

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: A37-00530
Date Received: 8/02/1989
Receipt No: S008739
Received By: JCC

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: MICHAEL JESSEN 208-764-2636
Address: RT. 1 BOX 1215
FAIRFIELD, ID 83327

2. Date of Priority: JUN 01, 1885

3. Source: LITTLE DEER CREEK Trib. to: DEER CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
01N	15E	31	NW	NE	SW		CAMAS

5. Description of diverting works:
PUMP AND DITCHES

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	1.500		

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

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

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
01N	15E	31	NE	SW		IRR	10.0

Section Acres 10.0

Total Acres 10.0

A37-00530

Page 1

Date: 08/02/89

MICROFILMED
FEB 23 1993

11. Place of use in counties: CAMAS

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

13. Other Water Rights Used:
A37-00529

14. Remarks:

15. Basis of Claim: DECREED
Case Number:
Court :
Decree date: 12/13/1909

S. C. FROST, ET. AL.
Decree Plaintiff

vs

ALTURAS WATER COMPANY, ET. AL.
Decree Defendant

MICROFILMED
FEB 23 1993

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.

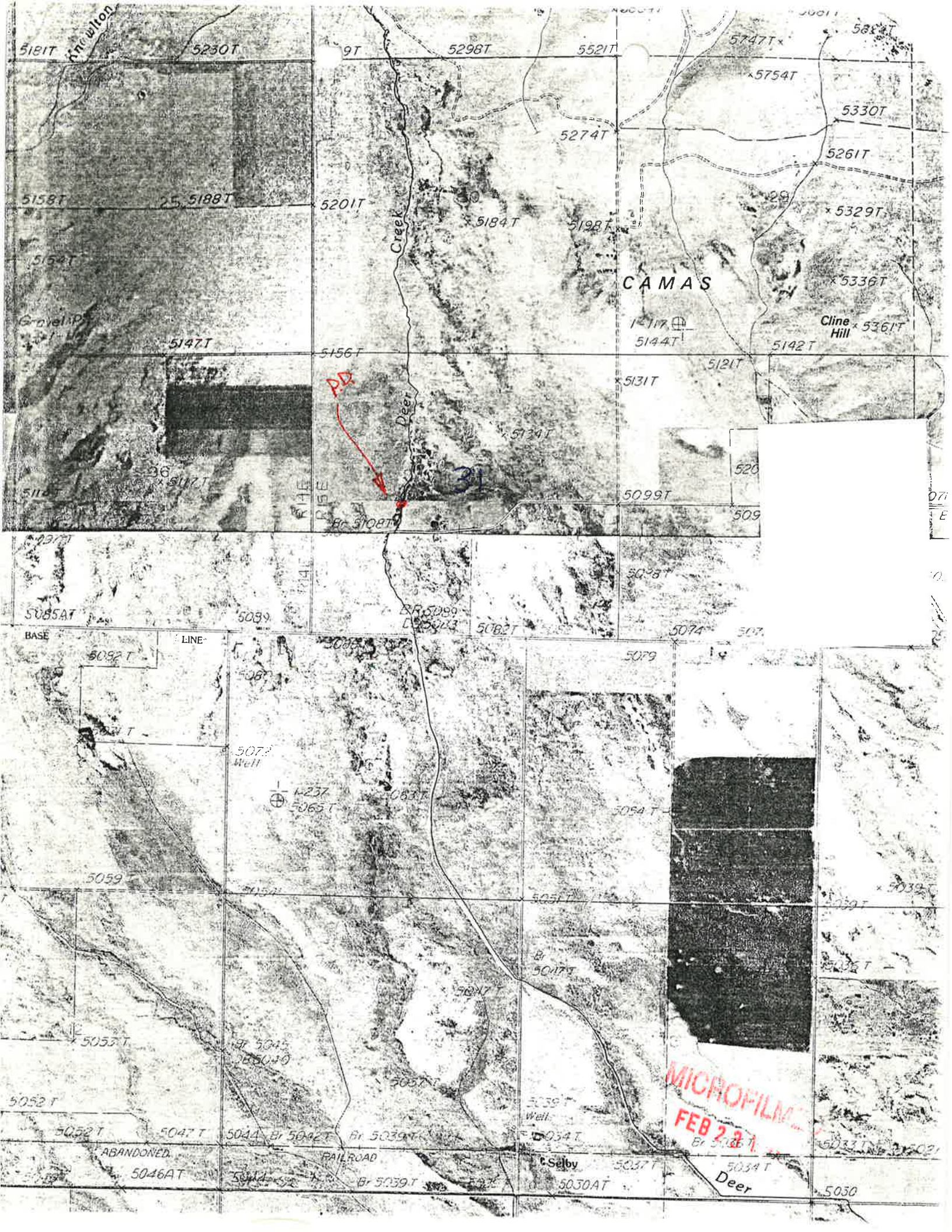
Signature of Claimant(s): Michael Jensen Date: 8/12/89

Date: _____

State of Idaho)
County of Twin Falls) SS.

