

CLAIM 465-10941C INIT

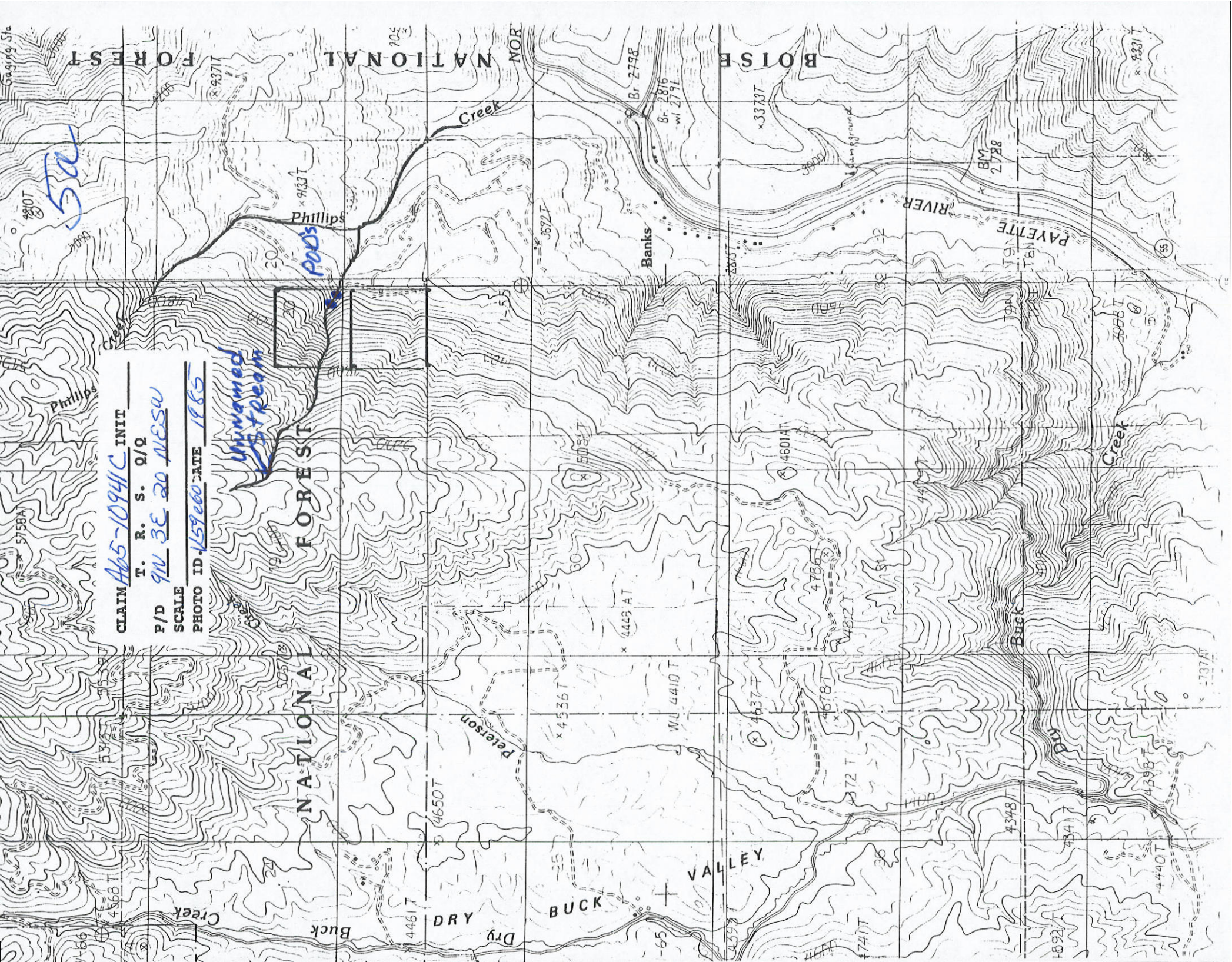
T. R. S. Q/Q

P/D 9W 3E 20 NESW

SCALE

PHOTO ID 159660 DATE 1965

unnamed stream



6b

IDAHO DEPARTMENT OF WATER RESOURCES

T09N, R03E, S20



1987 NAPP PHOTO

● POINT OF DIVERSION

PLACE OF USE

1/4 1/4 LINES

SECTION LINES

6 ACRES

6 SECTION NUMBERS

CLAIM(S): 65-10941C

OWNER(S): SMITH

Prepared by Mel Schulte

DATE: JULY 22, 1999

NESW

20

6.5

SWSE

0

0.25

0.5 Miles

CLAIM A65-10941C UNIT 6C
T. R. S. Q/O
P/D 9N 3E 20 NESW
SCALE
PHOTO ID. A65 DATE MAY

PODS
UNWASHED
Stream

PHILLIPS
C 2004

Smith

Glubay

Large tract
0.58
NWNE

Long

2209
3900
5000
3997
Level 100

2209
JUNE

2209

6C

SENE DONT

JONES

JONES

JONES

JONES

JONES

SESW

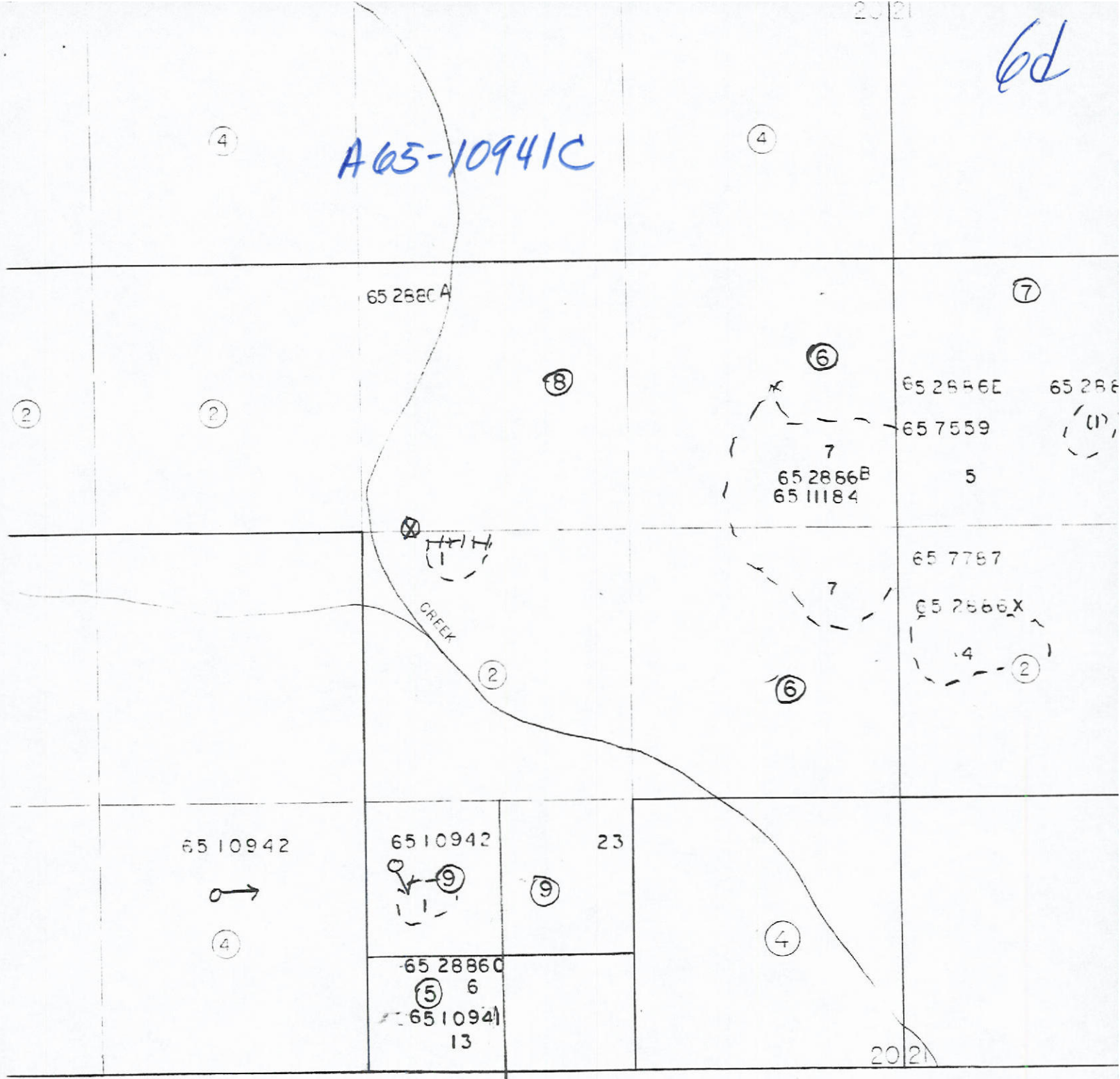
IP

Watermarking

NEWD

6d

A65-10941C



- 9N 3E Map C
1. State of Idaho
 2. Vera Morell & Franklin B. Edwards
c/o Clyde E. Shawl
 3. Black Canyon Grazing Ass'n.
c/o Alvin Moses
 4. Public Domain
 5. George W Dovel
 6. Michael R JONES
 7. Frank B Denke

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: **A65-10941C**
Date Received: 5/19/1989
Receipt No: X777777
Received By: _____

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

AMENDED

1. Name: EMERY SMITH
Address: 1012 BRENTWOOD PLACE
NAMPA ID

83651

AND/OR

Name: MARCIA SMITH
Address: 1012 BRENTWOOD PLACE
NAMPA ID

83651

2. Date of Priority: FEB 24, 1908

3. Source: PHILLIPS CREEK

Trib. to: PAYETTE RIVER, NORTH FORK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
09N	03E	20		NE	SW		BOISE

5. Description of diverting works:

METAL DAM & DIVERSION W/POND, SCREEN, VALVES & PVC GRAVITY HEAD

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	0.150		
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:

STOCKWATER, 25 HEAD.

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
09N	03E	20	SW	SE		IRR	6.5
Section Acres							6.5
Total Acres							6.5

11. Place of use in counties: BOISE

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

13. Other Water Rights Used:
65-02886C

14. Remarks:

TWO POINTS OF DIVERSION IN NESW.
SOURCES ARE TWO FORKS OF PHILLIPS CREEK.
THIS RIGHT WHEN COMBINED WITH RIGHT 65-2886C SHALL PROVIDE NO
MORE THAN .02 CFS/ACRE.
THIS CLAIM IS A RESULT OF A CHANGE IN OWNERSHIP FOR A PORTION OF
CLAIM NO. A65-10941, FEE PAID UNDER RECEIPT NO. X999999.
KW 4/2/1993
THIS CLAIM IS THE RESULT OF AN OWNERSHIP CLAIM FOR A PORTION OF
CLAIM A65-10841B, NO FEE DUE. MTS 3/6/1998.

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

STATE OF IDAHO
IDAHO DEPARTMENT OF WATER RESOURCES

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).: 65-10941B
Adjudication Claim No(s).: A65-10941B
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 Emery & Marcia Smith
1012 Brentwood Pl; Nampa, ID 83651
4. New Owner/Claimant(s) Scott and Rene Glubay
Name Connector (Check one). ☒ and, ☐ or, ☐ and/or
New Mailing Address PO Box 34
City, State and ZIP Code Banks, ID. 83602
New Telephone Number (208) 939-1730 / 208-793-2836
5. Date you acquired the property 2-6-98
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 2 1/4 plus surrounding grassland
Number and type of stock approx. 5-6 acres
2 - Horses
4 - Goats
6 - chickens
Diversion rate in CFS _____ Number of homes 1 Other uses watering yard, garden, trees
Fire Protection.
- 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) Scott Glubay
- (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..

into
split
A
7
C

INSTRUCTIONS

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

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

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

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

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

