

79-4097A

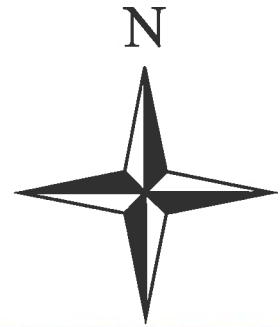
T28N R1E Section 12



Place of Use



Point of Diversion



12/02/2005

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

RIGHT NUMBER: 79-4097A
NAME AND ADDRESS: TONY C CARLSON
PO BOX 88
WHITE BIRD ID 83554

JANE H CARLSON
PO BOX 88
WHITE BIRD ID 83554

SOURCE: WHITE BIRD CREEK TRIBUTARY: SALMON RIVER
QUANTITY: 0.170 CFS
PRIORITY DATE: 01/01/1892
POINT OF DIVERSION:

T28N R01E S12 NENE Within IDAHO County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
STOCKWATER	01/01 12/31	0.020 CFS
IRRIGATION	03/15 10/31	0.150 CFS

PLACE OF USE: IRRIGATION Within IDAHO County

T28N R01E S12	NENE	0.5	T28N R01E S12	SWNE	4.6
T28N R01E S12	SENE	2.4			

STOCKWATER same as IRRIGATION

7.5 ACRES TOTAL

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

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM -Beneficial Use

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 79-4097A
Date Received: 7/25/1988
Receipt No: X999999
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

TONY C CARLSON
PO BOX 88
WHITE BIRD ID USA 83554

Phone: (208) 839-2625

JANE CARLSON
PO BOX 88
WHITE BIRD ID USA 83554

Phone: (208) 839-2625

2. Date of Priority: 01/01/1892

3. Source: WHITE BIRD CREEK Trib. to: SALMON RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
28N	01E	12	NE NE	IDAHO	

5. Description of diverting works:

ROCK DAM

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	5/01	10/15	0.28	
STOCKWATER	1/01	12/31	0.02	

7. Total Quantity Appropriated is:
0.28 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4	of 1/4	Lot	Use	Acres
28N	01E	12	NW	NE		IRRIGATION	2
			SW	NE		IRRIGATION	3
			NE	NE		IRRIGATION	9
						Section Acres	14
						Total Acres	14

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:

14. Remarks:

Ownership changed by DH 6/28/2002

STOCKWATER FOR 1200 SHEEP PRIORITY 1892 ACCORDING TO FEDERAL LAND BANK RECORDS.
THIS IS BASED ON CLAIM TO WATER RIGHT 79-04097 FILED BY THE H. M. HAGEN ESTATE.

THIS CLAIM IS A RESULT OF APPROVED TRANSFER NO. 4644, FEE PAID UNDER RECEIPT NO.
N0000743. KW 12/4/1995 OWNERSHIP CHANGED 4-30-96. JS INSTREAM STOCKWATER FOR 200
HEAD IMPLIED PER CLAIMANT.

15. Basis of Claim: Statutory Claim

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 79-4097A

WATER RIGHT NUMBER: 79-4097A

OK to change info!!

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	JUDY KLAPPRICH RT 3 BOX 106 COTTONWOOD, ID 83522 (208)962-3190
Original Owner	ANDREW L DAHLQUIST PO BOX 54 WHITE BIRD, ID 83554 (208)839-2249
Current Owner	DAVID KLAPPRICH RT 3 BOX 106 COTTONWOOD, ID 83522 (208)962-3190
Current Owner	BILEJO KLAPPRICH RT 3 BOX 106 COTTONWOOD, ID 83522 (208)962-3190

Priority Date: 01/01/1892

Basis: Statutory Claim

Status: Active

Source

WHITE BIRD CREEK

Tributary

SALMON RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
STOCKWATER	1/01 to 12/31	0.020 CFS	
IRRIGATION	5/01 to 10/15	0.280 CFS	
	<u>Total Diversion:</u>	0.280 CFS	

Location of Point(s) of Diversion

WHITE BIRD CREEK

NE1/4NE1/4

Sec. 12, Twp 28N, Rge 01E, B.M.

IDAHO County

Place of UseIRRIGATION Within IDAHO CountyT28N R01E S12 NENE 9.0T28N R01E S12 SWNE 3.0

Total Acres: 14

T28N R01E S12 NWNE 2.0STOCKWATER same as IRRIGATIONConditions of Approval:Remarks:

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 79-4097A

1. General STOCKWATER FOR 1200 SHEEP PRIORITY 1892 ACCORDING TO FEDERAL LAND BANK RECORDS. THIS IS BASED ON CLAIM TO WATER RIGHT 79-04097 FILED BY THE H. M. HAGEN ESTATE.
THIS CLAIM IS A RESULT OF APPROVED TRANSFER NO. 4644, FEE PAID UNDER RECEIPT NO. N0000743. KW 12/4/1995 OWNERSHIP CHANGED 4-30-96. JS INSTREAM STOCKWATER FOR 200 HEAD IMPLIED PER CLAIMANT.

Comments:Dates and Other Information:

Claim Received Date: A
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
State or Federal:
Owner Name Connector: 0
Water District Number:
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Swan Falls Trust or Nontrust: False
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: AND

RECEIVED

JUL 20 2001

WATER RESOURCES
WESTERN REGIONSTATE OF IDAHO
IDAHO DEPARTMENT OF WATER RESOURCES

RECEIVED

JUL 11 2001

NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP
Department of Water ResourcesPlease 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).:

① A79-04097A ② A79-10200 P.O. 12/29/00

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 for parcel of ten acres or less. (These are usually attached to your deed or on file with the county.)

OR

C. For water rights or adjudication claims involving ten or more irrigated acres, a USDA Farm Service Agency AERIAL PHOTO with irrigated acres outlined and point(s) of diversion clearly marked.

3. Name and Address of Former
Owner/ClaimantJudy Klapprich
Rt 3 Box 106 Cottonwood ID 8355

4. New Owner/Claimant(s)

Tony C. Carlson and Jane H. Carlson

New Mailing Address

Name Connector (Check one): [] and, [] or, [] and/or
P.O. Box 88 White Bird ID 83554

City, State and ZIP Code _____

New Telephone Number

(208) 839 2625

5. Date you acquired the property

July 5, 2001

6. If you have acquired only a portion of the former owner's property, IDWR may need to split the water right(s) or adjudication claim(s). If this applies, describe in detail your portion of each water right or adjudication claim in the spaces below. If necessary, attach additional pages.

Number of acres you irrigate _____ Number and type of stock _____

Diversion rate in CFS _____ Number of homes _____ Other uses _____

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.

7. Signature of New Owner
or Claimant(s)Tony C. CarlsonJane H. Carlson

(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..

417591

WARRANTY DEED

COMPUTER
INDEXED
SCANNED

FOR VALUE RECEIVED, JUDY KLAPPRICH-UHLENKOTT, a married woman, dealing with her sole and separate property, but joined by her husband, LLOYD UHLENKOTT, without warranty, of Rt. 3, Box 106, Cottonwood, Idaho 83522, as GRANTORS, do hereby grant, bargain, sell and convey, unto TONY C. CARLSON and JANE H. CARLSON, husband and wife of P.O. Box 88, Whitebird, Idaho 83554, as GRANTEES, the following described premises, situate in Idaho County, Idaho, to-wit:

(For legal description, see Exhibit "A", attached hereto and made a part hereof.)
SUBJECT TO easements and encumbrances of record or as in existence as listed in a standard title policy.

