

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 37-21581
Date Received: 10/3/2005
Receipt No:
Received By:

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

1. Name of Claimant(s)

IRENE FAYE BARKER Phone: (208)788-2755
PO BOX 284
BELLEVUE ID 83313

EARNEST PATRICK BARKER Phone: (208)788-2755
PO BOX 284
BELLEVUE ID 83313

2. Date of Priority: 08/01/1882

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

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
02N	18E	36	SW NW	BLAINE	
02N	18E	16	SW NE	BLAINE	

5. Description of diverting works:

BIG WOOD RIVER CANAL, DITCH, HEADGATE

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	05/01	10/01	0.1	

7. Total Quantity Appropriated is:
0.1 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
01N	19E	6	SW SW	7	IRRIGATION	5
					Section Acres	5
					Total Acres	5

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:

This right is a split from former right 37-481A.

This right is a split from former right 37-21340 .

Property is also known as Lot 1, Barker Subdivision.

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 5, 2005

E PATRICK BARKER
IRENE BARKER
PO BOX 284
BELLEVUE ID 83313

RE: SRBA Claim(s) 37-21340, 37-21342, 37-21344,
37-21346

Dear Claimants:

Pursuant to the notification that you own a portion of the property to which the above referenced adjudication claims are appurtenant, the department has split the original claims. Your portions have been numbered 37-21581, 37-21584, 37-21587 and 37-21590.

Enclosed please find your copies of the computer-generated claims. Review these documents and should you have any questions or corrections, please contact this office.

Sincerely,

Trish Fawcett
Technical Records Specialist

Enc.

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

RECEIVED
SEP 29 2005
 Department 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, 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
	37-21340	X			
	37-21346	X			
	37-21342	X			
	37-21344	X			

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) are 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)

ESTATE of EVALYN V. BARKER Bellevue Id
C/O E. PATRICK BARKER PO Box 284 83313

4. New Owner/Claimant(s)

E. PATRICK + Irene Faye BARKER

Name Connector (Check one): ☐ and, ☐ or, ☐ and/or

New Mailing Address

Box 284 Bellevue Id 83313 PA

City, State and ZIP Code

New Telephone Number

(208) 788-2755

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.

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	_____	5 ACRES LOT 1 BARKER SUBDIVISION
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) E Patrick Barker
(include title if applicable) Shane Lyle Barker

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 _____

Filed for record at the request of S. B. Smith at 9:25 o'clock A. M., May 10, 1968.

George F. McCoy, Ex-Officio Recorder

By Hazel Barber, Deputy

No. 129690

WARRANTY DEED (IDAHO)

CURTIS D. BARKER ET UX TO EARNEST P. BARKER ET AL

KNOW ALL MEN BY THESE PRESENTS, That CURTIS D. BARKER and GLADYS R. BARKER, his wife, of Bellevue, of the County of Blaine, State of Idaho, parties of the first part, for and in consideration of the sum of TEN AND NO/100 Dollars (\$10.00), in lawful money of the United States of America, and other valuable consideration to them in hand paid by EARNEST P. BARKER and IRENE F. BARKER, his wife, of Bellevue, Blaine County, Idaho, hereinafter called party of the second part, do hereby GRANT, BARGAIN, SELL and CONVEY unto the party of the second part, as a community property estate, and to the heirs and assigns of the second party, all of the following-described property situate, lying and being in the Counties of Blaine and Butte, State of Idaho, to wit:

ALL OF FIRST PARTIES' UNDIVIDED ONE-HALF INTEREST IN AND TO:

PARCEL 1: The NW $\frac{1}{4}$, the NE $\frac{1}{4}$ SW $\frac{1}{4}$, the SW $\frac{1}{4}$ NE $\frac{1}{4}$ and the NW $\frac{1}{4}$ SE $\frac{1}{4}$, all in SECTION 34, Township 2 North, Range 26 East of the Boise Meridian, Butte County, Idaho.

PARCEL 2: Lots 1, 2 and 4 and the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of SECTION 1; Lots 1 and 2 and the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of SECTION 2, Township 1 North, Range 26 East of the Boise Meridian; Lot 4 of SECTION 6, Township 1 North, Range 27 East of the Boise Meridian; The NE $\frac{1}{4}$ SE $\frac{1}{4}$ of SECTION 32, the S $\frac{1}{2}$ and the S $\frac{1}{4}$ of SECTION 33, and the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of SECTION 34, Township 2 North, Range 26 East of the Boise Meridian, Butte County, Idaho.

PARCEL 3: The S $\frac{1}{2}$ SW $\frac{1}{4}$ and the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of SECTION 3, Lot 7 in SECTION 4, Lot 1 in SECTION 9, the NW $\frac{1}{4}$, the NE $\frac{1}{4}$ SW $\frac{1}{4}$ and the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of SECTION 10, the W $\frac{1}{2}$ SW $\frac{1}{4}$ of SECTION 13, the NW $\frac{1}{4}$, the E $\frac{1}{2}$ NE $\frac{1}{4}$, the NW $\frac{1}{4}$ NE $\frac{1}{4}$, the S $\frac{1}{4}$ SW $\frac{1}{4}$, the S $\frac{1}{4}$ SE $\frac{1}{4}$ and the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of SECTION 14, the NE $\frac{1}{4}$ and the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of SECTION 15, and the NW $\frac{1}{4}$ NE $\frac{1}{4}$, the NE $\frac{1}{4}$ SW $\frac{1}{4}$ and the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of SECTION 23, all in Township 2 North, Range 24 East of the Boise Meridian, Butte County, Idaho.

