

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESTransfer No. 74928APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1Name of Applicant TERRY A. Barney and Susan E. Barney Phone 208-317-2828
Mailing address 630 N. 700 W., Blackfoot ID 83221 Email papabarney@gmail

A. PURPOSE OF TRANSFER

1. ☒ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use
☐ Change nature of use ☐ Change period of use ☐ Other _____

2. Describe the reason for the proposed changes LAND WAS DIVIDED & Shares split
to Each Lot

RECEIVED
JUN 17 2008Department of Water Resources
Eastern Region

B. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

1. Right Number 35-13427 Priority 4/27/1947 Amount (cfs/ac-ft) 0.01/4.20 Nature of Use Irrigation Period of Use 04/01 to 10/31
35-13429 3/20/1956 0.01/1.4 Irrigation 04/01 to 10/31
35-13469 _____ to _____

2. Total amount of water being transferred 0.02 cubic feet per second and/or 5.60 acre-feet per annum.

3. Source of water Ground Water tributary to _____

4. Point(s) of Diversion: _____

Lot	1/4	1/4	1/4	Sec	Twp	Rge	County	Local name for diversion
		NE	SW	36	1S	34E	Bingham	

5. Lands irrigated or place of use:

Twp	Rge	Sec	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
1S	34E	36									1.4								1.4

Total Acres _____

74928

PART 1

6. General Information:

a. Description of diversion system Well Pump & Sprinkler

b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts?
 _____ Yes X No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes.

c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer:
No Change

d. Remarks:

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. _____

And the said application is hereby _____, subject to the following conditions:

Witness my hand this _____ day of _____, 20 _____.

 For the Director

Water Right Report 35-13429

WATER RIGHT NUMBER: 35-13429

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	LOWELL A HALE 573 N 700 W BLACKFOOT, ID 83221 (208)684-3380
Original Owner	CLAUDE G BROWER BLACKFOOT, ID 83221
Original Owner	ALICE W HALE 573 N 700 W BLACKFOOT, ID 83221 (208)684-3380
Original Owner	ALLENE PRICE 573 N 700 W BLACKFOOT, ID 83221 (208)684-4021
Current Owner	STEVEN L KAUER 695 N 700 W BLACKFOOT, ID 83221 (208)604-2205
Current Owner	PATRICIA A KAUER 700 W 695 N BLACKFOOT, ID 83221 (208)604-2205
Original Owner	MARVIN PRICE 573 N 700 W BLACKFOOT, ID 83221 (208)684-4021

Priority Date: 03/20/1956

Basis: Decreed

Status: Active

Source

Tributary

GROUND WATER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	04/01 to 10/31	0.040 CFS	17.00 AF
	<u>Total Diversion:</u>	0.040 CFS	17.00 AF

Location of Point(s) of Diversion

GROUND WATER SW1/4SE1/4SW1/4 Sec. 36, Twp 01S, Rge 34E, B.M.
BINGHAM County

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				
			<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>	Totals
6N	7E	1																	
6N	7E	2																	
6N	7E	3																	
6N	7E	4																	
6N	7E	5																	
6N	7E	6																	
6N	7E	7																	
6N	7E	8																	
6N	7E	9																	
6N	7E	10																	
6N	7E	11																	
6N	7E	12																	
6N	7E	13																	
6N	7E	14																	
6N	7E	15																	
6N	7E	16																	
6N	7E	17																	
6N	7E	18																	
6N	7E	19																	
6N	7E	20																	
6N	7E	21																	
6N	7E	22																	
6N	7E	23																	
6N	7E	24																	
6N	7E	25																	
6N	7E	26																	
6N	7E	27																	
6N	7E	28																	
6N	7E	29																	
6N	7E	30																	
6N	7E	31																	
6N	7E	32																	
6N	7E	33																	
6N	7E	34																	
6N	7E	35																	
6N	7E	36																	
6N	7E	37																	
6N	7E	38																	
6N	7E	39																	
6N	7E	40																	
6N	7E	41																	

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 35-13429

01S 34E 36	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
									2.8			4.2					7.0

Total Acres: 7

Conditions of Approval:

1. T19 Pursuant to Section 42-1412(6), Idaho Code, 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 may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.
2. X35 Rights 35-13427, 35-13429, 35-13431 when combined shall not exceed a total diversion rate of 0.10 cfs, a total annual maximum diversion volume of 28 af at the field headgate, and the irrigation of 7 acres.
3. X27 This right is limited to the irrigation of 6 acres within the place of use described above in a single irrigation season.

