

09/12/2005

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

RIGHT NUMBER: 37-21256

NAME AND ADDRESS: LORETTA M STANDAL
609 RIVER RD
BLISS ID 83314

N STANLEY STANDAL JR
609 RIVER RD
BLISS ID 83314

SOURCE: LOWER WADDINGTON SPRING

TRIBUTARY: STODDARD CREEK

QUANTITY: 0.670 CFS

PRIORITY DATE: 11/07/1887

POINT OF DIVERSION:

T06S R13E S27 NESWNW Within GOODING County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/15 11/15	0.670 CFS

PLACE OF USE: IRRIGATION Within GOODING County

T06S R13E S27	NESW	4.6	T06S R13E S27 Lot 1 NWSW	0.4
T06S R13E S27 Lot 2	SWSW	1.2	T06S R13E S27 Lot 2 SESW	25.0
T06S R13E S27	SWSE	0.3		

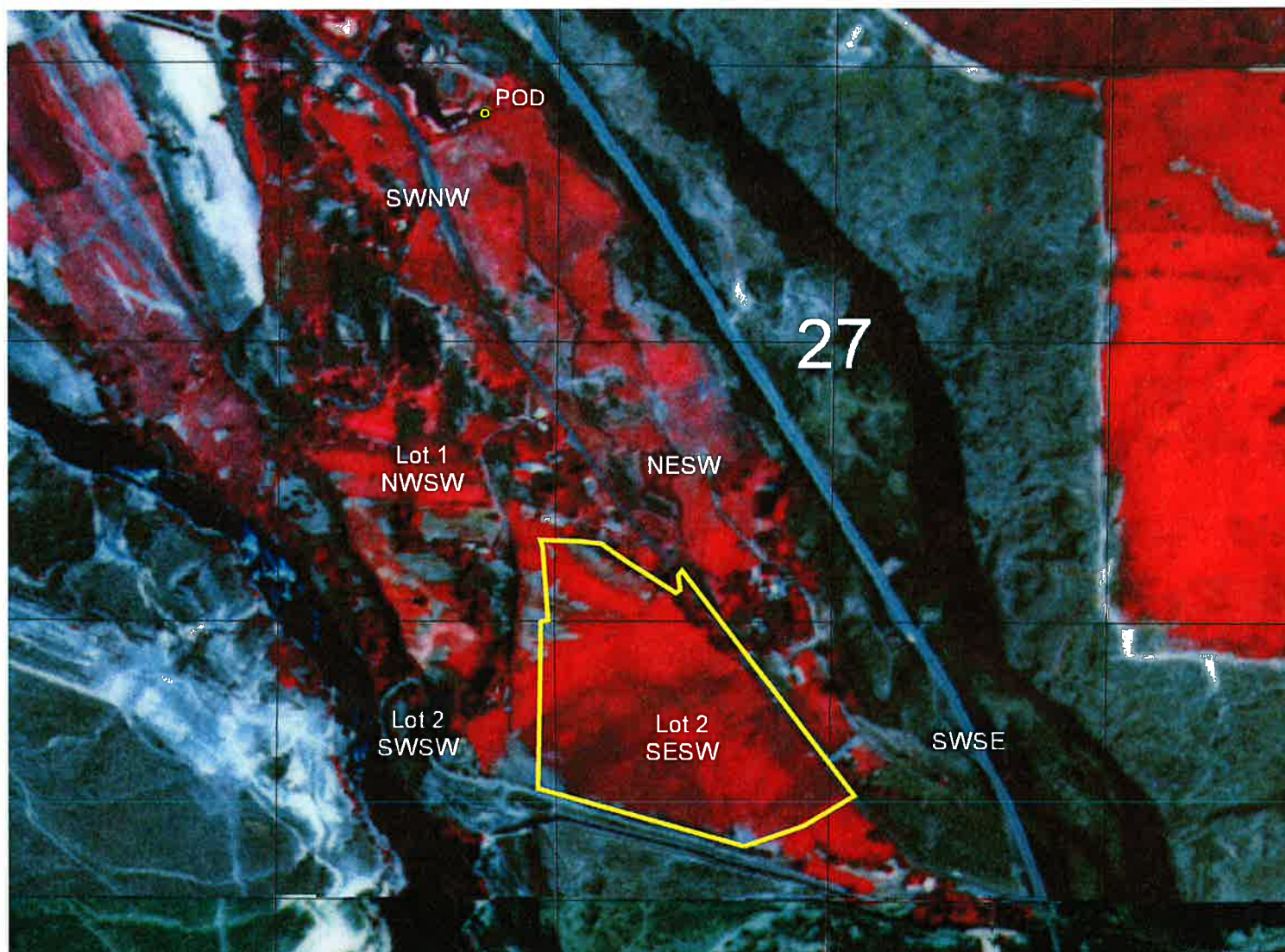
31.5 ACRES TOTAL

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: BASIS OF CLAIM - Beneficial Use

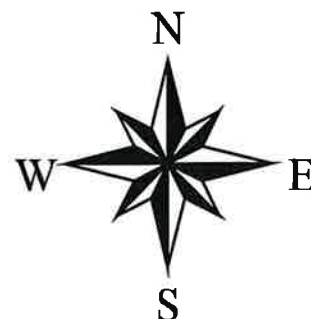
37-21256



900 0 900 1800 2700 Feet

T06S R13E S27

Map prepared by: Carter Fritschle
Date prepared: 04/06/05
1987-1988 NAPP photography
Idaho Department of Water Resources



04/06/2005

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IRRIGATION

PERIOD OF USE
03/15 11/15

QUANTITY
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PLACE OF USE: IRRIGATION Within GOODING County

T06S R13E S27	NESW	4.6	T06S R13E S27 Lot 1 NWSW	0.4
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EXPLANATORY MATERIAL: Beneficial Use

Stoddard Creek and Waddington Springs

1. Posted Notice by John Waddington - Water Rights Book # 1, Page 88, Lincoln County, Idaho and Water Rights Book A, Page 284, Gooding County, Idaho

Notice is hereby given that the undersigned claims by right of location, possession and final diversion all of the water of this spring known as Stoddard Spring or Creek, situated in Salmon Falls Mining District, Alturas County, Idaho, to be diverted from its natural channel at this notice and be carried by ditch and flume from this point to ranch of the undersigned, hereby reserving the right and privilege to change said point of diversion should such change be deemed advantageous to the purpose hereinafter named to be used for mining, milling, agricultural and domestic purposes.

