

AFFIDAVIT of PUBLICATION

State of Idaho, }
County of Jerome } SS.

Patty Nance C. Manager, being first duly sworn, deposes and says that he is the printer (publisher) of the Jerome North Side News, a newspaper published every week in Jerome, County of Jerome, State of Idaho; that said newspaper has been continuously and uninterruptedly published for a period of seventy-eight consecutive weeks prior to the first publication of the annexed notice, and is a newspaper qualified to publish legal notices as provided by act of the 1919 session of the legislature of the State of Idaho, known as House Bill 145; that the annexed advertisement was published once

each week for 2X consecutive issues in said newspaper proper and not in a supplement; that the date of the first publication of said advertisement was on the 3rd day of Jan, 1990, and the date of the last publication was on the 10th day of Jan, 1990.

Subscribed and sworn to before me this 10 day of Jan, 1990.
(SEAL)

Norma DeVoe
NOTARY PUBLIC

NORTH SIDE NEWS
Jerome, Idaho

COST OF PUBLICATION

Numer of Picas per Line _____
Number of Lines in Notice _____
Number of Insertions 2X

Lines tabular at _____ 6¢/Pica
380.25 Lines straight at 19.02 5¢/Pica
Subsequent lines at 15.21 4¢/Pica
TOTAL COST 34.23

COPY OF NOTICE

(Paste Here)

Appl. for Trust Water Right
TITLE OF NOTICE
Kent L. Klosterman

PLAINTIFF ATTORNEY

DEFENDANT

PLAINTIFF

Id. Dept. of Water Res.
FILE TO Boise

NOTICE OF APPLICATION FOR TRUST WATER RIGHT

36-07974

KLOSTERMAN, KENT L.
RT. 2 BOX 474B
RUPERT, ID 83350
Source: GROUNDWATER
Diversion Pt: NWSE Sec 13 T 09S R 21E
Use: IRRIGATION (4,800 CFS)
Total Diversion (4,800 CFS)
Date Filed: 3/04/1981
In: T09S R21E S13 SWNE SENW NESW

SESW

NWSE SWSE
S24 NWNE NENW
240.0 ACRES TOTAL

The permit(s) will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec. 42-203A, Idaho Code and/or the new public interest criteria of Sec. 42-203C, Idaho Code. Protests must be filed with the Director, Department of Water Resources, Statehouse Mail, Boise, Idaho 83720 on or before JANUARY 22, 1990.

R. Keith Higginson
Director
N44131

Pub: 1-3 & 10, 1990

(Idaho Code, Rev. 1987)

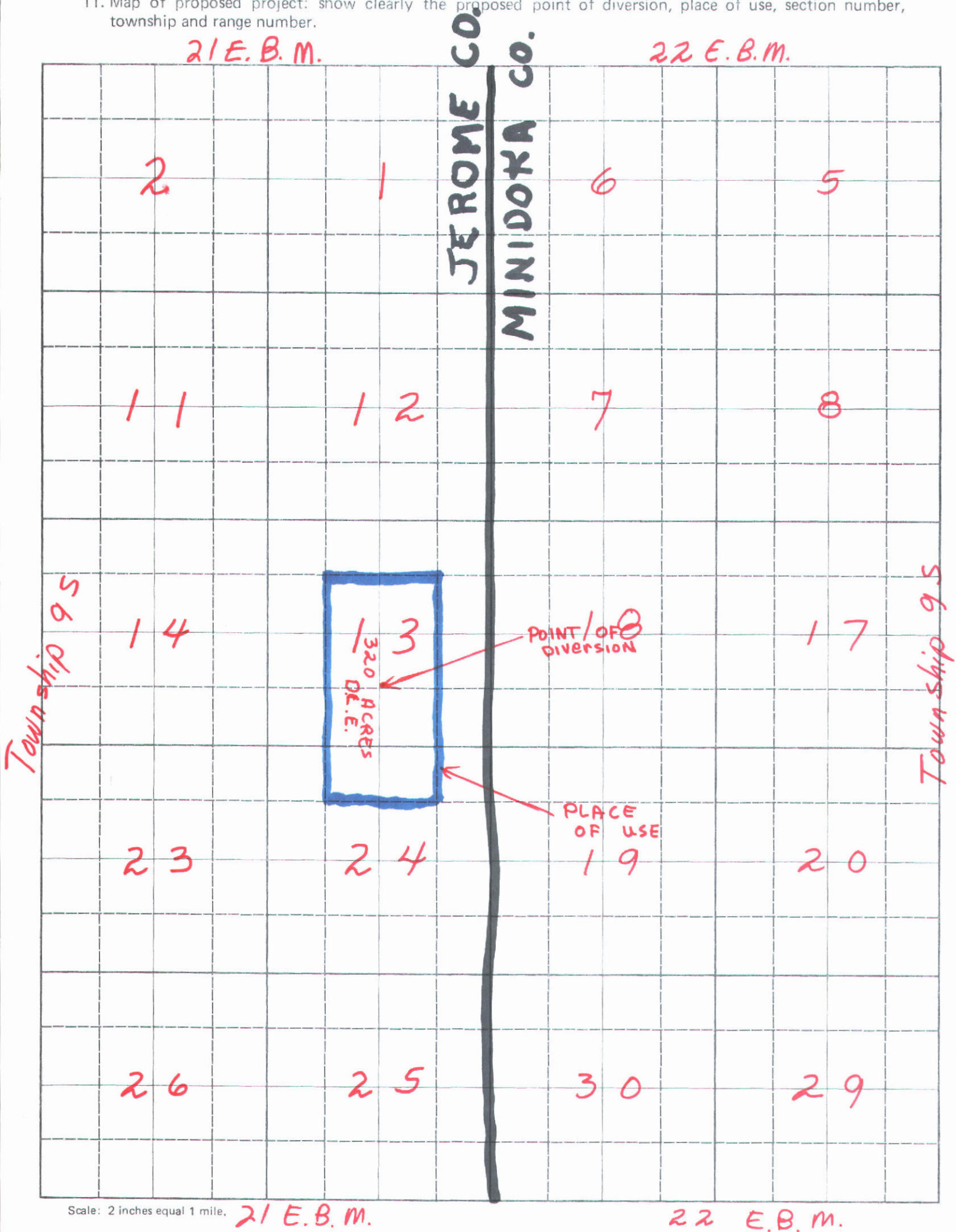
7-8 pt. per line straight.....5¢/Pica
7-8 pt. per line tabular.....6¢/Pica
7-8 pt. per line successive
insertions.....4¢/Pica

NOT FILMED

MAR 06 1990 No 3633

44131

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

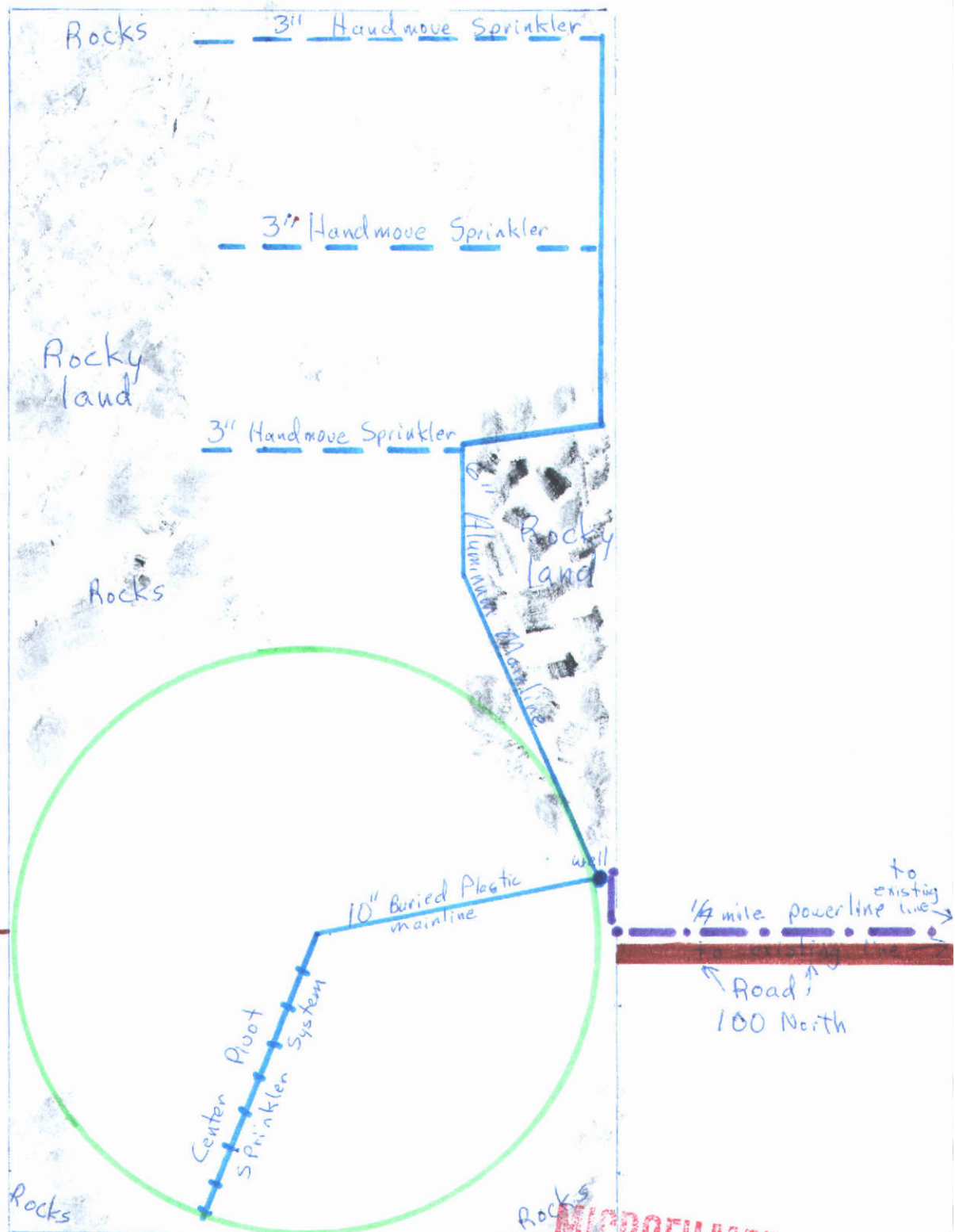


BE IT KNOWN that the undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.

Kent L. Klosterman
(Applicant)

MICROFILMED

Project Design



Jerome County
1/2 section
320 acres

MICROFILMED

MAR 06 1990

OFFICE USE ONLY
Amt. of Fee \$ 175.00
Date 3-22-94
Receipt No. 6029856
Receipt by [Signature]

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

MAR 22 1994

PROOF OF BENEFICIAL USE

Department of Water Resources

The Idaho Department of Water Resources considers this form a statement that the permit holder(s) has/have completed all development that will occur under this permit and that water has been applied according to the provisions of the permit for the beneficial use(s) described below. This form must be accompanied by a license examination fee, when necessary, or a completed field examination report prepared by a certified water right examiner who has been appointed by the department.

1. Permit No. 36-07974 Telephone No. (208) 438-2100
2. Name(s) of Permit Holder(s): Hent Klosterman
3. Mailing Address: Rt. 2, Box 474 B, Rupert 83350
4. Source of Water: Groundwater
If **GROUNDWATER**, Well Driller's Name: Sherm Couch Date Drilled: 9-88 to 2-89

OPTIONAL:

Pump horsepower: 200 Pressure (psi): 70 Dynamic pumping level (ft.): 320

5. Extent of Use (as authorized by the permit):

Domestic _____ (No. of households) Stockwater _____ (No. and type of stock)
Irrigation 200 (No. of acres) Other _____

6. Total rate and/or volume for which proof is submitted 4.0 cfs OR _____ acre/feet

7. Refer to the approval conditions on your permit and respond accordingly:

Measuring device: Required? ☒ Yes ☐ No Installed? ☐ Yes ☒ No

OR

Flow Measurement Port: Required? ☐ Yes ☐ No Installed? ☐ Yes ☐ No

8. Fee Enclosed: \$ 175.00 (See License Fee Schedule on back of Instruction Sheet)

9. Person to contact to accompany the Department representative during field examination of the water system.

Hent Klosterman (208) 438-2100 or (208) 670-1039 ^{mobile}
Name Telephone No.
Rt. 2, Box 474 B Rupert Idaho 83350
Address

10. The above information is my true statement of the extent to which the above numbered permit has been developed and I relinquish any undeveloped portion of the permit to the state of Idaho.

