

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED
DEC 26 2012
Department of Water Resources
Eastern Region

Notice of Change in Water Right Ownership

1. List the numbers of all water rights and/or adjudication claim records to be changed. If you only acquired a portion of the water right or adjudication claim, check "Yes" in the "Split?" column.

Water Right/Claim No.	Split?	Water Right/Claim No.	Split?	Water Right/Claim No.	Split?
29-2268 <i>OK</i>	Yes ☐	29-7115 <i>OK</i>	Yes ☐	29-11799 <i>OK</i>	Yes ☐
29-11801 <i>OK</i>	Yes ☐		Yes ☐		Yes ☐
	Yes ☐		Yes ☐		Yes ☐
	Yes ☐		Yes ☐		Yes ☐
	Yes ☐		Yes ☐		Yes ☐

2. Previous Owner's Name: Carl Barnes and Anavoe Barnes
Name of current water right holder/claimant
3. New Owner(s)/Claimant(s): Carl Barnes and Anavoe Barnes, Trustees, of The Carl & Anavoe Barnes Family Trust
Name of each new owner as listed on the conveyance document

New owner continued Name connector ☐ and ☐ or ☐ and/or
3717 East Back Downata Rd.
Mailing address
Downey ID 83234
City State ZIP
208-897-5775
Telephone Email

- WR on deed specifically*
4. If the water rights and/or adjudication claims were split, how did the division occur?
☐ The water rights or claims were divided as specifically identified in a deed, contract, or other conveyance document.
☐ The water rights or claims were divided proportionately based on the portion of their place(s) of use acquired by the new owner.

5. Date you acquired the water rights and/or claims listed above: See Attached.

6. This form must be signed and submitted with the following **REQUIRED** items:
- A copy of the conveyance document – warranty deed, quitclaim deed, court decree, contract of sale, etc. The conveyance document must include a legal description of the property or description of the water right(s) if no land is conveyed.
 - Plat map, survey map or aerial photograph which clearly shows the place of use and point of diversion for each water right and/or claim listed above (if necessary to clarify division of water rights or complex property descriptions).
 - Filing fee (see instructions for further explanation):
 - ☒ \$25 per *undivided* water right.
 - ☐ \$100 per *split* water right.
 - ☐ No fee is required for pending adjudication claims.

7. Signature: *Carl Barnes* Trustee December 13, 2012
Signature of new owner/claimant Title, if applicable Date
- Signature: *Anavoe Barnes* Trustee December 13, 2012
Signature of new owner/claimant Title, if applicable Date

For IDWR Office Use Only:

Received by *JB* Date 12/27/2012 Receipt No. E038284 Receipt Amt. \$100 -
Approved by *JB* Processed by *JB* Date 1/8/2012

SUPPORT DATA
IN FILE # 29-2268

2-1

QUITCLAIM DEED

FOR VALUE RECEIVED **CARL E. BARNES** and **ANAVOE BARNES**, husband and wife, do hereby convey, release, remise and forever quit claim unto **CARL E. BARNES** and **ANAVOE BARNES**, initial Trustees or their successors, in trust, of **THE CARL & ANAVOE BARNES FAMILY TRUST**, established by Trust Agreement dated December 13, 2012, whose current address is 3717 E. Downata Rd., Downey, Idaho, the following described real estate, located in Bannock County, Idaho, to-wit:

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE;

together with their appurtenances.

The surviving trustee and successor trustees have full rights to sell or encumber the property herein set forth.

The successor trustees of the Trust are the following, successively in the order named: The survivor of Grantors, as sole-trustee; **CARL LYLE BARNES** of Downey, Idaho and **JULIE ANN SORENSON** of Preston, Idaho, as co-trustees. In the event a further vacancy exists, for any reason, in the office of co-trustee, as to **CARL LYLE BARNES**, then **JULIE ANN SORENSON** shall act as sole-trustee; in the event a vacancy exists, for any reason, in the office of co-trustee, as to **JULIE ANN SORENSON**, then **CARL LYLE BARNES** shall act as sole-trustee. In the event a further vacancy exists, for any reason, in the office of trustee, then the following shall act, successively, in the order named, as sole-trustee: **CARLA LEE MATREN**; **LORY DEE JEWETT**; the transfer of trusteeship may be evidenced by a Notice of Designation of Trustees or a Quitclaim Deed from the existing trustees, or a resignation or death certificate of the existing trustee, filed of record.

