

12/28/2001

CARL BARNES
3717 E BACK DOWNATA RD
DOWNEY ID 83234

TRIBUTARY: MARSH CREEK
TRIBUTARY: MARSH CREEK

0.68 CFS

11/13/1888

T12S R37E S8 SESW Injection Within BANNOCK County
T12S R37E S8 SESW Rediversion Within BANNOCK County
T12S R37E S29 NWSWE Within BANNOCK County

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/31	0.680 CFS

IRRIGATION Within BANNOCK County

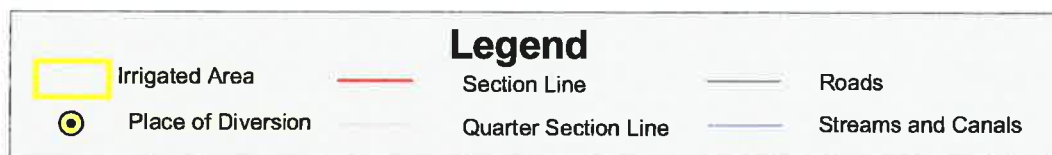
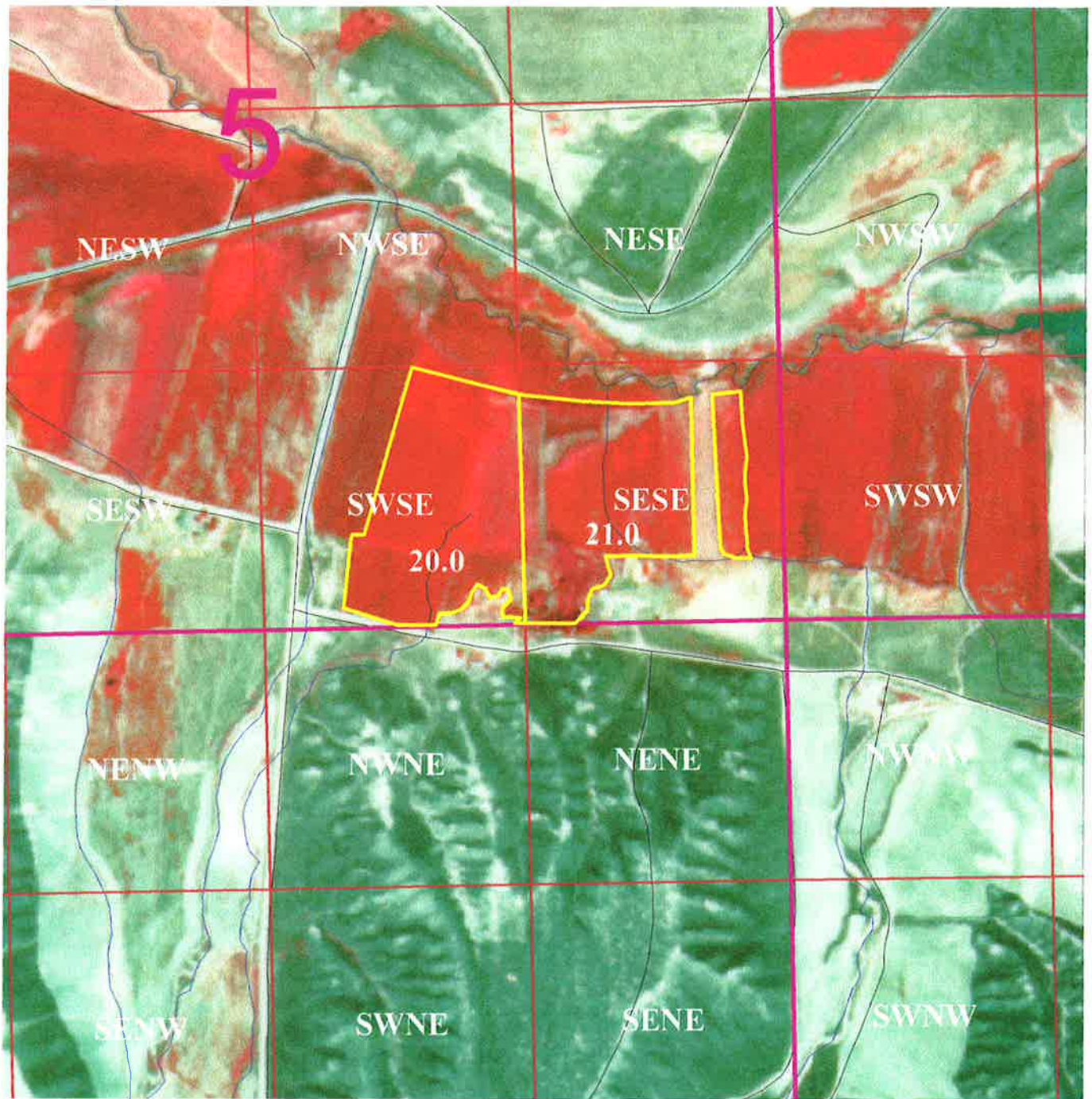
T12S R37E S05	SWSE	9.0	T12S R37E S05	SESE	25.0
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USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 78 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 29-02268, 29-11799, 29-00348B

