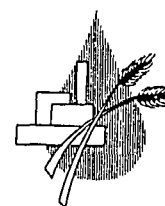


STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

CLAIM TO A WATER RIGHT



Under the provisions of Section 42-243, Idaho Code, any person using or claiming rights to the public waters of Idaho established by diversion and application to a beneficial use must file a claim with the Department of Water Resources on or before June 30, 1983. Exempted from this filing are single family domestic uses as defined in Section 42-230(d), Idaho Code. Also exempted are rights represented by a permit, license, decree, adjudicated right, or a previously filed claim.

The filing of this claim does not confirm the water right claimed but failure to file may result in forfeiture of a water right.

Duane A. Barker, Richard A. Barker and Shyr A. Barker

Notice is hereby given that d/b/a Barker Brothers Partnership
(Name of Claimant)

Star Route, Soda Springs, ID

83276

Telephone No. (208)547-3115

(Mailing Address)

(Zip Code)

claims a right to the diversion and beneficial use of the surface or ground water. The extent and nature of said claim is as follows:

- (1) Date of priority: (When was the water first applied to a beneficial use) May 1, 1934

A claim is not acceptable on a ground water source with a priority later than March 25, 1963 or on a surface water source with a priority later than May 20, 1971. An exception is that a claim may be filed on single family domestic use from a ground water source.

- (2) Describe the source of water: (Name of stream, lake, spring, etc., or ground water)

Sulphur Springs and Sulphur Creek tributary to Bear River

- (3) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:

Quantity	(cfs, af)	Use	(Domestic, Irrigation, Stock, Etc.)	(Both dates inclusive)	
				(Mo., Day)	(Mo., Day)
Quantity <u>.05</u>		Use <u>Stockwater</u>		Period of Use From <u>5-1</u>	To <u>11-1</u>
Quantity _____		Use _____		Period of Use From _____	To _____
Quantity _____		Use _____		Period of Use From _____	To _____
Quantity _____		Use _____		Period of Use From _____	To _____
Quantity _____		Use _____		Period of Use From _____	To _____

- (4) .05cfs TOTAL QUANTITY USED.
(cfs, af)

- (5) A) Point of diversion: (Location of point where water is diverted from its source)

SE 1/4 NE 1/4, Sec. 14 Twp. 9S Rge. 42E B.M., County of Caribou

Additional points of diversion: NWSE, SESW, Sec. 14, T. 9S, R. 42E

B) Describe means of diversion of water: (Pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.). Give sizes and capacities: be as specific as possible. Describe any changes in the system and give the date of the change. Watering through and by stock watering adjacent to stream at diversion points indicated above and reflected on map.

- (6) A) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is not for irrigation, place an "X" in appropriate box to show location.

T	R	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTAL
			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	
9S	42E	14				X								X		X			

