

03/04/2003

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

RIGHT NUMBER: 29-595C

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

SOURCE: LEFT HAND FORK MARSH CREEK

TRIBUTARY: MARSH CREEK

QUANTITY: 0.800 CFS

PRIORITY DATE: 09/01/1879

POINT OF DIVERSION:

T11S R38E S33 SWSESW Within BANNOCK County Source: MARSH CREEK

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

04/01 10/31

0.800 CFS

PLACE OF USE:

IRRIGATION Within BANNOCK County

T12S R38E S08 NESW 40.0

40 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: Decreed

IDAHO DEPARTMENT OF WATER RESOURCES 10/18/2001
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

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

SOURCE: MARSH CREEK, LEFT HAND FORK TRIBUTARY: MARSH CREEK

QUANTITY: 0.80 CFS

PRIORITY DATE: 09/01/1879

POINT OF DIVERSION:

T11S R38E S33 SWSESW Within BANNOCK County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/31	0.800 CFS

PLACE OF USE: IRRIGATION Within BANNOCK County

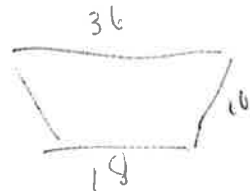
T12S R38E S08 NESW 40.0

40 ACRES TOTAL

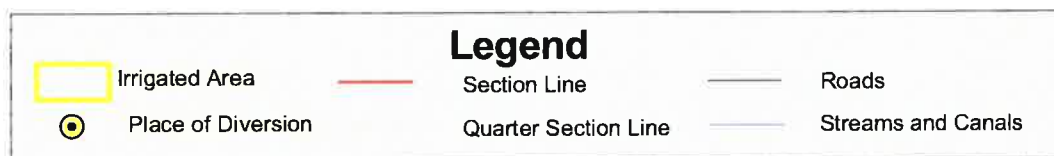
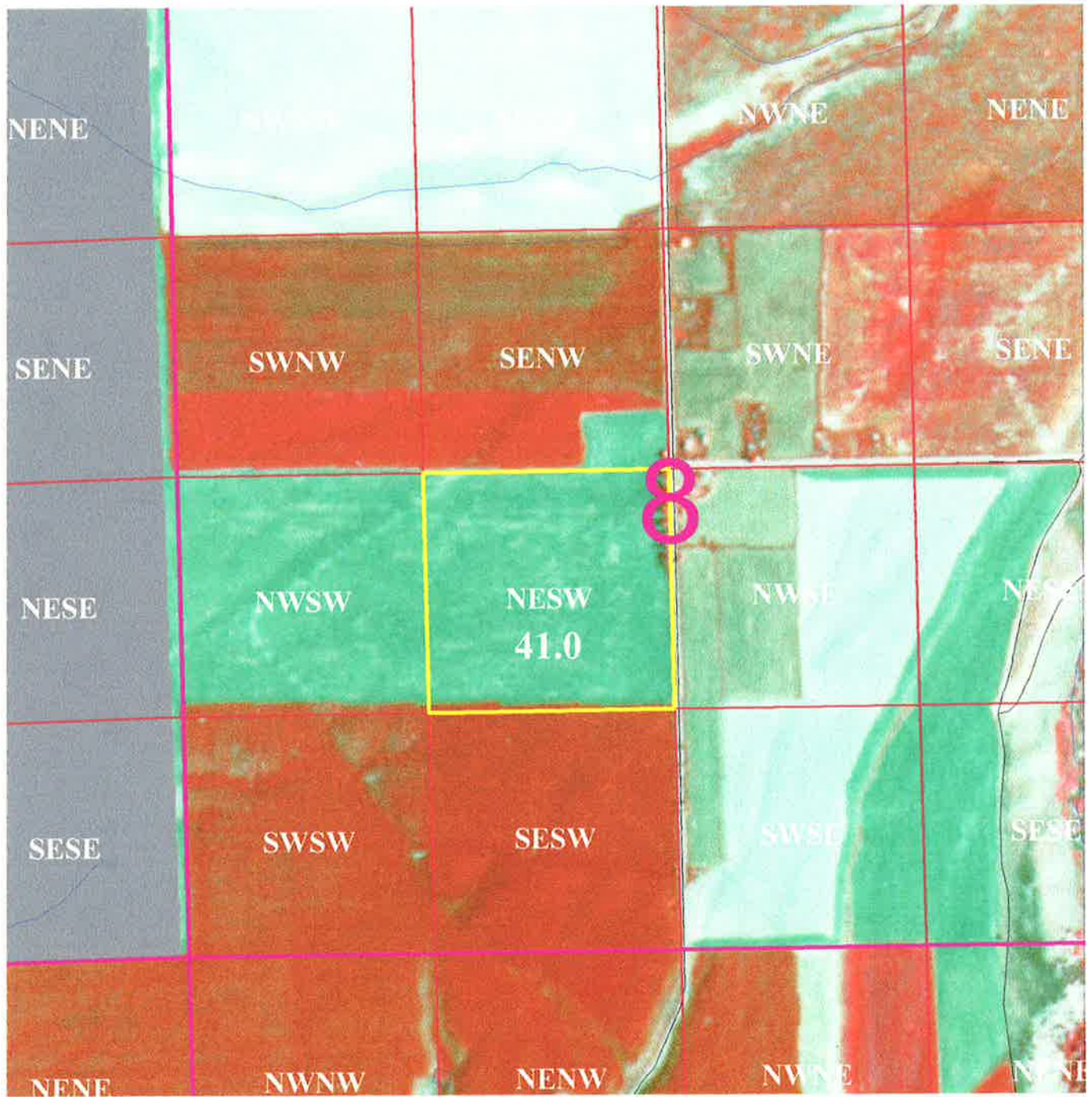
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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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



