

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: A47-02159AH
Date Received: 12/21/1990
Receipt No: X777777
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: DEKLEINHANS FAMILY TRUST 208-543-5316
Address: JAMES & BARBARA DEKLEINHANS
TRUSTEES
PO BOX 716
HAGERMAN ID 83332-0716

2. Date of Priority: JUL 18, 1923

3. Source: SALMON FALLS CREEK Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
08S	14E	19	SW	SE	SE	7	TWIN FALLS

5. Description of diverting works:
5 HP PUMP

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.066		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
S/5 HORSES

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
08S	14E	19	SE	SE	7	IRR	3.3

10. Place of Use: Continued

Section Acres 3.3

Total Acres 3.3

11. Place of use in counties: TWIN FALLS

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

13. Other Water Rights Used:

47-07412

14. Remarks:

TRANS. 1044, 2642, & 2660. SEE FILE FOR OTHER OWNERS.
P/U INCOMPLETE. SEE FILE.

|
THIS CLAIM IS PART OF A47-02159G
*** CHANGE OF OWNERSHIP ON 1-11-95 MISSED THAT THE OWNERSHIP
CHANGE SPLIT THE RIGHT RATHER THAN TRANSFERRED THE ENTIRE RIGHT.
THIS SPLIT IS AN ADMINISTRATIVE CORRECTION AND IS BASED UPON
CONVERSATIONS WITH JIM FOWLER AND THE WARRANTY DEED THAT WAS
INCLUDED WITH THE PREVIOUS OWNERSHIP CHANGE. A47-02159W IS SPLIT
INTO A47-02159AG FOR .174 CFS FOR 8.7 ACRES AND
A47-02159AH FOR .066 CFS FOR 3.3 ACRES KKC 12-13-95 ***

15. Basis of Claim: LICENSE

Water Right Number: 15841



NAME: DEKLEIN HANS

CLAIM: 47-02159AH

CORRESPONDENCE —

EVIDENCE OF

PRIORITY —





IDAHO DEPARTMENT OF WATER RESOURCES
SOUTHERN REGION
1341 FILLMORE AVE STE 200
TWIN FALLS ID 83301-3380
(208) 736-3033

PHILIP E BAII
GOVERNOR

KARL J DREHER
DIRECTOR

January 27, 1997

**CONVERSATION MEMO RE: CHANGE OF OWNERSHIP
FOR A47-07412 AND A47-02159W**

Mr Dekleinhans submitted a change of ownership and a warranty deed in 1994 for parcel 1-A. The reviewing agent changed the entire rights for both claims into Mr Dekleinhans' name.

Upon a desk review and subsequent field visit, I found that the warranty deed only described a 3.3 acre parcel and that only 3 acres of that parcel are irrigated. Therefore, I split the original claim into parts A47-07412A and A47-02159AG for (FOWLER) and A47-07412B and A47-02159H for (DEKLEINHANS).

Ownership documentation is in files A47-07412 and A47-02159W.



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301-6105 (208) 736-3033
Fax (208) 736-3037

PHILIP E. BATT
Governor

KARL J. DREHER
Director

January 23, 1996

JAMES DEKLEINHANS
PO BOX 716
HAGERMAN ID 83332

RE: SPLIT OF ADJUDICATION CLAIM A47-07412 AND COMMENTS CONCERNING
A47-02159AH.

Dear Mr Dekleinhans

Enclosed is your copy of A47-07412 as split. The split was based upon conversations with you and Jim Fowler Jr and the warranty deed describing lot 1-A. The splitting of this claim does not reflect the information concerning the current use of this right as you relayed to me. Field verification of this right, the irrigation system and historical use will be conducted at a later date.

I had a meeting with Robert Ring on 1-16-1996 and a portion of our discussion concerned the portion of Section 19 govt lot 7 identified as parcels 1-A, 1-B, 2, 3 and the ground owned by Mr Dobel. Mr Ring stated that he told you that the irrigation system originally licensed under 47-02159 and subsequently split into several individual parts was never appurtenant to that ground. Based upon this information and current guidelines, I am unable to recommend any claims split from the original claim A47-02159V as that claim was based upon 47-02159. If you have additional information concerning the irrigation system's history that would affect the recommendation please contact me at this office.

