

12/15/2007

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 75-14493

NAME AND ADDRESS: LEO D CARTER
PO BOX 252
FIDDLTOWN CA 95629

SOURCE: SHEEP CREEK

TRIBUTARY: NORTH FORK SALMON RIVER

QUANTITY: 0.040 CFS

PRIORITY DATE: 05/15/1898

POINT OF
DIVERSION:

T25N R21E S14 SESENW Within LEMHI County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

04/01 10/31

0.040 CFS

PLACE OF USE: IRRIGATION in LEMHI County

T25N R21E S22

NWNW 1.00

1 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

This right is a split from former right 75-4298C.



Idaho Department of Water Resources

SCANNED
JAN 17 2008

SRBA Recommendation:

75-14493

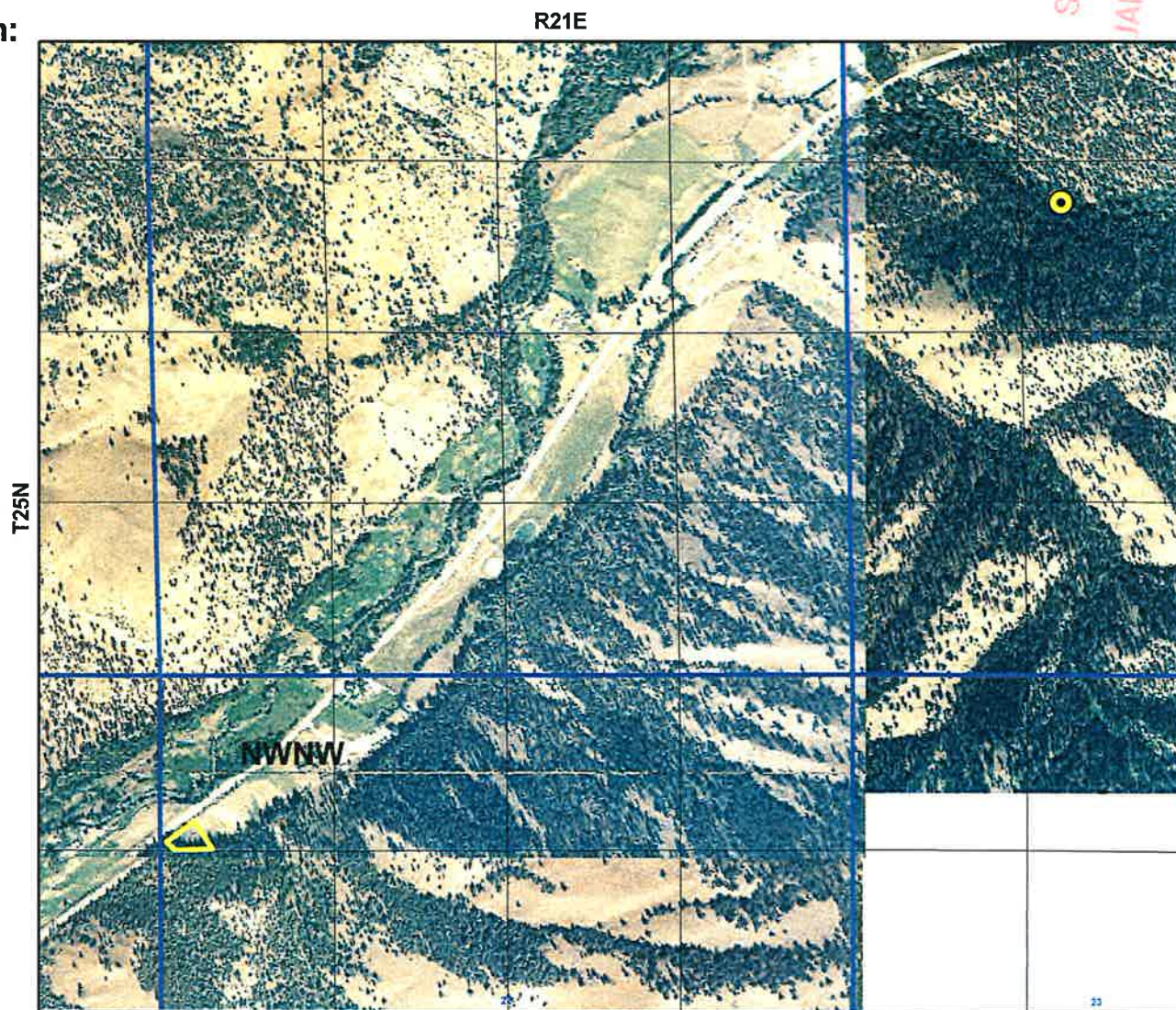
(Irrigation)

