COPY

2000 JUN 23 PM 1:56

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED_____

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA Case No. 39576	NOTICE OF COMPLETED ADMINISTRATIVE PROCEEDINGS Water Rights 36-02433, 36-02434, 36-02435, 36-02618, 36-07209, 36-15264A and 36-15264B

IDWR has completed the following Administrative Proceeding:

|_| Change of Address

|X| Substitution of Party

|_| I.C. 42-222 Transfer

SUBSTITUTION OF PARTY

Does the change in "ownership" result in a splitting of the water right claimed? |_|Yes |X|No

If yes, does the split involve an I.C. 42-222 transfer? |_|Yes |_|No

Water Right(s): **36-02433, 36-02434, 36-02435, 36-02618, 36-07209, 36-15264A and 36-15264B**

From (Claimant/Seller):

Name of Claimant: DALE H KLINGLER
Address: 4567 FEDERAL BLVD
SAN DIEGO CA 92102
Phone: (619) 266-1303

To (Claimant/Purchaser):

Name of Claimant: DEON COOK
BLAINE COOK
Address: 501 RIVERSIDE DR
BURLEY ID 83318
Phone: (208) 678-0327

Name of Claimant: REBECCA HUNSAKER
BRUCE HUNSAKER
Address: 501 RIVERSIDE DR
BURLEY ID 83318
Phone: (208) 678-0327

IDWR certifies that it has completed its investigation into the changes to the elements of the water rights listed above as set forth in the attached Amended Director's Reports for said water rights. No other changes have been made to the elements of these water rights except as set forth above.

IDWR has served copies of the Notice of Completed Administrative Transfer and Amended Director's Reports(s) on the claimant(s), prior claimants(s) and all parties in the subcases affected, if any, as reflected on the attached certificate of mailing.

DATED: 6/22/00

Signature of IDWR Representative

CERTIFICATE OF MAILING

I certify that on 6/23/2000 I mailed the original and copies of this form to the following persons, postage prepaid and addressed as follows:

1. Original to:
   Clerk of the District Court
   Snake River Basin Adjudication
   253 Third Avenue North
   P.O. Box 2707
   Twin Falls, Idaho 83303-2707

2. One Copy to:
   Claimant/Seller for Substitution of Party or attorney of record:

   DALE H KLINGLER
   5021 ESTATES WAY
   EL CAJON CA 92020

3. One Copy to:
   Claimant/Purchaser for Substitution of Party or attorney of record:

   DEON COOK
   BLAINE COOK
   501 RIVERSIDE DR
   BURLEY ID 83318

   REBECCA HUNSAKER
   BRUCE HUNSAKER
   501 RIVERSIDE DR
   BURLEY ID 83318

4. One Copy to:
   Chief, Natural Resources Division
   Office of the Attorney General
   P.O. Box 44449
   Boise, Idaho 83711-4449

5. One Copy to:
   United States Dept. of Justice
   Environment & Natural Resource Div.
   550 West Fort Street, MSC 033
   Boise, ID 83724

Patrisha Lawcett
Signature of person or attorney mailing the form

RIGHT NUMBER: 36-15264B

NAME & ADDRESS:
REBECCA HUNSAKER
BLAINE COOK
DEON COOK
BRUCE HUNSAKER
501 RIVERSIDE DR
BURLEY ID 83318

SOURCE: GROUNDWATER

QUANTITY: 0.71 CFS

USE OF THIS RIGHT WITH RIGHT NOS. 36-02433 AND 36-15264A IS IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 5.04 CFS AND A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 1544 AF.

PRIORITY DATE: 08/04/1979

THIS WATER RIGHT IS SUBORDINATE TO ALL WATER RIGHTS WITH A PRIORITY DATE EARLIER THAN APRIL 12, 1994, THAT ARE NOT DECREED AS ENLARGEMENTS PURSUANT TO SECTION 42-1426, IDAHO CODE. AS BETWEEN WATER RIGHTS DECREED AS ENLARGEMENTS PURSUANT TO SECTION 42-1426, IDAHO CODE, THE EARLIER PRIORITY RIGHT IS THE SUPERIOR RIGHT.

POINT OF DIVERSION: T07S R26E S29 SWNWSE Within BLAINE County

PURPOSE AND PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	03-15 11-15	0.71 CFS

PLACE OF USE: IRRIGATION Within BLAINE County

T07S R26E S29	NENE 4	NWNE 35	SWNE 29	NENW 35
	SWNW 31	SENW 34	NESW 31	NWSW 31
	SWSW 31	SESW 32	NWSE 30	
S32	NENW 32	NWNW 31		

386 ACRES TOTAL

USE OF THIS RIGHT WITH RIGHT NOS. 36-02433 AND 36-15264A IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 386 ACRES IN A SINGLE IRRIGATION SEASON.

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

THIS RIGHT IS BASED UPON AN ENLARGEMENT OF RIGHT NO. 36-02433 PURSUANT TO SECTION 42-1426, IDAHO CODE.

EXPLANATORY MATERIAL: BASIS OF CLAIM - BENEFICIAL USE

RIGHT NUMBER: 36-15264B (CONT)

EXPLANATORY MATERIAL: (CONT)

RIGHT NOS.: 36-02433 AND 36-15264A ARE ALSO DIVERTED THROUGH THE POINT OF DIVERSION DESCRIBED ABOVE.

THIS RIGHT IS FOR AN ENLARGEMENT OF 54 ACRES WITHIN THE PLACE OF USE DESCRIBED FOR THIS RIGHT.

State of Idaho
DEPARTMENT OF WATER RESOURCES
1341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380
Phone: (208) 736-3033 FAX: (208) 736-3037

SOUTHERN REGION

June 23, 2000

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

BRUCE & REBECCA HUNSAKER
DEON & BLAINE COOK
501 RIVERSIDE DR
BURLEY ID 83318

RE: SRBA Claim(s) 36-02433, 36-02434, 36-02435, 36-02618, 36-07209, 36-15264A, 36-15264B

Dear Claimant:

Please find the enclosed copy of the Notice of Completed Administrative Proceeding, which the department has filed with the SRBA Court regarding the above referenced claims. You have received this notice pursuant to SRBA Court Administrative Order 11 requiring IDWR to report to the court and interested parties any pending changes to adjudication claims in basins for which a Director's Report has been filed with the court.

Water right 36-15267 has already been decreed and our state office staff in Boise will data enter the ownership change for this right. You will receive notification from them when the change has been completed. Rights 36-08277, 36-15265 and 36-15266 have been decreed as 'disallowed' and are no longer considered valid water rights.

Please contact this office if you have any questions about the notice or the administrative process.

Sincerely,

Trish Fawcett

Trish Fawcett
Technical Records Specialist

Enclosure

cc: Dale Klingler

Copy sent to adjudications 6/15/2000 B

Form 42-248/42-1409(6) 8/18/94

RECEIVED

JUN 07 1999

Department of Water Resources
Southern Region

STATE OF IDAHO
IDAHO DEPARTMENT OF WATER RESOURCES

NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type. Attach pages with additional information. Instructions are on the back of this page.
Incomplete forms will be returned.

1. Water Right Number(s) 36-02433, 36-02434, 36-02435, 36-02618, 36-07209, 36-08277, 36-15264A 36-15264B, 36-15265, 36-15266, 36-15267,

   Adjudication Claim Number(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 on file with the county.)

   OR

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

3. Name and Address of Former Owner/Claimant(s) Dale H. Klingler

   5021 Estates Way
   El Cajon, CA 92020

4. New Owner/Claimant(s) Bruce Hunsaker, Rebecca Hunsaker, Blaine Cook and Deon Cook

   Name connector (Check one): [X] AND, [ ] OR, [ ] AND/OR

   New Mailing Address 501 Riverside Drive

   City, State and ZIP Code Burley, ID 83318

   New Telephone Number ( ) 678-0327

5. Date you acquired the property yes

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 actually irrigated _____ Number and type of stock _____

   Diversion rate in CFS _____ (cubic feet per second) 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/Claimant(s) Bruce R Hunsaker — Bruce Hunsaker; Rebecca Hunsaker — Rebecca Hunsaker; Date 4-12-99

   Blaine Cook — Blaine Cook; Deon Cook — Deon Cook; Date 4-12-99

   (Corporations or other organizations must submit a list of directors/officers demonstrating authority to sign form.)

8. For Snake River Basin Adjudication Claims: If you are represented by an attorney and you want IDWR to correspond directly with your attorney for all matters related to your claims, please attach a Notice of Appearance completed by your attorney.

#22417

(1)

RECEIVED
JUN 07 1999
Department of Water Resources
Southern Region

WARRANTY DEED

Only FOR VALUE RECEIVED, DALE H. KLINGLER and JUANITA KLINGLER TRUST U.T.D. June 8, 1994, JUANITA KLINGLER, Trustee U.T.D. June 8, 1994, the Grantor, does hereby grant, bargain, sell and convey to BRUCE HUNSAKER and REBECCA HUNSAKER, husband and wife; and BLAINE COOK and DEON COOK, husband and wife, whose present address is 501 Riverside Drive, Burley, ID 83318, the Grantees, the following described premises, located in Blaine County, Idaho, to-wit:

The real property described on Exhibit "A" attached hereto and by this reference incorporated herein.

#27833

Deed

BLAINE CO. REQUEST
FIRST AMERICAN TITLE
'99 JUN 1 PM 3 49
MARSHA RIEMANN, CLERK
FEES $ 9.00

The real property described is subject to the following:

(1) Reservations contained in State Deeds for the State of Idaho to Dale H. Klingler recorded March 9, 1972, as Instruments Nos. 142715 and 142716 records of Blaine County, Idaho, granting ditch right-of-ways and reserving to the State of Idaho all mineral rights, including sand and gravel.

(2) A right of way 125 feet in width to Idaho Power Company recorded September 16, 1980, as Instrument No. 206958, Blaine County, Idaho, records, as amended in 1998 for communication systems thereon.

(3) An exclusive Road Easement to the U. S. Department of Interior/Bureau of Land Management recorded April 16, 1992, as Instrument No. 339916.

(4) A Real Estate Mortgage and Fixture Filing in favor of Northwest Farm Credit Services, ACA recorded August 23, 1993, as Instrument No. 356001, Blaine County records. The debt secured hereby shall be paid by the Grantor of this Warranty Deed.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantees, their heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantees that Grantor is the owner in fee of said premises, that said premises are free from all encumbrances and that she will warrant and defend the same from all lawful claims whatsoever.

Post-it® Fax Note 7671	Date 6/2/95	# of pages ▶ 3
To Larry Mooney	From Maureen	
Co./Dept.	Co.	
Phone #	Phone #	

DATED this 24th day of May, 1999.

DALE H. KLINGLER and
JUANITA KLINGLER TRUST U.T.D.
JUNE 8, 1994

By Juanita Klingler
(Juanita Klingler
Trustee

STATE OF IDAHO)
) ss.
County of Cassia)

On this 24th day of May, 1999, before me the undersigned Notary Public in and for said State, personally appeared MR. Juanita Klingler, Trustee of the Dale H. Klingler and MR, Juanita Klingler Trust U.T.D. June 8, 1994, known or identified to me to be the person whose name is subscribed to the within instrument and acknowledged to me that she as Trustee executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year first above written.

(SEAL) Larry Roberts
Notary Public
State of Idaho

Notary Public
Residing at Burley, Idaho
My Commission Expires: 6-30-03

EXHIBIT "A"

LEGAL DESCRIPTION OF REAL PROPERTY

TOWNSHIP 7 SOUTH, RANGE 26 EAST, BOISE MERIDIAN, BLAINE COUNTY, IDAHO

SECTION 20: NE¼; S½; and S½NW¼

SECTION 21: All

SECTION 22: NE¼; N½SE¼; and W½

SECTION 27: W½

SECTION 28: All

SECTION 29: NE¼; S½; S½NW¼; and NE¼NW¼

SECTION 32: E½; N½NW¼; SE¼NW¼ and SE¼SW¼

SECTION 33: All

SECTION 34: W½

TOWNSHIP 8 SOUTH, RANGE 26 EAST, BOISE MERIDIAN, BLAINE COUNTY, IDAHO

SECTION 4:

Lots 1, 2, 3, all of Lot 4, EXCEPT beginning at a point 25 feet South and 25 feet East of the Government Survey Stake placed on the Northwest corner of Section 4, Township 8 South, Range 26 East, Boise Meridian; thence 70 yards due South; thence 140 yards due East; thence 70 yards due North and thence 140 yards due West to the place of beginning, designated as Tax Lot 1175 on Blaine County Tax Assessor's Rolls.

S½N½; N½SE¼; SW¼SE¼; E½SW¼; W½SW¼

SECTION 5: Lots 1, 2, 3, SE¼NE¼; E½SE¼

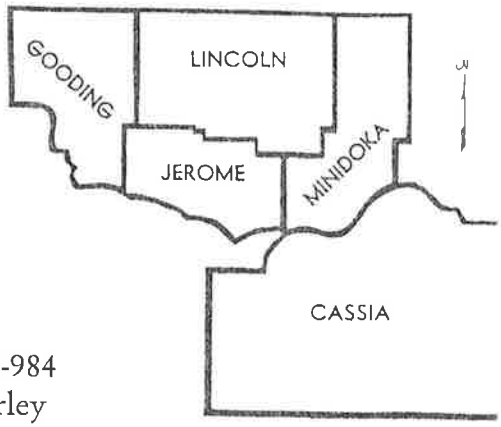
SECTION 8: NE¼NE¼ and all of SE¼NE¼, EXCEPT that portion that lies South of the Highway and Oregon Short Line Railroad right-of-way, designated as Tax Lot 3281 on Blaine County Tax Assessor's Rolls.

SECTION 9: N½NW¼; NW¼NE¼; all of SW¼NW¼, EXCEPT that portion that lies South of the Highway and Oregon Short Line Railroad right-of-way designated as Tax Lot 3283 on Blaine County Tax Assessor's Rolls.

Together with all water and water rights, however evidenced, appurtenant to the above described real property.

Land Title and Escrow, Inc.

A FULL SERVICE TITLE COMPANY



REFER TO: EC-984
OFFICE: Burley

June 4, 1999

RECEIVED
JUN 07 1999
Department of Water Resources
Southern Region

Idaho Dept. of Water Resources
1341 Fillmore Street, Suite 200
Twin Falls, Idaho 83301-3380

Dear Sir/Madam:

Enclosed with this letter please find an original executed Notice of Change of Water Right Ownership and copy of the recorded Warranty Deed on property located in Blaine County, Idaho.

Would you please make the necessary changes in your records to indicate the new owners as Bruce Hunsaker, Rebecca Hunsaker, Blaine Cook and Deon Cook for future water assessments. Please send a receipted copy of this Notice to this office.

