

03/02/2004

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

RIGHT NUMBER: 25-11809

NAME AND ADDRESS: GERALD KELLEY
BLACKFOOT RESERVOIR RD
PO BOX 400
IONA ID 83427

SOURCE: SELLARS CREEK TRIBUTARY: WILLOW CREEK

QUANTITY: 0.020 CFS

PRIORITY DATE: 06/01/1946

POINT OF DIVERSION:
T02S R40E S18 SWNWNE Within BINGHAM County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/15 10/31	0.020 CFS

PLACE OF USE: IRRIGATION Within BINGHAM County
T02S R40E S18 NWNE 1.0

1 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: Beneficial Use

RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION
PURSUANT TO SECTION 42-1425, IDAHO CODE.

RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT
TO SECTION 42-1425, IDAHO CODE.

Water Right 25-11809

PROFILED
1

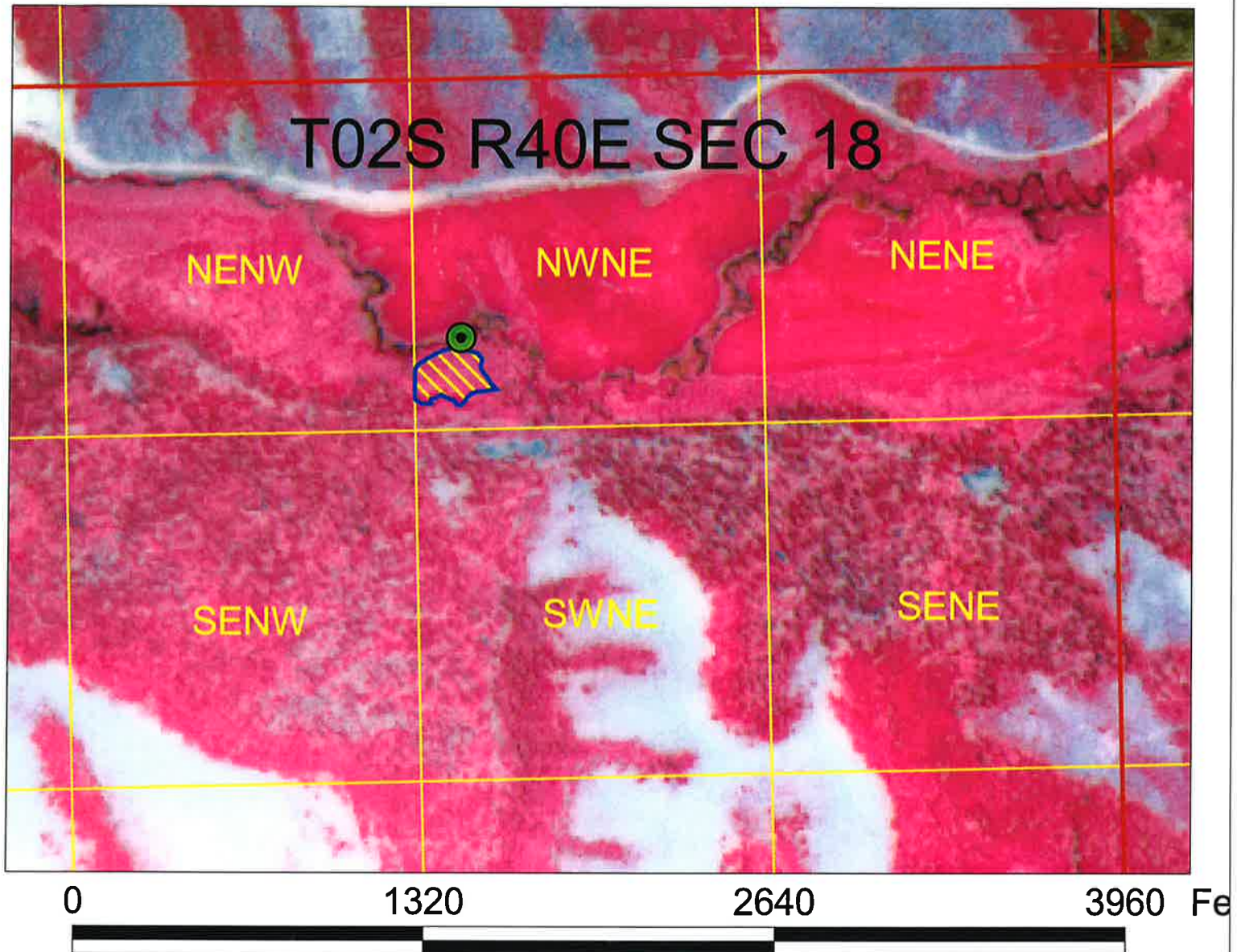
SCANNED

NOV 01 2004

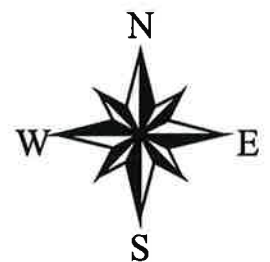


Department of Water Resources

Claim No.: 25-11809



- Point of diversion
- Place of use
- Sections
- QQ



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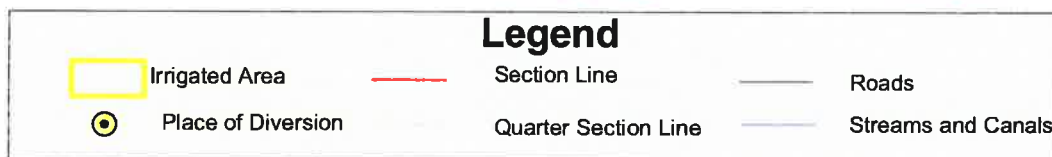
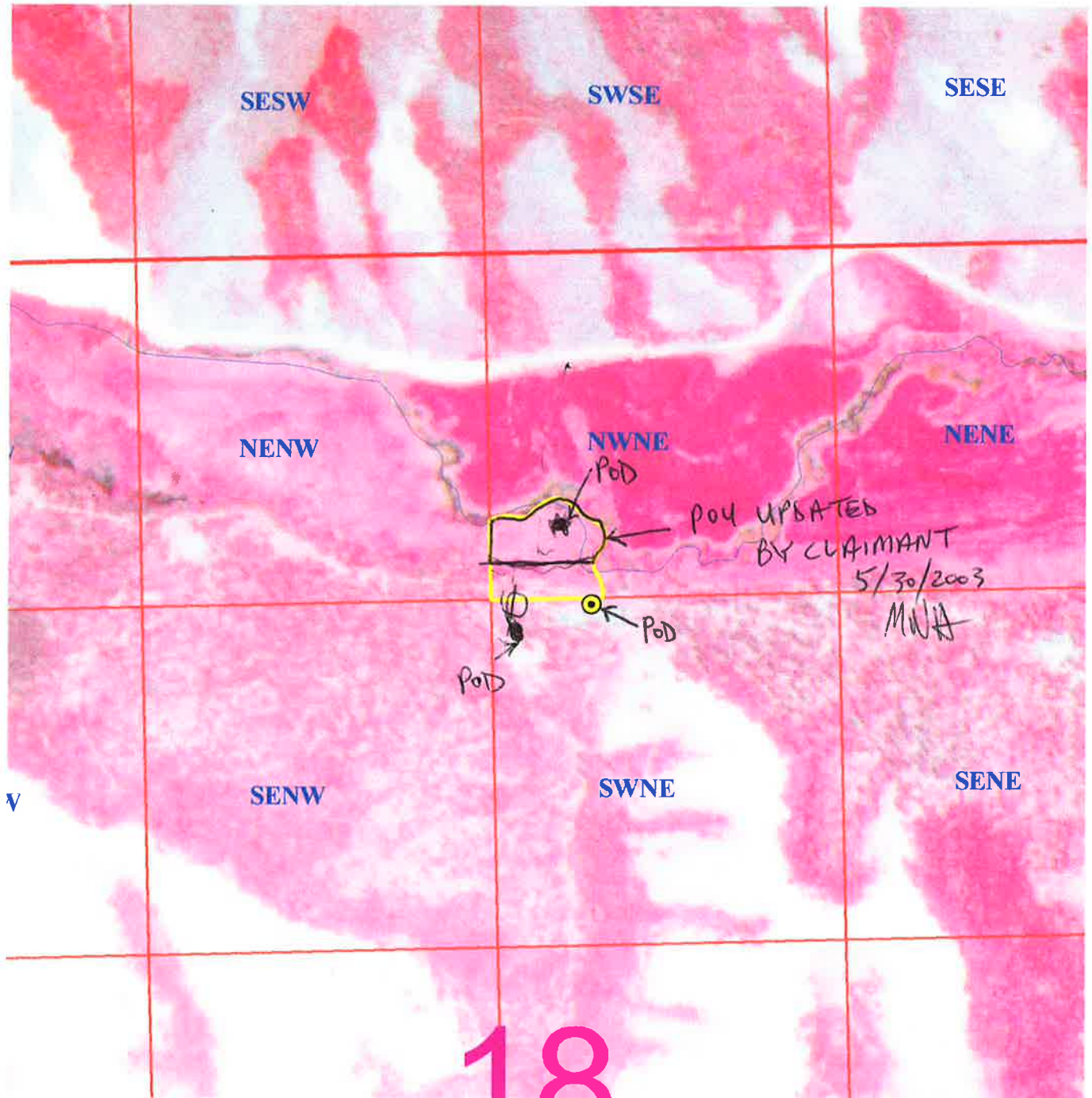
SCANNED

