03/29/2004

IDAHO DEPARTMENT OF WATER RESOURCES

PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 23-113A

NAME AND ADDRESS: C GARTH FULLMER
1855 CARMEL DR
IDAHO FALLS ID 83402

SOURCE: BURNS CREEK TRIBUTARY: SOUTH FORK SNAKE RIVER

QUANTITY: 0.550 CFS

PRIORITY DATE: 07/01/1882

POINT OF DIVERSION:

T03N R42E S11 SESENE Within BONNEVILLE County

PURPOSE AND PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	04/01 10/31	0.550 CFS

PLACE OF USE: IRRIGATION Within BONNEVILLE County

T03N R42E S11	SESW	7.6	T03N R42E S11	NWSE	4.9
T03N R42E S11	SWSE	13.8			

26.3 ACRES TOTAL

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

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

PROPERTY IS ALSO KNOWN AS HOMESTEAD ENTRY SURVEY NO. HES #557.

THE REMAINDER OF THIS RIGHT WAS FORFEITED FOR NON-USE FROM 1980 TO 1989.

EXPLANATORY MATERIAL: Decreed

RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.

4/27/04 ADD'D FEDERAL POOL CONDITION.

12/05/2003

IDAHO DEPARTMENT OF WATER RESOURCES

PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 23-113A

NAME AND ADDRESS: C GARTH FULLMER
1855 CARMEL DR
IDAHO FALLS ID 83402

SOURCE: BURNS CREEK TRIBUTARY: SOUTH FORK SNAKE RIVER

QUANTITY: 0.500 CFS

PRIORITY DATE: 07/01/1882

POINT OF DIVERSION:

T03N R42E S11 SESENE Within BONNEVILLE County

PURPOSE AND PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	04/01 10/31	0.500 CFS

PLACE OF USE: IRRIGATION Within BONNEVILLE County

T03N R42E S11 Lot 4 SESW	7.5	T03N R42E S11	NWSE	15.8

23.3 ACRES TOTAL

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

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

PROPERTY IS ALSO KNOWN AS HOMESTEAD ENTRY SURVEY NO. HES #557.

THE REMAINDER OF THIS RIGHT WAS FORFEITED FOR NON-USE FROM 1980 TO 1998.

EXPLANATORY MATERIAL: Decreed

RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.

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: **A23-00113A**
Date Received: 7/21/1998
Receipt No: M004075
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: ELAINE BUCKLAND FULLMER 208-538-5076
   Address: 6281 EAST HEISE RD
   RIRIE ID 83443

2. Date of Priority: JUL 1, 1882

3. Source: BURNS CREEK Trib. to: SNAKE RIVER, SOUTH FORK

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4	Lot	County
03N	42E	11	SE SE NE		BONNEVILLE

5. Description of diverting works:
   ROCK DAM- OPEN DITCH FLOOD IRR, PUMP PIPES

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	1.000		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
03N	42E	11	NE SW		IRR	8.0
			SW SW		IRR	1.0
			SE SW		IRR	15.0
			NE SE		IRR	1.0
			NW SE		IRR	8.0

A2300113A

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
03N	42E	11	SW SE		IRR	17.0
			SE SE		IRR	2.0
				Section Acres		52.0
				Total Acres		52.0

11. Place of use in counties: BONNEVILLE

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

13. Other Water Rights Used:

14. Remarks:
P/D BUCKLAND DITCH.
P/D BUCKLAND DITCH.
THIS IS A SPLIT OF RIGHT 22-00579 LESS TRANS. 655
|
SOURCE ON U.S.G.S. MAP IS BURNS CANYON.
|
THIS RIGHT IS ACTUALLY LOCATED IN BASIN 23.
RENUMBERED FROM 22-00579A

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: / /

REXBURG IRR. CO. ET AL (Decree Plaintiff) vs TETON IRR. CANAL CO. ET AL. (Decree Defendant)

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: _____

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

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

CIVIL CASE NUMBER: 39576
Renumbered A23-00113A
Ident. Number: **A22-00579A**
Date Received: 8/31/1989
Receipt No: M004075
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

. Name: ELAINE BUCKLAND FULLMER 208-538-5076
Address: 6281 EAST HEISE RD.
RIRIE, ID 83443

. Date of Priority: JUL 01, 1882

. Source: BURNS CREEK Trib. to: SNAKE RIVER, SOUTH

. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4	Lot	County
03N	42E	11	SE SE NE		BONNEVILLE

. Description of diverting works:
ROCK DAM-OPEN DITCH FLOOD IRR., PUMP & PIPES.

. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	1.000		

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

. Total consumptive use is 130.0 Acre Feet Per Annum.

. Non-irrigation uses:

. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
03N	42E	11	NE SW		IRR	8.0
			SW SW		IRR	1.0
			SE SW		IRR	15.0
			NE SE		IRR	1.0

MICROFILMED
OCT 2 8 1992

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4		Lot	Use	Acres
03N	42E	11	NW	SE		IRR	8.0
			SW	SE		IRR	17.0
			SE	SE		IRR	2.0
					Section Acres		52.0
					Total Acres		52.0

11. Place of use in counties: BONNEVILLE

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

13. Other Water Rights Used:
NONE

14. Remarks:
P/D BUCKLAND DITCH.
THIS IS A SPLIT OF RIGHT 22-00579 LESS TRANS. 655
|
SOURCE ON U.S.G.S. MAP IS BURNS CANYON.
|
THIS RIGHT IS ACTUALLY LOCATED IN BASIN 23.

15. Basis of Claim: DECREED
Case Number:
Court :
Decree date:

REXBURG IRR. CO. ET AL
Decree Plaintiff

vs

TETON IRR. CANAL CO. ET AL.
Decree Defendant

MICROFILMED
OCT 28 1992

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 X wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: 1

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): Elaine Buckland Fullmer Date: Aug 31, 89

_____ Date: _____

State of Idaho)
) SS.
County of Bonneville)

Subscribed and sworn (or affirmed) before me this 31st day of August 19 89

Anna Baumhoff
Notary Public

Seal

Residing at Anna Baumhoff, Notary Public Residing at Boise, Idaho

My Commission Expires: My Commission Expires December 7, 1994

MICROFILMED
OCT 28 1992

May 3, 2004

5/04/04 Rockwood documents. No further action taken at this time

Water Resources Board
Idaho Falls, Idaho

RE: Right Number 23-113A
Tributary: South Fork Snake River

RECEIVED
MAY 04 2004
Department of Water Resources
Eastern Region

To Whom It May Concern:

I have received the water adjustment to the previous water designation, on my, Burns Creek Property, form 23.3 acres at 0.500 CFS to 26.3 acres at 0.550 CFS.

Although, your consideration is appreciated, I have trouble understanding your restricting water decree to the field of 26.3 acres (per your calculations). The 1882 Abstract states the water decree for the 160 acres of land is 100 inches. Although 50 inches of this water was sold, there should still be 50 inches for this land.

Another question, I cannot find on record where 10 inches of water was transferred to Therold Buckland or Jon Buckland. In talking to Jon Buckland, he is of the impression that he has 1 inch of water, not 10 inches. I assume he figures that much water came with his land, when his father Therold Buckland received ½ acre from Carl Buckland.

Another question I have, is where you received your information that the water was not used from 1980 through 1989. This is of course an error. During that time there were different renters on that land. See accompanying letters from Max Fullmer, 1979-1981 and Valerie Fullmer, 1985-1995. The remainder of these years Bryan Fullmer and I operated the place and used the water.

I hope this information helps to set the record straight.

We will look forward to your response on the above questions and a reconsideration of the decree water rights inches.

Very truly yours,

C. Garth Fullmer

CC: Bryan Fullmer
Valerie Fullmer

P.S. If your wish we would appreciate an appointment. CGF

APRIL 21, 2004

IDAHO DEPARTMENT OF WATER RESOURCES
IN REGARDS TO YOUR PRELIMINARY RECOMMENDATION OF WATER RIGHTS:
RIGHT # 23-113A
SOURCE: BURNS CREEK
DIVERSION POINT: T03N R42E S11 SESENE WITHIN BONNEVILLE COUNTY

TO WHOM IT MAY CONCERN:

YOU TOLD MY FATHER, GARTH FULLMER, THAT YOU ARE TAKING AWAY PART OF HIS DEEDED WATER BECAUSE IT WAS **FORFEITED FOR NON-USE FROM 1980 TO 1989.** I KNOW FOR A FACT THAT YOUR INFORMATION IS INCORRECT.

IN THE EARLY 1980'S, I WAS SPENDING MY SUMMERS AT BURNS CREEK WITH MY MOTHER. I BELIEVE IT WAS 1982, WHEN MY UNCLE, MAX FULLMER, RENTED THE PROPERTY FROM MY MOTHER, ELAINE FULLMER. HE PLANTED BEER BARLEY. I WORKED FOR HIM THAT SUMMER, MOVING SPRINKLER PIPE, SO I KNOW THE WATER WAS USED THAT YEAR.

IN 1985, IRA (SONNY) SPAULDING AND MARK GROVER RENTED THE PROPERTY FROM MY MOTHER AND PLANTED PEAS,OATS, AND ALFALFA. I WORKED FOR THEM ALSO, AND I ALSO MOVED PIPE THEN. AFTER MR. GROVER, AND MR. SPAULDING WERE THROUGH WITH THE PROPERTY, MY MOTHER, MYSELF, AND MR. GROVER'S SON, DEMAR GROVER, CONTINUED TO RAISE ALFALFA UNTIL THE TIME OF MY MOTHER'S DEATH IN 1995. BY EITHER SPRINKLE-IRRIGATION, OR FLOOD IRRIGATION, **THE WATER WAS USED EVERY YEAR FROM 1985-1995.**

SINCE MY MOTHER'S DEATH, MY FATHER, GARTH FULLMER, AND MY BROTHER, BRYAN FULLMER HAVE PLANTED AND IRRIGATED GRAIN.

ANY YEARS THAT WE DIDN'T HAVE A CROP, WE ALWAYS HAD PASTURE THAT WAS FLOOD IRRIGATED. THE ONLY TIMES THE WATER WASN'T USED WERE WHEN WE DIDN'T HAVE ACCESS TO IT DUE TO THE FISH AND GAME PUTTING A PADDLE WHEEL IN OUR DITCH, AND LATER WHEN THE DITCH WASHED OUT BECAUSE OF IT.

IF NEED BE, I CAN AND WILL ACQUIRE WRITTTEN STATEMENTS FROM INDIVIDUALS WHO WERE WITNESS TO THE FACT THAT THE WATER WAS USED DURING THE PERIOD OF TIME IN QUESTION.

SINCERELY,

Valerie A. Fullmer

VALERIE A. FULLMER
9625 S. SNAKERIVER ROAD
REXBURG, IDAHO 83440

April 19, 2004

To whom this may concern

My name is Max L. Fullmer. My home address is 5200 Midway road #617, Caldwell, Idaho 83707.

I operated the Burns Creek Ranch, which belongs to my brother Garth Fullmer, during 1979, 1980, and 1981. Barley was grown and a few cattle units were pastured there.

