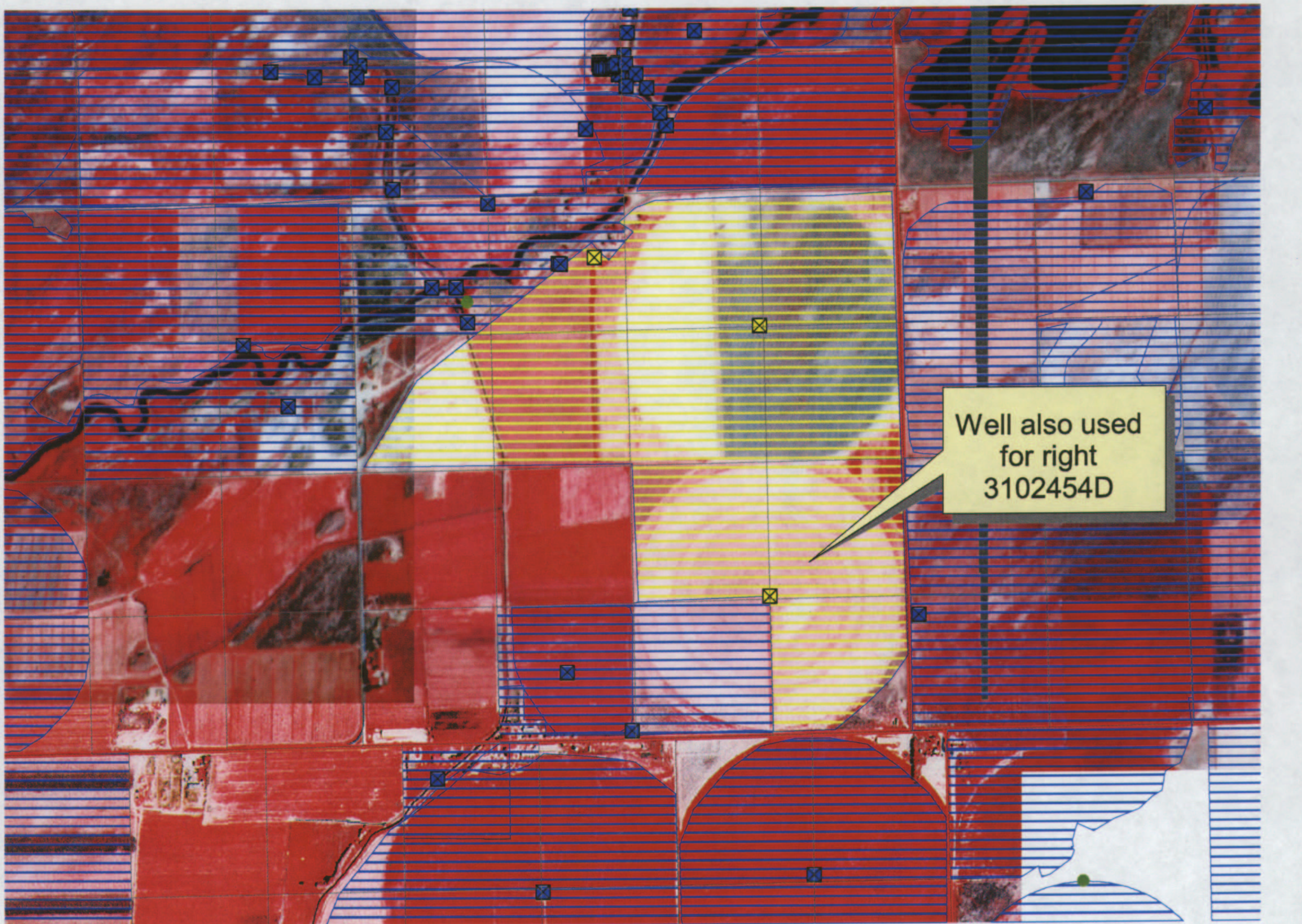


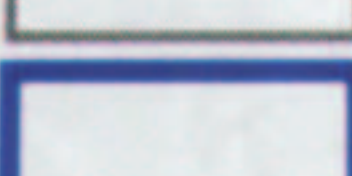
# Idaho Department of Water Resources

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

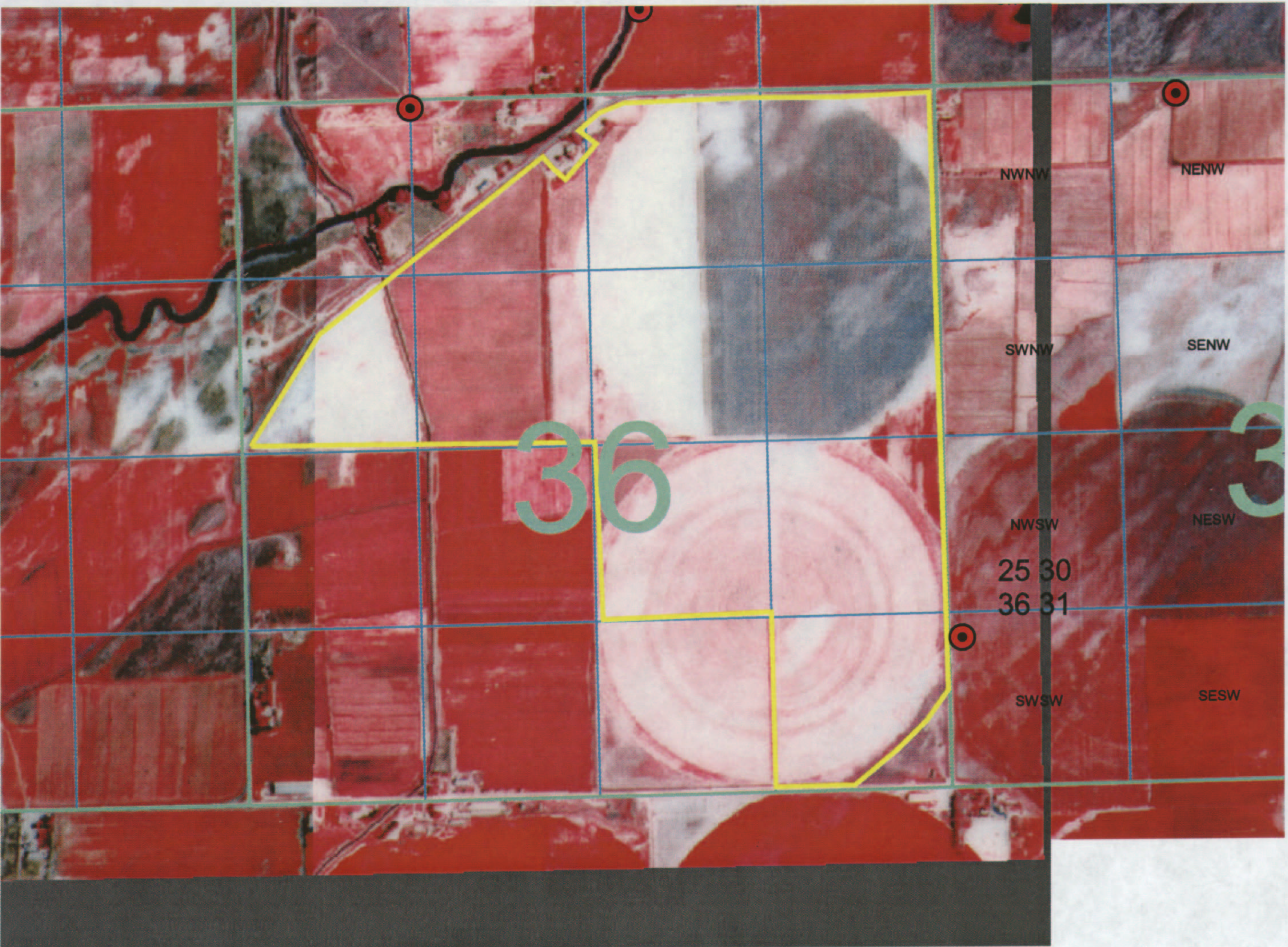


GIS Illustration prepared from 1987/1988 NAPP photography by B. Contor 1/2001

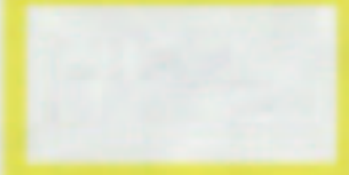
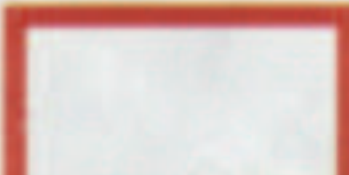
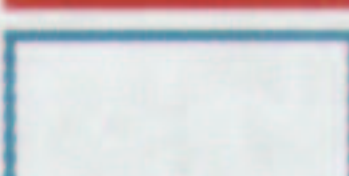
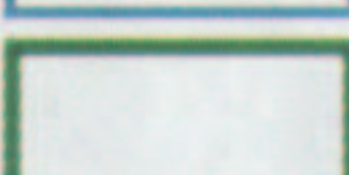
# Idaho Department of Water Resources

