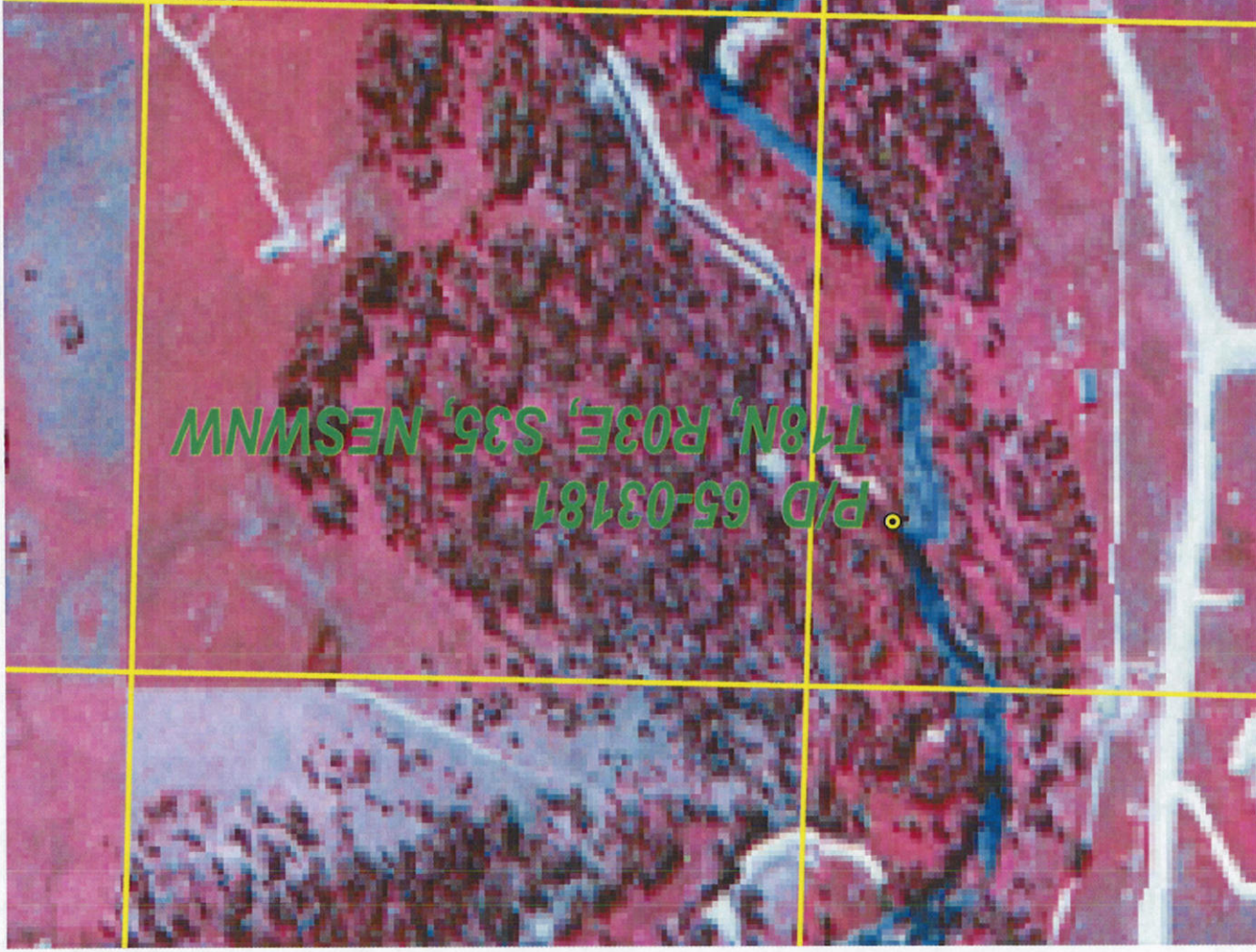
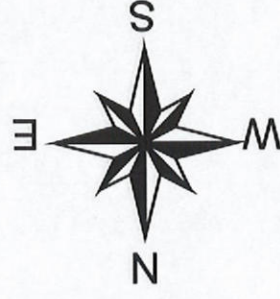


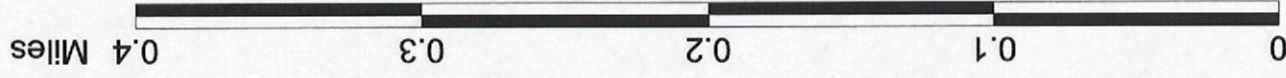
65-03181



Point of Diversion



1987 NAPP



Idaho Department of Water Resources

T16N, R03E
S03

Claim : 65-03181

Owner : Island Capital LLC

Prepared by:

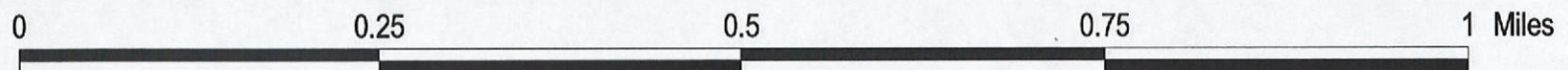
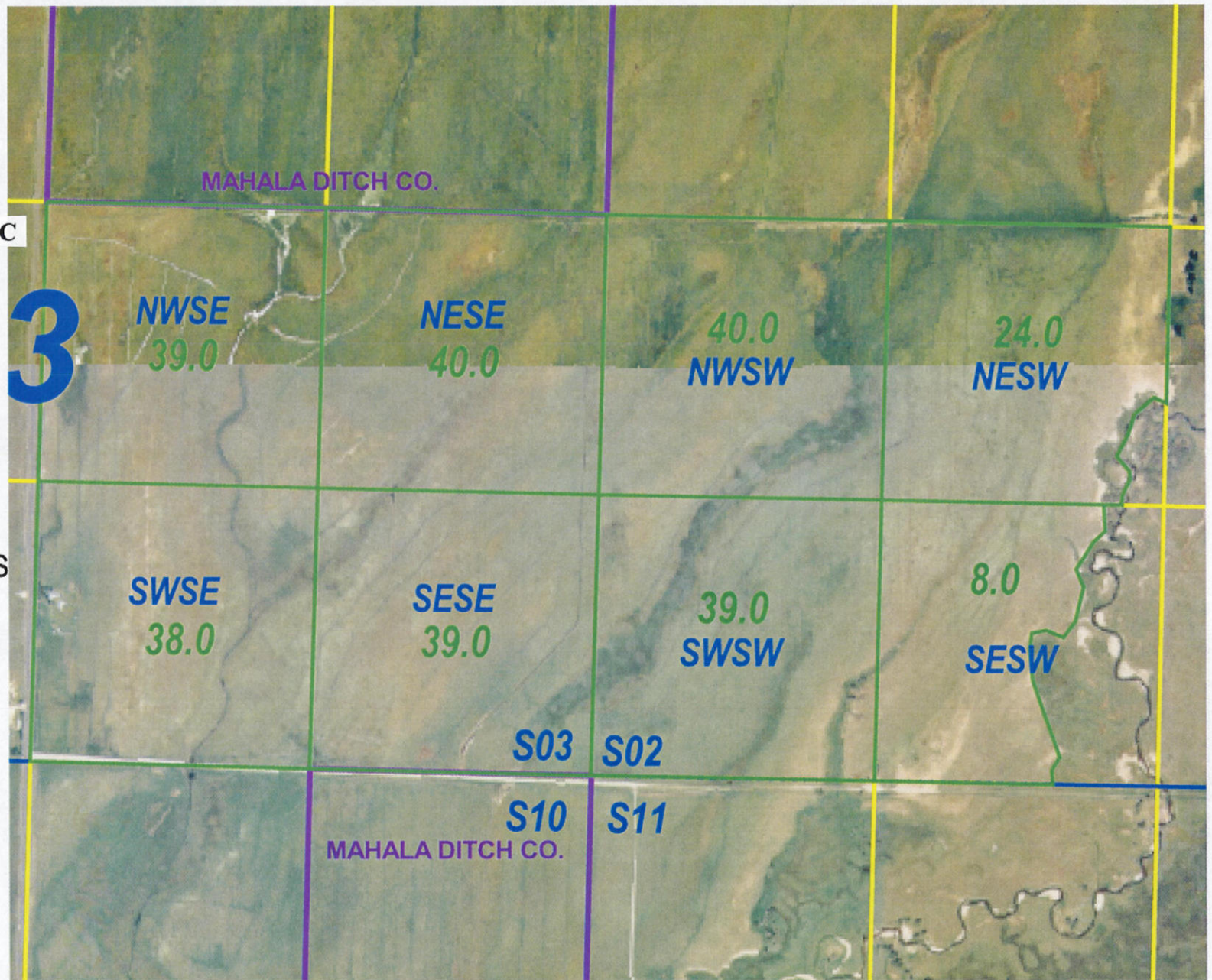
Ron Howerton

Date: 3 June 99

-  Place of use
-  POD
-  SECTION LINES
-  1/4 1/4 Lines
-  Acres



1987 NAPP



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: **A65-03181**
Date Received: 11/17/1988
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: ISLAND CAPITAL LLC
Address: C/O GRAYE H WOLFE SR
1409 E 1ST ST
MERIDIAN ID

208-288-0100

83642

2. Date of Priority: SEP 9, 1919

3. Source: LAKE FORK CREEK

Trib. to: PAYETTE RIVER, NORTH FORK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
18N	03E	35	SE	NW			VALLEY

5. Description of diverting works:

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	05/01	09/15	3.200		

7. Total Quantity Appropriated is:
3.200 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
16N	03E	2	NE	SW		IRR	24.0
			NW	SW		IRR	40.0
			SW	SW		IRR	39.0
			SE	SW		IRR	8.0

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					Section Acres	111.0
		3	NE	SE	IRR	40.0
			NW	SE	IRR	39.0
			SW	SE	IRR	38.0
			SE	SE	IRR	39.0
					Section Acres	156.0
					Total Acres	267.0

11. Place of use in counties: VALLEY

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

13. Other Water Rights Used:

14. Remarks:

THIS RIGHT WHEN COMBINED WITH RIGHTS 65-2371 & 65-7417 SHALL
PROVIDE NO MORE THAN .02 CFS/ACRE.
OWNERSHIP CHANGED BY DB 9/23/99.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: 4/ 7/1986

STATE OF IDAHO

Decree Plaintiff

A & C CORP., ET AL.

vs Decree Defendant

STATE OF IDAHO
IDAHO DEPARTMENT OF WATER RESOURCES

RECEIVED

SEP 20 1999

WATER RESOURCES
WESTERN REGION

NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

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

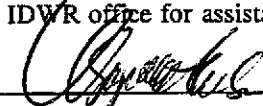
1. Water Right No(s).: 65-7417, 65-03181, 65-08482, 65-2371
 Adjudication Claim No(s).: A65-07417, A65-03181, A65-08482, A65-02371

2. The following REQUIRED information must be submitted with this form:
 - A. A copy of the most recent DEED, TITLE POLICY, CONTRACT OF SALE or other legal document indicating your ownership of the property and water rights or claims in question, WITH ATTACHED LEGAL DESCRIPTION.
AND
 - B. PLAT OF PROPERTY or SURVEY MAP for parcel of ten acres or less. (These are usually attached to your deed or on file with the county.)
OR
 - C. For water rights or adjudication claims involving ten or more irrigated acres, a USDA Farm Service Agency AERIAL PHOTO with irrigated acres outlined and point(s) of diversion clearly marked.

