

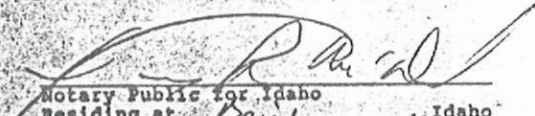
STATE OF IDAHO

County of Adair

ss.

On this 30 day of June, 1987, before me, Frank R. McDaniel, the undersigned, a Notary Public in and for said State, personally appeared JUDITH P. STRINGER, known or identified to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that she 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 Boise, Idaho
My commission expires on 10, 1988

Idaho Dept of Water Resources

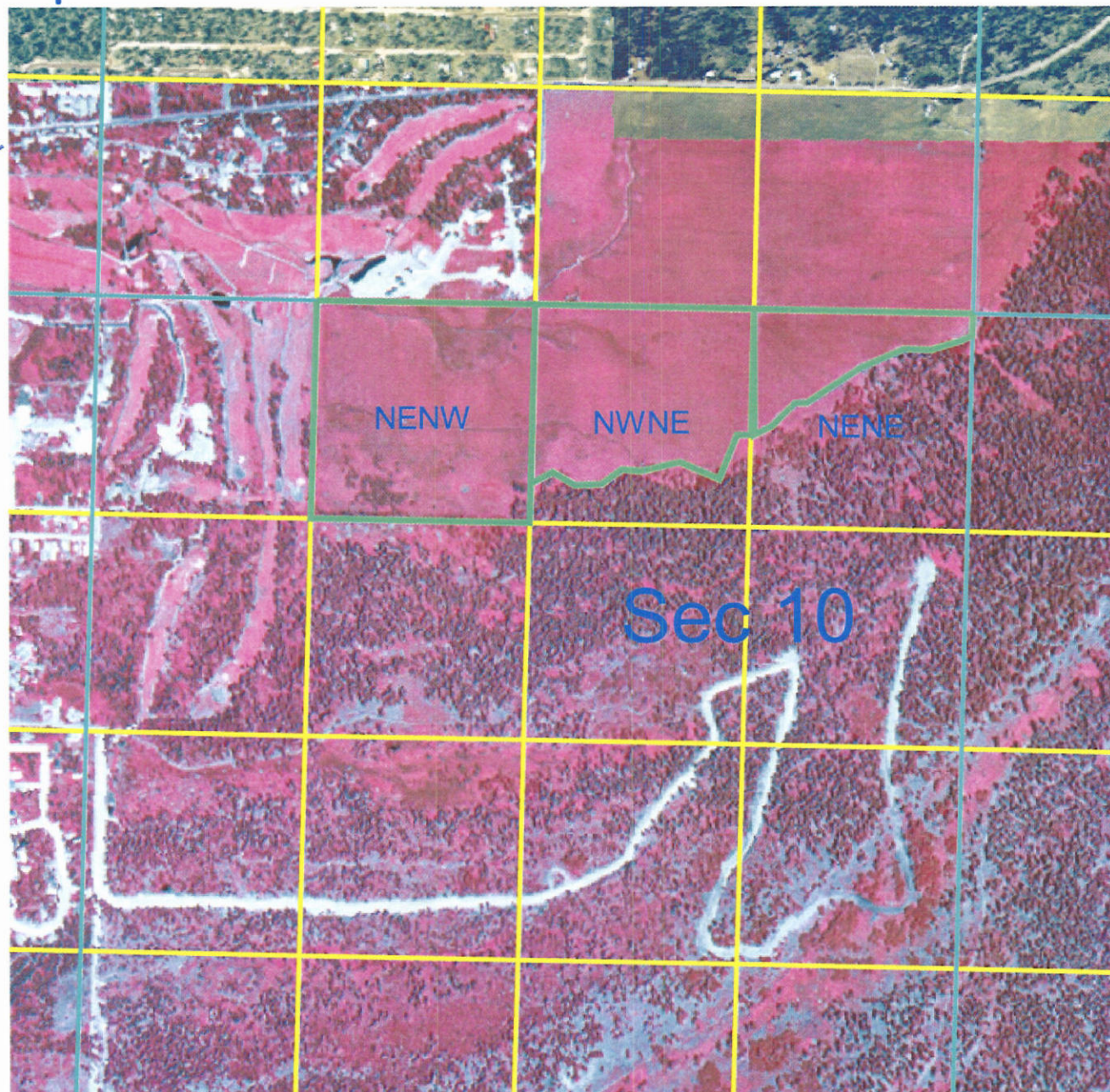
Claim No(s): 65-02923D₂

Claimant(s) Whiteman

T18N, R03E, S 10

Prepared by: Sue Bock

Date: 08/17/1999



Place of Use



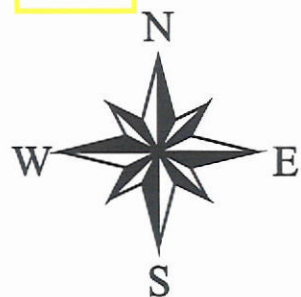
Point of Diversion



Section lines



1/4 1/4 lines



1987 NAPP Photo

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: **A65-02923D**
Date Received: 8/24/1988
Receipt No: X999999
Received By: _____

**COPY FOR
YOUR FILES**

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

**COPY FOR
YOUR FILES**

1. Name: MARVIN E WHITEMAN JR 208-634-5129
Address: PO BOX 1974
MC CALL ID 83638
AND
Name: BRYCE H NEFF 208-634-5129
Address: PO BOX 1974
MC CALL ID 83638

2. Date of Priority: JUL 1, 1929

3. Source: SPLIT CREEK Trib. to: FALL CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
19N	03E	26	SE	SE			VALLEY

5. Description of diverting works:
SPLIT CK TO FALL CK AT FALL CK; WEIR WITH 2' DIA. HEAD GATE

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/15	10/15	0.183		

7. Total Quantity Appropriated is:
0.183 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
18N	03E	10	NE	NE		IRR	10.0

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
18N	03E	10	NW	NE		IRR	29.0
			NE	NW		IRR	38.0
					Section Acres		77.0
					Total Acres		77.0

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:
A65-02923E (A PORTION OF 65-02923X)

14. Remarks:
THIS CLAIM IS FOR IRRIGATION WATER FOR 77 ACRES OF THE ORIGINAL
168 ACRES COVERED UNDER WATER RT. 65-02923A.
ADDRESS CORRECTION 10/27/99 SB

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: / /

Decree Plaintiff

vs

Decree Defendant

STATE OF IDAHO
IDAHO DEPARTMENT OF WATER RESOURCES

RECEIVED
OCT 27 1999
WATER RESOURCES
WESTERN REGION

CHANGE IN ADDRESS OF NOTICE OF CLAIM

- [] Water Right Number(s): 65-02923D+E

- [] Claimant Name(s): MARVIN E. WHITEMAN JR.
BYCE H. NEFF

- [] Old Mailing Address: 2254 BRANIFF ST.
BOISE, ID 83706

- [] New Mailing Address: PO Box 1974
McCALL ID 83638

- Telephone Number: (208) 634-5129
- [] Signature of Claimant(s): Marvin E. Whiteman Jr. Bryce H. Neff
Date: 10-26-99 10/26/99

RAT

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: A65-02923D
Date Received: 8/24/1988
Receipt No: X999999
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: MARVIN E. WHITEMAN, JR. 208-336-7650
Address: 2254 BRANIFF ST.
BOISE, ID 83706

AND

Name: BRYCE H. NEFF 208-336-7650
Address: 2254 BRANIFF ST.
BOISE, ID 83706

2. Date of Priority: JUL 01, 1929

3. Source: SPLIT CREEK Trib. to: FALL CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
19N	03E	26	SE	SE			VALLEY

5. Description of diverting works:

SPLIT CK TO FALL CK AT FALL CK; WEIR WITH 2' DIA. HEAD GATE

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/15	10/15	0.183		

7. Total Quantity Appropriated is:

0.183 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
18N	03E	10	NE	NE		IRR	10.0

A65-02923D

Page 1

Date: 08/03/90

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SEP 21 1992

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
18N	03E	10	NW	NE		IRR	29.0
			NE	NW		IRR	38.0
Section Acres							77.0
Total Acres							77.0

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:
A65-02923E (A PORTION OF 65-02923X)

14. Remarks:
THIS CLAIM IS FOR IRRIGATION WATER FOR 77 ACRES OF THE ORIGINAL
168 ACRES COVERED UNDER WATER RT. 65-02923A.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date:

Decree Plaintiff

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(s): _____ Date: _____

_____ Date: _____

A65-02923D

Page

2

Date: 08/03/90

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State of Idaho)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this _____ day

of _____ 19 _____

Notary Public

Seal

Residing at _____

My Commission Expires _____

HOW YOU WILL RECEIVE NOTICES IN THE SNAKE RIVER BASIN ADJUDICATION

All documents filed in the Snake River Basin Adjudication other than notices of claims are filed with the court. Notices of claims to water rights filed in the Snake River Basin Adjudication are filed with the Idaho Department of Water Resources. Copies of all documents filed in the Snake River Basin Adjudication will not be mailed to all parties (claimants) in the adjudication.

