

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 74-22

NAME AND ADDRESS: RAY L KAGEL JR
3879 E 200 N
RIGBY ID 83442

CHARLES E LIEBRECHT
310 LINDEN DR
IDAHO FALLS ID 83401

NANCY J KAGEL
3879 E 200 N
RIGBY ID 83442

SOURCE: BIG BEAR CREEK TRIBUTARY: HAWLEY CREEK
HAWLEY CREEK TRIBUTARY: EIGHTEENMILE CREEK

QUANTITY: 2.000 CFS

The rights listed below are limited to a total combined diversion rate of 2.00 cfs.
Combined Right Nos.: 74-15767, and 74-22

PRIORITY DATE: 04/01/1914

POINT OF
DIVERSION: T16N R28E S31 NWNW Within LEMHI County
T16N R28E S32 NWSW Within LEMHI County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	3/15 11/15	2.000 CFS

PLACE OF USE: IRRIGATION in LEMHI County

T16N R27E S36	NENE	0.02	T16N R27E S36	SENE	13.60
T16N R27E S36	NESE	0.82	T16N R28E S31	NENW	4.05
T16N R28E S31	NWNW	0.88	T16N R28E S31	SWNW	26.27
T16N R28E S31	SENW	13.66			

59.3 ACRES TOTAL

Place of use does not include federal lands and is within HES 543

This right authorizes the irrigation of 40.4 total acres.

This right is limited to the irrigation of 40.4 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 - Decreed

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW
Right No. 74-15767 is an enlargement of this right pursuant to Section
42-1426, Idaho Code.

Point of diversion in T16N, R28E, S31 is within HES 543.

Right includes accomplished change in place of use pursuant to Section
42-1425, Idaho Code.

Arave, Nathaniel

From: Bromley, Chris
Sent: Thursday, August 02, 2007 9:46 AM
To: Arave, Nathaniel; Kelly, Vicki
Cc: Courtney, Andrea
Subject: 74-22 (Kagel)

At today's status conference, we set this matter out six months to allow time for the late claim on 74-15767 to proceed through the process. We'll hold off filing the ADR in 74-22 until the process can run in 74-15767.

In the meantime, we'll need to take a look at a couple of things on the ADR for 74-22. First, Nancy is divorced from Ray and apparently no longer goes by Kagel, although they are still co-owners of the property. Nate or Vicki, will you please get in touch with Kent Foster about Nancy's last name. There's some thought that she's gone back to her maiden name, Liebrecht. We'll want to have that change made before we issue the ADR.

Second, the address for Charles (Nancy's brother) should be the same as Nancy and Ray's.

Third, in looking at the second POD (S32 NWSW), I'm curious if that's correct. The FS specifically objected to that POD as being on federal ground. I see that we have a no federal land remark, but that only mentions POU. Nate, would you please verify that the legals on the ADR match up with what we agreed to with the FS.

Thanks,

Chris

8/3/2007

Kent W. Foster, Esq.
HOLDEN, KIDWELL, HAHN & CRAPO, P.L.L.C.
1000 Riverwalk Dr., Ste. 200
P.O. Box 50130
Idaho Falls, Idaho 83405
Telephone: (208) 523-0620
Facsimile: (208) 523-9518
Idaho State Bar Number 1198

RECEIVED

JUL 13 2006

DEPARTMENT OF
WATER RESOURCES

COPY

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

Case No. 39576

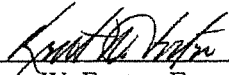
Subcase No.: 74-22

NOTICE OF APPEARANCE

added to record 7-14-06

NOTICE IS HEREBY GIVEN that Kent W. Foster of the firm of Holden, Kidwell, Hahn & Crapo, P.L.L.C., hereby enters an appearance on behalf of Ray L. Kagel, Jr., Nancy J. Kagel and Charles E. Liebrecht in the above numbered subcase.

Dated this 11th day of July, 2006.



Kent W. Foster, Esq.
HOLDEN, KIDWELL, HAHN & CRAPO, P.L.L.C.

