

02/15/2012

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

RIGHT NUMBER: 41-4009

NAME AND ADDRESS: JOHN KILDEW
PO BOX 333
AMERICAN FALLS ID 83211

JACQUELINE KILDEW
PO BOX 333
AMERICAN FALLS ID 83211

SOURCE: ROCK CREEK TRIBUTARY: SNAKE RIVER

QUANTITY: 0.700 CFS

PRIORITY DATE: 04/01/1963

POINT OF DIVERSION:

T09S R30E S9 SESE Within POWER County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/31	0.700 CFS

PLACE OF USE: IRRIGATION in POWER County

T09S R30E S09	SESW	0.80	T09S R30E S09	SWSE	4.50
T09S R30E S09	SESE	3.20	T09S R30E S16	NENE	19.00
T09S R30E S16	NWNE	23.00	T09S R30E S16	NENW	4.10

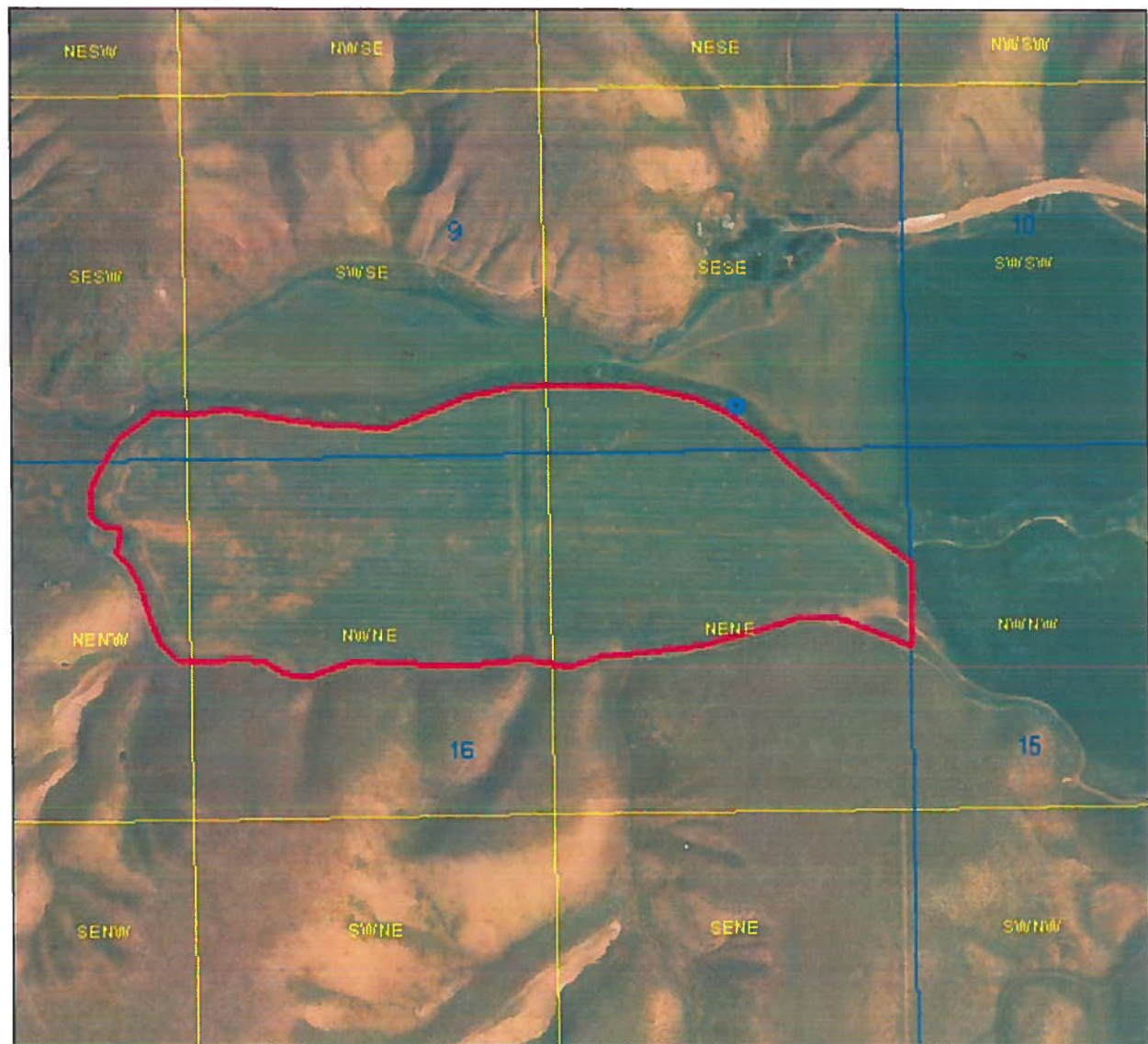
54.6 ACRES TOTAL

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

41-4009
Idaho Dept. of Water Resources



0 325 650 1,300 Feet

Legend

-  41-4009_kildew_pou_final
-  Recommendation POD
-  Sections
-  QQ



IDWR GIS Exhibit
Steve Clelland
2004 Aerial Photo
February 15, 2012

PRIORITY

41-4009

41-4009

2/15/12

SCC

1963 -

assume land is broke
out to full extent... 54.6 ac
pump is based on PTO motor
and irrigation is benefited.

It is possible when they
converted to electric pumps
they were under-powered at the
5HP - then the 7.5HP and
eventually recovered full
(original) flows at the 10HP
motor.

allow priority of 1963 instead
of 1970 (time of the 10HP)

Because they were trying to
match flows established with
Tractor PTO originally developed.

