

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: A29-00139
Date Received: 4/19/1990
Receipt No: ED13364
Received By: CA

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: KOESTER FARMS, INC. 208-897-5591
Address: 8997 E. GRANT RD.
DOWNEY, ID 83234

2. Date of Priority: MAR 01, 1888

3. Source: FISH CREEK Trib. to: PORTNEUF RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
09S	39E	30	SW	SW	SW		BANNOCK
		31	NW	SW	NW		BANNOCK

5. Description of diverting works:
PUMP IN CREEK AND HEADGATE AND DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/15	09/15	2.400		

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

8. Total consumptive use is 540.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
09S	38E	25	NE	NE		IRR	3.0
			SE	NE		IRR	32.0
			NE	SE		IRR	40.0

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Date: 04/19/90

MICROFILMED

NOV 13 1992

A2900139



Section Acres 113.0

Section Acres 103.0

Total Acres 216.0

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

14. Remarks:

Case Number:

Court :

Decree date:

Decree Plaintiff

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: -1-

For Organizations:

I do solemnly swear or affirm that I am Dale Traester of Title

 Traester Farms Inc. , that I have signed the foregoing Organization

document in the space below as Pres of Title

 Traester Farms Inc. and that the statements contained in the Organization

foregoing document are true and correct.

 Dale Traester
Signature of Authorized Agent

 Pres. Traester Farms Inc.
Title and Organization

 4-19-90
Date

State of Idaho

County of Bonner) SS.

