

**STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES**

**TRANSFER OF WATER RIGHT  
TRANSFER NO. 86230**

This is to certify that: **KATHRYN H BARKER AND  
RUEL BARKER  
1621 W 950 N  
PROVO, UT 84604-3005**

has requested a change to the water right(s) listed below. This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code. A summary of the changes is also listed below. The authorized change for each affected water right, including conditions of approval, is shown on the following pages of this document.

**Summary of Water Rights Before the Proposed Changes**

| <u>Water Right</u> | <u>Origin/Basis</u> | <u>Priority Date</u> | <u>Diversion Rate</u> | <u>Diversion Volume</u> | <u>Acre Limit</u> | <u>Total Acres</u> | <u>Source</u> |
|--------------------|---------------------|----------------------|-----------------------|-------------------------|-------------------|--------------------|---------------|
| 43-13886           | WR/DECREED          | 9/8/1977             | 1.460 cfs             | 339.6 af                | 113.2             | 161.7              | GROUND WATER  |

**Associated Water Rights Also Included in the Transfer Approval (Conditions Updated)**

| <u>Water Right</u> | <u>Origin/Basis</u> | <u>Priority Date</u> | <u>Diversion Rate</u> | <u>Diversion Volume</u> | <u>Acre Limit</u> | <u>Total Acres</u> | <u>Source</u>             |
|--------------------|---------------------|----------------------|-----------------------|-------------------------|-------------------|--------------------|---------------------------|
| 43-232A            | WR/DECREED          | 4/30/1882            | 0.800 cfs             | N/A                     | 75.0              | 75.0               | CROSS CREEK, CASSIA CREEK |
| 43-13884           | WR/DECREED          | 4/30/1880            | 1.100 cfs             | N/A                     | 109.5             | 109.5              | GREEN CREEK               |
| 43-13885           | WR/DECREED          | 4/30/1880            | 0.420 cfs             | N/A                     | 109.5             | 109.5              | POISON HOLLOW             |
| 43-13887           | WR/DECREED          | 4/1/1955             | 1.750 cfs             | N/A                     | 90.2              | 90.2               | WASTE WATER               |
| 43-13888           | WR/DECREED          | 10/19/1928           | 1.710 cfs             | N/A                     | 114.5             | 114.5              | POISON HOLLOW             |

**Purpose of Transfer (Changes Proposed)**

| <u>Current Number</u> | <u>Split</u> | <u>POD</u> | <u>POU</u> | <u>Add POD</u> | <u>Period of Use</u> | <u>Nature of Use</u> |
|-----------------------|--------------|------------|------------|----------------|----------------------|----------------------|
| 43-13886              | NO           | NO         | YES        | NO             | NO                   | NO                   |

**Summary Of Water Rights After the Approved Change**

| <u>Existing Right</u>  | <u>New No. (Changed Portion)</u> | <u>Transfer Rate</u> | <u>Transfer Volume</u> | <u>Acre Limit</u> | <u>Total Acres</u> | <u>New No. (remaining portion)</u> | <u>Remaining Rate</u> | <u>Remaining Volume</u> | <u>Remaining Acre Limit</u> | <u>Remaining Total Acres</u> |
|------------------------|----------------------------------|----------------------|------------------------|-------------------|--------------------|------------------------------------|-----------------------|-------------------------|-----------------------------|------------------------------|
| 43-13886               | 43-13886                         | 1.460 cfs            | 339.6 af               | 113.2             | 234.1              | N/A                                | N/A                   | N/A                     | N/A                         | N/A                          |
| <b>COMBINED TOTALS</b> |                                  | <b>1.460 cfs</b>     | <b>339.6 af</b>        | <b>113.2</b>      | <b>234.1</b>       |                                    | <b>N/A</b>            | <b>N/A</b>              | <b>N/A</b>                  | <b>N/A</b>                   |

**SUPPORT DATA**

Transfer No. 86230

IN FILE # 43-13886

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT  
TRANSFER NO. 86230

This water right(s) is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources. Detailed Water Right Description(s) attached.

Dated this 25<sup>th</sup> day of July, 2022.

  
\_\_\_\_\_  
Southern Region Manager



**WATER RIGHT NO. 43-13886****As Modified by Transfer No. 86230**

In accordance with the approval of Transfer No. 86230, Water Right No. 43-13886 is now described as follows:

**Right Holder:** RUEL BARKER AND  
KATHRYN H BARKER  
1621 W 950 N  
PROVO, UT 84604-3005

**Priority Date:** 9/8/1977

**Source:** GROUND WATER

| <u>BENEFICIAL USE</u> | <u>From</u> | <u>To</u> | <u>Diversion Rate</u> | <u>Diversion Volume</u> |
|-----------------------|-------------|-----------|-----------------------|-------------------------|
| IRRIGATION            | 03/15       | to 11/15  | 1.460 cfs             | 339.6 af                |
|                       |             |           | 1.460 cfs             | 339.6 af                |

**LOCATION OF POINT(S) OF DIVERSION**

GROUND WATER      NESENE      Sec 7   Twp 14S Rge 25E   CASSIA County

**PLACE OF USE: IRRIGATION**

| Twp | Rng | Sec | NE   |    |      |    | NW   |      |     |      | SW  |    |    |    | SE   |     |    |      | Totals |
|-----|-----|-----|------|----|------|----|------|------|-----|------|-----|----|----|----|------|-----|----|------|--------|
|     |     |     | NE   | NW | SW   | SE | NE   | NW   | SW  | SE   | NE  | NW | SW | SE | NE   | NW  | SW | SE   |        |
| 14S | 25E | 5   |      |    |      |    | 27.0 | 32.0 | 7.1 | 6.3  |     |    |    |    |      |     |    |      | 72.4   |
|     |     |     |      |    |      |    | L 3  | L 4  |     |      |     |    |    |    |      |     |    |      |        |
| 14S | 25E | 6   |      |    | 30.0 |    |      |      |     | 36.0 | 3.9 |    |    |    | 33.0 | 5.1 |    | 40.0 | 148.0  |
| 14S | 25E | 7   | 13.7 |    |      |    |      |      |     |      |     |    |    |    |      |     |    |      | 13.7   |

Right Acre Limit: 113.2

POU Total Acres: 234.1

**CONDITIONS OF APPROVAL**

1. This right is limited to the irrigation of 113.2 acres within the authorized place of use in a single irrigation season.
2. Use of water under this right may be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 143.
3. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).

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**WATER RIGHT NO. 43-13886**  
**As Modified by Transfer No. 86230**

**CONDITIONS OF APPROVAL**

4. This right is limited to the irrigation of a specific 113.2 acres within the 234.1 acre place of use authorized by this right in a single irrigation season. The specific 113.2 acres to be irrigated by the right holder are shown in the electronic shape file associated with this right in the geographic information system component of the water rights database maintained by the department. Before changing the 113.2 acres to be irrigated within the 234.1 acre place of use, the right holder shall submit a new land list and representative electronic shape file or map to the Department prior to the irrigation season in which the change will occur.
5. The right holder shall make full beneficial use of all surface water available to the right holder for irrigation of lands within the authorized place of use for this right. The right holder may divert ground water under this right to irrigate land with appurtenant surface water rights when the surface water supply is not reasonably sufficient to irrigate the place of use for this water right or is not available due to drought, curtailment by priority, or the seasonal startup and shutoff or maintenance schedule for canal company or irrigation district deliveries. The right holder shall not divert ground water for irrigation purposes under this right if use of the surface water supply is intentionally discontinued or reduced (for example abandoned, forfeited, sold, disallowed by court decree, or leased to the Water Supply Bank), or is not deliverable due to non-payment of annual assessments, without an approved transfer pursuant to Idaho Code § 42-222 or other Department approval.
6. This right when combined with all other rights shall provide no more than 0.02 cfs per acre.
7. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
8. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
9. Pursuant to Idaho Code § 42-1412(6), this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

