

11/14/2006

NOTICE OF ERROR
REPLY

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: December 8, 2006

Water right number: 67-4523G

BARTON RANCH INC

2963 BAIN RD

CAMBRIDGE ID 83610

Telephone Number: (208)257-3466

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):

2. Describe the changes you wish to make in the proposed recommendation:

3. Give a brief explanation as to why you disagree with these portions:

X I AGREE with this proposed recommendation: no changes need to be made.

DATE: 11-19-06

SIGNATURE:

Barton Ranch Inc
By Dale R Barton

Please print your name:

Dale R Barton

IDWR Regional Office, 322 E Front St
PO Box 83720, Boise, ID 83720-0098, 2082874800

SCANNED
DEC 14 2006

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-4523G V1

WATER RIGHT NUMBER: 67-4523G V1

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	ALLISON JEWELL DITCH C/O JOHN SACHTJEN CAMBRIDGE, ID 83610
Current Owner	BARTON RANCH INC 2963 BAIN RD CAMBRIDGE, ID 83610 (208)257-3466

Priority Date: 05/10/1918

Basis: Beneficial Use

Status: Active

<u>Source</u>	<u>Tributary</u>
WEISER RIVER	SNAKE RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	03/15 to 10/31	1.360 CFS	
	<u>Total Diversion:</u>	1.360 CFS	

Location of Point(s) of Diversion

WEISER RIVER	SW1/4NW1/4	Sec. 6,	Twp 14N,	Rge 02W, B.M.
WASHINGTON County				

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
14N	03W	1											30.0						30.0
14N	03W	11	28.0		40.0									40.0	40.0	40.0	35.0		223.0
14N	03W	12	9.0	35.0			35.0	35.0											114.0

Total Acres: 367

Conditions of Approval:

1. E62 This right when combined with Right No. 67-26C, 67-27C, 67-28A, 67-33, and 67-4523G shall provide no more than .02 cfs per acre.
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.

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 67-4523G V1

Remarks:Comments:

1. mmount 8/30/2006 Priority

Comment: recommended one day after Muir v Allison

2. mmount 8/30/2006 pou

Comment: Direct overlap with decreed rights 67-33 67-28a 67-26c

3. mmount 11/13/2006 From Claim

Comment: THIS IS A SPLIT OFF OF 67-04523. THIS CLAIM ALSO REPRESENTS AN INCREASE IN THE NUMBER OF ACRES DIFFERENT FROM WHAT WAS ORIGINALLY CLAIMED IN 1983. IT IS BELIEVED THAT THIS ADDITIONAL ACREAGE WAS MISTAKENLY OMITTED WHEN FILING THE STATUTORY CLAIM IN 1983. THE ADDITIONAL ACRES IS LOCATED IN T14N, R3W, SECTION 12, N1/2NE1/4, N1/2NW1/4. IN ORDER TO DETERMINE THE AMOUNT OF WATER TO CLAIM I PRORATED THE AMOUNT USING THE CLAIM AS FILED WITH THE ORIGINAL ACREAGE OF 1667 ACRES WHICH AMOUNTED TO 0.0037313 CFS, THEN ADDED THE ADDITIONAL ACREAGE WHICH AMOUNT TO 1811 TOTAL ACRES AND DIVIDED THIS BY 0.0037313 CFS BASING THE PER ACRE AMOUNT ON 0.0037313 CFS. ACREAGE FEE PAID BY PREVIOUS WATER RIGHTS FILED.

