

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 29-2139 V1

WATER RIGHT NUMBER: 29-2139 V1

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	W H BARTON
	POCATELLO, ID 83201
Original Owner	LORNA OBERMAYR
	PO 340
	NEW DENVER, BC V0G 1S0
	(208)232-5481
Current Owner	MARTIN HACKWORTH
	8759 1/2 W BARTON RD
	POCATELLO, ID 83204
	(208) 233-7918

Priority Date: 01/05/1912

Basis: License

Status: Active

<u>Source</u>	<u>Tributary</u>
SPRING	SINKS

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	04/01 to 11/01	0.060 CFS	
	<u>Total Diversion:</u>	0.060 CFS	

Location of Point(s) of Diversion

SPRING	SE1/4SW1/4NE1/4	Sec. 32, Twp 06S, Rge 35E, B.M.
BANNOCK County		

Place of UseIRRIGATION Within BANNOCK County

T06S R35E S32 SWNW 3.0

Total Acres: 3

DOMESTIC same as IRRIGATIONConditions of Approval:

1. c03 RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION PURSUANT TO SECTION 42-1425, IDAHO CODE.
2. 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. Quantity USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 0.06 CFS. COMBINED RIGHT NOS.: 29-2139 and 29-7774.
2. Place of Use
- Irrigation USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 3.0 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 29-2139 and 29-7774.

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 29-2139 V1

Comments:

1. ecarlsen 10/23/2002 C03

Comment: Roger Warner and Ernie Carlsen spoke with the claimant via telephone. Conversation revealed the point of diversion for this right was changed in the mid 70s and is the same as 29-7774.

Dates and Other Information:

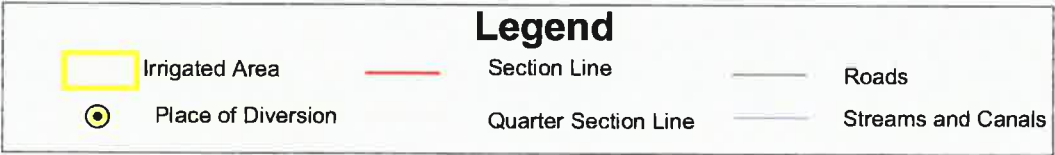
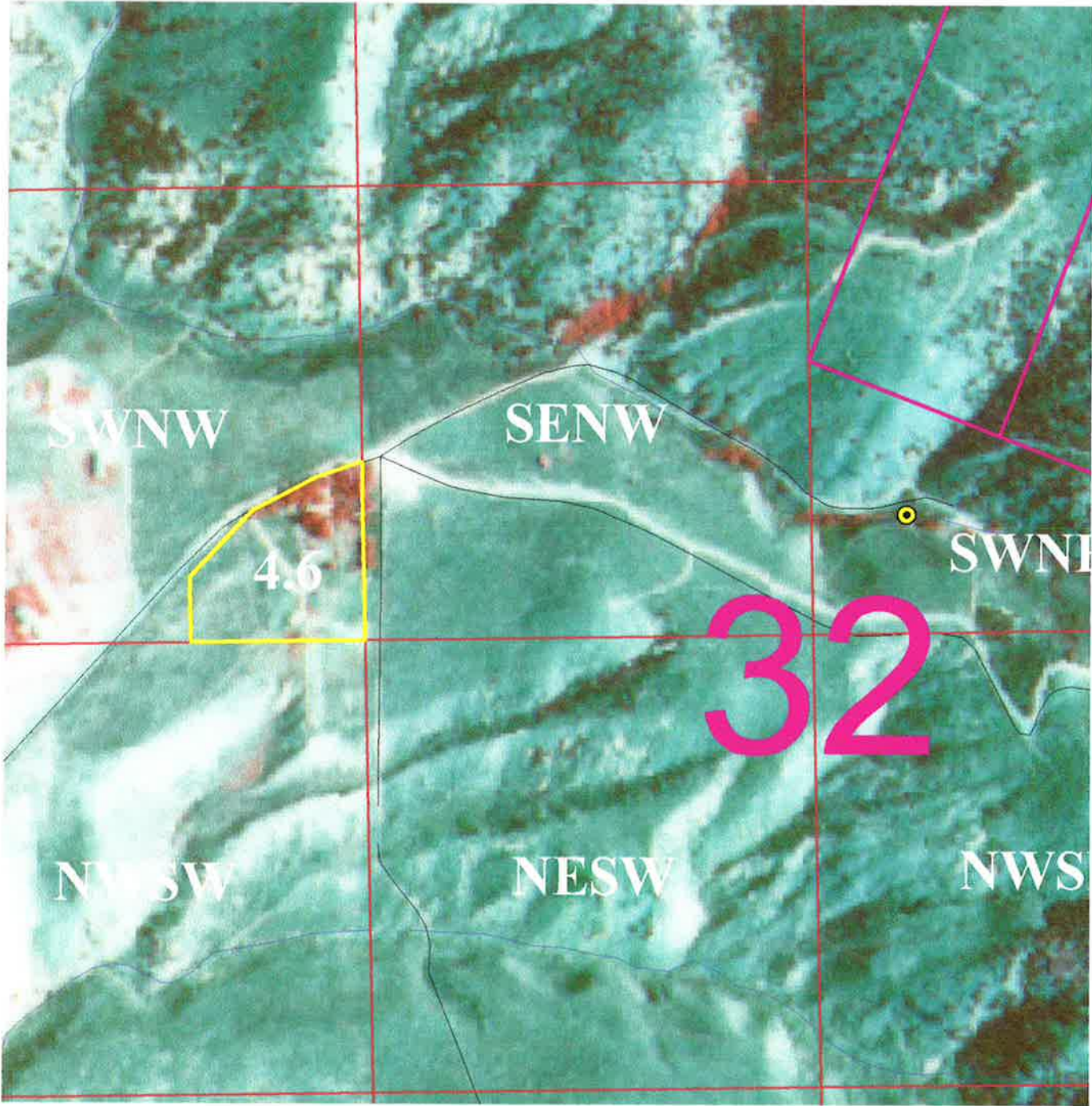
Decreed Date:
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
Defendant:
Plaintiff:
Civil Case Number:
Judicial District:
Notice of Error Flag:
State or Federal: S
Owner Name Connector:
Water District Number: 29
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

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>
Summary			10/23/2002	ecarlsen	Active