Max L. Fullmer

Steven M Spencer
04/27/2004 09:39 AM

To: dshaff@idwr.state.id.us
cc: aruberry@idwr.state.id.us, ecarlsen@idwr.state.id.us
Subject: Basin 23 Preliminary

Don, we have discussed previously the FS desire to offer corrections to probable FS objections to water rights during the preliminary reporting period BEFORE the report goes to the court. That way I can work with the various agents to resolve FS issues outside of the court. And we can for go the legal procedures of objecting, hashing it out, doing SF5's, correcting the water right description, getting signatures and all the related time in the legal arena. It will save time for the department, the FS, the court, and the claimants.

This worked very well for us in Basin 29. I worked with Ernie on a dozen or more in the preliminary. Ernie took the comments I offered during the preliminary phase and we resolved FS issues so that the water rights were recommended in such a manner that the FS did not have to object. Instead of 10 or 15 objections, we only had 3 (which I may have missed during the review of the preliminary).

With that in mind, we reviewed the Basin 23 preliminary recommendations and have some suggestions that would clarify 8 water right recommendations so that the FS would not have to protest them. I would like to work with you and Allen to accomplish this, as well as continue it into the future. I've discussed these with you and will send copies of the two Master Title Plat (MTP) maps from the BLM master land records to Allen so that he has the same information I relayed to you on problems with "LOTS". The other concerns are with quarter-quarters where there is federal and private land and NO lots distinguishing land ownership. We have used a clause in the past to make it clear that the POU's or sometimes the entire water right are NOT ON FEDERAL LAND. That way we have the surety that there should not be a misunderstanding in the future if there is or is not use on the federal land.

I am still determining how to deal with a handful of cases where there is apparent irrigation of small pieces of NFS land fenced in with private land. If there is something that I can get started to resolve these matters I will get back with you and Allen. Thank you for your cooperation on these topics.

Preliminary Recommendations.d

Steve Spencer
Boise Adjudication Team
161 E. Mallard, Suite A
Boise, ID 83706

(208) 331-5944
(208) 387-0842 FAX
e-mail: sspencer@fs.fed.us

RECEIVED
APR 29 2004
Department of Water Resources
Eastern Region

Basin 23 Preliminary Recommendations
Forest Service Suggestions to avert Objections

I. MIXED OWNERSHIP – PRIVATE LAND LANGUAGE

There are 5 water right recommendations that involve quarter-quarters with mixed federal and private land ownership. Often times the mixed ownership questions can be clarified using government survey 'Lot' information to distinguish federal and non-federal ownership. In these 5 situations government 'Lots' are not available. The federal vs. private question could be resolved by adding a remark such as:

> *The points of diversion and places of use for this water right do not include any federal land.*

The Forest Service is faced with this situation on water right numbers:

23-07087	
23-10258	
23-11210	(in addition, it appears that the SESE Sec 11 is 'LOT 5'
23-11212	(adaptation for instream flow stockwater needs to also reference beginning and ending point of the instream flow)
23-11228	

If a clause clarifying the ownership of the land for these water rights could be added to the water right descriptions that are recommended to the SRBA Court, the Forest Service would not object to these water rights – the settlement of which would be to add this language to the water right description. This would save the Department, the Court, the private party and the United States time.

II. ANOTHER 'LOT' PROBLEM

23-02018 MTP shows NWNE Sec 7 as LOT 20, not LOT 9 (this is NFS land), and SENW of Sec 7 is not LOT 11, but simply part of HES 256. There are .9 acres of irrigation on NFS land at this time. I'll see what I can do to work it out with the claimant to get that .9 acres off NFS land. Then a clause pertaining to POU's not on federal land would be appropriate. The POD is on NFS land. MTP map provided.

III. OTHER OBSERVATIONS

23-00113A and 23-11247	For a more precise legal description, the private property (location of POUs) is HES 557 Tract B. The POD is on NFS land. Clause that the POU's do not include any federal land would be appropriate because they are all on HES 557 Tract B. MTP map provided.

Thank you. That is all for now.

12/05/2003

NOTICE OF ERROR
REPLY

Please type or print clearly. fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS:

Water right number: 23-113A

C GARTH FULLMER
1855 CARMEL DR
IDAHO FALLS ID 83402

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source): We disagree with your stated acres and your taking half of our 1882 DECREED WATER RIGHT.

2. Describe the changes you wish to make in the proposed recommendation: We wish to change the irrigated acreage to Thirty-five (35), and list the correct amount of CFS for Fifty (50) inches of water.

3. Give a brief explanation as to why you disagree with these portions: Our records have always shown that we irrigate 35 acres. We plan to pump water from the Ditch into Woods Canyon for additional acreage. I know from experience that this water right has been used for over fifty years. We have let the system use it between irrigations as a neighborly thing to do. I see no reason to give up any of this DECREED WATER RIGHT.

_____ **I AGREE with this proposed recommendation: no changes need to be made.**

DATE: 3-16-04 **SIGNATURE:** C Garth Fullmer

Please print your name: C Garth Fullmer

IDWR Regional Office

3/29/04 (1) ACREAGE EXPANDED (A0000) ERROR BEYOND ASCS Photo tabbed in Red. Other elements Adjusted Accordingly. A0000 Q for Conveyance Loss

(2) Corrected Forfeiture Remark Error To 1989 (1998 % Flood).

(3) Also See 23-11247.

SAME

BURNS CREEK RANCH: $350,000.00

H.E. Survey No. 557, comprising Tracts "A" and "B" embracing a portion of Section 11, in Township 3 North, Range 42 East of the Boise Meridian, Idaho, more particularly bounded and described as follows:

Beginning for the description of Tract "A" at corner No.1, from which the quarter corner between Sections 10 and 11 in Township 3 North of Range 42 East of the Boise Meridian bears North 89° 36' West 19.83 chains distant; thence South 89° 36' East 40 chains to Corner No. 2; thence South 02' East 8.70 chains to Corner No. 3, thence South 52° 50' West 18.03 chains to Corner No. 4; thence South 81° 58' West 12.58 chains to corner No. 5; thence South 62° 28' West 14.81 chains to corner No. 6; thence North 02' West 28.46 chains to corner No. 1, the place of beginning.

Beginning for the description of Tract "B" at corner No. 7, from which corner No. 6 of said Tract "A" bears North 02' West 56 links distant; thence North 62° 28' East 14.99 chains to corner No. 8; thence North 81° 58' East 12.64 chains to corner No. 9; thence North 52° 50' East 17.79 chains to Corner No. 10; thence South 02' East 14.75 chains to Corner No. 11; thence meandering the right bank of Snake River South 62° 28' West 11.15 chains, North 89° 06' West 10.91 chains, South 87°41' West 13.17 chains, South 80° West 6.08 chains to Corner No. 12; thence North 02' West 1.82 chains to corner No. 7, the place of beginning.

EXCEPTING THEREFROM the following described tract, to-wit:

Beginning at corner No. 10 of H.E.S. No. 557, State of Idaho; thence South 0° 02' East 105.25 feet to Corner No. 1, point of beginning; thence South 63° West 194.46 feet to corner No. 2; thence South 27° East 166 feet to Corner No. 3, thence North 63° East 110 feet to Corner No. 4; thence North 0° 02' West 186.25 feet to Corner No. 1, point of beginning.

All of which is located in Bonneville County, Idaho.

Including the following described water right:

50 inches of water from the waters of the Snake River and its tributaries, specifically, Burns Creek, situated in the County of Bonneville, State of Idaho, dating from July 1, 1882, as established by decree dated December, 1910.

This water has been used every year. I don't know who says it has not!

we, at the same time, at his request, and in his presence, and the presence of each other, hereunto subscribed our names as witnesses this 31st day of March, 1951.

Edna Adams,
Residing at Idaho Falls, Idaho.
E. A. Owens,
Residing at Idaho Falls, Idaho.

Filed July 22, 1953. COPY

) PETITION FOR PROBATE OF WILL

TO THE HONORABLE IRA COREY, JUDGE OF THE PROBATE COURT OF THE COUNTY OF BONNEVILLE, STATE OF IDAHO:

The petition of Therold Buckland and Harley A. House, respectfully shows:

That Carl L. Buckland died on or about the 14th day of June, 1953, at Idaho Falls, Idaho.

That said deceased, at the time of his death, was a resident of the County of Bonneville, State of Idaho, and left estate therein consisting of both real and personal property.

That the character and probable value of the said property are as follows, to-wit:

160 acre farm (35 acres cultivated land and remainder pasture), together with 50 inches of water appurtenant thereto.

(and personal property)

That the estate and effects, for or in respect of which the probate of the will hereinafter mentioned is hereinafter applied for, does not exceed the sum of $10,000.00.

That said deceased left a will, bearing date the 31st, day of March, 1951, which your petitioners believe, and therefore allege to be the last will and testament of said deceased, and which is herewith presented to said Probate Court.

That Therold Buckland and Harley H. House, petitioners herein, were named in said will as executors thereof, and the following persons were named therein as devisees and legatees, to-wit:

NAME	AGE	RELATIONSHIP	RESIDENCE
Mary Jane Buckland	41 yrs	wife	Box 9, Blackfoot, Idaho
Iris Buckland Larsen	43 yrs	daughter	Route 2, Rigby, Idaho
Francis L. Buckland	41 yrs	son	Rigby, Idaho
Vernal Buckland	33 yrs	son	Rigby, Idaho
Therold S. Buckland	35 yrs	son	Blackfoot, Idaho
Keith Buckland	30 yrs	son	Star Route, Ririe, Ida.
Carl LaVerne Buckland	25 yrs	son	1021 Blaine Avenue Idaho Falls, Idaho

IDWR Field Exam Form

04/03/2002

Contacts Data Entry Form

Water Right No. 23-113A

Owner Type	Full Name	Address	City	State	Zip	Phone

Current Owner ELAINE KULLMOR

Name connector: and ____, or ____, and/or ____

Current Owner C/O TO C. GARTH KULLMOR (3/25/03)

Current Owner ____

Representing Attorney: ____ Phone Number: ____

Accompanied By: ____ Phone Number: ____

Relationship to Claimant: ____

Date of Field Exam: ____ Time: ____

Directions to Property (if different from above) and/or update owner information:

DECREED RIGHT UNDER ROSEBURG IRRIG CO. VS TUTON IRRIG CO., 1910, AS #8, TO C. WHEATON, JULY 1, 1882; BURNS CK.

THIS RIGHT ORIGINATED AS 22-0519. IT WAS THEN RENUMBERED TO 23-113. TRANSFER #655 SPLITS THE RIGHT IN HALF AND MOVES 1 cfs TO SNAKE RIVER TO BE DIVERTED BY SUNNYDELL FARMS AS RIGHT #01-10031. THE REMAINING RIGHT, 23-113A, IS UNCHANGED.

FB: 8/12/03. VISITED POD. CONVEYANCE OF POU.

FB INDICATED: POU, POD, CONVEYANCES

Reviewer: ____ Date: ____

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 23-113A

WATER RIGHT NUMBER: 23-113A

Owner Type	Name and Address
Original Owner	CHARLES WHEATON , ID
Current Owner	ELAINE BUCKLAND FULLMER 6281 E HEISE RD RIRIE, ID 83443 (208)538-5076
Original Owner	CARL BUCKLAND , ID

Priority Date: 07/01/1882

Basis: Decreed

Status: Active

Source	Tributary
BURNS CREEK	SOUTH FORK SNAKE RIVER

Beneficial Use	From To	Diversion Rate	Annual Volume
IRRIGATION	4/01 to 11/01	1.000 CFS	
	Total Diversion:	1.000 CFS	

Location of Point(s) of Diversion

BURNS CREEK SE1/4SE1/4NE1/4 Sec. 11, Twp 03N, Rge 42E, B.M.

