

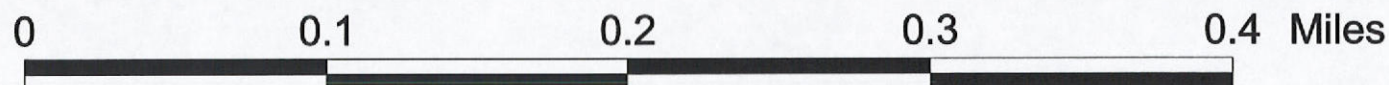
65-03213A



Point of
REDIVERSION



1987 NAPP



Idaho Department of Water Resources

**T17N, R03E
S22**

Claims: 65-03213A
Owner : PHELPS
Prepared by:
Ron Howerton
Date: 19 AUG 99

 Place of use

 POD

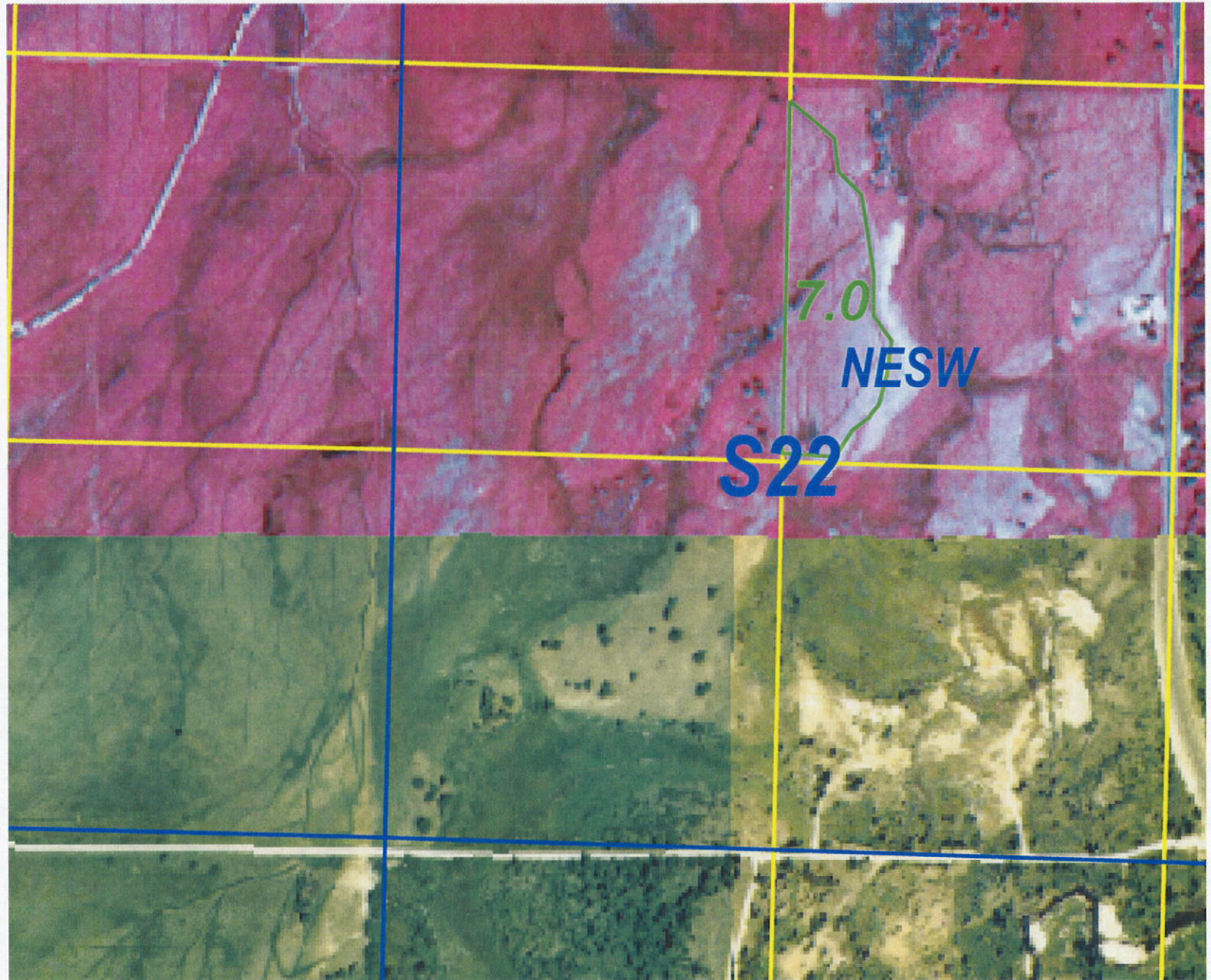
 SECTION LINES

 1/4 1/4 Lines

Acres



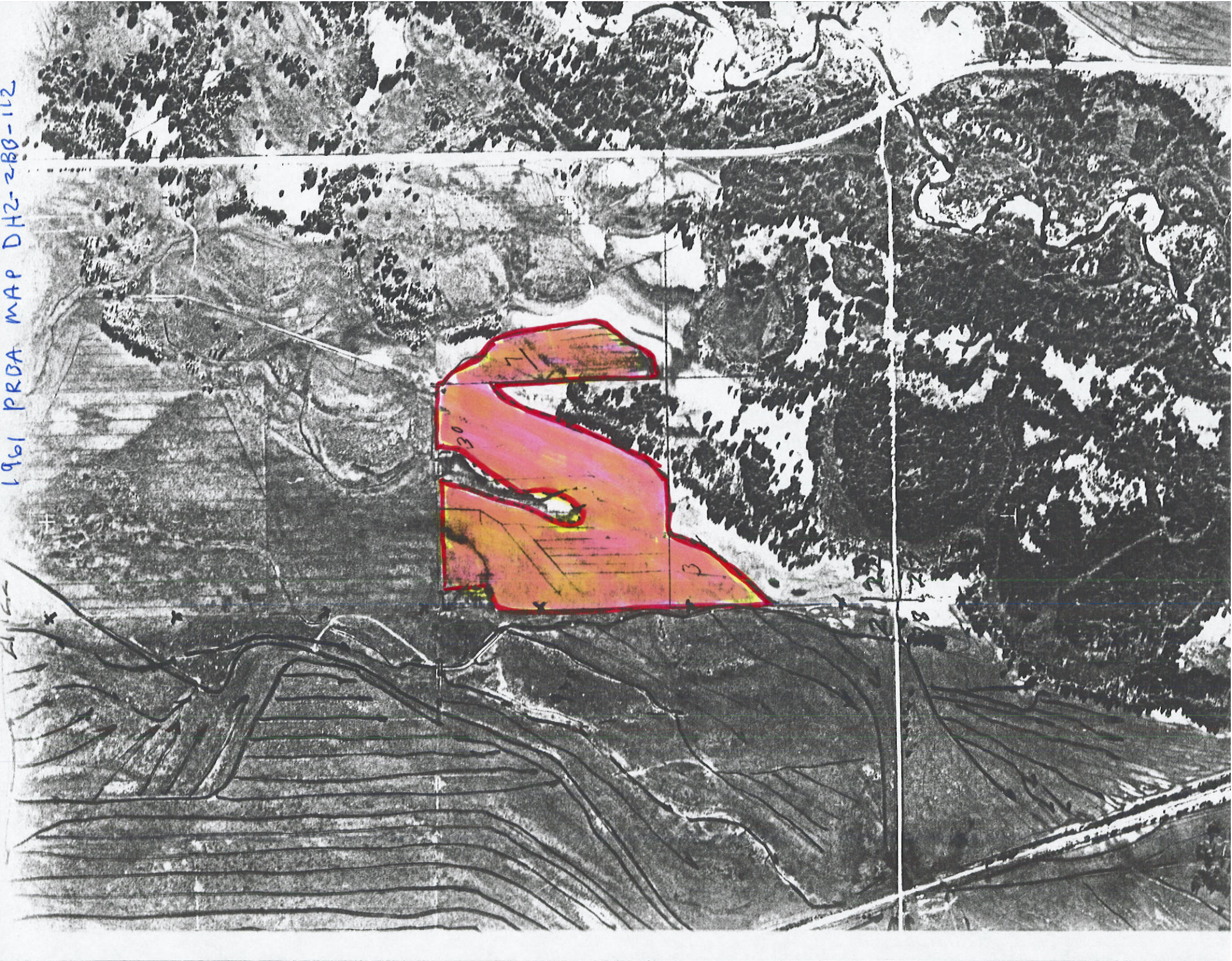
1987 NAPP



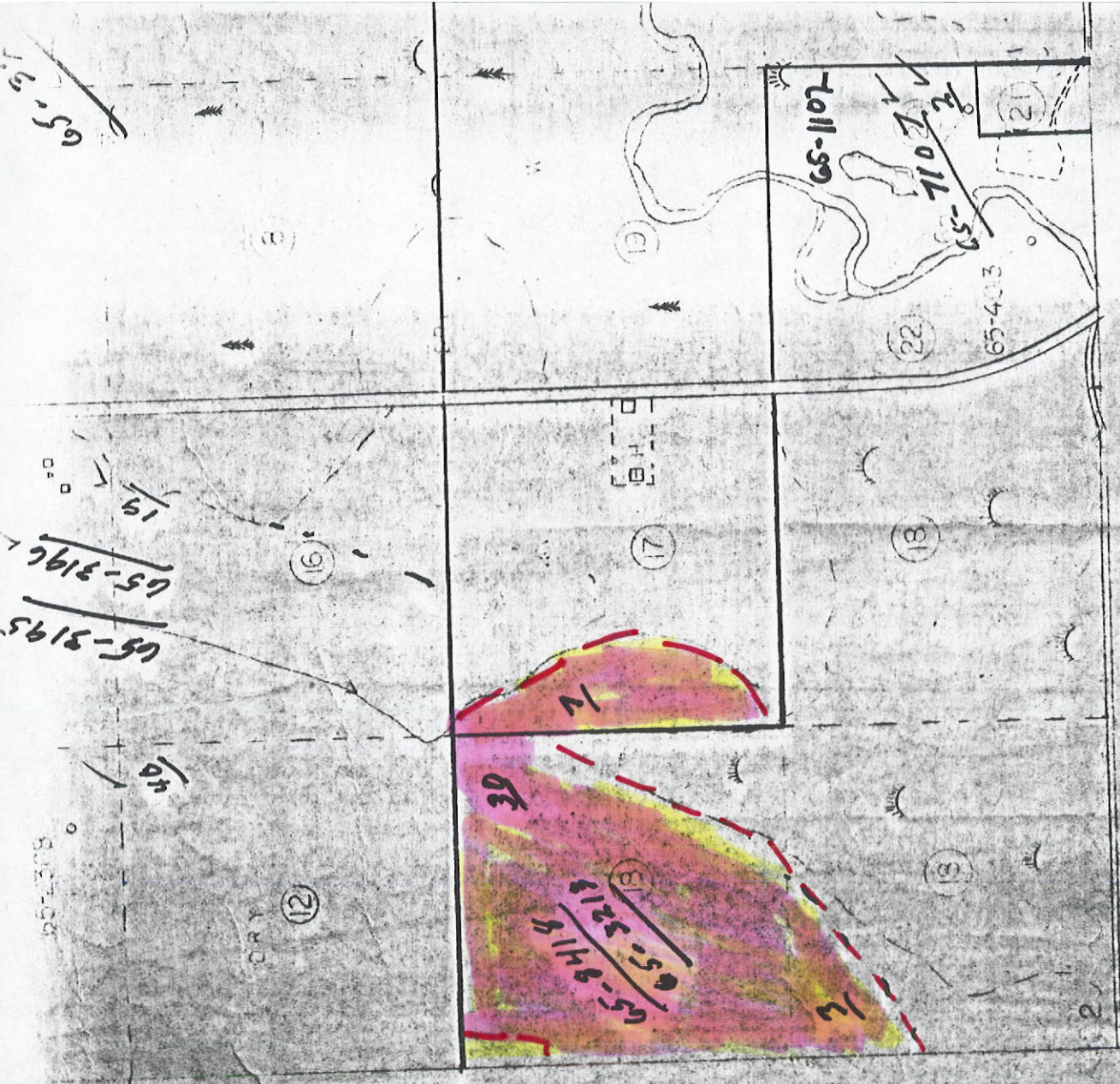
0 0.25 0.5 Miles



1961 PRDA MAP DH2-280-112



PRBA MAP "D" 17N 3E



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: A65-03213A
Date Received: 11/ 8/1988
Receipt No: X777777
Received By: _____

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

AMENDED

1. Name: IVAN D PHELPS 208-325-8886
Address: 13508 FARM TO MARKET RD
MC CALL ID 83638
OR
Name: WILMINA M PHELPS 208-325-8886
Address: 13508 FARM TO MARKET RD
MC CALL ID 83638
2. Date of Priority: SEP 30, 1918
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 |
|----------|-------|---------|--------|--------|-----|-----|--------|
| 17N | 03E | 3 | SE | NE | | | VALLEY |
5. Description of diverting works:
WEST SIDE DITCH.
6. Water is used for the following purposes:
- | Purpose | From | To | C.F.S | (or) | A.F.A. |
|------------|-------|-------|-------|------|--------|
| IRRIGATION | 05/01 | 09/15 | 0.140 | | |
7. Total Quantity Appropriated is:
0.140 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
17N	03E	22	NE	SW		IRR	7.0

10. Place of Use: Continued

Section Acres 7.0

Total Acres 7.0

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 CLAIM IS A RESULT OF A CHANGE IN OWNERSHIP FOR A PORTION
OF CLAIM NO. A65-03213 FEE PAID UNDER RECEIPT NO. X999999
RDH 08/18/1999.

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

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)
) SS.
County of _____)

Subscribed and sworn (or affirmed) before me this _____ day
of _____ 19 _____

Notary Public

Seal

Residing at _____

My Commission Expires _____

STATE OF IDAHO
IDAHO DEPARTMENT OF WATER RESOURCES

RECEIVED

AUG 02 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).: 65-08418 ALS-03213
Adjudication Claim No(s).: ? ALS-08418
