



State of Idaho
Idaho Department of Water Resources
Western Region

T3N R1E SECTION 12
Water Right(s) : 63-7512



1320 0 1320 Feet



-  Point of Diversion
-  Place Of Use
-  Quarter Quarter Lines
-  Section Lines

GIS Place of Use Illustration
1987/1988 NAPP photography
Prepared By: Vicky Music
Date: November 2004

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: A63-07512
Date Received: 8/24/1989
Receipt No: C010237
Received By: JB

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: DAVID MICHAEL BARTON 208-376-1541
Address: 8600 FRANKLIN RD.
BOISE, ID 83709

AND/OR

Name: DEBORAH D. BARTON 208-376-1541
Address: 8600 FRANKLIN RD.
BOISE, ID 83709

2. Date of Priority: OCT 22, 1971

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
03N	01E	12	SW	SW			ADA

5. Description of diverting works:
WELL, 6" CASING, 1/2 HP SUBM. PUMP, ASSUME DEPTH IS 100'.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
COMMERCIAL	01/01	12/31	0.020		

7. Total Quantity Appropriated is:
0.020 C.F.S. (and/or) 1.20 A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
COMMERCIAL, VETERINARY CLINIC

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
03N	01E	12	SW	SW		COMMER	

11. Place of use in counties: ADA

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

13. Other Water Rights Used:
NONE

14. Remarks:

THIS WELL ALSO SUPPLIES WATER TO FRANKLIN AUTO BODY, WHICH IS LOCATED NEXT DOOR. A SEPARATE CLAIM HAS BEEN FILED BY THE OWNER OF THAT PROPERTY.

|
INITIAL WATER RIGHT LICENSE FILED BY GEORGE BENSON AND/OR PAUL B. LARSEN; THESE PEOPLE HOLD THE MORGAGE WHICH DAVID M. BARTON, JR. WILL HAVE PAID OFF IN 8/90. THE CONTRACT OF SALE OF THIS PROPERTY TO DAVID M. BARTON, JR. IS RECORDED; INITIAL WATER RIGHT LICENSE # 63-7512.

15. Basis of Claim: LICENSE

16. Signature(s)

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

Number of attachments: _____

For Individuals:

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

Signature of Claimant(s): _____ Date: _____
_____ Date: _____

State of Idaho)
) SS.
County of _____)

Subscribed and sworn (or affirmed) before me this _____ day
of _____ 19 _____

Notary Public

Seal

Residing at _____

My Commission Expires _____

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 AV3-07512Date Received 8/24/89Receipt Number C010237

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

RECEIVED

AUG 24 1989

Department of Water Resources

Please type or print clearly

1. Name of Claimant (s) David Michael ^{and} /or Deborah D. BARTON Phone (208) 376-1541Mailing Address 8600 Franklin Rd.; Boise, Idaho Zip 837092. Date of Priority (Only one (1) per claim) ^(OCTOBER) 10/22/713. Source of water supply (a) Groundwater
which is tributary to (b) _____4. a. Location of existing point of diversion is: Township 3 North Range 1 East Section 12,
SW 1/4 of SW 1/4 of _____ 1/4, Govt. Lot, _____ B.M., County of Ada

Additional points of diversion if any: _____

b. If instream flow, beginning point of claimed instream flow is:

Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4,

Govt. Lot _____ B.M., County of _____

ending point is: Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____

_____ 1/4, Govt. Lot _____ B.M., County of _____

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well.Well: 6" casing - 1/2 h.p. submersible pump; pipe to clinic
Building unknown depth - Assume 100' gal pipe from
clinic Building To Building To the west DMS

MICROFILMED

AUG 21 1992

HOW YOU WILL RECEIVE NOTICES IN THE SNAKE RIVER BASIN ADJUDICATION

All documents filed in the Snake River Basin Adjudication other than notices of claims are filed with the court. Notices of claims to water rights filed in the Snake River Basin Adjudication are filed with the Idaho Department of Water Resources. Copies of all documents filed in the Snake River Basin Adjudication will not be mailed to all parties (claimants) in the adjudication.

By order of the court, any document filed with the court will be mailed only to those parties who may be directly affected by it. A monthly docket sheet will be prepared by the department which contains a summary of all documents filed with the court in the previous month and the dates and locations of hearings scheduled for the following three months. The docket sheet will be filed with the district court clerk in each county within the Snake River Basin in Idaho. Copies of the docket sheet may be obtained from any of the offices of the department either in person or by mail; a small fee will be charged to cover the cost of mailing and/or copying. If you wish to receive a copy of the docket sheet each month, you should mark the appropriate place on your notice of claim form. You will be charged a small annual subscription fee to cover the cost of copying and mailing. Copies of any document listed on the docket sheet may be obtained from any of the offices of the department either in person or by mail; a small fee will be charged to cover the cost of mailing and/or copying.

Copies of all notices of claims filed with the department will be available for inspection from all offices of the department. Copies of the notices of claims may be obtained in person or by mail, but you will be charged for the cost of copying and mailing. (A claimant will not be charged for a copy of his or her own notice of claim, and a person who acquires property with water rights for which a notice of claim was filed will not be charged for a copy of the notice of claim filed by the previous owner.)

After the notices of claims have been reviewed, the director will prepare and file a report with the court. Part 1 of the report will contain the director's recommendations as to each water right claimed under state law. Part 2 of the report will list each federal reserved water right claimed. A number of reports will be prepared, one or more for each sub-basin in the Snake River Basin. When the report for your sub-basin is filed with the court, you will be mailed a notice informing you that the report for your sub-basin has been filed. The notice will be sent to the most recent address shown by the department's files. Attached to the notice will be a copy of those portions of the report describing the water rights you have claimed. If you do not agree with the way your water right is described, you may file an objection to the report with the court. You can also file an objection if you disagree with the way other claimant's water rights are described, and the notice will tell you where a copy of the full report is available for inspection. The notice will tell you when and where to file your objection. The notice of filing for each sub-basin report will also be published state-wide in local newspapers.

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For Commercial purposes from Jan 1 to Dec 31 amount 0.02 or 1.2 acre feet

For Commercial purposes from Jan 1 to Dec 31 amount 0.02 or 1.2 acre feet

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 0.04 0.02 (cfs) and/or (b) 2.4 1.2 (acre feet)

8. Total consumptive use claimed is 0.04 acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) Commercial - Veterinary clinic and office warehouse

10. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
3N	1E	12											C						

Total number of acres irrigated - 0 -

11. In which county (ies) are lands listed above as place of use located? Ada

12. Do you own the property listed above as place of use? Yes X No _____
If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above.

Office-warehouse supplied by pipe from Veterinary clinic uses are for or None ()
Commercial use but limited to sinks, toilets, outdoor faucet - Name of other business
14. Remarks: leased in this office-warehouse
Initial water right license filed by Franklin Auto Body
George Benson for Paul B. Larson; these people hold the
mortgage which David M. Barton, Jr. will have paid off in 8/90.
The contract of sale of this property to David M. Barton, Jr. is
recorded; Initial water right license # 63-7512

MICROFILMED

Last Name BARTON

Ident No. 63-7512
39576

Copy AUG 21 1992 State, Below-Claimant

It is very important that you inform the department in writing of any change in your address. This is to make sure that you receive the notices affecting your water rights that are to be mailed by the department.

