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THIS MAP IS AUTHORIZED AS AN ACCOMMODATION, STRICTLY FOR THE PURPOSES OF IDENTIFYING THE LAND AND NOT REPRESENTING SURVEY OF THE LAND OR ANY OTHER REPRESENTATIONAL AUTHORITY, AREA OR ANY OTHER FACTS RELATED TO THE LAND SHOWN THEREON.

19

20

21

ROAD + CREEK ARE NOT SHOWN ACCURATELY ON THIS ORIGINAL MAP - SEE NEW MARKINGS

BOAC BARNEY

BATES CREEK ROAD

30

DRAW POINT

BUM ROW

29

28

Bates

THERON G. ADCOCK

BATES CREEK

31

32

33

EDITH E. ADCOCK

GEORGE I

86

Y CHAS P. METSKER

MICROFILMED

MAR 16 2004

NAPP 116-4W-610 19:08:50 06-21-98 68.8 KC013 NWG

NAPP

10602-137

W-116-4W-610
No 13203 192.82

06-21-98

0352

FS400 1/1000 f/5.6 FF1.6 EC+2/3 SP- v/h.02475 00% dt024.6 ds003 26.7V -56mb ER00 CAM5163

RECEIVED

MAR 2 2001

RECEIVED

DEC 13 2000

RECEIVED

STATE OF IDAHO
IDAHO DEPARTMENT OF WATER RESOURCES

Department of Water Resources

DEC 08 2000 NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

WATER RESOURCES
WESTERN REGIONPlease 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):

A57-0007757-02004

Adjudication Claim No(s):

A57-00077

RECEIVED

2. The following REQUIRED information must be submitted with this form:

JAN 11 2001 AOS.

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
Department of Water Resources

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

PREV. OWNER DID NOT
FILE FOR TRANSFERJOSEPH L. PARKINSON123 W HIGHLAND VIEW DRIVE, BOISE, ID
83702

4. New Owner/Claimant(s)

MATTHEW E. OR JEAN M. BARNEYName Connector (Check one): ☒ and, ☐ or, ☐ and/or

New Mailing Address

230 WEST CLAIRE ST.

City, State and ZIP Code

MERIDIAN, ID 83642

New Telephone Number

(208) 887-0069

5. Date you acquired the property

NOVEMBER 15, 1999

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)

(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..

ATTACHED: WARRANTY DEED
PLAT(S) SHOWING DIVERSION POINT + ACREAGE
COPIES OF CLAIM PROFILE REPORTS
AERIAL PHOTO
MICROFILMED

MAR 15 2004

THIS FORM FURNISHED COURTESY OF:

230432

99 NOV 15 PM 2:07

ALLIANCE TITLE &
ESCROW CORP.*Allyance*
3OWNED BY *Allyance*
BY *Allyance*
RECORD

READ & APPROVED BY GRANTEE(S): _____

SPACE ABOVE THIS LINE FOR RECORDING DATA
Order No.: 99021696 JG

WARRANTY DEED

FOR VALUE RECEIVED FRED PROSSER and DONNA PROSSER, husband and wife
TERRIE BESSEY and, an unmarried personGRANTOR(S), does(do) hereby GRANT, BARGAIN, SELL and CONVEY unto MATTHEW BARNEY
and JEAN BARNEY, husband and wife andGRANTEE(S), whose current address is: 230 W. CLAIRE STREET, MERIDIAN, ID 83642
the following described real property in OWYHEE County, State of Idaho, more particularly
described as follows, to wit:As set forth on the attached EXHIBIT "A", which by this
reference becomes a part hereof.

***BEING RE-RECORDED TO ATTACH EXHIBIT "A"

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee(s), and
Grantee(s) heirs and assigns forever. And the said Grantor(s) does(do) hereby covenant to and with the said
Grantee(s), that Grantor(s) is/are the owner(s) in fee simple of said premises; that said premises are free from
all encumbrances, EXCEPT those to which this conveyance is expressly made subject and those made, suffered
or done by the Grantee(s); and subject to reservations, restrictions, dedications, easements, rights of way and
agreements, (if any) of record, and general taxes and assessments, (including irrigation and utility assessments,
if any) for the current year, which are not yet due and payable, and that Grantor(s) will warrant and defend
the same from all lawful claims whatsoever.

