

03/04/2003

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

RIGHT NUMBER: 29-11523

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

SOURCE: FISH CREEK

TRIBUTARY: PORTNEUF RIVER

QUANTITY: 3.300 CFS

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

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

PRIORITY DATE: 03/01/1897

POINT OF DIVERSION:

T09S R39E S30 SWSWSW Within BANNOCK County Source: FISH CREEK

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/15 09/15	3.300 CFS

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

PLACE OF USE: IRRIGATION Within BANNOCK County

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

311 ACRES TOTAL

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

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 165 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

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

03/04/2003

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

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

EXPLANATORY MATERIAL: Decreed

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

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

THIS RIGHT IS A COMBINATION OF OLD RIGHT NOS. 29-141 AND 29-144.

03/01/2002

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

RIGHT NUMBER: 29-11523

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

SOURCE: FISH CREEK

TRIBUTARY: PORTNEUF RIVER

QUANTITY: 3.30 CFS

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

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

PRIORITY DATE: 03/01/1897

POINT OF DIVERSION:

T09S R39E S30 SWSWSW Within BANNOCK County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/15 09/15	3.300 CFS

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

PLACE OF USE: IRRIGATION Within BANNOCK County

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

311 ACRES TOTAL

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

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 165 ACRES WITHIN THE PLACE OF
USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

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

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

EXPLANATORY MATERIAL: Decreed

Water Right 29-11523

1

03/01/2002

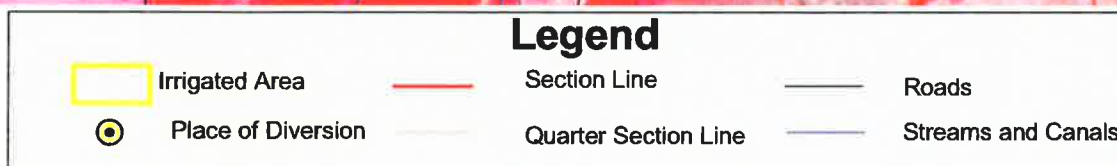
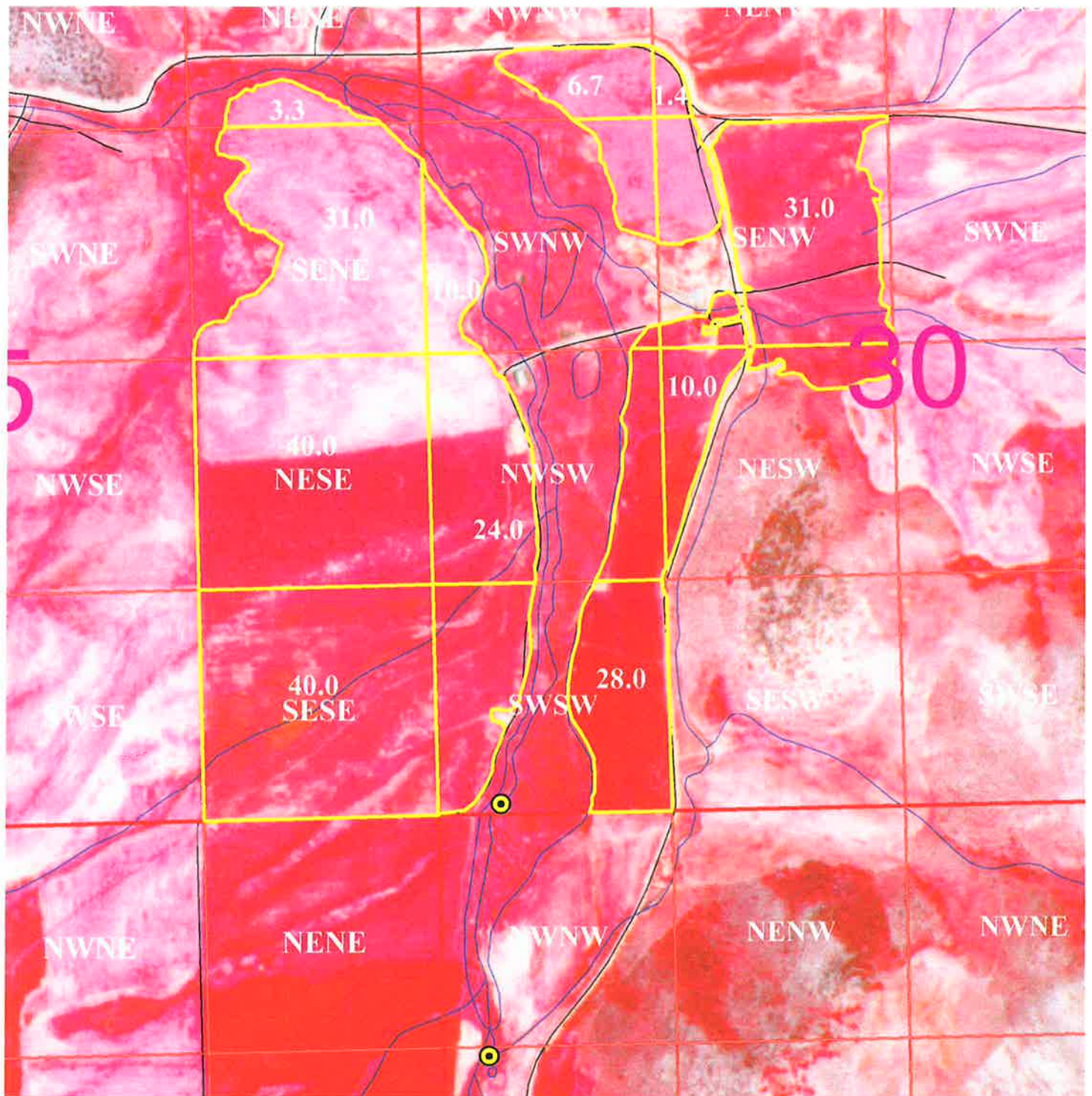
IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION
PURSUANT TO SECTION 42-1425, IDAHO CODE.
RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT
TO SECTION 42-1425, IDAHO CODE.
THIS RIGHT IS A COMBINATION OF OLD RIGHT NOS.29-141 AND 29-144.

