

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

Right includes accomplished change in point of diversion pursuant to Section 42-1425, Idaho Code.



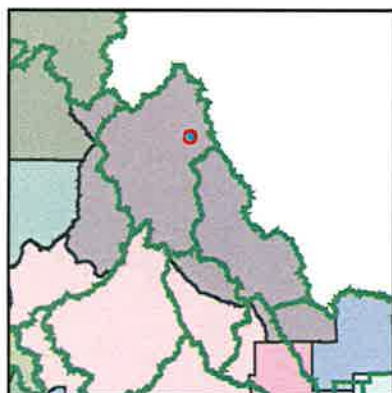
Idaho Department of Water Resources

Adjudication Claim Number: **75-2004 H**

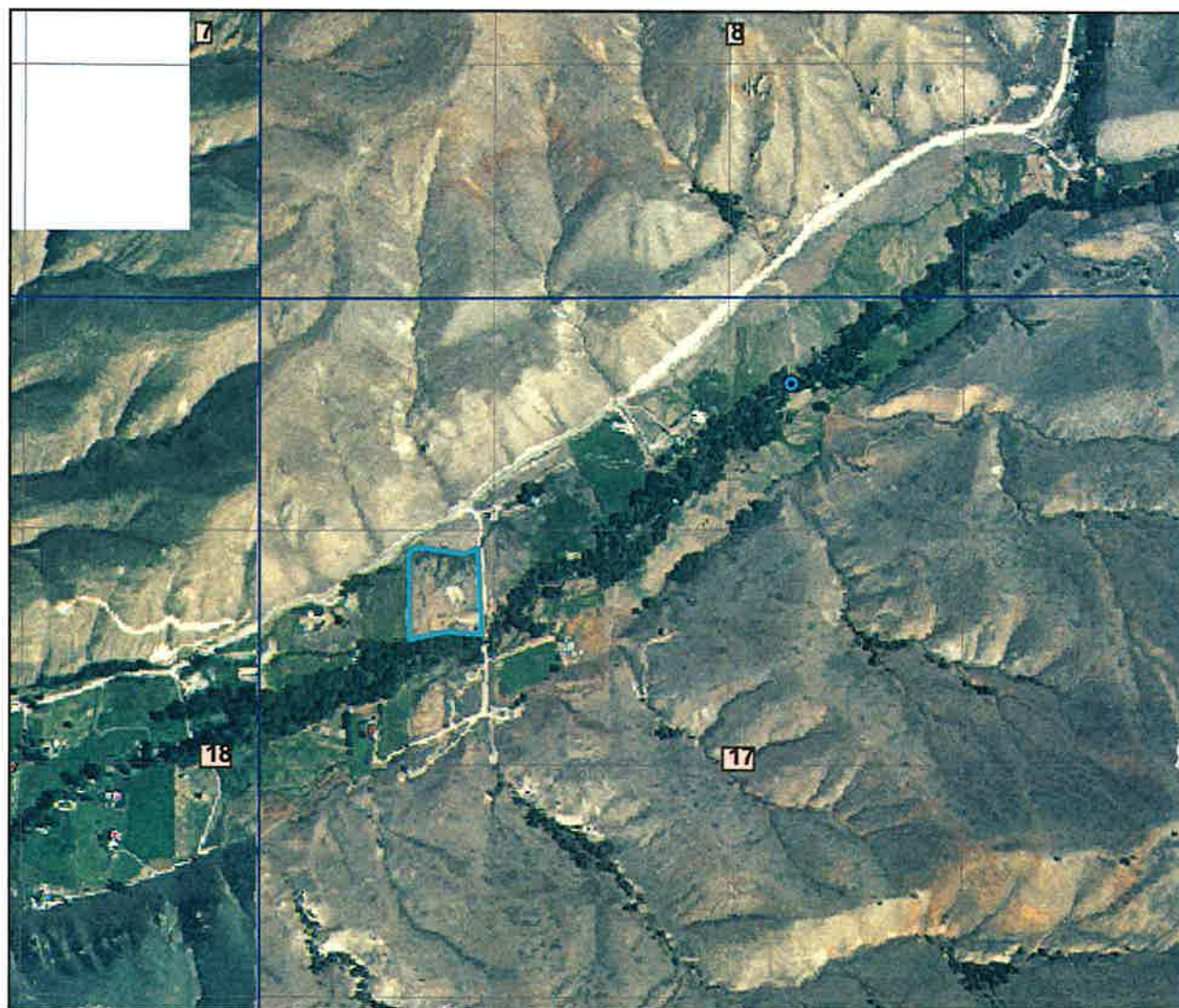
T23N R22E

Legend

- 75-2004H
- POD
- Township/Range
- Sections
- GCDB23N22E GCDB



Lemhi County
IDWR Basin 75

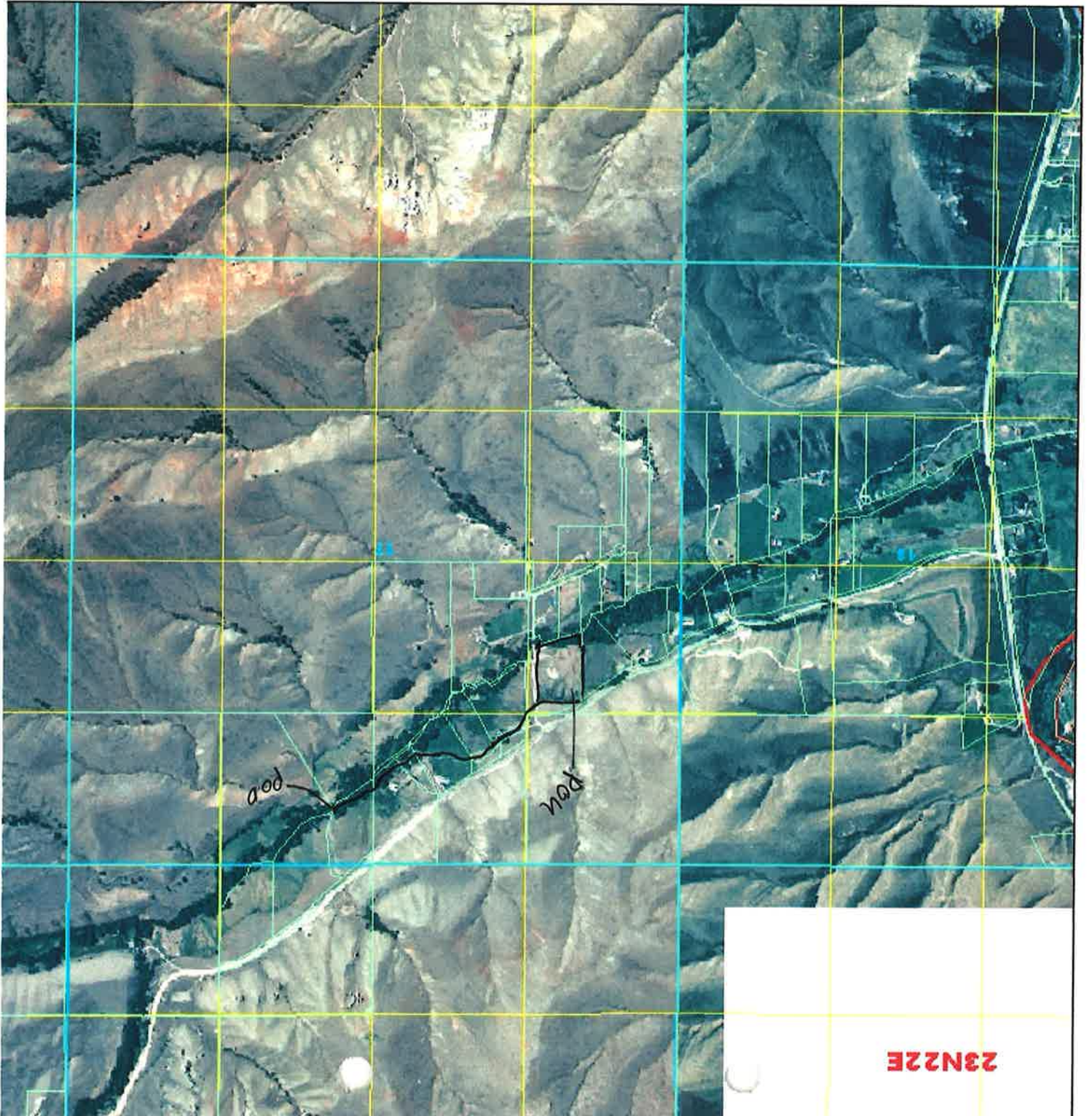


0 0.3 0.6 Miles

A scale bar showing distances of 0, 0.3, and 0.6 miles.

