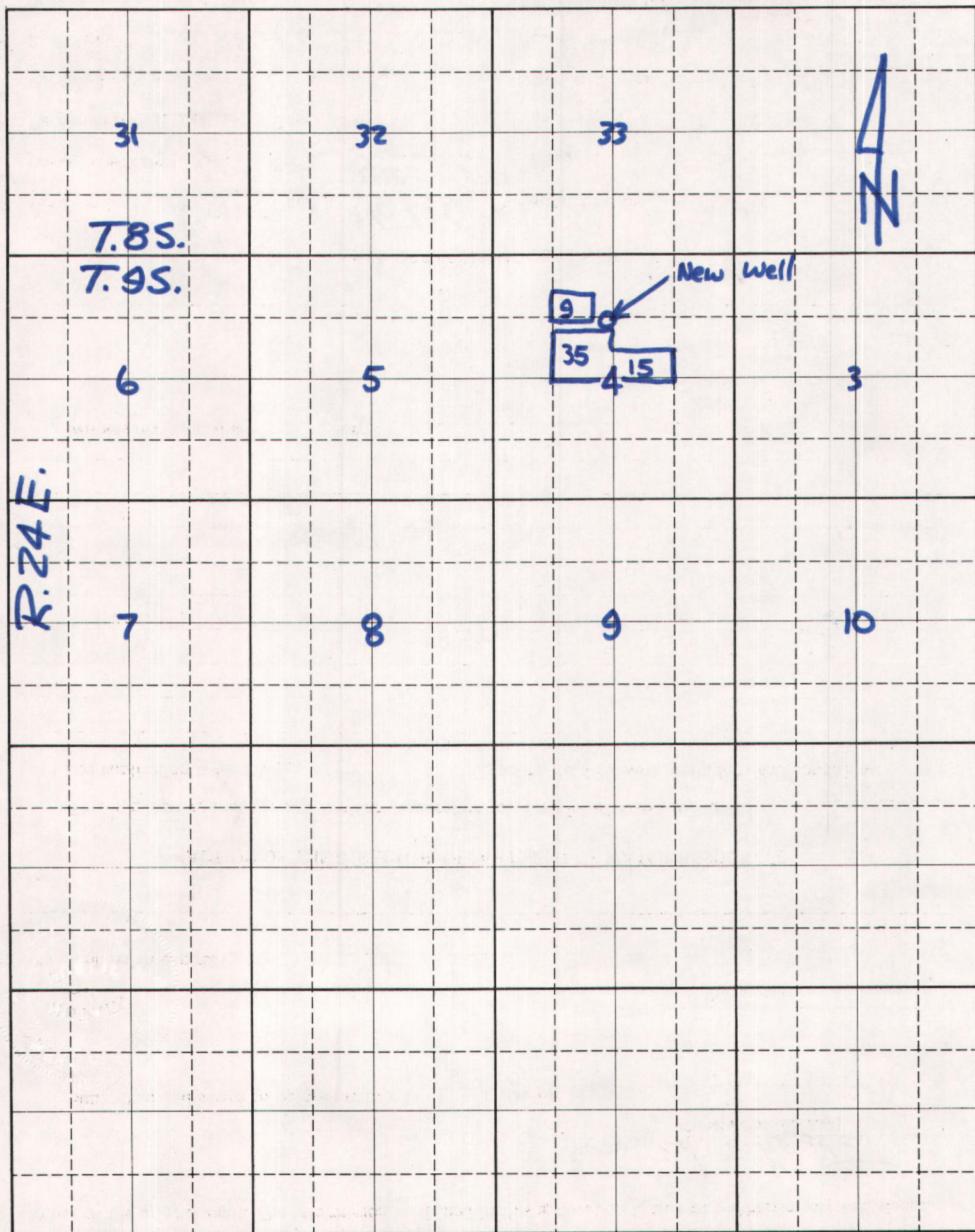
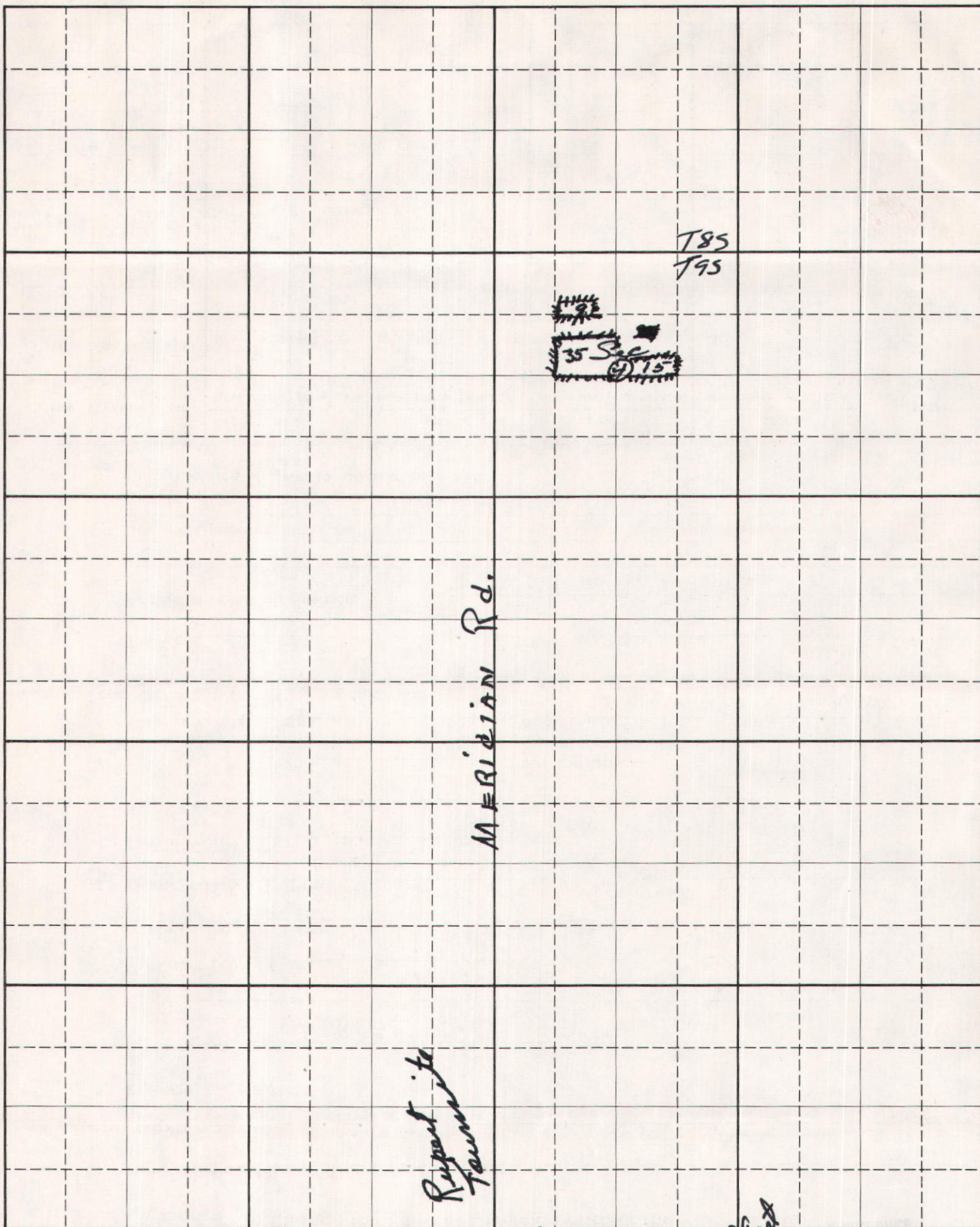


3. Draw a map indicating the new point(s) of diversion and/or the new land to be irrigated. Show clearly the land involved by section, township and range number.



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

N ↗



SCALE: 2 Inches Equal 1 Mile. Draw Plan in Ink.

BASELINE

1600 East

The Minidoka County News

RUPERT, IDAHO

AFFIDAVIT OF PUBLICATION

County of Minidoka,)
) ss.

STATE OF IDAHO,)
 Ruth DeThomas

_____, being first

duly sworn, deposes and says that she is the

editor of The Minidoka County News, a weekly newspaper published at Rupert, Idaho, in the county aforesaid, and that the paper is of general circulation therein. Deponent further states that the printed notice attached hereto was duly published according to law in the regular weekly editions of The Minidoka County News for

two consecutive weeks, commencing

with the issue dated Dec. 30, 1975, and

ending with the issue dated Jan. 6, 1976.

Subscribed and sworn to before me this

6th day of Jan, 1976.

[Signature] Notary Public

Cost of Publication _____

Notary Fee _____

Total Cost _____

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

No. 36-7170

Notice is hereby given that Donald L. Kester of Rupert, Idaho has applied to the Dept. of Water Resources for a change of the place of use of the waters of a ground water source. The right sought to be changed is evidenced by License no. 36-7170 and is recorded as follows:

Amount: 1.18 cfs

Point of Diversion: NE $\frac{1}{4}$, SE $\frac{1}{4}$, Sec. 4, Twp. 9S, Rge. 24E, B.M. Minidoka County. The water is used for the irrigation of 59 acres within the SW $\frac{1}{4}$, NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 4, Twp. 9S, Rge. 24E, B.M. (59 acres)

TO BE CHANGED AS FOLLOWS

The water will be used to irrigate the: SW $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$, NW $\frac{1}{4}$, Sec. 4, Twp. 9S, Rge. 24E, B.M. (59 acres).

Any protest against the approval of the proposed change of water right must be filed with the Idaho Dept. of Water Resources, 1041 Blue Lakes Blvd. North, Twin Falls, Idaho, on or before January 16, 1976.

