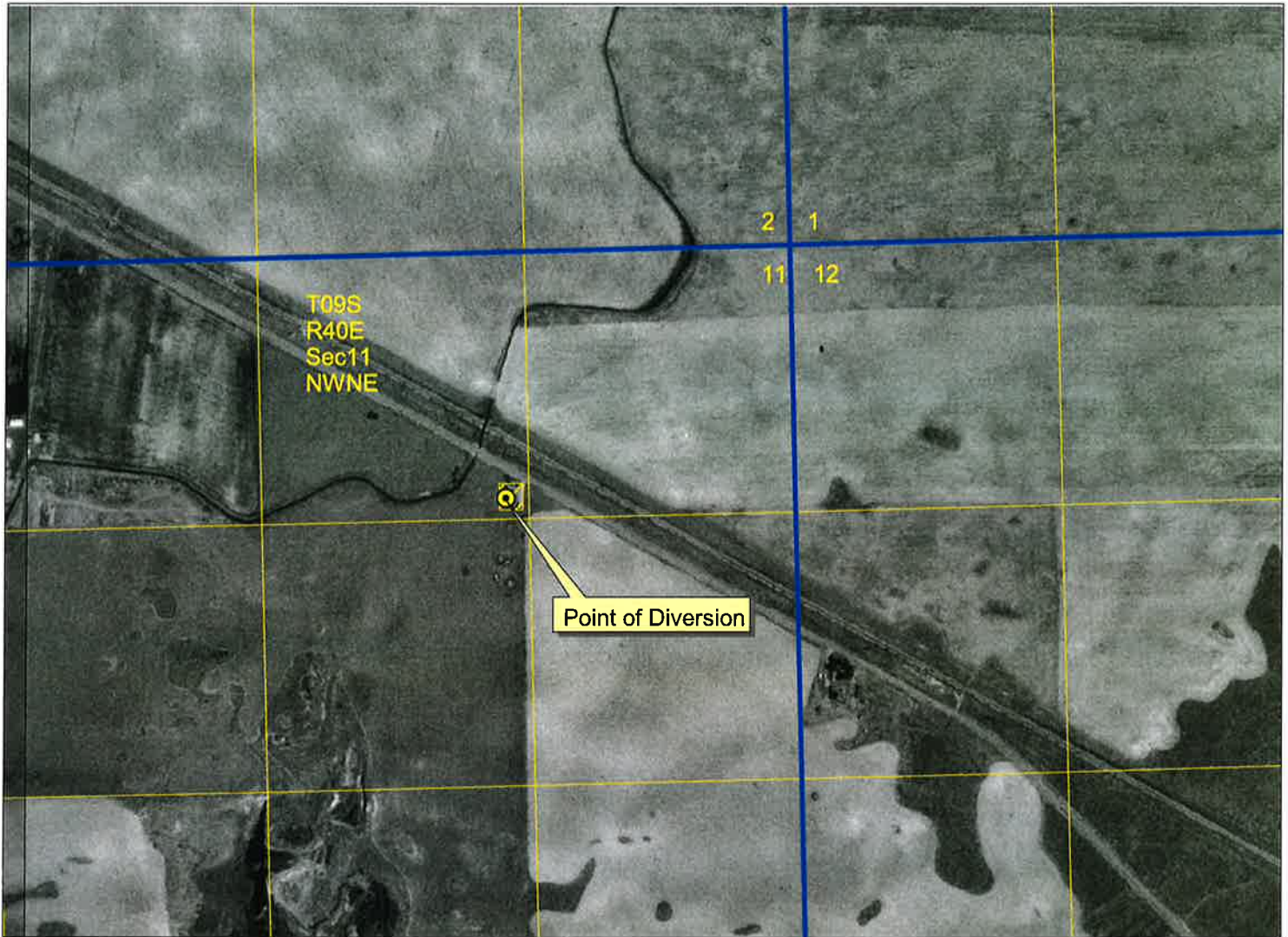


IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed



State of Idaho
Department of Water Resources
Eastern Region
Claim No.: 29-546



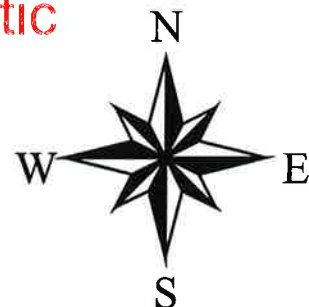
0.2 0 0.2 0.4 Miles

Irrigated Acres = Domestic

-  Well.shp
-  Place of use.shp
-  Sections
-  QQ

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IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 29-546 V1

