

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: A36-07170
Date Received: 9/14/1989
Receipt No: M004320
Received By: RB

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: DONALD L. KESTER 208-436-4657
Address: 723 3RD ST. SOUTH
RUPERT, ID 83350

OR

Name: OLLIE BELLE KESTER 208-436-4657
Address: 723 3RD ST. SOUTH
RUPERT, ID 83350

2. Date of Priority: MAR 22, 1971

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
09S	24E	4	NW	SE	NW		MINIDOKA

5. Description of diverting works:
WELL 200' DEEP, 16" CASING 100HP PUMP MAINLINE/ HAND & WHEEL LINE

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	10/15	1.180		

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

8. Total consumptive use is 177.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
09S	24E	4	SW	NE		IRR	15.0
			NE	NW		IRR	9.0
			SE	NW		IRR	35.0
						Section Acres	59.0
						Total Acres	59.0

11. Place of use in counties: MINIDOKA

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

13. Other Water Rights Used:
BID

14. Remarks:
TRANS. 2387.

15. Basis of Claim: LICENSE

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: 1

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): Donald L. Kester Date: 8/14/89

Date: _____

State of Idaho)
County of Minidoka) SS.

Subscribed and sworn (or affirmed) before me this 14th day
of September 19 89

Anne Bounhoff
Notary Public

Seal

Residing at Anne Bounhoff, Notary Public
Residing at Boise, Idaho
My Commission Expires December 7, 1994

MICROFILMED
FEB 03 1993



Water Right Number - 36-07170

Prefix Translation: WATER RIGHT

Old (D) Number -

+ - - - - Last Name - - - - + + - First Name - - + + - - - - - Address - - - - - +

*** C - CURRENT OWNER ***

KESTER	OLLIE BELLE	1 - 723 3RD ST S 2 - 3 - City- RUPERT Phone - 208-436-4657	State- ID Zip- 83350
KESTER	DONALD L	1 - 723 3RD ST S 2 - 3 - City- RUPERT Phone - 208-436-4657	State- ID Zip- 83350

+ - - Priority Date - - + + - - - Region - - - + + - - - Stage - - - + + - - - Status - - - +
03/22/1971 17 SOUTHERN L - LICENSE

+ - - - - Source - - - - - + + - - - - - Tributary - - - - - +
GROUNDWATER

+ - - - - - - - - - - - - - - - Point of Diversion - - - - - +
Twn Rng Sec Tract Lot RFlg County Diversion Name
09S 24E 4 NW NE SE (67) MINIDOKA

+ - - - - - - - - - - - - - - - Water Use - - - - - +
Code Description Period From Period To Diversion Rate Diversion Volume
01 - IRRIGATION 04/01 10/31 1.180 236.00

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Div. Capacity - + + - Total Consumptive Use - + + - KW Usage - +
1.180 236.00 177.0

+ - - - - - - - - - - - - - - - Place of Use - - - - - +
Twn Rng Sec Tract Lot Acres Code Description County
09S 24E 4 SW NE 15.0 01 IRRIGATION (67) MINIDOKA
09S 24E 4 NE NW 9.0 01 IRRIGATION (67) MINIDOKA
09S 24E 4 SE NW 35.0 01 IRRIGATION (67) MINIDOKA

Total Acres: 59.0

+ - - Diversion Means - 200' X 16" WELL, 100 HP- MAINLINE TO POND & PUMP TO SPRINKLERS

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use - MINIDOKA IRR. DIST.

+ - - - - - - - - - - - - - - - Remarks - - - - - +

QNT { GEN RIGHTS LISTED BELOW ARE ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE, AND THE TOTAL COMBINED RATE OF DIVERSION OF THESE RIGHTS IS LIMITED TO 2.38 CFS (capacity of diversion)

updated
12-4-97

EXP

Water right number - 36-07170

Prefix Translation: WATER RIGHT

+ - - - - Remarks - - - - - +
system). OTHER RIGHT NOS.: 36-07122 & 36-07890.

+ - - - - Old Water Right Numbers - - - - - +
No Old Water Right Numbers found.

+ - - - - Conditions of Approval - - - - - +
C03 - RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION
- PURSUANT TO SECTION 42-1425, IDAHO CODE.
S16 - USE OF THIS RIGHT IS COMBINED WITH WATER FROM
- MINIDOKA IRRIGATION DIST.
M01 - A MEASURING DEVICE OF A TYPE APPROVED BY IDWR SHALL BE
- MAINTAINED AS A PART OF THE DIVERTING WORKS.

+ - - - - Decree Plaintiff - - - + + - - - - Decree Defendant - - - + + - Decree Date - +
00/00/0000

+ - - Audit Fields - 12/26/91 WORSTELL 12/31/91 WORSTELL 07/10/92 CWU-PROD 07/18/92 POST-STD 07/27/92 SMITH
08/28/92 PR-PRODM 11/02/92 CPSHAW 12/05/92 ADT-SHAW 03/29/95 POST-STD

+ - - Certified Numbers & Date Mailed - 258047 08/24/92

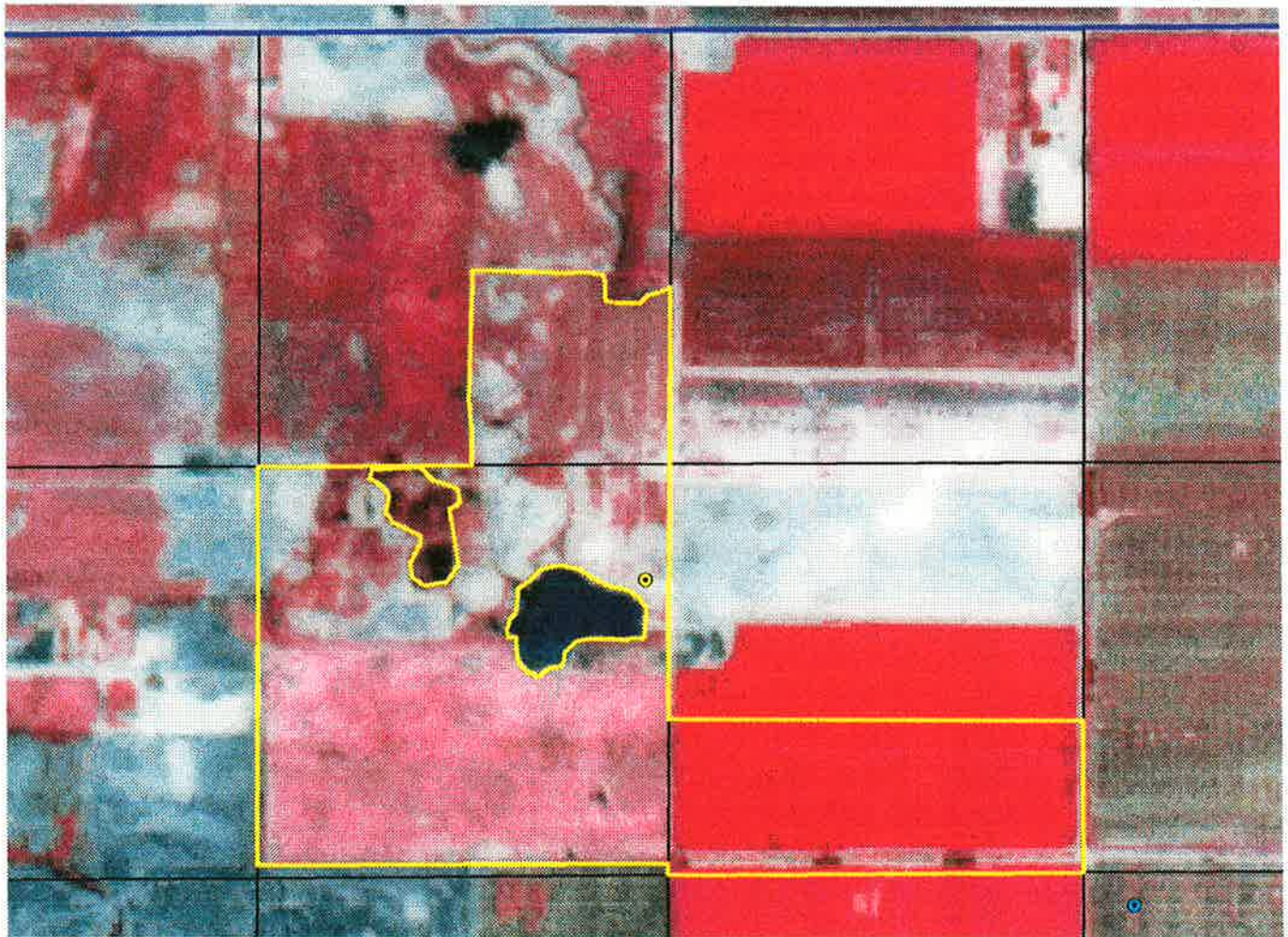
+ - - - - Comments - - - - - +
Date: 12/26/1991 User Id: WORSTELL Subject: COPIED FROM REMARKS
TRANS. 2387.
Date: 12/31/1991 User Id: WORSTELL Subject: ADDITIONAL REFERENCED TRANSFER
TRANSFER 1934
Date: 12/31/1991 User Id: WORSTELL Subject: ADDITIONAL SOURCE DESCRIPTION
THE PRINCIPAL SOURCE IS A POND IN NE,SE,NW OF SEC 4, T9S, R24E. THIS POND IS SUPPLIED FROM A M.I.D. LATERAL & RUN-OFF FROM NEARBY
FIELDS. THIS RIGHT IS A SUPPLEMENTARY SUPPLY TO THE POND WHEN NEEDED.

