

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

IN RE THE GENERAL ADJUDICATION  
OF RIGHTS TO THE USE OF WATER FROM  
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A29-02139  
Date Received: 12/13/1990  
Receipt No: E015531  
Received By: \_\_\_\_\_

**COPY FOR  
YOUR FILES**

**NOTICE OF CLAIM TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW**

**COPY FOR  
YOUR FILES**

1. Name: MARTIN HACKWORTH 208-233-7918  
Address: 8759 1/2 W BARTON RD  
POCATELLO ID 83204

2. Date of Priority: JAN 5, 1912

3. Source: UNNAMED STREAM Trib. to: SINKS

4. Point of Diversion:

| Township | Range | Section | 1/4 of | 1/4 of | 1/4 | Lot | County  |
|----------|-------|---------|--------|--------|-----|-----|---------|
| 06S      | 35E   | 32      | SW     | NE     |     |     | BANNOCK |

5. Description of diverting works:  
4" DIAMETER PIPELINE FROM SPRING TO SETTLING TANK.

6. Water is used for the following purposes:

| Purpose    | From  | To    | C.F.S | (or) | A.F.A. |
|------------|-------|-------|-------|------|--------|
| IRRIGATION | 04/01 | 11/01 | 0.060 |      |        |
| DOMESTIC   | 01/01 | 12/31 | 0.040 |      |        |

7. Total Quantity Appropriated is:  
0.060 C.F.S. (and/or) A.F.A.

8. Total consumptive use is 7.5 Acre Feet Per Annum.

9. Non-irrigation uses:  
DOMESTIC FOR TWO HOMES AND 5 HORSES.

10. Place of Use:

| Township | Range | Section | 1/4 of | 1/4 | Lot | Use    | Acres |
|----------|-------|---------|--------|-----|-----|--------|-------|
| 06S      | 35E   | 32      | SW     | NW  |     | IRR    | 3.0   |
|          |       |         | SW     | NW  |     | DOMEST |       |

**MICROFILMED**

10. Place of Use: Continued

| Township | Range | Section | 1/4 of 1/4 | Lot | Use           | Acres |
|----------|-------|---------|------------|-----|---------------|-------|
|          |       |         |            |     | Section Acres | 3.0   |
|          |       |         |            |     | Total Acres   | 3.0   |

11. Place of use in counties: BANNOCK

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:  
A29-07774.

14. Remarks:  
LICENSE IDENTIFIES SOURCE AS UNNAMED GULCH.  
\*  
CHANGE OF OWNERSHIP 6/8/94 SC

15. Basis of Claim: LICENSE  
Water Right Number: 8068

5328

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

IN RE THE GENERAL ADJUDICATION  
OF RIGHTS TO THE USE OF WATER FROM  
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A29-02139  
Date Received: 10/26/1990  
Receipt No: 5015531  
Received By: \_\_\_\_\_

RECEIVED

DEC 13 1990

Department of Water Resources  
Eastern District Office

NOTICE OF CLAIM TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW

1. Name: LORNA OBERMAYR 208-232-5481  
Address: P.O. 340  
NEW DENVER, BC VOG I-SO

2. Date of Priority: JAN 05, 1912

3. Source: UNNAMED STREAM Trib. to: SINKS

4. Point of Diversion:

|          |       |         |        |        |     |     |         |
|----------|-------|---------|--------|--------|-----|-----|---------|
| Township | Range | Section | 1/4 of | 1/4 of | 1/4 | Lot | County  |
| 06S      | 35E   | 32      | SW     | NE     |     |     | BANNOCK |

5. Description of diverting works:  
4" DIAMETER PIPELINE FROM SPRING TO SETTLING TANK.

6. Water is used for the following purposes:

|            |       |       |        |      |        |
|------------|-------|-------|--------|------|--------|
| Purpose    | From  | To    | C.F.S. | (or) | A.F.A. |
| IRRIGATION | 04/01 | 11/01 | 0.060  |      |        |
| DOMESTIC   | 01/01 | 12/31 | 0.040  |      |        |

7. Total Quantity Appropriated is:  
0.060 C.F.S. (and/or) A.F.A.

8. Total consumptive use is 7.5 Acre Feet Per Annum.

9. Non-irrigation uses:  
DOMESTIC FOR TWO HOMES AND 5 HORSES.

10. Place of Use:

|          |       |         |        |     |     |        |       |
|----------|-------|---------|--------|-----|-----|--------|-------|
| Township | Range | Section | 1/4 of | 1/4 | Lot | Use    | Acres |
| 06S      | 35E   | 32      | SW     | NW  |     | IRR    | 3.0   |
|          |       |         | SW     | NW  |     | DOMEST |       |

A29-02139

Page 1

Date: 10/26/90

A2902139

MICROFILMED

NOV 13 1992

10. Place of Use: Continued

| Township | Range | Section | 1/4 of 1/4 | Lot | Use           | Acres |
|----------|-------|---------|------------|-----|---------------|-------|
|          |       |         |            |     | Section Acres | 3.0   |
|          |       |         |            |     | Total Acres   | 3.0   |

11. Place of use in counties: BANNOCK

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:  
A29-07774.