3. Name and Address of Former Owner/Claimant Mary L. Lodge, Norman C. Lodge, Jr., N.C. Lodge, William M. Lodge, Lodge Brothers Box 128, Caldwell, ID 83605
ISLAND CAPTOR, LLC.
4. New Owner/Claimant(s) Graye Wolfe a/k/a Graye H. Wolfe, Sr.
 Name Connector (Check one): ☐ and, ☐ or, ☐ and/or
 New Mailing Address 1409 E. 1st Street, Meridian, ID 83642
 City, State and ZIP Code _____
 New Telephone Number (208) 288-0100

5. Date you acquired the property SEPTEMBER 15, 1999

6. If you have acquired only a portion of the former owner's property, IDWR may need to split the water right(s) or adjudication claim(s). If this applies, describe in detail your portion of each water right or adjudication claim in the spaces below. If necessary, attach additional pages.
 Number of acres you irrigate 250 ACRES (approx) Number and type of stock 200-300 TOTAL COMMERCIAL COWS WITH CALVES.
 Diversion rate in CFS 6.350 Number of homes 1 Other uses NONE
 If a water right or adjudication claim is being split and you are not sure how to identify your portion of the original right or claim, please contact the nearest IDWR office for assistance.

7. Signature of New Owner or Claimant(s)  Graye H. Wolfe, Sr.
MEMBER, ISLAND CAPTOR LLC.
 (Corporations or other organizations must submit a list of directors and/or officers demonstrating authority to sign form.)

8. For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him or her for all matters related to your claims..

INSTRUCTIONS

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

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

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

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

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

you:
Mail to
 →

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

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

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

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

WARRANTY DEED

FOR VALUE RECEIVED

LODGE BROTHERS PARTNERSHIP, an Idaho partnership, and NORMAN C. LODGE, aka Norman C. Lodge, Jr., a married man dealing with his sole and separate property, and WILLIAM M. LODGE, a married man dealing with his sole and separate property, and EDWARD J. LODGE, a married man dealing with his sole and separate property, and ROLAND R. LODGE, a married man dealing with his sole and separate property

GRANTOR(s), does(do) hereby GRANT, BARGAIN, SELL AND CONVEY unto: ISLAND CAPITOL, L.L.C., an Idaho limited liability company

GRANTEES(s), whose current address is: 1409 E 1st St, Meridian, ID 83642 the following described real property in Valley County, State of Idaho, more particularly described as follows, to wit:

The SE 1/4 of Section 3, Township 16 North, Range 3 East, Boise Meridian, Valley County, Idaho; and the SW 1/4, and the W1/2 of the SE1/4, of Section 2, Township 16 North, Range 3 East, Boise Meridian, Valley County, Idaho.

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

Date: September 8, 1999

LODGE BROTHERS PARTNERSHIP:

Norman C. Lodge
Norman C. Lodge, Partner

William M. Lodge
William M. Lodge, Partner

Edward J. Lodge
Edward J. Lodge, Partner

Roland R. Lodge
Roland R. Lodge, Partner

Norman C. Lodge
Norman C. Lodge

William M. Lodge
William M. Lodge

Edward J. Lodge
Edward J. Lodge

Roland R. Lodge
Roland R. Lodge

State of Idaho, County of Ada, ss.

On this 8th day of September in the year of 1999, before me, the undersigned, a Notary Public in and for said State, personally appeared Norman C. Lodge, William M. Lodge, Edward J. Lodge, Roland R. Lodge known or identified to me to be the person(s) whose name(s) is/are subscribed to the foregoing instrument and acknowledged to me that he/she/they executed the same.

Paula J. Doe
Notary Public



Residing at: _____
My Commission Expires: _____

Residing in Meridian, Idaho
Commission expires 11-12-04

State of Idaho, County of Ada, ss.

On this 9th day of September in the year of 1999, before me, the undersigned, a Notary Public in and for said State, personally appeared Norman C. Lodge, William M. Lodge, Edward J. Lodge, Roland R. Lodge known or identified to me to be all of the partners in the partnership of Lodge Brothers Partnership and the partners who subscribed said partnership's name to the foregoing instrument, and acknowledged to me that he/she/they executed the same in said partnership name..

Paula J. Doe
Notary Public



Residing at: _____
My Commission Expires: _____

Residing in Meridian, Idaho
Commission expires 11-12-04

TRANSACTION TITLE & ESCROW, INC.

COMMITMENT**RECEIVED****SEP 20 1999**WATER RESOURCES
WESTERN REGION

M-0766-99

1. Effective Date: 5 th day of August 1999 at 9:00 a.m.

2. Policy or Policies to be issued:

Amount

(a) ALTA Owner Policy 10-17-92

Proposed Insured:

Graye Wolfe

(b) ALTA Loan Policy 10-17-92

\$

Proposed Insured:

*

3. The estate or interest in the land described or referred to in this Commitment and covered herein is fee simple and is at the effective date hereof vested in

Lodge Brothers Partnership and Norman C. Lodge aka Norman C. Lodge, Jr. and William M. Lodge and Edward J. Lodge and Roland R. Lodge

4. The land referred to in this Commitment is situated in the County of Valley, State of Idaho, and described as follows:

The SE1/4 of Section 3, Township 16 North, Range 3 East, Boise Meridian, Valley County, Idaho; and the SW1/4, and the W1/2 of the SE1/4, of Section 2, Township 16 North, Range 3 East, Boise Meridian, Valley County, Idaho.

Mountain Title & Escrow Company, Inc.
Cascade, Idaho 83611

Countersigned: _____

Authorized Officer or Agent

Valid Only if Schedule B and Cover Are Attached

PA3
ALTA Commitment - Schedule A
Form 1004-223 (Rev. 5-93)

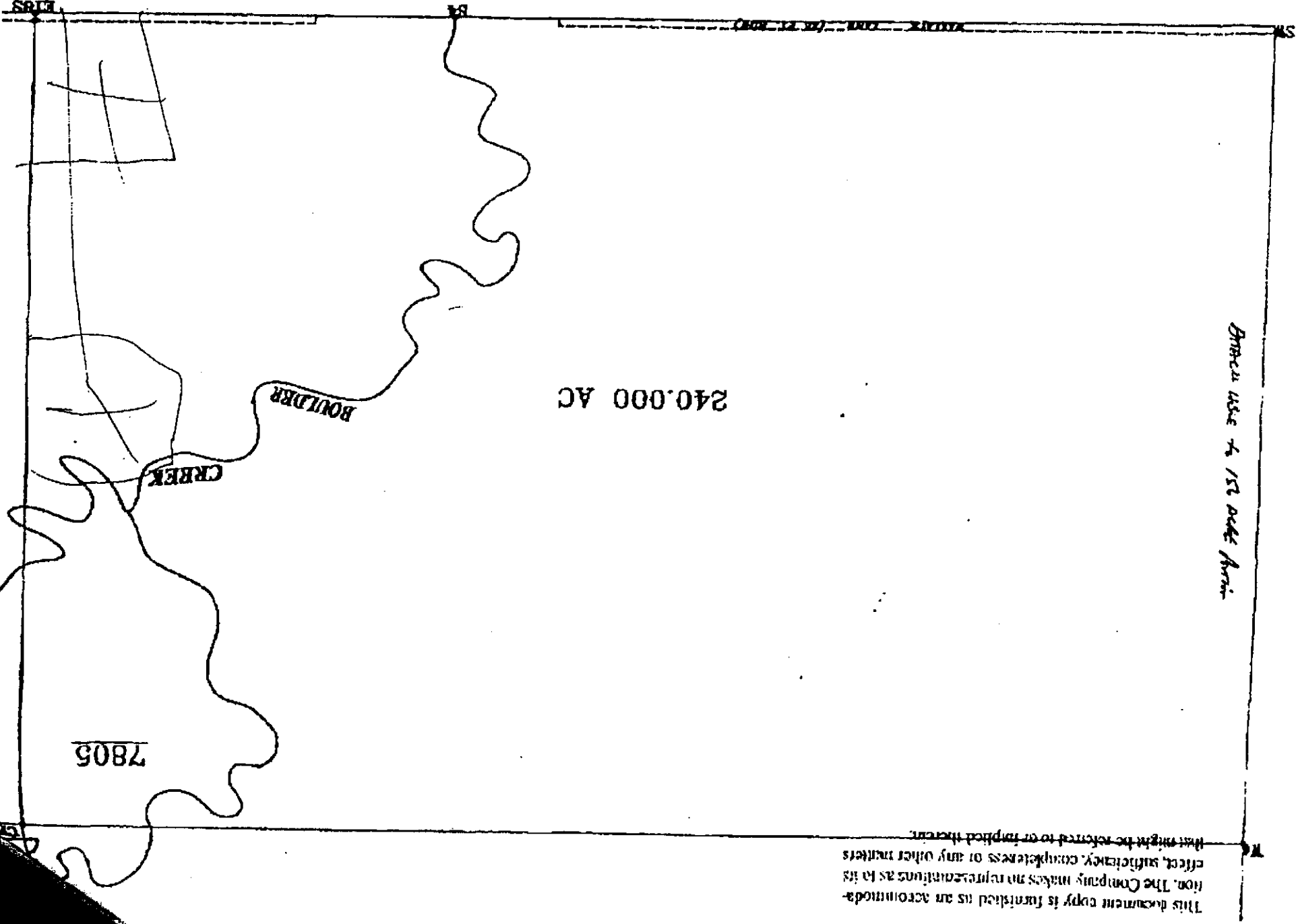
ORIGINAL

07:00 PM JUL-25-1999 16:29 MT TITLE CASCADE 382 5073 P.12/15

382 5073 P.12/15

MT TITLE CASCADE

JUL-25-1999 16:29



240.000 AC

BOULDER

CREEK

7805

This document copy is furnished as an accommodation. The Company makes no representation as to its effect, sufficiency, completeness or any other matters that might be referred to or implied therefrom.

Area use to 1st date Area

This document copy is furnished as an accommodation. The Company makes no representations as to its effect, sufficiency, completeness or any other matters that might be referred to or implied therein.

3E SEC. 03

SCALE
1" = 400 FT.

