

12/21/2004

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

RIGHT NUMBER: 79-7064

NAME AND ADDRESS: FRED HOPP
10355 SE FOSTER RD
PORTLAND OR 97266

SOURCE: SPRING

TRIBUTARY: SLATE CREEK

QUANTITY: 0.020 CFS
0.600 AFY

PRIORITY DATE: 06/06/1979

POINT OF DIVERSION:

T27N R02E S33 NESESW Within IDAHO County

PURPOSE AND

PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

DOMESTIC

01/01 12/31

0.020 CFS
0.60 AFY

PLACE OF USE: DOMESTIC Within IDAHO County

T27N R02E S33 SESW

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: License

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 79-07064

Priority: June 6, 1979 Amount: 0.02 CFS 0.6 AFA

This is to certify, that JAMES A. KLAUS

HC 01 BOX 58

WHITE BIRD, ID 83554

has complied with the terms and conditions of the permit issued pursuant to Application for Permit dated June 6, 1979, and has submitted proof to the Department of Water Resources on November 4, 1981, that water has been applied to a beneficial use; an examination by the Department indicates that the works have a diversion capacity of .020 cfs of water from:

SPRING tributary to SLATE CREEK

source and that a water right has been established as follow:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>VOLUME</u>
DOMESTIC	01/01 to 12/31	0.02 CFS	0.6 AFA

LOCATION OF POINT OF DIVERSION(S): NESESW, Sec. 33, Township 27N, Range 02E
IDAHO County

PLACE OF USE: DOMESTIC

TWN RGE SEC

27N 02E 33 SESW

CONDITIONS/REMARKS:

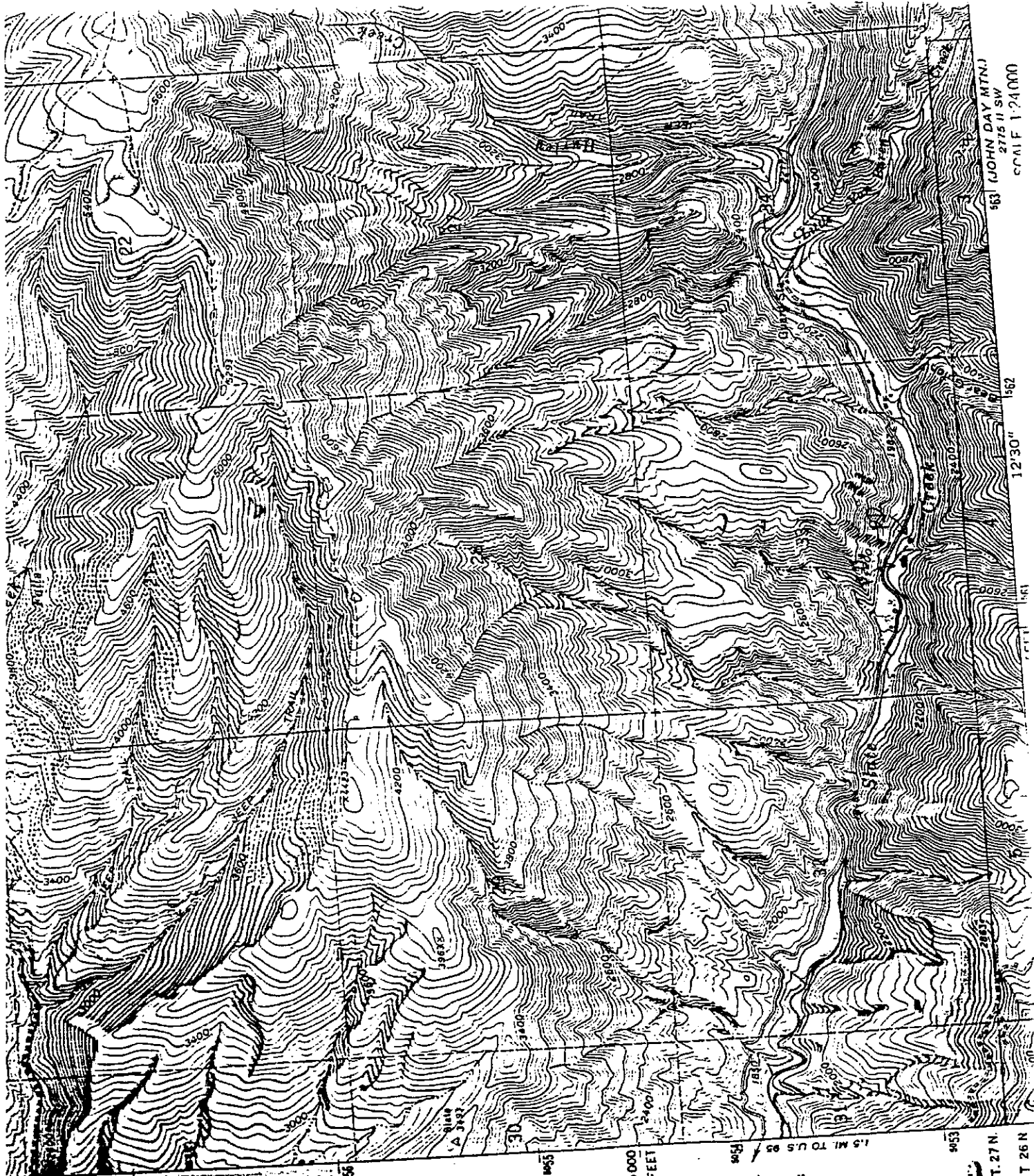
1. The right to the use of water hereby confirmed is limited to the amount which can actually be beneficially used and is restricted and appurtenant to the lands or place of use and to the purpose herein described, as provided by the laws of Idaho.
2. This right is subject to all prior water rights and may be forfeited by five years of non-use.
3. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. Witness the seal and signature of the Director, affixed at Boise, this 13th day of June, 1988.