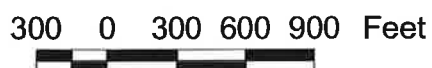
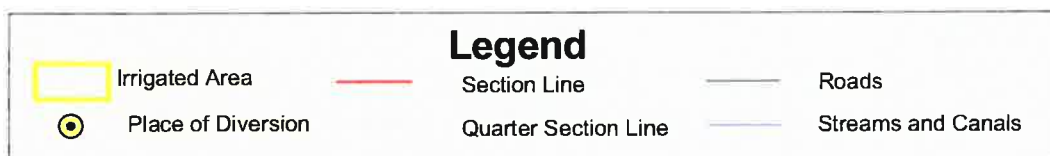
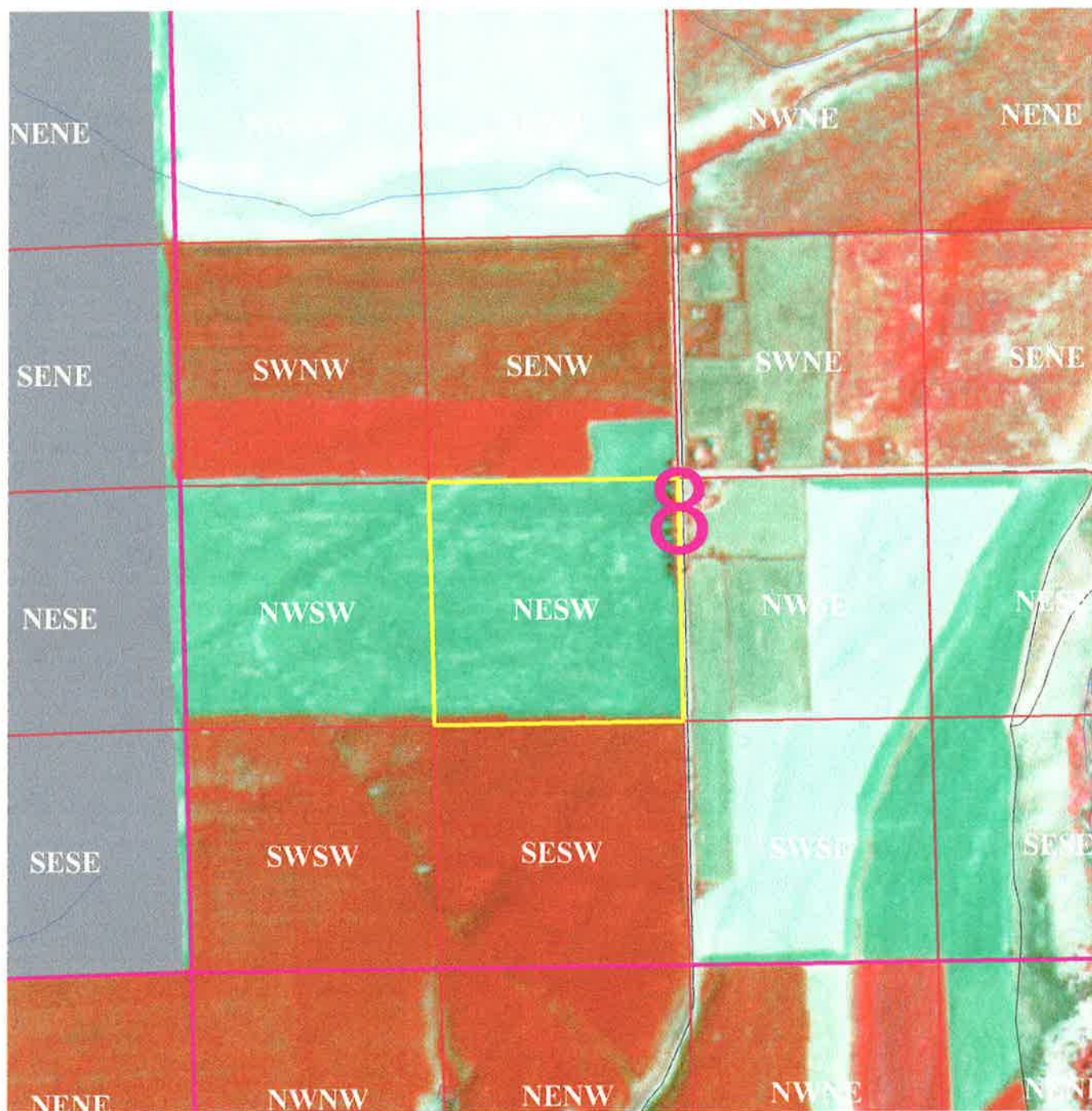
Township , 12S38E