12-1-98

Archer Lake to 240' and 250'

7205

156.941 AC

396.941
8674.799.70

House

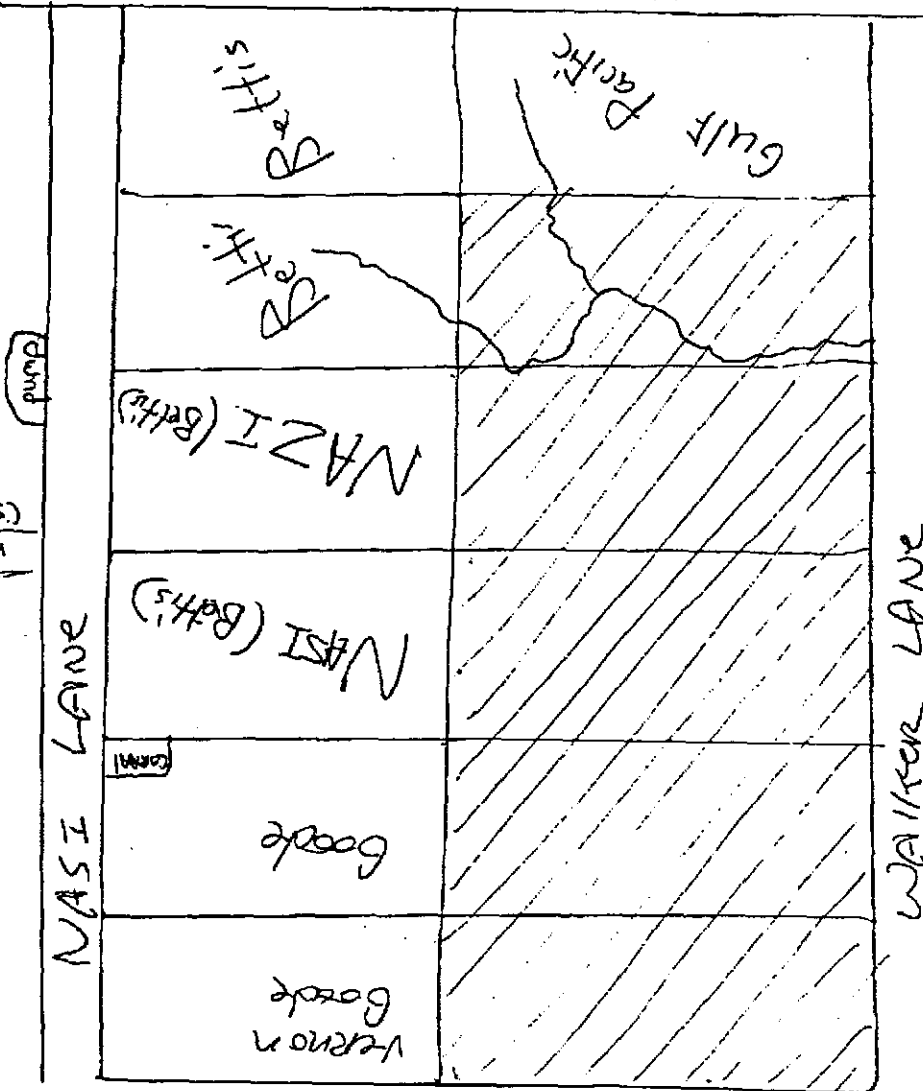
WALKER LANE



84428

G's

FARM to Market Rd.



Highway 55

Bettis

WOLFE

RANCHES

PAYETTE • DONNELLY, IDAHO
6447 Little Willow Rd. 83661 • Ph. (208) 642-6950

RECEIVED
SEP 20 1999
WATER RESOURCES
WESTERN REGION

September 17, 1999

Idaho Department of Water Resources
Western Region
2735 Airport Way
Boise, ID 83705-5082

To whom it may concern:

Enclosed and attached please find the Notice of Change of Water Right Ownership for 4 water rights and 4 adjudication claims on a newly acquired parcel. After reviewing the application should you need clarification or further information please call me at 288-0100.

Sincerely,



Graye H. Wolfe, Sr.
President

cc: Linda Jones, Holland & Hart

Enclosure

GHW:sb

MEMORANDUM

August 27, 1999

RECEIVED

SEP 20 1999

WATER RESOURCES
WESTERN REGION

TO: LBJones
FROM: TJTurner
RE: WOLFE / LODGE WATER RIGHTS

I've spoken with the SRBA clerk and Danni Smith at IDWR and have clarified the status of Lodge's water rights.

All three claims are valid: 65-08482, 65-07417, and 65-03181. The first claim is the domestic use which has been partially decreed by the SRBA. The other two are irrigation claims which have not yet been filed by IDWR with the SRBA. Apparently, the irrigation claims are the "tough" claims to adjudicate, so IDWR is conducting its own work on these claims before reporting them to the SRBA. That is why they do not show up in the SRBA – the State has not yet reported them. They should be reported by early next year. Meanwhile, the claims are valid and protected, and nothing else needs to be done regarding the adjudication since the matter is in the IDWR's domain.

After our transaction closes, we should file the IDWR Change of Ownership report with a copy of the conveyance deed and map. IDWR will then change their records to reflect the new owner and continue reporting in the adjudication as always. If the claims have been reported before our change of ownership, we must still file the report with the IDWR, and they will carry it forward to the SRBA.

I also discovered that we have dial-in modem access to the IDWR computer system records. We already have an account established, but I need the user ID and password. Then I can access the same information the State has on any water rights with access by legal description or claim number. This will save us much time and trouble in the future! I'll speak to Tess about it.

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: A65-03181
Date Received: 11/17/1988
Receipt No: X999999
Received By: DE JH

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: N. C. LODGE
Address: BOX 128
CALDWELL, ID 83605

Name: WILLIAM M. LODGE
Address: BOX 128
CALDWELL, ID 83605
2. Date of Priority: SEP 09, 1919
3. Source: LAKE FORK CREEK Trib. to: PAYETTE RIVER, NORTH FORK
4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
18N	03E	35	SE	NW			VALLEY
5. Description of diverting works:
6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	05/01	09/15	3.200		
7. Total Quantity Appropriated is:
3.200 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
16N	03E	2	NE	SW		IRR	24.0
			NW	SW		IRR	40.0
			SW	SW		IRR	39.0
			SE	SW		IRR	8.0
						Section Acres	111.0
		3	NE	SE		IRR	40.0
	NW		SE		IRR	39.0	
	SW		SE		IRR	38.0	
	SE		SE		IRR	39.0	
						Section Acres	156.0
						Total Acres	267.0

11. Place of use in counties: VALLEY

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

13. Other Water Rights Used:

14. Remarks:

THIS RIGHT WHEN COMBINED WITH RIGHTS 65-2371 & 65-7417 SHALL
PROVIDE NO MORE THAN .02 CFS/ACRE.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: 4/07/1986

STATE OF IDAHO

Decree Plaintiff

vs

A & C CORP., ET AL.

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: 39576

IDENT. NUMBER: 65-03181

DATE RECEIVED:

RECEIPT NO:

RECEIVED BY: _____

RECEIVED
NOV 17 1988

No ✓
Department of Water Resources
Western Regional Office

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. NAME: N. C. LODGE
ADDRESS: BOX 128
CALDWELL, ID 83605

NAME: WILLIAM M. LODGE
ADDRESS: BOX 128
CALDWELL, ID 83605

2. DATE OF PRIORITY: SEP 09, 1919

3. SOURCE: LAKE FORK CREEK TRIB. TO: PAYETTE RIVER, NORTH FORK

4. POINT OF DIVERSION:

TOWNSHIP	RANGE	SECTION	1/4 OF	1/4 OF	1/4	LOT	COUNTY
13N	03E	35	SE	NW			VALLEY

5. DESCRIPTION OF DIVERTING WORKS:

6. WATER IS USED FOR THE FOLLOWING PURPOSES:

PURPOSE	FROM	TO	C.F.S.	(OR)	A.F.A.
IRRIGATION	05/01	05/15	3.200		

7. TOTAL QUANTITY APPROPRIATED IS:
3.200 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
16N	03E	2	NE	SW		IRR	24.0
			NW	SW		IRR	40.0
			SW	SW		IRR	39.0
			SE	SW		IRR	8.0
			SECTION ACRES				111.0
		3	NE	SE		IRR	40.0
			NW	SE		IRR	39.0
			SW	SE		IRR	38.0
			SE	SE		IRR	39.0
			SECTION ACRES				156.0
			TOTAL ACRES				267.0

11. PLACE OF USE IN COUNTIES: VALLEY, VALLEY

12. DO YOU OWN THE PROPERTY LISTED ABOVE AS PLACE OF USE? YES

13. OTHER WATER RIGHTS USED:

14. REMARKS:

THIS RIGHT WHEN COMBINED WITH RIGHTS 65-2371 & 65-7417 SHALL PROVIDE NO MORE THAN .02 CFS/ACRE.

15. BASIS OF CLAIM: DECREE

CASE NUMBER:

COURT :

DECREE DATE: 4/07/1986

STATE OF IDAHO

DECREE PLAINTIFF

A & C CORP., ET AL.

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." (S.) 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):

A.C. Telford
William R. Telford

DATE: 11-15-88

DATE: 11-15-88

FOR ORGANIZATIONS:

I DO SOLEMNLY SWEAR OR AFFIRM THAT I AM _____ OF _____ TITLE

_____, THAT I HAVE SIGNED THE FOREGOING ORGANIZATION DOCUMENT IN THE SPACE BELOW AS _____ OF

_____, TITLE AND THAT THE STATEMENTS CONTAINED IN THE ORGANIZATION FOREGOING DOCUMENT ARE TRUE AND CORRECT.

SIGNATURE OF AUTHORIZED AGENT

TITLE AND ORGANIZATION

DATE

STATE OF IDAHO)

COUNTY OF Canyon)

) SS.

SUBSCRIBED AND SWORN (OR AFFIRMED) BEFORE ME THIS 15TH DAY

OF November 19 88

Oswell H. Collins
NOTARY PUBLIC

SEAL

RESIDING AT Calweel Idaho

MY COMMISSION EXPIRES 3-2-1992

65-03181

PAGE

3

DATE: 09/30/88

94

MICROFILMED

SEP 22 1992

RECEIVED

DEC - 5 2003

Department of Water Resources

Dana L. Hofstetter, ISB No. 3867
HOFSTETTER LAW OFFICE, LLC
608 West Franklin Street
Boise, Idaho 83702
Telephone: (208) 424-7800
Facsimile: (208) 424-8774

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

In Re SRBA	)	Subcase Nos. 65-02371, 65-03181,
	)	and 65-07417
Case No. 39576	)	
	)	SUBSTITUTION OF COUNSEL
	)	

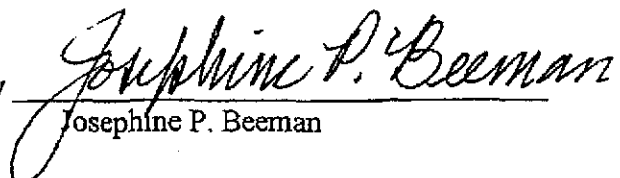
Please take notice that Dana L. Hofstetter of Hofstetter Law Office, LLC hereby substitutes as counsel of record for Island Capitol, LLC in the above-referenced subcases, in the place and stead of Josephine P. Beeman of the firm Beeman & Associates, P.C. You are requested to serve all future papers and pleadings at the address indicated above.

DATED this 4th day of December, 2003.

HOFSTETTER LAW OFFICE, LLC

By 
Dana L. Hofstetter

BEEMAN & ASSOCIATES, P.C.