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.

Decreed

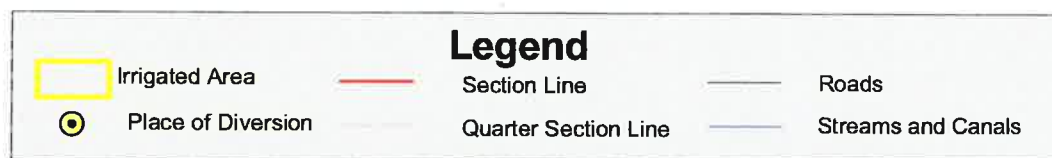
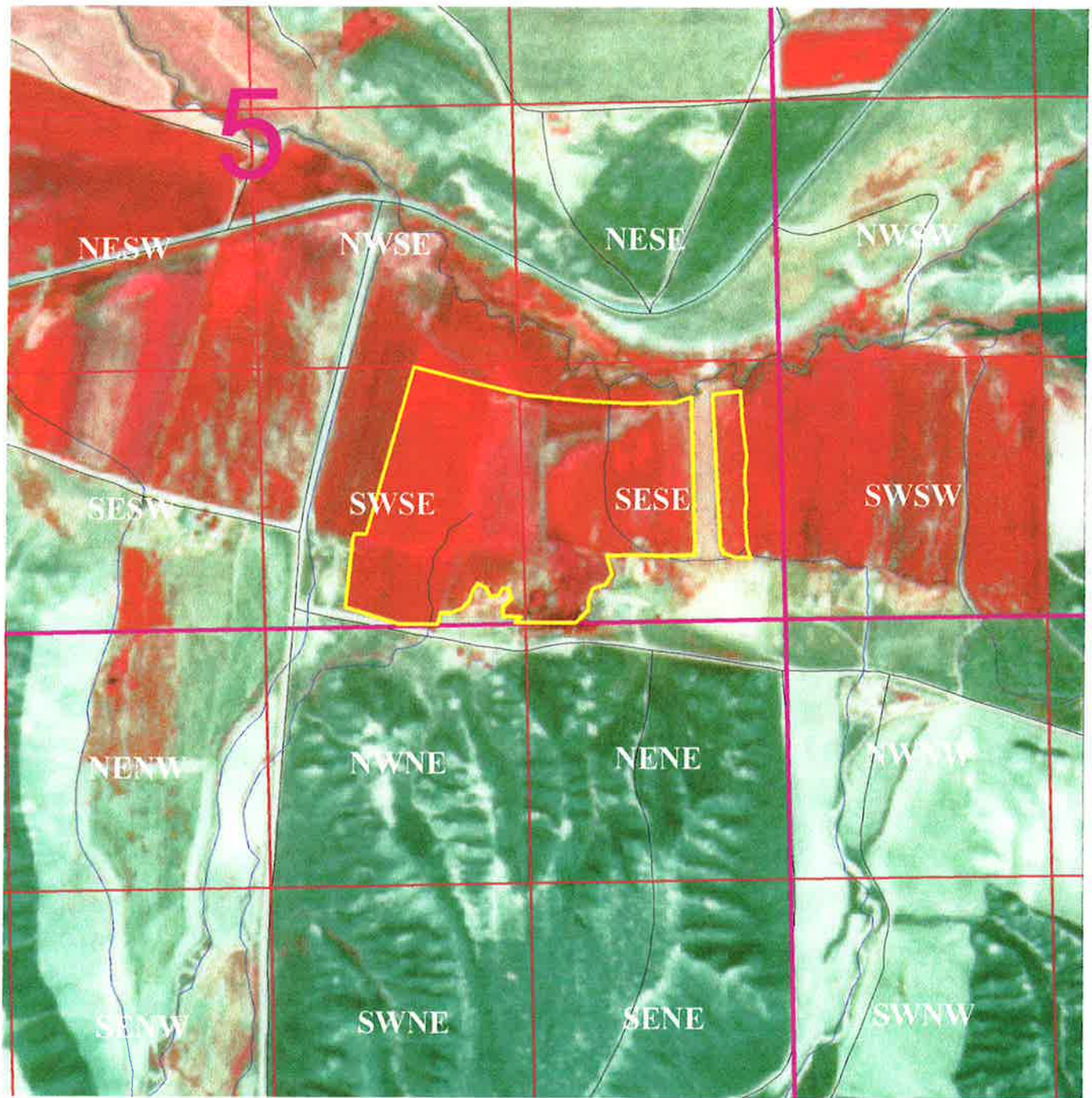
Township , 12S37E