R. Keith Higginson

Director

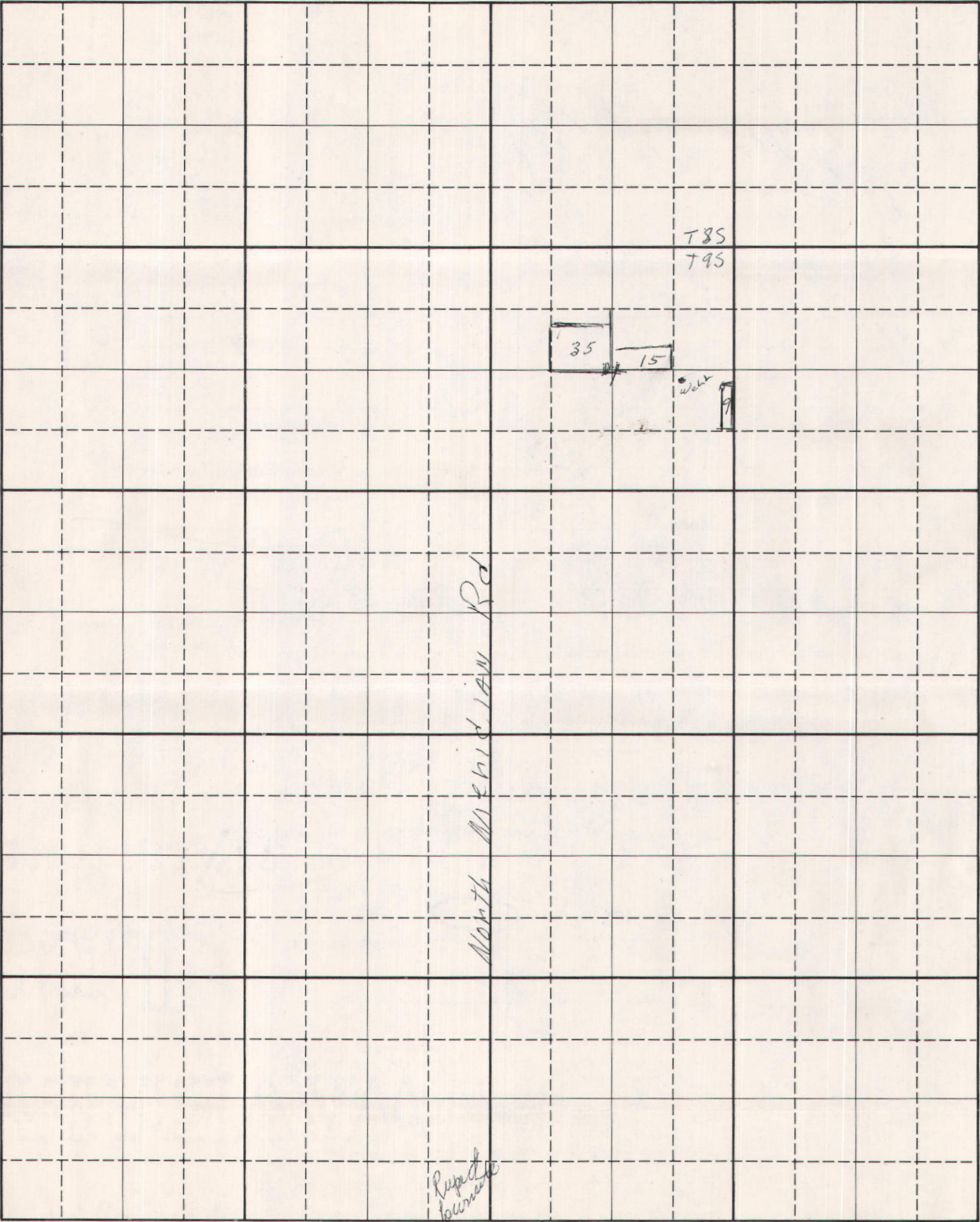
No. 582-Dec. 30, 1975, Jan. 6, 1976

RECEIVED

JAN 7 1976

Department of Water Resources
Southern District Office

11. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



Scale: 2 inches equal 1 mile

BE IT KNOWN that the undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.

Donald S. Kisher
(Applicant)

66 7170

The Minidoka County News

RUPERT, IDAHO

AFFIDAVIT OF PUBLICATION

County of Minidoka,)
) ss.
STATE OF IDAHO,)

Ruth DeThomas, being first
duly sworn, deposes and says that he is the
Editor of The Minidoka County
News, a weekly newspaper published at Rupert,
Idaho, in the county aforesaid, and that the paper
is of general circulation therein. Deponent further
states that the printed notice attached hereto was
duly published according to law in the regular
weekly editions of The Minidoka County News for
2 consecutive weeks, commencing
with the issue dated Mar 30, 1971, and
ending with the issue dated Apr 6, 1971.

Ruth DeThomas
Subscribed and sworn to before me this

15th day of April, 1971
Jern Hunter Notary Public

Cost of Publication _____

Notary Fee _____

Total Cost _____

NOTICE OF APPLICATION FOR WATER PERMIT

Notice is hereby given that
Donald L. Kester, P. O. Box
676, Rupert, Idaho, has on
March 22, 1971, submitted
Application No. 36-7170 for a
permit to appropriate 1.18 cu-
bic feet per second of water
from a ground water source by
means of well and pump within
the NE1/4SE1/4 Sec. 4, T. 9S,
R. 24E, B.M., Minidoka
County, to be used from April
1 to Oct. 15 for the irrigation

of 59 acres within the SE1/4-
NE1/4, SE1/4NW1/4, NE1/4-
SE1/4, Sec. 4, T. 9S, R. 24E,
B.M.

If issued, this permit will be
subject to all prior water rights.
Protests against the granting of
the permit must be filed with
the Idaho Department of Water
Administration, State House,
Boise, Idaho, 83707, on or be-
fore April 23, 1971.

R. KEITH HIGGINSON
Director

Published in the Minidoka
County News, Rupert, Idaho,
on Mar. 30 and April 6, 1971.
No. 134 - Mar. 30, April 6, 1971

36 7170

WARRANTY DEED



For Value Received
wife,

Dee Mahler and Mae Mahler, husband and

the grantor **S**, do hereby grant, bargain, sell and convey unto

Donald L. Kester, whose wife's name is Ollie Kester

the grantee, the following described premises, to-wit:

Beginning at the Northeast corner of Lot Three (3) of Section Four (4), Township Nine (9) South, Range Twenty-four (24) East, Boise Meridian, Minidoka County, Idaho; thence West 1480 feet; thence South 1355 feet; thence East 1480 feet; thence North 1355 feet to the point of beginning, containing 40 acres more or less.



186589

RECORDED AT REQUEST OF

P.A.C.
FILM NO. 2m

OCT 10 2 55 PM '66

MINIDOKA COUNTY, IDAHO
AUDUST, BETHKE
RECORDER

FEE 4.00 DEPUTY VP

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, his heirs and assigns forever. And the said Grantor **des** hereby covenant to and with the grantee that **they/are** the owners in fee simple of said premises, that said premises are free from all incumbrances.

and that **they** will warrant and defend the same from all lawful claims whatsoever.

Dated: **October 10, 1966**

Dee Mahler
Mae Mahler

STATE OF IDAHO, COUNTY OF **Minidoka**. ss

on this **10th** day of **October**, 19 **66**

before me, a notary public in and for said State, personally appeared **Dee Mahler and Mae Mahler**

husband and wife,

Known to me to be the person **s** who **se** name **s**

are subscribed to the within instrument, and acknowl-

edged to me that **they** executed the same.

[Signature]
Notary Public

Residing in **Rupert**, Idaho

Comm. Expires

STATE OF IDAHO, COUNTY OF

I hereby certify that this instrument was filed for record at the request of

at **minutes** past **o'clock** **am.**

this **day** of

19 **in** my office, and duly recorded in Book

of Deeds at page

Donald L. Kester

By **Deputy**

Donald L. Kester

INSTRUMENT NO.

MICROFILMED

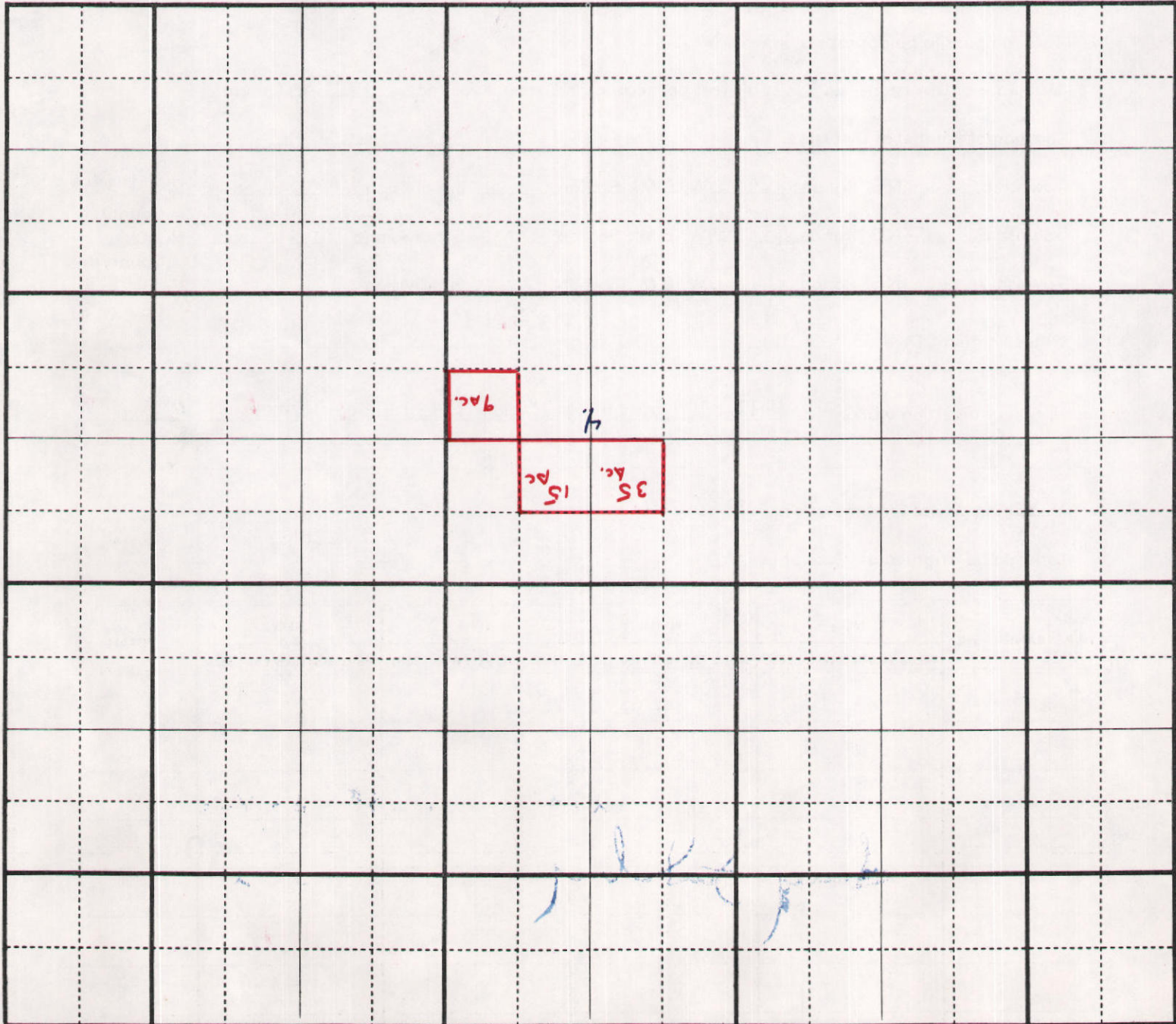
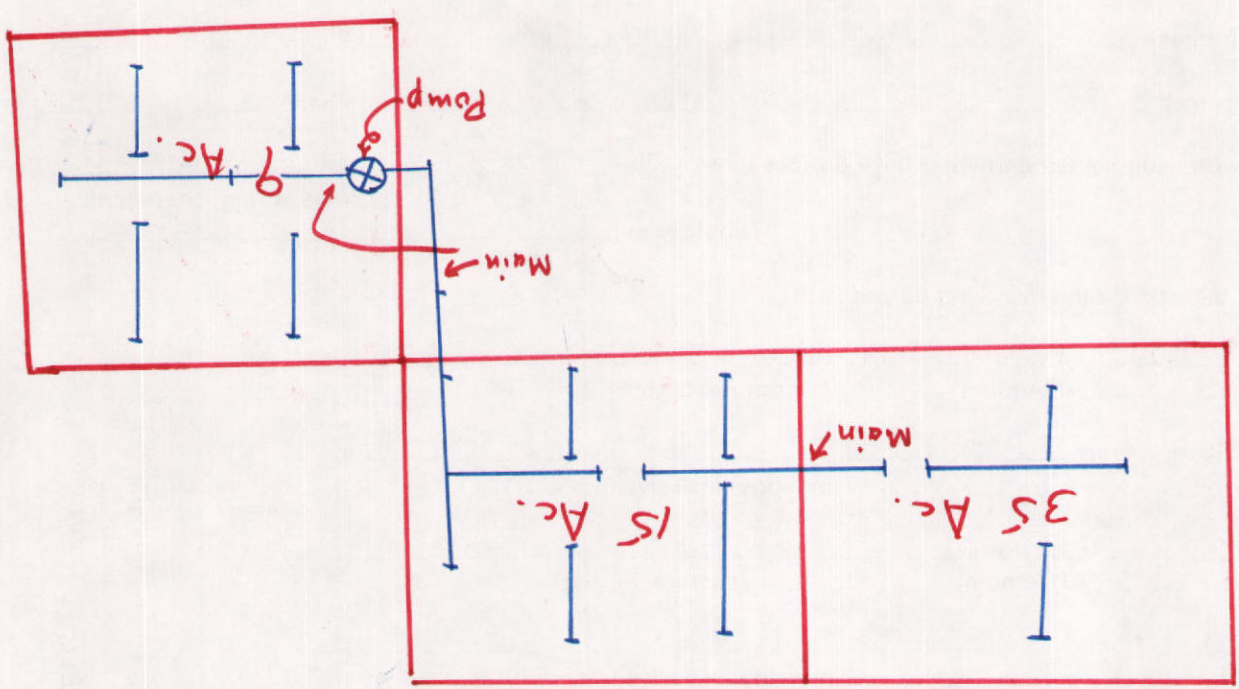