Subscribed and sworn (or affirmed) before me this 2ND day
of Aug 19 89 Steve Call
Notary Public
Seal

Residing at Twin Falls
My Commission Expires Dec 7 1994



COPY

2003 JUN 25 PM 12 05
TWIN FALLS CO., IDAHO
FILED

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

Case No. 39576

Subcase No. 37-529, 37-530

NOTICE OF COMPLETED
ADMINISTRATIVE PROCEEDING

IDWR has completed the following Administrative proceeding: **SUBSTITUTION OF PARTY**

Does the change in "ownership" result in a splitting of the water right claimed? ☐ Yes ☒ No

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:

6/24/08

Signature of IDWR Representative

CERTIFICATE OF MAILING

I certify that on 6/25, 2008, I delivered the original and copies of this form, including all attachments, to the following persons, postage prepaid if required and addressed as follows:

1. Original to:

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

2. Copies to:

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

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

Barber Family Associates LP
PO Box 1449
Edmonds WA 98020

Michael Jessen
89 Freedom Loop
Bellevue ID 83313



Signature of person or attorney mailing the form

06/23/2008

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

RIGHT NUMBER: 37-529

NAME AND ADDRESS: BARBER FAMILY ASSOC LP
PO BOX 1449
EDMONDS WA 98020

SOURCE: DEER CREEK

TRIBUTARY: CAMAS CREEK

QUANTITY: 0.100 CFS

PRIORITY DATE: 06/18/1883

POINT OF
DIVERSION:

T01N R15E S31 NENESW Within CAMAS County

PURPOSE AND
PERIOD OF USE:

	<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
	IRRIGATION	04/15 10/31	0.100 CFS
PLACE OF USE:	<u>IRRIGATION in CAMAS County</u>		
	T01N R15E S31	NESW 3.00	T01N R15E S31 Lot 3 NWSW 7.00
	10 ACRES TOTAL		

The rights listed below are limited to the irrigation of a combined total of 10 acres in a single irrigation season. Combined Right Nos.: 37-529 and 37-530.

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 source pursuant to Section 42-1425, Idaho Code.

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

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

06/23/2008

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

RIGHT NUMBER: 37-530

NAME AND ADDRESS: BARBER FAMILY ASSOC LP
PO BOX 1449
EDMONDS WA 98020

SOURCE: DEER CREEK

TRIBUTARY: CAMAS CREEK

QUANTITY: 0.100 CFS

PRIORITY DATE: 06/01/1885

POINT OF
DIVERSION:

T01N R15E S31 NENESW Within CAMAS County

PURPOSE AND
PERIOD OF USE:

	<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
	IRRIGATION	04/15 10/31	0.100 CFS
PLACE OF USE:	<u>IRRIGATION in CAMAS County</u>		
	T01N R15E S31 NESW 3.00	T01N R15E S31 Lot 3 NWSW 7.00	
	10 ACRES TOTAL		

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

Right includes accomplished change in source pursuant to Section 42-1425, Idaho Code.

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State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 1341 Fillmore Street, Suite 200 • Twin Falls, Idaho 83301-3380
Phone: (208) 736-3033 • Fax: (208) 736-3037 • Web Site: www.idwr.idaho.gov

June 25, 2008

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

BARBER FAMILY ASSOCIATES LP
PO BOX 1449
EDMONDS WA 98020

RE: SRBA Claim(s) 37-529, 37-530

Dear Claimant:

Please find the enclosed copy of the Notice of Completed Administrative Proceeding, which the department has filed with the SRBA Court regarding the above referenced claims. You have received this notice pursuant to SRBA Court Administrative Order 11 requiring IDWR to report to the court and interested parties any pending changes to adjudication claims in basins for which a Director's Report has been filed with the court.

Please contact this office if you have any questions about the notice or the administrative process.

Sincerely,

Trish Fawcett
Technical Records Specialist

Enclosure

cc: Michael Jessen
89 Freedom Loop
Bellevue ID 83313

Form 42-24842-1409(10) July, 2000

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP**

RECEIVED

JUN 20 2008

DEPT. OF WATER RESOURCES
SOUTHERN REGION

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
1-37-529 A					
2-37-530 A					

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):
FLAT 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 **FLAT OF PROPERTY** or **SURVEY MAP**.