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GIS Place of Use Illustration
1987/88 NAPP Photography
Prepared by M. Holliday
Date: March 2004

Water Right Claim Number 25-11809
Township , 2S40E

11/09/2000

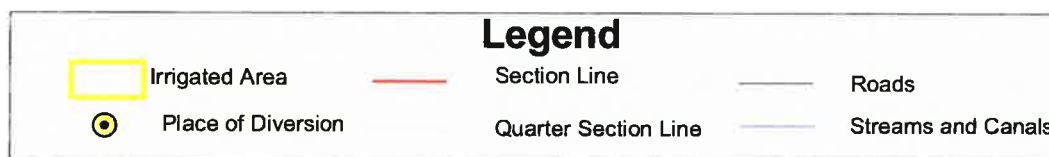
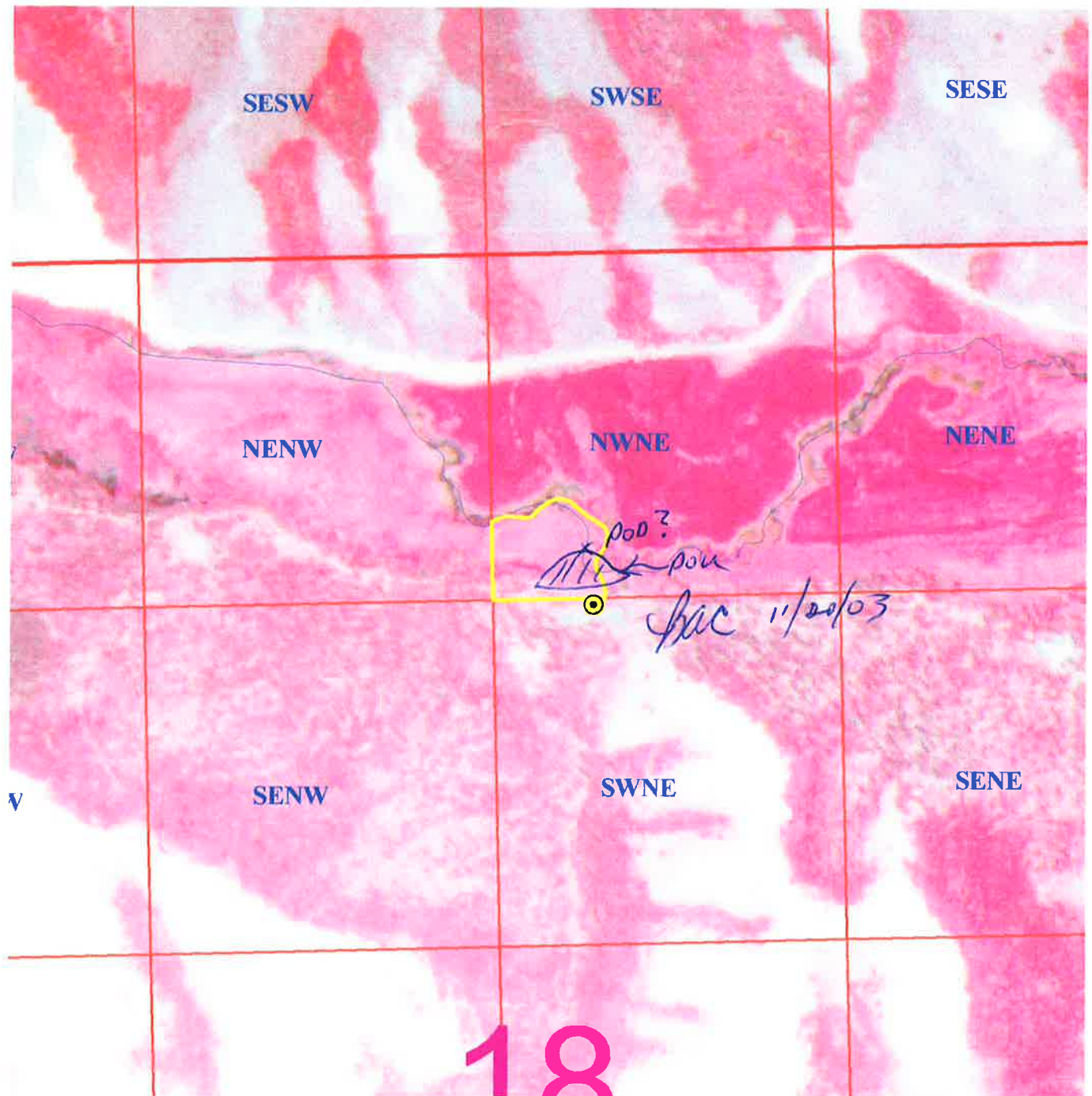