BONNEVILLE County

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
03N	42E	11									8.0		1.0	15.0	1.0	8.0	17.0	2.0	52.0

Total Acres: 52

Conditions of Approval:

Remarks:

1. General P/D BUCKLAND DITCH.
P/D BUCKLAND DITCH.
THIS IS A SPLIT OF RIGHT 22-00579 LESS TRANS. 655 | SOURCE ON U.S.G.S. MAP IS BURNS CANYON.
| THIS RIGHT IS ACTUALLY LOCATED IN BASIN 23.
RENUMBERED FROM 22-00579A

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
Certificate of Water Right
Transferred Water Right No. 655

THIS IS TO CERTIFY THAT CARL BUCKLAND, of Shoshone, Idaho, is the owner of and using a certain water right, bearing date of priority of July 1, 1882, for Two (2) cubic feet per second of the waters of Burns Creek, a tributary of Snake River, County of Bonneville, State of Idaho, decreed to CHARLES SHERATON, by decree of Judge J. H. Stevens, of the District Court of the Sixth Judicial District of the State of Idaho in and for the County of Fremont, bearing date of December 15, 1910, in the case of

BUREAU IRRIGATION COMPANY,

Plaintiff,

vs.

TABER IRRIGATION CANAL COMPANY,

Defendant

Burns Ck
2 cfs
7/1/1882

23-00113A
L2,4, NESW Sec.11
T3N, R42E

being appurtenant to the following described lands, situate, lying and being in District No. 36, in the County of Bonneville, State of Idaho, to-wit:

Tax Lots 2, 4, and NE¼ SW¼ Section 11,
Township 3 North, Range 42 East, B. M.

located at the mouth of Burns Creek, being H. E. Survey No. 557

H.E.S.557

That the said decree has been entered in the records of the Department of Reclamation of the State of Idaho, in Volume 5 of Decrees, at page 468.

That said CARL BUCKLAND has become the owner thereof by deed and inheritance, as per abstract of title of water right filed with said application.

That now, upon the application of CARL BUCKLAND, of Shoshone, Idaho, for a Certificate of Transfer of Water Right, made before the State Reclamation Engineer of the State of Idaho, and the said application having been granted, the right to the use of one (1) cubic foot per second of the waters of Burns Creek, a tributary of Snake River, upon the lands above described is HEREBY ABANDONED, and the lands to be irrigated under such right, and to which the water right HEREBY CONFIRMED shall be made appurtenant, by this Certificate, for the reason that the lands are more productive and a higher duty of water is made possible to the lands lying and being in the County of Madison, and State of Idaho, described as follows, to-wit:

1e cfs

01-10031

S½ SW¼ (less R.R. right-of-way) and SW¼ SE¼ Section 15;
Lot 4 and NE¼ NW¼ Section 22;
All in Township 4 North, Range 40 East, B. M.

S½SW¼, SW¼SE¼ SEC. 15
L4. NENW SEC. 22
T.4N., R40E.

said water to be limited at any time to an amount actually needed and beneficially used for such purposes, and shall not exceed the following amount, to-wit:

One (1) cubic foot per second of the waters of Burns Creek, a tributary of Snake River, with date of priority of July 1, 1882

1e cfs Burns Ck
7/1/1882

23-00113A Burns Ck POD SE¼ Sec. 11 T3N. R42E

01-10031 Sunnydell Ditch Snake River POD NW¼ Sec. 22 T4N. R40E

That the water right hereby transferred has been conducted to the first above described lands through the Buckland Ditch from Burns Creek, with point of diversion in the Southeast Quarter of Section 11, Township 3 North, Range 42 East, B. M.

That the water right hereby transferred will hereafter be conducted to the last above described lands through the Sunnydell Ditch from Snake River, with point of diversion in the Northwest Quarter of Section 22, Township 4 North, Range 40 East, B. M.

That the right to the use of the water aforesaid, hereby confirmed, is restricted to the lands or place of use last above described, as provided by the laws of the State of Idaho.

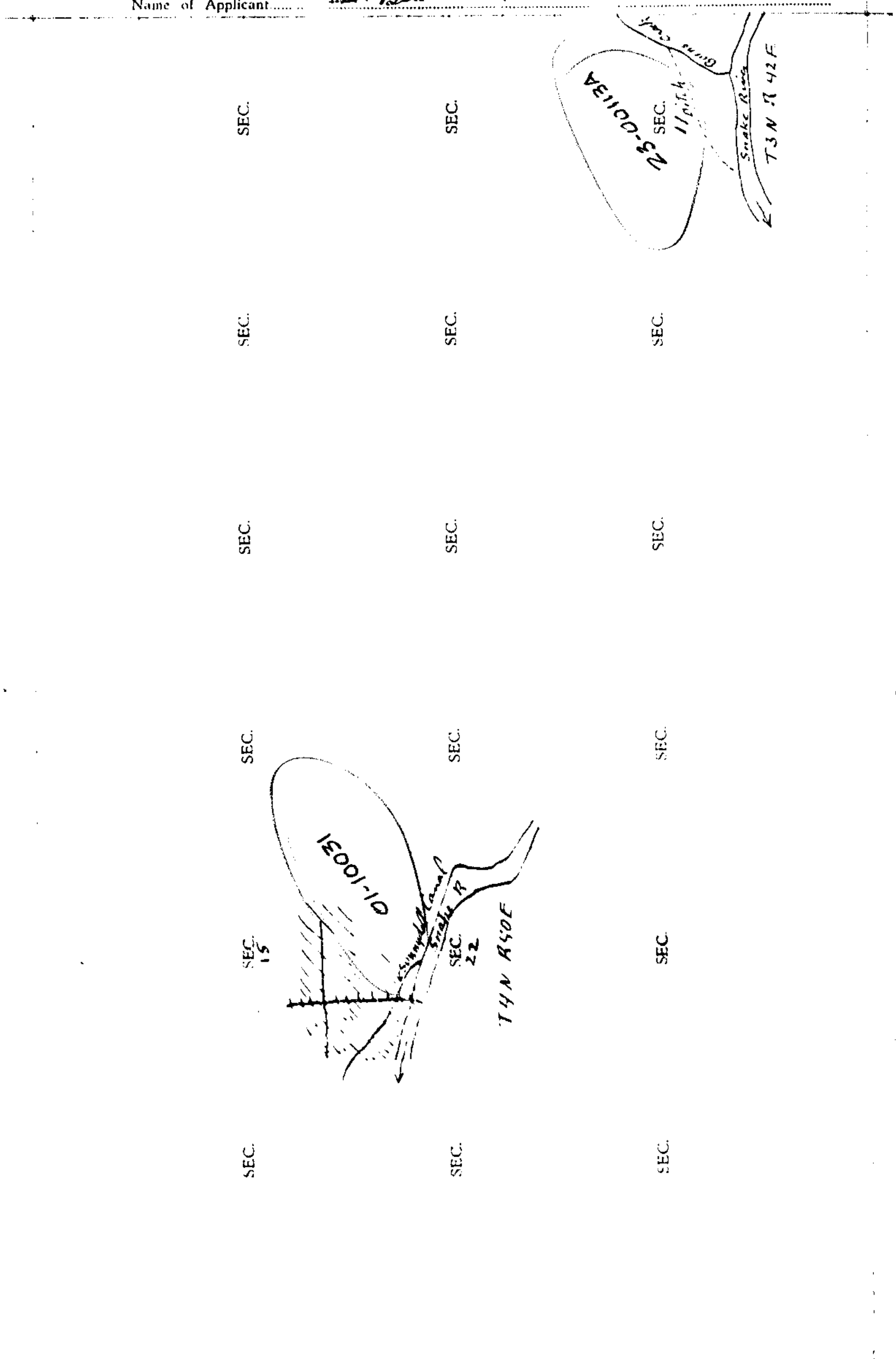
IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the Department of Reclamation of the State of Idaho to be affixed, at Boise, Idaho, this 20th day of December, A. D. 1943.

J. W. [illegible]
State Reclamation Engineer

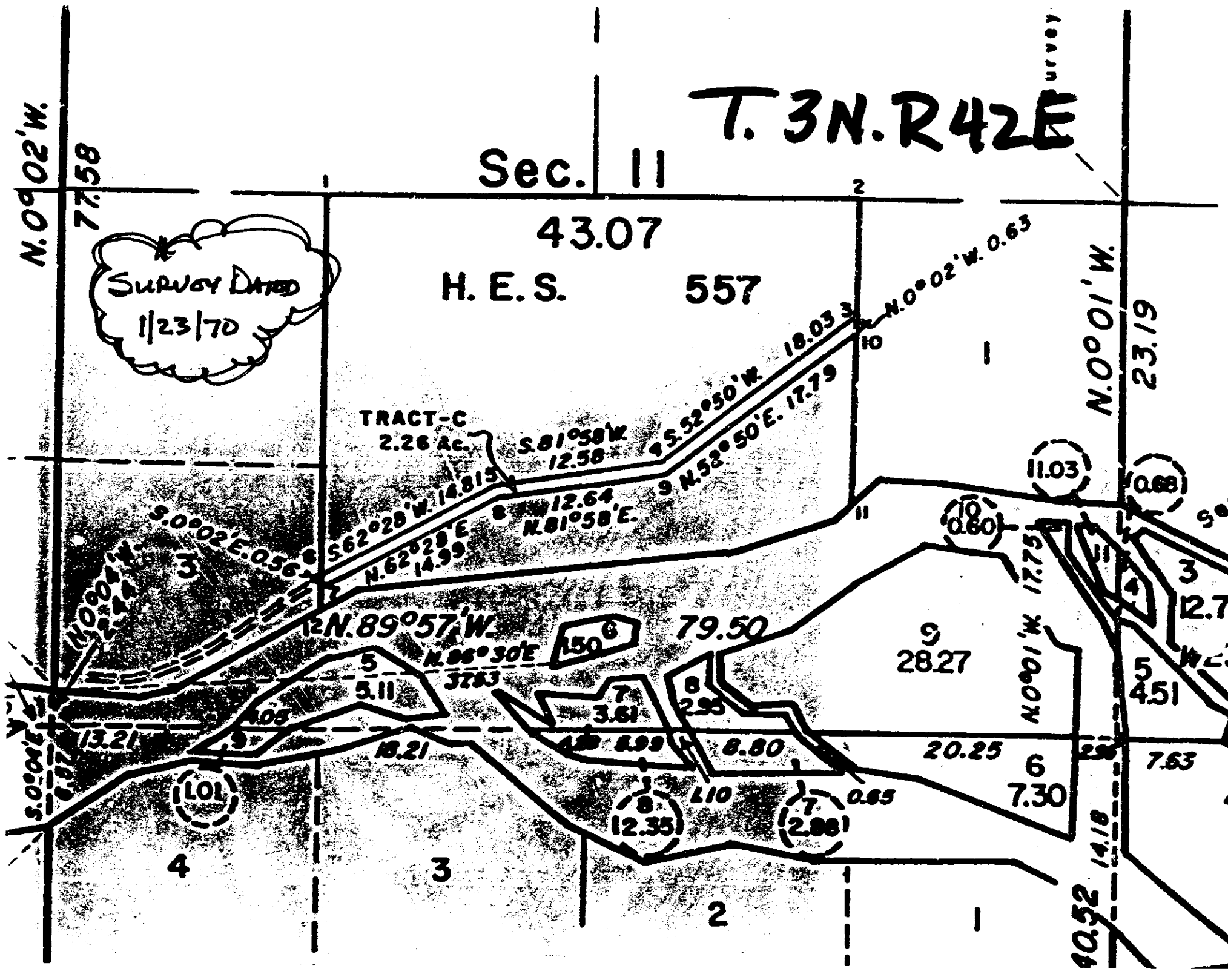
By

Roy A. Thompson
Supervisor of Water Distribution

Name of Applicant M. Buckland



Scale: 2 Inches—1 Mile. Draw Map in Ink.