Diagram of System



TRANSFER NO.	NAME	AMOUNT C.F.S.	BALANCE C.F.S.	RIGHT NO.
	~~Kester, Donald L.~~	~~1.18~~		~~36-7170~~
~~1934~~	~~Kester, Donald L.~~	~~1.18~~	~~0.0~~	~~36-7170~~
2387	Kester, Donald L.	1.18		36-7170

Q

Q

S

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T

RECEIVED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPROVED

APPLICATION FOR TRANSFER OF WATER RIGHT
To Change the Point of Diversion and/or the Place of Use

Name of applicantDonald L. KesterPhone 436-4657

Post office addressP. O. Box 676, Rupert, Idaho, 83350

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

a. Decree to (Name)
in case of vs
dated in county of (Name of court)

b. License No. 36-7170 / Trans. 1934 issued by the Idaho Department of Water Resources

c. Claim No. on file with the Idaho Department of Water Resources
2. If applicant is not the original holder of this right, explain how it was acquired and attach a copy of the deed or other evidence of ownership of the land to which the right is appurtenant
Applicant original owner of right

3. Source of water Groundwater tributary to
4. Date of priority 3/22/1971
5. Water is used for the following purposes:

amount 1.18 cfs for Irrigation purposes from 4/1 to 10/15

amount for purposes from to

amount for purposes from to (month/day – both dates inclusive)
6. Total amount of water under right: a. 1.18 cubic feet per second
&/or
b. acre feet per annum
7. Location of original point of diversion is NE ¼ of SE ¼ of Section 4
Township 9S. Range 24E., B.M., in Minidoka County
Additional points of diversion, if any

8. Lands irrigated or place of use: *** As of Transfer 1934

TWP.	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
9S.	24E.	4			15		9			35									59

Total number of acres to be irrigated 59

9. Describe any other water rights used for the same purposes as described above

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 _____ ¼ _____ ¼, Section _____ Township _____
Range _____, B.M., _____ County
Additional points _____

3. Place of use:

TWP.	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	

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 ¼ NW ¼, Section 4 Township 9S.
Range 24E., B.M., Minidoka County
Additional points _____
- c. Description of diverting works Well & Pump 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.

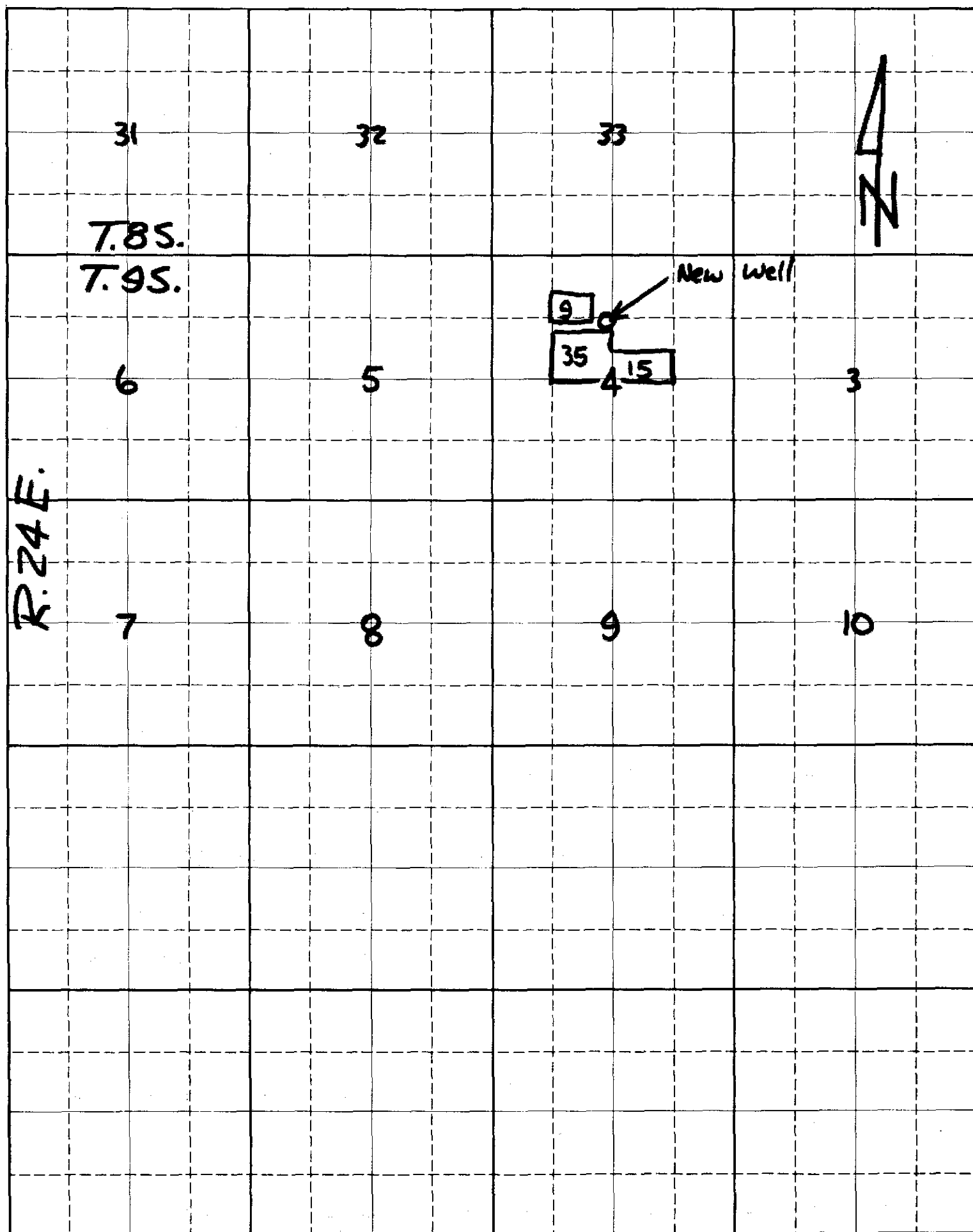
2. Change in place of use *****No Change *****

- a. 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	

Total number of acres to be irrigated _____

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.

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.

Ronald L. Kester
(Signature of applicant)

Subscribed and sworn to before me this 9 day of January, 19 80.

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. 36-7170 and said application is hereby approved, subject to the following limitations and conditions:

Witness my hand this 31st day of March, 19 80.

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

FOR DEPARTMENT USE ONLY

Received by <u>ADM</u>	Date <u>1/9/80</u>	Protest filed by <u>None</u>
Prelim. check by <u>JA</u>	Fee <u>35.00</u> <u>#17059</u>	
Receipted by <u>Mary A</u>	Date <u>1/9/80</u>	
Published in <u>Minidoka County News</u>	Copies of protest forwarded by _____	
Pub. dates <u>2/1 + 2/8/80</u>	Hearing held by _____ Date _____	
Watermaster recommendation requested on _____	Recommended for <u>approval</u> denial	
_____ rec'd. _____	by <u>ADM DRT</u>	

Identification No. 36-7170

Transfer No. 1934

APPROVED

**STATE OF IDAHO
DEPARTMENT OF RECLAMATION**

RECEIVED

DEC 18 1975

**APPLICATION FOR TRANSFER OF WATER RIGHT
To Change the Point of Diversion and/or the Place of Use**

Department of Water Resources
Southern District Office

1. Name of Right Holder Donald L. Kester

Post office address P. O. Box 676, Rupert, Idaho

2. Right obtained by:

a. Decree to _____ in Case of _____
(Name)

vs. _____, Dated _____ in _____
(Name of Court)

Court. County of _____.

b. License No. 36-7170 issued by the State of Idaho, Department of Reclamation.

3. Source of water Ground water tributary to _____
(Name of stream or source)

4. Date of Priority March 22, 1971

5. Amount of water a. 1.18 c.f.s. and/or

b. _____ acre feet/annum

6. Water is used for Irrigation from April 1 to Oct. 15
(Month, Day) (Month, Day)

7. Original location of point of diversion is NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 4,

Township 9S, Range 24 E., B.M., in Minidoka County;

Additional points of diversion, if any _____

8. Lands presently 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 $\frac{1}{4}$	
<u>9 S</u>	<u>24 E.</u>	<u>4</u>			<u>15</u>					<u>35</u>					<u>9</u>				<u>59</u>

Total number of acres presently irrigated 59

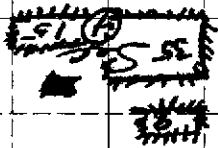
SCALE: 2 Inches Equal 1 Mile. Draw Plan in Ink.

BASELINE

1000 feet

Report to
Yankee

MERIDIAN Rd.



195
181

✓ N

1000 North

9. If applicant was not the original holder of this right explain how it was acquired:_____

10. CHANGE IN POINT OF DIVERSION

a. Quantity to be diverted at new point:_____c.f.s. and/or_____acre feet

b. New point of diversion:_____1/4_____1/4, Section_____,Township_____, Range_____, B.M.

c. Description of method of diversion and conveyance from new points of diversion:_____

d. Is water to be conveyed to the lands previously irrigated? Yes ☒ No _____.

If not, the place of use should be changed below.

e. Describe the reasons for applying for a change in the point of diversion:

N A

f. Do you intend to make the transfer permanent?_____Yes_____

g. Do you intend to abandon completely the old point of diversion?_____NO_____

h. Indicate on the above plat the new point of diversion and lands to be irrigated.

11. CHANGE IN PLACE OF USE

a. Describe the new lands on which you wish to use your right.

TWP.	RANGE	SEC.	NE1/4				NW1/4				SW1/4				SE1/4				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	24E.	4			15		9			35									59

Total number of acres to be irrigated_____59_____

b. Do you intend to make the transfer permanent? YES

c. Are you completely abandoning the lands previously irrigated by this right? If not, explain your plans:

Sold 9 acres of land

d. Describe any other water rights that you claim for the new ground upon which you wish to transfer this right:

e. Indicate on the above plat the new land to be irrigated and the point of diversion.

I hereby assert that no one will be injured by such transfer and that the change will be made at my own risk. The information contained in this application is true to the best of my knowledge.

