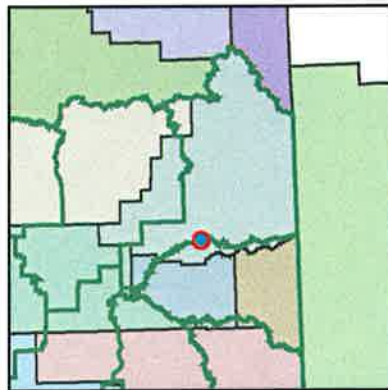
Idaho Department of Water Resources

SRBA Recommendation:

22-13177

Legend

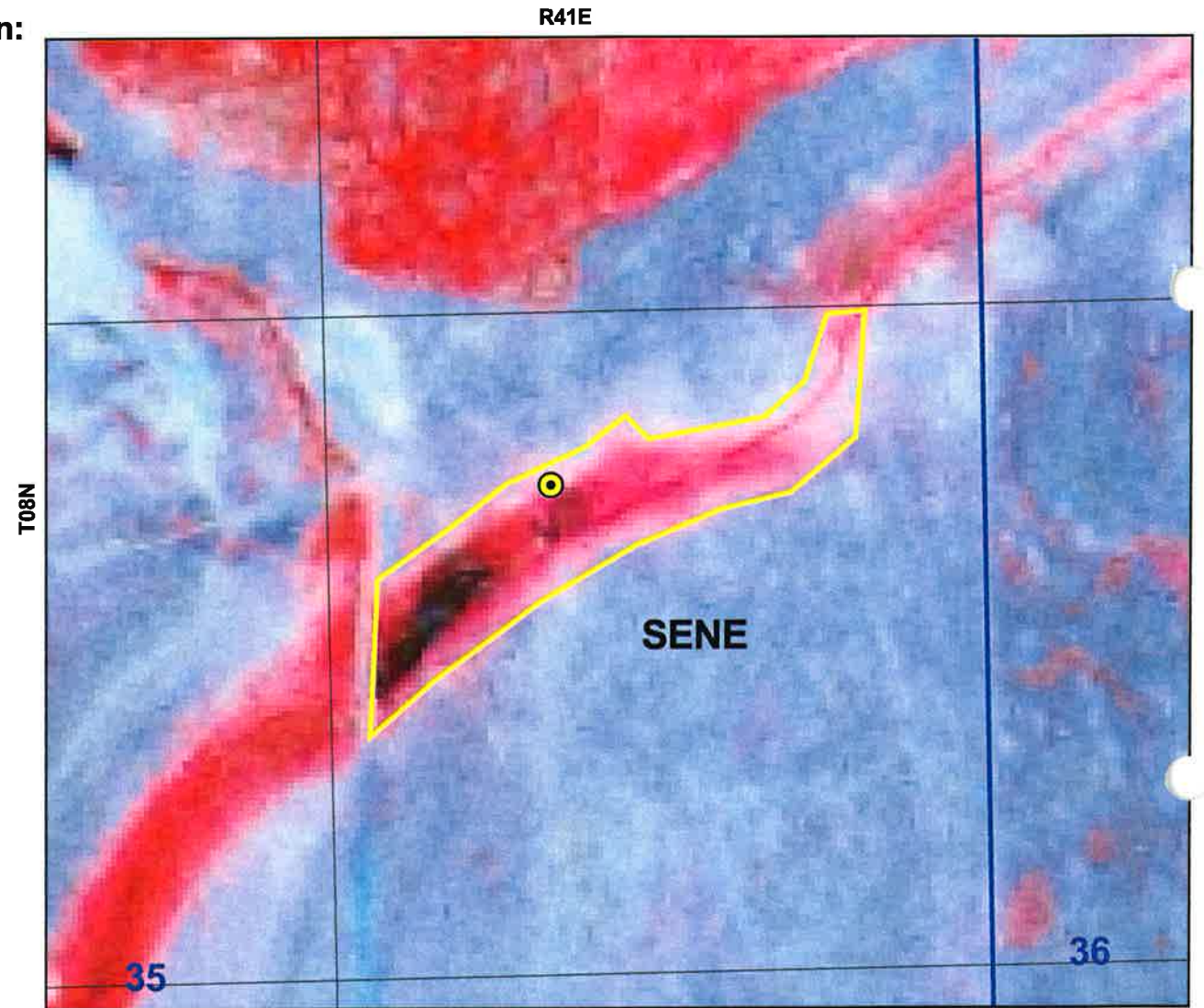
-  Point of Diversion
-  Place of Use
-  Townships
-  PLS Sections
-  Quarter Quarters



Fremont County
IDWR Basin 22



Prepared by K. Wilson
On Thursday, May 25, 2006
1987/88 Aerial Photography



0 0.1 0.2 Miles

A scale bar showing distances of 0, 0.1, and 0.2 miles.