PARCEL 4: All of Lot 6 except the Railroad Right-of-way known as Tax Lot 130; All of Lot 7 except the Railroad Right-of-way known as Tax Lot 131; the E $\frac{1}{2}$ SW $\frac{1}{4}$ and the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of SECTION 6; and the NW $\frac{1}{4}$ NE $\frac{1}{4}$, the S $\frac{1}{4}$ NE $\frac{1}{4}$, the NE $\frac{1}{4}$ SE $\frac{1}{4}$, that part of the NE $\frac{1}{4}$ SW $\frac{1}{4}$ lying Easterly of the Railroad Right-of-way known as Tax Lot 133, that part of the SE $\frac{1}{4}$ SW $\frac{1}{4}$ lying Easterly of the Railroad Right-of-way, known as Tax Lot 135, and that part of the NW $\frac{1}{4}$ SE $\frac{1}{4}$ lying Easterly of the Railroad Right-of-way, known as Tax Lot 137 of SECTION 7, in Township 1 North, Range 19 East of the Boise Meridian, Blaine County, Idaho.

* * * * *

Together with all water and water rights, ditches and ditch rights, used thereon or appurtenant thereto, including but not limited to, 166.7 inches of water under a decreed water right of Wood River dated August 1, 1882; 120.8 inches of water under a decreed water right of Wood River with priority date of March 24, 1883; 166.6 inches of water under a decreed water right of Wood River with priority date of August 1, 1894; 833.3 inches of water under a decreed water right of Wood River with priority date of August 1, 1909, delivered through the Wood River Valley Irrigation District; and all rights, title and interest in and to a well operating under Application No. G 3639, Permit No. G 28418.

Also together with all irrigation equipment of every kind and character now owned in whole or in part and used by the parties of the first part in the irrigation of the above premises, including but not limited to pumps, casing, pipe, motors, electrical panels and sprinkler systems and accessories to each.

Subject to exceptions and reservations contained in patents from the United States.

Subject to existing easements for roads, highways, ditches, canals, laterals and power and transmission lines.

Subject to the \$50,000.00 Mortgage Deed dated April 14, 1960, executed by "122" Ranch, Inc., a corp., in favor of The Connecticut Mutual Life Insurance Company, corpo., recorded on May 16, 1960, in Book 13 of Mortgages at page 58, records of Butte County, Idaho, and on May 16, 1960, in Book 174 of Mortgages at page 448, records of Blaine County, Idaho.

Subject to the \$19,540.00 real estate mortgage dated December 7, 1962, executed by Curtis J. Barker and Evalyn V. Barker, his wife, and by Curtis D. Barker and Gladys R. Barker, his wife, in favor of the United States of America, acting through the Farmers Home Administration, recorded December 7, 1962, in Book 177 of Mortgages at Page 437, records of Blaine County, Idaho, and recorded December 7, 1962, in Book 14 of Mortgages at Page 310, Instrument No. 44284, records of Butte County, Idaho.

Subject to the \$19,540.00 real estate mortgage dated December 7, 1962, executed by Curtis D. Barker and Gladys R. Barker, his wife, and by Curtis J. Barker and Evalyn V. Barker, his wife, in favor of the United States of America, acting through the Farmers Home Administration, recorded December 7, 1962, in Book 177 of Mortgages at Page 432, records of Blaine County, Idaho, and recorded December 7, 1962, in Book 14 of Mortgages at Page 303, Instrument No. 44283, records of Butte County, Idaho, which mortgage and the debt secured thereby Earnest P. Barker and Irene F. Barker, his wife, have by a separate instrument in writing assumed and agreed to pay.

Together with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining and all improvements, water and water rights appurtenant thereto or reasonably necessary to the use of the real property, and the rents, issues and profits thereof.

TO HAVE AND TO HOLD the said premises together with the appurtenances thereto unto the party of the second part, as community property, and to the heirs and assigns of the second party forever.

The parties of the first part, for themselves, and for their heirs, executors and administrators, do hereby covenant to and with the party of the second part, and with the heirs and assigns of second party, that they are lawfully seized in fee simple of said premises, that they are free from all encumbrances, and that they will and their heirs, executors and administrators shall warrant and forever defend the title thereto against all lawful claims and demands whatsoever.

IN WITNESS WHEREOF, the said parties of the first part have hereunto set their hand(s) and seal(s) this 9th day of May, 1968.

Witnesses:

Curtis D. Barker (Seal)
CURTIS D. BARKER (Husband)

Gladys R. Barker (Seal)
GLADYS R. BARKER (Wife)

ACKNOWLEDGMENT

STATE OF IDAHO)
COUNTY OF BLAINE) ss:

On this 9th day of May, 1968, before me, a Notary Public in and for said County and State, personally appeared CURTIS D. BARKER and GLADYS R. BARKER, his wife, to me known to be the identical individual(s) described in and who executed the within and foregoing instrument and whose name(s) are subscribed thereto, and acknowledged to me that they signed, sealed and executed the same as their free and voluntary act and deed, for the uses and purposes therein mentioned.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal the day and year last above mentioned.

(SEAL)

Frank R. Dallas
Notary Public in and for the State of Idaho
Residing at Shoshone
My commission expires: 4-10-72

Filed for record at the request of Farmers Home Administration at 10:45 o'clock A. M., May 10, 1968.

