

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 37-1138
Date Received: 10/20/1988
Receipt No: M001673
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

BOYD AND MILDRED BARTON FAMILY TRUST Phone: (208)823-4419
MILDRED BARTON TRUSTEE
033 BARTON RD
CAREY ID 83320

2. Date of Priority: 05/01/1910

3. Source: LITTLE WOOD RIVER Trib. to: MALAD RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot			County	Type
01N	21E	30	NW	SW	SE	BLAINE	
01S	21E	5	SE	NE	SW	BLAINE	R

5. Description of diverting works:

VIA EAST CANAL TO DITCH TO PUMP SYSTEM

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	4/01	11/01	4	

7. Total Quantity Appropriated is:
4 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
01S	21E	4	SW	SE	IRRIGATION	6
					Section Acres	6
01S	21E	9	NE	NE	IRRIGATION	12
			NW	NE	IRRIGATION	25.9
			SW	NE	IRRIGATION	20.6
			SE	NE	IRRIGATION	32.2
			NE	NW	IRRIGATION	40
			SE	NW	IRRIGATION	27.6
			NE	SE	IRRIGATION	8.6
			NW	SE	IRRIGATION	40
					Section Acres	206.9
01S	21E	10	NE	NW	IRRIGATION	30
			NW	NW	IRRIGATION	40
			SW	NW	IRRIGATION	31.7
			SE	NW	IRRIGATION	14
			NE	SW	IRRIGATION	35
			NW	SW	IRRIGATION	20.8
			NW	SE	IRRIGATION	8
					Section Acres	179.5
					Total Acres	392.4

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:

15. Basis of Claim: Decreed



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

SOUTHERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

October 29, 2004

THE BOYD AND MILDRED BARTON FAMILY TRUST
MILDRED BARTON TRUSTEE
033 BARTON RD
CAREY ID 83320

Re: SRBA Claim(s) 37-11D, 37-14B, 37-197C, 37-199B, 37-1138

Dear Mrs. Barton:

Pursuant to the change in ownership request that has been submitted to the Department, we have changed the record of current ownership to you. Please find the enclosed copies of the computer records of the claim(s) noting the change in claimant. Review these records and if there is an error, or you have any questions, please contact this office.

Sincerely,

A handwritten signature in cursive script, appearing to read 'Trish Fawcett'.

Trish Fawcett
Technical Records Specialist

Enc.

2004 OCT 30
10:47 AM

526

RECEIVED
OCT 08 2004
Department of Water Resources
Southern Region

**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>37-11878</u>	<u> </u>	<u> </u>	<u> </u>	<u>37-00014B</u>	<u> </u>
<u>37-11879</u>	<u> </u>	<u> </u>	<u> </u>	<u>37-00011D</u>	<u> </u>
<u> </u>	<u>37-00197C</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u> </u>	<u>37-01138</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u> </u>	<u>37-00199B</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>

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) Boyd and Mildred Barton
033 Barton Road; Carey, Idaho 83320
4. New Owner/Claimant(s) Mildred F. Barton, Trustee of the Boyd and Mildred Barton Family Trust un
Name Connector (Check one): [] and, [] or, [] and/or Agreement dated 10/28/98
- New Mailing Address 033 Barton Road
- City, State and ZIP Code Carey, Idaho 83320
- New Telephone Number (208)823-4419
5. Date you acquired the property June 14, 2004

COPIED
10/28/04

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 _____		
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)
- Mildred Barton*
Trustee of the Boyd and Mildred Barton Family Trust under Agreement
dated October 28, 1998

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 [Signature] Date 10/2/04 Fee \$10.00
 Receipted by [Signature] Date 10/2/04 Receipt No. 3027110
 Processed by AJ Date _____ WR _____ Date _____

Instrument # 505065

HAILEY, BLAINE, IDAHO

2004-06-14

03:57:00 No. of Pages: 2

Recorded for : MILDRED BARTON

MARSHA RIEMANN

Fee: 6.00

Ex-Officio Recorder Deputy

Index to: PERS REPIERS REP AMENDED DEED *mp*

**DEED OF DISTRIBUTION
BY PERSONAL REPRESENTATIVE**

THIS DEED, made by Mildred F. Barton, as personal representative of the estate of Boyd K. Barton, deceased, Grantor, to Mildred F. Barton, as Trustee of the Boyd and Mildred Barton Family Trust under trust agreement dated October 28, 1998, Grantee, whose current address is 033 Barton Road, Carey, Idaho 83320.

WHEREAS, Grantor is the qualified personal representative of said estate, filed as Case No. CV-04-212, in Blaine County, Idaho;

WHEREAS, Grantee is entitled to distribution of the hereinafter described real property;

THEREFORE, for valuable consideration received, Grantor quitclaims, transfers, and conveys to Grantee the following described real property in Blaine County, Idaho:

PARCEL A:

The NW¼. the west half of the northeast quarter, the northwest quarter of the southeast quarter, the northeast quarter of the southwest quarter (except a fractional part lying in the southwest corner of the northwest quarter of the southwest quarter, more particularly described as that part of the NE of the SW lying south of the Blackfoot road being a road maintained as a county road and containing approximately twelve acres). All of the above in section 10, Township 1, South Range 21 east.

1S 21E Sec. 10NW¼
NWSE
NE SW
W½ NE

The east half of the northeast quarter, the northwest quarter of the northeast quarter and a fractional part of the southwest quarter of the northeast quarter of Section 9 Township 1 south, Range 21 east. The fractional part more particularly described as follows; all of the southwest quarter of the northeast quarter of section 9 aforesaid, lying north of the right of way of the old Blackfoot road, which said road is now maintained as a county road, and which crosses said SW¼ of the NE¼ in an easterly westerly direction. The point of intersection of said right of way and the west line of said SW¼ NE¼ being approximately thirty feet southerly of the northwest corner of the SW¼ of the NE¼ and the point of intersection of said right of way and the east line of the said SW¼ of the NE¼ being approximately 590 feet southerly of the northeast corner of the SW¼ of the NE¼ (and the said road crossing the SW¼ of the NE¼) between two points of intersection.

