

03/29/2001

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

RIGHT NUMBER: 29-2381

NAME AND ADDRESS: OW FARMS  
BOX 58  
LAVA HOT SPRINGS, ID 83246

SOURCE: GROUND WATER

QUANTITY: 0.5 CFS

PRIORITY DATE: 12/28/1956

POINT OF DIVERSION: T08S R38E S33 NENWNW Within BANNOCK County

PURPOSE AND  
PERIOD OF USE:

| <u>PURPOSE OF USE</u> | <u>PERIOD OF USE</u> | <u>QUANTITY</u> |
|-----------------------|----------------------|-----------------|
| IRRIGATION            | 4-01 11-01           | 0.50 CFS        |

PLACE OF USE:

IRRIGATION Within BANNOCK County  
T08S R38E S33 NWNW 25

25 ACRES TOTAL

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

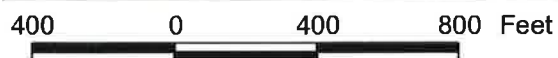
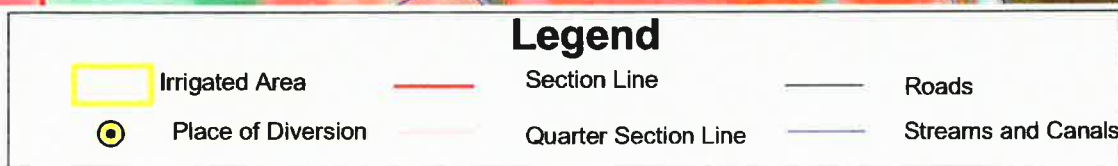
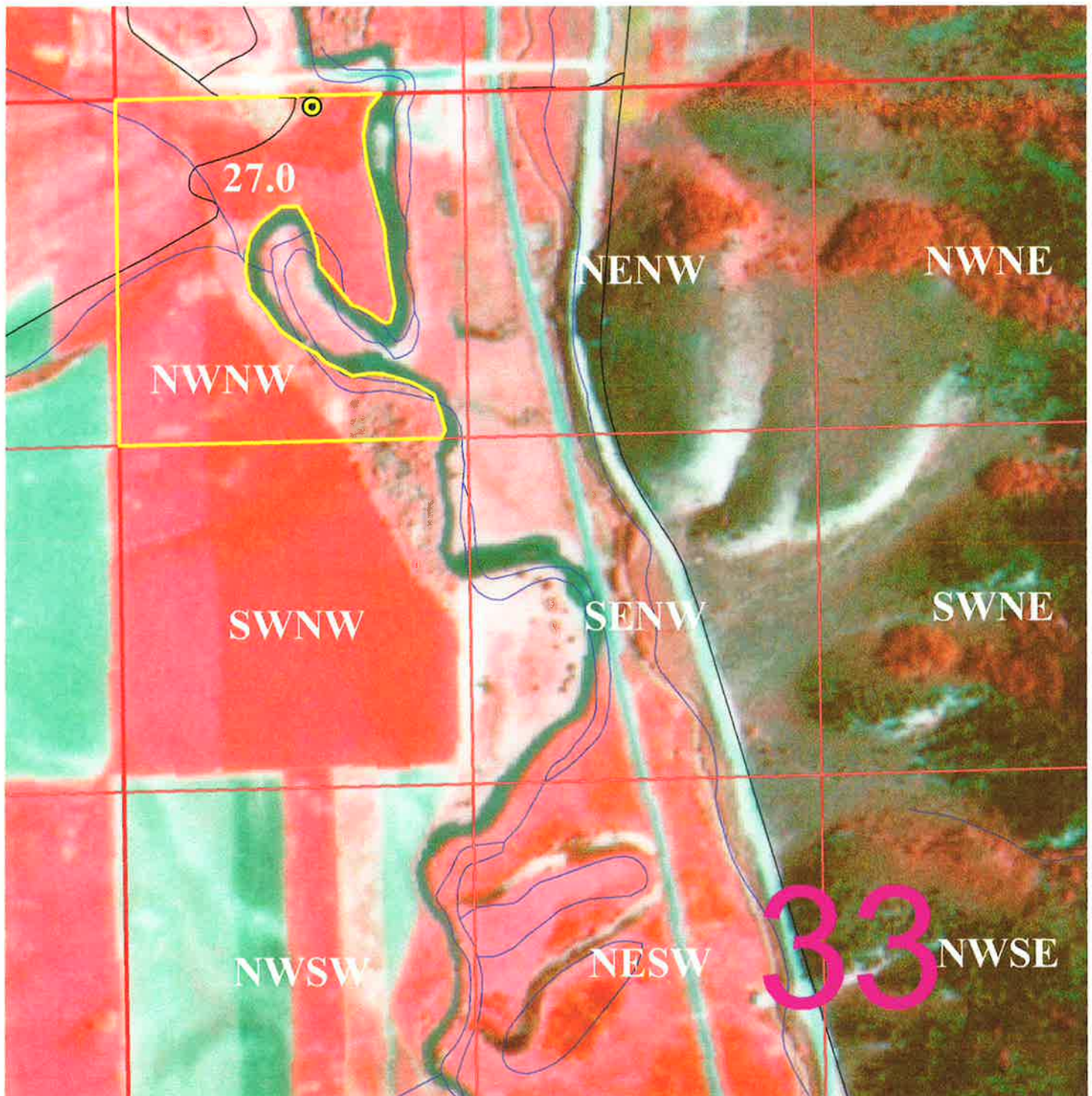
THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS  
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE  
EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE  
ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER  
THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6),  
IDAHO CODE.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

