

02/01/2005

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

RIGHT NUMBER: 22-300C

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

SOURCE: HORSESHOE CREEK

TRIBUTARY: TETON RIVER

QUANTITY: 1.600 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: 06/01/1900

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          | 1.600 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 80.0 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 22-300.



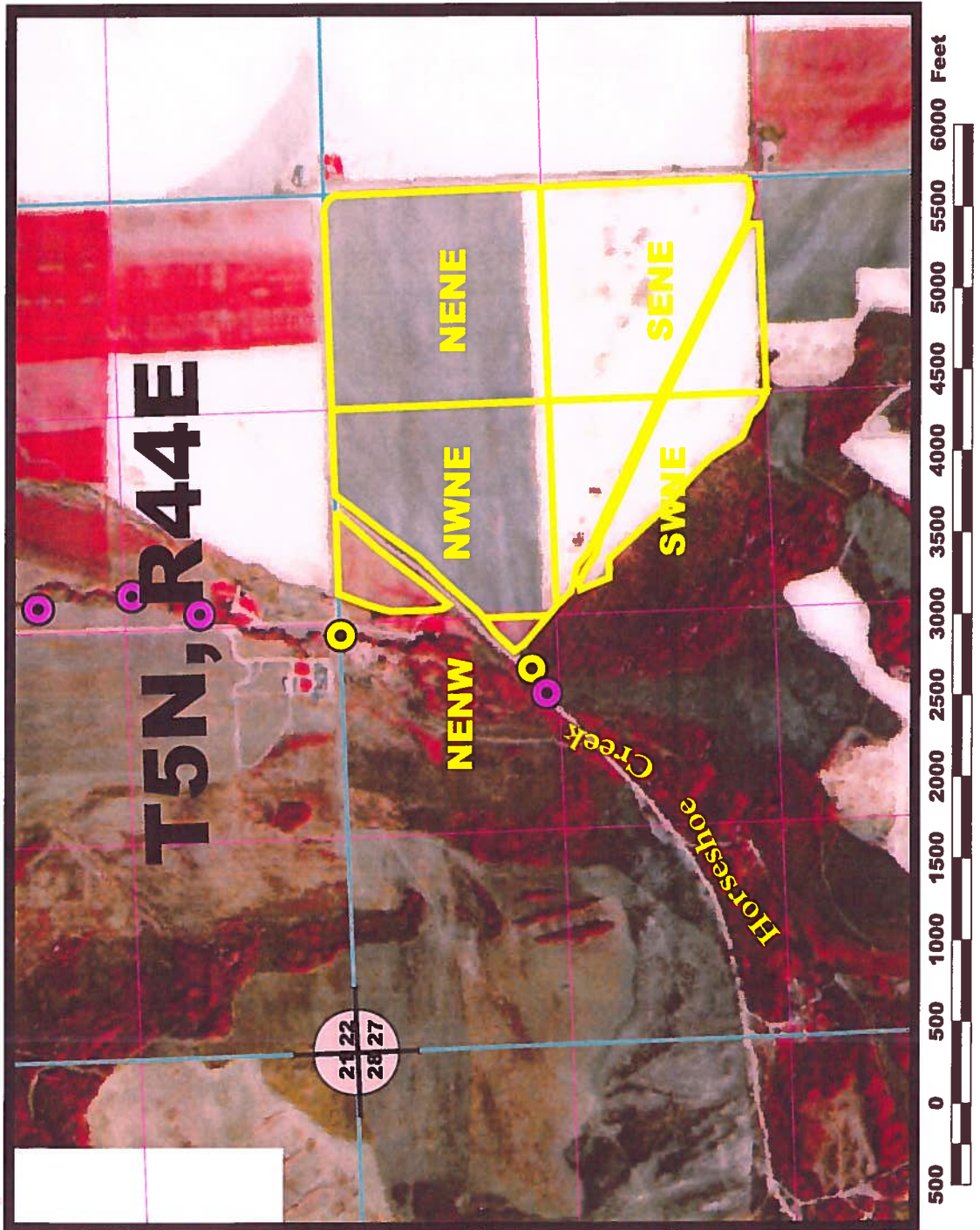
# State of Idaho

Department of Water Resources

Eastern Region

SCANNED

MAR 14 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

Claim no. \_\_\_\_\_

Claimant Contact Log

Date                      Remarks                      Agent initials

8/16/04      Visited w/ John McKellar about  
claim. He verified that a mistake  
had been made on the lands  
claimed. Please see note signed  
by John McKellar.