Carl E. Barnes
CARL E. BARNES

Anavoe Barnes
ANAVOE BARNES

STATE OF IDAHO)
COUNTY OF FRANKLIN) ss.

On this 13th day of December, 2012, before me, a Notary Public in and for said State, personally appeared **CARL E. BARNES** and **ANAVOE BARNES**, known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

Jay R. McKenzie
NOTARY PUBLIC
Residing at: Preston, Idaho
My Commission Expires: 11-21-2015

JAY R. MCKENZIE
NOTARY PUBLIC
STATE OF IDAHO

EXHIBIT "A"

21221566

2-2

Real property located in Bannock County, Idaho, more particularly described as follows:

Parcel 1:

The North half of the Northeast quarter of Section 9, Township 12 South, Range 37 East of the Boise Meridian; less lands heretofore deeded for highway purposes and containing 78.99 acres, more or less.

Parcel 2:

The Southwest quarter of the Southwest quarter of Section 4, and all the Southeast quarter of the Southeast quarter of Section 5, all in Township 12 South, Range 37 East of Boise Meridian, containing 88.88 acres, more or less.

Parcel 3:

The Northwest quarter of the Northeast quarter of Section 8, Township 12 South, Range 37 East of Boise Meridian, except the following described triangular tract of land:

Beginning at the Northwest corner of said Northwest quarter of the Northeast quarter thence South 60 rods on the quarter section line between the Northwest quarter of the NE 1/4 and the NE 1/4 NW 1/4 of said section 8 thence running in a straight line in a northeasterly direction to a point six rods from the Northwest corner of the said Northwest quarter of the Northeast quarter, thence running West 6 rods to the point of beginning.

Parcel 4:

The Northwest Quarter of the Northeast Quarter, Section 20, Township 12 South, Range 37 East of the Boise Meridian, containing 40 (40) acres more or less.

TOGETHER WITH State of Idaho, Department of Water Resources Water Right Nos.: 29-2268, 29-7115, 29-11799, 29-11801.

ORIGINAL RECORD 29-7115
BANNOCK COUNTY IDAHO

962

RECORDED AT REQUEST OF
LE 1300 DEPUTY DA

McKenzie & McKenzie

21221566

2012 DEC 18 A 8:13

WATER RIGHT NO. 29-2268
As Modified by Transfer No. 76877

In accordance with the approval of Transfer No. 76877, Water Right No. 29-2268 is now described as follows.

Right Holder: CARL BARNES Or
 ANAVOE BARNES
 3717 E BACK DOWNATA RD
 DOWNEY ID 83234

Priority Date: March 27, 1947

Source: MARSH CREEK

Tributary: PORTNEUF RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
IRRIGATION	04/01	to 10/31	1.00 CFS

LOCATION OF POINT(S) OF DIVERSION:

MARSH CREEK NESESE Sec. 5 Twp 12S Rge 37E BANNOCK County

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
12S 37E 4											36.0						36.0
12S 37E 5													.5	8.5	33.0		42.0

Total Acres: 78

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 50 acres within the authorized place of use in a single irrigation season.
2. Rights 29-2268 and 29-11799 when combined shall not exceed a total diversion rate of 1.00 cfs and the irrigation of 78 acres.
3. Right No. 29-11799 is an enlargement of this right pursuant to Section 42-1426, Idaho Code.
4. Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.
5. 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.

This water right 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.

