

11/10/2006

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

RIGHT NUMBER: 67-12320

NAME AND ADDRESS: LINDA M KELLAR  
PO BOX 164  
CAMBRIDGE ID 83610  
  
LARRY J KELLAR  
PO BOX 164  
CAMBRIDGE ID 83610

SOURCE: PINE CREEK TRIBUTARY: WEISER RIVER

QUANTITY: 2.080 CFS

PRIORITY DATE: 05/01/1891

POINT OF DIVERSION:

T15N R04W S25 NESE 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          | 2.080 CFS       |

PLACE OF USE: IRRIGATION in WASHINGTON County

|               |      |       |               |      |       |
|---------------|------|-------|---------------|------|-------|
| T15N R03W S28 | SWSW | 15.00 | T15N R03W S33 | SWNE | 36.00 |
| T15N R03W S33 | SENE | 5.50  | T15N R03W S33 | NENW | 33.00 |
| T15N R03W S33 | NWNW | 7.10  | T15N R03W S33 | SENW | 14.00 |
| T15N R03W S33 | NESW | 5.80  | T15N R03W S33 | NESE | 10.00 |
| T15N R03W S33 | NWSE | 40.00 |               |      |       |

166.4 ACRES TOTAL

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



# Idaho Department of Water Resources

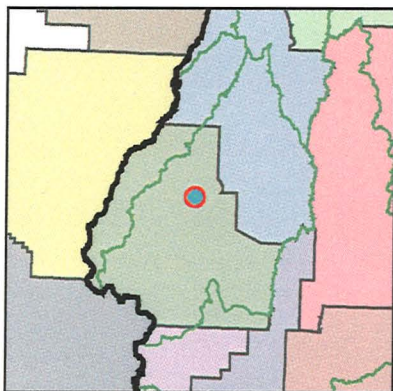
SRBA Recommendation:

**67-12320**

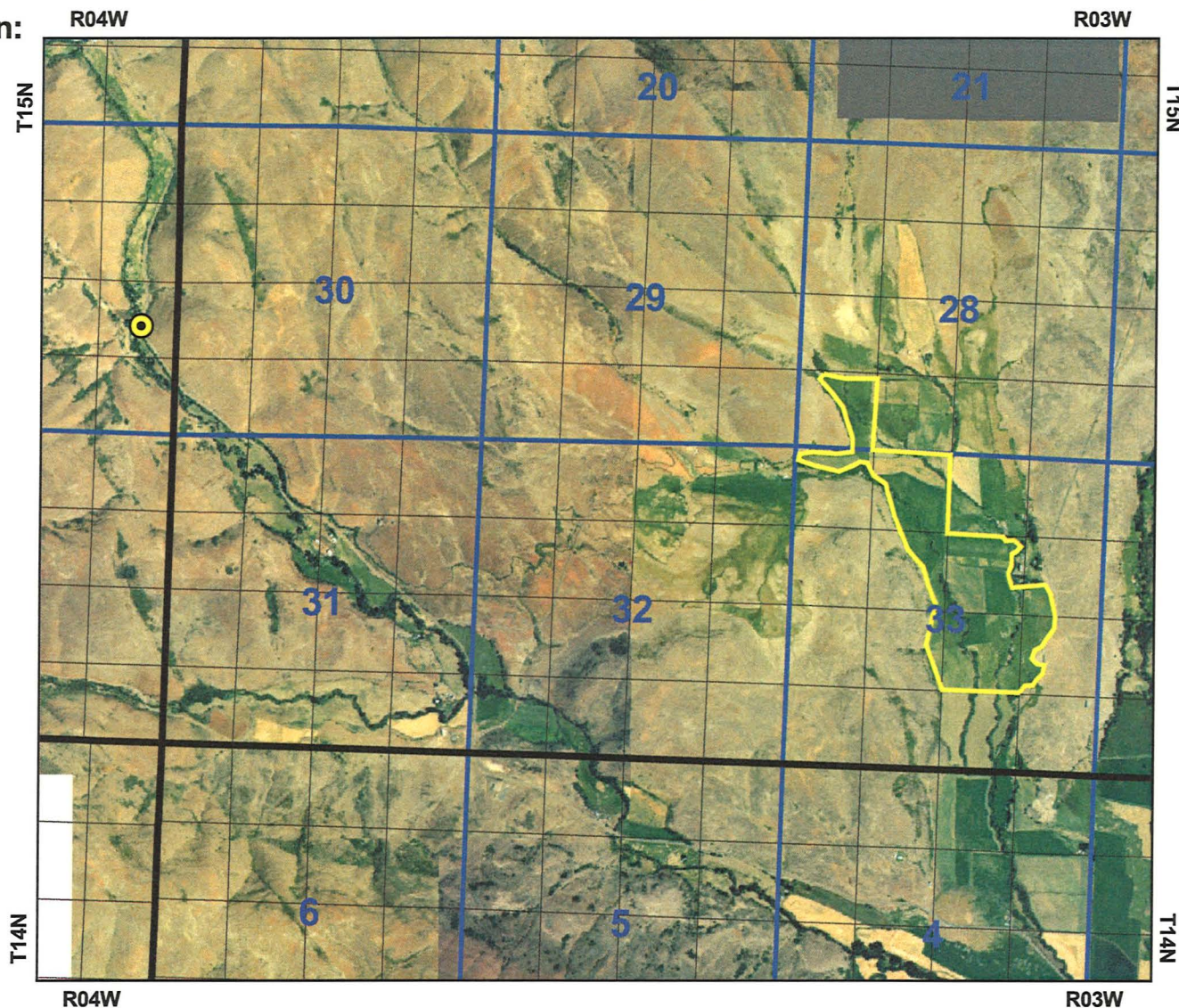
(Irrigation)