2/1/05      JOHN MCKELLAR WAS IN TO AMEND CLAIMS TO  
CORRECT POW. RB: 22-299A, 299A, 300C.

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90  
8/16/04

Mistake on claim - should include

SWNE of Sec. 27      25 Acres

NE NW of Sec 27      6 Acres

John L. McCreary  
Aug 16, 2004

9/08/04 ~~Doc~~ - Your PE DOES NOT ADDRESS irrig.  
in SENW.

I will AMEND THE CLAIMS AND MAIL FOR SIGNATURE upon  
THE SENW DETERMINATION — AT THIS POINT ITS A  
Question OF FACTS.



9/15/04  
90

There isn't any land in SENW that  
is irrigated. Sorry I left that out of  
field exam. The claim should  
include land described above and  
not the SENW ground

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## Contacts Data Entry Form

Claim Number: 22-300C

| Owner Type | Full Name | Address | City | State | Zip |
|------------|-----------|---------|------|-------|-----|
|------------|-----------|---------|------|-------|-----|

Current Owner: JOHN MCKOWAN 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.

CO's FROM: MW WILSON TO E. MURPHY, et al 1996  
 Murphy et al to J. WATTHAM, 2004

ORIGINAL DECISION BY REXBURG VS TOWN, 1910, AS: #200 TO  
 V. HOGSTEN, 160", HORSESHOE CR, 6/1/1900 -  
 R.G. MIERLO WM VS A. GILBERT, 04/17/1933 - REDEFINES THIS  
 RIGHT W/ SPLITS OF 22-299 AND 22-298.

WIC DATA BASE:

22-300, 3.20 cts, 6/01/1900, HORSESHOE CR

SRBA Claims/SPLITS:

22-300 A, SPLIT TO E AND F (THERE IS NO 'F' IN SRBA DATA BASE)

22-300 B, 0.160 cts, MURPHY, et al → WATTHAM

22-300 C, 1.600 cts, J. MCKOWAN

1.244

22-300 D, 1.344 cts, HORSESHOE CR AGEN

22-300 E, 0.136 cts, R. KNIGHT (PART OF A AND 11765)

3.24 cts - OVER SPLIT BY 0.04 cts

THIS ABOVE SPLITS WERE (ARE) DONE INCORRECTLY. THERE IS NO  
 PART 'F'. SR IS > THAN THE DECISION D OF 3.20 cts BY 0.04 cts (2")  
 where did it go? RECOMMENDATIONS OF THE SPLIT PORTIONS WILL  
 HOPEFULLY CORRECT THE ERROR.

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Reviewer: \_\_\_\_\_ Date: \_\_\_\_\_

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## Priority Date Data Entry Form

Claim Number: \_\_\_\_\_

Water Right Priority Date: \_\_\_\_\_ Water Right Basis: \_\_\_\_\_

Claimed Priority Date: 6/1/1900 Claimed Basis: DECREES

Recommended Priority Date: \_\_\_\_\_ Recommended Basis: \_\_\_\_\_

Document the evidence submitted/reviewed for the priority date claimed, include your analysis of the evidence:

WATCHES DECREE, 1933

Reviewer: \_\_\_\_\_

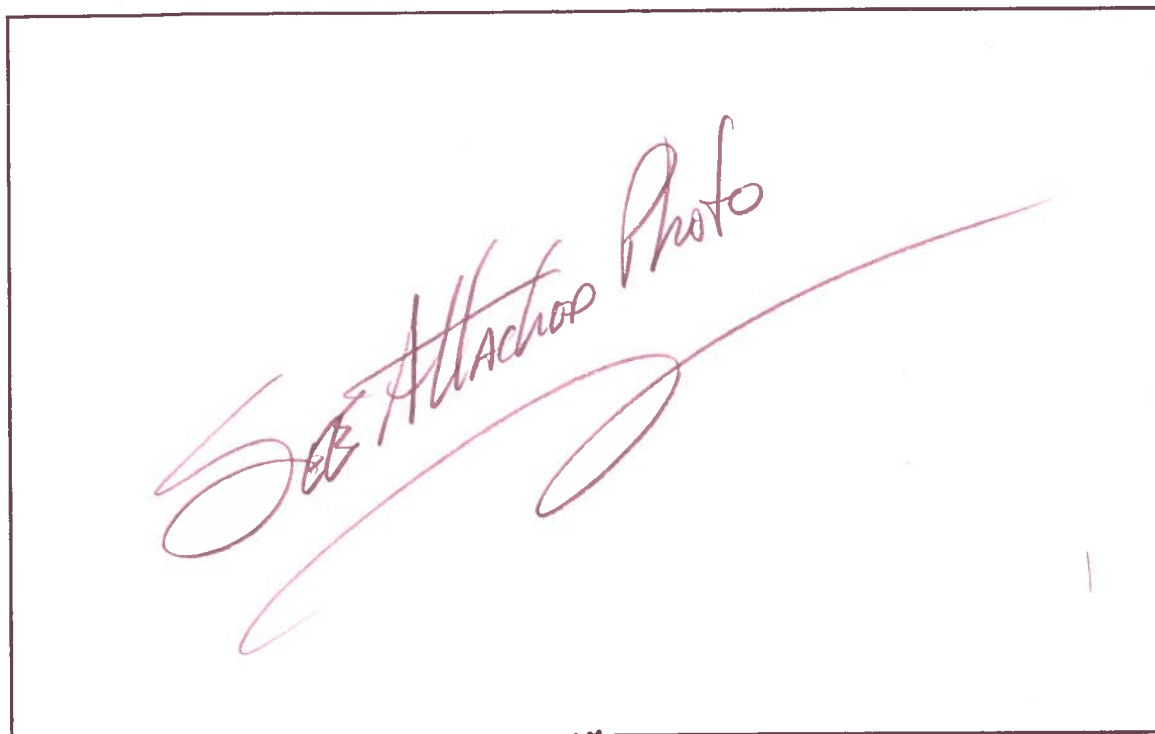
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Date: \_\_\_\_\_

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Water Right No(s). \_\_\_\_\_



GPS DATA: Headgate Tag# A00/3844

Tag # A00/3885 Location: Electric panel

Diversion Data:

Source: Horseshoe Creek Trib to: Teton River

MOTOR There is no tag on motor

Make: \_\_\_\_\_ Model: \_\_\_\_\_ Hp: 40  
SN: \_\_\_\_\_

PUMP can't read tag  
Make: Berkeley Model: \_\_\_\_\_ Disch: 8" mainline  
SN: \_\_\_\_\_

NOTES: claims 2 pts of diversion - one is a headgate;  
the other is a pump in the creek - this one more  
commonly used.

Field Exam Date: 8/17/04 Agent: ED

PROFILE

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## Point of Diversion and Source Data Entry Form

Claim Number: \_\_\_\_\_

Water Right Point(s) of diversion and Source.

Water Right Point of Diversion: T \_\_\_\_\_, R \_\_\_\_\_, Sec. \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_, County: \_\_\_\_\_

Source: \_\_\_\_\_ Tributary to: \_\_\_\_\_

Water Right Point of Diversion: T \_\_\_\_\_, R \_\_\_\_\_, Sec. \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_, County: \_\_\_\_\_

Source: \_\_\_\_\_ Tributary to: \_\_\_\_\_

Claimed Point(s) of Diversion and Source.

| Twp | Rge | Sec | Gov Lot | QQQ of QQ of Q | County | Source | Tributary to |
|-----|-----|-----|---------|----------------|--------|--------|--------------|
|     |     |     |         |                |        |        |              |
|     |     |     |         |                |        |        |              |
|     |     |     |         |                |        |        |              |

Recommended Point(s) of Diversion and Source.

| Twp | Rge | Sec | Gov Lot | QQQ of QQ of Q | County | Source | Tributary to |
|-----|-----|-----|---------|----------------|--------|--------|--------------|
|     |     |     |         |                |        |        |              |
|     |     |     |         |                |        |        |              |
|     |     |     |         |                |        |        |              |
|     |     |     |         |                |        |        |              |

Other rights from this POD? \_\_\_\_\_

Transfers Pending or approved: \_\_\_\_\_

Document how the POD and Source were verified:

8/17/04  
DD Field exam of POD shows source is Horseshoe Creek. The tags on the motor and pump are not readable. Conversation w/ Mark Trapp, who leases this ground, provided info that motor is 40hp. Discharge is into 8" mainline.

A 2nd POD for flood irrigation is a headgate upstream from the pump. They want to maintain this POD even though it isn't currently used.

