

SPLIT TREE

CLAIMS 65-10538

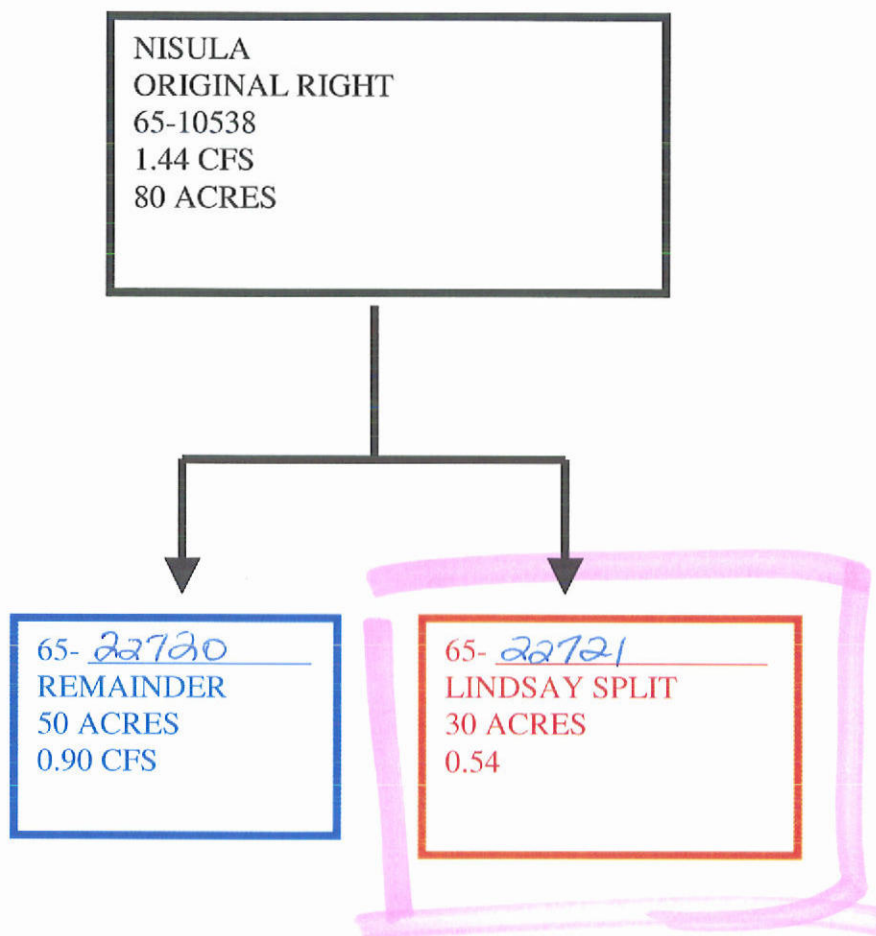
AGENT: Ron Howerton

Date: 07/29/02

REMAINDER 65-22720 = 0.018 CFS @ 50 ACRES 0.90 CFS

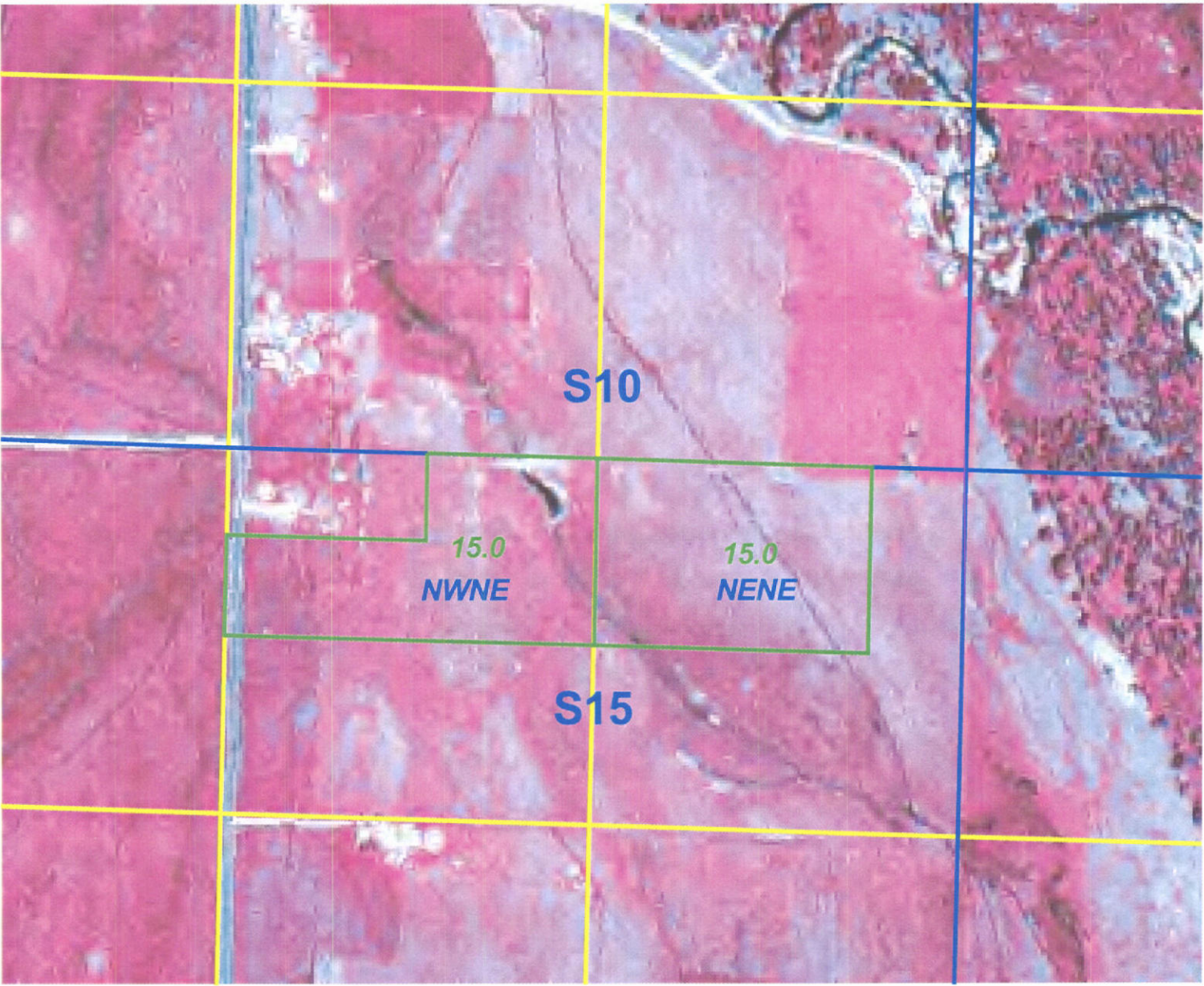
LINSAY SPLIT 65-22721 = 0.018 CFS @ 30 ACRES 0.54 CFS

TOTALS = 80 ACRES @ 1.44 CFS = 0.018 FACTOR

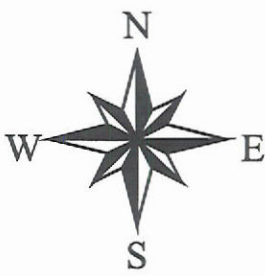


IDAHO DEPARTMENT OF WATER RESOURCES

DRAFT LINSAY SPLIT
Date Prepared: 07-29-02
Prepared By: Ron Howerton



T17N, R03E
S15



- Point of Diversion**
- Place of use**
- Section**
- 1/4 1/4**

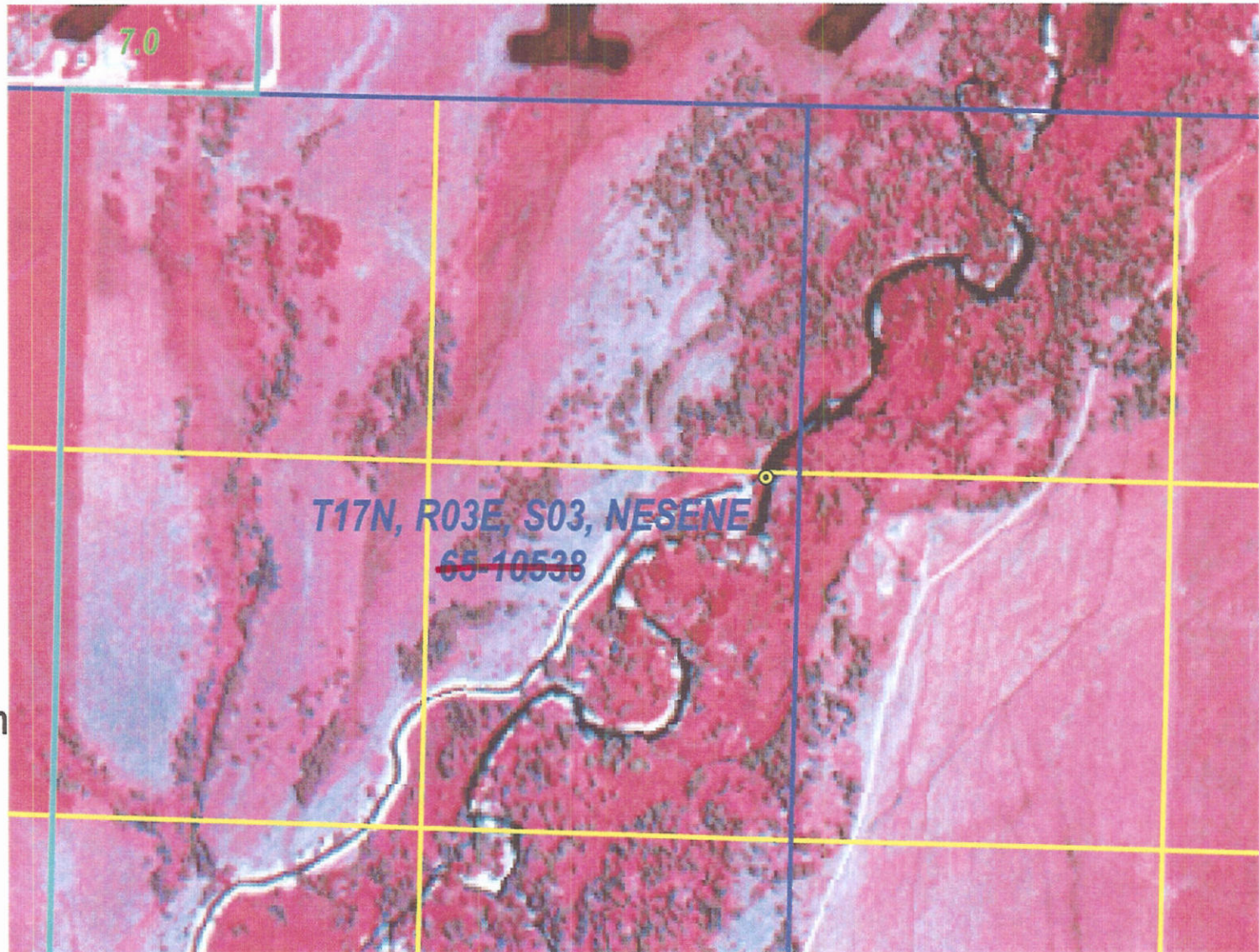
30 Acres

1987 NAPP



~~65-10538~~

POINT OF DIVERSION
LINDSAY SPLIT



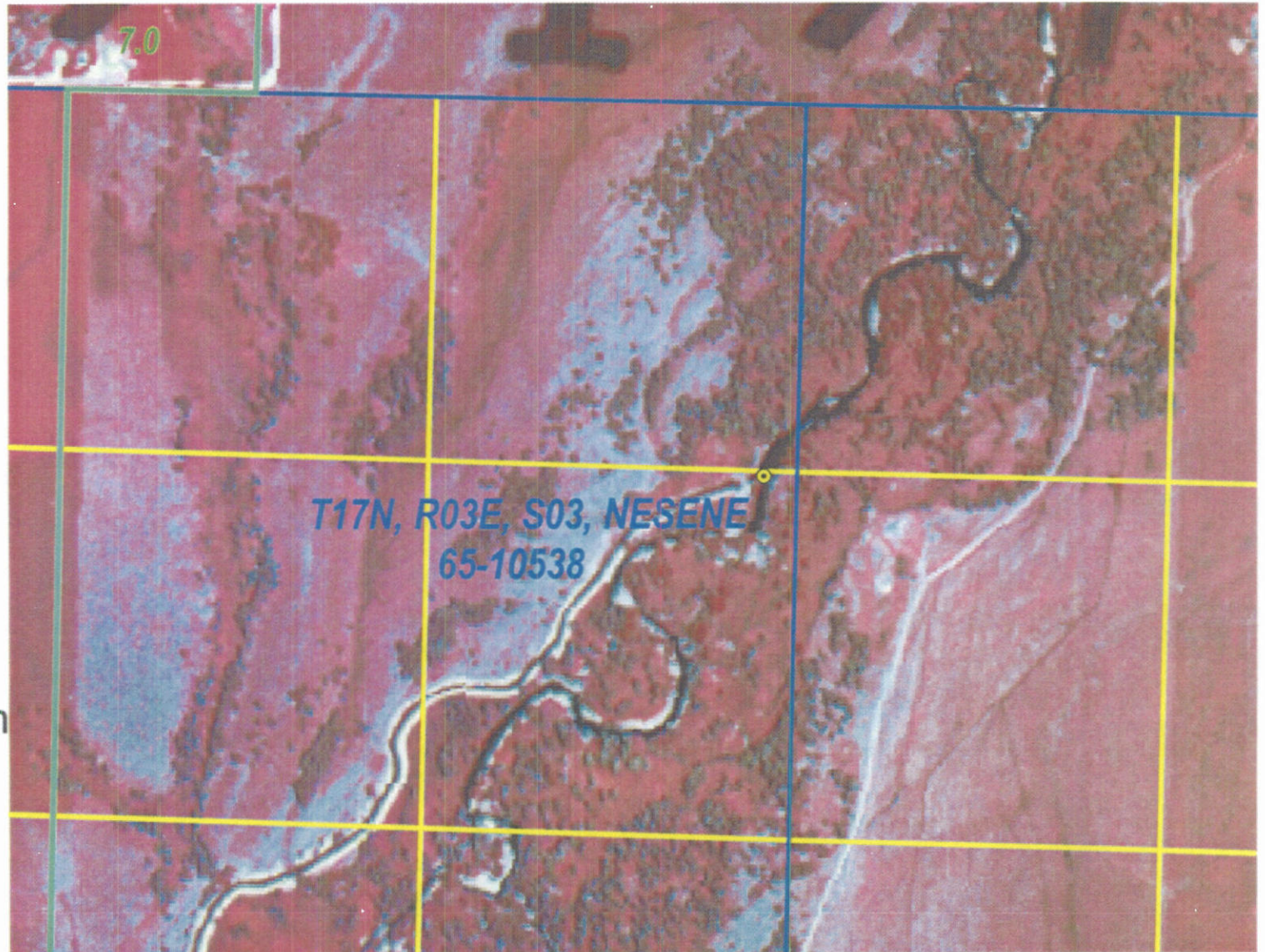
Point of Diversion



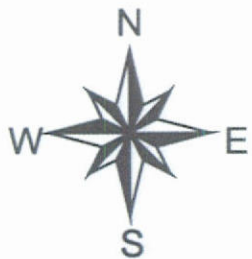
1987 NAPP

0 0.25 0.5 Miles

65-10538



Point of Diversion



1987 NAPP

0 0.25 0.5 Miles

Idaho Department of Water Resources

T17N, R03E
S15

Claims: 65-10538

Owner : NISULA

Prepared by:

Ron Howerton

Date: 26 July 99

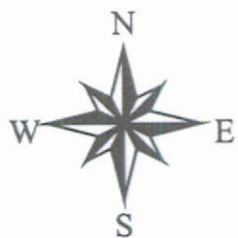
 Place of use

 POD

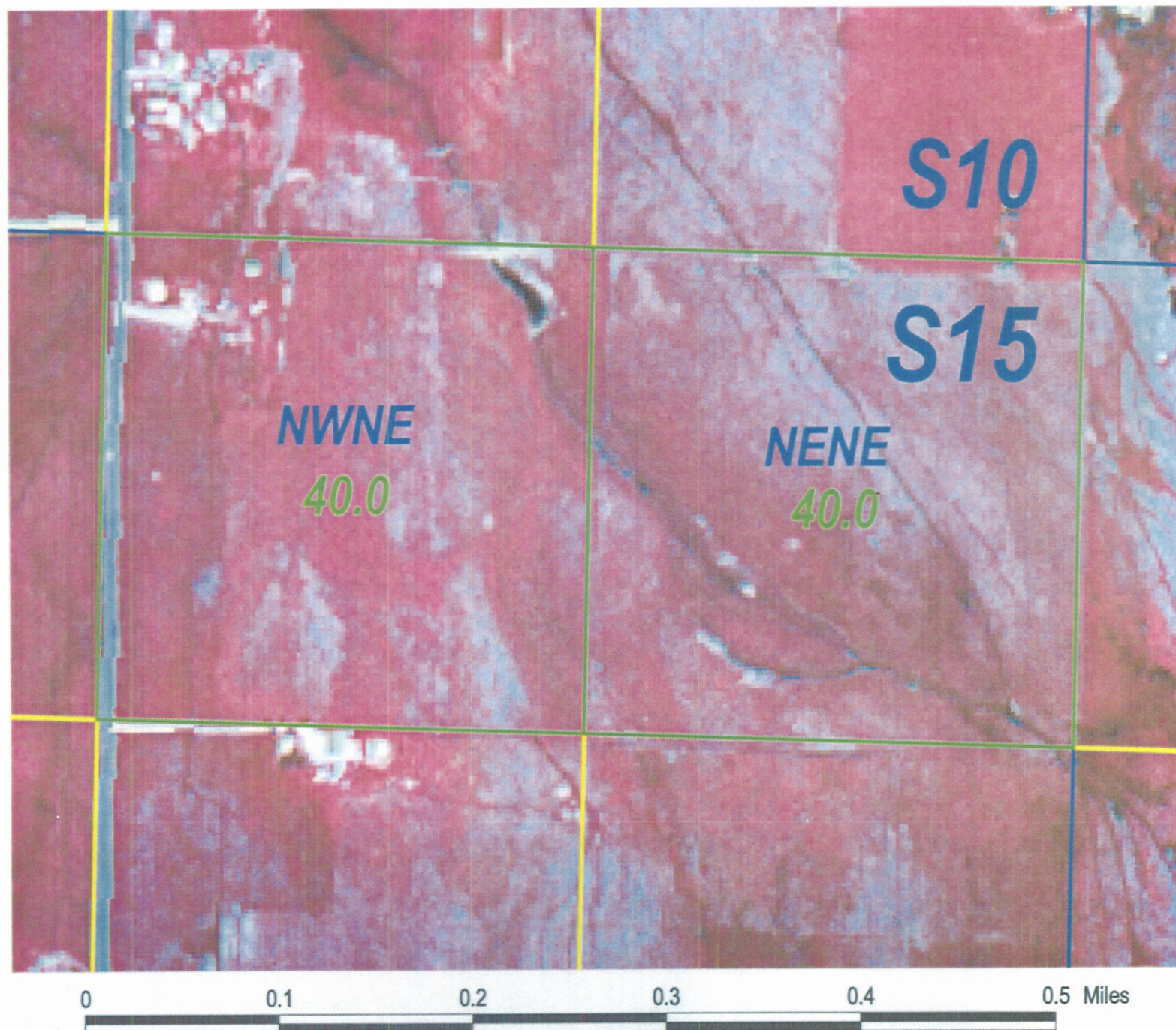
 SECTION LINES

 1/4 1/4 Lines

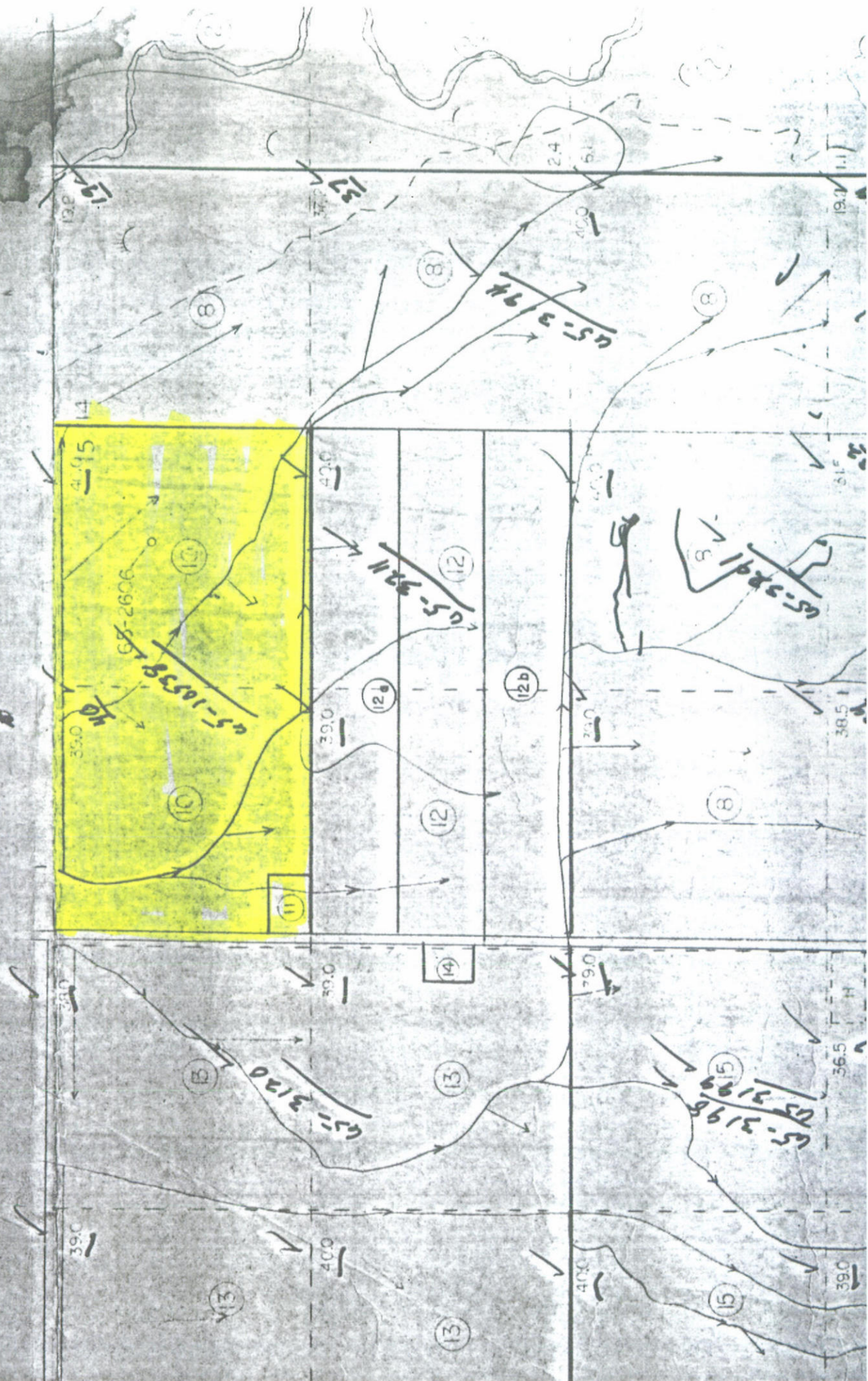
Acres



1987 NAPP



1961



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: [REDACTED]
Date Received: 10/16/1988
Receipt No: X999999
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: JAMES P. NISULA
Address: BOX 639
LAKE FORK, ID 83635-0000
2. Date of Priority: DEC 12, 1903
3. Source: LAKE FORK CREEK Trib. to: PAYETTE RIVER, NORTH FORK
4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
17N	03E	3	NE	NE			VALLEY

5. Description of diverting works:
DAM & DITCH.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	05/01	09/15	1.440		

7. Total Quantity Appropriated is:
1.440 C.F.S. (and/or)

A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
17N	03E	15	NE	NE		IRR	40.0
			NW	NE		IRR	40.0

Section Acres 80.0

10. Place of Use: Continued

Total Acres 80.0

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:

15. Basis of Claim: DECREED

Case Number: 3667

Court :

Decree date: 4/07/1986

STATE OF IDAHO

Decree Plaintiff

vs

A & C CORP., ET AL.

Decree Defendant

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): _____ Date: _____

_____ Date: _____

State of Idaho)
County of _____) SS.

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

Notary Public

Seal

Residing at _____

My Commission Expires _____

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

IN RE THE GENERAL ACQUISITION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

IDENT. NUMBER: 65-10538
DATE RECEIVED: 10-16-88
RECEIPT NO: X999999
RECEIVED BY: ~~DE~~

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. NAME: JAMES P. MISOLA
ADDRESS: Box 639
LAKE FORK, IL 83630-0000

2. DATE OF PRIORITY: Dec 12, 1963

3. SOURCE: LAKE FORK CREEK

TRIF. TO: PAYETTE RIVER, NORTH FORK

4. POINT OF DIVERSION:

TOWNSHIP	RANGE	SECTION	1/4 OF	1/4 OF	1/4	LOT	COUNTY
17N	03E	2	NE	NE			VALLEY

5. DESCRIPTION OF DIVERTING WORKS:
CAN & BITCH.

6. WATER IS USED FOR THE FOLLOWING PURPOSES:

PURPOSE	FROM	TO	C.F.S.	(GR)	A.F.A.
IRRIGATION	01/01	09/15	1.440		

7. TOTAL QUANTITY APPROPRIATED IS:
1.440 C.F.S. (AND/OR)

A.F.A.

8. TOTAL CONSUMPTIVE USE IS ACRES FEET PER ANNUM.

9. NON-IRRIGATION USES:

10. PLACE OF USE:

TOWNSHIP	RANGE	SECTION	1/4 OF	1/4	LOT	USE	ACRES
17N	03E	15	NE	NE		IRR	40.0
			NW	NE		IRR	40.0
SECTION ACRES							80.0

10. PLACE OF USE: CONTINUED

TOTAL ACRES 80.0

11. PLACE OF USE OR COUNTIES: VALLEY, VALLEY

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

13. OTHER WATER RIGHTS USED:

14. REMARKS:

15. BASIS OF CLAIM: DECREE

CASE NUMBER:

COURT :

DECREE DATE: 4/07/1986

STATE OF IDAHO

DECREE PLAINTIFF

A E C CORP., ET AL.

VS

DECREE DEFENDANT

MICROFILMED

SEP 24 1992

18. 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 X 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):

James P. Smith

DATE: 11-16-88

DATE: _____

FOR ORGANIZATIONS:

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

_____, THAT I HAVE SIGNED THE FOREGOING ORGANIZATION

DOCUMENT IN THE SPACE BELOW AS _____ OF _____ TITLE

_____, AND THAT THE STATEMENTS CONTAINED IN THE ORGANIZATION

FOREGOING DOCUMENT ARE TRUE AND CORRECT.

SIGNATURE OF AUTHORIZED AGENT

TITLE AND ORGANIZATION

DATE

STATE OF IDAHO _____)

COUNTY OF Ada _____) SS.

SUBSCRIBED AND SWORN (OR AFFIRMED) BEFORE ME THIS 16th DAY

OF November 19 88

Dena Billups
NOTARY PUBLIC

Dena Billups, Notary Public

RESIDING AT Residing at Caldwell, Idaho

My Commission Expires March 21, 1994

MY COMMISSION EXPIRES

DATE: 09/30/88

68-10552

4035

647

MICROFILMED

SEP 24 1992

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

In Re SRBA

Case No. 39576

Subcase Nos.: 65-10538

split into 65-22720 & 65 22721

STANDARD FORM 5

STIPULATED ELEMENTS OF A
WATER RIGHT

This form is used to report the stipulated elements of one water right acquired under state law and/or one federal reserved water right. Submission of this form will not automatically result in the issuance of a partial decree. The Presiding Judge or Special Master will conduct any hearing necessary to determine whether the facts, data, expert opinions and law support the issuance of a partial decree for the water right.

The parties agree that the Snake River Basin Adjudication Court has jurisdiction of the parties and subject matter to enter a partial decree for this water right; that they have been served with sufficient process, according to the law; and that they have appeared, prosecuted, and defended their positions with regard to this water right dispute.

The parties and IDWR agree and stipulate that the elements of this water right should be described as recommended in the director's report with the following additional language added to the "*Other Provisions Necessary for Administration*":

Basin 65 General Provisions No. 3, the Separate Streams General Provision, does not apply to appropriations of water after October 18, 1977.

This water right shall be administered as being from a separate source pursuant to Basin 65 General Provision No. 3. If the holder of this right seeks to change the right pursuant to Idaho Code § 42-222 or successor statute, nothing in this general provision shall preclude any other person or entity from demonstrating that such change in use would cause injury to its water right or from receiving any relief provided by law in the event of injury.