Dates and Other Information:

Decreed Date:
 Enlargement Use Priority Date:
 Enlargement Statute Priority Date:
 Defendant:
 Plaintiff:
 Civil Case Number:
 Judicial District:
 Notice of Error Flag: NONE RECEIVED
 State or Federal: S
 Owner Name Connector:
 Water District Number:
 Generic Max Rate Per Acre:
 Generic Max Volume Per Acre:
 Swan Falls Trust or Nontrust:
 Swan Falls Dismissed:
 DLE Act Number:
 Carey Act Number:
 Mitigation Plan: False

Element Reviewed/Verified Dates:

<u>Element</u>	<u>Last Reviewed Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
Contacts	10/24/2002 1:57:49 PM	rwarnar			Active
Priority Date	10/24/2002 1:59:20 PM	rwarnar			Active
POD	10/24/2002 2:06:04 PM	rwarnar			Active
POU	10/24/2002 2:24:57 PM	rwarnar			Active
Use	10/24/2002 2:53:11 PM	rwarnar			Active
Season	10/24/2002 2:54:05 PM	rwarnar			Active
Quantity	10/24/2002 2:54:43 PM	rwarnar			Active
Summary			10/24/2002	rwarnar	Active
Source	10/24/2002 2:57:34 PM	rwarnar			Active

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
Contacts	10/24/2002 1:57:50 PM	rwarnar	(No) 1. Do you want to schedule an appointment? Comment for 1: desktop review
POD	10/24/2002 2:26:43 PM	rwarnar	Edited point location
Priority Date	10/24/2002 1:59:21 PM	rwarnar	(No) 1. Should this water use have been included in a later court decree of the water rights from this source? (Yes) 4. Is the basis of claim decree or license? (Yes) 5. Does the decree or license have a Priority Date? (Yes) 6. Did the Claimant claim the decreed or licensed Priority Date ? (Yes) 15. Is the basis of claim coded correctly? (No) 16. Is a Priority Date remark and/or condition required?

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 29-546 V1

POD	10/24/2002 2:06:05 PM	rwarner	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a POD? (No) 5. Can the claimed POD be verified using the water right file? (No) 6. Is there evidence that there has been a change in the POD? (Yes) 9. Does the file contain all the necessary information to verify the POD? (No) 10. Is a POD remark and/or condition required?
POU	10/24/2002 2:24:58 PM	rwarner	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 2a. Is the POU required? (Yes) 5. Does the Decree or License have a POU? (No) 6. Can the claimed POU be verified using the water right file? (No) 7. Is there evidence that there has been a change in the POU? (Yes) 13. Does the file contain all the necessary information to verify the POU? (No) 14. Is a POU remark and/or condition required? Description for Question 13 - arcview map review for years 1987 and 1992
Use	10/24/2002 2:53:11 PM	rwarner	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a Purpose of Use? (Yes) 5. Can the claimed Purpose of Use be verified using the water right file? (No) 13. Is a Purpose of Use remark and/or condition required?
Season	10/24/2002 2:54:06 PM	rwarner	(Yes) 1. Is the basis of claim Decree or License? (Yes) 4. Does the Decree or License have a Period of Use? (Yes) 5. Can the claimed Period of Use be verified using the water right file? (No) 14. Is irrigation claimed as a Purpose of Use? (No) 18. Is a Period of Use remark and/or condition required?
Quantity	10/24/2002 2:54:44 PM	rwarner	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a diversion rate and/or volume? (Yes) 5. Can the claimed diversion rate and/or volume be verified using the water right file? (Yes) 8. Does the parent right have an annual diversion volume limit? (No) 10. Is a irrigation a purpose of use? (No) 12. Is a Quantity remark or condition required?

