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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: **A67-00439**
Date Received: 10/ 5/1989
Receipt No: M004818
Received By: _____

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

1. Name: F DAVID WELLS
Address: 926 GRAYS CREEK ROAD
INDIAN VALLEY ID 83632

AND/OR

Name: GEORGIA C WELLS
Address: 926 GRAYS CREEK ROAD
INDIAN VALLEY ID 83632

2. Date of Priority: JUN 1, 1909

3. Source: LITTLE WEISER RIVER Trib. to: WEISER RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
14N	01W	23	SW	SE	NW		ADAMS

5. Description of diverting works:
CONCRETE STRUCTURE AND HEADGATE INTO GRAVITY DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.340		

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

8. Total consumptive use is 456.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
14N	01W	2	SW	SW		IRR	34.0

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
						Section Acres	34.0
		3	SE	SE		IRR	38.0
						Section Acres	38.0
		10	NE	NE		IRR	40.0
						Section Acres	40.0
		11	NW	NW		IRR	40.0
						Section Acres	40.0
						Total Acres	152.0

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:
67-02385 (BEN ROSS RESERVOIR)

14. Remarks:
THIS WATER RIGHT HAS BEEN COMBINED WITH WATER RIGHT NO. 67-00440.
OWNERSHIP CHANGED BY LH 8/25/94.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: / /

JOHN T. MUIR
Decree Plaintiff

WILLIAM ALLISON
vs Decree Defendant

16. Signature(s)

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

Number of attachments: _____

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 _____

MICROFILMED
OCT 22 1996



NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type
(see instructions on back of page)

RECEIVED

JUL 29 1994

Department of Water Resources

DATE OF CLOSING: 7/8/94

RECEIVED

AUG 01 1994

WATER RESOURCES
WESTERN REGION

LEGAL DESCRIPTION OF PROPERTY: Township 14N Range 01W
Section 2, 3, 10 & 11 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)
- ☐ Water Right Number(s) Assigned by IDWR: A67-00439 & A67-10592
- ☐ Name and Address of Former Owner/Claimant(s)(Seller): Richard H. & Alice M. Barker
926 Grays Creek Rd.
Indian Valley, ID 83632
- ☐ New Owner/Claimant (Purchaser): F. David Wells &/or Georgia C. Wells
- ☐ New Mailing Address: 926 Grays Creek Road
Indian Valley, ID 83632
- ☐ New Telephone Number: () -
- ☐ Does the change in ownership result in a splitting of the water right owned/claimed? yes ☒ no
If yes, then describe the portion of the water right that is now owned/claimed by the new owner:

- ☐ Attach proof of ownership, describe proof attached: copy of recorded 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): Georgia C. Wells Date 7-8-94
- ☐ Signature of Former Owner/Claimant(s): F. David Wells Date 7-8-94

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

FOR IDWR USE ONLY:

Initial Review and Data-Entry

Date: 8-25-94 By: JAL

Further Action Needed:

Further Action Taken

Date: By:

Final Review and Data-Entry

Date: 8-25-94 By: JAL

Claim Numbers of Split, if any:

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

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OCT 22 1994

INSTRUCTIONS

This form has been prepared to assist new owners of property to comply with the requirements of Section 42-1409(7), Idaho Code. This statute provides that new property owners notify the Department of Water Resources (IDWR) of any change in ownership of a water right during an adjudication of water rights, and if a claim for the water right has not been filed to file the needed claim(s).

Separate brochures are available from IDWR describing the adjudication of water rights and the requirement to notify IDWR of changes in ownership. If you would like any of these brochures or if you have questions about completing this form please contact your nearest office of IDWR or you may call 1-800-451-4129 (toll-free).

The first line of the form asks for the date of closing so IDWR will have a record of the effective date of the property transfer.

The second line of information requires the legal description of the property being transferred. This information is **ESSENTIAL** and should be available from the documents that will be present at the time of closing. The first two lines of the legal description **MUST** be completed. IDWR's records are based upon legal descriptions using township, range, section and fractions of a section descriptions, and this information must be included on the form. If you also have available a legal description based upon a townsite or subdivision and lot and block number, please also include this additional information. A lot and block legal description is **NOT** a substitute for the township, range, section and fraction of a section description.

After completing the legal description, if all water is supplied by a public service water supply you may check the first box; complete the name, address and telephone information for yourself, the new owner; sign the form in the space provided and return the form to the IDWR office nearest you.

