

Monday 28-3833

JUNE 1986

SUN	MON	TUE	WED	THU	FRI	SAT
1 Bred Bakery Grain 220 2107	2 Bred Lott more MAY 11 309 335 413	3 1/10 1/10 1/10	4 Bred Eli	5 Bred Fok Henth 10:00 am	6 Bred Eli	7 Cott Sheep Wash day Eli to Pasture Procurio 20 Flag Day 10:00
8	9	10	11 Bred Eli	12 Sym Discharge 90 90	13	14
15 232-3099 Father's Day First Quarter	16 531 535	17 Only to check Cows at Smiths at Valley	18 man down	19 4-11	20 1:15 PM 10 day	21 Bred Bakery 1st Day of Summer
22 8898 Bred Steer 1020 Black 935 Full Moon	23 Bakery 4-grain 1 corn	24 4-11 Kids	25 man down	26 Cott shot	27 Grain 1364.00	28 Bakery due Vale
29 Monday Last Quarter	30 Pay Place Payment		700.00			

MAY							JULY						
S	M	T	W	T	F	S	S	M	T	W	T	F	S
				1	2	3							
4	5	6	7	8	9	10	6	7	8	9	10	11	12
11	12	13	14	15	16	17	13	14	15	16	17	18	19
18	19	20	21	22	23	24	20	21	22	23	24	25	26
25	26	27	28	29	30	31	27	28	29	30	31		

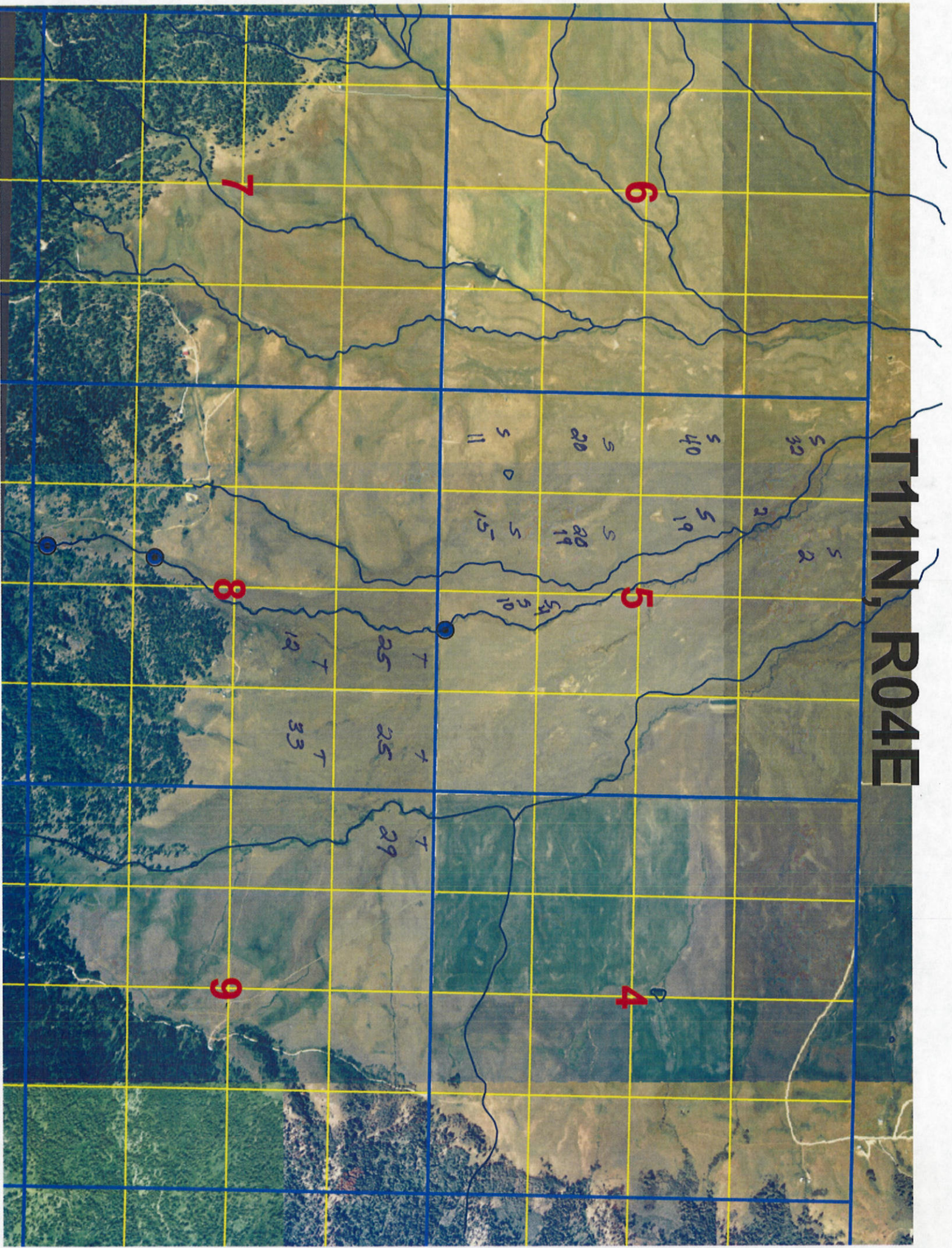


JULY

NOTES

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
JUNE 1986 S M T W T F S 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30	AUGUST 1986 S M T W T F S 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31	1 Home from Riggins 9:30pm CANADA DAY Rusty, Bear, Colleen	2 Gosh cutting back Molara	3 Chach Balica	4 Horrible fight watched from outside / mom "he said 'oh pretty'" Kathyland Jack → Boise Alaska den 7:30pm INDEPENDENCE DAY Boomerang too.	5 Went to Round Valley 5:00pm. went to Cascade - found Kenney & Renee. Fireworks
6 Rand → Boot Jig - starting in Eastern Idaho Mom, Dad + Gosh + I Round Valley Kelly + Susan up about 1:00pm	7 Stayed in Round Valley - cleaned up all day. Kelly + Dad went down early. Mom + Gosh + I stopped in Sunset at Round	8 Supposed to meet Rand Big 44	9 Helped Kelly with Limestone Sale	10	11 Treasure Valley Sale Gosh watched the sale. the whole day. Kelly, Susan + I Kenney play - Bullehot Chinaman's food - Chinaman's food - went with Kenney to pick up for burger + also 9 laughs.	12 Mom, Dad + I saw Kenney play again. Kelly + Susan, Bullehot. Chinaman's food -
13 Mom, Dad + Gosh → R.V. Went water skiing Kenney, Renee, Susan, Karen Rob, Robbie + Katie, Kelly, Susan + Kelly + I went to Round Valley	14 Mom, Gosh + I Stayed in Round Valley all day. Really sore from skiing, watched Agnes + Bob with Mom + Dad. Dad went to Medana.	15	16 Home from Emmett for Rand called 11:00pm	17 Layed around - cold weather. Gosh loves Lee race commercial	18	19
20	21	22	23	24	25 Dad +	26
27 Johnny + Melissa	28	29	30	31		JULY 1986

T11N, R04E



T11N, R04E

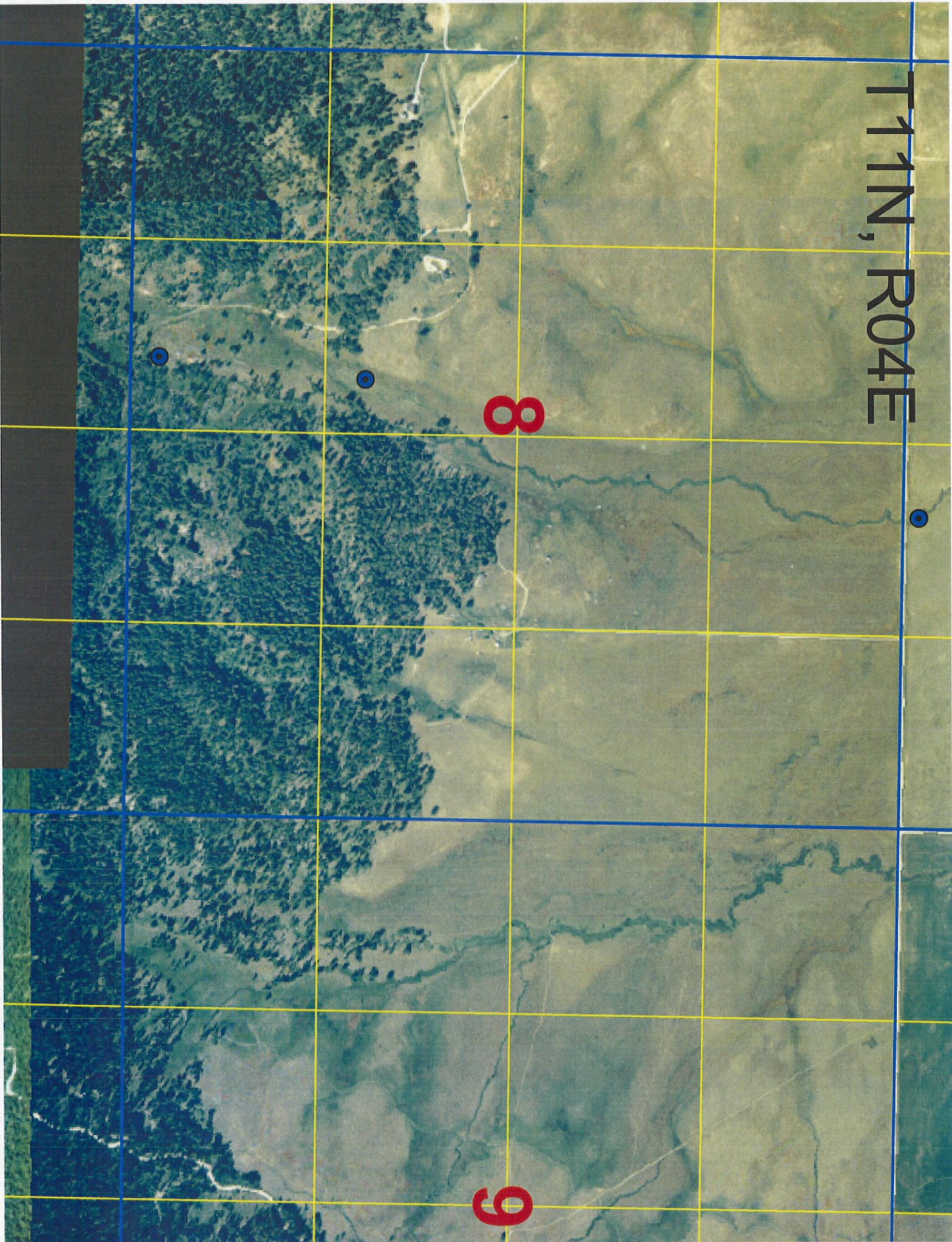
8

9

T11N, R04E

8

9

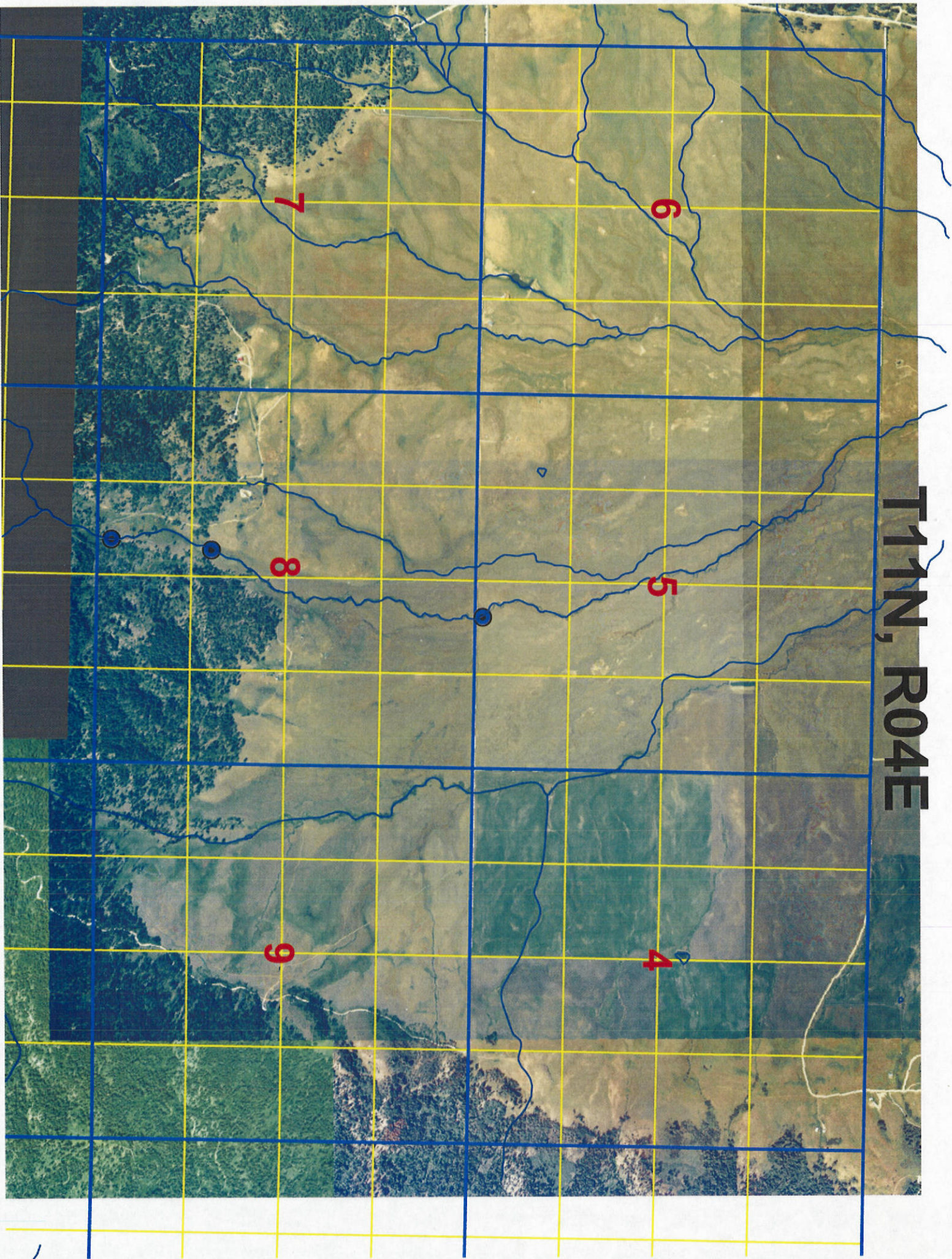


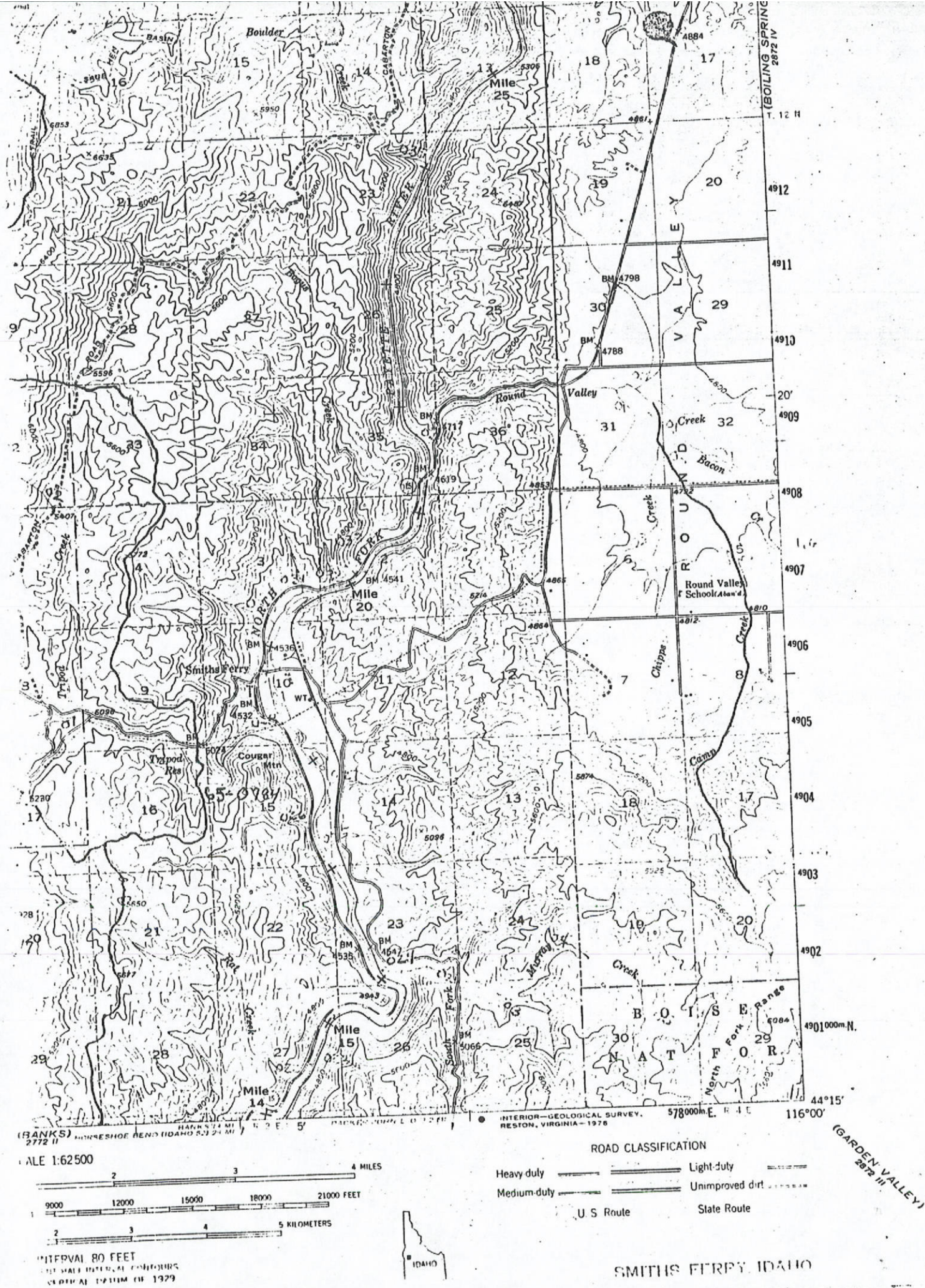
T11N, R04E

8

9

T11N, R04E





U60
1975

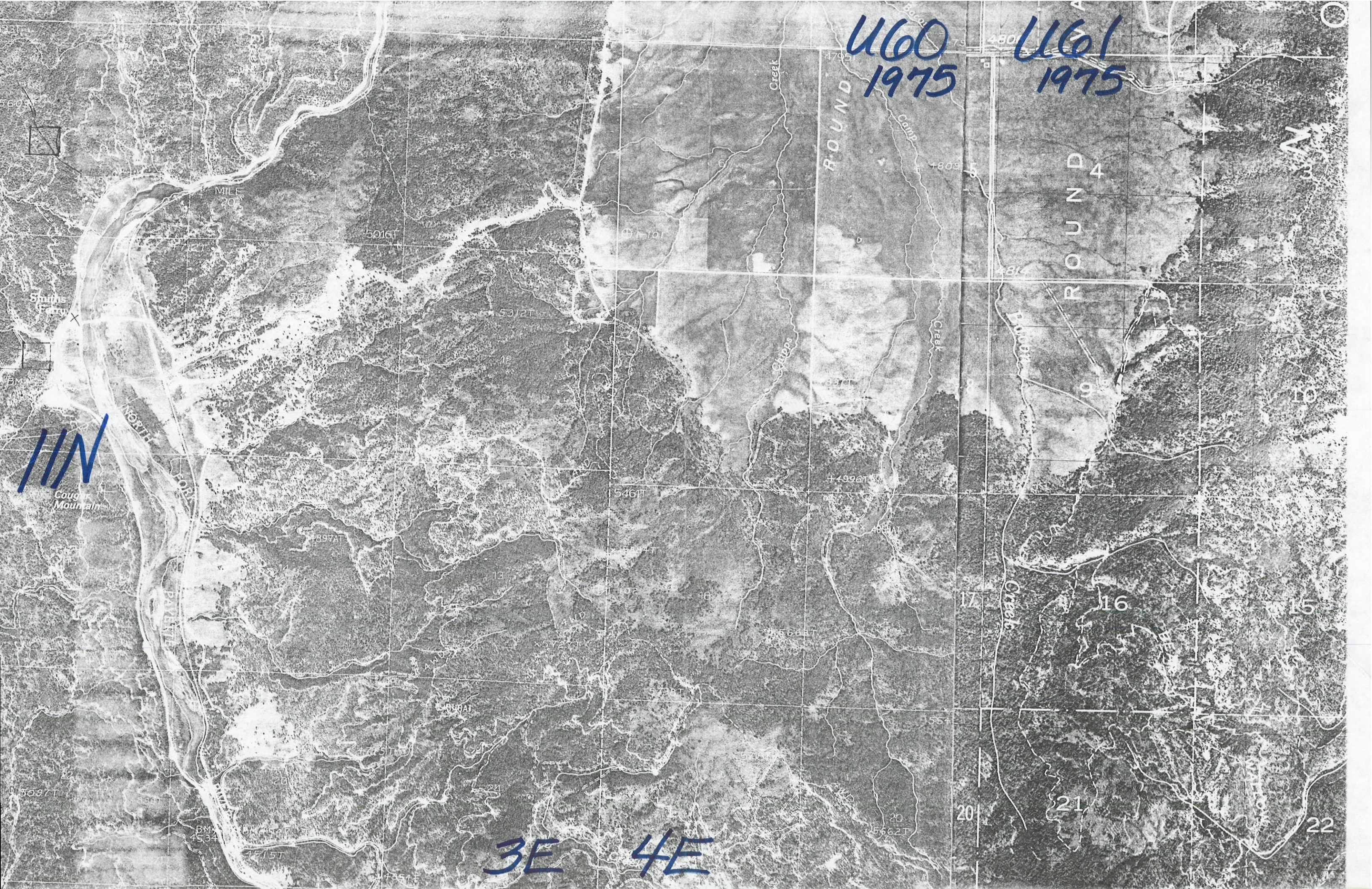
U61
1975

///N
Cough Mountain

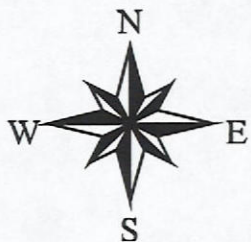
ROUND

ROUND 4

3E 4E



IDAHO DEPT OF WATER RESOURCES



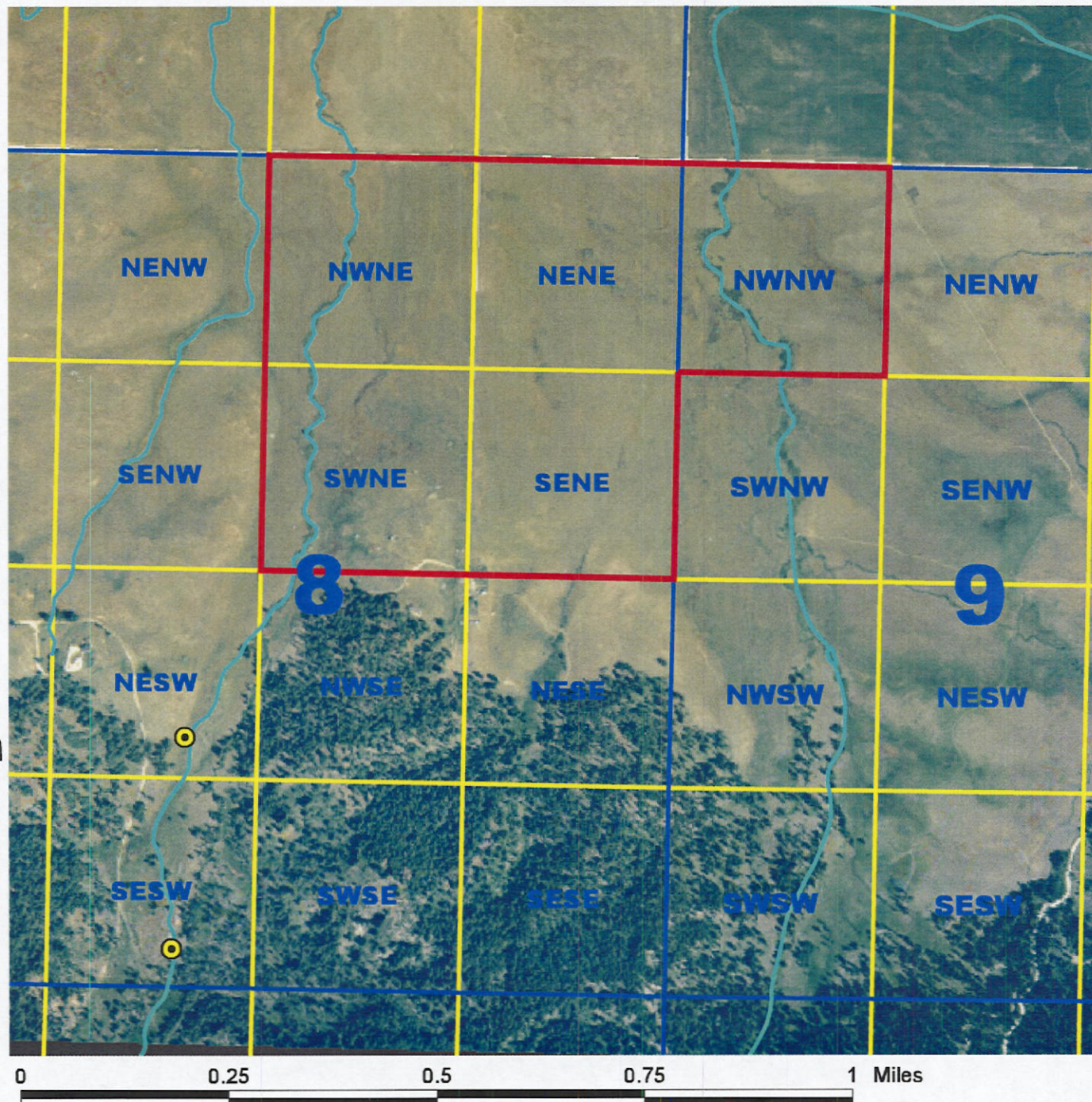
CLAIM(S): 65-05663B

T11N, R04E, S08
& S09

Owner(s): TROUTT

-  Place of Use
-  Point(s) of Diversion
-  Section Lines
-  1/4 1/4's

Prepared by: KAY WALKER
Date: September 1, 1999





PHOTOGRAPHER: KAY WALKER

DATE OF PHOTOS

8-21-99

FILE NO(S).

photos



Photo taken
from NENWNW,
Sec. 9 - facing
west



Photo taken
from corner
of Sec. 8 & 9 -
(Sec. 8, NENE)
Note ditch
running
through field.



PHOTOGRAPHER: KAY WALKER

DATE OF PHOTOS 8-21-99

FILE NO(S). _____



Photo taken
NENE, Sec. 8
facing south.
Note old ditch
winding
through to
the SW.



Ditch going
SE.



PHOTOGRAPHER: KAY WALKER

DATE OF PHOTOS

8-21-99

FILE NO(S).



Photostaken
from corner
of NWNENE,
Sec. 8 facing
south towards
homes





PHOTOGRAPHER: KAY WALKER

DATE OF PHOTOS 8-21-99

FILE NO(S) . _____



Photos taken
from NWNEN^{KW}~~E~~,
Sec. 8 - looking
SW towards
Wood property.



facing SW
towards
hillside



PHOTOGRAPHER: KAY WALKER

DATE OF PHOTOS 8-21-99

FILE NO(S) . _____



Photo taken
from NWNENE,
Sec. 8 -
looking SW



Photo taken from
NENW, Sec 8
facing south-
shows Woods
irrigation in
background.



