

Claim No. 13-04323

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
CLAIM TO A WATER RIGHT

Section 42-243, Idaho Code, authorizes the filing of a claim to a water right established by diversion and application of water to beneficial use for domestic uses as defined in Section 42-111, Idaho Code. The filing of this claim does not confirm the water right claimed.

Notice is hereby given that Donald N. and/or Jean C. Barger
(Name of Claimant)
9856 N. Hwy 34 Preston Id 83265 Telephone No: 852-0165
(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 the water was first applied to beneficial use) Oct. 1 1954
A claim is not acceptable on a surface water source with a priority later than May 20, 1971.

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

Spring tributary to Sicks

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

(cfs, af)		(Domestic, Stock, Etc.)		(Both dates inclusive)	
				(Mo., Day)	(Mo., Day)
Quantity	<u>0.02 cfs</u>	Use	<u>Domestic</u>	Period of Use From <u>1-1</u>	to <u>12-31</u>
Quantity	<u> </u>	Use	<u> </u>	Period of Use From <u> </u>	to <u> </u>
Quantity	<u> </u>	Use	<u> </u>	Period of Use From <u> </u>	to <u> </u>

4. 0.02 TOTAL QUANTITY USED.
(cfs, af)

5. A) Location of point of diversion is SW ¼ of NE ¼ of SW ¼, Govt. Lot _____
Sec. 20 Township 13S Range 40E B.M. FRANKLIN County; additional points of diversion
if any:

B) Describe means of diversion of water: (Pump and pipeline, well, diversion dam, reservoir, length of ditch etc.). Give sizes and capacities: be as specific as possible. Describe any changes in the system and give the date of the change. Spring to pipe to storage tank and then piped to home; 3/4" pipe

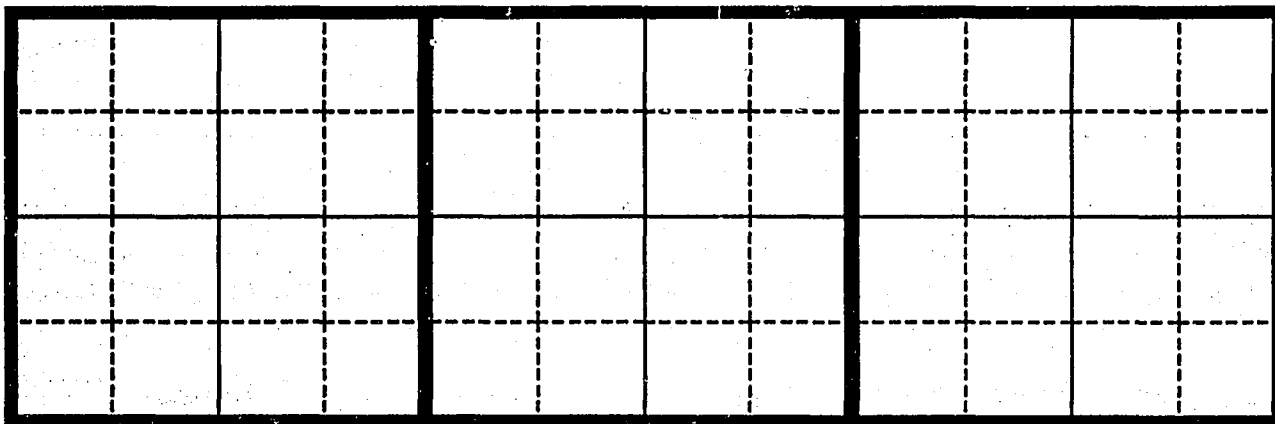
6. **A) Describe place of use within each 40-acre tract in the appropriate box using the following symbols in the appropriate tract. D - domestic, S - stockwater, X - other**

[illegible]

B) Fully describe the use, being as specific as possible: Domestic, 1 Home

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

7. Remarks: _____



Scale: 2 inches equal 1 mile

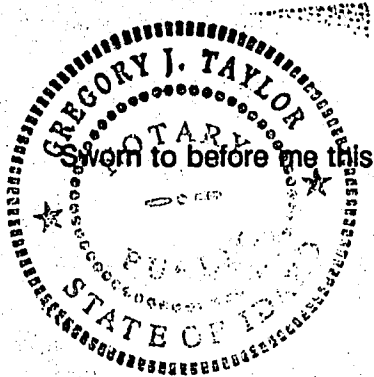
Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system. Attach an aerial photograph of the place of use if available.

