

03/01/2002

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

RIGHT NUMBER: 29-140

NAME AND ADDRESS: KOESTER FARMS INC
8997 E GRANT RD
DOWNEY ID 83234

SOURCE: SPRING CREEK

TRIBUTARY: FISH CREEK

QUANTITY: 1.00 CFS

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL
COMBINED DIVERSION RATE OF 6.22 CFS. COMBINED RIGHT NOS.: 29-11523,
29-140, 29-139.

THIS RIGHT WHEN COMBINED WITH RIGHT NOS. 29-11523, 29-140, 29-139, SHALL
PROVIDE NO MORE THAN .02 CFS PER ACRE.

PRIORITY DATE: 03/01/1888

POINT OF DIVERSION:

T09S R38E S36 SESWNE Within BANNOCK County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	4/15 9/15	1.000 CFS
THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS EARLY AS APRIL 1 AND MAY CONTINUE TO AS LATE AS OCTOBER 31, PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE OF WATER BEFORE APRIL 15 AND AFTER SEPTEMBER 15 UNDER THIS REMARK IS SUBORDINATE TO ALL WATER RIGHTS HAVING NO SUBORDINATED EARLY OR LATE IRRIGATION USE AND A PRIORITY DATE EARLIER THAN THE DATE A PARTIAL DECREE IS ENTERED FOR THIS RIGHT.		

PLACE OF USE: IRRIGATION Within BANNOCK County

T09S R38E S25	NENE	5.0	T09S R38E S25	SENE	32.0
T09S R38E S25	NESE	40.0	T09S R38E S25	SESE	40.0
T09S R38E S36	NWNE	34.0	T09S R38E S36	SWNE	20.0
T09S R39E S30	NENW	1.0	T09S R39E S30	NWNW	12.0
T09S R39E S30	SWNW	29.0	T09S R39E S30	SENW	32.0
T09S R39E S30	NESW	10.0	T09S R39E S30	NWSW	29.0
T09S R39E S30	SWSW	27.0			

311 ACRES TOTAL

USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 311 ACRES IN A SINGLE IRRIGATION
SEASON. COMBINED RIGHT NOS.: 29-11523, 29-140, 29-139.

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 50 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

Water Right 29-140

1

03/01/2002

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

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.

03/04/2003

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

RIGHT NUMBER: 29-140

NAME AND ADDRESS: KOESTER FARMS INC
ATTN KEVIN KOESTER
BOX 697
LAVA HOT SPRINGS ID 83246

SOURCE: SPRING CREEK

TRIBUTARY: FISH CREEK

QUANTITY: 1.000 CFS

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 6.22 CFS. COMBINED RIGHT NOS.: 29-11523, 29-140, 29-139.

THIS RIGHT WHEN COMBINED WITH RIGHT NOS. 29-11523, 29-140, 29-139, SHALL PROVIDE NO MORE THAN .02 CFS PER ACRE.

PRIORITY DATE: 03/01/1888

POINT OF DIVERSION:

T09S R38E S36 SESWNE Within BANNOCK County Source: SPRING CREEK

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	4/15 9/15	1.000 CFS

THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS EARLY AS APRIL 1 AND MAY CONTINUE TO AS LATE AS OCTOBER 31, PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE OF WATER BEFORE APRIL 15 AND AFTER SEPTEMBER 15 UNDER THIS REMARK IS SUBORDINATE TO ALL WATER RIGHTS HAVING NO SUBORDINATED EARLY OR LATE IRRIGATION USE AND A PRIORITY DATE EARLIER THAN THE DATE A PARTIAL DECREE IS ENTERED FOR THIS RIGHT.