By 
Josephine P. Beeman

CERTIFICATE OF SERVICE

I hereby certify that on the 4th day of December, 2003, I caused to be served copies of the foregoing **Substitution of Counsel** by the methods indicated below:

Idaho Department of Water Resources
Document Depository
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Environment & Natural Resource Division
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Josephine P. Beeman
Beeman & Associates, P.C.
409 West Jefferson Street
Boise, Idaho 83702
✱ U.S. Mail ☐ Fed Ex ☐ Hand ☐ Fax


Dana L. Hofstetter

E:\4004.1\5716

RECEIVED

AUG 22 2000

Department of Water Resources

RECEIVED

AUG 29 2000

WATER RESOURCES
WESTERN REGION

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

In Re SRBA

Case No. 39576

☒ Subcase 65- 03181
(Insert water right number
From the Objection Form)

STANDARD FORM 2
RESPONSE TO OBJECTION

Please print or type the following information:

B. NAME AND ADDRESS OF PERSON RESPONDING

Name: Island Capital LLC
c/o Graye H. Wolfe, Sr.
Address: 1409 E. 1st St.
Meridian, ID 83642

Daytime Phone: (208) 288-0100

Name & Address of Attorney, if any:

Linda B. Jones

Holland & Hart LLP

P.O. Box 2527

Boise, ID 83701

**C. NAME AND ADDRESS OF PERSON WHO FILED THE OBJECTION TO
WHICH YOU ARE RESPONDING**

Name: United States of America acting thru the Department
of Interior Bureau of Reclamation
Address: 1150 N. Curtis Rd.
Boise, ID 83706-1234

D. I am responding to the objections to the following elements. (Please check the appropriate box(es)).

1. ☐ Name and Address
 2. ☐ Source
 3. ☐ Quantity
 4. ☐ Priority Date
 5. ☐ Point(s) of Diversion
 6. ☐ Instream Flow Description
 7. ☐ Purpose(s) of Use
 8. ☐ Period of Year
 9. ☐ Place of Use
 10. ☒ General Condition regarding separate streams administration,
 11. ☒ Recommendation Basin 65, Irrigation and Other, Part 1.
- ☐ This water right should not exist.
- ☐ This water right was not recommended, but should be recommended with the elements described above.

E.

VERIFICATION (Must be Completed)

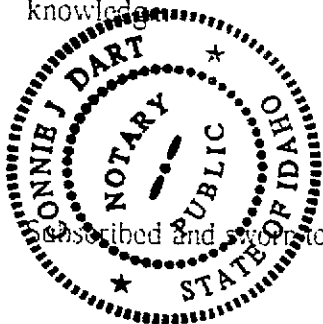
State of Idaho)
)ss.
County of Ada)

Linda B. Jones

(Name of person filing response)

, duly sworn, upon oath, deposes and says:

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



(Signature of person filing response)

Linda B. Jones

(Attorney signing in representative capacity)

Subscribed and sworn to before me on:

August 18, 2000

Notary Public for

Residing at:

My Commission Expires:

Connie J. Dart

Boise, Idaho

7/20/04

INSTRUCTIONS FOR MAILING

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

F

CERTIFICATE OF MAILING

I certify that on August 18, ²⁰⁰⁰~~1999~~, I mailed the original and copies of this response, including all attachments, to the following persons:

1. Original to:

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

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

Name: Island Capital LLC c/o Graye H. Wolfe, Sr.
Address: 1409 E. 1st St., Meridian, ID 83642

3. One copy to the party who filed the objection at the following address:

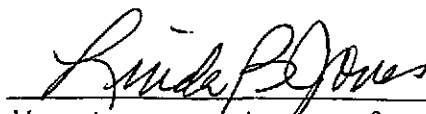
Name: United States of America acting thru the Department of Interior Bureau of Reclamation
Address: 1150 N. Curtis Rd.
Boise, ID 83706-1234

4. Copies to:

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

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

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



Your signature or signature of attorney
mailing on your behalf

September 29, 1999

**NOTICE OF ERROR
REPLY**

RECEIVED
OCT 20 1999
WATER RESOURCES
WESTERN REGION

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

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

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

Water right number: 65-03181

ISLAND CAPITAL LLC
C/O GRAYE H WOLFE SR
1409 E 1ST ST
MERIDIAN ID 83642

Daytime Telephone Number: (208) 288-0100
Evening Telephone Number: (208) 939-8787

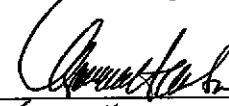
1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):

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

3. Give a brief explanation as to why you ^{dis}agree with these portions:

As discussed with the DWR, the 300 acre and 6.0 cfs limits on water rights 65-07417, 65-03181, and 65-02371 eliminate overlap across the three permits and reflect the .02 cfs/acre limit on the water rights as claimed. The changed point of diversion (from SENW to NESWNW) merely corrects an error in listing the Spinks Ditch diversion, made in the prior Payette Adjudication. These are not substantive changes in the actual water rights as claimed. Thus, I agree with the proposed recommendations.

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

DATE: 10/11/99 SIGNATURE: 
Please print your name: GRAYE H. WOLFE, SR.

AJ0749NP
No. R65-03181

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

DATE: 09/23/99
PAGE: 1

```
=====
OWNER          PRIORITY    USE PERIOD    DIVERSION    DIVERSION
CODE          NAME & ADDRESS    DATE          WATER USE    FROM TO      RATE        VOLUME
-----
C ISLAND CAPITAL LLC          09/09/1919    IRRIGATION    05-01 09-15    3.200 CFS
C/O GRAYE H WOLFE SR
1409 E 1ST ST
MERIDIAN ID 83642
(208) 288-0100
TOTAL DIVERSION:    3.200 CFS
=====
```

Water Source: LAKE FORK CREEK

Tributary to: PAYETTE RIVER, NORTH FORK

Stage: DECREED

Point(s) of Diversion: T18N R03E S35 NESWNW

VALLEY County

Place of use Legal Description for: IRRIGATION

NE												NW				SW				SE																																							
		NENE		NWNE		SWNE		SENE		NENW		NWNW		SWNW		SENW		NESW		NWSW		SWSW		SESW		NESE		NWSE		SWSE		SESE																											
T	R	S	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	SUM																										
16N	03E	2	:															24	40	39	08												111.0																										
16N	03E	3	:																						40	39	38	39					156.0																										
																												TOTAL ACRES																														267.0	

POU County: VALLEY

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

A65-07995 R65-02371 R65-02926 R65-02942 R65-02955 R65-02958 R65-03175 R65-03176 R65-03178 R65-03179
R65-03182 R65-03219A R65-03219X R65-03220 R65-07995

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

A65-02371 A65-03181 A65-07417 R65-02371 R65-07417

Remarks: QNT USE OF THIS RIGHT WITH RIGHT NOS. 65-02371 & 65-07417 IS
LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 6.0 CFS.

POU1 USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO
THE IRRIGATION OF A COMBINED TOTAL OF 300 ACRES IN A SINGLE
IRRIGATION SEASON. COMBINED RIGHT NOS.: 65-02371 & 65-07417.

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

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

Comments: Date: 06/03/1999 User-ID: RHOWERTO Subject: POINT OF DIVERSION
THE P/D WAS DECREED IN WRONG 1/4 1/4, SEE MAPS IN FILE.

Date: 06/03/1999 User-ID: RHOWERTO Subject: COPIED FROM REMARKS

AJ0749NP
No. R65-03181

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

DATE: 09/23/99
PAGE: 2

=====

Comments: Date: 06/03/1999 User-ID: RHOWERTO Subject: COPIED FROM REMARKS
THIS RIGHT WHEN COMBINED WITH RIGHTS 65-2371 & 65-7417 SHALL
PROVIDE NO MORE THAN .02 CFS/ACRE.

Date: 09/23/1999 User-ID: DBUFFING Subject: NAME CHANGE - OWNERSHIP CHANGE
THE DATA IN THE NAME FIELD WAS CHANGED TO SHOW THIS RIGHT HAS AN
OWNERSHIP CHANGE.

Audit: 09/23/99 DBUFFING



State of Idaho
DEPARTMENT OF WATER RESOURCES

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

September 24, 1999

DIRK KEMPTHORNE
GOVERNOR

Re: Notice of Claim to a Water Right No. A65-02371, A65-03181
and A65-07417

KARL J. DREHER
DIRECTOR

ISLAND CAPITAL LLC
c/o GRAYE H WOLFE SR
1409 E 1st ST
MERIDIAN ID 83642

Dear Claimant:

Enclosed are copies of the above referenced claims which reflect the change in ownership of the land and appurtenant water right(s) covered under the original filing.

The Department will contact you in the future concerning any requirements that may be needed in order to process these claims for final court decree. Also enclosed is a copy of water right number 65-08482, which has been decreed by the SRBA Court.

If you have any questions concerning the enclosed information, please feel free to contact this office.

Sincerely,

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

Denise Buffington
Records Clerk
Adjudication Section
Western Region Office

DB:db

Enclosure

AJ5809NP
No. R65-03181

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 09/22/99
PAGE: 2

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	WILLIAM M LODGE	09/09/1919	IRRIGATION	05-01 09-15	3.200 CFS	
C	N C LODGE					
	PO BOX 128			TOTAL DIVERSION:	3.200 CFS	
	CALDWELL ID 83605					

Water Source: LAKE FORK CREEK

Tributary to: PAYETTE RIVER, NORTH FORK

Stage: DECREED

Point(s) of Diversion:

T18N R03E S35

NESWNW

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	Lt	Ac	: SUM		
16N	03E	2	:								:		24	40	39	08	:				:	111.0	
16N	03E	3	:								:						:	40	39	38	39	:	156.0
																				TOTAL ACRES	267.0		

POU County: VALLEY

Remarks: QNT USE OF THIS RIGHT WITH RIGHT NOS. 65-02371 & 65-07417 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 6.0 CFS.

POU1 USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 300 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 65-02371 & 65-07417.

Dates: Exam Made Date: Verified Date: 06/29/1999 Objection Filed Date:

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

Comments: Date: 06/03/1999 User-ID: RHOWERTO Subject: POINT OF DIVERSION
THE P/D WAS DECREED IN WRONG 1/4 1/4, SEE MAPS IN FILE.

Date: 06/03/1999 User-ID: RHOWERTO Subject: COPIED FROM REMARKS
THIS RIGHT WHEN COMBINED WITH RIGHTS 65-2371 & 65-7417 SHALL
PROVIDE NO MORE THAN .02 CFS/ACRE.

