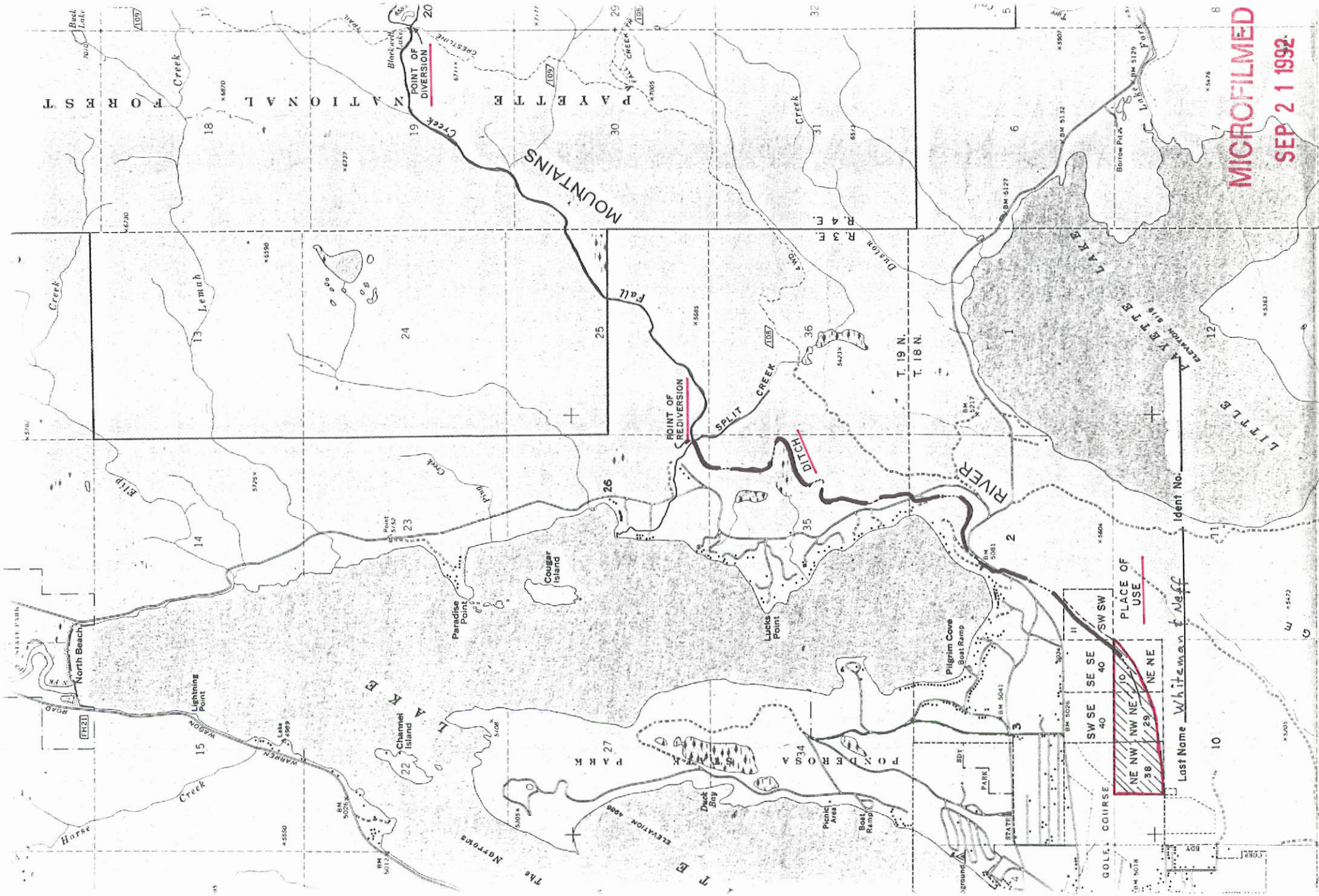




MICROFILMED

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. Mc

at 59 minutes past 10

o'clock A M. This

day of July 1982

In my office and duly recorded in

Dr. # 5 of Deeds

John T. Mc
Lx Office Recorder

By J. H. Harkins Deputy

Fee \$ 12.00

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.