George F. McCoy, Ex-Officio Recorder
By Hazel Barber, Deputy

WARRANTY DEED

For Value Received

CURTIS J. BARKER and EVALYN V. BARKER, husband and wife

Hereinafter called the grantor, hereby grants, bargains, sells and conveys unto

ERNEST P. BARKER and IRENE F. BARKER, husband and wife

whose address is: *Box 284 Bellevue Idaho 83313*

Hereinafter called the grantee, the following described premises, in *Blaine* County, Idaho, to-wit:

An undivided one-half interest, being all of the Grantors interest in and to the following described property:

Township 1 North, Range 19 E., B.M., Blaine County, Idaho

Section 6: A parcel of land in the SW $\frac{1}{4}$, more particularly described as follows:

COMMENCING at an iron pin marking the Southwest corner of said Section 6, which point is also the REAL POINT OF BEGINNING;
THENCE S. 89°58'18" E., 1,021.09 feet to an iron pin on the Southwesterly edge of State Highway No. 23;
THENCE N. 31°10'34" W., 267.15 feet along said Southwesterly edge of said Highway;
THENCE N. 89°58'18" W., 885.26 feet to the Westerly boundary of said Section 6;
THENCE S. 0°37'05" E., 228.51 feet along the West Boundary of said Section 6 to the point of beginning.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee and to the Grantee's heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that they are free from all incumbrances except as described above and that Grantor will warrant and defend the same from all lawful claims whatsoever.

Dated: November 15, 1977

Curtis J. Barker
Curtis J. Barker

Evalyn V. Barker
Evalyn V. Barker

STATE OF Idaho, COUNTY OF *Blaine*
On this *22nd* day of *July* 19 *78*
before me, a notary public in and for said State, personally appeared

Curtis J. Barker and Evalyn V. Barker, husband and wife

known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

Notary Public
Residing at *Bellevue, Idaho*
Comm. Expires *10/14/78*

STATE OF IDAHO, COUNTY OF *Blaine*
I hereby certify that this instrument was filed for record at the request of *Ernest Barker*

at *40* minutes past *11:00* o'clock *A* m.,
this *2* day of *July*,
19 *78* in my office, and duly recorded in Book of Deeds at page

MARIE IVIE LILYA

Ex-Officio Recorder

By *Hazel Barker* Deputy.
Fees \$ *1.00*
Mail to: *512*

A PLAT SHOWING BARKER SUBDIVISION

LOCATED WITHIN
SW 1/4 SECTION 6, T11 N., R19 E., S.M., BLAINE COUNTY, IDAHO

JUNE 1998



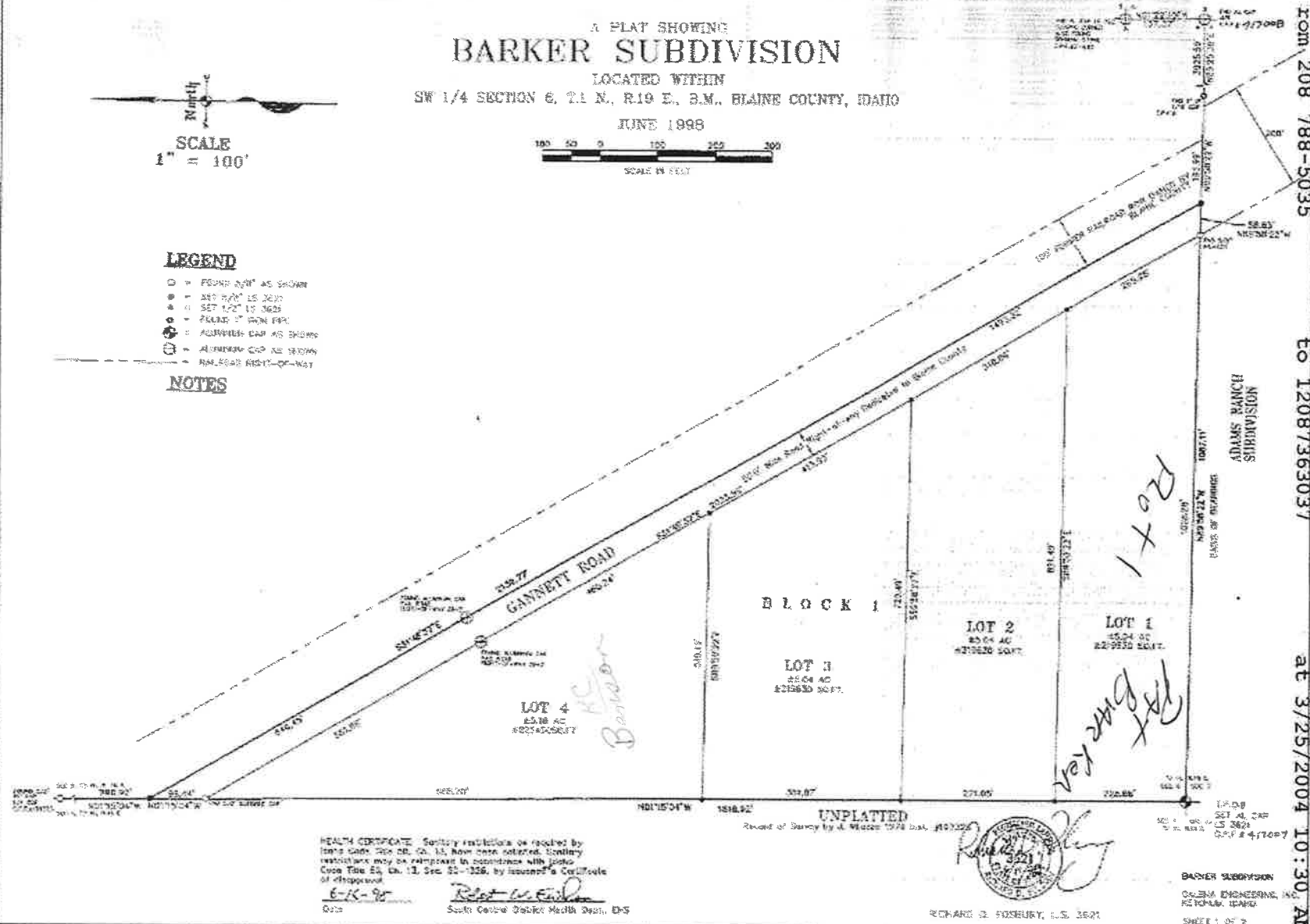
SCALE
1" = 100'



