

11/09/2006

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

RIGHT NUMBER: 67-10616
NAME AND ADDRESS: LARRY J KELLAR
PO BOX 164
CAMBRIDGE ID 83610

LINDA M KELLAR
PO BOX 164
CAMBRIDGE ID 83610

SOURCE: SPRING TRIBUTARY: SPRING CREEK
QUANTITY: 0.240 CFS
PRIORITY DATE: 03/15/1912
POINT OF DIVERSION:

T15N R03W S28 NWSWSW Within WASHINGTON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/15 10/31	0.200 CFS
DOMESTIC	01/01 12/31	0.040 CFS

PLACE OF USE: IRRIGATION in WASHINGTON County

T15N R03W S28	SWSW	16.00	T15N R03W S33	SWNE	36.00
T15N R03W S33	SENE	5.20	T15N R03W S33	NENW	33.00
T15N R03W S33	NWNW	7.00	T15N R03W S33	SENE	14.00
T15N R03W S33	NESW	5.80	T15N R03W S33	NESE	10.00
T15N R03W S33	NWSE	40.00			

DOMESTIC in WASHINGTON County

T15N R03W S33 SENE

167 ACRES TOTAL

Right Nos. 67-10616 and 67-67-12320 are limited to the irrigation of a combined total of 166.4 acres in a single irrigation season.

This right is limited to the irrigation of 10 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: BASIS OF CLAIM - Beneficial Use



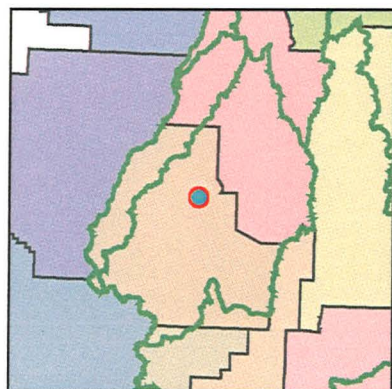
Idaho Department of Water Resources

SRBA Recommendation:

67-10616

Legend

-  Point of Diversion
-  Place of Use
-  Townships
-  PLS Sections
-  Quarter Quarters



Washington County
IDWR Basin 67



Prepared by M. Mount
On Monday, October 2, 2006
1987/88 Aerial Photography

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-10616 V1

WATER RIGHT NUMBER: 67-10616 V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	LARRY J KELLAR PO BOX 164 CAMBRIDGE, ID 83610 (208)257-3457
Current Owner	LINDA M KELLAR PO BOX 164 CAMBRIDGE, ID 83610 (208)257-3457

Priority Date: 03/15/1912

Basis: Beneficial Use

Status: Active

<u>Source</u>	<u>Tributary</u>
SPRING	SPRING CREEK

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	03/15 to 10/31	0.200 CFS	
DOMESTIC	01/01 to 12/31	0.040 CFS	
	<u>Total Diversion:</u>	0.240 CFS	

Location of Point(s) of Diversion

SPRING	NW1/4SW1/4SW1/4	Sec. 28, Twp 15N, Rge 03W, B.M.
WASHINGTON County		

Place of Use

IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
15N 03W 28	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	16.0
15N 03W 33			36.0	5.2	33.0	7.0		14.0	5.8				10.0	40.0			151.0

Total Acres: 167

DOMESTIC

Twp Rge Sec	NE				NW				SW				SE				Totals
15N 03W 33	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
				X													

IDAHO DEPARTMENT OF WATER RESOURCES
 Adjudication Recommendation Report 67-10616 V1

Conditions of Approval:

1. C18 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.
2. E55 Right Nos. 67-10616 and 67-67-12320 are limited to the irrigation of a combined total of 166.4 acres in a single irrigation season.
3. K06 This right is limited to the irrigation of 10 acres within the place of use described above in a single irrigation season.

Remarks:Comments:

1. mmount 7/25/2006 Priority

Comment: Linda Kellar sent in eop for the spring via an affidavit which dates the spring and its use to approximately 1912.

2. mmount 10/2/2006 pou

Comment: Recommended pou as a ppu with 67-12320 - this claim is limited to 10 acres within the 167 ac ppu.

