

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 37-22061
Date Received: 1/5/2007
Receipt No:
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

GEORGE BARBER Phone: (206)817-7013
PO BOX 1449
EDMONDS WA 98020

JULEE BARBER Phone: (206)817-7013
PO BOX 1449
EDMONDS WA 98020

2. Date of Priority: 03/24/1883

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
03N	18E	18	SE NE NE	BLAINE	

5. Description of diverting works:

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/15	10/15	0.048	11.2

7. Total Quantity Appropriated is:
0.048 C.F.S. and/or 11.2 A.F.A.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
03N	18E	7	NE	SW	IRRIGATION	3.2
Section Acres						3.2
Total Acres						3.2

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 does not grant any right-of-way or easement across the land of another.

Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 37.

This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.

The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.

Approval of this transfer does not preclude the opportunity for review of the validity of this water right in the ongoing Snake River Basin Adjudication.

This right is a split from former right 37-20750.

Rights 37-00154C, 37-00364D, 37-02627C, 37-02632, 37-08854, 37-14260A , 37-20749, 37-22060, 37-22061, 37-22062 and 37-22063 when combined shall not exceed the irrigation of 178 acres; 5.5 acres in the Timber Gulch Subdivision, 90.8 acres in the Golden Eagle Subdivision Phase I, and 81.7 acres in the Golden Eagle Subdivision Phase II.

Use of water under Rights 37-22060, 37-22061, 37-22062 and 37-22063 may be affected by an agreement between the protestant of Transfer 4823 and the right holder.

15. Basis of Claim: Decreed

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

RECEIVED
DEC 15 2006
DEPT. OF WATER RESOURCES
SOUTHERN REGION

Please print or type. Attach pages with additional information. Instructions are included at the end of this form
 Incomplete forms will be returned

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided, if the change in ownership is limited to a portion of 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
	37-20750	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 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**.

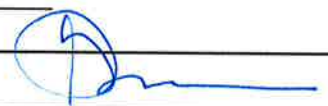
3. Name and Address of Former Rinker Co.
 Owner/Claimant(s) P.O. Box 7250, Newport Beach, CA 92658-7250
4. New Owner/Claimant(s) George E. Barber and Julie K. Barber
 Name Connector (Check one): [X] and, [] or [] and/or
- New Mailing Address P.O. Box 1449
 City, State and Zip Code Edmonds, WA 98020-1449
 New Telephone Number (206) 817-7013
5. Date you acquired the property January 14, 2005

6. **IF THE CHANGE IN OWNERSHIP AFFECTS THE ENTIRE WATER RIGHTS FOR EACH WATER RIGHT OR ADJUDICATION CLAIM NUMBER LISTED IN ITEM 1, THEN SKIP THIS ITEM AND GO TO ITEM 7.** If the change of 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 <u>37-20750</u>		
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	<u>0.48 cfs</u>	<u>3.2 acres</u>
Stock	<u></u>	<u></u>
Domestic	<u></u>	<u></u>
Other <u></u>	<u></u>	<u></u>
Total	<u>0.48 cfs</u>	

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 <u></u>		
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	<u></u>	<u></u>
Stock	<u></u>	<u></u>
Domestic	<u></u>	<u></u>
Other <u></u>	<u></u>	<u></u>
Total	<u></u>	

7. Signature of New owner(s) or Claimant(s)
(include title if applicable)


GEORGE E. BARBER

Julee K. Barber
JULEE K. BARBER

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 <u></u>	Date <u></u>	Fee <u></u>
Received by <u></u>	Date <u></u>	Receipt No. <u></u>
Processed by <u></u>	AJ Date <u></u>	WR <u></u> Date <u></u>



Instrument # 615175

HAILEY, BLAINE, IDAHO

2005-01-14 10:18:00 No. of Pages: 1

Recorded for: BLAINE COUNTY TITLE

MARSHA RIEMANN

Fee: 3.00

Ex-Officio Recorder Deputy

Instr No: WTHOCORP DEED

WARRANTY DEED

For Value Received **JEFFREY BATES** and **NANCY BATES**, husband and wife

the Grantor hereby grants, bargains, sells, conveys and warrants unto **GEORGE E. BARBER** and **JULEE K. BARBER**, husband and wife

the Grantee whose current address is: **PO BOX 1449, EDMONDS WA 98020-1449**

the following described premises, to-wit:

Lot 2 of TIMBERVIEW TERRACE SUBDIVISION, according to the official plat thereof on file in the Office of the County Recorder, recorded April 13, 1994 as Instrument No. 364630, records of Blaine County, Idaho.

Parcel Number: **RP00558000020A**

SUBJECT TO: Current General Taxes, a lien in the process of assessment, not yet due or payable. Easements, restrictions, reservations, provisions of record, and assessments, if any.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, their heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that it is the owner in fee simple of said premises; that said premises are free from all encumbrances and that he will warrant and defend the same from all lawful claims whatsoever.