1S 21E Sec. 9E½ NE
NWNE
SWNERECORDED
MAY 11 2004**EXHIBIT A**

The east one half of the southwest quarter, the west half of the southeast quarter, the southwest quarter of the northeast quarter, the southeast quarter of the northwest quarter Section 34 Township 1 north Range 21 east. Lots 2, 3, SW $\frac{1}{4}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 3 Township 1 South Range 21 east

1N 21E Sec 34
E $\frac{1}{2}$ SW
W $\frac{1}{2}$ SE
SW NE
SE NW

with all appurtenances.

PARCEL B:

Township 1 South, Range 21 East of the Boise Meridian

Sec. 4 SW $\frac{1}{4}$ SE $\frac{1}{4}$

ALL IN BLAINE COUNTY, STATE OF IDAHO

1S 21E Sec 3
Lot 2
Lot 3
SWSE
SESW
SWSW

1S 21E Sec 4
SWSE

with all appurtenances.

EXECUTED this 14 day of June, 2004.

Mildred F. Barton

Mildred F. Barton

Personal Representative of the estate of
Boyd K. Barton, deceased.

STATE OF IDAHO)

: ss

County of Blaine)

On this 14 day of JUNE, 2004, before me, the undersigned, a notary public in and for said state, personally appeared, Mildred F. Barton, known or identified to me to be the person whose name is subscribed to the within instrument, as Personal Representative of the Estate of Boyd K. Barton, deceased, and acknowledged to me that she executed the same as such Personal Representative.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year first above written.



Marsha Riemann
Notary Public for Idaho
Residing at Hailey
My commission expires: 1/30/2009

Instrument # 505066

HAILEY, BLAINE, IDAHO

2004-06-14

03:58:00 No. of Pages: 2

Recorded for : MILDRED BARTON

MARSHA RIEMANN

Fee: 6.00

Ex-Officio Recorder Deputy

Index to: WTY/QC/CORP DEED

QUITCLAIM DEED

FOR VALUE RECEIVED, MILDRED F. BARTON, an unmarried individual, the Grantor, does hereby quitclaim, transfer and convey to MILDRED F. BARTON, as Trustee, of the Boyd and Mildred Barton Family Trust under Trust Agreement dated October 28, 1998, the Grantee, whose address is 033 Barton Road, Carey, Idaho 83320, the following described real property situate in Blaine County, Idaho:

PARCEL A:

The NW¼, the west half of the northeast quarter, the northwest quarter of the southeast quarter, the northeast quarter of the southwest quarter (except a fractional part lying in the southwest corner of the northwest quarter of the southwest quarter, more particularly described as that part of the NE of the SW lying south of the Blackfoot road being a road maintained as a county road and containing approximately twelve acres). All of the above in section 10, Township 1, South Range 21 east.

The east half of the northeast quarter, the northwest quarter of the northeast quarter and a fractional part of the southwest quarter of the northeast quarter of Section 9 Township 1 south, Range 21 east. The fractional part more particularly described as follows; all of the southwest quarter of the northeast quarter of section 9 aforesaid, lying north of the right of way of the old Blackfoot road, which said road is now maintained as a county road, and which crosses said SW¼ of the NE¼ in an easterly westerly direction. The point of intersection of said right of way and the west line of said SW¼ NE¼ being approximately thirty feet southerly of the northwest corner of the SW¼ of the NE¼ and the point of intersection of said right of way and the east line of the said SW¼ of the NE¼ being approximately 590 feet southerly of the northeast corner of the SW¼ of the NE¼ (and the said road crossing the SW¼ of the NE¼) between two points of intersection.

The east one half of the southwest quarter, the west half of the southeast quarter, the southwest quarter of the northeast quarter, the southeast quarter of the northwest quarter Section 34 Township 1 north Range 21 east. Lots 2, 3, SW¼ SE¼, SE¼ SW¼, SW¼ SW¼, Section 3 Township 1 South Range 21 east

with all appurtenances.

PARCEL B:

Township 1 South, Range 21 East of the Boise Meridian

Sec. 4 SW $\frac{1}{4}$ SE $\frac{1}{4}$

ALL IN BLAINE COUNTY, STATE OF IDAHO

with all appurtenances.

TO HAVE AND TO HOLD the premises, with their appurtenances, unto the Grantee and her successors and assigns forever.

EXECUTED this 14 day of June, 2004.

GRANTOR:

Mildred F. Barton
Mildred F. Barton

STATE OF IDAHO)
) ss.
County of Blaine)

On this 14 day of JUNE, 2004, before me, the undersigned, a Notary Public in and for said State, personally appeared Mildred F. Barton, known or identified to me to be the persons who executed the foregoing instrument, and acknowledged to me that she executed the same.

IN WITNESS WHEREOF, I have hereunto set my and affixed my official seal, the day and year first above written.



Marsha Rieman
NOTARY PUBLIC FOR IDAHO
Residing at: Harley
My Commission Expires: 1/30/2009

Instrument # 505067

HAILEY, BLAINE, IDAHO

2004-06-14

03:59:00 No. of Pages: 2

Recorded for : MILDRED BARTON

MARSHA RIEMANN

Fee: 6.00

Ex-Officio Recorder Deputy

Index to: PERS REP/PERS REP AMENDED DEED

**DEED OF DISTRIBUTION
BY PERSONAL REPRESENTATIVE**

THIS DEED, made by Mildred F. Barton, as personal representative of the estate of Boyd K. Barton, deceased, the Grantor, to Mildred F. Barton, as Trustee of the Boyd and Mildred Barton Family Trust under trust agreement dated October 28, 1998, the Grantee, whose current address is 033 Barton Road, Carey, Idaho 83320.

WHEREAS, Grantor is the qualified personal representative of said estate, filed as Case No. CV-04-212, in Blaine County, Idaho;

WHEREAS, Grantee is entitled to distribution of the hereinafter described real property;

THEREFORE, for valuable consideration received, Grantor quitclaims, transfers, and conveys to Grantee the following described real property in Blaine County, Idaho:

PARCEL A:

TOWNSHIP 1 SOUTH of RANGE 21 EAST of the BOISE MERIDIAN, BLAINE COUNTY, STATE OF IDAHO:

SECTION 9: NE $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, and all that portion of the SW $\frac{1}{4}$ NE $\frac{1}{4}$ designated as Tax Lot 2705 on Blaine County Tax Assessor's Rolls, being all of the SW $\frac{1}{4}$ NE $\frac{1}{4}$ EXCEPT the following described tract: All of the SW $\frac{1}{4}$ NE $\frac{1}{4}$ lying North of right of way of old "Blackfoot Road", which said road is now maintained as a County road, and which crosses the said SW $\frac{1}{4}$ NE $\frac{1}{4}$ aforesaid in an Easterly and Westerly direction, the point of intersection of said right of way and the west line of the said SW $\frac{1}{4}$ NE $\frac{1}{4}$ being approximately 30 feet Southerly of the Northwest corner of the SW $\frac{1}{4}$ NE $\frac{1}{4}$ aforesaid, and the point of intersection of said right of way and the East line of said SW $\frac{1}{4}$ NE $\frac{1}{4}$ being approximately 590 feet Southerly of the Northeast corner of the said SW $\frac{1}{4}$ NE $\frac{1}{4}$, and the said road crossing said SW $\frac{1}{4}$ NE $\frac{1}{4}$ between two points of intersection.