Dates and Other Information:

Decreed Date:
 Enlargement Use Priority Date:
 Enlargement Statute Priority Date:
 Defendant:
 Plaintiff:
 Civil Case Number:
 Judicial District:
 Notice of Error Flag:
 State or Federal: S
 Owner Name Connector: OR
 Water District Number:
 Generic Max Rate Per Acre:
 Generic Max Volume Per Acre:
 Swan Falls Trust or Nontrust:
 Swan Falls Dismissed:
 DLE Act Number:
 Carey Act Number:
 Mitigation Plan: False

Combined Use Limits:Element Reviewed/Verified Dates:

<u>Element</u>	<u>Last Reviewed Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
Contacts	10/2/2006 3:11:08 PM	mmount			Active
Priority Date	10/2/2006 3:11:40 PM	mmount			Active
POD	10/2/2006 3:13:37 PM	mmount			Active
Source	10/2/2006 3:13:59 PM	mmount			Active
POU	10/2/2006 3:14:21 PM	mmount			Active
Use	10/2/2006 3:15:38 PM	mmount			Active
Season	10/2/2006 3:16:43 PM	mmount			Active

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-10616 V1

Quantity	10/2/2006 3:17:59 PM	mmount	Active
Summary	10/02/2006	mmount	Active

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
POU	10/2/2006 3:02:08 PM	mmount	Updated shape for Active POU
POU	10/2/2006 3:03:59 PM	mmount	Updated PLS for Active POU
Contacts	10/2/2006 3:11:08 PM	mmount	(No) 1. Do you want to schedule an appointment? Comment for 1: desk review
General	10/2/2006 3:11:41 PM	mmount	(No) 1. Should this water use have been included in a later court decree of the water rights from this source? (No) 4. Is the basis of claim decree or license? (No) 7. Is the basis of claim a Application or Permit? (No) 8. Is the basis of claim a posted notice? (No) 9. Is the Priority Date of this water use after the date a permit is required for the source and the water use? (Yes) 12. Does the claim file contain sufficient evidence of Priority Date? (Yes) 15. Is the basis of claim coded correctly? (No) 16. Is a Priority Date remark and/or condition required? Description for Question 12/13 - Affidavit
Source	10/2/2006 3:13:59 PM	mmount	(No) 1. Is the basis of claim Decree or License? (No) 2. Is the basis of claim an Application or Permit? (No) 6. Is the basis of claim a Posted Notice? (No) 7. Is there evidence that there has been a change in the source? (Yes) 10. Does the file contain all the necessary information to verify the source? (No) 11. Is a Source remark and/or condition required? Description for Question 10 - Field exam
Season	10/2/2006 3:16:43 PM	mmount	(No) 1. Is the basis of claim Decree or License? (No) 2. Is the basis of claim a Application or Permit? (No) 6. Is there evidence that there has been a change in the Period of Use? (Yes) 12. Does the file contain all the necessary information to verify the Period of Use? (No) 13. Is the basis of claim a decree, license, or a transferred beneficial use right that has had the Period of Use administratively determined? (Yes) 15. Is irrigation claimed as a Purpose of Use? (No) 18. Is a Period of Use remark and/or condition required?
POD	10/2/2006 3:21:05 PM	mmount	Updated shape
POU	10/2/2006 3:09:02 PM	mmount	Updated PLS for Active POU

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-10616 V1

POD	10/2/2006 3:13:38 PM	mmount	(No) 1. Is the basis of this claim a Decree or License? (No) 2. Is the basis of this claim a Application or Permit? (No) 6. Is there evidence that there has been a change in the POD? (Yes) 9. Does the file contain all the necessary information to verify the POD? (No) 10. Is a POD remark and/or condition required?
POU	10/2/2006 3:14:22 PM	mmount	(No) 1. Is the basis of this claim a Decree or License? (Yes) 2b. Is the POU required? (No) 3. Is the basis of claim a Application or Permit? (No) 7. Is there evidence that there has been a change in the POU? (Yes) 13. Does the file contain all the necessary information to verify the POU? (Yes) 14. Is a POU remark and/or condition required? Description for Question 13 - Aerial photos, field exam
Quantity	10/2/2006 3:17:59 PM	mmount	(No) 1. Is the basis of this claim a Decree or License? (No) 2. Is the basis of this claim a Application or Permit? (No) 6. Is the basis of claim a posted notice? (No) 7. Is a flow measurement required? (No) 9. Is the source Groundwater and does the purpose of use require a diversion volume limit? (No) 11. Has a diversion volume limit been established by a decree, license or transfer for this water use? (No) 12. Is a Quantity remark or condition required? Description for Question 7 - Water is piped directly from source - flow could not be determined. Also they are claiming .2 cfs in which a flow measurement is not required.
Summary	10/2/2006 3:19:03 PM	mmount	(No) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice? (Yes) 3. Is the water being used for all of the purposes claimed and to the extent claimed? (No) 5. Does this right have any combined use limits with other rights? (No) 6. Is an additional remark and/or condition required? (Yes) 7. Would you like to view the recommended right? (No) 8. Is this a split or combined right? (No) 9. Do you have documents you would like to attach or link to the file? (Yes) 10. Would you like to set the verification date?

