

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 37-777
Date Received: 9/7/1988
Receipt No: S002092
Received By:

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

1. Name of Claimant(s)

JOHN K BARTON Phone: (208)853-1334
LETA BARTON
PO BOX 441
CAREY ID USA 83320

cell John: 208-484-3777

2. Date of Priority: 06/30/1899

3. Source: FISH CREEK Trib. to: LITTLE WOOD RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
02N	22E	25	NW NE SW	BLAINE	
02N	22E	36	NE NW NW	BLAINE	

5. Description of diverting works:

CONCRETE CHECK AND HEADGATE

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/01	11/01	3.1	
STOCKWATER	04/01	11/01	0.14	

7. Total Quantity Appropriated is:
3.1 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4 Lot	Use	Acres
02N	22E	36	NE NW	STOCKWATER	
			NW NW	STOCKWATER	
			SW NW	STOCKWATER	
			SE NW	STOCKWATER	
			NW SW	STOCKWATER	
			NE NW	IRRIGATION	40
			NW NW	IRRIGATION	20

SW	NW	IRRIGATION	40
SE	NW	IRRIGATION	20
NW	SW	IRRIGATION	40

Section Acres 160

Total Acres 160

11. Place of use in counties: BLAINE

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

13. Other Water Rights Used:

14. Remarks:

claim amended to add stockwater

15. Basis of Claim: Decreed

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:

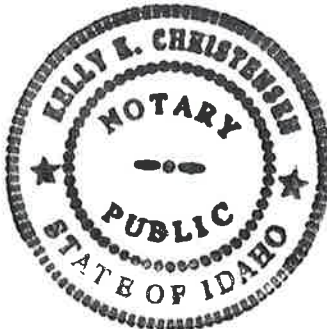
I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): John K. Linton Date: 11/16/05
 _____ Date: _____

State of Idaho)
 County of Twin Falls) SS.

Subscribed and sworn (or affirmed) before me this 16th day of Nov 2005

Kelly K. Christensen
 Notary Public



Residing at _____ Twin Falls, ID
 My commission Expires 4-2-2010

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: A37-00777
Date Received: 9/07/1988
Receipt No: 5002092
Received By: SCC

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: JOHN K. BARTON
Address: BOX 5432
BOISE, ID

83705

OR

Name: LETA BARTON
Address: BOX 5432
BOISE, ID

83705

208-888-3646

853-1334 - home Boise

208-484-3777 - cell John

208-888-3646

2. Date of Priority: JUN 30, 1899

3. Source: FISH CREEK

Trib. to: LITTLE WOOD RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
02N	22E	25	NW	NE	SW		BLAINE
		36	NE	NW	NW		BLAINE

5. Description of diverting works:
CONCRETE CHECK AND HEADGATE

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	3.100		

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

A.F.A.

8. Total consumptive use is 400.0 Acre Feet Per Annum.

9. Non-irrigation uses:

A37-00777

Page 1

Date: 09/07/88

MICROFILMED

FEB 23 1993

10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
02N	22E	36	NE		NW		IRR	40.0
			NW		NW		IRR	20.0
			SW		NW		IRR	40.0
			SE		NW		IRR	20.0
			NW		SW		IRR	40.0
							Section Acres	160.0
							Total Acres	160.0

11. Place of use in counties: BLAINE

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

13. Other Water Rights Used:
A37-11269, A37-00778

14. Remarks:

15. Basis of Claim: DECREED
Case Number:
Court :
Decree date:

POTTER, ET. AL.

Decree Plaintiff

vs

PATTERSON, ET. AL.

Decree Defendant

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 X wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: 2

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): Jim K. Sauter Date: Sept 7, 1988

Date: _____

State of Idaho)
County of Twin Falls) SS.

