1998 JUL 24 PM 02:00
DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED _____

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA	)	PARTIAL DECREE PURSUANT TO
	)	I.R.C.P. 54(b) FOR
Case No. 39576	)	
	)	Water Right 45-10288

NAME AND ADDRESS: JOHN BARNES
RT 2 BOX 2180
BURLEY, ID 83318

SOURCE: GROUNDWATER

QUANTITY: 0.05 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000 GALLONS PER DAY.

PRIORITY DATE: 11/01/1974

POINT OF DIVERSION: T11S R22E S22 NENE Within Cassia County

PURPOSE AND PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
Stockwater	01-01 TO 12-31	0.05 CFS

PLACE OF USE: Stockwater Within Cassia County
T11S R22E S22 NENE

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.

Daniel C. Hurlbutt, Jr.
Presiding Judge
Snake River Basin Adjudication

MICROFILMED
JUN 16 2000

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In Re SRBA)
)
Case No. 39576)
)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR

Water Right [redacted]

NAME AND ADDRESS: [redacted]
RT 2 BOX 2180
BURLEY, ID 83318

Trent Searle
305 W. 500 S.
Burley, Idaho 83318
678-4268

Trent Searle

RECEIVED
OCT 0 1 1998
Department of Water Resources

SOURCE: GROUNDWATER

QUANTITY: 0.05 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000 GALLONS PER DAY.

RECEIVED
SEP 29 1998
Department of Water Resources
Southern Region

PRIORITY DATE: 11/01/1974

POINT OF DIVERSION: T11S R22E S22 NENE Within Cassia County

PURPOSE AND PERIOD OF USE:

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Stockwater	01-01 TO 12-31	0.05 CFS

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[redacted], Jr.
Presiding Judge
Snake River Basin Adjudication

MICROFILMED
JUN 16 2000

118918

COVENANT TO FURNISH DOMESTIC WATER AND EASEMENT

KNOW ALL MEN BY THESE PRESENTS:

JOHN A. BARNES and NADINE D. BARNES, husband and wife, of Cassia County, State of Idaho, hereinafter called "Grantors", and CHARLES A. BARNES and LINDA S. BARNES, husband and wife, of Cassia County, State of Idaho, hereinafter called "Grantee", do hereby declare, covenant and agree as follows:

W I T N E S S E T H

Grantors are the owners of certain real property hereinafter described as Tract I located in Cassia County, State of Idaho.

Grantees are owners of certain real property hereinafter described as Tract II, which adjoins Tract I.

Located on Tract I is a domestic well, pump and motor for the provision of domestic water to Tract I and Tract II.

The well, pump and motor located on Tract I will be providing the domestic water supply for the home to be located on Tract II.

The Grantors desire to establish and the Grantee desires that the Grantors establish a covenant running with the land for the use of the well and domestic water therefrom in addition to an easement for the conveyance of the same running from Tract I to Tract II.

The Grantors and Grantees have agreed that Tract II shall have the right to use the domestic well and water located on Tract I for the use and benefit of Tract II.

The Grantors and Grantees have agreed that the costs of maintaining, repairing, replacing the well, pump and motor located on Tract I should be paid for one-half (1/2) by the Grantors and one-half (1/2 by the Grantees.

NOW, THEREFORE, the parties declare that:

1. Grantors are the owners of the following described real property herein designated as Tract I. Grantees are owners of Tract II which adjoins Tract I.

2. Grantors covenant and declare, in consideration for Ten Dollars ($10.00), and other valuable consideration received from Grantees, that Tract II, more particularly described as follows:

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Part of the NE1/4 NE1/4 of Section 22 of Township 11 South, Range 22 East of the Boise Meridian.

Beginning at the NE corner of the NE 1/4 NE 1/4 of Section 22 of Township 11 South, Range 22 E., B. M., said point being a government brass cap;
THENCE South 89°50' West along Section line for 41.80 feet to the POINT OF BEGINNING, said point being marked by an iron pin.
THENCE South 0° 10' East for 290.40 feet to a point marked by an iron pin.
THENCE South 89° 50' West for 150.00 feet to a point marked by an iron pin.
THENCE North 0° 10' West for 290.40 feet to a point on Section line,; said point marked by an iron pin;
THENCE North 89° 50' East along said section line for 150.00 feet to the POINT OF BEGINNING.

shall by reason hereof have the right to use at least five (5) gallons of water per minute for domestic purposes from the well owned by the Grantors and situated on Tract I, more particularly described as follows:

A part of Section 22 of Township 11 South, Range 22 East Boise Meridian.

Beginning at the Northeast corner of Section 22 of Township 11 South, Range 22 East, Boise Meridian.
THENCE South 89° 50' West along the North Section line of Section 22 for 191.8 feet to a point;
THENCE South 0° 10' East for 484.0 feet to a point;
THENCE South 89° 50' West for 225.0 feet to a point;
THENCE North 0° 10' West for 484.0 feet to a point on the North Section line of Section 22;
THENCE North 89° 50' East along said Section line for 225.0 feet to the TRUE POINT OF BEGINNING.

3. Grantors hereby grant to Grantee an easement for ingress and egress over and across Tract I, described above, as necessary to maintain and repair the conduit, well, pump, and motor to be jointly utilized by the parties hereto, and also grant hereby the use of said easement for the conveyance of domestic water from Tract I to Tract II, by underground conduit.

4. The foregoing right to well use and domestic waters, together with the easement for conveyance, maintenance, repair, and replacement of same shall be a covenant running with the land to which Tract I, above described shall be subject.

5. Grantors and Grantees agree that if for any reason the well now located on Tract I is no longer used to supply the domestic water for Tract II, all provisions of this agreement shall be extinquished and this instrument shall be of no force or effect.

Grantors:

John A. Barnes
JOHN A. BARNES

Nadine D. Barnes
NADINE D. BARNES

Grantees:

Charles A. Barnes
CHARLES A. BARNES

Kim A. Barnes

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