Donald L. Keeler
(signature of applicant)

Subscribed and sworn to before me this 13th day of December, 19 75

Raymond J. King
(notary public)

My commission expires 10/31/76

**ACTION OF STATE RECLAMATION ENGINEER
AND CERTIFICATE OF TRANSFER**

This is to certify that I have examined Application for Transfer of Water Rights No. 1934/36-7170,
and said application is hereby APPROVED

1. Approval of said application is subject to the following limitations and conditions:

2. Denial of said application is for the following reasons:

Witness my hand this 29 day of January, 19 76

R. Karl Higin
State Reclamation Engineer

FOR DEPARTMENT USE ONLY

Received by DRB Date 12/16/75

Protest filed by: _____ Date _____

Prelim. check by du Date 12-16-75

Fee received by du Date 12-16-75 Fee \$ 30.00 \$3272

Approved for publication by ms

Published in MINIDOKA COUNTY NEWS Dates DEC-30-75 J-6-76

Hearing held _____

Watermaster Recommendation sent _____

The Minidoka County News

RUPERT, IDAHO

AFFIDAVIT OF PUBLICATION

County of Minidoka,)
) ss.
STATE OF IDAHO,)

Ruth DeThomas

_____, being first

duly sworn, deposes and says that she is the

editor of The Minidoka County News, a weekly newspaper published at Rupert, Idaho, in the county aforesaid, and that the paper is of general circulation therein. Deponent further states that the printed notice attached hereto was duly published according to law in the regular weekly editions of The Minidoka County News for

two consecutive weeks, commencing

with the issue dated Dec. 30, 1975, and

ending with the issue dated Jan. 6, 1976.

Subscribed and sworn to before me this

10th day of Jan, 1976.

[Signature] Notary Public

Cost of Publication _____

Notary Fee _____

Total Cost _____

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

No. 36-7170

Notice is hereby given that Donald L. Kester of Rupert, Idaho has applied to the Dept. of Water Resources for a change of the place of use of the waters of a ground water source. The right sought to be changed is evidenced by License no. 36-7170 and is recorded as follows:

Amount: 1.18 cfs

Point of Diversion: NE $\frac{1}{4}$, SE $\frac{1}{4}$, Sec. 4, Twp. 9S, Rge. 24E, B.M. Minidoka County. The water is used for the irrigation of 59 acres within the SW $\frac{1}{4}$, NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 4, Twp. 9S, Rge. 24E, B.M. (59 acres)

TO BE CHANGED AS FOLLOWS

The water will be used to irrigate the: SW $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, Sec. 4, Twp. 9S, Rge. 24E, B.M. (59 acres).

Any protest against the approval of the proposed change of water right must be filed with the Idaho Dept. of Water Resources, 1041 Blue Lakes Blvd. North, Twin Falls, Idaho, on or before January 16, 1976.

R. Keith Higginson
Director

No. 582-Dec. 30, 1975, Jan. 6, 1976

RECEIVED

JAN 17 1976

Department of Water Resources
Southern District Office

State of Idaho
Department of Water Administration

LICENSE OF WATER RIGHT

License of Water Right No. 36-7170 Priority March 22, 1971 Amount 1.18 cfs

THIS IS TO CERTIFY, that DONALD L. KESTER
of Rupert, Idaho, has complied with the terms and conditions of Permit
No. 36-7170 issued pursuant to Application for Permit dated March 22, 1971,
and has submitted proof to the Department of Water Administration on March 23, 1973,
that he has applied water to a beneficial use; an examination by the Department indicates that the
works have a capacity of 2.38 cfs, and that the water has in fact been applied to a
beneficial use; a right to the use of water from a ground water source
tributary of _____, is hereby confirmed in the following amounts:

Amount 1.18 cfs for Irrigation from April 1 to Oct. 15 (both dates inclusive)

Amount _____ for _____ from _____ to _____ (both dates inclusive)

Amount _____ for _____ from _____ to _____ (both dates inclusive)

Subject, however, to the condition that no more than * 1.18 cfs of water be diverted at
any one time, said waters to be diverted within the _____

NE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 4, Twp. 9 S, Rge. 24 E, B.M.

in the county of Minidoka; and that the amount of water so diverted and to which such
right is entitled and confirmed is for the purposes aforesaid and is limited to the amount which can
actually be beneficially used and shall not exceed 236 acre feet per year or _____
4.0 acre feet per acre.

Description and location of 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 $\frac{1}{4}$	
9 S	24 E	4			15					35					9				59

Total number of acres irrigated 59

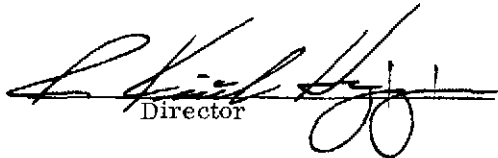
* Subject to the condition that the maximum rate of diversion shall not exceed
2.38 cfs when combined with License No. 36-7122.

A measuring device of a type approved by this Department shall be permanently
maintained as part of the diverting works.

The right to the use of the water hereby confirmed is restricted and appurtenant to the lands
or place of use herein described, as provided by the laws of Idaho.

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 9th day of

July, 19 73.


Director

36 7170

MINIDOKA COUNTY NEWS

RUPERT, IDAHO

AFFIDAVIT OF PUBLICATION

County of Minidoka,)
) ss.
STATE OF IDAHO,)
Donald R. Frey, being first
duly sworn, deposes and says that — he is the
Editor of The Minidoka County
News, a weekly newspaper published at Rupert,
Idaho, in the county aforesaid, and that the paper
is of general circulation therein. Deponent further
states that the printed notice attached hereto was
duly published according to law in the regular
weekly editions of The Minidoka County News for
two consecutive weeks, commencing
with the issue dated Jan. 31, 1980, and
ending with the issue dated Feb. 7, 1980.

Donald R. Frey
Subscribed and sworn to before me this

7th day of February, 1980.

Norma M. Peterson Notary Public

Cost of Publication \$11.89

Notary Fee _____

Total Cost _____

NOTARY PUBLIC RESIDING AT
RUPERT, IDAHO. MY COMMISSION
EXPIRES JUNE 21, 1981

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

Notice is hereby given that Donald L. Kester of Rupert, Idaho has applied to the Department of Water Resources for a change of point of diversion of the water of a groundwater source. The right sought to be changed is evidenced by License 36-7170, Transfer No. 1934 and is recorded as follows:

Amount 1.18 cfs Priority: March 22, 1971
Point of Diversion: NESE, Sec. 4, T. 9S, R.24E, Minidoka County

The water is used for irrigation purposes of 59 acres within the SW $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, Sec. 4, T. 9S, R.24E

TO BE CHANGED AS FOLLOWS:

Amount: 1.18 cfs
Point of Diversion: SE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 4, T. 9S, R.24E, B.M. Minidoka County
Place of Use: No Change

Any protest against approval of the above proposed change of water right must be filed with the Idaho Department of Water Resources, 1041 Blue Lakes Blvd North, Twin Falls, Idaho 83301, on or before February 19, 1980.

/s/ C. STEPHEN ALLRED
Director

No. 115-January 31, February 7, 1980.

Identification No. 36-7170
Application No. _____

PERMIT ISSUED FOR 127 SEC. 17,
TOWNSHIP 9 S., RANGE 24 E.,
MINIDOKA COUNTY, IDAHO

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION

APPROVED

APPLICATION FOR PERMIT

To Appropriate the Public Waters of the State of Idaho
(TYPE OR PRINT IN INK)

1. Name of applicant Donald L. Kester
post office address P. O. Box 676, Rupert, Idaho
2. Source of water supply Ground Water which is a tributary of -----
3. a. Location of point of diversion is NE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 4 Township 9 S.
Range 24 E. B.M. Minidoka County; additional points of diversion if any: NW Corner of NE $\frac{1}{4}$ of SE $\frac{1}{4}$
- b. If water is not consumed, it will be discharged into _____ at a point in _____ $\frac{1}{4}$ of _____ $\frac{1}{4}$ of Section _____ Township _____ Range _____ B.M. _____
4. Water will be used for the following purposes:
Amount 1.18 for Irrigation purpose from April 1 to Oct. 15 (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purpose from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purpose from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
5. Total quantity to be appropriated:
a. 1.18 cubic feet per second and/or
b. _____ acre feet per annum.
6. Proposed diverting works:
a. Description of ditches, flumes, pumps, headgates, etc. 100 HP Turbine Pump - 7 inch main line with 4 inch and 3 inch sprinkler lines.
- b. Height of storage dam ----- feet, active reservoir capacity ----- acre feet; total reservoir capacity _____ acre feet, materials used in storage dam: _____
Period of year during which storage will occur _____ to _____ inclusive.
(Mo. Day) (Mo. Day)
- c. Proposed well diameter is 16 inches; proposed depth of well is 200 feet.
7. a. Time required for the completion of the works and application of the water to the proposed beneficial use is 3 years.
b. Estimated construction cost is \$13,900.00.
8. Description of proposed uses:
a. If water is **not** for irrigation:
(1) Give the place of use of water: _____ $\frac{1}{4}$ of _____ $\frac{1}{4}$ of Section _____ Township _____ Range _____ B.M. _____
(2) Amount of power to be generated: _____ hp under _____ feet of head.
(3) List number of each kind of livestock to be watered _____
(4) Name of municipality to be served _____, or number of families to be supplied with domestic water _____
(5) If water is to be used for other purposes describe: _____

b. If water is for irrigation, indicate acreage in each subdivision in the tabulation below:

TWP.	RANGE	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
9S	24	4			15				35					9					

Total number of acres to be irrigated 59

c. Describe any other water rights used for the same purposes as described above.

9. a. Who owns the property at the point of diversion Donald L. Kester, Jr.

b. Who owns the land to be irrigated or place of use Donald L. Kester, Sr.

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing Partnership arrangement between father and son.

10. Remarks Ref: Permit # 36-7122

It was decided at the time of testing of the well, due to the fact that we had a better supply of water than we had anticipated, we decided to file for this right on additional ground that we owned together. Please find enclosed, to place with well log, a copy of the pump test.