Audit: 06/04/99 RHOWERTO 06/29/99 RHOWERTO

DATE: 06/29/99
PAGE: 1

Audit: 06/29/99 RHOWERTO

WR5809NP
No. 65-03181

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 06/03/99
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	M. C. LODGE	09/09/1919	IRRIGATION	05/01 09/15	3.200 CFS	
C	WILLIAM M. LODGE BOX 128 CALDWELL ID 83605					
TOTAL DIVERSION:					3.200 CFS	

Water Source: LAKE FORK CREEK

Tributary to: PAYETTE RIVER, NORTH FORK

Stage: DECREED

Point(s) of Diversion: T18N R03E S35

SENW

VALLEY County

Place of use Legal Description for: IRRIGATION

		NE				NW				SW				SE					
T	R S	NENE Lt Ac	NWNE Lt Ac	SWNE Lt Ac	SENE Lt Ac	NENW Lt Ac	NWNW Lt Ac	SWNW Lt Ac	SENW Lt Ac	NESW Lt Ac	NWSW Lt Ac	SWSW Lt Ac	SESW Lt Ac	NESE Lt Ac	NWSE Lt Ac	SWSE Lt Ac	SESE Lt Ac	SUM	
16N	03E 2	:	:	:	:	:	:	:	:	24	40	39	08	:	40	39	38	39	111.0
16N	03E 3	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	156.0
TOTAL ACRES																		267.0	

Pou County: VALLEY

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

65-02371 65-03175 65-03176 65-03178 65-03179 65-03182 65-03219A 65-03219X 65-03220 65-06905

Remarks: GEN THIS RIGHT WHEN COMBINED WITH RIGHTS 65-2371 & 65-7417 SHALL
PROVIDE NO MORE THAN .02 CFS/ACRE.

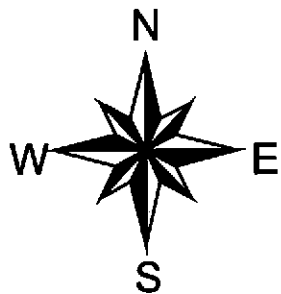
Dates: App. Received: Priority Date: 09/09/1919
Proof Due Date: Proof Made Date:
Exam Made Date: Exam Sent to S.O.:
Licensed Date:

Misc: Water District Number: 65K Field Exam Fee:

Audit: 04/24/87 04/30/88 CONVERT

65-03181

- Point of Diversion



1987 NAPP



Idaho Department of Water Resources

**T16N, R03E
S03**

Claim : 65-03181

Owner : Island Capital LLC

Prepared by:

Ron Howerton

Date: 3 June 99

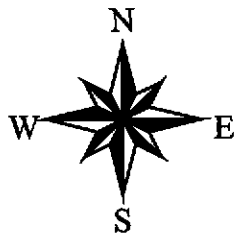
 Place of use

● POD

 SECTION LINES

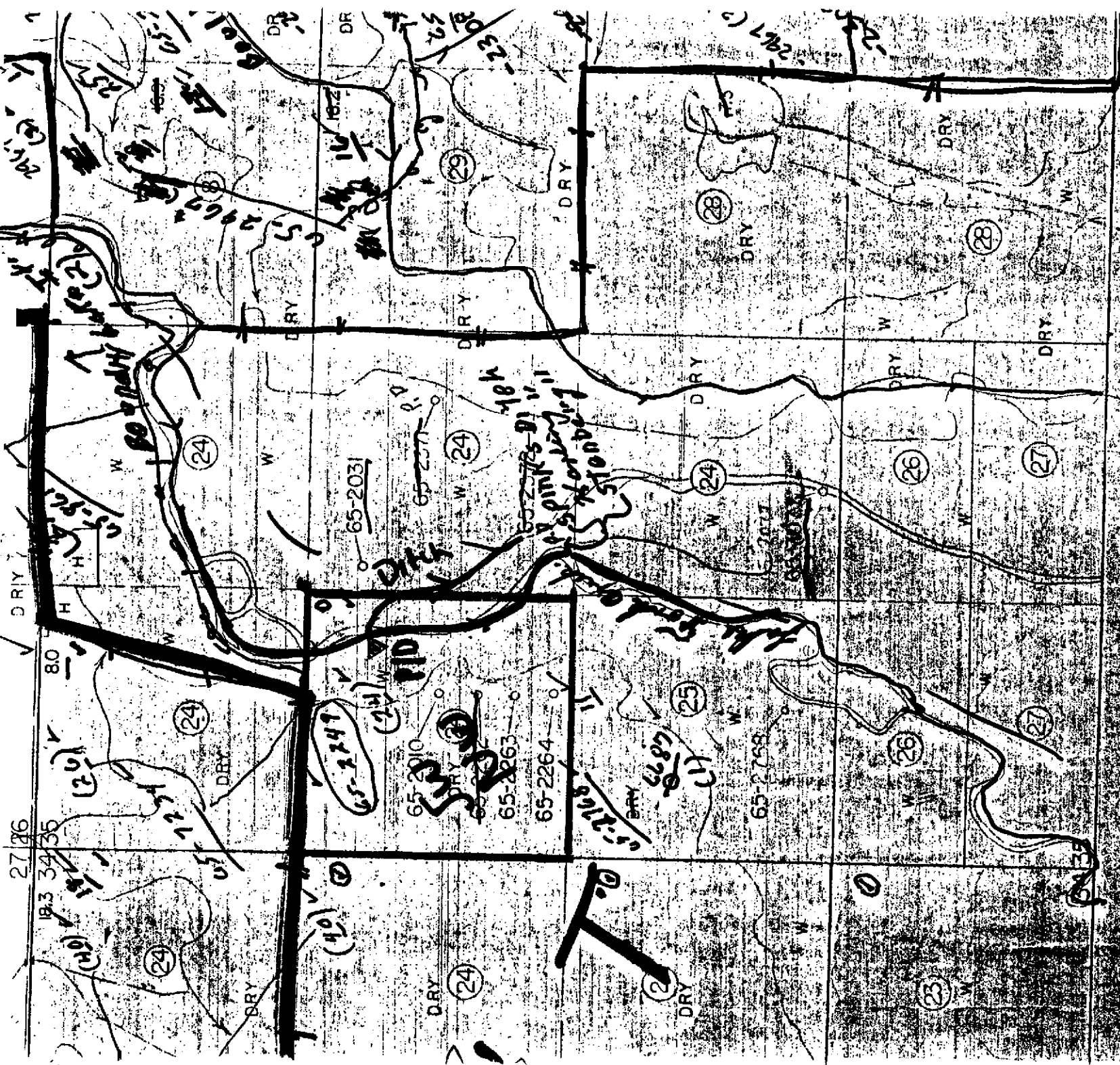
 1/4 1/4 Lines

Acres



1987 NAPP

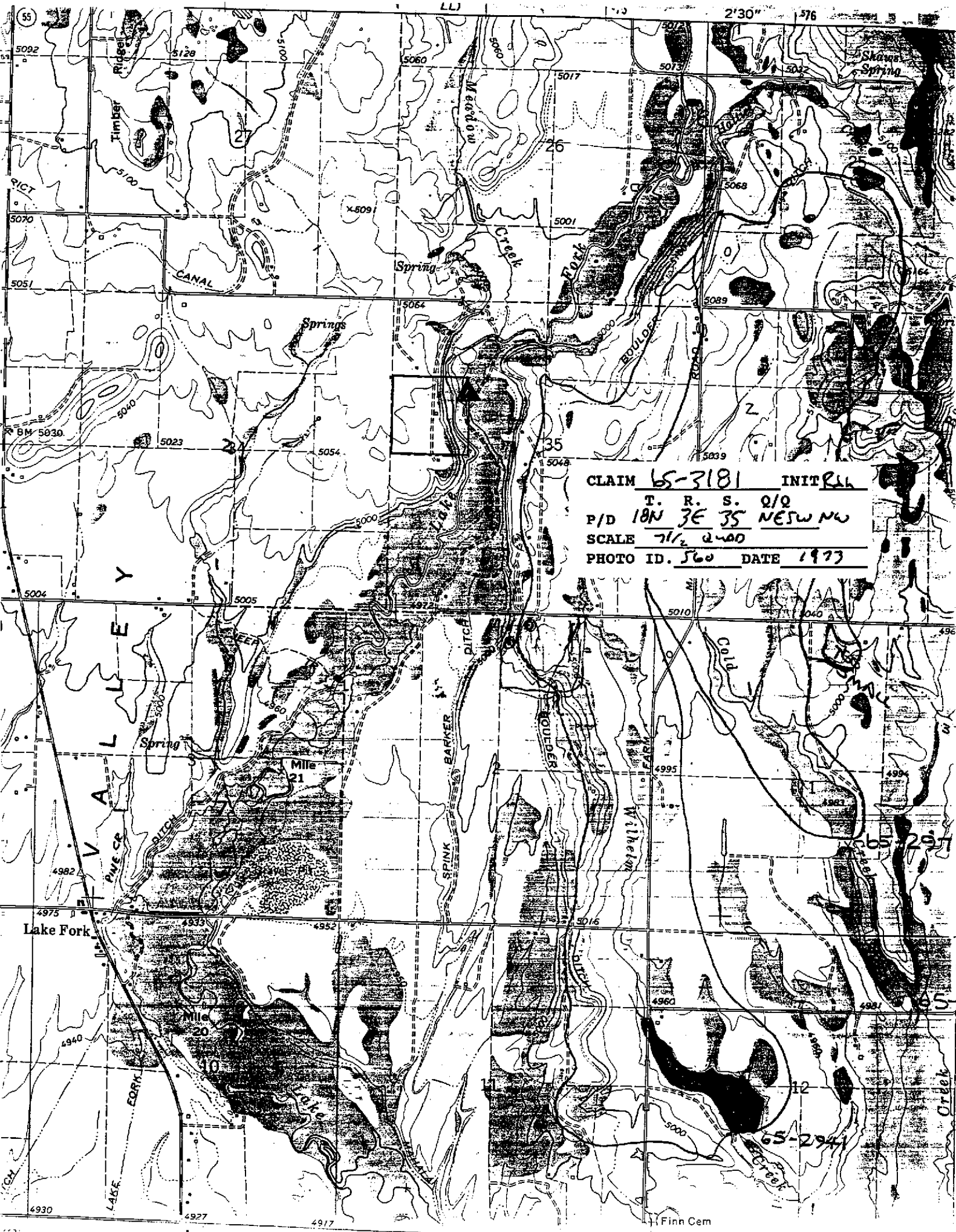




CLAIM 65-3181 INIT Edk
 T. R. S. Q/O
 P/D 18N 3E 35 N 65W NW
 SCALE MAP 1" = 1 MILE
 PHOTO ID. PERA DATE PR BA

21. Roy Shew
 22. Jay Novels
 23. Lyle Shaw
 24. Leo Shaw
 25. Ernest Mondy
 26. M. Conklin
 27. Harold L. Nokes
 28. Vernon Halkila
 29. Gen. Rucka