# Water Right Claim Number A29-02381

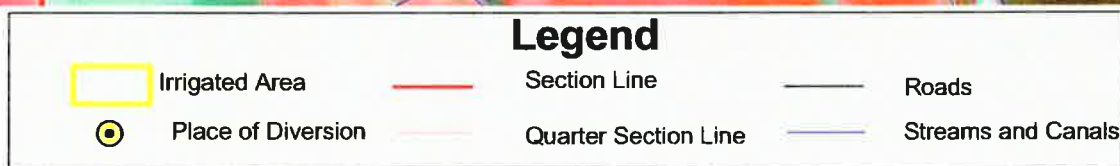
09/05/2000

Township , 8S38E



Water Right Claim Number A29-02381  
Township , 8S38E

09/05/2000



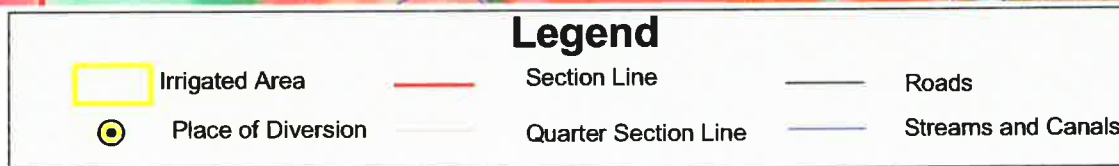
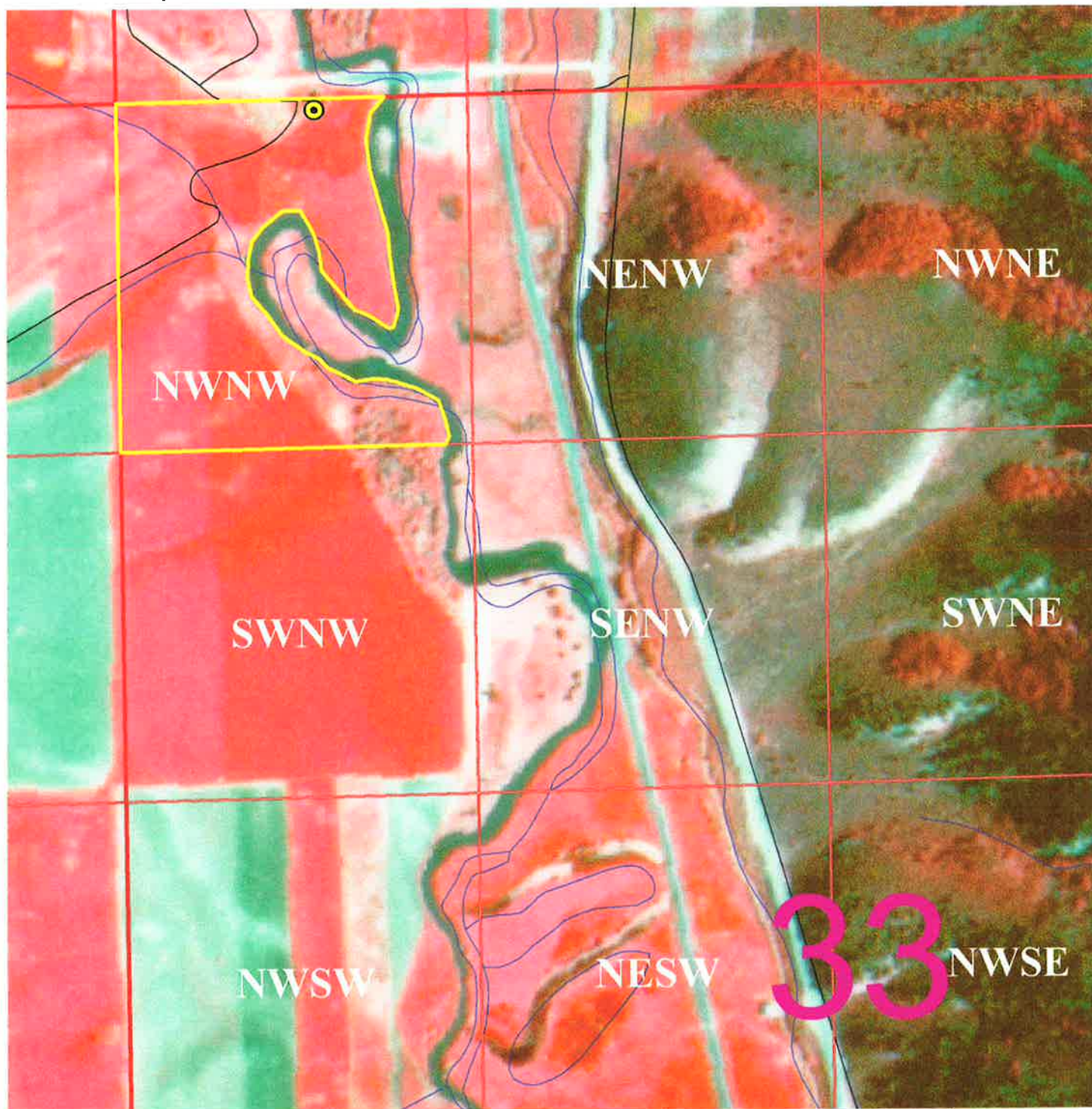
400 0 400 800 Feet



Water Right Claim Number A29-02381

09/05/2000

Township , 8S38E





# STATE OF IDAHO

## Department of Water Resources

### Eastern Region

# Water Right(s): 29-2381



500 0 500 1000 1500 2000 2500 3000 3500 4000 4500 5000 5500 6000 6500 Feet

## LEGEND

-  **SESE** Place of Use
-  **Section**
-  **Quarter-Quarter**
-  **Point of Diversion**

**Place of Use: T8S, R38E,**  
**(part of) Secs. 33**  
**(25 acres w/l POU shown)**

**Point(s) of Diversion: T8S, R38E**  
**Sec. 33 NENWNW**

**Recommended as Licensed.**



GIS Place of Use Illustration  
1987/1988 NAPP photography  
Prepared by: A. Ruberry  
Date: March 2001

JUN 06 2001

Log for claim A29-02381

Spatial Dynamics PJM

9/5/00

| TR      | SEC | QQ   | Acres<br>Claimed | Acres<br>Found | COMMENT |
|---------|-----|------|------------------|----------------|---------|
| 08s38e  | 33  | NWNW | 25               | 27             |         |
| Totals: |     |      | 25               | 27             |         |

*CLAIMED AS LICONSD - SO RECOMMENDED.  
IN OFFICE REVIEW*

**29-02381**

28 27  
32 33

NWNW  
25

Portneuf

River

**T8S, R38E**

**T8S, R38E**

32 33  
5 4

02/25/2003

NOTICE OF ERROR  
REPLY

*allen*

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: 29-2381

OW FARMS

BOX 58

LAVA HOT SPRINGS ID 83246

Telephone Number: (208) 776-5515

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:

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

DATE: MARCH 5 2003

SIGNATURE:

*Curtis Oylburn*

Please print your name:

Curtis Oylburn

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

RECEIVED  
MAR 10 2003  
Department of Water Resources  
Eastern Region

PROFILED

SCANNED

FEB 02 2006

Water Right Number - 29-02381

Prefix Translation: WATER RIGHT

Old (D) Number - 26660

+ - - - - Last Name - - - - + + - First Name - - + + - - - - - Address - - - - - +

\*\*\* C - CURRENT OWNER \*\*\*  
KELLY

HENRY L.