SPATIAL
DYNAMICS



Water Right Claim Number 25-11809
Township , 2S40E

11/09/2000

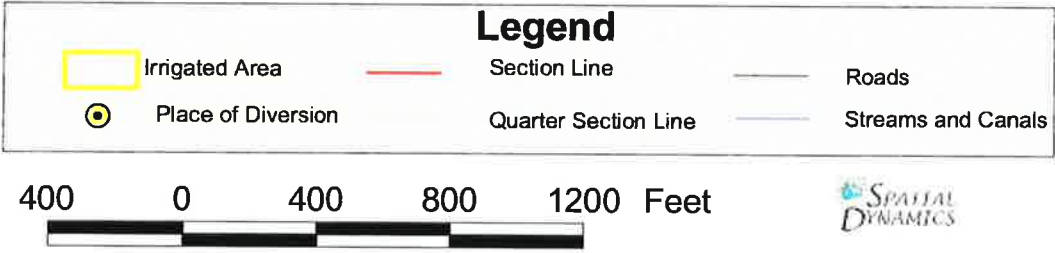
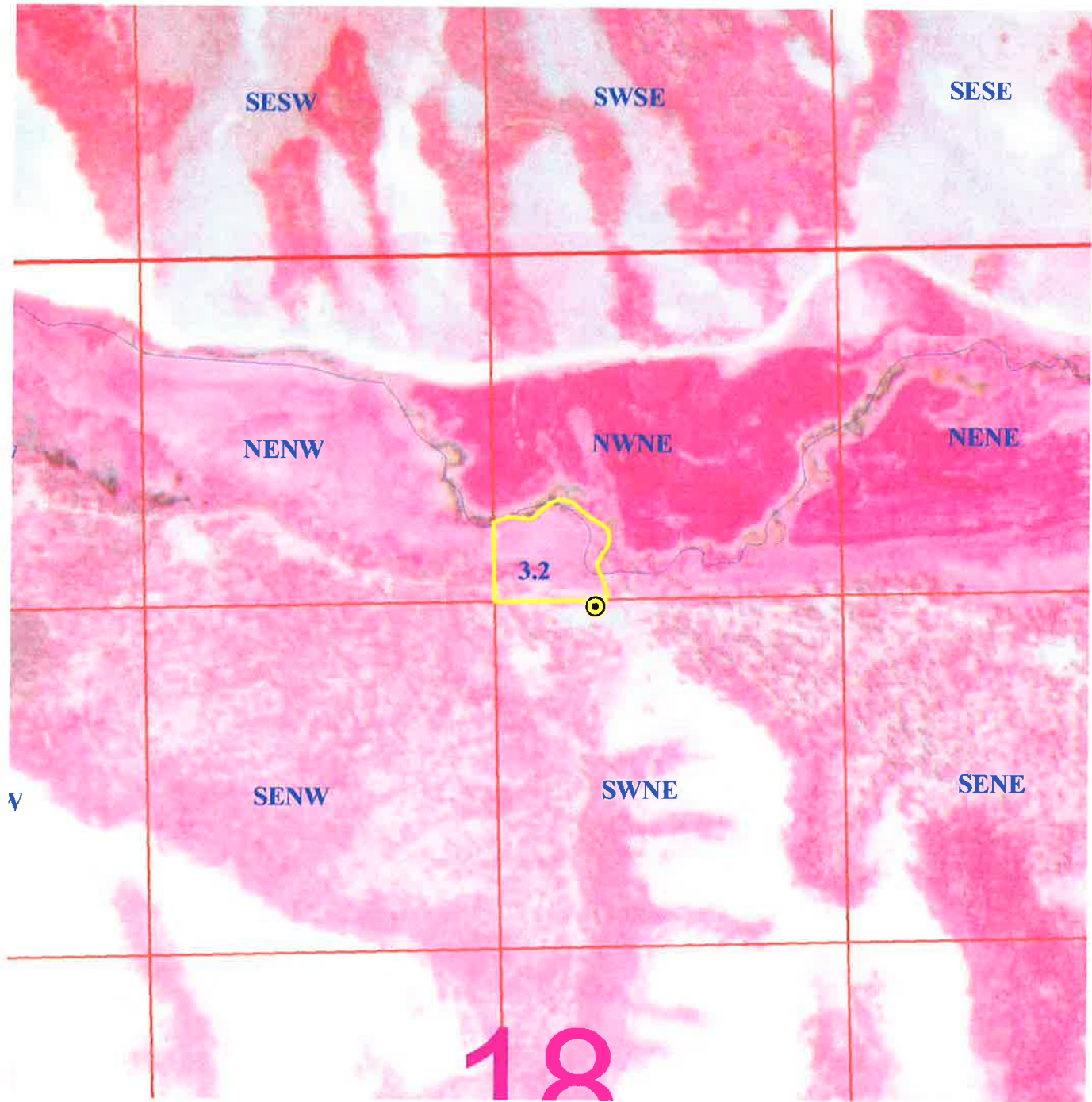


