

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 65-1772 V2

WATER RIGHT NUMBER: 65-1772 V2

<u>Owner Type</u>	<u>Name and Address</u>
Directors Report Owner	ELDON KLINGBACK 7000 SPRING CREEK RD EMMETT, ID 83617 (208)365-4725
Current Owner	ROGER A AND KENNIE LYN KLINGBACK TRUST 7000 SPRING CREEK RD EMMETT, ID 83617
Directors Report Owner	BEATRICE KLINGBACK 7000 SPRING CREEK RD EMMETT, ID 83617 (208)365-6878

Priority Date: 02/18/1899

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
SPRING	LONG HOLLOW CREEK

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	3/15 to 11/15	0.100 CFS	1.40 AF
DOMESTIC	1/01 to 12/31	0.020 CFS	0.60 AF
STOCKWATER	1/01 to 12/31	0.030 CFS	1.40 AF
	<u>Total Diversion:</u>	0.150 CFS	0.60 AF

Location of Point(s) of Diversion

SPRING	SE1/4SW1/4	Sec. 36, Twp 08N, Rge 01W, B.M.
GEM County		

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
07N	01W	1		10.0															10.0
				L 2															

Total Acres: 10

DOMESTIC

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
08N	01W	36												X					

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 65-1772 V2

STOCKWATER

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
07N	01W	1		X															
				L 2															
08N	01W	36											X						

Conditions of Approval:

1. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.
2. N09 THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR DOMESTIC USE AND STOCKWATER USE IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.
3. N14 THE QUANTITY OF WATER UNDER THIS RIGHT FOR DOMESTIC AND STOCKWATER USES SHALL NOT EXCEED 13,000 GALLONS PER DAY.
4. X02 Stockwater use is for 100 range cattle.

Remarks:

1. Quantity USE OF THIS RIGHT WITH RIGHTS LISTED BELOW SHALL PROVIDE NO MORE THAN 0.03 CFS NOR 1.4 AFA FOR STOCKWATER. COMBINED RIGHT NOS.: 65-01661, 65-01662.

Comments:

1. jshurte 11/12/2002 Version 2 - SF5

Comment: This version was made as a result of an objection on this right. The place of use has been incorrectly listed as being in Sec. 36, T8N, R1W, NWNE - it is actually in Sec. 1, T7N, R1W, NWNE and always has been. In looking at the blue line and original claims from the PRBA it is apparent as to how the error took place. The blue line was never completed for these rights and the original claims show number changes leading to the errors in the place of use.

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 65-1772 V2

Dates and Other Information:

Decreed Date:
 Enlargement Use Priority Date:
 Enlargement Statute Priority Date:
 Defendant:
 Plaintiff:
 Civil Case Number:
 Judicial District:
 Notice of Error Flag:
 State or Federal: S
 Owner Name Connector: OR
 Water District Number: 65
 Generic Max Rate Per Acre:
 Generic Max Volume Per Acre:
 Swan Falls Trust or Nontrust:
 Swan Falls Dismissed:
 DLE Act Number:
 Carey Act Number:
 Mitigation Plan: False

Element Reviewed/Verified Dates:

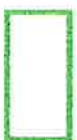
<u>Element</u>	<u>Last Reviewed Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
Summary			11/12/2002	jshurte	Active

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
POU	11/19/2002 8:23:41 AM	jshurte	Edited shape boundary
POD	11/19/2002 8:26:52 AM	jshurte	Edited point location
Summary	11/12/2002 1:28:50 PM	jshurte	(Yes) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice? (No) 2. Does any evidence indicate a five year period of continuous nonuse occurred that could result in recommending forfeiture or partial forfeiture?

T08N R01W S36 T07N R01W S1

1987 NAPP

 **Place of Use**

 **Section Lines**

 **1/41/4**

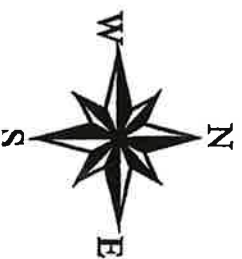
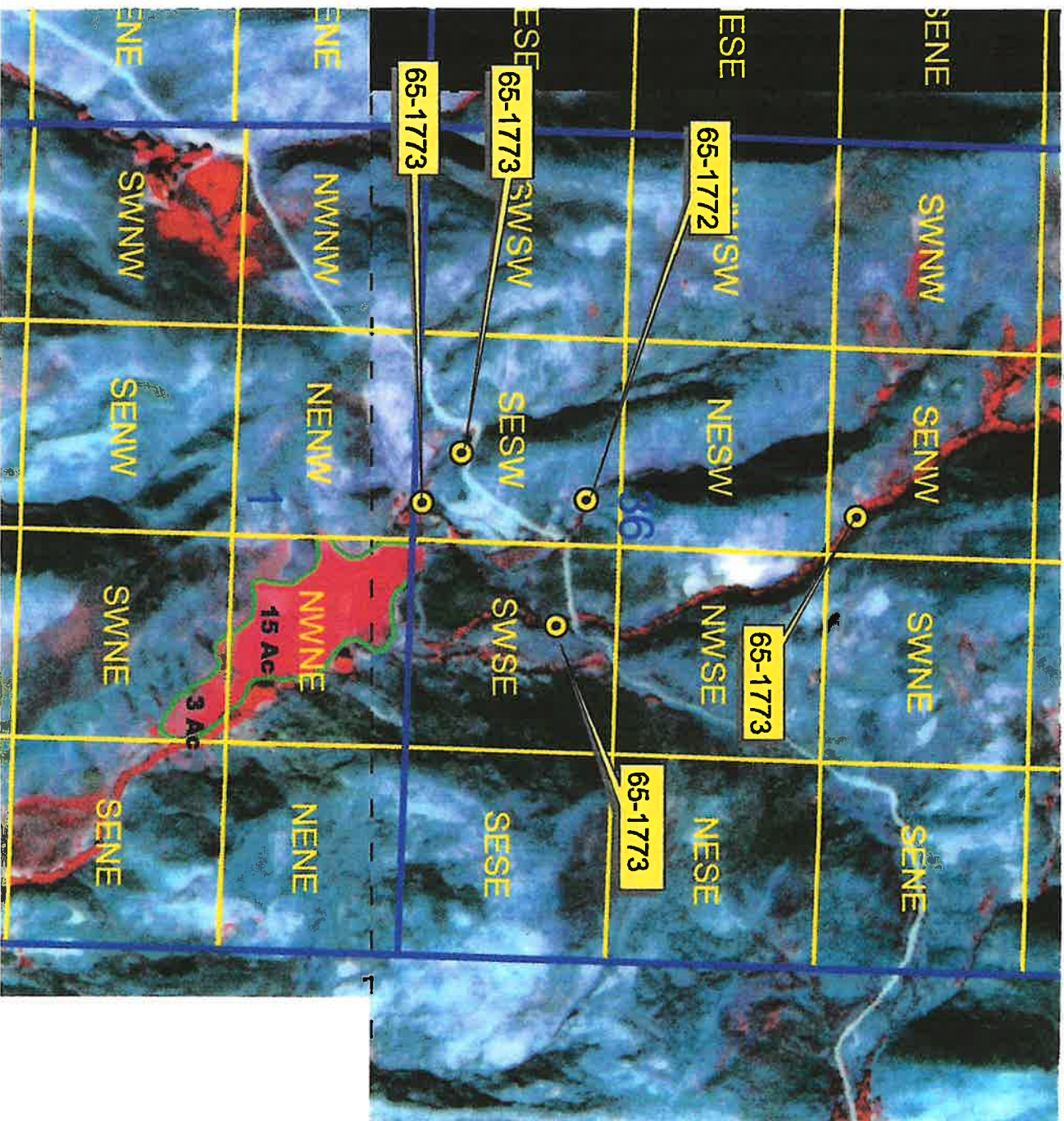
Claim Nos: 65-1772 & 1773

Owners: Klingback

Prepared by:

Jan Shurte

Date: 10-30-02



Copy
(orig. signed)

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

In Re SRBA	)	Subcase No. 65-1772
	)	
Case No. 39576	)	
	)	STANDARD FORM 5
	)	
	)	STIPULATED ELEMENTS OF A
	)	WATER RIGHT

This form is used to report the stipulated elements of one water right acquired under state law and/or one federal reserved water right. Submission of this form will not automatically result in the issuance of a partial decree. The Presiding Judge or Special Master will conduct any hearing necessary to determine whether the facts, data, expert opinions and law support the issuance of a partial decree for the water right.

The parties agree that the Snake River Basin Adjudication Court has jurisdiction of the parties and subject matter to enter a partial decree for this water right; that they have been served with sufficient process, according to the law; and that they have appeared, prosecuted, and defended their positions with regard to this water right dispute.

The parties and IDWR agree and stipulate that the elements of this water right should be described per the attached. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

CLAIMANT/OBJECTOR:

Roger A & Kennie Lyn Klingback Trust

Roger A Klingback, Trustee

Date

IDWR Concurrence:

Jan Shurte Date
Water Rights Supervisor

Garrick L. Baxter Date
Deputy Attorney General
Attorney for IDWR

David Barber Date
Deputy Attorney General
Attorney for Dept of Lands

CERTIFICATE OF MAILING

I certify that on _____, 2002 I mailed the original and copies of this form, including all attachments, to the following persons by mailing the original and/or copies, postage prepaid and addressed as follows:

1. Original to:

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

2. Copies to:

United States Dept of Justice (courtesy copy)
Environment & Natural Resource Division
General Litigation Section
999 18th Street, Suite N 945
Denver, CO 80202
Attn: David W. Gehlert

Roger A & Kennie Lyn Klingback
7000 Spring Creek Rd
Emmett, ID 83617

David Barber
Deputy Attorney General
Idaho Dept of Lands
PO Box 83720
Boise, ID 83720-0050

IDWR Repository
P.O. Box 83720
Boise, ID 83720

Signature of person or attorney mailing the form

11/12/2002

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

RIGHT NUMBER: 65-1772

NAME AND ADDRESS: ROGER A AND KENNIE LYN KLINGBACK TRUST
7000 SPRING CREEK RD
EMMETT ID 83617

SOURCE: SPRING

TRIBUTARY: LONG HOLLOW CREEK

QUANTITY: 0.150 CFS
0.600 AFY

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW SHALL PROVIDE NO MORE THAN
0.03 CFS NOR 1.4 AFA FOR STOCKWATER. COMBINED RIGHT NOS.: 65-01661,
65-01662.

THE QUANTITY OF WATER UNDER THIS RIGHT FOR DOMESTIC AND STOCKWATER
USES SHALL NOT EXCEED 13,000 GALLONS PER DAY.