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:

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

Combined Use Limits: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>
Contacts	8/30/2006 6:14:17 PM	mmount			Active
Priority Date	8/30/2006 6:16:37 PM	mmount			Active
POD	8/30/2006 6:16:55 PM	mmount			Active
Source	8/30/2006 6:17:41 PM	mmount			Active
POU	8/30/2006 6:18:09 PM	mmount			Active
Use	8/30/2006 6:18:30 PM	mmount			Active
Season	8/30/2006 6:19:31 PM	mmount			Active
Quantity	8/30/2006 6:20:04 PM	mmount			Active

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-4523G V1

Summary

08/30/2006

mmount

Active

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
Contacts	8/30/2006 6:14:17 PM	mmount	(No) 1. Do you want to schedule an appointment? Comment for 1: desk review
POD	8/30/2006 6:16:55 PM	mmount	(No) 1. Is the basis of this claim a Decree or License? (No) 2. Is the basis of this claim a Application or Permit? (No) 6. Is there evidence that there has been a change in the POD? (Yes) 9. Does the file contain all the necessary information to verify the POD? (No) 10. Is a POD remark and/or condition required?
POU	8/30/2006 6:25:49 PM	mmount	Updated shape for Active POU
Source	8/30/2006 6:17:41 PM	mmount	(No) 1. Is the basis of claim Decree or License? (No) 2. Is the basis of claim an Application or Permit? (No) 6. Is the basis of claim a Posted Notice? (No) 7. Is there evidence that there has been a change in the source? (Yes) 10. Does the file contain all the necessary information to verify the source? (No) 11. Is a Source remark and/or condition required? Description for Question 10 - Claim file, direct overlap with decreed water
Quantity	8/30/2006 6:20:04 PM	mmount	(No) 1. Is the basis of this claim a Decree or License? (No) 2. Is the basis of this claim a Application or Permit? (No) 6. Is the basis of claim a posted notice? (No) 7. Is a flow measurement required? (No) 9. Is the source Groundwater and does the purpose of use require a diversion volume limit? (No) 11. Has a diversion volume limit been established by a decree, license or transfer for this water use? (No) 12. Is a Quantity remark or condition required? Description for Question 7 - Direct overlap with decreed rights

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-4523G V1

Summary	8/30/2006 6:21:14 PM	mmount	(No) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice? (Yes) 3. Is the water being used for all of the purposes claimed and to the extent claimed? (No) 5. Does this right have any combined use limits with other rights? (No) 6. Is an additional remark and/or condition required? (Yes) 7. Would you like to view the recommended right? (No) 8. Is this a split or combined right? (No) 9. Do you have documents you would like to attach or link to the file? (Yes) 10. Would you like to set the verification date?
General	8/30/2006 6:16:38 PM	mmount	(No) 1. Should this water use have been included in a later court decree of the water rights from this source? (No) 4. Is the basis of claim decree or license? (No) 7. Is the basis of claim a Application or Permit? (No) 8. Is the basis of claim a posted notice? (No) 9. Is the Priority Date of this water use after the date a permit is required for the source and the water use? (Yes) 12. Does the claim file contain sufficient evidence of Priority Date? (Yes) 15. Is the basis of claim coded correctly? (No) 16. Is a Priority Date remark and/or condition required? Description for Question 12/13 - Affidavit
POU	8/30/2006 6:18:09 PM	mmount	(No) 1. Is the basis of this claim a Decree or License? (Yes) 2b. Is the POU required? (No) 3. Is the basis of claim a Application or Permit? (No) 7. Is there evidence that there has been a change in the POU? (Yes) 13. Does the file contain all the necessary information to verify the POU? (No) 14. Is a POU remark and/or condition required? Description for Question 13 - aerial photos, claim file
Use	8/30/2006 6:18:31 PM	mmount	(No) 1. Is the basis of this claim a Decree or License? (No) 2. Is the basis of this claim a Application or Permit? (No) 6. Is there evidence that there has been a change in the Purpose of Use? (Yes) 11. Does the file contain all the necessary information to verify the Water Use? (No) 13. Is a Purpose of Use remark and/or condition required? Description for Question 10,11,12 - claim file