+ - - - - Adjudication Rights Dates and Flags Area - - - - - +

| | | | | | |
|----------------------|--------------|-----------------------|--------------|-------------------------|---------|
| Court Report Filing | - 11/02/1992 | Field Inspection Made | - 00/00/0000 | Civil Case Number | - 39576 |
| Objection Filed Date | - 00/00/0000 | Field Inspection Flag | - | Old Case Number | - |
| Response Filed Date | - 00/00/0000 | Verified Date | - 00/00/0000 | Old Judicial District | - |
| Claim Received Date | - 09/14/1989 | Last Amended Date | - 00/00/0000 | Temporary Right | - P |
| Proof Due Date | - 00/00/0000 | Proof Made Date | - 00/00/0000 | Water District | - |
| Licensed Date | - 00/00/0000 | Receipt Number | - M004320 | Federal/State Indicator | - S |
| | | POU Ownership Flag | - Y | Presumption Flag | - C |
| | | Name Connector | - OR | Notice of Error Flag | - |

IDAHO DEPARTMENT OF WATER RESOURCES

36-07170



660 0 660 1320 Feet

TNS 9S, RNG 24E, SEC 4 SWNE, E1/2NW



⊙ RECOMMENDED POINT OF DIVERSION



RECOMMENDED PLACE OF USE



SECTION LINES &/OR TRACT LINES



QUARTER/QUARTER LINES

GIS PLACE OF USE PRESENTATION
1987 and/or 1988 NAPP PHOTOGRAPHY
DATA ENTRY MARCH 11, 1998
BY DOUGLAS JONES

NO. OF CLAIMS IN POLYGON
CLAIM NUMBERS 36-7170
DATE 8/7/97
AGENT scu

3/11/98 DJ
TRANSFER NUMBER
OBJECTION FILED YES
TOTAL ACRES FROM RECOMMENDATION 59
GEOGRAPHIC INFO SYSTEM 44.59

| RIGHT NO | | | | NE | | | | NW | | | | SW | | | | SE | | | |
|----------|-----|-----|-----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|
| | TNS | RNG | SEC | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE |
| RECOM | 9s | 24E | 4 | | | 15 | | 9 | | | 35 | | | | | | | | 59 |
| GIS | | | | | | 15 | | 7 | | | 22 | | | | | | | | 44 |
| | | | | | | | | 9 | | | 35 | | | | | | | | 59 |
| RECOM | | | | | | | | | | | | | | | | | | | |
| GIS | | | | | | | | | | | | | | | | | | | |
| RECOM | | | | | | | | | | | | | | | | | | | |
| GIS | | | | | | | | | | | | | | | | | | | |
| RECOM | | | | | | | | | | | | | | | | | | | |
| GIS | | | | | | | | | | | | | | | | | | | |

UPDATED
B36-DBPOU.DBF
B36-DBPOD.DBF

POLYGON #
ATTRIBUTES OF B36-POU.SHP (375)
ATTRIBUTES OF B36-POD.SHP (342)

UPDATED 3/11/98 DJ
8/20/97 scu

Comingled w/ MID water.
Cannot accurately define POU shape with file information.

P/U CONFLICT yes ~~yes~~ no (X)
P/D CONFLICT yes () no (X)
SENT FOR DECREE yes (X) no ()

R PROOF

CVR

MAPS

PHOTOS

MISC

OCT 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 the Rights to the Use of Water)
from the Snake River Basin)
Water System)
_____)

Case No. 36-07167 -0001

The State of Idaho, ex rel.)
R. Keith Higginson in his)
official capacity as Director)
of the Idaho Department of)
Water Resources,)

RESPONSE TO OBJECTION

Petitioner,)

vs.)

The United States; the State)
of Idaho; and all Claimants to)
the use of water from the Snake)
River Basin Water System,)

Respondents.)
_____)

I. GENERAL INFORMATION

1. Person responding to objection:

Name: R. KEITH HIGGINSON, DIRECTOR

Address: IDAHO DEPARTMENT OF WATER RESOURCES
P.O. BOX 44449
BOISE, ID 83711-4449

Briefly describe your interest in this water right:

IDWR is required to file a response to an objection to part
I of the director's report pursuant to I.C. section 42-1412(2).

(Over)

2. Person who filed objection:

Name: IDAHO POWER CO
Address: PO BOX 70
BOISE ID 83707-0070

3. If this response is filed by an attorney:

Attorney Name(s): NICHOLAS B. SPENCER
Attorney Address: DEPUTY ATTORNEY GENERAL(S)
IDAHO DEPARTMENT OF WATER RESOURCES
P.O. BOX 44449
BOISE, ID 83711-4449
Attorney Phone No.: (208) 327-7900

II. STATEMENT OF THE RESPONSE

14. ☒ Other: I respond to the objection concerning:

PENDING SUB-CASE REGARDING NIAGARA SPRINGS
BETWEEN RIM VIEW TROUT COMPANY AND THE IDAHO
DEPARTMENT OF FISH AND GAME.

REASONS SUPPORTING EACH BOX CHECKED

In response to Statement of the Objection item 14 and all allegations of the objection regarding this item, IDWR responds as follows:

The objection fails to allege any errors in the director's report or any portions of the director's report that should be changed, and therefore should be dismissed.

In the alternative, IDWR responds as follows: Idaho Power Company, Rim View Trout Company, and the Idaho Department of Fish and Game are the only claimants of rights to water from Niagara Springs; each of IDWR's recommendations of claims to water from Niagara Springs are contested by one or more of these three claimants; the use of water from Niagara Springs is a source of long-standing dispute among these three claimants; and Idaho Power Company has made the same objection to each right recommended to Rim View Trout Company and the Idaho Department of

Fish and Game. If this objection is not dismissed, then IDWR concurs that all issues as to the description of the water rights from Niagara Springs raised by the objections should be determined at the same time, by consolidation into a single sub-case.

CHANGES TO THE DIRECTOR'S REPORT

The director proposes no changes to the description of this claim in the Director's Report.