If you are acquiring property with water rights in the Snake River Basin water system in Idaho (either by purchase, gift, inheritance, or other means), it is very important that you inquire of the department whether a notice of claim has been filed. If not, you must file a notice of claim or the water right may be declared by the court to no longer exist. If a notice of claim has been filed, it is very important that you file a written notice of change in ownership with the department. The notice of change in ownership must be accompanied by some evidence of the change in ownership, such as a copy of the deed or a property tax statement showing the name of the new owner. Again, this is to make sure that you receive the notices affecting your water rights that are to be mailed by the department.

The cost of the subscription to the docket sheet is \$7.50 for calendar year 1988. The cost of the subscription may increase a small amount for calendar year 1989 if the cost of copying and/or mailing should increase.

If you are planning to file a motion or other pleading (not a notice of claim) with the court (not IDWR), the court has issued an order setting a special procedure that is different from the usual civil rules. A copy of the order may be obtained from any office of IDWR; you may be charged for the cost of mailing and/or copying.

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 63-7512
Date Received: 8/24/1989
Receipt No: C010237
Received By:

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

1. Name of Claimant(s)

DAVID MICHAEL BARTON JR Phone: (208)376-1541
6810 W DIAMOND ST
BOISE ID USA 83709

2. Date of Priority: 10/22/1971

3. Source: GROUND WATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot		County	Type
03N	01E	12	SW	SW	ADA	

5. Description of diverting works:

WELL, 6" CASING, 1/2 HP SUBM. PUMP, ASSUME DEPTH IS 100'.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
COMMERCIAL	1/01	12/31	0.02	

7. Total Quantity Appropriated is:

0.02 C.F.S. and/or 1.2 A.F.A.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
03N	01E	12	SW	SW	COMMERCIAL	

11. Place of use in counties: ADA

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

13. Other Water Rights Used:

14. Remarks:

THIS WELL ALSO SUPPLIES WATER TO FRANKLIN AUTO BODY, WHICH IS LOCATED NEXT DOOR. A SEPARATE CLAIM HAS BEEN FILED BY THE OWNER OF THAT PROPERTY.

| INITIAL WATER RIGHT LICENSE FILED BY GEORGE BENSON AND/OR PAUL B. LARSEN; THESE PEOPLE HOLD THE MORGAGE WHICH DAVID M. BARTON, JR. WILL HAVE PAID OFF IN 8/90. THE CONTRACT OF SALE OF THIS PROPERTY TO DAVID M. BARTON, JR. IS RECORDED; INITIAL WATER RIGHT LICENSE # 63-7512.

CHANGE IN OWNERSHIP LG 12/7/05 REMOVAL OF DEBORAH BARTONS NAME

15. Basis of Claim: License

15. Basis of Claim (check one) Beneficial Use ADJUDICATION Posted Notice _____ License X Permit _____

Decree _____
If applicable provide IDWR Water Right Number 63-7512
Court _____ Case Number _____ Decree Date _____
Plaintiff vs 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 X wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments - 0 -

For Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant (s) J. Michael Barton, Jr. Date 8/24/89

Date _____

For Organizations: I do solemnly swear or affirm that I am _____

Title
of _____, that I have signed the foregoing
Organization

document in the space below as _____ of _____
Title Organization

and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent _____

Title and Organization _____ Date _____

State of Idaho/or _____)
County of Ada) SS.

Subscribed and sworn (or affirmed) before me this 24th day of August 19 89

SEAL

Notary Public Kathleen A. Walker

Residing at Boise, Idaho

My Commission Expires 2-14-1993

Please Print Name

17. Notice of Appearance:

Notice is hereby given that I, _____ will be acting as attorney at law on behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature _____

Address _____

Date _____

MICROFILMED

AUG 21 1992

Last Name BARTON Ident. Number 63-7512
39576

Copies White-State, Yellow-Claimant

Water Right Number - 63-07512 Adj. Flag Translation: Standard Water Right Number Old (D) Number -
+ - - - - Last Name - - - - + + - - - - - Address - - - - - + - - - - -

*** C - CURRENT OWNER ***
BENSON

GEORGE T.

1 - 1210 AMERICANA BLVD.
2 - P.O. BOX 8446
3 -

State- ID Zip- 83706

City- BOISE
Phone -

LARSEN

PAUL B.

1 -
2 -
3 -

State- Zip-
City- Phone -

+ - - Priority Date - - + + - - - Region - - - + + - - - Stage - - - + + - - - Status - - - +
10/22/1971 14 L - LICENSE

+ - - - - Source - - - - + + - - - - - Tributary - - - - - + - - - - -
GROUNDWATER

+ - - - - - - - - - - - Point of Diversion - - - - - - - - - - - + - - - - - +
Twn Rng Sec Tract Lot Rflg County Stream Index (Blank if no Index Code)

03N 01E 12 SW SW (1) ADA

+ - - - - - - - - - - - Water Use - - - - - - - - - - - + - - - - - +
Code Description Period From Period To Diversion Rate Diversion Volume

10 - COMMERCIAL

01/01 12/31

0.020 1.20

+ - - Total Div. Rate - + + - - Total Div. Volume - + + - - Total Div. Capacity - + + - - Total Consumptive Use - + + - - KW Usage - +
0.020 1.20

+ - - - - - - - - - - - Place of Use - - - - - - - - - - - + - - - - - +
Twn Rng Sec Tract Lot Acres Code Description County

03N 01E 12 SW SW

10 COMMERCIAL

(1) ADA

Total Acres:

+ - - Diversion Means -

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use -

+ - - - - - - - - - - - Remarks - - - - - - - - - - - + - - - - - +
No Remarks found.

+ - - - - - - - - - - - Old Water Right Numbers - - - - - - - - - - - + - - - - - +
No Old Water Right Numbers found.

MICROFILMED

AUG 21 1992

Microfilm Roll Number -

MICROFILMED
AUG 21 1992

4/5/1989

SRBA CLAIMS RECEIVING CHECKLIST #2

CLAIMANT'S NAME

Barton

CLAIM IDENT. NO.

AL63-07512

DATE RECEIVED

8/24/89

CK #

C010237

AMOUNT

\$54.00

YES

NO

Required Info?

1. Is the name and address complete with zip code?

☒

☐

*

2. Is a priority date entered?

☒

☐

*

Is the priority date acceptable in view of mandatory filing dates?

☒

☐

*

See Adjudication Memos #1 and #4 to determine if a Permit is required.

3. (a) Is a source entered?

☒

☐

*

(b) Is a tributary to entered? (if required)

N/A

☒

☐

*

4. Is the legal description of the p.d. sufficient?

☒

☐

*

5. Is there a description of the diverting works?

☒

☐

*

6. Are the water uses appropriate for the form? The short form is limited to domestic and stockwater uses with direct diversion. All claims that include storage or instream stockwater must use long form.