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 29-546 V1

Summary	10/24/2002 2:57:05 PM	rwarner	(Yes) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice? (No) 2. Does any evidence indicate a five year period of continuous nonuse occurred that could result in recommending forfeiture or partial forfeiture? (Yes) 5. Is an additional remark and/or condition required? (Yes) 6. Would you like to view the recommended right? (No) 7. Is this a split or combined right? (No) 8. Do you have documents you would like to attach or link to the file? (Yes) 9. Would you like to set the verification date?
Source	10/24/2002 2:57:35 PM	rwarner	(Yes) 1. Is the basis of claim Decree or License? (Yes) 4. Does the Decree or License have a source? (Yes) 5. Can the claimed source be verified using the water right file? (No) 11. Is a Source remark and/or condition required?

02/08/2003

Roger

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: 29-546

JANA LYNN KESLER

PO BOX 843

SODA SPRINGS ID 83276

Telephone Number: (208) 425-3460

RECEIVED

APR 23 2003

Department of Water Resources
Eastern District Office

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:

4-21-03

SIGNATURE:

Jana Lynn Kesler

Please print your name:

Jana Lynn Kesler

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

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IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 29-546 V1

WATER RIGHT NUMBER: 29-546 V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	Jana Lynn Kesler P.O. BOX 843 SODA SPRINGS, ID 83276 (208) 425-3460
Original Owner	MARY A KESLER PO BOX 843 SODA SPRINGS, ID 83276

Priority Date: 06/01/1917

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
DOMESTIC	01/01 to 12/31	0.040 CFS	1.20 AF
	<u>Total Diversion:</u>	0.040 CFS	1.20 AF

Location of Point(s) of Diversion

GROUND WATER	NW1/4NE1/4	Sec. 11, Twp 09S, Rge 40E, B.M.
CARIBOU County		

Place of Use

DOMESTIC

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
09S	40E	11		X															

Conditions of Approval:

1. C18 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.
2. x01 Domestic use is for 1 home.

Remarks:Comments:

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MAR - 4 2002

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

Department of Water Resources

Please print or type. Attach pages with additional information. Instructions are included at the end of this form.
 Incomplete forms will be returned.

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided (under the "split" heading), if the change in ownership is limited to a portion of a water right in which case division of the existing water right or adjudication claim record will be required.

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
<u>29-546.</u>					

2. The following **REQUIRED** information must be submitted with this form:

- A. The appropriate **FILING FEE**. See instructions for fee amounts. \$25.00.
- B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.
- C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
PLAT OF PROPERTY or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).

OR:

If your water right(s) and/or adjudication claim(s) is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY** or **SURVEY MAP**.

3. Name and Address of Former Owner/Claimant(s) Mary Kesler.
P.O. Box 843 Soda Springs, ID.
4. New Owner/Claimant(s) Jana Lynn Kesler
 Name Connector (Check one): ☐ and, ☐ or, ☐ and/or
- New Mailing Address P.O. Box 843
- City, State and ZIP Code Soda Springs, ID 83276.
- New Telephone Number (208) 425-3460
5. Date you acquired the property 7-13-1999

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6. If the change in ownership affects the entire water right for each water right or adjudication claim number listed in item 1, THEN SKIP THIS ITEM AND GO TO ITEM 7. If the change in ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (one water right per box, you may copy this page as necessary). If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

7. Signature of New Owner(s) or Claimant(s) Jana Lynn Kessler
(include title if applicable) _____

For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him/her for all matters related to your claims.

For Office Use Only
 Received by [Signature] Date 3-4-02 Fee \$25.00
 Received by [Signature] Date 3-4-02 Receipt No. CO60348
 Processed by _____ AJ Date _____ WR _____ Date _____

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WARRANTY DEED

For Value Received **MARY A. KESLER, a widow**, the grantor, P. O. Box 843 Soda Springs, Idaho, does hereby grant, bargain, sell and convey unto **JANA LYNN KESLER, a single person**, of P. O. Box 843 Soda Springs, Caribou County, Idaho 83276 the grantee, the following described premises, to-wit:

SEE EXHIBIT "A" attached hereto

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantees, their heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantees, that she is the owner in fee simple of said premises; that said premises are free from all encumbrances and that they will warrant and defend the same from all lawful claims whatsoever.

Mary Ann Kesler
MARY A. KESLER

STATE OF IDAHO)

: ss.

