

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: A29-02381
Date Received: 1/25/1990
Receipt No: M005592
Received By: TO

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: O.W. FARMS 208-776-5515
Address: BOX 58
LAVA HOT SPRINGS, ID 83246

2. Date of Priority: DEC 28, 1956

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
08S	38E	33	NW	NW			BANNOCK

5. Description of diverting works:
WELL/PUMP

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	0.500		

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

8. Total consumptive use is 62.5 Acres Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
08S	38E	33	NW	NW		IRR	25.0

Section Acres 25.0

Tot 1 Acres 25.0

A29-02381

Page 1

Date: 01/25/90

MICROFILMED

NOV 13 1992

A2902381



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:

14. Remarks:

15. Basis of Claim: LICENSE
Water Right Number: 26660

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 _____ of
Title

Old W. Farm, that I have signed the foregoing
Organization
document in the space below as _____ of
Title

Old W. Farm and that the statements contained in the
Organization
foregoing document are true and correct.

[Signature]
Signature of Authorized Agent

Pur Old W. Farm
Title and Organization

Jan 25 1990
Date

State of Idaho

County of

Carbon

) SS.
)

Subscribed and sworn (or affirmed) before me this 25th day

of January 19 90

Seal

Anthony S. Olmsted
Notary Public

Residing at

Hohe Falls

My Commission Expires

9/12/1994

03/29/2001

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

RIGHT NUMBER: 29-2381

NAME AND ADDRESS: OW FARMS
BOX 58
LAVA HOT SPRINGS, ID 83246

SOURCE: GROUND WATER

QUANTITY: 0.5 CFS

PRIORITY DATE: 12/28/1956

POINT OF DIVERSION: T08S R38E S33 NENWNW Within BANNOCK County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	4-01 11-01	0.50 CFS

PLACE OF USE:

IRRIGATION Within BANNOCK County
T08S R38E S33 NWNW 25

25 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 - License



T8S
T9S

GROUPEL
OV 13 1997

Water Right Number - 29-02381

Prefix Translation: WATER RIGHT

Old (D) Number - 26660

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

*** C - CURRENT OWNER ***
KELLY

HENRY L.

1 -
2 -
3 -

City- LAVA HOT SPRINGS

State- ID Zip-

Phone -

+ - - Priority Date - - + + - - - Region - - - + + - - - Stage - - - + + - - - Status - - - +
12/28/1956 *an* 15 EASTERN L (LICENSE)+ - - - - Source - - - - + + - - - - - Tributary - - - - - +
GROUNDWATER *an*+ - - - - Point of Diversion - - - - - +
Twn Rng Sec Tract Lot RFlg County Diversion Name Diversion Rate Diversion No.08S 38E 33 NW NW *an* (5) BANNOCK+ - - - - Water Use - - - - - +
Code Description Period From Period To Diversion Rate Diversion Volume

01 - IRRIGATION

0.500 *an*+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Div. Capacity - + + - Total Consumptive Use - + + - KW Usage - +
0.500 0.0+ - - - - Place of Use - - - - - +
Twn Rng Sec Tract Lot Acres Code Description County08S 38E 33 NW NW *an* 25.0 01 IRRIGATION (5) BANNOCKTotal Acres: (25.0 *an*)

+ - - Diversion Means -

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use -

+ - - - - Remarks - - - - - +
No Remarks found.+ - - - - Old Water Right Numbers - - - - - +
No Old Water Right Numbers found.+ - - - - Conditions of Approval - - - - - +
No Conditions of Approval found.

+ - - - - Decree Plaintiff - - - + + - - - - Decree Defendant - - - + + - Decree Date - +

00/00/0000

CLAIMED AS LEONSON - SO RECOMMENDED -

Log for claim A29-02381

Spatial Dynamics PJM

9/5/00

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
08s38e	33	NWNW	25	27	
Totals:			25	27	

CLAIMED AS LIONSD - SO RECOMMENDED.

DATE: 05/22/00
PAGE: 125

State of Idaho

License and Certificate of Water Right

Water License No. G-26660

Amount 1.5 cfs

Water District No.