☒

☐

*

Is the period of use included?

☒

☐

*

Is a quantity claimed for each use?

☒

☐

*

7. Is a total quantity claimed entered?

☒

☐

*

8. If required is a consumptive use entered?

N/A

☒

☐

*

Is the consumptive use correct?

N/A

☒

☐

*

9. Are the non-irrigation uses listed properly? If this claim is on the short form, and more than one domestic use is listed, single ownership must be stated. If not under single ownership, see Adjudication Memo # 4.

N/A

☒

☐

*

10. Is (are) the place(s) of use and purpose(s) indicated?

☒

☐

*

11. Is (are) the county(ies) entered?

☒

☐

*

12. Is the ownership of p.u. checked?

☒

☐

*

13. Are other water rights listed or "none" indicated?

☒

☐

*

14. If required, are remarks correct? (If the claimant does not own the place of use, authority for filing the claim must be explained in the remarks.)

N/A

☒

☐

*

15. Is the basis of the claim indicated?

☒

☐

*

16. If the claimant requested a monthly docket sheet, is payment enclosed? (If yes, describe payment status in "Comments" below.)

N/A

☒

☐

*

17. Is the claim signed by the claimant, and is the signature appropriate? Organizations must complete the organization block.

☒

☐

*

18. Has the claim been signed, sealed, and dated by a notary?

☒

☐

*

19. Was this claim filed on time, or was an extension granted?

☒

☐

*

20. Is the fee enclosed correct?

Exempt

☒

☐

*

21. If this claim is based on an existing water right, has the identification number been entered?

N/A

☒

☐

*

22. Should this claim be data entered?

☒

☐

*

Claim checked by:

B. [Signature]

Date: 6/11/90 7/12/90

Claim must be returned to claimant:

(Yes) (No)

Claimant must be notified of modifications:

(Yes) (No)

did not request refund

Receipt Prepared by:

Claim data entered by:

Sent to claimant by:

Date:

Date: 7/12/90

Checked by:

Date:

Comments: 6/12/90 - mark data entered, however I deleted receipt no on claim and claim # on receipt to hold up claim at temp.

MICROFILMED

AUG 21 1992

Claim is for 0.04 cfs - license is for .02 - needs Dr. Barton case in and reduced claim to only .02 - needs letter - see [Signature]

| ReceiptID | Amount | BasinNumber | SequenceNuml | SplitSuffix | Type |
|-----------|--------|-------------|--------------|-------------|-------|
| C010237 | 54.00 | 63 | 7512 | | Claim |



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

FAX (208) 334-2348

December 7, 2005

David Michael Barton
6810 W Diamond St
Boise, ID 83709

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

Re: Notice of Claim to a Water Right No. 63-7512

Dear Claimant(s):

Enclosed is a copy of the above referenced claim(s), which reflect the change in ownership of the land and appurtenant water rights, covered under the original filing.

Please note that the enclosed Notice of Claim to a Water Right is not a final determination of your water right. This claim was filed during claims taking in the Snake River Basin Adjudication (SRBA) and has not yet been verified by this Department. Water rights are established and maintained by beneficial use of water for the uses designated on this claim form dating back to the priority date listed. This claim will be investigated, verified and recommended to the SRBA Court for court decree sometime in the near future. You will be notified prior to the beginning of any verification of this water right.

Thank you for your patience and cooperation, as we have had several water right changes to process. If you have any questions concerning the enclosed information, please feel free to contact this office.

Sincerely,

Liberty Gagnon
Office Specialist 1
Adjudication Section
Western Region Office

LG: lg

Enclosure

12/07/2005

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 63-7512

NAME AND ADDRESS: DAVID MICHAEL BARTON JR
6810 W DIAMOND ST
BOISE ID 83709

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.020 CFS
1.200 AFY

PRIORITY DATE: 10/22/1971

POINT OF DIVERSION:

T03N R01E S12 SWSW Within ADA County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

COMMERCIAL

01/01 12/31

0.020 CFS

1.20 AFY

PLACE OF USE: COMMERCIAL Within ADA County

T03N R01E S12 SWSW

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

COMMERCIAL USE IS FOR VETERINARY CLINIC.

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.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

PARCEL NO. S1112336420.

RECEIVED

JUL 12 2005

WATER RESOURCES
WESTERN REGION

7/8/05

TO : Vicki Music
State of Idaho
Dept. of Water Resources
Western Regional Office
2735 Airport Way
Boise, Idaho 83705

Dear Vicki,

Please find, per our conversation last week,
a copy of pertinent parts (divorce decree is
about 20 pages) of my divorce decree. You will
see the Veterinary Medical Clinic of Boise
@ 8600 Franklin Rd., Boise, Idaho 83709 (
TO3N ROIE S12 SWSW) has been awarded
to myself.

Please delete Deborah's name from water right
63-7512.

Thank you,

Liberty - P/z delete
the wife's name
from 63-7512.
Hux - VWR

Dr. Mike Smith, DVM

RECEIVED
JUL 12 2005
WATER RESOURCES
WESTERN REGION

KIM J. TROUT, #2468
MANWEILER, TROUT, MANWEILER
& BREEN, PLLC
Attorneys at Law
290 Bobwhite Court, Suite 300
P.O. Box 937
Boise, Idaho 83701-0937
Telephone: (208) 424-9100
Facsimile: (208) 424-3100

ATTORNEYS FOR PLAINTIFF

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF THE STATE
OF IDAHO, IN AND FOR THE COUNTY OF ADA

DAVID MICHAEL BARTON, JR.,

Plaintiff,

vs.

DEBORAH DANIELS BARTON,

Defendant.

CASE NO. CVDR 01-00726D

**JUDGMENT AND DECREE
OF DIVORCE**

Based on the Stipulation of the parties, and good cause appearing herefore, IT IS
HEREBY ORDERED, ADJUDGED AND DECREED as follows:

1. Findings of Fact and Conclusions of Law are waived.
2. The parties are hereby granted an absolute divorce on the grounds of irreconcilable differences and the parties are hereby restored to the status of single persons.

3. The community property and community debts of the parties are hereby divided and awarded in accordance with the terms of that certain Property Settlement Agreement entered into between the parties on May 29, 2001, a copy of which is attached hereto, designated as Exhibit "A" and incorporated by reference herein. Said Property Settlement Agreement is hereby ratified, approved, incorporated, and merged into this Judgment and Decree of Divorce and the Court hereby orders its provisions into effect.

IT IS SO ORDERED, ADJUDGED, AND DECREED this 19th day of June, 2001.

MICHAEL DENNARD
R. MICHAEL DENNARD, Magistrate

EXHIBIT 1 – PROPERTY SCHEDULE

Michael shall be awarded the following property:

1. All of the community right, title, and interest in and to Veterinary Medical Clinic of Boise;
2. All of the community right, title and interest in and to that certain real property located at 6810 Diamond Street, Boise, Idaho, 83709;
3. All personal property currently in Michael's possession and control.

