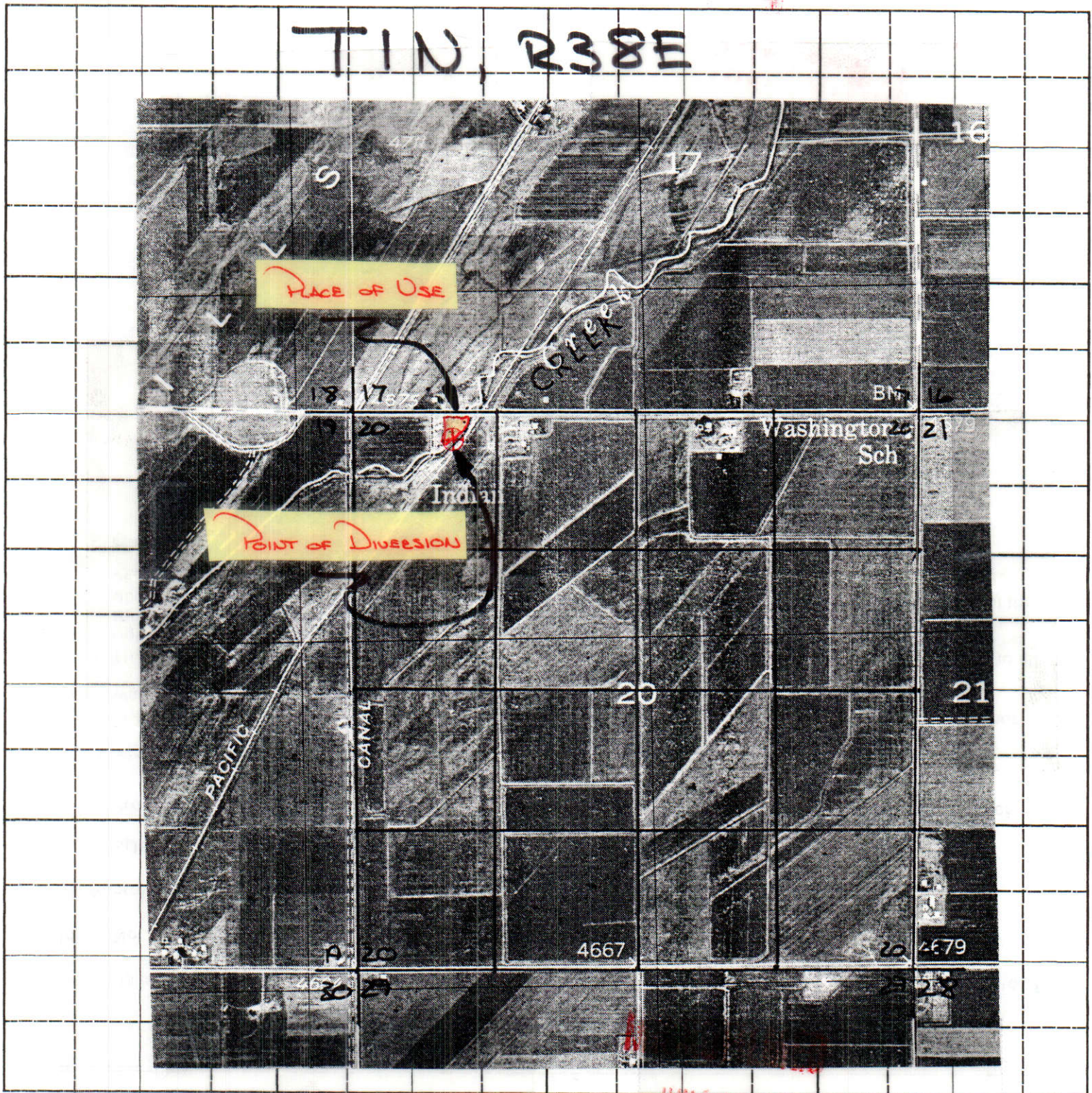


13. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



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.

