

RECEIVED RECEIVED

FEB 27 2003

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02/08/2003

Department of Water Resources
Eastern Region

NOTICE OF ERROR
REPLY

No
Allen
DAVE

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: 29-4025A

RUSSELL L KELLER
86 E MERRILL RD
MC CAMMON ID 83250
Telephone Number: (208)254-3452

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.

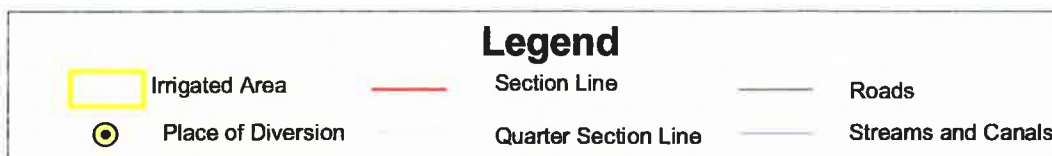
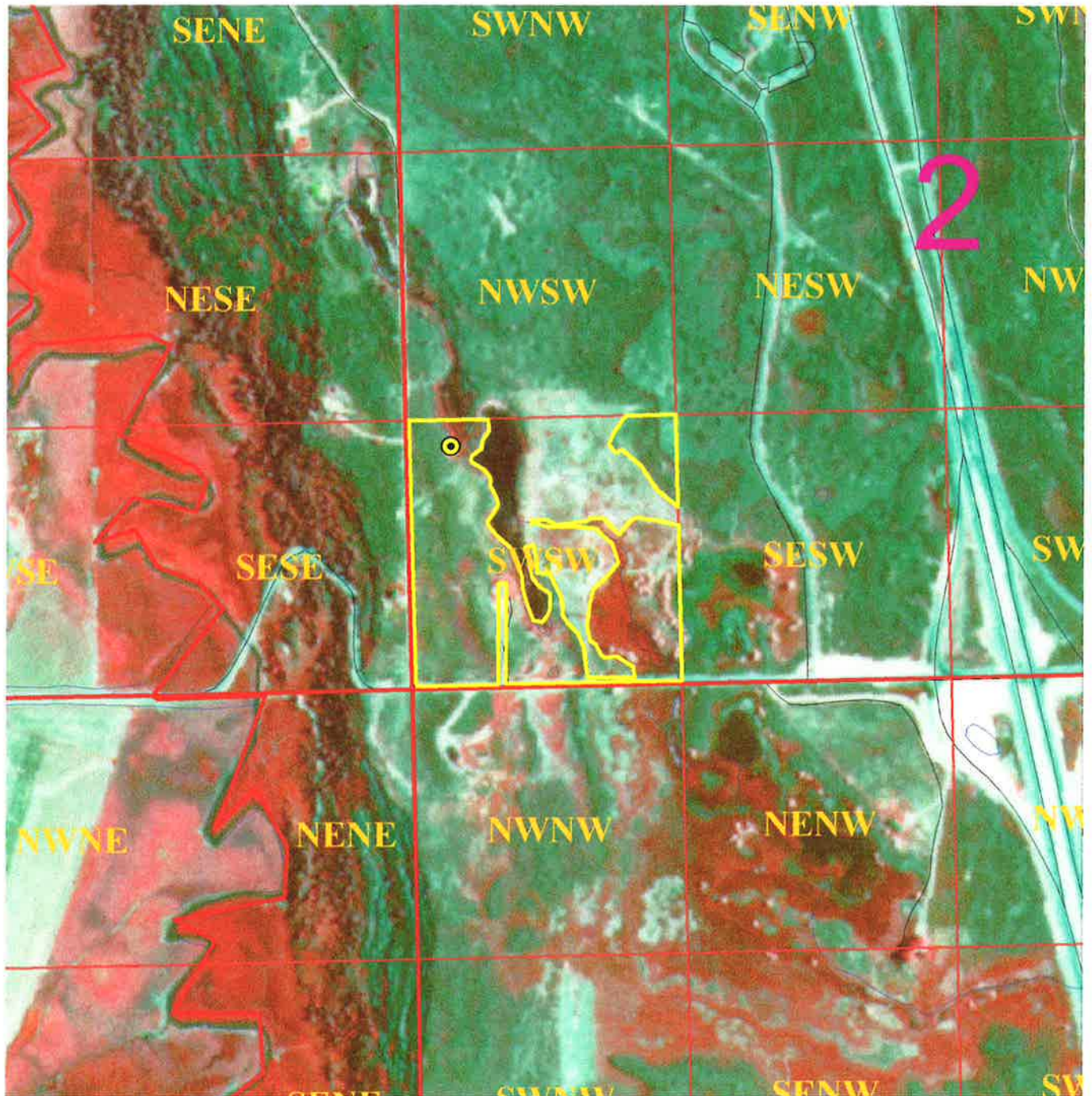
DATE: 2-23-03 SIGNATURE: Russell Keller
Please print your name: RUSSELL KELLER

