

11/05/2006

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

RIGHT NUMBER: 75-11621  
NAME AND ADDRESS: JOHN I KASTELER JR  
2011 ALISON CIRCLE  
SALT LAKE CITY UT 84124  
SOURCE: SPRINGS TRIBUTARY: NORTH FORK SALMON RIVER  
QUANTITY: 0.240 CFS  
PRIORITY DATE: 05/30/1948  
POINT OF DIVERSION:

T26N R21E S26 NESE Within LEMHI County  
T26N R21E S26 SESE Within LEMHI County

PURPOSE AND  
PERIOD OF USE:

| <u>PURPOSE OF USE</u> | <u>PERIOD OF USE</u> | <u>QUANTITY</u> |
|-----------------------|----------------------|-----------------|
| IRRIGATION            | 04/01 10/31          | 0.240 CFS       |

PLACE OF USE: IRRIGATION in LEMHI County

|               |      |       |               |      |      |
|---------------|------|-------|---------------|------|------|
| T26N R21E S25 | SWSW | 1.40  | T26N R21E S26 | NESE | 0.60 |
| T26N R21E S26 | SESE | 10.00 |               |      |      |

12 ACRES TOTAL

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

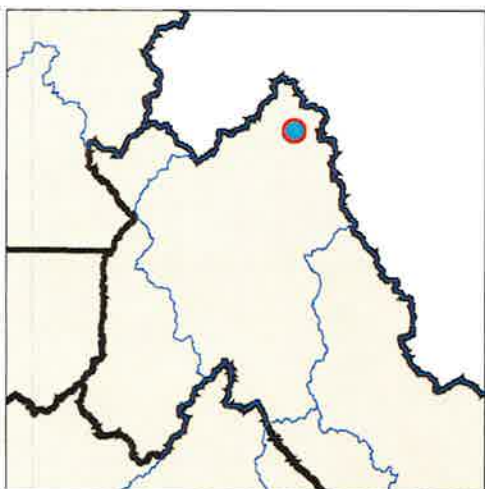
This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