## Legend

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



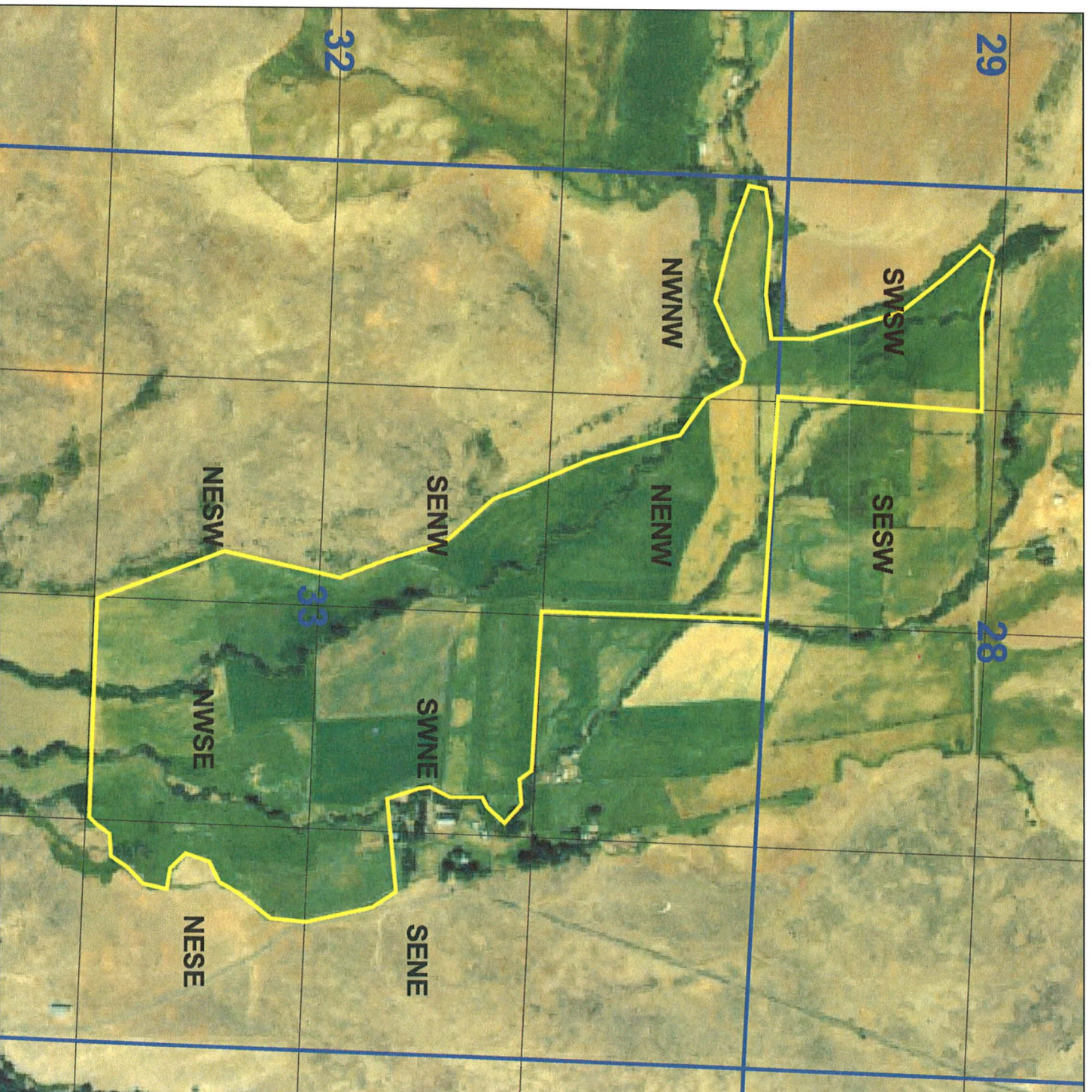
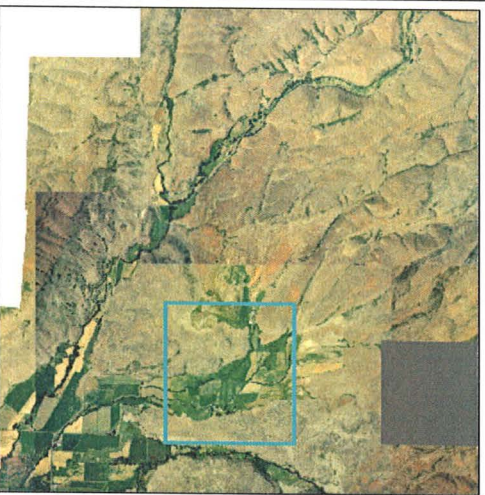
Washington County  
IDWR Basin 67