LEGEND

- = FOUND NAIL AS SHOWN
- = SET 1/4" IS 300'
- = SET 1/2" IS 300'
- = FOUND 1" FROM 100'
- = ALUMINUM CAP AS SHOWN
- = ALUMINUM CAP AS SHOWN
- = RAILROAD RIGHT-OF-WAY

NOTES



HEALTH CERTIFICATE: Sanitary restrictions as required by
Iowa Code, Sec. 20, Ch. 13, have been satisfied. Sanitary
restrictions may be reimposed in accordance with Iowa
Code Title 50, Ch. 13, Sec. 20-1326, by issuance of a Certificate
of Disapproval.

6-18-98
Date

Robert W. Enloe
South Central District Health Dept., D-5

UNPLATTED
Record of Survey by A. Wilson 1978, plat #10322

ROBERT J. FOSBURY, L.S. 3621

BARKER SUBDIVISION
COLUMBIA ENGINEERING, INC.
2220 PARK BLVD.
SHEET 1 OF 2

July 14, 1998

COM 208 788-5035

EO 12087363037

at 3/25/2004 10:30 AM

002/00:

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 37-21340
Date Received: 8/26/2004
Receipt No:
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

ESTATE OF EVALYN V BARKER Phone: (208)788-2755
C/O E PATRICK BARKER
PO BOX 284
BELLEVUE ID 83313

2. Date of Priority: 08/01/1882

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

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
02N	18E	36	SW NW	BLAINE	
02N	18E	16	SW NE	BLAINE	

5. Description of diverting works:

BIG WOOD RIVER CANAL, DITCH, HEADGATE

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	05/01	10/01	0.23	

7. Total Quantity Appropriated is:
0.23 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
01N	19E	6	NW	SW	IRRIGATION	2
			SW	SW	IRRIGATION	10
					Section Acres	12
					Total Acres	12

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:

This right is a split from former right 37-481A.

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

August 26, 2004

ESTATE OF EVALYN V BARKER
C/O E PATRICK BARKER
PO BOX 284
BELLEVUE ID 83313

RE: SRBA Claim(s) 37-481A, 37-482F, 37-483A, 37-11961

Dear Mr. Barker:

Pursuant to the notification that Curtis Darrell Barker owns a portion of the property to which the above referenced adjudication claims are appurtenant, the department has split the original claims. The remaining water rights still owned by the Estate of Evalyn V. Barker have been numbered 37-21340, 37-21342, 37-21344 and 37-21346.

Enclosed please find your copies of the computer-generated claims. Review these documents and should you have any questions or corrections, please contact this office.

Sincerely,

Trish Fawcett
Technical Records Specialist

Enc.

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
37.483A		5/17 th			
37.482F		5/17			
37.11961		5/17			
37.481A		5/17			

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) ESTATE OF EVALYN V. BARKER
4. New Owner/Claimant(s) C/O E. PATRICK BARKER, P.O. BOX 284, BELLEVUE, IDAHO 83313
Curtis Darrell Barker
 Name Connector (Check one): ☐ and, ☐ or, ☐ and/or
- New Mailing Address P.O. Box 163
- City, State and ZIP Code INCOM, Id. 83245
- New Telephone Number 208) 775-3534
5. Date you acquired the property 12-16-1998

RECEIVED

AUG 11 2004

Department of Water Resources
 Southern Region

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) Lawrence D. Barker
(include title if applicable) _____

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 _____ AJ Date _____ WR _____ Date _____

422116

Corr deed

BLAINE CO REQUEST

OE Smith &

Beeks

SEP 18 PM 2 49

MARY CLEEN. CLERK

FEES 4

3.00

CORRECTION DEED OF DISTRIBUTION

THIS DEED is made by E. PATRICK BARKER, as Personal Representative of the Estate of EVALYN V. BARKER, Deceased, Grantor, to CURTIS DARRELL BARKER, Grantee, whose address is PO BOX 163, INKOM ID 83245.

The Grantor is the Personal Representative of the Estate, filed as Case No. SP 98-1696 in BLAINE County, Idaho.

The Grantee is entitled to distribution of the described real property.

In distribution of the decedent's Estate, the Grantor conveys and releases to the Grantee the following described real property:

Lot 2 in Barker Subdivision, Blaine County, Idaho, containing 5.04 acres,

with all appurtenances.

Dated 12-16, 1998.

RECEIVED

AUG 11 2004

Department of Water Resources
Southern Region

E. Patrick Barker
.....
E. PATRICK BARKER
Personal Representative of the
Estate of EVALYN V. BARKER,
Deceased

STATE OF IDAHO)
County of Twin Falls.)

