

Idaho Department of Water Resources

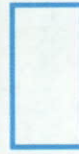
Claim Number: 57-00108B
 Legal: T05S, R01E, S03, 10
 Reviewed By:

1987 Napp Photo

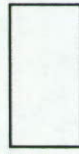
● Point of Diversion
 (Located outside of view)



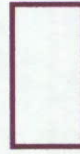
Place of Use



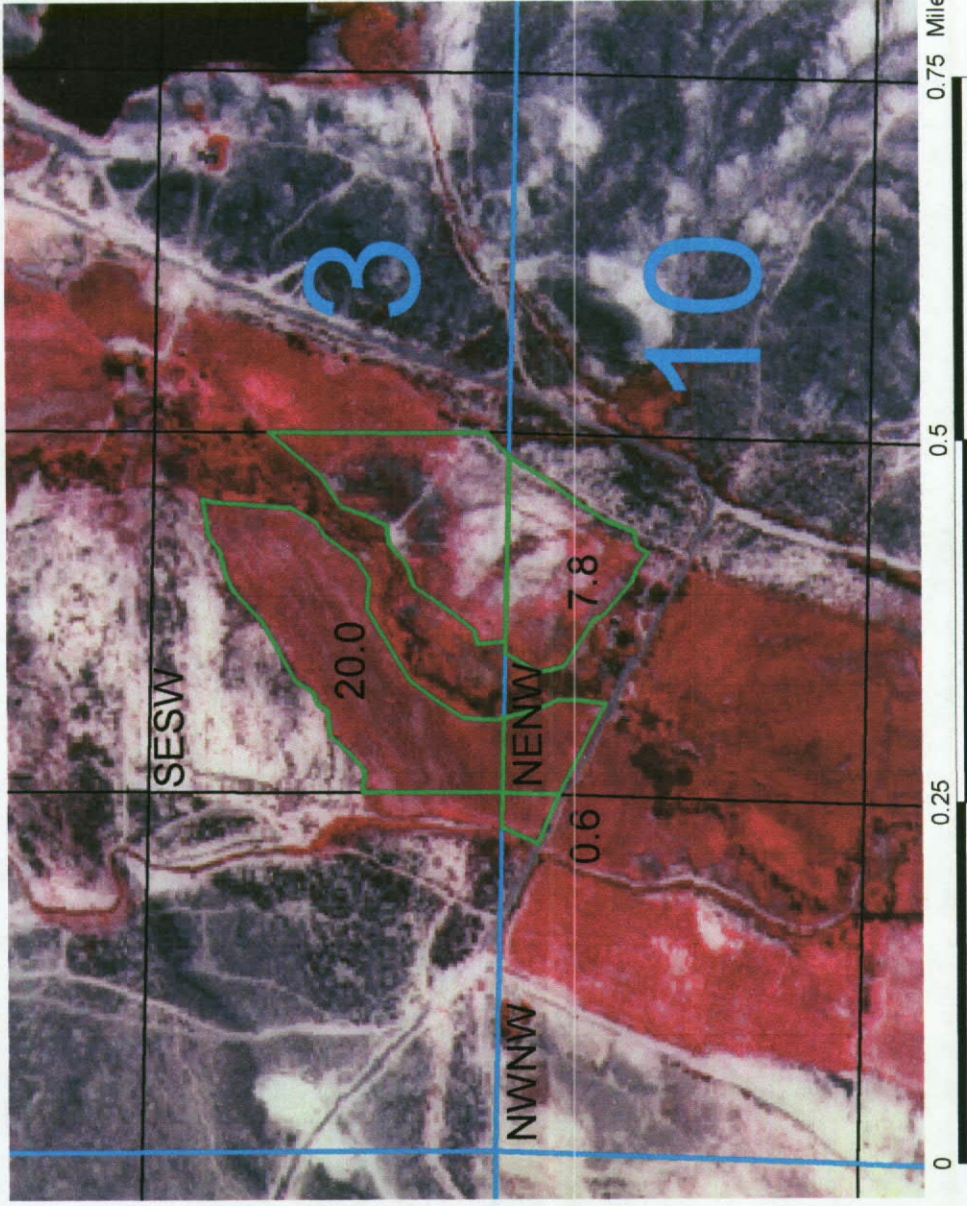
Section Lines



Quarter Quarter Lines



Township/Range Lines



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

In Re SRBA)
Case No. 39576)
_____)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 57-001088

