

**CORRECTED**

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

**RECEIVED****SEP 20 2004**

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

Department of Water Resources  
Southern Region

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).	Split #	Adjudication Claim No(s).	Split
A43-00371		43-13884	xx
A43-00475		43-13885	xx
A43-10594		43-13888	xx
A43-10320		43-13887	xx
A43-10319			

Water Right No(s).	Split #	Adjudication Claim No(s).	Split
A43-10318			
A43-07107		43-13886	xx
43-232A			
43-10559			

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)

Ryan K. Hawker

4. New Owner/Claimant(s)

Ruel M. or Kathryn Barker

Name Connector (Check one): [ ] and, [ ] or, [ ] and/or

New Mailing Address

1621 W. 950 N

City, State and ZIP Code

Provo, UT 84604

New Telephone Number

( )

5. Date you acquired the property

8-31-2004

**SUPPORT DATA****IN FILE # 43-232A****SUPPORT DATA****IN FILE # 43-371**

**Water Right records have been corrected. Ownership change was not 100% correct or complete when processed in 2005.**

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 <u>43-475</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>0.3</u>	<u>24.06 ac.</u>
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 <u>43-7107</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>0.22</u>	<u>20. ac.</u>
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

7. Signature of New Owner(s) or Claimant(s) Ruel M. Barker  
(include title if applicable) RUEL M. BARKER  
Kathryn Barker BY: Ruel M. Barker  
KATHRYN BARKER RUEL M. BARKER, Attorney-In-Fact

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>KA</u>	Date <u>11/10/04</u>	Fee <u>\$ 325.00</u>	
Received by <u>KA</u>	Date <u>11/25/05</u>	Receipt No. <u>C079727</u>	
Processed by _____	AJ Date _____	WR <u>KA</u>	Date _____

Corrected 8-13-2020 JB / DM

## Hawker to Barker 2020 Ownership Change Adjustment of 2005 Ownership Change

### Irrigation rights - Splits

Hawker	Parent	43-371	1.30 cfs	Rt. acre limit	129		POU	129
Hawker	Parent After	43-371	0.20 cfs	Rt. acre limit	19.5		POU	19.5
Barker	Split	43-13884	1.10 cfs	Rt. acre limit	109.5		POU	109.5

Completed 8/20/2020

Hawker	Parent	43-475	0.50 cfs	Rt. acre limit	129		POU	129
Hawker	Parent After	43-475	0.08 cfs	Rt. acre limit	19.5		POU	19.5
Barker	Split	43-13885	0.42 cfs	Rt. acre limit	109.5		POU	109.5

Completed 8/20/2020

							Volume		
Hawker	Parent	43-7107	1.54 cfs	Rt. acre limit	119		POU	170	357.0 AF
Hawker	Parent After	43-7107	0.08 cfs	Rt. acre limit	5.8		POU	8.3	17.4 AF
Barker	Split	43-13886	1.46 cfs	Rt. acre limit	113.2		POU	161.7	339.6 AF

Completed 8/20/2020

Hawker	Parent	43-10320	1.90 cfs	Rt. acre limit	98		POU	98
Hawker	Parent After	43-10320	0.15 cfs	Rt. acre limit	7.8		POU	7.8
Barker	Split	43-13887	1.75 cfs	Rt. acre limit	90.2		POU	90.2

Completed 8/20/2020

Hawker	Parent	43-10594	2.00 cfs	Rt. acre limit	134		POU	134
Hawker	Parent After	43-10594	0.29 cfs	Rt. acre limit	19.5		POU	19.5
Barker	Split	43-13888	1.71 cfs	Rt. acre limit	114.5		POU	114.5

Completed 8/20/2020

### Non-irrigation rights - Not Split

Barker	43-10318	Stockwater	0.07 cfs	Completed correctly in 2005	Completed 2005
Hawker	43-10319	Domestic	0.04 cfs	Conveyed to Barker in 2005. Switched to Hawker in 2020	Compl. 8/13/2020
Barker	43-10559	Stockwater/domestic	0.08 cfs	Not in OC notice in 2005. Changed OC to Barker in 2020	Compl. 8/13/2020

