

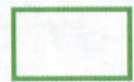
Idaho Dept of Water Resources

Split from claim No 65-12657

T16N, R03E, S 15

Green outline shows Krause

6 acre parcel of irrigation. Red
area from your warranty deed, approx
2 acres of irrigation.



Place of Use



Point of Diversion



Section lines



1/4 1/4 lines



0

1000

1987 NAPP Photo
2000 Feet

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: A65-02723
Date Received: 11/16/1988
Receipt No: 9999999
Received By: [Signature]

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: HERBERT H. KRAUSE 208-325-8890
Address: BOX 204
DONNELLY, ID 83615

OR
Name: LOTTIE KRAUSE 208-325-8890
Address: BOX 204
DONNELLY, ID 83615

2. Date of Priority: OCT 17, 1962

3. Source: BOULDER CREEK Trib. to: PAYETTE RIVER, NORTH FORK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
16N	03E	15	SE	SW	NE		VALLEY

5. Description of diverting works:
2 HP PUMP, 4" PIPELINE, SPRINKLERS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/15	10/15	0.120		

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

8. Total consumptive use is 12.0 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

A65-02723

Page 1

Date: 11/16/88

MICROFILMED
SEP 21 1988

10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
16N	03E	15	SW NE		IRR	6.0
Section Acres						6.0
Total Acres						6.0

11. Place of use in counties: VALLEY

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

13. Other Water Rights Used:
ROSEBERRY IRR. DIST. WATER

14. Remarks:

15. Basis of Claim: DECREED
Case Number:
Court :
Decree date: 1/21/1986

STATE OF IDAHO

Decree Plaintiff

vs

A & C CORP., ET AL.

Decree Defendant

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 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): *Lottie Krause* Date: 11/15/88
_____ Date: _____

State of Idaho)
County of Valley) SS.

Subscribed and sworn (or affirmed) before me this 16th day

of Nov 19 88

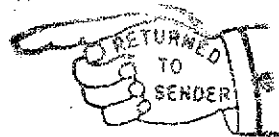
William Gene Gibson
Notary Public

Seal

Residing at Boise, ID

My Commission Expires 9-2-1994

STATE OF IDAHO
District Court
Snake River Basin Adjudication
P.O. Box 2707
Twin Falls, ID 83303-2707

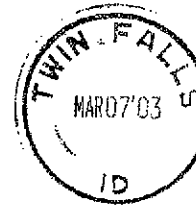


RECEIVED

MAR 14 2003

Department of Water Resources

GEORGE A BENNETT
PO BOX 714
DONNELLY, ID 83615



U.S. POSTAGE
0037
METER 581719

RECEIVED

MAR 17 2003

WATER RESOURCES
WESTERN REGION

65-2247

-2591B

-2723 → spent into

-2932 ↓

-3123

65-22283

-11260

+ 65-22284

83303/2707

5368 S. Latigo Dr.
Bose 83409

✓ Sent again w/ address change form 3-18-03

DISTRICT COURT-SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
MAR - 6 2003	
	Clerk
	Deputy Clerk

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	)	Subcases 65-02247, 65-02591B,
	)	65-2723, 65-2932, 65-3123 and
	)	65-11260
Case No. 39576	)	FINAL ORDER DISALLOWING
	)	WATER RIGHT CLAIM

On November 4, 2002, a *Special Master's Report and Recommendation* was filed for the above water right claims, recommending that these water right claims be decreed disallowed. No challenges were filed to the *Special Master's Report and Recommendation* and the time for filing challenges has expired.

Pursuant to I.R.C.P. 53(e)(2) and *SRBA Administrative Order 1*, Section 13f, this Court has reviewed the findings of fact and conclusions of law contained in the *Special Master's Report* and wholly adopts them as its own.

THEREFORE IT IS ORDERED AND ADJUDGED that water right claims 65-2247, 65-02591B, 65-02723, 65-02932, 65-03123 and 65-11260 are hereby **disallowed with prejudice** and shall not be confirmed in any partial decree or in any final decree entered in the SRBA, Case No. 39576, in whatever form that final decree may take or be styled.

