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NOV 21 2003

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS Department of Water Resources

85-15407

CIVIL CASE NUMBER: 39576

Ident. Number 85-4437Date Received NOV 21 2003Receipt Number 0071709

**IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM**

**NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW**

Please type or print clearly

1. Name of Claimant (s) ESLINGER FAMILY TRUST Phone (208) 486-7470Mailing Address 21839 HAVEN LANE PECK ID Zip 835452. Date of Priority (Only one (1) per claim) March 18, 19093. Source of water supply (a) (Springs) (Unnamed Stream)
which is tributary to (b) (Unnamed Stream) (Big Canyon Creek)4. a. Location of existing point of diversion is: Township 36N Range 1W Section 10,SW 1/4 of SW 1/4 of SE 1/4, Govt. Lot, _____ B.M., County of Nez Perce

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 _____ 1/4,

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 _____

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.

Developed springs 1 1/4" pipe
to storage tank to holding tank and pumped to house
Creek water piped to small reservoir and then piped to house - garden

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For Domestic purposes from 1/1 to 12/31 amount 0.03 or _____
 For Stockwater purposes from 1/1 to 12/31 amount 0.02 or _____
 For Irrigation purposes from 2/15 to 11/30 amount 0.03 or _____
 For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 0.06 (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.) Domestic, 2 homes; Stockwater, 2 horses, 1 cattle

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	
<u>36N</u>	<u>1W</u>	<u>10</u>															<u>1.5</u>		<u>1.5</u>

Total number of acres irrigated 1.5

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

12. Do you own the property listed above as place of use? Yes ☒ 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 (☒)

14. Remarks: 3 points of diversion in SWSWSE Sec. 10

Last Name _____ Ident No. _____

Copies: White -State, Yellow-Claimant

15. Basis of Claim (check one) Beneficial Use Decree Posted Notice _____ License _____ Permit _____
If applicable provide IDWR Water Right Number 85-4437 85-15407
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 _____

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

X Signature of Claimant (s) _____ X Date _____
_____ Date _____

X For Organizations: I do solemnly swear or affirm that I am trustee _____ Title _____
of Eslinger Family Trust _____, that I have signed the foregoing
document in the space below as TRUSTEE _____ of Eslinger family trust _____
Title Organization
and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent Bernard Eslinger
Title and Organization trustee Eslinger family trust Date 11-18-03

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

Subscribed and sworn (or affirmed) before me this 18th day of November 2003



Notary Public [Signature]
Residing at Lewiston
My Commission Expires 4-28-2004

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 _____

Last Name _____ Ident. Number _____

AGREEMENT CREATING COMMON RIGHT TO WATER OR SPRING
This agreement made and entered into this 18th day of March A. D. one thousand nine hundred and nine, by and between James H. Kayler and Mamie A. Kayler, his wife of the town of Peck, Nez Perce County and State of Idaho, Parties of the first Part, and the village of Peck, in the County of Nez Perce, State of Idaho, a Corporation, Party of the second Part, witnesseth:
(1) That on the land of the Adams Estate situate and described as follows, in the County of Nez Perce, and State of Idaho: The East half of the Southwest quarter and the West half of the Southeast quarter of section ten in Twp. Thirty six North of Range one West of Boise Meridian in Idaho, containing one hundred and sixty acres, is situated a Spring of running water.

(2) That the said Parties of the first Part have been, and are using, and claim the use of water from the above named Spring.

(3) That by mutual agreement, by and between the Parties herein described, the said Party of the second Part, has appropriated the water, of the said described Spring for the use of the inhabitants of the above named town of Peck.

Now Therefore, it is mutually stipulated and agreed by and between the Parties hereto, and the said Parties by these Presents covenant and agree that the said water of the above described Spring shall, and the same is and shall be forever, by, to, and between the said Parties herein described a Community Spring, and and that the said Parties herein described do by these Presents covenant and agree by and between themselves, to the following conditions of appropriation of the said waters of the above named Spring, to-wit:

That the said Parties of the first Part, are to construct and lay a one inch Pipe for the purpose of conducting the water of the said Spring to his place of residence: That the said Party of the second Part is to construct and lay a two inch Pipe from the said Spring to the Reservoir, of the said Party of the second Part:

And it is further covenanted and agreed by and between the Parties hereto by these Presents, and the said Parties of the first Part covenants and agrees with the said Party of the second Part, that the said Parties of the first Part shall have the common right to use of the water of the above named Spring for domestic, and husbandry purposes forever, and shall and have by these Presents the priority of right to the use of the said water, subject nevertheless to the following conditions: That the said Parties of the first Part, do by these Presents covenant and agree to and with the said Party of the second Part not to waste, nor allow any other person to commit a waste of the said water of the Spring, wantonly, forever.

It is further agreed by the Parties hereto, that the said Parties of the first Part shall have the right to lay their one inch pipe, above named, one inch below the level of the two inch pipe, above named of the said Party of the second Part.

It is further covenanted and agreed, by and between the Parties hereto that in the event that the said Spring above named fails to furnish water sufficient for the use of all the Parties hereto, That the said Party of the second Part, does and shall have the right, so far as the Parties hereto are concerned, to appropriate the water of Bear Creek, in the above named County and State, for the use of the said inhabitants of the said town of Peck, provided nevertheless that that in appropriating the said water of the said Bear Creek, above named the said Party of the second Part hereby covenants and agrees to and with the said Parties of the first Part, to so appropriate the said water of Bear Creek, as not to contaminate, or in anywise, interfere with the water of the said Spring above named to the prejudice of the said Parties of the first Part forever.

Now therefore it is hereby mutually stipulated and agreed, that the said Parties of the first Part, for and in consideration of of their mutual benefit, and common interest in the growth, development and prosperity of the above named town of Peck, do covenant and agree to and with the said Party of the second Part, that the said Party of the second Part shall and does have a common right with the said Parties of the first Part, to the use of the said waters of the above named Spring for the use of the said inhabitants of the said Town of Peck forever.

Signed

IN WITNESS WHEREOF, The said Parties of these Presents have hereunto set their hands and seals the day and Year first above written.

Signed, Sealed and Delivered in

Presence of

Samuel Porter.

R. M. Walker.

State of Idaho,

County of Nez Perce, SS.

James H. Kayler, (Seal)

Mamie A. Kayler, (Seal)

B. S. Rugg, Mayor, (Seal)

Edwin Leland, Clerk, (Seal)

On this eighteenth day of March in the Year 1909, before me R. M. Walker, a Notary Public, in and for said County, Personally appeared James. H. Kayler, Mamie A. Kayler and B. S. Rugg, and Edwin Leland, known to me to be the Person whose name subscribed to the within instrument, and acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and Year in this certificate first above written.

R. M. Walker, Notary Public.

R. M. Walker, Notary Public,
Nez Perce County Idaho.

Filed for record Dec. 18th 1909 at 11 o'clock A. M. Request of L.I. Randall.

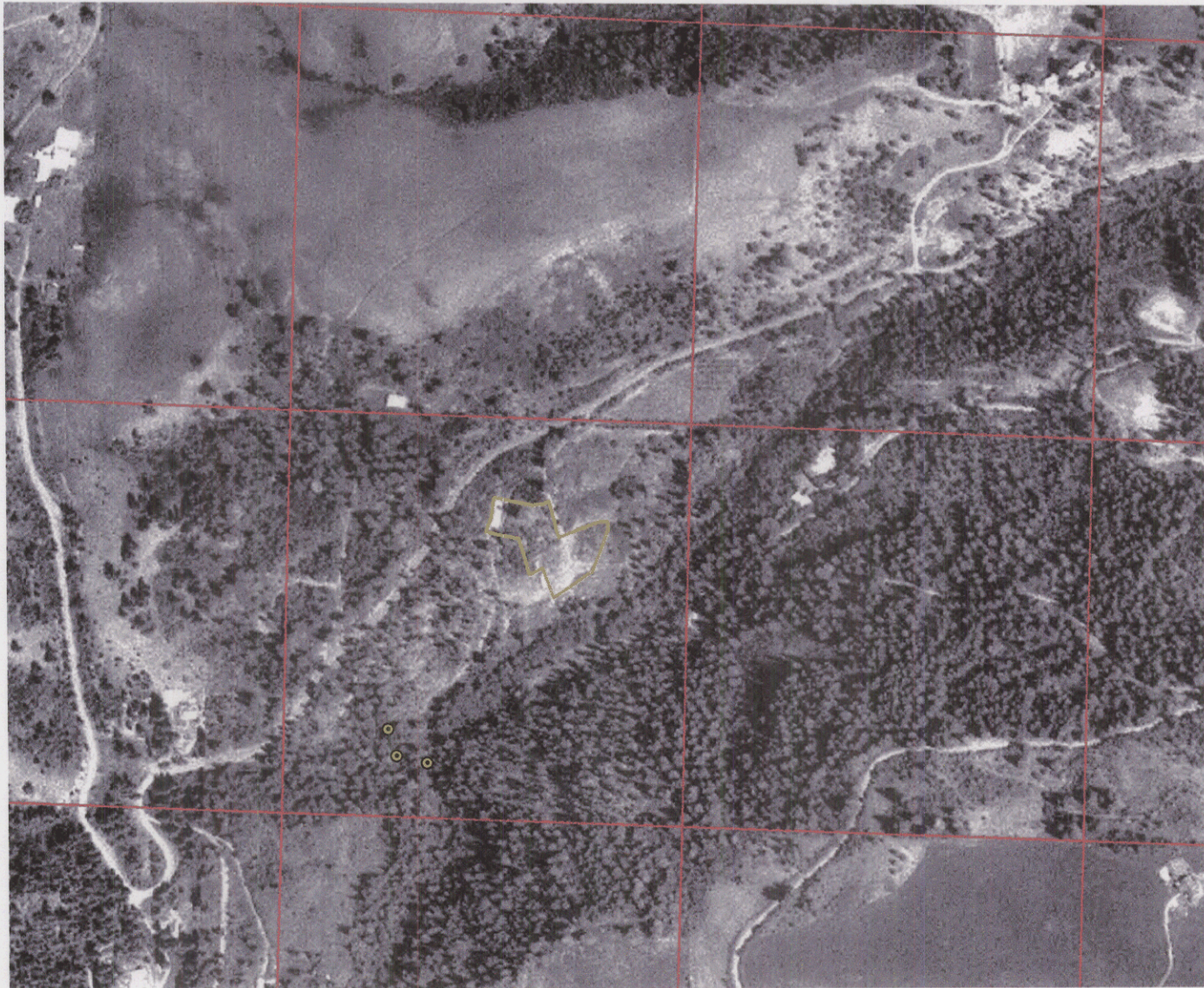
W. L. Gifford, Recorder,

By R. L. Thompson, Deputy.

Fees \$1.80

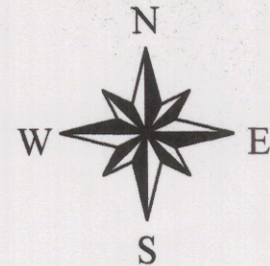
85 - 15407

85-4437



T36N R01W
Section 10

● Point of Diversion
□ Place of Use



0 800 1600 2400 3200 Feet