**WATER RIGHT NO. 43-232A****As Modified by Transfer No. 86230**

In accordance with the approval of Transfer No. 86230, Water Right No. 43-232A is now described as follows:

**Right Holder:** RUEL BARKER AND  
KATHRYN H BARKER  
1621 W 950 N  
PROVO, UT 84604-3005

**Priority Date:** 4/30/1882

**Source:** CROSS CREEK  
**Source:** CASSIA CREEK

**Tributary:** CASSIA CREEK  
**Tributary:** RAFT RIVER

**BENEFICIAL USE**

IRRIGATION

**From**

04/01

**To**

to 10/31

**Diversion Rate**

0.800 cfs

0.800 cfs

**LOCATION OF POINT(S) OF DIVERSION**

|              |             |                        |               |
|--------------|-------------|------------------------|---------------|
| CROSS CREEK  | NWNENW      | Sec 12 Twp 14S Rge 24E | CASSIA County |
| CASSIA CREEK | L5 (SESWNW) | Sec 6 Twp 14S Rge 25E  | CASSIA County |
| CASSIA CREEK | L5 (SESWNW) | Sec 6 Twp 14S Rge 25E  | CASSIA County |

**PLACE OF USE: IRRIGATION**

|     |     |     | NE |    |      |    | NW |    |    |      | SW  |    |    |    | SE |     |    |    | Totals |
|-----|-----|-----|----|----|------|----|----|----|----|------|-----|----|----|----|----|-----|----|----|--------|
| Twp | Rng | Sec | NE | NW | SW   | SE | NE | NW | SW | SE   | NE  | NW | SW | SE | NE | NW  | SW | SE |        |
| 14S | 25E | 6   |    |    | 30.0 |    |    |    |    | 36.0 | 3.9 |    |    |    |    | 5.1 |    |    | 75.0   |

Right Acre Limit: 75.0

POU Total Acres: 75.0

**CONDITIONS OF APPROVAL**

1. USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 188.3 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS. 43-232A, 43-13884, 43-13885, 43-13887, AND 43-13888.
2. WHEN COMBINED THE FOLLOWING RIGHTS SHALL PROVIDE NO MORE THAN .02 CFS PER ACRE. COMBINED RIGHT NOS. 43-232A, 43-13884, 43-13885, 43-13887, AND 43-13888.
3. 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.

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**WATER RIGHT NO. 43-13884****As Modified by Transfer No. 86230**

In accordance with the approval of Transfer No. 86230, Water Right No. 43-13884 is now described as follows:

**Right Holder:** RUEL M BARKER AND  
KATHRYN H BARKER  
1621 W 950 N  
PROVO, UT 84604-3005

**Priority Date:** 4/30/1880

**Source:** GREEN CREEK

**Tributary:** CROSS CREEK

**BENEFICIAL USE**

IRRIGATION

**From**

04/01

**To**

to 10/31

**Diversion Rate**

1.100 cfs

1.100 cfs

**LOCATION OF POINT(S) OF DIVERSION**

GREEN CREEK

NWSWSE

Sec 11 Twp 14S Rge 24E CASSIA County

**PLACE OF USE: IRRIGATION**

| Twp | Rng | Sec | NE   |    |    |      | NW |    |    |    | SW |    |    |    | SE   |    |    |      | Totals |
|-----|-----|-----|------|----|----|------|----|----|----|----|----|----|----|----|------|----|----|------|--------|
|     |     |     | NE   | NW | SW | SE   | NE | NW | SW | SE | NE | NW | SW | SE | NE   | NW | SW | SE   |        |
| 14S | 25E | 6   |      |    |    |      |    |    |    |    |    |    |    |    | 33.0 |    |    | 40.0 | 73.0   |
| 14S | 25E | 7   | 18.6 |    |    | 17.9 |    |    |    |    |    |    |    |    |      |    |    |      | 36.5   |

Right Acre Limit: 109.5

POU Total Acres: 109.5

**CONDITIONS OF APPROVAL**

1. USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 188.3 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS. 43-232A, 43-13884, 43-13885, 43-13887, AND 43-13888.
2. WHEN COMBINED THE FOLLOWING RIGHTS SHALL PROVIDE NO MORE THAN .02 CFS PER ACRE. COMBINED RIGHT NOS. 43-232A, 43-13884, 43-13885, 43-13887, AND 43-13888.
3. 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.
4. SOURCE IS ALSO KNOWN AS GREEN CANYON CREEK

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**WATER RIGHT NO. 43-13885****As Modified by Transfer No. 86230**

In accordance with the approval of Transfer No. 86230, Water Right No. 43-13885 is now described as follows:

**Right Holder:** RUEL BARKER AND  
KATHRYN H BARKER  
1621 W 950 N  
PROVO, UT 84604-3005

**Priority Date:** 4/30/1880

**Source:** POISON HOLLOW

**Tributary:** SINKS

**BENEFICIAL USE**

IRRIGATION

**From**

04/01

**To**

to 10/31

**Diversion Rate**

0.420 cfs

0.420 cfs

**LOCATION OF POINT(S) OF DIVERSION**

POISON HOLLOW

NWSENE

Sec 13 Twp 14S Rge 24E CASSIA County

**PLACE OF USE: IRRIGATION**

| Twp | Rng | Sec | NE   |    |    |      | NW |    |    |    | SW |    |    |    | SE   |    |    |      | Totals |
|-----|-----|-----|------|----|----|------|----|----|----|----|----|----|----|----|------|----|----|------|--------|
|     |     |     | NE   | NW | SW | SE   | NE | NW | SW | SE | NE | NW | SW | SE | NE   | NW | SW | SE   |        |
| 14S | 25E | 6   |      |    |    |      |    |    |    |    |    |    |    |    | 33.0 |    |    | 40.0 | 73.0   |
| 14S | 25E | 7   | 18.6 |    |    | 17.9 |    |    |    |    |    |    |    |    |      |    |    |      | 36.5   |

Right Acre Limit: 109.5

POU Total Acres: 109.5

**CONDITIONS OF APPROVAL**

1. WHEN COMBINED THE FOLLOWING RIGHTS SHALL PROVIDE NO MORE THAN .02 CFS PER ACRE. COMBINED RIGHT NOS. 43-232A, 43-13884, 43-13885, 43-13887, AND 43-13888.
2. 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.
3. USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 188.3 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS. 43-232A, 43-13884, 43-13885, 43-13887, AND 43-13888.

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# **WATER RIGHT NO. 43-13887**

## **As Modified by Transfer No. 86230**

In accordance with the approval of Transfer No. 86230, Water Right No. 43-13887 is now described as follows:

**Right Holder:** KATHRYN H BARKER AND  
RUEL M BARKER  
1621 W 950 N  
PROVO, UT 84604-3005

**Priority Date:** 4/1/1955

**Source:** WASTE WATER

**Tributary:** SINKS

**BENEFICIAL USE**  
IRRIGATION

**From**  
04/01

**To**  
to 10/31

**Diversion Rate**  
1.750 cfs  
1.750 cfs

### **LOCATION OF POINT(S) OF DIVERSION**

WASTE WATER      SENWNE      Sec 7   Twp 14S Rge 25E   CASSIA County

### **PLACE OF USE: IRRIGATION**

| Twp | Rng | Sec | NE   |    |    |    | NW |    |    |    | SW |    |    |    | SE   |    |    |      | Totals |
|-----|-----|-----|------|----|----|----|----|----|----|----|----|----|----|----|------|----|----|------|--------|
|     |     |     | NE   | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE   | NW | SW | SE   |        |
| 14S | 25E | 6   |      |    |    |    |    |    |    |    |    |    |    |    | 33.0 |    |    | 40.0 | 73.0   |
| 14S | 25E | 7   | 17.2 |    |    |    |    |    |    |    |    |    |    |    |      |    |    |      | 17.2   |

Right Acre Limit: 90.2

POU Total Acres: 90.2

### **CONDITIONS OF APPROVAL**

1. 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.
2. USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 188.3 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS. 43-232A, 43-13884, 43-13885, 43-13887, AND 43-13888.
3. WHEN COMBINED THE FOLLOWING RIGHTS SHALL PROVIDE NO MORE THAN .02 CFS PER ACRE. COMBINED RIGHT NOS. 43-232A, 43-13884, 43-13885, 43-13887, AND 43-13888.