Water Right No(s). A 22-13777

* There never was 30 acres of irrigation in the
SENE of Sect. 35. See original License of
only 15 acres. All other acreage in SENE
on up slopes.

Claimant was getting ready to put in pump & irrigate
sagebrush to South. I advised him not to do so!

GPS Data - 2693967
1422696

GPS File
221317

GPS DATA:

NO Tag

Tag # _____ Location: _____

Diversion Data:

Source: unnamed Stream Trib to: Teton River

MOTOR

NA

Make: _____ Model: _____ Hp: _____
SN: _____

PUMP

N.A.

Make: _____ Model: _____ Disch: _____
SN: _____

NOTES:

Line # 11 on claim in error, says "Franklin County". P.O.U. is limited
to bottom of draw. Areas "N" & "S" of P.O.U. sit much higher.
Area to South is all sagebrush. No water at time of exam. It seems
wastewater is a big contribution. Collection pond on site but no
pump. Current owner purchased property in 1999. Address & phone ok!

Field Exam Date: 5-5-2006 Agent: D. W. Jones

T 8 North R 41 East Sec 35

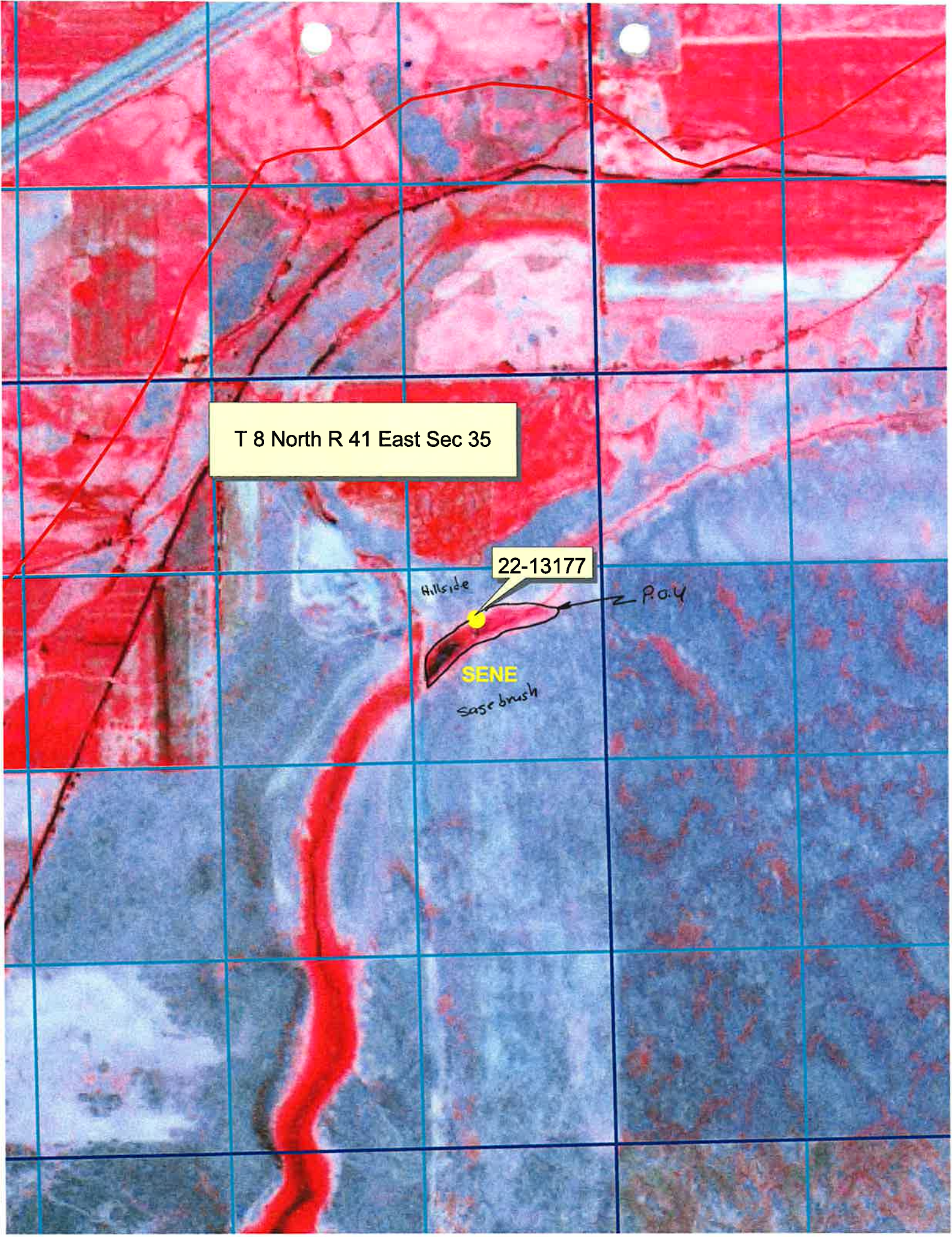
22-13177

Hillside

Ray

SENE

Sage brush



02-13177, Pond area, Looking South



02-13177, Looking South



State of Idaho

License and Certificate of Water Right

Water License No. 15648
Water District No. 36-B

Amount 0.6 sec. ft.
Priority 11-9-22