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

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

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

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

Split Tree A65-10941B

A65-10941B N/O Emerg & Marcia Smith

DR: Irrigation .30 cfs
Stockwater .02 cfs .70 AF

POD: 9N, 3E, S20, NESW

POU: 9N, 3E, S20, SWSE - 13 ac.

A65-10941C N/O Emerg & Marcia Smith

DR: Irrigation - .15 cfs
Stockwater - .01 cfs

POD: 9N, 3E, S20, NESW

POU: 9N, 3E, S20, SWSE, 6.5 ac.

A65-10941D N/O Scott & Rena Gubary

DR: Irrigation - .15 cfs
Stockwater - .01 cfs

POD: 9N, 3E, S20, NESW

POU: 9N, 3E, S20, SWSE - 6.5 ac.

WARRANTY DEED

FOR VALUE RECEIVED, EMERY B. SMITH and MARCIA RAY SMITH, husband and wife, hereinafter referred to as the Grantors, hereby grant, bargain, sell and convey unto SCOTT GLUBAY and RENA GLUBAY, husband and wife, whose address is P.O. Box 34, Banks, Idaho 83602, hereinafter referred to as the Grantees, the following described premises situated in Boise County, State of Idaho, to-wit:

Legally described on Exhibit A attached hereto and made a part hereof

TOGETHER with all and singular the tenements, hereditaments, and appurtenances thereunto belonging or in anywise appertaining, the reversion and reversions, remainder and remainders, rents, issues and profits thereof, and all estate, right, title and interest in and to the property, as well in law as in equity.

TOGETHER WITH all water rights, including but not limited to, a one-half (1/2) interest in decreed water rights No. 65-10941, No. 65-10942 and No. 65-02886C, and all ditch rights, rights of way, improvements, fixtures and mineral rights thereto belonging or used in connection therewith. In addition, Grantees have installed a domestic water line across such portion of the real property described in Exhibit B hereto that is being retained by Grantors which line was installed with the consent of Grantors. In the event Grantors sell such real property, a provision shall be included in any instrument of conveyance that such water line may remain in place and Grantees cannot be required to move such pipeline and such pipeline cannot be further developed without the permission of Grantees.

TO HAVE AND TO HOLD all and singular the property, together with the appurtenances, unto the Grantees, Grantees' successors and assigns forever.

AND Grantors and Grantors' heirs shall and will warrant and by these presents forever defend the premises in the quiet and peaceable possession of Grantees, Grantees' successors, heirs and assigns against Grantors and Grantors' successors, heirs and assigns, and against all and every person whomsoever lawfully claiming the same.

IN WITNESS WHEREOF, Grantors have hereunto executed this Deed the 6 day of Feb., 1998.

GRANTORS:

Emery B. Smith
Emery B. Smith

Marcia Ray Smith
Marcia Ray Smith

STATE OF IDAHO)
) ss.
County of County)

On this 6th day of February, 1998, before me, a notary public in and for said state, personally appeared Emery B. Smith, known or identified to me to be the person who executed the within and foregoing instrument, and acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

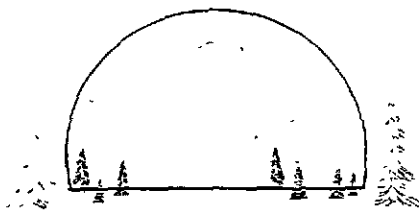
Beverly Logan
Notary Public for Idaho
Residing at Nampa, Idaho
Commission Expires 9-13-2000

STATE OF IDAHO)
) ss.
County of Canyon)

On this 6th day of February, 1998, before me, a notary public in and for said state, personally appeared Marcia Ray Smith, known or identified to me to be the person who executed the within and foregoing instrument, and acknowledged to me that she executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

Beverly Logan
Notary Public for Idaho
Residing at Nampa, Id
Commission Expires 9-13-2000