Legend

-  Point of Diversion
-  Place of Use
-  Townships
-  PLS Sections
-  Quarter Quarters



Lemhi County
IDWR Basin 75

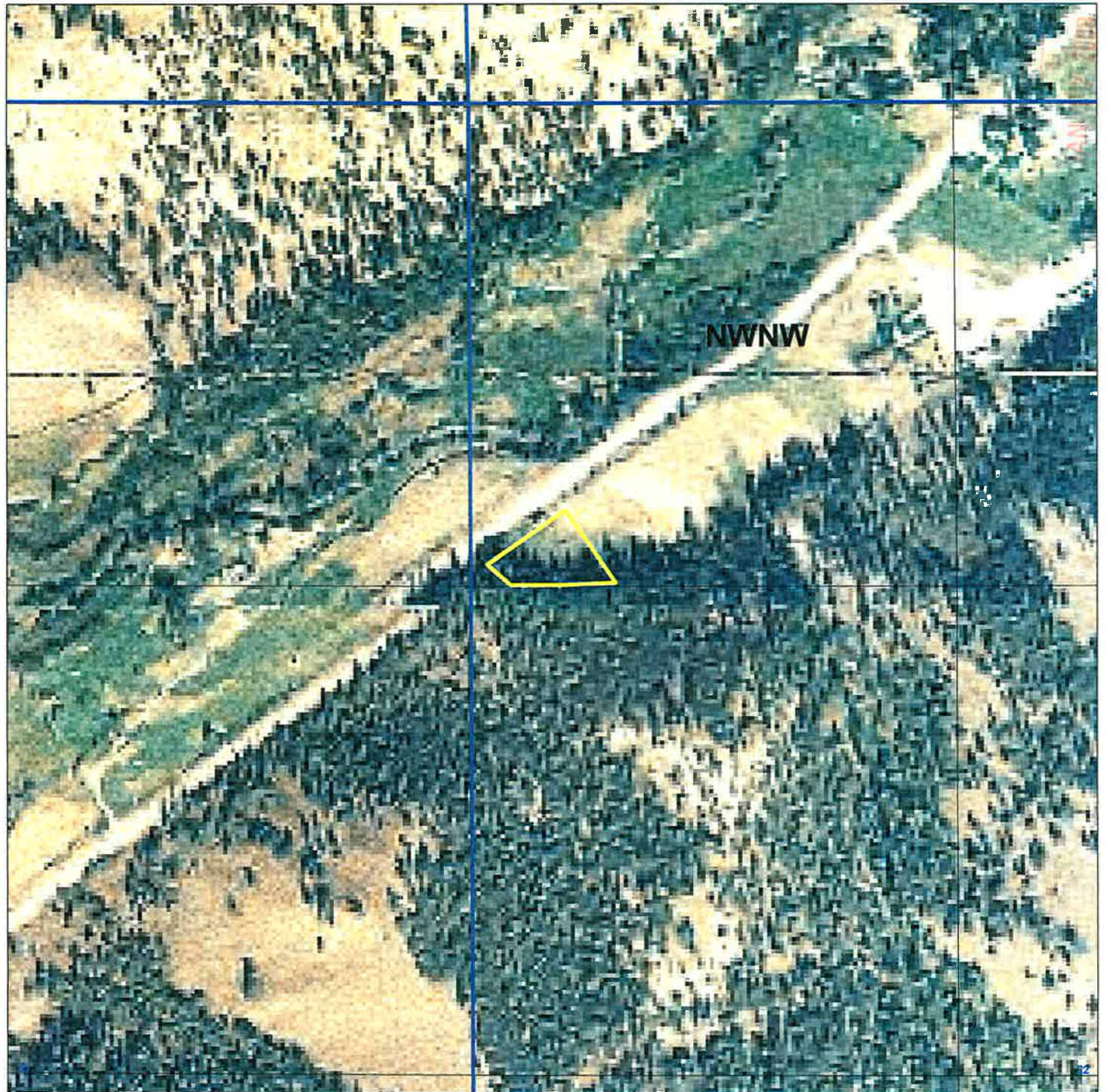


0 0.5 1 Miles



Prepared by J. Crabtree
On Saturday, December 15, 2007
2004 Aerial Photography

75-14493





State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A • Idaho Falls, Idaho 83402-1718