14. Remarks:  
LICENSE IDENTIFIES SOURCE AS UNNAMED GULCH.

15. Basis of Claim: LICENSE  
Water Right Number: 8068

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do ☒ do not ☐ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: \_\_\_\_\_

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):

*[Handwritten Signature]*

Date:

*28 Nov 90*

Date: \_\_\_\_\_

Province of British  
~~State of Idaho~~ )  
Columbia ) SS.  
County of Kootenay )

Subscribed and sworn (or affirmed) before me this 28 day  
of November 19 90

[Signature]  
Notary Public

Residing at 619 Broadway St Nakusp

My Commission Expires Statutory

Date of Priority June 5, 1975

Sec 32 ~~E~~ Twp 6 S Rge 35E

AA

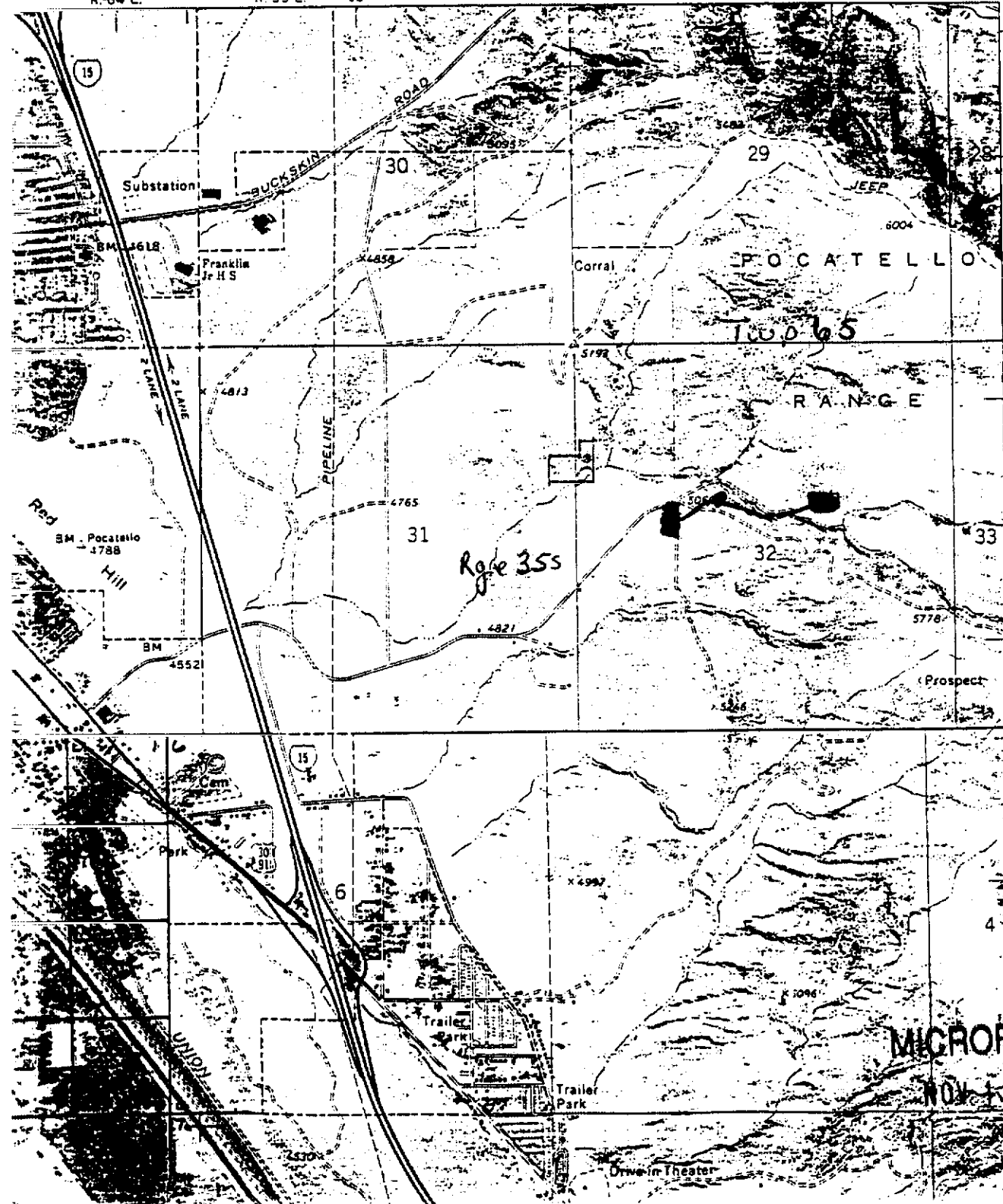
34E R35E

POCATELLO SOUTH ORTHOPHOTOQUAD  
IDAHO

IDAHO FALLS 50 MI.  
2.5 MI. TO INTERSTATE 15 W  
R. 34 E. 25' R. 35 E. 35'

386 440 000 FEET 387

112° 22' 30"  
42° 52' 30"  
440 000  
FEET



- SPRINGS
- AREA OF USAGE
- SETTLING TANK

T6  
T7

MICROFILMED  
NOV 13 1992  
50' OBERMAYR  
39576

Log for claim A29-02139

Spatial Dynamics BTD

9/28/00

| TR      | SEC | QQ   | Acres<br>Claimed | Acres<br>Found | COMMENT |
|---------|-----|------|------------------|----------------|---------|
| 06s35e  | 32  | SWNW | 3                | 4.6            |         |
| Totals: |     |      | 3                | 4.6            |         |