TO HAVE AND TO HOLD the premises, with their appurtenances unto the GRANTEES, their agents and assigns forever, and the GRANTORS do hereby covenant to and with the GRANTEES that the GRANTORS are the owners in fee simple of the premises; that the premises is free from all encumbrances, except as noted above, that they will warrant and defend the same from all lawful claims whatsoever.

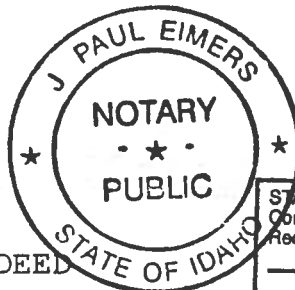
DATED this 5th day of July, 2001.

Judy Klapprich Uhlenkott
JUDY KLAPPRICH-UHLENKOTT

Lloyd Uhlenkott
LLOYD UHLENKOTT

STATE OF IDAHO) ss.
County of Idaho)

On this 5th day of July, 2001, before me a Notary Public, in and for the said state, personally appeared JUDY KLAPPRICH-UHLENKOTT and LLOYD UHLENKOTT, known or identified to me (or proved to me on oath of _____) to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the same.



J. Paul Eimers
Notary Public, State of Idaho
Residing at Emeryville, therein.
Commission expires: 6/24/05.

WARRANTY DEED

STATE of IDAHO	
County of Idaho	
Recorded at request of	
IDAHO COUNTY TITLE CO.	
at 12:05 P.m. on 7-5-01	
ROSE E. GEHRING	
By <u>Lynn B. Bell</u>	Recorder
Fees \$ <u>16.00</u>	Deputy

m/pk

Michael P. Wasko
Attorney at Law
Cottonwood, Idaho

EXHIBIT "A"

Township 28 North, Range 1 E.B.M., Idaho County, Idaho
Sec 12: NE1/4NE1/4, NW1/4NE1/4 lying East of Old Highway
#95

ALSO including that portion of the following Tax #73
lying Southerly and Easterly of Old Highway 95 Right of
Way described as beginning at a point 20 chains South of
the NE corner of the NW1/4NE1/4 of said Section 12;
thence South 669 feet to the middle of channel of White
Bird Creek;

thence S.70°45'W., 445 feet;
thence N.23°10'W., 411.7 feet;
thence S.55°35'W., 95.51 feet;
thence S.64°30'W., 340.1 feet;
thence S.78°01'W., 273.27 feet;
thence S.87°39'W., 188.74 feet;
thence N.47°37'W., 143.46 feet to the forks of the road;
thence N.32°24'E., 279.93 feet;
thence N.37°57'E., 299.59 feet;
thence N.43°33'E., 436.98 feet;
thence N.30°10'E., 467.59 feet;
thence N.4°12'E., 96.76 feet;
thence N.7°37'E., 575.5 feet to a point 759 feet East and
78.75 feet South of the NW corner of Section 12;
thence South parallel to West line of NW1/4NE1/4 of
Section 12, 1240.5 feet to the North line of SW1/4NE1/4
of Section 12;
thence East on said subdivision 561 feet to the Place of
Beginning.

SE1/4NE1/4 EXCEPT Tax #14 described as: Beginning at the
SW corner of the SE1/4NE1/4 Section 12;
thence N.00°04'E., 610 feet;
thence N.61°51'E., 1497.4 feet to the NE corner of
SE1/4NE1/4 of said Section;
thence South along the Section line 1320 feet;
thence N.89°54'W., 1319 feet to the Place of Beginning.

SUBJECT TO the Scenic Easement Deed, including the terms
and conditions thereof, by and between HARRY M. HAGEN and
MYRTLE E. HAGEN, husband and wife, and BERNICE McPHERSON
and A.J. McPHERSON, husband and wife, Grantors, and THE
UNITED STATES OF AMERICA, recorded October 24, 1969,
under Instrument #235690, records of Idaho County, Idaho.

WARRANTY DEED

Michael P. Wasko
Attorney at Law
Cottonwood, Idaho

28

WOSLUM
Et ux

USA

RICHARD T
ANDERSON

~~JUDY KLAPPRICH~~

USA

TAX 62

1.2

61-22-1729-10





DENNIS
HARVEY

5
CUBA
E4

T28N R1E

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: **A79-04097A**
Date Received: 7/25/1988
Receipt No: X777777
Received By: _____

**NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW**

1. Name: JUDY KLAPPRICH 208-962-3190
Address: ROUTE 3 BOX 106
COTTONWOOD ID 83522
AND/OR
Name: DAVID KLAPPRICH 208-962-3190
Address: ROUTE 3 BOX 106
COTTONWOOD ID 83522
AND/OR
Name: BILEJO KLAPPRICH 208-962-3190
Address: ROUTE 3 BOX 106
COTTONWOOD ID 83522

2. Date of Priority: JAN 1, 1892

3. Source: WHITE BIRD CREEK Trib. to: SALMON RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
28N	01E	12	NE	NE			IDAHO

5. Description of diverting works:
ROCK DAM

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	05/01	10/15	0.280		
STOCKWATER	01/01	12/31	0.020		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
STOCKWATER, 200 HD CATTLE.

10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
28N	01E	12	NE		NE		IRR	9.0
			NW		NE		IRR	2.0
			SW		NE		IRR	3.0
Section Acres								14.0
Total Acres								14.0

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:

STOCKWATER FOR 1200 SHEEP PRIORITY 1892 ACCORDING TO FEDERAL LAND BANK RECORDS. THIS IS BASED ON CLAIM TO WATER RIGHT 79-04097 FILED BY THE H. M. HAGEN ESTATE.

THIS CLAIM IS A RESULT OF APPROVED TRANSFER NO. 4644, FEE PAID UNDER RECEIPT NO. N0000743. KW 12/4/1995
OWNERSHIP CHANGED 4-30-96. JS
INSTREAM STOCKWATER FOR 200 HEAD IMPLIED PER CLAIMANT.

15. Basis of Claim: STATUTORY CLAIM

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)
) SS.
County of _____)

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

Notary Public

Seal

Residing at _____

My Commission Expires _____

ADJUDICATION MEMORANDUM

CLAIM NO: A78-04097A

SUBJECT: Amended Claim

EMPLOYEE: Jan Thute

DATE: 12-2-97

In reviewing this claim I found where stockwater had been removed from this split because the transfer for the other split shows it on that portion. However, ~~the~~ the original claim shows 1200 hd sheep & since it's based on a statutory claim anyway, it appears to me that the stockwater use should be left on the 2nd split also. See Klappich's letter dated ~~12-22-96~~ 12-22-96 & 04-22-96.

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: **A79-04097A**
Date Received: 7/25/1988
Receipt No: X777777
Received By: _____

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ACQUIRED UNDER STATE LAW**

1. Name: JUDY KLAPPRICH 208-962-3190
Address: ROUTE 3 BOX 106
COTTONWOOD ID 83522
AND/OR
Name: DAVID KLAPPRICH 208-962-3190
Address: ROUTE 3 BOX 106
COTTONWOOD ID 83522
AND/OR
Name: BILEJO KLAPPRICH 208-962-3190
Address: ROUTE 3 BOX 106
COTTONWOOD ID 83522

2. Date of Priority: JAN 1, 1892

3. Source: WHITE BIRD CREEK Trib. to: SALMON RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
28N	01E	12	NE	NE			IDAHO

5. Description of diverting works:
ROCK DAM

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	05/01	10/15	0.280		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
28N	01E	12	NE	NE		IRR	9.0
			NW	NE		IRR	2.0
			SW	NE		IRR	3.0
					Section Acres		14.0
					Total Acres		14.0

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:

STOCKWATER FOR 1200 SHEEP PRIORITY 1892 ACCORDING TO FEDERAL LAND BANK RECORDS. THIS IS BASED ON CLAIM TO WATER RIGHT 79-04097 FILED BY THE H. M. HAGEN ESTATE.