County of Caribou)

On this 13th day of July, 1999, before me the undersigned, a notary public in and for said County and State, personally appeared **Mary A. Kesler, a widow**, known or identified to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that she executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year in this certificate first above written.

Donna Jean Benson
NOTARY PUBLIC FOR THE STATE OF IDAHO
Residing at: Soda Springs, Idaho
My commission expires: 8/15/2003

STATE OF IDAHO }
County of Caribou } ss

159463

I hereby certify that this instrument was filed at the request

of Caribou Title
at 3:10 o'clock P m this 13 day of
July, 1999 in my office and duly

recorded Official Records

Recorder Edie Izatt

Signature

Denise Horsley
Deputy 1800

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15355

Caribou County, Idaho:

Township 9 South Range 40 East of the Boise Meridian:

Section 11: SEXNEX, EXSEX.

Section 12: EXEX, SWXSEX, SWXNW, WXSX, SEXSW, and that part of the NEXSW lying South of the Southerly right of way line of U. S. Highway No. 30-N.

EXCEPT THEREFROM any portion of the above described premises lying with the right of way of U. S. Highway 30-N and the Oregon Shortline Railroad right of way, and the right of way of the State Highway No. 34.

ALSO EXCEPT THEREFROM the following described tract:

A parcel of land being a portion of the "Y" Connection of State Highway No. 34 and U. S. Highway 30 as shown on the plans of Project No. S.A.P. 72-A Highway Survey now on file in the office of the Department of Highways of the State of Idaho, and being a portion of the SWXSEX of Section 12, T. 9 S., R. 40 E., B.M., described as follows:

Commencing at the South Quarter corner of Section 12; thence North 89°25' East along the South line of said Section 12 a distance of 50.0 feet, more or less, to a point in a line parallel with and 50.0 feet Easterly from the centerline of existing State Highway No. 34, Project No. S.A.P. 72-A Highway Survey, and being the TRUE POINT OF BEGINNING, and running

thence North 0°30' West along said parallel line 910.0 feet, more or less, to a point opposite Station 2+13.8 of said Highway Survey;

thence continuing North 0°30' West 50.0 feet, more or less, to a point in a line parallel with and 33.0 feet Southwesterly from the centerline of existing U.S. Highway No. 30, Project No. F.A.P. 112-A Highway Survey, as shown on the plans of Project No. S.A.P. 72-A Highway Survey;

thence along said last parallel line as follows:

Southeasterly along a 1943.0 foot radius curve left 530.0 feet, more or less, to a point opposite Station 1445+99.0 of said U. S. Highway No. 30, Project No. F.A.P. 112-A Highway Survey, South 69°15' East 760.0 feet, more or less to a point in a line parallel with and 40.0 feet Northwesterly from the centerline of existing State Highway No. 34, Project No. "Y" Connection S.A.P. 72-A Highway Survey;

thence along said last parallel line as follows:

Southwesterly along a 676.6 foot radius curve left 80.0 feet, more or less, to a point opposite Station (minus) -0+26.1 of said State Highway No. 34, Project No. "Y" Connection S.A.P. 72-A Highway Survey, South 76°25' West 729.0 feet to a point opposite Station 7+02.9 of said State Highway No. 34, Project No. "Y" Connection S.A.P.

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72-A Highway Survey, Southwesterly along a 613.0 foot radius curve left 455.0 feet, more or less, to a point in the South line of said Section 12;
thence South 89°25' West along said South line 20.0 feet, more or less,
to the TRUE POINT OF BEGINNING.

ALSO EXCEPT THEREFROM the following described tract:

Beginning at the Southeast corner of the SW¼SE¼ of Section 12, aforesaid; thence Northerly along the East line of the SW¼SE¼ of said Section 12, a distance of 485.0 feet, more or less, to a point that bears North 20°34'30" East 33.0 feet from Station 1454+44 of Project No. S.T.S. 1481(526) Highway Survey; thence North 48°18'01" West 47.17 feet to a point in a line parallel with and 50.0 feet Northeasterly from the center line and bears North 20°34'30" East from Station 1454+00 of said Highway Survey; thence North 69°25'30" West along said parallel line 365.0 feet to a point opposite Station 1450+35 of said Highway Survey, and being the TRUE POINT OF BEGINNING, and running

thence continuing along said last parallel line 135.0 feet to a point opposite Station 1449+00 of said Highway Survey;

thence North 63°42'52" West 20.1 feet to a point that bears North 20°34'30" East 52.0 feet from Station 1448.80 of said Highway Survey;

thence North 20°34'30" East 248.0 feet;

thence South 69°25'30" East 155.0 feet;

thence South 20°34'30" West 250.0 feet,
to the true point of beginning.

