

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: A65-08418A
Date Received: 11/ 8/1988
Receipt No: X777777
Received By: _____

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

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: JUL 1, 1965

3. Source: UNNAMED STREAM Trib. to: LAKE FORK CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
17N	03E	22	NW	SW			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	04/15	10/15	0.140		
STOCKWATER	01/01	12/31	0.010		0.35

7. Total Quantity Appropriated is:
0.150 C.F.S. (and/or) 0.35 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
			NE	SW	STOCK	
				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. A65-08418 FEE PAID UNDER RECEIPT NO. X999999
RDH 08/18/1999.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: 1/21/1986

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)
County of _____) SS.

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

NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

RECEIVED

AUG 02 1999

WATER RESOURCES
WESTERN REGION

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
Adjudication Claim No(s).: ? A65-03213
A65-08418
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
New Mailing Address Name Connector (Check one): [] and, [] or, [] and/or
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..

WPA

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.

wok

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

[Signature]
by: Elvira R. Chisholm

William Hogue
WILLIAM HOGUE

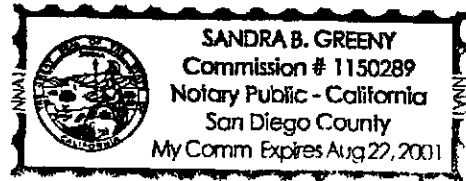
Patricia Hogue
PATRICIA HOGUE

RECORDED
99 MAY 13 AM 10 26
VALLEY COUNTY RECORDER
FEE: 6.00
240068

State of Calif)
County of San Diego) ss

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.

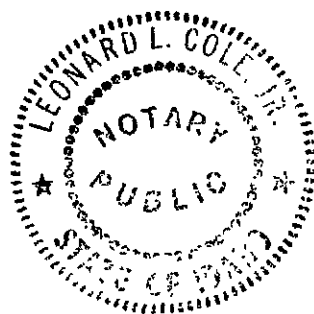
Sandra B. Greeny
Notary Public
Residing at: Lakeside, Calif
Commission Expires: Aug 22, 2001



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: 01-14-05



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, including but not limited to:
 - (a) liability of the title;
 - (b) right of access to and from the land;
2. Any defect in or lien or encumbrance on the land.

The Company also will pay the costs, attorneys' fees and expenses incurred in the 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.

85								
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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 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

Schedule B

OWNER'S POLICY

POLICY NUMBER
186-01-594198

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 insurance 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

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 COINSURANCE.

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.

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

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:

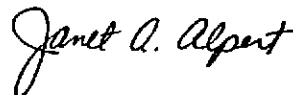


Secretary



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 411 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
ON 2-121

DIXIE LEE PEACOCK and
Stephen Bradley Lewis
40 AC.

9755

15

22

2405

HERMAN

CHUCK WALKER

0605

DIXIE LEE PEACOCK

0008

#3

DIXIE LEE
PEACOCK
Stephen
Bailey Lew

vacated road
174509

LAKE FORK
3 miles N FROM
Smylie

22

5706

4805

Eric T. Jones
and
Charolette R. King

HURRY

CRICK

FORK

ADGEAS FAMILY TRUST No. 1

AND

WILLIAM & PATRICIA HOGUE

SW 1/4 SW 1/4, SEC 22,
Twp 17N, R3E

24 Smylie Lane

27

STATE OF ILL
STATE OF ILL

LAKE

0105

et al

8855

Smylie Lane

SEE ORIGINAL
CLAIM FILE
DOCUMENTS IN
CLAIM
NO. A 65 - 08418

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: 65-08418A

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

Daytime Telephone Number:

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)
Phone: 208-634-2100
500 W. Lake St.
McCall, ID 83638