No. of acres _____

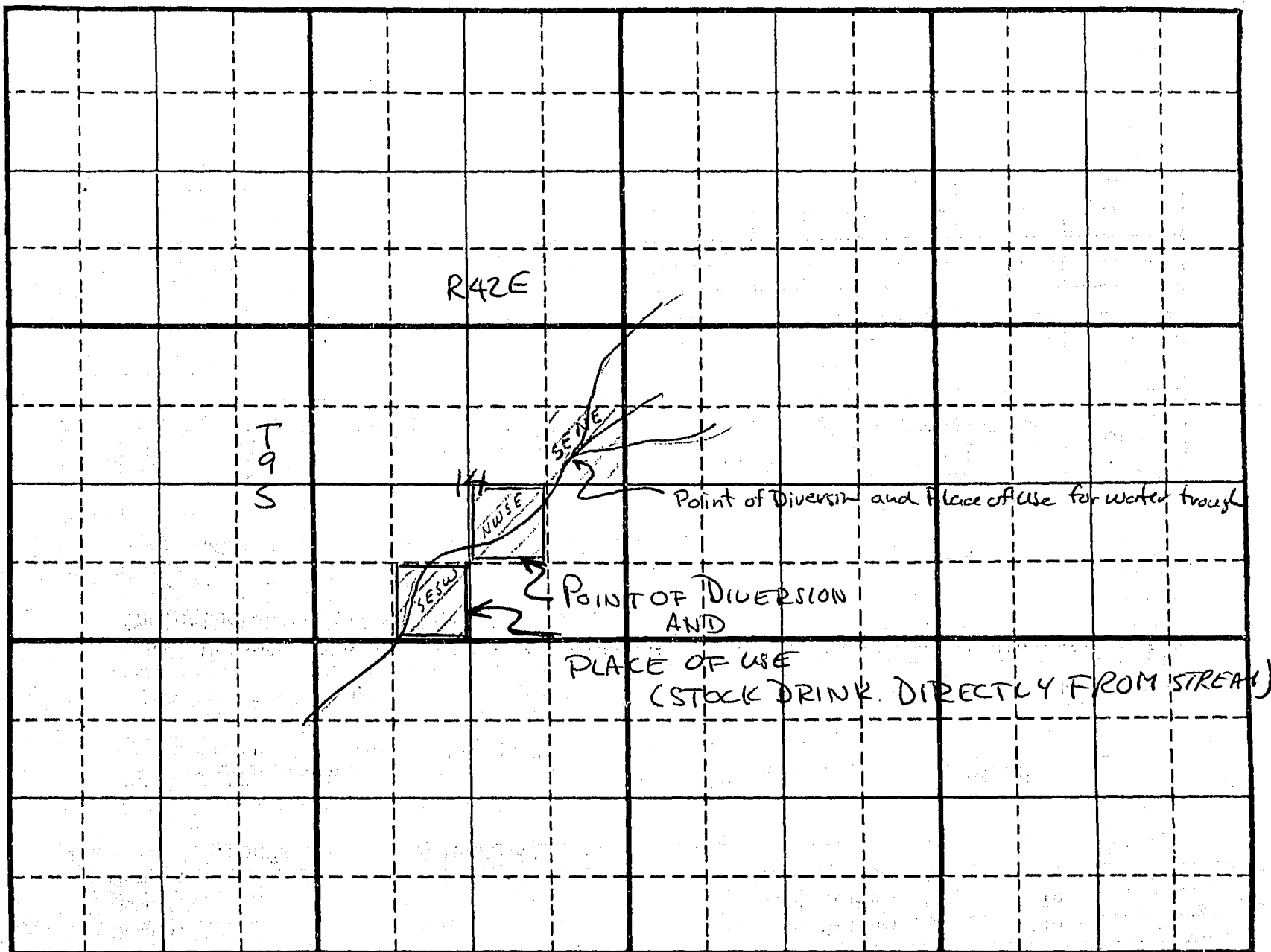
B) If water is used for other than irrigation, fully describe that use, being as specific as possible: _____

NOTE: Include here the type and number of stock watered: 200 range cattle, 10 horses

- (7) If you are claiming water as a member of an organization, list name of organization: _____

Barker Brothers Partnership

(8) Remarks _____



Scale: 2 inches equal 1 mile.

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.

State of Idaho)
County of Bannock) ss.

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 affiant's knowledge.

Sworn to before me this 30th day of November, 1983.

Sheryl Baker
(Claimant)

RANDALL C. BUDGE
NOTARY PUBLIC - STATE OF IDAHO
COMMISSION EXPIRES OCT. 15, 1984

Randall C. Budge
Notary Public
Residing at Paratello

My commission expires _____

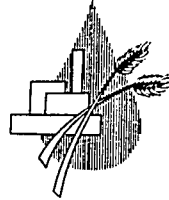
CW 12-8-83 FOR DEPARTMENT USE ONLY

Received by <u>CW</u>	Date <u>11-17-83</u>	Exception filed by:	Forwarded to	Date
Prelim. check by <u>Kew</u>	Date <u>12-12-83</u>		claimant by:	
\$30.00 fee received by <u>CW</u>	Date <u>11-18-83</u>	#29743		
Published in <u>Caribou County Sun</u>				
Dates <u>12/22 - 12/29/83</u>				

11 1308

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

CLAIM TO A WATER RIGHT
(CORRECTED)



Under the provisions of Section 42-243, Idaho Code, any person using or claiming rights to the public waters of Idaho established by diversion and application to a beneficial use must file a claim with the Department of Water Resources on or before June 30, 1983. Exempted from this filing are single family domestic uses as defined in Section 42-230(d), Idaho Code. Also exempted are rights represented by a permit, license, decree, adjudicated right, or a previously filed claim.

The filing of this claim does not confirm the water right claimed but failure to file may result in forfeiture of a water right.