PLACE OF USE: IRRIGATION Within BANNOCK County

T09S R38E S25	NENE	5.0	T09S R38E S25	SENE	32.0
T09S R38E S25	NESE	40.0	T09S R38E S25	SESE	40.0
T09S R38E S36	NWNE	34.0	T09S R38E S36	SWNE	20.0
T09S R39E S30	NENW	1.0	T09S R39E S30	NWNW	12.0
T09S R39E S30	SWNW	29.0	T09S R39E S30	SENW	32.0
T09S R39E S30	NESW	10.0	T09S R39E S30	NWSW	29.0
T09S R39E S30	SWSW	27.0			

311 ACRES TOTAL

USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 311 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 29-11523, 29-140, 29-139.

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 50 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

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

03/04/2003

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

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

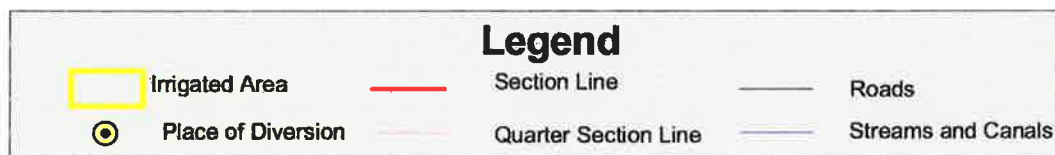
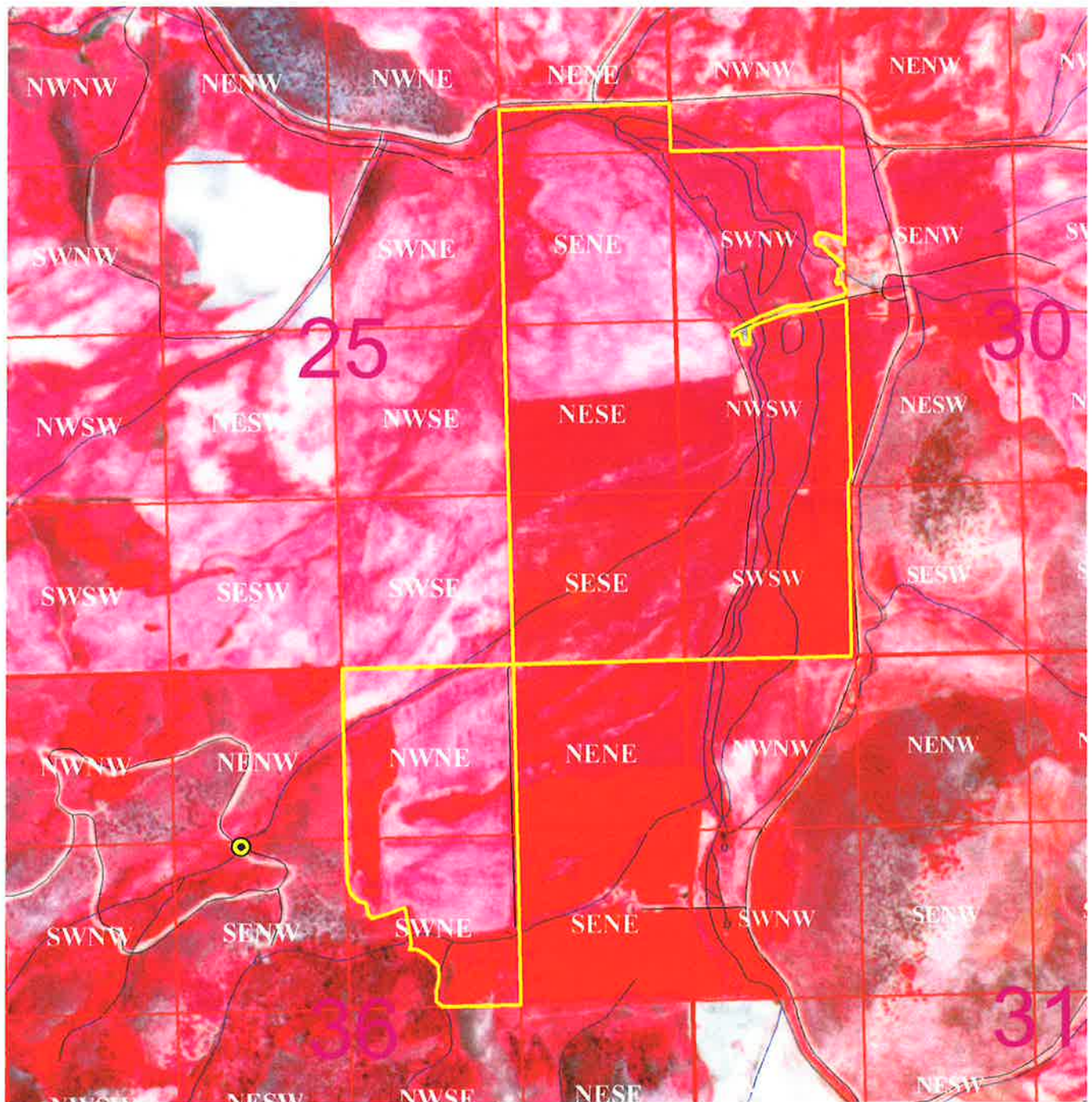
RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION
PURSUANT TO SECTION 42-1425, IDAHO CODE.

