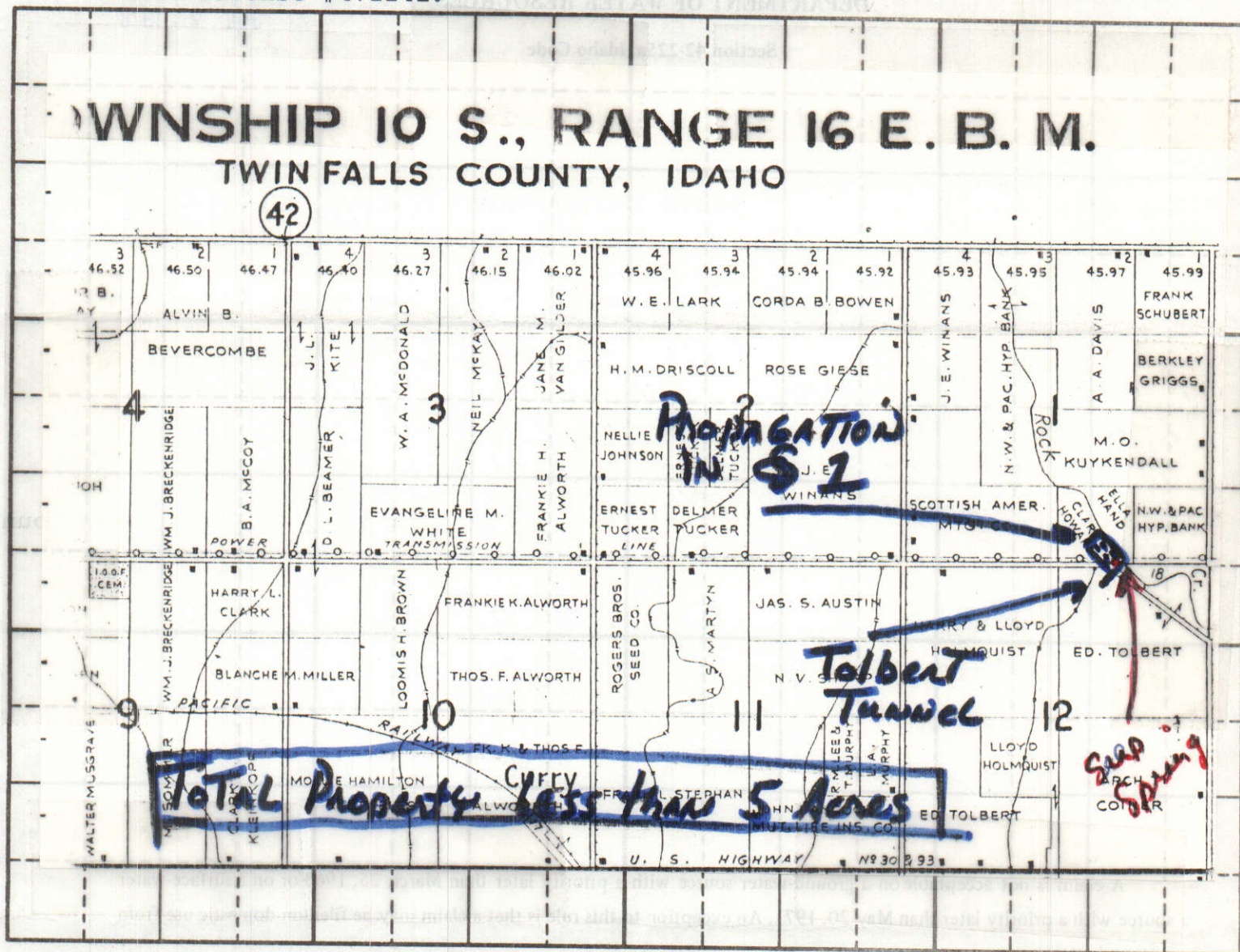


The Tolbert Tunnel of the Twin Falls Canal Company was dug in 1939 for the purpose of draining surrounding farm land. The water was never put to beneficial use until the Canyon Trout Farm was built in 1946 at which time all the water was diverted to flow through the rearing ponds. The water has been used for this purpose continually since. Approximately 1/2 c/f/s comes from a spring approximately 100 feet north of the Tolbert Tunnel for which separate claim has been filed. Total of 16 1/2 c/f/s used in trout facility. 9.0 c/f/s licensed under State License #472241.