LANDMARK SURVEYING

4395 Sandy Ave., Emmett, ID 83617

(208) 365-3801

Date: 31 Dec. 1997

Project: 1138ROS

For: Scott Gluebay

5 ACRE PARCEL

A parcel of land situated in a portion of the SW1/4 of the SE1/4 of Section 20, T.9N., R.3E., B.M., Boise County, Idaho and described as follows:

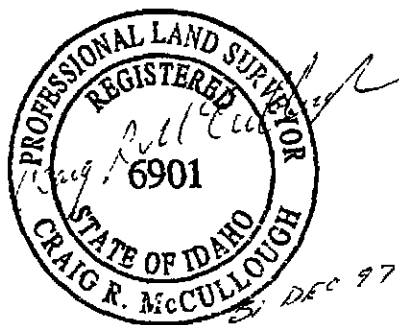
BEGINNING at the SW corner of the said SW1/4 of the SE1/4 a brass cap monument thence N00°24'43"W along the westerly line of said 1/4 a distance of 176.13 feet to a 1/2 inch steel pin;

Thence leaving said westerly line S89°53'36"E a distance of 1148.05 feet to a 1/2 inch steel pin;

Thence S45°20'36"E a distance of 251.05 feet to a brass cap being the SE corner of said 1/4;

Thence N89°53'36"W a distance of 1325.36 feet to the **POINT OF BEGINNING**;

Said Parcel A contains 5.00 acres more or less and is subject to all existing easements and rights-of-way.



PHILLIPS CREEK SEGREGATION PLAT

A TRACT OF LAND SITUATED IN A PORTION OF
THE SW1/4 OF THE SE1/4 OF SECTION 20, T9N, R3E B.M.
BOISE COUNTY, IDAHO

1998

NOTES

1. THE DEVELOPER SHALL COMPLY WITH 31-3805, IDAHO CODE RELATING TO THE EXERCISE OF WATER RIGHTS.
2. A TWELVE (12) FOOT WIDE EASEMENT, UNLESS OTHERWISE DIMENSIONED, SHALL BE PRESERVED ADJACENT TO ALL LOT LINES COMMON TO A PUBLIC RIGHT-OF-WAY OR ADJACENT TO THE SEGREGATION BOUNDARY, AND SHALL BE RESERVED ENTERED ON ALL INTERIOR LOT LINES, FOR PUBLIC UTILITIES, DRAINAGE AND IRRIGATION FACILITIES. EASEMENTS WILL BE LOCATED AS SHOWN.
3. BUILDING SETBACKS SHALL BE AT LEAST:
FRONT 10 FEET
REAR 5 FEET
SIDE 5 FEET PLUS _____ FEET BETWEEN BUILDINGS
FLAT IRON STREET _____ FEET
4. LOTS SHALL NOT BE REDUCED IN SIZE WITHOUT PRIOR APPROVAL OF AN APPROPRIATE HEALTH AUTHORITY AND THE COUNTY COMMISSIONERS.
5. WATER SERVICE INDIVIDUAL WELLS
6. SEWER SERVICE INDIVIDUAL SEPTIC SYSTEMS
7. ALL AREAS SHOWN HEREON ARE FOR TAX PURPOSES ONLY.
8. BOISE COUNTY ASSUMES NO RESPONSIBILITY FOR MAINTENANCE OF ROADS PLATTED HEREON, SUBJECT TO ORDINANCE.
9. ALL ROADS PLATTED HEREON ARE PRIVATE ROADS AND THEREFORE, NO COUNTY SERVICES (EXCEPT EMERGENCY IN NATURE) WILL BE PROVIDED.
10. UTILITY DRAINAGE AND IRRIGATION EASEMENTS ALONG ROADS MAY BE USED AS A ROAD RIGHT-OF-WAY EASEMENT AND FOR SNOW STORAGE.

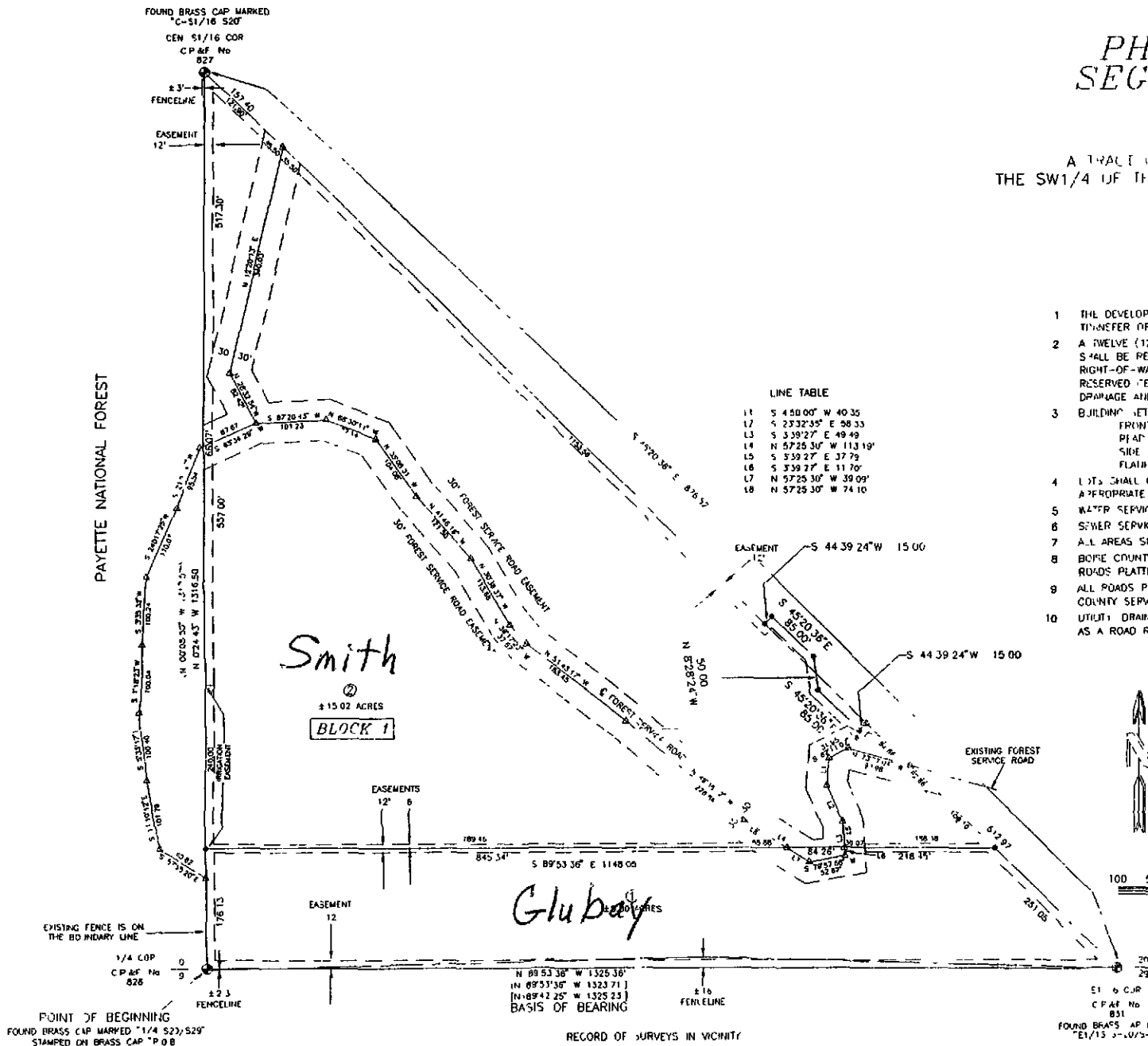
LEGEND

- FOUND 3" BRASS CAP MARKED "T9N R3E LS-828 USFS 1971"
- SET 5/8" STEEL PIN WITH PLASTIC CAP MARKED "CRM 6901"
- △ CALCULATED POINT
- ① LOT NUMBER
- (1320.00) USFS DATA OF RECORD 1971
- [1320.00] USFS DATA OF RECORD 1996