### Irrigation right - Not Split

Barker	43-232A	0.08 cfs	75.0 acre limit	POU 75.0 acres	Not in OC notice in 2005. Changed OC to Barker in 2020 Completed 8/13/2020
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297758

**WARRANTY DEED**

#39420

For Value Received

**RYAN K. HAWKER, An Unmarried Person**

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

**RUEL M. BARKER and KATHRYN BARKER, Husband and Wife**  
**Address: 1621 WEST 950 NORTH, PROVO, UT 84604**

Hereinafter called the Grantee, the following described premises situated in Cassia County, Idaho, to-wit:

**SEE ATTACHED EXHIBIT "A"**

**TOGETHER WITH all water and water rights, ditches and ditch rights used thereon or appurtenant thereto.**

**SUBJECT TO:**

**All reservations in patents or deeds in the chain of title.**

**Taxes for 2004 and subsequent years, a lien, but not yet due or payable.**

**Right of Way reserved in Deed from A. J. Barker and Elizabeth Barker, his wife, to Elihu Pettengill and Mary Adeline Pettengill, dated February 23, 1907 and recorded August 10, 1908 in Book 10 of Deeds, Page 558, records of Cassia County, Idaho, which reads as follows: "A reserve of right of way for stock to get to range of a strip two (2) rods wide and (80) rods long is to be used by S. H. Barker." (Parcel No. 1)**

**Easement Agreement between Lewis Ottley and Margaret Ottley, husband and wife, parties of the first part and Louis A. Eames, party of the second part, dated April 30, 1965 and recorded July 12, 1965 as Instrument No. 25168 on Film No. 35, records of Cassia County, Idaho, over and across the NE $\frac{1}{4}$ SE $\frac{1}{4}$  of Section 6, Township 14 South, Range 25 East of the Boise Meridian. (Parcel No. 1)**

**Agreement For Purchase of Power between Raft River Rural Electric Cooperative, Inc., the Seller, and Rex Ottley, as Consumer, dated July 14, 1980 and recorded September 4, 1980 as Instrument No. 128847 on Film No. 137, records of Cassia County, Idaho, covering E $\frac{1}{2}$ NE $\frac{1}{4}$  of Section 7, Township 14 South, Range 25 East of the Boise Meridian.**

**Interest of S. H. Barker, A. M. Barker or Raymond Anderson in and to Tax No. 1009 which is a strip of ground 2 rods by 80 rods running East and West through the NE $\frac{1}{4}$ SE $\frac{1}{4}$  of Section 6, Township 14 South, Range 25 East of the Boise Meridian.**

**NOTE: Real Estate Taxes are assessed in the name of S. H. Barker c/o A. M. Barker, c/o Raymond Anderson.**

RECORDED AT THE REQUEST OF  
LAND TITLE & ESCROW

2004 AUG 31 PM 2 37

CASSIA COUNTY, IDAHO  
LARRY A. MICKELSEN  
RECORDER  
FEE 12.00 DEPUTY 46

291158

Right-of-way disclosed by Warranty Deed executed by Rex Ottley and LeFawn Ottley, husband and wife, Grantors to Ryan K. Hawker, a married man, dealing with his sole and separate property, Grantee, dated February 1, 1988 and recorded February 5, 1988 as Instrument No. 193551 on Film No. 196, records of Cassia County Idaho, which reads as follows: "SUBJECT TO a right-of-way for ingress and egress extending from the West boundary line in a Northwesterly direction to an existing county road."

Utility easement disclosed by Warranty Deed executed by Rex Ottley and LeFawn Ottley, husband and wife, Grantors to Ryan K. Hawker, a married man, dealing with his sole and separate property, Grantee, dated February 1, 1988 and recorded February 5, 1988 as Instrument No. 193551 on Film No. 196, records of Cassia County Idaho, which reads as follows: "SUBJECT TO a utility easement extending from the West boundary line in a Northwesterly direction along an existing powerline to the West boundary of the SE¼NE¼ of said Section 7. ALSO the right of ingress and egress for maintenance."

