

11/08/2006

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

RIGHT NUMBER: 75-14344

NAME AND ADDRESS: KEVIN KELLER
PO BOX 36
CARMEN ID 83462

MARY JO KELLER
PO BOX 36
CARMEN ID 83462

SOURCE: DAVIS CREEK
SMOUT CREEK

TRIBUTARY: FREEMAN CREEK
TRIBUTARY: FREEMAN CREEK

QUANTITY: ~~2.000~~ CFS ^{1.56}

14.21 The rights listed below are limited to a total combined diversion rate of
cfs.
Combined Right Nos.: 75-14342, 75-14344, 75-14346 and 75-14348

PRIORITY DATE: 05/01/1892

POINT OF DIVERSION:

T23N R23E S29 NENWSW Within LEMHI County
T23N R23E S29 NWNWSW Within LEMHI County
T23N R23E S30 NENWNE Within LEMHI County
T23N R23E S30 NWSWNE Within LEMHI County
T23N R23E S30 NWNESW Within LEMHI County
T23N R23E S30 SENWSW Within LEMHI County
T23N R23E S30 SENESE Within LEMHI County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u> ^{1.56}
IRRIGATION	4/01 ~~11/01~~ 10/31	~~2.000~~ CFS

PLACE OF USE:

IRRIGATION in LEMHI County

T23N R22E S25	NENE	0.20	T23N R22E S25	SENE	22.00
T23N R22E S25	NESE	15.00	T23N R22E S25	SESE	18.00
T23N R22E S36	NENE	35.00	T23N R22E S36	NWNE	15.00
T23N R22E S36	SWNE	16.00	T23N R22E S36	SENE	19.00
T23N R23E S30	NENW	19.00	T23N R23E S30	NWNW	20.00
T23N R23E S30	SWNW	36.00	T23N R23E S30	SENW	7.30
T23N R23E S30	NESW	23.00	T23N R23E S30	NWSW	13.00
T23N R23E S30	SWSW	37.00	T23N R23E S30	SESW	39.00
T23N R23E S30	NESE	2.80	T23N R23E S30	NWSE	32.00
T23N R23E S30	SWSE	22.00	T23N R23E S30	SESE	0.40
T23N R23E S31	NENW	18.00	T23N R23E S31	NWNW	39.00
T23N R23E S31	SWNW	25.00			

473.7 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 473.7 acres in a single irrigation season. Combined Right Nos.: 75-14342, 75-14344, 75-14346 and 75-14348

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

11/08/2006

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: BASIS OF CLAIM - Decreed

Keller and Wolff

607.1 total acres found to be irrigated

Keller 473.7 acres = $78.03\% \times 1.4 \text{ cfs} = 1.09 \text{ cfs}$ 14342
Wolff 133.4 acres = $21.97\% \times 1.4 \text{ cfs} = 0.31 \text{ cfs}$ 14343

14344 $78.03\% \times 2.0 \text{ cfs} = 1.56 \text{ cfs}$
14345 $21.97\% \times 2.0 \text{ cfs} = 0.44 \text{ cfs}$

14346 $78.03\% \times 9.1 \text{ cfs} = 7.33$
14347 $21.97\% \times 9.1 \text{ cfs} = 2.07$

14348 $78.03\% \times 6.0 \text{ cfs} = 4.68$

14349 $21.97\% \times 6.0 \text{ cfs} = 1.32$

$473.7 \times 0.3 \text{ cfs/acre} = 14.21 - 2.65 \text{ decreed} = 11.56$

$133.4 \text{ ac} \times 0.03 \text{ cfs/acre} = 4.0 \text{ cfs}$ $- 0.75 \text{ decreed} = 3.25 \text{ cfs R/V}$
 $133.4 \text{ ac} \times 0.02 \text{ cfs/acre} = 2.67 \text{ cfs}$
 $133.4 \text{ ac} \times 0.04 \text{ cfs/acre} = 5.34 \text{ cfs}$

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 75-14344
Date Received: 5/2/1990
Receipt No:
Received By:

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

1. Name of Claimant(s)

MARY JO KELLER
PO BOX 36
CARMEN ID USA 83462

Phone: (208)756-4632

KEVIN KELLER
PO BOX 36
CARMEN ID USA 83462

Phone: (208)756-4632

2. Date of Priority: 05/01/1885

3. Source: DAVIS CREEK , DAVIS CREEK , DAVIS CREEK , SMOUT CREEK , SMOUT CREEK ,
SMOUT CREEK , DAVIS CREEK Trib. to: FREEMAN CREEK , FREEMAN CREEK , FREEMAN CREEK ,
FREEMAN CREEK , FREEMAN CREEK , FREEMAN CREEK , FREEMAN CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
23N	23E	30	NW SW NE	LEMHI	
23N	23E	30	NE NW NE	LEMHI	
23N	23E	30	SE NW SW	LEMHI	
23N	23E	29	NE NW SW	LEMHI	
23N	23E	30	SE NE SE	LEMHI	
23N	23E	29	NW NW SW	LEMHI	
23N	23E	30	NW NE SW	LEMHI	

5. Description of diverting works:

DITCH.

6. Water is used for the following purposes:

Purpose
IRRIGATION

From To C.F.S.
4/01 11/01 2

(or) A.F.A

7. Total Quantity Appropriated is:
2 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
23N	22E	25	SE	SE		IRRIGATION	40
			NE	SE		IRRIGATION	35
			NE	SE		IRRIGATION	15
			SE	NE		IRRIGATION	22.5
						Section Acres	112.5
23N	22E	36	NE	NE		IRRIGATION	40
			NW	NE		IRRIGATION	10
			SW	NE		IRRIGATION	10
			SE	NE		IRRIGATION	10
						Section Acres	70
23N	23E	30	SW	SW		IRRIGATION	40
			SE	SW		IRRIGATION	40
			NW	SE		IRRIGATION	40
			SW	NW		IRRIGATION	36
			SE	NW		IRRIGATION	22
			NE	SW		IRRIGATION	30
			NE	SE		IRRIGATION	35
			NW	SW		IRRIGATION	35
			SW	SE		IRRIGATION	20
			SE	SE		IRRIGATION	8
						Section Acres	306
23N	23E	31	NE	NE		IRRIGATION	5
			NW	NW		IRRIGATION	40
			SW	NW		IRRIGATION	38
			NW	NE		IRRIGATION	20
			NE	NW		IRRIGATION	20
						Section Acres	123
						Total Acres	611.5

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:

P/D NOT GIVEN IN DECREE.

FARM CREDIT SERVICES IS THE LIENHOLDER/ THE OWNERSHIP OF THIS LAND IS IN QUESTION
3/12/96 DC

This right is a split from former right 75-80 .

75-80 was split but POU and Q were not amended because the shape and file would not match with the claim. Recommendation will pro rate the acreage and diversion rate.

15. Basis of Claim: Decreed