

02/01/2005

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

RIGHT NUMBER: 22-298A

NAME AND ADDRESS: JOHN A MC KELLAR
750 W 100 N
DRIGGS ID 83422

SOURCE: HORSESHOE CREEK

TRIBUTARY: TETON RIVER

QUANTITY: 0.200 CFS

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL
COMBINED DIVERSION RATE OF 2.72 CFS. COMBINED RIGHT NOS.: 22-298A,
22-299A, 22-300C.

THIS RIGHT WHEN COMBINED WITH RIGHT NO. 22-298A, 22-299A, 22-300C
SHALL PROVIDE NO MORE THAN .02 CFS PER ACRE.

PRIORITY DATE: 09/01/1887

POINT OF DIVERSION:

T05N R44E S27 NENENW Within TETON County

T05N R44E S27 SENENW Within TETON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/15 10/31	0.200 CFS

PLACE OF USE: IRRIGATION Within TETON County

T05N R44E S27	NENE	40.0	T05N R44E S27	NWNE	36.0
T05N R44E S27	SWNE	20.0	T05N R44E S27	SENE	39.0
T05N R44E S27	NENW	1.0			

136 ACRES TOTAL

USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 136.0 ACRES IN A SINGLE
IRRIGATION SEASON. COMBINED RIGHT NOS.: 22-298A, 22-299A, 22-300C.

This right is limited to the irrigation of 10.0 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: Decreed

THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF
DIVERSION DESCRIBED ABOVE: 22-298A, 22-299A, 22-300C.

This right is a split from former right 22-298.