Transfer No. 86230

# **WATER RIGHT NO. 43-13888**

## **As Modified by Transfer No. 86230**

In accordance with the approval of Transfer No. 86230, Water Right No. 43-13888 is now described as follows:

**Right Holder:** KATHRYN H BARKER AND  
RUEL M BARKER  
1621 W 950 N  
PROVO, UT 84604-3005

**Priority Date:** 10/19/1928

**Source:** POISON HOLLOW

**Tributary:** SINKS

### **BENEFICIAL USE**

IRRIGATION

### **From**

04/01

### **To**

to 10/31

### **Diversion Rate**

1.710 cfs

1.710 cfs

### **LOCATION OF POINT(S) OF DIVERSION**

POISON HOLLOW

NWSENE

Sec 13 Twp 14S Rge 24E CASSIA County

### **PLACE OF USE: IRRIGATION**

| Twp | Rng | Sec | NE   |    |    |      | NW |    |    |    | SW |    |    |    | SE   |    |    |      | Totals |
|-----|-----|-----|------|----|----|------|----|----|----|----|----|----|----|----|------|----|----|------|--------|
|     |     |     | NE   | NW | SW | SE   | NE | NW | SW | SE | NE | NW | SW | SE | NE   | NW | SW | SE   |        |
| 14S | 25E | 6   |      |    |    |      |    |    |    |    |    |    |    |    | 33.0 |    |    | 40.0 | 73.0   |
| 14S | 25E | 7   | 18.6 |    |    | 22.9 |    |    |    |    |    |    |    |    |      |    |    |      | 41.5   |

Right Acre Limit: 114.5

POU Total Acres: 114.5

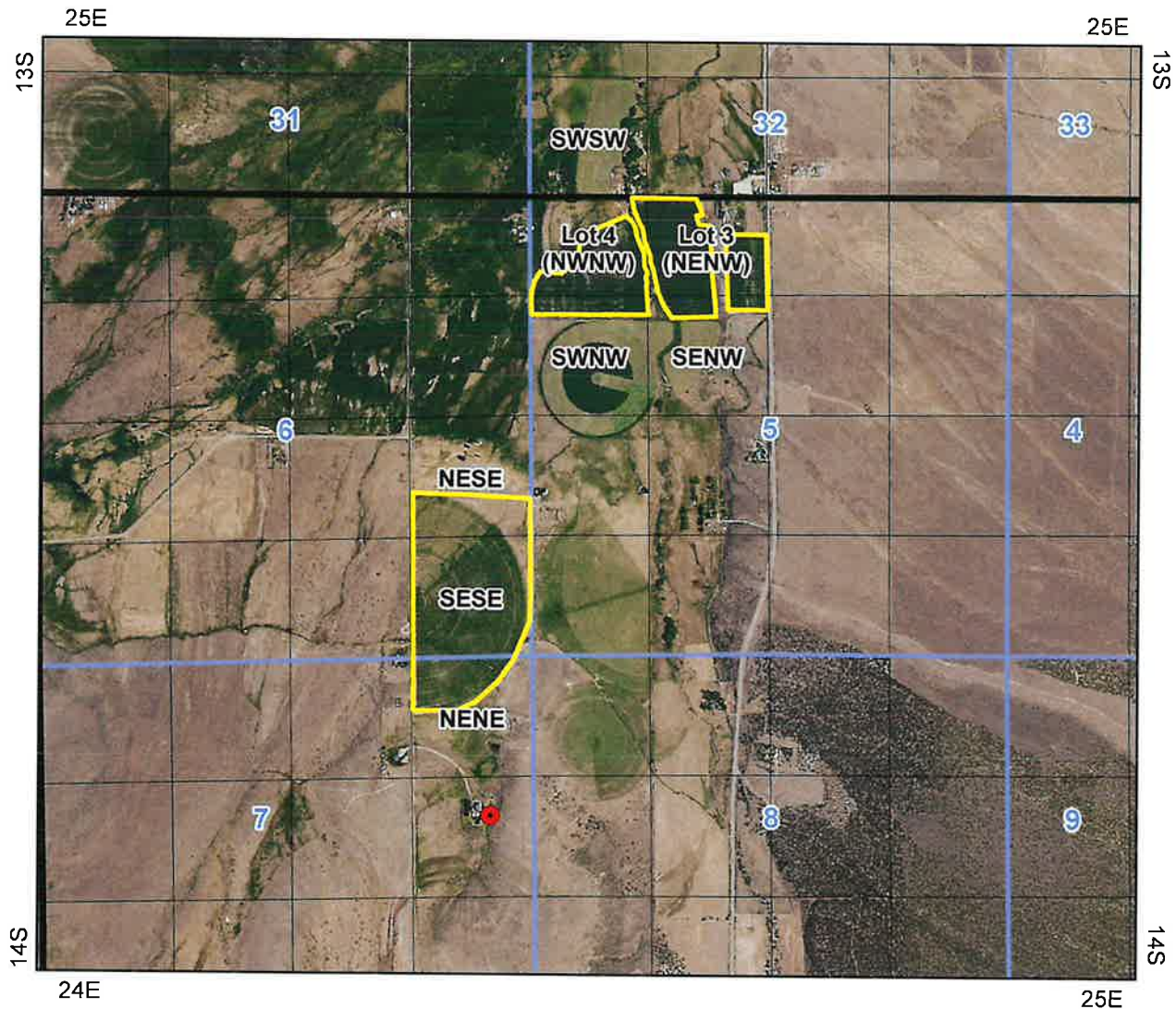
### **CONDITIONS OF APPROVAL**

1. WHEN COMBINED THE FOLLOWING RIGHTS SHALL PROVIDE NO MORE THAN .02 CFS PER ACRE. COMBINED RIGHT NOS. 43-232A, 43-13884, 43-13885, 43-13887, AND 43-13888.
2. USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 188.3 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS. 43-232A, 43-13884, 43-13885, 43-13887, AND 43-13888.
3. 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.

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State of Idaho  
Department of Water Resources  
**Attachment to Transfer # 86230**  
43-13886

This map depicts the IRRIGATION place of use boundary for this water right at the time of this approval and is attached to the approval document solely for illustrative purposes.



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

0 0.225 0.45 0.9 Miles



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JUN 06 2022

DEPT OF WATER RESOURCES  
SOUTHERN REGIONSTATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

Transfer No. 86230

## MINIMUM REQUIREMENTS CHECKLIST

## TO BE SUBMITTED WITH APPLICATION FOR TRANSFER

An application for transfer must be prepared in accordance with the minimum requirements listed below to be acceptable for processing by the Department. Incomplete applications will be returned. The instructions, fee schedule, Part 2A reports and additional Part 2B forms are available from any Department office or on the Department's website at <http://www.idwr.idaho.gov/>.

Name of Applicant(s) RUEL BARKER AND KATHRYN H BARKER**Check whether each item below is attached (Yes) or not applicable (N/A) for the proposed transfer.****Yes N/A** \*Means the item is always required and must be included with the application.

