

10/31/2005

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

RIGHT NUMBER: 27-12121

NAME AND ADDRESS: LESTER BARFUSS
2045 LUND RD
BANCROFT ID 83217

SOURCE: DAIRY SPRINGS

TRIBUTARY: GRIZZLY CREEK

QUANTITY: 0.190 CFS

PRIORITY DATE: 09/21/1905

POINT OF DIVERSION:

T05S R40E S31 SESWSE Within CARIBOU County

PURPOSE AND

PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

05/01 10/31

0.190 CFS

PLACE OF USE: IRRIGATION Within CARIBOU County

T05S R40E S32 SWSW 9.2

9.2 ACRES TOTAL

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 - Beneficial Use



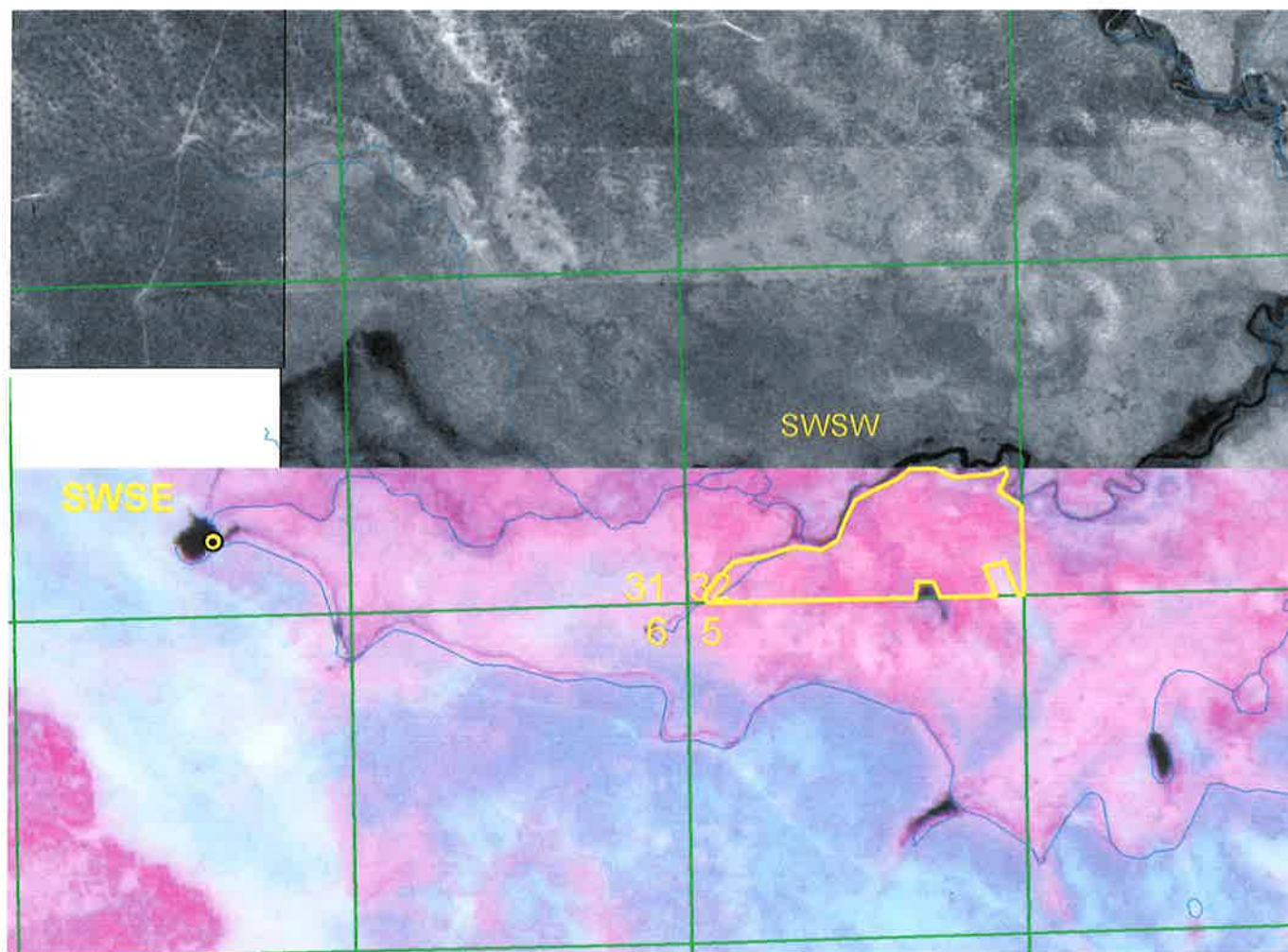
STATE OF IDAHO

Department of Water Resources

Eastern Region



Water Right(s) 27-12121



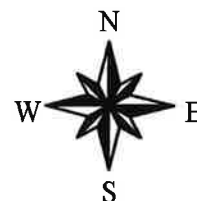
1000 0 1000 2000 Feet

LEGEND

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

Place of Use: T5S, R40E:
(part of) Sec.32 SWSW.

Point(s) of Diversion: T5, R40E:
Sec. 31, SESWSE



GIS Place of Use Illustration
1987/88 NAPP Photography
and 1992 Imagery
Prepared by: C. Bird
Date: October 2005.



Idaho Department of Water Resources

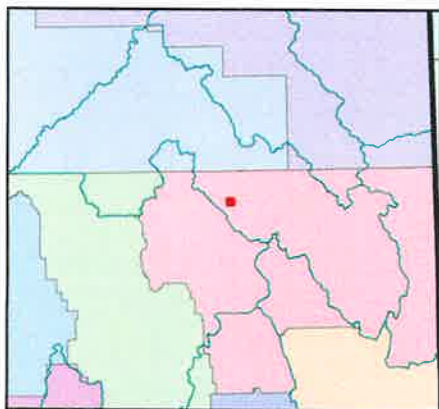
Adjudication Recommendation

27-12121

(IRRIGATION)