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 IVAN D PHELPS & WILMINA M PHELPS
13508 FARM TO MARKET, MCCALL, ID 83638
4. New Owner/Claimant(s) W. DAVID KIRK
Name Connector (Check one): ☐ and, ☐ or, ☐ and/or
New Mailing Address PO BOX 2078
City, State and ZIP Code MCCALL, IDAHO 83638
New Telephone Number (208) 634-5800
5. Date you acquired the property 5/13/99
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 17 Number and type of stock 5 COWS
Diversion rate in CFS _____ Number of homes 1 Other uses PLAN TO PUT IN POND
- 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) W. David Kirk
- (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..

WARRANTY DEED

For Value Received, ROGERS FAMILY TRUST NO. 1
WILLIAM HOGUE and PATRICIA HOGUE
Husband and Wife

the Grantors, do hereby grant, bargain, sell and convey unto
W. DAVID KIRK, an unmarried man
whose address is: P.O. BOX, MCCALL, IDAHO 83638 *PO Box 2078*
the Grantee, the following described premises, to-wit:
THE WEST HALF OF THE SOUTHWEST QUARTER, SECTION 22, TOWNSHIP 17
NORTH, RANGE 3 EAST, VALLEY COUNTY, IDAHO.

TOGETHER WITH 40 INCHES OF WATER FROM THE EAST SIDE LAKEFORK
DITCH COMPANY AND ANY AND ALL OTHER WATER AND MINERAL RIGHTS
APPERTAINING THERETO.

TO HAVE AND TO HOLD the premises with their appurtenances unto
the said Grantees, their heirs and assigns forever. And the said
Grantors do hereby covenant to and with the said Grantees, that
they are the owners in fee simple of said premises that said
premises are free from all encumbrances except the 1999 taxes and
assessments and that they will warrant and defend the same from
all lawful claims whatsoever.

Dated: 5/7/99

ROGERS FAMILY TRUST NO. 1

Elvira R. Chisholm
by: Elvira R. Chisholm

William Hogue
WILLIAM HOGUE

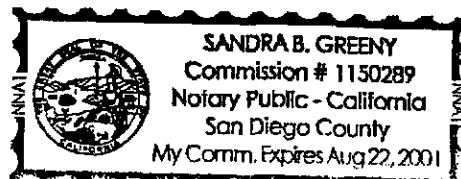
Patricia Hogue
PATRICIA HOGUE

RECORDED
99 MAY 13 AM 10 20
VALLEY COUNTY RECORDER
FEE: 6.00
240068

State of *Calif*
County of *San Diego*

On the 7th day of MAY, 1999 before me, *Sandra B. Greeny*
a notary public in and for said State,
personally appeared WILLIAM HOGUE and PATRICIA HOGUE
known to me to be the persons whose names are subscribed to the
within instrument, and acknowledged to me that they executed the
same.

