

Idaho Department of Water Resources

Claims: 65-10542

Prepared by:

RON HOWERTON

Date: 6 SEP 00

 Place of use

 POD

 SECTION

 1/4 1/4

33 Acres



1987 NAPP



0 0.1 0.2 0.3 0.4 0.5 0.6 0.7 0.8 0.9 Miles

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1987 NAPP

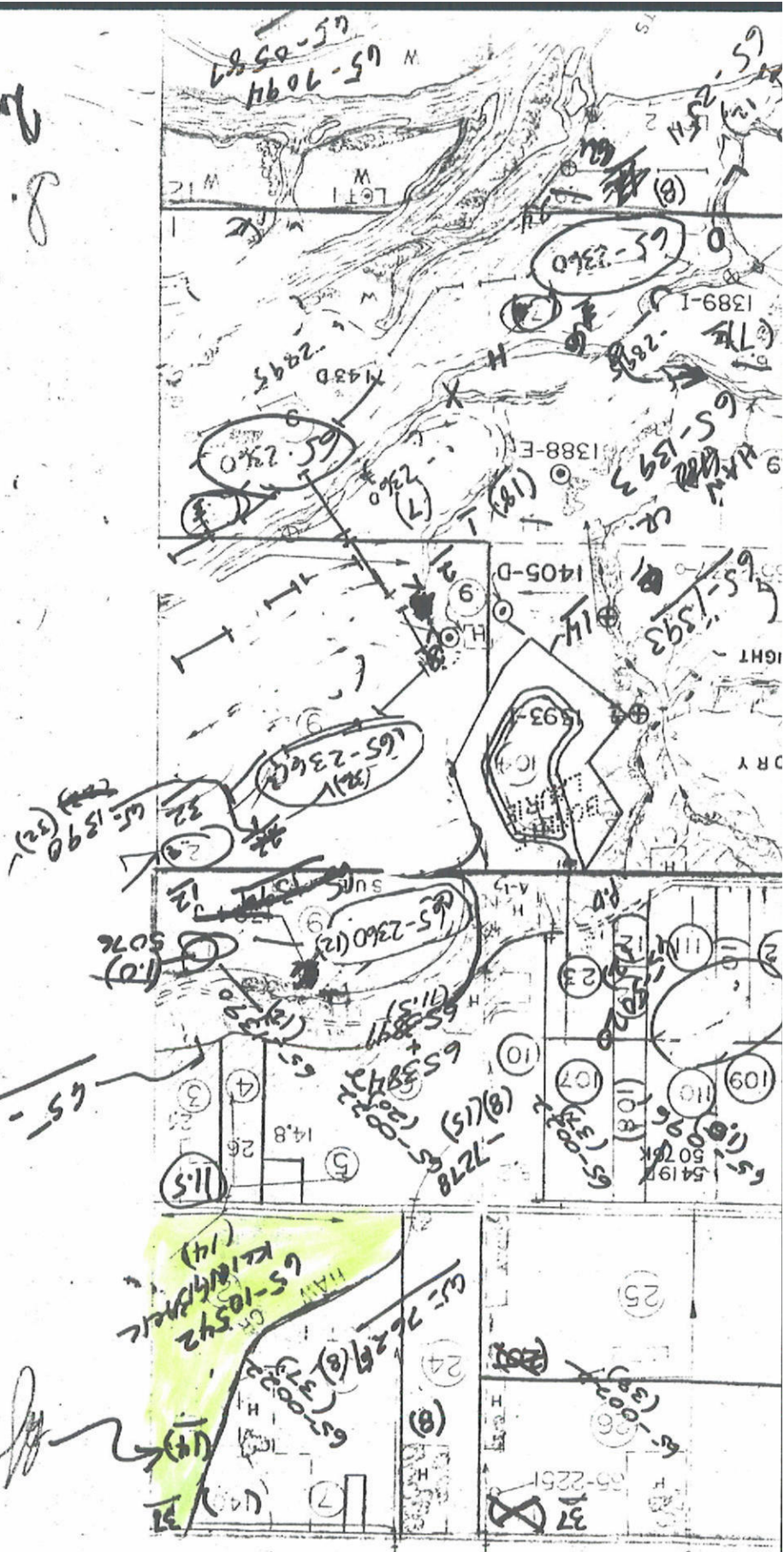


0 0.1 0.2 0.3 0.4 0.5 0.6 0.7 0.8 0.9 Miles

$$\begin{array}{r} 743 \\ 80 \\ 83 \\ \hline 77 \\ 27 \\ 22 \end{array}$$

12
 11
 10
 9
 8
 7
 6
 5
 4
 3
 2
 1
 0
 -1
 -2
 -3
 -4
 -5
 -6
 -7
 -8
 -9
 -10
 -11
 -12

Map A
PRBA BLUELINE
T6N/R02W, 501 NE NE



PRBA BLUELINE
T6N R1W 506, NWMM



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: 65-10542

DATE RECEIVED: 1-11-90

RECEIPT NO: X999999

RECEIVED BY: ALT

RECEIVED
JAN 11 1990

Department of Water Resources

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. NAME: JOHN KLINGBACK
ADDRESS: 6120 SPRING CREEK RD.
EMMETT, ID

83617

2. DATE OF PRIORITY: MAY 01, 1900

3. SOURCE: HAW CREEK

TRIB. TO: PAYETTE RIVER

4. POINT OF DIVERSION:

TOWNSHIP	RANGE	SECTION	1/4 OF	1/4 OF	1/4	LOT	COUNTY
06N	02W	1	NW	NW			GEM

5. DESCRIPTION OF DIVERTING WORKS:

6. WATER IS USED FOR THE FOLLOWING PURPOSES:

PURPOSE	FROM	TO	C.F.S.	(OR)	A.F.A.
IRRIGATION	03/15	11/15	0.660		

7. TOTAL QUANTITY APPROPRIATED IS:
0.660 C.F.S. (AND/OR)

