

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: A29-00140
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: BANSEY SPRINGS Trib. to: SPRING CREEK
SPRING CREEK FISH CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
09S	38E	36	NE	SE	NW		BANNOCK

5. Description of diverting works:
RESERVOIR, CONCRETE BOX, PIPELINE, SPRINKLERS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/15	09/15	1.000		

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

8. Total consumptive use is 470.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	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

A2900140



10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
09S	38E	25	SE	SE		IRR	38.0
						Section Acres	113.0
		36	NW	NE		IRR	28.0
			SW	NE		IRR	17.0
						Section Acres	45.0
	39E	30	SW	NW		IRR	5.0
			NW	SW		IRR	14.0
			SW	SW		IRR	11.0
						Section Acres	30.0
						Total Acres	188.0

11. Place of use in counties: BANNOCK

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

13. Other Water Rights Used:
29-00139, 29-00141, 29-00144

14. Remarks:

15. Basis of Claim: DECREED
Case Number:
Court :
Decree date:

UNION GRAIN & ELEVATOR CO.
Decree Plaintiff

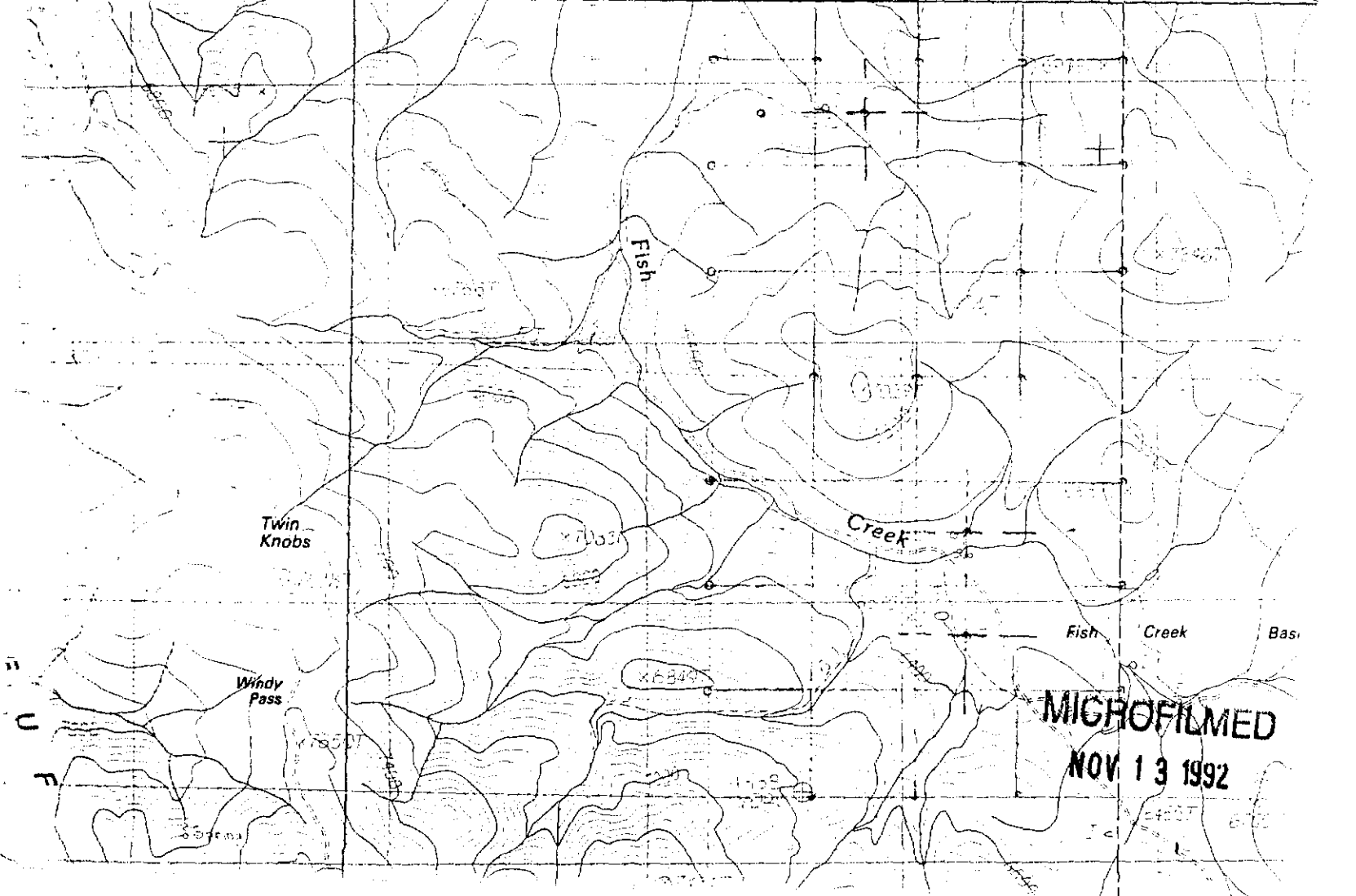
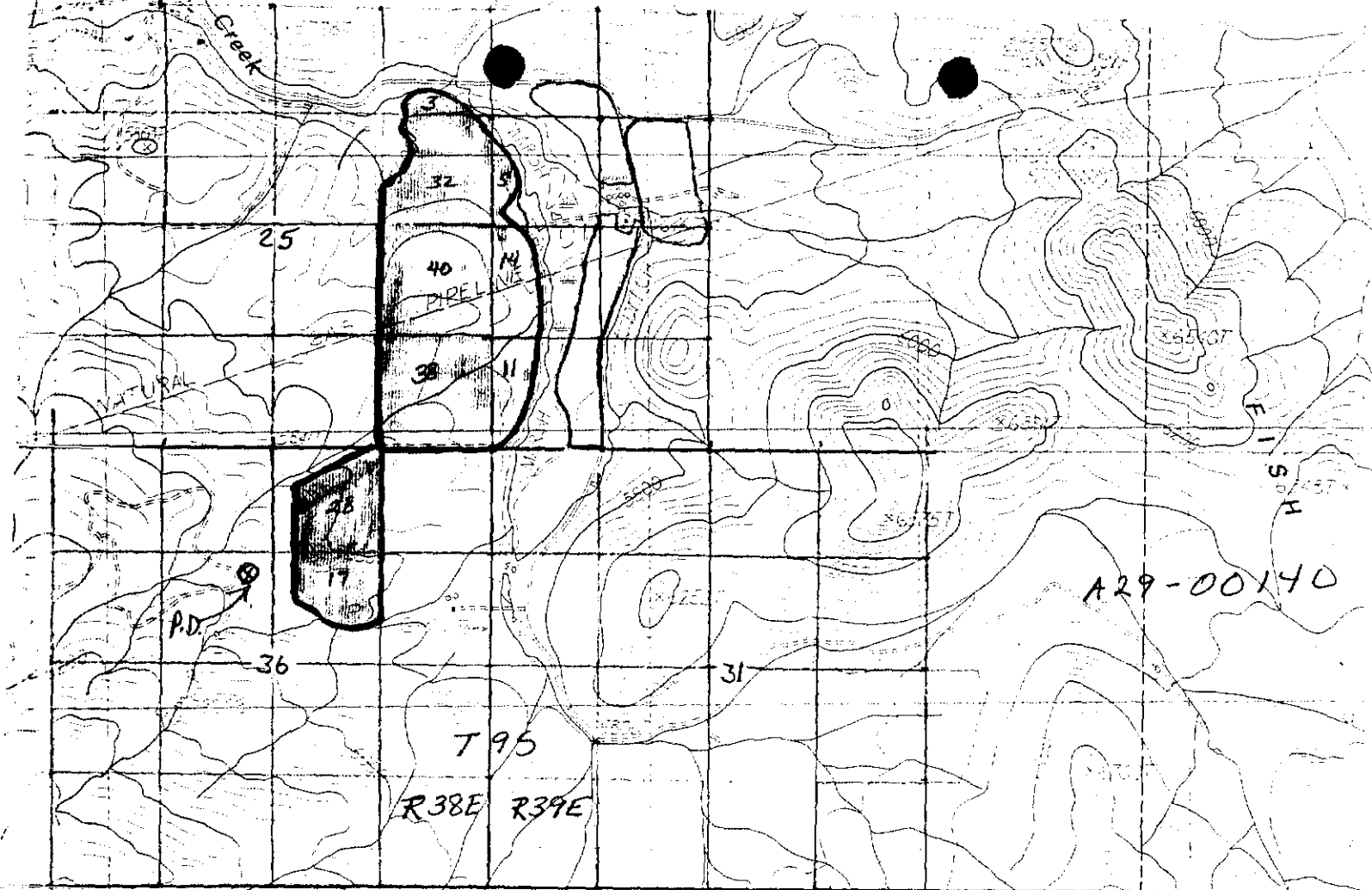
vs

MCCAMMON DITCH CO. ET. AL.
Decree Defendant

Amount to Add Ac.
? Best Case 240
claims 188
land to 52

(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.

NOV 13 1992



29-140 DESCRIBED

I. AS DESCRIBED, THIS RIGHT IS USED IN A 7 DAY ROTATION
w/ 29-143. BOTH CLAIMED @ 1.0 cfs, irrig. (SEE DUEBOS
EXCERPT)

* Q: DOES THIS STILL HAPPEN?

Rotation Schedule

Q:
W/ DELIVERY?

→ Q_{ck}:

II. POD CLAIMED IS NESE NW SEC. 36. AS DESCRIBED
IT IS IN NE⁴ SEC. 36 ⇒ cφ3
when —
* NOT SAME POD AS 29-143 (CLAIMED)

III. SOURCE APPARENTLY UNDERMINED BY HSCS BUT DESCRIBED
w/ PROPER NAME. RECOMMENDED w/ DESCRIBED NAMES
w/ REMARK TO QUALIFY.