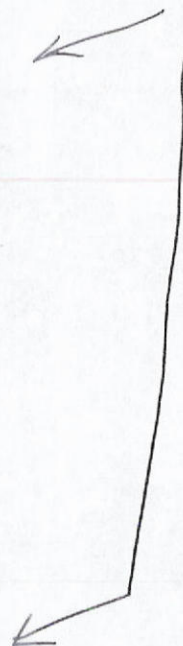
PHOTOGRAPHER: KAY WALKER

DATE OF PHOTOS 8-21-99

FILE NO(S) . _____



Photos taken
from NENW,
Sec. 8 facing
SW



Photos taken 8-21-99
by kw



Photo taken
in NWNE,
Sec. 8
facing SE



Photo in
NWNE, Sec. 8
facing SW

Photos taken 8-21-99
by kw



NENW, Sec 8-
West edge
of ~~Bingel's~~ ^{Trouth's} _{kw}
property
facing south



NENW, Sec 8
facing SE



PHOTOGRAPHER: KAY WALKER

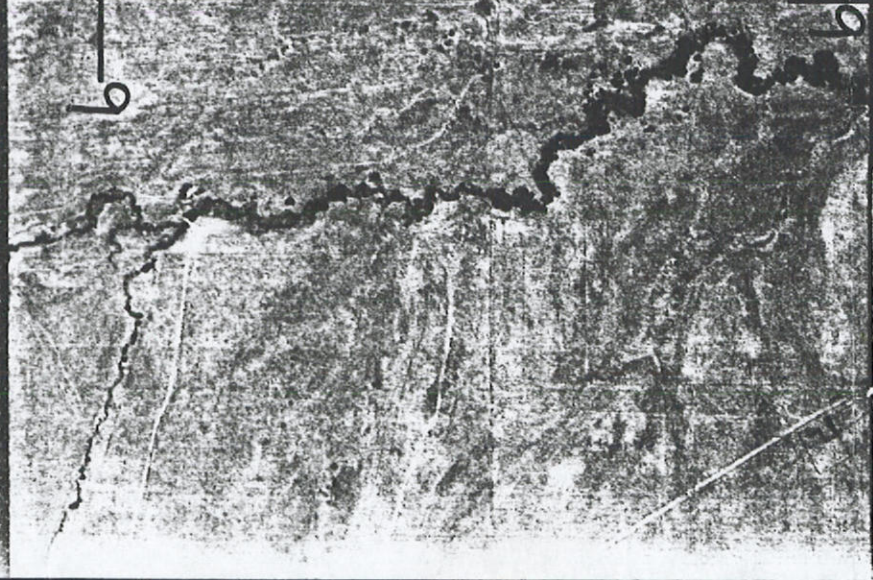
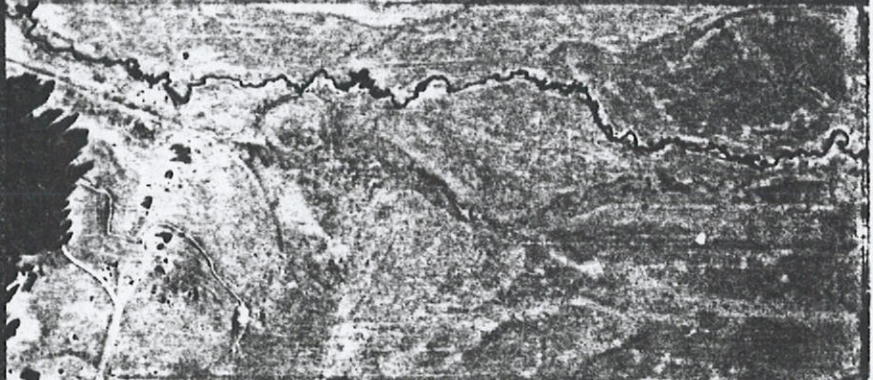
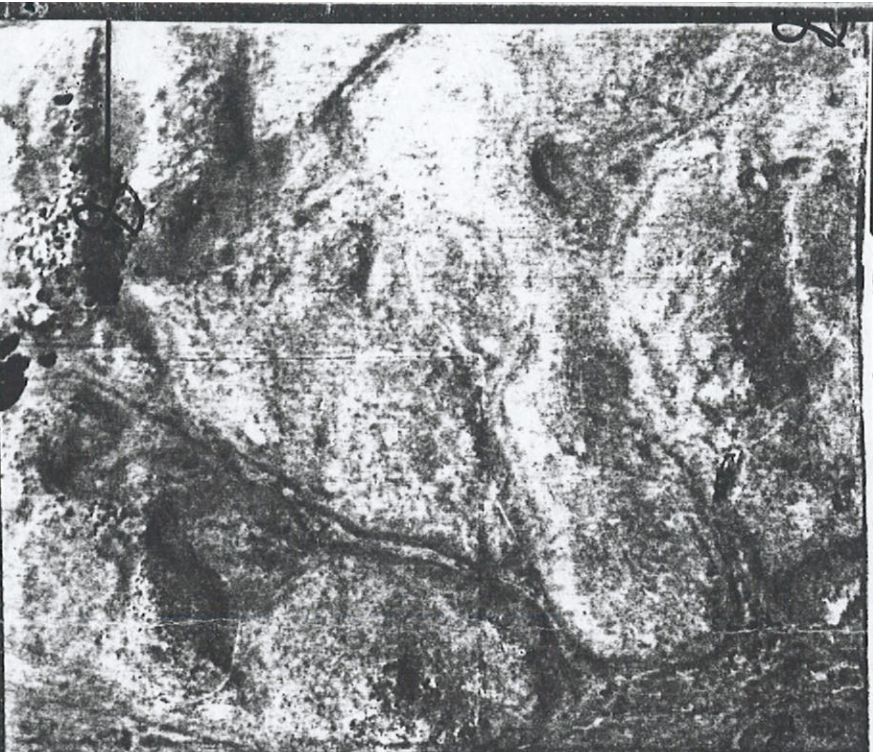
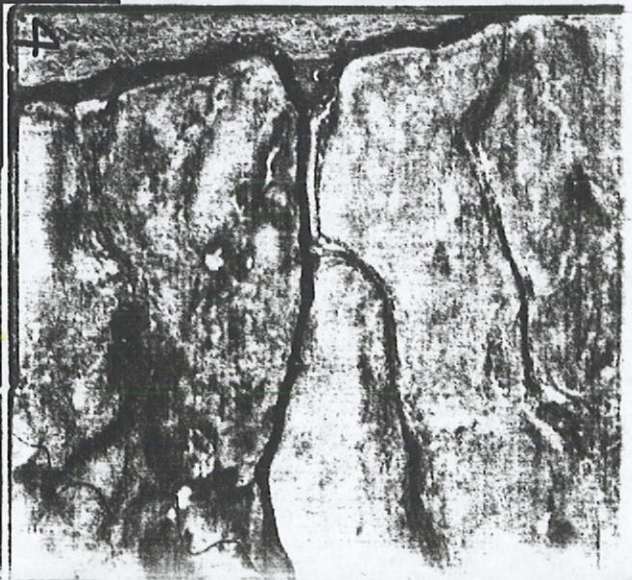
DATE OF PHOTOS 8-21-1999

FILE NO(S). _____



Photos taken
from NE NWNW
Sec. 9 - facing
SW overlooking
Troutt Ranch





8

5

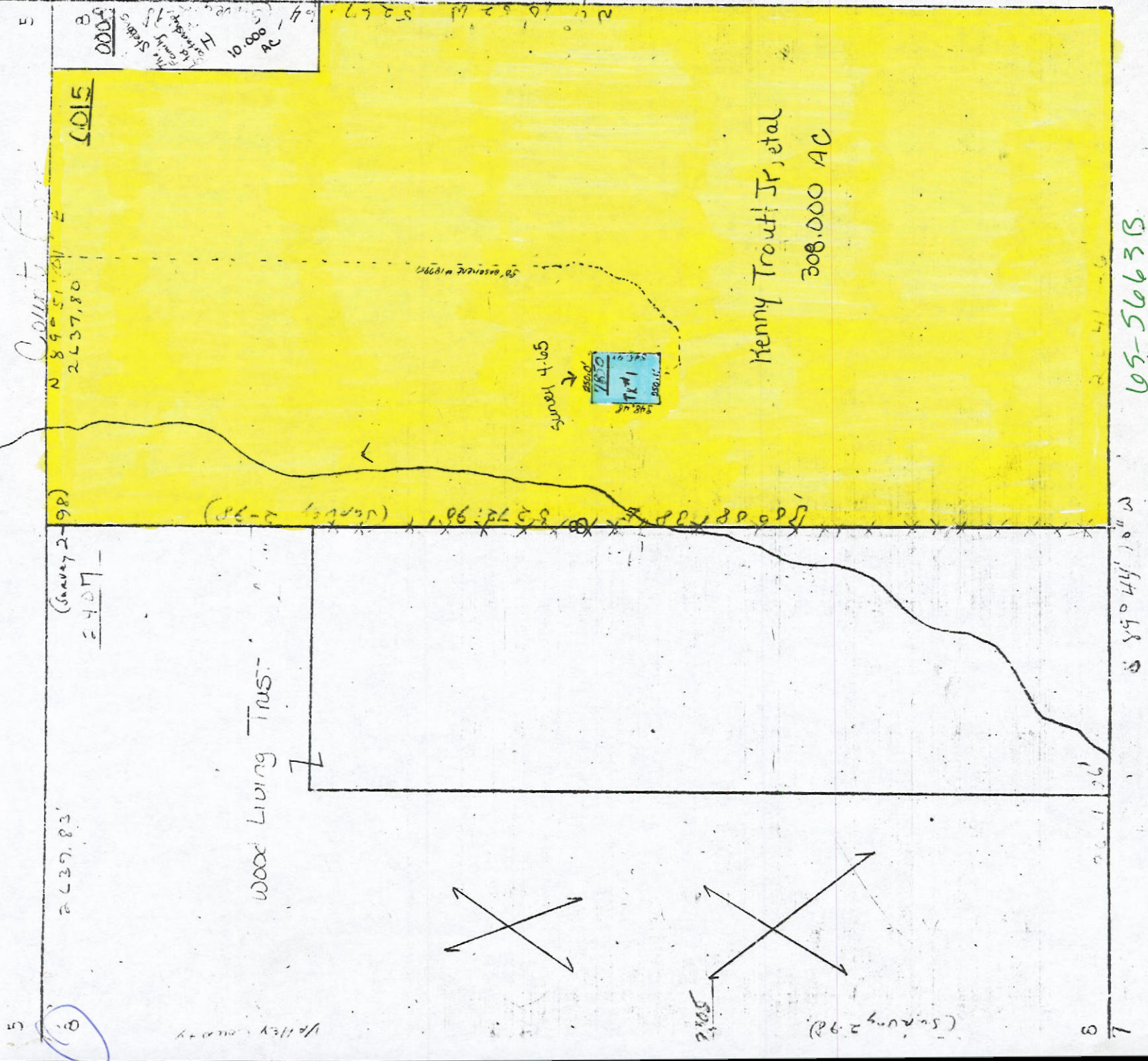
8
9

5
4

8
—
9

Section 8, T11N, R4E

N ↑



$\frac{6}{7} \frac{5}{8}$

A295

T 476

2.7
10

2.3

K

1.5

L

6.6

M

9.2

N

$\frac{7}{18} \frac{8}{17}$

$\frac{8}{17} \frac{5}{17}$

RECEIVED

OCT 11 1996

WATER RESOURCES
WESTERN REGION

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: A65-05663B
Date Received: 9/23/1996
Receipt No: X999999
Received By: MTS

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: LLOYD KENNETH TROUTT JR 208-365-5762
Address: 4933 SOUTH SLOPE
EMMETT ID 83617

2. Date of Priority: MAY 1, 1902

3. Source: CAMP CREEK Trib. to: ROUND VALLEY CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
11N	04E	8	NW	SE			VALLEY

5. Description of diverting works:
DITCHES FOR FLOOD IRRIGATION.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/15	10/15	2.490		

7. Total Quantity Appropriated is:
2.490 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
11N	04E	8	NE	NE		IRR	25.0
			NW	NE		IRR	25.0
			SW	NE		IRR	12.0
			SE	NE		IRR	33.0

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					Section Acres	95.0
		9	NW	NW	IRR	29.0
					Section Acres	29.0
					Total Acres	124.0

11. Place of use in counties: VALLEY

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:

14. Remarks:

15. Basis of Claim: DECREED

Case Number: 3667

Court :

Decree date: / /

STATE OF IDAHO

Decree Plaintiff

A & C CORP ETAL

vs Decree Defendant

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

Number of attachments: _____

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant Lloyd Kenneth Smith

Date: 10-3-96

Date: _____

State of Idaho)

County of Gem)

SS.

Subscribed and sworn (or affirmed) before me this 4th day

of October 19 96

Jane M. Pallen
Notary Public

Seal

Residing at Emmett

My Commission Expires 2-6-97

Mandatory Settlement Conference
Emmett - Jan 9th - 10:00

Schulte, Mel

From: Schulte, Mel
Sent: Wednesday, February 07, 2001 8:47 AM
To: Harvey, Becky
Cc: Schulte, Mel
Subject: Water right holders on Camp Creek

Becky, My research of the water right holders on Camp Creek provided only the names of the parties we are familiar with in the recent sub case proceedings. They are as follows:

Edward & Jean Wood
9908 Spoor Rd
PO Box 670
Cascade, ID 83611

Earl & Shirley Stebbins
3300 Saturn Rd
Brooksville, FL 34604

Kathleen Troutt Houk
Lloyd Kenneth Troutt
Kelly Troutt
Kevin Troutt
4322 Little Freezeout Rd
Emmett, ID 83617

As a matter of information, I sent Mr. & Mrs. Wood copies of both Stebbins and Troutts instream stock water claims as I had agreed to do during some earlier discussions. Mel

Schulte, Mel

Subject: 65-05663B (Troutt/Wood) - Mandatory Settlement Conference - GB/CMM/Mel Schulte
Location: Emmett - Gem County Courthouse - SM Bilyeu (settlement moderator)
Start: Tue 1/9/01 10:00 AM
End: Tue 1/9/01 2:00 PM
Show Time As: Tentative
Recurrence: (none)
Meeting Status: Not yet responded
Required Attendees: Adj Atty Calendar; Baxter, Garrick; McHugh, Candice; Schulte, Mel

Trial date moved to 3-16 @ 10:00

Roma Troutt - 365-3333

Schulte, Mel

Subject: 65-05663B (Troutt/Wood) - Trial - GB/CMM/Mel Schulte
Location: Emmett - SM Cushman

Start: Tue 3/20/01 10:00 AM
End: Tue 3/20/01 5:00 PM
Show Time As: Tentative

Recurrence: (none)

Meeting Status: Not yet responded

Required Attendees: Adj Atty Calendar; Baxter, Garrick; McHugh, Candice; Schulte, Mel

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JUN - 7 2002

2002 JUN -6 PM 3:15

Department of Water Resources

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) Subcase: 65-05663B
)
Case No. 39576) ORDER DENYING EX PARTE MOTION
) FOR ENLARGEMENT OF TIME
)
)

On May 9, 2002, a *Partial Decree* was issued for the above-captioned water right, together with a *Memorandum Decision and Order on Challenge and Order of Partial Decree* ("*Memorandum Decision*"). On June 4, 2002, this Court received correspondence from the objector, Dr. Edward M. Wood, a copy of which is attached hereto, seeking a "waiver of the 14 day period for challenge" of the *Memorandum Decision*. Although not entirely clear, it is assumed that the 14-day period referenced in Dr. Wood's letter is the time period for filing a motion to alter or amend a judgment under Idaho Rule of Civil Procedure 59(e). Therefore, the Court will treat Dr. Wood's letter as an *ex parte* motion for enlargement of time. Dr. Wood's motion was filed after the expiration of the 14-day time period, which ended on May 23, 2002.

Therefore, this Court, in the exercise of its discretion, **denies** Dr. Wood's *ex parte* motion for enlargement of time. Any further relief sought by Dr. Wood can only be obtained by filing a notice of appeal within the time period prescribed in Idaho Appellate Rule 14.

Dated 6-6-02



ROGER BURDICK
Presiding Judge
Snake River Basin Adjudication

CERTIFICATE OF MAILING

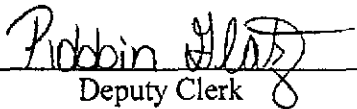
I certify that a true and correct copy of the ORDER DENYING EX PARTE MOTION FOR ENLARGEMENT OF TIME was mailed on June 6, 2002, with sufficient first-class postage to the following:

Director of IDWR
PO Box 83720
Boise, ID 83720-0098

Edward M. Wood, MD
9908 Spoor Road
Cascade, ID 83611

Matt Howard
PO Box 190012
Boise, ID 83719

Charles Honsinger
PO Box 2773
Boise, ID 83701-2773


Deputy Clerk

Edward M. Wood, M.D.
9908 SPOOR ROAD
CASCADE, IDAHO 83611, USA
PHONE (208) 382-6624
FAX (208) 382-3129

2002 JUN -4 AM 9:31
DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED _____

May 30, 2002

Roger S. Burdick
Presiding Judge of the Snake River
Basin Adjudication
253 Third Ave., North
P.O. Box 2707
Twin Falls, ID 83303-2707

Judge Burdick:

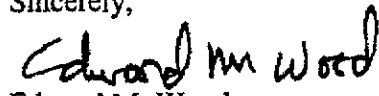
This is a request for a waiver of the 14 day period for challenge of your MEMORANDUM DECISION AND ORDER OF CHALLENGE re Subcase 65-05663B dated May 9, 2002.

My apologies for the request. Your decision was not mailed until May 13 and did not reach me by fax from attorney Matt Howard until May 15. I did not have the opportunity to meet with Howard until May 29 at which time I learned of the 14 day time limit for challenge.

My reasons for challenge are to ensure that the Court is fully aware of the events involved with this case over the 10 year period from 1986 to 1996. The issue of tolling will not be challenged. After studying your Decision in detail, I believe it essential to clarify a number of misrepresentations that I believe deserve your attention and will change your decision on forfeiture. If you will extend the time period for one week to June 7, I will make a formal challenge, list the issues to be discussed and notify all the required participants.

Please have your clerk notify me of your decision by fax so I can complete a Statement Of Issues and notify all participants by June 7. Please also note that my relationship with Matt Howard has been terminated and I will present the challenge as a *pro se*.

Sincerely,


Edward M. Wood

RECEIVED

JUL 03 2001

WATER RESOURCES
WESTERN REGION

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JUN 29 2001

Department of Water Resources

2001 JUN 28 PM 1:16

DISTRICT COURT-SRBA
TWIN FALLS CO, IDAHO
FILED 102

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

Subcase: 65-05663B

Case No. 39576

SPECIAL MASTER'S REPORT AND
RECOMMENDATION

FINDINGS OF FACT AND
CONCLUSIONS OF LAW

APPEARANCES

The Co-Claimants/Co-Respondents, Lloyd Kenneth Troutt, Jr., Kevin Troutt, and Kathleen Troutt Houk, appeared in person, *pro se*. Kelly Troutt, a Co-Claimant/Respondent did not appear.

The Objectors Edward M. Wood and Jean Wood appeared in person, *pro se*.

Garrick Baxter, Deputy Attorney General for Idaho, was present for The Idaho Department of Water Resources.

A. FINDINGS OF FACT

The Special Master, having heard the testimony of the witnesses and having reviewed the other evidence produced at trial, makes the following findings:

1. Water right 65-05663 was the parent right for the water right claim in this subcase. It was used to irrigate land in T11N, R4E, §§ 8, 9 and 17 in Round Valley, Valley County, Idaho. It was an irrigation right for 3.36 cfs with a priority date of May 1, 1902. This right was partially decreed on October 29, 1986, in Gem County Case No. 3667, the Payette River Adjudication.¹

¹ The Payette River Adjudication was not fully completed, but many of the rights in that basin were partially decreed. The case was subsumed by the SRBA, and its files are now a part of the SRBA. *Order Consolidating the Payette Adjudication, In Re SRBA*, Case No. 39576 (Feb. 8, 2001).

2. This Special Master takes judicial notice of the SRBA file concerning the parent right and the A and B portions thereof and the file of the parent right in the Payette River Adjudication.
3. In September 1986, the Objectors (hereinafter Woods) bought 640 acres of land in sections 8 and 17, including 25% of water right 65-05663. In 1989, IDWR transferred that portion to Woods, which was thereafter 65-05663A. The remaining portion, 65-05663B was transferred to the Troutts' to irrigate their portion of the land.
4. The Troutts' claim for water right 65-05663B was filed in the SRBA on October 11, 1996, for 2.49 cfs for irrigation of land in sections 8 and 9, with the same priority date, point of diversion, and season of use as the parent right.
5. The point of diversion for 65-05663 (parent right) was at a point on Camp Creek within the NE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of § 8. This point of diversion is located within the portion of property acquired by Woods.
6. In the Director's Report for 65-05663B, the Director of IDWR, recommended the right as claimed, but with two diversion points on Camp Creek: the first as claimed and an additional one in the SE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of section 8 (also within the portion of property acquired by Woods). This was apparently done to comport with the 1989 transfer.
7. Upon purchase of the property, Woods started construction of a fence along the border of their property. The fence was completed in 1987. The fence was electrified, substantial, and posted with no trespassing signs. There were no gates in the fence near the points of diversion.
8. While Dr. Wood testified the primary purpose of the fence was to keep cattle out, it is clear from other evidence that it was intended to keep people out as well, and uninvited persons were not welcomed on the property.
9. The fence substantially impeded the Troutts from getting to the points of diversion. Given the history of problems that occurred when Troutts and others came upon the Woods property, it had the practical effect of completely keeping Troutts from accessing the points of diversion.
10. Woods had not been on the property or present in Round Valley to view irrigation or lack thereof prior to 1986. Nor did they have any personal or direct evidence of non-use prior to the 1986 irrigation season.
11. The property is and has been irrigated to provide pasture for cattle. In most years, there would not be grass for pasture beyond mid-summer without irrigation.

12. Prior to the sale of the property to Woods, there was usually sufficient water available under this water right to irrigate the property until at least August.
13. After the construction of the fence, the Troutts used alternative points of diversion and attempted to irrigate as much land as these alternative measures allowed.
14. In addition to the testimony of members of the Troutt family, there was credible testimony of non-party witnesses that the property was irrigated throughout the 1980's and during the first half of the 1990's, particularly 1991 and 1992, and that cattle were on the property as late as November during one of these years.
15. The Woods each testified that after they moved onto their Round Valley Property in 1986, they did not see the Troutts' property being irrigated. However, the Special Master, nevertheless, finds that such irrigation did take place from at least 1986 to 1992. The Special Master does not expressly find that the Woods' testimony was false, but only that the Woods' did not see what the Special Master finds to have occurred based on the other evidence presented.
16. The Director's Report of this claim was supported by the field investigation of Senior Water Resource Agent Kay Walker conducted on August 21, 1999. Agent Walker had ten years of experience and had conducted 800 to 900 field reports prior to this one.
17. During that field investigation, she observed irrigation had occurred on the instant land and that it was indistinguishable from surrounding land, which she knew to be irrigated. She noted ditches and grasses consistent with irrigation.
18. The only indications of forfeiture with which IDWR had cognizance, prior to the issuance of the Director's Report, were Woods' letters alleging nonuse.
19. There is no credible evidence of intent by Troutts to abandon water right 65-05663B.
20. Notwithstanding Woods' failure to observe same, the overwhelming evidence is that irrigation has occurred regularly on Troutts' property throughout the 1980's and early 1990's.
21. There has not been a consecutive five-year absence of irrigation on the Troutt property between the date the partial decree in the Payette River Adjudication was issued (1986), and the date the Troutt claim was filed for this right in the SRBA (1996).

B. CONCLUSIONS OF LAW

1. When filed, the Director's Report became a part of the record of this subcase, and constituted *prima facie* evidence of the nature and extent of the Troutts' water right. I.C. § 42-1411(4).
2. The presumption created by I.C. § 42-1411(4), imposes upon the party contesting it, i.e., Woods, the burden of going forward with evidence to rebut or meet the presumption. *State vs. Hagerman Water Right Owners, Inc.*, 130 Idaho 736, 746, 947 P.2d 409, 419 (1997); *McCray vs. Rosenkrance*, ___ Idaho ___, 20 P.3d 693 (2001).
3. The ultimate burden to prove each and every element of a claimed water right always rests with the claimant. When there is sufficient evidence to rebut the Director's Report, the claimant has the burden of going forward and of proof as to the right. I.C. § 42-1411(5); *McCray*, 20 P.3d at 697-98.
4. When the party objecting to the Director's Report has come forward with evidence to meet the presumption, and the claimant has come forward with evidence in response, the decision of the fact finder should be based upon a weighing of all of the evidence presented, and not simply upon the statutory presumption. *McCray vs. Rosenkrance*, ___ Idaho ___, 20 P.3d 693 (2001).
5. Abandonment and Forfeiture are two different and distinct legal doctrines.

Abandonment is a common law doctrine involving the occurrence of: (1) an intent to abandon and (2) an actual relinquishment or surrender of the water right.

Forfeiture, on the other hand, is predicated upon the statutory declaration that all rights to use water are lost where the appropriator fails to make beneficial use of the water for a continuous five-year period. I.C. § 42-222(2).

Jenkins vs. IDWR, 103 Idaho 384, 388, 647 P.2d 1256 (1982), citing *Sears vs. Berryman*, 101 Idaho 843, 623 P.2d 1220 (1976).

6. "Forfeitures are not favored, and clear and convincing proof is required to support a forfeiture." *Jenkins* at 389; *Gilbert vs. Smith*, 97 Idaho 735, 552 P.2d 1220 (1976).
7. Even with forfeiture, the mere showing of five continuous years of non-use is insufficient to establish forfeiture, as there are exceptions to the doctrine. Pertinent to this case is the exception of wrongful interference, where the claimants were not able to use the water because of circumstances beyond their control. *Jenkins* at 389. This is particularly true when the party

- claiming forfeiture is the one at fault in preventing the use of the water. *Hodges vs. Trail Creek Irrigation Company, Inc.*, 78 Idaho 10, 16, 297 P.2d 524 (1956), *McCray*, 20 P.3d at 700.²
8. It is law of the case in the SRBA that the time after the filing of a claim may not be used to establish the minimum five- year period required by I.C. § 42 – 222(2). *Order on Challenge (Consolidated Issues) of "Facility Volume" Issue and "Additional Evidence" Issue* (Subcases 36-02708 *et al.*) (Dec. 29, 1999) (hereafter "*Facility Volume*").
8. The partial decree issued for the parent right in the Payette River Adjudication is *res judicata* concerning the parties to this subcase. *State vs. Hagerman Water Right Owners, Inc.*, 130 Idaho 736, 742, 947 P.2d 409, 415 (1997);
9. The doctrine of *judicial estoppel* prevents Woods from claiming their portion of the parent right (based upon the partial decree issued for the parent right in the Payette River Adjudication), and then claiming the Troutts' portion was forfeited or abandoned prior to the issuance of the partial decree for the parent right in the Payette River Adjudication. *McKay vs. Owens* 130 Idaho 148,152, 937 P.2d 1222 (1997).

C. DECISION

In this case, the Claimants and the Objectors each own a portion of same original or parent water right, 65-05663, which was decreed in 1986 as part of the Payette River General Adjudication. In subcase 65-05663A, Woods claimed 25% of parent right, as it was decreed in the Payette River Adjudication in October of 1986. The Troutts claimed the remainder of that parent right. The point of diversion for both Woods and Troutts remained as it was for the parent right with both diverting from a point upon what became Woods' property. The Director's Report and Partial Decree for Woods' water right claim 65-05663A, make an express reference to the fact that Troutts would continue to divert from the same point as Woods, on their property.³ Nevertheless, Woods objected to 65-05663B claiming that this right had been abandoned or forfeited because of non-use of the water from "... some time prior to 1985." Tr., p. 6, Ll. 14-18. However, even if there was sufficient evidence of a forfeiture period or abandonment prior to the issuance of the partial decree in 1986, neither was legally possible.