100 50 0 100 200 300
SCALE 1" = 100

LINE TABLE

11	S 450.00' W 40.35'
12	S 2332.35' E 58.33'
13	S 338.27' E 49.49'
14	N 5725.30' W 113.19'
15	S 338.27' E 37.79'
16	S 338.27' E 11.30'
17	N 5725.30' W 39.09'
18	N 5725.30' W 74.10'



LANDMARK SURVEYING
4396 Sandy Ave. Emmett, ID 83617 (208) 368-3801
PAGE 1 OF 2

NEED R.O.S. LIST 11

A 1/4 CORNER 2ND DASH

NEED FOR LEGAL DESCRIPTIONS

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: A65-10941B
Date Received: 5/19/1989
Receipt No: X777777
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: EMERY SMITH 208-459-8252
Address: PO BOX 29
BANKS ID 83602
AND/OR
Name: MARCIA SMITH 208-459-8252
Address: PO BOX 29
BANKS ID 83602
2. Date of Priority: FEB 24, 1908
3. Source: PHILLIPS CREEK Trib. to: PAYETTE RIVER, NORTH FORK
4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
09N	03E	20		NE	SW		BOISE
5. Description of diverting works:
METAL DAM & DIVERSION W/POND, SCREEN, VALVES & PVC GRAVITY HEAD
6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	0.300		
STOCKWATER	01/01	12/31	0.020		0.70
7. Total Quantity Appropriated is:
0.300 C.F.S. (and/or) 0.70 A.F.A.
8. Total consumptive use is Acre Feet Per Annum.
9. Non-irrigation uses:
STOCKWATER, 25 HEAD.

10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
09N	03E	20	SW SE		IRR	13.0
Section Acres						13.0
Total Acres						13.0

11. Place of use in counties: BOISE

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

13. Other Water Rights Used:
65-02886C

14. Remarks:

TWO POINTS OF DIVERSION IN NESW.
SOURCES ARE TWO FORKS OF PHILLIPS CREEK.
THIS RIGHT WHEN COMBINED WITH RIGHT 65-2886C SHALL PROVIDE NO
MORE THAN .02 CFS/ACRE.
THIS CLAIM IS A RESULT OF A CHANGE IN OWNERSHIP FOR A PORTION OF
CLAIM NO. A65-10941, FEE PAID UNDER RECEIPT NO. X999999.
KW 4/2/1993

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 _____

AJ0749NP
No. R65-10941C

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

DATE: 11/19/99
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	EMERY SMITH	02/24/1908	IRRIGATION	04-01 11-01	0.150 CFS	
C	MARCIA SMITH		STOCKWATER	01-01 12-31	0.010 CFS	0.35 AFA
	1012 BRENTWOOD PL					
	NAMPA ID 83651					
				TOTAL DIVERSION:	0.150 CFS	0.35 AFA

Water Source: UNNAMED STREAM

Tributary to: PHILLIPS CREEK

Stage: DECREED

Point(s) of Diversion: T09N R03E S20 NESW

BOISE 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
09N	03E	20	:																	:	
																			06	:	6.5
																			TOTAL ACRES	:	6.5

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

POU County: BOISE

Other Rights: 65-02886H

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.
- C18 - THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
- NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT
- ADMINISTRATION OF THE WATER RIGHTS.

Remarks: QNT THIS RIGHT WHEN COMBINED WITH RIGHT 65-02886H SHALL PROVIDE
NO MORE THAN .02 CFS PER ACRE AT THE FIELD HEADGATE.

POD TWO POINTS OF DIVERSION LOCATED IN T09N, R03E, S20, NESW.

EXP THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF
DIVERSION DESCRIBED ABOVE: 65-10941A, 65-10941D, 65-02886H AND
65-02886J.
STOCKWATER, 25 RANGE CATTLE.

Dates: Exam Made Date: Verified Date: 11/19/1999 Objection Filed Date:

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

AJ0749NP
No. R65-10941C

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

DATE: 11/19/99
PAGE: 2

=====

Comments: Date: 07/22/1999 User-ID: MSCHULTE Subject: COPIED FROM REMARKS
TWO POINTS OF DIVERSION IN NESW.
SOURCES ARE TWO FORKS OF PHILLIPS CREEK.
THIS RIGHT WHEN COMBINED WITH RIGHT 65-2886C SHALL PROVIDE NO
MORE THAN .02 CFS/ACRE.
THIS CLAIM IS A RESULT OF A CHANGE IN OWNERSHIP FOR A PORTION OF
CLAIM NO. A65-10941, FEE PAID UNDER RECEIPT NO. X999999.
KW 4/2/1993
THIS CLAIM IS THE RESULT OF AN OWNERSHIP CLAIM FOR A PORTION OF
CLAIM A65-10841B, NO FEE DUE. MTS 3/6/1998.

Date: 07/22/1999 User-ID: MSCHULTE Subject: CONVEYANCE LOSS
THE PAYETTE RIVER BASIN ADJUDICATION DECREED ONE INCH PER ACRE
FOR IRRIGATION BUT ADDITIONAL WATER FOR SOME RIGHTS FOR
CONVEYANCE LOSS. THE EXCESS WATER OVER ONE INCH PER ACRE FOR
IRRIGATION FOR THIS RIGHT IS FOR CONVEYANCE LOSS.

Date: 09/25/1999 User-ID: AJU10-JS Subject: AJU10 CONDITION UPDATE
CONDITION CODE(S) C18 ADDED IF NOT ALREADY PART
OF RECORD THRU AJU10.

Audit: 11/19/99 MSCHULTE

AJ0749NP
No. R65-10941C

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

DATE: 08/19/99
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	EMERY SMITH	02/24/1908	IRRIGATION	04-01 11-01	0.150 CFS	
C	MARCIA SMITH		STOCKWATER	01-01 12-31	0.010 CFS	0.35 AFA
	1012 BRENTWOOD PLACE					
	NAMPA ID 83651			TOTAL DIVERSION:	0.150 CFS	0.35 AFA

Water Source: UNNAMED STREAM

Tributary to: PHILLIPS CREEK

Stage: DECREED

Point(s) of Diversion: T09N R03E S20 NESW
~~Point(s) of Injection: T09N R03E S20 SESW~~
~~Point(s) of Re-diversion: T09N R03E S20 SESW~~

BOISE County
BOISE County
BOISE 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
09N	03E	20	:																	
																			06	6.5
																			TOTAL ACRES	6.5

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

POU County: BOISE

Other Rights: 65-02886H

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 65-02886H SHALL PROVIDE
NO MORE THAN .02 CFS PER ACRE AT THE FIELD HEADGATE.

POD TWO POINTS OF DIVERSION LOCATED IN T09N, R03E, S20, NESW.

EXP THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF
DIVERSION DESCRIBED ABOVE: 65-10941A, 65-10941D, 65-02886H AND
65-02886J.
STOCKWATER, 25 RANGE CATTLE.

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

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

AJ0749NP
No. R65-10941C

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

DATE: 08/19/99
PAGE: 2

=====

Comments: Date: 07/22/1999 User-ID: MSCHULTE Subject: COPIED FROM REMARKS
TWO POINTS OF DIVERSION IN NESW.
SOURCES ARE TWO FORKS OF PHILLIPS CREEK.
THIS RIGHT WHEN COMBINED WITH RIGHT 65-2886C SHALL PROVIDE NO
MORE THAN .02 CFS/ACRE.
THIS CLAIM IS A RESULT OF A CHANGE IN OWNERSHIP FOR A PORTION OF
CLAIM NO. A65-10941, FEE PAID UNDER RECEIPT NO. X9999999.
KW 4/2/1993
THIS CLAIM IS THE RESULT OF AN OWNERSHIP CLAIM FOR A PORTION OF
CLAIM A65-10841B, NO FEE DUE. MTS 3/6/1998.

