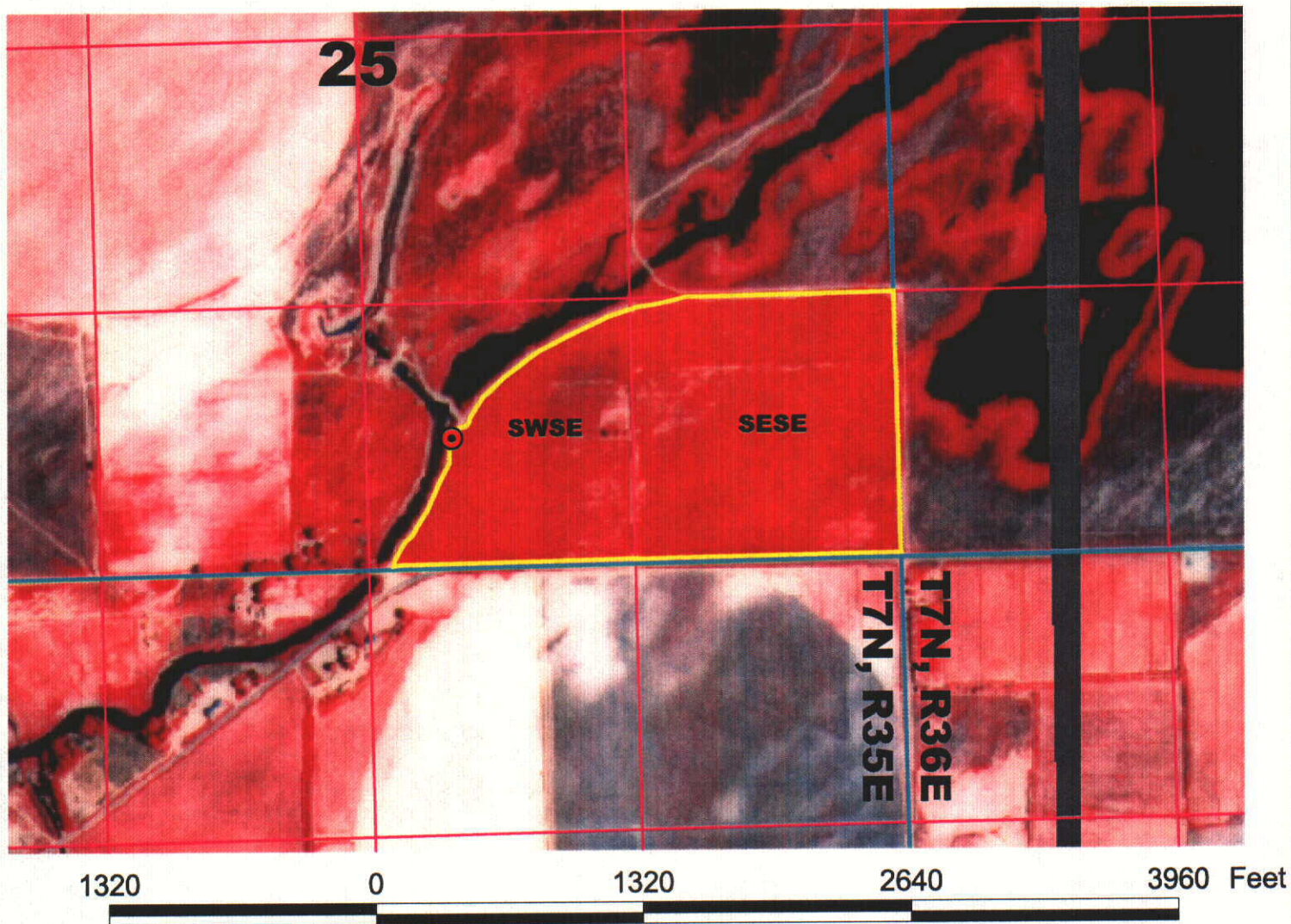


STATE OF IDAHO

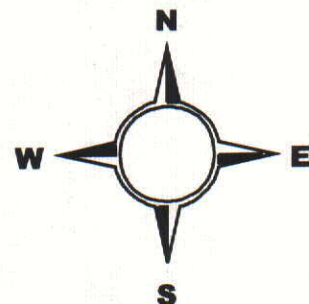
Department of Water Resources
Eastern Region