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-4523G V1

Season	8/30/2006 6:19:31 PM	mmount	(No) 1. Is the basis of claim Decree or License? (No) 2. Is the basis of claim a Application or Permit? (No) 6. Is there evidence that there has been a change in the Period of Use? (Yes) 12. Does the file contain all the necessary information to verify the Period of Use? (No) 13. Is the basis of claim a decree, license, or a transferred beneficial use right that has had the Period of Use administrativly determined? (Yes) 15. Is irrigation claimed as a Purpose of Use? (No) 18. Is a Period of Use remark and/or condition required?
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Water Supply Bank:

11/13/2006

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

RIGHT NUMBER: 67-4523G

NAME AND ADDRESS: BARTON RANCH INC
2963 BAIN RD
CAMBRIDGE ID 83610

SOURCE: WEISER RIVER

TRIBUTARY: SNAKE RIVER

QUANTITY: 1.360 CFS

This right when combined with Right No. 67-26C, 67-27C, 67-28A, 67-33,
and 67-4523G shall provide no more than .02 cfs per acre.

PRIORITY DATE: 05/10/1918

POINT OF DIVERSION:

T14N R02W S6 SWNW Within WASHINGTON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/15 10/31	1.360 CFS

PLACE OF USE: IRRIGATION in WASHINGTON County

T14N R03W S01	SWSW	30.00	T14N R03W S11	NENE	28.00
T14N R03W S11	SENE	40.00	T14N R03W S11	NESE	40.00
T14N R03W S11	NWSE	40.00	T14N R03W S11	SWSE	40.00
T14N R03W S11	SESE	35.00	T14N R03W S12	NENE	9.00
T14N R03W S12	NWNE	35.00	T14N R03W S12	NENW	35.00
T14N R03W S12	NWNW	35.00			

367 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



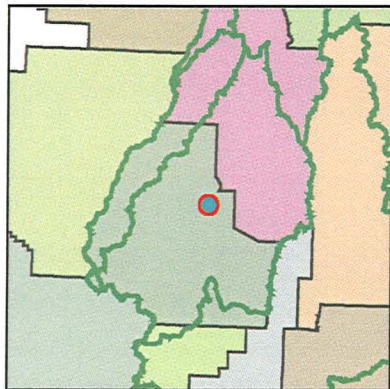
Idaho Department of Water Resources

SRBA Recommendation:

67-4523G

Legend

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



Washington County
IDWR Basin 67



0 0.6 1.2 Miles

Prepared by M. Mount
On Wednesday, August 30, 2006
1987/88 Aerial Photography

Type	WR #	Owner	Source	TRS	NWSW	SWSW	SESW	Total
Right	67 33	FRED BAIN,	WEISER RIVER	14N03W1		30		30
Claim	67 33	BARTON RANCH INC,	WEISER RIVER	14N03W1		30		30
Claim	67 4523G	BARTON RANCH INC,	WEISER RIVER	14N03W1		30		30

4523G is flood water on top of 67-33.

Recommend for add'l. $\frac{3}{8}$ inch to the acre & give it one day after the decree.

MVB 10/13/2005

IN THE MATTER OF)
NOTICE OF CLAIM TO)
A WATER RIGHT NO.(S))

AFFIDAVIT

67-4523 G

State of Idaho

County of Washington

Dale R Barton being first duly sworn,

deposes and says: In 1983 John Sachten and I
as Pres and Sec of Allison Jewell ditch
were advised by Lee Cisco to file on
the difference between 5/8 per acre and 1 inch.
He also advised us to use 1911 as a priority
date. This land all has ditches and sprinkler
systems in place. Most has been later
leveled since 1983. I don't know of
anyone who can witness the 1911 date.