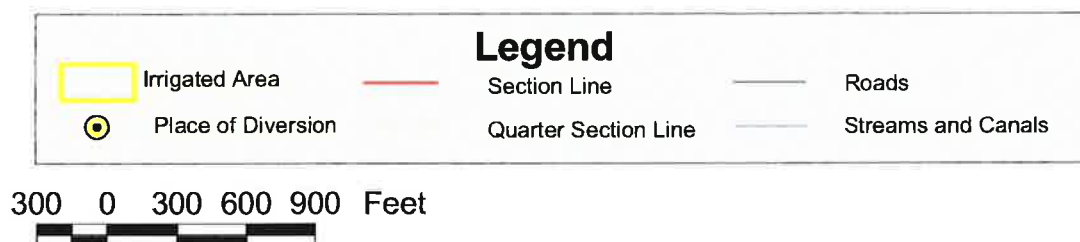


300 0 300 600 900 Feet

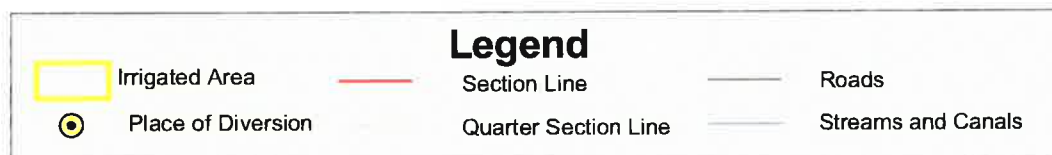


Township , 12S38E





Township , 12S38E



600 0 600 1200 1800 Feet



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: 29-595C

KOESTER FARMS INC

8997 E GRANT RD

DOWNEY ID 83234

Telephone Number: (208)897-5591

Address
508 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
am

WR5809NP
No. 29-00595

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 10/18/01
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	H. E. BYINGTON	09/01/1879	IRRIGATION	00/00 00/00		
C	JAMES BURROPE		DOMESTIC	01/01 12/31		
C	WILLIAM BURROPE			TOTAL DIVERSION:		
C	JOHN BURROPE					
C	MARY A. HELLOWELL					
C	GEORGE E. HELLOWELL					
C	EST. OF JEANETTE COBABE					

Water Source: MARSH CREEK, LEFT FORK

Tributary to: MARSH CREEK

Stage: DECREED

Pou County:

Conditions of Approval:

016 - See remarks for additional conditions of approval.

Remarks: GEN PRIORITY TO DATE FROM FALL OF 1879.

P/D & P/U NOT LISTED.

MEASURING DEVICE REQUIRED.

AMOUNT OF CFS OR INCHES OF WATER NOT LISTED.