Water Right(s): 31-07042 and 31-10306



Total Irrigated Acres: 61

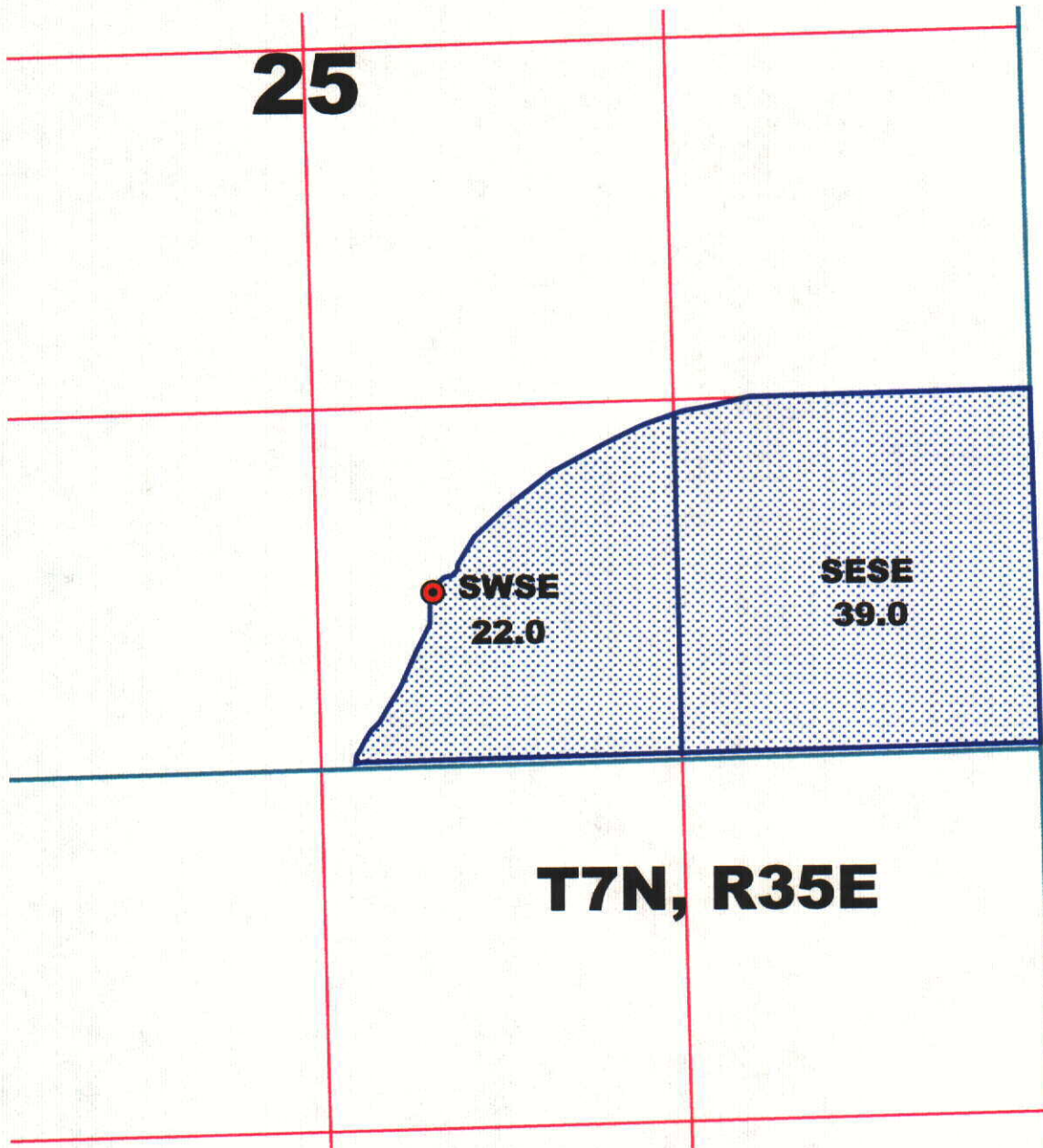
-  Point of Diversion
-  Place of Use
-  Quarter Section Lines
-  Section Lines



GIS Place of Use Illustration
1987/1988 Napp photography
Prepared by: C. Saxton
Date: December 2000

WR #: 31-07042, 31-10306

David Kesler



Total Irrigated Acres: 61
Permissible Place of Use

Acreage Distribution

Prepared By: Craig Saxton
December 2000

12/15/2000

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 31-7042

NAME AND ADDRESS: DAVID O KESLER
HELEN D KESLER
54 BLACK PINE RD
PHILIPSBURG, MT 59858

SOURCE: GROUND WATER

QUANTITY: 2.5 CFS
150 AFY

USE OF THIS RIGHT WITH RIGHT NO. 31-10306 IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 2.5 CFS.

PRIORITY DATE: 01/13/1971

POINT OF DIVERSION: T07N R35E S25 SWSWSE Within JEFFERSON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04-01 11-01	2.50 CFS 150.00 AFY

PLACE OF USE:

IRRIGATION Within JEFFERSON
County

T07N R35E S25 SWSE 22 T07N R35E S25 LOT 4 SESE 39

61 ACRES TOTAL

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 50 ACRES WITHIN
THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

RIGHT NO. 31-10306 IS AN ENLARGEMENT OF THIS RIGHT PURSUANT
TO SECTION 42-1426, IDAHO CODE.

