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Documents
In File

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: A67-07048
Date Received: 12/26/1989
Receipt No: W007246
Received By: _____

**NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW**

1. Name: EDWIN D KESLER 208-253-4731
Address: HC 62 BOX 1355
COUNCIL ID 83612

OR

Name: CONNIE M KESLER 208-253-4731
Address: HC 62 BOX 1355
COUNCIL ID 83612

2. Date of Priority: JUL 30, 1970

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
17N	01W	35	NW	SW	SE		ADAMS

5. Description of diverting works:
185' WELL, 6" CASING, PUMP, PIPELINE TO HOUSE AND PLACES OF USE

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
DOMESTIC	01/01	12/31	0.040		1.20

7. Total Quantity Appropriated is:
0.040 C.F.S. (and/or) 1.20 A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
DOMESTIC, 1 HOME W/LAWN & GARDEN

10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
17N	01W	35	SW SE		DOMEST	

11. Place of use in counties: ADAMS

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:
NONE

14. Remarks:

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): _____ Date: _____
_____ Date: _____

State of Idaho)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this _____ day
of _____ 19 _____

Notary Public

Seal

Residing at _____
My Commission Expires _____

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLSIN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Identification No. A67-07048Date Received 12/26/89Receipt Number 4007246**RECEIVED**

DEC 26 1989

**NOTICE OF CLAIM
TO A
WATER RIGHT**

ACQUIRED UNDER STATE LAW

Department of Water Resources

Western Regional Office

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

Filing Fee \$25

Please type or print clearly

1. Name of Claimant (s) KELLER, EDWIN D. & CONNIE M. Phone (208) 253-4731Mailing Address HC 62, Box 1355, Council, ID Zip 836122. Date of Priority (Only one per claim) 07/30/1970 Month/Day/Year3. Source of water supply (Check one) ☒ Groundwater or Other () (a) _____

Name or kind of source

which is tributary to (b) _____

4. Location of point of diversion is: Township 17N Range 01WSection 35 NW 1/4 of SW 1/4 of SE 1/4, Govt. Lot _____, BM.,County of ADAMS

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. DRILLED, 185' DEPTH, 6" CASING. PUMP PIPELINE TO HOUSE,GREENHOUSE & STOCKTANK

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

For DOMESTIC purposes from 01/01 ^{Month/Day} to 12/31 ^{Month/Day} amount 0.04 ^(cfs)

(Both dates are inclusive)

For _____ purposes from _____ to _____ amount _____

7. Total quantity claimed 0. (cfs)**MICROFILMED**8. Total consumptive use claimed is de minimus**OCT 23 1996**9. Non-irrigation uses. Describe fully. (Domestic: give number of households served if single ownership; Stockwater: Type and Number of livestock) DOMESTIC: 1 HOUSE, LAWN, GARDEN, GREENHOUSE, DOMESTIC STOCK.

HOW YOU WILL RECEIVE NOTICES IN THE SNAKE RIVER BASIN ADJUDICATION

All documents filed in the Snake River Basin Adjudication other than notices of claims are filed with the court. Notices of claims to water rights filed in the Snake River Basin Adjudication are filed with the Idaho Department of Water Resources. Copies of all documents filed in the Snake River Basin Adjudication will not be mailed to all parties (claimants) in the adjudication.

By order of the court, any document filed with the court will be mailed only to those parties who may be directly affected by it. A monthly docket sheet will be prepared by the department which contains a summary of all documents filed with the court in the previous month and the dates and locations of hearings scheduled for the following three months. The docket sheet will be filed with the district court clerk in each county within the Snake River Basin in Idaho. Copies of the docket sheet may be obtained from any of the offices of the department either in person or by mail; a small fee will be charged to cover the cost of mailing and/or copying. If you wish to receive a copy of the docket sheet each month, you should mark the appropriate place on your notice of claim form. You will be charged a small annual subscription fee to cover the cost of copying and mailing. Copies of any document listed on the docket sheet may be obtained from any of the offices of the department either in person or by mail; a small fee will be charged to cover the cost of mailing and/or copying.

Copies of all notices of claims filed with the department will be available for inspection from all offices of the department. Copies of the notices of claims may be obtained in person or by mail, but you will be charged for the cost of copying and mailing. (A claimant will not be charged for a copy of his or her own notice of claim, and a person who acquires property with water rights for which a notice of claim was filed will not be charged for a copy of the notice of claim filed by the previous owner.)