State of Idaho)

) ss.

County of Bonneville)

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the forgoing 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.



Donald N. Barger

Claimant's Signature (and title if claim is for an organization)

Sworn to before me this 15th day of August, 19 95.

Gregory J. Taylor
Notary Public

Residing at: Idaho Falls Id.

My commission expires: 3/3/98

FOR DEPARTMENT USE ONLY

Received by SLA
Prelim. check by _____
\$100.00 receipted by SLA
Receipt # E021408

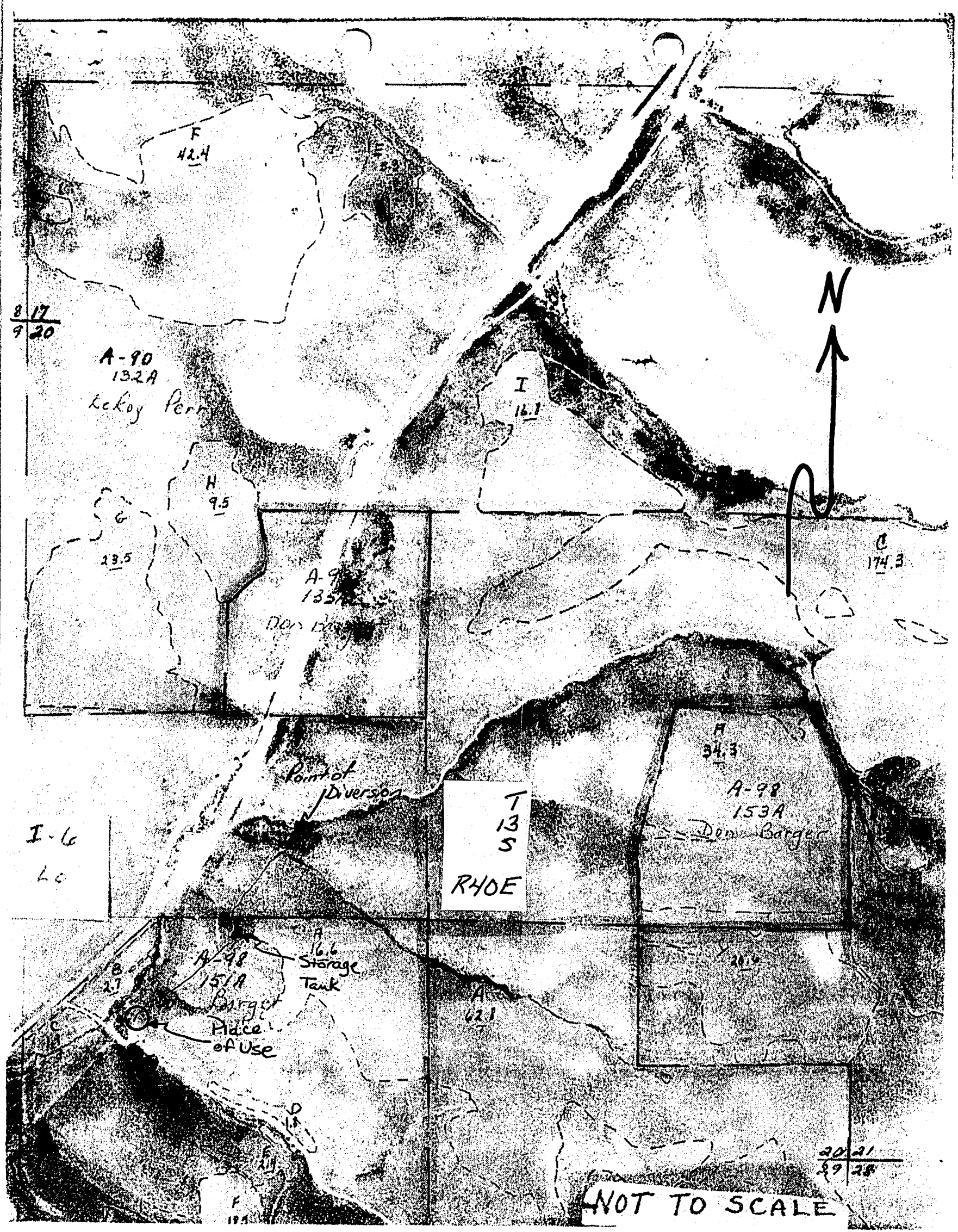
Date 8-15-95
Date _____
Date 8-15-95

Published in Preston Citizen

Exceptions filed by _____

Dates 9-7-14-95

SLP 9-25-95



NOT TO SCALE



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Idaho Falls, Idaho 83402-1718 - (208) 525-7161 - FAX: (208) 525-7177

EASTERN REGION

CECIL D. ANDRUS
GOVERNOR
R. KEITH HIGGINSON
DIRECTOR

October 13, 1995

HERALD CHRONICLE
PO BOX 10
REXBURG ID 83440

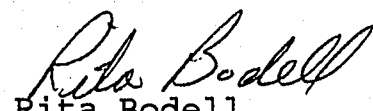
Dear Publisher:

Enclosed you will find a legal notice which we wish to have published on the date indicated in your newspaper. If you cannot publish the notice on the proposed date, please contact us immediately.

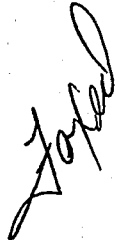
An affidavit of publication must be submitted to the Department along with the publication bill. Your cooperation is appreciated.

Please send the affidavit of publication and publication billing to this office before November 6, 1995.

Yours truly,


Rita Bodell
Secretary

Enc.





State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Idaho Falls, Idaho 83402-1718 - (208) 525-7161 - Fax (208) 525-7177

EASTERN REGION

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

SEPTEMBER 27, 1995

DONALD N BARGER