Phone: (208) 525-7161 • Fax: (208) 525-7177 • Web Site: www.idwr.idaho.gov

EASTERN REGION

December 15, 2007

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

LEO D CARTER
PO BOX 252
FIDDLTOWN CA 95629

RE: Notice of Change of Water Right Ownership (NCO) for
75-4298C and Notice of Completed Administrative Proceeding
(NCAP)

Dear Mr. Carter:

The Idaho Department of Water Resources (IDWR) received an NCO changing the right holder for a portion of the above referenced water right(s). Based on this NCO, IDWR water right records for the Snake River Basin Adjudication (SRBA) have been updated with new water right numbers reflecting the division of the water right(s).

Furthermore, as directed by the SRBA Court, this office mailed a copy of the updated water right record(s) to each party listed on the enclosed NCAP. The intent of this mailing is to ensure each party has a current record of the water right(s) as recorded in the SRBA.

Please feel free to contact me if you have any questions concerning this matter.

Respectfully,

Jennifer Crabtree

Technical Records Specialist

Enclosure

SCANNED

JAN 17 2008

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA)

**Water Rights: 75-4298C SPLIT
INTO 75-14492 & 75-14493**

Case No. 39576)

**NOTICE OF COMPLETED
ADMINISTRATIVE
PROCEEDING**

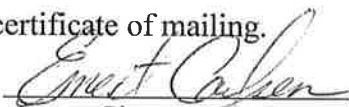
IDWR has completed the following Administrative proceeding:

- ☐ Address change
- ☒ Substitution of Party (SPLIT) MARTENS – MARTENS AND CARTER
- ☐ I.C. § 42-222 transfer
 - ☐ point of diversion ☐ place of use
 - ☐ period of use ☐ nature of use
 - ☐ split of water right ☐ change in ownership

IDWR certifies that it has completed its investigation into the changes to the elements of the water rights listed above as set forth in the attached *Amended Director's Reports* for said water rights. No other changes have been made to the elements of these water rights except as set forth above.

IDWR has served copies of the *Notice of Completed Administrative Proceeding* and *Amended Director's Report(s)* on the claimant(s), prior claimant(s) and all parties in the subcases affected, if any, as reflected on the attached certificate of mailing.

DATED: Dec 20, 2007



Signature of IDWR Representative

SCANNED

JAN 17 2008

CERTIFICATE OF MAILING

I certify that on Dec. 28, 2007, I mailed the original and copies of this form to the following persons, postage prepaid by regular mail and addressed as follows:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
PO Box 2707
Twin Falls ID 83303-2707

2. One copy to:

Claimant/Seller for Substitution of Party or attorney of record:
EVA JEANNE MARTENS
KENNETH J MARTENS
2681 HWY 93 N
NORTH FORK ID 83466

3. One copy to:

Claimant/Purchaser for Substitution of Party, or attorney of record:
EVA JEANNE MARTENS LEO D CARTER
KENNETH J MARTENS PO BOX 252
2681 HWY 93 N FIDDLETOWN CA 95629
NORTH FORK ID 83466

4. One copy to:

Each party in the subcase, or attorney of record
N/A

5. One copy each to:

Chief Natural Resources Division
Office of the Attorney General
PO Box 44449
Boise ID 83711-4449

6. One Copy to:

United States Dept of Justice
Environment & Natural Resource Div
550 West Fort Street MSC 033
Boise ID 83724



Signature of person or attorney mailing the form

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 IDWR will produce new water right number(s) for the split(s).

Water Right No(s)	Adjudication Claim No(s)	Split(s)	Water Right No(s)	Adjudication Claim No(s)	Split(s)
15-4298C	—	1			

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 on file with the county Planning and Zoning or Recorder's Office).
- OR**
- D. 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 or equivalent **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)

Kenneth & Eva Jeannie Martens
 2681 HWY 93N, North Fork ID 83466

4. New Owner/Claimant(s)

LEO DALE CARTER
 Name Connector (Check one): [] and, [] or, [] and/or

New Mailing Address

PO BOX 252

City, State and ZIP Code

FIDDLERTOWN, CA.