PRIORITY DATE: 02/18/1899

POINT OF DIVERSION:

T08N R01W S36 SESW Within GEM County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	3/15 11/15	0.100 CFS 1.40 AFY
DOMESTIC	1/01 12/31	0.020 CFS 0.60 AFY
STOCKWATER	1/01 12/31	0.030 CFS 1.40 AFY

PLACE OF USE: IRRIGATION Within GEM County

T07N R01W S01 Lot 2 NWNE 10.0

DOMESTIC Within GEM County

T08N R01W S36 SESW

STOCKWATER Within GEM County

T07N R01W S01 Lot 2 NWNE

T08N R01W S36

SESW

10 ACRES TOTAL

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

This partial decree is subject to such general provisions necessary for
the definition of the rights or for the efficient administration of the water
rights as may be ultimately determined by the Court at a point in time no
later than the entry of a final unified decree. Section 42-1412(6), Idaho
Code.

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR
DOMESTIC USE AND STOCKWATER USE IS NOT A DETERMINATION OF
HISTORICAL BENEFICIAL USE.

Stockwater use is for 100 range cattle.

Copy
(orig. mailed)

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

In Re SRBA) Subcase 65-1772
) (Insert water right number)
)
Case 39576) STANDARD FORM 4
)
) MOTION TO FILE:
) ☐ LATE NOTICE OF CLAIM
_____) ☒ AMENDED NOTICE OF CLAIM

INSTRUCTIONS

This form is used to file a late Notice of Claim or an amendment to a Notice of Claim in a reporting area where the Director's Report has been filed. Forms may be obtained from the SRBA Court, the Idaho Department of Water Resources (IDWR), or you may copy or reproduce this blank form. If you copy or reproduce this form, please copy on both sides with the even-number pages upside down.

The water right number for your late or amended claim must be indicated above in the blank space following "Subcase." You must use a separate form for each late or amended Notice of Claim.

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

By filing a *Motion to File a Late Notice of Claim* or a *Motion to File an Amended Notice of Claim*, you certify that it is well-grounded in fact; is warranted by existing law or a good-faith argument for the extension, modification or reversal of existing law; and is not filed for any improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation.

☐ I have read SRBA Administrative Order 1, Rules of Procedure (amended Sept. 30, 1996).

My name is _____

My address is _____

My phone number is: _____ Work _____ Home _____

I am an attorney representing _____

My name is _____

My address is _____

My phone number is _____

MOTION TO FILE A LATE NOTICE OF CLAIM

A Motion to File a Late Notice of Claim will require a hearing before the Presiding Judge.

☐ I did not file a Notice of claim to the use of water in the SRBA because:

☐ I filed a Notice of Claim and elected to defer judicial proceedings on my domestic or stock watering use. I desire to reinstate my Notice of Claim for domestic or stock watering use.

☐ I am providing legal and factual documentation for my claimed use of water. You must describe these documents and attach a readable copy. (You do not need to fill this out if you are reinstating a Notice of Claim for domestic or stock watering use, but you must attach a copy of your Notice of Claim.)

I have attached:

- ☐ A fully completed Notice of Claim (available from IDWR).
- ☐ A claim filing fee for a domestic and stock watering use. IDWR may charge this fee pursuant to I.C. § 42-1414. To determine this amount, contact IDWR at (800) 451-4129. I have enclosed a check payable to: State of Idaho Department of Water Resources in the amount of \$ _____.
- ☐ A claim filing fee and a late claim fee for those claims other than a domestic or stock watering use for which a notice of claim was not filed. To determine this amount, contact IDWR at (800) 451-4129. I have enclosed a check payable to: State of Idaho Department of Water Resources in the amount of \$ _____.

Follow these instructions regarding the hearing on this motion.

1. Contact the Clerk of the SRBA Court (208-736-3011) to request a hearing date and time.
2. Fill in the following information:

This motion will be heard on _____
(Insert Date and Time)

at the SRBA courthouse, 253 Third Avenue North, Twin Falls, Idaho.

MOTION TO FILE AN AMENDED NOTICE OF CLAIM

A Motion to File an Amended Notice of Claim may require a hearing before the Presiding Judge or Special Master or may be granted by leave of the court or by written consent of the parties and the Idaho Department of Water Resources. Leave to amend a claim shall be freely given when justice so requires.

☒ I must amend my Notice of Claim to the use of water in the SRBA because:

THE LEGAL DESCRIPTION IS IN THE INCORRECT
SECTION & TWP. IT IS EXACTLY 1 MILE SOUTH
AS IT ALWAYS HAS BEEN IN SEC. 1, TWP. 7N.
THIS LAND HAS BEEN HISTORICALLY IRRIGATED
SINCE 1899.

☒ I am providing legal and factual documentation to support my amended Notice of Claim. You must describe these documents and attach a readable copy.

Copy of 1987 Aerial Photo

I have attached:

☐ An amended Notice of Claim (available from IDWR).

☐ Payment of the following additional fees required by IDWR:

VERIFICATION (Must be completed)

State of IDAHO

County of ADA GEM

ROGER A. KINGBACK, being first duly sworn, upon oath, deposes and says:
(Insert name of person filing form)

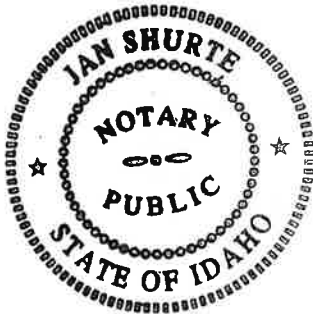
That I am the party/claimant filing this motion for late or amended claim (as listed on Page 2) as defined by I.C. §§ 42-1401A(1) and (7) or that I am the attorney for the party/claimant filing this motion for late or amended claim and that I have read this motion, know its contents, and believe that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

[Signature]
Signature of person filing motion

TRUSTEE
ROGER A. & KENNIE LYNN KINGBACK TRUST

Attorney signing in representative capacity

Subscribed and sworn to before me on Nov. 12, 2002
(Insert Date)



[Signature]
Notary Public for IDAHO
Residing at: Melvidale ID
My Commission expires: 9-14-2006

INSTRUCTIONS FOR MAILING

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

CERTIFICATE OF MAILING

I certify that on _____, 199____, I mailed the original and copies of this form, including all attachments, to the following persons by mailing the original and/or copies, postage prepaid and addressed as follows:

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

2. Copies to:

IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

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

United States Department of Justice
Environment and Natural Resource Division
550 West Fort Street, MSC 033
Boise, ID 83724

3. If you are filing an amended Notice of Claim in a subcase being heard before the Presiding Judge or a Special Master, you must serve a copy on all parties to that subcase.
(Insert Names/address of parties)

Signature of person or attorney mailing the form

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

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number 65-1772
Date Received: 1/9/1990
Receipt No: X999999
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

ROGER A AND KENNIE LYN KLINGBACK TRUST Phone: (208) 365-4725

7000 SPRING CREEK RD
EMMETT ID USA 83617

2. Date of Priority: 02/18/1899

3. Source: SPRING Trib. to: LONG HOLLOW CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
08N	01W	36	SE SW	GEM	

5. Description of diverting works:

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	3/15	11/15	0.1	1.4
STOCKWATER	1/01	12/31	0.03	1.4
DOMESTIC	1/01	12/31	0.02	0.6

7. Total Quantity Appropriated is:
0.15 C.F.S. and/or 0.6 A.F.A.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
07N	01W	1	NW	NE	STOCKWATER	
			NW	NE	IRRIGATION	10
					Section Acres	10
08N	01W	36	SE	SW	STOCKWATER	
			SE	SW	DOMESTIC	
					Total Acres	10

11. Place of use in counties: GEM

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

13. Other Water Rights Used:

14. Remarks:

15. Basis of Claim: Decreed

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Organizations:

I do solemnly swear or affirm that I am TRUSTEE of _____ Title

ROGER A & KENNIE LYNN KINGBACK that I have signed the foregoing

Organization TRUST " of _____ document in the space below as _____ Title

and that the statements contained in the _____ Organization foregoing document are true and correct.

Signature of Authorized Agent

TRUSTEE, ROGER A & KENNIE LYNN Title and Organization

KINGBACK TRUST

11-12-02

Date

State of Idaho)

County of ADA)

SS.

Subscribed and sworn (or affirmed) before me this

of Nov. 20 02

12TH DAY

Ian Shurte

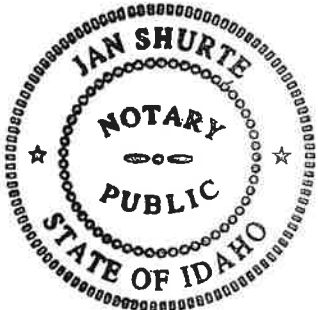
Notary Public

Residing at

Mendon ID

My commission Expires

9-14-2006



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

RECEIVED

JUN 27 2002

WATER RESOURCES
WESTERN REGION

RECEIVED

JUN 7 2 2002

WATER RESOUR:
WESTERN REG:

Please print or type. Attach pages with additional information. Instructions are included at the end of this form.
 Incomplete forms will be returned.

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided (under the "split" heading), if the change in ownership is limited to a portion of a water right in which case division of the existing water right or adjudication claim record will be required.

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
65-1770	65-1772	—			—
65-1771	65-1773	—			—
65-1480	and others	—			—
65-1484		—			—
65-1661		—			—
65-1662		—			—

2. The following **REQUIRED** information must be submitted with this form:

- A. The appropriate **FILING FEE**. See instructions for fee amounts.
- B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.
- C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
PLAT OF PROPERTY or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).

OR

If your water right(s) and/or adjudication claim(s) is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY** or **SURVEY MAP**.

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

Beatrice + Eldon Klingback

4. New Owner/Claimant(s)

* Roger + Kennie Lyn Klingback

Name Connector (Check one): ☐ and, ☒ or, ☐ and/or

New Mailing Address

7000 Spring Creek Rd

City, State and ZIP Code

Emmett, ID 83617

New Telephone Number

808 365-4725

5. Date you acquired the property

1990

* The Roger A. and Kennie Lyn Klingback Trust

6. **If the change in ownership affects the entire water right for each water right or adjudication claim number listed in item 1, THEN SKIP THIS ITEM AND GO TO ITEM 7.** If the change in ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (one water right per box, you may copy this page as necessary). If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

7. Signature of New Owner(s) or Claimant(s)
(include title if applicable)

[Signature]
[Signature]

For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him/her for all matters related to your claims.