Dated: November 09, 1999

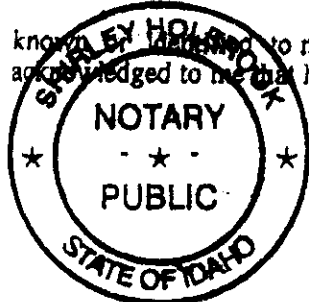
Fred Prosser
FRED PROSSER
Terrie Bessey
TERRIE BESSEY

Donna Prosser
DONNA PROSSER

STATE OF IDAHO
COUNTY OF GEM

On this 9th day of November, in the year of 1999, before me, the undersigned, a Notary
Public in and for said State, personally appeared FRED PROSSER and DONNA PROSSER and
TERRIE BESSEY

known to me to be the person(s) whose name(s) is/are subscribed to the within instrument, and
acknowledged to me that he/she/they executed the same.

Signature: *Shirley Keldrook*Name: SHIRLEY KELDROOK
CHRISTINA BELLEGANTEResiding at: *OWYHEE, ID*

My Commission Expires: 10/22/04 04-19-2000

MICROFILM
MAR 16 2004

ORDER NO. 99021696 JG

EXHIBIT "A"

The ~~Southwest~~ Quarter of ~~Northwest~~ Quarter and the
Southwest Quarter of the ~~Northwest~~ Quarter of ~~Section~~ 29,
Township 4 South, Range 1 West, Boise Meridian, Owyhee
County, Idaho.

W. J. [unclear]

230625

OWNED BY [unclear]
BY [unclear]
DATE [unclear]

99 DEC - 8 PM 2:12

FILED - RECORDED

MICROFILMED

MAR 16 2004

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16

THIS MAP IS FURNISHED AS AN ACCOMMODATION, STRICTLY FOR THE PURPOSES OF CORRELATING LOCATING THE LAND AND THE REPRESENTATIVE SURVEY OF THE LAND IN HAND AND REPAIRS TO THE LAND, AND ANY OTHER FACTS RELATED TO THE LAND SHOWN THEREON.

19

ROAD + CREEK ARE NOT SHOWN ACCURATELY ON THIS ORIGINAL MAP - SEE NEW MARKINGS

20

21

80 ac
BARNEY

BATES CREEK
ROAD

30

DRAW
POINT

BUM
PAUL

29

28

Bates

THERON G. ADCOCK

BATES
CREEK

31

EDITH E. ADCOCK

32

33

GEORGE I

86

SRBA

SUBCASE SUMMARY REPORT 57-00077

Return to SRBA Home Page

SRBA
03-25-2002

SUBCASE SUMMARY REPORT

HTML12

SUBCASE: 57-00077 FILE#: 00020
CLAIMANT: GABICA, JOHN & GABICA, GENE

HC 78 BOX 1107

EMMETT ID 83617

STATUS: PD ISSUED

WATER SOURCE: BATES CREEK, PICKETT CREEK

ISSUES: PERIOD OF YEAR WHEN WATER IS USED

**** PARTIES INVOLVED ****

JOHN & GABICA, GENE GABICA C PRO SE
JOSEPH L. PARKINSON O PRO SE
IDWR ATTY: CLIVE STRONG
WALTER & BARBARA WATKINS C PRO SE