1 -  
2 -  
3 -  
City- LAVA HOT SPRINGS  
Phone -

State- ID Zip-

+ - - Priority Date - - + + - - - Region - - - + + - - - Stage - - - + + - - - Status - - - +  
12/28/1956 *ae* 15 EASTERN L - LICENSE

+ - - - - Source - - - - - + + - - - - Tributary - - - - - +  
GROUNDWATER *ae*

| TwN | Rng | Sec | Tract           | Lot | RFlg  | County  | Point of Diversion | Diversion Name | Diversion Rate | Diversion No. |
|-----|-----|-----|-----------------|-----|-------|---------|--------------------|----------------|----------------|---------------|
| 08S | 38E | 33  | NW NW <i>ae</i> |     | ( 5 ) | BANNOCK |                    |                |                |               |

| Code            | Description | Period From | Period To | Water Use | Diversion Rate  | Diversion Volume |
|-----------------|-------------|-------------|-----------|-----------|-----------------|------------------|
| 01 - IRRIGATION |             |             |           |           | 0.500 <i>ae</i> |                  |

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Div. Capacity - + + - Total Consumptive Use - + + - KW Usage - +  
0.500 0.0

| TwN | Rng | Sec | Tract           | Lot | Acres | Place of Use  | Code | Description | County        |
|-----|-----|-----|-----------------|-----|-------|---------------|------|-------------|---------------|
| 08S | 38E | 33  | NW NW <i>ae</i> |     | 25.0  | 01 IRRIGATION |      |             | ( 5 ) BANNOCK |

Total Acres: 25.0 *ae*

+ - - Diversion Means -

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use -

+ - - - - Remarks - - - - - +  
No Remarks found.

+ - - - - Old Water Right Numbers - - - - - +  
No Old Water Right Numbers found.

+ - - - - Conditions of Approval - - - - - +  
No Conditions of Approval found.

+ - - - - Decree Plaintiff - - - + + - - - - Decree Defendant - - - + + - Decree Date - +

00/00/0000

*CLAIMED AS LICENSEE - So Recommended*



AJ5809NP  
No. A29-02381

IDAHO DEPARTMENT OF WATER RESOURCES  
ADJUDICATION CLAIM PROFILE REPORT

DATE: 05/22/00  
PAGE: 125

| OWNER<br>CODE                        | NAME & ADDRESS                                                    | PRIORITY<br>DATE | WATER USE  | USE PERIOD<br>FROM TO | DIVERSION<br>RATE | DIVERSION<br>VOLUME |
|--------------------------------------|-------------------------------------------------------------------|------------------|------------|-----------------------|-------------------|---------------------|
| C                                    | OW FARMS<br>BOX 58<br>LAVA HOT SPRINGS ID 83246<br>(208) 776-5515 | 12/28/1956       | IRRIGATION | 04-01 11-01           | 0.500 CFS         |                     |
| TOTAL DIVERSION:<br>CONSUMPTIVE USE: |                                                                   |                  |            |                       | 0.500 CFS         | 62.50 AFA           |

Water Source: GROUNDWATER

Tributary to:

Stage: LICENSE

Point(s) of Diversion:

T08S R38E S33

NWNW

BANNOCK County

Place of use Legal Description for: IRRIGATION

|             |     |    |   | NE   |      |      |      | NW |      |      |      | SW   |   |      |      | SE   |      |   |      |      |      |      |      |      |
|-------------|-----|----|---|------|------|------|------|----|------|------|------|------|---|------|------|------|------|---|------|------|------|------|------|------|
| T           | R   | S  | : | NENE | NWNE | SWNE | SENE | :  | NENW | NWNW | SWNW | SENW | : | NESW | NWSW | SWSW | SESW | : | NESE | NWSE | SWSE | SESE | :    | SUM  |
|             |     |    |   | Lt   | Ac   | Lt   | Ac   |    | Lt   | Ac   | Lt   | Ac   |   | Lt   | Ac   | Lt   | Ac   |   | Lt   | Ac   | Lt   | Ac   |      |      |
| 08S         | 38E | 33 | : |      |      |      |      | :  |      |      | 25   |      | : |      |      |      |      | : |      |      |      |      |      | 25.0 |
| TOTAL ACRES |     |    |   |      |      |      |      |    |      |      |      |      |   |      |      |      |      |   |      |      |      |      | 25.0 |      |