IS 21E Sec 9
NENW
NWSE
SWNE

with all appurtenances.

RECORDED
JUN 11 2004

EXHIBIT C-1

PARCEL B:

TOWNSHIP 1 SOUTH of RANGE 21 EAST of the BOISE MERIDIAN, BLAINE
COUNTY, STATE OF IDAHO:

SECTION 9: Lots A and B of Block 1, and Lot 3 of Block 2 all in Barton Subdivision, According to the Official Plat thereof, filed in the Records of Blaine County, Idaho as Instrument No. 216102.

SE NW

with all appurtenances.

PARCEL C:

Boise Meridian, Idaho
T. 1 S., R. 21 E.,
Sec. 10, NW¹/₄SW¹/₄;
Sec. 9, NE¹/₄SE¹/₄;

Commencing at a point 20 rods South of the North West corner of the North East ¼ of the S.W.¼ of Section 10; T 1 S. 21 E. running South 60 rods, east, 80 rods thence running approx. 100 rods to place of beginning in a north westerly direction. Containing 12 acres more or less.

with all appurtenances.

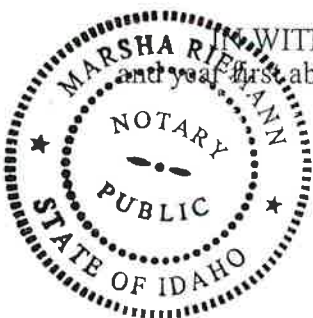
EXECUTED this 14 day of June, 2004.


Mildred F. Barton
Personal Representative of the estate of
Boyd K. Barton, deceased.

STATE OF IDAHO)
 : ss
County of Blaine)

On this 14 day of JUNE, 2004, before me, the undersigned, a notary public in and for said state, personally appeared, Mildred F. Barton, known or identified to me to be the person whose name is subscribed to the within instrument, as Personal Representative of the Estate of Boyd K. Barton, deceased, and acknowledged to me that she executed the same as such Personal Representative.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year first above written.



Marcia Zemon
Notary Public for Idaho
Residing at Hailey
My commission expires: 5/30/2009

Instrument # 505068

HAILEY, BLAINE, IDAHO

2004-06-14

04:00:00 No. of Pages: 2

Recorded for : MILDRED BARTON

MARSHA RIEMANN

Fee: 6.00

Ex-Officio Recorder Deputy

Index to: WTYQC/CORP DEED



QUITCLAIM DEED

FOR VALUE RECEIVED, MILDRED F. BARTON, an unmarried individual, the Grantor, does hereby quitclaim, transfer and convey to MILDRED F. BARTON, as Trustee, of the Boyd and Mildred Barton Family Trust under Trust Agreement dated October 28, 1998, the Grantee, whose address is 033 Barton Road, Carey, Idaho 83320, the following described real property situate in Blaine County, Idaho:

PARCEL A:

TOWNSHIP 1 SOUTH of RANGE 21 EAST of the BOISE MERIDIAN, BLAINE COUNTY, STATE OF IDAHO:

SECTION 9: NE $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, and all that portion of the SW $\frac{1}{4}$ NE $\frac{1}{4}$ designated as Tax Lot 2705 on Blaine County Tax Assessor's Rolls, being all of the SW $\frac{1}{4}$ NE $\frac{1}{4}$ EXCEPT the following described tract: All of the SW $\frac{1}{4}$ NE $\frac{1}{4}$ lying North of right of way of old "Blackfoot Road", which said road is now maintained as a County road, and which crosses the said SW $\frac{1}{4}$ NE $\frac{1}{4}$ aforesaid in an Easterly and Westerly direction, the point of intersection of said right of way and the west line of the said SW $\frac{1}{4}$ NE $\frac{1}{4}$ being approximately 30 feet Southerly of the Northwest corner of the SW $\frac{1}{4}$ NE $\frac{1}{4}$ aforesaid, and the point of intersection of said right of way and the East line of said SW $\frac{1}{4}$ NE $\frac{1}{4}$ being approximately 590 feet Southerly of the Northeast corner of the said SW $\frac{1}{4}$ NE $\frac{1}{4}$, and the said road crossing said SW $\frac{1}{4}$ NE $\frac{1}{4}$ between two points of intersection.

with all appurtenances.

PARCEL B:

TOWNSHIP 1 SOUTH of RANGE 21 EAST of the BOISE MERIDIAN, BLAINE COUNTY, STATE OF IDAHO:

SECTION 9: Lots A and B of Block 1, and Lot 3 of Block 2 all in Barton Subdivision, According to the Official Plat thereof, filed in the Records of Blaine County, Idaho as Instrument No. 216102.

with all appurtenances.

QUITCLAIM DEED - 1

moe <1413.001> qcdeed1.wpd 061004

EXHIBIT 34

PARCEL C:

Boise Meridian, Idaho
T. 1 S., R. 21 E.,
Sec. 10, NW $\frac{1}{4}$ SW $\frac{1}{4}$;
Sec. 9, NE $\frac{1}{4}$ SE $\frac{1}{4}$;

Commencing at a point 20 rods South of the North West corner of the North East $\frac{1}{4}$ of the S.W. $\frac{1}{4}$ of Section 10; T 1 S. 21 E. running South 60 rods, east, 80 rods thence running approx. 100 rods to place of beginning in a north westerly direction. Containing 12 acres more or less.

with all appurtenances.

TO HAVE AND TO HOLD the premises, with their appurtenances, unto the Grantee and her successors and assigns forever.

EXECUTED this 14 day of June, 2004.

