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Documents
In File

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: A67-04122B
Date Received: 12/19/1989
Receipt No: W007196
Received By: _____

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

AMENDED - L.W.

1. Name: LARRY FISK 208-253-6073
Address: 2193 RIDGE RD.
FRUITVALE, ID 83620

OR

Name: PENNY FISK 208-253-6073
Address: 2193 RIDGE RD.
FRUITVALE, ID 83620

2. Date of Priority: MAY 01, 1898

3. Source: WEISER RIVER, W. FORK Trib. to: WEISER RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
17N	01W	16	NE	NE		R	ADAMS
18N	01W	32	SW	SE			ADAMS

5. Description of diverting works:
HEADGATE, DITCH & GRAVITY

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/15	10/14	0.900		

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

8. Total consumptive use is 90.0 Acre Feet Per Annum.

9. Non-irrigation uses:
STOCKWATER INCIDENTAL TO IRRIGATION

A67-04122B

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Date: 04/05/90

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10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
17N	01W	16	NE NE		IRR	30.0
Section Acres						30.0
Total Acres						30.0

11. Place of use in counties: ADAMS

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

13. Other Water Rights Used:
NONE

14. Remarks:
PRIORITY DATES ARE 5-1-1898 OF 3.2 CFS. & 5-1-1900 4.8 CFS.
THIS WATER RIGHT HAS BEEN SPLIT TO:
A67-04122A, 1.4 CFS, RYALS, MELVIN D.

15. Basis of Claim: BENEFICIAL USE

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)
County of _____) SS.

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:

Ident. Number

Date Received

Receipt Number

^B
39576
A67-04122 (SP17)
12-19-89
W007196

RECEIVED
DEC 19 1989

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

Department of Water Resources
Western Regional Office

Please type or print clearly

- Name of Claimant (s) FISK, ~~DICK~~ C. & ALMA L. Phone (208) 253-4852
Mailing Address Box 14, FRUITVALE, ID. Zip 83620
- Date of Priority (Only one (1) per claim) 05/01/1898
- Source of water supply (a) WEISER RIVER, WEST FORK
which is tributary to (b) WEISER RIVER
- a. Location of existing point of diversion is: Township 18N Range 01W Section 32
1/4 of SW 1/4 of SE 1/4, Govt. Lot, B.M., County of ADAMS
Additional points of diversion if any: PT OF RE-DIV. T18N, R01W, SEC 16, NENE
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 _____
- 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. HEADGATE, DITCH, & GRAVITY
Flow

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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.

DEMILFOIIM

6. Water is claimed for the following purposes:

(both dates are inclusive) (cfs) (acre feet)

For IRRIGATION purposes from 4/15 to 10/14 amount 0.90 or _____
 For _____ purposes from _____ to _____ amount _____ or _____
 For _____ purposes from _____ to _____ amount _____ or _____
 For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 0.90 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is 90.0 acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) STOCKWATER INCIDENTAL TO IRRIGATION

10. Description of place of use:

- If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- 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	
17N	01W	16	30.0																30.0

Total number of acres irrigated 30.0

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

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.
A67-00081 (SPLIT), A67-00144 (SPLIT), A67-02053 (SPLIT) or None ()

14. Remarks: THIS RT IS CLAIMED FOR A PORTION OF STATUTORY CLAIM 67-04122 FOR THE IRRIGATION OF 30 AC UNDER THE CLAIM OWNED BY THE CLAIMANT. ORIGINAL RT OF DIV. = 0.03 CFS / ACRE.

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Last Name FISK Ident No. A67-04122 (SPLIT)

OCT 02 1992
 Copies: White - State, Yellow - Claimant

001 03 1835

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.

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.

The above information is being furnished to you for your information only. It is not intended to be used for any other purpose.

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Page 2

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Scale: 2 inches equals 1 mile

The image shows a 16x16 grid of graph paper. The top-left corner contains a header section with the following text:

+	+	+	+	+	+	+	+	P.O.	+	+	+	+	+	+	+	+
+	+	+	+	+	+	+	+	100	+	+	+	+	+	+	+	+
+	+	+	+	+	+	+	+	90%	+	+	+	+	+	+	+	+

The rest of the grid is empty graph paper.

