

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: A73-10068
Date Received: 4/17/1990
Receipt No: 1006641
Received By: gre

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: DONALD R. KESSLER - 208-876-4246
Address: P.O. BOX 6
ELLIS, ID 83235

AND/OR

Name: ZELDA A. KESSLER 208-876-4246
Address: P.O. BOX 6
ELLIS, ID 83235

2. Date of Priority: MAR 19, 1985

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
16N	20E	25	SW	NE	SE		LEMHI
			NE	NW	SE		LEMHI
			SE	NW	SE		LEMHI

5. Description of diverting works:

4 WELLS, 2 AT 30' AND 40 AND 67' DEEP 6" CASING MOVABLE PUMP

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
DOMESTIC	01/01	12/31	0.050		

7. Total Quantity Appropriated is:

0.050 C.F.S. (and/or) A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:

D/ 1 HOUSE

A73-10068

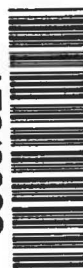
Page 1

Date: 04/17/90

MICROFILMED

DEC 14 1992

A7310068



10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
16N	20E	25	NW SE		DOMEST	

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:
NONE

14. Remarks:

THE WELLS ARE LOW PRODUCERS. THAT IS THE REASON FOR THE 4 WELLS.
A MOVABLE PUMP IS PUT IN EACH WELL UNTILL DRY.

15. Basis of Claim: BENEFICIAL USE

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): Donald R. Ressler Date: 4/17/90

Date: _____

State of Idaho)
County of Lemhi) SS.

Subscribed and sworn (or affirmed) before me this 17 day

of April 19 17

John Dal. Linder
Notary Public

Seal

Residing at Boise Id

My Commission Expires 6/30/91

1



WATER RIGHT NUMBER - A73-10068

PREFIX TRANSLATION: ADJUDICATION CLAIM

+ - - - - CONDITIONS OF APPROVAL - - - - -
NO CONDITIONS OF APPROVAL FOUND.

+ - - - - DECREE PLAINTIFF - - - + + - - - - DECREE DEFENDANT - - - + + - DECREE DATE - +
00/00/0000

+ - - AUDIT FIELDS - 04/17/90 CARLSON

+ - - - - COMMENTS - - - - -
NO COMMENTS FOUND

+ - - - - ADJUDICATION RIGHTS DATES AND FLAGS AREA - - - - -

COURT REPORT FILING	- 00/00/0000	FIELD INSPECTION MADE	- 00/00/0000	CIVIL CASE NUMBER	- 39576
OBJECTION FILED DATE	- 00/00/0000	FIELD INSPECTION FLAG	-	OLD CASE NUMBER	-
RESPONSE FILED DATE	- 00/00/0000	VERIFIED DATE	- 00/00/0000	OLD JUDICIAL DISTRICT	-
CLAIM RECEIVED DATE	- 04/17/1990	LAST AMENDED DATE	- 00/00/0000	TEMPORARY RIGHT	- P
PROOF DUE DATE	- 00/00/0000	PROOF MADE DATE	- 00/00/0000	WATER DISTRICT	-
LICENSED DATE	- 00/00/0000	RECEIPT NUMBER	- M006641	FEDERAL/STATE INDICATOR	- S
CLAIMS TAPE ERROR FLG	-	POU OWNERSHIP FLAG	- Y	PRESUMPTION FLAG	-
FEE EXEMPT FLAG	-	NAME CONNECTOR	- AND/OR	NOTICE OF ERROR FLAG	-

RP 16N20E252410 A

DATA ENTRY

ENTERED 11-10-93

CHECKED 2/1/94

Verified By:
Topo Map/Ortho-PQ
ASCS Map
Watermaster Records
NAFP Photos
Field Exam
Other (See Remarks)
County Records
Witness Statement
Project Records
IDWR Records

VERIFIED
JAN 24 1993

CERTIFIED

APR 22 1993

WATER EXAMINER

MICROFILMED
NOV 15 1996

AJ5856NP

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

DATE: SEP-23-1997

PAGE: A-16

RIGHT NUMBER: 73-10068

NAME & ADDRESS: DONALD R KESSLER
ZELDA A KESSLER
PO BOX 6
ELLIS ID 83235

SOURCE: GROUNDWATER

QUANTITY: 0.05 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000
GALLONS PER DAY.