MICROFILMED

JUL 08 1988

Director



JOHN DAY MTN.
2775 ft SW
SCALE 1:24,000

12°30'

141

141

141

141

1480000
FEET

1.5 MI TO U.S. 95

79-2064

JUL 08 1988

T. 27 N

T. 26 N

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

A. GENERAL INFORMATION

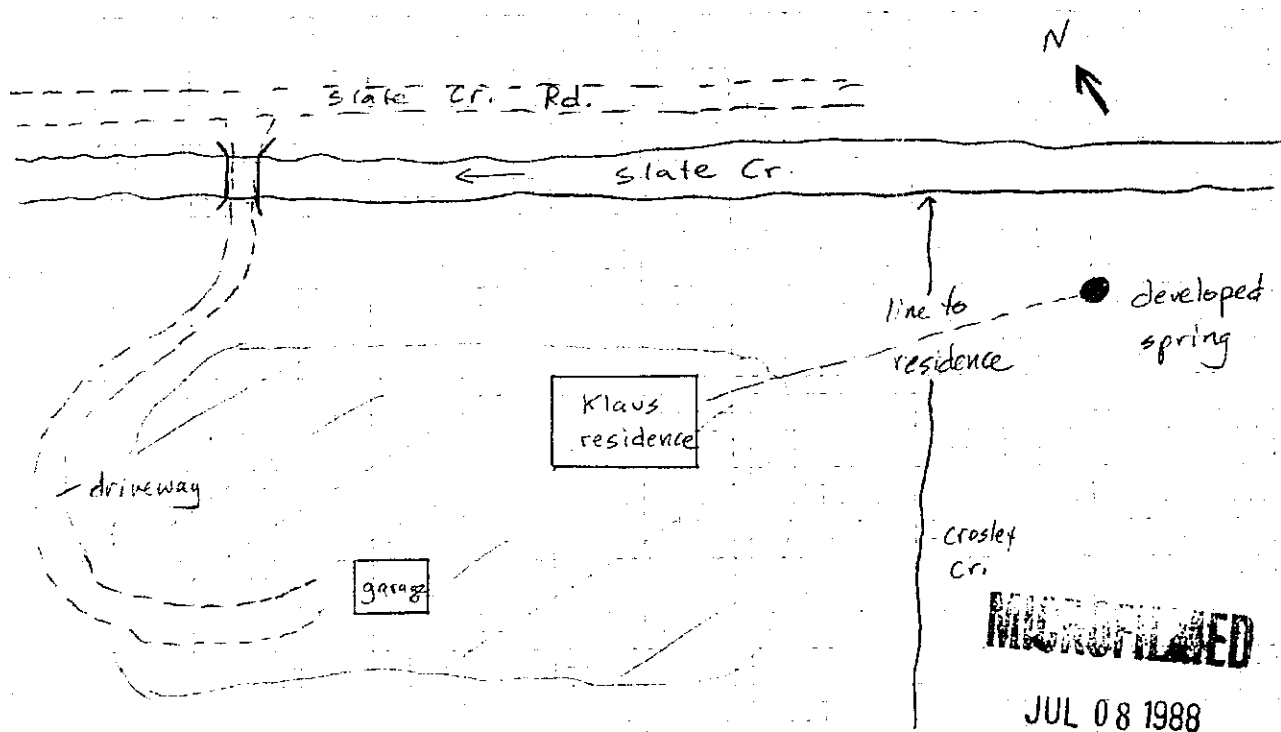
Permit No. 79-7064
Phone No. 839-2291
Current Address: HC 01 Box 58, Whitebird, ID 83554
1. Owner: James A. Klaus
2. Accompanied by: owner EXAM. DATE: 8/27/87
Address: _____ Phone No. _____
Relationship to Permit Holder: _____
3. Source: spring tributary to slate Cr.