PRIORITY REVIEW NOTES:
(see also comments for
explanation in CVR)

41-4009

Q Review notes

70%

Kildew Variables

2/15/12
SLC

10 HP @ 60 psi .42 cfs

@ 50 psi .49

(Best Est. Q) → @ 40 .60

@ 30 .78

80%

@ 60 psi .47 cfs

50 .56

(Q Best Est) → 40 .68

30 .89

2 Wheelines @ 150 gpm = 300 gpm

300 gpm ÷ 448.83 = 0.67 cfs

theo. calc

$$\frac{HP * 8.8 * \text{eff}}{H' + (\text{psi} * 2.31)}$$

allow cfs
Diversion

0.70 cfs

**AFFIDAVIT of JOHN ALLEN KILDEW
IN SUPPORT OF Objection to Recommendation
Sub Case # 41-4009**

The undersigned does hereby swear upon penalty of perjury that the following facts and statements are true and correct.

1. My name is John A. Kildew. I am a retired Air Force Colonel and have been familiar with the subject water claim and irrigation system since the age of 11.
2. This affidavit supplements my affidavit dated 23 May 2011.
3. As previously stated the pump placed in Rock Creek, initially a 7.5 horse pump, then upgraded to a 10 horse shortly after, charged sixty six (66) sections of 40 foot 4 inch diameter hand line irrigation pipe.
4. The pump created enough pressure to charge 66 pipe with an average overspray of about 10 feet. The pump and hand line system did a very good job of irrigating the entire field allowing us to grow alfalfa hay or barley and wheat feed grains.
5. My estimate of the mainline water pressure was between 55 and 60 psi.

Dated this 23rd day of November 2011.



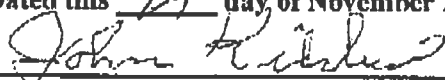
John A. Kildew

**AFFIDAVITS of JOHN KILDEW and JACKIE KILDEW
IN SUPPORT OF Motion to File Late Objection**

We the undersigned do hereby swear upon penalty of perjury that the following facts and statements are true and correct.

1. My name is John Kildew. I am an 84 year old farmer and I and my wife Jackie are the claimants in subcase 41-4009.
2. That at present and during the preceding months which comprised the time period to file an Objection to the Directors Report Recommendation that my personal health and wellbeing have deteriorated substantially. I fell in the irrigation ditch tripping over my emphysema induced oxygen hose. In the fall I broke several ribs. The broken ribs substantially inhibited my already compromised breathing. The broken rib infection caused pneumonia in my right lung. I have been in the hospital or doctors' offices during most of the past several months. My wife has been responsible in getting me fed, clothed and in and out of bed and to these doctors' office. Each trip is over 100 miles round trip from our farm in Rockland.
3. I have had no time, energy or resources to pursue the objection to the IDWR recommendation filed in May.
4. I have virtually no ability to continue this request for additional water rights as previously requested.
5. The director's recommendation of 310 cfs is not enough water to irrigate and raise an adequate grain or hay crop on our 55 acre field on the south side of Rock Creek. I have been running two quarter mile hand lines on this field from the pump out of the creek for many many years. I started this in 1963. The director's recommendation said 1970. That is incorrect.
6. My wife Jackie and my sons John and Kim both helped farm and water this land since we first broke this field out of sage brush in the 60's.
7. I estimate the water pressure on the mainline to have been 55 to 60 pounds in order for those two lines to run properly and water the fields to produce crops.
8. My name is Jacqueline Kildew and all the statements and facts of this affidavit are true and correct.

Dated this 23 day of November 2011.



John Kildew



Jacqueline Kildew

AFFIDAVIT OF KIM KILDEW

The undersigned do hereby swear upon penalty of perjury that the following facts and statements are true and correct.

- 1. My name is Kim Kildew, and I am the son and attorney for John Kildew claimant under water right subcase #41-4009.**
- 2. The Idaho Department of Water Resources (IDWR) on May 26, 2011 filed a Recommendation of Water Rights acquired under State Law regarding right number 41-4009.**
- 3. My father John, has been very sick for a number of years due to the lung disease emphysema. During the past several months his health has deteriorated substantially.**
- 4. He fell in an irrigation ditch and broker several ribs which made breathing nearly impossible. He also contracted pneumonia. He could not be more ill.**
- 5. He and my mother have been fighting the fight for life not the fight over water rights for some time now and have not been available for or had the energy to file an objection to IDWR'S recommendation.**
- 6. My father and mother submit these final documents and affidavits in the hopes that the Special Master, IDWR and Court will reconsider the Recommendation of IDWR and modify such recommendation to comport with the accompanying affidavits filed by Kildews in support of said Objection to Recommendation.**

Dated this 28th day of November 2011.


Kim Kildew

Late Claim Rept.

05/26/2011

IDAHO DEPARTMENT OF WATER RESOURCES

RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 41-4009

NAME AND ADDRESS: JOHN KILDEW
PO BOX 333
AMERICAN FALLS ID 83211

JACQUELINE KILDEW
PO BOX 333
AMERICAN FALLS ID 83211

SOURCE: ROCK CREEK

TRIBUTARY: SNAKE RIVER

QUANTITY: 0.310 CFS

PRIORITY DATE: 04/01/1970

POINT OF DIVERSION:

T09S R30E S9 SESE Within POWER County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/31	0.310 CFS

PLACE OF USE: IRRIGATION in POWER County

T09S R30E S09	SESW	0.80	T09S R30E S09	SWSE	4.50
T09S R30E S09	SESE	3.20	T09S R30E S16	NENE	19.00
T09S R30E S16	NWNE	23.00	T09S R30E S16	NENW	4.10

54.6 ACRES TOTAL

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

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EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

Clelland, Steve

From: Kim Kildew [kim@dancaf.com]
Sent: Tuesday, May 24, 2011 10:47 AM
To: Clelland, Steve
Cc: 'Kildew, John A Col MIL USAF AFMSA/SG3PM'
Subject: FW: Irrigation Supplement
Attachments: Kildew Irrig Sup.pdf

To: Steve Clelland
Idaho Department of Water Resources

Re: 41-4009 Water Right Claim

Here is a supplemental affidavit executed by John Kildew Jr., Jacqueline Fae Kildew and John Allen Kildew to augment previously filed affidavits filed with the Idaho Department of Water Resources and the Fifth District Court regarding water right #41-4009.