Claimant

Kasey J Lindsay

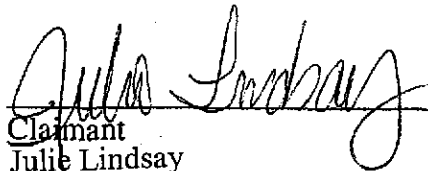
Date

12/26/63

Claimant

Julie Lindsay

Date



Objector, David W. Gehlert, Atty. Date

U.S. Department of Justice, Environment and Natural Resources Div.

David J. Barber 7/29/02
Deputy Attorney for the State of Idaho Date

D. E. Tuttle 7/26/02
IDWR Concurrence Date

J. E. Hansen 7/26/02
Attorney for IDWR Date

CERTIFICATE OF MAILING

I certify that on _____, 2002, I mailed the original and copies of this form, including all attachments, postage prepaid and addressed as follows:

1. Original to: Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P. O. Box 2707
Twin Falls, Idaho 83303-2707

2. Copies to:

Idaho Department of Water Resources
Adjudication Bureau
1301 North Orchard Street
Boise, Idaho 83706

U.S. Department of Justice
Environment and Natural Resources Div.
550 West Fort Street, MSC 033
Boise, Idaho 83724

IDWR Document Depository
P. O. Box 83720
Boise, Idaho 83720-0098

3. Copies to all parties to the subcase (insert names and addresses):

Regional Director, PN Region Code 3100
U.S. Bureau of Reclamation
1150 N. Curtis Road, Suite 100
Boise, ID 83706-1234

Kasey J Lindsay
Julie Lindsay
51 Trabert Ln
PO Box 803
Lake Fork ID 83658

Signature of person or attorney filing the form

11/08/2002

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 65-22721

NAME AND ADDRESS: KASEY J LINDSAY
51 TRABERT LN
PO BOX 803
LAKE FORK ID 83635

JULIE LINDSAY
51 TRABERT LN
PO BOX 803
LAKE FORK ID 83635

SOURCE: LAKE FORK

TRIBUTARY: NORTH FORK PAYETTE RIVER

QUANTITY: 0.540 CFS

PRIORITY DATE: 12/12/1903

POINT OF DIVERSION:

T17N R03E S3 NESENE Within VALLEY County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	05/01 09/15	0.540 CFS

PLACE OF USE: IRRIGATION Within VALLEY County

T17N R03E S15	NENE	15.0	T17N R03E S15	NWNE	15.0
---------------	------	------	---------------	------	------

30 ACRES TOTAL

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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 as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: Decreed

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

In Re SRBA

Case No. 39576

**Water Rights: 65-10538 Split
See nos. 65-22720 & 65-22721**

**NOTICE OF COMPLETED
ADMINISTRATIVE
PROCEEDING**

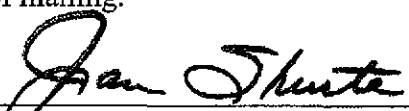
IDWR has completed the following administrative proceeding:

- ☐ Address change
- ☒ Substitution of Party – **Split Right**
- ☐ IC § 42-222 transfer
 - ☐ Point of diversion ☐ Place of use
 - ☐ Period of use ☐ Nature of use
 - ☐ Split of water right ☐ Change in ownership
 - ☐ Other
- ☐ IC § 42-219 license

IDWR certifies that it has completed its investigation into the changes to the elements of the water rights listed above as set forth in the attached *Amended Director's Report(s)* for said water right(s). No other changes have been made to the elements of these water rights except as set forth above.

IDWR has served copies of the *Notice of Completed Administrative Proceeding* and *Amended Director's Report(s)* on the claimant(s), prior claimant(s) and all parties in the subcases affected, if any, as reflected on the attached certificate of mailing.

DATED: November 8, 2002



Signature of IDWR Representative

CERTIFICATE OF MAILING

I certify that on November 12, 2002, I delivered the original and copies of this form, including all attachments, to the following persons, postage prepaid if required and addressed as follows:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
P.O. Box 2707
Twin Falls, ID 83303-2707

☐ overnight mail
☒ regular mail
☐ hand-delivered
☐ facsimile

2. Copies to:

Clive Strong
Office of the Attorney General
P.O. Box 44449
Boise, ID 83711-4449

☐ overnight mail
☒ regular mail
☐ hand-delivered
☐ facsimile

United States Dept of Justice
Environment & Natural Resource Div
550 West Fort Street MSC 033
Boise ID 83724

☐ overnight mail
☒ regular mail
☐ hand-delivered
☐ facsimile

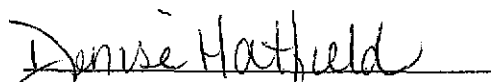
3. Copies to all parties to the subcase:

James P Nisula *(Former Owner)*
PO Box 639
Lake Fork ID 83635

☐ overnight mail
☒ regular mail
☐ hand-delivered
☐ facsimile

Kasey J Lindsay *(Current Owners)*
Julie Lindsay
51 Trabert Ln
PO Box 803
Lake Fork ID 83635

☐ overnight mail
☒ regular mail
☐ hand-delivered
☐ facsimile


Signature of person mailing this document

STATE OF IDAHO
IDAHO DEPARTMENT OF WATER RESOURCES
NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

RECEIVED

JUL 25 2002

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 or Adjudication Claim No(s):

65-10538

65-8614

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

Nisula

4. New Owner/Claimant(s)

Pt NW4 NE4, Less St Hwy ROW; W/2 NE4 NE4;
 W/2 E/2 NE4 NE4 Sec 15, T17N, R3E
 KASEY ANN JULE LINDSAY

New Mailing Address

P.O. Box 803

City, State and ZIP Code

LAKE FORK, ID. 83635

New Telephone Number

(208) 634-1269

5. Date you acquired the property

7/1/02

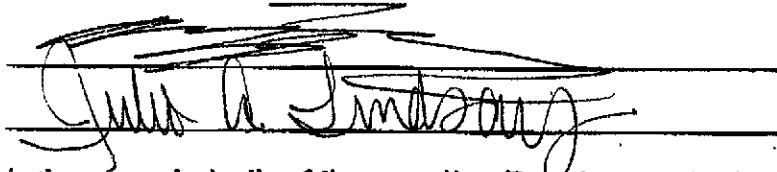
6. If you have acquired only a portion of the former owner's property, IDWR may need to split the water right(s) or adjudication claim(s). If this applies, describe in detail your portion of each water right or adjudication claim in the spaces below. If necessary, attach additional pages.

Number of acres you irrigate 30 Number and type of stock HORSES MINIMUM OF 8

Diversion rate in CFS _____ Number of homes 0 Other uses NONE

If a water right or adjudication claim is being split and you are not sure how to identify your portion of the original right or claim, please contact the nearest IDWR office for assistance.

7. Signature of New Owner or Claimant(s)



Corporations or other organizations must submit a list of directors and/or officers demonstrating authority to sign this 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.

SPLIT TREE

CLAIMS 65-10538

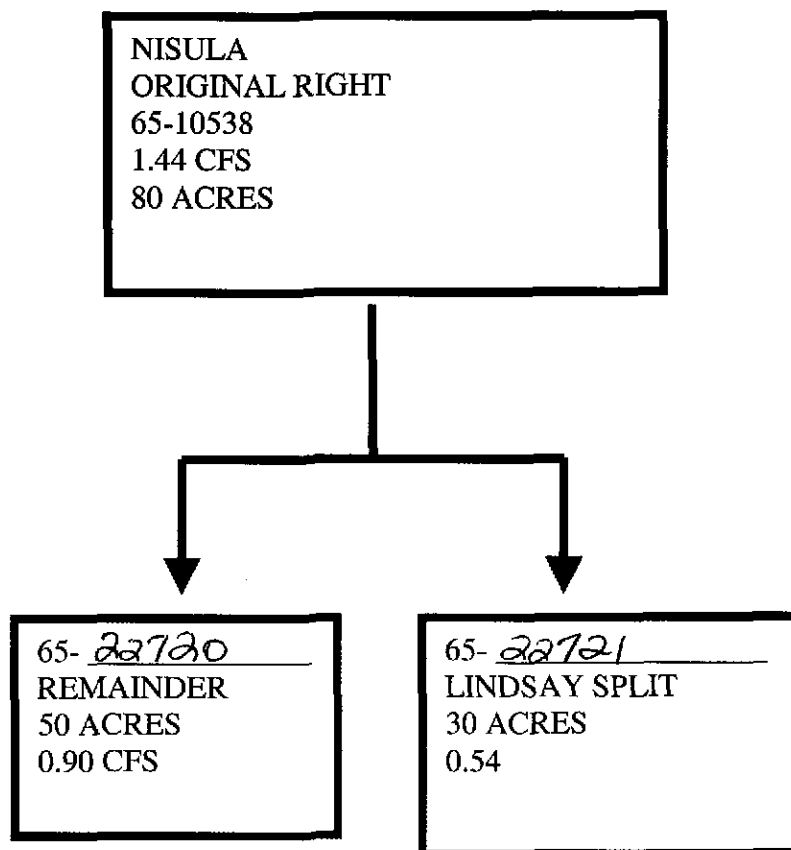
AGENT: Ron Howerton

Date: 07/29/02

REMAINDER 65-22720 = 0.018 CFS @ 50 ACRES 0.90 CFS

LINSAY SPLIT 65-22721 = 0.018 CFS @ 30 ACRES 0.54 CFS

TOTALS = 80 ACRES @ 1.44 CFS = 0.018 FACTOR



LINDSAY SPLIT

65-22721

Page 1

07/29/2002

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 65-10538 V1

WATER RIGHT NUMBER: ~~65-10538-V1~~

Owner Type

Current Owner

Name and Address

JAMES P MISULA
PO BOX 639
LAKE FORK, ID 83635

LINDSAY

Priority Date: 12/12/1903

Basis: Decreed

Status: Active

Source

LAKE FORK ✓

Tributary

NORTH FORK PAYETTE RIVER ✓

Beneficial Use

IRRIGATION

From To

5/01 to 9/15

Diversion Rate

~~1.440 CFS~~

-54 cfs

Annual Volume

~~1.440 CFS~~

0.54 cfs

Total Diversion:

Location of Point(s) of Diversion

LAKE FORK

VALLEY County

NE1/4SE1/4NE1/4

Sec. 3, Twp 17N, Rge 03E, B.M.

Place of Use

IRRIGATION

Twp	Rge	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
17N	03E	15	40.0	40.0															80.0
Total Acres:			15	15															30

Conditions of Approval:

1. 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 AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.

Remarks:

Comments:

1. AJU10-JS 9/25/1999 AJU10 CONDITION UPDATE
Comment: CONDITION CODE(S) C18 ADDED IF NOT ALREADY PART OF RECORD THRU AJU10.

out

SRBA

SUBCASE SUMMARY REPORT 65-10538

[Return to SRBA Home Page](#)

SRBA
10-25-2002

SUBCASE SUMMARY REPORT

HTML12

SUBCASE: 65-10538 FILE#: 00477
CLAIMANT: NISULA, JAMES P
PO BOX 639

LAKE FORK ID 83635
STATUS: AT ISSUE SPECIAL MASTER: CUSHMAN, THOMAS R
WATER SOURCE: LAKE FORK CREEK, PAYETTE RIVER, NORTH FORK

**** PARTIES INVOLVED ****

JAMES P NISULA	C PRO SE
USDI BUREAU OF RECLAMATION	O ATTY: US DEPARTMENT OF JUSTICE
STATE OF IDAHO	R ATTY: NATURAL RESOURCES DIV CHIEF

**** ROA ENTRIES ****

06-09-2000	MOTION FOR LEAVE TO FILE LATE OBJECTIONS F/B BUREAU OF RECLAMATION	MG	07-28-2000	0500 0001
06-09-2000	AFFIDAVIT OF RICHARD RIGBY IN SUPPORT OF MOTION FOR LEAVE TO FILE LATE OBJECTIONS			
06-09-2000	AFFIDAVIT OF KATHLEEN MARION CARR IN SUPPORT OF MOTION FOR LEAVE TO FILE LATE OBJECTIONS			
06-09-2000	AFFIDAVIT OF RICHARD F WELLS IN SUPPORT OF MOTION FOR LEAVE TO FILE LATE OBJECTIONS			
06-09-2000	LDGD: OBJ 1 TO GENERAL PROVISION 3 - SEPARATE STREAMS ADMINISTRATION - LDGD BY BUREAU OF RECLAMATION			
06-13-2000	ORDER SETTING HEARING ON MOTION FOR LEAVE TO FILE LATE OBJECTIONS	HS	07-27-2000	
06-21-2000	ERRATA TO MOTION FOR LEAVE TO FILE LATE OBJECTIONS (CORRECTING EXHIBIT A: SUBCASE LIST)			
07-21-2000	AMENDED DIRECTOR'S REPORT CORRECTING ATTACHMENT "A" TO PROPOSED GENERAL PROVISIONS FOR IRRIGATION & OTHER USES, RA 15 BASIN 65 PARTS I & II			
07-27-2000	HEARING HELD ON MOTION FOR LEAVE TO FILE LATE OBJECTIONS	HH	07-27-2000	0130
07-27-2000	MINUTES			
07-28-2000	ORDER GRANTING LEAVE TO FILE LATE OBJECTIONS			
08-09-2000	AMENDED ORDER GRANTING LEAVE TO FILE LATE OBJECTIONS			
	RESPONSES DUE 8/18/00 AND 9/11/00			
08-21-2000	RESPONSE TO OBJ 0001 F/B STATE OF IDAHO			0001
10-02-2000	ORDER SETTING STATUS CONFERENCE	US	12-06-2000	0245

10-18-2000 OBJ 1 TO GENERAL PROVISION 3/F/B U.S.
10-18-2000 RESPONSES TO LATE OBJECTION FILED BY BUREAU
OF RECLAMATION DUE 11/28/2000
10-18-2000 ORDER OF REFERENCE TO TOM CUSHMAN
12-06-2000 STATUS/CONTINUED INITIAL HEARING HELD UH 12-06-2000 0245
12-06-2000 MINUTES FILED

[Return to SRBA Home Page](#)

**WARRANTY DEED**

For Value Received, RICHARD BLACKWOOD, PERSONAL REPRESENTATIVE OF THE ESTATE OF ERNEST J. CHENEY

the Grantors, do hereby grant, bargain, sell and convey unto
KASEY J. LINDSAY and JULIE A. LINDSAY, HUSBAND AND WIFE

whose address is: P.O. BOX 803, LAKEFORK, ID 83635

the Grantee, the following described premises, to-wit:

SEE EXHIBIT "A" ATTACHED

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 2002 taxes and assessments and that they will warrant and defend the same from all lawful claims whatsoever.

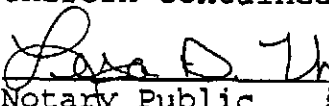
Dated: 6-28-02

ESTATE OF ERNEST J. CHENEY


RICHARD BLACKWOOD, PERS REP

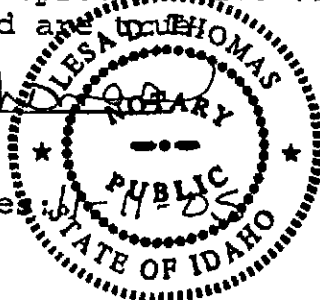
State of Idaho)
) ss
County of Ada)

On the 28th day of June, 2002 before me *hessa D. Thomas*
a notary public in and for said State, personally appeared
RICHARD BLACKWOOD who being by me first duly sworn, declared that
RICHARD BLACKWOOD the Personal Representative of the Estate of
ESTATE OF ERNEST J. CHENEY and that he signed the foregoing document
as the Personal Representative of the Estate, and that statements
therein contained are true.


Notary Public

Boise, ID

Commission Expires: 6-1-05



THOMAS W. KERR
PLS 998

KERR SURVEYING
PO BOX 853
McCALL, IDAHO
208-634-2686
January 6, 1997

JOEL W. DROULARD
PLS 5357

CHENEY NORTH PARCEL
N $\frac{1}{2}$ NE $\frac{1}{4}$ Sec. 15, T17N, R3E
Valley County, Idaho

A parcel of land being a portion of the N $\frac{1}{2}$ of the NE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 15, T. 17 N., R. 3 E., B.M., Valley County, Idaho, more particularly described as follows:

Commencing at the $\frac{1}{4}$ Corner common to Sections 10 and 15, T. 17 N., R. 3 E., B.M., Valley County, Idaho; thence, S. 89° 11' 39" E., 726.03 feet along the north boundary said NE $\frac{1}{4}$ to a $\frac{1}{2}$ " rebar, the REAL POINT OF BEGINNING:

Thence, continuing S. 89° 11' 39" E., 1,603.41 feet to a $\frac{1}{2}$ " rebar marking the E-E-E 1/256 corner on the north boundary of said Section 15,
thence, S. 00° 17' 15" W., 660.22 feet to a $\frac{1}{2}$ " rebar marking the C-E-NE-NE 1/256 corner of said Section 15,
thence, N. 89° 12' 40" W., 2,298.15 feet to a $\frac{1}{2}$ " rebar on the east right-of-way of State Highway 55,
thence, continuing N. 89° 12' 40" W., 31.61 feet to the west boundary of said N $\frac{1}{2}$ NE $\frac{1}{4}$.
thence, N. 00° 18' 56" E., 360.90 feet along said west boundary,
thence, S. 89° 11' 39" E., 31.81 feet to a $\frac{1}{2}$ " rebar on the east right-of-way of State Highway 55,
thence, continuing S. 89° 11' 39" E., 694.22 feet to a $\frac{1}{2}$ " rebar,
thence, N. 00° 20' 50" E., 300.00 feet to the Point of Beginning, containing 30.326 acres, more or less.

Subject to and along with a 70.00 foot wide ingress, egress and utility easement situate in the N $\frac{1}{2}$ of the NE $\frac{1}{4}$ of Section 15, T. 17 N., R. 3 E., B.M., Valley County, Idaho, lying 35.00 feet on each side of the following described center line:

Commencing at the $\frac{1}{4}$ Corner common to Sections 10 and 15, T. 17 N., R. 3 E., B.M., Valley County, Idaho; thence, S. 00° 18' 56" W., 660.90 feet to C-N-N 1/64 corner of said Section 15, the REAL POINT OF BEGINNING:

Thence, S. 89° 12' 40" E., 1,331.29 feet to the C-N-NE 1/64 corner of said Section 15, the Point of Ending.

Also, subject to the right-of-way of State Highway 55, situate in

NORTH PARCEL

Page 2

the $N\frac{1}{2}$ of the $NE\frac{1}{4}$ of Section 15, T. 17 N., R. 3 E., B.M., Valley County, Idaho, more particularly described as follows:

Commencing at the $\frac{1}{4}$ Corner common to Sections 10 and 15, T. 17 N., R. 3 E., B.M., Valley County, Idaho, the REAL POINT OF BEGINNING:

Thence, S. 89° 11' 39" E., 31.97 feet along the north boundary of said $NE\frac{1}{4}$ to a $\frac{1}{2}$ " rebar on the easterly right-of-way of State Highway 55,

thence, S. 00° 20' 50" E., 1,112.61 feet along said right-of-way to a $\frac{1}{2}$ " rebar,

thence, N. 89° 13' 40" W., 31.35 feet to the west boundary of said $NE\frac{1}{4}$,

thence, N. 00° 18' 56" E., 1,112.63 feet to the Point of Beginning, containing 0.809 acres, more or less.

Bearings based on State Plane Grid Azimuth.

J. WESTON?

10/21/02 RECEIVED

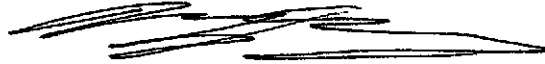
OCT 22 2002

Department of Water Resources

PLEASE NOTE THE ATTACHED CHAIN OF
TITLE AS REQUESTED BY YOUR OFFICE TO
COMPLETE THE TRANSFER OF WATER RIGHTS.
IF ANY QUESTIONS OR IF YOU NEED ANYTHING
ELSE, PLEASE CALL ME AT:

208-634-1269

KASEY LINDSAY



RECEIVED

OCT 24 2002

WATER RESOURCES
WESTERN REGION

65-10538

Instrument No. 66326

This Indenture, Made this 6th day of January in the year of our Lord one thousand Nine hundred and sixty-seven between Vernon R. Wilson, aka Vernon Wilson and Emma K. Wilson, husband and wife, of Ontario County of Malheur State of Oregon the party of the first part, and James E. Nisula and Joyce E. Nisula of the second part, of Valley State of Idaho the party of the second part:

WITNESSETH, That the said party of the first part, for and in consideration of the sum of Ten Thousand and no/100 DOLLARS, LAWFUL MONEY of the United States of America, to them in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged, have Granted, Bargained and Sold, and by these presents do Grant, Bargain, Sell, Convey and Confirm unto the said party of the second part, and to their heirs and assigns, forever, all the following described real estate situate in County of Valley State of Idaho, to-wit:

The North Half of the Northeast (NWNE) Quarter of Section 15, Township 17 North, Range 3 E.B.M., in Valley County, Idaho, EXCEPTING THEREFROM a parcel of land more particularly described as follows:

Commencing at the Southwest Corner (SW) of the Northwest Quarter of the Northeast Quarter (NWNE) of Sec. 15, Twp. 17 N., Range 3 E.B.M. thence running East a distance of 313 feet; thence North a distance of 208.7 feet; thence West a distance of 313 feet; thence South a distance of 208.7 feet to the point of beginning.

TOGETHER with all and singular the tenements, hereditaments and appurtenances therunto belonging or in anywise appertaining, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof; and all estate, right, title and interest in and to the said property, as well in law as in equity, of the said party of the first part:

TO HAVE AND TO HOLD, all and singular, the above mentioned and described premises, together with the appurtenances, unto the party of the second part, and to their heirs and assigns, forever. And the said party of the first part, and their heirs, the said premises, in the quiet and peaceable possession of the said party of the second part, their heirs and assigns, against the said party of the first part, and their heirs and assigns, against all and every person and persons whomsoever, lawfully claiming or to claim the same shall and will warrant and by these presents forever defend.

IN WITNESS WHEREOF, the said party of the first part hereunto set their hand and seal the day and year first above written.

Signed, Sealed and Delivered in the Presence of

s/ Vernon R. Wilson (SEAL)

s/ Emma K. Wilson (SEAL)

(SEAL)

(SEAL)

OREGON
STATE OF IDAHO
County of Malheur

On this 6th day of January 1967

before me, John C. O'Kief, Notary Public

in and for said County, personally appeared Vernon R. Wilson and Emma K. Wilson, husband and wife,

known

to me to be the person whose name is subscribed to the within 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.

SEAL

s/ John C. O'Kief

Notary Public

STATE OF IDAHO

for the State of Oregon
Residing at Ontario, Oregon

County of Valley

My Comm. expires March 12, 1967

I hereby certify that this instrument was filed for record at the request of

Mountain Title Co. at 16 minutes past 2 o'clock P.M. this 10 day of Jan.

1967, in my office, and duly recorded in Book 36 of Deeds at page 235

Fred A. Howe

Ex-officio Recorder.

By S. C. Lattin Deputy.

Fees, \$1.80

COMPARED ☒
INDEXED-DIRECT ☒
INDEXED-INDIRECT ☒
DOC. STAMPS AFFIXED \$ 7.25

COPIED _____

INDEXED - DIRECT _____

INDEXED - INDIRECT _____

SHERIFF'S DEED UNDER EXECUTION

THIS INDENTURE, Made this 27 day of June 1990, between LEWIS E. PRATT, Sheriff of Valley County, State of Idaho, The party of the first part, and BENEFICIAL MORTGAGE CO. OF IDAHO, a Idaho Corporation, the party of the second part,

WHEREAS, a Judgment and Decree of Foreclosure was rendered and entered in the District Court of the Fourth Judicial District of the State of Idaho, in and for the County of Valley on the 25th day of October 1988, in favor of BENEFICIAL MORTGAGE CO. OF IDAHO, a Idaho Corporation, and against JAMES P. NISULA and JOYCE E. NISULA, husband and wife, and a DEFAULT JUDGMENT, DECREE OF FORECLOSURE AND ORDER OF SALE issued out of and under the seal of the said District Court reciting the material parts of said Judgment and Decree of Foreclosure, duly attested on the 25th day of October, 1988, and to the said Sheriff of Valley County, State of Idaho, directed LEWIS E. PRATT as such Sheriff delivered on the 7th day of November, 1988, for execution, commanding and requiring him as such Sheriff to proceed to notice for sale and sell the premises and said order mentioned and described in said Decree as follows, to-wit:

The East Half of the West Half of the North Half of the Northeast Quarter (E1/2W1/2N1/2NE1/4): AND the East Half of the North Half of the Northeast Quarter (E1/2N1/2NE1/4) all in Section 15, Township 17 North, Range 3 East, Boise Meridian, in Valley County, Idaho,

and

The West Half of the West Half of the North Half of the Northeast Quarter (W1/2W1/2N1/2NE1/4) of Section 15, Township 17 North, Range 3 East, Boise Meridian, in Valley County, Idaho, EXCEPTING THEREFROM a parcel of land more particularly described as follows:

Commencing at the Southwest corner of the Northwest Quarter of the Northeast Quarter (NW1/4NE1/4) of Section 15, Township 17 North, Range 3 E. B.M., thence running East a distance of 313 feet; thence North a distance of 208.7 feet; thence West a distance of 313 feet; thence South a distance of 208.7 feet to the point of beginning.

in the manner prescribed by law, and to apply the proceeds of such sale to the satisfaction of said Judgment, with interest

thereon and costs, together with Sheriff's fees, and to execute the usual certificate and deed to the purchaser or purchasers; and

WHEREAS, in compliance with said order, that on the 15th day of December, 1988, between the hours of 9:00 o'clock in the morning and 5:00 o'clock in the afternoon, to-wit: at the hour of 11:00 o'clock in the a.m. of that day at the front door of the Valley County Sheriff's Office, Cascade, Valley County, Idaho, and after due and legal notice having been given in the said behalf as by the statutes of Idaho in such case made and provided, LEWIS E. PRATT, Sheriff, duly sold at public auction all and singular the premises above described and in said writ mentioned and described, and by said Decree directed to be sold, to BENEFICIAL MORTGAGE CO. OF IDAHO, a Idaho Corporation, who was the highest bidder therefor, in the sum of THIRTY FIVE THOUSAND TWO HUNDRED SIXTY-SIX AND 59/100's DOLLARS lawful money of the United States. And whereupon the said purchaser paid to said Sheriff the said sum of THIRTY FIVE THOUSAND TWO HUNDRED SIXTY-SIX AND 59/100's DOLLARS so bidden by BENEFICIAL MORTGAGE CO. OF IDAHO, a Idaho Corporation, and thereupon LEWIS E. PRATT as such Sheriff made and issued such Sheriff's Certificate of Sale on Foreclosure as by law directed and delivered the same to the said purchaser; and

WHEREAS, the period of one year has expired since the date of said sale and no redemption of or for said premises has been made,

NOW, THEREFORE, THIS INDENTURE WITNESSETH, That the said LEWIS E. PRATT, Sheriff as aforesaid, in order to carry into effect the sale so made by LEWIS E. PRATT, Sheriff, as aforesaid, in pursuance of said order and in conformity to the statutes in such case made and provided, and also in consideration of the premises, and of the said sum of THIRTY FIVE THOUSAND TWO HUNDREDS SIXTY-SIX AND 59/100's DOLLARS so bidden and paid by the said purchaser to LEWIS E. PRATT, Sheriff as aforesaid, the receipt whereof is hereby acknowledged, hath GRANTED, BARGAINED, SOLD, CONVEYED, and CONVEYED, and by these presents doth GRANT, BARGAIN, SELL, CONVEY unto the party of the second part, and to its assigns, FOREVER, all the above described lands and premises.

TOGETHER with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining.

TO HAVE AND TO HOLD all and singular the above mentioned and described premises hereby conveyed, or intended so to be,

together with the appurtenances, unto the said party of the second part, their heirs and assigns forever, by virtue of the said order and of the statute in such case made and provided, grant, bargain, sell convey and confirm the same.

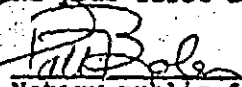
IN WITNESS WHEREOF, I, LEWIS E. PRATT, the party of the first part to these presents, Sheriff, as aforesaid, have hereunto set my hand and the day and year first above written.


LEWIS E. PRATT, Sheriff
Valley County, Idaho

STATE OF IDAHO,)
County of Valley) ss.

On this 27th day of June, 1990, before me, Patti K. Bolen, a Notary Public, in and for said County and State, personally appeared LEWIS E. PRATT, Sheriff of the County of Valley, State of Idaho, personally known to me to be the same person whose name is subscribed to the foregoing instrument, and acknowledged to me that he, as such Sheriff aforesaid, executed the same.

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


Notary public for Idaho
Residing at *Coeur d'Alene*
Commission Expires 4-3-92

174054

REQUESTED BY *DeSh...*
RECORDED

JUN 30 1 03 PM '90
DeSh...
VALLEY COUNTY RECORDER
FEE *4.00*
Return

SHERIFF'S DEED UNDER EXECUTION -3

WARRANTY DEED

(CORPORATE FORM)

Beneficial Mortgage Co. of Idaho, a corporation
organized and existing under the laws of the State of ~~Idaho~~ Delaware, with its principal office at 1509 So Five Mile Rd
Boise, Idaho 83709 of County of Ada, State of Idaho,
grantor, hereby CONVEYS or GRANTS and WARRANTS TO Michael F. Donaldson and
Pamela L. Donaldson, husband and wife

of 700 Lindsay Rd. Lewiston, Idaho 83501 grantee
for the sum of

Ten and 00/100 ----- DOLLARS,
the following described tract(s) of land in Valley County,
State of Idaho: ALL OF WHICH IS SUBJECT TO STATUORY RIGHTS OF REDEMPTION HELD
BY JAMES P. NISULA AND JOYCE E. NISULA:
The North Half of the Northeast Quarter (N1/2) of Section 15, Township
17 North, Range 3 East, Boise Meridian, in Valley County, Idaho, EXCEPTING
THEREFROM a parcel of land more particularly described as follows:

Commencing at the Southwest corner of the Northwest Quarter of the Northeast
Quarter (NW1/4) of Section 15, Township 17 North, Range 3 E. B. M.,
thence running East a distance of 313 feet; thence North a distance of
208.7 feet; thence West a distance of 313 feet; thence South a distance
of 208.7 feet to the point of beginning.

Location of above described property Highway 55 Lakefork, Idaho
House No. Street

The officers who sign this deed hereby certify that this deed and the transfer represented thereby was duly authorized
under a resolution duly adopted by the board of directors of the grantor at a lawful meeting duly held and attended by a
quorum.

In witness whereof, the grantor has caused its corporate name and seal to be hereunto affixed by its duly authorized officers
this 17th day of April, A.D. 1999

Beneficial Mortgage Co. of Idaho

(CORPORATE SEAL)

(CORPORATE NAME)

By

LeRoy M. Haug,

Vice President

Attest

Jon E. George, Vice President

SECRETARY

CORPORATE ACKNOWLEDGMENT

State of California }
County of Alameda } SS.

On this the 17th day of April, 1999, before me,

Felicia Freitas
the undersigned Notary Public, personally appeared

LeRoy M. Haug and Jon E. George,

x personally known to me

proved to me on the basis of satisfactory evidence

to be the person(s) who executed the within instrument as

Vice President & Vice President, or on behalf of the corporation therein
named, and acknowledged to me that the corporation executed it
WITNESS my hand and official seal



Warranty Deed (Acknowledgment)

Notary's Signature



PIONEER TITLE COMPANY
OF ADA COUNTY

821 West State Street / Boise, Idaho 83702 / (208) 336-6700
888 North Cole Road / Boise, Idaho 83704 / (208) 377-2700

166690

STATE OF MONTANA } ss.
County of Yellowstone,

I hereby certify that this instrument
was filed for record at the request of
MOUNTAIN TITLE & ESCROW

at 08 minutes past

o'clock P. M. the 12

day of May 1909

in my office and duly recorded in

Book # 6 of Deeds

Page 100
J. H. Clark
Ex-Officio Recorder

By J. H. Clark
Deputy

Fee \$ 3.00

INDEXED - DIRECT
INDEXED - INDIRECT
COMPARED
INDEXED - DIRECT
INDEXED - INDIRECT

WARRANTY DEED

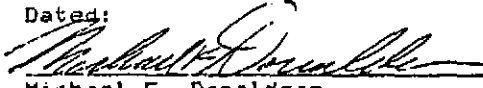
For Value Received, Michael F. Donaldson and Pamela L. Donaldson
husband and wife
the Grantors, do hereby grant, bargain, sell and convey unto
John M. Paul and Paula L. Paul
husband and wife

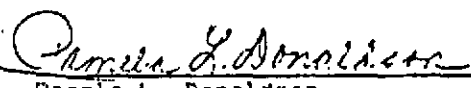
whose address is: 16427 McDermott Nampa, Idaho 83687
the grantee, the following described premises, to-wit:

See attached legal

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 1991 taxes and
assessments and that they will warrant and defend the same from
all lawful claims whatsoever.

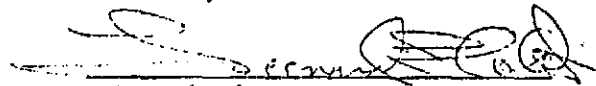
Dated:


Michael F. Donaldson


Pamela L. Donaldson

State of Idaho
County of Valley ss

On the 29 day of Sept, 1991 before me, a notary public
in and for said State, personally appeared Michael F. Donaldson
and Pamela L. Donaldson known to me to be the persons whose names
are subscribed to the within instrument, and acknowledged to me
that they executed the same.


Notary Public
Residing at: CASEDALE
Commission Expires: 1-13-93



MD
fi.

The North 1/2 of the Northeast 1/4 of Section 15, Township 17 North, Range 3 East, Boise Meridian, in Valley County, Idaho, EXCEPTING THEREFROM 2 parcels of land more particularly described as follows:

Commencing at the Southwest corner of the Northwest Quarter of the Northeast Quarter of Section 15, Township 17 North, Range 3 East, B.M., thence running East a distance of 313 feet; thence North a distance of 208.7 feet; thence West a distance of 313 feet; thence south a distance of 208.7 feet to the point of beginning.

AND FURTHER EXCEPTING THEREFROM E 1/2 of the E 1/2 of the NE 1/4 of the NE 1/4 of Section 15, Township 17 North, Range 3 East, B.M., Valley County, Idaho.

SUBJECT TO a public highway along entire westerly boundary.

183202
MOUNTAIN TITLE & ESTATE
REQUESTED BY _____
RECORDED _____

SEP 25 11 57 AM '91
Aud. Pr. 7
FILED
C. W. Nantz



PIONEER TITLE COMPANY
OF ADA COUNTY

821 West State Street / Boise, Idaho 83702
(208) 336-6700

888 North Cole Road / Boise, Idaho 83704
(208) 377-2700

RECORDED
REQUESTED BY
MOUNTAIN TIME & ESCROW
96 MAY 20 AM 10 54

218176
LEONARD HEINRICH
BY: [Signature]
VALLEY COUNTY RECORDER
FEE: [Signature]

SPACE ABOVE FOR RECORDING DATA

WARRANTY DEED

~~PERSONAL REPRESENTATIVE~~
PERSONAL REPRESENTATIVE

FOR VALUE RECEIVED

JOHN M. PAUL AS PERSONAL REPRESENTATIVE OF THE ESTATE OF PAULA L. PAUL, DECEASED

GRANTOR(s) does (do) hereby GRANT, MARGAIN, SELL and CONVEY unto

JOHN M. PAUL, AN UNMARRIED PERSON AS HIS SOLE AND SEPERATE PROPERTY

GRANTEE(S), whose current address is: 2217 Santa Clara Drive, Meridian, Id. 83642
the following described real property in Valley County County, State of Idaho,
more particularly described as follows, to wit:

SEE EXHIBIT A ATTACHED HERETO AND MADE A PART HEREOF - - -

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

Dated: March 6, 1996

John M. Paul
JOHN M. PAUL- PERSONAL REPRESENTATIVE
OF THE ESTATE OF PAULA L. PAUL.

ACKNOWLEDGMENT - Fiduciary/Official

STATE OF IDAH0, County of ADA, ss.

On this 16 day of MAY, in the year of 1996, before me
THE UNDERSIGNED, a notary public
personally appeared JOHN M. PAUL

known or identified to me to be the person whose name is subscribed to the within instrument as
PERSONAL REP. and acknowledged to me that HE executed the same as such
(trustee, sheriff, etc.)

PERSONAL REPRESENTATIVE
KATHY [Signature] (ff, etc.)

Notary Public: *Kathy [Signature]*

Residing at: *Boise*

★ NOTARY PUBLIC ★
STATE OF IDAHO

EXHIBIT A

All in Section 15, Township 17 North, Range 3 East, Boise Meridian,
in Valley County, Idaho:

Parcel 1:

The North 1/2 of the Northwest 1/4 of the Northeast 1/4.

Parcel 2:

The South 1/2 of the Northwest 1/4 of the Northeast 1/4, SAVE AND
EXCEPT the following:

Commencing at the Southwest corner of the Northwest Quarter of the
Northeast Quarter of Section 15, Township 17 North, Range 3 East,
B.M., thence running East a distance of 313 feet; thence North a
distance of 208.7 feet; thence West a distance of 313 feet; thence
south a distance of 208.7 feet to the point of beginning.

Parcel 3:

The North 1/2 of the Northeast 1/4 of the Northeast 1/4,

TOGETHER WITH a 35' easement for ingress, egress and public
utilities across the southerly boundary of parcel 1 and the
northerly boundary of parcel 2,

SAVE AND EXCEPT the East 1/2 of the East 1/2 of the Northeast 1/4
of the Northeast 1/4.

Parcel 4:

The South 1/2 of the Northeast 1/4 of the Northeast 1/4,

TOGETHER WITH a 35' easement for ingress, egress and public
utilities across the southerly boundary of parcel 1 and the
northerly boundary of parcel 2,

SAVE AND EXCEPT the East 1/2 of the East 1/2 of the Northeast 1/4
of the Northeast 1/4.

WARRANTY DEED

For Value Received, JOHN M. PAUL, AN UNMARRIED MAN

the Grantors, do hereby grant, bargain, sell and convey unto
ERNEST J. CHENEY, AN UNMARRIED MAN

whose address is: P.O. Box 1046 McCall, Idaho 83638
the Grantees, the following described premises, to-wit:

see attached as Exhibit "A"

TOGETHER WITH ANY AND ALL WATER 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 1997 taxes and
and that certain Deed of Trust recorded as Instrument No. 216802
and assessments and that they will warrant and defend the same from
all lawful claims whatsoever.

Dated: 12/31/96

JOHN M. PAUL

State of Idaho,
County of Ada,

On the 30th day of Dec, 1996 before me, K. Lafferty,
a notary public in and for said State,

personally appeared JOHN M. PAUL
known to me to be the persons whose names are subscribed to the
within instrument, and acknowledged to me that they executed the
same.

Notary Public
Residing at: Indian
Commission Expires: 1-2002

RECORDED
DEC 31 PM 4 29
NOTARY PUBLIC SECTION
BY: J. C. COO
223379
D. & M. L.

EXHIBIT A

All in Section 15, Township 17 North, Range 3 East, Boise Meridian, in Valley County, Idaho:

Parcel 1:

The North 1/2 of the Northwest 1/4 of the Northeast 1/4.

Parcel 2:

The South 1/2 of the Northwest 1/4 of the Northeast 1/4, SAVE AND EXCEPT the following:

Commencing at the Southwest corner of the Northwest Quarter of the Northeast Quarter of Section 15, Township 17 North, Range 3 East, B.M., thence running East a distance of 313 feet; thence North a distance of 208.7 feet; thence West a distance of 313 feet; thence south a distance of 208.7 feet to the point of beginning.

Parcel 3:

The North 1/2 of the Northeast 1/4 of the Northeast 1/4,

TOGETHER WITH a 35' easement for ingress, egress and public utilities across the southerly boundary of parcel 1 and the northerly boundary of parcel 2,

SAVE AND EXCEPT the East 1/2 of the East 1/2 of the Northeast 1/4 of the Northeast 1/4.

Parcel 4:

The South 1/2 of the Northeast 1/4 of the Northeast 1/4,

TOGETHER WITH a 35' easement for ingress, egress and public utilities across the southerly boundary of parcel 1 and the northerly boundary of parcel 2,

SAVE AND EXCEPT the East 1/2 of the East 1/2 of the Northeast 1/4 of the Northeast 1/4.

AJ0749NP
No. R65-10538

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

DATE: 08/30/99
PAGE: 1

COPY

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	JAMES P NISULA PO BOX 639 LAKE FORK ID 836350000	12/12/1903	IRRIGATION	05-01 09-15	1.440 CFS	
TOTAL DIVERSION:					1.440 CFS	

Water Source: LAKE FORK CREEK

Tributary to: PAYETTE RIVER, NORTH FORK

Stage: DECREED

Point(s) of Diversion:

T17N R03E S03

NESENE

VALLEY County

Place of use Legal Description for: IRRIGATION

NE				NW				SW				SE							
T	R	S	: Lt Ac	Lt Ac	Lt Ac	Lt Ac	: Lt Ac	Lt Ac	Lt Ac	Lt Ac	: Lt Ac	Lt Ac	Lt Ac	Lt Ac	: Lt Ac	Lt Ac	Lt Ac	Lt Ac	: SUM
17N	03E	15	:	40	40	:					:				:				: 80.0
TOTAL ACRES																			: 80.0

POU County: VALLEY

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

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

Dates: Exam Made Date: Verified Date: 08/30/1999 Objection Filed Date:

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

Audit: 08/30/99 RHOWERTO



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

November 12, 2002

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

KASEY J LINDSAY
JULIE LINDSAY
51 TRABERT LN
PO BOX 803
LAKE FORK ID 83635

Re: Original Notice of Claim to a Water Right No. 65-10538

Renumbered Notice of Claim to a Water Right No. 65-22721

Dear Claimants:

We have received and processed a Change of Ownership for a portion of the original Claim to a Water Right Number as referenced above. This Change of Ownership required a split of the original claim resulting in renumbering this claim with a new water right number to represent each split. The new Notice of Claim to a Water Right number for your portion is referenced above and a copy is enclosed.

Your portion of this claim has a specified point of diversion, nature of use and place of use. If you plan on changing the nature of use, place of use, or point of diversion under this right, including adding a new point of diversion, then an Application for Transfer on your portion of this right is required. Please contact this office for further information on the Application for Transfer form. If you do not plan on changing any items on your claim, then no further action is required at this time. You will be notified of any future action taken on this claim.

Also enclosed is a copy of the Notice of Completed Administrative Proceedings, which has been sent to the Snake River Basin Court as notification of the change.

Please feel free to contact this office if you have any questions concerning your claim or this letter.

Sincerely,

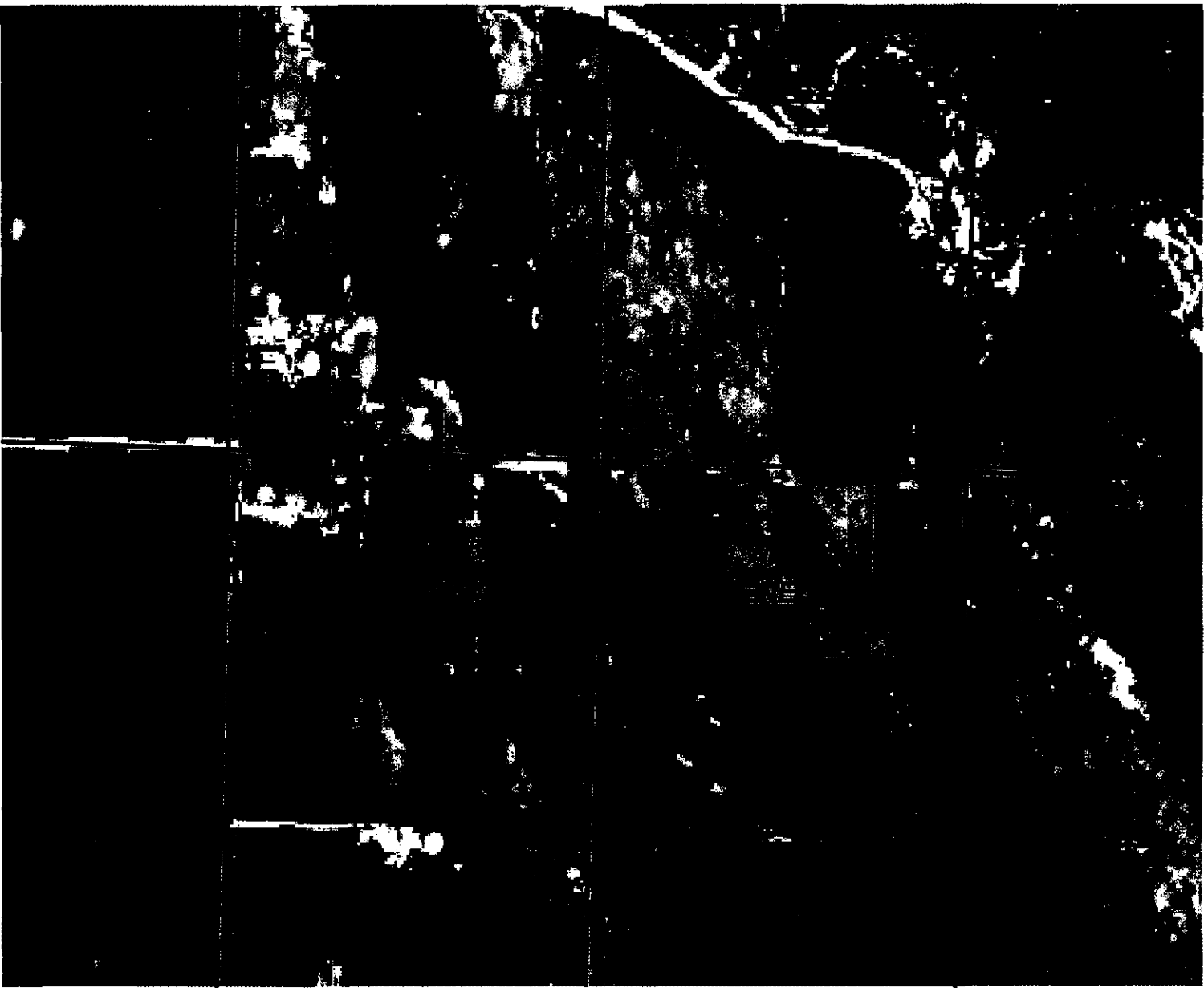
Denise Hatfield
Office Specialist 1
Adjudication Section
Western Region

DH:dh

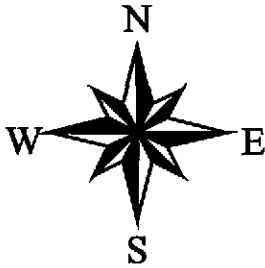
Enclosure

IDAHO DEPARTMENT OF WATER RESOURCES

DRAFT LINSAY SPLIT
Date Prepared: 07-29-02
Prepared By: Ron Howerton



T17N, R03E
S15



- **Point of Diversion**
-  **Place of use**
-  **Section**
-  **1/4 1/4**

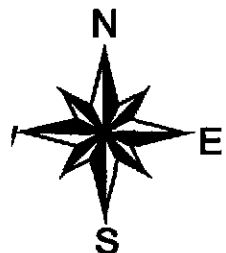
30 Acres

1987 NAPP

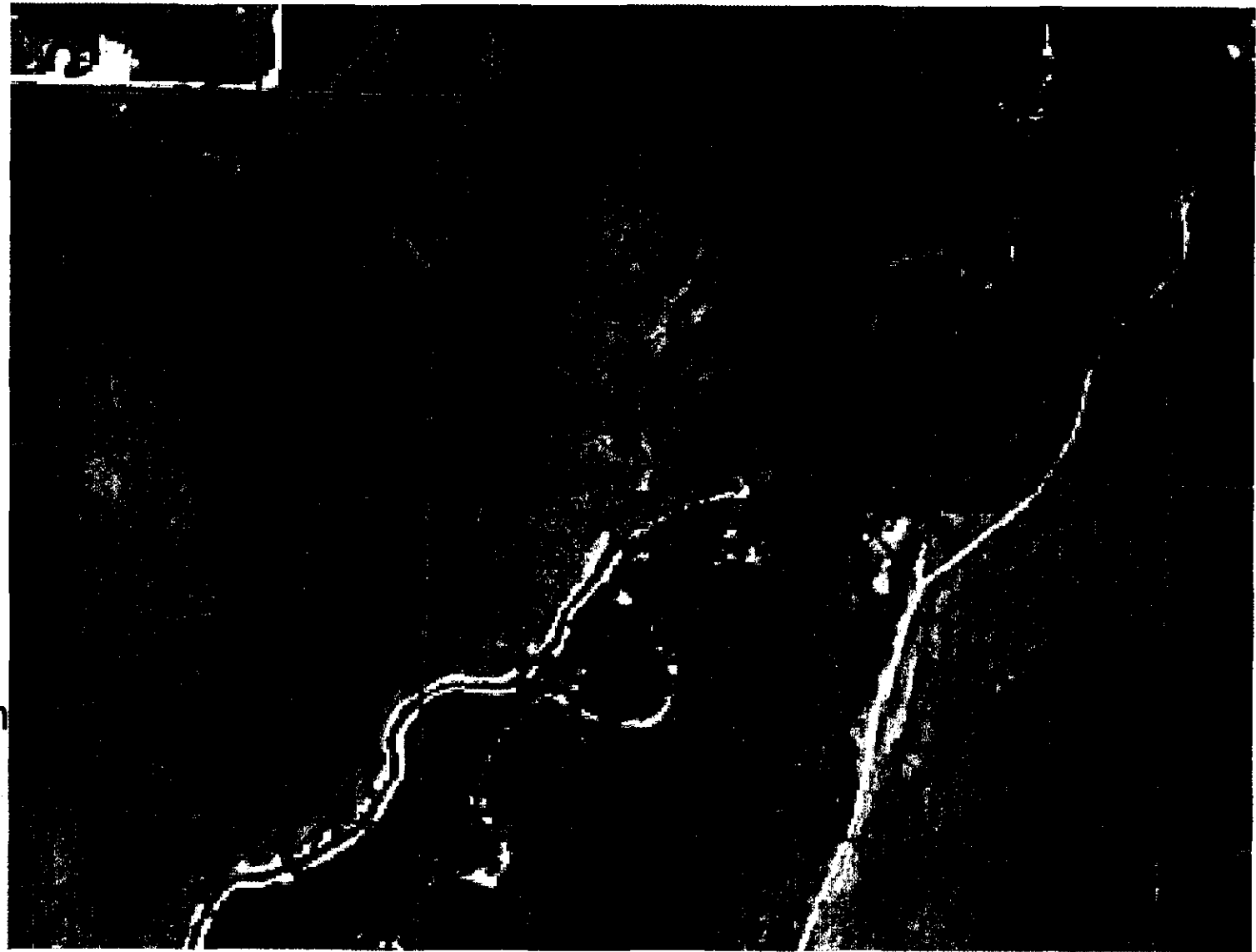


POINT OF DIVERSION
~~65-10538~~ LINDSAY SPLIT

●
oint of Diversion



1987 NAPP



0 0.25 0.5 Miles

A horizontal scale bar with three segments. The first segment is labeled '0', the second '0.25', and the third '0.5 Miles'.

Agent's Notes during Review:

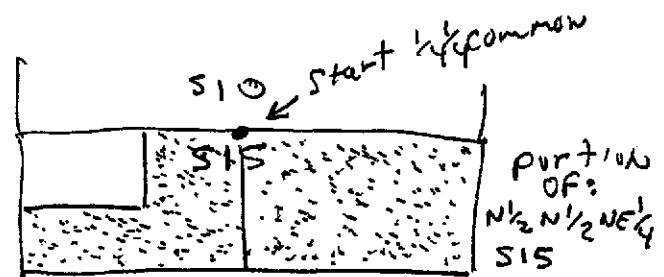
- NCAPS -

DENISE, 7/29/02
BGS PI

I finished the Split
for the NEW OWNERSHIP
However NEEDS TO ~~SEE REQUEST LTR~~
have chain of title
from NISULA to CHENEY
(REPRESENTATIVE BLACKWOOD
OF ESTATE OF CHENEY)

BEFORE WE CAN CHANGE.
When we get that we
can change. Let me
know AFTER we get it
and I can Do Shop FILES
thanks

Rch



- / thence S 89d 11m 39s E 726.03
- / S 89d 11m 39s E 1603.41
- / S 00d 17m 15s W 660.22
- / N 89d 12m 40s W 2298.15
- / N 89d 12m 40s W 31.61
- / N 00d 18m 50s E 360.09
- / S 89d 11m 39s E 31.81
- / S 89d 11m 39s E 694.22
- / N 00d 20m 50s E 300.0

PARCEL PLOT By Rch
7-29-02



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

July 30, 2002

KASEY LINDSAY
JULIE LINDSAY
PO BOX 803
LAKE FORK ID 83635

RE: Notice of Change of Water Right Ownership Claim No. 65-10538

Dear Property Owner(s):

This office has reviewed the Notice of Change of Water Right Ownership you have submitted (copy enclosed), however, we are unable to complete this ownership change at this time. The Warranty Deed submitted indicates a property transfer from Richard Blackwood, Personal Representative of the Estate of Ernest Cheney into your names. The above referenced water right, however, is in the name of James P Nisula.

If you have additional information for this property transfer, such as a chain of title, or tax notice in your name(s) which includes a description of the property by $\frac{1}{4}$ Section, Township and Range covered on this claim, we may be able to complete the ownership change.

Thank you for your patience and cooperation, as we have had several ownership changes to process. Please feel free to contact this office if you have any questions concerning this letter.

Sincerely,

Adjudication Section
Western Region

DH: dh

Enclosures

AJ0749NP
No. R65-10538

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

DATE: 08/30/99
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	JAMES P NISULA PO BOX 639 LAKE FORK ID 836350000	12/12/1903	IRRIGATION	05-01 09-15	1.440 CFS	
TOTAL DIVERSION:					1.440 CFS	

Water Source: LAKE FORK CREEK

Tributary to: PAYETTE RIVER, NORTH FORK

Stage: DECREED

Point(s) of Diversion:

T17N R03E S03

NESENE

VALLEY County

Place of use Legal Description for: IRRIGATION

NE				NW				SW				SE								
T	R	S	: Lt Ac Lt Ac Lt Ac Lt Ac	:	NENW	NWNW	SNNW	SENNW	:	NESW	NWSW	SWSW	SESW	:	NESE	NWSE	SWSE	SESE	:	SUM
17N	03E	15	: 40 40	:					:					:					:	80.0
																			TOTAL ACRES	80.0

POU County: VALLEY

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

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

Dates: Exam Made Date: Verified Date: 08/30/1999 Objection Filed Date:

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

Audit: 08/30/99 RHOWERTO

WR5809NP
No. 65-10538

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 07/26/99
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	JAMES P. NISULA LAKE FORK ID 836350000	12/12/1903	IRRIGATION	05/01 09/15	1.440 CFS	
TOTAL DIVERSION:					1.440 CFS	

Water Source: LAKE FORK CREEK

Tributary to: PAYETTE RIVER, NORTH FORK

Stage: DECREED

Point(s) of Diversion:

T17N R03E S03

NENE

VALLEY County

Place of use Legal Description for: IRRIGATION

		NE				NW				SW				SE											
T	R S	: Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	: Lt	Ac	Lt	Ac	Lt	Ac	: Lt	Ac	Lt	Ac	: Lt	Ac	Lt	Ac	: SUM	
17N	03E 15	:	40		40					:						:				:				:	80.0
																							TOTAL ACRES	80.0	

Pou County: VALLEY

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

65-02700 65-02707 65-07523

Dates:	App. Received:	Priority Date:	12/12/1903
	Proof Due Date:	Proof Made Date:	
	Exam Made Date:	Exam Sent to S.O.:	
	Licensed Date:		

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

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

September 29, 1999

RECEIVED

OCT 04 1999

WATER RESOURCES
WESTERN REGION

NOTICE OF ERROR
REPLY

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: 65-10538

JAMES P NISULA
PO BOX 639
LAKE FORK ID 83635

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):

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

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

No longer own

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

DATE:

10-4-99

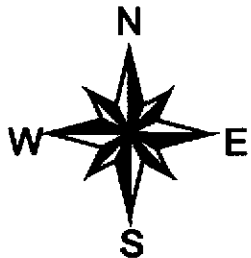
SIGNATURE:

James P. Nisula

Please print your name:

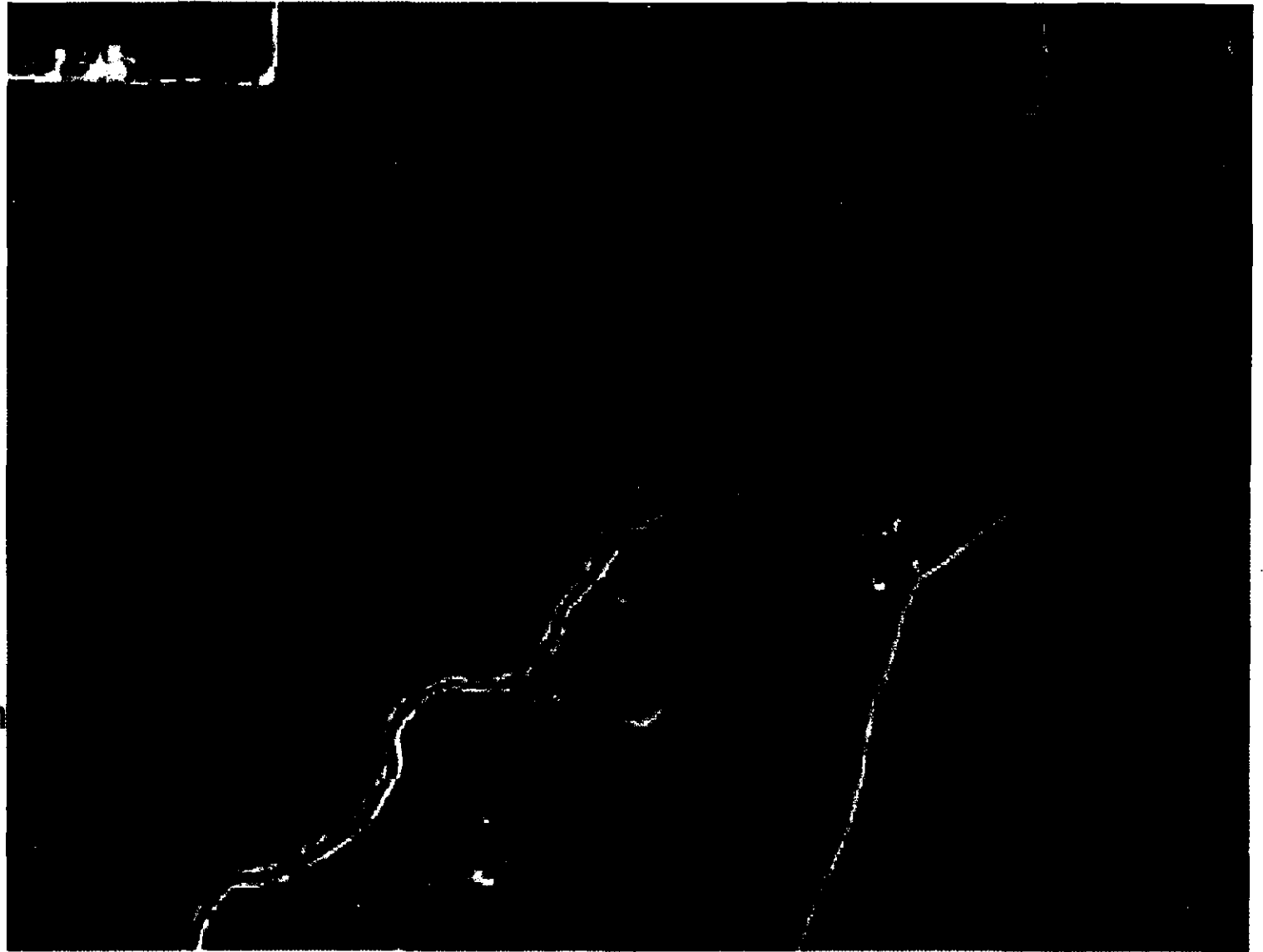
65-10538

Point of Diversion



1987 NAPP

0 0.25 0.5 Miles



**T17N, R03E
S15**

Claims: 65-10538

Owner : NISULA

Prepared by:

Ron Howerton

Date: 26 July 99

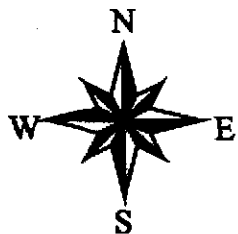
 Place of use

● POD

 SECTION LINES

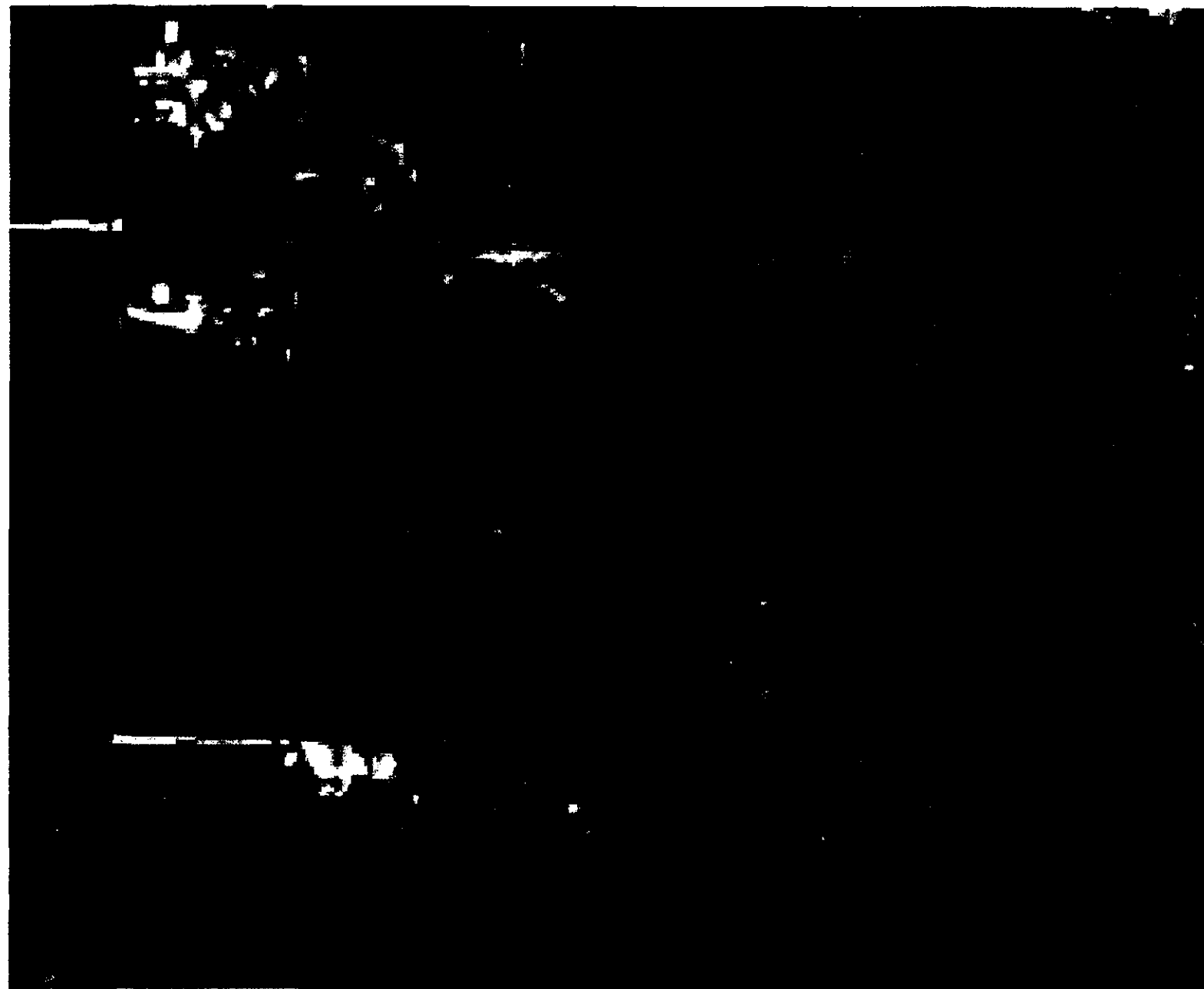
 1/4 1/4 Lines

Acres



1987 NAPP

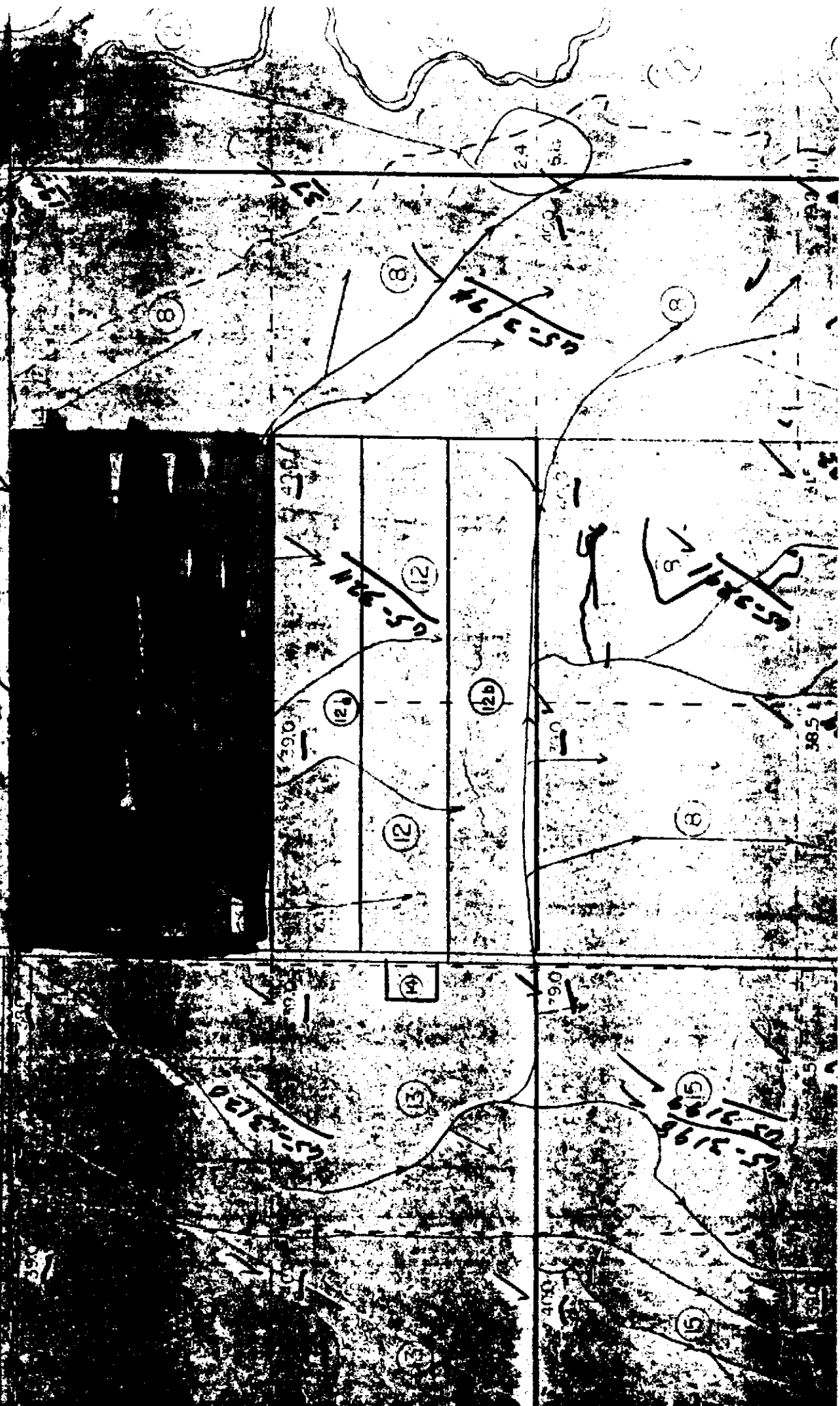
Idaho Department of Water Resources



0 0.1 0.2 0.3 0.4 0.5 Miles



END OF WHITE IS



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

IDENT. NO. MAP NO.

(Name of Claimant)

McCall, Idaho

83637

claims a right to the diversion

The extent and nature of said claim is as follows:

- December 12, 1903 ✓

- Lake Fork Creek

- (Both Dates Inclusive)

Period of Use From 2/1/45 To Oct. 39

(Mo., Day) (Mo., Day)

Period of Use From _____ To _____ (Both Dates Inclusive)

Period of Use From _____ to _____
(Mo., Day) (Mo., Day)

(Both Dates Inclusive)

- 1:44 ✓

- and/or _____ Gals. Per Minute.

- Sec. 3, Twp. 17N, Rge. 3E, B.M.; additional points: _____

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

diversion dam 2 1/2 miles ditch

- (6) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is not for

Total No. of acres 80

- (9) Remarks

- ☒ B) Right decreed by court. cite title of case. decree 65-K

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

Individual

(Date)

(Signature of Claimant)

Organization

(Signature of Spouse)

State of Texas

• 89.

Organization
Seal

(Signature of Authorized Agent)

County of Alameda)
 (Signature of Authorized Agent)
1071

On this 19 day of May, in the year 1971, before me,

a notary public, personally appeared James P. Nisula

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,

Notary Public residing at

My commission expires _____

~~12~~ 5-16-77

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

11:26:34
07/26/99

PAGE: 15
QUICKLOOK INFORMATION

15
CLAIM NUMBER: A65-10538

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			Rch					Rch
SOURCE			IN OFFICE					7-26-99
PLACE OF USE	Y		7-26-99					
DIV. AMOUNT CFS/VOLUME								
CONSUMPTIVE USE								
PURPOSES OF USE								
PERIOD OF USE								
BASIS OF CLAIM								
REMARKS								

BARCODE UPDATED
WHOM/DATE

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

11:26:34
07/26/99

PAGE: 1
GENERAL INFORMATION

1
CLAIM NUMBER: A65-10538

LAST: NISULA
ADDRESS: BOX 639
CITY: LAKE FORK
PHONE NUMBER: 208-000-0000

FIRST: JAMES P
STATE: ID ZIP: 836350000

OWNER CODE: C

FIELD EXAM REQUIRED?

VERIFICATION REQUIRED DUE TO REMARKS?

NO REMARKS IN CLAIM

DATABASE
N

FIELD
EXAMINER

FIELD EXAMINATION INFORMATION

CONTACT PERSON: IN - OFFICE

PHONE NUMBER: () -

DATE OF FIELD EXAM: 7/26/99

APPOINTMENT MADE: Y() N(/)

TIME: : A() P()

ACCOMPANIED BY: _____

PHONE NUMBER: () -

RELATIONSHIP TO CLAIMANT: _____

DIRECTIONS TO PROPERTY / NOTES:

SEE MAPS IN FILE

A. AJ CLAIM: # A65-10538 PRIORITY DATE: 12-12-1903 STAGE: D

B. WR RECORD: # 65-10538 PRIORITY DATE: 12-12-1903 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:

12-12-1903

REVIEWED BY Rdn

DATE 7/26/99

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
A65-10538	17N	03E	3		NE	NE			VALLEY		

OTHER AJ CLAIMS WITH SAME AJ POD
A PREFIX R PREFIX
A65-02700 NONE
A65-02707
A65-07523

WR RECORDS IN SAME 40 ACRE TRACT
65-02700
65-02707
65-07523

SOURCE: LAKE FORK CREEK

TRIB: PAYETTE RIVER, NORTH FORK

B. WR POINT OF DIVERSION AND SOURCE:

RIGHT	TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	POD FLAG	COUNTY	DIVERSION NAME	DIVERSION NUMBER
65-10538	17N	03E	3		NE	NE			VALLEY		

OTHER WR RECORDS WITH SAME WR POD

AJ CLAIMS IN SAME 40 ACRE TRACT
A PREFIX R PREFIX
65-02700
65-02707
65-07523

SOURCE: LAKE FORK CREEK

TRIB: PAYETTE RIVER, NORTH FORK

C. IS THE CLAIMED POD WITHIN THE SAME 40 ACRE TRACT THAT IS DESCRIBED IN THE WATER RIGHT FILE?

N/A() Y() N()

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

ERROR IN PRBA LEGAL
SEE NAPP PHOTO

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: THIS NAPP 1987 PHOTO, PID IS CLOSE TO ADJOINING
NENE & SENE IS LOCATED IN THE NESENE. SEE NAPP PHOTO.
THIS IS AN ERROR IN PRBA, due to mapping update PID CORRECTLY
NOW DESCRIBED.