☒ Check here if you are submitting documents. Please list each document by the title and number of pages. You may use additional pages if necessary:

No. of
Pages

Notice of Claim No. A36-07167

4

(Over)

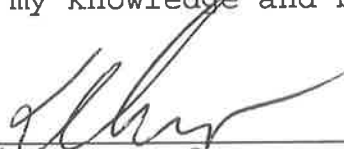
VERIFICATION (Must be Completed)

State of IDAHO

County of ADA

David B. Shaw, being first duly sworn, upon oath, deposes and says:

That R. Keith Higginson, in his official capacity as director of the Idaho Department of Water Resources, is a party to this proceeding, as defined by I.C. 42-1401A(1) and (7); that I am the Adjudication Bureau Chief for IDWR and am authorized by R. Keith Higginson, in his official capacity as director of IDWR, to verify this response; and that I have read the foregoing response, know its contents and that the statements contained therein are true to the best of my knowledge and belief.



Signature of person filing response

By:



(Attorney signing in
representative capacity)

Subscribed and sworn to before me this 30th day of August,
1993.



Notary Public for Idaho

Residing at: _____

My Commission Expires _____

Danni M. Smith, Notary Public
Residing at Boise, Idaho
My Commission Expires December 5, 1994

CERTIFICATE OF MAILING

I hereby certify that on the 30th day of August, 1993, I mailed the original and copies of the foregoing response, including all attachments, to the following persons, by mailing the original and/or true and correct copies, postage prepared and addressed as follows:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P.O. Box 2707
Twin Falls, Idaho 83303-2707

2. One copy to the owner of the water right, and you must fill in the following information:

Name: WILLIAM F RINGERT
Address: PO BOX 2773
BOISE ID 83705

3. One copy to the party who filed the objection, or if represented by an attorney, to their attorney; and you must fill in the following information:

Name: JAMES C TUCKER
Address: PO BOX 2139
BOISE ID 83701-2139

4. One copy to:

United States Department of Justice
Environment and Natural Resource Division
550 West Fort Street, Box 33
Boise, Idaho 83734



Signature of Respondent or attorney
mailing on Respondent's behalf

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 A36-07167
Date Received 9-1-88
Receipt Number C002454

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

RECEIVED
SEP 01 1988

Department of Water Resources

Please type or print clearly

1. Name of Claimant (s) Rim View Trout Company Phone (208) 344-7321
Mailing Address 1301 Vista Avenue, Boise, Idaho Zip 83705

2. Date of Priority (Only one (1) per claim) March 18, 1971

3. Source of water supply (a) Niagara Springs
which is tributary to (b) Snake River

4. a. Location of existing point of diversion is: Township 9S Range 15E Section 10,
NE 1/4 of NE 1/4 of _____ 1/4, Govt. Lot, 1 B.M., County of Gooding

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 _____ 1/4,
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.

Concrete Headworks and Flumes, Dirt and rock canal and pipes

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JAN 28 1993
OCT 19 1994

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For Fish propagation purposes from Jan 1 to Dec 31 amount 50.0 or _____
For _____ purposes from _____ to _____ amount _____ or _____
For _____ purposes from _____ to _____ amount _____ or _____
For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 50.0 (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.) Fish propagation - See remarks below

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.

| TWP | RNG | SEC | NE 1/4 | | | | NW 1/4 | | | | SW 1/4 | | | | SE 1/4 | | | | Totals |
|-----|-----|-----|-------------------|-------------------|--------------------|-------------------|--------|-------|-------|-------|--------|-------|-------|-------|--------|-------|-------|-------|--------|
| | | | NE1/4 | NW1/4 | SW1/4 | SE1/4 | NE1/4 | NW1/4 | SW1/4 | SE1/4 | NE1/4 | NW1/4 | SW1/4 | SE1/4 | NE1/4 | NW1/4 | SW1/4 | SE1/4 | |
| 9S | 15E | 10 | GL _H 1 | GL _H 2 | GL _H 10 | GL _H 9 | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | |
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| | | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | |

Total number of acres irrigated _____

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

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.

Claim No. 36-4032 and License No. 33448/36-2680 are owned by Rim View Trout Co. and are used at the same place but for separate use from 36-7167 herein described.

14. Remarks:
Item 9 above-Some of the raceways shown on the drawing included in the beneficial use file have been and are being divided and changed in dimensions and location for a more efficient use of the water. However, these changes will not exceed the 16 acre ft. of facility volume as shown on the license

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JAN 28 1993

MICROFILMED

Last Name _____ Ident No. _____

OCT 19 1994

Copies: White -State, Yellow-Claimant

Scale: 2 inches equals 1 mile

MICROFILMED
OCT 19 1994
Copies: White-State, Yellow-Claimant

Last Name _____ Ident No. _____

Copies: White-State, Yellow-Claimant

15. Basis of Claim (check one) ☐ Beneficial Use ☐ Posted Notice ☒ License ☐ Permit

Decree

If applicable provide IDWR Water Right Number 36-7167

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

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

Signature of Claimant (s) Date

Date

For Organizations: I do solemnly swear or affirm that I am President

Title

of Rim View Trout Company, that I have signed the foregoing
Organization

document in the space below as President of Rim View Trout Company
Title Organization

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

Signature of Authorized Agent Eileen Harty

Title and Organization President, Rim View Trout Company Date September 1, 1988

State of Idaho/or Idaho)
County of Ada) SS.

Subscribed and sworn (or affirmed) before me this 1st day of September 19 88

SEAL

Notary Public Mary Anne Johnson

Residing at Boise, Idaho

My Commission Expires 1-11-92

Please Print Name

17. Notice of Appearance:

Notice is hereby given that I, W. F. RINGERT 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 W. F. Ringert

Address Box 2773, Boise, ID. 83701

Date 9-1-88

Last Name Ident. Number

MICROFILMED

OCT 19 1994

Copies White-State, Yellow-Claimant

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 the Rights to the Use of Water
from the Snake River Basin
Water System

Case No. 36-07167 -0002

(Sub-case no. incorrectly
stated on objection as 36-01767)

The State of Idaho, ex rel.
R. Keith Higginson in his
official capacity as Director
of the Idaho Department of
Water Resources,

RESPONSE TO OBJECTION

Petitioner,

vs.

The United States; the State
of Idaho; and all Claimants to
the use of water from the Snake
River Basin Water System,

Respondents.

I. GENERAL INFORMATION

1. Person responding to objection:

Name: R. KEITH HIGGINSON, DIRECTOR

Address: IDAHO DEPARTMENT OF WATER RESOURCES
P.O. BOX 44449
BOISE, ID 83711-4449

Briefly describe your interest in this water right:

IDWR is required to file a response to an objection to part
I of the director's report pursuant to I.C. section 42-1412(2).

(Over)

MICROFILMED
OCT 19 1994

2. Person who filed objection:

Name: RIM VIEW TROUT CO
Address: 1301 VISTA AVE
BOISE ID 83705

3. If this response is filed by an attorney:

Attorney Name(s): NICHOLAS B. SPENCER
Attorney Address: DEPUTY ATTORNEY GENERAL(S)
IDAHO DEPARTMENT OF WATER RESOURCES
P.O. BOX 44449
BOISE, ID 83711-4449
Attorney Phone No.: (208) 327-7900

II. STATEMENT OF THE RESPONSE

11. ☒ Remarks: I respond to the objection concerning the "remarks" listed with the water right.
12. ☒ Water Right Recommendation: I respond to the objection concerning:
- 12b. ☒ This water right not being recommended.
14. ☒ Other: I respond to the objection concerning:
GENERAL PROVISIONS 5 & 7

REASONS SUPPORTING EACH BOX CHECKED

There is an error in the sub-case number shown on the objection. The number of the contested water right is 36-07167; the objection sub-case number should therefore be changed to 36-07167-0002.

In response to Statement of the Objection item 11, and all allegations of the objection regarding this item, IDWR responds as follows:

This right is based on a license issued by IDWR. The remarks regarding return flows and measuring devices were included in the license as issued by IDWR. Issuance of the license was a final administrative action by IDWR and the claimant is bound by the terms of the license. Ada County Civil No. 94822 is currently pending, in regard to enforcement of an order of IDWR to install and maintain a measuring device on the claimant's diversion system.