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.

DATED March 6, 2003.



ROGER BURDICK
Presiding Judge
Snake River Basin Adjudication

10/16/2000

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommended Right Report

WATER RIGHT NO. 65-2723

Owner Type Name and Address
Current Owner SPLIT CLAIM

Directors Report Owner LOTTIE KRAUSE
Directors Report Owner HERBERT H KRAUSE
 PO BOX 204
 DONNELLY, ID 83615
 (208)325-8890

Priority Date: 10/17/1962
Basis: Decreed
Status: Valid

Source: BOULDER CREEK Trib. to: CASCADE RESERVOIR
 SPLIT CLAIM SEE REMARKS

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	4/15	10/15	0.12 CFS		
Total Diversion			0.12 CFS		

Point(s) of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4	Lot	County
16N	03E	15	SE SW NE	0	VALLEY

Place(s) of use:

Place of Use Legal Description: IRRIGATION VALLEY County

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
16N	03E	15		SWNE	6									

Total Acres: 6

Conditions of Approval:

1. C18 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.
2. W18 USE OF THIS RIGHT IS COMBINED WITH WATER FROM ROSEBERRY IRRIGATION DISTRICT.

Comments:

<u>Author</u>	<u>Date</u>	<u>Subject</u>	<u>Comment</u>
AJU10-JS	9/24/99	AJU10 CONDITION UPDATE	CONDITION CODE(S) C18 ADDED IF NOT ALREADY PART OF RECORD THRU AJU10.
dbuffing	10/16/00	Split Claim	This right has been split. See right nos. 65-22283 for Krause and 65-22284 for Klock.



State of Idaho
DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

October 16, 2000

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

JEFFREY KLOCK
SUSANNE KLOCK
PO BOX 878
DONNELLY ID 83615

Re: Original Notice of Claim to a Water Right No. 65-02723

Renumbered Notice of Claim to a Water Right No. 65-22284

Dear Claimants:

We have received and processed a Change of Ownership for a portion of the original Claim to a Water Right Number as referenced above. This Change of Ownership required a split of the original claim resulting in renumbering this claim by adding alpha suffixes to represent each split. The new Notice of Claim to a Water Right number for your portion is referenced above and a copy is enclosed.

Your portion of this claim has a specified point of diversion, nature of use and place of use. If you plan on changing the nature of use, place of use, or point of diversion under this right, including adding a new point of diversion, then an Application for Transfer on your portion of this right is required. Please contact this office for further information on the Application for Transfer form. If you do not plan on changing any items on your claim, then no further action is required at this time. You will be notified of any future action taken on this claim.

Also enclosed is a copy of the Notice of Completed Administrative Proceedings, which has been sent to the Snake River Basin Court as notification of the change.

Please feel free to contact this office if you have any questions concerning your claim or this letter.

Sincerely,

A handwritten signature in cursive script that reads "Denise Buffington".