GRANTOR:

Mildred F. Barton
Mildred F. Barton

STATE OF IDAHO)
) ss.
County of Blaine)

On this 14 day of JUNE, 2004, before me, the undersigned, a Notary Public in and for said State, personally appeared Mildred F. Barton, known or identified to me to be the persons who executed the foregoing instrument, and acknowledged to me that she executed the same.

IN WITNESS WHEREOF, I have hereunto set my and affixed my official seal, the day and year first above written.



Marsha Riemann
NOTARY-PUBLIC FOR IDAHO
Residing at: Harley
My Commission Expires: 1/30/2009

Instrument # 505069

HAILEY, BLAINE, IDAHO

2004-06-14

04:01:00 No. of Pages: 2

Recorded for : MILDRED BARTON

MARSHA RIEMANN

Fee: 6.00

Ex-Officio Recorder Deputy

Index to: PERS REP/PERS REP AMENDED DEED

mp

**DEED OF DISTRIBUTION
BY PERSONAL REPRESENTATIVE**

THIS DEED, made by Mildred F. Barton, as personal representative of the estate of Boyd K. Barton, deceased, Grantor, to Mildred F. Barton, as Trustee of the Boyd and Mildred Barton Family Trust under trust agreement dated October 28, 1998, Grantee, whose current address is 033 Barton Road, Carey, Idaho 83320.

WHEREAS, Grantor is the qualified personal representative of said estate, filed as Case No. CV-04-212, in Blaine County, Idaho;

WHEREAS, Grantee is entitled to distribution of the hereinafter described real property;

THEREFORE, for valuable consideration received, Grantor quitclaims, transfers, and conveys to Grantee the following described real property in Blaine County, Idaho:

The West Half of the Northwest Quarter (W $\frac{1}{2}$ NW $\frac{1}{4}$) of Section thirty-five (35); and that part of the Northeast Quarter of the Northeast Quarter (NE $\frac{1}{4}$ NE $\frac{1}{4}$) of Section Thirty-four (34) designated on the Blaine County Tax Assessor's Rolls as Tax Lot 406 and more particularly described as follows: Beginning at the northeast corner of said Section 34, running thence South along the east line of said section, 621 feet, thence North 59°27' West 504.4 feet, thence North 35°33' West 454.0 feet, more or less, to the north line of said Section 34, thence East along the said north line 699 feet, more or less, to the place of beginning, situate in Township 1 South, Range 21 East of the Boise Meridian.

*Is 21E Sec 35
W $\frac{1}{2}$ NW $\frac{1}{4}$*

Together with all water and water-rights, ditch and ditch rights, appurtenant thereto, or in anyway appertaining.

Together with Taylor Grazing Privileges as follows: For 50 cattle in the Laidlaw Park area and 75 cattle in the Dry Creek and Muldoon areas.

with all appurtenances.

Excluding from the foregoing that portion of the W $\frac{1}{2}$ NW $\frac{1}{4}$, Section 35, T.1 S., R. 21 E., B.M., Blaine County, Idaho, known as Tax Lot 7706 and Tax Lot 7707, described in the Blaine County, Idaho Assessor's List of Tax Numbers as follows:

*RECORDED
INDEXED*

EXHIBIT E

T.L. 7706: Commencing at the Northwest corner of said Section 35;
Thence S. 25 feet to the TRUE POINT OF BEGINNING;
Thence E. 200 feet to a point;
Thence S. 160 feet to a point;
Thence W. 200 feet to a point;
Thence N. 160 feet to the TRUE POINT OF BEGINNING.

T.L. 7707 Commencing at the Northwest corner of said Section 35;
Thence S. 185 feet to the POINT OF BEGINNING;
Thence E. 200 feet to a point;
Thence S. 220 feet to a point;
Thence W. 200 feet to a point;
Thence N. 220 feet to the POINT OF BEGINNING.

EXECUTED this 14 day of June, 2004.



Mildred F. Barton

Personal Representative of the estate of
Boyd K. Barton, deceased.

STATE OF IDAHO)
 : ss
County of Blaine)

On this 14 day of JUNE, 2004, before me, the undersigned, a notary public in and for said state, personally appeared, Mildred F. Barton, known or identified to me to be the person whose name is subscribed to the within instrument, as Personal Representative of the Estate of Boyd K. Barton, deceased, and acknowledged to me that she executed the same as such Personal Representative.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year first above written.




Notary Public for Idaho
Residing at Harley
My commission expires: 1/30/2009

RECEIVED
JUN 15 2004

Instrument # 505070

HAILEY, BLAINE, IDAHO

2004-06-14 04:02:00 No. of Pages: 2

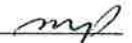
Recorded for : MILDRED BARTON

MARSHA RIEMANN

Fee: 6.00

Ex-Officio Recorder Deputy

Index to: WTY/QC/CORP DEED



QUITCLAIM DEED

FOR VALUE RECEIVED, MILDRED F. BARTON, an unmarried individual, the Grantor, does hereby quitclaim, transfer and convey to MILDRED F. BARTON, as Trustee, of the Boyd and Mildred Barton Family Trust under Trust Agreement dated October 28, 1998, the Grantee, whose address is 033 Barton Road, Carey, Idaho 83320, the following described real property situate in Blaine County, Idaho:

TOWNSHIP 1 SOUTH of RANGE 21 EAST of the BOISE MERIDIAN, BLAINE COUNTY, STATE OF IDAHO:

The West Half of the Northwest Quarter (W $\frac{1}{2}$ NW $\frac{1}{4}$) of Section thirty-five (35); and that part of the Northeast Quarter of the Northeast Quarter (NE $\frac{1}{4}$ NE $\frac{1}{4}$) of Section Thirty-four (34) designated on the Blaine County Tax Assessor's Rolls as Tax Lot 406 and more particularly described as follows: Beginning at the northeast corner of said Section 34, running thence South along the east line of said section, 621 feet, thence North 59°27' West 504.4 feet, thence North 35°33' West 454.0 feet, more or less, to the north line of said Section 34, thence East along the said north line 699 feet, more or less, to the place of beginning, situate in Township 1 South, Range 21 East of the Boise Meridian.

Together with all water and water-rights, ditch and ditch rights, appurtenant thereto, or in anyway appertaining.

Together with Taylor Grazing Privileges as follows: For 50 cattle in the Laidlaw Park area and 75 cattle in the Dry Creek and Muldoon areas.

with all appurtenances.