200 0 200400600 Feet



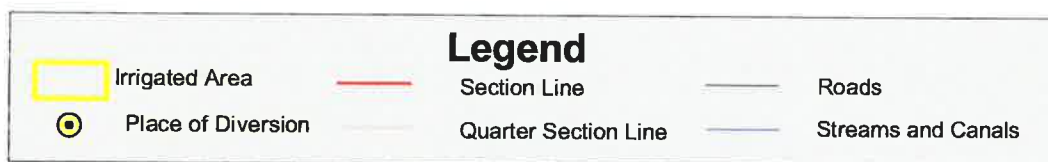
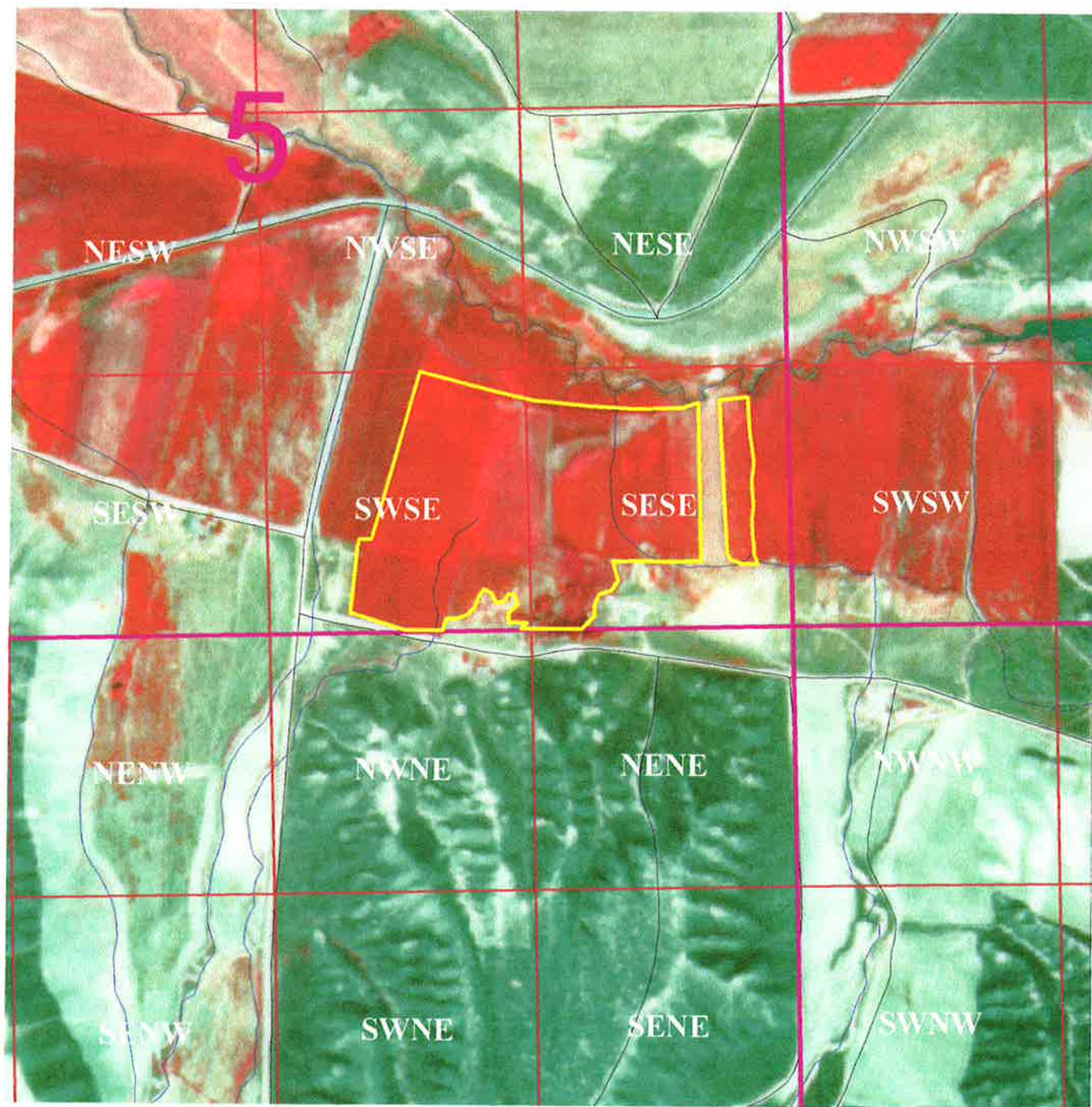
Township , 12S37E



