

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: A75-11620
Date Received: 1/21/1993
Receipt No: E018221
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: JOHN I KASTELER JR 801-272-1827
Address: 2011 ALISON CIRCLE
SALT LAKE CITY UT 84124

2. Date of Priority: MAY 30, 1948

3. Source: NORTH FORK SALMON RIVER Trib. to: SLAMON RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
26N	21E	26	NW	SE			LEMHI

5. Description of diverting works:
DITCH ALONG WESTSIDE OF PROPERTY

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/15	10/15	0.250		

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

8. Total consumptive use is 10.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
26N	21E	26	SE	SE		IRR	2.0
						Section Acres	2.0
		35	NE	NE		IRR	2.0

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					Section Acres	2.0
					Total Acres	4.0

11. Place of use in counties: LEMHI

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

13. Other Water Rights Used:

14. Remarks:

15. Basis of Claim: BENEFICIAL USE

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: _____

State of Idaho)
County of _____) SS.

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

Notary Public

Seal

Residing at _____

My Commission Expires _____

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

A75-11620

Date Received

1-20-93

Receipt Number

E018221

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

Please type or print clearly

- Name of Claimant (s) John I. Kasteler Jr. Phone (801) 272-1827
801 566-9201
Mailing Address 2011 ALISON Circle Salt Lake Utah Zip 84124
OR P.O. Box 23 Gibbonsville, Idaho
- Date of Priority (Only one (1) per claim) May 30, 1948
- Source of water supply (a) Ditch (unnamed)
which is tributary to (b) NORTH FORK, SALMON RIVER
- a. Location of existing point of diversion is: Township 26 N Range 21 E Section 35 & 36,
____ 1/4 of ____ 1/4 of ____ 1/4, Govt. Lot, ____ B.M., County of ____
Additional points of diversion if any: _____
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 of ____
____ 1/4, Govt. Lot ____ B.M., County of _____
- 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. A "West" ditch which begins
Approximately 1000 feet below where the Wenzig cabin
stood and runs along the west side of Hordstedd
Entry # 97.

A751620



MICROFILMED

APR 19 1994

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For Irrigation purposes from Jan to Dec amount .25 or _____
For _____ purposes from _____ to _____ amount _____ or _____
For _____ purposes from _____ to _____ amount _____ or _____
For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) .25 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is _____ acre feet per annum.

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

10. 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 use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

Description of place of use: (see attached map)

Beginning at Corner No. 8; thence North 27 45' West 20.44 chains to Corner No. 9; thence North 51 30' East to the North Fork river; thence South along the West side of the river approximately 20 chains; thence South 60 West approximately 8 chains to Corner No. 8, the place of beginning.

Total number of acres irrigated 4

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

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:

MICROFILMED

APR 19 1994

Last Name Kasteler Ident No. _____

Copies: White -State, Yellow-Claimant

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

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

Number of attachments 3

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

Signature of Claimant (s) John Kasteler Jr Date 1/15/93
Date _____

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 _____

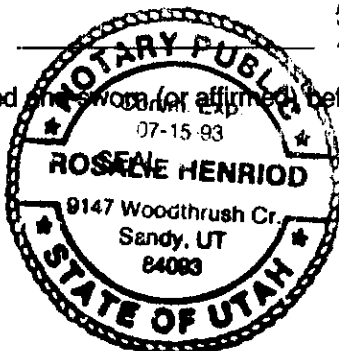
Title and Organization _____ Date _____

State of Idaho/or _____)

County of _____)

SS.

Subscribed and sworn to before me this 15th day of January 19 93



Notary Public Rose Henriod

Residing at Sandy, Utah

My Commission Expires 7/15/93

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 _____

Address _____

Date _____

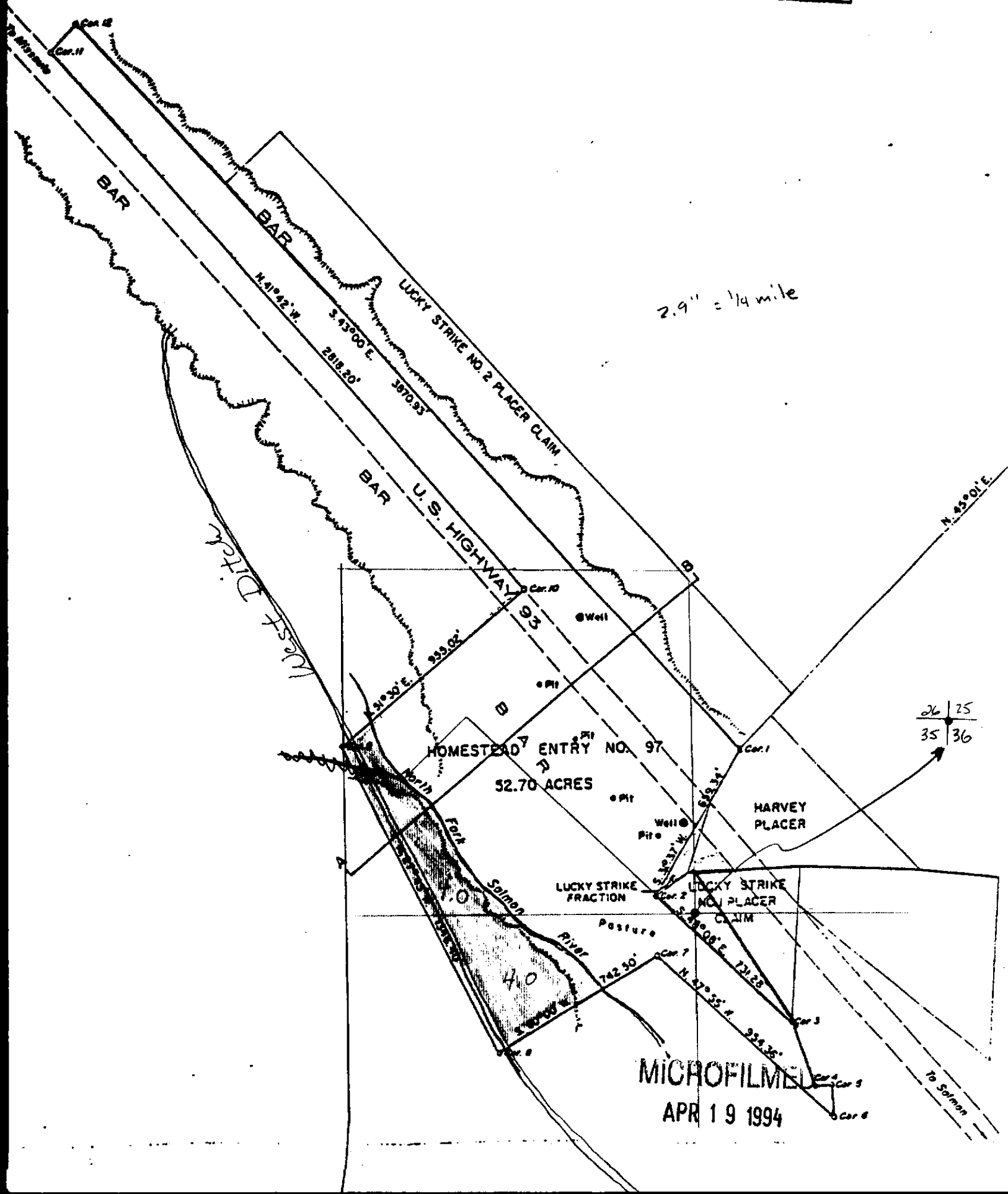
MICROFILMED

APR 19 1994

Last Name Kasteler Ident. Number _____

Copies White-State, Yellow-Claimant

POOR ORIGINAL



January 15, 1993

Jo Thompson
State of Idaho
Department of Water Resources
150 Shoup Street - Suite 15
Idaho Falls, Idaho 83402

RECEIVED

JAN 20 1993

Department of Water Resources
Eastern District Office

Dear Jo:

I have enclosed the corrected "*Notice of Claim to a Water Right*" as well as the original which you returned to me with instructions for correction. I have also enclosed a second "Claim" for the west ditch on the property. If I don't apply for some water from that ditch, I will have no way of irrigating the west pasture.

Also, with each claim, is a check for the filing, late & irrigation fees.
Please let me know if you need anything else.

Sincerely,



John I. Kasteler Jr.
2011 Alison Circle
Salt Lake City, Utah 84124
801-566-9201(days)

MICROFILMED

APR 19 1994

Copy -
Original with
"Unnamed Springs" - same
Property.

POOR ORIGINAL

TO ALL WHOM IT MAY CONCERN

During the summer of 1948, I entered into tentative negotiations with Theodore Fougassie, owner of Homestead Entry No. 97, Gibbonsville, Idaho to incorporate his property into U. S. Chemical Corp. Several trips were made to Gibbonsville during the balance of the year to assist Fougassie and his partner, Hugh J. Richards, in caring for the property.

The former owner of Entry No. 97, Max Bauer, had left the irrigating ditches and the culinary spring in disrepair. The West Ditch, which began approximately 1000 feet below the Wenzig cabin, was dug in the 1920's solely to irrigate the west pasture of Entry 97, was 'brushed out' to allow passage of more water. This water ran all summer until winter. The same condition existed at the East Ditch which began near the Wenzig cabin and was used to irrigate the East Pasture of Entry 97. This water also flowed all summer. The culinary spring in the central meadow of Entry 97 supplied drink^{ing} water to the Bauers and to Fougassie from 1926 to 1955.

During the period between 1948 and 1955, Albert and Anna Prokych, of Salmon, Idaho, leased the pastures of Entry 97 for their cattle. Irrigating water ran continuously all summer in the West ditch and intermittently in the East Ditch. The Culinary spring was used all year..

Dated this 15 day of December, 1992

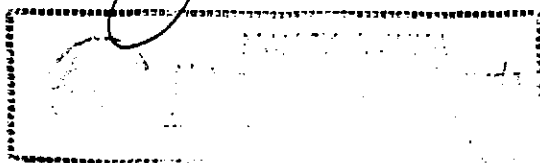
John Kasteler Sr.
John Kasteler Sr.

STATE OF NEVADA)
) SS
COUNTY OF WASHOE)

Subscribed and sworn to before me this

15 day of December, 1992

Nancy Elise



MICROFILMED
APR 19 1994

*Copy -
original with
"unnamed spring" -
same property.*

Mrs. Annie Proksch
Route 1 Box 126
Salmon, Idaho 83467
Phone 208-756-3250

December 14, 1992

John Kasteler
2011 Kalison Circle
S.L.C., Utah 84124
Phone 801-272-1827

Ref: Irrigation of property at Gibbonsville Idaho

To whom it may concern:

I have been asked to verify the irrigation of the John Kasteler property located in Gibbonsville, Lemhi County, Idaho. My husband and I rented the property in about 1954 for the pasturing of cows. I, Annie Proksch did irrigate some of the land in question. I cannot remember the ditch locations, but can witness the fact that the land was irrigated during the time of our uses.

I would be glad to respond to further questions or information needed to satisfy your requirements in this case..

Sincerely,

Annie Proksch
Annie Proksch

MICROFILMED
APR 19 1994

ACTION REQUIRED

208-525-7161

FROM: JO THOMPSON, ADJUDICATION SECRETARY

*If you have questions,
Please Call!*

TO: JOHN KASTELER

#2: Need month, day (approx) and year water was first used. Submit affidavit or other documentation to support priority date.

#3: Strike wells if not being used (would need separate claim for each well, as well).
if wells are claimed.

#5: Describe the springs going into a common ditch.

#9: Strike

10: Locate 1/4 1/4's where water is used (or describe on "map of project").

14: If stock is only purpose for water useage and no land is actually irrigated, strike all acreage in #10.

16: Sign before Notary

Fee is \$50.00 to file the claim; \$50.00 late fee and \$12.00 if you include the 12 acres.
Fee is \$100.00 total if no irrigation is claimed.

Go

MICROFILM

FROM

Kelly K. Christensen
Southern

EASTERN

SUBJECT

Claim submitted by John & Kasteler

He initially called this office and I discussed claims filing with him. Apparently he did not understand that this claim should be sent to eastern. ^{apparently} I also did not convey the concept of Beneficial use either.

If you have any questions good luck I don't have any answers.

11-9
office
566-9201
left mess.
to
call me.

INTER-DEPARTMENT MEMO — 1

DATE 11-4-92

POOR ORIGINAL

MICROFILMED SIGNATURE

APR 19 1994

POOR ORIGINAL

1307

★ JOHN I. KASTELER, JR. 9-80
2011 ALISON CIRCLE 272-1827
SALT LAKE CITY, UTAH 84124

Nov. 4 1992

31-73/1240

PAY TO THE ORDER OF Idaho Department of Water Resources \$ 75.00

Seventy five and ^{NO} 100 DOLLARS



Key Bank of Utah
Family Center Office
924 East Fort Union Blvd.
Midvale, Utah 84047

MEMO water claim

John I. Kasteler Jr.

⑈ 124000737⑈ 421350248⑈ 1307

RECEIVED

NOV 06 1992

Department of Water Resources
Southern Region Office

November 4, 1992
Salt Lake City, Utah

RECEIVED

NOV 06 1992

Department of Water Resources
Eastern District Office

Ms. Kelly K. Christensen
Sr. Water Resource Agent
State of Idaho
Department of Water Resources
222 Shoshone St. East
Twin Falls, Idaho 83301

Dear Ms. Christensen:

Enclosed please find a completed "Notice of Claim to a Water Right" form. I would fall under the "Small Domestic and/or Stockwater Purposes (D&S)" category, but am filing anyway. I have also enclosed a check in the amount of \$75.00 (\$25.00 fee and \$50.00 late fee).

I have not researched the water rights with the Homestead Entry #97, but I suspect that they include some amount of well water from the two wells indicated on the map. When a home is eventually built on the property, the amount of flow from the springs would be increased to provide culinary water use.

I also have five mining claims adjacent to the Homestead but I doubt that I will ever do any mining on those claims and for that reason have applied to the Forest Service (Bureau of Land Management) to purchase that property.

Please let me know if I have not fulfilled all the requirements.

Sincerely,

John I. Kasteler

John I. Kasteler
801-272-1827

MICROFILMED

APR 19 1994



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301 (208) 736-3033

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

24-Mar-1992

JOHN KASTLER
2011 ALISON CIRCLE
SALT LAKE CITY, UT 84124

RECEIVED

NOV 06 1992

Department of Water Resources
Southern Region Office

RE: REQUEST FOR CLAIM FORMS

Dear Mr Kastler

Enclosed are six claim forms for your use. Each independent use needs to be claimed separately, however, if you have a combined system such as mining use with the tail water used for irrigation then you can claim both uses under one claim.

I did not research the late fee requirement for all your claims but the mining claims on federal property deadline was 2-28-92. Late fees are required for those claims.

If you are not certain if late fees are applicable, please call the eastern region and they can advise you.

Sincerely

Kelly K. Christensen
Kelly K. Christensen
Sr. Water Resource Agent

enclosures

MICROFILMED

APR 19 1994