

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 37-792F V1

WATER RIGHT NUMBER: 37-792F V1

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	DALE SLANE 440 RIVER RD BLISS, ID 83314 (208)352-4262
Current Owner	CECIL L BAIN 1735 26TH ST OGDEN, UT 84401 (801)391-6271
Previous Owner	STAN O BARKLEY 2093 MISSMAN RD COUNCIL, ID 83612 (208)253-6880
Original Owner	JANE SLANE 440 RIVER RD BLISS, ID 83314 (208)352-4262
Previous Owner	JUDY L BARKLEY 2093 MISSMAN RD COUNCIL, ID 83612 (208)253-6880
Current Owner	CONNIE J FLINDERS 1735 26TH ST OGDEN, UT 84401 (801)391-6271
Previous Owner	DIANE ROEDENBECK 440 RIVER RD BLISS, ID 83314 (208)352-1128

Priority Date: 04/01/1888

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
SPRING	SNAKE RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
STOCKWATER	01/01 to 12/31	0.020 CFS	
DOMESTIC	01/01 to 12/31	0.020 CFS	
IRRIGATION	03/15 to 11/15	0.100 CFS	
	<u>Total Diversion:</u>	0.120 CFS	

Location of Point(s) of Diversion

SPRING	NE1/4SE1/4SE1/4	Sec. 17, Twp 06S, Rge 13E, B.M.
GOODING County		

Place of Use

STOCKWATER

IDAHO DEPARTMENT OF WATER RESOURCES

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Twp	Rge	Sec	NE				NW				SW				SE				Totals
06S	13E	17	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
																		X	

DOMESTIC

Twp	Rge	Sec	NE				NW				SW				SE				Totals
06S	13E	17	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
																		X	

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
06S	13E	17	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
																		5.0	5.0

Total Acres: 5

Conditions of Approval:

1. N14 The quantity of water under this right for domestic and stockwater uses shall not exceed 13,000 gallons per day.
2. E55 USE OF THIS RIGHT WITH RIGHT NO. 37-7852 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 5 ACRES IN A SINGLE IRRIGATION SEASON.
3. N09 The quantity of water decreed for this water right for domestic use and stockwater use is not a determination of historical beneficial use.
4. B01 SOURCE IS ALSO KNOWN AS MONTANA MINING COMPANY SPRING NO. 9.
5. C18 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.

Remarks:

IDAHO DEPARTMENT OF WATER RESOURCES

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Comments:

1. ROBERTSO 6/14/1994 OWNERSHIP CHANGE

Comment: Change of ownership received 6/14/94, original owner Dale or Jane Slane-new owner Diane Roedenbeck. Copy of Warranty Deed submitted with form. Former owners Attorney of Record (Pat Brown) also re- moved at new owners request. A37-00792F also changed this date.

2. cfritsch 10/7/2003 Copied from Remarks

Comment: THIS CLAIM IS A PORTION OF THE RT. 37-0792 SPLIT BY TRANS. 2685. THIS CLAIM IS THE PORTION ASSIGNED TO PARCEL B ON THAT TRANS.

3. cfritsch 10/7/2003 Fish Propagation

Comment: Fish propagation use is covered by 37-7852.

Water Supply Bank:

STATE 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.

RECEIVED
DEC 19 2006
 DEPT. OF WATER RESOURCES
 SOUTHERN REGION

1. 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 (under the "split" heading), 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
<u>37-7852</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u>37-792F</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
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2. 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) is 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) Stan O. Barkley and Judy L. Barkley
2093 Missman Road, Council, ID 83612
4. New Owner/Claimant(s) Connie J. Flinders and Cecil L. Bain
 Name Connector (Check one): [] and, [] or, [] and/or
- New Mailing Address 1735 26th Street
 City, State and ZIP Code Ogden, UT 84401
 New Telephone Number (801) 391-6271
5. Date you acquired the property December 15, 2006

6. 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	_____	_____

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

Geoffrey Bai
Amir Almadani

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 *[Signature]* Date 12/19/06 Fee 500
 Received by _____ Date _____ Receipt No. _____
 Processed by _____ AJ Date _____ WR _____ Date _____

WARRANTY DEED

For Value Received

STAN O. BARKLEY and JUDY L. BARKLEY, Husband and Wife

the grantor(s), do(es) hereby grant, bargain, sell, and convey unto

CONNIE J. FLINDERS, a single woman and CECIL L. BAIN, a single man

the grantee(s), whose current address is

1735 26TH STREET , OGDEN, UT 84401

the following described premises, to-wit:

See Attached Exhibit "A"

Instrument # 219497

GOODING, GOODING, IDAHO

2006-12-15

04:21:35 No. of Pages: 2

Recorded for : GOODING TITLE

DENISE M. GILL

Fee: 6.00

Ex-Officio Recorder Deputy



TOGETHER with Water Right No.'s. 37-7852 and 37-972F with the Idaho Department of Water Resources.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee(s), his/her/their heirs and assigns forever. And the said Grantor(s) do(es) hereby covenant to and with the said Grantee(s), that he/she/they are the owner(s) in fee simple of said premises; that said premises are free from all encumbrances except current years taxes, levies, and assessments, and except U. S. Patent reservations, restrictions, easements of record, and easements visible upon the premises, and that he/she/they will warrant and defend the same from all claims whatsoever.