Signed John Waddington Dated November 7, 1887 - Filed for Record, November 7, 1887

Stoddard Creek originates with Lower and Upper Waddington Springs, Stoddard Creek Springs and an unnamed spring.

2. Posted Notice by Luther Jacobs - Water Rights Book # 4, page 41, Alturas County, Idaho

Notice is hereby given that I a citizen of the United States, claim by right, location, possession and final diversion 400 inches of the water of this creek, known as Stoddard Creek, not otherwise appropriated, situated in Salmon Falls Mining District, Alturas County, Idaho Territory, to be diverted from its natural channel, at this notice, and be conveyed by ditch and flume to point of discharge about 1/2 mile in a southerly direction. Hereby reserving the right to change said point of diversion, and discharge. Should change be decreed more advantageous for the uses and purposes hereafter named, to be used for agricultural and mining purposes.

Located this 3rd day of February, 1888 - Filed for Record, February 3, 1888

Both Lower and Upper Waddington Ditches flow southerly for about 1/2 mile to the present location of the Malad Estates Subdivision. However, Luther Jacob's land appears to have been primarily to the west of the springs.

3. Contract between John Waddington, party of the first part and William H. Slater, party of the second part. Dated May 9, 1907.

In consideration of compromising an injunction suit filed in Lincoln County, Idaho, the parties hereto have agreed as to the interest each of them shall have in and to the waters of a certain irrigating ditch carrying the waters of Stoddard Spring to the first party's ranch in Section 27, Township 6 S, Range 13E, B.M. which agreement is as follows:

First party has this day executed and delivered to second party a deed to seven and one-half inches of the waters of said ditch. It is understood and agreed between the parties hereto that said seven and one-half inches is all the waters of said ditch that the second party has any right or claim to.

Without knowing the location of the Slater property, it cannot be determined if the ditch in question is the Upper or Lower Waddington Ditch.