Should you have any questions concerning this matter, please don't hesitate to contact me.

Very truly yours,
LAND TITLE AND ESCROW, INC.

Nancy Garrett

Nancy Garrett
Reconveyance Department

/nrg
enc.

BOX 177, BURLEY, IDAHO 83318
PHONE 678-3524 - FAX 678-4435

BOX 349, JEROME, IDAHO 83338
PHONE 324-3357 - FAX 324-8961

BOX 473, GOODING, IDAHO 83330
PHONE 934-8477 - FAX 934-5890

BOX 111, RUPERT, IDAHO 83350
PHONE 436-0606 - FAX 436-1199

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: **A36-15264**
Date Received: 11/ 6/1991
Receipt No: _____
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: DALE H KLINGLER 619-266-1303
   Address: 4567 FEDERAL BLVD
   SAN DIEGO CA 92102

2. Date of Priority: APR 1, 1965

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
07S	26E	29	SW	NW	SE		BLAINE

5. Description of diverting works:
   WELL, PUMP, MOTOR AND SPRINKLER SYSTEM

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	2.000		

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

8. Total consumptive use is 300.0 Acre Feet Per Annum.

9. Non-irrigation uses:
   NONE

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
07S	26E	29	NE	NE		IRR	5.0
			NW	NE		IRR	35.0
			SW	NE		IRR	13.5
			NE	NW		IRR	35.0

MICROFILMED
FEB 09 1993

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4		Lot	Use	Acres
07S	26E	29	NW	SE		IRR	10.0
						Section Acres	98.5
						Total Acres	98.5

11. Place of use in counties: BLAINE

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

13. Other Water Rights Used:
APPLICATION 36-08129

14. Remarks:
THIS RIGHT IS AN EXPANSION OF RIGHT NO. 36-02433 PURSUANT TO IDAHO CODE 42-1416(2).
RIGHT NO. 36-02433 IS ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE.

15. Basis of Claim: BENEFICIAL USE

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: _____

MICROFILMED
FEB 09 1993

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 _____

MICROFILMED
FEB 09 1993

50 + 98.5 + 50 = 198.50

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: **A36-15264**
Date Received: 11/ 6/1991
Receipt No: 5014553
Received By: Ao

NOTICE OF CLAIM TO A WATER RIGHT ACQUIRED UNDER STATE LAW

1. Name: DALE H. KLINGLER 619-266-1303
   Address: 4567 FEDERAL BLVD.
   SAN DIEGO CA 92102

2. Date of Priority: APR 1, 1965

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
07S	26E	29	SW	NW	SE		BLAINE

5. Description of diverting works:
   WELL, PUMP, MOTOR AND SPRINKLER SYSTEM

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	2.000		

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

8. Total consumptive use is 300.0 Acre Feet Per Annum.

9. Non-irrigation uses:
   NONE

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
07S	26E	29	NE	NE		IRR	5.0
			NW	NE		IRR	35.0
			SW	NE		IRR	13.5
			NE	NW		IRR	35.0

MICROFILMED FEB 09 1993

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4		Lot	Use	Acres
07S	26E	29	NW	SE		IRR	10.0
						Section Acres	98.5
						Total Acres	98.5

11. Place of use in counties: BLAINE

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

13. Other Water Rights Used:
APPLICATION 36-08129

14. Remarks:
THIS RIGHT IS AN EXPANSION OF RIGHT NO. 36-02433 PURSUANT TO IDAHO CODE 42-1416(2).
RIGHT NO. 36-02433 IS ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE.

15. Basis of Claim: BENEFICIAL USE

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): X _____ Date: 11/8/91

_____ Date: _____

MICROFILMED FEB 0 3 1993

State of ~~Idaho~~ Cal.)
) SS.
County of San Diego)

Subscribed and sworn (or affirmed) before me this 8th day

of Nov 19 91

Martha C Gomez
Notary Public

Seal

Residing at 2220 5th SD, CA 92101

My Commission Expires 8-28-92

OFFICIAL SEAL
MARTHA C. GOMEZ
NOTARY PUBLIC-CALIFORNIA
SAN DIEGO COUNTY
MY COMMISSION EXPIRES
AUGUST 28, 1992

MICROFILMED
FEB 09 1993

17. Notice of Appearance:

Notice is hereby given that I, Roger D. Ling, will be acting as attorney at law on behalf of the claimant signing the 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: Roger D. Ling

Address: P. O. Box 396, Rupert, ID 83350

Date: Dec 4, 1991

MICROFILMED
FEB 09 1993

State of Idaho
DEPARTMENT OF WATER RESOURCES
Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301 (208) 736-3033

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

20-May-1992

ROGER LING
PO BOX 396
RUPERT ID 83350

RE: ADJUDICATION CLAIM NO. A36-02433, A36-02434, A36-02435, A36-02618, A36-07209, A36-07627, A36-08277, A36-15264, A36-15265, A36-15266, A36-15267, A36-15270

Mr. Ling:

Pursuant to the notification that you are representing the claimant(s) on the above referenced Adjudication Claim(s), please find enclosed the receipt and a copy of the computer generated claim(s) based on the information from the original claim(s) which has been entered in our computer records.

Please review the record(s) and if you have any corrections or any questions, feel free to contact this office.

Sincerely,

Jeanie

Jeanie Robertson
Records Clerk

/jr
Enclosures

MICROFILMED
FEB 09 1993

State of Idaho
DEPARTMENT OF WATER RESOURCES
Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301 (208) 736-3033

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

11-Jun-1992

CLAIMS **A36-15264, A36-15265, & A36-15266**

ROGER LING
PO BOX 396
RUPERT ID 83350

RE: **Evidence of Priority**

****RESPONSE DEADLINE****
JULY 3, 1992
****

Dear Claimant

The Notice(s) of Claim identified with the number(s) shown above your name on the mailing label has been filed in the Snake River Basin Adjudication (SRBA). The Notice(s) indicate your water usage is based on "Beneficial Use" or a Statutory Claim". Water rights of this type are established by the historical use of water, dating back to when water was first used for the purpose claimed. **The date of first use, known as the priority date,** has not been confirmed by a License, Decree, or Permit. I am reviewing and/or conducting field verifications for your claims. Since the priority date of a beneficial use water right can not be confirmed by field verification, **proof must be provided supporting the priority date you have claimed.**

The Department will <u>not recommend</u> the Notice(s) be decreed by the court as claimed if no evidence of the priority date is submitted.

Please find enclosed a printout of your Notice(s) and the pamphlet entitled **"Evidence of Priority"**. The pamphlet describes the types of evidence required and suggest which documents will fulfill this requirement. I direct your attention to the two sections entitled **"What Kind of Evidence is Required"** and **"Some Examples of Documents Which May Be Evidence of the Priority Date"**.

Please submit the required evidence supporting the priority date(s) by July 1, 1992, referencing all documents with the corresponding Notice number(s). If you have any questions not covered by this letter of the enclosed pamphlet, please contact this office.

Sincerely

Kelly K Christensen
Sr Water Rights Agent

Enclosures

MICROFILMED
FEB 09 1993

Fn 36-15264

LING, NIELSEN & ROBINSON
ATTORNEYS AT LAW
615 "H" STREET
P. O. BOX 396
RUPERT, IDAHO 83350

ROGER D. LING
ROBERT M. NIELSEN
BRENT T. ROBINSON
DAVID W. HALEY
BRENT C. TINGEY

AREA CODE 208
TELEPHONE 436-4717
FAX 436-6804

August 3, 1992

RECEIVED
AUG 05 1992
Department of Water Resources
Southern Region Office

Department of Water Resources
Southern Region
222 Shoshone Street East
Twin Falls, Idaho 83301

Attention: Kelly Christensen

RE: Adjudication Claims of Dale H. Klingler

Dear Mr. Christensen:

Enclosed please find an Affidavit in support of the claims of Dale Klingler for the record.

Very truly yours,

Roger D. Ling

RDL:rah
Enclosure

MICROFILMED
FEB 09 1993

RECEIVED
AUG 05 1992
Department of Water Resources
Southern Region Office

AFFIDAVIT

STATE OF IDAHO)
) ss.
County of Minidoka)

Dale H. Klingler, being first duly sworn, deposes and says:

1. That this affiant is the owner of record of the real property described in the Adjudication Claims numbered A36-02433, A36-02434, A36-02435, A36-02618, A36-07209, A36-07627, A36-08277, A36-15264, A36-15265, A36-15266, A36-15267 and A36-15270.

2. A portion of the real property described in the above claims was first purchased by this affiant in 1960 and this affiant has been familiar with all of the above real property and its method of irrigation from 1960 to 1974.

3. The lands described in claim A36-02433 have been irrigated under License 36-2433 since October 1, 1960, even though the license with a priority of October 1, 1960 did not describe accurately the lands irrigated under said license.

4. The irrigation of the lands described in Claim No. A36-15264 was commenced in April, 1965 when this affiant developed these additional acres of land in Section 29, and the water from License 36-02433 has been spread upon these lands since 1965.

5. The lands described in Claim No. A36-02435 were developed and irrigated by May 23, 1960, and were farmed by Morgan and Shillington, a partnership. This affiant was fully

MICROFILMED
FEB 09 1993

familiar with said lands and said lands were ultimately purchased by this affiant. The total acres being irrigated in May, 1960 were 311, even though the license was ultimately issued for only 302 acres.

6. The lands described in Claim No. A36-02618 were developed by this affiant and were first irrigated in May, 1965. This claim is a more accurate description of the lands developed under license 36-02618 and irrigated since May, 1965.

7. The lands described in Claim No. A36-07209 were first irrigated by this affiant in April, 1971 and accurately describe the lands that were irrigated under License 36-7209 since that date.

8. The lands described in Claim A36-02434 have been irrigated under Water License No. G-28733/36-2434 since May of 1960. The lands described in the claim more accurately describe the lands irrigated than does the license issued.

9. The lands in Section 32, Township 7 South, Range 26 East of the Boise Meridian described in Claim A36-15265 constitute water spread acres that have been irrigated since May, 1971, and are also shown in Claim A36-02435. The lands in Section 4 described in this claim were developed between 1974 and April 1, 1984, the exact date of which is unknown to this affiant, except those lands developed under License 36-7627. These water spread acres were developed after this affiant sold the land in the fall of 1974, and before the lands were returned to this affiant in 1984.

MICROFILMED
FEB 09 1993

10. The lands described in Claim A36-15266 were first irrigated by this affiant by water spread in the spring of 1971 and have been irrigated continuously each year since that date. The priority date of this claim should be changed to April 1, 1971, being the date when the water spreading under this claim first occurred.

11. That the above are based upon this affiant's personal knowledge from what he observed or what he actually did at the times indicated above.

Dale H. Klingler

SUBSCRIBED AND SWORN to before me this 3rd day of August, 1992.

(SEAL)

Notary Public for Idaho
Residing at: Rupert, Idaho
My Commission Expires: 10/31/94

MICROFILMED
FEB 09 1993

COPY

2002 JUL 26 AM 10: 38

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED _____

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA	)	**Subcase No: 36-15264A, 36-15264B**
	)	
Case No. 39576	)	
	)	**NOTICE OF COMPLETED ADMINISTRATIVE PROCEEDING**
	)	

IDWR has completed the following Administrative proceeding: **I.C. § 42-222 TRANSFER**

An Administrative Proceeding pursuant to I.C. § 42-222 has been completed. The following changes have been made to the water right(s):

[X]	Change of Address	[]	Split of Water Right
[X]	Point of Diversion	[X]	Place of Use
[]	Period of Use	[]	Nature of Use

IDWR certifies that it has completed its investigation into the changes to the elements of the water rights listed above as set forth in the attached *Amended Director's Reports* for said water rights. No other changes have been made to the elements of these water rights except as set forth above.

IDWR has served copies of the *Notice of Completed Administrative Proceeding* and *Amended Director's Report(s)* on the claimant(s), prior claimant(s) and all parties in the subcases affected, if any, as reflected on the attached certificate of mailing.

Dated: 7/26/02

Signature of IDWR Representative

CERTIFICATE OF MAILING

I certify that on 7/26, 2002, I mailed the original and copies of this form to the following persons, postage prepaid and addressed as follows:

1. Original to:
   Clerk of the District Court
   Snake River Basin Adjudication
   253 Third Avenue North
   PO Box 2707
   Twin Falls ID 83303-2707

2. One Copy to:
   Claimant or attorney of record:
   Blaine Cook
   c/o Steve Young
   PO Box 707
   Rupert ID 83350

   Rececca Hunsaker
   Bruce Hunsaker
   Deon Cook
   501 Riverside Dr
   Burley ID 83318

3. One Copy to:
   Each party in the subcase or attorney of record:
   Roger D Ling
   Ling Nielsen & Robinson
   PO Box 396
   Rupert ID 83350

   Jeff Fereday
   Givens Pursley & Huntley
   PO Box 2720
   Boise ID 83702

4. One Copy to:
   Chief Natural Resources Division
   Office of the Attorney General
   PO Box 44449
   Boise ID 83711-4449

5. One Copy to:
   United States Dept of Justice
   Environment & Natural Resource Div
   550 W Fort St MSC 033
   Boise ID 83724

Marsha Smith
Signature of person or attorney mailing the form

06/14/2002

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

2002 JUL 26 AM 10: 38
DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED

RIGHT NUMBER: 36-15264A

NAME AND ADDRESS: BLAINE COOK
C/O STEVE YOUNG
PO BOX 707
RUPERT ID 83350

REBECCA HUNSAKER
501 RIVERSIDE DR
BURLEY ID 83318

BRUCE HUNSAKER
501 RIVERSIDE DR
BURLEY ID 83318

DEON COOK
501 RIVERSIDE DR
BURLEY ID 83318

SOURCE: GROUND WATER TRIBUTARY:

QUANTITY: 0.680 CFS
180.00 AFY

Rights 36-2433, 36-15264A and 36-15264B when combined shall not exceed a total diversion rate of 5.04 cfs.

The total instantaneous diversion of water from all points of diversion under right nos. 36-2090A, 36-2090B, 36-2092, 36-2097, 36-2259, 36-2433, 36-2434, 36-2435, 36-2582A, 36-2582B, 36-2618, 36-7209, 36-7246A, 36-7246B, 36-7627, 36-8227, 36-10515, 36-10850A, 36-16041, 36-16042, 36-10863A, 36-10863B, 36-15264A and 36-15264B shall not exceed 67.60 cfs, nor total combined annual volume of 20,740.0 af.