A.F.A.

8. TOTAL CONSUMPTIVE USE IS

ACRE FEET PER ANNUM.

9. NON-IRRIGATION USES:

10. PLACE OF USE:

TOWNSHIP	RANGE	SECTION	1/4 OF	1/4	LOT	USE	ACRES
06N	01W	6	NW	NW	4	IRR	19.0
						SECTION ACRES	19.0
	02W	1	NE	NE		IRR	14.0
						SECTION ACRES	14.0

MICROFILMED

SEP 24 1992

10. PLACE OF USE: CONTINUED

TOTAL ACRES 33.0

11. PLACE OF USE IN COUNTIES: GEM, GEM

12. DO YOU OWN THE PROPERTY LISTED ABOVE AS PLACE OF USE? YES

13. OTHER WATER RIGHTS USED:

14. REMARKS:

THIS RIGHT WHEN COMBINED WITH RIGHTS OF EMMETT IRRIGATION
DISTRICT SHALL PROVIDE NO MORE THAN .02 CFS/ACRE.

15. BASIS OF CLAIM: DECREE

CASE NUMBER:

COURT :

DECREE DATE: 1/21/1936

STATE OF IDAHO
DECREE PLAINTIFF

A & C CORP., ET AL.
VS DECREE DEFENDANT

MICROFILMED

SEP 24 1992

16. 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 SNAKE 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 THAT THE STATEMENTS CONTAINED IN THE FOREGOING DOCUMENT ARE TRUE AND CORRECT.

SIGNATURE OF CLAIMANT(S): John M. Klingbach DATE: Jan. 11

DATE: _____

FOR ORGANIZATIONS:

I DO SOLEMNLY SWEAR OR AFFIRM THAT I AM _____ OF

TITLE
_____, THAT I HAVE SIGNED THE FOREGOING
ORGANIZATION
DOCUMENT IN THE SPACE BELOW AS _____ OF

TITLE
_____ AND THAT THE STATEMENTS CONTAINED IN THE
ORGANIZATION
FOREGOING DOCUMENT ARE TRUE AND CORRECT.