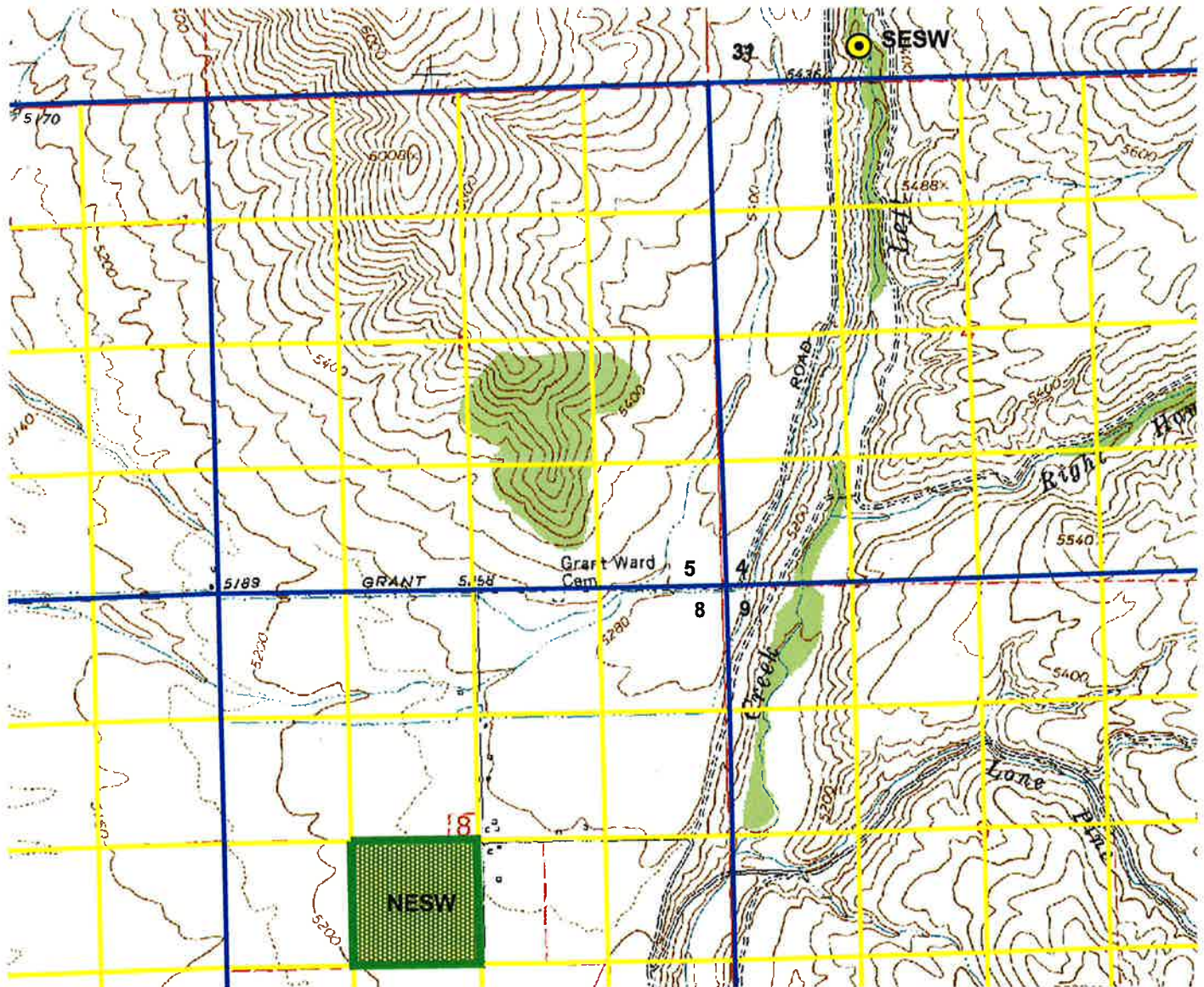
Dates:	App. Received:	Priority Date:	09/01/1879
	Proof Due Date:	Proof Made Date:	
	Exam Made Date:	Exam Sent to S.O.:	
	Licensed Date:		

Misc: Water District Number: 29H Field Exam Fee:

IDAHO DEPARTMENT OF WATER RESOURCES

29-00595C

T12S, R38E SEC 8



PROTECTED

ACRES IRRIGATED- 40



POINT OF DIVERSION



PLACE OF USE

SCANNED
DEC 13 2005

GIS: PLACE OF USE
POINT OF DIVERSION
1987/1988 NAPP PHOTOS
DAVE CARLSON

JUN 04 2001

Log for claim A29-00595C

Spatial Dynamics TWB

5/15/00

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
12s38e	8	NESW	40	41	
Totals:			40	41	