For Office Use Only
 Received by WESTERN REC. DIV. Date 6-27-02 Fee _____
 Receipted by _____ Date _____ Receipt No. _____
 Processed by _____ AJ Date _____ WR _____ Date _____

WARRANTY DEED

GRANTOR, ELDON W. KLINGBACK, a married man dealing with his sole and separate property, of Emmett, County of Gem, State of Idaho, for a good and valuable consideration, the receipt of which is hereby acknowledged, do hereby grant, bargain, sell and convey unto ROGER A. KLINGBACK and KENNIE LYNN KLINGBACK, husband and wife, whose current address is 7000 Spring Creek Road, Emmett, County of Gem, State of Idaho, as GRANTEE, and to Grantee's heirs and assigns forever, an undivided one-third (1/3) interest in the following described real estate located in Gem County, Idaho:

Lots 1, 2 and 3 , and the S $\frac{1}{4}$ of the NE $\frac{1}{4}$, and the NE $\frac{1}{4}$ of the SE $\frac{1}{4}$, all in Section 1, Township 7 North, Range 1 W. B. M.

All the NW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of said Section 1, except the following described portion thereof, containing 10 acres, more or less, to-wit:

Beginning at the SW corner of said NW $\frac{1}{4}$ of the SE $\frac{1}{4}$; thence east on the $\frac{1}{4}$ $\frac{1}{4}$ section line 455 feet; thence northeasterly 572 feet to a ridge; thence in a northwesterly direction along the top of said ridge 945 feet to the NW corner of said NW $\frac{1}{4}$ of the SE $\frac{1}{4}$; thence south on the $\frac{1}{4}$ section line 1320 feet, more or less, to said point of beginning.

ALSO: the SE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 36, Township 8 North, Range 1 W.B.M.

AND ALSO:

Lot 2 and the SW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 2, Township 7 North, Range 1 W.B.M.

The S $\frac{1}{4}$ of the SE $\frac{1}{4}$ and the NE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 35, Township 8 North, Range 1 W.B.M.

Said tract of land including all water and ditch rights appurtenant to or used in connection with the properties conveyed hereby.

Said tract of land subject to rights of way or easements of record or in use.

TOGETHER with all improvements and appurtenances thereto.

Subject to such rights of way, easements, covenants, restrictions and zoning regulations as appear of record or by use upon the premises.

Grantor, for itself, its heirs and assigns does hereby covenant, warrant and shall defend the quiet and peaceable possession of said premises by the Grantee, its heirs and assigns forever against the lawful claims of all persons.

In construing this deed and where the context so requires, the singular includes the plural and the masculine, feminine and the neuter.

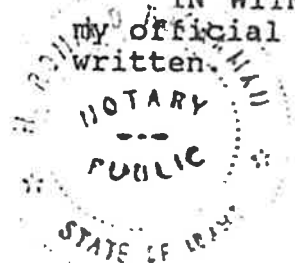
IN WITNESS WHEREOF, GRANTOR has hereunto subscribe its name to this instrument this 11 day of December, 1990.


ELDON W. KLINGBACK

STATE OF IDAHO)
) ss.
County of Gem)

On this 11 day of DECEMBER, 1990, before me, the undersigned, a Notary Public for Idaho, personally appeared ELDON W. KLINGBACK, a married man as his sole and separate property, known to me to be the person 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 Emmett, Idaho

167988

Cem County, IDAHO) ss.
Recorded at request of
H. Ronald Bjorkman
Time 2:45 PM
Date December 13, 1990
Instru. No. 167988
Recorded as a Deed

Thelma R. Kolodziej, Clerk
Ex-officio Recorder

By: 
Deputy

Fees \$ 6.00

WARRANTY DEED

GRANTOR, ELDON W. KLINGBACK, a married man dealing with his sole and separate property, of Emmett, County of Gem, State of Idaho, for a good and valuable consideration, the receipt of which is hereby acknowledged, do hereby grant, bargain, sell and convey unto ROGER A. KLINGBACK and KENNIE LYNN KLINGBACK, husband and wife, whose current address is 7000 Spring Creek Road, Emmett, County of Gem, State of Idaho, as GRANTEE, and to Grantee's heirs and assigns forever, an undivided one-third (1/3) interest in the following described real estate located in Gem County, Idaho:

Lots 1, 2 and 3 , and the S $\frac{1}{2}$ of the NE $\frac{1}{4}$, and the NE $\frac{1}{4}$ of the SE $\frac{1}{4}$, all in Section 1, Township 7 North, Range 1 W. B. M.

All the NW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of said Section 1, except the following described portion thereof, containing 10 acres, more or less, to-wit:

Beginning at the SW corner of said NW $\frac{1}{4}$ of the SE $\frac{1}{4}$; thence east on the $\frac{1}{4}$ $\frac{1}{4}$ section line 455 feet; thence northeasterly 572 feet to a ridge; thence in a northwesterly direction along the top of said ridge 945 feet to the NW corner of said NW $\frac{1}{4}$ of the SE $\frac{1}{4}$; thence south on the $\frac{1}{4}$ section line 1320 feet, more or less, to said point of beginning.

ALSO: the SE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 36, Township 8 North, Range 1 W.B.M.

AND ALSO:

Lot 2 and the SW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 2, Township 7 North, Range 1 W.B.M.

The S $\frac{1}{2}$ of the SE $\frac{1}{4}$ and the NE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 35, Township 8 North, Range 1 W.B.M.

Said tract of land including all water and ditch rights appurtenant to or used in connection with the properties conveyed hereby.

Said tract of land subject to rights of way or easements of record or in use.

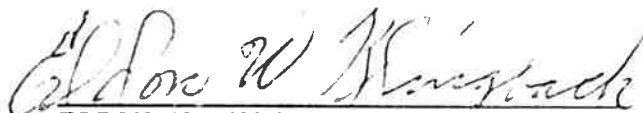
TOGETHER with all improvements and appurtenances thereto.

Subject to such rights of way, easements, covenants, restrictions and zoning regulations as appear of record or by use upon the premises.

Grantor, for itself, its heirs and assigns does hereby covenant, warrant and shall defend the quiet and peaceable possession of said premises by the Grantee, its heirs and assigns forever against the lawful claims of all persons.

In construing this deed and where the context so requires, the singular includes the plural and the masculine, feminine and the neuter.

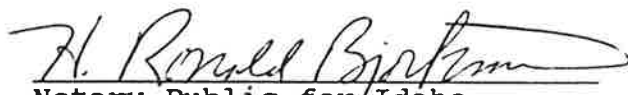
IN WITNESS WHEREOF, GRANTOR has hereunto subscribe its name to this instrument this 10 day of January, 1991.


ELDON W. KLINGBACK

STATE OF IDAHO)
)
County of Gem) ss.

On this 10th day of January, 1991, before me, the undersigned, a Notary Public for Idaho, personally appeared ELDON Wy. KLINGBACK, a married man as his sole and separate property, known to me to be the person 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 Emmett, Idaho

168185

County of Idaho)
Notary Public
H. Ronald Bjorkman
2:47 PM
January 11, 1991
Book No. 168185
Recorded Deed
Clerk
Deputy
\$ 6.00

WARRANTY DEED

GRANTOR, ELDON W. KLINGBACK, a married man dealing with his sole and separate property, of Emmett, County of Gem, State of Idaho, for a good and valuable consideration, the receipt of which is hereby acknowledged, do hereby grant, bargain, sell and convey unto ROGER A. KLINGBACK and KENNIE LYNN KLINGBACK, husband and wife, whose current address is 7000 Spring Creek Road, Emmett, County of Gem, State of Idaho, as GRANTEE, and to Grantee's heirs and assigns forever, an undivided one-third (1/3) interest in the following described real estate located in Gem County, Idaho:

Lots 1, 2 and 3 , and the S $\frac{1}{2}$ of the NE $\frac{1}{4}$, and the NE $\frac{1}{4}$ of the SE $\frac{1}{4}$, all in Section 1, Township 7 North, Range 1 W. B. M.

All the NW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of said Section 1, except the following described portion thereof, containing 10 acres, more or less, to-wit:

Beginning at the SW corner of said NW $\frac{1}{4}$ of the SE $\frac{1}{4}$; thence east on the $\frac{1}{4}$ $\frac{1}{4}$ section line 455 feet; thence northeasterly 572 feet to a ridge; thence in a northwesterly direction along the top of said ridge 945 feet to the NW corner of said NW $\frac{1}{4}$ of the SE $\frac{1}{4}$; thence south on the $\frac{1}{4}$ section line 1320 feet, more or less, to said point of beginning.

ALSO: the SE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 36, Township 8 North, Range 1 W.B.M.

AND ALSO:

Lot 2 and the SW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 2, Township 7 North, Range 1 W.B.M.

The S $\frac{1}{2}$ of the SE $\frac{1}{4}$ and the NE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 35, Township 8 North, Range 1 W.B.M.

Said tract of land including all water and ditch rights appurtenant to or used in connection with the properties conveyed hereby.

Said tract of land subject to rights of way or easements of record or in use.

TOGETHER with all improvements and appurtenances thereto.

Subject to such rights of way, easements, covenants, restrictions and zoning regulations as appear of record or by use upon the premises.

Grantor, for itself, its heirs and assigns does hereby covenant, warrant and shall defend the quiet and peaceable possession of said premises by the Grantee, its heirs and assigns forever against the lawful claims of all persons.

In construing this deed and where the context so requires, the singular includes the plural and the masculine, feminine and the neuter.

IN WITNESS WHEREOF, GRANTOR has hereunto subscribe its name to this instrument this 14 day of January, 1992.

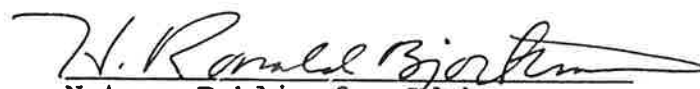

ELDON W. KLINGBACK

STATE OF IDAHO)
County of Gem) SS.

