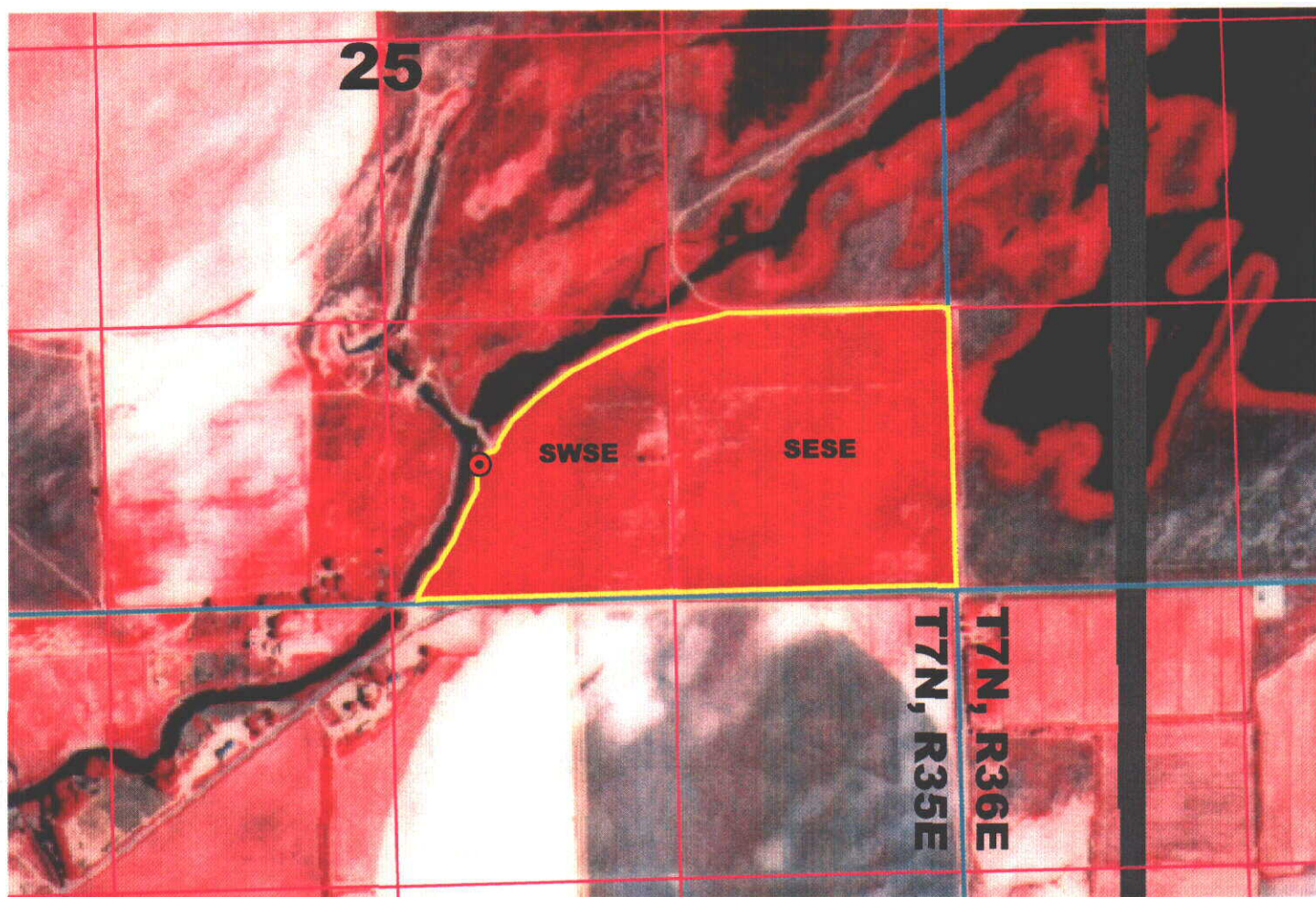




STATE OF IDAHO

Department of Water Resources
Eastern Region

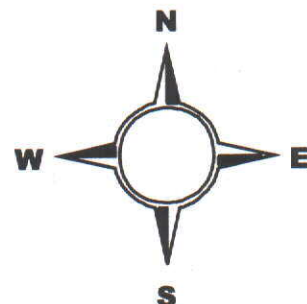
Water Right(s): 31-07042 and 31-10306



1320 0 1320 2640 3960 Feet

Total Irrigated Acres: 61

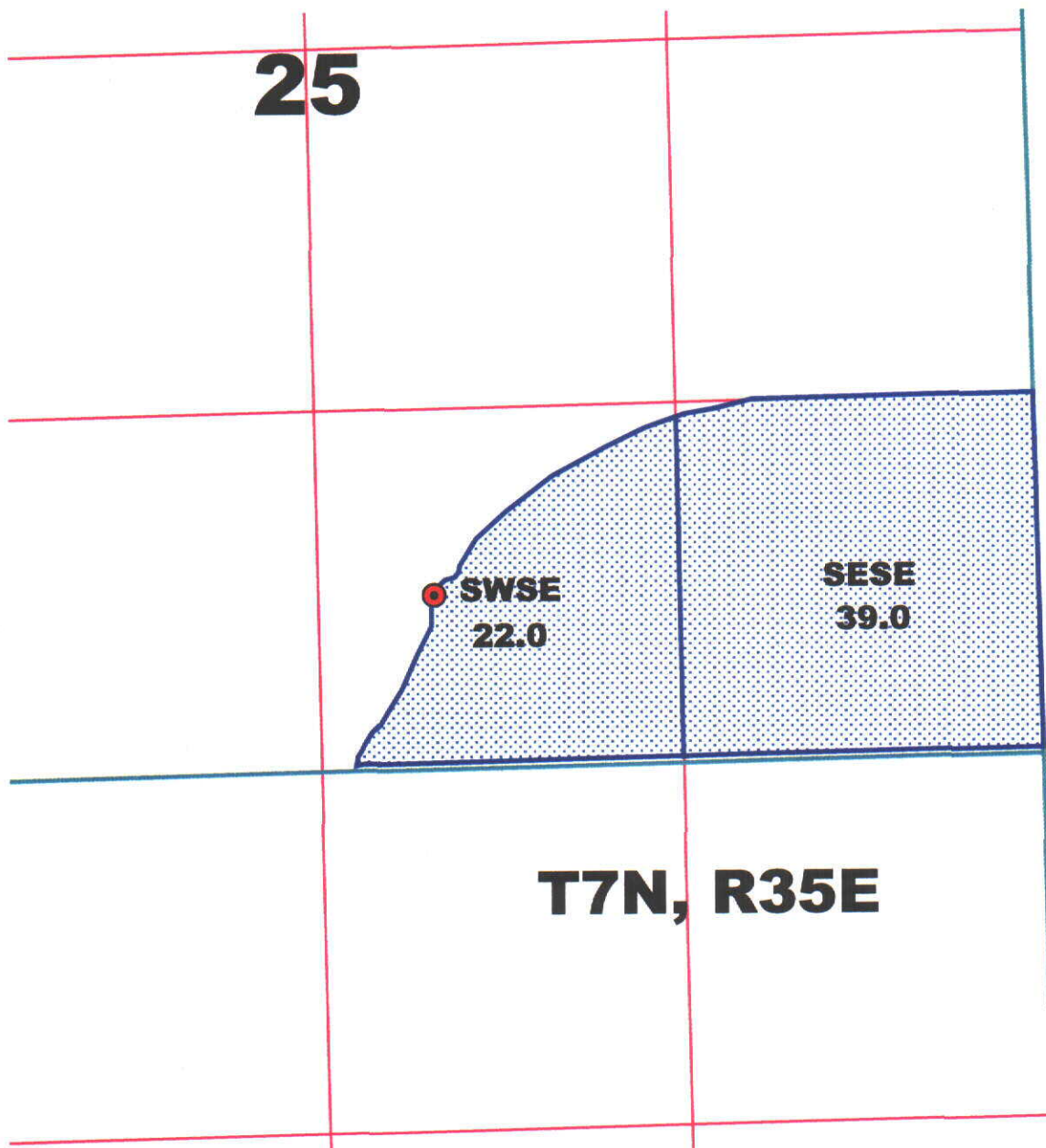
- Point of Diversion
- Place of Use
- Quarter Section Lines
- Section Lines