CERTIFICATE OF MAILING

I hereby certify that on the 17th day of July, 2006, I mailed the original and copies of this objection, including all attachments, to the following persons:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P.O. Box 2707
Twin Falls, ID 83303-2707

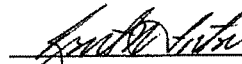
2. Copies to:

United States of America, Acting through
the USDA Forest Service
ATTN: David Negri
550 West Fort St., MSC 033
Boise, ID 83724

IDWR Document Depository
P.O. Box 83720
Boise, ID 83720-0098

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
P.O. Box 44449
Boise, ID 83711-4449

United States Department of Justice
Environmental and Natural Resource Division
550 West Fort Street, MSC 033
Boise, ID 83724



Kent W. Foster
Attorney for Claimants

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 74-22
Date Received: 5/15/2007
Receipt No: X999999
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

RAY L KAGEL JR Phone: (208)523-0641

3879 E 200 N
RIGBY ID USA 83442

CHARLES E LIEBRECHT Phone: (208)523-0641

310 LINDEN DR
IDAHO FALLS ID USA 83401

NANCY J KAGEL Phone: (208)523-0641

3879 E 200 N
RIGBY ID USA 83442

2. Date of Priority: 04/01/1914

3. Source: HAWLEY CREEK , HAWLEY CREEK Trib. to: EIGHTEENMILE CREEK , EIGHTEENMILE CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
16N	28E	31	NW NW	LEMHI	
16N	28E	31	NE SE 2	LEMHI	

5. Description of diverting works:

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	3/15	11/15	2	

7. Total Quantity Appropriated is:
2 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4	of 1/4	Lot	Use	Acres
16N	27E	36	NE	NE		IRRIGATION	0.02
			SE	NE		IRRIGATION	13.6
			NE	SE		IRRIGATION	0.82
			Section Acres				14.44
16N	28E	31	NE	NW		IRRIGATION	4.05
			NW	NW		IRRIGATION	0.88
			SW	NW		IRRIGATION	26.27
			SE	NW		IRRIGATION	13.66
Section Acres				44.86			
Total Acres				59.3			

11. Place of use in counties: LEMHI

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

13. Other Water Rights Used:

14. Remarks:

AC. IRR.=40.4.
P/U WITHIN H.E.S. 543.

15. Basis of Claim: Decreed

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

of _____ 20__

Notary Public

Residing at _____

My commission Expires _____

03/16/2004

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

RIGHT NUMBER: 74-22

NAME AND ADDRESS: RAY L KAGEL JR
3879 E 200 N
RIGBY ID 83442

CHARLES E LIEBRECHT
310 LINDEN DR
IDAHO FALLS ID 83401

NANCY J KAGEL
3879 E 200 N
RIGBY ID 83442

SOURCE: BIG BEAR CREEK
HAWLEY CREEK

TRIBUTARY: HAWLEY CREEK
TRIBUTARY: EIGHTEENMILE CREEK

QUANTITY: 2.000 CFS

PRIORITY DATE: 04/01/1914

POINT OF DIVERSION:

T16N R28E S31 NWNW Within LEMHI County
T16N R28E S32 NWSW Within LEMHI County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	3/15 11/15	2.000 CFS

PLACE OF USE: IRRIGATION Within LEMHI County

T16N R27E S36	SWNE	3.8	T16N R27E S36 Lot 2	SWNE	2.3
T16N R27E S36	SENE	12.8	T16N R28E S31 Lot 4	SWNE	2.2
T16N R28E S31	NENW	1.5	T16N R28E S31	NWNW	0.6
T16N R28E S31	SWNW	5.4	T16N R28E S31	SENE	11.8

40.4 ACRES TOTAL

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: Decreed

03/02/2004

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

RIGHT NUMBER: 74-22

NAME AND ADDRESS: RAY L KAGEL JR
3879 E 200 N
RIGBY ID 83442

CHARLES E LIEBRECHT
310 LINDEN DR
IDAHO FALLS ID 83401

NANCY J KAGEL
3879 E 200 N
RIGBY ID 83442

SOURCE: BIG BEAR CREEK
HAWLEY CREEK

TRIBUTARY: HAWLEY CREEK
TRIBUTARY: EIGHTEENMILE CREEK

QUANTITY: 2.000 CFS

PRIORITY DATE: 04/01/1914

POINT OF DIVERSION:

T16N R28E S31 NWNW Within LEMHI County
T16N R28E S32 NWSW Within LEMHI County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	3/15 11/15	2.000 CFS

PLACE OF USE: IRRIGATION Within LEMHI County

T16N R27E S36	SWNE	4.0	3.8	T16N R27E S36 Lot 2	SWNE	2.0	0.3
T16N R27E S36	SENE	13.0	12.8	T16N R28E S31 Lot 4	SWNE	2.0	2.7
T16N R28E S31	NENW	2.0	1.5	T16N R28E S31	NWNW	1.0	0.6
T16N R28E S31	SWNW	5.0	5.4	T16N R28E S31	SENE	12.0	11.8

41 ACRES TOTAL

This right authorizes the irrigation of 40.4 total acres.

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: Decreed

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
WATER RIGHTS ABSTRACT

WRD416

05/04/83

TRIBUTARY TO: EIGHTEENMILE CREEK

SOURCE: HAWLEY CREEK

INDICATES TOTAL

RIGHT NUMBER	NAME AND ADDRESS	PRIORITY DATE	USE FROM TO	MAX AMOUNT MAX RATE	DIVERSION POINT	PLACE OF USE AND ACREAGE	BASIS FOR RIGHT
74-0015	P.O. BOX 192 LEADORE REMARKS: AC. IRR. = 76.8. PT. OF INJECTION INTO HAWLEY CK.: NENW, S31, T16N, R27E. PT. OF REDIVERSION FROM HAWLEY CK.: LOT 1, S31, T16N, R27E.						
	ID 83464						
74-0011	ELLSWORTH, JAMES ELLSWORTH, MAYBELLE P.O. BOX 27 LEADORE REMARKS: AC. IRR.=77.3. CHANGED FROM PROPOSED FINDING FILED WITH THE COURT PER COURT-AUTHORIZED STIPULATION.	03-27-1911	IRRIGATION 03-15 11-15	1.60 CFS	SENW S02 T15N R27E	NWNW(30) SWNW(19) DECREE S14 T15N R27E SWSW(29) S11 T15N R27E	
	ID 83464						
74-0016	ELLSWORTH, JAMES ELLSWORTH, MAYBELLE P.O. BOX 27 LEADORE REMARKS: AC. IRR.=324.0. CHANGED FROM PROPOSED FINDING FILED WITH THE COURT PER COURT-AUTHORIZED STIPULATION.	04-13-1911	IRRIGATION 03-15 11-15	6.40 CFS	SENW S02 T15N R27E	NENE(40) NWNE(34) DECREE SWNE(40) SENE(40) NESE(40) NWSE(40) SWSE(40) SESE(40) S15 T15N R27E SWSE(05) SESE(05) S10 T15N R27E	
	ID 83464						
74-0022	SKELTON RANCH CO. INC. P.O. BOX 1138 IDAHO FALLS REMARKS: AC. IRR.=40.4. P/O WITHIN H.E.S. 543. P/U: T16N R27E S36 SWNE(04) P/U: T16N R28E S31 NENW(02)	04-01-1914	IRRIGATION 03-15 11-15	2.00 CFS	NESE S31 T16N R28E NWNW S31 T16N R28E		DECREE
	ID 83401						
74-1621	SKELTON RANCH CO. INC. P.O. BOX 1138 IDAHO FALLS REMARKS: AC. IRR.=2.4. H.E.S. 543.	04-01-1914	IRRIGATION 03-15 11-15	.05 CFS	SENW(12) LT02 (SWNE)(02) SWNW(05)	LT04 (SWNE)(02) NWNW(01) T16N R28E LT02 (NWNW)(01) S31 T16N R28E	DECREE
	ID 83401						

WATER RIGHT NUMBER: 74-22

Priority Date: 04/01/1914
Basis: Deceased
Status: Active

<u>Source</u>	<u>Tributary</u>
HAWLEY CREEK	EIGHTEENMILE CREEK

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	3/15 to 11/15	2.000 CFS ✓	
	Total Diversion:	2.000 CFS	

Location of Point(s) of Diversion

HAWLEY CREEK LEMHI County	NW1/4NW1/4	Sec. 31, Twp 16N, Rge 28E, B.M.
HAWLEY CREEK LEMHI County	L2 (NE1/4SE1/4)	Sec. 31, Twp 16N, Rge 28E, B.M.