By order of the court, any document filed with the court will be mailed only to those parties who may be directly affected by it. A monthly docket sheet will be prepared by the department which contains a summary of all documents filed with the court in the previous month and the dates and locations of hearings scheduled for the following three months. The docket sheet will be filed with the district court clerk in each county within the Snake River Basin in Idaho. Copies of the docket sheet may be obtained from any of the offices of the department either in person or by mail; a small fee will be charged to cover the cost of mailing and/or copying. If you wish to receive a copy of the docket sheet each month, you should mark the appropriate place on your notice of claim form. You will be charged a small annual subscription fee to cover the cost of copying and mailing. Copies of any document listed on the docket sheet may be obtained from any of the offices of the department either in person or by mail; a small fee will be charged to cover the cost of mailing and/or copying.

Copies of all notices of claims filed with the department will be available for inspection from all offices of the department. Copies of the notices of claims may be obtained in person or by mail, but you will be charged for the cost of copying and mailing. (A claimant will not be charged for a copy of his or her own notice of claim, and a person who acquires property with water rights for which a notice of claim was filed will not be charged for a copy of the notice of claim filed by the previous owner.)

After the notices of claims have been reviewed, the director will prepare and file a report with the court. Part 1 of the report will contain the director's recommendations as to each water right claimed under state law. Part 2 of the report will list each federal reserved water right claimed. A number of reports will be prepared, one or more for each sub-basin in the Snake River Basin. When the report for your sub-basin is filed with the court, you will be mailed a notice informing you that the report for your sub-basin has been filed. The notice will be sent to the most recent address shown by the department's files. Attached to the notice will be a copy of those portions of the report describing the water rights you have claimed. If you do not agree with the way your water right is described, you may file an objection to the report with the court. You can also file an objection if you disagree with the way other claimant's water rights are described, and the notice will tell you where a copy of the full report is available for inspection. The notice will tell you when and where to file your objection. The notice of filing for each sub-basin report will also be published state-wide in local newspapers.

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For Irrigation purposes from 04/15 to 10/15 amount 0.183 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 0.183 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is _____ acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) _____

10. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
18 N	3 E	10	10	29			38												77

Total number of acres irrigated 77

11. In which county (ies) are lands listed above as place of use located? Valley

12. Do you own the property listed above as place of use? Yes X No _____
If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above.
a portion of Water Right No. 65-2923X or None ()

14. Remarks: This claim is for irrigation water for 77 acres of the original 168 acres covered under Water Right No. 65-02923A

Last Name Whiteman / Neff Ident No. A65-02923X

MicroFILMED

SEP 21 1992

It is very important that you inform the department in writing of any change in your address. This is to make sure that you receive the notices affecting your water rights that are to be mailed by the department.

If you are acquiring property with water rights in the Snake River Basin water system in Idaho (either by purchase, gift, inheritance, or other means), it is very important that you inquire of the department whether a notice of claim has been filed. If not, you must file a notice of claim or the water right may be declared by the court to no longer exist. If a notice of claim has been filed, it is very important that you file a written notice of change in ownership with the department. The notice of change in ownership must be accompanied by some evidence of the change in ownership, such as a copy of the deed or a property tax statement showing the name of the new owner. Again, this is to make sure that you receive the notices affecting your water rights that are to be mailed by the department.

The cost of the subscription to the docket sheet is \$7.50 for calendar year 1988. The cost of the subscription may increase a small amount for calendar year 1989 if the cost of copying and/or mailing should increase.

If you are planning to file a motion or other pleading (not a notice of claim) with the court (not IDWR), the court has issued an order setting a special procedure that is different from the usual civil rules. A copy of the order may be obtained from any office of IDWR; you may be charged for the cost of mailing and/or copying.

15. Basis of Claim (check one) Beneficial Use _____ Posted Notice _____ License _____ Permit _____

Decree X

If applicable provide IDWR Water Right Number 65-02923X

Court _____ Case Number _____ Decree Date 01/21/86

Plaintiff vs Defendant STATE OF IDAHO vs A & C CORP., ET AL

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

Signature of Claimant (s) *Robert D. Neff* Date 7/19/88

Adrian E. W. Whitman Date 7/19/88

For Organizations: I do solemnly swear or affirm that I am _____

Title

of _____, that I have signed the foregoing

Organization

document in the space below as _____ of _____

Title

Organization

and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent _____

Title and Organization _____ Date _____

State of Idaho/or _____)
County of Ada) SS.

Subscribed and sworn (or affirmed) before me this 19th day of July 19 88

SEAL

Notary Public *Larrie Walquist*

Residing at Boise, ID

My Commission Expires Jan. 2, 1992

Please Print Name

17. Notice of Appearance:

Notice is hereby given that I, _____ will be acting as attorney at law on behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

