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Documents

In File

DISTRICT COURT-SRBA
Fifth Judicial District
County of Twin Falls - State of Idaho

MAR 25 2003

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 65-22348

By _____ Clerk
Deputy Clerk

NAME AND ADDRESS: PAUL R & GRETEL M KLEINT
PO BOX 42
DONNELLY, ID 83615

SOURCE: GOLD FORK RIVER TRIBUTARY: CASCADE RESERVOIR

QUANTITY: 0.20 CFS
30.00 AFY

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.

PRIORITY DATE: 04/27/2001

POINT OF DIVERSION: T16N R03E S25 NWNW Within Valley County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	irrigation	04-15 TO 10-15	0.20 CFS 30.00 AFY

PLACE OF USE: Irrigation Within Valley County
T16N R03E S23 NENW 10.0
10.0 Acres Total

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

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. 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

RECOMMENDATION

MAR 25 2003

SPECIAL MASTER

06/14/2001

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

RIGHT NUMBER: 65-22348

NAME AND ADDRESS: GRETEL M KLEINT
PAUL R KLEINT
PO BOX 42
DONNELLY, ID 83615

SOURCE: GOLD FORK RIVER TRIBUTARY: CASCADE RESERVOIR

QUANTITY: 0.2 CFS
30 AFY

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.

PRIORITY DATE: 04/27/2001

POINT OF DIVERSION: T16N R03E S25 NWNWNW 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	0.20 CFS 30.00 AFY

PLACE OF USE:

IRRIGATION Within VALLEY County
T16N R03E S23 NENW 10

10 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.

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)

Water Rights: 65-22347 & 65-22348

Case No. 39576)

NOTICE OF COMPLETED
ADMINISTRATIVE
PROCEEDING

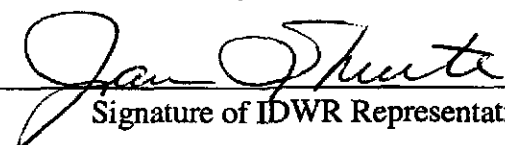
IDWR has completed the following administrative proceeding:

- ☐ 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

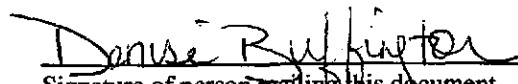
3. Copies to all parties to the subcase:

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

RECEIVED

JUN 08 2001

WATER RESOURCES
WESTERN REGION

AMENDED

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

AMENDED

This is to certify that: PAUL R KLEINT
GRETTEL 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 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
TOTALS		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

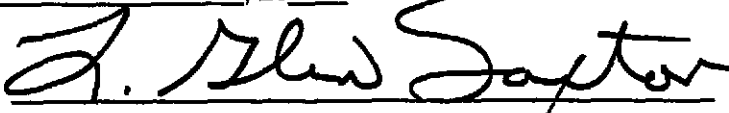
5th

day of

June

20

01



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

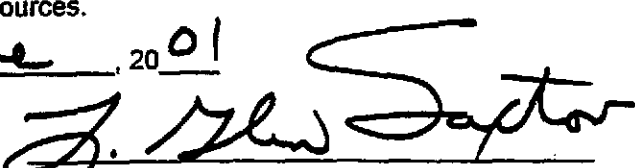
Total Acres: 30

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 5th 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	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.

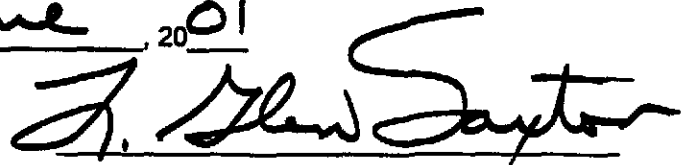
WATER RIGHT NO. 65-22348
As Modified by Transfer No. 68947

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 5th 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: 65-22348

NAME AND ADDRESS: GRETEL M KLEINT
PAUL R KLEINT
PO BOX 42
DONNELLY, ID 83615

SOURCE: GOLD FORK RIVER TRIBUTARY: CASCADE RESERVOIR

QUANTITY: 0.2 CFS
30 AFY

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.

PRIORITY DATE: 03/29/1945

THE PRIORITY DATE OF THIS RIGHT IS ADVANCED TO THE
DATE OF APPROVAL OF THIS TRANSFER AND SHALL BE JUNIOR
TO ALL EXISTING WATER RIGHTS IN USE AT THE TIME OF SAID
APPROVAL.

