

No Color

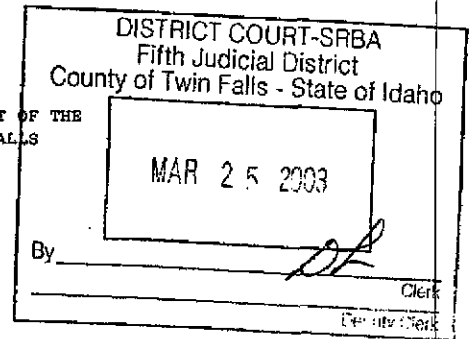
Documents

In File

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 )  
 )  
Case No. 39576 )  
\_\_\_\_\_ )

PARTIAL DECREE PURSUANT TO  
I.R.C.P. 54(b) FOR  
Water Right 65-22347



NAME AND ADDRESS: ESTATE OF MARGARET E KLEINT  
PO BOX 42  
DONNELLY, ID 83615

SOURCE: UNNAMED STREAMS TRIBUTARY: NORTH FORK PAYETTE RIVER

QUANTITY: 0.80 CFS

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR  
DOMESTIC USE IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE  
AND SHALL NOT EXCEED 13,000 GALLONS PER DAY.

PRIORITY DATE: 03/29/1945

POINT OF DIVERSION: T16N R02E S12 NESE Within Valley County  
SESE

| PURPOSE AND PERIOD OF USE: | PURPOSE OF USE | PERIOD OF USE  | QUANTITY |
|----------------------------|----------------|----------------|----------|
|                            | Irrigation     | 04-15 TO 10-15 | 0.80 CFS |
|                            | Domestic       | 01-01 TO 12-31 | 0.02 CFS |

PLACE OF USE: Irrigation Within Valley County  
T16N R03E S07 SWSW 10.0  
S18 NWNW 20.0  
30.0 Acres Total  
Domestic Within Valley County  
Same as Irrigation

PLACE OF USE DESCRIBED ABOVE DOES NOT INCLUDE THE IRRIGATION  
OF FEDERAL LAND.

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

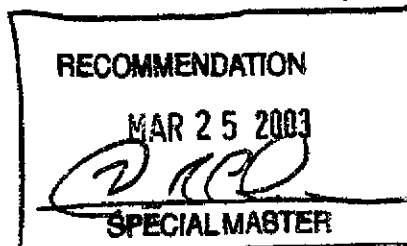
SOURCE IS KNOWN LOCALLY AS KLEINT CREEK.  
THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS  
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT  
ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY  
DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE  
ENTRY OF A 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.

Roger Burdick  
Presiding Judge of the  
Snake River Basin Adjudication

SRBA PARTIAL DECREE PURSUANT TO I.R.C.P. 54(b)  
Water Right 65-22347 File Number: 00452



06/14/2001

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

---

RIGHT NUMBER: 65-22347

NAME AND ADDRESS: ESTATE OF MARGARET E KLEINT  
BOX 42  
DONNELLY, ID 83615

SOURCE: UNNAMED STREAMS      TRIBUTARY: NORTH FORK PAYETTE RIVER

QUANTITY: 0.8 CFS

THE QUANTITY OF WATER DECREED FOR THIS WATER  
RIGHT FOR DOMESTIC USE IS NOT A DETERMINATION OF  
HISTORICAL BENEFICIAL USE AND SHALL NOT EXCEED 13,000  
GALLONS PER DAY.

PRIORITY DATE: 03/29/1945

POINT OF DIVERSION: T16N R02E S12      NESE      Within VALLEY County  
T16N R02E S12      SESE      Within VALLEY County

PURPOSE AND  
PERIOD OF USE:

| <u>PURPOSE OF USE</u> | <u>PERIOD OF USE</u> | <u>QUANTITY</u> |
|-----------------------|----------------------|-----------------|
| IRRIGATION            | 04-15 10-15          | 0.80 CFS        |
| DOMESTIC              | 01-01 12-31          | 0.02 CFS        |

PLACE OF USE:

IRRIGATION Within VALLEY County  
T16N R03E S18      NWNW      20      T16N R03E S7      SWSW      10

DOMESTIC Use same as IRRIGATION

30 ACRES TOTAL

PLACE OF USE DESCRIBED ABOVE DOES NOT INCLUDE THE  
IRRIGATION OF FEDERAL LAND.