Agreement For Electric Service between Raft River Rural Electric Cooperative, Inc., an Idaho rural electric Cooperative of Malta, Seller and Ryan Hawker, Consumer, dated July 31, 2000 and recorded August 3, 2000 as Instrument No. 270483, records of Cassia County, Idaho, covering the E½NE¼ of Section 7, Township 14 South, Range 25 East of the Boise Meridian.

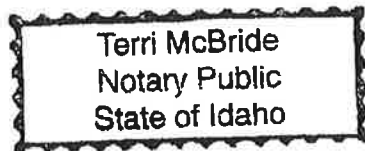
TO HAVE AND TO HOLD, the said premises, with their appurtenances unto the said Grantee and to the successors heirs and assigns of the Grantee forever. The Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that they are free from all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

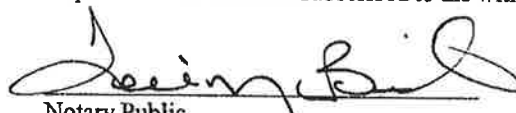
Dated: August 25, 2004

  
\_\_\_\_\_  
RYAN K. HAWKER

STATE OF IDAHO                     )  
  ) ss.  
COUNTY OF CASSIA             )

On this 25<sup>th</sup> day of August, 2004, before me, the undersigned, a Notary Public in and for said State, personally appeared RYAN K. HAWKER, known or identified to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.



  
\_\_\_\_\_  
Notary Public  
Residing at: Lupart  
My Commission expires: 2-3-08

## CONTINUATION

### SCHEDULE A

Order Number: 39420

PARCEL NO. 1:

TOWNSHIP 14 SOUTH, RANGE 25 EAST OF THE BOISE MERIDIAN,  
CASSIA COUNTY, IDAHO

Section 6: E $\frac{1}{2}$ SE $\frac{1}{4}$  EXCEPT the North 14 rods.

Section 7: E $\frac{1}{2}$ NE $\frac{1}{4}$

EXCEPTING THEREFROM the following described tract:

Beginning at the Northwest corner of the E $\frac{1}{2}$ NE $\frac{1}{4}$  of said Section 7, said corner marked by a 5/8 inch rebar; thence South 00°42'13" East along the West line of the E $\frac{1}{2}$ NE $\frac{1}{4}$  for a distance of 597.05 feet to the Point of Beginning; Thence South 89°17'47" East for a distance of 21.31 feet to a 1/2 inch rebar; Thence South 89°17'47" East for a distance of 1308.61 feet to a 1/2 inch rebar on the East section line; Thence South 00°47'40" East along said line for a distance of 268.06 feet to a 1/2 inch rebar; Thence North 88°42'42" West for a distance of 233.01 feet to a 1/2 inch rebar; Thence South 15°00'27" West for a distance of 421.48 feet to a 1/2 inch rebar; Thence South 02°10'41" East for a distance of 328.69 feet to a 1/2 inch rebar; Thence South 23°07'28" West for a distance of 379.56 feet to a 1/2 inch rebar; Thence North 89°39'57" West for a distance of 319.22 feet to a 1/2 inch rebar; Thence North 01°29'52" West for a distance of 419.26 feet to a 1/2 inch rebar; Thence North 25°34'28" West for a distance of 337.43 feet to a 1/2 inch rebar; Thence North 59°56'55" West for a distance of 172.69 feet to a 1/2 inch rebar; Thence North 85°32'15" West for a distance of 198.29 feet to a 1/2 inch rebar; Thence North 85°32'15" West for a distance of 25.38 feet to the West line of the E $\frac{1}{2}$ NE $\frac{1}{4}$ ; Thence North 00°42'13" West along said line for a distance of 534.57 feet to the Point of Beginning.

ALSO EXCEPTING right-of-way for county road over and across said property.