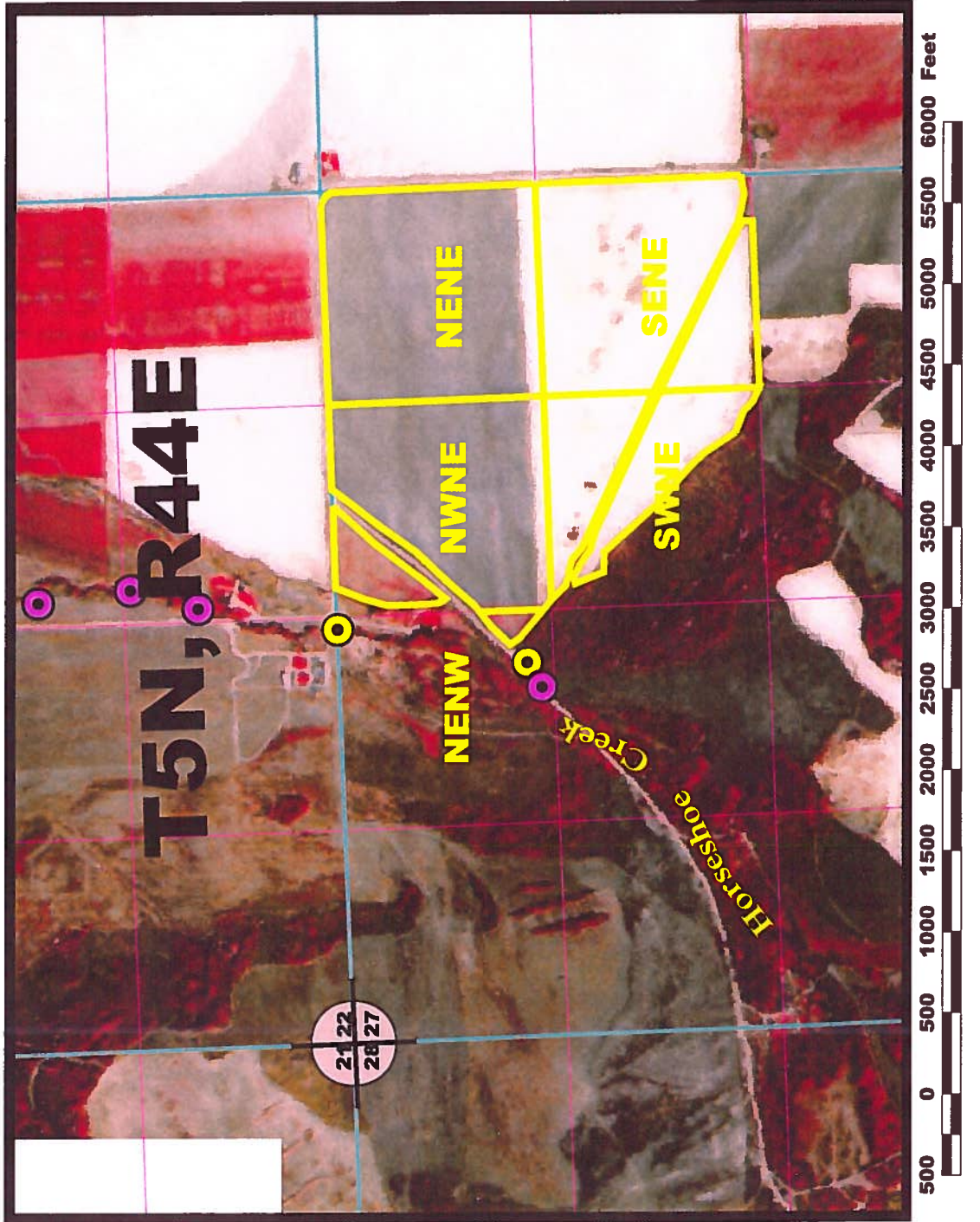
State of Idaho

Department of Water Resources

Eastern Region

SCANNED

MAR 11 2005



Water Right(s):

22-298A,

22-299A,

22-300C

Point(s) of Diversion:

T5N, R44E

Sec. 27 NENENW, SENENW

Place of Use: (parts of)

T5N, R44E

Sec. 27 NE, NENW

LEGEND



Point of Diversion



SESE

Place of Use



Section



Quarter-Quarter



GIS Place of Use Illustration
1987/1988 NAPP Photography
Prepared by: A. Ruberry
Date: February 2005

Contacts Data Entry Form

Claim Number: 22-298A

Owner Type	Full Name	Address	City	State	Zip
	<u>J. McKellar</u>				

Current Owner: _____ Phone No.: _____

Current Owner: _____ Phone No.: _____

Current Owner: _____ Phone No.: _____

Name connector: and _____, or _____, and/or _____.

Representing Attorney: _____ Phone No.: _____

Accompanied By: _____ Phone No.: _____

Relationship to Claimant: _____ Date of Field Exam: _____

Discussion of right origin and split history. Questions and problems.

DECEASED UNDER ROXBURG vs. TETON, 1910 AS: TO V. HESTON,
30", HORSESHOE CK, SEPT 1 1887.

SUBSEQUENT DECEASE: MADSEN vs. MIDDLE (WM) & GILBERT, 17 APRIL 1933.

SPLITS 22-298 INTO A AND B AS:

22-298A, 20", SEPT 1, 1887, N. MADSEN

22-298B, 10", SEPT 1, 1887, L. BUXTON

30" FULLY ACCOUNTED (0.600cf)

SRBA CLAIM SPLITS AS:

* 22-298A, 10" (0.20cf), J. MCKELLAR

* 22-298B, 10" (0.20cf), ARGYLE => AP GROUP

22-298C, 85" (0.17cf), SPLIT TO E AND F

* 22-298D, 1" (0.02cf), MANY et al => WATSMAN

* 22-298E, 85" (0.17cf), HORSESHOE CK ASSN. (0.166)

* 22-298F, 1" (0.02cf), R. KNIGHT (0.016)

* EQ = 305" 0.61cf => 0.602cf

ROUNDING ERROR OR E

1/24/05 CALLED MR. MCKELLAR - TO ADVISE CLAIMS NEED PULL AMMOS -
LEFT MSG TO CALL BACK.

Reviewer: _____ Date: _____

PROFILED

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MAR 11 2005

IN THE DISTRICT COURT OF THE NINTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, TO-WIT: FOR THE COMPTON

NEWEL MADSEN,)
Plaintiff,)
vs.) AT DISTRICT COURT
R. G. MIEBLE, as Water Master of) DATE 4/12/1933
Water District No. 360 of the)
State of Idaho; and LOUIE BUXTON,)
Defendants,)
and)
ALBERT GILBERT,)
Intervenor.)