3-18-94
Date

Hent L. Klosterman
Signature (and title, if on behalf of a company or organization)

State of Idaho
Department of Water Resources
Permit To Appropriate Water

NO. 36-07974

Proposed Priority: March 4, 1981

Maximum Diversion Rate:

4.80 CFS

This is to certify, that **KENT L. KLOSTERMAN**
RT. 2 BOX 474B
RUPERT, ID 83350

has applied for a permit to appropriate water from: **GROUNDWATER**
and a permit is **APPROVED** for development of water as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>
IRRIGATION	04/01 to 11/01	4.80 CFS

LOCATION OF POINT(S) OF DIVERSION: NWSE Sec. 13, Township 09S, Range 21E
JEROME County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
09S	21E	13	SWNE 30	SENE 10	NESW 10	160
			SESW 40	NWSE 30	SWSE 40	80
		24	NWNE 40	NENE 40		

Total number of acres irrigated: 240

CONDITIONS/REMARKS:

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before **March 1, 1994**.
2. Subject to all prior water rights.
3. Permit holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
4. Prior to the diversion of water under this permit a flow measurement port or other device as specified by the Department shall be installed to provide for the installation of measuring equipment and the determination of the rate of diversion by the Department.
5. Any license issued by IDWR pursuant to the permit or portion thereof for the use of trust water is subject to a term review of 20 years after the date of this approval to determine availability of water for the use and to re-evaluate the public interest at the end of the term.
6. Diversion and use of water under this permit is subject to annual use fee if rules are subsequently promulgated which provide for the submittal of the fee.
7. The Director retains jurisdiction of the permit and/or subsequent license issued to change, add or remove any requirement as determined to be appropriate.
8. Permit holder shall commence the excavation or construction of diverting works within one year of the date this permit is issued and shall proceed diligently until the project is complete.

MICROFILMED

MAR 06 1980

State of Idaho
Department of Water Resources**Permit To Appropriate Water**

NO. 36-07974

CONDITIONS/REMARKS:

9. The issuance of this permit in no way grants any right-of-way or easement across the land of another.
10. The rate of diversion of water for irrigation under this permit and all other water rights on the same land shall not exceed 0.02 cubic feet per second for each acre of land.
11. The maximum rate of diversion for irrigation purposes under this permit shall not exceed 4.8 cfs.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code.
Witness the seal and signature of the Director, affixed at Boise, this

13th day of February, 1990

for *R. Keith Higginson*
R. Keith Higginson, Director

RECEIVED

APR 05 1990

AFFIDAVIT of PUBLICATION

State of Idaho, }
County of Jerome } SS.

Patty Nance G. Manager, being first duly sworn, deposes and says that he is the printer (publisher) of the Jerome North Side News, a newspaper published every week in Jerome, County of Jerome, State of Idaho; that said newspaper has been continuously and uninterruptedly published for a period of seventy-eight consecutive weeks prior to the first publication of the annexed notice, and is a newspaper qualified to publish legal notices as provided by act of the 1919 session of the legislature of the State of Idaho, known as House Bill 145; that the annexed advertisement was published once

each week for 2X consecutive issues in said newspaper proper and not in a supplement; that the date of the first publication of said advertisement was on the 3rd day of Jan, 1990, and the date of the last publication was on the 10th day of Jan, 1990.

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(SEAL)

Norma DeVoe
NOTARY PUBLIC

NORTH SIDE NEWS
Jerome, Idaho

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Appl. for Trust Water Right
TITLE OF NOTICE
Kent L. Klosterman

PLAINTIFF ATTORNEY

DEFENDANT

PLAINTIFF

Id. Dept. of Water Res.
B.I.L. TO Boise

NOTICE FOR THE
KLOSTERMAN, KENT L.
RT. 2 BOX 4748
RUPERT, ID 83450
Source: GROUNDWATER
Diverion Pt. RWSE Sec 12 T 40S R 21E
User: IRRIGATION (AGRICULTURE)
Total Diversion: 200 CFS
Date Filed: 3/24/1991
In: T00S R21E S10 T40S R21E NW 1/4
NWSE SWSE
524 NWNE NW 1/4
240.0 ACRES TOTAL
The permit(s) will be subject to the water rights. Protests may be submitted based on the criteria of Sec. 42-203A, Idaho Code and/or the state public interest criteria of Sec. 42-203C, Idaho Code. Protests must be filed with the Director, Department of Water Resources, Statehouse Mall, Boise, Idaho 83720 on or before JANUARY 22, 1990.

R. Keith Higginson
Director
Pub: 4-5 & 10, 1990
(Idaho Code, Rev. Statutes 1987)
7-8 pt. per line straight.....5¢/Pica
7-8 pt. per line tabular.....6¢/Pica
7-8 pt. per line successive
insertions.....4¢/Pica

NOT FILMED

MAR 06 1990 3633

44131

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

CONDITIONAL
APPROVAL

To appropriate the public waters of the State of Idaho

1. Name of applicant Hent L. Klosterman Phone 678-4228 436-4961 MOBILE
Post office address Box 542, Paul Idaho 83347
2. Source of water supply ground water which is a tributary of _____
3. Location of point of diversion is NW* ~~SW~~ $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 13 Township 9S
Range 21E B.M. Jerome County, additional points of diversion if any: N.A.

4. Water will be used for the following purposes:

Amount 6.4 ^{4.8 JJ} cfs for irrigation purposes from April 1 to Nov 1 (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

5. Total quantity to be appropriated:

a. 6.4 ^{4.8 JJ} cubic feet per second and/or b. _____ acre-feet per annum.

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. electric motor, deep well pump,
10", 8", 6" mainline, hand move sprinklers, & wheel
move sprinklers

b. Height of storage dam _____ feet, active reservoir capacity _____ acre-feet; total reservoir
capacity _____ acre-feet, materials used in storage dam: _____

Period of year when water will be diverted to storage _____ to _____ inclusive.
(Month/Day) (Month/Day)

c. Proposed well diameter is 20 inches; proposed depth of well is 300 feet.

7. Time required for the completion of the works and application of the water to the proposed beneficial
use is 25 ^{POD} years (minimum 1 year — maximum 5 years).

8. Description of proposed uses:

a. If water is not for irrigation:

(1) Give the place of use of water: _____ $\frac{1}{4}$ of _____ $\frac{1}{4}$ of Section _____ Township _____
Range _____ B.M. _____

(2) Amount of power to be generated: _____ horsepower under _____ feet of head.

(3) List number of each kind of livestock to be watered _____

(4) Name of municipality to be served _____, or number of families to be
supplied with domestic water _____

(5) If water is to be used for other purposes describe: _____

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

TWP	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
9S	21E	13			³⁰ 40					¹⁰ 40	¹⁰ 40			40		³⁰ 40	40		160 240*
9S	21E	24		40			40												80

* See Remarks Total number of acres to be irrigated 320
240

c. Describe any other water rights used for the same purposes as described above. _____

9. a. Who owns the property at the point of diversion U.S. Government, B.L.M.

b. Who owns the land to be irrigated or place of use U.S. Government, B.L.M.

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the

applicant to make this filing Desert Land Entry No. I-7258
filed in 1973. Shoshone District B.L.M.

10. Remarks Acres irrigated reduced from 300 to 240 to reflect lands listed
on Application for Exchange No. 3113. 3/10/86 JJ

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

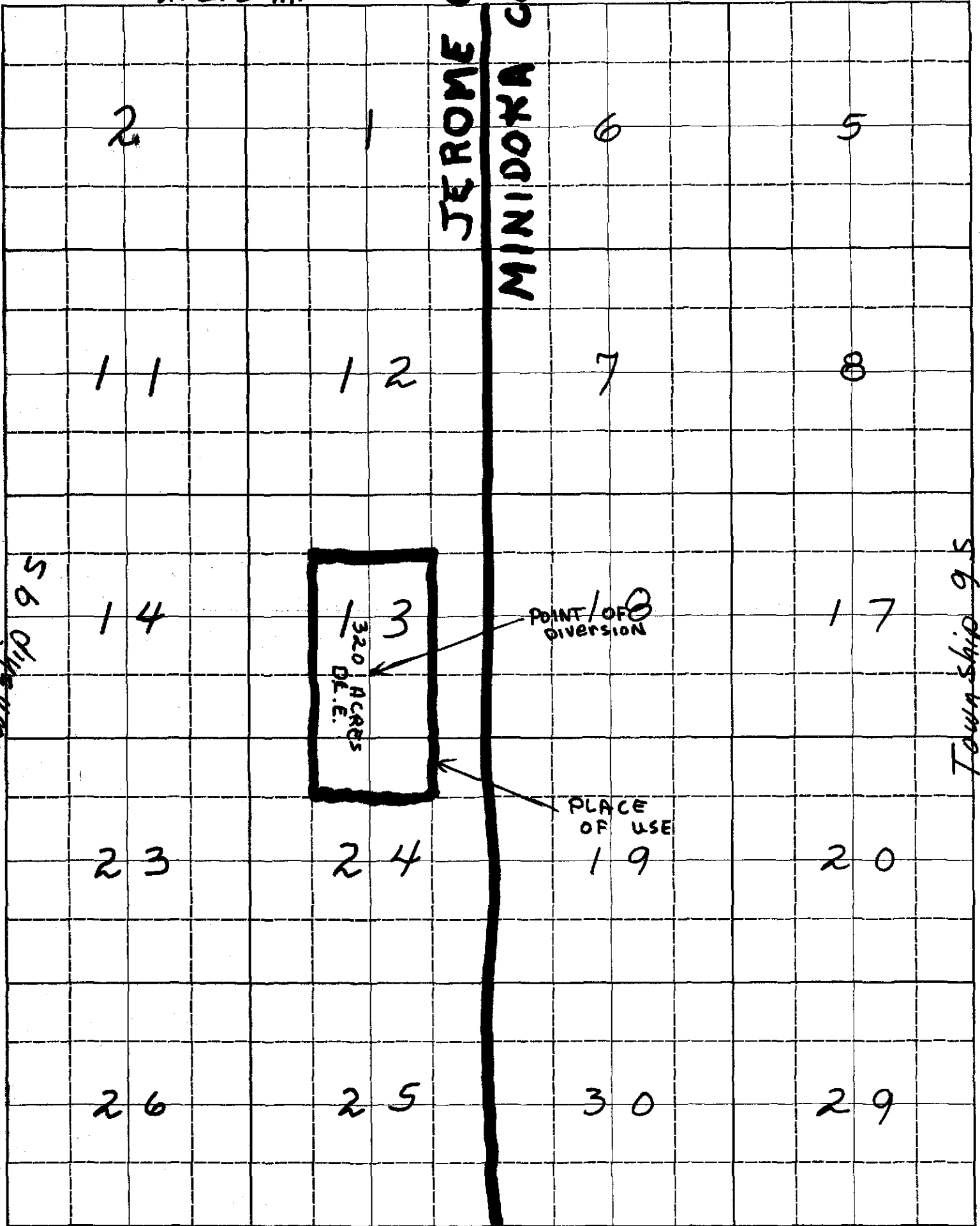
21 E. B. M.

22 E. B. M.

JEROME CO.
MINIDOKA CO.

Township 9 S

Township 9 S



Scale: 2 inches equal 1 mile.

21 E. B. M.

22 E. B. M.

BE IT KNOWN that the undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.

Kent L. Hosterman
(Applicant)

MICROFILMED

3/4/81

Proposed Priority _____

MICROFILMED

Received by marcy Date 3/4/81 Time _____

Preliminary check by TOB Fee \$ 125.00 # 16886

Received by marcy Date 3/13/81

Publication prepared by Lh Date 4/27/81

Published in north side news

Publication dates 4/9 + 4/16/81

Publication approved marcy Date 4/3/81

Protests filed by: None

Copies of protests forwarded by _____

Hearing held by _____ Date _____

Recommended for approval denial by JH RC

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined application for Permit to appropriate the public waters of the State of Idaho No. 36-7974, and said application is hereby APPROVED.

1. Approval of said application is subject to the following limitations and conditions:

- a. SUBJECT TO ALL PRIOR WATER RIGHTS
- b. Proof of construction of works and application of water to beneficial use is not required unless permit is reprocessed and approved in compliance with 42-203C, Idaho Code.
- c. The rate of diversion, insofar as it is used for irrigation under this permit, when combined with all other water rights for the same land shall not exceed 0.02 cubic feet per second for each acre of land.
- d. Other: Use of water under this permit is subject to the requirements of Exchange No. 3113. The conditions of which are herein adopted as if herein fully set forth.