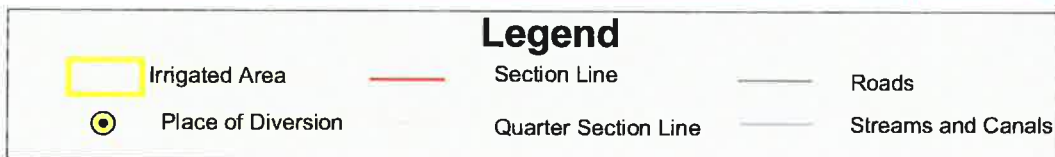
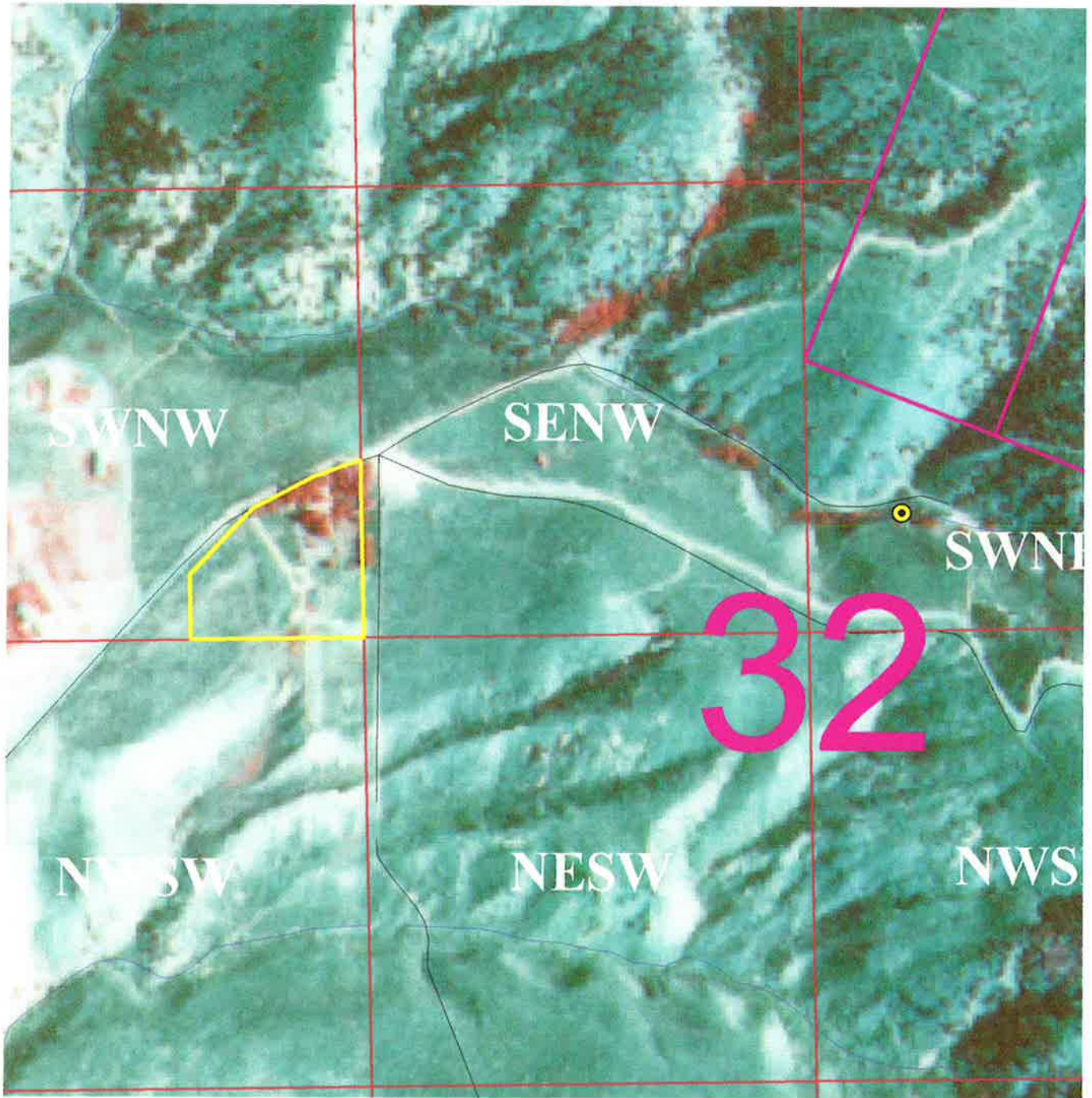
Verification Log:

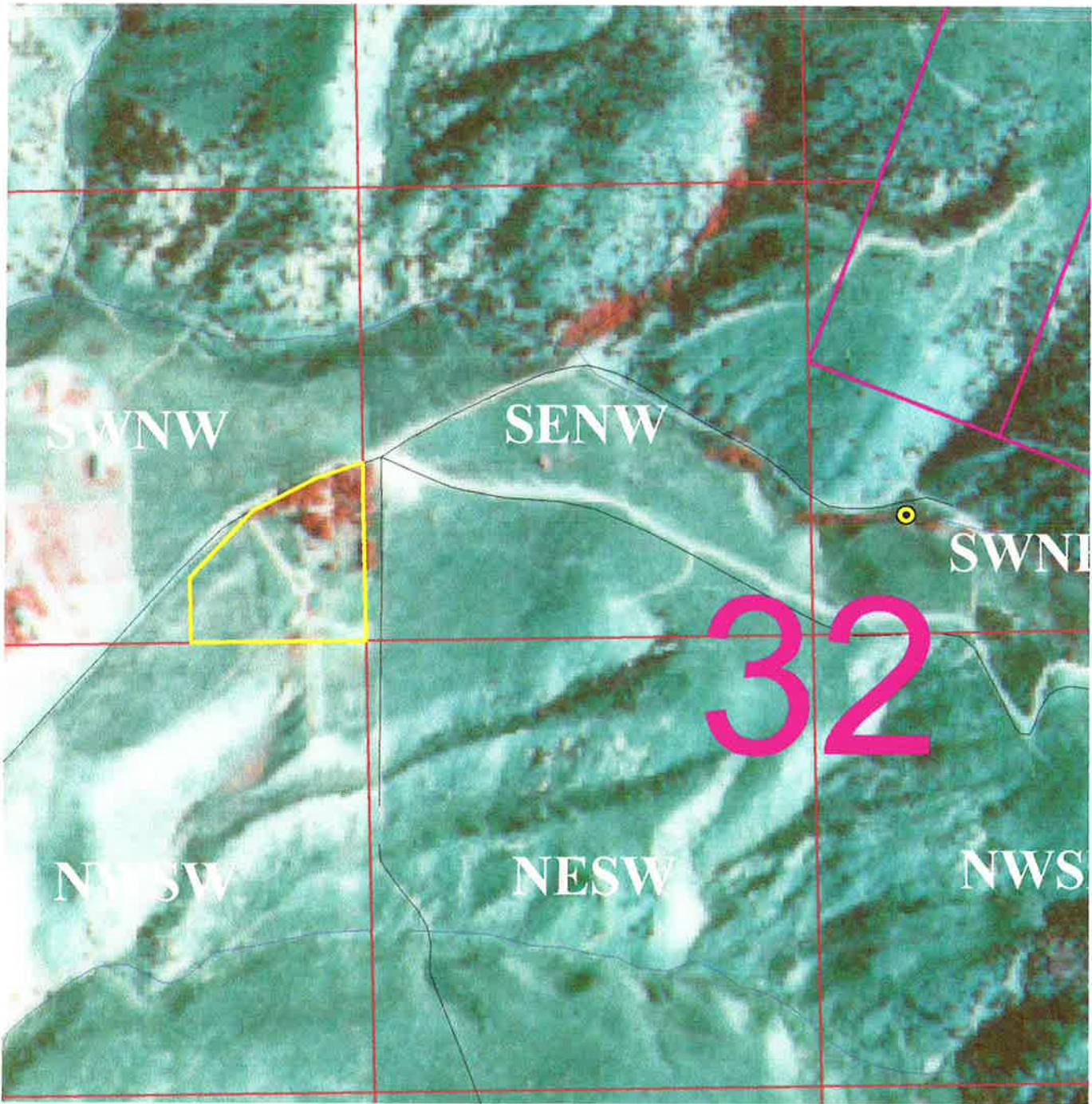
<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
Summary	10/23/2002 4:12:40 PM	ecarlsen	(Yes) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice? (No) 2. Does any evidence indicate a five year period of continuous nonuse occurred that could result in recommending forfeiture or partial forfeiture? (Yes) 5. Is an additional remark and/or condition required? (Yes) 6. Would you like to view the recommended right? (No) 7. Is this a split or combined right? (No) 8. Do you have documents you would like to attach or link to the file? (Yes) 9. Would you like to set the verification date?
POD	10/23/2002 4:05:46 PM	ecarlsen	Edited point location
POU	10/23/2002 4:07:45 PM	ecarlsen	Edited shape boundary