EXHIBIT A

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SEP 21 1992

PROPOSED FINDING OF WATER RIGHTS - PAYETTE RIVER DRAINAGE

INDICATES TOTAL

RIGHT NUMBER	NAME AND ADDRESS	PRIORITY DATE	USE	USE PERIOD FROM TO	MAX AMOUNT MAX RATE	DIVERSION POINT	PLACE OF USE AND ACREAGE	BASIS FOR RIGHT
SOURCE: FALL CREEK <u>SPLIT CREEK</u>								
65-2923A VOL. II PG. 133	CONNECTICUT MUTUAL LIFE INSURANCE CO- 420 GARDEN STREET, HARTFORD, CONNECTICUT 06605 STRINGER, C. JOHN RT. 3, BOX 720 ONTARIO, OR 97914 REMARKS: THIS RIGHT WHEN COMBINED WITH RIGHT 65-2923X SHALL PROVIDE NO MORE THAN .02 CFS/ACRE. POINTS OF RE-DIVERSION IN SESE, S-26, T-19N, R-3E.	7/ 1/1929	IRRIGATION	4/15 10/15	--- AFA .40 CFS	SWNW 620 T19N R04E SESE S26 T19N R03E	SWSE(40) SESE(40) S 3 T18N R 3E NENE(10) NWNE(29) NENW(38) S10 T18N R03E SWSW(11) S 2 T18N R03E *168*	LICENSE
SOURCE: FALL CREEK								
65-2923X VOL. II PG. 133	CONNECTICUT MUTUAL LIFE INSURANCE CO- 420 GARDEN STREET, HARTFORD, CONNECTICUT 06605 STRINGER, C. JOHN ROUTE 3, BOX 720 ONTARIO, OR 97914 REMARKS: THIS RIGHT WHEN COMBINED WITH RIGHT 65-2923A SHALL PROVIDE NO MORE THAN .02 CFS/ACRE. POINT OF RE-DIVERSION IN SESE, S. 26, T.19N, R.3E.	7/ 1/1929	IRRIGATION	4/15 10/15	--- AFA 2.80 CFS	SWNW S20 T19N R04E	SWSE(40) SESE(40) S 3 T18N R03E NENE(10) NWNE(29) NENW(38) S10 T18N R03E SWSW(11) S 2 T18N R 3E *168*	LICENSE
			IRRIGATION FROM STOR	4/15 10/15	178.00 AFA --- CFS *---*AFA *2.80*CFS		SAME AS OTHER USE	

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: **A65-02923E**
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: FALL CREEK Trib. to: BIG PAYETTE LAKE

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
19N	04E	20	SW	NW			VALLEY

5. Description of diverting works:
14' DAM ON BLACKWELL LAKE WITH 3' DIA. HEADGATE TO FALL CK.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/15	10/15	1.283		
IRRIGATION FROM STORAGE	04/15	10/15			81.60

7. Total Quantity Appropriated is:
1.283 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
			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:

A65-02923D (A PORTION OF 65-02923A)

14. Remarks:

THIS CLAIM IS FOR IRRIGATION WATER FOR 77 ACRES OF THE ORIGINAL
168 ACRES COVERED UNDER WATER RT. 65-02923X.
POINT OF REDIVERSION IN THE SE1/4, SE1/4, SEC. 26, T19N, R3E.
ADDRESS CORRECTION 10/27/99 SB

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: / /

Decree Plaintiff

vs Decree Defendant

RECEIVED
OCT 27 1999
WATER RESOURCES
WESTERN REGION

**WATER RESOURCES
WESTERN REGION**

65-02923D-4E

MARVIN E WHITEMAN JR

BRYCE H. NEFF

2254 BRANIFF ST.

BOISE ID 83706

PO Box 1974

McLALL ID 83638

(a) 634-5129

Known E. W. Thompson. Bryce H. Naff.