Scale: 2 inches equal 1 mile.

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

State of Idaho)

County of Twin Falls)

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

Sworn to before me this 5 day of July, 1978

Ed. Tolbert
(Claimant)

Bennie Tecera
Notary Public
Residing at Twin Falls, Id

My commission expires July 18, 1981

For Department Use Only

Received by <u>ADM</u>	Date <u>7/19/78</u>	Exception filed by:	Forwarded to	Date
Prelim. check by <u>JP</u>	Date <u>7-20-78</u>		claimant by:	
\$10.00 fee received by <u>Sm</u>	Date <u>7/20/78</u>	#10499		
Approved for publication by <u>ML</u>	<u>8/11/78</u>			
Published in <u>Times News</u>				
Dates <u>8/3 & 8/10/78</u>				

of map 81-78

Affidavit of Publication

STATE OF IDAHO,
COUNTY OF TWIN FALLS

No 7288

NOTICE OF CLAIM TO A WATER RIGHT NO. 47-4088

Notice is hereby given that Delbert Klundt (Canyon Trout Farm) Twin Falls, ID has filed a claim to a water right established by diversion and application to beneficial use of 7.0 cubic feet per second of water from Tolbert Tunnel, tributary to Rock Creek with point of diversion in the NW¹/₄NE¹/₄, Sec. 12, Twp. 10S, Rge. 16E., B.M., Twin Falls County.

The water is claimed to be used from Jan. 1 to Dec. 31 with a priority of June 9, 1947; the place of use is within the SW¹/₄SE¹/₄, Sec. 1; NW¹/₄NE¹/₄, Sec. 12, Twp. 10S., Rge. 16E., B.M.

Any exception to this claim of water right may be filed with the Idaho Department of Water Resources, 1041 Blue Lakes Blvd., North, Twin Falls, Idaho, 83301.

C. STEPHEN ALLRED
Director
PUBLISH: Aug. 3 and 10 1978

I, Nola A. Anglin being first duly sworn upon oath, depose and say that I am Print Clerk of the TIMES-NEWS, published daily, except Saturday, at Twin Falls, Idaho, and do solemnly swear that a copy of the notice of advertisement, as per clipping attached, was published in the regular and entire issue of said newspaper, and not in any supplement thereof, for two consecutive Thursdays commencing with the issue dated August 13, 1978, and ending with the issue dated August 10, 1978.

And I do further certify that said newspaper is a consolidation, effective February 16, 1942, of the Idaho Evening Times, published theretofore daily except Sunday, and the Twin Falls News, published theretofore daily except Monday, both of which newspapers prior to consolidation had been published under said names in said city and county continuously and uninterruptedly during a period of more than twelve consecutive months, and said TIMES-NEWS, since such consolidation, has been published as a daily newspaper except Saturday, under said name in said city and county continuously and uninterruptedly.

And I further certify that pursuant to Section 60-108 Idaho Code, Thursday of each week has been designated as the day on which legal notice by law or by order of any court of competent jurisdiction within the state of Idaho, to be published weekly, will be published; and that at the head of the editorial column of said combined newspapers, and in each issue thereof, Thursday is announced as the day on which said legal notices will be published.

Subscribed and sworn to before me on this August day of 1978.

Notary Public in and for the County of Twin Falls,
State of Idaho, residing at Twin Falls, Idaho