SIGNATURE OF AUTHORIZED AGENT

TITLE AND ORGANIZATION

DATE

STATE OF IDAHO)
COUNTY OF Gren) SS.

SUBSCRIBED AND SWORN (OR AFFIRMED) BEFORE ME THIS 11th DAY
OF January 19 90

John Harrington
NOTARY PUBLIC

SEAL

RESIDING AT John Harrington, Notary Public
MY COMMISSION EXPIRES Residing at Boise, Idaho
DATE: My Commission Expires December 1, 1994 7844



State of Idaho

625 - 10842 Klingback

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

May 4, 2001

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

Dear Basin 65 water user:

This letter is to inform you that you may be eligible to file a stockwater claim with the Idaho Department of Water Resources (IDWR) in connection with the Snake River Basin Adjudication (SRBA). IDWR is sending this letter to water users in Basin 65 who might have relied upon the non-irrigation season stockwater provision in the Payette Adjudication. This provision states:

"When stockwater is not a specifically mentioned use for a right that includes irrigation, a reasonable flow is implied and included for the watering of livestock during the non-irrigation season."

In another basin, the Idaho Supreme Court struck down general provisions that contained similar language. The non-irrigation season stockwater language quoted above was not included in the General Provisions for Basin 65 because of the Idaho Supreme Court's ruling.

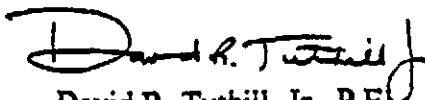
IDWR recognizes that in reliance on the non-irrigation season stockwater language in the Payette Adjudication, water users might not have filed stockwater claims in the SRBA to cover the non-irrigation season period. Individuals who historically watered livestock during the non-irrigation season without a separate stockwater claim might desire to file a new stockwater claim with IDWR.

To be eligible for a new non-irrigation season stockwater claim:

1. You must have actually and historically watered livestock during the non-irrigation season without a separate stockwater right.
2. You must have filed a surface water irrigation claim in both the Payette Adjudication and the SRBA.
3. You must not have filed a stockwater claim with the surface water irrigation claim.

If you meet these three requirements, you may file a Notice of Claim form for stockwater with IDWR. To have a timely filing you must file this claim with IDWR by May 25, 2001. IDWR will waive filing fees for these stockwater claims if filed before this deadline. Failure to file your claim in a timely manner may prevent you from claiming it in the future. Notice of Claim forms are available on IDWR's website at www.idwr.state.id.us/info/water/srba/forms.htm or from any IDWR office. Claimants can call IDWR, Western Region at (208) 334-2190 to make an appointment if they need assistance filling out a Notice of Claim form.

Sincerely,


David R. Tuthill, Jr., P.E.
Adjudication Bureau Chief

12/27/2000

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

RIGHT NUMBER: 65-10542

NAME AND ADDRESS: JOHN KLINGBACK
6120 SPRING CREEK RD
EMMETT, ID 83617

SOURCE: HAW CREEK TRIBUTARY: PAYETTE RIVER

QUANTITY: 0.66 CFS

THIS RIGHT WHEN COMBINED WITH RIGHTS OF EMMETT IRRIGATION
DISTRICT SHALL PROVIDE NO MORE THAN .02 CFS PER ACRE.

PRIORITY DATE: 05/01/1900

POINT OF DIVERSION: T06N R02W S1 LOT 1 NENE 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	0.66 CFS

PLACE OF USE:

<u>IRRIGATION Within GEM County</u>					
T06N R01W S6	LOT 4	NWNW	19	T06N R02W S1	LOT 1 NENE 14

33 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 - Decreed

USE OF THIS RIGHT IS COMBINED WITH WATER FROM EMMETT
IRRIGATION DISTRICT.