AJ5809NP  
No. A29-02139

IDAHO DEPARTMENT OF WATER RESOURCES  
ADJUDICATION CLAIM PROFILE REPORT

DATE: 05/24/00  
PAGE: 37

| OWNER<br>CODE    | NAME & ADDRESS                                                                   | PRIORITY<br>DATE | WATER USE              | USE PERIOD<br>FROM TO      | DIVERSION<br>RATE      | DIVERSION<br>VOLUME |
|------------------|----------------------------------------------------------------------------------|------------------|------------------------|----------------------------|------------------------|---------------------|
| C                | MARTIN HACKWORTH<br>8759 1/2 W BARTON RD<br>POCATELLO ID 83204<br>(208) 233-7918 | 01/05/1912       | IRRIGATION<br>DOMESTIC | 04-01 11-01<br>01-01 12-31 | 0.060 CFS<br>0.040 CFS |                     |
| TOTAL DIVERSION: |                                                                                  |                  |                        |                            | 0.060 CFS              |                     |
| CONSUMPTIVE USE: |                                                                                  |                  |                        |                            |                        | 7.50 AFA            |

Water Source: UNNAMED STREAM

Tributary to: SINKS

Stage: LICENSE

Point(s) of Diversion:

T06S R35E S32

SWNE

BANNOCK County

Place of use Legal Description for: IRRIGATION

|     |     |    |   | NE |    |    |    | NW |    |    |    | SW |    |    |    | SE |    |    |    |             |     |
|-----|-----|----|---|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|-------------|-----|
| T   | R   | S  | : | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac | :           | SUM |
| 06S | 35E | 32 | : |    |    |    |    |    |    |    |    | 03 |    |    |    |    |    |    |    |             | 3.0 |
|     |     |    |   |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    | TOTAL ACRES | 3.0 |

Place of use Legal Description for: DOMESTIC

|     |     |    |   | NE |    |    |    | NW |    |    |    | SW |    |    |    | SE |    |    |    |   |  |
|-----|-----|----|---|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|---|--|
| T   | R   | S  | : | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac | : |  |
| 06S | 35E | 32 | : |    |    |    |    |    |    |    |    | D  |    |    |    |    |    |    |    | : |  |

POU County: BANNOCK

Non-Irrigation Uses: DOMESTIC FOR TWO HOMES AND 5 HORSES.

Other Rights: A29-07774.

Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):  
29-13019 A29-07774 A29-13019

Remarks: GEN LICENSE IDENTIFIES SOURCE AS UNNAMED GULCH.  
\*  
CHANGE OF OWNERSHIP 6/8/94 SC

Dates: Exam Made Date:

Verified Date:

Objection Filed Date:

Misc: Water District Number: 29

Field Inspection Flag:

Presumption Flag:

Audit: 12/13/90 CARLSEN 06/02/94 COX 06/08/94 COX 03/29/95 POST-STD

County: Bannock.  
Stream: Unnamed Gulch  
Amount: 3/50 of 1 Sec. Ft.  
Use: Irrigation,  
Priority: 1/5/12.

## STATE OF IDAHO

Water License No. 8068  
Water District No. 17 D.

WHEREAS, On the 5th day of January, A. D. 1912,  
W. H. Barton

of Pocatello, County of Bannock, State of Idaho, duly made application (No. 11852) to me for a permit to use 4/5 of 1 cubic foot per second of the waters of an unnamed gulch in S $\frac{1}{2}$  of N $\frac{1}{2}$ , Sec. 32, T. 6 S., R. 35 E., Water District 17 D.

County of Bannock, State of Idaho, for irrigation and domestic purposes, and,

WHEREAS, On the 2nd day of March, A. D. 1912, Permit No. 8068 was issued to said applicant for the diversion of said water and providing for the completion of the works of diversion therein described on or before the 2nd day of March, A. D. 1914, and for the application to beneficial use of said water on or before the 2nd day of March, A. D. 1916, and,

WHEREAS, On the 27th day of January, A. D. 1914, the time for completion of works under said permit, was extended to the 2nd day of March, A. D. 1915, and the time for beneficial use of water to the 2nd day of March, A. D. 1917, and,

WHEREAS, On the 11th day of March, A. D. 1915,  
W. H. Barton

the holder of said permit, duly made proof of the completion of adequate works for the diversion of 4/5 of 1 cubic foot per second of said waters, as evidenced by my Certificate No. 8068 dated April 17, 1915, confirming the completion of works of sufficient capacity for diverting and conveying to the place of intended use 4/5 of 1 cubic foot per second of said waters with date of priority of January 5, 1912, and

WHEREAS, On the 10th day of March, A. D. 1917,  
W. H. Barton

the holder of said permit, duly made proof of the application to beneficial use of 3/50 of 1 cubic foot per second of said water:

NOW, THEREFORE, By virtue of authority vested in me by the laws of the State of Idaho, I hereby grant and confirm to W. H. Barton

of Pocatello, County of Bannock, State of Idaho, the holder and owner of said Permit No. 8068, a perpetual right, dating from January 5, 1912 to the use of 3/50 of 1 cubic foot per second of the waters of an unnamed Gulch

in the County of Bannock and State of Idaho, or so much thereof as may be necessary for the purposes hereinbelow mentioned, to be diverted at a point in the SW $\frac{1}{4}$  of NW $\frac{1}{4}$ , Sec. 32, T. 6 S., R. 35 E., B.M.,

and conducted to and upon 3 acres of land in the SW $\frac{1}{4}$  of NW $\frac{1}{4}$ , Sec. 32, T. 6 S., R. 35 E., B.M.,

for the purpose of irrigation and domestic use, subject, however, to the laws of the State of Idaho, applicable to a license for the use of the waters of the State, and subject, also, to the local or community customs, rules and regulations which have been or may be adopted from time to time by a majority of the users from a common source or supply, canal or lateral from which such water may be taken, when such rules and regulations have for their object the economical use of such water.