0 1 2 Miles

Prepared by C. Saxton  
On Friday, November 10, 2006  
1987/88 Aerial Photography

67-12320



## IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-12320 V1

WATER RIGHT NUMBER: 67-12320 V1

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

Priority Date: 05/01/1891

Basis: Decreed

Status: Active

| <u>Source</u> | <u>Tributary</u> |
|---------------|------------------|
| PINE CREEK    | WEISER RIVER     |

| <u>Beneficial Use</u> | <u>From</u> <u>To</u>   | <u>Diversion Rate</u> | <u>Annual Volume</u> |
|-----------------------|-------------------------|-----------------------|----------------------|
| IRRIGATION            | 03/15 to 10/31          | 2.080 CFS             |                      |
|                       | <u>Total Diversion:</u> | 2.080 CFS             |                      |

Location of Point(s) of Diversion

|                   |            |                                 |
|-------------------|------------|---------------------------------|
| PINE CREEK        | NE1/4SE1/4 | Sec. 25, Twp 15N, Rge 04W, B.M. |
| WASHINGTON County |            |                                 |

Place of Use

IRRIGATION

| Twp | Rge | Sec | NE |    |      |     | NW   |     |    |      | SW  |    |      |    | SE   |      |    |    | Totals |
|-----|-----|-----|----|----|------|-----|------|-----|----|------|-----|----|------|----|------|------|----|----|--------|
|     |     |     | NE | NW | SW   | SE  | NE   | NW  | SW | SE   | NE  | NW | SW   | SE | NE   | NW   | SW | SE |        |
| 15N | 03W | 28  |    |    |      |     |      |     |    |      |     |    | 15.0 |    |      |      |    |    | 15.0   |
| 15N | 03W | 33  |    |    | 36.0 | 5.5 | 33.0 | 7.1 |    | 14.0 | 5.8 |    |      |    | 10.0 | 40.0 |    |    | 151.4  |

Total Acres: 166.4

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

Remarks:

IDAHO DEPARTMENT OF WATER RESOURCES  
Adjudication Recommendation Report 67-12320 V1

Comments:

1. mmount 10/2/2006 Priority

Comment: This claim is a combination of decreed rights 67-202 and 67-203

2. csaxton 11/10/2006 POD

Comment: POD taken from claim 67-14462 which claims the other half of this decreed water. So this POD should be the same as 67-14462. I trust 67-14462 is accurate because the Watermaster GPSd it.