Water Right Number - 29-00140

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 - - + + - - - Region - - - + + - - - Stage - - - + + - - - Status - - - +
03/01/1888 *OK* 15 EASTERN *D - DECREED*+ - - - - Source - - - - - + + - - - - Tributary - - - - - +
BANSEY SPRINGS SPRING CREEK *OK* SPRING CREEK
FISH CREEK+ - - - - Point of Diversion - - - - - +
TwN Rng Sec Tract Lot RFlg County Diversion Name Diversion Rate Diversion No.
09S 38E 36 *NE?* (5) BANNOCK *CLAIM NESENNW Sec. 36* *=> CP3*+ - - - - Water Use - - - - - +
Code Description Period From Period To Diversion Rate Diversion Volume
01 - IRRIGATION *OK* 04/15 *OK* 09/15 1.000 *OK*+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Div. Capacity - + + - Total Consumptive Use - + + - KW Usage - +
1.000 0.0+ - - - - Place of Use - - - - - +
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
09S 39E 30 SW SW 01 IRRIGATION (5) BANNOCK
09S 39E 30 SE SW 01 IRRIGATION (5) BANNOCK

+ - - Diversion Means -

*Best Case 240^{ac}**CLAIMS 188^{ac} w/ 95/38E S 25*

+ - - Non-Irrigation Use -

S 36

+ - - Other Rights for Same Use -

*CLAIMS OVERLAP WITH
29-139, 29-141, 29-144**95/39E S 30**=> CP5
when _____?*

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

GEN P/D & P/U INCOMPLETE.

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

FISH CREEK, TRIBUTARY TO THE PORTNEUF RIVER.

29-0139

105. ASLETT, DAVID
1888 Mar 1.

2.4 c.f.s.

Said water to be diverted through a ditch, having intake South 6 degrees East 1920 feet from the Southwest corner of Section 30, Township 9 South Range 39 E.B.M.; and also through another ditch having intake South 14 degrees 30 minutes East 1400 feet, from the Southwest corner of said Section 30; and also through another ditch having intake North, 77 degrees 30 minutes East, 260 feet from the Southwest corner of said Section 30; and also through another 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) SWSEWN Sec. 36

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.

SEE DECREE EXCERPT 29-143
Attached

29-0141

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

PO4: SW⁴, S²NW Sec. 30 95/398

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.

PO4: S²SE Sec. 25 95/388.

29-0142

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

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 point which bears South 6 degrees East, 1920 feet from the Southwest corner of said Section 30, also through another ditch 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

1-0143

ALLEN, J. C. JR.
1888 March 1 1 c.f.s.
Being one-half the flow of
Bansey Spring and Spring
Creek.

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 a stream arising therefrom known as Spring Creek, 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 Northwest quarter of Section 30, Township 9 South, Range 39 E.B.M.

The rights of David Aslett and J. C. Allen, Jr., to Bansey Spring and Spring Creek are of equal dignity and each of the parties is entitled to the entire flow of the creek and spring by rotation for consecutive periods of seven days.

Log for claim A29-00140

Spatial Dynamics AMH

8/4/00

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
09s38e	25	NENE	3	11	
09s38e	25	SENE	32	40	
09s38e	25	NESE	40	40	
09s38e	25	SESE	38	40	
09s38e	36	NWNE	28	40	
09s38e	36	SWNE	17	30	
09s39e	30	SWNW	5	38	
09s39e	30	NWSW	14	40	
09s39e	30	SWSW	11	39	
Totals:			188	318	

AJ5809NP
No. A29-00140

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 05/22/00
PAGE: 36

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	KOESTER FARMS INC 8997 E GRANT RD DOWNEY ID 83234 (208) 897-5591	03/01/1888	IRRIGATION	04-15 09-15	1.000 CFS	
TOTAL DIVERSION: CONSUMPTIVE USE:					1.000 CFS	470.00 AFA

Water Source: BANSEY SPRINGS
SPRING CREEK

Tributary to: SPRING CREEK
FISH CREEK

Stage: DECREED

Point(s) of Diversion: T09S R38E S36 NESENW

BANNOCK County

Place of use Legal Description for: IRRIGATION

NE												NW				SW				SE								
T	R	S	: Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	: Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	: Lt	Ac	Lt	Ac	Lt	Ac	: SUM			
09S	38E	25	:	03						32	:								:	40				38	:	113.0		
09S	38E	36	:		28		17				:								:						:	45.0		
09S	39E	30	:								:	05					14	11	:						:	30.0		
																							TOTAL ACRES	:	188.0			

POU County: BANNOCK

Other Rights: 29-00139, 29-00141, 29-00144

Other Water Rights Listing Overlapping Place(s) of Use:
A29-00139 A29-00141 A29-00144 A29-11523

Dates:	Exam Made Date:	Verified Date:	Objection Filed Date:
Misc:	Water District Number: 29	Field Inspection Flag:	
		Presumption Flag: D	
Audit:	04/19/90 ESRBA	04/04/94 THOMPSON	03/29/95 POST-STD