(100" inches)

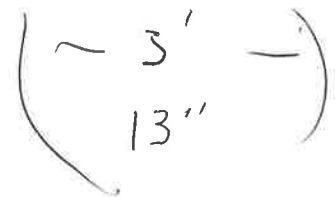
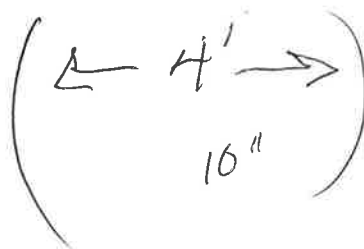
pad

N42 25 1.4

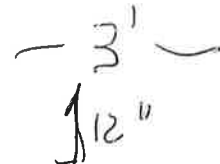
W112 01 32.2

5366

summer



3.5
3.7



IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 04/24/00
PAGE: 38

Audit: 04/19/90 ESRBA 06/01/94 COX 03/29/95 POST-STD

JUN 04 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: A29-00595C
Date Received: 4/19/1990
Receipt No: EO13364
Received By: CA

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: SEP 01, 1879

3. Source: MARSH CREEK, LEFT FORK Trib. to: MARSH CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
11S	38E	33	SW	SE	SW		BANNOCK

5. Description of diverting works:
BURROPE & BYINGTON DITCH.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	0.800		

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

8. Total consumptive use is 100.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
12S	38E	8	NE	SW		IRR	40.0

Section Acres 40.0

Total Acres 40.0

A29-00595C

Page 1

Date: 04/19/90

A2900595C



MICROFILMED

NOV 13 1992

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:
NONE

14. Remarks:

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date:

LIBERTY HUNT, ET AL.
Decree Plaintiff

vs CHAS. THORNTON, 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: -1-

For Organizations:

I do solemnly swear or affirm that I am Dale Roester Pres. of

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

document in the space below as Pres. of

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

 Dale Roester
Signature of Authorized Agent

 Pres. Roester Farms Inc.
Title and Organization

 4-19-90
Date

State of Idaho

County of

Bonnerville

) SS.

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

of

April

19

90

Carter Fritschel
Notary Public

Seal

Residing at

Eagle, Id

My Commission Expires

3-21-94

A. AJ CLAIM POINT OF DIVERSION AND SOURCE:

RIGHT	TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	POD FLAG	COUNTY	DIVERSION NAME	DIVERSION NUMBER
A29-00595C	11S	38E	33	SW	SE	SW			BANNOCK		

OTHER AJ CLAIMS WITH SAME AJ POD
A PREFIX R PREFIX
A29-00595A 29-12745
A29-00595B
A29-00595D
A29-12745

WR RECORDS IN SAME 40 ACRE TRACT
NONE

SOURCE: MARSH CREEK, LEFT HAND FORK

TRIB: MARSH CREEK

B. WR POINT OF DIVERSION AND SOURCE:

2900595 THERE IS NO POD ASSOCIATED WITH THIS WATER RIGHT NUMBER

SOURCE: MARSH CREEK, LEFT FORK

TRIB: MARSH CREEK

C. IS THE CLAIMED POD WITHIN THE SAME 40 ACRE TRACT THAT IS DESCRIBED IN THE WATER RIGHT FILE? N/A() Y() N()

* IF NO, AND IF THE CHANGE IS VERIFIED AS AN ACCOMPLISHED CHANGE IN POD, DESCRIBE THE INJURY ANALYSIS PERFORMED AND ENTER FLAG "C" WITH THE APPROPRIATE EXPLANATORY CODE.

D. CAN THE CLAIMED POD BE VERIFIED USING THE WATER RIGHT FILE OR GPS DATA? N/A() Y() N()

E. SHOULD THE CLAIMED POD BE VERIFIED BY FIELD EXAM? Y() N()

F. IS THE CLAIMED SOURCE THE SAME AS DESCRIBED IN THE WATER RIGHT FILE? N/A() Y() N()

* IF NO, AND IF THE CHANGE IS VERIFIED AS AN ACCOMPLISHED CHANGE IN SOURCE, DESCRIBE THE INJURY ANALYSIS PERFORMED AND ENTER FLAG "C" WITH THE APPROPRIATE EXPLANATORY CODE.