This affidavit demonstrates and services to more clearly quantify the amount of water utilized in said claim which consisted of two one quarter mile hand lines run off a solid sent main line on the subject property as pumped from Rock Creek. The pump apparatus a ten horse power (10) pump, replaced the 7.5 horse pump almost immediately as referenced by the "claim to water right" submitted by Jackie Kildew. This larger pump was utilized to provide adequate water pressure and quantity of water to properly irrigate the subject field.

Please supplement your current file with this affidavit in your preparation of a preliminary recommendation of water right for submittal to the court.

Thank You for your assistance and co-operation in this matter.

Kim Kildew

From: John Kildew [mailto:jakildew@gmail.com]
Sent: Monday, May 23, 2011 4:55 PM
To: Kim Kildew
Subject: Fwd: Irrigation Supplement

----- Forwarded message -----

From: John Kildew <jakildew@gmail.com>
Date: Sun, May 22, 2011 at 9:25 PM
Subject: Irrigation Supplement
To: Kim Kildew <kim@dancaf.com>
Cc: John Kildew <jakildew@gmail.com>

Here is a document....let me know if it will work, or what I have to add. Few words can be incorporated.
jak

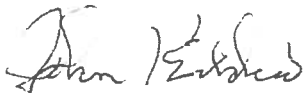
23 May 2011

Idaho Department of Water Resources

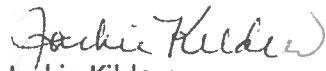
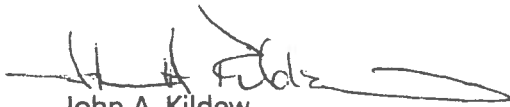
Supplemental Affidavit

John Kildew
PO Box 333
American Falls, Idaho

This is to clarify the irrigation process/plan used to irrigate the 60 acres opened south of Rock Creek on the Kildew farm. John Kildew pumped water from Rock Creek into the main line that ran up through approximately the middle of the field. The upper side of the field was about 30-32 pipe lengths and the lower side was slightly longer or about 32-34 pipe lengths. Initially John started with a 7.5 horse pump, but the pressure wasn't enough to run both lines. John then got a 10 horse pump; we started one line at the top of the field and one line at the bottom of the field. This resulted in enough water pressure to run both lines with about a 10 foot over spray of water from pipe section/riser to pipe section/riser.



John Kildew


Jackie Kildew
John A. Kildew

KIM KILDEW
410 S. Orchard Street #176
Boise, Idaho 83705
208.344.1096 208.863.6963
Fax 208.384.0710 email: kim@dancaf.com

May 26, 2011

To: Steve Clelland
Idaho Department of Water Resources

Re: Kildew Water Right # 41-4009

Steve,

Thank you for responding to the supplemental affidavits filed by the three members of the Kildew family. Upon receiving your follow-up phone call I contacted John Kildew senior regarding the timing of the installation of the 10 horse power pump from the upgraded 7.5 horse pump. John Kildew advised me that the upgrade to the 10 horse pump was made in the same growing season as the initial upgrade to the 7.5 horse pump to increase water pressure and water delivery for the two hand lines.

You indicated by phone that the ten horse pump increased the water quantity from .31 cfs to about .40 cfs an .09 increase.

It is my understanding that industry standards are that a single quarter mile hand or wheel line consisting of 31 pipe will distribute from 150-200 gallons per minute (gpm) when in normal operation and pumping conditions. Two handlines would consume 300-400 gpm under normal conditions. Your initial proposal for a recommendation to the Court of .31 cfs will not produce enough water (150-300) gpm to run a single standard line 32 piper sprinkler line. Kim Whalen a Southeastern Idaho farmer of 3,000 irrigated acres and long time friend of the Kildew family advises that 60 acres of irrigated ground require 3 wheel/hand lines with about 400-600 gpm total water delivery and crop coverage a minimum of every 5 days to make a viable irrigated crop in Power County Idaho.

The Kildew Claim of Water Right dated August 1980, stated that two handlines were operated on the 54 acre field. That acreage amount has remained consistent with all submitted affidavits or claims of water right by the Kildews respecting #41-4009. What has evolved and changed was the pump size from pto to 5 horse, then 7.5 horse then a 10 horse power pump to adequately charge two handlines of water for this field.

Under your present proposed recommendation .31 or .40 cfs only a single ¼ mile sprinkler line could be operated on this acreage. Another undisputed fact is that there is a mainline bisecting the 54 acre field with is depicted on the IDWR overhead photo map. That mainline has 19 fixed risers for connection to the hand or wheel lines for irrigation of the subject field. Under your proposal only one handline could be used and

operated which if moved twice per day would take 9.5 days to cover the 54 acre field with suspect water pressure and coverage. The farm has a historic record of producing 3 cuttings of hay and grain in excess of 60 bushels per acre. That production would seem improbable and nearly impossible with irrigation coverage only once every 9.5 or ten (10) days.

What also is undisputed is that the subject field produced yields far beyond dry land crop rates, crops into the late summer and early fall season and has done so for many many years. That crop production is not possible with .40 cfs of water.

I strongly urge that you calculate the water consumption for the Kildew farm at a quantity sufficient to charge two 1/4 mile handlines running simultaneously with 300-400 gallons per minute.

Thank you,

Kim Kildew

Clelland, Steve

From: Kim Kildew [kim@dancaf.com]
Sent: Thursday, May 26, 2011 2:04 PM
To: Clelland, Steve
Subject: RE: Irrigation Supplement

John Kildew stated the water pressure at about 50 psi. The 10 horse replaced the 7.5 horse in the same growing season. Idaho power was reluctant to allow a ten horse pump at first because they thought the power line insufficient to deliver enough electricity. The ten horse is still available for use. The entire system was modified over the last two years with a larger system incorporated in with the other water rights of Ropers and Kildews and a pivot with wheel lines.

There are now wheel lines where the handlines were.

I have sent another email and attachment to help clarify some thing.

Yes I think the recommendation should be file tomorrow.

