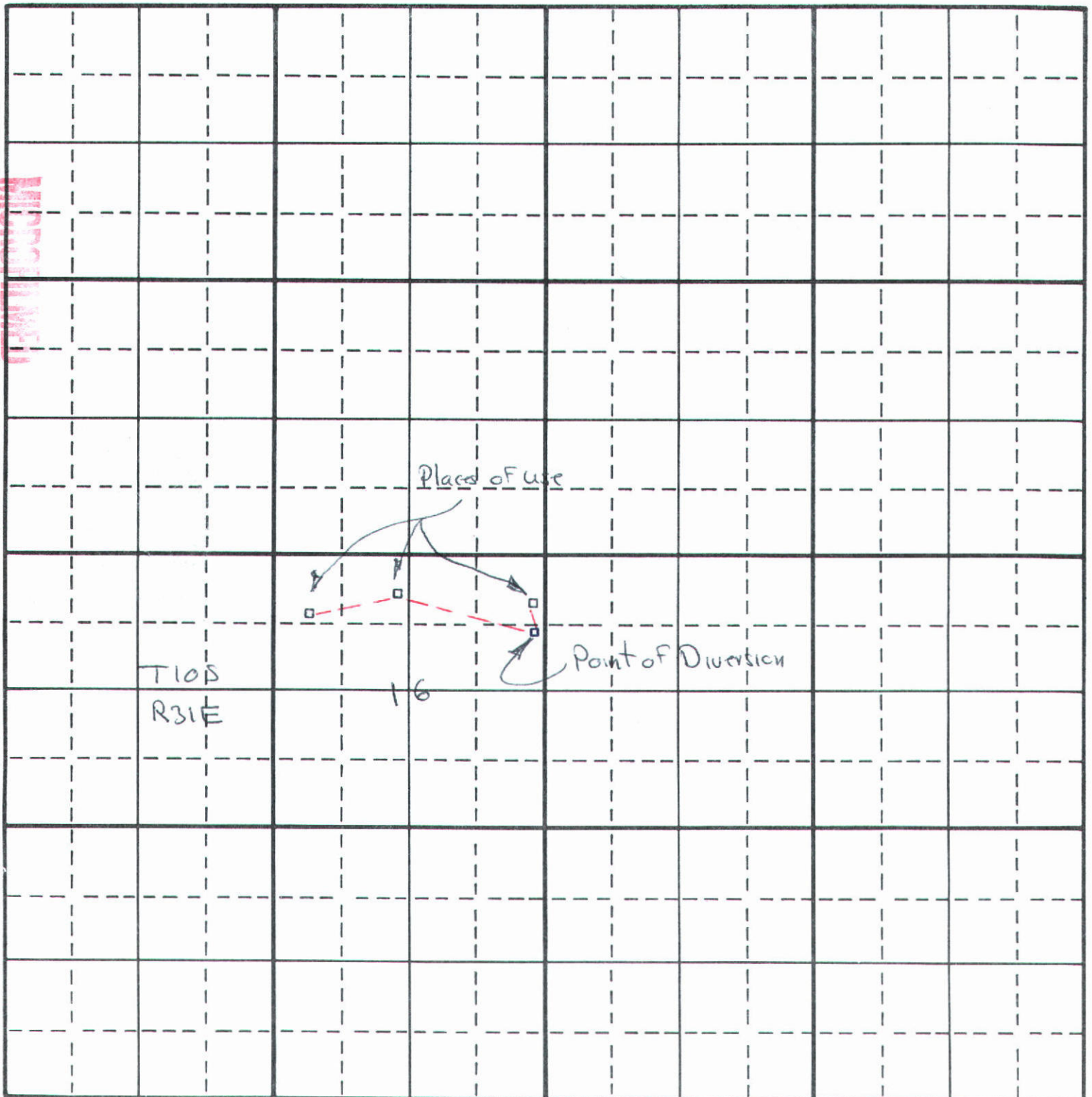


c. Describe the lands or place of use to which the right will be transferred:

TWP.	RANGE	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
10S	31E	16	Home X				X	X											

Total number of acres to be irrigated _____

- Describe any other water rights used for the same purpose as described above. None
- Draw a map indicating the new point(s) of diversion and/or the new land to be irrigated. Show clearly the land involved by section, township and range number.