200 0 200 400 600 Feet



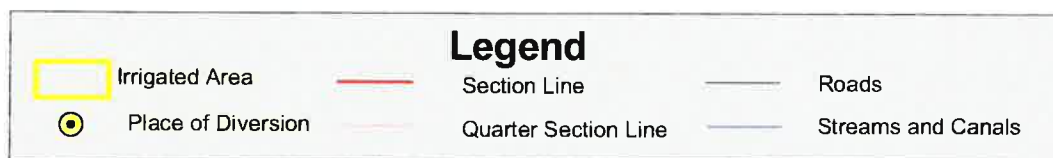
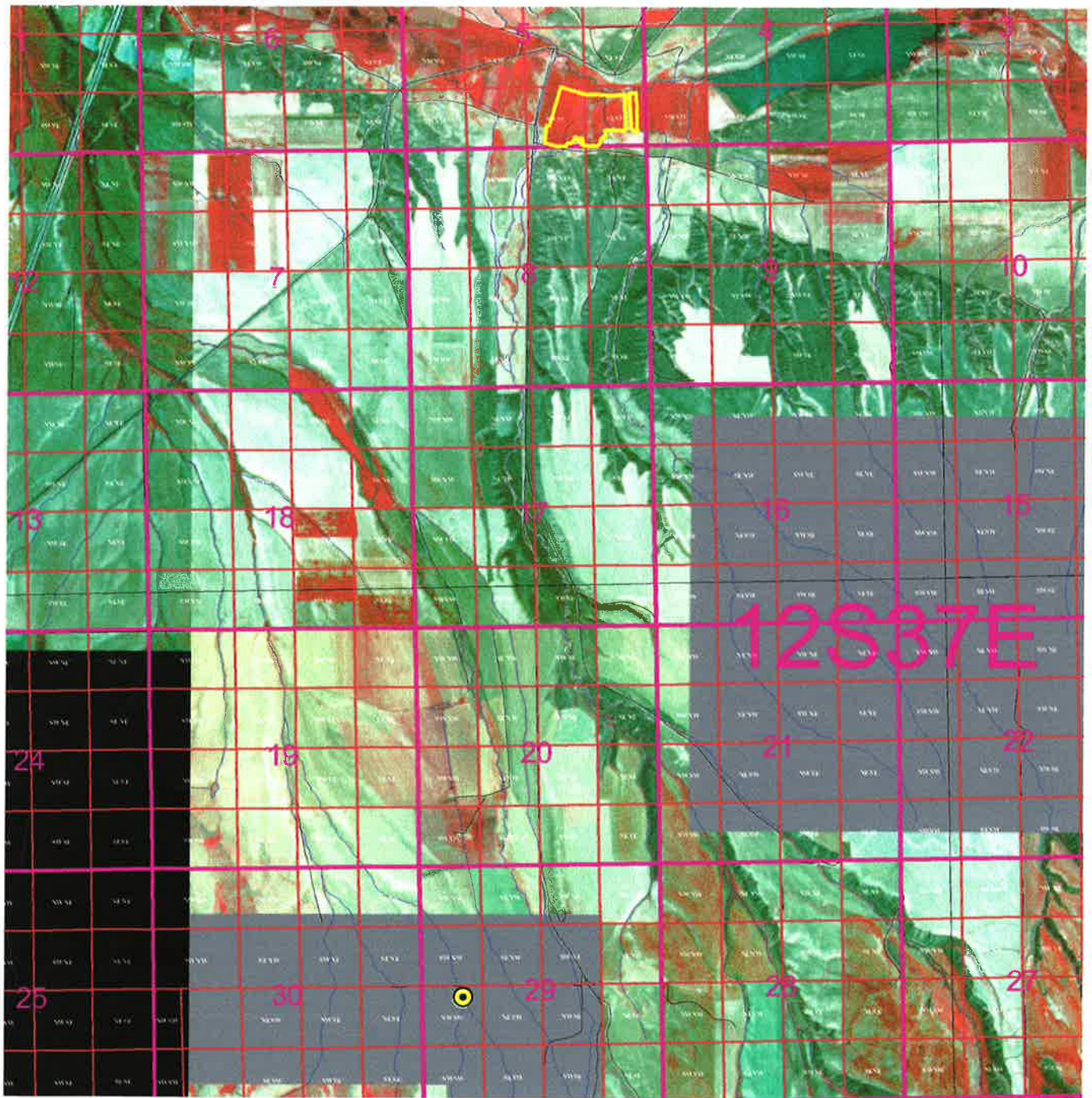
Township , 12S37E



