

01/05/2006

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

RIGHT NUMBER: 21-154

NAME AND ADDRESS: SUSAN B BAKER
1379 BAKER RD
ASHTON ID 83420

RICHARD D BAKER
1379 BAKER RD
ASHTON ID 83420

SOURCE: UNNAMED STREAM

TRIBUTARY: HENRYS FORK

QUANTITY: 5,380 CFS

PRIORITY DATE: 06/01/1889

POINT OF DIVERSION:

T09N R42E S25 NWNWNE Within FREMONT County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/31	5.380 CFS

PLACE OF USE: IRRIGATION Within FREMONT County

T09N R42E S24	SESW	27.0	T09N R42E S24	SWSE	40.0
T09N R42E S25	NENE	30.0	T09N R42E S25	NWNE	30.0
T09N R42E S25	NENW	23.0	T09N R42E S25	SENW	32.0

182 ACRES TOTAL

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

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 - Decreed

Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.

08/29/2005

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

RIGHT NUMBER: 21-154
NAME AND ADDRESS: SUSAN B BAKER
1379 BAKER RD
ASHTON ID 83420
RICHARD D BAKER
1379 BAKER RD
ASHTON ID 83420

SOURCE: UNNAMED STREAM TRIBUTARY: HENRYS FORK
QUANTITY: 5.380 CFS
PRIORITY DATE: 06/01/1889
POINT OF DIVERSION:

T09N R43E S25 NENE Within FREMONT County
T09N R43E S25 NWNE Within FREMONT County
T09N R43E S25 NENW Within FREMONT County
T09N R43E S25 SENW Within FREMONT County

9N 42E S25
NWNE

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/31	5.380 CFS

PLACE OF USE:

<u>IRRIGATION Within FREMONT County</u>					
T09N R42E S24	SESW	27.0	T09N R42E S24	SWSE	40.0
T09N R42E S25	NENE	30.0	T09N R42E S25	NWNE	30.0
T09N R42E S25	NENW	23.0	T09N R42E S25	SENW	32.0

182 ACRES TOTAL

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EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 21-154

WATER RIGHT NUMBER: 21-154

Owner Type Name and Address

Current Owner SUSAN B BAKER
 1379 BAKER RD
 ASHTON, ID 83420
 (208)652-3333

Current Owner RICHARD D BAKER
 1379 BAKER RD
 ASHTON, ID 83420
 (208)652-3333

Priority Date: 06/01/1889

Basis: Decreed

Status: Active

SourceTributary

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
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IRRIGATION	4/01 to 11/01	5.380 CFS	
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	<u>Total Diversion:</u>	5.380 CFS	
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Location of Point(s) of DiversionPlace of UseIRRIGATION Within FREMONT County

6600	T09N R42E S24	SESW	27.0	T09N R42E S24	SWSE	40.0	6600
0001	T09N R42E S25	NENE	30.0	T09N R42E S25	NWNE	30.0	0001
0001	T09N R42E S25	NENW	23.0	T09N R42E S25	SENW	32.0	

Total Acres: 182

Conditions of Approval:Remarks:Dates and Other Information:

SCANNED

AUG 11 2001

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: A21-00154

Date Received: 3/02/1989

Receipt No: E005944

Received By: _____

MAR 31 1989

Department of Water Resources
Eastern District Office

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

AMENDED

1. Name: RICHARD D. BAKER
Address: RT 1, BOX 0A
ASHTON, ID

83420

208-652-3333

AND/OR

Name: SUSAN B. BAKER
Address: RT 1, BOX 0A
ASHTON, ID

83420

208-652-3333

A2100154

2. Date of Priority: JUN 01, 1889

3. Source: BAKER SPRINGS
SPRING CREEK
SEWER CREEK

Trib. to: HENRYS FORK SNAKE RIVER
HENRYS FORK SNAKE RIVER
HENRYS FORK SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
09N	43E	25	NE	NE	NE		FREMONT
			NW	NE	NE		FREMONT
			NE	NW	NW		FREMONT
			SE	NW	NW		FREMONT

5. Description of diverting works:
3 HEADGATE/DITCHES AND 1 PUMP

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	5.380		

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

A.F.A.