LAYNE AND BOWLER PUMP COMPANY WELL TEST REPORT

NAME Don L. Kester DATE 8-8-70
 LOCATION N/E Rupert, Ida. SEC. RANGE T.
 WELL DEPTH 198 ft. WELL SIZE CASING 10" x 8"
 TEST PUMP DEPTH 160 ft. plus bowls and suction ORIFICE SIZE 10" x 8½"
 STATIC WATER LEVEL 77 ft. STARTING TIME

TIME	PUMPING LEVEL	ORIFICE READING	G.P.M.	MINERS INCHES
	78'	12"	1020	112
	78½'	15½"	1140	127
	79'	26"	1460	162
	80½'	44"	1920	213
10" x 8½" orifice				
	82½'	36"	2100	233

REMARKS: STANDARD TEST FALLS

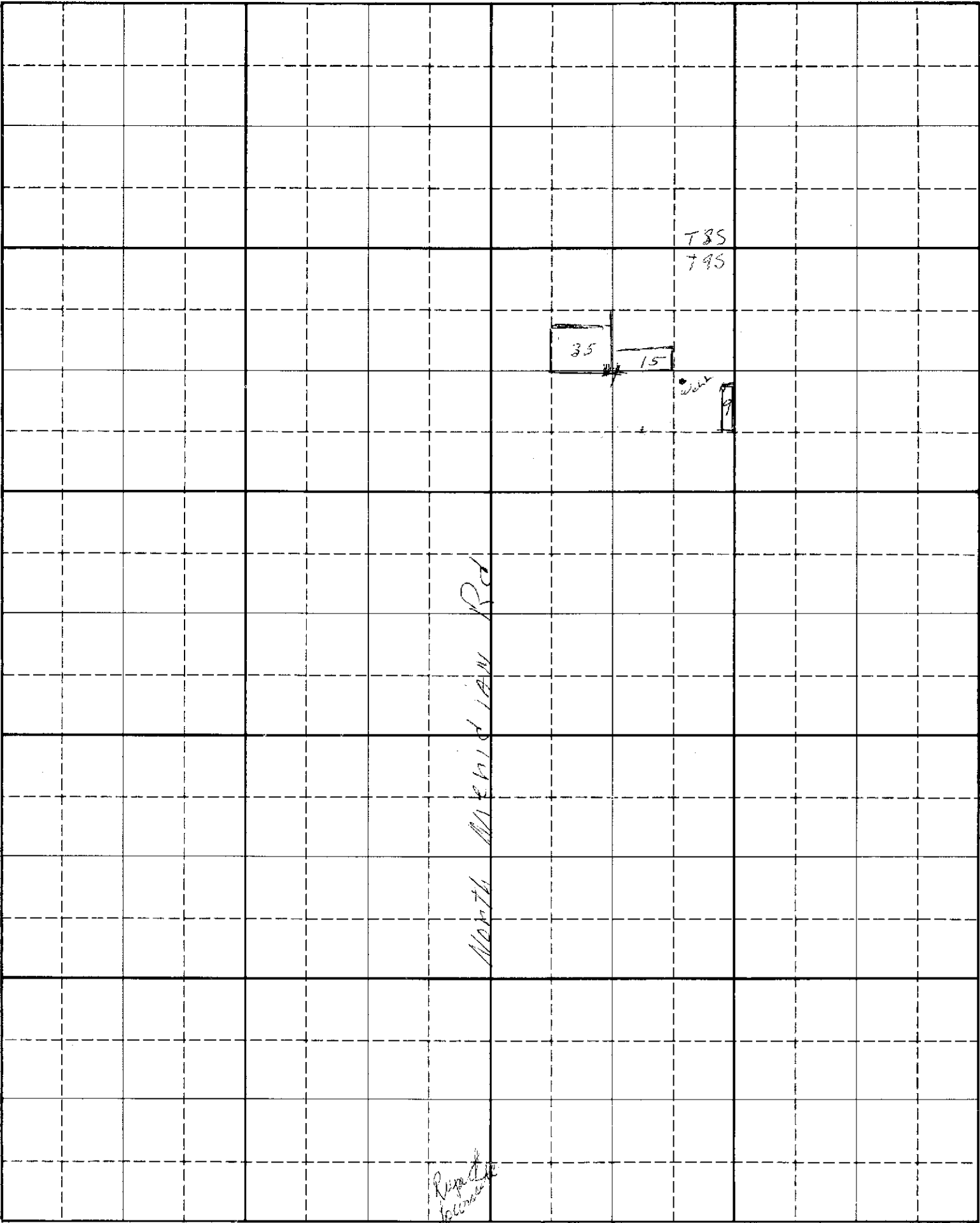
Water was clear from the start of test.

Recovery fast.

Pumping time: 1 hour

36 7170

11. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



Scale: 2 inches equal 1 mile

BE IT KNOWN that the undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.

Ronald J. Kuhn
(Applicant)

Received by 4 Date 3-22-71 Time 8:00
 Preliminary check by DM Fee \$ 25.⁰⁰
 Receipted by 4 Date 3-22-71
 Publication prepared by dr Date 3-24-71
 Published in Minidoka County News
 Publication dates 4-6 & 4-13, 1971 3-30 + 4-6
 Publication approved dr Date 4-15-71
 Priority reduced to _____ Reason _____

 Protests filed by: _____

 Copies of protests forwarded by _____
 Hearing held by _____ Date _____
 Recommended for approval denial by DF DF

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER ADMINISTRATION

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. 36-7170, and said application is hereby APPROVED.

1. Approval of said application is subject to the following limitations and conditions:

- a. SUBJECT TO ALL PRIOR WATER RIGHTS.
- b. Proof of construction of works and application of water to beneficial use shall be submitted on or before May 1, 1974.
- c. Other: The permit holder shall permanently install and maintain as part of the diverting works measuring devices at the points of diversion of a type approved by this Department.

2. Denial of said application is for the following reasons: _____

Witness my hand this 5th day of May, 19 71.


 Deputy Director

DEPARTMENT OF WATER ADMINISTRATION

STAFF ANALYSIS

Application No. 36-7170 Name Donald L. Kester
 Source ground water
 Point of Diversion NE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 4, T. 9S, R. 24E, B.M., Minidoka County
 Quantity 1.18 Use irrigation Period April 1 - Oct. 15
 Quantity Use Period
 Quantity Use Period
 Well Size Diameter 16" Proposed Depth 200 Feet
 Use 59 acres
 Date Forwarded 3-24-71 Date Returned 3-26-71 Received by J.S.

COMMENTS: WATER TABLE IS STABLE (W.B. #18). This well appears to have already been drilled. Several other irrigation wells exist in the area. Aquifer is Snake River Basalt. Static depth to water is 75-85 ft. Yields are very good and drawdowns small.

RECOMMENDED:

Applied: Qty. 1.18 cfs Use irrig Period 4-1 to 10-15 AF/A 4.0 AF 236
 Qty. Use Period AF/A AF
 Qty. Use Period AF/A AF
 Maximum: Qty. 1.18 cfs Use irrig Period 3-15 to 11-15 AF/A 4.0 AF 236
 Qty. Use Period AF/A AF
 Qty. Use Period AF/A AF

ACTION: Approved X Denied

Conditions of approval or reason for denial:

INVESTIGATION By Norman C. Gentry Title W.R. Eng
 Date 3-26-71

The Minidoka County News

RUPERT, IDAHO

AFFIDAVIT OF PUBLICATION

County of Minidoka,)
) ss.
STATE OF IDAHO,)

Ruth DeThomas, being first
duly sworn, deposes and says that he is the
Editor of The Minidoka County
News, a weekly newspaper published at Rupert,
Idaho, in the county aforesaid, and that the paper
is of general circulation therein. Deponent further
states that the printed notice attached hereto was
duly published according to law in the regular
weekly editions of The Minidoka County News for
2 consecutive weeks, commencing
with the issue dated Mar 30, 1971, and
ending with the issue dated Apr 6, 1971.

Ruth DeThomas

Subscribed and sworn to before me this

15th day of April, 1971

Dern Hunter Notary Public

Cost of Publication _____

Notary Fee _____

Total Cost _____

April 3, 1980

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

Dear Mr. Kester,

RE: Transfer of Water Right No. 36-7170

Enclosed is a copy of your approved Application for Transfer of the above referenced water right (Transfer No. 2387). Be sure to note the conditions of approval as listed on the fourth page.

Sincerely,

L. GLEN SAXTON
Chief, Operations Bureau

LGS:mr

Enclosure

MICROFILMED

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

NO. 36-7170

~~Transfer No. XXX.~~

Notice is hereby given that Donald L. Kester
of Rupert, Idaho has applied to the Department of Water Resources
for a change of point of diversion ~~XXXXXX XXXX XXXX~~ of the water of a
groundwater source. The right sought to be changed is evidenced by
License 36-7170, Transfer No. 1934 and is recorded as follows:

Amount: 1.18 cfs

Priority: March 22, 1971

Point of Diversion: NESE, Sec.4, T.9S, R.24E, Minidoka County

The water is used for irrigation purposes of 59 acres

within the SW $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, Sec. 4, T.9S, R.24E

TO BE CHANGED AS FOLLOWS:

Amount: 1.18 cfs

Point of Diversion: SE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 4, T.9S, R.24E, B.M., Minidoka County

Place of Use: No Change

Any protest against approval of the above proposed change of water right must be
filed with the Idaho Department of Water Resources, 1041 Blue Lakes Blvd North,
Twin Falls, Idaho 83301, on or before February 19, 1980.

C. STEPHEN ALLRED
Director

MICROFILMED

Published in MINIDOKA County News on 2/1/ and 2/8/80.

**NOTICE OF PROPOSED CHANGE
OF WATER RIGHT**

Notice is hereby given that Donald L. Kester of Rupert, Idaho has applied to the Department of Water Resources for a change of point of diversion of the water of a groundwater source. The right sought to be changed is evidenced by License 36-7170, Transfer No. 1934 and is recorded as follows:

Amount 1.18 cfs Priority: March 22, 1971
Point of Diversion: NESE, Sec. 4, T. 9S,
R24E, Minidoka County

The water is used for irrigation purposes of 59 acres within the SW $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 4, T. 9S, R. 24E

TO BE CHANGED AS FOLLOWS:

Amount: 1.18 cfs
Point of Diversion: SE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 4, T. 9S,
R. 24E, B.M. Minidoka County
Place of Use: No Change

Any protest against approval of the above proposed change of water right must be filed with the Idaho Department of Water Resources, 1041 Blue Lakes Blvd North, Twin Falls, Idaho 83301, on or before February 19, 1980.

/s/ C. STEPHEN ALLRED

Director

No. 115-January 31, February 7, 1980.

*ok
mayer
1/29/80*



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
SOUTHERN DISTRICT

1041 Blue Lakes Blvd. North
Twin Falls, Idaho 83301
(208) 734-3578

January 14, 1980

Minidoka County News
625 Fremont Avenue
Rupert, Idaho 83350

Re: Notice of Proposed Change of Water Right No. 36-7170 - Kester, Donald L.

Gentlemen:

Enclosed you will find a legal notice which we wish to have published once a week for two consecutive weekly issues of your newspaper. We have inserted the publication dates allowing ample time for you to submit us a galley proof for review before publication.

After sending us a galley proof, proceed with the publication on the dates we have inserted, assuming the notice is correct. If we have any corrections, we will notify you before the first publication. If you cannot publish the notice on the proposed dates, please contact us immediately.

In order to receive payment, an affidavit of publication must be submitted to the Department along with the publication bill.

Sincerely,

Mary A. Hill
Secretary

for

Loren O. Holmes
Southern Region Supervisor

Encl:

RECEIVED
JAN 16 1980
MED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER ANALYSIS SHEET

INITIAL REVIEW BY: J E Stanton

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 1034
- 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. N/A Part of right (NOTE! Part B should be filled in only if part of the right is owned by the applicant).
- c. OK ☒ Check description of point(s) of diversion. 1 point
- d. ☒ Check description of place of use. No change
- e. OK ☒ Check map (shows p.d. and p.u. after transfer).
- f. OK ☒ 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 WAIVED
- h. ☒ Check for expansion in use of right. Comments No change in P.U.
- i. ☒ Check for existing water rights from same source, on land water is being transferred to.
Right number(s) No change in P.U.
- j. ☒ Is use within a Watermaster District? ☐ Yes ☒ No
If yes, what district? _____

FINAL PROCESSING REVIEW BY: ADM

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

RECOMMENDED ACTION

1. ☒ Approve
2. ☐ Deny
3. Conditions* A means device of a type approved by this Department shall be maintained as a part of the diverting works or and access point must be installed as a part of the diverting works.
4. By ADM Date 3/17/80

Jan 3/20/80 ☒ No conditions
* All uses within Watermaster Districts require special conditions.

MICROFILMED

3/79

IDENT. NO. 36-7176

I D A H O D E P A R T M E N T O F W A T E R R E S O U R C E S

WATER RIGHT
DATA ENTRY LOG

[illegible]

WATER RIGHT ANALYSIS FORM

- DATA ENTRY -

Identification No. 1 367170
Old No. New No.