## Water Right 31-02304 and 31-02318 as Enlarged

Township 7 North Range 35 East  
Section 36

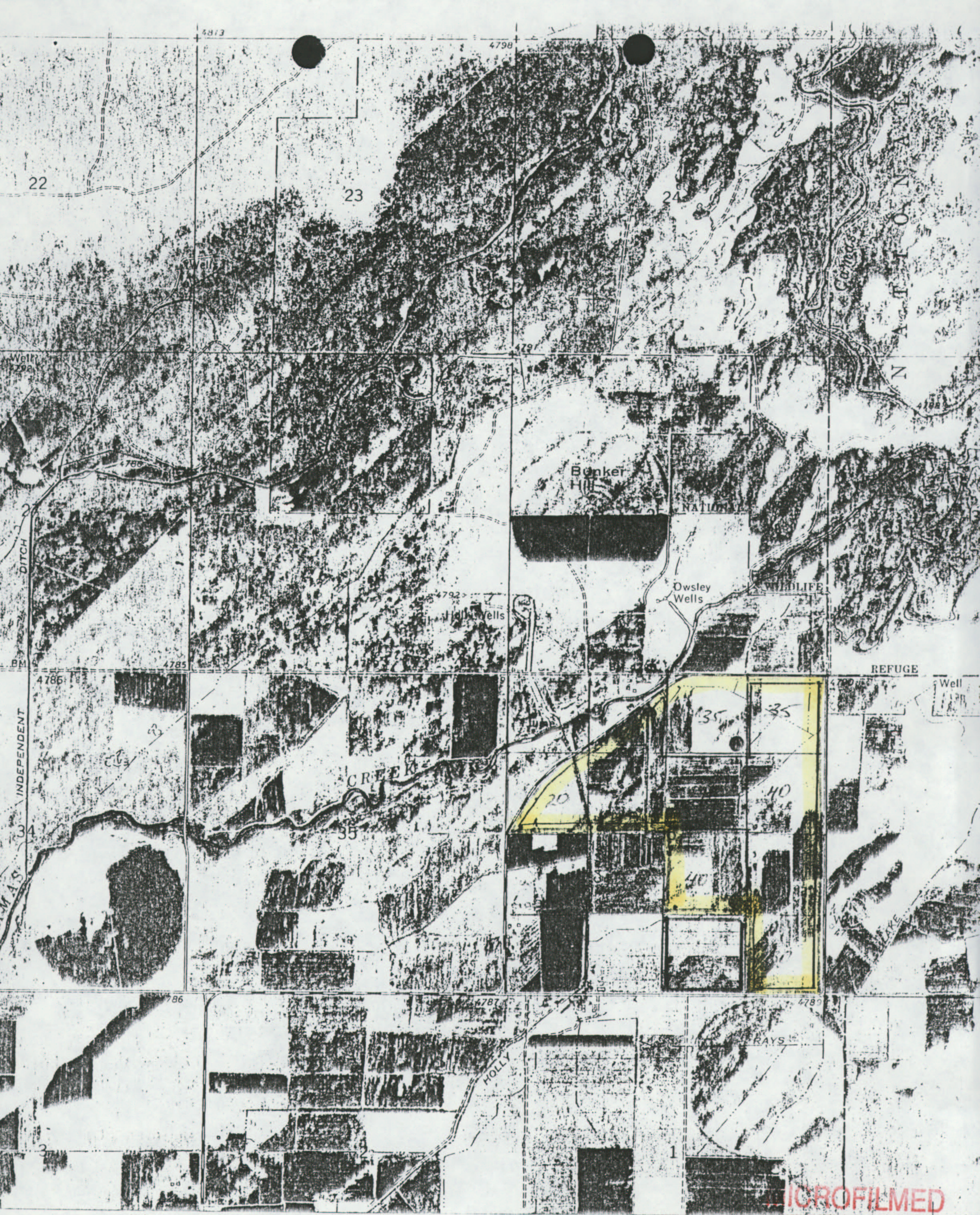


0 1320 Feet

-  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 1:24000

1 MILE

**MICROFILMED**  
A31-0231B NOV 17 1992  
A31-02304  
A31-024250

**IDAHO DEPARTMENT OF WATER RESOURCES**  
**Adjudication Recommended Right Report**

WATER RIGHT NO. 31-2318

| <u>Owner Type</u> | <u>Name and Address</u>                                        |
|-------------------|----------------------------------------------------------------|
| Current Owner     | DARENE D KESLER                                                |
| Current Owner     | DAVID O KESLER II<br>54 BLACK PINE RD<br>PHILIPSBURG, MT 59858 |

Priority Date: 03/13/1953  
Basis: License  
Status: Valid

| <u>Source</u> | <u>Tributary to</u> |
|---------------|---------------------|
| 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     | 1.6 CFS               | 679.2 AFA     |                    |
| Total Diversion       |             |           | 1.6 CFS               | 679.2 AFA     |                    |

**Location of Point(s) of Diversion:**

|              |       |         |              |           |                  |
|--------------|-------|---------|--------------|-----------|------------------|
| GROUND WATER | SEWNW | Sec. 36 | Township 07N | Range 35E | JEFFERSON County |
| GROUND WATER | NENW  | Sec. 36 | Township 07N | Range 35E | JEFFERSON County |
| GROUND WATER | SEWS  | Sec. 36 | Township 07N | Range 35E | JEFFERSON County |

IRRIGATION Use:  
Acre Limit: 330

**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. | 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. |
| 2. | C03 | RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION PURSUANT TO SECTION 42-1425, IDAHO CODE.                                                                                                                                                                                                               |
| 3. | C05 | RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, 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 330 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON. |

3. Quantity 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 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.
5. Place of Use - Irrigation USE OF THIS RIGHT WITH RIGHT NO. 31-2304 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 330 ACRES IN A SINGLE IRRIGATION SEASON.