-Continued-

## CONTINUATION

### SCHEDULE A

Order Number: 39420

PARCEL NO. 2:

TOWNSHIP 14 SOUTH, RANGE 25 EAST OF THE BOISE MERIDIAN,  
CASSIA COUNTY, IDAHO

Section 6: SE $\frac{1}{4}$ NW $\frac{1}{4}$ , SW $\frac{1}{4}$ NE $\frac{1}{4}$ , North 12 rods of the NE $\frac{1}{4}$ SW $\frac{1}{4}$ , and North 10 rods of the NW $\frac{1}{4}$ SE $\frac{1}{4}$ , EXCEPT the following described tracts:

Tract No. 1

Beginning at the Southeast corner of Lot 2 in said Section 6;  
Thence South along the East boundary line of the SW $\frac{1}{4}$ NE $\frac{1}{4}$  of said Section 6 for 12.65 rods;  
Thence West 160 rods;  
Thence North along the East boundary line of the SW $\frac{1}{4}$ NW $\frac{1}{4}$  of said Section 6 for 8.91 rods to the Southwest corner of Lot 3 in said Section 6;  
Thence East along the South boundary line of the said Lots 2 and 3 for 160 rods to the Point of Beginning.

Tract No. 2:

Beginning at a point on the North boundary line of the NE $\frac{1}{4}$ SW $\frac{1}{4}$  of said Section 6 which is 33 feet East of the Northeast corner of Lot 6 in said Section 6;  
Thence North 34 feet;  
Thence West 33 feet;  
Thence South along the East boundary line of Lot 5 and 6 in said Section 6, 197 feet 2 inches;  
Thence Easterly 631 feet;  
Thence North on a line parallel with the East boundary line of said Lot 6, 53 feet 11.5 inches;  
Thence Westerly 598 feet;  
Thence Northerly 103 feet to the Point of Beginning.

EXCEPT right-of-way for county road over and across said property.

PARCEL NO. 3:

TOWNSHIP 13 SOUTH, RANGE 25 EAST OF THE BOISE MERIDIAN,  
CASSIA COUNTY, IDAHO

Section 30: SW $\frac{1}{4}$ NE $\frac{1}{4}$  and NW $\frac{1}{4}$ SE $\frac{1}{4}$