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

Water Right Claim Number A29-00140

08/04/2000

Townships , 9S39E, 9S38E

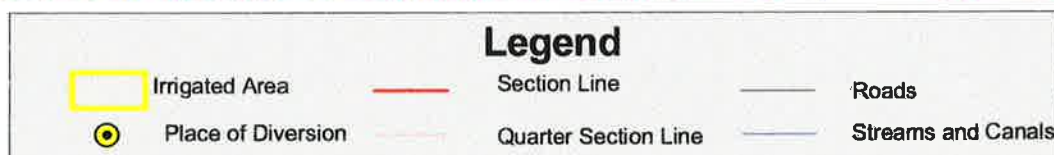
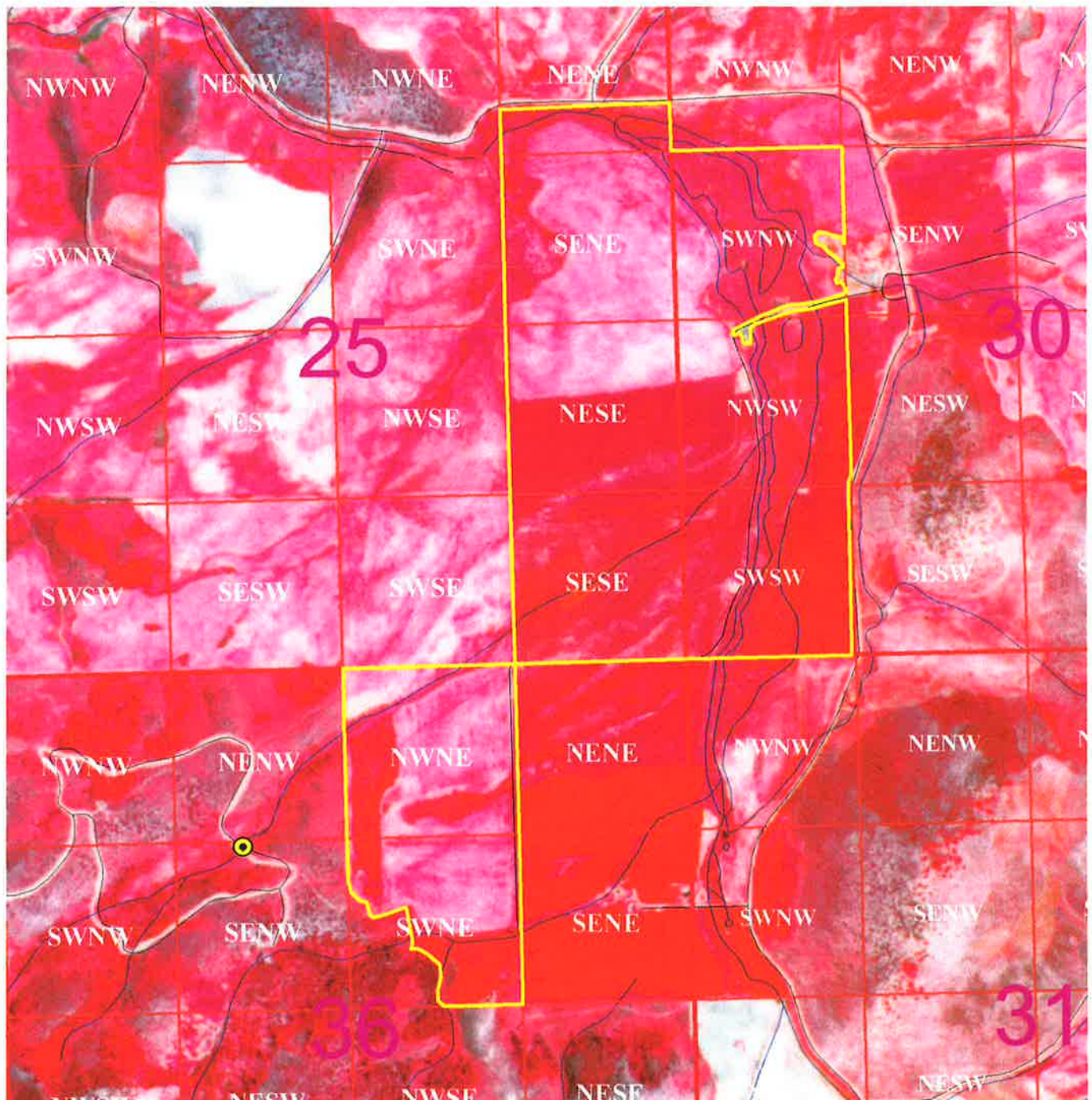