If there are water rights associated with the property, the seller should be able to provide you with the water right number(s). The water right number(s) for the property are to be put in the space provided at the second box on the form. If you or the seller believe there are water rights for the property but the numbers are unknown, then you may wish to call or come into an office of IDWR for assistance in identifying the water rights for the property involved. If claims for the property have not been filed you will be so advised by IDWR.

After the water right number(s) for the property has been entered on the form, complete the name and address information for **BOTH** the former owner/seller and for yourself, the new owner, in the spaces provided. Please also include your telephone number. If the property you have purchased is only part of the property owned by the former owner/seller, you may be purchasing only part of the total water right held by the seller. This means the water right held by the seller must be split so you get your proportionate share of the water right. Be sure to include a description of the portion of the water right you have purchased. The seller should be able to help you describe the portion of the water right for the property you have purchased.

If the former owner/seller will sign the form and the seller is shown as the claimant of the water right in IDWR's records, then you do not need to attach proof of ownership of the land or the water right. The seller should know if the original claim was filed by him, or if the seller has filed a change in ownership so the seller is shown as the claimant of the water right in IDWR's records. If the seller is not going to sign the form then you must attach some proof of ownership of the property described at the top of the form or proof of ownership referencing the specific water right(s) for the property.

The new owner must sign the form in the space provided. If the former owner/seller is available to sign the form please do so in the space provided.

When complete, the new owner and the former owner/seller should each retain one of the copies and return the original of the form to IDWR. You may return the form to the IDWR office nearest you or to: Idaho Department of Water Resources, Statehouse Mail, Boise, ID 83720-9000, Attention: Adjudication Bureau.

COPY

INSTRUMENT NO 86273

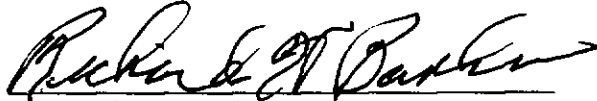
WARRANTY DEED

For Value Received RICHARD H. BARKER and ALICE M. BARKER, husband and wife
the grantors , do hereby grant, bargain, sell and convey unto
F. DAVID WELLS and GEORGIA C. WELLS, husband and wife
the grantees, whose current address is, 1320 Road 20, #55, San Pablo, CA 94806
the following described premises, in Adams County, Idaho, to-wit:
SEE ATTACHED EXHIBIT "A" MADE A PART HEREOF.

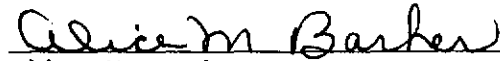
TO HAVE AND TO HOLD THE said premises, with their appurtenances unto the said Grantees
their heirs and assigns forever. And the said Grantors do hereby covenant to and with
the said Grantees , that they are the owners in fee simple of said premises;
that they are free from all incumbrances excepting for all easements of record, rights of
way, matters visible, and all matters of record and title.

and that they will warranty and defend the same from all lawful claims whatsoever.

Date: July 1, 1994



Richard H. Barker



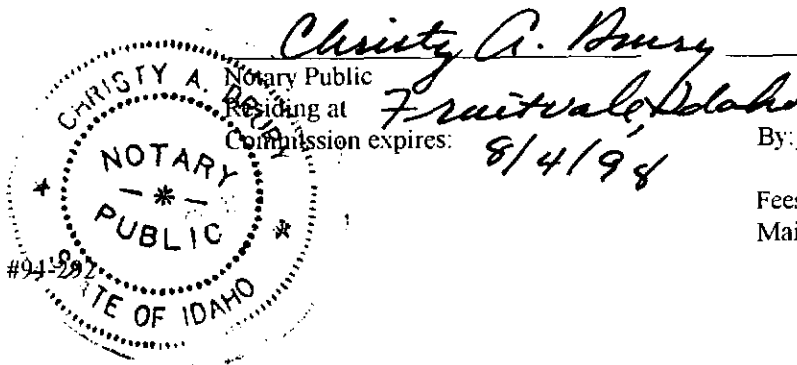
Alice M. Barker

STATE OF IDAHO)
) ss
COUNTY OF ADAMS)

STATE OF IDAHO, COUNTY OF ADAMS
I hereby certify that this instrument was filed for record
at the request of Timberline Title & Escrow