THIS CLAIM IS A RESULT OF APPROVED TRANSFER NO. 4644, FEE PAID UNDER RECEIPT NO. N0000743. KW 12/4/1995

OWNERSHIP CHANGED 4-30-96. JS
INSTREAM STOCKWATER FOR 200 HEAD IMPLIED PER CLAIMANT.

15. Basis of Claim: STATUTORY CLAIM

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)
) SS.
County of _____)

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

Notary Public

Seal

Residing at _____

My Commission Expires _____



NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type
(see instructions on back of page)

attention:
Jan Shurte

DATE OF CLOSING: _____

RECEIVED

LEGAL DESCRIPTION OF PROPERTY: Township _____ Range _____
Section _____, 1/4 of _____ 1/4 of _____ 1/4, Govt. Lot _____, BM _____
Lot _____, Block _____, Subdivision/Townsite _____
If you have additional legal descriptions, please attach separate sheet.

FEB 02 1996
WATER RESOURCES
WESTERN REGION

- [] Served Only by a Public Service Water Supply (all water is received from a city or company who maintains water supply system, owns the water right, and bills the customer on a regular basis)
- [] Water Right Number(s)
Assigned by IDWR: A 79-04097 A. § A79-10200
- [] Name and Address of Former Owner/Claimant(s)(Seller): C. Est. of H.M. HAGEN
Andrew L. Dahlquist
- [] New Owner/Claimant (Purchaser): David or Judy Klapprich
- [] New Mailing Address: Rt 3 Bx 106
Cottonwood, Idaho 83522
- [] New Telephone Number: (208) 962 - 3190
- [] Does the change in ownership result in a splitting of the water right owned/claimed? ☒ yes ☐ no
If yes, then describe the portion of the water right that is now owned/claimed by the new owner:
Irrigation = 14 Acres Stockwater Hd Cattle

- [] Attach proof of ownership, describe proof attached: _____

(proof of ownership must describe either the property conveyed or include the claim number. Proof of ownership is not required if this form is signed by the former owner/claimant.)

- [] Signature of New Owner/Claimant(s) Dave + Judy Klapprich Date _____
Date _____
- [] Signature of Former Owner/Claimant(s): _____ Date _____
Date _____

(Signature of former claimant(s) is not required if proof of ownership is attached.)

FOR IDWR USE ONLY:

Initial Review and Data-Entry

Date: _____ By: _____

Further Action Needed:

SEND MAP TO FURTHER DEFINE LOCATION

Further Action Taken

Date: _____ By: _____

Final Review and Data-Entry

Date: _____ By: _____

Claim Numbers of Split, if any:

NOTE: See letter signed by
Judy Klapprich after this
ownership change - added
Bile's Klapprich also. address.

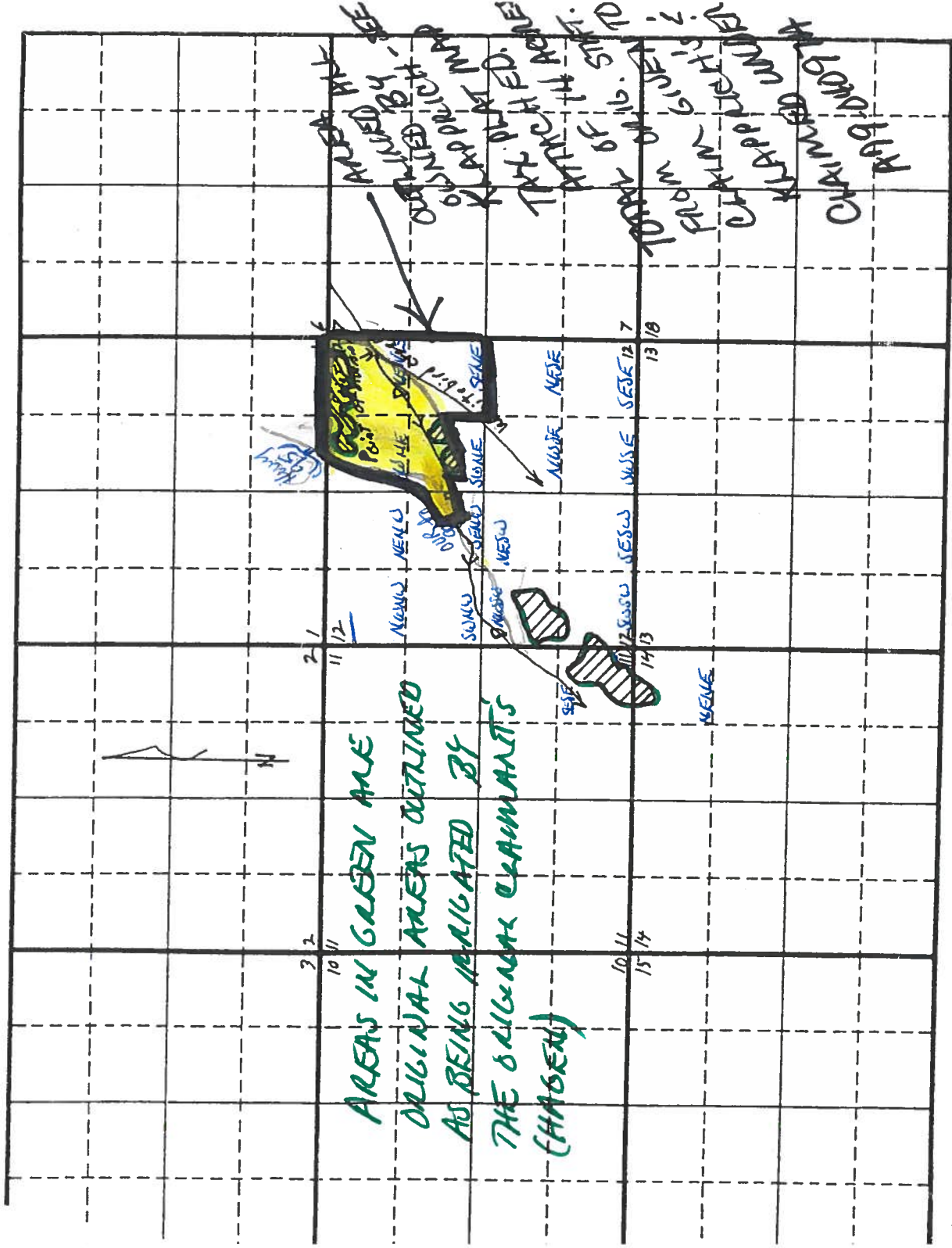
Original to be mailed to Idaho Department of Water Resources
Copies to Former Owner and New Owner

MICROFILMED

OCT 24 1996

POOR ORIGINAL

Remarks Priority survey back by 1892 according to notes in Federal Land Bank loan records.



Scale: 2 inches equal 1 mile.

Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

State of Idaho)

County of Idaho) ss.

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiant's knowledge.