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

PROFILED

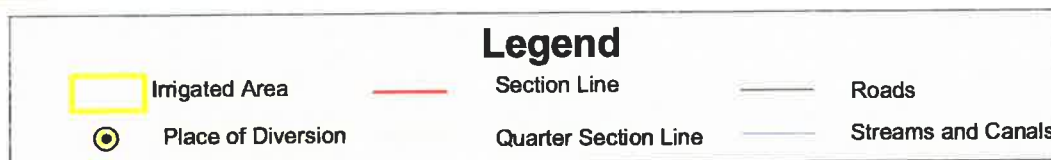
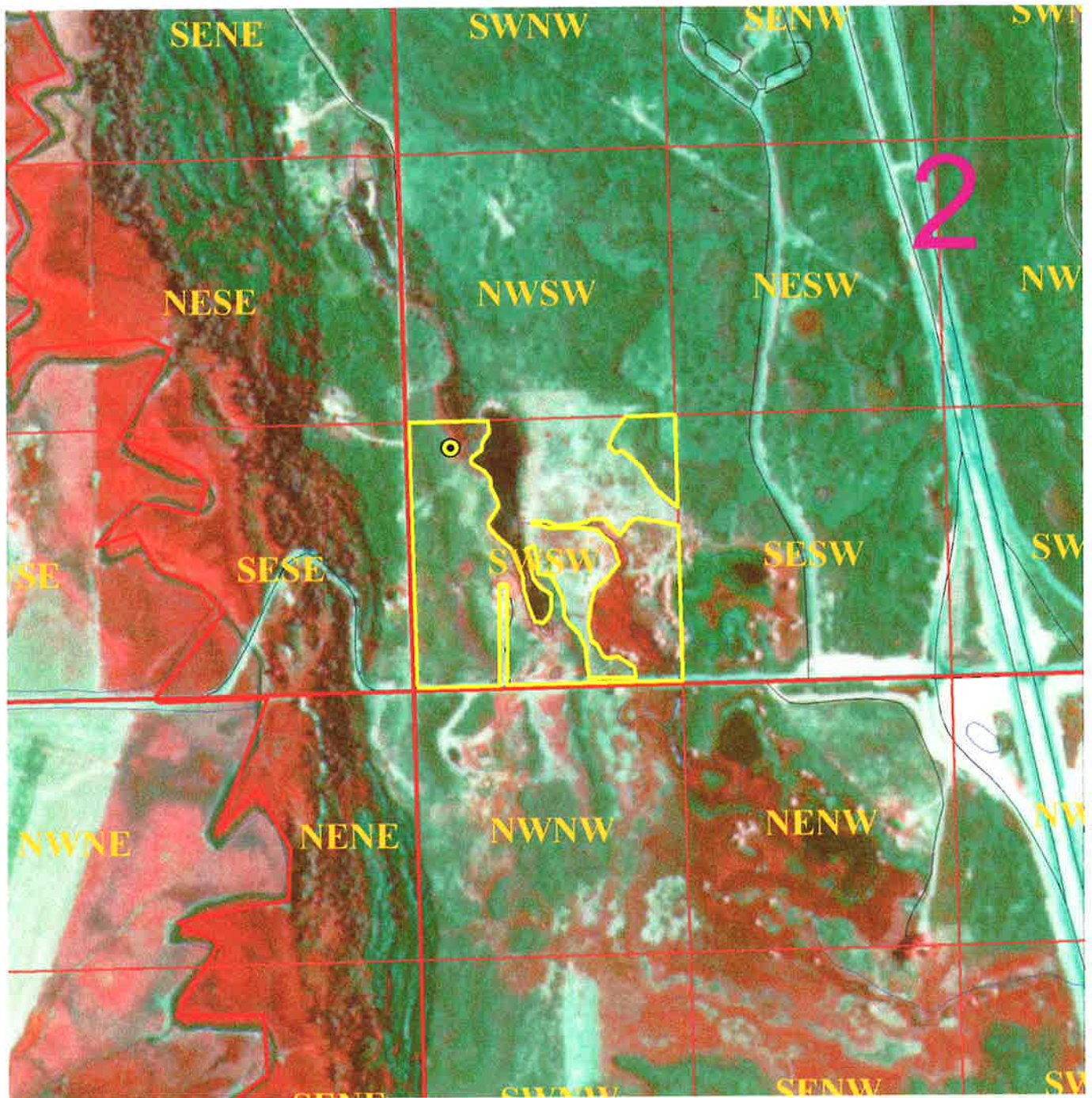
SCANNED
MAR 01 2006

Township , 9S36E



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MAR 01 2006

Township , 9S36E

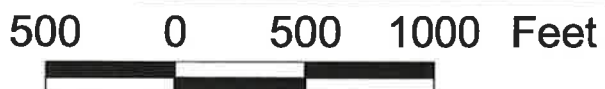
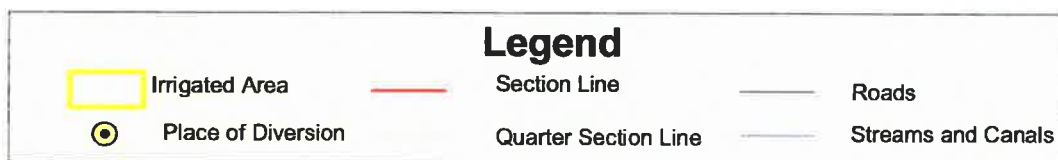
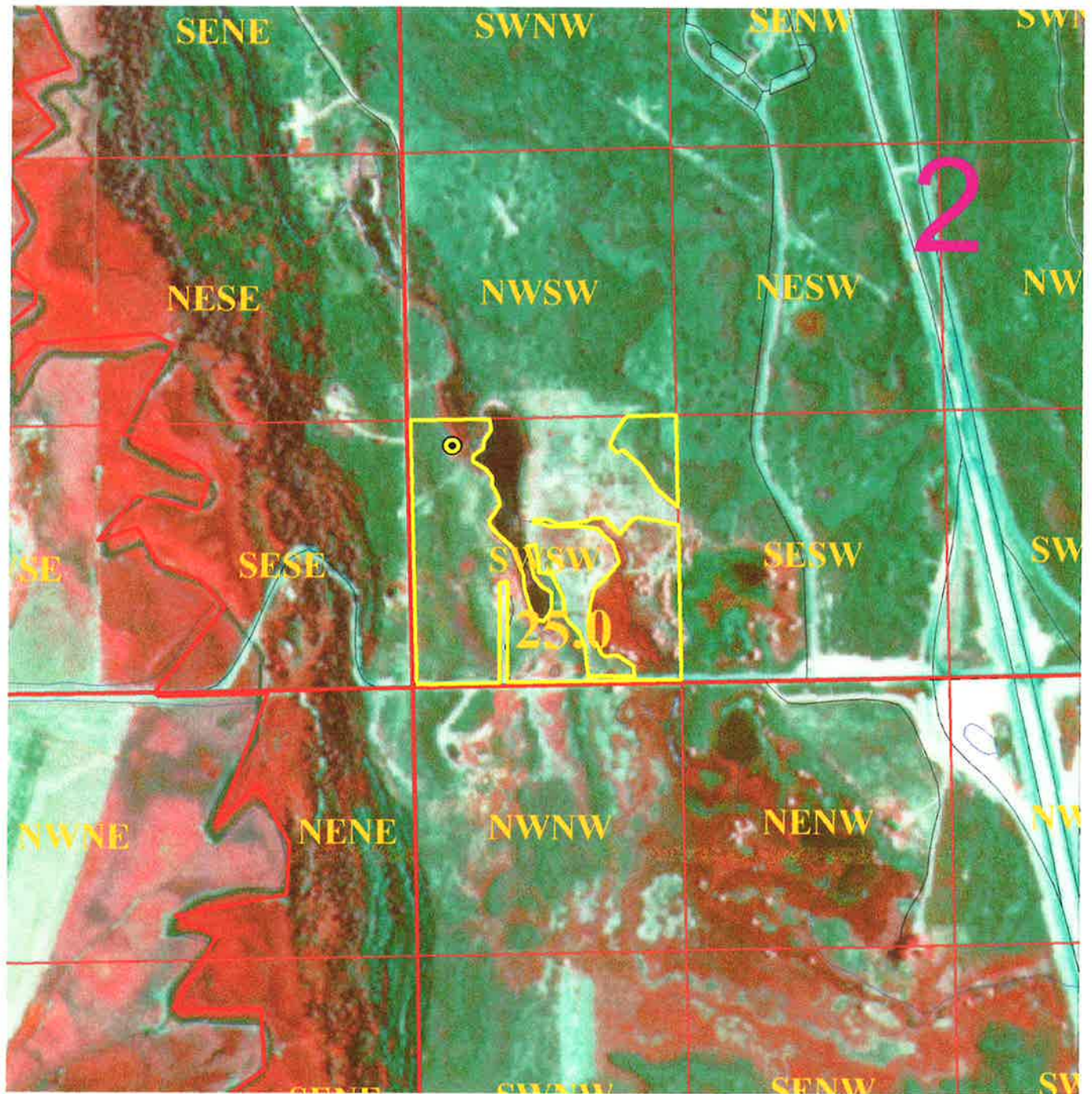