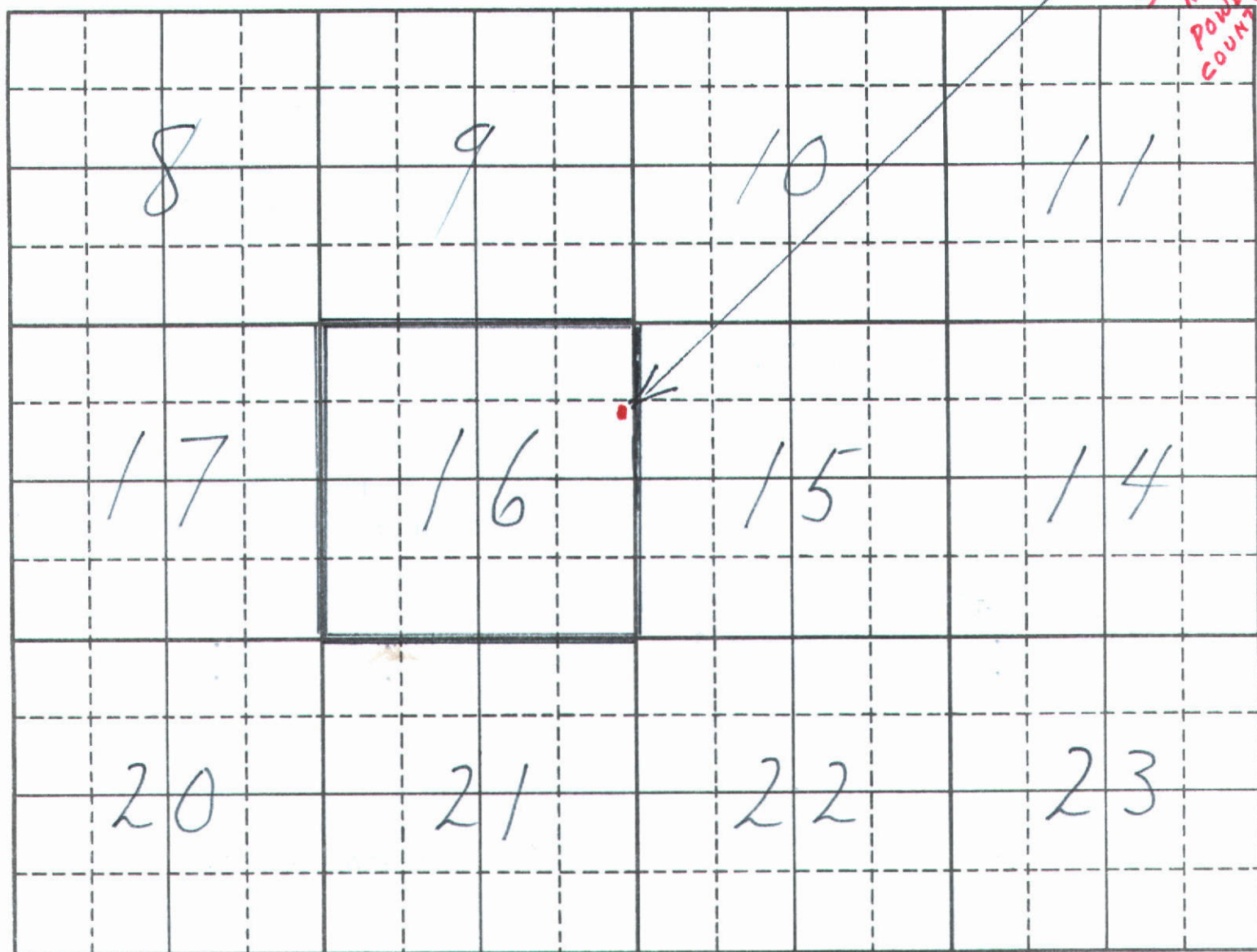


SCALE: 2 inches equal 1 mile. Draw plan in ink.

CLAIMANT AND HIS IMMEDIATE PREDECESSORS IN INTEREST (INCLUDING CLAIMANT'S FATHER & GRANDFATHER BEFORE HIM) HAVE BENEFICIALLY USED THE WATERS OF THIS (8) Remarks SPRING FOR DOMESTIC, CULINARY AND LIVE-STOCK WATERING PURPOSES; SAID USE HAS BEEN CONSTANT SINCE JANUARY OF 1915.

NOTE: SURVEYOR, J.E. BURCHAM, HAS PREPARED A DETAILED MAP OF THE PARCEL OF LAND, IN WHICH THE USES OF THIS WATER EXIST. SEE EXHIBIT "A" ANNEXED

SPRING IN
S.E. 1/4 NE 1/4 of
SEC. 16, T. 10 S.,
R. 31 E. B.M.
POWELL
COUNTY



Scale: 2 inches equal 1 mile. **EXHIBIT "A" ANNEXED (IN FORM OF ENGINEER'S DETAIL MAP)**

Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system. **SEE EXHIBIT "A"**

State of Idaho)
) ss.
County of BANNOCK)

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiants knowledge.

ERNEST CHARLES BARNARD

✓ Ernest Charles Barnard
(Claimant)

Sworn to before me this 9TH day of MAY, 19 78.

Jayson C. Holladay
Notary Public

Residing at POCATELLO, IDAHO

My commission expires 21 APRIL 1979

For Department Use Only

Received by <u>Sm</u>	Date <u>5/16/78</u>	Exception filed by:	Forwarded to	Date
Prelim. check by <u>Q</u>	Date <u>5-17-78</u>		claimant by:	
\$10.00 fee received by <u>Sm</u>	Date <u>5/17/78</u>			
Approved for publication by <u>AA</u>	Date <u>5/17/78</u>			
Published in <u>Banner County Press</u>				
Dates <u>5/24 & 5/31/78</u>				

Transfer No. 2848

Water Right No. 41-4007

APPROVED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

APPLICATION FOR TRANSFER OF WATER RIGHT

To Change the Point of Diversion and/or the Place of Use

APR 20 1983

Idaho Department of Water Resources
Sawtooth District Office

Name of applicant Ernest C. Barnard Phone 548-2643
Post Office address Box 305 Rockland, ID. 83271

A DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No. _____ Decreed to _____ (Name)
in case of _____ vs _____
dated in _____ in _____ county of _____ (Name of court)
- b. License No. _____ issued by the Idaho Department of Water Resources
- c. Claim No. 41-4007 on file with the Idaho Department of Water Resources

2. If applicant is not the original holder of this right, explain how it was acquired and attach a copy of the deed or other evidence of ownership of the land to which the right is appurtenant Applicant is original claimant

3. Source of water Spring tributary to smks

4. Date of priority Jan. 15, 1915

5. Water is used for the following purposes.

amount 0.00433 for Domestic purposes from 1-1 to 12-31
amount 0.00866 for stock purposes from 1-1 to 12-31
amount _____ for _____ purposes from _____ to _____ (month/day — both dates inclusive)

6. Total amount of water under right: a. 0.013 cubic feet per second &/or
b. _____ acre feet per annum

7. Location of original point of diversion is SE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 16
Township 10 S Range 31 E, B.M. in Power County
Additional points of diversion, if any _____

8. Lands irrigated or place of use.

TWP	RANGE	SEC	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTALS
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
10S	31E	16	X			X													

Total number of acres to be irrigated _____

9. Describe any other water rights used for the same purpose as described above None

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of nonuse? NO If yes, describe in item D. REMARKS 1, 4, 3

B. DESCRIPTION OF PORTION OF RIGHT OWNED BY APPLICANT (If the entire right is owned by the applicant, omit part B).

1. Amount of water: a. _____ cubic feet per second
&/or
b. _____ acre feet per annum
2. Point of diversion _____ $\frac{1}{4}$ _____ $\frac{1}{4}$, Section _____ Township _____
Range _____, B.M., _____ County
- Additional points _____

3. Place of use:

[illegible]