Deborah shall be awarded the following property:

1. All of the community right, title, and interest in and to The Family Pet Veterinary Clinic. P.A.;
2. Deborah shall receive, as soon as is reasonably practicable following the date of the entry of the Decree of Divorce in this matter, the following sums from Michael as follows:
 - a. One-half of the net equity in the Diamond residence based upon an agreed valuation of \$154,000, less one-half of the closing costs incurred in obtaining refinancing on the home to provide cash for payment to Deborah. In the event that Michael is unable to obtain refinancing, then the home shall be sold in a reasonable manner with each party agreeing to a realtor, and each party to pay one-half of the closing costs associated with sale. The Court shall retain jurisdiction over this aspect of the case and in the event of any dispute over any aspect of sale, the Court shall be the arbiter of said dispute; and
 - b. the sum of \$44,700 to be transferred from Michael's regular IRA to Deborah's regular IRA to equalize the valuations of the veterinary clinics;

08/12/2005

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 63-7512

NAME AND ADDRESS: DAVID MICHAEL BARTON JR
6810 W DIAMOND ST
BOISE ID 83709

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.020 CFS
1.200 AFY

PRIORITY DATE: 10/22/1971

POINT OF DIVERSION:

T03N R01E S12 SWSW Within ADA County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

COMMERCIAL

01/01 12/31

0.020 CFS
1.20 AFY

PLACE OF USE: COMMERCIAL Within ADA County

T03N R01E S12 SWSW

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

COMMERCIAL USE IS FOR VETERINARY CLINIC.

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.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License
PARCEL NO. S1112336420.

11/10/2004

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 63-7512
NAME AND ADDRESS: DAVID MICHAEL BARTON JR
6810 W DIAMOND ST
BOISE ID 83709

DEBORAH D BARTON
6810 W DIAMOND ST
BOISE ID 83709

wrong name - divorced 5 yrs ago

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.020 CFS
1.200 AFY

PRIORITY DATE: 10/22/1971

POINT OF DIVERSION:

T03N R01E S12 SWSW Within ADA County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE
COMMERCIAL

PERIOD OF USE
01/01 12/31

QUANTITY
0.020 CFS
1.20 AFY

PLACE OF USE: COMMERCIAL Within ADA County
T03N R01E S12 SWSW

| | |
|---|---|
| IMPORTANT MESSAGE | |
| FOR <u>Vicky</u> | |
| DATE <u>6/27</u> | TIME <u>1:41</u> A.M. |
| WHILE YOU WERE OUT | |
| M <u>Dr. Mike Barton</u> | |
| OF <u>work</u> | <u>Home</u> |
| PHONE NO. <u>376-1541</u> or <u>362-10040</u> | |
| TELEPHONED | PLEASE CALL ☒ |
| CALLED TO SEE YOU | WILL CALL AGAIN ☐ |
| WANTS TO SEE YOU | URGENT ☐ |
| RETURNED YOUR CALL ☐ | |
| MESSAGE <u>Re: 63-7512. He's</u>
<u>a doctor so - may be hard to</u>
<u>catch tomorrow.</u> | |
| SIGNED <u>Abandoned on city water</u> | |
| HighMark P3-A2334 | |

THIS WATER RIGHT:

eral provisions necessary for
icient administration of the water
he Court at a point in time no
ree. Section 42-1412(6), Idaho

11/10/2004

UNDER STATE LAW

-decree 5 yrs ago-

FARY:

| <u>USE</u> | <u>QUANTITY</u> |
|------------|-----------------|
| /31 | 0.020 CFS |
| | 1.20 AFY |

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

COMMERCIAL USE IS FOR VETERINARY CLINIC.

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.

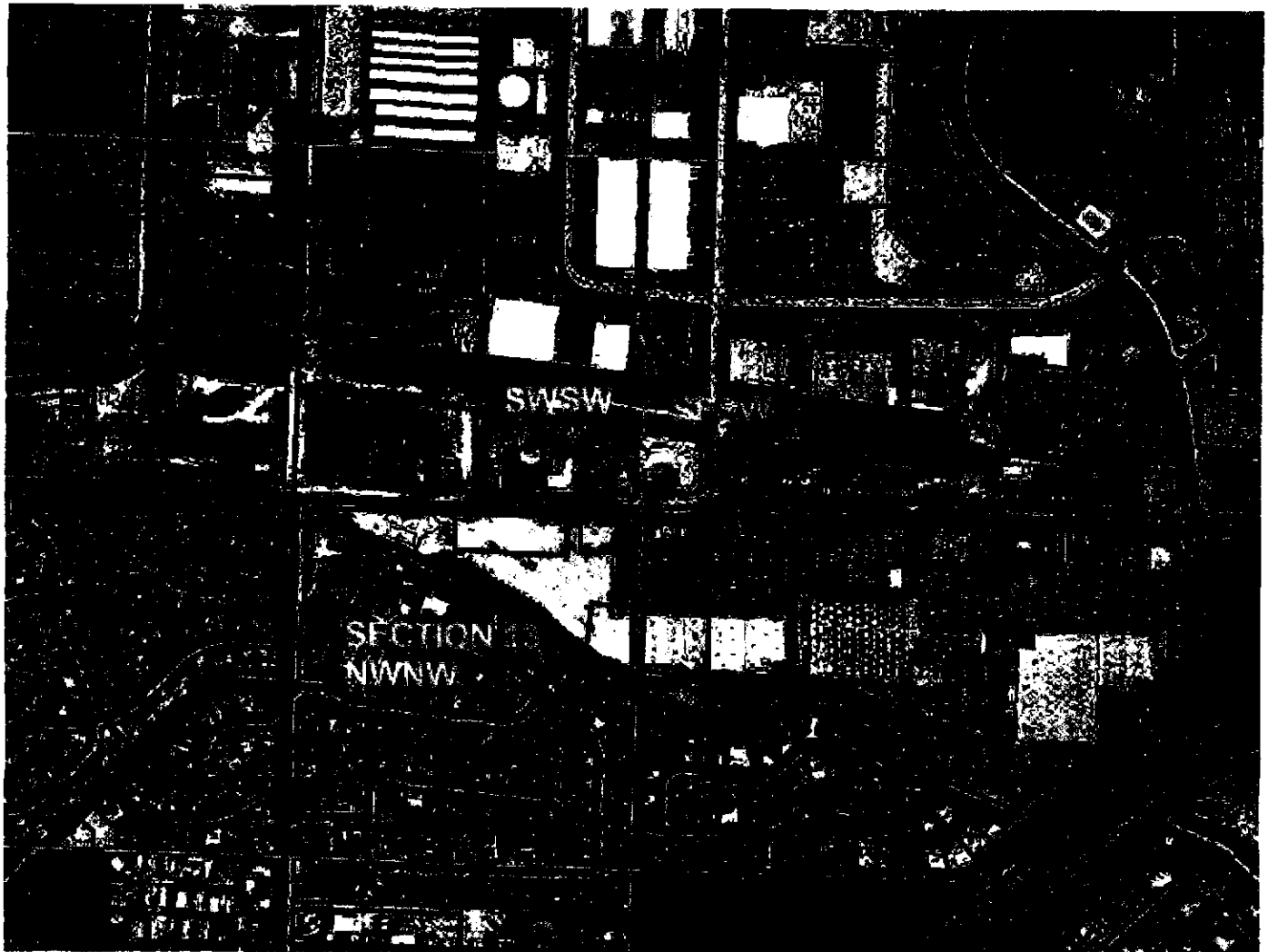
EXPLANATORY MATERIAL: License

PARCEL NO. S1112336420.