1997 MAY 29 PM 4:14

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED _____

NAME & ADDRESS: CAROL P GILBERT
OREANA RT
MURPHY ID 83650

SOURCE: CASTLE CREEK TRIBUTARY: SNAKE RIVER

QUANTITY: 0.014 CFS

PRIORITY DATE: 04/01/1887

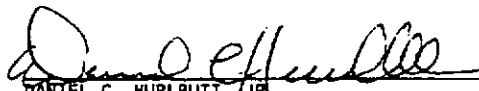
POINT OF DIVERSION: T05S R01E S10 NWNSW Within Owyhee County
S16 SWNE

PURPOSE AND PERIOD OF USE: PURPOSE OF USE PERIOD OF USE QUANTITY
IRRIGATION Irrigation Season 0.014 CFS

PLACE OF USE: IRRIGATION Within Owyhee County
T05S R01E S03 SESW 35.0
S10 NENW 6.0 NWNW 5.0
46.0 ACRES TOTAL

USE OF THIS RIGHT WITH RIGHT NOS. 57-00085B, 57-00087B,
57-00100B, 57-00102B, 57-00112B, 57-00114B, 57-00115B, 57-00121B,
57-00135B, 57-00147B, 57-00162B AND 57-02249B IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 46.0 ACRES IN A SINGLE
IRRIGATION SEASON.

DATED: MAY 29 1997

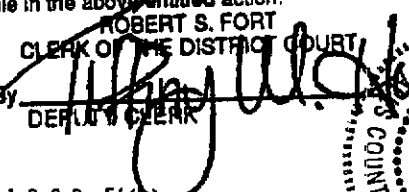

DANIEL C. HURLBUTT, JR.
PRESIDING JUDGE
Snake River Basin Adjudication

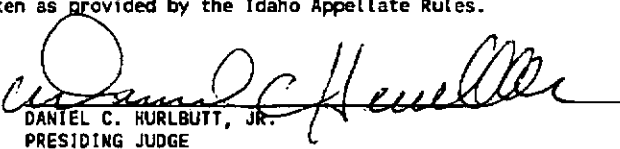
RULE 54(b) CERTIFICATE

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

DATED: MAY 29 1997

State of Idaho ss
County of Twin Falls ss
I hereby certify the foregoing to be a full,
true and correct copy of the original on
file in the above entitled action.

ROBERT S. FORT
CLERK OF THE DISTRICT COURT
By 
DEPUTY CLERK


DANIEL C. HURLBUTT, JR.
PRESIDING JUDGE
Snake River Basin Adjudication

PARTIAL DECREE PURSUANT TO I.R.C.P. 54(b)
Water Right 57-001088



PAGE 1
MAY-19-1997

Important Information About Your Water Right

October 25, 2002

RECEIVED

OCT 28 2002

Department of Water Resources

Carol P Gilbert
Oreana Rt
Murphy, ID 83650

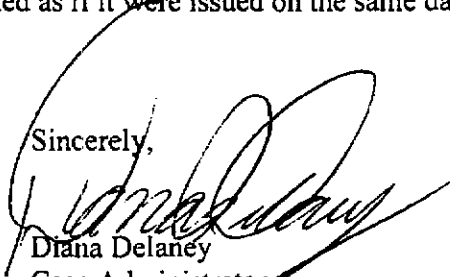
Dear Water Right Claimant(s):

Attached to this letter is a copy of an **Order Amending Irrigation Period of Use Element in Partial Decree, Nunc Pro Tunc** (hereinafter "**Order**") for water right number 57-108B. According to Idaho Department of Water Resources (IDWR) records, you are the current owner of this water right. If you are not the current owner, please contact IDWR immediately at:

Idaho Department of Water Resources
1301 North Orchard
Boise, ID 83706
800-451-4129