After the notices of claims have been reviewed, the director will prepare and file a report with the court. Part 1 of the report will contain the director's recommendations as to each water right claimed under state law. Part 2 of the report will list each federal reserved water right claimed. A number of reports will be prepared, one or more for each sub-basin in the Snake River Basin. When the report for your sub-basin is filed with the court, you will be mailed a notice informing you that the report for your sub-basin has been filed. The notice will be sent to the most recent address shown by the department's files. Attached to the notice will be a copy of those portions of the report describing the water rights you have claimed. If you do not agree with the way your water right is described, you may file an objection to the report with the court. You can also file an objection if you disagree with the way other claimant's water rights are described, and the notice will tell you where a copy of the full report is available for inspection. The notice will tell you when and where to file your objection. The notice of filing for each sub-basin report will also be published state-wide in local newspapers.

10. Place of use is: Township: 17N Range 01W
Section 35, SW 1/4 of SE 1/4, Govt. Lot _____, B.M.,

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? Ada

12. Do you own the property listed above as place of use? Yes X 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.
X None or _____

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 67-07048

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 X 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. Edwin A. Kessler Date Dec 6 1989
_____ Date _____

For Organizations: I do solemnly swear or affirm that I am _____

_____ Title
of _____, that I have signed the foregoing
Organization
document in the space below as _____ of _____
Title Organization
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 Ada) SS.

NOTARIZATION REQUIRED FOR EACH CLAIM

Subscribed and sworn (or affirmed) before me this 6th day of Dec. 1989

SEAL

Notary Public Donna E. Sullivan

Residing at Boise, ID

My Commission Expires 11/08/1994

Last Name KESLER Ident No. A67-07048

Copies: White-State, Yellow-Claimant

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If you are acquiring property with water rights in the Snake River Basin water system in Idaho (either by purchase, gift, inheritance, or other means), it is very important that you inquire of the department whether a notice of claim has been filed. If not, you must file a notice of claim or the water right may be declared by the court to no longer exist. If a notice of claim has been filed, it is very important that you file a written notice of change in ownership with the department. The notice of change in ownership must be accompanied by some evidence of the change in ownership, such as a copy of the deed or a property tax statement showing the name of the new owner. Again, this is to make sure that you receive the notices affecting your water rights that are to be mailed by the department.

If you are planning to file a motion or other pleading (not a notice of claim) with the court (not IDWR), the court has issued an order setting a special procedure that is different from the usual civil rules. A copy of the order may be obtained from any office of IDWR; you may be charged for the cost of mailing and/or copying.

Page 2

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100-2-200

Water Right Number - 67-07048 Prefix Translation: WATER RIGHT Old (D) Number -
+ - - - - Last Name - - - - + + - First Name - - - - + - - - - Address - - - - - +

*** C - CURRENT OWNER ***
KESLER
EDWIN D.
1 -
2 -
3 -
City- COUNCIL State- ID Zip-
Phone -

+ - - Priority Date - - + + - - - Region - - - + + - - Stage - - - + + - - Status - - - +
07/30/1970 14 WESTERN L - LICENSE

+ - - - - Source - - - - + + - - - Tributary - - - - - +
GROUNDWATER

+ - - - - Point of Diversion - - - - - Diversion Name Diversion Rate Diversion No.
TwN Rng Sec Tract Lot RFlg County

17N 01W 35 SW SE (3) ADAMS

+ - - - - Description Period From Period To Water Use Diversion Rate Diversion Volume
Code

43 - DOMESTIC 01/01 12/31 0.040 1.20
+ - - Total Div. Rate - + + - - Total Div. Capacity - +
0.040 1.20

+ - - - - Place of Use - - - - - Description County
TwN Rng Sec Tract Lot Acres Code

17N 01W 35 SW SE 43 DOMESTIC (3) ADAMS

+ - - Diversion Means -
+ - - Non-Irrigation Use -
+ - - Other Rights for Same Use -

+ - - - - Remarks - - - - - Remarks found.
No Remarks found.

+ - - - - Old Water Right Numbers - - - - - Old Water Right Numbers found.
No Old Water Right Numbers found.

+ - - - - Conditions of Approval - - - - - Conditions of Approval found.
No Conditions of Approval found.