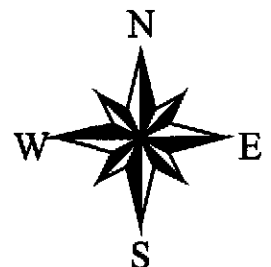


State of Idaho
Idaho Department of Water Resources
Western Region

T3N R1E SECTION 12
Water Right(s) : 63-7512



1320 0 1320 Feet

A horizontal scale bar with alternating black and white segments, indicating a distance of 1320 feet from the left end to the right end, with a zero mark in the center.

- ⊙ Point of Diversion
- Place Of Use
- Quarter Quarter Lines
- Section Lines

GIS Place of Use Illustration
1987/1988 NAPP photography
Prepared By: Vicky Music
Date: November 2004

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-7512 V1

WATER RIGHT NUMBER: 63-7512 V1

| <u>Owner Type</u> | <u>Name and Address</u> |
|-------------------|--|
| Current Owner | DAVID MICHAEL BARTON JR
6810 W DIAMOND ST
BOISE, ID 83709
(208)376-1541 |
| Current Owner | DEBORAH D BARTON
6810 W DIAMOND ST
BOISE, ID 83709
(208)376-1541 |

Priority Date: 10/22/1971

Basis: License

Status: Active

| <u>Source</u> | <u>Tributary</u> |
|---------------|------------------|
| GROUND WATER | |

| <u>Beneficial Use</u> | <u>From</u> <u>To</u> | <u>Diversion Rate</u> | <u>Annual Volume</u> |
|-----------------------|-------------------------|-----------------------|----------------------|
| COMMERCIAL | 01/01 to 12/31 | 0.020 CFS | 1.20 AF |
| | <u>Total Diversion:</u> | 0.020 CFS | 1.20 AF |

Location of Point(s) of Diversion

| | | |
|--------------|------------|---------------------------------|
| GROUND WATER | SW1/4SW1/4 | Sec. 12, Twp 03N, Rge 01E, B.M. |
| ADA County | | |

Place of Use

COMMERCIAL

| 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 | 01E | 12 | | | | | | | | | | | | X | | | | | |

Conditions of Approval:

1. 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:

1. Explanatory PARCEL NO. S1112336420.
2. General COMMERCIAL USE IS FOR VETERINARY CLINIC.

IDAHO DEPARTMENT OF WATER RESOURCES
 Adjudication Recommendation Report 63-7512 V1

Comments:Dates and Other Information:

Decreed Date:
 Enlargement Use Priority Date:
 Enlargement Statute Priority Date:
 Defendant:
 Plaintiff:
 Civil Case Number:
 Judicial District:
 Notice of Error Flag:
 State or Federal: S
 Owner Name Connector: AND
 Water District Number:
 Generic Max Rate Per Acre:
 Generic Max Volume Per Acre:
 Swan Falls Trust or Nontrust:
 Swan Falls Dismissed:
 DLE Act Number:
 Carey Act Number:
 Mitigation Plan: False

Combined Use Limits:Element Reviewed/Verified Dates:

| Element | Last Reviewed Date | Reviewer | Last Verified Date | Verifier | Status |
|---------------|-----------------------|----------|--------------------|----------|--------|
| Summary | | | 07/03/2002 | sbock | Active |
| Contacts | 11/10/2004 1:38:30 PM | vmusic | | | Active |
| Priority Date | 11/10/2004 1:53:34 PM | vmusic | | | Active |
| Source | 11/10/2004 1:53:52 PM | vmusic | | | Active |
| POU | 11/10/2004 1:54:22 PM | vmusic | | | Active |
| Use | 11/10/2004 1:55:24 PM | vmusic | | | Active |
| Season | 11/10/2004 1:55:56 PM | vmusic | | | Active |
| Quantity | 11/10/2004 1:57:02 PM | vmusic | | | Active |
| Summary | | | 11/10/2004 | vmusic | Active |
| POD | 11/10/2004 2:57:04 PM | vmusic | | | Active |

Verification Log:

| Element | Date Time Stamp | Reviewer | Log text |
|---------|-----------------------|----------|---|
| Summary | 7/3/2002 8:58:00 AM | sbock | (Yes) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice?
(No) 2. Does any evidence indicate a five year period of continuous nonuse occurred that could result in recommending forfeiture or partial forfeiture?
(No) 5. Is an additional remark and/or condition required? |
| POU | 11/10/2004 1:59:38 PM | vmusic | Edited shape boundary |

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-7512 V1

| | | | |
|---------------|-----------------------|--------|---|
| Summary | 11/10/2004 2:56:00 PM | vmusic | <p>(Yes) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice?</p> <p>(No) 2. Does any evidence indicate a five year period of continuous nonuse occurred that could result in recommending forfeiture or partial forfeiture?</p> <p>(No) 5. Does this right have any combined use limits with other rights?</p> <p>(Yes) 6. Is an additional remark and/or condition required?</p> <p>(Yes) 7. Would you like to view the recommended right?</p> <p>(No) 8. Is this a split or combined right?</p> <p>(No) 9. Do you have documents you would like to attach or link to the file?</p> <p>(Yes) 10. Would you like to set the verification date?</p> |
| POD | 11/10/2004 2:57:04 PM | vmusic | <p>(Yes) 1. Is the basis of this claim a Decree or License?</p> <p>(Yes) 4. Does the Decree or License have a POD?</p> <p>(Yes) 5. Can the claimed POD be verified using the water right file?</p> <p>(No) 10. Is a POD remark and/or condition required?</p> |
| Contacts | 11/10/2004 1:38:31 PM | vmusic | <p>(No) 1. Do you want to schedule an appointment?</p> <p>Comment for 1: DESKTOP REVIEW OF LICENSED RIGHT</p> |
| Priority Date | 11/10/2004 1:53:35 PM | vmusic | <p>(No) 1. Should this water use have been included in a later court decree of the water rights from this source?</p> <p>(Yes) 4. Is the basis of claim decree or license?</p> <p>(Yes) 5. Does the decree or license have a Priority Date?</p> <p>(Yes) 6. Did the Claimant claim the decreed or licensed Priority Date ?</p> <p>(Yes) 15. Is the basis of claim coded correctly?</p> <p>(No) 16. Is a Priority Date remark and/or condition required?</p> |
| Source | 11/10/2004 1:53:53 PM | vmusic | <p>(Yes) 1. Is the basis of claim Decree or License?</p> <p>(Yes) 4. Does the Decree or License have a source?</p> <p>(Yes) 5. Can the claimed source be verified using the water right file?</p> <p>(No) 11. Is a Source remark and/or condition required?</p> |
| POU | 11/10/2004 1:54:22 PM | vmusic | <p>(Yes) 1. Is the basis of this claim a Decree or License?</p> <p>(Yes) 2a. Is the POU required?</p> <p>(Yes) 5. Does the Decree or License have a POU?</p> <p>(Yes) 6. Can the claimed POU be verified using the water right file?</p> <p>(No) 14. Is a POU remark and/or condition required?</p> |