This permit is to be reprocessed under the provisions of Section 42-203(c), Idaho Code, at the request of the permit holder and in compliance with pertinent adopted rules and regulations.

The Director retains jurisdiction of use of water under this permit to adjust the volume of exchange water required.

A measuring device of a type approved by the Department or an access port of a type approved by the Department shall be installed for licensing purposes.

Construction must commence on this permit within one year and must be continued with diligence.

The rate of diversion shall not exceed 4.8 cfs nor shall the acres irrigated exceed 240 acres.

Witness my hand this 10TH day of March, 1986.

Norman C. Young
NORMAN C. YOUNG, Administrator
Resources Admin. Division

1511
BONE CO.
CO. ARIZ.

AFFIDAVIT OF PUBLICATION

State of Idaho, }
County of Jerome } SS.

E. L. LANGDON
ASST. PUBLISHER

being first duly sworn, deposes and says that he is the printer (publisher) of the Jerome North Side News, a newspaper published every week in Jerome, County of Jerome, State of Idaho; that said newspaper has been continuously and uninterruptedly published for a period of seventy-eight consecutive weeks prior to the first publication of the annexed notice, and is a newspaper qualified to publish legal notices as provided by act of the 1919 session of the legislature of the State of Idaho, known as House Bill 145; that the annexed advertisement was published once

each week for Two consecutive issues in said newspaper proper and not in a supplement; that the date of the first publication of said advertisement was on the 9th day of April, 1981, and the date of the last publication was on the 16th day of April, 1981.

E. L. Langdon

Subscribed and sworn to before me this 20th day of April, 1981.
(SEAL)

Darla Bratt
NOTARY PUBLIC

NORTH SIDE NEWS

Jerome, Idaho

COST OF PUBLICATION

Number of Picas per Line 13
Number of Lines in Notice 36
Number of Insertions 2
Lines tabular at 4c / Pica
36 Lines straight at 14.04 3c / Pica
36 Subsequent lines at 9.36 2c / Pica
TOTAL COST 23.40

COPY OF NOTICE

(Paste Here)

Water #36-7974
TITLE OF NOTICE

PLAINTIFF ATTORNEY

DEFENDANT

PLAINTIFF

Dept of Water
BILL TO

NOTICE OF APPLICATION FOR WATER RIGHT

Notice is hereby given that the following application has been submitted for permit to appropriate the public waters of the State of Idaho:

36-7974

KLOSTERMAN, KENT L., BOX 542, PAUL, ID 83347

Source: GROUNDWATER

Date Filed: 03/04/1981

Amount: 6.40 CFS

Diversion Point: NWSE Sec 13 T 09S R 21E, JEROME Co.

Use: IRRIGATION (6.40 CFS) from 04/01 to 11/01

Place of Use: SWNE SENW NESW SESW NWSE SWSE Sec 13 T 09S R 21E NWNE NENW Sec 24 T 09S R 21E FOR 320 ACRES

Diversion Means: WELL & PUMP

If issued, the permit will be subject to all prior water rights. Protests against the granting of any permit must be filed with the Director of the Idaho Department of Water Resources, 1041 Blue Lakes Blvd. North, Twin Falls, Idaho 83301 and received on or before APRIL 27, 1981.

C. STEPHEN ALLRED
Director
4-9-2tc

RECEIVED

APR 21 1981
284
Department of Water Resources
Southern District Office
MICROFILMED

ANALYSIS SHEET
FOR
PROOF OF BENEFICIAL USE

Permit No. 36-07974

Reviewed by [Signature]

Date 3-25-94

GENERAL CONSIDERATIONS

yes Name same as permit?
yes Address same as permit?
no Proof timely received?
If not, complete calculation below.

TYPES OF USE

Inc.
Correct Uses yes

SOURCE OF WATER

Surface water source
✓ Ground water source

no yes Drilling permit required?
no Copy in the file? Drilling Permit No. _____
Amount paid for permit _____ Correct?
Well log in the file?

LICENSE EXAMINATION FEE

yes Required?
175.00 Amount Submitted
yes Correct?

MEASURING DEVICE

yes Required?
no Installed?
no Waiver requested?

PRIORITY CALCULATION

Date proof received 3-22-94 81
Date proof due 3-1-94 - 60
No. of days late _____ = 21
Priority Date 3-4-81 + 63
New Priority Date 3-25-81 84

DEFICIENCIES OR ACTION ITEMS

Should waive flow port condition, Reinstate to
march 25, 1981.

Glen needs to respond to letter in order

DATA ENTRY

New Address _____

Proof Made 3-22-94

April 4, 1994

Kent Klosterman
Route 2 Box 474B
Rupert, ID 83350

RE: Water Right No. 36-07974

Dear Permit Holder:

The department acknowledges receipt of the proof of beneficial use form submitted for the above referenced permit. The next step in the process of developing a water right is for the department to conduct a field examination to determine and confirm the use being made of the water.

Enclosed is a copy of the Order reinstating Permit No. 92-07202. Please be advised that the priority date has been advanced to March 25, 1981, since proof was received after the proof due date. The department has determined that a rate of flow can be determined without a measuring devise, therefor, the flow measurment port requirement has been waived from the permit.

Additionally, enclosed is a copy of the certified mailing of the proof due notice. As you can see, the postal service attempted several times to notify you of the mailing, but the certified letter was never claimed. Also enclosed is a copy of Section 42-204, Idaho Code, which requires the department to send the proof due notices by certified mail.

If you have any questions or we can be of any further assistance, please fell free to contact the Department.

Sincerely,

JULIE L. YARBROUGH
Senior Secretary

Enclosures

C: IDWR - Southern Region

RECEIVED
MAR 22 1994
Department of Water Resources

3-19-94
Paul Solako

State of Idaho
Dept. of Water Resources
1301 North Orchard Street
Statehouse Mail
Boise Idaho 83720-9000

RECEIVED
MAR 22 1994
Department of Water Resources

Re: Lapse Notice, 3-7-93, Permit No.
36-07974
L. Glen Saxton

Dear Jerk:

Thanks for the lapse notice that stated you had provided the proper forms and proof due notice on December 31, 1993. You sent no such forms or notice to me.

Thanks also for the information that since I did not return the proof due forms on time I will lose priority date.

You run a real efficient office there in Boise. I am impressed.

I am enclosing my proof form with my check for the fee.

I am also requesting that I lose no priority date because of your ineptitude. I also would need a written response to this request so I can determine whether it will become necessary to travel to Boise to yell and scream at IDWR employees.

Your prompt or unprompt attention
to this matter will be noticed.

Gent Hesterman

Rt. 2, Box 474 B
Rupert Idaho 83350

March 7, 1994

KENT L. KLOSTERMAN
RT. 2 BOX 474B
RUPERT ID 83350

LAPSE NOTICE

RE: PERMIT NO. 36-07974

Dear Permit Holder:

You are hereby notified that under the provisions of Section 42-218A, Idaho Code, the above referenced permit has lapsed and is of no further force nor effect. The department provided the proper forms to you in our proof due notice dated December 31, 1993. No further construction or additional development is authorized under this permit unless it is reinstated.

The permit can only be reinstated if you submit an acceptable proof of beneficial use or an acceptable request for extension of time to the department within sixty (60) days of the mailing of this lapse notice. An acceptable proof of beneficial use submittal must include the examination fee or a completed field examination report. A request for extension of time must be accompanied by a fifteen dollar (\$15) fee.

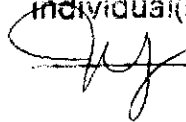
Enclosed again for your use are a proof of beneficial use form and a request for extension of time form. Please note that only one extension of time can be granted unless the project has not been completed because of lack of a necessary approval by a government agency or by litigation which may bring title to the water in question.

L. GLEN SAXTON
Chief, Water Allocation Bureau

Enclosures

CERTIFICATION OF MAILING

I hereby certify that on 3-7-94
~~a copy~~ an original of this document was
deposited in the United States mail,
postage prepaid addressed to the
individual(s) named above.



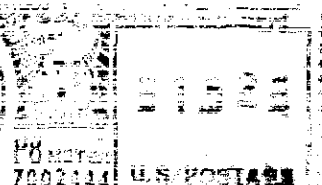
STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

North Orchard Street
Boise, Idaho 83706-2237

CERTIFIED MAIL

DI13702 12-30-93 1004

NO. 141028



CONTINUOUS
TO BE SENT BY
UNCLAIMED

RECEIVED
JAN 21 1994
Department of Water Resources

Name

1st N

2nd Notice

Return

12-31-93
1-13-94
1-14-93



State of Idaho
DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

Phone: (208) 327-7900 FAX: (208) 327-7866

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

December 31, 1993

KENT L. KLOSTERMAN
RT. 2 BOX 474B
RUPERT ID 83350

PROOF DUE NOTICE

RE: PERMIT NO. 36-07974

Dear Permit Holder:

One of the conditions of approval of the above referenced water permit was that proof of the extent of your beneficial use must be submitted to this office on or before March 1, 1994. (See last page of your approved permit or your last approved extension request.) Enclosed is a form which when accompanied by the license examination fee or a complete field examination report prepared by a certified water right examiner may be used to submit the required proof.

If you have not fully completed your project, and you or a previous owner of this permit have not received a prior extension of time, you may request an extension of time if the delay is for reasonable cause as provided in Section 42-204, Idaho Code. If you have been prevented from proceeding by a governmental agency or by litigation which might bring title to the water in question, more than one extension of time can be granted. An extension of time request form is enclosed for your convenience.

Either an acceptable proof of beneficial use submittal or an acceptable request for an extension of time must be received by this department on or before the above described proof due date. If neither is received, the department will send you a lapse notice. Within sixty (60) days of the mailing of the lapse notice, the permit will no longer be of any force nor effect.

SINCERELY,

A handwritten signature in cursive script that reads 'Julie L. Yarbrough'.

JULIE L. YARBROUGH
Senior Secretary

Enclosures

December 31, 1993

KENT L. KLOSTERMAN
RT. 2 BOX 474B
RUPERT ID 83350

PROOF DUE NOTICE

RE: PERMIT NO. 36-07974

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One of the conditions of approval of the above referenced water permit was that proof of the extent of your beneficial use must be submitted to this office on or before March 1, 1994. (See last page of your approved permit or your last approved extension request.) Enclosed is a form which when accompanied by the license examination fee or a complete field examination report prepared by a certified water right examiner may be used to submit the required proof.

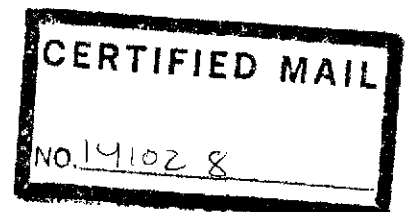
If you have not fully completed your project, and you or a previous owner of this permit have not received a prior extension of time, you may request an extension of time if the delay is for reasonable cause as provided in Section 42-204, Idaho Code. If you have been prevented from proceeding by a governmental agency or by litigation which might bring title to the water in question, more than one extension of time can be granted. An extension of time request form is enclosed for your convenience.

Either an acceptable proof of beneficial use submittal or an acceptable request for an extension of time must be received by this department on or before the above described proof due date. If neither is received, the department will send you a lapse notice. Within sixty (60) days of the mailing of the lapse notice, the permit will no longer be of any force nor effect.

SINCERELY,

JULIE L. YARBROUGH
Senior Secretary

Enclosures



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

COMMENCEMENT OF WORKS

Permit No. P 36-07974

Name(s) of Permit Holder(s): Rent L. Klosterman

Post Office Address: Rt. 2 Box 4748
Rupert Idaho 83350

Tel. No. (208) 438-2100

☒ I hereby certify that construction of diversion works for the above referenced permit began on 9-30-87 I understand that I must

(date)

continue to develop the water system with due diligence to maintain a valid permit.

☐ I hereby certify that construction of diverting works on the above referenced project has not yet begun due to the following reason beyond my control*:

*Note: A financing difficulty is not an acceptable reason.