Kim

From: Clelland, Steve [<mailto:Steve.Clelland@idwr.idaho.gov>]
Sent: Thursday, May 26, 2011 10:54 AM
To: Kim Kildew
Subject: RE: Irrigation Supplement

Kim,

I have a couple questions on your system in Rockland.

1. What is the actual operating pressure at the pump?
2. What is the size of the pump motor that is currently in use? (is it still the 10 HP?)
3. What is the actual date the system was upgraded to 10 HP? (The claim filed by your parents in Aug. 28, 1980 says the 7.5 HP pump was still in use.)

If you can get me this information and any additional info that will support a greater flow rate for your claim, I will adjust the recommendation before it goes to the Late Claim Report tomorrow.

If you are pressed for time, remember you can file an Objection to the recommendation AFTER the report is filed. We can then proceed to resolve this Quantity issue further until all possible information is collected. Once resolved we can sign a form called SF5 and we are done. (By filing the Late Claim report now, we no longer have to wait for those reports to be filed to settle your claim. It may be this reporting process will go to a yearly report after this one. I hope you understand why we are including your claim in the current report even though it is unresolved as to Quantity.)

Let me know if you have questions or comments.
Steve

Steve Clelland
steve.clelland@idwr.idaho.gov
(208) 287-4913

From: Kim Kildew [<mailto:kim@dancaf.com>]
Sent: Tuesday, May 24, 2011 10:47 AM
To: Clelland, Steve
Cc: 'Kildew, John A Col MIL USAF AFMSA/SG3PM'
Subject: FW: Irrigation Supplement

To: Steve Clelland
Idaho Department of Water Resources

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Thank You for your assistance and co-operation in this matter.

Kim Kildew

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From: **John Kildew** <jakildew@gmail.com>
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Subject: Irrigation Supplement
To: Kim Kildew <kim@dancaf.com>
Cc: John Kildew <jakildew@gmail.com>

Here is a document....let me know if it will work, or what I have to add. Few words can be incorporated.
jak

DRAFT

01/28/2011

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

RIGHT NUMBER: 41-4009

344-1096

NAME AND ADDRESS: JOHN KILDEW
PO BOX 333
AMERICAN FALLS, ID 83211

JACQUELINE KILDEW
PO BOX 333
AMERICAN FALLS, ID 83211

SOURCE: ROCK CREEK

TRIBUTARY: SNAKE RIVER

* QUANTITY: 0.31 CFS

* PRIORITY DATE: 04/1/1963

63-65-70?

POINT OF DIVERSION:

T09S R30E S09 SWSESE

Within POWER County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

04/1 10/31

0.31 CFS

PLACE OF USE:

IRRIGATION in BLAINE County

T09S R30E S09 SESW

0.8

T09S R30E S09 SWSE

4.5

T09S R30E S09 SESE

3.2

T09S R30E S16 NENE

19.0

T09S R30E S16 NWNE

23.0

T09S R30E S16 NENW

4.1

54.6 ACRES TOTAL

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

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EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

Spl't out SW?
in stream use?

5/17/11 Kunk
mentioned SW would
be for in stream use. Pump
is not used to water stock -
only for irrigation.

* Claim Not officially
filed at this time.

filed & accepted
by SRBA ✓

Irrigation 54.6 AC
Flow Rates

5/17/11
office app
Kildew &
Clelland

STD

total pumping

$$0.02 \text{ cfs/AC} (1''/\text{AC}) = 1.09 \text{ cfs}$$

Claim

2.00 cfs

$$0.0366 \text{ cfs/AC} (1.83''/\text{AC})$$

Theor.

0.31 cfs

$$0.006 \text{ cfs/AC} (0.2''/\text{AC})$$

$$\text{opt \#1} (150 \text{ gpm/wheel line}) \left(\frac{300 \text{ gpm}}{440} = 0.70 \right)$$

$$0.0128 \text{ cfs/AC} (0.64''/\text{AC}) = 0.70 \text{ cfs}$$

5/24/11 email update from Kim K.

Says 10 HP pump system was installed
at the time the STAT. Claim was filed - 8/28/1980

$$\frac{(8.8)(.70)(10)}{198.6} = 0.41 \text{ cfs} (20\frac{1}{2}'') = 0.0075 \text{ cfs/AC} (1.38''/\text{AC})$$

THEORETICAL ESTIMATE PUMP FLOW

1963 - PTO Pump on Tractor - NO DETAILS

1965 - Electric Pump Added 5HP

1970 - increase HP to $7\frac{1}{2}$
increase in Flow & IRRIG. AC.
(= current use?)

$$Q = \frac{8.8 * \overset{\text{effic.}}{\cancel{75}\%} * \text{HP}}{\text{depth to H}_2\text{O} + 2.31 * (\text{psi}) + \text{friction}}$$

$$@60 \text{ psi} = \frac{(8.8)(7.0)(7.5)}{10 + (2.31)(60) + \cancel{0}}$$

(estimates based
on field observ.
by SCC)

$$= \frac{46.2}{148.6} = \underline{\underline{0.31 \text{ cfs}}}$$

$$@50 \text{ psi} \rangle \quad \frac{46.2}{125.5} = \underline{\underline{0.37 \text{ cfs}}}$$

41-4009 Kildew

- SW -

no other SW uses decreed
from Rock Cr. or S.F. Rock Cr.

Bench Ditch has 0.10 year around
from E. FK

- ONLY SW use from ^{main} streams.

Power Lines
added in:
1965

5 HP 1965
7 1/2 HP in 70's

0036996 - 2 -

00037

developed as
PTO pump?

Cfs?

Q?