19 20  
30 29

9469

40.0

T1305

T1417

6  
156.1

T1308

T1311

T9410

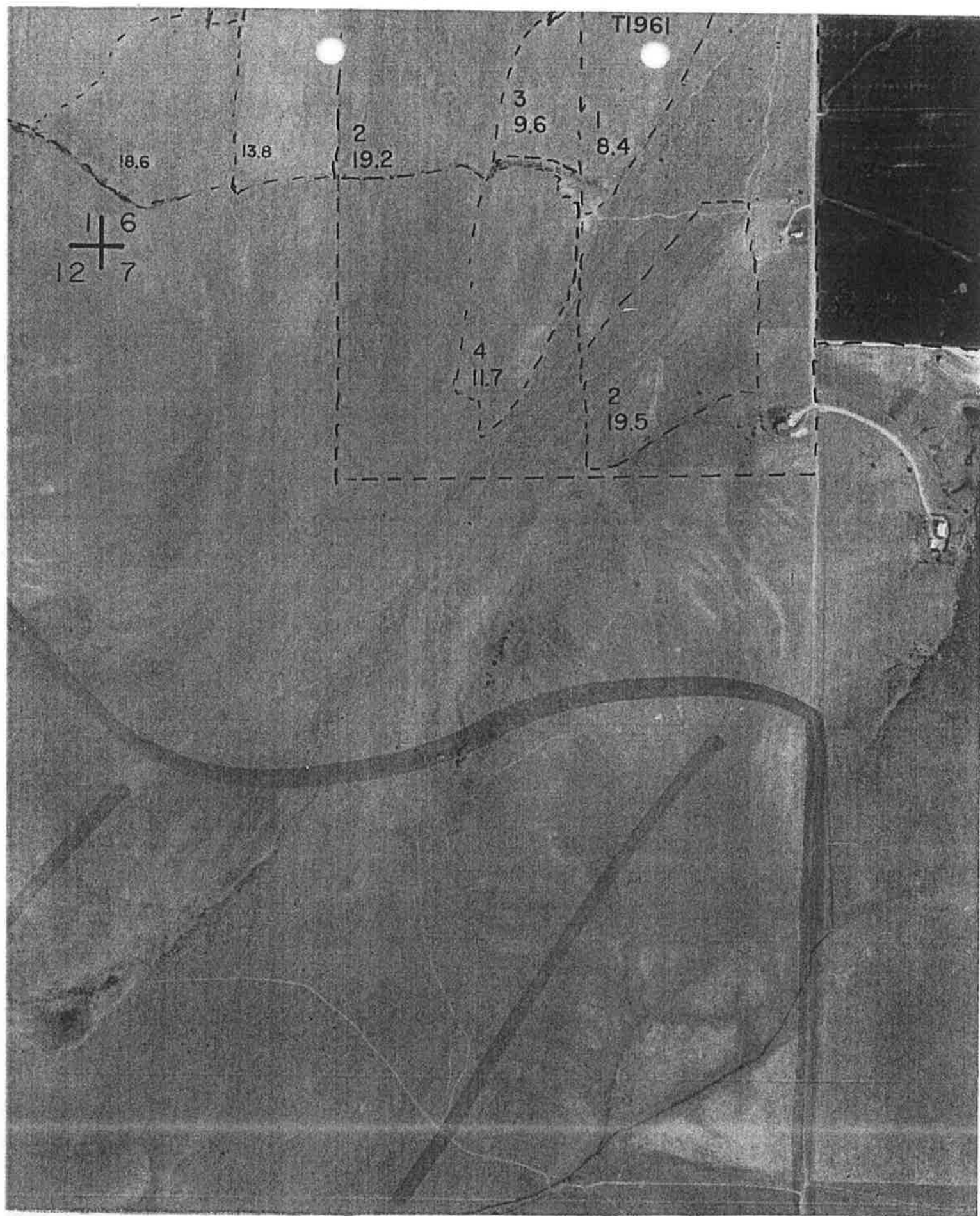
30 29

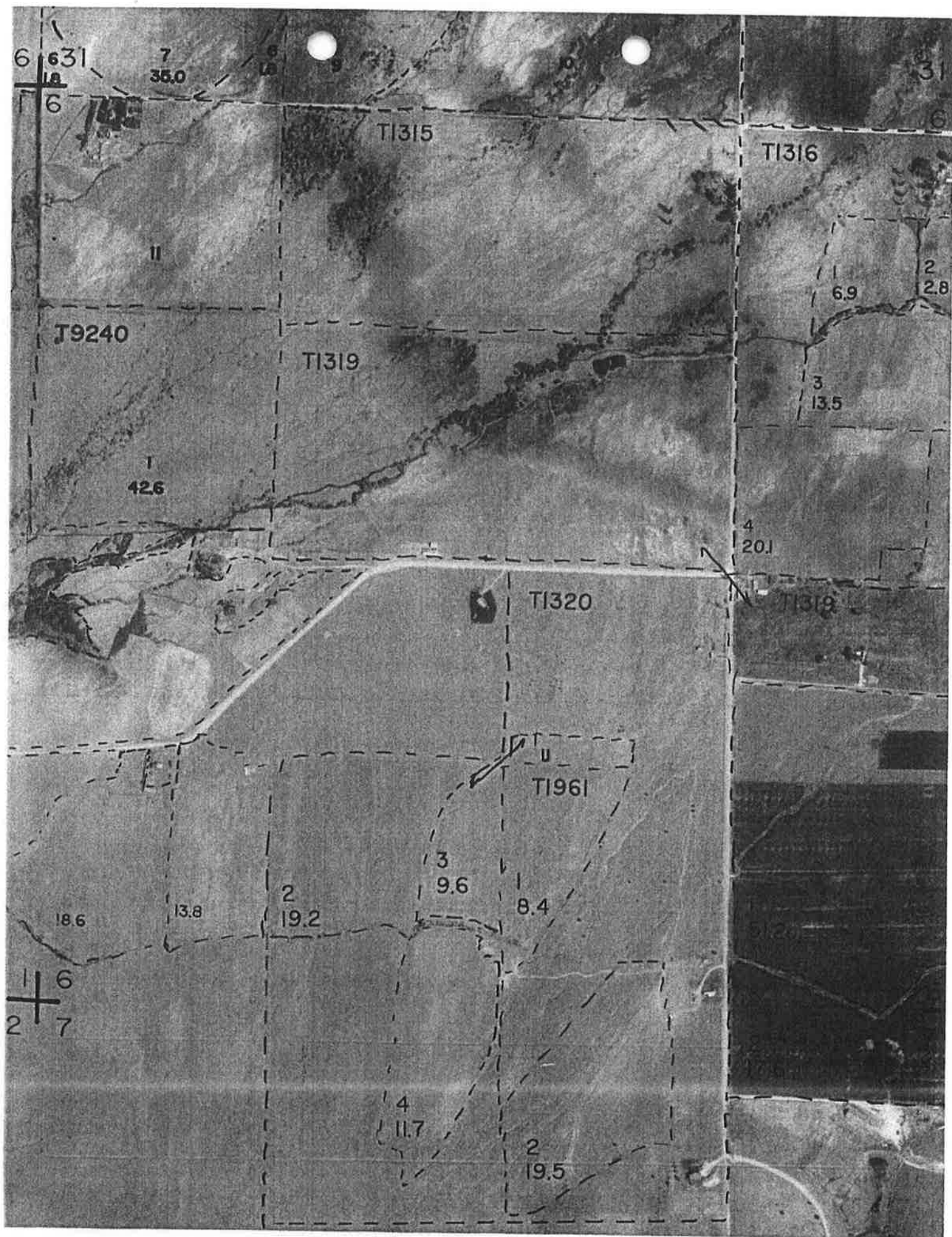
31 32

T1419

40.0



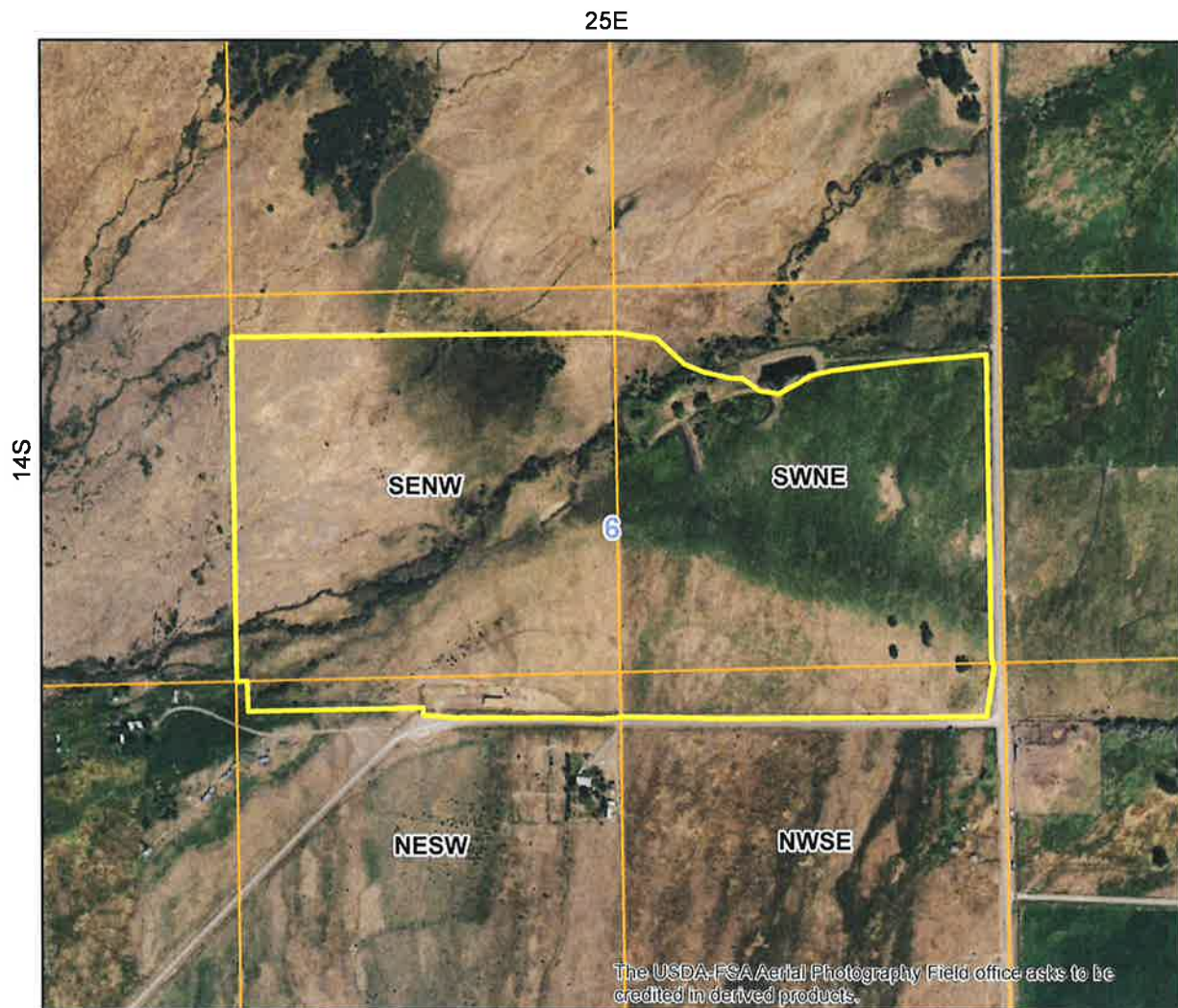






State of Idaho  
Department of Water Resources

# Water Right 43-232A Map



- Place Of Use Boundary
- Townships
- PLS Sections
- Quarter Quarters

0 0.075 0.15 0.3 Miles



State of Idaho  
Department of Water Resources

# Water Right 43-10559 Map Domestic and Stockwater



-  Place Of Use Boundary
-  Townships
-  PLS Sections
-  Quarter Quarters

0 0.0375 0.075 0.15 Miles





State of Idaho  
Department of Water Resources  
**Water Right 43-10318 Map**



- Place Of Use Boundary
- Townships
- PLS Sections
- Quarter Quarters

0 0.045 0.09 0.18 Miles



State of Idaho  
Department of Water Resources

# Water Right 43-10319 Map



-  Place Of Use Boundary