Sworn to before me this 6th day of June

Notary Public
Residing at Salmon, Idaho

1980

My commission expires 1/10/82

FOR DEPARTMENT USE ONLY

Received by Date
Prelim. check by 6/5 Date 6/17/80
\$20.00 fee received by Date
Published in Date
Dates

Forwarded to claimant by:

7-15-80

2264

Battle
Ground

1962 ET DX

1960

DAVID KLAPPICH

ET US

95

2000

OWNED BY KLAPPICH'S

Tax 73

TAX 14

TAX 62

12

Creek

BM 1728

Tax 7

Tax 78

Tax 7

HECKMAN RANCHES INC.

SEE DETAIL

TAX 19

64

26

20

1800

HECKMAN RANCHES INC.

FREE

USE

Creek

MICROFILMED

OCT 24 1996

A79-04097A

A79-10200

COMPUTER ()
INDEXED ()
TRACTED ()
FILMED ()
ASSESSOR ()

379410

WARRANTY DEED

THIS INDENTURE, Made on this 24 day of March, 1995, by and between the ESTATE OF HARRY M. HAGEN, and MYRTIE E. HAGEN, aka MYRTLE HAGEN, the personal representative and sole heir thereof, of Idaho County, State of Idaho hereinafter referred to as the parties of the first part, and DAVID C. KLAPPRICH and JUDY KLAPPRICH, husband and wife, of Idaho County, Idaho, hereinafter referred to as the parties of the second part.

W I T N E S S E T H :

That the said parties of the first part, for and in consideration of good and valuable consideration, to them in hand paid by the parties of the second part, the receipt thereof is hereby acknowledged, by these presents do hereby grant, bargain, sell, convey and confirm, unto the said parties of the second part, and to their heirs, successors and assigns forever, the following described real property, situated in the County of Idaho, State of Idaho, to wit:

See Exhibit "A" attached hereto and incorporated herein as if set forth in full.

SUBJECT to the following, to wit:

Taxes for the second half of 1994 are an accruing lien and not yet due or payable.

Easement, dated December 10, 1954, by and between HARRY M. HAGEN AND MYRTIE HAGEN, husband and wife, and HANS L. HAGEN a widower, and IDAHO COUNTY, a quasi-municipal corporation, for road, including terms and conditions thereof, recorded January 26, 1955, in Book 88 of Deeds, Inst. #182441, records of Idaho County, Idaho.

Scenic Easement, dated October 1, 1969, by and between HARRY M. HAGEN AND MYRTLE E. HAGEN, husband and wife, and BERNICE MCPHERSON AND A.J. MCPHERSON, husband

1 and wife, and UNITED STATES OF AMERICA AND ITS ASSIGNS,
2 including terms and conditions thereof, recorded October
3 24, 1969, as Instrument No. 235690, records of Idaho
County, Idaho.

4 TOGETHER WITH ALL AND SINGULAR, the tenements, hereditaments
5 and appurtenances thereunto belonging or in anywise appertaining.

6 TO HAVE AND TO HOLD, all and singular, the above mentioned and
7 described premises, together with the appurtenances, unto the said
8 parties of the second part, and to their heirs, successors and
9 assigns forever.

10 And, parties of the first part and their heirs, successors and
11 assigns, hereby covenant to and with said parties of the second
12 part and their heirs, successors and assigns the parties of the
13 first part are lawfully seized in fee simple of the above granted
14 premises free from all encumbrances and that the parties of the
15 first part will warrant and defend the above premises against all
16 and every person and persons whomsoever lawfully claiming or to
17 claim the same.

18 IN WITNESS WHEREOF, the parties of the first part have
19 hereunto set their hands and seals in the day and year hereinabove
20 first written.

21 ESTATE OF HARRY M. HAGEN

22 BY: Myrtie E. Hagen
23 MYRTIE E. HAGEN
24 PERSONAL REPRESENTATIVE

Myrtie E. Hagen
MYRTIE E. HAGEN aka MYRTLE HAGEN

1 STATE OF IDAHO)
2) ss.
3 County of IDAHO)

4 On this 24th day of March, 1995, before me, the undersigned a
5 Notary Public in and for the State of Idaho, personally appeared
6 MYRTIE E. HAGEN aka MYRTLE HAGEN, individually, and as the personal
7 representative of the ESTATE OF HARRY M. HAGEN, known to me to be
8 the person whose name is subscribed to the within and foregoing
9 instrument, and acknowledged to me that she executed the same

10 IN WITNESS WHEREOF, I have hereunto set my hand and affixed my
11 official seal in the day and year in this certificate first above
12 written.

13 *Jamie Cash*
14 Notary Public in and for the
15 State of Idaho; Residing at
16 Grangeville, therein. My
17 commission expires: 6/3/2000

18 **MAIL DEED TO:**

19 DAVID C. KLAPPRICH
20 JUDY KLAPPRICH
21 _____
22 _____

23 **MAIL TAX NOTICES TO:**

24 DAVID C. KLAPPRICH
25 JUDY KLAPPRICH

26 Rt 3 Box 106
27 Cottonwood ID 83522

Exhibit "A"
HAGEN TO KLAPPRICH

Township 28 North, Range 1 East, Boise Meridian, Idaho County,
Idaho
Section 12: N $\frac{1}{2}$ NE $\frac{1}{2}$ East of Old Highway 95

Tax #73 described as: Beginning at a point 20 chains S. of the NE
corner of the NW $\frac{1}{2}$ NE $\frac{1}{2}$ of Section 12, Township 28 North, Range 1
East, Boise Meridian;

thence S. 669 ft. to middle of channel of Whitebird Creek;

thence S. 70°45' W. 445 feet;

thence N. 23°10' W. 411.7 feet;

thence S. 55°35' W. 95.51 feet;

thence S. 64°30' W. 340.1 feet;

thence S. 78°01' W. 273.27 feet;

thence S. 87°39' W. 188.74 feet;

thence N. 47°37' W. 143.46 feet to the forks of the road;

thence N. 32°24' E. 279.93 feet;

thence N. 37°57' E. 299.59 feet;

thence N. 43°33' E. 436.98 feet;

thence N. 7°37' E. 575.5 feet to a point 759 feet E. and
78.75 feet S. of the NW corner Section 12;

thence S. parallel to West line of NW $\frac{1}{2}$ NE $\frac{1}{2}$ of Section 12,
1240.5 feet to N. line SW $\frac{1}{2}$ NE $\frac{1}{2}$ of Section 12;

thence East on said subdivision 561 feet to place of begin-
ning, lying East of old Highway 95.

Section 12: SE $\frac{1}{2}$ NE $\frac{1}{2}$

LESS Tax #14 described as: Beginning at the SW corner of the SE $\frac{1}{2}$ NE $\frac{1}{2}$
of Section 12;

04' E. 610 feet;

thence N. 61°51' E. 1497.4 feet to NE corner of SE $\frac{1}{2}$ NE $\frac{1}{2}$ of said
Section;

thence S. along the Section line 1320 feet;

thence N. 89°54' W. 1310 feet to the place of beginning.