Water Right Claim Number A29-11523

08/29/2000

Townships , 9S39E, 9S38E



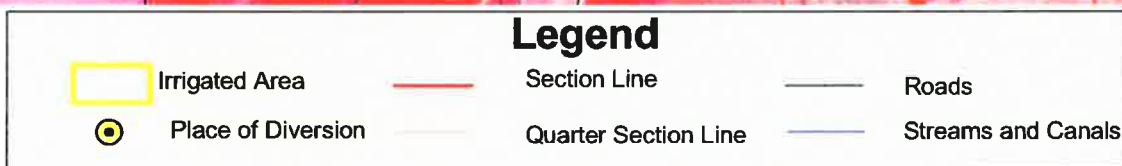
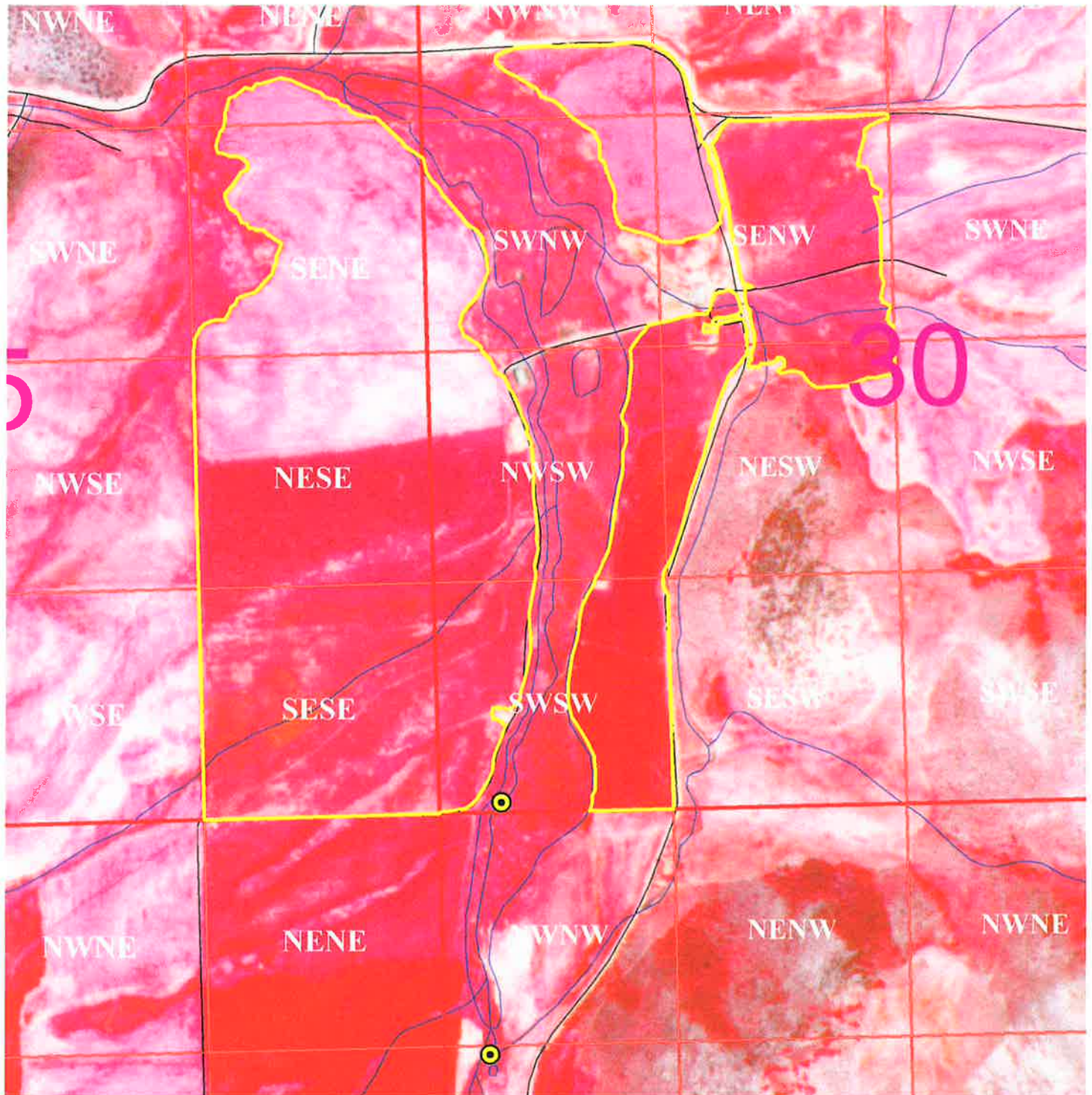
400 0 400 800 Feet