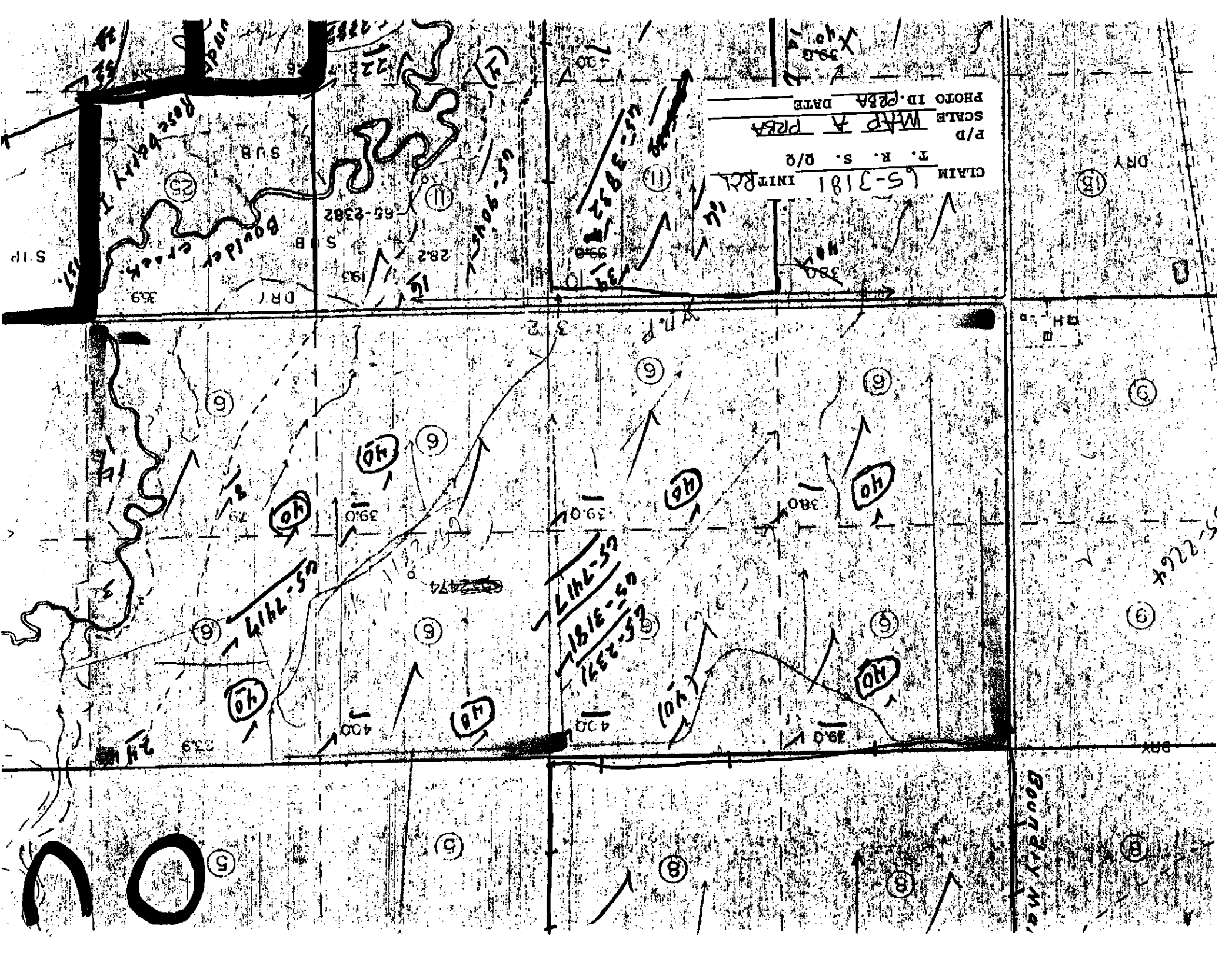
Hallenbeck
 Rogers
 22. James Heckathorn
 23. John Stringer
 24. Art & Ted Johnson
 25. Z. L. Pearson
 26. Kathryn Fry & Virgi
 27. Sandra Gatti
 28. Quentin Day



CLAIM 65-3181 INIT RLL
T. R. S. Q/Q
P/D 18N 3E 35 NESW NW
SCALE 7 1/2 2400
PHOTO ID. 560 DATE 1973

65-2947

65-2947

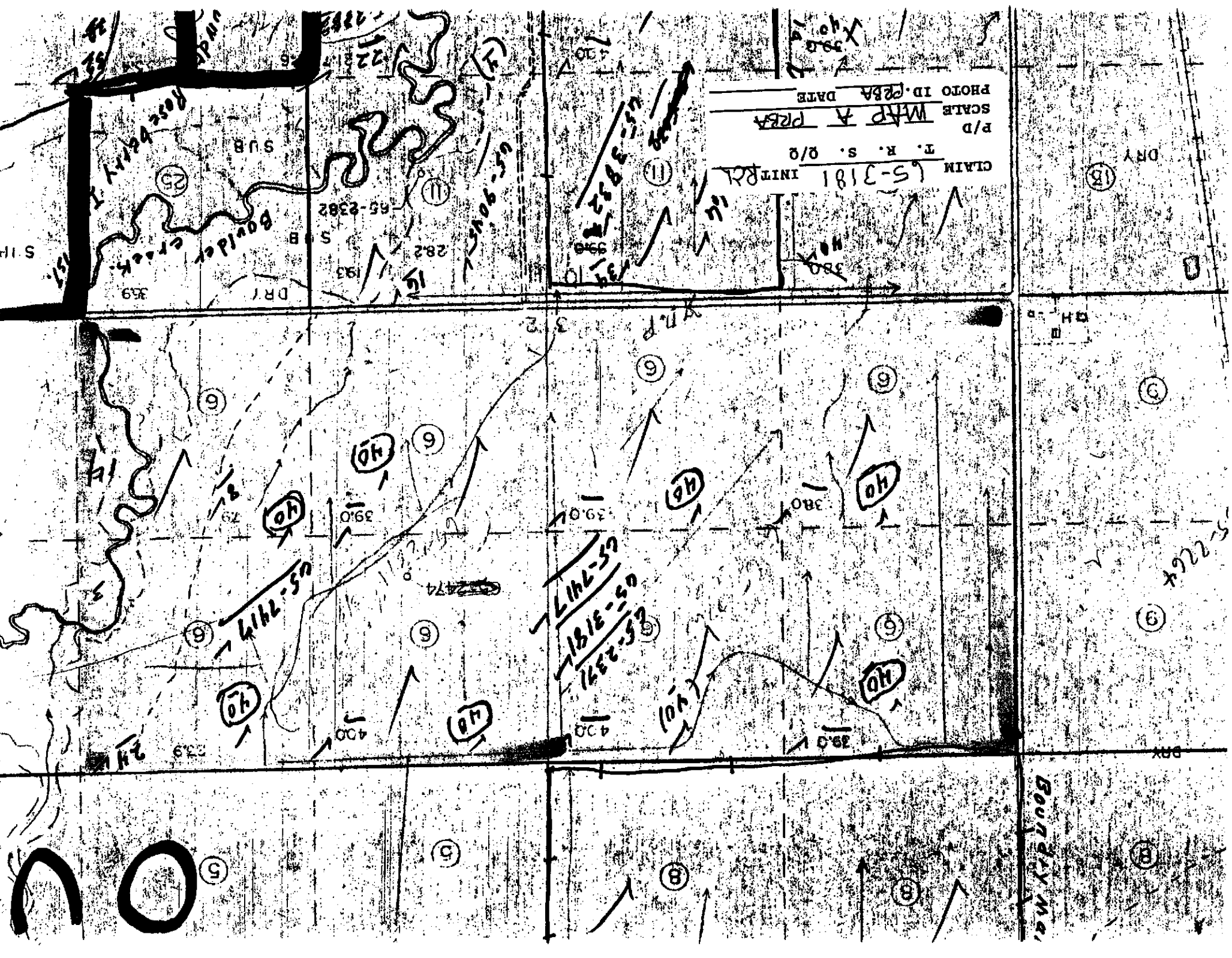


CLAIM 65-3181
T. R. S. 2/2
P/D
SCALE MAP A
PHOTO ID. 228A
DATE

U O

Boulder Ma

2264



IN THE MATTER OF THE GENERAL DETERMINATION OF THE RIGHT TO THE USE OF THE SURFACE AND GROUND WATERS OF THE PAYETTE RIVER DRAINAGE BASIN

WATER RIGHT 15-218/1-1979

Department of Water Administration
W. C. Lotze 6/or William N. Lotze
(Name of Claimant)
CALIFORNIA

Calderon
Box 128, Grapado, Idaho 83605
(Mailing Address)

and beneficial use of the surface or groundwater, of or tributary to the Payette River;

The extent and nature of said claim is as follows:

(31) Name of source of water (Name of stream, lake, spring, etc., or subterranean) Lake Pork Creek ✓

Useless - the money for which the water has been used and the time during the year when you have used the right claimed:

Use	<u>3-2</u>	<u>Irrigation</u>	<u>801 R</u>	<u>Period of Use From April 1</u>	<u>(Mo, Day)</u>	<u>To</u>	<u>(Mo, Day)</u>

(Domestic Irrigation, stock, etc.)
 (Bulk Dates Inclusive)

Period of Use From _____ To _____
(Mo. Year)

Period of Use From _____ To _____

Quantity of water claimed	Cable Feet Per Second, or Gals Per Minute	Acres Feet Per Annum
10	3.20 ✓	

(6) A. Point of Divergent Giva location of point where water is diverted from its source. Ego 3 E B.M.; additional points: 18 N

B) Describe means of diversion of water: (Pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.)

(16) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is not for irrigation, place an "X" in appropriate box to show location.

[illegible]

No.	Description of material	Total No. of areas	Total No. of areas being as specific as possible
1	...	...	...
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98	...	...	...
99	...	...	...
100	...	...	...

(7) Effluent sewage waste, or return water from this use is discharged into _____.

1. If you are a member of an organization, list name of organization.

(9) Remarks: Water taken from the sink ditch
This pit water contained much 0.5-2.37, 0.5-7.17 total protein in
protein 0.3-0.55% were small than 3.85%
mean

(10) Basis of claim (Check one) ☐ A) Rights based on divestment and beneficial use. ☒ B) Rights decreed by court, cite title of case. Paul M. Kelso vs M.H. Williams, et al. 20-K

☐ C) Right based on application, license, or claim filed with State Reclamation Engineer, Office No. _____

Be it known that the undersigned, after being duly sworn on oath, deposes (s) and says (s) that all statements included herein are true and accurate to the best of (his, her, their) knowledge.

Individual

W. L. ...

30 August 17, 1974

(Date) 12-11-57
 (Signature of Subject) [Signature]
 (Signature of Spouse) [Signature]
 Organization 100 11-28-78
KEYPUNCHED

State of Indiana Organization Seal
County of Madison Seal Seal
In the year 1974 (Signature of Authorized Agent)
Before me 1974

A Notary Public, personally appeared _____ known to me to be the person(s) whose name(s) are subscribed to the above instrument, and acknowledged to me that he, she, they or it executed the same.