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: 67  
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 3:31:59 PM      | mmount          |                           |                 | Active        |
| Priority Date  | 10/2/2006 3:33:03 PM      | mmount          |                           |                 | Active        |
| POD            | 10/2/2006 3:42:55 PM      | mmount          |                           |                 | Active        |
| Source         | 10/2/2006 3:43:13 PM      | mmount          |                           |                 | Active        |
| POU            | 10/2/2006 3:48:21 PM      | mmount          |                           |                 | Active        |
| Use            | 10/2/2006 3:48:33 PM      | mmount          |                           |                 | Active        |
| Season         | 10/2/2006 3:49:26 PM      | mmount          |                           |                 | Active        |
| Quantity       | 10/2/2006 3:49:53 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>              |
|----------------|------------------------|-----------------|------------------------------|
| POD            | 11/10/2006 8:48:36 AM  | csaxton         | Updated PLS                  |
| POD            | 10/2/2006 3:42:36 PM   | mmount          | Updated shape                |
| POU            | 10/2/2006 3:44:01 PM   | mmount          | Updated shape for Active POU |
| POD            | 10/2/2006 3:37:59 PM   | mmount          | Updated shape                |

## IDAHO DEPARTMENT OF WATER RESOURCES

## Adjudication Recommendation Report 67-12320 V1

|          |                      |        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
|----------|----------------------|--------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| POU      | 10/2/2006 3:44:26 PM | mmount | Updated PLS for Active POU                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| POU      | 10/2/2006 3:48:21 PM | mmount | <p>(Yes) 1. Is the basis of this claim a Decree or License?</p> <p>(Yes) 2a. Is the POU required?</p> <p>(Yes) 5. Does the Decree or License have a POU?</p> <p>(Yes) 6. Can the claimed POU be verified using the water right file?</p> <p>(Yes) 14. Is a POU remark and/or condition required?</p>                                                                                                                                                                                                                                                                                                                   |
| Use      | 10/2/2006 3:48:33 PM | mmount | <p>(Yes) 1. Is the basis of this claim a Decree or License?</p> <p>(Yes) 4. Does the Decree or License have a Purpose of Use?</p> <p>(Yes) 5. Can the claimed Purpose of Use be verified using the water right file?</p> <p>(No) 13. Is a Purpose of Use remark and/or condition required?</p>                                                                                                                                                                                                                                                                                                                         |
| Season   | 10/2/2006 3:49:27 PM | mmount | <p>(Yes) 1. Is the basis of claim Decree or License?</p> <p>(No) 4. Does the Decree or License have a Period of Use?</p> <p>(No) 6. Is there evidence that there has been a change in the Period of Use?</p> <p>(Yes) 12. Does the file contain all the necessary information to verify the Period of Use?</p> <p>(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?</p> <p>(Yes) 15. Is irrigation claimed as a Purpose of Use?</p> <p>(No) 18. Is a Period of Use remark and/or condition required?</p>             |
| Quantity | 10/2/2006 3:49:54 PM | mmount | <p>(Yes) 1. Is the basis of this claim a Decree or License?</p> <p>(Yes) 4. Does the Decree or License have a diversion rate and/or volume?</p> <p>(Yes) 5. Can the claimed diversion rate and/or volume be verified using the water right file?</p> <p>(No) 8. Does the parent right have an annual diversion volume limit?</p> <p>(No) 9. Is the source Groundwater and does the purpose of use require a diversion volume limit?</p> <p>(No) 11. Has a diversion volume limit been established by a decree, license or transfer for this water use?</p> <p>(No) 12. Is a Quantity remark or condition required?</p> |

