

11/07/2006

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

RIGHT NUMBER: 75-10032

NAME AND ADDRESS: DAVID D BARTON
PO BOX 266
NORTH FORK ID 83466

SOURCE: SPRING

TRIBUTARY: BIG SILVERLEAD CREEK

QUANTITY: 0.220 CFS

PRIORITY DATE: 05/22/1913

POINT OF DIVERSION:

T24N R21E S16 NWNE Within LEMHI County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
STOCKWATER	1/01 12/31	0.020 CFS
IRRIGATION	4/01 11/01	0.200 CFS

PLACE OF USE:

IRRIGATION in LEMHI County

T24N R21E S16	SWNW	3.00	T24N R21E S16	NESW	2.00
T24N R21E S16	NWSW	5.00			

STOCKWATER in LEMHI County

T24N R21E S16	SWNW	T24N R21E S16	NESW
T24N R21E S16	NWSW		

10 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 - Beneficial Use

November 7, 2006

Mr David D Barton
PO Box 266
North Fork ID 83466

RE: 75-10032

Dear Mr. Barton:

We have processed your change of water right ownership form. Enclosed is a copy of our recommendation, which we expect to submit in the near future.

Sincerely,

Carolyn Monitz
Records Clerk

CM: Encl.

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP



Please print or type. Attach pages with additional information. Instructions are included at the end of this form.
Incomplete forms will be returned.

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided (under the "split" heading), if the change in ownership is limited to a portion of a water right in which case division of the existing water right or adjudication claim record will be required.

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
<u>7B</u>	<u>75-10032</u>	☒	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____

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JUN 16 2006

DEPARTMENT OF
WATER RESOURCES

2. The following **REQUIRED** information must be submitted with this form:

- A. The appropriate **FILING FEE**. See instructions for fee amounts.
- B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.
- C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
PLAT OF PROPERTY or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).

OR

If your water right(s) and/or adjudication claim(s) is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY** or **SURVEY MAP**.

3. Name and Address of Former Owner/Claimant(s)

Bobby G. Jenkins
PO Box 1137 North Fork ID 83417

4. New Owner/Claimant(s)

DAVID D. BARTON

Name Connector (Check one): ☐ and, ☐ or, ☐ and/or

New Mailing Address

PO BOX 266

City, State and ZIP Code

NORTH FORK ID. 83466

New Telephone Number

8708 865-2383

5. Date you acquired the property

11-28-1995

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6.

If the change in ownership affects the entire water right for each water right or adjudication claim number listed in item 1, THEN SKIP THIS ITEM AND GO TO ITEM 7. If the change in ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (one water right per box, you may copy this page as necessary). If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number <u>75-10032</u>		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	<u>.10 cfs</u>	<u>5 ac</u>
Stock		
Domestic		
Other		
Total	<u>.10 cfs</u>	

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation		
Stock		
Domestic		
Other		
Total		

7.

Signature of New Owner(s) or Claimant(s)
(include title if applicable)



For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him/her for all matters related to your claims.

For Office Use Only

Received by _____	Date _____	Fee _____
Received by _____	Date _____	Receipt No. _____
Processed by _____	AJ Date _____	WR _____ Date _____

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JUN 16 2006

VED

2006

Warranty Deed

For Value Received

SHARON I. FISBECK, a married person dealing with her sole and separate property
the grantor, do hereby grant, bargain, sell and convey unto

DAVID D. BARTON, a single person
whose current address is

1010 GANADO ROAD
SAN RAFAEL, CA 94903

the grantee, the following described premises, in LEMHI

County Idaho, to wit:

LOT 3 OF NORTH FORK ACRES ACCORDING TO THE OFFICIAL PLAT
THEREOF FILED FOR RECORD IN BOOK 5 OF PLATS AT PAGE NO.
25, RECORDS OF LEMHI COUNTY, IDAHO.

TOGETHER WITH AN EASEMENT FOR INGRESS AND EGRESS OVER THE
EXISTING ROAD AND BRIDGE ACROSS LOT 2 OF NORTH FORK ACRES
FOR ACCESS TO LOT 3.

SUBJECT TO AN EASEMENT FOR INGRESS AND EGRESS ACROSS THE
EXISTING ROAD LOCATED IN THE NORTHWEST OF LOT 3 OF ACCESS
TO A PORTION OF THE NORTHEAST OF LOT 2.