T. 3N. R42E
Sec. 11
N.0°02'W.
77.58
43.07
H. E. S. 557
SURVEY DATED 1/23/70
TRACT-C
2.26 Ac.
S.81°58'W.
12.58
S.62°28'W. 14.81
S.52°50'W. 18.03
N.52°50'E. 17.79
N.0°02'W. 0.63
N.62°28'E. 14.99
N.81°58'E. 12.64
S.0°02'E. 0.56
N.0°04'W. 2.44
N.89°57'W.
N.86°30'E. 37.83
79.50
1.50
5.11
4.05
13.21
S.0°04'E. 1.82
18.21
3.61
8.99
2.95
8.80
20.25
0.65
L10
L01
(12.35)
(2.96)
11.03
0.88
0.80
N.0°01'W. 12.75
N.0°01'W. 23.19
28.27
7.30
4.51
12.74
7.63
14.18
10.52
1
2
3
4
5
6
7
8
9
10
11

IDWR Field Exam Form 04/03/2002

Point of Diversion and Source Data Entry Form

Claim Number: _____

Water Right Point of Diversion: T____, R____, Sec. ____, ____, ____, ____. County: _____

Source: _____ Tributary: _____

Claimed Point of Diversion: T 3N, R 42E, Sec. 11, SE, SE, NE. County: BONN.

Source: BURNS CK Tributary: SNAKE RIVER

Recommended Point of Diversion: T____, R____, Sec. ____, ____, ____, ____. County: _____

Source: _____ Tributary: _____

____ Use Claimed POD and Source as Recommended POD and Source

Twp	Rge	Sec	Gov Lot	QQQ of QQ of Q	County	Source
3N	42E	11		SESENE	BONN.	BURNS CK

GPS Coordinates: _____

GPS Coordinates: _____

GPS Coordinates: _____

GPS Coordinates: _____

GPS Coordinates: _____

GPS Coordinates: _____

GPS Coordinates: _____

Other rights from this POD? GPS TAG: TAG # A0#12421

NICHS 012
0685129
0204043

Document how the POD and Source were verified and/or Pump and Motor data:

GPS THIS POD

DIVERSION IS A PART OF IF&G FISH RESEARCH STRUCTURE

Transfers Changing POD _____

Reviewer: _____ Date: _____

IDWR Field Exam Form 04/03/2002

Priority Date Data Entry Form

Claim Number: _____

Water Right Priority Date: _____ Water Right Basis: _____

Claimed Priority Date: 7/01/1882 Claimed Basis: DECREED

Recommended Priority Date: 7/01/1882 Recommended Basis DECREED

_____ Use Claimed Priority Date and Basis as Recommended Priority Date and Basis

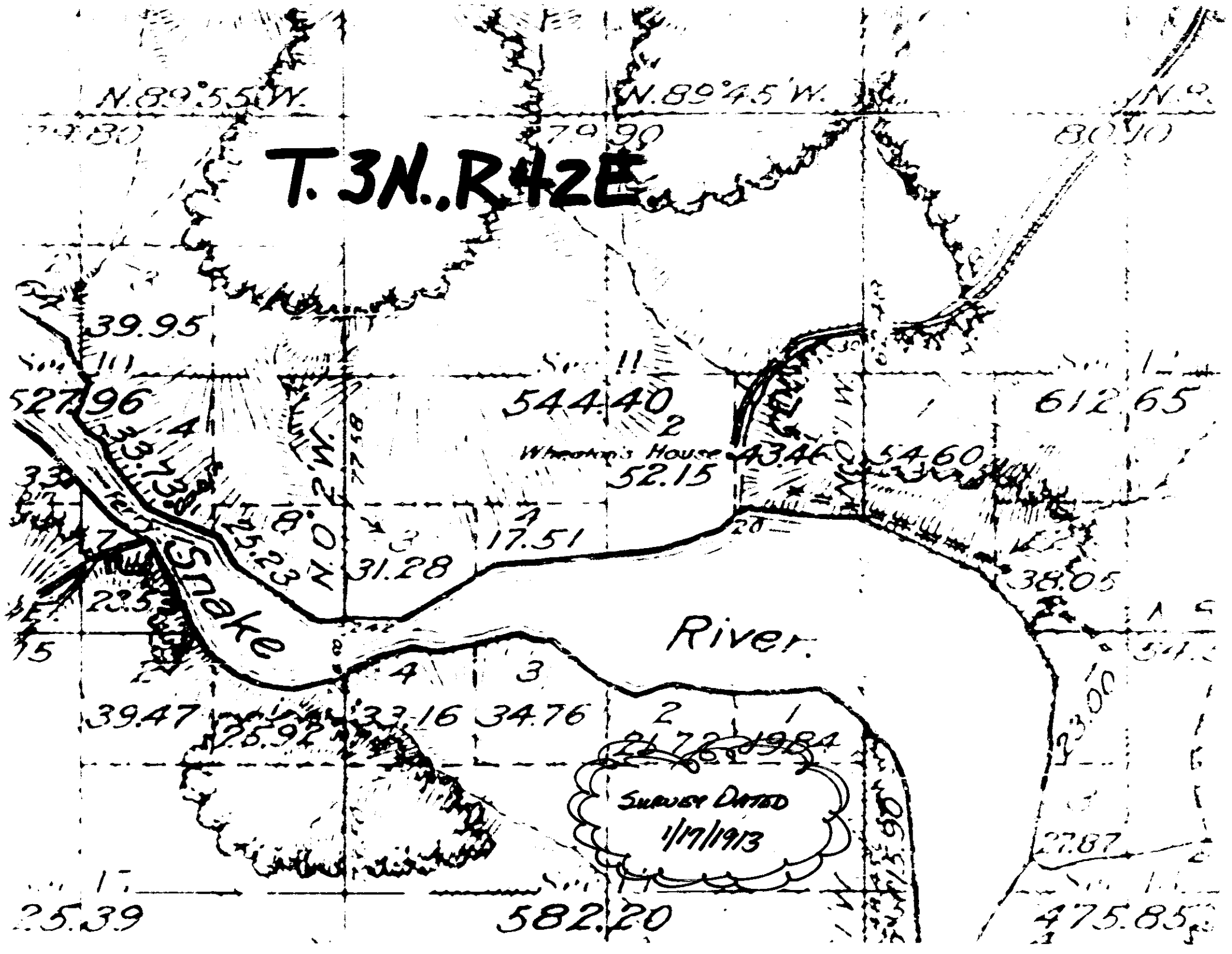
Document the evidence submitted/reviewed for the priority date claimed, include your analysis of the evidence:

PRIORITY CLAIMED MATCHES DECREED.



Reviewer: ASR Date: 8/12/03

w/ Mick Olson


T. 3N. R42E
N.89°55'W.
N.89°45'W.
39.95
544.40
612.65
Wheeler's House
52.15
43.46
54.60
38.05
River.
Snake
39.47
33.16
34.76
SURVEY DATED
1/17/1913
582.20
475.85

IDWR Field Exam Form

04/03/2002

Place Of Use Data Entry Form

Claim Number: _____

_____ Use Claimed POU as Recommended POU

Claimed Place of Use

Twp	Rge	Sec	QQ	Q	County	Lot Num	Acres	Purpose of Use

Total Acres _____

.02 cfs/ac

Recommended Place of Use

Twp	Rge	Sec	QQ	Q	County	Lot Num	Acres	Purpose of Use
3N	42E	11	NWSE		Bonner			Irrig.
			SWSE		"	2		"
			SESW		"	4		"

.466.

Total Acres _____

Document how the POU was verified:

POU ORIGINATED AS H.E.S. #557 Remark

GIVEN THE DIFFERENCE IN SURVEY DATES - POU IS RECOMMENDED AS THE 1913 SURVEY SHOWS Lots/QQ.

Transfers Changing POU _____

Reviewer: _____

Date: _____

IDWR Field Exam Form

04/03/2002

Period of Use and Quantity Data Entry Form

Claim Number: _____

__ Use Claimed Period of Use and Quantity as Recommended Period of Use and Quantity

Water Right Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume

Overall Diversion Rate _____ Overall Diversion Volume _____

Claimed Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
Irrig	4/1	11/1	1.0	

Overall Diversion Rate _____ Overall Diversion Volume _____

Recommended Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
Irrig	4/15	10/31	1.0	

Overall Diversion Rate _____ Overall Diversion Volume _____

Document how the Period of Use and/or Diversion Rate were verified:

SCS for Doct Std of 4/15 to 10/31 where it is not addressed by Ryburn / Tekoa (1910) Decree.

Reviewer: _____ Date: _____

1-248/42-1409(6) July, 2000

TATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

Please print or type. Attach pages with additional information. Instructions are included at the end of this form.
Incomplete forms will be returned.

Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided, if the change in ownership is limited to a portion of a water right in which case division of the existing water right or adjudication claim record will be required.

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
	23-163A				

The following **REQUIRED** information must be submitted with this form:

A. The appropriate **FILING FEE.** See instructions for fee amounts.

B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION.**

C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
PLAT OF PROPERTY or SURVEY MAP clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).

OR

If your water right(s) and/or adjudication claim(s) are for ten or more acres of irrigation, you must submit a **USDA Farm Service Agency AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The AERIAL PHOTO should be submitted in place of the PLAT OF PROPERTY or SURVEY MAP.

3. Name and Address of Former Owner/Claimant(s): Elaine Buckland Fuller (deceased)

4. New Owner/Claimant(s): C. Garth Fullmer
Name Connector (Check one): [ ] and, [ ] or, [ ] and/or

New Mailing Address:

City, State and ZIP Code: 1855 Carmel Dr, Idaho Falls ID 83402

New Telephone Number: (208) 529-0080 CELL 390-5076

5. Date you acquired the property:

If the change in ownership affects the entire water right for each water right or adjudication claim number listed in item 1, THEN SKIP THIS ITEM AND GO TO ITEM 7. If the change in ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (one water right per box, you may copy this page as necessary). If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

DESCRIPTION OF YOUR PORTION OF WATER RIGHT
(If the right(s) will not be split, skip this area and proceed to item 7)

Water Right and/or Adjudication Claim Number _____

Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation		
Stock		
Domestic		
Other _____		
Total		

DESCRIPTION OF YOUR PORTION OF WATER RIGHT
(If the right(s) will not be split, skip this area and proceed to item 7)

Water Right and/or Adjudication Claim Number _____

Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation		
Stock		
Domestic		
Other _____		
Total		

Signature of New Owner(s) or Claimant(s) _____
(include title if applicable)

_____

For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him/her for all matters related to your claims.