Dated: December 15, 2006


STAN O. BARKLEY
JUDY L. BARKLEY

STATE OF IDAHO

: ss

COUNTY OF GOODING

On This 15th day of December, in the year 2006, before me, a Notary Public in and for said State, personally appeared **STAN O. BARKLEY and JUDY L. BARKLEY**, known or identified to me to be the person(s) whose name(s) is/are subscribed to the within Instrument, and acknowledged to me that he/she/they executed the same.

WITNESS my hand and official seal.

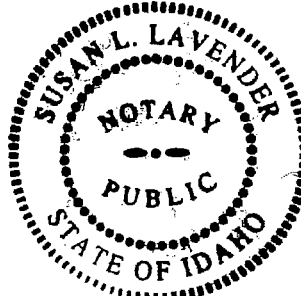

Notary Public of Idaho
Residing at Hagerman, ID
Commission Expires: September 18, 2012

EXHIBIT A
G060397

PARCEL I:

That portion of the East half of the Southeast Quarter, Section 17, Township 6 South, Range 13 East, Boise Meridian, Gooding County, Idaho, lying North of the old U.S. Highway 30 and South of the canyon rim, more particularly described as follows:

COMMENCING at the section corner common to Sections 16, 17, 20 and 21, Township 6 South, Range 13 East, Boise Meridian;
THENCE along the section line between Sections 17 and 20 South 89°37' West 59.32 feet to the North right-of-way line of Old U.S. Highway 30;
THENCE along said right-of-way on a curve to the left whose central angle is 15°38', whose radius is 941.73 feet, whose tangent is 129.28 feet, whose length is 256.96 feet and whose long chord bears North 39°48'59" West 256.16 feet to a point of tangency;
THENCE North 47°37'59" West 160.03 feet to the REAL POINT OF BEGINNING;
THENCE North 47°37'59" West 455.74 feet to a point;
THENCE Leaving said right-of-way North 0°15' East 1,596.01 feet to a point on the canyon rim;
THENCE along the canyon rim South 44°47' East 471.36 feet to a point;
THENCE South 0°05' West 1,568.55 feet to the REAL POINT OF BEGINNING.

EXCEPTING THEREFROM:

BEGINNING at the section corner common to Sections 16, 17, 20 and 21, Township 6 South, Range 13, East Boise Meridian;
THENCE along the section line between Section 17 and 20, South 89°37' West 59.32 feet to the North right-of-way line of old U.S. Highway 30;
THENCE along said right-of-way on a curve to the left whose central angle is 15°38', whose radius is 941.73 feet, whose tangent is 129.28 feet, whose length is 256.96 feet and whose long chord bears North 39°48'59" West 256.16 feet to a point of tangency;
THENCE North 47°37'59" West 615.77 feet to the TRUE POINT OF BEGINNING;
THENCE North 47°37'59" West 135.62 feet;
THENCE North 42°22' East 150.00 feet;
THENCE South 47°37'59" East 158.22 feet;
THENCE South 42°22' West 150.00 feet;
THENCE North 47°37'59" West 22.60 feet to the TRUE POINT OF BEGINNING.

PARCEL II:

A parcel of land located in the Southeast Quarter of Section 17, Township 6 South, Range 13 East, Boise Meridian, Gooding County, Idaho, and more particularly described as follows:

COMMENCING at the Southeast corner of said Section 17;
THENCE North 00°06'28" West along the East boundary of Section 17 for a distance of 1,534.47 feet;
THENCE North 44°47'00" West for a distance of 476.79 feet;
THENCE South 00°05'00" West for a distance of 933.04 feet to the TRUE POINT OF BEGINNING;
THENCE South 41°59'57" East for a distance of 153.64 feet;
THENCE South 08°04'26" West for a distance of 39.81 feet;
THENCE South 28°30'46" West for a distance of 204.66 feet;
THENCE North 00°05'00" East for a distance of 331.54 feet, more or less, to the TRUE POINT OF BEGINNING.



GOODING
TITLE & ESCROW
COMPANY

RECEIVED
DEC 19 2006
DEPT. OF WATER RESOURCES
SOUTHERN REGION

12/18/06

VIA Regular Mail

IDWR
1341 FILLMORE STE 200
TWIN FALLS, ID 83301

Re: Order No. G060397
FLINDERS/BARKLEY

Dear IDWR:

In connection with the above mentioned order, attached please find our check no. 10742 in the amount of \$50.00, representing: WATER TRANSFER.

Also attached are copies/originals of the following documents(s):

- X Notice of Change in Water Right Ownership.
- X Warranty Deed.

Thank you for using Gooding Title & Escrow Company. Should you have any questions, please do not hesitate to contact me.

Sincerely,

Julie Gold Koyle
Escrow Assistant
Gooding Title & Escrow Company

/jgk

encl.



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

SOUTHERN REGION

December 21, 2006

JAMES E. RISCH
Governor

KARL J. DREHER
Director

CONNIE FLINDERS AND CECIL BAIN
1735 26TH ST
OGDEN UT 84401

RE: SRBA Claim No. #37-7852, #37-792F

Dear Ms. Flinders and Mr. Bain,

The Department has received the *Notice of Change of Water Right Ownership* you recently submitted referenced above. We have changed the records of current ownerships to you. Please find the enclosed copies of the water rights noting the change in owners. Review these records and if there is an error, or you have any questions, please contact this office.

Since this claim has not been decreed in the Snake River Basin Adjudication, no fees are due at this time. I am returning Gooding Title & Escrow's check #10742 for fifty dollars (\$50.00)

Should you have any questions please call me at (208) 736-3033.

Sincerely,

Carrie Hahn
Clerk

Enc.

Cc Gooding Title and Escrow