THIS IS TO CERTIFY that H. M. Williams of Chester, Idaho, made application for a permit to appropriate the public waters of the State of Idaho, dated November 9, 1922; that Permit No. 15648 was issued under said application; that Certificate of Completion of works, with a carrying capacity of 0.6 second feet, was issued thereunder on September 25, 1923, showing that said works were completed on the 15th day of September, 1923; and that on the 6th day of December, 1924,

H. M. Williams

of Chester, State of Idaho, made proof to the satisfaction of the Commissioner of Reclamation of Idaho, of the right to use the waters of an unnamed stream, a tributary of, for the purpose of irrigation and domestic use, under Use Permit No. 15648 of the Commissioner of Reclamation and that said right to the use of said waters has been perfected in accordance with the laws of Idaho; and is hereby confirmed by the Commissioner of Reclamation of Idaho and entered of record in Volume 6 of Licenses, at page 3228, on the 16th day of December, 1924;

The right hereby confirmed dates from November 9, 1922;

The Point of Diversion is located in the NW ¼ NE ¼, Sec. 36, Tp. 8 N., R. 41 E., B. M. County of Fremont

That the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall not exceed 0.6 cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
8 N.	41 E.	35	SE ¼ NE ¼	40	15
		36	NW ¼ NW ¼	40	15
Total				30 acres	

The right to the use of the water aforesaid hereby confirmed is restricted to the lands or place of use herein described, as provided by the laws of Idaho.

WITNESS the seal and signature of the Commissioner of Reclamation, affixed at Boise, Idaho, this 16th day of December, 1924