WITNESS, My hand and the seal of my office at Boise, Idaho, this 14th day of July  
A. D. nineteen hundred and seventeen.

J. H. Smith,

(Seal)

State Engineer.

No. 11852

# APPLICATION FOR PERMIT

## To appropriate the Public Waters of the State of Idaho

1. Name of Applicant: W. H. Barton,  
     Postoffice address: Pocatello  
     County: Bannock      State: Idaho
2. The quantity of water claimed is 4/5 cubic foot per second.
3. Source of water supply: Spring waters of unnamed gulch in S $\frac{1}{2}$  of N $\frac{1}{2}$  Sec. 32, T. 6 S. R. 35 E. B. M.
4. Location of point of diversion: SW $\frac{1}{4}$  NE $\frac{1}{4}$  Sec. 32, T. 6 S. R. 35 E. B. M.  
     County of Bannock.
5. To be used for:
  - I. Irrigation and domestic use:
    - (a) Amount of land to be irrigated: 40 acres.
    - (b) In the following legal subdivisions: SE $\frac{1}{4}$  NE $\frac{1}{4}$  Sec. 31, and SW $\frac{1}{4}$  NW $\frac{1}{4}$  Sec. 32, T. 6 S. R. 35 E.
6. Estimated cost of works: \$300.00
7. Description of works for diversion:
  - I. Kind of works: Dam and pipe
  - II. Dimensions of work:
    - (a) Height of dam 1 foot, length of dam at top 3 feet, length of dam at bottom 2 feet. Material used in construction: Earth.
    - (b) Size of headgate: Width None feet.
    - (c) Conduit pipe, diameter of pipe: 3" to 1"; average grade per mile is 50 feet. Length of conduit is one mile, and it crosses the following quarter sections; SE $\frac{1}{4}$  NW $\frac{1}{4}$  and S $\frac{1}{2}$  NE $\frac{1}{4}$  Sec. 32
8. The time required for the completion of the construction of such work is 2 years.
9. Time required for the complete application of the water to the proposed use is 2 additional years.

BE IT KNOWN That the undersigned hereby makes application for a permit to appropriate the public waters of the State of Idaho as herein set forth.

W. H. Barton,....Applicant.

By.. Bannock Engineering Co. Ltd...Agent.

APPROVAL OF STATE ENGINEER.

The number of this permit is 8068

Date of first receipt at office of State Engineer 9.00 a.m. January 5, 1912.

Returned to applicant for correction January 6, 1912.

Corrected application received February 16, 1912.

Recorded in Book 25, Page 8068. Approved March 2, 1912.

This is to certify that I have examined the within application for a permit to appropriate the public waters of the State of Idaho, and hereby approve the same, subject to the following limitations and conditions:

Work to begin on or before May 1, 1912, and to continue diligently and uninterruptedly to completion, unless temporarily interrupted by circumstances over which permit holder has no control.

One-fifth of the work above specified to be completed on or before March 2, 1913.

The whole of said work to be completed on or before March 2, 1914.

Beneficial use of water appropriated in accordance herewith, to be made on or before March 2, 1916.

Witness my hand this second day of March, 1912.

A. E. Robinson,

State Engineer

---

On proper request of the holder of the above numbered permit, I have this 27th day of January, 1914, extended the time for the completion of work to the 2nd day of March 1915.

F. P. KING,

State Engineer.

Proof of completion of works made March 11, 1915.

Certificate of completion of works issued March 17, 1915.

Permit No. 8068

CERTIFICATE OF COMPLETION OF WORKS.

To All Whom It May Concern:

This is to certify that W. H. Barton, of Pocatello, County of Bannock and State of Idaho, the holder of Permit No. 8068, issued upon Application No. 11852, bearing date of priority of January 5, 1912, authorizing the diversion of  $4/5$  of 1 second foot of the spring waters of an unnamed gulch in the  $S\frac{1}{2}$  of  $N\frac{1}{2}$  of Sec. 32, T. 6 S., R. 35 E.B.M., County of Bannock, State of Idaho, for irrigation and domestic purposes, has fully complied with the provisions of the laws of the State of Idaho relating to the proof of completion of the works of diversion set out and described in said permit; that said works are adequate for diverting and conveying to the place of intended use  $1/4$  of 1 second foot of the waters of an unnamed gulch; that the point of diversion of said waters is in the  $SW\frac{1}{4}$  of  $NE\frac{1}{4}$ , Sec. 32, T. 6 S., R. 35 E.B.M., and that the lands proposed to be irrigated by the use of said water are described as follows, to-wit: Part of the  $SE\frac{1}{4}$  of  $NE\frac{1}{4}$  and part of the  $SW\frac{1}{4}$  of  $NW\frac{1}{4}$ , Sec. 32, T. 6 S., R. 35 E.B.M., containing 10 acres.