Subscribed and sworn (or affirmed) before me this 19th day

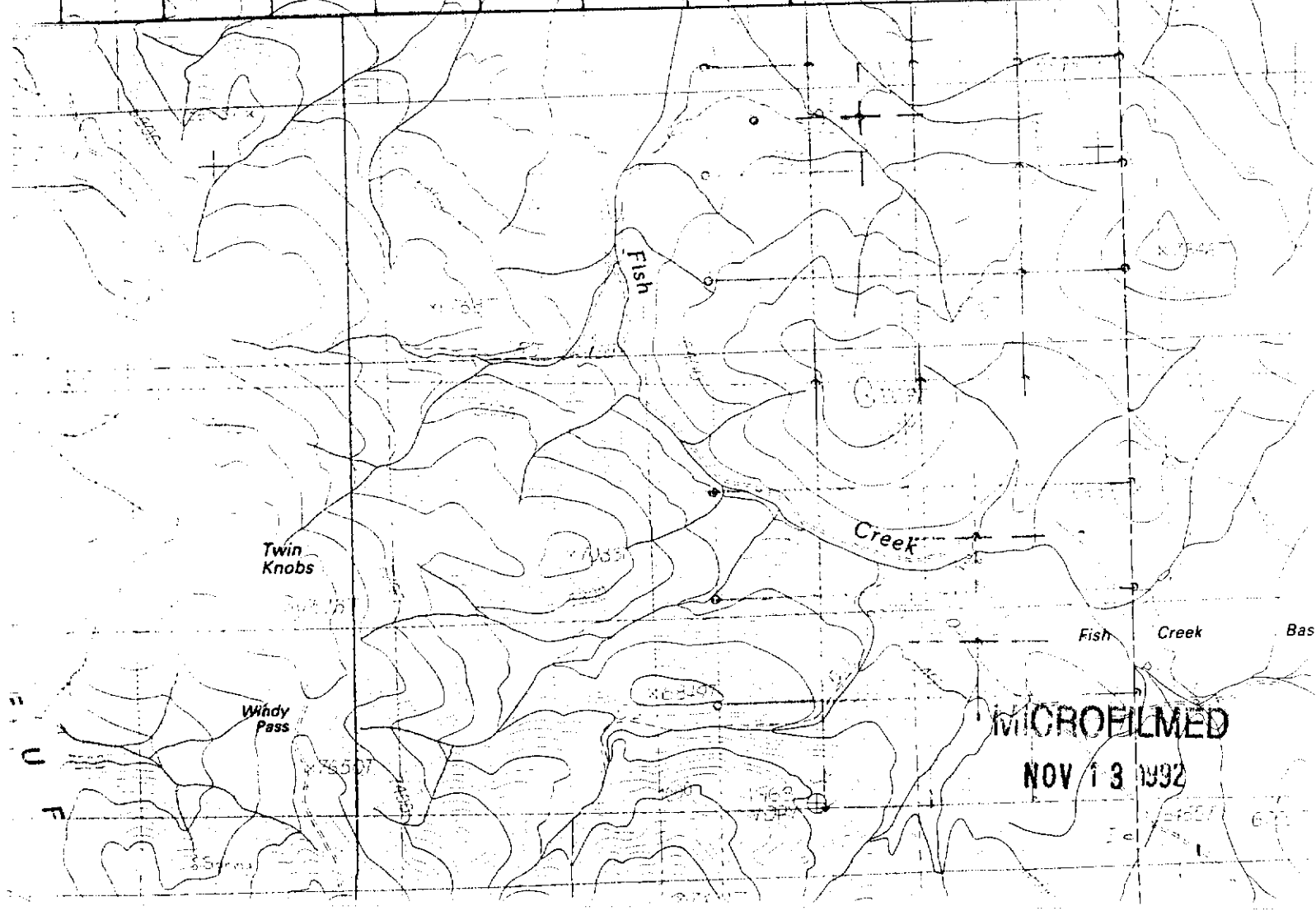
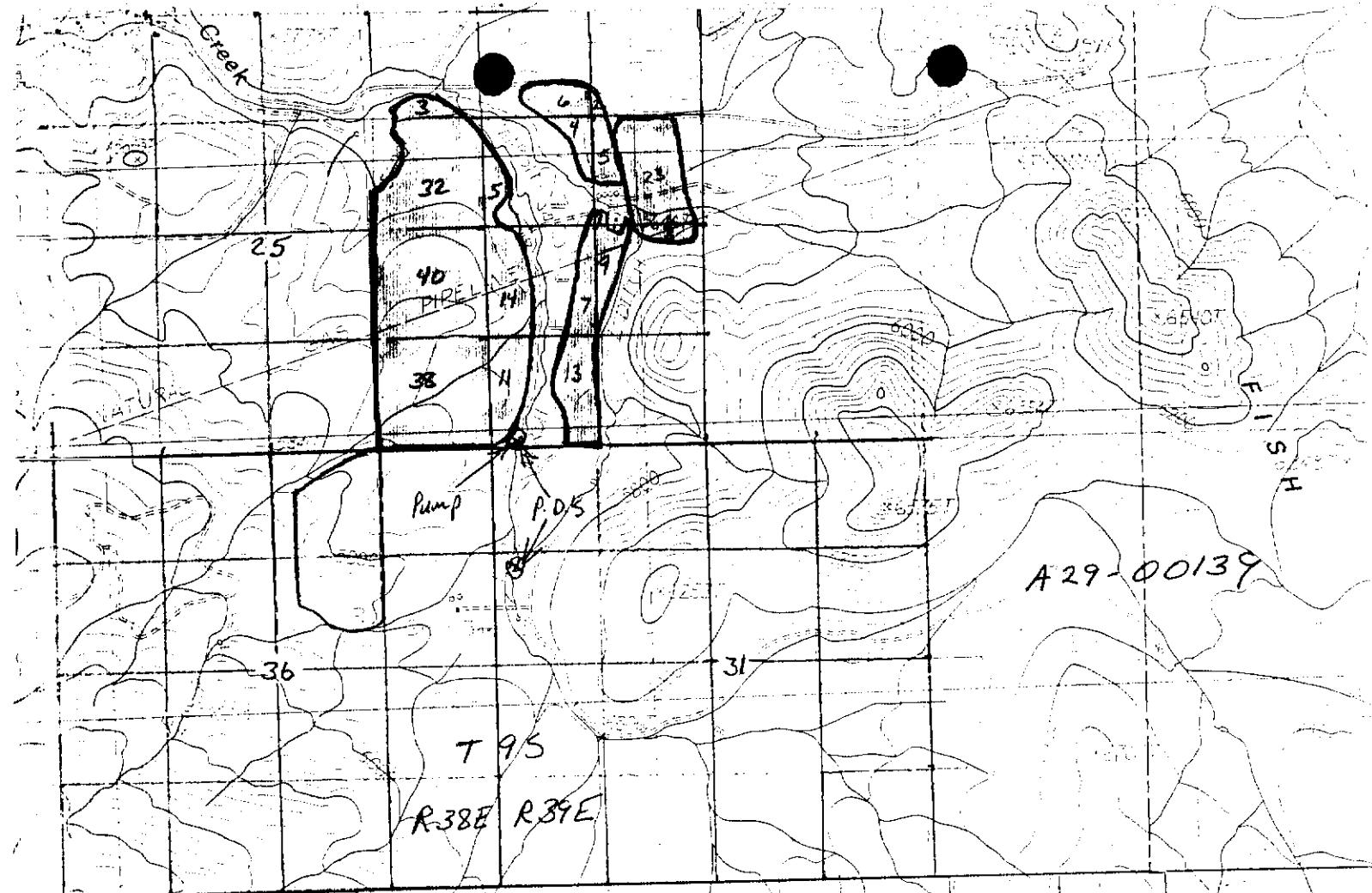
of April 19 90