Sincerely

Kelly K Christensen
Sr Water Resource Agent

Enclosures



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301-6105 (208) 736-3033
Fax (208) 736-3037

PHILIP E. BATT
Governor

KARL J. DREHER
Director

December 13, 1995

DEKLEINHANS FAMILY TRUST
PO BOX 716
HAGERMAN ID 83332

RE: SNAKE RIVER BASIN ADJUDICATION CLAIM A47-02159W

Dear Sir

Enclosed is your portion of the claim listed above as split. I have numbered Jim Fowler's portion A47-02159AG and your portion as A47-02159AH. A47-02159W was Jim Fowler's remaining portion of the original claim A47-02159V that was split when Block and Dale purchased parcels 2 and 3 respectively.

Jim contacted this office concerning his remaining portion of A47-02159V and I found that that portion had inadvertently been transferred to you. The change of ownership form you submitted did not indicate a split and was missed at that time. After discussing the property sale and reviewing the warranty deed, I split that right according to the documents in the file. Please review the claim to confirm that the split data is correct.

Another right A47-07412 (a groundwater right) was mentioned in the warranty deed as being appurtenant to the property you purchased. It appears that this is a shared system that should be split proportionately based upon 3.3 acres for your property and the balance remaining with Jim, but I would like additional information to clarify the actual status of the right.

If you have any questions please contact this office.

Sincerely

Kelly K Christensen
Sr Water Resource Agent

Enclosures

6/9/94

COMMUNICATION DOCUMENTATION

This form is to be used to document public record information requests regarding any SRBA claim or claims. The form may also be used to document IDWR communications requesting information regarding any SRBA claim or claims when the request is not made in writing or the claim verification report is not readily available to document the request. This form is to be filed in all relevant claim files or a central office file.

IDWR Employee/Agent Kelly K Christensen

DATE

December 13, 1995 9:13am

CUSTOMER

TOM HIGH 734-1438 FAX
ATTORNEY FOR JIM FOWLER

SUBJECT: A47-02159W CORRESPONDENCE

phone call (X) walk-in (.)

Jim informed him of the correction to the right and that the "W" right is to be split into A47-02159AG and A47-02159AH. He requested a faxed copy of the letter explaining the situation. I told him about the groundwater right A47-07412 that is also appurtenant to the same area and asked for clarification of how to handle that right.

6/9/94

COMMUNICATION DOCUMENTATION

This form is to be used to document public record information requests regarding any SRBA claim or claims. The form may also be used to document IDWR communications requesting information regarding any SRBA claim or claims when the request is not made in writing or the claim verification report is not readily available to document the request. This form is to be filed in all relevant claim files or a central office file.

IDWR Employee/Agent Kelly K Christensen

DATE

December 12, 1995 11:50am
CELLULAR↓

CUSTOMER

JIM FOWLER 305-293-0486 **

819 PEACOCK PLAZZA SUTE 458 *304-1629
KEY WEST FLORDIA 33040

SUBJECT: OWNERSHIP OF A47-02159V AND THE SPLITS THEREOF
phone call (X) walk-in (.)

He is in the process of selling another portion of his property that was originally claimed under A47-02159V and was checking on the status of the water rights. I told him that the last change of ownership did not split the right but rather transferred the balance of that right to the last purchaser. He indicated that he has sold 4 lots, two at aprox. 5 acres ea, and two at approx 3.5 acres ea, leaving a balance of 6.7 acres. I told him that the last file I reviewed appeared to be in error and that I felt that the last ownership change should have been a split rather than the complete transfer. I had attempted to reach him on 11-29-95 but only reached an answering machine. He stated that he will fax the dept additional warranty deeds and will also contact the realtor that completed the last sale (Larry Smith). He indicated that the local attorney that is handling the sale is Mr Tom High (733-5463).