700 0 700 1400 Feet



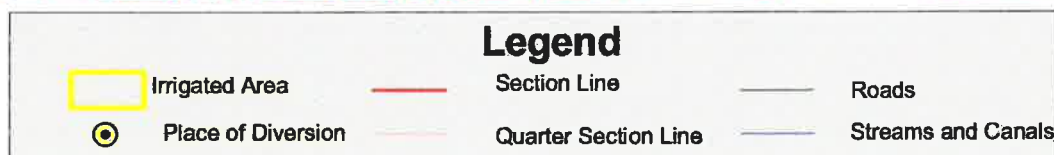
08/04/2000

Townships , 9S39E, 9S38E



700 0 700 1400 Feet

08/04/2000

[illegible]

700 0 700 1400 Feet



02/18/2003

NOTICE OF ERROR
REPLY

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: April 21, 2003

Water right number: 29-140

KOESTER FARMS INC
8997 E GRANT RD
DOWNEY ID 83234

Telephone Number: (208)897-5591

Δ Address

505 11523

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:

3/3/03

SIGNATURE:

Kevin Koester

Please print your name: _____

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

Done
3/4/03
[Signature]

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 29-140
Date Received: 4/19/1990
Receipt No: E013364
Received By: E 027096

AMENDED

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

KOESTER FARMS INC Phone: (208)897-5591
8997 E GRANT RD
DOWNEY ID 83234

RECEIVED

SEP 10 2001

Department of Water Resources
Eastern Region

2. Date of Priority: 03/01/1888

3. Source: BANSEY SPRINGS , SPRING CREEK Trib. to: SPRING CREEK , FISH CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
09S	38E	36	NE SE NW	BANNOCK	
09S	38E	36	NE SE NW	BANNOCK	