Water Right Claim Number A29-02139
Township , 6S35E

09/28/2000





 Irrigated Area

 Section Line

 Roads

 Place of Diversion

Quarter Section Line

 Streams and Canals

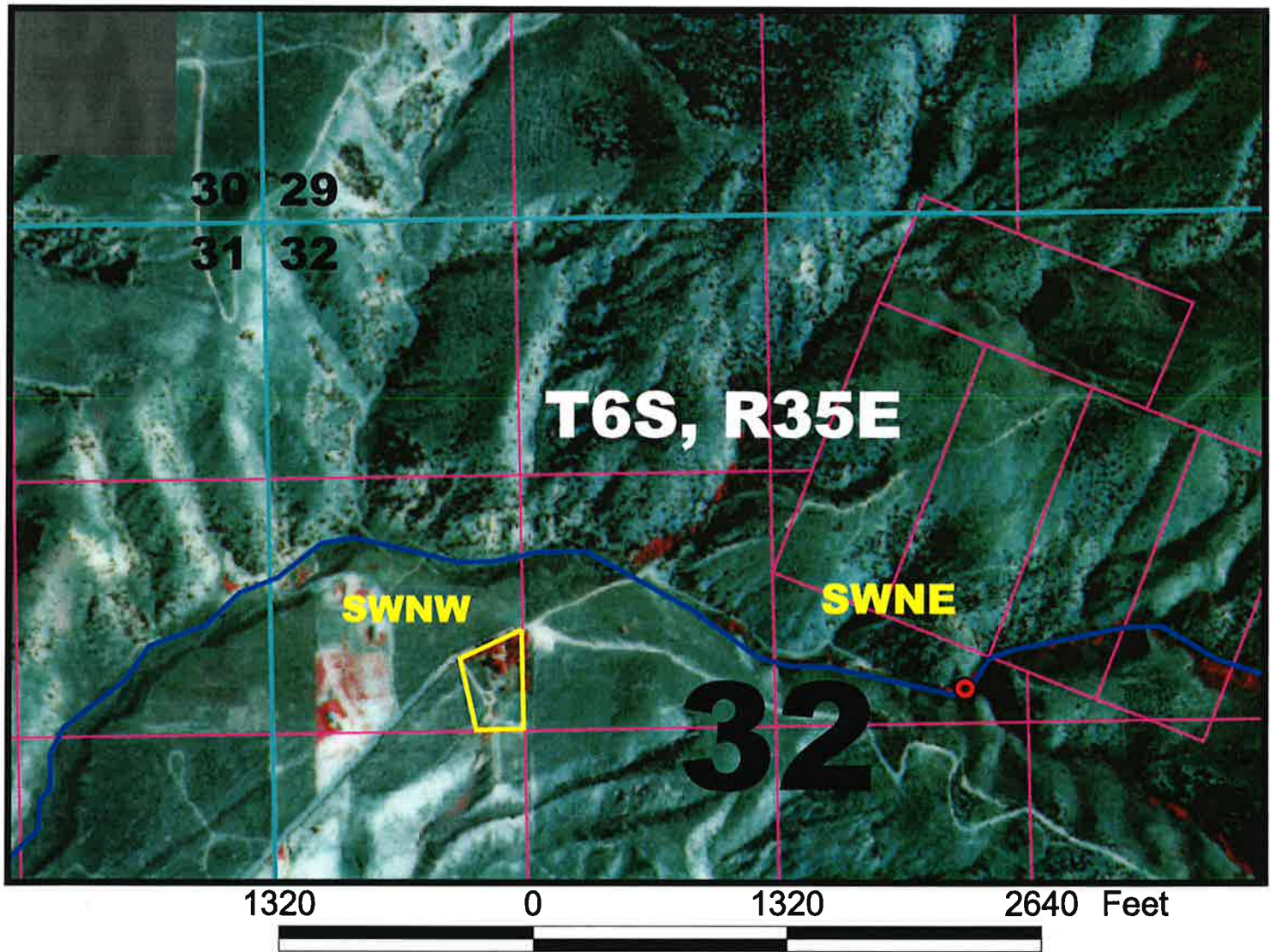




STATE OF IDAHO

Department of Water Resources
Eastern Region

Water Right(s): 29-02139 & 29-07774



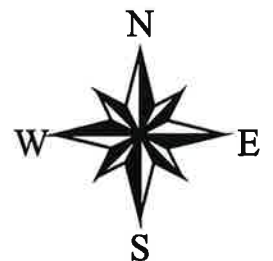
Total Irrigated Acres: 3.0
Permissible Place of Use

● Point(s) of Diversion

□ Place of Use

□ Quarter Quarter Lines

□ Section Lines



PROFILES
SCANNED

DEC 28 2005

GIS Place of Use Illustration
1987/1988 NAPP Photography
Prepared by: C. Saxton
Date: October 2002

Saxton, Craig

From: Saxton, Craig
Sent: Wednesday, October 23, 2002 11:31 AM
To: Carlsen, Ernie; Warner, Roger
Subject: 29-02139 and 29-07774

Hey Guys,

I found a couple of things regarding this issue.

PDF files for 29-07774 show that the application for permit mentions 29-02139. Statement is as follows:

*c. Describe any other water rights used for the same purposes as described above. **Answer listed is:** Permit No. 8068/29-2139*

10. "My intention is to increase the system capacity by replacing existing lines and equipment. The existing system needs considerable remedial work due to vandalism and general wear and tear. The additional water quantity included in this permit is currently available at the diversion from the springs in the unnamed gulch. The intended beneficial use is for ----culture".

Lastly, page 14 on PDF file 29-02139 indicates springs as at least feeding the un-named stream.

Short of speaking to the claimant (which I understand Roger is going to do), I would interpret these two rights to be overlapping. I do believe there is probably only one system at this point so both rights should probably list the same source. If my interpretation is correct, I will recommend the source for 29-02139 being "springs" with an accomplished transfer in source occurring around 1985 when the application for 29-07774 was approved.

In addition, I was not able to locate the shape for 29-07774 on SDE. But, none-the-less. I am thinking if both rights are from the same source, we should recommend them as a PPU for 3 acres as licensed in 29-02139. Limit 29-07774 to 2 acres within the defined POU.

Let me know your thoughts on this particularly if Rogers conversation with the claimant reveals different facts.

Sorry it took so long to get back to you on this issue.

Craig

PROFILED

SCANNED
DEC 28 2005

10/23/2002

10/25/00. Eric or Roger did Review

SCANNED

DEC 28 2005

PROFILED

SCANNED

JUN 11 2001

Log for claim A29-02139

Spatial Dynamics LTD

9/28/00

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
06s35e	32	SWNW	3	4.6	
Totals:			3	4.6	

AJ5809NP
No. A29-02139

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 05/24/00
PAGE: 37

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	MARTIN HACKWORTH 8759 1/2 W BARTON RD POCATELLO ID 83204 (208) 233-7918	01/05/1912	IRRIGATION DOMESTIC	04-01 11-01 01-01 12-31	0.060 CFS 0.040 CFS	
TOTAL DIVERSION: CONSUMPTIVE USE:					0.060 CFS	7.50 AFA

Water Source: UNNAMED STREAM

Tributary to: SINKS

Stage: LICENSE

Point(s) of Diversion:

T06S R35E S32

SWNE

BANNOCK County

Place of use Legal Description for: IRRIGATION

				NE				NW				SW				SE									
T	R	S		NENE	NWNE	SWNE	SENE	:	NENW	NWNW	SWNW	SENW	:	NESW	NWSW	SWSW	SESW	:	NESE	NWSE	SWSE	SESE	:	SUM	
				Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	:	
06S	35E	32	:					:				03	:					:						:	3.0
TOTAL ACRES																							3.0		

Place of use Legal Description for: DOMESTIC

				NE				NW				SW				SE									
T	R	S		NENE	NWNE	SWNE	SENE	:	NENW	NWNW	SWNW	SENW	:	NESW	NWSW	SWSW	SESW	:	NESE	NWSE	SWSE	SESE	:		
				Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	:	
06S	35E	32	:					:				D	:					:						:	

POU County: BANNOCK

Non-Irrigation Uses: DOMESTIC FOR TWO HOMES AND 5 HORSES.