3. Name and Address of Former Owner/Claimant(s) Michael Jessen
4. New Owner/Claimant(s) Barber Family Associates LP
Name Connector (Check one): ☐ and, ☐ or, ☐ and/or
- New Mailing Address P.O. Box 1449
- City, State and ZIP Code Edmonds, WA 98020
- New Telephone Number ☒ (206) 817-7013
5. Date you acquired the property June 18, 2008

Form 42-348/42-1400(5) July 2000

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 _____		
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	_____	_____

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 _____		
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Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

7. Barber Family Associates, Limited Partnership
 Signature of New Owner(s) or Claimant(s) _____
 (include title if applicable) By: George E. Barber, President of Pacific
Funding Corporation Managing General Partner
of Barber Family Associates

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 _____
Receipted by _____	Date _____	Receipt No. _____
Processed by _____	Date _____	WR _____ Date _____

No. C080046

EXHIBIT "A"

PARCEL 1

TOWNSHIP 1 NORTH, RANGE 15 EAST, BOISE MERIDIAN, CAMAS
COUNTY, IDAHO

SECTION 31: LOTS 3 AND 4; SE1/4/SW1/4

PARCEL 2

TOWNSHIP 1 NORTH, RANGE 15 EAST, BOISE MERIDIAN, CAMAS
COUNTY, IDAHO

SECTION 31: NE1/4SW1/4

PARCEL 3

TOWNSHIP 1 NORTH, RANGE 15 EAST, BOISE MERIDIAN, CAMAS
COUNTY, IDAHO

SECTION 31: SE1/4

BFA

Steward Title Guaranty

ALTA Commitment - (6/17/08)

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

RECEIVED

JUN 20 2008

DEPT. OF WATER RESOURCES
SOUTHERN REGION

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1-37-529 A					
2-37-530 A					

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3. Name and Address of Former Owner/Claimant(s) Michael Jessen
4. New Owner/Claimant(s) Barber Family Associates, LP
 Name Connector (Check one): ☐ and, ☐ or, ☐ and/or
- New Mailing Address P.O. Box 1449
- City, State and ZIP Code Edmonds, WA 98020
- New Telephone Number ☒ ()
5. Date you acquired the property

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.

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Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

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Other _____	_____	_____
Total	_____	_____

7. **Barber Family Associates, Limited Partnership**
 Signature of New Owner(s) or Claimant(s) ☒ By: George E. Barber, President of Pacific
 (include title if applicable) Funding Corporation Managing General Partner
of Barber Family Associates

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 _____

WARRANTY DEED

CAMAS TITLE
4:30:15 pm 06-18-2008
2008-081572
NO. PAGES: 2 FEE: \$6.00
ROLLIE BENNETT
COUNTY CLERK
DEPUTY: BHALTON

For Value Received and as Relinquished Property in a 1031 Tax Deferred Exchange

MICHAEL JESSEN, a married man as his sole and separate property

the grantor(s), do(es) hereby grant, bargain, sell, and convey unto

BARBER FAMILY ASSOCIATES, Limited Partnership

the grantee(s), whose current address is

P.O. BOX 1449, EDMONDS, WA 98020

the following described premises, to-wit:

See Attached Exhibit "A"

TOGETHER WITH THE WATER RIGHTS APPURTENANT THERETO, INCLUDING BUT NOT LIMITED TO THE FOLLOWING:

1-37-529 A Priority Date 06-18-1883 Diversion Rate 0.5 cfs

2-37-530 A Priority Date 06-01-1885 Diversion Rate 1.5 cfs

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee(s), his/her/their heirs and assigns forever. And the said Grantor(s) do(es) hereby covenant to and with the said Grantee(s), that he/she/they are the owner(s) in fee simple of said premises; that said premises are free from all encumbrances except current years taxes, levies, and assessments, and except U. S. Patent reservations, restrictions, easements of record, and easements visible upon the premises, and that he/she/they will warrant and defend the same from all claims whatsoever.

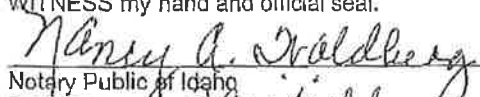
Dated: June 16, 2008


MICHAEL JESSEN

STATE OF IDAHO
: ss
COUNTY OF CAMAS

On This 16th day of June, in the year 2008, before me, the undersigned, a Notary Public in and for said State, personally appeared **MICHAEL JESSEN**, known or identified to me to be the person(s) whose name(s) is subscribed to the within Instrument, and acknowledged to me that he executed the same.