- ☐ \* Completed Application for Transfer of Water Right form, Part 1.
- ☐ \* Signature of applicant(s) or applicant's authorized representative on Application for Transfer Part 1. Include evidence of authority labeled Attachment #3 (see below) if signed by representative.
- ☐ \* Application for Transfer Part 2A. Attach a Part 2A report describing each water right in the transfer as currently recorded.
- ☐ ☐ Complete and attach an Application for Transfer Part 2B for each water right for which only a portion is proposed to be changed through this transfer application
- ☐ \* Application for Transfer Part 3A is always required (see Attachment #7a below); Parts 3B and 3C must be completed for transfer applications proposing to change the nature of use of the water right(s) or proposing changes to supplemental right(s).
- ☐ \* Correct fee submitted with transfer application form. (Fee schedule is on website and instructions for application for transfer.)

**Attachments to Application - Label each attachment with the corresponding number shown below as Attachment #1-9.**

- ☐ ☐ #1 If the applicant is a business, partnership, organization, or association, and not currently registered in the State of Idaho as a business entity, attach documentation identifying officers authorized to sign or act on behalf of right holder. (See Part 1.)
- ☐ ☐ #2a Water Right ownership documentation if Dept. records do not show the transfer applicant as the current water right owner.
- ☐ ☐ #2b If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s).
- ☐ ☐ #3 Documentation of authority to make the change if the applicant is not the water right owner.
- ☐ ☐ #4 Power of Attorney or documentation providing authority to sign or act on the applicant's behalf. (See Part 1.)
- ☐ ☐ #5 If the transfer application proposes to change the point of diversion for a water right affecting the Eastern Snake Plain Aquifer (ESPA), attach the results of an ESPA analysis and a detailed mitigation plan to offset any depletions to hydraulically connected reaches of the Snake River. ESPA transfer spreadsheet and model grid labeled cells are available on the Department's website at <http://www.idwr.idaho.gov/WaterManagement/WaterRights/WaterRightTransfers/resources.htm>.
- ☐ ☐ #6 Notarized statement of agreement or a statement on official letterhead signed by an authorized representative from each lien holder or other entity with financial interest in the water right(s) or land affected by the proposed transfer. (See Part 1.5.c.)
- ☐ \* #7a Attach a map identifying the proposed point(s) of diversion, place(s) of use, and water diversion and distribution system details as described on the application. Include legal description labels. If only a portion of the right is proposed to be changed, identify the current location of the part of the existing right(s) proposed to be changed. (See Part 3A.)
- ☐ ☐ #7b If the transfer application proposes to change the place or purpose of use of an irrigation right attach a Geographic Information System (GIS) shape file, or an aerial photo or other image clearly delineating the location and extent of existing acres and changes to the place of use.
- ☐ ☐ #8a If the transfer application proposes to change the nature of use or period of use for one or more rights, provide documentation describing the extent of historic beneficial use for the water rights proposed to be transferred and document how enlargement will be avoided. (See Part 3B.)
- ☐ ☐ #8b If the transfer application proposes to change the place of use of a supplemental irrigation right, provide documentation regarding the historic use of the supplemental right(s) and availability or reliability of the primary right(s) being supplemented, both before and after the proposed change. (See Part 3C.)
- ☐ ☐ #9 Other. Please describe: \_\_\_\_\_

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

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JUN 06 2022

DEPT OF WATER RESOURCES  
SOUTHERN REGION

APPLICATION FOR TRANSFER OF WATER RIGHT  
PART 1

Name of Applicant RUEL BARKER Phone (801) 792-1036

Mailing Address 1621 W 950 N, PROVO UT 84604-3005 Email \_\_\_\_\_

Name of Applicant KATHRYN H BARKER Phone (801) 792-1036

Mailing Address 1621 W 950 N, PROVO UT 84604-3005 Email \_\_\_\_\_

- ☐ If applicant is not an individual and not registered to do business in the State of Idaho, attach documentation identifying officers authorized to sign or act on behalf of the applicant. Label it **Attachment #1**.
- ☐ Attach water right ownership documentation if Department records do not show the transfer applicant as the current water right owner. Label it **Attachment #2a**.
- ☐ If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s). Label it **Attachment #2b**.
- ☐ Attach documentation of authority to make the proposed change if the applicant is not the water right owner. Label it **Attachment #3**.

Provide contact information below if a consultant, attorney, or any other person is representing the applicant in this transfer process.

☒ No Representative

Name of Representative \_\_\_\_\_ Phone \_\_\_\_\_

Mailing Address \_\_\_\_\_ Email \_\_\_\_\_

- ☐ Send all correspondence for this application to the representative and not to the applicant.
- OR
- ☐ Send original correspondence to the applicant and copies to the representative.
- ☐ The representative may submit information for the applicant but is not authorized to sign for the applicant.
- OR
- ☐ The representative is authorized to sign for the applicant. Attach a Power of Attorney or other documentation providing authority to sign for the applicant and label it **Attachment #4**.

I hereby assert that no one will be injured by the proposed changes and that the proposed changes do not constitute an enlargement in use of the original right(s). The information contained in this application is true to the best of my knowledge. I understand that any willful misrepresentations made in this application may result in rejection of the application or cancellation of an approval.

Ruel Barker

Signature of Applicant or Authorized Representative

Owner

Print Name and Title if applicable

6-1-2022

Date

Kathryn H Barker

Signature of Applicant or Authorized Representative

Owner's wife

Print Name and Title if applicable

6-1-2022

Date

A. PURPOSE OF TRANSFER

| 1. | Right    | Split | POD | POU | Add POD | Period of Use | Nature of Use |
|----|----------|-------|-----|-----|---------|---------------|---------------|
|    | 43-13886 | No    | No  | Yes | No      | No            | No            |

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

**APPLICATION FOR TRANSFER OF WATER RIGHT  
PART 1 Continued**

2. Describe your proposal in narrative form, including a detailed description of non-irrigation uses to justify amounts transferred (i.e. number of stock, etc.), and provide additional explanation of any other items on the application. Attach additional pages if necessary and label it **Part 1A.2**

The transfer will enhance the usefulness of ground water irrigation right 43-13886 by increasing the size of its permissible place of use.

**B. DESCRIPTION OF RIGHTS AFTER THE REQUESTED CHANGES. IF THE RIGHTS ARE BEING SPLIT TO A SEPARATE SYSTEM, DESCRIBE PORTIONS TO BE CHANGED TO A SEPARATE SYSTEM AS THEY WOULD APPEAR AFTER THE REQUESTED CHANGES.**

1. Detailed Water Right Description(s) Attached labeled Part 1.

**Summary of Water Rights After the Approved Change**

| Transferred<br>Right (All or<br>Part) | Transfer<br>Rate | Transfer<br>Volume | Acre Limit | Total Acres | Original<br>Right<br>(Remaining<br>Portion) | Remaining<br>Rate | Remaining<br>Volume | Remaining<br>Acre Limit | Remaining<br>Total Acres |
|---------------------------------------|------------------|--------------------|------------|-------------|---------------------------------------------|-------------------|---------------------|-------------------------|--------------------------|
| 43-13886                              | 1.460 cfs        | 339.6 af           | 113.2      | 234.1       |                                             | N/A               | N/A                 | N/A                     | N/A                      |
| <b>COMBINED<br/>TOTALS</b>            | 1.460 cfs        | 339.6 af           | 113.2      | 234.1       |                                             | N/A               | N/A                 | N/A                     | N/A                      |

2. Total amount of water proposed to be transferred or changed 1.46 cubic feet per second and/or \_\_\_\_\_ acre-feet per annum
3. Points(s) of Diversion:
- ☒ No changes to point(s) of diversion are proposed-the following chart is therefore not completed. (Proceed to #4.)
- ☐ As shown in Part 1.
- ☐ Attach Eastern Snake Plain Aquifer analysis if this transfer proposes to change a point of diversion affecting the ESPA. Label it **Attachment #5.**
4. Place of Use:
- ☐ No changes to place of use are proposed. (Proceed to #5.)
- ☒ As shown in Part 1.
- ☐ See Attachment.