AJ5809NP
No. A65-10542

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 09/06/00
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	JOHN KLINGBACK 6120 SPRING CREEK RD EMMETT ID 83617	05/01/1900	IRRIGATION	03-15 11-15	0.660 CFS	
TOTAL DIVERSION:					0.660 CFS	

Water Source: HAW CREEK

Tributary to: PAYETTE RIVER

Stage: DECREED

Point(s) of Diversion:

T06N R02W S01

~~NW~~ NENE Lot 1

GEM County

Place of use Legal Description for: IRRIGATION

				NE				NW				SW				SE					
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	SUM
06N	01W	6	:																	:	19.0
06N	02W	1	:			14														:	14.0
																				TOTAL ACRES	33.0

POU County: GEM

Remarks: GEN THIS RIGHT WHEN COMBINED WITH RIGHTS OF EMMETT IRRIGATION
DISTRICT SHALL PROVIDE NO MORE THAN .02 CFS/ACRE.

W16 & QWR E28 Rmk

Dates: Exam Made Date:

Verified Date:

Objection Filed Date:

Misc: Water District Number: 65

Field Inspection Flag:
Presumption Flag:

C-13 CODE

Haw Cr. doesn't go through
doctored Legal POD, ERROR
IN PRBA, NOT TRANSFER.
THIS RECOMMENDATION CORRECTS POD.

WR5809NP
No. 65-10542

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 09/06/00
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	JOHN KLINGBACK 6120 SPRING CREEK RD. EMMETT ID 83617	05/01/1900	IRRIGATION	03/15 11/15	0.660 CFS	
TOTAL DIVERSION:					0.660 CFS	

Water Source: HAW CREEK

Tributary to: PAYETTE RIVER

Stage: DECREEED

Point(s) of Diversion: T06N R02W S01 NWNW

GEM County

Place of use Legal Description for: IRRIGATION

		NE				NW				SW				SE				
T	R S	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	SUM
06N	01W 6	:		:		:		:		:		:		:		:		19.0
06N	02W 1	:	14	:		:		:		:		:		:		:		14.0
TOTAL ACRES																	33.0	

Pou County: GEM

Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):
65-05339

Other Water Rights Listing Overlapping Place(s) of use:
65-03842

Remarks: GEN THIS RIGHT WHEN COMBINED WITH RIGHTS OF EMMETT IRRIGATION
DISTRICT SHALL PROVIDE NO MORE THAN .02 CFS/ACRE.

Dates:	App. Received:	Priority Date:	05/01/1900
	Proof Due Date:	Proof Made Date:	
	Exam Made Date:	Exam Sent to S.O.:	
	Licensed Date:		

Misc: Water District Number: 65 Field Exam Fee:

Audit: 04/02/86 04/30/88 CONVERT

Idaho Department of Water Resources

Claims: 65-10542

Prepared by:

RON HOWERTON

Date: 6 SEP 00

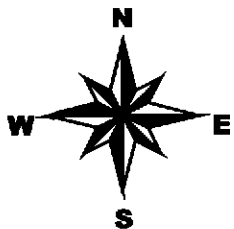
 **Place of use**

 **POD**

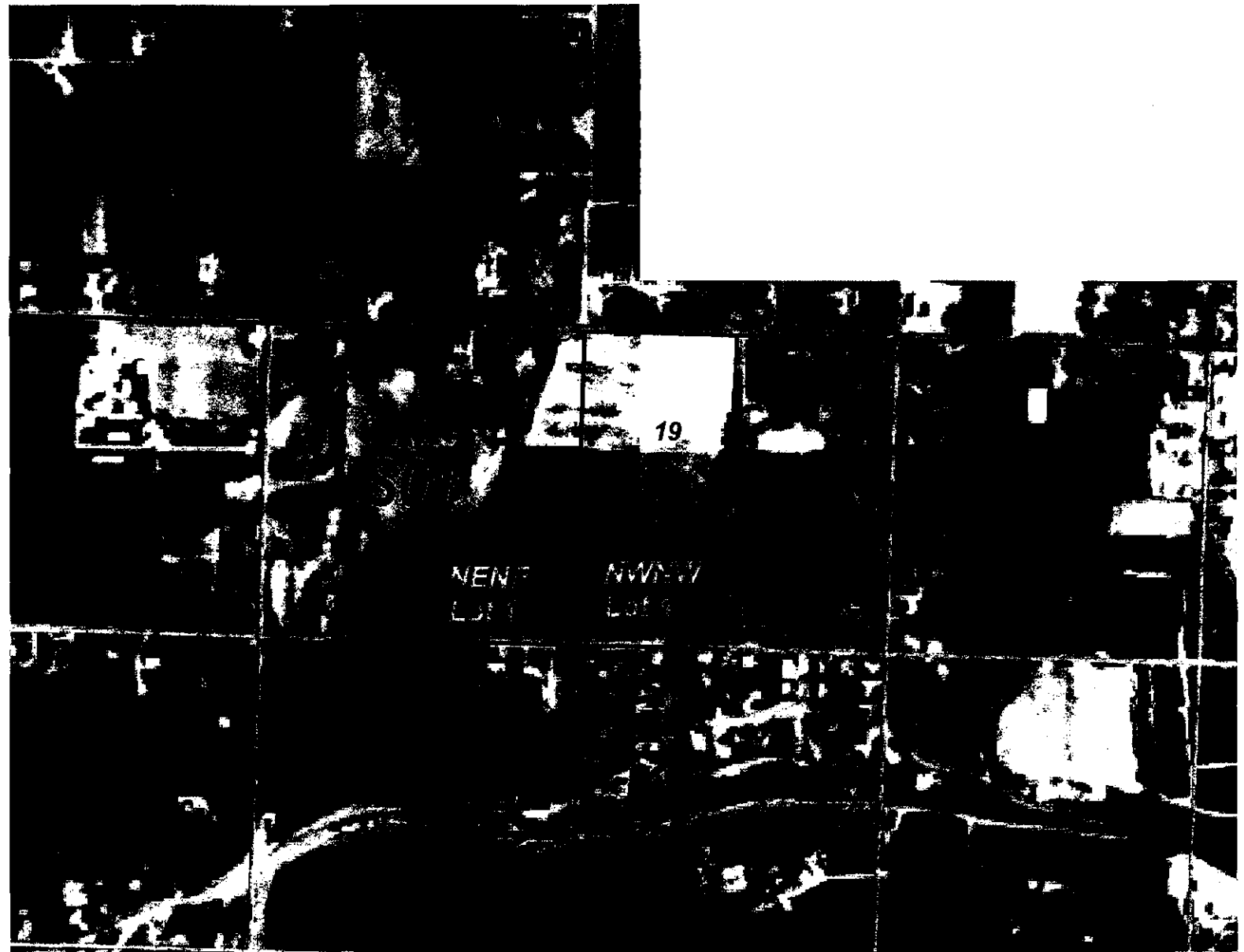
 **SECTION**

1/4 1/4

33 Acres



1987 NAPP



Idaho Department of Water Resources

Claims: 65-10542

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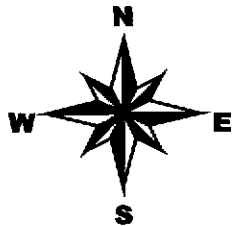
Date: 6 SEP 00