Idaho Code section 42-1411(2) provides that the director's recommendation shall include "such other matters as are necessary to define the right." The facility volume correctly describes the current use of water diverted for fish propagation purposes. Description of the current use is necessary to define the right and to prevent future expansions in use of the right.

In response to Statement of the Objection item 12.b, and all allegations of the objection regarding this item, IDWR responds as follows:

This item appears to have been checked in error. The purpose of this item is to object to a recommendation of disallowal by IDWR, and this claim was not recommended to be disallowed.

In response to Statement of the Objection item 14 and all allegations of the objection regarding this item, IDWR responds as follows.

IDWR denies this portion of the objection.

CHANGES TO THE DIRECTOR'S REPORT

The director proposes no changes to the description of this claim in the Director's Report.

☐ Check here if you are submitting documents. Please list each document by the title and number of pages. You may use additional pages if necessary:

(Over)

MICROFILMED

OCT 19 1994

No. of
Pages

The notice of claim is attached to IDWR's response
to Objection No. 36-07167-0001

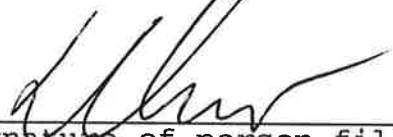
VERIFICATION (Must be Completed)

State of IDAHO

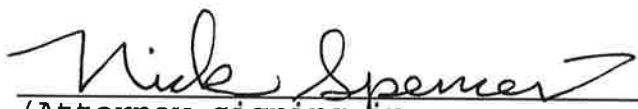
County of ADA

David B. Shaw, being first duly sworn, upon oath, deposes and says:

That R. Keith Higginson, in his official capacity as director of the Idaho Department of Water Resources, is a party to this proceeding, as defined by I.C. 42-1401A(1) and (7); that I am the Adjudication Bureau Chief for IDWR and am authorized by R. Keith Higginson, in his official capacity as director of IDWR, to verify this response; and that I have read the foregoing response, know its contents and that the statements contained therein are true to the best of my knowledge and belief.



Signature of person filing response

By: 

(Attorney signing in
representative capacity)

Subscribed and sworn to before me this 30th day of August,
1993.



Notary Public for Idaho
Residing at: _____
My Commission expires _____
Danni Smith, Notary Public
Residing at Boise, Idaho
My Commission Expires December 5, 1994

(Over)

NOT RECORDED
MICROFILMED

CERTIFICATE OF MAILING

I hereby certify that on the 30th day of August, 1993, I mailed the original and copies of the foregoing response, including all attachments, to the following persons, by mailing the original and/or true and correct copies, postage prepared and addressed as follows:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P.O. Box 2707
Twin Falls, Idaho 83303-2707

2. One copy to the owner of the water right, and you must fill in the following information:

See No. 3

3. One copy to the party who filed the objection, or if represented by an attorney, to their attorney; and you must fill in the following information:

Name: WILLIAM F RINGERT
Address: PO BOX 2773
BOISE ID 83701

4. One copy to:

United States Department of Justice
Environment and Natural Resource Division
550 West Fort Street, Box 33
Boise, Idaho 83734



Signature of Respondent or attorney
mailing on Respondent's behalf

COPY

RECEIVED

MAY 03 1993

Department of Water Resources
Adjudication Bureau

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

The State of Idaho, ex rel.
R. Keith Higginson in his
official capacity as Director
of the Idaho Department of
Water Resources,

Petitioner,

vs.

The United States; the State
of Idaho; and all Claimants to
the use of water from the Snake
River Basin Water System,

Respondents.

Case No. 36-07167

OBJECTION

36-07167 -0001/
93-04-0297

INSTRUCTIONS

This form must be used to file an objection to any water right recommended in the Director's Report. You may object to one water right per objection form. The water right number you are objecting to must be indicated above in the blank space following "Case No." To object to more than one water right, you must file a separate objection form for each. Forms may be obtained from the Idaho Department of Water Resources (IDWR), or you may copy or reproduce this blank form, as long as it is identical to the court's form. You must file your objection by the deadline shown in the notice that IDWR mailed to you. The objection must be received by the court on or before the deadline specified. Instructions for mailing this objection are found at Page 6, and must be strictly followed.

(Over)

OBJECTION -1-

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OCT 19 1994

Any party physically filing 25 (twenty-five) or more objections must make an appointment with a Clerk of the Adjudication Court and arrange for an appointment to file multiple objections.

By filing an objection form, you are certifying that the objection is well-grounded in fact; is warranted by existing law or a good-faith argument for the extension, modification or reversal of existing law; and that it is not filed for any improper purpose, such as to harass, cause unnecessary delay or needless increase in the cost of litigation.

I. GENERAL INFORMATION

Please fill in the following information:

1. Person objecting:

Name: IDAHO POWER COMPANY
Address: P.O. Box 70
Boise, Idaho 83707-0070

Briefly describe your interest in this water right:

The diversion associated with this right is from the same source and in close proximity to a right claimed by the objector.

2. Owner of the water right:

Name: RIM VIEW TROUT COMPANY
Address: 1301 Vista Avenue
Boise, Idaho 83705

3. If this objection is filed by an attorney:

Attorney Name: James C. Tucker
Attorney Address: P.O. Box 2139
Boise, Idaho 83701-2139
Attorney Phone No.: (208) 336-0700

If filed by an attorney, notice of pending court proceedings will be sent to the attorney only.

II. STATEMENT OF THE OBJECTION

Please check each "box" which states your objection to the recommendation in the Director's Report

1. ☐ Name and Address: I object to the name and/or address of the owner of the water right.
2. ☐ Source: I object to the source of water.
3. ☐ Quantity: I object to:
 - a. ☐ the total quantity of water used in cubic feet per second; or
 - b. ☐ the total quantity of water stored in acre-feet per year; or
 - c. ☐ the total quantity of water reserved for each and every purpose, including all present and future uses.
4. ☐ Priority Date: I object to the priority date.
5. ☐ Points of Diversion: I object to the legal description of the point(s) of diversion.
6. ☐ Instream Flow: I object to the legal description of the beginning and ending points of the instream flow.
7. ☐ Purpose(s) of Use: I object to the purpose(s) of use.
8. ☐ Period of Year: I object to the period of year when water is used or is necessary for the purpose stated.
9. ☐ Place of use: I object to:
 - a. ☐ the legal description of the place of use; or
 - b. ☐ the number of irrigated acres within each forty (40) acre subdivision.
10. ☐ Consumptive Use: I object to the annual volume of consumptive use.
11. ☐ Remarks: I object to the "remarks" listed with the water right.

(Over)

12. ☐ Water Right Recommendation: I object to:
- ☐ this water right being recommended at all; or
- ☐ this water right not being recommended.
13. ☐ Description of Reservation: I object to the legal description of the reservation.
14. ☒ Other: I object to:

This right being decreed as recommended, or as claimed, until all issues pending, or subsequently raised, before the Court in *Rim View Trout Co., Inc. v. Idaho Department of Fish & Game and Idaho Department of Water Resources*, a subcase(s) in Civil No. 39576, are resolved either through litigation or negotiation.

REASONS SUPPORTING EACH BOX CHECKED

In the space following, you must state the reason(s) by number for each box checked. You may use additional pages, if necessary.

Box 14: Litigation between Rim View Trout Company and Idaho Department of Fish and Game has not been concluded.

CHANGES TO THE DIRECTOR'S REPORT

Specifically describe how you want the Director's Report to be changed. You may use additional pages, if necessary.

Recommendation of this right should be withheld until the completion of litigation involving this right.

Please note: You should attach copies of documents which support your objection. Note on each document the "box number" it supports.

- ☐ Check here if you are submitting documents. Please list each document by the title and number of pages. You may use additional pages if necessary. _____

VERIFICATION (Must be Completed)

State of Idaho

County of Ada

Patrick D. Madigan, being first duly sworn, upon oath, deposes and says:

That I am the person or entity filing this objection, that I am a water claimant or party in this proceeding, as defined by I.C. § 42-1401A(1) and (7), and that I have read the foregoing objection, know its contents and that the statements contained therein are true to the best of my knowledge and belief.