8. Total consumptive use is 455.0 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

A21-00154

Page 1

Date: 03/13/89

MICROFILMED
OCT 20 1992

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
09N	42E	24	SE	SW		IRR	27.0
			SW	SE		IRR	40.0
					Section Acres		67.0
		25	NE	NE		IRR	30.0
			NW	NE		IRR	30.0
			NE	NW		IRR	23.0
			SE	NW		IRR	32.0
					Section Acres		115.0
					Total Acres		182.0

11. Place of use in counties: FREMONT

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

13. Other Water Rights Used:
NONE

14. Remarks:

15. Basis of Claim: DECREED
Case Number:
Court :
Decree date:

JOSEPH W. BAKER

Decree Plaintiff

vs

ARTHUR L. LARSON.

Decree Defendant

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: A21-00154
Date Received: 3/02/1989
Receipt No: E005944
Received By: JO

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: RICHARD D. BAKER
Address: RT 1, BOX 0A
ASHTON, ID 83420
208-652-3333
2. Date of Priority: JUN 01, 1889
3. Source: BAKER SPRINGS
SPRING CREEK
SEWER CREEK
Trib. to: HENRYS FORK SNAKE RIVER
HENRYS FORK SNAKE RIVER
HENRYS FORK SNAKE RIVER
4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
09N	43E	25	NE	NE	NE		FREMONT
			NW	NE	NE		FREMONT
			NE	NW	NW		FREMONT
			SE	NW	NW		FREMONT
5. Description of diverting works:
3 HEADGATE/DITCHES AND 1 PUMP
6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	5.380		
7. Total Quantity Appropriated is:
5.380 C.F.S. (and/or) A.F.A.
8. Total consumptive use is 455.0 Acre Feet Per Annum.
9. Non-irrigation uses:
NONE

A21-00154

Page 1

Date: 03/02/89

MICROFILMED
OCT 20 1992

10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
09N	42E	24	SE		SW		IRR	27.0
			SW		SE		IRR	40.0
						Section Acres		67.0
		25	NE		NE		IRR	30.0
			NW		NE		IRR	30.0
			NE		NW		IRR	23.0
			SE		NW		IRR	32.0
						Section Acres		115.0
						Total Acres		182.0

11. Place of use in counties: FREMONT

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

13. Other Water Rights Used:
NONE

14. Remarks:

15. Basis of Claim: DECREED
Case Number:
Court :
Decree date:

JOSEPH W. BAKER

Decree Plaintiff

vs

ARTHUR L. LARSON.

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 x 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):

Richard D. Baker

Date:

3/29/89

Susan B. Baker

Date:

3/29/89

State of Idaho

)

County of Fremont

)

SS.

Subscribed and sworn (or affirmed) before me this 29th day

of March 19 89

[Signature]

Notary Public

Seal

Residing at

Ashton

My Commission Expires

4-1-94

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): *Richard D. Baker* Date: Feb 2, 1989

Date: _____

State of Idaho)
County of Bonneville) SS.