4. Beaver River Power Company v. Ida Bell Waddington Frost, John Doe Frost, her husband, John William Waddington, a minor, and Andrew Jackson Waddington, a minor. Judgment dated July 18, 1912.

Describes the power company obtaining the right of way to place two power poles on the defendants' property in the Southwest quarter of the Southeast quarter of Section 27, Township 6 South, Range 13 East, B.M.

This indicates that Ida B. Frost (see the Upper Waddington Ditch Decree) was probably an heir of John Waddington.

5. Upper Waddington Ditch Decree - F.O. Frost and Ida B. Frost, husband and wife, Florencio Uriaguereca and Antonia Uriaguereca, husband and wife v. A. Penfold and Bert Herbert. Judgment dated June 22, 1925

Court ruled that the plaintiffs have the sole and exclusive possession and control of the Upper Waddington Ditch and the Upper Waddington Spring situated on defendant Penfold's property. The decree also provides legal descriptions for the Penfold property, the Frost property and the Uriaguereca property.

I have mapped the various properties in ArcView. (See attached) It is assumed that the Frost property was originally owned by John Waddington, and the Penfold property was originally owned by Luther Jacobs. Therefore, any lands receiving water from Stoddard Creek or its associated springs that were not included in the posted notices would have a priority date inferior to the Waddington (Frost) land or the Jacobs (Penfold) land.

6. Affidavit from Algeroy Penfold, J.R. Kinkade and J.R. Wagnor signed March 6, 1934 and recorded June 18, 1952 as instrument no. 118712, Book 7 Miscellaneous Page 137.

Describes two ditches from the Waddington Springs Complex. One ditch is one-half mile long and carries 150 inches. The other ditch carries 125 inches. Water has been used in these ditches uninterrupted since 1888. The amount of water owned in each ditch by various parties is also described.