Excluding from the foregoing that portion of the W $\frac{1}{2}$ NW $\frac{1}{4}$, Section 35, T.1 S., R. 21 E., B.M., Blaine County, Idaho, known as Tax Lot 7706 and Tax Lot 7707, described in the Blaine County, Idaho Assessor's List of Tax Numbers as follows:

T.L. 7706: Commencing at the Northwest corner of said Section 35;
Thence S. 25 feet to the TRUE POINT OF BEGINNING;
Thence E. 200 feet to a point;
Thence S. 160 feet to a point;
Thence W. 200 feet to a point;
Thence N. 160 feet to the TRUE POINT OF BEGINNING.

T.L. 7707 Commencing at the Northwest corner of said Section 35;
Thence S. 185 feet to the POINT OF BEGINNING;
Thence E. 200 feet to a point;
Thence S. 220 feet to a point;
Thence W. 200 feet to a point;
Thence N. 220 feet to the POINT OF BEGINNING.

TO HAVE AND TO HOLD the premises, with their appurtenances, unto the Grantee and her successors and assigns forever.

EXECUTED this 14 day of June, 2004.

GRANTOR:

Mildred F. Barton
Mildred F. Barton

STATE OF IDAHO)
County of Blaine) ss.

On this 14 day of JUNE, 2004, before me, the undersigned, a Notary Public in and for said State, personally appeared Mildred F. Barton, known or identified to me to be the persons who executed the foregoing instrument, and acknowledged to me that she executed the same.

IN WITNESS WHEREOF, I have hereunto set my and affixed my official seal, the day and year first above written.

Marsha Rieman
NOTARY PUBLIC FOR IDAHO
Residing at: Heiler
My Commission Expires: 1/30/2009



Instrument # 505720
 HAILEY, BLAINE, IDAHO
 2004-06-28 11:25:00 No. of Pages: 2
 Recorded for: MILDRED BARTON
 MARSHA RIEMANN Fee: 6.00
 Ex-Officio Recorder Deputy
 Under the CORRECTION DEED

mfp

**CORRECTION DEED OF DISTRIBUTION
 BY PERSONAL REPRESENTATIVE**

THIS CORRECTION DEED, made by Mildred F. Barton, as personal representative of the estate of Boyd K. Barton, deceased, Grantor, to Mildred F. Barton, as Trustee of the Boyd and Mildred Barton Family Trust under trust agreement dated October 28, 1998, Grantee, whose current address is 033 Barton Road, Carey, Idaho 83320, is made to correct that Deed of Distribution by Personal Representative recorded on June 14, 2004, as Instrument # 505065 in the records of Blaine County, Idaho.

WHEREAS, Grantor is the qualified personal representative of said estate, filed as Case No. CV-04-212, in Blaine County, Idaho;

WHEREAS, Grantee is entitled to distribution of the hereinafter described real property;

THEREFORE, for valuable consideration received, Grantor quitclaims, transfers, and conveys to Grantee the following described real property in Blaine County, Idaho:

PARCEL A:

The NW¼, the west half of the northeast quarter, the northwest quarter of the southeast quarter, the northeast quarter of the southwest quarter (except a fractional part lying in the southwest corner of the northeast quarter of the southwest quarter, more particularly described as that part of the NE of the SW lying south of the Blackfoot road being a road maintained as a county road and containing approximately twelve acres). All of the above in section 10, Township 1, South Range 21 east.

15 21E Sec 10

NW
 NE
 SE
 SW

The east half of the northeast quarter, the northwest quarter of the northeast quarter and a fractional part of the southwest quarter of the northeast quarter of Section 9 Township 1 south, Range 21 east. The fractional part more particularly described as follows: all of the southwest quarter of the northeast quarter of section 9 aforesaid, lying north of the right of way of the old Blackfoot road, which said road is now maintained as a county road, and which crosses said SW¼ of the NE¼ in an easterly westerly direction. The point of intersection of said right of way and the west line of said SW¼ NE¼ being approximately thirty feet southerly of the northwest corner of the SW¼ of the NE¼ and the point of intersection of said right of way and the east line of the said SW¼ of the NE¼ being approximately 590 feet southerly of the northeast corner of the SW¼ of the NE¼ (and the said road crossing the SW¼ of the NE¼) between two points of intersection.

15 21E Sec 9

E½ NE
 NW NE
 SW NE

EXHIBIT G

SCANNED
 10/14/2004

The east one half of the southwest quarter, the west half of the southeast quarter, the southwest quarter of the northeast quarter, the southeast quarter of the northwest quarter Section 34 Township 1 north Range 21 east. Lots 2, 3, SW $\frac{1}{4}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 3 Township 1 South Range 21 east

with all appurtenances.

PARCEL B:

Township 1 South, Range 21 East of the Boise Meridian

Sec. 4 SW $\frac{1}{4}$ SE $\frac{1}{4}$

ALL IN BLAINE COUNTY, STATE OF IDAHO

with all appurtenances.

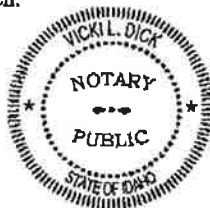
EXECUTED this 28 day of June, 2004.

Mildred F. Barton
Mildred F. Barton
Personal Representative of the estate of
Boyd K. Barton, deceased.

STATE OF IDAHO)
 : ss
County of Blaine)

On this 28 day of June, 2004, before me, the undersigned, a notary public in and for said state, personally appeared, Mildred F. Barton, known or identified to me to be the person whose name is subscribed to the within instrument, as Personal Representative of the Estate of Boyd K. Barton, deceased, and acknowledged to me that she executed the same as such Personal Representative.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year first above written.