9-4-90
Date

Rent Klosterman
Signature of Permit Holder

KENT L. BOSTERMAN
438-2100
RT. 2 BOX 474
RUPERT, ID 83350

SEP 5
PM
1990



RECEIVED



SEP 10 1990

IDAHO DEPARTMENT OF WATER RESOURCES
Department of Water Resources
STATEHOUSE
BOISE, IDAHO 83720



S T A T E O F I D A H O
D E P A R T M E N T O F W A T E R R E S O U R C E S

Statehouse
Boise, Idaho 83720
(208) 327-7900
February 13, 1990

KENT L. KLOSTERMAN
RT. 2 BOX 474B
RUPERT, ID 83350

P E R M I T A P P R O V A L N O T I C E

RE: PERMIT NO. P36-07974

Dear Permit Holder:

Enclosed is a copy of your approved application for permit. We direct your attention to the conditions of approval on the final page.

You should be aware that the groundwater you propose to divert is located within a drainage basin where surface waters are regulated during the months of low flow. It is possible that diversion of groundwater may have an adverse impact on these surface water flows. Information available to us at this time does not warrant refusing to issue permits in your area, but we do caution that diversions of groundwater are not allowed to deplete flows available for surface water users with earlier priority dates. Siting your well as far from surface sources as possible and casing out upper water producing zones may reduce the potential of interference.

Section 42-235, Idaho Code, requires that a "drilling permit" must be obtained from the department for all wells constructed after July 1, 1987. A drilling permit is a separate permit that must be issued in addition to your permit to appropriate water. Commencement of well construction or diversion of water under your permit to appropriate water is prohibited unless a drilling permit is obtained.

Be sure to note the special condition requiring you to install a measuring device, or a flow measurement port to provide for the installation of measuring equipment by the Department. Enclosed please find a list of measuring device options, and specifications for the installation of the flow measurement port.

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MAR 06 1990

Please note the requirement that as a permit holder you must commence the excavation or construction of diverting works within one year of the date the permit was issued, and you must proceed diligently until the project is completed. The enclosed blue card must be completed and returned to this office as soon as you commence construction, no later than one year from the date the permit was approved.

We have enclosed a form entitled "Instructions for Proof of Beneficial Use". Please read the instructions carefully since you must take further action to develop this permit into a license.

Sincerely,

GARY SPACKMAN, Supervisor
Water Right Permits Section

GS: SC
Enclosures

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MAR 6 5 1990

PROCESSING

☐ Yes ☐ No form for advertising
☐ Yes ☐ No Statewide advertising
☐ Yes ☐ No Fee amount, receipt date & No. recorded on application

SEND COPIES TO

☐ Idaho Dept. of Health & Welfare ☐ U.S. BLM
☐ Idaho Dept. of Fish & Game ☐ U.S. Forest Service
☐ Idaho Dept. of Lands ☐ Water District
☐ Adjudication Bureau Unit ☐ Other _____

FINAL REGIONAL PROCESSING REVIEW

☒ Yes ☐ No Affidavit of publication received
☐ Yes ☐ No Application published correctly. If not, record action taken.

☐ Yes ☐ No Publication dates & paper, recorded on application

☐ Yes ☒ No Protests received

Final date for protest _____

☐ Yes ☐ No Protests, dates, resolution of protest, recorded on application

☐ Yes ☒ No Recommendations attached

☐ Yes ☒ No Measuring device required

☒ Yes ☐ No Access port required

☒ Yes ☐ No Will water be delivered by watermaster? If yes, what Dist. 01-P05

☐ Yes ☐ No Special conditions of approval or cover letter below. _____

Date of priority recommended _____ ☐ See below for additional information

By _____

Date 016 28 (irrig., 4.8 cfs)

STATE OFFICE REVIEW

P05, P23, P03, P17 46 51 52 53 26 04

By kw

☐ See below for additional information

Date 1-30-90

ADDITIONAL INFORMATION

App. in TRUST area - TRUST H₂O
Allow 4 yrs. for B/u development-

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
State Office
1301 North Orchard St.

Statehouse Mail
Boise, Idaho 83720
(208) 327-7900

DECEMBER 26, 1989

Northside News
Box 468
Jerome, ID 83338

Dear Legal Dept.:

Enclosed you will find legal notices which we wish to have published on the dates indicated (once a week for two consecutive weekly issues) in your newspaper. If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Your cooperation is appreciated.

Please send the affidavit of publication and publication billing to this office before JANUARY 22, 1990.

Yours truly,

SHARLA CURTIS
Secretary

Encl.

RECEIVED

MAR 06 1990

NOTICE OF APPLICATION FOR TRUST WATER RIGHT

36-07974

KLOSTERMAN, KENT L.
RT. 2 BOX 474B
RUPERT, ID 83350

Source: GROUNDWATER

Diversion Pt: NWSE Sec 13 T 09S R 21E

Use: IRRIGATION (4.800 CFS)

Total Diversion: (4.800 CFS)

Date Filed: 3/04/1981

In: T09S R21E S13

SWNE

SENW

NESW

SESW

S24

NWSE

SWSE

NWNE

NENW

240.0 ACRES TOTAL

The permit(s) will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec. 42-203A, Idaho Code and/or the new public interest criteria of Sec. 42-203C, Idaho Code. Protests must be filed with the Director, Dept. of Water Resources, Statehouse Mail, Boise, Idaho 83720 on or before JANUARY 22, 1990.

R. Keith Higginson, Director

Published 1/04/1990 & 1/11/1990

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MAR 06 1990



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 - (208) 327-7900

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

June 15, 1989

RE: Permit No. 36-7974

Kent Klosterman
P.O. Box 542
Paul, ID 83221

NOTICE OF INFORMATION REQUIRED BY WATER APPROPRIATION RULE 4,5.

Dear Permit Holder:

The Department acknowledges receipt of the Trust Water Information Questionnaire and appropriate re-advertising fee for the above referenced permit. On behalf of the Department, I wish to thank you for your cooperation in providing the requested fee and information.

In the letter that accompanied the questionnaire, I informed you that you would need to submit additional information required by Water Appropriation Rule 4,5. if the undeveloped portion of the permit exceeds 200 acres.

The returned questionnaire indicates that you wish to pursue completion of the irrigation project as proposed under your permit. The project includes more than 200 acres and is therefore subject to the additional information requirements of Rule 4,5.

I wish to call your attention to the specific requirements under Rule 4,5. (copy enclosed). In particular, you must submit the information outlined in Rules 4,5,3,6,1. through 4,5,3,6,7. Note that Rule 4,5,3,6,4. is not applicable to your permit.

The information must be submitted within 30 days of the date of this notice. Failure to submit the required information within the time period allowed will be cause for the Department to advance the priority of the permit by the number of days that the information submittal is late. The

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MAR 06 1990

Page 2

Department may grant an extension of time in which to submit the information upon request and a showing of good cause. Requests for extension of time must be in writing.

Please contact me at this office or call me directly at 327-7864 if you have any questions concerning the contents of this notice and/or the information requested under Rule 4,5.

Sincerely,

A handwritten signature in black ink, appearing to read "Tim Luke", written over a horizontal line.

Tim Luke
Sr. Water Resource Agent

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MAR 06 1990

KENT L. KLOSTERMAN

408-2100

RT. 2 BOX 47

RUPERT, ID 83450

KENT L. KLOSTERMAN

408-2100

RT. 2

RUPERT, ID

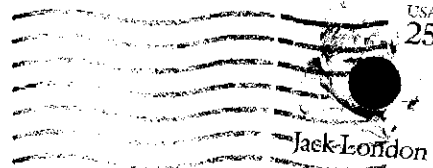
MAR 06 1980

RECEIVED

KENT L. KLOSTERMAN
408-2100
RT. 2 BOX 47
RUPERT, ID 83450

note

new
address



Idaho Department of Water Resources
Statehouse Mail

Boise, Idaho 83720

Attn

Tim Luke

Water Allocation/
Trust Water

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRUST WATER INFORMATION QUESTIONNAIRE

RECEIVED
JUN 12 1989

Department of Water Resources

APPLICATION NO. 36-7974

IF YOU ARE NOT INTERESTED IN HAVING YOUR PERMIT PROCESSED,
PLEASE COMPLETE AND RETURN THE ENCLOSED RELINQUISHMENT FORM.

INSTRUCTIONS: Please answer the following questions as
thoroughly as possible and submit the \$20.00 readvertisement
fee if applicable.

1. Did irrigation occur on the lands identified under your
application prior to October 1, 1984? Yes _____ No ✓

If yes, you are requested to submit clear evidence that shows the
number and location of acres irrigated.

Aerial photographs taken prior to October 1, 1984, located in area
ASCS offices, are best forms of evidence. Photos submitted to the
the Department must be accompanied by a signed statement from an
ASCS representative which verifies the photo date and that the
lands were irrigated prior to October 1, 1984. If ASCS does not have
photos for the land and/or time in question, you must have the ASCS
provide the Department with a statement that photos are not avail-
able and then proceed to submit other forms of suitable evidence.

2. Please state the number of acres you have irrigated under this
application since October 1, 1984. 135

3. If you have not irrigated lands under this application, please
state the number of acres you plan to complete. _____

NOTE: You must submit the \$20.00 readvertisement fee if any or
all of the lands were not irrigated before October 1, 1984.

4. If the application is a supplemental filing please identify other
water rights which are used on the same land.

Use the reverse side of this form if you wish to add any comments.

I hereby assert that the responses provided above are true to the
best of my knowledge. I understand that any willful misrepresentations
may result in voiding of the application.

Applicant Bert L. Glosterman

Date 6-5-89

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MAR 6 6 1991

page 2

IDAHO DEPARTMENT OF WATER RESOURCES
TRUST WATER INFORMATION QUESTIONNAIRE

5. REMARKS/COMMENTS:

This image shows a single sheet of white paper with horizontal ruling lines. The lines are evenly spaced and run across the width of the page. There is no handwriting or other markings on the paper.

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MAR 06 1990

RECEIVED

JUN 10 1989

Department of Water Resources

Project
Development Information
for

Rent L. Hlosterman

Rt. 2, Box 474 B

Rupert, Idaho 83350

Identification Number 36-7974

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MAR 06 1990

Project Design



Section 13
Section 24
T95, R21E

ROCKY
MICROFILMED

Jerome County
MAR 06 1990

1/2 Section
320 acres

* Estimate of Development Costs

Well	\$ 12,000
Deep well turbine & electric motor (used)	12,000
1/4 mile 10" plastic mainline	5,000
1330' Valley center pivot sprinkler	34,000
1/4 mile power line construction (my cost)	8500
3 3" hand move sprinkler lines	6600
3/4 mile 6", and 5" aluminum mainline	11,700
clearing brush & grass	4,700
rock removal	10,000

Total project development costs \$104,500.

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* As of 6-1-89 most of ~~this~~ development has been completed. All that remains is the aluminum mainline, the hand move sprinklers, and some clearing and rock removal.

Crop Rotation Plan for Development

<u>Year</u>	<u>Acres</u>	<u>Crop</u>
1989	130	potatoes
1990	220	potatoes
1991	240	barley
1992	240	barley
1993	240	potatoes
1994	240	barley
1995	240	barley

I plan to continue this rotation of two years barley & one year of potatoes for several years. The barley grown will be mostly malting barley.

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Jobs Created by Project DevelopmentConstruction Phase

3 jobs for approximately 3 months work.

Operational Phase

2 jobs for approximately 2 months work.
1 job for approximately 8 months work.

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Energy Information For Project

The source of energy for this project will electric power from the Idaho Power Company.

Estimated instantaneous demand	160 Kw.
Total amount of energy used	3840 Kw./day
	384,000 Kw./year

The efficiency of use is estimated to be 70-80 percent.

Energy conservation methods will be the use of a center pivot irrigation system (low pressure) and the use of low pressure hand move sprinklers. Also mainline pipe is intended to be oversized for energy conservation.

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MAR 06 1990

Return Flow Information & Conservation Features of Project

On this development there will be no return flow of water to the aquifer. All water pumped will be applied to the lands.

Water conservation features include the use of a center pivot sprinkler system to evenly apply the water to the land.

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MAR 16 1980

Information of Project Operator

the Operator of the lands will be the project applicant, Kent C. Hlosterman.

Location of other lands owned by applicant

<u>County</u>	<u>Location</u>	<u>Acres</u>
Minidoka	600 West 400 North	155
Minidoka	500 North 450 West	93
Minidoka	400 West 250 North	30
Minidoka	100 South 475 West	4

Schedule for bringing new land into production

<u>Year</u>	<u>Acres</u>
1989	130
1990	220
1991	240 (full development)

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MAR 06 1990



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 - (208) 327-7900

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

May 24, 1989

RE: APPLICATION FOR PERMIT NO. 36-7974

Dear APPLICANT:

Due to the Swan Falls litigation, Department approval of the enclosed application may have been delayed. The Department is presently reviewing your application and may authorize the proposed development.