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.  
SOURCE IS KNOWN LOCALLY AS KLEINT CREEK.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

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

Case No. 39576

Water Rights: 65-22347 & 65-22348

NOTICE OF COMPLETED  
ADMINISTRATIVE  
PROCEEDING

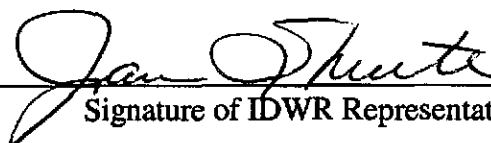
IDWR has completed the following administrative proceeding:

- ☐ Address change
- ☐ Substitution of Party
- ☒ IC § 42-222 transfer
  - ☒ Point of diversion
  - ☒ Place of use
  - ☐ Period of use
  - ☐ Nature of use
  - ☒ Split of water right
  - ☐ Change in ownership
  - ☒ Other - Source
- ☐ IC § 42-219 license

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 Report(s)* for said water right(s). 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: June 15, 2001

  
Signature of IDWR Representative

## CERTIFICATE OF MAILING

I certify that on June 15, 2001, I delivered the original and copies of this form, including all attachments, to the following persons, postage prepaid if required and addressed as follows:

### 1. Original to:

Clerk of the District Court  
Snake River Basin Adjudication  
P.O. Box 2707  
Twin Falls, ID 83303-2707

☐ overnight mail  
☒ regular mail  
☐ hand-delivered  
☒ facsimile

### 2. Copies to:

Clive Strong  
Office of the Attorney General  
P.O. Box 44449  
Boise, ID 83711-4449

☐ overnight mail  
☒ regular mail  
☐ hand-delivered  
☐ facsimile

United States Dept of Justice  
Environment & Natural Resource Div  
550 West Fort Street MSC 033  
Boise ID 83724

☐ overnight mail  
☒ regular mail  
☐ hand-delivered  
☐ facsimile

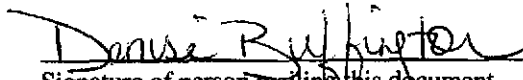
### 3. Copies to all parties to the subcase:

Estate of Margaret E Kleint  
PO Box 42  
Donnelly ID 83615

☐ overnight mail  
☒ regular mail  
☐ hand-delivered  
☐ facsimile

Gretel M Kleint  
Paul R Kleint  
PO Box 42  
Donnelly ID 83615

☐ overnight mail  
☒ regular mail  
☐ hand-delivered  
☐ facsimile

  
Signature of person mailing this document

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

**\*AMENDED\*****TRANSFER OF WATER RIGHT**

TRANSFER NO. 68947

**RECEIVED****JUN 08 2001****WATER RESOURCES  
WESTERN REGION****\*AMENDED\***

This is to certify that: PAUL R KLEINT  
GRETEL M KLEINT  
PO BOX 42  
DONNELLY ID 83615

has requested a change to the water right(s) listed below. This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code. The authorized change for each affected water right, including conditions of approval, is shown on the following pages of this document. The right holder shall accomplish the authorized change within one (1) year of the date of this approval. Failure of the right holder to comply with the conditions of approval for each water right affected by this transfer is cause for the Director to rescind approval of all or part of the transfer.

**Summary of Water Rights Before the Proposed Change**

| <u>Right</u> | <u>Origin/Basis</u> | <u>Priority</u> | <u>Rate</u> | <u>Volume</u> | <u>Acres</u> | <u>Total</u> | <u>Source</u>      |
|--------------|---------------------|-----------------|-------------|---------------|--------------|--------------|--------------------|
| 65-2276      | AJC/Decreed         | 03/29/1945      | 1 cfs       |               | 40.0         | 40.0         | UNNAMED<br>STREAMS |

**Purpose of Transfer (Changes Proposed)**

| <u>Current Number</u> | <u>Split</u> | <u>POD</u> | <u>POU</u> | <u>Add POD</u> | <u>Period of Use</u> | <u>Nature of Use</u> |
|-----------------------|--------------|------------|------------|----------------|----------------------|----------------------|
| 65-2276               | YES          | YES        | YES        | NO             | NO                   | NO                   |

**Summary of Water Rights After the Approved Change**

| <u>Existing Right</u> | <u>New No. (changed portion)</u> | <u>Transfer Rate</u> | <u>Transfer Volume</u> | <u>Acre Limit</u> | <u>Total Acres</u> | <u>New No. (remaining portion)</u> | <u>Remaining Rate</u> | <u>Remaining Volume</u> | <u>Remaining Acre Limit</u> | <u>Remaining Total Acres</u> |
|-----------------------|----------------------------------|----------------------|------------------------|-------------------|--------------------|------------------------------------|-----------------------|-------------------------|-----------------------------|------------------------------|
| 65-2276               | 65-22348                         | 0.2 cfs              | 30 af                  | 10.0              | 10.0               | 65-22347                           | 0.8 cfs               | N/A                     | 30.0                        | 30.0                         |
| <b>TOTALS</b>         |                                  | <b>0.2 cfs</b>       | <b>30 af</b>           | <b>10.0</b>       | <b>10.0</b>        |                                    | <b>N/A</b>            | <b>N/A</b>              | <b>N/A</b>                  | <b>N/A</b>                   |

Detailed Water Right Description(s) attached

Dated this 5<sup>th</sup> day of June, 2001

*[Signature]*  
Chief, Water Allocation Bureau

**WATER RIGHT NO. 65-22347**  
**As Modified by Transfer No. 68947**

In accordance with the approval of Transfer No. 68947, Water Right No. 65-22347 is now described as follows.