Notary Public residing at _____

7/30/1985 954 11/2/77

OVERLAP REVIEW SHEET FOR THE FOLLOWING WR #'s:

AGENT

DATE _____

65 - 7417

[illegible][illegible]

USE / SOURCE	NUMBER	TNS	RNG	SEC	NE				NW				SW				SE				TOTAL	SYSTEM TOTAL
					NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
UNNAMED STREAM	7417	16	36	2									37	40	40	26						143
				3													40	40	38	39		157
				2									37	40	40	26					143	
				3													40	40	38	39	157	

OVERLAP —	TOTAL	300
-----------	-------	-----

[illegible]

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

11:07:58
03/10/99

PAGE: 15
QUICKLOOK INFORMATION

259
CLAIM NUMBER: A65-03181

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								
POINT OF DIV								
SOURCE								
PLACE OF USE	Y							
DIV. AMOUNT CFS/VOLUME								
CONSUMPTIVE USE								
PURPOSES OF USE								
PERIOD OF USE								
BASIS OF CLAIM								
REMARKS	Y							

BARCODE UPDATED
WHOM/DATE

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

11:07:58
03/10/99

PAGE: 1
GENERAL INFORMATION

245
CLAIM NUMBER: A65-03181

LAST: LODGE FIRST: N C
ADDRESS: BOX 128
CITY: CALDWELL STATE: ID ZIP: 83605
PHONE NUMBER:

OWNER CODE: C

LAST: LODGE FIRST: WILLIAM M
ADDRESS: BOX 128
CITY: CALDWELL STATE: ID ZIP: 83605
PHONE NUMBER:

OWNER CODE: C

FIELD EXAM REQUIRED?

VERIFICATION REQUIRED DUE TO REMARKS?

DATABASE
Y

FIELD
EXAMINER
Y() N()

CLAIM REMARKS: GEN THIS RIGHT WHEN COMBINED WITH RIGHTS 65-2371 & 65-7417 SHALL
PROVIDE NO MORE THAN .02 CFS/ACRE.

FIELD EXAMINATION INFORMATION

CONTACT PERSON: IN-OFFICE

PHONE NUMBER: () -

DATE OF FIELD EXAM: 2/3/99

APPOINTMENT MADE: Y() N()

TIME: : A() P()

ACCOMPANIED BY: _____

PHONE NUMBER: () -

RELATIONSHIP TO CLAIMANT: _____

DIRECTIONS TO PROPERTY / NOTES:

SEE-MAPS IN FILE

A. AJ CLAIM: # A65-03181 PRIORITY DATE: 09-09-1919 STAGE: D

B. WR RECORD: # 65-03181 PRIORITY DATE: 09-09-1919 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:

09-09-1919
REVIEWED BY Rch

DATE 6/3/99

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
A65-03181	18N 03E	35		SE	NW			VALLEY		

OTHER AJ CLAIMS WITH SAME AJ POD

A PREFIX	R PREFIX
A65-02371	65-06905
A65-03175	
A65-03176	
A65-03178	
A65-03179	
A65-03182	
A65-03219A	
A65-03219X	
A65-03220	
A65-06905	

WR RECORDS IN SAME 40 ACRE TRACT

65-02371
65-03175
65-03176
65-03178
65-03179
65-03182
65-03219A
65-03219X
65-03220
65-06905

SOURCE: LAKE FORK CREEK

TRIB: PAYETTE RIVER, NORTH FORK

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
65-03181	18N 03E	35		SE	NW			VALLEY		

OTHER WR RECORDS WITH SAME WR POD

65-02371
65-03175
65-03176
65-03178
65-03179
65-03182
65-03219A
65-03219X
65-03220
65-06905

AJ CLAIMS IN SAME 40 ACRE TRACT

A PREFIX	R PREFIX
A65-02371	65-06905
A65-03175	
A65-03176	
A65-03178	
A65-03179	
A65-03182	
A65-03219A	
A65-03219X	
A65-03220	
A65-06905	

SOURCE: LAKE FORK CREEK

TRIB: PAYETTE RIVER, NORTH FORK

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.

SEE COMMENT
UNDER NOTES

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: TOPO MAP S-60, 1987 MAP, MAP 'E' OF PRBA.
THE DECREE WAS IN ERROR NOT AN ACCOMPLISHED
CHANGE SEE MAPS ATTACHED

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

TWP. 18N	RGE. 03E	SEC. 35	1/4 NE	1/4 SE	1/4 NW	LOT	POD FLAG	COUNTY VALLEY	DIVERSION NAME	DIVERSION NBR
—	—	—	—	—	—	—	—	—	—	—
—	—	—	—	—	—	—	—	—	—	—
—	—	—	—	—	—	—	—	—	—	—
—	—	—	—	—	—	—	—	—	—	—
—	—	—	—	—	—	—	—	—	—	—
—	—	—	—	—	—	—	—	—	—	—

SOURCE: LAKE FORK CREEK

TRIB: PAYETTE RIVER, NORTH FORK

REVIEWED BY: RDH

DATE: 6/3/99

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

A. ROOT WATER RIGHT NUMBERS: A65-03181

B. POU LISTING

TWP	RNG	SEC	1/4	1/4	LOT	NAME	AJ #/ACRES	WR #/ACRES	LANDSAT DATA	FIELD EXAM.	RECOMM. ACRES
16N	03E	2	NE	SW		LODGE, N C	A65-03181 / 24.0	65-03181 / 24.0	36.0		
			NE	SW		LODGE, WILLIAM M	A65-07417 / 37.0	65-07417 / 37.0			24
16N	03E	2	NW	SW		LODGE, N C	A65-03181 / 40.0	65-03181 / 40.0	42.0		
			NW	SW		LODGE, WILLIAM M	A65-07417 / 40.0	65-07417 / 40.0			40
16N	03E	2	SW	SW		LODGE, N C	A65-03181 / 39.0	65-03181 / 39.0	37.0		
			SW	SW		LODGE, WILLIAM M	A65-07417 / 40.0	65-07417 / 40.0			39
16N	03E	2	SE	SW		LODGE, N C	A65-03181 / 8.0	65-03181 / 8.0	41.0		
			SE	SW		LODGE, WILLIAM M	A65-07417 / 26.0	65-07417 / 26.0			8
16N	03E	3	NE	SE		LODGE, N C	A65-03181 / 40.0	65-03181 / 40.0	39.0		
			NE	SE		LODGE, WILLIAM M	A65-07417 / 40.0	65-07417 / 40.0			40
			NE	SE		LODGE BROTHERS	A65-02371 / 40.0	65-02371 / 40.0			
16N	03E	3	NW	SE		LODGE, N C	A65-03181 / 39.0	65-03181 / 39.0	40.0		
			NW	SE		LODGE, WILLIAM M	A65-07417 / 40.0	65-07417 / 40.0			39
			NW	SE		LODGE BROTHERS	A65-02371 / 39.0	65-02371 / 39.0			
16N	03E	3	SW	SE		LODGE, N C	A65-03181 / 38.0	65-03181 / 38.0	40.0		
			SW	SE		LODGE, WILLIAM M	A65-07417 / 38.0	65-07417 / 38.0			
			SW	SE		LODGE, N C	A65-08482 /	65-08482 /			38
			SW	SE		LODGE BROTHERS	A65-02371 / 38.0	65-02371 / 38.0			
			SW	SE		LODGE, WILLIAM M	65-08482 /	- /			
16N	03E	3	SE	SE		LODGE, N C	A65-03181 / 39.0	65-03181 / 39.0	41.0		
			SE	SE		LODGE, WILLIAM M	A65-07417 / 39.0	65-07417 / 39.0			39
			SE	SE		LODGE BROTHERS	A65-02371 / 39.0	65-02371 / 39.0			

ADDITIONAL POU FOUND

TOTAL ACRES A65-03181 267.00 267.00 316.00

POU COUNTY: VALLEY

267

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
A65-03181	LAKE FORK CREEK	LODGE, N C	3.200	0.011		
A65-02371	UNNAMED STREAM	LODGE BROTHERS	1.600	0.010		
A65-07417	UNNAMED STREAM	LODGE, WILLIAM M	1.510	0.005	275.50	0.91

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

CLAIM NO.	PURPOSES	NAME	MONTH/DAY	RATE	VOLUME
A65-08482	DOMESTIC	LODGE, N C	FROM 01-01 TO 12-31	0.040 CFS	1.20 AF/A
65-08482	DOMESTIC	LODGE, WILLIAM M	FROM 01-01 TO 12-31	0.040 CFS	1.20 AF/A

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

Y(☒) N()

* IF YES, COMPLETE OVERLAP REVIEW:

OTHER RIGHTS LISTED IN CLAIM:

SEE OVERLAP REVIEW

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

N/A() Y(☒) N()

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

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

N/A() Y(☒) N()

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

Y() N(☒)

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

Y() N(☒)

CHECK DOCUMENTS USED TO VERIFY POU: () ORTHOPHOTOQUAD, IDWR NO. _____; () TOPOGRAPHIC QUAD, IDWR NO. S-60;

() MAP, IDWR NO. 198; () ASCS PHOTO; () OTHER _____

NOTES: USED CUS MAPP, PRBA MAP "A", MAP "E" (FOR P/D)

RECOMMENDATIONS:

TOTAL ACRES: 267 N/A ()

REVIEWED BY: REL

DATE: 6/3/99

A. AJ CLAIMED USES:

PURPOSE OF USE	PERIOD OF USE (MONTH/DAY)	DIV. RATE FOR EACH USE	DIV. VOL. FOR EACH USE
A65-03181 IRRIGATION	FROM 05-01 TO 09-15	3.200 CFS	
TOTAL DIVERSION RATE/VOLUME		3.200 CFS	

B. WR RECORDED USES:

PURPOSE OF USE	PERIOD OF USE (MONTH/DAY)	DIV. RATE FOR EACH USE	DIV. VOL. FOR EACH USE
65-03181 IRRIGATION	FROM 05-01 TO 09-15	3.200 CFS	
TOTAL DIVERSION RATE/VOLUME		3.200 CFS	

C. DOES THE CLAIMED PURPOSE OF USE CORRECTLY DESCRIBE THE WATER USE? Y(✓) N()

D. IS THE CLAIMED PURPOSE OF USE THE SAME AS DESCRIBED IN THE WATER RIGHT FILE? N/A() Y(✓) N()

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

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

F. DOES THE CLAIMED PERIOD OF USE CONFORM TO IDWR STANDARDS? Y(✓) N()

G. SHOULD THE PERIOD OF USE BE RECOMMENDED TO IDWR STANDARDS? Y(✓) N()

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

H. IS THE CLAIMED DIVERSION RATE FOR EACH USE THE SAME AS DESCRIBED IN THE WATER RIGHT FILE? N/A() Y(✓) N()

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

I. SHOULD THE CLAIMED DIVERSION RATE FOR EACH USE BE VERIFIED BY FIELD EXAM? N/A() Y() N(✓)

J. IS THE CLAIMED DIVERSION VOLUME FOR EACH USE THE SAME AS DESCRIBED IN THE WATER RIGHT FILE? N/A(✓) Y() N()

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

K. SHOULD THE CLAIMED DIVERSION VOLUME FOR EACH USE BE VERIFIED BY FIELD EXAM? N/A(✓) Y() N()

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

253

CLAIM NUMBER: A65-03181

NOTES:

AJ CLAIM TOTAL DIVERSION RATE: 3.200 CFS

WR ROOT RIGHT TOTAL DIVERSION RATE: 3.200 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 NA, SEE ATTACHED CALCULATIONS.