200 0 200 400 600 Feet



Township , 12S37E



1000 0 1000 2000 3000 Feet



02/08/2003

Dave

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: April 21, 2003

Water right number: 29-348B

ANAVOE BARNES
3717 E BACK DOWNATA RD
DOWNEY ID 83234
Telephone Number: (208)897-5775

CARL BARNES
3717 E BACK DOWNATA RD
DOWNEY ID 83234
Telephone Number: (208)897-5775

RECEIVED
APR 17 2003
Department of Water Resources
Eastern Region

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:

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

DATE: 4-6-03 SIGNATURE: Carl Barnes
Please print your name: Carl Barnes

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

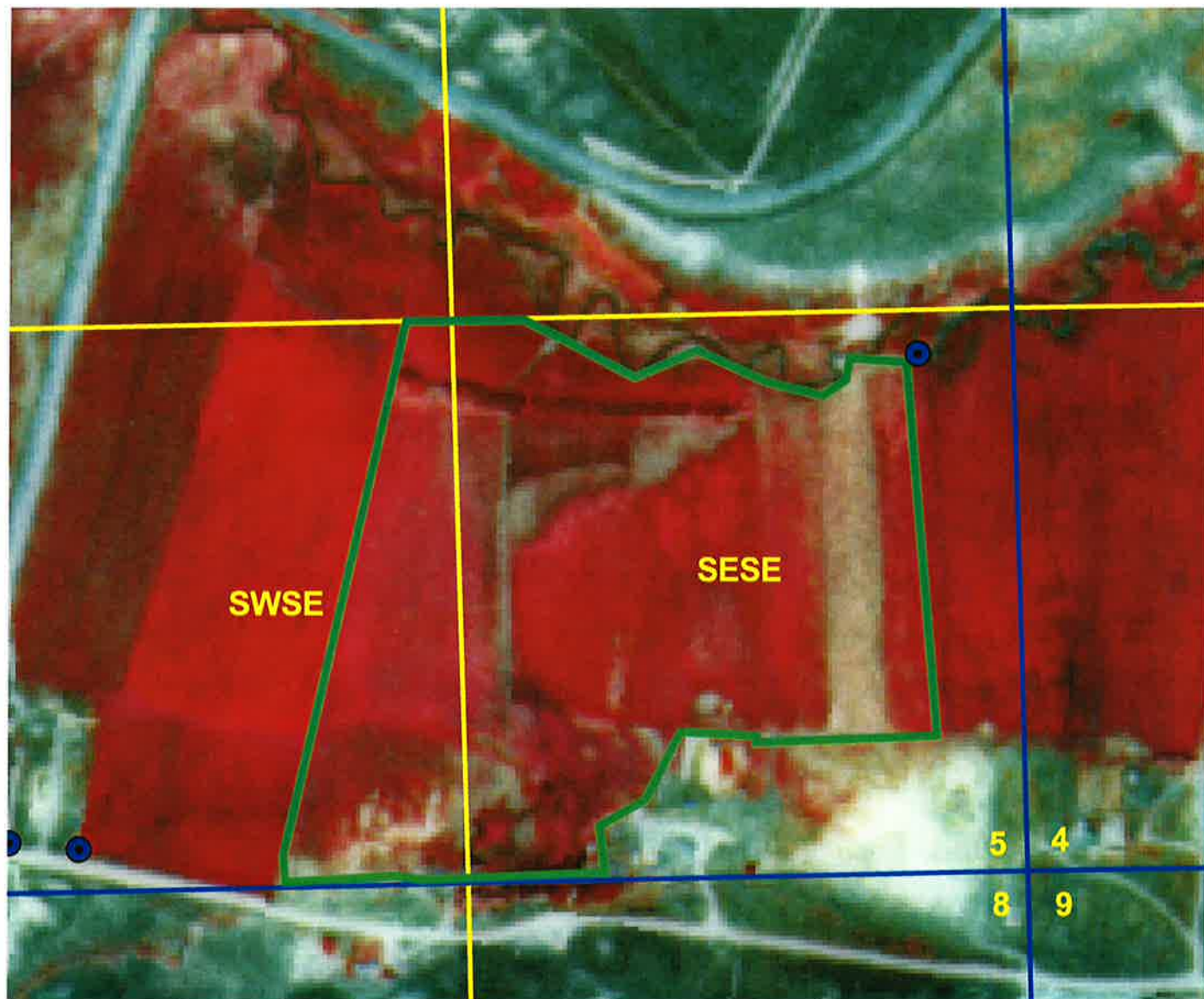
PROFILED

SCANNED
NOV 02 2005

IDAHO DEPARTMENT OF WATER RESOURCES

29-00348B

T12S, R37E SEC. 5



ACRES IRRIGATED- 34

SCANNED

NOV 02 2005



POINT OF DIVERSION



PLACE OF USE

GIS: PLACE OF USE

POINT OF DIVERSION

1987/1988 NAPP PHOTOS

DAVE CARLSON

PROFILED

Ralph

2. That the parties hereto are the successors in interest of the water rights and the lands to which said rights were appurtenant under the Decree, to wit:

	PARTY	PREDECESSOR	SHARE OF WATER	REAL PROPERTY
11	Carl R. Evans <i>STEPHANS</i>	Charles R. Evans	1/9 40	SW1/4NE1/4, Section 19, Township 12 South, Range 37 E.B.M.
16.6	(Geraldine McNea)	Thomas Barnes	1/6	W1/2SW1/4, Section 8, Township 12 South, Range 37 E.B.M.