Place of Use

IRRIGATION

[illegible]

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Claim Report 74-22

Total Acres: 41

Conditions of Approval:

Remarks:

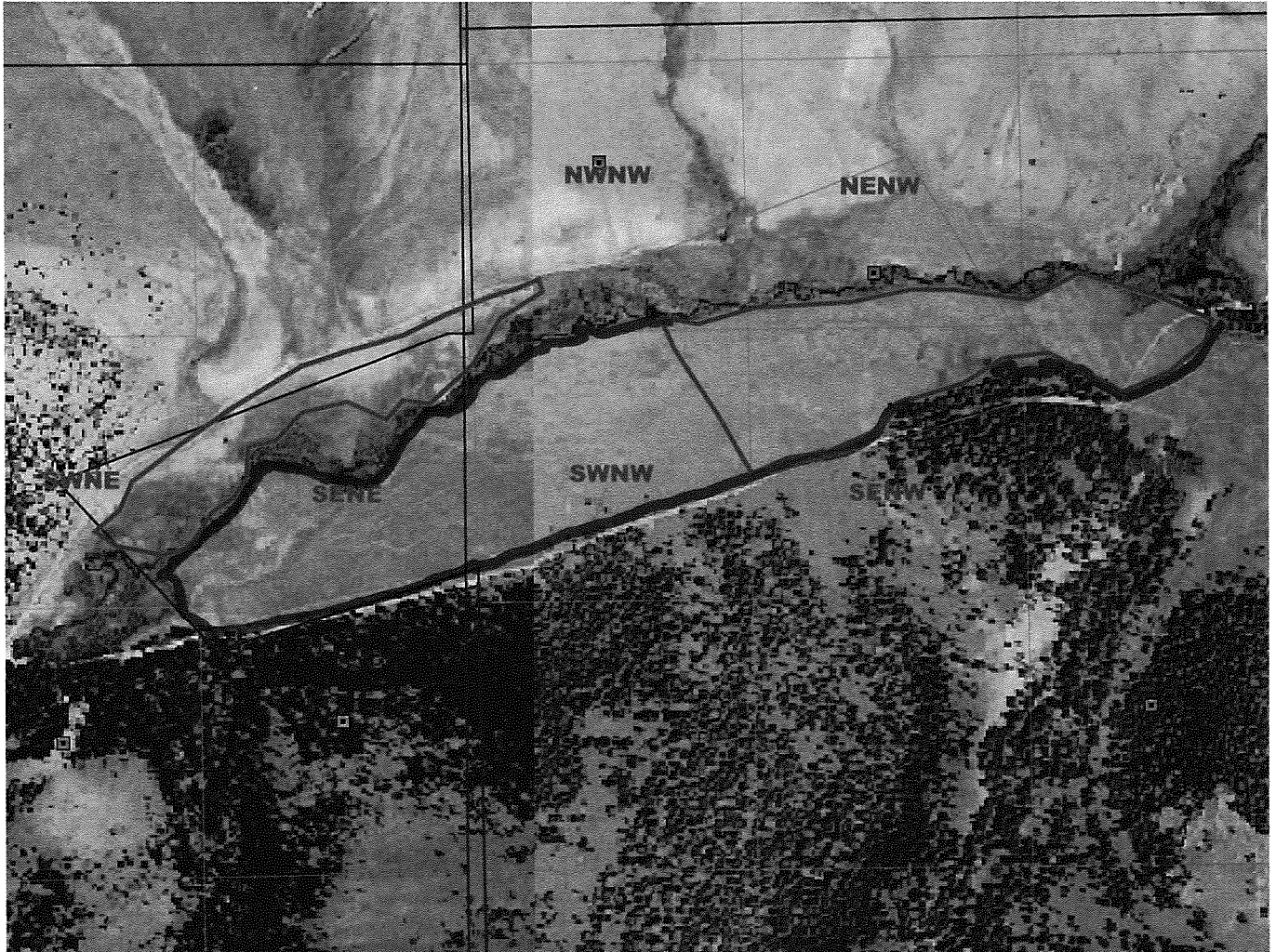
1. General AC. IRR.=40.4. ✓
P/U WITHIN H.E.S. 543.