STATE of IDAHO		ss
County of Idaho		
Recorded at request of		
INLAND TITLE CO.		
at	25 minutes past	4 o'clock P. M.
this	24 day of	March 19 95
ROSE E. GELBERG		
By	Elith & Anderson	Recorder
Fees	\$12.00	Deputy

MICROFILMED
OCT 24 1996

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: **A79-04097A**
Date Received: 7/25/1988
Receipt No: X777777
Received By: _____

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

AMENDED

1. Name: ANDREW L DAHLQUIST 208-839-2249
Address: PO BOX 54
WHITE BIRD ID 83554

2. Date of Priority: JAN 1, 1892

3. Source: WHITE BIRD CREEK Trib. to: SALMON RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
28N	01E	12		NE	NE		IDAHO

5. Description of diverting works:
ROCK DAM

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	05/01	10/15	0.280		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
28N	01E	12	NE	NE		IRR	9.0
			NW	NE		IRR	2.0
			SW	NE		IRR	3.0

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OCT 24 1996

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					Section Acres	14.0
					Total Acres	14.0

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:

STOCKWATER FOR 1200 SHEEP PRIORTY 1892 ACCORDING TO FEDERAL LAND BANK RECORDS. THIS IS CLAIM TO WATER RIGHTS 79-4097 AND WAS FILED BY THE H. M. HAGEN ESTATE.

THIS CLAIM IS A RESULT OF APPROVED TRANSFER NO. 4644, FEE PAID UNDER RECEIPT NO. N0000743. KW 12/4/1995

15. Basis of Claim: STATUTORY CLAIM

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 Rive Basin Adjudication." (b.) I/We do _____ do not _____ wish to receive and pa 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 _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT

TRANSFER NO. 4644
WATER RIGHT NO. 79-04097B

This is to certify that: **DENNIS HARVEY**
LEAH HARVEY
1187 CEDAR RIDGE RD
KENDRICK ID 83537

has requested a change to the above captioned water right(s). This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code, provided the conditions listed below are met.

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	03/01 to 11/30	0.66 CFS	132.0 AF
STOCKWATER	01/01 to 12/31	0.02 CFS	2.7 AF
	Totals	0.68 CFS	134.7 AF

<u>SOURCE</u>	<u>TRIBUTARY OF</u>
WHITE BIRD CREEK	SALMON RIVER

Priority: 01/01/1892

LOCATION OF POINT(S) OF DIVERSION: SWSW , Sec. 12, Township 28N, Range 01E
IDAHO County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
28N	01E	11	SESE	13		13
		12	NWSW	15	SWSW 3	18
		14	NENE	2		2
Total number of acres irrigated:						33

PLACE OF USE: STOCKWATER, same as IRRIGATION use

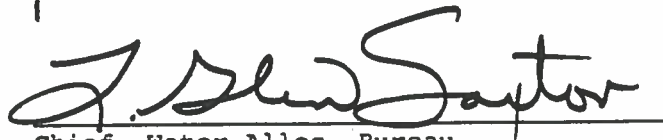
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OCT 24 1996

TRANSFER NO. 4644
WATER RIGHT NO. 79-04097B

CONDITIONS OF APPROVAL AND REMARKS

- T01 1. Approval of this transfer in no way confirms the right(s) claimed.
- R3 2. This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 4.0 afa per acre for the lands above.
- 3. After specific notification by the department, the right holder shall install a suitable measuring device or shall enter into an agreement with the department to determine the amount of water diverted from power records and shall annually report the information to the department.
- T07 4. The change authorized by this transfer shall be accomplished within one (1) year of the date of this approval.
- T08 5. Failure to comply with the conditions of this transfer is cause for the director to issue an order to show cause why the approval of the transfer should not be rescinded.
- T01 6. Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.
- ✓ 7. Stockwater use is for 1,200 sheep.

Dated this 6th day of September, 1995


Chief, Water Alloc. Bureau

MICROFILMED
OCT 24 1996

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: A79-04097
Date Received: 7/25/1988
Receipt No: N000743
Received By: E. J. A.

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: ANDREW L. DAHLQUIST 208-839-2249
Address: P.O. BOX 54
WHITE BIRD, ID 83554

2. Date of Priority: JAN 01, 1892

3. Source: WHITE BIRD CREEK Trib. to: SALMON RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
28N	01E	12	NE	NE			IDAHO

5. Description of diverting works:
ROCK DAM

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	05/01	10/15	0.940		
STOCKWATER	01/01	12/31	0.020		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
S/1200 SHEEP.

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
28N	01E	11	SE	SE		IRR	13.0
Section Acres							13.0

A79-04097

Page 1

Date: 08/20/88

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OCT 24 1996

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
28N	01E	12	NE	NE		IRR	9.0
			NE	NW		IRR	2.0
			SW	NW		IRR	15.0
			NE	SW		IRR	3.0
			SW	SW		IRR	3.0
			Section Acres				32.0
		14	NE	NE		IRR	2.0
			Section Acres				2.0
			Total Acres				47.0

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:
STOCKWATER FOR 1200 SHEEP PRIORTY 1892 ACCORDING TO FEDERAL LAND BANK RECORDS. THIS IS CALIM TO WATER RIGHTS 79-4097 AND WAS FILED BY THE H. M. HAGEN ESTATE.

15. Basis of Claim: STATUTORY CLAIM

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 _____

POOR ORIGINAL

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLSIN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39356

Ident. Number 479-04091Date Received 07/25/85Receipt Number N000743NOTICE OF CLAIM
TO A
WATER RIGHTDepartment of Water Resources
Western Regional Office

ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of Claimant (s) Andrew L. Dahlquist Phone (ACS) 539-2249
Mailing Address P.O. Box 54 White Bird Id. Zip 535542. Date of Priority (Only one (1) per claim) Jan 18923. Source of water supply (a) White Bird Creek
which is tributary to (b) Salmon River4. a. Location of existing point of diversion is: Township 28 N Range 1 E Section 12,
1/4 of NE 1/4 of NE 1/4, Govt. Lot, Idaho B.M., County of Idaho

Additional points of diversion if any: _____

b. If instream flow, beginning point of claimed instream flow is:

Township 28 N Range 1 E Section 12, 1/4 of NE 1/4 of NE 1/4,
Govt. Lot _____ B.M., County of Idahoending point is: Township 28 N Range 1 E Section 14, NE 1/4 of NE 1/4 of
NE 1/4, Govt. Lot _____ B.M., County of Idaho5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, 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. Rock DamMICROFILMED
OCT 24 1996

POOR ORIGINAL

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For irrigation purposes from May 1 to Oct 15 amount 1.90 or _____

For stockwater purposes from Jan 1 to _____ amount 1.02 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 2.92 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is 2.96 AF acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) 1200 Sheep

10. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			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	
45N	1E	12	9				2		15	3		3							
							3												
55N	1E	11																13	
58N	1E	14	2																

Total number of acres irrigated 47

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. _____ or None ()

14. Remarks: stockwater for 1200 Sheep
Priority 1892 according to Federal Land Bank

This is claim to water right 794097 and
was filed in the F L Bank Estate

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OCT 24 1996

Last Name A. K. Smith Ident No. 100 2 1-7

Copies: White - State, Yellow - Claimant

POOR ORIGINAL

Map of Project: show clearly the point of diversion, place of use, section number, township, and range number.

Scale: 2 inches equals 1 mile

Top 55N R.E. Section 12, 14

A 16x16 grid of squares, each containing a crosshair pattern. The grid is divided into four 8x8 quadrants by a thick central cross. The top-left and bottom-right quadrants are shaded gray. The top-right and bottom-left quadrants are white. Handwritten numbers are visible in the white quadrants: '11' and '12' in the top-right, and '13' and '14' in the bottom-left.

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OCT 24 1996

Last Name

Ident No.

A-5-

Copies: White-State, Yellow-Warrant

POOR ORIGINAL

13. Basis of Claim (check one) Beneficial Use ☒ Posted Notice ☐ License ☐ Permit ☐
Decree ☐
If applicable provide IDWR Water Right Number 704197
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 11

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 24 Jan 1988
_____ Date _____

For Organizations: I do solemnly swear or affirm that I am _____ Title _____
of _____, that I have signed the foregoing
Organization
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 Idaho)
County of Idaho) SS.