+ - - - - Decree Plaintiff - - - + + - - - Decree Defendant - - - + + - - Decree Date - +
00/00/0000

Water right number - 67-07048

-----Comments-----
No Comments Found

+ - - Audit Fields - 06/03/85 05/01/88 CONVERT

+ - - - - - Water Rights Dates and Flags Area - - - - - +

Proof Due Date	-	00/00/0000	Field Exam Made	-	00/00/0000	Field Exam Fee	-
Approved/Denied	-	00/00/0000	Protested Date	-	00/00/0000	Swan Falls	-
Proof Made Date	-	00/00/0000	Hearing Date	-	00/00/0000	Temporary Right	- P
Exam to S.O. Date	-	00/00/0000	Verified Date	-	06/03/1985	DLE/Carey Act	-
Order Show Cause	-	00/00/0000	Receipt Number	-		Water District	-
Licensed Date	-	02/01/1979	Appl Received	-	00/00/0000	Transfer/Amended	-
Decree Date	-	00/00/0000	Name Connector	-		PDU Ownership Flag	-
Presumption Flag	-						

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ADJUDICATION CLAIM REVIEW CHECKLIST

12-1-92

CLAIMANT'S NAME

Kinder, Edwin or Connie

CLAIM IDENT. NO.

HL 7-07048DATE RECEIVED 12-26-89 RECEIPT # 0007240 FEE PAID \$ 25.00 FEE REQ'D \$ 25.00

	YES	NO	Require Info?
1. Is the name and address complete with zip code?	☒	☐	*
2. Is a priority date entered?	☒	☐	*
Is the priority date acceptable in view of mandatory filing dates? See Adjudication Memos #1 and #4 to determine if a Permit is required.	☒	☐	*
3. (a) Is a source entered?	☒	☐	*
(b) Is a tributary to entered? (if required) N/A ☒	☒	☐	
4. Is the legal description of the p.d. sufficient?	☒	☐	*
5. Is there a description of the diverting works?	☒	☐	
6. Are the water uses appropriate for the form? The short form is limited to D/S uses. Other uses must be filed on the long form. Note: If stockwater stor. or instream stockwater are filed on the short form & all items complete, do not return claim.	☒	☐	*
Is the period of use included?	☒	☐	
Is a quantity claimed for each use?	☒	☒	*
7. Is a total quantity claimed entered?	☐	☒	
8. If required is a consumptive use entered? N/A ☒	☐	☐	
Is the consumptive use correct? N/A ☒	☐	☐	
9. Are the non-irrigation uses listed showing # of homes, hd. of stock? If multiple domestic, is single ownership indicated?	☒	☐	*
10. Is (are) the place(s) of use and purpose(s) indicated?	☒	☐	*
11. Is (are) the county(ies) entered?	☒	☐	
12. Is the ownership of p.u. checked?	☒	☐	
13. Are other water rights listed or "none" indicated?	☒	☐	
14. If required, are remarks correct? (If the claimant does not own the place of use, authority for filing the claim must be explained in the remarks.) N/A ☒	☒	☐	
15. Is the basis of the claim indicated?	☒	☐	
16. If the basis of claim is shown as license, permit, or decree is the existing water right no. listed? N/A ☒ If yes, compare claim w/existing right and attach proof report noting any differences in comments. If no, was water right no. found?	☒	☐	*
17. If the basis of claim is shown as beneficial use, or not marked, are there existing water rights shown in our records using the legal description or name on the claim? N/A ☒ (If yes, attach a proof report & complete number change) NOTE: If the claim is for dom/stock this check is not as necessary unless it is located within an area where dom/stock rights were decreed.	☒	☐	
18. If the claimant requested a monthly docket sheet, was the fee paid? N/A ☒	☒	☐	
19. Is the claim signed by the claimant, and is the signature appropriate?	☒	☐	*
20. Has the claim been signed, sealed, and dated by a notary?	☒	☐	*
21. Was this claim filed on time? (Check ML3 for date mailed-not all were mailed on the planned date) If no, was an extension of time filed & approved?	☒	☐	*
22. Is the fee enclosed correct? Exempt ☒	☒	☐	*

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	YES	NO
23. Is this claim being rejected and returned to claimant?	<u> </u>	<u>X</u>
24. Can this claim be data entered?	<u>X</u>	<u> </u>
25. Was claim modified?	<u>X</u>	<u> </u>
If yes, do modifications require notification to claimant?		<u>X</u>
Note: Modifications made must be explained in comments stating where the information for any changes was found.		

Claim reviewed by: JH Date 7-27-94
Claim data entered by: JH Date 9-13-94

IF REQUIRED INFORMATION IS INCOMPLETE SEE INSTRUCTIONS TO DECIDE WHETHER THE CLAIM NEEDS TO BE RETURNED OR IF IT CAN BE MODIFIED. IF IT MUST BE RETURNED INSTRUCTIONS WILL SPECIFY WHICH FORM LETTER TO USE.

Comments: Modify total quantity.



Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

SEPTEMBER 13, 1994

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

[EDWIN KESLER]
[CONNIE M KESLER]
[HC 62 BOX 1355]
[COUNCIL ID 83612]

Dear Claimant(s):

We have processed your Notice(s) of Claim to a Water Right filed in the Snake River Basin Adjudication.

In the initial review of this claim(s) we found it necessary to either complete or change an item or items on your claim form(s). A copy of the computer generated copy with these changes and the receipt for the filing fee previously submitted are enclosed. **ONLY THE ITEM(S) SHOWN BELOW WITH A CHECKMARK HAVE BEEN EITHER CHANGED OR ADDED TO YOUR CLAIM(S). IF AN ITEM IS NOT CHECKMARKED, IT IS NOT PERTINENT TO THIS CLAIM(S).** *See page 2*

- Item #2 - Only a portion of your priority date was listed. This item requires a month, day and year. We have added in the required information based on the Department's rules for dates of priority.
- Item #4 - The point of diversion appears to be incorrectly described or not described at all. Based on other information provided which included your legal description, we have added in the quarter-quarter, section, township and range. If you had listed the Lot, Block and Subdivision name, enclosed is a copy of the subdivision map from which we computed the quarter-quarter legal description.
- Item #5 - No description of diverting works was listed. Because the source was described as a groundwater source, we have completed this item with well, pump and pipeline. If your groundwater source is not a well, please notify us.
- Item #6 - The period of use is not listed for the use(s) claimed. The Department has recommended periods of use for certain uses. The recommended period of use has been added to your claim.

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- X
- Item #7 - The total quantity claimed was not completed. The use(s) claimed have been added together and this amount added to your claim.
- Item #9 - The number of homes was not listed on your claim. It appears to be filed for one domestic home and this information has been added to your claim.
- Item #10- The place of use appears to be incorrectly described, or not described at all. Based on other information submitted we have added in the quarter-quarter, section, township and range. If you had listed the Lot, Block and Subdivision name, we have enclosed a copy of the subdivision map from which we computed the quarter-quarter legal description. Or, if you have listed a quarter-quarter legal description under Item No. 4, we have listed this same quarter-quarter, section township and range on this item.
- Item #12- The ownership of the place of use has not been marked. We have assumed you own the place of use and this information has been added to your claim.
- Item #15- Basis of Claim was not completed. No previously recorded water rights were found, therefore, we have marked beneficial use of the water as the basis for filing this claim.
- Other _____

If you have any problems or questions concerning these additions and/or changes, please contact this office within 30 days from the date of this letter. If we do not hear from you within this time, we will assume you agree with these changes, and your claim will remain on file as shown on the enclosed data entered copy.

Sincerely,

Adjudication Staff
Department of Water Resources
Western Region Office

Enclosures

SPECIAL NOTE: IF YOU NO LONGER OWN THE PROPERTY UPON WHICH THIS CLAIM WAS FILED, PLEASE CONTACT THIS OFFICE IMMEDIATELY. IDAHO STATE LAW REQUIRES THE DEPARTMENT BE NOTIFIED OF A CHANGE OF OWNER OR ADDRESS ON A WATER RIGHT.

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State of Idaho
Department of Water Administration

LICENSE OF WATER RIGHT

License of Water Right No. 67-7048 Priority July 30, 1970 Amount 0.04 cfs

THIS IS TO CERTIFY, that EDWIN D. KESLER
of Council, Idaho, has complied with the terms and conditions of Permit
No. 67-7048 issued pursuant to Application for Permit dated July 30, 1970,
and has submitted proof to the Department of Water Administration on September 20, 1971,
that he has applied water to a beneficial use; an examination by the Department indicates that the
works have a capacity of 0.04 cfs, and that the water has in fact been applied to a
beneficial use; a right to the use of water from a ground water source
tributary of _____ is hereby confirmed in the following amounts:
Amount 0.04 cfs for Domestic from Jan. 1 to Dec. 31 (both dates inclusive)
Amount _____ for _____ from _____ to _____ (both dates inclusive)
Amount _____ for _____ from _____ to _____ (both dates inclusive)
Subject, however, to the condition that no more than 0.04 cfs of water be diverted at
any one time, said waters to be diverted within the _____

SW 1/4 Sec. 35, Twp. 17 N., Rge. 1 W., B. M.

in the county of Adams; and that the amount of water so diverted and to which such
right is entitled and confirmed is for the purposes aforesaid and is limited to the amount which can
actually be beneficially used and shall not exceed 1.2 acre feet per year ~~XX~~

~~XXXXXX~~

Description and location of 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	
17 N	1 W	35															X		

Total number of acres irrigated _____

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 16 day of

March, 19 73.

R. K. Higin
Director

67-7048