POU County: BANNOCK

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

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

Audit: 01/25/90 MOBILE3 06/23/94 COX 03/29/95 POST-STD

**State of Idaho**  
**License and Certificate of Water Right**

Water License No. G-26660

Amount .50 c.f.s.

Water District No.

Priority December 28, 1956

THIS IS TO CERTIFY that

HENRY L. KELLY

of Lava Hot Springs, Idaho, made application for a permit to appropriate the public waters of the State of Idaho, dated December 28, 1956; that Permit No. G-26660 was issued under said application; that Certificate of Completion of works, with a carrying capacity of .50 second feet, was issued thereunder on August 21, 1963, showing that said works were completed on the 20th day of December, 1961; and that on the 20th day of December, 1961,

HENRY L. KELLY

of Lava Hot Springs, State of Idaho, made proof to the satisfaction of the State Reclamation Engineer of Idaho, of the right to use the waters of a well

, a tributary of subterranean flow, for the purpose of irrigation

, under Use Permit No. G-26660 of the Department of Reclamation and that said right to the use of said waters has been perfected in accordance with the laws of Idaho, and is hereby confirmed by the State Reclamation Engineer of Idaho and entered of record in Volume

12 of Licenses at page 7672, on the 21 day of August, 1963;

The right hereby confirmed dates from December 28, 1956;

The Point of Diversion is located

in the NW  $\frac{1}{4}$  NW  $\frac{1}{4}$ , Sec. 33, Tp. 8 S., R. 38 E., B. M. Bannock County

That the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall not exceed .50 cubic feet per second.

Description and location of use:

| Twp. | Range | Sec. | Forty-acre Tract                  | No. Acres Described in Permit | No. Acres Actually Irrigated |
|------|-------|------|-----------------------------------|-------------------------------|------------------------------|
| 8 S. | 38 E. | 33   | NW $\frac{1}{4}$ NW $\frac{1}{4}$ | 38                            | 25                           |

The right to the use of the water aforesaid hereby confirmed is restricted to the lands or place of use herein described, as provided by the laws of Idaho.

WITNESS the seal and signature of the State Reclamation Engineer, affixed at Boise, Idaho, this

21st day of August, 1963.

/s/ RALPH W. THOMAS

Deputy State Reclamation Engineer.

(SEAL)

APPLICATION FOR PERMIT  
To Appropriate the Subterranean Waters of The State of Idaho

Application No. G- 34593  
Permit No. G- 26660  
District No.

1. Name of Applicant: HENRY L. KELLY  
Postoffice address: Box 242, Lora Hot Springs County: Bannock State: Idaho
2. Quantity of water claimed: 1.0 cubic feet per second
  - (a) Rate of withdrawal in cubic feet per second. 1 cubic foot or Idaho  
Miners' inches 50 or gallons per minute.
  - (b) Annual withdrawal in acre feet per annum
3. Source of water supply: Drilled well
4. Location of point of diversion or well is in the NW  $\frac{1}{4}$  of the NW  $\frac{1}{4}$  of Section 33  
Twp. 8 S., Rge. 38 E., B.M., County of Bannock
5. Water is to be used for: Irrigation
6. If for municipal, industrial or recreational purposes, give:
  - (a) Point of use of water is in the  $\frac{1}{4}$  of the  $\frac{1}{4}$  of Section , Twp.  
Rge. , B.M.
  - (b) Waste water or sewage effluent is to be returned to  
at a point in the  $\frac{1}{4}$  of the  $\frac{1}{4}$  of Section , Twp. , Rge. , B.M.
7. Kind of works: Well and pumping system
8. Estimated cost of works: \$ 2500.00
9. (a) Is reservoir to be used? No.  
(b) Capacity of reservoir:
10. The time required for the completion of such work and complete application of the water to the proposed use is five (5) years.
11. If applicant is a corporation, give:
  - I. (a) Date and place of incorporation:  
(b) Amount of capital stock: \$ (c) Amount paid in: \$  
(d) Names and addresses of directors:
  - II. The financial resources of the applicant are (a) Cash on hand: \$  
(b) Treasury stock: (c) Bonds to be issued:  
(d) Other resources:
12. The land to be irrigated is described in the following tabulation:
13. Existing water rights and/or valid permits appurtenant to the lands to be irrigated are:
  - (a) (cubic feet per second, inches or gallons per minute) of the water herein applied for is to be supplemental to the existing water rights.
  - (b) (cubic feet per second, inches or gallons per minute) is for new lands.