For Office Use Only
Received by _____ Date _____ Fee _____
Receipted by _____ Date _____ Receipt No. _____
Processed by _____AJ Date _____ WR _____ Date _____

-248/42-1409(6) Jury. 2000

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

INSTRUCTIONS FOR FILING
NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

form has been prepared to assist all claimants and owners of water rights to comply with the requirements of Sections 42-248 and 42-)(6), Idaho Code. All claimants and owners of water rights are required to notify the Department of Water Resources (IDWR) of any ıge in mailing address or change in ownership of all or part of a water right. In addition, all purchasers of water rights within a pending ɛral adjudication area must inquire whether a notice of claim has been filed and, if not, shall file a notice of claim if necessary.

arate brochures are available from IDWR describing the adjudication of water rights and the requirement to notify IDWR of changes in ıership. Please contact your nearest IDWR office, or call 1-800-451-4129, if you would like more information or need help completing form. Please attach additional sheets to the form if you require additional space to describe or explain any of the items on the form.

If there are water rights associated with the property, **the seller should be able to provide you with the water right or adjudication claim number(s).** Please enter the number(s) at **Item 1.** Corresponding water right and adjudication claim numbers should be listed next to each other on the form. You may have purchased only a portion of the water right(s) held by the seller. If so, the water right(s) held by the seller may need to be "split" to provide you your share of each right. Indicate if a split is required by checking in the space provided next to each water right.

If you receive water from a municipal provider, an irrigation district or other water delivery organization, where the water rights are held by the organization, please do not use this form to record a change. You may need to contact the water delivery organization to determine if any action is necessary.

If you or the seller believes there are water rights for the property but the numbers are unknown, you may wish to contact IDWR for assistance in identifying the water rights for the property in question. If adjudication claims for the rights are required and have not been filed, IDWR will so advise you.

The information described at **Item 2** is required, since IDWR cannot process the requested change without documentation of ownership. The preferred types of documentation are shown; contact IDWR if you have difficulty obtaining this information. Do not obtain a new survey for purposes of this form before contacting IDWR.

. Please provide the name and address of the former owner/claimant(s) of the water right(s) at **Item 3.**

. The name, mailing address, and telephone numbers of the new owner/claimant(s) is entered at **Item 4.** Please indicate the relationship between multiple owners by using the connector "and", "or", or "and/or." If an "and" is used, all parties must sign this form. If an "and/or" or "or" is used, all parties may sign; however, only one of the named parties is required to sign.

5. At **Item 5**, please provide the date the property in question was acquired. This may be the date of "closing" in the case of a real estate transaction or the date of court order for other types of ownership changes.

6. You may have purchased only a portion of the water right(s) held by the seller. If this change in ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. For each water right requiring a split between owners, fill in the appropriate spaces in the box(es) at **Item 6.** Copy the page as many times as necessary to fully describe each water right after the change. Include documentation as necessary to describe nonstandard agreements or arrangements regarding division of the water right(s). **If the water right(s) will not be split, skip Item 6 and go to Item 7.**

7. The new owner(s) must sign the form in the space(s) provided at **Item 7.** If an "and" connector is used at **Item 4, all** parties must sign this form. If an "and/or" or "or" connector is used, all parties may sign; however, only one of the named parties is required to sign. If someone other than the owner signs the notice, evidence of authority to sign for the owner must be attached. If the new owner is a corporation or other organization, the person signing the notice must be an officer of the corporation or otherwise have authority to sign for the organization and must include their title with the signature.

8. The filing fee is $25 per water right, except for those water rights which will be divided as a result of the change in ownership. The filing fee for division of a water right is $100 per water right to be divided. When complete, you should retain a copy and return the original of the form to the IDWR office nearest you:

Form 20.

Application For Transfer of Water Right

STATE OF IDAHO
County of Jefferson } ss.

Carl Buckland, being first duly sworn, deposes and says:

That his name is Carl Buckland; that he is of lawful age, a citizen of the United States and of the State of Idaho, and that his postoffice address is Chokecherry, Idaho

That he is the owner and using a certain water right, bearing date of priority of July 1 1882 for 2.0 cubic feet per second of the waters of Burns Creek a tributary of Snake River County of Bonneville, State of Idaho, decreed to Charles Wheaton by decree of Judge, Stevens of the 6th Judicial District of the State of Idaho, in and for the County of Fremont, in the case of Rexburg Irrig. Co vs. Teton Irrig. Canal Co, said decree bearing date of Dec 16, 1910 (or obtained by virtue of License No. ....., issued by the State Engineer of the State of Idaho, dated ....., 19....., bearing date of ....., 19.....) for the purpose of irrigating the following described lands situate, lying and being in Water District No. 36 in the County of Bonneville and State of Idaho, to-wit: Tax Lots 2, 4, and NE¼SW¼ Sec 11, T 3 N, R 42 E, B.M. located at the mouth of Burns Creek, Being H.E. Survey # 557

.....and is the person (or representative of the corporation) to whom such right so issued, or has become the owner thereof in the following manner, i. e. by deed and inheritance as per abstract of title of said water right hereto attached and made a part of this statement:

That said waters are now diverted from said stream in the SE¼ of Section 11, Township 3 N, Range 42 E, B. M., and conducted to the above described lands through Buckland Ditch as per map herewith and of this affidavit made a part;

That affiant and petitioner desires to abandon the use of 1.0 cubic feet per second of said water upon the above described land, and to convey and use same upon the following tract, situate, lying and being in the County of Madison and State of Idaho, to-wit:
S½ SW¼, less R.R. right of way; SW¼SE¼ Sec. 15; Lot 4, NE¼NW¼ Sec. 22; all in T. 4 N, R 40 E, B.M.

That his reasons for desiring to make such transfer are as follows:
Land is more productive and a higher duty of water is possible.

That he intends to divert and convey said 1.0 second feet of water to the tract of land last above described in the following manner, to-wit: Water will flow from Burns Creek into Snake River thence down Snake River to head of Sunnydell Canal, thence to land.

as set forth upon the map herewith; and that no one will be injured by such transfer.

WHEREFORE, Affiant and Petitioner prays that the Commissioner of Reclamation of the State of Idaho issue to him the proper certificate authorizing such transfer, in accordance with the provisions of Section 5582 of the Idaho Compiled Statutes.

X Earl Buckland
Applicant.

Subscribed and sworn to before me this 1st day of July A. D. 19 43

Ruth R. Bennett
My Commission exp. Nov. 9th, 1946 Notary Public, Rigby, Idaho.

APPLICANT WILL ANSWER THE FOLLOWING QUESTIONS:

From what stream is the water diverted? ~~Snake~~ Burns Creek

Where is the diversion point located? SE¼ Sec 11, T3N R42E

Through what ditch is it now conducted? Buckland Ditch

How much land is now irrigated by the water sought to be transferred? about 25 acres

Give the description: Located within Lots 2, 4 and NE¼SW¼ Sec 11, T 3 N., R 42 E. B. M., being H.E.S. #557

What is the total amount of water in inches, or second feet, dedicated to said land? 100 inches

What kind of crops are being raised? hay, grain, pasture

How much water per acre is now required to irrigate said land? about 2"

What will be the effect on the land now irrigated, if the use of water on it is discontinued? Used for pasture, and some water retained for best portion of land.

Give location of new point of diversion, if change is to be made NW¼ Sec 22, T4N., R40E.

Through what ditch will it be conducted after transfer? Sunnydell

How much water will be required per acre to irrigate the land to which this water is transferred? 1" per acre

Do you claim any other water right for the land from which you seek to abandon the use of this water?

If so, give amount, date and source 50" July 1, 1882

Is there now any other water right for the land to which you seek to make this transfer? If so, give amount, date and source 0.515 sec ft June 1, 1885 Transfer No. 650

X Signed Earl Buckland
Applicant.

STATE OF IDAHO,
County of..... } ss.

..... and .....

being first duly sworn, each for himself, and not one for the other, deposes and says: That he is a citizen of the United States and of the State of Idaho, residing at.....

that he is user of water from....., in Water District No.....

County of....., State of Idaho; that he has read or heard read the foregoing affidavit and petition of.....and is familiar with its allegations and with the water right and lands therein mentioned and described and is not in any way interested in either, nor in any way related to said petitioner; that the statements and allegations therein made are true of his own knowledge; and that no one will be injured by the granting of the certificate authorizing the transfer therein petitioned.

.....

.....

Subscribed and sworn to before me this.....day of.....

A. D. 19.....

.....

.....

STATE OF IDAHO,
County of Bonneville } ss.

I, Lynn Crandall, Watermaster of.....

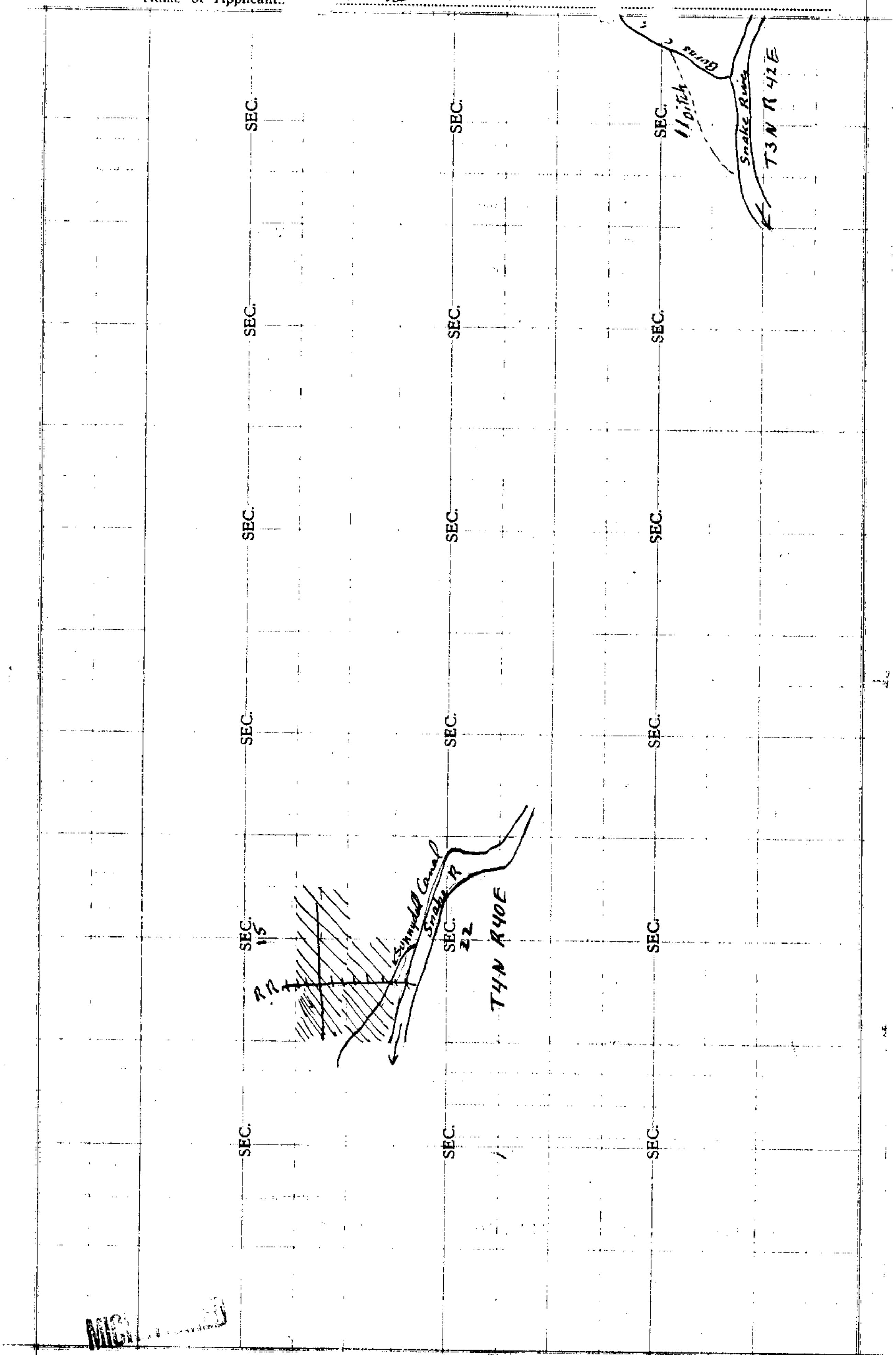
Water District No. 36, County of Bonneville et al, State of Idaho, whose postoffice address is Idaho Falls, have read or heard read the foregoing affidavit and petition of Carl Buckland, and, of my own knowledge, believe the same to be true as to all matters therein alleged, and that no one will be injured by the transfer prayed to be authorized; and I hereby endorse my approval of said petition, and request that the Commissioner of Reclamation issue the certificate of transfer as petitioned; ~~or (do not approve of the issuance of the certificate of transfer prayed for)~~ for the following reasons: A higher duty of water will result

Watermaster Dist. No. 36

Lynn Crandall

Dated at Idaho Falls, Idaho, this 22 day of Nov, 1943

Name of Applicant.. W. Buckland



Scale: 2 Inches—1 Mile. Draw Map in Ink.