Subscribed and sworn (or affirmed) before me this 7th day
of September 19 88

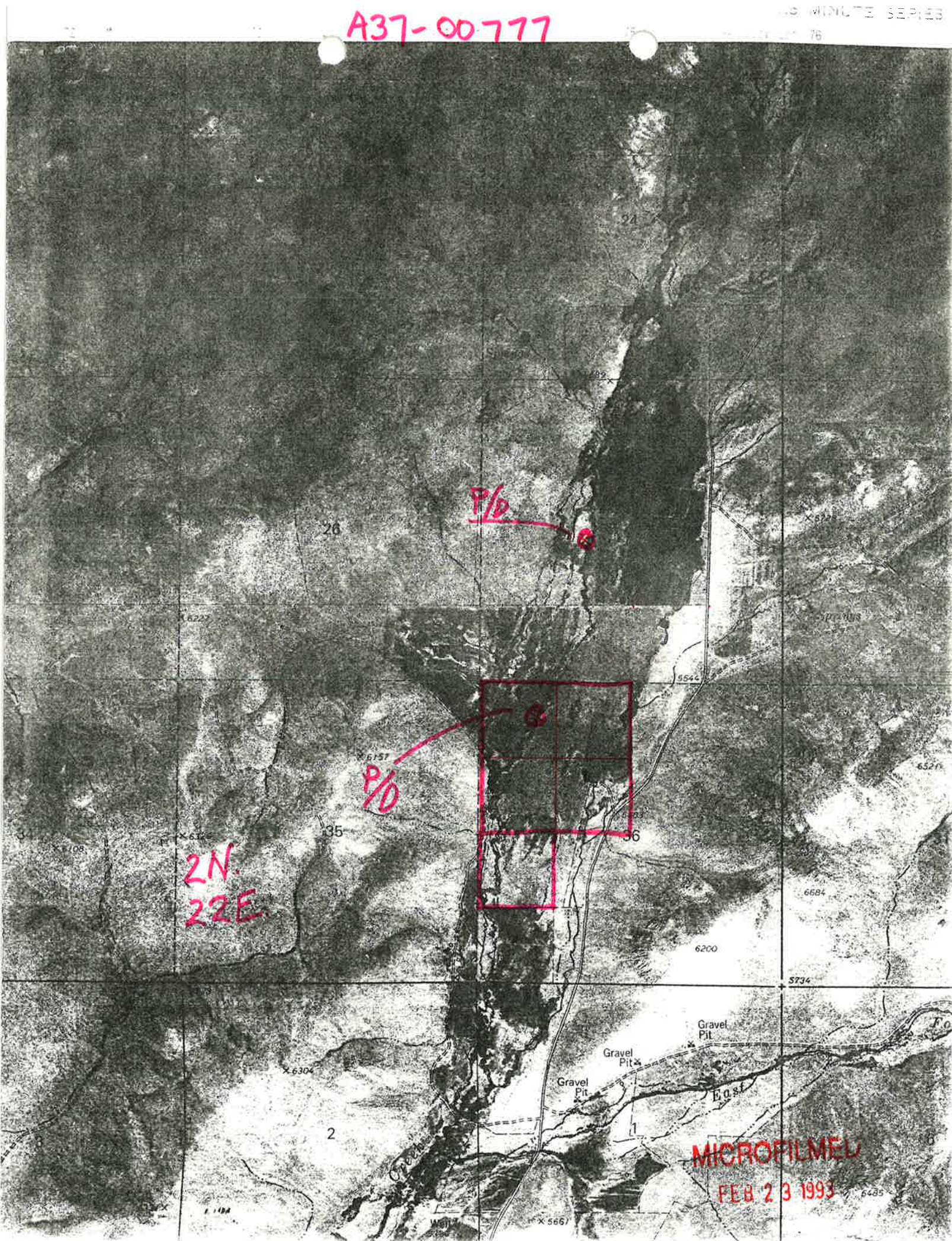
Roxanne Storey
Notary Public

Seal

Residing at Buhl, Id
My Commission Expires 6-30-94

A37-00777

US AIR FORCE SERIES



MICROFILMED

FEB 23 1993

0777 Sparks, Hyrum

437-00777

0778 Sparks, Hannah

0779 Stinson, Alice J.

0780 Wolpert, B.

0781 Welch, A. L.

Trans. # 229

0782 Ward, John

0783 Ward, John

155 inches from June 30, 1899 for the irrigation of $E\frac{1}{2} NW\frac{1}{4}$, $SW\frac{1}{4} NW\frac{1}{4}$, $NW\frac{1}{4} SW\frac{1}{4}$, Sec. 36, T. 2 N., R. 22 E., containing 160 acres.

110 inches from June 15, 1907 for the irrigation of $SE\frac{1}{4} SE\frac{1}{4}$, Sec. 26, $S\frac{1}{2} SW\frac{1}{4}$, $SW\frac{1}{4} SE\frac{1}{4}$, Sec. 25, T. 2 N., R. 22 E., containing 160 acres.

53 inches from April 21, 1905 from West Fork for the irrigation of $SW\frac{1}{4} NW\frac{1}{4}$, $W\frac{1}{2} SW\frac{1}{4}$, Sec. 3, $SE\frac{1}{4} NE\frac{1}{4}$, Sec. 4, T. 1 N., R. 22 E., containing 160 acres.