IDAHO DEPARTMENT OF WATER RESOURCES

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Use	10/2/2006 3:15:39 PM	mmount	(No) 1. Is the basis of this claim a Decree or License? (No) 2. Is the basis of this claim a Application or Permit? (No) 6. Is there evidence that there has been a change in the Purpose of Use? (Yes) 11. Does the file contain all the necessary information to verify the Water Use? (No) 13. Is a Purpose of Use remark and/or condition required? Description for Question 10,11,12 - Field exam, aerial photo
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Water Supply Bank:

State of Idaho
Department of Water Resources
Adjudication Section
Claim Verification Field Exam Sheet

CLAIM NO(s): 67-10666

1 ☒ No Change NAME IS SAME - however is just Linda-Larry passed

☐ NEW OWNER _____

☐ No Change ADDRESS _____

☐ NEW ADDRESS _____

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 this date seems questionable, explain below)

sent evidence for approx 1912 -

3 ☒ No Change ---SAME SOURCE

☐ Source is different than that claimed:

Source found: _____

4 ☒ No Change --- POINT OF DIVERSION

☐ Point of diversion is different than the claim and/or new P/D's:

GPS Site Tag No.: A0017650

Township	Range	Section	1/4's	
Township	Range	Section	1/4's	

5 ☒ No Change - DESCRIPTION OF DIVERTING WORKS

☐ Incomplete description, list below:

6 ☒ No Change - WATER USES

☐ Different uses, (list uses found):

Use _____ From _____ To _____ CFS _____ AFA _____

Use _____ From _____ To _____ CFS _____ AFA _____

Use _____ From _____ To _____ 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's		
Use:	Township	Range	Section	1/4's		
Use:	Township	Range	Section	1/4's		
Use:	Township	Range	Section	1/4's		

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

limit POH to 10 ac but make all overlap a ppn - as the
water can be / is transported via pipes & ditches
throughout the property. Flow was not measure b/c spring water is
[overlaps deeded rights 67-202 & 203] split to pipe (underground)
and part goes to a ditch & mixes w/ other
water.

☐ SYSTEM DIAGRAM INCLUDED

☐ Shown on GIS layout

☐ IN OFFICE EXAM

DATE EXAM CONDUCTED 6/8/06

FIELD EXAMINER: MVB, M/Malixi



View of irrigation ditch

Field Exam 6/8/06 MVB / MM
POD Tag and GPS file name:
A0017650



View of overflow ditch water fr. Pine Cr near spring

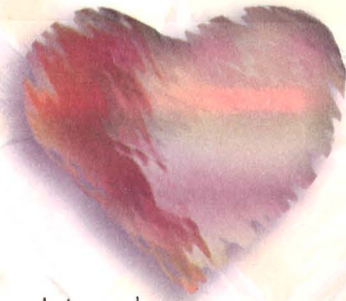


10 inch irrigation pipe carrying spring water.



View of overflow pipe from spring / water not used for irrigation.

7-24-06



Dear Misty,

I do hope this
affidavit will help
about the spring.

Thanks for your
help on this matter.

Sincerely,

Linda M. Kellar

Linda Kellar
PO Box 164
Cambridge ID 83610

IN THE MATTER OF)
NOTICE OF CLAIM TO)
A WATER RIGHT NO.(S))

67-10616)

State of Idaho)
County of Washington)

AFFIDAVIT

RECEIVED

JUL 25 2006

DEPARTMENT OF
WATER RESOURCES

Inez D. Dotson being first duly sworn,

deposes and says: I've lived at 3101 Rush Creek Rd
Cambridge, Idaho, for 89 years, my birthday
is August 25, 1916.

All these years I have been a Neighbor
of the Kellar's. The spring water has been in
use for domestic and irrigation.