# Idaho Department of Water Resources

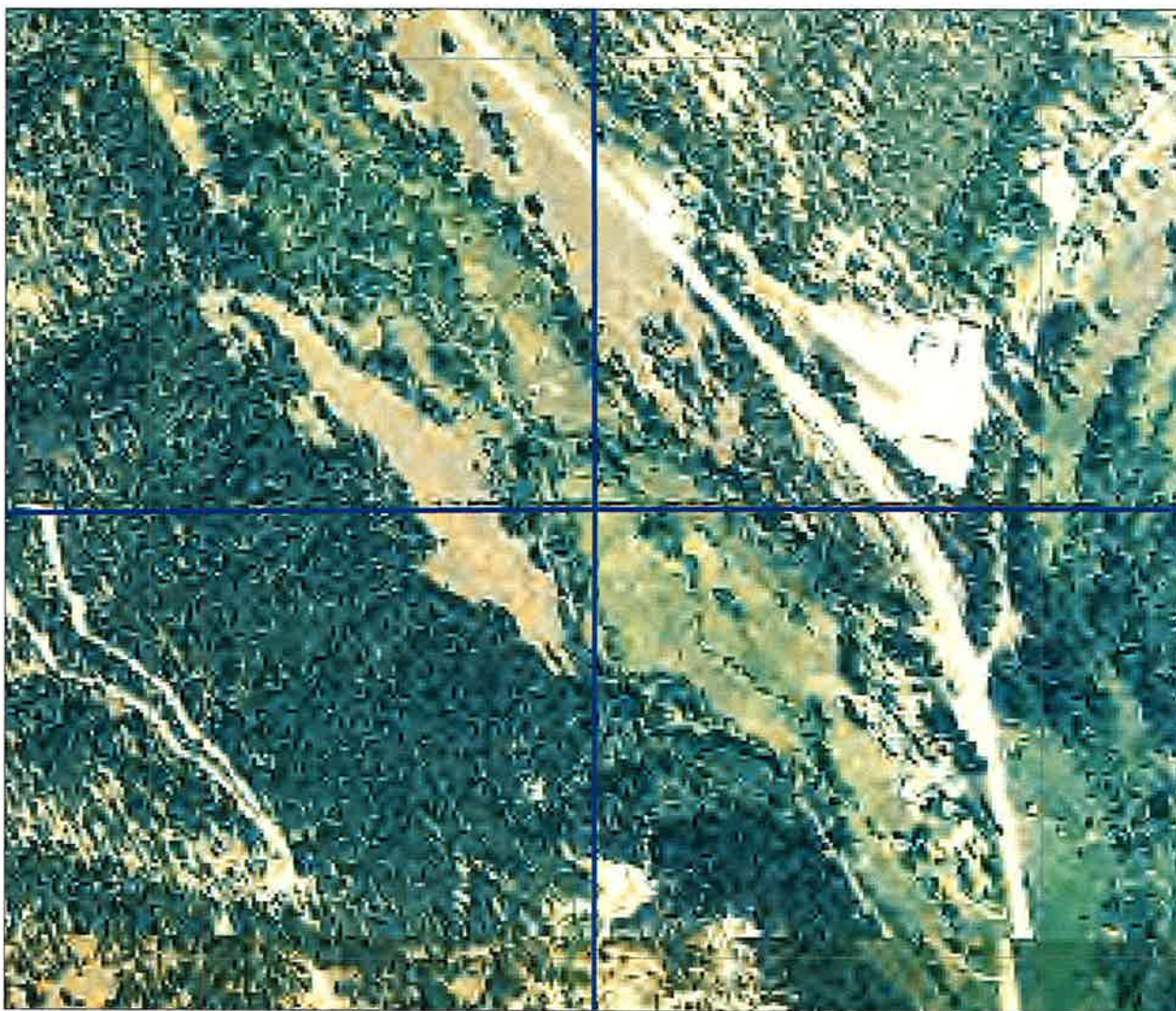


Adjudication Claim Number: **75-11621**



## Legend

-  PLS Sections
-  Quarter Quarters



0 0.2 0.4 Miles

A horizontal scale bar with three segments, corresponding to the 0, 0.2, and 0.4 mile markings.

Prepared by M. Vanbussum  
On Monday, May 16, 2005  
1991 Aerial Photography



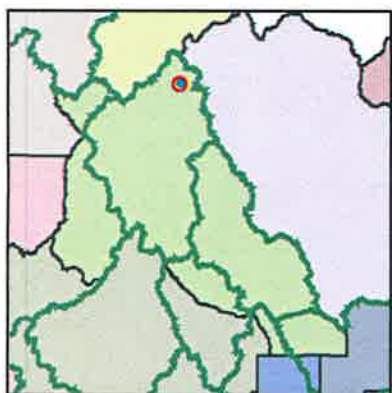
# Idaho Department of Water Resources

SRBA Claim:

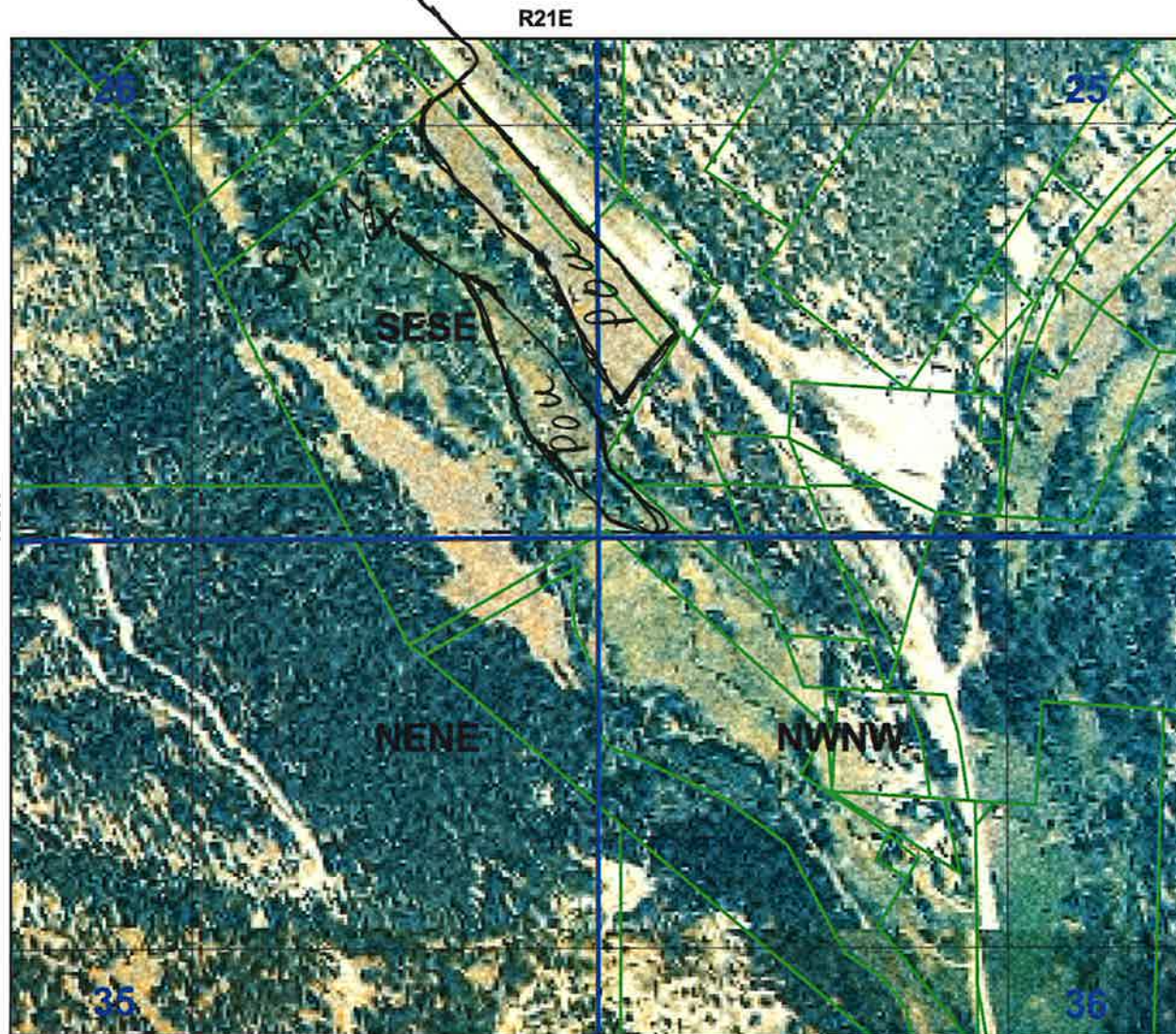
**75-11621**

## Legend

-  Townships
-  PLS Sections
-  Quarter Quarters
-  Parcels



Lemhi County  
IDWR Basin 75



0 0.2 0.4 Miles



Prepared by R. Brown  
On Friday, May 19, 2006  
1987/88 Aerial Photography

**STATE OF IDAHO**  
**DEPARTMENT OF WATER RESOURCES**  
**ADJUDICATION SECTION**  
**CLAIM VERIFICATION FIELD EXAM SHEET**  
(Use with the ECVR)

CLAIM NO(s).

A75 11620 A75 11621

208-756-3710

1. ☐ No Change NAME IS SAME  
☒ NEW OWNER: Jim and Debbie Riggans  
☐ No Change ADDRESS  
☐ NEW ADDRESS: 267 Hwy 28 Salmon, Id 83467
2. ☐ No Change - DATE OF PRIORITY: Completed evidence submitted  
☐ Incomplete - Claimant should be asked during the exam when was water first used and submit proof of date of priority.