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-7512 V1

| | | | |
|----------|-----------------------|--------|---|
| Use | 11/10/2004 1:55:24 PM | vmusic | (Yes) 1. Is the basis of this claim a Decree or License?
(Yes) 4. Does the Decree or License have a Purpose of Use?
(Yes) 5. Can the claimed Purpose of Use be verified using the water right file?
(Yes) 13. Is a Purpose of Use remark and/or condition required? |
| Season | 11/10/2004 1:55:57 PM | vmusic | (Yes) 1. Is the basis of claim Decree or License?
(Yes) 4. Does the Decree or License have a Period of Use?
(Yes) 5. Can the claimed Period of Use be verified using the water right file?
(No) 14. Is irrigation claimed as a Purpose of Use?
(Yes) 18. Is a Period of Use remark and/or condition required? |
| Quantity | 11/10/2004 1:57:02 PM | vmusic | (Yes) 1. Is the basis of this claim a Decree or License?
(Yes) 4. Does the Decree or License have a diversion rate and/or volume?
(Yes) 5. Can the claimed diversion rate and/or volume be verified using the water right file?
(Yes) 8. Does the parent right have an annual diversion volume limit?
(No) 10. Is a irrigation a purpose of use?
(No) 12. Is a Quantity remark or condition required?
Description for Question 10 - SEE LICENSING EXAM. |
| POD | 11/10/2004 2:57:26 PM | vmusic | Edited point location |

**IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM POU REVIEW REPORT
ADJUDICATION CLAIM NUMBER: 63-7512**

11/10/2004

1

| Right # | Type | Twp | Rge | Sec | QQ | Q | Lot | Purpose of Use | Acres/Total | Name |
|---------|-------------|-----|-----|-----|----|----|-----|-----------------|-------------|-------------------------|
| 16518 | Water Right | 03N | 01E | 12 | SW | SW | | STOCKWATER | | HELGA YURKE |
| 7512 | Claim | 03N | 01E | 12 | SW | SW | | COMMERCIAL | | DAVID MICHAEL BARTON JR |
| 7512 | Water Right | 03N | 01E | 12 | SW | SW | | COMMERCIAL | | GEORGE T BENSON |
| 2576 | Claim | 03N | 01E | 12 | SW | SW | | MUNICIPAL | | UNITED WATER IDAHO INC |
| 2605 | Claim | 03N | 01E | 12 | SW | SW | | MUNICIPAL | | UNITED WATER IDAHO INC |
| 2874 | Claim | 03N | 01E | 12 | SW | SW | | MUNICIPAL | | UNITED WATER IDAHO INC |
| 2954 | Claim | 03N | 01E | 12 | SW | SW | | MUNICIPAL | | UNITED WATER IDAHO INC |
| 2956 | Claim | 03N | 01E | 12 | SW | SW | | MUNICIPAL | | UNITED WATER IDAHO INC |
| 2989 | Claim | 03N | 01E | 12 | SW | SW | | MUNICIPAL | | UNITED WATER IDAHO INC |
| 3164 | Claim | 03N | 01E | 12 | SW | SW | | MUNICIPAL | | UNITED WATER IDAHO INC |
| 7067 | Claim | 03N | 01E | 12 | SW | SW | | MUNICIPAL | | UNITED WATER IDAHO INC |
| 7577 | Claim | 03N | 01E | 12 | SW | SW | | MUNICIPAL | | UNITED WATER IDAHO INC |
| 7998 | Claim | 03N | 01E | 12 | SW | SW | | MUNICIPAL | | UNITED WATER IDAHO INC |
| 19456 | Claim | 03N | 01E | 12 | SW | SW | | MUNICIPAL | | UNITED WATER IDAHO INC |
| 17494 | Claim | 03N | 01E | 12 | SW | SW | | DOMESTIC | | TOLLEY-HUGHES INC |
| 16518 | Water Right | 03N | 01E | 12 | SW | SW | | DOMESTIC | | HELGA YURKE |
| 16965 | Water Right | 03N | 01E | 12 | SW | SW | | DOMESTIC | | SUBURBAN PROPANE INC |
| 23075 | Water Right | 03N | 01E | 12 | SW | SW | | DOMESTIC | | FRANKLIN AUTO BODY |
| 3367 | Water Right | 03N | 01E | 12 | SW | SW | | FIRE PROTECTION | | NASHUA MFG CO |

**IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM POU REVIEW REPORT
ADJUDICATION CLAIM NUMBER: 63-7512**

11/10/2004

1

| Right # | Type | Twp | Rge | Sec | QQ | Q | Lot | Purpose of Use | Acres/Total | Name |
|---------|-------------|-----|-----|-----|----|----|-----|-----------------|-------------|-------------------------|
| 16518 | Water Right | 03N | 01E | 12 | SW | SW | | STOCKWATER | | HELGA YURKE |
| 7512 | Claim | 03N | 01E | 12 | SW | SW | | COMMERCIAL | | DAVID MICHAEL BARTON JR |
| 7512 | Water Right | 03N | 01E | 12 | SW | SW | | COMMERCIAL | | GEORGE T BENSON |
| 2576 | Claim | 03N | 01E | 12 | SW | SW | | MUNICIPAL | | UNITED WATER IDAHO INC |
| 2605 | Claim | 03N | 01E | 12 | SW | SW | | MUNICIPAL | | UNITED WATER IDAHO INC |
| 2874 | Claim | 03N | 01E | 12 | SW | SW | | MUNICIPAL | | UNITED WATER IDAHO INC |
| 2954 | Claim | 03N | 01E | 12 | SW | SW | | MUNICIPAL | | UNITED WATER IDAHO INC |
| 2956 | Claim | 03N | 01E | 12 | SW | SW | | MUNICIPAL | | UNITED WATER IDAHO INC |
| 2989 | Claim | 03N | 01E | 12 | SW | SW | | MUNICIPAL | | UNITED WATER IDAHO INC |
| 3164 | Claim | 03N | 01E | 12 | SW | SW | | MUNICIPAL | | UNITED WATER IDAHO INC |
| 7067 | Claim | 03N | 01E | 12 | SW | SW | | MUNICIPAL | | UNITED WATER IDAHO INC |
| 7577 | Claim | 03N | 01E | 12 | SW | SW | | MUNICIPAL | | UNITED WATER IDAHO INC |
| 7998 | Claim | 03N | 01E | 12 | SW | SW | | MUNICIPAL | | UNITED WATER IDAHO INC |
| 19456 | Claim | 03N | 01E | 12 | SW | SW | | MUNICIPAL | | UNITED WATER IDAHO INC |
| 17494 | Claim | 03N | 01E | 12 | SW | SW | | DOMESTIC | | TOLLEY-HUGHES INC |
| 16518 | Water Right | 03N | 01E | 12 | SW | SW | | DOMESTIC | | HELGA YURKE |
| 16965 | Water Right | 03N | 01E | 12 | SW | SW | | DOMESTIC | | SUBURBAN PROPANE INC |
| 23075 | Water Right | 03N | 01E | 12 | SW | SW | | DOMESTIC | | FRANKLIN AUTO BODY |
| 3367 | Water Right | 03N | 01E | 12 | SW | SW | | FIRE PROTECTION | | NASHUA MFG CO |