**Right Holder:** ESTATE OF MARGARET E KLEINT  
 BOX 42  
 DONNELLY ID 83615

**Priority Date:** 03/29/1945

**Source:** UNNAMED STREAMS

**Tributary:** NORTH FORK PAYETTE RIVER

| <u>BENEFICIAL USE</u> | <u>From</u> | <u>To</u> | <u>Diversion Rate</u> | <u>Volume</u> |
|-----------------------|-------------|-----------|-----------------------|---------------|
| IRRIGATION            | 04/15       | 10/15     | 0.80 CFS              | 0.0 AF        |
| DOMESTIC              | 01/01       | 12/31     | 0.02 CFS              | 0.0 AF        |
|                       |             |           | 0.80 CFS              |               |

**LOCATION OF POINT(S) OF DIVERSION:**

UNNAMED STREAMS      NESE      Sec. 12 Twp 16N      Rge 02E      VALLEY County

UNNAMED STREAMS      SESE      Sec. 12 Twp 16N      Rge 02E      VALLEY County

**PLACE OF USE:** IRRIGATION

| Twp Rge Sec | NE |    |    |    | NW |    |      |    | SW |    |      |    | SE |    |    |    | Totals |
|-------------|----|----|----|----|----|----|------|----|----|----|------|----|----|----|----|----|--------|
|             | NE | NW | SW | SE | NE | NW | SW   | SE | NE | NW | SW   | SE | NE | NW | SW | SE |        |
| 16N 03E 7   |    |    |    |    |    |    |      |    |    |    | 10.0 |    |    |    |    |    | 10.0   |
| 16N 03E 18  |    |    |    |    |    |    | 20.0 |    |    |    |      |    |    |    |    |    | 20.0   |

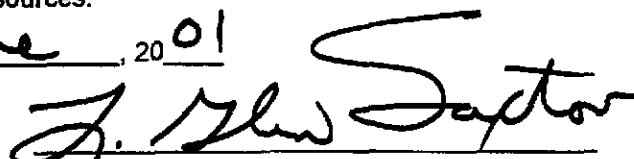
Total Acres: 30

**CONDITIONS OF APPROVAL**

1. Source is known locally as Kleint Creek.
2. The quantity of water decreed for this water right for domestic use is not a determination of historical beneficial use and shall not exceed 13,000 gallons per day.
3. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 5<sup>th</sup> day of June, 2001

  
 Chief, Water Allocation Bureau

**WATER RIGHT NO. 65-22348**  
**As Modified by Transfer No. 68947**

In accordance with the approval of Transfer No. 68947, Water Right No. 65-22348 is now described as follows.

**Right Holder:** PAUL R KLEINT OR  
 GRETEL M KLEINT  
 PO BOX 42  
 DONNELLY ID 83615

**Priority Date:** 04/27/2001

**Source:** GOLD FORK RIVER

**Tributary:** CASCADE RESERVOIR

| <u>BENEFICIAL USE</u> | <u>From</u> | <u>To</u> | <u>Diversion Rate</u> | <u>Volume</u> |
|-----------------------|-------------|-----------|-----------------------|---------------|
| IRRIGATION            | 04/15 to    | 10/15     | 0.20 CFS              | 30.0 AF       |
|                       |             |           | 0.20 CFS              | 30.0 AF       |

**LOCATION OF POINT(S) OF DIVERSION:**

GOLD FORK RIVER      NWNWNW      Sec. 25 Twp 16N      Rge 03E      VALLEY County

**PLACE OF USE:** IRRIGATION

| Twp | Rge | Sec | NE |    |    |    | NW   |    |    |    | SW |    |    |    | SE |    |    |    | Totals |
|-----|-----|-----|----|----|----|----|------|----|----|----|----|----|----|----|----|----|----|----|--------|
|     |     |     | NE | NW | SW | SE | NE   | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE |        |
| 16N | 03E | 23  |    |    |    |    | 10.0 |    |    |    |    |    |    |    |    |    |    |    | 10.0   |

Total Acres: 10

**CONDITIONS OF APPROVAL**

1. Use of water under this water right will be regulated by the watermaster of State Water District No. 65, Payette River.
2. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.
3. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.0 afa per acre at the field headgate for irrigation of the lands above.
4. The period of use for the irrigation described in this approval may be extended to an ending date of 10/31 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water after 10/15 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date of this approval.
5. Approval of Transfer 68947 does not grant any right-of-way or easement for use of a delivery system owned by person(s) other than the right owner.