SPATIAL
DYNAMICS



Water Right Claim Number 25-11809
Township , 2S40E

11/09/2000



RECEIVED

SEP 17 2004

03/02/2004

NOTICE OF ERROR
REPLY

Department of Water Resources
Eastern Region

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS:

Water right number: 25-11809

GERALD KELLEY
BLACKFOOT RESERVOIR RD
PO BOX 400
IONA ID 83427
Telephone Number: (208) 525-6805

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):

2. Describe the changes you wish to make in the proposed recommendation:

3. Give a brief explanation as to why you disagree with these portions:

☐ I AGREE with this proposed recommendation: no changes need to be made.

DATE:

9-9-04

SIGNATURE:

Gerald Kelley *Helen Kelley*

Please print your name:

GERALD KELLEY * HELEN KELLEY

IDWR Regional Office, 900 N Skyline Dr Ste A, Idaho Falls, ID 83402, 2085257161

PROFILED
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SEP 17 2004

PROFILED



A25-11809 #2 East pod, lower spring

25-7478



A25-11809 #1 Holding tank @ east pod

25-7478

PROFILED

SCANNED

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A25-11809 #4 Historical ditch west of Cabin



A25-11809 #3 East Pond, upper spring



A25-11809 #5 Holding Tank at West POD



A25-11809 #6 Original Pod. Ditch went to right, behind tree.

This
ditch is
shown in
photo
←
last source
is old
beaver pond /
wetland off
Sellers
creek

PROFILED

SCANNED
NOV 01 2004

A25-11509 # 7

POU



SCANNED

NOV 01 2004

PROFILED

A25-11809 Contact Log

10/28/03 Post Card mailed

10/29/03 Mr. Kelly Called - he will be there Saturday AM.
1/2 mile past Bone store turn right on
Blackfoot Reservoir Road. Go 4
miles, cross Sellars creek. Turn right,
go 1 1/4 mile. On the left is a
double gate with an over head crossbar
with a sign "O L O Ranch". House
is back against a hill.

5/3/03 Claimant said there
are 3 points of diversion
and that actual POB
is about an acre of
pasture and lawn and
garden.

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NOV 01 2004

Post Card

10/28/03

Bae

PROFILED

SCANNED

NOV 01 2004

SCANNED

NOV 01 2004

PROFILED

Bryce Contor

Water Resources Field Services

General Comments

This is a small claim for domestic and stockwater from springs, and irrigation from a creek. There appears to be adequate historical basis for the use and I verified current use. Field notes are scanned and included in the photos computer directory as "A25-11809_FieldNotes.jpg." The field notes have lat/lon coordinates to aid in scaling to a map, but the GPS points are included in the write up and data file in IDTM.