I discussed some of the general problems concerning the overclaiming of the base right and asked for some general info concerning his system. He indicated that there is a fixed common pump that supplies water to all of the parcels sold. I did not get a date that the pump was installed. I explained the unrecorded transfer as legislated, and the general exam procedure for adjudication claims.

6/9/94

COMMUNICATION DOCUMENTATION

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IDWR Employee/Agent Kelly K Christensen

DATE

December 12, 1995 4:30pm

CUSTOMER

JIM FOWLER

SUBJECT: A47-02159W SPLIT PENDING

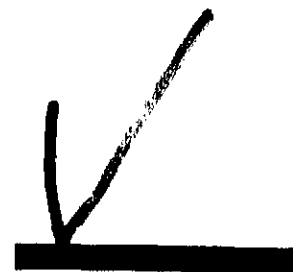
phone call (X) walk-in (.)

He faxed me a copy of the plat for the ground covered by the original claim A47-02159V and we discussed what needed to be done.

Ownership of A47-02159W was incorrectly changed. The right should have been split with Dekleinhans receiving 3.3 acres and .066cfs for parcel 1-A and the remainder staying with Jim Fowler. I told him that I would correct the records to reflect that information and then mail him a copy. Jim has sold slightly more than 3 acres of the remaining 9.7 acres to Mr Nobles but has not submitted a change of ownership for that ground. The property owned by Mr Nobles is that ground west of the access road and east of the Salmon Falls Creek from the access road bridge ne and dog legging to the nw with the north boundary being near the center of parcel 2. According to Jim the majority of the property south of parcel 1-A is dry. There is a small portion on the northeast part that is irrigated, but the southeast portion is a hill that has never been irrigated. I explained the adjudication process concerning ground not irrigated on Nov 19, 1987. I also discussed the possibility of a domestic right used to irrigate up to 1/2 acre. He stated that it would be acceptable for me to give any information requested to Betty Grant (realtor) or Tom High (lawyer).

I indicated that when I split the right that his portion will be numbered A47-02159AG and the Dekleinhans portion will be A47-02159AH.

R PROOF



CVR

2 pgs only



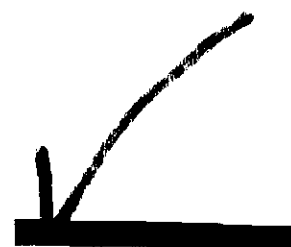
MAPS



PHOTOS



MISC



AJ0743NP
(00-124)

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIMS PROOF READING REPORT
(REGIONAL)

VERIFIED BY *RKC*

01/18/96 14:02:30
Page 1

Water Right Number ~~47-02159AH~~

Prefix Translation: RESEARCH

Old (D) Number - 15841

+ - - - - Last Name - - - - + + - First Name - - + + - - - - - Address - - - - - +

*** C - CURRENT OWNER ***
DEKLEINHANS FAMILY TRUST

1 - JAMES & BARBARA DEKLEINHANS
2 - TRUSTEES
3 - PO BOX 716
City- HAGERMAN State- ID Zip- 833320716
Phone - 208-543-5316

*** O - ORIGINAL OWNER ***
FOWLER JR

ROBIN A

1 - PO BOX 214
2 -
3 -
City- HAGERMAN State- ID Zip- 83332
Phone - 208-543-5872

FOWLER JR

JAMES S

1 - PO BOX 214
2 -
3 -
City- HAGERMAN State- ID Zip- 83332
Phone - 208-543-5872

+ - - Priority Date - - + + - - Region - - - + + - - Stage - - - + + - - Status - - - +
07/18/1923 17 SOUTHERN I - DISALLOWED

+ - - - - Source - - - - + + - - - - - Tributary - - - - - +
SALMON FALLS CREEK SNAKE RIVER

+ - - - - Point of Diversion - - - - - +
TwN Rng Sec Tract Lot RFlg County
08S 14E 19 SW SE SE 7 (83) TWIN FALLS

+ - - - - Water Use - - - - - +
Code Description Period From Period To Diversion Rate Diversion Volume
01 - IRRIGATION 03/15 11/15 0.066

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Consumptive Use - + + - KW Usage - +
0.066 0.0

+ - - - - Place of Use - - - - - +
TwN Rng Sec Tract Lot Acres Code Description County
08S 14E 19 SE SE 7 3.3 01 IRRIGATION (83) TWIN FALLS

Total Acres: 3.3

+ - - Diversion Means - 5 HP PUMP

+ - - Non-Irrigation Use - S/5 HORSES

+ - - Other Rights for Same Use - 47-07412

Water right number - R47-02159AH

Prefix Translation: RESEARCH

+ - - - - Remarks - - - - -

NO LAWFUL APPROPRIATION SHOWN.

