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DEPARTMENT OF  
WATER RESOURCES

DISTRICT COURT-SRBA  
TWIN FALLS CO., IDAHO  
FILED \_\_\_\_\_

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA

Subcase 85-15525

Case No. 39576

ORDER GRANTING MOTION TO FILE  
LATE NOTICE OF CLAIM

On February 4, 2005, Claimants Richard and Connie Kelly filed a *Motion to File Late Notice of Claim*. Hearing was held on the *Motion* on May 16, 2005. This *Motion* complied with all procedural requirements under *SRBA Administrative Order 1*, and no objections were made to this late Notice of Claim.

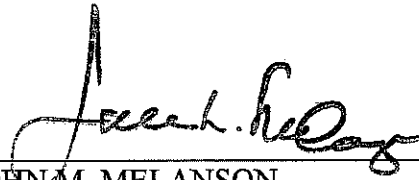
THEREFORE, IT IS ORDERED, that the *Motion to File a Late Notice of Claim* for the above water right is **granted**.

The original Notice of Claim, as well as any attached filing fees, and a copy of this *Order* will be forwarded to the Idaho Department of Water Resources for further action.

IT IS SO ORDERED.

Dated

*May 18, 2005*

  
JOHN M. MELANSON

Presiding Judge

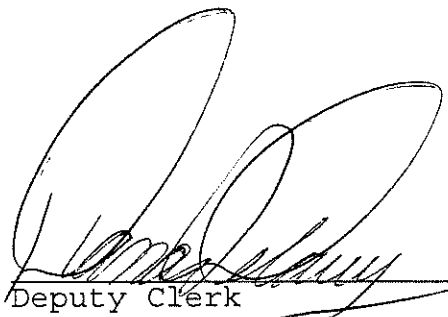
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER GRANTING MOTION FOR LATE NOTICE OF CLAIM was mailed on May 18, 2005, with sufficient first-class postage to the following:

DIRECTOR OF IDWR  
PO BOX 83720  
BOISE, ID 83720-0098

CONNIE L KELLY  
RICHARD K KELLY  
2520 6TH ST  
LEWISTON, ID 83501  
Phone: 208-746-9766

A handwritten signature in black ink, appearing to be "D. Kelly", is written over a horizontal line. The signature is stylized with large loops.

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

Identification No. 85-15525

Date Received 5-19-05

Receipt Number C077994

NOTICE OF CLAIM  
TO A  
WATER RIGHT

RECEIVED

MAY 19 2005

DEPARTMENT OF  
WATER RESOURCES

ACQUIRED UNDER STATE LAW  
For Domestic and/or Stockwater Purposes  
Where Daily Use is less than 13,000 gallons per day.

Filing Fee \$25

2005 FEB -4 AM 10:43  
DISTRICT COURT - SRBA  
TWIN FALLS CO., IDAHO  
FILED

Please type or print clearly

1. Name of Claimant (s) Richard K. or Connie L. Kelly Phone (208) 996-9766

Mailing Address 2520 6th St. Lewiston ID Zip 83501

2. Date of Priority (Only one per claim) 10-27-2004 Month/Day/Year

3. Source of water supply (Check one) (☒ Groundwater or Other ( ) (a) \_\_\_\_\_  
which is tributary to (b) \_\_\_\_\_ Name or kind of source

4. Location of point of diversion is: Township 35N Range 5W  
Section 29 1/4 of SE 1/4 of SW 1/4, Govt. Lot \_\_\_\_\_, BM.,  
County of NE & PERCE

Additional points of diversion if any: \_\_\_\_\_

5. Description of existing diversion works (Ditches, Wells, Pumps, Pipelines, Headgate Etc.), including the dates of any changes or enlargements in use, the dimensions of the diversion works as constructed and as enlarged and the depth of each well. 530' well, 8" w/ submersible pump

6. Water is claimed for the following: (limited to Domestic and/or Stockwater only. See Instructions.)

For Domestic purposes from 11 Month/Day to 12/31 Month/Day amount .07 (cfs)  
(Both dates are inclusive)  
For \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ amount \_\_\_\_\_

7. Total quantity claimed .07 (cfs)

8. Total consumptive use claimed is de minimus

9. Non-irrigation uses. Describe fully. (Domestic: give number of households served if single ownership; Stockwater: Type and Number of livestock) Domestic, 1 home;

10. Place of use is: Township: 35N Range 5W  
Section 29 SE 1/4 of SW 1/4, Govt. Lot \_\_\_\_\_, B.M.,  
County of Nez Perce for (Circle One) Domestic Stock Domestic and Stock  
Additional places of use, if any \_\_\_\_\_

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

12. Do you own the property listed above as place of use? Yes ☒ No \_\_\_\_\_  
If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above.  
\_\_\_\_\_

14. Remarks: \_\_\_\_\_

15. Basis of Claim (Circle One) Beneficial Use Posted Notice License Permit Decree  
Court \_\_\_\_\_ Decree Date \_\_\_\_\_ Plaintiff vs Defendant \_\_\_\_\_