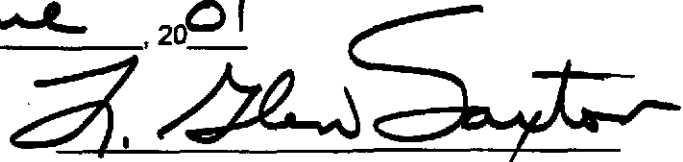
**WATER RIGHT NO. 65-22348**  
**As Modified by Transfer No. 68947**

**CONDITIONS OF APPROVAL**

6. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
7. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
8. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 5<sup>th</sup> day of June, 2001



Chief, Water Allocation Bureau

05/25/2001

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

RIGHT NUMBER: 65-22347

NAME AND ADDRESS: ESTATE OF MARGARET E KLEINT  
BOX 42  
DONNELLY, ID 83615

SOURCE: UNNAMED STREAMS      TRIBUTARY: NORTH FORK PAYETTE RIVER

QUANTITY: 0.8 CFS

THE QUANTITY OF WATER DECREED FOR THIS WATER  
RIGHT FOR DOMESTIC USE IS NOT A DETERMINATION OF  
HISTORICAL BENEFICIAL USE AND SHALL NOT EXCEED 13,000  
GALLONS PER DAY.

PRIORITY DATE: 03/29/1945

POINT OF DIVERSION: T16N R02E S12      NESE      Within VALLEY County  
T16N R02E S12      SESE      Within VALLEY County

PURPOSE AND  
PERIOD OF USE:

| <u>PURPOSE OF USE</u> | <u>PERIOD OF USE</u> | <u>QUANTITY</u> |
|-----------------------|----------------------|-----------------|
| IRRIGATION            | 04-15 10-15          | 0.80 CFS        |
| DOMESTIC              | 01-01 12-31          | 0.02 CFS        |

PLACE OF USE:

IRRIGATION Within VALLEY County  
T16N R03E S18      NWNW      20      T16N R03E S7      SWSW      10

DOMESTIC Use same as IRRIGATION

30 ACRES TOTAL

PLACE OF USE DESCRIBED ABOVE DOES NOT INCLUDE THE  
IRRIGATION OF FEDERAL LAND.

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.  
SOURCE IS KNOWN LOCALLY AS KLEINT CREEK.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

**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

Case No. 39576

Water Rights: 65-22347 & 65-22348

**NOTICE OF ADMINISTRATIVE  
PROCEEDING**

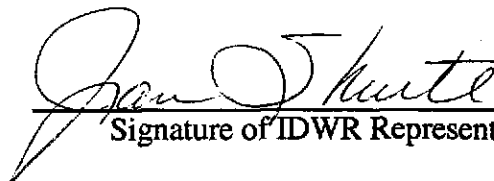
IDWR has received an application for an Administrative Proceeding for the above water right(s).

The Administrative Proceeding contemplates a change in the water right(s) as indicated below:

- ☐ Substitution of Party (waiting for documentation)
- ☐ Substitution of Party/Split Water Right
- ☒ Amended Transfer Pending

IDWR projects the Administrative Proceeding shall be completed not later than: June 6, 2002

Dated June 6, 2001

  
Signature of IDWR Representative

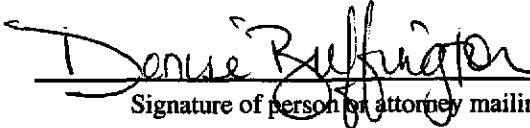
## INSTRUCTIONS FOR MAILING

Mail this form to the Clerk of the SRBA Court and to the parties identified in the Certificate of Mailing. **FAX filings will not be accepted by the SRBA Clerk of the Court.**

## CERTIFICATE OF MAILING

I certify that on June 6, 2001, 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  
P.O. Box 2707  
Twin Falls ID 83303-2707
2. One copy to Claimant:  
Estate of Margaret E Kleint  
PO Box 42  
Donnelly ID 83615  
  
Gretel M Kleint  
Paul R Kleint  
PO Box 42  
Donnelly ID 83615
3. One copy to:  
Each party in the subcase, or attorney of record:  
  
Paul R Kleint (Representative)  
PO Box 42  
Donnelly ID 83615

  
Signature of person or attorney mailing the form

Page 2 of 4

**WATER RIGHT NO. 65-22347**  
**As Modified by Transfer No. 68947**

In accordance with the approval of Transfer No. 68947, Water Right No. 65-22347 is now described as follows.