Priority Date of Dec. 21, 1956

THIS IS TO CERTIFY that JAMES L. KELLY of Lava Hot Springs, Idaho, made application for a permit to appropriate the public waters of the State of Idaho, dated December 28, 1956; that Permit No. G-26660 was issued under said application; that Certificate of Completion of works, with a carrying capacity of .50 second feet, was issued thereunder on August 21, 1963, showing that said works were completed on the 20th day of December, 1961; and that on the 20th day of December, 1961,

JAMES L. KELLY

of Lava Hot Springs, State of Idaho, made proof to the satisfaction of the State Reclamation Engineer of Idaho, of the right to use the waters of a well, a tributary of subterranean flow, for the purpose of irrigation, under Use Permit No. G-26660 of the Department of Reclamation and that said right to the use of said waters has been perfected in accordance with the laws of Idaho, and is hereby confirmed by the State Reclamation Engineer of Idaho and entered of record in Volume

12 of Licenses at page 7372, on the 21 day of August, 1963;

The right hereby confirmed dates from December 28, 1956;

The Point of Diversion is located

in the NW 1/4 NW 1/4, Sec. 33, Tp. 8 S., R. 30 E., B. M. Bannock County

That the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall not exceed .50 cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
8 S.	33 E.	33	NW 1/4	38	25

The right to the use of the water aforesaid hereby confirmed is restricted to the lands or place of use herein described, as provided by the laws of Idaho.

WITNESS the seal and signature of the State Reclamation Engineer, affixed at Boise, Idaho, this

21st day of August, 1963.

/s/ RALPH W. THOMAS

Deputy State Reclamation Engineer.

(SEAL)

APPLICATION FOR PERMIT

To Appropriate the Subterranean Waters of The State of Idaho

Application No. G- 34593
Permit No. G- 26660
District No.

1. Name of Applicant: HENRY L. KELLY
Postoffice address: Box 242, Lora Hot Springs County: Bannock State: Idaho
2. Quantity of water claimed: 1.0 cubic feet per second
 - (a) Rate of withdrawal in cubic feet per second. 1 cubic foot or Idaho
Miners' inches 50 or gallons per minute.
 - (b) Annual withdrawal in acre feet per annum
3. Source of water supply: Drilled well
4. Location of point of diversion or well is in the NW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 33
Twp. 8 S., Rge. 38 E., B.M., County of Bannock
5. Water is to be used for: Irrigation
6. If for municipal, industrial or recreational purposes, give:
 - (a) Point of use of water is in the $\frac{1}{4}$ of the $\frac{1}{4}$ of Section , Twp.
Rge. , B.M.
 - (b) Waste water or sewage effluent is to be returned to
at a point in the $\frac{1}{4}$ of the $\frac{1}{4}$ of Section , Twp. , Rge. , B.M.
7. Kind of works: Well and pumping system
8. Estimated cost of works: \$ 2500.00
9. (a) Is reservoir to be used? No.
(b) Capacity of reservoir:
10. The time required for the completion of such work and complete application of the water to the proposed use is five (5) years.
11. If applicant is a corporation, give:
 - I. (a) Date and place of incorporation:
(b) Amount of capital stock: \$ (c) Amount paid in: \$
(d) Names and addresses of directors:
 - II. The financial resources of the applicant are (a) Cash onhand: \$
(b) Treasury stock: (c) Bonds to be issued:
(d) Other resources:
12. The land to be irrigated is described in the following tabulation:
13. Existing water rights and/or valid permits appurtenant to the lands to be irrigated are:
 - (a) (cubic feet per second, inches or gallons per minute) of the water herein applied for is to be supplemental to the existing water rights.
 - (b) (cubic feet per second, inches or gallons per minute) is for new lands.

Remarks:

BE IT KNOWN THAT The undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.

/s/ Henry L. Kelly Applicant.

By Agent.

Date of first receipt at Department of Reclamation: 8:00 A.M. December 28, 1956.

Returned to applicant for correction:

Corrected application received:

Approval of State Reclamation Engineer

The number of this permit is G-26660

Recorded in Book 94 Page 26660 Approved January 9, 1957.

This is to certify that I have examined the within application for a permit to appropriate the public waters of the State of Idaho, and hereby approve the same, subject to the following limitations and conditions:

Bond in the sum of \$ to be filed on or before

Work to begin on or before and to continue diligently and uninterruptedly to completion, unless temporarily interrupted by circumstances over which the permit holder has no control.

One-fifth of the work above specified to be completed on or before July 9, 1959.

The whole of said work to be completed and beneficial use of water appropriated in accordance herewith, to be made on or before January 9, 1962

Witness my hand this 9th day of January, 1957.

MARK R. KULP
State Reclamation Engineer.

IN TESTIMONY WHEREOF, We, ROBERT E. SMYLLIE, Governor of the State of Idaho, and JAS. H. YOUNG, Secretary of State of the State of Idaho, have caused this instrument to be executed in the name of the State of Idaho, and caused the Great Seal of the State of Idaho to be hereunto affixed, this 9th day of January, 1957.

Countersigned:

(SEAL)

By JAS. H. YOUNG
Secretary of State.

STATE OF IDAHO
By ROBERT E. SMYLLIE
Governor

12.