10-26-99

10/26/90

JS

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: A65-02923E
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: FALL CREEK Trib. to: BIG PAYETTE LAKE

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
19N	04E	20	SW	NW			VALLEY

5. Description of diverting works:
14' DAM ON BLACKWELL LAKE WITH 3' DIA. HEADGATE TO FALL CK.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/15	10/15	1.283		
IRRIGATION FROM STORAGE	04/15	10/15			81.60

7. Total Quantity Appropriated is:
1.283 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
			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:
A65-02923D (A PORTION OF 65-02923A)

14. Remarks:
THIS CLAIM IS FOR IRRIGATION WATER FOR 77 ACRES OF THE ORIGINAL
168 ACRES COVERED UNDER WATER RT. 65-02923X.
POINT OF REDIVERSION IN THE SE1/4, SE1/4, SEC. 26, T19N, R3E.

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: _____

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 _____

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: 39356

Ident. Number

465-02923E

Date Received

8-24-88

Receipt Number

Exempt
JP

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

RECEIVED

AUG 26 1988

No ✓

Department of Water Resources
Western Regional Office

Please type or print clearly

1. Name of Claimant (s) Marvin E. Whiteman, Jr. & Bryce H. Neff Phone (208) 336-7650

Mailing Address 2254 Braniff St., Boise, Idaho Zip 83706

2. Date of Priority (Only one (1) per claim) July 1, 1929

3. Source of water supply (a) Fall Creek
which is tributary to (b) Big Payette Lake

4. a. Location of existing point of diversion is: Township 19 N Range 4 E Section 20,
SW 1/4 of NW 1/4 of _____ 1/4, Govt. Lot, _____ B.M., County of VALLEY

Additional points of diversion if any: _____

b. If instream flow, beginning point of claimed instream flow is:

Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4,
Govt. Lot _____ B.M., County of _____
ending point is: Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____
_____ 1/4, Govt. Lot _____ B.M., County of _____

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well. / A 14 foot high dam on Blackwell Lake
with a 3 foot diameter head gate to Fall Creek

Point of redirection in the SE 1/4 of the SE 1/4, Section 26, T. 19 N., R. 3 E.

MICROFILMED

Copies: White State, Yellow Claimant

SEP 21 1992

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 1.283 or _____

For Irr. from Storage purposes from 04/15 to 10/15 amount _____ or 81.6

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 1.283 (cfs) and/or (b) 81.6 (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. 65-2923A or None ()

14. Remarks: The claim is for irrigation water for 77 acres of the original 168 acres covered under water right no. 65-02923X

Last Name /Whiteman/Neff

Ident No. 465-02923A

Copies White Blue Yellow Orange

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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 65-02923A

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)

[Signature]
[Signature]

Date 7/19/88

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 _____

Title

of _____

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 _____)

) SS.

County of Ada)

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

SEAL

Notary Public

[Signature]