My sister Ellen Ford lived on the ranch
when she was two years old, and the
spring was there, then. My sister is 96 years
old and her birthday is March 25, 1910.
My father and Mother talked about using
the water from the spring while they lived
there and they lived there until 1942.

Inez D. Dotson
(Signature)

Subscribed and sworn to before me this
day 24 of July, 2006.

Debbie A Maxwell
(Notary Public)

Residing at Council Id.

My Commission Expires 8/24/07.

DEBBIE S. MAXWELL
Notary Public
State of Idaho

SEAL

SCANNED

JUL 25 2006

Aut 03 1981 file. Water District 101

File No. and Original Owner	File Date	Present Owner	Land Description	Amount of Water	Actual Charge 198 1	Proposed Charge 198 2	Notes
219 67- E. Webber	5-1-01	Cecil Bilboa	# 5399	14"	4.20	5.05	
67-226 S. Rutledge	5-1-02	"	# 5399	17"	5.10	6.10	
67-229 J. Weimer	5-1-08	"	# 5399	41"	12.30	14.75	
67-220 R. Howland	5-1-01	"	# 5399	12"	3.60	4.30	
67-201 M. Ward	6-3-90	E. Armacost	# 5205	47.5"	14.25	17.10	
67-202-203	5-1-91	E. Edwards		82.5"		29.70	
67-202-203	5-1-91	M. Winder		82.5		29.70	
67-183 A. McDonald	6-1-79	Randy Noah	# 5203	47"	14.10	16.90	
67-209 M. Marquess	No Date on Muir-Allison Decree	Bill Noah	# 5203	5"	7.50	1.80	
67-211 M. Marquess	5-1-95	"	# 5203	20"	6.00	7.20	
67-210 M. Marquess	5-1-92	"	# 5203	21"	6.30	7.55	
67-191 O. Hulet	6-1-86	Randy Noah	# 5203	31.5	9.45	11.35	
67-185 N. Buhl	5-1-80	Carlene Lopez	# 4789	90"	27.00	32.40	
67-186 N. Buhl	6-1-84	N. Hanson	# 4810	30"	9.00	10.80	