Comments:

| Author  | Date   | Subject        | Comment                                                                                                                                                                                                                                                        |
|---------|--------|----------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| bcontor | 1/4/01 | Recommendation | Per pre-1987 transfer 3122 as modified by accomplished transfer and enlargement 31-11420. Note that enlargement analysis relies on interpretation that originally 31-2304 and 31-2318 were 100% overlapped, so that 330 acres total were authorized by these t |
| bcontor | 1/4/01 | Volume         | Diversion rate is not adequate to produce 3.5 afa on entire POU. Recommended volume is max capacity at 214 days at recommended rate. Note combined volume limitation based on total combined acres of three rights in PPU.                                     |

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 12:59:08 PM | bcontor  |                    |          | In Process |
| POU     | 1/4/01 1:04:09 PM  | bcontor  |                    |          | In Process |
| Summary | 1/4/01 1:10:44 PM  |          | 1/4/01 1:10:44 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 12:59:06 PM | bcontor  | 1. (NO) The basis is not beneficial use.<br>2. (YES) Parent right has a Point of Diversion.<br>3. (NO) The claimed Point of Diversion can not be verified using the water right file.<br>4. (YES) There is evidence that there has been a change in the Point of Diversion.<br>5. (YES) The change can be verified as an accomplished transfer.<br>Comment for 5: NWMD inspection and GPS show additional well as claimed in NE q. |

|     |                    |         |
|-----|--------------------|---------|
| POD | 1/4/01 12:58:24 PM | bcontor |
| POD | 1/4/01 12:58:08 PM | bcontor |
| POD | 1/4/01 12:56:27 PM | bcontor |
| POD | 1/4/01 12:56:12 PM | bcontor |
| POD | 1/4/01 12:55:45 PM | bcontor |
| POD | 1/4/01 12:55:30 PM | bcontor |
| POU | 1/4/01 1:04:06 PM  | bcontor |

Edited PLS  
 Edited point location  
 Edited PLS  
 Edited point location  
 Edited PLS  
 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 1:10:40 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 31-2318  
Date Received: 9/29/88  
Receipt No:  
Received By: *Bac*

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW

AMENDED

1. Name of Claimant(s)

DARENE D KESLER Phone:

54 BLACK PINE RD  
PHILIPSBURG MT USA 59858

DAVID O KESLER II Phone: (406)859-3309

54 BLACK PINE RD  
PHILIPSBURG MT USA 59858

2. Date of Priority: 03/13/1953

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      | NE NE NW              | JEFFERSON |
| 07N      | 35E   | 36      | SE NW NE              | JEFFERSON |
| 07N      | 35E   | 36      | SE NW SE              | JEFFERSON |

5. Description of diverting works:

3 WELLS, TWO PRESSURIZED 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 | 1.6    |            |

7. Total Quantity Appropriated is:  
1.6 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. 3122

THIS CLAIM IS AMENDED TO SHOW 330 ACRES OF IRRIGATION WITHIN A 350 ACRE PERMISSIBLE PLACE OF USE WITH WATER RIGHT 31-02304 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 2K  
\_\_\_\_\_  
Date: \_\_\_\_\_

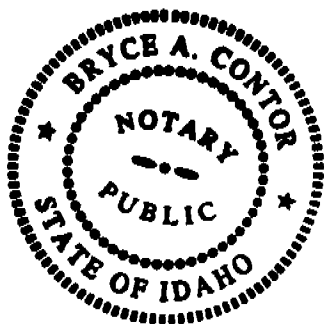
State of Idaho )  
County of Bonnerille ) SS.

Subscribed and sworn (or affirmed) before me this 7th  
of Sept 2000 Bryce A. Contor

Notary Public

Residing at Mud Lake ID

My commission Expires 10/14/2005



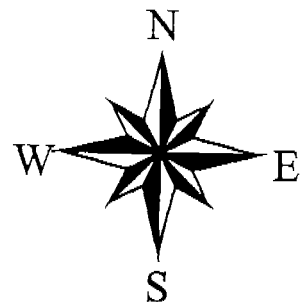
# Water Right 31-02304 and 31-02318 as Enlarged

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

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: A31-02318  
Date Received: 9/29/1988  
Receipt No: E00 2781 / 9x  
Received By: \_\_\_\_\_

NOTICE OF CLAIM TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW

1. Name: DARENE D. KESLER II  
Address: 54 BLACK PINE RD.  
PHILIPSBURG, MT 59858

OR

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

406-859-3309

2. Date of Priority: MAR 13, 1953

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 PRESSURIZED 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 | 1.600 |      |        |

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

8. Total consumptive use is 825.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

| Township | Range | Section | 1/4 | of | 1/4 | Lot | Use           | Acres |
|----------|-------|---------|-----|----|-----|-----|---------------|-------|
| 07N      | 35E   | 36      | NE  |    | NE  |     | IRR           | 35.0  |
|          |       |         | NW  |    | 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  |
|          |       |         | NW  |    | SE  |     | IRR           | 40.0  |
|          |       |         | SE  |    | SE  |     | IRR           | 30.0  |
|          |       |         |     |    |     |     | Section Acres | 330.0 |
|          |       |         |     |    |     |     | Total Acres   | 330.0 |

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:  
31-02304

14. Remarks:  
TRANS. 3122.

15. Basis of Claim: LICENSE  
Water Right Number: 23924

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 Date: SEPT 29  
Dorene D Kesler Date: Sept 29