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 _____

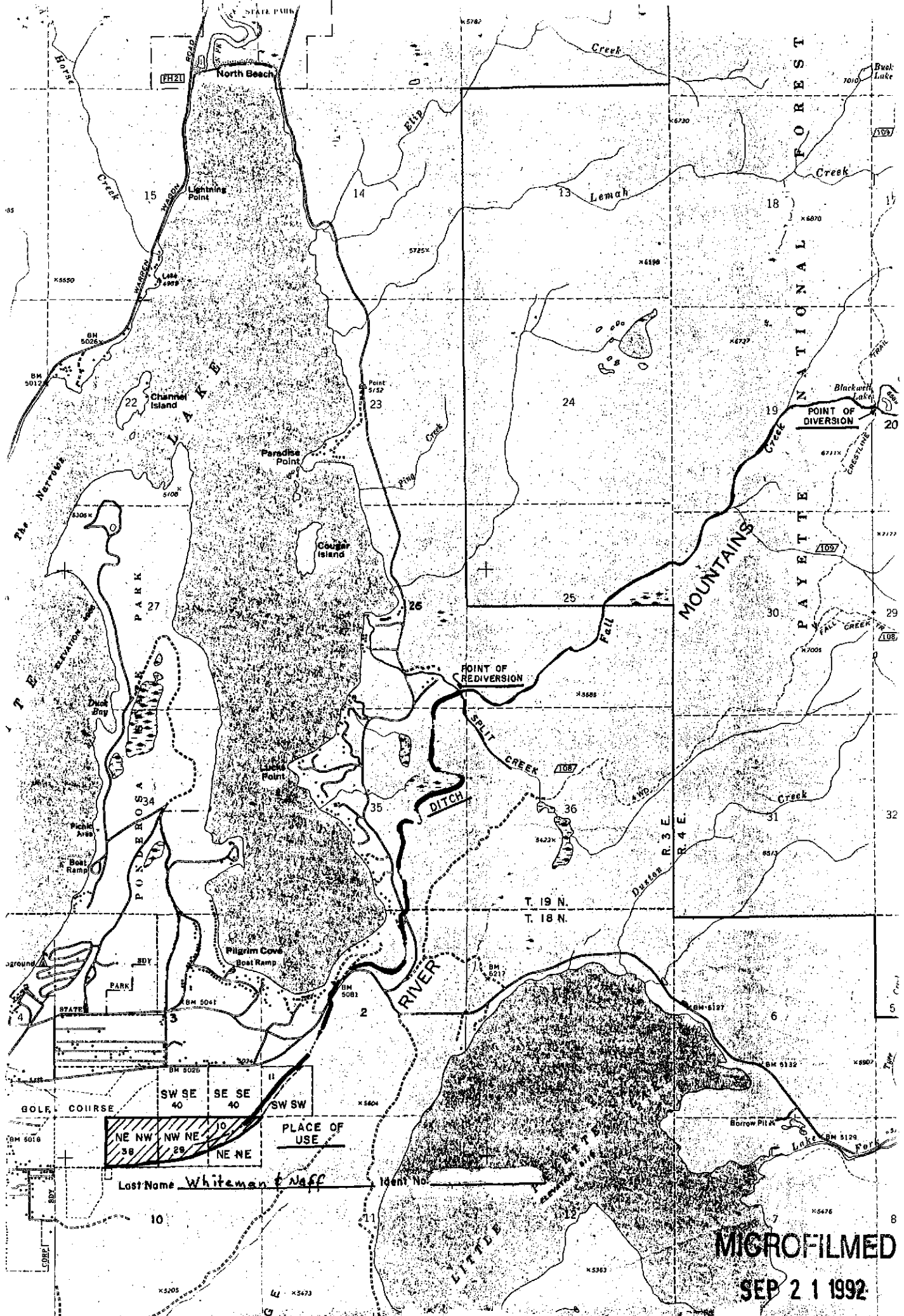
Address _____

Date _____

Last Name _____ Ident. Number _____

MICROFILMED
Copies White-State, Yellow-Claimant

SEP 21 1992



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), ~~and hereafter to be known as the husband and wife~~ grantee of 2254 Braniff St. Boise, Idaho 83706 for the sum of

the following described tract(s) of land in Valley DOLLARS, State of Idaho: 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 (CORPORATE NAME)
J. Craig Rowe Vice PRESIDENT
Attest: Gary R. Wilson Asst. SECRETARY

State of Idaho ss.
County of _____
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.

Notary Public
My residence is Boise, Idaho
My commission expires 9-21-93
(NOTARY SEAL)

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 1988, in my office, and duly recorded in Book 5
of Deeds strage

Leslie J. Jansen
Ex-Officio Recorder

By K. Haskins Deputy.
Fees \$ 3.00
Mail to:

COMPARED _____
INDEXED - DIRECT _____
INDEXED - INDIRECT _____

251011

MICROFILMED

SEP 21 1992

Richard Valle

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 $\frac{1}{2}$ 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

MICROFILMED
SEP 21 1992

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 P. Stringer
Judith P. Stringer

STATE OF IDAHO }
County of Ada } ss.