RECEIVED
AUG 11 1978
Department of Water Resources
Southern District Office

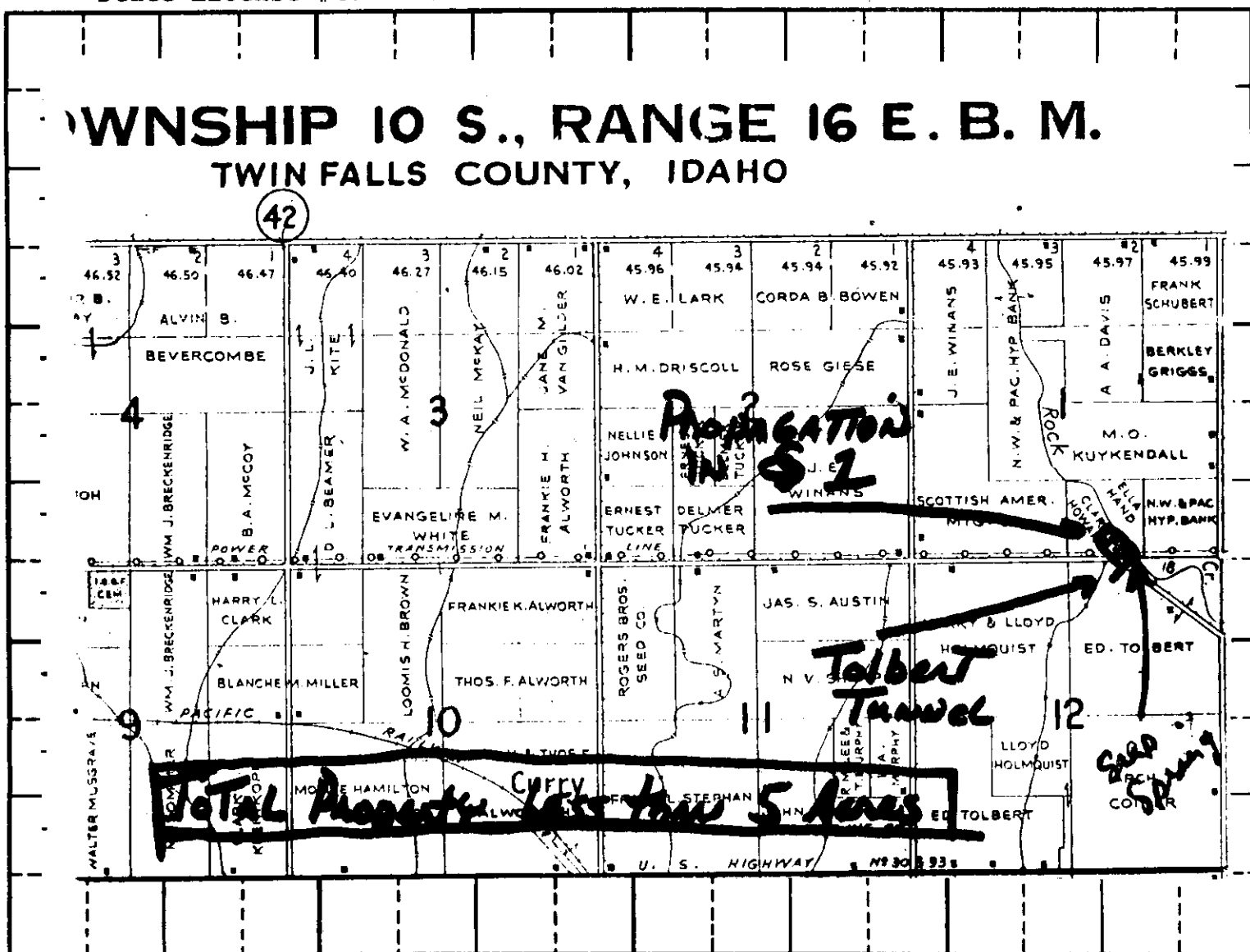
Department of Water Resources
Southern District Office

CLAIM TO A WATER RIGHT

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MICROFILMED

The Tolbert Tunnel of the Twin Falls Canal Company was dug in 1939 for the purpose of draining surrounding farm land. The water was never put to beneficial use until the Canyon Trout Farm was built (8) Remarks in 1946 at which time all the water was diverted to flow through the rearing ponds. The water has been used for this purpose continually since. Approximately 1/2 c/f/s comes from a spring approximately 100 feet north of the Tolbert Tunnel for which separate claim has been filed. Total of 16 1/2 c/f/s used in trout facility. 9.0 c/f/s licensed under State License #472241.



Scale: 2 inches equal 1 mile.

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

State of Idaho)
County of Twin Falls) ss.

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

Delbert L. Smith
(Claimant)

Sworn to before me this 5 day of July, 1978.