 Curtis L. Luebke
Notary Public

Seal

Residing at Cagle, Id

My Commission Expires 3-21-94



MICROFILMED

NOV 13 1992

29-00139 Decreed

POD: WR Proof shows 3 such POD's:

Q: $\Rightarrow$ Claims 2 POD's w/ Pump in clock $\Rightarrow$ $\phi 3$ _{or when _____}

POU: WR Proof shows POU as (Best Case - But unspecified)
160 AC w/ 95/398/530 S²NW & N²SW.

Claims 216 ACROS w/ 95/388/525 113² AC
95/398/530 103² AC
Total = 216²

HOWEVER, ALSO CLAIMS OTHER RIGHTS w/ SAME POU
AS: 29-140, 29-141, 29-144. PROBABLY AS
PERMISSIBLE POU. $\Rightarrow$ $\phi 5$ _{when _____?}

WR5808NP
(00-26)

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROOF READING REPORT

04/06/01 08:20:09
Page 1

Water Right Number - 29-00139

Prefix Translation: WATER RIGHT

Old (D) Number -

+ - - - - Last Name - - - - + + - First Name - - + + - - - - - Address - - - - - +

*** C - CURRENT OWNER ***
ASLETT

DAVID

1 -
2 -
3 -
City-
Phone -

State- Zip-

+ - - Priority Date - - +
03/01/1888 *OK*

+ - - Region - - - +
15 EASTERN

+ - - Stage - - - +
D - DECREED

+ - - Status - - - +

+ - - Source - - - - - +
FISH CREEK *OK*

+ - - Tributary - - - - - +
PORTNEUF RIVER *OK*

Twn	Rng	Sec	Tract	Lot	RFlg	County	Point of Diversion	Diversion Name	Diversion Rate	Diversion No.
09S	39E	30	SW NW		(5)	BANNOCK				
			SW SW		(5)	BANNOCK				
		31	SW NW		(5)	BANNOCK				

Claims only 2 POD's AS: 530 SW SW SW 531 NW SW NW **CP3**

Code	Description	Period From	Period To	Diversion Rate	Diversion Volume
01	IRRIGATION <i>OK</i>	04/15 <i>OK</i>	09/15	2.400 <i>OK</i>	

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Div. Capacity - + + - Total Consumptive Use - + + - KW Usage - +
2.400 0.0

Twn	Rng	Sec	Tract	Lot	Acres	Code	Description	County
09S	39E	30	SW NW			01	IRRIGATION	(5) BANNOCK
09S	39E	30	SE NW			01	IRRIGATION	(5) BANNOCK
09S	39E	30	NE SW			01	IRRIGATION	(5) BANNOCK
09S	39E	30	NW SW			01	IRRIGATION	(5) BANNOCK

+ - - Diversion Means -

BEST CASE 160² ac

Claims: 216² ac in 9/58/525

330 ⇒ CP5

+ - - Non-Irrigation Use -

w/PPU-?