Witness my hand this 17th day of April, A. D. 1915.

J. H. Smith,

State Engineer of the State of Idaho.

By Fred A. Wilkie, Deputy.

License 4

*3/5071 second foot*  
*Page 3123*

## REPORT OF ENGINEER

1. State name of applicant and number of permit: W. H. Barton- Permit 8068
2. State source of water supply: Unnamed Gulch
3. Location of point of diversion: SW<sup>1</sup> NE<sup>1</sup> Sec. 32, T. 6 S., R. 35 E. B.M.
4. State whether or not the works of diversion are fully completed and in accordance with terms of permit: Yes
5. Describe works as they exist, giving dimensions and capacities of same:  
Pipe line consisting of 1" - 1 1/2" and 2"  
pipe, having a capacity of about 3 inches.
6. State whether or not water has been turned into works of diversion: Yes
7. Give exact location of lands to be irrigated. Give exact number of acres under cultivation in each forty-acre tract. (Describe manner and place of use if for other than irrigation):  
2 acres in SW<sup>4</sup> NW<sup>4</sup> Sec. 32, T. 6 S., R. 35 E.
8. Submit map on enclosed plat, showing location and details of above description.

Remarks:

This examination was made on the

16th day of June 19 17

(Signed)

R. B. Harrison

Examiner.

8068



6/9/94

## COMMUNICATION DOCUMENTATION

Claim No. \_\_\_\_\_

This form is to be used to document public record information requests regarding any SRBA claim or claims. The form may also be used to document IDWR communications requesting information regarding any SRBA claim or claims when the request is not made in writing or the claim verification report is not readily available to document the request. This form is to be filed in all relevant claim files or a central office file.

IDWR Employee/Agent DC

Date 7/13/94

Contact Person(s) \_\_\_\_\_

Nature of Contact

filing on springs in 6S 35E 32 SW NE

A29-02139, (A29-07774)

filings on 6S 35E sec 32 NWSW

Substance of Communication \_\_\_\_\_

MICROFILMED  
NOV 14 1996

JUNE 8, 1994

MARTIN HACKWORTH  
8759 1/2 W BARTON RD  
POCATELLO ID 83204

RE: CHANGE OF OWNERSHIP FOR A29-02139, A29-07774, A29-12262  
AND A29-12263

Dear Mr. Hachworth:

The request for Change of Ownership concerning your Notice(s) of Claim in the above reference has been processed and the Notice(s) modified to reflect you as the new owner.

Enclosed is the typed Notice(s) with your name shown as the current owner. Review the forms and if there are other corrections or questions, feel free to contact this office.

If there are no questions or corrections, please keep these Notice for your records.

Respectfully submitted,

Sharla Cox  
Adjudication Secretary

MICROFILMED  
NOV 14 1996



# NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type  
(see instructions on back of page)

# RECEIVED

JUN 2 1994

Department of Water Resources  
Eastern District Office

DATE OF CLOSING: \_\_\_\_\_

LEGAL DESCRIPTION OF PROPERTY: Township 16 South Range \_\_\_\_\_  
Section \_\_\_\_\_, 1/4 of \_\_\_\_\_ 1/4 of \_\_\_\_\_ 1/4, Govt. Lot \_\_\_\_\_, BM.  
Lot \_\_\_\_\_, Block \_\_\_\_\_, Subdivision/Townsite \_\_\_\_\_.  
If you have additional legal descriptions, please attach separate sheet.

- ☐ Served Only by a Public Service Water Supply (all water is received from a city or company who maintains water supply system, owns the water right, and bills the customer on a regular basis)
- ☐ Water Right Number(s)  
Assigned by IDWR: A29-02139, A29-07774, A29-12262, A29-12263
- ☐ Name and Address of Former Owner/Claimant(s)(Seller): Lorna Obermayer
- ☐ New Owner/Claimant (Purchaser): Martin Hackettworth
- ☐ New Mailing Address: 8759 1/2 W. Barton Rd  
Paradise ID 83204
- ☐ New Telephone Number: (208) 233 - 7918
- ☐ Does the change in ownership result in a splitting of the water right owned/claimed? yes ☒ no  
If yes, then describe the portion of the water right that is now owned/claimed by the new owner:

- ☐ Attach proof of ownership, describe proof attached: \_\_\_\_\_  
(proof of ownership must describe either the property conveyed or include the claim number. Proof of ownership is not required if this form is signed by the former owner/claimant.)

- ☐ Signature of New Owner/Claimant(s) [Signature] Date 5/5/94
- ☐ Signature of Former Owner/Claimant(s) \_\_\_\_\_ Date \_\_\_\_\_

(Signature of former claimant(s) is not required if proof of ownership is attached.)