Other Rights: A29-07774.

Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):
29-13019 A29-07774 A29-13019

Remarks: GEN LICENSE IDENTIFIES SOURCE AS UNNAMED GULCH.
*
CHANGE OF OWNERSHIP 6/8/94 SC

Dates: Exam Made Date: Verified Date: Objection Filed Date:

Misc: Water District Number: 29 Field Inspection Flag:
Presumption Flag:

Audit: 12/13/90 CARLSEN 06/02/94 COX 06/08/94 COX 03/29/95 POST-STD

County: Bannock.
Stream: Unnamed Gulch.
Amount: 3/50 of 1 Sec. Ft.
Use: Irrigation,
Priority: 1/5/12.

STATE OF IDAHO

Water License No. 8068
Water District No. 17 D.

WHEREAS, On the 5th day of January, A. D. 1912,
W. H. Barton

of Pocatello, County of Bannock, State of Idaho, duly made application (No. 11852) to me for a permit to use 4/5 of 1 cubic foot per second of the waters of an unnamed gulch in S₂ of N₂, Sec. 32, T. 6 S., R. 35 E., Water District 17 D.

County of Bannock, State of Idaho, for irrigation and domestic purposes, and,

WHEREAS, On the 2nd day of March, A. D. 1912, Permit No. 8068 was issued to said applicant for the diversion of said water and providing for the completion of the works of diversion therein described on or before the 2nd day of March, A. D. 1914, and for the application to beneficial use of said water on or before the 2nd day of March, A. D. 1916, and,

WHEREAS, On the 27th day of January, A. D. 1914, the time for completion of works under said permit, was extended to the 2nd day of March, A. D. 1915, and the time for beneficial use of water to the 2nd day of March, A. D. 1917, and,

WHEREAS, On the 11th day of March, A. D. 1915,
W. H. Barton

the holder of said permit, duly made proof of the completion of adequate works for the diversion of 4/5 of 1 cubic foot per second of said waters, as evidenced by my Certificate No. 8068 dated April 17, 1915, confirming the completion of works of sufficient capacity for diverting and conveying to the place of intended use 4/5 of 1 cubic foot per second of said waters with date of priority of January 5, 1912, and

WHEREAS, On the 10th day of March, A. D. 1917,
W. H. Barton

the holder of said permit, duly made proof of the application to beneficial use of 3/50 of 1 cubic foot per second of said water:

NOW, THEREFORE, By virtue of authority vested in me by the laws of the State of Idaho, I hereby grant and confirm to W. H. Barton

of Pocatello, County of Bannock, State of Idaho, the holder and owner of said Permit No. 8068, a perpetual right, dating from January 5, 1912 to the use of 3/50 of 1 cubic foot per second of the waters of an unnamed Gulch

in the County of Bannock and State of Idaho, or so much thereof as may be necessary for the purposes hereinbelow mentioned, to be diverted at a point in the SW₂ of N₂, Sec. 32, T. 6 S., R. 35 E., B.M.

and conducted to and upon 3 acres of land in the SW₂ of N₂, Sec. 32, T. 6 S., R. 35 E., B.M.,

for the purpose of irrigation and domestic use, subject, however, to the laws of the State of Idaho, applicable to a license for the use of the waters of the State, and subject, also, to the local or community customs, rules and regulations which have been or may be adopted from time to time by a majority of the users from a common source of supply, canal or lateral from which such water may be taken, when such rules and regulations have for their object the economical use of such water.

WITNESS, My hand and the seal of my office at Boise, Idaho, this 14th day of July A. D. nineteen hundred and seventeen.

J. H. Smith,

(Seal)

State Engineer.

29-2139

No. 11852

APPLICATION FOR PERMIT
To Appropriate the Public Waters of the State of Idaho

1. Name of Applicant: W. H. Barton,
Postoffice address: Pocatello
County: Bannock State: Idaho
2. The quantity of water claimed is 4/5 cubic foot per second.
3. Source of water supply: Spring waters of unnamed gulch in S $\frac{1}{2}$ of N $\frac{1}{2}$ Sec. 32, T. 6 S. R. 35 E. B. M.
4. Location of point of diversion: SW $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 32, T. 6 S. R. 35 E. B. M.
County of Bannock.
5. To be used for:
 - I. Irrigation and domestic use:
 - (a) Amount of land to be irrigated: 40 acres.
 - (b) In the following legal subdivisions: SE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 31, and SW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 32, T. 6 S. R. 35 E.
6. Estimated cost of works: \$300.00
7. Description of works for diversion:
 - I. Kind of works: Dam and pipe
 - II. Dimensions of work:
 - (a) Height of dam 1 foot, length of dam at top 3 feet, length of dam at bottom 2 feet. Material used in construction: Earth.
 - (b) Size of headgate: Width None feet.
 - (c) Conduit pipe, diameter of pipe: 3" to 1"; average grade per mile is 50 feet. Length of conduit is one mile, and it crosses the following quarter sections; SE $\frac{1}{4}$ NW $\frac{1}{4}$ and S $\frac{1}{2}$ NE $\frac{1}{4}$ Sec. 32
8. The time required for the completion of the construction of such work is 2 years.
9. Time required for the complete application of the water to the proposed use is 2 additional years.

BE IT KNOWN That the undersigned hereby makes application for a permit to appropriate the public waters of the State of Idaho as herein set forth.

W. H. Barton,....Applicant.

By.. Bannock Engineering Co. Ltd...Agent.

APPROVAL OF STATE ENGINEER.

The number of this permit is 8068

Date of first receipt at office of State Engineer 9.00 a.m. January 5, 1912.

Returned to applicant for correction January 6, 1912.

Corrected application received February 16, 1912.

Recorded in Book 25, Page 8068. Approved March 2, 1912.

This is to certify that I have examined the within application for a permit to appropriate the public waters of the State of Idaho, and hereby approve the same, subject to the following limitations and conditions:

Work to begin on or before May 1, 1912, and to continue diligently and uninterruptedly to completion, unless temporarily interrupted by circumstances over which permit holder has no control.

One-fifth of the work above specified to be completed on or before March 2, 1913.

The whole of said work to be completed on or before March 2, 1914.

Beneficial use of water appropriated in accordance herewith, to be made on or before March 2, 1916.

Witness my hand this second day of March, 1912.

A. M. Robinson,

State Engineer

On proper request of the holder of the above numbered permit, I have this 27th day of January, 1914, extended the time for the completion of works to the 2nd day of March 1915.

F. P. KING,

State Engineer.

Proof of completion of works made March 11, 1915.

Certificate of completion of works issued March 17, 1915.

Permit No. 8068

CERTIFICATE OF COMPLETION OF WORKS.