Signature of person filing objection

By: Patrick Madigan
(Attorney signing in representative capacity)

Subscribed and sworn to before me this 20th day of APRIL, 1993.



Darla Clarke
Notary Public for Idaho
Residing at: 1205e
My commission expires: 4-26-95

(Over)

INSTRUCTIONS FOR MAILING

You must mail the objection, including all attachments, to the Clerk of the Court. FAX filings will not be accepted by the Clerk of the Court. You must also send a copy to the owner of the water right, if other than yourself; to the Office of the Attorney General, State of Idaho; and to the United States Department of Justice, as set out below in the Certificate of Mailing. Finally, you must sign the Certificate of Mailing to show that you followed these steps.

CERTIFICATE OF MAILING

I hereby certify that on the 29th day of April, 1993, I mailed the original and copies of the foregoing objection, including all attachments, to the following persons, by mailing the original and/or true and correct copies, postage prepaid and addressed as follows:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P.O. Box 2707
Twin Falls, Idaho 83303-2707

2. One copy to the owner of the water right, and you must fill in the following information:

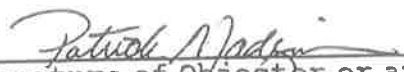
Owner name: RIM VIEW TROUT COMPANY
Owner's address: 1301 Vista Avenue
Boise, Idaho 83705

3. One copy to:

Chief, Natural Resource Division
Office of the Attorney General
State of Idaho
P.O. Box 4449
Boise, Idaho 83711-4449

4. One copy to:

United States Department of Justice
Environmental and Natural Resource Division
550 West Fort Street, Box 33
Boise, Idaho 83724



Signature of Objector or attorney
mailing on Objector's behalf

R PROOF

CVR

MAPS

PHOTOS

MISC



MISC FILMED

FEB 03 1993

Water Right Number - R36-07170

Prefix Translation: RESEARCH

Old (D) Number -

+ - - - - Last Name - - - - + + - First Name - - + + - - - - - Address - - - - - +

*** C - CURRENT OWNER ***
KESTER

DONALD L.

1 - 723 3RD ST. S.

2 -

3 -

City- RUPERT

State- ID Zip- 83350

Phone - 208-436-4657

KESTER

OLLIE BELLE

1 - 723 3RD ST. S.

2 -

3 -

City- RUPERT

State- ID Zip- 83350

Phone - 208-436-4657

+ - - Priority Date - - + + - - - Region - - - + + - - - Stage - - - + + - - - Status - - - +
03/22/1971 17 SOUTHERN L - LICENSE+ - - - - Source - - - - - + + - - - - Tributary - - - - - +
GROUNDWATER

+ - - - - - - - - - - - - - Point of Diversion - - - - - +

Twn Rng Sec Tract Lot RFlg County

09S 24E 4 NW NE SE (67) MINIDOKA

+ - - - - - - - - - - - - - Water Use - - - - - +
Code Description Period From Period To Diversion Rate Diversion Volume
01 - IRRIGATION 03/15 11/15 1.180 236.00+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Consumptive Use - + + - KW Usage - +
1.180 236.00 177.0+ - - - - - - - - - - - - - Place of Use - - - - - +
Twn Rng Sec Tract Lot Acres Code Description County
09S 24E 4 SW NE 15.0 01 IRRIGATION (67) MINIDOKA
09S 24E 4 NE NW 9.0 01 IRRIGATION (67) MINIDOKA
09S 24E 4 SE NW 35.0 01 IRRIGATION (67) MINIDOKA

Total Acres: 59.0

+ - - Diversion Means - 200' X 16" WELL, 100 HP- MAINLINE TO POND & PUMP TO SPRINKLERS

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use - MINIDOKA IRR. DIST.

+ - - - - - - - - - - - - - Remarks - - - - - +
RIGHTS LISTED BELOW ARE ALSO DIVERTED THROUGH POINT OF DIVERSION
DESCRIBED ABOVE, AND THE TOTAL COMBINED RATE OF DIVERSION OF

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FEB 03 1993

Water right number - R36-07170

Prefix Translation: RESEARCH

+ - - - - Remarks - - - - - +
THESE RIGHTS IS LIMITED TO 2.38 CFS (capacity of diversion system). OTHER RIGHT NOS.: 36-07122 & 36-07890.

+ - - - - Old Water Right Numbers - - - - - +
No Old Water Right Numbers Found

+ - - - - Conditions of Approval - - - - - +
C03 - RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION PURSUANT
- TO IDAHO CODE 42-1416A.
S16 - USE OF WATER UNDER THIS RIGHT IS COMBINED WITH WATER FROM
- MINIDOKA IRRIGATION DIST.

+ - - - Decree Plaintiff - - - + + - - - Decree Defendant - - - + + - Decree Date - +
00/00/0000

+ - - - - Comments - - - - - +
Date: 12/26/1991 User Id: WORSTELL Subject: COPIED FROM REMARKS
TRANS. 2387.
Date: 12/31/1991 User Id: WORSTELL Subject: ADDITIONAL REFERENCED TRANSFER
TRANSFER 1934
Date: 12/31/1991 User Id: WORSTELL Subject: ADDITIONAL SOURCE DESCRIPTION
THE PRINCIPAL SOURCE IS A POND IN NE,SE,NW OF SEC 4, T9S, R24E. THIS POND IS SUPPLIED FROM A M.I.D. LATERAL & RUN-OFF FROM NEARBY
FIELDS. THIS RIGHT IS A SUPPLEMENTARY SUPPLY TO THE POND WHEN NEEDED.

+ - - Audit Fields - - +
12/31/91 WORSTELL

+ - - - - Adjudication Rights Dates and Flags Area - - - - - +

| | | | | | |
|----------------------|--------------|-----------------------|--------------|-------------------------|---------|
| Court Report Filing | - 00/00/0000 | Field Inspection Made | - 00/00/0000 | Civil Case Number | - 39576 |
| Objection Filed Date | - 00/00/0000 | Field Inspection Flag | - | Old Case Number | - |
| Response Filed Date | - 00/00/0000 | Verified Date | - 12/31/1991 | Old Judicial District | - |
| Claim Received Date | - 09/14/1989 | Last Amended Date | - 00/00/0000 | Temporary Right | - P |
| | | Receipt Number | - M004320 | Water District | - |
| | | POU Ownership Flag | - Y | Federal/State Indicator | - S |
| | | Name Connector | - OR | Presumption Flag | - C |
| | | | | Notice of Error Flag | - |

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FEB 03 1993

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

00:00:44
12/20/90

PAGE: 12
QUICKLOOK INFORMATION

CLAIM NUMBER: A36-07170

| WR ELEMENT | FIELD EXAM
Y/N | CORRESPONDENCE
SENT/RECEIVED
BY WHOM/DATE | FIELD EXAM
BY WHOM/DATE | CHANGE
CLAIM
Y/N | VERIFIED BY
CODE | COMPLETED
REVIEW
WHOM/DATE | COMPLETED
DATA ENTRY
WHOM/DATE | VERIFIED
DATE
WHOM/DATE |
|---------------------------|-------------------|---|----------------------------|------------------------|---------------------|----------------------------------|--------------------------------------|-------------------------------|
| PRIORITY DATE | | | | N | | R.V. 12/24/91 | R.V. 12/24/91 | R.V. 12/26/91 |
| POINT OF DIV | Y | | | Y | 6 | | | |
| SOURCE | | | | N | | | | |
| PLACE OF USE | | | | N | | | | |
| DIV. AMOUNT
CFS/VOLUME | | | | Y | | | | |
| CONSUMPTIVE USE | - | | | N | | | | |
| PURPOSES | | | | N | | | | |
| PERIOD OF USE | | | | Y | | | | |
| BASIS OF CLAIM | | | | N | | | | |
| REMARKS | Y | | | | | | | |

"VERIFIED BY" CODES

TOPO MAP/ORTHO-PQ = 1
ASCS MAP = 2
WATERMASTER RECORDS = 3
NAPP PHOTOS = 4
FIELD EXAM = 5
OTHER (SEE REMARKS) = 6

THESE CODES ARE USED TO INDICATE HOW THE FIELD EXAMINER VERIFIED THE INFORMATION
USED FOR THIS FIELD EXAMINATION. INDICATED ARE ALL CODES WHICH APPLY.