Total number of acres to be irrigated _____

C. DESCRIPTION OF RIGHT OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

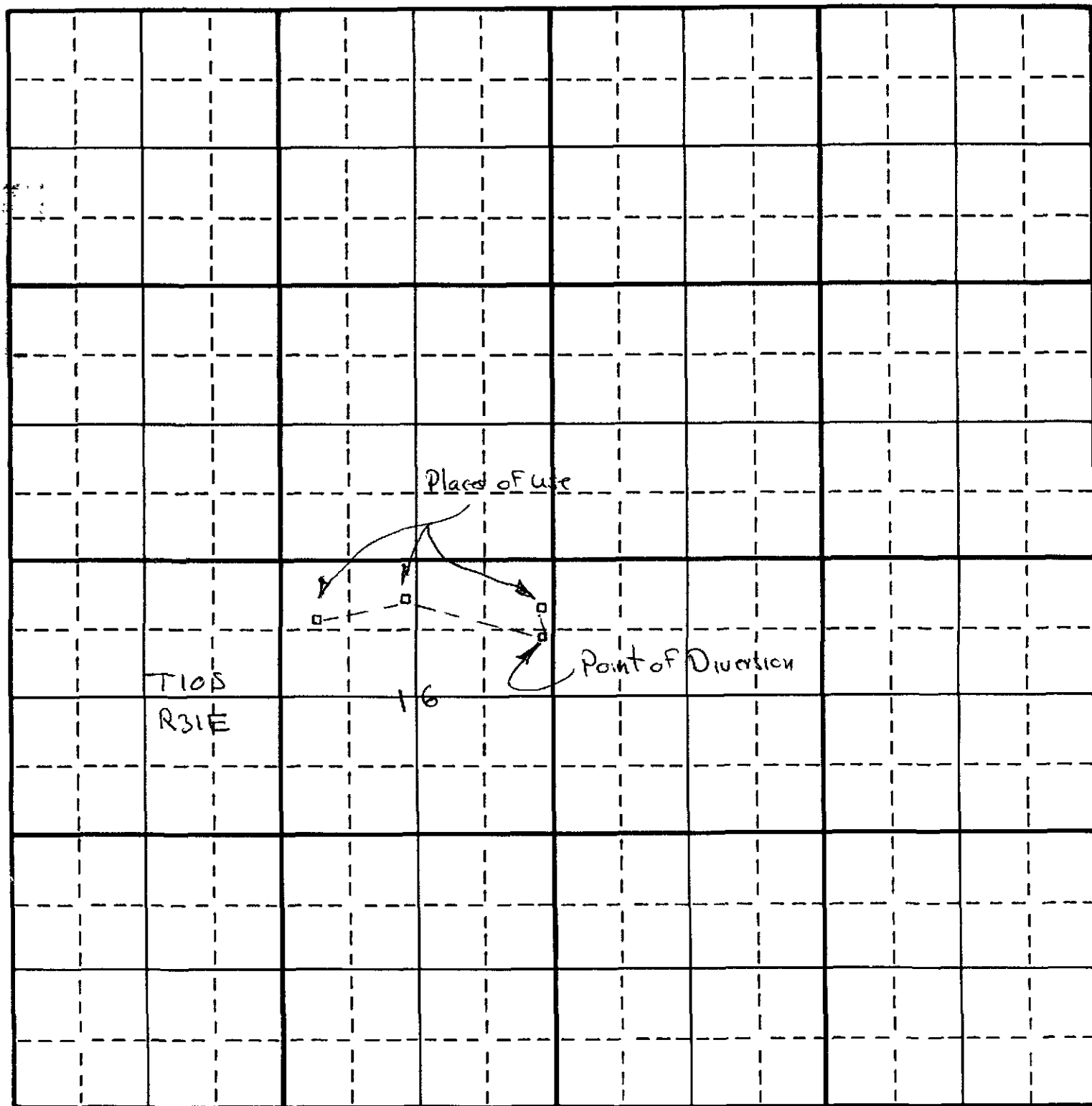
1. General Information
- a. Amount of water to be diverted 0.013 c.f.s. &/or _____ acre feet
- b. Description of diverting works Diversion dam with gravel filter to 1'4" pipeline to stock trough and home when necessary
- c. Describe the reasons for the proposed changes I am changing the place of use of my stock troughs
2. Change in point of diversion NO CHANGE
- Point of diversion SE 1 $\frac{1}{4}$ NE $\frac{1}{4}$, Section 16 Township 10S
Range 31E, B.M., _____ County
Additional points _____
3. Change in place of use
- a. Are there liens, mortgages, or contracts on the lands from which you propose to transfer the water right which limit your authority to make the proposed change? Yes _____ No ☒ If yes, provide a statement agreeing to the proposed change from the holder of the lien, mortgage or contract.
- b. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer
None

c Describe the lands or place of use to which the right will be transferred.

TWP	RANGE	SEC	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTALS
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
10S	31E	16	Home X				X	X											

Total number of acres to be irrigated _____

- 4 Describe any other water rights used for the same purpose as described above. None
- 5 Draw a map indicating the new point(s) of diversion and/or the new land to be irrigated. Show clearly the land involved by section, township and range number.



D. REMARKS

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 willfull misrepresentations made in this application may result in voiding its approval.

Ernest C. Boenard
(Signature of Applicant)

Subscribed and sworn to before me this 20th day of April, 19 83

Walter W. Roper
(Notary Public)

My commission expires 10-24-85

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

MICROFILMED

This is to certify that I have examined Application for Transfer of Water Rights No. 41-4007

and said application is hereby APPROVED, subject to the following limitations and conditions:

Approval of this transfer does not confirm the use claimed under Claim No. 41-4007.