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommended Right Report

WATER RIGHT NO. 31-7042

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

Priority Date: 01/13/1971
 Basis: License
 Status: Valid

Source
 GROUND WATER

Tributary to

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	04/01	11/01	2.5 CFS	150 AFA	
Total Diversion			2.5 CFS	150 AFA	

Point(s) of Diversion:

Township	Range	Section	1/4 of 1/4	of 1/4	Lot	County
07N	35E	25	SW	SW	SE	JEFFERSON

IRRIGATION Use:
 Acre Limit: 50

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>
07N	35E	25		SWSE	22	4	SESE	39			

Total Acres: 61

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.

Remarks:

1. Explanatory RIGHT NO. 31-10306 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 50 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
3. Quantity USE OF THIS RIGHT WITH RIGHT NO. 31-10306 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 2.5 CFS.

Dates:

Water Right 31-7042

Licensed Date: 05/25/1982
 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
Contacts	12/15/00 3:44:21 PM	csaxton			In Process
POD	12/15/00 3:45:17 PM	csaxton			In Process
POU	12/15/00 3:50:11 PM	csaxton			In Process
Priority Date	12/15/00 3:44:53 PM	csaxton			In Process
Quantity	12/15/00 3:53:51 PM	csaxton			In Process
Season	12/15/00 3:52:46 PM	csaxton			In Process
Source	12/15/00 3:48:20 PM	csaxton			In Process
Summary	12/15/00 4:14:09 PM		12/15/00 4:14:09 PM	csaxton	Complete
Use	12/15/00 3:48:55 PM	csaxton			In Process

Other Information:

Receipt Number(s):
 State or Federal: S
 Owner Name Connector: OR
 Overall Max Diversion Rate: 2.5
 Overall Max Diversion Volume: 150
 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:
 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
Contacts	12/15/00 3:44:20 PM	csaxton	1. Appointment has not been scheduled. Comment for 1: Desktop Review Edited point location
POD	12/15/00 3:48:04 PM	csaxton	1. (NO) The basis is not beneficial use.
POD	12/15/00 3:45:16 PM	csaxton	2. (YES) Parent right has a Point of Diversion. 3. (YES) The claimed Point of Diversion can be verified using the water right file. 8. (NO) Point of Diversion remark was not required. 9. (NO) Point of Diversion condition was not required.
POU	12/15/00 3:50:09 PM	csaxton	1. (YES) The POU is required. 2. (NO) The basis of claim is not beneficial use. 3. (NO) The Parent Right does not have a POU. 5. (YES) There is evidence that there has been a change in the POU. 6. (NO) The change can not be verified as an accomplished transfer. 7. (YES) The change is an enlargement of the POU. Comment for 7: 1987 NAPP Photography 8. (YES) An enlargement claim was filed. 9. (YES) The file contains all the necessary information to verify the POU. Comment for 9: NAPP Photography 12. (YES) POU remark was required. 13. (NO) POU condition was not required.
Priority Date	12/15/00 3:44:51 PM	csaxton	1. (NO) There has not been a later court decree of the water right(s) from the water source.

Quantity 12/15/00 3:53:49 PM csaxton

Season 12/15/00 3:52:44 PM csaxton

Source 12/15/00 3:48:18 PM csaxton

Summary 12/15/00 4:14:08 PM csaxton

Use 12/15/00 3:48:54 PM csaxton

4. (NO) The basis of claim is not beneficial use.
5. (NO) The basis of claim is not a posted notice.
6. (YES) Parent right has a priority date.
7. (NO) The basis of claim is not an application or permit.
12. (YES) The claim is recommended.
13. (YES) The claim is coded correctly.
14. (NO) Priority remark was not required.
15. (NO) Priority condition was not required.
1. (NO) The basis of claim is not beneficial use.
2. (NO) The basis of claim is not a posted notice.
3. (YES) The parent right has a diversion rate and/or diversion volume.
4. (YES) The claimed diversion rate and/or volume can be verified using the water right file.
7. (YES) The parent right has an annual diversion volume limit.
8. (YES) Irrigation is a purpose of use.
9. (YES) Quantity remark was required.
10. (NO) Quantity condition was not required.
1. (NO) The basis of claim is not beneficial use.
2. (YES) The parent right has a period of use.
3. (YES) The claimed Period of Use can be verified using the water right file.
12. (YES) Irrigation is the purposed use.
14. (NO) The period of use on the decree, license or transfer is not shorter on either the start or end date than allowable under IDWR's current standard.
15. (NO) Period of Use remark was not required.
16. (NO) Period of Use condition was not required.
1. (NO) The basis is not beneficial use.
2. (YES) Parent right has a source.
3. (YES) The claimed source can be verified using the water right file.
8. (NO) The source is not surface water.
10. (NO) Source remark was not required.
11. (NO) Source condition was not required.
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.
1. (NO) The basis of claim is not beneficial use.
2. (YES) The parent right has a purpose of use.
3. (YES) The claimed purpose of Use can be verified using the water right file.
11. (NO) Purpose of Use remark was not required.
12. (NO) Purpose of Use condition was not required.