2 While *McCray's* case was before the Idaho Supreme Court, Judge Wood issued the *Facility Volume* ruling, to wit: that the filing of a claim in the SRBA tolls the forfeiture period.

3 A copy of the Director's Report for Woods, 65-05663A is attached to this decision as Addendum A.

1. ABANDONMENT

To claim an abandonment prior to 1986 in this subcase, Woods would have to attack his own claim for water right 65-05663A, as it was dependent upon the same 1986 partial decree as Troutts' claim. If an abandonment took place before 1986, it took place for the entire parent right. Woods are estopped from a collateral attack of the 1986 partial decree in this subcase. Woods' predecessor in interest was party to the Payette River Adjudication. Woods must legally accept the partial decree issued in that adjudication. They are collaterally estopped and may not come into this adjudication taking a position inconsistent with that of their predecessor.

Even if not collaterally estopped, as his right is also dependent upon the 1986 decree, they are judicially estopped from claiming that Troutts' claim was abandoned prior to 1986. That is, Woods may not say the parent decree is okay for our claim, but it is not okay for Troutts' claim.

Beyond the legal issues of estoppel, there was no credible evidence that an abandonment had occurred, before or after 1986, nor was there was any evidence of an intent to abandon. The overwhelming evidence, by the Claimants, their neighbors, their tenants, and IDWR's field agents was to the effect that irrigation occurred between 1978 and 1996, the year of the claim in this subcase.

2. FORFEITURE

The same analyses that applies to abandonment for the period of time before 1986, applies to the doctrine of forfeiture. Woods may not use any period of time before 1986 to establish a forfeiture.

They also may not use any period before the 1989 administrative transfer. The efficacy of the parent right was implicit in their request that 25% of that right be transferred to them pursuant to their purchase of the property. Judicial estoppel prevents them from asserting the validity of that right to IDWR in the administrative transfer proceeding and later coming before this tribunal and claiming forfeiture [of the parent right] prior to the transfer.

The SRBA Court has ruled that the filing of a claim in the SRBA tolls any period of claimed forfeiture. *Facility Volume* at 27. In this subcase the claim was filed in 1996. Any evidence of non-use after the filing dated is irrelevant.

Having narrowed the window of time in which a forfeiture could have occurred, the Woods have failed to meet the burden of proof concerning a consecutive five-year period of non-use of the instant

right.⁴ Further, any portion of a period of non-use between 1989 and 1996 was not shown by clear and convincing evidence.

3. LEGAL EXCEPTIONS TO FORFEITURE

The Objectors would have failed in this case even if they had been successful in showing a consecutive five-year period non-use or reduced use, because they must also show that there was no legal exception, tolling or excuse for Troutts' non-use. Rather, the only legal exception to forfeiture discussed at trial did apply to the periods of non-use or reduced use. That exception was the interference of Troutts' access to the point of diversion, caused by the fence that was installed by Woods in 1987. The Special Master finds that that interference was substantial and had the legal effect of tolling all periods of reduced use or non-use of water right 65-05663B from 1987 to the date of the trial. The law is settled in Idaho that Woods may not substantially interfere with Troutts' access to the point of diversion and then personally claim forfeiture. *Hodges, supra*. Woods knew from their own partial decree that Troutts had a right to come upon Woods' property to divert water. If they wished to fence their property, they had to accommodate this right. Woods could have done so with a gate near the point of diversion. Their insistence that no one enter their property was inconsistent with the obligation not to interfere with Troutts' diversion of water. The poet Robert Frost might have been right, in general, when he wrote, "good fences make good neighbors." However, the Idaho caveat to Frost is that such fences may not cut off a neighbor's access to his water. Even if there had been a period of five years without use of the water, there could be no forfeiture because of the gateless fence.

D. SUMMARY

Having weighed the entirety of the evidence presented, the Special Master finds that there is insufficient evidence of either abandonment or of forfeiture. Even if such evidence existed, the construction of a fence by Woods that substantially interfered with the Troutts' ability to get to the point of diversion has had the legal effect of tolling any period of non-use.

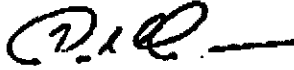
The Troutts are entitled to water right 65-05663B as recommended by the Director's Report.

⁴ Even without the legally shortened period, the evidence was insufficient to show any five-year period of non-use.
SPECIAL MASTER'S REPORT
AND RECOMMENDATION
6/28/01

E. SPECIAL MASTER'S RECOMMENDATION

Therefore, all facts and evidence having been weighed, IT IS RECOMMENDED that water right 65-05663B be decreed as set forth in the *Partial Decree Pursuant to I.R.C.P. 54(b) for Water Right 65-05663B*.

DATED June 28, 2001.



THOMAS R. CUSHMAN
Special Master
Snake River Basin Adjudication

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLSIn Re SRBA)
Case No. 39576)
_____)PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR

Water Right 65-056638

2001 JUN 28 PM 1:17

DISTRICT COURT-SRBA
TWIN FALLS CO, IDAHO
FILED NAME AND ADDRESS: LLOYD KENNETH TROUTT JR
1805 MESA AVE
EMMETT, ID 83617KEVIN TROUTT
2015 N 9TH ST
BOISE, ID 83702KATHLEEN TROUTT HOUK
4322 LITTLE FREEZEOUT RD
EMMETT, ID 83617KELLY TROUTT
9543 LIBERTY RD
SWEET, ID 83670

SOURCE: CAMP CREEK TRIBUTARY: ROUND VALLEY CREEK

QUANTITY: 2.48 CFS

PRIORITY DATE: 05/01/1902

POINT OF DIVERSION: T11N R04E S08 SENESEW Within Valley County
SESESEWPURPOSE AND PERIOD OF USE: PURPOSE OF USE PERIOD OF USE QUANTITY
Irrigation 04-15 TO 10-15 2.48 CFSPLACE OF USE: Irrigation Within Valley County
T11N R04E S08 NENE 25.0
SWNE 12.0
S09 NWNE 29.0
124.0 Acres Total

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. I.C. SECTION 42-1412(6).

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._____
Roger Burdick
Presiding Judge of the
Snake River Basin Adjudication

RECOMMENDATION

JUN 28 2001

SPECIAL MASTER

SRBA PARTIAL DECREE PURSUANT TO I.R.C.P. 54(b)
Water Right 65-056638PAGE 1
Jun-28-2001

A15856NP

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAWDATE: DEC-8-1999
PAGE: A-127

RIGHTS FROM: SOURCE: CAMP CREEK TRIBUTARY: ROUND VALLEY CREEK

RIGHT NUMBER: 65-05663A

NAME & ADDRESS: EDWARD M WOOD
JEAN WOOD
9908 SPOOR RD
PO BOX 670
CASCADE ID 83611

SOURCE: CAMP CREEK TRIBUTARY: ROUND VALLEY CREEK

QUANTITY: 0.8 CFS

PRIORITY DATE: 05/01/1902

POINT OF DIVERSION: T11N R04E S08 SESEW Within VALLEY County
SESEW

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	IRRIGATION	04-15 10-15	0.8 CFS

PLACE OF USE:	IRRIGATION	Within VALLEY County
	T11N R04E S08	SESW 13 NESW 13 SESW 15.5
	41.5 ACRES TOTAL	

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 - DECREE

RIGHT NO. 65-05663B IS ALSO DIVERTED THROUGH POINTS OF DIVERSION DESCRIBED ABOVE.

RECEIVED

JUN 29 2001

Department of Water Resources

2001 JUN 28 PM 1:

DISTRICT COURT-S
TWIN FALLS CO. IDA
FILED 10/10/10

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): 65-05663B

CERTIFICATE OF MAILING

I certify that a true and correct copy of the SPECIAL MASTER'S REPORT, SPECIAL MASTER'S RECOMMENDATION FOR PARTIAL DECREE and NOTICE OF ISSUANCE OF SPECIAL MASTER'S REPORT AND RECOMMENDATION were mailed on June 28, 2001, with sufficient first-class postage prepaid to the following:

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

LLOYD KENNETH TROUTT JR
1805 MESA AVE
EMMETT, ID 83617
Phone: 208-365-5762

KEVIN TROUTT
2015 N 9TH ST
BOISE, ID 83702

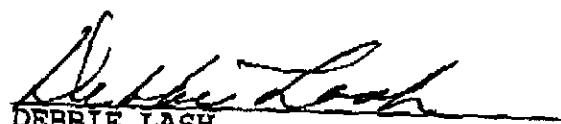
KATHLEEN TROUTT HOUK
LLOYD KENNETH TROUTT JR
4322 LITTLE FREEZEBOUT RD
EMMETT, ID 83617
Phone: 208-365-3333

CERTIFICATE OF MAILING

PAGE 1
06/28/01

KELLY TROUTT
9543 LIBERTY RD
SWEET, ID 83670

EDWARD M WOOD
9908 SPOOR RD
CASCADE, ID 83611
Phone: 208-382-6624


DEBBIE LASH
Deputy Clerk

RECEIVED

JUN 29 2001

Department of Water Resources

2001 JUN 28 PM 1:16
DISTRICT COURT-SRBA
TWIN FALLS CO, IDAHO
FILED *[Signature]*

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)

NOTICE OF ISSUANCE OF
SPECIAL MASTER'S
RECOMMENDATION

Water Right(s): 65-05663B

On June 28, 2001, Special Master THOMAS R CUSHMAN
issued a SPECIAL MASTER'S RECOMMENDATION for the above subcase(s)
pursuant to SRBA Administrative Order 1 (AO1), Section 13a.

Pursuant to SRBA Administrative Order 1, Section 13a, any party
to the adjudication including parties to the subcase, may file a Motion
to Alter or Amend on or before the 28th day of the next month.

Failure of any party in the adjudication to pursue or participate
in a Motion to Alter or Amend the SPECIAL MASTER'S RECOMMENDATION
shall constitute a waiver of the right to challenge it before the
Presiding Judge.

DATED June 28, 2001.

[Signature: Debbie Lash]
DEBBIE LASH
Deputy Clerk

NOTICE OF ISSUANCE

PAGE 1
06/28/01

B40WEIGH

BOISE CASCADE
Weigh Scale Ticket
Weigh-Out
CASCAD

LOAD SRC:..... BCC
LOAD No.:..... 128201
BRAND:..... 917309
SALE:..... TROUTT LP
CONTRACTOR:... 090 L P CONTRACTOR
TROUTT, KEVIN

SALE Id:...

TRUCK No.:.... 17807
GROSS WT:..... 82380
TARE:..... 25320
NET WT:..... 57060
TIME IN:..... 09:14
TIME OUT:..... 09:29
DATE:..... 3 NOV 88
SORT:..... PPSP Desc:... PINE SPECIES

SCALE:..... YES & QUALITY FLAG(S): BLUE

BOISE CASCADE CORP-LOAD TICKET

SOURCE — BCC #

Weight

Date & Time

BOISE CASCADE CORPORATION

100 - 128201

Gross

Date Loaded 11-3-88 Brand Symbol 5-18

Tare

Sale Name trout LP

Net

Contractor Bryson 12

Destination Cascade

Scaled BCC Yes No

Piece Count

Welghed and Received By

Remarks

Sort Name 12

Loading Contractor Hibbard

Truck Number Hibbard 17807

Driver Signature

	PP	DF	WF	SP	La	LPP	Total
Tally	☒						
Tally	☒						
Tally	☒						
Tally	☒						
Total	23						23

Monday 28-3833

JUNE 1986

SUN	MON	TUE	WED	THU	FRI	SAT
1 Bred Baking grain 226 2107	2 Bred Cott more MAY 309 335 413	3 11:30 HA 413 TV 1	4 Bred Eli	5 Bred Yes Bred For Health 10:00 Am	6 Bred Mail Eli	7 Cott Sheep Wash day Eli to Pasture Procuras 200 Flag Day 100H
8	9	10	11	12	13	14
15 632 3019 Father's Day First Quarter	16 551 534	17 July 20 ch Cous at Smith St. John Valley	18 mad down	19 4-11	20 1:15 PM 10 day	21 Bred Bally 1st Day Summer
22 8898 Bred Black 935 Full Moon	23 Bally 4-grain 1 corn	24 Kids	25 mad down	26 Cott shot	27 Grain 1364.00	28 Bally due Vale
29 Milk Quarter	30 Pay place Payment		31 K 700.00			

Angus
4:00 PM

mail

4:00 PM

Sheep

Wash day

Eli to

Pasture

Procuras 200

Flag Day 100H

1st Day Summer

Bally

Bally due

Vale

MAY

S	M	T	W	T	F	S
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31

JULY

S	M	T	W	T	F	S
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31

Kon
3000

MAY 1986

SUN	MON	WED	THU	FRI	SAT
APRIL S M T W T F S 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30	JUNE S M T W T F S 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30		1 Book 1 fruits Big Condition on 8th Day Passover Last Quarter	2 Corn 6200 Bobby 8x6 5292	3 Put 20 meters Pepper 4 beets in
4	5	6	7	8	9
	Cowhille 8:00 Joe Put	30 south Car	8 2-90 HH New Moon	9 Bud Bank Mare	10
11	12	13	14	15	16
Bud Bank Handly mail Mother's Day	Bud Smoky	13 Bud R 50 442+	14 Eli 30 day	15 Insurance 8:00 planted Cubes	16 Bud Smoky Oil
18	19	20	21	22	23
	Red Selai 9:30 Victoria Day Canada	20 4 Peas Bobby 1 Corn	21 Big in Put	22 4-71	23 Corn Full Moon
25	26	27	28	29	30
Family Reunion	26 Memorial Day	27 Election	28 28 28	29 Bobby Put for up	30 Big In Traditional Memorial Day Last Quarter
					31
					31 Bud Corn But Mare

ANSWERS - WOOD'S MOTION FOR SUMMARY JUDGMENT
(The Pp. Or pp. Stands for paragraph)

I issues of Evidence - pg. 2

1. Deny. Wood and wife have not been full-time residents since 1986. Continued to have a Washington address while house was being built as late as July 1987. (Exhibit #9, page 2; last sentence: "We are in the process of building a house but are frequently in transit." His address was 151 Olympic View, Ave. S., Sequim, WA

Also - could not have FULL view of Troutt property.

2. Deny. Stebbins and Troutt associated in dry land grazing? (I don't know about this folks, Roma, Kevin, Kelly, you'll have to answer that one).
 3. Deny. It is not possible for Wood to have directly observed our irrigation processes for the past 14 years.
 4. Deny. That Wood cannot have personal knowledge that no irrigation diversions have been operational for 14 years.
 5. Deny. We have not received said photos, if they exist at all.
 6. Deny. Have no knowledge that Wood's review is correct.
 7. Deny. By Wood's own admission (exhibit 12) Camp Creek has barely enough water. Also note: All alleged photos of land were taken sometime in July through November (except alleged photos of irrigation pipe).
 8. Deny. Used plastic and canvas diversion, no need for pump. The logging operation occurred in 1988.
 9. Deny.
 10. Deny.
-

11.Deny. Wood stated: "No diversion points existed . . . apparent that no irrigation had occurred for many years." Two diversion points have been recognized by Department of Water Resources since some time before the Troutts purchased the property in the 1970s.

Also. The purchase offer was refused so why include it?

12.Deny.

13.Deny. No contractual agreement exists.

14.Deny. Since Wood purchased the property there has not been as much water as we used to have.

15.Deny.

ANSWERS Page 2 EXHIBITS

EXHIBIT #1: We received no photos.

- 4) July, (no day - late July?) 1988
 - 5) September 3, 1989
 - 6) July, (no day) 1990
 - 7) July, (no day) 1990
 - 8) April for pipe picture. No picture for 1993. Why not?
 - 9) August, (no day) 1994- He notes good irrigation on Wood Marsh. Doesn't that speak for itself? No pictures in 1995. Why not?
 - 10) August 21, 1996. No pictures in 1997. Why not?
 - 11) July 8, 1998, Black and White
 - 12) October, 1999
 - 13) November 1999
 - 14) April/September ground views of pipe?
-

EXHIBIT #2

This Exhibit is not an authentic Bureau of Reclamation sheet.

Summary #3 Wood states: "In none of these eleven years was any (absolute) irrigation performed.

EXHIBIT #3:

EXHIBIT #4: Wood did not purchase this property.

EXHIBIT #5:**EXHIBIT #6:**

EXHIBIT #7: This is not a "contractual agreement." It is correspondence sent specifically to once again attempt to diffuse a difficult neighbor and arrive at a peaceful resolution of this ongoing dilemma.

EXHIBIT #8:

EXHIBIT #9: July 11, 1987. Almost a year after purchase Wood home is not finished and address is Washington. Tough for "direct observation"

Also: In pp. 6 he states his purpose: "The dam would fill from spring runoff and would stabilize water flow in summer months for all users" We have not found that to be true of his system in the past fourteen years.

Page 2: pp. 2 "Not been formally irrigated? What does that mean with regard to beneficial use?"

And last: The attachment was not included with this Exhibit.

EXHIBIT #10: July 17, 1987. Pp. 3: Department of Water Resources requests drawing of Wood's proposed irrigation. Did he ever submit them? And if so, why weren't we allowed to see them?

pp.4: States they will continue to hold the application until the information is provided? (Was that something that he was supposed to do or is this the alleged "delay tactic" by Troutt lawyers?

Also: copy of listing of water rights on Camp Creek was not included.

EXHIBIT #11: Exact duplicate of Exhibit #3.

EXHIBIT #12: Was nothing done between July 17, 1987 (Exhibit #10) to January 22, 1996 (Exhibit #12?) Then, this began again (conveniently after Ken passed away?

Pp.3 stated that he occupied the property in 1986.

Also: Wood states: Obvious by complete (another absolute) deterioration of ditches that . . ."

Pp.4: Wood states: "During the past 10 years Camp Creek contained sufficient water to meet Water Rights #65-5663 but little more." By his own admission the creek doesn't have much water.

pp.5: He "constructed a sharp crested weir at diversion point to regulate the flow." No one has seen his operation. Could that be why there is not enough water coming down? (Please refer to picture of Kevin and Bridget taken in the 1980's at the log pond, there used to be plenty of water).

Wood STATEMENT: "Lands in most of Round Valley have been over-grazed and over utilized for decades." (More absolutes).

Wood claims to want to "rehabilitate the water table? There doesn't appear to be any trouble with our well. And the habitat? There hasn't been a lack of game in the thirty-plus years Troutts have owned land in RV.

EXHIBIT #14: July 21, 1997. Letter to Wood from Department of Water Resource. First sentence: "It appears that you have done as much as possible with respect to forfeiture of part of the decreed right at this time." (Does this indicate that they are acknowledging that Wood has been trying (obviously) to take our water rights?

Also: no enclosures were included.

EXHIBIT#15: Oct. 18, 1999. Pp. 3: Wood's statement: "For approximately twenty years (isn't that about six years before he even bought the land?) none (ABSOLUTE) of the beneficial irrigation rights under these permits have been exercised by the owners . . ."

Pp.3: Wood statement: "in 1983 we purchased part of the Troutt property . . ." HE PURCHASED IN 1986.

Pp.3: Wood statement: Their (the Troutts) attorney pursued a delaying action for over two years until IDWR lost patience and approved the transfer . . ."

Pp.3: Statement (IN BOLD FACE!) "ironically, the Troutts never (absolute) used any (absolute) irrigation water before or after the transfer . . ."

Page 2: Disputed diversion points . . . permit #65-05663B (and A). But, as of July 21, 1997 it remained a single entity - just 65-05663 (Exhibit #14, pp.2)

Also: What is the difference between NESW and SESW diversions? Wood states: "No water is supplied to SESW and never has been." He also states: that no NESW diversion exists."

Page 2: Statement: "... The Troutts have never (absolute) used it to irrigate their property."

He states: "In addition, no water is supplied to Troutt property through the diversion 65-05663A and never has been.

Again. When did it split into A and B?

EXHIBIT #16: Nov.5, 1999 VERY IMPORTANT: Letter from Mel Schelte re: Intent of Department of Water Resources to NOT change any recommendations.

EXHIBIT #17: Sept. 2, 1999 ALSO VERY IMPORTANT: Field exam from Kay Walker.

Wood statement: "She did not see (his opinion) nor describe any diversion points.

MISCELLANEOUS

1. Camp Creek seeps into the water table which is what supplies our well. Our well has been used to irrigate grass and new trees.
 2. Culvert
 - A. When installed?
 - B. Who helped
 - C. Etc.
 3. The number of statements made by Mr. Wood in the absolute and the number of inconsistencies found is very troubling.
 4. WITH REGARD TO HIS COMMENTS OF DETERIORATED DITCHES - Winters, falling timber and excessive rodent populations can deteriorate ditches very rapidly.
 5. Didn't he, at one time, have his property (which he purchased for \$100,000?) listed for \$1 million? Is it possible that without the water rights he cannot sell it for that price which is his ultimate goal? (JUST A THOUGHT!)
 6. The number of omitted items from Wood's Motion for Summary Judgment packets sent to all Troutts.
-

UNCOOPERATIVE NATURE OF WOOD

1. With Ken: (Kenny has some knowledge of this) - Unfortunately its just Wood's word against ours. There is no documentation?
 - 1.
 - 2.
 - 3.
 2. With neighbors: See affidavits, etc. (Roma you have these. Just write the names in and staple them behind this sheet)
 1. Curt Hawkins
 2. Andy Kendall
 3. Others?
 3. Electric Fences; Locked gates; no trespassing signs/ prosecution of violators.
 4. Diplomatic nature of Bud's e-mail to resolve this but "For various reasons this was unacceptable to Wood" Page 4, #13. Motion for Summary Judgment. Wood continues to be unflinching in his pursuit of our water rights and will go to ^(IN?) any lengths to ~~try~~ obtain them.
 5. By looking at the pictures it is obvious that before Wood we had water, but now we do not. *(seems bent on)*
 6. That he has quietly had us under surveillance for years and been quietly putting this together in order to take our water from us with no hint of desire by Wood to cooperate with Troutts or other neighbors.
 7. Evidenced by his own documentation; from the moment he purchased the property he was been working toward the goal of taking our water rights.
-

State of Idaho

County of Gem

I L. Kenneth Troutt Jr. being Duly Sworn Deposes as follows:

1. My dad and I worked on the diversion on what is now Woods property many times to fix and repair it. I have checked the diversion and walked the ditch many times.

After Woods purchased the property and subsequently locked it up with fence and NOTRESPASSING signs, My dad acknowledged to me that we were going to have to change the system to supply water to the ditch if Woods didn't cooperate.

2. It became evident after conversation my dad had with Woods that he was not going to try and get along with him. In fact he would not compromise at all and communications breakdown occurred.

(PROFILE REPORT #3)

It was my understanding: The information needed by IOWR was never supplied in part due to this fact of access to the diversion was denied and an agreement was never reached. The IDWR decided the matter, and from this point on Woods has campaigned to discredit and take away our water right.

3. EXHIBIT #9 PAGE 2

Woods writes in a letter dated June 11, 1987 only 8 months after purchase of the 640 acres, that water right #65-5663 have not formally been irrigated for a number of years and the water is used primarily for livestock.

This statement is totally absurd in that Woods doesn't know what he is talking about. He wasn't there.

A number of years, that means more than one. Does that mean pick a number more than 2, 3, 4.... This is a vague and very slanderous statement from a man who just 8 months ago did not own property in Idaho and lived in Washington.

4. EXHIBIT #12 PAGE 1

Some 9.5 years later Woods states that when he occupied the property in 1986 it was obvious by looking at the ditches that we hadn't used the water for several years. Once again, several years, much like a number of years isn't it. I can say the only obvious thing is Ed Woods has established an obvious pattern of statements that are clouded and totally untrue.

5. EXHIBIT #1 LINE 1

Once again Woods states that portions of the ditch were destroyed before 1986 by logging operations, high water during spring run off or storm timber blowdowns. Please pay attention to the word **OR**. Woods is again making statements that are totally humanly impossible to make because before 1986 Woods was not present he admits in EXHIBIT 12 when he occupied the land in 1986. He also states that either logging operations, high water or storm timber blow downs destroyed the ditch. He doesn't know which one because he is once again making statements of events that precede his occupation of the land.

6. The winter of 1985 was a very good snow winter and the subsequent spring saw plenty of water.

I helped my dad divert water out of Camp Creek. At 3 or 4 spots it was as I remember hard to keep the canvas dams from pulling out, the water was running running quite high. I can remember we had to build some wooden supports to keep the canvas from washing loose. We had tried to irrigate the prior year in 1985 but it was not as successful. I will

mention again later in this writing of irrigating out of Camp Creek.

7. EXHIBIT #12 PAGE 1 AND EXHIBIT 15 AND ISSUES AND EVIDENCE PAGE 3 COLUMN 9 AND EXHIBIT #9

In this letter dated 1996 and EXHIBIT 15 letter dated 1999 Woods makes statements again that are false and misleading.

EXHIBIT #12 PAGE 1

It should be pointed out here, perhaps that in 1991-1992 several unjoined sections of irrigation pipe appeared in the vicinity of Camp Creek on Troutt property in an apparent attempt to establish the appearance of usage. These pipe sections over subsequent years were never put together, and no pump has been connected to them.

The statement by Woods, (It should be pointed out here, perhaps that in 1991-1992) what I beleive Woods is saying here is he saw pipe in 1991 or 1992 he's not sure but in 92 he took pictures of the pipe as listed on EXHIBIT #1 column 9. Could it be that Woods was not home or was busy writing letters or could it be Woods has forgot the whole truth in the matter of the pipes.

To the best of my knowledge in late May or possible early June 1991 I helped my dad lead and haul 2" inch main line originally used for an orchard, also a gasoline powered ditch pump that came I beleive off of his place in Emmett. We serviced the motor with fresh oil and bought a new spark plug for it on our way through Emmett. My dad made a comment about how good that little motor had ran as it looked rather used. We stopped and got gas and some beer and we were in a hurry cause he wanted to hook the pipe up and get it running water if at all possible. We got it working and had to use flashlights to walk up from the pump. I went back out and checked it around midnight and reported to my dad that it was working ok. The next morning my dad went and checked and it wasn't working anymore. It had sucked up gravel or sand and ruined the pump. So we packed it back up and he said he was gonna dig a spot for the foot valve and make a check box for a bigger higher output pump. I wasn't around when he hauled the bigger pipe up that Woods states appeared.

EXHIBIT #15 DATED 1999

Woods states the ironically Troutts **never** used any irri-

gation water before or after the transfer. **Never** is a big word. Isn't it ironic Woods would use the word **never**. Troutts **never** used any irrigation water, **never** and **any** both words used to express the obsession of Woods quest to say what he must to win his final hurdle in his battle.

ISSUE'S AND EVIDENCE PAGE 3 COLUMN 9

Woods states no pump was ever connected to the pipes. That is true and I think I might know why. Woods states no subsequent irrigation ever occurred. Once again another untrue statement. Could it be Woods truly did not see our pipe we first used, could it be he never heard the motor run that evening, all night into the next morning or did he fail to mention, that would contradict his words of finality, like never and any. We did irrigate as stated here.

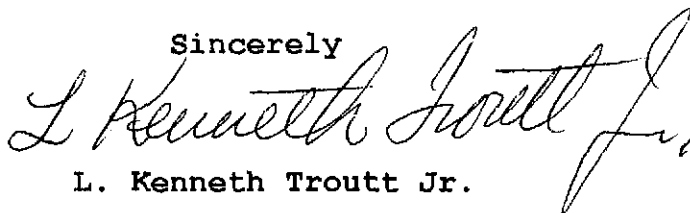
8. The winter of 1992 was another excellent snow year and the subsequent Spring Summer of 1993 my dad and I and brother diverted water once again out of Camp Crk and once again we had trouble with our dams, but we irrigated, little did we know this would be the last time we worked with our dad irrigating the land that he worked so hard to keep and that he loved behind God and our family. Maybe only God knows why 2 years prior when he layed the pipe out he never finished but one thing for sure to suggest he did it for appearance of usage was not my dads style.

9. ISSUES AND EVIDENCE

Woods states Troutt & Stebbins have asserted their failure to use the water for beneficial irrigation due to drought and or diversion of the water upstream be Wood.