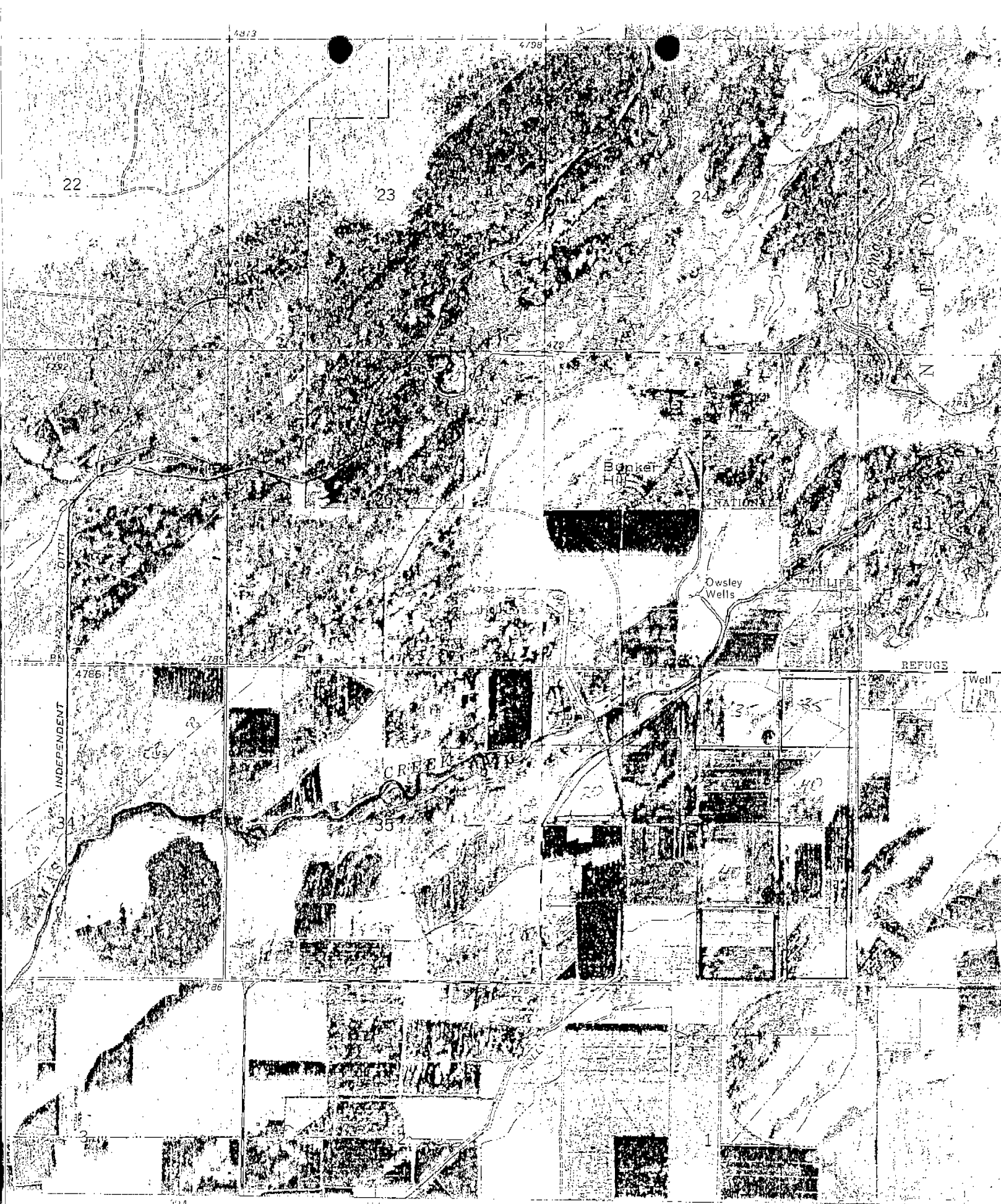
State of Idaho )  
County of Bonneville ) SS.

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

Betty J. Thompson  
Notary Public

Seal

Residing at Idaho Falls  
My Commission Expires 6-94



SCALE 1:24,000

A31-02318  
A31-02304  
A31-023250

# Idaho Department of Water Resources

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

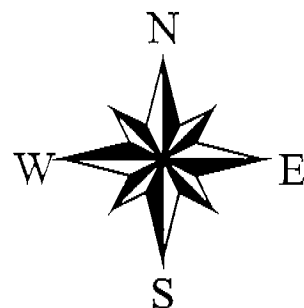
Township 7 North Range 35 East Section 36



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

## License and Certificate of Water Right

1976 JAN 11 11:00 AM

Water License No. G-23924

Amount 1.6 c.f.s.

Water District No. \_\_\_\_\_

Priority March 13, 1953

THIS IS TO CERTIFY that **BERT L. BYBEE**

of Hammer, Idaho, made application for a permit to appropriate the public waters of the State of Idaho, dated March 13, 19 53; that Permit No. G-23924 was issued under said application; that Certificate of Completion of works, with a carrying capacity of 1.6 second feet, was issued thereunder on October 23, 19 58, showing that said works were completed on the 16th day of May, 19 58; and that on the 16th day of May, 19 58, **BERT L. BYBEE**

of Hammer, 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-23924 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 6478, on the 23<sup>rd</sup> day of October, 19 58;

The right hereby confirmed dates from March 13, 19 53;

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 1.6 cubic feet per second.

Description and location of use:

| Twp.                                  | Range | Sec. | Forty-acre Tract                  | No. Acres<br>Described in Permit | No. Acres<br>Actually Irrigated |
|---------------------------------------|-------|------|-----------------------------------|----------------------------------|---------------------------------|
| 7 N.                                  | 35 E. | 36   | NE $\frac{1}{4}$ NE $\frac{1}{4}$ | --                               | 35                              |
|                                       |       |      | NW $\frac{1}{4}$ 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                              |
|                                       |       |      | NW $\frac{1}{4}$ SE $\frac{1}{4}$ | --                               | 40                              |
| Total number of acres irrigated - - - |       |      |                                   |                                  | 330                             |

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, 19 58.