Dated this 7th day of September, 2012


 Water Resources Program Manager

[Close](#)IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

12/14/2012

WATER RIGHT NO. 29-7115

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	ANAVOE BARNES
Current Owner	CARL BARNES
	3717 E BACK DOWNATA RD
	DOWNEY, ID 83234
	(208)798-5775

Priority Date: 03/30/1973

Basis: Decreed

Status: Active

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

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	11/01	1.11 CFS	266 AFA
Total Diversion			1.11 CFS	

Location of Point(s) of Diversion:

GROUND WATER	NWNE	Sec. 09	Township 12S	Range 37E	BANNOCK County
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Place(s) of use:

Place of Use Legal Description: IRRIGATION BANNOCK County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
12S	37E	9		NENE	40		NWNE	36						

Total Acres: 76

Conditions of Approval:

1.	C18	THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.
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Dates:

Licensed Date:

Decreed Date: 03/22/2004

Permit Proof Due Date:

Permit Proof Made Date:

Permit Approved Date:

Permit Moratorium Expiration Date:

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date:

Protest Deadline Date:

Number of Protests: 0

Other Information:

State or Federal: S

Owner Name Connector: OR

Water District Number:

Generic Max Rate per Acre:

Generic Max Volume per Acre:

Civil Case Number:

Old Case Number:

Decree Plaintiff:

Decree Defendant:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Cary Act Number:

Mitigation Plan: False

Close

WATER RIGHT NO. 29-11799
As Modified by Transfer No. 76877

In accordance with the approval of Transfer No. 76877, Water Right No. 29-11799 is now described as follows.

Right Holder: ANAVOE BARNES Or
 CARL BARNES
 3717 E BACK DOWNATA RD
 DOWNEY ID 83234

Priority Date: April 01, 1976

Source: MARSH CREEK

Tributary: PORTNEUF RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
IRRIGATION	04/01	to 10/31	0.36 CFS

LOCATION OF POINT(S) OF DIVERSION:
 MARSH CREEK NESESE Sec. 5 Twp 12S Rge 37E BANNOCK County

<u>PLACE OF USE:</u>																			IRRIGATION			
Twp Rge Sec			NE				NW				SW				SE				Totals			
			<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>				
12S	37E	4											36.0						36.0			
12S	37E	5															.5	8.5	33.0	42.0		

Total Acres: 78

CONDITIONS OF APPROVAL

1. Rights 29-2268 and 29-11799 when combined shall not exceed a total diversion rate of 1.00 cfs and the irrigation of 78 acres.
2. This right is based upon an enlargement of Right No. 29-2268 pursuant to Section 42-1426, Idaho Code.
3. This right is for an enlargement of 28 acres within the place of use described for this right.
4. This water right is subordinate to all water rights with a priority date earlier than April 12, 1994, that are not decreed as enlargements pursuant to Section 42-1426, Idaho Code. As between water rights decreed as enlargements pursuant to Section 42-1426, Idaho Code, the earlier priority right is the superior right.
5. 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.

This water right 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.

Dated this 7th day of September, 20 12


 Water Resources Program Manager

[Close](#)IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

12/14/2012

WATER RIGHT NO. 29-11801

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	ANAVOE BARNES
Current Owner	CARL BARNES
	3717 E BACK DOWNATA RD
	DOWNEY, ID 83234
	(208)798-5775

Priority Date: 07/01/1954

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
SPRINGS	SINKS

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
STOCKWATER	1/01	12/31	0.05 CFS	
Total Diversion			0.05 CFS	

Location of Point(s) of Diversion:

SPRINGS	NENWNE	Sec. 09	Township 12S	Range 37E	BANNOCK County
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Place(s) of use:

Place of Use Legal Description: STOCKWATER BANNOCK County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
12S	37E	4		SWSW										

Conditions of Approval:

1.	N13	THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000 GALLONS PER DAY.
2.	N11	THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.
3.		PARCEL NO. R4471002200 STOCKWATER, 120 RANGE CATTLE.

Dates:

Licensed Date:

Decreed Date: 06/18/1998

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date:

Protest Deadline Date:

Number of Protests: 0

Other Information:

State or Federal: S

Owner Name Connector: OR

Water District Number:

Generic Max Rate per Acre:

Generic Max Volume per Acre:

Civil Case Number:

Old Case Number:

Decree Plaintiff:

Decree Defendant:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Cary Act Number:

Mitigation Plan: False

Close