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

WR #: 31-07042, 31-10306

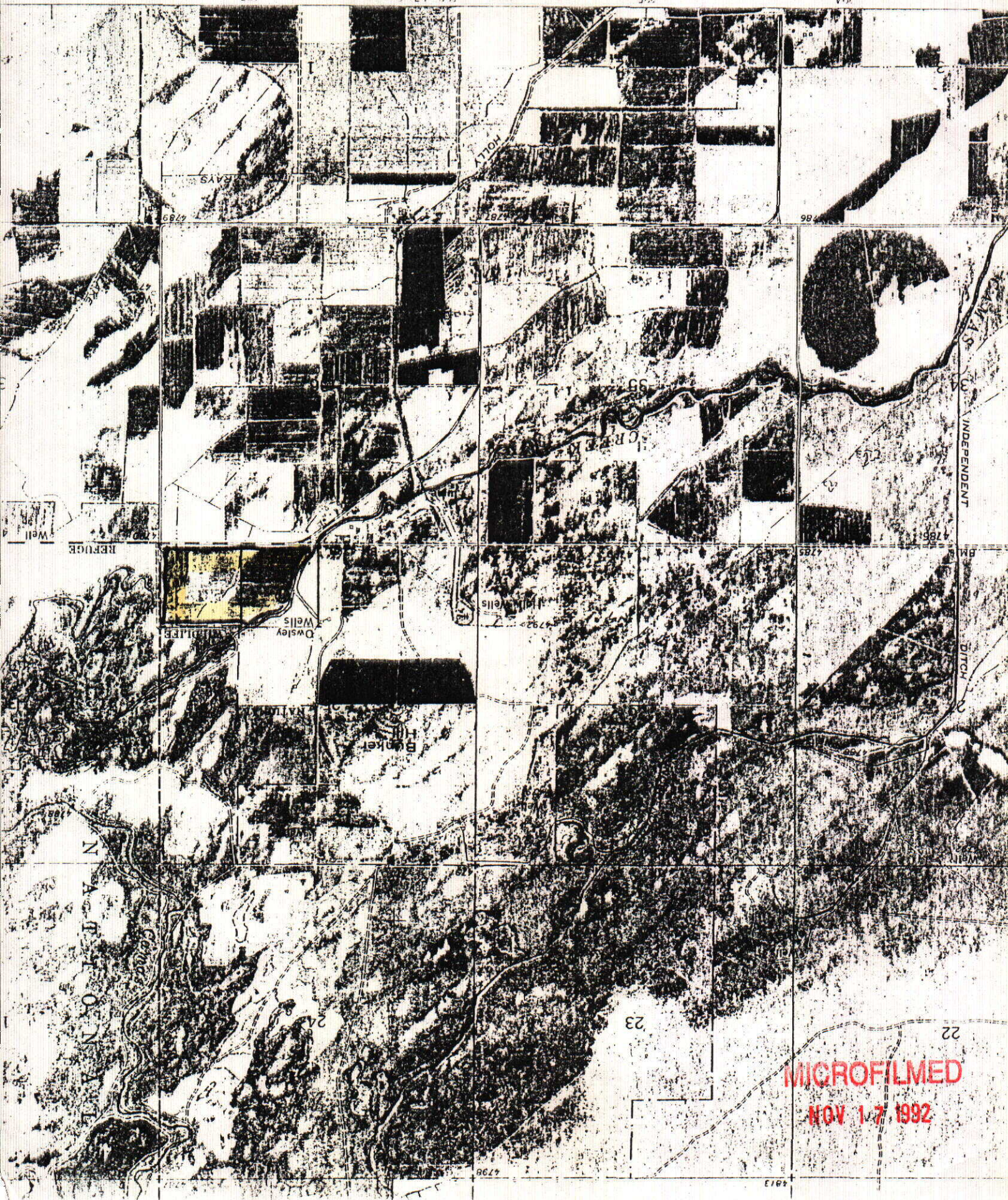
David Kesler



Total Irrigated Acres: 61
Permissible Place of Use

Acreage Distribution

Prepared By: Craig Saxton
December 2000

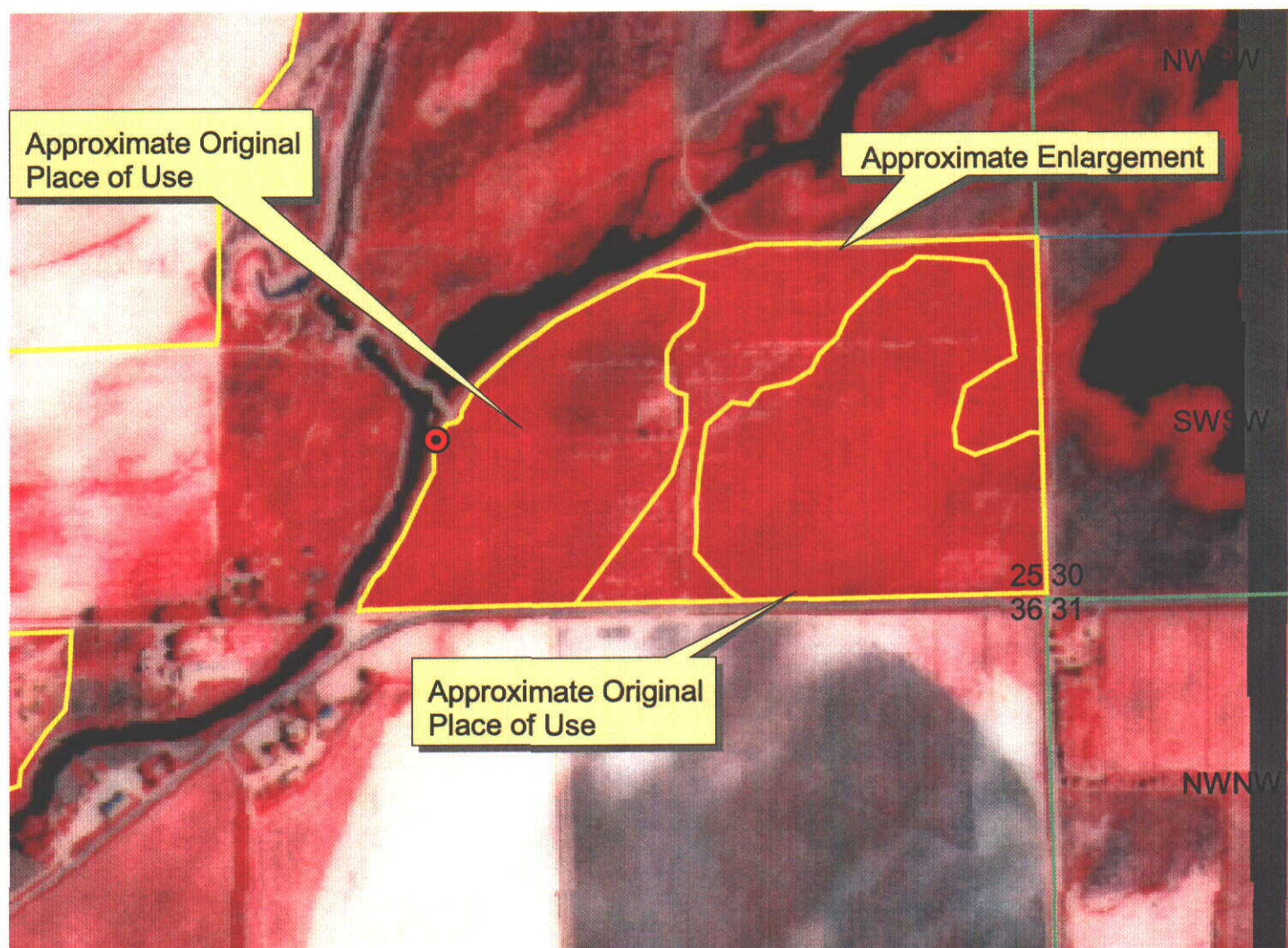


MICROFILMED
NOV 17 1992

Idaho Department of Water Resources

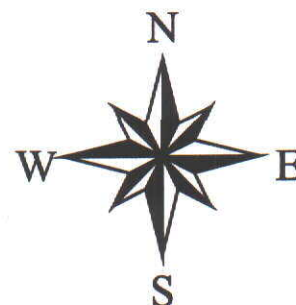
Water Right 31-07042, Enlargement Claim 31-10306

Township 7 North Range 35 East
Section 25



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

12/18/2000

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

RIGHT NUMBER: 31-10306
NAME AND ADDRESS: DAVID O KESLER
54 BLACK PINE RD
HELEN D KESLER
PHILIPSBURG, MT 59858

SOURCE: GROUND WATER

QUANTITY: 0.55 CFS
38.5 AFY

USE OF THIS RIGHT WITH RIGHT NO. 31-07042 IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 2.5 CFS.

PRIORITY DATE: 04/01/1975

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 10-31	0.55 CFS 38.50 AFY

PLACE OF USE:

<u>IRRIGATION Within JEFFERSON</u>					
<u>County</u>					
T07N R35E S25	SWSE	22	T07N R35E S25	LOT 4	SESE 39

61 ACRES TOTAL

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 11 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 - Beneficial Use

THIS RIGHT IS FOR AN ENLARGEMENT OF 11 ACRES WITHIN THE
PLACE OF USE DESCRIBED FOR THIS RIGHT.

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommended Right Report