PRIORITY DATE: 08/24/1966

THIS WATER RIGHT IS SUBORDINATE TO ALL WATER RIGHTS WITH A PRIORITY DATE EARLIER THAN APRIL 12, 1994, THAT ARE NOT DECREED AS ENLARGEMENTS PURSUANT TO SECTION 42-1426, IDAHO CODE. AS BETWEEN WATER RIGHTS DECREED AS ENLARGEMENTS PURSUANT TO SECTION 42-1426, IDAHO CODE, THE EARLIER PRIORITY RIGHT IS THE SUPERIOR RIGHT.

POINT OF DIVERSION:

T07S R25E S27 SWSENE Within MINIDOKA County

T07S R26E S21 SWSENE Within BLAINE County

T07S R26E S21 NWNWSE Within BLAINE County

T07S R26E S28 SWNWSE Within BLAINE County

T07S R26E S29 SWNWSE Within BLAINE County

T07S R26E S32 SENESE Within BLAINE County

T08S R25E S1 SESWSW Lot 4 Within MINIDOKA County

T08S R26E S7 NENENW Within BLAINE County

T08S R26E S7 NESESW Within BLAINE County

T08S R26E S8 NESWNW Within BLAINE County

T08S R26E S8 NESWSE Within BLAINE County

T08S R26E S9 NENENW Within BLAINE County

T08S R26E S11 NENWNE Within BLAINE County

T08S R26E S11 NWNESW Within BLAINE County

T08S R26E S12 NESWNW Within BLAINE County

T08S R26E S12 NENESE Within BLAINE County

T08S R26E S13 NENENE Within BLAINE County

T08S R26E S14 NWNWNE Within BLAINE County

T08S R27E S7 SENWNW Lot 1 Within BLAINE County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	03/15 11/15	0.680 CFS 180.00 AFY

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

PLACE OF USE: IRRIGATION Within BLAINE County

T07S R25E S27	NENE	33.0	T07S R25E S27	NWNE	33.0
T07S R25E S27	SWNE	33.0	T07S R25E S27	SENE	33.0
T07S R25E S27	NESE	33.0	T07S R25E S27	NWSE	33.0
T07S R25E S27	SWSE	33.0	T07S R25E S27	SESE	33.0
T07S R26E S21	NENW	29.0	T07S R26E S21	NWNW	29.0
T07S R26E S21	SWNW	29.0	T07S R26E S21	SENW	29.0
T07S R26E S21	NESW	33.0	T07S R26E S21	NWSW	33.0
T07S R26E S21	SWSW	33.0	T07S R26E S21	SESW	33.0
T07S R26E S21	NESE	34.0	T07S R26E S21	NWSE	34.0
T07S R26E S21	SWSE	34.0	T07S R26E S21	SESE	34.0
T07S R26E S22	NENE	34.0	T07S R26E S22	NWNE	34.0
T07S R26E S22	SWNE	34.0	T07S R26E S22	SENE	34.0
T07S R26E S22	NENW	34.0	T07S R26E S22	NWNW	34.0
T07S R26E S22	SWNW	34.0	T07S R26E S22	SENW	34.0
T07S R26E S28	NENE	34.0	T07S R26E S28	NWNE	34.0
T07S R26E S28	SWNE	34.0	T07S R26E S28	SENE	34.0
T07S R26E S28	SWNW	34.0	T07S R26E S28	SENW	34.0
T07S R26E S28	NESW	34.0	T07S R26E S28	NWSW	34.0
T07S R26E S28	NESE	34.0	T07S R26E S28	NWSE	34.0
T07S R26E S28	SWSE	34.0	T07S R26E S28	SESE	34.0
T07S R26E S29	SWNW	33.0	T07S R26E S29	SENW	33.0
T07S R26E S29	NESW	33.0	T07S R26E S29	NWSW	33.0
T07S R26E S29	SWSW	34.0	T07S R26E S29	SESW	34.0
T07S R26E S32	NENE	34.0	T07S R26E S32	NWNE	34.0
T07S R26E S32	SWNE	34.0	T07S R26E S32	SENE	34.0
T07S R26E S32	NENW	34.0	T07S R26E S32	NWNW	34.0
T07S R26E S32	NESE	33.0	T07S R26E S32	NWSE	33.0
T07S R26E S32	SWSE	33.0	T07S R26E S32	SESE	33.0
T07S R26E S33	NENE	34.0	T07S R26E S33	NWNE	34.0
T07S R26E S33	SWNE	34.0	T07S R26E S33	SENE	34.0
T07S R26E S33	NENW	33.0	T07S R26E S33	NWNW	33.0
T07S R26E S33	SWNW	33.0	T07S R26E S33	SENW	33.0
T07S R26E S33	NESW	33.0	T07S R26E S33	NWSW	33.0
T07S R26E S33	SWSW	33.0	T07S R26E S33	SESW	33.0
T08S R25E S01	NESW	2.0	T08S R25E S01	SWSW	32.0
T08S R25E S01	SESW	35.0	T08S R25E S01	NWSE	1.0
T08S R25E S01	SWSE	32.0	T08S R25E S01	SESE	18.0
T08S R26E S01	SWSW	39.0	T08S R26E S02	SESW	35.0
T08S R26E S02	SWSE	35.0	T08S R26E S02	SESE	35.0
T08S R26E S04 Lot 3	NENW	34.0	T08S R26E S04 Lot 4	NWNW	34.0
T08S R26E S04	SWNW	34.0	T08S R26E S04	SENW	34.0
T08S R26E S04	NESW	34.0	T08S R26E S04	NWSW	34.0

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

T08S	R26E	S04	SWSW	34.0	T08S	R26E	S04 SESW 34.0
T08S	R26E	S06 Lot 7	SWSW	7.0	T08S	R26E	S06 SESW 12.0
T08S	R26E	S07	NENE	27.0	T08S	R26E	S07 NWNE 29.0
T08S	R26E	S07	SWNE	28.0	T08S	R26E	S07 SENE 33.0
T08S	R26E	S07	NENW	40.0	T08S	R26E	S07 Lot 1 NWNW 38.0
T08S	R26E	S07 Lot 2	SWNW	30.0	T08S	R26E	S07 SENW 37.0
T08S	R26E	S07	NESW	31.0	T08S	R26E	S07 Lot 3 NWSW 31.0
T08S	R26E	S07 Lot 4	SWSW	31.0	T08S	R26E	S07 SESW 31.0
T08S	R26E	S07	NESE	36.0	T08S	R26E	S07 NWSE 36.0
T08S	R26E	S07	SWSE	36.0	T08S	R26E	S07 SESE 36.0
T08S	R26E	S08	SWNE	11.0	T08S	R26E	S08 SENE 12.0
T08S	R26E	S08	NENW	3.0	T08S	R26E	S08 NWNW 4.0
T08S	R26E	S08	SWNW	37.0	T08S	R26E	S08 SENW 37.0
T08S	R26E	S08	NESW	38.0	T08S	R26E	S08 NWSW 36.0
T08S	R26E	S08	SWSW	33.0	T08S	R26E	S08 SESW 38.0
T08S	R26E	S08	NESE	39.0	T08S	R26E	S08 NWSE 38.0
T08S	R26E	S08	SWSE	29.0	T08S	R26E	S08 SESE 29.0
T08S	R26E	S09	NWNE	36.0	T08S	R26E	S09 NENW 36.0
T08S	R26E	S09	NWNW	36.0	T08S	R26E	S09 NWSW 35.0
T08S	R26E	S09	SWSW	35.0	T08S	R26E	S11 NENE 34.0
T08S	R26E	S11	NWNE	34.0	T08S	R26E	S11 SWNE 34.0
T08S	R26E	S11	SENE	34.0	T08S	R26E	S11 NENW 34.0
T08S	R26E	S11	SWNW	34.0	T08S	R26E	S11 SENW 34.0
T08S	R26E	S11	NESW	34.0	T08S	R26E	S11 NWSW 34.0
T08S	R26E	S11	SWSW	34.0	T08S	R26E	S11 SESW 34.0
T08S	R26E	S11	NESE	34.0	T08S	R26E	S11 NWSE 34.0
T08S	R26E	S11	SWSE	38.0	T08S	R26E	S11 SESE 36.0
T08S	R26E	S12	NENE	34.0	T08S	R26E	S12 NWNE 34.0
T08S	R26E	S12	SWNE	34.0	T08S	R26E	S12 SENE 34.0
T08S	R26E	S12	NENW	34.0	T08S	R26E	S12 NWNW 34.0
T08S	R26E	S12	SWNW	34.0	T08S	R26E	S12 SENW 34.0
T08S	R26E	S12	NESW	34.0	T08S	R26E	S12 NWSW 34.0
T08S	R26E	S12	SWSW	34.0	T08S	R26E	S12 SESW 34.0
T08S	R26E	S12	NESE	33.0	T08S	R26E	S12 NWSE 33.0
T08S	R26E	S12	SWSE	33.0	T08S	R26E	S12 SESE 33.0
T08S	R26E	S13	NENE	34.0	T08S	R26E	S13 NWNE 35.0
T08S	R26E	S13	SWNE	21.0	T08S	R26E	S13 SENE 34.0
T08S	R26E	S13	NENW	32.0	T08S	R26E	S13 NWNW 30.0
T08S	R26E	S13	SWNW	4.0	T08S	R26E	S13 SENW 15.0
T08S	R26E	S14	NENE	30.0	T08S	R26E	S14 NWNE 11.0
T08S	R27E	S07	NENW	34.0	T08S	R27E	S07 Lot 1 NWNW 17.0
T08S	R27E	S07 Lot 2	SWNW	25.0	T08S	R27E	S07 SENW 34.0
T08S	R27E	S07 Lot 3	NWSW	31.0	T08S	R27E	S07 Lot 4 SWSW 31.0

T08S R27E S18 Lot 1 NWNW 31.0 T08S R27E S18 Lot 2 SWNW 31.0

5447 ACRES TOTAL

Use of right nos. 36-2090A, 36-2090B, 36-2092, 36-2097, 36-2259, 36-2433, 36-2434, 36-2435, 36-2582A, 36-2582B, 36-2618, 36-7209, 36-7246A, 36-7246B, 36-7627, 36-8227, 36-10515, 36-10850A, 36-16041, 36-16042, 36-10863A, 36-10863B, 36-15264A and 36-15264B is limited to the irrigation of a combined total of 5,185.0 acres in a single irrigation season.

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 45.0 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

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.

Use of water under this water right will be regulated by the watermaster of State Water District No. 130, Thousand Springs Area.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

Rights 36-15264A and 36-15264B are enlargements of Right 36-2433 pursuant to Section 42-1426, Idaho Code.

Use of water under this right may be affected by an agreement between the protestant and the right holder.

Prior to diversion of water under this approval, the right holder shall provide a means of measurement and lockable controlling works for all authorized points of diversion. The means of measurement and controlling works must be suitable for control of the diversions and acceptable to the watermaster.

06/14/2002

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

2002 JUL 26 AM 10: 38
DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED

RIGHT NUMBER: 36-15264B

NAME AND ADDRESS: BLAINE COOK
C/O STEVE YOUNG
PO BOX 707
RUPERT ID 83350

REBECCA HUNSAKER
501 RIVERSIDE DR
BURLEY ID 83318

BRUCE HUNSAKER
501 RIVERSIDE DR
BURLEY ID 83318

DEON COOK
501 RIVERSIDE DR
BURLEY ID 83318

SOURCE: GROUND WATER TRIBUTARY:

QUANTITY: 0.710 CFS
216.00 AFY

Rights 36-2433, 36-15264A and 36-15264B when combined shall not exceed a total diversion rate of 5.04 cfs.

The total instantaneous diversion of water from all points of diversion under right nos. 36-2090A, 36-2090B, 36-2092, 36-2097, 36-2259, 36-2433, 36-2434, 36-2435, 36-2582A, 36-2582B, 36-2618, 36-7209, 36-7246A, 36-7246B, 36-7627, 36-8227, 36-10515, 36-10850A, 36-16041, 36-16042, 36-10863A, 36-10863B, 36-15264A and 36-15264B shall not exceed 67.60 cfs, nor total combined annual volume of 20,740.0 af.

PRIORITY DATE: 08/04/1979

THIS WATER RIGHT IS SUBORDINATE TO ALL WATER RIGHTS WITH A PRIORITY DATE EARLIER THAN APRIL 12, 1994, THAT ARE NOT DECREED AS ENLARGEMENTS PURSUANT TO SECTION 42-1426, IDAHO CODE. AS BETWEEN WATER RIGHTS DECREED AS ENLARGEMENTS PURSUANT TO SECTION 42-1426, IDAHO CODE, THE EARLIER PRIORITY RIGHT IS THE SUPERIOR RIGHT.