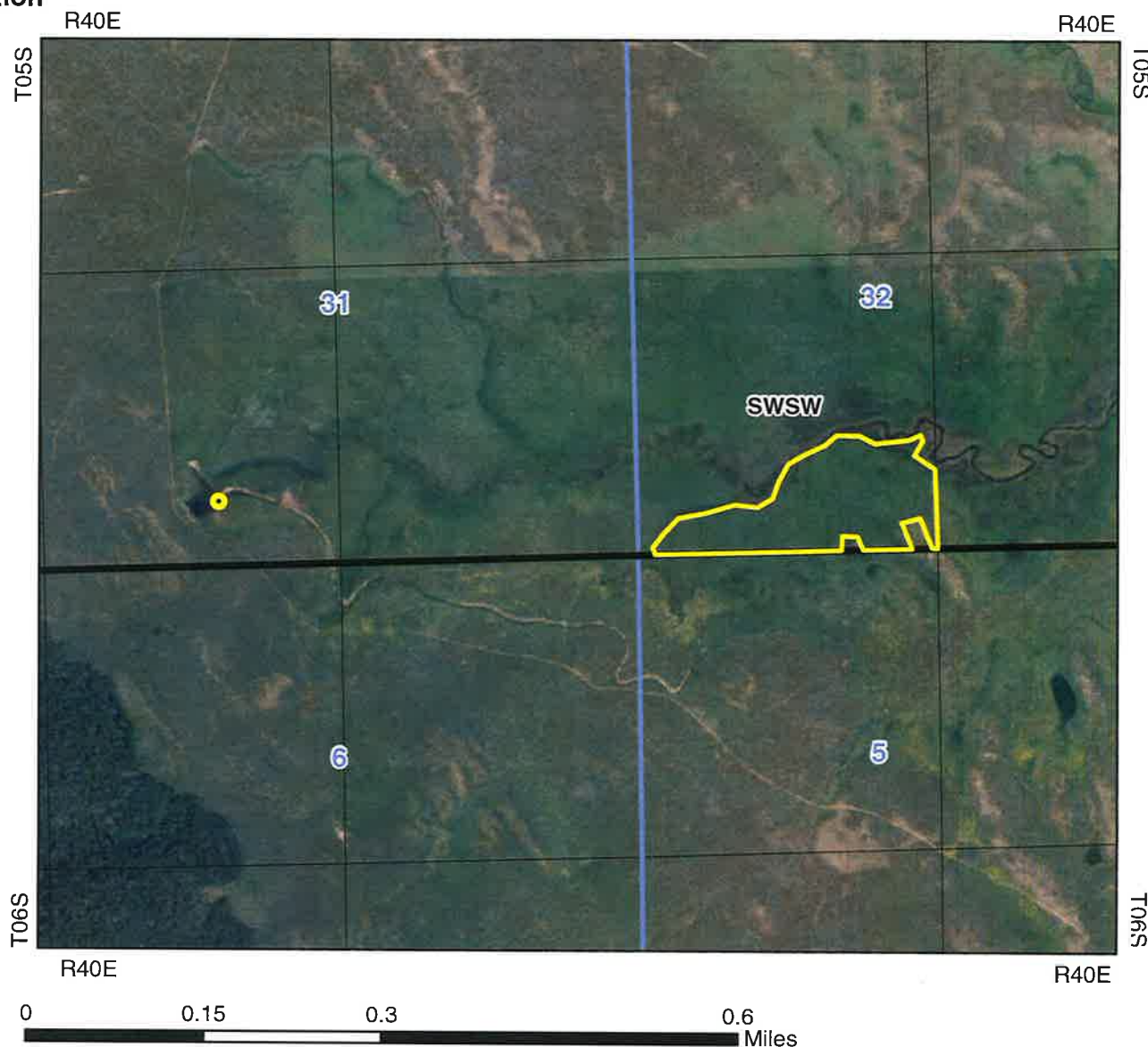
Legend

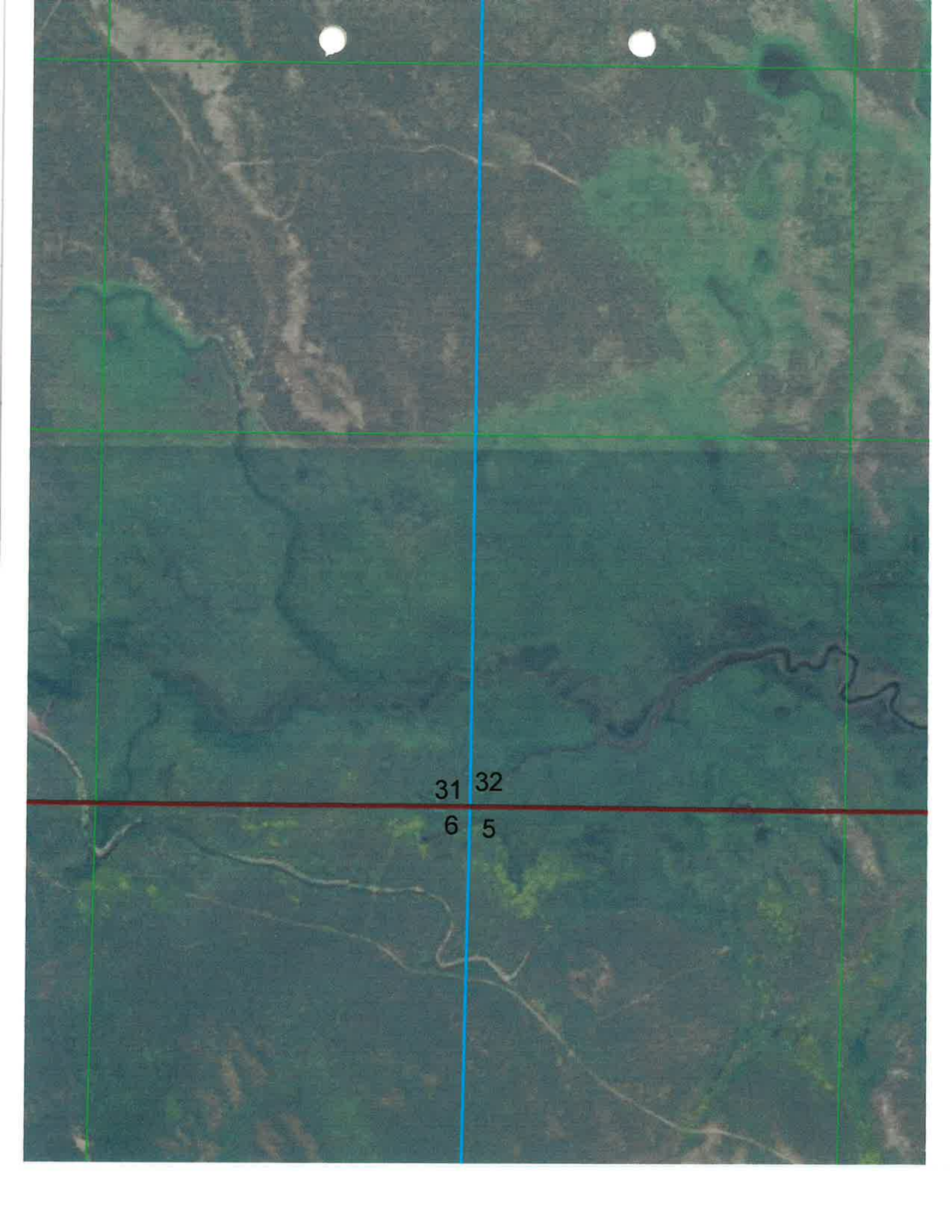
-  Point of Diversion
-  Place of Use
-  State Outline
-  Townships
-  PLS Sections
-  Quarter Quarters