43/AC
Claimed

1965 Elec. Power
pumped more H₂O
& more Ac. irrig
- J. Kildew

1/4 mil

H. Lines

@ 150 gpm
line

= 300 gpm

= .7 cfs

POP in
Rock CR

41-10039

41-4009

12.2

9.6

0.5

41-41B

3.2

0.8

4.5

1.4

4.1

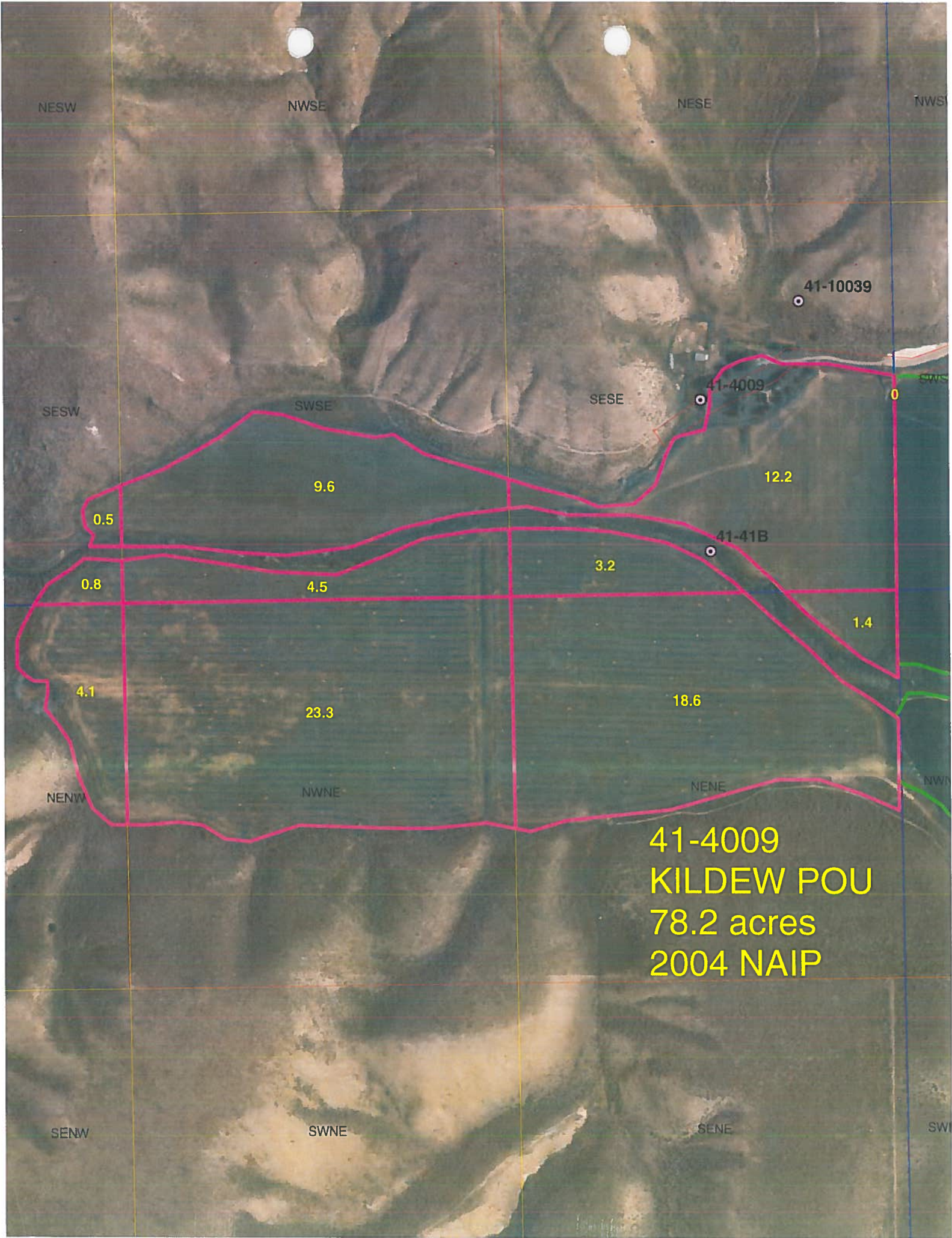
23.3

18.6

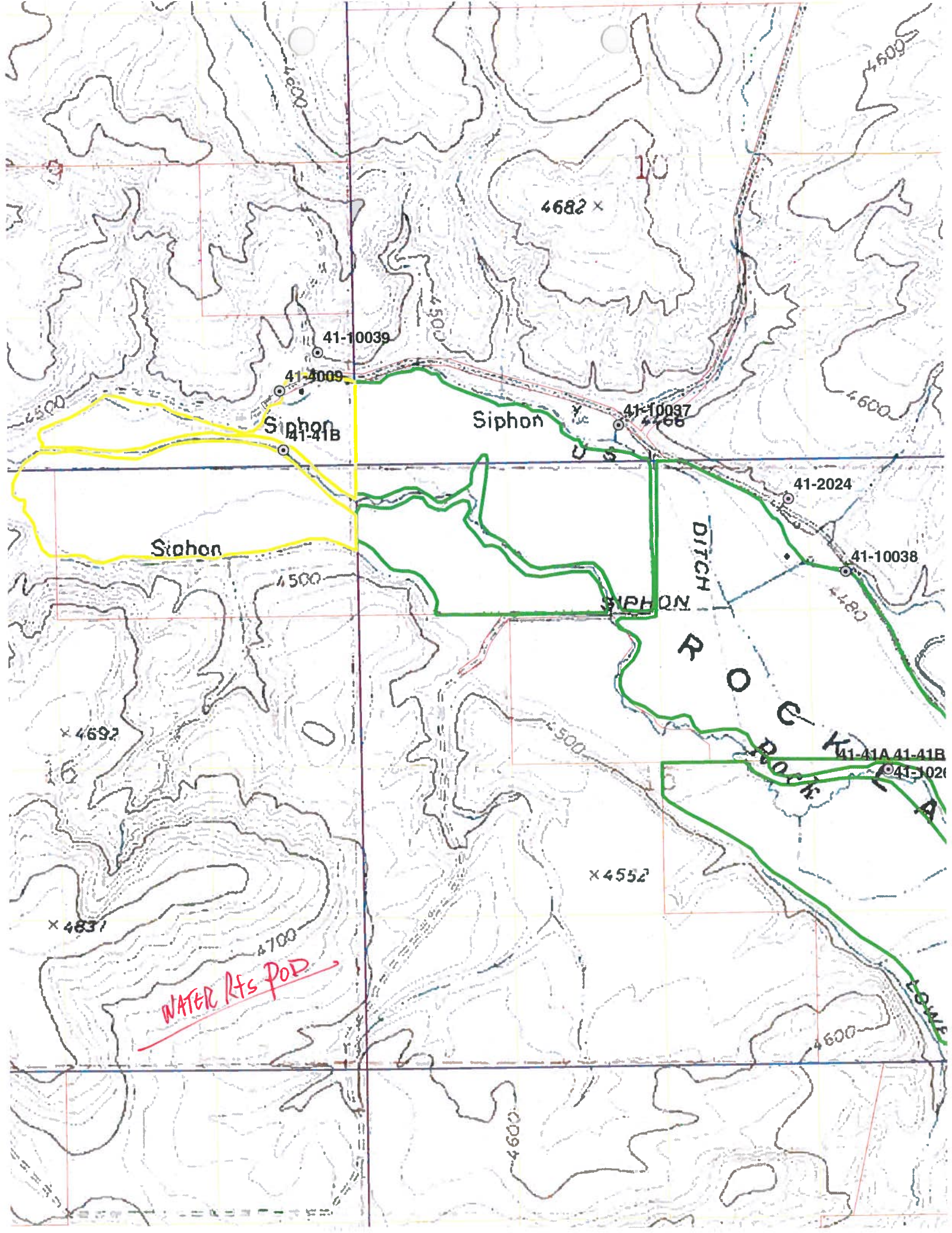