WATER RIGHT NO. 31-10306

<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: 04/01/1975
 Basis: Beneficial Use
 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	0.55 CFS	38.5 AFA	
Total Diversion			0.55 CFS	38.5 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: 11

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	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. Place of Use - Irrigation THIS RIGHT IS LIMITED TO THE IRRIGATION OF 11 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
2. Quantity USE OF THIS RIGHT WITH RIGHT NO. 31-07042 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 2.5 CFS.
3. Explanatory THIS RIGHT IS FOR AN ENLARGEMENT OF 11 ACRES WITHIN THE PLACE OF USE DESCRIBED FOR THIS RIGHT.

Dates:

Licensed Date:
 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:

<u>Element</u>	<u>Last Review Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
Contacts	12/18/00 8:40:57 AM	csaxton			In Process
POD	12/18/00 8:42:31 AM	csaxton			In Process
POU	12/18/00 8:46:39 AM	csaxton			In Process
Priority Date	12/18/00 8:41:56 AM	csaxton			In Process
Quantity	12/18/00 9:02:18 AM	csaxton			In Process
Season	12/18/00 8:48:47 AM	csaxton			In Process
Source	12/18/00 8:44:26 AM	csaxton			In Process
Summary	12/18/00 9:09:38 AM		12/18/00 9:09:38 AM	csaxton	Complete
Use	12/18/00 8:45:05 AM	csaxton			In Process

Other Information:

Receipt Number(s):
 State or Federal: S
 Owner Name Connector: OR
 Overall Max Diversion Rate: 0.55
 Overall Max Diversion Volume: 38.5
 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:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log Text</u>
Contacts	12/18/00 8:40:56 AM	csaxton	1. Appointment has not been scheduled. Comment for 1: Desktop Review Edited point location
POD	12/18/00 8:43:32 AM	csaxton	1. (YES) The basis is beneficial use.
POD	12/18/00 8:42:29 AM	csaxton	4. (NO) There is not evidence that there has been a change in the Point of Diversion. 6. (YES) The file contains all the necessary information to verify the POD. Comment for 6: Verified by 31-07042. 8. (NO) Point of Diversion remark was not required. 9. (NO) Point of Diversion condition was not required.
POU	12/18/00 8:46:37 AM	csaxton	1. (YES) The POU is required. 2. (YES) The basis of claim is beneficial use. 5. (NO) There is no evidence that there has been a change in the POU. 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	12/18/00 8:41:54 AM	csaxton	1. (NO) There has not been a later court decree of the water right(s) from the water source. 4. (YES) The basis of claim is beneficial use. 4b. (YES) The priority date was claimed after the date a permit was required for the source and water use. 9. (YES) The claim was for an expansion or enlargement under 42-1416B or

Quantity 12/18/00 9:02:16 AM csaxton

Season 12/18/00 8:48:45 AM csaxton

Source 12/18/00 8:44:22 AM csaxton

Summary 12/18/00 9:09:37 AM csaxton

Use 12/18/00 8:45:03 AM csaxton

42-1426.

10. (YES) The claim file contains sufficient evidence of priority date.

12. (YES) The claim is recommended.

13. (NO) The claim is not coded correctly.

14. (NO) Priority remark was not required.

15. (NO) Priority condition was not required.

1. (YES) The basis of claim is beneficial use.

5. (NO) A flow measurement was not required.

Comment for 5: Field exam for 31-07042.

6. (YES) The source is ground water and the purpose of use requires a diversion volume limit.

8. (YES) Irrigation is a purpose of use.

9. (NO) Quantity remark was not required.

10. (NO) Quantity condition was not required.

1. (YES) The basis of claim is beneficial use.

4. (NO) There is not evidence that there has been a change to the period of use.

9. (YES) The file contains all the necessary information to verify the period of use.

11. (NO) The basis of is not a decree, license, or a transferred beneficial use right that has had the period of use administratively determined.

13. (YES) Irrigation is the purposed use.

15. (NO) Period of Use remark was not required.

16. (NO) Period of Use condition was not required.

1. (YES) The basis is beneficial use.

4. (NO) There is not evidence that there has been a change in the Source.

7. (YES) The file contains all of the necessary information to verify the source.

Comment for 7: Verified using 31-07042.

8. (NO) The source is not surface water.

10. (NO) Source remark was not required.

11. (NO) Source condition was not required.

1. (YES) The basis of the claim is beneficial use.

2. (YES) All the water being used for all the purposes is being claimed and to the extent it was claimed.

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. (YES) The basis of claim is beneficial use.

4. (NO) There is not evidence that there has been a change to the purpose of use.

9. (YES) The file contains all the necessary information to verify the purpose of use.

11. (NO) Purpose of Use remark was not required.

12. (NO) Purpose of Use condition was not required.

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: A31-10306
Date Received: 9/29/1988
Receipt No: 500 2781/97
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: APR 01, 1975

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

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

5. Description of diverting works:
WELL AND PUMP WITH OPEN DISCHARGE FOR FLOOD IRRIGATION.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	0.750		

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

8. Total consumptive use is 37.5 Acre Feet Per Annum.

9. Non-irrigation uses:

A310306



10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
07N	35E	25	SW	SE	IRR	5.0
			SE	SE	IRR	10.0
					Section Acres	15.0
					Total Acres	15.0

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:
NONE

14. Remarks:
THIS CLAIM IS BASED ON AN EXPANSION OF LICENSE 31-07042.

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

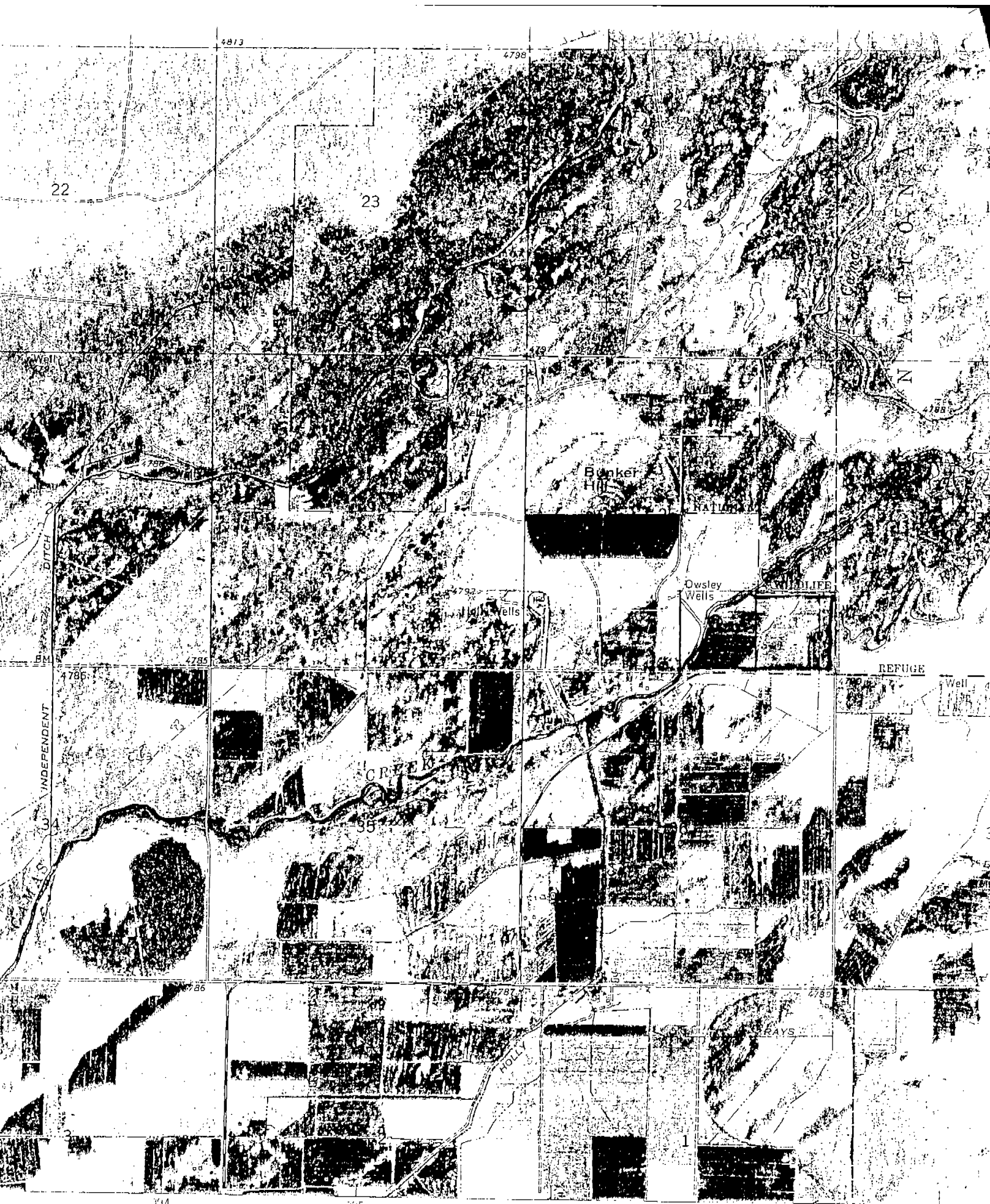
State of Idaho)
County of Bonneville) SS.