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Water Right Claim Number A29-04025A

08/10/2000

Township , 9S36E



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MAR 01 2006

RIGHT NUMBER: 29-4025A

NAME AND ADDRESS: RUSSELL L KELLER
86 E MERRILL RD
MC CAMMON ID 83250

SOURCE: UNNAMED STREAM

TRIBUTARY: SINKS

QUANTITY: 0.02 CFS
30.0 AFY

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

FACILITY VOLUME 30 AF.

PRIORITY DATE: 07/24/1969

POINT OF DIVERSION:

T09S R36E S2 NWSWSW Within BANNOCK County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
RECREATION STORAGE	01/01 12/31	30.00 AFY
STOCKWATER	01/01 12/31	0.020 CFS
RECREATION POND-FISH		

PLACE OF USE:

RECREATION STORAGE Within BANNOCK County

T09S R36E S02 SWSW

STOCKWATER Within BANNOCK County

T09S R36E S02 SWSW

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

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR
STOCKWATER USE IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL
USE.

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

EXPLANATORY MATERIAL: Beneficial Use



8/2001 29-4025A recreation pond
pond

irrigation on 29-02045B portion

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MAR 01 2006

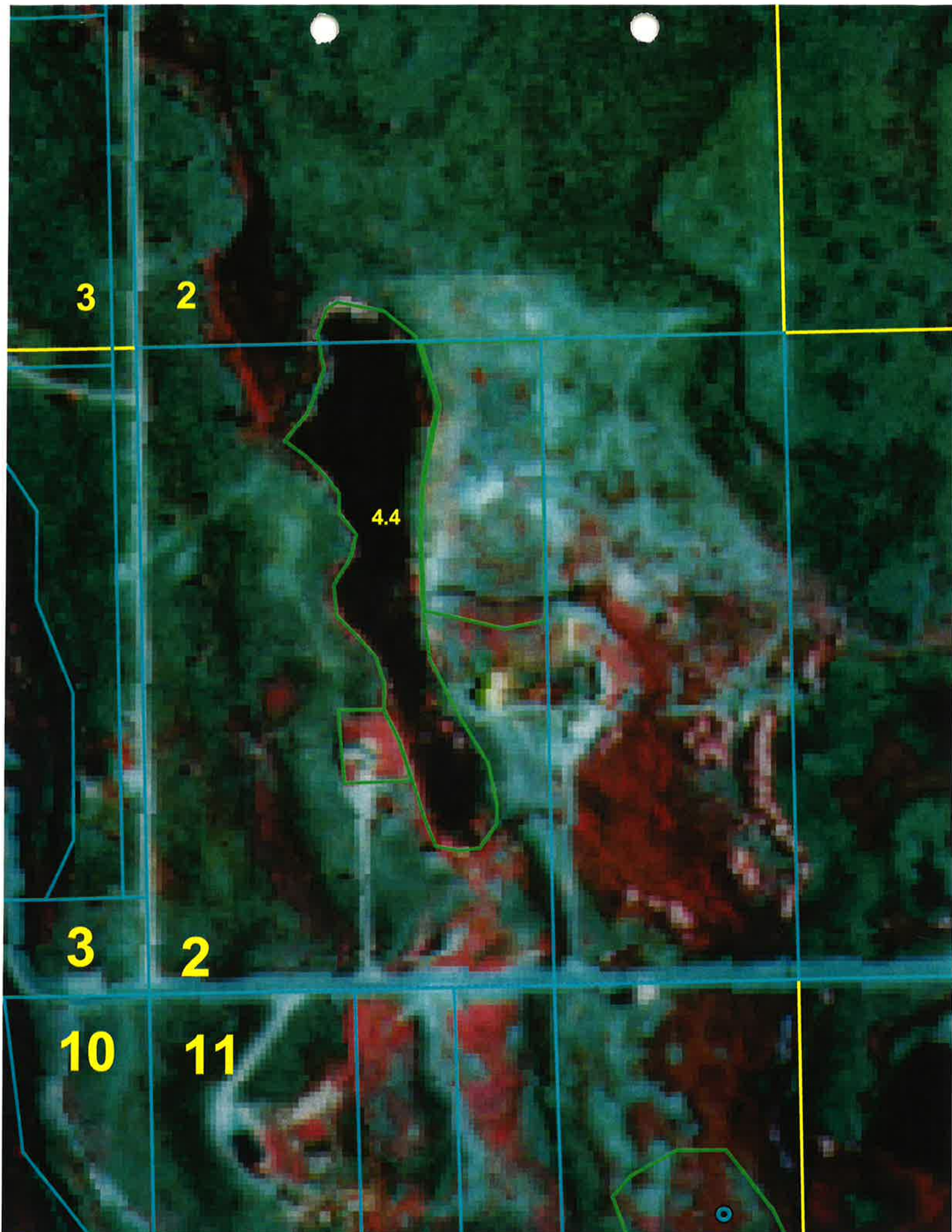


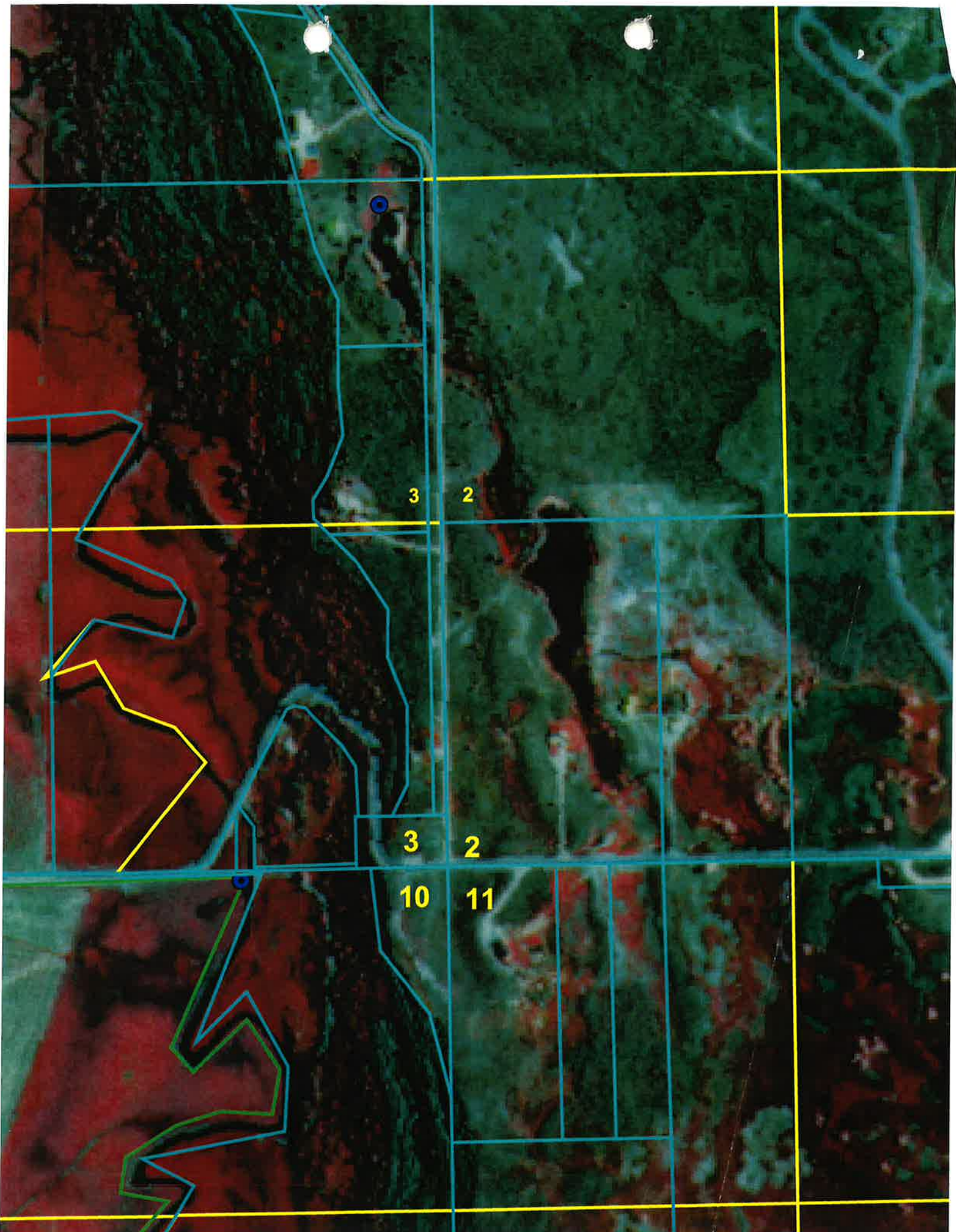
8/2001 - POB DAM ^{RECREATION} POND OUTLET
29-4025A

SCANNED
MAR 01 2003