 Place of use

© POD

 SECTION

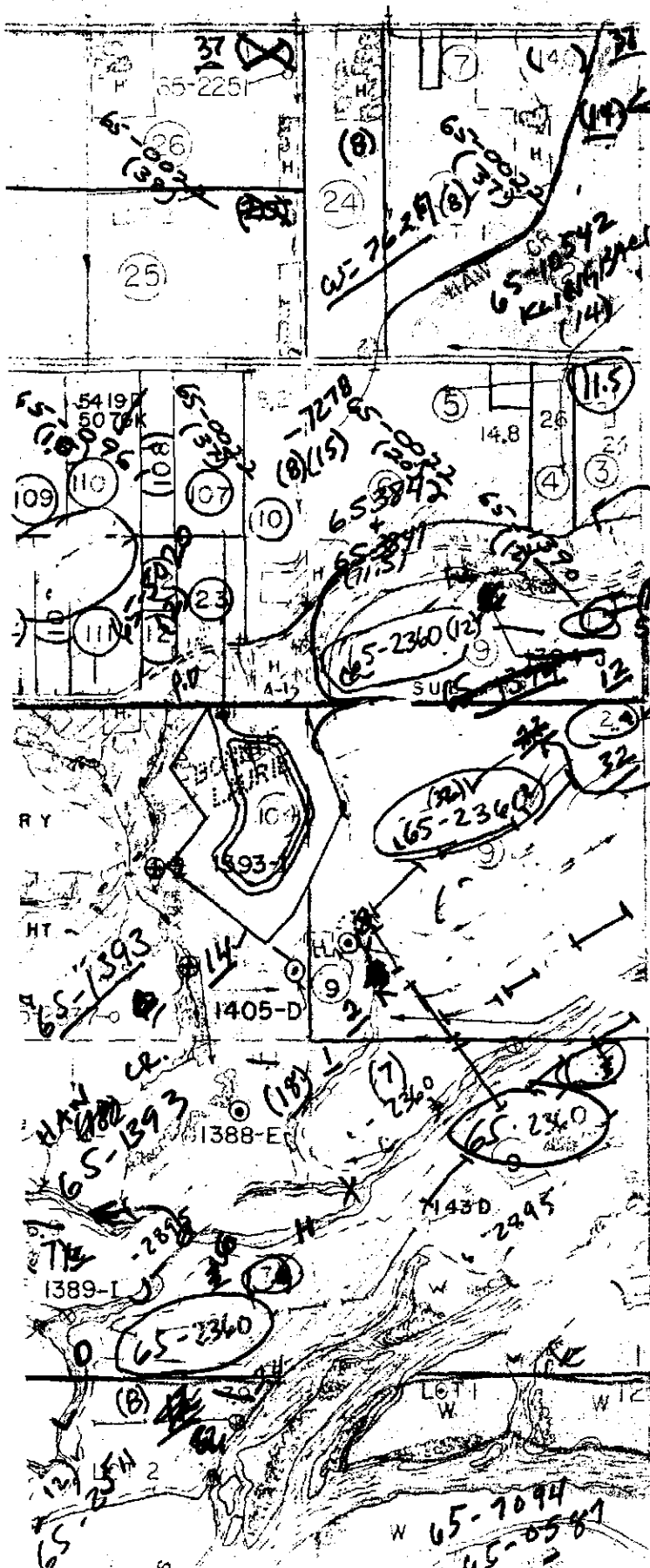
1/4 1/4



1987 NAPP



32
77
4


$$\begin{array}{r} 32 \\ 77 \\ 45 \\ \hline 138 \\ 308 \\ \hline 346 \end{array}$$
$$\begin{array}{r} 1 \\ 77 \\ 02 \\ \hline 1.84 \end{array}$$