B. OVERLAP REVIEW

1. Other water rights with same place of use: none for domestic use.
79-7068 : irrigation of land around house ☐ Copies Attached
2. Other water rights with same point of diversion: none for spring
☐ Copies Attached ☐ Copies of Field Exam's Attached

C. SYSTEM DESCRIPTION

1. **Diversion System Diagram:** Indicate all major components and distances between components. Indicate weir size/ditch size/pipe i.d. as applicable. ☐ Alternative diagram attached



Scale: 1" = not to scale

2. ☒ Copy of U.S.G.S. Quadrangle Attached
Showing location(s) of point(s) of diversion and
place(s) of use (required). ☐ Aerial Photo Attached
☒ Photo of Diversion and System Attached
(required for all but single household domestic groundwater, and stockwater.)
(required for irrigation of 10 acres or more.)

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: A79-07064
Date Received: 7/20/1988
Receipt No: W000524
Received By: RW

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: JAMES A. KLAUS
Address: HC 01 BOX 58
WHITE BIRD, ID 83554
AND/OR
Name: ELLA M. KLAUS
Address: HC 01 BOX 58
WHITE BIRD, ID 83554
2. Date of Priority: JUN 06, 1979
3. Source: SPRING Trib. to: SLATE CREEK
4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
27N	02E	33	NE	SE	SW		IDAHO
5. Description of diverting works:
PERFORATED CULVERT IN SPRING W/1HP PUMP AND PRES.TANK.
6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
DOMESTIC	01/01	12/31	0.040		
7. Total Quantity Appropriated is:
0.040 C.F.S. (and/or) ^{RW} ~~0.040~~ A.F.A.
8. Total consumptive use is Acre Feet Per Annum.
9. Non-irrigation uses:
DOMESTIC FOR ONE HOUSEHOLD

10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
27N	02E	33	SE SW		DOMEST	

11. Place of use in counties: IDAHO

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

13. Other Water Rights Used:
NONE

14. Remarks:

WR LICENSE #79-07064 WAS APPROVED FOR .02 CFS., .60 AFA.
W/PRIORITY OF 6/6/79. FOR DOMESTIC USE.

15. Basis of Claim: LICENSE

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): _____ Date: _____
_____ Date: _____

State of Idaho)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this _____ day
of _____ 19 _____

Notary Public

Seal

Residing at _____
My Commission Expires _____

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 A 79-07064Date Received 5/19/1988Receipt Number W000524 PW

NOTICE OF CLAIM
TO A
WATER RIGHT

ACQUIRED UNDER STATE LAW

For Domestic and/or Stockwater Purposes

Where Daily Use is less than 13,000 gallons per day. Filing fee \$25 Western Regional Office

