

T3122 KESLER

Transfer No. 3122
Water Right No. 31 2318

AUG 19 1985

STATE OF IDAHO
Department of Water Resources
DEPARTMENT OF WATER RESOURCESAPPLICATION FOR TRANSFER OF WATER RIGHT
To Change the Point of Diversion and/or the Place of Use

APPROVED

Name of applicant DAVID O. KESLER or HELEN D. KESLER Phone 662-5468
Post Office address HC 69 Box 2081, Hamer, ID 83425

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No. _____ Decreed to _____ (Name)
in case of _____ vs _____
dated in _____ in _____ county of _____
(Name of court)
- b. License No. 31-2318 issued by the Idaho Department of Water Resources
- c. Claim No. _____ on file with the Idaho Department of Water Resources

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant. If the applicant is not the original holder of the water right, explain how it was acquired Applicant acquired water right through purchase of land. See attached copy of print out from Jefferson County Assessors office dated 3/18/85

3. Source of water Groundwater tributary to _____

4. Date of priority March 13, 1953

5. Water is used for the following purposes:

amount 1.60cfs for Irrigation purposes from _____ to _____
amount _____ for _____ purposes from _____ to _____
amount _____ for _____ purposes from _____ to _____
(month/day — both dates inclusive)

6. Total amount of water under right: a. 1.60 cubic feet per second
&/or
b. _____ acre feet per annum

7. Location of original point of diversion is NE $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 36
Township 7N Range 35E, B.M., in Jefferson County

Additional points of diversion, if any _____

8. Lands irrigated or place of use:

TWP.	RANGE	SEC.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTALS
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
7N	35E	36	35	35	40	40	10		20	40					40	40		30	330

Total number of acres to be irrigated 330

9. Describe any other water rights used for the same purpose as described above License 31-2304

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of nonuse? NO If yes, describe in item D, REMARKS.

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 _____ $\frac{1}{4}$ _____ $\frac{1}{4}$, Section _____ Township _____
Range _____, B.M., _____ County
Additional points _____

3. Place of use:

TWP.	RANGE	SEC.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTALS
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	

Total number of acres to be irrigated _____

C. DESCRIPTION OF RIGHT OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

1. General Information

- a. Amount of water to be diverted 1.6 c.f.s. &/or _____ acre feet
- b. Description of diverting works Two wells, electric pumps, gravity flow ditches for flood irrigation and center pivot for sprinkler irrigation.
- c. Describe the reasons for the proposed changes A portion of the place of use is now irrigated by a low pressure center pivot. The pivot receives water from a well at the newer point of diversion.

2. Change in point of diversion

Point of diversion NE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 36 Township 7N
Range 35E, B.M., Jefferson County
Additional points NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 36, T. 7N. R. 35E.