The field exam is a repeat of an exam done last summer, apparently by Intrepid. See the sketch on the layout in the file. I accepted an amended claim to correspond to what I actually found. It is in the file but hasn't been data entered.

The current uses are accomplished changes in point of diversion. The domestic use is an accomplished change in place of use. The historical irrigation ditch went through the current irrigated POU but the POU may also be an accomplished change in POU.

Ownership

Change ownership to match amended claim. This was done to match the deed.

POD

Two spring PODs and one pump from the creek. I failed to get a GPS and photo of the pump POD. The claimant uses a small 5-hp gasoline portable pump just to sprinkle the lawn.

The first spring POD has two inlets about 50 feet apart. The GPS location is on the road at the side of one of the inlets, waypoint 067. IDTM coordinates 677,646E 240,846N.

The second spring POD is at waypoint 068. ITDM coordinates 677,505E 240969N.

The creek POD will be east of waypoint 70. The waypoint coordinates are 677,632E 241,105N. See layout with note "POD updated by claimant."

PROFILE

POU

The layout with the note "updated by claimant" appears to be the right shape but larger than what I saw. I should have stepped off the lawn but what I saw was about 200 - 250 long by 100 -150 feet wide, or roughly 1/2 to 3/4 acre. See the second layout with my sketch. Photo #7 shows nearly all the POU.

Overlap

None.

Conflict

None noted.

Priority

Mrs. Kelley grew up on this place and is going to mail a statement of priority. She also has a cousin whom she will ask to provide an affidavit.

Quantity

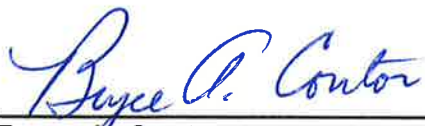
I propose standard 0.04 cfs for domestic, 0.04 for stockwater, and 0.03/acre for irrigation (since POU is less than 5 acres).

Water Use

Irrigation, domestic, and stockwater observed.

List of Photos

Prints and descriptions attached. File names correspond to print numbers.


Bryce A. Contor


Date

PROFILE

I, Keith Christensen, remember real well going to my Aunt Edith and Uncle Vestal Christensen's and played on this ditch as well as fixing rat holes and taking beaver dams out. The water from the ditch was used to irrigate a large vegetable garden and lawn. This was all taking place during the 1940's. I especially remember being there on July 4, 1942. We traditionally spent July 4th there. This little ditch provided ample water to do this amount of irrigating.

Keith L Christensen

State of Idaho) S.S.
County of Bingham

On this 1 day of March, 2004,
personally appeared before me, _____

Keith L Christensen
proved to me on the basis of satisfactory evidence, to be the person(s) whose name(s) is(are) subscribed to this instrument, and acknowledge that he(she)(they) executed the same,

S

[Signature]
Notary Public



My Commission Expires 10-27-2006

Residing at: Shelley

SCANNED

NOV 01 2004

PROFILED

2-9-04

TO WHOM IT MAY CONCERN

VESTAL CHRISTENSEN, (MY FATHER) HOMESTEDED THE PROPERTY WE LIVE ON IN 1918.

IN ABOUT 1929 HE MOVED FROM HIS HOMESTEAD TO PROPERTY $\frac{3}{4}$ MILE DOWN THE CANYON. MY FATHER AND MY GRANDFATHER DUG A DITCH FROM THE HOMESTEAD TO THE PROPERTY HE BOUGHT.

THE DITCH WAS DUG BY HAND USING THE WATER TO DETERMINE THE GRADE.

AFTER WE WERE MARRIED MY HUSBAND HAD A SMALL TRACTOR AND DITCHER THAT HE DITCHED EACH YEAR.

THIS DITCH WAS MAINTAINED UNTIL 1987 WHEN MY FATHER'S & MOTHER'S PROPERTY WAS DIVIDED AMONG THEIR HEIRS.

MY HUSBAND AND I MAINTAINED THIS DITCH FROM 1970 TO 1987. WE HAD A MOBILE HOME THAT WE LIVED IN THE SUMMER 300 YDS FROM MY PARENTS.

WE MOVED OUR MOBILE HOME TO ITS PRESENT LOCATION IN 1987. WE LIVED THERE WINTER & SUMMER FOR 13 YEARS.

SCANNED

NOV 01 2004

PROFILED

Helen Kelley
Gerald Kelley

State of Idaho) S.S.

County of Bingham

On this 7 day of Feb, 2004,
personally appeared before me.