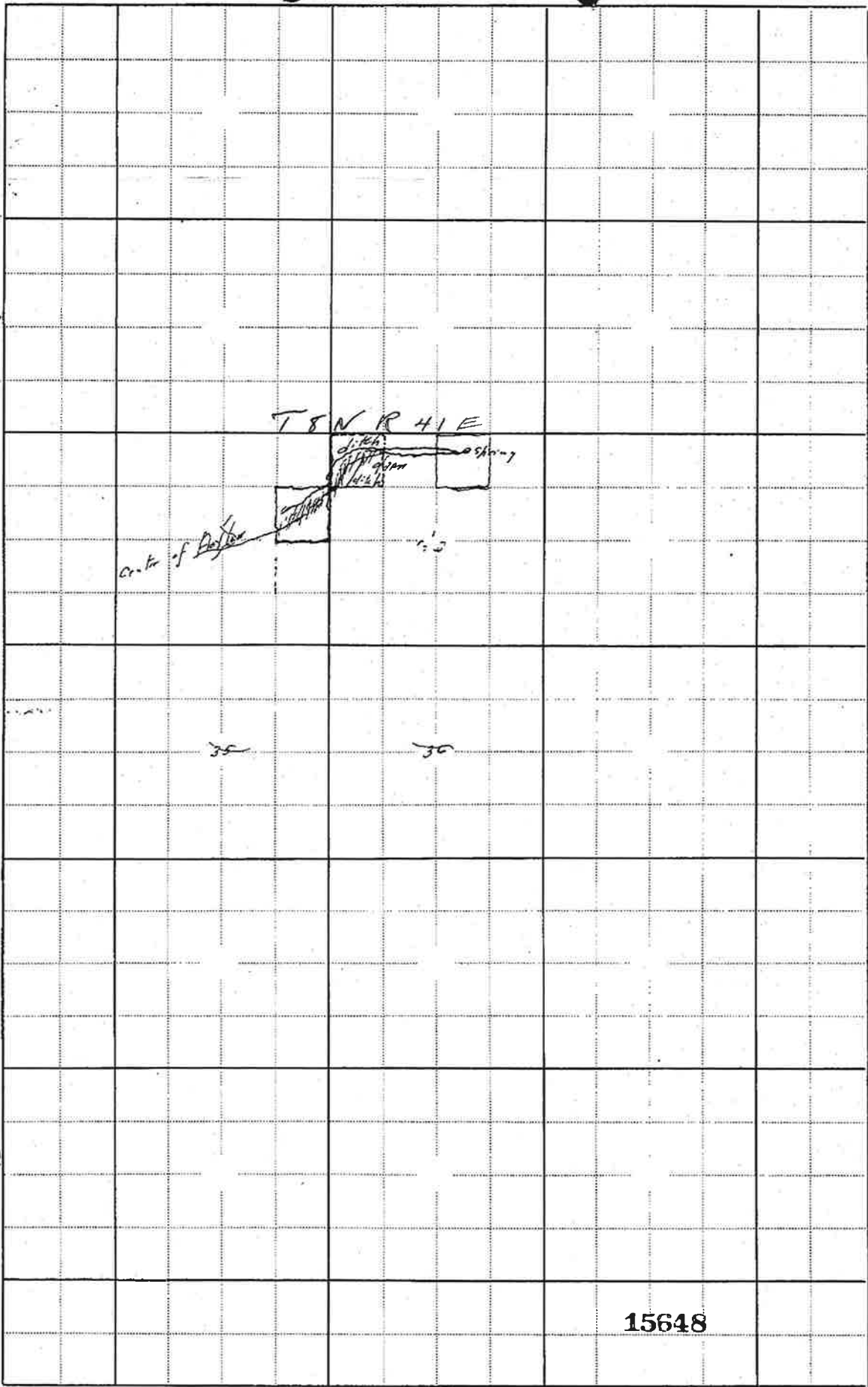
W. C. SWENDSEN

Commissioner of Reclamation.

(SEAL)

By GEO. N. CARTER
Assistant

21-2089



SCALE: 2 INCHES EQUALS 1 MILE. DRAW MAP IN INK.

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

BOISE, IDAHO

REPORT OF ENGINEER

Permit No. 15648

This proof is for Beneficial Use

In Water District No. 36-B

1. Name of applicant: H. M. Williams
2. Source of water supply: Unnamed Stream
3. Location of point of diversion: Is in the NW¹/₄ NE¹/₄ of Section 36
T. 8 N. R. 41 E. County of Fremont
4. Describe works as they exist, giving dimensions and capacities of same: Earth diversion
turns water into ditch 2' to 2 1/2' bottom, 2' lower bank, mostly side hill
ditch, grade of country, capacity at 150 miners inches
Est 20 inches of water in ditch this date.
Also has 2 small dams further down to make reservoirs for stock
water, one dam 90' wide 6' high lower side, 10' base 4' top
5. Water is used for: Irrigation + domestic use, stock.
6. State whether or not water has been turned into works of diversion: Yes

List legal subdivisions of lands to be irrigated. If proof is for beneficial use, give exact number of acres under cultivation in each forty-acre tract. (Describe manner and place of use if for other than irrigation) NW¹/₄ NE¹/₄ Sec. 36, SE¹/₄ NE¹/₄ Sec. 35, Twp. 8 N., R. 41 E., S. 1 N.

Est 15 acres in each 40 acre tract above.

(Submit map on attached plat, showing location and details of above description.)

8. What large stream would the water here appropriated finally reach? None with this flow

Remarks: This water rises from springs, in summer time is
augmented by waste water from lands above, partly by effluents
decayed water. Land is in deep hollow, water as now sinks,
irrigates approx 30 acres natural grass for meadow.
Heavy flow would empty into Teton R.

50 $\overline{) 31.0}$
300

This examination was made on the 4 day of December 1924

15648

(Signed)

R. F. Stettin

Examiner.

ALLIANCE TITLE & ESCROW
P.O. BOX 732
REXBURG, ID 83440

WARRANTY DEED

Order No.:3049920128-J

FOR VALUE RECEIVED

James N. Garn and Joan B. Garn, husband and wife

the grantor(s), do(es) hereby grant, bargain, sell and convey unto

Keith Barney and Mary E. Barney, husband and wife
whose current address is

P.O. Box 132 CHESTER, ID 83421

the grantee(s), the following described premises, in County, Idaho, TO WIT:

Parcel 1: East 990 feet of the Southeast Quarter; East 990 feet of the Southeast Quarter of the Northeast Quarter of Section 35; all in Township 8 North, Range 41 East, Boise Meridian, Fremont County, Idaho.