DECEMBER

RECEIVED
JUL 19 1934
DISTRICT COURT
IDAHO

Earl Flood
CLERK OF DIST. COURT

This cause came regularly on for trial on the 10th day of April, 1932, before the Honorable Jay L. Downing, Presiding District Judge, sitting without a jury, at Pocatello, Teton County, Idaho. Merrill S. Merrill, Attorneys at Law, and Newel Madsen, Attorney at Law, appeared for and on behalf of the plaintiff; George L. Edgington, Attorney at Law, appeared for and on behalf of the defendant, Louie Buxton. The defendant, R. G. Miele as Water Master of Water District No. 360 did not appear in person or by attorney. S. G. Atchley, Attorney at Law, appeared for and on behalf of the Intervenor, Albert Gilbert. It appeared to the Court that this action was originally instituted by Anton O. Mickelson, as plaintiff, against E. B. Edlefsen, as Water Master of Water District No. 360 of the State of Idaho, John R. Clausen, John D. C. Kruger, Sallie C. Haines, Lewel Haines, J. C. Thomsen, Charles J. Martin, and C. G. Keller, as defendants, and that thereafter the said Anton O. Mickelson sold, transferred and conveyed his rights described in his original complaint to Newel Madsen and by proper order of this Court the said Newel Madsen was substituted as plaintiff for and in the stead of Anton O. Mickelson; and that thereafter the said E. B. Edlefsen ceased to act as Water Master of District No. 360, as aforesaid, and that R. G. Miele was duly appointed Water Master of Water District No. 360 of the State of Idaho, and as such was by proper Order of this Court substituted in said action as defendant for and in the place of E. B. Edlefsen; and it further appeared that thereafter the said original defendants, John R. Clausen, John D. C. Kruger, Sallie C. Haines, Lewel Haines, J. C. Thomsen, Charles J. Martin and C. G. Keller, duly and regularly quit claimed and transferred their various interests possessed by them at the time of the institution of this suit to the predecessor-in-interest of Louie Buxton, and that the said Louie Buxton became the owner of the lands and water rights herein after described and previously owned or claimed by said defendants, and that proper substitution of said parties defendant was by order of this Court duly made. It further appeared upon order duly made and entered that said cause was ordered to proceed in the name of the real parties in interest, to wit: Newel Madsen as plaintiff and R. G. Miele as Water Master of Water District No. 360 of the State of Idaho, and Louie Buxton as defendants, and Albert Gilbert as Intervenor, who had been permitted and allowed to intervene in said cause. Evidence was thereupon introduced by and on behalf of the respective parties in support of the issues framed by the amended Complaint and Supplemental Complaint of the plaintiff, the Answer of the defendant, Louie Buxton thereto, the complaint of the Intervenor, Albert Gilbert, and the Answer

of the plaintiff herein. Said case was argued, heard and submitted to the Court for decision. The Court, having therefore made and entered its findings of fact and conclusions of law, and entered its decree, whereby it is decreed, that it is decreed, to wit:

22-0298A
22-0299A
22-0300
1. That the plaintiff, Earl Hedger, take nothing by reason of his complaint, save and except the right to the use of all waters decreed to the lands owned by him by that certain decree dated December 18, 1910, and also that portion of the waters decreed to the lands now owned by Louis Furton, and which waters have been abandoned by the said Furton and her predecessors-in-interest, that is to say: that the plaintiff is entitled to divert from the main channel of Horseshoe Creek, the natural flow of the water thereof, twenty (20) miners inches of water with a priority of September 1, 1897, and two hundred thirty-five (35) miners inches with a priority of June 1, 1899, and one hundred sixty (60) miners inches with a priority of June 1, 1900. Said waters are to be diverted from said Horseshoe Creek at a point near the South line of the Northeast quarter of the Northwest quarter (NE1/4) of Section Twenty-seven (27), in Township Five (5), North Range Forty-four (44), East of the Boise Meridian, in Teton County, Idaho, and to be carried in the ditch constructed for such purpose for irrigation, domestic, culinary and other beneficial uses upon the

West half of the Southeast quarter (SE1/2) and the East half of the Southeast quarter (E1/2), of Section Twenty-two (22); the Northwest quarter of the Northeast quarter (NW1/4), the Northeast quarter of the Northwest quarter (NE1/4), and the East half of the Northeast quarter (E1/2), of Section Twenty-seven (27), Township Five (5), North Range Forty-four (44), East of the Boise Meridian, in Teton County, Idaho.