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

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

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

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	IVAN D PHELPS	07/01/1965	IRRIGATION	04-15 10-15	0.140 CFS	
C	WILMINA M PHELPS		STOCKWATER	01-01 12-31	0.010 CFS	0.35 AFA
	13508 FARM TO MARKET RD					
	MCCALL ID 83638					
	(208) 325-8886					
				TOTAL DIVERSION:	0.150 CFS	0.35 AFA

Water Source: UNNAMED STREAM

Tributary to: LAKE FORK CREEK

Stage: DECREED

Point(s) of Diversion:

T17N R03E S22

NWSW

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	:																	:	7.0
																				TOTAL ACRES	7.0

Place of use Legal Description for: STOCKWATER

				NE				NW				SW				SE					
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	
17N	03E	22	:																	:	

POU County: VALLEY

Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):
A65-08418A A65-08418B R65-08418B

Conditions of Approval:

- N05 - THE QUANTITY OF WATER UNDER THIS RIGHT FOR STOCKWATER USE
- SHALL NOT EXCEED 13,000 GALLONS PER DAY.
- N08 - THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR
- STOCKWATER USE IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL
- USE.

Remarks: QNT THIS RIGHT WHEN COMBINED WITH RIGHT NO. 65-03213A SHALL
PROVIDE NO MORE THAN .02 CFS PER ACRE.

POU1 USE OF THIS RIGHT WITH RIGHT NO. 65-03213A IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 7.0 ACRES IN A SINGLE
IRRIGATION SEASON.

EXP STOCKWATER, 20 RANGE CATTLE
RIGHT NO. 65-08418B IS ALSO DIVERTED THROUGH POINT OF
DIVERSION DESCRIBED ABOVE.

DATE: 08/20/99
PAGE: 2



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 black ink, appearing to read 'Ron Howerton'.

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

Attachment(s)

WR5809NP
No. 65-08418 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	07/01/1965	IRRIGATION STOCKWATER	04/15 10/15 01/01 12/31	0.800 CFS 0.020 CFS	0.14 0.01
TOTAL DIVERSION:					0.820 CFS	0.15

Water Source:	UNNAMED STREAM	Tributary to:	LAKE FORK CREEK	Stage:	DECREED
Point(s) of Diversion:	T17N R03E S22	NWSW		VALLEY County	

Place of use Legal Description for: IRRIGATION

NE												NW				SW				SE				
T	R	S	NENE	NNWE	SWNE	SENE	:	NENW	NNWN	SWNW	SENW	:	NESW	NWSW	SWSW	SESW	:	NESE	NWSE	SWSE	SESE	:		
			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	Lt Ac	:	SUM	
17N	03E	22	:				:					:	07	~~30~~	~~05~~		:					:	~~40.0~~	
																							40.0	
																							TOTAL ACRES	

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

Pou County: VALLEY

Remarks: GEN THIS RIGHT WHEN COMBINED WITH RIGHT 65-3213 SHALL PROVIDE NO MORE THAN .02 CFS/ACRE.

Dates: App. Received: Priority Date: 07/01/1965
 Proof Due Date: Proof Made Date:
 Exam Made Date: Exam Sent to S.O.:
 Licensed Date:

Misc: Water District Number: 65 Field Exam Fee:

Audit: 04/02/86 04/30/88 CONVERT

$$(7)(.02) = .14$$

5+k SPLIT +	.01
	.15
	TOTAL

**T17N, R03E
S22**

Idaho Department of Water Resources

Claims: 65-08418A
Owner : PHELPS
Prepared by:
Ron Howerton
Date: 19 AUG 99

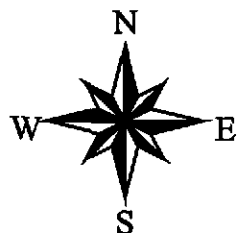
 Place of use

● POD

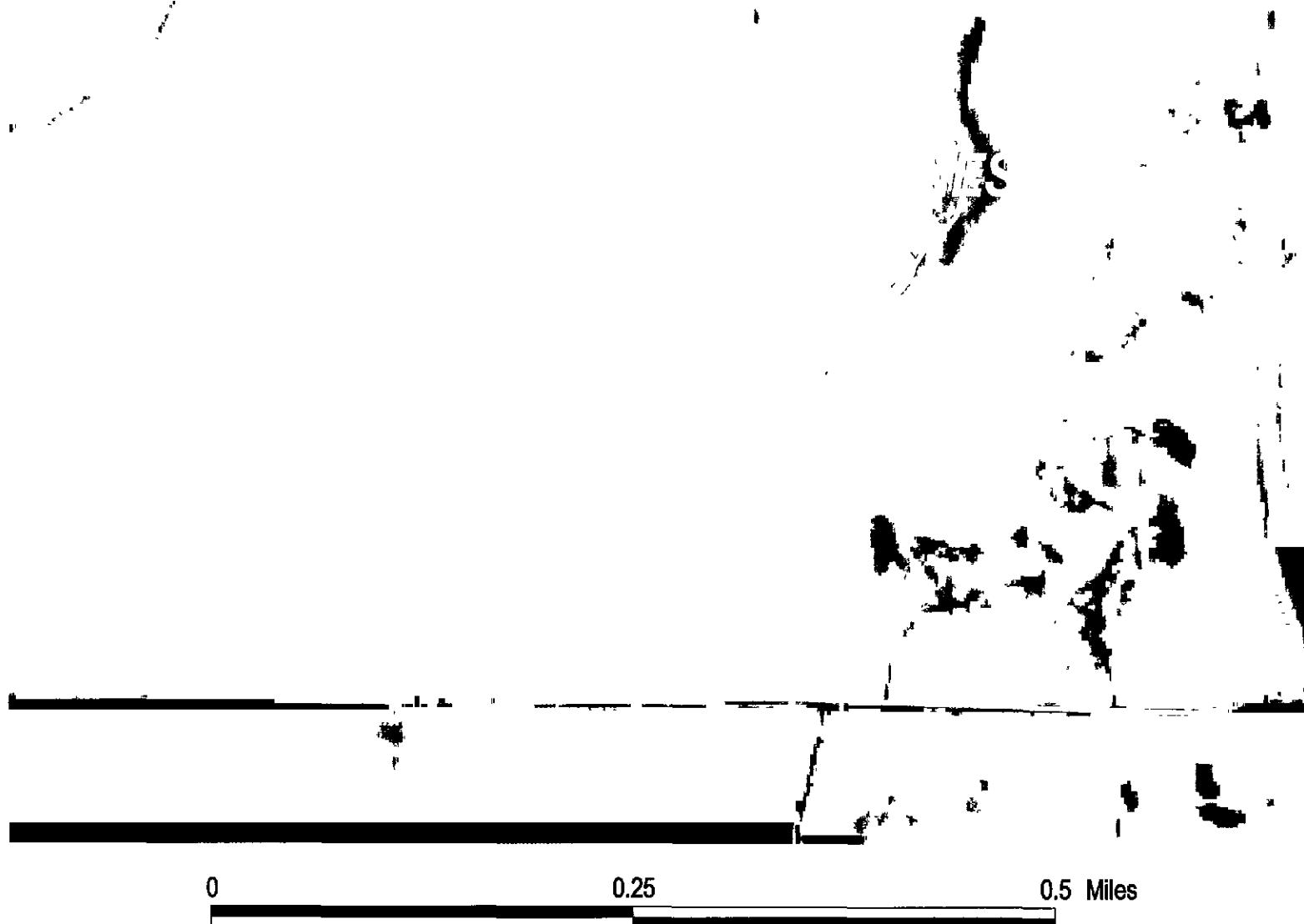
 SECTION LINES

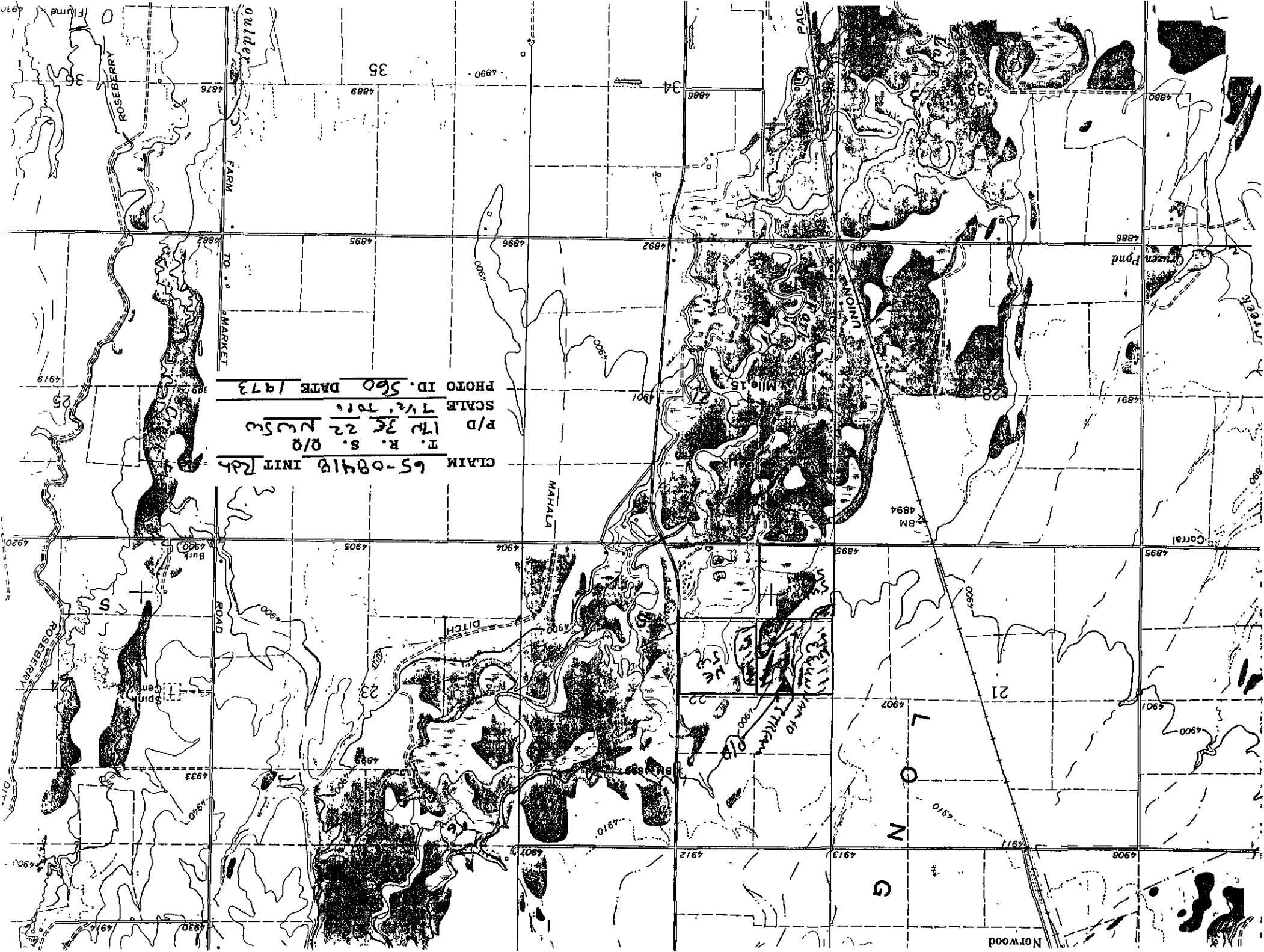
 1/4 1/4 Lines

Acres



1987 NAPP





CLAIM 65-08418 INIT Rch
T. R. S. 0/8
P/D 17 35 22 N 55 W
SCALE 1 1/2" TO 1 MILE
PHOTO ID. 560 DATE 1973

SPLIT REVIEW

PHELPS/KIRK

(Rights: 65-03213 & 65-08418)