Parcel 2: East One-Half of Lot 1 and the East One-Half of the West One-Half of Lot 1, Section 2, all in Township 7 North, Range 41 East, Boise Meridian, Fremont County, Idaho.

Together with a 20 foot easement along the West side of the North half Northeast Quarter of Section 36, Township 8 North, Range 41 East, Boise Meridian, Fremont County, Idaho.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee(s), that (s)he is/are the owner(s) in fee simple of said premises; that they are free from all encumbrances Except: Current Year Taxes, conditions, covenants, restrictions, reservations, easements, rights and rights of way, apparent or of record.

And that (s)he will warrant and defend the same from all lawful claims whatsoever.

Dated: 2/02/2000

James N. Garn
James N. Garn

Joan B. Garn
Joan B. Garn

State of Idaho

County of MADISON

On this 2-2-00

appeared James N. Garn and Joan B. Garn

, before me, a Notary Public in and for said state, personally

known or identified to me to be the person(s) whose name(s) subscribed to the within instrument, and acknowledged to me that he/she/they executed the same.

IN WITNESS WHEREOF I have hereunto set my hand and affixed my official seal the day and year first above written.



Kristy Johnson
Notary Public for the State of Idaho

Residing at: Rigby

Commission Expires: 1-11-2002

Microfilm No. 461616

3 Day Feb 20 00

At 15:44 O'clock P M

MICKIE FUNKE

FREMONT CO. RECORDER

Fee \$ 3. CM Deputy

Recorded at Request of
ALLIANCE TITLE & ESCROW

(Optional)

Recorded ☐Microfilmed ☐Indexed ☐Platted ☐Deed Card ☐Compared ☐Key Punched ☐Master File ☐Abstracted ☐To Treasurer ☐

QUITCLAIM DEED

THIS INDENTURE, Made this 16th day of SEPTEMBER

in the year of our Lord one thousand nine hundred and NINETY NINE

between

of J. Nyle GARN AND JOAN B. GARN County of MADISON

State of IDAHO, the parties of the first part, and

of _____ County of FREMONT

State of IDAHO, the parties of the second part,

whose current address is

WITNESSETH That the said parties of the first part, for and in consideration of the sum of

FIFTY THOUSAND

50,000.00

DOLLARS,

lawful money of the United States of America, to US (them) in hand paid by the said parties of the second part, the receipt whereof is hereby acknowledged, do by these presents remise, release and forever QUITCLAIM, unto the said parties of the second part and to THEIR heirs and assigns all ~~THE FOLLOWING~~ certain lot, piece or parcels of land, situate, lying and being in FREMONT, County of FREMONT, State of Idaho, bounded and particularly described as follows, to-wit:

PARCEL 1: EAST 990 FEET OF THE SOUTHEAST QUARTER;
EAST 990 FEET OF THE SOUTHEAST QUARTER
OF THE NORTHEAST QUARTER OF SECTION 35,
ALL IN TOWNSHIP 8 NORTH, RANGE 41 EAST,
BOISE MERIDIAN.

PARCEL 2: EAST ONE-HALF OF LOT 1 AND THE EAST ONE-HALF
OF THE WEST ONE-HALF OF LOT 1, SECTION 2,
ALL IN TOWNSHIP 7 NORTH, RANGE 41 EAST,
BOISE MERIDIAN -

ALONG WITH ALL WATER RIGHTS AND EASEMENTS

Location of above described property _____

House No. _____

Street _____

MAIL DEED TO:

MAIL TAX NOTICE TO:

Name _____

Address _____

City & State _____

TOGETHER With all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, the reversion and reversions, remainder and remainders, rents, issues and profits thereof.

TO HAVE AND TO HOLD, All and singular the said premises, together with the appurtenances, unto the part ~~es~~ of the second part, and to ~~their~~ heirs and assigns forever.

IN WITNESS WHEREOF, The said part ~~es~~ of the first part ha ~~ve~~ hereunto set ~~their~~ hand and seal ~~s~~ the day and year first above written.

SIGNED, SEALED AND DELIVERED IN PRESENCE OF

_____[Seal]
_____[Seal]
_____[Seal]
_____[Seal]

STATE OF IDAHO
County of } ss.

On this _____ day of _____ in the year 19____, before me

_____ a Notary Public
in and for said State, personally appeared

known to me to be the person whose name _____ subscribed to the within instrument, and
acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year in this certificate first above written.

Notary Public for the State of Idaho.
Residing at _____, Idaho.