To All Whom It May Concern:

This is to certify that W. H. Barton, of Pocatello, County of Bannock and State of Idaho, the holder of Permit No. 8068, issued upon Application No. 11852, bearing date of priority of January 5, 1912, authorizing the diversion of $\frac{4}{5}$ of 1 second foot of the spring waters of an unnamed gulch in the $S\frac{1}{2}$ of $N\frac{1}{2}$ of Sec. 32, T. 6 S., R. 35 E.B.M., County of Bannock, State of Idaho, for irrigation and domestic purposes, has fully complied with the provisions of the laws of the State of Idaho relating to the proof of completion of the works of diversion set out and described in said permit; that said works are adequate for diverting and conveying to the place of intended use $\frac{1}{4}$ of 1 second foot of the waters of an unnamed gulch; that the point of diversion of said waters is in the $SW\frac{1}{4}$ of $NE\frac{1}{4}$, Sec. 32, T. 6 S., R. 35 E.B.M., and that the lands proposed to be irrigated by the use of said water are described as follows, to-wit: Part of the $SE\frac{1}{4}$ of $NE\frac{1}{4}$ and part of the $SW\frac{1}{4}$ of $NW\frac{1}{4}$, Sec. 32, T. 6 S., R. 35 E.B.M., containing 10 acres.

Witness my hand this 17th day of April, A. D. 1915.

J. H. Smith,

State Engineer of the State of Idaho.

By Fred A. Wilkie, Deputy.

License i

3/50 of 1 second foot
Page 3, 123

REPORT OF ENGINEER

1. State name of applicant and number of permit: W. H. Barton- Permit 8068
2. State source of water supply: Unnamed Gulch
3. Location of point of diversion: SW¹ NE¹ Sec. 32, T. 6 S., R. 35 E.B.M.
4. State whether or not the works of diversion are fully completed and in accordance with terms of permit: Yes
5. Describe works as they exist, giving dimensions and capacities of same: Pipe line consisting of 1"-1 1/2" and 2" pipe, having a capacity of about 3 inches.
6. State whether or not water has been turned into works of diversion: Yes
7. Give exact location of lands to be irrigated. Give exact number of acres under cultivation in each forty-acre tract. (Describe manner and place of use if for other than irrigation): 3 acres in SW⁴ NW⁶ Sec. 32, T. 6 S., R. 35 E.
8. Submit map on enclosed plat, showing location and details of above description.

Remarks: _____

This examination was made on the

16th

day of

June1917

(Signed) _____

R. B. Hammett

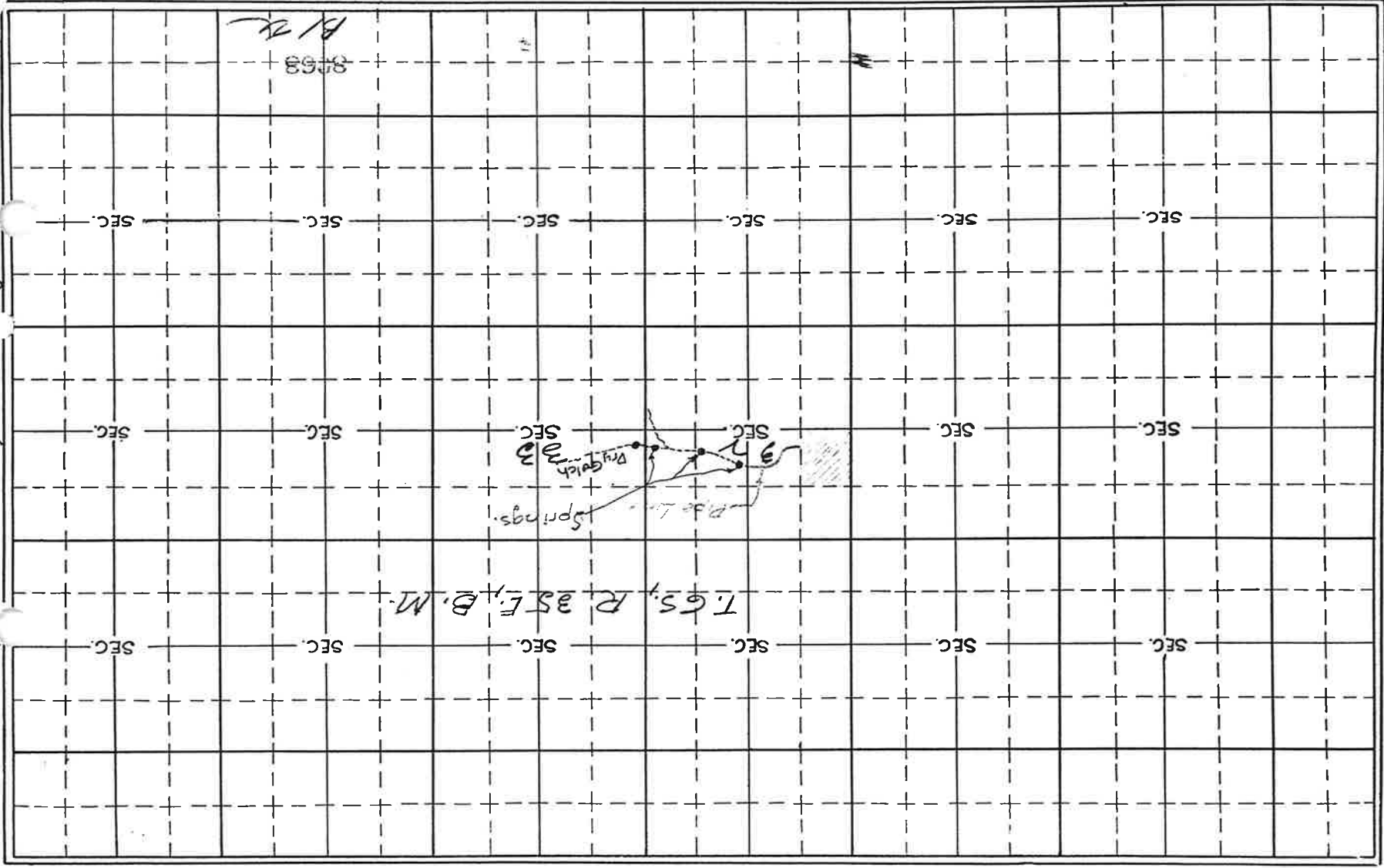
8068

Examiner.

OVER

B/2YH

Name of Applicant W. N. Banton d/p r/n. 8068



SCALE: 2 INCHES = 1 MILE. DRAW PLAN IN INK

6/9/94

COMMUNICATION DOCUMENTATION

Claim No. _____

This form is to be used to document public record information requests regarding any SRBA claim or claims. The form may also be used to document IDWR communications requesting information regarding any SRBA claim or claims when the request is not made in writing or the claim verification report is not readily available to document the request. This form is to be filed in all relevant claim files or a central office file.

IDWR Employee/Agent

DC

Date

7/13/94

Contact Person(s) _____

Nature of Contact

filing on springs in 6S 35E 32 SW PE

A29-02139, (A29-07774)

filings on 6S 35E sec 32 NWSW

Substance of Communication _____

MICROFILMED
NOV 14 1996

JUNE 8, 1994

MARTIN HACKWORTH
8759 1/2 W BARTON RD
POCATELLO ID 83204

RE: CHANGE OF OWNERSHIP FOR A29-02139, A29-07774, A29-12262
AND A29-12263

Dear Mr. Hachworth:

The request for Change of Ownership concerning your Notice(s) of Claim in the above reference has been processed and the Notice(s) modified to reflect you as the new owner.

Enclosed is the typed Notice(s) with your name shown as the current owner. Review the forms and if there are other corrections or questions, feel free to contact this office.

If there are no questions or corrections, please keep these Notice for your records.