/s/ Geo. N. Carter  
State Reclamation Engineer

(SEAL)

31 2318

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. 31-2318 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 print out from Jefferson County Assessors office dated 3/18/85

3. Source of water Groundwater tributary to \_\_\_\_\_

4. Date of priority March 13, 1953

## 5. Water is used for the following purposes:

amount 1.60cfs 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. 1.60 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               | 35               | 40               | 40               | 10               |                  | 20               | 40               |                  |                  |                  |                  | 40               | 40               |                  | 30               | 330    |
|      |       |      |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |        |
|      |       |      |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |        |
|      |       |      |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |        |
|      |       |      |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |        |

Total number of acres to be irrigated 330

9. Describe any other water rights used for the same purpose as described above License 31-2304

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.

**MICROFILMED**

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

**MICROFILMED**

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:

| 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 1.6 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
 

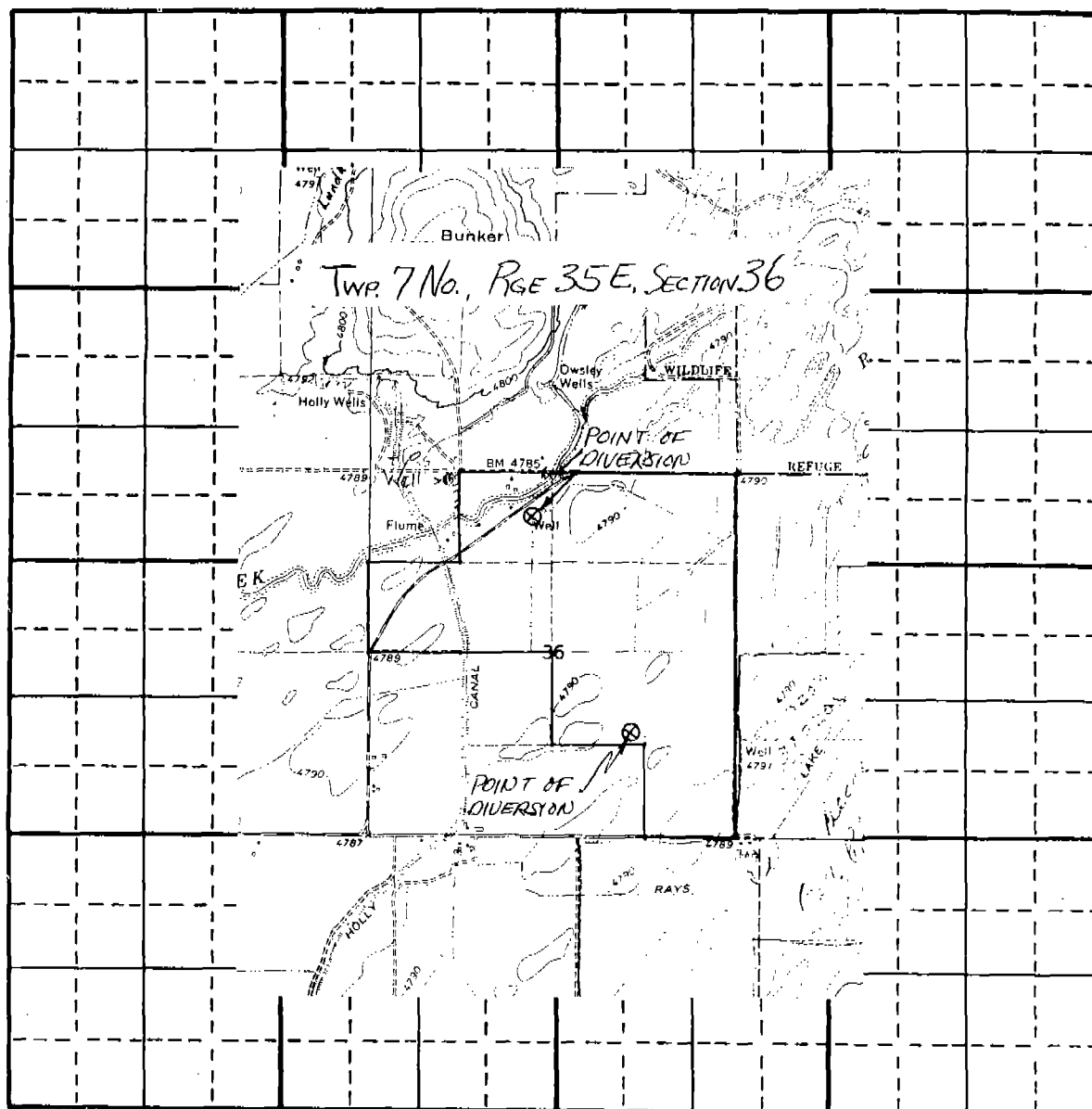
Point of diversion NE 1/4 NW 1/4, Section 36 Township 7N  
Range 35E, B.M., Jefferson County  
Additional points NW 1/4, Sec. 36, T. 7N, R. 35E.
3. Change in place of use
  - a. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? 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 the place of use.

c. Describe the lands or place of use to which the right will be transferred:

| 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 |        |
| 7N   | 35E   | 36   | 35     | 35     | 40     | 40     | 10     |        | 20     | 40     |        |        |        |        | 40     | 40     |        | 30     | 330    |
|      |       |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |       |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |       |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |       |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |       |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |       |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |       |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |       |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |       |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |       |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |

Total number of acres to be irrigated 330

4. Describe any other water rights used for the same purpose as described above. License 31-2304
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.