On this 30 day of June, 1987, before me, Teddy 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.

Teddy R. McDaniel
Notary Public for Idaho
Residing at Boise, Idaho
My commission expires on Oct., 1987

STATE OF IDAHO

County of Ada ss.

On this 30 day of June, 1987, before me, Donna R. [Signature], 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.

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

WARRANTY DEED - 3

MICROFILMED

SEP 21 1992

STATE OF IDAHO,
County of Valley.

I hereby certify that this instrument
was filed for record at the request of
Mrs. T. H. H.
at 59 minutes past 10
o'clock A. M. This 2d
day of July, 1902
in my office and duly recorded in
Book 15 of Deeds
by John S. Duke
Ex. Off. Recorder
Fee \$ 12.00

EXHIBIT A

MICROFILMED
SEP 21 1992

4/5/1989

SRBA CLAIMS RECEIVING CHECKLIST #2

CLAIMANT'S NAME

Whiteman / Nelt

CLAIM IDENT. NO.

AG5-029236

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?
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: RAO

Date:

8-3-90

Claim must be returned to claimant:

☐ (Yes) ☐ (No)

Claimant must be notified of modifications:

☐ (Yes) ☐ (No)

Receipt Prepared by:

Claim data entered by:

Sent to claimant by:

Date:

Date:

Date:

Checked by:

Date:

Comments:

These were recently removed from Carter's "hold" pile

MICROFILMED

SEP 21 1992

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

(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' folder
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
AGS 2923 E

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State of Idaho

DEPARTMENT OF WATER RESOURCES

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

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

May 4, 2001

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.

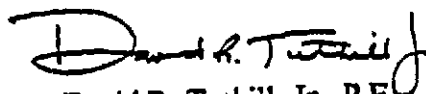
IDWR recognizes that in reliance on the non-irrigation season stockwater language in the Payette Adjudication, water users might not have filed stockwater claims in the SRBA to cover the non-irrigation season period. Individuals who historically watered livestock during the non-irrigation season without 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. R65-02923E

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	1.283 CFS	
C	BRYCE H NEFF		IRRIGATION STORAGE	01-01 12-31		81.60 AFA
	PO BOX 1974		IRRIGATION FROM STORAGE	04-15 10-15		81.60 AFA
	MC CALL ID 83638					
	(208) 634-5129					
				TOTAL DIVERSION:	1.283 CFS	81.60 AFA

Water Source: FALL CREEK

Tributary to: BIG PAYETTE LAKE

Stage: DECREED

Point(s) of Diversion: T19N R04E S20 SWSNW

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

Place of use location for IRRIGATION FROM STORAGE is the same location as described for: IRRIGATION

POU County: VALLEY

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

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. 65-02923X.
POINT OF REDIVERSION IN THE SE1/4, SE1/4, SEC. 26, T19N, R3E.

Date: 09/21/1999 User-ID: SBOCK Subject: STORAGE
YEAR ROUND STOR WAS ADDED TO THIS RIGHT SINCE IT IS NO LONGER
A GEN PROVISION IN THE SRBA

Date: 09/24/1999 User-ID: AJU10-JS Subject: AJU10 CONDITION UPDATE

AJ0749NP
No. R65-02923E

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

DATE: 10/27/99
PAGE: 2

=====
Comments: 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. R65-02923E

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

DATE: 09/21/99
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	1.283 CFS	
C	BRYCE H NEFF		IRRIGATION STORAGE	01-01 12-31		81.60 AFA
	2254 BRANIFF ST		IRRIGATION FROM STORAGE	04-15 10-15		81.60 AFA
	BOISE ID 83706					
	(208) 336-7650					
				TOTAL DIVERSION:	1.283 CFS	81.60 AFA

Water Source: FALL CREEK

Tributary to: BIG PAYETTE LAKE

Stage: DECREED

Point(s) of Diversion: T19N R04E S20 SWSWNW

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

Place of use location for IRRIGATION FROM STORAGE is the same location as described for: IRRIGATION

POU County: VALLEY

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

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. 65-02923X.
POINT OF REDIVERSION IN THE SE1/4, SE1/4, SEC. 26, T19N, R3E.