**Right Holder:** ESTATE OF MARGARET E KLEINT  
 BOX 42  
 DONNELLY ID 83615

**Priority Date:** 03/29/1945

**Source:** UNNAMED STREAMS **Tributary:** NORTH FORK PAYETTE RIVER

| <u>BENEFICIAL USE</u> | <u>From</u> | <u>To</u> | <u>Diversion Rate</u> | <u>Volume</u> |
|-----------------------|-------------|-----------|-----------------------|---------------|
| IRRIGATION            | 04/15       | 10/15     | 0.80 CFS              | 0.0 AF        |
| DOMESTIC              | 01/01       | 12/31     | 0.02 CFS              | 0.0 AF        |
|                       |             |           | 0.80 CFS              |               |

**LOCATION OF POINT(S) OF DIVERSION:**

UNNAMED STREAMS NESE Sec. 12 Twp 16N Rge 02E VALLEY County

UNNAMED STREAMS SESE Sec. 12 Twp 16N Rge 02E VALLEY County

**PLACE OF USE:** IRRIGATION

| Twp Rge Sec | NE                | NW                | SW                | SE                | Totals |
|-------------|-------------------|-------------------|-------------------|-------------------|--------|
| 16N 03E 7   | NE   NW   SW   SE | NE   NW   SW   SE | NE   NW   SW   SE | NE   NW   SW   SE | 10.0   |
| 16N 03E 18  |                   | 20.0              |                   |                   | 20.0   |

Total Acres: 30

**CONDITIONS OF APPROVAL**

- Source is known locally as Kleint Creek.
- The quantity of water decreed for this water right for domestic use is not a determination of historical beneficial use and shall not exceed 13,000 gallons per day.
- Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 27<sup>th</sup> day of April, 2001

*[Signature]*  
 Chief, Water Allocation Bureau

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

05/17/2001

RIGHT NUMBER: 65-22347

NAME AND ADDRESS: ESTATE OF MARGARET E KLEINT  
BOX 42  
DONNELLY, ID 83615

SOURCE: UNNAMED STREAMS TRIBUTARY: NORTH FORK PAYETTE RIVER

QUANTITY: 0.8 CFS

PRIORITY DATE: 03/29/1945

POINT OF DIVERSION: T16N R02E S12 NESE Within VALLEY County  
T16N R02E S12 SESE Within VALLEY County

PURPOSE AND  
PERIOD OF USE:

| PURPOSE OF USE | PERIOD OF USE | QUANTITY |
|----------------|---------------|----------|
| IRRIGATION     | 04-15 10-15   | 0.80 CFS |
| DOMESTIC       | 01-01 12-31   | 0.02 CFS |

PLACE OF USE:

IRRIGATION Within VALLEY County  
T16N R03E S18 NWNW 20 T16N R03E S7 SWSW 10  
DOMESTIC Use same as IRRIGATION  
30 ACRES TOTAL

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

Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

Source is known locally as Kleint Creek.

The quantity of water decreed for this water right for domestic use is not a determination of historical beneficial use and shall not exceed 13,000 gallons per day.

EXPLANATORY MATERIAL: BASIS OF CLAIM -

*Decreed  
limited to the W2 W2 SWSW*

Adjudication court at a point in time no later than the entry of the final unified decree.

The period of use for the irrigation described in this approval may be extended to an ending date of 10/31 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water after 10/15 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date of this approval.

Approval of Transfer 68947 does not grant any right-of-way or easement for use of a delivery system owned by person(s) other than the right owner.

EXPLANATORY MATERIAL: BASIS OF CLAIM - 

RECEIVED

APR 18 2001

Department of Water Resources

RECEIVED

MAY 10 2001

WATER RESOURCES  
WESTERN REGION

2001 APR 17 AM 11:08  
DISTRICT COURT - SRBA  
TWIN FALLS CO., IDAHO  
FILED

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 ) ORDER SETTING STATUS  
Case No. 39576 ) CONFERENCE  
\_\_\_\_\_ ) SUBCASE NO: 65-02276

*Kient*

Please be advised that Special Master THOMAS R CUSHMAN  
has set a Status Conference in the above subcase(s)  
as follows:

FRIDAY, MAY 18, 2001 at 11:00 AM

SRBA  
DISTRICT COURT  
253 3RD AVENUE NORTH  
TWIN FALLS, ID

Option: Parties may participate by phone if they contact the  
clerk at (208) 736-3011 prior to MAY 16, 2001.

IT IS SO ORDERED.

Dated: APRIL 17, 2001

/S/ THOMAS R CUSHMAN  
Special Master  
Snake River Basin Adjudication

DIRECTOR OF IDWR  
PO BOX 83720  
BOISE, ID 83720-0098

Page 1 4/17/01

CERTIFICATE OF MAILING

I Certify that a true and correct copy of the ORDER SETTING STATUS CONFERENCE was mailed on APRIL 17, 2001, with sufficient first-class postage to the following:

USDI BUREAU OF RECLAMATION

Represented by:

US DEPARTMENT OF JUSTICE

ENVIRONMENT & NATL' RESOURCES

550 WEST FORT STREET, MSC 033

BOISE, ID 83724

Phone: 208-387-0835

ESTATE OF MARGARET E KLEINT

PO BOX 42

DONNELLY, ID 83615

Phone: 208-325-8768

DIRECTOR OF IDWR

PO BOX 83720

BOISE, ID 83720-0098

Page 1 of 4

**STATE OF IDAHO**  
**DEPARTMENT OF WATER RESOURCES**  
**TRANSFER OF WATER RIGHT**  
**TRANSFER NO. 68947**

This is to certify that: PAUL R KLEINT  
 GRETEL M KLEINT  
 PO BOX 42  
 DONNELLY ID 83615

has requested a change to the water right(s) listed below. This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code. The authorized change for each affected water right, including conditions of approval, is shown on the following pages of this document. The right holder shall accomplish the authorized change within one (1) year of the date of this approval. Failure of the right holder to comply with the conditions of approval for each water right affected by this transfer is cause for the Director to rescind approval of all or part of the transfer.

**Summary of Water Rights Before the Proposed Change**

| Right   | Origin/Basis | Priority   | Rate  | Volume | Acres | Total | Source             |
|---------|--------------|------------|-------|--------|-------|-------|--------------------|
| 65-2276 | AJC/Decreed  | 03/29/1945 | 1 cfs |        | 40.0  | 40.0  | UNNAMED<br>STREAMS |

**Purpose of Transfer (Changes Proposed)**

| Current Number | Split | POD | POU | Add POD | Period of Use | Nature of Use |
|----------------|-------|-----|-----|---------|---------------|---------------|
| 65-2276        | YES   | YES | YES | NO      | NO            | NO            |

**Summary of Water Rights After the Approved Change**

| Existing Right | New No. (changed portion) | Transfer Rate | Transfer Volume | Acres Limit | Total Acres | New No. (remaining portion) | Remaining Rate | Remaining Volume | Remaining Acre Limit | Remaining Total Acres |
|----------------|---------------------------|---------------|-----------------|-------------|-------------|-----------------------------|----------------|------------------|----------------------|-----------------------|
| 65-2276        | 65-22348                  | 0.2 cfs       | 30 af           | 10.0        | 10.0        | 65-22347                    | 0.8 cfs        | N/A              | 30.0                 | 30.0                  |
| <b>TOTALS</b>  |                           | 0.2 cfs       | 30 af           | 10.0        | 10.0        |                             | N/A            | N/A              | N/A                  | N/A                   |

Detailed Water Right Description(s) attached

Dated this 27<sup>th</sup> day of April, 2001



Chief, Water Allocation Bureau

05/17/2001

IDAHO DEPARTMENT OF WATER RESOURCES  
Adjudication Recommended Right Report

WATER RIGHT NO. 65-2276

Owner Type                      Name and Address  
Current Owner                  ESTATE OF MARGARET E KLEINT  
                                         PO BOX 42  
                                         DONNELLY, ID 83615  
                                         (208)325-8768

Representative                PAUL R KLEINT  
                                         PO BOX 42  
                                         DONNELLY, ID 83615  
                                         (208)325-8768

Priority Date:            03/29/1945  
Basis:                    Decreed  
Status:                   Active

Source                                              Tributary to  
UNNAMED STREAMS                      NORTH FORK PAYETTE RIVER

| Beneficial Use | From | To    | Diversion Rate | Volume | Subuse Code |
|----------------|------|-------|----------------|--------|-------------|
| IRRIGATION     | 4/15 | 10/15 | 1 CFS          |        |             |
| DOMESTIC       | 1/01 | 12/31 | 0.02 CFS       |        |             |

Total Diversion                                              1 CFS

Location of Point(s) of Diversion:

|                 |      |         |              |           |               |
|-----------------|------|---------|--------------|-----------|---------------|
| UNNAMED STREAMS | NESE | Sec. 12 | Township 16N | Range 02E | VALLEY County |
| UNNAMED STREAMS | SESE | Sec. 12 | Township 16N | Range 02E | VALLEY County |

IRRIGATION Use:  
Acre Limit: 40

Place(s) of use:

Place of Use Legal Description: IRRIGATION                      VALLEY County

| Township | Range | Section | Lot | Tract | Acres | Lot | Tract | Acres | Lot | Tract | Acres | Lot | Tract | Acres |
|----------|-------|---------|-----|-------|-------|-----|-------|-------|-----|-------|-------|-----|-------|-------|
| 16N      | 03E   | 7       |     | SWSW  | 20    |     |       |       |     |       |       |     |       |       |
|          |       | 18      |     | NWNW  | 20    |     |       |       |     |       |       |     |       |       |

Place of Use Legal Description: DOMESTIC same as IRRIGATION

Total Acres: 40

Conditions of Approval:

1. N12 THE QUANTITY OF WATER UNDER THIS RIGHT FOR DOMESTIC USE SHALL NOT EXCEED 13,000 GALLONS PER DAY.
2. N10 THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR DOMESTIC USE IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.
3. 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.