Date: 07/22/1999 User-ID: MSCHULTE Subject: CONVEYANCE LOSS
THE PAYETTE RIVER BASIN ADJUDICATION DECREED ONE INCH PER ACRE
FOR IRRIGATION BUT ADDITIONAL WATER FOR SOME RIGHTS FOR
CONVEYANCE LOSS. THE EXCESS WATER OVER ONE INCH PER ACRE FOR
IRRIGATION FOR THIS RIGHT IS FOR CONVEYANCE LOSS.

Audit: 08/19/99 MSCHULTE

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

14:21:07
07/09/99
17

PAGE: 17
PROFILE REPORT

CLAIM NUMBER: A65-10941C

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	EMERY SMITH	02/24/1908	IRRIGATION	04-01 11-01	0.15 CFS	
C	MARCIA SMITH		STOCKWATER	01-01 12-31	0.01 CFS	0.35 AFA
TOTAL DIVERSION:					0.15 CFS	0.35 AFA

Water Source: *Unnamed St.* ~~PHILLIPS CREEK~~

Tributary to: *Phillips Cr.* ~~PAYETTE RIVER, NORTH FORK~~

Stage: DECREED

Point(s) of Diversion: T09N R03E S20 NESW

BOISE 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
09N	03E	20	:																	:	
																			06	6.5	
TOTAL ACRES																				6.5	

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

POU County: BOISE

Non-Irrigation Uses: STOCKWATER, 25 HEAD.

Other Rights: 65-02886C

Remarks: GEN TWO POINTS OF DIVERSION IN NESW.
SOURCES ARE TWO FORKS OF PHILLIPS CREEK.
THIS RIGHT WHEN COMBINED WITH RIGHT 65-2886C SHALL PROVIDE NO
MORE THAN .02 CFS/ACRE.
THIS CLAIM IS A RESULT OF A CHANGE IN OWNERSHIP FOR A PORTION OF
CLAIM NO. A65-10941, FEE PAID UNDER RECEIPT NO. X999999.
KW 4/2/1993
THIS CLAIM IS THE RESULT OF AN OWNERSHIP CLAIM FOR A PORTION OF
CLAIM A65-10841B, NO FEE DUE. MTS 3/6/1998.

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

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

EXP - F06 + Stock

QNT - E28

POD - F03

Comment - Con. Loss.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

14:20:39
07/09/99

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QUICKLOOK INFORMATION

16
CLAIM NUMBER: A65-10941C

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			MS Hoffie 7-22-99	N		MS 7-22-99	MS 7-22-99	
POINT OF DIV				N				
SOURCE				Y				
PLACE OF USE	Y			N				
DIV. AMOUNT CFS/VOLUME	Y			N				
CONSUMPTIVE USE	-			NA				
PURPOSES OF USE				N				
PERIOD OF USE				N				
BASIS OF CLAIM	Y			N				
REMARKS	Y			Y				

BARCODE UPDATED
WHOM/DATE

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>1985 maps</u> IDWR ID NO. <u>1159 & 60</u>	Y(☒) N() <u>5a</u>
(☒) NAPP <u>GIS map</u>	DATE OF PHOTO <u>1987 7-22-99</u> IDWR ID NO. _____	Y(☒) N() <u>6b</u>
(☒) ASCS AERIAL PHOTO	DATE OF PHOTO <u>1961</u>	Y(☒) N() <u>6c</u>
() 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>GIS Table</u>	DATE <u>7-22-99</u>	Y(☒) N() <u>6a</u>
(☒) OTHER <u>PRBA map</u>	DATE _____	Y(☒) N() <u>6d</u>
(☒) OTHER <u>Poll review report</u>	DATE <u>7-9-99</u>	Y(☒) N()

LIST OF ATTACHMENTS (CHECK IF ATTACHED)	IF ATTACHED, SUPPLY APPROPRIATE INFORMATION	NO. OF PAGES	NOTES
() LICENSING FIELD EXAM	DATE OF FIELD EXAM _____	_____	_____
() WATER RIGHT LICENSE	DATE LICENSE SIGNED _____	_____	_____
() IDWR APPROVED TRANSFER	DATE TRANSFER APPROVED _____	_____	_____
() SYSTEM DESCRIPTION	DATE DRAWN _____	_____	_____
() PHOTOGRAPHS	DATE(S) PHOTOS TAKEN _____	_____	_____
() SPLIT RIGHT REVIEW	DATE REVIEW COMPLETED _____	_____	_____
() HUBBLE ANALYSIS	DATE ANALYSIS COMPLETED _____	_____	_____
() CONVEYANCE LOSS ANALYSIS	DATE ANALYSIS COMPLETED _____	_____	_____
() FLOW MEASUREMENT CALCULATIONS	DATE SYSTEM MEASURED _____	_____	_____
(☒) OTHER <u>Page from decree</u>	DATE <u>3-2-1979</u>	<u>1</u>	_____
(☒) OTHER <u>PRBA claim</u>	DATE <u>12-29-78</u>	<u>1</u>	_____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

14:20:39
07/09/99

PAGE: 1
GENERAL INFORMATION

1
CLAIM NUMBER: A65-10941C

LAST: SMITH FIRST: EMERY
ADDRESS: 1012 BRENTWOOD PLACE
CITY: NAMPA STATE: ID ZIP: 83651
PHONE NUMBER: 208-000-0000

OWNER CODE: C

LAST: SMITH FIRST: MARCIA
ADDRESS: 1012 BRENTWOOD PLACE
CITY: NAMPA STATE: ID ZIP: 83651
PHONE NUMBER: 208-000-0000

OWNER CODE: C

LAST: DOVEL FIRST: GEORGE W
ADDRESS: RT 1 BOX 61
CITY: HORSESHOE BEND STATE: ID ZIP: 83629
PHONE NUMBER: 208-793-2768

OWNER CODE: O

LAST: DOVEL FIRST: AMY R
ADDRESS: BOX 3
CITY: BANKS STATE: ID ZIP: 83602
PHONE NUMBER: 208-000-0000

OWNER CODE: O

FIELD EXAM REQUIRED?

VERIFICATION REQUIRED DUE TO REMARKS?

DATABASE FIELD
Y EXAMINER
Y() N()

CLAIM REMARKS: GEN TWO POINTS OF DIVERSION IN NESW.
SOURCES ARE TWO FORKS OF PHILLIPS CREEK.
THIS RIGHT WHEN COMBINED WITH RIGHT 65-2886C SHALL PROVIDE NO
MORE THAN .02 CFS/ACRE.
THIS CLAIM IS A RESULT OF A CHANGE IN OWNERSHIP FOR A PORTION OF
CLAIM NO. A65-10941, FEE PAID UNDER RECEIPT NO. X999999.
KW 4/2/1993
THIS CLAIM IS THE RESULT OF AN OWNERSHIP CLAIM FOR A PORTION OF
CLAIM A65-10841B, NO FEE DUE. MTS 3/6/1998.