Last Name ELSK

Ident No. A67-04122 (Split) Copies: White-State, Yellow-Federal

15. Basis of Claim (check one) Beneficial Use ☒ Posted Notice _____ License _____ Permit _____
Decree _____
If applicable provide IDWR Water Right Number 67-04122
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 ☒
wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments _____

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

Signature of Claimant (s) X Dick C. Fisk Date 12-12-1989

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 ADAMS) SS.

Subscribed and sworn (or affirmed) before me this 12th day of Dec. 19 89

SEAL

Notary Public

Residing at

My Commission Expires

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 _____

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Last Name FISK Ident. Number 67-04122(SPLT)

Copies White-State, Yellow-Claimant

CHANGE IN OWNERSHIP

Page 1

This form is solely for purposes of notifying IDWR of a change in ownership of an adjudication claim.

[] Water Right Number(s): AG7-04122B

[] Name and Address of
Former Claimant(s): Dick and Alma Fisk

[] New Claimant(s): Larry or Penny Fisk

[] New Mailing Address: 2193 Ridge Road
Box 91
Fruitvale Idaho 83620

New Telephone Number: (208) 253-6073

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

[X] Attach proof of ownership
Describe proof attached: Warranty 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 claimant.)

[] Signature of New Claimant(s): Penny Fisk
Larry Fisk

Date: April 3, 1990

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CHANGE IN OWNERSHIP

Page 2

[] Signature of Former Claimant(s): _____

Date: _____

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

FOR IDWR USE ONLY:

Initial Review and Data-Entry

Date: By:

Further Action Needed:

Further Action Taken

Date: By:

Final Review and Data-Entry

Date: By:

Claim Numbers of Split, if any:

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WARRANTY DEED

This indenture made and executed as of the 1st day of March, 1990, by and between Dick C. Fisk and Alma Fisk, husband and wife, with a Post Office Address of Post Office Box 14, Fruitvale, Idaho 83620, Dale L. Fisk, a married man, dealing with his sole and separate property, residing at Post Office Box 252, Council, Idaho 83612, and Alan D. Fisk, a single man, residing at Post Office Box 112, Fruitvale, Idaho 83620, Grantors and Larry N. Fisk and Penny M. Fisk, husband and wife, residing at Post Office Box 91, Fruitvale, Idaho 83620, as Grantees;

WITNESSETH, that the Grantors, for and in consideration of Value Received do hereby grant, bargain, sell and convey unto the Grantees, their heirs and assigns forever, all their right, title and interest in and to the following described property, to-wit:

The East Half of the Northeast Quarter (E1/2 NE1/4) of Section Sixteen (16) in township Seventeen (17) North, Range One (1) West of the Boise Meridian, and

TOGETHER with all tenements, hereditaments and appurtenances to said premises belonging or appertaining, and together with all water, water rights, ditch and ditch rights and irrigating works of whatever nature, used upon, connected with or in anywise appurtenant to said premises, and together with all leases of State Lands, and all grazing rights, preferences, permits or privileges upon public domain and the Payette National Forest, which are based upon or held in connection with the aforesaid lands and premises.

EXCEPTING THEREFROM the home and surrounding real property of the Grantors and an easement for ingress-egress, in Adams County, Idaho, more particularly described as:

A parcel of land situated within the NE1/4NE1/4 of Section 16, Township 17 North, Range 1 West, Boise Meridian, more particularly described as follows:

Beginning at the Northeast Corner of the NE1/4NE1/4 of Section 16, Township 17 North, Range 1 West, Boise Meridian;

Thence, South 0 Degrees, 04 Minutes, 04 Seconds, West, 277.56 feet along the east line of said NE1/4NE1/4 to the TRUE POINT OF BEGINNING;

Thence, North, 88 Degrees, 47 Minutes, 04 Seconds, West, 109.96 feet;

Thence, South, 01 Degrees, 42 Minutes, 29 Seconds, West, 208.29 feet;

Thence, South, 59 Degrees, 09 Minutes, 21 Seconds, West,

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less, to a Point on the South line of said Section 17, that is 280 feet East of the Southwest corner of said Section 17;