22-0298B
22-0299B
2. That the defendant, Louis Furton, is entitled to divert from the main channel of Horseshoe Creek from the natural flow of water ten (10) miners inches with a priority of September 1, 1897, and 55 miners inches with a priority of June 1, 1900. Said water is to be diverted at a point near the South line of the Northeast quarter of the Northwest quarter (NE1/4) of Section Twenty-seven (27), Township 5, North Range 44, East of the Boise Meridian, in Teton County, Idaho, and to be carried in the ditch constructed for such purpose for irrigation, domestic, culinary and other beneficial uses upon the:

Southwest quarter (SW1/4) of Section Twenty-six (26), Township Five (5), North Range Forty-four (44), East of the Boise Meridian, in Teton County, Idaho.

3. That the balance of the right decreed to the lands now owned by Louis Furton by that decree of December 18, 1910, to wit: All but sixty-five (65) miners inches, has been abandoned and that said abandoned right has been appropriated by the said plaintiff herein and is contained within the decreed right of the said plaintiff, hereinbefore specifically set forth.

20267
20268
4. That the Intervenor, Albert Gilbert, take nothing by reason of his Complaint in Intervention, save and except the right to the use of all waters decreed to the lands owned by him by that certain decree dated December 18, 1910, that is to say: that the Intervenor is entitled to divert from the main channel of Horseshoe Creek, from the natural flow of the water thereof, one hundred and twenty (120) miners inches of water with a priority of June 1, 1902, and forty (40) miners inches of water with a priority of June 1, 1903. Said waters

are to be diverted from said Horseshoe Creek at a point four hundred feet North of the North line of the Northeast quarter (NE $\frac{1}{4}$) of Section Twenty-two (22), in Township Five (5), North Range Forty-four (44), East of the Boise Meridian, in Teton County, Idaho, and to be carried in the ditch constructed for such purpose for irrigation, domestic, culinary and other beneficial uses upon the

The Northeast quarter of the Northeast quarter (NE $\frac{1}{4}$ NE $\frac{1}{4}$) of Section Eleven (11), and the North half of the Northwest quarter (NW $\frac{1}{2}$), and the Northeast quarter of the Northwest quarter (NE $\frac{1}{4}$ NW $\frac{1}{4}$) of Section Twelve (12) in Township Five (5), North Range Forty-four (44), East of the Boise Meridian, in Teton County, Idaho.

5. That in all respects, save and except as in this decree modified, explained or changed, the rights of the respective parties, by virtue of that certain decree affecting said waters and lands herein described, entered December 16, 1910, are hereby ratified and confirmed.

6. IT IS FURTHER ORDERED, ADJUDGED AND DECREED that said parties and their successors-in-interest are each enjoined and restrained from interfering with or molesting the rights of the respective parties to the use of the waters aforesaid.

7. That each party shall bear and defray his or her own costs.

DATED, this 17th day of April, 1933.

Ray L Downing
Presiding District Judge.

STATE OF IDAHO)
) ss.
COUNTY OF TETON)

Filed for Record at the Request of Clerk at 2 o'clock P. M. this 19 day of April 1933 and Recorded in Book 59 of Judgments page 75 Records of Teton, County, State of Idaho.

Earl Floyd
Recorder.