120 inches from March 30, 1883 for the irrigation of $SE\frac{1}{4} SE\frac{1}{4}$, Sec. 13, $NE\frac{1}{4} NE\frac{1}{4}$, Sec. 24, T. 1 S., R. 21 E., Lot 4, Sec. 18, T. 1 S., R. 22 E., containing 120 acres.

160 inches from March 30, 1883 for the irrigation of $E\frac{1}{2} NE\frac{1}{4}$, $NE\frac{1}{4} SW\frac{1}{4}$, Sec. 13, T. 1 S., R. 21 E., Lot 3, Sec. 18, T. 1 S., R. 22 E. containing 160 acres.

60 inches from May 18, 1904, for the irrigation of Lot 1, Sec. 4, T. 1 N., R. 22 E., Lot 1, $N\frac{1}{2} SE\frac{1}{4}$, Sec. 33, T. 2 N., R. 22 E., containing 160 acres.

80 inches from May 15th, 1905 for the irrigation of $W\frac{1}{2} SW\frac{1}{4}$, Sec. 27, $SE\frac{1}{4} SE\frac{1}{4}$, Sec. 28, $NE\frac{1}{4} NE\frac{1}{4}$, Sec. 33, T. 2 N., R. 22 E., containing 160 acres.

MICROFILMED

FEB 23 1993

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 37-2111

RECEIVED

JAN 04 2007

DEPARTMENT OF
WATER RESOURCES

WATER RIGHT NUMBER: 37-2111

Owner Type
Current OwnerName and Address
SAMUEL GRAVIET
GROOKS, ID*John Barton*
Box 441 Carey 83320

Priority Date: 05/08/1908

Basis: License

Status: Active

Source

UNNAMED STREAM

Tributary

EAST FORK FISH CREEK

Beneficial Use

IRRIGATION

DOMESTIC

From To*March* / to / *July**"* / to / *"*Diversion Rate

1.900 CFS

Annual VolumeTotal Diversion: 1.900 CFSLocation of Point(s) of Diversion

UNNAMED STREAM

SE1/4NW1/4

Sec. 29, Twp 02N, Rge 23E, B.M.

BLAINE 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	
02N	22E	25				20.0									15.0			30.0	65.0
02N	23E	30									30.0								30.0

Total Acres: 95

DOMESTIC same as IRRIGATIONConditions of Approval:

- LICENSE INCORRECTLY DESCRIBES SOURCE AS POLE CANON.

Remarks:Comments:

Notes: This water right does belong to my place and is used until July every year - after that time it usually dries up.

Sincerely
John K. Barton

SCANNED

JAN 04 2007

12/11/2006

**NOTICE OF ERROR
REPLY**

RECEIVED

JAN 04 2007

DEPARTMENT OF
IDWR SERVICES

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 our recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: 01/05/2007

Water right number: 37-777

LETA BARTON
PO BOX 441
CAREY ID 83320
Telephone Number: (208)853-1334

JOHN K BARTON
PO BOX 441
CAREY ID 83320
Telephone Number: (208)853-1334

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: 12/27/2006 SIGNATURE: [Signature]

Please print your name: John K. Barton

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

SCANNED

JAN 04 2007

11/29/2006

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

RIGHT NUMBER: 37-777
NAME AND ADDRESS: LETA BARTON
PO BOX 441
CAREY ID 83320

JOHN K BARTON
PO BOX 441
CAREY ID 83320

SOURCE: FISH CREEK TRIBUTARY: LITTLE WOOD RIVER
QUANTITY: 3.100 CFS
The quantity of water under this right for stockwater use shall not exceed 13,000 gallons per day.

PRIORITY DATE: 06/30/1899

POINT OF DIVERSION:
T02N R22E S25 NWNESE Within BLAINE County
T02N R22E S36 NENWNW Within BLAINE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/15 10/31	3.100 CFS
STOCKWATER	04/15 10/31	0.140 CFS

PLACE OF USE: IRRIGATION in BLAINE County

T02N R22E S25	SWSW	40.00	T02N R22E S25	SESW	40.00
T02N R22E S25	SWSE	39.00	T02N R22E S26	SESE	39.00
T02N R22E S36	NENW	40.00	T02N R22E S36	SWNW	29.00
T02N R22E S36	SENW	35.00	T02N R22E S36	NWSW	28.00

STOCKWATER in BLAINE County

T02N R22E S25	SWSW	T02N R22E S25	SESW
T02N R22E S25	SWSE	T02N R22E S26	SESE
T02N R22E S36	NENW	T02N R22E S36	SWNW
T02N R22E S36	SENW	T02N R22E S36	NWSW

290 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 290 acres in a single irrigation season. Combined Right Nos.: 37-777, 37-778, and 37-11269.