Respectfully submitted,

Sharla Cox
Adjudication Secretary

MICROFILMED
NOV 14 1996



NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

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

RECEIVED
JUN 2 1994

DATE OF CLOSING: _____

Department of Water Resources
Eastern District Office

LEGAL DESCRIPTION OF PROPERTY: Township 16 South Range _____
Section _____, 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: A29-02139 A29-07774 A29-12262 A29-12263
- ☐ Name and Address of Former Owner/Claimant(s)(Seller): Lorna Obermayer
- ☐ New Owner/Claimant (Purchaser): Martin Hackettworth
- ☐ New Mailing Address: 2759 1/2 W. Barton Rd
Paradise ID 83204
- ☐ New Telephone Number: (208) 233 - 7918
- ☐ 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: _____
(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) [Signature] Date 5/5/94
- ☐ Signature of Former Owner/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:

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

MICROFILMED
NOV 14 1996

Warranty Deed

21

93011808

For Value Received

LORNA OBERMAYR, A MARRIED WOMAN DEALING WITH HER SOLE & SEPERATE PROPERTY

the grantor , do hereby grant, bargain, sell and convey unto

MARTIN HENRY HACKWORTH AND AMY BROOKS HACKWORTH, HUSBAND AND WIFE.

whose current address is

8759 BARTON ROAD, POCA TELLO, ID 83204

RECEIVED
JUN 21 1994

Department of Water Resources
Eastern District Office

the grantee , the following described premises, in

BANNOCK

County Idaho, to wit:

SEE ATTACHED EXHIBIT "A"

SUBJECT TO: ALL existing patent reservations, easements, rights of way, protective covenants, zoning ordinances and applicable building codes, laws and regulations.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee , heirs and assigns forever. And the said Grantor do hereby covenant to and with the said Grantee , that he the owner in fee simple of said premises; that they are free from all incumbrances

and that he will warrant and defend the same from all lawful claims whatsoever.

Dated: July 28, 1993

Lorna Obermayr

LORNA OBERMAYR

MICROFILMED
NOV 14 1996



2-2
EXHIBIT A

PLOR ORIGINAL

A PARCEL OF LAND SITUATED IN THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER AND THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 32, TOWNSHIP 6 SOUTH, RANGE 35 E.B.M., BANNOCK COUNTY, IDAHO, BEING A PORTION OF THE LANDS OF LORNA C. OBERMAYR DESCRIBED AT INSTRUMENT 561094, RECORDS OF SAID BANNOCK COUNTY, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE WEST QUARTER CORNER OF SECTION 32, TOWNSHIP 6 SOUTH, RANGE 35 E.B.M., BANNOCK COUNTY, IDAHO, AS RECORDED AT INSTRUMENT 613872, RECORDS OF SAID BANNOCK COUNTY; THENCE SOUTH $00^{\circ}08'17''$ EAST ALONG THE WEST LINE OF SAID SECTION 32 A DISTANCE OF 648.39 FEET TO AN INTERSECTION WITH THE SOUTHERLY RIGHT OF WAY OF BARTON ROAD; THENCE NORTH $43^{\circ}42'28''$ EAST ALONG SAID SOUTHERLY RIGHT OF WAY A DISTANCE OF 1156.21 FEET, SAID POINT BEING MARKED BY A $1/2 \times 24$ INCH IRON PIN TAGGED "LS 4430" SET THIS SURVEY AND BEING THE POINT OF BEGINNING; THENCE CONTINUING NORTH $43^{\circ}42'28''$ EAST ALONG THE SOUTHERLY RIGHT OF WAY OF BARTON ROAD A DISTANCE OF 139.19 FEET TO THE POINT OF CURVATURE OF A TANGENT CURVE MARKED BY A $1/2 \times 24$ INCH IRON PIN TAGGED "LS 4430" SET THIS SURVEY, THE RADIUS POINT OF SAID CURVE BEING SOUTH $46^{\circ}17'32''$ EAST A DISTANCE OF 435.37 FEET FROM SAID POINT OF CURVATURE, SAID CURVE HAVING A CENTRAL ANGLE OF $24^{\circ}30'38''$; THENCE NORTHEASTERLY ALONG SAID CURVE ALONG THE SOUTHERLY RIGHT OF WAY OF BARTON ROAD AN ARC DISTANCE OF 186.25 FEET TO A POINT OF TANGENCY MARKED BY A $1/2 \times 24$ INCH IRON PIN TAGGED "LS 4430" SET THIS SURVEY, THE RADIUS POINT OF SAID CURVE BEING SOUTH $21^{\circ}46'55''$ EAST A DISTANCE OF 435.37 FEET FROM SAID POINT OF TANGENCY; THENCE CONTINUING ALONG THE SOUTHERLY RIGHT OF WAY OF BARTON ROAD, NORTH $68^{\circ}13'05''$ EAST A DISTANCE OF 278.23 FEET TO AN INTERSECTION WITH THE WEST $1/16$ LINE OF SAID SECTION 32, MARKED BY A $1/2 \times 24$ INCH IRON PIN TAGGED "LS 4430" SET THIS SURVEY; THENCE SOUTH $00^{\circ}02'18''$ EAST ALONG THE CENTERLINE OF SAID SECTION 32, AS DESCRIBED AT INSTRUMENT 93008618, RECORDS OF SAID BANNOCK COUNTY, THENCE SOUTH $00^{\circ}04'57''$ EAST ALONG SAID WEST $1/16$ LINE A DISTANCE OF 7.62 FEET TO THE NORTHEAST CORNER OF THE LAND OF HERBERT P. AND ANGELA A. NEITZEL DESCRIBED AS PARCEL "C", INSTRUMENT 540374, RECORDS OF SAID BANNOCK COUNTY, THENCE SOUTH $89^{\circ}55'03''$ WEST ALONG THE NORTH LINE OF THE LAND OF NEITZEL A DISTANCE OF 507.77 FEET TO A $1/2 \times 24$ INCH IRON PIN TAGGED "LS 4430" SET THIS SURVEY; THENCE NORTH $00^{\circ}04'57''$ WEST A DISTANCE OF 189.96 FEET TO POINT OF BEGINNING.

UC

Grantee

and that 1

Dated:

Lorna C. Obermayr

LORNA C. OBE

MICROFILMED
NOV 14 1996

STATE OF IDAHO, COUNTY OF ~~SHARON~~
On this 23rd day of JULY, 1993,
before me, a notary public in and for said ~~County~~, personally appeared

LORNA OBERMAYR

NOTARY SEAL

known to me to be the person whose name SHE IS
subscribed to the within instrument, and acknowledged to me that
executed the same.

Karla D. Park
Notary Public

Residing at POCATELLO
Comm. Expires 03/29/99

, Idaho

NO. 93011808
RECORDED
AMERICAN LAND TITLE CO.

'93 JUL 27 P4:38

OFFICIAL
BANK
LARR
FEE

6.00

592
SC

POOR ORIGINAL

MICROFILMED
NOV 14 1996

RECEIVED

DEC 13 1990

Department of Water Resources
Eastern District Office

Ernest Carlisen
Dept of Water Resources
150 Shoup Ave
Idaho Falls, Id 83402

Dear Ernie:

Enclosed please find my check for the required amount and the newly notarized documents. I appreciate your kind attention to this, Ernie, but as you mentioned in your letter--it is indeed confusing. Knowing though the possibility of bloodshed over Idaho water rights, I shall persevere and try to keep my faith that the mills of the gods will eventually grind this all out!

I've been in your office in the past and always appreciated your assistance. If there is anything you feel you could do to keep this on track, I'd appreciate it. I won't be back in Idaho for any length of time until April or May. You can contact me at 604 358 7965 or FAX to 604 358 7106.