+ - - - - Old Water Right Numbers - - - - -

No Old Water Right Numbers Found

+ - - - - Conditions of Approval - - - - -

P01 - NO LAWFUL APPROPRIATION SHOWN: There are a number of
- circumstances in which a claim is proposed to be disallowed on
- this basis. This is most commonly included for a claim based on
- beneficial use or posted notice that is PROPOSED to be disallowed
- because the right claimed is not within an exception to the
- mandatory permit statute, and beneficial use of water prior to
- the mandatory permit statute was not confirmed. This is also
- included where a claim is PROPOSED to be disallowed because the
- claim is to water that is not public water subject to
- appropriation. This is also included where a right was
- determined not to exist in a prior adjudication.

+ - - - - Decree Plaintiff - - - +

+ - - - - Decree Defendant - - - +

+ - Decree Date - +
00/00/0000

+ - - - - Comments - - - - -

Date: 01/18/1996 User Id: KCHRISTE Subject: COPIED FROM REMARKS
TRANS. 1044, 2642, & 2660. SEE FILE FOR OTHER OWNERS.

P/U INCOMPLETE. SEE FILE.

*** CHANGE OF OWNERSHIP ON 1-11-95 MISSED THAT THE OWNERSHIP
THIS SPLIT IS AN ADMINISTRATIVE CORRECTION AND IS BASED UPON
INCLUDED WITH THE PREVIOUS OWNERSHIP CHANGE. A47-02159W IS SPLIT
A47-02159AH FOR .066 CFS FOR 3.3 ACRES KKC 12-13-95 ***

THIS CLAIM IS PART OF A47-02159G
CHANGE SPLIT THE RIGHT RATHER THAN TRANSFERRED THE ENTIRE RIGHT.
CONVERSATIONS WITH JIM FOWLER AND THE WARRANTY DEED THAT WAS
INTO A47-02159AG FOR .174 CFS FOR 8.7 ACRES AND

+ - - Audit Fields - - +

01/18/96 KCHRISTE

+ - - - - Adjudication Rights Dates and Flags Area - - - - -

Court Report Filing	- 00/00/0000	Field Inspection Made	- 01/16/1996	Civil Case Number	- 39576
Objection Filed Date	- 00/00/0000	Field Inspection Flag	-	Old Case Number	-
Response Filed Date	- 00/00/0000	Verified Date	- 01/18/1996	Old Judicial District	-
Claim Received Date	- 12/21/1990	Last Amended Date	- 00/00/0000	Temporary Right	- P
		Receipt Number	- X777777	Water District	- 47G
		POU Ownership Flag	- Y	Federal/State Indicator	- S
		Name Connector	- OR	Presumption Flag	-
				Notice of Error Flag	-

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

13:30:21
01/18/96

PAGE: 2
QUICKLOOK INFORMATION

2
CLAIM NUMBER: A47-02159AH

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	-		1-16-96 KKC	-	1-18-96 KKC	1-18-96 KKC	1-18-96 KKC	
POINT OF DIV	-							
SOURCE	-							
PLACE OF USE	-							
DIV. AMOUNT CFS/VOLUME	-							
CONSUMPTIVE USE	-							
PURPOSES OF USE	-							
PERIOD OF USE	-							
BASIS OF CLAIM	-							
REMARKS								

*Pages discarded,
no information entered
on these pages.*

*Recommend For Disallowal Status = I
Remark Code P01 - No Faulty Appropriation Shown
see Attached memo;
Analysis of A47-02159A as split into:*