## IDAHO DEPARTMENT OF WATER RESOURCES

## Adjudication Recommendation Report 67-12320 V1

|          |                       |         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
|----------|-----------------------|---------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Summary  | 10/2/2006 3:51:20 PM  | mmount  | (Yes) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice?<br>(No) 2. Does any evidence indicate a five year period of continuous nonuse occurred that could result in recommending forfeiture or partial forfeiture?<br>(Yes) 5. Does this right have any combined use limits with other rights?<br>(No) 6. Is an additional remark and/or condition required?<br>(Yes) 7. Would you like to view the recommended right?<br>(No) 8. Is this a split or combined right?<br>(No) 9. Do you have documents you would like to attach or link to the file?<br>(Yes) 10. Would you like to set the verification date? |
| Contacts | 10/2/2006 3:32:00 PM  | mmount  | (No) 1. Do you want to schedule an appointment?<br><br>Comment for 1: desk review                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| General  | 10/2/2006 3:33:03 PM  | mmount  | (No) 1. Should this water use have been included in a later court decree of the water rights from this source?<br>(Yes) 4. Is the basis of claim decree or license?<br>(Yes) 5. Does the decree or license have a Priority Date?<br>(Yes) 6. Did the Claimant claim the decreed or licensed Priority Date ?<br>(Yes) 15. Is the basis of claim coded correctly?<br>(No) 16. Is a Priority Date remark and/or condition required?                                                                                                                                                                                                                   |
| POD      | 10/2/2006 3:42:55 PM  | mmount  | (Yes) 1. Is the basis of this claim a Decree or License?<br>(No) 4. Does the Decree or License have a POD?<br>(No) 6. Is there evidence that there has been a change in the POD?<br>(Yes) 9. Does the file contain all the necessary information to verify the POD?<br>(No) 10. Is a POD remark and/or condition required?                                                                                                                                                                                                                                                                                                                         |
| Source   | 10/2/2006 3:43:13 PM  | mmount  | (Yes) 1. Is the basis of claim Decree or License?<br>(Yes) 4. Does the Decree or License have a source?<br>(Yes) 5. Can the claimed source be verified using the water right file?<br>(No) 11. Is a Source remark and/or condition required?                                                                                                                                                                                                                                                                                                                                                                                                       |
| POU      | 11/9/2006 5:11:51 PM  | csaxton | Updated shape for Active POU                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| POD      | 11/10/2006 8:26:33 AM | csaxton | Updated shape                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| POD      | 11/10/2006 8:47:22 AM | csaxton | Updated shape                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| POU      | 11/9/2006 5:12:00 PM  | csaxton | Updated PLS for Active POU                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |

Water Supply Bank:

IDAHO DEPARTMENT OF WATER RESOURCES  
Adjudication Recommendation Report 67-12320 V1

# WR History

|        |         |
|--------|---------|
| 67-202 | Edwards |
| 2.46   | cfs     |
| 196.8  | acre    |
|        |         |
| 67-203 | Edwards |
| 0.84   | cfs     |
| 67.2   | acre    |

|       |
|-------|
| Total |
| 3.3   |
| 264   |

# SRBA Caim History

Combine

|          |         |
|----------|---------|
| 67-12320 | Keller  |
| 2.08     |         |
| 167      |         |
| 5-1-1891 |         |
|          |         |
| 67-14662 | Edwards |
| 1.25     |         |
| 100      |         |
| 5-1-1891 |         |

|           |      |
|-----------|------|
| Sum CFS = | 3.33 |
| Sum Acre= | 267  |
| Sum AF =  | n/a  |

|              |       |
|--------------|-------|
| Extra CFS =  | -0.03 |
| Extra Acre = | -3.0  |
| Extra AF =   | n/a   |

# Recommendation

|          |        |
|----------|--------|
| 67-12320 | Keller |
| 2.08     |        |
| 166.4    |        |

|          |         |
|----------|---------|
| 67-14662 | Edwards |
| 1.22     |         |
| 97.6     |         |

|           |      |
|-----------|------|
| Sum CFS = | 3.30 |
| Sum Acre= | 264  |
| Sum AF =  | n/a  |

|              |      |
|--------------|------|
| Extra CFS =  | 0.00 |
| Extra Acre = | 0    |
| Extra AF =   | n/a  |