FOR IDWR USE ONLY:  
Initial Review and Data-Entry  
Date: \_\_\_\_\_ By: \_\_\_\_\_  
Further Action Needed:  
Further Action Taken  
Date: \_\_\_\_\_ By: \_\_\_\_\_  
Final Review and Data-Entry  
Date: \_\_\_\_\_ By: \_\_\_\_\_  
Claim Numbers of Split, if any:

MICROFILMED  
NOV 14 1996

Original to be mailed to Idaho Department of Water Resources  
Copies to Former Owner and New Owner

# Warranty Deed

21

93011808

For Value Received

LORNA OBERMAYR, A MARRIED WOMAN DEALING WITH HER SOLE & SEPERATE PROPERTY

the grantor , do hereby grant, bargain, sell and convey unto

MARTIN HENRY HACKWORTH AND AMY BROOKS HACKWORTH, HUSBAND AND WIFE.

whose current address is

8759 BARTON ROAD, POCA TELLO, ID 83204

RECEIVED

JUN 21 1994

Department of Water Resources  
Eastern District Office

the grantee , the following described premises, in

BANNOCK

County Idaho, to wit:

SEE ATTACHED EXHIBIT "A"

SUBJECT TO: ALL existing patent reservations, easements, rights of way, protective covenants, zoning ordinances and applicable building codes, laws and regulations.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee , heirs and assigns forever. And the said Grantor do hereby covenant to and with the said Grantee , that he the owner in fee simple of said premises; that they are free from all incumbrances

and that he will warrant and defend the same from all lawful claims whatsoever.

Dated: July 28, 1993

*Lorna Obermayr*

LORNA OBERMAYR

MICROFILMED  
NOV 14 1996



2-2  
EXHIBIT A

POOR ORIGINAL

A PARCEL OF LAND SITUATED IN THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER AND THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 32, TOWNSHIP 6 SOUTH, RANGE 35 E.B.M., BANNOCK COUNTY, IDAHO, BEING A PORTION OF THE LANDS OF LORNA C. OBERMAYR DESCRIBED AT INSTRUMENT 561094, RECORDS OF SAID BANNOCK COUNTY, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE WEST QUARTER CORNER OF SECTION 32, TOWNSHIP 5 SOUTH, RANGE 35 E.B.M., BANNOCK COUNTY, IDAHO, AS RECORDED AT INSTRUMENT 613872, RECORDS OF SAID BANNOCK COUNTY; THENCE SOUTH  $00^{\circ}08'17''$  EAST ALONG THE WEST LINE OF SAID SECTION 32 A DISTANCE OF 648.39 FEET TO AN INTERSECTION WITH THE SOUTHERLY RIGHT OF WAY OF BARTON ROAD; THENCE NORTH  $43^{\circ}42'28''$  EAST ALONG SAID SOUTHERLY RIGHT OF WAY A DISTANCE OF 1156.21 FEET, SAID POINT BEING MARKED BY A  $1/2$  X 24 INCH IRON PIN TAGGED "LS 4430" SET THIS SURVEY AND BEING THE POINT OF BEGINNING; THENCE CONTINUING NORTH  $43^{\circ}42'28''$  EAST ALONG THE SOUTHERLY RIGHT OF WAY OF BARTON ROAD A DISTANCE OF 139.19 FEET TO THE POINT OF CURVATURE OF A TANGENT CURVE MARKED BY A  $1/2$  X 24 INCH IRON PIN TAGGED "LS 4430" SET THIS SURVEY, THE RADIUS POINT OF SAID CURVE BEING SOUTH  $46^{\circ}17'32''$  EAST A DISTANCE OF 435.37 FEET FROM SAID POINT OF CURVATURE, SAID CURVE HAVING A CENTRAL ANGLE OF  $24^{\circ}30'38''$ ; THENCE NORTHEASTERLY ALONG SAID CURVE ALONG THE SOUTHERLY RIGHT OF WAY OF BARTON ROAD AN ARC DISTANCE OF 186.25 FEET TO A POINT OF TANGENCY MARKED BY A  $1/2$  X 24 INCH IRON PIN TAGGED "LS 4430" SET THIS SURVEY, THE RADIUS POINT OF SAID CURVE BEING SOUTH  $21^{\circ}46'55''$  EAST A DISTANCE OF 435.37 FEET FROM SAID POINT OF TANGENCY; THENCE CONTINUING ALONG THE SOUTHERLY RIGHT OF WAY OF BARTON ROAD, NORTH  $68^{\circ}13'05''$  EAST A DISTANCE OF 278.23 FEET TO AN INTERSECTION WITH THE WEST  $1/16$  LINE OF SAID SECTION 32, MARKED BY A  $1/2$  X 24 INCH IRON PIN TAGGED "LS 4430" SET THIS SURVEY; THENCE SOUTH  $00^{\circ}02'18''$  EAST ALONG SAID WEST  $1/16$  LINE A DISTANCE OF 488.92 FEET TO THE WEST  $1/16$  ON THE LATITUDINAL CENTERLINE OF SAID SECTION 32, AS DESCRIBED AT INSTRUMENT 93008618, RECORDS OF SAID BANNOCK COUNTY, THENCE SOUTH  $00^{\circ}04'57''$  EAST ALONG SAID WEST  $1/16$  LINE A DISTANCE OF 7.62 FEET TO THE NORTHEAST CORNER OF THE LAND OF HERBERT P. AND ANGELA A. NEITZEL DESCRIBED AS PARCEL "C", INSTRUMENT 540374, RECORDS OF SAID BANNOCK COUNTY, MARKED BY A  $1/2$  X 24 INCH IRON PIN TAGGED "LS 4430" SET THIS SURVEY; THENCE SOUTH  $89^{\circ}55'03''$  WEST ALONG THE NORTH LINE OF THE LAND OF NEITZEL A DISTANCE OF 507.77 FEET TO A  $1/2$  X 24 INCH IRON PIN TAGGED "LS 4430" SET THIS SURVEY; THENCE NORTH  $00^{\circ}04'57''$  WEST A DISTANCE OF 189.96 FEET TO POINT OF BEGINNING.