Instrument 25116

Inst. No. 25116

CERTIFICATE OF TRUE COPY

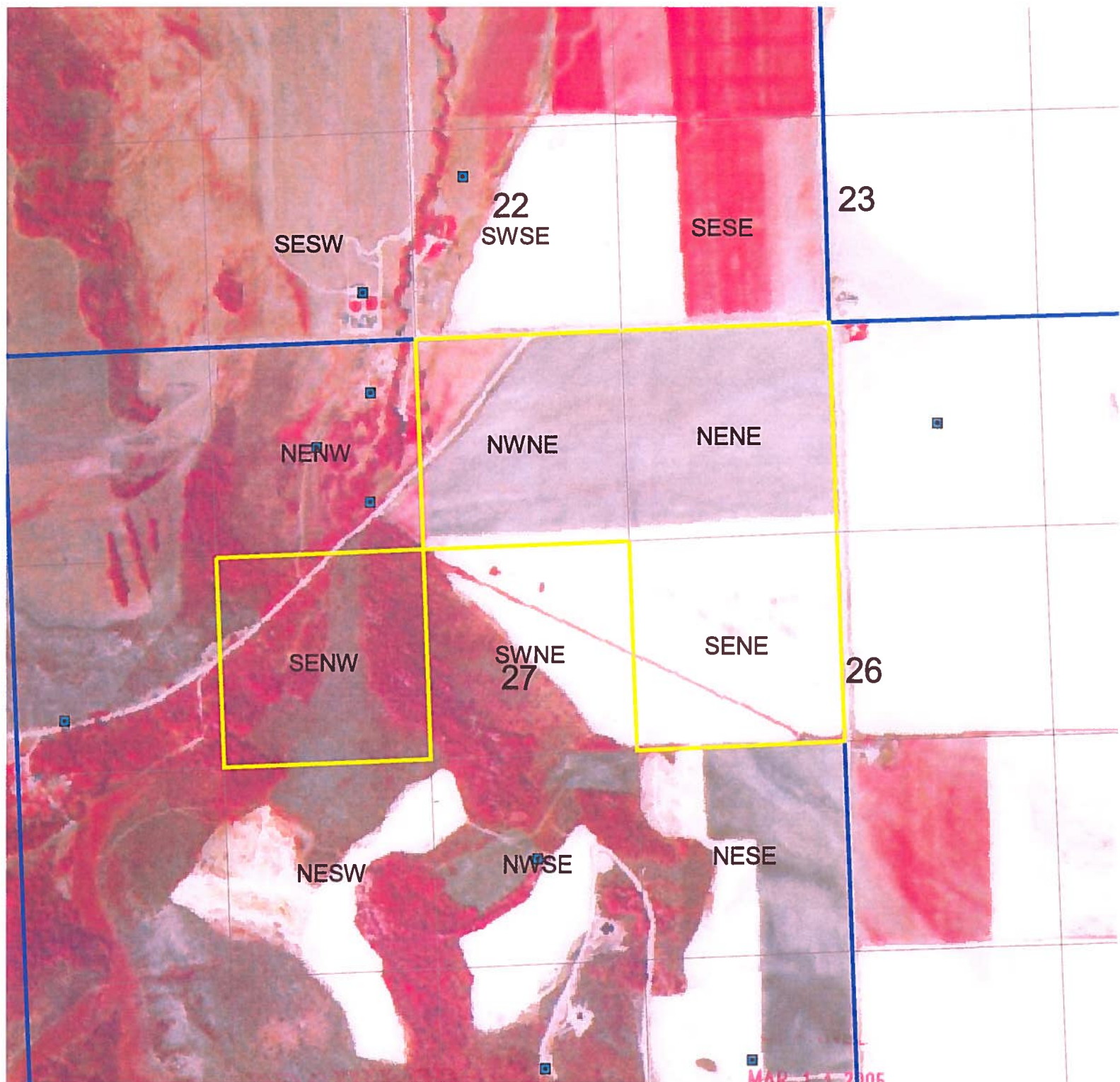
I, Earl Floyd, Auditor and Recorder, in and for Teton County, State of Idaho, do hereby certify that the attached is a full, true and correct copy of that certain Decree from Howel Jadsen to R. S. Liddle and Albert and recorded in Book 59 of Judgments, at Page 75 of Teton County, filed for record April 19, A. D. 1933, at 2:00 o'clock P. M., and now on file in my office.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal this 18th day of July, A. D. 1933.

Earl Floyd
Auditor and Recorder.

By Bert D. Gustafson
Deputy.