Duane A. Barker, Richard A. Barker and Shyrl A. Barker

Notice is hereby given that d/b/a Barker Brothers Partnership

(Name of Claimant)

Star Route, Soda Springs, Idaho 83276

(Mailing Address)

Telephone No. (208) 547-3115

(Zip Code)

claims a right to the diversion and beneficial use of the surface or ground water. The extent and nature of said claim is as follows:

- (1) Date of priority: (When was the water first applied to a beneficial use) May 1, 1934

A claim is not acceptable on a ground water source with a priority later than March 25, 1963 or on a surface water source with a priority later than May 20, 1971. An exception is that a claim may be filed on single family domestic use from a ground water source.

- (2) Describe the source of water: (Name of stream, lake, spring, etc., or ground water)

Sulphur Springs and Sulphur Creek tributary to Bear River

- (3) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:

Quantity	(cfs, af)	Use	(Domestic, Irrigation, Stock, Etc.)	(Both dates inclusive)	
				(Mo., Day)	(Mo., Day)
Quantity <u>.05 cfs</u>		Use <u>Stock Water</u>		Period of Use From <u>May 1</u>	To <u>Nov. 1</u>
Quantity _____		Use _____		Period of Use From _____	To _____
Quantity _____		Use _____		Period of Use From _____	To _____
Quantity _____		Use _____		Period of Use From _____	To _____
Quantity _____		Use _____		Period of Use From _____	To _____

- (4) .05 cfs TOTAL QUANTITY USED.

(cfs, af)

- (5) A) Point of diversion: (Location of point where water is diverted from its source)

SE ¼ NE ¼, Sec. 14 Twp. 9 S. Rge. 42 E. B.M., County of Caribou

Additional points of diversion: NW SE, SE SW, Section 14, Township 9 South, Range 42
East of the Boise Meridian

B) Describe means of diversion of water: (Pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.). Give sizes and capacities: be as specific as possible. Describe any changes in the system and give the date of the change. watering through and by stock watering adjacent to stream at diversion
points indicated above and reflected on map.

- (6) A) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is not for irrigation, place an "X" in appropriate box to show location.

T	R	SEC.	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
9S.	42E.	14								XXX						XXX			

No. of acres _____

- B) If water is used for other than irrigation, fully describe that use, being as specific as possible:

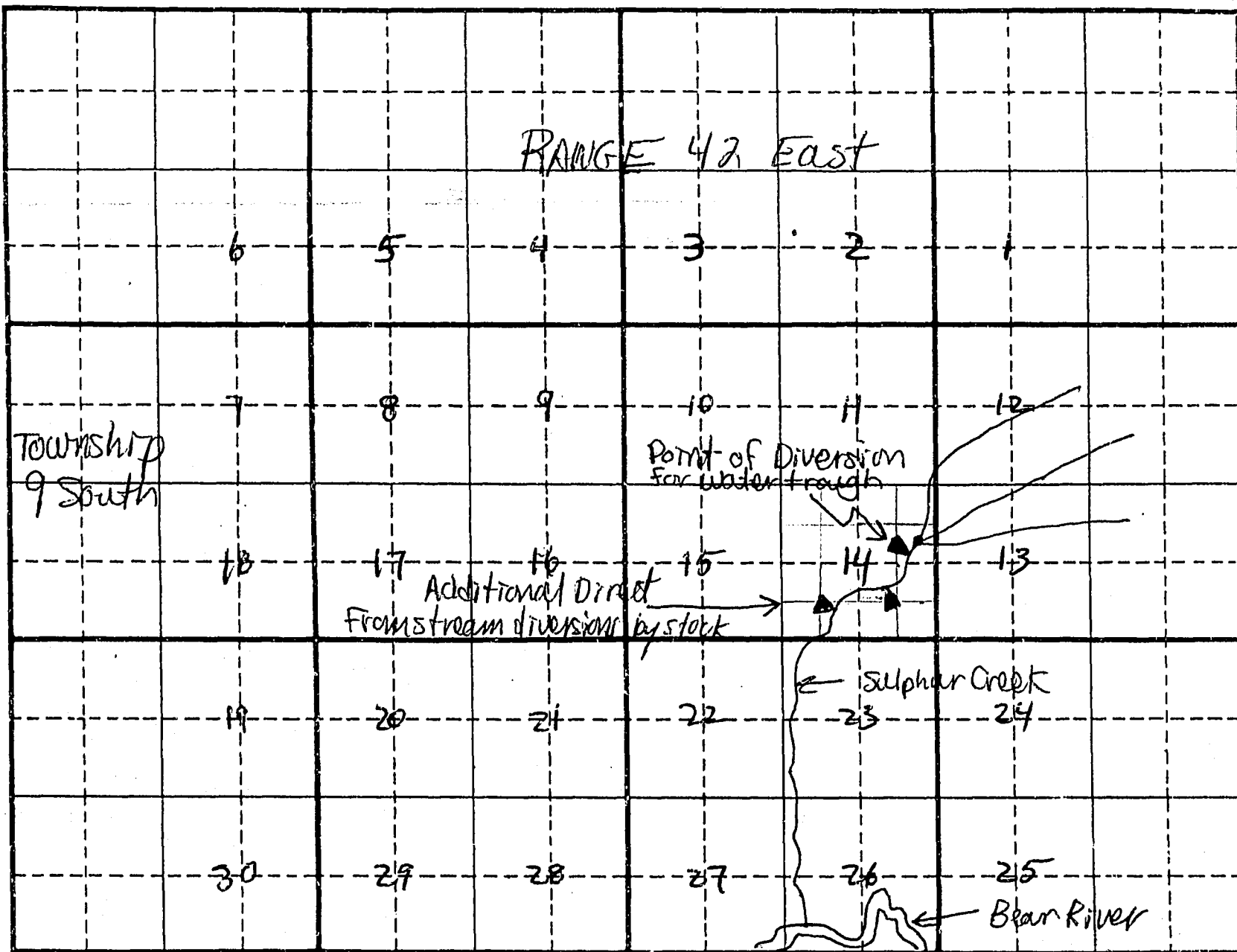
Stock watering for 200 head of beef cattle and 10 horses