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

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

Dated: NOVEMBER 28, 1995

Sharon I. Fisbeck
SHARON I. FISBECK

State of Idaho) SS No. 228315
County of Lemhi)

This instrument was filed for record at the request of

Alliance Title
2:48 o'clock PM 12-1 1995

and duly filmed and indexed in the records of Lemhi

County

Alberta Wiedemick

Ex-Officio Recorder

Terrell J. Morton Deputy

3:00

Return to

STATE OF IDAHO, COUNTY OF Nez Pearce
On this 28th day of NOVEMBER, 1995
before me, a notary public in and for said State, personally appeared

SHARON I. FISBECK

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

Elaine M. Lewis

Notary Public
Idaho

Residing at Clarkston, WA
Comm. Expires 09/05/98

SCANNED
2006

Warranty Deed

For Value Received
BOBBY G. JENKINS, as Trustee of the BOBBY G. JENKINS TRUST, under Trust Agreement, dated August 15, 1989, and his substitutes and successors as Trustee, thereunder
the grantor, does hereby grant, bargain, sell and convey unto

SHARON I. FISBECK, a married person

whose current address is

703 MAIN ST. B-2
LEWISTON, ID 83501

the grantee, the following described premises, in LEMHI County Idaho, to wit:

LOT 3 OF NORTH FORK ACRES ACCORDING TO THE OFFICIAL PLAT THEREOF
FILED FOR RECORD IN BOOK 5 OF PLATS AT PAGE NO. 23, RECORDS OF
LEMHI COUNTY, IDAHO.

TOGETHER WITH AN EASEMENT FOR INGRESS AND EGRESS OVER THE EXISTING
ROAD AND BRIDGE ACROSS LOT 2 OF NORTH FORK ACRES FOR ACCESS TO LOT 3.

SUBJECT TO AN EASEMENT FOR INGRESS AND EGRESS ACROSS THE EXISTING ROAD
LOCATED IN THE NORTHWEST OF LOT 3 FOR ACCESS TO A PORTION OF THE
NORTHEAST OF LOT 2.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, her heirs and assigns forever. And the said Grantor do hereby covenant to and with the said Grantee, that he is 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: NOVEMBER 17, 1995

Bobby G. Jenkins
BOBBY G. JENKINS

STATE OF IDAHO, COUNTY OF LEMHI
On this 17th day of NOVEMBER, 1995
before me, a notary public in and for said State, personally appeared

BOBBY G. JENKINS

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

Laurie M. Santee
Laurie M. Santee
Notary Public
Residing at SALMON, Idaho
Comm. Expires 6-19-2001

Instrument No. 228141
County of Lemhi
This instrument was filed for record at the request of
Alberta Wiedenick
4:14 o'clock PM Nov 17 1995
and duly filed and indexed in the records of Lemhi
County

Alberta Wiedenick
Notary Public
By *Sharon Stevens* Deputy
Rec. 3-
Return to A.T.

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JUN 16 2006



11/07/2006

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

RIGHT NUMBER: 75-10032
NAME AND ADDRESS: BOBBY G JENKINS
PO BOX 1137
NORTH FORK ID 83466
SOURCE: SPRING TRIBUTARY: BIG SILVERLEAD CREEK
QUANTITY: 0.220 CFS
PRIORITY DATE: 05/22/1913
POINT OF DIVERSION:

T24N R21E S16 NWNESE Within LEMHI County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
STOCKWATER	1/01 12/31	0.020 CFS
IRRIGATION	4/01 11/01	0.200 CFS

PLACE OF USE: IRRIGATION in LEMHI County

T24N R21E S16	SWNW	3.00	T24N R21E S16	NESW	2.00
T24N R21E S16	NWSW	5.00			

STOCKWATER in LEMHI County

T24N R21E S16	SWNW	T24N R21E S16	NESW
T24N R21E S16	NWSW		

10 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 - Beneficial Use

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
WESTERN REGION ADJUDICATION SECTION
CLAIM VERIFICATION FIELD EXAM SHEET
(Use with the ECVR)

CLAIM NO(s). A7510032

1. ☐ No Change NAME IS SAME
☒ NEW OWNER: David D. Barton
☐ No Change ADDRESS
☒ NEW ADDRESS: P.O. Box 266 North Fork, Id 83466
2. ☐ No Change - DATE OF PRIORITY: Completed evidence submitted
☐ Incomplete - Claimant should be asked during the exam when was water first used and submit proof of date of priority.