This right is limited to the irrigation of 160 acres within the place of use described above in a single irrigation season.

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

11/29/2006

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

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

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



Idaho Department of Water Resources

SRBA Recommendation:

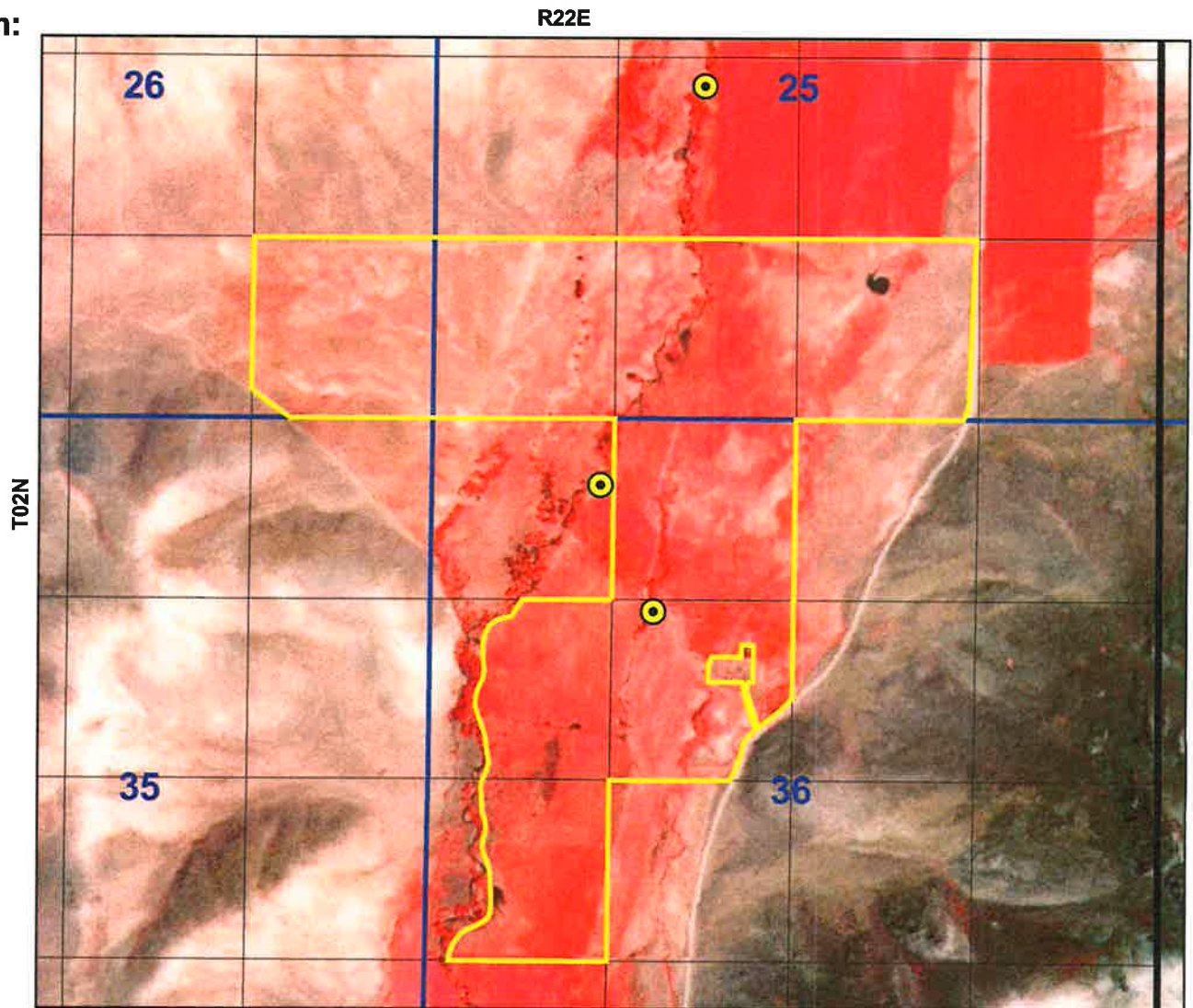
37-777
37-778
37-11269

Legend

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



Blaine County
IDWR Basin 37



0 0.25 0.5 Miles



Prepared by M. Anders
On Wednesday, November 29, 2006
1987/88 Aerial Photography

John Barton

GENERAL INFO

CONV DATE: 11/15/06

NAME: Leta/John Barton

PHONE #: (208) 853-1334

PERMIT #:

LOCATION OF WELL:

CASING SIZE:

HP:

DYNAMIC:

STATIC:

DEPTH:

PSI:

'RES IRRIGATED:

SPRINKLER INFO:

TYPE:

SIZE:

LENGTH:

OPERATING:

STOCK:

DOMESTICS:

OTHER USES:

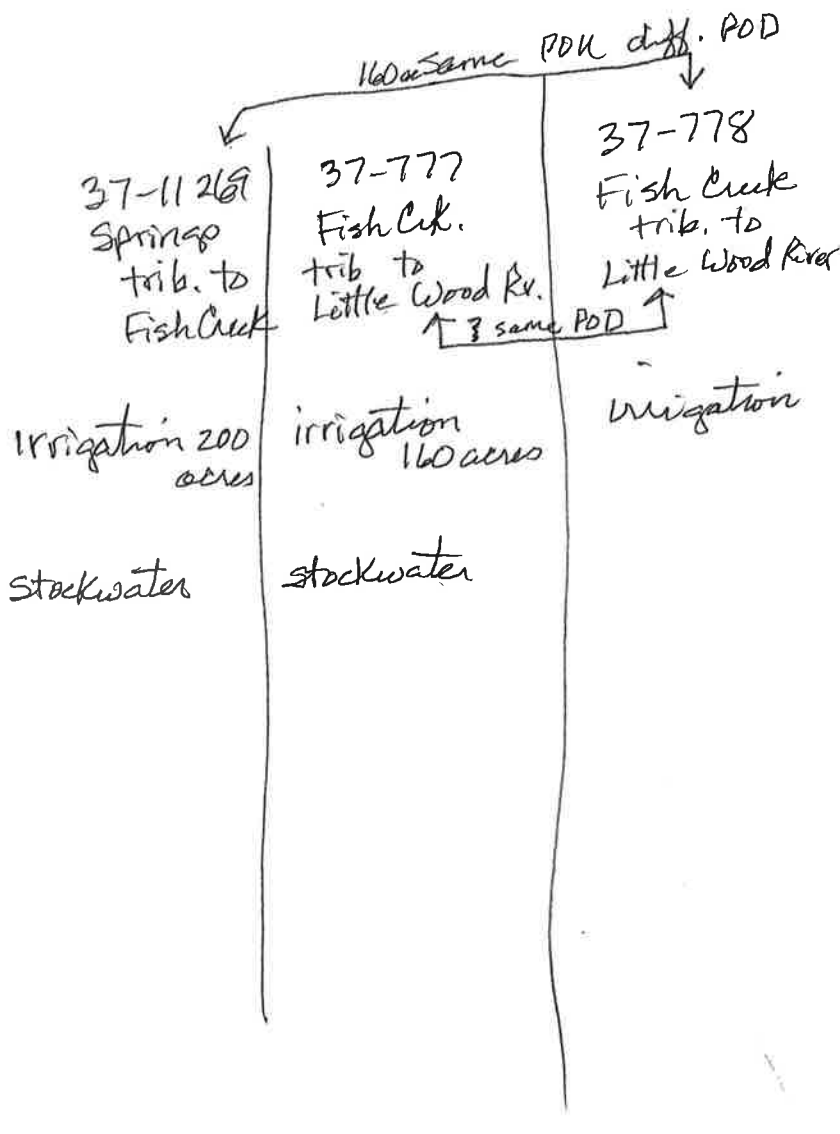
OTHER RTS USED:

DIRECTIONS:

Leta:
jpbarton@msn.com

John (208) 484-3777

physical address



XAM DATE:

37-777

778, 11269

11-16-05

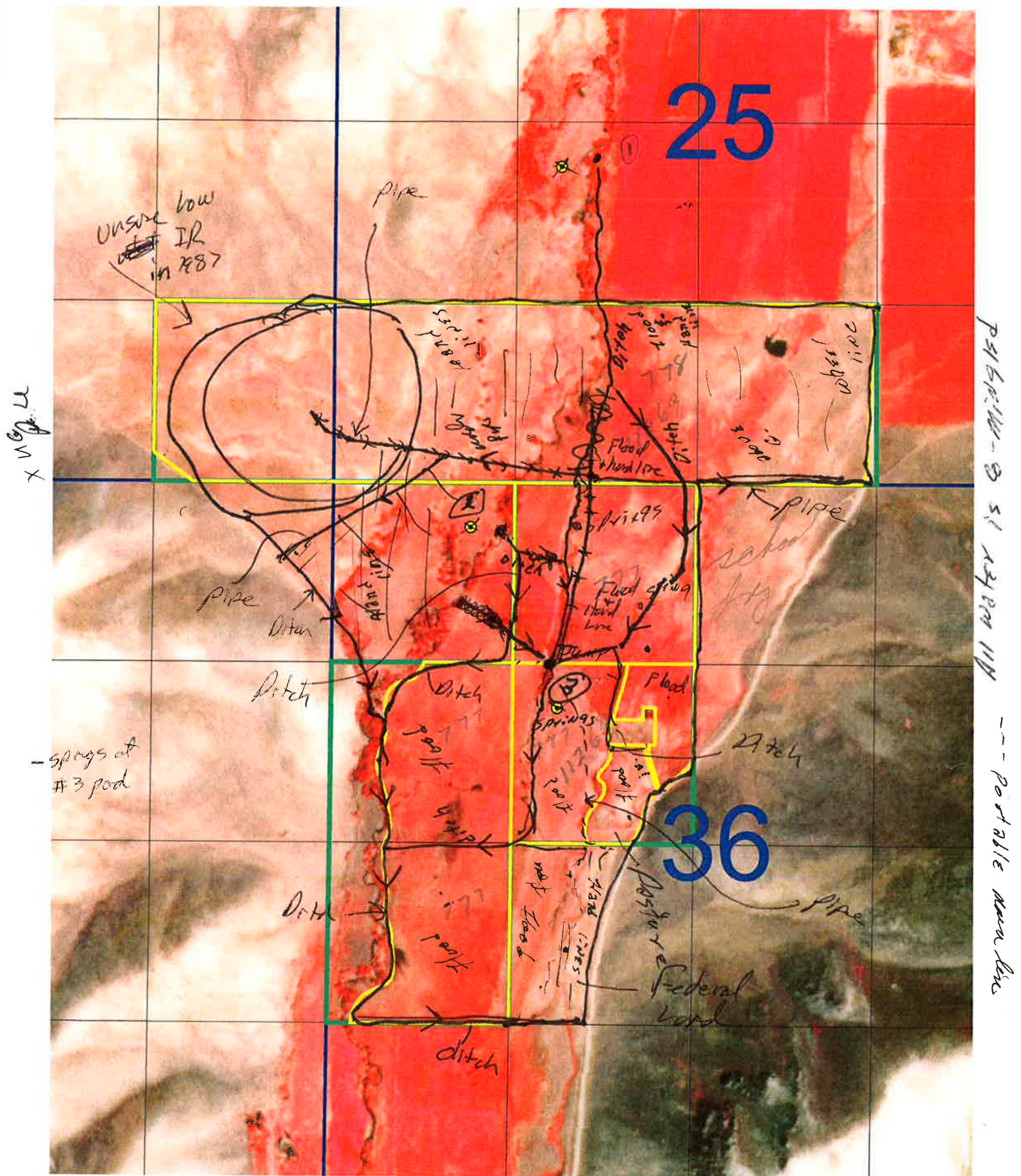
I met with John today and he amended his claims to include stockwater.

We also discussed a PPU recommendation and he decided that that is how he wants it to be recommended.

I did not have him amend the P/A for the 3 claims but you can find the total in P/A and then Recommend each right with that PPU (limiting each right to its historic irrigated acreage within that PPU).

Kelly

All
claims



File No.
A37-00777=00778=11269

Owner
John & Leta Barton
Box 5432
Boise, Idaho

Date
7-7-05

I met Mr. & Mrs. Barton this afternoon at their ranch home above fish creek res. And reviewed these water rights with John. Two of the POD's are directly out of Fish creek and one is spring water. And all this water is commingled on their property, he said he would go down to Twin and see Jim Stanton about transferring his three water rights from individual areas, to cover his whole property. John said on his deed for this property it mentions water rights and springs.

W-right 37=777 John agreed this right is for the 160 acres, ^{or more} shown by the yellow area, ^{some} the yellow POD's are all three incorrect as marked [see GPS] see red photo for comments about this file and questions regarding Ownership of land.