10-1
OK
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: A31-07042

Date Received: 9/29/1988

Receipt No: 5002781 / ST

Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

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

OR

Name: HELEN D. KESLER
Address: 54 BLACK PINE RD.
PHILIPSBURG, MT 59858

2. Date of Priority: JAN 13, 1971

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	25	NW	SW	SE		JEFFERSON

5. Description of diverting works:
WELL, PUMP & PIPELINES.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	2.500		150.00

7. Total Quantity Appropriated is:
2.500 C.F.S. (and/or) 150.00 A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:

A31-07042

Page 1

Date: 09/29/88

MICROFILMED
NOV 17 1992

A3107042



10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
07N	35E	25	SW	SE		IRR	20.0
			SE	SE		IRR	30.0
						Section Acres	50.0
						Total Acres	50.0

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:

14. Remarks:

REINSTATED 5-12-1977.

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 Date: Sept 29 88
Helen D. Kesler Date: SEPT 29, 88

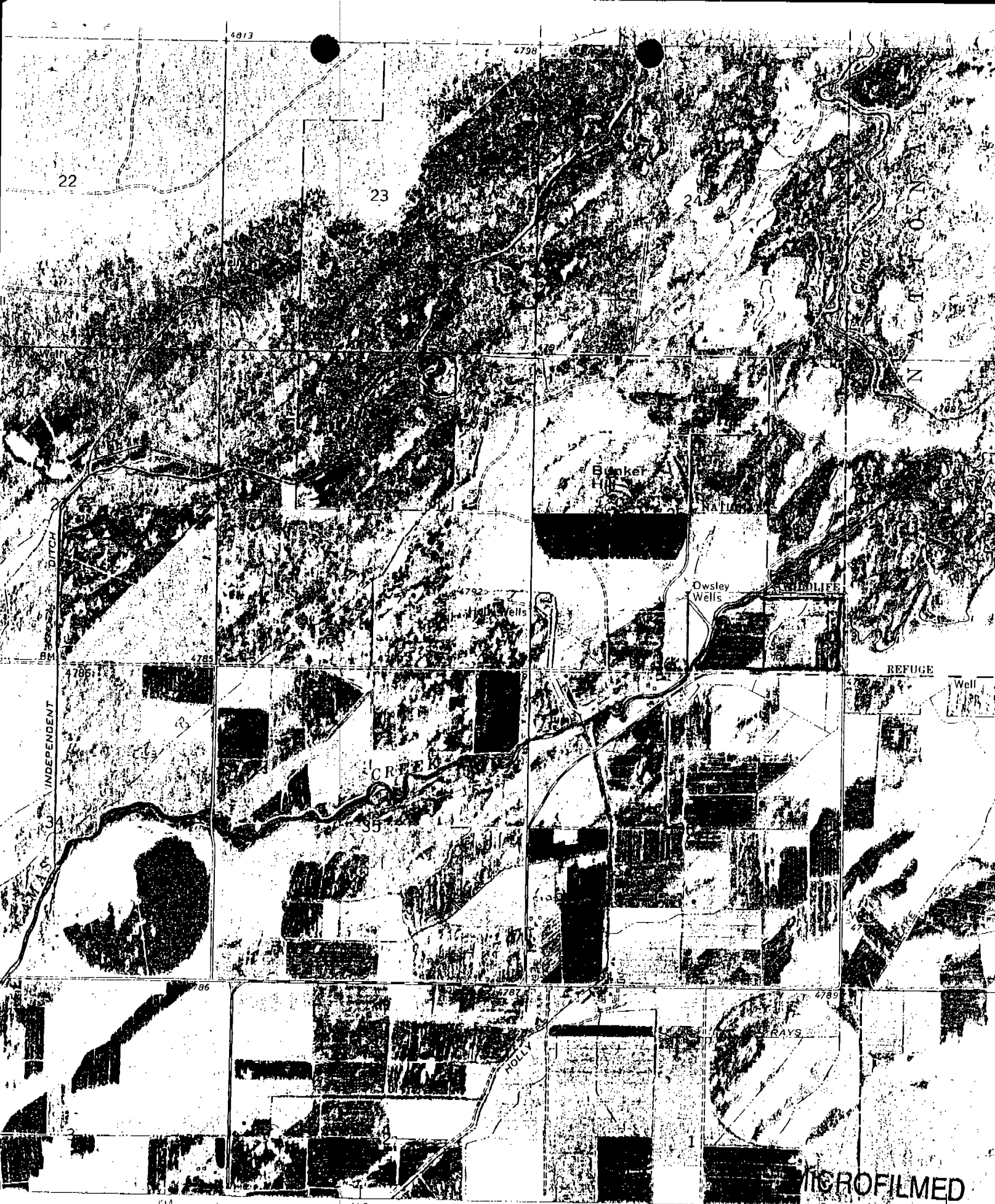
State of Idaho)
County of Bonneville) SS.