BARCODE UPDATED
WHOM/DATE

signature *Kelly K Christensen*
date *1-18-96*
examiner: KELLY K CHRISTENSEN
title: SR WATER RESOURCE AGENT

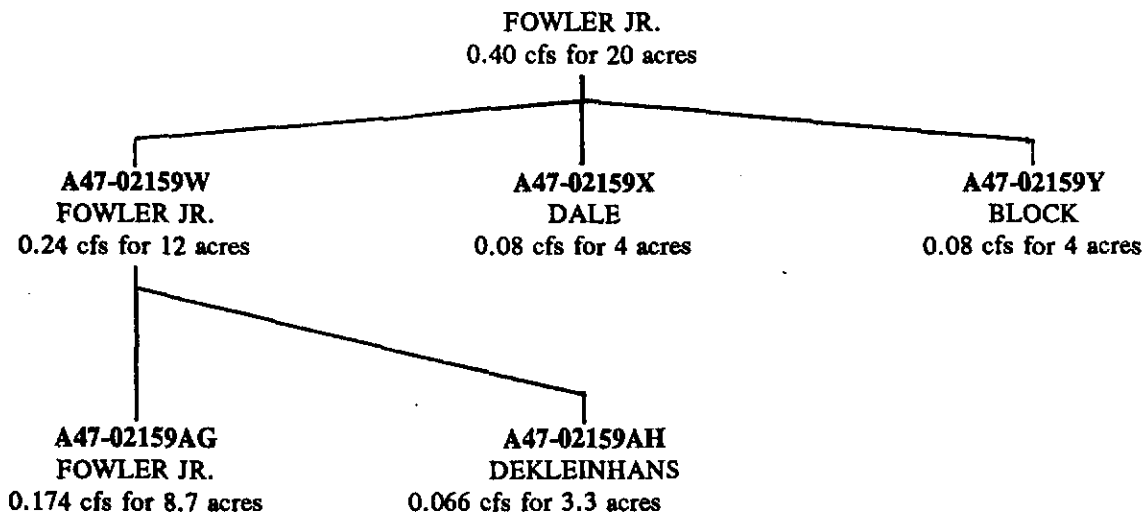
MAPS AND AERIAL PHOTOGRAPHS USED TO REVIEW THIS NOTICE OF CLAIM TO A WATER RIGHT

TYPE OF MAP OR PHOTOGRAPH (CHECK IF USED)	IF USED, SUPPLY APPROPRIATE DATE AND OTHER INFORMATION	COPY INCLUDED IN FILE?
() ORTHOPHOTOQUAD	DATE OF PHOTO <u>1974</u> IDWR ID NO. <u>BB-20</u>	Y() N(☒)
() TOPOGRAPHIC	DATE FIELD CHECKED _____ IDWR ID NO. _____	Y() N()
() NAPP	DATE OF PHOTO <u>8-1-88</u> IDWR ID NO. <u>BB-20NW</u>	Y() N(☒)
() ASCS AERIAL PHOTO	DATE OF PHOTO <u>1987</u> <u>E-7</u>	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 <u>Copied from T.F. Record on 1-11-96</u>	Y(☒) N()
() OTHER _____	DATE _____	Y() N()
() OTHER _____	DATE _____	Y() N()
() OTHER _____	DATE _____	Y() N()

LIST OF ATTACHMENTS (CHECK IF ATTACHED)	IF ATTACHED, SUPPLY APPROPRIATE INFORMATION	NO. OF PAGES	NOTES
() LICENSING FIELD EXAM	DATE OF FIELD EXAM _____	_____	_____
() WATER RIGHT LICENSE	DATE LICENSE SIGNED _____	_____	_____
() IDWR APPROVED TRANSFER	DATE TRANSFER APPROVED _____	_____	_____
() SYSTEM DESCRIPTION	DATE DRAWN _____	_____	_____
() PHOTOGRAPHS	DATE(S) PHOTOS TAKEN _____	_____	_____
() SPLIT RIGHT REVIEW	DATE REVIEW COMPLETED _____	_____	_____
() HUBBLE ANALYSIS	DATE ANALYSIS COMPLETED _____	_____	_____
() CONVEYANCE LOSS ANALYSIS	DATE ANALYSIS COMPLETED _____	_____	_____
() FLOW MEASUREMENT CALCULATIONS	DATE SYSTEM MEASURED _____	_____	_____
☒ OTHER <u>Analysis</u>	DATE <u>1-17-96</u>	<u>1</u>	<u>Titled: Analysis of A47-02159V as split into:</u> <u>Notes From Field visit into:</u> <u>With Robert Ring.</u>
() OTHER <u>Field notes Summary</u>	DATE <u>1-16-96</u>	<u>1</u>	