The purpose of this letter is to determine: (1) if you are still interested in developing the project, and (2) the extent of development if any, that has already occurred under the application. Enclosed are two forms requesting information which will help the Department expedite the processing of the application.

If you have abandoned or have no interest in continuing with your plans for development of the project, please complete the enclosed relinquishment form and return it to the Department.

If you wish to continue with your proposed development plans, or have completed all or a portion of the proposed development before October 1, 1984, then you must complete and return the enclosed questionnaire.

If the entire project was not completed prior to October 1, 1984, and you still wish to proceed with your plans of development, then you must submit a \$20.00 re-advertisement fee to the Department as required by Water Appropriation Rule 4,2,2. and Section 42-221F, Idaho Code.

Failure to return the questionnaire and pay any required re-advertisement fee within thirty (30) days of the date of this letter is cause for the Department to void the application.

If the incomplete portion of your project is for irrigation of more than 200 acres, the Department will issue a notice requesting additional information as required by Water Appropriation Rule 4.5. (copy enclosed).

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MAR 06 1990

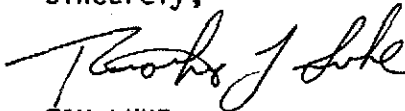
Page 2

If you have questions concerning the content of this letter or about completing the forms, please contact Tim Luke at the address below or by calling directly at 327-7864. The enclosed forms and all other relative information must be returned within thirty (30) days to:

Idaho Department of Water Resources
Statehouse Mail
Boise, Idaho 83720
Attn: Tim Luke
Water Allocation/Trust Water

Please note that a copy of your application is enclosed. The application number is also shown on the enclosed questionnaire.

Sincerely,



TIM LUKE
Sr. Water Resource Agent

Enclosures

MICROFILMED

MAR 06 1990

36-7974

RECEIVED

MAR 24 1989

Department of Water Resources

BURLEY IDAHO
MARCH 20 1989

DEPARTMENT OF WATER RESOURCES
DEAR SIR:

Proceeded for sealing Kent Klostermans well after waiver was denied. set up rig on well and side drilled along side well casing with 8" bit to a depth of 18 ft. this method was approved by GARY FINDERBERG job was inspected and approved for cementing

The opening in the clay area was quite large from 14 ft to 52 ft well was bridged with small boulders & gravel. started cementing at 48ft. well took 4 and 3/4 yards of cement.

GARY was on hand and approved the job

SHERMAN COUCH
BURLEY IDAHO (lis 161)

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MAR 06 1990



State of Idaho
DEPARTMENT OF WATER RESOURCES
STATE OFFICE, 450 W. State Street, Boise, Idaho

CECIL D. ANDRUS
Governor

A. KENNETH DUNN
Director

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 334-4440

April 2, 1987

Kent Klosterman
P.O. Box 542
Paul, ID 83221

Re: Interim Approval

Dear Mr. Klosterman:

Department records show that you were previously issued an interim approval for Application No. 36-7974. In January, 1987, the Department sent you a letter informing you that your interim approval must be renewed for the 1987 irrigation season, and that you must lease replacement water. In response to the letter, you telephoned the Department, and called our attention to the fact that you already owned storage water in Palisades Reservoir which was used for your interim approval as replacement water.

The storage water which you own can continue to be used as replacement water. You must seek renewal of your interim approval, by notifying the Department of your intent to divert water under the terms set forth in Application No. 36-7974, and also submit to the Department proof that you have properly assigned the water for delivery to Idaho Power as replacement water.

May 1, 1987, is set as the deadline for renewal of interim approvals. Please submit the necessary documentation by that date to avoid further administrative action to cancel your interim approval.

Sincerely,

GARY SPACKMAN, Supervisor
Water Allocation Section

GS:jf

CC: Eastern Region

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MAR 06 1990



State of Idaho
DEPARTMENT OF WATER RESOURCES
STATE OFFICE, 450 W. State Street, Boise, Idaho

JOHN V. EVANS
Governor

A. KENNETH DUNN
Director

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 334-4440

January 26, 1987

Kent Klosterman
P.O. Box 542
Paul, ID 83221

Re: Interim Approval

Dear Mr. Klosterman:

Department records show that you were issued an interim approval for Application No. 36-7974. As you know, interim approvals were a temporary measure to allow users the opportunity to divert and use water until the Department could consider processing the application under the provisions of the Swan Falls Agreement. Since FERC has not approved the Swan Falls Agreement, the agreement is not fully effective, making it necessary for you to lease replacement water for the coming irrigation season from the Upper Snake River Water Supply Bank if you intend to divert water authorized by the interim approval.

If replacement water is not leased and assigned to the Director by April 1, 1987, the Department will cancel the interim approval and diversion of water under the application will not be authorized. The application will then be held until it can be processed under the provisions of the Swan Falls Agreement.

Regional office personnel of the Department will field inspect the place of use for all continuing interim approvals and for all canceled interim approvals, since the Idaho statutes now dictate penalties for the unauthorized diversion and use of water.

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MAR 06 1990

For information on the availability of storage water from the Upper Snake River Water Supply Bank, you should contact the Departments Eastern Regional office at 150 Shoup Avenue, Suite 15, Idaho Falls, ID 83401, telephone, 525-7161.

Sincerely,



GARY SPACKMAN, Supervisor
Water Allocation Section

GS;jf

CC: Eastern Region

RECEIVED

MAR 06 1990

RECEIVED

INTER-DEPARTMENT MEMO — 1

DATE June 27, 1986

FROM

Colleen

JUL 1 1986

TO

Sharla

Department of Water Resources

SUBJECT

Interim Approval Permit No. 36-7974

Kent Klosterman has not developed under this permit for this year. Therefore, he will not be leasing water under a groundwater exchange.

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MAR 06 1990

SIGNATURE

June 16, 1986

RE: Interim Approval for Permit No. 36-7974

Mr. Kent Klosterman
Box 542
Paul, ID 83221

Dear Mr. Klosterman:

During 1985 you received interim approval for application No. 36-7974. This approval was for one year and was conditioned upon your leasing replacement storage from the Water Bank. If you are planning on diverting water during 1986, it appears it will be necessary for you to again lease replacement storage. In April, the Idaho Power Company filed suit to prevent implementation of the Department's rules and regulations, which would have allowed the Department to resume the processing of water right applications. This suit virtually guarantees that the rental of replacement water will be necessary again this year.

If you have any questions, please feel free to contact this office.

Very truly yours,

RONALD D. CARLSON
Watermaster

RDC:cw

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MAR 06 1990

SERIAL REGISTER PAGE

AS OF: 6/25/86
PRINTED: 6/26/86ACT 3-3-1877; 43USC321-323,325,327-329 CASE TYPE SERIAL NUMBER
DESERT LAND ACT 252000 IDI 7258-----
NAME AND ADDRESSKLOSTERMAN KENT L
BOX 542
PAUL ID 83347
APPLICANT 100.00000 %-----
DESCRIPTION OF LANDT. 9 S, R. 21 E, BOISE MER JEROME COUNTY, ID
SHOSHONE DISTRICT MONUMENT RESOURCE AREA
SEC. 13: SWNE, SENW, E2SW, W2SE
SEC. 24: NWNE, NENW

320.000 ACRES

ACTIONS

DATE	CODE	TAKEN	REMARKS
9/10/1973	124	APLN RECD	#1218
9/20/1973	600	RECORDS NOTED	
11/29/1973	911	REPORT RECEIVED	
2/28/1983	889	DOCUMENT FILED	
12/07/1983	170	CHANGE OF ADDRESS FILED	
1/30/1985	889	DOCUMENT FILED	PUBLIC NOTICE WATER
7/25/1985	911	REPORT RECEIVED	LAND REPORT
7/26/1985	020	PROPOSED CL ISSUED	SUIT, 320 ACRES
8/26/1985	299	PROTEST FILED	ID DEPT FISH & GAME
9/13/1985	042	CASE SENT	ISO(943) W/ ANALYSIS
11/12/1985	550	CL SUITABLE	OH
12/19/1985	042	CASE SENT	I-5
12/23/1985	600	RECORDS NOTED	DWS
1/24/1986	042	CASE SENT	ISO(943)
3/21/1986	197	ENTRY ALLOWED	CB
5/19/1986	600	RECORDS NOTED	DWS

**** CONTINUED ****

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MAR 06 1990



State of Idaho
DEPARTMENT OF WATER RESOURCES
STATE OFFICE, 450 W. State Street, Boise, Idaho

JOHN V. EVANS
Governor

A. KENNETH DUNN
Director

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 334-4440

March 12, 1986

RE: Permit No. 36-7974 and Exchange No. 3113 of Water Right No. 01-2068

Kent Klosterman
Box 542
Paul, ID 83347

Dear Mr. Klosterman:

Enclosed are copies of your approved Application for Permit No. 36-7974 and your approved Application for Exchange of Water Right No. 01-2068. We direct your attention to the conditions of approval on the final page of each application.

As described in previous correspondence, the Department is not endorsing the concept that excess pumping is necessary as a general requirement for an exchange such as yours, but does not object to the agreement if entered into freely.

If you have any questions concerning this matter, please feel free to contact this office.

Sincerely,

L. GLEN SAXTON
Chief, Operations Bureau

LGS:sc
Enclosures

cc: Tom Nelson

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EXCHANGE AGREEMENT

AGREEMENT entered into this 19th day of August, 1985, between KENT KLOSTERMAN, hereinafter referred to as "KLOSTERMAN", and IDAHO POWER COMPANY, a corporation, hereinafter referred to as "COMPANY",

W I T N E S S E T H:

The parties agree:

1. Klosterman owns, or is in the process of acquiring real property described as follows:

T. 9S., R. 21E., Boise Meridian, Jerome County, Idaho
Section 13: SW1/4 NE1/4, SE1/4 NW1/4, E1/4SW1/4, W1/2SE1/4
Section 24: NW1/4NE1/4, NE1/4NW1/4
Containing 320 acres.

2. Klosterman has filed applications for permits to divert water from subterranean sources to irrigate the above-described property.

3. Company is the holder of water rights used for hydropower purposes at several hydroelectric facilities located below Milner Dam and above the Murphy Gage, on the main stem of the Snake River in the State of Idaho. Development of Klosterman's property for irrigation using groundwater has the potential for adversely affecting water flows at some or all of Company's projects located in the above-described reach of the river.

5. Klosterman has acquired shares in the Palisades Water Users Association, representing a contract right to the

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use of water accruing to at least 714 acre feet of space in the Palisades Reservoir, under the Reclamation Act and the Rules and Regulations of the United States Bureau of Reclamation. Klosterman agrees to exchange his Palisades storage rights for water which would otherwise flow into the main stem of the Snake River above one or more of Company's projects, but will be intercepted and used by Klosterman.

6. Klosterman agrees to pay all operation, maintenance and construction charges required to maintain his ownership interest of the shares of Palisades Water Users Association stock, representing the storage space as above-described to the extent of two acre feet for each acre of the 240 acres to be cultivated by him, or 480 acre feet in total. In addition, for a term of not to exceed three years commencing the first year he irrigates the property above-described Klosterman agrees to provide an additional 234 acre feet of such storage to replace the diversions in excess of consumptive use during such time as the excess diversions are percolating through the soil mantle into the aquifer. In the fourth year, Klosterman shall provide an additional 117 acre-feet instead of the 234 acre-feet. Klosterman agrees not to pump his wells in any year in which he cannot, for any reason, require the stored water to be released as herein required. This agreement shall remain in full force and effect so long as Klosterman makes the exchange water available pursuant to the terms hereof.

MICROFILMED

7. Klosterman agrees to request release and delivery of the Palisades water through Milner Dam at the request of Company, or to designate Company as his agent for purposes of such request and to execute all documents necessary to effectuate such release. It is understood that Klosterman shall obtain a letter from the Water District No. 1 Watermaster, verifying the District's obligation to measure water in the above amount water past Milner Dam. A copy of such letter shall be furnished to Company and shall be attached as Exhibit "A" to this Agreement and incorporated herein.

8. Company agrees that delivery of the Palisades water through Milner Dam is complete performance of Klosterman's obligations under this Agreement, and constitutes full avoidance of adverse impacts on Company's rights below Milner Dam.