PENNY J. STANFORD
Attorney at Law
22 West 1st North
St. Anthony, Idaho 83445
Telephone: 208-624-4418

IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF JEFFERSON MAGISTRATE DIVISION

IN THE MATTER OF THE ESTATE OF	Probate Case No SP-95-276
	SCHEDULE OF PROPERTY
NORMA ELAINE BUCKLAND FULLMER,	
Deceased.	

Name and Address of Distributee	Description of Property Distributed

Collins Garth Fullmer
4968 E. 100 N.
Rigby, Idaho 83442

REAL PROPERTY:

SAME

Home: $50,000.00

Township 4 North, Range 40, East of the Boise Meridian, Jefferson County, Idaho.
Section 35: Beginning at the Northwest Corner of the Northeast Quarter of the Northeast Quarter of said Section 35; thence running East 200 feet; thence South 122 feet; thence West 200 feet; thence North 122 feet to the point of beginning.
EXCEPTING THEREFROM: any highway or county road right of ways.
SUBJECT TO the 1986 and subsequent years general taxes and assessments all existing patent reservations, easements, right of ways; protective and restrictive covenants, zoning ordinances and applicable building codes, laws and regulations.
All of which is located in Jefferson County.

SAME

BURNS CREEK RANCH: $350,000.00

H.E. Survey No. 557, comprising Tracts "A" and "B" embracing a portion of Section 11, in Township 3 North, Range 42 East of the Boise Meridian, Idaho, more particularly bounded and described as follows:

Beginning for the description of Tract "A" at corner No.1, from which the quarter corner between Sections 10 and 11 in Township 3 North of Range 42 East of the Boise Meridian bears North 89° 36' West 19.83 chains distant; thence South 89° 36' East 40 chains to Corner No. 2; thence South 02' East 8.70 chains to Corner No. 3, thence South 52° 50' West 18.03 chains to Corner No. 4; thence South 81° 58' West 12.58 chains to corner No. 5; thence South 62° 28' West 14.81 chains to corner No. 6; thence North 02' West 28.46 chains to corner No. 1, the place of beginning.

Beginning for the description of Tract "B" at corner No. 7, from which Corner No. 6 of said Tract "A" bears North 02' West 56 links distant; thence North 62° 28' East 14.99 chains to corner No. 8; thence North 81° 58' East 12.64 chains to corner No. 9; thence North 52° 50' East 17.79 chains to Corner No. 10; thence South 02' East 14.75 chains to Corner No. 11; thence meandering the right bank of Snake River South 62° 28' West 11.15 chains, North 89° 06' West 10.91 chains, South 87°41' West 13.17 chains, South 80° West 6.08 chains to Corner No. 12; thence North 02' West 1.82 chains to corner No. 7, the place of beginning.

EXCEPTING THEREFROM the following described tract, to-wit:

Beginning at corner No. 10 of H.E.S. No. 557, State of Idaho; thence South 0° 02' East 105.25 feet to Corner No. 1, point of beginning; thence South 63° West 194.46 feet to corner No. 2; thence South 27° East 166 feet to Corner No. 3, thence North 63° East 110 feet to Corner No. 4; thence North 0° 02' West 186.25 feet to Corner No. 1, point of beginning.

All of which is located in Bonneville County, Idaho.

Including the following described water right:

50 inches of water from the waters of the Snake River and its tributaries, specifically, Burns Creek, situated in the County of Bonneville, State of Idaho, dating from July 1, 1882, as established by decree dated December, 1910.

22-0579
23-0113

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
Certificate of Water Right
Transferred Water Right No. 655

THIS IS TO CERTIFY THAT CARL BUCKLAND, of Chokecherry, Idaho, is the owner of and using a certain water right, bearing date of priority of July 1, 1882, for Two (2) cubic feet per second of the waters of Burns Creek, a tributary of Snake River, County of Bonneville, State of Idaho, decreed to CHARLES WHEATON, by decree of Judge J. M. Stevens, of the District Court of the Sixth Judicial District of the State of Idaho in and for the County of Fremont, bearing date of December 16, 1910, in the case of

REXBURG IRRIGATION COMPANY,

Plaintiff,

VS.

TETON IRRIGATION CANAL COMPANY,

Defendant

being appurtenant to the following described lands, situate, lying and being in Water District No. 36, in the County of Bonneville, State of Idaho, to-wit:

Tax Lots 2, 4, and NE¼ SW¼ Section 11,
Township 5 North, Range 42 East, B. M.

located at the mouth of Burns Creek, being H. E. Survey No. 557

That the said decree has been entered in the records of the Department of Reclamation of the State of Idaho, in Volume 3 of Decrees, at Page 450.

That said CARL BUCKLAND has become the owner thereof by deed and inheritance, as per abstract of title of water right filed with said application.

That now, upon the application of CARL BUCKLAND, of Chokecherry, Idaho, for a Certificate of Transfer of Water Right, made before the State Reclamation Engineer of the State of Idaho, and the said application having been granted, the right to the use of One (1) cubic foot per second of the waters of Burns Creek, a tributary of Snake River, upon the lands above described is HEREBY ABANDONED, and the lands to be irrigated under such right, and to which the water right HEREBY CONFIRMED shall be made appurtenant, by this Certificate, for the reason that the lands are more productive and a higher duty of water is made possible to the lands lying and being in the County of Madison, and State of Idaho, described as follows, to-wit:

S½ SW¼ (less R.R. Right-of-way) and SW¼ SE¼ Section 15;
Lot 4 and NE¼ NW¼ Section 22;
All in Township 4 North, Range 40 East, B. M.

Said water to be limited at any time to an amount actually needed and beneficially used for such purposes, and shall not exceed the following amount, to-wit:

One (1) cubic foot per second of the waters
of Burns Creek, a tributary of Snake River,
with date of priority of July 1, 1882

That the water right hereby transferred has been conducted to the first above described lands through the Buckland Ditch from Burns Creek, with point of diversion in the Southeast Quarter of Section 11, Township 3 North, Range 42 East, B. M.

That the water right hereby transferred will hereafter be conducted to the last above described lands through the Sunnydell Ditch from Snake River, with point of diversion in the Northwest Quarter of Section 32, Township 4 North, Range 40 East, B. M.

That the right to the use of the water aforesaid, hereby confirmed, is restricted to the lands or place of use last above described, as provided by the laws of the State of Idaho.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the Department of Reclamation of the State of Idaho to be affixed, at Boise, Idaho, this 20th day of December, A. D. 1943.

JAMES SPOFFORD
State Reclamation Engineer

By

Roy W. Thompson
Supervisor of Water Distribution

MICROFILMED

COPY

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

In the Matter of the Application of

CARL BUCKLAND
Chesnesherry, Idaho

For a Transfer of Water Right, in Water District # 36, County of Bonneville.

ORDER GRANTING TRANSFER

No. 655

WHEREAS, On the 18th day of December, 1943, at the Department of Reclamation of the State of Idaho, at Boise, Idaho, this matter of an application of CARL BUCKLAND, of Chesnesherry, Idaho, for a Transfer of Water Right, came on regularly for hearing, pursuant to the published notice, in due and statutory form; and,

WHEREAS, No protest has been filed against the application, and the evidence filed by the applicant, with the application, shows that the water will be put to a more efficient use, and that no one will be injured thereby;

NOW, THEREFORE, IT IS HEREBY ORDERED That the said application be and the same is HEREBY GRANTED, and that a Certificate of Transfer be issued the applicant herein, as provided by the laws of the State of Idaho.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the official seal of the Department of Reclamation of the State of Idaho to be hereunto affixed, at Boise, Idaho, this 20th day of December, A. D. 1943.

JAMES SPOFFORD
State Reclamation Engineer

By

Roy W. Thompson
Supervisor of Water Distribution

MICROFILMED

IN THE DISTRICT COURT OF THE SIXTH JUDICIAL DISTRICT

OF THE

STATE OF IDAHO, IN AND FOR THE COUNTY OF FREMONT

****

****

Rexburg Irrigation Company, et al, P L A I N T I F F, -VS- Teton Irrigation Canal Company, et al, D E F E N D A N T.	D E C R E E

MICROFILMED

23-0057 Weeks, Carrel Jr.,	160 inches.	June 1, 1898.	Palisade Creek.
1 131 Weir, Thomas	175 inches.	June 1. 1896.	Snake River. (Appropriated by means of a water -wheel.)
Weltfle, Charles			The Farmer's Friend Canal Company and Enterprise Canal Company.
West Branch Canal Company(of Blackfoot,Irrigation Company.)			Part of System of the Blackfoot Irrigation Company.
West Branch Canal Company(of Snake River Valley Canal Company.)			Part of System of the Snake River Valley Canal Company.
21 0130 West, Curtis B.	30 inches.	June 1, 1903.	Fall River.
1 195 West LaBelle Irrigating Company	6,000 inches.	June 1, 1885.	South Fork of the Snake River.
23 0058 Wheat, [illegible]	150 inches.	June 1, 1895.	Little Sheep Creek and Big Elk Creek.
22 0579 Wheaton, Charles	100 inches.	July 1, 1882.	Burns Creek.
Wheeler, Levi			Enterprise Canal Company.
Wheeler, [illegible]			(See J. H. Riley.)
21 0131 White, Henry T.	120 inches.	June 1, 1888.	Fall River.
21 0132 White, Henry T,	120 inches.	June 1, 1890.	Fall River.
35 0033 White, I. N.	100 inches.	May 1, 1903.	Hull's Slough-- Boone Creek.
35 0034 White, I. N.	40 inches.	May 1, 1903.	McTucker Springs.
[illegible] hite, Junior			The Farmers' Friend Canal Company.
[illegible]	[illegible]	[illegible]	[illegible] Creek and Targee Creek.
21 [illegible] Whitson, Jay	40 inches.	Feb. 9, 1903.	Willow Creek.
Whitney, John K.			Wolf Ditch Company.
22 [illegible] Wilford Irrigation & Manufacturing Company.	6,608 inches.	Apr. 1, 1898.	Teton River.