Reviewer: \_\_\_\_\_ Date: \_\_\_\_\_

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FILED

## Place Of Use Data Entry Form

Claim Number: \_\_\_\_\_

| Claimed Place Of Use |     |     | QQ | Q | County | Lot Num | Acres | Purpose of Use |
|----------------------|-----|-----|----|---|--------|---------|-------|----------------|
| Twp                  | Rge | Sec |    |   |        |         |       |                |
|                      |     |     |    |   |        |         |       |                |
|                      |     |     |    |   |        |         |       |                |
|                      |     |     |    |   |        |         |       |                |
|                      |     |     |    |   |        |         |       |                |
|                      |     |     |    |   |        |         |       |                |
|                      |     |     |    |   |        |         |       |                |
|                      |     |     |    |   |        |         |       |                |

Total acres \_\_\_\_\_

| Recommended Place of Use |     |     | QQ | Q | County | Lot Num | Acres | Purpose of Use |
|--------------------------|-----|-----|----|---|--------|---------|-------|----------------|
| Twp                      | Rge | Sec |    |   |        |         |       |                |
|                          |     |     |    |   |        |         |       |                |
|                          |     |     |    |   |        |         |       |                |
|                          |     |     |    |   |        |         |       |                |
|                          |     |     |    |   |        |         |       |                |
|                          |     |     |    |   |        |         |       |                |
|                          |     |     |    |   |        |         |       |                |
|                          |     |     |    |   |        |         |       |                |

Total acres \_\_\_\_\_

Pending or approved Transfers: \_\_\_\_\_

Overlapping rights: \_\_\_\_\_

Document how the POU was verified: \_\_\_\_\_

8/14/04  
DO  
Field exam showed a mistake in POU claimed.  
There are 25 acres irrigated in SWNE of Sec 27,  
and approx 6 acres irrigated in NENW of  
Sec 27.  
The land is irrigated with pump and  
sprinklers

Reviewer: \_\_\_\_\_ Date: \_\_\_\_\_

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John McKellar's pump on Horseshoe Creek -  
There is a pump under that willow.  
Tag is on electric panel.

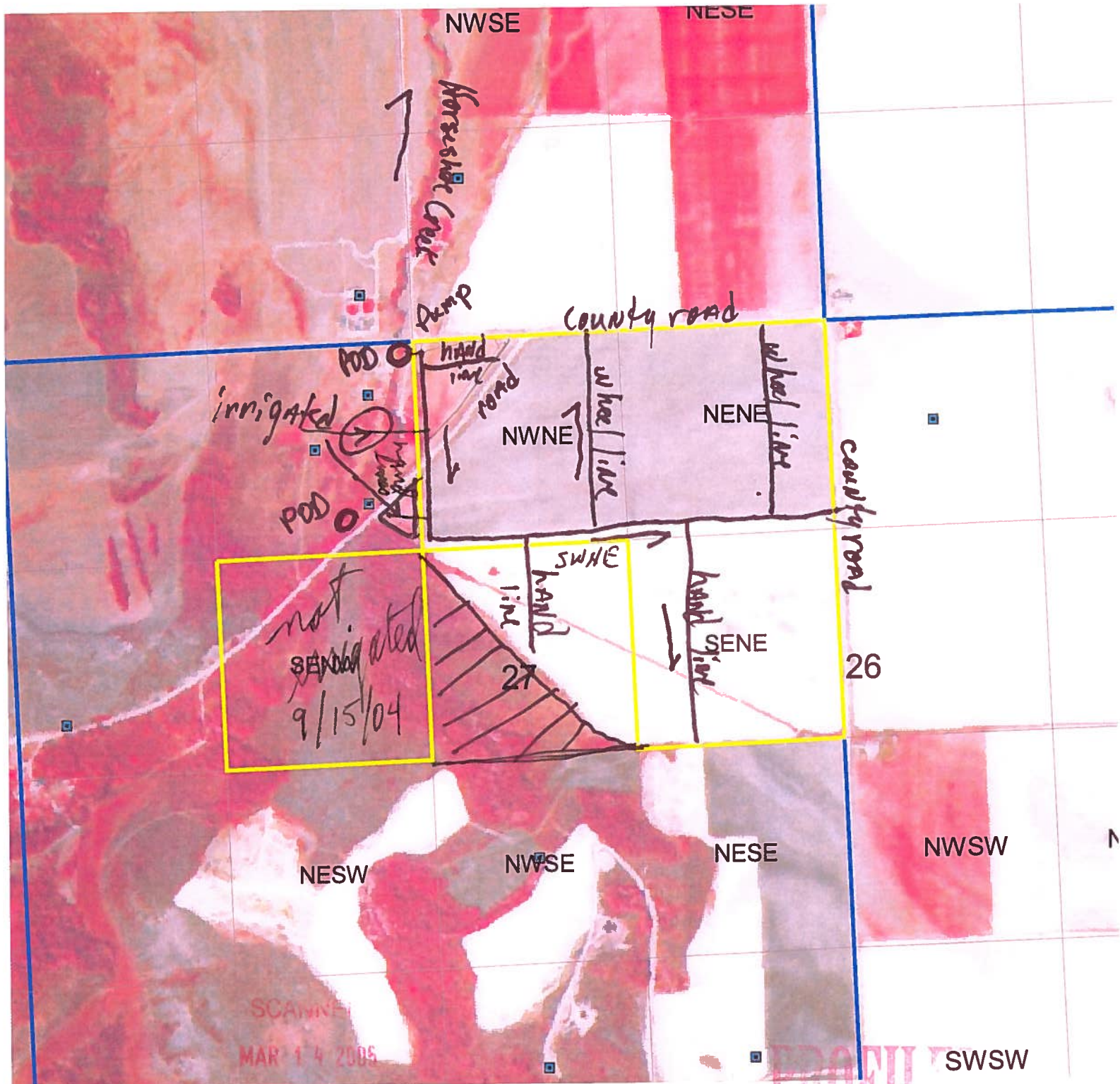
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MAR 14 2005