No. _____

QUITCLAIM DEED

—TO—

Dated _____, 19____

STATE OF IDAHO, } ss.
County of _____

I hereby certify that this instrument was filed
for record at request of _____

at _____ minutes past _____
o'clock M., this _____ day
of _____, A.D. 19____
in my office, and duly recorded in Book _____
of _____ at page _____

By _____ Ex-Officio Recorder.
Fees, \$ _____ Deputy.
Mail to _____

CAPITOL LITHOGRAPH, BOISE

BILL OF SALE

KNOW ALL MEN BY THESE PRESENTS, That on this 16th day of SEPTEMBER 1999,

J. Nyle GARN AND JEAN B. GARN

of SUGAR CITY

, County of MADISON

State of IDAHO

, the parties of the first part, for and in consideration of the

sum of FIFTY THOUSAND

\$50,000.00

DOLLARS,

LAWFUL MONEY

of the United States of America, to THEM in hand paid by

of

, County of FREMONT

State of IDAHO

, the parties of the second part, the receipt whereof

is hereby acknowledged, do by these presents Grant, Bargain, Sell and Convey unto the said parties

of the second part, HEIRS, executors, administrators and assigns

\$20,000.00 TWENTY THOUSAND TO BE PAID AT TIME OF SAID SALE
DOLLARS

AND \$30,000.00 THIRTY THOUSAND DOLLARS TO BE PAID
BY JANUARY 20th, 2000 BUT NOT BEFORE JANUARY 1, 2000.

PARCEL 1: EAST 990 FEET OF THE SOUTH EAST QUARTER;
EAST 990 FEET OF THE SOUTH EAST QUARTER OF
THE NORTHEAST QUARTER OF SECTION 35, ALL IN

PARCEL 2: EAST ONE-HALF OF LOT 1 AND THE EAST ONE-HALF OF THE
WEST ONE-HALF OF LOT 1, SECTION 2, ALL IN TOWNSHIP
7 NORTH, RANGE 41 EAST, BOISE MERIDIAN.

ALONG WITH ALL WATER RIGHTS AND EASEMENTS.

TO HAVE AND TO HOLD The same to the said parties of the second part, HEIRS, executors, administrators and assigns, forever; and the said parties of the first part do for THEIR heirs, executors and administrators, covenant and agree to and with the said parties of the second part, HEIRS, executors, administrators or assigns to WARRANT and DEFEND the sale of said property, goods and chattels hereby made, unto the said parties of the second part, HEIRS, executors, administrators and assigns, against all and every person and persons whomsoever, lawfully claiming or to claim the same.

IN WITNESS WHEREOF, the said part of the first part hereunto set
hand and seal the day and year first above written.

Signed, Sealed and Delivered in the Presence of

(SEAL)
(SEAL)
(SEAL)
(SEAL)

$$\left. \begin{array}{l} \text{SS}_1 \\ \text{SS}_2 \\ \text{SS}_3 \end{array} \right\} \text{SS}_4$$

On this _____ day of _____, in the year 19_____, before me,
_____, a Notary Public in and for said State,
personally appeared _____
known to me to be the person _____ whose name _____ subscribed to the within instrument, and
acknowledged to me that _____ he _____ executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year in this certificate first above written.

Notary Public residing at _____, Idaho

$$\left. \begin{array}{l} \text{ } \\ \text{ } \end{array} \right\} \text{SS.}$$

I hereby certify that this instrument was filed for record at the request of _____
at _____ minutes past _____ o'clock _____ M., this _____
day of _____, A.D. 19_____,
in my office, and duly recorded in Book _____ of _____ at page _____.

By _____, Deputy.

Fees \$

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 22-13177
Date Received: 6/8/2001
Receipt No: E026803
Received By: bac

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

MARY E BARNEY Phone: (208) 624 3439

PO BOX 132
CHESTER ID USA 83421

KEITH BARNEY Phone: (208) 624 3439

PO BOX 132
CHESTER ID USA 83421

2. Date of Priority: 11/09/1922

3. Source: UNNAMED STREAM Trib. to: TETON RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot			County	Type
08N	41E	35	NW	SW	NE	FREMONT	

5. Description of diverting works:

Pond on creek, pump with gas engine to sprinklers.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/01	10/31	0.6	
STOCKWATER	01/01	12/31	0.03	

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

8. Total consumptive use:

9. Non-irrigation uses:
Number of other uses: 60



10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
08N	41E	35	SE	NE	IRRIGATION	30
					Section Acres	30
					Total Acres	30

11. Place of use in counties: FRANKLIN

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

13. Other Water Rights Used:

14. Remarks:

This claim is based upon license 22-2300. It was given a new number because of existence of temporary claim 22-2300 in the name of the former owner.

15. Basis of Claim: License

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: 7

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 Barney Date: 6-8-01

Date: _____

State of Idaho)
County of Bonneville) SS.