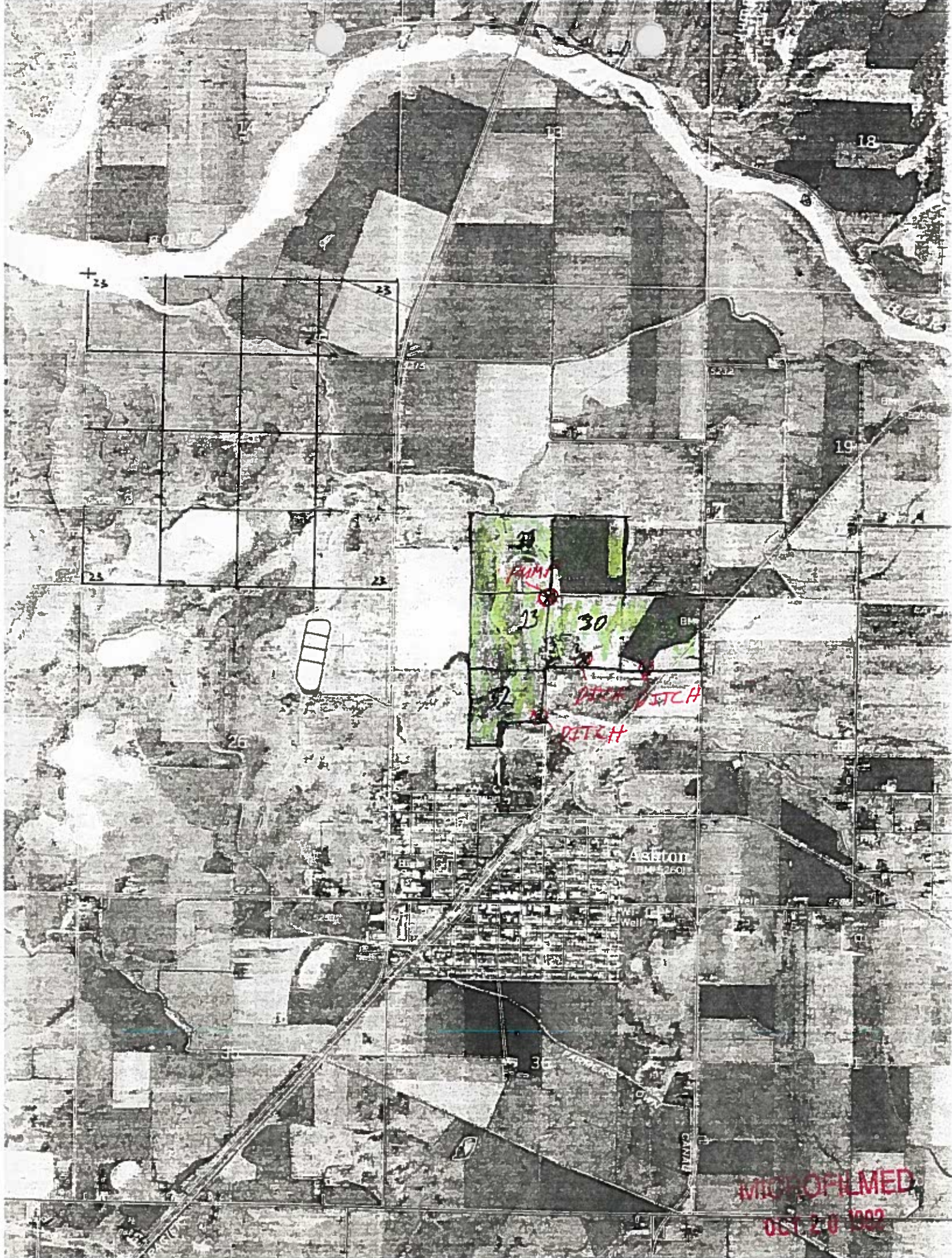
Subscribed and sworn (or affirmed) before me this 2nd day
of March 19 89