Vicki L. Dick
Notary Public for Idaho
Residing at Harley
My commission expires: 2-27-2010

1N 21E Sec 34
E $\frac{1}{2}$ SW
W $\frac{1}{2}$ SE
SW NE
SE NW

1S 21E Sec 3
Lot 2
Lot 3
SW SE
SE SW
SW SW

1S 21E Sec 4
SW SE

Instrument # 505721

HAILEY, BLAINE, IDAHO

2004-06-28

11:25:00 No. of Pages: 2

Recorded for: MILDRED BARTON

MARSHA RIEMANN

Fee: 6.00

Ex-Officio Recorder Deputy

Index to: CORRECTION DEED

4m28

CORRECTION QUITCLAIM DEED

CORRECTION DEED, made to correct that Quit Claim Deed recorded on June 14, 2004, as Instrument # 505066 in the records of Blaine County, Idaho. FOR VALUE RECEIVED, MILDRED F. BARTON, an unmarried individual, the Grantor, does hereby quitclaim, transfer and convey to MILDRED F. BARTON, as Trustee, of the Boyd and Mildred Barton Family Trust under Trust Agreement dated October 28, 1998, the Grantee, whose address is 033 Barton Road, Carey, Idaho 83320, the following described real property situate in Blaine County, Idaho:

PARCEL A:

The NW¼, the west half of the northeast quarter, the northwest quarter of the southeast quarter, the northeast quarter of the southwest quarter (except a fractional part lying in the southwest corner of the northeast quarter of the southwest quarter, more particularly described as that part of the NE of the SW lying south of the Blackfoot road being a road maintained as a county road and containing approximately twelve acres). All of the above in section 10, Township 1, South Range 21 east.

The east half of the northeast quarter, the northwest quarter of the northeast quarter and a fractional part of the southwest quarter of the northeast quarter of Section 9 Township 1 south, Range 21 east. The fractional part more particularly described as follows; all of the southwest quarter of the northeast quarter of section 9 aforesaid, lying north of the right of way of the old Blackfoot road, which said road is now maintained as a county road, and which crosses said SW¼ of the NE¼ in an easterly westerly direction. The point of intersection of said right of way and the west line of said SW¼ NE¼ being approximately thirty feet southerly of the northwest corner of the SW¼ of the NE¼ and the point of intersection of said right of way and the east line of the said SW¼ of the NE¼ being approximately 590 feet southerly of the northeast corner of the SW¼ of the NE¼ (and the said road crossing the SW¼ of the NE¼) between two points of intersection.

The east one half of the southwest quarter, the west half of the southeast quarter, the southwest quarter of the northeast quarter, the southeast quarter of the northwest quarter Section 34 Township 1 north Range 21 east. Lots 2, 3, SW¼ SE¼, SE¼ SW¼, SW¼ SW¼, Section 3 Township 1 South Range 21 east

with all appurtenances.

CORRECTION QUITCLAIM DEED - 1

moe <1413.001> correctionqcdeed2.wpd 062304

EXHIBIT H

Township 1 South, Range 21 East of the Boise Meridian

Sec. 4 SW $\frac{1}{4}$ SE $\frac{1}{4}$

ALL IN BLAINE COUNTY, STATE OF IDAHO

with all appurtenances.

TO HAVE AND TO HOLD the premises, with their appurtenances, unto the Grantee and her successors and assigns forever.

EXECUTED this 28 day of June, 2004.

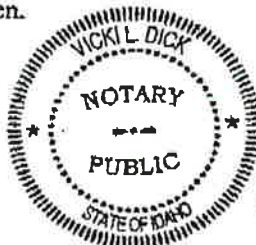
GRANTOR:

Mildred F. Barton
Mildred F. Barton

STATE OF IDAHO)
County of Blaine) ss.

On this 28 day of June, 2004, before me, the undersigned, a Notary Public in and for said State, personally appeared Mildred F. Barton, known or identified to me to be the persons who executed the foregoing instrument, and acknowledged to me that she executed the same.

IN WITNESS WHEREOF, I have hereunto set my and affixed my official seal, the day and year first above written.



Vicki L. Dick
NOTARY PUBLIC FOR IDAHO
Residing at: Holmes
My Commission Expires: 2-27-2010

CORRECTION QUITCLAIM DEED - 2

moe <1413.001> correctionqcdeed2.wpd 062304

STAMPED
100-1-101

PERRY LAW, P.C.

The Henry Rust Building
2627 West Idaho Street
Post Office Box 637
Boise, Idaho 83701
Telephone: (208) 338-1001
Facsimile: (208) 338-8400
E-mail: info@perrylawpc.com

Mark B. Perry
Trevor L. Hart
Jared W. Sommer

of counsel
Maurice O. Ellsworth
J. Michael Kulchak

With Attorneys Licensed to Practice
in Idaho, Arizona, and Nevada

October 7, 2004

Idaho Department of Water Resources
Southern Region
1341 Fillmore Street, Suite 200
Twin Falls, Idaho 83301-3380

RECEIVED
OCT 08 2004
Department of Water Resources
Southern Region

**Re: Water Rights, transfer to Trust, Estate of Boyd K. Barton
PLPC File No. 1413.001**

Dear Gentlemen and Ladies:

Enclosed is a Department of Water Resources form to change the ownership of water rights and claims appurtenant to property owned by Boyd and Mildred Barton of Carey, Idaho to their trust. Also enclosed are a check for filing fees in the amount of fifty dollars (\$50.00) for the transfer of the two water rights along with copies of the following deeds as recorded in Blaine County:

- Exhibit A. 6/14/04 Deed of Distribution by Personal Representative recorded as Instrument #505065.
- Exhibit B. 6/14/04 Quitclaim Deed by Mildred F. Barton recorded as Instrument #505066.
- Exhibit C. 6/14/04 Deed of Distribution by Personal Representative recorded as Instrument #505067.
- Exhibit D. 6/14/04 Quitclaim Deed by Mildred F. Barton recorded as Instrument #505068.
- Exhibit E. 6/14/04 Deed of Distribution by Personal Representative recorded as Instrument #505069.
- Exhibit F. 6/14/04 Quitclaim Deed by Mildred F. Barton recorded as Instrument #505070.
- Exhibit G. 6/28/04 Correction Deed of Distribution by Personal Representative recorded as Instrument #505720 (correcting a property description error in #505065 above).
- Exhibit H. 6/28/04 Correction Quitclaim Deed by Mildred F. Barton recorded as Instrument #505721 (correcting a property description error in #505066 above).

Boyd K. Barton died February 26, 2003 and Mildred F. Barton was appointed personal representative of his estate on March 5, 2004. Boyd's will directed that his property be transferred to the Boyd and Mildred Barton Family Trust under a Trust Agreement dated October 28, 1998. That transfer was accomplished by the deeds of distribution by personal representative and a correction deed of distribution by personal representative listed above. At the same time Mildred F. Barton transferred her interest in the property to the same trust by the quit claim deeds and a correction quit claim deed listed above. Based on telephone conversations with individuals in your office and the Boise office I understand that copies of plats, survey maps or aerial photos are not required in instances, such as this, where the transfer is merely to a trust of whom the transferor is the beneficiary pursuant to administration of a decedent's estate.