Water Right Claim Number A29-11523

08/29/2000

Townships , 9S39E, 9S38E



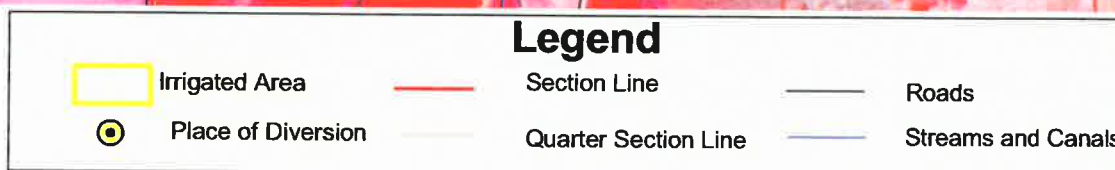
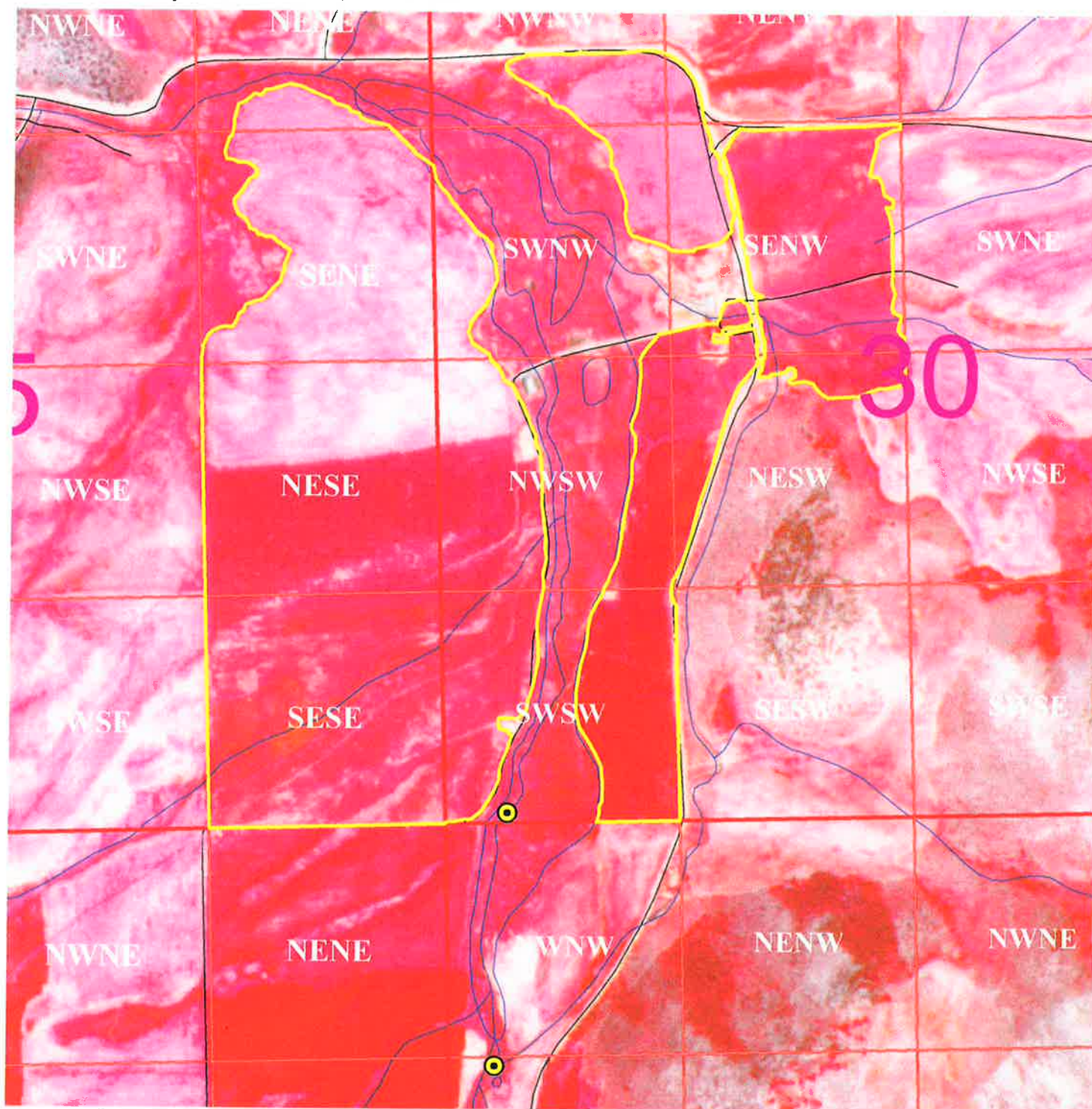
400 0 400 800 Feet



