

IN THE MATTER OF:

WATER RIGHTS
RUSSELL KELLER
MCCAMMON IDAHO

AFFIDAVIT

State of Idaho Id.
County of Bannock

MARLEEN KELLER

_being first duly sworn,

deposes and says: I Certified that the water on South West
quarter of the south west quarter section 2 township 9 South
range 36 East B M has been used to irrigate 10 acres
MOL SINCE 1945 WHEN MY PARENTS OWNED THE PROPERTY.

Maeleen Christensen Keller
(Signature)

Subscribed and sworn to before me this 31 day of March, 1995.

Belva Olsen Hansen
(Notary Public)

Residing at McCa mmon
My Commission Expires 10-95

IN THE MATTER OF:)
Water rights)
Russell Keller)
McCammon, Idaho)

State of Idaho Idaho)
County of Bannock)

AFFIDAVIT

Russ keller being first duly sworn,
deposes and says: I certify that the water on Southwest quarter
of the southwest quarter section 2 township 9 south range
36east B M has been used to irrigate 10 Acres M0L since
1949, when I married into the family that owned the property

Russell L Keller
(signature)

Subscribed and sworn to before me this 31 day of March 19 95.

Belva Olsen Hansen
(notary public)

Residing at McCammon.
My commission expires 10-95.

IN THE MATTER OF:

AFFIDAVIT

State of Idaho

County of Bannock_____

I Charles H. Mowers moved to 327 East Merrill Rd, in Sept. 1968.
I have seen Russell L. Keller 86 W. Merrill, use the irrigation
water, every year.

Charles H. Mowers
signature

Subscribed and sworn to before me this 30 day of January 1995

Belva Olsen Hansen
notary public

Residing at McCammon_____

My commission expires 10-95_____

NOV 13 1995

STATE OF IDAHO
FISH AND GAME DEPARTMENT
BOISE, IDAHO

No. 336

July 24, 19 69

PRIVATE FISH POND PERMIT

In conformance with Section 36-1901, I.C., and the powers invested in the State Fish and Game Commission, permission is hereby granted to:

Name Russell L. Keller Address McCammon, Idaho

to establish and maintain a private fish pond on premises owned by him for the purpose of propagating fish under the following conditions:

- (1) Such pond shall not be established so as to contain any waters where wild fish naturally abound unless approved beforehand by the Idaho Fish and Game Commission. If a diversion from such waters is used, inlets and outlets shall be subject to approval by the Director of the Idaho Fish and Game Department or his authorized agent.
- (2) Fish from such pond shall not be sold nor shall a charge be made for fishing unless the owner first secures a commercial fish pond permit.
- (3) The owner of the pond may or may not allow others to fish in such pond at his discretion, providing he issues a receipt to the person or persons showing the date, number, and species of fish caught.
- (4) The owner of the pond must secure his fish from private hatcheries for stocking purposes.
- (5) Any violation of the covenants herein contained shall be grounds for revocation of this permit.

Water Source: spring fed stream on off Marsh Creek
(Spring, stream diversion, well, etc.) (Stream and/or drainage or watershed where located)

Description of fish production waters or pond(s) and location as to direction and distance from definite landmark: 1/4 mile west of McCammon Interchange Interstate 15

County Bannock Township 9 S R. 36 E Sec. 2 Quarter Sec. SW 1/4
SW 1/4

PROVISIONS OF PERMIT ACCEPTED:

IDAHO FISH AND GAME DEPARTMENT

/s/ Russell L. Keller
(Signature of Applicant)

John R. Woodworth, Director

BY Hawley Dill

/s/ Brent Nyborg
Approved by

Date July 24, 1969

NOV 13 1969

State of Idaho
FISH AND GAME DEPARTMENT
Boise, Idaho

Mr. Russell L. Keller
McCammon
Idaho

Dear Mr. Keller:

We are enclosing your Private Fish Pond Permit # 336 .

Sincerely,

IDAHO FISH AND GAME DEPARTMENT
John R. Woodworth, Director

Hawley Hill
Hawley Hill, Chief
Conservation Enforcement

HH:km

Enc.

cc: Nyborg, Twitchell, D. Jensen

purposes.

- (5) Any violation of the covenants herein contained shall be grounds for revocation of this permit.

Water Source: spring fed stream on off Marsh Creek
(Spring, stream diversion, well, etc.) (Stream and/or drainage or watershed where located)

Description of fish production waters or pond(s) and location as to direction and distance from definite landmark: 1/4 mile west of McCammon Interchange Interstate 15

County Bannock Township 9 S R. 36 E Sec. 2 Quarter Sec. SW 1/4
SW 1/4

PROVISIONS OF PERMIT ACCEPTED:

IDAHO FISH AND GAME DEPARTMENT

/s/ Russell L. Keller
(Signature of Applicant)

John R. Woodworth, Director

BY

Hawley Hill

/s/ Brent Nyborg
Approved by

Date July 24, 1969

JUL 13 1969

S T A T E O F I D A H O
Water License No. 2077.

WHEREAS, On the 16th day of June, A.D.1906, JOHN G. SCHWING, of McCammon, County of Bannock, and State of Idaho, duly made application (No. 2921) to me for a permit to use 1.4 cubic feet per second of the waters of unnamed springs, County of Bannock, State of Idaho, for irrigation and domestic purposes; and

WHEREAS, On the 16th day of June A.D.1906, Permit No. 2077 was issued to said applicant for the diversion of said water, and providing for the completion of the works of diversion therein described on or before the 18th day of December, A.D. 1906, and for the application to beneficial use of said water on or before the 18th day of December, A.D.1908, and

WHEREAS, On the 20th day of November A.D.1906, the holder of said permit duly made proof of the completion of adequate works for the diversion of 1.4 cubic feet per second of said waters, as evidenced by my certificate No. 2077, dated December 1, 1908, confirming the completion of works of sufficient capacity for diverting and conveying to the place of intended use 1.4 cubic feet per second of water, with date of priority of June 16, 1906, and

WHEREAS, On the 20th day of February A.D.1909, proof was duly made of the application to beneficial use of .81 of 1 cubic foot per second of said water:

NOW, THEREFORE, By virtue of the authority vested in me by the laws of the State of Idaho, I hereby grant and confirm to JOHN G. SCHWING, of McCammon, Idaho, the holder and owner of said permit No. 2077, a perpetual right, dating from June 16, 1905, to the use of .81 of 1 cubic foot per second of the waters of unnamed spring, in the county of Bannock State of Idaho, or so much thereof as may be necessary for the purposes hereinbelow mentioned, to be diverted at a point in the northeast quarter of southeast quarter, section 11, township 9 south, range 36 east Boise meridian, and conducted to and upon 4 acres in southwest quarter of southwest quarter sec. 2., 2 acres in northwest quarter of northwest quarter, 10 acres in southwest quarter of northwest quarter; 8.5 acres in southeast quarter of northwest quarter; 16 acres in northeast quarter of northwest quarter of section 11, township 9 south, range 36 east of the Boise meridian, for the purpose of irrigation and domestic use, subject, however, to the laws of the State of Idaho applicable to a license for the use of the waters of the State, and subject, also, to the local or community customs, rules and regulations which have been or may be adopted from time to time by a majority of the users from the common source of supply, canal or lateral from which such water may be taken, when such rules and regulations have for their object the economical use of such water.

WITNESS, My hand and the seal of my office at Boise Idaho, this 3rd day of March, A.D. Nineteen hundred and nine.

Jas. Stephenson, Jr.