Priority date, per claimant, is: \_\_\_\_\_

(If the priority date, based on your exam, seems questionable, explain below.)  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

3. ☒ No Change — SAME SOURCE  
☐ Source is different than that claimed:

Source found: 3 points of diversion - 2 ditches, one spring

4. ☐ No Change — POINT OF DIVERSION  
☐ Point of diversion is different than the claim and/or new P/D's:

GPS Site Tag No.: A0017014 GPS 140 A0017007 GPS 141

Township \_\_\_\_\_ Range \_\_\_\_\_ Section \_\_\_\_\_ 1/4 \_\_\_\_\_ 1/4 \_\_\_\_\_ 1/4 A0017002 GPS 146  
Township \_\_\_\_\_ Range \_\_\_\_\_ Section \_\_\_\_\_ 1/4 \_\_\_\_\_ 1/4 \_\_\_\_\_ 1/4 \_\_\_\_\_

5. ☒ No Change - DESCRIPTION OF DIVERTING WORKS  
☐ Incomplete description, list below:

\_\_\_\_\_  
\_\_\_\_\_

6. ☒ No Change - WATER USES  
☐ Different uses, (list uses found):

|           |            |          |              |           |           |
|-----------|------------|----------|--------------|-----------|-----------|
| Use _____ | From _____ | To _____ | Amount _____ | CFS _____ | AFA _____ |
| Use _____ | From _____ | To _____ | Amount _____ | CFS _____ | AFA _____ |
| Use _____ | From _____ | To _____ | Amount _____ | CFS _____ | AFA _____ |

7. ☐ No Change - TOTAL VOLUME

☐ Incomplete on claim, the total is, Amount \_\_\_\_\_ CFS \_\_\_\_\_ AFA

☐ Changes found, the new total is, Amount \_\_\_\_\_ CFS \_\_\_\_\_ AFA

8. ☐ No Change - NON-IRRIGATION USES:

☐ Changes Exam found:

Domestic # of homes: \_\_\_\_\_ Stock # \_\_\_\_\_ List types: \_\_\_\_\_

Additional comments: \_\_\_\_\_

9. ☒ No Change — PLACE OF USE: (If changed, list below.)

|            |                |             |               |           |           |
|------------|----------------|-------------|---------------|-----------|-----------|
| Use: _____ | Township _____ | Range _____ | Section _____ | 1/4 _____ | 1/4 _____ |
| Use: _____ | Township _____ | Range _____ | Section _____ | 1/4 _____ | 1/4 _____ |
| Use: _____ | Township _____ | Range _____ | Section _____ | 1/4 _____ | 1/4 _____ |
| Use: _____ | Township _____ | Range _____ | Section _____ | 1/4 _____ | 1/4 _____ |

Remarks: (Comments pertinent to field examination) ☐ See additional attachment

*A0017014 GPS 140 to A7511620 west side*  
*A0017007 GPS 141 to A7511621 east side*  
*A0017002 GPS 146 to A7511621 spring*

☐ SYSTEM DIAGRAM INCLUDED ☐ NA

☐ Shown on GIS Layout

☐ CK IF IN OFFICE EXAM

DATE EXAM CONDUCTED: \_\_\_\_\_

FIELD EXAMINER: \_\_\_\_\_

Print Name

*Jack F. Ellis*  
Signature

POOR ORIGINAL

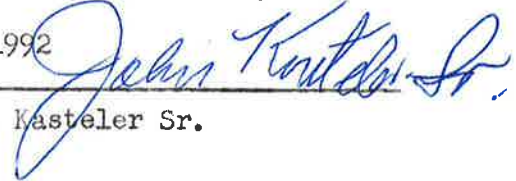
TO ALL WHOM IT MAY CONCERN

During the summer of 1948, I entered into tentative negotiations with Theodore Fougassie, owner of Homestead Entry No. 97, Gibbonsville, Idaho, to incorporate his property into U. S. Chemical Corp. Several trips were made to Gibbonsville during the balance of the year to assist Fougassie and his partner, Hugh J. Richards, in caring for the property.