-  Townships
-  PLS Sections
-  Quarter Quarters

0 0.035 0.07 0.14 Miles







State of Idaho

## DEPARTMENT OF WATER RESOURCES

Southern Region • 650 ADDISON AVE W STE 500 • TWIN FALLS, ID 83301-5858  
Phone: (208)736-3033 • Fax: (208)736-3037 • Website: [www.idwr.idaho.gov](http://www.idwr.idaho.gov)

Brad Little  
Governor

Gary Spackman  
Director

August 19, 2020

RUEL BARKER  
KATHRYN H BARKER  
1621 W 950 N  
PROVO UT 84604-3005

Re: Change in Water Right Ownership: 43-10594 (Split into 43-10594 and 43-13888), 43-10320 (Split into 43-10320 and 43-13887), 43-7107 (Split into 43-7107 and 43-13886), 43-371 (Split into 43-371 and 43-13884), 43-475 (Split into 43-475 and 43-13885). Change in Ownership without splits: 43-10318, 43-10559, 43-232A.

Dear Water Right Holder(s):

The Department of Water Resources (Department) acknowledges the receipt of correspondence changing ownership of a portion of the above referenced water right(s) to you. The Department has modified its records based on the information received and has enclosed computer-generated reports for you.

The original Notice of Change in Water Right Ownership (Notice) was filed in 2004 without fees. The Notice was processed when the fees were paid in November of 2005. It has recently come to our attention that the Notice did not include all of the rights appurtenant to the deeded ground and included one right that should not have been placed in the ownership change. Additionally, the Notice contained two rights to be split, and upon review, splits were necessary on five rights. In the end, no splits of rights were completed in the original ownership change. I have enclosed water right reports for all of the rights involved with the ownership change for your reference.