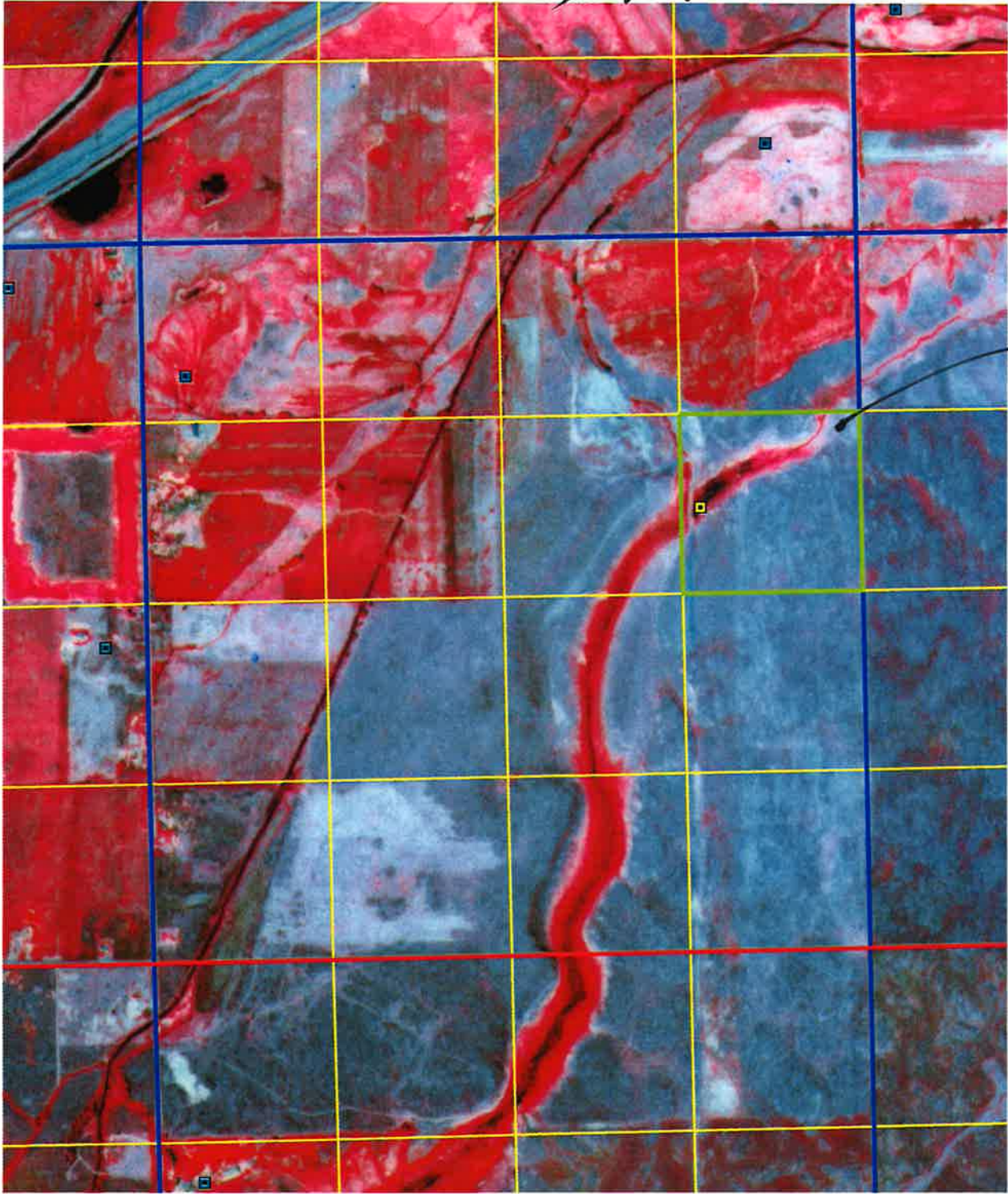
Subscribed and sworn (or affirmed) before me this 8 day
of June 2001 Bryce A. Contor
Notary Public