Thanking you in advance, I am

Sincerely



Lorna Obermayr

PS-Ernie, there is more darn water up here than you can shake a stick at. I think I've died and gone to heaven.

MICROFILMED

DEC 13 1992

RECEIVED

JUN 4 1990

Department of Water Resources
Eastern District Office

Mr. Ernest Carlsen
Adjudication Supervisor
Department of Water Resources
150 Shoup Ave Suite 15
Idaho Falls, Idaho 83404

Dear Mr Carlsen:

Enclosed you will find my amended Claims to Water Rights as your instructions indicated. Thankyou for your helpful information.

I do find though a possible problem in the Reading Report I have inclosed. The WH Barton license is the duplicate of one which I have had for thirty-five years as a part of my land. I have refiled to put the license in my name having received my permit November 1985 and just recently submitted my Proof of Beneficial Use. The lengthy delay between permit and proof was an unfortunate oversight. Can I assume that once my license is issued it will eliminate the name **Barton** on the record except as a former owner. I'm sure that Mr Barton, having long since gone to his just reward, will not be a problem, but I am extremely apprehensive (as any good Idahoan is) of any glitches with my water rights. I have in my papers Mr Barton's original licenses.

While this may well be out of your area, perhaps you can forward my concerns to the appropriate office. Thanking you in advance for your assistance, I am

Sincerely



Lorna Obermayr

P.S. By 'duplicate' I mean print of
origin + area of usage

MICROFILMED

NOV 13 1992

WATER RIGHT CLAIMS PROOF READING REPORT

Water Right Number - 29-07774

Adj. Flag Translation: Standard Water Right Number

Old (D) Number -

+ - - - - Last Name - - - - +

+ - First Name - - +

+ - - - - Address - - - - - +

*** C - CURRENT OWNER ***
OBERMAYR

LORNA G.

1 - 3001 BARTON ROAD

2 -

3 -

City- POCATELLO

State- ID Zip- 83204

Phone -

+ - - Priority Date - - +
06/05/1984+ - - Region - - - +
15+ - - Stage - - - +
P - PERMIT

+ - - Status - - - +

+ - - Source - - - - - +
SPRINGS

+ - - Tributary - - - - - +

Twn	Rng	Sec	Tract	Lot	RFlg	Point of Diversion	County	Stream Index (Blank if no Index Code)
06S	35E	32	SW NE			(5) BANNOCK		

Code	Description	Period From	Period To	Diversion Rate	Diversion Volume
01 - IRRIGATION		03/15	08/15		
04 - STOCKWATER		01/01	12/31	0.040	
43 - DOMESTIC		01/01	12/31	0.040	
				0.080	

Total Div. Rate - +	Total Div. Volume - +	Total Div. Capacity - +	Total Consumptive Use - +	KW Usage - +
0.120				

Twn	Rng	Sec	Tract	Lot	Acres	Code	Description	County
06S	35E	32	SW SW		2.0	01	IRRIGATION	(5) BANNOCK
Total Acres:					2.0			

+ - - Diversion Means - DAM, PIPELINE, SETTLING TANK

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use - 29-2139

Remarks
S/24 HORSES, D/2

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

Conditions of Approval - - - - - +
026 - Permit holder shall commence the excavation or construction of
- diverting works within one year of the date this permit is issued
- and shall proceed diligently until the project is complete.

ERROR

MICROFILM

WATER RIGHT CLAIMS PROOF READING REPORT

Water right number - 29-07774

Adj. flag translation: Standard Water Right Number

+ - - - - Conditions of Approval - - - - - +
 004 - The issuance of this permit in no way grants any right-of-way or
 - easement across the land of another.
 005 - Use of water under this permit is subject to control by the
 - watermaster of State Water District No. 29.

+ - - - - Decree Plaintiff - - - +

+ - - - - Decree Defendant - - - +

+ - Decree Date - +
00/00/0000

+ - - Audit Fields - 07/24/86

05/22/88 CONVERT

+ - - - - Water Rights Dates and Flags Area - - - - - +

Proof Due Date - 11/01/1990	Field Exam Made - 00/00/0000	Field Exam Fee -
Approved/Denied - 11/12/1985	Protested Date - 00/00/0000	Swan Falls - 1
Proof Made Date - 00/00/0000	Hearing Date - 00/00/0000	Temporary Right - P
Start Work Date - 00/00/0000	Verified Date - 00/00/0000	DLE/Carey Act -
Order Show Cause - 00/00/0000	Receipt Number -	Water District - 29
Licensed Date - 00/00/0000	Appl Received - 00/00/0000	Transfer/Amended -
Decree Date - 00/00/0000	Presumption Flag -	Microfilm Roll Number -

MICROFILMED
 NOV 13 1992

WATER RIGHT CLAIMS PROOF READING REPORT

Water Right Number - 29-02139

Adj. Flag Translation: Standard Water Right Number

Old (D) Number - 8068

+ - - - - Last Name - - - - +

+ - First Name - - +

+ - - - - Address - - - - - +

*** C - CURRENT OWNER ***
BARTON

W. H.

1 -

2 -

3 -

City- POCATELLO

Phone -

State- ID Zip- 83201

+ - - Priority Date - - +
01/05/1912+ - - Region - - - +
15+ - - Stage - - - +
L - LICENSE

+ - - Status - - - +

+ - - Source - - - - - +
UNNAMED STREAM+ - - Tributary - - - - - +
PORTNEUF RIVER

TwN	Rng	Sec	Tract	Lot	RFlg	Point of Diversion	County	Stream Index (Blank if no Index Code)
-----	-----	-----	-------	-----	------	--------------------	--------	---------------------------------------

06S	35E	32	SW NE		(5)	BANNOCK		272.0 452.0 12.7 4.0
-----	-----	----	-------	--	-------	---------	--	----------------------

Code	Description	Period From	Period To	Water Use	Diversion Rate	Diversion Volume
01	IRRIGATION					
43	DOMESTIC				0.060	

Total Div. Rate	Total Div. Volume	Total Div. Capacity	Total Consumptive Use	KW Usage
0.060				

TwN	Rng	Sec	Tract	Lot	Acres	Place of Use	Code	Description	County
06S	35E	32	SW NW		3.0	01	IRRIGATION		(5) BANNOCK

Total Acres: 3.0

+ - - Diversion Means -

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use -

Remarks
LICENSE IDENTIFIES SOURCE AS UNNAMED GULCH.

Old Water Right Number
No Old Water Right Numbers found.

Conditions of Approval
No Conditions of Approval found.

+ - - Decree Plaintiff - - - +

+ - - Decree Defendant - - - +

+ - Decree Date - +
00/00/0000MICROFILMED
NOV 13 1992

8068 - JAN. 1917 permit 1912

WATER RIGHT CLAIMS PROOF READING REPORT

Water right number - 29-02139

Adj. flag translation: Standard Water Right Number

+ -- Audit Fields - 04/23/85

05/22/88 CONVERT

+ - - - - - Water Rights Dates and Flags Area - - - - - +

Proof Due Date	- 00/00/0000	Field Exam Made	- 00/00/0000	Field Exam Fee	-
Approved/Denied	- 00/00/0000	Protested Date	- 00/00/0000	Swan Falls	-
Proof Made Date	- 00/00/0000	Hearing Date	- 00/00/0000	Temporary Right	- P
Start Work Date	- 00/00/0000	Verified Date	- 04/23/1985	DLE/Carey Act	-
Order Show Cause	- 00/00/0000	Receipt Number	-	Water District	- 29
Licensed Date	- 08/14/1979	Appl Received	- 00/00/0000	Transfer/Amended	-
Decree Date	- 00/00/0000	Presumption Flag	-	Microfilm Roll Number	-

MICROFILMED
NOV 13 1992

JUN 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: **A29-02139**
Date Received: 12/13/1990
Receipt No: **E015531**
Received By: _____

**COPY FOR
YOUR FILES**

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

**COPY FOR
YOUR FILES**

1. Name: MARTIN HACKWORTH
Address: 8759 1/2 W BARTON RD
POCATELLO ID

208-233-7918

83204

2. Date of Priority: JAN 5, 1912

3. Source: UNNAMED STREAM

Trib. to: SINKS

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
06S	35E	32		SW	NE		BANNOCK

5. Description of diverting works:

4" DIAMETER PIPELINE FROM SPRING TO SETTLING TANK.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	0.060		
DOMESTIC	01/01	12/31	0.040		

7. Total Quantity Appropriated is:

0.060 C.F.S. (and/or)

A.F.A.