**IDAHO DEPARTMENT OF WATER RESOURCES  
APPLICATION FOR TRANSFER OF WATER RIGHT  
PART 1 Transfer Right After Requested Changes**

**Proposed Water Right No. 43-13886**

Current Water Right Owner

RUEL BARKER  
1621 W 950 N  
PROVO, UT 84604-3005

AND

KATHRYN H BARKER  
1621 W 950 N  
PROVO, UT 84604-3005

Priority Date: 9/8/1977

Origin: Water Right

Basis: Decreed

Status Active

**Source: GROUND WATER**

| <u>Beneficial Use</u> | <u>From</u> | <u>To</u> | <u>Diversion Rate</u> | <u>Volume</u> | <u>Subuse Code</u> |
|-----------------------|-------------|-----------|-----------------------|---------------|--------------------|
| IRRIGATION            | 03/15       | 11/15     | 1.460 CFS             | 339.6 AFA     |                    |
| Total Diversion       |             |           | 1.460 CFS             | 339.6 AFA     |                    |

**Source and Point(s) of Diversion:**

GROUND WATER

NESENE

Sec. 7 Twp 14S Rge 25E CASSIA County

**Place of Use: IRRIGATION**

| Twp | Rng | Sec | NE   |    |      |    | NW   |      |     |      | SW  |    |    |    | SE   |     |    |      | Totals |
|-----|-----|-----|------|----|------|----|------|------|-----|------|-----|----|----|----|------|-----|----|------|--------|
|     |     |     | NE   | NW | SW   | SE | NE   | NW   | SW  | SE   | NE  | NW | SW | SE | NE   | NW  | SW | SE   |        |
| 14S | 25E | 5   |      |    |      |    | 27.0 | 32.0 | 7.1 | 6.3  |     |    |    |    |      |     |    |      | 72.4   |
|     |     |     |      |    |      |    | L 3  | L 4  |     |      |     |    |    |    |      |     |    |      |        |
| 14S | 25E | 6   |      |    | 30.0 |    |      |      |     | 36.0 | 3.9 |    |    |    | 33.0 | 5.1 |    | 40.0 | 148.0  |
| 14S | 25E | 7   | 13.7 |    |      |    |      |      |     |      |     |    |    |    |      |     |    |      | 13.7   |

Right Acre Limit: 113.2  
POU Total Acres: 234.1

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

**APPLICATION FOR TRANSFER OF WATER RIGHT  
PART 1 Continued**

5. General Information:

- a. Describe the complete diversion system, including how you will accommodate a measuring device and lockable controlling works should they be required now or in the future

A flowmeter is in place. Water is piped to current pivot location and initially will flow in a ditch  
to the new portion of the PPU. Eventually, the water will be piped to the new portion of the PPU.

- b. Who owns the property at the point(s) of diversion

Ryan Hawker

If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system:  
Applicant has an agreement with Mr. Hawker to access the well.

- c. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts?  
No, ☐ If Yes, ☒

Attach a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed  
changes on official letterhead signed by an authorized representative. Label it **Attachment #6**. List the name of the entity and  
type of lien: Northwest Farm Credit Services.

It is the applicant's responsibility to provide notice to lien holder, trustee, mortgagor, or contract holder of the proposed changes  
that may impact or change the value of the water rights or affected real property. Any misrepresentation of legal encumbrance on  
this application may result in rejection of the application or cancellation of an approval.

- d. Describe the effect on the land now irrigated if the place or purpose of use is changed pursuant to this transfer:

When water associated with right 43-13886 is moved within the PPU, the area previously irrigated by  
this right will not be irrigated with this right.

- e. Describe the use of any other water right(s) for the same purpose or land, or same diversion system as right(s) proposed to be transferred at both the existing and proposed point(s) of diversion and place(s) use:

Existing surface irrigation rights are 43-94, 43-95, 43-93, 43-441, 43-13884, 43-13885, 43-13887, 43  
-13888, and 43-232A. The parent of right 43-13886 (the transfer right) is 43-7107 and it is diverted  
from the same POD.

- f. To your knowledge, has/is any portion of the water right(s) proposed to be changed:

Yes ☐  
☐  
☐  
☐

No

☒ undergone a period of five or more consecutive years of non-use,  
☒ currently leased to the Water Supply Bank,  
☒ currently used in a mitigation plan limiting the use of water under the right, or  
☒ currently enrolled in a Federal set-aside program limiting the use of water under the rights?

If yes, describe:

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**IDAHO DEPARTMENT OF WATER RESOURCES  
APPLICATION FOR TRANSFER OF WATER RIGHT  
PART 2A**

**Current Water Right No. 43-13886**

Current Water Right Owner

RUEL BARKER  
1621 W 950 N  
PROVO, UT 84604-3005

AND

KATHRYN H BARKER  
1621 W 950 N  
PROVO, UT 84604-3005

Priority Date: 9/8/1977

Origin: Water Right

Basis: Decreed

Status: Active

**Source: GROUND WATER**

| <u>Beneficial Use</u> | <u>From</u> | <u>To</u> | <u>Diversion Rate</u> | <u>Volume</u> | <u>Subuse Code</u> |
|-----------------------|-------------|-----------|-----------------------|---------------|--------------------|
| IRRIGATION            | 03/15       | 11/15     | 1.460 CFS             | 339.6 AFA     |                    |
| Total Diversion       |             |           | 1.460 CFS             | 339.6 AFA     |                    |

**Source and Point(s) of Diversion:**

GROUND WATER

NESENE

Sec. 7 Twp 14S Rge 25E CASSIA County

**Place of Use: IRRIGATION**

| Twp | Rng | Sec | NE   |    |      |    | NW |    |    |      | SW  |    |    |    | SE   |     |    |      | Totals |
|-----|-----|-----|------|----|------|----|----|----|----|------|-----|----|----|----|------|-----|----|------|--------|
|     |     |     | NE   | NW | SW   | SE | NE | NW | SW | SE   | NE  | NW | SW | SE | NE   | NW  | SW | SE   |        |
| 14S | 25E | 6   |      |    | 30.0 |    |    |    |    | 36.0 | 3.9 |    |    |    | 33.0 | 5.1 |    | 40.0 | 148.0  |
| 14S | 25E | 7   | 13.7 |    |      |    |    |    |    |      |     |    |    |    |      |     |    |      | 13.7   |

Right Acre Limit: 113.2

POU Total Acres: 161.7

**Conditions/Remarks:**

1. USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 188.3 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS. 43-232A, 43-13884, 43-13885, 43-13886, 43-13887, AND 43-13888.
2. WHEN COMBINED THE FOLLOWING RIGHTS SHALL PROVIDE NO MORE THAN .02 CFS PER ACRE. COMBINED RIGHT NOS. 43-232A, 43-13884, 43-13885, 43-13886, 43-13887, AND 43-13888.
3. THIS RIGHT IS LIMITED TO THE IRRIGATION OF 113.2 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
4. 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.

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT  
PART 3

A. PLAT MAP (See Part 3A of Instructions for application for transfer for complete requirements)

- ☒ Attach a map of the diversion, measurement, control, and distribution system. Label it **Attachment #7a**.  
If the transfer application proposes to change the place or purpose of use of an irrigation right attach a Geographic Information System (GIS) shape file, or an aerial photo or other image clearly delineating the location and extent of existing acres and changes to the place of use. Label it **Attachment #7b**. If the place of use currently consists of a permissible place of use, then the attachment is not required if the application contains a clear statement that the boundaries for the place of use are not proposed to be changed by the transfer and the total number of irrigated acres within the place of use before and after the transfer is clearly stated.

B. CHANGES IN NATURE OF USE (Water Balance)

- ☐ If you propose to change the nature of use or period of use of all or part of the right(s) listed in this application, attach documentation describing the extent of historic beneficial use of the portion of the right(s) proposed to be changed. Also attach documentation showing that the portion of the right(s) to be changed will not be enlarged in rate, volume, or consumptive use through the proposed change. Label it **Attachment #8a**.