Date: 09/21/1999 User-ID: SBOCK Subject: STORAGE
YEAR ROUND STOR WAS ADDED TO THIS RIGHT SINCE IT IS NO LONGER
A GEN PROVISION IN THE SRBA

Audit: 09/21/99 SBOCK

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

08:01:31
04/29/99
18

PAGE: 18
PROFILE REPORT

CLAIM NUMBER: A65-02923E

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	1.28 CFS	
C	BRYCE H NEFF		IRRIGATION FROM STORAGE	04-15 10-15		81.60 AFA
TOTAL DIVERSION:					1.28 CFS	81.60

Water Source: FALL CREEK

Tributary to: BIG PAYETTE LAKE

Stage: DECREED

Point(s) of Diversion:

T19N R04E S20

SWNW

VALLEY County

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				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

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Dates: Exam Made Date:

Verified Date:

Objection Filed Date:

Misc: Water District Number:

Field Inspection Flag:
Presumption Flag:

WR5809NP
No. 65-02923X

IDaho DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 04/28/99
PAGE: 2

split into C9 E

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	C. JOHN STRINGER	07/01/1929	IRRIGATION IRRIGATION FROM STORAGE	04/15 10/15 04/15 10/15	2,800 CFS 1.285	178.00 AFA 81.6
TOTAL DIVERSION:					2,800 CFS 1.285	

Water Source: FALL CREEK

Tributary to: BIG PAYETTE LAKE

Stage: DECREED

Point(s) of Diversion: T19N R04E S20

SWNW

VALLEY County

Place of use Legal Description for: IRRIGATION

Part E

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		
18N	03E	2	:					:					:					:						11.0
18N	03E	3	:					:					:					:						80.0
18N	03E	10	:	10		29		:	38				:					:						77.0
TOTAL ACRES																							168.0	

77

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Pou County: VALLEY

Other Water Rights Listing Overlapping Place(s) of use:

65-02923A 65-13119 65-13597 65-13724 65-13796

Remarks: GEN POINT OF RE-DIVERSION IN SESE, S.26, T.19N, R.3E.
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 original*

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

08:01:04
04/29/99

PAGE: 1
GENERAL INFORMATION

1
CLAIM NUMBER: A65-02923E

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. 65-02923X.
POINT OF REDIVERSION IN THE SE1/4, SE1/4, SEC. 26, T19N, R3E.

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: # A65-02923E 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:

REVIEWED BY JB

DATE 8/1/99

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
A65-02923E	19N 04E	20		SW	NW			VALLEY		

OTHER AJ CLAIMS WITH SAME AJ POD
A PREFIX R PREFIX
A65-02923C 65-22142
A65-22142

WR RECORDS IN SAME 40 ACRE TRACT
65-02923X

SOURCE: FALL CREEK

TRIB: BIG PAYETTE LAKE

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
A65-02923D
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 (X)

TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	POD FLAG	COUNTY VALLEY	DIVERSION NAME	DIVERSION NBR
19N	04E	20	SW	SW	NW					
_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____

SOURCE: _____ TRIB: _____

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	A65-02923E / 10.0	- /		7.0	
			NE	NE		WHITEMAN JR, MARVIN E	A65-02923D / 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	A65-02923E / 29.0	- /		22.0	
			NW	NE		WHITEMAN JR, MARVIN E	A65-02923D / 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	A65-02923E / 38.0	- /		35.0	
			NE	NW		WHITEMAN JR, MARVIN E	A65-02923D / 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 A65-02923E 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
A65-02923E	FALL CREEK	WHITEMAN JR, MARVIN E	1.283	0.016		
A65-02923D	SPLIT CREEK	WHITEMAN JR, MARVIN E	0.183	0.002		

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: A65-02923D (A PORTION OF 65-02923A)