Witness my hand this 28th day of November, 1983

L. Glen Saxton
Chief, Operations Bureau

FOR DEPARTMENT USE ONLY

Received by _____	Date _____	Protest filed by <u>None</u>
Prelim. check by <u>IB</u>	Fee <u>\$30.00</u>	
Received by <u>meager</u>	Date <u>4/26/83</u> # <u>27261</u>	
Published in <u>Peavine Co Press</u>		Copies of protest forwarded by _____
Pub. dates <u>6/25 + 6/22/83</u>		Hearing held by _____ Date _____
Watermaster recommendation requested on <u>7/18/83</u>		Recommended for <u>approval</u> denial
_____ rec'd. <u>7/12/83</u>		by <u>ADM Jm</u>

Affidavit of Publication

STATE OF IDAHO

COUNTY OF POWER }

s.s.

JUN 24 1983

Department of Water Resources

Southern District Office

Legal Notice

Published in The Power County Press June 15 and June 22, 1983.

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

NO 41-4007

Notice is hereby given that Ernest C Barnard of Rockland, Idaho, has applied to the Department of Water Resources for a change of place of use of a right from spring tributary to sinks. The right sought to be changed is evidenced by Claim No. 41-4007 and is recorded as follows.

Amount: 0.013 cfs
Priority: January 15, 1915
Point of Diversion: SE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec 16, T10S, R31E, B.M., Power County

The water is used for domestic and stockwater from January 1 to December 31 within the E $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 16, T10S, R31E

TO BE CHANGED AS FOLLOWS:

Amount: 0.013 cfs
Point of Diversion: No change
Place of Use NE $\frac{1}{4}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ NW $\frac{1}{4}$, Sec 16, T10S, R31E for domestic and stockwater from January 1 to December 31.

Any protest against the approval of the above proposed change of the right described above must be filed with the Idaho Department of Water Resources, 1041 Blue Lakes Blvd North, Twin Falls, Idaho 83301 on or before July 5, 1983.

A. KEN DUNN
Director

Brett Crompton..... being first duly sworn
on oath, states:

That he is the editor of the Power County Press, a newspaper of general circulation in Power County, Idaho, published weekly at American Falls in said County; that said newspaper has been published in said County uninterruptedly and continuously for over seventy-eight consecutive weeks, prior to the first publication of the annexed notice or advertisement:

That the annexed notice or advertisement was published as per clipping attached in the regular and entire edition of said

newspaper and not in any supplement thereof for successive weekly issues thereof, the date of the first publica-

tion being the 15 day of June, 1983

the date of last publication being the

22 day of June, 1983.

(Signed) Brett Crompton

Subscribed and sworn to before me this

22 day of June, 1983.

Randa Hobbs
Notary Public, residing at American Falls, Idaho.

My Commission expires the

(SEAL)

10 day of March, 1986.

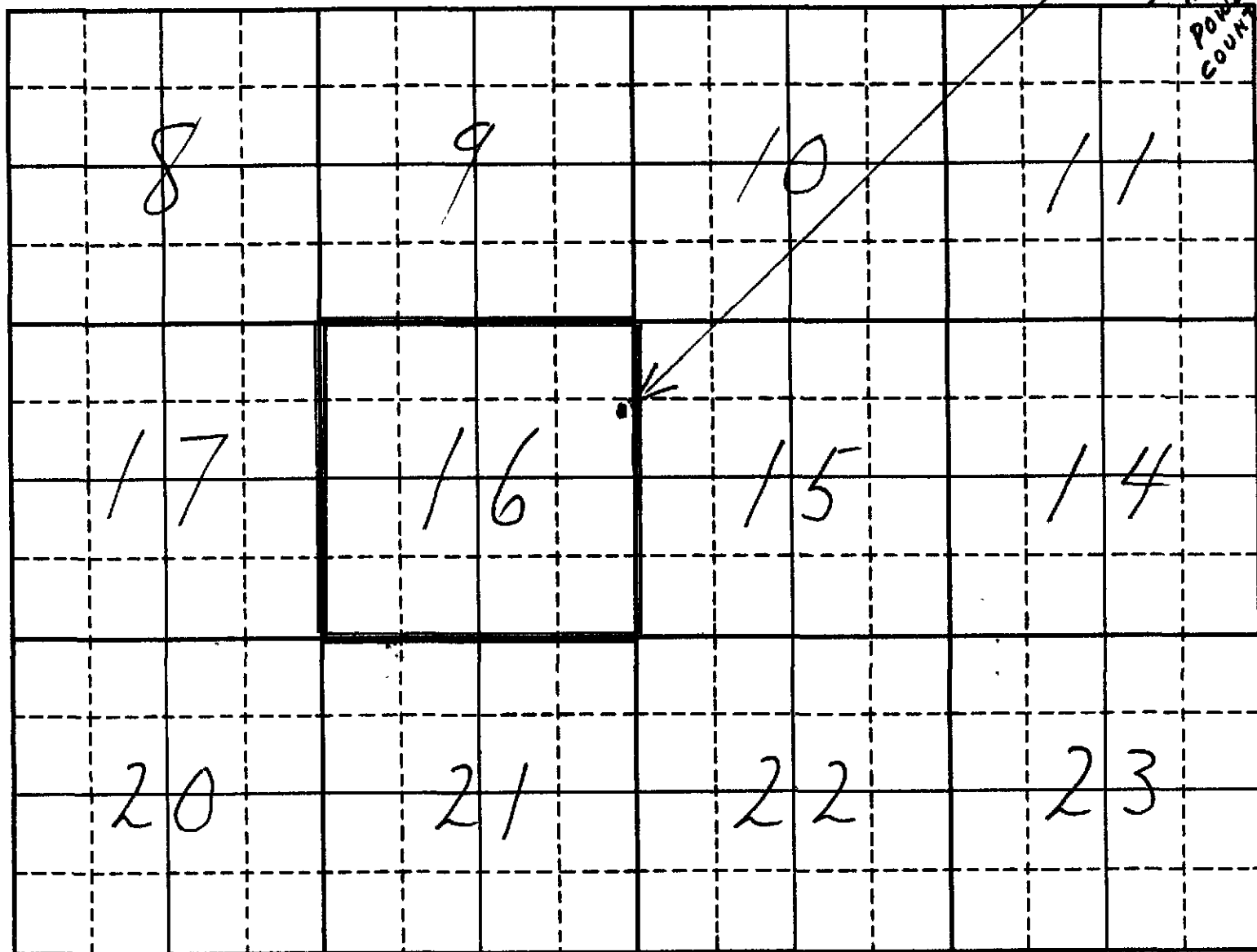
Department of Water Resources
Southern District Office

7) If you are claiming water as a member of an organization, list name of organization NOT APPLICABLE

CLAIMANT AND HIS IMMEDIATE PREDECESSORS IN INTEREST (INCLUDING CLAIMANT'S FATHER & GRANDFATHER BEFORE HIM) HAVE BENEFICIALLY USED THE WATERS OF THIS (8) Remarks SPRING FOR DOMESTIC, CULINARY AND LIVE-STOCK WATERING PURPOSES; SAID USE HAS BEEN CONSTANT SINCE JANUARY OF 1915.