37-778= John said this 160 acres in yellow looks OK but the POD is in the wrong place [see GPS] and this water is from Fish creek. The green outline also looks good, the land on the East and West of this designated area is pumped and irrigated some when water is available [see red photo for comments].

37-11269= Again John said the area in yellow looks approx. good but the marked POD is incorrect, and is Fish creek water, and the two unnamed streams are springs on his property, the land middle East of red photo is school property sub irrig. and natural irrig.

SEE red line

Description	GPS Name & No.	Position No.	USR No.	Plate No.	Photo No.
Photo look W	John 1	2517288	1363904	A0016258	1060642
" E	" 2	2517059	1363014	257	641
" W	" 3	2517178	1362734	256	640-639

Lee R. Peterson

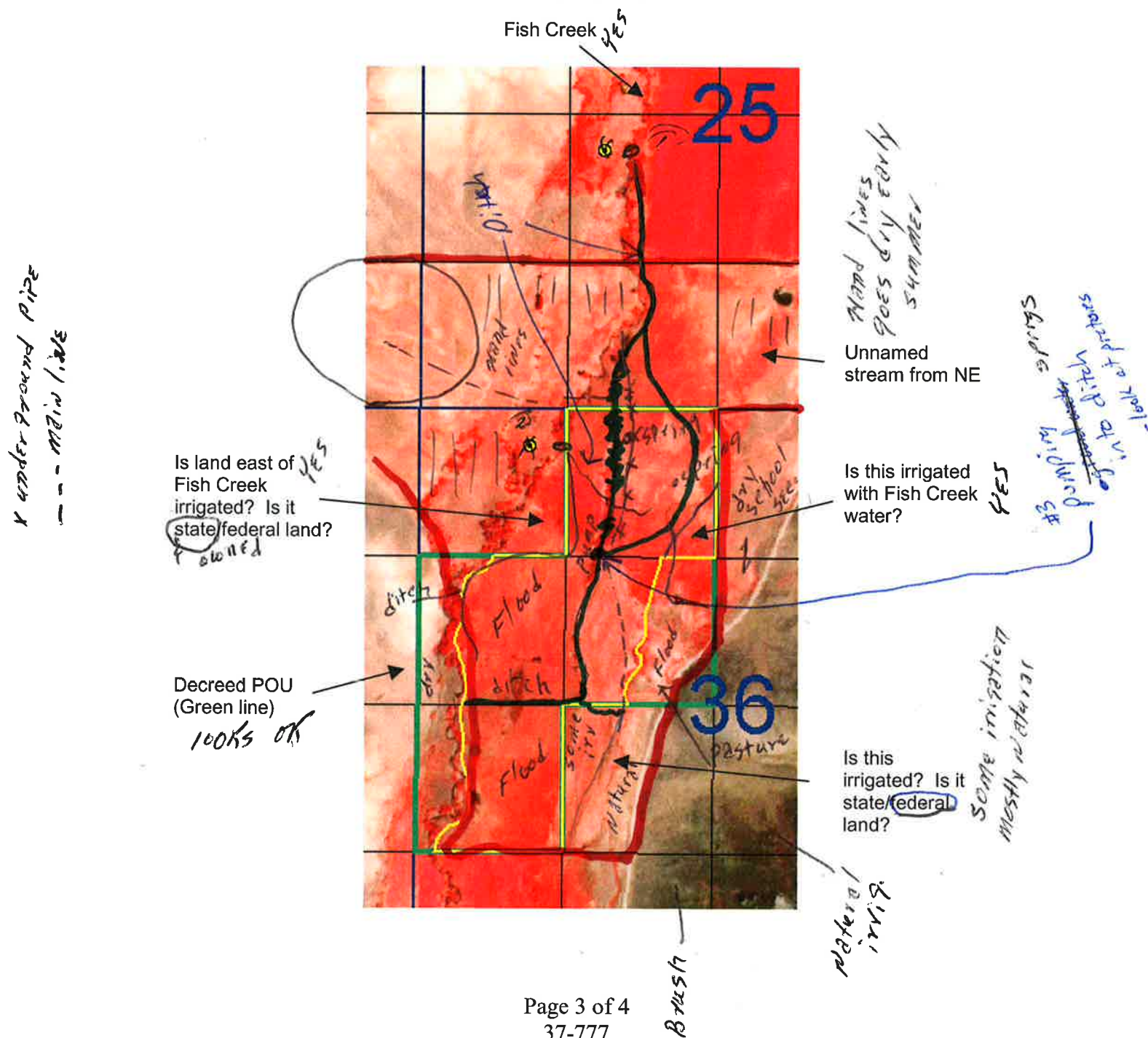
Background Data

- Source is Fish Creek
- Decreed for 3.1 cfs on 4 QQ
- Claimed 3.1 cfs on 160 acres