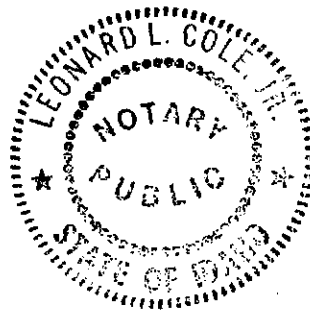
Sandra B. Greeny
Notary Public
Residing at: *Laharsale, Calif*
Commission Expires: *Aug 22, 2001*



State of Idaho,
County of Valley) ss
)

On the 11 day of May, 1999 before me, Leonard L. Cole Jr.
a notary public in and for said State,
personally appeared Eloise R. Chisholm being
by me first duly sworn, declared that they are Trustees of the
Rogers Family Trust No. 1 that ~~they~~ signed the foregoing document as the
Trustees and that statements therein contained are true.

Leonard L. Cole Jr.
Notary Public
Residing at: Cascade
Commission Expires: 06-14-05



Lawyers Title Insurance Corporation

NATIONAL HEADQUARTERS
RICHMOND, VIRGINIA

**1992 ALTA
Owner's Policy**

**Owner's Policy Number
136 - 01 - 594198**

SUBJECT TO THE EXCLUSIONS FROM COVERAGE, THE EXCEPTIONS FROM COVERAGE CONTAINED IN SCHEDULE B AND THE CONDITIONS AND STIPULATIONS, LAWYERS TITLE INSURANCE CORPORATION, a Virginia corporation, herein called the Company, insures, as of Date of Policy shown in Schedule A, against loss or damage, not exceeding the Amount of Insurance stated in Schedule A, sustained or incurred by the insured by reason of:

1. Title to the estate or interest described in Schedule A being:
 - (1) Unmarketability of the title;
 - (2) Lack of a right of access to and from the land.
2. Any defect in or lien or encumbrance on the title;

The Company also will pay the costs, attorneys' fees and expenses incurred in defense of the title, as insured, but only to the extent provided in the Conditions and Stipulations.

EXCLUSIONS FROM COVERAGE

The following matters are expressly excluded from the coverage of this policy and the Company will not pay loss or damage, costs, attorneys' fees or expenses which arise by reason of:

1. (a) Any law, ordinance or governmental regulation (including but not limited to building and zoning laws, ordinances, or regulations) restricting, regulating, prohibiting or relating to (i) the occupancy, use, or enjoyment of the land; (ii) the character, dimensions or location of any improvement now or hereafter erected on the land; (iii) a separation in ownership or a change in the dimensions or area of the land or any parcel of which the land is or was a part; or (iv) environmental protection, or the effect of any violation of these laws, ordinances or governmental regulations, except to the extent that a notice of the enforcement thereof or a notice of a defect, lien or encumbrance resulting from a violation or alleged violation affecting the land has been recorded in the public records at Date of Policy.
- (b) Any governmental police power not excluded by (a) above, except to the extent that a notice of the exercise thereof or a notice of a defect, lien or encumbrance resulting from a violation or alleged violation affecting the land has been recorded in the public records at Date of Policy.
2. Rights of eminent domain unless notice of the exercise thereof has been recorded in the public records at Date of Policy, but not excluding from coverage any taking which has occurred prior to Date of Policy which would be binding on the rights of a purchaser for value without knowledge.
3. Defects, liens, encumbrances, adverse claims or other matters:
 - (a) created, suffered, assumed or agreed to by the insured claimant;
 - (b) not known to the Company, not recorded in the public records at Date of Policy, but known to the insured claimant and not disclosed in writing to the Company by the insured claimant prior to the date the insured claimant became an insured under this policy;
 - (c) resulting in no loss or damage to the insured claimant;
 - (d) attaching or created subsequent to Date of Policy; or
 - (e) resulting in loss or damage which would not have been sustained if the insured claimant had paid value for the estate or interest insured by this policy.
4. Any claim, which arises out of the transaction vesting in the insured the estate or interest insured by this policy, by reason of the operation of federal bankruptcy, state insolvency, or similar creditors' rights laws that is based on:
 - (a) the transaction creating the estate or interest insured by this policy being deemed a fraudulent conveyance or fraudulent transfer; or
 - (b) the transaction creating the estate or interest insured by this policy being deemed a preferential transfer except where the preferential transfer results from the failure:
 - (i) to timely record the instrument of transfer; or
 - (ii) of such recordation to impart notice to a purchaser for value or a judgment or lien creditor.

1	2	3	4	5	6	7	8	9
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Lawyers Title Insurance Corporation

OWNER'S POLICY

Schedule A

CASE NUMBER	DATE OF POLICY	AMOUNT OF INSURANCE
Kirk/ Rogers Tr	05-13-99	\$84,000.00

THE POLICY NUMBER SHOWN
ON THIS SCHEDULE MUST
AGREE WITH THE PREPRINTED
NUMBER ON THE COVER SHEET

POLICY NUMBER
136-01-594198

1. Name of Insured:

W. David Kirk

2. The estate or interest in the land described herein and which is covered by this policy is:

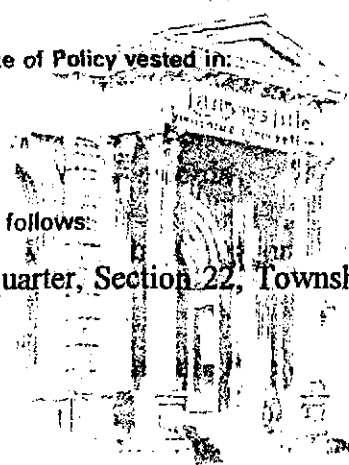
Fee Simple

3. The estate or interest referred to herein is at Date of Policy vested in:

W. David Kirk, an unmarried man

4. The land referred to in this policy is described as follows:

The West half of the Southwest quarter, Section 22, Township 17 North, Range 3 East, Valley County, Idaho.



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

Colleen L. Cole
Countersignature Authorized Officer or Agent

Issued at (Location)

Lawyers Title Insurance Corporation

CASE NUMBER
Kirk/ Rogers Tr

THE POLICY NUMBER SHOWN ON
THIS SCHEDULE MUST AGREE
WITH THE PREPRINTED NUMBER
ON THE COVER SHEET.

OWNER'S POLICY

POLICY NUMBER
186-01-594198

Schedule B

This policy does not insure against loss or damage by reason of the following:

1. The dower, curtesy, homestead, community property, or other statutory marital rights, if any, of the spouse of any individual insured.
2. Rights or claims of parties in possession not shown by 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 record.
4. Easements, or claims of easements, not shown by public records.
5. 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.
6. Unpatented mining claims; reservations or exceptions in patents or in Act authorizing the issuance thereof, water rights, claims or title to water.
7. Taxes for the year 1999 and subsequent years are a lien and not yet due and payable.
8. Assessment or liens by Valley County for garbage collection, as provided for by law.
9. RECORD OF SURVEY, as filed for record in the office of the Recorder of Valley County, Idaho, on October 29, 1991 as Instrument No. 183872.
10. Subject to county roadway (Smylie Lane) along entire southerly boundary.

11.. DEED OF TRUST

GRANTOR: W. David Kirk, an unmarried man

TRUSTEE: Mountain Title & Escrow Co., Inc.

BENEFICIARY: Ivan D. Phelps and Wilmina M. Phelps

DATED: May 11, 1999

RECORDED: May 13, 1999 as Instrument No. 240069

AMOUNT: \$50,000.00

10. REDUCTION OF INSURANCE; REDUCTION OR TERMINATION OF LIABILITY.

All payments under this policy, except payments made for costs, attorneys' fees and expenses, shall reduce the amount of the insurance pro tanto.

11. LIABILITY NONCUMULATIVE.

It is expressly understood that the amount of insurance under this policy shall be reduced by any amount the Company may pay under any policy insuring a mortgage to which exception is taken in Schedule B or to which the insured has agreed, assumed, or taken subject, or which is hereafter executed by an insured and which is a charge or lien on the estate or interest described or referred to in Schedule A, and the amount so paid shall be deemed a payment under this policy to the insured owner.

12. PAYMENT OF LOSS.

(a) No payment shall be made without producing this policy for endorsement of the payment unless the policy has been lost or destroyed, in which case proof of loss or destruction shall be furnished to the satisfaction of the Company.

(b) When liability and the extent of loss or damage has been definitely fixed in accordance with these Conditions and Stipulations, the loss or damage shall be payable within 30 days thereafter.

13. SUBROGATION UPON PAYMENT OR SETTLEMENT.

(a) The Company's Right of Subrogation.
Whenever the Company shall have settled and paid a claim under this policy, all right of subrogation shall vest in the Company unaffected by any act of the insured claimant.

The Company shall be subrogated to and be entitled to all rights and remedies which the insured claimant would have had against any person or property in respect to the claim had this policy not been issued. If requested by the Company, the insured claimant shall transfer to the Company all rights and remedies against any person or property necessary in order to perfect this right of subrogation. The insured claimant shall permit the Company to sue, compromise or settle in the name of the insured claimant and to use the name of the insured claimant in any transaction or litigation involving these rights or remedies.