The purpose of the **Order** is to set forth beginning and ending dates for the irrigation period of use for this water right. As stated in the face of the **Order**, this action was necessary following the decision of the Idaho Supreme Court in *A&B Irrigation Dist. v. Idaho Conservation League*, 131 Idaho 411, 423, 958 P.2d 568, 580 (1998). This **Order** also incorporates into the **Partial Decree** an express statement that the **Partial Decree** is subject to such general provisions necessary for the definition or for the efficient administration of the water right. This express statement is necessary to comply with the requirements of Idaho Code section 42-1412(6). This **Order**, in combination with the **Partial Decree** that was issued for this water right on May 29, 1997, sets forth all of the elements of your water right. The Snake River Basin Adjudication (SRBA) Court suggests that you keep this document in a safe location together with a copy of the **Partial Decree** to show evidence of this water right. The original of this **Order** and the original of the **Partial Decree** for this water right are on file with SRBA Court. If you do not have a copy of the original **Partial Decree**, one can be obtained by contacting the SRBA Court at (208) 736-3011. Please note that the **Order** is entered **Nunc Pro Tunc**, meaning that the **Order** will be treated as if it were issued on the same date that the **Partial Decree** was originally issued.

Sincerely,


Diana Delaney

Case Administrator

DISTRICT COURT-SRBA
Fifth Judicial District
County of Twin Falls - State of Idaho

OCT 25 2002

By _____ Clerk

Deputy Clerk

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

	)	Water Right 57-108B
In Re SRBA	)	
	)	
	)	ORDER AMENDING IRRIGATION PERIOD OF USE
	)	ELEMENT IN PARTIAL DECREE and
Case No. 39576	)	INCORPORATING INTO PARTIAL DECREES AN
	)	EXPRESS STATEMENT REGARDING GENERAL
	)	PROVISIONS, <i>NUNC PRO TUNC</i>

A *Partial Decree* was entered for the above-captioned irrigation water right on May 29, 1997. The period of use element was decreed as "irrigation season." In *A&B Irrigation Dist. v. Idaho Conservation League*, 131 Idaho 411, 423, 958 P.2d 568, 580 (1998), the Idaho Supreme Court remanded with the directive to include specific dates for the period of use element. Following remand, on July 26, 1999, IDWR filed a *Supplemental Director's Report, Reporting Area 2, IDWR Basin 57, Regarding Revision of Period of Use (For Irrigation Water Uses) and Conjunctive Management General Provisions*, which included an irrigation period of use recommendation for this water right. No objections were filed to this *Supplemental Director's Report*.

THEREFORE, IT IS ORDERED that the period of use element for the irrigation portion of the above-captioned water right is hereby amended and decreed as:

PERIOD OF USE: 04-01 to 10-15

The use of water for irrigation under this right may begin as early as March 1 and may continue to as late as November 15, provided other elements of the right are not exceeded. The use of water before April 1 and after October 15 under this remark is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date a partial decree is entered for this right.

IT IS FURTHER ORDERED that the *Partial Decree* for the above-captioned water right is hereby amended and decreed to contain the following:

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 a point in time no later than the entry of a final unified decree. I.C. section 42-1412(6).

This order is being entered *nunc pro tunc* as of the date the *Partial Decree* was issued and is not intended to modify subsequent administrative changes for the water right, if any, which occurred following entry of the *Partial Decree*.

RULE 54(b) CERTIFICATE

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

Dated October 25, 2002.



ROGER BURDICK
Presiding Judge
Snake River Basin Adjudication

RECEIVED

JUN - 2 1997

Department of Water Resources
Adjudication Bureau

1997 MAY 29 PM 4: 14

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED _____

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

In Re SRBA

Case No. 39576

) ORDER OF PARTIAL DECREE

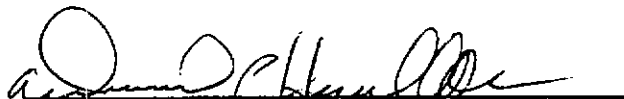
) For Water Right 57-00108B

On April 30, 1997, a *Special Master's Report and Recommendation* was filed for the above water right. No Challenges were filed to the *Special Master's Report and Recommendation* and the time for filing Challenges has now expired.

Pursuant to I.R.C.P. 53(e)(2) and *SRBA Administrative Order 1*, Section 14a, this court has reviewed the Findings of Fact and Conclusions of Law contained in the *Special Master's Report* and wholly adopts them as its own.