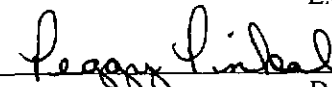
On this 1st day of July, in the year of 1994, before me
a Notary Public, personally appeared
RICHARD H. BARKER & ALICE M. BARKER
known or identified to me to be the persons whose names are
subscribed to the within instrument, and acknowledged to me
that they executed the same

at 30 minutes past 4 o'clock PM.
this 8th day of July, 1994, in my
office, and duly recorded in Book -----
of Deeds at page -----



MICHAEL FISK

Ex-Officio Recorder

By: 

Deputy

Fees \$ 6.00

Mail to: Timberline Title & Escrow

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OCT 22 1996

INSTRUMENT NO. 86273

EXHIBIT "A"

Township 14 North, Range 1 West, Boise Meridian, Adams
County, Idaho

Section 2: SW1/4SW1/4

Section 3: SE1/4SE1/4

Section 10: NE1/4NE1/4 and all that part of the NW1/4NE1/4
which lies on the Easterly side of the Alpine
Indian Valley County Road as now established

Section 11: NW1/4NW1/4

Excepting County road right of way as now established.

SUBJECT TO THE FOLLOWING:

GENERAL TAXES AND ASSESSMENTS for the year 1994 which are a
lien but not yet due or payable.

AN EASEMENT for the purpose of public utilities and rights
incidental thereto as set forth in a document granted to
WEST COAST POWER COMPANY (no representation is made as to
present ownership of easement), recorded November 18, 1941
in Book 4 Misc. at page 231, records of Adams County, Idaho.
(Affects SW1/4SW1/4 Section 2)

AN EASEMENT for the purpose of public utilities and rights
incidental thereto as set forth in a document granted to
WEST COAST POWER COMPANY (no representation is made as to
present ownership of easement), recorded November 18, 1941
in Book 4 Misc. at page 235, records of Adams County, Idaho.
(Affects SE1/4SE1/4 Section 3)

MICROFILMED
OCT 22 1998

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: **A67-00439**
Date Received: 10/ 5/1989
Receipt No: M004818
Received By: _____

**COPY FOR
YOUR FILES**

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

**COPY FOR
YOUR FILES**

1. Name: RICHARD H. BARKER 208-256-4425
Address: 926 GRAYS CREEK RD
INDIAN VALLEY ID 83632
OR
Name: ALICE M. BARKER 208-256-4425
Address: 926 GRAYS CREEK RD
INDIAN VALLEY ID 83632

2. Date of Priority: JUN 1, 1909

3. Source: LITTLE WEISER RIVER Trib. to: WEISER RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
14N	01W	23	SW	SE	NW		ADAMS

5. Description of diverting works:
CONCRETE STRUCTURE AND HEADGATE INTO GRAVITY DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.340		

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

8. Total consumptive use is 456.0 Acre Feet Per Annum.

9. Non-irrigation uses:

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AUG 05 1994

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
14N	01W	2	SW	SW		IRR	34.0

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
						Section Acres	34.0
		3	SE	SE		IRR	38.0
						Section Acres	38.0
		10	NE	NE		IRR	40.0
						Section Acres	40.0
		11	NW	NW		IRR	40.0
						Section Acres	40.0
						Total Acres	152.0

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:
67-02385 (BEN ROSS RESERVOIR)

14. Remarks:
THIS WATER RIGHT HAS BEEN COMBINED WITH WATER RIGHT NO. 67-00440.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: / /

JOHN T. MUIR

Decree Plaintiff

WILLIAM ALLISON

vs Decree Defendant

MICROFILMED

AUG 05 1999

CHANGE IN ADDRESS OF NOTICE OF CLAIM

[] Water Right Number (s): A67-10592
A67-00439

[] Old Mailing Address: RICHARD Barker &/or Alice Barker
HC 68 BX ~~26~~ 2465
Cambridge

[] New Mailing Address: Above
926 Grays Creek Rd
Indian Valley ID 83632

New Telephone Number: (208) 256-4425

[] Signature of Claimant: Alice M. Barker

Date: _____

FOR IDWR USE ONLY:

Initial Review and Data-Entry

Date: 11/13/92 By: CJ4

Further Action Needed: None

Further Action Taken

Date: _____ By: _____

Final Review and Data-Entry

Date: _____ By: _____

MICROFILMED

AUG 05 1994

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: A67-00439
Date Received: 10/05/1989
Receipt No: M004818
Received By: CL

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: RICHARD H. BARKER 208-256-4425
Address: HC 68, BOX 2465
CAMBRIDGE, ID 83610

OR
Name: ALICE M. BARKER 208-256-4425
Address: HC 68, BOX 2465
CAMBRIDGE, ID 83610