Thence West, on and along the South line of said Section 17, 280 feet to the Point and Place of Beginning at the Southwest corner of said Section 17, Township 17 North, Range 1 West, B.M.; and

The SE1/4NE1/4, the NE1/4SE1/4, and that portion of the NW1/4, SE1/4 lying East of the County Road, of Section 18; and

The N1/2NE1/4 and the E1/2NW1/4 of Section 20, and a tract of land described as Beginning at Section corner common to Sections 17, 18, 19 and 20,

Thence East along Section line a distance of 1,040 feet to the Point and Place of Beginning;

Thence continuing East a distance of 280 feet, more or less to the Northeast Corner of NW1/4NW1/4 of Section 20;

Thence South at right angles a distance of 210 feet more or less to a point;

Thence Northwesterly a distance of 400 feet more or less to the point and Place of Beginning.

TOGETHER with all tenements, hereditaments and appurtenances to said premises belonging or appertaining, and together with all water, and ditch rights and irrigating works of whatever nature, used upon, connected with or in anywise appurtenant to said premises, and together with all leases of State Lands, and all grazing rights, preferences, permits or privileges upon public domain and the Payette National Forest, which are based upon or held in connection with the aforesaid lands and premises.

Subject to Rights-of-way and Easements of Record or in use upon the property.

SUBJECT TO that certain Mortgage, made and executed as of the 1st day of January, 1990, wherein Dick C. Fisk and Alma Fisk are the Mortgagors therein and the Mortgagee is Michael A. Fisk, a married man dealing with his sole and separate property, which Mortgage is filed of record in the Records of Adams County, Idaho as Instrument #78104, at Page 324-325, Book 28M, of Mortgages, and which was corrected as to the property description by that certain Correction Mortgage, dated the _____ day of March, 1990, filed of record in the Records of Adams County, Idaho as Instrument #_____, at Page _____, Book 28M of Mortgages, which

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Warranty Deed

Page 5.

certain Mortgage, made and executed as of the 1st day of January, 1990, wherein the Grantors herein are the Mortgagors therein and the Mortgagee is Michael A. Fisk, a single man dealing with his sole and separate property, which Mortgage is filed of record in the Records of Adams County, Idaho as Instrument #78104, at Page 324-325, Book 28M, of Mortgages, and which was corrected as to the property description by that certain Correction Mortgage, dated the _____ day of March, 1990, filed of record in the Records of Adams County, Idaho as Instrument #_____, at Page ____-____, Book 28M of Mortgages,

Larry N. Fisk
Larry N. Fisk

Penny M. Fisk
Penny M. Fisk

State of Idaho,)
(ss.
County of Adams.)

On this 28th day of March, 1990, before me, the undersigned, a Notary Public in and for said state, personally appeared Dick C. Fisk and Alma Fisk, husband and wife, Dale L. Fisk and Alan D. Fisk, known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

Clara Michael
Notary Public for Idaho
Residing at: *Weiser*
My Commission expires: *10/7/94*

State of Idaho,)
(ss.
County of Adams.)

On this 28th day of March, 1990, before me, the undersigned, a Notary Public in and for said state, personally appeared Larry N. Fisk and Penny M. Fisk, husband and wife, known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the

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70 File AG7-04122B

August 8, 1990

Larry and Penny Fisk
Box 91
Fruitvale, Idaho 83620

RE: Request for change in ownership.

Dear Mr. and Mrs. Fisk;

During the review of your request, we have noted that all of the water rights previously owned by Dick and Alma Fisk have already been put in your name except for the storage right A67-020532 for 2 acre feet.

As such, we cannot comprehend what the nature of your request is. Although there may be some misunderstanding regarding the water rights appertenant to your lands, all of the paper work appears to be in order. If you would, however, stop by our office near the Boise Airport, if and when you visit Boise, we may clearly explain what water rights were claimed and how they apply to your lands.

Thank you for your concern, and if we may be of any other service, please do not hesitate to contact our office.

Regards,

Bruce A. Schuld
Senior Water Resource Agent

cc:BAS:files

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