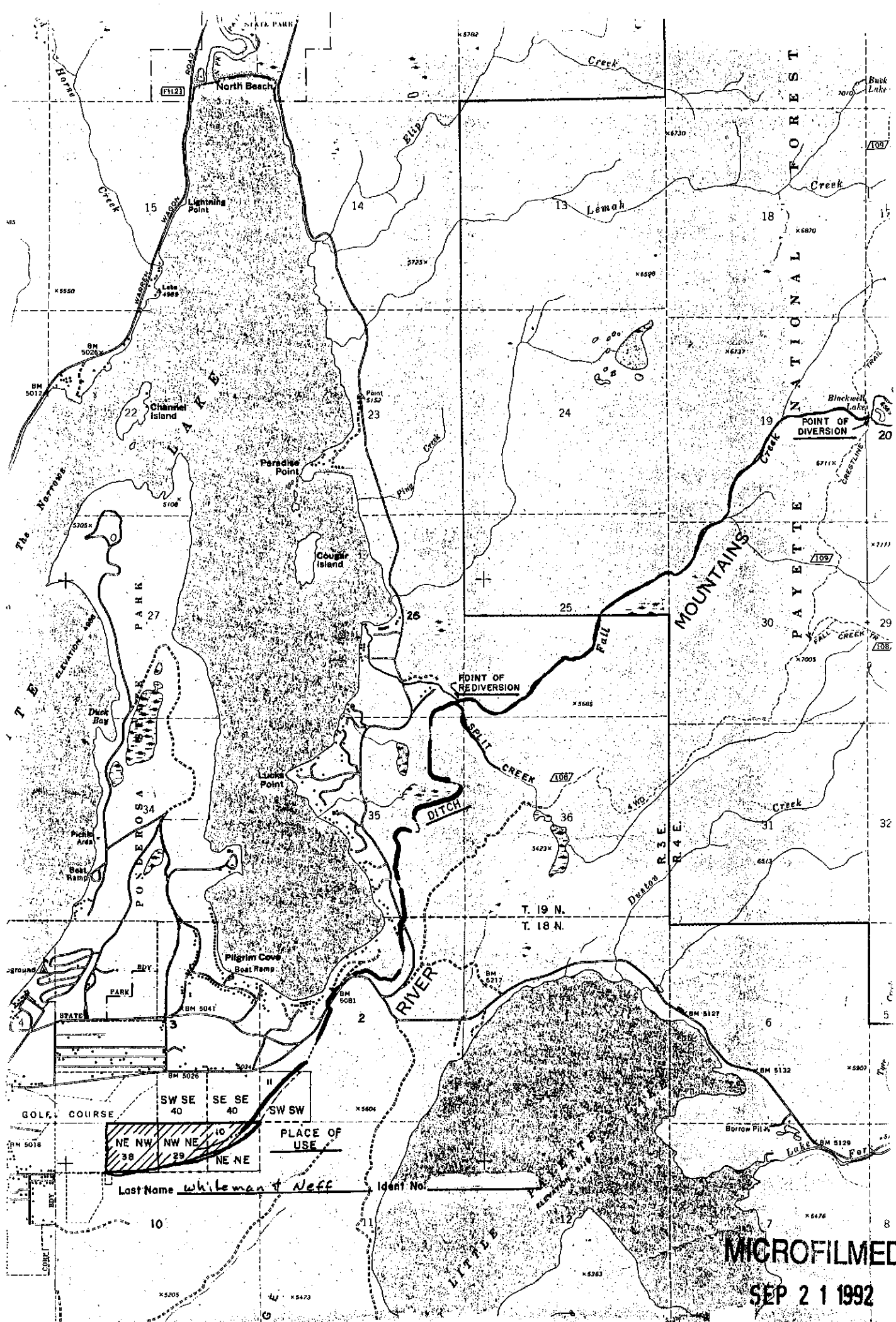
Signature _____

Address _____

Date _____

Last Name Whiteman / Neff Ident. Number 465-02923X

MICROFILMED
Copies White-State, Yellow-Claimant
SEP 21 1992



WARRANTY DEED

THIS INDENTURE, made this 30 day of June, 1987, by and between C. JOHN STRINGER and JUDITH P. STRINGER, husband and wife, the "Grantor," and IDAHO BANK AND TRUST CO., the "Grantee";

WITNESSETH:

FOR VALUE RECEIVED, the Grantor has granted, conveyed, bargained and sold, and does hereby grant, bargain, sell, convey and confirm to the Grantee and its successors and assigns forever, that certain real property situated in the County of Valley, State of Idaho, more particularly described as follows, to wit:

Township 18 North, Range 3 East, Boise Meridian, Section 10: N $\frac{1}{4}$ NE $\frac{1}{4}$; and NE $\frac{1}{4}$ NW $\frac{1}{4}$; all in Valley County, Idaho.

TOGETHER with all the buildings, structures, improvements, tenements, hereditaments and appurtenances, if any, thereunto belonging or in anywise appertaining, the reversion and reversions, remainder and remainders, rents, issues and profits thereof; subject to those exceptions to title to which this conveyance is expressly made as set forth in Exhibit "A," attached hereto and by this reference made a part hereof and those made, suffered or done by the Grantee. Grantor covenants and warrants to Grantee that said real property has not been deeded or otherwise encumbered since the confirmation of

Grantors' Chapter 11 Plan on May 26, 1987 in the United States
Bankruptcy Court for the District of Idaho.

The current address of the Grantee is: 8th and Bannock
Streets, P.O. Box 2557, Boise, Idaho 83701.

IN WITNESS WHEREOF, this Warranty Deed has been duly
executed by Grantor the day and year herein first above written.

C. John Stringer
C. John Stringer

Judith F. Stringer
Judith F. Stringer

STATE OF IDAHO)
County of Ada) ss.

On this 30 day of June, 1987, before me,
Henry R. McDaniel, the undersigned, a Notary
Public in and for said State, personally appeared C. JOHN
STRINGER, known or identified to me to be the person whose name
is subscribed to the foregoing 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.

[Signature]
Notary Public for Idaho
Residing at Boise, Idaho
My commission expires on 10/1, 1987

STATE OF IDAHO

County of BLAINE

On this 20 day of June, 1987, before me, the undersigned, a Notary Public in and for said State, personally appeared JUDITH F. STRINGER, known and identified to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that she 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 Blaine, Idaho
My commission expires on 10, 1988

WARRANTY DEED - 3

MICROFILMED

SEP 21 1992

155648

STATE OF IDAHO. } ss.
County of Valley. }
I hereby certify that this instrument
was filed for record at the request of
John T. Hile
at 59 minutes past 10
o'clock P. M. This 7th
day of July 1987
in my office and duly recorded in
Dr. # 5 of Deed
John T. Hile
By H. H. H. H. H. Recorder
Deputy
Fee \$ 12.00

EXHIBIT A

EXHIBIT A

1. Rights or claims of parties in possession not shown by the public records;
2. Easements, or claims of easements, not shown by the public records;
3. Discrepancies, conflicts in boundary lines, shortage in area, encroachments, and any facts which a correct survey and inspection of the premises would disclose and which are not shown by the public records;
4. Any lien, or right to a lien, for services, labor or material heretofore or hereafter furnished, imposed by law and not shown by the public records;
5. Defects, liens, encumbrances, adverse claims or other matters, if any, created, first appearing in the public records or attaching subsequent to the effective date hereof but prior to the date the proposed insured acquires of record for value the estate or interest or mortgage thereon covered by this commitment;
6. Unpatented mining claims; reservations or exceptions in patents or in Acts authorizing the issuance thereof; water rights, claims of title to water;
7. Delinquent taxes for the second half of 1984 and for 1985 and 1986;
8. Assessments and liens by Valley County for garbage collection as provided for by law.

MICROFILMED

SEP 21 1992

WARRANTY DEED

(CORPORATE FORM)

FOR VALUE RECEIVED, Idaho Bank & Trust Co., a corporation organized and existing under the laws of the State of Idaho, with its principal office at Boise, ID of County of Ada, State of Idaho, grantor, hereby CONVEYS or GRANTS and WARRANTS TO

Marvin E. Whiteman, Jr., a single man, Bryce H. Neff and Suzanne Neff (husband and wife);

of 2254 Braniff St. Boise, Idaho 83706

grantee for the sum of

the following described tract(s) of land in Valley State of Idaho:

DOLLARS, County,

Township 18 North, Range 3 East, Boise Meridian Section 10: N $\frac{1}{2}$ NE $\frac{1}{4}$; and NE $\frac{1}{4}$ NW $\frac{1}{4}$; Valley County, Idaho, containing 120 acres, more or less.

Location of above described property

House No.

Street

The officers who sign this deed hereby certify that this deed and the transfer represented thereby was duly authorized under a resolution duly adopted by the board of directors of the grantor at a lawful meeting duly held and attended by a quorum.

In witness whereof, the grantor has caused its corporate name and seal to be hereunto affixed by its duly authorized officers this 21st day of April, A.D. 19 88

CORPORATE SEAL

Idaho Bank & Trust Co.

By J. Craig Rowe Gary R. Wilson
J. Craig Rowe Vice PRESIDENT
Attest: Gary R. Wilson Asst. SECRETARY

State of Idaho
County of

STATE OF IDAHO, COUNTY OF Valley

I hereby certify that this instrument was filed for record at the request of MOUNTAIN TITLE & ESCROW at 29 minutes past 3 o'clock P.M. this 25th day of April 19 88 in my office, and duly recorded in Book 25 of Deeds of said county.

On the 21st day of April, A.D. 19 88, personally appeared before me J. Craig Rowe and Gary R. Wilson who being by me duly sworn did say, each for himself, that he, the said, is the president, and he, the said, is the secretary of Idaho Bank & Trust Co.

a corporation, and that the within and foregoing instrument was signed in behalf of said corporation by authority of a resolution of its board of directors and said Vice President and Asst. Secretary each duly acknowledged to me that said corporation executed the same and that the seal affixed is the seal of said corporation.

[Signature]
My residence is Boise, Idaho
My commission expires 7-21-93

By K. Haskins Deputy.

Fees \$ 3.00
Mail fee

COMPARED
RECORDED, DIRECT
RECORDED, INDEXED

251011

4/5/1989

SRBA CLAIMS RECEIVING CHECKLIST #2

CLAIMANT'S NAME Whiteman / Neff CLAIM IDENT. NO. AVS-02923D

DATE RECEIVED 8/24/88 CK # AMOUNT \$ Exempt YES NO Require Info?