Water Right Claim Number A29-11523

08/29/2000

Townships , 9S39E, 9S38E



400 0 400 800 Feet



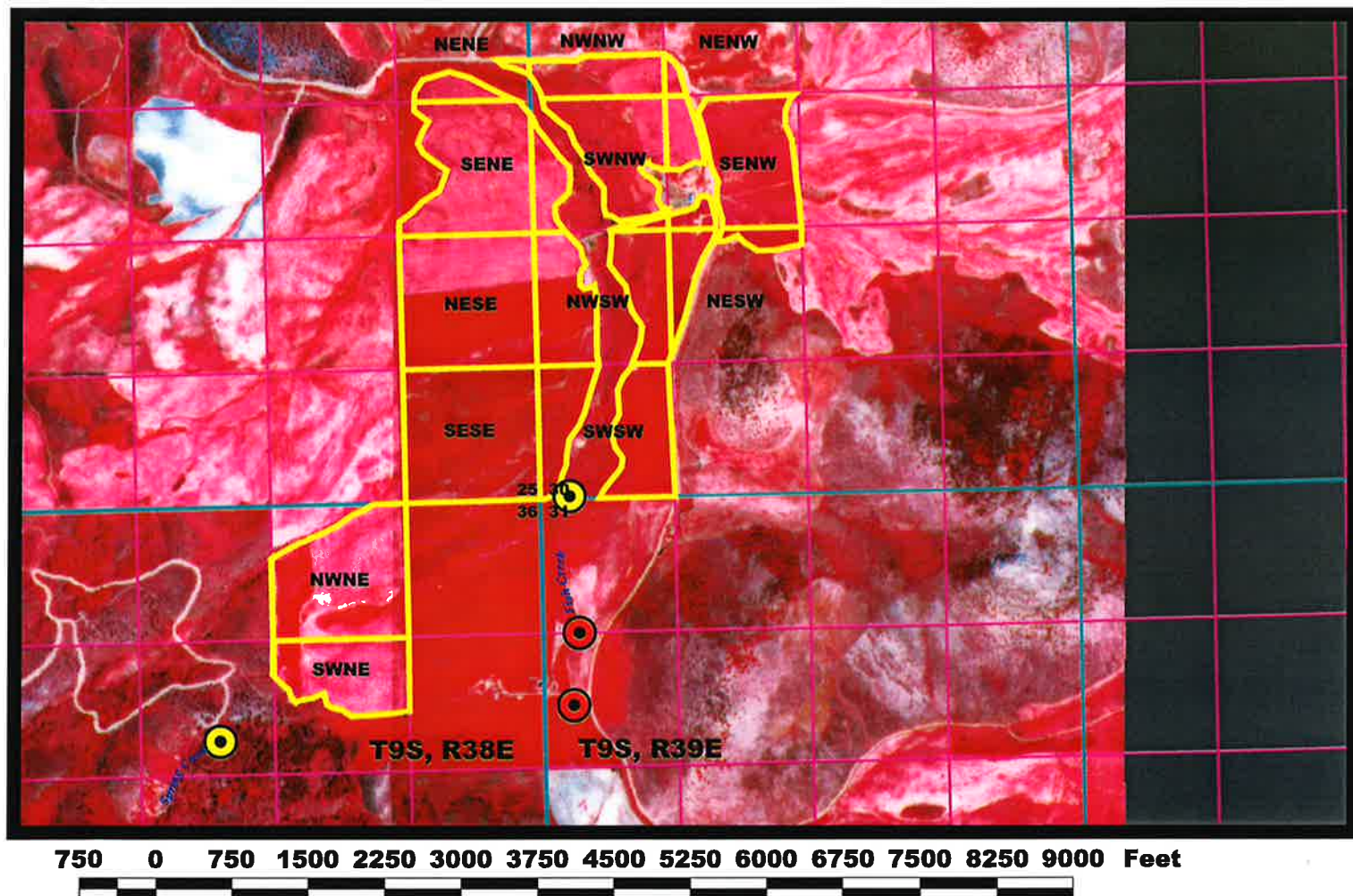


STATE OF IDAHO

Department of Water Resources

Eastern Region

Water Right(s): 29-00139, 29-00140,29-11523

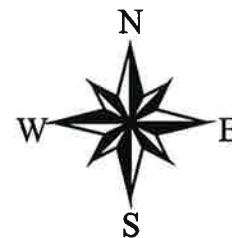


LEGEND

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

Place of Use: T9S, R38E
(parts of) Sec. 25, 36,
T9S, R39E
(parts of) Sec. 30, 31

Point(s) of Diversion:
T9S, R38E Sec. 36 SESE,
T9S, R39E Sec. 30 SWSWSW



GIS Place of Use Illustration
1987/1988 NAPP photography
Prepared by: A. Ruberry
Date: February 2002

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: 29-11523

KOESTER FARMS INC

8997 E GRANT RD

DOWNEY ID 83234

Telephone Number: (208)897-5591

139/140

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):

Add POD AT Grant Esley's Lower Dm. ok

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

△ An ADDRESS

Please send to:

776-5382

Kevin Koester

Box 697

Lava Hot Springs, Id.

83246

Done 3/4/03
ABR

JUN 06 2001

29-11523 DECEASED P15 OF CALL 29-141 w/ A. (10th) OF 29-144.
(SEE DECEASES EXCERPT ATTACHED)

Q: WHAT HAPPENED TO THE REMAINING 2.3 cfs OF 29-144?
(NO TRANSFERS, CHANGES OF OWNERSHIP (SPLITS) FOUND)

8/15/01 Met w/ Kevin Kooster. He HAS NO IDEA WHY THE 29-144
PORTION OF THIS CLAIM WAS REDUCED.

Amend? $\Rightarrow$ MAY NEED AMENDMENT TO ADD 2.3 cfs of 29-144 (UNCLAIMED FOR ABOVE)

8/21/01 CALLED DAVID KOOSTER; RE: WHY WAS THIS CLAIM NOT MADE
FOR ALL cfs OF 29-00144? He HAS NO IDEA - CERTAINLY DOES NOT
INTEND TO GIVE UP ANY cfs FROM ANY CLAIM. I SUGGESTED AN
AMENDMENT TO 29-11523 (COMBINES 29-00141 AND 29-00144) TO
ADD THE 2.3 cfs WHICH WAS OMITTED - He AGREED. CLAIM WAS
AMENDED 8/27/2001, cc ATTACHED.

* SEE POD Photo IN 29-140.