PROFILE

22-300C

8/14/04  
SD



~~22-1081~~  
 22-298A  
 299A  
 300C  
 306B

STATE OF IDAHO  
 DEPARTMENT OF WATER RESOURCES  
 Eastern District Office  
 900 N. Skyline Dr., Suite A  
 Idaho Falls, ID 83402-1718  
 RETURN SERVICE REQUESTED

 ☐ Not Deliverable As Addressed  
☒ Unable to Forward  
☐ Insufficient Address  
☐ Moved Left No Address  
☐ Unclaimed ☐ R. Used  
☐ Attention ☐ R. Used  
☐ No Such Street ☐ No. Known  
☐ Vacant ☐ L. In-quire  
☐ No Mail Facilitate  
☐ Box Closed No Ord'n  
☐ Returned For Better Address  
☐ Postage Due

JOHN A MC KELLAR  
 PO BOX 1206  
 DRIGGS ID 83422

★ ★ ★  
 ★ ★ ★  
 1310 U.S. POSTAGE  
 8996 \$00.370 MAR 02 2004  
 1238 MAILED FROM ZIP CODE 83402

 PITNEY BOWES™

PROFIT

750 W 100 N  
 Driggs 83422

SCANNED  
 MAR 14 2004

0127/1938

SRBA CLAIMS RECEIVING CHECKLIST

1122-00298C

CLAIMANT'S NAME

Orlando Corp

McKelley, John

CLAIM I

T. NO.

1122-00299C  
1122-00300C

DATE RECEIVED

8-9-1988

CK #

AMOUNT \$

YES

NO

1. Is the name and address complete with zip code?

☒

☐

2. 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 13,000 gpd), or (2) for surface water developed after May 20, 1971 (except for instream stockwater). USE CARE IF CLAIM IS RETURNED. REFER TO ADJUDICATION MEMOS # 1 (ADJ. CLAIMS/APPLICATIONS) AND # 9 (REJECTION OF CLAIMS). EXPLAIN IN COMMENTS.

☒

☐

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 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?

☒

☐

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 properly? If this claim is on the short form, and more than one domestic use is listed, single ownership must be stated. If not under single ownership, see Adjudication Memo # 4.

N/A

☒

☐

☐

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

☒

☐

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 checked?

☒

☐

16. 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?

☒

☐

SCANNED

Claim checked by:

Ernest Calhoun

Comments:

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MAR 14 2005

MICROFILMED

NOV 04 1992

1911027

IN THE DISTRICT COURT OF THE NINTH JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF TETON

NEWEL MADSEN, )  
Plaintiff, )  
vs. ) AT JAMES EAST M.  
R. G. NIELLE, as Water Master of ) DATE 4/12/1933  
Water District No. 360 of the )  
State of Idaho; and LOUIE BUXTON, ) Earl Floyd  
Defendants, ) CHIEF OF DIST. COURT  
and ) BY  
ALBERT GILBERT, )  
Intervenor. )