NOTE: SURVEYOR, J.E. BURCHAM, HAS PREPARED A DETAILED MAP OF THE PARCEL OF LAND, IN WHICH THE USES OF THIS WATER EXIST. SEE EXHIBIT "A" ANNEXED

SPRING IN
S.E. 1/4 NE 1/4 of
SEC. 16, T. 10 S.
R. 31 E. 10 S.
POWER
COUNTY



Scale: 2 inches equal 1 mile. EXHIBIT "A" ANNEXED (IN FORM OF ENGINEER'S DETAIL MAP)

Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system. SEE EXHIBIT "A"

State of Idaho)
) ss.
County of BANNOCK)

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiants knowledge.

ERNEST CHARLES BARNARD
✓ Ernest Charles Barnard
(Claimant)

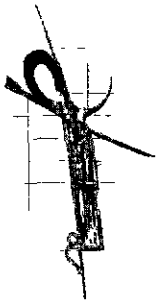
Sworn to before me this 9TH day of MAY, 19 78.

Jayson C. Holladay
Notary Public
Residing at POCATELLO, IDAHO

My commission expires 21 APRIL 1979

For Department Use Only

Received by	Date	Exception filed by:	Forwarded to	Date
<u>Sm</u>	<u>5/16/78</u>		claimant by	
Prelim check by <u>R</u>	<u>5-17-78</u>			
\$10.00 fee received by <u>Sm</u>	<u>5/17/78</u>			
Approved for publication by <u>JA</u>	<u>5/17/78</u>			
Published in <u>Power County Press</u>	<u>5/24 & 5/31/78</u>			



Jayson Holladay

ATTORNEY AT LAW . . .

LAW OFFICES

836 EAST CENTER, POCATELLO, IDAHO 83201

15 May 1978

Mr. James E. Stanton
Senior Water Resource Agent
Dept. of Water Resources
State of Idaho
(Southern Region)
1041 Blue Lakes Blvd., North
Twin Falls, Idaho 83301

Re: Ernest Charles Barnard
(Rockland, Idaho)

Dear Mr. Stanton:

With reference to our recent communications on the matter of Mr. Barnard's Claim to a Water Right in Rockland, Idaho, I have again communicated with Mr. Barnard, and with the engineer Mr. Barnard consulted with respect to surveying and describing the precise location of the point of diversion, and also the location of the beneficial use of this water.

May I say, that both MR. Barnard and I appreciate your assistance and recommendations, with respect to such matters as the approximate number and type of livestock being watered.

Accordingly, we have drafted additional documents with respect to Mr. Barnard's claim, and we respectfully transmit the same with this letter.

Mr. Barnard's engineer, Mr. J. E. Burcham, Jr., advises that the map provided on page 2 of the claim is not large enough to properly detail the location of the spring, the point of diversion, the path of the spring water as it is diverted, the location of the stock tanks, the dwelling house, etc., in view of the fact that the spring is actually located in the SE 1/4 NE 1/4, whereas the path of the diverted spring water, the stock watering tanks and the dwelling house is situated somewhat north of the spring and in the NE 1/4 NE 1/4.

By reason thereof, Mr. Stanton, the surveyor has prepared a detailed plat of survey of the spring and the points of diversion in the East 1/2 of the Northeast 1/4 of Section 16, T. 10 South, R. 31 E.B.M., in Power County, Idaho. That plat of survey is annexed to and made a part of this claim, and delineated as Exhibit "A."

7-10-78

Mr. James E. Stanton
15 May 1978
Page Two

I am also enclosing my check made payable to the Department of Water Resources.

Incidentally, I appreciate your recent comments to me on the matter of advertising statutory notice of this claim, and I thank you for the same.

Every good wish,

A handwritten signature in cursive script that reads "Jayson Holladay". The signature is written in dark ink and is positioned above the printed name.

Jayson Holladay

vfg

Enclosures: As stated above

Affidavit of Publication

STATE OF IDAHO
COUNTY OF POWER } S.S.

Phyllis Ringe
being first duly sworn

on oath, states:

That ~~she~~ is the ~~principal clerk of~~ the printer of the Power County Press, a newspaper of general circulation in Power County, Idaho, published weekly at American Falls in said County; that said newspaper has been published in said County uninterruptedly and continuously for over seventy-eight consecutive weeks, prior to the first publication of the annexed notice or advertisement:

That the annexed notice or advertisement was published as per clipping attached in the regular and entire edition of said

newspaper and not in any supplement thereof for 2 successive weekly issues thereof, the date of the first publication being the 25th day of May, 1978

the date of last publication being the

1st day of June, 1978

(Signed) *Phyllis Ringe*

Subscribed and sworn to before me this

5th day of June, 1978

Rose Ann Stuck
Notary Public, residing at American Falls, Idaho.

My Commission expires the

(SEAL) day of, 19

Legal Notice

Published in the Power County Press on May 25 and June 1, 1978

NOTICE OF CLAIM TO A WATER RIGHT NO. 41-4007

Notice is hereby given that Ernest Charles Barnard Rockland, Idaho 83271 has filed a claim to a water right established by diversion and application to beneficial use of 0.013 cubic feet per second of water from Spring tributary to sinks with point of diversion in the SE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 16, Twp. 10S, Rge. 31E, B.M. Power County

The water is claimed to be used from Jan. 1 to Dec. 31 for domestic and livestock purposes with a priority of January 15, 1915 the place of use is within the NE $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec 16, Twp. 10S, Rge. 31E, B.M.