PRIORITY DATE: 03/19/1985

POINT OF DIVERSION: T16N R20E S25

SWNESE
NENWE
SENWE

Within LEMHI County

PURPOSE AND

PERIOD OF USE: PURPOSE OF USE
DOMESTIC DOMESTIC, 1 HOME

PERIOD OF USE
01-01 12-31

QUANTITY
0.05 CFS

PLACE OF USE: DOMESTIC
T16N R20E S25

Within LEMHI County
NWSE

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A
DETERMINATION OF HISTORICAL BENEFICIAL USE.
PARCEL NO. RP16N20E252410A

EXPLANATORY MATERIAL: BASIS OF CLAIM - BENEFICIAL USE

Claim data entry by: SRH

Date: OCT 0 0 1990

Data entry verified by: [Signature]

Date: OCT 16 1997

AUG-27-1998
0023

1

RIGHT NUMBER: 73-10068

NAME AND ADDRESS: DONALD R KESSLER
ZELDA A KESSLER
PO BOX 6
ELLIS ID 83235

SOURCE: GROUNDWATER

QUANTITY: 0.05 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000
GALLONS PER DAY.

PRIORITY DATE: 03/19/1985

POINT OF DIVERSION: T16N R20E S25 SWNESE Within LEMHI County
NENWSE
SEWSE

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	DOMESTIC 1 HOME	01-01 12-31	0.05 CFS

PLACE OF USE: DOMESTIC Within LEMHI County
T16N R20E S25 NWSE

OTHER MATTERS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

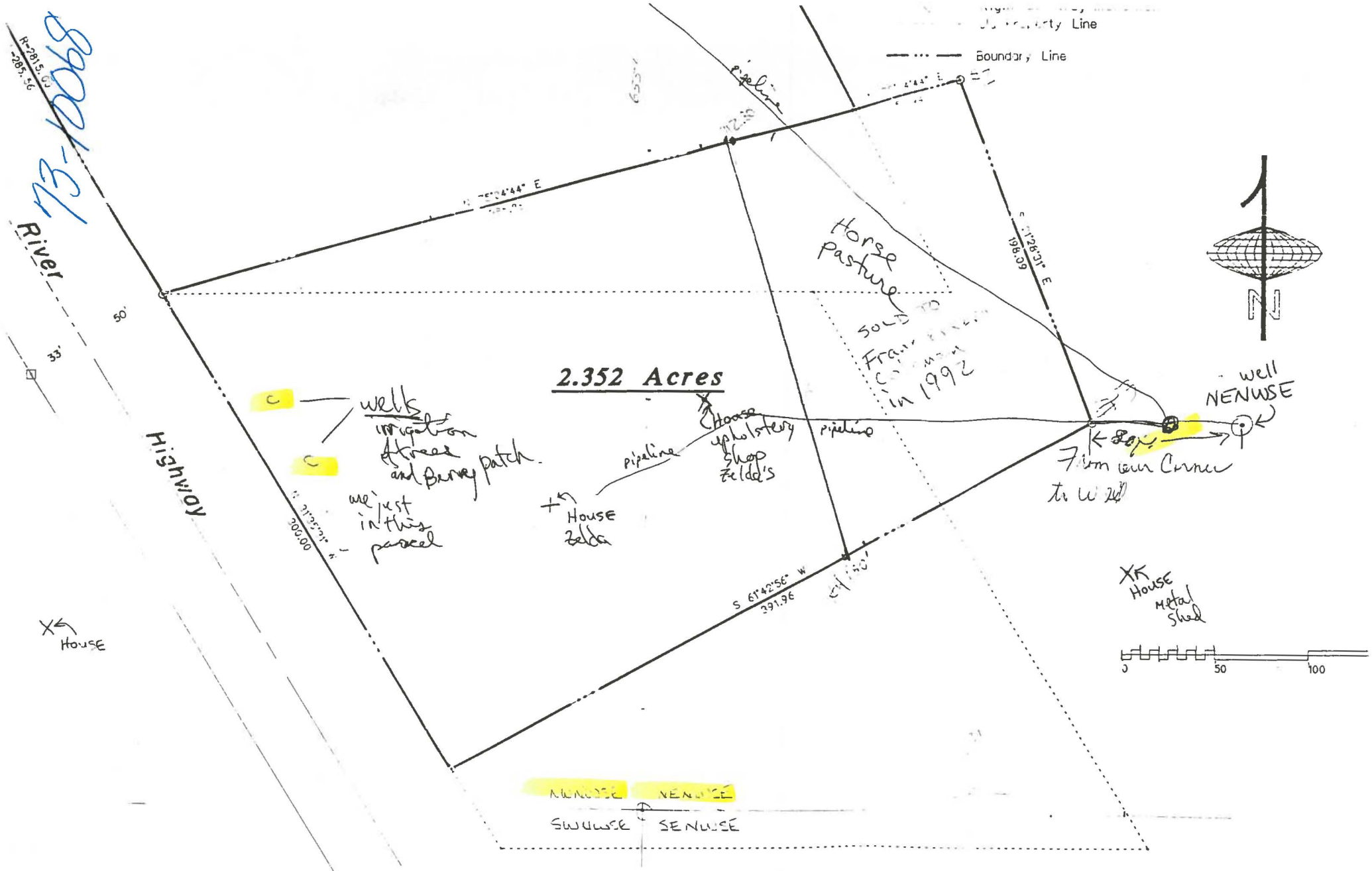
THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A
DETERMINATION OF HISTORICAL BENEFICIAL USE.