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
A65-02923E IRRIGATION	FROM 04-15 TO 10-15	1.283 CFS	
A65-02923E IRRIGATION FROM STORAGE	FROM 04-15 TO 10-15		81.60 AF/A
TOTAL DIVERSION RATE/VOLUME		1.283 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(☒)

NOTES:

AJ CLAIM TOTAL DIVERSION RATE: 1.283 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 77 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 ()

NOTES:

RECOMMENDATIONS: CHECK HERE IF RECOMMENDED AS CLAIMED (___)

REC. PURPOSE OF USE	REC. PERIOD		REC. DIV		REC. DIV		REC. CONS.	
	FROM	TO	RATE CFS		VOL. AF/A		USE	
IRRIGATION IRRIGATION FROM STORAGE	04-15	10-15	DATABASE	EXAMINER	DATABASE	EXAMINER	DATABASE	EXAMINER
	04-15	10-15	1.283	_____	81.60	_____	0.0	_____
_____	_____	_____	_____	_____	_____	_____	0.0	_____
_____	_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____	_____
TOTAL FOR THIS RIGHT				_____		_____		_____

NON-IRRIGATION USES CLAIMED:

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

REVIEWED BY: _____ DATE: _____

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	FIELD EXAMINER
N	Y() N()

NOTES:

=====

AUTHENTICATION:

SIGNATURE: _____

DATE: _____

NAME OF FIELD EXAMINER: _____

TITLE: _____

=====

GIS map w/105-02923D

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()
() OTHER _____	DATE _____	Y() 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

08:01:04
04/29/99

PAGE: 17
QUICKLOOK INFORMATION

17
CLAIM NUMBER: A65-02923E

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			2	Doc 11 Doc 1	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

FILED

MAY 5 1980

O'GLOCK

1st THOMAS R. KOLONICKS CLERK

1st DEBBIE BROWN DEPUTY

RECEIVED

MAY 9 1980

Department of Water Resources

DAVID H. LEROY
Attorney General
State of Idaho
Statehouse, Room 210
Boise, Idaho 83720
Telephone: (208) 384-2400

JOSEPHINE P. BEEMAN
MICHAEL H. HYER
Deputy Attorneys General
Department of Water Resources
Statehouse
Boise, Idaho 83720
Telephone: (208) 334-4448

IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF GEM

IN THE MATTER OF THE GENERAL	)	
DETERMINATION OF THE RIGHT TO THE	)	Civil No. 3667
USE OF SURFACE AND GROUNDWATERS	)	
OF THE PAYETTE RIVER DRAINAGE	)	STIPULATION RESOLVING
BAS. I.	)	STRINGER OBJECTION

COME NOW The Director of the Idaho Department of Water
Resources and C. John Stringer, through their undersigned
attorneys, and do stipulate as follows:

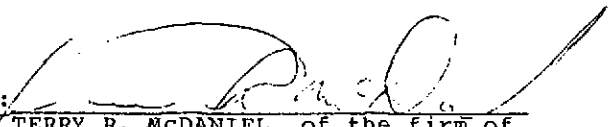
1. That the Proposed Finding of Water Rights in the above-
entitled action be amended to conform with Exhibit A, ^{and B} attached
hereto and incorporated herein by this reference.

2. That this amendment resolves entirely the objections
filed by C. John Stringer.

DATED this 22 day of April, 1980

Phillip J. Rossier
MICHAEL H. HYER
Deputy Attorney General
Attorney for the Idaho
Department of Water Resources

1 DATED this 24 day of April, 1980

2
3
4 BY: 
5 TERRY R. MCDANIEL, of the firm of
6 BRADY & MCDANIEL
7 Attorneys for C. John Stringer

8
9 APPROVED this _____ day of April, 1980.