SCALE: 2 inches equal 1 mile. Draw plan in ink.

**WILDLIFE REFUGE**

**MICROFILMED**

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.

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 Kessler  
(Signature of Applicant)

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

George Hump  
(Notary Public)

My commission expires March 20, 1989

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. 31-2318 and said application is hereby APPROVED, subject to the following limitations and conditions:

Witness my hand this 13 day of August, 19 85

J. Glen Saxton  
Chief, Operations Bureau

FOR DEPARTMENT USE ONLY

|                                                   |                                        |                        |
|---------------------------------------------------|----------------------------------------|------------------------|
| Received by <u>EMC</u>                            | Date <u>3-18-85</u>                    | Protest filed by _____ |
| Prelim. check by <u>HWS</u>                       | Fee <u>\$50.00 33228</u>               | _____                  |
| Received by <u>cy</u>                             | Date <u>3-15-85</u>                    | _____                  |
| Published in <u>Rocky Star</u>                    | Copies of protest forwarded by _____   |                        |
| Pub. dates <u>4/24 &amp; 4/11/85</u>              | Hearing held by _____ Date _____       |                        |
| Watermaster recommendation requested on <u>NA</u> | Recommended for <u>approval</u> denial |                        |
| _____ rec'd.                                      | by <u>RDC Jim</u>                      |                        |

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

31-2318

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 31-2318 and is recorded as follows:

AMOUNT: 1.60 cfs                      PRIORITY: March 13, 1953

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 330 acres within the NE $\frac{1}{4}$ , NE $\frac{1}{4}$ NW $\frac{1}{4}$ , S $\frac{1}{2}$ NW $\frac{1}{4}$ , N $\frac{1}{2}$ SE $\frac{1}{4}$ , SE $\frac{1}{4}$ 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  
31-2318

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 31-2318 and is recorded as follows:

AMOUNT: 1.60 cfs

PRIORITY: 3-13-1953

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 330 acres within the NE $\frac{1}{4}$ , NE $\frac{1}{4}$ NW $\frac{1}{4}$ , S $\frac{1}{2}$ NW $\frac{1}{4}$ , N $\frac{1}{2}$ SE $\frac{1}{4}$ , SE $\frac{1}{4}$ 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

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
TRANSFER ANALYSIS SHEET

INITIAL REVIEW BY: HWT

1. Right number 31-2318 Applicant David Kessler
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:
  - ☒ All of right.
  - ☒ Part of right (NOTE! Part B should be filled in only if part of the right is owned by the applicant).
  - ☒ Check description of point(s) of diversion.
  - ☒ Check description of place of use.
  - ☒ Check map (shows p.d. and p.u. after transfer).
  - ☒ Check for correct signature, notarization, and fee.
  - ☒ Check proof of ownership of right &/or land from which water is transferred.
  - ☒ Check for expansion in use of right. Comments \_\_\_\_\_
  - ☒ Check for existing water rights from same source, on land water is being transferred to.  
Right number(s) 31-2304
  - ☒ Is use within a Watermaster District? ☐ Yes ☒ No  
If yes, what district? \_\_\_\_\_

FINAL PROCESSING REVIEW BY: \_\_\_\_\_

1. Watermaster recommendation requested on NA Received on \_\_\_\_\_
2. Is transfer published correctly? ☒ Yes ☐ No
3. Protest received? ☐ Yes ☒ No

RECOMMENDED ACTION

1. ☒ Approve
2. ☐ Deny
3. Conditions\* \_\_\_\_\_

MICROFILMED

RECEIVED

MAY 21 1985

4. By JIM Date 5/20/85  
Department of Water Resources

August 15, 1985

RE: Transfer of Water Right No. 31-2318

David & Helen Kesler  
HC 69, Box 2081  
Hamer, ID 83425

Dear Mr. and Mrs. Kesler:

Enclosed is a copy of your approved Application for Transfer of the  
above referenced water right (Transfer No. 3122).

Sincerely,

JIM JOHNSON  
Water Rights Supervisor

JJ:sc

Enclosure

**MICROFILMED**

STATE OF IDAHO  
DEPARTMENT OF RECLAMATION  
BOISE, IDAHO  
REPORT OF ENGINEER

Permit No. G-23924This proof is for Completion of Works & Beneficial Use In Water District No. \_\_\_\_\_

1. Name of applicant: Bert 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 N., R. 35 E.B.M. County of Jefferson
4. Describe works as they exist, giving dimensions and capacities of same: Well 19" x 160'  
12" x 35' column 12" discharge 1 bowl 14" diameter lift: 14'  
H: 12' 2nd motor 2.5 Hp 220 V # 949577 Presline pump  
# 159357 Mangerson controls head housed in 8' x 8'  
wood frame house. Dumps into 3' x 6' concrete head tank  
to fields by gravity Q: 75"
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):

NW  $\frac{1}{4}$  NE  $\frac{1}{4}$  and NW  $\frac{1}{4}$  SE  $\frac{1}{4}$  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 Hay grain & row crops

This examination was made on the 16 day of July, 1958(Signed) Carroll A. Stevenson Examiner.