Bonnie L. Lacey
Notary Public
Residing at Twin Falls, Id

My commission expires July 18, 1981

For Department Use Only

Received by <u>ADM</u>	Date <u>7/19/78</u>	Exception filed by:	Forwarded to	Date
Prelim. check by <u>GA</u>	Date <u>7-20-78</u>		claimant by:	
<u>\$20.00</u> fee received by <u>Sm</u>	Date <u>7/20/78</u>	<u>#10499</u>		
Approved for publication by <u>M.R.</u>	Date <u>8/11/78</u>			
Published in <u>Times News</u>				
Dates <u>8/3 & 8/10/78</u>				

IN THE MATTER OF:

CLAIM OF DELBERT KLUNDT

State of Idaho
County of Twin Falls

RECEIVED

APR 25 1978

Department of Water Resources

RECEIVED
AFFIDAVIT

JUN 1 1973

Department of Water Resources
Southern District Office

DELBERT KLUNDT

being first duly sworn,

deposes and says: That he is one of the owners of the Canyon Trout Farm
located in the NW 1/4 NE 1/4, Section 12, Township 10 South, Range 16
East, Boise Meridian, Twin Falls County, Idaho, and that as of
April 22, 1976, the date he and his wife, Patricia D. Klundt, pur-
chased the same, diverted and beneficially used 16.5 c/f/s of seep
water from the Tolbert Tunnel of the Twin Falls Canal Company for
fish propagation in ponds and that said water has since been contin-
uously applied to such beneficial use ever since.

Delbert Klundt
(signature) DELBERT KLUNDT

Subscribed and sworn to before me this 18TH day of April, 19 78.

C. G. McIntyre
(Notary Public)

Residing at Twin Falls Idaho.
My commission expires LIFE TERM.



C. G. MCINTYRE
NOTARY PUBLIC - STATE OF IDAHO
Residing at Twin Falls, Idaho
Commission for Life Term

MILKOR LUNDT

IN THE MATTER OF:

CLAIM OF DELBERT
KLUNDT

State of Idaho
County of Twin Falls

RECEIVED

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RECEIVED

JUN 7 1978

APR 25 1978

Department of Water Resources

Department of Resources
Southern District Office

A. F. Wylie, individually and as a former officer, director and shareholder of Canyon Trout Farm, Inc., an Idaho corporation, now dissolved, being first duly sworn,

deposes and says: That he, his brother, C. E. Wylie and Edwin Frymyer
were the owners of Canyon Trout Farm located in the NW 1/4 NE 1/4,
Section 12, Township 10 South, Range 16 East, Boise Meridian, Twin
Falls County, Idaho, and that as of June 9, 1947, they diverted and
beneficially used 16.5 c.f.s. of seep water from the Tolbert Tunnel
of the Twin Falls Canal Company for fish propagation in ponds con-
structed by your affiant and that said water has since been contin-
uously applied to such beneficial use ever since until the 10th day
of February, 1962, when the said A. F. Wylie, C. E. Wylie and Edwin
Frymyer formed an Idaho corporation known as Canyon Trout Farm, Inc.,
which owned the real property and water rights and beneficially used
16.5 c.f.s. of said seep water from the Tolbert Tunnel of the Twin
Falls Canal Company for fish propagation in ponds until the date of
sale of the property to Delbert Klundt and Patricia D. Klundt, hus-
band and wife, on the 22nd day of April, 1976.

A. F. Wylie
(signature) A. F. Wylie

Subscribed and sworn to before me this 20th day of April 1978.

Bonnie Severs
(Notary Public)

Residing at Twin Falls, Idaho.
My commission expires 11/29/81.

MICROFILMED

Affidavit of Publication

No 7288

STATE OF IDAHO,
COUNTY OF TWIN FALLS

I, Rola A. Anglin being first duly sworn upon oath, depose and say that I am Twin Falls of the TIMES-NEWS, published daily, except Saturday, at Twin Falls, Idaho, and do solemnly swear that a copy of the notice of advertisement, as per clipping attached, was published in the regular and entire issue of said newspaper, and not in any supplement thereof, for two consecutive Thursdays commencing with the issue dated August 3, 1978, and ending with the issue dated August 10, 1978.

And I do further certify that said newspaper is a consolidation, effective February 16, 1942, of the Idaho Evening Times, published theretofore daily except Sunday, and the Twin Falls News, published theretofore daily except Monday, both of which newspapers prior to consolidation had been published under said names in said city and county continuously and uninterruptedly during a period of more than twelve consecutive months, and said TIMES-NEWS, since such consolidation, has been published as a daily newspaper except Saturday, under said name in said city and county continuously and uninterruptedly.