If applicable provide IDWR Water Right Number \_\_\_\_\_

16. Signature (s)  
(a.) By signing below, I/We acknowledge that I/We have received, read and understood the form entitled "How you will receive notice in the Snake River Basin Adjudication". (b.) I/We do \_\_\_\_\_ do not ☒ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of Attachments \_\_\_\_\_

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

Signature of Claimant (s) X Connie L Kelly Date X 2/2/05  
\_\_\_\_\_  
Date \_\_\_\_\_

For Organizations: I do solemnly swear or affirm that I am \_\_\_\_\_

of \_\_\_\_\_, that I have signed the foregoing  
document in the space below as \_\_\_\_\_ of \_\_\_\_\_  
and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent \_\_\_\_\_ Date \_\_\_\_\_

Title and Organization \_\_\_\_\_

State of Idaho/or \_\_\_\_\_ )  
County of NEZ PERCE ) SS.

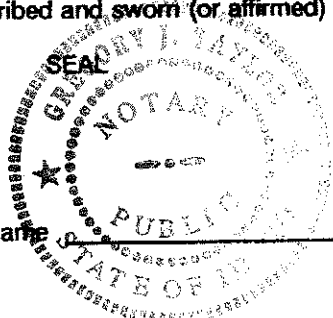
Subscribed and sworn (or affirmed) before me this 2nd day of February 2005

Notary Public [Signature]

Residing at Leviston ID

My Commission Expires 4-28-2010

Last Name \_\_\_\_\_ Ident No. 85-15525



**SNAKE RIVER BASIN ADJUDICATION  
CHANGE IN ADDRESS OF NOTICE OF CLAIM**

**Claim Number(s):**

85-15525

**Previous Mailing Address:**

**New Mailing Address:**

**Telephone Number:**

(      )

**Signature of Claimant(s):**

**Please return this completed form to:**

~~Adjudication Bureau  
Idaho Dept. of Water Resources  
1301 N. Orchard St.  
Boise, ID 83706-2237  
Ph. 1/800/451-4129 or  
FAX 208/327-5400~~

~~Adjudication Bureau  
Idaho Dept. of Water Resources  
2735 Airport Way  
Boise, ID 83705-5082  
Ph. 208/334-2190 or  
FAX 208/334-2348~~

~~Adjudication Bureau  
Idaho Dept. of Water Resources  
1341 Fillmore St., Ste. 200  
Twin Falls, ID 83301-3380 or  
FAX 208/736-3037~~

~~Adjudication Bureau  
Idaho Dept. of Water Resources  
900 N. Skyline, Ste. A  
Idaho Falls, ID 83402-3653 or  
FAX 208/525-7177~~

SS  
ADDRESS FM  
Revised 12/13/1999

IDWR Use Only:  
Data Entry: \_\_\_\_\_

Date: \_\_\_\_\_

IDWR  
322 E. Front St  
PO Box 83720

BOISE ID 83720-0098

# Well Proof Report

Permit No. 825741  
Metal Tag No. D0035512,  
Well ID # 396370  
Water Right No.

Relationship: Owner/Operator  
Name: RICK KELLY Phone:(208) 746-9766  
Address: 2520 6TH ST  
LEWISTON ID 83501

Permit Status: Closed

Well Location: Township 35N, Range 05W, Section 29, SE, SW  
COUNTY NEZ PERCE

Address of Well Site: SEE MAP  
LEWISTON ID

Use of Well: Domestic-Single Residence

Activity: New Well

Region: Northern

Construction Method: Air Rotary

Const Start Date: Oct 27 2004 Const End Date: Oct 27 2004

Well Drilling Company: NAIL AND SONS WELL DRILLING (No. 616)

Card Hold Name: MARK NAIL Phone:(208)983-2129 (No. 4603)

Certifying Official: MARK NAIL Phone:(208)983-2129 (No. 4603)

Date Received: Nov 23 2004

Date Approved: Oct 27 2004

Date Inspected:

Completed Depth: 530 FT Drilled Depth: 530 FT Surface Diameter: 8 inches

Primary Flow Depth: Overall Temp: 56 Static Water Level: 350

Head Pipe Length: Tail Pipe Length Production Rate: 75 GPM

Closed in Pressure: Bottom Hole Temp: Low Temp Geothermal: NO

Control Device Desc:

Access Port Desc:

## Casing

| From | To  | Diam | Type   | Gauge | Join Type | Material |
|------|-----|------|--------|-------|-----------|----------|
| 1    | 297 | 8    | Casing | 0.25  | Welded    | STEEL    |
| -10  | 530 | 6    | Liner  | 0.25  | Welded    | PVC      |

**Seal**

| From | To | Material  | Amount | Method   |
|------|----|-----------|--------|----------|
| 0    | 56 | BENTONITE | 660#   | OVERBORE |

**Screen**

| From | To  | Dia | Type        | Slot Size | # of Slots | Material | Perforation Meth | Screen Type |
|------|-----|-----|-------------|-----------|------------|----------|------------------|-------------|
| 470  | 530 | 6   | Perforation | .25       | 79         | PVC      | Circular saw     |             |