Twp.	Range	Sec.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				Totals
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
8 S.	38 E.	33					38												38
		32	39	10															49
		28									.8								.8
		29													2				2
																			89.8

Permit No. G-26660
CERTIFICATE OF COMPLETION OF WORKS

TO ALL WHOM IT MAY CONCERN:

This is to certify that HENRY L. KELLY of Lava Hot Springs, County of Bannock, and State of Idaho, the holder of Permit No. G-26660, issued upon Application No. G-34993 bearing date of priority of December 28, 1956, authorizing the diversion of 1.0 second feet of waters of a well County of Bannock, State of Idaho, for irrigation purposes, has fully complied with the provisions of the laws of the State of Idaho relating to the proof of completion of the works of diversion set out and described in said Permit; that said works are adequate for diverting and conveying to the place of intended use .50 second feet of the waters of a well from subterranean flow; that the point of diversion of said waters NW $\frac{1}{4}$, Sec. 33, T. 8 S., R. 38 E., B.M. and that the lands proposed to be irrigated by the use of said water are described as follows, to-wit: 25 acres in the NW $\frac{1}{4}$, Sec. 33, T. 8 S., R. 38 E., B.M.

Witness my hand this 21st day of August, A. D. 1963.

/s/ RALPH W. THOMAS
Deputy State Reclamation Engineer

Proof of Completion of Works Made: December 20, 1961

LICENSE ISSUED FOR 150 SEC. FT.

h 4 2 7 6 7 7

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

BOISE, IDAHO

REPORT OF ENGINEER

Permit No. Q-26660This proof is for Completion of Works & Beneficial Use In Water District No. 1. Name of applicant Henry L. Kelly2. Source of water supply: Drilled well3. Location of point of diversion: Is in the NW 1/4 NW 1/4 of Section 33T. 8 S. R. 38 E.B.M. County of Bannock

4. Describe works as they exist, giving dimensions and capacities of same: 15 H.P. WISCONSIN
MOTOR # 2746733 PACIFIC pump # C11532 2" x 20' COLUMN
12" x 22' Casing hi 1' DD 18' Well depth 64' 2" discharge into
3" portable MAINLINE

5. Water is used for: irrigation6. State whether or not water has been turned into works of diversion: yes

7. List legal subdivisions of lands to be irrigated. If proof is for beneficial use, give exact number of acres under cultivation in each forty-acre tract. (Describe manner and place of use if other than irrigation):

NW 1/4 NW 1/4 Sec. 33., N 1/4 NE 1/4 Sec. 32., SW 1/4 SW 1/4 Sec. 28., SE 1/4 SE 1/4 Sec. 29 all in

Twp. 8 S., Rge. 38 E.B.M.

(Submit map on attached plat, showing location and details of above description.)

8. What large stream would the water here appropriated finally reach?

Remarks: Mr Henry L. Kelly (owner) participated in examination

measurement was made by taking pressure reading
from 15 nozzles size 1/4"

This examination was made on the 6th day of August, 1963(Signed) Row Deberg Examiner.

26660

INSTRUCTIONS TO EXAMINERS

1. Always carefully note the location of the point of diversion and accurately plat same.
2. When proof is for beneficial use, carefully check up the number of acres actually irrigated in each forty and accurately plat same.
3. Make a map showing the correct location of streams and ditches, and the irrigated lands, and any adjacent permanent landmarks, such as towns, lakes, large streams and public roads.
4. If any unusual conditions are discovered, make plain statement of them under remarks.
5. Always see the holder, if possible, and go over the whole ground with him and make your report only upon actual existing facts and conditions.
6. Give general characteristics of soils, topography, and crops raised.

RECEIVED
AUG 12 1963

Department of Reclamation

Henry L. Kelly

P. O. Box 242

Lava Hot Springs, Idaho

Permit No. G-26660

6485
Examination for Completion of Works & Beneficial Use

County Bannock

Sec. 33 T8 S R. 38 E. B.M.

Quantity: 1.0 a.f.s

Source: Well

P.D.: NW. NW. Sec. 33, T. 8 S. - R. 38 E

Use: Irrigation

Filed: Aug. 28, 1962

Due: Jan. 9, 1962

Extension: —

Completion of Works: —

Other Rights: none stated

Driller - Dean Barty

R-38 E.

T.
8
S.

29

28

P.D.

32

33

Subdivisions

1

T.
9
S.

TO McCAMMON
5

AREA

25 ACRES

ALLOW



.50 CFS OR 25 inches

Production of well

.59 CFS OR 29 inches

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE

REPORT OF ENGINEER

PERMIT NO. Q-26660

REPORT ON PROOF OF Completion of Works & Beneficial Use

Henry L. Kelly, Box 242, Lava Hot Springs

26660