Prepared by R. Brown
On Wednesday, January 25, 2006
1993/94 Aerial Photography

75-20044



23N22E

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION SECTION
CLAIM VERIFICATION FIELD EXAM SHEET
(Use with the ECVR)

CLAIM NO(s). 75-2004 H

1. ☒ No Change NAME IS SAME

☐ NEW OWNER: _____

☐ No Change ADDRESS

☐ NEW ADDRESS: _____

2. ☐ No Change - DATE OF PRIORITY: Completed evidence submitted

☐ Incomplete - Claimant should be asked during the exam when was water first used and submit proof of date of priority.

Priority date, per claimant, is: _____

(If the priority date, based on your exam, seems questionable, explain below.)

3. ☒ No Change — SAME SOURCE

☐ Source is different than that claimed:

Source found: _____

4. ☐ No Change — POINT OF DIVERSION

☒ Point of diversion is different than the claim and/or new P/D's:

GPS Site Tag No.: A0015036

CPS PL + 90610203 T060720 B

Township 23N Range 22E Section 17 1/4 NW 1/4 SW 1/4 NE

Township _____ Range _____ Section _____ 1/4 _____ 1/4 _____ 1/4 _____

5. ☒ No Change - DESCRIPTION OF DIVERTING WORKS

☐ Incomplete description, list below:

diversion in creek ditch to place of use

6. ☒ No Change - WATER USES

☐ Different uses, (list uses found):

Use _____	From _____	To _____	Amount _____	CFS _____	AFA _____
Use _____	From _____	To _____	Amount _____	CFS _____	AFA _____
Use _____	From _____	To _____	Amount _____	CFS _____	AFA _____

7. ☒ No Change - TOTAL VOLUME

☐ Incomplete on claim, the total is, Amount _____ CFS _____ AFA

☐ Changes found, the new total is, Amount _____ CFS _____ AFA

8. ☐ No Change - NON-IRRIGATION USES:

☐ Changes Exam found:

Domestic # of homes: _____ Stock # _____ List types: _____

Additional comments: _____

9. ☐ No Change — PLACE OF USE: (If changed, list below.)

Use: <u>irr.</u>	Township <u>23N</u>	Range <u>22E</u>	Section <u>17</u>	<u>1/4 SW</u>	<u>1/4 NW</u>
Use: _____	Township _____	Range _____	Section _____	<u>1/4</u>	<u>1/4</u>
Use: _____	Township _____	Range _____	Section _____	<u>1/4</u>	<u>1/4</u>
Use: _____	Township _____	Range _____	Section _____	<u>1/4</u>	<u>1/4</u>

Remarks: (Comments pertinent to field examination) ☐ See additional attachment

POU incorrect on claim, ownership taken from Lemhi County
top lots. Shares POD with 75-2004A, 75-2004L, 75-2004K, 75-4143
75-4208A, 75-4208B, 75-7192, 75-10280, 75-11623, 75-13710

☒ SYSTEM DIAGRAM INCLUDED ☐ NA

☐ Shown on GIS Layout

☐ CK IF IN OFFICE EXAM

DATE EXAM CONDUCTED: 6-9-05

FIELD EXAMINER: Bob Foster

Print Name

Bob Foster

Signature

```
filename: c:\docs\forms\ditch flow computations upgraded.xls
```

Measurement done by: B. Foster

Location of measurement: Tower Creek upper ditch

Date of measurement: 6/10/2005

REW value: 1.00

LEW value: 4.00

Space between

readings (ft): 0.50

Note to user:

Make entries in cells without shading.