POINT OF DIVERSION:

T07S R25E S27 SWSENE Within MINIDOKA County

T07S R26E S21 SWSENE Within BLAINE County

T07S R26E S21 NWNWSE Within BLAINE County

T07S R26E S28 SWNWSE Within BLAINE County

T07S R26E S29 SWNWSE Within BLAINE County

T07S R26E S32 SENESE Within BLAINE County

T08S R25E S1 SESWSW Lot 4 Within MINIDOKA County

T08S R26E S7 NENENW Within BLAINE County

T08S R26E S7 NESESW Within BLAINE County

T08S R26E S8 NESWNW Within BLAINE County

T08S R26E S8 NESWSE Within BLAINE County

T08S R26E S9 NENENW Within BLAINE County

T08S R26E S11 NENWNE Within BLAINE County

T08S R26E S11 NWNESW Within BLAINE County

T08S R26E S12 NESWNW Within BLAINE County

T08S R26E S12 NENESE Within BLAINE County

T08S R26E S13 NENENE Within BLAINE County

T08S R26E S14 NWNWNE Within BLAINE County

T08S R27E S7 SENWNW Lot 1 Within BLAINE County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	03/15 11/15	0.710 CFS 216.00 AFY

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

PLACE OF USE: IRRIGATION Within BLAINE County

T07S R25E S27	NENE	33.0	T07S R25E S27	NWNE	33.0
T07S R25E S27	SWNE	33.0	T07S R25E S27	SENE	33.0
T07S R25E S27	NESE	33.0	T07S R25E S27	NWSE	33.0
T07S R25E S27	SWSE	33.0	T07S R25E S27	SESE	33.0
T07S R26E S21	NENW	29.0	T07S R26E S21	NWNW	29.0
T07S R26E S21	SWNW	29.0	T07S R26E S21	SENW	29.0
T07S R26E S21	NESW	33.0	T07S R26E S21	NWSW	33.0
T07S R26E S21	SWSW	33.0	T07S R26E S21	SESW	33.0
T07S R26E S21	NESE	34.0	T07S R26E S21	NWSE	34.0
T07S R26E S21	SWSE	34.0	T07S R26E S21	SESE	34.0
T07S R26E S22	NENE	34.0	T07S R26E S22	NWNE	34.0
T07S R26E S22	SWNE	34.0	T07S R26E S22	SENE	34.0
T07S R26E S22	NENW	34.0	T07S R26E S22	NWNW	34.0
T07S R26E S22	SWNW	34.0	T07S R26E S22	SENW	34.0
T07S R26E S28	NENE	34.0	T07S R26E S28	NWNE	34.0
T07S R26E S28	SWNE	34.0	T07S R26E S28	SENE	34.0
T07S R26E S28	SWNW	34.0	T07S R26E S28	SENW	34.0
T07S R26E S28	NESW	34.0	T07S R26E S28	NWSW	34.0
T07S R26E S28	NESE	34.0	T07S R26E S28	NWSE	34.0
T07S R26E S28	SWSE	34.0	T07S R26E S28	SESE	34.0
T07S R26E S29	SWNW	33.0	T07S R26E S29	SENW	33.0
T07S R26E S29	NESW	33.0	T07S R26E S29	NWSW	33.0
T07S R26E S29	SWSW	34.0	T07S R26E S29	SESW	34.0
T07S R26E S32	NENE	34.0	T07S R26E S32	NWNE	34.0
T07S R26E S32	SWNE	34.0	T07S R26E S32	SENE	34.0
T07S R26E S32	NENW	34.0	T07S R26E S32	NWNW	34.0
T07S R26E S32	NESE	33.0	T07S R26E S32	NWSE	33.0
T07S R26E S32	SWSE	33.0	T07S R26E S32	SESE	33.0
T07S R26E S33	NENE	34.0	T07S R26E S33	NWNE	34.0
T07S R26E S33	SWNE	34.0	T07S R26E S33	SENE	34.0
T07S R26E S33	NENW	33.0	T07S R26E S33	NWNW	33.0
T07S R26E S33	SWNW	33.0	T07S R26E S33	SENW	33.0
T07S R26E S33	NESW	33.0	T07S R26E S33	NWSW	33.0
T07S R26E S33	SWSW	33.0	T07S R26E S33	SESW	33.0
T08S R25E S01	NESW	2.0	T08S R25E S01	SWSW	32.0
T08S R25E S01	SESW	35.0	T08S R25E S01	NWSE	1.0
T08S R25E S01	SWSE	32.0	T08S R25E S01	SESE	18.0
T08S R26E S01	SWSW	39.0	T08S R26E S02	SESW	35.0
T08S R26E S02	SWSE	35.0	T08S R26E S02	SESE	35.0
T08S R26E S04 Lot 3	NENW	34.0	T08S R26E S04 Lot 4	NWNW	34.0
T08S R26E S04	SWNW	34.0	T08S R26E S04	SENW	34.0
T08S R26E S04	NESW	34.0	T08S R26E S04	NWSW	34.0

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

T08S R26E S04		SWSW	34.0	T08S R26E S04		SESW	34.0
T08S R26E S06 Lot	7	SWSW	7.0	T08S R26E S06		SESW	12.0
T08S R26E S07		NENE	27.0	T08S R26E S07		NWNE	29.0
T08S R26E S07		SWNE	28.0	T08S R26E S07		SENE	33.0
T08S R26E S07		NENW	40.0	T08S R26E S07 Lot	1	NWNW	38.0
T08S R26E S07 Lot	2	SWNW	30.0	T08S R26E S07		SENW	37.0
T08S R26E S07		NESW	31.0	T08S R26E S07 Lot	3	NWSW	31.0
T08S R26E S07 Lot	4	SWSW	31.0	T08S R26E S07		SESW	31.0
T08S R26E S07		NESE	36.0	T08S R26E S07		NWSE	36.0
T08S R26E S07		SWSE	36.0	T08S R26E S07		SESE	36.0
T08S R26E S08		SWNE	11.0	T08S R26E S08		SENE	12.0
T08S R26E S08		NENW	3.0	T08S R26E S08		NWNW	4.0
T08S R26E S08		SWNW	37.0	T08S R26E S08		SENW	37.0
T08S R26E S08		NESW	38.0	T08S R26E S08		NWSW	36.0
T08S R26E S08		SWSW	33.0	T08S R26E S08		SESW	38.0
T08S R26E S08		NESE	39.0	T08S R26E S08		NWSE	38.0
T08S R26E S08		SWSE	29.0	T08S R26E S08		SESE	29.0
T08S R26E S09		NWNE	36.0	T08S R26E S09		NENW	36.0
T08S R26E S09		NWNW	36.0	T08S R26E S09		NWSW	35.0
T08S R26E S09		SWSW	35.0	T08S R26E S11		NENE	34.0
T08S R26E S11		NWNE	34.0	T08S R26E S11		SWNE	34.0
T08S R26E S11		SENE	34.0	T08S R26E S11		NENW	34.0
T08S R26E S11		SWNW	34.0	T08S R26E S11		SENW	34.0
T08S R26E S11		NESW	34.0	T08S R26E S11		NWSW	34.0
T08S R26E S11		SWSW	34.0	T08S R26E S11		SESW	34.0
T08S R26E S11		NESE	34.0	T08S R26E S11		NWSE	34.0
T08S R26E S11		SWSE	38.0	T08S R26E S11		SESE	36.0
T08S R26E S12		NENE	34.0	T08S R26E S12		NWNE	34.0
T08S R26E S12		SWNE	34.0	T08S R26E S12		SENE	34.0
T08S R26E S12		NENW	34.0	T08S R26E S12		NWNW	34.0
T08S R26E S12		SWNW	34.0	T08S R26E S12		SENW	34.0
T08S R26E S12		NESW	34.0	T08S R26E S12		NWSW	34.0
T08S R26E S12		SWSW	34.0	T08S R26E S12		SESW	34.0
T08S R26E S12		NESE	33.0	T08S R26E S12		NWSE	33.0
T08S R26E S12		SWSE	33.0	T08S R26E S12		SESE	33.0
T08S R26E S13		NENE	34.0	T08S R26E S13		NWNE	35.0
T08S R26E S13		SWNE	21.0	T08S R26E S13		SENE	34.0
T08S R26E S13		NENW	32.0	T08S R26E S13		NWNW	30.0
T08S R26E S13		SWNW	4.0	T08S R26E S13		SENW	15.0
T08S R26E S14		NENE	30.0	T08S R26E S14		NWNE	11.0
T08S R27E S07		NENW	34.0	T08S R27E S07 Lot	1	NWNW	17.0
T08S R27E S07 Lot	2	SWNW	25.0	T08S R27E S07		SENW	34.0
T08S R27E S07 Lot	3	NWSW	31.0	T08S R27E S07 Lot	4	SWSW	31.0

T08S R27E S18 Lot 1 NWNW 31.0 T08S R27E S18 Lot 2 SWNW 31.0

5447 ACRES TOTAL

Use of right nos. 36-2090A, 36-2090B, 36-2092, 36-2097, 36-2259, 36-2433, 36-2434, 36-2435, 36-2582A, 36-2582B, 36-2618, 36-7209, 36-7246A, 36-7246B, 36-7627, 36-8227, 36-10515, 36-10850A, 36-16041, 36-16042, 36-10863A, 36-10863B, 36-15264A and 36-15264B is limited to the irrigation of a combined total of 5,185.0 acres in a single irrigation season.

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 54.0 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

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.

Use of water under this water right will be regulated by the watermaster of State Water District No. 130, Thousand Springs Area.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

Rights 36-15264A and 36-15264B are enlargements of Right 36-2433 pursuant to Section 42-1426, Idaho Code.

Use of water under this right may be affected by an agreement between the protestant and the right holder.

Prior to diversion of water under this approval, the right holder shall provide a means of measurement and lockable controlling works for all authorized points of diversion. The means of measurement and controlling works must be suitable for control of the diversions and acceptable to the watermaster.

State of Idaho
DEPARTMENT OF WATER RESOURCES
1341 Fillmore Street, Suite 200, Twin Falls ID 83301-3380
Phone: (208) 736-3033 FAX: (208) 736-3037

SOUTHERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

July 26, 2002

BLAINE COOK
C/O STEVE YOUNG
PO BOX 707
RUPERT ID 83350

RE: SRBA Claim(s) 36-15264A, 36-15264B

Dear Claimant:

Please find the enclosed copy of the Notice of Completed Administrative Proceeding, which the department has filed with the SRBA Court regarding the above referenced claims. You have received this notice pursuant to SRBA Court Administrative Order 11 requiring IDWR to report to the court and interested parties any pending changes to adjudication claims in basins for which a Director's Report has been filed with the court.

Please contact this office if you have any questions about the notice or the administrative process.

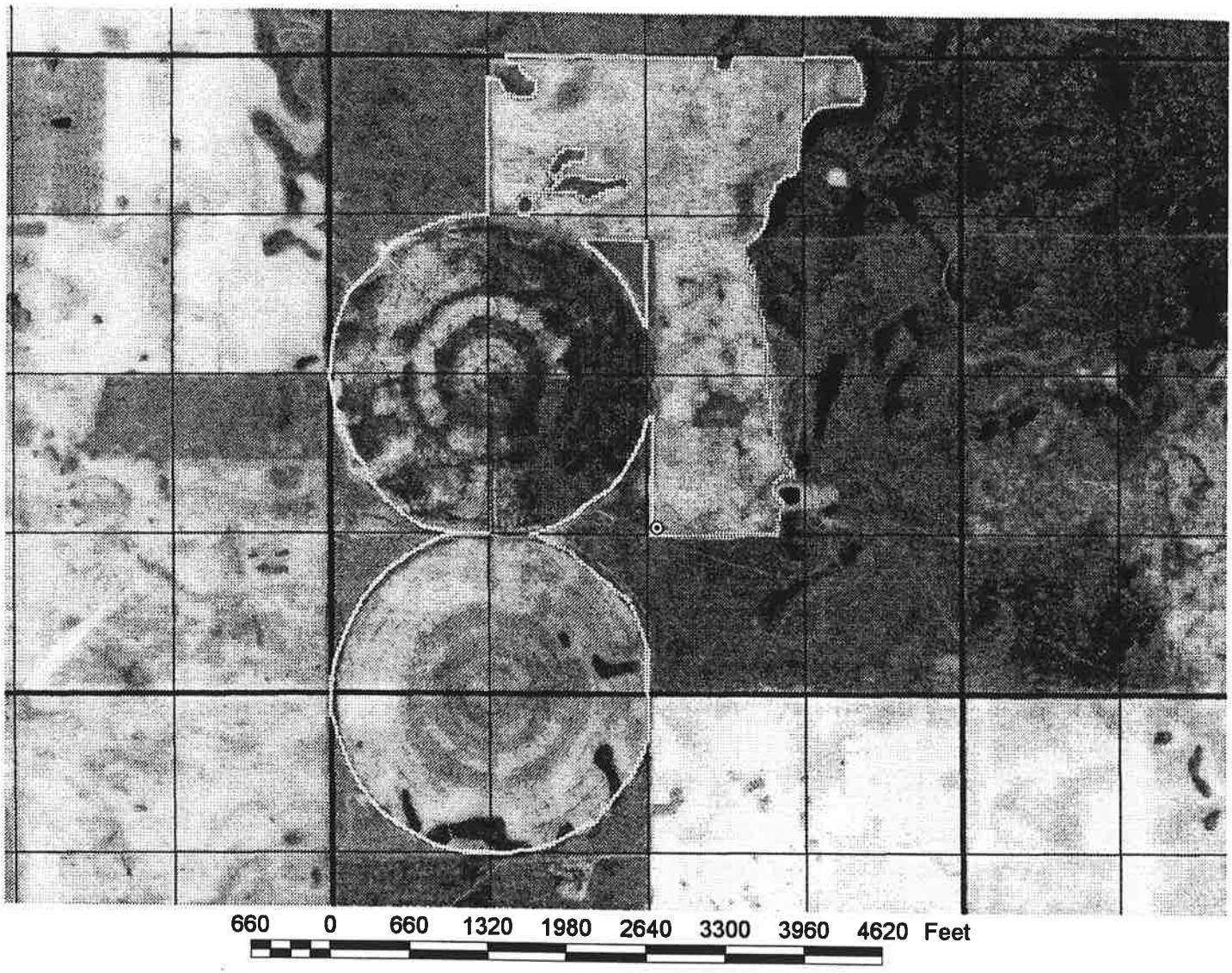
Sincerely,

Trish Fawcett
Technical Records Specialist

cc: Roger Ling
Jeffrey Fereday
Bruce Hunsaker, Rebecca Hunsaker, Deon Cook

IDAHO DEPARTMENT OF WATER RESOURCES

36-02433, 36-15264A & 36-15264B
DALE H KLINGLER



TNS 7S, RNG 26E,
SEC 29 & SEC 32

⊙ Recommended Point of Diversion

Recommended Place of use

Section lines

Quarter/Quarter Lines

GIS PLACE OF USE PRESENTATION
1987 and/or 1988 NAPP PHOTOGRAPHY
DATA ENTRY JUNE 19, 1997
BY KELLY K CHRISTENSEN

CLAIM NUMBER 36-02433, 36-15264A & B

DATE 5-13-97

AGENT KKC

3.5% difference

TOTAL ACRES

FROM RECOMMENDATION 386

GEOGRAPHIC INFO SYSTEM 399.6

RIGHT NO	TNS	RNG	SEC	NE NE	NE NW	NE SW	NE SE	NW NE	NW NW	NW SW	NW SE	SW NE	SW NW	SW SW	SW SE	SE NE	SE NW	SE SW	SE SE	
RECOM	7S	26E	29	4	35	29		35		31	34	31	31	31	32		30			326
GIS				4.7	37.1	28.6		34.7		31.5	36.4	31.9	33.4	31.5	33.1		32			334.9
				5	37	29		35		32	36	32	33	32	33		32			336 R1
RECOM			32					32	31											63
GIS								31.8	32.7											64.5
								32	33											65
RECOM																				
GIS																				
RECOM																				
GIS																				

b36-dbpou.dbf 6-19 Attributes of 336pou.shp (24) 5-29-97

B36-dbpod.dbf 6-19 Attributes of 336pod.shp (20) 5-19-97

Polygons of QQ's unioned 5-29-97

total P/U within 3.5% of recommendation. Individual QQ's may slightly exceed 5%.

See memo dated 8-1-97 KKC

6/9/94

COMMUNICATION DOCUMENTATION

This form is to be used to document public record information requests regarding any SRBA claim or claims. The form may also be used to document IDWR communications requesting information regarding any SRBA claim or claims when the request is not made in writing or the claim verification report is not readily available to document the request. This form is to be filed in all relevant claim files or a central office file.