Remarks:

Comments:

1. scurtis 2/5/2003 7:16:13 AM Transferred Right
Comment: This is now an approved transfer, transfer number = 70218
2. nmiller 12/5/2006 POD
Comment: Correlated PODID 579104 from SpatialDataID 382225 to SpatialDataID 234206
3. nmiller 12/5/2006 POD
Comment: Correlated PODID 579104 from SpatialDataID 382225 to SpatialDataID 234206
4. dcarlson 10/30/2007 POU
Comment: Updated Shape

Dates and Other Information:

Licensed Date:
Decreed Date: 4/2/2002
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
State or Federal: S
Owner Name Connector: And
Water District Number: 120
Generic Max Rate Per Acre: 0.02
Generic Max Volume Per Acre: 4
Decree Defendant:
Decree Plaintiff:
Civil Case Number: 39576
Judicial District: FIFTH
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

Combined Use Limits:

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 35-13427

WATER RIGHT NUMBER: 35-13427

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	LOWELL A HALE 573 N 700 W BLACKFOOT, ID 83221 (208)684-3380
Original Owner	J GRANT BALDWIN 18 HIGHWAY 28 SALMON, ID 83467 (208)756-2351
Original Owner	ALLENE PRICE 573 N 700 W BLACKFOOT, ID 83221 (208)684-4021
Original Owner	ALICE W HALE 573 N 700 W BLACKFOOT, ID 83221 (208)684-3380
Current Owner	STEVEN L KAUER 695 N 700 W BLACKFOOT, ID 83221 (208)604-2205
Current Owner	PATRICIA A KAUER 700 W 695 N BLACKFOOT, ID 83221 (208)604-2205
Original Owner	MARVIN PRICE 573 N 700 W BLACKFOOT, ID 83221 (208)684-4021
Original Owner	CLAUDE G BROWER BLACKFOOT, ID 83221

Priority Date: 04/27/1947

Basis: Decreed

Status: Active

Source

Tributary

GROUND WATER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	04/01 to 10/31	0.050 CFS	21.00 AF
	<u>Total Diversion:</u>	0.050 CFS	21.00 AF

Location of Point(s) of Diversion

GROUND WATER

SW1/4SE1/4SW1/4

Sec. 36, Twp 01S, Rge 34E, B.M.

BINGHAM County

Place of Use

IRRIGATION

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 35-13427

IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
01S 34E 36	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	7.0
									2.8			4.2					

Total Acres: 7

Conditions of Approval:

1. X27 This right is limited to the irrigation of 6 acres within the place of use described above in a single irrigation season.
2. T19 Pursuant to Section 42-1412(6), Idaho Code, 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 may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.
3. X35 Rights 35-13427, 35-13429, 35-13431 when combined shall not exceed a total diversion rate of 0.10 cfs, a total annual maximum diversion volume of 28 af at the field headgate, and the irrigation of 7 acres.