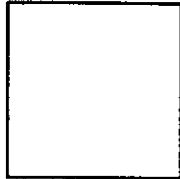
AGENT: Ronald D. Howerton

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

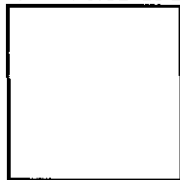
65-08418 PHELPS

IRR (40) acres

0.8 CFS

STK 0.02 CFS

TOTAL 0.82 CFS



POU

**NESW(7), NWSW(30), SWSW(3)
T17N, R03E, S22**

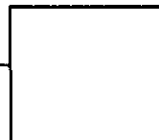
65-08418A PHELPS

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		
LK FK CR	3213A	17N	3E	22									7								7	
LK FK CR	3213B	17N	3E	22										30	3						33	40

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	8418A	17N	3E	22									7								7	
unnamed stream	8418B	17N	3E	22										30	3						33	40
													7	30	3						→	40

[illegible][illegible]

IN THE DISTRICT COURT OF THE Third JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF Gem

IN THE MATTER OF THE GENERAL DETER-
MINATION OF RIGHTS TO THE USE OF
Payette River
DRAINAGE BASIN.

NOTICE OF CLAIM
TO A
WATER RIGHT

65-8418 Amended

I.D. No.

Map No.

\$

Fee Paid

Receipt No.

Notice is hereby given that Ivan D. Phelps

(Name of Claimant)

Rt. 1, McCall, ID 83638

(Mailing Address)

(Zip Code)

Telephone No. 325-8886

claims a right to the diversion and beneficial use of the surface or ground water. The extent and nature of said claim is as follows:

(1) Date of priority: (When was the water first applied to a beneficial use, or priority date of decreed, licensed or permit right) 7/1/65(2) Describe the source of water: (Name of stream, lake, spring, etc., or ground water)
unnamed stream tributary to Lake Fork creek

(3) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:

Quantity 20.00 Use Irrigation Period of Use From 4-15 To 10-15
(CFS, GPD, A/F) (Domestic, irrigation, stock, etc.) (Mo., Day) (Mo., Day)
(Both dates inclusive)Quantity 0.2 Use Stockwater Period of Use From 1/1 To 12/31
(CFS, GPD, A/F) (Domestic, irrigation, stock, etc.) (Mo., Day) (Mo., Day)
(Both dates inclusive)Quantity 120.7 Use Stockwater Period of Use From 1/1 To 12/31
(CFS, GPD, A/F) (Domestic, irrigation, stock, etc.) (Mo., Day) (Mo., Day)
(Both dates inclusive)Quantity 0.52 Use Stockwater Period of Use From 1/1 To 12/31
(CFS, GPD, A/F) (Domestic, irrigation, stock, etc.) (Mo., Day) (Mo., Day)
(Both dates inclusive)(4) 0.52 TOTAL QUANTITY CLAIMED.
(CFS, GPD, A/F)(5) A) Point of Diversion: Give location of point where water is diverted from its source NW % SW %
Sec. 22 Twp. 17N Rge. 3E B.M. Valley County

Additional Points:

B) Describe means of diversion of water: (Pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.). Give sizes and capacities: be as specific as possible. Describe any changes in the system and give the date of the change.

(6) A) 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.

T	K	SEC	NE1/4				NW1/4				SW1/4				SE1/4				TOTAL
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
17N	3E	22																	52
																			40

Total no. of acres 36 40

B) If water is used for other than irrigation, fully describe that use, being as specific as possible:

also used for stock watering 40-50 ac.