Please call if you have any questions or need additional information.

Very truly yours,

A handwritten signature in black ink, appearing to read "Maurice O. Ellsworth", with a long horizontal flourish extending to the right.

Maurice O. Ellsworth

enclosures as indicated

cc: Mildred F. Barton

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: A37-01138
Date Received: 10/20/1988
Receipt No: 1001673
Received By: AD

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: BOYD BARTON 208-823-4419
Address: P.O. BOX 91
CAREY, ID 83320

AND/OR
Name: MILDRED BARTON 208-823-4419
Address: P.O. BOX 91
CAREY, ID 83320

2. Date of Priority: MAY 01, 1910

3. Source: LITTLE WOOD RIVER Trib. to: MALAD RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
01N	21E	30	NW	SW	SE		BLAINE
01S	21E	5	SE	NE	SW	R	BLAINE

5. Description of diverting works:
VIA EAST CANAL TO DITCH TO PUMP SYSTEM

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	4.000		

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

8. Total consumptive use is 981.0 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

A37-01138

Page 1

Date: 10/20/88

MICROFILMED

FEB 23 1993

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
01S	21E	4	SW	SE		IRR	6.0
						Section Acres	6.0
		9	NE	NE		IRR	12.0
			NW	NE		IRR	25.9
			SW	NE		IRR	20.6
			SE	NE		IRR	32.2
			NE	NW		IRR	40.0
			SE	NW		IRR	27.6
			NE	SE		IRR	8.6
			NW	SE		IRR	40.0
						Section Acres	206.9
		10	NE	NW		IRR	30.0
			NW	NW		IRR	40.0
			SW	NW		IRR	31.7
			SE	NW		IRR	14.0
			NE	SW		IRR	35.0
			NW	SW		IRR	20.8
			NW	SE		IRR	8.0
						Section Acres	179.5
						Total Acres	392.4

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:

A37-00197C, A37-00199B, A37-01138 & SHARES LWCC & LWID

14. Remarks:

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date:

MC CARTER, ET. AL.

Decree Plaintiff

vs

CAMERON

Decree Defendant

A37-01138

Page

2

Date: 10/20/88

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

Number of attachments: See Map A37-00197C

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): Lloyd Dutton Date: 10-20-88

Date: _____

State of Idaho)
County of Blaine) SS.

Subscribed and sworn (or affirmed) before me this 20th day
of Oct. 19 88

Chas. J. Merritt
Notary Public

Seal

Residing at Kimberly, Id.
My Commission Expires 6/30/92



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street, P.O. Box 83720, Boise, ID 83720-0098

Phone: (208) 287-4800 Fax: (208) 287-6700 Web Site: www.idwr.idaho.gov.

JUNE 10, 2005

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

JIM BARTON
BARTON RD
CAREY ID 83320

RE: REQUEST FOR 2ND COPY OF REPORTS

Dear Mr. Barton,

You called and requested a second copy of the rights sent out for claims 37-197C, 37-199B & 37-1138. Enclosed are those copies for you review.

If you have further questions on this water right, please feel free to call me at our office.

Sincerely,

A handwritten signature in black ink, appearing to read 'Steve Clelland', with a large, stylized loop at the end.

STEVE CLELLAND
Sr. Water Resource Agent

ENC:

06/10/2004

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

RIGHT NUMBER: 37-1138
NAME AND ADDRESS: MILDRED BARTON
PO BOX 91
CAREY ID 83320

BOYD BARTON
PO BOX 91
CAREY ID 83320

SOURCE: LITTLE WOOD RIVER TRIBUTARY: MALAD RIVER
QUANTITY: 4.000 CFS
PRIORITY DATE: 05/01/1910
POINT OF DIVERSION:

T01N R21E S30 NWSWSE 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	4.000 CFS

PLACE OF USE: IRRIGATION Within BLAINE County

T01S R21E S03	SWSW	0.9	T01S R21E S04	SWSE	5.0
T01S R21E S09	NENE	15.0	T01S R21E S09	NWNE	40.0
T01S R21E S09	SWNE	13.0	T01S R21E S09	SENE	25.0
T01S R21E S09	NENW	40.0	T01S R21E S09	SENW	29.0
T01S R21E S09	NESE	7.8	T01S R21E S09	NWSE	40.0
T01S R21E S10	NENW	18.0	T01S R21E S10	NWNW	36.0
T01S R21E S10	SWNW	38.0	T01S R21E S10	SENW	15.0
T01S R21E S10	NESW	26.0	T01S R21E S10	NWSW	14.0
T01S R21E S10	NWSE	3.7			

366.4 ACRES TOTAL

USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 160 ACRES IN A SINGLE
IRRIGATION SEASON. COMBINED RIGHT NOS.: 37-199B & 37-197C.