UC

Grantee

and that

Dated:

LORNA CEE

MICROFILMED

NOV 14 1996

STATE OF IDAHO, COUNTY OF \_\_\_\_\_  
On this 23rd day of JULY, 1993,  
before me, a notary public in and for said state, personally appeared

LORNA OBERHAYR

**NOTARY SEAL**

known to me to be the person whose name is  
subscribed to the within instrument, and acknowledged to me that  
she executed the same.

*Karla D. Park*  
\_\_\_\_\_  
Notary Public

Residing at POCATELLO  
Comm. Expires 03/29/99

NO. 93011808  
RECORDED AMERICAN LAND TITLE CO.

'93 JUL 27 P4:38

OFFICE  
BANK  
LARRY  
FEE 6.00

592

*JS*

POOR ORIGINAL

MICROFILMED  
NOV 14 1996

RECEIVED

DEC 13 1990

Department of Water Resources  
Eastern District Office

Ernest Carlsen  
Dept of Water Resources  
150 Shoup Ave  
Idaho Falls, Id 83402

Dear Ernie:

Enclosed please find my check for the required amount and the newly notarized documents. I appreciate your kind attention to this, Ernie, but as you mentioned in your letter--it is indeed confusing. Knowing though the possibility of bloodshed over Idaho water rights, I shall persevere and try to keep my faith that the mills of the gods will eventually grind this all out.

I've been in your office in the past and always appreciated your assistance. If there is anything you feel you could do to keep this on track, I'd appreciate it. I won't be back in Idaho for any length of time until April or May. You can contact me at 604 358 7965 or FAX to 604 358 7106.

Thanking you in advance, I am

Sincerely



Lorna Obermayr

PS-Ernie, there is more darn water up here than you can shake a stick at. I think I've died and gone to heaven.

MICROFILMED

DEC 13 1992

RECEIVED

JUN 4 1990

Mr. Ernest Carlsen  
Adjudication Supervisor  
Department of Water Resources  
150 Shoup Ave Suite 15  
Idaho Falls, Idaho 83404

Department of Water Resources  
Eastern District Office

Dear Mr Carlsen:

Enclosed you will find my amended Claims to Water Rights as your instructions indicated. Thankyou for your helpful information.

I do find though a possible problem in the Reading Report I have inclosed. The WH Barton license is the duplicate of one which I have had for thirty-five years as a part of my land. I have refiled to put the license in my name having received my permit November 1985 and just recently submitted my Proof of Beneficial Use. The lengthy delay between permit and proof was an unfortunate oversight. Can I assume that once my license is issued it will eliminate the name Barton on the record except as a former owner. I'm sure that Mr Barton, having long since gone to his just reward, will not be a problem, but I am extremely apprehensive (as any good Idahoan is) of any glitches with my water rights. I have in my papers Mr Barton's original licenses.

While this may well be out of your area, perhaps you can forward my concerns to the appropriate office. Thanking you in advance for your assistance, I am

Sincerely



Lorna Obermayr

P.S. By 'duplicate' I mean point of origin & area of usage

MICROFILMED

NOV 13 1992

Water Right Number - 29-07774

Adj. Flag Translation: Standard Water Right Number

Old (D) Number -

+ - - - - Last Name - - - - + + - First Name - - + + - - - - - Address - - - - - +

\*\*\* C - CURRENT OWNER \*\*\*

OBERMAYR

LORNA G.

1 - 3001 BARTON ROAD

2 -

3 -

City- POCA TELLO

State- ID Zip- 83204

Phone -

+ - - Priority Date - - + + - - - Region - - - + + - - - Stage - - - + + - - - Status - - - +  
06/05/1984 15 P - PERMIT+ - - - - - Source - - - - - + + - - - - - Tributary - - - - - +  
SPRINGS+ - - - - - Point of Diversion - - - - - +  
Tw n R n g S e c T r a c t L o t R f l g C o u n t y S t r e a m I n d e x ( B l a n k i f n o I n d e x C o d e )  
06S 35E 32 SW NE ( 5 ) BANNOCK+ - - - - - Water Use - - - - - +  
C o d e D e s c r i p t i o n P e r i o d F r o m P e r i o d T o D i v e r s i o n R a t e D i v e r s i o n V o l u m e  
01 - IRRIGATION 03/15 08/15 0.040  
04 - STOCKWATER 01/01 12/31 0.040  
43 - DOMESTIC 01/01 12/31 0.080+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Div. Capacity - + + - Total Consumptive Use - + + - KW Usage - +  
0.120+ - - - - - Place of Use - - - - - +  
T w n R n g S e c T r a c t L o t A c r e s C o d e D e s c r i p t i o n C o u n t y  
06S 35E 32 SW SW 2.0 01 IRRIGATION ( 5 ) BANNOCK