16.6	Randy Jones (<i>LISH</i>)	Joseph Bloxham	1/6	SE1/4, Section 18, Township 12 South, Range 37 E.B.M.
11	Dunford Weston <i>NIELSEN</i>	Charles R. Evans	1/9 40	SE1/4SE1/4, Section 20, Township 12 S., Range 37 E.B.M.
11	Jan B. Evans <i>PAULSON</i>	Charles R. Evans	1/9 160	Tract in NE1/4, Section 19 and Tract in Section 20, both in Township 12 South, Range 37 E.B.M.
16.6	Von G. Bloxham	Isaac Bloxham	1/6	E1/2NW1/4, Section 18, Township 12 South, Range 37 E.B.M.
8	Robert Baxter <i>VAUGHN</i>	Ralph Douglass	1/12	NE1/4NE1/4, Section 8, Township 12 South, Range 37 E.B.M.
8	(Carl Barnes)	John Barnes	1/12	SW1/4SW1/4, Section 4 and SE1/4SE1/4 of Section 5, Township 12 South, Range 37 E.B.M.

* 210

60AC

44AC

200AC

145AC

60AC

140AC

NONE 40AC

3. The parties represent and state that they and their predecessors have used their share of all the waters of Cherry Creek continuously during each irrigation season upon the lands owned by them, as above described in paragraph 2.

4. The parties represent and state that the entire flow of Cherry Creek is not adequate to satisfy all the irrigation needs of the respective parties and that there is no water in Cherry Creek available for further appropriation.

FILED

SCANNED
NOV 02 2005

*11/10/01 1954
Page 19, Judgment
pg 239*

SCANNED

JUN 04 2001

Log for claim A29-00348B

Spatial Dynamics TWB

5/10/00

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
12s37e	5	SWSE	14	20	
12s37e	5	SESE	20	21	
Totals:			34	41	

claimed 1"/Acre which
is ok.