WITNESS my hand and official seal.


Nancy A. Woldberg
Notary Public of Idaho
Residing at 1. Fairfield
Commission Expires: 7-15-11



No. C080046

EXHIBIT "A"

PARCEL 1

TOWNSHIP 1 NORTH, RANGE 15 EAST, BOISE MERIDIAN, CAMAS
COUNTY, IDAHO

SECTION 31: LOTS 3 AND 4; SE1/4/SW1/4

PARCEL 2

TOWNSHIP 1 NORTH, RANGE 15 EAST, BOISE MERIDIAN, CAMAS
COUNTY, IDAHO

SECTION 31: NE1/4SW1/4

PARCEL 3

TOWNSHIP 1 NORTH, RANGE 15 EAST, BOISE MERIDIAN, CAMAS
COUNTY, IDAHO

SECTION 31: SE1/4



GOODING
TITLE & ESCROW
COMPANY

RECEIVED

JUN 20 2008

DEPT. OF WATER RESOURCES
SOUTHERN REGION

June 18, 2008

IDWR

1341 Fillmore Street, Suite 200
Twin Falls, ID 83301

Re: Order No. C080046
Barber Family Ass./Jessen

Dear Sir or Madame:

In connection with the above mentioned order, please find our check no 12182 in the amount of \$50.00, representing water transfer fee.

Also enclosed please find copies of the following document(s):

Notice of Change in Water Right Ownership

Thank you for using Gooding Title & Escrow Company. Should you have any questions, please do not hesitate to contact me.

Sincerely,

Mari Ramos for
Nancy A. Woldberg, Escrow Officer
Gooding Title & Escrow Company

/mr

encl.

11/01/2006

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: November 21, 2006

Water right number: 37-530

MICHAEL JESSEN

RT 1 BOX 1215

FAIRFIELD ID 83327

Telephone Number: (208)764-2636

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:

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

DATE: 12-4-06

SIGNATURE: Michael Jessen

Please print your name: MICHAEL JESSEN

IDWR State Office, 322 E Front St
PO Box 83720, Boise, ID 83720-0098, (800)451-4129

SCANNED
DEC 08 2006

06/15/2006

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

RIGHT NUMBER: 37-530

NAME AND ADDRESS: MICHAEL JESSEN
RT 1 BOX 1215
FAIRFIELD ID 83327

SOURCE: DEER CREEK

TRIBUTARY: CAMAS CREEK

QUANTITY: 0.100 CFS

PRIORITY DATE: 06/01/1885

POINT OF DIVERSION:

T01N R15E S31 NENESW Within CAMAS County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

04/15 10/31

0.100 CFS

PLACE OF USE:

IRRIGATION Within CAMAS County

T01N R15E S31

NESW

3.00

T01N R15E S31 Lot 3 NWSW

7.00

10 ACRES TOTAL

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EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

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Right includes accomplished change in source pursuant to Section 42-1425, Idaho Code.

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



Idaho Department of Water Resources

SRBA Recommendation:

37-529

37-530

Legend

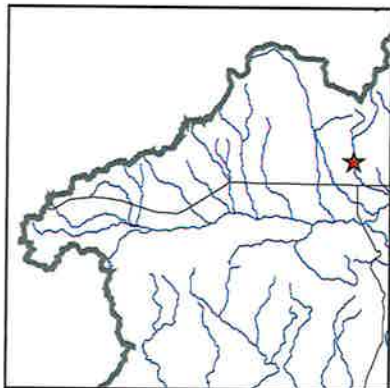
⊙ Point of Diversion

□ Place of Use

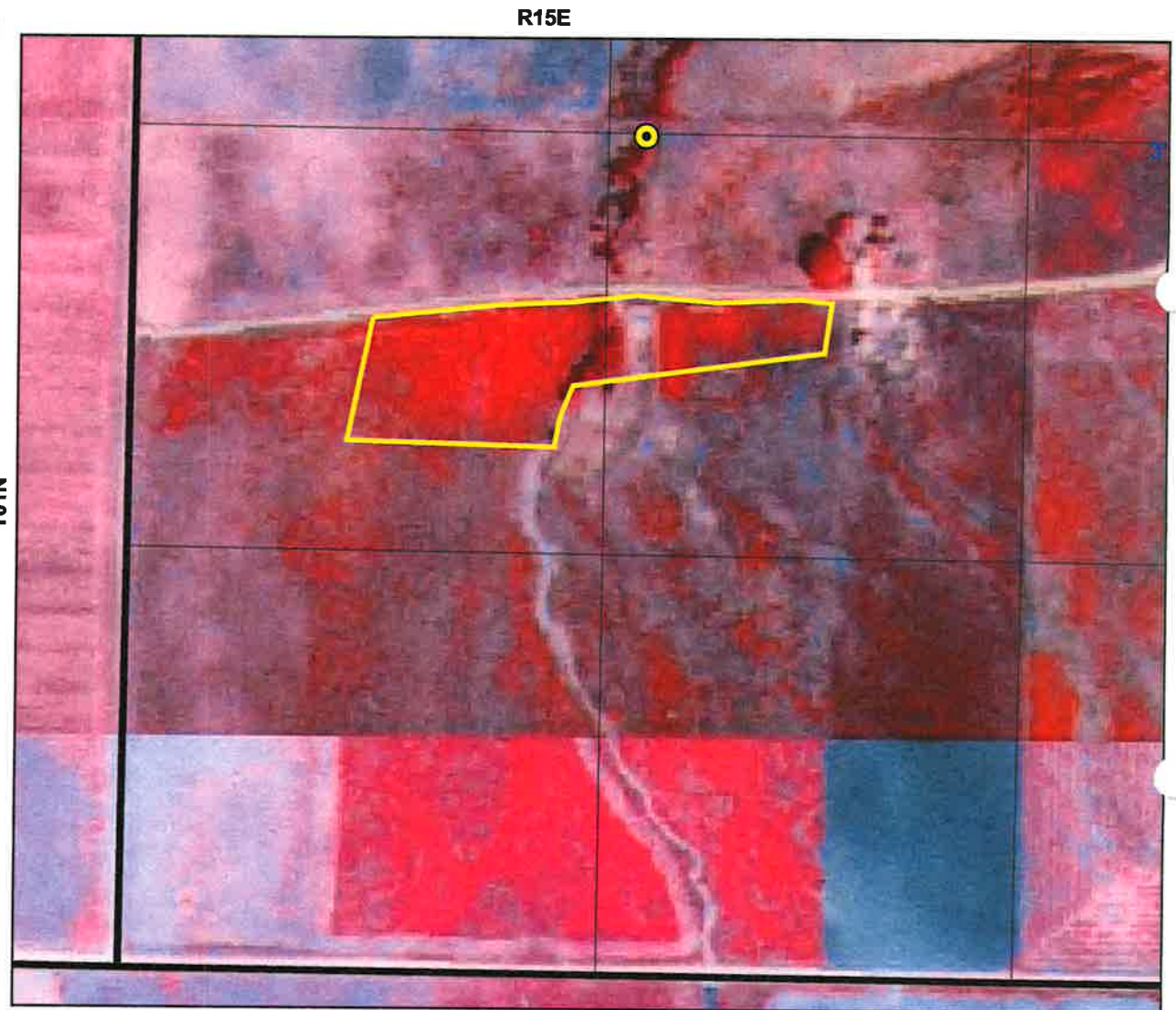
□ Townships

□ PLS Sections

□ Quarter Quarters



Camas County
IDWR Basin 37



0

0.25 Miles



Prepared by M. Anders
On Friday, June 16, 2006
1987/88 Aerial Photography

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 37-530

WATER RIGHT NUMBER: 37-530

Owner Type Name and Address
 Current Owner E G COMMONS

 Original Owner TWIN FALLS, ID 83301
 ELAM PEARSON
 , ZZ

Priority Date: 06/01/1885

Basis: Decreed

Status: Active

Source Tributary
 LITTLE DEER CREEK DEER CREEK

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
DOMESTIC	/ to /		
IRRIGATION	/ to /	1.500 CFS	
	<u>Total Diversion:</u>	1.500 CFS	

Location of Point(s) of Diversion

LITTLE DEER CREEK	L3 (NW1/4SW1/4)	Sec. 19, Twp 01N, Rge 15E, B.M.
CAMAS County		
LITTLE DEER CREEK	L4 (SW1/4SW1/4)	Sec. 19, Twp 01N, Rge 15E, B.M.
CAMAS 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	
01N	14E	25									X	X	X	X	X	X	X	X	
01N	15E	29						X	X			X	X						
01N	15E	30			X	X	X	X	X	X	X	X	X	X	X	X	X	X	
							L1	L2				L3	L4						
01N	15E	31	X	X	X	X	X	X	X	X					X	X	X	X	
							L1	L2											
01N	15E	32					X												

TRANS. 835