Remarks:

1. Explanatory SOURCE IS ALSO KNOWN AS KLEINT CREEK.

Comments:

| Author   | Date    | Subject                | Comment                                                                                                                                                                                                                                                                                                                                                                                                       |
|----------|---------|------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| MSCHULTE | 8/9/99  | DELIVERY LOSS          | THE DIVERSION RATE IN EXCESS OF ONE INCH PER ACRE FOR THIS RIGHT IS FOR DELIVERY LOSS AS DECREED IN THE PAYETTE RIVER BASIN ADJUDICATION. COPIED FROM REMARKS POINT OF DIVERSION IN NENW, SEC 13, T16N, R3E, KNOWN AS KLEINT CK. WITH POINT OF INJECTION IN UNNAMED STREAM IN NWNE SECTION 13, T16N, R2E. THE MAJOR UNNAMED STREAM LISTED AS ONE OF THE SOURCES FOR THIS RIGHT IS ALSO KNOWN AS KLEINT CREEK. |
| AJU10-JS | 9/24/99 | AJU10 CONDITION UPDATE | CONDITION CODE(S) C18 ADDED IF NOT ALREADY PART OF RECORD THRU AJU10.                                                                                                                                                                                                                                                                                                                                         |

Dates:

Licensed Date:  
Claim Received Date: 11/10/1988  
Enlargement Use Priority Date:  
Enlargement Statute Priority Date:  
Decreed Date: 01/21/1986  
Date Filed with Court:  
Objection Filed Date: 4/13/00  
SF5 Filed:  
Special Master Recom Signed Date:

Element Reviewed/Verified Dates: No dates found

Other Information:

Receipt Number(s): X999999  
State or Federal: S  
Owner Name Connector: OR  
Water District Number: 65  
Generic Max Rate per Acre:  
Generic Max Volume per Acre:  
Civil Case Number:  
Old Case Number:  
Decree Plaintiff:  
Decree Defendant:  
PresumptionFlag:  
Notice of Error Flag: NONE RECEIVED  
Swan Falls Trust or Nontrust:  
Swan Falls Dismissed:  
DLE Act Number:  
Cary Act Number:  
Mitigation Plan: False  
Child Right(s): 65-22347 Transfer  
65-22348 Transfer



State of Idaho

**DEPARTMENT OF WATER RESOURCES**

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

FAX (208) 334-2348

DIRK KEMPTHORNE  
Governor

KARL J. DREHER  
Director

June 15, 2001

RE: Notice of Claim To A Water Right No. 65-22347

ESTATE OF MARGARET E KLEINT  
PO BOX 42  
DONNELLY ID 83615

Dear Claimant(s):

Enclosed is a copy of the Notice of Completed Administrative Procedure and pertinent water right(s) recently sent to the Snake River Basin Adjudication Court in Twin Falls. These documents are now required to be filed by the Department in order to notify the Court of any changes to your water right.

The change to your water right was a result of an approved transfer. This notification to the Court does not affect the previous approval of this transfer or your water right. You will be notified of any future action on your water right by the SRBA Court or Water Resources.

Please contact this office if you have any questions concerning this notification.

Sincerely,

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

Denise Buffington  
Office Specialist 1  
Adjudication Section  
Western Regional Office

JS:db

Enclosures

IDAHO DEPARTMENT OF WATER RESOURCES  
Adjudication Recommended Right Report

WATER RIGHT NO. 65-22347

|                   |                                                                              |
|-------------------|------------------------------------------------------------------------------|
| <u>Owner Type</u> | <u>Name and Address</u>                                                      |
| Current Owner     | ESTATE OF MARGARET E KLEINT<br>BOX 42<br>DONNELLY, ID 83615<br>(208)325-8768 |
| Representative    | PAUL R KLEINT<br>BOX 42<br>DONNELLY, ID 83615<br>(208)325-8768               |

Priority Date: 03/29/1945  
Basis: Decreed  
Status: Active

|                 |                          |
|-----------------|--------------------------|
| <u>Source</u>   | <u>Tributary to</u>      |
| UNNAMED STREAMS | NORTH FORK PAYETTE RIVER |

|                       |             |           |                       |               |                    |
|-----------------------|-------------|-----------|-----------------------|---------------|--------------------|
| <u>Beneficial Use</u> | <u>From</u> | <u>To</u> | <u>Diversion Rate</u> | <u>Volume</u> | <u>Subuse Code</u> |
| IRRIGATION            | 04/15       | 10/15     | 0.8 CFS               |               |                    |
| DOMESTIC              | 01/01       | 12/31     | 0.02 CFS              |               |                    |
| Total Diversion       |             |           | 0.8 CFS               |               |                    |

Location of Point(s) of Diversion:

|                 |      |         |              |           |               |
|-----------------|------|---------|--------------|-----------|---------------|
| UNNAMED STREAMS | NESE | Sec. 12 | Township 16N | Range 02E | VALLEY County |
| UNNAMED STREAMS | SESE | Sec. 12 | Township 16N | Range 02E | VALLEY County |

IRRIGATION Use:  
Acre Limit: 30

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          | 18             |            | NWNW         | 20           |            |              |              |            |              |              |            |              |              |
|                 |              | 7              |            | SWSW         | 10           |            |              |              |            |              |              |            |              |              |

Place of Use Legal Description: DOMESTIC same as IRRIGATION

Total Acres: 30

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.