DATE: 04/24/00
PAGE: 17

Stage: DECREED

Dates:	Exam Made Date:	Verified Date:	Objection Filed Date:
Misc:	Water District Number:	Field Inspection Flag: Presumption Flag:	
Audit:	04/28/90 MEYER 05/24/94 COX	03/29/95 POST-STD	

WATER OWNERS' AGREEMENT

THIS AGREEMENT entered into between VON G. BLOXHAM and MARY LOIS BLOXHAM, husband and wife, GERALDINE B. McNEE, a widow, ROBERT BAXTER, CARL BARNES and ANAVOE M. BARNES, husband and wife, CARL R. EVANS and FLORENCE T. EVANS, husband and wife, JAN B. EVANS and SHERAL A. EVANS, husband and wife, RANDY JONES and M. DUNFORD WESTON and LOIS WESTON, husband and wife;

WHEREAS, some have recently been filed upon claims to certain of the waters of Cherry Creek, which are situate in Township 12 South, Range 37 E.B.M., Bannock County, Idaho; and

WHEREAS, the parties hereto are the owners of all the waters flowing from Cherry Creek and desire to enter into this agreement for the mutual protection of their respective water rights;

NOW, THEREFORE, THE PARTIES MUTUALLY COVENANT AND AGREE among themselves, as follows:

1. That on the 3rd day of November, 1888, the Honorable C. H. Beery, Judge of the District Court of the Third Judicial District of Idaho, in and for the County of Oneida, entered a Consent Decree which provided as follows:

"The the defendants Chas. R. Evans, Ralph Douglass, Joseph Blocksom, John Barnes, Thomas Barnes, and Isaac Blocksom, have the exclusive right to the use of the water of the stream mentioned in Plaintiffs' Complaint, to wit: Cherry Creek, forever; and of the ditch or ditches conveying the same to and upon the lands of the Defendants; and it is decreed that the right and title of the defendants, as against the plaintiffs and each of them be, and the same are, hereby forever quieted and that the Plaintiffs hereto and each of them is perpetually enjoined and restrained from interfering with any of the water rights of said Cherry Creek, and that the Defendants pay the costs of this action."

That said Decree of the Court was thereafter recorded on the 13th day of November, 1888 in Book A of Judgments at page 145; further, said Decree was likewise recorded in Book 21 of Deeds at page 545 on the 22nd day of June of 1936.

2. That the parties hereto are the successors in interest of the water rights and the lands to which said rights were appurtenant under the Decree, to wit:

<u>PARTY</u>	<u>PREDECESSOR</u>	<u>SHARE OF WATER</u>	<u>REAL PROPERTY</u>
Carl R. Evans	Charles R. Evans	1/9	SW1/4NE1/4, Section 19, Township 12 South, Range 37 E.B.M.
Geraldine McNee	Thomas Barnes	1/6	W1/2SW1/4, Section 8, Township 12 South, Range 37 E.B.M.
Randy Jones	Joseph Bloxham	1/6	SE1/4, Section 18, Township 12 South, Range 37 E.B.M.
Dunford Weston	Charles R. Evans	1/9	SE1/4SE1/4, Section 20, Township 12 S., Range 37 E.B.M.
Jan B. Evans	Charles R. Evans	1/9	Tract in NE1/4, Section 19 and Tract in Section 20 both in Township 12 South, Range 37 E.B.M.
Von G. Bloxham	Isaac Bloxham	1/6	E1/2NW1/4, Section 18, Township 12 South, Range 37 E.B.M.
Robert Baxter	Ralph Douglass	1/12	NE1/4NE1/4, Section 8, Township 12 South, Range 37 E.B.M.
Carl Barnes	John Barnes	1/12	SW1/4SW1/4, Section 4 and SE1/4SE1/4 of Section 5, Township 12 South, Range 37 E.B.M.

3. The parties represent and state that they and their predecessors have used their share of all the waters of Cherry Creek continuously during each irrigation season upon the lands owned by them, as above described in paragraph 2.

4. The parties represent and state that the entire flow of Cherry Creek is not adequate to satisfy all the irrigation needs of the respective parties and that there is no water in Cherry Creek available for further appropriation.

5. The parties hereby agree with each other that no adverse claim to the waters of Cherry Creek owned by another party is now made, nor shall hereafter be made by any party hereto.

6. This agreement shall be binding upon the parties, their heirs, successors and assigns and shall not be modified or amended except by a written instrument signed by all parties their heirs, successors or assigns.

DATED this 27 day of January, 1983.