Record

1. Original Owner: Donald J. Kester

Present Owner: _____

2. Address: P.O. Box 6763. City: ReupertState: IDZip: 833504. A. Source of Water: groundwater

B. Tributary of: _____

5. A. Stage (A,P,L,D,S,J): d

B. Status (D,L,R,C,A,I,F - leave blank if valid): _____

C. Priority Date: 3-22-71D. County: 67E. Total Diversion Rate: 1.18 cfsF. Total Diversion Volume: 236.G. Transfer/Amendment (P,T of A or blank): T

H. Water District: _____

I. DLE/Carey Act (D,C or blank): _____

J. Right Basis (for adjudication claims A,B,C only): _____

	Tract	Sec.	Twp.	Rge.	Gov't Lot	Rediv.
6. A. Point of Diversion	<u>DeSe</u>	<u>4</u>	<u>9S</u>	<u>24E</u>		

7. Period of Use, Use, Diversion Rate/Volume:

from 4-1 to 10-15 for a purposes. Amount 1.18 cfs / 236.
(cfs or AC-FT/yr)

from _____ to _____ for _____ purposes. Amount _____

from _____ to _____ for _____ purposes. Amount _____

from _____ to _____ for _____ purposes. Amount _____

from _____ to _____ for _____ purposes. Amount _____

from _____ to _____ for _____ purposes. Amount _____

from _____ to _____ for _____ purposes. Amount _____

8. Use Code: *A*

[illegible]

9. A. Decree Name:

B. Decree Date:

10. Remarks: A. Trans. 1934
B. ~~This rt. when combined with rt. 36-1122 shall provide no more than 2.30 cfs.~~
C. Not to exceed 2.3 cfs.
D.
E.

11. Other Uses (Non-irrigation explanatory information):

12. Other Rights for Same Use: 367122 for reference

13. A. Proof Due Date: ~~5-74~~

B. Date Permit Approved or Denied: ~~5-5-71~~

C. Protested Date:

D. Hearing Date:

E, Old Number:

F. Proof Made (P or blank):

G. Field Exam Made (P,R,F or blank):

H. Conditions of Approval: 01 16

14. Diversion Means (brief narrative):

2b
4-19-79

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. FLEENOR
Chief, Water Rights

BDF:rb

Enc.

DEPARTMENT OF WATER RESOURCES

TRANSFER ANALYSIS SHEET

1. Source Groundwater

Name Donald L. Kester

2. Right Being Transferred

Right No. _____

a. _____ Decree

Transfer No. _____

36-7170 License

_____ Use

b. ☒ Priority

c. ☒ Location - Original P. D.

d. _____ " - Original P. U.

e. _____ " - New P.D.

f. ☒ " - New P.U.

g. ☒ Amount

☒ All

_____ Part

3. ☒ Proof of Ownership of Right

Comment _____

4. _____ Expansion of Right

Comment _____

5. ☒ Map

6. ☒ Signature

7. ☒ Fee

8. Watermaster's Comments _____

9. Comments _____

10. Initial Review by mls

Date 1-16-76

11. Recommended Action

☒ Approve

_____ Deny

Conditions _____

By Michael Stuhl

Date 1-16-76



KESTER REALTY

723 3rd ST. SOUTH

PHONE 436-4657

* FARM AND
RANCH LOANS

* SALES

* APPRAISALS

Member Idaho
Association of Realtors

Box 676

Rupert, Idaho 83350

Member National
Association of Realtors

December 8, 1975

Department of Water Administration
Statehouse
Boise, Idaho

Gentlemen:

Enclosed please find application for transfer of water right,
also I'm enclosing the following documents as follows:

1. Releases from land owners or purchasers of existing water right. (2 letters)
2. Copy of Quit Claim Deed showing ownership of land in NE $\frac{1}{4}$ SE $\frac{1}{4}$ where water right is to be transferred from.
3. Copy of Warranty Deed showing ownership of land in NE $\frac{1}{4}$ NW $\frac{1}{4}$ where water right is to be transferred to.
4. Check for \$30.00.

I checked with your Twin Falls office some time ago and they suggested that I enclosed the above mentioned documents.

Sincerely yours,


Donald L. Kester

December 8, 1975

Department of Water Administration
Statehouse
Boise, Idaho

Gentlemen:

We, the undersigned, do hereby consent to the transfer of the present and existing water license in the name of Donald L. Kester from the following described premises to-wit:

Township 9 South, Range 24 East, Boise Meridian,
Minideka County, Idaho.

Section 4: Beginning at the Northeast Corner of said NE $\frac{1}{4}$ SE $\frac{1}{4}$, thence South along the East Boundary of said Section for 125 feet to the True Point of Beginning; thence South along said Section Boundary for 931 feet; thence West 330 feet; thence North 931 feet; thence East 330 feet to the True Point of Beginning.

to premises owned by Donald L. and Ollie B. Kester which are described as follows:

NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 4, Township 9 South, Range 24 East, Boise, Meridian, Minideka County, State of Idaho.

and do further agree that Mr. Kester may transfer all water rights from the above described premises, we having purchased the same without irrigation water from Donald L. and Ollie B. Kester prior to this date.

Very Truly yours,

Larry B. Bruner
Lucas S. Bruner

MICROFILMED

December 23, 1975

RE: Notice of Proposed Change of Water Right - Donald L. Kester

License No. 36-7170

Minidoka County News
625 Fremont Avenue
Rupert, Idaho 83350

Gentlemen:

Enclosed you will find a legal notice which we wish to have published once a week for two consecutive weekly issues of your newspaper. We have inserted the publication dates allowing ample time for you to submit us a galley proof for review before publication.

After sending us a galley proof, proceed with the publication on the dates we have inserted, assuming the notice is correct. If we have any corrections, we will notify you before the first publication. If you cannot publish the notice on the proposed dates, please contact us immediately.

In order to receive payment, an affidavit of publication must be submitted to the Department along with the publication bill.

Sincerely,

Michael L. Steele

Southern District Supervisor

MLS:rjn

Bill submitted: 1/14/76

**NOTICE OF PROPOSED
CHANGE OF WATER RIGHT
No. 36-7170**

Notice is hereby given that Donald L. Kester of Rupert, Idaho has applied to the Dept. of Water Resources for a change of the place of use of the waters of a ground water source. The right sought to be changed is evidenced by License no. 36-7170 and is recorded as follows:

Amount: 1.18 cfs

Point of Diversion: NE $\frac{1}{4}$, SE $\frac{1}{4}$, Sec. 4, Twp. 9S, Rge. 24E, B.M. Minidoka County. The water is used for the irrigation of 59 acres within the SW $\frac{1}{4}$, NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 4, Twp. 9S, Rge. 24E, B.M. (59 acres)

**TO BE CHANGED AS
FOLLOWS**

The water will be used to irrigate the: SW $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, Sec. 4, Twp. 9S, Rge. 24E, B.M. (59 acres).

Any protest against the approval of the proposed change of water right must be filed with the Idaho Dept. of Water Resources, 1041 Blue Lakes Blvd. North, Twin Falls, Idaho, on or before January 16, 1976.

R. Keith Higginson
Director

No. 582-Dec. 30, 1975, Jan. 6,
1976

Handwritten:
1/14/76

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

No. 36-7170

Notice is hereby given that Donald L. Kester of Rupert, Idaho has applied to the Dept. of Water Resources for a change of the place of use of the waters of a ground water source. The right sought to be changed is evidenced by License no. 36-7170 and is recorded as follows:

Amount: 1.18 cfs

Point of Diversion: NE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 4, Twp. 9S,
Rge. 24E, B.M. Minidoka, County.

The water is used for the irrigation of 59 acres within the SW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 4, Twp. 9S, Rge. 24E, B.M. (59 acres)

TO BE CHANGED AS FOLLOWS

The water will be used to irrigate the: SW $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, Sec. 4, Twp. 9S, Rge. 24E, B.M. (59 Acres).

Any protest against the approval of the proposed change of water right must be filed with the Idaho Dept. of Water Resources, 1041 Blue Lakes Blvd. North, Twin Falls, Idaho, on or before January 16, 1976.

R. Keith Higginson
Director

Published in the Minidoka County News on 12-30 and 1-6-76.

RECEIVED
JAN 16 1976
TWIN FALLS, IDAHO

July 22, 1974

Department of Water Administration
Statehouse
Boise, Idaho

Gentlemen:

We, the undersigned, do hereby consent to the transfer of the present and existing water license in the name of Donald L. Kester from the following described premises to-wit:

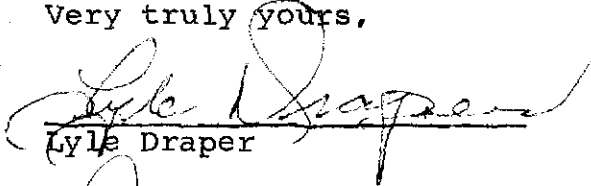
Township 9 South, Range 24 East, Boise Meridian,
Minidoka County, Idaho.

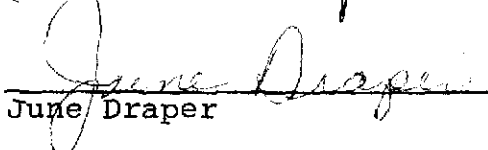
Section 4: Part of the NE $\frac{1}{4}$ SE $\frac{1}{4}$ more particularly described as: Beginning at a point 1056 feet South of the Northeast corner of said NE $\frac{1}{4}$ SE $\frac{1}{4}$ of said Section 4, which point shall be known as the true point of beginning, thence South 264 feet, more or less, to the South boundary of said NE $\frac{1}{4}$ SE $\frac{1}{4}$; thence West 330 feet along the said South boundary line; thence North 264 feet, more or less, to a point 330 feet West of the point of beginning; thence East 330 feet to the point of beginning,

to premises owned by Donald L. and Ollie B. Kester which are described as follows:

SW $\frac{1}{4}$ NE $\frac{1}{4}$ and SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 4, Township 9 South, Range 24 East, Boise Meridian,
and do further agree that Mr. Kester may transfer all water rights from the above described premises, we having purchased the same without irrigation water from Donald L. and Ollie B. Kester prior to this date.

Very truly yours,


Lyle Draper


June Draper

QUITCLAIM DEED

For Value Received J. W. Shelton and Clara M. Shelton, husband and wife,

do hereby release, remise, grant, bargain, sell, convey and forever quit claim unto

Donald L. Kester and Ollie Belle Kester, husband and wife,

the following described premises, to-wit:

The Northeast Quarter of the Southeast Quarter (NE $\frac{1}{4}$ SE $\frac{1}{4}$) of Section Four (4), Township Nine (9) South, Range Twenty-four (24) East, Boise Meridian, Minidoka County, Idaho, SAVE AND EXCEPTING THEREFROM Beginning at the Northeast Corner of said NE $\frac{1}{4}$ SE $\frac{1}{4}$, thence West 660 feet; thence South 75 feet; thence East 660 feet; thence North 75 feet to the point of beginning.

REVENUE STAMPS

206910

RECORDED AT REQUEST OF

R.A.C.

FILM NO. 3 M.

DEC 5 3 02 PM '69

MINIDOKA COUNTY, IDAHO
AUGUST C. BETHKE
RECORDER

FEE 1.00 DEPUTY L.P.

RECORDED	✓
INDEXED	✓

together with their appurtenances.

Dated: Dec. 5, 1969

J.W. Shelton
Clara M. Shelton

STATE OF IDAHO, COUNTY OF Minidoka. ss

On this 5th day of Dec., 1969 before me, a notary public in and for said State, personally appeared J. W. Shelton and Clara M. Shelton, husband and wife,

known to me to be the persons who sename s are subscribed to the within instrument, and acknowledged to me that they executed the same.