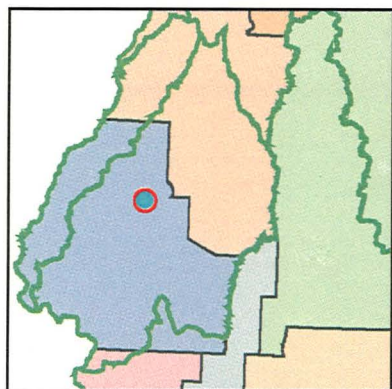
Idaho Department of Water Resources

Adjudication Claim Number: **67-10616**

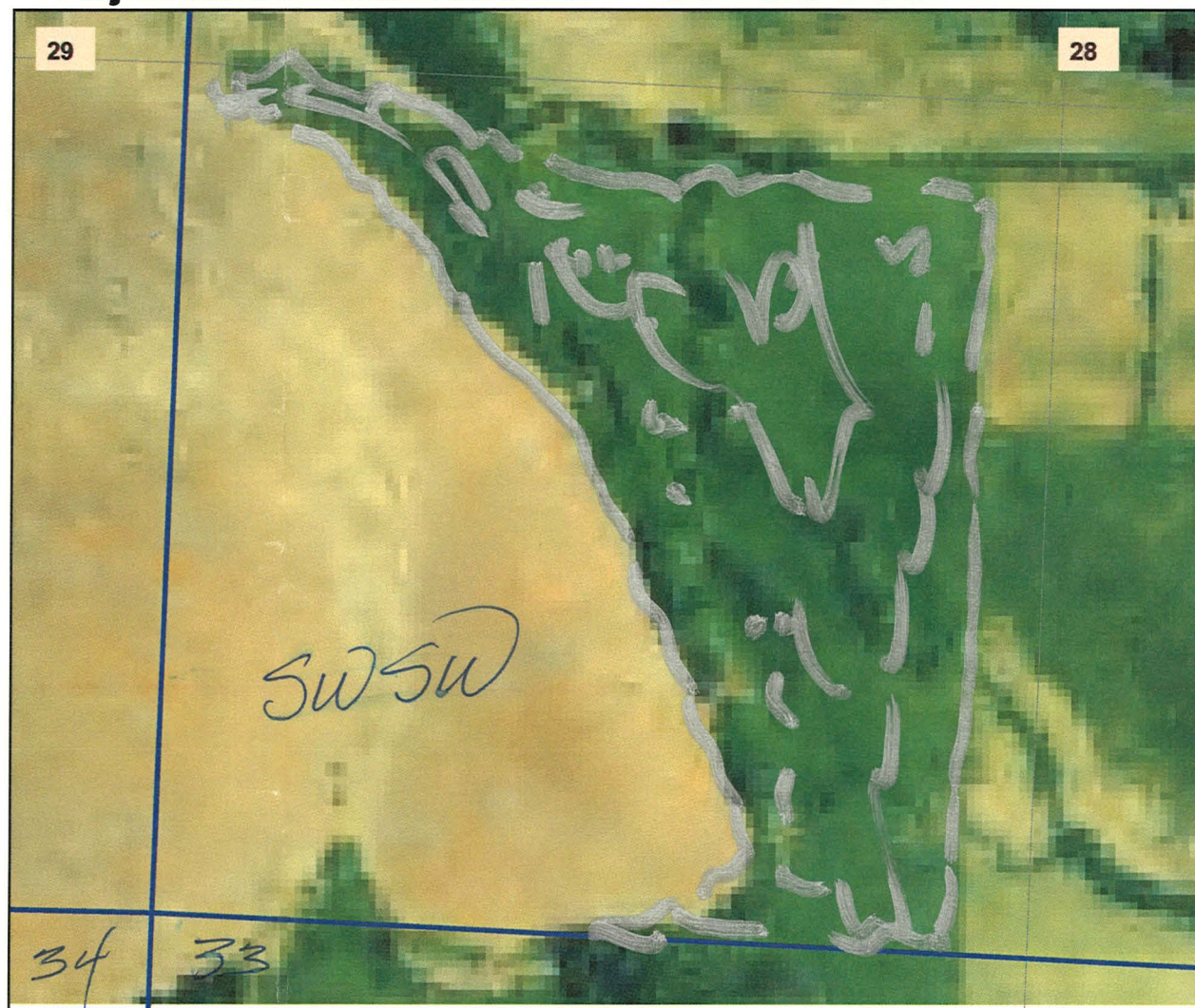
T15N R03W

Legend

- PLS Sections
- GCDBQuarter Quarters



Washington County
IDWR Basin 67



0 0.1 0.2 Miles

Prepared by M. Van Bussum
On Thursday, September 1, 2005
1987 Aerial Photography



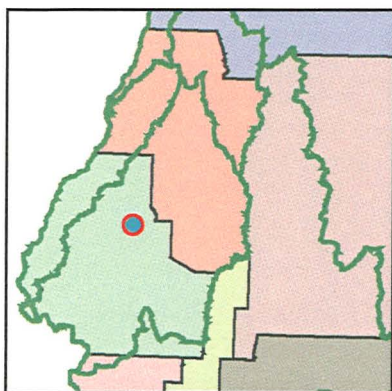
Idaho Department of Water Resources

Adjudication Claim Number: **67-10616**

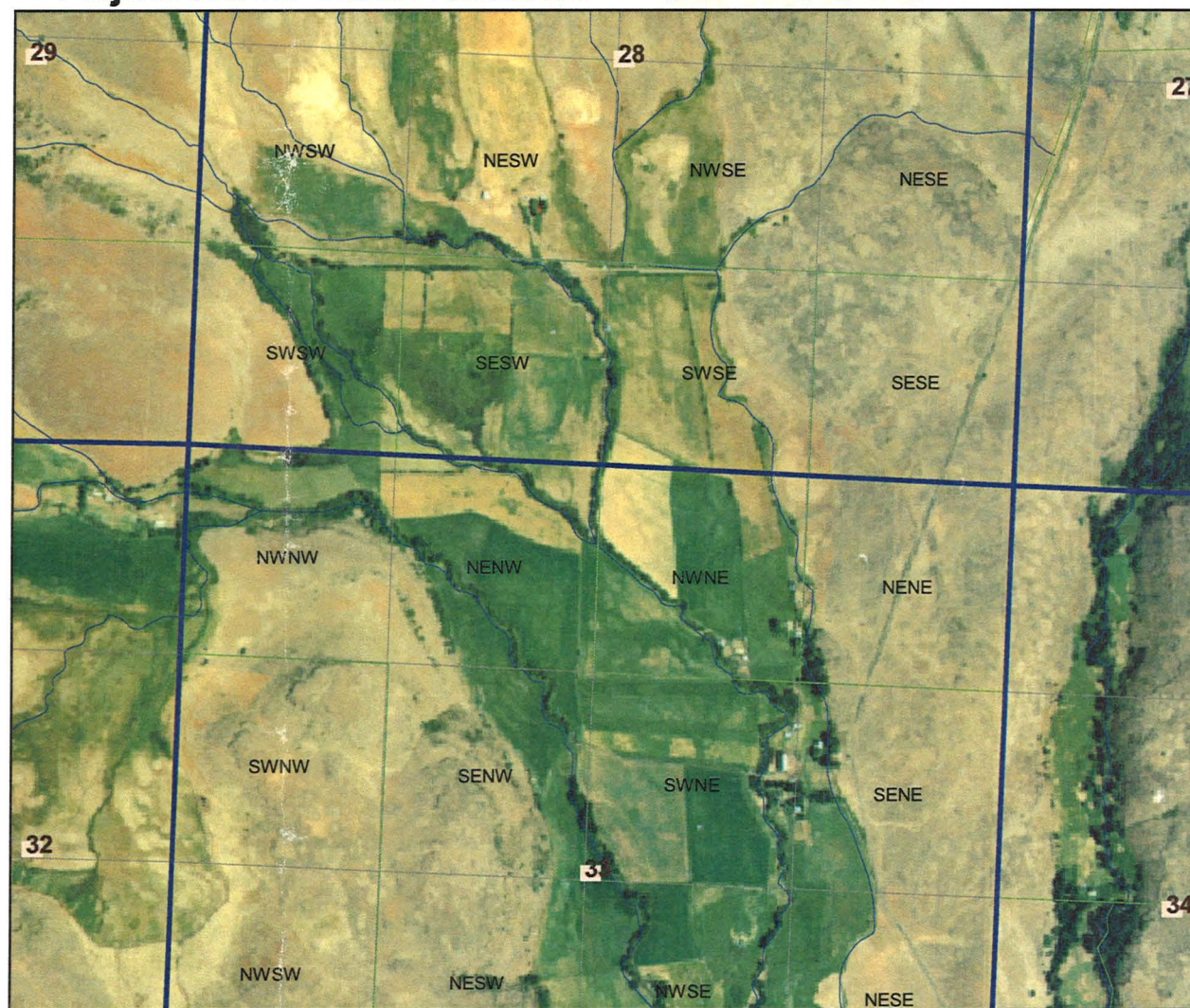
T15N R03W

Legend

-  PLSS Section LinesGcdb_sections.shp
-  Washington taxlots
-  GCDB15N03W GCDB
-  05_24FE.shp
-  Waypoint
-  B-67 streams.shp



Washington County
IDWR Basin 67



0 0.5 1 Miles

Prepared by M. Van Bussum
On Monday, June 5, 2006
1987 Aerial Photography

50.00
OUBN-APJ
67-00202A

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: A67-10616
Date Received: 10/05/1989
Receipt No: MOO 4839
Received By: Rch

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: LARRY J. KELLAR 208-257-3457
Address: P.O. BOX 164
CAMBRIDGE, ID 83610

OR
Name: LINDA M. KELLAR 208-257-3457
Address: P.O. BOX 164
CAMBRIDGE, ID 83610

2. Date of Priority: MAY 01, 1891

3. Source: SPRING Trib. to: SPRING CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
15N	03W	28	NW	SW	SW		WASHINGTON

5. Description of diverting works:
PIPE IN SPRING, PIPED TO 2 HOMES, PIPED TO DITCHES.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
DOMESTIC	01/01	12/31	0.040		
IRRIGATION	04/01	10/31	0.200		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
DOMESTIC 2 HOMES

A67-10616

Page 1

Date: 10/05/89

SCANNED
APR 09 2004

MICROFILMED
OCT 05 1992

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
15N	03W	28	SW	SW		IRR	10.0
						Section Acres	10.0
		33	SE	NE		DOMEST	
						Total Acres	10.0

11. Place of use in counties: WASHINGTON

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

13. Other Water Rights Used:
A67-00202A

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 X 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): Larry J Kellar Date: Oct 5, 1989