CONTACT PERSON: _____

PHONE NUMBER: (____) ____-____

DATE OF FIELD EXAM: __/__/__

APPOINTMENT MADE: Y(____) N(____)

TIME: __:__ A(____) P(____)

ACCOMPANIED BY: _____

PHONE NUMBER: (____) ____-____

RELATIONSHIP TO CLAIMANT: _____

DIRECTIONS TO PROPERTY / NOTES:

In office exam

*This right is a split of 65-10941B which split from
decedent right 65-10941. This right is a result of
a change of ownership*

A. AJ CLAIM: # A65-10941C PRIORITY DATE: 02-24-1908 STAGE: D

B. WR RECORD: # 65-10941 PRIORITY DATE: 02-24-1908 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 as decreed in the PRBA.*

RECOMMENDED PRIORITY DATE:

02-24-1908

REVIEWED BY

Mel Schulte

DATE

7-22-99

A. AJ CLAIM POINT OF DIVERSION AND SOURCE:

RIGHT	TWP. RGE.	SEC.	1/4	1/4	1/4	LOT	POD FLAG	COUNTY	DIVERSION NAME	DIVERSION NUMBER
A65-10941C	09N 03E	20		NE	SW			BOISE		

OTHER AJ CLAIMS WITH SAME AJ POD
A PREFIX R PREFIX
A65-02886H NONE
A65-02886J
A65-10941A
A65-10941D

WR RECORDS IN SAME 40 ACRE TRACT
65-02886C

SOURCE: PHILLIPS 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
65-10941	09N 03E	20		NE	SW			BOISE		

OTHER WR RECORDS WITH SAME WR POD

65-02886C

AJ CLAIMS IN SAME 40 ACRE TRACT
A PREFIX R PREFIX

A65-02886H NONE
A65-02886J
A65-10941A
A65-10941D

SOURCE: PHILLIPS 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 7-16-99)

NAME OF EXAMINER

McSchulte

Y(☒) N()

OTHER (DESCRIBE IN NOTES BELOW)

NOTES:

See page 5 in A65-10941D and attached topo map page 5a

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

TWP. 09N	RGE. 03E	SEC. 20	1/4 NE	1/4 SW	LOT	POD FLAG	COUNTY BOISE	DIVERSION NAME	DIVERSION NBR
_____	_____	_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____	_____	_____

SOURCE: ~~PHILLIPS CREEK~~

Unnamed Stream

TRIB: ~~PAYETTE RIVER, NORTH FORK~~

Phillips Creek

REVIEWED BY:

McSchulte

DATE:

7-22-99

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

See PRBA claim

A. ROOT WATER RIGHT NUMBERS: A65-10941C
A65-10941D

A65-10941A

A65-10941B

B. POU LISTING

TWP	RNG	SEC	1/4	1/4	LOT	NAME	AJ #/ACRES	WR #/ACRES	LANDSAT DATA	FIELD EXAM.	RECOMM. ACRES
09N	03E	20	SW	SE		SMITH, EMERY	A65-10941C /	6.5	-	/ > overlaps.	
			SW	SE		SMITH, EMERY	A65-02886H /	3.0	-		
			SW	SE		GLUBAY, SCOTT	A65-02886J /	3.0	-		
			SW	SE		GLUBAY, SCOTT	A65-10941D /	6.5	-		
			SW	SE		SMITH, MARCIA	A65-10942A /	-	-		
			SW	SE		GLUBAY, SCOTT	A65-10942B /	-	-	/	
			SW	SE		SMITH, MARCIA	65-10942A /	-	-	/	
			SW	SE		GLUBAY, SCOTT	65-10942B /	-	-	/	
			SW	SE		DOVEL, GEORGE W.		65-02886C /	6.0		
			SW	SE		DOVEL, GEORGE W.		65-10941 /	13.0		
			SW	SE		DOVEL, GEORGE W.		65-10942 /			

6.5

ADDITIONAL POU FOUND

TOTAL ACRES A65-10941C

6.50

POU COUNTY: BOISE

6.5

6a

WESTERN REGION

OWNER (S): Smith

CLAIM NUMBERS: A65-10941C

AGENT: MEL SCHULTE

DATE 7-22-99

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
	9N	3E	20															6.5	6.5
																			6.5

POLYGON CREATED ON 330

POLYGON # () () () () UPDATED BY MTS

ATTRIBUTES OF B65-POU.SHP (1001) () () () ()

ATTRIBUTES OF B65-POD.SHP ^{I+R} (710) ^{POD} (711) ^{POD} (712) () ()
^{SESW}

8-19-99 B65-DBPOU.DBF UPDATED BY MTS

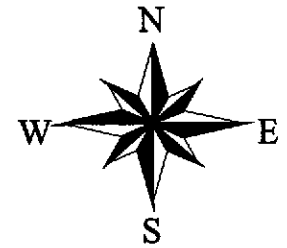
8-19-99 B65-DBPOD.DBF UPDATED BY MTS

NOTES:

6b

IDAHO DEPARTMENT OF WATER RESOURCES

T09N, R03E, S20



1987 NAPP PHOTO

● POINT OF DIVERSION

PLACE OF USE

1/4 1/4 LINES

SECTION LINES

6 ACRES

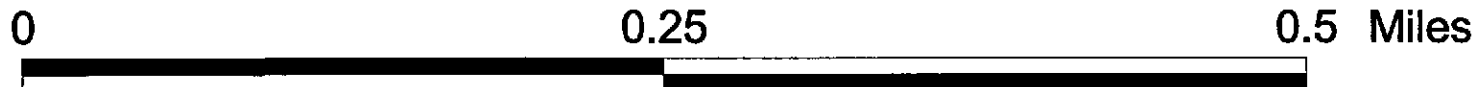
6 SECTION NUMBERS

CLAIM(S): 65-10941C

OWNER(S): SMITH

Prepared by Mel Schulte

DATE: JULY 22, 1999



CLAIM 465-10941C 60C

T. R. 3. 210

P/D 9N 3E 20 NESW

SCALE

PHOTO ID. ACES DATE 1901

PHILLIPS
Creek

Gibby

Large tree
0 58
NNW

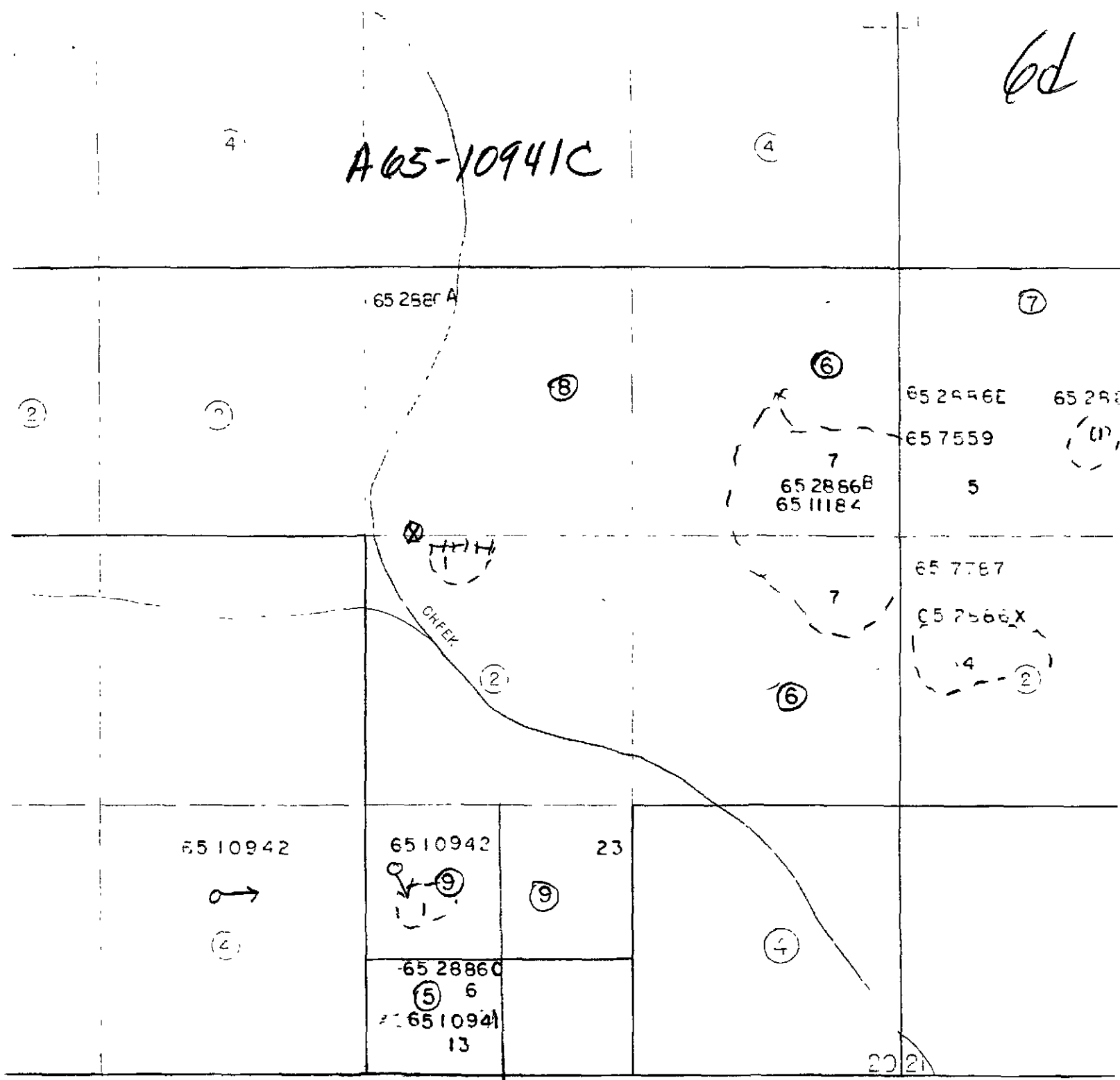
Long

3200
500
April 2001 - 3997

300
200

2200

6d



- 9N 3E Map C
1. State of Idaho
 2. Vera Morell & Franklin B. Edwards
c/o Clyde E. Shawl
 3. Black Canyon Grazing Ass'n.
c/o Alvin Moses
 4. Public Domain
 5. George W. Dovel
 6. Michael R Jones
 7. F n l n l

C. IS WATER USAGE FOUND IN TRACTS OTHER THAN THOSE CLAIMED?

Y() N(☒)

* IF YES, ARE THESE TRACTS LISTED ABOVE (), OR ARE THEY LISTED ON AN ATTACHED SHEET ()

LIST OF ALL RIGHTS WITH A SAME POU AND IRRIGATION USAGE

CLAIM NO.	SOURCE	NAME	DIV. RATE	DIV. RATE/ACRE	DIV. VOL.	DIV. VOL./ACRE
A65-10941C	PHILLIPS CREEK	SMITH, EMERY	0.150	0.023	0.35	0.05
A65-02886H	PHILLIPS CREEK	SMITH, EMERY	0.055	0.018	9.65	3.21
A65-02886J	PHILLIPS CREEK	GLUBAY, SCOTT	0.055	0.018	9.65	3.21
A65-10941D	PHILLIPS CREEK	GLUBAY, SCOTT	0.150	0.023	0.35	0.05

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

CLAIM NO.	PURPOSES	NAME	MONTH/DAY	RATE	VOLUME
A65-10941C	STOCKWATER	SMITH, EMERY	FROM 01-01 TO 12-31	0.010 CFS	0.35 AF/A
A65-10942A	STOCKWATER	SMITH, MARCIA	FROM 01-01 TO 12-31	0.020 CFS	1.40 AF/A
A65-10942B	DOMESTIC	GLUBAY, SCOTT	FROM 01-01 TO 12-31	0.030 CFS	1.20 AF/A
65-10942A	STOCKWATER	SMITH, MARCIA	FROM 01-01 TO 12-31	0.020 CFS	1.40 AF/A
65-10942B	DOMESTIC	GLUBAY, SCOTT	FROM 01-01 TO 12-31	0.030 CFS	1.20 AF/A

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

Y(☒) N()

* IF YES, COMPLETE OVERLAP REVIEW:

OTHER RIGHTS LISTED IN CLAIM: 65-02886^H

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. _____;

^{GIS}
NAPP, IDWR NO. _____; AERIALS PHOTO; OTHER PRBA map

NOTES:

Recommended as decreed in the PRBA and split
by the split tree for A65-10941B.

RECOMMENDATIONS:

TOTAL ACRES: 6.5 N/A()

REVIEWED BY: Mel Schulte

DATE: 7-22-99

A. AJ CLAIMED USES:

PURPOSE OF USE	PERIOD OF USE (MONTH/DAY)	DIV. RATE FOR EACH USE	DIV. VOL. FOR EACH USE
A65-10941C IRRIGATION	FROM 04-01 TO 11-01	0.150 CFS	
A65-10941C STOCKWATER	FROM 01-01 TO 12-31	0.010 CFS	0.35 AF/A
TOTAL DIVERSION RATE/VOLUME		0.150 CFS	0.35 AF/A

B. WR RECORDED USES:

PURPOSE OF USE	PERIOD OF USE (MONTH/DAY)	DIV. RATE FOR EACH USE	DIV. VOL. FOR EACH USE
65-10941 IRRIGATION	FROM 04-01 TO 11-01	0.410 CFS	
65-10941 STOCKWATER	FROM 01-01 TO 12-31	0.020 CFS	0.70 AF/A
TOTAL DIVERSION RATE/VOLUME		0.430 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:

Recommended as decreed in the PRBA but split
from 65-10941B & 65-10941 by changes of ownership.
See split tree in Claim Pack!

AJ CLAIM TOTAL DIVERSION RATE: 0.150 CFS

WR ROOT RIGHT TOTAL DIVERSION RATE: 0.430 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 None, SEE ATTACHED CALCULATIONS.

F. RATE/VOLUME CALCULATIONS: (IRRIGATION)

1a. IRRIGATION RATE
ACRES 6.3 x 0.02 CFS/ACRE = .13 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 = 0.35 AF/A

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

TOTAL DIVERSION VOLUME _____ AF/A

3. IRRIGATION CONSUMPTIVE USE

CLAIMED CONSUMPTIVE USE = NA 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: _____

WR RECORD CONDITIONS/REMARKS:

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 STOCKWATER	04-01 01-01	11-01 12-31	0.150 0.010	<u> </u>	0.35	<u> </u>	0.0 0.0	<u>NA</u>
<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
TOTAL FOR THIS RIGHT			0.150	<u> </u>	0.35	<u> </u>	0.0	<u>NA</u>

NON-IRRIGATION USES CLAIMED: STOCKWATER, 25 HEAD.

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

REVIEWED BY: Mike Schulte DATE: 7-22-99

FLAG:

STANDARD CONDITIONS (CODE):

N5 & N8

STANDARD REMARKS (CODE):

EXP - F06, Stock
QNT - E28
POB - F02

EXPLANATORY CONDITIONS (CODE):

EXPLANATORY REMARKS (CODE):

Comment - Conveyance loss

A. CHECK ONLY THE FOLLOWING THAT APPLY:

OWNERSHIP _____
FORFEIT/ABANDON _____
ADDITIONAL DIV. AMOUNT _____

ACCEPTED AS CLAIMED	NEEDS REVIEW
(☒)	()
()	()
()	()

B. SPLIT WATER RIGHT REVIEW

ROOT WATER RIGHT NUMBER: 65-10941

TOTAL DIVERSION RATE OF WR SPLITS

SPLITS:

OLD RIGHT NUMBERS	CURRENT CLAIM NUMBERS	DIVERSION RATE	CURRENT "R" CLAIM NUM.	"R" DIV. RATE	WR RIGHT NUMBERS	DIVERSION RATE
A65-10941	A65-10941A	0.110	-		65-10941	0.430
-	A65-10941C	0.150	-		-	
-	A65-10941D	0.150	-		-	
TOTAL CFS		0.410				0.430

See split tree in claim pack.