[illegible]

Tower Creek Upper ditch

GPS Site Tag No.: A0015036

POD Location: T23N, R22E, S17, NWNE

Rate Measured: 4.59 cfs

Claim No.	Priority Claimed	Rate Claimed (cfs)	Priority Rec.	Rate (0.02 cfs/acre)	Ditch Length (mi.)	Conveyance Loss (cfs)	Max. Rate (cfs)	Rec. Rate (cfs)
75-2004A	2/19/1907	0.230	2/19/1907	0.016	0.653	0.261	0.28	0.15
75-2004H	2/19/1907	0.123	2/19/1907	0.084	0.417	0.167	0.25	0.12
75-2004K	2/19/1907	0.047	2/19/1907	0.046	0.481	0.192	0.24	0.05
75-2004L	2/19/1907	0.110	2/19/1907	0.038	0.581	0.233	0.27	0.11
75-4208A	4/1/1911	0.065	4/1/1912	0.012	0.076	0.030	0.04	0.04
75-4208B	4/1/1911	0.025	4/1/1912	0.010	0.137	0.055	0.06	0.03
75-7192	4/17/1981	0.090	4/17/1981	0.028	0.170	0.068	0.10	0.09
75-10280	8/10/1904	0.180	4/1/1912	0.036	0.170	0.068	0.10	0.10
75-11623	7/10/1906	0.060	4/1/1912	0.046	0.268	0.107	0.15	0.06
75-13710	8/21/1911	0.150	4/1/1912	0.078	0.313	0.125	0.20	0.15
						0.000	0.00	

1.70 0.63

Conveyance Loss (Worstell Method)

$S=(W)(i)(0.0667)$

where: S = loss in cfs/mile

W = top width of ditch high water mark in feet

i = loss rate in feet per day (see table)

0.0667 is a factor to convert to cfs/mile

W = 3.0 ft.

i = 2.0 ft/day

S = 0.40 cfs/mi.

Type of Soil	Loss Rate i (ft/day)
med. Clay loam	0.5 to 1.5
impervious clay	0.5
med. Soils	1.0
somewhat pervious	1.5 to 2.0
gravel	2.5 to 5.0



11/20/2006

RECEIVED

DEC 12 2006

DEPARTMENT OF
WATER RESOURCES

**NOTICE OF ERROR
REPLY**

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: 12/13/2006

Water right number: 75-2004H

KAY L KLINGER
BOX 28
CARMEN ID 83462

BARRY P KLINGER
BOX 28
CARMEN ID 83462

SCANNED ✓

DEC 21 2006

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):

2. Describe the changes you wish to make in the proposed recommendation:

3. Give a brief explanation as to why you disagree with these portions:

☒ I AGREE with this proposed recommendation: no changes need to be made.

DATE:

12/6/06

SIGNATURE:

Barry P. Klinger

Please print your name:

BARRY P. KLINGER

IDWR Regional Office, 7600 Mineral Drive, Suite 100, Coeur D' Alene, ID 83815, 2087622800



State of Idaho

DEPARTMENT OF WATER RESOURCES

Northern Region, 7600 Mineral Drive, Suite 100, Coeur d'Alene, Idaho 83815

Phone: (208) 762-2800

Fax: (208) 762-2819

Web Site: www.idwr.idaho.gov

JAMES E. RISCH
Governor

KARL J. DREHER
Director

January 11, 2007

BARRY P & KAY L KLINGER
BOX 28
CARMEN ID 83462

Re: Tower Creek Adjudication Recommendation

Dear Mr. and Mrs. Klinger:

Enclosed is a spreadsheet that summarizes recommendations filed with the SRBA court for claims for water from Tower Creek for properties that were settled in the 1890's or early 1900's. The claims had a wide array of priority dates and evidence in support of those priority dates was received. Some of you filed a Notice of Error in response to the Recommended Findings that were mailed out to claimants in November 2006. Some of you may have already received a response from us regarding your Notice of Error.