NOTE: Include here the type and number of stock watered:

(7) If you are claiming water as a member of an organization, list name of organization:

(8) Remarks This is also combined with 65-8418 shall provide no more than 0.25 cfs/A or more than 2 AF/A.(9) Basis of claim (Check one) ☒ A) Right based on diversion and beneficial use.☐ B) Right decreed by court, cite title of case.☐ C) Right based on application, permit, license, or previous statutory claim filed with the Idaho Department of Water Resources. Give No.KEYPUNCHED
9/1/78 RSA

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

5/28/78
(Date)State of IdahoCounty of BlaineOn this 28 day of May

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, corporation, partnership or

My commission expires 5/1/81

Individual

Ivan D. Phelps
(Signature of Claimant)Valley
(Signature of Spouse)

Organization

Valley
(Signature of Authorized Agent)In the year 1978 before me

I executed the same

Notary Public residing at

2KH 8 9/1/78

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

08:39:37
08/19/99

PAGE: 16
QUICKLOOK INFORMATION

16
CLAIM NUMBER: R65-08418A

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	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

08:39:37
08/19/99

PAGE: 1
GENERAL INFORMATION

1
CLAIM NUMBER: R65-08418A

LAST: PHELPS FIRST: WILMINA M
ADDRESS: 13508 FARM TO MARKET RD
CITY: MC CALL STATE: ID ZIP: 83638
PHONE NUMBER: 208-325-8886

OWNER CODE: C

LAST: PHELPS FIRST: IVAN D
ADDRESS: 13508 FARM TO MARKET RD
CITY: MC CALL STATE: ID ZIP: 83638
PHONE NUMBER: 208-325-8886

OWNER CODE: C

FIELD EXAM REQUIRED?

VERIFICATION REQUIRED DUE TO REMARKS?

DATABASE
Y

FIELD
EXAMINER
Y() N()

CLAIM REMARKS: QNT ~~STOCKWATER USE OF THIS RIGHT WITH RIGHT NO. 65-08418B IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 0.02 CFS AND TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 0.70 AF. THIS RIGHT WHEN COMBINED WITH RIGHT NO. 65-03213A SHALL PROVIDE NO MORE THAN .02 CFS PER ACRE.~~

POU1 ~~USE OF THIS RIGHT WITH RIGHT NO. 65-03213A IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 7.0 ACRES IN A SINGLE IRRIGATION SEASON.~~

EXP ~~STOCKWATER, 40-50 RANGE CATTLE RIGHT NO. 65-08418B 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: # R65-08418A PRIORITY DATE: 07-01-1965 STAGE: D

B. WR RECORD: # 65-08418 PRIORITY DATE: 07-01-1965 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:

07-01-1965
REVIEWED BY Reh

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
R65-08418A	17N 03E	22		NW	SW			VALLEY		

OTHER AJ CLAIMS WITH SAME AJ POD
A PREFIX R PREFIX
NONE R65-08418B

WR RECORDS IN SAME 40 ACRE TRACT
NONE

SOURCE: UNNAMED STREAM

TRIB: LAKE FORK CREEK

B. WR POINT OF DIVERSION AND SOURCE:

RIGHT	TWP. RGE.	SEC.	1/4	1/4	1/4	LOT	POD FLAG	COUNTY	DIVERSION NAME	DIVERSION NUMBER
65-08418	17N 03E	22		NW	SW			VALLEY		

OTHER WR RECORDS WITH SAME WR POD
NONE

AJ CLAIMS IN SAME 40 ACRE TRACT
A PREFIX R PREFIX
NONE R65-08418B

SOURCE: UNNAMED STREAM

TRIB: LAKE FORK CREEK

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

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

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

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

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

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

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

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

I. HOW WAS THE POD AND SOURCE VERIFIED?

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

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

OTHER (DESCRIBE IN NOTES BELOW)