**** ROA ENTRIES ****

01-08-1993	OBJECTION FILED BY PARKINSON	RF	07-01-1993	0001
06-04-1993	RESPONSE TO OBJ #1 FILED BY IDWR			0001
11-04-1993	ORDER OF REFERENCE APPOINTING RICHARD SIMMS SPECIAL MASTER IN REPORTING AREA 2 (B-57)			
12-17-1993	ORDER WITHDRAWING ORDER OF REFERENCE APPOINTING RICHARD A SIMMS SPECIAL MASTER IN REPORTATION AREA 2 (BASIN 57)			
04-19-1994	ORDER STAYING PROCEEDINGS IN SUBCASES IN R.A. 1, 2 & 3 AND STAYING THE OBJECTION AND PERIOD AS TO THE DIR RPT OF THE U.S. & TRIBAL NONCONSUMPTIVE CLAIMS & THE DIR RPT FOR THE 1990 FORT HALL INDIAN WATER RIGHTS AGREEMENT AND STAYING PROCEEDINGS IN TWIN FALLS COUNTY CASE 39576 (DL13)	OT		
04-27-1994	AMENDED ORDER STAYING PROCEEDINGS IN SUBCASES IN REPORTING AREAS 1, 2 AND 3 & STAYING THE OBJECTION PERIOD OF THE DIR'S RPT OF THE U.S. & TRIBAL NON-CONSUMPTIVE CLAIMS & STAYING PROCEEDINGS IN TWIN FALLS COUNTY CASE NO, 39576 (DL19)			
12-07-1994	ORDER LIFTING STAY IN REPORTING AREAS 1, 2 AND 3; AND TWIN FALLS COUNTY CASE NO. 39576, AND CONTNUING STAY OF DIRECTOR'S REPORTS ABSTRACTING FEDERAL RESERVED WATER RIGHTS (DL43)	OL		
11-01-1995	ORDER OF REFERENCE APPOINTING FRITZ X. HAEMMERLE SPECIAL MASTER IN REPORTING AREA 2 (BASIN 57)			

11-08-1996	NOTICE OF COMPLETED ADMINISTRATIVE PROCEEDING		11-08-1996
11-08-1996	AMENDED DIRECTORS REPORT FILED (SUBSTITUTE PARTY - GABICA/WATKINS FROM PARKINSON)		
12-06-1996	LDGD: PRELIM MASTER REPORT & RECOMMENDATION	MB	12-20-1996 0500
12-06-1996	NOTICE OF ISSUANCE - PRELIMINARY R & R		
12-06-1996	CERTIFICATE OF MAILING - PRELIMINARY R & R		
01-08-1997	REPORT & RECOMMENDATION OF MASTER		01-08-1997
01-08-1997	NOTICE OF ISSUANCE - FINAL R & R		
01-08-1997	CERTIFICATE OF MAILING - FINAL R & R		
03-06-1997	PARTIAL DECREE FILED		03-06-1997
03-06-1997	CERTIFICATE OF MAILING - PARTIAL DECREE		
08-05-1999	SUPPLEMENTAL DIRECTOR'S REPORTS, RP 1, BASIN 57 PERIOD OF USE & CONJUNCTIVE MANAGEMENT		

[Return to SRBA Home Page](#)

SRBA

DIRECTORS REPORT 57-00077

Return to SRBA Home Page

IWT072

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

Right Number: 57-00077

*
* THIS DIRECTORS REPORT HAS BEEN AMENDED SINCE *
* IT WAS 1ST FILED. *
*

This Electronic Director's Report is NOT accurate.
For accurate information see the printed copy of the
Director's Report on file with the Court or IDWR.

Name and Address: JOSEPH L PARKINSON
123 WEST HIGHLAND VIEW DRIVE
BOISE, ID 83702

Source: BATES CREEK Tributary: PICKETT CREEK

Quantity: .70 CFS

Priority Date: 04-01-1907

Diversion Point: T04S R01W S29 NWSW Within Owyhee County

Purpose and Period of Use:	Purpose of Use	Period of Use	Quantity
	Irrigation	03-15 TO 11-15	.70 CFS
	Stockwater	01-01 TO 12-31	.16 CFS

Place of Use: Irrigation Within Owyhee County
T04S R01W S29 SWNE 8.2 SENW 3.5
11.7 Acres Total

Stockwater Within Owyhee County
T04S R01W S29 SWNE SENW

Other Provisions Necessary for Definition / Administration of this Water Right:

Explanatory Material: Basis of Claim - Decreed

RIGHT NO. 57-00047 IS ALSO DIVERTED THROUGH POINT OF
DIVERSION DESCRIBED ABOVE.
0.47 CFS OF THIS RIGHT IS LIMITED TO USE FOR CONVEYANCE
LOSSES IN DELIVERY OF THIS RIGHT.