And I further certify that pursuant to Section 60-108 Idaho Code, Thursday of each week has been designated as the day on which legal notice by law or by order of any court of competent jurisdiction within the state of Idaho, to be published weekly, will be published; and that at the head of the editorial column of said combined newspapers, and in each issue thereof, Thursday is announced as the day on which said legal notices will be published.

Subscribed and sworn to before me on this August 10, 1978 day of August.

Notary Public in and for the County of Twin Falls,
State of Idaho, residing at Twin Falls, Idaho

Notice is hereby given that Robert J. Smith (Canyon Trout Farm) Twin Falls, Idaho, has a claim to a water right established by diversion and application to beneficial use of 7.0 cubic feet per second of water from Tipton Tunnel, tributary to Black Creek with point of diversion in the NW1/4NE1/4, Sec. 12, Twp. 10S, Rge. 10E, B.M., Twin Falls County.

The water is claimed to be used from Jan. 1 to Dec. 31 with a priority of June 8, 1942; the place of use is within the SW1/4SE1/4, Sec. 1; NW1/4NE1/4, Sec. 12, Twp. 10S., Rge. 10E., B.M.

Any exception to this claim of water right may be filed with the Idaho Department of Water Resources, 1041 Blue Lakes Blvd., North, Twin Falls, Idaho, 83301.

C. STEPHEN ALLRED
Director
PUBLISH: Aug. 3 and 10 1978

RECORDED



State of Idaho
DEPARTMENT OF WATER RESOURCES
STATE OFFICE, 373 W. Franklin Street, Boise, Idaho

JOHN V. EVANS
Governor

C. STEPHEN ALLRED
Director

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 384-2215

August 21, 1978

Mr. Delbert Klundt
Route #4
Twin Falls, ID 83301

Re: Claim to a Water Right No. 47-4088

Dear Mr. Klundt:

The Department of Water Resources has completed the advertising of your claim to a water right, and no further action is authorized under Section 42-243 and 42-244, Idaho Code. Your claim will be retained in our files and will be available at any time for use by you or the court.

The filing and advertising of the claim does not confirm the water right claimed, but will serve to record and preserve the information and the evidence which you included in your claim.

If, at a later date, you find that you have additional information or supporting evidence that you would like to have included with the claim, you may have that information or evidence added at any time. Please refer to the claim identification number when corresponding with this office.

We are enclosing a copy of your claim for your records. If you have questions or if this office may be of further assistance, please feel free to contact us.

Yours truly,

LOREN O. HOLMES
Southern Regional Supervisor
LOH:sm
Enclosure

100-200000-1000

NOTICE OF CLAIM TO A WATER RIGHT

NO. 47-4088

Notice is hereby given that Delbert Klumdt (Canyon Trout Farm)
Twin Falls, ID
has filed a claim to a water right established by diversion and application
to beneficial use of 7.0 cubic feet per second ~~acre feet per annum~~
of water from Tolbert Tunnel, tributary to Rock Creek
with point of diversion in the NW-NE1/4, Sec. 12, Twp. 10S, Rge. 16E., B.M.,
Twin Falls County.

The water is claimed to be used from Jan. 1 to Dec. 31
with a priority of June 9, 1947;
the place of use is within the SW-SE1/4, Sec. 1; NW-NE1/4, Sec. 12, Twp. 10S,
Rge. 16E., B.M.

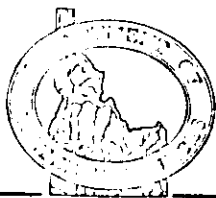
Any exception to this claim of water right may be filed with the Idaho
Department of Water Resources, 1041 Blue Lakes Blvd., North, Twin Falls,
Idaho, 83301 ~~on or before~~ _____.

C. Stephen Allred

Director

Published in the Times News
on 8/3 and 8/10/78

MICROFILMED



STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES SOUTHERN REGION

John V. Evans
Governor

C. Stephen Allred
Director

1001 Blue Lakes Blvd. N.W.
Twin Falls, Idaho 83301
(208) 733-1111

July 24, 1978

Times News
P. O. Box 548
Twin Falls, ID 83301

Re: Claim to a Water Right No. 47=4088 - Delbert Klundt (Canyon Trout Farm)

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.

Sincerely,

Loren O. Holmes
Southern Region Supervisor

LOH:sm

Enc.

MICROFILMED