Dale R Barton Pres Barton Ranch
(Signature) Inc

Subscribed and sworn to before me this

day 14th of September, 192005

Ann Hanson

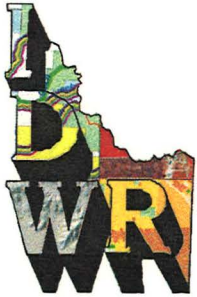
(Notary Public)

Residing at Cambridge

My Commission Expires 3-31-10



SCANNED
SEP 15 2005



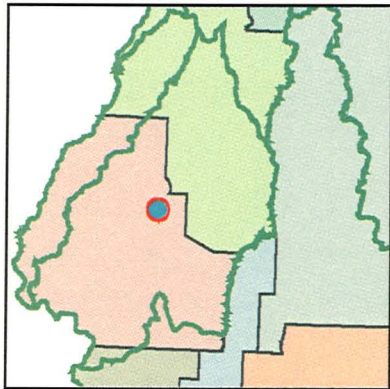
Idaho Department of Water Resources

Adjudication Claim Number: **67-4523G**

T14N R03W

Legend

- PLS Sections
- GCDBQuarter Quarters



Washington County
IDWR Basin 67



0 0.7 1.4 Miles

Prepared by M. Van Bussum
On Thursday, September 1, 2005
1987 Aerial Photography

SCANNED

05/15/2005

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: A67-04523G
Date Received: 8/20/1990
Receipt No: W012649
Received By: hw

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: BARTON RANCH, INC. 257-346-0006
Address: C/O DALE BARTON
RT. 1, BOX 168
CAMBRIDGE, ID 83610
2. Date of Priority: MAR 25, 1911
3. Source: WEISER RIVER Trib. to: SNAKE RIVER
4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
14N	02W	6	SW	NW			WASHINGTON
5. Description of diverting works:
HEADGATE, ALLISON-JEWELL DITCH
6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	1.360		
7. Total Quantity Appropriated is:
1.360 C.F.S. (and/or) A.F.A.
8. Total consumptive use is 1101.0 Acre Feet Per Annum.
9. Non-irrigation uses:
10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
14N	03W	1	SW	SW		IRR	30.0

A67-04523G

Page 1

Date: 08/20/90

SCANNED
APR 14 2004

MICROFILMED
OCT 02 1992

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					Section Acres	30.0
		11	NE	NE	IRR	28.0
			SE	NE	IRR	40.0
			NE	SE	IRR	40.0
			NW	SE	IRR	40.0
			SW	SE	IRR	40.0
			SE	SE	IRR	35.0
					Section Acres	223.0
		12	NE	NE	IRR	9.0
			NW	NE	IRR	35.0
			NE	NW	IRR	35.0
			NW	NW	IRR	35.0
					Section Acres	114.0
					Total Acres	367.0

11. Place of use in counties: WASHINGTON

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

13. Other Water Rights Used:
A6700026C, A6700028A, A6700033

14. Remarks:

THIS IS A SPLIT OFF OF 67-04523. THIS CLAIM ALSO REPRESENTS AN INCREASE IN THE NUMBER OF ACRES DIFFERENT FROM WHAT WAS ORIGINALLY CLAIMED IN 1983. IT IS BELIEVED THAT THIS ADDITIONAL ACREAGE WAS MISTAKENLY OMITTED WHEN FILING THE STATUTORY CLAIM IN 1983. THE ADDITIONAL ACRES IS LOCATED IN T14N, R3W, SECTION 12, N1/2NE1/4, N1/2NW1/4.

IN ORDER TO DETERMINE THE AMOUNT OF WATER TO CLAIM I PRORATED THE AMOUNT USING THE CLAIM AS FILED WITH THE ORIGINAL ACREAGE OF 1667 ACRES WHICH AMOUNTED TO 0.0037313 CFS, THEN ADDED THE ADDITIONAL ACREAGE WHICH AMOUNT TO 1811 TOTAL ACRES AND DIVIDED THIS BY 0.0037313 CFS BASING THE PER ACRE AMOUNT ON 0.0037313 CFS.

ACREAGE FEE PAID BY PREVIOUS WATER RIGHTS FILED.