MICROFILMED

From: DWR70::CARLSEN 19-DEC-1991 15:31:14.95
To: DWR02::CURTIS
CC: CARLSEN
Subj: RENUMBERING

RENUMBER MEMO

DATE: 19 DEC 1991
TO: SHARLA CURTIS
FROM: ERNIE

RE: 22-00579

This morning Tony Olenichak brought me Notice of Claim A22-00579A and indicated it was assigned the wrong basin number. A quick check on a map proved him correct. The source of water and point of diversion are in basin 23. So just renumber decreed right 22-00579A with a basin 23 number, right? Not quite. Transfer 655 split right 22-00579 into A and B. The B portion was moved into the Sunnydell Canal which diverts water from the Snake River, South Fork, which is basin 01. Before the three Notices of Claim can be correctly renumbered, new numbers for the two portions of the water right will have to be assigned.

I am sending you this memo in the hopes that your the person who is responsible for renumbering decrees. If your not I apologize and ask that you forward this memo to the appropriate person.

Thanks
Ernie

MICROFILMED
OCT 2 8 1992

TRANSFER NO.	NAME	AMOUNT C.F.S.	BALANCE C.F.S.	RIGHT NO.
	Wheaton, Charles	2.0		22-0579
655	Buckland, Carl	1.0	1.0	22-0579A

[redacted]

SEE TRANSFER

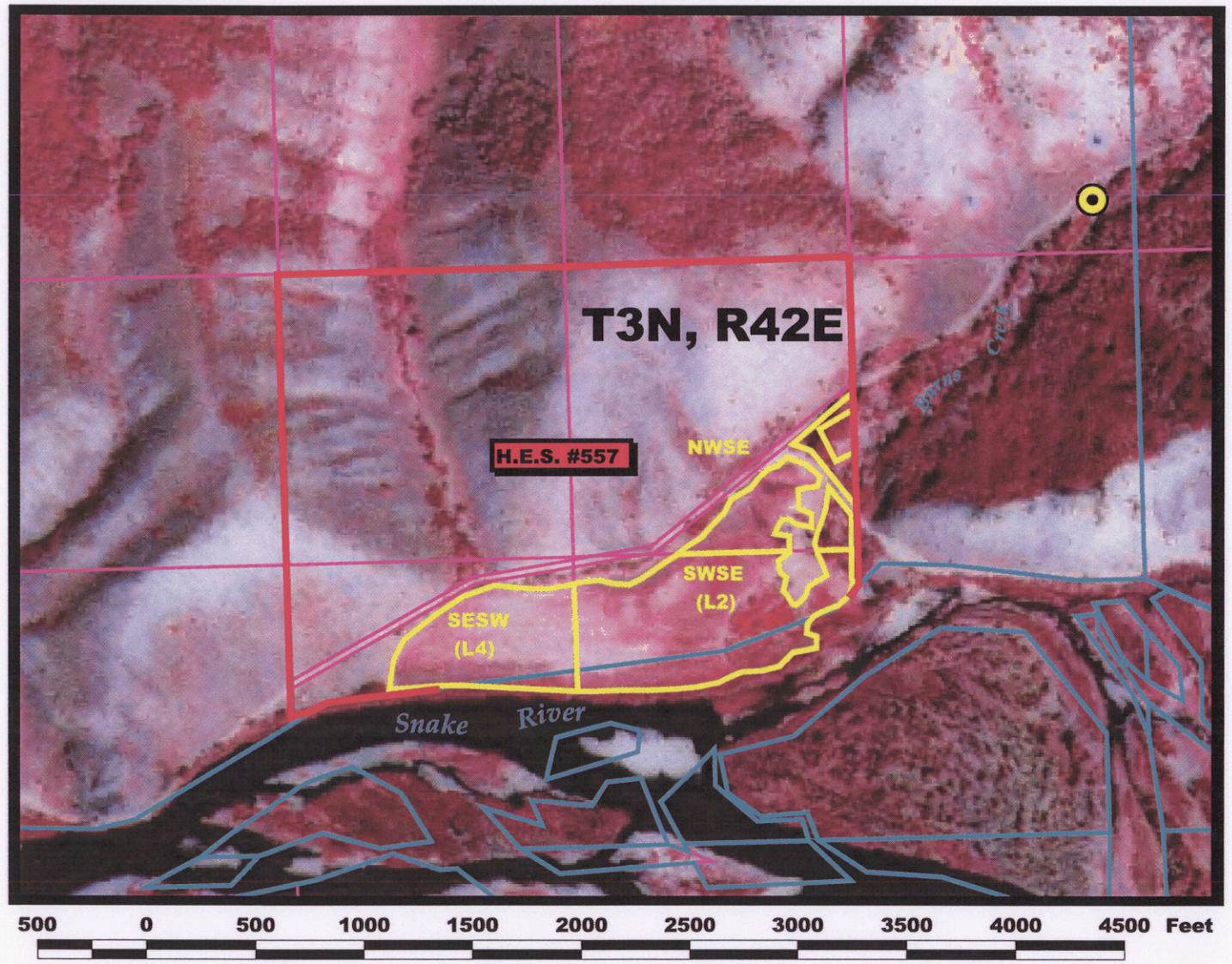
Log for claim 23-00113A **Spatial Dynamics BTD** **6/5/01**

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
03n42e	11	NESW	8	7.1	qq's do not match GCDB.
03n42e	11	SWSW	1	1	
03n42e	11	SESW	15	11	
03n42e	11	NESE	1	0.6	
03n42e	11	NWSE	8	5.6	
03n42e	11	SWSE	19	23	SESE qq included.
Totals:			52	48.3	

State of Idaho

Department of Water Resources

Eastern Region



Water Right(s):

23-00113A

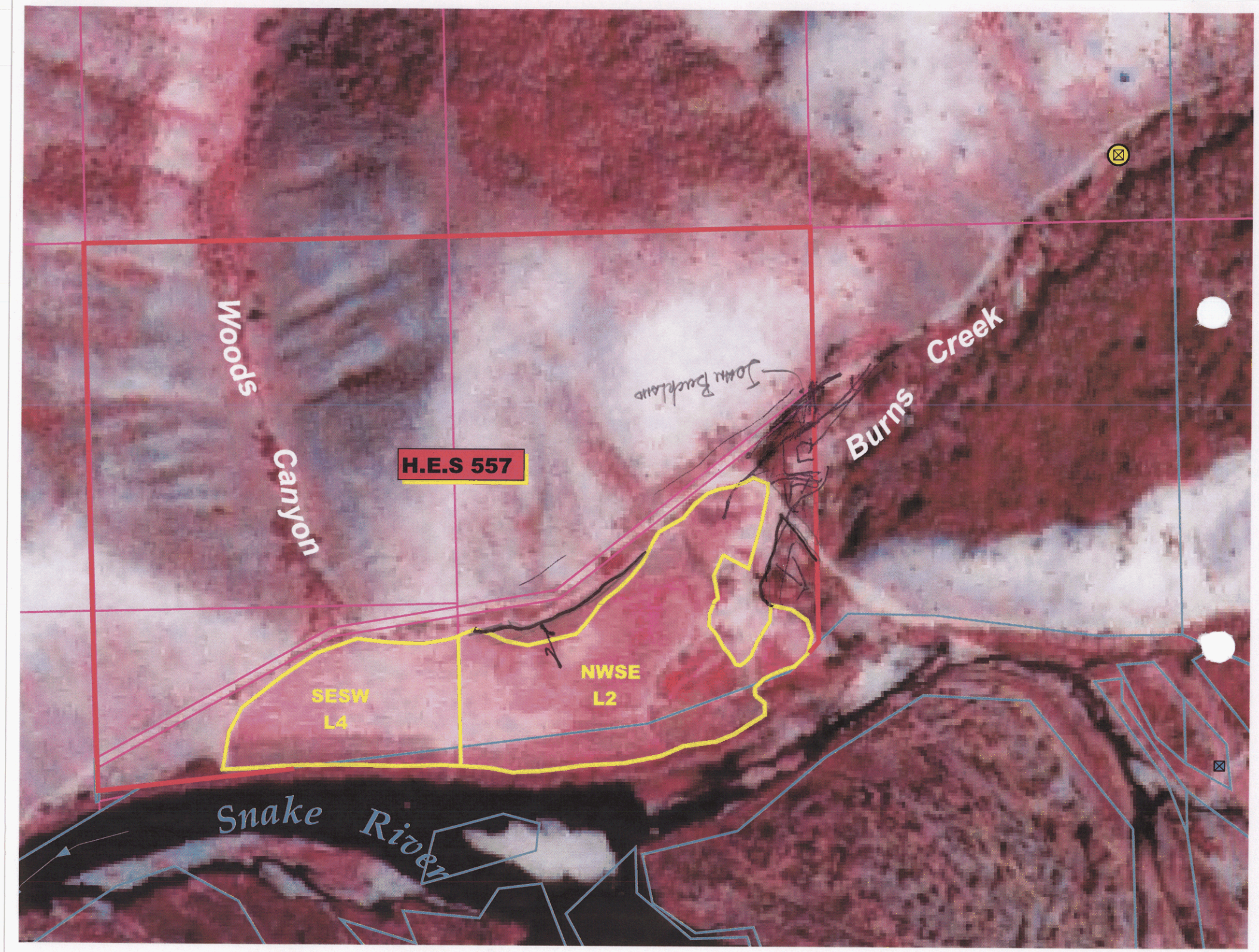
Place of Use: (part of)
T3N, R42E Sec. 11
NWSE, SWSE (L2), SESW (L4)

Point(s) of Diversion:
T3N, R42E Sec. 11 SESENE

LEGEND

- Point of Diversion
- SESE — Place of Use
- Section
- Quarter-Quarter

GIS Place of Use Illustration
1987/1988 NAPP Photography
Prepared by: A. Ruberry
Date: March 2004