End of main li-
irrigation syst

Main line branch
irrigation system

Sprinkler off
of irrigation s

Ditch or canal
Drainage . . . !
Drainage ditch
Property bound

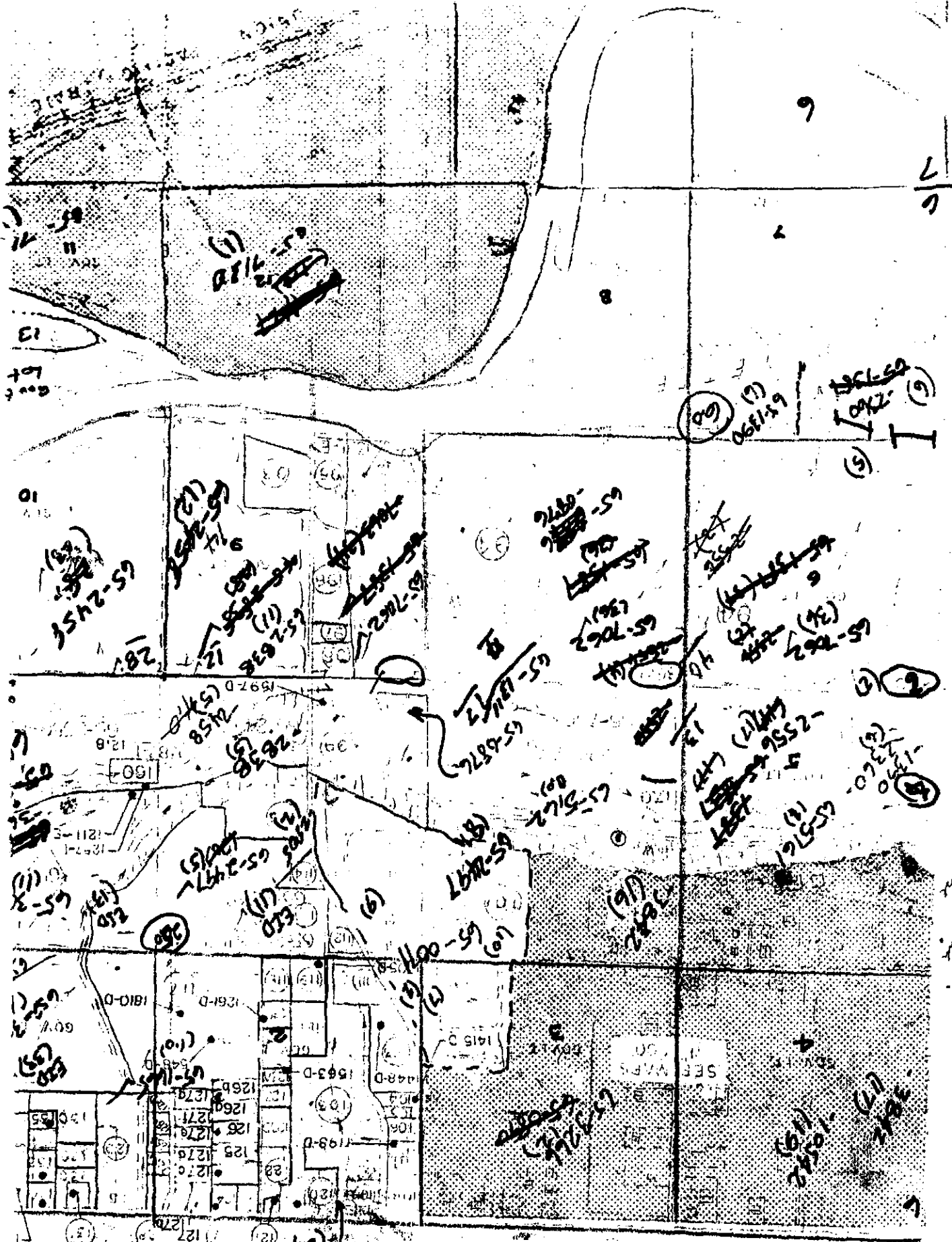
Bosin number (map).....

Claim number.

