

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 65-1773 V2

WATER RIGHT NUMBER: 65-1773 V2

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

Priority Date: 02/18/1899

Basis: Decreed

Status: Active

| <u>Source</u> | <u>Tributary</u>  |
|---------------|-------------------|
| SPRINGS       | LONG HOLLOW CREEK |

| <u>Beneficial Use</u> | <u>From</u> <u>To</u>   | <u>Diversion Rate</u> | <u>Annual Volume</u> |
|-----------------------|-------------------------|-----------------------|----------------------|
| IRRIGATION            | 03/15 to 11/15          | 0.360 CFS             |                      |
|                       | <u>Total Diversion:</u> | 0.360 CFS             |                      |

Location of Point(s) of Diversion

|            |            |                                 |
|------------|------------|---------------------------------|
| SPRINGS    | SW1/4SE1/4 | Sec. 36, Twp 08N, Rge 01W, B.M. |
| GEM County |            |                                 |
| SPRINGS    | SE1/4SW1/4 | Sec. 36, Twp 08N, Rge 01W, B.M. |
| GEM County |            |                                 |
| SPRINGS    | SE1/4NW1/4 | Sec. 36, Twp 08N, Rge 01W, B.M. |
| GEM County |            |                                 |
| SPRINGS    | 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 |
|-----|-----|-----|------|-----|----|----|--------|
| 07N | 01W | 1   | 15.0 | 3.0 |    |    | 18.0   |
|     |     |     | L 2  |     |    |    |        |

Total Acres: 18

Conditions of Approval:

## IDAHO DEPARTMENT OF WATER RESOURCES

## Adjudication Recommendation Report 65-1773 V2

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.

Remarks:Comments:

1. jshurte 11/12/2002 Recommendation Changed Per Objection

Comment: This recommendation Version 2 is a result of an objection to this right. The place of use was corrected from Sec. 36, T8N, R1W, NWNE, SWNE, NENW for 18 acres to Sec. 1, T7N, R1W, NWNE, SWNE for 18 acres. The points of diversion were also corrected per claimant. The blue lines and original claims from the PRBA demonstrate why the error in POU and POD was made. Blue line not completed and number changes on original PRBA claims show the history.

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 1:45:02 PM  | jshurte         | Edited shape boundary |
| POU            | 11/19/2002 1:45:31 PM  | jshurte         | Edited shape boundary |
| POD            | 11/19/2002 1:48:56 PM  | jshurte         | Edited point location |
| POD            | 11/19/2002 1:49:21 PM  | jshurte         | Edited point location |
| POD            | 11/19/2002 1:49:46 PM  | jshurte         | Edited point location |
| POD            | 11/19/2002 1:50:03 PM  | jshurte         | Edited point location |
| POD            | 11/19/2002 1:50:55 PM  | jshurte         | Edited point location |
| POD            | 11/19/2002 1:52:33 PM  | jshurte         | Edited point location |
| POD            | 11/19/2002 1:53:06 PM  | jshurte         | Edited point location |

## IDAHO DEPARTMENT OF WATER RESOURCES

## Adjudication Recommendation Report 65-1773 V2

|         |                       |         |                                                                                                                                                                                                                                                         |
|---------|-----------------------|---------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| POD     | 11/19/2002 1:54:28 PM | jshurte | Edited point location                                                                                                                                                                                                                                   |
| POD     | 11/19/2002 1:55:13 PM | jshurte | Edited point location                                                                                                                                                                                                                                   |
| POD     | 11/19/2002 1:57:17 PM | jshurte | Edited point location                                                                                                                                                                                                                                   |
| POD     | 11/19/2002 2:01:01 PM | jshurte | Edited point location                                                                                                                                                                                                                                   |
| POD     | 11/19/2002 3:09:27 PM | jshurte | Edited point location                                                                                                                                                                                                                                   |
| Summary | 11/12/2002 1:24:39 PM | jshurte | (Yes) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice?<br>(No) 2. Does any evidence indicate a five year period of continuous nonuse occurred that could result in recommending forfeiture or partial forfeiture? |

11/12/2002

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

RIGHT NUMBER: 65-1773

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

SOURCE: SPRINGS

TRIBUTARY: LONG HOLLOW CREEK

QUANTITY: 0.360 CFS

PRIORITY DATE: 02/18/1899

POINT OF DIVERSION:

T08N R01W S36 SENW Within GEM County

T08N R01W S36 SESW Within GEM County

T08N R01W S36 SWSE Within GEM County

PURPOSE AND  
PERIOD OF USE:PURPOSE OF USEPERIOD OF USEQUANTITY

IRRIGATION

03/15 11/15

0.360 CFS

PLACE OF USE:

IRRIGATION Within GEM County

T07N R01W S01 Lot 2 NWNE 15.0 T07N R01W S01 SWNE 3.0

18 ACRES TOTAL

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

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

EXPLANATORY MATERIAL: Decreed

# T08N R01W S36 T07N R01W S1

**1987 NAPP**

 **Place of Use**

 **Section Lines**

 **1/4 1/4**

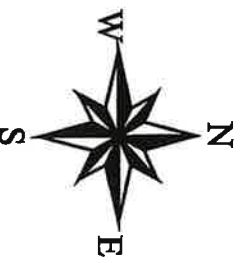
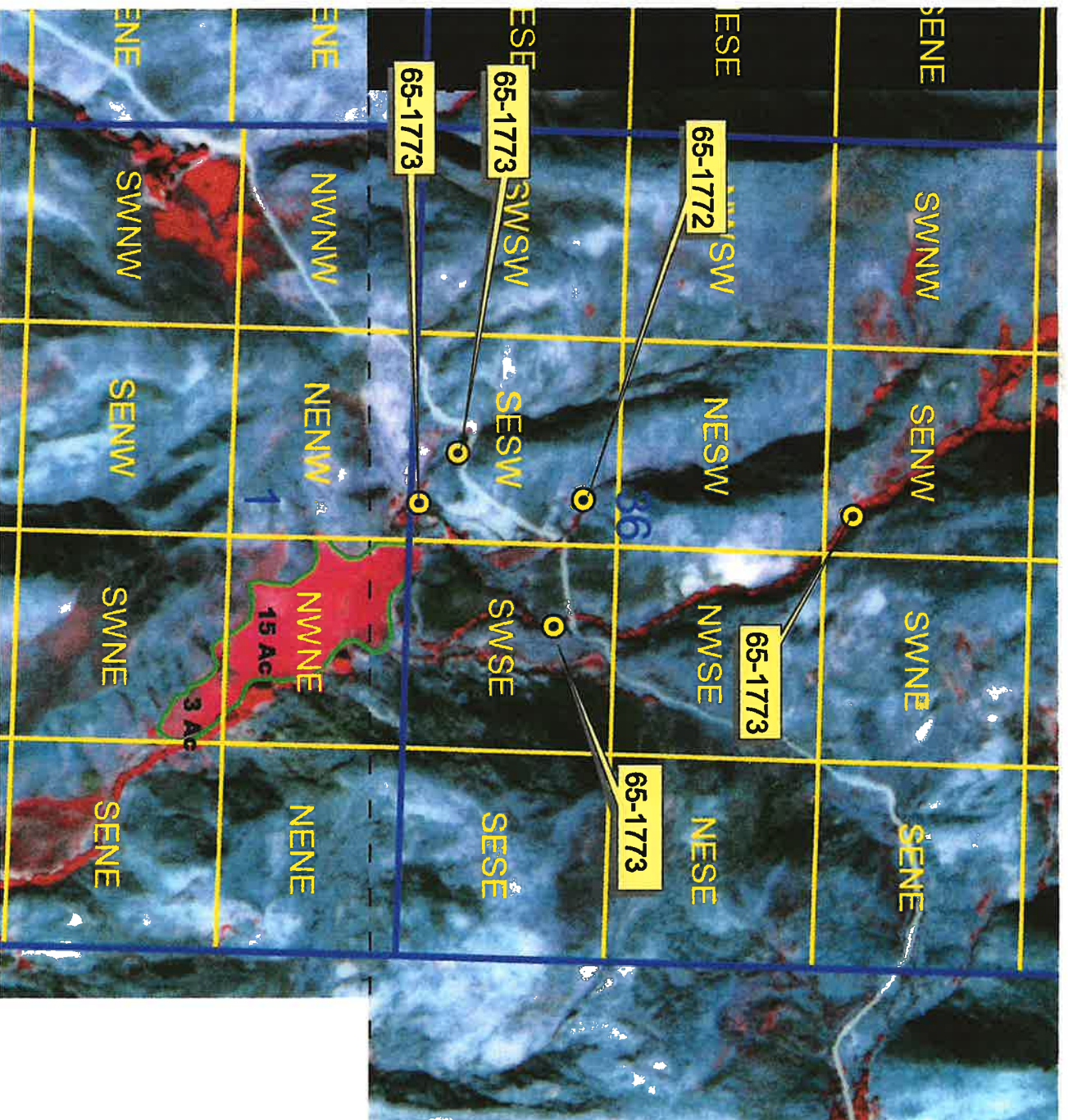
**Claim Nos: 65-1772 & 1773**

**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. 65-1773      |
|                | ) |                          |
| 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

---

|                               |      |
|-------------------------------|------|
| Kennie Lyn Klingback, Trustee | Date |
|-------------------------------|------|

Jan Shurte  
Water Rights Supervisor

David Barber  
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 18<sup>th</sup> 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

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 65-1773

) (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 THE 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 GRM

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

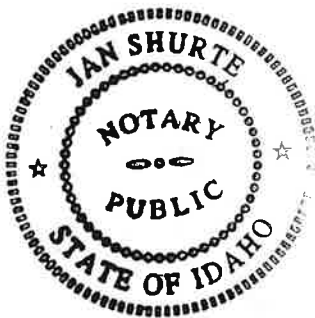
That I am the party/claimant filing this motion for late or amended claim (as listed on Page 2) as defined by I.C. §§ 42-1401A(1) and (7) or that I am the attorney for the party/claimant filing this motion for late or amended claim and that I have read this motion, know its contents, and believe that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

[Signature]  
Signature of person filing motion TRUSTEE

ROGER A & KENNIE LYN KINGBACK  
TRUST

\_\_\_\_\_  
Attorney signing in representative capacity

Subscribed and sworn to before me on 11-12-02  
(Insert Date)



[Signature]  
Notary Public for Idaho  
Residing at: M. Jordan, 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 11-13, 1999, 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  
*James Lynn Hunsbuck*

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 65-1773  
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 & 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: SPRINGS , SPRINGS , SPRINGS Trib. to: LONG HOLLOW CREEK , LONG HOLLOW  
CREEK , LONG HOLLOW CREEK

4. Point of Diversion:

| Township | Range | Section | 1/4 of 1/4 of 1/4 Lot | County | Type |
|----------|-------|---------|-----------------------|--------|------|
| 08N      | 01W   | 36      | SW SE                 | GEM    |      |
| 08N      | 01W   | 36      | SE NW                 | GEM    |      |
| 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 | 03/15 | 11/15 | 0.36   |            |

7. Total Quantity Appropriated is:  
0.36 C.F.S.

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  |     | IRRIGATION    | 15    |
|          |       |         | SW     | NE  |     | IRRIGATION    | 3     |
|          |       |         |        |     |     | Section Acres | 18    |
|          |       |         |        |     |     | Total Acres   | 18    |

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:

INCREASED NUMBER OF ACRES IN NW1/4, NE1/4 OF SECTION 36. THESE HAVE ALWAYS BEEN IRRIGATED. SEE MICROFICHE PAYETTE RIVER ADJ.

THIS WATER RIGHT. NO ADD. FEE CHARGED.

OTHER WATER RIGHTS: A65-01770, A65-01771, A65-01772, A65-01661 A65-01662-NOT NECESSARILY OVERLAPPING ACREAGE.

INCREASE IN THE AMOUNT OF WATER.

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 \_\_\_\_\_

Title

that I have signed the foregoing

Organization

document in the space below as \_\_\_\_\_ of

Title

Organization

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

Signature of Authorized Agent

TRUSTEE, ROGER A & KENNIE LYNN KAMIGBACK  
Title and Organization

11-12-02

Date

State of Idaho )

County of \_\_\_\_\_

) SS.

Subscribed and sworn (or affirmed) before me this \_\_\_\_\_

of \_\_\_\_\_

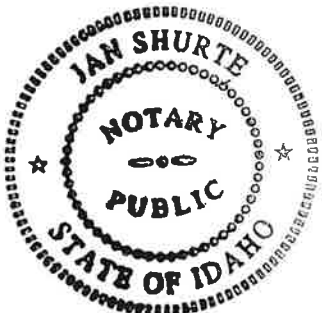
20 02

Notary Public

Residing at \_\_\_\_\_

My commission Expires \_\_\_\_\_

9-14-2006





RIGHT NUMBER: 65-1773  
NAME AND ADDRESS: ELDON KLINGBACK  
7000 SPRING CREEK RD  
EMMETT ID 83617

BEATRICE KLINGBACK  
7000 SPRING CREEK RD  
EMMETT ID 83617

SOURCE: SPRINGS

TRIBUTARY: LONG HOLLOW CREEK

QUANTITY: 0.360 CFS

PRIORITY DATE: 02/18/1899

POINT OF DIVERSION:

T08N R01W S36 SENW Within GEM County  
T08N R01W S36 SWSE Within GEM County  
T08N R01W S36 ~~SWSE~~ Within GEM County *SESW*  
T08N R01W S36 ~~SWSE~~ Within GEM County *SESW*  
3 POINTS OF DIVERSION LOCATED IN T08N, R01W, S 36, SWSE.

PURPOSE AND  
PERIOD OF USE:

| <u>PURPOSE OF USE</u> | <u>PERIOD OF USE</u> | <u>QUANTITY</u> |
|-----------------------|----------------------|-----------------|
| IRRIGATION            | 03/15 11/15          | 0.360 CFS       |

PLACE OF USE:

~~IRRIGATION Within GEM County~~  
~~T08N R01W S36 NWNE 10.0 T08N R01W S36 SWNE 5.0~~  
~~T08N R01W S36 NENW 3.0~~

*T07N, T201W, S1 NWNE - 15AC*  
*18 ACRES TOTAL - SWNE - 3AC*

*+ Stockwater*

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

## IDAHO DEPARTMENT OF WATER RESOURCES

## Adjudication Recommendation Report 65-1773 V1

WATER RIGHT NUMBER: 65-1773 V1

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

Priority Date: 02/18/1899

Basis: Decreed

Status: Active

|               |                   |
|---------------|-------------------|
| <u>Source</u> | <u>Tributary</u>  |
| SPRINGS       | LONG HOLLOW CREEK |

|                       |                         |           |                       |                      |
|-----------------------|-------------------------|-----------|-----------------------|----------------------|
| <u>Beneficial Use</u> | <u>From</u>             | <u>To</u> | <u>Diversion Rate</u> | <u>Annual Volume</u> |
| IRRIGATION            | 03/15                   | 11/15     | 0.360 CFS             |                      |
|                       | <u>Total Diversion:</u> |           | 0.360 CFS             |                      |

Location of Point(s) of Diversion

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

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

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

SPRINGS SE1/4NW1/4 *OK* Sec. 36, Twp 08N, Rge 01W, B.M.  
GEM County

*SESW**Sec. 36 8N 1W (2) RS*Place of UseIRRIGATION Within GEM County

*7N1W51*  
~~T08N R01W S36 NWNE 4.0-0.15~~ T08N R01W S36 SWNE 5.0-3  
~~T08N R01W S36 NENW 3.0~~  
 Total Acres: 18

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.

Remarks:

1. Point of Diversion ~~3 POINTS OF DIVERSION LOCATED IN T08N, R01W, S36, SWSE.~~

*delete*

IDAHO DEPARTMENT OF WATER RESOURCES  
Adjudication Recommendation Report 65-1773 V1

Comments:

1. sbock 10/18/2000 POU

Comment: CLAIMANT CLAIMED 25 ACRES IN THE NWNE OF SEC 36, STATED THAT THESE HAVE ALWAYS BEEN IRRIGATED. THIS RIGHT WAS DECREED FOR 10 ACRES IN THE NWNE AT .02 PER ACRE. RIGHT NO. 65-1772 ALSO COVERS 10 ACRES IN THE NWNE. TOTAL GIS ACRES CAME TO 20 ( A TOTAL OF

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

SubCase:

SubCase Number: 65-1773  
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. Right

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 65-1773

WATER RIGHT NUMBER: 65-1773

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

Priority Date: 02/18/1899

Basis: Decreed

Status: Active

| <u>Source</u> | <u>Tributary</u>  |
|---------------|-------------------|
| SPRINGS       | LONG HOLLOW CREEK |

| <u>Beneficial Use</u> | <u>From</u>             | <u>To</u> | <u>Diversion Rate</u> | <u>Annual Volume</u> |
|-----------------------|-------------------------|-----------|-----------------------|----------------------|
| IRRIGATION            | 3/15                    | 11/15     | 0.360 CFS             |                      |
|                       | <u>Total Diversion:</u> |           | 0.360 CFS             |                      |

Location of Point(s) of Diversion

|            |            |                                 |
|------------|------------|---------------------------------|
| SPRINGS    | SW1/4SE1/4 | Sec. 36, Twp 08N, Rge 01W, B.M. |
| GEM County |            |                                 |
| SPRINGS    | SE1/4NW1/4 | 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 |        |
| 08N | 01W | 36  |    | 10.0 | 5.0 |    | 3.0 |    |    |    |    |    |    |    |    |    |    |    | 18.0   |

Total Acres: 18

Conditions of Approval:

Remarks:

Comments:

Dates and Other Information:

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 65-1773

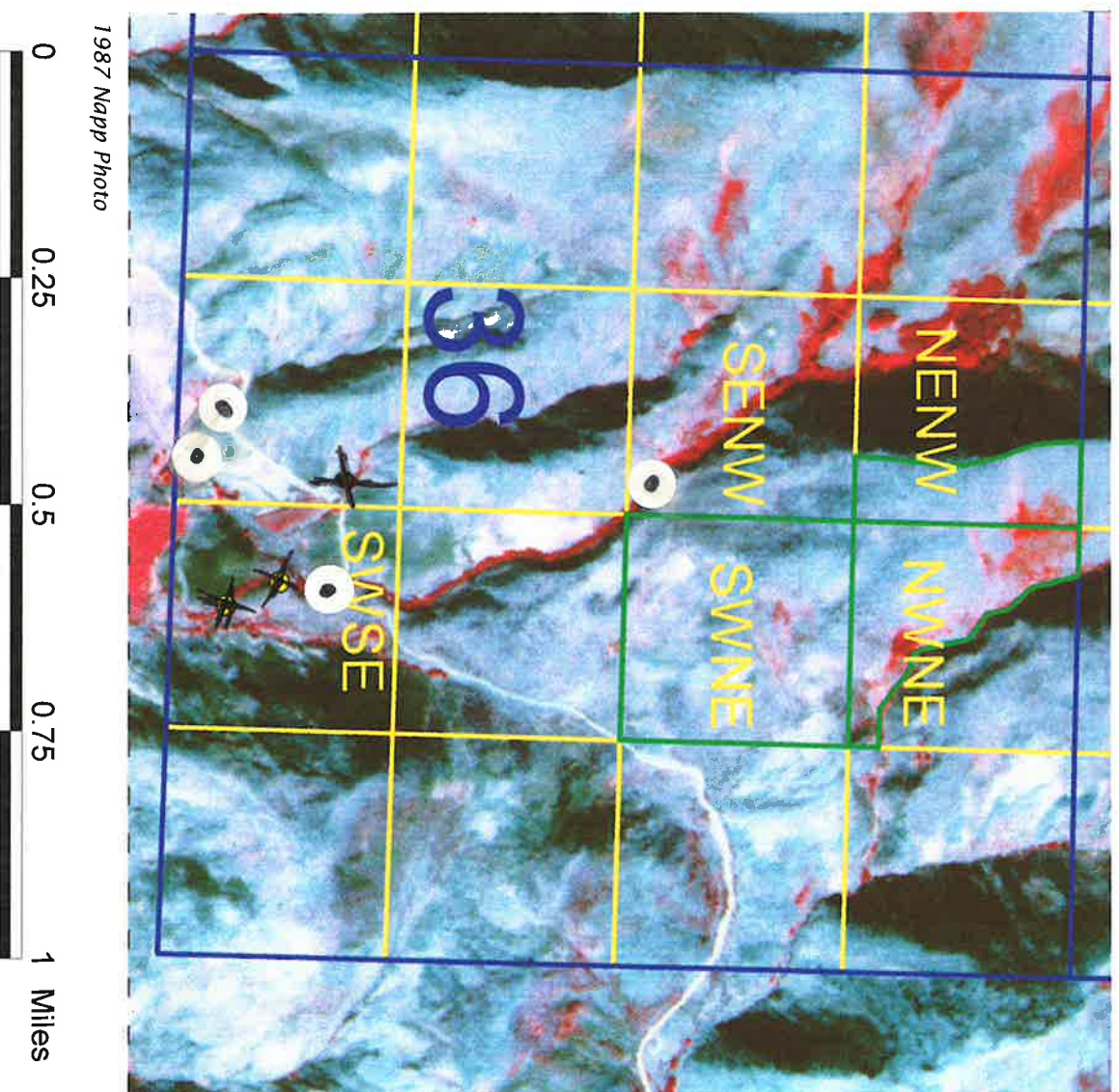
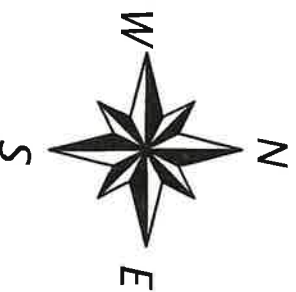
Dates and Other Information:

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

STINGBAG'S MAP - RESPONSE  
TO 7-2-02 LETTER.

SUE BOCK

## Quarter Quarter Lines





**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 black ink, appearing to read 'Sue Bock', is written over a horizontal line.

Sue Bock  
Sr. Water Resource Agent  
Western Region

enclosure: map

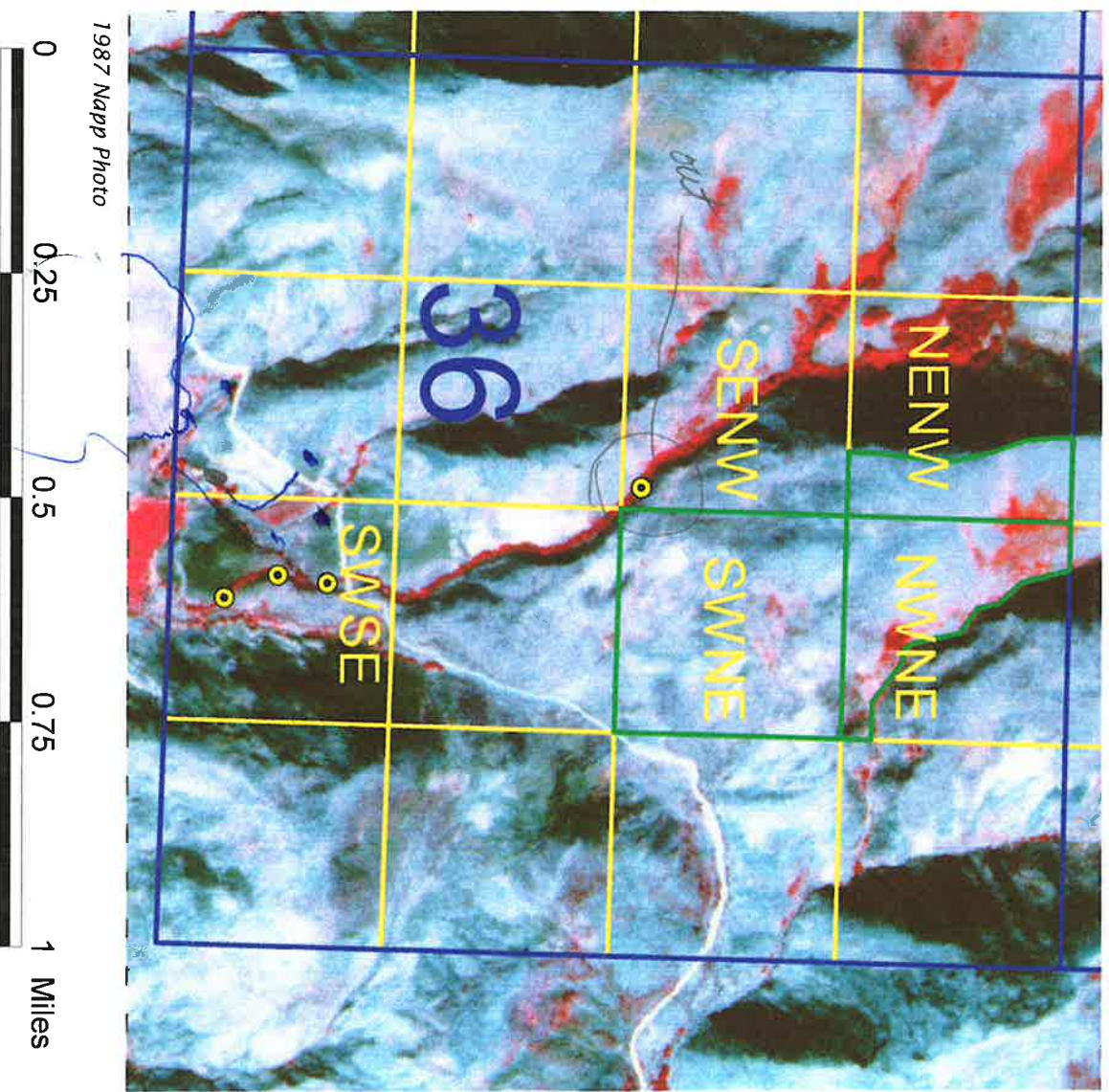
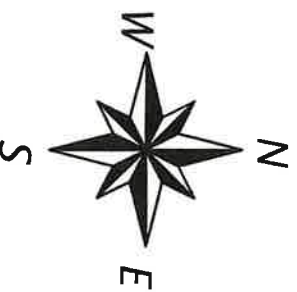
# Idaho Department of Water Resources

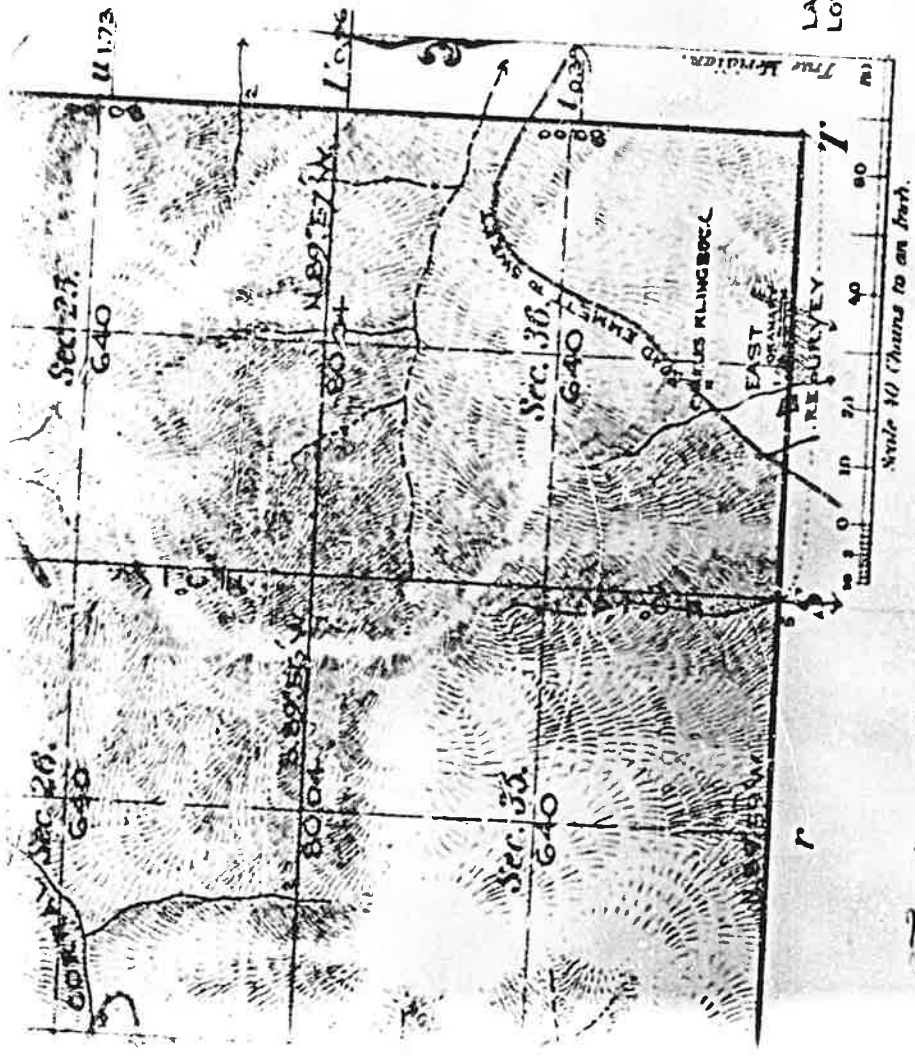
Claim Number: 65-01773

Legal: T08N, R01W, S36

Reviewed By:

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





LAT. 43° 59' N.  
LONG. 116° 24' W.

The above Map of Township 1.08 North of Range 1.01 West on the Boise Meridian, Idaho is strictly conformable to the field notes of the survey thereof on file in this Office, which have been examined and approved.

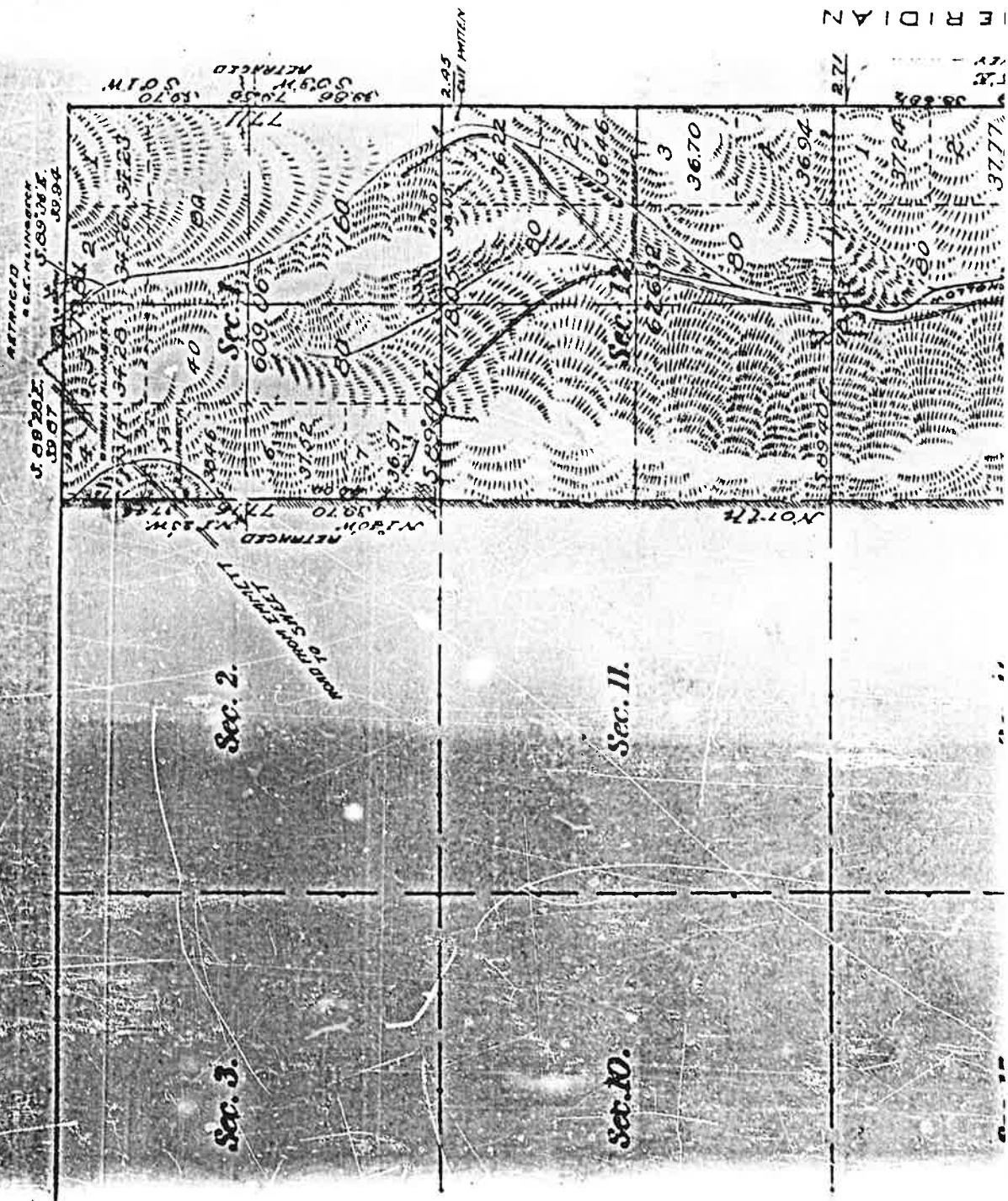
Surveyor General's Office,  
Boise City, Idaho,  
February 7th, 1903.

Ernest H. Eagleson,  
Sur. Gen. for Idaho.

(4-6752)

# of the Boise Meridian Idaho.

o c b a A



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

RECEIVED

FEB 19 2002

WATER RESOURCES  
WESTERN REGION

In Re SRBA ) A. Subcase No. 65-01773  
 )  
Case No. 39576 ) STANDARD FORM 2  
 ) RESPONSE TO OBJECTION  
 )  
\_\_\_\_\_ )

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.

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.

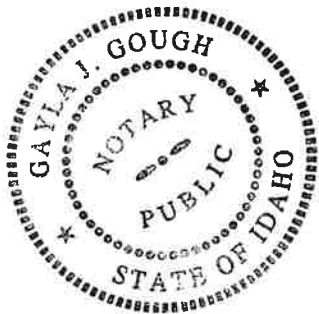
Michael Collette

Michael Collette

David L. Negri

David L. Negri  
United States Department of Justice

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



(seal)

  
Gayla I. Gough  
Notary Public for: Idaho

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:

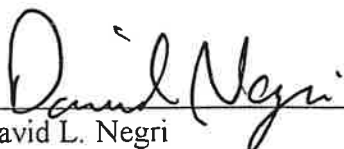
Steven J. Shuster  
Deputy Attorney General  
Idaho Department of Lands  
954 West Jefferson Street  
P.O. Box 83720  
Boise, Idaho 83720-0050

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

**JAN 16 2002**

Department of Water Resources

## CLAIMANT OF WATER RIGHT AS LISTED IN DIRECTOR'S REPORT

Name: Eldon and Beatrice 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 $\frac{1}{4}$ NE $\frac{1}{4}$ , NE $\frac{1}{4}$ NW $\frac{1}{4}$  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            )

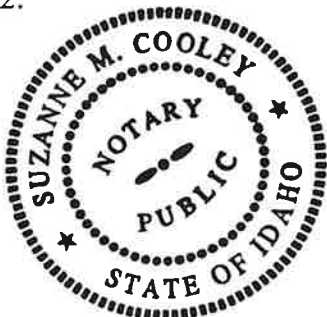
Steven J. Schuster, duly sworn, upon oath, deposes and says:

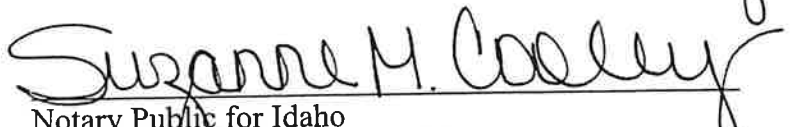
That the State of Idaho, Department of Lands, in its proprietary capacity is filing this objection and that I am a Deputy Attorney General authorized to represent the State of Idaho, Department of Lands which is a party/claimant in this proceeding as defined by I.C. § 42-1401A (1) and (6), and I have 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 15<sup>th</sup> 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 15<sup>th</sup> 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: Eldon and Beatrice 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: 65-1773

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

*Roger + Kennie Lyn Klingback*

SOURCE: SPRINGS      TRIBUTARY: Long Hollow Creek

QUANTITY: 0.36 CFS

PRIORITY DATE: 02/18/1899

POINT OF DIVERSION: T08N R01W S36      SENW      Within GEM County  
T08N R01W S36      SWSE      Within GEM County

3 POINTS OF DIVERSION LOCATED IN T08N, R01W, S 36, SWSE

PURPOSE AND  
PERIOD OF USE:

| <u>PURPOSE OF USE</u> | <u>PERIOD OF USE</u> | <u>QUANTITY</u> |
|-----------------------|----------------------|-----------------|
| IRRIGATION            | 03-15 11-15          | 0.36 CFS        |

PLACE OF USE:

| <u>IRRIGATION Within GEM County</u> |      |    |               |      |
|-------------------------------------|------|----|---------------|------|
| T08N R01W S36                       | NWNE | 10 | T08N R01W S36 | SWNE |
| T08N R01W S36                       | NENW | 3  |               |      |
| 18 ACRES TOTAL                      |      |    |               |      |

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
ADJUDICATION CLAIM VERIFICATION REPORT

00:29:01  
06/02/00  
50

CLAIM NUMBER: A65-01773

| OWNER<br>CODE | NAME & ADDRESS     | PRIORITY<br>DATE | WATER USE  | USE PERIOD<br>FROM TO | DIVERSION<br>RATE | DIVERSION<br>VOLUME |
|---------------|--------------------|------------------|------------|-----------------------|-------------------|---------------------|
| C             | ELDON KLINGBACK    | 02/18/1899       | IRRIGATION | 03-15 11-15           | 0.060 CFS         | 0.350               |
| C             | BEATRICE KLINGBACK |                  |            |                       | 0.660 CFS         | 0.350               |

TOTAL DIVERSION: 0.350  
CONSUMPTIVE USE: 115.50 AFA

Water Source: SPRINGS

Tributary to: LONG HOLLOW CREEK

Stage: DECREED

Point(s) of Diversion:

T08N R01W S36

SENW

SWSE

GEM County

Place of use Legal Description for: IRRIGATION

|               | NE | NW | SW | SE | SUM  |
|---------------|----|----|----|----|------|
| T R S : Lt Ac | 25 | 05 | 03 |    | 33.0 |
| 08N 01W 36 :  |    |    |    |    | 33.0 |
| TOTAL ACRES   |    |    |    |    | 33.0 |

POU County: GEM

Other Rights: SEE REMARKS

Remarks: GEN INCREASED NUMBER OF ACRES IN NW1/4, NE1/4 OF SECTION 36. THESE HAVE ALWAYS BEEN IRRIGATED. SEE MICROFICHE PAYETTE RIVER ADJ. THIS WATER RIGHT. NO ADD. FEE CHARGED.  
OTHER WATER RIGHTS: A65-01770, A65-01771, A65-01772, A65-01661 A65-01662 NOT NECESSARILY OVERLAPPING ACREAGE.  
INCREASE IN THE AMOUNT OF WATER.

Dates:

Exam Made Date:

Verified Date:

Objection Filed Date:

Misc:

Water District Number: 65

Field Inspection Flag: D

Presumption Flag: D

CID  
POD FOR  
B. H. H. H. H. H.

DATE: 03/02/00  
PAGE: 3

## DIVERSION VOLUME

**Stage: DECREED**

**GEM County**

## 18.0

3 springs in Suisse

02/18/1899

Proof Made Date:  
Exam Sent to S.O.:

**Field Exam Fee:**

**Child Exam Fee:**

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
ADJUDICATION CLAIM VERIFICATION REPORT

PAGE: 1  
GENERAL INFORMATION

00:28:15  
06/02/00  
34  
CLAIM NUMBER: A65-01773

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

OWNER CODE: C

LAST: KLINGBACK FIRST: BEATRICE  
ADDRESS: 7000 SPRING CREEK RD  
CITY: EMMETT STATE: ID ZIP: 83617  
PHONE NUMBER: 208-000-0000

OWNER CODE: C

FIELD EXAM REQUIRED?

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

CLAIM REMARKS: GEN INCREASED NUMBER OF ACRES IN NW1/4, NE1/4 OF SECTION 36. THESE  
HAVE ALWAYS BEEN IRRIGATED. SEE MICROFICHE PAYETTE RIVER ADJ.  
THIS WATER RIGHT, NO ADD. FEE CHARGED.  
OTHER WATER RIGHTS: A65-01770, A65-01771, A65-01772, A65-01661  
A65-01662-NOT NECESSARILY OVERLAPPING ACREAGE.  
INCREASE IN THE AMOUNT OF WATER.

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: # A65-01773 PRIORITY DATE: 02-18-1899 STAGE: D

B. WR RECORD: # 65-01773 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

02-27-00

A. AJ CLAIM POINT OF DIVERSION AND SOURCE:

| RIGHT     | TRP. RGE. | SEC. | 1/4 | 1/4 | 1/4 | 1/4 | LOT | FLAG | POD | COUNTY | DIVERSION NAME | DIVERSION NUMBER |
|-----------|-----------|------|-----|-----|-----|-----|-----|------|-----|--------|----------------|------------------|
| A65-01773 | 08N 01W   | 36   |     |     |     |     |     |      |     | GEM    |                |                  |
| A65-01773 | 08N 01W   | 36   |     |     |     |     |     |      |     | GEM    |                |                  |

OTHER AJ CLAIMS WITH SAME AJ POD  
A PREFIX R PREFIX  
NONE NONE  
WR RECORDS IN SAME 40 ACRE TRACT  
65-13164

SOURCE: SPRINGS

TRIB: LONG HOLLOW CREEK

B. WR POINT OF DIVERSION AND SOURCE:

| RIGHT    | TRP. RGE. | SEC. | 1/4 | 1/4 | 1/4 | 1/4 | LOT | FLAG | POD | COUNTY | DIVERSION NAME | DIVERSION NUMBER |
|----------|-----------|------|-----|-----|-----|-----|-----|------|-----|--------|----------------|------------------|
| 65-01773 | 08N 01W   | 36   |     |     |     |     |     |      |     | GEM    |                |                  |
| 65-01773 | 08N 01W   | 36   |     |     |     |     |     |      |     | GEM    |                |                  |

OTHER WR RECORDS WITH SAME WR POD  
AJ CLAIMS IN SAME 40 ACRE TRACT  
A PREFIX R PREFIX  
65-13164 NONE NONE

65-13164

NONE NONE

SOURCE: SPRINGS

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:

CD document 3 PO's in the State

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

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

SOURCE: SPRINGS

TRIB: LONG HOLLOW CREEK

REVIEWED BY:

SB

DATE:

6-27-00

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

A. ROOT WATER RIGHT NUMBERS: A65-01773

| B. POU LISTING       |     |       |                        | AJ<br>#/ACRES    | WR<br>#/ACRES   | LANDSAT<br>DATA | FIELD<br>EXAM. | RECOMM.<br>ACRES |
|----------------------|-----|-------|------------------------|------------------|-----------------|-----------------|----------------|------------------|
| TWP                  | RNG | SEC   | 1/4 1/4 LOT NAME       |                  |                 |                 |                |                  |
| 08N                  | 01W | 36    | NW NE KLINGBACK, ELDON | A65-01773 / 25.0 | 65-01773 / 10.0 |                 |                | 10               |
|                      |     | NW NE | KLINGBACK, ELDON       | A65-01772 / 10.0 | 65-01772 / 10.0 |                 |                |                  |
| 08N                  | 01W | 36    | SW NE KLINGBACK, ELDON | A65-01773 / 5.0  | 65-01773 / 5.0  |                 |                | 5                |
| 08N                  | 01W | 36    | NE NW KLINGBACK, ELDON | A65-01773 / 3.0  | 65-01773 / 3.0  |                 |                | 3                |
| ADDITIONAL POU FOUND |     |       |                        |                  |                 |                 |                |                  |

|                 |           |       |       |
|-----------------|-----------|-------|-------|
| TOTAL ACRES     | A65-01773 | 33.00 | 18.00 |
| 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 ( )

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 |
|-----------|---------|------------------|-----------|----------------|-----------|----------------|
| A65-01773 | SPRINGS | KLINGBACK, ELDON | 0.660     | 0.020          | 0.60      | 0.06           |
| A65-01772 | SPRING  | KLINGBACK, ELDON | 0.150     | 0.015          |           |                |

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:

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(☒)

CHECK DOCUMENTS USED TO VERIFY POU: ( ) ORTHOPHOTOQUAD, IDMR NO. \_\_\_\_\_; ( ) TOPOGRAPHIC QUAD, IDMR NO. \_\_\_\_\_;

( ) NAPP, IDMR NO. \_\_\_\_\_; ( ) ASCS PHOTO; ( ) OTHER \_\_\_\_\_

NOTES:

AD derived. Derived as shown in the white. Derived for 10, Right 105-01773 as for 10 acres in the white, making a total of 20 acres.

RECOMMENDATIONS:

TOTAL ACRES: 18 N/A ( )

REVIEWED BY: [Signature] DATE: 10-27-00

A. ALL CLAIMED USES:

| PURPOSE OF USE              | PERIOD OF USE (MONTH/DAY) | DIV. RATE FOR EACH USE | DIV. VOL. FOR EACH USE |
|-----------------------------|---------------------------|------------------------|------------------------|
| A65-01773 IRRIGATION        | FROM 03-15 TO 11-15       | 0.660 CFS              |                        |
| TOTAL DIVERSION RATE/VOLUME |                           | 0.660 CFS              |                        |

B. WR RECORDED USES:

| PURPOSE OF USE              | PERIOD OF USE (MONTH/DAY) | DIV. RATE FOR EACH USE | DIV. VOL. FOR EACH USE |
|-----------------------------|---------------------------|------------------------|------------------------|
| 65-01773 IRRIGATION         | FROM 03-15 TO 11-15       | 0.360 CFS              |                        |
| TOTAL DIVERSION RATE/VOLUME |                           | 0.360 CFS              |                        |

C. DOES THE CLAIMED PURPOSE OF USE CORRECTLY DESCRIBE THE WATER USE? ☒ Y ☐ N

D. IS THE CLAIMED PURPOSE OF USE THE SAME AS DESCRIBED IN THE WATER RIGHT FILE? ☒ Y ☐ N

\* IF NO, AND IF THE ACTUAL WATER USE IS VERIFIED AS AN ACCOMPLISHED CHANGE IN PURPOSE OF USE, DESCRIBE THE INJURY ANALYSIS PERFORMED AND ENTER FLAG "C" WITH THE APPROPRIATE EXPLANATORY CODE.

E. SHOULD THE CLAIMED PURPOSE OF USE BE VERIFIED BY FIELD EXAM? ☒ Y ☐ N

F. DOES THE CLAIMED PERIOD OF USE CONFORM TO IDWR STANDARDS? ☒ Y ☐ N

G. SHOULD THE PERIOD OF USE BE RECOMMENDED TO IDWR STANDARDS? ☐ Y ☐ N

\* IF THE RECOMMENDED PERIOD OF USE IS DIFFERENT THAN IDWR STANDARDS, EXPLAIN IN NOTES BELOW.

H. IS THE CLAIMED DIVERSION RATE FOR EACH USE THE SAME AS DESCRIBED IN THE WATER RIGHT FILE? ☒ Y ☐ N

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

I. SHOULD THE CLAIMED DIVERSION RATE FOR EACH USE BE VERIFIED BY FIELD EXAM? ☒ Y ☐ N

J. IS THE CLAIMED DIVERSION VOLUME FOR EACH USE THE SAME AS DESCRIBED IN THE WATER RIGHT FILE? ☒ Y ☐ N

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

K. SHOULD THE CLAIMED DIVERSION VOLUME FOR EACH USE BE VERIFIED BY FIELD EXAM? ☒ Y ☐ N

NOTES:

at demand @ 0.360 FS for 18.0000

AJ CLAIM TOTAL DIVERSION RATE: 0.660 CFS  
WR ROOT RIGHT TOTAL DIVERSION RATE: 0.360 CFS

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

N/A ( ) Y ( ) ☒ N ( )

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

N/A ( ) Y ( ) ☒ 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 ( )

\* 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 ( )

E.

FLOW MEASUREMENT

MEASUREMENT METHOD

, SEE ATTACHED CALCULATIONS.

F.

RATE/VOLUME CALCULATIONS: (IRRIGATION)

1a. IRRIGATION RATE

ACRES 18 x 0.02 CFS/ACRE = 0.360 CFS  
(Taken from pou review)

1b. CALCULATIONS

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

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

2. IRRIGATION DIVERSION VOLUME

CLAIMED DIVERSION VOLUME = AF/A

ACRES 18 x DIVERSION VOL. AF/A FOR AREA 115.5 AF/A =

TOTAL DIVERSION VOLUME 2.034 AF/A

3. IRRIGATION CONSUMPTIVE USE

CLAIMED CONSUMPTIVE USE = 115.5 AF/A

ACRES 18 x CONSUMPTIVE VOL. AF/A FOR AREA 115.5 AF/A =

TOTAL CONSUMPTIVE USE 133.5 AF/A

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

*Recommend as  
described 0.360  
for 18 acres*

**NOTES:**

Ed Jovanoff

MR RECORD CONDITIONS/REMARKS:

RECOMMENDATIONS: CHECK HERE IF RECOMMENDED AS CLAIMED (X)

REC.  
PURPOSE OF USE

REC. PERIOD  
FROM TO

REC. DIV  
RATE CFS

REC. DIV  
VOL. AF/A

REC. CONS.  
USE

IRRIGATION

03-15 11-15

DATABASE EXAMINER  
0.660

DATABASE EXAMINER

DATABASE EXAMINER  
115.5

TOTAL FOR THIS RIGHT

0.660

115.5

NON-IRRIGATION USES CLAIMED:

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

REVIEWED BY: SB

DATE: 10-27-03

FLAG: D

STANDARD CONDITIONS (CODE):

POD Fq2

STANDARD REMARKS (CODE):

EXPLANATORY CONDITIONS (CODE):

EXPLANATORY REMARKS (CODE):

A. CHECK ONLY THE FOLLOWING THAT APPLY:

OWNERSHIP \_\_\_\_\_  
FORFEIT/ABANDON \_\_\_\_\_  
ADDITIONAL DIV. AMOUNT \_\_\_\_\_

ACCEPTED AS CLAIMED ( )  
NEEDS REVIEW ( )  
( )  
( )  
( )

B. SPLIT WATER RIGHT REVIEW

ROOT WATER RIGHT NUMBER: 65-01773

TOTAL DIVERSION RATE OF WR SPLITS

DATABASE 0.360

EXAMINER

CFS

SPLITS:

| OLD RIGHT NUMBERS | CURRENT CLAIM NUMBERS | DIVERSION RATE | CURRENT "R" CLAIM NUM. | "R" DIV. RATE | WR RIGHT NUMBERS | DIVERSION RATE |
|-------------------|-----------------------|----------------|------------------------|---------------|------------------|----------------|
| -                 | A65-01773             | 0.660          | -                      |               | 65-01773         | 0.360          |
| TOTAL CFS         |                       | 0.660          |                        |               |                  | 0.360          |

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 ( )?

DATABASE N FIELD EXAMINER Y( ) N( )

NOTES:

AUTHENTICATION:  
SIGNATURE: [Signature]

DATE: 10-27-02

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?

|                                                            |                    |                |           |
|------------------------------------------------------------|--------------------|----------------|-----------|
| <input type="checkbox"/> ORTHOPHOTOQUAD                    | DATE OF PHOTO      | IDWR ID NO.    | Y( ) N( ) |
| <input type="checkbox"/> TOPOGRAPHIC                       | DATE FIELD CHECKED | IDWR ID NO.    | Y( ) N( ) |
| <input type="checkbox"/> MAP                               | DATE OF PHOTO      | IDWR ID NO.    | Y( ) N( ) |
| <input type="checkbox"/> ASCS AERIAL PHOTO                 | DATE OF PHOTO      |                | Y( ) N( ) |
| <input type="checkbox"/> ASCS COLOR SLIDE                  | DATE OF PHOTO      |                | Y( ) N( ) |
| <input type="checkbox"/> BLM OR USFS AERIAL PHOTO          | DATE OF PHOTO      |                | Y( ) N( ) |
| <input type="checkbox"/> TOWNSHIP SURVEY (GOVERNMENT PLAT) | DATE OF SURVEY     |                | Y( ) N( ) |
| <input type="checkbox"/> SCS SOIL SURVEY MAP               | DATE ISSUED        |                | Y( ) N( ) |
| <input type="checkbox"/> SUBDIVISION PLAT MAP              | DATE OF MAP        |                | Y( ) N( ) |
| <input checked="" type="checkbox"/> OTHER <u>GIS map</u>   | DATE               | <u>6-27-00</u> | Y( ) N( ) |
| <input type="checkbox"/> OTHER                             | DATE               |                | Y( ) N( ) |
| <input type="checkbox"/> OTHER                             | DATE               |                | Y( ) N( ) |

=====

| LIST OF ATTACHMENTS (CHECK IF ATTACHED)                | IF ATTACHED, SUPPLY APPROPRIATE INFORMATION | NO. OF<br>PAGES | NOTES |
|--------------------------------------------------------|---------------------------------------------|-----------------|-------|
| <input type="checkbox"/> LICENSING FIELD EXAM          | DATE OF FIELD EXAM                          |                 |       |
| <input type="checkbox"/> WATER RIGHT LICENSE           | DATE LICENSE SIGNED                         |                 |       |
| <input type="checkbox"/> IDWR APPROVED TRANSFER        | DATE TRANSFER APPROVED                      |                 |       |
| <input type="checkbox"/> SYSTEM DESCRIPTION            | DATE DRAWN                                  |                 |       |
| <input type="checkbox"/> PHOTOGRAPHS                   | DATE(S) PHOTOS TAKEN                        |                 |       |
| <input type="checkbox"/> SPLIT RIGHT REVIEW            | DATE REVIEW COMPLETED                       |                 |       |
| <input type="checkbox"/> HUBBLE ANALYSIS               | DATE ANALYSIS COMPLETED                     |                 |       |
| <input type="checkbox"/> CONVEYANCE LOSS ANALYSIS      | DATE ANALYSIS COMPLETED                     |                 |       |
| <input type="checkbox"/> FLOW MEASUREMENT CALCULATIONS | DATE SYSTEM MEASURED                        |                 |       |
| <input type="checkbox"/> OTHER                         | DATE                                        |                 |       |
| <input type="checkbox"/> OTHER                         | DATE                                        |                 |       |

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
ADJUDICATION CLAIM VERIFICATION REPORT

CLAIM NUMBER: A65-01773

00:28:15  
06/02/00

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

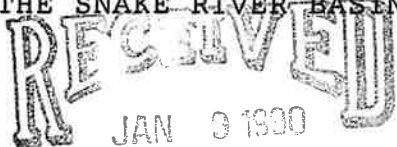
BARCODE UPDATED  
WHOM/DATE

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: A65-01773  
Date Received: 1/09/1990  
Receipt No: X999999  
Received By: \_\_\_\_\_



Department of Water Resources

NOTICE OF CLAIM TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW

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

2. Date of Priority: FEB 18, 1899

3. Source: SPRINGS 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     | NW     |        |     | GEM    |
|          |       |         | SW     | SE     |        |     | 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 | 03/15 | 11/15 | 0.660  |      |        |

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

8. Total consumptive use is 115.5 Acre Feet Per Annum.

9. Non-irrigation uses:

A65-01773

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           | 25.0  |
|          |       |         | SW     | NE  |     | IRR           | 5.0   |
|          |       |         | NE     | NW  |     | IRR           | 3.0   |
|          |       |         |        |     |     | Section Acres | 33.0  |
|          |       |         |        |     |     | Total Acres   | 33.0  |

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:  
INCREASED NUMBER OF ACRES IN NW1/4, NE1/4 OF SECTION 36. THESE  
HAVE ALWAYS BEEN IRRIGATED. SEE MICROFICHE PAYETTE RIVER ADJ.  
THIS WATER RIGHT. NO ADD. FEE CHARGED.  
OTHER WATER RIGHTS: A65-01770, A65-01771, A65-01772, A65-01661  
A65-01662-NOT NECESSARILY OVERLAPPING ACREAGE.  
INCREASE IN THE AMOUNT OF WATER.

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

**MICROFILMED**  
**SEP 18 1992**

(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.

**MICROFILMED**  
**SEP 18 1992**

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: 65-01773  
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 PRIDRITY: FEB 18, 1899

3. SOURCE: SPRINGS 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     | NW     |     |     | GEM    |
|          |       |         | SW     | SE     |     |     | 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 | 03/15 | 11/15 | 0.360 |      |        |

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

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           | <del>10.0</del> 25 |
|          |       |         | SW  |    | NE  |     | IRR           | 5.0                |
|          |       |         | NE  |    | NW  |     | IRR           | 3.0                |
|          |       |         |     |    |     |     | SECTION ACRES | 18.0               |
|          |       |         |     |    |     |     | TOTAL ACRES   | 18.0               |

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:

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 \_\_\_\_\_

65-01773

PAGE

3

MY COMMISSION EXPIRES \_\_\_\_\_  
DATE: 10/28/89

3986

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**

IN 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

IDENT. NO.

MAP NO.

TO A  
WATER RIGHT

AG5-1773

Notice is hereby given that.

ELDON and/or BEATRICE KLINGBACK  
(Name of Claimant)

Route #3, Box 307, Emmett, Idaho  
(Mailing Address)

(Mailing Address)

Route #3, Box 307, Emmett, Idaho, claims a right to the diversion  
(Mailing Address)  
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) springs 1, 2, 3, & 4  
tributary to Long Hollow Cr.

(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 \_\_\_\_\_ Irrigation

(Domestic, irrigation, stock, etc.)

Period of Use From April 1 To Oct. 31  
(Mo., Day) (Mo., Day)

Use \_\_\_\_\_  
(Domestic, irrigation, stock, etc.)

Period of Use From \_\_\_\_\_ To \_\_\_\_\_  
(Mo., Day) (Mo., Day)

Use \_\_\_\_\_ (Domestic, irrigation, stock, etc.)

Period of Use From \_\_\_\_\_ To \_\_\_\_\_  
(Mo., Day) (Mo., Day)

(4) Quantity of water claimed: 0.5 Cubic Feet Per Second, or \_\_\_\_\_ Acre Feet Per Annum,  
and/or \_\_\_\_\_ Gals. Per Minute.

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

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 dam

(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.

[illegible]

Total No. of acres 25.0

B) If water is used for other than irrigation, fully describe that use, being as specific as possible:

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

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

(9) Remarks Spring No. 1 located in SEKNW, Springs 2, 3, & 4 in SWSEX, all in  
Sec. 36, T. 8N, R. 1W, B.M.

(10) Basis of claim (Check one) ☐ A) Right based on diversion and beneficial use.

[illegible]

SEP 18 1992



## State of Idaho

# DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098  
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: [www.idwr.state.id.us](http://www.idwr.state.id.us)

May 4, 2001

DIRK KEMPTHORNE  
Governor

KARL J. DREHER  
Director

Dear Basin 65 water user:

This letter is to inform you that you may be eligible to file a stockwater claim with the Idaho Department of Water Resources (IDWR) in connection with the Snake River Basin Adjudication (SRBA). IDWR is sending this letter to water users in Basin 65 who might have relied upon the non-irrigation season stockwater provision in the Payette Adjudication. This provision states:

"When stockwater is not a specifically mentioned use for a right that includes irrigation, a reasonable flow is implied and included for the watering of livestock during the non-irrigation season."

In another basin, the Idaho Supreme Court struck down general provisions that contained similar language. The non-irrigation season stockwater language quoted above was not included in the General Provisions for Basin 65 because of the Idaho Supreme Court's ruling.

IDWR recognizes that in reliance on the non-irrigation season stockwater language in the Payette Adjudication, water users might not have filed stockwater claims in the SRBA to cover the non-irrigation season period. Individuals who historically watered livestock during the non-irrigation season without a separate stockwater claim might desire to file a new stockwater claim with IDWR.

To be eligible for a new non-irrigation season stockwater claim:

1. You must have actually and historically watered livestock during the non-irrigation season without a separate stockwater right.
2. You must have filed a surface water irrigation claim in both the Payette Adjudication and the SRBA.
3. You must not have filed a stockwater claim with the surface water irrigation claim.

If you meet these three requirements, you may file a Notice of Claim form for stockwater with IDWR. **To have a timely filing you must file this claim with IDWR by May 25, 2001.** IDWR will waive filing fees for these stockwater claims if filed before this deadline. Failure to file your claim in a timely manner may prevent you from claiming it in the future. Notice of Claim forms are available on IDWR's website at [www.idwr.state.id.us/info/water/srba/forms.htm](http://www.idwr.state.id.us/info/water/srba/forms.htm) or from any IDWR office. Claimants can call IDWR, Western Region at (208) 334-2190 to make an appointment if they need assistance filling out a Notice of Claim form.

Sincerely,

David R. Tuthill, Jr., P.E.  
Adjudication Bureau Chief