After looking at each right separately, we concluded that a more systematic approach to how recommendations were made was required. It seemed to us that it made sense to have the same priority date recommended for all of the property that was originally part of a single homestead. To that end we evaluated the Evidence of Priority information that was submitted and used the earliest date that we felt could be verified. In some cases documents were submitted that may reference dates earlier than what we have recommended, but the extent of development was not quantified. The spreadsheet lists the various water rights and the basis for the selection of the date used. Please note that you still have the option of filing an objection with the court if you disagree with these recommendations

If you have any questions please don't hesitate to contact us.

Sincerely

Robert G. Haynes P.E.
Regional Manager

11/03/2006

IDAHO DEPARTMENT OF WATER RESOURCES

RIGHT NUMBER: 75-2004H

NAME AND ADDRESS: KAY L KLINGER
BOX 28
CARMEN ID 83462

BARRY P KLINGER
BOX 28
CARMEN ID 83462

SOURCE: TOWER CREEK

TRIBUTARY: SALMON RIVER

QUANTITY: 0.150 CFS

PRIORITY DATE: 02/19/1907

POINT OF DIVERSION:

T23N R22E S17 NWNE Within LEMHI County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

04/01 10/31

0.150 CFS

PLACE OF USE:

IRRIGATION in LEMHI County

T23N R22E S17 SWNW 5.00

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 - License

Right includes accomplished change in point of diversion pursuant to Section 42-1425, Idaho Code.

COANNED
OCT 05 2001

Idaho Department Of Water Resources
Detail Receipt Summary Screen

Date: 06/12/92
Time: 12:52:33

Rec/No - E013141 AR/No -
From: - KLINGER, BARRY OR KAY

Receipt Type - CK Doc/No - 240
Remarks -

MOST CURRENT RECEIPT

Receipt Date: 04/13/1990

Type Of Payment
ADJUDICATION FEE

Fund	FD	PCA	Obj	Subsid	Fee
9337		410162	6490		57.00

Total Due - 57.00

WR/No
A7502004H

WR Fee
57.00

WR/No

WR Fee

WR/No

WR Fee

(ENTER=CONTINUE)

(GOLD7=SELECTION SCREEN)

(GOLD8=CANCEL)

Duplicate filings: Klinger - Barnes

*— Give to EC — 6-15-92 Barnes reassigned
A75-02004J - Receipt # E014907 Jo/GT.*

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DEC 15 1992

Idaho Department Of Water Resources
Detail Receipt Summary Screen

Date: 06/12/92
Time: 12:51:40

Rec/No - E014907 AR/No -
From: - J.B. PORTABLE WELDING

Receipt Type - CK Doc/No - 756
Remarks - JOHN R BARNES

MOST CURRENT RECEIPT

Receipt Date: 06/26/1990

Type Of Payment
ADJUDICATION FEE

Fund	FD	PCA	Obj	Subsid	Fee
9337		410162	6490		52.00

Total Due - 52.00

WR/No	WR Fee	WR/No	WR Fee	WR/No	WR Fee
A7502004H	52.00				

(ENTER=CONTINUE)

(GOLD7=SELECTION SCREEN)

(GOLD8=CANCEL)

MICROFILMED
DEC 15 1992

SD-62
MODIFY CLAIM

Idaho Department of Water Resources
Adjudication Remarks Screen

Date: 06/12/92
Time: 12:50:04

Water Right Number: A75-02004H

FIRST PAGE

13. Remarks: NOTICE ORIGINALLY RECEIVED AS A75-02004D. TO SOLVE DUPLICATE
NUMBER PROBLEM RENUMBERED TO A75-02004H. RECEIPT E013141
CHANGED TO REFLECT NEW NUMBER. EMC 7/25/90.

(GOLD2=Update) (GOLD4=Prev Screen) (GOLD6=End of Data) (Enter=Exit)
(GOLD3=Add Std Rmk) (GOLD5=Next Screen) (GOLD7=Copy to Comments) (GOLD8=Cancel)

MICROFILMED
DEC 15 1992

July 24, 1990

Barry P. and Kay L. Klinger
Box 28
Carmen, ID

RE: Notice of Claim

Dear Mr. and Mrs. Klinger:

The water right number assigned to the Notice of Claim for your property in Lemhi County had previously been used. Therefore, we have renumbered your Notice from A75-02004D to A75-02004H and modified Receipt No. E013141 to reflect this change.