3. Change in place of use

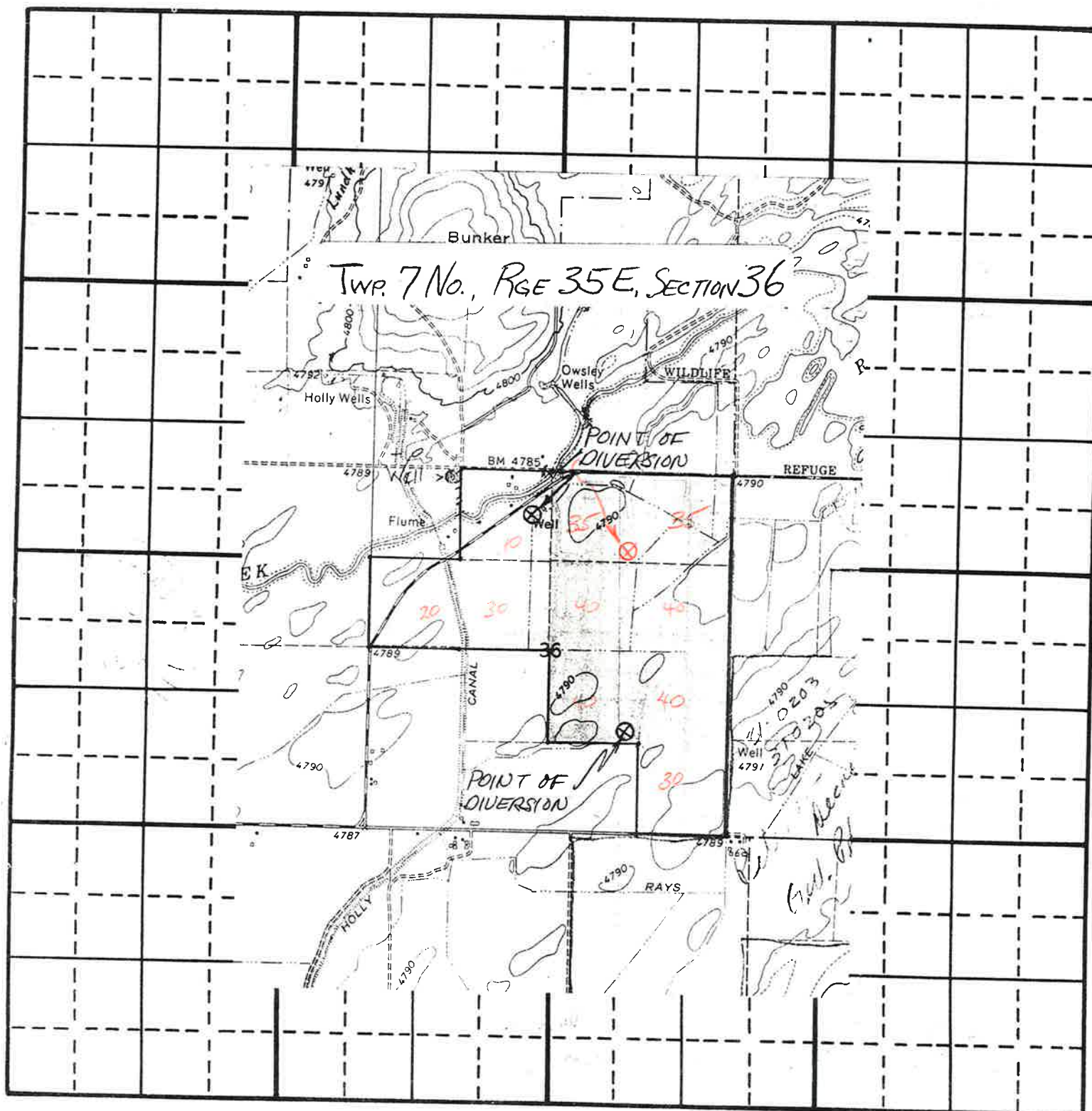
- a. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? _____ Yes X No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed change.
- b. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer
No change in the place of use.

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

TWP.	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
7N	35E	36	35	35	40	40	10		20	40					40	40		30	330

Total number of acres to be irrigated 330

- Describe any other water rights used for the same purpose as described above. License 31-2304
- 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.

D. REMARKS

Water right is being modified to better reflect actual practice. The newer point of diversion supplies water for irrigation of SE¼, Sec. 36, T. 7N, R. 35E. The SW¼SE¼ of said section is covered by a transfer of License 31-2454.

I hereby assert that no one will be injured by such change and that 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.

I understand that any willfull misrepresentations made in this application may result in voiding its approval.

David O Keeler
(Signature of Applicant)

Subscribed and sworn to before me this 18 day of March, 19 85.

Cheryl Kemp
(Notary Public)

My commission expires March 20, 1989

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. 31-2318 and said application is hereby APPROVED, subject to the following limitations and conditions:

Witness my hand this 13th day of August, 19 85.

J. Glen Saxton
Chief, Operations Bureau

FOR DEPARTMENT USE ONLY

Received by <u>EMC</u>	Date <u>3-18-85</u>	Protest filed by _____
Prelim. check by <u>HWS</u>	Fee <u>\$50.00</u> <u>33228</u>	_____
Receipted by <u>CW</u>	Date <u>3-18-85</u>	_____
Published in <u>Regby Star</u>		Copies of protest forwarded by _____
Pub. dates <u>4/04 & 4/11/85</u>		Hearing held by _____ Date _____
Watermaster recommendation requested on <u>NA</u>		Recommended for <u>approval</u> denial
_____ rec'd. _____		by <u>Rpc Jim</u>