8/2061 - RECREATION POND - 29 - 04025A





AJ5809NP
No. A29-04025A

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 05/22/00
PAGE: 134

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	RUSSELL L KELLER 86 E MERRILL RD MC CAMMON ID 83250 (208) 254-3452	06/05/1945	IRRIGATION STOCKWATER FISH PROP. STORAGE	04-01 11-01 01-01 12-31 01-01 12-31	0.400 CFS 0.020 CFS	30.00 AFA
TOTAL DIVERSION:					0.420 CFS	30.00 AFA
CONSUMPTIVE USE:						50.00 AFA

Water Source: UNNAMED STREAM

Tributary to: MARSH CREEK

Stage: STATUTORY CLAIM

Point(s) of Diversion: T09S R36E S02

NWSWSW

BANNOCK County

Place of use Legal Description for: IRRIGATION

NE				NW				SW				SE						
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	SUM	
09S	36E	2	:														20.0	
																	TOTAL ACRES	20.0

Place of use Legal Description for: STOCKWATER

NE				NW				SW				SE					
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	
09S	36E	2	:														

Place of use Legal Description for: FISH PROP. STORAGE

NE				NW				SW				SE					
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	
09S	36E	2	:														

POU County: BANNOCK

Non-Irrigation Uses: FISH POND; STOCKWATER, 15 CATTLE AND HORSES

Other Rights: A29-11104

Other Water Rights Listing Overlapping Place(s) of Use:
A29-04025

Remarks: GEN 2 POINTS OF DIVERSION IN NW 1/4, SW 1/4, SW 1/4 OF SEC. 2.