BE IT KNOWN THAT The undersigned hereby makes appli cation for permit to appropriate the public waters of the State of Idaho as herein set forth.

**Applicant.**

*Agent.*

**Corrected application received:**

The number of this permit is G-26660

This is to certify that I have examined the within application for a permit to appropriate the public waters of the State of Idaho, and hereby approve the same, subject to the following limitations and conditions:

Bond in the sum of \$ \_\_\_\_\_ to be filed on or before \_\_\_\_\_

Work to begin on or before \_\_\_\_\_ and to continue diligently and uninterruptedly to completion, unless temporarily interrupted by circumstances over which the permit holder has no control.

One-fifth of the work above specified to be completed on or before July 9, 1959.

The whole of said work to be completed and beneficial use of water appropriated in accordance herewith, to be made on or before January 9, 1962

Witness my hand this 9th day of January, 1957.

MARK R. KULP  
*State Reclamation Engineer.*

IN TESTIMONY WHEREOF, We, ROBERT E. SMYLIE, Governor of the State of Idaho,  
and JAS. H. YOUNG, Secretary of State of the State of Idaho, have caused this instrument to  
be executed in the name of the State of Idaho, and caused the Great Seal of the State of Idaho to be hereunto affixed, this 9th  
day of January, 1957.

**Countersigned:**

STATE OF IDAHO

(SEAL)

ROBERT E. SMYLIE

By ..... JAS. H. YOUNG

By ..... Governor

*Secretary of State.*

12.

| Twp.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | Range | Sec. | NE 1/4                            | NW 1/4                            | SW 1/4                            | SE 1/4                            | Totals |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------|------|-----------------------------------|-----------------------------------|-----------------------------------|-----------------------------------|--------|
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |       |      | NE 1/4   NW 1/4   SW 1/4   SE 1/4 | NE 1/4   NW 1/4   SW 1/4   SE 1/4 | NE 1/4   NW 1/4   SW 1/4   SE 1/4 | NE 1/4   NW 1/4   SW 1/4   SE 1/4 |        |
| 8 S.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | 38 E. | 33   |                                   | 38                                |                                   |                                   | 38     |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |       | 32   | 39 10                             |                                   |                                   |                                   | 49     |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |       | 28   |                                   |                                   | .8                                |                                   | .8     |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |       | 29   |                                   |                                   |                                   | 2                                 | 2      |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |       |      |                                   |                                   |                                   |                                   | 89.8   |
| Permit No. G-26660<br>CERTIFICATE OF COMPLETION OF WORKS                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |       |      |                                   |                                   |                                   |                                   |        |
| TO ALL WHOM IT MAY CONCERN:<br><br>This is to certify that HENRY L. KELLY of Lava Hot Springs, County of Bannock, and State of Idaho, the holder of Permit No. G-26660, issued upon Application No. G-34593 bearing date of priority of December 28, 1956, authorizing the diversion of 1.0 second feet of waters of a well County of Bannock, State of Idaho, for irrigation purposes, has fully complied with the provisions of the laws of the State of Idaho relating to the proof of completion of the works of diversion set out and described in said Permit; that said works are adequate for diverting and conveying to the place of intended use .50 second feet of the waters of a well from subterranean flow that the point of diversion of said waters NW 1/4 NW 1/4, Sec. 33, T. 8 S., R. 38 E., B.M. and that the lands proposed to be irrigated by the use of said water are described as follows, to-wit: 25 acres in the NW 1/4 NW 1/4, Sec. 33, T. 8 S., R. 38 E., B.M. |       |      |                                   |                                   |                                   |                                   |        |
| Witness my hand this 21st day of August, A. D. 1963.<br><br>/s/ RALPH W. THOMAS<br>Deputy State Reclamation Engineer                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |       |      |                                   |                                   |                                   |                                   |        |
| Proof of Completion of Works Made: December 20, 1961                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |       |      |                                   |                                   |                                   |                                   |        |
| LICENSE ISSUED FOR 1.50 SEC. FT.<br>64-27/22                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |       |      |                                   |                                   |                                   |                                   |        |