$N = 23.7$
 $S = 54.5$

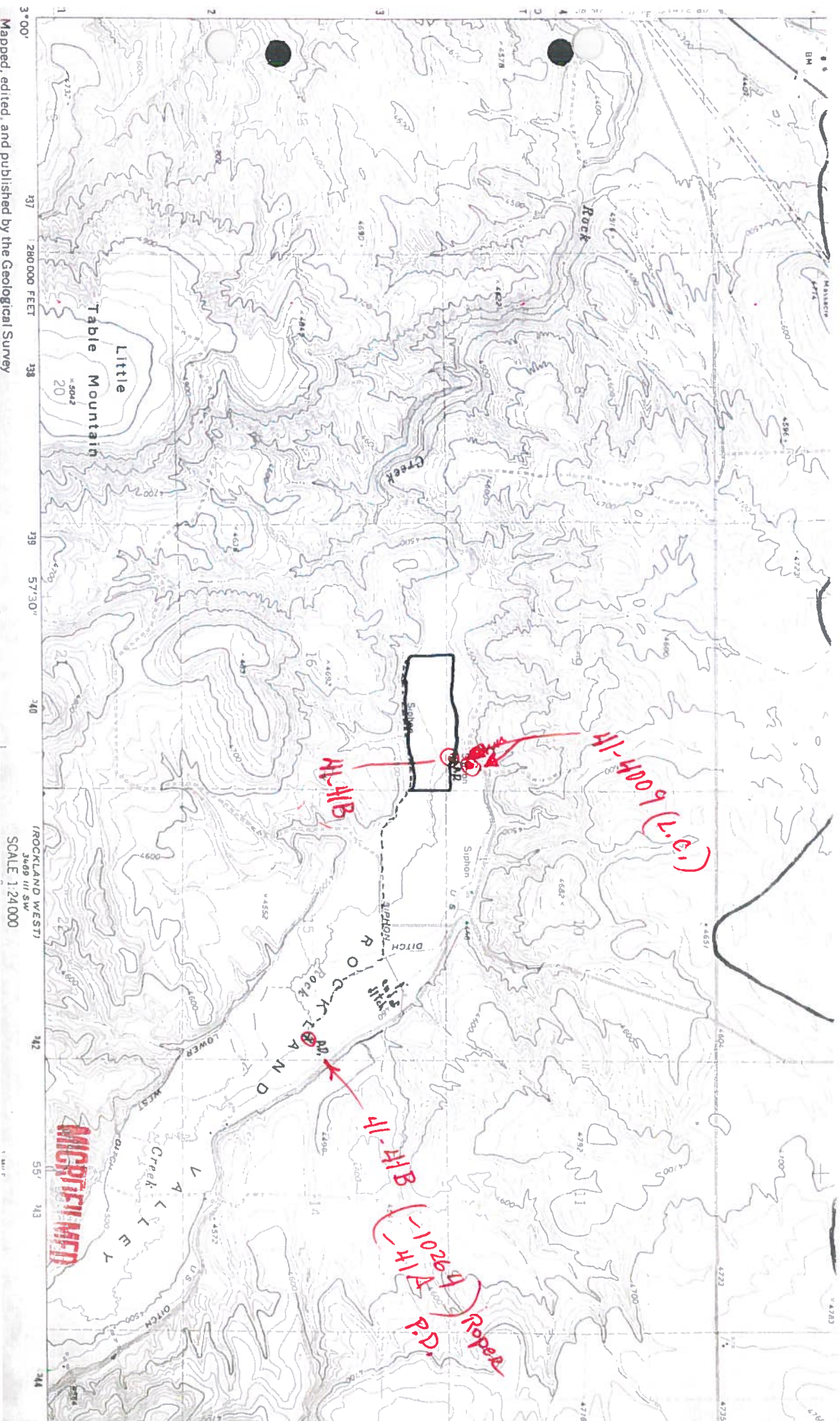
 78.2 Ac

41-4009
Kildew



41-4009
KILDEW POU
78.2 acres
2004 NAIP





41-4009

6/10/10 gcu

2:30 Appt w/ Kim KILDEW @ IDWR
& STEVE CLELLAND
41-4009 (LATE CLAIM)

We reviewed the claims & maps for all the Rights in the vicinity of the Kildew farm.