I can't speak for Stebbins but my father never asserted any such failure because as I have stated we did divert water for beneficial irrigation.

Sincerely

A handwritten signature in cursive script that reads "L. Kenneth Troutt Jr." The signature is written in dark ink and is positioned above the printed name.

L. Kenneth Troutt Jr.

To this Day February 6, 2001 subscribed and sworn.

State of Idaho)

S.S.

County of Gem)

On this day of Feb 6 in the year of 2001 before me
Veda Gilligan personally appeared L Kenneth Trout Jr proved to me
on the basis of satisfactory evidence to be the person(s) whose
name(s) () subscribed to the within instrument, and
acknowledged that he (she) (they) executed the same.

S
E
A
L

Veda Gilligan

Notary Public

My Commission Expires on 2-12-02

Curt Hawkins
3220 Marble Front Road
Caldwell, Idaho 83605

Ph. (208)459-8091
Fax (208)459-3623

February 3, 2001

To whom it may concern:

My name is Curt Hawkins, presently manager of the Caldwell Industrial Airport in Caldwell, Idaho. I was a small ranch owner in Round Valley in Valley County from April 1981 to January 1996. Our property joined the property now owned by Ed and Jean Wood and was approximately 1/2 mile from the property owned by the Troutt family.

I have been on the Troutt property many times. In the early years it was separating cattle on horses and in the later years just for a personal visit.

During these visits and as late as 1993 when I took long walks in front of the Troutt property, several times I observed irrigation taking place. I remember the orange plastic dams put in place to direct water to certain pastures.

Sincerely

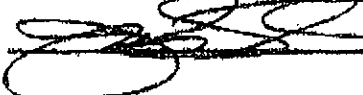

Curt Hawkins

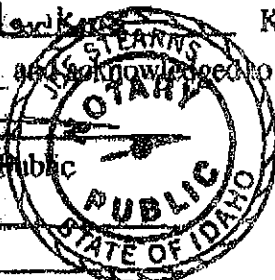
State of Idaho)

) ss

County of Canyon)

On this 5 day of February, 2001, before me, a notary public in and for said state, personally appeared Curt Hawkins Known to me to be the person/s whose name/s are subscribed to the within instrument, and acknowledged to me that they executed the same.


Notary Public
Residing at: Caldwell, ID
Comm. Expires: 4/23/01





JULY

NOTES

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
JUNE 1986 S M T W T F S 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30	AUGUST 1986 S M T W T F S 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31	1 Home from Riggins 9:30pm CANADA DAY Rusty, Bear, Colburn	2 Josh cutting back Molara	3	4 Hawaii trip Josh over a / from the car said "oh pretty" Kathy and Josh to Boise Alaska in 7:30pm INDEPENDENCE DAY Boomer too.	5 Went to Round Valley 5:00pm. Went to Cascade - found Kenny + Renee. Fireworks
6 Rand to Boot Jig - starting in Eastern Maine Mom, Dad + Josh + I Round Valley Kelly + Susan up about 1:00am	7 Stayed in Round Valley - cleaned up all day. Kelly + Dad went down early. Mom + Susan. Josh + I stopped in Sunset at Lenora	8 Josh + I Dad + Mom Susan + I	9 Helped Kelly with Housewain Sale.	10 Cherry Salica	11 Treasure Valley Fall Josh watched the sale. The whole day. Kelly, Susan + I Kevin's play - Bullet Chinaman's food - Oremonard - was xcellent went with Kelly to find for burgers + apples 18 of laughs.	12 Mom, Dad + I saw Kevin's play again. Kelly + Susan, Kelly + I Chinaman's food -
13 Mom, Dad + Josh to R.V. Went water skiing Kenny, Renee, Susan, Karen Rob, Robbie + Katie, Kelly, Susan + Kelly + I went to Round Valley	14 Mom, Josh + I Stayed in Round Valley all day. Really sore from skiing, watched signs of Josh with Mom pt. bills. Dad went to Medana. HOLIDAY (N. Ireland)	15	16 Josh from Emmett for Rand called 11:00pm	17 Stayed around - cold weather. Josh loves Lee race commercial	18 Deliver	19
20	21	22	23	24	25	26
27	28	29	30	31		
Phony + Malvern						JULY 1986

Statement By Andy Kendall:

K & K Ranches run cattle on
Ken Troutto place in Round Valley.

1986 - 1989. In 1986 - 87 we pretty
much had the run of whole place. We
sent about 40 head up and stayed
into Oct + Nov. where Ken would
irrigate the grass was pretty good.

I helped Ken start the water according
to my Diaries a couple of those years.
in 1986 Ken put in new culvert spot where
the logging road came across. We had
a hard time finding enough dirt because
it was so rocky.

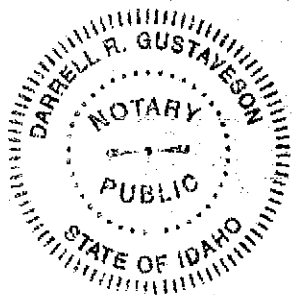
I think my wife say Mrs Woods.
Bought that portion of the place in
1987 and put an electric fence about
5 ft from the original fence. after that
it was hard to irrigate.

The time we put new culvert in
we had a very good stream of water
to irrigate with.

signed Andy Kendall

before me on 2/5/01

Donell R. Fulton
Residing: Fruitland



RECEIVED

DEC 05 2000

Department of Water Resources

200 DEC -4 PM 12:53

DISTRICT COURT-SRBA
TWIN FALLS CO, IDAHO
FILED PL

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

RECEIVED

In Re SRBA

Subcase 65-05663B

DEC 14 2000

Case No. 39576

ORDER SETTING TRIAL
SCHEDULING

WATER RESOURCES
WESTERN REGION

An Initial Hearing was held November 30, 2000, in the above listed subcase.

Louie Gorrono appeared with the claimant Lloyd Kenneth Troutt Jr. and Edward M. Wood, the objector, appeared *pro se*.

All parties agreed to the Trial Schedule as follows:

MANDATORY SETTLEMENT CONFERENCE

Tuesday, January 9, 2001, at 10:00 am
Location: Gem County Courthouse
415 East Main Street
Emmett, Idaho

Settlement Moderator will be Brigitte Bilyeu.

DISCOVERY CUTOFF

Friday, January 19, 2001, by 5:00 pm

**DEADLINE FOR SUMMARY JUDGMENT
OR OTHER DISPOSITIVE MOTIONS**

Tuesday, January 19, 2001, by 5:00 pm

SUMMARY JUDGMENT HEARING

Tuesday, February 6, 2001, 1:30 pm
Location: Gem County Courthouse
415 East Main Street
Emmett, Idaho

TRIAL

Tuesday, March 20, 2001, at 10:00 am
Location: Gem County Courthouse
415 East Main Street
Emmett, Idaho

IT IS SO ORDERED.

Dated December 1, 2000.



THOMAS R. CUSHMAN
Special Master
Snake River Basin Adjudication

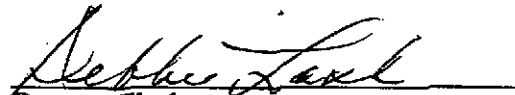
CERTIFICATE OF MAILING

I certify that a true and correct copy of the **ORDER SETTING TRIAL SCHEDULING** was mailed December 1, 2000, with sufficient first-class postage prepaid as follows:

Director of IDWR
Box 83720
Boise, Idaho 83720-0098

Lloyd Kenneth Troutt Jr.
1805 Mesa Ave
Emmett, Idaho 83617

Edward M. Wood
9908 Spoor Rd.
Cascade, Idaho 83611


Deputy Clerk

RECEIVED

APR 10 2000

Department of Water Resources

RECEIVED

APR 13 2000

WATER RESOURCES
WESTERN REGION

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

A: Subcase R65-05663B

(Insert water right number)

STANDARD FORM 1
OBJECTION

Objection

Please fill in the following information:

B: NAME AND ADDRESS OF PERSON OBJECTING

Name: EDWARD M. WOOD

Address: 9908 SPOOR RD.

CASCADE, ID 83611

Daytime Phone: (208) 382-6624

Name & Address of Attorney, if any:

NA

C: CLAIMANT OF WATER RIGHT AS LISTED IN DIRECTOR'S REPORT

Name: LLOYD KENNETH TROUTT JR.

Address: 4933 SOUTH SLOPE

EMMETT, ID 83617

D. I object to the following elements as recommended in the Director's Report. (Please check the appropriate box(es)).

1. ☐ Name and Address
Should be: _____
2. ☐ Source
Should be: _____
3. ☐ Quantity
Should be: _____
4. ☐ Priority Date
Should be: _____
5. ☐ Point(s) of Diversion
Should be: _____
6. ☐ Instream Flow Description
Should be: _____
7. ☐ Purpose(s) of Use
Should be: _____
8. ☐ Period of Year
Should be: _____
9. ☐ Place of Use
Should be: _____

11. I object because:

☒ This water right should not exist.

☐ This water right was not recommended, but should be recommended with the elements described above.

E. REASONS SUPPORTING OBJECTION(S): _____

The beneficial irrigation use permitted by this water right has not been exercised for over 10 years. Proof will be established in Court by personal testimony and aerial photos. The stock water portion of this right is not challenged.

F:

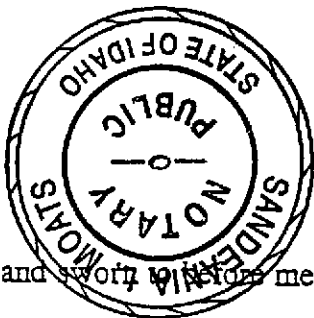
VERIFICATION (Must be Completed)

State of IDAHO)

County of VALLEY)ss.

Edward M. Wood, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.



Edward M. Wood
(Signature of person filing objection)

(Attorney signing in representative capacity)

Subscribed and sworn to before me on:

April 5, 2020

Sandeana L. Moats
Notary Public for Idaho
Residing at: New Meadows Id.
My Commission Expires: 9/15/2020

INSTRUCTIONS FOR MAILING

You must mail the objection, to the Clerk of the Court. FAX filings will not be accepted. You must also send a copy to all the parties listed below in the Certificate of Mailing.

G. CERTIFICATE OF MAILING

I certify that on APRIL 5-10, ²⁰⁰⁰~~1999~~, I mailed the original and copies of this objection, including all attachments, to the following persons:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
PO Box 2707
Twin Falls, ID 83303-2707

2. One copy to the claimant of the water right at the following address:

Name: LLOYD LENNETH TROUTT JR.
Address: 4933 SOUTH SLOPE
EMMETT, ID 83617

3. Copies to:

IDWR Document Depository ✓
PO Box 83720
Boise, ID 83720-0098

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
PO Box 44449
Boise, ID 83711-4449

United States Department of Justice
Environment and Natural Resource Division
550 West Fort Street, MSC 033
Boise, ID 83724

Edward M Wood

Signature of Objector or attorney
mailing on Objector's behalf

November 30, 2000

Initial Hearing, Subcase No: 65-05663B

The objector, Edward M. Wood, objects to the above water right, 65-05663B on the basis that the beneficial irrigation permitted by that water right has not been exercised for over 10 years. Documentation includes the following:

1) Edward and Jean Wood have been full time residents on the adjoining property for 14 years with a full view of the Troutt property on Section 8, T11N R04E in Valley County where water right 65-05663B is authorized. They will offer personal testimony to the effect that no irrigation has occurred on that property during those 14 years.

2) Twelve aerial photos and numerous ground photos covering the period from 1988 to 2000 document that no irrigation has occurred and a "diversion" point on the Troutt property has never been used.

3) On August 14, 1989 on the Water Right Profile Report the owner of the Troutt property was notified that "failure to put the water to beneficial use within 5 years shall constitute loss or forfeiture of the water rights".

4) Over 10 years numerous letters from Wood to the Department of Water Resources have failed to initiate forfeiture of the Troutt water right.

5) By letter of July 21, 1997 to Wood from Steve Lester this comment: "The SRBA proceedings provide the first opportunity in which to address forfeiture".

6) By letter of November 5, 1999 to Wood from Mel Schulte: "A physical verification of the claims by our Senior Water Right Agent, Kay Walker in August 1999 did not provide sufficient evidence to indicate that forfeiture was an issue that could be addressed in her review of the claim",

(Agent Walker, in her review said, "We drove by this land and it looked as irrigated as all other lands in the vicinity". **Since none of the lands in the vicinity were irrigated, her comment and recommendation seem totally inappropriate.**)



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

FAX (208) 334-2348

July 21, 1997

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

DR EDWARD M WOOD
WOOD LIVING TRUST
9908 CENTER RD
CASCADE ID 83611

RE: TRANSFER NO. 3401 (DECREEED RIGHT NO. 65-05663)

Dear Dr. Wood:

Last year you contacted me to discuss the situation related to the above referenced Camp Creek right. The right was changed by approved transfer no. 3401 in 1989. That transfer defined your portion of the right even though the water right record was not split into an "A" and a "B" portion as is normally expected in a split right.

Due to complex reasons beyond the scope of this letter but documented in the transfer file history, decreed right 65-05663 remains as a single entity at this time. There is no forum at this time in which to split the right into separate portions other than the Snake River Basin Adjudication (SRBA).

You have already taken the appropriate steps in the SRBA to record your portion of this right. Your action is reflected in SRBA claim no. A65-05663A that shows the 41.5 acres under your ownership. The balance of the decreed right is listed in SRBA claim A65-05663B, the portion of the right for which you have expressed concerns about forfeiture due to non-use.

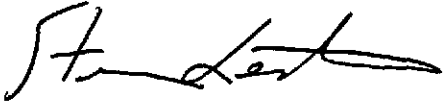
The SRBA proceedings provide the first opportunity in which to address forfeiture, proper splitting of the decreed right and so forth. This office will be assessing the extent of beneficial use for portions of the decreed right as claimed in the SRBA, although a schedule for the evaluation of beneficial use for the Round Valley area has not yet been set. Eventually, the SRBA will reconcile the split ownerships as well as the validity of each owner's portion of right no. 65-05663.

July 21, 1997
Page 2

Therefore, it appears that you have done as much as possible with respect to forfeiture of part of the decreed right at this time. However, you may want to record a change in address for some water right and/or SRBA records currently listed in your name. Please see the enclosed printouts and use the attached "Change in Address" form if any of the addresses shown are not correct.

Your reply can be sent to me at your earliest convenience. I will be glad to answer any questions that you might have about this or other water rights and/or SRBA claims.

Sincerely,

A handwritten signature in black ink, appearing to read "Steve Lester", with a stylized, flowing script.

Steve Lester
Water Rights Supervisor

Enclosures



State of Idaho
DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

NOVEMBER 5, 1999

EDWARD M. WOOD, M.D.
9908 SPOOR ROAD
CASCADE, ID 83611

Dear Dr. Wood:

I'm writing in response to your letter dated October 18, 1999 and the attached Notice of Error for 65-05663A.

It is our intention to not change any of the recommendations for rights 65-05663A and 65-05663B. The review and recommendation of the claims filed for these rights in the Snake River Basin Adjudication (SRBA) is based on their status at the inception of the SRBA in November 1987 and transfer application 3401 approved in August 1989. Also, a physical verification of the claims by our Senior Water Right Agent, Kay Walker, in August 1999 did not provide sufficient evidence to indicate that forfeiture was an issue that could be addressed in her review of the claims.

If you do not agree with any of the components described in our recommendations for either right, you can file objections with the Snake River Basin Adjudication (SRBA) court.

Your approved Application for Permit, 65-13654, has not been lost in our system. The documentation you indicate you have submitted relating to this right are on file. The next step in the licensing process is for a department employee to conduct a field examination. You will be notified in advance to set an appointment time.

If you have any questions or additional discussion concerning the matters addressed in this letter please call me at the number below.

Cordially,

A handwritten signature in cursive script that reads 'Mel Schulte'.

Mel Schulte
Senior Water Rights Agent
(208) 334-2190

10-19-99

NOTE: These letters were received at Western Region. I have attached copies of the water right record and our recommendations for the A & B adjudication split claims.

Mel Schulte is handling the response to the notice of error portion. Due to Kay's comments following a field visit, we will recommend these in the Director's Report as we recommended them in the Preliminary Report. At that time Mr. Wood can file an objection.

Concerning the idea that the permit has been lost in our file system, Mel will put a note in the letter that the permit is still on file, however, it was not included since no claim was filed, nor is one required.

So, I don't know if you need to respond, however, since they are addressed to all of you - here they are. Thanks, Jan.

Mel - This is one of Kay's that you have. Would you please respond - I kind of said how we would respond above (this letter was sent to 5 people, see list at end of letter). If you have a problem responding, please let me know.

Thanks,

Jan

P.S. I sent this & the letters to each person.

WR5809NP
No. 65-05663

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 10/19/99
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	JONES & JONES INC. C/O C. HAY P.O. BOX 1039 CASCADE ID 83611	05/01/1902	IRRIGATION	04/15 10/15	3.320 CFS	
					TOTAL DIVERSION:	3.320 CFS
C	DBA JONES MEAT PACKERS INC.					

Water Source: CAMP CREEK Tributary to: ROUND VALLEY CREEK Stage: DECREED

Point(s) of Diversion: T11N R04E S08 NESW SESW VALLEY County

Place of use Legal Description for: IRRIGATION

				NE				NW				SW				SE					
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	SUM
11N	04E	8	:	25		25		12		33				13		13		16		:	137.0
11N	04E	9	:									29								:	29.0
																			TOTAL ACRES	166.0	

Pou County: VALLEY

Conditions of Approval:

- T05 - The use of water on the lands to which the above referenced water rights were appurtenant is hereby abandoned and failure to put the water to beneficial use within five (5) years of the date of the approval of this transfer on the new land identified under item B.5 shall constitute loss or forfeiture of the water rights.

Remarks: GEN TRANS. 3401.

Dates:	App. Received:	Priority Date:	05/01/1902
	Proof Due Date:	Proof Made Date:	
	Exam Made Date:	Exam Sent to S.O.:	
	Licensed Date:		

Misc:	Water District Number:	Field Exam Fee:
-------	------------------------	-----------------

Comments: Date: 09/01/1999 User-ID: KWALKER Subject: COPIED FROM REMARKS
THE WATER RIGHT (#65-05663) WAS PURCHASED WITH THE LAND ON
SEPTEMBER 3, 1986. THE TRANSFER OF THE WATER RIGHT HAS BEEN

AJ5809NP
No. R65-05663A

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 10/19/99
PAGE: 2

=====

Comments: Date: 09/01/1999 User-ID: KWALKER Subject: COPIED FROM REMARKS
NEITHER ACCEPTED NOR REJECTED BY THE DEPARTMENT OF WATER
RESOURCES. (SEE CORRESPONDENCE FILE TO DAVID R. TUTHILL-NOT
ATTACHED)
ADDRESS CHANGED PER CLAIMANT REQUEST. LH 7/25/97

Date: 09/01/1999 User-ID: KWALKER Subject: RECOMMENDATION
I HAVE REMOVED STOCKWATER USE FROM THIS RIGHT SINCE NOT INCLUDED
IN PRBA DECREE. PICTURES CAN BE SEEN IN FILE A65-05663B WHICH
THIS CLAIMANT HAS SAID WAS FORFEITED. I COULD NOT VERIFY THAT
RT. 65-05663B WAS FORFEITED SINCE ALL LANDS IN AREA LOOKED
SAME (SEE PICTURES). IF CLAIMANT WANTS TO PURSUE FORFEITURE
ISSUE HE CAN DO SO WITH SRBA COURT.

Date: 09/25/1999 User-ID: AJU10-JS Subject: AJU10 CONDITION UPDATE
CONDITION CODE(S) C18 ADDED IF NOT ALREADY PART
OF RECORD THRU AJU10.

Audit: 09/01/99 KWALKER 09/02/99 KWALKER 09/24/99 AJU10-JS

AJ5809NP
No. R65-05663B

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 10/19/99
PAGE: 3

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	LLOYD KENNETH TROUTT JR 4933 SOUTH SLOPE EMMETT ID 83617 (208) 365-5762	05/01/1902	IRRIGATION	04-15 10-15	2.480 CFS	
TOTAL DIVERSION:					2.480 CFS	

Water Source: CAMP CREEK

Tributary to: ROUND VALLEY CREEK

Stage: DECREED

Point(s) of Diversion: T11N R04E S08 SENESW SESESW VALLEY County

Place of use Legal Description for: IRRIGATION

				NE				NW				SW				SE					
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	SUM
11N	04E	8	:	25		25		12		33										:	95.0
11N	04E	9	:									29								:	29.0
																				TOTAL ACRES	124.0

POU County: VALLEY

Conditions of Approval:

- C18 - 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.

Remarks: EXP RIGHT NO. 65-05663A IS ALSO DIVERTED THROUGH POINTS OF
DIVERSION DESCRIBED ABOVE.

Dates: Exam Made Date: Verified Date: 09/02/1999 Objection Filed Date:

Misc: Water District Number: 65 Field Inspection Flag:
Presumption Flag:

Comments: Date: 09/02/1999 User-ID: KWALKER Subject: RECOMMENDATIONS
CANNOT VERIFY THIS RIGHT HAS BEEN FORFEITED EVEN THOUGH WE HAVE
RECEIVED INFORMATION STATING SUCH. WE DROVE BY THIS LAND AND IT
LOOKED AS IRRIGATED AS ALL OTHER LANDS IN THE VICINITY. SEE
PHOTOS IN FILE. RECOMMENDING POINTS OF DIVERSION APPROVED ON
TRANSFER NO. 3401 IN 1989. IF POINTS OF DIVERSION HAVE CHANGED

AJ5809NP
No. R65-05663B

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 10/19/99
PAGE: 4

=====

Comments: Date: 09/02/1999 User-ID: KWALKER Subject: RECOMMENDATIONS
CLAIMANT NEEDS TO FILE ANOTHER TRANSFER.

Date: 09/25/1999 User-ID: AJU10-JS Subject: AJU10 CONDITION UPDATE
CONDITION CODE(S) C18 ADDED IF NOT ALREADY PART
OF RECORD THRU AJU10.

Audit: 09/02/99 KWALKER 09/24/99 AJU10-JS

Edward M. Wood, M.D.

9908 SPOOR RD.
CASCADE, IDAHO 83611
PHONE (208) 382-6624
FAX (208) 382-3129

RECEIVED

OCT 19 1999

WATER RESOURCES
WESTERN REGION

October 18, 1999

IDWR Western Region
2735 Airport Way
Boise, ID 83705-5082

Gentlemen:

Unfortunately I have been out of the State for the last 3 weeks and was unaware of the meeting in Cascade on October 13, thus this letter.

Returned herewith is Notice of Error Reply for water right number: 65-05663A. The error is minor involving diversion points but since it is a part of the Preliminary Recommendation to the SRBA District Court it appears to justify correction. It also has significance, however, relative to an associated water right application (# 65-13654) that appears to have become lost in your file system.

I will review briefly the history and current status of water rights and usage on Camp Creek. #65-5663 and 5665 were first owned by the Cantrells (now by the Troutts); 65-2563x and 5411 first by Van Handel (now by Stebbins). For approximately the last 20 years none of the beneficial irrigation rights under these permits have been exercised by the owners with only one exception. In 1983 we purchased part of the Troutt property and 25% of # 65-05663. The IDWR refused to honor the transfer until the Troutts described a decrease in usage so there would be no increase due to the transfer. Their attorney pursued a delaying action for over two years until the IDWR lost patience and approved the transfer on August 16, 1989. Since that time we have been irrigating 41.5 acres as allowed by the permit. **Ironically, the Troutts never used any irrigation water before or after the transfer and no additional irrigation water from Camp Creek has been used by any other permit holder.**

On January 22, 1996 I filed an application for an additional 2.26 cfs from Camp Creek (#65-13654). A Notice of Application For Water Right was published on 3/6 and 3/13 of 1996 and a Permit to Appropriate Water was approved on April 10, 1996. On August 20, 1996 I submitted the Proof of Beneficial Use form with the examination fee of \$150.00. I requested a waiver of the Condition requiring a lockable controlling works on the diversion point. On October 25, 1996 Mark Limbaugh, the watermaster Water District 65, inspected the diversion point and

recommended granting the waiver which was approved on October 30, 1996. Since that time we have irrigated an additional 113 acres.

The disputed diversion points supposedly supply water to the Troutt property under permit #65-05663B. The NESW diversion doesn't exist and the Troutts have never used it to irrigate the property described in the legal description for irrigation as shown in the Adjudication Claim Profile Report. In addition no water is supplied to the Troutt property through the diversion of #65-05663A (SESW) and never has been.

The question is can you and will you who are copied on this letter recommend to the SRBA District Court the forfeiture of the unused Troutt water (#65-05663A) to supply the additional 2.26 cfs from Camp Creek for #65-13654? I will value your comments and be glad to meet with you for any further discussion.

Sincerely,

E. M. Wood, M.D.

cc.: Donald Shaff, Manager, Adjudication Section

L. Glen Saxton, Chief Water Allocation Bureau

Shelley W. Keen, Water Rights Supervisor

Kay Walker, Sr. Water Resource Agent ✓

Steve Lester, Water Rights Supervisor

September 29, 1999

NOTICE OF ERROR
REPLY

RECEIVED
OCT 19 1999

WATER RESOURCES
WESTERN REGION

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: October 29, 1999

Water right number: 65-05663A

EDWARD M WOOD
JEAN WOOD
9908 SPOOR RD
PO BOX 670
CASCADE ID 83611

Daytime Telephone Number: (208) 382-6624
Evening Telephone Number: same

*Notice of Error
Ed Wood.*

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):

The diversion point designated NESW doesn't exist and doesn't supply water to either 65-05663A or B. The diversion point designated SESW (as shown on the GIS image) supplies water to #65-05663A only.

2. Describe the changes you wish to make in the proposed recommendation:

The diversion point for #65-05663A should be SESW only.

3. Give a brief explanation as to why you disagree with these portions:

Please see attached letter

 I AGREE with this proposed recommendation; no changes need to be made.

DATE: 10/18/99

SIGNATURE: *C M Wood*

Please print your name: E.M. Wood



State of Idaho
DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

November 29, 2000

LLOYD KENNETH TROUTT JR
1805 MESA AVE
EMMETT ID 83617

RE: Water Right No. 65-05663B

Dear Property Owner(s):

Enclosed is a copy of the above referenced water right, which reflects the necessary name additions for the land and appurtenant water rights covered under the original filing. Also enclosed is a copy of the Notice of Completed Administrative Proceedings which has been sent to the Snake River Basin Court as notification of the change.

Thank you for your patience and cooperation, as we have had several ownership changes to process. If you have any questions concerning the enclosed water rights, please feel free to contact this office.

Sincerely,

A handwritten signature in cursive script that reads "Denise Buffington".

Denise Buffington
Office Specialist 1
Adjudication Section
Western Region

DB:db

Enclosures

cc: Kevin Troutt, Kathleen Troutt Houk, Kelly Troutt



State of Idaho
DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

November 29, 2000

KATHLEEN TROUTT HOUK
4322 LITTLE FREEZEOUT RD
EMMETT ID 83617

RE: Water Right No. 65-05663B

Dear Property Owner(s):

Enclosed is a copy of the above referenced water right, which reflects the necessary name additions for the land and appurtenant water rights covered under the original filing. Also enclosed is a copy of the Notice of Completed Administrative Proceedings which has been sent to the Snake River Basin Court as notification of the change.

Thank you for your patience and cooperation, as we have had several ownership changes to process. If you have any questions concerning the enclosed water rights, please feel free to contact this office.

Sincerely,

A handwritten signature in cursive script that reads "Denise Buffington".

Denise Buffington
Office Specialist 1
Adjudication Section
Western Region

DB:db

Enclosures

cc: Kevin Troutt, Lloyd Kenneth Troutt Jr, Kelly Troutt



State of Idaho
DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

November 29, 2000

KEVIN TROUTT
2015 N 9TH ST
BOISE ID 83702

RE: Water Right No. 65-05663B

Dear Property Owner(s):

Enclosed is a copy of the above referenced water right, which reflects the necessary name additions for the land and appurtenant water rights covered under the original filing. Also enclosed is a copy of the Notice of Completed Administrative Proceedings which has been sent to the Snake River Basin Court as notification of the change.