9. Company agrees not to protest the development or licensing of wells for irrigation of the property of Klosterman above-described except that Company may protest and contest approval pursuant to I.C. §42-203(c), if it chooses, in the event Klosterman seeks approval under such section. Klosterman acknowledges that Company has not and does not represent or warrant that execution of this Agreement and approval of the exchange by the Idaho Department of Water Resources will allow him to proceed to develop free of claims or protests by others.

10. This Agreement is not personal but may be freely assigned as the parties desire. However, it shall be recorded in Jerome County, and the obligations hereof shall run with the land described in Paragraph 1 hereof.

11. This agreement and all of the terms and provisions hereof shall be binding upon and inure to the benefit of the respective successors and assigns of the parties to this Agreement.

12. Klosterman hereby agrees to indemnify and hold harmless Company and all of its agents from any and all claim or claims of third parties which may arise by reason of this Agreement, this - indemnification to include reasonable attorneys' fees of Company or its agents.

13. No modification to this Agreement shall be valid unless it is in writing and signed by both parties.

14. This Agreement constitutes the entire agreement of the parties concerning the subject matter hereof, and supersedes all prior or contemporaneous oral or written agreements between the parties concerning the subject matter.

15. In the event Klosterman seeks and obtains approval of his development under the terms of §42-203(c), Idaho Code, as added by the Legislature in 1985, this Agreement shall thereupon be null and void.

MICROFILMED

IN WITNESS WHEREOF the parties hereto have executed
this Exchange Agreement this 19th day of August, 1985.

Kent Klosterman
KENT KLOSTERMAN

IDAHO POWER COMPANY

By R. J. O'Connor
President

ATTEST:

Paul Hauragin
Secretary

STATE OF IDAHO)
)
County of MINIDOKA) ss.

On this 19th day of August, 1985, before me, a Notary Public, in and for said County and State, personally appeared KENT KLOSTERMAN, known or identified to me to be the individual whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.

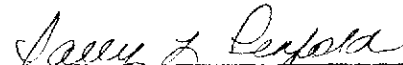
IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.


NOTARY PUBLIC FOR IDAHO
Residing at Pauls, Idaho

STATE OF IDAHO)
)
County of Ada) ss.

On this 27th day of August, 1985, before me, a Notary Public, in and for said County and State, personally appeared Robert J. O'Conner and Paul L. Jauregui, known or identified to me to be the President and Secretary, respectively of IDAHO POWER COMPANY, the corporation that executed the foregoing instrument, and acknowledged to me that such corporation executed the same.

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


NOTARY PUBLIC FOR IDAHO
Residing at Boise, Idaho

MICROFILMED

ATTACHMENT "A"
(INITIAL)

CLASSIFICATION DECISION

The following-described land has been examined and is classified as suitable for disposal under the Desert Land Act of March 3, 1877 (19 Stat. 377; 43 U.S.C. 321-323) as amended:

T. 9 S., R. 21 E., Boise Meridian, Jerome County, Idaho
sec. 13, SW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{2}$, W $\frac{1}{2}$ SE $\frac{1}{2}$;
sec. 24, NW $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$.
Containing 320 acres

Reasons Supporting this Classification

1. The Congress of the United States has declared that it is the policy of the United States that ... "public lands be retained in Federal ownership, unless as a result of the land use planning ... it is determined that disposal of a particular parcel will serve the national interest." The land use plan decision of this parcel has identified these lands for transfer. That decision allows for the development under the Desert Land Act with each entry being evaluated on its own merits.

2. The land use plan also identified those lands which will be considered for disposal under the Desert Land Act as those which have 50 percent SCS Class III or better soils. Information Bulletin ID-85-7, Change 1, identifies this criteria to within each legal subdivision (40 acres). Although not each 40-acre parcel has the majority of Class III or better soils it is possible to farm less fertile soils, which may result in reduced yields, by implementing special cropping procedures. These parcels, together with those containing the better soils, are needed to allow for a better irrigation system and improve the farmability of the parcel. Without these parcels the DLE may not be effectively developed. Therefore, all of the land should be disposed of.

3. The subject land is chiefly valuable for agricultural purposes and represents the highest and best use of the land as well as the most profitable legal use, as provided in accordance with 43 CFR 2430.5(a). The long-term public benefits would be well served by this classification, in accordance with 43 CFR 2410.2.

4. The land is physically suited for agricultural use and it meets the requirements of the Desert Land Act for the purpose it is being classified, in accordance with 43 CFR 2410.1(a-d) and 43 CFR 2520.0-8.

5. Section 7 of the Taylor Grazing Act (43 U.S.C. 315f) authorizes the Secretary of the Interior, in his discretion, to examine and classify lands for a particular use or type of disposal.

MICROFILMED

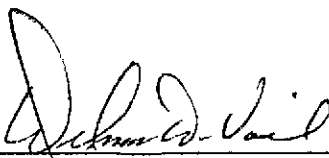
The following petitions for classification are hereby approved as they apply to the above-described lands. This decision relates only to land classification. The merits of the application and the qualifications of the applicants will be determined at a later date. Priority of processing an application toward an allowance shall be given to Kent L. Klosterman (I-7258) because of the date of the petition and application.

Name of Petitioner: Kent L. Klosterman
Type of Petition: Desert Land Entry, I-7258

Name of Petitioner: Clair E. Bergstrom
Type of Petition: Desert Land Entry, I-7311

Name of Petitioner: Jeffrey A. Bergstrom
Type of Petition: Desert Land Entry, I-7312

Sept 24, 1985
Date


State Director

MICROFILMED

May 2, 1985

Thomas G. Nelson
Nelson, Rosholt, Robertson,
Tolman and Tucker
P. O. Box 1906
Twin Falls, ID 83301

RE: Klosterman Exchange 36-7974

Dear Tom:

I have reviewed your letter of April 10, 1985 and the proposed exchange agreement. It appears to me that the details for allowing the exchange have been worked out. While I doubt that the excess pumping schedule is necessary, I will not object to the agreement as long as the applicant enters into it freely and it is understood that the department is not endorsing the concept that excess pumping is necessary as a general requirement for such exchanges. If data for determining the actual impact to the pumping on the Snake River flows becomes available, the amount of stored water required for the exchange should be adjusted either upward or downward. Department of Water Resources will, as indicated in my letter of March 11, 1985, retain jurisdiction to order such changes.

Using the rental pool to make the delivery of the stored water may have some advantages in satisfying both state and federal statutes. Water District 01 has added a rule to their regulations for the rental pool providing for the assignment of mitigation water to the pool. The exchange water should be included in the delivery of other blocks of water to IPCo. so that no special operation of Milner Dam or the other dams in the system will be required.

The department's action on Mr. Klosterman's application for permit and application for exchange will need to be withheld until BLM issues a notice of classification and until a signed copy of the exchange agreement is received.

Sincerely,

NORMAN C. YOUNG
Administrator
Resource Administration Division

NCY:slv
cc: Kent Klosterman
Don Carlson

MICROFILMED

May 2, 1985

Thomas G. Nelson
Nelson, Rosholt, Robertson,
Tolman and Tucker
P. O. Box 1906
Twin Falls, ID 83301

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The department's action on Mr. Klosterman's application for permit and application for exchange will need to be withheld until BLM issues a notice of classification and until a signed copy of the exchange agreement is received.

Sincerely,

NORMAN C. YOUNG
Administrator
Resource Administration Division

NCY:alw
cc: Kent Klosterman
Ron Carlson

MICROFILMED

NELSON, ROSHOLT, ROBERTSON, TOLMAN & TUCKER
Chartered

ATTORNEYS AT LAW
142 3RD AVE NO.

MAILING ADDRESS: P.O. Box 1906
TWIN FALLS, ID 83303-1906
TELEPHONE (208) 734-0700
SUN VALLEY (208) 726-4661

RECEIVED

APR 12 1985

Department of Water Resources

THOMAS G. NELSON
JOHN A. ROSHOLT
J. EVAN ROBERTSON
STEVEN K. TOLMAN
JAMES C. TUCKER

TERRY T. UHLING
LAIRD B. STONE
GARY D. SLETTE

April 10, 1985

Norman C. Young, Administrator
Resource Administration Division
Idaho Department of Water Resources
Statehouse
Boise, Idaho 83720

Re: Klosterman Exchange

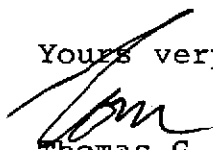
Dear Mr. Young:

As I mentioned to you, Dr. Charles C. Brockway has been reviewing the question of differential timing between effects of pumping and effects of return of "excess" pumping. He is going to write me a letter to set out the specifics but I thought I could speed the process by writing you in advance.

Dr. Brockway assumes a two acre-feet per acre depletion, or 480 acre feet on the 240 acres. He assumes an "excess" pumping of another 234 acre-feet. Given the soil mantle thickness, and the time for effects of both pumping and return flows to reach the river, he finds a four year lag. He suggests that Mr. Klosterman supply 714 acre-feet for three years and something between 714 acre-feet and 480 acre-feet in the fourth year. 480 acre-feet would be sufficient in the fifth and subsequent years. I suggest splitting the difference in the fourth year, or 597 acre-feet. We could go with actual pump-out, but this estimate of Dr. Brockway's is probably close enough to work with. It will allow Mr. Klosterman to fix his obligation at a specified amount and he could immediately sell the excess.

Mr. Klosterman told me earlier he had no problem with this approach. Unless you do, I think we are in a position to let Mr. Klosterman proceed, as soon as a form of agreement is arrived at. I enclose an amended copy of the agreement I sent you with my letter of March 29, 1985. I would appreciate any comments as soon as possible.

Yours very truly,


Thomas G. Nelson

TGN:gjc

cc: Paul Jauregui
Kent Klosterman
Enclosure

MICROFILMED

March 11, 1985

Kent Klosterman
Box 542
Paul, ID 83447

RE: Application for Permit No. 36-7974
Application for Exchange No. 3113

Dear Mr. Klosterman:

The review of the above referenced applications is completed and approval can be granted. I find, however, that because these are lands applied for under a DLE that the BLM/department policies require that the actual approval of the applications must be delayed until notice of classification as suitable for disposal is received from BLM. Also, the department must have on file an agreement between the person proposing the exchange and the holder of the right with which the exchange is being made, in this case, Idaho Power. This agreement must waive IPCo's protest against the exchange. Upon receipt of these documents, the applications will be approved with the following conditions:

CONDITIONS OF APPROVAL FOR PERMIT NO. 36-7974:

1. Use of water under this permit is subject to the requirements of exchange No. 3113. The conditions of which are herein adopted as if herein fully set forth.
2. This permit is to be reprocessed under the provisions of Section 42-203(c), Idaho Code, at the request of the permit holder and in compliance with pertinent adopted rules and regulations.
3. The Director of IDWR retains jurisdiction of use of water under this permit to adjust the volume of exchange water required.
4. A measuring device of the type approved by the department or an access port of a type approved by the department shall be installed for licensing purposes.

WILSON

March 11, 1985

5. Construction must commence on this permit within one year and must be continued with diligence.

6. Proof of beneficial use shall be submitted within five years of the date of permit issuance.

7. Subject to all prior rights.

CONDITIONS OF APPROVAL FOR APPLICATION FOR EXCHANGE # 3113:

1. The conditions of permit to appropriate the waters of the State of Idaho No. 36-7974 are herein incorporated as if fully set forth.

2. Palisades water stock in the amount of 500 AF shall be assigned in the name of the Director of the Department of Water Resources to the Upper Snake River Water Supply Bank.

3. The Director of the Department of Water Resources retains jurisdiction to revise the volume of stored water required per acre under this exchange.

4. Water shall be considered to have been provided for this exchange when released from storage pursuant to a request by the Director of the Department of Water Resources and measured at Milner Dam.

My understanding of the intent of this exchange is to provide one acre foot of storage for each acre foot of depletion from the ground water. The application for permit is for 320 acres, while the application for exchange covers only 240 acres. I do not recall the reason for the difference in acreage between the two applications. Unless clarified, the development under this project authorized would only be for 240 acres. Upon receipt of the information listed in the first paragraph of this letter, the department will continue processing of these filings.

Sincerely,

NORMAN C. YOUNG
Administrator
Resource Administration Division

NCY:alw

cc: Tom Nelson

NELSON, ROSHOLT, ROBERTSON, TOLMAN & TUCKER
Chartered

ATTORNEYS AT LAW
142 3RD AVE. NO.