Any exception to this claim of water right may be filed with the Idaho Department of Water Resource, 1041 Blue Lakes Blvd., North, Twin Falls, Idaho, 83301

C. Stephen Allred
Director

**THIS
RIGHT HAS BEEN
DECREED IN THE
SRBA**



State of Idaho

DEPARTMENT OF WATER RESOURCES

STATE OFFICE, 450 W. State Street, Boise, Idaho

JOHN V EVANS

Governor

A KENNETH DUNN

Director

Mailing address:

Statehouse

Boise, Idaho 83720

(208) 334-4440

December 6, 1983

RE: Transfer No. 2848

Ernest C. Barnard
Box 305
Rockland, ID 83271

Dear Mr. Barnard:

Enclosed is a copy of the above referenced approved Transfer per your request with the condition of watermaster control removed.

Sincerely,

SHARLA CURTIS
Water Allocation Section

Enclosure

November 29, 1983

RE: Transfer of Water Right No. 41-4007

Ernest C. Barnard
Box 305
Rockland, ID 83271

Dear Mr. Barnard:

Enclosed is a copy of your approved Application for Transfer of the above referenced water right (Transfer No. 2848). Be sure to note the conditions of approval as listed on the fourth page.

Sincerely,

DAVID R. TUTHILL, JR., P.E.
Supervisor, Water Allocation Section

DRT:sc

Enclosure

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

TRANSFER ANALYSIS SHEET

INITIAL REVIEW BY: T. G. Blau

1. Right number 41-4007 Applicant BARNARD, Ernest C.
2. Type of right: ☐ Decree ☐ License ☒ Claim
3. Purpose of transfer: ☐ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use
☐ Other _____

4. Check:

- ☒ Source ☒ Priority ☒ Amount ☒ Purpose ☒ Period of use
- ☒ Description of original point of diversion.
- ☒ Description of original place of use.

5. Amount of land &/or water transferred:

- ☒ All of right.
- ☒ Part of right (NOTE! Part B should be filled in only if part of the right is owned by the applicant).
- ☒ Check description of point(s) of diversion. No change
- ☒ Check description of place of use.
- ☒ Check map (shows p.d. and p.u. after transfer).
- ☒ Check for correct signature, notarization, and fee.
- ☒ Check proof of ownership of right &/or land from which water is transferred.
- ☒ Check for expansion in use of right. Comments Not Expansion if # of stock remain the same
- ☒ Check for existing water rights from same source, on land water is being transferred to.
- Right number(s) _____

☒ Is use within a Watermaster District? ☒ Yes ☐ No

If yes, what district? 442 Rock Creek

FINAL PROCESSING REVIEW BY: ADM

☒ Watermaster recommendation requested on 7/8/83 Received on 9/12/83

☒ Is transfer published correctly? ☒ Yes ☐ No

☒ Protest received? ☐ Yes ☒ No

RECOMMENDED ACTION

1. ☒ Approve

2. ☐ Deny

3. Conditions* Under control of W.M. Dist 41

Rock Creek, Approval of this transfer does not confirm the use claimed under ^{CLAIM NO.} 41-4007

4. By ADM Date 9/26/83

RECEIVED

APPLICATION FOR TRANSFER OF WATER RIGHT

NO. 41-4007

RECOMMENDATION OF WATERMASTER

I, James Robinson, watermaster of 1983,
of Water District No. 41, County of Power, State of Idaho,
whose address is Box 157 Rockland Idaho 83271
have read the attached copy of the application for transfer of water right for
Ernest C. Darnard, and to the best of my knowledge believe the
(name)
application to be true.

A. I hereby endorse the above numbered Application for Transfer and recommend
that the Director of the Department of Water Resources approve the transfer subject to
the following conditions: No Conditions

OR

B. I do not endorse approval of the above numbered Application for Transfer as re-
quested for the following reasons:

Dated at Rockland, Idaho, this 9 day of Sept 1983.

James Robinson
(signature)



STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES SOUTHERN REGION

John V. Evans
Governor

1041 Blue Lakes Blvd. North
Twin Falls, Idaho 83301
(208) 734-3578

C. Stephen Allred
Director

July 18, 1983

James Robinson
Watermaster District 41
Rociland, Idaho 83271

Re: Application for Transfer of Water Right No. 41-0032
41-0001
Dear Mr. Robinson: 41-4007

Enclosed is a copy of an Application for Transfer of a Water Right within your District, and Watermaster's Recommendation Form.

Section 42-222 of the Idaho Code requires that the watermaster must be advised of proposed changes in water rights in the water district and must notify the Department of his recommendation on the application.

Please complete the enclosed recommendation form and return it to this office.

Processing of the application can be completed in 20 days, so your prompt response to this request will be appreciated.

If you have any questions about the application, please contact this office or the applicant.

Very truly yours,

LOREN O. HOLMES
Southern Region Supervisor

LOH:marya

Encl:

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

NO. 41-4007

Notice is hereby given that Ernest C. Barnard of Rockland, Idaho has applied to the Department of Water Resources for a change of place of use of a right from spring tributary to sinks. The right sought to be changed is evidenced by Claim No. 41-4007 and is recorded as follows:

Amount: 0.013 cfs

Priority: January 15, 1915

Point of Diversion: SE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 16, T10S, R31E, B.M., Power County

The water is used for domestic and stockwater from January 1 to December 31 within the E $\frac{1}{2}$ NE $\frac{1}{4}$, Sec. 16, T10S, R31E

TO BE CHANGED AS FOLLOWS:

Amount: 0.013 cfs

Point of Diversion: No change

Place of Use; NE $\frac{1}{4}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ NW $\frac{1}{4}$, Sec. 16, T10S, R31E for domestic and stockwater from January 1 to December 31.

Any protest against the approval of the above proposed change of the right described above must be filed with the Idaho Department of Water Resources, 1041 Blue Lakes Blvd. North, Twin Falls, Idaho 83301 on or before July 5, 1983.

A. KEN DUNN- Director

Published in Power County Press June 15 and June 22, 1983.