10 GILBERT C. NORRIS
11 District Judge
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State of Texas
State Bar of Texas
Box 15400
Telephone (214) 384-2100

10 December 1981 - clerk confirmed that the Judge did sign it

PROPOSED FINDING OF WATER RIGHTS - PAYETTE RIVER DRAINAGE

INDICATES TOTAL

RIGHT NUMBER	NAME AND ADDRESS	PRIORITY DATE	USE	USE PERIOD FROM TO	MAX AMOUNT MAX RATE	DIVERSION POINT	PLACE OF USE AND ACREAGE	BASIS FOR RIGHT
SOURCE: FALL CREEK			SPLIT CREEK			TRIBUTARY TO: BIG PAYETTE LAKE FALL CREEK		
65-2923A VOL. II PG. 133	CONNECTICUT MUTUAL LIFE INSURANCE CO. 420 GARDEN STREET, HARTFORD, CONNECTICUT 06605 STRINGER, C. JOHN RT. 3, BOX 720 ONTARIO, OR 97914 REMARKS: THIS RIGHT WHEN COMBINED WITH RIGHT 65-2923X SHALL PROVIDE NO MORE THAN .02 CFS/ACRE. POINTS OF RE-DIVERSION IN SESE, S-26, T-19N, R-3E.	7/ 1/1929	IRRIGATION	4/15 10/15	--- AFA .40 CFS	SWNW S20 T19N R04E SESE S26 T19N R03E	SWSE(40) SESE(40) S 3 T18N R 3E NENE(10) NWNE(29) NENW(38) S10 T18N R03E SWSW(11) S 2 T18N R03E *168*	LICENSE
SOURCE: FALL CREEK						TRIBUTARY TO: BIG PAYETTE LAKE		
65-2923X VOL. II PG. 133	CONNECTICUT MUTUAL LIFE INSURANCE CO. 420 GARDEN STREET, HARTFORD, CONNECTICUT 06605 STRINGER, C. JOHN ROUTE 3, BOX 720 ONTARIO, OR 97914 REMARKS: THIS RIGHT WHEN COMBINED WITH RIGHT 65-2923A SHALL PROVIDE NO MORE THAN .02 CFS/ACRE. POINT OF RE-DIVERSION IN SESE, S. 26, T.19N, R.3E.	7/ 1/1929	IRRIGATION	4/15 10/15	--- AFA 2.80 CFS	SWNW S20 T19N R04E	SWSE(40) SESE(40) S 3 T18N R03E NENE(10) NWNE(29) NENW(38) S10 T18N R03E SWSW(11) S 2 T18N R 3E *168*	LICENSE
			IRRIGATION	4/15 10/15	178.00 AFA --- CFS *---*AFA *2.80*CFS	SAME AS OTHER USE		

EXHIBIT B
SUBJECT TO OBJECTION OF C. JOHN STRINGER,



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 -(208) 327-7900

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

August 6, 1990

Thomas W. Kerr
P.O. Box 853
McCall, ID 83638

RE: Notices of Claim to a Water Right
in the names of Marvin Whiteman and Bryce Neff
Valley County

Dear Mr. Kerr:

Enclosed please find computer-generated copies of the two claims which we discussed. These copies are for your files; please review them to verify that they are correct.

I apologize again for the delay in completing the processing on them. If you have any questions or need to discuss them, you should contact the Western Region Office at 2735 Airport Way, Boise, Idaho 83705, (208) 334-2190.

Sincerely,

Helen Harrington-Thornton
Sr. Water Rights Agent

HHT:sf:state:west

Enclosures:

Notice of Claim A65-02923D

Notice of Claim A65-02923E

MICROFILMED

SEP 21 1992

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 phase 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:

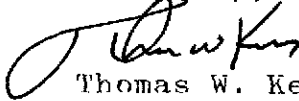
Mr. Marvin E. Whiteman, Jr. and Mr. Bryce H. Neff have recently purchased property having water rights in the Snake River Basin water system in Idaho.

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

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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
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Attn: Carter Fritchle, Senior water resources agent

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Thomas W. Kerr
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cc: Marvin E. Whiteman
Bryce H. Neff

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SEP 21 1992

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JUL - 8 1988

Department of Water Resources