On this 14th day of January, 1992, before me, the undersigned, a Notary Public for Idaho, personally appeared ELTON WY. KLINGBACK, a married man as his sole and separate property, known to me to be the person 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 Emmett, Idaho

Emmett (Idaho) ss.
H. Ronald Bjorkman
January 15, 1992
12:36 PM
Recorded as a Deed
Book No. 171194
Page No. 6.00
Deputy
Clerk
H. Kolodziej
Deputy Recorder

171194

RECEIVED
JUN 7 2 2002
HUMAN RESOURCES
CERM REGION

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 65-1772 V1

WATER RIGHT NUMBER: 65-1772 V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	BEATRICE KLINGBACK 7000 SPRING CREEK RD EMMETT, ID 83617 (208)365-6878
Current Owner	ELDON KLINGBACK 7000 SPRING CREEK RD EMMETT, ID 83617 (208)365-4725

Priority Date: 02/18/1899

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
SPRING	LONG HOLLOW CREEK

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	3/15 to 11/15	0.100 CFS	1.40 AF
DOMESTIC	1/01 to 12/31	0.020 CFS	0.60 AF
STOCKWATER	1/01 to 12/31	0.030 CFS	1.40 AF
	<u>Total Diversion:</u>	0.150 CFS	0.60 AF

Location of Point(s) of Diversion

SPRING SE1/4SW1/4 *OK* Sec. 36, Twp 08N, Rge 01W, B.M.
GEM County

Place of UseIRRIGATION Within GEM County

7N1W S1 T08N R01W S36 NWNE 10.0

Total Acres: 10

DOMESTIC Within GEM County

7N1W S1 T08N R01W S36 SWSE

8N 1W S36 *OK*
STOCKWATER same as DOMESTICConditions of Approval:

1. C18 THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.
2. N09 THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR DOMESTIC USE AND STOCKWATER USE IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.
3. N14 THE QUANTITY OF WATER UNDER THIS RIGHT FOR DOMESTIC AND STOCKWATER USES SHALL NOT EXCEED 13,000 GALLONS PER DAY.

4. X02 Stockwater use is for 100 range cattle.

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 65-1772 V1

10/31/2002

Remarks:

1. Quantity

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW SHALL PROVIDE NO MORE THAN
0.03 CFS NOR 1.4 AFA FOR STOCKWATER. COMBINED RIGHT NOS.: 65-01661, 65-01662.

Comments:

Dates and Other Information:

Decreed Date:
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
Defendant:
Plaintiff:
Civil Case Number:
Judicial District:
Notice of Error Flag:
State or Federal: S
Owner Name Connector: OR
Water District Number: 65
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

*1661 is in ~~the~~ 535?
1662 is in 52?*

SubCase:

SubCase Number: 65-1772
Class: 1
SF5 Filed Date:
Special Master Recom Signed Date:
Attorney Assigned:
Adjudication Agent:
Basis of Claim:
Date Filed: 1/16/2002 Objection Status: Active

Orig. Rt.

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report 65-1772

WATER RIGHT NUMBER: 65-1772

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	BEATRICE KLINGBACK 7000 SPRING CREEK RD EMMETT, ID 83617
Current Owner	ELDON KLINGBACK 7000 SPRING CREEK RD EMMETT, ID 83617

Priority Date: 02/18/1899

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
SPRING	LONG HOLLOW CREEK

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
DOMESTIC	1/01 to 12/31	0.020 CFS	0.60 AF
IRRIGATION	3/15 to 11/15	0.100 CFS	1.40 AF
STOCKWATER	1/01 to 12/31	0.030 CFS	1.40 AF
<u>Total Diversion:</u>		0.150 CFS	0.60 AF

Location of Point(s) of Diversion

SPRING	SE1/4SW1/4	Sec. 36, Twp 08N, Rge 01W, B.M.
GEM County		

Place of Use

DOMESTIC

Twp Rge Sec	NE	NW	SW	SE	Totals
08N 01W 36	NE NW SW SE	NE NW SW SE	NE NW SW SE	NE NW SW SE	10.0

IRRIGATION

Twp Rge Sec	NE	NW	SW	SE	Totals
08N 01W 36	NE NW SW SE	NE NW SW SE	NE NW SW SE	NE NW SW SE	10.0

Total Acres: 10

STOCKWATER same as IRRIGATION

Conditions of Approval:

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report 65-1772

Remarks:

1. General THIS RIGHT WHEN COMBINED WITH RIGHTS 65-1661 & 65-1662 SHALL PROVIDE NO MORE THAN .03 CFS NOR 1.4 AFA FOR STOCKWATER.

Comments:

Dates and Other Information:

Licensed Date:
Decreed Date: 1/21/1986
Water Supply Bank Enrollment Accepted:
Water Supply Bank Enrollment Removed:
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
State or Federal:
Owner Name Connector:
Water District Number: 65
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Decree Defendant:
Decree Plaintiff:
Civil Case Number:
Judicial District:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

Idaho Department of Water Resources

KEINUS BACK'S MAP - RESPONSE TO
7-2-02 LETTER

Claim Number: 65-01772

Legal: T08N, R01W, S36

Reviewed By:

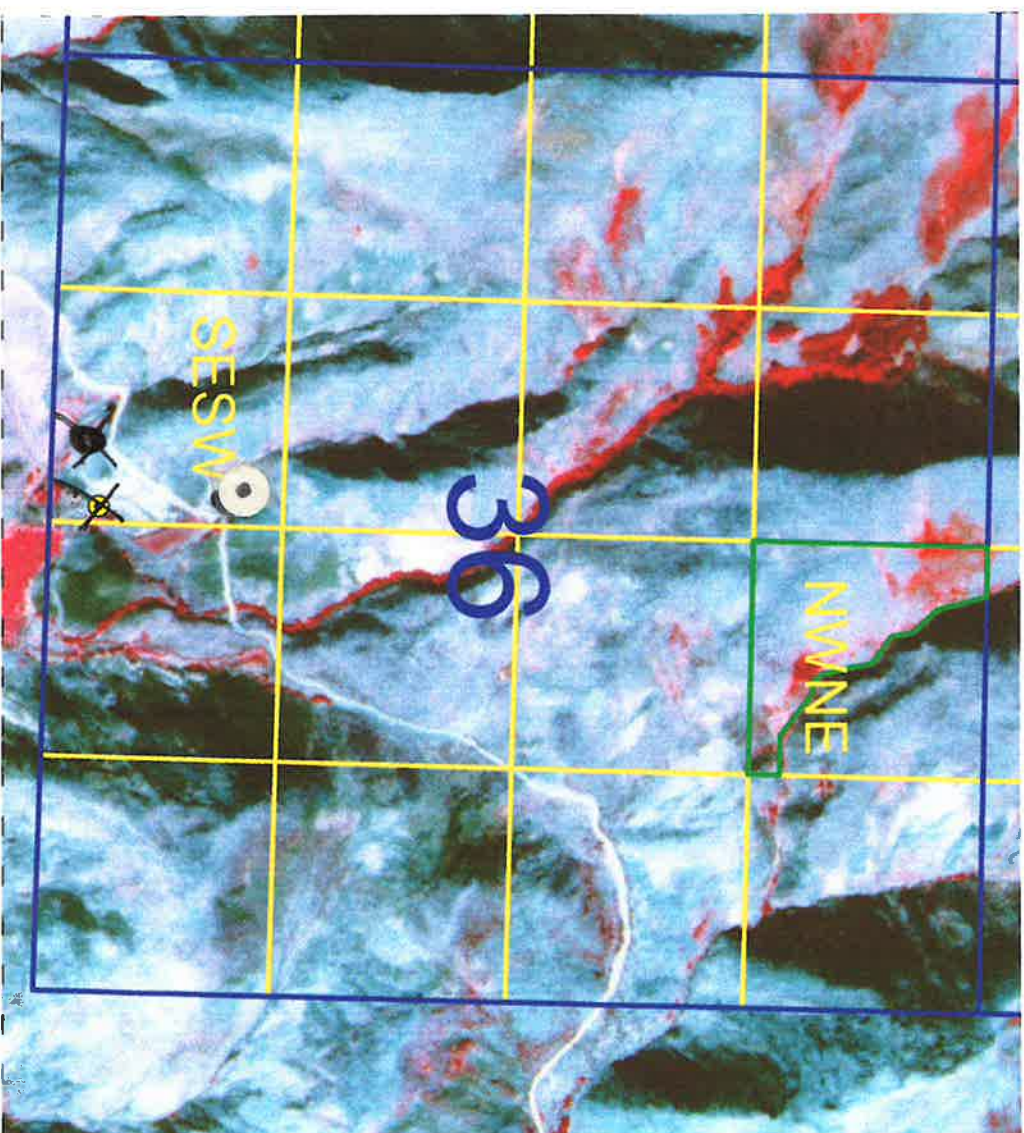
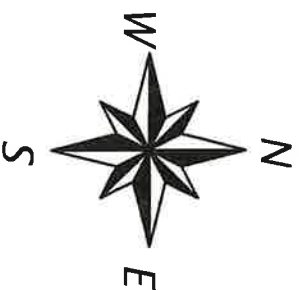
SUE BOCK

● Point of Diversion

Place of Use

Section Lines

Quarter Quarter Lines



1987 Napp Photo





State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

FAX (208) 334-2348

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

July 2, 2002

Roger A and Kennie Lyn Klingback Trust
7000 Spring Creek Rd
Emmett, ID 83617

Re: Water rights 65-1772, 65-1773

Dear Claimants:

I understand at the meeting in Emmett last week you indicated that the place of use and point of diversion shown on your water rights were not correct. Please indicate on the enclosed map the place of use and the point of diversions, and return the map to my attention. Once I have this information I should be able to make the necessary changes and we can proceed to settlement of this objection with the Department of Lands.

Let me know if you have any questions.

Sincerely,

A handwritten signature in cursive script, appearing to read 'Sue Bock'.

Sue Bock
Sr. Water Resource Agent
Western Region

enclosure: map

RECEIVED

FEB 14 2002

Department of Water Resources

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

In Re SRBA

)

A. Subcase No. 65-01772

RECEIVED

Case No. 39576

)

STANDARD FORM 2

FEB 19 2002

)

RESPONSE TO OBJECTION

WATER RESOURCES
WESTERN REGION

)

B. NAME AND ADDRESS OF PERSON RESPONDING:

Name: United States of America, acting through the USDA Forest Service
Address: 550 W. Fort St. MSC 033
Boise, ID 83724

Name and Address of Attorney:

Attorney Name: David L. Negri
Attorney Address: United States Department of Justice
Environment and Natural Resources Division
General Litigation Section
550 W. Fort St. MSC 033
Boise, ID 83724
Attorney Phone: (208) 331-5943

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

Name: Idaho Department of Lands
Address: 954 West Jefferson Street
P.O. Box 83720
Boise, ID 83720-0050

D. I am responding to the objection(s) to the following elements:

1. ☒ Name and Address
2. ☐ Source
3. ☐ Quantity
4. ☐ Priority Date
5. ☐ Point(s) of Diversion
6. ☐ Instream Flow Description
7. ☐ Purpose(s) of Use
8. ☐ Period of Year
9. ☐ Place of Use

11. Recommendation:

- ☐ This water right should not exist
- ☐ This water right was not recommended, but should be recommended with the elements described above.

VERIFICATION

State of Idaho)
) ss.
County of Ada)

MICHAEL COLLETTE, duly sworn, upon oath, deposes and says.