Von G. Bloxham
Von G. Bloxham

Mary Lois Bloxham
Mary Lois Bloxham

Geraldine B. McNea
Geraldine B. McNea, a widow

Robert Baxter
Robert Baxter

Colleen S. Baxter
Spouse, if married

Carl Barnes
Carl Barnes

Anavoe M. Barnes
Anavoe M. Barnes

Carl R. Evans
Carl R. Evans

Florence T. Evans
Florence T. Evans

Jan B. Evans
Jan B. Evans

Sheral A. Evans
Sheral A. Evans

Randy A. Jones
Randy A. Jones

Jane Jones
Spouse, if married

M. Dunford Weston
M. Dunford Weston

Lois Weston
Lois Weston

STATE OF IDAHO)
)ss
County of Bannock)

On this 27th day of January, 1983, before me the undersigned notary public, personally appeared VON G. BLOXHAM and MARY LOIS BLOXHAM, husband and wife, known to me to be the persons whose names are subscribed to the within instrument and acknowledged to me that they 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.

Julia S. Hall
Notary Public for Idaho
Residing at: McBarnes Rd.

STATE OF IDAHO)
)ss
County of Bannock)

On this 28th day of April, 1983, before me the undersigned notary public, personally appeared CARL R. EVANS and FLORENCE T. EVANS, husband and wife, known to me to be the persons whose names are subscribed to the within instrument and acknowledged to me that they 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.

Sharon A. Brown
Notary Public for Idaho
Residing at: Pocatello

STATE OF IDAHO)
)ss
County of Bannock)

On this 28th day of April, 1983, before me the undersigned notary public, personally appeared Sharon A. Evans, known to me to be the person(s) whose name(s) (is) are subscribed to the within instrument and acknowledged to me that (he) they 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.

Sharon A. Brown
Notary Public for Idaho
Residing at: Pocatello

STATE OF IDAHO)
)ss
County of Bannock)

On this 27th day of January, 1983, before me the undersigned notary public, personally appeared CARL BARNES and ANOVUE M. BARNES, husband and wife, known to me to be the persons whose names are subscribed to the within instrument and acknowledged to me that they 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.

Sharon S. Hall
Notary Public for Idaho
Residing at: McCall, Id.

STATE OF IDAHO)
)ss
County of Bannock)

On this 27th day of January, 1983, before me
the undersigned notary public, ~~personally~~ appeared RANDY A.
JONES, and JANE B. JONES, husband and wife, known to me to be
the persons whose names are subscribed to the within instrument
and acknowledged to me that they 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.

William S. Hall
NOTARY PUBLIC FOR IDAHO
Residing at McCammon, ID

JUN 04 2001

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: A29-00348B
Date Received: 4/27/1990
Receipt No: E013794
Received By: DM

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: CARL BARNES 208-897-5775
Address: 3717 E. BACK DOWNATA RD.
DOWNEY, ID 83234

OR
Name: ANAVOE BARNES 208-897-5775
Address: 3717 E. BACK DOWNATA RD.
DOWNEY, ID 83234

2. Date of Priority: NOV 13, 1888

3. Source: CHERRY CREEK Trib. to: MARSH CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
12S	37E	29	SW	NW	NE		BANNOCK
			NW	SW	NE		BANNOCK

5. Description of diverting works:
HEADGATE AND DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	0.680		

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

8. Total consumptive use is 85.0 Acre Feet Per Annum.

9. Non-irrigation uses:
S/30 CATTLE.

A2900348B



10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
12S	37E	5	SW	SE		IRR	14.0
			SE	SE		IRR	20.0

Section Acres 34.0

Total Acres 34.0

11. Place of use in counties: BANNOCK

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

13. Other Water Rights Used:
A29-11799, A29-02268

14. Remarks:

THIS CLAIM IS FOR A PORTION OF DECREED WATER RIGHT 29-00348.
CLAIMANTS HAVE 1/12 SHARE IN CREEK. SEE ATTACHED COPY OF
AGREEMENT.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date:

J. W. MORGAN

Decree Plaintiff

vs

CHAS. R. EVANS. DECREE 29-G-2

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): Carl Barnes Date: 4-27-90
Anaese Barnes Date: 4-27-90

State of Idaho)
County of BONAVILLE) SS.

Subscribed and sworn (or affirmed) before me this 27 day
of April 19 90
[Signature]
Notary Public

Seal

Residing at Idaho Falls
My Commission Expires 9-12-94



32

31

4

5

4802

25

T12S
R37E
A29-00348B

VALLEY CANAL

3

20

CREEK ROAD

4695

4694

CREEK

ASPEN

ASPEN

48

4693

MICROFILMED

Red 3

MICROFILMED
NOV 13 1992

A29-00348B

1125
237E