Dates and Other Information:

Claim Received Date:
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
State or Federal: S
Owner Name Connector: AND
Water District Number:
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

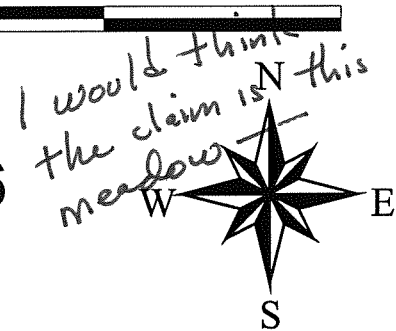
Idaho Department of Water Resources

74-22



0.2 0 0.2 0.4 0.6 Miles

T16N R27E S36
T16N R27E S31



Prepared by Danni Smith
November 20, 2002
1993/94 True Color Aerial Photo

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: 74-00022

DATE RECEIVED:

RECEIPT NO: 20 - DE. Name Change

RECEIVED BY: X999999

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

RECEIVED

MAY 21 1990

1. NAME: SKELTON RANCH CO. INC.
ADDRESS: P.O. BOX 1138
IDAHO FALLS, ID

83401

Department of Water Resources
Eastern District Office

2. DATE OF PRIORITY: APR 01, 1914

3. SOURCE: HAWLEY CREEK

TRIB. TO: EIGHTEENMILE CREEK

4. POINT OF DIVERSION:

TOWNSHIP	RANGE	SECTION	1/4 OF	1/4 OF	1/4	LOT	COUNTY
16N	28E	31	NW	NW			LEMHI
			NE	SE	2		LEMHI

A7400022

5. DESCRIPTION OF DIVERTING WORKS:

6. WATER IS USED FOR THE FOLLOWING PURPOSES:

PURPOSE	FROM	TO	C.F.S.	(OR)	A.F.A.
IRRIGATION	03/15	11/15	2.000		

7. TOTAL QUANTITY APPROPRIATED IS:
2.000 C.F.S. (AND/OR)

A.F.A.

8. TOTAL CONSUMPTIVE USE IS

ACRE FEET PER ANNUM.

9. NON-IRRIGATION USES:

10. PLACE OF USE:

TOWNSHIP	RANGE	SECTION	1/4 OF	1/4	LOT	USE	ACRES
16N	27E	36	SW	NE		IRR	4.0
			SW	NE	2	IRR	2.0
			SE	NE		IRR	13.0

SECTION ACRES 19.0

74-00022

PAGE 1

DATE: 02/08/90

MICROFILMED

DEC 14 1992

10. PLACE OF USE: CONTINUED

TOWNSHIP	RANGE	SECTION	1/4	OF	1/4	LOT	USE	ACRES
16N	28E	31	SW		NE	4	IRR	2.0
			NE		NW		IRR	2.0
			NW		NW		IRR	1.0
			SW		NW		IRR	5.0
			SE		NW		IRR	12.0
							SECTION ACRES	22.0
							TOTAL ACRES	41.0

11. PLACE OF USE IN COUNTIES: LEMHI, LEMHI

12. DO YOU OWN THE PROPERTY LISTED ABOVE AS PLACE OF USE? YES

13. OTHER WATER RIGHTS USED:

14. REMARKS:

AC. IRR.=40.4.

P/U WITHIN H.E.S. 543.

15. BASIS OF CLAIM: DECREED

CASE NUMBER:

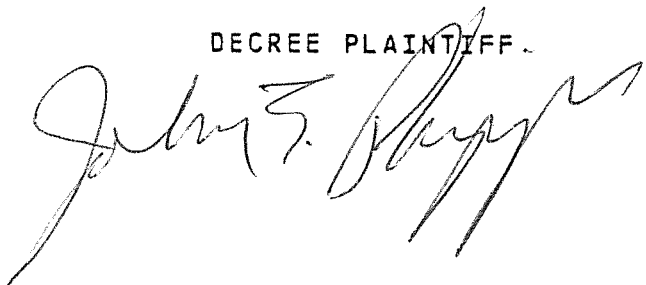
COURT :

DECREE DATE:

DECREE PLAINTIFF.