JEAN C BARGER
9856 N HWY 34
PRESTON, ID 83263

Re: Claim No. 13-04323

Dear Claimants(s):

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 the information or evidence added at any time. Please refer to the claim identification number when corresponding with the 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.

Sincerely,

RONALD CARLSON
Eastern Regional Manager

rb
Enc

~ Celebrating Our Centennial Year of Service to Idaho 1895-1995 ~

Exceptions to a claim may be filed with the Director, Dept. of Water
Resources, Eastern Region, 900 N Skyline, Idaho Falls, Idaho 83402.

KARL J. DREHER, Director

Published: 9/ 7/1995 & 9/14/1995

13-04323

BARGER, DONALD N
BARGER, JEAN C
9856 N HWY 34
PRESTON, ID 83263

Source: SPRING

Tributary: SINKS

Diversion Pt: SWNESW Sec 20 T 13S R 40E in FRANKLIN County.

Use: DOMESTIC	(	0.020 CFS)
Total Diversion:	(	0.020 CFS)

Date Filed: 10/ 1/1954

In: FRANKLIN County	
T13S R40E S20	SWSW

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO, }
County of Franklin } ss.

J. WALTER ROSS

deposes and says:

That he is the CO-PUBLISHER of THE PRESTON CITIZEN, a weekly newspaper published at Preston, in the County of Franklin and State of Idaho; that said paper has been and is in general circulation in the county aforesaid, and in the vicinity of Preston; that the advertisement, a copy of which is attached hereto, was published in said

newspaper once a week for 2 consecutive weeks in the regular and entire issue of said paper during the period of time of publication, and was published in the newspaper proper and not a supplement; that said paper has been established and regularly published for more than seventy-eight consecutive weeks prior to the date of first publication of said advertisement.