G. CAN THE CLAIMED SOURCE BE VERIFIED USING THE WATER RIGHT FILE? Y() N()

H. SHOULD THE CLAIMED SOURCE BE VERIFIED BY FIELD EXAM? Y() N()

I. HOW WAS THE POD AND SOURCE VERIFIED?

LICENSING FIELD EXAM (DATE OF FIELD EXAM) Y() N()

AJ FIELD EXAM (DATE OF FIELD EXAM) NAME OF EXAMINER) Y() N()

OTHER (DESCRIBE IN NOTES BELOW)

NOTES: _____

=====

RECOMMENDED POINT(S) OF DIVERSION AND SOURCE: CHECK HERE IF RECOMMENDED AS CLAIMED (___)

TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	POD FLAG	COUNTY	DIVERSION NAME	DIVERSION NBR
11S	38E	33	SW	SE	SW			BANNOCK		
_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____

SOURCE: _____ TRIB: _____

REVIEWED BY: _____ DATE: _____

=====

SYSTEM DESCRIPTION: DESCRIBED BELOW (___), SEE LICENSE FILE (___), OR SEE ATTACHMENT (___)

A. * ROOT WATER RIGHT NUMBERS: A29-00595A
A29-00595B
A29-00595C
A29-00595D

B. POU LISTING

TWP	RNG	SEC	1/4	1/4	LOT	NAME	AJ #/ACRES	WR #/ACRES	LANDSAT DATA	FIELD EXAM.	RECOMM. ACRES
12S	38E	8	NE	SW		KOESTER FARMS INC	A29-00595C / 40.0	- /			
ADDITIONAL POU FOUND											

TOTAL ACRES A29-00595C 40.00

POU COUNTY: BANNOCK

C. IS WATER USAGE FOUND IN TRACTS OTHER THAN THOSE CLAIMED? Y() N()
* IF YES, ARE THESE TRACTS LISTED ABOVE (), OR ARE THEY LISTED ON AN ATTACHED SHEET ()

LIST OF ALL RIGHTS WITH A SAME POU AND IRRIGATION USAGE

NO CLAIMS FOUND WITH SAME POU AND IRRIGATION USAGE
NO RIGHTS WITH SAME POU BUT NOT USED FOR IRRIGATION

D. ARE OTHER WATER RIGHTS USED FOR THE SAME PURPOSE? Y() N()
* IF YES, COMPLETE OVERLAP REVIEW:
OTHER RIGHTS LISTED IN CLAIM: NONE

E. IS THE CLAIMED POU THE SAME AS DESCRIBED IN THE WATER RIGHT FILE? N/A() Y() N()

* IF NO, AND IF THE CHANGE IS VERIFIED AS AN ACCOMPLISHED CHANGE IN POU, DESCRIBE THE INJURY ANALYSIS PERFORMED AND ENTER FLAG "C" WITH THE APPROPRIATE EXPLANATORY CODE.

F. CAN THE CLAIMED POU BE VERIFIED USING THE WATER RIGHT FILE AND AVAILABLE AERIAL PHOTOS? N/A() Y() N()

A. CHECK ONLY THE FOLLOWING THAT APPLY:

	ACCEPTED AS CLAIMED	NEEDS REVIEW
OWNERSHIP _____	()	()
FORFEIT/ABANDON _____	()	()
ADDITIONAL DIV. AMOUNT _____	()	()

B. SPLIT WATER RIGHT REVIEW

ROOT WATER RIGHT NUMBER: 29-00595

TOTAL DIVERSION RATE OF WR SPLITS	DATABASE	EXAMINER	CFS
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SPLITS:

OLD RIGHT NUMBERS	CURRENT CLAIM NUMBERS	DIVERSION RATE	CURRENT "R" CLAIM NUM.	"R" DIV. RATE	WR RIGHT NUMBERS	DIVERSION RATE
-	A29-00595A	1.540	-		29-00595	
-	A29-00595B	1.200	-		-	
-	A29-00595C	0.800	-		-	
-	A29-00595D	1.560	-		-	
TOTAL CFS		5.100				

DIVERSION RATE REVIEW

DO THE SUM CFS RATE OF THE SPLITS EQUAL THE ROOT RIGHT CFS RATE? (Y/N)
IF NO, IS THE WRITTEN REVIEW DESCRIBED BELOW () OR SEE ATTACHMENT ()?

DATABASE	FIELD EXAMINER
N	Y() N()

NOTES:

13

14

2 30

15

A29-B0595C

MICROFILMED
NOV 13 1992

P.U.

40

R38E

T12S

T11S

P.D.