NOTES: 1987 GIS MAP PHOTO & 1973 TOPO, 560

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	22		NW	SW					

SOURCE: UNNAMED STREAM

TRIB: LAKE FORK CREEK

REVIEWED BY: Rch

DATE: 8/19/99

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

Gravity IRR

A. ROOT WATER RIGHT NUMBERS: R65-08418A
R65-08418B

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, WILMINA M	R65-08418A / 7.0	- /	38.0		
			NE	SW		PHELPS, IVAN D	R65-03213A / 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			
17N	03E	22	NE	SW		PHELPS, WILMINA M	R65-08418A /	- /	38.0		
			NE	SW		PHELPS, IVAN D	R65-03213A / 7.0	- /			
			NE	SW		PHELPS, IVAN D.		65-03213 / 7.0			5+k
			NE	SW		WEATHERBY JR., JEAN		65-08293 /			
			NE	SW		PHELPS, IVAN D.		65-08418 / 7.0			

ADDITIONAL POU FOUND

TOTAL ACRES R65-08418A 7.00 76.00

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

NO RIGHTS WITH SAME POU BUT NOT USED FOR IRRIGATION

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 POB: () ORTHOPHOTOQUAD, IDWR NO. _____; () TOPOGRAPHIC QUAD, IDWR NO. _____;

(X) NAPP, IDWR NO. _____; (X) APCS PHOTO; (X) OTHER _____

NOTES: SEE PRBA MAPS IN FILE 3213A

RECOMMENDATIONS:

TOTAL ACRES: 7 N/A()

REVIEWED BY: RCh

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
R65-08418A IRRIGATION	FROM 04-15 TO 10-15	0.140 CFS	
R65-08418A STOCKWATER	FROM 01-01 TO 12-31	0.020 CFS	0.70 AF/A
TOTAL DIVERSION RATE/VOLUME		0.160 CFS	0.70 AF/A

B. WR RECORDED USES:

PURPOSE OF USE	PERIOD OF USE (MONTH/DAY)	DIV. RATE FOR EACH USE	DIV. VOL. FOR EACH USE
65-08418 IRRIGATION	FROM 04-15 TO 10-15	0.800 CFS	
65-08418 STOCKWATER	FROM 01-01 TO 12-31	0.020 CFS	0.70 AF/A
TOTAL DIVERSION RATE/VOLUME		0.820 CFS	0.70 AF/A

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: 0.160 CFS

WR ROOT RIGHT TOTAL DIVERSION RATE: 0.820 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)

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 = 0.70 AF/A

ACRES 7 x DIVERSION VOL. AF/A FOR AREA 7 =

TOTAL DIVERSION VOLUME 7 AF/A

3. IRRIGATION CONSUMPTIVE USE

CLAIMED CONSUMPTIVE USE = AF/A

ACRES 7 x CONSUMPTIVE VOL. AF/A FOR AREA 7 =

TOTAL CONSUMPTIVE USE 7 AF/A

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

1b. CALCULATIONS

irrig .14
stk .01

= .15 TOTAL

SEE SPLIT
TREE

NOTES:

WR RECORD CONDITIONS/REMARKS:

KS: Limit 0.02 cfs/acre with 3213

RECOMMENDATIONS: CHECK HERE IF RECOMMENDED AS CLAIMED ()

REC. PURPOSE OF USE	REC. PERIOD		REC. DIV		REC. DIV		REC. CONS.	
	FROM	TO	RATE CFS		VOL. AF/A		USE	
IRRIGATION	04-15	10-15	DATABASE 0.140	EXAMINER	DATABASE	EXAMINER	DATABASE	EXAMINER
STOCKWATER	01-01	12-31	~~0.020~~		~~0.70~~	~~0.35~~	~~0.0~~	
			0.01	1/2 SPLIT			0.0	
TOTAL FOR THIS RIGHT			~~0.160~~		~~0.70~~	~~0.35~~	~~0.0~~	
			0.15			1/2 SPLIT		

NON-IRRIGATION USES CLAIMED:

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

REVIEWED BY: Rth

DATE: 8/19/99

FLAG: _____

STANDARD CONDITIONS (CODE):

NOS NOB

STANDARD REMARKS (CODE):