EXPLANATORY MATERIAL: BASIS OF CLAIM - BENEFICIAL USE
PARCEL NO. RP16N20E252410A

JRBH
8/31/98

89001-CL
73-0068

R-2015.02
208-56



Couch Surveying and Mapping
1021 Main Street
Salmon, Idaho 83467
208-756-3019

WARRANTY DEED

73-10060

WARRANTY DEED

THIS INDENTURE, Made this 1st day of February,
 In the year of our Lord one thousand nine hundred and Seventy-One, between
 RAPE NELSON and RIVA NELSON, Husband and Wife; and
 CLYDE NELSON and RUBY M. NELSON, Husband and Wife,
 of Lemhi, County of Custer, State of Idaho,
 the parties of the first part, and
 GOLDBERG GRAZING ASSOCIATION, an Idaho Association,
 of Custer, County of Custer, State of Idaho,
 the party of the second part.

WITNESSETH, That the said parties of the first part, for and in consideration of the sum
 of ONE HUNDRED FIFTY THREE THOUSAND FIVE HUNDRED & No/100s --- DOLLARS,
 lawful money of the United States of America,

to them in hand paid by the said
 party of the second part, the receipt whereof is hereby acknowledged, have granted, bar-
 gained and sold, and by these presents do grant, bargain, sell, convey and confirm unto the
 said party of the second part, and to its successors and assigns forever, all of the following
 described real estate, situated in the County of Custer, State
 of Idaho, to-wit:

The Lots Five and Six in Section Five; the Lots Two, Three, Four and Five,
 The South Half of the Northeast Quarter, the North Half of the Southeast
 Quarter, the Northeast Quarter of the Southwest Quarter, and the South-
 east Quarter of the Northwest Quarter in Section Six, all in Township
 Twelve North, Range Twenty-four, East of the Boise Meridian, in Idaho;
 The Lots Three and Four, the South Half of the Southeast Quarter, the
 Northwest Quarter of the Southeast Quarter, and the East Half of the
 Southwest Quarter of Section Thirty-One, in Township Thirteen North,
 Range Twenty-Four, East of the Boise Meridian, in Idaho;

Together with the ditches and water rights thereunto appertaining and
 belonging.