29-139, 2.4 cfs, ON 120° AC, CLAIMS 257°

29-140, 1.0 cfs, ON 50° AC, CLAIMS 311°

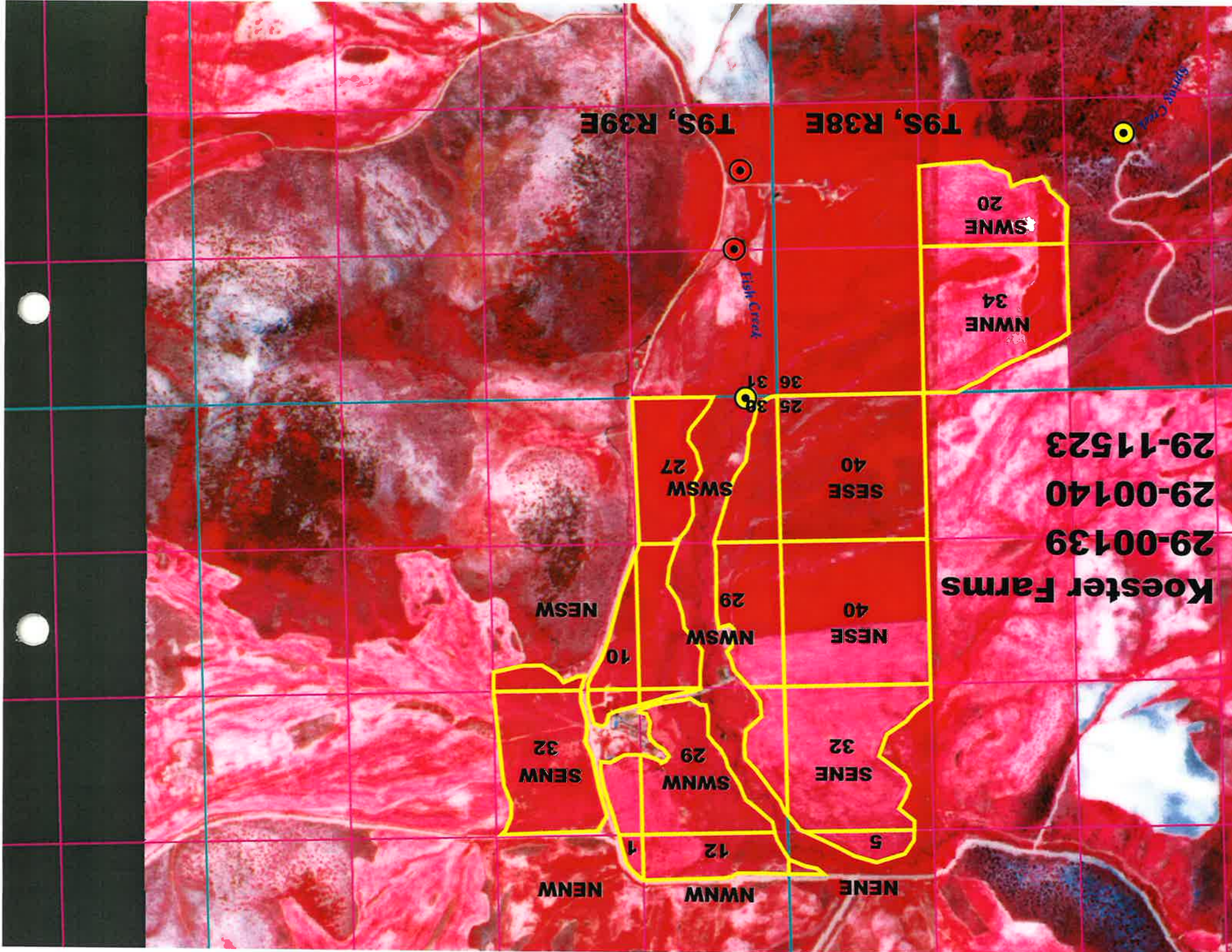
P15 $\Rightarrow$ 29-11523, 3.3 cfs, ON 165° AC, CLAIMS 257°

6.7 cfs $\Rightarrow$ 335° AC (MAX 311°)

PPH ALL Rts. w/ OVERLAP REMARKS

AND COMBINED USE REMARKS

w/ SØ8 - SOL



Koester Farms
29-00139
29-00140
29-11523

T9S, R38E

T9S, R39E

SWNE
20

NWNE
34

SESE
40

NESE
40

SENE
32

SWSW
27

NWSW
29

SWNW
29

NESW
10

SENE
32

NNNW
1

NWNW
12

NENE
5



Koester Farms, Inc.
29-00139, 29-00140,
29-11523

s2d30me, 500'

n77d30me, 260'

Pd0

25 3
36 3'

s06d, 1920'

s14d30me, 1400'

G.H. EGLEY
29-00142,
29-00143

8/15/01
bry

T9S, R38E T9S, R39E

Koester Farms, Inc.
29-00139, 29-00140,
29-11523

n52d30me, 500'

n77d30me, 260'

25 30
36 31

s14d30me, 1400'

s06d, 1920'

G.H. EGLEY
29-00142,
29-00143

T9S, R38E

T9S, R39E

29-0141

107. ASLETT, DAVID .9 c.f.s.
1897 Mar. 1.

SEE DECREE EXCERPT
29-139 (Attached)

Said water to be diverted at the said four points of diversion set forth in the four ditches above described through which he takes water, under the Fish Creek right of March 1, 1888; and also through a ditch having intake North 78 degrees WEST, 2880 feet from the west quarter corner of Section 31 Township 9 South, Range 39 E.B.M., for the irrigation of the South half of the Southeast quarter, Section 25, Township 9 South Range 38 E.B.M.