The enclosed form is an exact duplicate of the original notice but with the newer water right number. Please retain this Notice for your records and future reference.

If you have any questions, please feel free to call.

Respectfully submitted,

EC

Ernest Carlsen
Adjudication Supervisor

EC:jt

Enclosure: Notice of Claim
Receipt

MICROFILMED
DEC 15 1992

RECEIPT
For Monies Paid
to the
IDAHO DEPARTMENT OF WATER RESOURCES

Receipt No: 6013141

Date: 04/13/90
Time: 10:23:46

Received From: KLINGER, BARRY OR KAY

Type of Payment	Program Acct Class	Amount
ADJUDICATION FEE	0410162 9337 6490	\$57.00

Total
\$57.00

CHECK 240

WR/NO: A75-0200411

Idaho Department of Water Resources

Region: EASTERN

Signature: *[Signature]*

July 25, 1990,

Number charged from A75-020040.

MICROFILMED
DEC 15 1992

OCT 05 2001

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

Renumbered: A75-02004-11 1/25/90
Ident. Number: A75-02004D

Date Received: 12/16/1988

Receipt No: E013141

Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: BARRY P. KLINGER

Address: BOX 28
CARMEN, ID

83462

OR

Name: KAY L. KLINGER

Address: BOX 28
CARMEN, ID

83462

2. Date of Priority: FEB 19, 1907

3. Source: TOWER CREEK

Trib. to: SALMON RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
23N	22E	17	NW	NE			LEMHI
			SW	NW			LEMHI

5. Description of diverting works:
HEADGATE

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	0.123		

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

A.F.A.

8. Total consumptive use is 17.5 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
23N	22E	17	NW	NE		IRR	7.0
Section Acres							7.0
Total Acres							7.0

11. Place of use in counties: LEMHI

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

13. Other Water Rights Used:
NONE

14. Remarks:

15. Basis of Claim: LICENSE
Water Right Number: 2579

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:

Ident. Number

Date Received

Receipt Number

39576

A75-020040D 15

4-9-90

E013141

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

RECEIVED

APR 9 1990

Department of Water Resources
Eastern District Office

Please type or print clearly

1. Name of Claimant (s)

AND
BARRY P OR KAY L. KLINGER

Phone ()

Mailing Address

Box 28 CARMEN, ID

Zip

83462

2. Date of Priority (Only one (1) per claim)

FEB 19 1907

3. Source of water supply (a)

TOWER CREEK - FORMERLY BOYLE CREEK

which is tributary to (b)

SALMON RIVER

4. a. Location of existing point of diversion is:

Township 23N Range 22E Section 17,

NW 1/4 of NE 1/4 of 1/4, Govt. Lot, B.M., County of LEWIS

Additional points of diversion if any:

SW NW 22N 22E SEC 17

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

Township Range Section , 1/4 of 1/4 of

Govt. Lot B.M., County of

ending point is: Township Range Section , 1/4 of

1/4, Govt. Lot B.M., County of

5. 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.

It appears that
have a share of water right #75
together with L.F. Tolbers - D. Miner and
Bob Charlton and possibly a couple
of others

A7502004H



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DEC 15 1992

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For IRRIGATION purposes from 04/01 to 11/01 amount 0.123 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 0.123 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is _____ acre feet per annum.

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

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	
<u>23N</u>	<u>22E</u>	<u>17</u>		<u>7</u>															

Total number of acres irrigated

7

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

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:

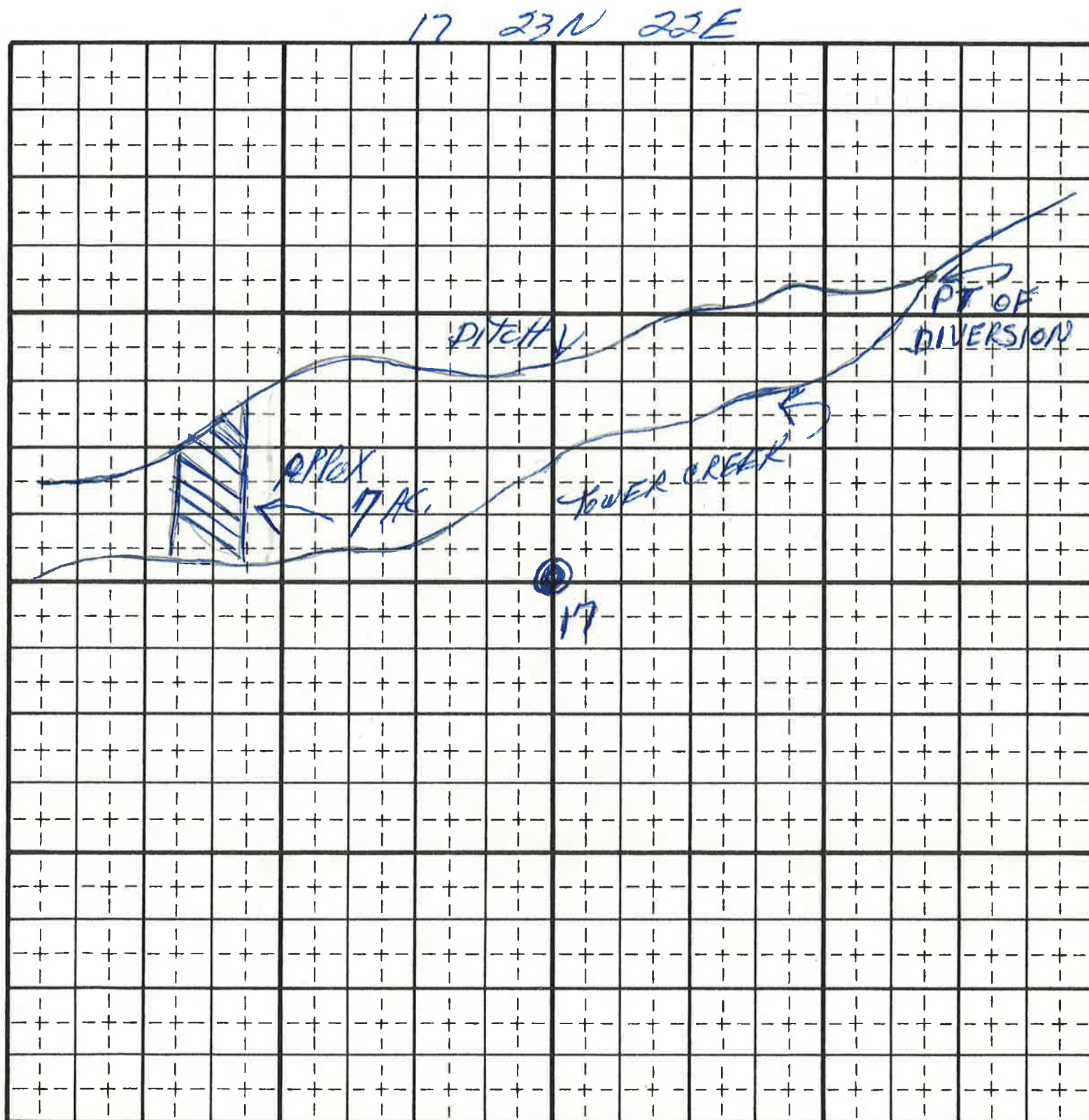
Last Name _____ Ident No. _____

Copies: White -State, Yellow-Claimant

MICROFILMED
DEC 15 1992

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

Scale: 2 inches equals 1 mile



MICROFILMED

DEC 15 1992

Last Name _____ Ident No. _____

Copies: White-State, Yellow-Claimant

15. Basis of Claim (check one) Beneficial Use ☒ Posted Notice _____ License ☒ Permit _____
Decree _____
If applicable provide IDWR Water Right Number 25-02004 010# 2579
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)

Barry P. Klunger
Barry P. Klunger

Date _____

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 _____)

County of LEMHI)

SS.