The general view for KILDEW water is the 41-41B right covers the North side of the Rock Creek (23.7 Ac) while the 41-4009 right will cover the South side (54.5 Ac).

We discussed the use of US Ditch water as is shown in the GIS mapping links, however, the KILDEW lands do not appear in any of the land lists for the US Ditch POU. (I will need to review the US Ditch Rights further.)

We discussed the use & construction of the Houtz Box and I gave him a copy from the Decree.

I raised the question of the common lands under 41-41 may also be of common claim to the "Juniper Mining/FILBRICK" water. I gave him copies of those Houtz pages ALSO.

X

Clelland, Steve

From: Spencer, Nick
Sent: Friday, June 11, 2010 6:00 PM
To: Clelland, Steve
Subject: 41-4009 (RE: Kildew update...)

6/11/10

Roper/Kildew

Follow Up Flag: Follow up
Flag Status: Flagged
Categories: Red Category

Hi Steve. I am glad you caught the glitch with the U.S. Ditch POU. When I send the letter to Travis I want to be able to point to the most accurate numbers possible as to what the diversion rates for all of Roper's currently decreed rights are. One thought I had the other day is that adding the high water right on top of the other rights tends to inflate the total quantity he could receive since it looks like he could divert the total combined diversion rate during the whole irrigation season, while a portion of that total—the high water quantity—is only available early in the season. Maybe you could put the rights together in such a way as to show (1) the quantities stacked on each part of the POU during the irrigation season, minus the high water right, and then (2) a separate listing to the effect that during the high water period he gets all this PLUS the high water diversion rate of top of it. What do you think?

I'm glad you had a good meeting with Kildew. In reviewing the material he had submitted to the court in support of the late claim to me his story seemed to hang together well. I am not surprised you think the claim is legitimate, because it looked to me like that likely would be the case. Also, he doesn't strike me as the kind of guy who would butcher the truth in order to get as much as he could. I get the impression he is pretty honest and forthright. (I know. I know. That is really peculiar for a lawyer. But...on rare occasion it happens.) >)

From: Clelland, Steve
Sent: Friday, June 11, 2010 4:58 PM
To: Spencer, Nick; Kelly, Vicki
Subject: Kildew update...

Had a good visit with Kim Kildew yesterday. Short answer: He should file the claim.

There is good evidence they have a water right for this land. I can see a rec'd for 41-4009 being valid.

I mentioned the idea of being a co-claimant with Lance Roper for the Juniper Mining water. The thought being if the land was one owner under 41-41 the Juniper water would have been there too... if it existed. Kim said it was worth looking at and he got copies of the Houtz decree relating to 41-42, 41-47 and the Houtz Box construction design.

As we started to review the other rights on the property I mentioned, as I had with the Roper lands, that the U.S. Ditch Co. had water rights appurtenant to the lands there. He didn't know of any use of U.S. Ditch water. I dug deeper into the the U.S. Ditch rights (41-39 & 41-46 plus a HW right) and looked at the land list in the Partial Decree... The Kildew farm is not listed. Neither is the Roper parcel south of the Rock Creek. I re-directed the discussion to the Kildew rights/claim and we finished the meeting.

Today I came back to the U.S. Ditch POU and reviewed the recommendations I made back around 1995-99. I made some conclusions about the Roper duties of water based on information I gathered from the GIS data at IDWR. The GIS water right shape for the POU for the U.S. Ditch shows that it includes farmland of Kildew/Roper that are not part of the Water Right as decreed. In reviewing my rec'd notes it was not intended to be a part of it either. I relied on the GIS information and the results I gave you regarding the Roper overlapping uses are skewed somewhat.

I don't think it is a major issue but I need to look at the numbers again. It only involves a 26 ac piece of Roper's that would not be covered by the U.S. Ditch water; south of the Rock Creek stream.

On one hand it is good I stumbled across the shape error on our database... on the other, Late claims force us to go back and review the overlapping rights that are already completed and re-evaluate the overlaps with new variables in the picture. I didn't think I would need to re-visit the U.S. Ditch right in such detail. I hope the whole valley doesn't start to unravel over this. (late claim stuff.)

Aaahh. I feel better already after that venting!
steve

41-4009

KILDEW

2/9/10 SCC

41-41B

(P. Decree)

0.50 cfs

POD:

S 9 SWSESE

S 15 NENESE

POW:

S. 9 SE SW 0.5

SESE 13.0

SWSE 9.5

S 16

NENE 2.0

25 ACB41 shapes (1995) SCC

Kildew lands

N. SIDE = 23.7

S. SIDE = 54.5

78.2 AC41-4009 claim
(1963)

SE SE

NE NE

0.8

3.2

4.5

19.0

NWNE 23

NENW 4.1

54.6 AC

CLAIM TO A WATER RIGHT

The filing of this claim does not confirm the water right claimed but failure to file may result in forfeiture of a water right.

P. O. Box 333, American Falls, Id 83211 Telephone No. 548-2396
(Mailing Address) (Zip Code)

(1) Date of priority: (When was the water first applied to a beneficial use) April 1, 1963

(2) Describe the source of water: (Name of stream, lake, spring, etc., or ground water)

Rock Creek tributary to Snake River

(3) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:

cfs, gpd, AFA)		(Domestic, Irrigation, Stock, Etc.)	(Both dates inclusive)	
			(Mo., Day)	(Mo., Day)
Quantity	<u>2.00 cfs</u>	Use <u>irrigation</u>	Period of Use From <u>Apr 1</u>	To <u>Oct 15</u>
Quantity	<u>0.02 cfs</u>	Use <u>livestock</u>	Period of Use From <u>Jan 1</u>	To <u>Dec 31</u>
Quantity	_____	Use _____	Period of Use From _____	To _____
Quantity	_____	Use _____	Period of Use From _____	To _____
Quantity	_____	Use _____	Period of Use From _____	To _____

(4) 2.02 cfs TOTAL QUANTITY USED.
(cfs, gpd, AFA)

(5) A) Point of diversion: (Location of point where water is diverted from its source)
SE ¼ SE ¼, Sec. 9 Twp. 9S Rge. 30E B.M., County of Power
 Additional points of diversion: NE ¼ SE ¼ Sec. 15 T. 9S R. 30E

B) Describe means of diversion of water: (Pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.). Give sizes and capacities: be as specific as possible. Describe any changes in the system and give the date of the change. Existing ditch & siphons to gravity system; 5 hp pump installed in 1965 & increased to 7½ hp in 1970, two ¼-mile handlines. Cattle drink from stream or ditch.