Residing at Mud Lake ID
My commission Expires 10/14/05

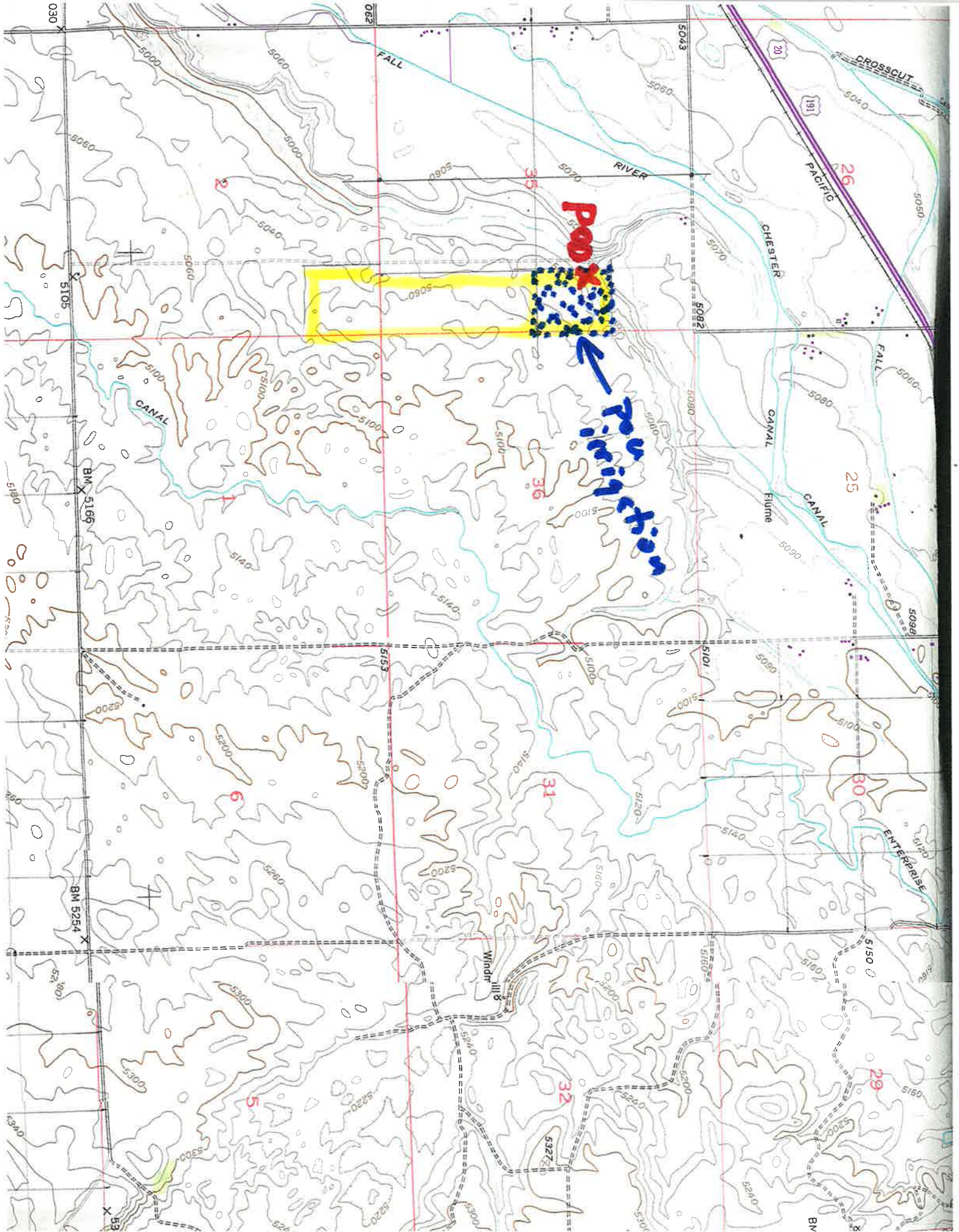


Claim 22-13177
Place of Use and
Point of Diversion

T. 8 N., R. 41 E.



SEC. 35
SENE



IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Claim Report 22-2300

WATER RIGHT NUMBER: 22-2300

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	JAMES N GARN 200 N SUGAR CITY, ID 83448 (208)356-3203
Original Owner	H M WILLIAMS CHESTER, ID 83421
Current Owner	JOAN B GARN 200 N SUGAR CITY, ID 83448 (208)356-3203

Priority Date: 11/09/1922
Basis: License
Status: **Temporary**

<u>Source</u>	<u>Tributary</u>
UNNAMED STREAM	TETON RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	4/01 to 11/01	0.600 CFS	

<u>Location of Point(s) of Diversion</u>	<u>Total Diversion:</u>	
UNNAMED STREAM	NW1/4NE1/4	Sec. 36, Twp 08N, Rge 41E, B.M.
FREMONT County		

Place of Use																			
IRRIGATION																			
Twp	Rge	Sec	NE				NW				SW				SE				
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
08N	41E	35				15.0													15.0
08N	41E	36						15.0											15.0

Total Acres: 30
Conditions of Approval:
Remarks: