



State of Idaho

DEPARTMENT OF WATER RESOURCES

Northern Region • 7600 N. Mineral Drive, Suite 100 • Coeur d'Alene, Idaho 83815-7763
Phone: (208) 762-2800 • Fax: (208) 762-2819 • Website: www.idwr.idaho.gov

BRAD LITTLE
Governor

GARY SPACKMAN
Director

September 23, 2020

MARC FLEISHER
ROBERTA KELLY
2444 BLAINE RD
MOSCOW, ID 83843

RE: Palouse River Basin Adjudication (PRBA) Claim No. 87-10121

Dear Claimant,

The Idaho Department of Water Resources has received your Notice of Change in Water Right Ownership with supporting documents for Palouse River Basin Adjudication (PRBA) Notice of Claim to a Water Right. We are unable to revise the ownership of this adjudication claim at this time for the following reason.

The Warranty Deed submitted in support of the ownership was an unofficial copy and cannot be relied upon to reflect a completed ownership change. However, in our review of that document it was discovered that actual ownership of the property has not changed, but rather the name of an additional property owner (Roberta Kelly) was not listed on the claim form. As such, rather than seeking out additional documentation reflecting the current property ownership, it will likely be easier for you to file an Amended Notice of Claim to a Water Right for the above listed claim.

For your convenience, I am sending you an Amended Notice of Claim to a Water Right form which includes the additional property owner (Roberta Kelly). Please review the enclosed amended claim form before both of you sign, and return the completed claim to our office at the address listed above within 30 days of receiving this letter. As this claim is still pending in the adjudication, there is no charge for the amended claim.

Feel free to contact our office if you have any questions. We can be reached by phone during business hours at 208-762-2800.

Best Regards,

Evan W. Roda
Water Rights Supervisor
Northern Region

Enclosure: Amended Notice of Claim to a Water Right for PRBA Claim No. 87-10121

**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 PALOUSE RIVER BASIN WATER
SYSTEM

CIVIL CASE NUMBER: 59576

Ident. Number: 87-10121
Date Received: 4/29/2019
Receipt No: N034245
Claim Fee: \$25.00
Received By: _____

AMENDED

**NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW
For Domestic and/or Stockwater Purposes
Where Daily Use is less than 13,000 gallons per day**

1. Name of Claimant(s)

MARC FLEISHER
ROBERTA KELLY
2444 BLAINE RD
MOSCOW ID 83843

Phone: (208) 301-4527

2. Date of Priority: 11/25/2002

3. Source:

GROUND WATER

Trib. to:

4. Point of Diversion:

Township	Range	Section	¼ of ¼ of ¼	Lot	County	Type
39N	05W	27	SE SE		LATAH	

5. Description of diverting works:

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A
DOMESTIC	1 /1	12/31	0.01		

7. Total Quantity Appropriated is:

0.01 C.F.S.

8. Non-irrigation uses:

Household and barn.

9. Place of use:

DOMESTIC within LATAH County

Township	Range	Section	¼	of	¼	Lot	Acres
39N	05W	27	SE		SE		

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

If your answer is no, describe in remarks below the authority you have to claim this water right.

11. Other Water Rights Used:

12. Remarks:

Priority Date Explanation:

Moved in November 25, 2002.

13. Basis of Claim: Beneficial Use

14. 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 PALOUSE 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 under penalty of perjury that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): _____ Date: _____

_____ Date: _____

RECEIVED

SEP 17 2020

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

IDWR / NORTH Notice of Change in Water Right Ownership

1. List the numbers of all water rights and/or adjudication claim records to be changed. If you only acquired a portion of the water right or adjudication claim, check "Yes" in the "Split?" column.