NOTE: Include here the type and number of stock watered: _____

- (7) If you are claiming water as a member of an organization, list name of organization: _____

Barker Brothers Partnership

(8) Remarks This claim corrects the similar claim to a water right
dated April 15, 1982, received April 19, 1982, by the Department
and returned thereafter for correction.



Scale: 1 inches equal 1 mile.

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.

State of Idaho)
County of Caribou) ss.

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 affiant's knowledge.

BARKER BROTHERS PARTNERSHIP

By: X Shyrl Barker
Shyrl Barker (Claimant)

Sworn to before me this 14th day of November, 1983.

RANDALL C. BUDGE
NOTARY PUBLIC - STATE OF IDAHO
COMMISSION EXPIRES OCT. 15, 1984

Randall C. Budge
Notary Public
Residing at Pocatello, Idaho

My commission expires 10/15/84

FOR DEPARTMENT USE ONLY

Received by CW Date 11-17-83 Exception filed by: _____ Forwarded to _____ Date _____
Prelim. check by _____ Date _____ claimant by: _____
\$30.00 fee received by CW Date 11-18-83 #29743
Published in _____
Dates _____

Affidavit of Publication

County of Caribou }
State of Idaho } ss.

Mark Steele

being first duly sworn on his
oath, states:

That he is Publisher
of the Caribou County Sun, a
newspaper of general circula-
tion in Caribou County, Idaho,
published weekly at Soda
Springs in said County that said
newspaper has been published
in said County uninterruptedly
and continuously for over sev-
enty-eight consecutive weeks,
prior to the first publication of
the annexed notice or advertise-
ment;

That the annexed notice was
published as per clipping at-
tached 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

22nd day of
December, 1983

The date of the last publication

being the 29th day of

December, 1983

Mark Steele

Subscribed and sworn to be-

fore me this 30th day

of December, 1983

Wendy A. Tate

Notary Public, residing
at Soda Springs, Idaho
(SEAL)

My Commission expires the

1st day of March

1984

PUBLIC NOTICE
First Time Published
**NOTICE OF CLAIMS
TO WATER RIGHTS**
The following claim(s) have
been filed on water right(s) creat-
ed by diversion and beneficial use:
11-4308
**BARKER BROS. PART-
NERSHIP**
STAR RT., SODA SPRINGS,
ID 83276
Source: **SULPHUR SPRINGS**
trib. to **BEAR RIVER**
SULPHUR CREEK trib. to
BEAR RIVER
Priority Date: **05-01-1934**
Diversion Point: **SENE NWSE**
SESW Sec 14 T 09S R 42E
Use: **STOCKWATER (0.05**
CFS)
In: **SENE SESW NWSE Sec**
14 T 09S R 42E
Exceptions to a claim may be
filed with the Director, Dept. of
Water Resources, 150 Shoup
Ave., Suite 15, Idaho Falls, Idaho
83402.
KEN DUNN
Director
Published Dec. 22 and 29,
1983 in the Caribou County Sun.