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 1:24,000

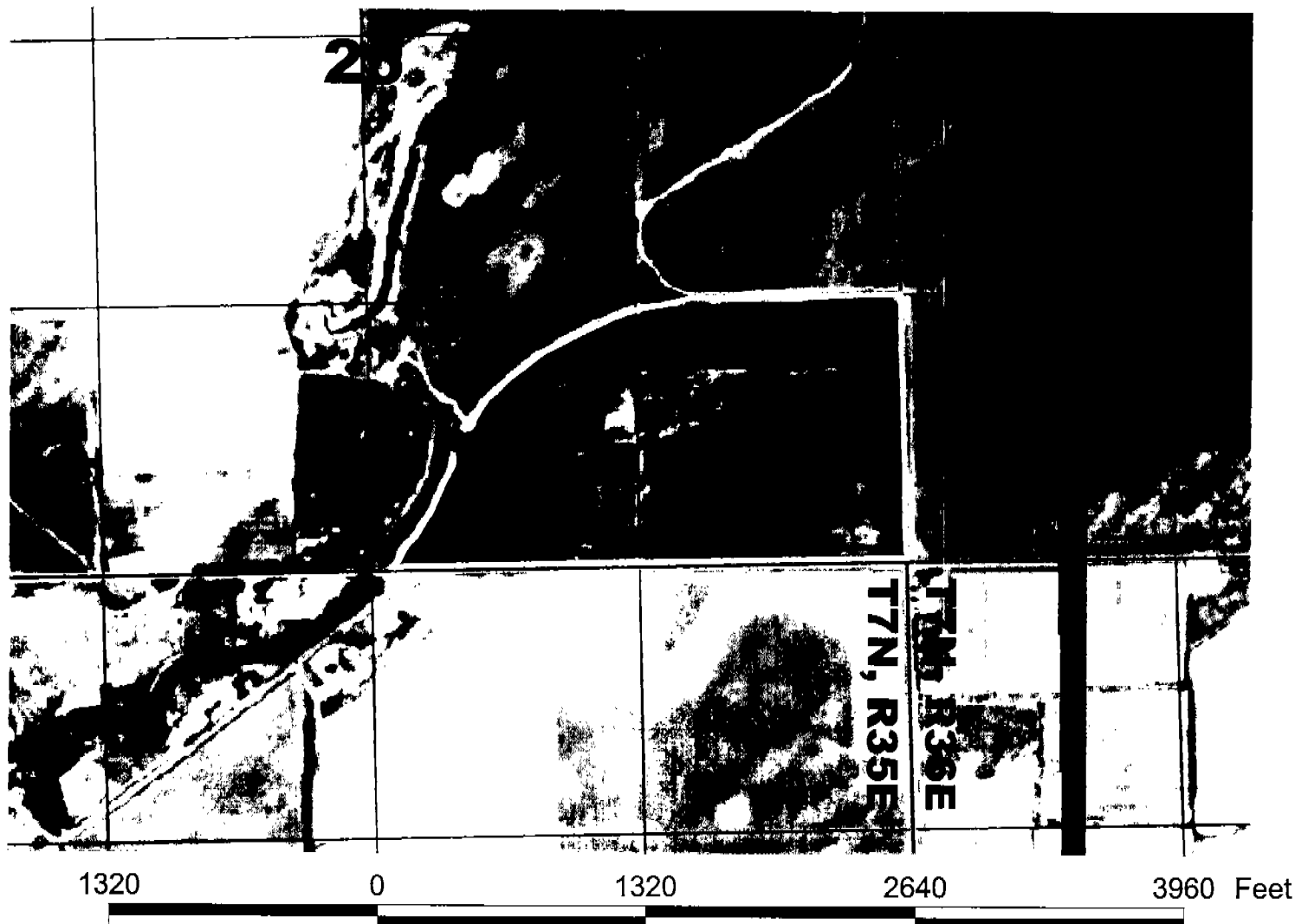
121-07042
121-10306



STATE OF IDAHO

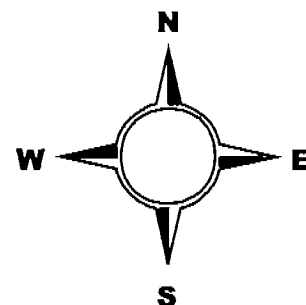
Department of Water Resources
Eastern Region