Such notice was published in the issue beginning with

9-6

, 1995, and ending

with the issue of

9-13

1995

Fee \$

80.46

Subscribed and sworn to before me this

13

day

of

Sept

1995

Notary Public, Residing at

Stonewall, Idaho

My Commission Expires

Aug 14

2001

NOTICE OF APPLICATION FOR WATER RIGHT

The Following application(s) have been filed to appropriate the public waters of the State of Idaho:

13-07533

KOLLER, EVAN O
12693 N 5800 W
CORNISH, UT 84320
Source: UNNAMED DRAIN
Tributary: SINKS
Diversion Pt: LOT 4 (SWNW) Sec 4 T 16S R 38E in FRANKLIN County.
Use: IRRIGATION (0.040 CFS)
STOCKWATER (0.020 CFS)
DOMESTIC (0.020 CFS)
RECREATION (1.00 AF)
Total Diversion: (0.060 CFS)
Date Filed: 8/4/1995
In: FRANKLIN County T16SR38E S04 Lot 4 (SWNW) S05 Lot 1 (SENE) 2.0 ACRES TOTAL

13-07534

PETERSON, PETE
2483 RIVERDALE RD
PRESTON, ID 83263
Source: WASTEWATER
Tributary: MINKCREEK
Diversion Pt: SENESW Sec 29 T 14S R 40E in FRANKLIN County.
Use: IRRIGATION (0.800 CFS)
Total Diversion: (0.800 CFS)
Date Filed: 8/9/1995
In: FRANKLIN County T14SR40E S29 NESW NWSW 80.0 ACRES TOTAL

The permit(s) will be subject to all prior water rights. Protests must be filed with the applicant and the Director, Dept. of Water Resources, along with a \$25.00 filing fee, Eastern Region, 900 N. Skyline, Idaho Falls, Idaho 83402 on or before SEPTEMBER 25, 1995.

KARL J. DREHER, Director

NOTICE OF CLAIMS TO WATER RIGHT

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

13-04323

BARGER, DONALD N
BARGER, JEAN C
9856 N HWY 34
PRESTON, ID 83263
Source: SPRING
Tributary: SINKS
Diversion Pt: NWNESW Sec 20 T 13S R 40E in FRANKLIN County.
Use: DOMESTIC (0.020 CFS)
Total Diversion: (0.020 CFS)
Date Filed: 10/1/1954
In: FRANKLIN County T13SR40E S20 SWSW

Exceptions to a claim may be filed with the Director, Dept. of Water Resources, Eastern Region, 900 N Skyline, Idaho Falls, Idaho 83402.

KARL J. DREHER, Director

Legal No. 4119 — Publish Sept. 6, 13, 1995.

NOTICE OF CORRECTION
NO. 13-04323

Notice is hereby given that on 9/7/1995 and 9/14/1995 claim No. 13-04323 in the name of Donald N. &/or Jean C. Barger was published. The point of diversion was listed as being in the NWNESW, SEC 20, T13S, R40E, in Fremont County.

Whereas the actual point of diversion is in the SWNESW, SEC 20, T13S, R40E, in Franklin County.

Exceptions to a claim may be filed, along with a \$25 filing fee, with the Director, Dept. of Water RESources, Eastern Region, 900 N. Skyline, Idaho Falls, ID 83402.

Karl J. Dreher, Director

Published October ~~20 & 27~~, 1995 in the Herald Chronicle.

19 & 26

THE FREMONT COUNTY HERALD-CHRONICLE
St. Anthony, Idaho
Ashton, Idaho

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO
County of Fremont

I, TERRY T. WEATHERSTON being first duly sworn, depose and say, that I am the printer of THE FREMONT COUNTY HERALD-CHRONICLE, a semi-weekly newspaper printed and published semi-weekly in Fremont County, Idaho; and I do solemnly swear that the NOTICE OF CORRECTION NO. 13-04323 - D. BARGER a copy of which notice appears attached hereto, was published in the regular and entire issue of said newspaper, and not in any supplement issue thereof for TWO consecutive issues, the first publication having been made on OCTOBER 19, 1995 and the last publication having been made on OCTOBER 26, 1995.

Further, that said newspaper is one of general circulation in said county; that it is a legal newspaper, conforming to legal specifications under the Idaho Statutes; that it has at least two hundred bona fide subscribers living within the county of publication; and that it has been continuously and uninterruptedly published in said county during a period of seventy eight consecutive weeks prior to the first publication of the said notice.

Terry T. Weatherston

STATE OF IDAHO)

COUNTY OF MADISON)

On this 27TH day of OCTOBER in the year of 1995 before me, a Notary Public, personally appeared Terry Weatherston, known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that he executed the same.