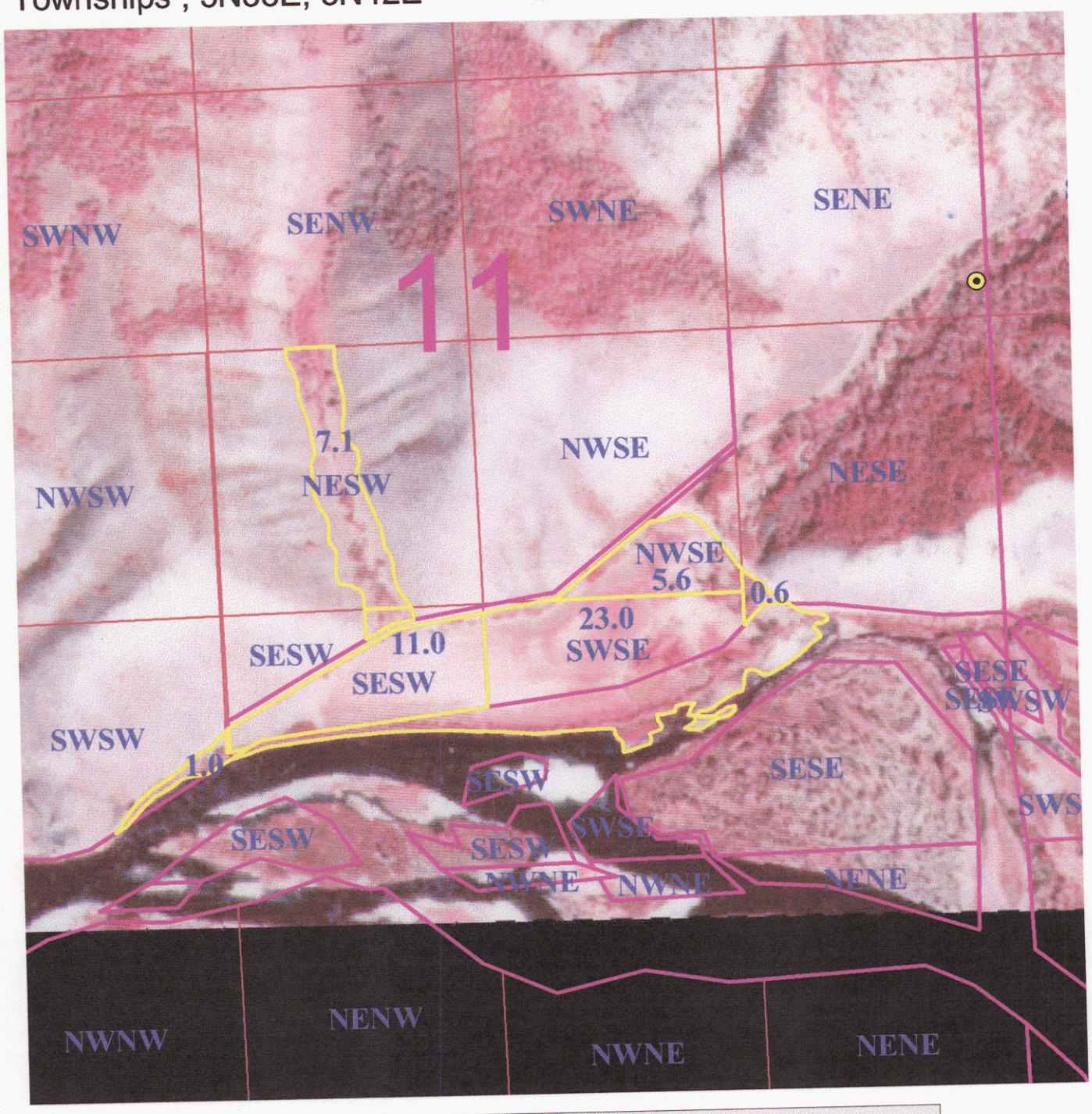

Woods
Canyon
H.E.S 557
John Bartholomew
Burns Creek
SESW
L4
NWSE
L2
Snake River


T3N, R42E
2 1
11 12
23-113A
Burns Ck
Woods Canyon
Pow
Burns Creek
Lot 1
Lot 2
Lot 4
Lot 3
Snake River

8/12/03

Water Right Claim Number 23-00113A
Townships , 5N38E, 3N42E

06/05/2001



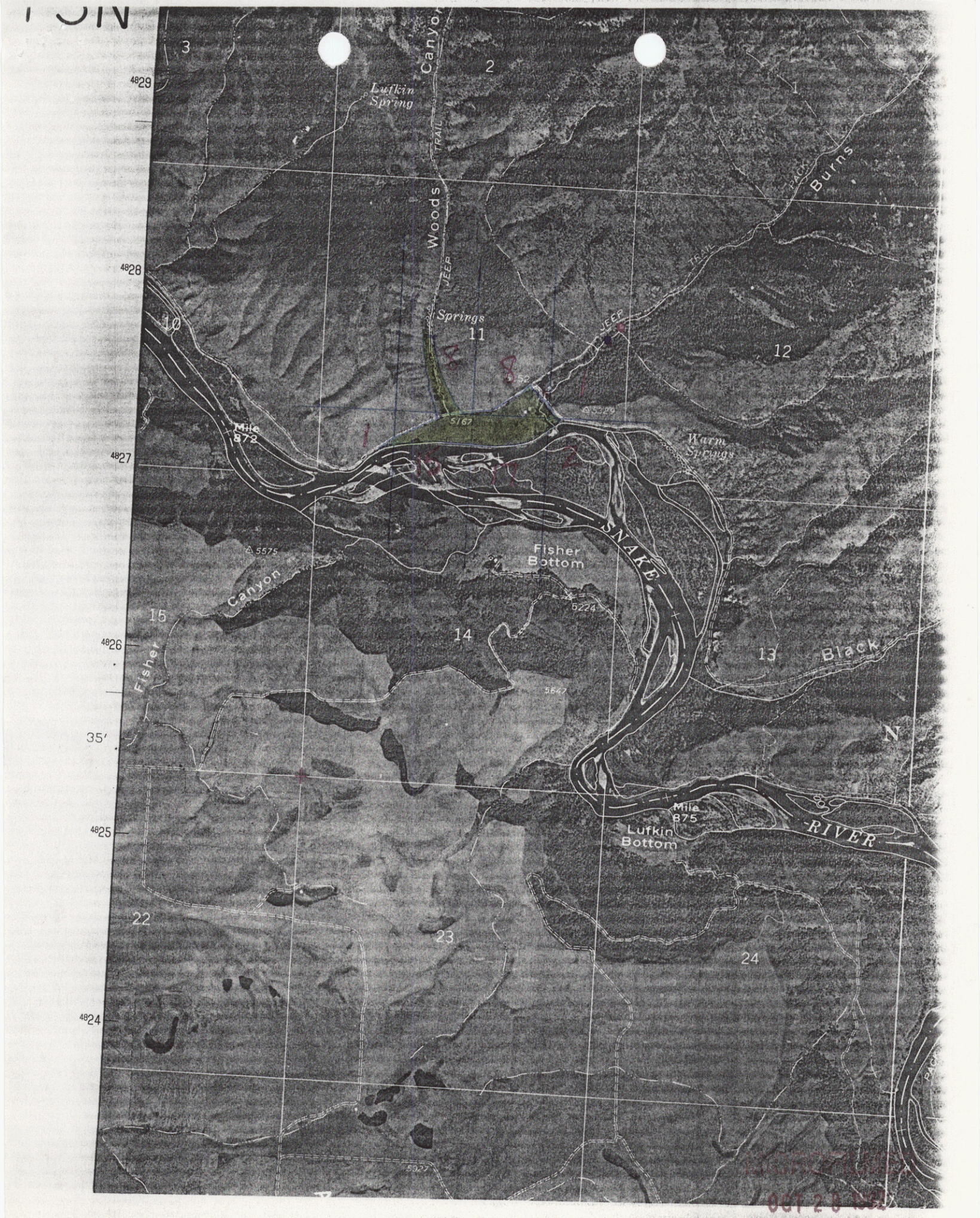
Legend

- Irrigated Area
- Place of Diversion
- Section Line
- Quarter Section Line
- Roads
- Streams and Canals

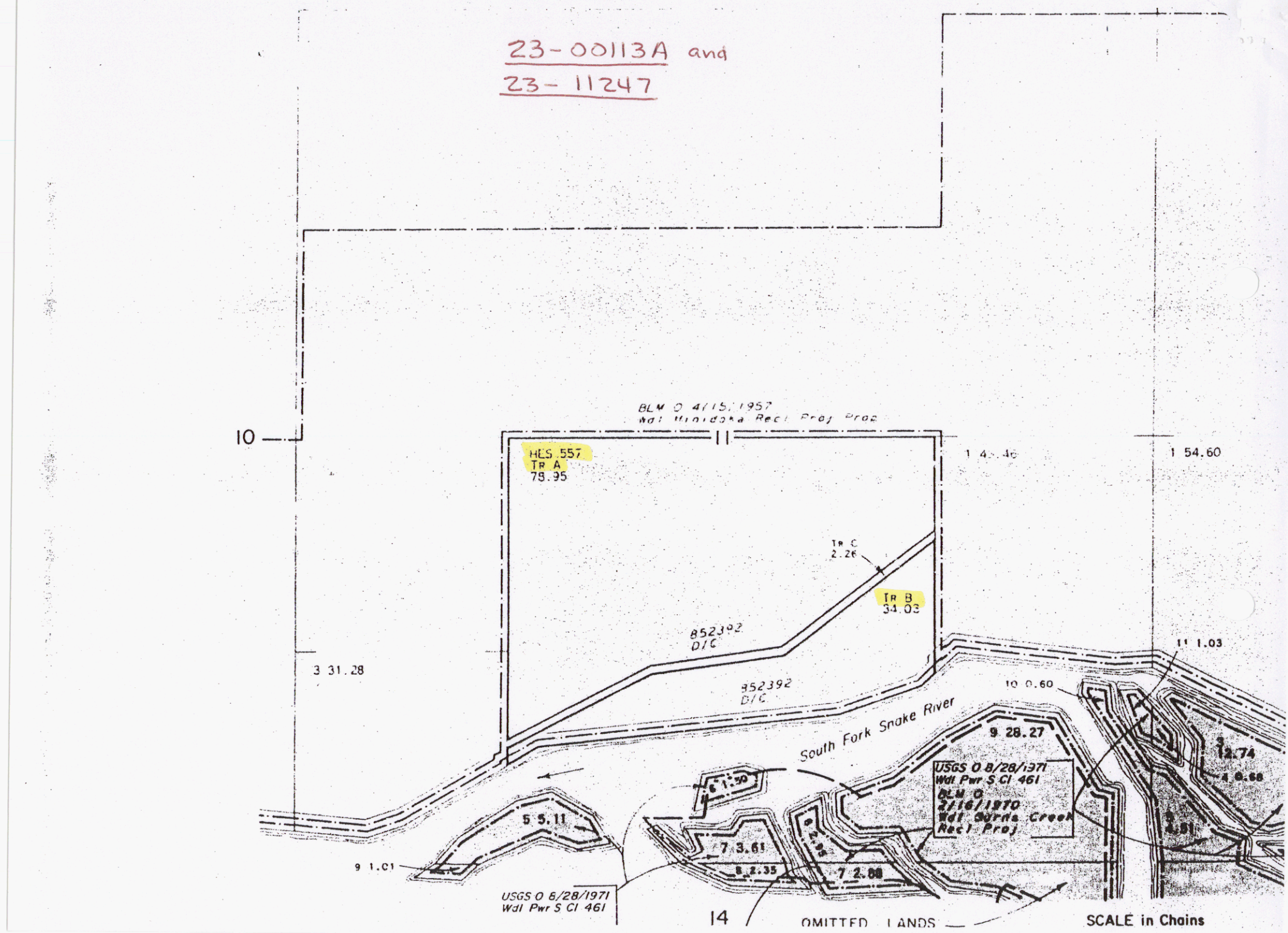
N

SPATIAL DYNAMICS

500 0 500 1000 Feet


T 5N
3
2
1
4829
Luftkin Spring
Canyon
TRAIL
Woods
JEEP
PACK
Burns
4828
Springs
11
10
12
JEEP
TRAIL
5167
Mile 872
4827
Warm Springs
SNAKE
5575
Canyon
Fisher Bottom
5224
15
14
13
Black
4826
Fisher
5647
35'
N
Mile 875
Lufkin Bottom
RIVER
4825
22
23
24
4824
5027

23-00113A and
23-11247



R. 42 E

NAPP 16019-318

48L46

HH2

H H

12.8
T 188

2
2.1

1
17.8