Desktop Review/VLM

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION FIELD REPORT**

Prior to Field Exam

- ☒ Copy of Claim, claim has been signed, sealed, and dated by notary?
- ☒ Check fees paid
- ☒ Well logs (if needed)
- ☐ Copy of topo or NAPP
- ☒ Check of Govt. Lots, if needed, Govt. Plat/Tax lot information *none*
- ☒ Check POD & POU overlap, see below – include overlapping right for exam
- ☒ Evidence of Priority – if none, talk with claimant

CLAIMANT INFORMATION – verify contact information is completeClaim No(s) 63-1512

Owner: _____ Phone No. _____

Current Address: _____

- ☒ No change NAME IS THE SAME
- ☐ NEW OWNER _____
- ☐ No change Address
- ☐ NEW ADDRESS _____
- ☐ How long owned property? _____

Accompanied by: _____

PRIORITY DATE

- ☒ No change – Complete evidence submitted or not necessary
- ☐ Incomplete – Claimant should be asked when water was first used and submit proof of date.
- ☐ Priority date is acceptable/within mandatory filing dates?

Priority date, per claimant, is: _____

(If priority date, based on your exam, seems questionable, explain below.)

Source: _____ Tributary to _____

- ☒ No Change – SAME SOURCE
- ☐ Source found is different than claimed: _____

POINT OF DIVERSION

- ☒ No change
- ☐ POD found is different than claimed: *Did not we turned call - on city water - abandoned well about 10 years ago when annexed into city. Well in SW corner of lot under shrubs.*
- ☐ If different, when did POD change?

DIVERSION AND DELIVERY SYSTEM

Points of Diversion:

| ID # | Govt Lot # | 1/4 | 1/4 | 1/4 | Sec. | Twp. | Rge. | County | Method of Determination/Remarks
GPS ID |
|------|------------|-----|-----|-----|------|------|------|--------|---|
| | | | | | | | | | |
| | | | | | | | | | |
| | | | | | | | | | |
| | | | | | | | | | |

Description of diverting works

see 11/21/2016 exam

OVERLAP REVIEW

Other water rights with the same point of diversion: _____

Does overlap add acres or uses to existing system, increase rate of flow or volume, or other? Explain: _____

WATER USES

still a vet. clinic per Ada Co. 11/21/2016

☒ No change☐ Different UsesUse Dom From 1-1 To 12-31 Amount .02 CFS 1.2 AFA

Use _____ From _____ To _____ Amount _____ CFS _____ AFA

Use _____ From _____ To _____ Amount _____ CFS _____ AFA

TOTAL VOLUME – Groundwater only☐ Incomplete on claim, the total is, Amount _____ CFS _____ AFA☐ Changes found, the new total is, Amount _____ CFS _____ AFA☐ More than 1" per Acre? Yes _____ (claimant must complete excess flow sheet)**NON-IRRIGATION USES:**☒ No change☐ Changes Exam found: Domestic # of homes _____ Stock # _____

Types _____ Additional comments: _____

PLACE OF USE:☒ No Change☐ Changes shown below:

| Place of Use | | | NE | | | | NW | | | | SW | | | | SE | | | | Totals |
|--------------|-----|-----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|--------|
| TWP | RGE | SEC | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | |
| | | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | |

Overlap with other water rights: _____

Does overlap increase rate of flow, volume, additional acres, different source for same acres? Explain: _____

Delivery System Narrative: gbl licensing exam

| Well or Diversion Identification No GPS ID | Motor Make | Hp | Motor Serial No. | Pump Make | Pump Serial No. or Discharge size |
|--|------------|----|------------------|-----------|-----------------------------------|
| | | | | | |
| | | | | | |

FLOW MEASUREMENTS:

Attach appropriate documents

NARRATIVE/REMARKS/COMMENTS

PARA 1 # G1112336420

exam use is for a veterinary clinic

11-10-04 called Dr. Barton re location
of well. left ^{detailed} message - ~~did not~~ called me
back same date - well not used x 10 years since
removed into city.

AFTER EXAM THE FILE SHOULD CONTAIN:

- ☐ Completed claim checklist
- ☐ Photographs of POD's and POU
- ☐ GPS readings
- ☐ Completed map and or GIS layout showing POD's and POU

DATE EXAM CONDUCTED:

11-10-04

FIELD EXAMINER:

Wally Vowell

07/03/2002

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 63-7512

NAME AND ADDRESS: DAVID MICHAEL BARTON
6810 W DIAMOND ST
BOISE ID 83709

DEBORAH D BARTON
6810 W DIAMOND ST
BOISE ID 83709

SOURCE: GROUND WATER ✓

TRIBUTARY:

QUANTITY: 0.02 CFS ✓
1.2 AFY ✓

PRIORITY DATE: 10/22/1971 ✓

POINT OF DIVERSION:

T03N R01E S12 SWSW Within ADA County ✓

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

COMMERCIAL ✓

01/01 12/31 ✓

0.020 CFS
1.20 AFY

PLACE OF USE: COMMERCIAL Within ADA County

T03N R01E S12 SWSW ✓

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

COMMERCIAL USE IS FOR VETERINARY CLINIC. ✓
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.

EXPLANATORY MATERIAL: License

parcel # S 1112336420

DATE: 04/30/98
PAGE: 1

12

1.20 AFA

Stage: LICENSE
ADA COUNTY

[illegible]

Other Rights: NONE

INITIAL WATER RIGHT LICENSE FILED BY GEORGE BENSON AND/OR PAUL B. LARSEN; THESE PEOPLE HOLD THE MORTGAGE WHICH DAVID M. BARTON, JR. WILL HAVE PAID OFF IN 8/90. THE CONTRACT OF SALE OF THIS PROPERTY TO DAVID M. BARTON, JR. IS RECORDED; INITIAL WATER RIGHT LICENSE # 63-7512.

Objection Filed Date:

Field Inspection Flag:
Presumption Flag:



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

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

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

April 24, 1998

DAVID MICHAEL BARTON, JR.
DEBORAH D BARTON
6810 W DIAMOND ST
BOISE ID 83709

RECEIVED

APR 30 1998

Department of Water Resources

Re: Snake River Basin Adjudication (SRBA)
Water Right No. 63-22353, 63-07512
Change of Address

Dear Water Right Holder:

IDWR has been notified the address presently on our records is incorrect. Although we have reached you at the address above we need your written confirmation this is your correct mailing address before we can change our records. Future notices related to your water right can be sent only to the address on your claim or as otherwise changed by you.