Karen O. Peto

Notary Public for Idaho
Residing at Rexburg, Idaho
My commission expires: May 21, 1999

NOTICE OF CORRECTION
NO. 13-04323

Notice is hereby given that on 9/7/1995 and 9/14/1995 claim No. 13-04323 in the name of Donald N. &/or Jean C. Barger was published. The point of diversion was listed as being in the NWNESE, SEC 20, T13S, R40E, in Fremont County.

Whereas the actual point of diversion is in the SWNESE, SEC 20, T13S, R40E, in Franklin County.

Exceptions to a claim may be filed, along with a \$25 filing fee, with the Director, Dept. of Water Resources, Eastern Region, 900 N. Skyline, Idaho Falls, ID 83402.

KARL J. DREHER
Director

Publ. Oct. 19 and 26, 1995HC.

3/95

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NOTICE OF PROTEST

Receipt ED22644/25

RECEIVED

This form may be used to file a protest with the department under sections 42-108B, 42-203A, 42-203C, 42-203D, 42-203E, 42-203F, 42-203G, 42-203H, 42-203I, 42-203J, 42-203K, 42-203L, 42-203M, 42-203N, 42-203O, 42-203P, 42-203Q, 42-203R, 42-203S, 42-203T, 42-203U, 42-203V, 42-203W, 42-203X, 42-203Y, 42-203Z, 42-204, 42-205, 42-206, 42-207, 42-208, 42-209, 42-210, 42-211, 42-212, 42-213, 42-214, 42-215, 42-216, 42-217, 42-218, 42-219, 42-220, 42-221, 42-222 and 42-224, Idaho Code. The department will also accept a timely protest not completed on this form if it contains the same information.

OCT 18 1996
Department of Water Resources

1. Matter being protested CLAIM # 13-04323
2. Name of protestant Edith Nelson Castel Trust
3. Protestant's representative for service (If different than protestant)
Shannon Castel Halford
4. Service mailing address 454 Logan Rd. Idaho Falls, Idaho
83401
5. Service telephone no. H-523-5093 W-522-9101
6. Basis of protest (including statement of facts and law upon which the protest is based)
See Attached

(additional pages may be attached to describe the nature of the protest)

7. What would resolve your protest? _____

RECEIVED

OCT 18 1996

Department of Water Resources

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct

Signature of Claimant(s) Shannon Castel Halford Date: 10-9-96

Date: _____

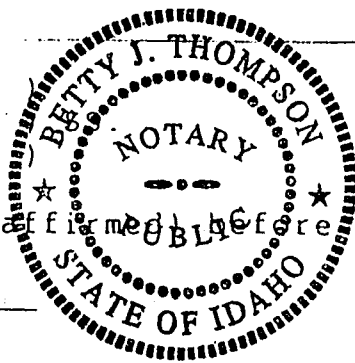
State of Idaho

County of Bonneville

Subscribed and sworn (or affirmed) before me this 9th day

of October 19 96

Seal



Betty J. Thompson
Notary Public

BETTY J. THOMPSON, NOTARY PUBLIC
RESIDING AT IDAHO FALLS, IDAHO
MY COMMISSION EXPIRES: 7-05-2000

Residing at _____

My Commission Expires _____

NOTE:

A protestant is required to timely file a protest with the department together with a \$25.00 protest fee for each application being protested in order for the protestant to be considered a full party by the department. In addition, the department's Rule of Procedure, IDAPA 37.01.01203, requires a protestant to send a copy of a protest to the applicant.

INSTRUCTIONS

1. The matter being protested must be clearly identified. A typical matter is identified by the application number such as "Application for Permit No. _____ in the name of _____" or "Application for Transfer No. _____ in the name of _____."
2. Show the name of the protestant. Only one (1) protestant may be shown per protest form. If this protest form is signed by more than one person, the hearing officer will consider the first signer as the official protestant and the representative for service of documents.
3. If the protestant is represented by an attorney or other authorized representative, show the representative's name. The department then will serve documents on the representative and upon the protestant if specifically requested.
4. Show the address where the department is to serve the documents. This should be the address of the authorized representative unless the protestant does not designate a representative.
5. Show the telephone number of the authorized representative unless the protestant does not designate a service representative.
6. Specifically describe the nature of the protest.
7. Describe the relief being sought by the protestant.