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

A31-07042
A31-10306

NOV 17 1992



STATE OF IDAHO

Department of Water Resources
Eastern Region

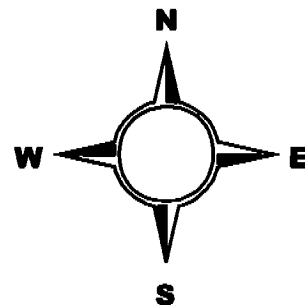
Water Right(s): 31-07042 and 31-10306



1320 0 1320 2640 3960 Feet

Total Irrigated Acres: 61

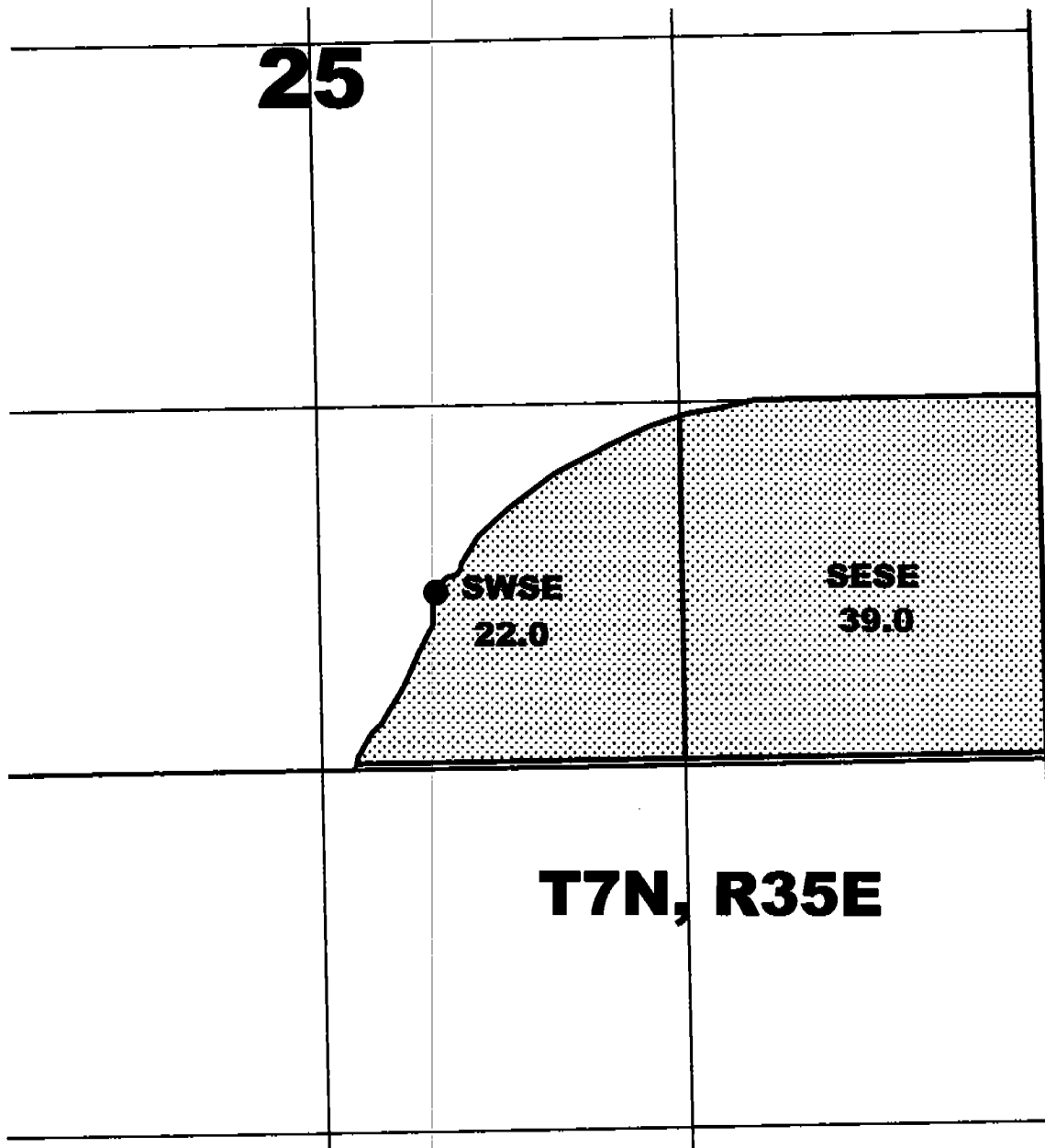
- Point of Diversion
- Place of Use
- Quater Section Lines
- Section Lines



GIS Place of Use Illustration
1987/1988 Napp photography
Prepared by: C. Saxton
Date: December 2000

WR #: 31-07042, 31-10306

David Kesler



Total Irrigated Acres: 61
Permissible Place of Use

Acreage Distribution

Prepared By: Craig Saxton
December 2000

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

License of Water Right No. 31-7042 (late proof) Priority January 13, 1971 Amount 2.5 cfs

THIS IS TO CERTIFY, that DAVID KESLER
of Phillipsburg, Montana, has complied with the terms and conditions of Permit
No. 31-7042 issued pursuant to Application for Permit dated November 12, 1970,
and has submitted proof to the Department of Water Resources on May 2, 1977,
that he has applied water to a beneficial use; an examination by the Department indicates that the works have a
capacity for the diversion of 3.72 cfs of water from a groundwater source,
tributary to _____, and that the permit holder has applied to a beneficial use and
established a right to use water as follows:

Beneficial Use	Period of Use	Rate of Diversion	Annual Volume
<u>Irrigation</u>	from <u>April 1</u> to <u>October 1</u>	at <u>2.5</u> cfs and	<u>150</u> acre feet
	from _____ to _____	at _____ cfs and	
	from _____ to _____	at _____ cfs and	

(both dates inclusive)

Subject, however, to the condition that no more than 2.5 cfs of water be diverted at any one time, and
that the amount of water so diverted and to which such right is entitled and confirmed is for the purpose
aforementioned and is limited to the amount which can actually be beneficially used and shall not exceed
150 acre feet per year, said waters to be diverted within the SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 25, Twp. 7N,
Rge. 35E, B.M. in the County of Jefferson

Description and location of 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	25															20	30	50

Total number of acres irrigated 50

NOTE: Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho Law. This right may be forfeited by five years of non-use.

The right to the use of the water hereby confirmed is restricted and appurtenant to the lands or place of use herein described, as provided by the laws of Idaho.

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 14 day of
June, 19 79.

Director

MICROFILMED

RECEIVED

TOTAL ACREAGE	60
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T
7
N

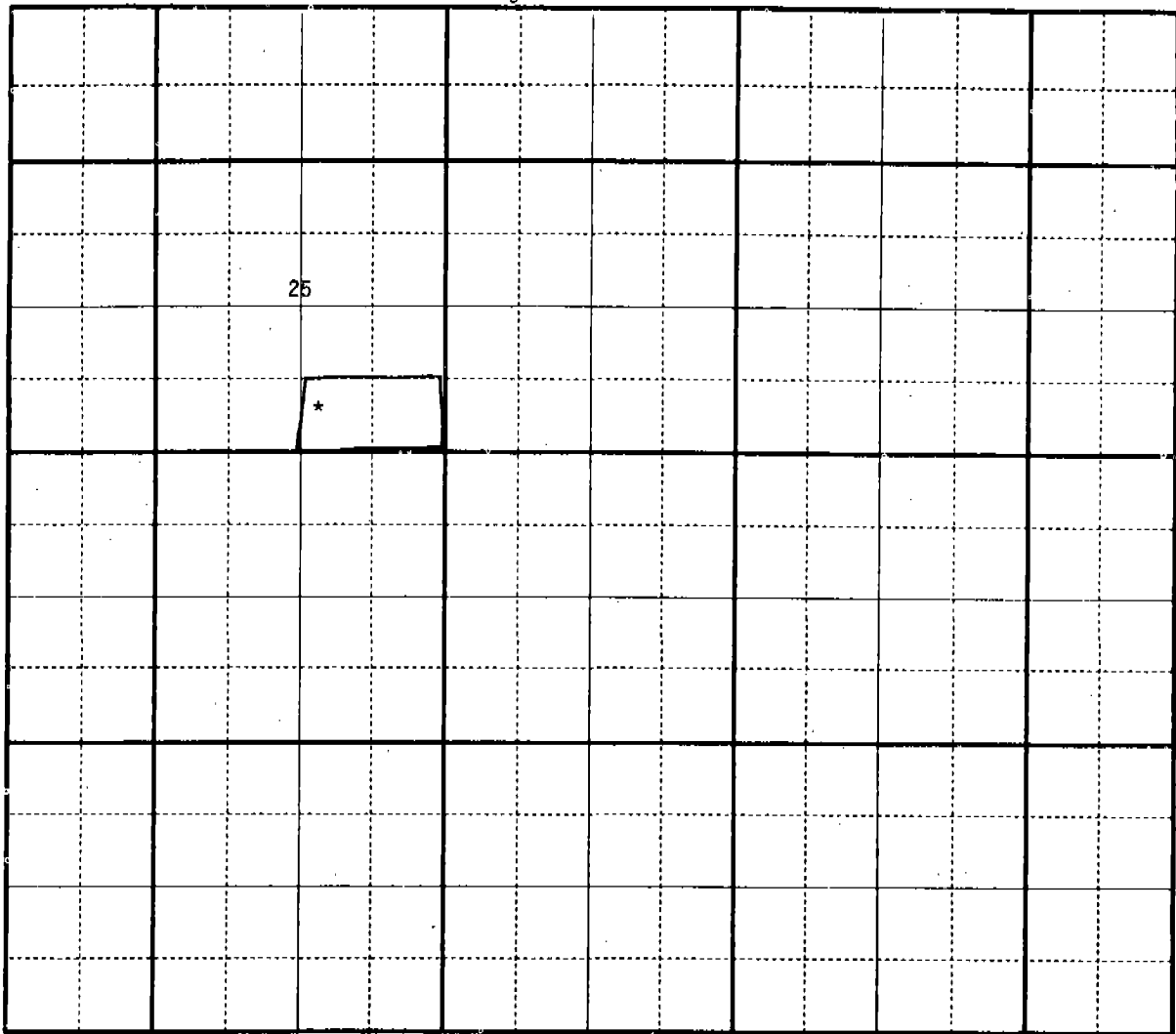
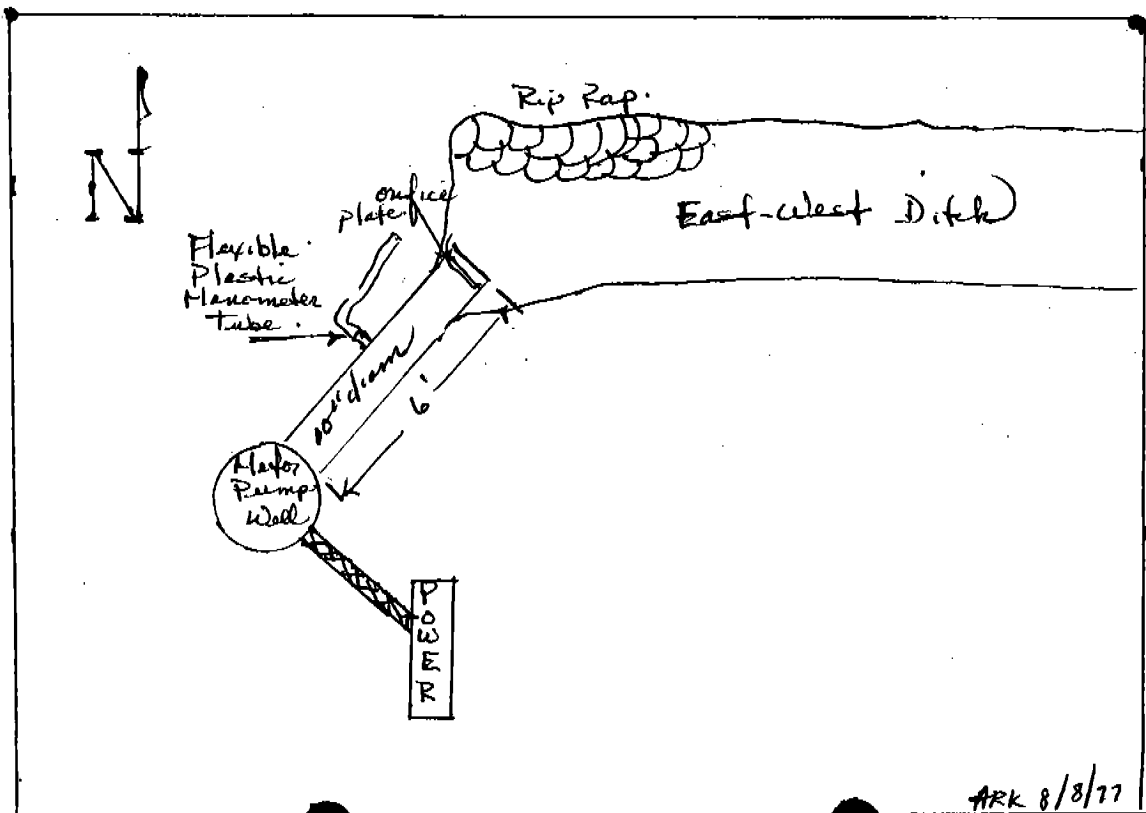