Therefore, IT IS ORDERED that water right 57-00108B be decreed as set forth in the attached *Partial Decree Pursuant to I.R.C.P. 54(b)*.

DATED May 29, 1997.


DANIEL C. HURLBUTT, JR.
Presiding Judge
Snake River Basin Adjudication



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

March 31, 1997

Carol Gilbert
Oreana Rt.
Murphy, ID 83650

RE: Snake River Basin Adjudication (SRBA)
Claim No(s): 57-00085B et al.
Owyhee County

Dear Carol,

I've enclosed a partially completed *Notice of Change of Water Right Ownership* for your use. Please complete the elements highlighted in yellow. The other information is not required for this simple name change. We will need a copy of the deed; please enclose it with the completed form.

Send everything to my attention at 1301 N. Orchard, Boise, 83706-2237. As always, please call if you have any questions.

Sincerely,

Roxanne Brown
Sr. Water Resource Agent
Adjudication Bureau

RB:r:so:tf
Enclosures:
Form 42-248/1409(6)

MICROFILMED

MAR 2 - 1998

RIGHTS FROM: SOURCE: CASTLE CREEK TRIBUTARY: SNAKE RIVER

RIGHT NUMBER: 57-00108B
NAME & ADDRESS: CAROL P GILBERT
OREANA RT
MURPHY ID 83650
SOURCE: CASTLE CREEK TRIBUTARY: SNAKE RIVER
QUANTITY: 0.014 CFS
PRIORITY DATE: 04/01/1887
POINT OF DIVERSION: T05S R01E S10 NWNWSW Within Owyhee County
S16 SWNE
PURPOSE AND PERIOD OF USE: PURPOSE OF USE PERIOD OF USE QUANTITY
IRRIGATION Irrigation Season 0.014 CFS
PLACE OF USE: IRRIGATION Within Owyhee County
T05S R01E S03 SESW 35.0
S10 NENW 6.0 NWNW 5.0
46.0 ACRES TOTAL
USE OF THIS RIGHT WITH RIGHT NOS. 57-00085B, 57-00087B,
57-00100B, 57-00102B, 57-00112B, 57-00114B, 57-00115B, 57-00121B,
57-00135B, 57-00147B, 57-00162B AND 57-02249B IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 46.0 ACRES IN A SINGLE
IRRIGATION SEASON.
CONSUMPTIVE USE: USE OF THIS RIGHT WITH RIGHT NOS. 57-00085B, 57-00087B,
57-00100B, 57-00102B, 57-00112B, 57-00114B, 57-00115B, 57-00121B,
57-00135B, 57-00147B, 57-00162B AND 57-02249B IS LIMITED TO A
TOTAL COMBINED ANNUAL CONSUMPTIVE USE VOLUME OF 161.0 AF.
EXPLANATORY MATERIAL: BASIS OF CLAIM - DECREE
THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF
DIVERSION DESCRIBED ABOVE: 57-00085A, 57-00085B, 57-00087A,
57-00087B, 57-00100A, 57-00100B, 57-00102A, 57-00102B, 57-00108A,
57-00108B, 57-00112A, 57-00112B, 57-00114A, 57-00114B, 57-00115A,
57-00115B, 57-00121A, 57-00121B, 57-00135A, 57-00135B, 57-00147A,
57-00147B, 57-00162A, 57-00162B.

MICROFILMED

MAR 2 - 1998

DATE: DEC-4-1996
PAGE: A-5

MAR 2 - 1998

05 57-00085B

RECEIVED

RECEIVED

MAY 17 1996

MAY 10 1996

NEW PROPERTY OWNER
NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type

May 1, 1996 (see instructions on back of page)

Department of Water Resources

DATE OF CLOSING: _____

RECEIVED

MAY 13 1996

WATER RESOURCES
WESTERN REGIONLEGAL DESCRIPTION OF PROPERTY: Township 5 S, Range 1 E,
Section 9, 10, 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)
57-02249, 57-00085, 57-00087, 57-00100, 57-00102,

[] Water Right Number(s) 57-00108, 57-00112, 57-00115, 57-00121, 57-00135,
Assigned by IDWR: _____