\*Last updated 3-23-06 (csaxton)

For digital copy of Excel spreadsheet file: See Craig L. Saxton

| Parcel #   | Name         | Inches | WR #      | Original Owner | Priority |
|------------|--------------|--------|-----------|----------------|----------|
| 15N03W3304 | EDWARDS, CLA | 82.50  | 202-203HF | E.E. Edwards   | 5/1/1891 |
| 15N03W3311 | KELLAR TRUST | 82.50  | 202-203HF | E.E. Edwards   | 5/1/1891 |



# State of Idaho

## DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

Phone: (208) 327-7900 FAX: (208) 327-7866

CECIL D. ANDRUS  
GOVERNOR

R. KEITH HIGGINSON  
DIRECTOR

June 26, 1992

Mr. & Mrs. Larry J. Kellar  
P.O. Box 164  
Cambridge, ID 83610

Re: Snake River Basin Adjudication (SRBA)  
Washington County - #A67-12320  
Identification Number Change

Dear Mr. & Mrs. Kellar:

The Identification Number to your Water Right has been changed to #A67-12320. This new number was assigned due to part of A67-00202A being combined with part of A67-00203. A copy is enclosed for your records. Please use the new number in future inquiries or correspondence you may have with our Department.

Do not hesitate to contact this office if you have any questions or concerns.

Sincerely,

Donald V. Shaff  
Manager, Adjudication Section

DVS:sf:west  
Enclosures:  
Claim #A67-12320

SCANNED  
APR 12 2004

MICROFILMED  
OCT 05 1992

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: A67-12320  
Date Received: 10/ 5/1989  
Receipt No: M004839  
Received By: \_\_\_\_\_

*Rec'd from SO  
6-29-92*

COPY FOR  
YOUR FILES

NOTICE OF CLAIM TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW

COPY FOR  
YOUR FILES

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 1, 1891
3. Source: PINE CREEK Trib. to: WEISER RIVER
4. Point of Diversion:
- | Township | Range | Section | 1/4 of | 1/4 of | 1/4 of   | Lot | County     |
|----------|-------|---------|--------|--------|----------|-----|------------|
| 15N      | 03W   | 30      | SW     | SW     | SW - Rec |     | WASHINGTON |
|          |       | 33      | NW     | NW     | NW       | R   | WASHINGTON |
5. Description of diverting works:  
HEADGATE, DICHES, GRAVITY FLOW
6. Water is used for the following purposes:
- | Purpose    | From  | To    | C.F.S. | (or) | A.F.A. |
|------------|-------|-------|--------|------|--------|
| IRRIGATION | 04/01 | 10/31 | 2.080  |      |        |
7. Total Quantity Appropriated is:  
2.080 C.F.S. (and/or) A.F.A.
8. Total consumptive use is Acre Feet Per Annum.
9. Non-irrigation uses:  
NONE

SCANNED  
APR 12 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           | 14.0  |
|          |       |         |        |     |     | Section Acres | 14.0  |
|          |       | 33      | SW     | NE  |     | IRR           | 40.0  |
|          |       |         | SE     | NE  |     | IRR           | 8.0   |
|          |       |         | NE     | NW  |     | IRR           | 36.0  |
|          |       |         | NW     | NW  |     | IRR           | 4.0   |
|          |       |         | SE     | NW  |     | IRR           | 9.0   |
|          |       |         | NE     | SW  |     | IRR           | 5.0   |
|          |       |         | NE     | SE  |     | IRR           | 11.0  |
|          |       |         | NW     | SE  |     | IRR           | 40.0  |
|          |       |         |        |     |     | Section Acres | 153.0 |
|          |       |         |        |     |     | Total Acres   | 167.0 |

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:  
A67-04060, A67-10616

14. Remarks:  
SPLIT CLAIM A67-00202 INTO A67-00202A  
A67-00202A IS COMBINED WITH A67-00203.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: / /

JOHN T. MUIR

Decree Plaintiff

vs WILLIAM ALLISON

Decree Defendant