On December, 1998, before me, a Notary Public in and for said State, personally appeared E. PATRICK BARKER, known or identified to me to be the person whose name is subscribed to the within instrument as Personal Representative of the Estate of EVALYN V. BARKER, Deceased, and acknowledged to me that he executed it as Personal Representative of the Estate.

EMILY ROE
★ NOTARY PUBLIC ★
STATE OF IDAHO

Emily Roe
.....
Notary Public for Idaho
Commission Expires: 8/6/99

Smith, Beeks & Hodges
Attorneys At Law
210 Sixth Avenue East
Post Office Box 508
Twin Falls, Idaho 83303-0508

"COPY"

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: **A37-00481A**
Date Received: 10/24/1988
Receipt No: S003191
Received By: _____

**COPY FOR
YOUR FILES**

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

**COPY FOR
YOUR FILES**

1. Name: ESTATE OF EVALYN V BARKER 208-788-2755
Address: C/O E PATRICK BARKER
PO BOX 284
BELLEVUE ID 83313

2. Date of Priority: AUG 1, 1882

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

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
02N	18E	16		SW	NE		BLAINE
		36		SW	NW		BLAINE

5. Description of diverting works:
BIG WOOD RIVER CANAL, DITCH, HEADGATE

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	05/01	10/01	0.320		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
01N	19E	6	NW	SW		IRR	2.0
			SW	SW		IRR	15.0

10. Place of Use: Continued

Section Acres 17.0

Total Acres 17.0

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:
A37-00482F,A37-00483A

14. Remarks:

PORTION OF 37-00481 DECREE. TOTAL CFS DECREED TO FARM=2.44.

1/10/2000 TF; OWNERSHIP CHANGED EVALYN AND CURTIS BARKER TO
ESTATE OF EVALYN BARKER PER 1409(6) AND LETTERS TESTAMENTARY
REC'D 3/31/1999.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: / /

Decree Plaintiff

vs

Decree Defendant

RECEIVED

MAR 31 1999

Department of Water Resources
Southern RegionSTATE OF IDAHO
IDAHO DEPARTMENT OF WATER RESOURCES

NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type. Attach pages with additional information. Instructions are on the back of this page.
Incomplete forms will be returned.

1. Water Right No(s).: 37-11943
Adjudication Claim No(s).: A37-00483A, -00481A, -00482F, -11961
2. The following REQUIRED information must be submitted with this form:
 - A. A copy of the most recent DEED, TITLE POLICY, CONTRACT OF SALE or other legal document indicating your ownership of the property and water rights or claims in question, WITH ATTACHED LEGAL DESCRIPTION.
AND
 - B. PLAT OF PROPERTY or SURVEY MAP for parcel of ten acres or less. (These are usually attached to your deed or on file with the county.)
OR
 - C. For water rights or adjudication claims involving ten or more irrigated acres, a USDA Farm Service Agency AERIAL PHOTO with irrigated acres outlined and point(s) of diversion clearly marked.
3. Name and Address of Former Owner/Claimant _____

4. New Owner/Claimant(s) Ernest Patrick Barker
Name Connector (Check one): ☐ and, ☐ or, ☐ and/or
New Mailing Address Box 284
City, State and ZIP Code Bellevue Id 83313
New Telephone Number (208) 788-2755
5. Date you acquired the property 10-9-1998
6. If you have acquired only a portion of the former owner's property, IDWR may need to split the water right(s) or adjudication claim(s). If this applies, describe in detail your portion of each water right or adjudication claim in the spaces below. If necessary, attach additional pages.
Number of acres you irrigate _____ Number and type of stock _____
Diversion rate in CFS _____ Number of homes _____ Other uses _____
If a water right or adjudication claim is being split and you are not sure how to identify your portion of the original right or claim, please contact the nearest IDWR office for assistance.
7. Signature of New Owner or Claimant(s) Ernest Patrick Barker
(Corporations or other organizations must submit a list of directors and/or officers demonstrating authority to sign form.)
8. For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him or her for all matters related to your claims..

'98 OCT 27 PM 12 23

Paul M. Beeks
SMITH, BEEKS & HODGES, P.L.L.C.
210 Sixth Avenue East
Post Office Box 508
Twin Falls, Idaho 83303-0508
Telephone: 208 733-6684

MARY GREEN
CLERK DISTRICT COURT
BLAINE COUNTY, IDAHO

Attorneys for Personal Representative

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF BLAINE
MAGISTRATE DIVISION

In the Matter of the Estate of:) Case No. SP 98-1696
)
)
EVALYN V. BARKER,) **LETTERS TESTAMENTARY**
)
)
Deceased.)

E. PATRICK BARKER was appointed and qualified as general Personal Representative of the Estate of the decedent on October 27, 1998 by the Court with all authority pertaining thereto. Administration of the Estate is unsupervised.

These Letters are issued to evidence the appointment, qualification, and authority of the Personal Representative.

STATE OF IDAHO }
County of Blaine } ss Dated October 27, 1998.

I do hereby certify that the foregoing is a full, true and correct copy of the original thereof, on file in my office.

IN WITNESS THEREOF, I have hereunto set my hand and affixed by official seal.

this 27 day of Oct 19 98

MARY GREEN
Clerk District Court

Deputy

Robert J. Elgee
.....
ROBERT J. ELGEE
Magistrate

Smith, Beeks & Hodges
Attorneys At Law
210 Sixth Avenue East
Post Office Box 508
Twin Falls, Idaho 83303-0508

CERTIFICATION OF VITAL RECORD

STATE OF IDAHO

IDAHO DEPARTMENT OF HEALTH AND WELFARE
CENTER FOR VITAL STATISTICS AND HEALTH POLICY

CERTIFICATE OF DEATH

DATE FILED: OCTOBER 27, 1998

STATE FILE NUMBER: 98-07046

DECEDENT: EVALYN VIOLET BARKER

DATE OF DEATH: OCT. 09, 1998

PLACE OF DEATH: BOISE, IDAHO

TIME OF DEATH: 11:15 P.M.