Please sign your name at the bottom of this letter and return it to this office postmarked by May 11, 1998. Make corrections to your name and address if necessary before returning this letter. Thank you for your help.

If your mail delivery address changes in any form, please contact us in writing so we can update our records.

If there has been a change of ownership of any of the properties connected with the water right referenced above, please call this office toll-free at 1-800-451-4129 or call 327-7906 to obtain a form to make this required change to the water right records.

Yours truly,

Sandy Egbert
Sandy Egbert
Clerical Specialist

The address is correct as shown above or as otherwise changed.

D. Michael Barton Jr.

Signature of water right claimant

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 63-7512

WATER RIGHT NUMBER: 63-7512

| <u>Owner Type</u> | <u>Name and Address</u> |
|-------------------|--|
| Current Owner | GEORGE T BENSON
1210 AMERICANA BLVD
PO BOX 8446
BOISE, ID 83706 |
| Current Owner | PAUL B LARSEN |

, ZZ

Priority Date: 10/22/1971

Basis: License

Status: Active

| <u>Source</u> | <u>Tributary</u> |
|---------------|------------------|
|---------------|------------------|

GROUND WATER

| <u>Beneficial Use</u> | <u>From</u> <u>To</u> | <u>Diversion Rate</u> | <u>Annual Volume</u> |
|-----------------------|-------------------------|-----------------------|----------------------|
| COMMERCIAL | 1/01 to 12/31 | 0.020 CFS | 1.20 AF |
| | <u>Total Diversion:</u> | 0.020 CFS | 1.20 AF |

Location of Point(s) of Diversion

| | | |
|--------------|------------|---------------------------------|
| GROUND WATER | SW1/4SW1/4 | Sec. 12, Twp 03N, Rge 01E, B.M. |
| ADA County | | |

Place of Use

COMMERCIAL Within ADA County

T03N R01E S12 SWSW

Conditions of Approval:Remarks:Comments:Dates and Other Information:

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 63-7512

Dates and Other Information:

Licensed Date: 9/13/1979
Decreed Date:
Water Supply Bank Enrollment Accepted:
Water Supply Bank Enrollment Removed:
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
Formal Action Date:
State or Federal:
Owner Name Connector:
Water District Number:
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Decree Defendant:
Decree Plaintiff:
Civil Case Number:
Judicial District:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

Element Reviewed/Verified Dates:

| <u>Element</u> | <u>Last Reviewed Date</u> | <u>Reviewer</u> | <u>Last Verified Date</u> | <u>Verifier</u> | <u>Status</u> |
|----------------|---------------------------|-----------------|---------------------------|-----------------|---------------|
|----------------|---------------------------|-----------------|---------------------------|-----------------|---------------|

Verification Log:

| <u>Element</u> | <u>Date Time Stamp</u> | <u>Reviewer</u> | <u>Log text</u> |
|----------------|------------------------|-----------------|-----------------|
|----------------|------------------------|-----------------|-----------------|

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

License of Water Right No. 63-7512 Priority October 22, 1971 Amount 0.02 cfs

THIS IS TO CERTIFY, that GEORGE BENSON &/or PAUL B. LARSEN
of Boise, Idaho, has complied with the terms and conditions of Permit
No. 63-7512 issued pursuant to Application for Permit dated October 22, 1971,
and has submitted proof to the Department of Water Resources on October 27, 1976,
that he has applied water to a beneficial use; an examination by the Department indicates that the works have a
capacity for the diversion of 0.02 cfs of water from a groundwater source,
tributary to _____, and that the permit holder has applied to a beneficial use and
established a right to use water as follows:

| Beneficial Use | Period of Use | Rate of Diversion | Annual Volume |
|-------------------|---|---------------------|----------------------|
| <u>Commercial</u> | from <u>January 1</u> to <u>December 31</u> | <u>0.02</u> cfs and | <u>1.2</u> acre feet |
| | from _____ | _____ cfs and | |
| | from _____ | _____ cfs and | |

(both dates inclusive)

Subject, however, to the condition that no more than 0.02 cfs of water be diverted at any one time, and
that the amount of water so diverted and to which such right is entitled and confirmed for the purpose
aforementioned and is limited to the amount which can actually be beneficially used and shall not exceed
1.2 acre feet per year, said waters to be diverted within the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 12,
Twp. 3N, Rge. 1E, B.M. in the County of Ada

Description and location of place of use:

| Twp. | Range | Sec. | NE $\frac{1}{4}$ | | | | NW $\frac{1}{4}$ | | | | SW $\frac{1}{4}$ | | | | Totals |
|------|-------|------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|--------|
| | | | NE $\frac{1}{4}$ | NW $\frac{1}{4}$ | SW $\frac{1}{4}$ | SE $\frac{1}{4}$ | NE $\frac{1}{4}$ | NW $\frac{1}{4}$ | SW $\frac{1}{4}$ | SE $\frac{1}{4}$ | NE $\frac{1}{4}$ | NW $\frac{1}{4}$ | SW $\frac{1}{4}$ | SE $\frac{1}{4}$ | |
| 3N | 1E | 12 | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | |
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| | | | | | | | | | | | | | | | |

Total number of acres irrigated _____

NOTE: Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho Law. This right may be forfeited by five years of non-use.

The right to the use of the water hereby confirmed is restricted and appurtenant to the lands or place of use hereinafter described, as provided by the laws of Idaho.

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 27 day of

February, 1978.

Director

63-7512

DATE OF EXAM 11/22/76

ACREAGE

Found 0
Recommended 0

Irrigation Requirement 0 Ac Ft/Ac

USE

Irrigation Q= 0 cfs V= 0 AF/Ac. from 0 to 0
Domestic Q= 0 cfs V= 0 AF/Ac. from 0 to 0
Livestock Q= 0 cfs V= 0 AF/Ac. from 0 to 0
Commercial 0.02 cfs V= 1.2 111 12/31

Is water co-singled? yes no X

Name source:

Top N/S Rge 0 E/W, B.M., Sec 0 Sub 0 1/4 1/4 County

Exchange? yes no X

Name source exchanged with:

Top N/S Rge 0 E/W, B.M., Sec 0 Sub 0 1/4 1/4 County

Point of injection:

Top N/S Rge 0 E/W, B.M., Sec 0 Sub 0 1/4 1/4 County

Point of exchange:

Top N/S Rge 0 E/W, B.M., Sec 0 Sub 0 1/4 1/4 County

Total Q measured 0.02 cfs Method of measurement Est

Total Q recommended 0.02 cfs Meter No. 0 Type 0 Condition 0

Total V recommended 1.2 AF/Ac

Recommended Amendments:

P.D. 0
Name of User 0
Other 0
Name None

MEASUREMENT CALCULATION:

0.02 cfs estimate

SYSTEM DESCRIPTION:

6" well with a 1/2 HP submersible pump serving
domestic water and commercial water to a
veterinary clinic

REMARKS:

Examiner's Signature J. L. Luan Date 11/22/76

Checked by ms Date 11-22-76

Approved by 0 Date 0