VS

DECREE DEFENDANT



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): *John F. King* DATE: May 21/90

DATE: _____

FOR ORGANIZATIONS:

I DO SOLEMNLY SWEAR OR AFFIRM THAT I AM _____ OF

TITLE
_____, THAT I HAVE SIGNED THE FOREGOING
ORGANIZATION
DOCUMENT IN THE SPACE BELOW AS _____ OF

TITLE
_____ AND THAT THE STATEMENTS CONTAINED IN THE
ORGANIZATION
FOREGOING DOCUMENT ARE TRUE AND CORRECT.

SIGNATURE OF AUTHORIZED AGENT

TITLE AND ORGANIZATION

DATE

STATE OF ~~IDAHO~~ Florida)
COUNTY OF Leon) SS.

SUBSCRIBED AND SWORN (OR AFFIRMED) BEFORE ME THIS 21st DAY
OF May 19 90

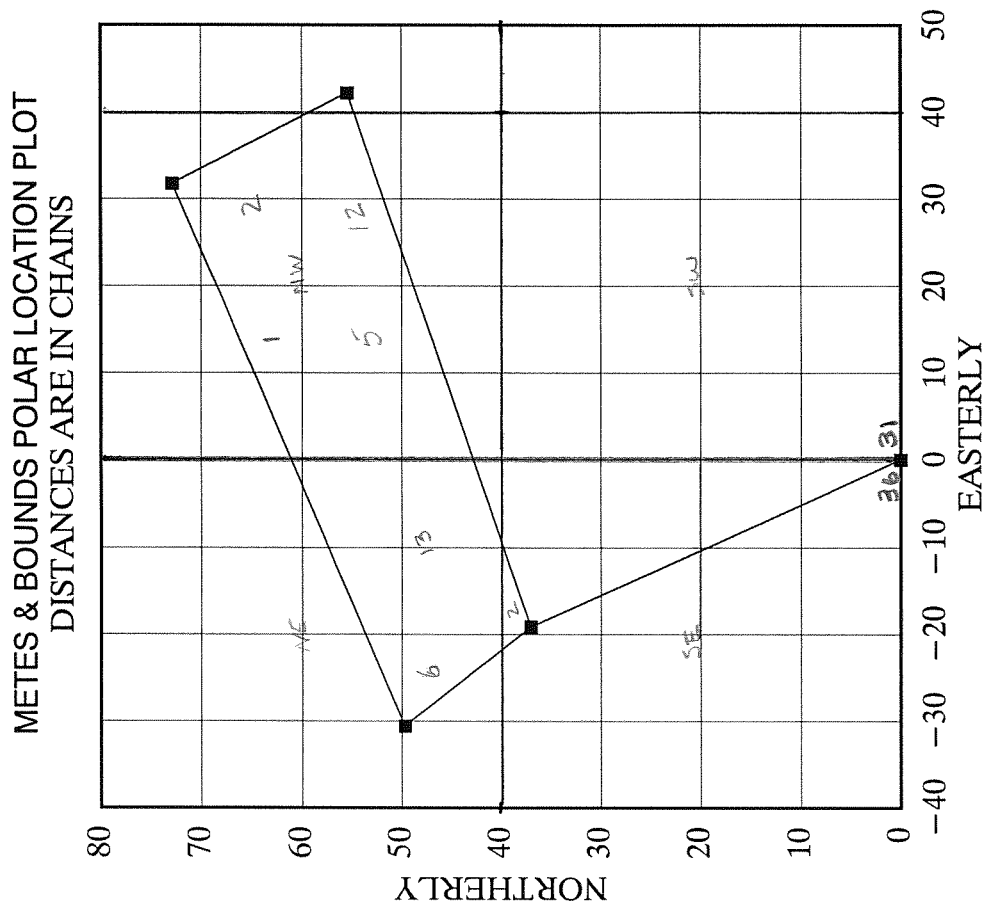
Annette C. Kirkland
NOTARY PUBLIC

SEAL

RESIDING AT *Tallahassee*

Notary Public, State of Florida
MY COMMISSION EXPIRES My Commission Expires Dec. 8, 1992
DATE: 02/08/90 Recorded Thru Troy Fain - Insurance Inc. 48

POOR ORIGINAL



MICROFILMED

APR 18 1994