If a payment on account of a claim does not fully cover the loss of the insured claimant, the Company shall be subrogated to these rights and remedies in the proportion which the Company's payment bears to the whole amount of the loss.

If loss should result from any act of the insured claimant, as stated above, that act shall not void this policy, but the Company, in that event, shall be required to pay only that part of any losses insured against by this policy which shall exceed the amount, if any, lost to the Company by reason of the impairment by the insured claimant of the Company's right of subrogation.

(b) The Company's Rights Against Non-Insured Obligors.

The Company's right of subrogation against non-insured obligors shall exist and shall include, without limitation, the rights of the insured to indemnities, guaranties, other policies of insurance or bonds, notwithstanding any terms or conditions contained in those instruments which provide for subrogation rights by reason of this policy.

14. ARBITRATION.

Unless prohibited by applicable law, either the Company or the insured may demand arbitration pursuant to the Title Insurance Arbitration Rules of the American Arbitration Association. Arbitrable matters may include, but are not limited to, any controversy or claim between the Company and the insured arising out of or relating to this policy, any service of the Company in connection with its issuance or the breach of a policy provision or other obligation. All arbitrable matters when the Amount of Insurance is \$1,000,000 or less shall be arbitrated at the option of either the Company or the insured. All arbitrable matters when the Amount of Insurance is in excess of \$1,000,000 shall be arbitrated only when agreed to by both the Company and the insured. Arbitration pursuant to this policy and under the Rules in effect on the date the demand for arbitration is made or, at the option of the insured, the Rules in effect at Date of Policy shall be binding upon the parties. The award may include attorneys' fees only if the laws of the state in which the land is located permit a court to award attorneys' fees to a prevailing party. Judgment upon the award rendered by the Arbitrator(s) may be entered in any court having jurisdiction thereof.

The law of the situs of the land shall apply to an arbitration under the Title Insurance Arbitration Rules.

A copy of the Rules may be obtained from the Company upon request.

15. LIABILITY LIMITED TO THIS POLICY; POLICY ENTIRE CONTRACT.

(a) This policy together with all endorsements, if any, attached hereto

continued on remainder of cover sheet

with any costs, attorneys' fees and expenses incurred by the insured claimant which were authorized by the Company up to the time of payment and which the Company is obligated to pay; or

(ii) to pay or otherwise settle with the insured claimant the loss or damage provided for under this policy, together with any costs, attorneys' fees and expenses incurred by the insured claimant which were authorized by the Company up to the time of payment and which the Company is obligated to pay.

Upon the exercise by the Company of either of the options provided for in paragraphs (b)(i) or (ii), the Company's obligations to the insured under this policy for the claimed loss or damage, other than the payments required to be made, shall terminate, including any liability or obligation to defend, prosecute or continue any litigation.

7. DETERMINATION; EXTENT OF LIABILITY AND CONSUMPTION.

This policy is a contract of indemnity against actual monetary loss or damage sustained or incurred by the insured claimant who has suffered loss or damage by reason of matters insured against by this policy and only to the extent herein described.

(a) The liability of the Company under this policy shall not exceed the least of:

(i) the Amount of Insurance stated in Schedule A; or
(ii) the difference between the value of the insured estate or interest as insured and the value of the insured estate or interest subject to the defect, lien or encumbrance insured against by this policy.

(b) In the event the Amount of Insurance stated in Schedule A at the Date of Policy is less than 80 percent of the value of the insured estate or interest or the full consideration paid for the land, whichever is less, or if subsequent to the Date of Policy an improvement is erected on the land which increases the value of the insured estate or interest by at least 20 percent over the Amount of Insurance stated in Schedule A, then this Policy is subject to the following:

(i) where no subsequent improvement has been made, as to any partial loss, the Company shall only pay the loss pro rata in the proportion that the amount of insurance at Date of Policy bears to the total value of the insured estate or interest at Date of Policy; or

(ii) where a subsequent improvement has been made, as to any partial loss, the Company shall only pay the loss pro rata in the proportion that 120 percent of the Amount of Insurance stated in Schedule A bears to the sum of the Amount of Insurance stated in Schedule A and the amount expended for the improvement.

The provisions of this paragraph shall not apply to costs, attorneys' fees and expenses for which the Company is liable under this policy, and shall only apply to that portion of any loss which exceeds, in the aggregate, 10 percent of the Amount of Insurance stated in Schedule A.

(c) The Company will pay only those costs, attorneys' fees and expenses incurred in accordance with Section 4 of these Conditions and Stipulations.

8. APPORTIONMENT.

If the land described in Schedule A consists of two or more parcels which are not used as a single site, and a loss is established affecting one or more of the parcels but not all, the loss shall be computed and settled on a pro rata basis as if the amount of insurance under this policy was divided pro rata as to the value on Date of Policy of each separate parcel to the whole, exclusive of any improvements made subsequent to Date of Policy, unless a liability or value has otherwise been agreed upon as to each parcel by the Company and the insured at the time of the issuance of this policy and shown by an express statement or by an endorsement attached to this policy.

9. LIMITATION OF LIABILITY.

(a) If the Company establishes the title, or removes the alleged defect, lien or encumbrance, or cures the lack of a right of access to or from the land, or cures the claim of unmarketability of title, all as insured, in a reasonably diligent manner by any method, including litigation and the completion of any appeals therefrom, it shall have fully performed its obligations with respect to that matter and shall not be liable for any loss or damage caused thereby.

(b) In the event of any litigation, including litigation by the Company or with the Company's consent, the Company shall have no liability for loss or damage until there has been a final determination by a court of competent jurisdiction, and disposition of all appeals therefrom, adverse to the title as insured.

(c) The Company shall not be liable for loss or damage to any insured for liability voluntarily assumed by the insured in settling any claim or suit without the prior written consent of the Company.

CONDITIONS AND STIPULATIONS—CONTINUED

by the Company is the entire policy and contract between the insured and the Company. In interpreting any provision of this policy, this policy shall be construed as a whole.

(b) Any claim of loss or damage, whether or not based on negligence, and which arises out of the status of the title to the estate or interest covered hereby or by any action asserting such claim, shall be restricted to this policy.

(c) No amendment of or endorsement to this policy can be made except by a writing endorsed hereon or attached hereto signed by either the President, a Vice President, the Secretary, an Assistant Secretary, or validating officer or authorized signatory of the Company.

16. SEVERABILITY.

In the event any provision of the policy is held invalid or unenforceable under applicable law, the policy shall be deemed not to include that provision and all other provisions shall remain in full force and effect.

17. NOTICES, WHERE SENT.

All notices required to be given the Company and any statement in writing required to be furnished the Company shall include the number of this policy and shall be addressed to its Corporate Headquarters, 6630 West Broad Street, Richmond, Virginia 23230. Mailing address: P.O. Box 27567, Richmond, Virginia 23261.

IN WITNESS WHEREOF the Company has caused this policy to be signed and sealed, to be valid when Schedule A is countersigned by an authorized officer or agent of the Company, all in accordance with its By-Laws.

Attest:

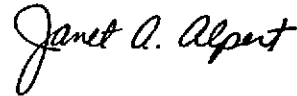


Secretary



Lawyers Title Insurance Corporation

By:



President

POLICY OF TITLE INSURANCE

A WORD OF THANKS . . .

As we make your policy a part of our permanent records, we want to express our appreciation of this evidence of your faith in Lawyers Title Insurance Corporation.

There is no recurring premium.

This policy provides valuable title protection and we suggest you keep it in a safe place where it will be readily available for future reference.

If you have any questions about the protection provided by this policy, contact the office that issued your policy or you may write to:

Consumer Affairs Department
Lawyers Title Insurance Corporation
P.O. Box 27567
Richmond, Virginia 23261
TOLL FREE NUMBER: 1-800-446-7086

Doc. 41. T 10

THIS DOCUMENT COPY IS FURNISHED
AS AN ACCOMMODATION. THE COMPANY
MAKES NO REPRESENTATIONS AS TO
ITS EFFECT, SUFFICIENCY, COM-
PLETENESS OR ANY OTHER MATTERS
THAT MIGHT BE REFERRED TO OR
IMPLIED THEREIN.