MAILING ADDRESS: P.O. Box 1906
TWIN FALLS, ID 83303-1906
TELEPHONE (208) 734-0700
SUN VALLEY (208) 726-4661

Department of Water Resources

THOMAS G. NELSON
JOHN A. ROSHOLT
J. EVAN ROBERTSON
STEVEN K. TOLMAN
JAMES C. TUCKER

TERRY T. UHLING
LAIRD B. STONE
GARY D. SLETTE

February 18, 1985

Mr. Norm Young
Idaho Department of Water Resources
Statehouse
Boise, Idaho 83720

Re: Kent Klosterman

Dear Norm:

After our conversation of Friday, I decided I had better appear in the exchange matter, since we are headed toward doing the work there rather than informally prior to getting that much involved. Please consider this a protest or petition in intervention on behalf of Idaho Power Company, as appropriate. I did not know you had advertised the application until Kent told me last week. If there has been a number assigned, let me know.

As I told Kent, I don't have any problem with his exchange, and we should be able to get him cleared for action this spring. At least, I hope so.

The matters mentioned in my letters to you still concern me and my concern grows as your silence lengthens. I still prefer trying to get these matters resolved without a formal hearing, but until I know what your problems are, I will proceed down the formal route.

Yours very truly,

Thomas G. Nelson
Thomas G. Nelson

TGN:gjc

cc: Paul Jauregui
Kent Klosterman

RECORDED



State of Idaho
DEPARTMENT OF WATER RESOURCES
STATE OFFICE, 450 W. State Street, Boise, Idaho

JOHN V. EVANS
Governor

A. KENNETH DUNN
Director

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 334-4440

January 16, 1985

Ron Carlson
Watermaster District 01
Department of Water Resources
150 Shoup - Suite 15
Idaho Falls, Idaho 83401

Re: Application to Exchange Water # 36-7974

Dear Mr. Carlson:

Please find enclosed a copy of the above referenced application to exchange water for your information and files.

Very truly yours,

Mary A. Newby
Sec/Office Coord.

for

Loren O. Holmes
Southern Region Supervisor

Encl:

36-7974



State of Idaho
DEPARTMENT OF WATER RESOURCES
STATE OFFICE, 450 W. State Street, Boise, Idaho

JOHN V. EVANS

Governor

A. KENNETH DUNN

Director

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 334-4440

January 16, 1985

North Side News
P. O. Box 468
Jerome, Idaho 83338

Re: Notice of Application to Exchange Water No. 36-7974

Gentlemen:

Enclosed you will find a legal notice which we wish to have published once a week for two consecutive weekly issues of your newspaper. We have inserted the publication dates allowing ample time for you to submit us a galley proof for review before publication.

After sending us a galley proof, proceed with the publication on the dates we have inserted, assuming the notice is correct. If we have any corrections, we will notify you before the first publication. If you cannot publish the notice on the proposed dates, please contact us immediately.

In order to receive payment, an affidavit of publication must be submitted to the Department along with the publication bill.

Very truly yours,

Mary A. Newby
Sec/Office Coord.

Encl:

RECEIVED
JAN 21 1985
STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

NOTICE OF APPLICATION TO EXCHANGE WATER

Notice is hereby given that Kent L. Klosterman of Paul, Idaho has applied to the Department of Water Resources for an exchange of water in accordance with Section 42-240 of the IDAHO CODE. The proposed exchange is described as follows:

RIGHTS TO BE EXCHANGED:

A) 500 acre-feet per annum of water stored in Palisades Reservoir under License 01-2068

Priority: July 28, 1939

Point of Diversion: NE1/4, Sec. 17, T1S, R45E, B.M., Bonneville County -(Palisades Dam)

B) Application for Permit No. 36-7974 in the name of Kent L. Klosterman to appropriate groundwater

Priority: March 4, 1981

Amount: 6.4 cubic-feet per second

Point of Diversion: NWSE, Sec. 13, T9S, R21E, B.M., Jerome County

Place of Use: SWNE, SENW, E1/2SW1/4, W1/2SE1/4, Sec. 13; NWNE, NENW, Sec. 24, T9S, R21E for 320 acres

POINT OF EXCHANGE

SE1/4, Sec. 29, T10S, R21E, B.M., Jerome County -(Milner Dam)

NATURE OF EXCHANGE

The applicant proposes to exchange 500 acre feet per annum of Palisades stored water delived at Milner Dam for 500 acre feet per annum diverted from groundwater under Application for Permit 36-7974

Any protest against the approval of the above proposed application to exchange water must be filed with the Idaho Department of Water Resources, 1041 Blue Lakes Blvd. North, Twin Falls, Idaho, 83301, on or before February 11, 1985.

A.KENNETH DUNN
Director

Published North Side News on Jan. 24 and Jan. 31, 1985

MICROFILMED

**exchange of water
ruled by Klosterman**

**NOTICE OF APPLICATION
TO EXCHANGE WATER**

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Amount: 6.4 cubic-feet per second

Point of Diversion: NWSE, Sec. 13, T9S, R21E, B.M., Jerome County

Place of Use: SWNE, SENW, E $\frac{1}{2}$ SW $\frac{1}{4}$, Sec. 13; NWNE, NENW, Sec. 24, T9S, R21E for 320 acres

POINT OF EXCHANGE:

SE $\frac{1}{4}$, Sec. 29, T10S, R21E, B.M., Jerome County (Milner Dam)

NATURE OF EXCHANGE:

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A. KENNETH DUNN
Director
1-23-2tc

ok
meyer
12/85

protest

W/2
SE 1/4

NELSON, ROSHOLT, ROBERTSON, TOLMAN & TUCKER
Chartered

ATTORNEYS AT LAW
142 3RD AVE NO.

MAILING ADDRESS: P.O. Box 1906
TWIN FALLS, ID 83303-1906
TELEPHONE (208) 734-0700
SUN VALLEY (208) 726-4661

THOMAS G. NELSON
JOHN A. ROSHOLT
J. EVAN ROBERTSON
STEVEN K. TOLMAN
JAMES C. TUCKER

RECEIVED

JAN 8 1985

Department of Water Resources

TERRY T. UHLING
LAIRD B. STONE
GARY D. SLETTE

January 2, 1984

Mr. Norm Young
Idaho Department of Water Resources
STATEHOUSE
Boise, ID 83720

RE: KENT KLOSTERMAN

Dear Norm:

Thanks for your efforts in getting something going for Mr. Klosterman. He told me of a conversation he had with Ron Carlson, in which Ron said he didn't want to set a precedent, and perhaps the Palisades water could be put into the water bank. These comments point up some concerns I have with the exchange as structured.

1. We have to set a precedent. Mr. Klosterman is entitled to an answer, and if someone else proposes the same exchange, he should get the same answer.

2. The Palisades water is not available for water bank allocation. It will be in use, and dedicated to use, when the exchange is complete.

3. Looking at page 2 of the application, I believe the description of the exchange right is inadequate. Kent is saying: "I have this Palisades water right. I want to take water physically committed to Idaho Power Company's use as spring inflow to the Snake River. I will provide my Palisades water in exchange for the water I am physically taking."

This is the essence of an exchange, and I believe the exchanged water right cannot simply be described as "Snake River below Milner Dam."

4. Another concern not yet addressed is that of control. Who can call the water, who can deliver it, and when?

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FEB 15 1985

Department of Water Resources
Snake River Water Bank

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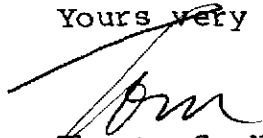
Mr. Norm Young
January 2, 1984
Page 2

5. Another more general concern is in the timing of the return of diversions in excess of consumptive use. If three acre feet are pumped, and two are consumed, the remaining acre foot will return to the aquifer. However, the removal of the three acre feet is immediate, but the one acre foot will not return for a number of years.

In Mr. Klosterman's case, the 240 acre-feet will not be a measurable impact. However, since we are creating a precedent, we need to build into the system a recognition of the delay, and its potential for adversely affecting river flows if this sort of exchange were to take place on a large scale.

Some of the control questions need answers from the Bureau of Reclamation. I will be happy to assist you in discussing the matter with the Bureau, if that would help.

Yours very truly,



Thomas G. Nelson

TGN
pj
cc: Paul Jauregui
Kent Klosterman

MICROFILMED

M E M O

TO: Norm

FROM: Ron

RE: Klosterman Exchange

DATE: December 11, 1984

I have reviewed the application for exchange proposed by Kent L. Klosterman. As you are aware from my previous memorandum on this matter, I have some serious reservations about starting ground water-surface water exchanges where ground water withdrawals are permitted in exchange for releases for surface water supplies. I believe that this could set a direction in co-regulation of surface and ground water sources that may not be in the best interest of the state. However, I believe that arrangements need to be made that would let Klosterman proceed with his project, since he does have water to irrigate his DLE, if the system can be flexible enough to compensate for the physical difficulties preventing his actual use of this water.

It occurs to me that Klosterman's request might actually represent an opportunity for the state to create a system for permitting new development while acquiring the mechanism for assuring flows in dry years. One of the big questions being asked as a result of the Swan Falls Agreement is; how will the state assure the mean daily flows which have been guaranteed at Murphy in a drought situation? Upper Snake water users are nervous because it is clear that the only possibility of guaranteeing flows in the short term would be through releases past Milner. There would be less concern if the state had access to the supplies necessary to guarantee the agreement. If the state acquired the Ririe space or perhaps the 33,000 AF of Wyoming Compact water they, in theory would have that ability. With this in place, people waiting to use ground water for new consumptive purposes would be assessed an annual charge to support the stored water that would guarantee the ability to compensate for their depletions of surface flows in a drought situation. The payments by new developers would be used to cover the costs of the state acquiring and maintaining the storage space. This water, to the extent it was not needed for mitigation, could be made available for annual use through the water bank. People like Klosterman, who owned storage space could assign their storage to the state to be held in trust rather than pay the depletion assessment. If or when the full

MICROFILMED

effect of depletions occur, it is likely that these stored supplies will have to be released most years and then of course they would no longer be available for annual lease. I believe that time is still quite a ways in the future.

This approach does several things but perhaps most important it can prevent the sudden stop of all new development because of winter flows at Murphy dropping below 5,600 cfs. It also would allow people like Kent Klosterman to proceed without unreasonable delays.

MICROFILMED



RECEIVED

NOV 30 1984

Department of Water Resources
OFFICE OF THE GOVERNOR
JOHN V. EVANS
STATE CAPITOL
BOISE 83720

To: Norm Yarny
From: Pat Costello
Re: Klosterman Exchange

I think this exchange proposal is the type of arrangement we had in mind encouraging when we talked about water market innovations. I would hope it could go forward as a "pilot project" which others may use as a model if successful.

Thank you for the opportunity to review this proposal.

MICROFILMED



State of Idaho
DEPARTMENT OF WATER RESOURCES
STATE OFFICE, 450 W. State Street, Boise, Idaho

JOHN V. EVANS
Governor

A. KENNETH DUNN
Director

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 334-4440

MEMORANDUM

TO: Pat Kole
Pat Costello
Tom Nelson
Ron Carlson

FROM: Norm Young *NY*

DATE: November 27, 1984

RE: Proposed Exchange in Swan Falls Area

Attached is a draft of an application for exchange of Palisades stored water for ground water, to be diverted from the Snake Plain Aquifer. Mr. Klosterman has been working for several years to obtain a water supply for this Desert Entry land, and last summer he purchased some stored water to exchange for the ground water. Mr. Klosterman has an application pending to divert unappropriated ground water which will be processed if the legislature and others ratify the Swan Falls agreement. However, Mr. Klosterman believes his project can proceed sooner if the exchange is processed now.

I have discussed the concept of an exchange with most of you previously and would like your reaction to the appropriateness of the exchange and the format proposed before Mr. Klosterman actually files it.

MICROFILMED



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER DISTRICT NO. 1

John V. Evans
Governor

36-7974
150 Shoup
Idaho Falls, Idaho 83401
(208) 525-7172

A. Kenneth Dunn
Director

July 3, 1984

RECEIVED
JUL 5 1984
Department of Water Resources

Mr. Norman C. Young
Administrator
Idaho Department of Water Resources
Statehouse
Boise, ID 83720

Dear Norm:

I have reviewed the May 17, 1984 letter you received from Tom Nelson in reference to Kent Klosterman's proposed exchange of Palisades storage for ground water.

My advice would be for the Department to approach this proposal with great caution. I think it is dangerous to even imply that there is a one-to-one relationship between ground-water withdrawals and surface flows without the legislature first amending the ground-water statutes. Probably of less far reaching consequence is the expansion of the Idaho Power water right associated with this transfer of storage. We know that there are specific times of the year that Idaho Power wants to enhance river flows. It seems reasonably clear that the impact from Klosterman's pumping will not be concentrated during those periods when the flow at Swan Falls is below what ever the court may determine the Swan Falls right to be.