DATABASE
0.430

EXAMINER

CFS

DIVERSION RATE REVIEW

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

DATABASE
N

FIELD
EXAMINER
Y(☒) N()

NOTES:

AUTHENTICATION:

SIGNATURE: Mel Schulte DATE: 7-22-99

NAME OF FIELD EXAMINER: _____ TITLE: _____

OPTION: IRRIGATION USES ONLY

ADJUDICATION CLAIM NUMBER: A65-10941C

PAGE: 1

A. ROOT WATER RIGHT NUMBERS: A65-10941C
A65-10941D

A65-10941A

A65-10941B

B. POU LISTING

TWP	RNG	SEC	1/4	1/4	LOT	NAME	AJ #/USE/ACRES	WR #/USE/ACRES	LANDSAT DATA
09N	03E	20	SW	SE		SMITH, EMERY	A65-10941C /01/ 6.5	-	<i>overlaps different parcel</i>
			SW	SE		SMITH, EMERY	A65-02886H /01/ 3.0	-	
			SW	SE		GLUBAY, SCOTT	A65-02886J /01/ 3.0	-	
			SW	SE		GLUBAY, SCOTT	A65-10941D /01/ 6.5	-	
			SW	SE		DOVEL, GEORGE W.		65-02886C /01/ 6.0	
			SW	SE		DOVEL, GEORGE W.		65-10941 /01/13.0	
TOTAL ACRES							A65-10941C	6.50	

POU COUNTY: BOISE



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

March 6, 1998

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

MARCI SMITH
EMERY SMITH
1012 BRENTWOOD PL
NAMPA ID 83651

Re: Original Notice of Claim to a Water Right No. A65-10941B

Renumbered to Notice of Claim to a Water Right No. A65-10941C

Dear Mr. & Mrs. Smith:

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 cursive script that reads "Denise Buffington".

Denise Buffington
Records Clerk
Adjudication Section
Western Region Office

DB:d

Enclosure

MEMORANDUM TO FILES

TO: A65-02886C & A65-10941B AND ALL SPLITS OF THESE CLAIMS.

DATE: 3/6/1998

RE: SOURCE

FROM: MEL SCHULTE

MD.

THE SOURCE FOR THESE CLAIMS MAY BE AN UNNAMED STREAM RATHER THAN PHILLIPS CREEK. SEE COPY OF ATTACHED U.S. FOREST SERVICE MAP THAT SHOWS THE POD TO BE ON AN UNNAMED TRIBUTARY OF PHILLIPS CREEK.

MTS.

4AR 02, 1979

PROPOSED FINDING OF WATER RIGHTS - PAYETTE RIVER DRAINAGE

PAGE 297

INDICATES TOTAL

SOURCE: PHILLIPS CREEK

TRIBUTARY TO: NORTH FORK, PAYETTE RIVER

RIGHT NUMBER	NAME AND ADDRESS	PRIORITY DATE	USE	USE PERIOD FROM TO	MAX AMOUNT MAX RATE	DIVERSION POINT	PLACE OF USE AND ACREAGE	PASTS FOR RIGHT
65-10941	DOVEL, GEORGE W. & DOVEL, AMY R. BOX 3, BANKS, IDAHO 83602 REMARKS: TWO POINTS OF DIVERSION IN NESW. SOURCES ARE TWO FORKS OF PHILLIPS CREEK. THIS RIGHT WHEN COMBINED WITH RIGHT 65-2886C SHALL PROVIDE NO MORE THAN .02 CFS/ACRE.	2/24/1908	IRRIGATION	4/ 1 11/ 1	--- AFA .41 CFS	NESW S20 T 9N R 3E	SWSE(13) S20 T 9N R 3E NWNE(5) S29 T 9N R 3E *18*	BENEFICIAL USE
			STOCKWATER	1/ 1 12/31	.70 AFA .02 CFS *---*AFA *.43*CFS		SAME AS OTHER USE	
65-2886D	DEJKE, FRANK ROUTE 6, BOX 6337, NAMPA, IDAHO 83651 REMARKS: THIS PERMIT RIGHT IS NOT DECREED BY THE PRESENT ADJUDICATION PROCEDURE, AND IS INCLUDED FOR INFORMATION PURPOSES ONLY. NORMAL STATUTORY PROCEDURES MUST BE COMPLETED FOR LICENSING.	12/16/1966	IRRIGATION	4/ 1 11/ 1	--- AFA .02 CFS	SWNE S20 T 9N R 3E	SWNW(1) S21 T 9N R 3E *1*	PERMIT
65-2886C	DOVEL, GEORGE W. & DOVEL, AMY R. BOX 3, BANKS, IDAHO 83602 REMARKS: THIS RIGHT WHEN COMBINED WITH RIGHT 65-10941 SHALL PROVIDE NO MORE THAN .02 CFS/ACRE. SOURCES FOR THIS RIGHT ARE PHILLIPS CREEK & SPRING. THIS PERMIT RIGHT IS NOT DECREED BY THE PRESENT ADJUDICATION PROCEDURE, AND IS INCLUDED FOR INFORMATION PURPOSES ONLY. NORMAL STATUTORY PROCEDURES MUST BE COMPLETED FOR LICENSING.	12/16/1966	IRRIGATION	4/ 1 11/ 1	--- AFA .11 CFS	NESL S20 T 9N R 3E SESW S20 T 9N R 3E	SWSE(6) S20 T 9N R 3E *6*	PERMIT
65-2886B	JONES, MICHAEL & JONES, DIANE 2608 STEWART AVENUE, BOISE, IDAHO 83702	12/16/1966	IRRIGATION	4/ 1 11/ 1	--- AFA .28 CFS	SWNE S20 T 9N R 3E	SENE(7) NENE(7) S20 T 9N R 3E *14*	LICENSE

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

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**

65-10941 Amended

I.D. No. _____

Map No. _____

Initial Fee Paid _____ Receipt No. _____

Notice is hereby given that

George W. &/or Amy R. Dovel

(Name of Claimant)

Box 3, Banks, ID 83602

(Zip Code)

Telephone No. _____

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)
February 24, 1908

(2) Describe the source of water: (Name of stream, lake, spring, etc., or ground water)
Phillips Creek tributary to No. Fork Payette River

(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 27.33 CFS Use Irrigation Period of Use From 4/1 To 11/1
(Domestic, irrigation, stock, etc.) (Mo., Day) (Mo., Day)

Quantity .02 CFS Use Stockwater Period of Use From 1/1 To 12/31
(Domestic, irrigation, stock, etc.) (Mo., Day) (Mo., Day)

Quantity _____ Use _____ Period of Use From _____ To _____
(Domestic, irrigation, stock, etc.) (Mo., Day) (Mo., Day)

Quantity _____ Use _____ Period of Use From _____ To _____
(Domestic, irrigation, stock, etc.) (Mo., Day) (Mo., Day)

(4) 43 CFS TOTAL QUANTITY CLAIMED.
(CFS, GPD, AFI) (Domestic, irrigation, stock, etc.) (Mo., Day) (Mo., Day)

(5) A) Point of Diversion: Give location of point where water is diverted from its source NE 1/4 Sec. 20, Twp. 29N, Rge. 3E, B.M., Boise County
Sec. 20 Twp. 29N Rge. 3E B.M. Boise County

Additional Points: 2 (2 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.
ditches about 3/4 mile and sprinklers

(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	R	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTAL
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
	3E	20															13		13
	3E	29			5														5

Total no. of acres 18

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

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 Sources are two forks of Phillips Creek loss through conveyance granitic soils is 100% beneficial use previous 65-2836. (C.A. 111. in MESH.) STKTR. For 35 Ho. CATS

(9) Basis of claim (Check one) ☒ A) Right based on diversion and beneficial use. (THIS RT WHEN COMBINED W/ RT NO 65-2886G SHALL PROVE NO MORE THAN 102 CFS / RGE.)

☐ 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. _____

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.

Individual

George W. Dovel
(Signature of Claimant)

(Date)

Organization

(Signature of Spouse)

State of _____

Organization

County of _____

Seal

(Signature of Authorized Agent)

On this _____ day of _____

In the year _____

before me

a notary public personally appeared _____

known to me to be the person(s) whose name(s) is subscribed to the above instrument, and acknowledged to me that (he, she, they, corporation, partnership or _____) executed the same.

My commission expires _____

Notary Public residing at _____

2/7/79