5. Description of diverting works:

RESERVOIR, CONCRETE BOX, PIPELINE, SPRINKLERS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	4/15	9/15	1	

7. Total Quantity Appropriated is:
1 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
09S	38E	25	NE NE	IRRIGATION	5

PROFILED

SCANNED

JUN 29 2005

			SE	NE	IRRIGATION	32
			NE	SE	IRRIGATION	40
			SE	SE	IRRIGATION	40
					Section Acres	117
09S	38E	36	NW	NE	IRRIGATION	34
			SW	NE	IRRIGATION	20
					Section Acres	54
09S	39E	30	NW	NW	IRRIGATION	12
			SE	NW	IRRIGATION	32
			NE	SW	IRRIGATION	10
			NE	NW	IRRIGATION	1
			SW	NW	IRRIGATION	29
			NW	SW	IRRIGATION	29
			SW	SW	IRRIGATION	27
					Section Acres	140
					Total Acres	311

11. Place of use in counties: BANNOCK

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

13. Other Water Rights Used:

14. Remarks:

CLAIM AMENDED TO ADD ACRES AND PPU OF RIGHTS 29-00140, 29-11523, 29-00139.

15. Basis of Claim: Decreed

16. Signature(s)

SCANNED
JUN 29 2005

PROFILED

(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 Organizations:

I do solemnly swear or affirm that I am Secy of
Title
Koester Farms Inc. that I have signed the foregoing
Organization
document in the space below as Secy of
Title
Koester Farms Inc. and that the statements contained in the
Organization
foregoing document are true and correct.

Signature of Authorized Agent

Secy Koester Farms Inc.
Title and Organization

Sept. 8. 01
Date

State of Idaho)
County of Bannock) SS.

Subscribed and sworn (or affirmed) before me this 8th day
of September 2001

Notary Public

Residing at Laver Hill Spring

My commission Expires May 31, 2006



SCANNED

JUN 29 2005

FILED

JUN 06 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: A29-00140
Date Received: 4/19/1990
Receipt No: ED13364
Received By: CJ

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: KOESTER FARMS, INC. 208-897-5591
Address: 8997 E. GRANT RD.
DOWNEY, ID 83234

2. Date of Priority: MAR 01, 1888

3. Source: BANSEY SPRINGS Trib. to: SPRING CREEK
SPRING CREEK FISH CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
09S	38E	36	NE	SE	NW		BANNOCK

5. Description of diverting works:
RESERVOIR, CONCRETE BOX, PIPELINE, SPRINKLERS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/15	09/15	1.000		

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

8. Total consumptive use is 470.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
09S	38E	25	NE	NE		IRR	3.0
			SE	NE		IRR	32.0
			NE	SE		IRR	40.0

A29-00140

Page 1

Date: 04/19/90

MICROFILMED

NOV 13 1992

A2900140



10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
09S	38E	25	SE	SE		IRR	38.0
						Section Acres	113.0
		36	NW	NE		IRR	28.0
			SW	NE		IRR	17.0
						Section Acres	45.0
	39E	30	SW	NW		IRR	5.0
			NW	SW		IRR	14.0
			SW	SW		IRR	11.0
						Section Acres	30.0
						Total Acres	188.0

11. Place of use in counties: BANNOCK

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

13. Other Water Rights Used:
29-00139, 29-00141, 29-00144

14. Remarks:

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date:

UNION GRAIN & ELEVATOR CO.

Decree Plaintiff

vs

MCCAMMON DITCH CO. ET. AL.

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 Organizations:

I do solemnly swear or affirm that I am Dale Foester of

Title

Foester Farms Inc., that I have signed the foregoing
Organization

document in the space below as Pres. of

Title

Foester Farms Inc. and that the statements contained in the
Organization
foregoing document are true and correct.

Dale Foester
Signature of Authorized Agent

Foester Farms Inc.
Title and Organization

4-19-90

Date

State of Idaho

County of Bonneville)
SS.