Dates: Exam Made Date:

Verified Date:

Objection Filed Date:

Misc: Water District Number:

Field Inspection Flag:

Presumption Flag:

AJ5809NP
No. A29-04025A

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 05/22/00
PAGE: 135

=====

Audit: 04/05/90 MOBILE2 07/15/94 THOMPSON 03/29/95 POST-STD

A. ROOT WATER RIGHT NUMBERS: A29-04025A

B. POU LISTING

TWP	RNG	SEC	1/4	1/4	LOT	NAME	AJ #/ACRES	WR #/ACRES	LANDSAT DATA	FIELD EXAM.	RECOMM. ACRES
09S	36E	2	SW	SW		KELLER, RUSSELL L	A29-04025A / 20.0	- /			
			SW	SW		KELLER, RUSSELL L	A29-11104 /	- /			
			SW	SW		KELLER, RUSSELL L	29-11104 /	- /			
			SW	SW		SCHWING, JOHN G.		29-02045 /	4.0		
			SW	SW		KELLER, RUSSELL L.		29-04025 /	40.0		
09S	36E	2	SW	SW		KELLER, RUSSELL L	A29-04025A /	- /			
			SW	SW		KELLER, RUSSELL L	A29-11104 /	- /			
			SW	SW		KELLER, RUSSELL L	29-11104 /	- /			
			SW	SW		SCHWING, JOHN G.		29-02045 /	4.0		
			SW	SW		KELLER, RUSSELL L.		29-04025 /	40.0		
09S	36E	2	SW	SW		KELLER, RUSSELL L	A29-04025A /	- /			
			SW	SW		KELLER, RUSSELL L	A29-11104 /	- /			
			SW	SW		KELLER, RUSSELL L	29-11104 /	- /			
			SW	SW		SCHWING, JOHN G.		29-02045 /	4.0		
			SW	SW		KELLER, RUSSELL L.		29-04025 /	40.0		

ADDITIONAL POU FOUND

TOTAL ACRES A29-04025A 20.00

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

LIST ALL RIGHTS WITH SAME POU BUT NOT USED FOR IRRIGATION.

CLAIM NO.	PURPOSES	NAME	MONTH/DAY	RATE	VOLUME
A29-04025A	STOCKWATER	KELLER, RUSSELL L	FROM 01-01 TO 12-31	0.020 CFS	
A29-04025A	FISH PROP. STORAGE	KELLER, RUSSELL L	FROM 01-01 TO 12-31		
A29-11104	DOMESTIC	KELLER, RUSSELL L	FROM 01-01 TO 12-31	0.040 CFS	
A29-11104	STOCKWATER	KELLER, RUSSELL L	FROM 01-01 TO 12-31	0.020 CFS	
29-11104	DOMESTIC	KELLER, RUSSELL L	FROM 01-01 TO 12-31	0.040 CFS	
29-11104	STOCKWATER	KELLER, RUSSELL L	FROM 01-01 TO 12-31	0.020 CFS	

D. ARE OTHER WATER RIGHTS USED FOR THE SAME PURPOSE?

Y() N()

* IF YES, COMPLETE OVERLAP REVIEW:

OTHER RIGHTS LISTED IN CLAIM: A29-11104

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()

G. SHOULD THE CLAIMED POU BE VERIFIED BY FIELD EXAM?

Y() N()

H. IS THERE ANY INDICATION THAT THERE HAS BEEN A FIVE YEAR PERIOD OF CONTINUOUS NONUSE OF THIS RIGHT, OR ANY PORTION OF THIS RIGHT?

Y() N()

SCANNED

MAY 18 2001

Log for claim A29-04025A

Spatial Dynamics AMH

8/10/00

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
09s36e	2	SWSW	20	25	
Totals:			20	25	

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MAR 01 2006

 SPATIAL
DYNAMICS



IDAHO DEPARTMENT OF WATER RESOURCES

SNAKE RIVER BASIN ADJUDICATION - BASIN 29

RIGHT ID
POD ID
Quad
Claim Type
Easting
Northing
GPSID

Diversion Description

HEADGATE AND DITCH, DAM IN CREEK
OK to come by tomorrow. Headgate missing
Diversion is dam for irrigation and fishpond.
Diverts entire stream. Opening is 34" w x 3" deep
Vavg=4.0fps Q=VA-2.8 cfs

Assumptions

Invoice #

2000-037-01-0

Phase-0 (No Attention)
Phase-I (Ready to Go to Field)
Phase-II (Site Visit - Data Missin
Phase-III (Complete w/issues)
Phase-IV (Total Complete)

Linked
Photos

EPE (ft)

Date (M/D/Y)

Time

Flow Rate (CFS)

0

Open Channel Flow

☒ Complete one box from both Area and Calculation sections

Cross Sectional Area

☐ Circular Channel

- ☐ Less than half full
☐ Half full
☐ More than half full
☐ Full

Diameter

Depth

☐ Rectangular Channel

Width

Depth

Flow Calculation

☐ Continuity Velocity

☐ Orifice

(Use only for head over a pipe flowing full with free discharge)

Depth of Water above orifice centerline

☐ Weir

(Use only for water flowing freely over weir)

Height of water above nappe

Width of weir

☐ Manning (If used, include photo of representative channel section)

Channel Slope

Channel Description	
Concrete lined	.016
Smooth earth	.025
Earth	.033
Rough bed, weeds on sides	.04
Smooth natural stream	.033
Rough natural stream	.1

Pumped System

HP
Pressure Head (psi)
Elevation Head (ft)
Motor Mfg
Motor Serial #
Pump Type
Pump Mfg
Pump Serial#

New Contact Information

New Contact Comments

This Form and the associated query are the exclusive intellectual property of Intrepid Engineering Services, and may not be copied, modified, or distributed without the express written consent of Intrepid Engineering Serviv, Inc.