57-00147, 57-00162,[] Name and Address of Former Owner/Claimant(s)(Seller): Donald R. BarnhillHC 79 Box 2195, Oreana, ID 83650

[] New Owner/Claimant (Purchaser): Jack D. Ward, Orpha G. Ward, David J. Ward,
Gregory S. Ward

[] New Mailing Address: #15 Loman Road, Garden Valley, ID 83622

[] New Telephone Number: (208) 462-3486

[] Does the change in ownership result in a splitting of the water right owned/claimed? X yes no
If yes, then describe the portion of the water right that is now owned/claimed by the new owner:

90% flow to Wards: 10% flow to Moon Ranch Trust

[] Attach proof of ownership, describe proof attached: Warranty Deed: Quitclaim Deed

(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] Agent Date 5/1/96

[] Signature of Former Owner/Claimant(s): [Signature] Date 5/1/96

Donald R. Barnhill

(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: _____

MICRON

MAR 2 1996

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

229

WARRANTY DEED

FOR VALUE RECEIVED,
DONALD BARNHILL, a single man, individually; and DONALD R.
BARNHILL, as Trustee of The Wintercamp Ranch Trust, a trust
for the benefit of Jeff Barnhill

the Grantors, do hereby grant, bargain, sell and convey unto
JACK D. WARD and ORPHA G. WARD, husband and wife; DAVID J.
WARD and GREGORY S. WARD, both married men, as their sole
and separate property,

the Grantees, whose current address is

#15 Loman Road, Garden Valley, Idaho 83622

the following described real property, located in Owyhee
County, Idaho, to-wit:

Exhibit "A" attached hereto and made a part hereof:

Together with all and singular the tenements, hereditaments
and appurtenances thereunto belonging or in anywise
appertaining, including all water and ditch rights and
rights of way for water and ditches.

TO HAVE AND TO HOLD the said premises, with their
appurtenances unto said Grantees, their heirs and assigns
forever. And the said Grantors do hereby covenant to and
with the said Grantees, that they are the owners in fee
simple of said premises; that said premises are free from
all encumbrances except: None.

Subject to such rights, easements, covenants, restrictions
and zoning regulations as appear of record or by use upon
the premises.

Taxes and assessments of all taxing units not yet due and
payable.

Reservations in patents or state grants or in acts
authorizing the issuance thereof.

MICROFILMED

MAR 2 - 1998

All repayment contracts between any irrigation district within which the premises are situated and any government or agency.

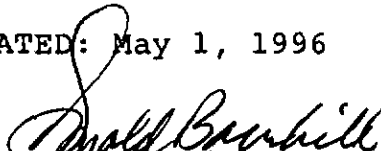
The bonded debt of all taxing units within which said premises are located.

Restrictions imposed by law, ordinance, or regulation imposed by any governmental entity, department or agency.

Restrictions contained in any covenants of record affecting the premises.

All rights of way or easements affecting the premises regardless of how evidenced or acquired and whether the same appear of record or not.

DATED: May 1, 1996

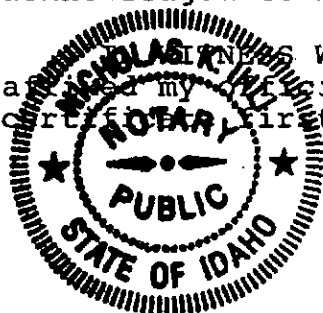

Donald Barnhill


Donald R. Barnhill, Trustee
The Wintercamp Ranch Trust

STATE OF IDAHO, COUNTY OF OWYHEE, ss.

On this 1st day of May, 1996, before me, a Notary Public in and for the State, personally appeared Donald Barnhill, individually, and Donald R. Barnhill, Trustee of The Wintercamp Ranch Trust, a trust for the benefit of Jeff Barnhill, known or identified to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

WHEREOF, I have hereunto set my hand and seal the date and year in this first above written.