Franklin J. and Florence R. Dailey
Trust
80 ac

Survey 3-108
D.V. 3-121

DIXIE LEE PEACOCK and
Stephen Bradley Lewis
40 ac. 9755

15

22

2405

HERKIMER

Smylie Lane

LAKE FORK
3 miles N FROM
Smylie

0605
DIXIE LEE PEACOCK

vacated road
174509

0008
#13
DIXIE LEE
PEACOCK
Stephen
Bradley Lewis

5706

4805

ERIC T. Jones
and
Charlotte R. King

ADGEAS FAMILY TRUST No. 1

AND

WILLIAM & PATRICIA HASUE

SW 1/4, SW 1/4, SEC 22,

Twp 17N, R3E

24 Smylie Lane

LAKE
FORK
HENRY
CREEK

0436
0405
LAKE
FORK
CREEK
et al

8855

Smylie Lane

SEE ORIGINAL

CLAIM FILE

DOCUMENTS IN

CLAIM

NO. A 65 - 03213

WESTERN REGION

OWNER (S):

PHelps (SPLIT)

CLAIM NUMBERS:

3213A

8418A

AGENT: RON HOWERTON

DATE 8/27/99

RIGHT NO				NE				NW				SW				SE			
	TNS	RNG	SEC	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE

POLYGON CREATED ON 803

POLYGON # () () () () UPDATED BY rdh

ATTRIBUTES OF B65-POU.SHP (813) () () () ()

ATTRIBUTES OF B65-POD.SHP (611) () () (804) ()

_____ B65-DBPOU.DBF UPDATED BY rdh

FOR 3213A

8418A

_____ B65-DBPOD.DBF UPDATED BY rdh

NOTES:

September 29, 1999

NOTICE OF ERROR
REPLY

RECEIVED

OCT 15 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: 65-03213A (465-03213)

WILMINA M PHELPS
IVAN D PHELPS
13508 FARM TO MARKET RD
MC CALL ID 83638

*We have given E. Chisholm
all the water right papers
on this claim*

Daytime Telephone Number: 325-8886

Evening Telephone Number:

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

All

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

this claim is now owned by Eloris Chisholm (Rogers Estate)
500 W. Lake St.
McCall, ID 83638
~~Chisholm~~ phone: 208-634-2100

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

we sold this property in 1992 .
(+ the water rights)

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

DATE: 10/10/99 SIGNATURE: Ivan Phelps
Please print your name: Ivan D. Phelps

AJ0749NP
No. R65-03213A

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

DATE: 08/20/99
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	IVAN D PHELPS	09/30/1918	IRRIGATION	05-01 09-15	0.140 CFS	
C	WILMINA M PHELPS					
	13508 FARM TO MARKET RD			TOTAL DIVERSION:	0.140 CFS	
	MCCALL ID 83638					
	(208) 325-8886					

Water Source: LAKE FORK CREEK

Tributary to: PAYETTE RIVER, NORTH FORK

Stage: DECREED

Point(s) of Diversion: T17N R03E S03 NESENE

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			
17N	03E	22	:													07					7.0			
																				TOTAL ACRES	7.0			

POU County: VALLEY

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

A65-02708	A65-03120	A65-03183	A65-03184B	A65-03184C	A65-03184D	A65-03184E	A65-03184F	A65-03184H	A65-03184J
A65-03186	A65-03187	A65-03188	A65-03189	A65-03190	A65-03191	A65-03192	A65-03193	A65-03194B	A65-03194C
A65-03197	A65-03198	A65-03199	A65-03200	A65-03201A	A65-03201B	A65-03202A	A65-03204	A65-03205	A65-03206
A65-03207	A65-03209	A65-03210	A65-03211A	A65-03211B	A65-03211C	A65-03212	A65-03213A	A65-03213B	A65-03214
A65-03215	A65-03216	A65-03219A	A65-03219X	A65-17131	R65-02700	R65-02707	R65-02708	R65-02932	R65-02952
R65-03120	R65-03183	R65-03184B	R65-03184C	R65-03184D	R65-03184E	R65-03184F	R65-03184H	R65-03184J	R65-03185
R65-03186	R65-03187	R65-03188	R65-03189	R65-03190	R65-03191	R65-03192	R65-03193	R65-03194B	R65-03194C
R65-03197	R65-03198	R65-03199	R65-03200	R65-03201A	R65-03201B	R65-03202A	R65-03204	R65-03205	R65-03206
R65-03207	R65-03209	R65-03210	R65-03211A	R65-03211B	R65-03211C	R65-03212	R65-03213B	R65-03214	R65-03215
R65-03216	R65-07523	R65-10568	R65-17131						

Remarks: QNT THIS RIGHT WHEN COMBINED WITH RIGHT NO. 65-08418A SHALL
PROVIDE NO MORE THAN .02 CFS PER ACRE.

POU1 USE OF THIS RIGHT WITH RIGHT NO. 65-08418A IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 7.0 ACRES IN A SINGLE
IRRIGATION SEASON.

EXP RIGHT NO. 65-03213B IS ALSO DIVERTED THROUGH POINT OF
DIVERSION DESCRIBED ABOVE.

Dates: Exam Made Date: Verified Date: 08/20/1999 Objection Filed Date:

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

AJ0749NP
No. R65-03213A

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

DATE: 08/20/99
PAGE: 2

=====

Comments: Date: 08/18/1999 User-ID: RHOWERTO Subject: COPIED FROM REMARKS
THIS CLAIM IS A RESULT OF A CHANGE IN OWNERSHIP FOR A PORTION
OF CLAIM NO. A65-03213 FEE PAID UNDER RECEIPT NO. X999999
RDH 08/18/1999.

Date: 08/19/1999 User-ID: RHOWERTO Subject: POINT OF DIVERSION COMMENT
OVERLAPPING P/D'S ARE SHOWN ON PROFILE REPORT, EXP REMARK SHOWS
THE SPLIT RIGHT P/D OVERLAP.

Audit: 08/20/99 RHOWERTO



State of Idaho
DEPARTMENT OF WATER RESOURCES

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

August 20, 1999

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

Re: Original Notice of Claim(s) to a Water Right No. A65-03213 & A65-08418

Renumbered to Notice of Claim(s) to a Water Right No. A65-03213A & A65-08418A

**IVAN D PHELPS &
WILMINA M PHELPS**
13508 FARM TO MARKET RD
MCCALL ID 83638

Dear Ivan and Wilmina,

We have received and processed a Change of Ownership for a portion of your original Claim to a Water Right Number as referenced above. This change of ownership resulted in a split of your original claim.

When a portion of the original water right claim has been conveyed to another and the original right has been split, then the original claim number is renumbered by adding alpha suffixes to represent each split. Each split contains only the portion of the original right for each separate owner. The above referenced new claim number reflects your remaining portion of the original claim after the change of ownership. Enclosed is a copy of this new claim for your records. Please refer to your new claim number when corresponding with our office.

If you have any questions concerning this ownership change or the enclosed claim copy, please feel free to contact this office.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Ron Howerton'.

Ron Howerton
ADJUDICATION BUREAU
Department of Water Resources
Western Region Office
(208) 334-2190

Attachment(s)

WR5809NP
No. 65-03213 *A*

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 07/27/99
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	IVAN D. PHELPS ROUTE 1, BOX 73 MC CALL ID 83638 <i>OK</i>	09/30/1918	IRRIGATION	05/01 09/15	~~0.800~~ CFS	.14
TOTAL DIVERSION:					~~0.800~~ CFS	.14

$$(7)(0.02) = .14$$

Water Source: LAKE FORK CREEK

Tributary to: PAYETTE RIVER, NORTH FORK

Stage: DECREED

Point(s) of Diversion:

T17N R03E S03

NE SENE

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			
17N	03E	22	:																	:				
												07				~~30~~ ~~03~~								
																				TOTAL ACRES		40.0	7	

Pou County: VALLEY

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

65-02708	65-03120	65-03183	65-03184A	65-03184B	65-03184C	65-03184D	65-03184E	65-03184F	65-03184X	
65-03186	65-03187	65-03188	65-03189	65-03190	65-03191	65-03192	65-03193	65-03194	65-03195	
65-03196	65-03197	65-03198	65-03199	65-03200	65-03201	65-03202A	65-03202X	65-03203	65-03204	
65-03205	65-03206	65-03207	65-03209	65-03210	65-03211	65-03212	65-03214	65-03215	65-03216	
65-03219A	65-03219X									

Remarks: GEN THIS RIGHT WHEN COMBINED WITH RIGHT 65-8418 SHALL PROVIDE NO MORE THAN .02 CFS/ACRE.

Dates:	App. Received:	Priority Date:	09/30/1918
	Proof Due Date:	Proof Made Date:	
	Exam Made Date:	Exam Sent to S.O.:	
	Licensed Date:		

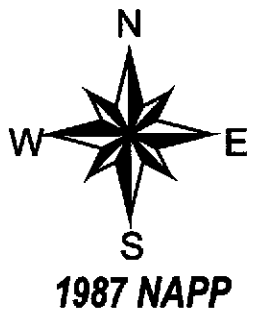
Misc: Water District Number: 65K Field Exam Fee:

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

65-03213A



●
Point of
REDIVERSION



0 0.1 0.2 0.3 0.4 Miles

A horizontal scale bar with four segments, corresponding to the 0, 0.1, 0.2, 0.3, and 0.4 mile markings.