IDWR Employee/Agent Kelly K Christensen

CUSTOMER: DATE: August 1, 1997 11:53 am
BRUCE HUNSAKER

SUBJECT: RECOMMENDATION REVIEW OF SYSTEMS
1. 36-02090, 36-02582, 36-07246, & 36-10863
2. 36-10850
3. KLINGER CLAIMS 36-02433, 36-02434, 36-02435, 36-15264, 36-07627, 36-15265, 36-07209, 36-15266, & 36-2618

phone () walk-in(X)

We reviewed the recommended place of use for the claims listed and compared those acres against current irrigation practices. In general, it appears that most of the systems are now irrigating fewer acres than recommended. There also appears to be some discrepancy in the acres per q/q totals. We discussed the possibility of filing transfers to correct the problems.

He indicated that he is in the process of purchasing the Klingler property. The same situation exists for these systems also. I indicated that he would have to obtain a power of attorney to be able to deal with these rights.

He indicated that it probably will be late fall before he can start the paperwork.

RECEIVED
NOV 3 1997
Department of Water Resources
Adjudication Bureau

RECEIVED
NOV 05 1997
Department of Water Resources
Eastern Region

RECEIVED
OCT 31 1997
OFFICE OF THE
ATTORNEY GENERAL

Parties' Names: Magic Valley Ground Water District, Aberdeen-American Falls Ground Water District, Bingham Ground Water District, Tim Deeg, Mack Neibaur, and Ralph Breding

Attorneys' Names and Address

Jeffrey C. Fereday
Michael C. Creamer
GIVENS PURSLEY & HUNTLEY LLP
277 North 6th Street, Suite 200
P.O. Box 2720
Boise, Idaho 83701-2720
(208) 342-6571
(208) 343-9492 (facsimile)

Henry R. Boomer, Esq.
Boomer Law Offices
514 Tyhee
P.O. Box 70
American Falls, ID 83211
(208) 226-2562
(208) 226-5419 (facsimile)

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT

OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re: SRBA	A. Subcase No. 36-15264A
Case No. 39576	JOINT RESPONSE OF MAGIC VALLEY GROUND WATER DISTRICT, ABERDEEN-AMERICAN FALLS GROUND WATER DISTRICT, BINGHAM GROUND WATER DISTRICT, TIM DEEG, MACK NEIBAUR, AND RALPH BREDING TO DALE H. KLINGLER'S OBJECTION
	(Standard Form 2)

B. NAME AND ADDRESS OF PERSONS RESPONDING

Magic Valley Ground Water District
1099 N. 400 W.
Route 5, Box 139
Rupert, ID 83350
(208) 532-4524

Mack Neibaur
1200 N. 510 W. Norland
Route 1, Box 1478
Paul, ID 83347
(208) 532-4175

Ralph E. Breding
2875 Visiting Road
American Falls, ID 83211
(208) 226-2109

Tim Deeg
2957 Deeg Road
American Falls, ID 83211
(208) 226-5588

Aberdeen-American Falls Ground Water District
P.O. Box 70
American Falls, ID 83211
(208) 226-5914

Bingham Ground Water District
1523 W. 300 N.
Blackfoot, ID 83221
(208) 684-3614

MAIL9348

Name & Address of Attorneys:

Jeffrey C. Fereday
Michael C. Creamer
Givens Pursley & Huntley LLP
277 No. 6th Street, Suite 200
P.O. Box 2720
Boise, Idaho 83701

Henry R. Boomer, Esq.
514 Tyhee
P.O. Box 70
American Falls, ID 83211

C. NAME AND ADDRESS OF PERSON WHO FILED THE OBJECTION TO WHICH YOU ARE RESPONDING

Name: Dale H. Klingler

Address: 4567 Fedderal Blvd.
San Diego, California 92102

D. Magic Valley Ground Water District, Aberdeen-American Falls Ground Water District, Bingham Ground Water District, Tim Deeg, Mack Neibaur, and Ralph Breding (collectively, "Respondents"), hereby respond to Dale H. Klingler's objections to the following elements.

4. [x] **Priority Date.** Summary response: The use involved in this claim is an enlarged use which began, and has continued, without complying with the mandatory permit system applicable to water diversions and uses under Idaho law. Accordingly, the enlarged use must cease unless it qualifies as an enlargement as defined in I.C § 42-1426, a statute which became effective April 12, 1994. To the extent the use qualifies as an enlargement, it may be recognized as a new water right in the SRBA only if it is subordinated to all other, non-enlarged water rights existing on that date or given a priority date no earlier than April 12, 1994. If the new water is not conditioned in this manner, it will cause injury to the priorities and the water rights of other water right holders, including members of respondent.

If the priority date asserted by the claimant in this matter is assigned to this enlarged right, without the subordination condition recommended by the IDWR, then Respondents' water rights will be injured by having new water rights created in the SRBA which are given priorities ahead of Respondents' water right priorities.

Recommendation. This water right claim should be denied unless it is decreed with the subordination condition as recommended in the Director's Report or given a priority date no earlier than April 12, 1994.

VERIFICATION

STATE OF IDAHO)
: SS
COUNTY OF ADA)

Jeffrey C. Fereday and Henry R. Boomer, being first duly sworn, upon oath, deposes and says:

That we am the party/claimant filing this response as defined by I.C. 42-1401A(1) and (6); or that we are the attorneys for the parties/claimants responding and that we have read this response, know its contents and that the statements are true to the best of our knowledge.

By: Jeffrey C. Fereday
(Attorney signing in representative capacity for Magic Valley Ground Water District, Mack Neibaur, Tim Deeg, and Ralph Breding)

By: Henry R. Boomer
(Attorney signing in representative capacity for Aberdeen-American Falls Ground Water District, and Bingham Ground Water District)

Subscribed and sworn to before me this 30th day of October, 1997.

Notary Public for Idaho
Residing at: Nampa, Idaho
My commission expires: 4-21-2001

Subscribed and sworn to before me this 30th day of October, 1997.

Notary Public for Idaho
Residing at: American Falls, Idaho
My commission expires: 1/14/98

JULIE BEST-GILSTER
☆ NOTARY PUBLIC ☆
STATE OF IDAHO

NOTARY PUBLIC STATE OF IDAHO

F. CERTIFICATE OF SERVICE

I certify that on October 30, 1997, I mailed the original and copies of this response, including all attachments, to the following persons:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 3rd Avenue North
P.O. Box 2707
Twin Falls, ID 83303-2707

2. One copy to the claimant of the water right at the following address:

Name: Dale H. Klinger
Address: 4567 Fedderal Blvd.
San Diego, California 92102

3. One copy to the party who filed the objection at the following address:

Name: Roger D. Ling
Address: Ling, Nielsen & Robinson
615 H Street, P.O. Box 396
Rupert, ID 83350

4. Copies to:

IDWR Document Depository
P.O. Box 83720
Boise, ID 83720-0098

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
P.O. Box 44449
Boise, ID 83711-4449

Environment & Natural Resources Div.
United States Department of Justice
550 West Fort Street, Box 033
Boise, ID 83724

RECEIVED
OCT 28 1997
Department of Water Resources
Southern Region

RECEIVED
OCT 20 1997
Department of Water Resources
Adjudication Bureau

Name of Party Filing Document:
Dale H. Klingler

Attorney Name & Address:
ROGER D. LING
LING, NIELSEN & ROBINSON
615 H Street, P. O. Box 396
Rupert, Idaho 83350

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA Case No. 39576	Subcase No. 36-15264A **STANDARD FORM 1** **OBJECTION**

INSTRUCTIONS

This form must be used to file an objection to any water right recommended in a Director's Report. Forms may be obtained from the SRBA Court, the Idaho Department of Water Resources (IDWR) or you may copy or reproduce this blank form. If you copy or reproduce this form, please copy both sides with the even-number pages upside down.

The water right number you are objecting to must be indicated above in the blank space following "Subcase." To object to multiple water right recommendations, you must use a **separate form for each** objection and there must be **only one objector** for each form.

You must file your objection by the deadline shown in the notice that IDWR mailed to you. The objection must be **received** by the court on or before the deadline specified. Instructions for mailing this objection are found at Page 6, and must be strictly followed.

This form has been adopted by the court in ***SRBA Administrative Order 1, Rules of Procedure*** (amended Sept. 30, 1996), Section 4, which may be consulted for further information.

Any party physically filing 25 or more objections must contact the Clerk of the SRBA Court no later than 14 days before the filing deadline and arrange an appointment to file multiple objections.

By filing an objection form, you are certifying that the objection is well-grounded in fact; that it is warranted by existing law or a good-faith argument for the extension, modification or reversal of existing law; and that it is not filed for any improper purpose, such as to harass, cause unnecessary delay or needless increase in the cost of litigation.

I. GENERAL INFORMATION

Please fill in the following information:

1. *Party/Claimant objecting:*

Name: Dale H. Klingler

Address: 4567 Federal Blvd.
San Diego, California 92102

Phone: Work: Home: (619) 266-1303

Briefly describe your interest in this water right:

Objecting party is the claimant to the water rights recommended by the Director of the Idaho Department of Water Resources.

2. **If this objection is filed by an attorney:**

Attorney Name: Roger D. Ling

Attorney Address: P. O. Box 396
Rupert, Idaho 83350

Attorney Phone No.: (208) 436-4717

If filed by an attorney, notice of pending court proceedings will be sent to the attorney only.

II. STATEMENT OF THE OBJECTION

Please check each "box" which states your objection to the recommendation in the Director's Report.

1. ☐ **Name and Address:** I object to the name and/or address of the owner of the water right.

2. ☐ **Source:** I object to the source of water.

3. **Quantity:** I object to:

   ☐ a. the total quantity of water used in cubic feet per second; or

   ☐ b. the total quantity of water stored in acre feet per year; or

   ☐ c. the total quantity of water reserved for each and every purpose, including all present and future uses.

4. ☒ **Priority Date:** I object to the priority date.

5. ☐ **Points of Diversion:** I object to the legal description of the point(s) of diversion.

6. ☐ **Instream Flow:** I object to the legal description of the beginning and ending points of the instream flow.

7. ☐ **Purpose(s) of Use:** I object to the purpose(s) of use.

8. ☐ **Period of Year:** I object to the period of year when water is used or is necessary for the purpose stated.

9. **Place of Use:** I object to:

   ☐ a. the legal description of the place of use; or

   ☐ b. the number of irrigated acres within each 40-acre subdivision.

10. ☐ **Consumptive Use:** I object to the annual volume of consumptive use.

11. **Water Right Recommendation:** I object to:

    ☐ a. this water right being recommended at all; or

    ☐ b. this water right not being recommended.

12. ☐ **Description of Reservation:** I object to the legal description of the reservation.

13. ☐ **Other:** I object to:

REASONS SUPPORTING EACH BOX CHECKED

You **must** state the reason(s) by number for **each** box checked. You may use additional pages if necessary.

4. **Priority Date:** Claimant objects to the subordination provision under the priority date recommended, as there has been no showing by the holder of a water right with a priority date earlier than April 12, 1994 that they have been injured by this priority date of August 24, 1966.

CHANGES TO THE DIRECTOR'S REPORT

Specifically describe how you want the Director's Report to be changed. You may use additional pages if necessary.

The subordination provisions under **priority date** should be removed.

Note: You should attach copies of documents which support your objection. Note on each document the box number it supports.

☐ Check here if you are submitting documents. Please list each document by the title and number of pages. You may use additional pages if necessary.

VERIFICATION (Must be Completed)

State of Idaho

County of Minidoka

Roger D. Ling, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

That I am the party/claimant filing this objection (as listed on Page 2, Section 1, "Party/Claimant objecting") as defined by I.C. § 42-1401A(1) and (7) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

Signature of person filing objection

Roger D. Ling
Attorney signing in representative capacity

Subscribed and sworn to before me on: Oct. 15, 1997

Notary Public for Idaho
Residing at: Rupert, Idaho
My Commission Expires: 02/03/99

INSTRUCTION FOR MAILING

You must mail the objection, including all attachments, to the Clerk of the Court. **FAX filings will not be accepted by the Clerk of the Court.** You must also send a copy to all the parties listed below in the Certificate of Mailing.

CERTIFICATE OF MAILING

I hereby certify that on October 15, 1997, I mailed the original and copies of this objection, including all attachments, to the following persons, by mailing the original and/or copies, postage prepaid and addressed as follows:

1. Original to:

   Clerk of the District Court
   Snake River Basin Adjudication
   253 Third Avenue North
   P.O. Box 2707
   Twin Falls, Idaho 83303-2707

2. One copy to the claimant of the water right at the following address:

   Name: Dale H. Klingler
   Address: 4567 Federal Blvd.
   San Diego, California 92102

3. Copies to:

   IDWR Document Depository
   P. O. Box 83720
   Boise, ID 83720-0098

   Chief, Natural Resources Division
   Office of the Attorney General
   State of Idaho
   P.O. Box 44449
   Boise, Idaho 83711-4449

   United States Department of Justice
   Environment and Natural Resource Division
   550 West Fort Street, Box 033
   Boise, Idaho 83734

Signature of Objector or attorney
mailing on Objector's behalf

RECEIVED
OCT 28 1997
Department of Water Resources
Southern Region

RECEIVED
OCT 20 1997
Department of Water Resources
Adjudication Bureau

Name of Party Filing Document:
Dale H. Klingler

Attorney Name & Address:
ROGER D. LING
LING, NIELSEN & ROBINSON
615 H Street, P. O. Box 396
Rupert, Idaho 83350

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA Case No. 39576	Subcase No. 36-15264B **STANDARD FORM 1** **OBJECTION**

INSTRUCTIONS

This form must be used to file an objection to any water right recommended in a Director's Report. Forms may be obtained from the SRBA Court, the Idaho Department of Water Resources (IDWR) or you may copy or reproduce this blank form. If you copy or reproduce this form, please copy both sides with the even-number pages upside down.

The water right number you are objecting to must be indicated above in the blank space following "Subcase." To object to multiple water right recommendations, you must use a **separate form for each** objection and there must be **only one objector** for each form.

You must file your objection by the deadline shown in the notice that IDWR mailed to you. The objection must be **received** by the court on or before the deadline specified. Instructions for mailing this objection are found at Page 6, and must be strictly followed.

This form has been adopted by the court in ***SRBA Administrative Order 1, Rules of Procedure*** (amended Sept. 30, 1996), Section 4, which may be consulted for further information.

Any party physically filing 25 or more objections must contact the Clerk of the SRBA Court no later than 14 days before the filing deadline and arrange an appointment to file multiple objections.