C. PLACE OF USE CHANGES TO SUPPLEMENTAL IRRIGATION RIGHTS

- ☒ If you propose to change the place of use of a supplemental irrigation right, answer below and attach supporting documentation. Label it **Attachment #8b**

1. Describe how the supplemental water rights have been used historically in conjunction with other water rights at the existing place of use. Describe the time during the irrigation season that the supplemental rights have been used. Include information about the availability or reliability of the primary right(s) being supplemented, both before and after the change. If the applicant is proposing to change a supplemental irrigation right to a primary right, provide the information required on Part 3B above.: \_\_\_\_\_

Yes. The transfer allows supplemental right 43-13886 to be used on additional farm land. The earliest priority surface rights on the land where 43-13886 is currently used have priority dates of 4-30-1880 (2 rights) and 4-30-1882 (1 right) with duties of water of 0.010046 AF/acre, 0.003836 AF/acre, and 0.010667 AF/acre. The earliest priority surface rights on the proposed additional POU have priority dates of 4-30-1879 and 4-30-1880 with duties of water of 0.017955 AF/acre. It appears that the surface rights on the proposed additional POU are better in quantity and priority.

FOR DEPARTMENT USE ONLY

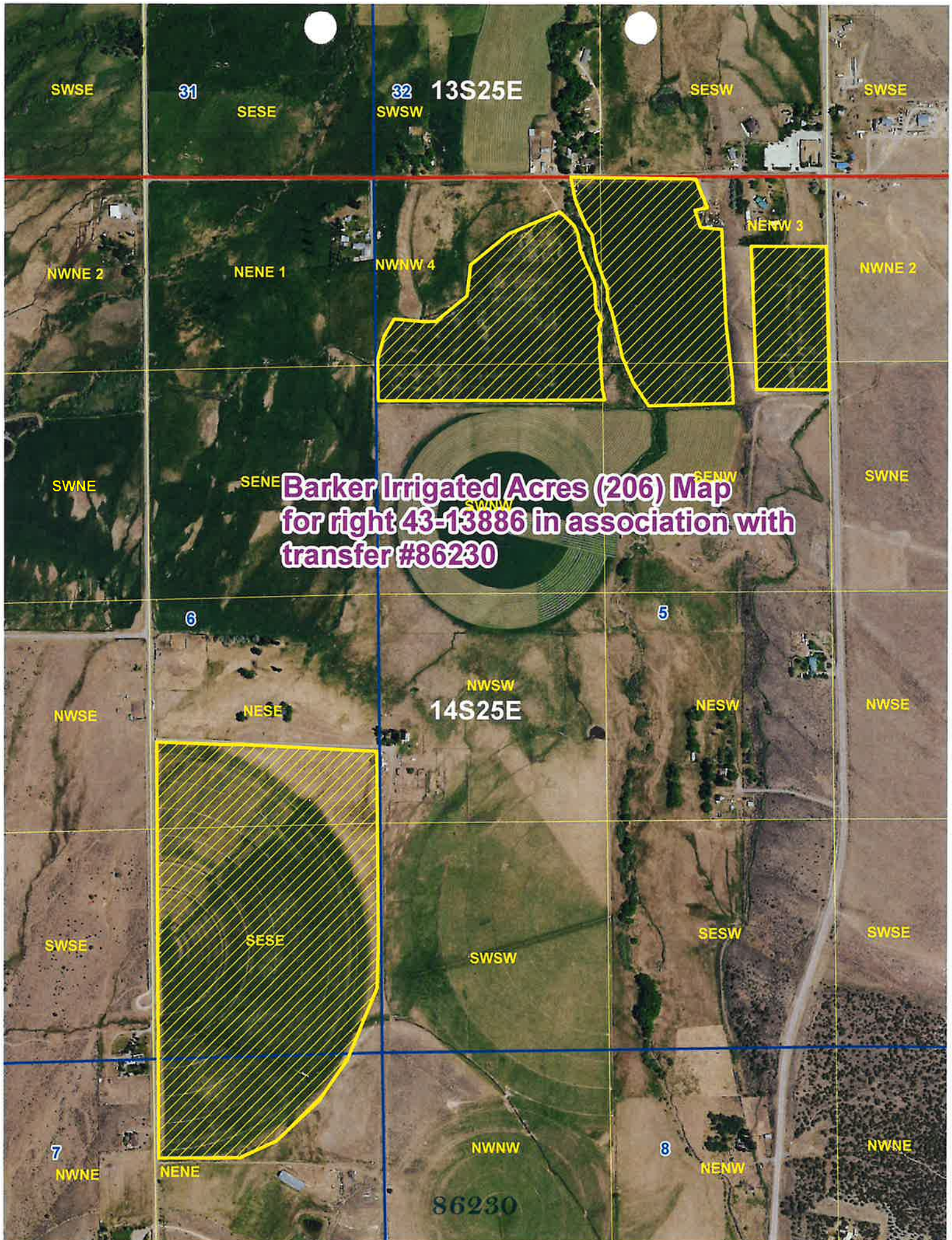
Transfer Contains 7 pages and 2 attachments.

Received By SG Date 6/6/22 Prelim. Check By SG Date 6/6/22

Fee Paid \$500.00 Date 6/6/22 Received By SG Receipt # 5039279

Add'l Fee Paid \_\_\_\_\_ Date \_\_\_\_\_ Received By \_\_\_\_\_ Receipt # \_\_\_\_\_





**Barker Irrigated Acres (206) Map  
for right 43-13886 in association with  
transfer #86230**



IDAHO DEPARTMENT OF  
**WATER RESOURCES**

Southern Region • 650 Addison Ave W, Suite 500 • Twin Falls, ID 83301-5858

Phone: 208-736-3033 • Fax: 208-736-3037 • Email: [southerninfo@idwr.idaho.gov](mailto:southerninfo@idwr.idaho.gov) • Web: [idwr.idaho.gov](http://idwr.idaho.gov)

**Governor Brad Little**

**Director Gary Spackman**

July 26, 2022

RUEL M BARKER  
KATHRYN H BARKER  
1621 W 950 N  
PROVO UT 84604-3005

Re: Transfer No: 86230

Water Right No(s): 43-232A, 43-13884, 43-13885, 43-13886, 43-13887, 43-13888

**Transfer Approval Notice**

Dear Water Right Holder(s):

The Department of Water Resources has issued the enclosed approved Transfer of Water Right(s). Please be sure to thoroughly review the conditions of approval and remarks listed on the approval document.

The Transfer of Water Right(s) is a PRELIMINARY ORDER issued by the Department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action by the Department unless the APPLICANT petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the service date as described in the enclosed information sheet.

ANY PERSON aggrieved by any decision, determination, order or action of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Department and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

If the transfer approval includes a condition requiring measuring and recording devices, such devices shall comply with specifications established by the Department. Detailed specifications are available on the Department's home page on the Internet, or you can request a copy by contacting any office of the Department. Please be sure to thoroughly review the specifications to avoid unnecessary costs for reinstallation or modification due to non-conforming or improperly installed devices.

Please note that water right owners are required to report any change of water right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact any office of the Department or visit the Department's homepage on the Internet to obtain the proper forms and instructions.

If you have any questions, please contact me at (208) 736-3033.

Sincerely,

A handwritten signature in blue ink, appearing to read "Corey Skinner".