8. Total consumptive use is

7.5 Acre Feet Per Annum.

9. Non-irrigation uses:

DOMESTIC FOR TWO HOMES AND 5 HORSES.

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
06S	35E	32	SW	NW		IRR	3.0
			SW	NW		DOMEST	

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10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					Section Acres	3.0
					Total Acres	3.0

11. Place of use in counties: BANNOCK

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

13. Other Water Rights Used:
A29-07774.

14. Remarks:
LICENSE IDENTIFIES SOURCE AS UNNAMED GULCH.
*
CHANGE OF OWNERSHIP 6/8/94 SC

15. Basis of Claim: LICENSE
Water Right Number: 8068

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: A29-02139
Date Received: 10/26/1990
Receipt No: ED15531
Received By: _____

DEC 13 1990

Department of Water Resources
Eastern District Office

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: LORNA OBERMAYR 208-232-5481
Address: P.O. 340
NEW DENVER, BC VOG I-SO

2. Date of Priority: JAN 05, 1912

3. Source: UNNAMED STREAM Trib. to: SINKS

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
06S	35E	32	SW	NE			BANNOCK

5. Description of diverting works:
4" DIAMETER PIPELINE FROM SPRING TO SETTLING TANK.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	0.060		
DOMESTIC	01/01	12/31	0.040		

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

8. Total consumptive use is 7.5 Acre Feet Per Annum.

9. Non-irrigation uses:
DOMESTIC FOR TWO HOMES AND 5 HORSES.

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
06S	35E	32	SW	NW		IRR	3.0
			SW	NW		DOMEST	

A29-02139

Page 1

Date: 10/26/90

MICROFILMED

NOV 13 1992

A2902139

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					Section Acres	3.0
					Total Acres	3.0

11. Place of use in counties: BANNOCK

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

13. Other Water Rights Used:
A29-07774.

14. Remarks:
 LICENSE IDENTIFIES SOURCE AS UNNAMED GULCH.

15. Basis of Claim: LICENSE
Water Right Number: 8068

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):

Date: 20 NOV 70

Date: _____

MICROFILMED
NOV 13 1992

Province of British
~~State of Idaho~~)
Columbia) SS.
County of Kootenay)

Subscribed and sworn (or affirmed) before me this 28 day

of November 19 90

[Signature]
Notary Public

Residing at 619 Broadway St Nakusp

My Commission Expires Statutory



Date of Priority June 5, 1975

Sec 32 ~~B~~ Twp 6 S Rge 35 E

AA

34E R35E

POCATELLO SOUTH ORTHOPHOTOQUAD
IDAHO

IDAHO FALLS 50 MI.
2.5 MI. TO INTERSTATE 15 W

R. 34 E. 25' R. 35 E. 35

386 440 000 FEET

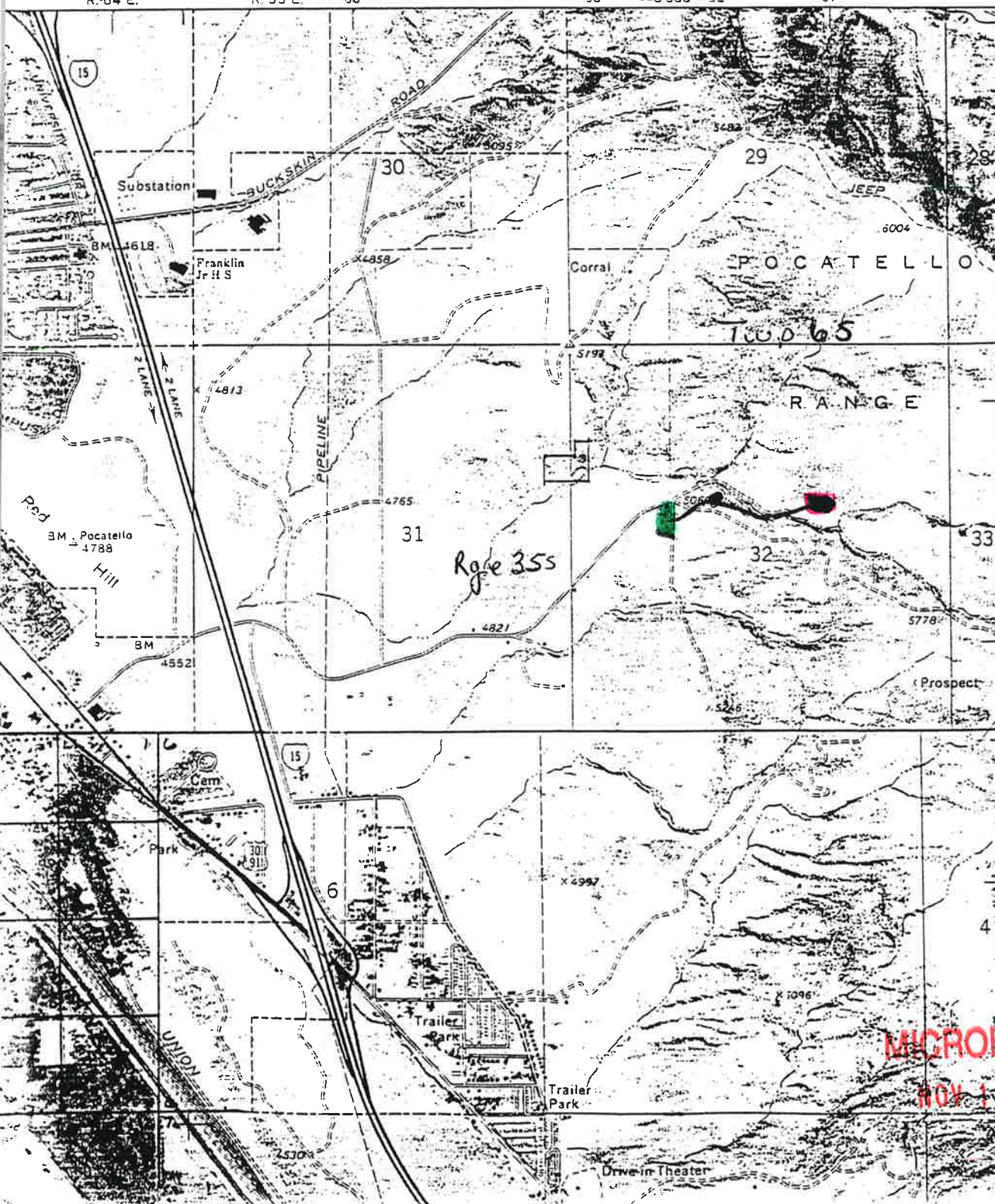
387

112° 22' 30"

42° 52' 30"

440 000

FEET



SPRINGS

AREA OF
USAGE

SETTLING
TANK

TE
T7

MICROFILMED

NOV 13 1992

OBERMAYER
39576