RECEIVED

JUL 20 1988

Please type or print clearly

AND/OR

- Name of Claimant (s) JAMES A. ~~ELLA~~ M. KLAUS Phone (208) 839-2291
Mailing Address HCO1 BOX 58 WHITE BIRD IDAHO Zip 83554
- Date of Priority (Only one (1) per claim) June 6, 1979 (DATE APPL. FOR PERMIT APPROVED) 13 JULY 1979 (# 79-7064)
- Source of water supply (a) SPRING
which is tributary to (b) SLATE CREEK
- Location of point of diversion is: Township 27 N Range 2 E
Section 33 NE SW 1/4 of SW 1/4 of SW 1/4, Govt. Lot _____, B.M.,
County of IDAHO
Additional points of diversion if any: NONE
- Description of existing diversion works (Ditches, Wells, Pumps, Pipelines, Headgate Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well. 7 FT X 30" DIAM. PERFORATED
CULVERT IS INSERTED IN SPRING WITH 1HP PUMP (ELEC.) AND
PRESSURE TANK ALL INCLOSED IN SMALL PUMP HOUSE. 1" SCHEDULE 40 PIPE
TO HOUSE.
- Water is claimed for the following: (Limited to Domestic and/or Stockwater only. See Instructions)
(Both dates are inclusive) (cfs)
For DOMESTIC purposes from 1/1 to 12/31 amount .04 CFS
For _____ purposes from _____ to _____ amount _____
- Total quantity claimed .04 (cfs)
- Total consumptive use claimed is de minimus
- Non-irrigation uses. Describe fully. (Domestic: give number of households served; Stockwater: Type and number of livestock) DOMESTIC FOR ONE HOUSEHOLD

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OCT 06 1992

10. Place a "D" for domestic and "S" for stockwater use in the corresponding place of use below.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4			
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4
21N	2E	33												D				

11. In which county (ies) are lands listed above as place of use located? IDAHO

12. Do you own the property listed above as place of use? Yes ☒ No ☐
If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above.

14. Remarks: WE HAVE A 2ND WATER RIGHT IN THE SAME LEGAL PROPERTY AS DESCRIBED IN #10, ABOVE BUT DIFFERENT SOURCE & DIFFERENT USE.

15. Basis of Claim (check one) Beneficial Use ☒ Posted Notice ☐ License ☐ Permit ☒ (APPLICATION)
Decree ☐

If applicable provide IDWR Water Right Number # 79-7064 (APPLICATION FOR PERMIT APPROVED 13 JUL 79)

Court ☐ Case Number ☐ Decree Date ☐

Plaintiff vs 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 pay a small annual fee for monthly copies of the docket sheet.

Number of attachments ☐

For Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant (s) [Signature] Date 5-19-88

Date ☐

For Organizations: I do solemnly swear or affirm that I am ☐

of ☐ Title ☐
Organization ☐ , that I have signed the foregoing

document in the space below as ☐ of ☐
Title ☐ Organization ☐

and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent ☐

Title and Organization ☐ Date ☐

State of Idaho/or ☐)
County of Idaho) SS.

Subscribed and sworn (or affirmed) before me this 19th day of May 19 88

SEAL

Notary Public [Signature]

Residing at Eagle, Id

My Commission Expires 3-MICROFILMED

Last Name KLAUS Ident No. A79-07064

Copies White Star Yellow-Claimant
OCT 06 1992

CONVERSATION MEMORANDUM

DATE July 22, 1988FILE A79-07064NAME OF PARTY Klaus, James A.EMPLOYEE Rob WhitneyRE: Adjudication (SRBA) Claims Filed July 20, 1988.

Per telephone conversation on 7-22-88
w/Mr. Klaus in reference to an error in the
priority date on Claim # A79-07064. Mr. Klaus
was made aware of this error and asked if
I would change the priority date from
July 13, 79 to June 6, 79. Correction was made
and initiated (RW).

Mr. Klaus also asked about an application
he submitted for an irrigation permit on
a well located on some recently purchased
property. He said the well had been put in
in the early 70's or late 60's probably not
before 1963. Mr. Klaus said a man named
John Noise from IDWR told him he
would expedite his app. for a permit so he
could file a SRBA claim on said well.

My instructions were that it was
~~good~~ right to file an app. for a permit
but he wouldn't have to file an SRBA claim
on that well in the near future.

RBW

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