ANALYSIS OF A47-02159V AS SPLIT INTO:



The original right and the splits there-from was for a parcel of ground in TNS 08S; RNG 14E; SEC 19; GOVT LOT 7; B.M. that is at the mouth of and between Salmon Falls Creek and the Snake River. There is a pump that has been placed in the Salmon Falls Creek that irrigates a portion of that ground claimed by the above individuals and other parties that do not have an adjudication claim filed.

Based upon a conversation with Robert Ring, June Ring and Neal Ring on January 16, 1996 at their home, the water use on this property was never part of the original licensed right 47-02159 or part of the place of use identified in any subsequent allocations transfers.

Mr Ring further stated that the original ditch system for the ground east of Salmon Falls Creek could not reach the ground in section 19. He stated that he traded that ground to George Lemmon for a Desert Land Entry parcel in the late 1960s or early 1970's and had never irrigated that ground. To the best of their knowledge (Robert, June, and Neal) George Lemmon never developed an irrigation project on that parcel prior to the sale to Monroe.

RECOMMENDATION

As the above claims are based upon 47-02159G and that right was never appurtenant to that ground and no unrecorded transfer has been identified I am recommending these claims for:

DISALLOWAL

Remark code P01 - No Lawful Appropriation Shown.



IDAHO DEPARTMENT OF WATER RESOURCES
SOUTHERN REGION
222 SHOSHONE ST E
TWIN FALLS ID 83301
(208) 736-3033

PHILIP E BATT
GOVERNOR

KARL J DREHER
DIRECTOR

NOTES FROM A FIELD VISIT WITH ROBERT RING

JANUARY 16, 1996

I met with Robert Ring, his wife, and his son Neal and discussed the general history of water right 47-02159. We reviewed the first transfers that added Points of Diversion to the system and he indicated that they indeed were developed but that they all were abandoned by the 1984 flood except for his two pumps (a 5hp pump by the home and a 15hp pump north of the home by the bridge crossing), a 45hp pump at the mouth of Salmon Falls Creek (on the north shore) for ground claimed under A47-02159T, and any individual lot owners that may have installed a private pump for that specific lot. He indicated that very few lots had installed pumps.

A47-02159AC REVIEW

I specifically asked him about the history of the ground claimed under A47-02159AC and Mr Ring indicated that that ground was never part of the original irrigated ground. He did state that the original ditch did go through the northeast corner of that parcel but that the majority of the ground was west and uphill from the ditch. He did state that some water may have got on a small part of the northeast corner at one time but nothing in that area had been irrigated since the 1984 flood.

A47-02159V (AS SPLIT)