Priority date, per claimant, is: _____
(If the priority date, based on your exam, seems questionable, explain below.)

3. ☒ No Change — SAME SOURCE
☐ Source is different than that claimed:

Source found: _____

4. ☒ No Change — POINT OF DIVERSION
☐ Point of diversion is different than the claim and/or new P/D's:

A0017079 GPS 111
Township _____ Range _____ Section 1/4 1/4 1/4
Township _____ Range _____ Section 1/4 1/4 1/4

5. ☐ No Change - DESCRIPTION OF DIVERTING WORKS
☐ Incomplete description, list below:

Collection of three springs into a pond.
Then pump to a sprinkler system.

6. ☒ No Change - WATER USES
☐ Different uses, (list uses found):

Use _____	From _____	To _____	Amount _____	CFS _____	AFA _____
Use _____	From _____	To _____	Amount _____	CFS _____	AFA _____
Use _____	From _____	To _____	Amount _____	CFS _____	AFA _____

7. ☐ No Change - TOTAL VOLUME

☐ Incomplete on claim, the total is, Amount _____ CFS _____ AFA

☐ Changes found, the new total is, Amount _____ CFS _____ AFA

8. ☒ No Change - NON-IRRIGATION USES:

☐ Changes Exam found:

Domestic # of homes: _____ Stock # _____ List types: _____

Additional comments: _____

9. ☒ No Change — PLACE OF USE: (If changed, list below.)

Use: _____	Township _____	Range _____	Section _____	1/4 _____	1/4 _____
Use: _____	Township _____	Range _____	Section _____	1/4 _____	1/4 _____
Use: _____	Township _____	Range _____	Section _____	1/4 _____	1/4 _____
Use: _____	Township _____	Range _____	Section _____	1/4 _____	1/4 _____

Remarks: (Comments pertinent to field examination) ☐ See additional attachment

*Mr Barton is putting this together
and hasn't started to irrigate as yet.*

☐ SYSTEM DIAGRAM INCLUDED ☐ NA

☐ Shown on GIS Layout

☐ CK IF IN OFFICE EXAM

DATE EXAM CONDUCTED: _____

FIELD EXAMINER: _____

Print Name

Jack F. Ellis

Signature

Idaho Department of Water Resources



Adjudication Claim Number: **75-10032**



Legend

-  PLS Sections
-  Quarter Quarters



0 0.2 0.4 Miles

A horizontal scale bar with markings at 0, 0.2, and 0.4 miles.

Prepared by M. Vanbussum
On Thursday, May 12, 2005
1991 Aerial Photography

SCANNED

001123

60 X

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: A75-10032
Date Received: 1/22/1990
Receipt No: 2014141
Received By: 

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: BOBBY GENE JENKINS 208-865-2442
Address: P.O. BOX 1137
NORTH FORK, ID 83466

2. Date of Priority: MAY 22, 1913

3. Source: SPRING Trib. to: BIG SILVERLEAD CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
24N	21E	16	NW	NE	SW		LEMHI

5. Description of diverting works:
DITCH TO PLACE OF USE

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	0.200		
STOCKWATER	01/01	12/31	0.020		

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

8. Total consumptive use is 25.0 Acre Feet Per Annum.

9. Non-irrigation uses:
S/10 HORSES

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
24N	21E	16	NE	SW		IRR	5.0
			NE	SW		STOCK	

A75-10032

Page 1

Date: 01/22/90

A7510032



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DEC 15 1992

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
24N	21E	16	NW SW		IRR	5.0
Section Acres						10.0
Total Acres						10.0

11. Place of use in counties: LEMHI

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: 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: 1

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): Bobby G. Jenkins Date: _____
_____ Date: _____

State of Idaho)
County of ADA) SS.

Subscribed and sworn (or affirmed) before me this 22 day
of JANUARY 19 90

Jeff Peppersack
Notary Public

Seal

Residing at _____

My Commission Expires _____

Jeff Peppersack, Notary Public
Residing at Boise, Idaho
My Commission Expires Nov. 8, 1994



1 360 000
FEET

MICROFILMED
DEC 15 1992