New Telephone Number

(209) 245-3703

5. Date you acquired the property

7-20-07

6. If the change in ownership affects the entire water right for each water right or adjudication claim number listed in line 1, then skip this line and go to line 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 (you may copy this page, if 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 will not be split, skip this area and proceed to line 7)		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Water Right and/or Adjudication Claim Number		
Irrigation	ch. 1000 .035 per acre	4.02 acres
Stock		
Domestic		
Other		
Totals		
Water Right and/or Adjudication Claim Number		
Irrigation		
Stock		
Domestic		
Other		
Totals		
Water Right and/or Adjudication Claim Number		
Irrigation		
Stock		
Domestic		
Other		
Totals		

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.

7. Signature(s) of New Owner(s) or Claimant(s)

Leo D. Adams

(title if applicable)

NEW OWNER

(title if applicable)

IT IS IMPORTANT TO FILE THIS COMPLETED FORM AT THE APPROPRIATE IDWR OFFICE, WITH PAYMENT OF THE FILING FEE AND THE OWNERSHIP DOCUMENT(S), AS REFERRED TO IN LINE 2.

For IDWR Office Use Only:

Received by _____ Date _____
 Received by _____ Date _____
 Processed by _____ AJ Date _____

Receipt Amt. _____
 Receipt No. _____
 WR _____ Date _____

SCANNED
 JAN 17 2008

Warranty Deed

For Value Received

KENNETH J MARTENS and EVA JEANNE MARTENS
the grantors, do hereby grant, bargain, sell and convey unto

LEO CARTER, a single person

Whose current address is
PO Box 252
Fiddletown, CA 95629

the grantees, the following described premises, to-wit:

SEE ATTACHED EXHIBIT LABELED PARCEL "C"

TO HAVE AND TO HOLD, the said premises, with their appurtenances unto the said Grantee, his heirs and assigns forever. And the said Grantors 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 encumbrances and that they will warrant and defend the same from all lawful claims whatsoever.

Dated: June 27, 2007


KENNETH J MARTENS


EVA JEANNE MARTENS

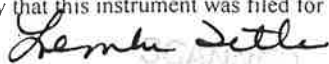
STATE OF IDAHO
COUNTY OF LEMHI

On this 27th Day of June 2007, before me, a Notary Public
in and for said State, personally appeared:

KENNETH J MARTENS and EVA JEANNE MARTENS

known to me or proved to me to be the persons whose
names are subscribed to the within instrument, and

INSTRUMENT NO: **272434**
STATE OF IDAHO, COUNTY OF LEMHI

I hereby certify that this instrument was filed for
record at the request of 

at **54** minutes past **10** o'clock **a**.m.,
this **20** day of **July**, **2007**, in my office, and duly recorded in Book
of Deeds in Lemhi County.





WADE SURVEYING



Global Positioning Service

Land Surveying and Planning

104 S. Warpath St.

Salmon, Idaho 83467

Phone: (208)-756-3070

May 30, 2006

PARCEL "C"

A parcel of land located in M.S. 1498, NE1/4, Section 21, NW1/4, Section 22, T. 25 N., R. 21 E., Boise Meridian, Lemhi County, Idaho, more particularly described as follows:

Commencing at Corner No. 4 of said M.S. 1498, from which Corner No. 5 of said M.S. 1498, bears S 64°00'13"W a distance of 1957.67 ft., the Basis Of Bearing of this description, run thence S 64°00'13"W along Line 4-5 of said M.S. 1498 a distance of 390.72 ft. to the POINT OF BEGINNING;

Thence continuing S 64°00'13"W a distance of 1387.83 ft. to a point on the easterly right-of-way of U.S. Highway 93;

Thence the following courses and distances along said right-of-way;

315.49 ft. along a curve to the left having a central angle of 01°35'09", a radius of 11399.07 ft. and a chord bearing of N 53°30'10"E for 315.48 ft.;

N 54°17'44"E 95.08 ft.; N 35°42'16"W 10.00 ft.;

N 54°17'44"E 957.43 ft.;

Thence S 35°42'16"E a distance of 248.39 ft. to the POINT OF BEGINNING.

SCANNED

JAN 17 2008

Apr 19 07 10:32a

SHEET 2 OF 2