Subscribed and sworn (or affirmed) before me this 6th day of April 1990

SEAL

Notary Public

[Signature]

Residing at Salmon, Idaho

My Commission Expires 10/26/93

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 _____

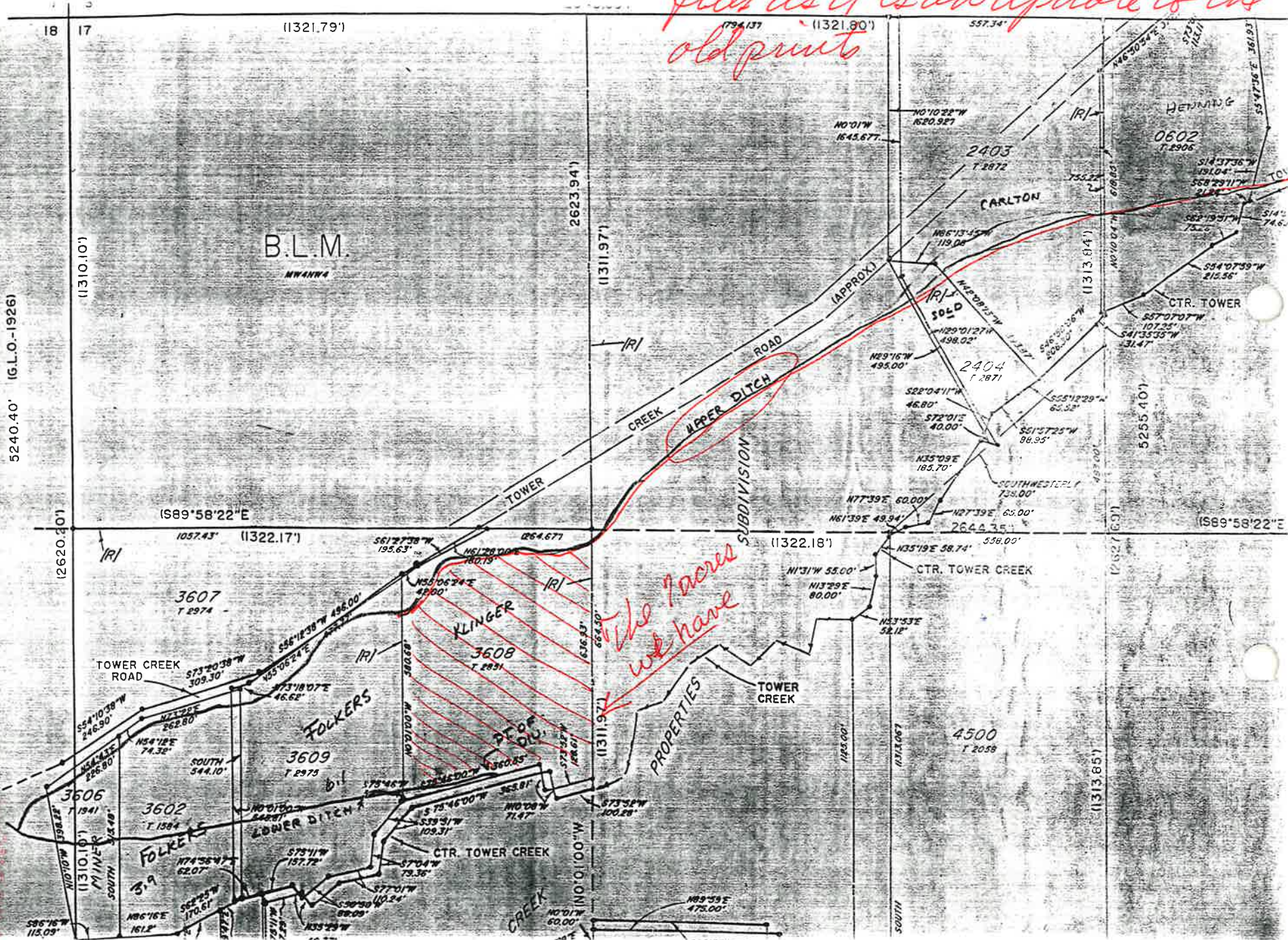
Last Name _____ Ident. Number _____

MICROFILMED

DEC 15 1992

Copies White-State, Yellow-Claimant

a print of this map - should be in your files as it is an update to the old print



DEC 15 1992

UNRECORDED

DATE: 06/12/92
PAGE: 1

Stage: LICENSE

Field Inspection Flag:
Presumption Flag:

DO NOT FILM