109. KOFOED, JAMES W.
1-0144 1897 Mar. 1 2.4 c.f.s.

- .1

? UNCLAIMED? 2.3

? SOURCE: FISH CREEK

P.O.U.: N²NE SEC. 25
w/ EXCEPTIONS

P.O.U.: N²NW SEC. 30
w/ EXCEPTIONS

Said water to be diverted through a ditch taken out at a point which bears South 6 degrees East 1920 feet from the Southwest corner of Section 30, Township 9 South, Range 39 E.B.M.; and also through another ditch taken out at a point which bears South 14 degrees 30 minutes East 1400 feet from the Southwest corner of said Section 30, for the irrigation of the North half of the Northeast quarter, Section 25, Township 9 South, Range 38 E.B.M. excepting therefrom the following: Beginning at the Southeast corner of the Northwest quarter of the Northeast quarter, Section 25, thence North 28 rods, thence East 80 rods, thence South 28 rods, thence west 80 rods to point of beginning; also the North half of the Northwest quarter, Section 30, Township 9 South, Range 39 E.B.M., excepting therefrom the following: Beginning at the Southwest corner of the Northwest quarter of the Northwest quarter, said Section 30, thence East 94 rods, thence North 12 degrees 5 minutes 38 seconds West, 28.64 rods, thence West 88 rods, thence South 28 rods to place of beginning.