Subscribed and sworn (or affirmed) before me this 22nd day of July 1988

SEAL

Notary Public [Signature]

Residing at [Address]

My Commission Expires 10 2 93

Please Print Name

17. Notice of Appearance:

Notice is hereby given that I, _____ will be acting as attorney at law on behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature _____

Address _____

Date _____

Last Name [Signature] Ident. Number [Number]

MICROFILMED

OCT 24 1996

Copies White-State, Yellow-Claimant

79-4097A

RECEIVED

DEC 08 1997

WATER RESOURCES
WESTERN REGION

✓
12-4-97

Dearest Jan,

Thanks so much for the needed copy of the water rights for our Whitebird property.

I was wondering, however, if I could change the name. As of April 30, 1996 we established it in David +/or Judy +/or Bilejo Klapprich. However David, my husband, was killed May 7, 1996 — so could you please change the names to read. / Judy Klapprich +/or Bilejo Klapprich +/or Heath Klapprich. The it is in myself + my sons names.

Thank you so very much!

Sincerely yours,

Judy Klapprich

RT 3 Bx 106

Cottonwood, Idaho 83522

phone - 208-962-3190

Ownership changed
to Carlson ~~in~~
in June 2002.



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

April 30, 1996

David &/or Judy &/or Bilejo Klapprich
Route 3, Box 106
Cottonwood, ID 83522

Dear Klapprich's:

Enclosed are the computer generated copies of your Claim to a Water Right Nos. A79-04097A and A79-10200 per the change of ownership and subsequent information submitted.

This claim was originally filed for 47 acres of irrigation. On September 6, 1995, an application for transfer was approved which split the claim between the Harvey's for 33 acres and Andrew Dahlquist who retained 14 acres. This 14 acre claim has now been changed into your names.

In your letter dated 4-18-96 you stated that you would like to establish some irrigation rights for about 25 acres. If more than 14 acres has historically been irrigated on the land you purchased, then you could amend your claim and add an additional 11 acres. However, some evidence would be needed to support the fact that a total of 25 acres have historically been irrigated dating back to the January 1, 1892, priority date originally claimed. This is normal procedure when a claim is amended to increase the water right over what was previously filed. This evidence can be submitted with the amended claim or at the time the claim is being recommended to the court for decree, and can be in the form of an affidavit from a previous owner or neighbor, etc. If the irrigation of these 11 additional acres began after 1892, then a separate claim can also be filed claiming the later date of first use. Enclosed is a blank Notice of Claim to a Water Right for your review.

If the irrigation of the 11 acres began after May 20, 1971, or has yet to begin, then an application for permit would be the form to file. The May 20, 1971 date was the implementation of the water appropriation statute which required a water right be filed on for any new appropriation of surface water prior to it's development or use. Please be advised, however, that the Salmon River and all tributaries are currently under a moratorium on approval of new applications for irrigation use. Enclosed is a copy of the amended moratorium order issued April 30, 1993. Your application would be put on hold pending any action until such a time as the moratorium

MICROFILMED
OCT 24 1996

is lifted in the future. In the meantime, additional irrigation use, without a water right, is considered an illegal diversion of water. Enclosed is an application for permit form with a set of instructions for your review.

If you decide to amend your claim based on the historical irrigation of 25 acres, please amend the claim by inserting the additional cfs (if any) under Item Nos. 6 & 7 and by showing the location by quarter-quarter of the additional 11 acres. Then, have your signature notarized and return the claim to this office with an additional \$11 fee. The \$11 fee is the \$1 per acre fee normally required when first filing a claim to a water right. If you need to file an additional claim for a date of first use later than the 1891 date but prior to May 20, 1971, then complete the Notice of Claim to a Water Right form and submit it to this office with a \$61 filing fee (\$50 flat fee + \$1 per acre for 11 acres).

If you decide to file the application for permit, please follow the instructions and return the completed form and filing fee to this office.

In case you have any questions, please do not hesitate to call our 1-800-451-4129 number and leave a message for either myself (if you file an amended or another claim) or a new appropriations agent (if you intend to file the application for permit form), to return your phone call.

Sincerely,



JAN SHURTE
Water Rights Supervisor
Adjudication Section
Western Regional Office

JS:j
Enclosures

MICROFILMED
OCT 24 1996

4-18-96

Hi Jan,

Here is the map + we colored our property with yellow hi-lighter as best we could on your white map. We wish to request + file for water right for ~~1200~~ 200 cattle and we would like also to establish some irrigation rights for about 25 acres.

I hope this is what you need because Jan, we would like to get this matter closed. Please send our water right claim as soon as possible.

Put this claim in

DAVE and/or Judy

and/or Bilejo Klappich
(BiLejo)

Rt 3 Bx 106

Cottonwood, Idaho

83522

Thanks a lot
+ Sincerely

Dave + Judy Klappich

Rt 3 Bx 106

RECEIVED

APR 22 1996

WATER RESOURCES
WESTERN REGION

MICROFILMED

OCT 24 1996

Monday: CEIVED

FEB 02 1996

WESTERN REGION

We want water for the remaining 14 acres for irrigation. And the water for 250 cows in our feedlot.

And enough to maintain a household for a family of 6 for domestic water unless the cost is too high at this time. Domestic water is in our future ~~because~~ but we don't need it now.

Would it behoove us now to file for domestic or do it should we wait? This is an old homestead site & we may need to re-established or get new well in.

Down the road we may need domestic water for a home & don't know how to go about that. Since there was a home there years ago we DO NOT want to lose that so we will keep the cost of water rights down.

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OCT 24 1996

Her phone conversation on 2-14-96 with Mrs. Klapprich & answered her question concerning the domestic water issue. Basically, that if they drill a well they will need a well drilling permit & can file what they want at that time.

Contacts Data Entry Form

Claim Number: 79-4097A

Owner Type	Full Name	Address	City	State	Zip	Phone
Original Owner	DAVID C KLAPPRICH	RT 3 BOX 106	COTTONWOOD	ID	83522	(208)962-3190
Original Owner	JUDY KLAPPRICH	RT 3 BOX 106	COTTONWOOD	ID	83522	(208)962-3190
Current Owner	JANE H CARLSON	PO BOX 88	WHITE BIRD	ID	83554	(208)839-2625
Original Owner	ANDREW L DAHLQUIST	PO BOX 54	WHITE BIRD	ID	83554	(208)839-2249
Original Owner	BILEJO KLAPPRICH	RT 3 BOX 106	COTTONWOOD	ID	83522	(208)962-3190
Current Owner	TONY C CARLSON	PO BOX 88	WHITE BIRD	ID	83554	(208)839-2625
Original Owner	HEATH KLAPPRICH	RT 3 BOX 106	COTTONWOOD	ID	83522	

Date of Field Exam: 7-21-05 Time: _____Accompanied By: Tony Carlson Phone Number: (208) 839-2625Relationship to Claimant: Co-claimant

Directions to Property (if different from above) and/or update owner information:

Go through White Bird from South & head for
Battle Field. Take '2 Moon Trail' Road & follow
new gravel road to end staying to left.