1934 Affidavit

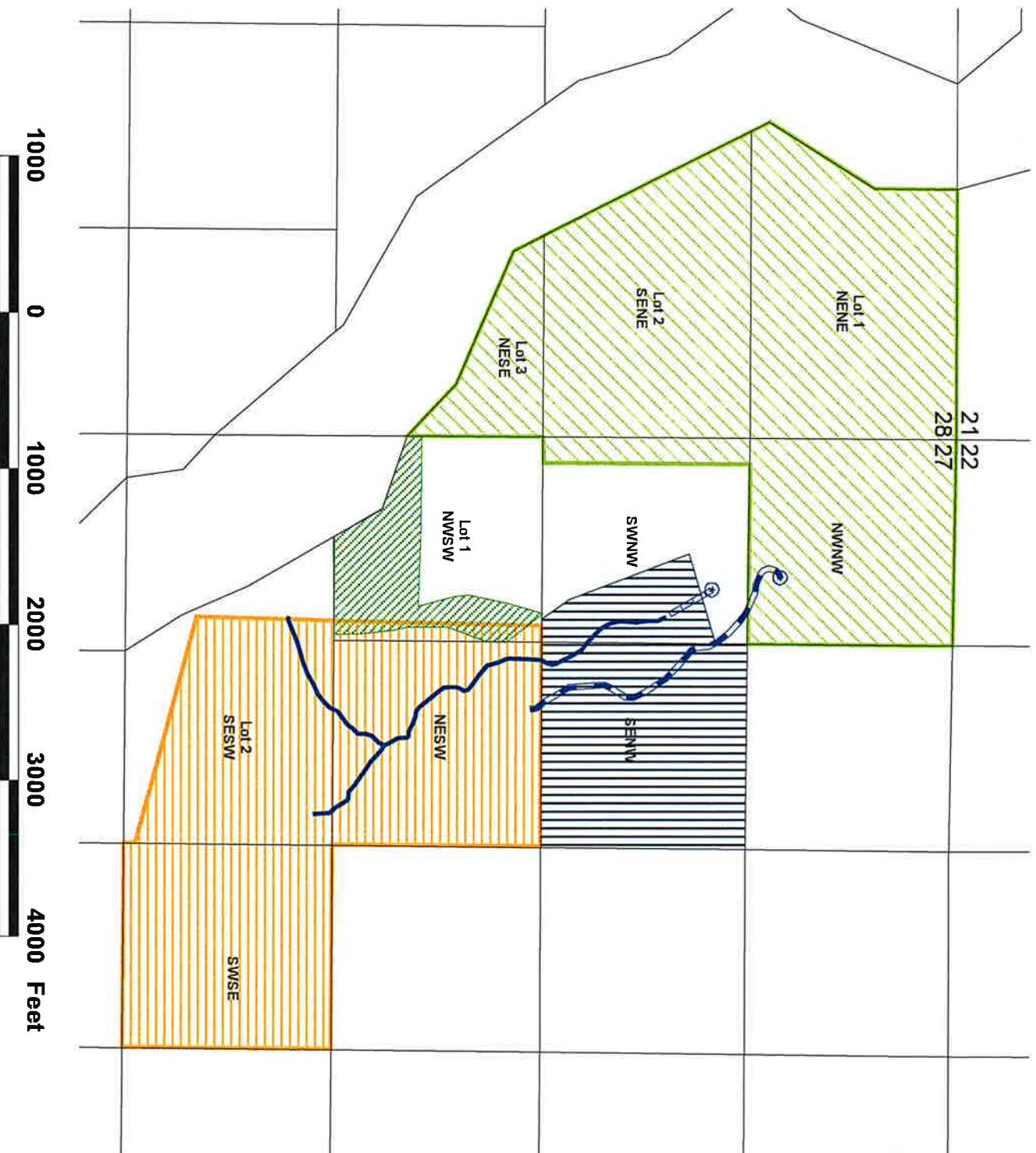
T06S R13E

Upper Waddington Ditch
Lower Waddington Ditch
Lower Waddington Pipeline

Steele Property - 1928
Wagner Property - 1921
Frost Property - 1925?
Penfold Property 1925



Upper Waddington Ditch
Frost 120 "
Steele 30 "
Lower Waddington Ditch
Steele 25 "
Wagner 25 "
Keyser Estate 75 "



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 37-21256
Date Received: 2/6/2004
Receipt No:
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

LORETTA M STANDAL Phone: (208)837-4970
609 RIVER RD
BLISS ID 83314

N STANLEY STANDAL Phone: (208)837-4970
609 RIVER RD
BLISS ID 83314

2. Date of Priority: 01/01/1882

3. Source: LOWER WADDINGTON SPRING Trib. to: STODDARD CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
06S	13E	27	SE NW	GOODING	

5. Description of diverting works:

PIPE

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/01	11/01	0.67	

7. Total Quantity Appropriated is:
0.67 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
06S	13E	27	NE	SW	IRRIGATION	20
			SE	SW	IRRIGATION	23.9
			NW	SE	IRRIGATION	5
			SW	SE	IRRIGATION	22.1
Section Acres						71
Total Acres						71

11. Place of use in counties: GOODING

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

13. Other Water Rights Used:

14. Remarks:

THIS RIGHT IS A SPLIT FROM FORMER RIGHT 37-12980.

CLAIMANT ORIGINALLY CLAIMED WR# A37-04389, OWNED BY JAMES MECHAM AND ALSO CLAIMED BY JAMES MECHAM. AMENDED CLAIM WITH NEW NUMBER AND CURRENT USES FOR DAVID WILKINS. FILED FOR BENEFICIAL USE STATUS RATHER THAN DECREE OR LICENSE STATUS BECAUSE NO PREVIOUS RECORDS COULD BE FOUND UNDER WILKINS. DEED MENTIONS RIGHTS TO 2/3RDS LOWER STREAM.

*** OWNERSHIP CHANGE RECEIVED 7-21-94. WILKINS-FORMER OWNER, STANDAL-NEW OWNER. BOTH SIGNATURES INCLUDED, OWNERSHIP CHANGED 11-9-94 BY TLB.

15. Basis of Claim: Beneficial Use

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

RECEIVED

MAR 12 2003

Department of Water Resources
Southern Region

Please print or type. Attach pages with additional information. Instructions are included at the end of this form.
 Incomplete forms will be returned.

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided (under the "split" heading), if the change in ownership is limited to a portion of a water right in which case division of the existing water right or adjudication claim record will be required.