MICROFILMED

D
may
6/3/83

Published in The Power County
Press June 15 and June 22, 1983.

**NOTICE OF PROPOSED
CHANGE OF WATER RIGHT**

NO. 41-4007

Notice is hereby given that Ernest C. Barnard of Rockland, Idaho, has applied to the Department of Water Resources for a change of place of use of a right from spring tributary to sinks. The right sought to be changed is evidenced by Claim No. 41-4007 and is recorded as follows:

Amount: 0.013 cfs

Priority: January 15, 1915

Point of Diversion: SE 1/4 NE 1/4, Sec. 16, T10S, R31E, B.M., Power County

The water is used for domestic and stockwater from January to December 31 within the E 1/2 NE 1/4, Sec. 16, T10S, R31E

TO BE CHANGED AS FOLLOWS:

Amount: 0.013 cfs

Point of Diversion: No change

Place of Use: NE 1/4 NE 1/4, N 1/4 NW 1/4, Sec. 16, T10S, R13E for domestic and stockwater from January 1 to December 31.

Any protest against the approval of the above proposed change of the right described above must be filed with the Idaho Department of Water Resources, 1041 Blue Lakes Blvd. North, Twin Falls, Idaho 83301 on or before July 5, 1983.

A. KEN DUNN
Director

Published in The Power County
Press June 15 and June 22, 1983.

**NOTICE OF PROPOSED
CHANGE OF WATER RIGHT**

NO. 41-4007

Notice is hereby given that Ernest C. Barnard of Rockland, Idaho, has applied to the Department of Water Resources for a change of place of use of a right from spring tributary to sinks. The right sought to be changed is evidenced by Claim No. 41-4007 and is recorded as follows:

Amount: 0.013 cfs

Priority: January 15, 1915

Point of Diversion: SE 1/4 NE 1/4, Sec. 16, T10S, R31E, B.M., Power County

The water is used for domestic and stockwater from January to December 31 within the E 1/2 NE 1/4, Sec. 16, T10S, R31E

TO BE CHANGED AS FOLLOWS:

Amount: 0.013 cfs

Point of Diversion: No change

Place of Use: NE 1/4 NE 1/4, N 1/4 NW 1/4, Sec. 16, T10S, R31E for domestic and stockwater from January 1 to December 31.

Any protest against the approval of the above proposed change of the right described above must be filed with the Idaho Department of Water Resources, 1041 Blue Lakes Blvd. North, Twin Falls, Idaho 83301 on or before July 5, 1983.

A. KEN DUNN
Director

June 3, 1983

Power County Press
174 Idaho Street
American Falls, Idaho 83211

Re: Notice of Proposed Change of Water Right No. 41-0001; 41-0032; 41-0007

Gentlemen:

Enclosed you will find a legal notice which we wish to have published once a week for two consecutive weekly issues of your newspaper. We have inserted the publication dates allowing ample time for you to submit us a galley proof for review before publication.

After sending us a galley proof, proceed with the publication on the dates we have inserted, assuming the notice is correct. If we have any corrections, we will notify you before the first publication. If you cannot publish the notice on the proposed dates, please contact us immediately.

In order to receive payment, an affidavit of publication must be submitted to the Department along with the publication bill.

Sincerely,

Mary A. Heway
Sec./Office Coord

Encl:

Bill submitted: _____

WATER RIGHT NUMBER 41-4007

OWNER LAST NAME - HARRARD
ADDRESS LINE 1 - P.O. BOX 305
ADDRESS LINE 3 -
SOURCE - SPRING

FIRST NAME - ERNEST CHARLES

ORIG OWNER -

ADDRESS LINE 2 -

CITY - ROCKLAND

STATE - ID ZIP CODE - 83277

TRIBUTARY OF - *SINKS*

STAGE - STAIRY CUM

STATUS -

PRIORITY - 01-15-1915 COUNTY - POWER

TOTAL DIV. RATE - .0100 -CFS

TOTAL DIV. VOLUME -

.00 AFA TRER/AMEND -

WATER DIST. -

DLE/CAREY ACT -

RIGHT BASIS -

DIVERSION POINT - SEWE 16 10S 31E LCT PEDIV -

272.0 440.0 5.0 1.1 0.0 0.0 0.0 0.0 0.0 0.0 2.2

FROM - 01-01 TO - 12-31 USE - STOCKWATER

USE DIV. RATE -

.0100 CFS

USE DIV. VOLUME -

.00 AFA

FROM - 01-01 TO - 12-31 USE - DOMESTIC

USE DIV. RATE -

.0000 CFS

USE DIV. VOLUME -

.00 AFA

USE - STOCKWATER

X#L PLACE OF USE - TWN 10S RNG 31E SEC 16 TRACT NENE LOT

AC

TRACT ~~SENE LOT~~ AC

DECREE NAME -

DATE -

NENW

TOTAL ACRES

0

REMARKS - *TRANS. 2848.**NWNNW*

NON IRRIG USE - S/VARIABLE AMT.

OTHER RIGHTS FOR SAME USE -

PROOF DUE -

PERMIT/DENIED -

PROTESTED -

HEARING -

OLD NO. -

PROOF MADE - FGD EXAM - COND. OF APPROVAL -

DIVERSION MEANS - DAM & TANKS.

DEPARTMENT OF WATER RESOURCES
STAFF ANALYSIS - CLAIM TO A WATER RIGHT

Item Initial Date

Claim No. 41-4007- Ernest Charles Barnard

☒ Name, Address, Telephone
☒ Source
☒ Quantity, Purpose, Period of Use
☒ Priority (Year & Month) (Day Optional)
☒ Point of Diversion
☒ Description of Diverting Works
☒ Place of Use
☒ Map
☒ Signature
☒ Notarized
☒ Fee

(1) JS 5-17-78
(2) MS 5/18/78
(3) Sm 7/20/78
(4) ACJ 5/18/78

In Form To Receipt

In Form For Advertising

Exceptions Filed: Yes _____ No ✓

Copy To Boise

MICROFILMED

July 20
~~April 10~~, 1978

Ernest Charles Barnard
Box 305
Rockland, Idaho 83271

Re: Claim to A Water Right No. 41-4007

Dear Mr. Barnard:

The Department of Water Resources has completed the processing of your Claim to a Water Right, and no further action is authorized under Sections 42-225a and 42-225b of the Idaho Code. Your claim will be retained in our office files and will be available at any time for use by you or the Court.