Reviewer: _____

Date: _____

Priority Date Data Entry Form

Claim Number 79-4097A

Claimed Priority Date: 1/1/1892

Claimed Basis: Statutory Claim

☐ Use Claimed Priority Date and Basis as Recommended Priority Date and Basis

Water Right Priority Date: 1/1/1892

Water Right Basis: Statutory Claim

Recommended Priority Date

Recommended Basis

Document the evidence submitted/reviewed for the priority date claimed, include your analysis of the evidence:

Reviewer:

Date:

Point of Diversion and Source Data Entry Form

Claim Number 79-4097A

Claimed Point of Diversion and Source

T28N R01E S12 NENE Within IDAHO County Source: WHITE BIRD CREEK SALMON RIVER

☐ Use Claimed POD and Source as Recommended POD and Source

Water Right Point of Diversion and Source

T28N R01E S12 NENE Within IDAHO County

Recommended Point of Diversion and Source

Source Information

Source

Tributary To

White Bird Creek Salmon River

Twp	Rge	Sec	Gov Lot	QQQ of QQ of Q	County	Source
<u>28N</u>	<u>1E</u>	<u>12</u>		<u>NENE</u>	<u>Idaho</u>	<u>White Bird Creek</u>
_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____

Other rights from this POD? _____

Document how the POD and Source were verified:

On site Exam, Conversation with Tony Carlson, GPS location,

USGS 7½ minute Topo map.

Reviewer: _____

Date: _____

Place Of Use Data Entry Form

Claim Number 79-4097A

Claimed Place Of Use

T28N R01E S12 ✓ NENE - 9.0 T28N R01E S12 ~~NWNE~~ 2.0
 T28N R01E S12 ✓ SWNE 3.0 *Not Part*
 SENE Total Acres 14

☐ Use Claimed POU as Recommended POU

Water Right Place Of Use

T28N R01E S12 NENE 9.0 T28N R01E S12 NWNE 2.0
 T28N R01E S12 SWNE 3.0
 Total Acres 14

Recommended Place of Use

☐ See corrections to claimed POU above

Twp	Rge	Sec	QQ	Q	County	Lot Num	Acres	Purpose of Use
28N	1E	12	NE	NE	Idaho			Irrigation & Stockwater
"	"	"	SW	NE	"			" "
"	"	"	SE	NE	"			" "

Total Acres _____

Document how the POU was verified:

On site Exam, Conversation with Tony Carlson, claimant,
 Photo Quad map

Reviewer: _____

Date: _____

Purpose of Use Data Entry Form

Claim Number 79-4097A

Claimed Purpose of Use

Water Use	Number of Homes	Number of Stock	Acre Limit
STOCKWATER IRRIGATION			

☐ Use Claimed Purpose of Use as Recommended Purpose of Use

Water Right Purpose of Use

Water Use	Number of Homes	Number of Stock	Acre Limit
IRRIGATION			

Recommended Purpose of Use

Water Use	Number of Homes	Number of Stock	Acre Limit	Number of Other
Stockwater				
Irrigation				

Document how the Purpose of Use was verified:

Conversaton with claimant, Tony Carlson.

Reviewer: _____

Date: _____

Period of Use and Quantity Data Entry Form

Claim Number 79-4097A

Claimed Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
IRRIGATION	5/01	10/15	0.28	
STOCKWATER	1/01	12/31	0.02	
Overall Diversion Rate	0.28	Overall Diversion Volume		

Use Claimed Period of Use and Quantity as Recommended Period of Use and Quantity

Water Right Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
IRRIGATION	5/01	10/15	0.28	
Overall Diversion Rate	0.28	Overall Diversion Volume		

Recommended Period of Use and Diversion Rate

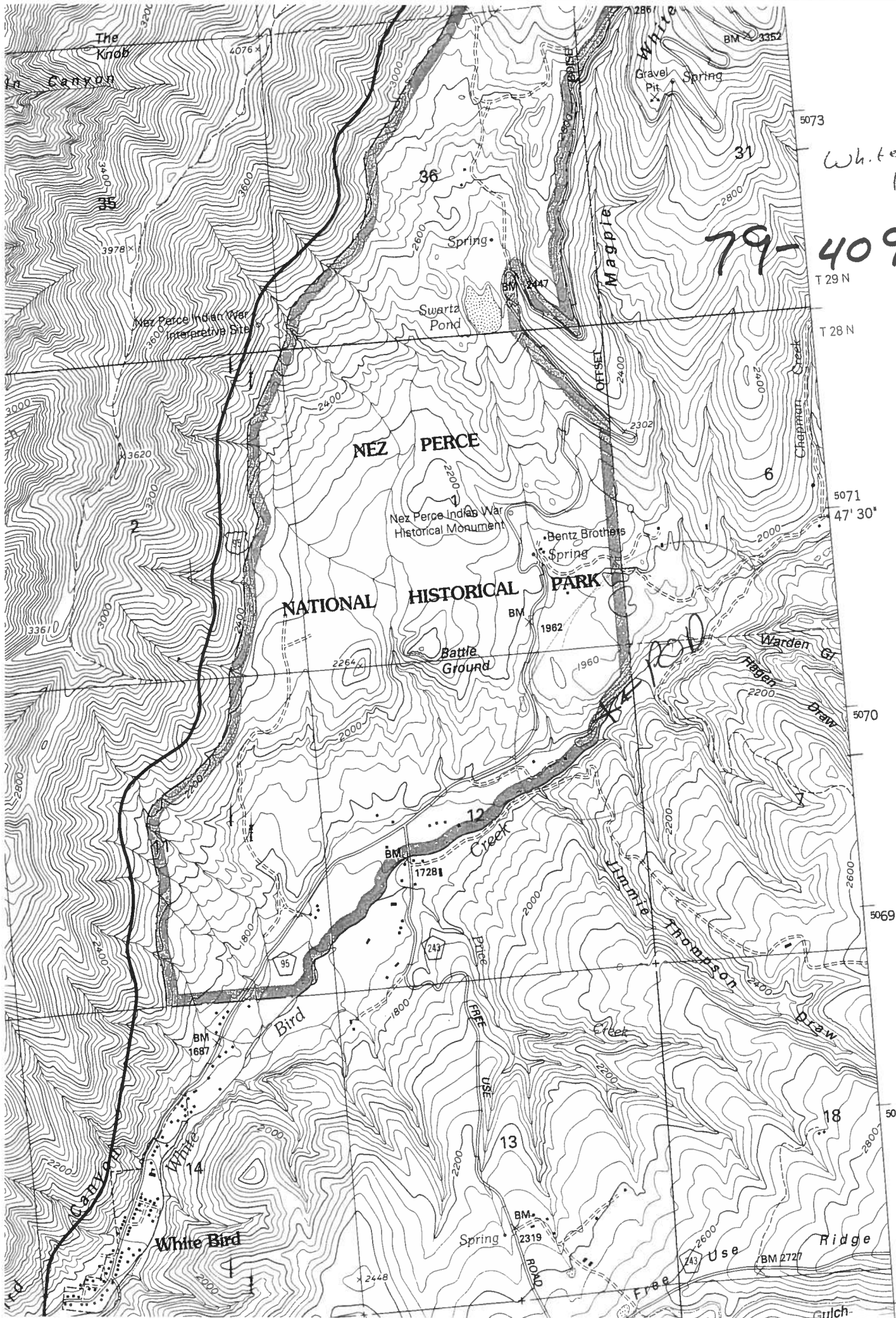
Water Use	Start	End	Rate	Volume

Overall Diversion Rate Overall Diversion Volume

Document how the Period of Use and/or Diversion Rate were verified:

Reviewer:

Date:



White Bird
1995

79-40971

T 29 N

T 28 N

5071
47' 30"