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



Total Irrigated Acres: 61

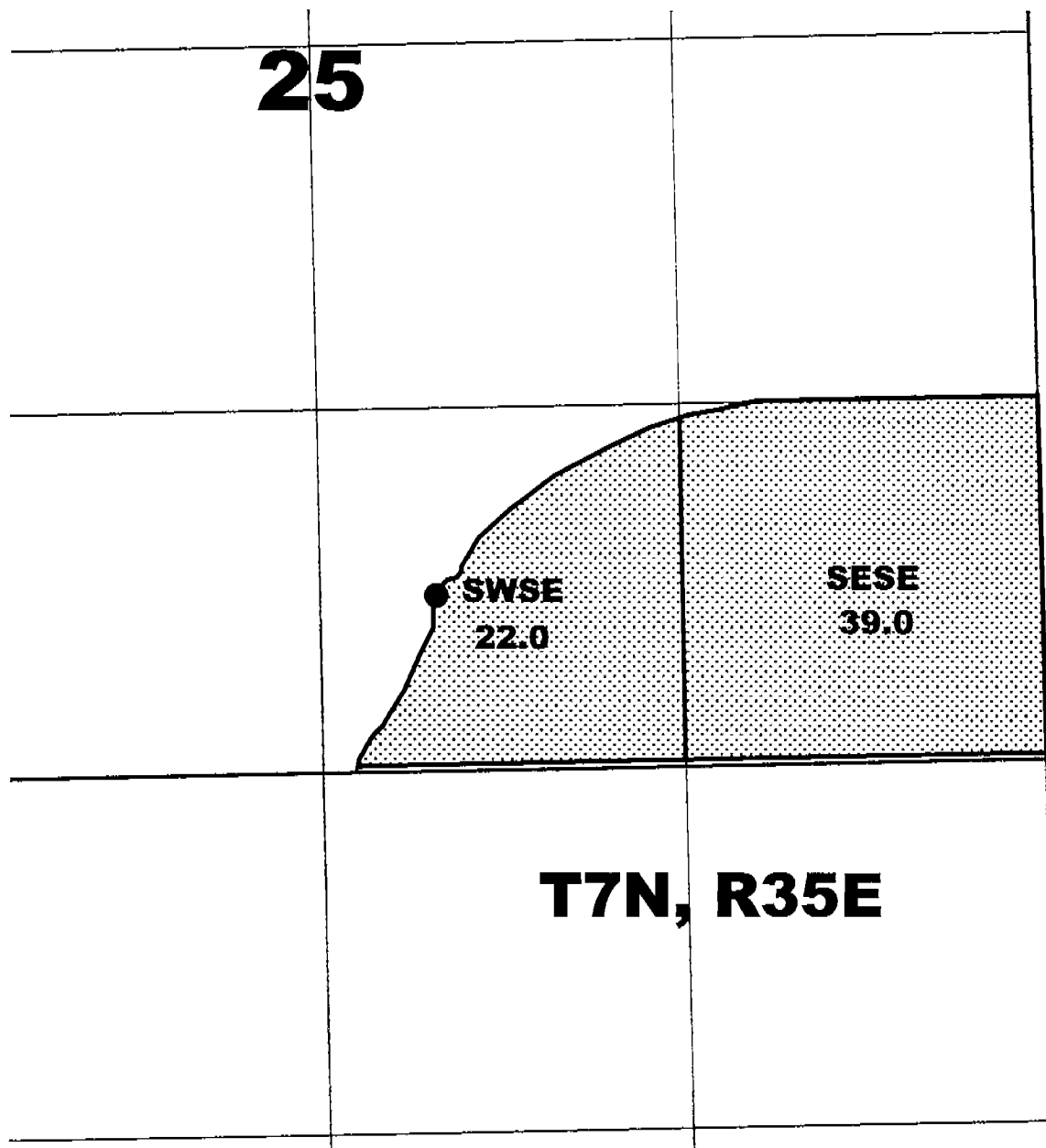
- Point of Diversion
- Place of Use
- Quater Section Lines
- Section Lines



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

September 7, 2000

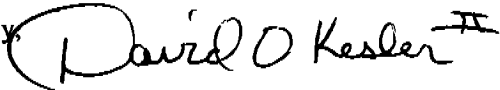
To Whom it May Concern:

I, David Kesler, enlarged water right number 31-07042 by adding a few acres to a corner. This was done in 1980. We did not change the pump. We were flood irrigating, and leveled the ground. This made more acres able to be irrigated.

There was a sand bump east of the pump, and the ditch went around the south side of it. This bump was pulled down and the material was used to fill a low spot.

The attached illustration shows approximately what was done.

Sincerely,

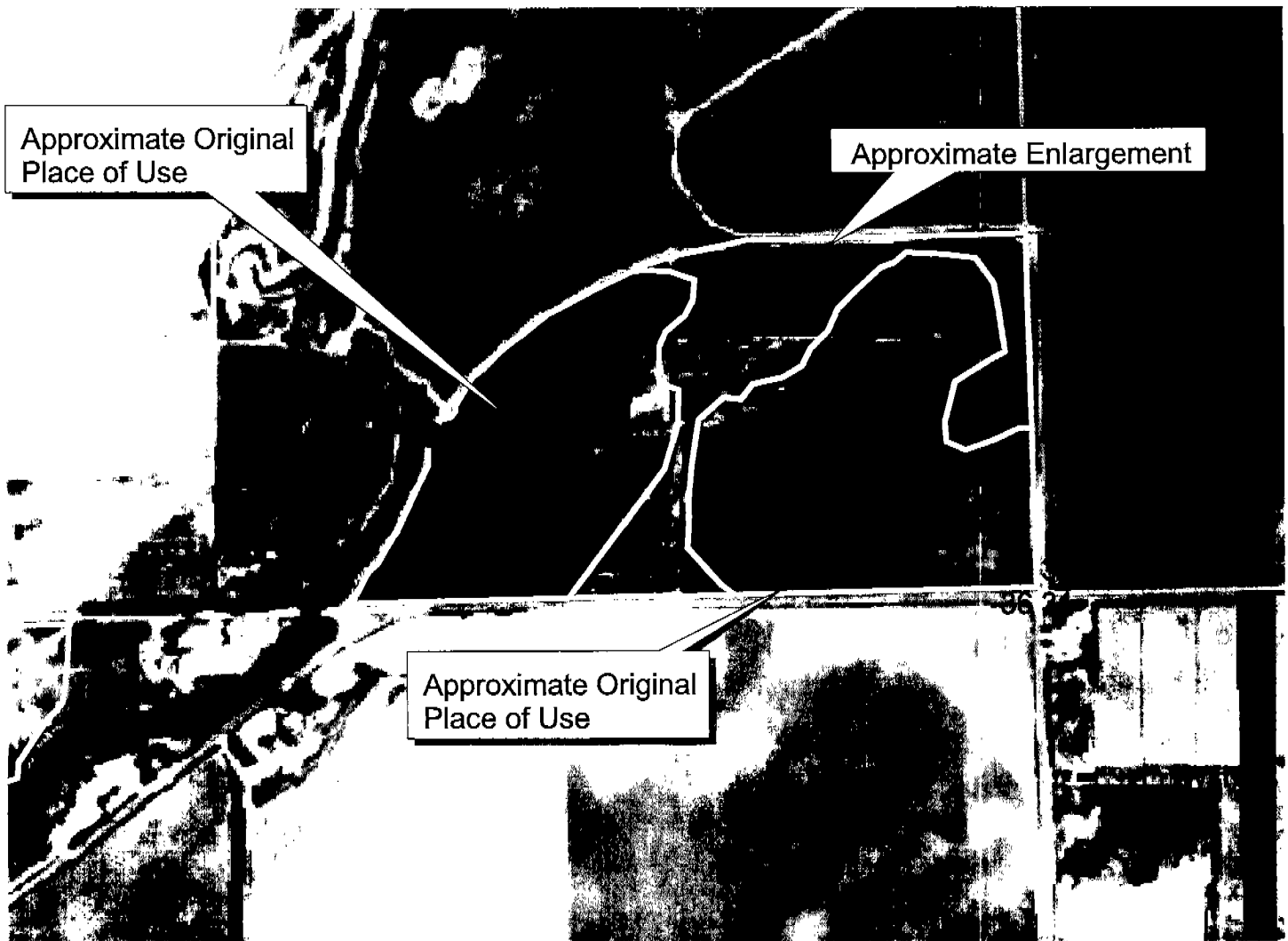
A handwritten signature in black ink that reads "David O Kesler" followed by a double underline and a small "II" superscript.