Subscribed and sworn (or affirmed) before me this 19th day

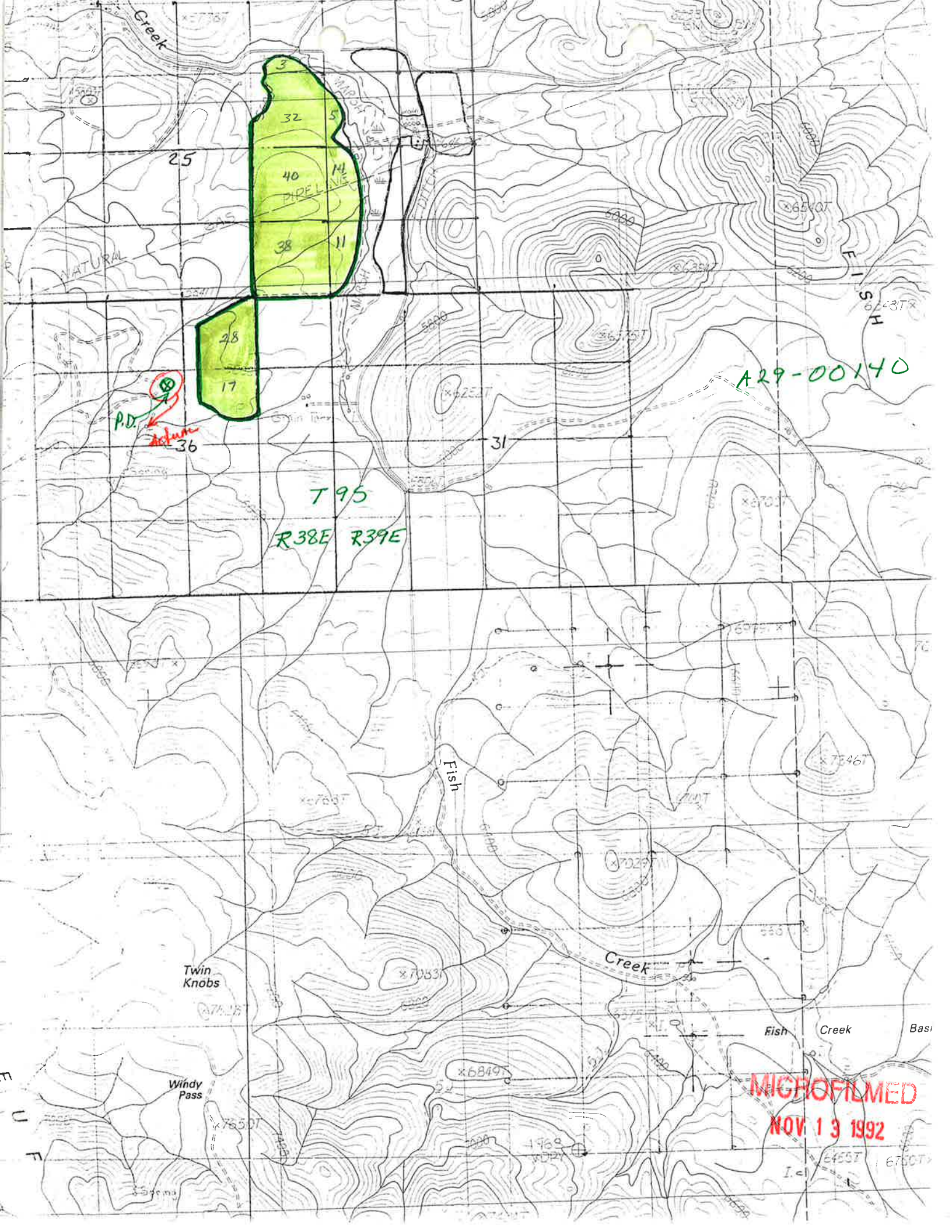
of April 19 90

Carla Fritschel
Notary Public

Seal

Residing at Eagle, Id

My Commission Expires 3-21-94



P.D.

Actual

36

T 95

R 38E R 39E

A29-00140

Twin
Knobs

Windy
Pass

MICROFILMED
NOV 13 1992