5070

5069

DI

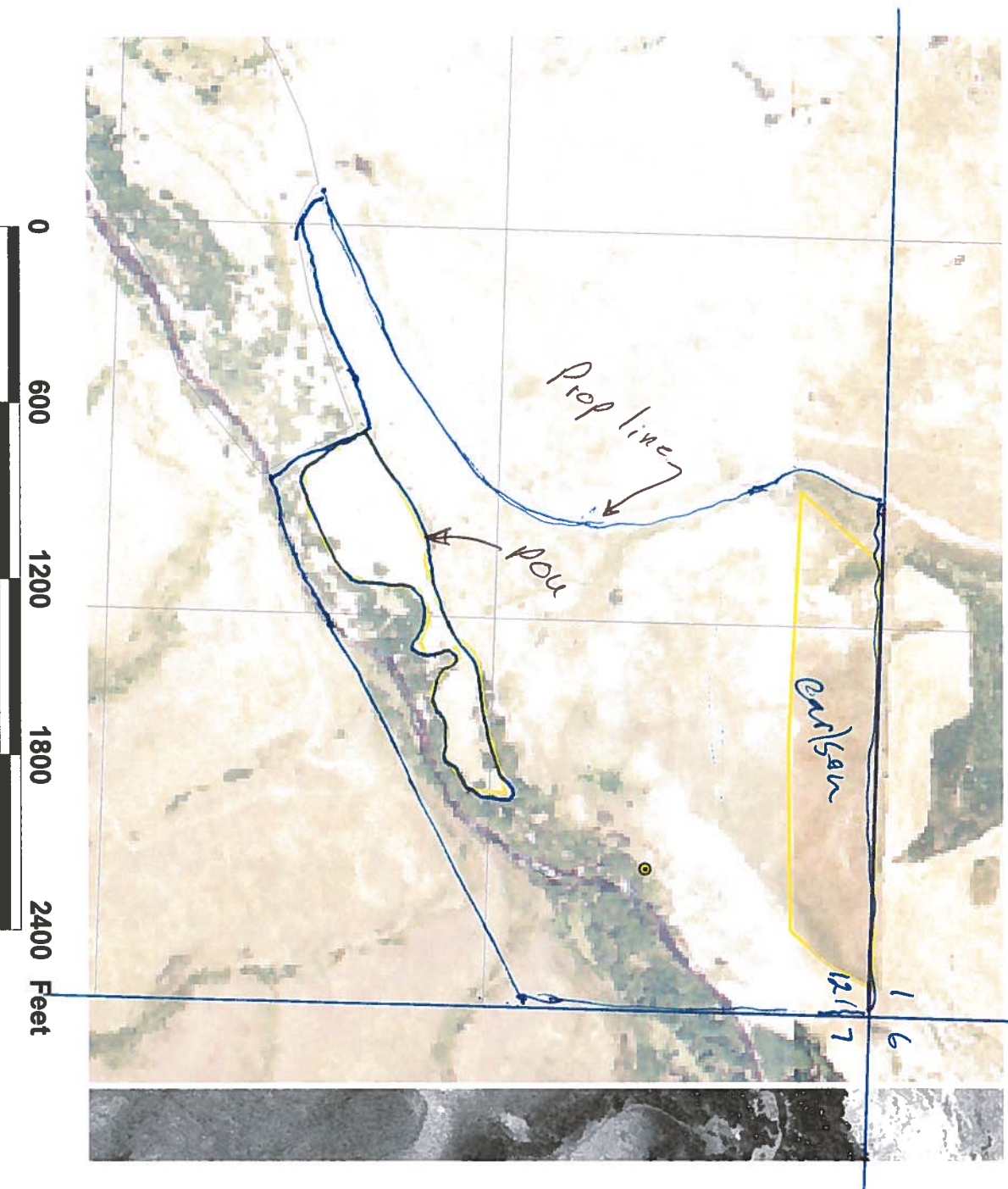
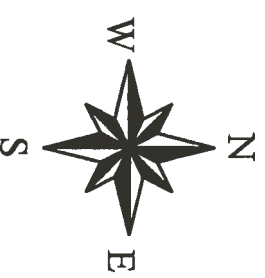
UNIV

5067000 m N

79-4097A

T28N R01E
Section(s) 12

● Point of Diversion
□ Place of Use



Map prepared by: Greg Taylor
Date Prepared: August 30, 2004
Photography: Aerial Photo
Idaho Department of Water Resources

79-4097A

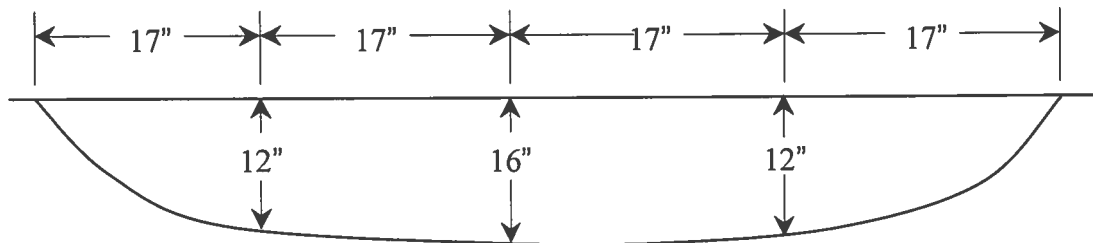
Field Exam Notes

Date of Exam: June 23, 2005

The Point of Diversion (POD) is located on White Bird Creek, tributary to the Salmon River, and has a GPS location of **N45° 47' 01.2"** by **W116° 15' 59.9"**.

The diversion consists of a ditch that comes off from White Bird Creek (*Photo 1*). After a short distance, the ditch divides into two (2) ditches (*Photo 2*). The GPS location of this point is **N45° 46' 55.1"** by **W116° 16' 18.2"**. One of those ditches goes to the place of use (POU) and, according to Tony Carlson, co-claimant, the other ditch used to go to the town of White Bird (*Photo 3*). Mr. Carlson stated that the ditch leading to White Bird was abandoned between fifty (50) and eighty (80) years ago.

The ditch leading to the POU has the following general profile (not to scale) near where the two ditches separate.



Water for this claim is not currently being used. Mr. Carlson stated that the previous owner of the property did not irrigate the land but used it as a feedlot. He also stated that the owner before that did irrigate and pointed out pieces of broken PVC irrigation pipe that littered the ground in various places. These pieces appeared to be from either a six (6) or eight (8) inch pipe. He also pointed to evidence where he was working to ready the land to irrigate once again (*Photo 4*) and stated that he also planned to have twenty (20) to twenty-five (25) head of mixed livestock.

Mr. Carlson further stated that there are plans to put in a wetland to the west of and bordering his property and that he is working with the following people for that purpose in conjunction with his project.

- Natural Resources Cons. Svc., Grangeville. Bob Sandlund 208-983-1046
- National Park Service, Spalding. Scott Eckberg 208-843-2261 Ex. 151
- Idaho Fish and Game, Lewiston. Miles Benker 208-799-5010

The POU is given by the claim as NENE, **NWNE**, SWNE, Sec. 12, Rng. 01E, Twp. 28N BM. The findings of this exam show that the **NWNE** in the above section, range and township is not part of the POU but **SENE** of the above section, range and township, which is not listed, is part of the POU.

A conversation with Mr. Carlson and a check of the Idaho Department of Water Resources (IDWR) public web site indicated that there are no other water rights with the same POD or POU as this claim.

Field Examiner:

A handwritten signature in cursive script, appearing to read "Jim Summerman".