for use c

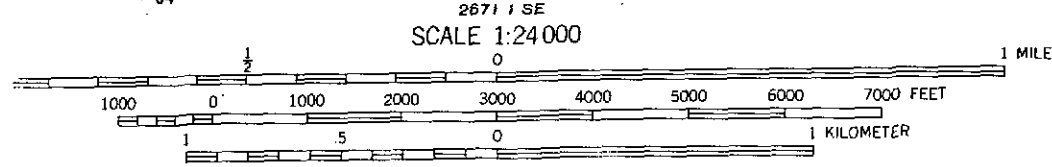
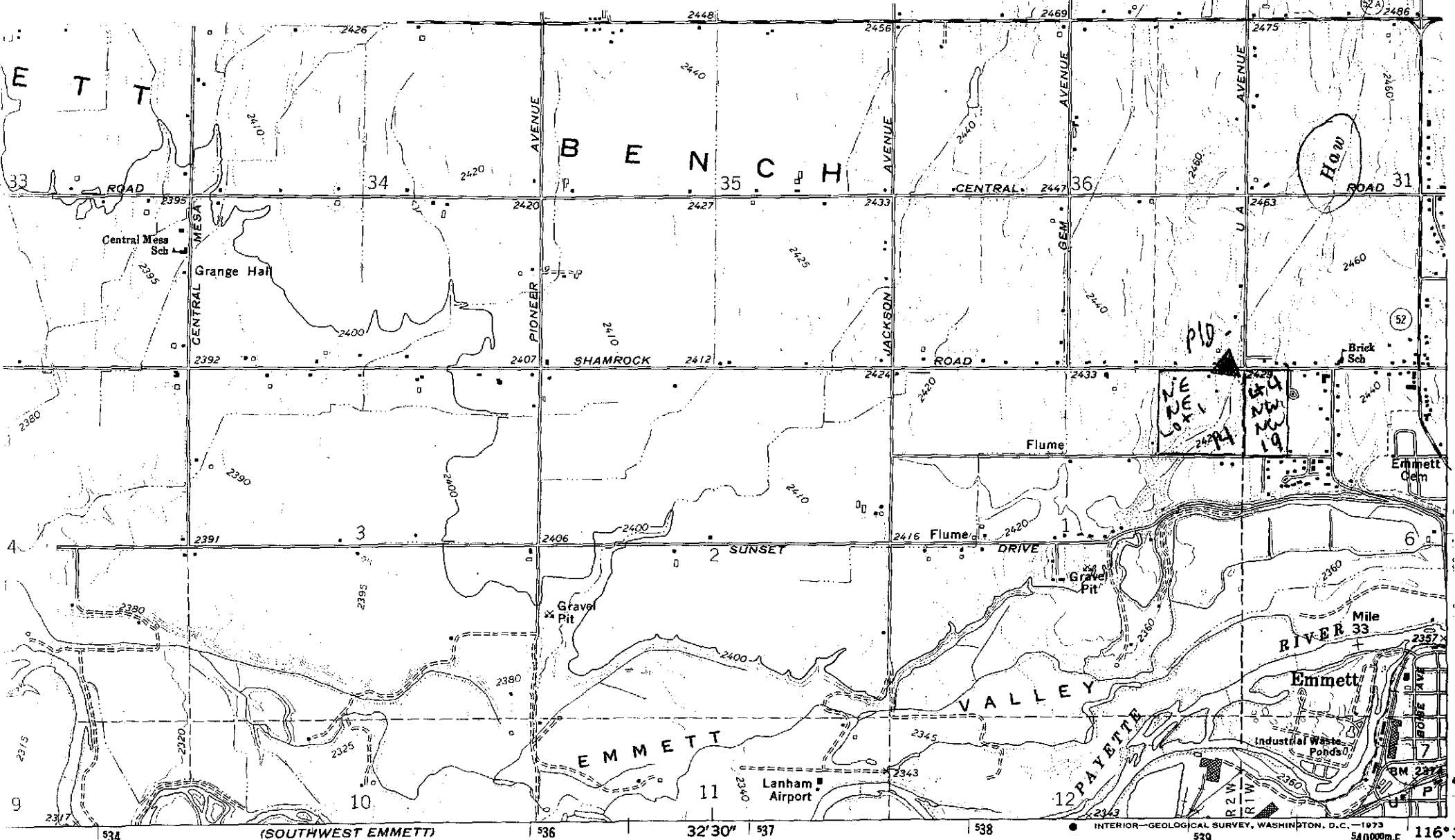
Canal company

S. J. Rivers
2nd Reg. Camp
10
11
12



PRBA BLUELINE
T6N R1W 506, NW/4

on well
from house line



CONTOUR INTERVAL 20 FEET
 DOTTED LINES REPRESENT 5-FOOT CONTOURS
 DATUM IS MEAN SEA LEVEL

T6N R1W & 2W
 W6
 1971 TOPO



QUADRANGLE LOCATION

ROAD CLASSIFICATION

Primary highway, hard surface	Light-duty road, hard or improved surface
Secondary highway, hard surface	Unimproved road

○ Interstate Route ◻ U. S. Route ○ State Route

P/D NENE, S01, T6N, R2W, LOT 1

NORTHWEST EMMETT, IDAHO

N4352.5 W11620.7 E