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FEB 03 1993

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

00:00:44
12/20/90

PAGE: 1
GENERAL INFORMATION

CLAIM NUMBER: A36-07170

LAST: KESTER
ADDRESS: 723 3RD ST. S.
CITY: RUPERT
PHONE NUMBER: 208-436-4657

FIRST: DONALD L.

STATE: ID ZIP: 83350

OWNER CODE: C

LAST: KESTER
ADDRESS: 723 3RD ST. S.
CITY: RUPERT
PHONE NUMBER: 208-436-4657

FIRST: OLLIE BELLE

STATE: ID ZIP: 83350

OWNER CODE: C

FIELD EXAM REQUIRED?

VERIFICATION REQUIRED DUE TO REMARKS?

CLAIM REMARKS: TRANS. 2387.

DATABASE
Y

FIELD
EXAMINER

MICROFILMED
FEB 03 1993

CONTACT PERSON: _____

PHONE NUMBER: (____) ____-____

DATE OF FIELD EXAM: ____/____/____

APPOINTMENT MADE: Y(____) N(____)

TIME: ____:____ A(____) P(____)

ACCOMPANIED BY: _____

PHONE NUMBER: (____) ____-____

RELATIONSHIP TO CLAIMANT: _____

DIRECTIONS TO PROPERTY / REMARKS:

Desk Review

12/24/91

R.V.W.

MICROFILMED

FEB 03 1993

A. AJ CLAIM: # A36-07170 PRIORITY DATE: 03-22-1971 STAGE: L

B. WR RECORD: # 36-07170 PRIORITY DATE: 03-22-1971 STAGE: L

C. FIELD EXAM REQUIRED?

DUE TO PRIORITY DATE DISCREPANCY? (Y/N)

DATABASE
N

FIELD
EXAMINER
N

ARE THERE OBVIOUS REASONS TO QUESTION THE PRIORITY DATE CLAIMED? Y() N(✓)
IF YES EXPLAIN.

REMARKS:

=====

RECOMMENDED PRIORITY DATE:
03-22-1971

REVIEWED BY R.V. 24

DATE 12/24/91

=====

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FEB 03 1993

A. AJ CLAIM POINT OF DIVERSION AND SOURCE:

| RIGHT | TWP. | RGE. | SEC. | 1/4 | 1/4 | 1/4 | LOT | CNTY |
|----------------------------------|------|------|------|----------------------------------|---------------------|---------------------|-----|----------|
| A36-07170 | 09S | 24E | 4 | ~~NW~~
NE | ~~SE~~
SE | ~~NW~~
NW | | MINIDOKA |
| OTHER AJ CLAIMS WITH SAME AJ POD | | | | WR RECORDS IN SAME 40 ACRE TRACT | | | | |
| A PREFIX
NONE | | | | R PREFIX
NONE | | NONE | | |

SOURCE: GROUNDWATER

TRIB:

B. WR POINT OF DIVERSION AND SOURCE:

| RIGHT | TWP. | RGE. | SEC. | 1/4 | 1/4 | 1/4 | LOT | CNTY |
|-----------------------------------|------|------|------|---------------------------------|-----|------------------|-----|----------|
| 36-07170 | 09S | 24E | 4 | | SE | NW | | MINIDOKA |
| OTHER WR RECORDS WITH SAME WR POD | | | | AJ CLAIMS IN SAME 40 ACRE TRACT | | | | |
| NONE | | | | A PREFIX
NONE | | R PREFIX
NONE | | |

SOURCE: GROUNDWATER

TRIB:

C. FIELD EXAM REQUIRED?

| | DUE TO POD DISCREPANCY? (Y/N) | DUE TO SOURCE DISCREPANCY? (Y/N) | DATABASE | FIELD EXAMINER |
|--|-------------------------------|----------------------------------|----------|----------------|
| | | | Y | _____ |
| | | | N | _____ |

REMARKS:

10 ac. tract From map with Transfer #2387

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FEB 03 1993

RECOMMENDED POINT(S) OF DIVERSION AND SOURCE:

| TWP. | RGE. | SEC. | 1/4 | 1/4 | 1/4 | LOT | COUNTY |
|-------|-------|-------|-------|-------|-------|-------|--------|
| _____ | _____ | _____ | _____ | _____ | _____ | _____ | _____ |

Same as on Page 4

SOURCE: GROUNDWATER

TRIB:

REVIEWED BY:

R.V. 2V

DATE:

12/24/91

MICROFILMED

FEB 03 1993

A. ROOT WATER RIGHT NUMBERS: A36-07170

B. POU LISTING

| TWP | RNG | SEC | 1/4 | 1/4 | LOT | NAME | AJ
#/ACRES | WR
#/ACRES | LANDSAT
DATA | FIELD
EXAM. | RECOMM.
ACRES |
|-------------|-----|-----|-----|-----|-----|---|-------------------------------------|---------------------|-----------------|----------------|------------------|
| 09S | 24E | 4 | SW | NE | | KESTER, DONALD L.
MINIDOKA IRRIGATION DISTRICT | A36-07170 /15.0
A01-10187Z0/40.0 | 36-07170 /15.0
- | 29.0 | | 15 |
| 09S | 24E | 4 | NE | NW | 3 | KESTER, DONALD L. | A36-07170 / 9.0 | 36-07170 / 9.0 | | | 9 |
| 09S | 24E | 4 | SE | NW | | KESTER, DONALD L.
MINIDOKA IRRIGATION DISTRICT | A36-07170 /35.0
A01-10187Z0/40.0 | 36-07170 /35.0
- | 35.0 | | 35.0 |
| TOTAL ACRES | | | | | | | A36-07170 | 59.00 | 59.00 | 64.00 | 59.0 |

ARE IRRIGATED ACRES FOUND IN TRACTS OTHER THAN INDICATED ABOVE, Y() N(✓)
IF YES SEE ATTACHED SHEET:

C. FIELD EXAM REQUIRED?

DUE TO POU DISCREPANCY? (Y/N)

DATABASE
N

FIELD
EXAMINER
N

516

PRESUMPTION FLAG:

REMARKS:

RECOMMENDATIONS:

TOTAL ACRES: 59

REVIEWED BY: R.V.W.

DATE: 12/24/91

MICROFILMED

FEB 03 1993

A. AJ CLAIMED USES:

| PURPOSES | MONTH/DAY | DIVERSION QUANTITY |
|-------------------------------------|---------------------|--------------------|
| A36-07170 IRRIGATION | FROM 04-01 TO 10-15 | 1.180 CFS |
| | 3/15 11/15 | |
| TOTAL DIVERSION RATE/VOLUME CLAIMED | | 1.180 CFS |

B. WR RECORDED USES:

| PURPOSES | MONTH/DAY | DIVERSION QUANTITY |
|-------------------------------------|---------------------|-----------------------|
| 36-07170 IRRIGATION | FROM 04-01 TO 10-15 | 1.180 CFS 236.00 AF/A |
| TOTAL DIVERSION RATE/VOLUME CLAIMED | | 1.180 CFS 236.00 AF/A |

PRESUMPTION FLAG:

C. FIELD EXAM REQUIRED?

| | DATABASE | FIELD EXAMINER |
|--|----------|----------------|
| DUE TO WATER-USE DISCREPANCY? (Y/N) | N | <u>N</u> |
| DUE TO DIVERSION RATE DISCREPANCY? (Y/N) | N | <u>N</u> |
| DUE TO PERIOD FROM/TO DISCREPANCY? (Y/N) | N | <u>N</u> |

D. PERIOD OF USE:

RECOMMEND AS CLAIMED?