Notary Public for Idaho
Residing at Murphy, Idaho
Commission Expires 1/31/2000

REQUEST OF
FEE Shli 9.00

DEPUTY
J. HUNTLEY JR.
CLERK OF COUNTY RECORDER

FILED - RECORDED
MAY 1 AM 10 29
2000

MAR 2 - 1998

218732

Shli Till

Order No. 2291
Land Description:
PARCEL NO. 1:

IN TOWNSHIP 5 SOUTH, RANGE 1 EAST, B. M., OWYHEE COUNTY,
IDAHO

Section 9: E $\frac{1}{2}$ SE $\frac{1}{4}$, E $\frac{1}{2}$ NE $\frac{1}{4}$

Section 10: NE $\frac{1}{4}$ SW $\frac{1}{4}$, W $\frac{1}{2}$ SW $\frac{1}{4}$, That part of the NW $\frac{1}{4}$ described
as follows:

A PORTION of the NW $\frac{1}{4}$ of Section 10, Township 5 South,
Range 1 East, B. M., Owyhee County, Idaho, and is more
particularly described as follows:

COMMENCING at the Northwest corner of said Section 10;
thence North 89°07'55" East along the North boundary of said
Section 10, a distance of 723.74 feet to the TRUE POINT OF
BEGINNING; thence continuing North 89°07'55" East along said
North boundary, a distance of 227.20 feet; thence South
23°08'34" West, a distance of 64.62 feet to a point on the
centerline of a county road; thence South 64°02'28" East
along said centerline, a distance of 1395.31 feet; thence
North 63°57'39" East, a distance of 518.39 feet; thence
North 19°52'56" East, a distance of 45.30 feet to a point on
the East boundary of said NW $\frac{1}{4}$; thence South 00°32'37" East
along said East boundary, a distance of 1461.67 feet; thence
South 89°14'25" West, a distance of 538.55 feet; thence
South 13°13'32" West, a distance of 779.70 feet to a point
on the South boundary of said NW $\frac{1}{4}$; thence South 88°50'08"
West along said South boundary, a distance of 1944.43 feet
to the W $\frac{1}{2}$ Corner of said Section 10; thence North 00°18'16"
West along the East boundary of said Section 10, a distance
of 2314.93 feet; thence North 89°07'55" East parallel with
the North boundary of said Section 10, a distance of 565.00
feet; thence North 24°44'58" East, a distance of 374.83 feet
to the TRUE POINT OF BEGINNING.

PARCEL NO. 2:

A portion of the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 10, Township 5
South, Range 1 East, B. M., Owyhee County, Idaho, more
particularly described as follows:

Commencing at the southeast corner of said SE $\frac{1}{4}$ NW $\frac{1}{4}$;
thence South 88°50'08" West along the South boundary of said
SE $\frac{1}{4}$ NW $\frac{1}{4}$, a distance 724.16 feet to a point on the Easterly
boundary of a county road known as Poison Creek Road; thence
North 13°13'32" East along the Easterly boundary of said
county road, a distance of 307.82 feet to the REAL POINT OF
BEGINNING; thence South 76°46'29" East, a distance of 82.80
feet; thence North 13°13'32" East, parallel with the
Easterly boundary of said county road, a distance of 10.00
feet; thence North 76°46'29" West, a distance of 82.80 feet
to a point on the Easterly boundary of said county road;
thence South 13°13'32" West a distance of 10.00 feet to the
REAL POINT OF BEGINNING.

RECORDED
MAR 2 - 1998

IDWR - WESTERN REGION

CONTRACTOR: Karan Waters

CLAIM/ID: 57-00108 B

Date: 4-15-03

	TNS	RNG	SEC	NE				NW				SW				SE				Sum
				NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
Claim	55	1E	3												35					35
GIS															20					20
Claim			10					6	5											11
GIS								7.8	1.6											8.4
Claim																				
GIS																				
Claim																				
GIS																				

Number of POD's 2

Total Claimed Acres: 46

Total GIS Acres: 28.4

Overlapping POU Claim #'s:

57-00112 B, 57-00114 B, 57-00115 B, 57-00087 B,
57-00121 B, 57-00135 B, 57-00147 B, 57-00085 B,
57-00100 B, 57-00102 B, 57-00162 B, 57-02249 B

COMMENTS:

See comments in 57-00087 B

Idaho Department of Water Resources

Claim Number: 57-00108B

Legal: T05S, R01E, S03, 10

Reviewed By:



Point of Diversion
(Located outside of view)