1. Is the name and address complete with zip code? YES NO Require Info?
2. Is a priority date entered? YES NO Require Info?
Is the priority date acceptable in view of mandatory filing dates? YES NO Require Info?
See Adjudication Memos #1 and #4 to determine if a Permit is required. YES NO Require Info?
3. (a) Is a source entered? YES NO Require Info?
(b) Is a tributary to entered? (if required) YES NO Require Info?
4. Is the legal description of the p.d. sufficient? YES NO Require Info?
5. Is there a description of the diverting works? YES NO Require Info?
6. Are the water uses appropriate for the form? The short form is limited to domestic and stockwater uses with direct diversion. All claims that include storage or instream stockwater must use long form. YES NO Require Info?
Is the period of use included? YES NO Require Info?
Is a quantity claimed for each use? YES NO Require Info?
7. Is a total quantity claimed entered? YES NO Require Info?
8. If required is a consumptive use entered? YES NO Require Info?
Is the consumptive use correct? YES NO Require Info?
9. Are the non-irrigation uses listed properly? If this claim is on the short form, and more than one domestic use is listed, single ownership must be stated. If not under single ownership, see Adjudication Memo # 4. YES NO Require Info?
10. Is (are) the place(s) of use and purpose(s) indicated? YES NO Require Info?
11. Is (are) the county(ies) entered? YES NO Require Info?
12. Is the ownership of p.u. checked? YES NO Require Info?
13. Are other water rights listed or "none" indicated? YES NO Require Info?
14. If required, are remarks correct? (If the claimant does not own the place of use, authority for filing the claim must be explained in the remarks.) YES NO Require Info?
15. Is the basis of the claim indicated? YES NO Require Info?
16. If the claimant requested a monthly docket sheet, is payment enclosed? (If yes, describe payment status in "Comments" below.) YES NO Require Info?
17. Is the claim signed by the claimant, and is the signature appropriate? Organizations must complete the organization block. YES NO Require Info?
18. Has the claim been signed, sealed, and dated by a notary? YES NO Require Info?
19. Was this claim filed on time, or was an extension granted? YES NO Require Info?
20. Is the fee enclosed correct? YES NO Require Info?
21. If this claim is based on an existing water right, has the identification number been entered? YES NO Require Info?
22. Should this claim be data entered? YES NO Require Info?

Claim checked by: RAJ Date: 8-3-90
Claim must be returned to claimant: (Yes) (No)
Claimant must be notified of modifications: (Yes) (No)

Receipt Prepared by: RAJ Date:
Claim data entered by: RAJ Date:
Sent to claimant by: RAJ Date:
Checked by: Date:
Comments: These were recently removed from Carter's hold pile -

WESTERN REGION

OWNER (S): Whiteman

CLAIM NUMBERS: W-029230, 2

AGENT: Sue Bock DATE _____

				NE				NW				SW				SE			
RIGHT NO	TSP	RNG	SEC	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE
P.O.D.				TOWNSHIP				RANGE				SEC.				SOURCE			

POLYGON CREATED ON 332

POLYGON # () () () () UPDATED BY sue

ATTRIBUTES OF B65-POU.SHP (93) () () () ()

ATTRIBUTES OF B65-POD.SHP (80) (81) () () ()

X B65-DBPOU.DBF UPDATED BY sue

L B65-DBPOD.DBF UPDATED BY sue

NOTES:

MEMORANDUM

TO: File

FROM: Steve Lester 

DATE: September 13, 2002

RE: Transfer No. 66135 and Application No. 65-13724

This is an unusual situation in which a proposed transfer and application for permit seek to remedy the situation. Discussion between the applicant and IDWR dates to 1997. Administrators were briefed in late 2001, and they suggested a viable solution explained in this memorandum.

BACKGROUND & CURRENT APPLICATIONS

The applicant owns partial decrees 65-2923B and 65-2923C in addition to Permit 65-13597 for irrigation of land east of Big Payette Lake. The partial decrees included natural flow and storage water for 91 acres. The permit provided supplemental ground water irrigation for 84 of the 91 acres. The applicant bought the property in 1993 and tried to use the surface water to irrigate the land. Significant maintenance problems prevented full use of the ditch water, resulting in the 1995 filing of 65-13597. That permit lapsed, and the owner filed a replacement application for ground water in April 1997, Application 65-13724.

Scott filed Transfer 66135 in August 1998 to sever the surface water rights from the P/U and provide those rights to the Idaho Department of Fish & Game. IDFG hoped to use the surface water for fish habitat use in Blackwell Lake (natural lake enhanced by a dam certified under Dam Safety Permit D65-2923) and in Fall Creek downstream from the reservoir. The US Forest Service protested the transfer. At least part of the protest focused on a proposed P/U for fish habitat in the Fall Creek reach found on land administered by the USFS. Considerable discussion ensued between the applicant, protestant and IDWR to resolve the situation.

IDWR had already advised the applicant that conversion of natural flow from irrigation to an instream use was not feasible. A 1999 revision to the transfer application deleted the natural flow aspect from the transfer, resulting in a single right (65-2923C) proposed for transfer from irrigation storage to fish habitat storage (only one of the two surface water rights included storage at Blackwell Lake). IDFG would file an ownership change upon transfer approval.

Meanwhile, the 1997 ground water application was caught in the "future mitigation processing delay" initiated prior to the "request to process" solution to that dilemma. The

SCANNED

NOV 20 2002

applicant wanted a full supply of ground water to irrigate his property. Subsequent to the filing of 65-13724, Permit 65-13597 was reinstated and field examined. The examiner recommended 0.33 cfs, 120.4 afa and 84 acres of irrigation under the permit. The permit did not provide a full supply of ground water to the land.

Processing gridlock continued while the parties sorted out the issues. They all supported the fish habitat proposal but needed a way out of the protest scenario short of a hearing. I met with IDWR administrators in late 2001 to discuss the situation. Administration suggested the following steps in a December 20, 2001, meeting:

- Delete the proposed P/U for Fall Creek on land administered by USFS.
- Identify a single downstream point on Fall Creek (not on federal land) to which storage could be delivered but not rediverted from the creek.
- Show the applicant's legal tie to that downstream point.
- Revise Application 65-13724 for a full allotment of ground water for 84 acres.
- Upon approval of the transfer and application for permit, the older ground water permit could be relinquished.

The net result would be storage water for IDFG to use at Blackwell Lake and/or to release to a downstream point. Scott would have a single ground water right to fully irrigate 84 acres found in the 1997 field exam. Natural flow under the surface water rights would be abandoned by the applicant's request. IDFG would file an ownership change for the storage portion of 65-2923C.

The transfer was amended in March 2002 to address the proposed solution. USFS withdrew its protest against the transfer, although it appeared (verbal discussions) an agreement between the parties was reached independent of IDWR's involvement. Application 65-13724 was processed under the arrangement suggested by administration. But 65-13724 listed 81 instead of 84 acres. The applicant was reluctant to expand the application and lose priority, proposing instead to use two ground water rights for full irrigation coverage.

Scott reconsidered and amended Application 65-13724 on September 6, 2002. The applicant agreed to seek full irrigation coverage for 84 acres in 65-13724 and will relinquish 65-13597 if the newer ground water approval is issued.

OWNERSHIP

The applicant owns the irrigated land described by rights 65-2923B and 65-2923C, evidenced by 1993 ownership changes recorded in the adjudication claim files. USFS issued a special use permit to Scott to operate and maintain the dam at Blackwell Lake

SCANNED

NOV 20 2002

(transfer attachment D). Water released from the lake has been rediverted from Fall Creek in the SESE Sec. 26 via the old irrigation ditch referenced in the transfer. This downstream point, also proposed as a P/U under "fish habitat from storage", is owned by the State of Idaho. Scott's irrigation rights included access to the ditch. Presumably it would be a simple matter for IDFG to document its ability to hold a water right listing the downstream delivery point on state land in SESE Sec. 26. USFS revision of the special use permit replacing Scott with IDFG would link the new owner to the reservoir site. Ownership issues are sufficiently addressed.