DECREE

This cause came regularly on for trial on the 12th day of April, 1932, before the Honorable Jay L. Downing, Presiding District Judge, sitting without a jury, at Griggs, 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. Nielle as Water Master of Water District No. 360 did not appear in person or by attorney. S. G. Atchler, 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 L. B. Adlefsen, as Water Master of Water District No. 330 of the State of Idaho, John H. Clausen, John E. G. Kruger, Sallie C. Gaines, Lowell Gaines, J. C. Thomson, 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 L. B. Adlefsen ceased to act as Water Master of District No. 360, as aforesaid, and that R. G. Nielle 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 L. B. Adlefsen; and it further appeared that thereafter the said original defendants, John H. Clausen, John E. G. Kruger, Sallie C. Gaines, Lowell Gaines, J. C. Thomson, 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. Nielle 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 there-upon 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's decree. Said decree was thereafter printed, signed and submitted to the Court for decision. The Court, having considered same and entered its findings of fact and conclusions of law, signed and entered into its decree, wherein it is decreed, among other things, as follows:

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 Burton, and which waters have been abandoned by the said Burton and her predecessors-in-interest, that is to say: that the plaintiff is entitled to divert from the main channel of Horsehoe 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 Horsehoe Creek at a point near the South line of the Northeast quarter of the Northwest quarter (24 1/4) 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 (18 1/4) and the East half of the Southeast quarter (21 1/4), of Section Twenty-two (22); the Northwest quarter of the Northeast quarter (16 1/4), the Northeast quarter of the Northwest quarter (19 1/4), and the East half of the Northeast quarter (23 1/4), of Section Twenty-seven (27), Township Five (5), North Range Forty-four (44), East of the Boise Meridian, in Teton County, Idaho.

2. That the defendant, Louis Burton, is entitled to divert from the main channel of Horsehoe Creek from the natural flow of water of 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 (18 1/4) 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 (16) 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 Burton 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.

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 Horsehoe Creek, from the natural flow of the water thereof, one hundred and twenty (120) miners inches of water with a priority of June 1, 1892, and forty (40) miners inches of water with a priority of June 1, 1902. 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 obstructing 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.

Jay 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 Novel Jadsen to H. C. Fickle 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 12th day of July, A. D. 1933.

Earl Floyd  
Auditor and Recorder.

By Bertha D. Westschin  
Deputy.

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 22-300C  
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: 06/01/1900

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      | SE     | NE     | NW      | TETON  |      |
| 05N      | 44E   | 27      | NE     | NE     | NW      | TETON  |      |

5. Description of diverting works:

HEADGATE, 40 HP PUMP, 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 | 1.6    | 320        |

7. Total Quantity Appropriated is:

1.6 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    |
|          |       |         | NE     | NW      | IRRIGATION    | 5     |
|          |       |         | NE     | NE      | IRRIGATION    | 30    |
|          |       |         |        |         | Section Acres | 155   |
|          |       |         |        |         | Total Acres   | 155   |

11. Place of use in counties: TETON

PROFILED

SCANNED  
MAR 14 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" 2/6/96/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):

*Donna L. Wilson*

Date: 1 Feb 05

Date: \_\_\_\_\_

State of Idaho )  
County of BONNEVILLE ) SS.

Subscribed and sworn (or affirmed) before me this

of Feb 2005

1<sup>ST</sup>  
Allen B. Ruberry

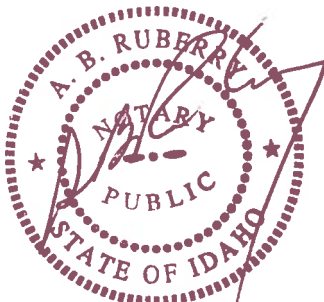
Notary Public

Residing at

POAH FALLS ID

My commission Expires

9/23/09



SCANNED

MAR 14 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: 39576

Ident. Number: A22-00300C  
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  
Address: RT 2. BOX 1206  
DRIGGS, ID

208-354-2515

83422

2. Date of Priority: JUN 01, 1900

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, 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 | 1.600  |      | 320.00 |

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

A.F.A.

8. Total consumptive use is 320.0 Acre Feet Per Annum.

9. Non-irrigation uses:  
NONE

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  |

A22-00300C

Page

1

Date: 01/18/89

A2200300C



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  |
|               |       |         | NE         | 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:  
22-0298A, 22-0299A

14. Remarks:

15. Basis of Claim: DECREED  
Water Right Number: 220300  
Case Number:  
Court :  
Decree date:

NEWELL MADSEN

Decree Plaintiff

vs

R.C. 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 \_\_\_\_\_