22-298A



PROTECTED

CLAIMANT'S NAME McClellan, John CLAIM I. T. NO. 122-CC-3001

ATE RECEIVED 8-9-1988 CK # 7 AMOUNT \$

. Is the name and address complete with zip code? YES NO
✓

Is a priority date entered? ☒

Is the water use exempt from the Permit requirements, or if it is not

exempt, has a Permit been approved or a License issued?
A Permit is required: (1) for groundwater developed after

March 25, 1963 (except single family domestic and stockwater wells using less than 12,000 gpd) or 72" for surface water developed after

USE CARE IF CLAIM IS

RETURNED. REFER TO ADJUDICATION MEMOS # 1 (ADJ. CLAIMS/APPLICATIONS) AND # 9 (REJECTION OF CLAIMS). EXPLAIN IN COMMENTS.

(a) Is a source entered? /

(b) Is a tributary to entered? (if required) N/A

Is the local description of the π -d. sufficient?

102-8458-521 ~~SASU 34 not a map.~~ Y —

10. Is there a description of the diverting works? ✓ _____

4. Are the water uses appropriate for the form? The short form is limited to domestic and stockwater uses with direct diversion. All claims that

include storage or instream stockwater must use long form. . . . /

Is the period of use included? ✓

Is a quantity claimed for each use? ✓

Is a total quantity claimed entered? ✓

If required is a consumptive use entered? N/A

In the construction use correct? N/A

[illegible]

10. Are the non-irrigation uses listed properly? If this claim is on the short form, and more than one domestic use is listed, single owner-

ship must be stated. If not under single ownership,
see Adjudication Memo # 4. N/A ✓

0. Is (are) the place(s) of use entered? 1

1. Is (are) the place(s) or use entered?

1. Is (are) the country(ies) entered: ✓

2. Is the ownership of p.u. checked? ✓ _____

3. Are other water rights listed or "none" indicated? ✓ _____

4. 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 ✓

5. Is the basis of the claim checked? /

6. Is the claim signed by the claimant, and is the signature appropriate?

(If an individual is the claimant, has that individual signed the claim,
or if an organization is the claimant, is the organization signature)

block complete?)

Has the claim been signed, sealed, and dated by a notary? ☒

Was this claim filed on time, or was an extension granted? ✓

Is the fee enclosed correct? Exempt /

if this claim is based on an existing water right, has the

identification number been entered? N/A

Should this claim be receipted and data entered? ✓

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MAR 11 2005

Claim checked by: Ernest Carlson

Comments: _____

PROFIT

MICROFILMED

NOV 04 1992

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 22-298A
Date Received: 8/9/1988
Receipt No: E001167
Received By:

AMENDED

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

JOHN A MC KELLAR Phone: (208)354-2515
750 W 100 N
DRIGGS ID USA 83422

2. Date of Priority: 09/01/1887

3. Source: HORSESHOE CREEK , HORSESHOE CREEK Trib. to: TETON RIVER , TETON RIVER

4. Point of Diversion:

Township	Range	Section	1/4	of 1/4	of 1/4	Lot	County	Type
05N	44E	27	NE	NE	NW		TETON	
05N	44E	27	SE	NE	NW		TETON	

5. Description of diverting works:

HEADGATE, 40 HP PUMP AND 8" MAINLINE

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	4/15	11/15	0.2	

7. Total Quantity Appropriated is:

0.2 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
05N	44E	27	NE	NE		IRRIGATION	40
			NW	NE		IRRIGATION	40
			SE	NE		IRRIGATION	40
			SE	NW		IRRIGATION	5
			SW	NE		IRRIGATION	30
						Section Acres	155
						Total Acres	155

11. Place of use in counties: TETON

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MAR 11 2005

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

13. Other Water Rights Used:

14. Remarks:

CLAIM AMENDED TO CORRECT POU.

MODIFIED "HORSE SHOE" 2/7/96/JT

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):

John G. Wilman

Date: 1 Feb 05

Date: _____

State of Idaho)
County of BONNEVILLE) SS.