Anthony S. O'Connell
Notary Public

Seal

Residing at *Idaho Falls*

My Commission Expires 9/12/1994



WFO FILMED
OCT 20 1992

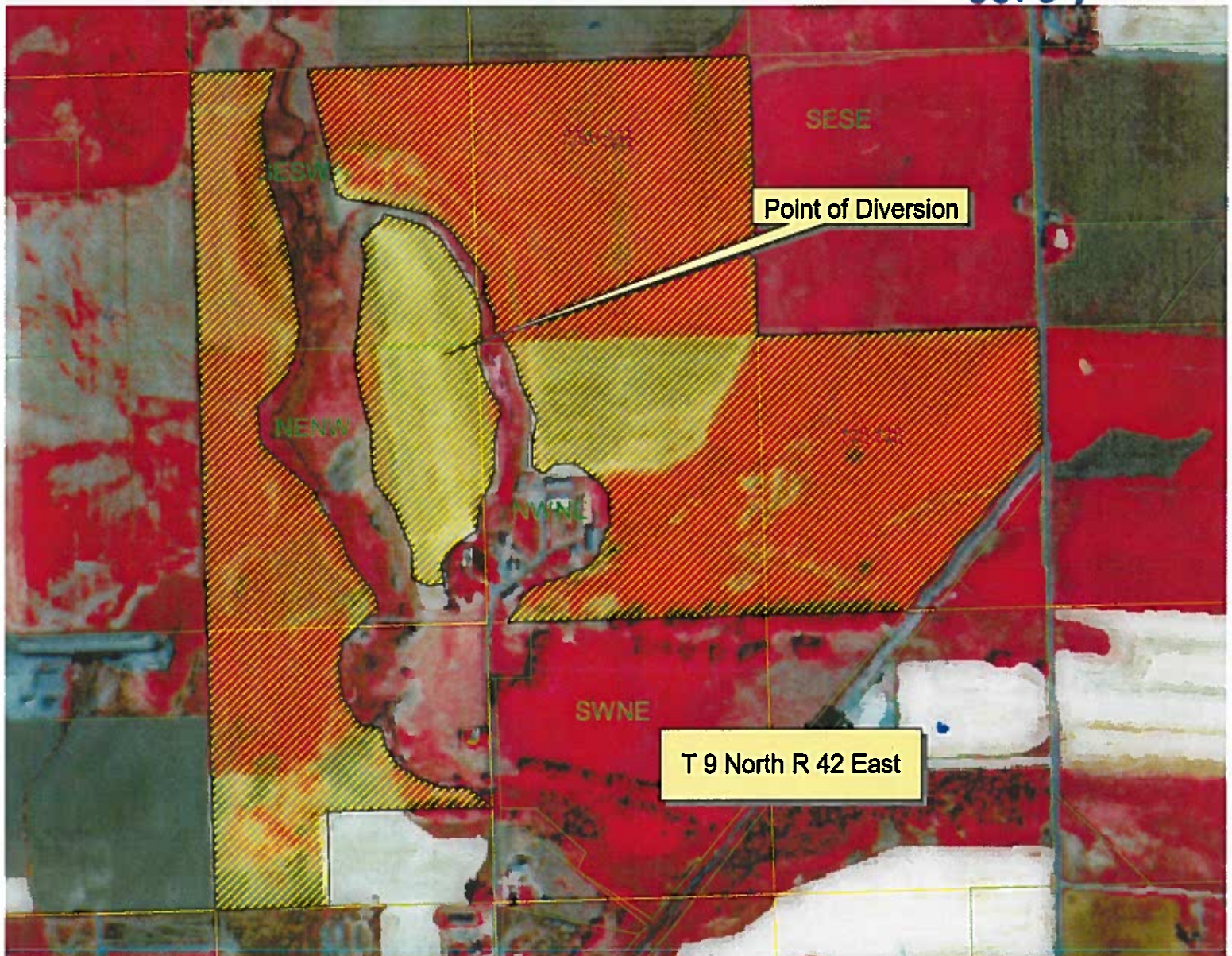


State of Idaho
Department of Water Resources
Eastern Region



Place of Use

21-00154



800 0 800 1600 Feet

Place of Use
Fremont taxlots
QQ

GIS Place of Use Illustration
1987/1988 NAPP photography
Prepared by T. Galbraith
Date: April 2005



Baker v. Larsen 21-154

Joseph W. Baker 269 in 6-1-1889

9N 42E

Sec 24 SWSE'

Sec 25 E $\frac{1}{2}$ NW 1es tax 2 + 9
 $\approx$ 240 acres total

Clairmont owns
all

Contacts Data Entry Form

Claim Number: 21-00154

Owner Type	Full Name	Address	City	State	Zip
------------	-----------	---------	------	-------	-----

Current Owner: _____ Phone No.: _____

Current Owner: _____ Phone No.: _____

Current Owner: _____ Phone No.: _____

Name connector: and _____, or _____, and/or _____.

Representing Attorney: _____ Phone No.: _____

Accompanied By: _____ Phone No.: _____

Relationship to Claimant: _____ Date of Field Exam: _____

Discussion of right origin and split history. Questions and problems.Ownership is Current - SM 4-15-04

Reviewer: _____ Date: _____

Claim no. 21-000154

Claimant Contact Log

Date	Remarks	Agent initials
------	---------	----------------

1

Water Right No(s). 21-00154

PON. Pump on Baker Sp

GPS - OGD - 704496, 334994

Pitoto - 100' 339 thru 342

21-00154 POB 1 BAKER SPRING

" " 2 " "
" " 3 " "

GPS Correction 2704496
1434781

GPS DATA:

Tag # — Location: —

Diversion Data:

Source: Baker Sp. / Sp. Cu. / Sewer Sp Trib to: Henry's Fic

MOTOR

Make: Rain Flow Model: ARBLH40 Hp: —
SN: 4682

PUMP

Make: No PLATE Model: — Disch: —
SN: —

NOTES:

Field Exam Date: 1-11-05 Agent: SKM

Point of Diversion and Source Data Entry Form

Claim Number: 21-00154Water Right Point(s) of diversion and Source.Water Right Point of Diversion: T 9N, R 43E, Sec. 25, _____, _____, _____ County: FREMONTSource: BAKER, SPRING & SEWER SPRINGS Tributary to: HENRI'S FR

Water Right Point of Diversion: T _____, R _____, Sec. _____, _____, _____, _____ County: _____

Source: _____ Tributary to: _____

Claimed Point(s) of Diversion and Source.

Twp	Rge	Sec	Gov Lot	QQQ of QQ of Q	County	Source	Tributary to
9N	43E	25			FREMONT	BAKER SPRING { SPRINGS SEWER	HENRI'S FR

Recommended Point(s) of Diversion and Source.

Twp	Rge	Sec	Gov Lot	QQQ of QQ of Q	County	Source	Tributary to
9N	43E	25			FREMONT	BAKER SPRING { SPRINGS SEWER	HENRI'S FR

Other rights from this POD? _____

Transfers Pending or approved: _____

Document how the POD and Source were verified:P.O.D. VERIFIED BY INSPECTION ON 1-11-05Reviewer: SHM Date: 1-11-05

Place Of Use Data Entry Form

Claim Number: 21-00154

Claimed Place Of Use

Twp	Rge	Sec	QQ	Q	County	Lot Num	Acres	Purpose of Use
GN	43E	24	SE	SW	FNE		27	IRR
			SW	SE			40	
		25	NE	NE			30	
			NW	NE			30	
			NE	NW			23	
			SE	NW			32	

Total acres 182

Recommended Place of Use

Twp	Rge	Sec	QQ	Q	County	Lot Num	Acres	Purpose of Use
GN	43E	24	SE	SW	FNE		27	IRR
			SW	SE			40	
		25	NE	NE			30	
			NW	NE			30	
			NE	NW			23	
			SE	NW			32	

Total acres 182

Pending or approved Transfers: _____

Overlapping rights: _____

Document how the POU was verified: _____

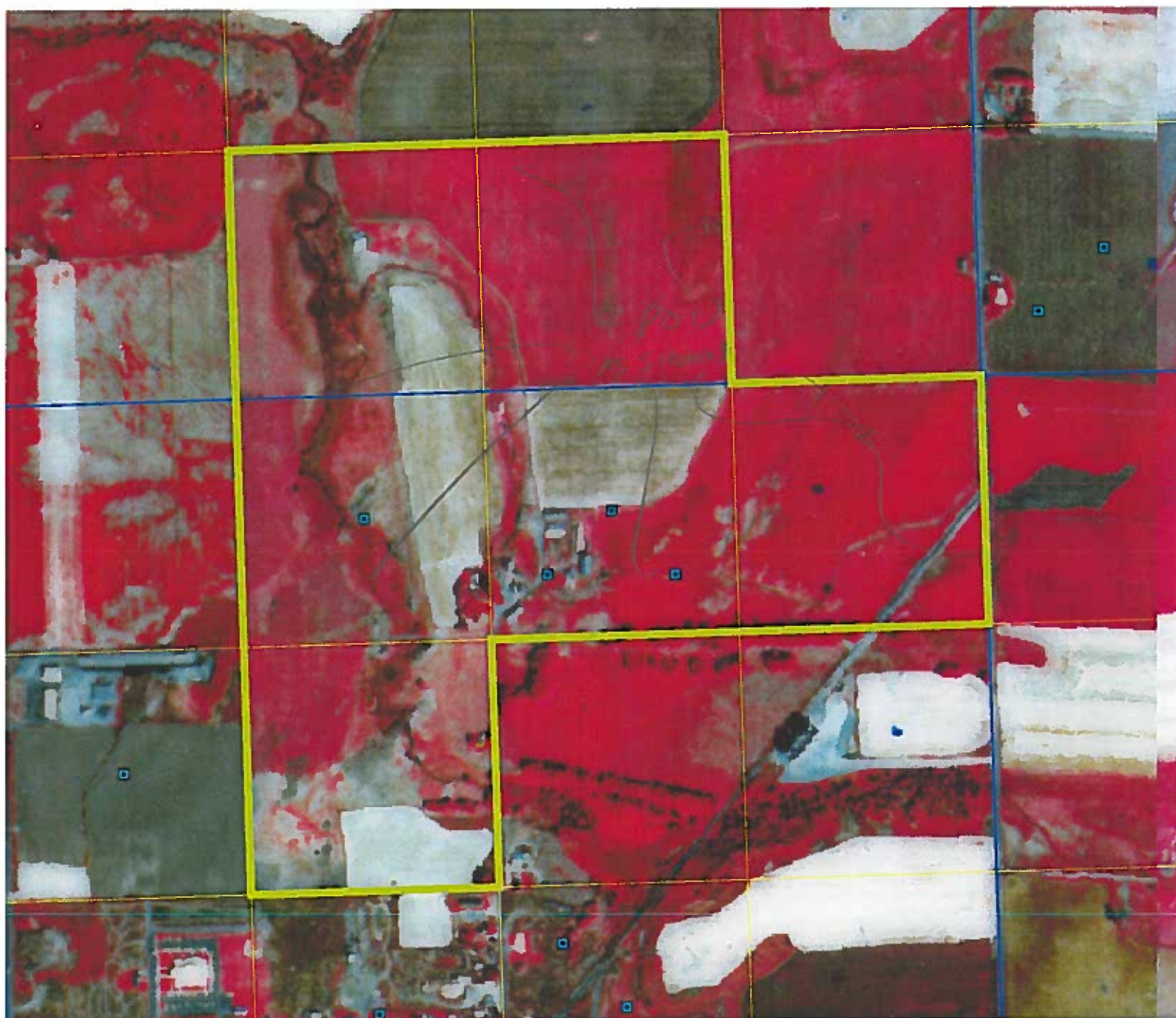
P.O.U. VERIFIED BY INSPECTION / DISCUSSION W/ DEAN BAKER.GN 1-11-05Reviewer: SHM Date: 1-11-05