BENEFICIAL USE

The five year period preceding the original transfer application included 1993-1997. The applicant bought the land in 1993 and apparently made at least some use of the surface water for irrigation. The dam has been maintained for continued storage in Blackwell Lake, preserving the integrity of the storage use. The surface water rights were decreed by the SRBA Court in 2000. The applicant has standing to abandon the natural flow under 65-2923B and 65-2923C (see request of 9/10/01 received 10/17/01). The storage portion of 65-2923C is valid and available for transfer.

READVERTISING

Additional legal notice for the amended transfer was not needed since the revised version represented a portion of the original application. Additional legal notice for the amended application for permit does not seem justified. Protests were not made against the latter, and a minor expansion of a few inches for a few more acres seems unworthy of another notice. Amendment fees did not apply for revising either application based on these factors.

ANALYSIS FACTORS

An expansion of use will not occur in the transfer. The change in period of use from "irrigation from storage" to "fish habitat from storage" will not result in expanded use nor will it cause injury. Indeed, using storage water for fishery purposes throughout the year will probably provide a net benefit to downstream water users. Abandonment of natural flow in 65-2923B and 65-2923C provides an obvious benefit to downstream interests. Replacement of surface water with ground water for continued irrigation does not adversely impact the local agricultural base. No delivery organizations are involved in the transfer proposal. Transfer approval serves the local public interest and the conservation of water resources within Idaho.

Retaining water in Blackwell Lake and/or releasing it for fish habitat purposes in Fall Creek would provide beneficial uses of water. The release of water to a downstream site would accomplish the proposed beneficial use from storage. The transfer is approvable.

SCANNED

NOV 20 2002

The applicant suggested application 65-13724 does not need a "future mitigation" condition of approval (see 9/17/01 letter received 10/17/01) because abandonment of natural flow would cover the situation. The argument is persuasive. The application for a single ground water permit is approvable.

RECOMMENDATIONS

*updated 11/20/02 in e'f/bn
per 50/RO discussion*

Approve the transfer as suggested by the draft approval in the file. Send a courtesy copy with an ownership change form to IDFG as noted in the final staff review sheet in the file.

Approve Application 65-13724 as a primary right with the priority advanced to 9/6/02.

Upon approvals, the following items should be completed or considered effective:

1. Scott should relinquish Permit 65-13597 (condition of approval for 65-13724).
2. Natural flow in 65-2923B and 65-2923C should be considered abandoned.
3. IDFG should file an ownership change for 65-2923C.

Other water rights diverted through the common irrigation ditch can be jeopardized by nonuse. These include Whiteman's 65-2923D and 65-2923E. Efforts to include Whiteman in this discussion were not successful. A copy of this memo is filed with those rights in the event of future actions.

SCANNED

NOV 20 2002

cc for
A65-2923D

MEMORANDUM

TO: File

FROM: Steve Lester 

DATE: September 13, 2002

RE: Transfer No. 66135 and Application No. 65-13724

This is an unusual situation in which a proposed transfer and application for permit seek to remedy the situation. Discussion between the applicant and IDWR dates to 1997. Administrators were briefed in late 2001, and they suggested a viable solution explained in this memorandum.

BACKGROUND & CURRENT APPLICATIONS

The applicant owns partial decrees 65-2923B and 65-2923C in addition to Permit 65-13597 for irrigation of land east of Big Payette Lake. The partial decrees included natural flow and storage water for 91 acres. The permit provided supplemental ground water irrigation for 84 of the 91 acres. The applicant bought the property in 1993 and tried to use the surface water to irrigate the land. Significant maintenance problems prevented full use of the ditch water, resulting in the 1995 filing of 65-13597. That permit lapsed, and the owner filed a replacement application for ground water in April 1997, Application 65-13724.

Scott filed Transfer 66135 in August 1998 to sever the surface water rights from the P/U and provide those rights to the Idaho Department of Fish & Game. IDFG hoped to use the surface water for fish habitat use in Blackwell Lake (natural lake enhanced by a dam certified under Dam Safety Permit D65-2923) and in Fall Creek downstream from the reservoir. The US Forest Service protested the transfer. At least part of the protest focused on a proposed P/U for fish habitat in the Fall Creek reach found on land administered by the USFS. Considerable discussion ensued between the applicant, protestant and IDWR to resolve the situation.

IDWR had already advised the applicant that conversion of natural flow from irrigation to an instream use was not feasible. A 1999 revision to the transfer application deleted the natural flow aspect from the transfer, resulting in a single right (65-2923C) proposed for transfer from irrigation storage to fish habitat storage (only one of the two surface water rights included storage at Blackwell Lake). IDFG would file an ownership change upon transfer approval.

Meanwhile, the 1997 ground water application was caught in the "future mitigation processing delay" initiated prior to the "request to process" solution to that dilemma. The

applicant wanted a full supply of ground water to irrigate his property. Subsequent to the filing of 65-13724, Permit 65-13597 was reinstated and field examined. The examiner recommended 0.33 cfs, 120.4 afa and 84 acres of irrigation under the permit. The permit did not provide a full supply of ground water to the land.

Processing gridlock continued while the parties sorted out the issues. They all supported the fish habitat proposal but needed a way out of the protest scenario short of a hearing. I met with IDWR administrators in late 2001 to discuss the situation. Administration suggested the following steps in a December 20, 2001, meeting:

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- Upon approval of the transfer and application for permit, the older ground water permit could be relinquished.

The net result would be storage water for IDFG to use at Blackwell Lake and/or to release to a downstream point. Scott would have a single ground water right to fully irrigate 84 acres found in the 1997 field exam. Natural flow under the surface water rights would be abandoned by the applicant's request. IDFG would file an ownership change for the storage portion of 65-2923C.

The transfer was amended in March 2002 to address the proposed solution. USFS withdrew its protest against the transfer, although it appeared (verbal discussions) an agreement between the parties was reached independent of IDWR's involvement. Application 65-13724 was processed under the arrangement suggested by administration. But 65-13724 listed 81 instead of 84 acres. The applicant was reluctant to expand the application and lose priority, proposing instead to use two ground water rights for full irrigation coverage.

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Retaining water in Blackwell Lake and/or releasing it for fish habitat purposes in Fall Creek would provide beneficial uses of water. The release of water to a downstream site would accomplish the proposed beneficial use from storage. The transfer is approvable.

The applicant suggested application 65-13724 does not need a "future mitigation" condition of approval (see 9/17/01 letter received 10/17/01) because abandonment of natural flow would cover the situation. The argument is persuasive. The application for a single ground water permit is approvable.

RECOMMENDATIONS

Approve the transfer as suggested by the draft approval in the file. Send a courtesy copy with an ownership change form to IDFG as noted in the final staff review sheet in the file.

Approve Application 65-13724 as a primary right with the priority advanced to 9/6/02.

Upon approvals, the following items should be completed or considered effective:

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3. IDFG should file an ownership change for 65-2923C.

Other water rights diverted through the common irrigation ditch can be jeopardized by nonuse. These include Whiteman's 65-2923D and 65-2923E. Efforts to include Whiteman in this discussion were not successful. A copy of this memo is filed with those rights in the event of future actions.



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098

Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

May 4, 2001

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

Dear Basin 65 water user:

This letter is to inform you that you may be eligible to file a stockwater claim with the Idaho Department of Water Resources (IDWR) in connection with the Snake River Basin Adjudication (SRBA). IDWR is sending this letter to water users in Basin 65 who might have relied upon the non-irrigation season stockwater provision in the Payette Adjudication. This provision states:

"When stockwater is not a specifically mentioned use for a right that includes irrigation, a reasonable flow is implied and included for the watering of livestock during the non-irrigation season."

In another basin, the Idaho Supreme Court struck down general provisions that contained similar language. The non-irrigation season stockwater language quoted above was not included in the General Provisions for Basin 65 because of the Idaho Supreme Court's ruling.

IDWR recognizes that in reliance on the non-irrigation season stockwater language in the Payette Adjudication, water users might not have filed stockwater claims in the SRBA to cover the non-irrigation season period. Individuals who historically watered livestock during the non-irrigation season without a separate stockwater claim might desire to file a new stockwater claim with IDWR.