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


Michael Collette


David L. Negri
United States Department of Justice

Subscribed and sworn to before me on: February 12, 2001



(seal)


Gayla J. Gough
Notary Public for: Idaho
Residing at: Kuna, Idaho
My Commission Expires: 11-17-2004

CERTIFICATE OF MAILING

I certify that on February 12, 2002, I mailed the original and copies of this response, including all attachments, to the following persons:

1. Original by U.S. Mail to:

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

2. One copy by U.S. Mail to the claimant of the water right at the following address:

Eldon and Beatrice Klingback
7000 Spring Creek Road
Emmett, Idaho 83617

3. One copy by U.S. Mail to the party who filed the objection at the following address:

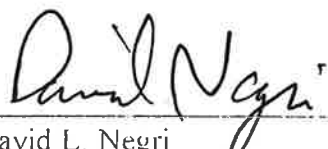
Steven J. Shuster
Deputy Attorney General
Idaho Department of Lands
954 West Jefferson Street
P.O. Box 83720
Boise, Idaho 83720-0050

4. Copies by U.S. Mail to:

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

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

United States Department of Justice
Environment & Natural Resources Division
550 West Fort Street, MSC 033
Boise, ID 83724



David L. Negri

RECEIVED

JAN 16 2002

Department of Water Resources

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

In Re SRBA
Case No. 39576

Subcase 65-1772

STANDARD FORM 1
OBJECTION

RECEIVED

JAN 18 2002

WATER RESOURCES
WESTERN REGION

NAME AND ADDRESS OF PERSON OBJECTING

Name: Idaho Department of Lands
Address: 954 West Jefferson Street
PO Box 83720
Boise, Idaho 83720-0050

Daytime Phone: (208) 334-0200

Name & Address of Attorney, if any:

Attorney Name:	ALAN G. LANCE Attorney General CLIVE J. STRONG Deputy Attorney General Chief, Natural Resources Division STEVEN J. SCHUSTER Deputy Attorney General Idaho Department of Lands
Attorney Address:	954 West Jefferson Street PO Box 83720 Boise, Idaho 83720-0050
Attorney Phone No.	(208) 334-0200 Idaho State Bar # 3453

CLAIMANT OF WATER RIGHT AS LISTED IN DIRECTOR'S REPORT

Name: Beatrice and Eldon Klingback
Address: 7000 Spring Creek Road
Emmett, Idaho 83617

I object to the following elements as recommended in the Director's Report.

1. ☒ **Name and Address**
Should be: Idaho Department of Lands
954 West Jefferson Street
PO Box 83720
Boise, Idaho 83720-0050
2. ☐ **Source**
Should be: As claimed
3. ☐ **Quantity**
Should be: As claimed
4. ☐ **Priority Date**
Should be: As claimed
5. ☐ **Point(s) of Diversion**
Should be: As claimed
6. ☐ **Instream Flow Description**
Should be: As claimed
7. ☐ **Purpose(s) of Use**
Should be: As claimed
8. ☐ **Period of Year**
Should be: As claimed
9. ☐ **Place of Use**
Should be: As claimed
10. **I object because:**
 - ☐ This water right should not exist.
 - ☒ This water right was not recommended, but should be recommended with the elements described above.

REASONS SUPPORTING OBJECTION(S):

The State of Idaho, through the Idaho Department of Lands, is the owner of a portion of the land upon which use is claimed. This land is State Public School endowment land. This land is more particularly described as the NW $\frac{1}{4}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 36, Township 8 North, Range 1 West, Boise Meridian. The claimant does not have a valid water right for use on the endowment land because a private claim cannot be made on such lands.

VERIFICATION

State of Idaho)
) ss.
County of Ada)

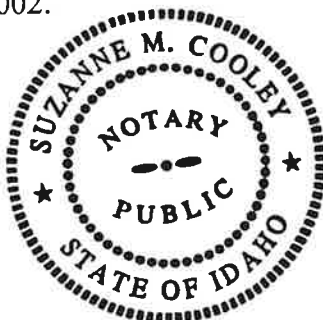
Steven J. Schuster, duly sworn, upon oath, deposes and says:

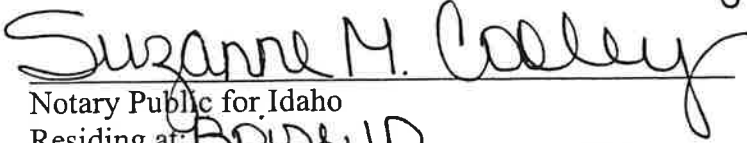
That the State of Idaho, Department of Lands, in its proprietary capacity is filing this objection and that I am a Deputy Attorney General authorized to represent the State of Idaho, Department of Lands which is a party/claimant in this proceeding as defined by I.C. § 42-1401A (1) and (6), and I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

ALAN G. LANCE
Attorney General
CLIVE J. STRONG
Deputy Attorney General
STEVEN J. SCHUSTER
Deputy Attorney General
Idaho Department of Lands


STEVEN J. SCHUSTER
Deputy Attorney General
Idaho Department of Lands

Subscribed and sworn to before me on this 15th day of January,
2002.




Notary Public for Idaho
Residing at: Boise ID
My Commission expires: 7-22-2002

CERTIFICATE OF MAILING

I certify that on this 15th day of January, 2002, I mailed the original and copies of this objection, including all attachments, to the following persons:

1. Original to:

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

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

Name: Beatrice and Eldon Klingback
Address: 7000 Spring Creek Road
Emmett, Idaho 83617

3. Copies to:

IDWR Document Depository
PO Box 83720
Boise, Idaho 83720-0098

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

United States Department of Justice
Environment and Natural Resource Division
550 West Fort Street, MSC 033
Boise, Idaho 83724


STEVEN J. SCHUSTER
Deputy Attorney General
Idaho Department of Lands

10/18/2000

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

RIGHT NUMBER: 65-1772

NAME AND ADDRESS: BEATRICE KLINGBACK
ELDON KLINGBACK
7000 SPRING CREEK RD
EMMETT, ID 83617

*Roger & Kennie Lynn Klingback
7000 Spring Creek Rd
Emmett, ID 83617*

SOURCE: SPRING TRIBUTARY: Long Hollow Creek

QUANTITY: 0.15 CFS
0.6 AFY

THE QUANTITY OF WATER UNDER THIS RIGHT FOR DOMESTIC AND STOCKWATER USES SHALL NOT EXCEED 13,000 GALLONS PER DAY.
USE OF THIS RIGHT WITH RIGHTS LISTED BELOW SHALL PROVIDE NO MORE THAN 0.03 CFS NOR 1.4 AFA FOR STOCKWATER. COMBINED RIGHT NOS.: 65-01661, 65-01662.

PRIORITY DATE: 02/18/1899

POINT OF DIVERSION: T08N R01W S36 SESW Within GEM County

PURPOSE AND PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
STOCKWATER	1-01 12-31	0.03 CFS 1.4 AFY
IRRIGATION	3-15 11-15	0.10 CFS 1.4 AFY
DOMESTIC 1 HOMES	1-01 12-31	0.02 CFS 0.6 AFY

PLACE OF USE:

DOMESTIC Within GEM County
T08N R01W S36 SWSE
IRRIGATION Within GEM County
T08N R01W S36 10
NWNE 10 ACRES TOTAL

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

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR DOMESTIC USE AND STOCKWATER USE IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.

Stockwater use is for 100 range cattle.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	ELDON KLINGBACK	02/18/1899	IRRIGATION	03-15 11-15	0.100 CFS	1.40 AFA
C	BEATRICE KLINGBACK		STOCKWATER	01-01 12-31	0.030 CFS	1.40 AFA
			POVERTIC	01-01 12-31	0.020 CFS	0.60 AFA

Water Source: SPRING

Tributary to: LONG HOLLOW CREEK

Stage: DECREED

Point(s) of Diversion:

T08N R01W S36

SESW

GEM County

Place of use Legal Description for: IRRIGATION

	NE				NW				SW				SE				
	NENE	NWNE	SUNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SSSW	SESW	NESE	NWSE	SSESE	SESE	
T	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	
R	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	
S	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	
08N 01W 36 :	10																TOTAL ACRES
	✓																
																	SUM
																	10.0
																	10.0

Place of use location for STOCKWATER is the same location as described for: IRRIGATION

Place of use Legal Description for: DOMESTIC

[illegible]

POU County: GEM

Other Rights: SEE ~~REMARKS~~

Remarks: GEN THIS RIGHT WHEN COMBINED WITH RIGHTS 65-1661 & 65-1662 SHALL

PROVIDE NO MORE THAN .03 CFS NOR 1.4 AFA FOR STOCKWATER.
OTHER WATER RIGHTS POSSIBLY OVERLAP A65-01661, A65-01662,
A65-01770, A65-01771, A65-01773.

Dates:

Exam Made Date:

Verified Date:

Objection Filed Date:

Misc: Water District Number: 03

Field Inspection Flag:
Presumption Flag:

02/09

DATE: 06/02/00
PAGE: 5

DIVERSION
VOLUME

1.40 AFA
1.40 AFA
0.60 AFA

0-60 AFA

GEM County

SE

10.0

U

Field Exam Fee:

DATE: 06/02/00
PAGE: 5

LAST: KLINGBACK FIRST: ELDON
ADDRESS: 7000 SPRING CREEK RD
CITY: EMMETT STATE: ID ZIP: 83617
PHONE NUMBER: 208-365-4725

OWNER CODE: C

LAST: KLINGBACK FIRST: BEATRICE
ADDRESS: 7000 SPRING CREEK RD
CITY: EMMETT STATE: ID ZIP: 83617
PHONE NUMBER: 208-365-6878

OWNER CODE: C

FIELD EXAM REQUIRED? DATABASE FIELD EXAMINER
VERIFICATION REQUIRED DUE TO REMARKS? Y () N ()

CLAIM REMARKS: GEN THIS RIGHT WHEN COMBINED WITH RIGHTS 65-1661 & 65-1662 SHALL
PROVIDE NO MORE THAN .03 CFS NOR 1.4 AFA FOR STOCKWATER.
OTHER WATER RIGHTS POSSIBLY OVERLAP=A65-01661, A65-01662,
A65-01770, A65-01771, A65-01773.

CONTACT PERSON: _____

PHONE NUMBER: (____) ____-____

DATE OF FIELD EXAM: ____/____/____

APPOINTMENT MADE: Y(____) N(____)

TIME: ____:____ A(____) P(____)

ACCOMPANIED BY: _____

PHONE NUMBER: (____) ____-____

RELATIONSHIP TO CLAIMANT: _____

DIRECTIONS TO PROPERTY / NOTES:

A. AJ CLAIM: # A65-01772 PRIORITY DATE: 02-18-1899 STAGE: D

B. WR RECORD: # 65-01772 PRIORITY DATE: 02-18-1899 STAGE: D

C. CAN THE PRIORITY DATE CLAIMED BE CONFIRMED BY A DECREE OR LICENSE?

Y(☒) N(☐)

D. HAS THERE BEEN A LATER COURT DECREE OF THE WATER RIGHT(S) FROM THIS WATER SOURCE?

Y(☐) N(☒)

E. IS THERE ANY INDICATION THAT THERE HAS BEEN A FIVE YEAR PERIOD OF CONTINUOUS NONUSE?
(IF YES, DESCRIBE BELOW)

Y(☐) N(☒)

F. IF THIS CLAIM IS BASED ON A PERMIT, WHERE IS THE PERMIT IN THE LICENSING PROCESS?

PROOF OF BENEFICIAL USE SUBMITTED

N/A(☒) Y(☐) N(☐)

FIELD EXAM COMPLETED

N/A(☒) Y(☐) N(☐)

FIELD EXAM SENT TO STATE OFFICE

N/A(☒) Y(☐) N(☐)

LICENSE ISSUED

N/A(☐) Y(☐) N(☐)

* IF THE PERMIT WILL NOT BE LICENSED PRIOR TO THE DIRECTOR'S REPORT,
USE CONDITION CODE A01 AND RECOMMEND AS PERMITTED.

G. IF THIS CLAIM IS BASED ON BENEFICIAL USE, IS ADDITIONAL EVIDENCE
OF THE PRIORITY DATE REQUIRED?

N/A(☒) Y(☐) N(☐)

* FOR CLAIMS BASED ON BENEFICIAL USE, DESCRIBE THE EVIDENCE OF PRIORITY SUBMITTED,
INCLUDING THE ANALYSIS OF THE EVIDENCE.

H. IS THE STAGE OF THE CLAIM CODED CORRECTLY?

Y(☒) N(☐)

NOTES:

RECOMMENDED PRIORITY DATE:

02-18-1899

REVIEWED BY



DATE

6-27-00

A. AJ CLAIM POINT OF DIVERSION AND SOURCE:

RIGHT	TWP. RGE.	SEC.	1/4	1/4	1/4	LOT	FLAG	COUNTY	DIVERSION NAME	DIVERSION NUMBER
A65-01772	08N	01W	36					SE	SW	GEM

OTHER AJ CLAIMS WITH SAME AJ POD
A PREFIX R PREFIX
NONE NONE

SOURCE: SPRING

TRIB: LONG HOLLOW CREEK

B. WR POINT OF DIVERSION AND SOURCE:

RIGHT	TWP. RGE.	SEC.	1/4	1/4	1/4	LOT	FLAG	COUNTY	DIVERSION NAME	DIVERSION NUMBER
65-01772	08N	01W	36					SE	SW	GEM

OTHER WR RECORDS WITH SAME WR POD
AJ CLAIMS IN SAME 40 ACRE TRACT
A PREFIX R PREFIX
NONE NONE

SOURCE: SPRING

TRIB: LONG HOLLOW CREEK

C. IS THE CLAIMED POD WITHIN THE SAME 40 ACRE TRACT THAT IS DESCRIBED IN THE WATER RIGHT FILE? N/A() Y() N()

* IF NO, AND IF THE CHANGE IS VERIFIED AS AN ACCOMPLISHED CHANGE IN POD, DESCRIBE THE INJURY ANALYSIS PERFORMED AND ENTER FLAG "C" WITH THE APPROPRIATE EXPLANATORY CODE.

D. CAN THE CLAIMED POD BE VERIFIED USING THE WATER RIGHT FILE OR GPS DATA? N/A() Y() N()

E. SHOULD THE CLAIMED POD BE VERIFIED BY FIELD EXAM? Y() N()

F. IS THE CLAIMED SOURCE THE SAME AS DESCRIBED IN THE WATER RIGHT FILE? N/A() Y() N()

* IF NO, AND IF THE CHANGE IS VERIFIED AS AN ACCOMPLISHED CHANGE IN SOURCE, DESCRIBE THE INJURY ANALYSIS PERFORMED AND ENTER FLAG "C" WITH THE APPROPRIATE EXPLANATORY CODE.

G. CAN THE CLAIMED SOURCE BE VERIFIED USING THE WATER RIGHT FILE? Y() N()

H. SHOULD THE CLAIMED SOURCE BE VERIFIED BY FIELD EXAM? Y() N()

I. HOW WAS THE POD AND SOURCE VERIFIED?

LICENSING FIELD EXAM (DATE OF FIELD EXAM) Y() N()

AJ FIELD EXAM (DATE OF FIELD EXAM) NAME OF EXAMINER Y() N()

OTHER (DESCRIBE IN NOTES BELOW)

NOTES:

RECOMMENDED POINT(S) OF DIVERSION AND SOURCE: CHECK HERE IF RECOMMENDED AS CLAIMED (_____)
R0D

TWP.	RGE.	SEC.	1/4	1/4	LOT	FLAG	COUNTY	DIVERSION NAME	DIVERSION NBR
08N	01W	36		SE	SW		GEM		

SOURCE: SPRING

TRIB: LONG HOLLOW CREEK

REVIEWED BY:

DATE:

SYSTEM DESCRIPTION: DESCRIBED BELOW (____), SEE LICENSE FILE (____), OR SEE ATTACHMENT (____)

A. ROOT WATER RIGHT NUMBERS: A65-01772

B. POU LISTING					AJ #/ACRES	WR #/ACRES	LANDSAT DATA	FIELD EXAM.	RECOMM. ACRES
TWP	RNG	SEC	1/4	1/4	LOT	NAME			
08N	01W	36	NW	NE		KLINGBACK, ELDON	A65-01772 / 10.0	65-01772 / 10.0	
			NW	NE		KLINGBACK, ELDON	A65-01773 / 25.0	65-01773 / 10.0	
08N	01W	36	SW	SE		KLINGBACK, ELDON	A65-01772 /	65-01772 /	
			SW	SE		HAW CREEK RANCH INC	65-13164 /		

ADDITIONAL POU FOUND

TOTAL ACRES A65-01772 10.00 10.00

POU COUNTY: GEM

C. IS WATER USAGE FOUND IN TRACTS OTHER THAN THOSE CLAIMED?

* IF YES, ARE THESE TRACTS LISTED ABOVE (), OR ARE THEY LISTED ON AN ATTACHED SHEET ()

Y () N (X)

LIST OF ALL RIGHTS WITH A SAME POU AND IRRIGATION USAGE

CLAIM NO.	SOURCE	NAME	DIV. RATE	DIV. RATE/ACRE	DIV. VOL.	DIV. VOL./ACRE
A65-01772	SPRING	KLINGBACK, ELDON	0.150	0.015	0.60	0.06
A65-01773	SPRINGS	KLINGBACK, ELDON	0.660	0.020		

NO RIGHTS WITH SAME POU BUT NOT USED FOR IRRIGATION

D. ARE OTHER WATER RIGHTS USED FOR THE SAME PURPOSE?

* IF YES, COMPLETE OVERLAP REVIEW:

Y (X) N ()

OTHER RIGHTS LISTED IN CLAIM: SEE REMARKS

- E. IS THE CLAIMED POU THE SAME AS DESCRIBED IN THE WATER RIGHT FILE? N/A() Y(☒) N()
- * IF NO, AND IF THE CHANGE IS VERIFIED AS AN ACCOMPLISHED CHANGE IN POU, DESCRIBE THE INJURY ANALYSIS PERFORMED AND ENTER FLAG "C" WITH THE APPROPRIATE EXPLANATORY CODE.
- F. CAN THE CLAIMED POU BE VERIFIED USING THE WATER RIGHT FILE AND AVAILABLE AERIAL PHOTOS? N/A() Y(☒) N()
- G. SHOULD THE CLAIMED POU BE VERIFIED BY FIELD EXAM? Y() N(☒)
- H. IS THERE ANY INDICATION THAT THERE HAS BEEN A FIVE YEAR PERIOD OF CONTINUOUS NONUSE OF THIS RIGHT, OR ANY PORTION OF THIS RIGHT? Y() N(☒)

DIV. VOL. FOR EACH USE

0.60 AF/A
1.40 AF/A
1.40 AF/A

0.60 AF/A

DIV. VOL. FOR EACH USE

0.60 AF/A
1.40 AF/A
1.40 AF/A

0.60 AF/A

Y() N()
N/A() Y() N()

$$Y(\underline{\quad}) N(\underline{\quad})$$
$$Y(\text{---}) \quad N(\text{---})$$
$$Y(\underline{\quad}) \quad N(\underline{\quad})$$

H. IS THE CLAIMED DIVERSION RATE FOR EACH USE THE SAME AS DESCRIBED IN THE WATER RIGHT FILE? N/A() Y() N()

1. SHOULD THE CLAIMED DIVERSION RATE FOR EACH USE BE VERIFIED BY FIELD EXAM? N/A() Y() N()

* IF NO, DESCRIBE IN NOTES BELOW HOW THE RECOMMENDED DIVERSION VOLUME FOR EACH USE WAS DETERMINED.

K. SHOULD THE CLAIMED DIVERSION VOLUME FOR EACH USE BE VERIFIED BY FIELD EXAM? N/A() Y() N()

NOTES: _____

AJ CLAIM TOTAL DIVERSION RATE: 0.150 CFS
WR ROOT RIGHT TOTAL DIVERSION RATE: 0.150 CFS

A. IS THE CLAIMED TOTAL DIVERSION RATE THE SAME AS DESCRIBED IN THE WATER RIGHT FILE?

N/A () Y (X) N ()

B. CAN THE CLAIMED TOTAL DIVERSION RATE BE VERIFIED USING THE WATER RIGHT FILE?

N/A () Y (X) N ()

* ALL CLAIMS BASED ON BENEFICIAL USE (INCLUDING POSTED NOTICES AND STATUTORY CLAIMS) REQUIRE A FLOW MEASUREMENT.

C. IS THERE ANY INDICATION THAT THERE HAS BEEN A FIVE YEAR PERIOD OF CONTINUOUS NONUSE OF THIS RIGHT, OR ANY PORTION OF THE DIVERSION RATE?

Y () N (X)

* IF AN AMOUNT SMALLER THAN THE ORIGINAL DIVERSION RATE IS CLAIMED AND A FIELD EXAM IS NOT REQUIRED, EXPLAIN IN NOTES.

D. SHOULD THE CLAIMED DIVERSION RATE BE VERIFIED BY FIELD EXAM?

Y () N (X)

E. FLOW MEASUREMENT

MEASUREMENT METHOD _____, SEE ATTACHED CALCULATIONS.

F. RATE/VOLUME CALCULATIONS: (IRRIGATION)

1a. IRRIGATION RATE
ACRES 10 x 0.02 CFS/ACRE = 0.20 CFS
(Taken from pou review)

1b. CALCULATIONS

IS A DIVERSION RATE PER ACRE GREATER THAN 0.02 CFS/ACRE CLAIMED? Y () N (X)

IF YES, IS AN ADDITIONAL WATER USE FORM FILED AND ATTACHED? Y () N ()

2. IRRIGATION DIVERSION VOLUME

CLAIMED DIVERSION VOLUME = 0.60 AF/A

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

TOTAL DIVERSION VOLUME _____ AF/A

3. IRRIGATION CONSUMPTIVE USE

CLAIMED CONSUMPTIVE USE = _____ AF/A

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

TOTAL CONSUMPTIVE USE _____ AF/A

4. CALCULATIONS FOR USES OTHER THAN IRRIGATION: SEE BELOW () OR SEE ATTACHMENT ()

NOTES:

James J. O'Connell

MR RECORD CONDITIONS/REMARKS:

RECOMMENDATIONS: CHECK HERE IF RECOMMENDED AS CLAIMED (X)

PURPOSE OF USE	REC. PERIOD		REC. DIV RATE CFS	REC. DIV VOL. AF/A	REC. CONS. USE
	FROM	TO			
DOMESTIC	01-01	12-31	DATABASE EXAMINER	DATABASE EXAMINER	DATABASE EXAMINER
STOCKWATER	01-01	12-31	0.020	0.60	0.0
IRRIGATION	03-15	11-15	0.030	1.40	0.0
			0.100	1.40	0.0
TOTAL FOR THIS RIGHT			0.150	0.60	0.0

NON-IRRIGATION USES CLAIMED:

NON-IRRIGATION USES RECOMMENDED: CHECK HERE IF RECOMMENDED AS CLAIMED ()

REVIEWED BY: _____ DATE: _____

FLAG: _____

STANDARD CONDITIONS (CODE): _____

STANDARD REMARKS (CODE):

QNT, EXP, NQA, NID

EXPLANATORY CONDITIONS (CODE):

EXPLANATORY REMARKS (CODE):

A. CHECK ONLY THE FOLLOWING THAT APPLY:

OWNERSHIP _____
FORFEIT/ABANDON _____
ADDITIONAL DIV. AMOUNT _____

ACCEPTED
AS CLAIMED
(X)
()
()
()

NEEDS
REVIEW
()
()
()
()

B. SPLIT WATER RIGHT REVIEW

ROOT WATER RIGHT NUMBER: 65-01772

TOTAL DIVERSION RATE OF WR SPLITS

0.150

EXAMINER

CFS

SPLITS:

OLD RIGHT
NUMBERS

CURRENT
CLAIM NUMBERS

DIVERSION
RATE

CURRENT "R"
CLAIM NUM.

"R" DIV.
RATE

WR RIGHT
NUMBERS

DIVERSION
RATE

-

A65-01772

-

65-01772

0.150

TOTAL CFS

0.150

0.150

DIVERSION RATE REVIEW

DO THE SUM CFS RATE OF THE SPLITS EQUAL THE ROOT RIGHT CFS RATE? (Y/N)
IF NO, IS THE WRITTEN REVIEW DESCRIBED BELOW () OR SEE ATTACHMENT ()?

DIVERSION
RATE
DATABASE
Y
FIELD
EXAMINER
Y() N()

NOTES:

AUTHENTICATION:
SIGNATURE: [Signature]

DATE: 6/27/00

NAME OF FIELD EXAMINER: _____

TITLE: _____

MAPS AND AERIAL PHOTOGRAPHS USED TO REVIEW THIS NOTICE OF CLAIM TO A WATER RIGHT

TYPE OF MAP OR PHOTOGRAPH (CHECK IF USED)

IF USED, SUPPLY APPROPRIATE DATE AND OTHER INFORMATION

COPY INCLUDED
IN FILE?

☐ ORTHOPHOTOQUAD	DATE OF PHOTO	IDWR ID NO.	Y() N()
☐ TOPOGRAPHIC	DATE FIELD CHECKED	IDWR ID NO.	Y() N()
☐ NAPP	DATE OF PHOTO	IDWR ID NO.	Y() N()
☐ ASCS AERIAL PHOTO	DATE OF PHOTO		Y() N()
☐ ASCS COLOR SLIDE	DATE OF PHOTO		Y() N()
☐ BLM OR USFS AERIAL PHOTO	DATE OF PHOTO		Y() N()
☐ TOWNSHIP SURVEY (GOVERNMENT PLAT)	DATE OF SURVEY		Y() N()
☐ SCS SOIL SURVEY MAP	DATE ISSUED		Y() N()
☐ SUBDIVISION PLAT MAP	DATE OF MAP		Y() N()
☒ OTHER <u>615 map</u>	DATE	<u>12-27-80</u>	Y() N()
☐ OTHER	DATE		Y() N()
☐ OTHER	DATE		Y() N()

LIST OF ATTACHMENTS (CHECK IF ATTACHED)

IF ATTACHED, SUPPLY APPROPRIATE INFORMATION

NO. OF
PAGES

NOTES

☐ LICENSING FIELD EXAM	DATE OF FIELD EXAM		
☐ WATER RIGHT LICENSE	DATE LICENSE SIGNED		
☐ IDWR APPROVED TRANSFER	DATE TRANSFER APPROVED		
☐ SYSTEM DESCRIPTION	DATE DRAIN		
☐ PHOTOGRAPHS	DATE(S) PHOTOS TAKEN		
☐ SPLIT RIGHT REVIEW	DATE REVIEW COMPLETED		
☐ HUBBLE ANALYSIS	DATE ANALYSIS COMPLETED		
☐ CONVEYANCE LOSS ANALYSIS	DATE ANALYSIS COMPLETED		
☐ FLOW MEASUREMENT CALCULATIONS	DATE SYSTEM MEASURED		
☐ OTHER	DATE		
☐ OTHER	DATE		

MR ELEMENT	DATA DISCREPANCY Y/N	CORRESPONDENCE SENT/RECEIVED BY WHOM/DATE	FIELD EXAM BY WHOM/DATE	CHANGE CLAIM Y/N	ELEMENT DOCUMENTED WHOM/DATE	COMPLETED REVIEW WHOM/DATE	COMPLETED DATA ENTRY WHOM/DATE	VERIFIED DATE WHOM/DATE
PRIORITY DATE								
POINT OF DIV								
SOURCE								
PLACE OF USE	Y							
DIV. AMOUNT CFS/VOLUME								
CONSUMPTIVE USE	-							
PURPOSES OF USE								
PERIOD OF USE								
BASIS OF CLAIM								
REMARKS	Y							

BARCODE UPDATED
WHOM/DATE

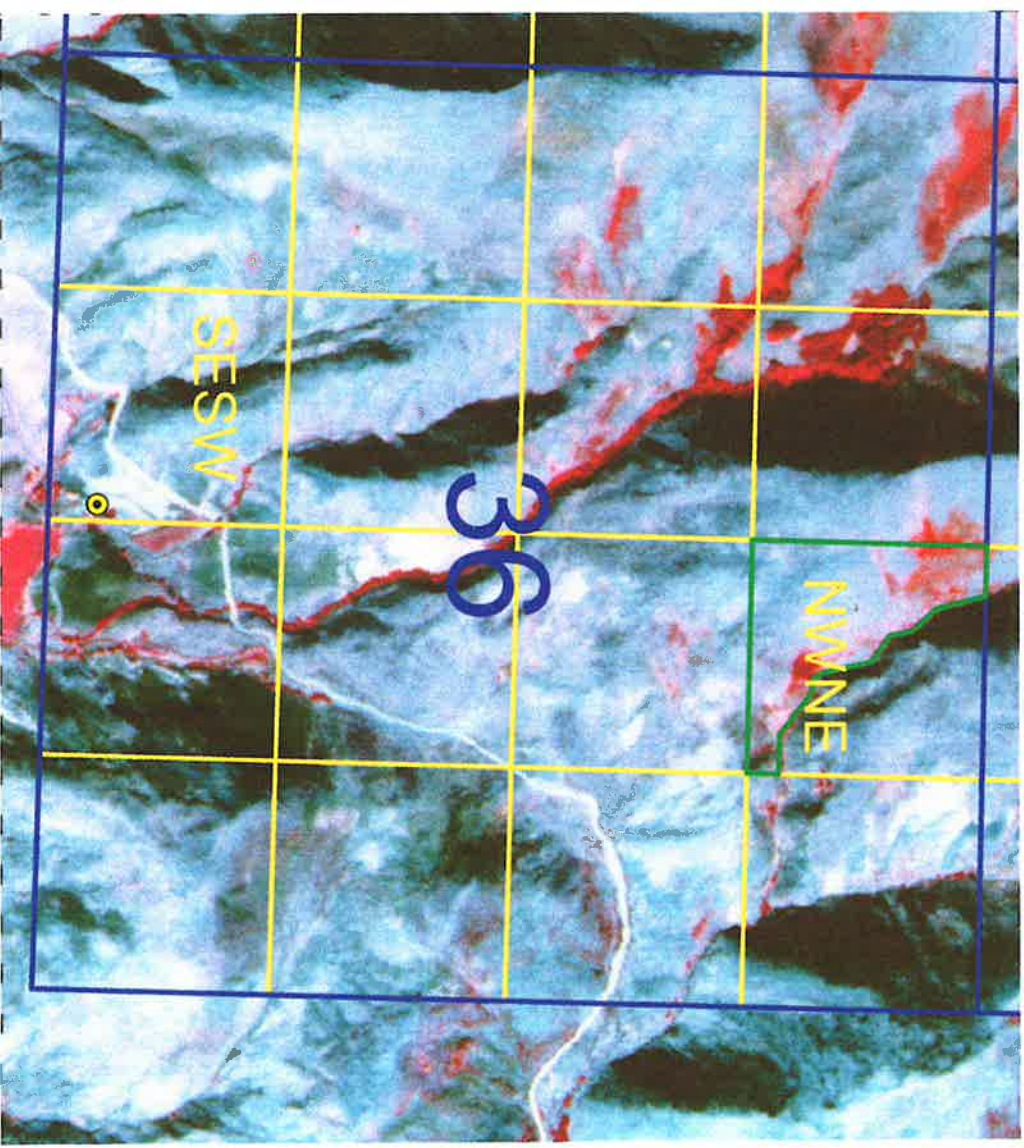
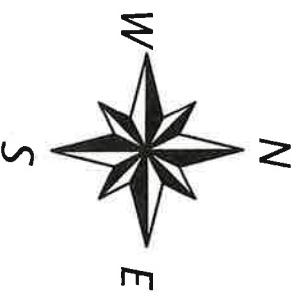
Idaho Department of Water Resources

Claim Number: 65-01772

Legal: T08N, R01W, S36

Reviewed By:

-  Point of Diversion
-  Place of Use
-  Section Lines
-  Quarter Quarter Lines



1987 Napp Photo

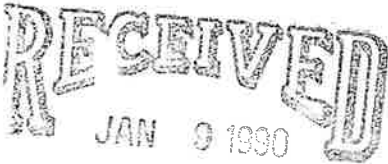


IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A65-01772
Date Received: 1/09/1990
Receipt No: X999999
Received By: Lu



Department of Water Resources

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: ELDON KLINGBACK 208-365-4725
Address: 7000 SPRING CREEK RD.
EMMETT, ID 83617

OR

Name: BEATRICE KLINGBACK 208-365-6878
Address: 7000 SPRING CREEK RD.
EMMETT, ID 83617

2. Date of Priority: FEB 18, 1899

3. Source: SPRING Trib. to: LONG HOLLOW CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
08N	01W	36	SE	SW			GEM

5. Description of diverting works:

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
DOMESTIC	01/01	12/31	0.020		0.60
STOCKWATER	01/01	12/31	0.030		1.40
IRRIGATION	03/15	11/15	0.100		1.40

7. Total Quantity Appropriated is:
0.150 C.F.S. (and/or) 0.60 A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:

A65-01772

Page 1

Date: 01/09/90

MICROFILMED

SEP 18 1992

10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
08N	01W	36	NW NE		IRR	10.0
			SW SE		DOMEST	

Section Acres 10.0

Total Acres	10.0
-------------	------

11. Place of use in counties: GEM

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

13. Other Water Rights Used:
SEE REMARKS

14. Remarks:
THIS RIGHT WHEN COMBINED WITH RIGHTS 65-1661 & 65-1662 SHALL
PROVIDE NO MORE THAN .03 CFS NOR 1.4 AFA FOR STOCKWATER.
OTHER WATER RIGHTS POSSIBLY OVERLAP=A65-01661, A65-01662,
A65-01770, A65-01771, A65-01773.

15. Basis of Claim: DECREED
Case Number:
Court :
Decree date: 1/21/1986

STATE OF IDAHO
Decree Plaintiff

vs A & C CORP., ET AL.
Decree Defendant

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): Beatrice Hingrich Date: Jan. 9, 1990
Eldon Hingrich Date: _____

State of Idaho)
County of Ada) ss.

Subscribed and sworn (or affirmed) before me this 9 -day

of Jan 19 90

Linda Werner
Notary Public

Seal

Residing at _____ Linda A. Werner
Residing at Boise, Idaho
My Commission Expires _____
My Commission Expires December 8, 1994

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

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

IDENT. NUMBER: 65-01772

DATE RECEIVED:

RECEIPT NO:

RECEIVED BY: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. NAME: ELDON KLINGBACK
ADDRESS: 7000 SPRING CREEK RD.
EMMETT, ID 83617

NAME: BEATRICE KLINGBACK
ADDRESS: 7000 SPRING CREEK RD.
EMMETT, ID 83617

2. DATE OF PRIORITY: FEB 18, 1899

3. SOURCE: SPRING TRIB. TO: LONG HOLLOW CREEK

4. POINT OF DIVERSION:

TOWNSHIP	RANGE	SECTION	1/4 OF	1/4 OF	1/4	LOT	COUNTY
08N	01W	36	SE	SW			GEM

5. DESCRIPTION OF DIVERTING WORKS:

6. WATER IS USED FOR THE FOLLOWING PURPOSES:

PURPOSE	FROM	TO	C.F.S.	(OR)	A.F.A.
DOMESTIC	01/01	12/31	0.020		0.60
STOCKWATER	01/01	12/31	0.030		1.40
IRRIGATION	03/15	11/15	0.100		1.40

7. TOTAL QUANTITY APPROPRIATED IS:
0.150 C.F.S. (AND/OR)

0.60 A.F.A.

8. TOTAL CONSUMPTIVE USE IS ACRE FEET PER ANNUM.

9. NON-IRRIGATION USES:

10. PLACE OF USE:

TOWNSHIP	RANGE	SECTION	1/4 OF	1/4	LOT	USE	ACRES
08N	01W	36	NW	NE		IRR	10.0
			SW	SE		DOMEST	
SECTION ACRES							10.0
TOTAL ACRES							10.0

11. PLACE OF USE IN COUNTIES: GEM, GEM

12. DO YOU OWN THE PROPERTY LISTED ABOVE AS PLACE OF USE? YES

13. OTHER WATER RIGHTS USED:

14. REMARKS:

THIS RIGHT WHEN COMBINED WITH RIGHTS 65-1661 & 65-1662 SHALL
PROVIDE NO MORE THAN .03 CFS NOR 1.4 AFA FOR STOCKWATER.

15. BASIS OF CLAIM: DECREE

CASE NUMBER:

COURT :

DECREE DATE: 1/21/1986

STATE OF IDAHO
DECREE PLAINTIFF

A & C CORP., ET AL.
VS DECREE DEFENDANT

16. SIGNATURE(S)

(A.) BY SIGNING BELOW, I/WE ACKNOWLEDGE THAT I/WE HAVE RECEIVED, READ AND UNDERSTAND THE FORM ENTITLED "HOW YOU WILL RECEIVE NOTICE IN THE SNAKE RIVER BASIN ADJUDICATION." (B.) I/WE DO ____ DO NOT ____ WISH TO RECEIVE AND PAY A SMALL ANNUAL FEE FOR MONTHLY COPIES OF THE DOCKET SHEET.

NUMBER OF ATTACHMENTS: _____

FOR INDIVIDUALS:

I/WE DO SOLEMNLY SWEAR OR AFFIRM THAT THE STATEMENTS CONTAINED IN THE FOREGOING DOCUMENT ARE TRUE AND CORRECT.

SIGNATURE OF CLAIMANT(S): _____ DATE: _____
_____ DATE: _____

FOR ORGANIZATIONS:

I DO SOLEMNLY SWEAR OR AFFIRM THAT I AM _____ OF

TITLE
_____, THAT I HAVE SIGNED THE FOREGOING
ORGANIZATION
DOCUMENT IN THE SPACE BELOW AS _____ OF
TITLE
_____ AND THAT THE STATEMENTS CONTAINED IN THE
ORGANIZATION
FOREGOING DOCUMENT ARE TRUE AND CORRECT.

SIGNATURE OF AUTHORIZED AGENT

TITLE AND ORGANIZATION

DATE

STATE OF IDAHO)
COUNTY OF _____) SS.
_____)

SUBSCRIBED AND SWORN (OR AFFIRMED) BEFORE ME THIS _____ DAY
OF _____ 19 _____

NOTARY PUBLIC

SEAL

RESIDING AT _____

MY COMMISSION EXPIRES _____

65-01772

PAGE

3

DATE: 10/28/89

3983

MICROFILMED

SEP 18 1992

**IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF GEM**

THE MATTER OF THE GENERAL DETERMINATION OF THE RIGHT TO THE USE OF THE SURFACE AND GROUND WATERS OF THE PAYETTE RIVER DRAINAGE BASIN

**NOTICE OF CLAIM
TO A
WATER RIGHT**

IDENT. NO.

MAP NO.

65-1772

Notice is hereby given that ELDON and/or BEATRICE KLINGBACK

(Name of Claimant)

Route #3, Box 307, Emmett, Idaho

(Mailing Address)

claims a right to the diversion

and beneficial use of the surface or groundwater, of or tributary to the Payette River;

The extent and nature of said claim is as follows:

1) Date of priority: (When was the water first applied to a beneficial use, or date that permit was issued) Feb. 18, 1899

2) Describe source of water: (Name of stream, lake, spring, etc., or subterranean) spring (No. 5)

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

Use Domestic & stock water Period of Use From Jan. 1 To Dec. 31
(Domestic, irrigation, stock, etc.) (Mo., Day) (Both Dates Inclusive) (Mo., Day)

Use _____ Period of Use From _____ To _____
(Domestic, irrigation, stock, etc.) (Mo., Day) (Both Dates Inclusive) (Mo., Day)

Use _____ Period of Use From _____ To _____
(Domestic, irrigation, stock, etc.) (Mo., Day) (Both Dates Inclusive) (Mo., Day)

4) Quantity of water claimed: 0.02 Cubic Feet Per Second, or _____ Acre Feet Per Annum, and 1200 Gals. Per ~~Minute~~ Day.

5) A) Point of Diversion: Give location of point where water is diverted from its source SE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 36, Twp. 8 N, Rge. 1 W, B.M.; additional points: _____

B) Describe means of diversion of water: (Pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.)
Give sizes and capacities; be as specific as possible. diversion box, pipeline

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

T	R	SEC.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTAL
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
<u>8N</u>	<u>1W</u>	<u>36</u>															<u>X</u>		

Total No. of acres _____

B) If water is used for other than irrigation, fully describe that use, being as specific as possible:
domestic use for 1 house with lawn and garden irrigation; stock water for 100 head of stock and supplemental to irrigation

(7) Effluent, sewage waste, or return water from this use is discharged into Long Hollow Creek

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

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(9) Remarks unused water flows into ditch for supplemental water on 25 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$

(10) Basis of claim (Check one) ☐ A) Right based on diversion and beneficial use.
☒ B) Right decreed by court, cite title of case Book A of Millsites & Water Rights Page 79, Gem Co. Idaho
☐ C) Right based on application, license, or claim filed with State Reclamation Engineer, Office No.:

[illegible]

Total No. of acres_____

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Page 79, Gem Co. Idaho

☐ C) Right based on application, license, or claim filed with State Reclamation Engineer, Office No.:

Be it known that the undersigned, after being duly sworn on oath, depose(s) and say(s) that all statements included herein are true and accurate to the best of (his, her, their) knowledge.

Individual

November 12, 1970
(Date)

(Date)

(Signature of Claimant)

(Signature of Spouse)

Organization

(Signature of Authorized Agent)

State of Idaho } ss.
County of Gem }
12th

Organization
Seal

On this 12th day of November, in the year 1970, before me, Eldon Klingback notary public, personally appeared William E. [unclear] known to me to be the person(s) whose name(s) are subscribed to the above instrument, and acknowledged to me that (he, she, they, corporation, partnership or William E. [unclear]) executed the same.

Notary Public residing at Bonita, Nevada

y commission expires Dec 1, 1977

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