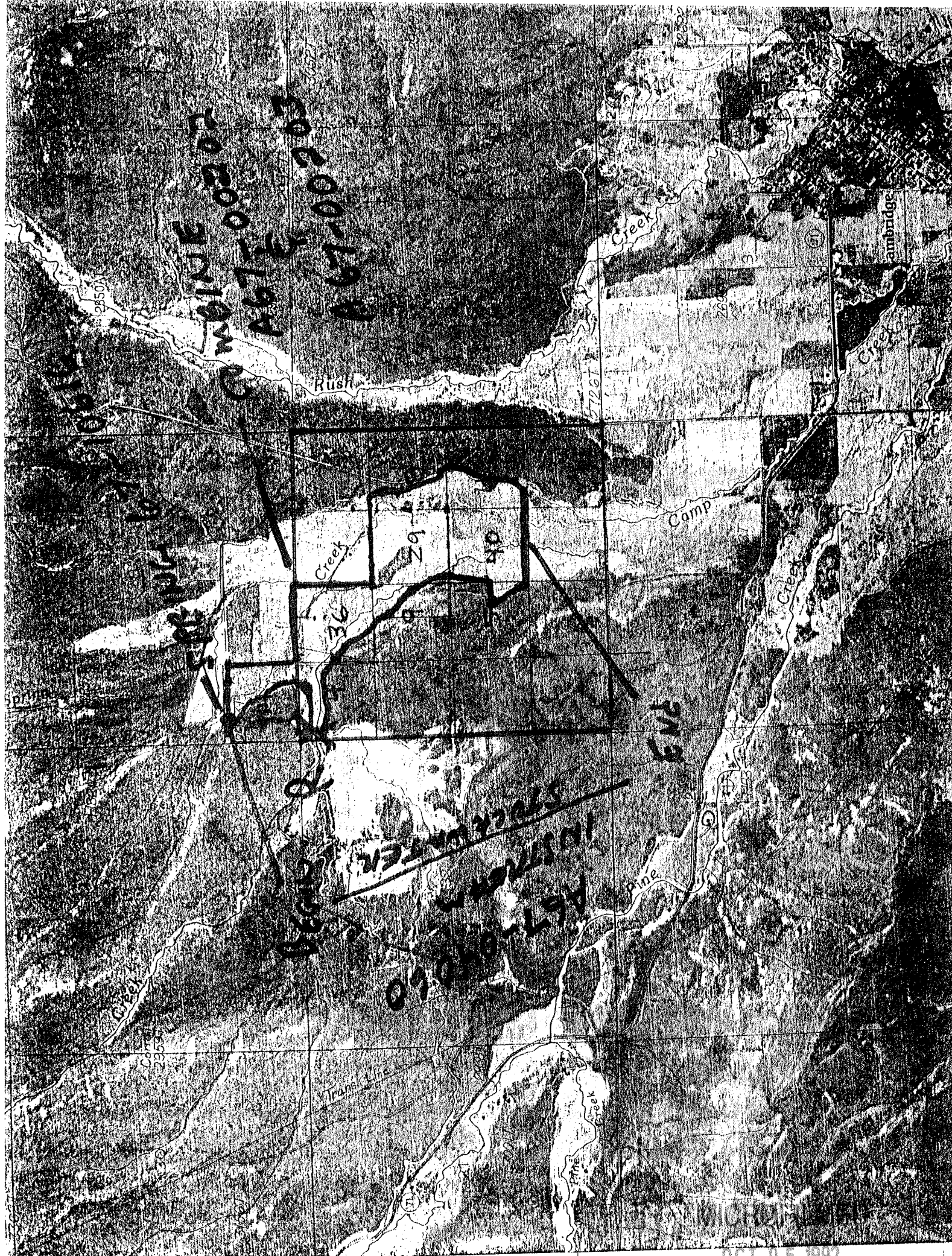
Date: _____

State of Idaho)
County of ADA) SS.

Subscribed and sworn (or affirmed) before me this 5th day
of Oct 19 89 Ron Howerton
Notary Public

Seal

Residing at Ron Howerton
My Commission Expires Residing at Boise, Idaho
My Commission Expires December 8, 1994




Linda Kellar
PO Box 164
Cambridge, ID 83610-0164

67-10616

ATTENTION:
Misty Mount

copied to 1912

BOISE ID 837

24 JUL 2006 PM 1 L



Dept. of Water Resources
Adjudication Bureau
P.O. Box 83720
Boise, ID 83720-0098

9372080098 