I apologize for the incomplete work on the original ownership change, but I am confident that the job has been completed, correctly, this time. The following is a quick summary of what has been done with each right:

- Right 43-10318 was completed correctly in the original ownership change work. It is a stockwater right and did not require a split.
- Right 43-10319 is a domestic right which was included in the Notice, but appears to be appurtenant to a home on the Ryan Hawker parcel in SENE of Section 7, T14S, R25E. In the 2005 work, the ownership was changed from Ryan Hawker to you, but it was changed back into his ownership this week.
- Stockwater/domestic right 43-10559 was not included in the Notice, but appears to be appurtenant to your property described in the deed in NESE of Section 6, T14S, R25E. Its previous owner was Alvin Carpenter.
- Irrigation right 43-232A was also not included in the Notice, but is appurtenant to land described in the deed. It did not require a split, though it was combined with the five rights that needed split.

- Right 43-371 (irrigation) was included in the Notice and since it overlapped Ryan Hawker land not conveyed in the deed, it was split, with Mr. Hawker retaining the original water right number (0.2 cfs, 19.5 acre place of use (POU), 19.5 acre limit). The split portion, right 43-13884, is in your name and has a flow rate of 1.10 cfs, and an acre limit of 109.5 acres within a 109.5 acre POU.
- Irrigation right 43-475 was in the Notice and also needed to be split. Mr. Hawker's portion was 0.08 cfs with an acre limit of 19.5 acres within a 19.5 acre POU. Your portion is under right 43-13885 and has a flow rate of 0.42 cfs, and an acre limit of 109.5 acres within a 109.5 acre POU.
- Right 43-7107, included in the Notice, is a ground water irrigation right that has been split, with Mr. Hawker retaining a 0.08 cfs, 17.4 acre-foot portion, with a 5.8 acre limit within an 8.3 acre POU. Your portion is under right 43-13886 and has a flow rate of 1.46 cfs, a volume of 339.6 AF, and a 113.2 acre limit within a 161.7 acre POU.
- Right 43-10320 is another right that was included in the Notice. It has also been split with Mr. Hawker and his portion is 0.15 cfs with an acre limit of 7.8 acres within a 7.8 acre POU. Your split portion is under right 43-13887, with a flow rate of 1.75 cfs and a 90.2 acre limit within a 90.2 acre POU.
- Finally, right 43-10594, which was in the 2005 Notice, was split with Mr. Hawker and his portion is 0.29 cfs, with a 19.5 acre limit in a 19.5 acre POU. The split portion in your name is right 43-13888, which has a flow rate of 1.71 cfs, and a 114.5 acre limit within a 114.5 acre POU.

The splits were all calculated based on the portion of the place of use conveyed to you in the deed in proportion to the amount retained by Mr. Hawker. I have enclosed maps of each right to help clarify what has been done with each right.

**Your portion of each water right(s) has a specified point of diversion, nature of use and place of use. If you plan to change the authorized point of diversion, nature of use, or place of use, including adding a new point of diversion, you must file an Application for Transfer of Water Right.** If you do not plan to change any elements of your water right, then no further action is required at this time.

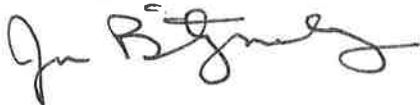
The portion of the water right retained by the original right holder retains the original water right number. The Department is sending the original right holder a copy of this letter and a computer-generated report showing the changes to the original water right.

Updating the ownership record for a water right does not reconfirm the validity of the right. When processing a Notice of Change in Water Right Ownership, the Department does not review the history of water use to determine if the right has been forfeited or deliberately abandoned through five years or more of non-use. To read more about water right forfeiture, including how to protect a water right from forfeiture, please see Idaho Code §§ 42-222 and 42-223.

Please note, water right owners are required to report any change of water right ownership and any change of mailing address to the Department within 120 days of the change. Reporting forms are available from any office of the Department, or from the Department's website.

If you have any questions concerning the enclosed information, please contact me at (208) 293-9909.

Sincerely,

A handwritten signature in black ink, appearing to read "Jim Bitzenburg". The signature is fluid and cursive, with a large initial "J" and a long, sweeping underline.

Jim Bitzenburg  
Senior Water Resource Agent

Enclosure(s)

CC; Ryan Hawker; WD-143; WD-43C