21-154
T9N R42E



Plaintiffs and their predecessors and hereinbefore described are necessary to fully and adequately irrigate the lands of the Plaintiffs, hereinbefore described so as to produce maximum crops thereon.

XI.

That each and all of the allegations set forth in Plaintiffs' Complaint have been proven by competent and satisfactory evidence to the court and are found to be true.

CONCLUSIONS OF LAW

As a Conclusion of Law, the Court concludes that the Plaintiffs are entitled to the judgment and decree of this court, decreeing to them and their heirs and assigns 269 inches of the waters of Baker Springs, being diverted in the East Half of the Northwest Quarter and the North Half of the Northeast Quarter of Section 25, Township 9 North, Range 43 East, Boise Meridian, near the mouth of Baker Springs, which by means of dams, main ditches, irrigating ditches and sprinkler systems constructed by Plaintiffs and their predecessors in interest, has been carried to and applied fully to a beneficial use in irrigation the premises described in Paragraph II of the above Findings of Fact, for the production of crops and pasture thereon, with said water right dating from, and, therefore, a priority date established of June 1, 1889.

JUDGMENT AND DECREE

21-0154 By reason of the facts found by the court, and the Conclusions of Law based upon said facts, IT IS HEREBY ORDERED, ADJUDGED AND DECREED as follows:

1. That the Plaintiffs are the owners of the following described land situated in Fremont County, Idaho, to-wit:

The Southwest Quarter of the Southeast Quarter;
the Southeast Quarter of the Southwest Quarter
of Section 24, Township 9 North, Range 42 East,
Boise Meridian.

The East Half of the Northwest Quarter, Less Tax 2 and Tax 9; the North Half of the Northeast Quarter, less the Railroad, of Section 25, Township 9 North, Range 42 East, Boise Meridian, containing approximately 240 acres of irrigable land, located in Fremont County, State of Idaho.

2. That the said described lands are arid in character and require the said 269 inches of the waters of Baker Springs for the successful irrigation and growing of crops and pasture thereon.

