

Commission Expires: 10-18-07

186721

130a

IN WASHINGTON COUNTY, IDAHO
TOWNSHIP 12 NORTH, RANGE 1 WEST, BOISE MERIDIAN

Section 3, S/4SW/4 and SW/4SE/4

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 67-4023

WATER RIGHT NUMBER: 67-4023

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	WILLIAM C PHIPPS 2601 GROVE SCHOOL LN VALE, OR 97918 (541)473-2525

Priority Date: 02/08/1884
Basis: Statutory Claim
Status: Active

<u>Source</u>	<u>Tributary</u>
CRANE CREEK	WEISER RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	4/01	10/31	2.000 CFS	
	<u>Total Diversion:</u>		2.000 CFS	

Location of Point(s) of Diversion

CRANE CREEK	NW1/4NE1/4	Sec. 10, Twp 12N, Rge 01W, B.M.
WASHINGTON County		

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
12N	01W	3									28.0	30.0	39.0						97.0
12N	01W	4													3.0				3.0

Total Acres: 100

Conditions of Approval:

1. HISTORIC ACREAGE WAS ESTIMATED USING ASCS MAP.

Remarks:

Comments:

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 67-10262

WATER RIGHT NUMBER: 67-10262

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	WILLIAM C PHIPPS — <i>Remove.</i> 1731 N CRANE RD MIDVALE, ID 83645 (208)707-0029
Current Owner	~~VERONA M PHIPPS~~ — 1731 N CRANE RD MIDVALE, ID 83645 (208)355-3341
Directors Report Owner	BLAINE G GREENWELL 62-203 LOLOKEA PL HALEIWA, HI 96712 (808)637-6584
Original Owner	LE ROY D GROTHAUS 1731 N CRANE RD MIDVALE, ID 83645 (208)355-2489
Original Owner	GRACE ARLENE GROTHAUS 1731 N CRANE RD MIDVALE, ID 83645 (208)355-2489

Priority Date: 06/01/1904

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
DOMESTIC	1/01 to 12/31	0.040 CFS	
STOCKWATER	1/01 to 12/31	0.050 CFS	
	<u>Total Diversion:</u>	0.090 CFS	

Location of Point(s) of Diversion

GROUND WATER SE1/4SE1/4SW1/4 Sec. 3, Twp 12N, Rge 01W, B.M.
WASHINGTON County

Place of Use

DOMESTIC

Twp	Rge	Sec	NE	NW	SW	SE	Totals
12N	01W	3	NE	NW	SW	SE	
						X	

STOCKWATER

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 87-10262

Twp	Rge	Sec	NE				NW				SW				SE				Totals
12N	01W	3	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
														X					

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.
2. N11 THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.
3. PARCEL NO. 12N01W032400 STOCKWATER, 180 RANGE CATTLE
4. N13 THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000 GALLONS PER DAY.

Remarks:Comments:

1. DUNN1 8/17/1993 COPIED FROM REMARKS
Comment: FEEDLOT

2. HARRIS 1/19/1994 OWNERSHIP CHANGE
Comment: OWNERSHIP CHANGED BY LH 1/19/94.

3. DBUFFING 4/15/1999 NAME CHANGE - OWNERSHIP CHANGE
Comment: THE DATA IN THE NAME FIELD WAS CHANGED TO SHOW THIS RIGHT HAS AN OWNERSHIP CHANGE.

Water Supply Bank:

STANLEY W. WELSH
COSH, HUMPHREY, GREENER & WELSH, P.A.
Counselors and Attorneys at Law
The Carnegie Building
815 West Washington Street
Boise, Idaho 83702
Telephone (208) 344-7811
Facsimile (208) 338-3290
ISB #1964

Attorneys for Defendant

FILED
THIRD JUDICIAL DISTRICT COURT
PAYETTE COUNTY IDAHO

MAY 16 2002

LAURA L. STABLE, CLERK
BY MARCIA E. MORGENSEN DEPUTY
DEPUTY CLERK

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

VERONA PHIPPS,	)	
	)	
Plaintiff,	)	Case No. CV DR 01-01651*D
	)	
v.	)	JUDGMENT AND DECREE OF
	)	DIVORCE
WILLIAM PHIPPS,-	)	
	)	
Defendant.	)	

The above-entitled matter is before the Court for trial on May 3, 2002. The Plaintiff (hereinafter referred to as "Verona") and the Defendant (hereinafter referred to as "Charlie") appeared in person and with their attorneys. The parties waived Findings of Fact. Pursuant to the Stipulation of the parties for entry of this Decree of Divorce resolving all issues in the above-entitled matter IT IS HEREBY ORDERED, ADJUDGED AND DECREED AS FOLLOWS:

1. DIVORCE. Verona and Charlie are divorced from each other on the grounds of irreconcilable differences and each is restored to the status of a single person.
2. DIVISION OF PROPERTY. Attached hereto as Exhibit A and by this reference incorporated and merged herein is the Property and Debt Schedule "PDS."

2.01. PROPERTY TO VERONA. Verona is awarded the items of property on the PDS under the column entitled "to wife" as indicated by an "X".

2.02. PROPERTY TO CHARLIE. Charlie is awarded the items of property on the PDS under the column entitled "to husband" as indicated by an "X".