(6) A) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is not for irrigation, place an "X" in appropriate box to show location.

[illegible]

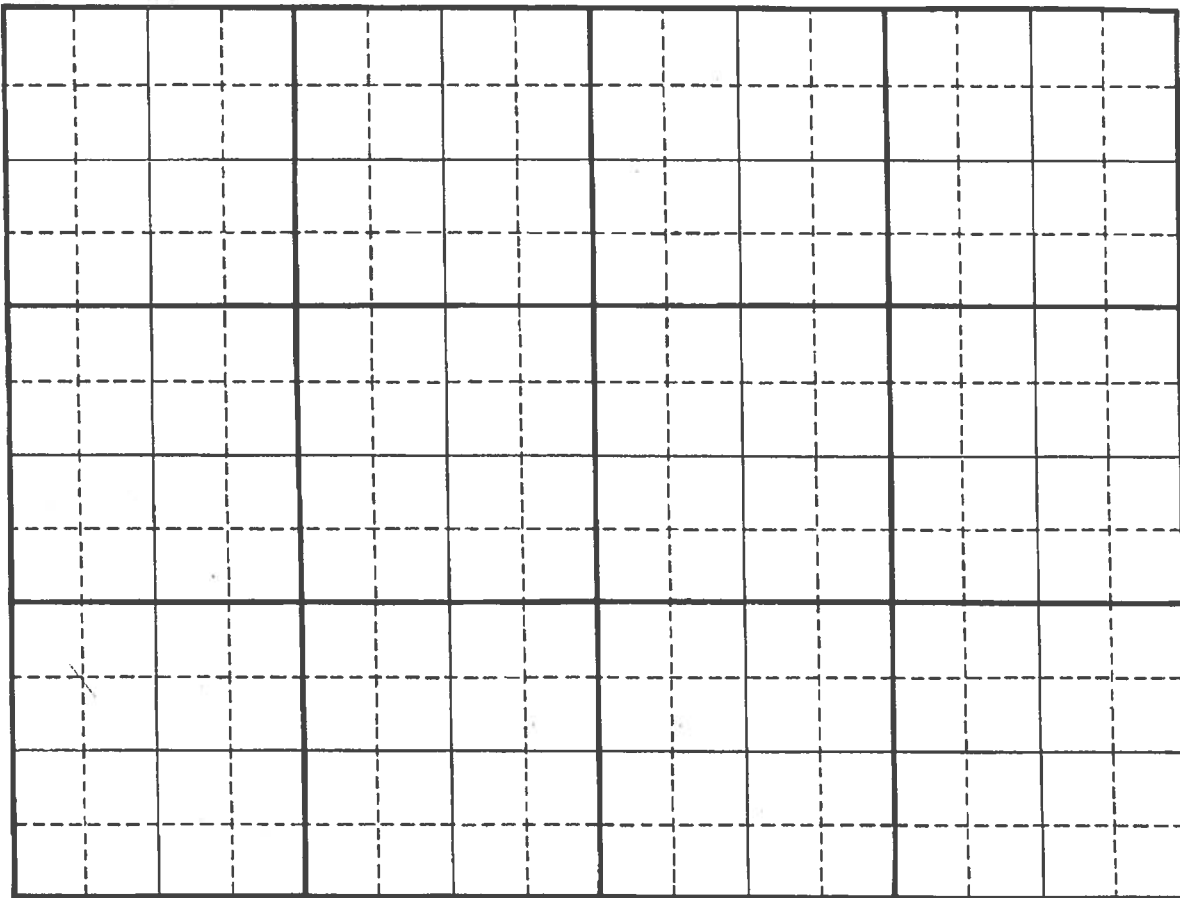
No. of acres 754

B) If water is used for other than irrigation, fully describe that use, being as specific as possible:

NOTE: Include here the type and number of stock watered: up to 80 head of range cattle

(7) If you are claiming water as a member of an organization, list name of organization:

(8) Remarks This water is delivered under decreed right #41-0041. P. U. was expanded & P. D. moved to present location when sprinkler system was installed.



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 Twin Falls) 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 28 day of August, 19 80.

Walter H. Kalden
(Claimant)

Mary A. Hill
Notary Public
Residing at Twin Falls, ID 83301

My commission expires Life

FOR DEPARTMENT USE ONLY

Received by J. H. Hutton Date 8-28-80 Exception filed by: _____ Date _____
Prelim. check by JB Date 8-28-80 Forwarded to claimant by: _____
#33, \$20.00 fee received by JB Date 8-28-80 #16575
Published in Dance County Press _____
Dates 9/17 & 9/24/80 _____



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street • P.O. Box 83720 • Boise, Idaho 83720-0098

Phone: (208) 287-4800 • Fax: (208) 287-6700 • Web Site: www.idwr.idaho.gov

April 12, 2011

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

JOHN KILDEW
JACQUELINE KILDEW
PO BOX 333
AMERICAN FALLS ID 83211

Re: Snake River Basin Adjudication (SRBA)
Late Notice of Claim to a Water Right No. 41-4009

Dear John & Jacqueline:

The Notice of Claim you filed have been received from the SRBA Court . I have enclosed Receipt No. C092501 for the filing fees you paid. Please retain the receipt for your records.

The Notice of Claim will be investigated and reported to the Court in a future supplemental Director's Report. If you have any questions, please feel free to contact our office.

Sincerely,

A handwritten signature in cursive script that reads "Lori Harris".

Lori Harris
Technical Records Specialist 2
Adjudication Section

LH:I
Enclosure