Thank you for your patience and cooperation, as we have had several ownership changes to process. If you have any questions concerning the enclosed water rights, please feel free to contact this office.

Sincerely,

A handwritten signature in cursive script that reads "Denise Buffington".

Denise Buffington
Office Specialist 1
Adjudication Section
Western Region

DB:db

Enclosures

cc: Kathleen Troutt Houk, Lloyd Kenneth Troutt Jr, Kelly Troutt



State of Idaho
DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

November 29, 2000

KELLY TROUTT
9543 LIBERTY RD
SWEET ID 83670

RE: Water Right No. 65-05663B

Dear Property Owner(s):

Enclosed is a copy of the above referenced water right, which reflects the necessary name additions for the land and appurtenant water rights covered under the original filing. Also enclosed is a copy of the Notice of Completed Administrative Proceedings which has been sent to the Snake River Basin Court as notification of the change.

Thank you for your patience and cooperation, as we have had several ownership changes to process. If you have any questions concerning the enclosed water rights, please feel free to contact this office.

Sincerely,

A handwritten signature in cursive script that reads "Denise Buffington".

Denise Buffington
Office Specialist 1
Adjudication Section
Western Region

DB:db

Enclosures

cc: Kathleen Troutt Houk, Lloyd Kenneth Troutt Jr, Kevin Troutt



State of Idaho
DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

March 3, 2000

LLOYD KENNETH TROUTT JR
1805 MESA AVE
EMMETT ID 83617

RE: Water Right No. 65-05663B

Dear Property Owners:

Enclosed is a copy of the above referenced water right which reflects your change in address. Also enclosed is a copy of the Notice of Completed Administrative Proceedings which has been sent to the Snake River Basin Court as notification of the change.

Thank you for your patience and cooperation. If you have any questions concerning the enclosed water rights, please feel free to contact this office.

Sincerely,

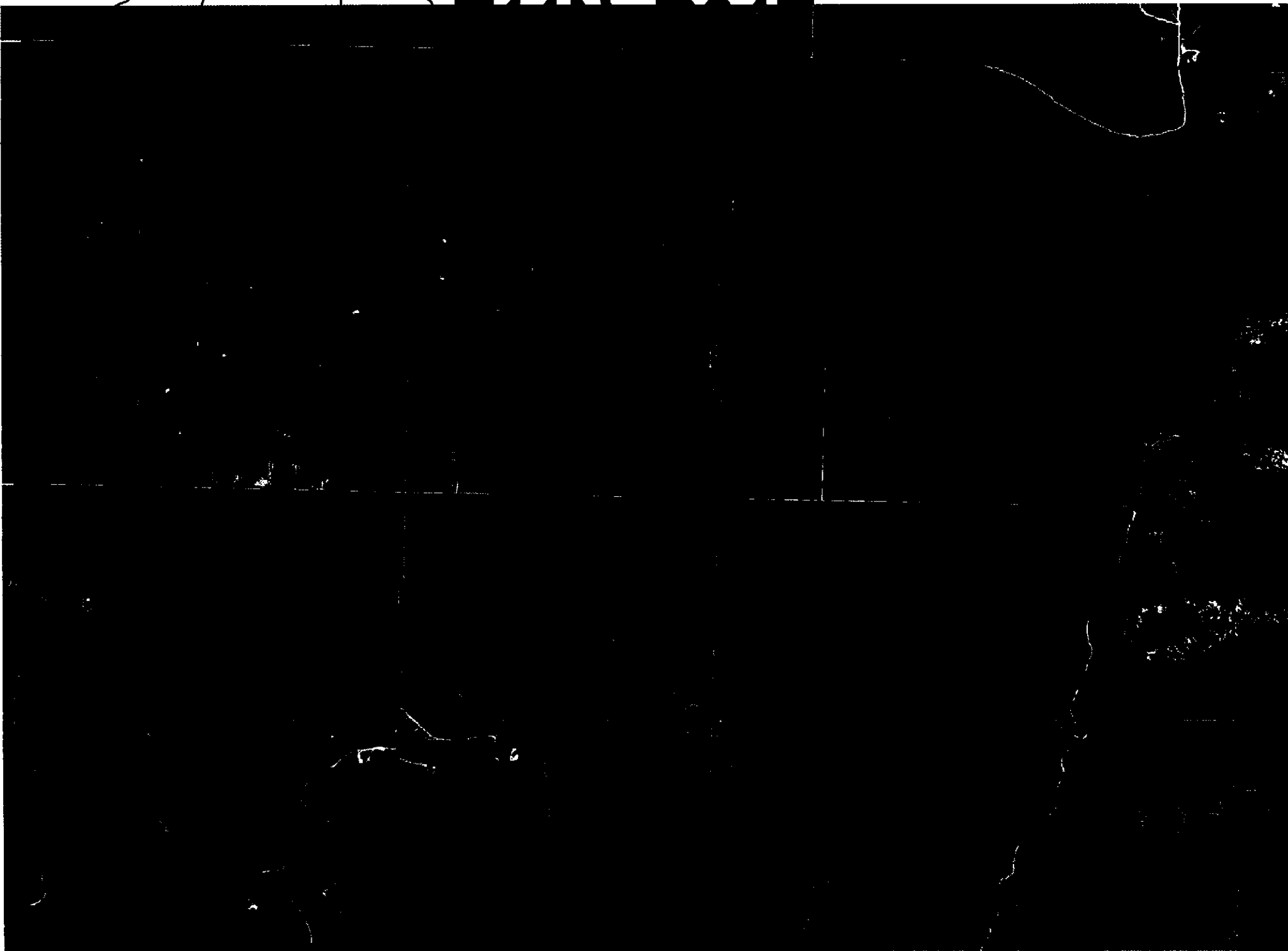
A handwritten signature in cursive script that reads "Denise Buffington". The signature is written in dark ink and is positioned above the typed name and title.

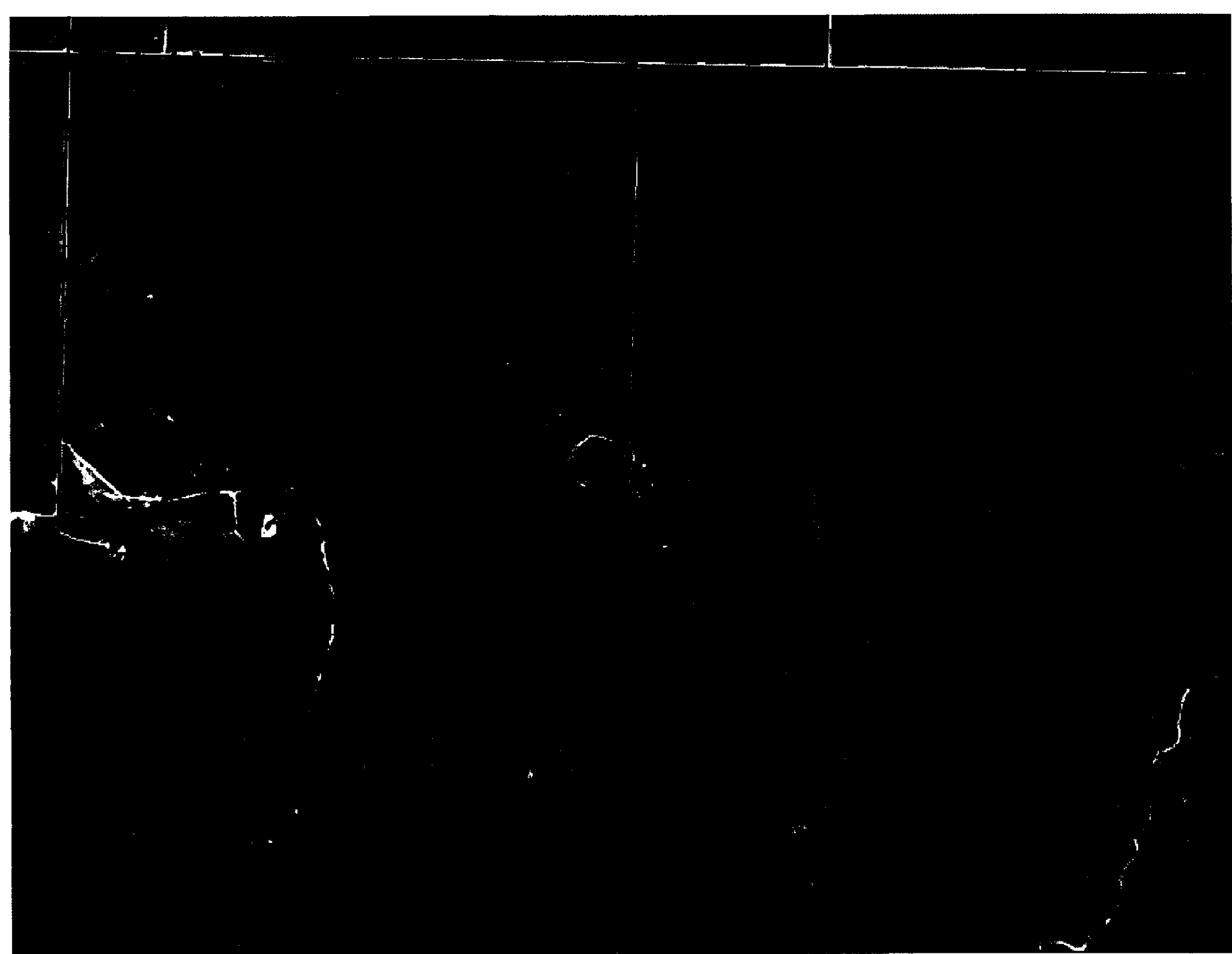
Denise Buffington
Office Specialist 1
Adjudication Section
Western Region

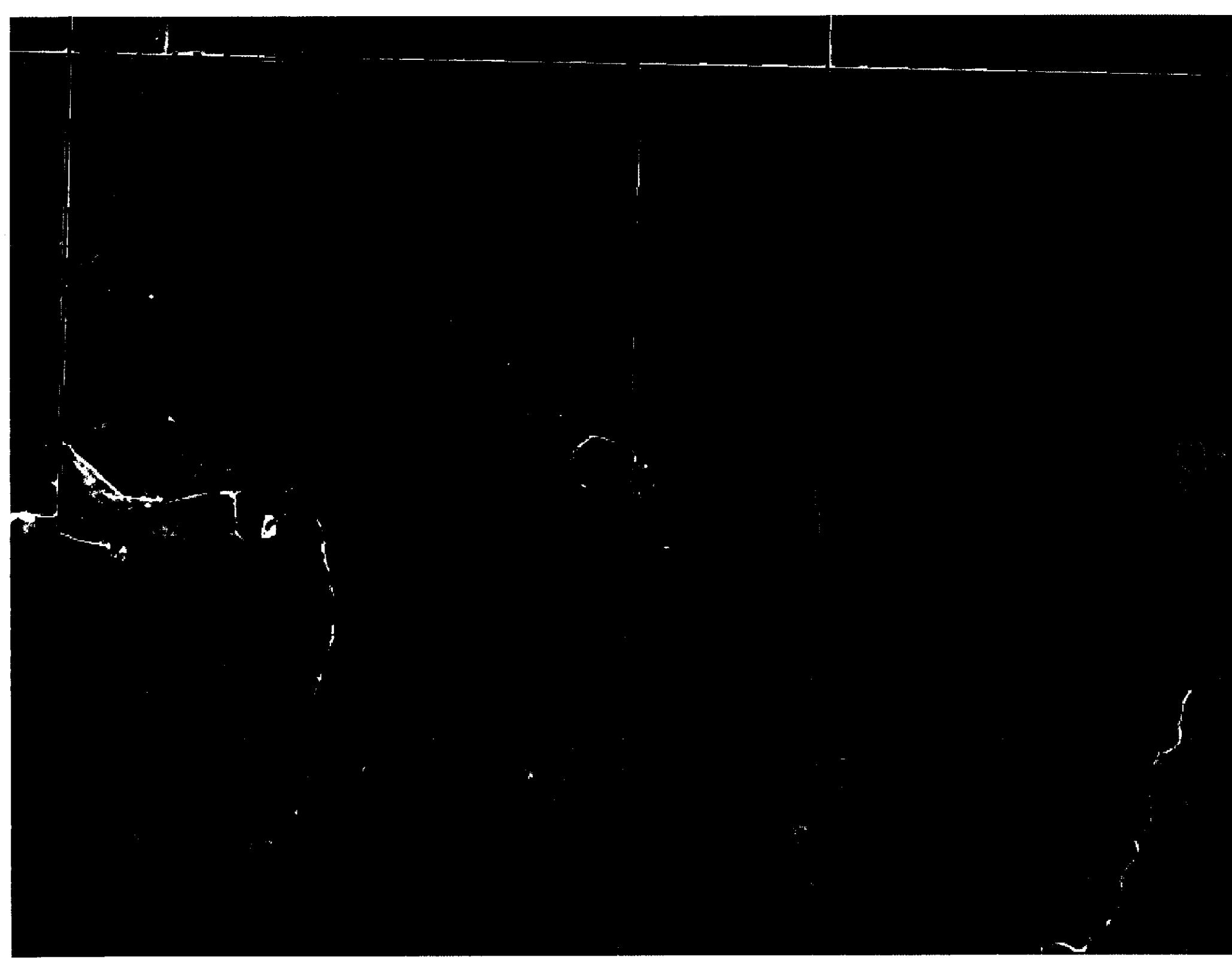
DB:db

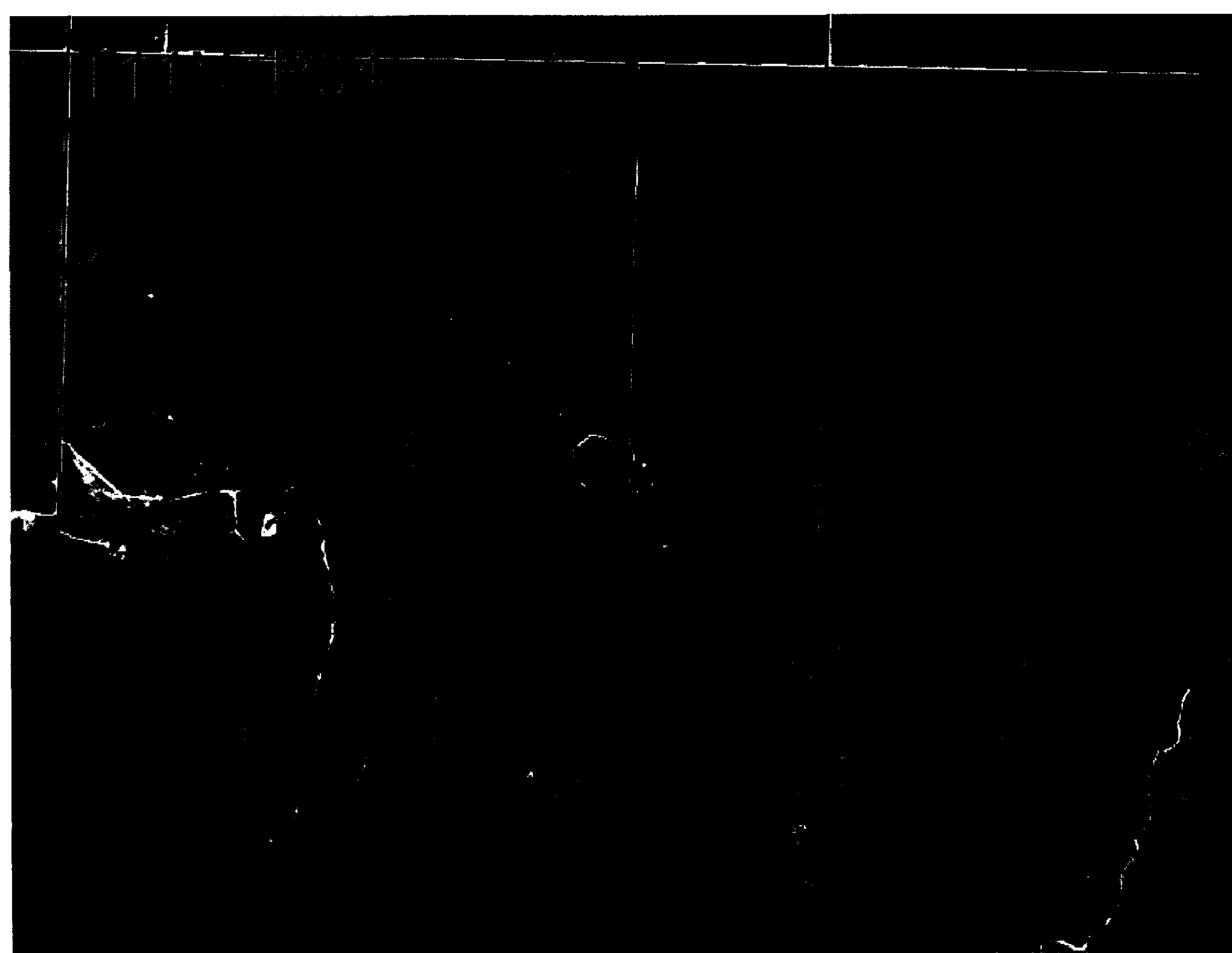
Enclosures

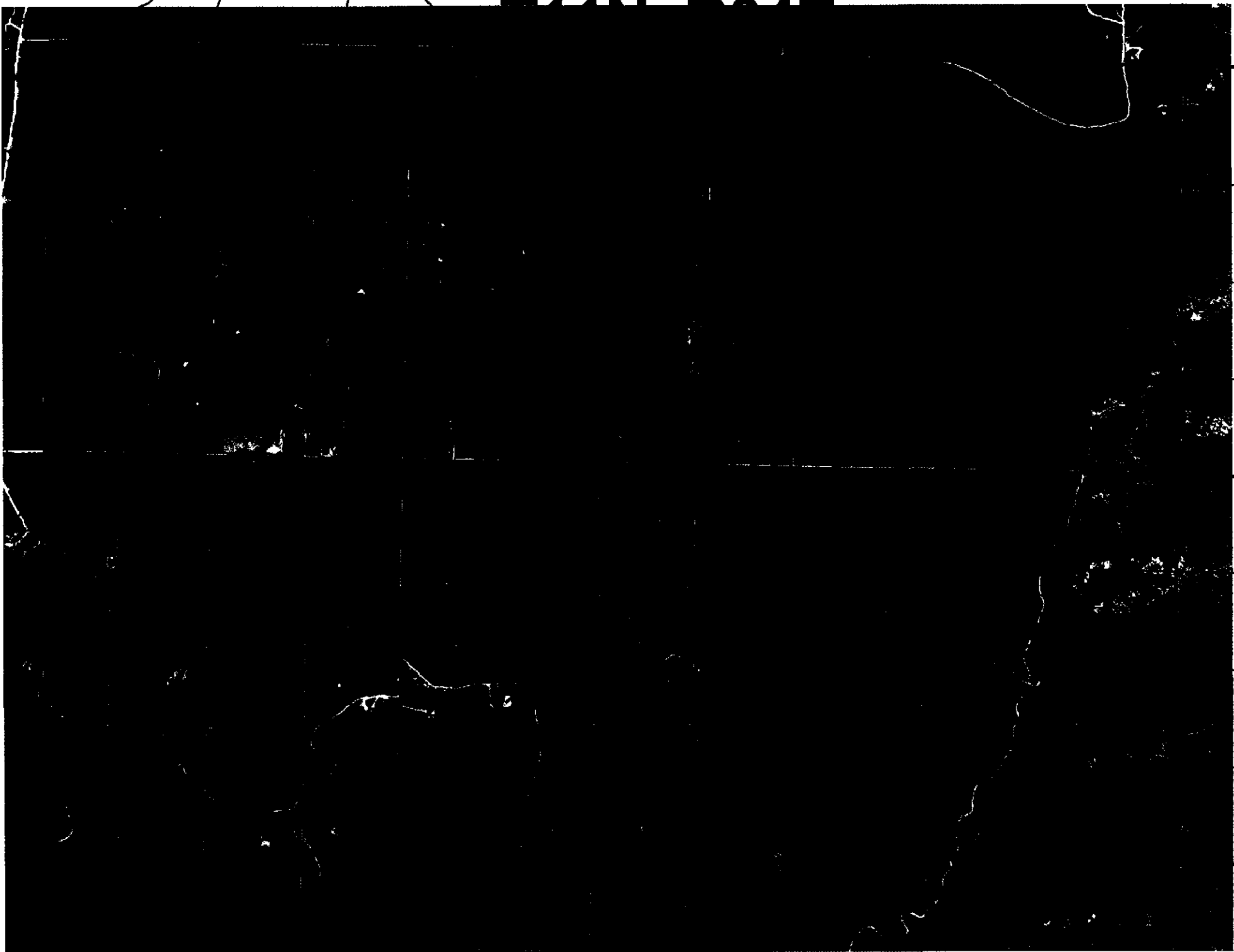
Extra layout
maps











AJ0749NP
No. 65-05663B

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT
(REGIONAL)

DATE: 02/28/00
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	LLOYD KENNETH TROUTT JR 1805 MESA AVE EMMETT ID 83617 (208) 365-5762	05/01/1902	IRRIGATION	04-15 10-15	2.480 CFS	
TOTAL DIVERSION:					2.480 CFS	

Water Source: CAMP CREEK

Tributary to: ROUND VALLEY CREEK

Stage: DECREED

Point(s) of Diversion:

T11N R04E S08

SENESEW

SESESEW

VALLEY County

Place of use Legal Description for: IRRIGATION

				NE				NW				SW				SE								
T	R	S	:	NENE	NWNE	SWNE	SENE	:	NENW	NWNW	SWNW	SENW	:	NESW	NWSW	SWSW	SESW	:	NESE	NWSE	SWSE	SESE	:	SUM
			:	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	:	
11N	04E	8	:	25		25		:					:					:					:	95.0
11N	04E	9	:					:			29		:					:					:	29.0
TOTAL ACRES																							124.0	

POU County: VALLEY

Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):
65-05663A A65-05663A

Other Water Rights Listing Overlapping Place(s) of Use:
A65-05663B

Conditions of Approval:

- C18 - 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.

Remarks: EXP RIGHT NO. 65-05663A IS ALSO DIVERTED THROUGH POINTS OF
DIVERSION DESCRIBED ABOVE.

Dates: Exam Made Date:

Verified Date:

Objection Filed Date:

Misc: Water District Number: 65

Field Inspection Flag:
Presumption Flag:

AJ0749NP
No. 65-05663B

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT
(REGIONAL)

DATE: 02/28/00
PAGE: 2

=====

Comments: Date: 09/02/1999 User-ID: KWALKER Subject: RECOMMENDATIONS
CANNOT VERIFY THIS RIGHT HAS BEEN FORFEITED EVEN THOUGH WE HAVE
RECEIVED INFORMATION STATING SUCH. WE DROVE BY THIS LAND AND IT
LOOKED AS IRRIGATED AS ALL OTHER LANDS IN THE VICINITY. SEE
PHOTOS IN FILE. RECOMMENDING POINTS OF DIVERSION APPROVED ON
TRANSFER NO. 3401 IN 1989. IF POINTS OF DIVERSION HAVE CHANGED
CLAIMANT NEEDS TO FILE ANOTHER TRANSFER.

Date: 09/25/1999 User-ID: AJU10-JS Subject: AJU10 CONDITION UPDATE
CONDITION CODE(S) C18 ADDED IF NOT ALREADY PART
OF RECORD THRU AJU10.

Date: 02/28/2000 User-ID: DBUFFING Subject: NAME CHANGE - ADDRESS CHANGE
THE DATA IN THE NAME FIELD WAS CHANGED TO SHOW THIS RIGHT HAS AN
ADDRESS CHANGE.

Audit: 02/28/00 DBUFFING

AJ0749NP
No. R65-05663B

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT
(REGIONAL)

DATE: 09/02/99
PAGE: 1

=====

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	LLOYD KENNETH TROUTT JR 4933 SOUTH SLOPE EMMETT ID 83617 (208) 365-5762 9833	05/01/1902	IRRIGATION	04-15 10-15	2.480 CFS	
TOTAL DIVERSION:					2.480 CFS	

Water Source: CAMP CREEK

Tributary to: ROUND VALLEY CREEK

Stage: DECREED

Point(s) of Diversion: T11N R04E S08 SENESW SESESW VALLEY County

Place of use Legal Description for: IRRIGATION

												NE				NW				SW				SE				
			NENE		NWNE		SWNE		SENE		NENW		NWNW		SWNW		SESW		NENE		NWSE		SWSE		SESE			
T	R	S	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	SUM	
11N	04E	8	:	25	25	12	33	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	95.0	
11N	04E	9	:	:	:	:	:	:	:	:	29	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	29.0	
TOTAL ACRES																								124.0				

POU County: VALLEY

Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):
A65-05663A R65-05663A

Other Water Rights Listing Overlapping Place(s) of Use:
A65-05663B

Remarks: EXP RIGHT NO. 65-05663A IS ALSO DIVERTED THROUGH POINTS OF
DIVERSION DESCRIBED ABOVE.

Dates: Exam Made Date: Verified Date: 09/02/1999 Objection Filed Date:

Misc: Water District Number: 65 Field Inspection Flag:
Presumption Flag:

Comments: Date: 09/02/1999 User-ID: KWALKER Subject: RECOMMENDATIONS
CANNOT VERIFY THIS RIGHT HAS BEEN FORFEITED EVEN THOUGH WE HAVE
RECEIVED INFORMATION STATING SUCH. WE DROVE BY THIS LAND AND IT
LOOKED AS IRRIGATED AS ALL OTHER LANDS IN THE VICINITY. SEE

AJ0749NP
No. R65-05663B

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT
(REGIONAL)

DATE: 09/02/99
PAGE: 2

=====

Comments: Date: 09/02/1999 User-ID: KWALKER Subject: RECOMMENDATIONS
PHOTOS IN FILE. RECOMMENDING POINTS OF DIVERSION APPROVED ON
TRANSFER NO. 3401 IN 1989. IF POINTS OF DIVERSION HAVE CHANGED
CLAIMANT NEEDS TO FILE ANOTHER TRANSFER.

Audit: 09/02/99 KWALKER

WR5809NP
No. 65-05663

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 05/10/99
PAGE: 2

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	JONES & JONES INC.	05/01/1902	IRRIGATION	04/15 10/15	3.320 CFS	2.49
C	DBA JONES MEAT PACKERS INC.				3.320 CFS	
TOTAL DIVERSION:					3.320 CFS	

Water Source: CAMP CREEK

Tributary to: ROUND VALLEY CREEK

Stage: DECREED

Point(s) of Diversion:

T11N R04E S08

~~SESW~~

~~SESW~~

NWSE

VALLEY County

Place of use Legal Description for: IRRIGATION

NE				NW				SW				SE									
T	R	S		NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE	SUM	
				Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac
11N	04E	8	✓	25	✓	25	✓	12	✓	33	✓										
11N	04E	9	✓																		
																			137.0	95	
																			29.0		
TOTAL ACRES																			166.0	124.1	

Pou County: VALLEY

Conditions of Approval:

- ✓T05 - The use of water on the lands to which the above referenced water rights were appurtenant is hereby abandoned and failure to put the water to beneficial use within five (5) years of the date of the approval of this transfer on the new land identified under item B.5 shall constitute loss or forfeiture of the water rights.