Denise Buffington
Office Specialist 1
Adjudication Section
Western Region

DB:db

Enclosure

Idaho Dept of Water Resources

Split from claim No 65-12657

T16N, R03E, S 15

Green outline shows Krause

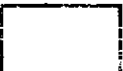
6 acre parcel of irrigation. Red

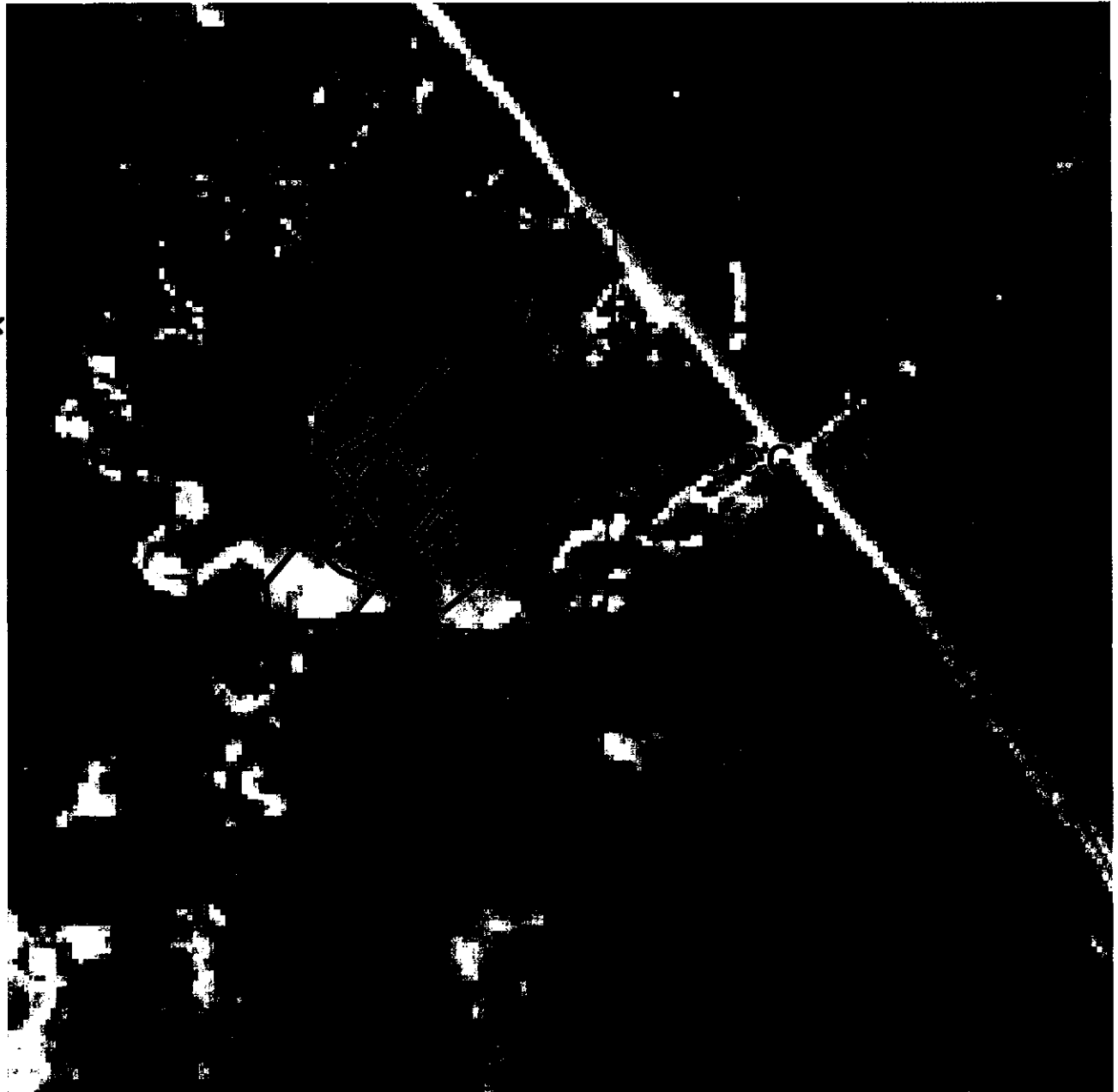
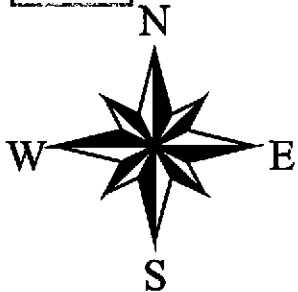
area from your warranty deed, approx
2 acres of irrigation.