Claims + - - Other Rights for Same Use - 29-00140, 29-00141, 29-00144

+ - - - - - Remarks - - - - - +

GEN P/U INCOMPLETE.

+ - - - - - Old Water Right Numbers - - - - - +
No Old Water Right Numbers found.

Claims other Rights ⇒ PPU?

FISH CREEK, TRIBUTARY TO THE PORTNEUF RIVER.

29-0139

105. ASLETT, DAVID
1888 Mar 1. 2.4 c.f.s.

? SOURCE: FISH CREEK

POD: (1)(2)(3)(4)

SEE POD NOTE ON 29-142

POD: S²NW, N²SW SEC. 30
9S 39E

Said water to be diverted through a ditch, having intake ^①South 6 degrees East 1920 feet from the Southwest corner of Section 30, Township 9 South Range 39 E.B.M.; and also through ^②another ditch having intake South 14 degrees 30 minutes East 1400 feet, from the Southwest corner of said Section 30; and also through ^③another ditch having intake North, 77 degrees 30 minutes East, 260 feet from the Southwest corner of said Section 30; and also through ^④another ditch having intake North 52 degrees 30 minutes East 500 feet from the West quarter corner of said Section 30, for the irrigation of the South half of the Northwest quarter, and the North half of the Southwest quarter, Section 30, Township 9 South, Range 39, E.B.M.

29-0140

106. ASLETT, DAVID,
1888 Mar 1. 1 c.f.s.
Being $\frac{1}{2}$ the flow of
Bansey Spring and
Spring Creek.

POD: (actual) SWSW SEC. 36
9S 38E

Said water to be diverted in the Northeast quarter of Section 36, Township 9 South, Range 38 E.B.M., the same being Bansey Spring and Stream arising therefrom known as Spring Creek, for the irrigation of the Southwest quarter, the South half of the Northwest quarter, Section 30, Township 9 South, Range 39 E.B.M.

29-0141

107. ASLETT, DAVID .9 c.f.s.
1897 Mar. 1.

Said water to be diverted at the said four points of diversion set forth in the four ditches above described through which he takes water, under the Fish Creek right of March 1, 1888; and also through a ditch having intake North 78 degrees WEST, 2880 feet from the West quarter corner of Section 31, Township 9 South, Range 39 E.B.M., for the irrigation of the South half of the Southeast quarter, Section 25, Township 9 South, Range 38 E.B.M.

29-0142

108. ALLEN, J. C. Jr.
1888. Mar 1. 1 c.f.s.

POD #1 AND 2 SAME AS POD
#1 AND 2 OR 29-139.

Said water to be diverted through two ditches taken out on opposite side of Fish Creek at point which bears North, 68 degrees 30 minutes West, 1928 feet from the West quarter corner of section 31, Township 9 South, Range 38 E.B.M.; also through another ditch taken out South 5 degrees east, 1090 feet, from Southwest corner of section 30, Township 9 South, Range 39 E.B.M.; also through another ditch taken out at ^①point which bears South 6 degrees East, 1920 feet from the Southwest corner of said Section 30, also through another ^②ditch taken out at point which bears South, 14 degrees 30 minutes East, 1400 feet from the Southwest corner of said Section 30 for the irrigation of the East half of the Northeast quarter, Section 36, Township 9 South, Range 38 E.B.M. The West half of the

Log for claim A29-00139

Spatial Dynamics PJM

9/12/00

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
09s38e	25	NENE	3	3.3	
09s38e	25	SENE	32	31	
09s38e	25	NESE	40	40	
09s38e	25	SESE	38	40	
09s39e	30	NENW	2	1.4	
09s39e	30	NWNW	6	6.7	
09s39e	30	SWNW	9	10	
09s39e	30	SENW	29	31	
09s39e	30	NESW	12	10	
09s39e	30	NWSW	21	24	
09s39e	30	SWSW	24	28	
Totals:			216	225.4	