15. Basis of Claim: STATUTORY CLAIM

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): Batton Raych Inc. [Signature] Date: 8-20-90

Date: _____

State of Idaho)
County of Ada) SS.

Subscribed and sworn (or affirmed) before me this 20 day

of Aug 19 90

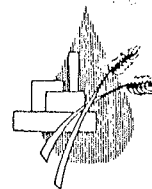
[Signature]
Notary Public

Seal

Residing at LINDA WERNER
RESIDING AT EAGLE, IDAHO
My Commission Expires MY COMMISSION EXPIRES DEC. 8, 1994

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

CLAIM TO A WATER RIGHT



Under the provisions of Section 42-243, Idaho Code, any person using or claiming rights to the public waters of Idaho established by diversion and application to a beneficial use must file a claim with the Department of Water Resources on or before June 30, 1983. Exempted from this filing are single family domestic uses as defined in Section 42-230(d), Idaho Code. Also exempted are rights represented by a permit, license, decree, adjudicated right, or a previously filed claim.

The filing of this claim does not confirm the water right claimed but failure to file may result in forfeiture of a water right.

Notice is hereby given that ALLISON-JEWELL DITCH

(Name of Claimant)

257-3466

C/o John Sachtjen, Cambridge, ID 83610

Telephone No. _____

257-3783

(Mailing Address)

(Zip Code)

claims a right to the diversion and beneficial use of the surface or ground water. The extent and nature of said claim is as follows:

(1) Date of priority: (When was the water first applied to a beneficial use) 3/25/1911

A claim is not acceptable on a ground water source with a priority later than March 25, 1963 or on a surface water source with a priority later than May 20, 1971. An exception is that a claim may be filed on single family domestic use from a ground water source.

(2) Describe the source of water: (Name of stream, lake, spring, etc., or ground water)

Weiser River

tributary to Snake River

(3) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:

		(Both dates inclusive)			
	(cfs, af)	(Domestic, Irrigation, Stock, Etc.)	(Mo., Day)		(Mo., Day)
Quantity	6.22	Use irrigation	Period of Use From 4/1	To	11/1
Quantity		Use	Period of Use From	To	
Quantity		Use	Period of Use From	To	
Quantity		Use	Period of Use From	To	
Quantity		Use	Period of Use From	To	

(4) 6.22 TOTAL QUANTITY USED
(cfs, af) 005 7313 x 36744; 1.26 cfs

(5) A) Point of diversion: (Location of point where water is diverted from its source)

SW ¼ NW ¼, Sec.

Twp.

14N

Rge.

B.M.

of

Washington

Additional points of diversion:

B) Describe means of diversion of water: (Pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.). Give sizes and capacities: be as specific as possible. Describe any changes in the system and give the date of the change. Headgate into Allison-Jewell Ditch

(6) A) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is not for irrigation, place an "X" in appropriate box to show location.

[illegible]