 Place of Use

 Point of Diversion

 Section lines

 1/4 1/4 lines



0

1000

1987 NAPP Photo

2000 Feet

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

AMENDED

In Re SRBA)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR

Case No. 39576)

Water Right 65-22284

2004 OCT -1 AM 11:30

SRBA
TWIN FALLS CO, IDAHO
FILED

NAME AND ADDRESS:

JEFFREY KLOCK
SUSANNE KLOCK
PO BOX 878
DONNELLY, ID 83615

SOURCE:

BOULDER CREEK TRIBUTARY: NORTH FORK PAYETTE RIVER

QUANTITY:

0.04 CFS

PRIORITY DATE:

10/17/1962

POINT OF DIVERSION:

T16N R03E S15 SESWNE Within Valley County

PURPOSE AND

PERIOD OF USE:

PURPOSE OF USE
Irrigation

PERIOD OF USE
04-15 TO 10-15

QUANTITY
0.04 CFS

PLACE OF USE:

Irrigation

T16N R03E S15

SWNE 2.0

Within Valley County

2.0 Acres Total

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

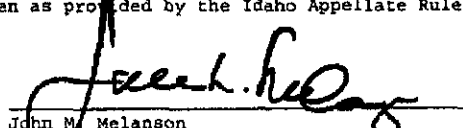
BASIN 65 GENERAL PROVISIONS NO. 3, THE SEPARATE STREAMS
GENERAL PROVISION, DOES NOT APPLY TO APPROPRIATIONS OF WATER
AFTER OCTOBER 18, 1977.

THIS WATER RIGHT SHALL BE ADMINISTERED AS BEING FROM A
SEPARATE SOURCE PURSUANT TO BASIN 65 GENERAL PROVISION NO. 3.
IF THE HOLDER OF THIS RIGHT SEEKS TO CHANGE THE RIGHT PURSUANT
TO IDAHO CODE SECTION 42-222 OR SUCCESSOR STATUTE, NOTHING IN
THIS GENERAL PROVISION SHALL PRECLUDE ANY OTHER PERSON OR ENTITY
FROM DEMONSTRATING THAT SUCH CHANGE IN USE WOULD CAUSE INJURY TO
ITS WATER RIGHT OR FROM RECEIVING ANY RELIEF PROVIDED BY LAW IN
THE EVENT OF INJURY.

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. I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance
with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a
final judgment and that the court has and does hereby direct that the above judgment or order shall be a final
judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.


John M. Melanson
Presiding Judge of the
Snake River Basin Adjudication

10/16/2000

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

RIGHT NUMBER: 65-22284

NAME AND ADDRESS: JEFFREY KLOCK
SUSANNE KLOCK
PO BOX 878
DONNELLY, ID 83615

SOURCE: BOULDER CREEK TRIBUTARY: Payette River

QUANTITY: 0.04 CFS

PRIORITY DATE: 10/17/1962

POINT OF DIVERSION: T16N R03E S15 SESWNE Within VALLEY County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE
IRRIGATION

PERIOD OF USE
04-15 10-15

QUANTITY
0.04 CFS

PLACE OF USE:

IRRIGATION Within VALLEY County
T16N R03E S15 SWNE 2
2 ACRES TOTAL

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

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

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. 65-02723
)
)
)
)

Case No. 39576

NOTICE OF COMPLETED
ADMINISTRATIVE PROCEEDING

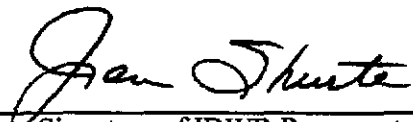
IDWR has completed the following Administrative proceeding: **SUBSTITUTION OF PARTY**

Does the change in "ownership" result in a splitting of the water right claimed? ☐ Yes ☒ No

IDWR certifies that it has completed its investigation into the changes to the elements of the water rights listed above as set forth in the attached *Amended Director's Reports* for said water rights. No other changes have been made to the elements of these water rights except as set forth above.

IDWR has served copies of the *Notice of Completed Administrative Proceeding* and *Amended Director's Report(s)* on the claimant(s), prior claimant(s) and all parties in the subcases affected, if any, as reflected on the attached certificate of mailing.