DATE OF BIRTH: JUNE 10, 1921

PLACE OF BIRTH: NEBRASKA

AGE: 77 YEARS

SEX: FEMALE

VETERAN? NO

MARITAL STATUS: WIDOWED

SOCIAL SECURITY NUMBER: 518-48-9568

RESIDENCE: BELLEVUE, IDAHO

FATHER: ALVIN R. SHOEMAKER

FATHERS BIRTHPLACE: UNKNOWN

MOTHER (MAIDEN): VIOLET VALENTINE BAILEY

MOTHERS BIRTHPLACE: NEBRASKA

MORTUARY: WOOD RIVER CHAPEL

MORTICIAN: RUSSELL D. MIKEL

HATLEY, IDAHO

DISPOSITION: BURIAL

CERTIFYING CORONER: ERWIN SONNENBERG

AUTOPSY: NO

1. CAUSE OF DEATH, UNDERLYING CAUSE LAST:

INTERVAL

CLOSED HEAD INJURY

2. OTHER CONDITIONS CONTRIBUTING TO DEATH BUT UNRELATED TO ABOVE CAUSES:

NONE LISTED

MANNER OF DEATH: ACCIDENT

DATE OF INJURY: OCTOBER 06, 1998

HOUR OF INJURY: 12:30 P.M.

INJURY AT WORK: NO

HOW INJURY OCCURRED: TREE FELL ONTO SUBJECT'S HEAD

PLACE OF INJURY: MTNS. 8 MI. E OF HWY 75

LOCATION OF INJURY: 4TH JULY CR. RD.

STANLEY, IDAHO

This is a true and correct reproduction of the document officially registered and placed on file with the IDAHO CENTER FOR VITAL STATISTICS AND HEALTH POLICY.

DATE ISSUED: OCTOBER 29, 1998

This copy is not valid unless prepared on engraved border displaying state seal and signature of the Registrar.

JANE S. SMITH
STATE REGISTRAR



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: A37-00481A
Date Received: 10/24/1988
Receipt No: S003191
Received By: SCC

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: CURTIS J. BARKER 208-788-2846
Address: BOX 125
BELLEVUE, ID 83313

AND/OR
Name: EVALYN V. BARKER 208-788-2846
Address: BOX 125
BELLEVUE, ID 83313

2. Date of Priority: AUG 01, 1882

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

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
02N	18E	16	SW	NE			BLAINE
		36	SW	NW			BLAINE

5. Description of diverting works:
BIG WOOD RIVER CANAL, DITCH, HEADGATE

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	05/01	10/01	0.320		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
01N	19E	6	NW	SW		IRR	2.0
			SW	SW		IRR	15.0
					Section Acres		17.0
					Total Acres		17.0

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:
A37-00482F, A37-00483A

14. Remarks:
PORTION OF 37-00481 DECREE. TOTAL CFS DECREED TO FARM=2.44.

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

Decree Plaintiff

VS

Decree Defendant

MICROFILMED
FEB 22 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: 1

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): Evelyn V. Barker Date: 10-24-99
_____ Date: _____

State of Idaho)
County of Twin Falls) SS.

Subscribed and sworn (or affirmed) before me this 24th day
of October 19 88 Roxanne Storey
Notary Public

Seal

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

TIN

27° 30"

4815

T 2 N

T 1 N

BELLEVEUE 0.5 MI.
HARLEY 6 MI.

6

5

Lookout
Mtn

4813

4812

4811

12

BM
5103

Well

5107

5101

5078

Well
50706

5107

PACK 8
TRAIL

13

18

17

BM 5062

25

4810

5070

5046

Well

5033

24

19

20

A37-00481A

T 1 N

MICROFILMED
FEB 22 1983

Water Right No. 37-00482 PartSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

A
A37-00482C
00482D
00482EApplication for Extension of Time to Avoid Forfeiture
of a Water Right

MAR 10 1993

Department of Water Resources

Section 42-222 of the Idaho Code provides that a water right shall be forfeited and the water revert to the state upon the failure of a water user to apply the water to beneficial use for a period of five (5) years. The Director may allow an additional five (5) year period of non-use without forfeiture upon a showing of reasonable cause.

Complete fully the following application and submit it to the Department of Water Resources, Statehouse, Boise, Idaho, 83720, with the statutory fee.