Total Acres: 2.0

+ - - Diversion Means - DAM, PIPELINE, SETTLING TANK

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use - 29-2139

+ - - - - - Remarks - - - - - +  
S/24 HORSES, D/2+ - - - - - Old Water Right Number - - - - - +  
No Old Water Right Numbers found.+ - - - - - Conditions of Approval - - - - - +  
026 - Permit holder shall commence the excavation or construction of  
- diverting works within one year of the date this permit is issued  
- and shall proceed diligently until the project is complete.NO NEED TO  
FILE THIS  
RIGHT @

ERROR

MICROFILMED

Water right number - 29-07774

Adj. flag translation: Standard Water Right Number

+ - - - - Conditions of Approval - - - - - +

004 - The issuance of this permit in no way grants any right-of-way or  
- easement across the land of another.005 - Use of water under this permit is subject to control by the  
- watermaster of State Water District No. 29.

+ - - - - Decree Plaintiff - - - +

+ - - - - Decree Defendant - - - +

+ - Decree Date - +  
00/00/0000

+ - - Audit Fields - 07/24/86

05/22/88 CONVERT

+ - - - - Water Rights Dates and Flags Area - - - - - +

|                               |                              |                         |
|-------------------------------|------------------------------|-------------------------|
| Proof Due Date - 11/01/1990   | Field Exam Made - 00/00/0000 | Field Exam Fee -        |
| Approved/Denied - 11/12/1985  | Protested Date - 00/00/0000  | Swan Falls - 1          |
| Proof Made Date - 00/00/0000  | Hearing Date - 00/00/0000    | Temporary Right - P     |
| Start Work Date - 00/00/0000  | Verified Date - 00/00/0000   | DLE/Carey Act -         |
| Order Show Cause - 00/00/0000 | Receipt Number -             | Water District - 29     |
| Licensed Date - 00/00/0000    | Appl Received - 00/00/0000   | Transfer/Amended -      |
| Decree Date - 00/00/0000      | Presumption Flag -           | Microfilm Roll Number - |

MICROFILMED  
 NOV 13 1992

Water Right Number - 29-02139

Adj. Flag Translation: Standard Water Right Number

Old (D) Number - 8068

+ - - - - Last Name - - - - + + - First Name - - + + - - - - - Address - - - - - +

\*\*\* C - CURRENT OWNER \*\*\*

BARTON

W. H.

1 -

2 -

3 -

City- POCATELLO

State- ID Zip- 83201

Phone -

+ - - Priority Date - - + + - - Region - - - + + - - Stage - - - + + - - Status - - - +  
01/05/1912 15 L - LICENSE+ - - - - Source - - - - + + - - - - - Tributary - - - - - +  
UNNAMED STREAM PORTNEUF RIVER+ - - - - Point of Diversion - - - - - +  
TwN Rng Sec Tract Lot RFlg County Stream Index (Blank if no Index Code)  
06S 35E 32 SW NE ( 5 ) BANNOCK 272.0 452.0 12.7 4.0+ - - - - Water Use - - - - - +  
Code Description Period From Period To Diversion Rate Diversion Volume  
01 - IRRIGATION 0.060  
43 - DOMESTIC+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Div. Capacity - + + - Total Consumptive Use - + + - KW Usage - +  
0.060+ - - - - Place of Use - - - - - +  
TwN Rng Sec Tract Lot Acres Code Description County  
06S 35E 32 SW NW 3.0 01 IRRIGATION ( 5 ) BANNOCK  
Total Acres: 3.0

+ - - Diversion Means -

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use -

+ - - - - Remarks - - - - - +  
LICENSE IDENTIFIES SOURCE AS UNNAMED GULCH. 8068 - JAN. 1917 permit 1912  
+ - - - - Old Water Right Number - - - - - +  
No Old Water Right Numbers found.+ - - - - Conditions of Approval - - - - - +  
No Conditions of Approval found.+ - Decree Plaintiff - - - + + - - - Decree Defendant - - - + + - Decree Date - +  
00/00/0000MICROFILMED  
NOV 13 1992

Water right number - 29-02139

Adj. flag translation: Standard Water Right Number

+ - - Audit Fields - 04/23/85

05/22/88 CONVERT

+ - - - - - Water Rights Dates and Flags Area - - - - - +

|                  |              |                  |              |                       |      |
|------------------|--------------|------------------|--------------|-----------------------|------|
| Proof Due Date   | - 00/00/0000 | Field Exam Made  | - 00/00/0000 | Field Exam Fee        | -    |
| Approved/Denied  | - 00/00/0000 | Protested Date   | - 00/00/0000 | Swan Falls            | -    |
| Proof Made Date  | - 00/00/0000 | Hearing Date     | - 00/00/0000 | Temporary Right       | - P  |
| Start Work Date  | - 00/00/0000 | Verified Date    | - 04/23/1985 | DLE/Carey Act         | -    |
| Order Show Cause | - 00/00/0000 | Receipt Number   | -            | Water District        | - 29 |
| Licensed Date    | - 08/14/1979 | Appl Received    | - 00/00/0000 | Transfer/Amended      | -    |
| Decree Date      | - 00/00/0000 | Presumption Flag | -            | Microfilm Roll Number | -    |

MICROFILMED  
NOV 13 1992