The former owner of Entry No. 97, Max Bauer, had left the irrigating ditches and the culinary spring in disrepair. The West Ditch, which began approximately 1000 feet below the Wenzig cabin, was dug in the 1920's solely to irrigate the west pasture of Entry 97, was 'brushed out' to allow passage of more water. This water ran all summer until winter. The same condition existed at the East Ditch which began near the Wenzig cabin and was used to irrigate the East Pasture of Entry 97. This water also flowed all summer. The culinary spring in the central meadow of Entry 97 supplied drink<sup>ing</sup> water to the Bauers and to Fougassie from 1926 to 1955.

During the period between 1948 and 1955, Albert and Anna Prokych, of Salmon, Idaho, leased the pastures of Entry 97 for their cattle. Irrigating water ran continuously all summer in the West ditch and intermittently in the East Ditch. The Culinary spring was used all year..

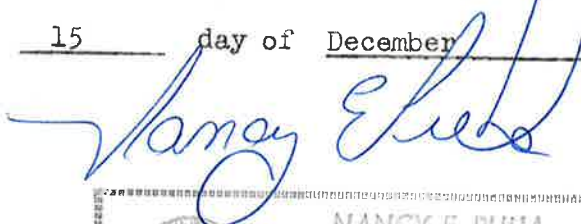
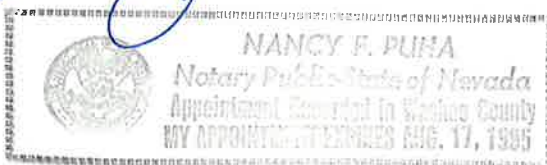
Dated this 15 day of December, 1992

  
John Kasteler Sr.

STATE OF NEVADA       )  
                              ) SS  
COUNTY OF WASHOE    )

Subscribed and sworn to before me this

15 day of December, 1992

MICROFILMED

APR 19 1994

Mrs. Annie Proksch  
Route 1 Box 126  
Salmon, Idaho 83467  
Phone 208-756-3250

December 14, 1992

John Kasteler  
2011 Kalison Circle  
S.L.C., Utah 84124  
Phone 801-272-1827

Ref: Irrigation of property at Gibbonsville Idaho

To whom it may concern:

I have been asked to verify the irrigation of the John Kasteler property located in Gibbonsville, Lemhi County, Idaho. My husband and I rented the property in about 1954 for the pasturing of cows. I, Annie Proksch did irrigate some of the land in question. I cannot remember the ditch locations, but can witness the fact that the land was irrigated during the time of our uses.

I would be glad to respond to further questions or information needed to satisfy your requirements in this case..

Sincerely,

  
Annie Proksch

MICROFILMED

APR 19 1994

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: **A75-11621**  
Date Received: 1/21/1993  
Receipt No: E018221  
Received By: \_\_\_\_\_

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

1. Name: JOHN I KASTELER JR 801-272-1827  
Address: 2011 ALISON CIRCLE  
SALT LAKE CITY UT 84124
2. Date of Priority: MAY 30, 1948
3. Source: SPRINGS Trib. to: NORTH FORK SALMON RIVER
4. Point of Diversion:
- | Township | Range | Section | 1/4 of | 1/4 of | 1/4 of | Lot | County |
|----------|-------|---------|--------|--------|--------|-----|--------|
| 26N      | 21E   | 26      | NW     | SE     | SE     |     | LEMHI  |
5. Description of diverting works:  
SPRING TO DITCH TO PROPERTY
6. Water is used for the following purposes:
- | Purpose    | From  | To    | C.F.S | (or) | A.F.A. |
|------------|-------|-------|-------|------|--------|
| IRRIGATION | 04/15 | 10/15 | 0.500 |      |        |
7. Total Quantity Appropriated is:  
0.500 C.F.S. (and/or) A.F.A.
8. Total consumptive use is 30.0 Acre Feet Per Annum.
9. Non-irrigation uses:
10. Place of Use:

| Township | Range | Section | 1/4 of | 1/4 of | Lot | Use           | Acres |
|----------|-------|---------|--------|--------|-----|---------------|-------|
| 26N      | 21E   | 26      | SE     | SE     |     | IRR           | 7.0   |
|          |       |         |        |        |     | Section Acres | 7.0   |
|          |       | 35      | NE     | NE     |     | IRR           | 3.0   |

10. Place of Use: Continued

| Township | Range | Section | 1/4 of 1/4 | Lot | Use           | Acres |
|----------|-------|---------|------------|-----|---------------|-------|
|          |       |         |            |     | Section Acres | 3.0   |
|          |       | 36      | NW         | NW  | IRR           | 2.0   |
|          |       |         |            |     | Section Acres | 2.0   |
|          |       |         |            |     | Total Acres   | 12.0  |

11. Place of use in counties: LEMHI

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

13. Other Water Rights Used:

14. Remarks:

15. Basis of Claim: BENEFICIAL USE

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): \_\_\_\_\_ Date: \_\_\_\_\_  
\_\_\_\_\_ Date: \_\_\_\_\_

State of Idaho )  
 ) SS.  
County of \_\_\_\_\_ )

Subscribed and sworn (or affirmed) before me this \_\_\_\_\_ day  
of \_\_\_\_\_ 19 \_\_\_\_\_

\_\_\_\_\_  
Notary Public

Seal

Residing at \_\_\_\_\_

My Commission Expires \_\_\_\_\_

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

Date Received

Receipt Number

A75-11621

1-20-93

EO 18221

NOTICE OF CLAIM  
TO A  
WATER RIGHT  
ACQUIRED UNDER STATE LAW

RECEIVED

JAN 20 1993

Department of Water Resources  
Eastern District Office

Please type or print clearly

1. Name of Claimant (s) John I. Kasteler Jr Phone (801) 272-1827  
Mailing Address 2011 ALISON Circle SLC Utah Zip 84124  
OR P.O. Box 23 Gibbonsville, Idaho 801 566-9201

2. Date of Priority (Only one (1) per claim) May 30, 1948

3. Source of water supply (a) unnamed springs  
which is tributary to (b) NORTH Fork, Salmon River

4. a. Location of existing point of diversion is: Township 26 N Range 21 E Section 35 & 36,  
\_\_\_\_\_ 1/4 of \_\_\_\_\_ 1/4 of \_\_\_\_\_ 1/4, Govt. Lot, \_\_\_\_\_ B.M., County of \_\_\_\_\_

Additional points of diversion if any: \_\_\_\_\_

b. If instream flow, beginning point of claimed instream flow is:

Township \_\_\_\_\_ Range \_\_\_\_\_ Section \_\_\_\_\_, \_\_\_\_\_ 1/4 of \_\_\_\_\_ 1/4 of \_\_\_\_\_

Govt. Lot \_\_\_\_\_ B.M., County of \_\_\_\_\_

ending point is: Township \_\_\_\_\_ Range \_\_\_\_\_ Section \_\_\_\_\_, \_\_\_\_\_ 1/4 of \_\_\_\_\_ 1/4 of \_\_\_\_\_

\_\_\_\_\_ 1/4, Govt. Lot \_\_\_\_\_ B.M., County of \_\_\_\_\_

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),  
including the dates of any changes or enlargements in use, the dimensions of the diversion works as  
constructed and as enlarged and the depth of each well.

The three springs emanate from the slope of a gravel bar approximately 300' east of Highway 93 and approximately 250' south of the North property line. The spring water flows through the field and into a ditch that then flows onto the Broken Arrow property to the south.