* SEE NOTE
Below

29-11523 (P15); ALL OF 29-141 + 2.4 c.f.s. OF 29-144.

AS DESCRIBED, 29-141 SHARES THE SAME POD'S AS 29-139.

* POD'S: SAME AS 29-139 #'s ① AND ②.

Log for claim A29-11523

Spatial Dynamics PJM

8/29/00

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
09s38e	25	NENE	3	3.3	
09s38e	25	SENE	32	31	
09s38e	25	NESE	40	40	
09s38e	25	SESE	38	40	
09s39e	30	NENW	2	1.4	
09s39e	30	NWNW	6	6.7	
09s39e	30	SWNW	9	10	
09s39e	30	SENW	29	31	
09s39e	30	NESW	12	10	
09s39e	30	NWSW	21	24	
09s39e	30	SWSW	24	28	
Totals:			216	225.4	

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number 29-11523
Date Received: 4/19/1990
Receipt No: E013364
Received By: E O 27096
AMENDED

AMENDED

**NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW**

RECEIVED

SEP 10 2001

Department of Water Resources
Eastern Region

1. Name of Claimant(s)

KOESTER FARMS INC Phone: (208)897-5591

8997 E GRANT RD
DOWNEY ID 83234

2. Date of Priority: 03/01/1897

3. Source: FISH CREEK Trib. to: PORTNEUF RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
09S	39E	30	SW SW SW	BANNOCK	
09S	39E	31	NW SW NW	BANNOCK	

5. Description of diverting works:

PUMP IN CREEK AND HEADGATE AND DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/15	09/15	3.3	

7. Total Quantity Appropriated is:
3.3 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4 Lot	Use	Acres
09S	38E	25	NE NE	IRRIGATION	5

			SE	NE	IRRIGATION	32
			NE	SE	IRRIGATION	40
			SE	SE	IRRIGATION	40
					Section Acres	117
09S	39E	30	NE	NW	IRRIGATION	1
			NW	NW	IRRIGATION	12
			SW	NW	IRRIGATION	29
			SE	NW	IRRIGATION	32
			NE	SW	IRRIGATION	10
			NW	SW	IRRIGATION	29
			SW	SW	IRRIGATION	27
					Section Acres	140
					Total Acres	257

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:

THIS CLAIM IS BASED ON COMBINING ALL OF WATER RIGHT 29-00141 WITH 5" (0.10 CFS) OF WATER RIGHT 29-00144

CLAIM AMENDED TO ADD OMITTED 2.3 CFS FROM 29-00144 AND TO ADD ADDITIONAL ACRES.

15. Basis of Claim: Decreed

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 Sec. of _____ Title

Koester Farms Inc. Organization, that I have signed the foregoing document in the space below as Sec. Title

Koester Farms Inc. Organization and that the statements contained in the foregoing document are true and correct. Kevin Koester Signature of Authorized Agent

Sec. Koester Farms Inc. Title and Organization

Sept. 8-01 Date

State of Idaho)
County of Bannock) SS.

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

Gene McBride
Notary Public

Residing at Law Hot Springs

My commission Expires May 31, 2002



R38E

NENE

NWNW

NENW

5

12

1

SENE
32

SWNW
29

SENW
32

NESE
40

NWSW
29

NESW

10

SESE
40

SWSW
27

T9S, R38E

T9S, R39E

25 30
36 31

NWNE
34

SWNE
20

Koester Farms, Inc.
29-11523,
29-00139,
29-00140

Spring Creek

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: A29-11523
Date Received: 4/19/1990
Receipt No: EO 13364
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: MAR 01, 1897

3. Source: FISH CREEK Trib. to: PORTNEUF RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
09S	39E	30	SW	SW	SW		BANNOCK
		31	NW	SW	NW		BANNOCK

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

6. Water is used for the following purposes:

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

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

8. Total consumptive use is 540.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

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

A29-11523

Page 1

Date: 04/19/90

MICROFILMED

NOV 16 1992

A2911523



10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
09S	38E	25	SE SE		IRR	38.0

Section Acres 113.0

39E	30	NE	NW	IRR	2.0
		NW	NW	IRR	6.0
		SW	NW	IRR	9.0
		SE	NW	IRR	29.0
		NE	SW	IRR	12.0
		NW	SW	IRR	21.0
		SW	SW	IRR	24.0

Section Acres 103.0

Total Acres	216.0
-------------	-------

11. Place of use in counties: BANNOCK

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

13. Other Water Rights Used:
29-00140, 29-00139

14. Remarks:

THIS CLAIM IS BASED ON COMBINING ALL OF WATER RIGHT 29-00141 WITH 5" (0.10 CFS) OF WATER RIGHT 29-00144.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date:

UNION GRAIN & ELEVATOR CO.