By filing an objection form, you are certifying that the objection is well-grounded in fact; that it is warranted by existing law or a good-faith argument for the extension, modification or reversal of existing law; and that it is not filed for any improper purpose, such as to harass, cause unnecessary delay or needless increase in the cost of litigation.

I. GENERAL INFORMATION

Please fill in the following information:

1. ***Party/Claimant objecting:***

Name: Dale H. Klingler

Address: 4567 Federal Blvd.
San Diego, California 92102

Phone: Work: Home: (619) 266-1303

Briefly describe your interest in this water right:

Objecting partyy is the claimant to the water rights recommended by the Director of the Idaho Department of Water Resources.

2. **If this objection is filed by an attorney:**

Attorney Name: Roger D. Ling

Attorney Address: P. O. Box 396
Rupert, Idaho 83350

Attorney Phone No.: (208) 436-4717

If filed by an attorney, notice of pending court proceedings will be sent to the attorney only.

II. STATEMENT OF THE OBJECTION

Please check each "box" which states your objection to the recommendation in the Director's Report.

1. ☐ **Name and Address:** I object to the name and/or address of the owner of the water right.

2. ☐ **Source:** I object to the source of water.

3. **Quantity:** I object to:

   ☐ a. the total quantity of water used in cubic feet per second; or

   ☐ b. the total quantity of water stored in acre feet per year; or

   ☐ c. the total quantity of water reserved for each and every purpose, including all present and future uses.

4. ☒ **Priority Date:** I object to the priority date.

5. ☐ **Points of Diversion:** I object to the legal description of the point(s) of diversion.

6. ☐ **Instream Flow:** I object to the legal description of the beginning and ending points of the instream flow.

7. ☐ **Purpose(s) of Use:** I object to the purpose(s) of use.

8. ☐ **Period of Year:** I object to the period of year when water is used or is necessary for the purpose stated.

9. **Place of Use:** I object to:

   ☐ a. the legal description of the place of use; or

   ☐ b. the number of irrigated acres within each 40-acre subdivision.

10. ☐ **Consumptive Use:** I object to the annual volume of consumptive use.

11. **Water Right Recommendation:** I object to:

    ☐ a. this water right being recommended at all; or

    ☐ b. this water right not being recommended.

12. ☐ **Description of Reservation:** I object to the legal description of the reservation.

13. ☒ **Other:** I object to:

REASONS SUPPORTING EACH BOX CHECKED

You **must** state the reason(s) by number for **each** box checked. You may use additional pages if necessary.

4. **Priority Date:** Claimant objects to the subordination provision under the priority date recommended, as there has been no showing by the holder of a water right with a priority date earlier than April 12, 1994 that they have been injured by this priority date of August 4, 1979.

CHANGES TO THE DIRECTOR'S REPORT

Specifically describe how you want the Director's Report to be changed. You may use additional pages if necessary.

The subordination provisions under **priority date** should be removed.

Note: You should attach copies of documents which support your objection. Note on each document the box number it supports.

☐ Check here if you are submitting documents. Please list each document by the title and number of pages. You may use additional pages if necessary.

VERIFICATION (Must be Completed)

State of Idaho

County of Minidoka

Roger D. Ling, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

That I am the party/claimant filing this objection (as listed on Page 2, Section 1, "Party/Claimant objecting") as defined by I.C. § 42-1401A(1) and (7) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

Signature of person filing objection

Roger D. Ling
Attorney signing in representative capacity

Subscribed and sworn to before me on: Oct. 15, 1997

Notary Public for Idaho
Residing at: Rupert, Idaho
My Commission Expires: 02/03/99

INSTRUCTION FOR MAILING

You must mail the objection, including all attachments, to the Clerk of the Court. **FAX filings will not be accepted by the Clerk of the Court.** You must also send a copy to all the parties listed below in the Certificate of Mailing.

CERTIFICATE OF MAILING

I hereby certify that on October 15, 1997, I mailed the original and copies of this objection, including all attachments, to the following persons, by mailing the original and/or copies, postage prepaid and addressed as follows:

1. Original to:

   Clerk of the District Court
   Snake River Basin Adjudication
   253 Third Avenue North
   P.O. Box 2707
   Twin Falls, Idaho 83303-2707

2. One copy to the claimant of the water right at the following address:

   Name: Dale H. Klingler
   Address: 4567 Federal Blvd.
   San Diego, California 92102

3. Copies to:

   IDWR Document Depository
   P. O. Box 83720
   Boise, ID 83720-0098

   Chief, Natural Resources Division
   Office of the Attorney General
   State of Idaho
   P.O. Box 44449
   Boise, Idaho 83711-4449

   United States Department of Justice
   Environment and Natural Resource Division
   550 West Fort Street, Box 033
   Boise, Idaho 83734

Signature of Objector or attorney
mailing on Objector's behalf

RECEIVED
NOV - 3 1997
Department of Water Resources
Adjudication Bureau

Parties' Names: Magic Valley Ground Water District, Aberdeen-American Falls Ground Water District, Bingham Ground Water District, Tim Deeg, Mack Neibaur, and Ralph Breding

Attorneys' Names and Address
Jeffrey C. Fereday
Michael C. Creamer
GIVENS PURSLEY & HUNTLEY LLP
277 North 6th Street, Suite 200
P.O. Box 2720
Boise, Idaho 83701-2720
(208) 342-6571
(208) 343-9492 (facsimile)

Henry R. Boomer, Esq.
Boomer Law Offices
514 Tyhee
P.O. Box 70
American Falls, ID 83211
(208) 226-2562
(208) 226-5419 (facsimile)

RECEIVED
NOV 05 1997
Department of Water Resources
Southern Region

RECEIVED
OCT 31 1997
OFFICE OF THE
ATTORNEY GENERAL

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re: SRBA

Case No. 39576

A. Subcase No. 36-15264B

JOINT RESPONSE OF MAGIC VALLEY GROUND WATER DISTRICT, ABERDEEN-AMERICAN FALLS GROUND WATER DISTRICT, BINGHAM GROUND WATER DISTRICT, TIM DEEG, MACK NEIBAUR, AND RALPH BREDING TO DALE H. KLINGLER'S OBJECTION

(Standard Form 2)

B. NAME AND ADDRESS OF PERSONS RESPONDING

Magic Valley Ground Water District
1099 N. 400 W.
Route 5, Box 139
Rupert, ID 83350
(208) 532-4524

Ralph E. Breding
2875 Visiting Road
American Falls, ID 83211
(208) 226-2109

Aberdeen-American Falls Ground Water District
P.O. Box 70
American Falls, ID 83211
(208) 226-5914

Mack Neibaur
1200 N. 510 W. Norland
Route 1, Box 1478
Paul, ID 83347
(208) 532-4175

Tim Deeg
2957 Deeg Road
American Falls, ID 83211
(208) 226-5588

Bingham Ground Water District
1523 W. 300 N.
Blackfoot, ID 83221
(208) 684-3614

MAIL9347

Name & Address of Attorneys:
Jeffrey C. Fereday
Michael C. Creamer
Givens Pursley & Huntley LLP
277 No. 6th Street, Suite 200
P.O. Box 2720
Boise, Idaho 83701

Henry R. Boomer, Esq.
514 Tyhee
P.O. Box 70
American Falls, ID 83211

C. NAME AND ADDRESS OF PERSON WHO FILED THE OBJECTION TO WHICH YOU ARE RESPONDING

Name: Dale H. Klingler

Address: 4567 Fedderal Blvd.
San Diego, California 92102

D. Magic Valley Ground Water District, Aberdeen-American Falls Ground Water District, Bingham Ground Water District, Tim Deeg, Mack Neibaur, and Ralph Breding (collectively, "Respondents"), hereby respond to Dale H. Klingler's objections to the following elements.

4. [x] **Priority Date.** Summary response: The use involved in this claim is an enlarged use which began, and has continued, without complying with the mandatory permit system applicable to water diversions and uses under Idaho law. Accordingly, the enlarged use must cease unless it qualifies as an enlargement as defined in I.C § 42-1426, a statute which became effective April 12, 1994. To the extent the use qualifies as an enlargement, it may be recognized as a new water right in the SRBA only if it is subordinated to all other, non-enlarged water rights existing on that date or given a priority date no earlier than April 12, 1994. If the new water is not conditioned in this manner, it will cause injury to the priorities and the water rights of other water right holders, including members of respondent.

If the priority date asserted by the claimant in this matter is assigned to this enlarged right, without the subordination condition recommended by the IDWR, then Respondents' water rights will be injured by having new water rights created in the SRBA which are given priorities ahead of Respondents' water right priorities.

Recommendation. This water right claim should be denied unless it is decreed with the subordination condition as recommended in the Director's Report or given a priority date no earlier than April 12, 1994.

October 30, 1997

VERIFICATION

STATE OF IDAHO)
: SS
COUNTY OF ADA)

Jeffrey C. Fereday and Henry R. Boomer, being first duly sworn, upon oath, deposes and says:

That we am the party/claimant filing this response as defined by I.C. 42-1401A(1) and (6); or that we are the attorneys for the parties/claimants responding and that we have read this response, know its contents and that the statements are true to the best of our knowledge.

By: Jeffrey C. Fereday
(Attorney signing in representative capacity for Magic Valley Ground Water District, Mack Neibaur, Tim Deeg, and Ralph Breding)

By: Henry R. Boomer
(Attorney signing in representative capacity for Aberdeen-American Falls Ground Water District, and Bingham Ground Water District)

Subscribed and sworn to before me this 30th day of October, 1997.

Notary Public for Idaho
Residing at: Nampa, Idaho
My commission expires: 4-21-2001

Subscribed and sworn to before me this 30th day of October, 1997.

Notary Public for Idaho
Residing at: American Falls, Idaho
My commission expires: 1/14/98

JULIE BEST-GILSTER
☆ NOTARY PUBLIC ☆
STATE OF IDAHO

BETTY JUSE
NOTARY PUBLIC
STATE OF IDAHO

F. CERTIFICATE OF SERVICE

I certify that on October 30, 1997, I mailed the original and copies of this response, including all attachments, to the following persons:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 3rd Avenue North
P.O. Box 2707
Twin Falls, ID 83303-2707

2. One copy to the claimant of the water right at the following address:

Name: Dale H. Klinger
Address: 4567 Fedderal Blvd.
San Diego, California 92102

3. One copy to the party who filed the objection at the following address:

Name: Roger D. Ling
Address: Ling, Nielsen & Robinson
615 H Street, P.O. Box 396
Rupert, ID 83350

4. Copies to:

IDWR Document Depository
P.O. Box 83720
Boise, ID 83720-0098

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
P.O. Box 44449
Boise, ID 83711-4449

Environment & Natural Resources Div.
United States Department of Justice
550 West Fort Street, Box 033
Boise, ID 83724

R PROOF ✓

CVR ✓

MAPS

PHOTOS

MISC ✓

MICROFILMED
FEB 0 9 1993

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIMS PROOF READING REPORT
(REGIONAL)

Water Right Number - R36-15264 Prefix Translation: RESEARCH Old (D) Number -

Last Name	First Name	Address
*** A - ATTORNEY ***		
LING	ROGER D	1 - PO BOX 396 2 - 3 - City- RUPERT State- ID Zip- 83350 Phone - 208-436-4717
*** C - CURRENT OWNER ***		
SPLIT RIGHT		1 - 2 - 3 - City- X State- ID Zip- 0 Phone - 208-000-0000
*** O - ORIGINAL OWNER ***		
KLINGLER	DALE H	1 - 4567 FEDERAL BLVD 2 - 3 - City- SAN DIEGO State- CA Zip- 92102 Phone - 619-266-1303

VERIFIED BY KKC

MICROFILMED FEB 09 1993

Priority Date	Region	Stage	Status
04/01/1965	17 SOUTHERN		Z - SEE REMARKS

Source
GROUNDWATER
SPLIT RIGHT

Tributary

Point of Diversion

Twn	Rng	Sec	Tract	Lot	RFlg	County
07S	26E	29	SW NW SE			(13) BLAINE

Water Use

Code	Description	Period From	Period To	Diversion Rate	Diversion Volume
01	IRRIGATION	03/15	11/15	2.000	

Total Div. Rate	Total Div. Volume	Total Consumptive Use	KW Usage
2.000		300.0	

Place of Use

Twn	Rng	Sec	Tract	Lot	Acres	Code	Description	County
07S	26E	29	NE NE		4.0	01	IRRIGATION	(13) BLAINE
07S	26E	29	NW NE		35.0	01	IRRIGATION	(13) BLAINE
07S	26E	29	SW NE		29.0	01	IRRIGATION	(13) BLAINE
07S	26E	29	NE NW		35.0	01	IRRIGATION	(13) BLAINE
07S	26E	29	SW NW		31.0	01	IRRIGATION	(13) BLAINE
07S	26E	29	SE NW		34.0	01	IRRIGATION	(13) BLAINE
07S	26E	29	NE SW		31.0	01	IRRIGATION	(13) BLAINE
07S	26E	29	NW SW		31.0	01	IRRIGATION	(13) BLAINE

Water right number - R36-15264 Prefix Translation: RESEARCH

+ - - - Place of Use - - - +

Twn	Rng	Sec	Tract	Lot	Acres	Code	Description	County
07S	26E	29	SW SW		31.0	01	IRRIGATION	(13) BLAINE
07S	26E	29	SE SW		32.0	01	IRRIGATION	(13) BLAINE
07S	26E	29	NW SE		30.0	01	IRRIGATION	(13) BLAINE
07S	26E	32	NE NW		32.0	01	IRRIGATION	(13) BLAINE
07S	26E	32	NW NW		31.0	01	IRRIGATION	(13) BLAINE

Total Acres: 386.0

+ - - Diversion Means - WELL, PUMP, MOTOR AND SPRINKLER SYSTEM

+ - - Non-Irrigation Use - NONE

+ - - Other Rights for Same Use - APPLICATION 36-08129

+ - - - Remarks - - - +
SEE NOS. 36-15264A AND 36-15264B.

+ - - - Old Water Right Numbers - - - +
No Old Water Right Numbers Found

+ - - - Conditions of Approval - - - +
No Conditions of Approval found.