Idaho Department of Water Resources

**T17N, R03E
S22**

Claims: 65-03213A
Owner : PHELPS
Prepared by:
Ron Howerton
Date: 19 AUG 99

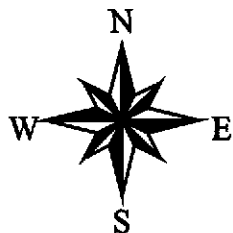
 Place of use

● POD

 SECTION LINES

 1/4 1/4 Lines

Acres



1987 NAPP



0 0.25 0.5 Miles



SPLIT REVIEW

PHELPS/KIRK

(Rights: 65-03213 & 65-08418)

AGENT: Ronald D. Howerton

Date: August 19, 1999

61-03213 PHELPS

IRR (40) acres

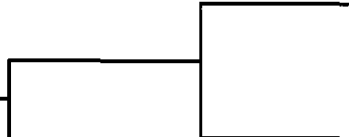
0.8 CFS



POU

NESW(7), NWSW(30), SWSW(3)

T17N, R03E, S22



65-03213A PHELPS

NESW (7) ACRES

0.14 CFS



65-03213B KIRK

NWSW(30), SWSW(3) (33 ACRES)

0.66 CFS

61-03213 "A" SPLIT (0.14 CFS) + "B" SPLIT (0.66 CFS) = 0.8 CFS

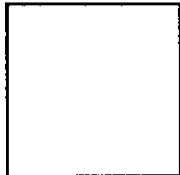
65-08418 PHELPS

IRR (40) acres

0.8 CFS

STK 0.02 CFS

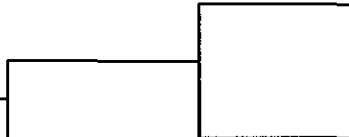
TOTAL 0.82 CFS



POU

NESW(7), NWSW(30), SWSW(3)

T17N, R03E, S22



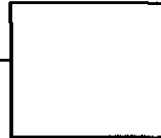
65-08418A PHELPS

NESW (7) ACRES

0.14 CFS

STOCK 0.01 CFS

TOTAL 0.15 CFS



61-08418B KIRK

NWSW(30), SWSW(3) (33ACRES)

0.66 CFS

STOCK 0.01 CFS

TOTAL 0.67 CFS

61-08418 "A" SPLIT (0.15 CFS) + "B" SPLIT (0.67 CFS) = 0.82 CFS

OVERLAP REVIEW SHEET FOR THE FOLLOWING WR #'s: 65 - 3213A 65 - 3213B

AGENT Rch

DATE 8/19/99

65 - 8418A

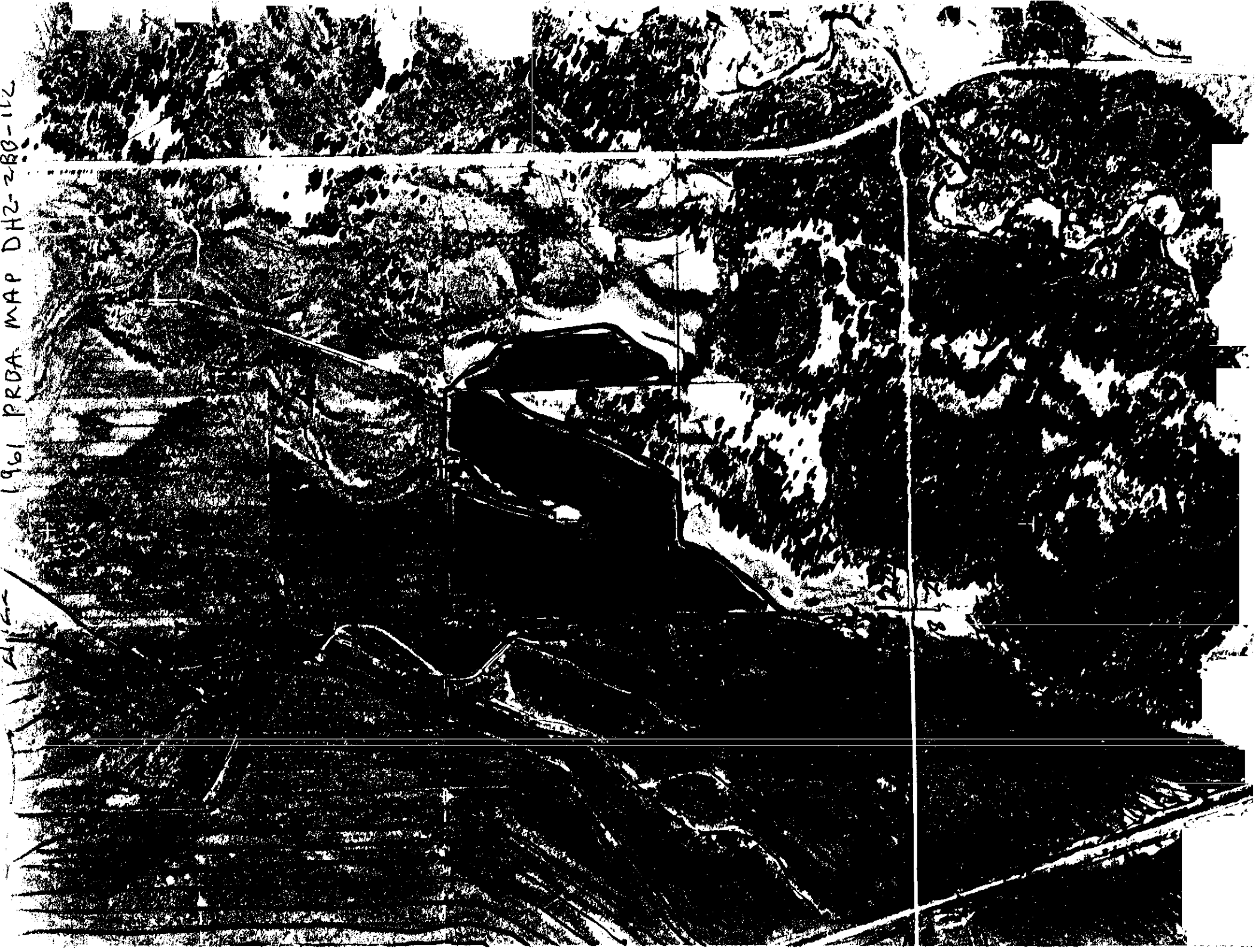
65 - 8418B

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		
LEKCR	3213A	17N	3E	22									7								7	
LEKCR	3213B	17N	3E	22									30	3							33	40

USE/SOURCE	NUMBER	INS	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		
UNARMED STREAM	8418A	17N	3E	22									7								7	
UNARMED STREAM	8418B	17N	3E	22										30	3						33	40
													7	30	3						→	40

[illegible][illegible]