23924

Nov. 11 = 5430 Bert L. Bybee  
Hamer, Idaho

Permit No. G-23924

Examination for Completion of Works &  
Beneficial Use Proof

County Jefferson

36-7N-35E

Qr 1.6 c.f.s.

So. Well

1.6 = NE 1/4, Sec 36, T. 7N. - R. 35E

Not checked

Use = Irrigation

See 1.6 c.f.s.

See 1.6 c.f.s.

See 1.6 c.f.s.

See 1.6 c.f.s.

See 1.6 c.f.s.

Field = March 13, 1953

Use = March 27, 1958

See 1.6 c.f.s.

See 1.6 c.f.s.

See 1.6 c.f.s.

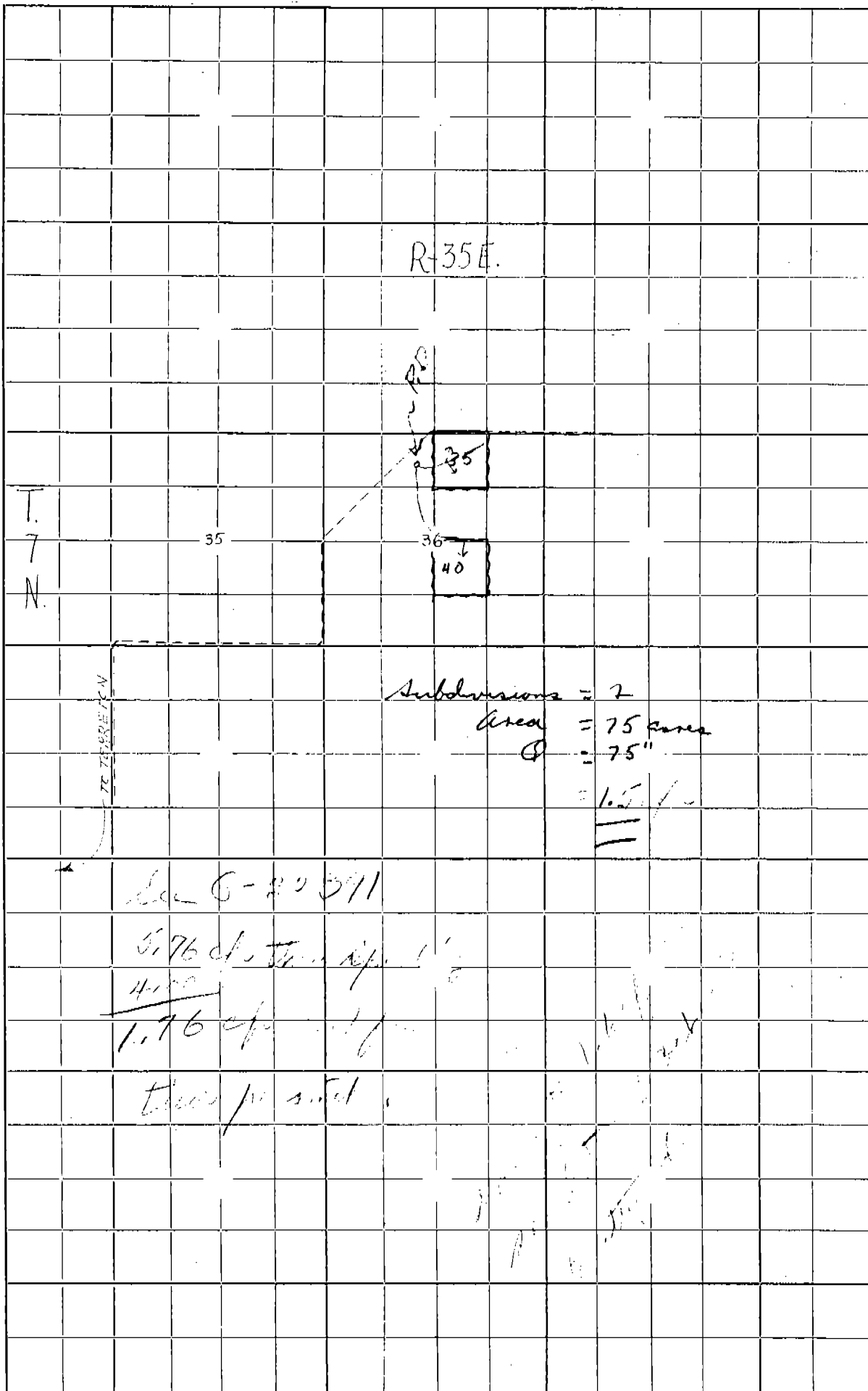
See 1.6 c.f.s.

See 1.6 c.f.s.

# 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 19 1958  
Department of Reclamation



STATE OF IDAHO  
DEPARTMENT OF RECLAMATION  
BOISE

REPORT OF ENGINEER

PERMIT NO. G-23924

REPORT ON PROOF OF Completion of Works & Beneficial Use

Bert L. Bybee  
Hamer, Idaho