To be eligible for a new non-irrigation season stockwater claim:

1. You must have actually and historically watered livestock during the non-irrigation season without a separate stockwater right.
2. You must have filed a surface water irrigation claim in both the Payette Adjudication and the SRBA.
3. You must not have filed a stockwater claim with the surface water irrigation claim.

If you meet these three requirements, you may file a Notice of Claim form for stockwater with IDWR. **To have a timely filing you must file this claim with IDWR by May 25, 2001.** IDWR will waive filing fees for these stockwater claims if filed before this deadline. Failure to file your claim in a timely manner may prevent you from claiming it in the future. Notice of Claim forms are available on IDWR's website at www.idwr.state.id.us/info/water/srba/forms.htm or from any IDWR office. Claimants can call IDWR, Western Region at (208) 334-2190 to make an appointment if they need assistance filling out a Notice of Claim form.

Sincerely,

David R. Tuthill, Jr., P.E.
Adjudication Bureau Chief

AJ0749NP
No. R65-02923D

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

DATE: 10/27/99
PAGE: 1

=====

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	MARVIN E WHITEMAN JR	07/01/1929	IRRIGATION	04-15 10-15	0.180 CFS	
C	BRYCE H NEFF					
	PO BOX 1974					
	MC CALL ID 83638			TOTAL DIVERSION:	0.180 CFS	
	(208) 634-5129					

Water Source: SPLIT CREEK

Tributary to: FALL CREEK

Stage: DECREED

Point(s) of Diversion:

T19N R03E S26

SESE

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	:	SUM	
18N	03E	10	:	10		29				38								:	77.0	
																			TOTAL ACRES	77.0

POU County: VALLEY

Other Rights: A65-02923E (A PORTION OF 65-02923X)

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.

Dates: Exam Made Date:

Verified Date:

Objection Filed Date:

Misc: Water District Number:

Field Inspection Flag:
Presumption Flag:

Comments: Date: 08/18/1999 User-ID: SBOCK Subject: COPIED FROM REMARKS
THIS CLAIM IS FOR IRRIGATION WATER FOR 77 ACRES OF THE ORIGINAL
168 ACRES COVERED UNDER WATER RT. 65-02923A.

Date: 09/24/1999 User-ID: AJU10-JS Subject: AJU10 CONDITION UPDATE
CONDITION CODE(S) C18 ADDED IF NOT ALREADY PART
OF RECORD THRU AJU10.

Date: 10/27/1999 User-ID: SBOCK Subject: ADDRESS CORRECTION
PER CLAIMANT

Audit: 10/27/99 SBOCK

AJ0749NP
No. R65-02923D

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

DATE: 08/18/99
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	MARVIN E WHITEMAN JR	07/01/1929	IRRIGATION	04-15 10-15	0.180 CFS	
C	BRYCE H NEFF					
	2254 BRANIFF ST			TOTAL DIVERSION:	0.180 CFS	
	BOISE ID 83706					
	(208) 336-7650					

Water Source: SPLIT CREEK

Tributary to: FALL CREEK

Stage: DECREED

Point(s) of Diversion: T19N R03E S26 SESE

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
18N	03E	10	:	10		29				38										:	77.0
																				TOTAL ACRES	77.0

POU County: VALLEY

Other Rights: A65-02923E (A PORTION OF 65-02923X)

Dates: Exam Made Date: Verified Date: Objection Filed Date:

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

Comments: Date: 08/18/1999 User-ID: SBOCK Subject: COPIED FROM REMARKS
THIS CLAIM IS FOR IRRIGATION WATER FOR 77 ACRES OF THE ORIGINAL
168 ACRES COVERED UNDER WATER RT. 65-02923A.

Audit: 08/18/99 SBOCK

WR8809NP
No. 65-02923A

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 04/28/99
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	C. JOHN STRINGER	07/01/1929	IRRIGATION	04/15 10/15	0.400 CFS	.183
TOTAL DIVERSION:					0.400 CFS	.183

allow .18
→ .18

Water Source: SPLIT CREEK

Tributary to: FALL CREEK

Stage: DECREED

Point(s) of Diversion: T19N R03E S26 SESE

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
48N	03E	10																		11.0
48N	03E	10																		80.0
18N	03E	10		10		29		38												77.0
TOTAL ACRES																			168.0	

77

Pou County: VALLEY

Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):
65-12848 65-13297

Other Water Rights Listing Overlapping Place(s) of use:
65-02923X 65-13119 65-13597 65-13724 65-13796

Remarks: GEN DECREE GIVEN LICENSE NUMBER.

Dates: App. Received: Priority Date: 07/01/1929
Proof Due Date: Proof Made Date:
Exam Made Date: Exam Sent to S.O.:
Licensed Date: 05/19/1937

Misc: Water District Number: 65 Field Exam Fee:

Audit: 04/10/86 04/30/88 CONVERT 11/01/95 BCHAPMAN

no expansion
of orig.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

07:57:38
04/29/99
18

PAGE: 18
PROFILE REPORT

CLAIM NUMBER: A65-02923D

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME																																																																																																																																								
C	MARVIN E WHITEMAN JR	07/01/1929	IRRIGATION	04-15 10-15	0.18 CFS																																																																																																																																									
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POU County: VALLEY

Other Rights: A65-02923E (A PORTION OF 65-02923X)

Remarks: GEN THIS CLAIM IS FOR IRRIGATION WATER FOR 77 ACRES OF THE ORIGINAL
168 ACRES COVERED UNDER WATER RT. 65-02923A.

Dates: Exam Made Date: Verified Date: Objection Filed Date:

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

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

07:57:11
04/29/99

PAGE: 1
GENERAL INFORMATION

1
CLAIM NUMBER: A65-02923D

LAST: WHITEMAN JR
ADDRESS: 2254 BRANIFF ST
CITY: BOISE
PHONE NUMBER: 208-336-7650

FIRST: MARVIN E
STATE: ID ZIP: 83706

OWNER CODE: C

LAST: NEFF
ADDRESS: 2254 BRANIFF ST
CITY: BOISE
PHONE NUMBER: 208-336-7650

FIRST: BRYCE H
STATE: ID ZIP: 83706

OWNER CODE: C

LAST: KERR
ADDRESS: PO BOX 853
CITY: MC CALL
PHONE NUMBER: 208-634-2686

FIRST: THOMAS W
STATE: ID ZIP: 83638

OWNER CODE: R

FIELD EXAM REQUIRED?

VERIFICATION REQUIRED DUE TO REMARKS?

DATABASE
Y

FIELD
EXAMINER
Y() N()

CLAIM REMARKS: GEN THIS CLAIM IS FOR IRRIGATION WATER FOR 77 ACRES OF THE ORIGINAL
168 ACRES COVERED UNDER WATER RT. 65-02923A.

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:

A. AJ CLAIM: # A65-02923D PRIORITY DATE: 07-01-1929 STAGE: D

B. WR RECORD: # 65-02923A PRIORITY DATE: 07-01-1929 STAGE: D
65-02923X PRIORITY DATE: 07-01-1929 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: _____

=====

RECOMMENDED PRIORITY DATE:

7.1.1929
REVIEWED BY SB

DATE 8/17/99

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
A65-02923D	19N 03E	26		SE	SE			VALLEY		

OTHER AJ CLAIMS WITH SAME AJ POD
A PREFIX R PREFIX
A65-02923B NONE

WR RECORDS IN SAME 40 ACRE TRACT

65-02923A
65-12848
65-13297

SOURCE: SPLIT CREEK

TRIB: FALL 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
65-02923A	19N 03E	26		SE	SE			VALLEY		
65-02923X	19N 04E	20		SW	NW			VALLEY		

OTHER WR RECORDS WITH SAME WR POD

AJ CLAIMS IN SAME 40 ACRE TRACT
A PREFIX R PREFIX

65-02923A
65-02923X
65-12848
65-13297

A65-02923B 65-22142
A65-02923C
A65-02923E
A65-22142

SOURCE: SPLIT CREEK
FALL CREEK

TRIB: FALL CREEK
BIG PAYETTE LAKE

SOURCE: NO SOURCE FOR RECORD

TRIB: NO TRIBUTARY FOR RECORD

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)