RECEIVED

JAN 13 1984

Department of Water Resources
Eastern District Office

PUBLIC NOTICE

First Time Published

**NOTICE OF CLAIMS
TO WATER RIGHTS**

The following claim(s) have
been filed on water right(s) creat-
ed by diversion and beneficial use:

11-4308

**BARKER BROS. PART-
NERSHIP
STAR RT., SODA SPRINGS,
ID 83276**

Source: SULPHUR SPRINGS
trib. to BEAR RIVER
SULPHUR CREEK trib. to
BEAR RIVER

Priority Date: 05-01-1934

Diversion Point: SENE NWSE
SESW Sec 14 T 09S R 42E

Use: STOCKWATER (0.05
CFS)

In: SENE SESW NWSE Sec
14 T 09S R 42E

Exceptions to a claim may be
filed with the Director, Dept. of
Water Resources, 150 Shoup
Ave., Suite 15, Idaho Falls, Idaho
83402.

KEN DUNN

Director

Published Dec. 22 and 29,
1983 in the Caribou County Sun.

11-4308

BARKER BROS. PARTNERSHIP

STAR RT., SODA SPRINGS, ID 83276

Source: SULPHUR SPRINGS trib. to BEAR RIVER
SULPHUR CREEK trib. to BEAR RIVER

Priority Date: 05/01/1934

Diversion Pt: SENE NWSE SESW Sec 14 T 09S R 42E

Use: STOCKWATER (0.05 CFS)

In: SENE SESW NWSE Sec 14 T 09S R 42E

NOTICE OF CLAIMS TO WATER RIGHTS

The following claim(s) have been filed on water right(s) created by diversion and beneficial use:

Exceptions to a claim may be filed with the Director, Dept. of Water Resources, 150 Shoup Ave., Suite 15, Idaho Falls, Idaho 83402.

KEN DUNN, Dir.

Published 12/22 & 12/29/83.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Eastern Region

150 Shoup Ave., Suite 15
Idaho Falls, Idaho 83402
(208) 525-7161

DECEMBER 14, 1983

Caribou County Sun
P. O. Box 815
Soda Springs, Idaho 83276

Gentlemen:

Enclosed you will find a legal notice which we wish to have published on the dates indicated (once a week for two consecutive weekly issues) in your newspaper. We have allowed ample time for you to submit a galley proof to this office for review before the first publication date. If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Your cooperation is appreciated.

Please send the affidavit of publication and publication billings to this office before JANUARY 9, 1983.

Yours truly,

RONALD D. CARLSON
Supervisor
Eastern Region

Encl.

29-7040 Lasped.
Prior 2-4-70

May 3, 1982

Racine, Huntley, Olson, Nye, and Cooper
P.O. Box 1391
Pocatello, Idaho 83201

Attn: Randall C. Budge

Dear Mr. Budge:

Enclosed is the claim to a water right, application for permit and check # 92-204 for \$65.00 and check #92-204 for \$30.00 that you submitted to this department on the behalf of Barker Brothers Partnership. Several problems made it necessary to return both forms with the filing fees.

To facilitate making corrections enclosed are copies of both the claim to a water right and application for permit with problem areas noted in red, and a copy of the USGS quad map of the area.

One of the problem areas is the apparent discrepancy between the remarks section (item #10) on the application for permit and the maps on both the application and claim. The remarks appear to agree with the USGS map on how the creek flows, but not with the maps on the claim and application for permit.

Upon receipt of the corrected forms with their filing fees, processing will begin.

Please feel free to contact this office for any additional assistance that may be needed.

Sincerely,

KEITH C. WILSON
Senior Resource Agent

KCW:bp

Enclosures

April 20, 1982

Randall C. Budge
Box 1391
Pocatello, Idaho 83204

Dear Mr. Budge:

Enclosed you will find the Barker Brothers application and check #92-204 for \$65.00.

We have been advised by our State office in Boise, that no additional water permits for consumptive use of surface water during the period April 15 to October 15 will be issued on the Bear River tributaries.

Also enclosed is the Barker claim and check #92-204 for \$30.00. Line number one (date of priority) must have a month, day and year.

Please give me a call if you need additional information.

Sincerely,

HAROLD W. JONES
Sr. Resource Agent

HWH:bp

Enclosures

November 8, 1983

RE: BARKER BROS. CLAIM

Racine, Huntley, Olson, Nye & Cooper
P.O. Box 1391
Pocatello, ID 83201

ATTN: Randall Budge

Dear Mr. Budge:

In May the Department of Water Resources received a ~~claim~~ claim to a water right for Barker Bros. filed in accordance with Section 42-242 of the Idaho Code requiring all beneficial use water rights be recorded with the state. This claim was reviewed by our staff and subsequently returned on May 3, 1982 with a cover letter outlining the modifications you needed to make for the claim to be in form to receipt.