Remarks:

1. General SOURCE IS KNOWN LOCALLY AS KLEINT CREEK.
2. General THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR DOMESTIC USE IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE AND SHALL NOT EXCEED 13,000 GALLONS PER DAY.
3. Place of Use - Irrigation PLACE OF USE DESCRIBED ABOVE DOES NOT INCLUDE THE IRRIGATION OF FEDERAL LAND.

Comments:

| <u>Author</u> | <u>Date</u>           | <u>Subject</u>       | <u>Comment</u>                               |
|---------------|-----------------------|----------------------|----------------------------------------------|
| TransferUser  | 4/27/01<br>1:33:52 PM | Approved<br>Transfer | This right is a result of approved transfer. |

Dates:

Licensed Date:  
Claim Received Date:  
Enlargement Use Priority Date:  
Enlargement Statute Priority Date:  
Decreed Date:  
Date Filed with Court:  
Objection Filed Date:  
SF5 Filed:  
Special Master Recom Signed Date:

Element Reviewed/Verified Dates:

| <u>Element</u> | <u>Last Review Date</u> | <u>Reviewer</u> | <u>Last Verified Date</u> | <u>Verifier</u> | <u>Status</u> |
|----------------|-------------------------|-----------------|---------------------------|-----------------|---------------|
| Priority Date  | 5/18/01 2:04:49 PM      | dbuffing        |                           |                 | In Process    |
| Summary        | 5/18/01 2:31:20 PM      | dbuffing        |                           |                 | In Process    |
|                | 5/18/01 2:04:38 PM      | dbuffing        |                           |                 | In Process    |

Other Information:

Receipt Number(s):  
State or Federal: S  
Owner Name Connector: And  
Water District Number: 65  
Generic Max Rate per Acre:  
Generic Max Volume per Acre:  
Civil Case Number:  
Old Case Number:  
Decree Plaintiff:

Decree Defendant:  
 PresumptionFlag:  
 Notice of Error Flag:  
 Swan Falls Trust or Nontrust:  
 Swan Falls Dismissed:  
 DLE Act Number:  
 Cary Act Number:  
 Mitigation Plan: False  
 Parent Right: 65-2276                      Transfer

Verification Log:

| <u>Element</u> | <u>Date Time Stamp</u> | <u>Reviewer</u> | <u>Log Text</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
|----------------|------------------------|-----------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Priority Date  | 5/18/01 2:04:47 PM     | dbuffing        | 1. (YES) There has been a later court decree of the water right(s) from the water source.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| Summary        | 5/18/01 2:31:18 PM     | dbuffing        | 5. (YES) General remark was required.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| Summary        | 5/18/01 2:04:36 PM     | dbuffing        | 1. (NO) The basis of the claim is not beneficial use.<br>3. (NO) There is no indication that there has been a five year period of continuous nonuse that could result in a recommendation of forfeiture or partial forfeiture.<br>5. (YES) General remark was required.<br>6. (NO) Explanatory remark was not required.<br>7. (NO) Additional condition was not required.<br>8. (YES) Wanted to view the recommended right.<br>9. (NO) This is not a split right.<br>10. (NO) This is not a combined right.<br>11. (NO) Documents were not linked or attached to this file.<br>12. (NO) Did not set the verification date. |



State of Idaho

## DEPARTMENT OF WATER RESOURCES

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

May 25, 2001

DIRK KEMPTHORNE  
Governor

KARL J. DREHER  
Director

RE: Notice of Claim To A Water Right No. 65-02276

Renumbered to Water Right Nos. 65-22347 & 65-22348

PAUL R KLEINT  
GRETEL M KLEINT  
ESTATE OF MARGARET  
PO BOX 42  
DONNELLY ID 83615

Dear Claimants:

Enclosed are copies of the Notice of Completed Administrative Procedure and pertinent water right(s) recently sent to the Snake River Basin Adjudication Court in Twin Falls. These documents are now required to be filed by the Department in order to notify the Court of any changes to your water right.

The change to your water right was a result of an approved transfer, and split of the original water right. This notification to the Court does not affect the previous approval of this transfer or your water right. You will be notified of any future action on your water right by the SRBA Court or Water Resources.

Please contact this office if you have any questions concerning this notification.

Sincerely,

Denise Buffington  
Office Specialist I  
Adjudication Section  
Western Regional Office

JS:db

Enclosures