[Signature]
Notary Public
Residing at Rupert, Idaho
Comm. Expires Feb. 28, 1970

STATE OF IDAHO, COUNTY OF

I hereby certify that this instrument was filed for record at the request of

at _____ minutes past _____ o'clock m.,
this _____ day of _____
19 _____, in my office, and duly recorded in Book _____
of Deeds at page _____

Ex-Officio Recorder

By _____ Deputy.

Fees \$ 1.00
Mail to: *Kester Realty*
Rupert, Idaho

INSTRUMENT NO.

WARRANTY DEED



Received

Dee Mahler and Mae Mahler, husband and wife,

grantor s, do hereby grant, bargain, sell and convey unto

Donald L. Kester, whose wife's name is Ollie Kester



the grantee, the following described premises, to wit:

Beginning at the Northeast corner of Lot Three (3) of Section Four (4), Township Nine (9) South, Range Twenty-four (24) East, Boise Meridian, Minidoka County, Idaho; thence West 1480 feet; thence South 1355 feet; thence East 1480 feet; thence North 1355 feet to the point of beginning, containing 40 acres more or less.

186509

RECORDED IN DEEDS OF

FILM 11111

OCT 16 2 1966

MINIDOKA COUNTY IDAHO

FEE \$ 1.00

TO HAVE AND TO HOLD the said premises, with the right and tenement of the said Grantee, his heirs and assigns forever. And the said grantor does hereby covenant to and with the grantee that they/are the owners in fee simple of said premises, and said premises are free from all incumbrances.

and that they will warrant and defend the same from all lawful claims whatsoever.

Dated: October 10, 1966

Dee Mahler
Mae Mahler

STATE OF IDAHO, COUNTY OF Minidoka. ss

on this 10th day of October, 1966

before me, a notary public in and for said State, personally appeared Dee Mahler and Mae Mahler,

husband and wife,

known to me to be the persons who so name

are subscribed to the within instrument, and acknowledged to me that they executed the same.

Witness my hand and seal this 10th day of October, 1966.

Notary Public

My Comm. Expires 12/31/67

STATE OF IDAHO, COUNTY OF

I, the undersigned, do hereby certify that this instrument was filed to record in the office of the County Clerk of Minidoka County, Idaho, on the 10th day of October, 1966, at 2 o'clock in the afternoon.

Notary Public

My Comm. Expires 12/31/67

Witness my hand and seal this 10th day of October, 1966.

Notary Public

My Comm. Expires 12/31/67

Witness my hand and seal this 10th day of October, 1966.

Notary Public

My Comm. Expires 12/31/67

Witness my hand and seal this 10th day of October, 1966.

Notary Public

My Comm. Expires 12/31/67

Witness my hand and seal this 10th day of October, 1966.

Notary Public

My Comm. Expires 12/31/67

Witness my hand and seal this 10th day of October, 1966.

Notary Public

My Comm. Expires 12/31/67

MICROFILMED

July 10, 1973

Re: Permit No. 36-7170

Mr. Donald L. Kester
P. O. Box 676
Rupert, Idaho 83350

Dear Mr. Kester:

Enclosed please find a copy of the Water License issued on the above referenced permit.

Sincerely,

BOBBY R. FLEENOR
Assistant Director

Bjg

Enclosure

36 7170

June 21, 1973

Donald L. Kester & Donald L. Kester, Jr.
P.O. Box 676
Rupert, Idaho 83350

Re: Permit No. 36-7122 - Donald L. Kester, Jr.
36-7170 - Donald L. Kester

Gentlemen:

A representative of this Department has made an examination of the works covered by the above referenced permits and has found the following:

Permit No. 36-7122

Quantity of water diverted: 2.38 cfs

Amount of water that can be recognized as beneficially used under Idaho law: * 1.40 cfs

The maximum quantity diverted shall not exceed 280 acre feet per year.

Beneficial use: Irrigation of 70 acres within the N $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 4, Twp. 9S, Rge. 24E, B.M.

Point of diversion: NE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 4, Twp. 9S, Rge. 24E, B.M.

Priority date established: Feb. 26, 1970

* Subject to the condition that the maximum rate of diversion shall not exceed 2.38 cfs when combined with License No. 36-7170.

Permit No. 36-7170

Quantity of water diverted: 2.38 cfs

Amount of water that can be recognized as beneficially used under Idaho law: * 1.18 cfs

The maximum quantity diverted shall not exceed 236 acre feet per year.

Beneficial use: Irrigation of 59 acres within the SW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 4, Twp. 9S, Rge. 24E, B.M.

Point of diversion: NE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 4, Twp. 9S, Rge. 24E, B.M.

Priority date established: March 22, 1971

* Subject to the condition that the maximum rate of diversion shall not exceed 2.38 cfs when combined with License No. 36-7122.

If you do not concur with these findings, please contact us within 10 days of the date of this letter; otherwise, water licenses will be issued as set forth above.

Sincerely,

BOBBY D. FLEENOR
Assistant Director

BDF:DR

36 7170

DEPARTMENT OF WATER ADMINISTRATION

FIELD REPORT

1. Name of permit holder Donald L. Kester
 Post office address P.O. Box 676, Rupert, Idaho Phone _____
 Person to contact _____ Phone _____

2. Source of water supply: Groundwater ☒ Surface water ☐ _____
 (name spring, stream, etc.)
 Tributary to _____

3. Water will be used for the following purposes:

Amount 1.18 c.f.s. for Irrigation
 _____ AF/Annum (nature of use)

Period of Use: from April 1 to Oct. 15
 (mo.-day) inclusive (mo.-day)

Amount _____ c.f.s. for _____
 _____ AF/Annum (nature of use)

Period of Use: from _____ to _____
 (mo.-day) inclusive (mo.-day)

Amount _____ c.f.s. for _____
 _____ AF/Annum (nature of use)

Period of Use: from _____ to _____
 (mo.-day) inclusive (mo.-day)

Other uses: _____

Permit No. 36-7170
 Examination for b/u

4. Total amount to be appropriated:

Max Rate of Diversion 1.18 cubic feet per second and annual volume _____ AF/Annum.

5. Location of Point(s) of Diversion:

Township 9S N/S, Range 24E E/W, B.M., Section 4, Subdivision NE 1/4 SE 1/4, Minidoka
 County

Township _____ N/S, Range _____ E/W, B.M., Section _____, Subdivision _____ 1/4 _____ 1/4, _____
 County

Township _____ N/S, Range _____ E/W, B.M., Section _____, Subdivision _____ 1/4 _____ 1/4, _____
 County

Other Points of Diversions: _____

Description of diverting works: Well, 100-hp pump, 7" mainline, Badger Meter

Measuring device required: yes ☒ no ☐

6. Lands to be irrigated or place of use.

TWP.	RANGE	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
9S	24E	4			15					35					9				59

TOTAL ACREAGE 59

7
9
5

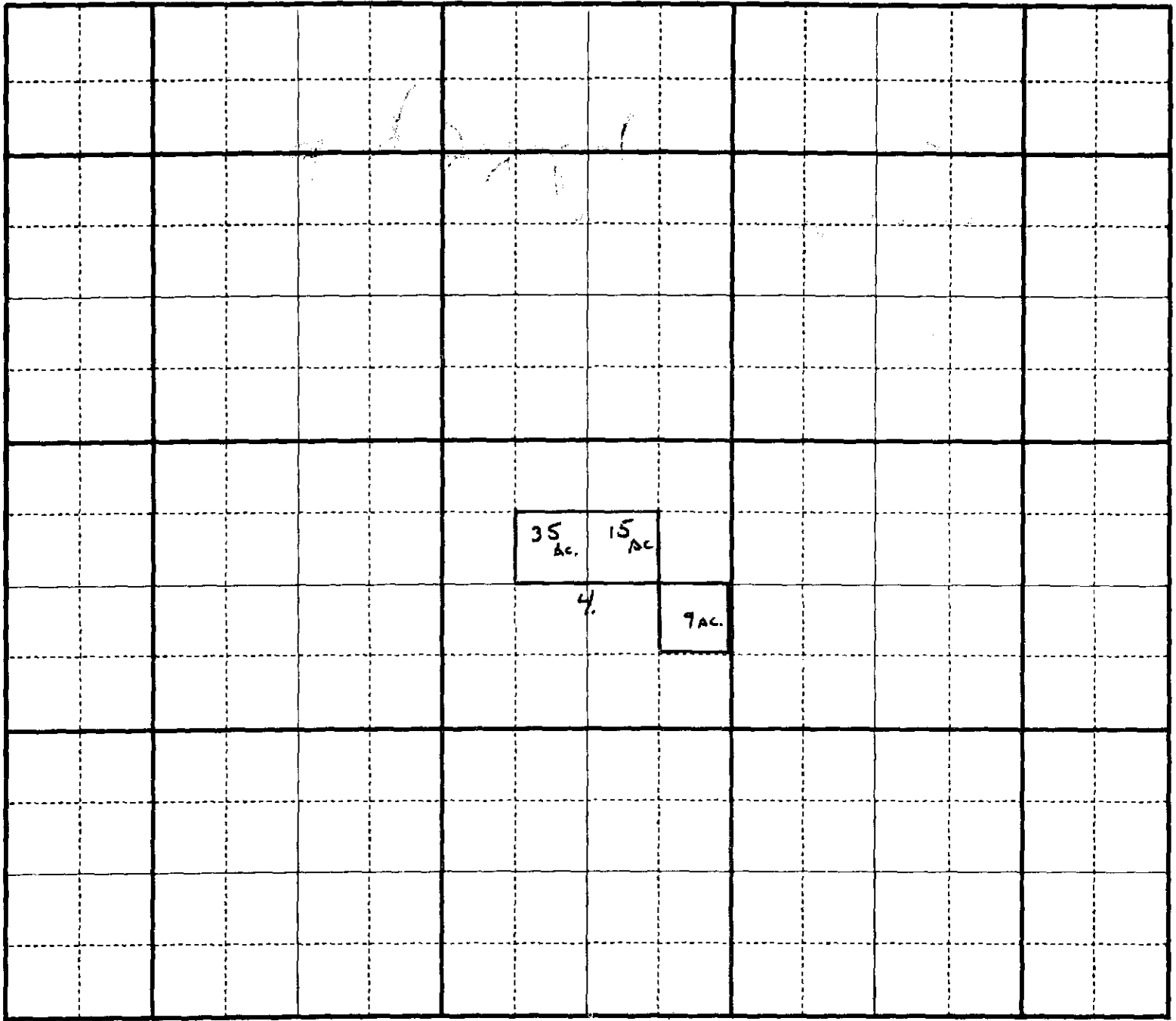
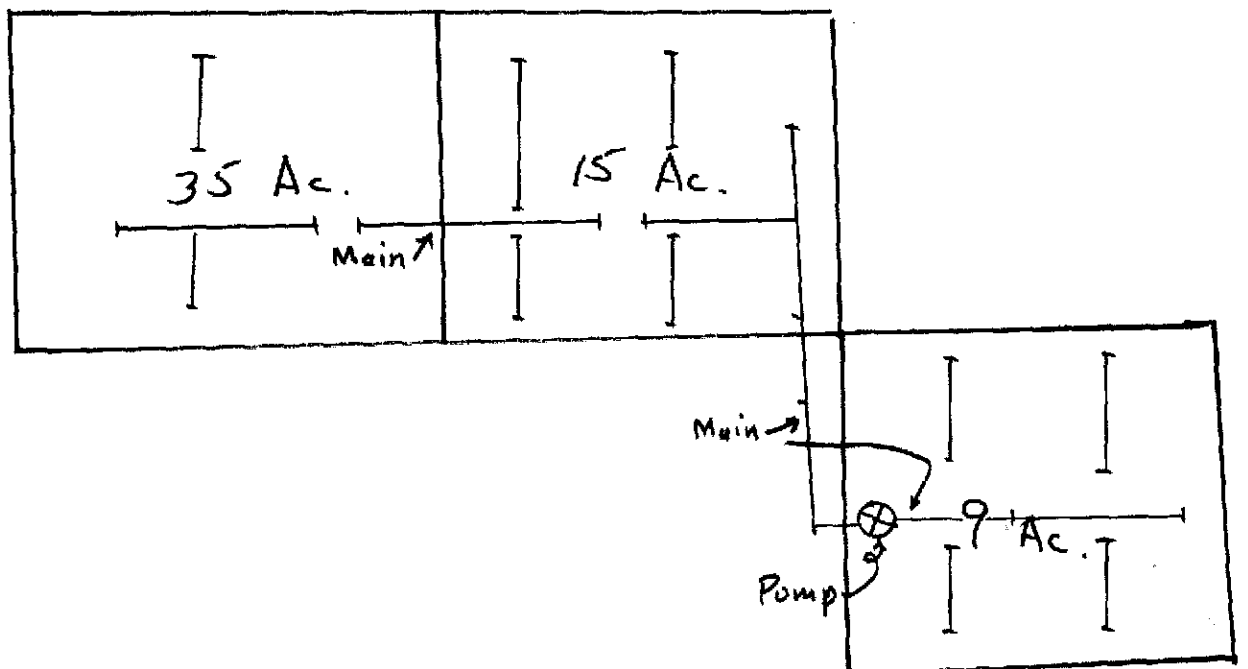