Caribou County
IDWR Basin 27

Prepared by Denise Kidman
On June 05, 2009
2004 Aerial Photography



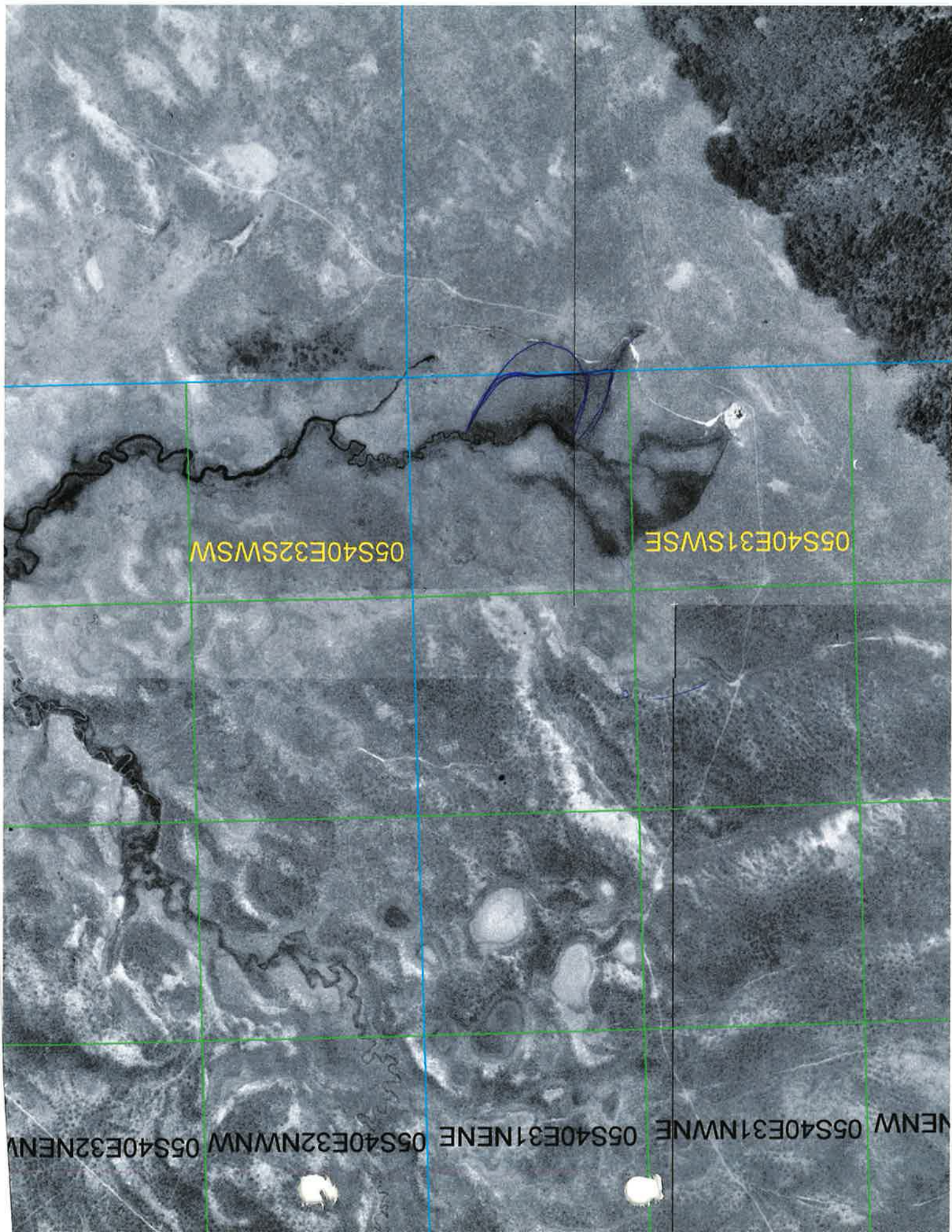


31 32
6 5

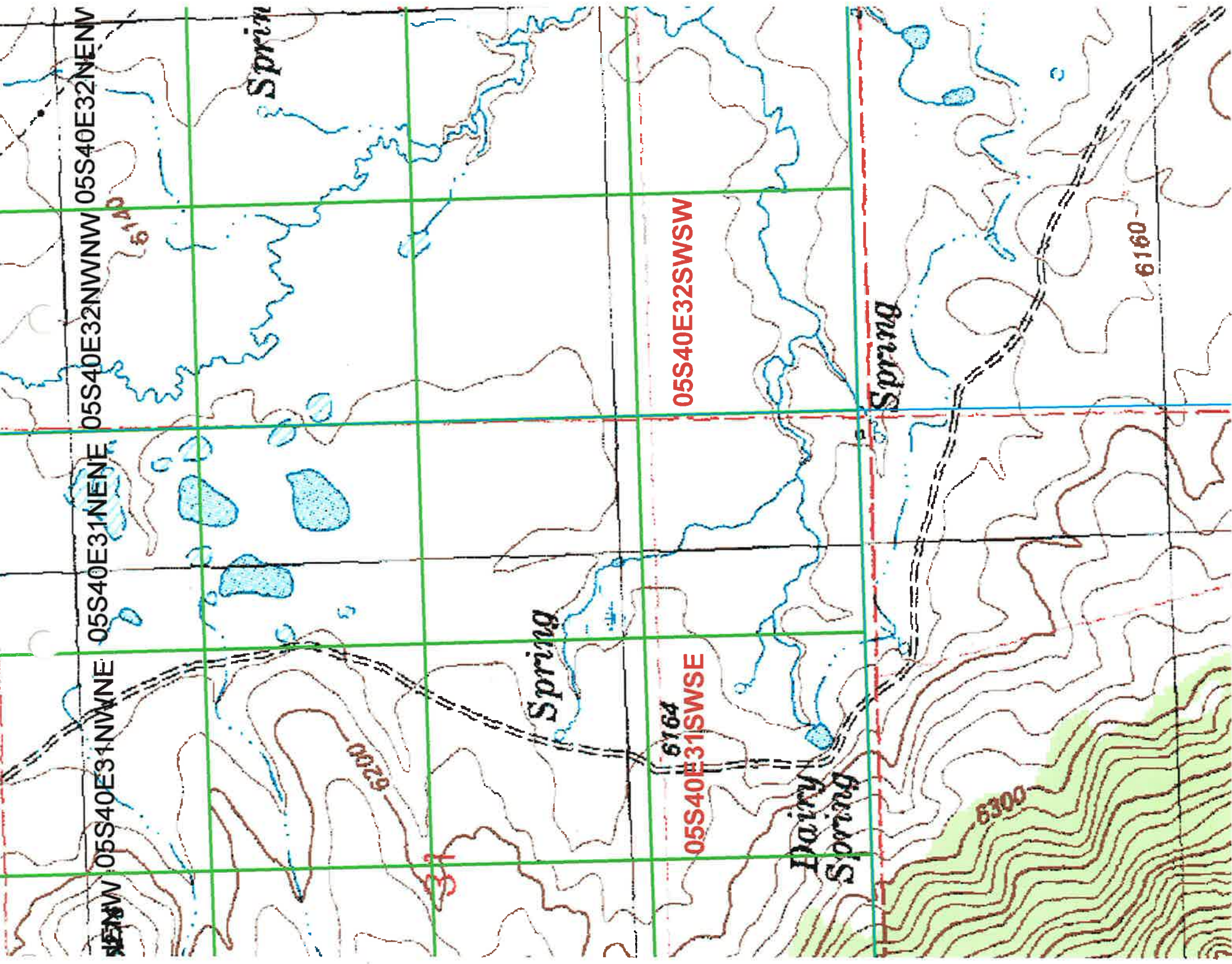
An aerial photograph of a landscape, possibly a wetland or marsh, with a grid overlay. The grid consists of a vertical blue line, a horizontal red line, and two vertical green lines. The landscape is characterized by dark green vegetation and lighter, brownish areas. Two white circular marks are visible at the top of the image. Handwritten numbers are present in the center-right area, indicating specific locations or coordinates.