Corey Skinner  
Southern Regional Manager

Enclosure

c:

WATER DISTRICT 143  
BRIAN RAGAN  
PO BOX 83720  
BOISE ID 83720-0098

WATER DISTRICT 43C  
ROGER MUSSER  
917 PARK LN  
POCATELLO ID 83201-2818

## CERTIFICATE OF SERVICE

I hereby certify that on July 26, 2022 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Approved Transfer) to the person(s) listed below:

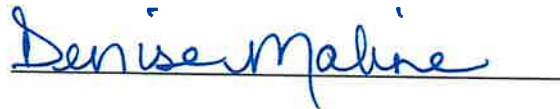
Re: Transfer No.: 86230

Water Right No(s): 43-232A, 43-13884, 43-13885, 43-13886, 43-13887, 43-13888

RUEL M BARKER  
KATHRYN H BARKER  
1621 W 950 N  
PROVO UT 84604-3005

WATER DISTRICT 143  
BRIAN RAGAN  
PO BOX 83720  
BOISE ID 83720-0098

WATER DISTRICT 43C  
ROGER MUSSER  
917 PARK LN  
POCATELLO ID 83201-2818



Denise Maline  
Administrative Assistant

## **EXPLANATORY INFORMATION TO ACCOMPANY A PRELIMINARY ORDER**

(To be used in connection with actions when a hearing was **not** held)

(Required by Rule of Procedure 730.02)

The accompanying order or approved document is a "**Preliminary Order**" issued by the department pursuant to section 67-5243, Idaho Code. **It can and will become a final order without further action of the Department of Water Resources ("department") unless a party petitions for reconsideration, files an exception and brief, or requests a hearing as further described below:**

### **PETITION FOR RECONSIDERATION**

Any party may file a petition for reconsideration of a preliminary order with the department within fourteen (14) days of the service date of this order. **Note: the petition must be received by the department within this fourteen (14) day period.** The department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See Section 67-5243(3) Idaho Code.

### **EXCEPTIONS AND BRIEFS**

Within fourteen (14) days after: (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding with the Director. Otherwise, this preliminary order will become a final order of the agency.

### **REQUEST FOR HEARING**

Unless a right to a hearing before the Department or the Water Resource Board is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

### **ORAL ARGUMENT**

If the Director grants a petition to review the preliminary order, the Director shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director orders otherwise, all oral arguments will be heard in Boise, Idaho.

## **CERTIFICATE OF SERVICE**

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

## **FINAL ORDER**

The Director will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Director may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its service date if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) The petition for reconsideration is disposed of; or
- (b) The petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

## **APPEAL OF FINAL ORDER TO DISTRICT COURT**

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

## MEMORANDUM

**Date:** July 6, 2022  
**To:** Transfer #86230, Ruel and Kathryn Barker file  
**From:** Jim Bitzenburg  
**Re:** Evaluation of Sufficiency of Information Submitted

---

Application for transfer proposes to change the place of use (POU) of ground water irrigation right 43-13886 which currently irrigates 113.2 acres of ground within a 161.7 acre permissible place of use (PPU) located approximately 0.7 – 1.6 miles south and 0.5 – 1.3 mile west of Elba. As a result of the transfer, 72.4 acres will be added to the PPU at a location approximately 0.5 – 0.8 mile south and 0.0 – 0.5 mile west of Elba. Post transfer, the right will irrigate 113.2 acres within a 234.1 acre PPU. The location of the point of diversion (well) will not change.

The transfer allows supplemental right 43-13886 to be used on additional farm land. The earliest priority surface rights on the land where 43-13886 is currently used have priority dates of 4/30/1880 (2 rights) and 4/30/1882 (1 right) with duties of water of 0.010046 cfs/acre, 0.003836 cfs/acre, and 0.010667 cfs/acre. The earliest priority surface rights on the proposed additional POU have priority dates of 4/30/1879 and 4/30/1880 with duties of water of 0.017955 cfs/acre. It appears that the surface rights on the proposed additional POU are better in quantity and priority.

The proposed transfer is in Water Districts 143 and 43C so Watermaster comments were solicited. The Watermaster of WD-43C did not comment on the transfer; the Watermaster of WD-143 had no concerns with the transfer. The transfer should have no hydrologic effect on nearby water users, so advertising was not necessary.

- **Authority to File:**  
The Department's database indicates that water right 43-13886 is owned by the applicants, Ruel and Kathryn Barker. The application was signed by the Barkers.
- **Water Right Validity:**  
The water right was decreed in the SRBA in 2002, and irrigation is evident at the current POU, so forfeiture is possibly not an issue.
- **Injury to Other Water Rights:**  
None anticipated or foreseen. The POD is not moving and there is no increase in volume or acres.
- **Enlargement of Use:**  
None anticipated.

- **Local Public Interest:**  
No issues anticipated.
- **Beneficial Use/Conservation of Water Resources:**  
Proposed use is recognized as a beneficial use of water.
- **Effect on the Economy of the Local Area:**  
None Anticipated
- **Effect of the Agricultural Base of the Area:**  
None Anticipated

**Review of the application finds there is no clear inconsistency with criteria set forth in Section 42-222 Idaho Code preventing processing of this application.**

## Maline, Denise

---

**From:** Ragan, Brian  
**Sent:** Thursday, June 9, 2022 3:09 PM  
**To:** Maline, Denise  
**Subject:** RE: Comment Letter for Transfer No. 86230 - Ruel & Kathryn Barker (WD143)

I have no comment or concern with this transfer.

Brian Ragan  
IDWR Water Distribution Section  
(208) 287-4934

**From:** Maline, Denise <Denise.Maline@idwr.idaho.gov>  
**Sent:** Thursday, June 9, 2022 12:45 PM  
**To:** Ragan, Brian <Brian.Ragan@idwr.idaho.gov>  
**Subject:** Comment Letter for Transfer No. 86230 - Ruel & Kathryn Barker (WD143)

Hi Brian,

Attached is an application that is currently being processed by the department. Please review the application and provide any necessary comments within 21 days.

If you have any questions regarding this application, please feel free to contact Jim Bitzenburg at our office.

Thank you in advance,

Denise @ Southern

Thank you in advance,

**Denise Maline, Administrative Assistant I**  
Idaho Dept. of Water Resources  
650 Addison Ave W Ste 500  
Twin Falls ID 83301-5858  
(208) 293-9908  
[denise.maline@idwr.idaho.gov](mailto:denise.maline@idwr.idaho.gov)

## Maline, Denise

---

**From:** Maline, Denise  
**Sent:** Thursday, June 9, 2022 12:45 PM  
**To:** Ragan, Brian  
**Subject:** Comment Letter for Transfer No. 86230 - Ruel & Kathryn Barker (WD143)  
**Attachments:** Comment letter to WD143 for 86230.docx; Transfer No. 86230 - Barker.pdf

Hi Brian,

Attached is an application that is currently being processed by the department. Please review the application and provide any necessary comments within 21 days.

If you have any questions regarding this application, please feel free to contact Jim Bitzenburg at our office.

Thank you in advance,

Denise @ Southern

Thank you in advance,

**Denise Maline, Administrative Assistant I**

Idaho Dept. of Water Resources

650 Addison Ave W Ste 500

Twin Falls ID 83301-5858

(208) 293-9908

[denise.maline@idwr.idaho.gov](mailto:denise.maline@idwr.idaho.gov)



IDAHO DEPARTMENT OF  
**WATER RESOURCES**

Southern Region • 650 Addison Ave W, Suite 500 • Twin Falls, ID 83301-5858

Phone: 208-736-3033 • Fax: 208-736-3037 • Email: [southerninfo@idwr.idaho.gov](mailto:southerninfo@idwr.idaho.gov) • Web: [idwr.idaho.gov](http://idwr.idaho.gov)

**Governor Brad Little**

**Director Gary Spackman**

June 9, 2022

WATER DISTRICT 143  
BRIAN RAGAN  
PO BOX 83720  
BOISE ID 83720-0098

RE: Application for Transfer No(s): 86230 (Ruel & Kathryn Barker)

Dear Brian:

The Idaho Department of Water Resources (IDWR) is seeking written comment and/or recommendations from you regarding the above referenced water right application. You can find a copy of the application at:  
<https://idwr.idaho.gov/apps/ExtSearch/WRAJSearch/WRADJSearch.aspx>. Please review the application, then complete the enclosed recommendation form and return it to this office within 21 days of the date of this letter.