The fee at the time you submitted your claim was \$30.00. However, starting July 1, 1983 the statutory fee for filing a claim was substantially increased to \$100.00. Since your claim was originally received when the lower fee was in effect, we will accept your claim at that rate provided it has been corrected and returned no later than November 21, 1983. A returned claim postmarked later than November 21, 1983 will be assessed the current filing fee of \$100.00.

The staff at our office will be glad to answer questions or assist you in properly completing the claim form.

Respectfully submitted,

ERNEST CARLSEN
Assistant Regional Supervisor

EC:cw

November 23, 1983

Randall C. Budge
P.O. Box 1391
Pocatello, ID 83204

RE: Barker Brothers claim

Dear Mr. Budge:

Enclosed is a retyped claim to a water right compiled from the claim received on November 17, 1983. Item 6A on the original claim did not agree with the map nor with the point of diversion. The corrected claim reflects the necessary changes in item 6A.

Please review the claim with the claimant, have the claim signed and notarized and returned to this office within thirty days from the date of this letter. Processing will begin upon receipt of the completed claim.

Sincerely,

KEITH C. WILSON
Sr. Resource Agent

KCW:jk

Enclosure

Form 243a
11/78

State of Idaho
Department of Water Resources

CLAIM ANALYSIS SHEET

INITIAL REVIEW BY:

Keith C. Wilson
11 4308

Right Number

Applicant

Barker Brothers Partnership

NOTE: IF ANY OF THE ITEMS BELOW ARE MISSING, THE CLAIM IS INCOMPLETE AND MUST BE RETURNED IMMEDIATELY TO THE CLAIMANT ALONG WITH THE APPROPRIATE COVER LETTER.

CHECK:

- ☒ Name and address.
- ☒ Date of priority. (Check for a date past the mandatory filing dates.) (One date only.)
- ☒ Source.
- ☒ Quantity, use, period.
- ☒ Point(s) of diversion.
- ☒ Location of use.
- ☒ Signature/notarization/fee.

Jan. 9, 1983

FINAL REGIONAL PROCESSING REVIEW:

- ☒ Affidavit of publication received.
- ☒ Claim published correctly.
- ☒ Exceptions processed.

By

Ernest Carlson

Date

Jan 17, 1984

STATE OFFICE PROCESSING:

- ☒ Claim review complete.

By

PC

Date

1/23/84

RECEIVED
JAN 23 1984

Department of Water Resources

December 15, 1983

RE: Claim to a Water Right No. 11-4308 BARKER BROS.
13-4278 INGLET

Russell Stoker, Watermaster
Water District No. 11
279 East Third North
Soda Springs, ID 83276

Dear Mr. Stoker:

Enclosed, for your information only, is a copy of the above referenced claim to a water right filed within your district. If you have any questions concerning this matter, please feel free to contact this office.

Very truly yours,

ERNEST CARLSEN
Assistant Regional Supervisor

EC:cw

Enclosure (2)

January 12, 1984

RE: Application for Transfer No. 11-2092 CITY OF SODA SPRINGS
Claim to a Water Right No. 11-4308 BARKER

Caribou County Sun
P.O. Box 815
Soda Springs, ID 83276

Gentlemen:

Would you please submit an affidavit of publication and certified bill in connection with the above referenced application(s). The legal notice was to have been published in your paper on December 22 and 29, 1983.

Your cooperation in this matter is greatly appreciated.

Very truly yours,

COLLEEN WRAY
Adm. Secretary

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Eastern Region

150 Shoup Ave., Suite 15
Idaho Falls, Idaho 83402
(208) 525-7161

JANUARY 9, 1984

BARKER BROS. PARTNERSHIP
STAR RT.
SODA SPRINGS ID 83276

RE: Claim No. 11-4308

Dear Claimant:

The Department of Water Resources has completed the advertising of your claim to a water right, and no further action is authorized under Section 42-243 and 42-244, IDAHO CODE. Your claim will be retained in our files and will be available at any time for use by you or the court.

The filing and advertising of the claim does not confirm the water right claimed, but will serve to record and preserve the information and the evidence which you included in your claim.

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

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

Yours truly,

RONALD D. CARLSON
Eastern Region Supervisor

Enclosure