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
	37-12980				

2. The following **REQUIRED** information must be submitted with this form:

- A. The appropriate **FILING FEE**. See instructions for fee amounts.
- B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.
- C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
PLAT OF PROPERTY or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).

OR

If your water right(s) and/or adjudication claim(s) is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY** or **SURVEY MAP**.

3. Name and Address of Former Owner/Claimant(s) Robert A. French
1819 Marshall Street Caldwell, Id 83605
4. New Owner/Claimant(s) Dale Howard Kelsey and Irene Kelsey
 Name Connector (Check one): ☐ and, ☐ or, ☐ and/or
- New Mailing Address 1005 Main Street South
- City, State and ZIP Code Kimberly, Idaho 83341
- New Telephone Number (208) 733-9484
5. Date you acquired the property 2/18/03

6. **If the change in ownership affects the entire water right for each water right or adjudication claim number listed in item 1, THEN SKIP THIS ITEM AND GO TO ITEM 7.** If the change in ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (one water right per box, you may copy this page as necessary). If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

7. Signature of New Owner(s) or Claimant(s) _____
(include title if applicable)

Dale Howard Kelsey
Irene Kelsey

For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him/her for all matters related to your claims.

For Office Use Only			
Received by <i>[Signature]</i>	Date <i>3/12/03</i>	Fee _____	
Receipted by _____	Date _____	Receipt No. _____	
Processed by <i>[Signature]</i> AJ	Date <i>2/10/04</i>	WR _____	Date _____

Order No. G030052

WARRANTY DEED

Instrument # 199419
 GOODING, GOODING, IDAHO
 2003-03-03 04:05:52 No. of Pages: 2
 Recorded for : G VG TITLE
 HELEN EDWARDS Fee: 6.00
 Ex-Officio Recorder Deputy *[Signature]*

For Value Received

M. MALINDA WHITE, personal representative of The Estate Of Robert Arthur French

the grantor(s), do(es) hereby grant, bargain, sell, and convey unto

DALE HOWARD KELSEY and IRENE KELSEY, husband and wife

the grantee(s), whose current address is

1005 MAIN STREET SOUTH, KIMBERLY, IDAHO 83341

the following described premises, to-wit:

See Attached Exhibit "A"

Instrument # 199235
 GOODING, GOODING, IDAHO
 2003-02-19 02:51:13 No. of Pages: 2
 Recorded for : GOODING TITLE
 HELEN EDWARDS Fee: 6.00
 Ex-Officio Recorder Deputy *[Signature]*

4 Inches of Idaho Department Of Water Resources Water by part of Water Right #37-12980

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee(s), his/her/their heirs and assigns forever. And the said Grantor(s) do(es) hereby covenant to and with the said Grantee(s), that he/she/they are the owner(s) in fee simple of said premises; that said premises are free from all encumbrances except current years taxes, levies, and assessments, and except U. S. Patent reservations, restrictions, easements of record, and easements visible upon the premises, and that he/she/they will warrant and defend the same from all claims whatsoever.

Dated: February 18, 2003

THE ESTATE OF ROBERT ARTHUR FRENCH

*French Family Trust**by M. Malinda White Personal Representative*

M. MALINDA WHITE, PERSONAL REPRESENTATIVE

STATE OF Utah

: ss

COUNTY OF Salt Lake

On This 18th day of February, in the year 2003, before me, a Notary Public in and for said State, personally appeared **M. MALINDA WHITE** known or identified to me to be the person(s) whose name(s) is/are subscribed to the within Instrument as personal representative the estate of ROBERT ARTHUR FRENCH, and acknowledged to me that he/she/they executed the same as such personal representative.

WITNESS my hand and official seal.