INSTRUCTIONS TO EXAMINERS

1. Always carefully note the location of the point of diversion and accurately plat same.
2. When proof is for beneficial use, carefully check up the number of acres actually irrigated in each forty and accurately plat same.
3. Make a map showing the correct location of streams and ditches, and the irrigated lands, and any adjacent permanent landmarks, such as towns, lakes, large streams and public roads.
4. If any unusual conditions are discovered, make plain statement of them under remarks.
5. Always see the holder, if possible, and go over the whole ground with him and make your report only upon actual existing facts and conditions.
6. Give general characteristics of soils, topography, and crops raised.

RECEIVED  
AUG 12 1963

Department of Reclamation

Henry L. Kelly  
P. O. Box 242  
Lava Hot Springs, Idaho  
Permit No. G-26660

6485

Examination for Completion of Works & Beneficial Use

County Barnock

Sec. 33 T8 S R. 38 E.B.M.

Quantity: 1.0 c.f.s.

Source: Well

P.D.: NW. NW., Sec. 33, T. 8 S. - R. 38 E.

Use: Irrigation

Filed: Dec. 28, 1956

Due: Jan. 9, 1962

Extension: —

Completion of Works: —

Other Rights: none stated

Driller - Swane Bantz (shown)

STATE OF IDAHO  
DEPARTMENT OF RECLAMATION  
BOISE

REPORT OF ENGINEER

PERMIT NO. g-26660

REPORT ON PROOF OF Completion of Works & Beneficial Use

Henry L. Kelly, Box 242, Lava Hot Springs

26660

SCANNED  
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: A29-02381  
Date Received: 1/25/1990  
Receipt No: M005592  
Received By: TO

NOTICE OF CLAIM TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW

1. Name: O.W. FARMS  
Address: BOX 58  
LAVA HOT SPRINGS, ID 83246  
208-776-5515

2. Date of Priority: DEC 28, 1956

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

| Township | Range | Section | 1/4 of | 1/4 of | 1/4 | Lot | County  |
|----------|-------|---------|--------|--------|-----|-----|---------|
| 08S      | 38E   | 33      | NW     | NW     | NW  |     | BANNOCK |

5. Description of diverting works:  
WELL/PUMP

6. Water is used for the following purposes:

| Purpose    | From  | To    | C.F.S. | (or) | A.F.A. |
|------------|-------|-------|--------|------|--------|
| IRRIGATION | 04/01 | 11/01 | 0.500  |      |        |

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

8. Total consumptive use is 62.5 Acres Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

| Township | Range | Section | 1/4 of | 1/4 | Lot | Use | Acres |
|----------|-------|---------|--------|-----|-----|-----|-------|
| 08S      | 38E   | 33      | NW     | NW  |     | IRR | 25.0  |

Section Acres 25.0

Total Acres 25.0

A29-02381

Page 1

Date: 01/25/90

A2902381



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:

14. Remarks:

15. Basis of Claim: LICENSE  
Water Right Number: 26660

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 \_\_\_\_\_ of  
\_\_\_\_\_ Title

Old W. Farnum Organization, that I have signed the foregoing  
document in the space below as \_\_\_\_\_ of  
\_\_\_\_\_ Title

Old W. Farnum Organization and that the statements contained in the  
foregoing document are true and correct.

[Signature]  
Signature of Authorized Agent

Pres Old W. Farnum  
Title and Organization

Jan 25 1990  
Date

State of Idaho )  
County of Carbon ) SS.

Subscribed and sworn (or affirmed) before me this 25<sup>th</sup> day

of January 19 90

Seal

Anthony S. Olenchak  
Notary Public

Residing at Hohe Falls

My Commission Expires 9/12/1994



T8S  
T9S

MICROFILMED  
NOV 13 1992