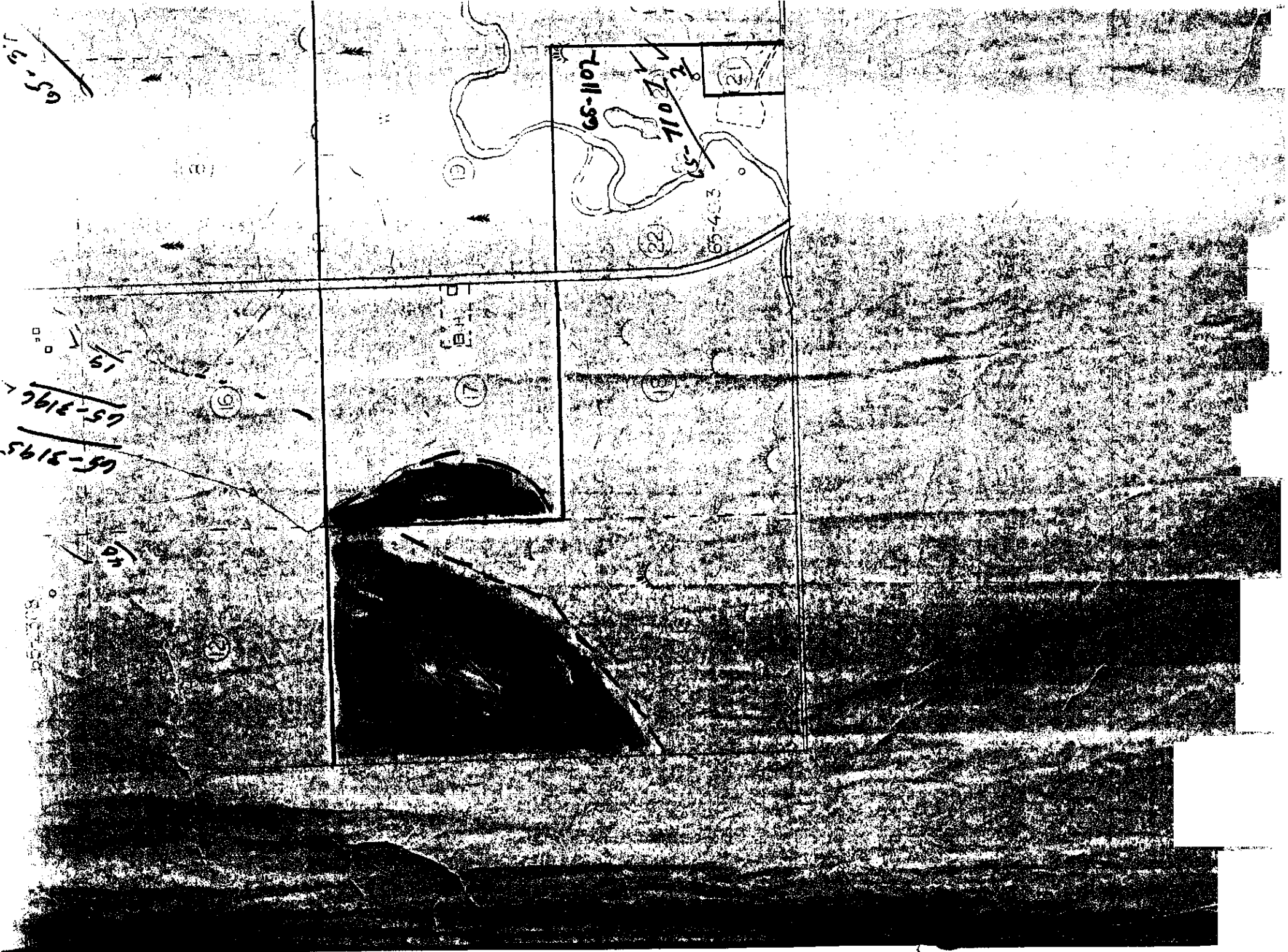
1961 PRDA MAP DH2-280-112



21/2

18

PRBA MAP "D" 17N 3E



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

08:25:43
08/19/99

PAGE: 16
QUICKLOOK INFORMATION

16
CLAIM NUMBER: R65-03213A

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			Rch 10 OFFICE 8/19/99					Rch
POINT OF DIV								8/19/99
SOURCE								
PLACE OF USE	Y							
DIV. AMOUNT CFS/VOLUME	Y							
CONSUMPTIVE USE	-							
PURPOSES OF USE								
PERIOD OF USE								
BASIS OF CLAIM	Y							
REMARKS	Y							

BARCODE UPDATED
WHOM/DATE

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

08:25:43
08/19/99

PAGE: 1
GENERAL INFORMATION

1
CLAIM NUMBER: R65-03213A

LAST: PHELPS
ADDRESS: 13508 FARM TO MARKET RD
CITY: MC CALL
PHONE NUMBER: 208-325-8886

FIRST: IVAN D
STATE: ID ZIP: 83638

OWNER CODE: C

LAST: PHELPS
ADDRESS: 13508 FARM TO MARKET RD
CITY: MC CALL
PHONE NUMBER: 208-325-8886

FIRST: WILMINA M
STATE: ID ZIP: 83638

OWNER CODE: C

FIELD EXAM REQUIRED?

VERIFICATION REQUIRED DUE TO REMARKS?

DATABASE
Y

FIELD
EXAMINER
Y() N()

CLAIM REMARKS: QNT THIS RIGHT WHEN COMBINED WITH RIGHT NO. 65-08418A SHALL
PROVIDE NO MORE THAN .02 CFS PER ACRE.

POU1 USE OF THIS RIGHT WITH RIGHT NO. 65-08418A IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 7.0 ACRES IN A SINGLE
IRRIGATION SEASON.

EXP RIGHT NO. 65-03213B IS ALSO DIVERTED THROUGH POINT OF
DIVERSION DESCRIBED ABOVE.

CONTACT PERSON: IN-OFFICE

PHONE NUMBER: () -

DATE OF FIELD EXAM: 8/19/99

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: # R65-03213A PRIORITY DATE: 09-30-1918 STAGE: D

B. WR RECORD: # 65-03213 PRIORITY DATE: 09-30-1918 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:

09-30-1918

REVIEWED BY Ren

DATE 8/19/99

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
R65-03213A	17N	03E	3	NE	SE	NE			VALLEY		

OTHER AJ CLAIMS WITH SAME AJ POD
A PREFIX R PREFIX
* **

WR RECORDS IN SAME 40 ACRE TRACT

* 43 A PREFIX CLAIMS WITH THIS POD
** 49 R PREFIX CLAIMS WITH THIS POD
*** 42 WR RECORDS IN SAME 40 ACRE TRACT

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
65-03213	17N	03E	3		SE	NE			VALLEY		

OTHER WR RECORDS WITH SAME WR POD

AJ CLAIMS IN SAME 40 ACRE TRACT
A PREFIX R PREFIX

**** 42 WR RECORDS WITH SAME WR POD
***** 43 A PREFIX CLAIMS IN SAME 40 ACRE TRA
***** 49 R PREFIX CLAIMS WITH THIS POD

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.

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: 1987 GIS NAIP PHOTO

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

TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	POD FLAG	COUNTY VALLEY	DIVERSION NAME	DIVERSION NBR
17N	03E	3	NE	SE	NE					
—	—	—	—	—	—	—	—	—	—	—
—	—	—	—	—	—	—	—	—	—	—
—	—	—	—	—	—	—	—	—	—	—
—	—	—	—	—	—	—	—	—	—	—
—	—	—	—	—	—	—	—	—	—	—
—	—	—	—	—	—	—	—	—	—	—

SOURCE: LAKE FORK CREEK

TRIB: PAYETTE RIVER, NORTH FORK

REVIEWED BY:

Rch

DATE:

8/19/99

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

GRAVITY FLOWS

PID OVERLAP IS SHOWN ON PROFILE
REPORT FOR ALL USERS OTHER THAN
THIS SPLIT.

A. ROOT WATER RIGHT NUMBERS: R65-03213A
R65-032138

B. POU LISTING

TWP	RNG	SEC	1/4	1/4	LOT	NAME	AJ #/ACRES	WR #/ACRES	LANDSAT DATA	FIELD EXAM.	RECOMM. ACRES
17N	03E	22	NE	SW		PHELPS, IVAN D	R65-03213A / 7.0	- /	38.0		
			NE	SW		PHELPS, WILMINA M	R65-08418A / 7.0	- /			
			NE	SW		PHELPS, IVAN D.		65-03213 / 7.0			7
			NE	SW		WEATHERBY JR., JEAN		65-08293 /			
			NE	SW		PHELPS, IVAN D.		65-08418 / 7.0			

ADDITIONAL POU FOUND

TOTAL ACRES R65-03213A 7.00 38.00

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
R65-03213A	LAKE FORK CREEK	PHELPS, IVAN D	0.140	0.020		
R65-08418A	UNNAMED STREAM	PHELPS, WILMINA M	0.160	0.022	0.70	0.10

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

CLAIM NO.	PURPOSES	NAME	MONTH/DAY	RATE	VOLUME
R65-08418A	STOCKWATER	PHELPS, WILMINA M	FROM 01-01 TO 12-31	0.020 CFS	0.70 AF/A

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

Y(☒) N()

* IF YES, COMPLETE OVERLAP REVIEW:

OTHER RIGHTS LISTED IN CLAIM:

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

N/A() Y(☒) N()

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

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

N/A() Y(☒) N()

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

Y() N(☒)

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

Y() N(☒)

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

☒ NAPP, IDWR NO. 1987; ☒ ASCS PHOTO; ☒ OTHER _____

NOTES: SEE PRBA MAPS: 1961 DH2-2BB-112
MAP "D" 17N3E

RECOMMENDATIONS:

TOTAL ACRES: 7 N/A()

REVIEWED BY: REL

DATE: 8/19/99

A. AJ CLAIMED USES:

PURPOSE OF USE	PERIOD OF USE (MONTH/DAY)	DIV. RATE FOR EACH USE	DIV. VOL. FOR EACH USE
R65-03213A IRRIGATION	FROM 05-01 TO 09-15	0.140 CFS	
TOTAL DIVERSION RATE/VOLUME		0.140 CFS	