IN THE MATTER OF:

WATER RIGHTS
RUSSELL KELLER
MCCAMMON IDAHO

AFFIDAVIT

State of Idaho Id.
County of BannockMARLEEN KELLER

being first duly sworn,

deposes and says: I Certifed that the water on South West
quarter of the south west quarter section 2 township 9 South
range 36 East B M has been used to irrigate 10 acres
MOL SINCE 1945 WHEN MY PARENTS OWNED THE PROPERTY.

Mae Lee Christensen Keller
 (Signature)

Subscribed and sworn to before me this 31 day of March, 1995

Belva Olsen Hansen
 (Notary Public)

Residing at mccammon
 My Commission Expires 10-95

IN THE MATTER OF:)
Water rights)
Russell Keller)
McCammon, Idaho)
State of Idaho Idaho)
County of Bannock)

AFFIDAVIT

Russ keller

being first duly sworn,

deposes and says: I certify that the water on Southwest quarter
of the southwest quarter section 2 township 9 south range
36east B M has been used to irrigate 10 Acres MOL since
1949, when I married into the family that owned the property

Russell L Keller
(signature)

Subscribed and sworn to before me this 31 day of March 19 95.

Belva Olsen Hansen
(notary public)

Residing at McCammon
My commission expires 10-95

IN THE MATTER OF:

AFFIDAVIT

State of Idaho

County of Bannock

I Charles H. Mowers moved to 327 East Merrill Rd, in Sept. 1968.
I have seen Russell L. Keller 86 W. Merrill, use the irrigation
water, every year.

Charles H. Mowers
signature

Subscribed and sworn to before me this 30 day of January 1995

Belva Olsen Hansen
notary public

Residing at McCammon
My commission expires 10-95

NOV 13 1995

SCANNED
MAR 01 2006

STATE OF IDAHO
FISH AND GAME DEPARTMENT
BOISE, IDAHO

No. 336

July 24, 19 69

PRIVATE FISH POND PERMIT

In conformance with Section 36-1901, I.C., and the powers invested in the State Fish and Game Commission, permission is hereby granted to:

Name Russell L. Keller Address McCammon, Idaho

to establish and maintain a private fish pond on premises owned by him for the purpose of propagating fish under the following conditions:

- (1) Such pond shall not be established so as to contain any waters where wild fish naturally abound unless approved beforehand by the Idaho Fish and Game Commission. If a diversion from such waters is used, inlets and outlets shall be subject to approval by the Director of the Idaho Fish and Game Department or his authorized agent.
- (2) Fish from such pond shall not be sold nor shall a charge be made for fishing unless the owner first secures a commercial fish pond permit.
- (3) The owner of the pond may or may not allow others to fish in such pond at his discretion, providing he issues a receipt to the person or persons showing the date, number, and species of fish caught.
- (4) The owner of the pond must secure his fish from private hatcheries for stocking purposes.
- (5) Any violation of the covenants herein contained shall be grounds for revocation of this permit.

Water Source: spring fed stream on off Marsh Creek
(Spring, stream diversion, well, etc.) (Stream and/or drainage or watershed where located)

Description of fish production waters or pond(s) and location as to direction and distance from definite landmark: 1/4 mile west of McCammon Interchange Interstate 15

County Bannock Township 9 S R. 36 E Sec. 2 Quarter Sec. SW 1/4
8W 1/4

PROVISIONS OF PERMIT ACCEPTED:

IDAHO FISH AND GAME DEPARTMENT

/s/ Russell L. Keller
(Signature of Applicant)

John R. Woodworth, Director

BY Stanley Hill

/s/ Brent Nyborg
Approved by

Date July 24, 1969

SCANNED

MAR 01 2006

NOV 13 1969

State of Idaho
FISH AND GAME DEPARTMENT
Boise, Idaho

Mr. Russell L. Keller
McCammon
Idaho

Dear Mr. Keller:

We are enclosing your Private Fish Pond Permit # 336 .

Sincerely,

IDAHO FISH AND GAME DEPARTMENT
John R. Woodworth, Director

Hawley Hill
Hawley Hill, Chief
Conservation Enforcement

HH:km

Enc.

cc: Nyborg, Twitchell, D. Jensen

purposes.

- (5) Any violation of the covenants herein contained shall be grounds for revocation of this permit.

Water Source: spring fed stream on off Marsh Creek
(Spring, stream diversion, well, etc.) (Stream and/or drainage or watershed where located)

Description of fish production waters or pond(s) and location as to direction and distance from definite landmark: 1/4 mile west of McCammon Interchange Interstate 15

County Bannock Township 9 S R. 36 E Sec. 2 Quarter Sec. SW 1/4
SW 1/4

PROVISIONS OF PERMIT ACCEPTED:

IDAHO FISH AND GAME DEPARTMENT

/s/ Russell L. Keller
(Signature of Applicant)

John R. Woodworth, Director

BY

Hawley Hill

/s/ Brent Nyborg
Approved by

Date July 24, 1969

NOV 13 1969

SCANNED

MAR 01 2006

S T A T E O F I D A H O
Water License No. 2077.

WHEREAS, On the 16th day of June, A.D.1906, JOHN G. SCHWING, of McCammon, County of Bannock, and State of Idaho, duly made application (No. 2921) to me for a permit to use 1.4 cubic feet per second of the waters of unnamed springs, County of Bannock, State of Idaho, for irrigation and domestic purposes; and

WHEREAS, On the 16th day of June A.D.1906, Permit No. 2077 was issued to said applicant for the diversion of said water, and providing for the completion of the works of diversion therein described on or before the 18th day of December, A.D. 1906, and for the application to beneficial use of said water on or before the 18th day of December, A.D.1908, and

WHEREAS, On the 20th day of November A.D.1906, the holder of said permit duly made proof of the completion of adequate works for the diversion of 1.4 cubic feet per second of said waters, as evidenced by my certificate No. 2077, dated December 1, 1908, confirming the completion of works of sufficient capacity for diverting and conveying to the place of intended use 1.4 cubic feet per second of water, with date of priority of June 16, 1906, and

WHEREAS, On the 20th day of February A.D.1909, proof was duly made of the application to beneficial use of .81 of 1 cubic foot per second of said water:

NOW, THEREFORE, By virtue of the authority vested in me by the laws of the State of Idaho, I hereby grant and confirm to JOHN G. SCHWING, of McCammon, Idaho, the holder and owner of said permit No. 2077, a perpetual right, dating from June 16, 1905, to the use of .81 of 1 cubic foot per second of the waters of unnamed spring, in the county of Bannock State of Idaho, or so much thereof as may be necessary for the purposes hereinbelow mentioned, to be diverted at a point in the northeast quarter of southeast quarter, section 11, township 9 south, range 36 east Boise meridian, and conducted to and upon 4 acres in southwest quarter of southwest quarter sec. 2., 2 acres in northwest quarter of northwest quarter, 10 acres in southwest quarter of northwest quarter; 8.5 acres in southeast quarter of northwest quarter; 16 acres in northeast quarter of northwest quarter of section 11, township 9 south, range 36 east of the Boise meridian, for the purpose of irrigation and domestic use, subject, however, to the laws of the State of Idaho applicable to a license for the use of the waters of the State, and subject, also, to the local or community customs, rules and regulations which have been or may be adopted from time to time by a majority of the users from the common source of supply, canal or lateral from which such water may be taken, when such rules and regulations have for their object the economical use of such water.

WITNESS, My hand and the seal of my office at Boise Idaho, this 3rd day of March, A.D. Nineteen hundred and nine.

Jas. Stephenson, Jr.

MICROFILMED
NOV 13 1958
SCANNED
MAR 01 2006

29 4025

Identification No.

Claim No.

Map No.

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION

CLAIM TO A WATER RIGHT

Established by Diversion and Application to Beneficial Use

Under the provisions of Section 42-225, Idaho Code, a person may file a claim to a right to use water which has been established by diversion and application to beneficial use. The filing of this claim does not confirm the water right but will serve for information purposes only. It may, however, become the basis for future adjudication of the water right by the Court.

(Please refer to the instructions on the back of this form)

- Name of claimant Russell L. Keller
post office address Rt. #1, McCammon, Idaho
- The point of diversion is in SW 1/4 of SW 1/4 Section 2 Township 9S
Range 36E S.M. located on unnamed creek (name of source)
tributary to Marsh Creek In Bannock County.
- Dates of priority claimed: list the priority for each separate quantity that you claim. Priority dates should be based upon the earliest diversion of the water which has resulted in continued beneficial use since that time. If there has been an interval of five years or greater when the water was not beneficially used for the same purpose as originally appropriated, the priority that you claim should date from the time that the water was again beneficially applied following the period of non-use.

a. Date of priority claimed:	<u>6-5-1945</u>	amount:	<u>0.5</u>	c.f.s. or	<u> </u>	acre feet	
	<u>8-10-1945</u>	amount:	<u>0.5</u>	c.f.s. or	<u> </u>	acre feet	
	<u>8-10-1945</u>	amount:	<u> </u>	c.f.s. or	<u>30</u>	acre feet	
	Total claimed					<u>1.0</u>	c.f.s. or <u> </u> acre feet
- Explain the purpose for which the water has been used and the time during the year when you have used the right claimed:

use <u>Irrigation</u>	period of use from	<u>June 1</u>	to	<u>Oct. 1</u>	(both dates inclusive)
use <u>Storage for ranch</u>	period of use from	<u>Jan. 1</u>	to	<u>Dec. 31</u>	(both dates inclusive)
use <u>Stockwater</u>	period of use from	<u>Jan. 1</u>	to	<u>Dec. 31</u>	(both dates inclusive)
use <u> </u>	period of use from	<u> </u>	to	<u> </u>	(both dates inclusive)
- Description of diverting works:
 - Surface water diversion dam and/or headgate: material is composed of cement headgate
 , length is 10 feet; height is 3 feet;
width at bottom is 7 feet; width at top is feet; explain any increase in diversion capacity since structure was first built, giving dates and estimated capacities if known
 - Underground water diverting works: is well flowing or pumped ; depth of well is feet; diameter of well is inches; type of pump is
capacity of pump is g.p.m.; name and address of well driller is

29 4025

Fish pond is a raised natural pond using a dam 5 ft. high by 30 ft. long covers four to five acres.

d. If water is stored: name of reservoir unnamed
total capacity of reservoir is 30 acre feet; active capacity of reservoir is _____ acre feet
year construction commenced 1945 year completed _____, date first used _____
period of storage is from _____ to _____; how reservoir drained each year _____
is reservoir on or off stream _____ explain _____

If feeder canal is used give maximum carrying capacity _____ cfs. If reservoir is off stream, describe location of reservoir by 40-acre subdivisions.

has there been any enlargement of the reservoir since it was first built _____ If so give dates and describe _____

g. Where water is used for irrigation, describe area irrigated by 40-acre subdivisions and give total acres

[illegible]

Total number of acres to be irrigated 40

Explain any significant increase in area irrigated since first use, give dates and acreages if known.

5. Do you get water through a ditch owned by several users? yes If yes, give the name of the ditch unnamed The other users and their respective interests in the ditch are (if known) Charles Mowers, for irrigation and stockwatering

6. Where water is used for stock watering, give number of each kind of stock watered varies from 1 to 10 head horses and cows

7. Where water is used for domestic or municipal purposes give number of families served name of town supplied

8. Where water is used for other purposes not above enumerated, give the nature of use, the extent of use, and any details regarding the initiation of the right or subsequent later expansion. Be as specific as possible, giving dates and quantities. is used for fish pond of 4 to 5 acres since 1945

9. Remarks: please explain any details of your claim which you feel need clarification or additional explanation I have a small water right in said stream but have used more and need more
2 1/2 of Sec. #20 1/2
Fish are perch and bass raised for recreational purposes. Have a Fish and Game Permit. Has been held for pond since 1957.

State of Idaho }
 County of Bonneville } ss.

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiant's knowledge.