TOGETHER, With all and singular the tenements, hereditaments and appurtenances thereunto
 belonging or in anywise appertaining, the reversion and reversions, remainder and remainders,
 rents issues and profits thereof; and all estate, right, title and interest in and to the said property,
 as well in law as in equity, of the said parties of the first part.

rents issues and profits thereof; and all estate, right, title and interest in and to the said property, as well in law as in equity, of the said parties of the first part.

TO HAVE AND TO HOLD, All and singular the above mentioned and described premises, together with the appurtenances, unto the party of the second part, and to its successors and assigns forever and the said parties of the first part, and their heirs, the said premises in the quiet and peaceful possession of the said party of the second part its successors and assigns, against the said parties of the first part, and their heirs, and against all and every person and persons whomsoever, lawfully claiming or to claim the same shall and will WARRANT and by these presents forever DEFEND.

PCN: 06080P1
FORM 1274-18

DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

PAGE: 1

CASE ABSTRACT AS OF: 4/30/92
07-26-1966;014STAT0253;43USC661 30USC51 CASE TYPE SERIAL NUMBER
D/C EXIST PRIOR TO FLPMA 287400 IDI 20909
COMMODITY- NON-ENERGY FACILITIES

NAME AND ADDRESS

WHITTIER JAMES
HC 62 BOX 2160
MAY ID 83253
HOLDER 100.00000 %

DESCRIPTION OF LAND

BOISE MER
T. 13 N, R. 24 E, CUSTER COUNTY, ID
SALMON DISTRICT CHALS-MACKAY RESOURCE AREA
SEC. 31: SENE
.280 ACRES

ACTIONS

DATE	CODE	TAKEN	REMARKS
6/07/1984	124	APLN RECD	
7/10/1984	307	ROW GRANTED-ISSUED	
7/10/1984	502	LENGTH IN FEET	600;
7/10/1984	504	WIDTH IN FEET (TOTAL)	20;
7/10/1984	505	DIAMETER OF PIPE	0.75;
8/10/1984	600	RECORDS NOTED	
~~4/30/1992~~	974	AUTOMATED RECORD VERIF	ST
1/01/9999	763	EXPIRES	

GENERAL REMARKS

01 600' LONG X 20' WIDE WATER PIPELINE
02 WATER RIGHT 73-7089



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

*State
Office
Jicki*

SOUTHERN REGION

August 4, 1999

RECEIVED
AUG 05 1999
Department of Water Resources
Eastern Region

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

DONALD R KESSLER
ZELDA A KESSLER
PO BOX 6
ELLIS ID 83235

RE: SRBA CLAIM NOS. 73-10068, 73-10010 & 73-10011

Dear Mr. & Mrs. Kessler,

Enclosed please find the profile reports I located under the names of Kessler and Coleman. These appear to be the only domestic well claims on file with IDWR. In review of the reports it does not appear the Coleman's have filed a claim for a use from the same well system as described by your own claim, 73-10068. I have also enclosed a Change of Ownership form for your use if you find the correct water right claim to describe the water right interest you purchase from your niece.

If you have further questions feel free to contact me at our office or perhaps our staff at our Idaho Falls office may be more familiar with these claims in the Pahsimeroi valley at Ellis. Their office and phone number is listed below.

Sincerely,

Steve Clelland
Sr. Water Resource Agent

enc:

CC: IDWR Eastern Region Office
900 N Skyline Dr Ste A
Idaho Falls Id 83402-1718

phone: 208-525-7161

73-10068

WARRANTY DEED

For Value Received

Dick H Coleman and Iva F Coleman

the grantors, do hereby grant, bargain, sell and convey unto

Donald R Kessler and Zelda Kessler

the grantees, the following described premises, in Lemhi

County Idaho, to-wit:

A parcel of land located in the NW $\frac{1}{4}$ Sec 25, T 16 N., R. 20E. B.M. Lemhi County Idaho, and more particularly described as follows: Commencing at the center of Section of said Section 25, Monumented by an aluminum pipe with an aluminum cap from which the East Quarter Corner of Section 25 bears N. 89° 56' 46" E., a distance of 104.51 feet on a bearing of N. 89° 56' 46" E. to a point on the Easterly Right-of-way of the Pahsimeroi River Highway; Thence the following courses and distances along said Easterly Right-of-way:

S. 25° 46' 47" E., 139.79 feet; distance of 285.56 feet along a curve concave to the Northeast, having a radial of N. 64° 13' 13" E., 2815.00 feet and a central angle of 5° 48' 44" ; S. 31° 35' 31" E. 0.65 feet to the real point of beginning, Thence Easterly 450.00 feet to corner #2, and marked by an iron pipe, Thence southerly 200.00 feet to another iron pipemarking Corner #3, Thence Westerly 400.00 feet to Corner #4, a point on said Easterly Right-of way, and marked also by an iron pipe, Thence N. 31° 35' 31" W., 300.00 feet to the real point of beginning.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, T heirs and assigns forever. And the said Grantors do hereby covenant to and with the said Grantees, that they the owners in fee simple of said premises; that they are free from all incumbrances

and that they will warrant and defend the same from all lawful claims whatsoever,

Dated:

Oct. 26 1984

Dick H Coleman

Iva F Coleman

STATE OF IDAHO, COUNTY OF CUSTER
On this 26th day of October, 1984
before me, a notary public in and for said State, personally appeared DICK H. COLEMAN and IVA F. COLEMAN,

known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

[Signature]
Notary Public
Idaho
Commission Expires 12/31/86

STATE OF IDAHO, COUNTY OF Lemhi
I hereby certify that this instrument was filed for record at the request of Zelda Kessler

at 38 minutes past 10 o'clock A.M.,
this 30 day of October
1984, in my office, and duly recorded in XXX file
of Deeds XXXXX

[Signature]
Ex-Officio Recorder

By _____ Deputy.

Fees \$2.00 pd.
Mail to: Box 6, Ellis, Idaho 83235

INSTRUMENT NO.

173918

RECORDED-HERALD -- SALMON, IDAHO

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

Right Number: 73-10068

Name and Address: DONALD R KESSLER
ZELDA A KESSLER
PO BOX 6
ELLIS, ID 83235

Source: GROUNDWATER

Quantity: .05 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED
13,000 GALLONS PER DAY.

Priority Date: 03-19-1985

Diversion Point: T16N R20E S25 NENWSE Within Lemhi County
SWNESE
SENWSE

Purpose and Period of Use:	Purpose of Use	Period of Use	Quantity
	Domestic 1 HOME	01-01 TO 12-31	.05 CFS

Place of Use:	Domestic	Within Lemhi County
	T16N R20E S25 NWSE	

Other Provisions Necessary for Definition / Administration of this Water Right:

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT
A DETERMINATION OF HISTORICAL BENEFICIAL USE.

Explanatory Material: Basis of Claim - Beneficial Use

PARCEL NO. ~~RP16N20E252410A~~

RP16N20E257802

RECEIVED

APR 08 1999

Department of Water Resources

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

A. Subcase 73-10068

(Insert water right number)

STANDARD FORM 1
OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: United States of America acting through the Department of Interior,
Bureau of Land Management, Idaho State Office

Address: 1387 South Vinnell Way
Boise, Idaho 83709-1657

Daytime Phone: see below

Name & Address of Attorney, if any:

Larry A. Brown 208 387-0835; R. Lee Leininger, 202 305-0242; Paul F. Holleman, 202 305-0494

United States Department of Justice; Environment and Natural Resource Division; General Litigation Section
550 West Fort Street, MSC 033; Boise, Idaho 83724

C. CLAIMANT OF WATER RIGHT AS LISTED IN DIRECTOR'S REPORT

Name: Donald R. & Zelda A. Kessler

Address: P.O. Box 6 Ellis, ID 83235

Name:

Address:

Name:

Address:

Name:

Address:

D. I object to the following elements as recommended in the Director's Report. (Please check the appropriate box(es)).

1. ☐ **Name and Address**
Should be: _____
2. ☐ **Source**
Should be: _____
3. ☐ **Quantity**
Should be: _____
4. ☐ **Priority Date**
Should be: _____
5. ☒ **Point(s) of Diversion**
Should be: See attached
6. ☐ **Instream Flow Description**
Should be: _____
7. ☐ **Purpose(s) of Use**
Should be: _____
8. ☐ **Period of Year**
Should be: _____
9. ☐ **Place of Use**
Should be: _____

11. **I object because:**

- ☐ This water right should not exist.
- ☐ This water right was not recommended, but should be recommended with the elements described above.