Mary E. Erickson
 Notary Public of
 Residing at *Salt Lake City, UT*
 Commission Expires: *10/12/03*

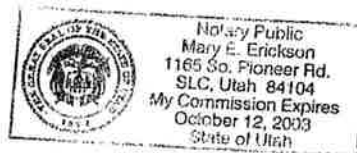


EXHIBIT A
G030052

Township 6 South, Range 13 East of the Boise Meridian, Gooding County, Idaho

Section 27: A parcel of land located in the South one-half of the South one-half of Section 27, said parcel being a portion of the Southwest Quarter of the Southeast Quarter and a portion of the Southeast Quarter of the Southwest Quarter of Section 27 and more particularly described as follows:

COMMENCING at the South One Quarter (S1/4) corner of said Section 27, from which the Southeast corner of said Section 27 bears North 90°00'00" East 2622.99 feet;
THENCE from said South One-Quarter (S1/4) corner of said Section 27, North 90°00'00" East for a distance of 394.37 feet;
THENCE North 00°00'00" East for a distance of 50.00 feet to the TRUE POINT OF BEGINNING;
THENCE North 75°06'02" West for a distance of 810.96 feet;
THENCE North 70°45'27" East for a distance of 285.28 feet;
THENCE North 58°57'27" East for a distance of 297.64 feet;
THENCE South 43°18'55" East for a distance of 467.85 feet;
THENCE South 28°03'06" West for a distance of 131.00 feet to the TRUE POINT OF BEGINNING.

SUBJECT TO The Southwesterly County Road Right of Way along the Northeasterly side of the above described parcel.

G010395

QUIT CLAIM DEED

FOR VALUE RECEIVED

N. STANLEY STANDAL AND LORETTA M. STANDAL, HUSBAND AND WIFE

GRANTOR(S)

Do(es) Hereby Convey, Release, Remise and Forever Quitclaim Unto

ROBERT FRENCH, A SINGLE MAN

GRANTEE(S)

Whose address is: 1819 Marshall Street, Caldwell, ID 83605

The following described premises, to-wit:

4 Inches of Idaho Department of Water Resources Water by part of Water Right #37-12980.

Instrument # 192716

GOODING, GOODING, IDAHO

2001-11-02 02:56:07 No. of Pages: 1

Recorded for : GOODING TITLE

HELEN EDWARDS

Ex-Officio Recorder Deputy

Index to: DEED, QUIT-CLAIM

Fee: 3.00

Dr. French

Together with their appurtenances.

Dated: October 26, 2001

N. Stanley Standal

N. Stanley Standal

Loretta M. Standal

State of IDAHO }
County of Gooding } ss.

On this 26th day of October, in the year 2001, before me, a notary public, personally appeared N. STANLEY STANDAL AND LORETTA M. STANDAL, known or identified to me to be the person(s) whose name(s) is/are subscribed to the within instrument, and acknowledged to me that he/she/they executed the same.

WITNESS my hand and official seal.

Cynthia Jensen

Notary Public

Residing At: HAGERMAN, ID.

Commission Expires: 5-10-2003



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

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Water Right No(s)	Adjudication Claim No(s)	Split
of #37-12980		X

Following REQUIRED information must be submitted with this form:

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OR

your water right(s) and/or adjudication claim(s) is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency AERIAL PHOTO with the irrigated acres outlined and point(s) of diversion clearly marked. The AERIAL PHOTO should be submitted in place of the PLAT OF PROPERTY or SURVEY MAP.

Name and Address of Former Claimant(s)

N. Stanley Standal & Loretta M. Standal
609 River Road, Bliss, ID 83314

Owner/Claimant(s)

Robert A. French

Name Connector (Check one): [] and, [] or, [] and/or

Mailing Address

1819 Marshall Street

City and ZIP Code

Caldwell, ID 83605

Telephone Number

(208) 455-8077

Date acquired the property

10-26-01

I
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XYZ

6. If the change in ownership affects the water right for each water right or adjudication claim number listed in item 1, THEN SKIP THIS ITEM AND GO TO ITEM 7. If the change in ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (one water right per box, you may copy this page as necessary). If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

DESCRIPTION OF YOUR PORTION OF WATER RIGHT
(If the right(s) will not be split, skip this area and proceed to item 7)

Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation		
Stock		
Domestic		
Other		
Total		

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(If the right(s) will not be split, skip this area and proceed to item 7)

Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation		
Stock		
Domestic		
Other		
Total		

Nature of New Owner(s) or Claimant(s) Robert A. French
 Include title if applicable

Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish
 Respond to correspond with him/her for all matters related to your claims.

Fee Use Only
 Paid by _____ Date _____ Fee _____
 Received by _____ Date _____ Receipt No. _____
 Paid by _____ AJ Date _____ WR _____ Date _____

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