Y() N()

RECOMMEND TO WR STANDARDS OR OTHER?

Y(☒) N() Explain in remarks, below.

REMARKS:

Recommend change to standard period used for Adj. claims

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FEB 03 1993

A. DOES DIVERSION RATE CLAIMED AGREE WITH EXISTING RECORDS?

Y(☒) N(☐)

AJ TOTAL CLAIMED DIVERSION RATE: 1.180 CFS
WR ROOT RIGHT TOTAL DIVERSION RATE: 1.180 CFS

*** IF NO or IF STATUTORY CLAIM or BENEFICIAL USE then flow measurement required. ***
** If an amount smaller than the original diversion rate is **
** claimed and an exam is NOT required, explain in remarks. **

FLOW MEASUREMENT REQUIRED?

FIELD
DATABASE EXAMINER
Y N

DUE TO STAGE OR DIVERSION RATE DISCREPANCY? (Y/N)

B.

FLOW MEASUREMENT

MEASUREMENT METHOD _____, SEE ATTACHED CALCULATIONS.

C. ARE OTHER WATER RIGHTS USED? Y(☐) N(☐) IF YES COMPLETE OVERLAP REVIEW.

OTHER RIGHTS LISTED IN CLAIM: ~~BID~~ MID.

LIST ALL RIGHTS WITH A SAME POU AND IRRIGATION USAGE:

| CLAIM | SOURCE | NAME | DIV. RATE | DIV. RATE/ACRE | DIV. VOL. | DIV. VOL./ACRE |
|-------------|-------------|------------------------------|-----------|----------------|-----------|----------------|
| A36-07170 | GROUNDWATER | KESTER , DONALD L. | 1.180 | 0.020 | | |
| A01-10187Z0 | SNAKE RIVER | MINIDOKA IRRIGATION DISTRICT | 1070.120 | 0.032 | | |

NO RIGHTS WITH SAME POU BUT NOT USED FOR IRRIGATION

RECORDED

FEB 03 1993

D. RATE/VOLUME CALCULATIONS: (IRRIGATION)

1a. IRRIGATION RATE

ACRES 59 x 0.02 CFS/ACRE = 1.18 CFS
(Taken from p/u review)

DOES AMOUNT CLAIMED EXCEED 0.02 CFS/ACRE? Y() N(☒)

*** IF YES ADDITIONAL WATER USE FORM FILED AND ATTACHED? Y() N() ***

1b. CALCULATIONS

2. IRRIGATION CONSUMPTIVE USE

CLAIMED CONSUMPTIVE USE = 177.0 AF/A

ACRES 59 x CONSUMPTIVE VOL. AF/A FOR AREA 3 =

TOTAL CONSUMPTIVE USE 177 AF/A

3. IRRIGATION DIVERSION VOLUME

CLAIMED DIVERSION VOLUME = AF/A

ACRES 59 x DIVERSION VOL. AF/A FOR AREA 4 =

TOTAL DIVERSION VOLUME 236 AF/A

4. CALCULATIONS FOR USES OTHER THAN IRRIGATION:

SEE ATTACHED SHEET? Y() N()

REMARKS: (Include limitations on CONSUMPTIVE USE for combined rights.)

MICROFILMED
FEB 03 1993

RECOMMENDATIONS:

| REC.
PURPOSES | REC. PERIOD
FROM TO | REC. DIV
RATE CFS | REC. DIV
VOL. AF/A | REC. CONS.
USE |
|----------------------|--|------------------------------|---------------------------|-----------------------------|
| IRRIGATION | ~~04-01~~ 3/15 ~~10-15~~ 11/15 | DATABASE 1.180 EXAMINER 1.18 | DATABASE 236 EXAMINER 236 | DATABASE 177.0 EXAMINER 177 |
| TOTAL FOR THIS RIGHT | | 1.180 1.18 | 236 | 177.0 177 |

REVIEWED BY:

B.V. JH

DATE:

12/24/91

MICROFILMED

FEB 03 1993

A. CHECK ONLY THE FOLLOWING THAT APPLY:

| | ACCEPTED
AS CLAIMED | NEEDS
REVIEW |
|------------------------------|---|-----------------|
| OWNERSHIP _____ | (☒) | () |
| FORFEIT/ABANDON _____ | () | () |
| ADDITIONAL DIV. AMOUNT _____ | (☒) | () |

B. SPLIT WATER RIGHT REVIEW

ROOT WATER RIGHT NUMBER: 36-07170

TOTAL DIVERSION RATE OF WR SPLITS

DATABASE
1.180

EXAMINER

N/A
CFS

SPLITS:

| OLD RIGHT
NUMBERS | CURRENT
CLAIM NUMBERS | DIVERSION
RATE | CURRENT "R"
CLAIM NUM. | "R" DIV.
RATE | WR RIGHT
NUMBERS | DIVERSION
RATE |
|----------------------|--------------------------|-------------------|---------------------------|------------------|---------------------|-------------------|
| - | A36-07170 | 1.180 | - | | 36-07170 | 1.180 |
| TOTAL CFS | | 1.180 | | | | 1.180 |

DIVERSION RATE REVIEW

DO THE SUM CFS RATE OF THE SPLITS EQUAL THE ROOT RIGHT CFS RATE? (Y/N)
IF NO, is the written review sheet attached? (Y/N)

DATABASE
Y

FIELD
EXAMINER

REMARKS:

AUTHENTICATION:

SIGNATURE:

Robert V. Horstall

DATE:

12/24/91

NAME OF FIELD EXAMINER:

TITLE:

Sr. W.R. Agent (Adj.)

R. V. Horstall 12/26/91

MICROFILMED

FEB 03 1993

FEB 03 1993

36-021734

UNRECORDED

EAST ROAD

10

NORTH

36-07110

5
9
T

R24E

34

CEMETERY
RUPERT

MERIDIAN

DRAIN

32

WELL

27

28

ROAD

WELL

ROAD

100

ROAD

ROAD

B. DESCRIPTION OF PORTION OF RIGHT OWNED BY APPLICANT (If the entire right is owned by the applicant, omit part B).

1. Amount of water: a. _____ cubic feet per second &/or
b. _____ acre feet per annum
2. Point of diversion _____ % _____ % Section _____ Township _____
Range _____, B.M., _____ County _____
Additional points _____

3. Place of use:

| TWP. | RANGE | SEC. | NE 1/4 | | | | SE 1/4 | | | | SW 1/4 | | | | NW 1/4 | | | | TOTALS |
|------|-------|------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|
| | | | NE 1/4 | SE 1/4 | SW 1/4 | NW 1/4 | NE 1/4 | SE 1/4 | SW 1/4 | NW 1/4 | NE 1/4 | SE 1/4 | SW 1/4 | NW 1/4 | NE 1/4 | SE 1/4 | SW 1/4 | NW 1/4 | |
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C. DESCRIPTION OF RIGHT OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

1. Change in point of diversion

- a. Amount of water to be diverted 1.18 cfs c.f.s. &/or _____ acre feet
- b. Point(s) of diversion SE % NW % Section 4 Township 29,
Range 24E, B.M., Minidoka County _____
Additional points _____

- c. Description of diverting work. Well & Pipe delivering to sprinkler system.
- d. Describe the reasons for applying for a change in the point(s) of diversion
Old well will be used for other rights while new well will provide water for above described land which is to be sold.