DATED: October 16, 2000



Signature of IDWR Representative

CERTIFICATE OF MAILING

I certify that on October 16, 2000, I mailed the original and copies of this form to the following persons, postage prepaid and addressed as follows:

1. Original to:
Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
PO Box 2707
Twin Falls ID 83303-2707
2. One Copy to:
Claimant/Seller for Substitution of Party or attorney of record:
Herbert H Krause
Lottie Krause
PO Box 204
Donnelly ID 83615
3. One Copy to:
Claimant/Purchaser for Substitution of Party or attorney of record:
Jeffrey Klock
Susanne Klock
PO Box 878
Donnelly ID 83615
4. One Copy to:
Each party in the subcase or attorney of record:
N / A
5. One Copy to:
Chief Natural Resources Division
Office of the Attorney General
PO Box 44449
Boise ID 83711-4449
6. One Copy to:
United States Dept Of Justice
Environment & Natural Resource Div
550 West Fort Street MSC 033
Boise ID 83724


Signature of person or attorney mailing the form

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

**RECEIVED
MAR 31 2000
WATER RESOURCES
WESTERN REGION**

Please print or type. Attach pages with additional information. Instructions are on the back of this page.
Incomplete forms will be returned.

1. Water Right No(s): 65-02723-02723
Adjudication Claim No(s): _____

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

A. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water rights or claims in question, **WITH ATTACHED LEGAL DESCRIPTION.**

AND

B. **PLAT OF PROPERTY** or **SURVEY MAP** showing the location of the place of use of the water right(s) or claim(s). (These are usually attached to your deed or on file with the county.)

OR

C. If your water right or adjudication claim 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 Ronald L. Atkinson Donnelly Id 83615
1075 Ward Lane Parma, Idaho 83660

4. New Owner/Claimant(s) Jeffery Klock Susanne Klock

New Mailing Address P.O. Box 878 Donnelly Id 83615

City, State and ZIP Code Donnelly Id 83615

New Telephone Number 208 325-3504

5. Date you acquired the property Sept 5, 1998

6. Did you acquire all of the former owner's property? If you did, skip this item and go to item 7. If you acquired only a portion of the former owner's property, IDWR may need to split the water right(s) or adjudication claim(s). Describe in detail your portion of each water right or adjudication claim in the spaces in the box below only if the water right(s) or claim(s) need to be split between owners. If necessary, attach additional pages. If a water right or adjudication claim is being split and you are not sure how to identify your portion of the original right or claim, please contact the nearest IDWR office for assistance.

Number of acres you irrigate with this water right <u>3</u>	Number and type of stock <u>none at present</u>
Diversion rate in CFS <u>.12 CFS</u>	Number of homes you acquired <u>1</u> Other uses <u>irrigation</u>

7. Signature of New Owner(s) Jeffery Klock
or Claimant(s) Susanne Klock

Corporations or other organizations must submit a list of directors and/or officers demonstrating authority to sign form.

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

(NCAP split)

65-02723

New #'s

65-22283

Krause

4 acres

~~.10 cfs~~

.08 cfs

65-22284

Klock

2 acres

.04 cfs

Please send
them a map
and put other
map in file

Att: EDWR

We purchased 3 acres of
the 6 acres. Our property is
parcel B which only have access
to the Boulder Creek.

Thank You,

Susanne Bloch

CONTINUATION SHEET

SCHEDULE A

Order Number:

Commitment Number:

COM0450-99

A parcel of land in the S 1/2 NE 1/4 Section 15, Township 16 North, Range 3 East, B.M., Valley County Idaho described as follows:

Beginning at the east 1/4 corner of said Section 15; thence along the 1/4 section line N 89°14'28" W 1886.89 feet to a point marked by an iron pin, said point being the REAL POINT OF BEGINNING; thence N 39°16'02" E 689.46 feet to a point marked by an iron pin; thence N 38°13'33" W 179.42 feet to a point marked by an iron pin; thence S 39°16'02" W 726.55 feet to a point marked by an iron pin; thence S 3°36'44" E 110.76 feet more or less to a point on said 1/4 section line marked by an iron pin; thence along said 1/4 section line S 89°14'28" E 127.53 feet more or less to the REAL POINT OF BEGINNING;

subject to an access easement 35 feet wide along the northeast side, together with a sewer drainfield easement described as follows:

Beginning at the east 1/4 corner of said Section 15; thence along said 1/4 section line N 89°14'28" W 2014.42 feet to a point marked by an iron pin; thence N 3°36'44" W 430.49 feet to a point marked by an iron pin; thence N 77°48'40" E 86.05 feet to the REAL POINT OF BEGINNING; thence N 26°38'30" E 120.00 feet; thence S 63°21'30" E 50.00 feet; thence S 26°38'30" W 120.00 feet; thence N 63°21'30" W 50.00 feet to the REAL POINT OF BEGINNING.

Together with an easement for ingress and egress, more particularly described as follows:

Beginning at the northwest corner of above described parcel; Thence N. 56°47' E. 226.2 feet, more or less, to the westerly right of way line of State Highway 55; Thence along said right of way N. 39°47' W. 35 feet; Thence S. 56°47' W. 260.8 feet; Thence S. 39°47' E. 45.2 feet; Thence N. 40° E. 35 feet more or less to the point of beginning.

Please Return Recorded Document To:
NORWEST MORTGAGE, INC.
DOCUMENT MANAGEMENT
P.O. BOX 980
FREDERICK, MD 21705-0980

5048643MEX

241527
TYPE: MORTGAGE
VALLEY COUNTY RECORDER
BY: J. M. M. J. J.
FEE: 27.00
JUL 19 AM 10 57
MOUNTAIN TITLE & RECORDS
RECORDED

[Space Above This Line for Recording Data]

DEED OF TRUST

THIS DEED OF TRUST ("Security Instrument") is made on JULY 9, 1999
The grantor is JEFFREY KLOCK AND SUSANNE KLOCK, HUSBAND AND WIFE

("Borrower"). The trustee is PIONEER TITLE COMPANY OF ADA COUNTY ("Trustee"). The beneficiary is NORWEST MORTGAGE, INC., which is organized and existing under the laws of THE STATE OF CALIFORNIA, and whose address is 405 SW FIFTH STREET, DES MOINES, IA 50309

("Lender"). Borrower owes Lender the principal sum of EIGHTY-FIVE THOUSAND AND NO/100 Dollars (U.S. \$ 85,000.00). This debt is evidenced by Borrower's note dated the same date as this Security Instrument ("Note"), which provides for monthly payments, with the full debt, if not paid earlier, due and payable on AUGUST 1, 2029. This Security Instrument secures to Lender: (a) the repayment of the debt evidenced by the Note, with interest, and all renewals, extensions and modifications of the Note; (b) the payment of all other sums, with interest, advanced under paragraph 7 to protect the security of this Security Instrument; and (c) the performance of Borrower's covenants and agreements under this Security Instrument and the Note. For this purpose, Borrower irrevocably grants and conveys to Trustee, in trust, with power of sale, the following described property located in VALLEY County, Idaho:

LEGAL DESCRIPTION IS ATTACHED HERETO AS SCHEDULE "A" AND MADE A PART HEREOF.

which has the address of 13089 STATE HIGHWAY 55 [Street]

DONNELLY [City], Idaho 83615 [Zip Code] ("Property Address");

TOGETHER WITH all the improvements now or hereafter erected on the property, and all easements, appurtenances, and fixtures now or hereafter a part of the property. All replacements and additions shall also be covered by this Security Instrument. All of the foregoing is referred to in this Security Instrument as the "Property."

BORROWER COVENANTS that Borrower is lawfully seised of the estate hereby conveyed and has the right to grant and convey the Property and that the Property is unencumbered, except for encumbrances of record. Borrower warrants and will defend generally the title to the Property against all claims and demands, subject to any encumbrances of record.