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: Decreed

06/10/2004

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

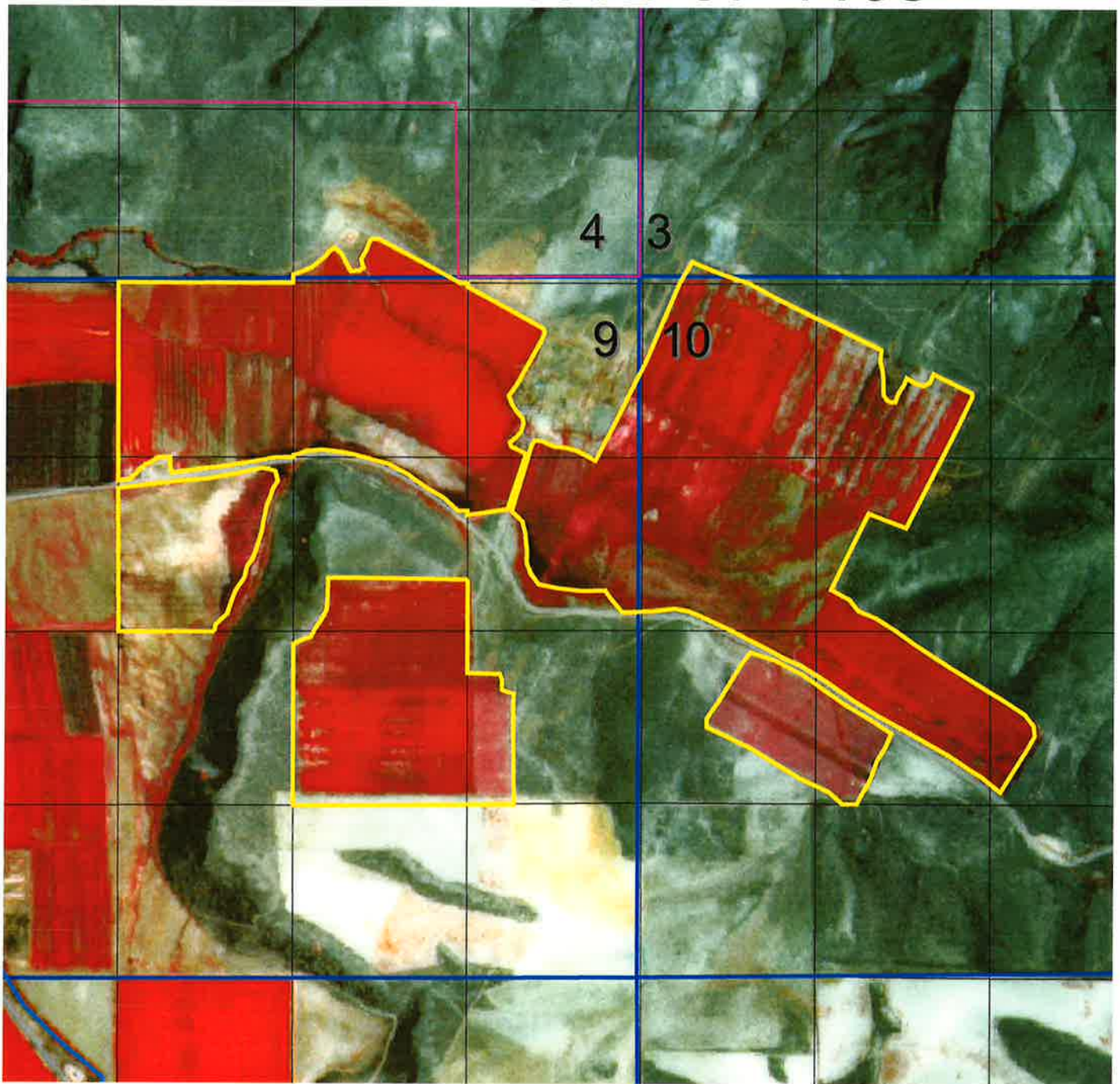
RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT
TO SECTION 42-1425, IDAHO CODE.

WATER IS DELIVERED THROUGH EAST CANAL.

USE OF THIS RIGHT IS COMBINED WITH WATER FROM LITTLE WOOD RIVER
IRRIGATION DIST.

IDAHO DEPT OF WATER RESOURCES

37-197C 37-199B 37-1138



1320 0 1320 Feet

-  Basin 37 part 1-POU
-  Basin 37 part 1-POD
-  Ownership FED-Private
-  Streams
-  Section Lines
-  Quarter - Quarter lines

TWN: 1S
RNG: 21E
SEC. 3, 4, 9 & 10



GIS Place of Use Presentation
NAPP Aerial Photo 1987/1988
By Steve Clelland

Date: JUNE 11, 2004

37-197C

(BARTON)

2/27/04
SCC

37-199B

37-1138

POU: GIS Acres = 365.4 ac.

Claim = 392.4

decree rights overlap w/ LWID water. (512)

POD: EAST CANAL

Splits on -197 and -199 do not appear to be fully claimed (see WR proofs)

6/10/04
SCC

Claimant ~~does not~~ ^{SENU} owns decree land under (overlaps w/-1138)
right 37-197... ~~must prove ownership.~~

Claimant owns all 160 Acres of right 37-1138.

Claimant owns $\frac{1}{3}$ or 40 acres under 37-199 = 0.69 cfs
(- overlaps w/ 37-1138)

* Best approach is to allow a PDU across the pore.
- Combined Acre limits will apply

-199B	40 AC	} 160 AC. Limit
-197C	40 AC	
-1138	160 AC	

Q: reduce -197C to 0.32 cfs pro rata share.
reduce -199B to 0.69 cfs " " "

**IDWR, Southern
Region**

Fax

To: Robert Struthers

From: Steve Clelland *SC*

Fax: 208-788-2375

Date: September 22, 2000

Phone: 208-720-4920

Pages: 9 + cover

Re: Fax info

CC:

☐ **Urgent**

☐ **For Review**

Please Comment

☐ **Please Reply**

☐ **Please Recycle**

•Comments:

Rob, Here are the results of the query on the legals you gave to me earlier. I searched both the Adjudication records and the Water Right records and here is a breakdown of the ones you received.

37-1138, 37-00197C & 37-00199B are all AJ claim records.

37-12278 & 37-11878 are both Director's Reports to the SRBA court for D & S claims; soon to be Partially Decreed by the court.

37-00198 & 37-1136 are the WR records for the legals given.

Legals you gave me to query: T1N, R21E, S34 & T1S, R21E, S09 & 10.

I only pulled the AJ rights in the name of Jim or Boyd Barton.

09/22 09:15
912087882375-540044
00:02:15
10
OK
STANDARD
ECM

DATE, TIME
FAX NO./NAME
DURATION
PAGE(S)
RESULT
MODE

TIME : 09/22/2000 09:17
NAME : IDWR SOUTHERN REGION
FAX : 2087363037
TEL : 2087363033

TRANSMISSION VERIFICATION REPORT

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 37-1138

WATER RIGHT NUMBER: 37-1138

Owner Type Name and Address
 Current Owner O L JUSTESEN
 , ZZ

Priority Date: 05/01/1910

Basis: Decreed

Status: Active

Source Tributary
 LITTLE WOOD RIVER MALAD RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	/ to /	4.000 CFS	
	<u>Total Diversion:</u>	4.000 CFS	

Location of Point(s) of Diversion
 LITTLE WOOD RIVER

Place of Use
 IRRIGATION

Twp	Rge	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
01S	21E	9			X		X			X				X	

Conditions of Approval:

claimed acres all owned

Remarks:

2 160 Acres

Comments:

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report 37-1138