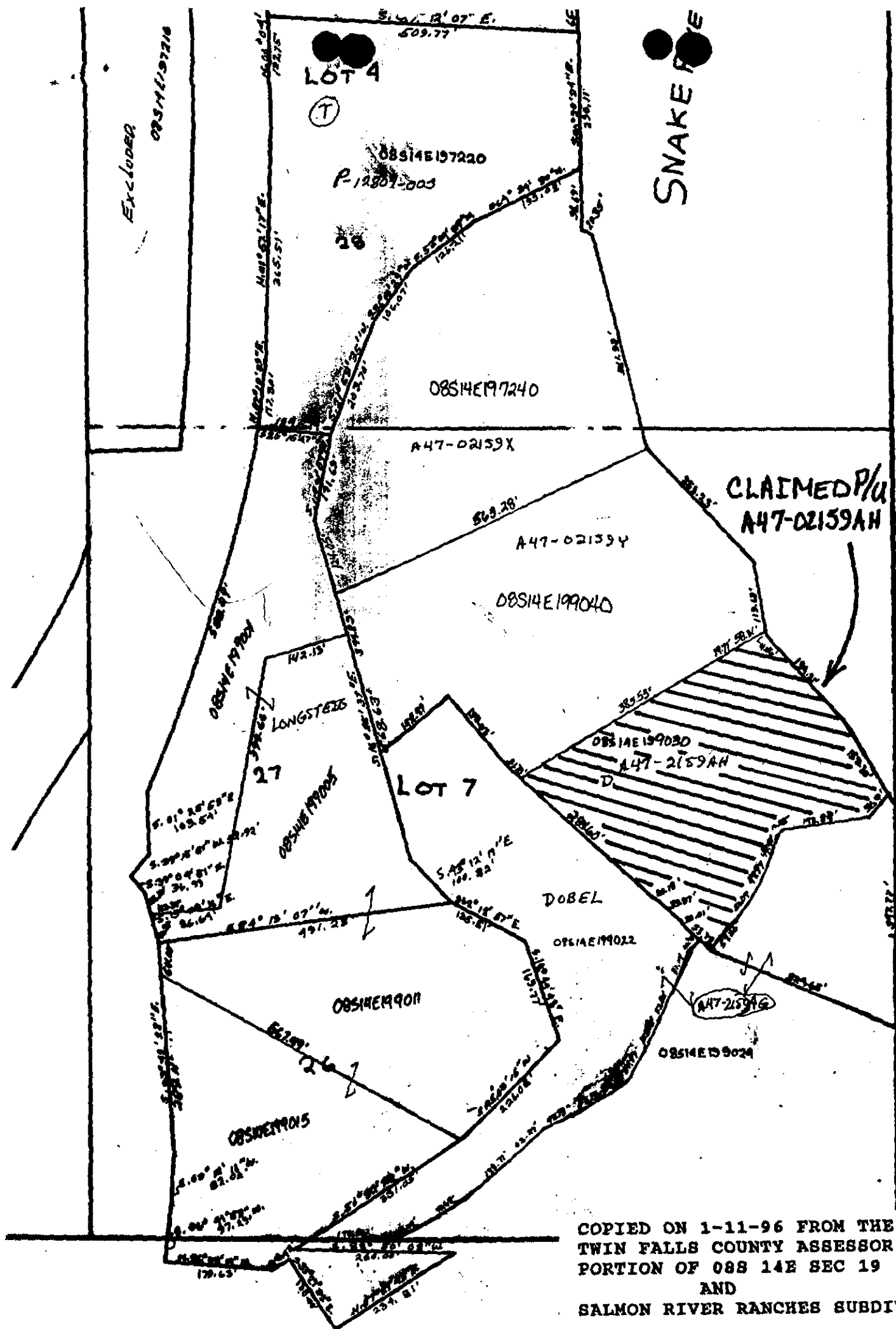
I then specifically asked about the ground in section 19 that is between the Snake River and Salmon Falls Creek. He stated that the original ditch did not reach that ground and that he had never irrigated it. He stated that he traded that property to George Lemmon in the late 1960s or early 1970s and that George subsequently sold that property to Monroe. He did not recall George of ever developing an irrigation system on that ground. This ground was claimed in the adjudication as A47-02159V and was subsequently split into A47-02159X A47-02159Y and A47-02159Z. A47-02159X has now been split into A47-02159AG and A47-02159AH.

CLAIMED P/U A47-02159AH

19 20 CORN
30 299 20
WRONG
30 25

See F-8 Low

CLAIM A47-02159AH INIT KKC
T. R. S. O/Q
PID BS 14E 30
PHOTO ID. ASCS E-7
DT.&ID. 1987 Flight



COPIED ON 1-11-96 FROM THE
TWIN FALLS COUNTY ASSESSOR.
PORTION OF 08S 14E SEC 19
AND
SALMON RIVER RANCHES SUBDIVISION