Dated: December 30, 2004



JEFFREY BATES



NANCY BATES

State of **IDAHO**

ss.

County of **BLAINE**

On this 13th day of January, 2005, before me, the undersigned, a Notary Public, in and for said State, personally appeared **JEFFREY BATES** and **NANCY BATES**

_____, known to me, and/or identified to me on the basis of satisfactory evidence, to be the person(s) whose name is/are subscribed to the within instrument and acknowledged to me that they executed the same.

WITNESS MY HAND AND OFFICIAL SEAL.



 Notary Public **KATHY SEAL**
 Residing at: **KETCHUM**
 Commission Expires: **July 09, 2005**



SPECK & AANESTAD

A PROFESSIONAL CORPORATION

ATTORNEYS

120 EAST AVENUE
POST OFFICE BOX 987
KETCHUM, IDAHO 83340

JAMES P. SPECK
jimspeck@cox-internet.com
DOUGLAS J. AANESTAD
aanestad@cox-internet.com

TELEPHONE
(208) 726-4421
FACSIMILE
(208) 726-0752

November 2, 2006

Ms. Trish Fawcett
Idaho Department of Water Resources
1341 Fillmore, Suite 200
Twin Falls, Idaho 83301

Re: *George and Julee Barber, The Adare Trust Dated November 29, 1988*
Water Right No. 37-20750;
Notice of Change in Water Right Ownership

Dear Trish:

Enclosed for filing are two originals and two copies of the Notice of Change in Water Right Ownership for Water Right No. 37-20750. Please arrange to have the originals filed, the copies receipt date stamped and return them to my office in the postage prepaid self-addressed envelope provided for that purpose.

I will be sending you the Notice of Change in Water Right Ownership for Timberview Terrace Homeowners Association for this water right in the very near future.

Thank you for your continued assistance.

Sincerely yours,

SPECK & AANESTAD
A Professional Corporation

By: _____


James P. Speck

JPS/jal

Enclosures

cc: Client w/encl.

 Dave Tuthill w/encl.

F:\WPDATA\JIM\TIMBERVIEW\Correspondence\Fawcitt 12-13.wpd

TRANSFER NUMBER 5423
 CLAIM NUMBERS 37-2632 37-154C
37-2627C 37-30028 37-20749
37-20750 37-364G

DATE _____
 AGENT _____

HOMESTEAD ENTRY NO. _____
 LICENSED ACRES _____
 CLAIMED ACRE TOTAL _____
 GEOGRAPHIC INFO ACRES _____

	TNS	RNG	SEC	NE				NW				SW				SE			
				NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE
✓ 37-2632	03N	18E	7												8.4				
✓ 37-154C															12.2			8.2	2.6
✓ 37-2627C															3.8			24.2	2.6
✓ 37-30028															4.4				
37-20749															1.0				
37-20750	Parent																		
✓ 37-364G	Water right																		
37-2627D	03N	18E	16																
37-30030	Parent																		
37-22060	Rinker Barber Adair Timberland Terrace Homes Word River Prop.																		
37-22061																			
37-22062																			
37-22063																			
37-22064																			
20751	03N	18E	29																
37-364D	02N	18E	07																

Adjudication claim

29.8 8.2 48.4 5.2

5 irrigated acres under Right 37-154C will no longer be irrigated
 to mitigate use of Right 37-2627D as a primary groundwater right.

01/05/2007

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

RIGHT NUMBER: 37-22061

NAME AND ADDRESS: GEORGE BARBER
PO BOX 1449
EDMONDS WA 98020

VERIFIED BY *KKC*

JULEE BARBER
PO BOX 1449
EDMONDS WA 98020

SOURCE: BIG WOOD RIVER

TRIBUTARY: MALAD RIVER

QUANTITY: 0.048 CFS
11.200 AFY

This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.

PRIORITY DATE: 03/24/1883

POINT OF DIVERSION:

T03N R18E S18 SENENE 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	0.048 CFS 11.20 AFY

PLACE OF USE: IRRIGATION in BLAINE County

T03N R18E S07 NESW 3.20

3.2 ACRES TOTAL

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

Rights 37-00154C, 37-00364D, 37-02627C, 37-02632, 37-08854, 37-14260A, 37-20749, 37-22060, 37-22061, 37-22062 and 37-22063 when combined shall not exceed the irrigation of 178 acres; 5.5 acres in the Timber Gulch Subdivision, 90.8 acres in the Golden Eagle Subdivision Phase I, and 81.7 acres in the Golden Eagle Subdivision Phase II.

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 37-20750.

Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 37.

Failure of the right holder to comply with the conditions of transfer no. 70109 is cause for the Director to rescind approval of the transfer.

The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.