Subscribed and sworn (or affirmed) before me this

of Feb 2005

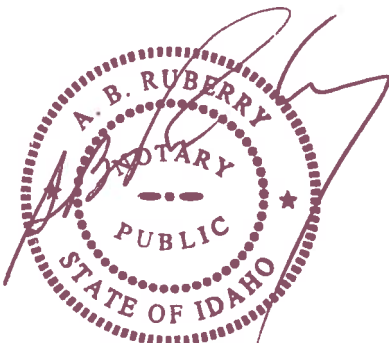
1ST
A. B. RUBERRY
Notary Public

Residing at

2040 Kaus Rd

My commission Expires

9/23/09



PROFILE

SCANNED

MAR 11 2005

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:

Ident. Number

Date Received

Receipt Number

39356

122-002980 SMD

9 Aug 1988

E 801167

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of Claimant (s) John A. McKellar Phone (208) 354-2515
Mailing Address Rt 2 Box 1206, Driggs, Idaho Zip 83422
2. Date of Priority (Only one (1) per claim) September 1, 1887
3. Source of water supply (a) Horse Shoe Creek
which is tributary to (b) Teton River
4. a. Location of existing point of diversion is: Township 5N Range 44E Section 27,
SE 1/4 of NE 1/4 of NW 1/4, Govt. Lot, B.M., County of Teton
Additional points of diversion if any: NE $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ - 27 - 5 - 44
b. If instream flow, beginning point of claimed instream flow is:
Township Range Section , 1/4 of 1/4 of 1/4,
Govt. Lot B.M., County of
ending point is: Township Range Section , 1/4 of 1/4 of
 1/4, Govt. Lot B.M., County of
5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, 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.

Headgate

Pump - 40H.P. - 8" Mainline

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MAR 11 2005

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For Irrigation purposes from April 15 to Nov. 15 amount .200 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) .200 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is .200 acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) Cattle/Horses - Maximum of 150 head

10. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
5	44	27	40	40		40	40												160

Total number of acres irrigated 160

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

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.
22-0299A and 22-0300 or None ()

14. Remarks:

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NOV 04 1992

Last Name McKellar

Ident No. A22-00298C

MAR 11 2005

Copies: White -State, Yellow-Claimant

15. Basis of Claim (check one) Beneficial Use _____ Posted Notice _____ License _____ Permit _____
Decree X

If applicable provide IDWR Water Right Number 22-0298A

Court _____ Case Number _____ Decree Date April 17, 1933

Plaintiff vs Defendant Newell Madson - R. G. Miekle

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 1

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

Signature of Claimant (s) *James McKellar* Date 9 Aug, 1988
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 _____

Title and Organization _____ Date _____

State of Idaho/or _____)
County of Bonneville) SS.

Subscribed and sworn (or affirmed) before me this 9 day of Aug. 19 88

SEAL

Notary Public *Ernest Carlson*

Residing at *Idaho Falls, ID*

My Commission Expires *14 June 1984*

Please Print Name

17. Notice of Appearance:

Notice is hereby given that I, _____ will be acting as attorney at law on behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature _____