As you are aware, the filing of your claim does not, in itself guarantee you a water right; it only records and preserves the information and the evidence which you included in your claims.

If, at a later date, you find that you have additional information or supporting evidence that you would like to have included in your claim file, you may have that information or evidence added at any time. Please refer to your claim number when corresponding with this office.

Exceptions to a claim may be filed at any time, and will become part of the claim file. No other action will be taken by this Department when an exception is filed. No exceptions to your claim have been filed to date, however.

We are enclosing a copy of the claim for your records. If you have any questions or if we can be of further assistance, please feel free to contact this office.

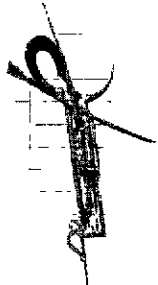
Sincerely,

Loren O. Holmes
Southern Region Supervisor

LOH:cs

Enclosure

cc: Jayson Holladay, Attorney



Jayson Holladay

ATTORNEY AT LAW . . .

LAW OFFICES

836 EAST CENTER

POCATELLO, IDAHO 83201

17 July 1978

Mr. James E. Stanton
Senior Water Resource Agent
Dept. of Water Resources
State of Idaho (Southern Region)
1041 Blue Lakes Blvd., North
Twin Falls, Idaho 83301

Re: Ernest Charles Barnard
(Rockland, Idaho)

Dear Mr. Stanton:

I have had a couple of inquiries from Mr. Barnard, relative to his petition and claim for a water right with respect to a spring located on property he and his predecessors have owned since before 1915.

I am enclosing a stamped and addressed envelope for your convenience--and since my client is anxious to know if any exception to his claim has been filed as yet, I would surely be grateful if your office would take a moment to advise. Also, if there is any other information which may be appropriate for us to furnish the claimant, please advise.

Based upon the legal notice published in the Power County Press on May 25 and June 1, will you be kind enough to state the deadline for filing of any exceptions or opposition under the current statute.

If this inquiry catches you at a particularly busy time, simply reply at your next convenience. May I extend every good wish to you and your staff.

Cordially,

Jayson

Jayson Holladay

vfg

cc: Ernest Charles Barnard

*Sorry to bother you, but
I waited until Mr. Barnard's
second inquiry to trouble
you.
J.H.*

May 17, 1978

Mr. Jayson C. Holladay
Attorney at Law
836 East Center
Pocatello, ID 83201

Re: Claim to Water Right No. *41-4007 - ERNEST CHARLES BARNARD*

Dear Mr. Holladay:

Enclosed is your receipt No. 16421 for check No. 92-23 in the amount of \$10.00 for the above-referenced claim to a water right, which was received in this office May 16, 1978.

Sincerely,

Sheryl Merritt
Secretary

Enclosure

MICROFILMED

April 7, 1978

Mr. Jayson Holladay
Attorney at Law
836 East Center
Pocatello, ID 83201

Dear Mr. Holladay:

I am returning your Claim to a Water Right for Ernest Barnard and check No. 92-23 for \$10.00. In Item 1, you should state what stream the spring is tributary to; if the spring does not flow into any natural body of water, it would be considered tributary to "sinks". The two uses (domestic & livestock) should be shown separately in Item 2, with a separate amount shown for each use. The amount should be shown in cubic feet per second (cfs) instead of gallons per minute (6gpm = 0.013 cfs). The same amount can be shown for both uses in Item 2 if the amount for each use is not known. The period of use refers to that part of each year when the water is used (Jan. 1 to Dec. 31 for domestic use, for example). Item 3 should show the total cfs used. Item 6A should show the place of use for both livestock and domestic uses; if both uses occur only in the SE¹/₄NE¹/₄, Sec. 16, please indicate this. Item 6B should show the approximate number and type of livestock being watered. The map should show the location of the house, stock tanks, etc., and the path of the spring water as it is diverted. Please make these corrections, and return the Claim and filing fee to this office for further processing. The filing fee is used to pay for the advertising of the claim. We prepare all advertising for water right claims and applications, as this is a standard part of processing these documents. Advertising prepared by other parties would not satisfy the legal requirement for this procedure, and could be detrimental to legal recognition of water rights so advertised.

Per your request, I am including blank claim forms and permit applications. If you have any further questions, please feel free to contact this office.

Sincerely,

James E. Stanton
Senior Water Resource Agent

JES:sm
Enclosures

UNRECORDED

NOTICE OF CLAIM TO A WATER RIGHT

NO. 41-4007

Notice is hereby given that Ernest Charles Barnard

Rockland, Idaho 83271

has filed a claim to a water right established by diversion and application
to beneficial use of 0.013 cubic feet per second acre feet per annum
XXXXXXX

of water from Spring tributary to sink

with point of diversion in the SE1/4, Sec. 16, Twp. 10S, Rge. 31E, B.M.

Power County

The water is claimed to be used from Jan. 1 to Dec. 31 for domestic
and livestock purposes

with a priority of January 15, 1915;

the place of use is within the NE1/4, SE1/4, Sec. 16, Twp. 10S, Rge. 31E,
B.M.

Any exception to this claim of water right may be filed with the Idaho
Department of Water Resources, 1041 Blue Lakes Blvd., North, Twin Falls,
Idaho, 83301 XXXXXX before XXXXXXXX

C. Stephen Allred

Director

Published in the Power County Press
on 5/24 and 5/31/78

MICROFILMED

May 18, 1978

Power County Press
174 Idaho Street
American Falls, Idaho 83211

Re: Claim to a Water Right No. 41-4007 - Ernest Charles Barnard

Gentlemen:

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In order to receive payment, an affidavit of publication must be submitted to the Department along with the publication bill.

Sincerely,

Terry G. Blau
Acting Southern Region Supervisor

TGB:dj

enc:

Bill submitted: _____

MICROFILMED