Remarks: GEN TRANS. 3401. ✓

Dates: App. Received: Priority Date: 05/01/1902
Proof Due Date: Proof Made Date:
Exam Made Date: Exam Sent to S.O.:
Licensed Date:

Misc: Water District Number: Field Exam Fee:

change in P/d -
no fee

does not
exceed
original
amt.
when
combined
w/ A

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

00:00:10
08/20/99

PAGE: 1
GENERAL INFORMATION

83
CLAIM NUMBER: A65-056638

LAST: CANTRALL
ADDRESS: BOX 85
CITY: CASCADE
PHONE NUMBER: 208-000-0000

FIRST: ARTHUR S
STATE: ID ZIP: 83611

OWNER CODE: 0

LAST: CANTRALL
ADDRESS: BOX 85
CITY: CASCADE
PHONE NUMBER: 208-000-0000

FIRST: DANIEL F
STATE: ID ZIP: 83611

OWNER CODE: 0

LAST: TROUTT JR
ADDRESS: 4933 SOUTH SLOPE
CITY: EMMETT
PHONE NUMBER: 208-365-5762

FIRST: LLOYD KENNETH
STATE: ID ZIP: 83617 ✓

OWNER CODE: C

FIELD EXAM REQUIRED?

VERIFICATION REQUIRED DUE TO REMARKS?

NO REMARKS IN CLAIM

DATABASE
N

FIELD
EXAMINER
N

CVR

CONTACT PERSON: _____

PHONE NUMBER: (____) ____-____

DATE OF FIELD EXAM: __/__/__

APPOINTMENT MADE: Y(____) N(____)

TIME: ____:____ A(____) P(____)

ACCOMPANIED BY: _____

PHONE NUMBER: (____) ____-____

RELATIONSHIP TO CLAIMANT: _____

DIRECTIONS TO PROPERTY / NOTES:

*claimed as decreed & subsequently
transferred - in office verification
& drive by exam to review lands
due to forfeiture issue*

A. AJ CLAIM: # A65-05663B PRIORITY DATE: 05-01-1902 STAGE: D

B. WR RECORD: # 65-05663 PRIORITY DATE: 05-01-1902 STAGE: D

C. CAN THE PRIORITY DATE CLAIMED BE CONFIRMED BY A DECREE OR LICENSE? Y(☒) N(☐)

D. HAS THERE BEEN A LATER COURT DECREE OF THE WATER RIGHT(S) FROM THIS WATER SOURCE? Y(☐) N(☒)

E. IS THERE ANY INDICATION THAT THERE HAS BEEN A FIVE YEAR PERIOD OF CONTINUOUS NONUSE?
(IF YES, DESCRIBE BELOW) Y(☒) N(☐)

F. IF THIS CLAIM IS BASED ON A PERMIT, WHERE IS THE PERMIT IN THE LICENSING PROCESS?

PROOF OF BENEFICIAL USE SUBMITTED

N/A(☒) Y(☐) N(☐)

FIELD EXAM COMPLETED

N/A(☒) Y(☐) N(☐)

FIELD EXAM SENT TO STATE OFFICE

N/A(☒) Y(☐) N(☐)

LICENSE ISSUED

N/A(☒) Y(☐) N(☐)

* IF THE PERMIT WILL NOT BE LICENSED PRIOR TO THE DIRECTOR'S REPORT,
USE CONDITION CODE A01 AND RECOMMEND AS PERMITTED.

G. IF THIS CLAIM IS BASED ON BENEFICIAL USE, IS ADDITIONAL EVIDENCE
OF THE PRIORITY DATE REQUIRED? N/A(☒) Y(☐) N(☐)

* FOR CLAIMS BASED ON BENEFICIAL USE, DESCRIBE THE EVIDENCE OF PRIORITY SUBMITTED,
INCLUDING THE ANALYSIS OF THE EVIDENCE.

H. IS THE STAGE OF THE CLAIM CODED CORRECTLY? Y(☒) N(☐)

NOTES:

as previously decreed

=====

RECOMMENDED PRIORITY DATE:

05-01-1902

REVIEWED BY

KW

DATE

9/2/99

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

09:11:30
09/02/99
4

PAGE: 4
PROFILE REPORT

CLAIM NUMBER: A65-05663B

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	LLOYD KENNETH TROUTT JR	05/01/1902	IRRIGATION	04-15 10-15	~~2.490~~ CFS	2.48
					TOTAL DIVERSION:	~~2.490~~ CFS 2.48

Water Source: CAMP CREEK Tributary to: ROUND VALLEY CREEK Stage: DECREED
Point(s) of Diversion: T11N R04E S08 ~~DWSE~~ *SENESEW* VALLEY County
SESESW

Place of use Legal Description for: IRRIGATION

				NE				NW				SW				SE					
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	SUM
11N	04E	8	:	25		25		12		33		:								:	95.0
11N	04E	9	:									:	29							:	29.0
																			TOTAL ACRES	124.0 ✓	

POU County: VALLEY

Dates: Exam Made Date: Verified Date: Objection Filed Date:
Misc: Water District Number: 65 Field Inspection Flag:
Presumption Flag:

EXP-F05 (65-05663A)

A. AJ CLAIM POINT OF DIVERSION AND SOURCE:

RIGHT	TWP. RGE.	SEC.	1/4	1/4	1/4	LOT	POD FLAG	COUNTY	DIVERSION NAME	DIVERSION NUMBER
A65-05663B	11N 04E	8		NW	SE			VALLEY		

OTHER AJ CLAIMS WITH SAME AJ POD
A PREFIX
NONE

WR RECORDS IN SAME 40 ACRE TRACT
R PREFIX
NONE

SOURCE: CAMP CREEK

TRIB: ROUND VALLEY CREEK

B. WR POINT OF DIVERSION AND SOURCE:

RIGHT	TWP. RGE.	SEC.	1/4	1/4	1/4	LOT	POD FLAG	COUNTY	DIVERSION NAME	DIVERSION NUMBER
65-05663	11N 04E	8		SE	SW			VALLEY		
65-05663	11N 04E	8		NE	SW			VALLEY		

OTHER WR RECORDS WITH SAME WR POD

AJ CLAIMS IN SAME 40 ACRE TRACT
A PREFIX
R PREFIX

A65-05663A
Wood

65-17809

use these as transferred in '89
Wood permit
Wood gw
X per #3401

SOURCE: CAMP CREEK

TRIB: ROUND VALLEY CREEK

C. IS THE CLAIMED POD WITHIN THE SAME 40 ACRE TRACT THAT IS DESCRIBED IN THE WATER RIGHT FILE? N/A() Y(✓) N(✓)

* IF NO, AND IF THE CHANGE IS VERIFIED AS AN ACCOMPLISHED CHANGE IN POD, DESCRIBE THE INJURY ANALYSIS PERFORMED AND ENTER FLAG "C" WITH THE APPROPRIATE EXPLANATORY CODE.

D. CAN THE CLAIMED POD BE VERIFIED USING THE WATER RIGHT FILE OR GPS DATA? N/A() Y(✓) N()

E. SHOULD THE CLAIMED POD BE VERIFIED BY FIELD EXAM? Y() N(✓)

F. IS THE CLAIMED SOURCE THE SAME AS DESCRIBED IN THE WATER RIGHT FILE? N/A() Y(✓) N()

* IF NO, AND IF THE CHANGE IS VERIFIED AS AN ACCOMPLISHED CHANGE IN SOURCE, DESCRIBE THE INJURY ANALYSIS PERFORMED AND ENTER FLAG "C" WITH THE APPROPRIATE EXPLANATORY CODE.

G. CAN THE CLAIMED SOURCE BE VERIFIED USING THE WATER RIGHT FILE? Y(✓) N()

H. SHOULD THE CLAIMED SOURCE BE VERIFIED BY FIELD EXAM? Y() N(✓)

I. HOW WAS THE POD AND SOURCE VERIFIED?

LICENSING FIELD EXAM (DATE OF FIELD EXAM _____) Y() N()

AJ FIELD EXAM (DATE OF FIELD EXAM _____ NAME OF EXAMINER _____) Y() N()

OTHER (DESCRIBE IN NOTES BELOW)

prior decree & transfer

A. AJ CLAIM POINT OF DIVERSION AND SOURCE:

RIGHT	TWP. RGE.	SEC.	1/4	1/4	1/4	LOT	POD FLAG	COUNTY	DIVERSION NAME	DIVERSION NUMBER
A65-05663B	11N 04E	8	NW	SE				VALLEY		

OTHER AJ CLAIMS WITH SAME AJ POD
A PREFIX R PREFIX
NONE NONE

WR RECORDS IN SAME 40 ACRE TRACT
NONE

SOURCE: CAMP CREEK

TRIB: ROUND VALLEY CREEK

NOTES: Recommend pld's shown on transfer
#3401 approved 8/14/89 - pld has
changed since that transfer another
transfer should be filed.

RECOMMENDED POINT(S) OF DIVERSION AND SOURCE: CHECK HERE IF RECOMMENDED AS CLAIMED ()

TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	POD FLAG	COUNTY	DIVERSION NAME	DIVERSION NBR
11N	04E	8	NW	SE				VALLEY		
11N	4E	8	SE	NE	SW			"		
11N	4E	8	SE	SE	SW			"		

SOURCE: CAMP CREEK TRIB: Round Valley Ck.

REVIEWED BY: KW DATE: 9/2/99

SYSTEM DESCRIPTION: DESCRIBED BELOW (), SEE LICENSE FILE (), OR SEE ATTACHMENT ()

Exp: F05(65-05663A)

NOTES: See pg. 4a

RECOMMENDED POINT(S) OF DIVERSION AND SOURCE: CHECK HERE IF RECOMMENDED AS CLAIMED ()

TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	POD FLAG	COUNTY	DIVERSION NAME	DIVERSION NBR
11N	04E	8		NW	SE			VALLEY ✓		
11	11	11	SE	NE	SW					
11	11	11	SE	SE	SW					

SOURCE: CAMP CREEK

TRIB: ROUND VALLEY CREEK

REVIEWED BY: kw DATE: 9/2/99

SYSTEM DESCRIPTION: DESCRIBED BELOW (), SEE LICENSE FILE (), OR SEE ATTACHMENT ()

prior decree & subsequent transfer

RECEIVED

AUG 17 1989

Transfer No. 3401Water Right No. 65-5663Department of Water Resources
Western Regional Office

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

APPROVED

SEP 18 1986

NOV 13 1986

Department of Water Resources
Western Regional Office

APPLICATION FOR TRANSFER OF WATER RIGHT

To Change the Point of Diversion and/or the Place of Use

Department of Water Resources

Name of applicant Jones & Jones, Inc. dba Jones Meat Packers, Inc. Phone 382-3234Post Office address c/o C. Hay P.O. Box 1039 Cascade, Id 83611

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No. 65-5663 Decreed to Arthur S. and Daniel F. Cantrell
(Name)
In case of State of Idaho vs A & C Corp., et al
dated in _____ in Third Judicial Dist. county of Gem
(Name of court)
- b. License No. _____ Issued by the Idaho Department of Water Resources
- c. Claim No. _____ on file with the Idaho Department of Water Resources

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant. If the applicant is not the original holder of the water right, explain how it was acquired _____

Applicant purchased land on which water rights appurtenant in 1986See attached proof of ownership.3. Source of water Camp Creek tributary to Round Valley Creek4. Date of priority 5/1/1902

5. Water is used for the following purposes:

amount 3.32 cfs. for irrigation purposes from 4/15 to 10/15

amount _____ for _____ purposes from _____ to _____

amount _____ for _____ purposes from _____ to _____
(month/day — both dates inclusive)6. Total amount of water under right: a. 3.32 cubic feet per second
&/or
b. _____ acre feet per annum7. Location of original point of diversion is N.E. $\frac{1}{4}$ of S.W. $\frac{1}{4}$ of Section 8Township 11 N. Range 4 E. B.M. in Valley County

Additional points of diversion, if any _____

8. Lands irrigated or place of use:

TWP.	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
11N.	4 E.	8	39	39	26	33													137 acres

9. Describe any other water _____
65-5665 (Stock water and10. To your knowledge, has any portion of this water right been
of nonuse? No If yes, describe in _____

transfer 3401

B. DESCRIPTION OF PORTION OF RIGHT OWNED BY APPLICANT (If the entire right is owned by the applicant, omit part B).

All owned by applicant **Per phone conv. w/Charles Hay on 11/25/86 JS

1. Amount of water: a. _____ cubic feet per second
&/or
b. _____ acre feet per annum

2. Point of diversion _____ 1/4 _____ 1/4, Section _____ Township _____
Range _____, B.M., _____ County
Additional points _____

3. Place of use: _____

TWP.	RANGE	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	

Total number of acres to be irrigated _____

C. DESCRIPTION OF RIGHT OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

1. General Information

- a. Amount of water to be diverted 3.32 c.f.s. &/or _____ acre feet
- b. Description of diverting works ditches from Camp Creek
- c. Describe the reasons for the proposed changes Transfer of 1/4 of applicants existing water rights to new owners for use on adjacent lands

2. Change in point of diversion

New Point of diversion S.E. 1/4 S.W. 1/4, Section 8 Township _____
Range 4 E., B.M., Valley County
Additional points Existing pt. - NE 1/4 SW 1/4, Sec. 8, Twp. 11N, Rge. 4E

3. Change in place of use

- a. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? _____ Yes X No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed change.
- b. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer
Land now irrigated would lose proportionate amount of water to be transferred.
It would still be irrigated, but the acreage would be less as set forth in No. 3 above (Part B).

c. Describe the land or place of use to which the right will be transferred:

[illegible]

Total number of acres to be irrigated 166

4. Describe any other water rights used for the same purpose as described above. _____
5. Draw a map indicating the new point(s) of diversion and/or the new land to be irrigated. Show clearly the land involved by section, township and range number.

Sect 8; T11N; Range 4. 8. showing new diversion &

place of application

RIVER

25 AC

25 AC

33 AC

SE 1/4

PLACE

ROAD

DIVERSION POINT

8

9

SCALE: 2 inches equal 1 mile. Draw plan in ink.

*Per phone conv. w/Charles Hay on 11/25/86. JS

D. REMARKS

I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge.

I understand that any willfull misrepresentations made in this application may result in voiding its approval.

JONES MEAT PACKERS INC.
R. Reynolds Jones
(Signature of Applicant)

Subscribed and sworn to before me this 3rd day of September, 19 86

William L. Cole
(Notary Public)

My commission expires 6/6/87

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. 65-5663 and said application is hereby APPROVED, subject to the following limitations and conditions:
The use of water on the lands to which the above referenced water rights were appurtenant is hereby abandoned and failure to put the water to beneficial use within five (5) years of the date of the approval of this transfer on the new land identified under item B.5 shall constitute loss or forfeiture of the water rights.

Witness my hand this 14th day of August, 19 89

J. Blum Saptor
Chief, Water Alloc. Bureau

11-18-86 FOR DEPARTMENT USE ONLY

Received by *LL* Date 9/18/86 10:06 Protest filed by _____

Prelim. check by *JP* Fee \$50.00

Received by *SR* Date 9/23/86

Published in the Star News

Pub. dates 12/3 & 12/10/87

Watermaster recommendation requested on _____

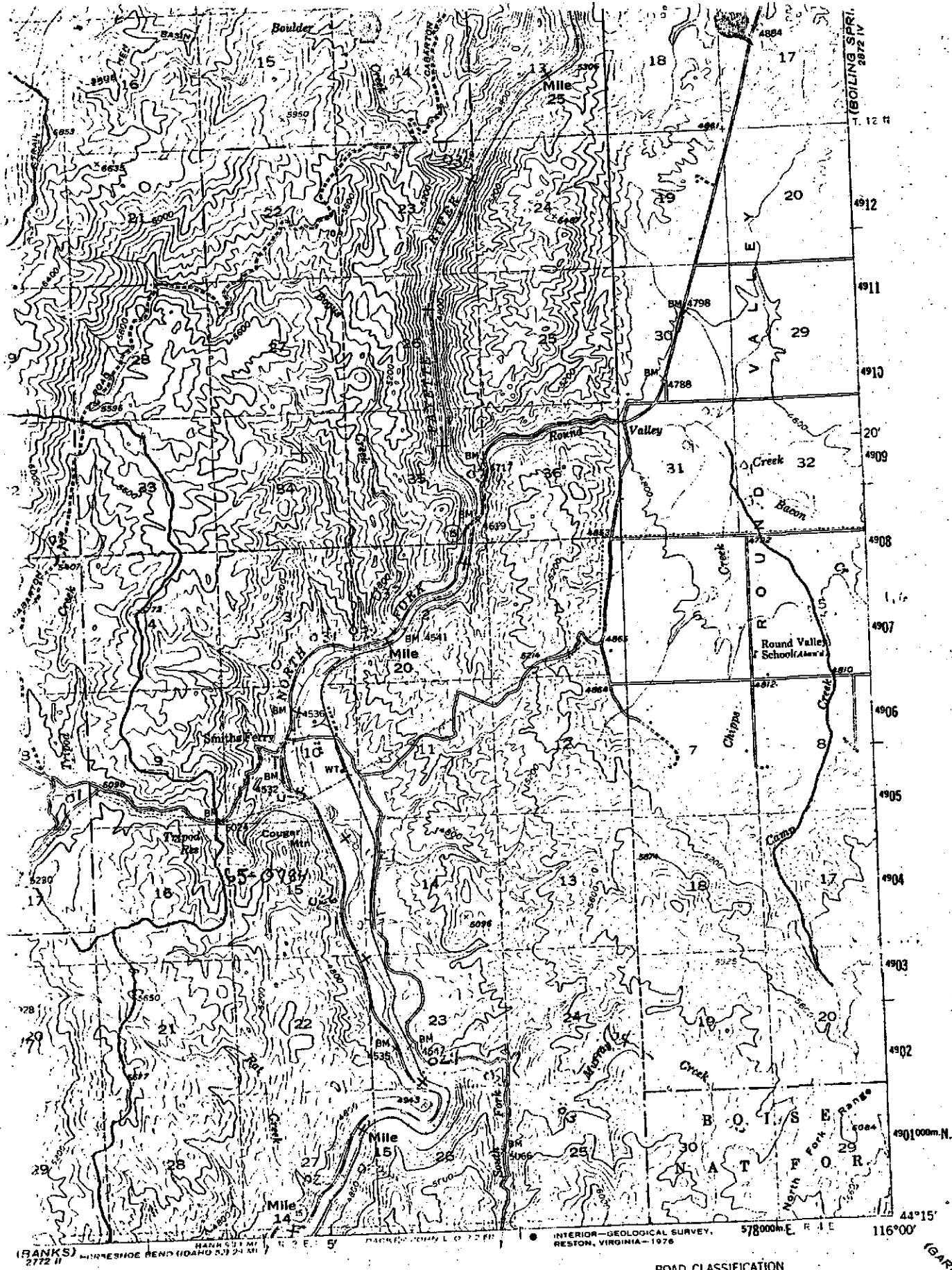
_____ rec'd. _____

Copies of protest forwarded by _____

Hearing held by _____ Date _____

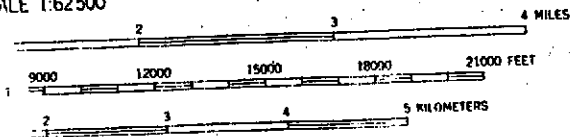
Recommended for approval denial

by *DM Gary*



(RANKS)
2772 II

SCALE 1:62500



INTERVAL 80 FEET

U.S. GEOLOGICAL SURVEY
GEOPHYSICAL DIVISION
WASHINGTON, D.C. 20506



INTERIOR—GEOLOGICAL SURVEY,
RESTON, VIRGINIA—1976

ROAD CLASSIFICATION

Heavy-duty ———— Light-duty ————
Medium-duty ———— Unimproved dirt ————
U.S. Route State Route

SMITHS FERRY, IDAHO

(GARDEN VALLEY)
2872 II

A. ROOT WATER RIGHT NUMBERS: A65-05663A
A65-05663B

B. POU LISTING

TWP	RNG	SEC	1/4	1/4	LOT	NAME	AJ #/ACRES	WR #/ACRES	LANDSAT DATA	FIELD EXAM.	RECOMM. ACRES
11N	04E	8	NE	NE		TROUTT JR, LLOYD KENNETH	A65-05663B / 25.0	- /			25
			NE	NE		JONES & JONES INC.		65-05663 / 25.0			
			NE	NE		TROUTT JR, LLOYD KENNETH		65-13612 / 2.0			
11N	04E	8	NW	NE		TROUTT JR, LLOYD KENNETH	A65-05663B / 25.0	- /			25
			NW	NE		JONES & JONES INC.		65-05663 / 25.0			
11N	04E	8	SW	NE		TROUTT JR, LLOYD KENNETH	A65-05663B / 12.0	- /			12
			SW	NE		TROUTT JR, LLOYD KENNETH	65-05665 /	65-05665 /			
			SW	NE		TROUTT JR, LLOYD KENNETH	A65-05665 /	- /			
			SW	NE		JONES & JONES INC.		65-05663 / 12.0			
11N	04E	8	SE	NE		TROUTT JR, LLOYD KENNETH	A65-05663B / 33.0	- /			33
			SE	NE		JONES & JONES INC.		65-05663 / 33.0			
			SE	NE		TROUTT JR, LLOYD KENNETH		65-13612 / 3.0			
11N	04E	9	NW	NW		TROUTT JR, LLOYD KENNETH	A65-05663B / 29.0	- /			29
			NW	NW		JONES & JONES INC.		65-05663 / 29.0			
ADDITIONAL POU FOUND											

TOTAL ACRES A65-05663B

124.00

POU COUNTY: VALLEY

124

C. IS WATER USAGE FOUND IN TRACTS OTHER THAN THOSE CLAIMED?

Y() N(☒)

* IF YES, ARE THESE TRACTS LISTED ABOVE (), OR ARE THEY LISTED ON AN ATTACHED SHEET ()

LIST OF ALL RIGHTS WITH A SAME POU AND IRRIGATION USAGE

NO CLAIMS FOUND WITH SAME POU AND IRRIGATION USAGE

LIST ALL RIGHTS WITH SAME POU BUT NOT USED FOR IRRIGATION.

CLAIM NO.	PURPOSES	NAME	MONTH/DAY	RATE	VOLUME
65-05665	DOMESTIC	TROUTT JR, LLOYD KENNETH	FROM 01-01 TO 12-31	0.040 CFS	1.20 AF/A
65-05665	STOCKWATER	TROUTT JR, LLOYD KENNETH	FROM 01-01 TO 12-31	0.030 CFS	1.40 AF/A
A65-05665	DOMESTIC	TROUTT JR, LLOYD KENNETH	FROM 01-01 TO 12-31	0.040 CFS	1.20 AF/A
A65-05665	STOCKWATER	TROUTT JR, LLOYD KENNETH	FROM 01-01 TO 12-31	0.030 CFS	1.40 AF/A

D. ARE OTHER WATER RIGHTS USED FOR THE SAME PURPOSE?

Y() N(☒)

* IF YES, COMPLETE OVERLAP REVIEW:

OTHER RIGHTS LISTED IN CLAIM:

E. IS THE CLAIMED POU THE SAME AS DESCRIBED IN THE WATER RIGHT FILE?

N/A() Y(☒) N()

* IF NO, AND IF THE CHANGE IS VERIFIED AS AN ACCOMPLISHED CHANGE IN POU, DESCRIBE THE INJURY ANALYSIS PERFORMED AND ENTER FLAG "C" WITH THE APPROPRIATE EXPLANATORY CODE.

F. CAN THE CLAIMED POU BE VERIFIED USING THE WATER RIGHT FILE AND AVAILABLE AERIAL PHOTOS?

N/A() Y(☒) N()

G. SHOULD THE CLAIMED POU BE VERIFIED BY FIELD EXAM?

Y(☒) N()

H. IS THERE ANY INDICATION THAT THERE HAS BEEN A FIVE YEAR PERIOD OF CONTINUOUS NONUSE OF THIS RIGHT, OR ANY PORTION OF THIS RIGHT?

Y(☒) N()

CHECK DOCUMENTS USED TO VERIFY POU: ☒ ORTHOPHOTOQUAD, IDWR NO. 460,61; () TOPOGRAPHIC QUAD, IDWR NO. _____;
() NAPP, IDWR NO. _____; () ASCS PHOTO; () OTHER _____

NOTES: We went out and viewed this property to see if it had been forfeited as alleged by another user. This land looked no different than other properties in the same location so I cannot verify the forfeiture of this right.

RECOMMENDATIONS:

TOTAL ACRES: 124 N/A ()
REVIEWED BY: KW

DATE: 9/2/99

*Notes on drive
by inspection*

A. AJ CLAIMED USES:

PURPOSE OF USE	PERIOD OF USE (MONTH/DAY)	DIV. RATE FOR EACH USE	DIV. VOL. FOR EACH USE
A65-05663B IRRIGATION	FROM 04-15 TO 10-15	2.490 CFS	
TOTAL DIVERSION RATE/VOLUME		2.490 CFS	

B. WR RECORDED USES:

PURPOSE OF USE	PERIOD OF USE (MONTH/DAY)	DIV. RATE FOR EACH USE	DIV. VOL. FOR EACH USE
65-05663 IRRIGATION	FROM 04-15 TO 10-15	3.320 CFS	
TOTAL DIVERSION RATE/VOLUME		3.320 CFS	

C. DOES THE CLAIMED PURPOSE OF USE CORRECTLY DESCRIBE THE WATER USE?

Y() N()

D. IS THE CLAIMED PURPOSE OF USE THE SAME AS DESCRIBED IN THE WATER RIGHT FILE?

N/A() Y() N()

* IF NO, AND IF THE ACTUAL WATER USE IS VERIFIED AS AN ACCOMPLISHED CHANGE IN PURPOSE OF USE, DESCRIBE THE INJURY ANALYSIS PERFORMED AND ENTER FLAG "C" WITH THE APPROPRIATE EXPLANATORY CODE.

E. SHOULD THE CLAIMED PURPOSE OF USE BE VERIFIED BY FIELD EXAM?

Y() N()

F. DOES THE CLAIMED PERIOD OF USE CONFORM TO IDWR STANDARDS?

Y() N()

G. SHOULD THE PERIOD OF USE BE RECOMMENDED TO IDWR STANDARDS?

Y() N()

* IF THE RECOMMENDED PERIOD OF USE IS DIFFERENT THAN IDWR STANDARDS, EXPLAIN IN NOTES BELOW.

H. IS THE CLAIMED DIVERSION RATE FOR EACH USE THE SAME AS DESCRIBED IN THE WATER RIGHT FILE?

N/A() Y() N()

* IF NO, DESCRIBE IN NOTES BELOW HOW THE RECOMMENDED DIVERSION RATE FOR EACH USE WAS DETERMINED.

I. SHOULD THE CLAIMED DIVERSION RATE FOR EACH USE BE VERIFIED BY FIELD EXAM?

N/A() Y() N()

J. IS THE CLAIMED DIVERSION VOLUME FOR EACH USE THE SAME AS DESCRIBED IN THE WATER RIGHT FILE?

N/A() Y() N()

* IF NO, DESCRIBE IN NOTES BELOW HOW THE RECOMMENDED DIVERSION VOLUME FOR EACH USE WAS DETERMINED.

K. SHOULD THE CLAIMED DIVERSION VOLUME FOR EACH USE BE VERIFIED BY FIELD EXAM?

N/A() Y() N()

portion
of -

PAGE: 10

PURPOSE OF USE, PERIOD OF USE, DIVERSION RATE AND DIVERSION VOLUME REVIEW SHEET CONTINUED

92

CLAIM NUMBER: A65-05663B

NOTES:

AJ CLAIM TOTAL DIVERSION RATE: 2.490 CFS

WR ROOT RIGHT TOTAL DIVERSION RATE: 3.320 CFS

A. IS THE CLAIMED TOTAL DIVERSION RATE THE SAME AS DESCRIBED IN THE WATER RIGHT FILE? N/A() Y(☒) N()

B. CAN THE CLAIMED TOTAL DIVERSION RATE BE VERIFIED USING THE WATER RIGHT FILE? N/A() Y(☒) N()

* ALL CLAIMS BASED ON BENEFICIAL USE (INCLUDING POSTED NOTICES AND STATUTORY CLAIMS) REQUIRE A FLOW MEASUREMENT.