My greatest concern is the fact that this exchange is tantamount to Water District No. 1 recognizing a selected right below Milner Dam. I have consistently resisted the recognition of any right to demand the release of water for uses below Milner except for those sanctioned through the authority of the Water Resource Board, i.e. annual releases of storage from the Water Supply Bank.

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Norman C. Young
July 3, 1984
Page 2

My recommendation is that, rather than a direct exchange agreement between Idaho Power and Kent Klosterman, Klosterman assign his Palisades storage to the water bank and then reimburse Idaho Power for some agreed upon amount of what Idaho Power decides to rent from the bank.

This may not satisfy certain requirements of the Palisades spaceholder contracts, but would keep the state from setting precedents that may be difficult to overcome in the future and from giving recognition to a power right that may not even exist.

Very truly yours,


RONALD D. CARLSON
Watermaster

RDC:cw

RECEIVED

NELSON, ROSHOLT, ROBERTSON, TOLMAN & TUCKER
Chartered

ATTORNEYS AT LAW

P.O. Box 1906
TWIN FALLS, ID. 83303-1906
TELEPHONE (208) 734-0700

THOMAS G. NELSON
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TIMOTHY M. WALTON
TERRY T. UHLING

RECEIVED

MAY 18 1984

Department of Water Resources

SUN VALLEY-KETCHUM OFFICE
P.O. BOX 2399
SUN VALLEY, IDAHO 83353
TELEPHONE (208) 726-4491

May 17, 1984

Mr. Norman Young
Assistant Director
Idaho Department of Water Resources
Statehouse
Boise, ID 83720

RE: KLOSTERMAN EXCHANGE

Dear Norm:

After some thought about the exchange Mr. Klosterman suggests, I have the following thoughts:

1. As in any exchange, Mr. Klosterman has to meet the constraints on the main stream (Snake) and the tributary to which he exchanges (aquifer). ("Constraints" in this context means interference with prior rights, local well problems, etc., which could tend to limit his use of water.) The Palisades water, when left in the river, meets the main stream constraint.
2. The Palisades water should be made appurtenant to the place of use. Then the supply is moved (exchanged) from the Snake to the aquifer. This will hopefully satisfy the project authorization of the USBR for Palisades.
3. Mr. Klosterman should file an application for the other well, and amend his existing application to refer to the exchange. The publication will allow IDWR to determine whether any aquifer constraints exist. (For example, such an exchange could not be accomplished in a critical

ENCLOSURE

Mr. Norman Young
Page 2
May 17, 1984

ground water area.) If no protests are made then that hurdle is cleared.

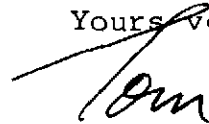
4. Mr. Klosterman then has a Palisades right to clear the Snake river constraint, and a 1984 priority in his wells, to clear the local (aquifer) constraint. Since the development on the aquifer is now limited by the Snake River constraint, he should be able to proceed.
5. Mr. Klosterman should sign an agreement with Idaho Power Company as a showing that the Snake River constraint is gone, and that no claim of injury will be forthcoming from the Company.
6. Several questions remain to be answered:
 - a. Can Mr. Klosterman delegate to the Company his right to call his water? In other words, will Water District 1 recognize a call by Idaho Power Company of the Palisades water?
 - b. Can Water District 1 measure the water past Milner? (Where does Water District 1 end?)
 - c. Will the USBR recognize the exchange and what limitations would exist on timing and quantity of release from the reservoir?

A letter has been directed to the Regional Direct of the USBR on question c. A copy is enclosed.

In a broad outline, this seems to me to be a way to proceed. Let me know what you think. Once we have a plan, we can go ahead.

Best personal regards.

Yours very truly,



Thomas G. Nelson

TGN
pj
cc: Kent Klosterman

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NELSON, ROSHOLT, ROBERTSON, TOLMAN & TUCKER
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ATTORNEYS AT LAW

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SUN VALLEY-KETCHUM OFFICE
P.O. BOX 2399
SUN VALLEY, IDAHO 83353
TELEPHONE (208) 726-4491

May 17, 1984

Mr. L.W. Lloyd
Regional Director
United States Bureau of Reclamation
P.O. Box 043
550 W. Fort St.
Boise, ID 83724

Dear Mr. Lloyd:

As you know, the on-going controversy over the Snake River water rights of Idaho Power Company has affected new irrigation development from the Snake River Plain Aquifer above Swan Falls Dam. The Idaho Department of Water Resources has not been granting permits for development in that area for the past two years.

In an effort to get his property developed, Kent Klosterman has proposed an exchange to Idaho Power Company. He has purchased some space in Palisades Reservoir which he proposes to exchange for water pumped from the aquifer near Paul, Idaho.

In considering the proposal, the Idaho Power Company and Mr. Klosterman need to find out the USBR's position on some technical aspects of the matter.

1. One approach is to make the Palisades water appurtenant to the Klosterman property, and then accomplish the exchange in the permit process on the wells. Would this be in compliance with project authorization and Bureau policy?

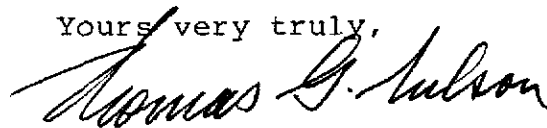
MICROFILMED

Mr. Lloyd
Page 2
May 17, 1984

2. If the exchange were accomplished, would the Bureau recognize Idaho Power Company's right to schedule the release, if authorized by Mr. Klosterman by contract?
3. What timing and quantity restrictions would exist on use of the Klosterman space?
4. Would the Bureau agree that the water in the Klosterman space, when called for release, would be in addition to other releases then being made? For example, if a release of 1000 cfs were being made for power or flood control purposes, would any release of the Klosterman water be in addition to that release?

The proposal of Mr. Klosterman is perhaps not the last. Therefore, we need to be sure we are getting the mechanics of the exchange correctly in place. We will be happy to meet with you to discuss the matter, if such a meeting would be of assistance.

Yours very truly,



Thomas G. Nelson

TGN
pj

MICROFILMED



State of Idaho
DEPARTMENT OF WATER RESOURCES
STATE OFFICE, 450 W. State Street, Boise, Idaho

JOHN V. EVANS
Governor

C. STEPHEN ALLRED
Director

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 334-4440

June 16, 1981

Kent L. Klosterman
Box 542
Paul, ID 83347

Dear Mr. Kosterman,

RE: Application for Permit No. 36-7974

Please be advised that your application for permit has been processed. However, since your application is filed in connection with a desert land entry with the Bureau of Land Management, the Department of Water Resources will take no further action until such time as we receive evidence in writing that this land has been classified as suitable for desert entry.

Please contact us if we may be of further assistance.

Sincerely,

JIM JOHNSON
Water Distribution Supervisor

JJ:mr

cc: Bureau of Land Management
(1-7258)

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5/14

1981

Robyn

~~Jim~~ - can we
approve ~~the~~
DLE'S?

No - we hold them
in the vault there
is a special letter
cover

sent. Please pull an
existing application on
DLE and check proper
procedure

State of Idaho
Department of Water Resources

APPLICATION FOR PERMIT ANALYSIS SHEET

KLOSTERMAN, Kent L.

INITIAL REVIEW BY: T. C. Blau

APPLICATION NUMBER: 36-7974

CHECK:

- ☒ Source.
☒ Point of diversion.
☒ County.
☒ Quantity of water and period of use.
☒ Description of diverting works.
☒ Time required for beneficial use of water.
☒ Place of use or acres irrigated.
☒ Map.
☒ Signature.
☒ Fee.
☐ Yes ☒ No Field check required.
☐ Yes ☒ No Critical groundwater area.
☐ Yes ☒ No Request dam safety information. Sent by: _____ Date: _____
☒ Yes ☐ No* In form to receipt.

Field check by: _____

Date: _____

Comments: _____

*REQUEST THE FOLLOWING ADDITIONAL INFORMATION FROM THE APPLICANT: _____

SEND COPIES TO:

- ☐ Idaho State Health Department. Copies sent by: _____ Date: _____
☐ Idaho Fish and Game Department.
☐ Idaho Department of Lands.
☒ U.S. Bureau of Land Management. Burley Dist
☐ U.S. Forest Service.
☐ Other _____

Copies sent by: _____

Date: _____

PROCESSING:

- ☐ Yes ☒ No
☐ Yes ☒ No

Platted by: _____ Map No. BB-27

Other rights on same place of use. _____

- ☒ Yes ☐ No*

In form for advertising. 4/27/81 ✓

Final date for protests: 4/27/81 ✓

- ☐ Yes ☒ No

Protests received. If yes, record information on 4th page of application.

FINAL REGIONAL PROCESSING REVIEW:

- ☒ Affidavit of publication received. Date: 4/21/81 ✓
☒ Application published correctly. If not, record action taken: _____
☒ Fee amount, receipt date & number, recorded on application.
☒ Publication dates and paper, recorded on application.
☒ Protests, dates, withdrawal, etc., recorded on application.
☒ Recommendation & initial, recorded on application.
☐ Yes ☒ No Measuring device required.
☒ Yes ☐ No Access port required.
☐ Yes ☒ No Will water be delivered by watermaster? If yes, what district? _____
☒ 3/4/81 Date of priority recommended.
Special conditions of approval or cover letter. DIC

Desert Land Entry

By: Loren O. Halman

Date: 4/30/81

STATE OFFICE REVIEW:

DLE letter

- ☐ See attached sheet for more information.

By: Polyp

Date: 6/5/81

MICROFILMED



STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

SOUTHERN REGION

John V. Evans
Governor

C. Stephen Allred
Director

1041 Blue Lakes Blvd. North
Twin Falls, Idaho 83301
(208) 734-3578

April 28, 1981

U. S. Bureau of Land Management
200 South Oakley Highway
Box 489
Burley, Idaho 83318

Re: Application for Permit No. 36-7974

Gentlemen:

Please find enclosed a copy of the above referenced application for permit for your information and files.

Sincerely,

Mary A. Hill
Sr. Secretary

for

Loren O. Holmes
Southern Region Supervisor

Encl:

MICROFILMED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Southern Region

1041 Blue Lakes Blvd N.
Twin Falls, Idaho 83301
(208) 734-3578

MARCH 24, 1981

North Side News
P. O. Box 468
Jerome, Idaho 83338

Gentlemen:

Enclosed you will find a legal notice which we wish to have published on the dates indicated (once a week for two consecutive weekly issues) in your newspaper. We have allowed ample time for you to submit a galley proof to this office for review before the first publication date. If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Your cooperation is appreciated.

Please send the affidavit of publication and publication billings to this office before APRIL 27, 1981.

Yours truly,

Mary A. Hill
Secretary

Encl.

MICROFILMED

NOTICE OF APPLICATION FOR WATER RIGHT

Notice is hereby given that the following application(s) have been submitted for permit to appropriate the public waters of the State of Idaho:

36-7974

KLOSTERMAN, KENT L.

BOX 542, PAUL, ID 83347

Source: GROUNDWATER

Date Filed: 03/04/1981

Amount: 6.40 CFS

Diversion Point: NWSE Sec 13 T 09S R 21E, JEROME Co.

Use: IRRIGATION (6.40 CFS) from 04/01 to 11/01

Place of Use: SWNE SENW NESW SESW NWSE SWSE Sec 13 T 09S R 21E NWNE NENW
Sec 24 T 09S R 21E FOR 320 ACRES

Diversion Means: WELL & PUMP

If issued, the permit(s) will be subject to all prior water rights. Protests against the granting of any permit must be filed with the Director of the Idaho Department of Water Resources, 1041 Blue Lakes Blvd. North, Twin Falls, Idaho 83301 and received on or before APRIL 27, 1981.

C. STEPHEN ALLRED

Director

Published 4/9 & 4/16/81.

MICROFILMED

RECEIVED

**NOTICE OF APPLICATION
FOR WATER RIGHT**

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36-7974

KLOSTERMAN, KENT L., BOX 542,
PAUL, ID 83347

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Place of Use: SWNE SENW NESW
SESW NWSE SWSE Sec 13 T 09S R
21E NWNE NENW Sec 24 T 09S R 21E
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Diversion Means: WELL & PUMP

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C. STEPHEN ALLRED

Director

4-9-2tc

*de
maye
4/3/81*