- Name of water right holder Frederick H. Blechmann Trust
Post office address PO Box 184, Sun Valley, ID 83353
- The right was obtained or is evidenced by:
 - Decree to Annie J. Miller Et AL in Case of S.C. Frost Et AL
(Name)
vs. Alturas Water Co. Et AL, Dated 12-13-1909 in Fourth District
(Name of Court)
Court; County of Blaine Lincoln. Fully describe decree _____
 - License No. _____ issued by the Department of Water Resources.
 - Claim No. _____ on file with the Department of Water Resources.
- Source of water Big Wood R. tributary to Mg/ld R.
(Name of stream or source)
- Date of priority of right 8-1-1884
- Amount of water
 - a. 0.50 c.f.s. and/or
 - b. _____ acre feet/annum
- Water is used for Irrig. from 4-15 to 10-15
(Purpose) (Month-Day) (Month-Day)
- Location of point of diversion is SW 1/4 NE 1/4 of Section 16
Township 2N, Range 18E, B.M., in Blaine County;
Additional points of diversion, if any _____
- Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
1N	18E	1	17 1/30			20													50
	19E	6					17 1/30	15 1/40	10										80

Total number of acres irrigated 130MICROFILMED
OCT 24 1994

9. Give last date when water was applied to beneficial use 8-31-92 (low-water year)
Length of extension of time requested 5 years, or until end of irrig. season 1997
(Date)
10. Explain fully your reasons for requesting an extension of time within which to resume the use of your water right and reasons for non-use We are retired, and lease this farm to someone else. We are having difficulty finding someone to farm this place, so need to protect our water rights if non-use becomes necessary.

I hereby assert that no one will be injured by such extension. The information contained in this application is true to the best of my knowledge.

Thomas L. H. (Baldwin)
(Signature of Applicant)

Subscribed and sworn to before me this 9th day of March, 19 93.

Mary G. Baldwin
(Notary Public)

My commission expires 10/16/1998

Residing at Gooding, Id

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined this application for extension of time within which to resume the use of a water right and I hereby _____ said application subject to the following conditions or reasons.

Witness my hand this _____ day of _____, 19 _____.

(Director)

For Department Use Only

Received by JF Stanton Date 3-9-93 Time 10:50 am Preliminary check by MTS
Fee \$ 50.00 Receipted by JF Date 3-9-93 5:15 PM Publication prepared by _____
Published in _____ Dates _____
Publication approved by _____ Date _____ Protests filed by: _____
Copies of protests forwarded by _____ Hearing held by _____ Date _____
Recommended for // Approval // Denial by _____

CERTIFICATION OF VITAL RECORD

STATE OF IDAHO

IDAHO DEPARTMENT OF HEALTH AND WELFARE
CENTER FOR VITAL STATISTICS AND HEALTH POLICY

CERTIFICATE OF DEATH

DATE FILED: OCTOBER 27, 1998

STATE FILE NUMBER: 98-07046

DECEDENT: EVALYN VIOLET BARKER

DATE OF DEATH: OCT. 09, 1998

PLACE OF DEATH: BOISE, IDAHO

TIME OF DEATH: 11:15 P.M.

DATE OF BIRTH: JUNE 10, 1921

PLACE OF BIRTH: NEBRASKA

AGE: 77 YEARS

SEX: FEMALE

VETERAN? NO

MARITAL STATUS: WIDOWED

SOCIAL SECURITY NUMBER: [REDACTED]

RESIDENCE: BELLEVUE, IDAHO

FATHER: ALVIN R. SHOEMAKER

FATHERS BIRTHPLACE: UNKNOWN

MOTHER (MAIDEN): VIOLET VALENTINE BAILEY

MOTHERS BIRTHPLACE: NEBRASKA

MORTUARY: WOOD RIVER CHAPEL

MORTICIAN: RUSSELL D. MIKEL

HAILEY, IDAHO

DISPOSITION: BURIAL

CERTIFYING CORONER: ERWIN SONNENBERG

AUTOPSY: NO

1. CAUSE OF DEATH, UNDERLYING CAUSE LAST:

INTERVAL

CLOSED HEAD INJURY

2. OTHER CONDITIONS CONTRIBUTING TO DEATH BUT UNRELATED TO ABOVE CAUSES:

NONE LISTED

MANNER OF DEATH: ACCIDENT

DATE OF INJURY: OCTOBER 06, 1998

HOUR OF INJURY: 12:30 P.M.

INJURY AT WORK: NO

HOW INJURY OCCURRED: TREE FELL ONTO SUBJECT'S HEAD

PLACE OF INJURY: MTNS. 8 MI. E OF HWY 75

LOCATION OF INJURY: 4TH JULY CR. RD.

STANLEY, IDAHO

This is a true and correct reproduction of the document officially registered and placed on file with the IDAHO CENTER FOR VITAL STATISTICS AND HEALTH POLICY.

DATE ISSUED: OCTOBER 29, 1998

This copy is not valid unless prepared on engraved border displaying state seal and signature of the Registrar.

JANE S. SMITH
STATE REGISTRAR



11/28/2006

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

RIGHT NUMBER: 37-21581

NAME AND ADDRESS: IRENE FAYE BARKER
PO BOX 284
BELLEVUE ID 83313

EARNEST PATRICK BARKER
PO BOX 284
BELLEVUE ID 83313

SOURCE: BIG WOOD RIVER

TRIBUTARY: MALAD RIVER

QUANTITY: 0.100 CFS

PRIORITY DATE: 08/01/1882

POINT OF DIVERSION:

T02N R18E S36 SWNW Within BLAINE County
Water diverted from Headgate #45 delivered through District Canal.

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: IRRIGATION in BLAINE County

T01N R19E S06 Lot 7 SWSW 4.50

4.5 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 4.5 acres in a single irrigation season. Combined Right Nos.: 37-21581, 37-21584, 37-21587, and 37-21590.

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

This right is a split from former right 37-481A.

Property is also known as Lot 1, Barker Subdivision.

This right is a split from former right 37-21340 .