ALSO EXCEPT THEREFROM, a parcel of land being on both sides of the centerline of U.S. Highway No. 30-N, Project No. STS-1481 (526) Highway Survey as shown on the plans thereof now on file in the office of the Department of Highways of the State of Idaho and being a portion of the SE¼SW¼ and SW¼SE¼ of Section 12, aforesaid, described as follows, to-wit:

Commencing at the South Quarter corner of Section 12; thence Northerly along the West line of the SW¼SE¼ of said Section 12 a distance of 1040.0 feet, more or less, to a point in the Southwesterly right of way line of existing U.S. Highway No. 30N, and being the TRUE POINT OF BEGINNING, and running

thence Southeasterly along said Southwesterly right of way line 1475.0 feet, more or less, to a point in the East line of said SW¼SE¼;

thence Northerly along said East line 72.0 feet, more or less, to a point that bears North 20°34'30" East 33.0 feet from Station 1454+44 of said U.S. Highway 30N, Project No. STS-1481(526) Highway Survey;

thence North 48°18'01" West 47.17 feet to a point in a line parallel with and 50.0 feet Northeasterly from the center

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line and bears North 20°34'30" East from Station 1454+00
 said Highway Survey;
 thence North 69°25'30" West along said parallel line 500.0
 feet to a point opposite Station 1449+00 of said Highway
 Survey;
 thence North 63°42'12" West 100.50 feet to a point that bears
 North 20°34'30" East 60.0 feet from Station 1448+00 of
 said Highway Survey;
 thence North 73°52'05" West 129.09 feet to a point in a line
 parallel with and 50.0 feet Northeasterly from the center
 line and bears North 20°34'30" East from Station
 1446+71.30 of said Highway Survey;
 thence along said last parallel line as follows:
 Northwesterly along a 1996.48 foot radius curve right
 911.98 feet to a point opposite Station 1437.36.50 of
 said Highway Survey, North 43°15' West 71.50 feet to a
 point in the North line of the SE½SW¼ of said Section 12;
 thence Westerly along said North line 140.0 feet, more or
 less, to a point in a line parallel with and 50.0 feet
 Southwesterly from the centerline and bears South 56°45'
 West from Station 1435.73.0 of said Highway Survey;
 thence along said last parallel line as follows:
 South 40°15' East 163.50 feet to a point opposite Station
 1437+36.50 of said Highway Survey, Southeasterly along a
 2096.48 foot radius curve left 293.0 feet, more or less,
 to a point in the East line of said SE½SW¼;
 thence Northerly along said East line 22.0 feet, more or
 less,
 to the true point of beginning.
 ALSO EXCEPT THEREFROM, Beginning at the Southeast corner of
 the SW½SE¼ of Section 12; thence Northerly along the East
 line of the SW½SE¼ of said Section 12, a distance of 485.00
 feet, more or less, to a point that bears North 20°34'30"
 East 33.0 feet from Station 1454+44 of Project No. S.T.S.
 1481(526), Highway Survey; thence North 48°18'01" West 47.17
 feet to a point in a line parallel with and 50.0 feet
 Northeasterly from the centerline and bears North 20°34'30"
 East from Station 1454+00 of said Highway Survey; thence
 North 69°25'30" West along said parallel line 365.0 feet to
 a point opposite Station 1450+35 of said Highway Survey, and
 being the TRUE POINT OF BEGINNING, and running
 thence continuing along last parallel line 135.0 feet to a
 point opposite Station 1449+00 of said Highway Survey;
 thence North 63°42'52" West 20.1 feet to a point that bears
 North 20°34'30" East 52.0 feet from Station 1448+80 of
 said Highway Survey;
 thence North 20°34'30" East 248.0 feet;
 thence South 69°25'30" East 155.0 feet;
 thence South 20°34'30" West 250.0 feet,
 to the true point of beginning.