E. REASONS SUPPORTING OBJECTION(S):

The United States of America, through the Bureau of Land Management, is the owner of the land upon which use is claimed. The claimant's use of Federal land is unauthorized. See attached POD. Claimant's water right should not include this POD.

AJ5956NP

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

DATE: DEC-3-1993
PAGE: A-11

RIGHTS FROM: SOURCE: GROUNDWATER

RIGHT NUMBER: 73-10063

CLAIMANT'S POD ON BLM
IS NOT AUTHORIZED.

NAME & ADDRESS: DONALD P KESSLER
ZELDA A KESSLER
PO BOX 6
ELLIS ID 83235

SOURCE: GROUNDWATER

QUANTITY: 0.05 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000
GALLONS PER DAY.

PRIORITY DATE: 03/19/1985

POINT OF DIVERSION: T16N R20E S25

SWNESE BLM
NENWSE PUT
SENWSE PUT

Within LEMHI County

PURPOSE AND
PERIOD OF USE: PURPOSE OF USE
DOMESTIC 1 HOME

PERIOD OF USE
01-01 12-31

QUANTITY
0.05 CFS

PLACE OF USE: DOMESTIC
T16N R20E S25

Within LEMHI County
NWSE PUT

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A
DETERMINATION OF HISTORICAL BENEFICIAL USE.

EXPLANATORY MATERIAL: BASIS OF CLAIM - BENEFICIAL USE
PARCEL NO. RP16N20E25241CA

F.

VERIFICATION (Must be Completed)

State of Idaho)

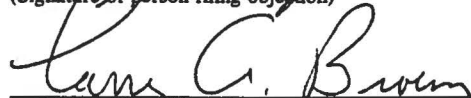
) ss.

County of Ada)

Gary A. Madenford, Water Rights Team Leader, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.


(Signature of person filing objection)


(Attorney signing in representative capacity)

: :

Subscribed and sworn to before me on: April 5, 1999



John W. Thornburgh
Notary Public for Idaho
Residing at: Boise
My Commission Expires: 05-16-2003

INSTRUCTIONS FOR MAILING

You must mail the objection, to the Clerk of the Court. **FAX filings will not be accepted.** You must also send a copy to all the parties listed below in the Certificate of Mailing.

G. CERTIFICATE OF MAILING

I certify that on April 6, 1999, 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. One copy to the claimant of the water right at the following address:

Name: Donald R. & Zelda A. Kessler
Address: P.O. Box 6 Ellis, ID 83235

Name:
Address:

Name:
Address:

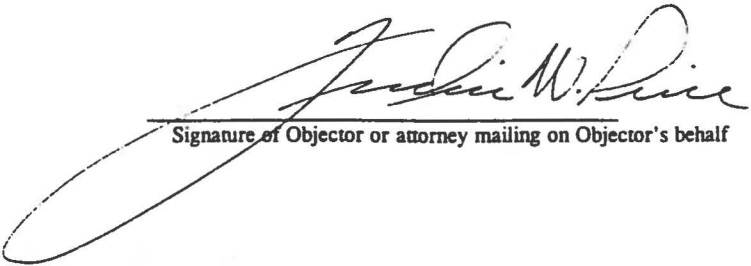
Name:
Address:

3. Copies to:

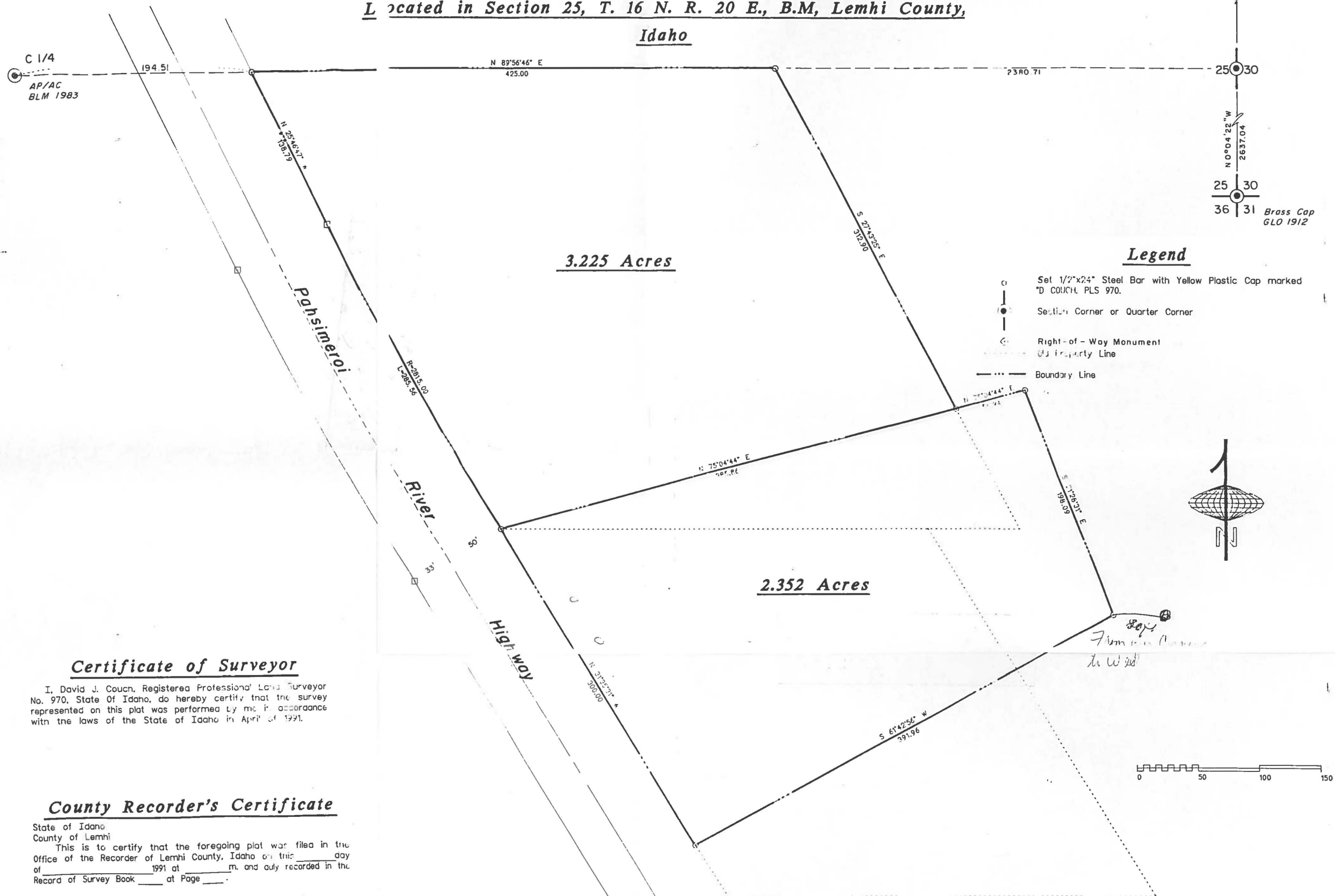
IDWR Document Depository
PO Box 87720
Boise, ID 83720-0098

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

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


Signature of Objector or attorney mailing on Objector's behalf

Located in Section 25, T. 16 N. R. 20 E., B.M., Lemhi County,
Idaho



Record of Survey

Idaho



Certificate of Surveyor

I, David J. Couch, Registered Professional Land Surveyor No. 970, State Of Idaho, do hereby certify that the survey represented on this plat was performed by me in accordance with the laws of the State of Idaho in April of 1991.

County Recorder's Certificate

State of Idaho
County of Lemhi

This is to certify that the foregoing plat was filed in the Office of the Recorder of Lemhi County, Idaho on this _____ day of _____ 1991 at _____ m. and duly recorded in the Record of Survey Book _____ at Page _____.