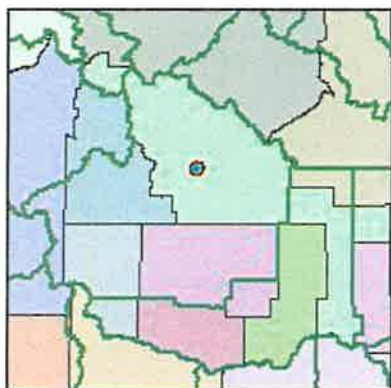


Idaho Department of Water Resources

SRBA Recommendation:
37-21581, 37-21584
37-21587, 37-21590

Legend

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



Blaine County
IDWR Basin 37



0 0.2 0.4 Miles

Prepared by N. Erickson
On Tuesday, November 28, 2006
2004 Aerial Photography

Memo to File

February 17, 2005

File nos. 37-21340, 37-21341, 37-21342, 37-21343, 37-21344, 37-21345, 37-21346, 37-21347

On 8/11/2004 I received an owner change request from Curtis Darrell (Mick) Barker indicating a 5/17ths split of rights 37-481A, 37-482F, 37-483F and 37-11961. Proof of ownership was a "Correction Deed of Distribution" dated 12/16/1998, which deeded him Lot 2, Barker Subdivision, containing 5.04 acres. I split the rights as requested and sent confirmation copies to the parties involved.

On 10/4/2004, Patrick Barker (personal representative of the estate of Evalyn Barker) came into the office and told me I had not split the claims the way he wanted them split. He explained that his mother had owned the property and after she died, each of her three children got one lot and one lot was sold to Benson. He gave me a Water Right Sale Agreement he had with the Bensons dated 4/3/04. He said he intended to form a ditch company and his brother (Curtis Darrell Barker) had opted out. Patrick's intent was to divide the remaining rights, after the sale to Benson, into 3 equal parts, a third going to each sibling. He wanted me to recalculate the splits based on the amount of water left after the sale to Benson. His biggest concern was 37-483A. He kept mentioning .41 cfs. I believe that's how much he wanted Curtis Darrell to have although there was no documentation in support of that.

After he left, I reviewed all the documents and recalculated the splits as requested. There was very little difference in the amounts I originally calculated and the way he wanted it done. With the deed of distribution predating the Benson agreement, I did not feel I could make any adjustments to my original calculations.

grish

Patrick Barker 788-2755
 All claims are for 17ac. Owner change from Curtis barrel asked for 5/17 which I gave.

37-481A Benson .32
 17ac .30
 $.30 \div 3 = .1$
 $.32 \times 5 = .094$ rounded to .09

37-11961 Benson .22
 17ac .18
 $.18 \div 3 = .06$

-21346 Estate + Benson
 -21347 Curtis Barrel
 $.22 \times 5 = .064$ rounded to .06

37-482F Benson .32
 17ac .28
 $.28 \div 3 = .093$

-21342 - Estate + Benson
 -21343 - Curtis Barrel
 $.32 \times 5 = .094$ rounded to .09

37-483A Benson 1.58
 17ac 1.896
 $1.3904 \div 3 = .46$

-21344 - Estate + Benson
 -21345 - Curtis Barrel
 $1.58 \times 5 = .46$

Is there a written agreement about how much water should go to each lot and/or sibling.

RECEIVED

OCT 04 2004

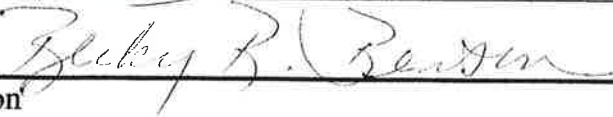
Water Right Sale Agreement April 3, 2004

Department of Water Resources
Southern Region

1. The Sellers (heirs) at law or devisees of Evalyn V. Barker, deceased, subject to the administration of the estate of said decedent in Blaine County, Probate Case No. SP 98-1696 wherein E. Patrick Barker is the appointed Personal Representative of said estate transfer and convey the following water rights, or parts thereof, to the Buyers, K.C. and Becky Benson as follows:

- Water right No. 37-11943 for domestic use is transferred and conveyed in its entirety. A portion of the following irrigation water rights are transferred and conveyed as follows:
 1. 37-481A .02 cfs (1882)
 2. 37-11961 .04 cfs (1883)
 3. 37-482F .04 cfs (1884)
 - * 4. 37-483A .1896 cfs (1902)
- The above listed water rights, or parts thereof, are appurtenant to the above-described property (Lot 4, Barker Sub. S.W. ¼ Section 6, T 1 N., R. 19 E., B.M., Blaine County, 5.18 acres).
- The Seller also does not transfer or convey, but instead reserves and retains the remaining portions of the following irrigation water rights:
 1. 37-481A .30 cfs (1882)
 2. 37-11961 .18 cfs (1883)
 3. 37-482F .28 cfs (1884)
 4. 37-483A 1.3904 cfs (1902)
- These water rights will remain appurtenant to the Seller's property (lots, 1, 2 and 3 of Barker Subdivision).
- The Buyer covenants to not transfer the portions of irrigation water rights (37-481A, 37-11961, and 37-482F) off of the above-described property (Lot 4, Barker Sub. S.W. ¼ Section 6, T 1 N., R. 19 E., B.M., Blaine County, 5.18 acres) for any purpose. This covenant shall run with the land. The irrigation water rights have been claimed in the Snake River Basin Adjudication (SRBA) but have not yet been reviewed by the Idaho Department of Water Resources (IDWR) or the SRBA District Court as of the date of this sale. The Seller does not warrant or guaranty that the water rights will be decreed by the Court as claimed. In the event the water rights are decreed for an amount less than that claimed, the Buyer's portion of the water rights will be reduced proportionally.


K. C. Benson


Becky R. Benson

Pat Barker