

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: A29-07846 J.M.
Date Received: 4/20/1990 4-19-90
Receipt No: EO 14592/90
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: CLARK KELLY 208-233-7288
Address: 9685 W. HEATHER RD.
POCATELLO, ID 83204-0000

Name: TAMARA L. KELLY 208-233-7288
Address: 9685 W. HEATHER RD.
POCATELLO, ID 83204-0000

2. Date of Priority: APR 01, 1988

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
07S	35E	18	SW	SW	SW	4	BANNOCK

5. Description of diverting works:
WELL WITH PUMP TO PIPELINE. 1 1/4" LINE, 300' ACROSS PROPERTY.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.090		
DOMESTIC	01/01	12/31	0.040		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
DOMESTIC (4 PEOPLE); LIVESTOCK (2 HORSES)

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
07S	35E	18	SW	SW	4	IRR	3.0
Section Acres							3.0
Total Acres							3.0

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:
NONE

14. Remarks:

P/U ALSO KNOWN AS LOT 8, BLK. 2, GIBSON JACK ACRES SUBDIVISION.
DOMESTIC WATER ESTAB. 9-2-85. SEE PERMIT #29-7846. 7-1-89
PROOF FEE \$50. PD. BUT NOT YET INSPECTED.

15. Basis of Claim: PERMIT

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): Damara L Kelly Date: 5-15-90

Clark Kelly Date: 5-15-90

State of Idaho

County of Blaine) SS.

Subscribed and sworn (or affirmed) before me this 15th day

of May 19 90

Seal

Richard West
Notary Public

Residing at Frontell

My Commission Expires 10-17-94

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLSIN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number A29-07846Date Received P.M. 4-19-90

Receipt Number _____

RECEIVED

MAY 17 1990

Department of Water Resources
Eastern District Office**NOTICE OF CLAIM**

TO A

WATER RIGHT

ACQUIRED UNDER STATE LAW

Permit # 29 - 7846

RECEIVED

APR 20 1990

Department of Water Resources
Eastern District Office

Please type or print clearly

1. Name of Claimant (s) Clark AND/OR Tammara L. Kelly Phone (208) 233-7288Mailing Address 9685 W. Heather Rd. Pocatello, ID Zip 832042. Date of Priority (Only one (1) per claim) Domestic Water, ESTABLISHED 9-2-85 & wish to
irrigate nursery trees & flowers by sprinkler & drip irrigation3. Source of water supply (a) GROUNDWATER
which is tributary to (b) _____4. a. Location of existing point of diversion is: Township 7 S Range 3 SE Section 18,_____ 1/4 of _____ 1/4 of _____ 1/4, Govt. Lot, #4 B.M., County of BANNOCKAdditional points of diversion if any: This is subdivision lot 8 of Gibson Jack Acres

b. If instream flow, beginning point of claimed instream flow is:

Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____

Govt. Lot _____ B.M., County of _____

ending point is: Township _____ Range _____ Section _____, _____ 1/4 of _____

_____ 1/4, Govt. Lot _____ B.M., County of _____

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, etc.)
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well. Well/pump with 1 1/4'LINE 300' ACROSS PROPERTY**MICROFILMED**

NOV 13 1992



6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For Irrigation purposes from 3-15 to 11-15 amount 0.09 or _____

For Domestic purposes from 1-1 to 12-31 amount 0.04 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 0.13 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is 3.0 x 8 = 24 ~~9~~ acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) Domestic (4 people) livestock (2 horse; 2 horses)

10. Description of place of use:

a. If water is for Irrigation, indicate acreage in each subdivision in the tabulation below.

b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
75	35E	18											3						3
													4						

Total number of acres irrigated 3 (of 5)

11. In which county (ies) are lands listed above as place of use located? Bannock

12. Do you own the property listed above as place of use? Yes X No _____
If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above. _____ or None (X)

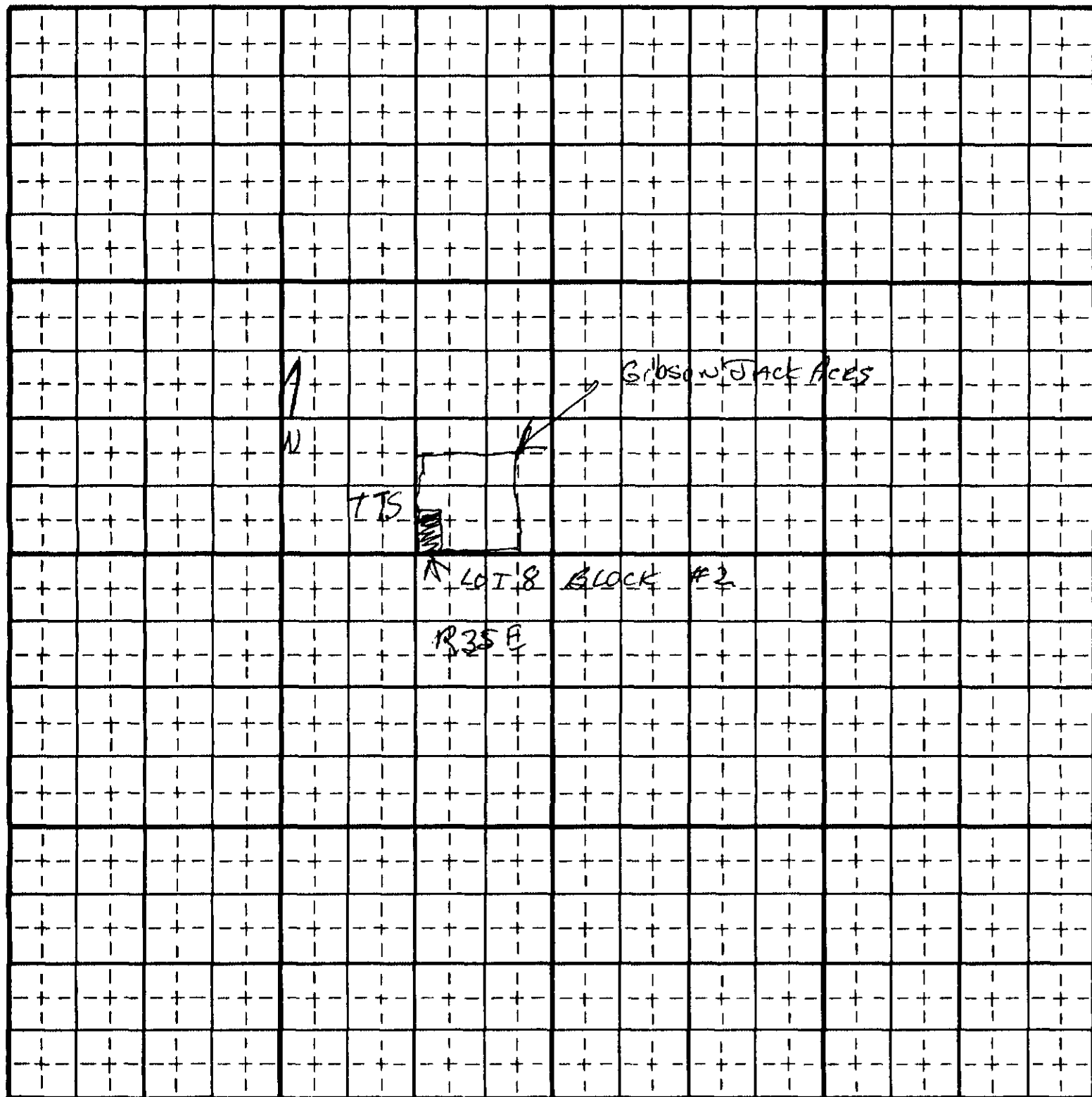
14. Remarks: Domestic Water established 9-2-85 &
wish to irrigate nursery trees & flower
by sprinkler and drip irrigation.
Also wish to water 4-livestock
See permit # 29-7846 7-1-89 - proof fee
\$500 paid but not yet inspected

Last Name Kelly Ident No. 29-7846

Copies: White - State, Yellow - Claimant

Map of Project: show clearly the point of diversion, place of use, section number, township, and range number.

Scale: 2 inches equals 1 mile



MICROFILMED

NOV 19 1992

Last Name

Kelly

Ident No.

29-7846

Copies: White-State, Yellow-Claimant

15. Basis of Claim (check one) Beneficial Use _____ Posted Notice _____ License X Permit 29-07846

Decree _____

If applicable provide IDWR Water Right Number _____

Court _____ Case Number _____ Decree Date _____

Plaintiff vs 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 X wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments _____

For Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant (s) Clark R Kelly Date 4-19-90

x Tamara L Kelly Date 4-19-90

For Organizations: I do solemnly swear or affirm that I am _____

Title

of _____, 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 _____

Title and Organization _____ Date _____

State of Idaho/or _____)
County of _____) SS.

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

SEAL

Notary Public _____

Residing at _____

My Commission Expires _____

Please Print Name

17. Notice of Appearance:

Notice is hereby given that I, _____ will be acting as attorney at law on behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature Clark R Kelly

Address 9685 Heather Rd. Pocatello, ID Enc. \$25.00

Date 4-19-90

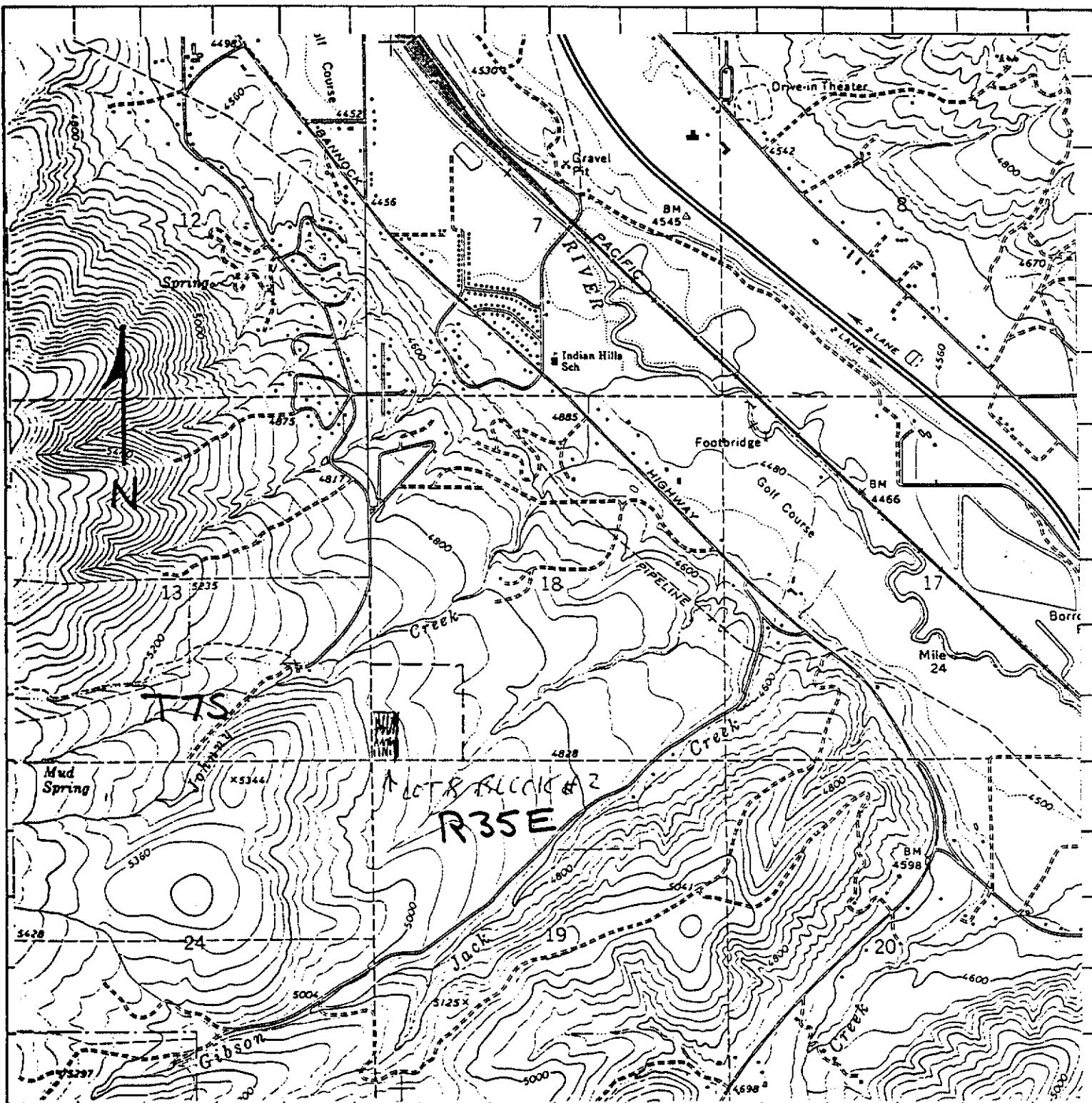
MICROFILMED

NOV 13 1992

Last Name Kelly Ident. Number 29-07846

Copies White-State, Yellow-Claimant

13. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



Scale: 2 inches equal 1 mile.

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.

Walter R. Kelly
(Applicant)

MICROFILMED

NOV 13 1992

Log for claim A29-07846

Spatial Dynamics BTD

9/11/00

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
07s35e	18	SWSW	3	13	POD placement? / Indiscernible
Totals:			3	13	

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	CLARK KELLY	04/01/1988	IRRIGATION	03-15 11-15	0.090 CFS	
C	TAMARA L KELLY		DOMESTIC	01-01 12-31	0.040 CFS	
	9685 W HEATHER RD					
	POCATELLO ID 83204					
	(208) 233-7288					
				TOTAL DIVERSION:	0.130 CFS	

Water Source: GROUNDWATER

Tributary to:

Stage: PERMIT

Point(s) of Diversion: T07S R35E S18 Lot04(SWSW)

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	:	SUM
---	---	---	:	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---
07S	35E	18	:																	:	3.0
																				TOTAL ACRES	3.0

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

POU County: BANNOCK

Non-Irrigation Uses: DOMESTIC (4 PEOPLE); LIVESTOCK (2 HORSES)

Other Rights: NONE

Other Water Rights Listing Overlapping Place(s) of Use:

A29-04244

Conditions of Approval:

- 041 - Irrigation use under this right is authorized only in connection with a domestic use.

Remarks: GEN P/U ALSO KNOWN AS LOT 8, BLK. 2, GIBSON JACK ACRES SUBDIVISION.
DOMESTIC WATER ESTAB. 9-2-85. SEE PERMIT #29-7846. 7-1-89
PROOF FEE \$50. PD. BUT NOT YET INSPECTED.

Dates: Exam Made Date: Verified Date: Objection Filed Date:

Misc: Water District Number: Field Inspection Flag:
Presumption Flag:

Audit: 05/17/90 THOMPSON 07/29/94 THOMPSON 03/29/95 POST-STD 04/13/00 CVANDERM

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

APPROVED

1. Name of applicant Clark and/or Tamara L. Kelly Phone (208) 233-7288
Post office address 9685 W. Heather Rd., Pocatello, ID 83204

2. Source of water supply Groundwater which is a tributary of _____

3. Location of point of diversion is _____ $\frac{1}{4}$ of SW $\frac{1}{4}$ of SW $\frac{1}{4}$, Govt. Lot # 4
Sec. 18 Township 7S Range 35E B.M. Bannock County; additional
points of diversion if any: This is subdivision lot 8 of Gibson Jack Acres

4. Water will be used for the following purposes:

Amount 0.09 for Irrigation purposes from 3/15 to 11/15 (both dates inclusive)
(cfs or acre-feet per annum)

Amount 0.04 for Domestic purposes from 1/1 to 12/31 (both dates inclusive)
(cfs or acre-feet per annum)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

5. Total quantity to be appropriated is (a) 0.13 and/or (b) _____
cubic feet per second acre feet per annum

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. well/pump with 1 1/2" line 300' across
property.

b. Height of storage dam _____ feet; active reservoir capacity _____ acre-feet; total
reservoir capacity _____ acre-feet; period of year when water will be diverted to storage:
_____ to _____ inclusive.

c. Proposed well diameter is 6 inches; proposed depth of well is 200 feet.

d. Is ground water with a temperature of greater than 90°F being sought? NO

7. Time required for the completion of the works and application of the water to the proposed beneficial use is
1 years (minimum 1 year).

RECORDED

JUN 11 1988

8. Description of proposed uses (if irrigation only, go to item 9):

- Hydropower; show total feet of head and proposed capacity in KW. _____
- Stockwatering; list number and kind of livestock. _____
- Municipal; show name of municipality. _____
- Domestic; show number of households. one
- Other; describe fully. _____

9. Description of place of use:

- If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- If water is used for other purposes, place a symbol of the use (example: *D* for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
7S	35E	18											3						3
													L-4						

Total number of acres to be irrigated 3

10. Describe any other water rights used for the same purposes as described above. None

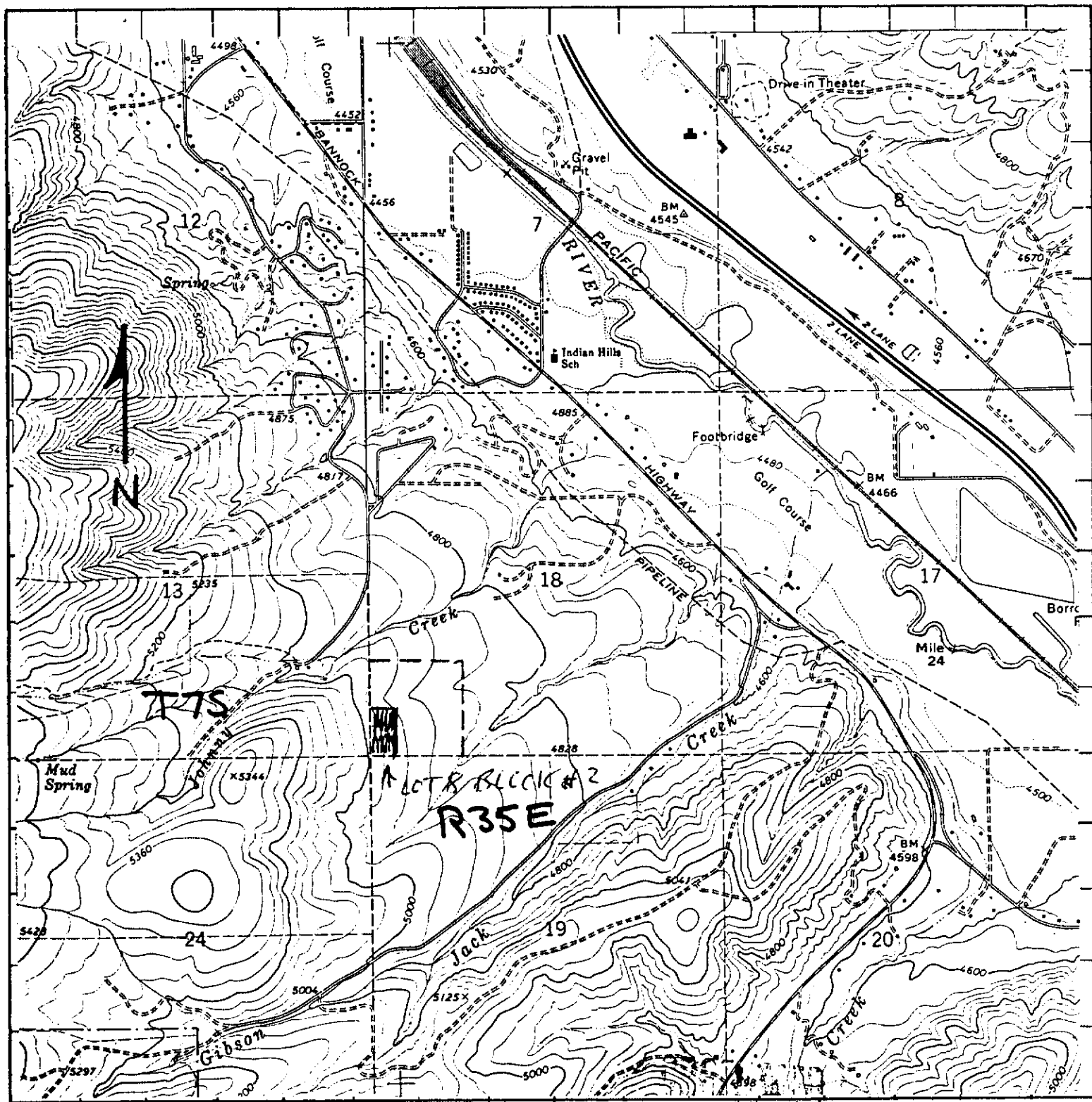
11. a. Who owns the property at the point of diversion? Applicant

b. Who owns the land to be irrigated or place of use? Applicant

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing. _____

12. Remarks: Domestic water established 9-2-85 and wish to irrigate nursery trees & flowers by sprinkler and drip irrigation

13. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



Scale: 2 inches equal 1 mile.

JUN 12 1939

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.

X *Walter R. Kelly*
(Applicant)

Proposed Priority 4/1/88

Received by dg Date 4-1-88 Time 3pm Preliminary check by HWT
Fee \$ 30⁰⁰ Receipted by dg # E000068 Date 4-6-88
Publication prepared by dg Date 4-27-88 Published in ID State Jnl
Publication approved dg Date 5-17-88

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. 29-7846, and said application is hereby APPROVED.

1. Approval of said application is subject to the following limitations and conditions:

a. SUBJECT TO ALL PRIOR WATER RIGHTS.

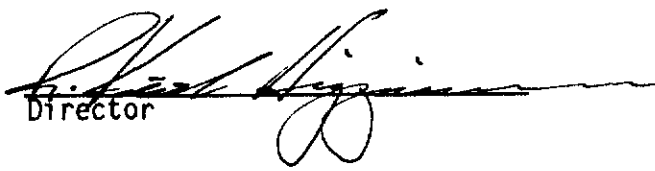
b. Proof of construction of works and application of water to beneficial use shall be submitted on or before July 1, 1989.

c. The rate of diversion, if water is to be used for irrigation under this permit, when combined with all other water rights for the same land shall not exceed 0.02 cubic feet per second for each acre of land.

d. The water right acquired under this permit if for hydropower purposes shall be junior and subordinate to all rights to the use of water, other than hydropower, within the State of Idaho that are initiated later in time than the priority of this permit and shall not give rise to any right or claim against any future rights to the use of water, other than hydropower, within the State of Idaho initiated later in time than the priority of this permit.

e. Other: Irrigation use under this permit is authorized only in connection with a domestic use.

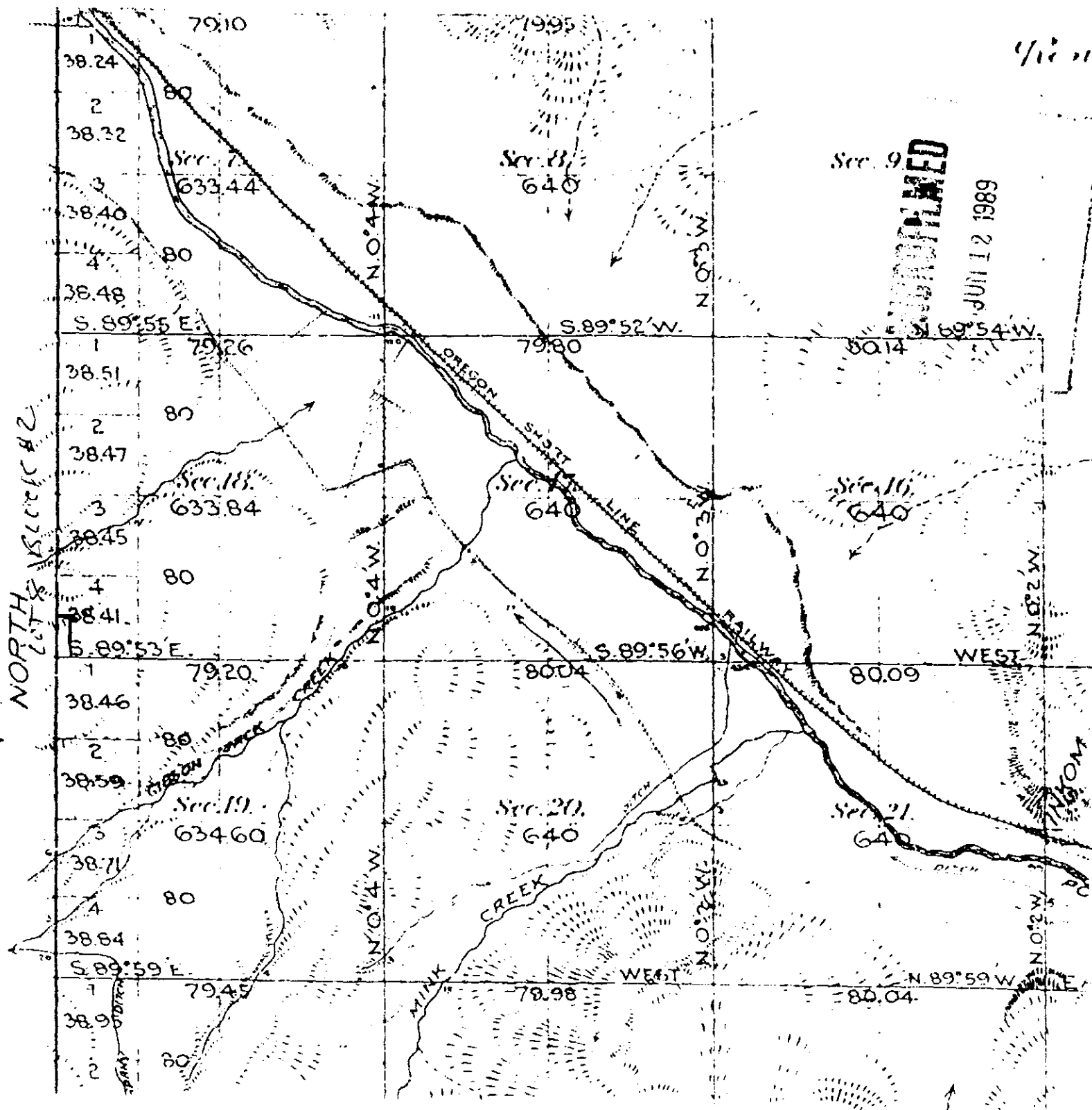
Witness my hand this 3rd day of August, 1988.


Director

RECEIVED
JUN 12 1988

"Gov. Lot"
Plat 1

T7S
R
35E





State of Idaho
DEPARTMENT OF WATER RESOURCES

150 Shoup Ave., Suite 15, Idaho Falls, Idaho 83402 - (208) 525-7161

EASTERN REGION

CECIL D. ANDRUS
GOVERNOR
R. KEITH HIGGINSON
DIRECTOR

April 20, 1990

Clark Kelly
9685 W Heather Rd.
Pocatello, ID 83204

RE: Notice of Claim A29-07846

Dear Mr. Kelly:

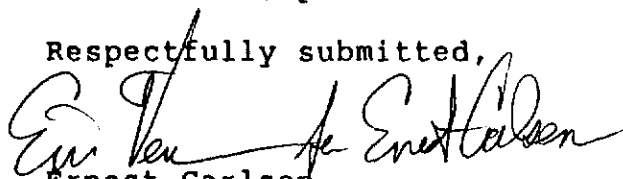
The Idaho Department of Water Resources (IDWR) is returning your Notice of Claim to a Water Right, along with your check (#3242 in the amount of \$25.00) because of insufficient information and/or fees. All items on the forms must be completed and fees submitted before the IDWR can process the notice.

Please correct the items identified below and return the notice and filing fee to the IDWR within 30 days of the date of this letter. If the corrected notice is not returned within the 30 days, the notice will be subject to an additional late fee.

The information claimed on the notice you submitted does not agree with the water right as licensed. Enclosed is a typed Notice of Claim form with the licensed information and a copy of the Water Right license. To correct the notice previously submitted, please sign, notarize, and return the typed Notice of Claim to the IDWR. The fee is \$50.00 for the Notice of Claim, plus \$1.00/per acre irrigated, for a total of \$53.00.

If you wish to make an appointment to discuss the corrections, please call the IDWR at (208) 525-7161.

Respectfully submitted,


Ernest Carlsen
Adjudication Supervisor

EC:jt

Enclosure

CRIC
Rec'd 5-15-90

MICROFILMED
RECEIVED
NOV 13 1990

MAY 17 1990

Department of Water Resources
Eastern District Office

Form 202
8/85

RECEIVED

AUG 8 1988

Department of Water Resources

Eastern District Office

COPY COPY

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

Ident. No. 29-7846

To appropriate the public waters of the State of Idaho

APPROVED

1. Name of applicant Clark and/or Tamara L. Kelly Phone (208) 233-7288

Post office address 9685 W. Heather Rd., Pocatello, ID 83204

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3. Location of point of diversion is _____ $\frac{1}{4}$ of SW $\frac{1}{4}$ of SW $\frac{1}{4}$, Govt. Lot *4

Sec. 18 Township 7S Range 35E B.M. Bannock County; additional

points of diversion if any: This is subdivision lot 8 of Gibson Jack Acres

4. Water will be used for the following purposes:

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(cfs or acre-feet per annum)

Amount 0.04 for Domestic purposes from 1/1 to 12/31 (both dates inclusive)
(cfs or acre-feet per annum)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

5. Total quantity to be appropriated is (a) 0.13 and/or (b) _____
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6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. well/pump with 1 1/2" line 300' across
property.

DO NOT FILM

b. Height of storage dam _____ feet; active reservoir capacity _____ acre-feet; total
reservoir capacity _____ acre-feet; period of year when water will be diverted to storage:
_____ to _____ inclusive.

c. Proposed well diameter is 6 inches; proposed depth of well is 200 feet.

d. Is ground water with a temperature of greater than 90°F being sought? NO

7. Time required for the completion of the works and application of the water to the proposed beneficial use is
1 years (minimum 1 year).

COPY

COPY

8. Description of proposed uses (if irrigation only, go to item 9):

- a. Hydropower; show total feet of head and proposed capacity in KW. _____
- b. Stockwatering; list number and kind of livestock. _____
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TWP	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
7S	35E	18											3						3
													L-4						

Total number of acres to be irrigated 3

10. Describe any other water rights used for the same purposes as described above. None

11. a. Who owns the property at the point of diversion? Applicant
- b. Who owns the land to be irrigated or place of use? Applicant
- c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing. _____

12. Remarks: Domestic water established 9-2-85 and wish to irrigate nursery trees & flowers by sprinkler and drip irrigation

4/1/88
Received by dg Date 4-1-88 Time 3pm Preliminary check by HWT
Fee \$ 30⁰⁰ Received by dg # E000068 Date 4-6-88
Publication prepared by dg Date 4-27-88 Published in ID State Jnl
Publication approved dg Date 5-17-88

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. 29-7846, and said application is hereby APPROVED.

1. Approval of said application is subject to the following limitations and conditions:

- a. SUBJECT TO ALL PRIOR WATER RIGHTS.
- b. Proof of construction of works and application of water to beneficial use shall be submitted on or before July 1, 19 89.
- c. The rate of diversion, if water is to be used for irrigation under this permit, when combined with all other water rights for the same land shall not exceed 0.02 cubic feet per second for each acre of land.
- d. The water right acquired under this permit if for hydropower purposes shall be junior and subordinate to all rights to the use of water, other than hydropower, within the State of Idaho that are initiated later in time than the priority of this permit and shall not give rise to any right or claim against any future rights to the use of water, other than hydropower, within the State of Idaho initiated later in time than the priority of this permit.
- e. Other: Irrigation use under this permit is authorized only in connection with a domestic use.

Witness my hand this 3rd day of August, 1988.

DO NOT FILM
[Signature]
Director