Russell L. Keller
 Claimant

Sworn to before me this 13th day of August 1973

Norman C. Young
 Notary Public
 Residing at Idaho Falls, Idaho

My commission expires 6/10/75

For Department Use Only

Received by <u>Cal</u>	Date <u>8/13/73</u>	Exception filed by:	Forwarded to claimant by:	Date:
Pre-lm. check by <u>NGY</u>	Date <u>8/13/73</u>	<u>Rec'd 1/10</u>		
Fee received by <u>Cal</u>	Date <u>8/13/73</u>	<u>1302</u>		
Approved for publication by <u>NGY</u>	Date <u>8/20/73</u>			
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MAY 18 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: A29-04025A
Date Received: 4/05/1990
Receipt No: 1006486
Received By: CA

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: RUSSELL L. KELLER
Address: 86 E. MERRILL RD.
MC CAMMON, ID 83250
208-254-3452

2. Date of Priority: JUN 05, 1945

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

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
09S	36E	2	NW	SW	SW		BANNOCK

5. Description of diverting works:
HEADGATE AND DITCH, DAM IN CREEK

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	0.400		
STOCKWATER	01/01	12/31	0.020		
FISH PROP. STORAGE	01/01	12/31			30.00

7. Total Quantity Appropriated is:
0.420 C.F.S. (and/or) 30.00 A.F.A.

8. Total consumptive use is 50.0 Acre Feet Per Annum.

9. Non-irrigation uses:
FISH POND; STOCKWATER, 15 CATTLE AND HORSES

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
09S	36E	2	SW	SW		IRR	20.0

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Date: 04/05/90

SCANNED
MAR 01 2006

PROFILED

NOV 13 1992
MICROFILMED
NOV 13 1992

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10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
09S	36E	2	SW SW		STOCK	
			SW SW		FIS S	

Section Acres 20.0

Total Acres	20.0
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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:
A29-11104

14. Remarks:
2 POINTS OF DIVERSION IN NW 1/4, SW 1/4, SW 1/4 OF SEC. 2.

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

Number of attachments: -/-

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): Russell Keller Date: April 5 - 90

Date: _____

State of Idaho)
County of Bannock) SS.

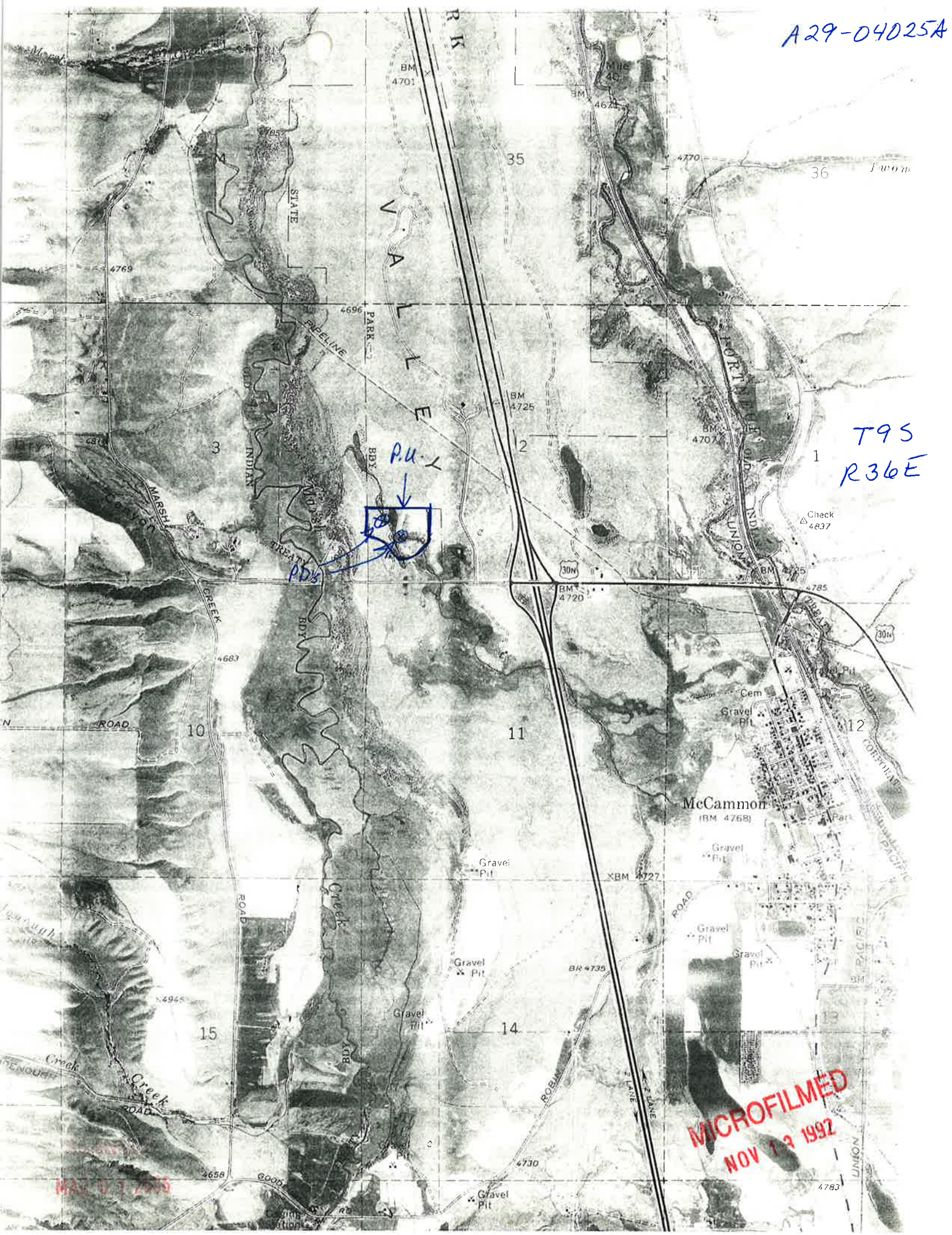
Subscribed and sworn (or affirmed) before me this 5th day
of April 19 90

Carter Fritschle
Notary Public

Seal

Residing at _____
Carter Fritschle, Notary Public
Residing at Eagle, Idaho
My commission Expires March 21, 1994
My Commission Expires _____

A29-04025A



T95
R36E

MICROFILMED
NOV 13 1992