FOR DEPARTMENT USE ONLY

Received by _____ Date _____ Time _____

\$25.00 fee Receipted by _____ # _____ Date _____

September 27, 1996

Re: Water Rights

To whom this may concern:

I am filing this protest in behalf of the Edith Nelson Casteel estate for water rights that were filed by Donald Barger on 8-15- 1995, on the lower (South) spring on plat # in Franklin County.

Now that my mother Edith Nelson Casteel is deceased and the property is being divided amongst her four childred, we will have a need for the water from that spring.

The arrangement that my mother made with her sister Pearl Barger was that she could use the water from our spring(because she was having problems with hers) but that if we needed the water that we would use it also.

With out asking my mother Don Barger went on my mothers property and cut in a water line up over the hill and down to his spring house, which I would consider trespassing with out permission.

Shannon Casteel Halford

Shannon Casteel Halford

S.O. 11-8-95

Claim No. 13-04323

Section 42-243, Idaho Code, authorizes the filing of a claim to a water right established by diversion and application of water to beneficial use for domestic uses as defined in Section 42-111, Idaho Code. The filing of this claim does not confirm the water right claimed.

Notice is hereby given that Donald N. and/or Jean C. Barger
(Name of Claimant)
9856 N. Hurv 34 Preston Id 83268 Telephone No: 852-0165
(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 the water was first applied to beneficial use) Oct. 1 1954
A claim is not acceptable on a surface water source with a priority later than May 20, 1971.

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

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

(cfs, af)		(Domestic, Stock, Etc.)		(Both dates inclusive) (Mo., Day) (Mo., Day)	
Quantity	<u>0.02 cfs</u>	Use	<u>Domestic</u>	Period of Use From	<u>1-1</u> to <u>12-31</u>
Quantity		Use		Period of Use From	
Quantity		Use		Period of Use From	

4. 0.02 TOTAL QUANTITY USED.
(cfs, af)

5. A) Location of point of diversion is SW ¼ of NE ¼ of SW ¼, Govt. Lot _____
Sec. 20 Township 13S Range 40E B.M. FRANKLIN County; additional points of diversion
if any:

B) Describe means of diversion of water: (Pump and pipeline, well, diversion dam, reservoir, length of ditch etc.). Give sizes and capacities: be as specific as possible. Describe any changes in the system and give the date of the change. Spring to pipe to storage tank and then piped to home; 3/4" pipe

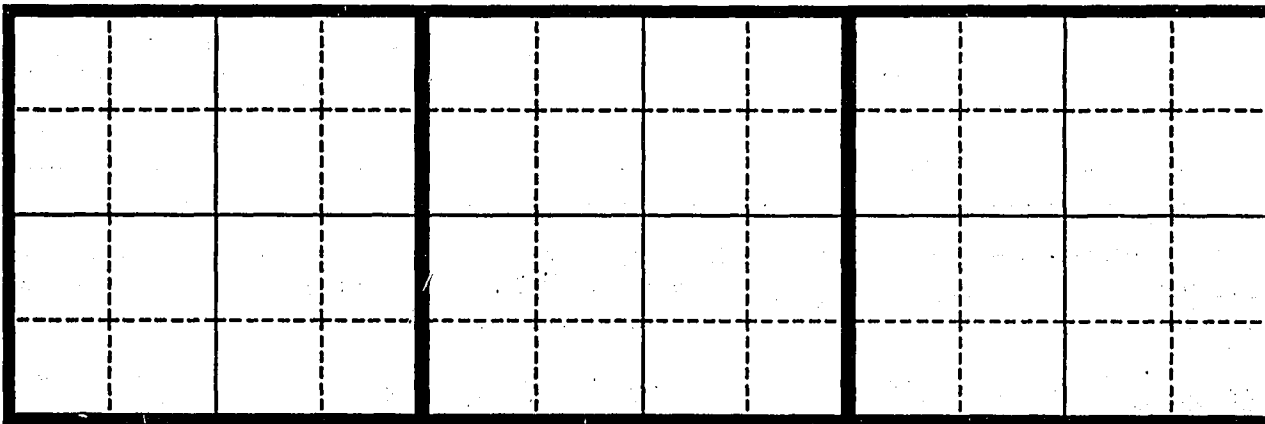
6. A) Describe place of use within each 40-acre tract in the appropriate box using the following symbols in the appropriate tract. **D - domestic, S - stockwater, X - other**