C. IS THERE ANY INDICATION THAT THERE HAS BEEN A FIVE YEAR PERIOD OF CONTINUOUS NONUSE OF THIS RIGHT, OR ANY PORTION OF THE DIVERSION RATE? Y(☒) N()

* IF AN AMOUNT SMALLER THAN THE ORIGINAL DIVERSION RATE IS CLAIMED AND A FIELD EXAM IS NOT REQUIRED, EXPLAIN IN NOTES.

D. SHOULD THE CLAIMED DIVERSION RATE BE VERIFIED BY FIELD EXAM? Y() N(☒)

E. FLOW MEASUREMENT

MEASUREMENT METHOD _____, SEE ATTACHED CALCULATIONS.

F. RATE/VOLUME CALCULATIONS: (IRRIGATION)

1a. IRRIGATION RATE
ACRES 12.4 x 0.02 CFS/ACRE = 2.48 CFS
(Taken from pou review)

1b. CALCULATIONS

IS A DIVERSION RATE PER ACRE GREATER THAN 0.02 CFS/ACRE CLAIMED? Y() N(☒)

IF YES, IS AN ADDITIONAL WATER USE FORM FILED AND ATTACHED? Y() N()

2. IRRIGATION DIVERSION VOLUME

CLAIMED DIVERSION VOLUME = N/A AF/A

ACRES _____ x DIVERSION VOL. AF/A FOR AREA _____ =

TOTAL DIVERSION VOLUME _____ AF/A

3. IRRIGATION CONSUMPTIVE USE

CLAIMED CONSUMPTIVE USE = N/A AF/A

ACRES _____ x CONSUMPTIVE VOL. AF/A FOR AREA _____ =

TOTAL CONSUMPTIVE USE _____ AF/A

4. CALCULATIONS FOR USES OTHER THAN IRRIGATION: SEE BELOW () OR SEE ATTACHMENT ()

*portion
of
original*

NOTES:

Recommend 2.48 cfs be
decreed for these acres - 1" per
acre as previously decreed -

WR RECORD CONDITIONS/REMARKS:

- 105
- The use of water on the lands to which the above referenced water rights were appurtenant is hereby abandoned and failure to put the water to beneficial use within five (5) years of the date of the approval of this transfer on the new land identified under item B.5 shall constitute loss or forfeiture of the water rights.

RECOMMENDATIONS: CHECK HERE IF RECOMMENDED AS CLAIMED ()

REC. PURPOSE OF USE	REC. PERIOD FROM TO		REC. DIV RATE CFS		REC. DIV VOL. AF/A		REC. CONS. USE	
			DATABASE	EXAMINER	DATABASE	EXAMINER	DATABASE	EXAMINER
IRRIGATION	04-15	10-15	~~2.490~~	2.48			0.0	
TOTAL FOR THIS RIGHT			~~2.490~~	2.48		N/A	0.0	N/A

NON-IRRIGATION USES CLAIMED:

NON-IRRIGATION USES RECOMMENDED: CHECK HERE IF RECOMMENDED AS CLAIMED ()

REVIEWED BY: kw DATE: 9/2/99

FLAG: _____
STANDARD CONDITIONS (CODE): _____

STANDARD REMARKS (CODE):

EXPLANATORY CONDITIONS (CODE): Exp - F05 (65-05663A)

EXPLANATORY REMARKS (CODE):

A. CHECK ONLY THE FOLLOWING THAT APPLY:

OWNERSHIP _____
FORFEIT/ABANDON _____
ADDITIONAL DIV. AMOUNT _____

ACCEPTED AS CLAIMED	NEEDS REVIEW
☒	☐
☐	☐
☐	☐

B. SPLIT WATER RIGHT REVIEW

ROOT WATER RIGHT NUMBER: 65-05663

TOTAL DIVERSION RATE OF WR SPLITS

DATABASE
3.320

EXAMINER

CFS

SPLITS:

OLD RIGHT NUMBERS	CURRENT CLAIM NUMBERS	DIVERSION RATE	CURRENT "R" CLAIM NUM.	"R" DIV. RATE	WR RIGHT NUMBERS	DIVERSION RATE
65-05663	A65-05663A	0.830	0.80		65-05663	3.320
-	A65-05663B	2.490	2.48		-	
TOTAL CFS		3.320	3.28			3.320

DIVERSION RATE REVIEW

DO THE SUM CFS RATE OF THE SPLITS EQUAL THE ROOT RIGHT CFS RATE? (Y/N)
IF NO, IS THE WRITTEN REVIEW DESCRIBED BELOW () OR SEE ATTACHMENT ()?

DATABASE
N

FIELD
EXAMINER
Y() N(☒)

NOTES:

AUTHENTICATION:

SIGNATURE:

NAME OF FIELD EXAMINER:

DATE:

TITLE:

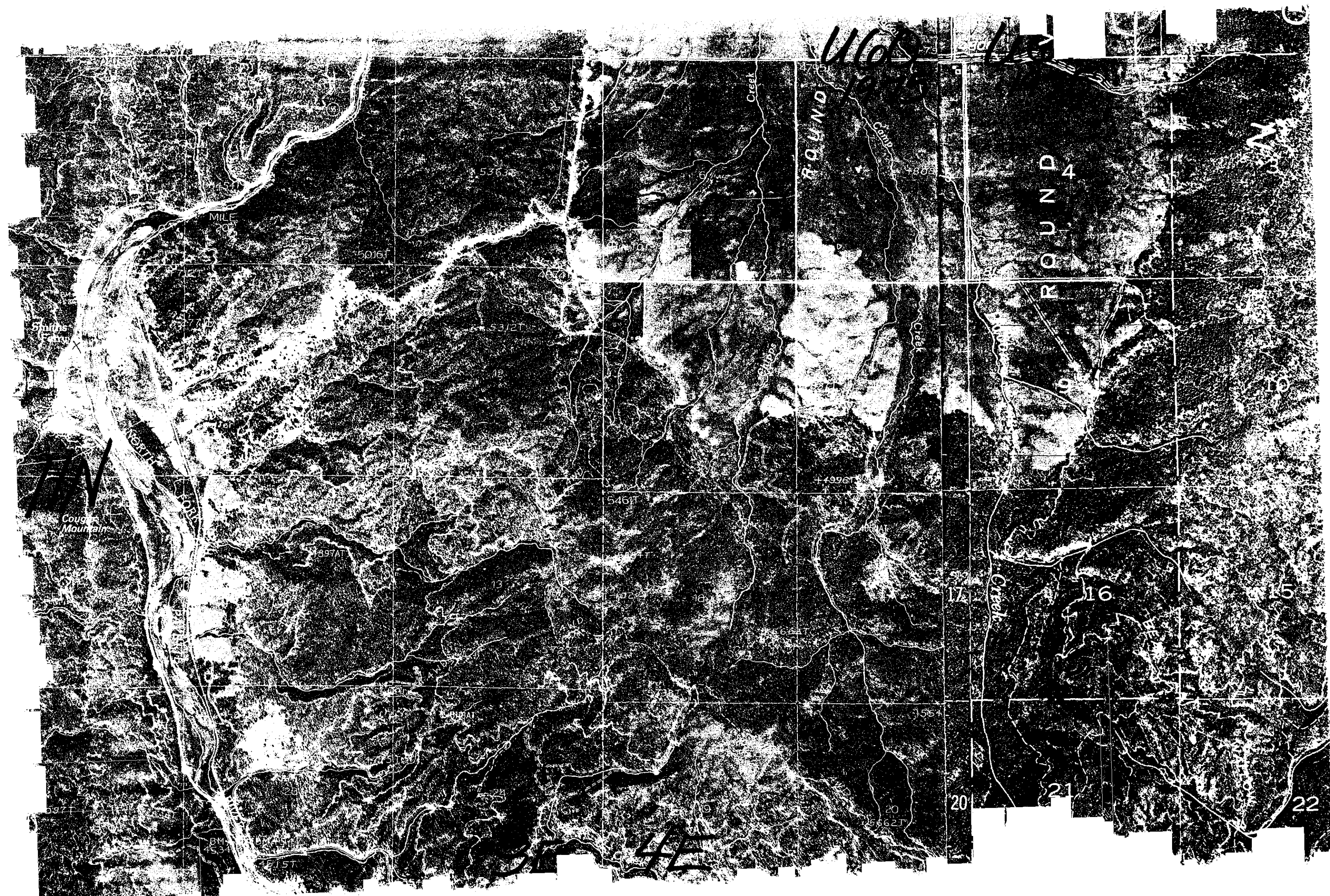
Kay Walker 9/2/99
Kay Walker Sr. Agent

MAPS AND AERIAL PHOTOGRAPHS USED TO REVIEW THIS NOTICE OF CLAIM TO A WATER RIGHT

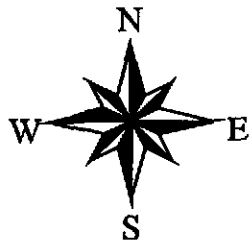
TYPE OF MAP OR PHOTOGRAPH (CHECK IF USED)	IF USED, SUPPLY APPROPRIATE DATE AND OTHER INFORMATION	COPY INCLUDED IN FILE?
☒ ORTHOPHOTOQUAD	DATE OF PHOTO <u>1975</u> IDWR ID NO. <u>U60, 61</u>	Y(☒) N(☐)
☐ TOPOGRAPHIC	DATE FIELD CHECKED _____ IDWR ID NO. _____	Y(☐) N(☐)
☐ NAPP	DATE OF PHOTO _____ IDWR ID NO. _____	Y(☐) N(☐)
☐ ASCS AERIAL PHOTO	DATE OF PHOTO _____	Y(☐) N(☐)
☐ ASCS COLOR SLIDE	DATE OF PHOTO _____	Y(☐) N(☐)
☐ BLM OR USFS AERIAL PHOTO	DATE OF PHOTO _____	Y(☐) N(☐)
☐ TOWNSHIP SURVEY (GOVERNMENT PLAT)	DATE OF SURVEY _____	Y(☐) N(☐)
☐ SCS SOIL SURVEY MAP	DATE ISSUED _____	Y(☐) N(☐)
☐ SUBDIVISION PLAT MAP	DATE OF MAP _____	Y(☐) N(☐)
☒ OTHER <u>GIS shape</u>	DATE <u>9/1/99</u>	Y(☒) N(☐)
☐ OTHER _____	DATE _____	Y(☐) N(☐)
☐ OTHER _____	DATE _____	Y(☐) N(☐)

*Looks same → Claim to ~~the~~ Ne
Neighbors?*

LIST OF ATTACHMENTS (CHECK IF ATTACHED)	IF ATTACHED, SUPPLY APPROPRIATE INFORMATION	NO. OF PAGES	NOTES
☐ LICENSING FIELD EXAM	DATE OF FIELD EXAM _____	_____	_____
☐ WATER RIGHT LICENSE	DATE LICENSE SIGNED _____	_____	_____
☐ IDWR APPROVED TRANSFER	DATE TRANSFER APPROVED _____	_____	_____
☐ SYSTEM DESCRIPTION	DATE DRAWN _____	_____	_____
☒ PHOTOGRAPHS	DATE(S) PHOTOS TAKEN <u>8-21-99</u>	<u>9</u>	_____
☐ SPLIT RIGHT REVIEW	DATE REVIEW COMPLETED _____	_____	_____
☐ HUBBLE ANALYSIS	DATE ANALYSIS COMPLETED _____	_____	_____
☐ CONVEYANCE LOSS ANALYSIS	DATE ANALYSIS COMPLETED _____	_____	_____
☐ FLOW MEASUREMENT CALCULATIONS	DATE SYSTEM MEASURED _____	_____	_____
☐ OTHER _____	DATE _____	_____	_____
☐ OTHER _____	DATE _____	_____	_____



IDAHO DEPT OF WATER RESOURCES



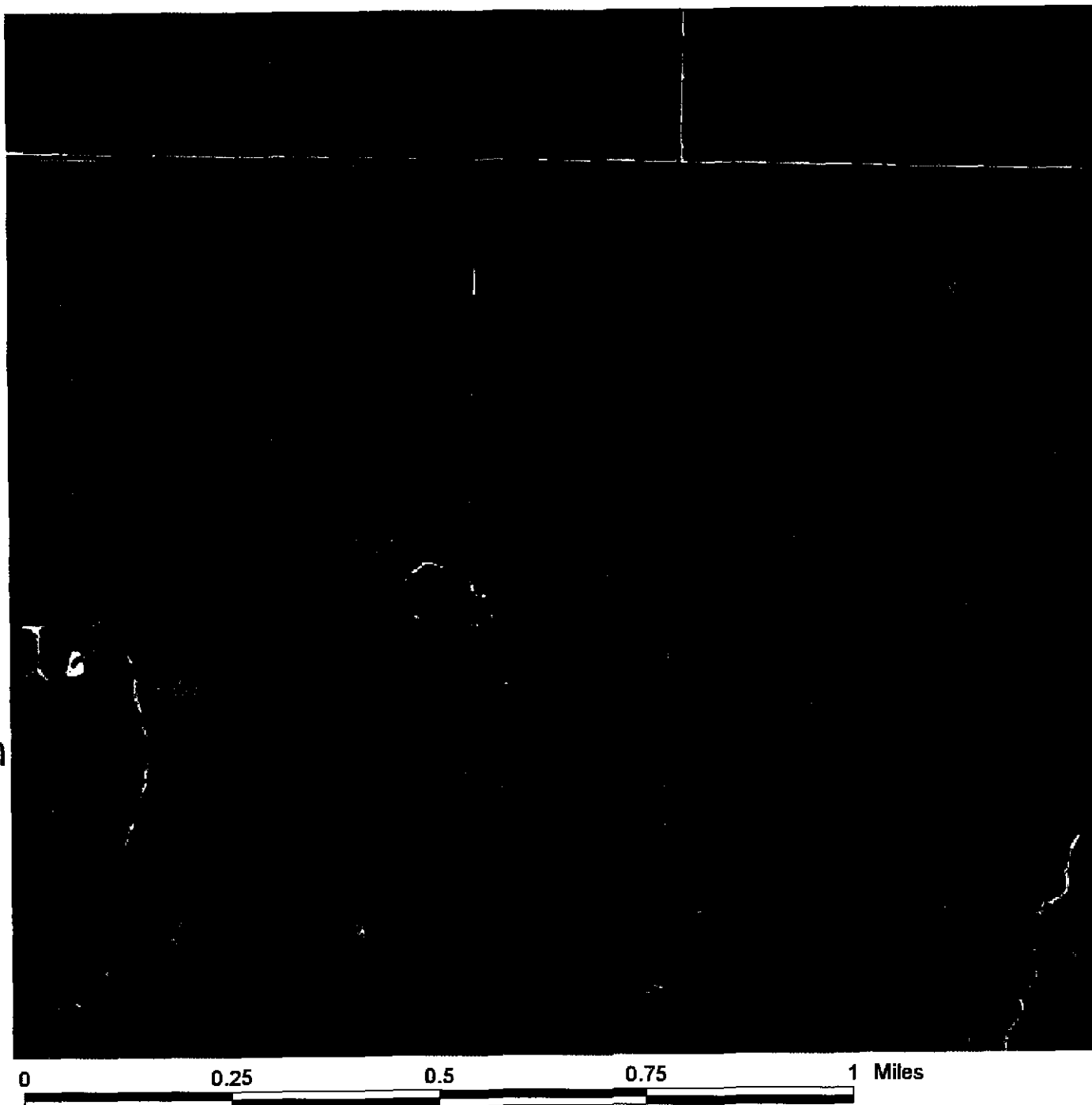
CLAIM(S): 65-05663B

T11N, R04E, S08
& S09

Owner(s): TROUTT

-  Place of Use
-  Point(s) of Diversion
Section Lines
-  1/4 1/4's

Prepared by: KAY WALKER
Date: September 1, 1999

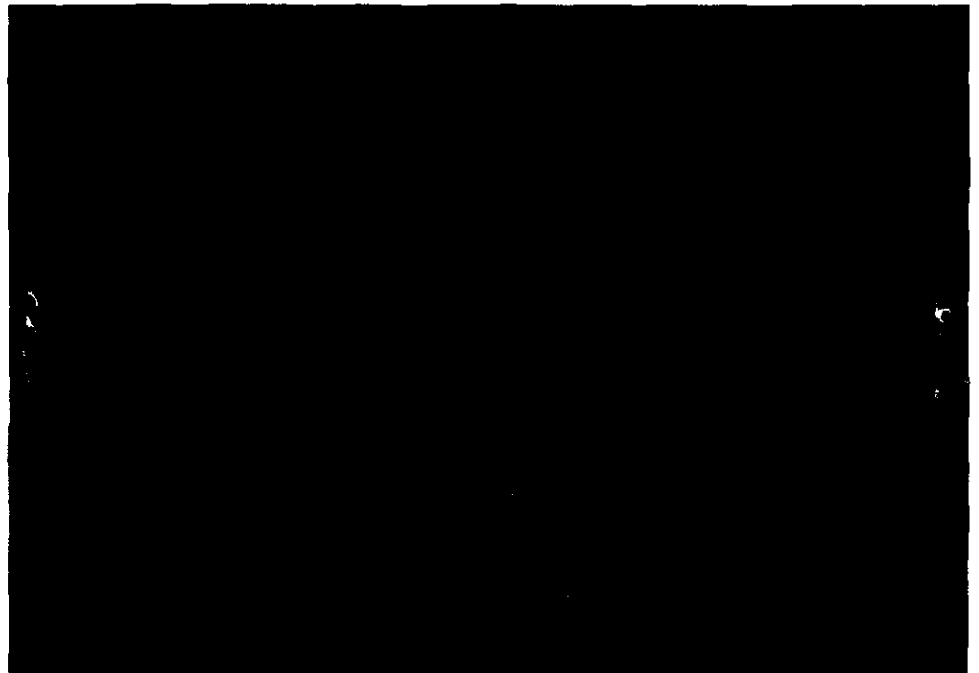


Layout dated
4-1-99

Photo taken
from corner
of sec. 8 & 9 -
(Sec. 8, NENE)
Note ditch
running through
field.



Photo taken
from NENWNW,
Sec. 9 - facing
west



PHOTOGRAPHER: KAY WALKER

DATE OF PHOTOS

8-21-99

FILE NO(S) .

Photo



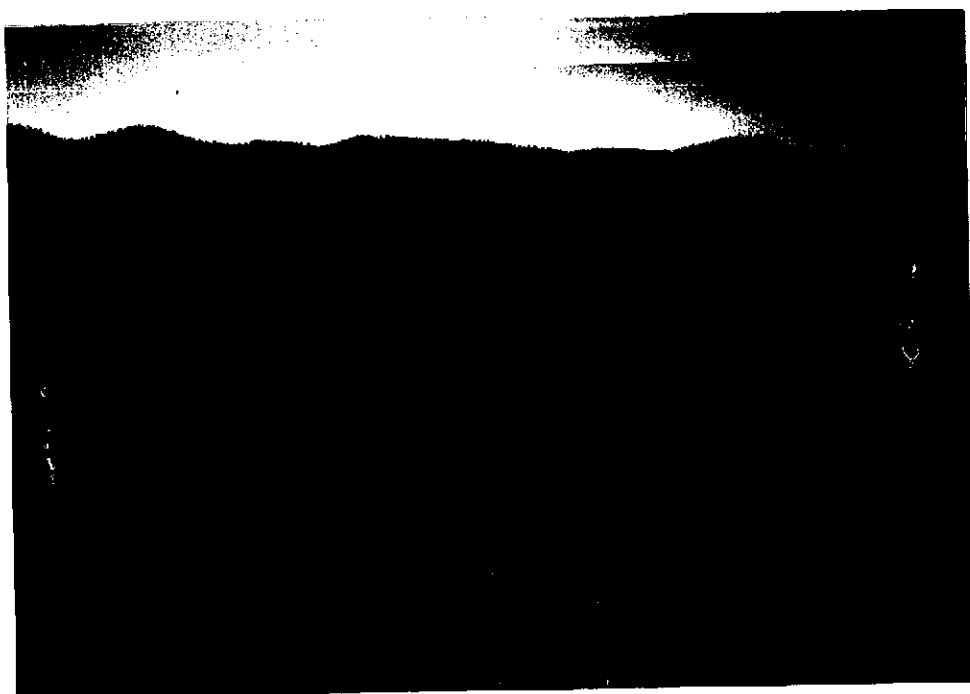
PHOTOGRAPHER: KAY WALKER

DATE OF PHOTOS 8-21-99

FILE NO(S) . _____



Photo taken
NENE, Sec. 8
facing south.
Note old ditch
winding
through to
the SW.



Ditch going
SE.



PHOTOGRAPHER: KAY WALKER

DATE OF PHOTOS 8-21-99

FILE NO(S). _____



Phototaken
from corner
of NWNENE,
Sec. 8 facing
south towards
homes





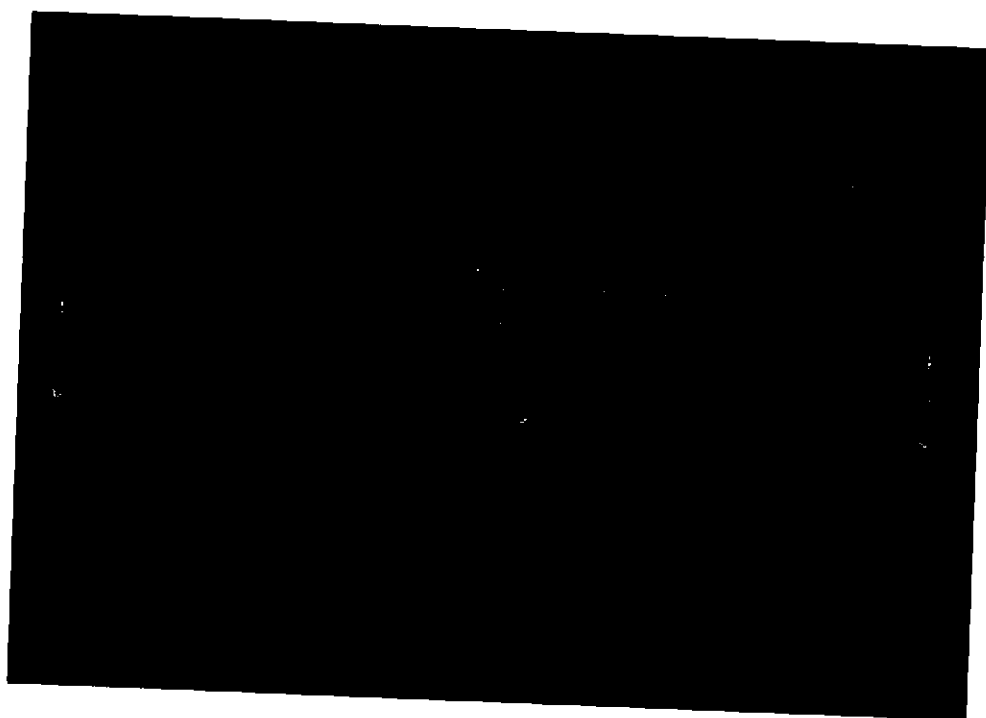
PHOTOGRAPHER: KAY WALKER

DATE OF PHOTOS 8-21-99

FILE NO(S). _____



Photos taken
from NWNEN^{NE}~~E~~,
Sec. 8 - looking
SW towards
Wood property.



facing SW
towards
hillside



PHOTOGRAPHER: KAY WALKER

DATE OF PHOTOS 8-21-99

FILE NO(S). _____



Photo taken
from NWNENE,
Sec. 8 -
looking SW



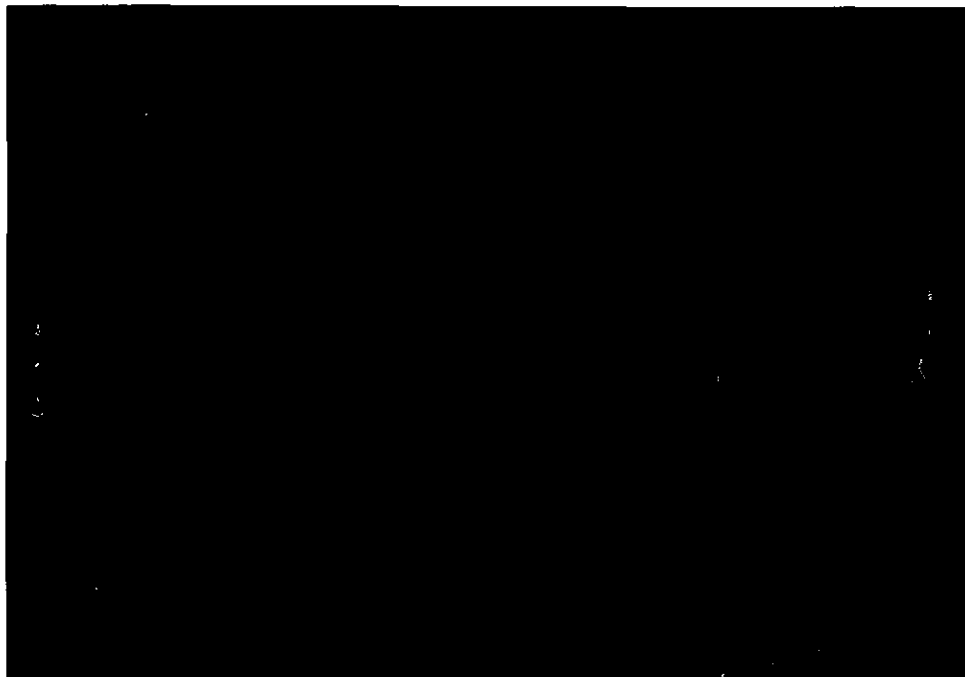
Photo taken from
NENW, Sec 8
facing south -
shows Wood's
irrigation in
background.



