

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED _____

2002 NOV 21 PM 1 17

**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

Subcase No. 65-1772

Case No. 39576

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 per the attached. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

CLAIMANT/OBJECTOR:

Roger A & Kennie Lyn Klingback Trust

Kennie Lyn Klingback 11/12/2002
Kennie Lyn Klingback, Trustee Date

Jan Hunt 11-12-02

Date _____

11/18/02

Date _____

David Barber 11/18/2002

David Barber
Deputy Attorney General
Attorney for Dept of Lands

CERTIFICATE OF MAILING

I certify that on November 19, 2002 I mailed the original and copies of this form, including all attachments, to the following persons by mailing the original and/or copies, 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:

United States Dept of Justice (courtesy copy)
Environment & Natural Resource Division
General Litigation Section
999 18th Street, Suite N 945
Denver, CO 80202
Attn: David W. Gehlert

Roger A & Kennie Lyn Klingback
7000 Spring Creek Rd
Emmett, ID 83617

David Barber
Deputy Attorney General
Idaho Dept of Lands
PO Box 83720
Boise, ID 83720-0050

IDWR Repository
P.O. Box 83720
Boise, ID 83720



Signature of person or attorney mailing the form

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

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED

2002 NOV 21 PM 1 17

RIGHT NUMBER: 65-1772

NAME AND ADDRESS: ROGER A AND KENNIE LYN KLINGBACK TRUST
7000 SPRING CREEK RD
EMMETT ID 83617

SOURCE: SPRING

TRIBUTARY: LONG HOLLOW CREEK

QUANTITY: 0.150 CFS
0.600 AFY

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW SHALL PROVIDE NO MORE THAN
0.03 CFS NOR 1.4 AFA FOR STOCKWATER. COMBINED RIGHT NOS.: 65-01661,
65-01662.

THE QUANTITY OF WATER UNDER THIS RIGHT FOR DOMESTIC AND STOCKWATER
USES SHALL NOT EXCEED 13,000 GALLONS PER DAY.

PRIORITY DATE: 02/18/1899

POINT OF DIVERSION:

T08N R01W S36 SESW Within GEM County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	3/15 11/15	0.100 CFS 1.40 AFY
DOMESTIC	1/01 12/31	0.020 CFS 0.60 AFY
STOCKWATER	1/01 12/31	0.030 CFS 1.40 AFY

PLACE OF USE: IRRIGATION Within GEM County

T07N R01W S01 Lot 2 NWNE 10.0

DOMESTIC Within GEM County

T08N R01W S36 SESW

STOCKWATER Within GEM County

T07N R01W S01 Lot 2 NWNE

T08N R01W S36 SESW

10 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.

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR DOMESTIC USE AND STOCKWATER USE IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.

Stockwater use is for 100 range cattle.