MICROFILMED

APR 19 1994

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For Irrigation purposes from Jan. to Dec. amount .5 or \_\_\_\_\_

For Small Domestic & Stock water purposes from Jan. to Dec. amount .5 or \_\_\_\_\_

For \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ amount \_\_\_\_\_ or \_\_\_\_\_

For \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ amount \_\_\_\_\_ or \_\_\_\_\_

7. Total quantity claimed (a) 1.0 (cfs) and/or (b) \_\_\_\_\_ (acre feet)

8. Total consumptive use claimed is \_\_\_\_\_ acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) Two horses and a mule at the Broken Arrow

10. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

Description of place of use: (see attached map)

Beginning at Corner No. 2; thence South 48°8' East 11.08 chains to Corner No. 3; thence South 21°4' East 4.08 chains to Corner No. 4; thence South 86°14' East 1.04 chains to Corner No. 5; thence South 3°43' East 1.93 chains to Corner No. 6; thence North 47°55' West 14.46 chains to Corner No. 7; thence South 60° West 3.85 chains; thence North along the North Fork river approximately 17.5 chains; thence North 51°30' East 7.30 chains; thence South 43° East to Corner No. 2, the place of beginning.

Total number of acres irrigated 12 Approximately

11. In which county (ies) are lands listed above as place of use located? Lenchi

12. Do you own the property listed above as place of use? Yes X No \_\_\_\_\_  
If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above.  
\_\_\_\_\_ or None (X)

14. Remarks:

Last Name Kasteler Ident No. \_\_\_\_\_

MICROFILMED

Copies: White-State, Yellow-Claimant  
APR 19 1994

15. Basis of Claim (check one) Beneficial Use ☒ Posted Notice \_\_\_\_\_ License \_\_\_\_\_ Permit \_\_\_\_\_  
Decree \_\_\_\_\_  
If applicable provide IDWR Water Right Number \_\_\_\_\_  
Court \_\_\_\_\_ Case Number \_\_\_\_\_ Decree Date \_\_\_\_\_  
Plaintiff vs 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 3

**For Individuals:** I do solemnly swear or affirm that the statements contained in the foregoing document are true  
and correct.

Signature of Claimant (s)

John H. Kasteler Jr.

Date 1/15/93

Date \_\_\_\_\_

**For Organizations:** I do solemnly swear or affirm that I am \_\_\_\_\_

Title

of \_\_\_\_\_, that I have signed the foregoing

Organization

document in the space below as \_\_\_\_\_

Title

of \_\_\_\_\_

Organization

and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent \_\_\_\_\_

Title and Organization \_\_\_\_\_

Date \_\_\_\_\_

State of Idaho/or \_\_\_\_\_ )

County of \_\_\_\_\_ )

SS.

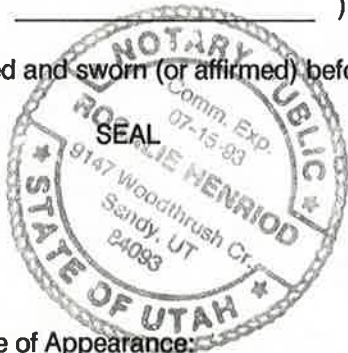
Subscribed and sworn (or affirmed) before me this

15<sup>th</sup>

day of

January

19 93



Notary Public

Rosalie Henriod

Residing at

Sandy, Utah

My Commission Expires

7/15/93

Please Print Name

17. Notice of Appearance:

Notice is hereby given that I, \_\_\_\_\_ will be acting as attorney at law on behalf  
of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above  
should be mailed to me at the address listed below.