NOT FOR RECORD

107-10-6 M 0:56

DISTRICT COURT
TWIN FALLS, IDAHO
FILED

**IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS**

In Re SRBA

ORDER OF PARTIAL DECREE

Case No. 39576

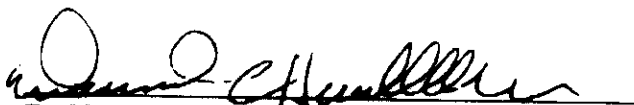
For Water Right 57-00077

On January 8, 1997, a *Special Master's Report and Recommendation* was filed for the above water right. No Challenges were filed to the *Special Master's Report and Recommendation* and the time for filing Challenges has now expired.

Pursuant to I.R.C.P. 53(e)(2) and *SRBA Administrative Order I*, Section 14a, this court has reviewed the Findings of Fact and Conclusions of Law contained in the *Special Master's Report* and wholly adopts them as its own.

Therefore, IT IS ORDERED that water right 57-00077 be decreed as set forth in the attached *Partial Decree Pursuant to I.R.C.P. 54(b)*.

DATED March 6, 1997.


DANIEL C. HURLBUTT, JR.
Presiding Judge
Snake River Basin Adjudication

MICHOEHLER
MAR 16 2004

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA)
Case No. 39576)
_____)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR

Water Right 57-00077

1997 MAR -6 AM 9:57
DISTRICT COURT
TWIN FALLS, IDAHO
FILED

NAME & ADDRESS: WALTER J WATKINS
BARBARA WATKINS
JOHN GABICA
GENE GABICA
HC 78 BOX 1107
EMMETT ID 83617

SOURCE: DATES CREEK

TRIBUTARY: PICKETT CREEK

QUANTITY: 0.7 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT FOR STOCKWATER USE
SHALL NOT EXCEED 13,000 GALLONS PER DAY.

PRIORITY DATE: 04/01/1907

POINT OF DIVERSION: T04S R01W S29

NWSW

Within Owyhee County

PURPOSE AND
PERIOD OF USE: PURPOSE OF USE
IRRIGATION
STOCKWATER

PERIOD OF USE
Irrigation Season
01-01 12-31

QUANTITY
0.7 CFS
0.16 CFS

PLACE OF USE: IRRIGATION
T04S R01W S29
11.7 ACRES TOTAL

Within Owyhee County
SWE 8.2

SESW 3.5

STOCKWATER
T04S R01W S29

Within Owyhee County
SWE

SESW

CONSUMPTIVE USE: 40.9 AFY

THE CONSUMPTIVE USE VOLUME IS ONLY FOR THE IRRIGATION PORTION
OF THIS WATER RIGHT.

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

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR
STOCKWATER USE IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL
USE.

DATED: MAR 3 1997


DANIEL C. MARLBUT, JR.
PRESIDING JUDGE
Snake River Basin Adjudication

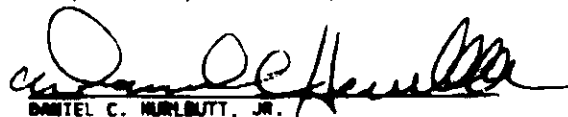
PARTIAL DECREE PURSUANT TO I.R.C.P. 54(b)
Water Right 57-00077

PAGE 1
FEB-25-1997

MICROFILMED
MAR 16 2004

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.

DATED: ~~2003~~ 6 1997

DANIEL C. MURLBUTT, JR.
PRESIDING JUDGE
Snake River Basin Adjudication

MICROFILMED

MAR 16 2004

1997 MAR 06 PM 02:00
DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED _____

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA)

Case No. 39576)
_____)

CERTIFICATE OF MAILING

Water Right(s): 57-00077

CERTIFICATE OF MAILING

I certify that a true and correct copy of the PARTIAL DECREE
PURSUANT TO I.R.C.P. 54(b) for WATER RIGHT 57-00077 was mailed
on March 06, 1997, with sufficient first-class postage prepaid
to the following:

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

CLIVE STRONG
DEP AG OFFICE OF ATTY GEN
STATEHOUSE MAIL
BOISE, ID 83720

JOHN & GABICA, GENE GABICA
WALTER & BARBARA WATKINS
HC 78 BOX 1107
EMMETT, ID 83617

JOSEPH L. PARKINSON
123 W HIGHLAND VIEW DR
BOISE, ID 83702

DIANA DELANEY

Chief Deputy Clerk

CERTIFICATE OF MAILING

* ORIGINAL COPY *
MICROFILMED

PAGE 1
03/06/97

MAR 16 2004



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

June 18, 2002

MATTHEW E BARNEY
JEAN M BARNEY
230 W CLAIRE ST
MERIDIAN ID 83642

RE: Change of Ownership for Water Right 57-77

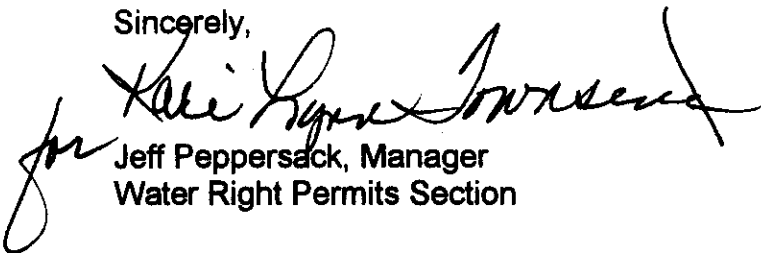
Dear Water Right Holder(s):

The department acknowledges receipt of correspondence changing ownership of the above referenced water right to you. The department has modified its records to reflect the change in ownership and has enclosed a computer-generated report for your records. Also enclosed is a receipt for the \$25.00 filing fee.

Please note that as of July 1, 1996, water right owners are required to report any change of water right ownership and any change of mailing address of the owner of a water right to the department. Notice of the change must be provided to the department within 120 days of the change. Change reporting forms are available from any office of the department.

Please feel free to contact this office if you have any questions regarding this matter.

Sincerely,


for Jeff Peppersack, Manager
Water Right Permits Section

JP:klt

Enclosures

MAIL ROOM

MAR 16 2004

SCANNED
OCT 22 2004

MEMORANDUM

DATE: June 12, 2002
FROM: KARI LYNN TOWNSEND
TO: FILE 57-00077 and 57-02004 (*no physical file exists*)
RE: Telephone conversation

=====

Today I had a conversation with Don Shaff (AJ) regarding the status of unclaimed water right 57-02004. Don said that once the court issued the final decree for basin 57 that all the unclaimed rights for that basin would be non-existent.

I phoned Jean Barney to let her know that the only valid water right on her ownership change request was 57-00077. I told her that WR 57-02004 would no longer be in effect when the court issued the final decree for basin 57. Also told her to send the \$25.00 filing fee for WR 57-00077 to our office with a copy of the ownership change request (I faxed her a copy) and I could complete her request.

MICROFILMED

MAR 16 2004

FAX TRANSMITTAL SHEET**RECEIVED****MAR 26 2002**

Date: 3/26/2002
FAX Sent To: Kari Lynn Townsend
Idaho Department of Water Resources
Regarding: Water Right 57-00077
FAX Number: 208-327-7866
Voice: 208-327-7941
No. Pages: 3 (including cover sheet)

Department of Water Resources

Message:**Dear Kari Lynn,**

I've attached "Exhibit A" which was missing from your copy of the Warranty Deed on our property. The map included with it incorrectly shows the location of the access road and creek drainage relative to our property, so I've drawn in the approximate correct locations. (Title Company didn't seem to care about the map's accuracy.) The draw point for 57-00077 is located on BLM land southeast of our property via a BLM Right of Way # IDI 030398. BLM says the ROW can be transferred to us as soon as the water right ownership change is completed. You should be able to verify the correct road, creek and ROW locations relative to our 80 acres from the aerial photo if that is necessary for your review.

The person I spoke with originally at IDWR back on 8/13/99 was Shelly Keene. She was very helpful and gave me the water right numbers and process information.

Thank you again for your professional and pleasant demeanor, and for your help with this.

Sincerely,

Jean Barney

FAX Sent From: Jean Barney
208-887-0069 (home)
→ 208-368-3711 (work) ←
FAX: 208-368-5902

If you do not receive all the pages or if transmission is not clear, please contact the sender.

MICRON INFORMATION SYSTEMS

MAR 16 2004