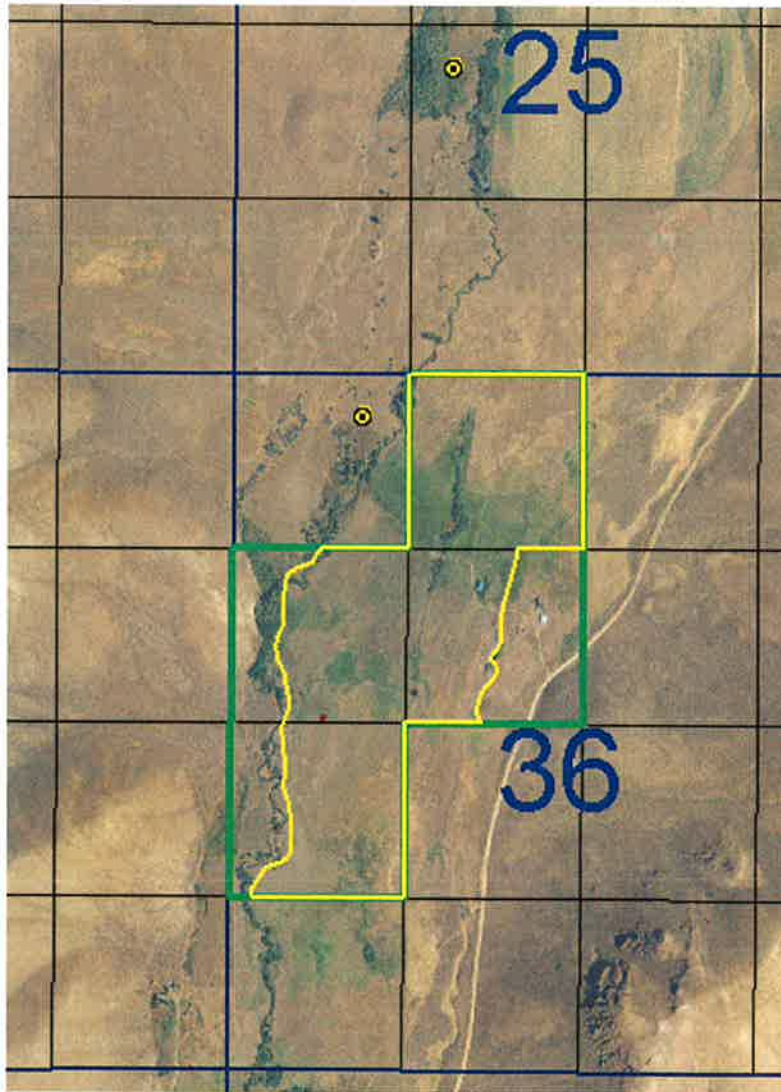
Place Of Use Data

Yellow line is the draft Place of Use created by IDWR based on historical data and records.
Yellow dot is draft Point of Diversion created by IDWR based on historical data and records.
Green line is decreed/licensed POU (this may only represent the Quarter-Quarter sections of the decree/license)

1987 Aerial Photo



2004 Aerial Photo



Notes

T2N R22E Section 36

- Found 117 acres
- Source in decree is Fish Creek. But, if Fish Creek is the only source, how is water distributed to land in the SE corner of N4NW? It is east of an unnamed stream coming from NE. Deeds list springs "on and near" property as source as well – should these be claimed?
- The N4NW and NESW appear to be in state/federal ownership. Are they being irrigated under this right?
- The relation between 37-777, 37-778, & 37-11269 is unclear. Portions of the POUs for 37-777 & 37-778 (both have Fish Creek as a source) appear to require a source other than just Fish Creek – the submitted deeds say springs "on and near" the property are also a source. If they already have a decreed right to these springs, why do they need a Statutory Claim - and vice versa – if they need a Statutory Claim on the springs, then do the POUs for 37-777 & 37-778 need to be reduced in size? There is no mention of springs anywhere in the decrees.

Comments:

Page 2

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report 37-777

Water Supply Bank: