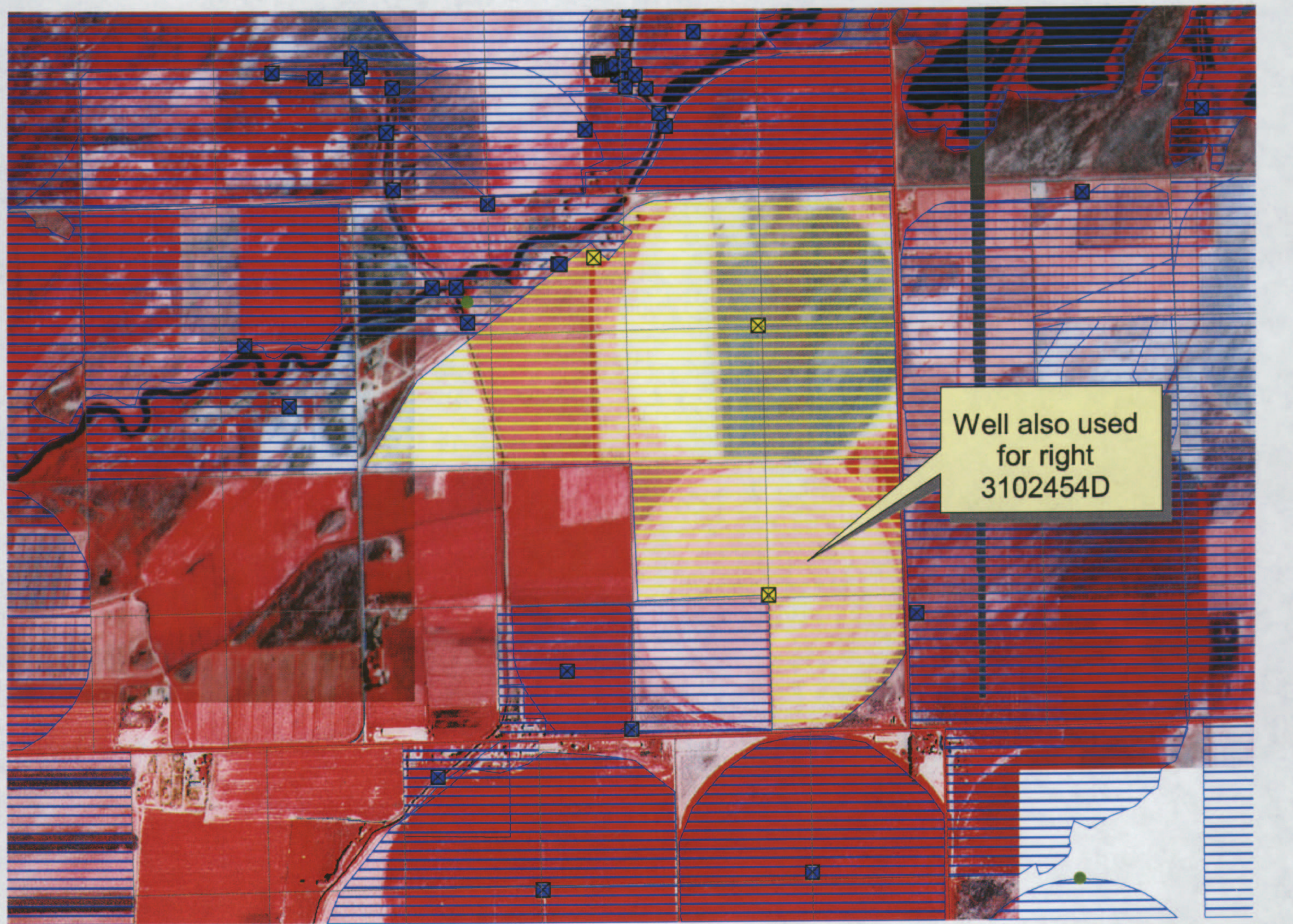


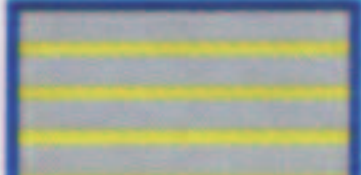
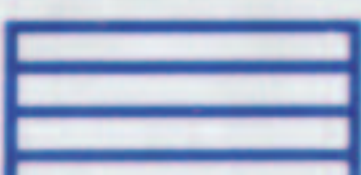
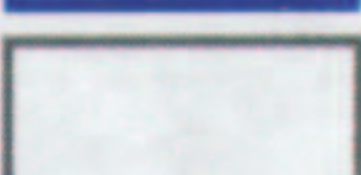
Idaho Department of Water Resources

Water Right 31-2304, 31-2318,
31-11420

Township 7 North Range 35 East Section 36



0 1 Miles

-  Point of Diversion
-  Point of Diversion - Other Rights
-  Place of Use
-  Place of Use - Other Rights
-  Quarter-quarter Sections
-  Section Lines
-  Township Lines

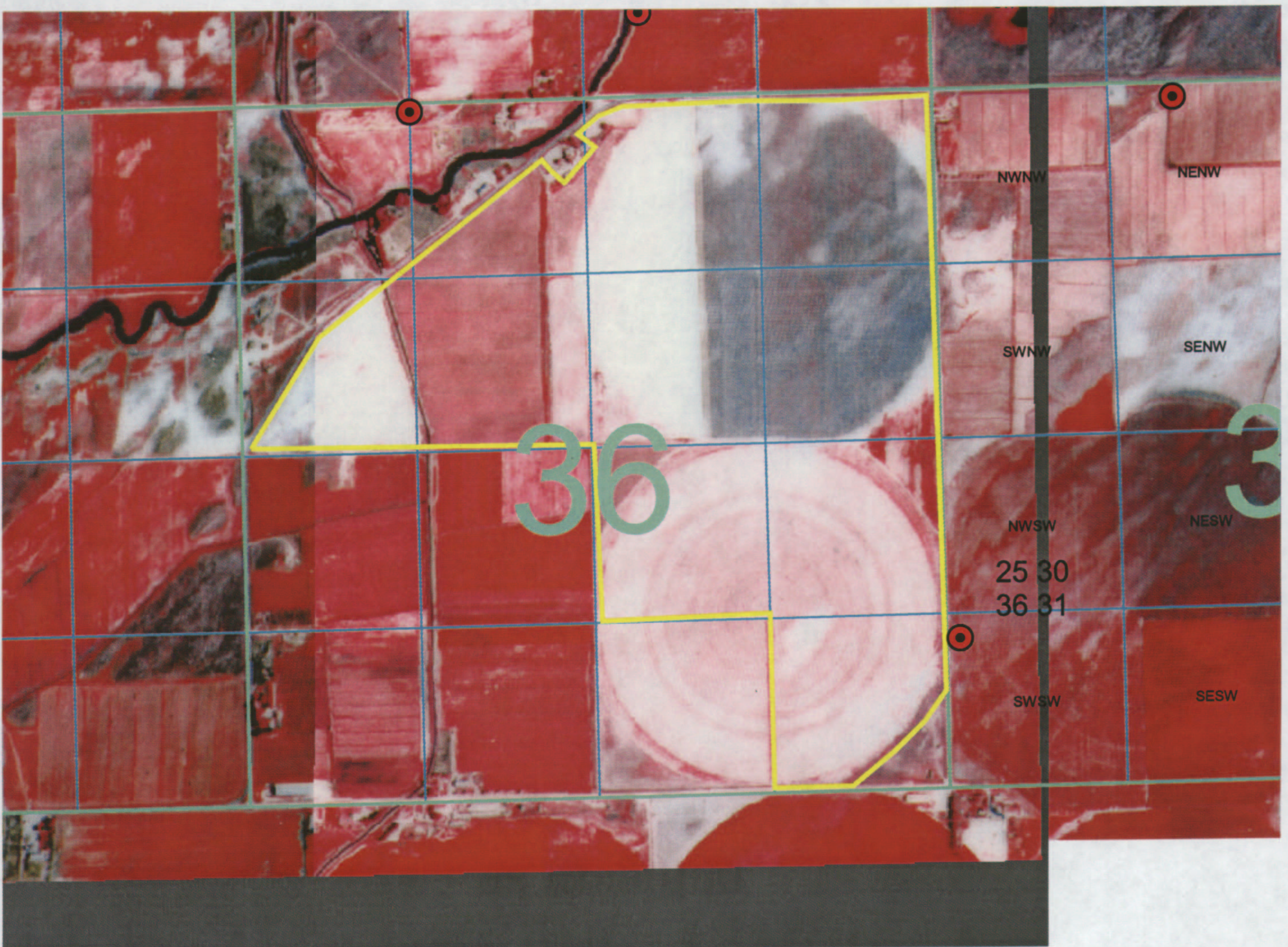


GIS Illustration prepared from 1987/1988 NAPP photography by B. Contor 1/2001

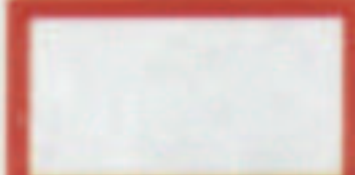
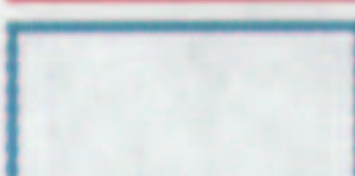
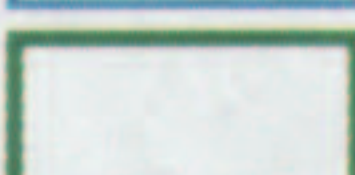
Idaho Department of Water Resources

Water Right 31-02304 and 31-02318 as Enlarged

Township 7 North Range 35 East
Section 36



0 1320 Feet

-  Point of Diversion
-  Point of Diversion - Other Rights
-  Place of Use
-  Place of Use - Other Rights
-  Quarter-quarter Sections
-  Section Lines



GIS Illustration prepared from 1987/1988 NAPP photography by B. Contor 9/2000



SCALE 1:24,000

A31-0231B

A31-02304

A31-02425D

NOV 17 1992

MICROFILMED

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommended Right Report

WATER RIGHT NO. 31-2304

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	DARENE D KESLER
Current Owner	DAVID O KESLER II
	54 BLACK PINE RD
	PHILIPSBURG, MT 59858
	(406)859-3309

Priority Date: 09/19/1951
Basis: License
Status: Valid

Source Tributary to
GROUND WATER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	04/01	10/31	4 CFS	892.5 AFA	
Total Diversion			4 CFS	892.5 AFA	

Location of Point(s) of Diversion:

GROUND WATER	SEWNNE	Sec. 36	Township 07N	Range 35E	JEFFERSON County
GROUND WATER	NENENW	Sec. 36	Township 07N	Range 35E	JEFFERSON County
GROUND WATER	SEWNSE	Sec. 36	Township 07N	Range 35E	JEFFERSON County

IRRIGATION Use:
Acre Limit: 255

Place(s) of use:

Place of Use Legal Description: IRRIGATION

JEFFERSON County

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
07N	35E	36		NENE	37		NWNE	38		SWNE	40		SENE	39
				NENW	17		NWNW	0.2		SWNW	23		SENW	39
				NESE	40		NWSE	38		SESE	34			

Total Acres: 345.2

Conditions of Approval:

1. C03 RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION PURSUANT TO SECTION 42-1425, IDAHO CODE.
2. C05 RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
3. C18 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.

Remarks:

1. Explanatory RIGHT NO. 31-11420 IS AN ENLARGEMENT OF THIS RIGHT PURSUANT TO SECTION 42-1426, IDAHO CODE.
2. Place of Use - Irrigation THIS RIGHT IS LIMITED TO THE IRRIGATION OF 255 ACRES WITHIN THE PLACE OF USE DESCRIBED

3. Quantity ABOVE IN A SINGLE IRRIGATION SEASON.
USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 5.60 CFS AND TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 1208.2 AF. COMBINED RIGHT NOS.: 31-2304, 31-2318, 31-11420.
4. Place of Use - Irrigation USE OF THIS RIGHT WITH RIGHT NO. 31-2318 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 330 ACRES IN A SINGLE IRRIGATION SEASON.
5. Place of Use - Irrigation USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 345.2 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 31-2304, 31-2318, 31-11420.

Comments:

Author	Date	Subject	Comment
bcontor	1/4/01	Transfer	Recommendation utilizes pre-1987 transfer 3124, GIS analysis of 1987 POU.

Dates:

Licensed Date: 04/16/1979
 Claim Received Date: 09/29/1988
 Enlargement Use Priority Date:
 Enlargement Statute Priority Date:
 Decreed Date:
 Date Filed with Court:
 Objection Filed Date:
 SF5 Filed:
 Special Master Recom Signed Date:

Element Reviewed/Verified Dates:

Element	Last Review Date	Reviewer	Last Verified Date	Verifier	Status
POD	1/4/01 12:20:37 PM	bcontor			In Process
POU	1/4/01 12:31:50 PM	bcontor			In Process
Summary	1/4/01 12:47:01 PM		1/4/01 12:47:01 PM	bcontor	Complete

Other Information:

Receipt Number(s):
 State or Federal: S
 Owner Name Connector: OR
 Water District Number:
 Generic Max Rate per Acre:
 Generic Max Volume per Acre:
 Civil Case Number:
 Old Case Number:
 Decree Plaintiff:
 Decree Defendant:
 PresumptionFlag:
 Notice of Error Flag:C
 Swan Falls Trust or Nontrust:
 Swan Falls Dismissed:
 DLE Act Number:
 Cary Act Number:
 Mitigation Plan: False

Verification Log:

Element	Date Time Stamp	Reviewer	Log Text
POD	1/4/01 12:20:35 PM	bcontor	1. (NO) The basis is not beneficial use. 2. (YES) Parent right has a Point of Diversion. 3. (NO) The claimed Point of Diversion can not be verified using the water right file. 4. (YES) There is evidence that there has been a change in the Point of Diversion. 5. (YES) The change can be verified as an accomplished transfer. Comment for 5: GIS, NWMD GPS and field inspection.
POD	1/4/01 12:09:52 PM	bcontor	Edited PLS
POD	1/4/01 12:09:14 PM	bcontor	Edited point location
POD	1/4/01 12:08:39 PM	bcontor	Edited PLS
POD	1/4/01 12:07:49 PM	bcontor	Edited point location
POD	1/4/01 12:06:53 PM	bcontor	Edited PLS

POD 1/4/01 12:05:50 PM bcontor
POU 1/4/01 12:31:48 PM bcontor

Edited point location

1. (YES) The POU is required.
2. (NO) The basis of claim is not beneficial use.
3. (YES) The Parent Right has a POU.
4. (NO) The claimed POU can not be verified using the water right file.
5. (YES) There is evidence that there has been a change in the POU.
6. (YES) The change can be verified as an accomplished transfer.

Comment for 6: GIS

Summary 1/4/01 12:46:58 PM bcontor

1. (NO) The basis of the claim is not beneficial use.
3. (NO) There is no indication that there has been a five year period of continuous nonuse that could result in a recommendation of forfeiture or partial forfeiture.
5. (NO) General remark was not required.
6. (NO) Explanatory remark was not required.
7. (YES) Additional condition was required.
8. (YES) Wanted to view the recommended right.
9. (NO) This is not a split right.
10. (NO) This is not a combined right.
11. (NO) Documents were not linked or attached to this file.
12. (YES) Set the verification date.

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 31-2304
Date Received: 9/29/88
Receipt No:
Received By:

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

AMENDED

1. Name of Claimant(s)

DARENE D KESLER Phone: (406)859-3309

54 BLACK PINE RD
PHILIPSBURG MT USA 59858

DAVID O KESLER II Phone:

54 BLACK PINE RD
PHILIPSBURG MT USA 59858

2. Date of Priority: 09/19/1951

3. Source: GROUND WATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County
07N	35E	36	SE NW NE	JEFFERSON
07N	35E	36	SE NW SE	JEFFERSON
07N	35E	36	NE NE NW	JEFFERSON

5. Description of diverting works:

3 WELLS, TWO PRESSURE SYSTEMS AND AN OPEN DISCHARGE.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	4/01	11/01	4	

7. Total Quantity Appropriated is:

4 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4	of 1/4	Lot	Use	Acres
07N	35E	36	NE	NE		IRRIGATION	37
			NW	NE		IRRIGATION	38
			NE	NW		IRRIGATION	20
			NW	NW		IRRIGATION	2
			SE	NE		IRRIGATION	39
			SW	NE		IRRIGATION	40
			SE	NW		IRRIGATION	39
			SW	NW		IRRIGATION	23
			NE	SE		IRRIGATION	40
			NW	SE		IRRIGATION	38
			SE	SE		IRRIGATION	34
						Section Acres	350
						Total Acres	350

11. Place of use in counties: JEFFERSON

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

13. Other Water Rights Used:

14. Remarks:

TRANS. 3124

CLAIM AMENDED TO SHOW IRRIGATION OF 255 ACRES WITHIN PERMISSIBLE PLACE OF USE WITH RIGHT 31-02318 AND ENLARGEMENT CLAIM 31-11420.

15. Basis of Claim: License

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): David O Kesler II Date: SEPT 7

Date: _____

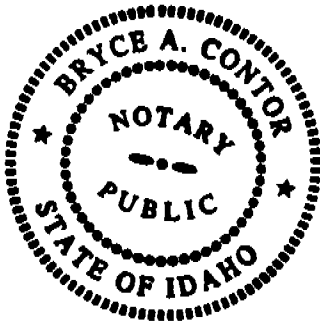
State of Idaho)
County of Bonneville) SS.

Subscribed and sworn (or affirmed) before me this 7th
of September 2000

Bryce A. Contor

Notary Public

Residing at Mud Lake ID
My commission Expires 10/14/2005



Idaho Department of Water Resources

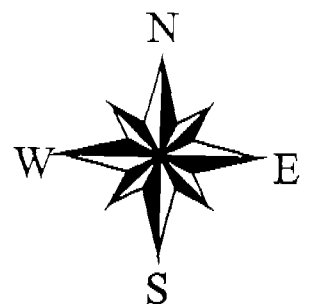
Water Right 31-02304 and 31-02318 as Enlarged

Township 7 North Range 35 East
Section 36



0 1320 Feet

- ☐ Point of Diversion
- ☒ Point of Diversion - Other Rights
- ☐ Place of Use
- ☐ Place of Use - Other Rights
- ☐ Quarter-quarter Sections
- ☐ Section Lines



GIS Illustration prepared from 1987/1988 NAPP photography by B. Contor 9/2000

50
o-k

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: A31-02304

Date Received: 9/29/1988

Receipt No: E 002781/25

Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: DARENE D. KESLER 406-859-3309
Address: 54 BLACK PINE RD.
PHILIPSBURG, MT 59858

OR

Name: DAVID O. KESLER, II
Address: 54 BLACK PINE RD.
PHILIPSBURG, MT 59858

2. Date of Priority: SEP 19, 1951

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
07N	35E	36	SE	NW	NE		JEFFERSON
			NE	NE	NW		JEFFERSON
			SE	NW	SE		JEFFERSON

5. Description of diverting works:

3 WELLS, TWO PRESSURE SYSTEMS AND AN OPEN DISCHARGE.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	4.000		

7. Total Quantity Appropriated is:

4.000 C.F.S. (and/or) A.F.A.

8. Total consumptive use is 637.5 Acre Feet Per Annum.

9. Non-irrigation uses:

A31-02304

Page 1

Date: 09/29/88

MICROFILMED

NOV 17 1992

10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
07N	35E	36	NE		NE		IRR	35.0
			SW		NE		IRR	40.0
			SE		NE		IRR	40.0
			NE		NW		IRR	10.0
			SW		NW		IRR	20.0
			SE		NW		IRR	40.0
			NE		SE		IRR	40.0
			SE		SE		IRR	30.0
							Section Acres	255.0
							Total Acres	255.0

11. Place of use in counties: JEFFERSON

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

13. Other Water Rights Used:
31-02318

14. Remarks:
TRANS. 3124.

15. Basis of Claim: LICENSE
Water Right Number: 22391

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): David O. Kesler II Date: SEPT 29, 88
Doreen O. Kesler Date: Sept 29, 88

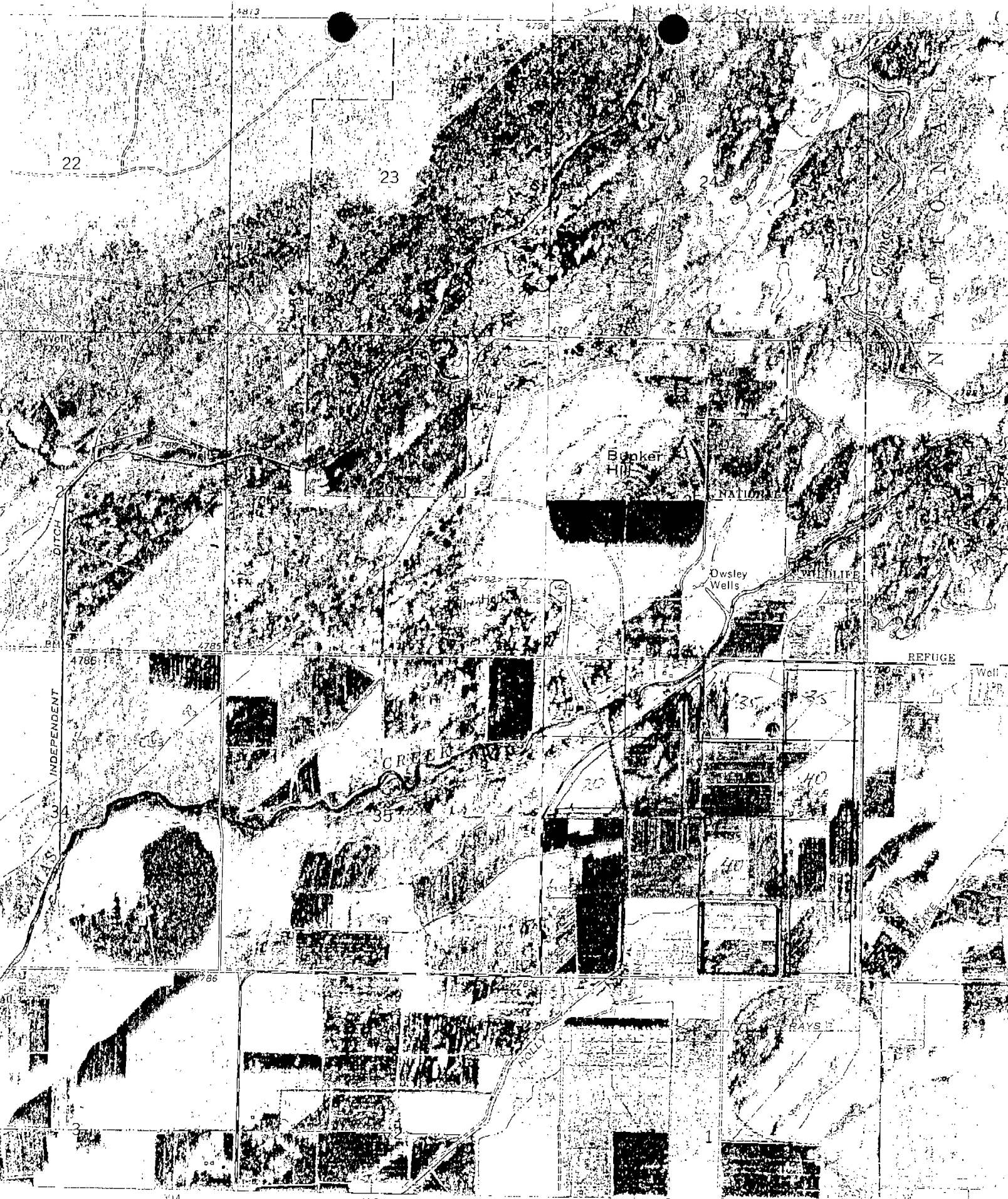
State of Idaho)
County of Bonneville) SS.

Subscribed and sworn (or affirmed) before me this 29th day
of September 19 88

Betty J. Thompson
Notary Public

Seal

Residing at Idaho Falls
My Commission Expires 6-94



SCALE 1:24000

A31-0231B
A31-02304
A31-02475D

Idaho Department of Water Resources

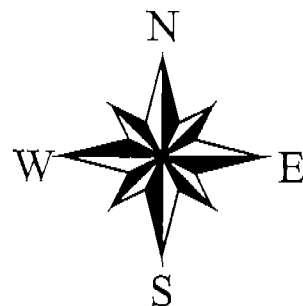
Water Right 31-2304, 31-2318,
31-11420

Township 7 North Range 35 East Section 36



0 1 Miles

- ☒ Point of Diversion
- Point of Diversion - Other Rights
- Place of Use
- ▨ Place of Use - Other Rights
- ▤ Quarter-quarter Sections
- ▥ Section Lines
- ▦ Township Lines



GIS Illustration prepared from 1987/1988 NAPP photography by B. Contor 1/2001

STATE OF IDAHO
 DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT

of Diversion and/or the Place of Use

 LEN D. KESLER Phone 662-5468

 r, ID 83425

)

o _____ (Name)

VS

 n _____ county of _____
 (Name of court)

 b. License No. 31-2304 issued by the Idaho Department of Water Resources

c. Claim No. _____ on file with the Idaho Department of Water Resources

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant. If the applicant is not the original holder of the water right, explain how it was acquired Applicant acquired water right through purchase of land. See attached copy of printout from Jefferson county assessors office dated 3/18/85.

 3. Source of water Groundwater tributary to _____

 4. Date of priority Sept. 19, 1951

5. Water is used for the following purposes:

amount 4.00cfs for Irrigation purposes from _____ to _____
 amount _____ for _____ purposes from _____ to _____
 amount _____ for _____ purposes from _____ to _____
 (month/day — both dates inclusive)

6. Total amount of water under right: a. 4.00 cubic feet per second
 &/or
 b. _____ acre feet per annum

 7. Location of original point of diversion is NE $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 36

 Township 7N Range 35E, B.M., in Jefferson County

Additional points of diversion, if any _____

8. Lands irrigated or place of use:

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 $\frac{1}{4}$	
7N	35E	36	35		40	40	10		20	40					40			30	255

MICROFILMED

 Total number of acres to be irrigated 255

9. Describe any other water rights used for the same purpose as described above License 31-2318

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of nonuse? No. If yes, describe in item D. REMARKS.

STATE OF IDAHO
 DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
 To Change the Point of Diversion and/or the Place of Use

Name of applicant DAVID O. KESLER or HELEN D. KESLER Phone 662-5468
 Post Office address HC 69 Box 2081, Hamer, ID 83425

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No. _____ Decreed to _____ (Name)
 in case of _____ vs _____
 dated in _____ in _____ county of _____
 (Name of court)
- b. License No. 31-2304 issued by the Idaho Department of Water Resources
- c. Claim No. _____ on file with the Idaho Department of Water Resources

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant. If the applicant is not the original holder of the water right, explain how it was acquired Applicant acquired water right through purchase of land. See attached copy of printout from Jefferson county assessors office dated 3/18/85.

3. Source of water Groundwater tributary to _____
4. Date of priority Sept. 19, 1951

5. Water is used for the following purposes:

amount 4.00cfs for Irrigation purposes from _____ to _____
 amount _____ for _____ purposes from _____ to _____
 amount _____ for _____ purposes from _____ to _____
 (month/day -- both dates inclusive)

6. Total amount of water under right: a. 4.00 cubic feet per second
 &/or
 b. _____ acre feet per annum
7. Location of original point of diversion is NE $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 36
 Township 7N Range 35E, B.M., in Jefferson County
 Additional points of diversion, if any _____

8. Lands irrigated or place of use:

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 $\frac{1}{4}$	
<u>7N</u>	<u>35E</u>	<u>36</u>	<u>35</u>		<u>40</u>	<u>40</u>	<u>10</u>		<u>20</u>	<u>40</u>					<u>40</u>			<u>30</u>	<u>255</u>

Total number of acres to be irrigated 255

9. Describe any other water rights used for the same purpose as described above License 31-2318

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of nonuse? No. If yes, describe in item D. REMARKS.

B. DESCRIPTION OF PORTION OF RIGHT OWNED BY APPLICANT (If the entire right is owned by the applicant, omit part B).

1. Amount of water: a. _____ cubic feet per second
&/or
b. _____ acre feet per annum
2. Point of diversion _____ 1/4 _____ 1/4, Section _____ Township _____
Range _____, B.M., _____ County
Additional points _____
3. Place of use:

MICROFILMED

TWP.	RANGE	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	

Total number of acres to be irrigated _____

C. DESCRIPTION OF RIGHT OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

1. General Information
 - a. Amount of water to be diverted 4.00 c.f.s. &/or _____ acre feet
 - b. Description of diverting works Two wells, electric pumps, gravity flow ditches, for flood irrigation and center pivot for sprinkler irrigation.
 - c. Describe the reasons for the proposed changes A portion of the place of use is now irrigated by a low pressure center pivot. The pivot receives water from a well at the newer point of diversion.

2. Change in point of diversion

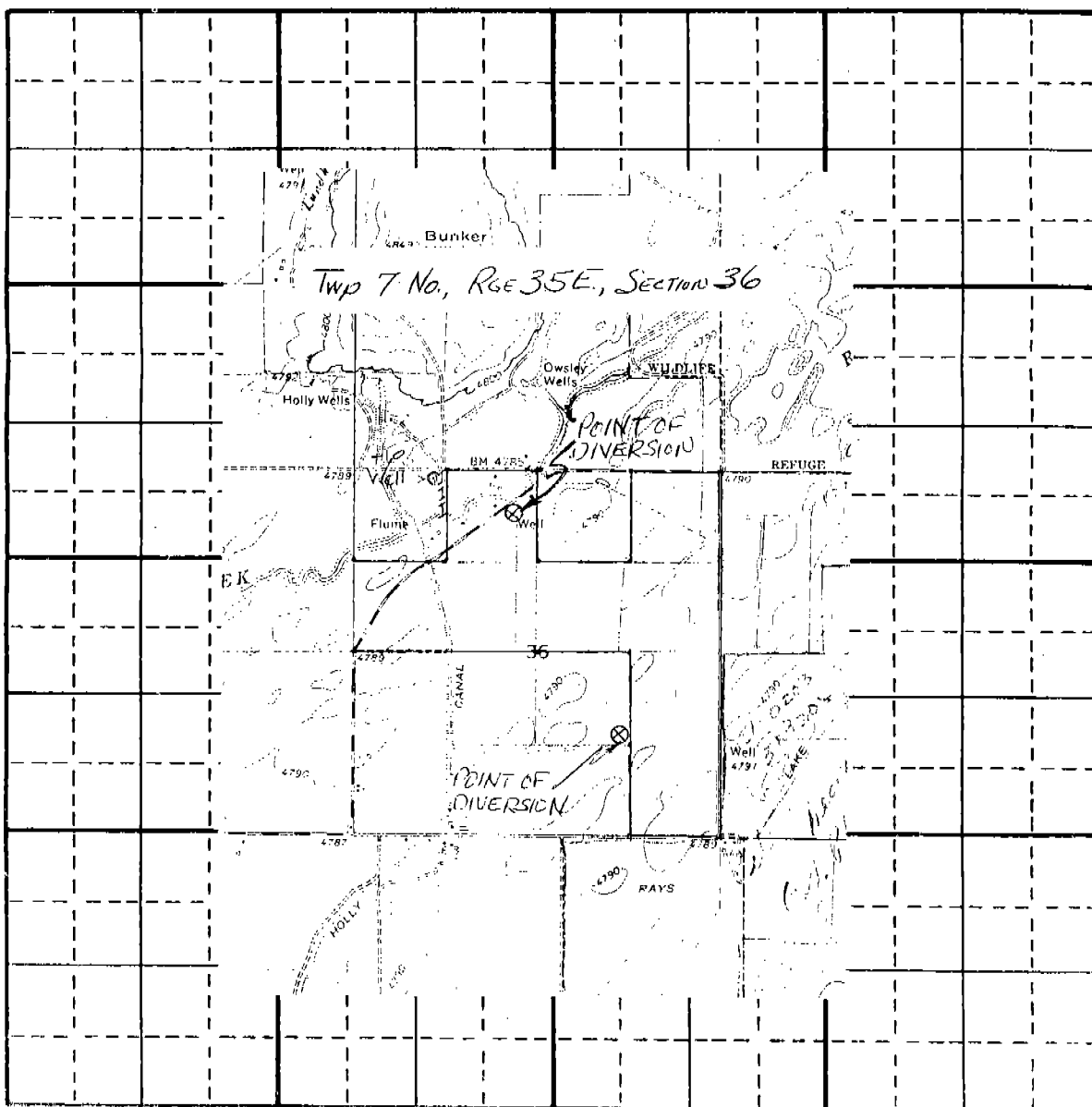
Point of diversion NE 1/4 NW 1/4, Section 36 Township 7N
Range 35E, B.M., Jefferson County
Additional points NW 1/4, Sec. 36, T. 7N, R. 35E

3. Change in place of use

- a. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? Yes X No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed change.
- b. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer
No change in place of use.

[illegible]

5. Draw a map indicating the new point(s) of diversion and/or the new land to be irrigated. Show clearly the land involved by section, township and range number.



D. REMARKS

Water right is being modified to better reflect actual practice. The newer point of diversion supplies water for irrigation of SE $\frac{1}{4}$, Sec. 36, T. 7N, R. 35E. The SW $\frac{1}{4}$ SE $\frac{1}{4}$ of said section is covered by a transfer of License 31-2454 and the NW $\frac{1}{4}$ SE $\frac{1}{4}$ by a transfer of License 31-2318.

I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge.

I understand that any willfull misrepresentations made in this application may result in voiding its approval.

David O. Keeler
(Signature of Applicant)

Subscribed and sworn to before me this 18 day of March, 19 85

George Yamp
(Notary Public)

My commission expires March 20, 1988

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. 31-2304 and said application is hereby APPROVED, subject to the following limitations and conditions:

Witness my hand this 13 day of August, 19 85

A. Glen Saylor
Chief, Operations Bureau

FOR DEPARTMENT USE ONLY

Received by _____	Date _____	Protest filed by _____
Prelim. check by <u>HWS</u>	Fee <u>650.00 12258</u>	_____
Received by <u>BY</u>	Date <u>3 18 85</u>	_____
Published in <u>A. J. Jones H. 24</u>	Copies of protest forwarded by _____	_____
Pub. dates <u>11/24 & 11/25</u>	Hearing held by _____ Date _____	_____
Watermaster recommendation requested on <u>11/1</u>	Recommended for <u>approval</u> denial	_____
_____ rec'd.	by <u>RAC Jim</u>	_____

License and Certificate of Water Right

Water License No. G-22391

Amount 4 c.f.s.

Water District No. _____

Priority September 19, 1951

THIS IS TO CERTIFY that BERT L. BYBEE
of Dubois, Idaho, made application for a permit to appropriate the
public waters of the State of Idaho, dated September 19, 1951; that Permit No. G-22391
was issued under said application; that Certificate of Completion of works, with a carrying capacity of
4 second feet, was issued thereunder on October 23, 1958, showing that said works
were completed on the 12th day of March, 1957; and that on the 12th
day of March, 1957, BERT L. BYBEE

of Hamer, 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, for the purpose of Irrigation
, under Use Permit No. G-22391 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
10 of Licenses at page 6479, on the 23rd day of October, 1958;

The right hereby confirmed dates from September 19, 1951;

The Point of Diversion is located
in the NE 1/4 NW 1/4, Sec. 36, Tp. 7 N., R. 35 E., B. M. County Jefferson

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 4 cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
7 N.	35 E.	36	NE $\frac{1}{4}$ NE $\frac{1}{4}$	--	35
			SW $\frac{1}{4}$ NE $\frac{1}{4}$	--	40
			SE $\frac{1}{4}$ NE $\frac{1}{4}$	--	40
			NE $\frac{1}{4}$ NW $\frac{1}{4}$	--	10
			SW $\frac{1}{4}$ NW $\frac{1}{4}$	--	20
			SE $\frac{1}{4}$ NW $\frac{1}{4}$	--	40
			NE $\frac{1}{4}$ SE $\frac{1}{4}$	--	40
			SE $\frac{1}{4}$ SE $\frac{1}{4}$	--	30
Total number of acres irrigated					- - - 255

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

23rd day of October, 1958

/s/ Geo. N. Carter

State Reclamation Engineer.

(SEAL)

31 2304

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER ANALYSIS SHEET

INITIAL REVIEW BY: HWJ

1. Right number 31-2304 Applicant David Kester
2. Type of right: ☐ Decree ☒ License ☐ Claim
3. Purpose of transfer: ☐ Change point of diversion ☒ Add diversion point(s) ☐ Change place of use
☐ Other _____
4. Check:
 - a. ☒ Source ☐ Priority ☒ Amount ☒ Purpose ☒ Period of use
 - b. ☒ Description of original point of diversion.
 - c. ☒ Description of original place of use.
5. Amount of land &/or water transferred:
 - a. ☒ All of right.
 - b. ☐ Part of right (NOTE! Part B should be filled in only if part of the right is owned by the applicant).
 - c. ☒ Check description of point(s) of diversion.
 - d. ☒ Check description of place of use.
 - e. ☒ Check map (shows p.d. and p.u. after transfer).
 - f. ☒ Check for correct signature, notarization, and fee.
 - g. ☒ Check proof of ownership of right &/or land from which water is transferred.
 - h. ☒ Check for expansion in use of right. Comments None
 - i. ☒ Check for existing water rights from same source, on land water is being transferred to.
Right number(s) 31-2318
 - j. ☒ Is use within a Watermaster District? ☐ Yes ☒ No
If yes, what district? _____

FINAL PROCESSING REVIEW BY: _____

1. Watermaster recommendation requested on 5/15/85 Received on _____
2. Is transfer published correctly? ☒ Yes ☐ No
3. Protest received? ☐ Yes ☒ No

RECOMMENDED ACTION

1. ☒ Approve
2. ☐ Deny
3. Conditions* _____

RECEIVED
MAY 31 1985

Department of Water Resources

4. By RAC Date 5/20/85

Jim 8-5-85

* All uses within Watermaster Districts require special conditions.

MICROFILMED

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

REPORT OF ENGINEER

Permit No. G-22391

This proof is for Beneficial Use

In Water District No. _____

1. Name of applicant B. L. Bybee
2. Source of water supply: Subterranean flow from a well
3. Location of point of diversion: Is in the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 36
T. 7 North R. 35 East County of Jefferson

4. Describe works as they exist, giving dimensions and capacities of same: Well 18" x 160'
12" x 35' column 12" discharge 1 bowl 14" diameter lift = 14'
H = 12' T. 1 motor 25 Hp 220 V # 949577 Verbeeke Pumps
159357 Mangum controls housed in 6' wood frame
house. Pumps into 3' x 6' concrete head tank to fields
by gravity

5. Water is used for: Irrigation
6. 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):

NE $\frac{1}{4}$ NW $\frac{1}{4}$ - 15 acres; S $\frac{1}{2}$ NW $\frac{1}{4}$ 40 acres; S $\frac{1}{2}$ NE $\frac{1}{4}$ 65 acres; NE $\frac{1}{4}$ NE $\frac{1}{4}$ 35 acres;

E $\frac{1}{2}$ SE $\frac{1}{4}$ 65 acres, all in Section 36, Township 7 North, Range 35 East, 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: _____

Crops are dry grain & row crops

This examination was made on the 16 day of July, 19 28

(Signed) Carroll B. Stevenson
Examiner.

G-22391

B. L. Bybee
Hamer, Idaho

Permit No. G-22391

Examination for Beneficial Use Proof

County Jefferson

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.
-

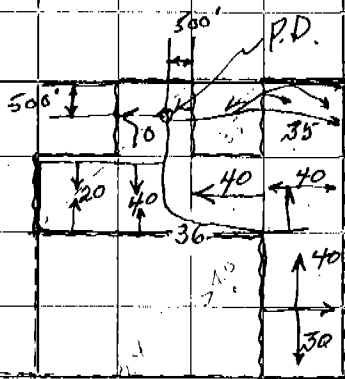
RECEIVED
JUL 3 1 1958

Department of Reclamation

8
8
2

R-35E

T.
7
N.



Subdivisions = 8
 Area = 255 acres
 A = 235"
 4'

Sparling meter used
 5.90

6-22291

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

31-2304

Notice is hereby given that David O. Kesler or Helen D. Kesler, Hamer, ID, have applied to the Department of Water Resources for a change in the point of diversion of the waters of a ground-water source. The right sought to be changed is evidenced by License 31-2304 and is recorded as follows:

AMOUNT: 4.00 cfs PRIORITY: Sept. 19, 1951
POINT OF DIVERSION: NE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 36, T. 7N, R. 35E, B.M.,
Jefferson County:

The water is used to irrigate 255 acres within the NE $\frac{1}{4}$ NE $\frac{1}{4}$,
S $\frac{1}{2}$ N $\frac{1}{2}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$, E $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 36, T. 7N, R. 35E, B.M.

TO BE CHANGED AS FOLLOWS

The water will be diverted within the NE $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 36,
T. 7N, R. 35E, B.M.

Any protest against approval of the above proposed change of water right must be filed with the Idaho Department of Water Resources, 150 Shoup, Suite 15, Idaho Falls, ID 83402 on or before April 22, 1985.

A. KENNETH DUNN

Director

Published in the Jefferson Star, 4/4 & 4/11/85.

NOTICE OF PROPOSED CHANGE
OF WATER RIGHT
31-2304

Notice is hereby given that David O. Kesler or Helen D. Kesler, Hamer, ID, have applied to the Department of Water Resources for a change in the point of diversion of the waters of a groundwater source. The right sought to be changed is evidenced by License 31-2304 and is recorded as follows:

AMOUNT: 4.00 cfs
PRIORITY: 9-19-1951
POINT OF DIVERSION: NE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 36, T. 7N, R. 35E, B.M., Jefferson County.
The water is used to irrigate 255 acres within the NE $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ N $\frac{1}{2}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$, E $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 36, T. 7N, R. 35E, B.M.

TO BE CHANGED AS FOLLOWS

The water will be diverted within the NE $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 36, T. 7N, R. 35E, B.M.

Any protest against approval of the above proposed change of water right must be filed with the Idaho Department of Water Resources, 150 Shoup, Suite 15, Idaho Falls, Idaho, 83402 on or before April 22, 1985.

A. KENNETH DUNN
Director

Publ. April 3 and 10, 1985RS

MICROFILMED