Remarks:Comments:

1. scurtis 2/5/2003 7:16:13 AM Transferred Right
Comment: This is now an approved transfer, transfer number = 70218
2. nmiller 12/5/2006 POD
Comment: Correlated PODID 579089 from SpatialDataID 382225 to SpatialDataID 234206
3. nmiller 12/5/2006 POD
Comment: Correlated PODID 579089 from SpatialDataID 382225 to SpatialDataID 234206
4. dcarlson 10/30/2007 POU
Comment: Updated Shape

Dates and Other Information:

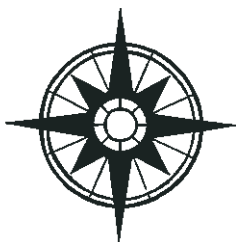
Licensed Date:
 Decreed Date: 4/3/2002
 Enlargement Use Priority Date:
 Enlargement Statute Priority Date:
 State or Federal: S
 Owner Name Connector: And
 Water District Number: 120
 Generic Max Rate Per Acre: 0.02
 Generic Max Volume Per Acre: 4
 Decree Defendant:
 Decree Plaintiff:
 Civil Case Number: 39576
 Judicial District: FIFTH
 Swan Falls Trust or Nontrust:
 Swan Falls Dismissed:
 DLE Act Number:
 Carey Act Number:
 Mitigation Plan: False

Combined Use Limits:

a

$\square = \text{House}$

Irrigation



Legend

mod

t01s34e

• $\omega = \text{well}$

74 928

100

Meters



[Home](#)
[A](#)
[n](#)
[i](#)
[d](#)

PART 3

B. CHANGES IN NATURE OF USE

1.	<u>New Nature of Use</u>	<u>Amount(cfs/af-ft)</u>	<u>Hours/days/year</u>	<u>Period of Use</u>
	<u>N/A</u>			_____ to _____
				_____ to _____

2. Quantity and quality of return flows and location of discharge: _____

3. Describe effects on other water uses resulting from the proposed change: _____

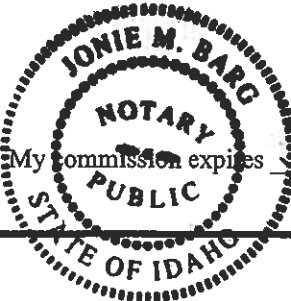
I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge.

I understand that any willful misrepresentations made in this application may result in voiding its approval.

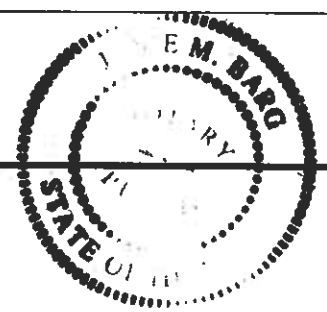
Susan E Barney
(Signature of Applicant)

Susan E Barney
Print Name (and title, if applicable)

Subscribed and sworn to before me this 14TH day of June, 20 08



Jonie M Bargo
(Notary Public)



FOR DEPARTMENT USE ONLY

Transfer contains 9 pages and _____ attachments

Received by _____ Date _____ Protest filed by _____

Prelim. Check by _____ Fee 100.00

Received by BPR Date 4/17/08 E034151

Published in Morning News Copies of protest forwarded by _____

Pub. Dates Aug 8 and 14, 2008 Hearing held by _____ Date _____

Watermaster recommendations requested on _____ Recommended for ☐ approval ☐ denial

_____ received _____ by _____

Copy of transfer sent to lien holder _____

PART 3

B. CHANGES IN NATURE OF USE

1.

<u>New Nature of Use</u>	<u>Amount(cfs/af-ft)</u>	<u>Hours/days/year</u>	<u>Period of Use</u>
_____	_____	_____	_____ to _____
_____	_____	_____	_____ to _____
2. Quantity and quality of return flows and location of discharge: _____

3. Describe effects on other water uses resulting from the proposed change:

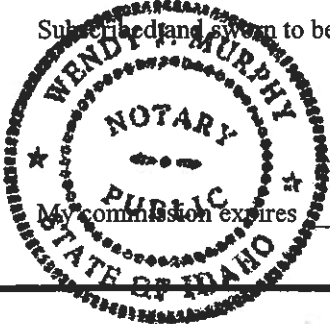
I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge.

I understand that any willful misrepresentations made in this application may result in voiding its approval.