NOTES: _____

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

TWP. 19N	RGE. 03E	SEC. 26	1/4	1/4 SE	1/4 SE	LOT	POD FLAG	COUNTY VALLEY	DIVERSION NAME	DIVERSION NBR
_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____

SOURCE: Speed Creek TRIB: Fall Creek

REVIEWED BY: SB DATE: 8/17/99

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

A. ROOT WATER RIGHT NUMBERS: A65-02923B
A65-02923C

A65-02923D

A65-02923E

B. POU LISTING

TWP	RNG	SEC	1/4	1/4	LOT	NAME	AJ #/ACRES	WR #/ACRES	LANDSAT DATA	FIELD EXAM.	RECOMM. ACRES
18N	03E	10	NE	NE		WHITEMAN JR, MARVIN E	A65-02923D / 10.0	- /		7.0	
			NE	NE		WHITEMAN JR, MARVIN E	A65-02923E / 10.0	- /			
			NE	NE		WHITEMAN, MARVIN E	65-08055 /	65-08055 /			
			NE	NE		WHITEMAN, MARVIN E	A65-08055 /	- /			
			NE	NE		STRINGER, C. JOHN		65-02923A / 10.0			
			NE	NE		STRINGER, C. JOHN		65-02923X / 10.0			
18N	03E	10	NW	NE		WHITEMAN JR, MARVIN E	A65-02923D / 29.0	- /		22.0	
			NW	NE		WHITEMAN JR, MARVIN E	A65-02923E / 29.0	- /			
			NW	NE		STRINGER, C. JOHN		65-02923A / 29.0			
			NW	NE		STRINGER, C. JOHN		65-02923X / 29.0			
			NW	NE		CITY OF MC CALL		65-13796 / 30.0			
18N	03E	10	NE	NW		WHITEMAN JR, MARVIN E	A65-02923D / 38.0	- /		35.0	
			NE	NW		WHITEMAN JR, MARVIN E	A65-02923E / 38.0	- /			
			NE	NW		STRINGER, C. JOHN		65-02923A / 38.0			
			NE	NW		STRINGER, C. JOHN		65-02923X / 38.0			
			NE	NW		MC CALL GOLF COURSE FOUNDATION		65-13119 / 8.0			
			NE	NW		CITY OF MC CALL		65-13796 / 30.0			

ADDITIONAL POU FOUND

77
=

TOTAL ACRES A65-02923D 77.00 64.00

POU COUNTY: VALLEY

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

CLAIM NO.	SOURCE	NAME	DIV. RATE	DIV. RATE/ACRE	DIV. VOL.	DIV. VOL./ACRE
A65-02923D	SPLIT CREEK	WHITEMAN JR, MARVIN E	0.183	0.002		
A65-02923E	FALL CREEK	WHITEMAN JR, MARVIN E	1.283	0.016		

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

CLAIM NO.	PURPOSES	NAME	MONTH/DAY	RATE	VOLUME
65-08055	STOCKWATER	WHITEMAN, MARVIN E	FROM 01-01 TO 12-31	0.100 CFS	5.40 AF/A
A65-08055	STOCKWATER	WHITEMAN, MARVIN E	FROM 01-01 TO 12-31	0.100 CFS	5.40 AF/A

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

Y() N(☒)

* IF YES, COMPLETE OVERLAP REVIEW:

OTHER RIGHTS LISTED IN CLAIM: A65-02923E (A PORTION OF 65-02923X)

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(☒)

NOTES:

TOTAL ACRES: 77 N/A()

REVIEWED BY: SB

DATE: 8/17/99

A. AJ CLAIMED USES:

PURPOSE OF USE	PERIOD OF USE (MONTH/DAY)	DIV. RATE FOR EACH USE	DIV. VOL. FOR EACH USE
A65-02923D IRRIGATION	FROM 04-15 TO 10-15	0.183 CFS	
TOTAL DIVERSION RATE/VOLUME		0.183 CFS	

B. WR RECORDED USES:

PURPOSE OF USE	PERIOD OF USE (MONTH/DAY)	DIV. RATE FOR EACH USE	DIV. VOL. FOR EACH USE
----------------	---------------------------	------------------------	------------------------

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(☐)

PAGE: 10

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

10

CLAIM NUMBER: A65-02923D

NOTES:

AJ CLAIM TOTAL DIVERSION RATE: 0.183 CFS

WR ROOT RIGHT TOTAL DIVERSION RATE: 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 27 x 0.02 CFS/ACRE = 1.54 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 = AF/A

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

TOTAL DIVERSION VOLUME _____ AF/A

3. IRRIGATION CONSUMPTIVE USE

CLAIMED CONSUMPTIVE USE = 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 ()

RECOMMENDATIONS: CHECK HERE IF RECOMMENDED AS CLAIMED (X)

REC. PURPOSE OF USE	REC. PERIOD		REC. DIV		REC. DIV		REC. CONS.	
	FROM	TO	RATE	CFS	VOL.	AF/A	USE	
IRRIGATION	04-15	10-15	DATABASE 0.183	EXAMINER _____	DATABASE	EXAMINER _____	DATABASE 0.0	EXAMINER _____
_____	_____	_____		_____		_____		_____
_____	_____	_____		_____		_____		_____
_____	_____	_____		_____		_____		_____
_____	_____	_____		_____		_____		_____
TOTAL FOR THIS RIGHT				_____		_____		_____

NON-IRRIGATION USES CLAIMED:

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

REVIEWED BY: JB DATE: 8/17/99

FLAG: _____
STANDARD CONDITIONS (CODE): _____

STANDARD REMARKS (CODE):

EXPLANATORY CONDITIONS (CODE):

EXPLANATORY REMARKS (CODE):

A. CHECK ONLY THE FOLLOWING THAT APPLY:

	ACCEPTED AS CLAIMED	NEEDS REVIEW
OWNERSHIP _____	()	()
FORFEIT/ABANDON _____	()	()
ADDITIONAL DIV. AMOUNT _____	()	()

B. SPLIT WATER RIGHT REVIEW

ROOT WATER RIGHT NUMBER: 65-02923

TOTAL DIVERSION RATE OF WR SPLITS	DATABASE 3.200	EXAMINER _____	CFS
-----------------------------------	-------------------	-------------------	-----

SPLITS:

OLD RIGHT NUMBERS	CURRENT CLAIM NUMBERS	DIVERSION RATE	CURRENT "R" CLAIM NUM.	"R" DIV. RATE	WR RIGHT NUMBERS	DIVERSION RATE
-	A65-02923B	0.220	-	-	65-02923A	0.400
-	A65-02923C	1.520	-	-	65-02923X	2.800
-	A65-02923D	0.183	-	-	-	-
-	A65-02923E	1.283	-	-	-	-

TOTAL CFS	3.206	3.200
-----------	-------	-------

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:

Original "A" split into B 22 cfs 91 acres
D 18 cfs 77 acres
40 168

=====

AUTHENTICATION:

SIGNATURE: _____

David Bode

DATE: _____

8/17/99

NAME OF FIELD EXAMINER: _____

TITLE: _____

=====

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 _____ IDWR ID NO. _____	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()
(X) OTHER <u>GIS map</u>	DATE <u>8/17/99</u>	Y(X) N()
() OTHER _____	DATE _____	Y() N()
() OTHER _____	DATE _____	Y() N()

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 _____	_____	_____
() 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 _____	_____	_____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

07:57:11
04/29/99

PAGE: 17
QUICKLOOK INFORMATION

17
CLAIM NUMBER: A65-029230

WR ELEMENT	DATA DISCREPANCY Y/N	CORRESPONDENCE SENT/RECEIVED BY WHOM/DATE	FIELD EXAM BY WHOM/DATE	CHANGE CLAIM Y/N	ELEMENT DOCUMENTED WHOM/DATE	COMPLETED REVIEW WHOM/DATE	COMPLETED DATA ENTRY WHOM/DATE	VERIFIED DATE WHOM/DATE
PRIORITY DATE	Y				Donna	SB 8-17-99		
POINT OF DIV	Y							
SOURCE	Y							
PLACE OF USE	Y							
DIV. AMOUNT CFS/VOLUME	Y							
CONSUMPTIVE USE	-							
PURPOSES OF USE	Y							
PERIOD OF USE	Y							
BASIS OF CLAIM	Y							
REMARKS	Y							

BARCODE UPDATED
WHOM/DATE

MEMO TO FILES: A65-02923B, 02923C
A65-02923D, 02923E

FROM: Helen Harrington-Thornton

DATE: August 3, 1990

Original decreed rt. 65-02923A has been split into
A65-02923B - Ostermiller
A65-02923D - Whiteman/Neff

Original decreed rt. 65-02923X has been split into
A65-02923C - Ostermiller
A65-02923E - Whiteman/Neff

It appears that the original owner, Stringer, lost the property to the banks. Ostermiller purchased the property from Farm Credit Service. That Sales Agreement, attached to the Ostermiller claims, identifies the specific decreed rt. numbers and lists the total diversion rate as part of the sale; the sales agreement is dated September 9, 1987.