2. Change in place of use ~~Change~~

- a. Describe the lands or place of use to which the right will be transferred:

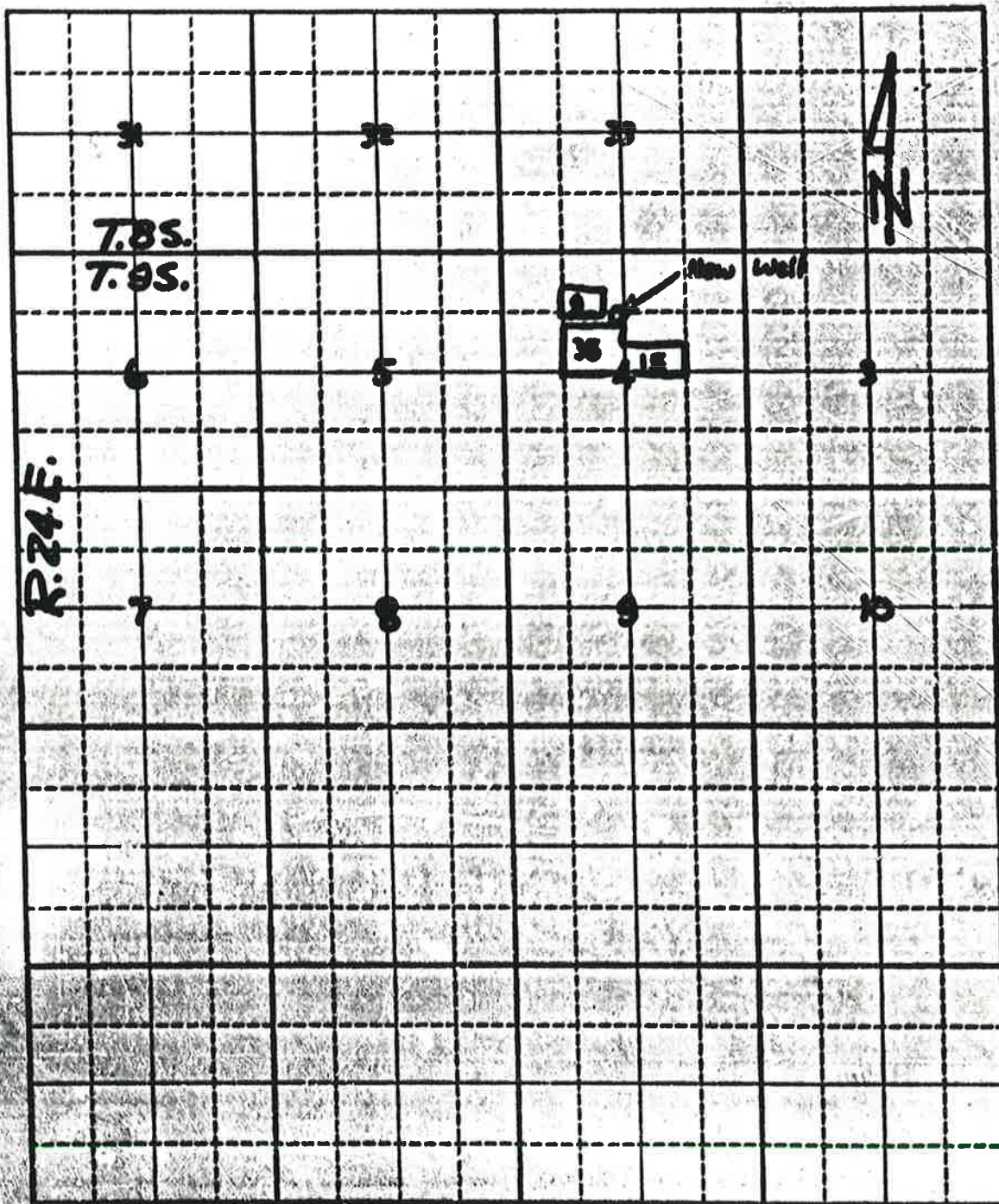
| TWP. | RANGE | SEC. | NE 1/4 | | | | SE 1/4 | | | | SW 1/4 | | | | NW 1/4 | | | | TOTALS |
|------|-------|------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|
| | | | NE 1/4 | SE 1/4 | SW 1/4 | NW 1/4 | NE 1/4 | SE 1/4 | SW 1/4 | NW 1/4 | NE 1/4 | SE 1/4 | SW 1/4 | NW 1/4 | NE 1/4 | SE 1/4 | SW 1/4 | NW 1/4 | |
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Total number of acres to be irrigated _____

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3. Draw a map indicating the new point(s) of diversion and/or the new land to be irrigated. Show clearly the land involved by section, township and range number.



SCALE: 2 inches equal 1 mile. Draw plan in ink.

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4. Remarks _____

I hereby assert that no one will be injured by such change and the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge.

Gerald L. Kester
(Signature of applicant)

Subscribed and sworn to before me this 9 day of January, 1980.

Mary A. Hill
(Notary public)

My commission expires life

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

THIS is to certify that I have examined Application for Transfer of Water Rights No. 35-7170 and said application is hereby approved, subject to the following limitations and conditions:

Witness my hand this 21st day of March, 1980.

Norman C. Young
NORMAN C. YOUNG
Administrator, Resources Admin. Div.

FOR DEPARTMENT USE ONLY

Received by ADM Date 1/9/80 Protest filed by None
Protn. check by JA Fee 35.00 4/7/59
Received by message Date 1/9/80
Published in Minneapolis County record Copies of protest forwarded by _____
Pub. date 7/1 - 7/1/80 Hearing held by _____ Date _____
Watermaster recommendation requested on _____ Recommended for approval denial
by ADM DRT

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER ANALYSIS SHEET

INITIAL REVIEW BY: J. E. [Signature]

1. Right number 36-7170 Applicant Kester, Donald L.
2. Type of right: ☐ Decree ☒ License ☐ Claim
3. Purpose of transfer: ☒ Change point of diversion ☐ Add diversion point(s) ☐ Change place of use
☐ Other _____

4. Check:

- a. ☒ Source ☒ Priority ☒ Amount ☒ Purpose ☒ Period of use As described in tran 1984
- b. ☒ Description of original point of diversion. same as above
- c. ☒ Description of original place of use. "

5. Amount of land &/or water transferred:

- a. ☒ All of right.
- b. ☒ Part of right (NOTE: Part B should be filled in only if part of the right is owned by the applicant).
- c. ☒ Check description of point(s) of diversion. 1 point
- d. ☒ Check description of place of use. No change
- e. ☒ Check map (shows p.d. and p.u. after transfer).
- f. ☒ Check for correct signature, notarization, and fee.
- g. ☒ Check proof of ownership of right &/or land from which water is transferred. NO CHANGE IN PLACE OF USE PROOF OF OWNERSHIP WANTED
- h. ☒ Check for expansion in use of right. Comments No change in fill.

- i. ☒ Check for existing water rights from same source, on land water is being transferred to.

Right number(s) No change in fill.

- j. ☒ Is use within a Watermaster District? ☐ Yes ☒ No

If yes, what district? _____

FINAL PROCESSING REVIEW BY: ADM

1. Watermaster recommendation requested on NA Received on _____
2. Is transfer published correctly? ☒ Yes ☐ No
3. Protest received? ☐ Yes ☒ No

RECOMMENDED ACTION

1. ☒ Approve
2. ☐ Deny
3. Conditions: A new device of a type approved by this Department shall be maintained at a part of the diverting works and access part must be installed at a part of the diverting works.

4. By ADM Date 3/17/80

See 3/17/80 No conditions
All uses within Watermaster Districts require special conditions.

January 30, 1976

Re: Application for Transfer No. 36-7170

(1934)

Donald L. Kester
P. O. Box 676
Rupert, ID 83350

Dear Mr. Kester:

Enclosed is a copy of your approved Application for Transfer No. 36-7170.

Sincerely,

BOBBY D. FLENNOR
Chief, Water Rights

BBF:rb

Enc.

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FEB 03 1993

CONVERSATION MEMORANDUM

NAME OF PARTY Donald Kester, Jr.
EMPLOYEE: R. V. Worstell

DATE 12/27/91 (10:30 am)
FILE A36-07170

RE: Source of irrigation water

The source of water to irrigate these lands is mostly water from the Minidoka Irr. Dist and run-off from nearby lands. Well water is occasionally used to supplement the supply when the pond level starts to fall. The well that supplies this ground water is a "very good well" in the NW, NE, SE of Sec. 4, T 9S, R 24E. This well also supplies 36-07122 and 36-07890 which are permissible place of use claims

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FEB 03 1993