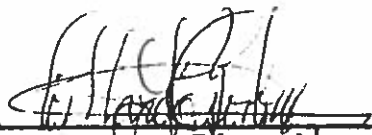
3. That commencing with the 1st day of June, 1889, and at all times thereafter, the Plaintiffs and their predecessors in interest have appropriated and beneficially used, from the water of Baker Springs, in Fremont County, Idaho, being diverted in the East Half of the Northwest Quarter; North Half of the Northeast Quarter, Section 25, Township 9 North, Range 43 East, Boise Meridian at a point near the mouth of Baker Springs for the irrigation of the lands hereinbefore described, 269 inches of the waters of said Baker Springs, and the right of the Plaintiffs, their heirs and assigns, to the use of said amount of water upon the aforesaid land with the date of priority herein set forth, is hereby adjudged, decreed and confirmed, and the point of diversion of said water is also established, adjudged, decreed and confirmed as above specified.

4. That the Watermaster of Water District No. 1 of the State of Idaho is, by this decree, ordered to recognize the aforesaid water right herein decreed to the Plaintiffs, and distribute said amount of water in connection with the distribution of the waters of Baker Springs.

5. That this Decree is made pursuant to the provisions of Section 42-1405, Idaho Code, and is subject to that certain Decree dated December 16, 1910, entered in the Sixth Judicial District of the State of Idaho, now the Seventh Judicial District of the State of Idaho, in and for the County of Fremont, in a case entitled Rexburg Irrigation Company, et al., Plaintiffs, vs. Teton Irrigation Canal Company, et al., Defendants, adjudicating waters of the Snake River; and on the 20th day

June, 1913, there was entered a decree in the District Court of the Fourth Judicial District of the State of Idaho, now the Eleventh Judicial District of the State of Idaho, in and for the County of Twin Falls, in the case entitled Twin Falls Canal Company, Plaintiff, vs. Charles N. Foster, et al., Defendants which decreed waters of the Snake River, and which decree was amended under date of September 12, 1916; and on the 25th day of June, 1929, in the District Court of the United States for the District of Idaho, Eastern Division, in the case of Woodville Canal Company, Plaintiff, vs. Clark and Edwards Canal Company, et al., Defendants, there was entered a decree adjudicating waters of the Snake River, and on March 12, 1969, a supplemental decree was made and entered in the case of Aberdeen-Springfield Canal Company, et al., Plaintiff, vs. Henry Eagle, Watermaster, District No. 36, which decree was dated March 12, 1969, and all of which said decrees and amendments adjudicated the waters of the Snake River and its tributaries.

DATED this 7th day of September, 1973.


Willard C. Burton, District Judge.

Microfilm No.

332783

14. Day Sept. 19. 73

At 10:50 O'Clock 6 M.

BESS C. JENKINS

Fremont Co. Recorder

Fee \$ 8.00 E. B. Deputy

Recorded At Request of



RECEIVED

JUN 09 2003

Department of Water Resources
Eastern Region

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

CHANGE IN ADDRESS

This form can be used to notify the Department
of a change in address for Department records
(Please print or type)

☒ Name(s):

Richard D or Susan B. Baker

☒ Old Mailing Address:

Rt 1 Box 0A

Ashton Id 83420

☒ New Mailing Address:

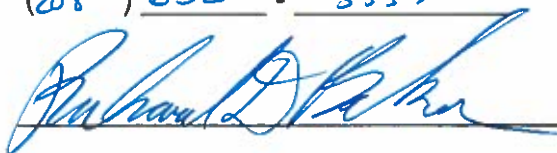
1379 Baker Rd

Ashton, Id 83420

Telephone Number:

(208) 652 - 3333

☒ Signature(s)
(must be signed by all
individuals listed unless
you have authority to sign
on their behalf)



(include your title if on behalf of company or organization)

Date:

6/9/2003

When complete, please mail or FAX this form to the IDWR office nearest you:

IDWR Northern Region
1910 Northwest Blvd., Suite 210
Coeur d'Alene, ID 83814-2615
FAX: (208) 769-1454

IDWR Western Region
2735 Airport Way
Boise, ID 83705-5082
FAX: (208) 334-2348

IDWR Eastern Region
900 N. Skyline Dr., Suite A
Idaho Falls, ID 83402-1718
FAX: (208) 525-7177

IDWR Southern Region
1341 Fillmore St., Suite 200
Twin Falls, ID 83301-3380
FAX: (208) 736-3037