No. of acres 1667

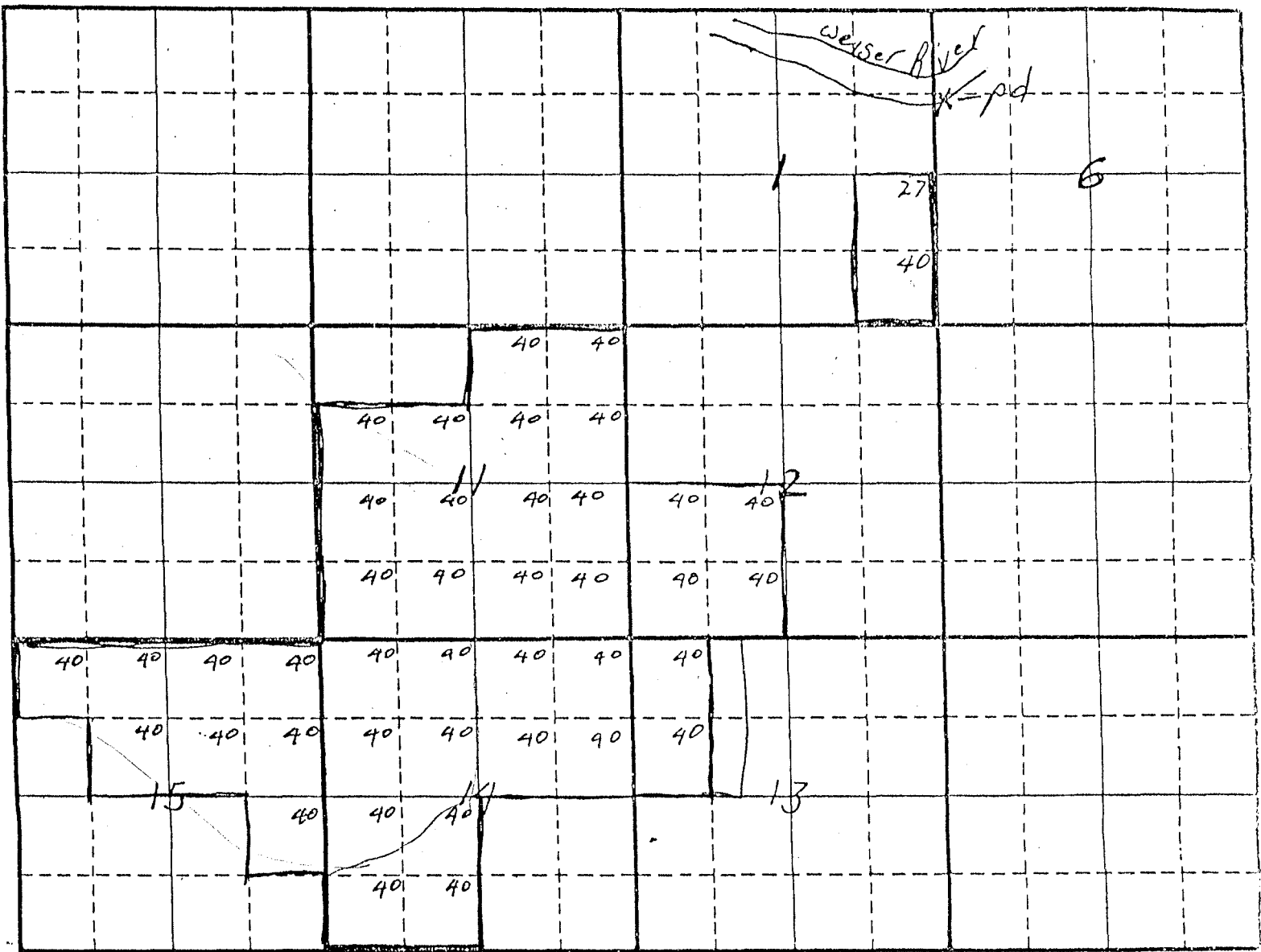
1841: 6.757 3843

B) If water is used for other than irrigation, fully describe that use, being as specific as possible:

NOTE: Include here the type and number of stock watered:

(7) If you are claiming water as a member of an organization, list name of organization:

(8) Remarks _____



Scale: 2 inches equal 1 mile.

Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

State of Idaho)
County of ADA) ss.

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiant's knowledge.

x Dale R. Barton (Pres.)
(Claimant)

Sworn to before me this 22 day of JUNE

Donald Staff
Notary Public
Residing at BOISE, ID

My commission expires LIFE

FOR DEPARTMENT USE ONLY

Received by GLS Date 6/22/83 Exception filed by: _____ Date _____
Prelim. check by RL Date 6/24/83 claimant by: _____
\$30.00 fee received by GLS Date 6/22/83 # 3111
Published in Upper Canyon News Reporter
Dates 9/29 to 10/10/83