2.03. With regards to item nos. 2, 2a and 2b, the real property is divided and subject to the following conditions:

- i. Charlie is awarded the real property described on Exhibit B attached hereto and merged and incorporated herein, and the BLM land and the balance of the water rights.
- ii. Verona is awarded the real property described on Exhibit C attached hereto and merged and incorporated herein.
- iii. Verona shall be awarded 40 inches of water rights.
- iv. Charlie shall execute a promissory note in favor of Verona in the amount of \$57,600, which shall bear interest at the rate of 6% per annum and shall be secured by a mortgage on 240 acres (the legal description for which is set forth on the attached Exhibit D, by the reference merged and incorporated herein). Said note shall be due in twelve (12) months after Charlie's death or sooner upon the sale of any of the real property described in Exhibit B.
- v. Charlie shall construct a woven wire fence with one strand of barbed wire on top with two gates, in the location indicated on the map attached as Exhibit E and by this reference merged and incorporated herein. The fence shall be completed by May 3, 2002.

2.04. With regards to items nos. 32, 33, and 35, the cattle shall be sold as soon as reasonably possible and the net proceeds shall be divided equally between the parties.

2.05. With regards to item no. 35a, the parties shall equally divide the cattle sale proceeds held in the trust fund of Cosho, Humphrey, Greener & Welsh, P.A.

2.06. With regard to item no. 128, the total amount of the 2001 refund is \$2,350. Charlie shall receive the first \$275 from the 2001 income tax refund, which represents Verona's half of the cost of preparing the returns. The remainder of the refund shall be split equally.

3. DIVISION OF DEBT.

3.01. Payment of Debts by Charlie. Charlie shall pay the debt owed to Pioneer Bank, item no. 136 on the PDS. Charlie shall also pay any other debts that he has incurred. Charlie shall indemnify and hold Verona harmless from the debts to be paid by him.

3.01. Payment of Debts by Verona. Except with regard to the debt owed to Pioneer Bank assigned to Charlie above, Verona shall pay any debts that she has incurred. Verona shall indemnify and hold Charlie harmless from the debts to be paid by her.

4. SPOUSAL SUPPORT. Neither party shall pay any amount of spousal support to the other.

5. MAIDEN NAME. Verona shall be restored the use of her former name to wit: Verona Mac Spreadbury.

DATED this 16 day of May, 2002.

[S] W. B. DILLON
LAWYER MAGISTRATE

MAGISTRATE

CERTIFICATE OF MAILING/SERVICE

I hereby certify that on the 17th day of May, 2002, I served a true and correct copy of the foregoing, **JUDGMENT AND DECREE OF DIVORCE** by delivering the same to each of the following, by the method indicated below, addressed as follows:

Ann K. Shepard
200 N 4th Street Ste 302
Boise, Idaho 83702

☒ **U.S. Mail, postage prepaid**
☐ Overnight Mail
☐ Facsimile
☐ Hand-Delivered

Cosho Humphrey Greener & Welsh, P.A.
Attn Susan Ochs-Conrad
815 West Washington St.
Boise, Idaho 83702

☒ **U.S. Mail, postage prepaid**
☐ Overnight Mail
☐ Facsimile
☐ Hand-Delivered

MARCI E. MORGENSEN
DEPUTY CLERK

Deputy Clerk

CERTIFICATE OF MAILING/SERVICE

EXHIBIT B

REAL PROPERTY AWARDED TO CHARLIE PHIPPS

IN WASHINGTON COUNTY, IDAHO:

TOWNSHIP 12 NORTH, RANGE 1 WEST, BOISE MERIDIAN:

Section 2: Lots 3 and 4, $S\frac{1}{2}NW\frac{1}{4}$, $NW\frac{1}{4}SW\frac{1}{4}$, $S\frac{1}{2}SW\frac{1}{4}$, $SW\frac{1}{4}SE\frac{1}{4}$;

Section 3: Lots 1 and 2, $S\frac{1}{2}NE\frac{1}{4}$, $N\frac{1}{2}SE\frac{1}{4}$, $SE\frac{1}{4}SE\frac{1}{4}$, $N\frac{1}{2}SW\frac{1}{4}$;

Section 4: $NE\frac{1}{4}SE\frac{1}{4}$;

Section 11: $NW\frac{1}{4}NE\frac{1}{4}$, $NE\frac{1}{4}NW\frac{1}{4}$;

TOWNSHIP 13 NORTH, RANGE 1 WEST, BOISE MERIDIAN:

Section 34: $NW\frac{1}{4}SE\frac{1}{4}$, $S\frac{1}{2}SE\frac{1}{4}$;

Section 35: $NE\frac{1}{4}NE\frac{1}{4}$, $S\frac{1}{2}NE\frac{1}{4}$, $SE\frac{1}{4}NW\frac{1}{4}$, $NE\frac{1}{4}SW\frac{1}{4}$, $S\frac{1}{2}SW\frac{1}{4}$, $SE\frac{1}{4}$.

EXHIBIT C

REAL PROPERTY AWARDED TO VERONA PHIPPS

IN WASHINGTON COUNTY, IDAHO:

TOWNSHIP 12 NORTH, RANGE 1 WEST, BOISE MERIDIAN:

Section 3: S $\frac{1}{2}$ SW $\frac{1}{4}$ and SW $\frac{1}{4}$ SE $\frac{1}{4}$.

EXHIBIT D

- 240 Acres Securing Promissory Note to Verona Phipps

IN WASHINGTON COUNTY, IDAHO:

TOWNSHIP 12 NORTH, RANGE 1 WEST, BOISE MERIDIAN:

Section 2: S $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$;

Section 3: SE $\frac{1}{4}$ SE $\frac{1}{4}$;

Section 11: NW $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$.