[Signature]
 (Signature of Applicant)

Terry A. Barney
 Print Name (and title, if applicable)

Subscribed and sworn to before me this 17th day of June, 20 08.



Wendy J. Murphy
 (Notary Public)

(Terry A. Barney)

FOR DEPARTMENT USE ONLY

Transfer contains _____ pages and _____ attachments

Received by _____ Date _____ Protest filed by _____

Prelim. Check by _____ Fee _____

Receipted by _____ Date _____

Published in _____ Copies of protest forwarded by _____

Pub. Dates _____ Hearing held by _____ Date _____

Watermaster recommendations requested on _____ Recommended for ☐ approval ☐ denial

_____ received _____ by _____

Copy of transfer sent to lien holder _____

Warrantee Deed

For value received Steven L. Kauer and Patricia A. Kauer, husband and wife, 695 N 700 W, Blackfoot, Idaho 83221, the grantors do hereby grant bargain, sell and convey unto Terry A. Barney and Susan E. Barney, 375 N 150 W, Blackfoot, Idaho 83221, the grantees, the following described premises, in Bingham County, Idaho TO WIT:

Part of the Southwest Quarter (SW1/4) of Section 36, Township 1 South, Range 34 East of the Boise Meridian, Bingham County, Idaho. described as follows:

No. 5. Beginning at a point that lies N 00 03'35"E 1950.79 feet along the section line and S89 45'43"E 959.33 feet from the Southwest corner of Section 36 to the true point of beginning which is on the east line of the property described in Instrument No.278241 and running thence along said east line N22 18'27"W 205.71 feet; thence S89 45'43"E 538.22 feet; thence S64 02'42"E 1062.11 feet to the northwesterly right of way of a county road; thence S26 00'35"W 242.07 feet along said right of way; thence N62 33'27"W 1069.36 feet thence N 89 45'43"W 359.94 feet to the point of beginning, containing 7.54 acres. Together with any water rights appertaining to said premises.

Subject also to a 10.00 foot easement for power lying 5.00 feet each side of the following described centerline: Beginning at a point that is N89 46'28"W 1245.17 feet along the section line and N00 13'32"E 660.23 feet from the South One Quarter corner of said section 36 and running thence N36 43'00"E412.81 feet to an existing power pole: thence N.36 43'00"E 1160.00 feet thence N06 29'52"W 586.89 feet.

Subject also to the provisions of Section 58-604, Idaho Code, as amended by Chapter 44, 1951 Session Laws; Which grants over all lands belonging to the State a right of way for ditches constructed by authority of the United States. State reserves the right to all coal, oil, oil shale, gas phosphate, sodium, asbestos, gold, silver, lead, zinc, copper, antimony and all minerals or deposits of minerals of whatsoever kind or character, pursuant to Sec.47-701, Idaho Code; also reserved to the State are geothermal resources, including associated by-products. Said minerals being reserved are as shown on State of Idaho Land Sale Certificate No.22872.

To have and to hold the said premises with their appurtenances unto the said Grantees, heirs and assigns forever. And the said Grantors do hereby covenant to and with the said Grantees that they are the owners in fee simple of said premises; that they are free from all encumbrances Except: Current Year Taxes, U.S. patent reservations, State reservations, conditions, covenants, restrictions, reservations, easements, rights of way, apparent or of record; and that they will warrant and defend the same from all lawful claims whatsoever.

Dated Feb. 3, 2006

Steven L. Kauer

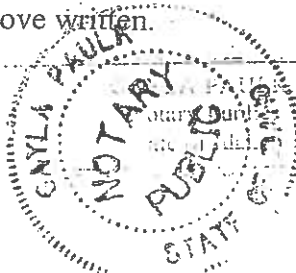
Patricia A. Kauer

State of Idaho, County of Bingham)ss

On this 3rd of February, 2006, before me, a Notary Public in and for said state, personally appeared Steven L. Kauer and Patricia A. Kauer known or identified 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 first above written.