+ - - - - Decree Plaintiff - - - + + - - - - Decree Defendant - - - + + - Decree Date - +
00/00/0000

+ - - - -Comments- - - - +
Date: 07/31/1992 User Id: CHRISTEN Subject: COPIED FROM REMARKS
THIS RIGHT IS AN EXPANSION OF RIGHT NO. 36-02433 PURSUANT TO IDAHO CODE 42-1416(2).
RIGHT NO. 36-02433 IS ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE.
Date: 08/08/1992 User Id: CHRISTEN Subject: BASIS FOR SPLIT RIGHT RECOMMENDATION
THIS CLAIM WAS SPLIT AS EVIDENCE OF PRIORITY INDICATED THAT THE EXPANSION OF 36-02433 OCCURED AT DIFFERENT TIMES. THEREFORE, TWO CLAIMS ARE RECOMMENDED WITH DIFFERENT PRIORITY DATES FOR DIFFERENT ACRES. KKC

+ - - Audit Fields - - +
08/08/92 CHRISTEN

+ - - - Adjudication Rights Dates and Flags Area - - - +

Court Report Filing	- 00/00/0000	Field Inspection Made	- 00/00/0000	Civil Case Number	- 39576
Objection Filed Date	- 00/00/0000	Field Inspection Flag	-	Old Case Number	-
Response Filed Date	- 00/00/0000	Verified Date	- 08/08/1992	Old Judicial District	-
Claim Received Date	- 05/19/1992	Last Amended Date	- 00/00/0000	Temporary Right	- P
		Receipt Number	- S014553	Water District	-
		POU Ownership Flag	- Y	Federal/State Indicator	- S
		Name Connector	- OR	Presumption Flag	- E
				Notice of Error Flag	-

MICROFILMED
FEB 09 1993

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIMS PROOF READING REPORT
(REGIONAL)

MICROFILMED
FEB 0 9 1993

Water Right Number - R36-15264A Prefix Translation: RESEARCH Old (D) Number -

Last Name	First Name	Address
*** A - ATTORNEY ***		
LING	ROGER D	1 - PO BOX 396 2 - 3 - City- RUPERT State- ID Zip- 83350 Phone - 208-436-4717
*** C - CURRENT OWNER ***		
KLINGLER	DALE H	1 - 4567 FEDERAL BLVD 2 - 3 - City- SAN DIEGO State- CA Zip- 92102 Phone - 619-266-1303

Priority Date	Region	Stage	Status
08/24/1966	17 SOUTHERN	J - BENEFICIAL USE	

Source: GROUNDWATER

Tributary:

Point of Diversion

Twn	Rng	Sec	Tract	Lot	RFlg	County
07S	26E	29	SW NW SE			(13) BLAINE

Water Use

Code	Description	Period From	Period To	Diversion Rate	Diversion Volume
01	IRRIGATION	04/01	10/31	0.680	

Total Div. Rate	Total Div. Volume	Total Consumptive Use	KW Usage
0.680		0.0	

Place of Use

Twn	Rng	Sec	Tract	Lot	Acres	Code	Description	County
07S	26E	29	NE NE		4.0	01	IRRIGATION	(13) BLAINE
07S	26E	29	NW NE		35.0	01	IRRIGATION	(13) BLAINE
07S	26E	29	SW NE		29.0	01	IRRIGATION	(13) BLAINE
07S	26E	29	NE NW		35.0	01	IRRIGATION	(13) BLAINE
07S	26E	29	SW NW		31.0	01	IRRIGATION	(13) BLAINE
07S	26E	29	SE NW		34.0	01	IRRIGATION	(13) BLAINE
07S	26E	29	NE SW		31.0	01	IRRIGATION	(13) BLAINE
07S	26E	29	NW SW		31.0	01	IRRIGATION	(13) BLAINE
07S	26E	29	SW SW		31.0	01	IRRIGATION	(13) BLAINE
07S	26E	29	SE SW		32.0	01	IRRIGATION	(13) BLAINE
07S	26E	29	NW SE		30.0	01	IRRIGATION	(13) BLAINE
07S	26E	32	NE NW		32.0	01	IRRIGATION	(13) BLAINE
07S	26E	32	NW NW		31.0	01	IRRIGATION	(13) BLAINE

MICROFILMED
FEB 09 1993

Water right number - R36-15264A   Prefix Translation: RESEARCH

+ - - - Place of Use - - - +

Twn	Rng	Sec	Tract	Lot	Acres	Code	Description	County

Total Acres: 386.0

+ - - Diversion Means - WELL, PUMP, MOTOR AND SPRINKLER SYSTEM

+ - - Non-Irrigation Use - NONE

+ - - Other Rights for Same Use - SEE REMARKS

+ - - - Remarks - - - +

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 45 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE: 36-02433 AND 36-15264B.

USE OF THIS RIGHT WITH RIGHTS LISTED ABOVE IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 5.04 CFS, A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 1544 AF, A TOTAL COMBINED ANNUAL CONSUMPTIVE USE VOLUME OF 1158 AF, AND TO THE IRRIGATION OF A COMBINED TOTAL OF 386 ACRES IN A SINGLE IRRIGATION SEASON.

THIS RIGHT IS AN EXPANSION OF RIGHT NO. 36-02433 PURSUANT TO IDAHO CODE 42-1416(2).

+ - - - Old Water Right Numbers - - - +

No Old Water Right Numbers Found

+ - - - Conditions of Approval - - - +

No Conditions of Approval found.

+ - - - - Decree Plaintiff - - - +   + - - - - Decree Defendant - - - +   + - Decree Date - +
00/00/0000

+ - - - Comments - - - +

Date: 07/31/1992 User Id: CHRISTEN Subject: COPIED FROM REMARKS
THIS RIGHT IS AN EXPANSION OF RIGHT NO. 36-02433 PURSUANT TO IDAHO CODE 42-1416(2).
RIGHT NO. 36-02433 IS ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE.

+ - - Audit Fields - - +
08/13/92 MERRITT

+ - - - Adjudication Rights Dates and Flags Area - - - +

Court Report Filing	- 00/00/0000	Field Inspection Made	- 00/00/0000	Civil Case Number	- 39576
Objection Filed Date	- 00/00/0000	Field Inspection Flag	-	Old Case Number	-
Response Filed Date	- 00/00/0000	Verified Date	- 08/13/1992	Old Judicial District	-
Claim Received Date	- 05/19/1992	Last Amended Date	- 00/00/0000	Temporary Right	- P
		Receipt Number	- X777777	Water District	-
		POU Ownership Flag	- Y	Federal/State Indicator	- S
		Name Connector	- OR	Presumption Flag	- E
				Notice of Error Flag	-

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIMS PROOF READING REPORT
(REGIONAL)

Water Right Number - R36-15264B Prefix Translation: RESEARCH Old (D) Number -

Last Name	First Name	Address
*** A - ATTORNEY ***		
LING	ROGER D	1 - PO BOX 396 2 - 3 - City- RUPERT State- ID Zip- 83350 Phone - 208-436-4717
*** C - CURRENT OWNER ***		
KLINGLER	DALE H	1 - 4567 FEDERAL BLVD 2 - 3 - City- SAN DIEGO State- CA Zip- 92102 Phone - 619-266-1303

Priority Date	Region	Stage	Status
08/04/1979	17 SOUTHERN	J - BENEFICIAL USE	

Source: GROUNDWATER

Tributary:

Point of Diversion

Twn	Rng	Sec	Tract	Lot	RFlg	County
07S	26E	29	SW NW SE		(13)	BLAINE

Water Use

Code	Description	Period From	Period To	Diversion Rate	Diversion Volume
01	IRRIGATION	04/01	10/31	0.710	

Total Div. Rate: 0.710
Total Div. Volume:
Total Consumptive Use: 0.0
KW Usage:

Place of Use

Twn	Rng	Sec	Tract	Lot	Acres	Code	Description	County
07S	26E	29	NE NE		4.0	01	IRRIGATION	(13) BLAINE
07S	26E	29	NW NE		35.0	01	IRRIGATION	(13) BLAINE
07S	26E	29	SW NE		29.0	01	IRRIGATION	(13) BLAINE
07S	26E	29	NE NW		35.0	01	IRRIGATION	(13) BLAINE
07S	26E	29	SW NW		31.0	01	IRRIGATION	(13) BLAINE
07S	26E	29	SE NW		34.0	01	IRRIGATION	(13) BLAINE
07S	26E	29	NE SW		31.0	01	IRRIGATION	(13) BLAINE
07S	26E	29	NW SW		31.0	01	IRRIGATION	(13) BLAINE
07S	26E	29	SW SW		31.0	01	IRRIGATION	(13) BLAINE
07S	26E	29	SE SW		32.0	01	IRRIGATION	(13) BLAINE
07S	26E	29	NW SE		30.0	01	IRRIGATION	(13) BLAINE
07S	26E	32	NE NW		32.0	01	IRRIGATION	(13) BLAINE
07S	26E	32	NW NW		31.0	01	IRRIGATION	(13) BLAINE

MICROFILMED
FEB 09 1993

MICROFILMED
FEB 0 9 1993

Water right number - R36-15264B Prefix Translation: RESEARCH

+ - Place of Use - +

Twn	Rng	Sec	Tract	Lot	Acres	Code	Description	County

Total Acres: 386.0

+ - - Diversion Means - WELL, PUMP, MOTOR AND SPRINKLER SYSTEM

+ - - Non-Irrigation Use - NONE

+ - - Other Rights for Same Use - SEE REMARKS

+ - Remarks - +

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 54 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE: 36-15264A AND 36-02433.

USE OF THIS RIGHT WITH RIGHTS LISTED ABOVE IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 5.04 CFS, A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 1544 AF, A TOTAL COMBINED ANNUAL CONSUMPTIVE USE VOLUME OF 1158 AF, AND TO THE IRRIGATION OF A COMBINED TOTAL OF 386 ACRES IN A SINGLE IRRIGATION SEASON.

THIS RIGHT IS AN EXPANSION OF RIGHTS NO. 36-02433 PURSUANT TO IDAHO CODE 42-1416(2).

+ - Old Water Right Numbers - +

No Old Water Right Numbers Found

+ - Conditions of Approval - +

No Conditions of Approval found.

+ - - - - Decree Plaintiff - - - + + - - - - Decree Defendant - - - + + - Decree Date - +
00/00/0000

+ -Comments- +

Date: 07/31/1992 User Id: CHRISTEN Subject: COPIED FROM REMARKS
THIS RIGHT IS AN EXPANSION OF RIGHT NO. 36-02433 PURSUANT TO IDAHO CODE 42-1416(2).
RIGHT NO. 36-02433 IS ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE.

+ - - Audit Fields - - +
08/13/92 MERRITT

+ - Adjudication Rights Dates and Flags Area - +

Court Report Filing	- 00/00/0000	Field Inspection Made	- 00/00/0000	Civil Case Number	- 39576
Objection Filed Date	- 00/00/0000	Field Inspection Flag	-	Old Case Number	-
Response Filed Date	- 00/00/0000	Verified Date	- 08/13/1992	Old Judicial District	-
Claim Received Date	- 05/19/1992	Last Amended Date	- 00/00/0000	Temporary Right	- P
		Receipt Number	- X777777	Water District	-
		POU Ownership Flag	- Y	Federal/State Indicator	- S
		Name Connector	- OR	Presumption Flag	- E
				Notice of Error Flag	-

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

01:30:39
05/22/92

CVK FOR,
36-15264
36-15264A
36-15264B

PAGE: 11
QUICKLOOK INFORMATION

CLAIM NUMBER: A36-15264

WR ELEMENT	FIELD EXAM Y/N	CORRESPONDENCE SENT/RECEIVED BY WHOM/DATE	FIELD EXAM BY WHOM/DATE	CHANGE CLAIM Y/N	VERIFIED BY CODE	COMPLETED REVIEW WHOM/DATE	COMPLETED DATA ENTRY WHOM/DATE	VERIFIED DATE WHOM/DATE
PRIORITY DATE	Y			Y	6	KKC 8-8-92		KKC 8-8-92
POINT OF DIV	Y			N				
SOURCE	Y			N				
PLACE OF USE	Y			Y	6,1,2,4			
DIV. AMOUNT CFS/VOLUME	Y			Y	6			
CONSUMPTIVE USE	-			Y	6			
PURPOSES	Y			N				
PERIOD OF USE	Y			Y	6			
BASIS OF CLAIM	Y			N				
REMARKS	Y			Y	6			

MICROFILMED
FEB 09 1993

"VERIFIED BY" CODES

TOPO MAP/ORTHO-PQ = 1
ASCS MAP = 2
WATERMASTER RECORDS = 3
NAPP PHOTOS = 4
FIELD EXAM = 5
OTHER (SEE REMARKS) = 6

THESE CODES ARE USED TO INDICATE HOW THE FIELD EXAMINER VERIFIED THE INFORMATION USED FOR THIS FIELD EXAMINATION. INDICATED ARE ALL CODES WHICH APPLY.

evidence of priority not submitted as of 7-31-92 deny claim based upon code PØ/ Kelly K Christensen

evidence submitted 8-5-92 reinstate KKC

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

01:30:39
05/22/92

GENERAL INFORMATION

CLAIM NUMBER: A36-15264

MICROFILMED
FEB 09 1993

LAST: KLINGLER FIRST: DALE H
ADDRESS: 4567 FEDERAL BLVD
CITY: SAN DIEGO STATE: CA ZIP: 92102
PHONE NUMBER: 619-266-1303

OWNER CODE: C

LAST: LING FIRST: ROGER D
ADDRESS: PO BOX 396
CITY: RUPERT STATE: ID ZIP: 83350
PHONE NUMBER: 208-436-4717

OWNER CODE: A

	DATABASE	FIELD EXAMINER
FIELD EXAM REQUIRED?		
VERIFICATION REQUIRED DUE TO REMARKS?	Y	

CLAIM REMARKS: THIS RIGHT IS AN EXPANSION OF RIGHT NO. 36-02433 PURSUANT TO IDAHO CODE 42-1416(2).
RIGHT NO. 36-02433 IS ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE.

FIELD EXAMINATION INFORMATION

CLAIM NUMBER: A36-15264

CONTACT PERSON: Roger Ling

PHONE NUMBER: (___) ___-_____

DATE OF FIELD EXAM: __/__/__

APPOINTMENT MADE: Y(__) N(__)

TIME: ___:___ A(__) P(__)

ACCOMPANIED BY: Attorney

PHONE NUMBER: (___) ___-_____

RELATIONSHIP TO CLAIMANT:

DIRECTIONS TO PROPERTY / REMARKS:

See notes in 36-2433 CVR

MICROFILMED
FEB 09 1993

PRIORITY DATE REVIEW PAGE

CLAIM NUMBER: A36-15264

A. AJ CLAIM: # A36-15264 PRIORITY DATE: 04-01-1965 STAGE: J

B. WR RECORD: NO WATER RIGHT RECORD TO MATCH THIS AJ CLAIM

C. FIELD EXAM REQUIRED?

	DATABASE	FIELD EXAMINER
DUE TO PRIORITY DATE DISCREPANCY? (Y/N)	Y	_____

ARE THERE OBVIOUS REASONS TO QUESTION THE PRIORITY DATE CLAIMED? Y(__) N(__)
IF YES EXPLAIN.