01/05/2007

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

Use of water under Rights 37-22060, 37-22061, 37-22062 and 37-22063 may be affected by an agreement between the protestant of Transfer 4823 and the right holder.

This right does not grant any right-of-way or easement across the land of another.



Idaho Department of Water Resources

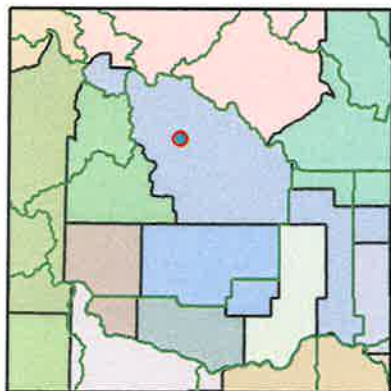
SRBA Recommendation:

37-22061

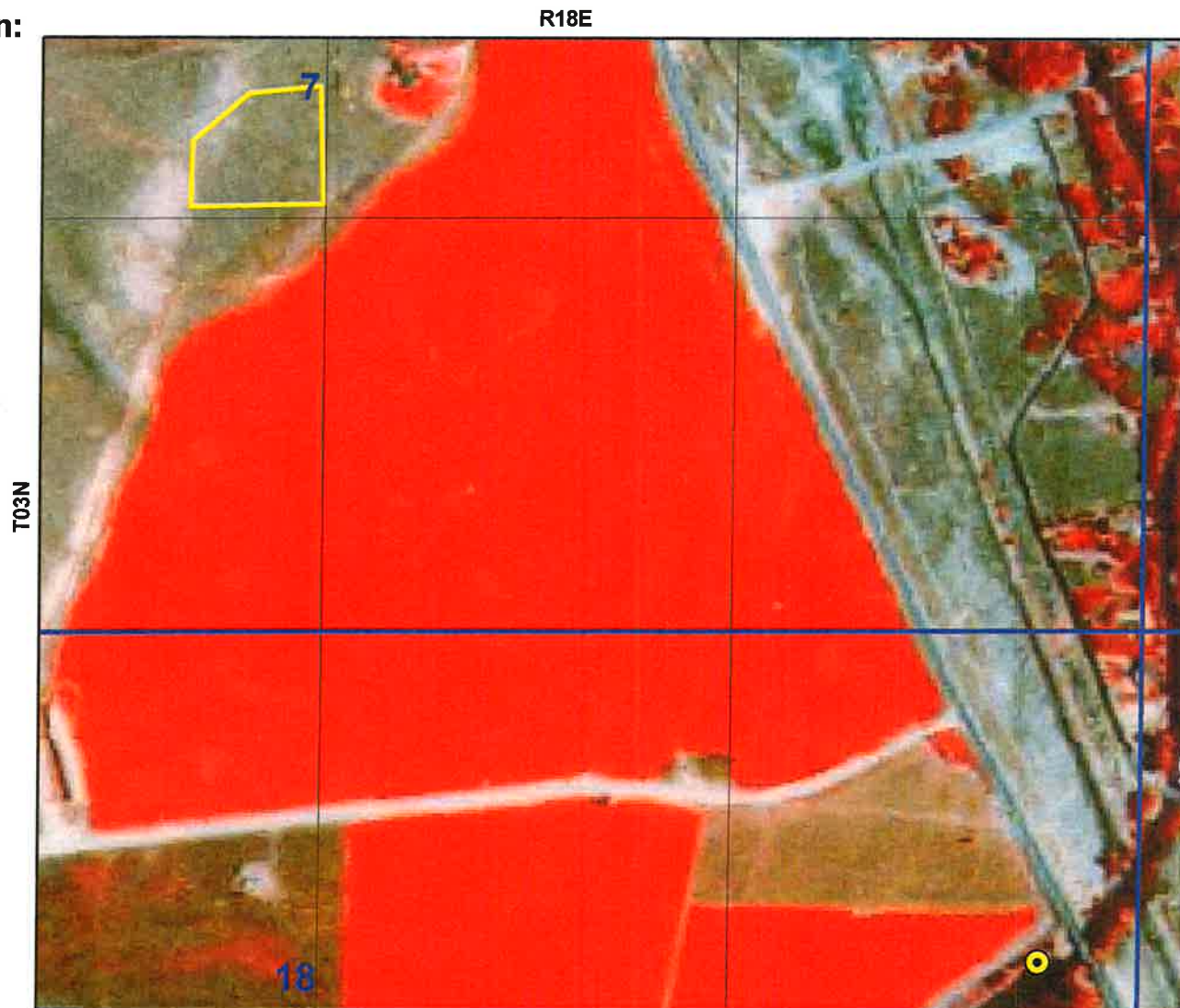
(Irrigation)

Legend

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



Blaine County
IDWR Basin 37



0 0.2 0.4 Miles

Prepared by T. Fawcett
On Friday, January 5, 2007
1987/88 Aerial Photography

37-22061