Diagram of System



DATE OF EXAM 5-23-73

ACREAGE
Found 59 Acres
Recommended 59 Acres

Irrigation Requirement 4.0 Ac Ft/Ac

USE
Irrigation Q = 1.18 ~~2.38~~ c.f.s. V = 236 AF/Ann. from April-1 to Oct-15
Domestic Q = _____ c.f.s. V = _____ AF/Ann. from _____ to _____
Livestock Q = _____ c.f.s. V = _____ AF/Ann. from _____ to _____

Is water co-mingled? yes _____ no ☒

Name source: _____
twp. _____ N/S, Rge _____ E/W, B.M., Sec. _____, Sub. _____ 1/4 _____ 1/4 _____ County

Exchange? yes _____ no ☒

Name source exchanged with: _____
twp. _____ N/S, Rge _____ E/W, B.M., Sec. _____, Sub. _____ 1/4 _____ 1/4 _____ County

Point of injection: _____
twp. _____ N/S, Rge _____ E/W, B.M., Sec. _____, Sub. _____ 1/4 _____ 1/4 _____ County

Point of exchange: _____
twp. _____ N/S, Rge _____ E/W, B.M., Sec. _____, Sub. _____ 1/4 _____ 1/4 _____ County

Total Q measured 2.38 c.f.s. Method of measurement Badger Meter

Total Q recommended 1.18 c.f.s. Meter No. M0347893 Type Badger Condition New

Total V recommended 236 AF/ANN.

Recommended Amendments:

P.D. NONE
Place of Use NONE
Other _____
None _____

MEASUREMENT CALCULATION:
$$\frac{(1070 \text{ gal/min})}{(4.0 \text{ Irr Req}) \times (59 \text{ Acres})} \div (448.8 \text{ gal/min} \approx 1 \text{ cfs}) = 2.38 \text{ cfs.}$$

$$(4.0 \text{ Irr Req}) \times (59 \text{ Acres}) = 236 \text{ AF/ANN}$$

SYSTEM DESCRIPTION:
Electric Motor & Pump with Meter and Sprinkler
System # R2023895 100 hp.

REMARKS: Rate of Diversion not to Exceed
more than 1" / Acres.
This well also Irr another Right # 36-7122

Examiner's Signature Gary J. Juby Date 5-25-73
Checked by Michael L. Stuehl Date 5-29-73
Approved by _____ Date _____

March 26, 1973

Re: Permits No. 36-7122 - Donald L. Kester, Jr.
36-7170 - Donald L. Kester

Donald L. Kester & Donald L. Kester, Jr.
P.O. Box 676
Rupert, Idaho 83350

Gentlemen:

We acknowledge receipt of the affidavits submitted as proof of beneficial use for the above referenced permits.

Before water licenses can be issued, a field examination must be made by a representative of this Department. We cannot tell just when this examination will be made, but our examiner will try to contact you at the time he makes the exam so that you may show him the systems.

If you have any questions regarding the field exam, please contact our Southern District Office at 1041 Blue Lakes Blvd. North, Twin Falls, Idaho.

Sincerely,

BOBBY D. FLEENOR
Assistant Director

BDF:DR

36 7170

RECEIVED

Rupert, Idaho

March 21, 1973

Department of Water Administration

Department of Water Administration,
Statehouse, Annex 2
Boise, Idaho 83707

Ref: Proof of Beneficial Use
Permit # 36-7122
Permit # 36-7170

R. Keith Higginson
Director

Dear Mr. Higginson,

In compliance with your letter of March 1, 1973 I do hereby submit my Proof of Application of Water to Beneficial Use, Permit #36-7122 and also Permit #36-7170, issued to my Father, Donald L. Kester.

Due to the excess moisture this year, I might not have my pump in operation by May 1st. If you plan on inspecting the installation of measuring device before then would appreciate you letting me know approximately when and I will make arrangements to have my pump operating.

Thanking you.

Sincerely yours,

Donald L. Kester Jr.
Donald L. Kester, Jr.

36 7170

Identification No. _____

Permit No. _____

**STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION**

PROOF OF APPLICATION OF WATER TO BENEFICIAL USE

MAR 23 1973

RECEIVED

1. a) Name of Permit Holder Donald L. Kester
b) Post Office Address P. O. Box 676, Rupert, Idaho
2. Permit Number ~~36-7170~~ 36-7170
3. Date of Priority that you are prepared to establish ~~XXXXXXXXXXXX~~ 3-22-71
4. a) Source from which water was appropriated Subterranean
b) Location of the point of diversion: NE 1/4 SE 1/4, Section Four (4)
Township Nine (9) S., Range 24 East, Boise Meridian, Other points of diversion:

5. a) The amount of water and use to which the water has been applied:
amount 1.18 for Irrigation purposes from April 1 to Oct. 15 incl.
(cfs and/or acre feet per annum) (Month-Day) (Month-Day)
amount _____ for _____ purposes from _____ to _____ incl.
(cfs and/or acre feet per annum) (Month-Day) (Month-Day)
amount _____ for _____ purposes from _____ to _____ incl.
(cfs and/or acre feet per annum) (Month-Day) (Month-Day)
b) Total amount appropriated 1.18 cfs and/or acre feet per annum
c) Describe how and by whom measurement of rate of flow or amount of storage was made and the qualifications of the person making the measurement: _____

6. If the means of diversion and conveyance are owned by someone other than the Permit Holder:
a) Give the name or description of the canal, ditch or other works by which the water is conducted to the place of use: 7 inch main line

b) Describe the agreement or understanding by which you take water from the works: Partnership arrangement between father and son.

7. a) Briefly describe the works for diverting and conveying the water to the place of use, (If from a subterranean source, give the pump size, motor size, size of well casing, depth of well; if from surface water, give brief description of diversion structure and/or canal or ditch) 100 HP Turbine Pump with 8 inch column, 12 inch bowls, 7 inch main line - 200 ft. well - casing xxx .250 wall and 16 inch diameter.

b) Describe the type and size of measuring device which you have installed at your point of diversion: Badger Water Meter

c) Give well drillers name and address and date the well was completed _____
R. O. Denton - Box 364, Paul, Idaho
Date well was completed - 8-6-70

Exam typed 3-26-73 by h

36 7170

8. If for other than irrigation, describe the beneficial use to which you have applied the water and the place of use _____

9. Irrigation uses: Describe the lands irrigated by giving the acreages irrigated within each 40 acre subdivision: _____

TWP.	RANGE	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
9S	24E	24			15				35						9				59

Total number of acres irrigated 59

10. Remarks: _____

The above information is a true statement of the extent to which the above numbered permit has been developed.

March 21, 1973
 (Date)

Donald L Kester
 (Signature)

State of Idaho
 County of Minidoka ss.

On this 22nd day of March, 1973, personally appeared before me the signer(s) of the above instrument, who duly acknowledged to me that he (she) (they) executed the same.

William T. Gordon
 Notary Public residing at Payette Idaho

My commission expires 12/24/74

May 6, 1971

Re: Permit No. 36-7170 - Donald L. Kester

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

Dear Mr. Kester:

Enclosed is a copy of your approved Application for Permit No. 36-7170. We direct your attention to the conditions of approval as listed on the fourth page.

Be sure to note that a special condition requiring you to install and maintain a measuring device at your point of diversion has been placed upon your permit. We are enclosing a letter describing different types of measuring devices accepted by this office.

Very truly yours,

BOBBY D. FLEENOR
Assistant Director

BDF:kh
Enclosures

36 7170

March 24, 1971

Re: Application No. 36-7170 - Donald L. Kester
" " 36-7171 - Newman & Williams Livestock Co.
Claim No. 36-4009 - Lloyd Patterson
" " 36-4010 - Lloyd Patterson

Minidoka County News
625 Fremont Ave.
Rupert, Idaho 83350

Gentlemen:

Enclosed you will find a legal notice which we wish to have published once a week for two consecutive weekly issues of your newspaper. We have inserted the publication dates allowing ample time for you to submit us a galley proof for our review before publication.

After sending us a galley proof, proceed with the publication on the dates we have inserted assuming the notice is correct. If we have any corrections, we will notify you before the first publication date. If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. In order to receive payment, the following certification must appear on the bill:

"I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid."

(signature of claimant)

Very truly yours,

Donald W. McEldowney
Appropriation Supervisor

Bill submitted 4-18-71 by 161

DWM:DR

Enc: Legal notices (4)

36 7170

NOTICE OF APPLICATION FOR WATER PERMIT

Notice is hereby given that Donald L. Kester, P.O. Box 676, Rupert, Idaho,
has on March 22, 1971, submitted Application No. 36-7170
for a permit to appropriate 1.18 cubic feet per second ~~acre feet per annum~~
of water from a ground water source
by means of ~~well~~ well and pump
within the NE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 4, T. 9S, R. 24E, B.M., Minidoka County,

to be used from April 1 to Oct. 15
for the irrigation of 59 acres

within the SW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 4, T. 9S, R. 24E, B.M.

If ~~made~~ ^{issued,} this permit will be subject to all prior water rights. Protests against the granting of the permit must be filed with the Idaho Department of Water Administration, Statehouse, Boise, Idaho, 83707, on or before April 23, 1971.

R. KEITH HIGGINSON
Director

Published in the Minidoka County News, Rupert, Idaho,
on April 6 and April 13, 1971.

86 7170

March 22, 1971

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

Dear Mr. Kester:

Returned herewith is your receipt No. 5778 in the amount of \$25.00
for your application for permit

which was received in this office under the above date.

Very truly yours,

M. RUSSELL BOSCH
Administrative Assistant

MRB:ejw

Enclosure

96 7170