1992

Photo 27-12/21.90r



05S40E31NWNW 05S40E31NENE 05S40E32NWNW 05S40E32NENW



June 5, 2009

LESTER BARFUSS
2045 LUND RD
BANCROFT, ID 83217

RE: WATER RIGHT 27-12121

Dear Mr. Barfuss,

During our investigation of the Bureau of Indian Affairs and Shoshone-Bannock Tribes objections for Basin 27, a question has arisen about the location of your point of diversion (POD). IDWR needs to confirm the location of the POD, how the water is delivered to your property and location of the delivery ditch. Please indicate the location of these items on the enclosed layout and return it to the office at your earliest convenience.

If you have any questions, please don't hesitate to contact me at the office.

Sincerely,

Denise Kidman
Water Resource Agent

6/15/09
received letter back from
Lester & gave to James Cefalo

**SHOSHONE-BANNOCK TRIBES
WATER RESOURCES DEPARTMENT**P.O. BOX 306
FORT HALL, ID 83203

FACSIMILE TRANSMITTAL SHEET

TO:	FROM:
Ernie Carlson	Else D. Teton
Cindy Bird	
COMPANY:	DATE:
IDWR	10/10/2007
FAX NUMBER:	TOTAL NO. OF PAGES INCLUDING COVER:
(208) 525-7177	3
(208) 547-3939	
PHONE NUMBER:	SENDER'S TELEPHONE NUMBER:
(208) 525-7161	(208) 239-4580
(208) 527-3993	
RE:	
27-12121	

☐ URGENT ☐ FOR REVIEW ☐ PLEASE COMMENT ☐ PLEASE REPLY ☐ PLEASE RECYCLE

NOTES/COMMENTS:

The Shoshone-Bannock Tribes and Lester Barfuss have reached agreement on water right no. 27-12121. We request you prepare a SF5 for the water right as attached. Should you have any questions give Else Teton a call at the number listed above.

Cc: Peter Monson, USDI (303) 312-7379
David Barber, State of Idaho (208) 334-2690
Garrick Baxter, IDWR (208) 287-6700
Stephen Blaster, Attorney at Law (208) 785-7080
Jeanette Wolfley, Special Counsel (208) 232-7472

TELEPHONE: (208) 239-4583
FAX: (208) 239-4592

Received Time Oct. 10. 11:43AM

SCANNED

OCT 11 2007

BLASER, SORENSEN & OLESON, *Chartered*

Attorneys at Law
(208) 785-4700
FAX No. 785-7080

Stephen J. Blaser
Murray Jim Sorensen
Justin B. Oleson
Nick M. Staley

285 N.W. Main
MAILING ADDRESS:
P.O. Box 1047
Blackfoot, Idaho 83221

October 5, 2007



Else D. Teton
Tribal Water Resources Department
PO Box 306
Fort Hall, ID 83203

Re: 27-12121

Dear Ms. Teton:

Enclosed is a signed agreement on the above Water Right number on behalf of Lester Barfuss. Could you please go ahead and submit this now and get the State and Government's approval?