REMARKS: evidence indicates that expansion occured in stages. The licensing field exam on 8-24-66 indicated 45 acres beyond the permitted acres for 36-2433 were developed. This agrees & conflicts with the evidence of priority submitted. I recommend splitting this claim into parts A & B.
Part A is recommended with a 8-24-66 priority for 45 A
Part B ~~for~~ with a 8-4-79 priority for 54 acres
see attached narrative for additional analysis.

RECOMMENDED PRIORITY DATE:
__-__-__

REVIEWED BY KKC DATE 8-8-92

Part A 8-24-66
B 8-4-79

MICROFILMED FEB 09 1993

POINT OF DIVERSION REVIEW SHEET

CLAIM NUMBER: A36-15264

A. AJ CLAIM POINT OF DIVERSION AND SOURCE:

RIGHT	TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	CNTY
A36-15264	07S	26E	29	SW	NW	SE		BLAINE

OTHER AJ CLAIMS WITH SAME AJ POD

A PREFIX	R PREFIX
A36-02433	NONE

WR RECORDS IN SAME 40 ACRE TRACT

36-02433

SOURCE: GROUNDWATER

TRIB:

B. WR POINT OF DIVERSION AND SOURCE:

THERE IS NO WATER RIGHT RECORD WITH THE SAME CLAIM NUMBER

SOURCE: NO SOURCE FOR RECORD

TRIB: NO TRIBUTARY FOR RECORD

C. FIELD EXAM REQUIRED?

	DATABASE	FIELD EXAMINER
DUE TO POD DISCREPANCY? (Y/N)	Y	N
DUE TO SOURCE DISCREPANCY? (Y/N)	Y	

REMARKS:

P/D OK agrees with licensed P/D. (36-2433) good for both PART A & B.

RECOMMENDED POINT(S) OF DIVERSION AND SOURCE:

TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	COUNTY
			OK as claimed				

SOURCE: GW.

TRIB:

REVIEWED BY: KKC

DATE: 8-8-92

MICROFILMED FEB 09 1993

PLACE OF USE REVIEW SHEET

CLAIM NUMBER: A36-15264

A. ROOT WATER RIGHT NUMBERS: A36-15264

B. POU LISTING

TWP	RNG	SEC	1/4	1/4	LOT	NAME	AJ #/ACRES	WR #/ACRES	LANDSAT DATA	FIELD EXAM.	RECOMM. ACRES
07S	26E	29	NE	NE		KLINGLER , DALE H	A36-15264 / 5.0	- /			
07S	26E	29	NW	NE		KLINGLER , DALE H	A36-15264 /35.0	- /	15.0		
07S	26E	29	SW	NE		KLINGLER , DALE H	A36-15264 /13.5	- /	11.0		
			SW	NE		KLINGLER , DALE H	A36-02433 /15.5	- /			
07S	26E	29	NE	NW		KLINGLER , DALE H	A36-15264 /35.0	- /	37.0		
07S	26E	29	NW	SE		KLINGLER , DALE H	A36-15264 /10.0	- /	18.0		
			NW	SE		KLINGLER , DALE H	A36-02433 /20.0	- /			
			TOTAL ACRES			A36-15264	98.50		81.00		

ARE IRRIGATED ACRES FOUND IN TRACTS OTHER THAN INDICATED ABOVE, Y( ) N( )
IF YES SEE ATTACHED SHEET:

See attached P/U land list for recommendation
See attached narrative for P/U analysis
KKC

MICROFILMED FEB 09 1993

C. FIELD EXAM REQUIRED?

DUE TO POU DISCREPANCY? (Y/N) DATABASE Y FIELD EXAMINER _____

POU COUNTY: BLAINE

PRESUMPTION FLAG: E

REMARKS:

Recommend Part A - 45 Acres within 386
Part B - 54 Acres " "

RECOMMENDATIONS:

TOTAL ACRES: 386

REVIEWED BY: KKC DATE: 8-8-92

PURPOSES REVIEW SHEET

CLAIM NUMBER: A36-15264

A. AJ CLAIMED USES:

change to standard 4-01 - 10-31

	PURPOSES	MONTH/DAY	DIVERSION QUANTITY
A36-15264	IRRIGATION	FROM 03-15 TO 11-15	2.000 CFS
		TOTAL DIVERSION RATE/VOLUME CLAIMED	2.000 CFS

B. WR RECORDED USES:

PURPOSES	MONTH/DAY	DIVERSION QUANTITY

PRESUMPTION FLAG: E

C. FIELD EXAM REQUIRED?

	DATABASE	FIELD EXAMINER
DUE TO WATER-USE DISCREPANCY? (Y/N)	Y	
DUE TO DIVERSION RATE DISCREPANCY? (Y/N)	Y	
DUE TO PERIOD FROM/TO DISCREPANCY? (Y/N)	Y	

D. PERIOD OF USE:

RECOMMEND AS CLAIMED? Y(___) N(___)

RECOMMEND TO WR STANDARDS OR OTHER? Y(X) N(___) Explain in remarks, below.

REMARKS:

MICROFILMED FEB 09 1993

DIVERSION AMOUNT REVIEW SHEET

CLAIM NUMBER: A36-15264

A. DOES DIVERSION RATE CLAIMED AGREE WITH EXISTING RECORDS? Y(___) N(___)

AJ TOTAL CLAIMED DIVERSION RATE: 2.000 CFS
WR ROOT RIGHT TOTAL DIVERSION RATE: CFS

*** IF NO or IF STATUTORY CLAIM or BENEFICIAL USE then flow measurement required. ***
** If an amount smaller than the original diversion rate is **
** claimed and an exam is NOT required, explain in remarks. **

FLOW MEASUREMENT REQUIRED?

	DATABASE	FIELD EXAMINER
DUE TO STAGE OR DIVERSION RATE DISCREPANCY? (Y/N)	Y	_____

MICROFILMED FEB 0 9 1993

B. FLOW MEASUREMENT

MEASUREMENT METHOD _____, SEE ATTACHED CALCULATIONS.

C. ARE OTHER WATER RIGHTS USED? Y(Y) N(__) IF YES COMPLETE OVERLAP REVIEW.

OTHER RIGHTS LISTED IN CLAIM: APPLICATION 36-08129

LIST ALL RIGHTS WITH A SAME POU AND IRRIGATION USAGE:

CLAIM NO.	SOURCE	NAME	DIV. RATE	DIV. RATE/ACRE	DIV. VOL.	DIV. VOL./ACRE
A36-15264	GROUNDWATER	KLINGLER , DALE H	2.000	0.020		
A36-02433	GROUNDWATER	KLINGLER , DALE H	5.040	0.017	1148.00	4.00

NO RIGHTS WITH SAME POU BUT NOT USED FOR IRRIGATION

Diversion rate recommendation calculations.

36-15264A

licensed rate = 5.04 CFS & 287 A

A adds 45 Acres ∴ 5.04/(287+45) = 0.0152 CFS/ACRE

× 45

0.68 CFS — Recommendation

36-15264B

adds 54 acres ∴ 5.04/(332+54) = 0.01306

× 54

0.705

≈ 0.71 CFS — Recommendation

 CLAIM NUMBER: A36-15264

D. RATE/VOLUME CALCULATIONS: (IRRIGATION)

1a. IRRIGATION RATE

ACRES _____ x 0.02 CFS/ACRE = _____ CFS
(Taken from p/u review)

DOES AMOUNT CLAIMED EXCEED 0.02 CFS/ACRE? Y(__) N(__)

*** IF YES ADDITIONAL WATER USE FORM FILED AND ATTACHED? Y(__) N(__) ***

1b. CALCULATIONS

See attached Remarks. Worksheet for combined rights recommendations. KKC

2. IRRIGATION CONSUMPTIVE USE

CLAIMED CONSUMPTIVE USE = 300.0 AF/A

ACRES _____ x CONSUMPTIVE VOL. AF/A FOR AREA _____ =

TOTAL CONSUMPTIVE USE _____ AF/A

3. IRRIGATION DIVERSION VOLUME

CLAIMED DIVERSION VOLUME = AF/A

ACRES _____ x DIVERSION VOL. AF/A FOR AREA _____ =

TOTAL DIVERSION VOLUME _____ AF/A

4. CALCULATIONS FOR USES OTHER THAN IRRIGATION:

SEE ATTACHED SHEET? Y(____) N(____)

REMARKS: (Include limitations on CONSUMPTIVE USE for combined rights.)

MICROFILMED FEB 09 1993

 CLAIM NUMBER: A36-15264

RECOMMENDATIONS:

REC. PURPOSES	REC. PERIOD FROM	TO	REC. DIV RATE CFS DATABASE	EXAMINER	REC. DIV VOL. AF/A DATABASE	EXAMINER	REC. CONS. USE DATABASE	EXAMINER
in	4-1	10-31		A - .68		N/A		N/A
				B - .71				
TOTAL FOR THIS RIGHT								

REVIEWED BY: KKC DATE: 8-8-92

MICROFILMED FEB 09 1993

BASIS OF CLAIM REVIEW SHEET

CLAIM NUMBER: A36-15264

A. CHECK ONLY THE FOLLOWING THAT APPLY:

	ACCEPTED AS CLAIMED	NEEDS REVIEW
OWNERSHIP	(✓)	( )
FORFEIT/ABANDON	( )	( )
ADDITIONAL DIV. AMOUNT	( )	( )

B. SPLIT WATER RIGHT REVIEW

ROOT WATER RIGHT NUMBER: 36-15264

	DATABASE	EXAMINER
TOTAL DIVERSION RATE OF WR SPLITS		N/A CFS

SPLITS:

OLD RIGHT NUMBERS	CURRENT CLAIM NUMBERS	DIVERSION RATE	CURRENT "R" CLAIM NUM.	"R" DIV. RATE	WR RIGHT NUMBERS	DIVERSION RATE
-	A36-15264	2.000	-		-	
	TOTAL CFS	2.000				

DIVERSION RATE REVIEW

	DATABASE	FIELD EXAMINER
DO THE SUM CFS RATE OF THE SPLITS EQUAL THE ROOT RIGHT CFS RATE? (Y/N)	N	
IF NO, is the written review sheet attached? (Y/N)		

REMARKS:

AUTHENTICATION:

SIGNATURE: Kelly K Christensen DATE: 8-8-92

NAME OF FIELD EXAMINER: _____ TITLE: Sr Water Rights Agent.

MICROFILMED FEB 09 1993

CLAIM NUMBER: A36-15264

MICROFILMED
FEB 09 1993

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	DALE H KLINGLER 4567 FEDERAL BLVD SAN DIEGO CA 92102 (619) 266-1303	04/01/1965	IRRIGATION	03-15 11-15	2.00 CFS	
				TOTAL DIVERSION:	2.00 CFS	
				CONSUMPTIVE USE:		300.0 AFA

Water Source: GROUNDWATER Tributary to: Stage: BENEFICIAL USE

Point(s) of Diversion: T07S R26E S29 SWNWSE BLAINE County

Place of use Legal Description for: IRRIGATION

			NE				NW				SW				SE				
			NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE	
T	R	S	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	SUM
07S	26E	29	05	35	13		35									10			98.5
																TOTAL ACRES			98.5

POU County: BLAINE

Non-Irrigation Uses: NONE

Other Rights: APPLICATION 36-08129

Non-Irrigation Use: NONE

Remarks: THIS RIGHT IS AN EXPANSION OF RIGHT NO. 36-02433 PURSUANT TO IDAHO CODE 42-1416(2).
RIGHT NO. 36-02433 IS ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE.

Dates: Exam Made Date: Verified Date:

Misc: Water District Number: Field Inspection Flag:
Presumption Flag: E

(7-91)

REMARK AND CONDITION CODE WORKSHEET

SYSTEM CLAIM NUMBERS 36-2433
36-15264A
36-15264B

AGENT INITIALS KKC
DATE 8-7-92

CLAIM NO. OR ENTRY ORDER	REMARK CODE	ENTRY DATA	CONDITION CODE	STAGE OR STATUS	PRESUMPTION CODE
36-2433	K06	287			
	F06	36-15264A & 36-15264B	C05		C
	E03	5.04 cfs			
		1544 AFA			
		1158 AFA			
		386 Acres			
	K03	rights 36-15264A			
	~~K03~~	36-15264B			
36-15264A	K06	45 Acres			
	F06	36-2433 & 36-15264B			
	E03	5.04		J	E
		1544			
		1158			
		386			
	K03	36-15264B			
	K02	36-2433			
36-15264B	K06	54 acres			
	F06	36-2433 & 36-15264A			
		5.04			
		1544			
		1158			
		386			

K02. 36-2433 & 36-15264A

MICROFILMED
FEB 09 1993

RECOMMENDED PERMISSIBLE PLACE OF USE:

SYSTEM 1

CLAIMS: 36-2433 36-15264/A 36-15264/B

	NUMBER	TNS	RNG	SEC	NE				NW				SW				SE				TOTAL	SYSTEM TOTAL
					NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
RECOMMENDED	P-P/U	7S	26E	29	4	35	29		35		31	34	31	31	31	32		30				323
	36 2433			29					35		30	34	31	31	31	32					224	
	36 15264A			29			28											22			45	
	36 15264B			29	4	35	6				1							8			54	

	NUMBER	TNS	RNG	SEC	NE				NW				SW				SE				TOTAL	SYSTEM TOTAL
					NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
RECOMMENDED	P-P/U	7S	26E	32					32	31												63
	36 2433			32					32	31											63	

TOTAL Recommended P-P/U = 386

36-2433	287
36-15264A	45
36-15264B	54
	386

MICROFILMED
FEB 09 1993

System 1 analysis: 36-2433
36-15264A
36-15264B

Time line

36-2433 Priority date	10-1-60	36-15264A	claimed Priority	4-1-65
Field efams	8-24-66	RECOMMEND →		8-24-66
	6-8-68			
FLIGHT DATE		36-15264B -		
ORTHO PHOTO	8-4-79	RECOMMEND		8-4-79

Licensing field efam for 36-2433 found 332 acres irr. and was licensed for 287 acres.

Efam identifies 23 acres in SW NE Sec 29
22 acres in NW SE Sec 29

as irrigated but not covered by permit. Therefore I accept the earlier priority date for those acres.

Submitted evidence inconclusive as to subsequent development. Lacking further evidence I recommend the balance of the found acres under Part B with the orthophoto flight date as evidence of priority.

total acres recommended = 386
Licensed div rate = 5.04/386 = 0.013 CFS/ACRE
(rate within ½" per acre guide line accept as claimed)

MICROFILMED
FEB 09 1993