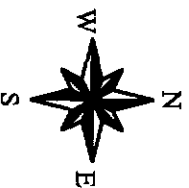
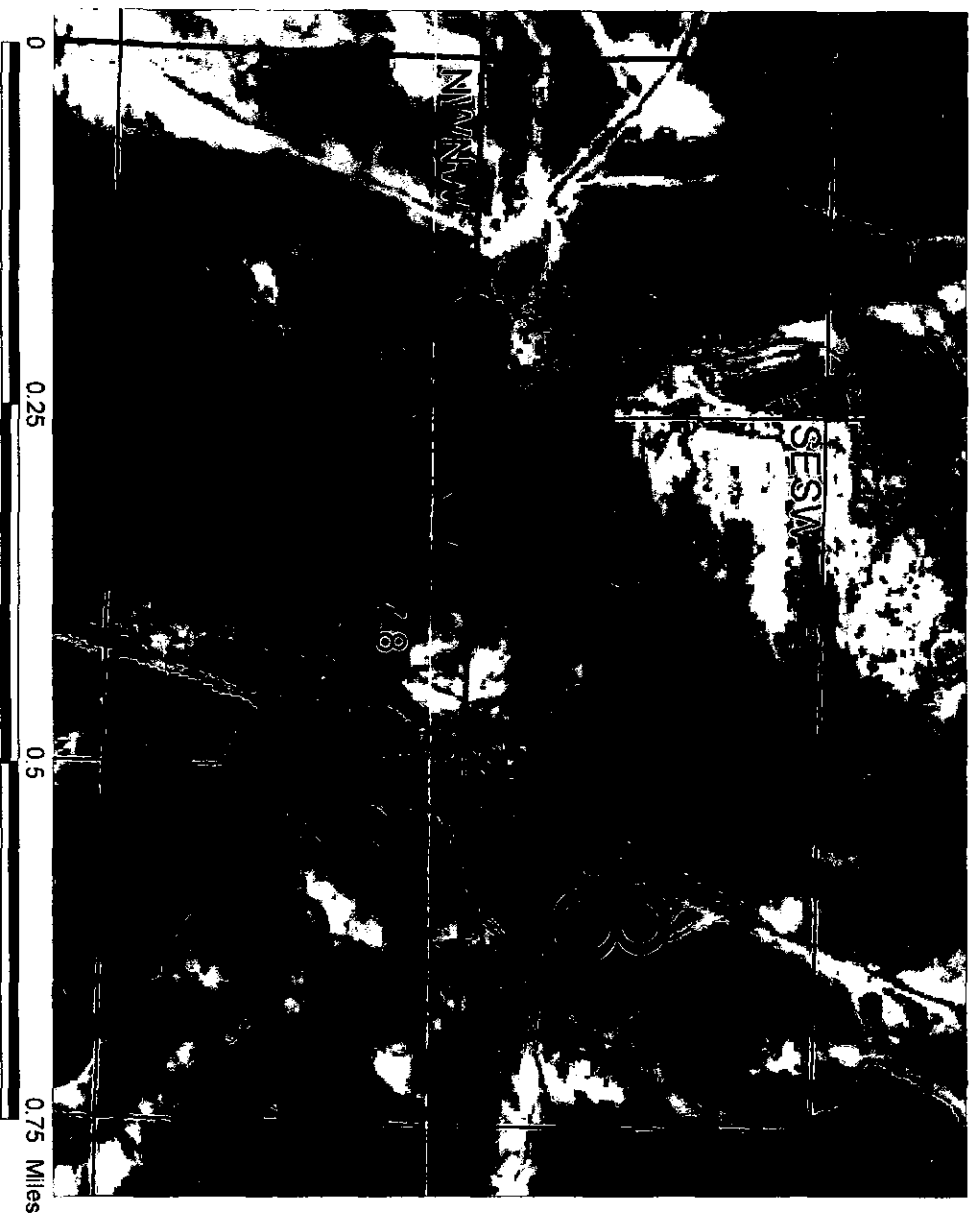
Place of Use

Section Lines

Quarter Quarter Lines

Township/Range Lines

1987 Napp Photo



Original Documents and Field Exam
in A57-00108

RECORDED

MAR 2 - 1938