Notary Public for the State of Idaho Residing at: Blackfoot, ID
Commission Expires: 11/17/07



COPY

Division and Conveyance of Water Ownership

We Steven L. and Patricia Kauer, 695 N 700 West, Blackfoot, Idaho; Tomas and Jeanne Strickland, 622 N 700 W, Blackfoot, Idaho; Johnny and Christa Allmon 626 N 700 W, Blackfoot, Idaho; and Terry and Susan Barney 630 N 700 W, Blackfoot, Idaho being the present owners of water represented by water rights numbers 35-13427 for .05 cfs, 35-13429 for .04 cfs and 35-13431 for .02cfs which presently are in the names of Steven and Patricia Kauer for the irrigation of 7 acres of land in the S/W 1/4 Section 36 Township 1 South Range 34 East Bingham County, Idaho on parcels 1 and 2 owned by Steven L. or Patricia Kauer, parcel 3 owned by Thomas and Jeanne Strickland, parcel 4 owned by Johnny and Christa Allmon, and parcel 5 owned by Terry and Susan Barney as shown on a copy of a survey of land hereto attached and by reference hereto made a part hereof, do hereby mutually divide and convey our separate undivided interests of ownership to said water as follows:

1. To Steven L. or Patricia Kauer .01cfs of 35-13427 and .01cfs of 35-13431 for irrigation of 1.4 acres on parcel 1; and .01 cfs of 35-13427 and .01 cfs of 35-13429 for irrigation of 1.4 acres on parcel 2.
2. To Tom and Jeanne Strickland .01 cfs of 35-13427 and .01 cfs of 35-13429 for irrigation of 1.4 acres on parcel 3.
3. To John and Christa Allmon .01 cfs of 35-13427 and .01 cfs of 35-13429 for irrigation of 1.4 acres on parcel 4.
4. To Terry and Susan Barney .01 Cfs of 35-13427 and .01 cfs of 35-13429 for the irrigation of 1.4 acres on parcel 5.

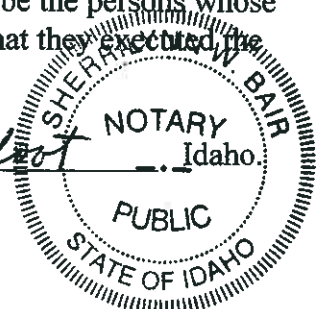
Dated 1, APRIL, 2008.

<u>Patricia A. Kauer</u> Patricia Kauer	<u>Jeanne Strickland</u> Jeanne Strickland	<u>Christa Allmon</u> Christa Allmon	<u>Susan Barney</u> Susan Barney
<u>Steven L. Kauer</u> Steven L. Kauer	<u>Thomas Strickland</u> Thomas	<u>Johnny Allmon</u> Johnny Allmon	<u>Terry Barney</u> Terry Barney