Signature \_\_\_\_\_

Address \_\_\_\_\_

Date \_\_\_\_\_

Last Name

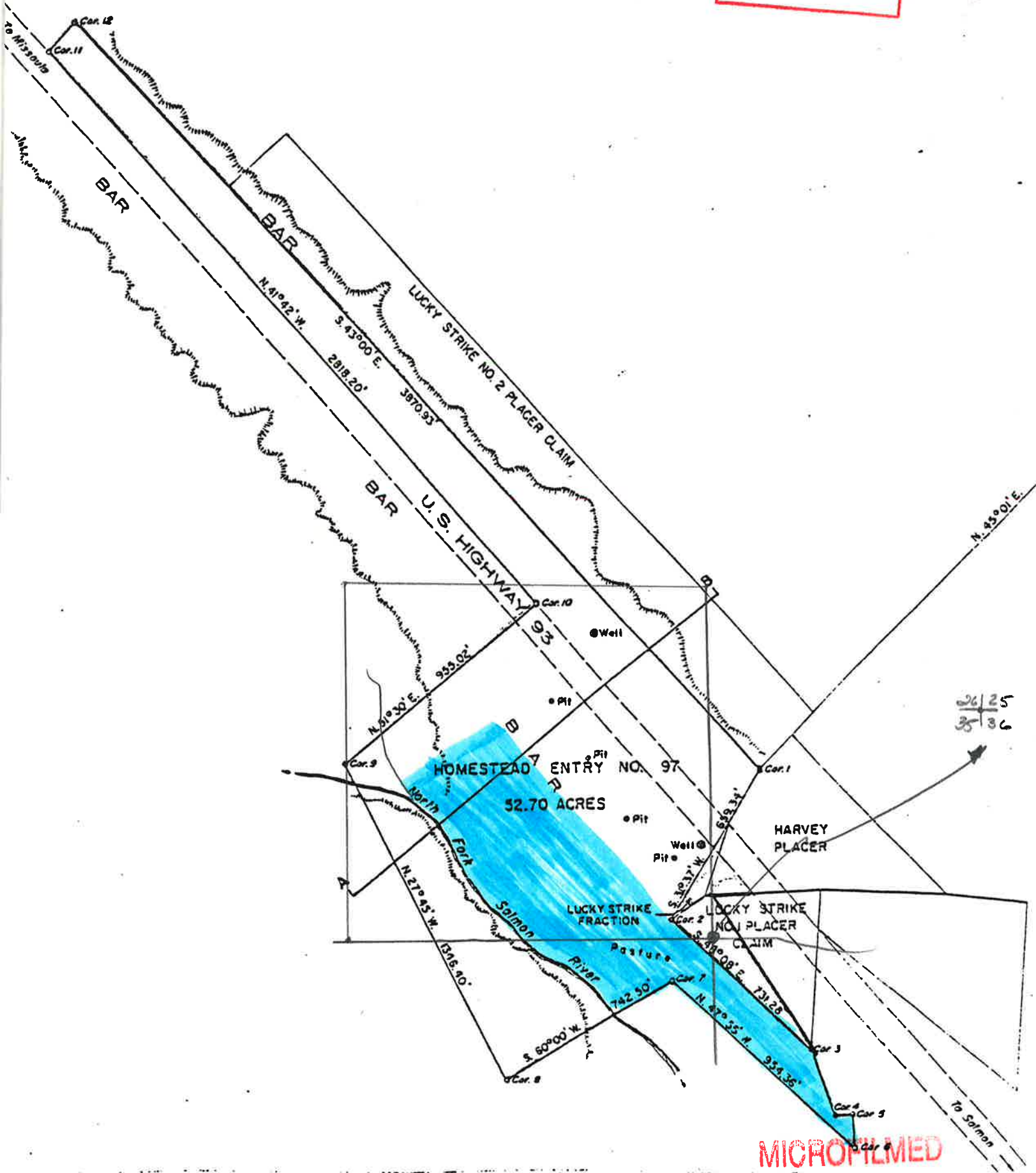
Kasteler

Ident. Number \_\_\_\_\_

**MICROFILMED**

APR 13 1994  
Copies While State, Yellow-Claimant

POOR ORIGINAL



MICROFILMED

APR 19 1994