QNT E-28 Limit to 0.02 CFS/ACRE with 3213A
Pou 1 Limit to 7 ACRES with 3213A

EXPLANATORY CONDITIONS (CODE):

EXPLANATORY REMARKS (CODE):

EXP Stock, 20 RANGE CATTLE
FOG 8418B IS ALSO DIVERTED
Through PID

SPLIT 1/2
(BASED UPON 40 HD)
IN PRIA CLAIM

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: 65-08418

TOTAL DIVERSION RATE OF WR SPLITS	DATABASE 0.820	EXAMINER _____	CFS
-----------------------------------	-------------------	-------------------	-----

SPLITS:

OLD RIGHT NUMBERS	CURRENT CLAIM NUMBERS	DIVERSION RATE	CURRENT "R" CLAIM NUM.	"R" DIV. RATE	WR RIGHT NUMBERS	DIVERSION RATE
65-08418	-		R65-08418A	0.160	65-08418	0.820
-	-		R65-08418B	0.680	-	
TOTAL CFS				0.840		0.820

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

LE:

Sr 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>560</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</u>	DATE <u>1961</u> <u>PRBA MAP DH2-2BB-112</u>	Y() N(☒) <u>IN 3213A</u>
☒ OTHER <u>MAP</u>	DATE <u>MAP "D" 17 N 3 E</u>	Y() N(☒) <u>IN 3213A</u>
☒ OTHER <u>CLAIM</u>	DATE <u>ORIGINAL PRBA CLAIM</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 <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>PROFILE</u>	DATE _____	<u>1</u>	<u>WR RECORD</u>
☒ OTHER <u>OVERLAP</u>	DATE <u>8/19/99</u>	<u>1</u>	<u>REVIEW</u>

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

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PROFILE REPORT

CLAIM NUMBER: R65-08418A

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	WILMINA M PHELPS	07/01/1965	IRRIGATION	04-15 10-15	0.140 CFS	
C	IVAN D PHELPS		STOCKWATER	01-01 12-31	0.020 CFS	0.70 AFA
TOTAL DIVERSION:					0.160 CFS	0.70 AFA

Water Source: UNNAMED STREAM

Tributary to: LAKE FORK CREEK

Stage: DECREED

Point(s) of Diversion:

T17N R03E S22

NWSW

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	:																	:	7.0
																				TOTAL ACRES	7.0

Place of use Legal Description for: STOCKWATER

				NE				NW				SW				SE					
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	
17N	03E	22	:																	:	

POU County: VALLEY

Conditions of Approval:

- N05 - THE QUANTITY OF WATER UNDER THIS RIGHT FOR STOCKWATER USE
- SHALL NOT EXCEED 13,000 GALLONS PER DAY.
- N08 - THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR
- STOCKWATER USE IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL
- USE.

Remarks: QNT

~~STOCKWATER USE OF THIS RIGHT WITH RIGHT NO. 65-08418B IS~~
~~LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 0.02 CFS AND TO A~~
~~TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 0.70 AF~~
THIS RIGHT WHEN COMBINED WITH RIGHT NO. 65-03213A SHALL
PROVIDE NO MORE THAN .02 CFS PER ACRE.

POU1 USE OF THIS RIGHT WITH RIGHT NO. 65-03213A IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 7.0 ACRES IN A SINGLE
IRRIGATION SEASON.

EXP STOCKWATER, 40-50 RANGE CATTLE
RIGHT NO. 65-08418B IS ALSO DIVERTED THROUGH POINT OF
DIVERSION DESCRIBED ABOVE.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

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PROFILE REPORT CONTINUED

CLAIM NUMBER: R65-08418A

Dates: Exam Made Date: Verified Date: 08/18/1999 Objection Filed Date:

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

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. A65-08418 FEE PAID UNDER RECEIPT NO. X999999
RDH 08/18/1999.

Audit: 08/18/99 RHOWERTO