**Lithologic Layer**

| From | To | Diam | Water | Color | Material | Texture |
|------|----|------|-------|-------|----------|---------|
|------|----|------|-------|-------|----------|---------|

**Drive Shoe**

| Depth | Test Description |
|-------|------------------|
|-------|------------------|

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page 1

711682

RP 35 N 05 W  
292400 A

WARRANTY DEED

For Value Received, KARL VAN BUREN FARM CO., an Idaho corporation, as Grantor, does hereby grant, bargain, sell and convey unto RICHARD K. KELLY and CONNIE L. KELLY, husband and wife, the Grantees, whose current address is 2520-6<sup>th</sup> Street, Lewiston, Idaho 83501, all of its interest in the following described premises situate in the County of Nez Perce, State of Idaho, to-wit:

That part of Section 29 of Township 35 North, Range 5 West, Boise Meridian, Nez Perce County, Idaho, more particularly described as follows:

Commencing at the North Quarter corner of said Section 29; thence South 0°17' East, 4,490.47 feet to the TRUE PLACE OF BEGINNING, said point being on the centerline of Volmer Road; thence continue South 0°17' East, along said centerline 280.00 feet; thence South 89°31' West, 779.77 feet; thence North 0°17' West, 280.00 feet; thence North 89°31' East, 779.77 feet to the TRUE PLACE OF BEGINNING.

SUBJECT TO all rights of way for public utilities and public roads as the same now exist over and across the herein described property.

SUBJECT TO the following condition precedent: Grantees shall erect a partition fence along the boundary lines of the above-described real property where it joins real property presently owned by the Grantor. The fence shall be constructed of comparable fencing materials and comparable design as the fencing now existing on the Grantor's adjoining property (i.e. steel posts with multiple strands of barbed wire or livestock grade vinyl fencing). The fence shall be of sufficient strength and quality to be capable of turning livestock such as cattle and horses along the boundary of the premises conveyed. Grantees shall maintain in good condition and, when necessary, repair the fences. Any repair or rebuilding of the fence shall be of the same quality or similar material as that used in the original fence. Grantees specifically waive the requirements and provisions of Idaho Code Sections 35-101, et. seq., and any other applicable provision of law which may otherwise impose liability and/or partial liability on the Grantor to erect or maintain a partition fence.

TO HAVE AND TO HOLD the said premises with their appurtenances unto the said Grantees, their heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantees that it is the owner in fee simple of said premises; that they are free from all encumbrances except those set forth above, and taxes, levies and assessments for 2004 and thereafter; and that it will warrant and defend the same from all lawful claims whatsoever.

IN WITNESS WHEREOF, the said Grantor has hereunto set its seal this 17th day of November, 2004.

GRANTORS:

KARL VAN BUREN FARM CO., an Idaho corporation

By Donald Van Buren  
DONALD VAN BUREN, President

Grantees have reviewed the above Warranty Deed and agree to the condition precedent set forth therein:

GRANTEES:

Richard K. Kelly  
RICHARD K. KELLY  
Connie L. Kelly  
CONNIE L. KELLY

INST NO 711682  
FILED FOR RECORD  
FEE 900 REG BY LAND TITLE

2004 NOV 18 P 2:01

PATTY O. WEEKS  
RECORDER, NEZ PERCE CO ID

BY Christy Cook DEPUTY

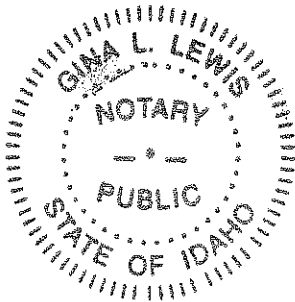
STATE OF IDAHO )

: ss

County of Nez Perce )

On this 27th day of November, 2004, before me, the undersigned, a Notary Public in and for the State of Idaho, personally appeared DONALD VAN BUREAN, known or identified to me to be the President of KARL VAN BUREN FARM CO., the corporation that executed the within and foregoing instrument, or the person who executed the instrument on behalf of said corporation, and acknowledged to me that such corporation executed the same.

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



Gina L. Lewis  
Notary Public in and for the State of Idaho,  
residing at 2001 8th.

My commission expires 6/15/2006

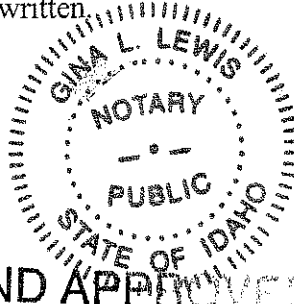
STATE OF IDAHO )

: ss

County of Nez Perce )

On this 17th day of November, 2004, before me, the undersigned, a Notary Public in and for the State of Idaho, personally appeared RICHARD K. KELLY and CONNIE L. KELLY, known or identified to me to be the persons whose names are subscribed to the within and foregoing instrument and acknowledged to me that they executed the same.

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



Gina L. Lewis  
Notary Public in and for the State of Idaho,  
residing at 2001 8th.

My commission expires 6/15/2006

READ AND APPROVE