Address _____

Date _____

MICROFILMED

NOV 04 1992

SCANNED
MAR 11 2005
PROTECTED

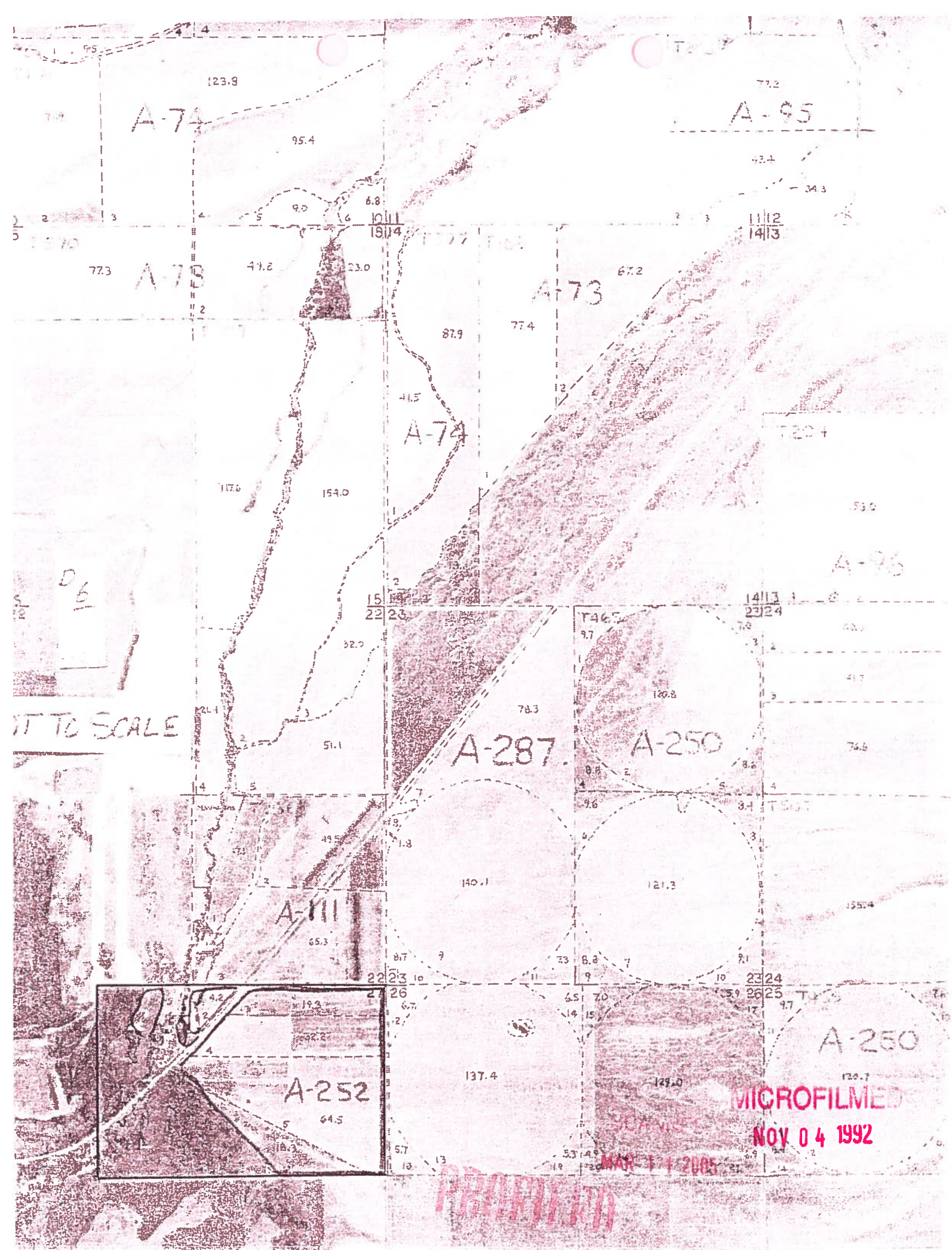
Last Name McKellar Ident. Number A22-00298C

Copies White-State, Yellow-Claimant

[illegible]

NOV 04 1992

4839



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: A22-00298A
Date Received: 8/09/1988
Receipt No: E001167
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: JOHN A. MC KELLAR 208-354-2515
Address: RT. 2, BOX 1206
DRIGGS, ID 83422

2. Date of Priority: SEP 01, 1887

3. Source: HORSE SHOE CREEK Trib. to: TETON RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
05N	44E	27	NE	NE	NW		TETON
			SE	NE	NW		TETON

5. Description of diverting works:
HEADGATE, 40 HP PUMP AND 8" MAINLINE

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/15	11/15	0.200		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
STOCK; 150 HEAD OF CATTLE AND/ OR HORSES

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
05N	44E	27	NE	NE		IRR	40.0
			NW	NE		IRR	40.0

A22-00298A

Page 1

Date: 01/20/89

A2200298A



MICROFILMED
NOV 04 1992

10. Place of Use: Continued

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
05N	44E	27	SE		NE		IRR	40.0
			SE		NW		IRR	40.0
Section Acres								160.0
Total Acres								160.0

11. Place of use in counties: TETON

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

13. Other Water Rights Used:
22-0299A, 22-0300C

14. Remarks:

15. Basis of Claim: DECREED
Water Right Number: 220298
Case Number:
Court :
Decree date: 4/17/1933

NEWELL MADSON

Decree Plaintiff

vs

R.G. MIEKLE

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): _____ 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 _____