B. WR RECORDED USES:

PURPOSE OF USE	PERIOD OF USE (MONTH/DAY)	DIV. RATE FOR EACH USE	DIV. VOL. FOR EACH USE
65-03213 IRRIGATION	FROM 05-01 TO 09-15	0.800 CFS	
TOTAL DIVERSION RATE/VOLUME		0.800 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(☐)

NOTES: _____

AJ CLAIM TOTAL DIVERSION RATE: 0.140 CFS

WR ROOT RIGHT TOTAL DIVERSION RATE: 0.800 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 7 x 0.02 CFS/ACRE = .14 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:

Limit to 0.02 cfs/acre with 8418

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	0.140	_____		_____	0.0	_____
_____	_____	_____		_____		_____		_____
_____	_____	_____		_____		_____		_____
_____	_____	_____		_____		_____		_____
_____	_____	_____		_____		_____		_____
TOTAL FOR THIS RIGHT			0.140	_____		_____	0.0	_____

NON-IRRIGATION USES CLAIMED:

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

REVIEWED BY: Rch DATE: 8/19/99

FLAG: _____

STANDARD CONDITIONS (CODE):

STANDARD REMARKS (CODE):

QNT E28 limit to 0.02 cfs/acre with 8418A
P041 - Comb Acres with 8418A is 7.0

EXPLANATORY CONDITIONS (CODE):

Exp Rem
65-03213B IS ALSO DIVERTED through PID

EXPLANATORY REMARKS (CODE):

SEE POINT OF DIVERSION comment on
"R" FILE.

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: 65-03213

TOTAL DIVERSION RATE OF WR SPLITS DATABASE 0.800 EXAMINER _____ CFS

SPLITS:

OLD RIGHT NUMBERS	CURRENT CLAIM NUMBERS	DIVERSION RATE	CURRENT "R" CLAIM NUM.	"R" DIV. RATE	WR RIGHT NUMBERS	DIVERSION RATE
65-03213	-		R65-03213A	0.140	65-03213	0.800
-	-		R65-03213B	0.660	-	
TOTAL CFS				0.800		0.800

DIVERSION RATE REVIEW

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

DATABASE N FIELD EXAMINER Y(☒) N()

SEE SPLIT TREE

NOTES:

AUTHENTICATION:

SIGNATURE: Ron Howerton DATE: 8/19/99

NAME OF FIELD EXAMINER: Ron Howerton TITLE: _____

SF 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 _____ IDWR ID NO. _____	Y() N()
☒ NAPP	DATE OF PHOTO <u>1987</u> IDWR ID NO. <u>POD/POU</u>	Y(<u>/</u>) N() <u>2 MAPS</u>
() 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</u>	DATE <u>PRBA MAP "D" T17N R3E</u>	Y(<u>/</u>) N()
☒ OTHER <u>MAP</u>	DATE <u>1961</u> <u>PRBA MAP-DH2-2BB-112</u>	Y(<u>/</u>) N()
☒ OTHER <u>PROFILE</u>	DATE <u>WR RECORD</u>	Y(<u>/</u>) 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 <u>8/19/99</u>	<u>1</u>	_____
() HUBBLE ANALYSIS	DATE ANALYSIS COMPLETED _____	_____	_____
() CONVEYANCE LOSS ANALYSIS	DATE ANALYSIS COMPLETED _____	_____	_____
() FLOW MEASUREMENT CALCULATIONS	DATE SYSTEM MEASURED _____	_____	_____
☒ OTHER <u>OVERLAP</u>	DATE <u>8/19/99</u>	<u>1</u>	<u>OVERLAP REVIEW</u>
() OTHER _____	DATE _____	_____	_____

08:27:41
08/19/99
17

CLAIM NUMBER: R65-03213A

POU County: VALLEY

Audit: 08/18/99 RHOWERTO

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
WATER RIGHTS ABSTRACT

RIGHT NUMBER	NAME AND ADDRESS	PRIORITY DATE	USE	PERIOD FROM TO	MAX AMOUNT MAX RATE	DIVERSION POINT	PLACE OF USE AND ACREAGE	BASIS FOR RIGHT
SOURCE: LAKE FORK CREEK								
65-3166	WRIGHT JR., LEE C. ROUTE 1, BOX 254 FRUITLAND ID 83619	05-01-1909	IRRIGATION	05-01 09-15	1.14 CFS	NWNE S10 T17N R03E	NENE(39) SENE(40) S10 T16N R03E * 79 ACRES*	DECREE
65-3168	WRIGHT JR., LEE C. ROUTE 1, BOX 254 FRUITLAND ID 83619	05-01-1909	IRRIGATION	05-01 09-15	1.14 CFS	NWNE S10 T17N R03E	NWNE(39) SWNE(40) S26 T17N R03E * 79 ACRES*	DECREE
65-3170	WRIGHT JR., LEE C. ROUTE 1, BOX 254 FRUITLAND ID 83619	05-01-1909	IRRIGATION	05-01 09-15	1.14 CFS	NWNE S10 T17N R03E	NESE(39) NWSE(40) S26 T17N R03E * 79 ACRES*	DECREE
65-3188	CRUZEN, EDWARD A. DONNELLY ID 83615	12-31-1917	IRRIGATION	05-01 09-15	1.60 CFS	SENE S03 T17N R03E	NESW(36) NWSE(36) S16 T17N R03E * 72 ACRES*	DECREE
65-3189	CRUZEN, EDWARD A. DONNELLY ID 83615 P/U: T17N R03E S20 NENE(36) SWSE(29) SESE(36) S21 NESW(38) NWSW(34) SWSW(30)	09-20-1918	IRRIGATION	05-01 09-15	8.00 CFS SENE(34) SESW(31)	SENE S03 T17N R03E - NESE(39)	NWSE(28) * 396 ACRES*	DECREE
65-3213	PHELPS, IVAN O. ROUTE 1, BOX 73 MC CALL ID 83638	09-30-1918	IRRIGATION	05-01 09-15	.80 CFS	SENE S03 T17N R03E	NESW(07) NWSW(30) SWSW(03) S22 T17N R03E * 40 ACRES*	DECREE
REMARKS: THIS RIGHT WHEN COMBINED WITH RIGHT 65-8418 SHALL PROVIDE NO MORE THAN .02 CFS/ACRE.								

INDICATES TOTAL

RECEIVED

FILE

FEB 12 1987

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

APR 07 1986

Department of Water Resources

STATE OF IDAHO, IN AND FOR THE COUNTY OF GEM

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. Kobitz

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.

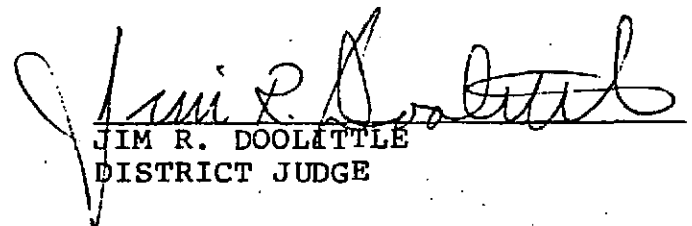
IT IS FURTHER ORDERED AND DECREED that for purposes of operating Water District 65K the gauging station located in the SW1/4SE1/4NW1/4 section 8 township 18N range 4E B.M., above Jumbo Creek and above Tyee Creek shall have 10 per cent added to said gauge readings to account for the added flows of Jumbo 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

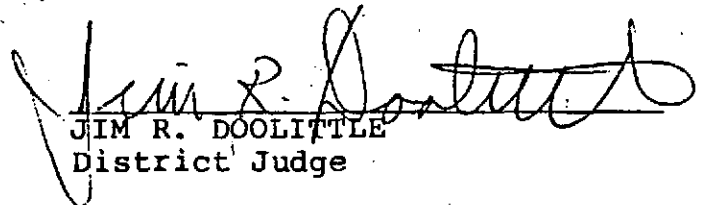
With respect to the issues determined by the above judgment, it is hereby CERTIFIED, in accordance with the Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final decree and that the court has and does direct that the above partial decree shall 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 3-5-87
Thelma R. Kolodziej, Clerk


JIM R. DOOLITTLE
District Judge



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

May 4, 2001

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

Dear Basin 65 water user:

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

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

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

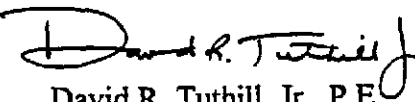
IDWR recognizes that in reliance on the non-irrigation season stockwater language in the Payette Adjudication, water users might not have filed stockwater claims in the SRBA to cover the non-irrigation season period. Individuals who historically watered livestock during the non-irrigation season without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

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

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

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

Sincerely,


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