Decree Plaintiff

VS

MCCAMMON DITCH CO. ET. AL.

Decree Defendant

MICROFILMED

NOV 16 1992

(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.

For Organizations:

Signature of Authorized Agent

4-19-90
Date

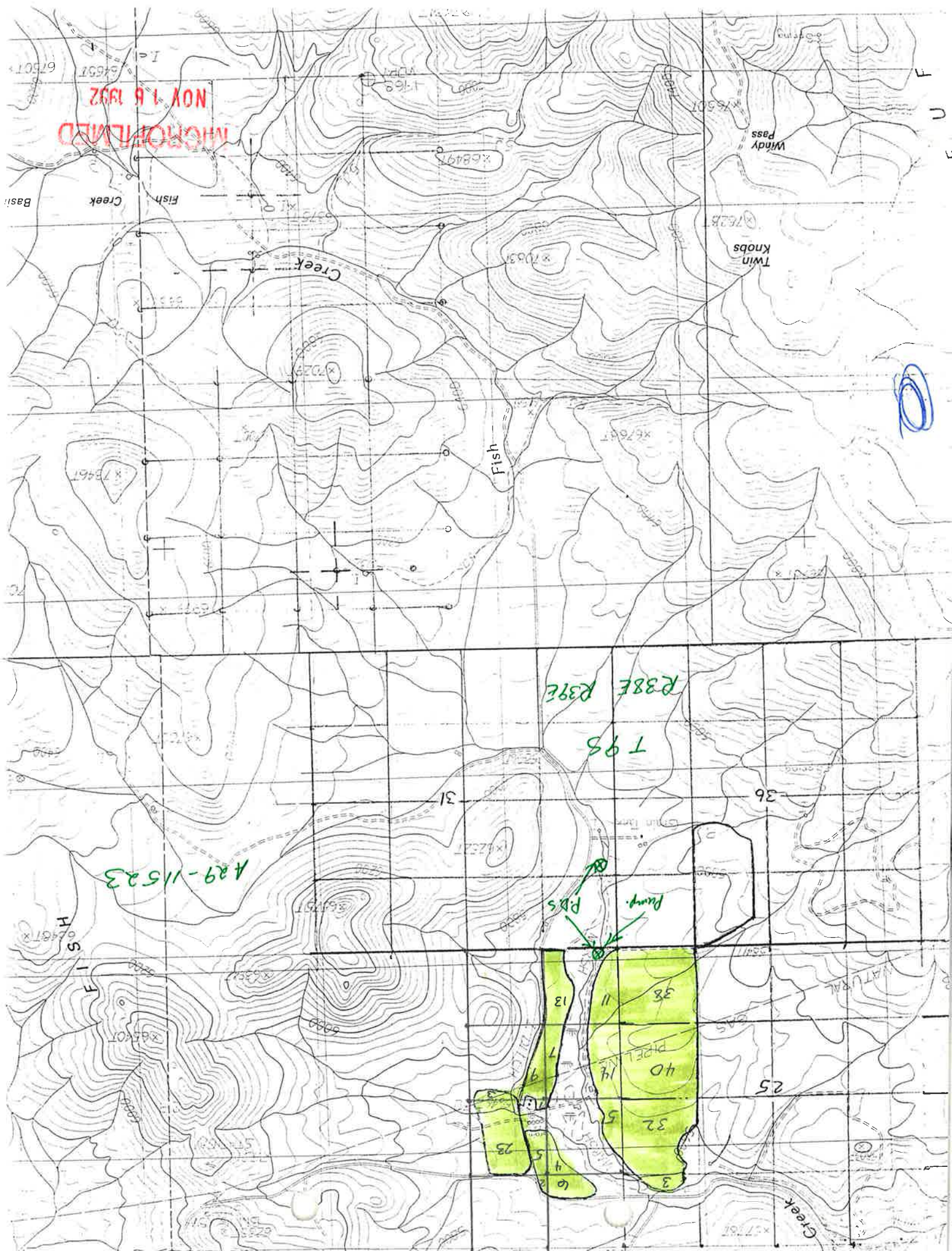
Subscribed and sworn (or affirmed) before me this 19th day
of April 19 90 Carter L.
Notary Public

Notary Public

Residing at Earle, Id

My Commission Expires 3-21-94

NOV 16 1992



NOV 16 1992
MICROFILMED

A29-11523

T9S
R38E R39E