F. RATE/VOLUME CALCULATIONS: (IRRIGATION)

1a. IRRIGATION RATE
ACRES 267 x 0.02 CFS/ACRE = 5.34 CFS
(Taken from pou review)

1b. CALCULATIONS
DECREED AS 3.2 CFS

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 ()

Limit to 0.02 CFS
per acre

$$(300)(.02) = 6.0 \text{ CFS}$$

RTS 2371 1.6 CFS
3181 3.2 CFS
717 1.51 CFS

6.31 TOTAL

NOTES:

Limit to 0.02 CFS/acre with 2371 & 7417

RECOMMENDATIONS: CHECK HERE IF RECOMMENDED AS CLAIMED (___)

REC. PURPOSE OF USE	REC. PERIOD FROM TO		REC. DIV RATE CFS		REC. DIV VOL. AF/A		REC. CONS. USE	
			DATABASE	EXAMINER	DATABASE	EXAMINER	DATABASE	EXAMINER
IRRIGATION	05-01	09-15	3.200	_____		_____	0.0	_____
_____	_____	_____		_____		_____		_____
_____	_____	_____		_____		_____		_____
_____	_____	_____		_____		_____		_____
_____	_____	_____		_____		_____		_____
TOTAL FOR THIS RIGHT			3.200	_____		_____	0.0	_____

NON-IRRIGATION USES CLAIMED:

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

REVIEWED BY: Rch DATE: 6/3/99

FLAG: _____
STANDARD CONDITIONS (CODE): _____

STANDARD REMARKS (CODE):

QNT - Limit to 6.0 cfs with 2371 & 7417
Pou1 - Limit to 300 ACRES

EXPLANATORY CONDITIONS (CODE):

EXPLANATORY REMARKS (CODE):

A. CHECK ONLY THE FOLLOWING THAT APPLY:

OWNERSHIP _____
FORFEIT/ABANDON _____
ADDITIONAL DIV. AMOUNT _____

ACCEPTED AS CLAIMED	NEEDS REVIEW
☒	☐
☐	☐
☐	☐

B. SPLIT WATER RIGHT REVIEW

ROOT WATER RIGHT NUMBER: 65-03181

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
-	A65-03181	3.200	-		65-03181	3.200
TOTAL CFS		3.200				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
Y	Y ☒ N ()

NO SPLITS

NOTES:

AUTHENTICATION:

SIGNATURE:

NAME OF FIELD EXAMINER:

Ron Howerton
DATE: 6/3/99
Ron Howerton
NAME OF FIELD EXAMINER: St. Water Agent

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

TYPE OF MAP OR PHOTOGRAPH (CHECK IF USED)	IF USED, SUPPLY APPROPRIATE DATE AND OTHER INFORMATION	COPY INCLUDED IN FILE?
() ORTHOPHOTOQUAD	DATE OF PHOTO _____ IDWR ID NO. _____	Y() N()
☒ TOPOGRAPHIC	DATE FIELD CHECKED <u>1973</u> IDWR ID NO. <u>5-60</u>	Y(☒) N()
☒ NAPP	DATE OF PHOTO <u>1987</u> IDWR ID NO. _____	Y(☒) N()
() ASCS AERIAL PHOTO	DATE OF PHOTO _____	Y() N()
() ASCS COLOR SLIDE	DATE OF PHOTO _____	Y() N()
() BLM OR USFS AERIAL PHOTO	DATE OF PHOTO _____	Y() N()
() TOWNSHIP SURVEY (GOVERNMENT PLAT)	DATE OF SURVEY _____	Y() N()
() SCS SOIL SURVEY MAP	DATE ISSUED _____	Y() N()
() SUBDIVISION PLAT MAP	DATE OF MAP _____	Y() N()
☒ OTHER <u>MAP A PRBA</u>	DATE <u>SHOWS PLACE OF USE</u>	Y(☒) N()
☒ OTHER <u>MAP E PRBA</u>	DATE <u>SHOWS CORRECT PID</u>	Y(☒) N()
☒ OTHER <u>OVERLAP REVIEW</u>	DATE <u>6/3/99</u> <u>SHOWS 3-OVERLAP RIGHTS</u>	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 <u>PROFILE RPT</u>	DATE _____	<u>1</u>	<u>SHOWS AS DECREED PRBA</u>
() OTHER _____	DATE _____	_____	_____

11:11:36
03/10/99
260

CLAIM NUMBER: A65-03181

POU County: VALLEY

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

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
WATER RIGHTS ABSTRACT

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: LAKE FORK CREEK								
<i>Don</i> 65-3181	<i>ISLAND CAPITAL</i> LODGE, N. C. LODGE, WILLIAM M. BOX 128 CALDWELL	09-09-1919	IRRIGATION	05-01 09-15	3.20 CFS	SENW S35 T18N R03E	NESW(24) NWSW(40) DEGREE SWSW(39) SESW(08) S02 T16N R03E NESE(40) MWSE(39) SWSE(38) SESE(39) S03 T16N R03E	
	ID 83605							
REMARKS: THIS RIGHT WHEN COMBINED WITH RIGHTS 65-2371 & 65-7417 SHALL PROVIDE NO MORE THAN .02 CFS/ACRE.							* 267 ACRES*	
<i>Don</i> 65-3182	CRUICKSHANK, JAMES L. CRUICKSHANK, HELEN E. ROUTE 1, BOX 36 MC CALL	09-09-1919	IRRIGATION	05-01 09-15	4.80 CFS	SENW S35 T18N R03E	NESW(40) SESW(40) DEGREE S26 T17N R03E NENW(40) MNW(38) SWNW(40) SENW(40) S35 T17N R03E	
	ID 83638						* 238 ACRES*	
<i>Don</i> 65-9045 <i>A & B</i>	WRIGHT, JR., LEE C. ROUTE 1, BOX 254 FRUITLAND	11-07-1928	IRRIGATION	04-15 10-15	1.86 CFS	MWNE S10 T17N R03E NESE S23 T17N R03E NWNW S11 T16N R03E		BENEFICIAL USE
	ID 83619							
	P/U: T16N R03E S11 MNW(16)			SWNW(04)				
	P/U: T17N R03E S23 SWSW(36)			SESW(37)			* 93 ACRES*	

INDICATES TOTAL

RECEIVED

FILE

FEB 12 1987

IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT OF THE STATE OF IDAHO

APR 07 1986

STATE OF IDAHO, IN AND FOR THE COUNTY OF GEM

Department of Water Resources

IN THE MATTER OF THE GENERAL
DETERMINATION OF THE RIGHT TO
THE USE OF SURFACE AND GROUND-
WATERS OF THE PAYETTE RIVER
DRAINAGE BASIN.

Civil No. 3667

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

Helma R. Kolzig

The foregoing Stipulation, of Lake Irrigation District, Edward A. Cruzen and the Department of Water Resources, having come duly and regularly before the Court and good cause appearing therefore,

IT IS ORDERED AND DECREED that the water rights, priority dates, uses, periods of use, quantification of rights, diversion points, places of use and basis of claim identified in Exhibit A attached hereto and incorporated herein by reference are adopted by this Court, and the Proposed Finding of Water Rights in the Payette River Drainage Basin (hereinafter "Proposed Finding") shall be amended accordingly. Some of the rights listed in Exhibit A were previously decreed by the court in its judgment of January 21, 1986. They are included here to provide a complete listing of all rights on Lake Fork Creek. Claim No. 65-10095, a reserved right claimed by the Forest Service, is not included because the State of Idaho and the United States are currently planning to become engaged in negotiations concerning federal reserved water right claims.

IT IS FURTHER ORDERED that all protests and objections

ORDER AND PARTIAL DECREE Page 1

RECEIVED

FEB 24 1987

Department of Water Resources

COMPARED

INDEXED - DIRECT

INDEXED - INDIRECT

filed by Lake Irrigation District and Edward A. Cruzen against the water rights adopted by this Court in the preceeding paragraph are dismissed with prejudice.

IT IS FURTHER ORDERED AND DECREED that the Proposed Finding of Fact No. 10 and Conclusion of Law No. 6 as set out in the foregoing Stipulation and Finding of Fact No. 4 and Conclusion of Law No. 3 as set out in Exhibit B of the foregoing Stipulation are amended by said Stipulation.

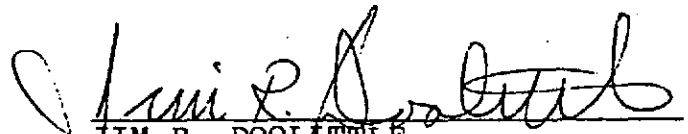
IT IS FURTHER ORDERED AND DECREED that for purposes of operating Water District 65K the gauging station located in the SW1/4SE1/4NW1/4 section 8 township 18N range 4E B.M., above Jumbo Creek and above Tyee Creek shall have 10 per cent added to said gauge readings to account for the added flows of Jumbo and Tyee Creeks and other less distinctive sources between the old site of the gauging station and the present site, unless modified by order of this Court due to changes in the measured flows.

IT IS FURTHER ORDERED AND DECREED that for purposes of operating Water District 65K, reference may be made to the decree of Paul Michelson et al v. M. H. Williams et al (7th Judicial District, Valley County, 1928) for a period of five years following the date of this order, to answer questions arising as to the distribution of water rights listed in Exhibit A. The director of the Department of Water Resources, pursuant to his authority under Chapter 6, Title 42, Idaho Code, will initially

determine any distribution questions. The elements of the Michelson decree that are used in any orders or instructions to the watermaster during this five year term shall be made a permanent part of the water district file for Lake Fork Creek and shall be considered by the director in any future orders or instructions to the watermaster.

IT IS FURTHER ORDERED AND DECREED that jurisdiction is reserved by the Court, upon 10 days notice to the parties hereunto, to make corrections of clerical errors, inadvertences or omissions in the listing of water rights of Exhibit A to the foregoing Stipulation, and the reservation of jurisdiction for this purpose will date one year from the date of this Order.

DATED this 28th day of March, 1986.


JIM R. DOOLITTLE
DISTRICT JUDGE

54(b) Certificate

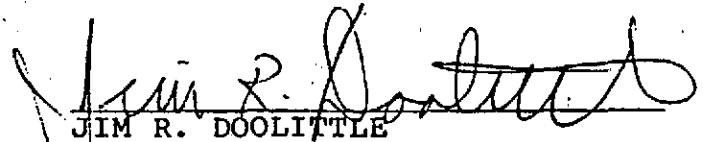
With respect to the issues determined by the above judgment, it is hereby CERTIFIED, in accordance with the Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final decree and that the court has and does direct that the above partial decree shall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

STATE OF IDAHO)
County of Gem) ss.

DATED this 28th day of March, 1986.

I certify that the foregoing
is a true and correct copy
of the original on file in
this office.

DATED 3-28-86
Thelma R. Kolodziej, Clerk


JIM R. DOOLITTLE
District Judge

By: LOC. JAMES W. DUNN PARTIAL DECREE, Page 3