[illegible]

B) Fully describe the use, being as specific as possible: Domestic, 1 Horse

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

7. Remarks: _____



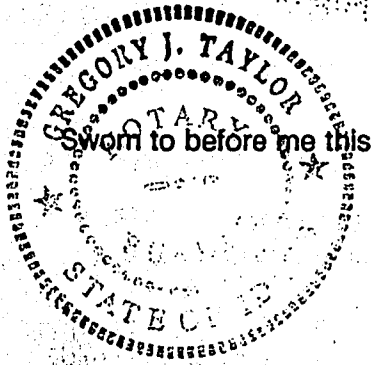
Scale: 2 inches equal 1 mile

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. Attach an aerial photograph of the place of use if available.

State of Idaho)

County of Bonneville) ss.

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the forgoing 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.



Donald R. Barger

Claimant's Signature (and title if claim is for an organization)

Sworn to before me this 15th day of August, 19 95.

Gregory J. Taylor

Notary Public

Residing at: Idaho Falls Id.

My commission expires: 3/3/98

FOR DEPARTMENT USE ONLY

Received by AL
Prelim. check by AL
\$100.00 receipted by AL
Receipt # E021408

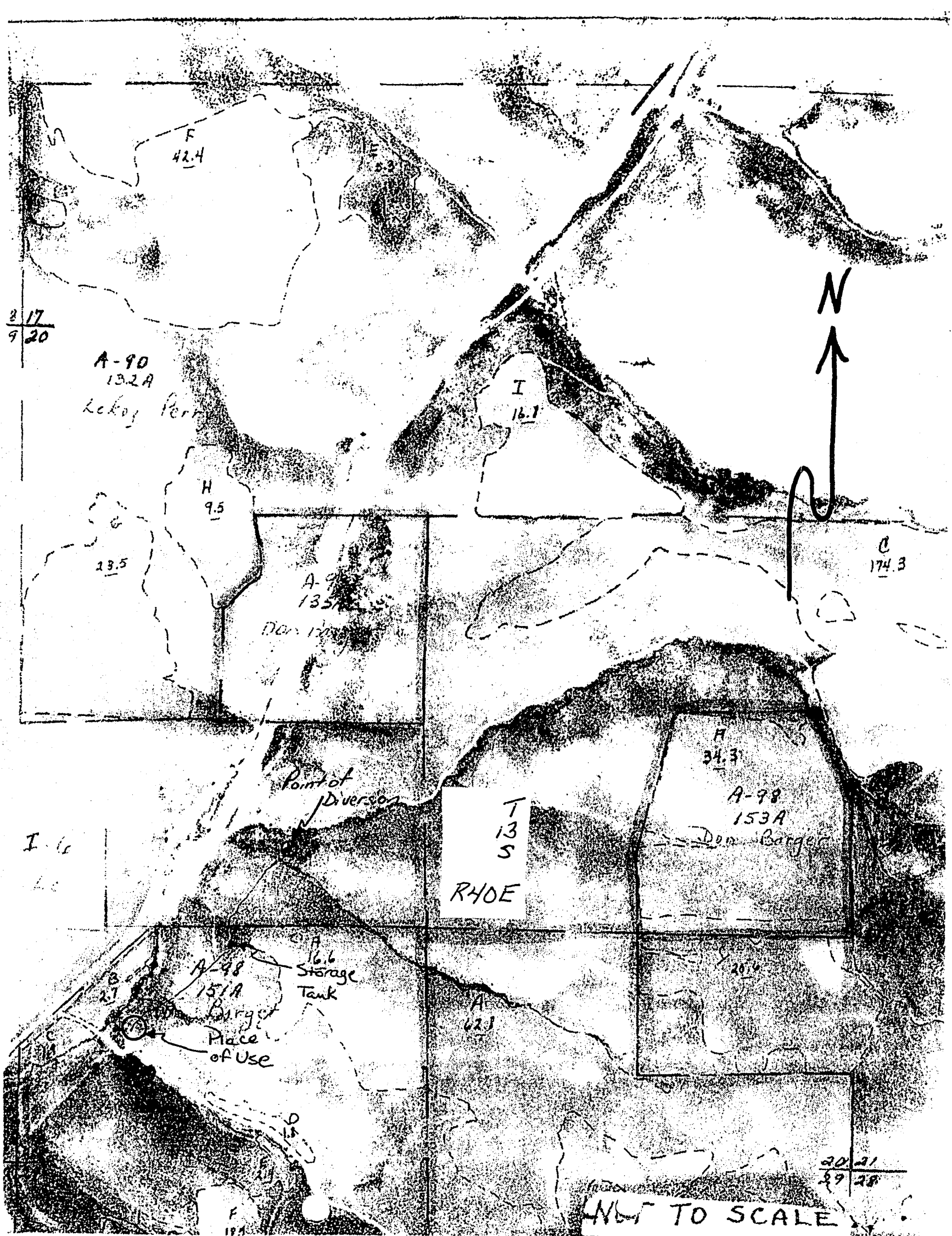
Date 8-15-95
Date 8-15-95
Date 8-15-95

Published in Proctor Citizen

Exceptions filed by _____

Dates 9-7-95 11-14-95

NOV 9-25-95





State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

Phone: (208) 327-7900 FAX: (208) 327-7866

October 25, 1996

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

DONALD N BARGER
JEAN C BARGER
9856 N HWY 34
PRESTON ID 83263

RE: Claim to a Water Right No. 13-04323

Dear Claimant:

Enclosed please find a copy of an exception filed in connection with the above referenced claim. The following is a quote from the provisions of the Idaho Code under which this claim has been filed:

42-244 Recording of claims by department--Corrections--.

.....
...At any time after filing a claim under the previous section, any person who disagrees that a right has been established as set forth in said claim may file an exception thereto in duplicate, in affidavit form, accompanied by such proof as said person deems appropriate. An exception filed shall be made a part of the file of the claim in the Department of Water Resources and shall be considered the same as other evidence in said file. A copy of an exception filed shall be forwarded to the claimant by the Department of Water Resources. Such claims may be corrected by the claimant only by filing of an amended claim in the same form as the original, which shall be recorded and numbered by the department the same as the original, and for which no additional filing fees shall be required.