Diagram of System



ARK 8/8/77

DATE OF EXAM 8/8/77

ACREAGE
Found 50
Recommended 50

Irrigation Requirement 3.0 Ac Ft/Ac

Permit originally issued for
0.05 cfs per acre (see remarks on
permit) therefore 50 ac x 0.05 = 2.5 cfs
allowable.

USE
Irrigation Q = 1.00 c.f.s. V = 150 AF/Ann. from April 1 to Oct 31
Domestic Q = _____ c.f.s. V = _____ AF/Ann. from _____ to _____
Livestock Q = _____ c.f.s. V = _____ AF/Ann. from _____ to _____

Is water co-mingled? yes _____ no X

Name source: n/a
twp. _____ N/S, Rge _____ E/W, B.M., Sec. _____, Sub. _____ 1/4 _____ 1/4 _____ County _____

Exchange? yes _____ no X

Name source exchanged with: n/a
twp. _____ N/S, Rge _____ E/W, B.M., Sec. _____, Sub. _____ 1/4 _____ 1/4 _____ County _____

Point of injection: n/a
twp. _____ N/S, Rge _____ E/W, B.M., Sec. _____, Sub. _____ 1/4 _____ 1/4 _____ County _____

Point of exchange: n/a
twp. _____ N/S, Rge _____ E/W, B.M., Sec. _____, Sub. _____ 1/4 _____ 1/4 _____ County _____

Total Q measured 3.72 cfs Method of measurement Orifice plate

Total Q recommended 1.00 cfs Meter No. n/a Type 8" diam Condition good

Total V recommended 150 AF/yr. (10" pipe)

Recommended Amendments:

P.D. _____

Place of Use _____

Other _____

None

MEASUREMENT CALCULATION: Measured 29" Height from manometer.
Measured 1069 gpm, 1 cfs = 448.8 gpm. $1069 \div 448.8$
= 3.12 cfs

$3.0 \times 50 = (150 \text{ AF/yr}) < 215 \times 1.9835 \times 1.00 = 426.75 \text{ AF/yr.}$

ARK 8/8/77

SYSTEM DESCRIPTION:

Groundwater is diverted from a 130' deep 12" diam well by a
10 H.P., 3 ph. General Electric motor w/in 5K326XH3A, S/N - VHS-6878490
& a Layne & Bowler vertical turbine pump S/N - 1870. Water
is discharged into an irrigation ditch which runs East-West
across the acreage. Crops are flood irrigated.

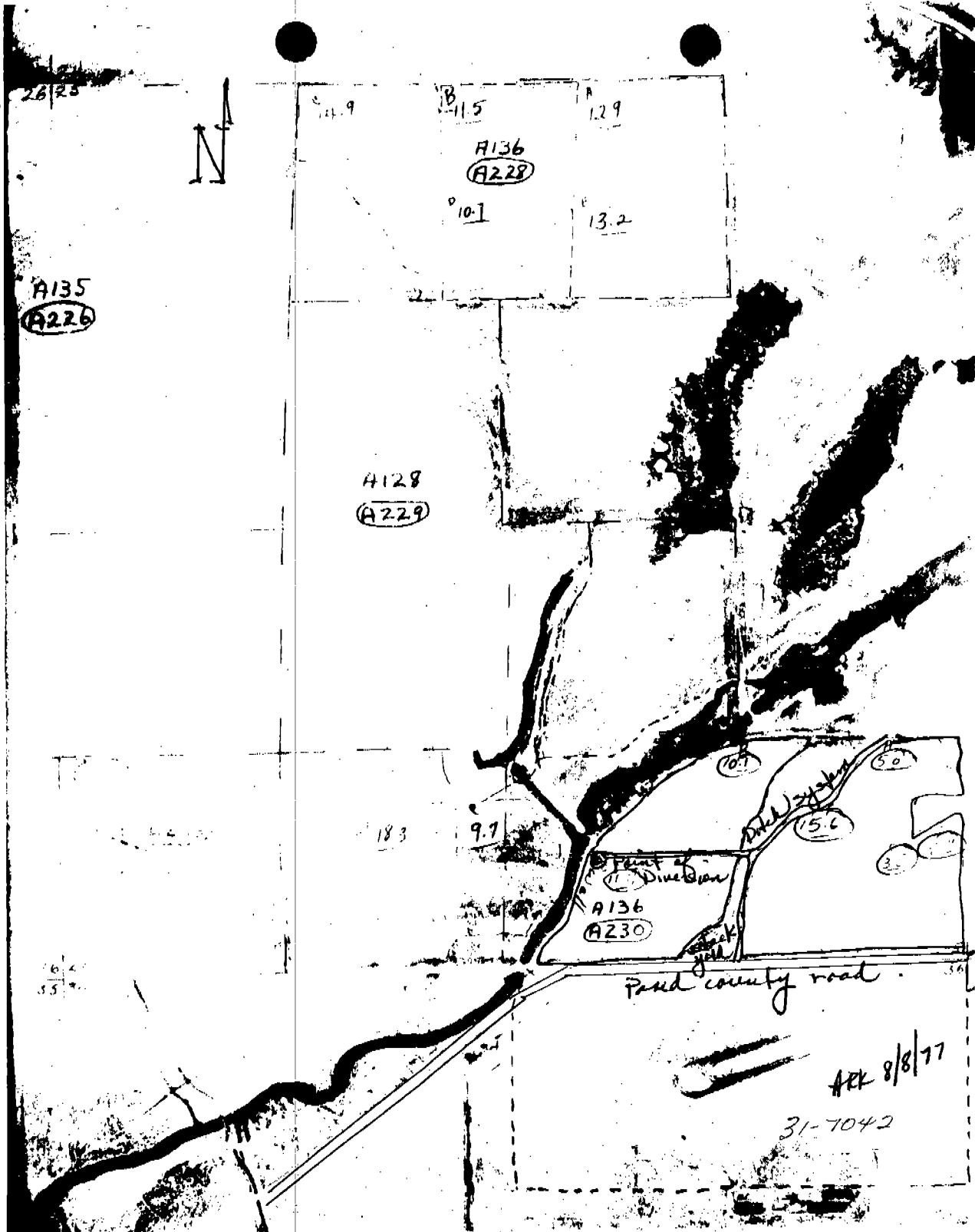
REMARKS:

System shown & described by David Kesler's son
who operates the farm during the summer.
gpm were obtained from table 9 in "Water Measurement"
handbook.

Examiner's Signature Anthony R. Kozlowski Date 8/8/77

Checked by Ernest M. Collins Date 1-11-78

Approved by _____ Date _____



APR 8/8/77

31-7042