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ALSO EXCEPT THEREFROM, a parcel of land being on the Northerly side of the centerline of U.S. Highway No. 30, Project No. F-RF-1481(14) Highway Survey as shown on the plans thereof now on file in the office of the Idaho Transportation Department, Division of Highways, and being a portion of the SE~~X~~SE~~X~~ of Section 11 and the S~~X~~S~~X~~ of Section 12, aforesaid, described as follows, to-wit:

Beginning at the Southeast corner of Section 11;
thence Westerly along the South line of said Section 11, a distance of 1304.0 feet, more or less, to the Southwest corner of the SE~~X~~SE~~X~~ of said Section 11;
thence Northerly along the West line of said SE~~X~~SE~~X~~ a distance of 102.0 feet, more or less, to a point in a line parallel with and 110.0 feet Northerly from the centerline of said U.S. Highway No. 30, Project No. F-RF-1481(14) Highway Survey;
thence South 89°58'40" East along said parallel line 6606.0 feet, more or less, to a point in the East line of Section 12, aforesaid, which point is opposite Station 823+85.59 of said Highway Survey;
thence South 0°03'51" East along said East line 70.0 feet, more or less, to the Southeast corner of said Section 12 and which point bears North 0°01'20" East 37.7 feet from Station 823+85.67 of said Highway Survey;
thence Westerly along the South line of Section 12 a distance of 5302.0 feet, more or less, to the point of beginning.

ALSO EXCEPT THEREFROM, a parcel of land being on the Westerly side of the centerline of State Highway No. 34 Project No. Q-RS-1778(19) Highway Survey as shown on the plans thereof now on file in the office of the Idaho Transportation Department, Division of Highways, and being a portion of the SE~~X~~SW~~X~~ of Section 12, more particularly described as follows:

Beginning at the South Quarter corner of Section 12;
thence Northerly along the East line of the SE~~X~~SW~~X~~ of said Section 12 a distance of 85.0 feet, more or less, to a point in the North right of way line of proposed U. S. Highway No. 30 as shown on the plans of Project No. RF-1481(14) Highway Survey on file in the office of the Idaho Transportation Department, Division of Highways, and being the TRUE POINT OF BEGINNING, and running
thence continuing Northerly along said East line 925.0 feet, more or less, to a point in the Southwesterly right of way line of existing U.S. Highway No. 30, as described in that certain Warranty Deed dated August 5, 1965, recorded September 1, 1965, as instrument No. 55201, in the records of Caribou County, Idaho;
thence Northwesterly along said existing Southwesterly right of way line 300.0 feet, more or less, to a point that bears South 47°02'29" West 50.0 feet from Station

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261+74.62 of the Future Connection Survey as shown on the plans of said State Highway No. 34, Project No. Q-RS-1778(19) Highway Survey;
thence South $12^{\circ}33'41''$ East 508.26 feet to a point in a line parallel with and 80.0 feet Westerly from the centerline and bears South $89^{\circ}49'14''$ West from Station 256+05.23 of said Future Connection Survey;
thence South $0^{\circ}10'46''$ East along said parallel line and a line parallel with and 80.0 feet Westerly from the centerline of said State Highway No. 34, Project No. Q-RS-1778(19) Highway Survey extended Northerly 609.72 feet to a point in the North right of way line of said proposed U.S. Highway No. 30;
thence South $89^{\circ}58'40''$ East along said North right of way line 120.0 feet, more or less,
to the true point of beginning.