We have placed the exception in the claim file for reference of possible future adjudication action. Idaho statute does not provide for the Department to initiate action on the exception at this time. We would suggest that the issue be resolved privately between you and the protestant.

Sincerely,

Sharla Curtis

Sharla Curtis
Water Rights Agent

SC:ph

Enclosure



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

Phone: (208) 327-7900 FAX: (208) 327-7866

October 28, 1996

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

EDITH NELSON CASTEEL TRUST
C/O SHANNON CASTEEL HALFORD
454 LOGAN DRIVE
IDAHO FALLS ID 83401

RE: Claim to a Water Right No. 13-04323
Donald N and/or Jean C Barger

Dear Protestant:

We have received the exception filed against the above referenced claim to a water right. The following is a quote from the provisions of the Idaho Code under which this claim has been filed:

42-244 Recording of claims by department--Corrections--.

.....
...At any time after filing a claim under the previous section, any person who disagrees that a right has been established as set forth in said claim may file an exception thereto in duplicate, in affidavit form, accompanied by such proof as said person deems appropriate. An exception filed shall be made a part of the file of the claim in the Department of Water Resources and shall be considered the same as other evidence in said file. A copy of an exception filed shall be forwarded to the claimant by the Department of Water Resources. Such claims may be corrected by the claimant only by filing of an amended claim in the same form as the original, which shall be recorded and numbered by the department the same as the original, and for which no additional filing fees shall be required.

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Sincerely,

Sharla Curtis
Sharla Curtis
Water Rights Agent

SC:ph