David O. Kesler II

Idaho Department of Water Resources

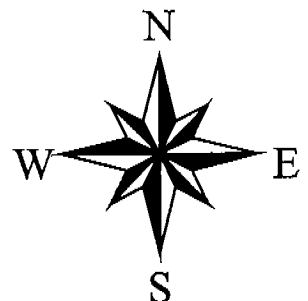
Water Right 31-07042, Enlargement Claim 31-10306

Township 7 North Range 35 East
Section 25



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

Water User
ID: 95

KESLER, DAVID O; KESLER, DARENE D

POD

07N 35E 25 NWSWSE

Site Tag #

Record #

300180

Diversion Name

DAD'S PUMP

*System changed to
plot + winter of
1999/2000 causing
Theoretical using
old demand /
New 10 P02 -
got demand for
power needs.*



From North Water Measurement
District Exam 300180
B. Contor 2/2000

WATER MEASUREMENT DISTRICT
FIELD REPORT

DISTRICT North RECORD NUMBER 300180

SITE DATA:

EXAMINER (inv_name) B Contor
EXAM DATE 11/25/98 DIVERSION NAME Dad's Pump
(site_visit) (div_name)
GPS FILE C112520A SITE TAG NUMBER A0008888
(gps_filnam) (site_tagno)
GPS OFFSET (offset) 4' above well
TAG LOCATION (tag_locat) Service pole w/ power meter
POD LEGAL (pod) T 70 S, R 35 E, Sec 25, NW SW SE

DISTRICT MEASUREMENT CAPABILITY (std_rcmd):

SONIC (s) SONIC/DIG (sd) SONIC @ PVT (sp)
COLLINS (c) PYGMY (p)

MEASUREMENT RECOMMENDATIONS (op_num):

PCC (2) HOUR METER (7) IRR. FLOWMETER (1)
ALTERNATE (3) OTHER FLOWMETER (8) CRP (4)
AMEND CLAIM (A) OPEN CHANNEL DEVICE (9) Unused (6)

SUITABLE FOR PCC even if other method selected (pcc_ok) YES NO

TRACKING will be required (trkng_reqd) YES NO

Well has ACCESS PORT for water level meas. (wl_access) YES NO

FLOWMETER installation poss. w/o major change (qmtr_ez) YES NO

FOLLOW-UP DATE (folup_date) 1999

OWNER/OPERATOR INFORMATION

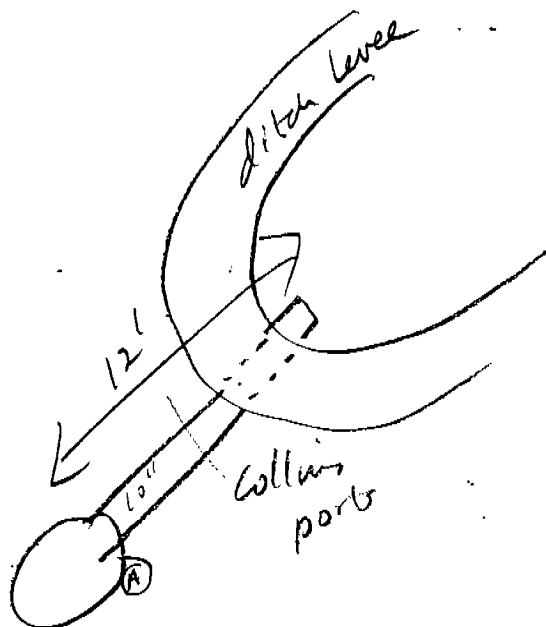
OWNER (name) David Kesler SR PHONE _____
ADDRESS _____ CEL PHONE _____
OPERATOR (contact) David Kesler II PHONE _____
ADDRESS _____ CEL PHONE _____

From North Water Measurement
District Exam 300180
B. Contor 2/2000

PUMPING PLANT SKETCH

VALVE	=	
CHECK VALVE	=	
AIR VAC	=	
PRESS. RELIEF	=	
INDIVE/UPDIVE	=	
HOSE BIB	=	
PRESS. GAGE	=	
WELL ACCESS	=	

TN



From North Water Measurement
 District Exam 300180
 B. Contor 2/2000

WELL/PUMP INFORMATION:

DEPTH OF WELL: _____ DEPTH OF BOWLS: _____

WATER LEVELS:

PRE-SEASON STATIC: _____ DATE MEAS: _____
(swl_pre) (swlpredate)DURING-SEASON STATIC: _____ DATE MEAS: _____
(swl_mid) (swlmiddate)POST-SEASON STATIC: _____ DATE MEAS: _____
(swl_post) (swlpstdate)DYNAMIC WATER LEVEL: _____ DATE MEAS: _____
(pmpng_wl) (pwl_date)

DOES STATIC WATER LEVEL DROP OR RISE OVER SEASON? YES NO

DOES ANOTHER WELL SPECIFICALLY INTERFERE WITH THIS WELL? YES NO

PUMP AND MOTOR INFORMATION:

WELL MOTOR

MFG: GESERIAL: 0WJ209293HP: 50

BOOSTER 1 MOTOR

MFG: _____

SERIAL: _____

HP: _____

BOOSTER 2 MOTOR

MFG: _____

SERIAL: _____

HP: _____

WELL PUMP

MFG: _____

SERIAL: _____

TYPE: VERT T CENT SUBMER
(pump_type) (v) (c) (s)

BOOSTER 1 PUMP

MFG: _____

SERIAL: _____

TYPE: VERT T CENT SUBMER

BOOSTER 2 PUMP

MFG: _____

SERIAL: _____

TYPE: VERT T CENT SUBMER

UTILITY KWH METER INFORMATION:

UTILITY: UPL
(utility)POLE #: 255103
(pole_no)

MAX KW DEMAND _____

KILOWATT HRS 71974 X ?
(kwh_1)
(use date of exam for "kwh1_date")UTILITY ACCOUNT NUMBER _____
(acct_no)KWH METER SERIAL: 1369542
(pwrmttr_sn)METER MFG: ABB
(pwrmttr_mfg)Kh DISK CONSTANT 21.6
(kh)MULTIPLIER ?