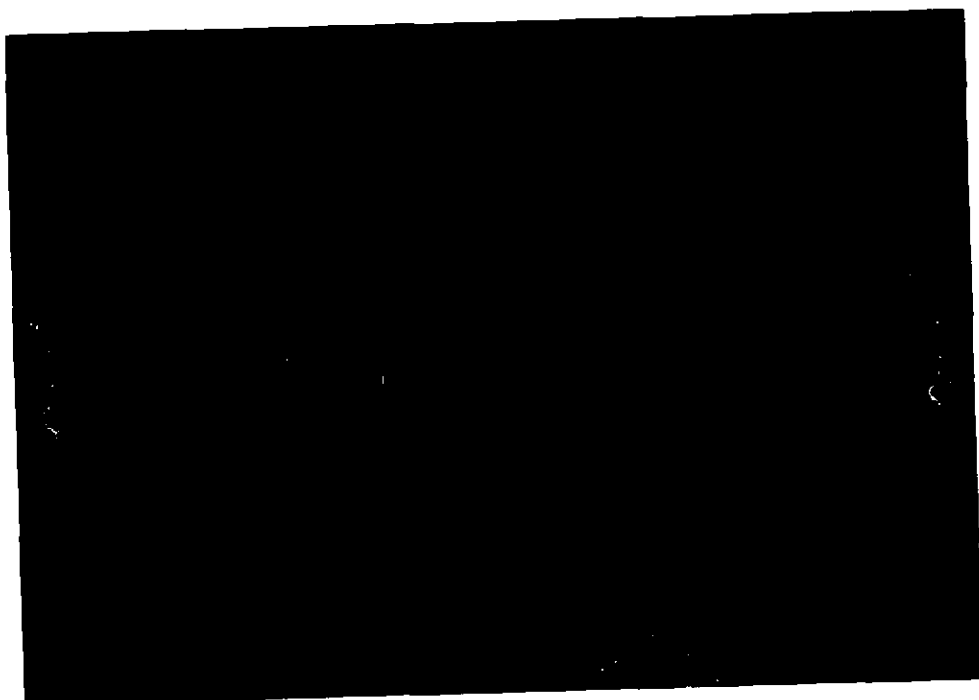
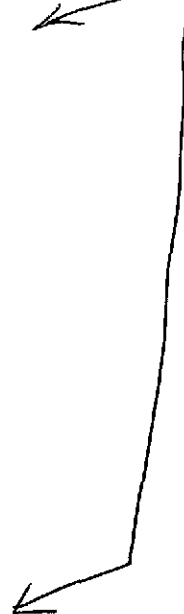
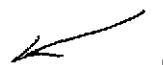
PHOTOGRAPHER: KAY WALKER

DATE OF PHOTOS 8-21-99

FILE NO(S). _____



Photos taken
from NENW,
Sec. 8 facing
SW



Photos taken 8-21-99
by kw



Photo taken
in NWNE,
Sec. 8
facing SE

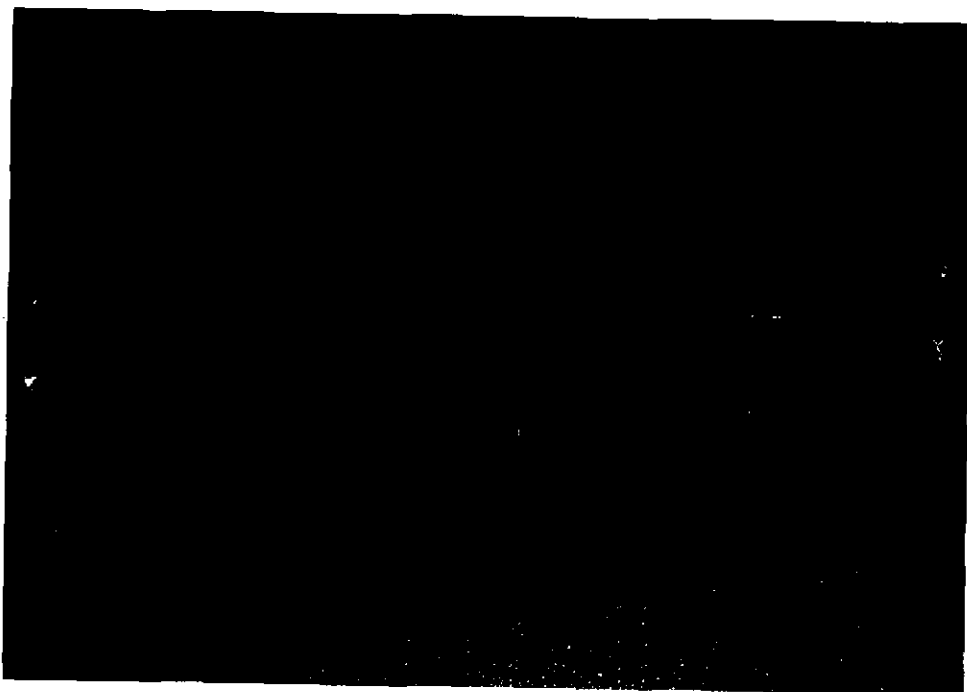


Photo in
NWNE, Sec. 8
facing SW

Photos taken 8-21-99
by kw



NENW, Sec 8-
West edge
of ~~Bingel's~~ ^{Troyt's} ~~kw~~
property
facing south



NENW, Sec 8
facing SE



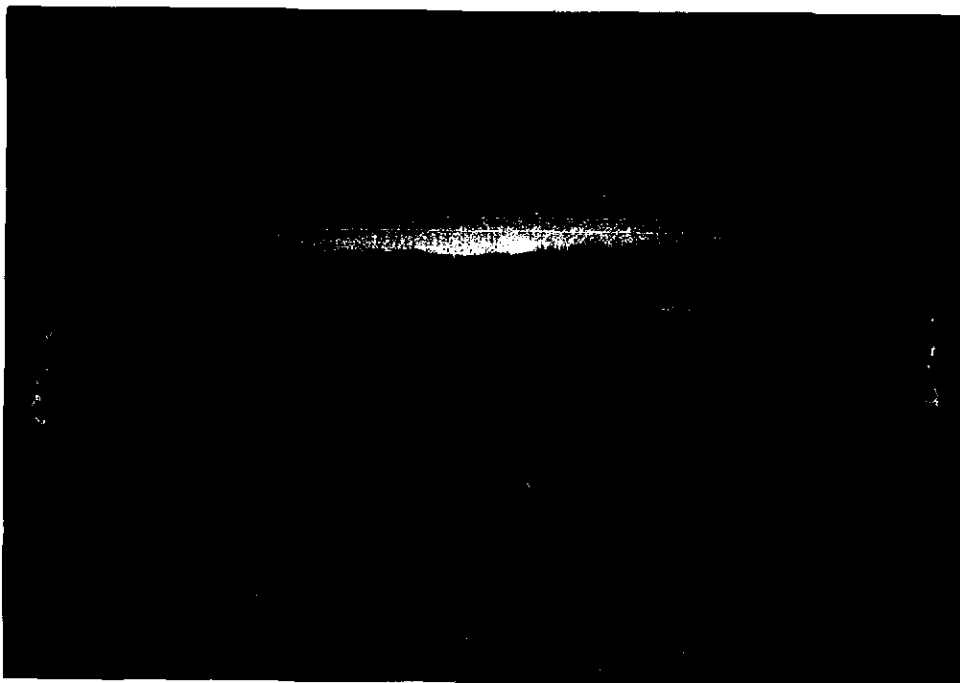
PHOTOGRAPHER: KAY WALKER

DATE OF PHOTOS 8-21-1999

FILE NO(S) . _____



Photos taken
from NE. NWNW
Sec. 9 - facing
SW overlooking
Troutt Ranch



11/29/2000

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

RIGHT NUMBER: 65-5663B

NAME AND ADDRESS: KEVIN TROUTT
2015 N 9TH ST
BOISE, ID 83702

LLOYD KENNETH TROUTT JR
1805 MESA AVE
EMMETT, ID 83617

KATHLEEN TROUTT HOUK
4322 LITTLE FREEZEOUT RD
EMMETT, ID 83617

KELLY TROUTT
9543 LIBERTY RD
SWEET, ID 83670

SOURCE: CAMP CREEK TRIBUTARY: ROUND VALLEY CREEK

QUANTITY: 2.48 CFS

PRIORITY DATE: 05/01/1902

POINT OF DIVERSION:	T11N R04E S8	SENE SW	Within VALLEY County
	T11N R04E S8	SESE SW	Within VALLEY County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE
IRRIGATION

PERIOD OF USE
4-15 10-15

QUANTITY
2.48 CFS

PLACE OF USE:

IRRIGATION Within VALLEY County

T11N R04E S8	NENE	25	T11N R04E S8	NWNE	25
T11N R04E S8	SWNE	12	T11N R04E S8	SENE	33
T11N R04E S9	NWNW	29			

124 ACRES TOTAL

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

RIGHT NO. 65-05663A IS ALSO DIVERTED THROUGH POINTS OF DIVERSION DESCRIBED ABOVE.

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

) SUBCASE NO. 65-05663B
)
)
)
)

NOTICE OF COMPLETED
ADMINISTRATIVE PROCEEDING

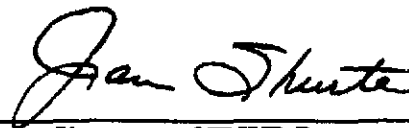
IDWR has completed the following Administrative proceeding: **SUBSTITUTION OF PARTY -
NAME ADDITIONS**

Does the change in "ownership" result in a splitting of the water right claimed? ☐Yes ☒No

IDWR certifies that it has completed its investigation into the changes to the elements of the water rights listed above as set forth in the attached *Amended Director's Reports* for said water rights. No other changes have been made to the elements of these water rights except as set forth above.

IDWR has served copies of the *Notice of Completed Administrative Proceeding* and *Amended Director's Report(s)* on the claimant(s), prior claimant(s) and all parties in the subcases affected, if any, as reflected on the attached certificate of mailing.

DATED: November 29, 2000



Signature of IDWR Representative

CERTIFICATE OF MAILING

I certify that on November 29, 2000, I mailed the original and copies of this form to the following persons, postage prepaid and addressed as follows:

1. Original to:
Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
PO Box 2707
Twin Falls ID 83303-2707
2. One Copy to:
Claimant/Seller for Substitution of Party or attorney of record:
Lloyd Kenneth Troutt Jr
1805 Mesa Ave
Emmett ID 83617
3. One Copy to:
Claimant/Purchaser for Substitution of Party or attorney of record:
Lloyd Kenneth Troutt Jr
1805 Mesa Ave
Emmett ID 83617

Kevin Troutt
2015 N 9th St
Boise ID 83702

Kathleen Troutt Houk
4322 Little Freezeout Rd
Emmett ID 83617

Kelly Troutt
9543 Liberty Rd
Sweet ID 83670
4. One Copy to:
Each party in the subcase or attorney of record:
N / A
5. One Copy to:
Chief Natural Resources Division
Office of the Attorney General
PO Box 44449
Boise ID 83711-4449

6. One Copy to:
United States Dept Of Justice
Environment & Natural Resource Div
550 West Fort Street MSC 033
Boise ID 83724


Signature of person or attorney mailing the form

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

RECEIVED
 NOV 13 2000

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

Department of Water Resources
 Adjudication Bureau

1. Water Right No(s): 65-05663B

RECEIVED

Adjudication Claim No(s): Same

NOV 28 2000

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

WATER RESOURCES
 WESTERN REGION

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** showing the location of the place of use of the water right(s) or claim(s).
 (These are usually attached to your deed or on file with the county.)

OR

C. If your water right or adjudication claim 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

Lloyd Kenneth Truitt Jr
1805 Mesa - Emmett Id 83617

4. New Owner/Claimant(s) See ③ additional papers

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

New Mailing Address

City, State and ZIP Code

New Telephone Number

() _____

5. Date you acquired the property

Nov 8 1996

6. Did you acquire all of the former owner's property? If you did, skip this item and go to item 7. If you acquired only a portion of the former owner's property, IDWR may need to split the water right(s) or adjudication claim(s). Describe in detail your portion of each water right or adjudication claim in the spaces in the box below **only if the water right(s) or claim(s) need to be split between owners.** If necessary, attach additional pages. 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.

Number of acres you irrigate with this water right _____ Number and type of stock _____

Diversion rate in CFS _____ Number of homes you acquired _____ Other uses _____

7. Signature of New Owner(s) Kathleen Truitt-Holt,
 or Claimant(s) Lloyd Truitt

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.

INSTRUCTIONS

This form has been prepared to assist new owners of property to comply with the requirements of Sections 42-248 and 42-1409(6), Idaho Code. Section 42-248 requires certain property holders to notify the Department of Water Resources (IDWR) of any change in mailing address or ownership of all or part of a water right record on file with IDWR. Section 42-1409(6) provides that new property owners must notify IDWR of any change in ownership of a water right during an adjudication of water rights. Required claims may be filed by a new owner.

Separate brochures are available from IDWR describing the adjudication of water rights and the requirement to notify IDWR of changes in ownership. Please contact your nearest IDWR office, or call 1-800-451-4129, if you would like more information or need help completing this form. Please attach additional sheets to the form if you require additional space to describe or explain any of the items on the form.

1. If there are water rights associated with the property, the seller should be able to provide you with the water right or adjudication claim number(s). Please enter these number(s) at Item 1. If you or the seller believes there are water rights for the property but the numbers are unknown, you may wish to contact IDWR for assistance in identifying the water rights for the property in question. If claims for the rights are required, and have not been filed, IDWR will so advise you.
2. The information described at Item 2 is required, since IDWR cannot process the requested change without documentation of ownership. The preferred types of documentation are shown; contact IDWR if you have difficulty obtaining this information. Do not obtain a new survey for purposes of this form before contacting IDWR.
3. Please provide the name and address of the former owner of the water right and/or adjudication claim at Item 3.
4. The name, mailing address, and telephone number of the new owner(s) is entered at Item 4. Please indicate the relationship between multiple owners by using the connector and, 'or', or 'and/or'. If an 'and' is used, all parties must sign this form. If an 'and/or' or 'or' is used, all parties may sign. However, only one of the named parties is required to sign.
5. At Item 5, please provide the date the property in question was acquired. This may be the date of "closing" in the case of a real estate transaction or the date of court order for other types of ownership changes.
6. You may be purchasing only a portion of the total water right held by the seller. This means the water right held by the seller may be "split" to provide your share of the right in question. Be sure to include a description of the portion of the water right you have purchased at Item 6.

Please provide as much detail as possible concerning your portion of the water right: include the number of homes you acquired, number of acres irrigated with your portion of the right, if it is more than 1/2 acre, type and number of stock if your portion of the right includes stockwater, etc. In the absence of information to the contrary, IDWR will assume the intent is to split the rights *proportionately*.

7. The new owner(s) must sign the form in the space(s) provided at Item 7. Corporations and other organizations must submit a list of directors or officers demonstrating the authority of the director or officer to sign the form.
8. There is no filing fee. When complete, you should retain a copy and return the original of the form to the IDWR office nearest you:

IDWR Western Region
2735 Airport Way
Boise, ID 83705-5082
(208) 334-2190

IDWR Southern Region
1341 Fillmore St., Suite 200
Twin Falls, ID 83301-3380
(208) 736-3033

IDWR Northern Region
1910 Northwest Blvd., Suite 210
Coeur d'Alene, ID 83814-2615
(208) 769-1450

IDWR Eastern Region
900 N. Skyline Dr., Suite A
Idaho Falls, ID 83402-1718
(208) 525-7161

To The State of Idaho
Dept. of Water Resources

Nov 1, 00

REgarding item #4 new owner
Property gifted Nov 8, 1996.

Kathleen Dravett-Hout
4322 Little Thompson Rd.
Emmett, Idaho 83617
208-365-3000

Kathleen Dravett-Hout

I am the sister of Kenny Dravett, Jr.

RECEIVED

NOV 28 2000

WATER RESOURCES
WESTERN REGION

65-5663B

State of Idaho

Ide Dept of Water Resources

Change of Water Right ownership

Relationship between multiple owners

Refers to # 4 name - address phone #

date you acquired the

property - Nov-8 1996

Kevin Troutt

* Kevin Troutt

2015 N. 9th St.

Boise, Id. 83702

(208) 344-5566

Brother

RECEIVED

NOV 28 2000

WATER RESOURCES
WESTERN REGION

605-56638

For State of Idaho

10-30-2000

Dept. Water Resources

RE. Item # 4 New Owner

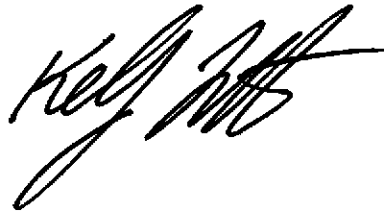
Property Acquired Nov 8 1996

Kelly Troutt

9543 Liberty Rd.

Sweet Idaho 83670

208 584-3435



I Am Brother of Kenny Troutt JR

RECEIVED

NOV 28 2000

WATER RESOURCES
WESTERN REGION

65-5663B

9/20/00

PMO100 - PARCEL MASTER INQUIRY

09:34:03

PARCEL: RP11N04E080015 A

F17=DD F19=SP F23=AG

NAME/ADDRESS

LEGAL DESCRIPTION

TROUTT, KENNY, JR.
 & TROUTT, KEVIN EUGENE
 & TROUTT, KELLY JOHN, ETAL

PT S/2 E/2; W/2 NE4; SE4 NE4;
 W/2 NE4 NE4; W/2 E/2 NE4 NE4
 S8 T11N R4E +

4322 LITTLE FREEZEOUT RD

CODE AREA 700 OWNER CODE

PARC TYPE LOC CODE

EFFDATE 1012000 EXPDATE

PREV PARCEL RP11N04E080015T

EMMETT ID 83617

179 BACON CREEK RD

CAT	RY	QUANTITY	UN	VALUE	HO MRKT	HO EXMP	CB MRKT	OTHER
2	1997	150000	AC	28950				
5	1997	155674	AC	7472				
10	1997	1000	AC	15593				
19	1997	1326	AC					
TOTALS		308000		56527				

ENTER NEXT PARCEL NUMBER

RP A

FKeys: F2=TX F3=Exit F5=SS F6=Nm F7=LG
 F8=CT F13=TM F18=HS F20=SrcH F22=EU

KEN:

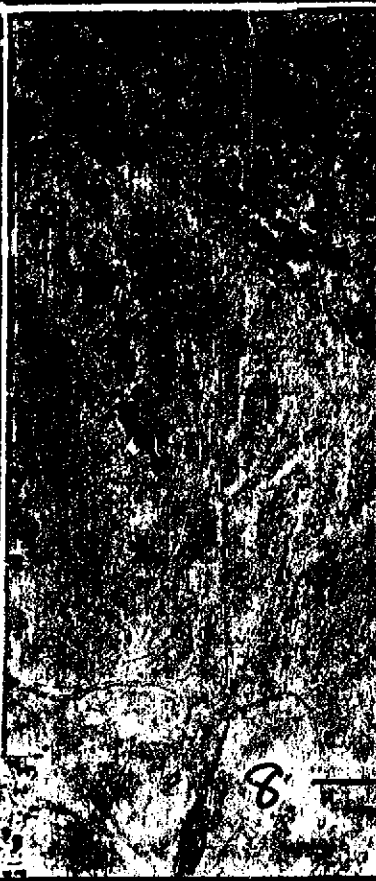
THIS 308 ACRE PARCEL OK TO LOG,
 PER MS. ROMA TROUTT. 9-19-00

RECEIVED

NOV 28 2000

WATER RESOURCES
 WESTERN REGION

65-5663B



SECTION 8, T11N, R4E

N ↑

5

2637.83'

(Survey 2)

= 407 -

WOOD LIVING TRUST

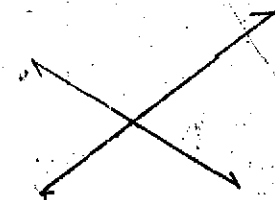
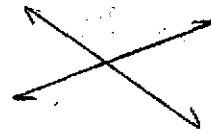
7



10.000
AC - 49
Hatched
to County
The State
00000

W. J. TROUTH, JR. et al.

308.000 AC



2305

(Survey 2.98)

889°44'10" W

105-5663B

6

7

65

73

A295

T 476

23

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66

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N

2.7

O

DEED OF GIFT

THIS INDENTURE, made the 8th day of November, 1996, between KENNY TROUTT, JR., a married man dealing with his sole and separate property, of the County of Gem, State of Idaho, Grantor, and KATHLEEN TROUTT-HOUK, a single woman as her sole and separate property, whose current address is 4322 Little Freezeout Road, Emmett, ID 83617, as to an undivided one-fourth interest; KEVIN EUGENE TROUTT, a married man as his sole and separate property, whose current address is 9520 Hackamore Drive, Boise, ID 83709, as to an undivided one-fourth interest; and KELLY JOHN TROUTT, a married man as his sole and separate property, whose current address is 9543 Liberty Road, Sweet, ID 83670, as to an undivided one-fourth interest, as Grantees, all as tenants in common, witnesseth:

That the said Grantor, for and in consideration of the natural love and affection Grantor has for the Grantees, does by these presents, give, grant, alien and confirm unto the said Grantees, each as to an undivided one-half interest and each as their sole and separate property, all of the following described real estate situate in Valley County, State of Idaho, to-wit:

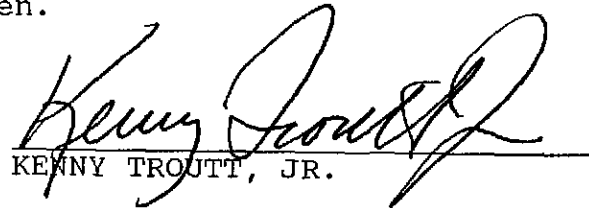
See Exhibit A which is attached hereto and incorporated herein by reference as if set out in full.

The end result of this deed is that Grantor and each Grantee shall have an undivided one-fourth interest in the property described in this deed as their sole and separate property, all as tenants in common.

Together with all and singular, the tenements, hereditaments, and appurtenances thereunto belonging or in any wise appertaining, and the reversion or reversions, remainder and remainders, rents, issues and profits thereof, and the rents and profits thereof shall be applied to Grantees' sole and separate use.

To have and to hold, all and singular the premises, together with appurtenances, unto the said Grantees, their heirs and assigns forever, as the separate property of the Grantees and not in any wise community property. The conveyance of the property to the Grantee shall be as separate property and, in accordance with Idaho Code Section 32-906(1), all income, rents, issues, profits, gains and appreciation of the property shall be the separate property of Grantees.

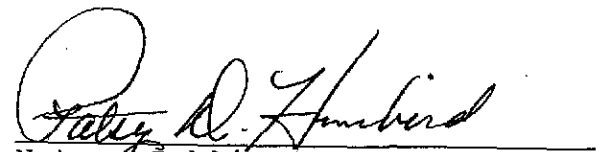
IN WITNESS WHEREOF, the said Grantor has hereunto set her hand
the day and year first above written.


KENNY TROUTT, JR.

STATE OF IDAHO)
) ss.
County of Gem.)

On this 8th day of November, 1996, before me, the
undersigned, a Notary Public for Idaho, personally appeared KENNY
TROUTT, JR., a married man dealing with his sole and separate
property, known to me to be the person whose name is subscribed to
the within instrument, and acknowledged to me that he executed the
same.

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


Notary Public for Idaho
Residing at Emmett, Idaho
My Commission Expires 3-14-99

65-56638

EXHIBIT A

The East ½ of Section 8 of Township 11 North, Range 4 East, Boise Meridian, Valley County, Idaho.

SAVE AND EXCEPT:

A parcel of land located in Section 8, T. 11 N., R. 4 E., B.M., Valley County, Idaho, more particularly described as follows:

Commencing at the North ¼ corner of said Section 8, a found aluminum monument, C.P.F. Inst. 151550, corner records of said Valley County, Thence a bearing of S. 13°22'56" E. a distance of 2800.56 feet to a set 5/8 inch rebar being the TRUE POINT OF BEGINNING.

Thence a bearing of S. 00°00'00" E., a distance of 348.48 feet to a set 5/8 inch rebar; Thence a bearing of N. 90°00'00" E., a distance of 250.00 feet to a set 5/8 inch rebar; Thence a bearing of N. 0°00'00" E. a distance of 348.48 feet to a set 5/8 inch rebar; Thence a bearing of N. 90°00'00" W., a distance of 250.00 feet to the POINT OF BEGINNING.

ALSO SAVE AND EXCEPT:

The East ½ of the East ½ of the Northeast ¼ of the Northeast ¼ of Section 8, Township 11 North, Range 4 East, Boise Meridian, Valley County, Idaho.

222600
TYPED BY: *Sally*
VALLEY COUNTY RECORDER
BY: *John Vandy*
FEE: *9.00*
96 NOV 15 PM 1 25
MOUNTAIN TIME & ENORM
RECORDED

65-5663B

Return to: Roma Troutt
4322 Little Tregeant Rd.
Emmett, Id. 83617

SRBA

SUBCASE SUMMARY REPORT 65-05663B

Return to SRBA Home Page

SRBA
11-27-2000

SUBCASE SUMMARY REPORT

SUBCASE: 65-05663B FILE#: 00437
CLAIMANT: TROUTT JR, LLOYD KENNETH
STATUS: AT ISSUE
WATER SOURCE: CAMP CREEK, ROUND VALLEY CREEK
ISSUES: WATER RIGHT RECOMMENDATION

****** PARTIES INVOLVED ******

LLOYD KENNETH TROUTT JR	C PRO SE
EDWARD M WOOD	O PRO SE
LLOYD KENNETH TROUTT JR	R PRO SE

****** ROA ENTRIES ******

03-07-2000	NOTICE OF COMPLETED ADMINISTRATIVE PROCEEDING	03-07-
03-07-2000	NCAP - AMENDED DIRECTOR'S REPORT FILED CHANGE ADDRESS	
04-07-2000	OBJ 01 F/B WOOD, EDWARD M	RB 08-18-
08-17-2000	RESPONSE TO OBJ 0001 F/B TROUTT JR, LLOYD KEN	
09-14-2000	NOTICE SETTING INITIAL HEARING	1S 11-30-

Return to SRBA Home Page

RIGHTS FROM:	SOURCE: CAMP CREEK	TRIBUTARY: ROUND VALLEY CREEK		
RIGHT NUMBER:	65-056638			
NAME & ADDRESS:	LLOYD KENNETH TROUTT JR 1805 MESA AVE EMMETT ID 83617			
SOURCE:	CAMP CREEK	TRIBUTARY: ROUND VALLEY CREEK		
QUANTITY:	2.48 CFS			
PRIORITY DATE:	05/01/1902			
POINT OF DIVERSION:	T11N R04E S08	SENESEW SESESW	Within VALLEY County	
PURPOSE AND PERIOD OF USE:	PURPOSE OF USE IRRIGATION	PERIOD OF USE 04-15 10-15	QUANTITY 2.48 CFS	
PLACE OF USE:	IRRIGATION T11N R04E S08 S09 124 ACRES TOTAL	Within VALLEY County NENE 25 NWNW 29	NWNE 25 SWNE 12	SENE 33

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 - DECREE
RIGHT NO. 65-05663A IS ALSO DIVERTED THROUGH POINTS OF
DIVERSION DESCRIBED ABOVE.

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	)	NOTICE OF COMPLETED
	)	ADMINISTRATIVE PROCEEDINGS
Case No. 39576	)	
	)	Water Right 65-05663B

IDWR has completed the following Administrative Proceeding:

☒	Change of Address
☐	Substitution of Party
☐	I.C. 42-222 Transfer

CHANGE OF ADDRESS

Name of Claimant: LLOYD KENNETH TROUTT JR
New Address: 1805 MESA AVE
EMMETT ID 83617
Phone: (208) 365-5762

Claimant's Water Rights: 65-05663B

The Claimant has filed Objections or Responses to the following water rights:

NOTICE OF COMPLETED
ADMINISTRATIVE PROCEEDING
3/3/2000

65-05663B

PAGE 1

IDWR certifies that it has completed its investigation into the changes to the elements of the water rights listed above as set forth in the attached Amended Director's Reports for said water rights. No other changes have been made to the elements of these water rights except as set forth above.

IDWR has served copies of the Notice of Completed Administrative Transfer and Amended Director's Reports(s) on the claimant(s), prior claimants(s) and all parties in the subcases affected, if any, as reflected on the attached certificate of mailing.

DATED: March 3, 2000



Signature of IDWR Representative

CERTIFICATE OF MAILING

I certify that on March 3, 2000 I mailed the original and copies of this form to the following persons, postage prepaid and addressed as follows:

1. Original to:
Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P.O. Box 2707
Twin Falls, Idaho 83303-2707
2. One Copy to:
Each party in the subcase, or attorney of record:

LLOYD KENNETH TROUTT JR
1805 MESA AVE
EMMETT ID 83617
3. One Copy to:
Chief, Natural Resources Division
Office of the Attorney General
P.O. Box 44449
Boise, Idaho 83711-4449
4. One Copy to:
United States Dept. of Justice
Environment & Natural Resource Div.
550 West Fort Street, MSC 033
Boise, ID 83724

Dennis B. [Signature]
Signature of person or attorney mailing the form



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

FAX (208) 334-2348

October 14, 1999

DIRK KEMPTHORNE
GOVERNOR

LLOYD KENNETH TROUTT JR
1805 MESA AVE
EMMETT ID 83617-9658

KARL J. DREHER
DIRECTOR

Re: Snake River Basin Adjudication (SRBA)
Water Right No. 65-05663B
Change of Address

RECEIVED

FEB 28 2000

WATER RESOURCES
WESTERN REGION

Dear Water Right Holder:

IDWR has been notified the address presently in our records is incorrect. Although we have reached you at the address above we need your written confirmation this is your correct mailing address before we can change our records. Future notices related to your water right can be sent only to the address on your claim or as otherwise changed by you.

Please sign your name at the bottom of this letter and return it to our office. Make corrections to your name and address if necessary before returning this letter. Thank you for your help.

If your mail delivery address changes in any form, please contact us in writing so we can update our records.

If there has been a change in ownership of any of the properties connected with the water right referenced above, please call this office to obtain a form to make this required change to the water right records.

Sincerely,

Denise Buffington

Denise Buffington
Records Clerk
Adjudication Section
Western Region

The address is correct as shown above or as otherwise changed.

Lloyd Kenneth Troutt Jr
Signature of water right claimant

365-5762

Telephone number