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	DIVERSION NAME	DIVERSION NBR
17N	03E	3	NE	NESE	NE			VALLEY		
—	—	—	—	—	—	—	—	—	—	—
—	—	—	—	—	—	—	—	—	—	—
—	—	—	—	—	—	—	—	—	—	—
—	—	—	—	—	—	—	—	—	—	—
—	—	—	—	—	—	—	—	—	—	—
—	—	—	—	—	—	—	—	—	—	—

SOURCE: LAKE FORK CREEK

TRIB: PAYETTE RIVER, NORTH FORK

REVIEWED BY:

Rch

DATE:

7/26/99

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

Dam & Ditch

A. ROOT WATER RIGHT NUMBERS: A65-10538

B. POU LISTING

TWP	RNG	SEC	1/4	1/4	LOT	NAME	AJ #/ACRES	WR #/ACRES	LANDSAT DATA	FIELD EXAM.	RECOMM. ACRES
17N	03E	15	NE	NE		NISULA, JAMES P	A65-10538 / 40.0	65-10538 / 40.0	41.0		
			NE	NE		PROFFITT, SCOTT	A65-18578	7 D - /			40
17N	03E	15	NW	NE		NISULA, JAMES P	A65-10538 / 40.0	65-10538 / 40.0	42.0		
			NW	NE		NISULA, JAMES P	A65-08614 /	65-08614 /			
			NW	NE		WILSON, JAMES R	A65-17865	- /			
			NW	NE		NISULA, JAMES P	65-08614	- /	DGS		40

ADDITIONAL POU FOUND

TOTAL ACRES	A65-10538	80.00	80.00	83.00	80
-------------	-----------	-------	-------	-------	----

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

NO CLAIMS FOUND WITH SAME POU AND IRRIGATION USAGE

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

CLAIM NO.	PURPOSES	NAME	MONTH/DAY	RATE	VOLUME
A65-18578	DOMESTIC	PROFFITT, SCOTT	FROM 01-01 TO 12-31	0.040 CFS	
A65-08614	DOMESTIC	NISULA, JAMES P	FROM 01-01 TO 12-31	0.040 CFS	1.20 AF/A
A65-08614	STOCKWATER	NISULA, JAMES P	FROM 01-01 TO 12-31	0.030 CFS	1.40 AF/A
A65-17865	DOMESTIC	WILSON, JAMES R	FROM 01-01 TO 12-31	0.040 CFS	
A65-17865	STOCKWATER	WILSON, JAMES R	FROM 01-01 TO 12-31	0.020 CFS	
65-08614	DOMESTIC	NISULA, JAMES P	FROM 01-01 TO 12-31	0.040 CFS	1.20 AF/A
65-08614	STOCKWATER	NISULA, JAMES P	FROM 01-01 TO 12-31	0.030 CFS	1.40 AF/A

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

Y() N(☒)

* IF YES, COMPLETE OVERLAP REVIEW:

OTHER RIGHTS LISTED IN CLAIM:

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

N/A() Y(☒) N()

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

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

N/A() Y(☒) N()

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

Y() N(☒)

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

Y() N(☒)

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

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

NOTES: PRBA MAP "D" T 17N, R3E

RECOMMENDATIONS:

TOTAL ACRES: 80 N/A()

REVIEWED BY: Rch

DATE: 7/26/99

A. AJ CLAIMED USES:

PURPOSE OF USE	PERIOD OF USE (MONTH/DAY)	DIV. RATE FOR EACH USE	DIV. VOL. FOR EACH USE
A65-10538 IRRIGATION	FROM 05-01 TO 09-15	1.440 CFS	
TOTAL DIVERSION RATE/VOLUME		1.440 CFS	

B. WR RECORDED USES:

PURPOSE OF USE	PERIOD OF USE (MONTH/DAY)	DIV. RATE FOR EACH USE	DIV. VOL. FOR EACH USE
65-10538 IRRIGATION	FROM 05-01 TO 09-15	1.440 CFS	
TOTAL DIVERSION RATE/VOLUME		1.440 CFS	

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

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

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

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

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

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

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

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

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

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

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

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

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

PAGE: 9

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

CLAIM NUMBER: A65-10538

NOTES:

AJ CLAIM TOTAL DIVERSION RATE: 1.440 CFS

WR ROOT RIGHT TOTAL DIVERSION RATE: 1.440 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 _____ x 0.02 CFS/ACRE = 1.44 CFS
(Taken from pou review)

1b. CALCULATIONS

Recommended SAME AS DECREED

IS A DIVERSION RATE PER ACRE GREATER THAN 0.02 CFS/ACRE CLAIMED? Y() N(☒)

IF YES, IS AN ADDITIONAL WATER USE FORM FILED AND ATTACHED? Y() N()

2. IRRIGATION DIVERSION VOLUME

CLAIMED DIVERSION VOLUME = _____ AF/A

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

TOTAL DIVERSION VOLUME _____ AF/A

3. IRRIGATION CONSUMPTIVE USE

CLAIMED CONSUMPTIVE USE = _____ AF/A

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

TOTAL CONSUMPTIVE USE _____ AF/A

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

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	05-01	09-15	DATABASE 1.440	EXAMINER _____	DATABASE	EXAMINER _____	DATABASE 0.0	EXAMINER _____
_____	_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____	_____
TOTAL FOR THIS RIGHT			1.440	_____		_____	0.0	_____

NON-IRRIGATION USES CLAIMED:

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

REVIEWED BY: Reh

DATE: 7/26/99

FLAG: _____

STANDARD CONDITIONS (CODE): _____

STANDARD REMARKS (CODE): _____

EXPLANATORY CONDITIONS (CODE): _____

EXPLANATORY REMARKS (CODE): _____

A. CHECK ONLY THE FOLLOWING THAT APPLY:

	ACCEPTED AS CLAIMED	NEEDS REVIEW
OWNERSHIP _____	(/)	()
FORFEIT/ABANDON _____	()	()
ADDITIONAL DIV. AMOUNT _____	()	()

B. SPLIT WATER RIGHT REVIEW

ROOT WATER RIGHT NUMBER: 65-10538

TOTAL DIVERSION RATE OF WR SPLITS	DATABASE 1.440	EXAMINER _____	CFS
-----------------------------------	-------------------	-------------------	-----

SPLITS:

OLD RIGHT NUMBERS	CURRENT CLAIM NUMBERS	DIVERSION RATE	CURRENT "R" CLAIM NUM.	"R" DIV. RATE	WR RIGHT NUMBERS	DIVERSION RATE
-	A65-10538	1.440	-		65-10538	1.440
TOTAL CFS		1.440				1.440

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 Y	FIELD EXAMINER Y() N()
---------------	--------------------------------

NO - SPLITS

NOTES:

AUTHENTICATION:

SIGNATURE: Ron Howerton DATE: 7/26/99
NAME OF FIELD EXAMINER: Ron Howerton TITLE: 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 _____ IDWR ID NO. _____	Y() N()
(X) 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()
(X) OTHER <u>PRBA MAP</u>	DATE <u>MAP "D" T17 R3E</u>	Y() N()
(X) OTHER <u>PROFILE</u>	DATE <u>WR RECORD</u>	Y() N()
(X) OTHER <u>CLAIM</u>	DATE <u>ORIGINAL PRBA CLAIM</u>	Y() N()

2 MAPS
PID & POW

LIST OF ATTACHMENTS (CHECK IF ATTACHED)	IF ATTACHED, SUPPLY APPROPRIATE INFORMATION	NO. OF PAGES	NOTES
() LICENSING FIELD EXAM	DATE OF FIELD EXAM _____	_____	_____
() WATER RIGHT LICENSE	DATE LICENSE SIGNED _____	_____	_____
() IDWR APPROVED TRANSFER	DATE TRANSFER APPROVED _____	_____	_____
() SYSTEM DESCRIPTION	DATE DRAWN _____	_____	_____
() PHOTOGRAPHS	DATE(S) PHOTOS TAKEN _____	_____	_____
() SPLIT RIGHT REVIEW	DATE REVIEW COMPLETED _____	_____	_____
() HUBBLE ANALYSIS	DATE ANALYSIS COMPLETED _____	_____	_____
() CONVEYANCE LOSS ANALYSIS	DATE ANALYSIS COMPLETED _____	_____	_____
() FLOW MEASUREMENT CALCULATIONS	DATE SYSTEM MEASURED _____	_____	_____
() OTHER _____	DATE _____	_____	_____
() OTHER _____	DATE _____	_____	_____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

11:27:00
07/26/99
16

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PROFILE REPORT

CLAIM NUMBER: A65-10538

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	JAMES P NISULA	12/12/1903	IRRIGATION	05-01 09-15	1.440 CFS	
					TOTAL DIVERSION:	1.440 CFS

Water Source: LAKE FORK CREEK

Tributary to: PAYETTE RIVER, NORTH FORK

Stage: DECREED

Point(s) of Diversion:

T17N R03E S03

NENE

VALLEY County

Place of use Legal Description for: IRRIGATION

		NE				NW				SW				SE				
T	R S	NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE	SUM
		Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	
17N	03E 15	40	40															80.0
																	TOTAL ACRES	80.0

POU County: VALLEY

Dates: Exam Made Date:

Verified Date: 04/24/1987 Objection Filed Date:

Misc: Water District Number: 65K

Field Inspection Flag:
Presumption Flag:

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
WATER RIGHTS ABSTRACT

RIGHT NUMBER	NAME AND ADDRESS	PRIORITY DATE	USE	USE PERIOD FROM TO	MAX AMOUNT MAX RATE	DIVERSION POINT	PLACE OF USE AND ACREAGE	BASIS FOR RIGHT
SOURCE: LAKE FORK CREEK								
65-3202A	MAKI, GUST LAKE FORK ID 83635	06-30-1903	IRRIGATION	05-01 09-15	.20 CFS	SENE S03 T17N R03E	SWSW(10) S09 T17N R03E * 10 ACRES*	DECREE
65-3202X	MAKI, WILLIAM W. BOX 697 LAKE FORK ID 83635	06-30-1903	IRRIGATION	05-01 09-15	.88 CFS	SENE S03 T17N R03E	NWNE(32) SWNE(40) S16 T17N R03E * 72 ACRES*	DECREE
65-3205	MAYBACH, DOROTHY TRABERT 203 VISTA BELLA DRIVE SANTA CRUZ CA 95060	06-30-1903	IRRIGATION	05-01 09-15	1.16 CFS	SENE S03 T17N R03E	NWSW(38) SWSW(39) S10 T17N R03E * 77 ACRES*	DECREE
65-3207	MAYBACH, DOROTHY TRABERT 203 VISTA BELLA DRIVE SANTA CRUZ CA 95060	06-30-1903	IRRIGATION	05-01 09-15	1.16 CFS	SENE S03 T17N R03E	NESW(37) SESW(39) S10 T17N R03E * 76 ACRES*	DECREE
65-10538	NISULA, JAMES P. BOX 924 MC CALL ID	12-12-1903	IRRIGATION	05-01 09-15	1.44 CFS	NENE S03 T17N R03E	NENE(40) NWNE(40) S15 T17N R03E * 80 ACRES*	DECREE
65-3184A	NISULA, JAMES P. NISULA, JOYCE E. BOX 924 MC CALL ID 83638	12-12-1903	IRRIGATION	05-01 09-15	.70 CFS	SENE S03 T17N R03E	NESE(04) NWSE(04) SWSE(17) SESE(20) S10 T17N R03E * 45 ACRES*	DECREE
65-3184B	BERHEIM, ARVIN C. BOX 632 LAKE FORK ID 83635	12-12-1903	IRRIGATION	05-01 09-15	.15 CFS	SENE S03 T17N R03E	NWSE(14) S10 T17N R03E * 14 ACRES*	DECREE

INDICATES TOTAL

RECEIVED

FILE

FEB 12 1987

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

APR 07 1986

Department of Water Resources

STATE OF IDAHO, IN AND FOR THE COUNTY OF GEM

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

Civil No. 3667

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

Helmuth Kobig

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

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

IT IS FURTHER ORDERED that all protests and objections

ORDER AND PARTIAL DECREE Page 1

RECEIVED

FEB 24 1987

COMPARED _____
INDEXED - DIRECT _____
INDEXED - INDIRECT _____

Department of Water Resources

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

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

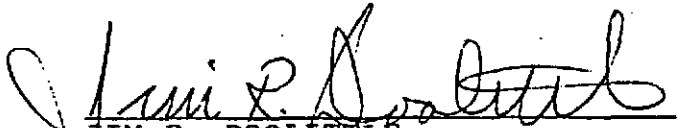
IT IS FURTHER ORDERED AND DECREED that for purposes of operating Water District 65K the gauging station located in the SW1/4SE1/4NW1/4 section 8 township 18N range 4E B.M., above Jumbo Creek and above Tyee Creek shall have 10 per cent added to said gauge readings to account for the added flows of Jumbo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

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

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

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

DATED this 28th day of March, 1986.


JIM R. DOOLITTLE
DISTRICT JUDGE

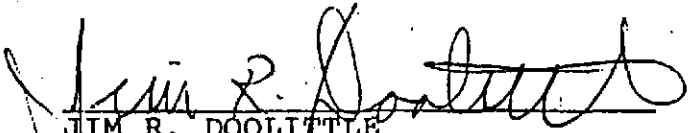
54(b) Certificate

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

STATE OF IDAHO)
County of Gem) ss.

DATED this 28th day of March, 1986.

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


JIM R. DOOLITTLE
District Judge

DATED 5-18-87
Thelma R. Kolodziej, Clerk

By: Lot 1 ORDER AND PARTIAL DECREE, Page 3

WESTERN REGION

OWNER (S):

NISULA

CLAIM NUMBERS:

10538

AGENT: RON HOWERTON

DATE

8/30/99

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

POLYGON CREATED ON 803

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

ATTRIBUTES OF B65-POU.SHP (864) () () () ()

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

____ **B65-DBPOU.DBF UPDATED BY rdh**

____ **B65-DBPOD.DBF UPDATED BY rdh**

NOTES:



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

May 4, 2001

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

Dear Basin 65 water user:

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

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

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

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

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

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

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

Sincerely,

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