Gerald and Helen Kelley
proved to me on the basis of satisfactory evi-
dence, to be the person(s) whose name(s) appear
subscribed to this instrument, and acknowledged
that he(she)(they) executed the same.

S

Kathy Cook
Notary Public



My Commission Expires 10-27-2006
Residing at: Shelley

SCANNED

NOV 01 2004

PROFILED

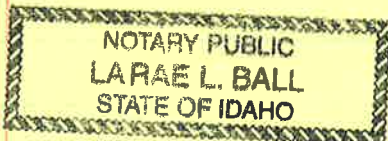
2-5-04

TO Whom it May Concern

I Wendell Day of, 132 Blackfoot Reservoir Rd
Bonne, Idaho, who was raised in The Bonne area,
and lived there for 84 years, ~~do~~ hereby
wish to state that ~~he~~ I am aware of a
ditch on the So. Side of Sellens Creek
about 1 1/2 miles long that Vestel Christensen
watered his Lawn & Garden out of for many
years.

Wendell Day

State of Idaho)
County of Bonneville) S.S.
On this 5th day of FEBRUARY, 2004, before me,
a Notary Public in and to said State personally appeared
WENDELL DAY
known to me to be the person(s) whose name(s) subscribed to the within in-
strument, and acknowledged to me that HE executed
the same.
Larae L. Ball, Notary Public
Residing at IDAHO FALLS, Idaho
Commission expires: 11-04-06



SCANNED

NOV 01 2004

PROFILED

SCANNED

AUG 01 2007

Log for claim 25-11809

Spatial Dynamics CAT

11/9/00

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
02s40e	18	NWNE	5	3.2	
Totals:			5	3.2	

AJ5809NP
No. A25-11809

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 10/18/00
PAGE: 62

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	GERALD KELLEY BLACKFOOT RESERVOIR RD PO BOX 400 IONA ID 83427 (208) 525-6805	06/01/1946	IRRIGATION	04-01 11-01	0.020 CFS	
				TOTAL DIVERSION: CONSUMPTIVE USE:	0.020 CFS	12.50 AFA

Water Source: UNNAMED STREAM

Tributary to: SELLARS CREEK

Stage: BENEFICIAL USE

Point(s) of Diversion: T02S R40E S18 NWSWNE

BINGHAM County

Place of use Legal Description for: IRRIGATION

				NE				NW				SW				SE					
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	SUM
02S	40E	18	:			05														:	5.0
																				TOTAL ACRES	5.0

POU County: BINGHAM

Non-Irrigation Uses: NONE

Other Rights: NONE

Remarks: GEN CHANGED OWNERSHIP PER REQUEST/JH/7-16-99

Dates: Exam Made Date: Verified Date: Objection Filed Date:

Misc: Water District Number: Field Inspection Flag:
Presumption Flag:

Audit: 12/01/88 JONES 02/13/91 THOMPSON 03/29/95 POST-STD 07/16/99 JHOAGLAN



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, Idaho 83402-1718 - (208) 525-7161- Fax (208) 525-7177

EASTERN REGION

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

July 20, 1999

GERALD KELLEY
BLACKFOOT RESERVOIR RD
PO BOX 400
IONA ID 83427

RE: CHANGE OF ADDRESS FOR ADJUDICATION CLAIM(S) A25-11809

Dear Mr. Kelley:

The Idaho Department of Water Resources has changed the address for the above referenced claim. Please keep a copy of this notice for your records.

Sincerely,

Jennifer Hoagland
Technical Records Specialist

Enclosure

CHANGE IN ADDRESS

This form is solely for purposes of notifying IDWR of a change in address of an adjudication claim.

[] Water Right Number(s): A25-11809

[] Old Mailing Address: 1215 N. 950 E.
Shelley, ID 83274

[] New Mailing Address: Box 400
Blackfoot Reservoir Rd.
Tona, ID 83427

[] Telephone Number: (208) 525-6805

[] Signature of Claimant: *Herald Kelley*

[] Date: July 16

FOR IDWR USE ONLY:

Initial Review and Data-Entry

Date: By:

Further Action Needed:

Further Action Taken

Date: By:

Final Review and Data-Entry

Date: By:

RECEIVED

JUL 15 1999

Department of Water Resources
Eastern Region

May 1, 1991

Gerald Kelley
1215 N. 950 E.
Shelley, ID 83274

RE: Evidence of Priority

Dear Mr. Kelley:

The Notice of Claim identified with the number shown at the end of this letter has been filed in the Snake River Basin Adjudication (SRBA). The Notice indicates the water usage is based on "Beneficial Use" or a "Statutory Claim". Water rights of this type are established by the historical use of water, dating back to when water was first used for the purpose claimed, at or on the place of use identified on the Notice. The date the water was first put to use, known as the priority date, has not been confirmed by a License, Decree, or Permit. For this reason, proof must be provided supporting the priority date.