POINT OF DIVERSION: T16N R03E NWN Within VALLEY County
S25 WNW

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04-15 10-15	0.20 CFS 30.00 AFY

PLACE OF USE:

IRRIGATION Within VALLEY County
T16N R03E S23 NENW 10

10 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.

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**

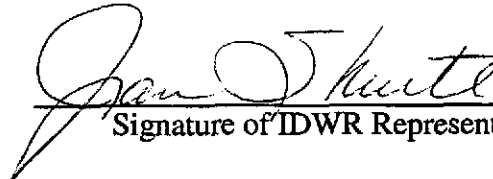
IDWR has received an application for an Administrative Proceeding for the above water right(s).

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 3 of 4

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: 03/29/1945

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	10/15	0.20 CFS	30.0 AF
			0.20 CFS	30.0 AF

LOCATION OF POINT(S) OF DIVERSION:
 GOLD FORK RIVER NW NW NW 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

- The priority date of this right is advanced to the date of approval of this transfer and shall be junior to all existing water rights in use at the time of said approval.
- Use of water under this water right will be regulated by the watermaster of State Water District No. 65, Payette River.
- 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.
- 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.
- 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.

General
del.
del.
del.
del.
del.

Page 4 of 4

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

CONDITIONS OF APPROVAL

- del
del
del
6. 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.

The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.

8. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

- C18
9. Pursuant to Section 42-1412(8), 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 day of April, 2001


Chief, Water Allocation Bureau

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

05/17/2001

RIGHT NUMBER: 65-22348

NAME AND ADDRESS: GRETTEL M KLEINT
PAUL R KLEINT
PO BOX 42
DONNELLY, ID 83615

SOURCE: GOLD FORK RIVER TRIBUTARY: CASCADE RESERVOIR

QUANTITY: 0.2 CFS
30 AFY

PRIORITY DATE: 03/29/1945

POINT OF DIVERSION: T16N R03E S25 NWNWNW 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	0.20 CFS 30.00 AFY

PLACE OF USE:

IRRIGATION Within VALLEY County
T16N R03E S23 NENW 10

10 ACRES TOTAL

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

Use of water under this water right will be regulated by the watermaster of State Water District No. 65, Payette River.

The priority date of this right is advanced to the date of approval of this transfer and shall be junior to all existing water rights in use at the time of said approval.

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.

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.

The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.

Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

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

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APR 19 2001

Department of Water Resources

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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

Klient

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 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
TOTALS		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 27th day of

April, 2001

[Signature]
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

<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	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

<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	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. 65-22348

PAUL R KLEINT
GRETEL M 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 I
Adjudication Section
Western Regional Office

JS:db

Enclosures

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommended Right Report

WATER RIGHT NO. 65-22348

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	GRETEL M KLEINT
Current Owner	PAUL R KLEINT
	PO BOX 42
	DONNELLY, ID 83615
	(208)325-8768

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

<u>Source</u>	<u>Tributary to</u>
GOLD FORK RIVER	CASCADE RESERVOIR

<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	0.2 CFS	30 AFA	
Total Diversion			0.2 CFS	30 AFA	

Location of Point(s) of Diversion:

GOLD FORK RIVER NWNWNW Sec. 25 Township 16N Range 03E VALLEY County

IRRIGATION Use:
Acre Limit: 10

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	23		NENW	10									

Total Acres: 10

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. T03 THE PRIORITY DATE OF THIS RIGHT IS ADVANCED TO THE DATE OF APPROVAL OF THIS

TRANSFER AND SHALL BE JUNIOR TO ALL EXISTING WATER RIGHTS IN USE AT THE TIME OF SAID APPROVAL.

3. R62 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.

Remarks:

1. 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 1:33:55 PM	Approved 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>
Summary	5/18/01 2:22:24 PM	dubuffing			In Process

Other Information:

Receipt Number(s):
State or Federal: S
Owner Name Connector: Or
Water District Number: 65
Generic Max Rate per Acre: 0.02
Generic Max Volume per Acre: 3
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>
Summary	5/18/01 2:22:21 PM	dbuffing	1. (NO) The basis of the claim is not beneficial use. 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. 5. (NO) General remark was not required. 6. (NO) Explanatory remark was not required. 7. (YES) Additional condition was required. 8. (YES) Wanted to view the recommended right. 9. (NO) This is not a split right. 10. (NO) This is not a combined right. 11. (NO) Documents were not linked or attached to this file. 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