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Idaho Department of Water Resources Receipt

Receipt ID C060348

Payment Amount Date Received Region Status
Payment Type Check Number

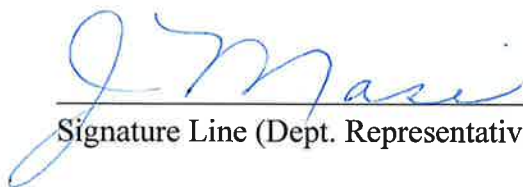
Payer Comment

Fee Detail

Amount Description

Fund FD PCA SO

\$25.00 OWNERSHIP CHANGES/SECURITY INTERESTS 0229 21 56140 1155


Signature Line (Dept. Representative)

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State of Idaho

DEPARTMENT OF WATER RESOURCES

15 West Center Street, Soda Springs, ID 83276

Phone: (208) 547-3993 Fax: (208) 547-3939 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

December 24, 2001

A29-546
Mary Kesler
P.O. Box 843
Soda Springs, ID 83276

REF: Snake River Basin Adjudication (SRBA)

SUBJECT: CRP Contract

Dear Claimant(s);

The Idaho Department of Water Resources has recently begun its water right review in Basin 29. The Notice(s) of Claim identified with the number shown above in the "address" label has been filed in the Snake River Basin Adjudication (SRBA).

It is our goal to recommend historical water rights within the Snake River Basin as accurately as possible. A field examination to verify items in the Notice will be conducted by Department personnel as soon as the weather permits. I was able to visit some of you this year before the snow arrived. While waiting for the weather to cooperate again I would like to collect some of the necessary documentation needed to recommend your claim to the SRBA court. The statute (42-104) requires the water be put to beneficial use to have a valid water right. One exception to the statute is if the land has been put into CRP. But evidence must be submitted to the Department of Water Resources to retain the water right otherwise the water right will not be recommended to the SRBA court.

If you have previously irrigated land that has been put into CRP, I would appreciate it if you could send me a copy of the contract when the land was put into CRP for my records, by **March 1, 2002**. **If you do not have any land in CRP please disregard this notice.** With no response from you, we will assume that you do not have any land in CRP. You may contact either the Farm Service Agency (FSA) or Natural Resource Conservation Service (NRCS) in Soda Springs at 547-4396 for a copy of the contract.

EX-107-1
- 1 -

SCANNED
DEC 08 2005

Please feel free to contact me in Soda at (208) 547-3993 if you have any additional questions. Have a safe and happy holiday.

Sincerely;

Cindy E. Bird

Cindy E. Bird
Adjudication Bureau

PROFILING

SCANNED
DEC 08 2005

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 29-546

WATER RIGHT NUMBER: 29-546

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	MARY A KESLER PO BOX 843 SODA SPRINGS, ID 83276

Priority Date: 06/01/1917

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
DOMESTIC	1/01	to 12/31	0.040 CFS	1.20 AF
	<u>Total Diversion:</u>		0.040 CFS	1.20 AF

Location of Point(s) of Diversion

GROUND WATER	NW1/4NE1/4	Sec. 11, Twp 09S, Rge 40E, B.M.
CARIBOU County		

Place of UseDOMESTIC Within CARIBOU County

T09S R40E S11 NWNE

Total Acres: 0

Conditions of Approval:Remarks:

1. General DOMESTIC, 1 HOME

Comments:Dates and Other Information:

RIGHT NUMBER	NAME & ADDRESS	PRIORITY DATE	PURPOSE OF USE	PERIOD OF USE FROM TO	MAXIMUM QUANTITY	BASIS OF CLAIM
SOURCE: GROUNDWATER						
29-00546	MARY A. KESLER BOX 843 SODA SPRINGS ID 83276	06/01/1917	DOMESTIC	01-01 12-31	.04 1.2	CFS AFY BENEFICIAL USE
	NON-IRRIGATION-USES: DOMESTIC, 1 HOME					
	POINT OF DIVERSION: T09S R40E S11		NWNE		.04 1.2	CFS AFY
	PLACE OF USE: DOMESTIC					
	T09S R40E S11		NWNE			
29-00581	MAUDEAN HARDING 1280 SOUTH MARIDAN #17, BLACKFOOT, ID 83221	02/01/1918	DOMESTIC	01-01 12-31	.04 1.2	CFS AFY BENEFICIAL USE
	NON-IRRIGATION-USES: DOMESTIC, 1 HOME					
	POINT OF DIVERSION: T09S R40E S11		SWNE		.04 1.2	CFS AFY
	PLACE OF USE: DOMESTIC					
	T09S R40E S11		SWNE			
13-00518	LEE W. GIBSON 1962 TELFORD RD. GRACE ID 83241	07/15/1919	STOCKWATER	01-01 12-31	.04 3.4	CFS AFY BENEFICIAL USE
			DOMESTIC	01-01 12-31	.04 1.2	CFS AFY
	NON-IRRIGATION-USES: STOCK, 100 RANGE, 50 DAIRY; DOMESTIC, 1 HOME				.04 4.6	CFS AFY
	POINT OF DIVERSION: T09S R40E S35		SWSE			
	PLACE OF USE: STOCKWATER					
	T09S R40E S35		SWSE			
	PLACE OF USE: DOMESTIC					
	SAME AS OTHER USE					