For your reference I have provided a printout of your Notice and the pamphlet entitled **"Evidence of Priority"**. The pamphlet describes the types of evidence required and suggests which documents will fulfill this requirement. While I encourage you to read all of the pamphlet, I direct your attention to the two sections entitled **"What Kind of Evidence is Required"** and **"Some Examples of Documents Which May Be Evidence of the Priority Date"**.

It is our goal to recommend this historical water rights within the Snake River Basin as accurately as possible. Field exams to verify other items of the Notice have been or soon will be conducted by Department personnel. **But, the Department will not recommend the Notice be decreed by the court if no evidence of a priority date is submitted.**

MICROFILMED

NOV 11 1992

Gerald Kelley

Page 2

Please submit the required evidence supporting the priority date by **June 3, 1991**, referencing all documents with the corresponding Notice number. If you have any questions not covered by this letter or the enclosed pamphlet, please contact this office.

All Notices required to submit this evidence are currently being reviewed for recommendation to the court. Hence, the need for expediency on your part or your agency. every effort should be made to submit this information within 30 days of the date of this letter.

Respectfully submitted,

Ernest Carlsen
Water right Supervisor, Adjudication

EC:sc

Enclosure: Brochure on "Evidence of Priority"
Proof Report

A25-11809
GERALD KELLEY
1215 N. 950 E.

SHELLEY

ID 83274

MICROFILMED
NOV 11 1992

SCANNED

AUG 01 2001

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: A25-11809
Date Received: 12/01/1988
Receipt No: E004812
Received By: HCS

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: GERALD KELLEY 208-357-3861
Address: 1215 N. 950 E.
SHELLEY, ID 83274

2. Date of Priority: JUN 01, 1946

3. Source: UNNAMED STREAM Trib. to: SELLARS CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
02S	40E	18	NW	SW	NE		BINGHAM

5. Description of diverting works:
PIPELINE TO PLACE OF USE

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	0.020		

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

8. Total consumptive use is 12.5 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
02S	40E	18	NW	NE		IRR	5.0
						Section Acres	5.0

A25-11809

Page 1

Date: 12/01/88

MICROFILMED
NOV 11 1992

A2511809



10. Place of Use: Continued

Total Acres 5.0

11. Place of use in counties: BINGHAM

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

13. Other Water Rights Used:
NONE

14. Remarks:

15. Basis of Claim: 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 X 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): X Harold Kelley Date: X Dec 1 1988

Date: _____

State of Idaho)
County of Bonneville) ss.

Subscribed and sworn (or affirmed) before me this 1st day

of Dec 19 88

Betty J. Thompson
Notary Public

Seal

Residing at Idaho Falls

My Commission Expires 6-94

AJ0749NP
No. A25-11809

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT
(REGIONAL)

DATE: 07/16/99
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	GERALD KELLEY BLACKFOOT RESERVOIR RD PO BOX 400 IONA ID 83427 (208) 525-6805	06/01/1946	IRRIGATION	04-01 11-01	0.02 CFS	
TOTAL DIVERSION: CONSUMPTIVE USE:					0.02 CFS	12.50 AFA

Water Source: UNNAMED STREAM

Tributary to: SELLARS CREEK

Stage: BENEFICIAL USE

Point(s) of Diversion: T02S R40E S18

NWSWNE

BINGHAM County

Place of use Legal Description for: IRRIGATION

				NE				NW				SW				SE				
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	SUM
02S	40E	18	:			05														5.0
TOTAL ACRES																				5.0

POU County: BINGHAM

Non-Irrigation Uses: NONE

Other Rights: NONE

Remarks: GEN CHANGED OWNERSHIP PER REQUEST/JH/7-16-99

Dates: Exam Made Date:

Verified Date:

Objection Filed Date:

Misc: Water District Number:

Field Inspection Flag:
Presumption Flag:

MICROFILMED
NOV 1 1992

725

Ryofe

Pay.

P.P.

725-11809