2. Date of Priority: JUN 01, 1909

3. Source: LITTLE WEISER RIVER Trib. to: WEISER RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
14N	01W	23	SW	SE	NW		ADAMS

5. Description of diverting works:
CONCRETE STRUCTURE AND HEADGATE INTO GRAVITY DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.340		

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

8. Total consumptive use is 456.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
14N	01W	2	SW	SW		IRR	34.0
						Section Acres	34.0
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						Section Acres	38.0
		10	NE	NE		IRR	40.0
						Section Acres	40.0
		11	NW	NW		IRR	40.0
						Section Acres	40.0
						Total Acres	152.0

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:
67-02385 (BEN ROSS RESERVOIR)

14. Remarks:
THIS WATER RIGHT HAS BEEN COMBINED WITH WATER RIGHT NO. 67-00440.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date:

JOHN T. MUIR

Decree Plaintiff

vs

WILLIAM ALLISON

Decree Defendant

16. Signature(s)

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

Number of attachments: -0-

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): Richard D. Barber Date: Oct 5, 1989
Alice M Barber Date: Oct 5, 1989

State of Idaho

County of Washington) SS.

Subscribed and sworn (or affirmed) before me this 5th day
of October 19 89

Carter Fritschle
Notary Public

Seal

Residing at _____

My Commission Expires _____

Carter Fritschle, Notary Public
Residing at Eagle, Idaho
My commission Expires March 21, 1994

MEMORANDUM

Steve ✓
Jan ✓
Gary ✓

DATE: 9/12/2002

FROM: Lori Graves

TO: Steve Lester, Jan Shurte, Gary Spackman

RE: Little Weiser Irrigation District Complaint

Isaac Ward, representing the Little Weiser Irrigation District, called to complain that five separate individuals were "spreading" river water on acres that have not been historically irrigated. I met with Isaac at the Indian Creek Store 8/22/02, where he identified the specific acres on associated maps that I had brought. After researching the problem, I found that the landowners had included the additional acres on their decreed rights.

As Isaac pointed out, the expanded acres should not be allowed the same priority as the original decreed acres. Because specific acres were not identified in the Allison/Muir decree, Gary Spackman stated that the PPUs claimed should be limited to the duty of water decreed, which was 5/8ths inch/acre. Jan Shurte stated that at the time of claims taking, listing PPUs was allowed. Now a separate beneficial use claim is required for expanded acres, with the date of priority being the time of the expansion rather than the decree date. This right, when combined with the decreed right, cannot exceed the decreed flow rate for the original acres.

The following is a list of individuals and their associated rights that include expanded acres:

Name	Right	Decreed Inches	Duty of Water (5/8"/ac)
Tom Grossen	67-427	97	155
	67-432	45	72
	67-436B	19.5	<u>31</u>
Totals Acres Decreed			258
Total Acres Claimed			<u>484</u>
Expanded Acres			226
Alvin Legg	67-431	85	136
	67-469	34	54
	67-471	14	<u>22</u>
Total Acres Decreed			212
Total Acres Claimed			<u>238</u>
Expanded Acres			26

Richard Kretten	67-429	35	<u>56</u>
Total Acres Decreed			56
Total Acres Claimed			<u>80</u>
Expanded Acres			24
 David Wells	 67-439	 17	 <u>27</u>
Total Acres Decreed			27
Total Acres Claimed			<u>152</u>
Expanded Acres			125
 Russell Wilkerson	 67-482	 25	 40
	67-489	80	<u>131</u>
Total Acres Decreed			171
Total Acres Claimed			<u>196</u>
Expanded Acres			25

To resolve the Irrigation District's complaint, separate beneficial use claims need to be filed on ~426 expanded acres before the 2003 irrigation season. I will coordinate this claims taking process with SRBA staff ASAP.



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

August 29, 1994

Re: Notice of Claim to a Water Right No. A67-00439, A67-10592

F. David Wells
Georgia C. Wells
926 Grays Creek Road
Indian Valley, ID 83632

Mr. & Mrs. Wells:

Enclosed are copies of the above referenced claims which reflect the change in ownership of the land and appurtenant water rights covered under the original filings.

The Department will contact you in the future concerning any requirements that may be needed in order to process these claims for final court decree.

If you have any questions concerning the enclosed claims please feel free to contact this office.

Sincerely,

Adjudication Staff
Department of Water Resources
Western Region Office
(208) 334-2190

LH:1

RECORDED
OCT 22 1994