Thank you.

Yours very truly,

BLASER, SORENSEN & OLESON, Chrt.


Stephen J. Blaser
Attorney at Law

SJB/jc

cc: Lester Barfuss

SCANNED
OCT 11 2007

Received Time Oct. 10. 11:43AM

Correspondence
Water Claimant

August 14, 2007
Page 2 of 2

Right No. 27-12121

The Shoshone-Bannock Tribes and I, Lester Barfuss, have reached agreement on water right no. 27-12121 and request that the Idaho Department of Water Resources prepare an Standard Form 5 for the water right as shown.

Irrigation Volume:

$$9.2 \text{ acres} \times \frac{3.1 \text{ acre-foot / year}}{\text{acre}} \Rightarrow 28.5 \text{ AFY}$$


Lester Barfuss

SCANNED

OCT 11 2007

Notes

10/31/05 9.2 acres
0.19 cfs

PROFILED

SCANNE

APR 18 2000

Contacts Data Entry Form

Owner Type	Full Name	Address	City	State	Zip	Phone
------------	-----------	---------	------	-------	-----	-------

३३

Current Owner _____

Name connector: and _____, or _____, and/or _____

Current Owner _____

Current Owner _____

Representing Attorney: _____ Phone Number: _____

Accompanied By: Rondo Perkins. Phone Number: _____

Relationship to Claimant: _____

Date of Field Exam: 10-6-04 Time: _____

Directions to Property (if different from above) and/or update owner information:

This image shows a single page of white paper with horizontal blue or grey ruling lines. The lines are evenly spaced and run across the width of the page. There is no handwriting or printed text on the page.

Reviewer: _____

Date: _____

Contacts Data Entry Form

Priority Date Data Entry FormClaim Number: 27-12121.

Water Right Priority Date: _____ Water Right Basis: _____

Claimed Priority Date: _____ Claimed Basis: _____

Recommended Priority Date: _____ Recommended Basis: _____

☒ Use Claimed Priority Date and Basis as Recommended Priority Date and Basis

Document the evidence submitted/reviewed for the priority date claimed, include your analysis of the evidence:

homestead plat

Reviewer: _____

Date: _____

Point of Diversion and Source Data Entry Form

Claim Number: 27-12121

Water Right Point of Diversion: T____, R____, Sec.____, County:____

Source:____ Tributary:____

Claimed Point of Diversion: T____, R____, Sec.____, County:____

Source:____ Tributary:____

Recommended Point of Diversion: T____, R____, Sec.____, County:____

Source:____ Tributary:____

4 Use Claimed POD and Source as Recommended POD and Source

Twp	Rge	Sec	Gov Lot	QQQ of QQ of Q	County	Source
55	40E	31		SFSWSE	Caribou	Dairy Springs
GPS Coordinates: <u>42.9342002</u>						<u>-111.8141539</u>
GPS Coordinates: _____						
GPS Coordinates: _____						
GPS Coordinates: _____						
GPS Coordinates: _____						
GPS Coordinates: _____						
GPS Coordinates: _____						

Other rights from this POD? Chesterfield L? Livestock.

Document how the POD and Source were verified and/or Pump and Motor data:

field examTransfers Changing POD noReviewer: CBDate: 10/28/05

Point of Diversion and Source Data Entry Form

Place Of Use Data Entry Form

Claim Number: _____

_____ Use Claimed POU as Recommended POU

Claimed Place of Use

Twp	Rge	Sec	QQ	Q	County	Lot Num	Acres	Purpose of Use

Total Acres _____

Recommended Place of Use

Twp	Rge	Sec	QQ	Q	County	Lot Num	Acres	Purpose of Use
55	40E	32	SWSW		Caribou	-	9.2	Irrigation.

Total Acres 9.2.