From North Water Measurement
District Exam <u>300180</u>
B. Contor 2/2000

SYSTEM DESCRIPTION/NARRATIVE COMMENTS:

SYSTEM TYPE Open discharge
(system_type)

COMMENTS TO DATA-ENTER (exam_notes):

FILE-ONLY COMMENTS:

From North Water Measurement
District Exam 300180
B. Contor 2/2000

I certify that the above information is true and correct to the best of my knowledge and ability and the measurements taken and recorded are in accordance with the standards and specifications of the equipment used.

Signature Bryce A. Contor

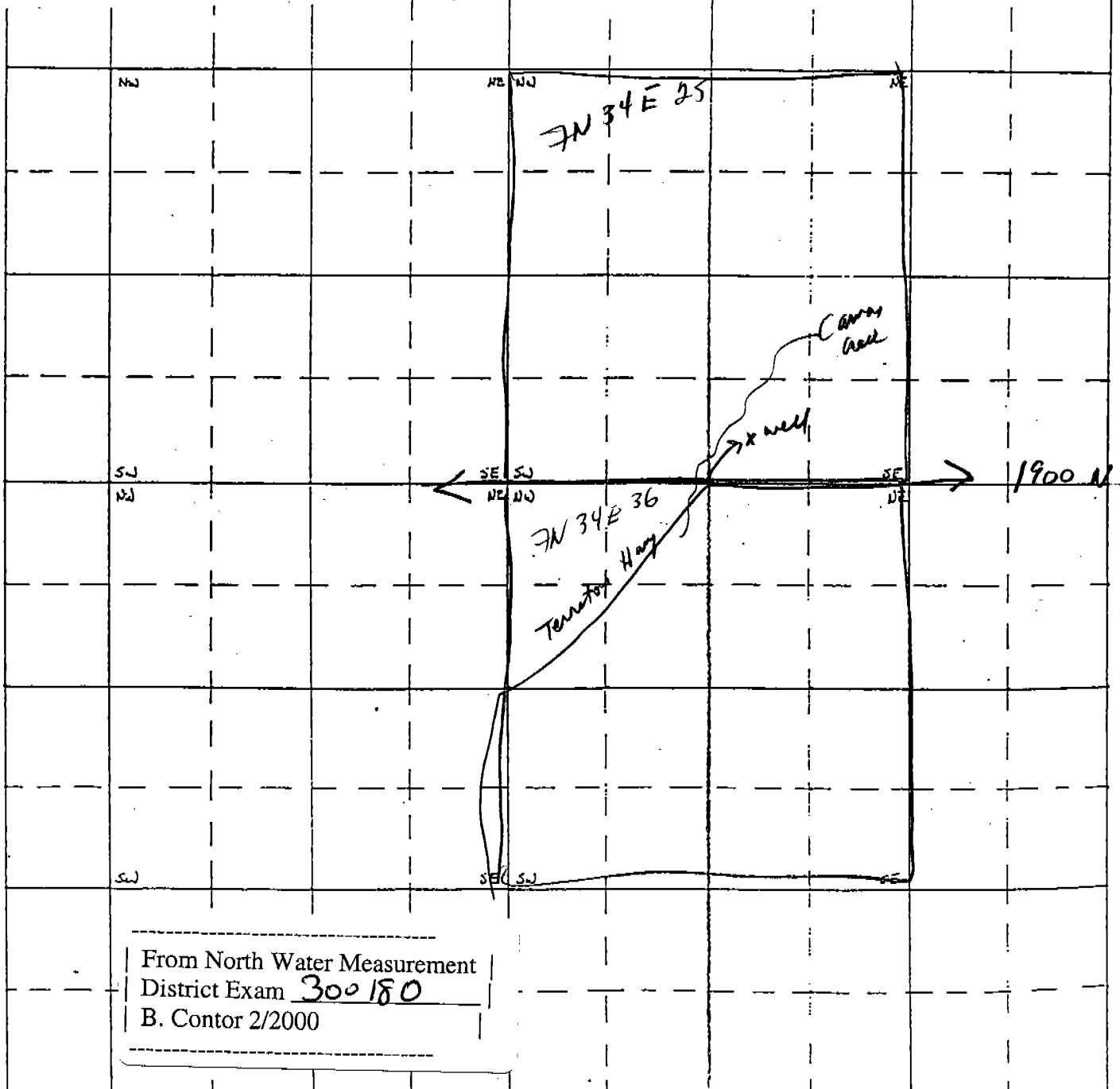
Date 11/25/98

EASTERN WATER MEASUREMENT DISTRICT

SUPPLEMENTAL DATA FORM A

SKETCH OF IRRIGATED LANDS AND MAJOR COMPONENTS OF DELIVERY SYSTEM/S

crop	acres
1	
2	
3	
4	
total	



From North Water Measurement
District Exam 300180
B. Contor 2/2000

SCALE 1:24,000



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, Idaho 83402-1718 - (208) 525-7161- Fax (208) 525-7177

EASTERN REGION

February 9, 2000

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

David O. Kesler
Helen D. Kesler
54 Black Pine Road
Philipsburg, Montana 59858

Dear Water User:

We are now reviewing Adjudication Claims in Administrative Basin 31. You have filed claim number A31-10306, as an enlargement of licensed right 31-07042. The claim file does not contain documentation of the priority date of the enlargement. Please review the enclosed pamphlet and provide documentation, so that we may make a favorable recommendation of this claim.

It is important that each element of the Notice be substantiated. For instance, regarding claims for irrigation, the evidence should tend to show that **diversion works** were in place, that they were **capable of delivering** the claimed diversion rate, and that the diverted water was **beneficially used** on the entire claimed place of use.

Please note that affidavits or statements of individuals must be "first person" statements (I saw... I farmed... I irrigated), rather than "second person" (my father said... my brother observed...). You may submit a statement of your own knowledge, if you personally accomplished the enlargement or observed it.

Enclosed for your convenience is a computer summary of your claim as filed with IDWR.

Please review these materials and respond as soon as possible. Please call me at 208 525-7161 (office) or 208 663-4853 (home) if you have questions.

Sincerely,

Bryce A. Contor