SCANNED

MAY 4 1990

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: A29-00546 ✓
Date Received: 1/17/1990
Receipt No: 17005542
Received By: SEA

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: MARY A. KESLER ✓
Address: P.O. BOX 843
SODA SPRINGS, ID

208-425-3460

83276

2. Date of Priority: JUN 01, 1917 ✓

3. Source: GROUNDWATER ✓

Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
09S ✓	40E ✓	11 ✓	SW	SW	NW		CARIBOU

5. Description of diverting works:
6" DIAM WELL, 265' DEEP SUBMERSIBLE PUMP, PRESS. SYSTEM.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
DOMESTIC ✓	01/01 ✓	12/31 ✓	0.040 ✓		

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

A.F.A.

8. Total consumptive use is

Acre Feet Per Annum.

9. Non-irrigation uses:
D/1 HOME.

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
09S ✓	40E ✓	11 ✓	SW	NW		DOMEST	

11. Place of use in counties: CARIBOU

A29-00546

Page 1

Date: 01/17/90

MICROFILMED
NOV 13 1992

A2900546



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: STATUTORY CLAIM

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 e wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: 0

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): Mary A Kesler Date: 1-17-90

Date: _____

State of Idaho)
County of Caribou) SS.

Subscribed and sworn (or affirmed) before me this 17 day
of January 19 90

[Signature]
Notary Public

Seal

Residing at State Falls, Id.

My Commission Expires 22 Aug 1994

NOV-14-1997
0002

1

RIGHT NUMBER: 29-00546
NAME AND ADDRESS: MARY A KESLER
PO BOX 843
SODA SPRINGS ID 83276

SOURCE: GROUNDWATER

QUANTITY: 0.04 CFS
1.2 AFY

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

PRIORITY DATE: 06/01/1917

POINT OF DIVERSION: T09S R40E S11

SWNE

SWSNNW

Within CARIBOU County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE
DOMESTIC 1 HOME

PERIOD OF USE
01-01 12-31

QUANTITY
0.04 CFS
1.2 AFY

PLACE OF USE: DOMESTIC
T09S R40E S11

Within CARIBOU County

~~SWSNNW~~

SWNE

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 - DECREE
PARCEL NO. 34390

DC



CARBON COUNTY, IDAHO

- 1-CENTRAL CORP. L.D.S. CHURCH
2-ALBERT HANSON
3-G.E. ANDERSON
4-F.C. CHRISTENSEN
5-NEIL BELL JR.
6-JOS. HANSEN EST.
7-NIELS ANDERSON
8-RASMUS JORGENSEN
9-AND. F. ROSDAHL
10-F.C. CHRISTENSEN
11-COUNTY

RIGBY

10

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIMS PROOF READING REPORT

AJ5306NP
(00-26)

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIMS PROGRAM READING REPORT

09/24/91 0:19:39
PAGE 2

WATER RIGHT NUMBER - 424-00546

PREFIX TRANSLATION: ADJUDICATION CLAIM

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

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

COURT REPORT FILING	- 00/00/0000	FIELD INSPECTION MAP	- 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	- 01/17/1990	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	- 4005542	FEDERAL/STATE INDICATOR	- S
CLAIMS TAPE ERROR FLAG	-	RDU OWNERSHIP FLAG	- Y	PRESUMPTION FLAG	-
FEE EXEMPT FLAG	-	NAME CONNECTOR	-	NOTICE OF ERROR FLAG	-

34390

DATA ENTRY

ENTERED
CHECKED

0-23
12/4/93

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

VERIFIED

AUG 23 1993

CERTIFIED
AUG 23 1993
WATER EXAMINER

MICROFILMED
APR 12 1994