Document how the POU was verified:

1987 Napp photography.
AA44 TPO Map
AA44 1974 Orthoquad!
2004 imagery.

Transfers Changing POU _____

Reviewer: CBDate: 10/28/05

Period of Use and Quantity Data Entry Form

Claim Number: _____

☐ Use Claimed Period of Use and Quantity as Recommended Period of Use and Quantity

Water Right Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

Overall Diversion Rate _____

Overall Diversion Volume _____

Claimed Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

Overall Diversion Rate _____

Overall Diversion Volume _____

Recommended Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
Irrigation	5/1	10/31	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

Overall Diversion Rate _____

Overall Diversion Volume _____

Document how the Period of Use and/or Diversion Rate were verified:

Reviewer: _____

Date: _____

Idaho Department of Water Resources Receipt

Receipt ID E031386

Payment Amount \$135.00 Date Received 10/26/2005 2:06:39 PM Region Eastern Status ☐
Payment Type Check Check Number 10648

Payer BARFUSS LESTER OR ROENE

Comment 27-12121

Fee Detail

Amount	Description	Fund	FD	PCA	SO
\$135.00	ADJUDICATION FILING FEE	0337		43503	1155


Signature Line (Dept. Representative)

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 27-12121
Date Received: 10/26/2005
Receipt No: E031386
Received By: BPJ

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

LESTER BARFUSS Phone: (208) 648-7724
2045 LUND RD
BANCROFT ID USA 83217

2. Date of Priority: 09/21/1905

3. Source: DAIRY SPRINGS Trib. to: GRIZZLY CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
05S	40E	31	SE SW SE	CARIBOU	

5. Description of diverting works:

DITCH AND DAMS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	05/01	10/31	0.7	

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

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
05S	40E	32	SW	SW	IRRIGATION	35
					Section Acres	35
					Total Acres	35

11. Place of use in counties: CARIBOU

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

13. Other Water Rights Used:

14. Remarks:

15. Basis of Claim: Beneficial Use

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 27-12121Date Received EO 31386

Receipt Number _____

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of Claimant (s) Lester Barfuss Phone (208) 648-7724Mailing Address 2045 Lund Road Bancroft, Idaho Zip 832172. Date of Priority (Only one (1) per claim) 1905 - 9 - 213. Source of water supply (a) Barry Springs
which is tributary to (b) Barry Creek4. a. Location of existing point of diversion is: Township 5S Range 40E Section 31,
SE 1/4 of SW 1/4 of SE 1/4, Govt. Lot, _____ B.M., County of Caribou

Additional points of diversion if any: _____

b. If instream flow, beginning point of claimed instream flow is:

Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4,

Govt. Lot _____ B.M., County of _____

ending point is: Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____

_____ 1/4, Govt. Lot _____ B.M., County of _____

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well.ditch, dams.

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For Irrigation purposes from 5/1 to 10/31 amount 0.70 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 0.70 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is - acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) _____

10. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
55	40E	32											35						35

Total number of acres irrigated 35

11. In which county (ies) are lands listed above as place of use located? Caribou

12. Do you own the property listed above as place of use? Yes X No _____
If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above. _____ or None (X)

14. Remarks:

ditches, dams.

Last Name Barbuss. Ident No. _____

Copies: White -State, Yellow-Claimant

Scale: 2 inches equals 1 mile

Copies: White-State, Yellow-Claimant

15. Basis of Claim (check one) Beneficial Use ☒ Posted Notice _____ License _____ Permit _____
Decree _____
If applicable provide IDWR Water Right Number _____
Court _____ Case Number _____ Decree Date _____
Plaintiff vs 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 1

For Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant (s) Lester Bonferron x Date Oct-25-05
Date _____

For Organizations: I do solemnly swear or affirm that I am _____ Title _____
of _____, that I have signed the foregoing
Organization
document in the space below as _____ of _____
Title Organization
and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent _____
Title and Organization _____ Date _____

State of Idaho/or _____)
County of Bannock) SS.

Subscribed and sworn (or affirmed) before me this 25th day of October 19 2005



Notary Public Cindy E Bird

Residing at Lava Hot Springs

My Commission Expires May 1, 2007

Please Print Name

Cindy E. Bird.

17. Notice of Appearance.

Notice is hereby given that I, _____ will be acting as attorney at law on behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature _____

Address _____

Date _____

Last Name Barfuss Ident. Number _____

Both books

256

Quadrant No. 5 South. Range No. 40 E B. Mex.

[illegible]