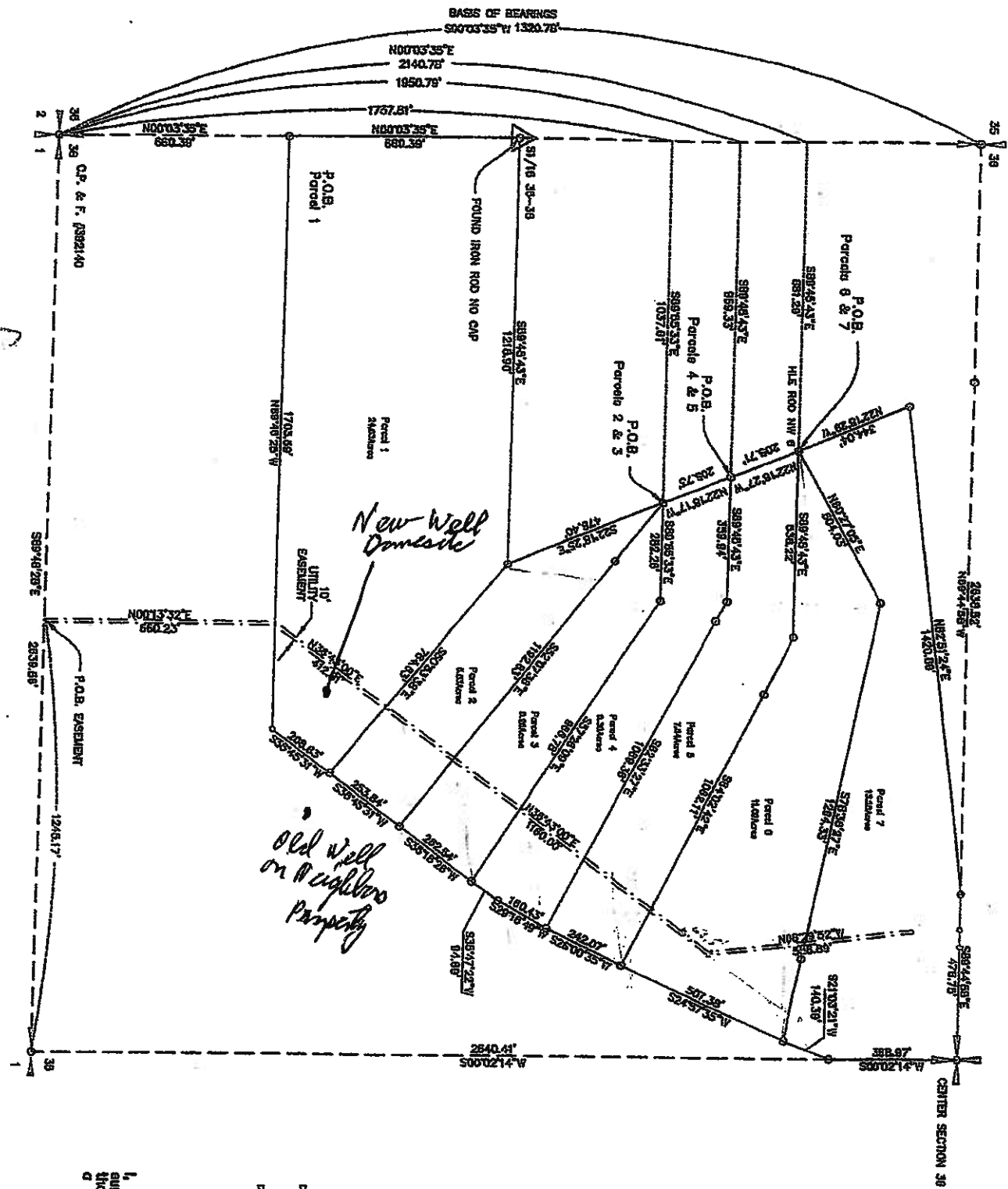
State of Idaho, County of Bingham)ss

On this 1 day of April, 2008, before me, a notary public in and for said state, personally appeared Patricia Kauer, Steven L. Kauer, Jeanne Strickland, Thomas Strickland, Christa Allmon, Johnny Allmon, Susan Barney and Terry Barney known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

Sherilyn W. Bair, Notary Public Residing at Blackfoot
Comm. Expires 6-8-2013



PART OF SECTION 36
TOWNSHIP 1 SOUTH, RANGE 34 EAST
BINGHAM COUNTY, IDAHO



New Well Domestic

Old Well on Neighbors Property

1/4 section corner
not from rod with plastic cap
marked PELS 3435
found from rod



Butler Engineering 211 S. Main St. Boise, ID 83720 Phone: (208) 333-7200 Fax: (208) 333-7201 Email: bbutler@butlereng.com		PROJECT SECTION 36, TOWNSHIP 1 SOUTH RANGE 34 EAST B.M.	
SCALE	DATE	DRAWN BY	DESIGNED BY
1" = 200'	June 17, 2005	TD	1566Kluwarrroding
LONG RUN 1536		TOWNSHIP 1 SOUTH RANGE 34 EAST	