Water Right/Claim No.	Split?	Water Right/Claim No.	Split?	Water Right/Claim No.	Split?
87-10121	Yes ☐		Yes ☐		Yes ☐
	Yes ☐		Yes ☐		Yes ☐
	Yes ☐		Yes ☐		Yes ☐
	Yes ☐		Yes ☐		Yes ☐
	Yes ☐		Yes ☐		Yes ☐

2. Previous Owner's Name: THOMAS A. LUMPKIN and LESLIE R. ELBERSON
Name of current water right holder/claimant

3. New Owner(s)/Claimant(s): ROBERTA KELLY and MARC FLEISHER
New owner(s) as listed on the conveyance document Name connector ☐ and ☐ or ☒ and/or

2444 BLAINE RD MOSCOW 10 83843-7979
Mailing address City State ZIP

(208) 882-3919; (208) 301-4527 UPHILL FARM MOSCOW @ GMAIL.COM
Telephone Email

4. If the water rights and/or adjudication claims were split, how did the division occur?
- ☐ The water rights or claims were divided as specifically identified in a deed, contract, or other conveyance document.
- ☐ The water rights or claims were divided proportionately based on the portion of their place(s) of use acquired by the new owner.

5. Date you acquired the water rights and/or claims listed above: 19 NOVEMBER 1999

6. If the water right described herein has been rented from the Water Supply Bank, rental proceeds will be disbursed in the following manner regardless of any arrangements between the buyer(s) and seller(s) to the contrary:

- Rental payments will go to the lessor(s) of record at the beginning of the rental season.
- If a change in ownership is processed by the Department during a rental season, rental payment will be made to the person or entity who is the lessor of record at the beginning of that rental season.
- New lessor(s) of record will receive payment after the following rental season.

7. This form must be signed and submitted with the following **REQUIRED** items:

- A copy of the conveyance document – warranty deed, quitclaim deed, court decree, contract of sale, etc. The conveyance document must include a legal description of the property or description of the water right(s) if no land is conveyed.
- Plat map, survey map or aerial photograph which clearly shows the place of use and point of diversion for each water right and/or claim listed above (if necessary to clarify division of water rights or complex property descriptions).
- Filing fee (see instructions for further explanation):
 - \$25 per undivided water right.
 - \$100 per split water right.
 - No fee is required for pending adjudication claims.

8. Signature: Roberta Kelly 9-14-20
Signature of new owner/claimant Title, if applicable Date

Signature: Marc Fleisher 9/14/2020
Signature of new owner/claimant Title, if applicable Date

For IDWR Office Use Only:

Received by _____ Date _____ Receipt No. _____ Receipt Amt. _____

Approved by _____ Processed by _____ Date _____

WARRANTY DEED

FOR VALUE RECEIVED THOMAS A. LUMPKIN and LESLIE R. ELBERSON,
the Grantors, do hereby grant, bargain, sell and convey unto:

ROBERTA KELLY and MARC FLEISHER

Wife and husband
105 SW Skyline Dr.
Pullman, Wa. 99163

the grantees, the following described premises situated in Latah County,
State of Idaho, to-wit:

Description as shown on attached Schedule C.

TOGETHER WITH all and singular the tenements, hereditaments and
appurtenances thereunto belonging or in anywise appertaining, including all
water and water rights, ditch and ditch rights.

SUBJECT TO Reservations in United States Patent, restrictive covenants,
existing and recorded rights-of-way and easements, zoning and building
ordinances, and taxes and assessments as prorated between the parties
hereto.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto
the said Grantees, their successors, 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 as hereinabove set forth and that they will
warrant and defend the same from all lawful claims whatsoever.

DATED: November 19, 1999

Thomas A. Lumpkin
THOMAS A. LUMPKIN

Leslie R. Elbersen
LESLIE R. ELBERSON

STATE OF IDAHO)
) :SS
COUNTY OF LATAH)

On this 19 day of November in the year 1999, before me a
notary public of said State personally appeared THOMAS A. LUMPKIN and
LESLIE R. ELBERSON known or identified to me to be the persons whose names
are subscribed to the within instrument, and acknowledged to me that they
executed the same.

Dana K. Kibler
Notary Public for: Idaho
Residing at: Moscow
My commission expires:



COPY



9263

9133

2440

2430

2443

9553

9123

2448

9003