If the application is approved, IDWR will include appropriate standard conditions of approval for a water right located within a water district, such as regulation by the watermaster, lockable controlling works, and/or measuring devices. Any special conditions or other concerns you have related to this application should be specifically addressed in your recommendation.

IDWR can finish reviewing an unprotested application as soon as the protest period has past. Your prompt response to this request will ensure that your recommendation can be considered. If IDWR has not received your written recommendation within 21 days from the date of this letter, IDWR will presume that you do not oppose approval of the application and that you have no comments for IDWR to consider.

Sincerely,

*Denise Maline*

Denise Maline  
Administrative Assistant 1

Enclosure(s)



IDAHO DEPARTMENT OF  
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**Governor Brad Little**

**Director Gary Spackman**

June 9, 2022

WATER DISTRICT 43C  
ROGER MUSSER  
917 PARK LN  
POCATELLO ID 83201-2818

RE: Application for Transfer No(s): 86230 (Ruel & Kathryn Barker)

Dear Roger:

The Idaho Department of Water Resources (IDWR) is seeking written comment and/or recommendations from you regarding the above referenced water right application. You can find a copy of the application at:  
<https://idwr.idaho.gov/apps/ExtSearch/WRAJSearch/WRADJSearch.aspx>. Please review the application, then complete the enclosed recommendation form and return it to this office within 21 days of the date of this letter.

If the application is approved, IDWR will include appropriate standard conditions of approval for a water right located within a water district, such as regulation by the watermaster, lockable controlling works, and/or measuring devices. Any special conditions or other concerns you have related to this application should be specifically addressed in your recommendation.

IDWR can finish reviewing an unprotested application as soon as the protest period has past. Your prompt response to this request will ensure that your recommendation can be considered. If IDWR has not received your written recommendation within 21 days from the date of this letter, IDWR will presume that you do not oppose approval of the application and that you have no comments for IDWR to consider.

Sincerely,

*Denise Maline*

Denise Maline  
Administrative Assistant 1

Enclosure(s)

## MEMORANDUM

**Date:** June 7, 2022  
**To:** Transfer 86230  
**From:** James Bitzenburg  
**Re:** Legal Notice Not Required

Legal Notice Not Required  
6/7/2022

Pursuant to Section 42-222, Idaho Code, the Department has discretion to provide public notice as deemed appropriate. The water right changes proposed through this transfer application do not appear to change the effect on the original or hydraulically connected water source or affect other water rights. Therefore, staff review of the transfer application found no cause to require public notice. This application will continue processing without advertisement and be forwarded for approval consideration.

The transfer is only adding acres to the PPU, so there should be no hydrologic effect on nearby water users.

## TRANSFER SYNOPSIS

**Date:** June 7, 2022  
**To:** Transfer #86230, Ruel and Kathryn Barker Transfer file  
**From:** Jim Bitzenburg  
**Re:** Summary of transfer

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Application for transfer proposes to change the place of use (POU) of ground water irrigation right 43-13886 which currently irrigates 113.2 acres of ground within a 161.7 acre permissible place of use (PPU) located approximately 0.7 – 1.6 miles south and 0.5 – 1.3 mile west of Elba. As a result of the transfer, 72.4 acres will be added to the PPU at a location approximately 0.5 – 0.8 mile south and 0.0 – 0.5 mile west of Elba. Post transfer, the right will irrigate 113.2 acres within a 234.1 acre PPU. The location of the point of diversion (well) will not change.

The transfer allows supplemental right 43-13886 to be used on additional farm land. The earliest priority surface rights on the land where 43-13886 is currently used have priority dates of 4/30/1880 (2 rights) and 4/30/1882 (1 right) with duties of water of 0.010046 cfs/acre, 0.003836 cfs/acre, and 0.010667 cfs/acre. The earliest priority surface rights on the proposed additional POU have priority dates of 4/30/1879 and 4/30/1880 with duties of water of 0.017955 cfs/acre. It appears that the surface rights on the proposed additional POU are better in quantity and priority.

The proposed transfer is in Water Districts 143 and 43C so Watermaster comments will be solicited. The transfer should have no hydrologic effect on nearby water users, so advertising will not be necessary.

## FEE MEMORANDUM

**Date:** June 7, 2022  
**To:** Ruel and Kathryn Barker Transfer #86230 File  
**From:** Jim Bitzenburg  
**Re:** Receipting/disposition of fees paid

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This transfer was filed on June 6, 2022, and its purpose is to change the POU of right 43-13886 by increasing the size of the PPU. The amount of acres changing is 72.4, and the corresponding flow rate change is 0.93 cfs, so a \$500.00 fee will be applicable. The fee was paid with check #4276 from Ruel Barker, Tom Ottley, and Tyler Barker at the time of filing. The IDWR receipt number is S039279.



1408 Pomerelle Ave, Ste B  
Burley, ID 83318-2068  
Voice: 208.678.6650 Fax: 208.678.6653

RECEIVED

JUN 06 2022

DEPT OF WATER RESOURCES  
SOUTHERN REGION

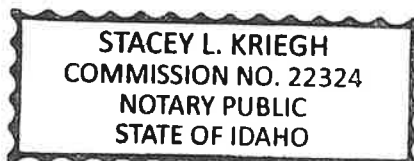
To Whom It May Concern:

Northwest Farm Credit Services is aware of the water right transfer (Transfer #86230) under the name of Ruel and Kathryn Barker. It is understood by Farm Credit that the water right transfer will enhance the usefulness of ground water irrigation right 43-13886 by increasing the size of its permissible place of use. It is also understood that the transfer will add 72.4 acres of irrigated crop ground to the permissible place of use (PPU). Northwest Farm Credit Services is supportive of the change.

Please feel free to contact me with any further questions. Thanks.

Sincerely,

Bronson Larsen  
Relationship Manager  
Burley, ID  
(208)678-6650  
[Bronson.larsen@northwestfcs.com](mailto:Bronson.larsen@northwestfcs.com)



Printed Name Stacey L. Krieger  
Notary Public for the State of Idaho  
Residing at Burley  
My commission expires 06/06/2024



State of Idaho

## DEPARTMENT OF WATER RESOURCES

Southern Region • 650 ADDISON AVE W STE 500 • TWIN FALLS, ID 83301-5858  
Phone: (208)736-3033 • Fax: (208)736-3037 • Website: [www.idwr.idaho.gov](http://www.idwr.idaho.gov)

Brad Little  
Governor

Gary Spackman  
Director

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JUN 06 2022

DEPT OF WATER RESOURCES  
SOUTHERN REGION

May 13, 2022

RUEL & KATHRYN BARKER  
1621 W 950 N  
PROVO UT 84604-3005

Re: Application for Transfer of Water Right #86230

Dear Mr. and Mrs. Barker:

Enclosed you will find the *Application for Transfer of Water Right* which you discussed with Corey Skinner in our office this week. Please review the application carefully, sign (both of you), and return it to our office at the above address with the \$500.00 fee. The fee is based on the amount of the right changing, which, in this case, is 0.93 cfs.

The checklist on page 1 is something we fill out when the transfer is submitted, so you don't have to do anything there. Page 2 is where you will need to sign and date and page 3 shows what portions of the right are changing. Page 4 shows what the right will look like when the transfer is approved and the only change is that the land in Section 5 (72.4 acres) has been added to the permissible place of use (PPU). The questions we talked about on the phone are shown on page 5. We will need a notarized statement from Farm Credit Services consenting to the transfer, as mentioned in question 5. c. Page 6 shows the right in its present state before the changes and page 7 talks about the surface water rights' priority dates and duties of water on both places to justify the ability to use the ground water right on both pieces of ground.

I attached a map to the transfer showing the proposed additional PPU and another map showing the proposed irrigated acres within the PPU, post-transfer.

If you have any questions concerning the enclosed information, please contact me at (208) 293-9909.

Sincerely,

Jim Bitzenburg  
Water Rights Supervisor

Enclosure(s)