The Whiteman/Neff purchase was recorded on July 7, 1987; copy of warrenty deed of the transfer from Stringer to Idaho Bank and Trust Co., and the follow-up transfer from Idaho Bank and Trust Co. to Whiteman/Neff are attached to Whiteman/Neff claims. This initial deed includes the standard phrase that the purchase includes water rights without any specific identification.

Therefore, I believe that the Farm Credit Service did not hold title to the entire diversion rate which they referred to in the Ostermiller sales agreement. Since the Whiteman/Neff purchase occurred first, that decreed right would have split at the time of this first purchase.

Unless other information comes forward, it would appear that the Ostermillers have a 91/168 portion of each right and Whiteman/Neff have a 77/168 portion. Whiteman/Neff have claim these proportions.

MICROFILMED

SEP 21 1992

Thomas W Kerr
RLS

KERR SURVEYING
PO Box 853
McCall, Idaho
July 5, 1988

Joel W Droulard
RLS

State of Idaho
Department of Water Resources
450 West State Street
Boise, ID 83702

Attn: Carter Fritchle, Senior water resources agent

RE: Water Rights No. 65-02923A and 65-02923X

Dear Sirs:

Mr. Marvin E. Whiteman, Jr. and Mr. Bryce H. Neff have recently purchased property having water rights in the Snake River Basin water system in Idaho.

The parcel of land is the N 1/2 of the NE 1/4 and the NE 1/4 of the NW 1/4, Section 10, T. 18 N., R. 3 E., B. M., Valley County, Idaho. It is covered by a portion of Water Rights No. 65-02923A and 65-02923X which were owned by C. John Stringer.

Enclosed are copies of Warranty Deeds showing conveyance of title from C. John Stringer to Idaho Bank and Trust Co. and thence to Marvin E. Whiteman and Bryce H. Neff.

Please send any correspondence relative to this water right to Kerr Surveying, Box 853, McCall, ID 83638. Telephone (208) 634-2686.

Sincerely,

Thomas W. Kerr
RLS 998, Idaho

enc: 2 deeds

cc: Marvin E. Whiteman
Bryce H. Neff

RECEIVED

AUG 26 1988

Department of Water Resources
Western Regional Office

MICROFILMED

SEP 21 1992

Idaho Dept of Water Resources

Claim No(s): 65-02923D, *E*

Claimant(s) Whiteman

T18N, R03E, S 10

Prepared by: Sue Bock

Date: 08/17/1999



Place of Use



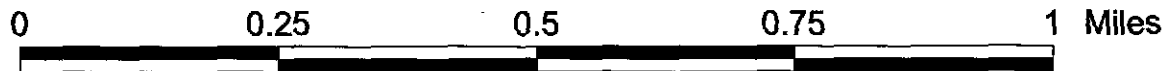
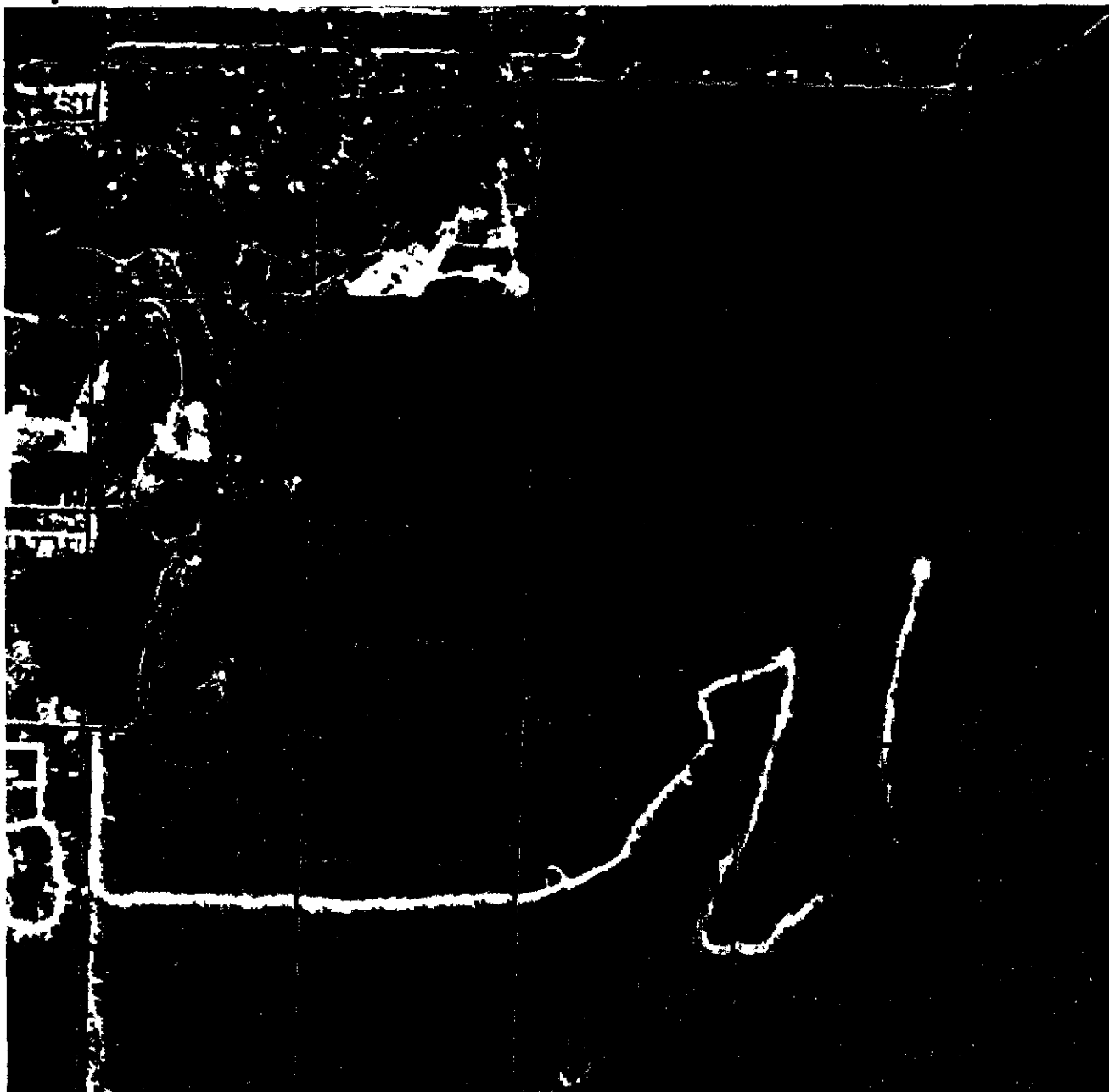
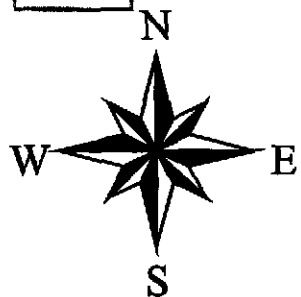
Point of Diversion



Section lines



1/4 1/4 lines



1987 NAPP Photo