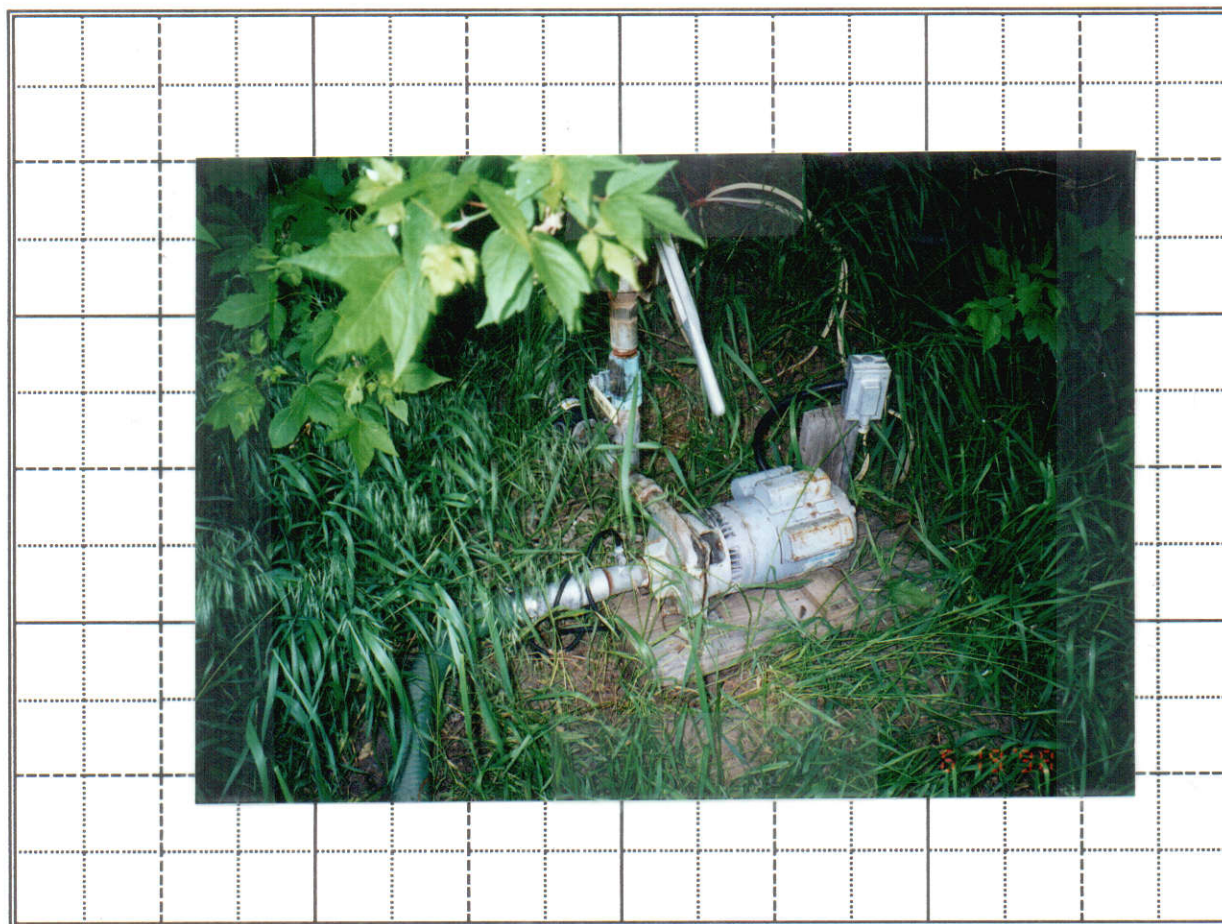
JUN 18 1990

[Signature]
(Applicant)

Idaho Dept. of Water Resources
Place of Use Comparison Report

Type	WR #	Owner	Source	TRS	NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SESW	NESE	NWSE	SWSE	SESE	Total
App	25 7605	HARTMAN FARM TRUST,	GROUND WATER	01N38E20	38	35	40	39	37	17	38	40	40	39	38	39	40	39	38	597
Permit	25 7511	SHERRY KELSEY, DANNY KELSEY,	SAND CREEK	01N38E20						2										2
Right	25 7511	DANNY KELSEY, SHERRY KELSEY,	SAND CREEK	01N38E20						2										2
Claim	1 312	IDAHO IRRIGATION DISTRICT,	SNAKE RIVER	01N38E20	38	38	40	39	38	37	39	40	40	39	38	39	40	39	38	621
Claim	1 368	IDAHO IRRIGATION DISTRICT,	SNAKE RIVER	01N38E20	38	38	40	39	38	37	39	40	40	39	38	39	40	39	38	621
Claim	1 369	IDAHO IRRIGATION DISTRICT,	SNAKE RIVER	01N38E20	38	38	40	39	38	37	39	40	40	39	38	39	40	39	38	621
Claim	1 370	IDAHO IRRIGATION DISTRICT,	SNAKE RIVER	01N38E20	38	38	40	39	38	37	39	40	40	39	38	39	40	39	38	621
Claim	1 75	IDAHO IRRIGATION DISTRICT,	SNAKE RIVER	01N38E20	38	38	40	39	38	37	39	40	40	39	38	39	40	39	38	621
Claim	1 76	IDAHO IRRIGATION DISTRICT,	SNAKE RIVER	01N38E20	38	38	40	39	38	37	39	40	40	39	38	39	40	39	38	621
Right	1 312	IDAHO IRRIGATION DISTRICT,	SNAKE RIVER	01N38E20	38	38	40	39	38	37	39	40	40	39	38	39	40	39	38	621
Claim	25 224		WILLOW CREEK	01N38E20	38	38	40	39	38	37	39	40	40	39	38	39	40	39	38	621

3. **Delivery System Diagram:** Indicate all major components and distances between components. Indicate weir size/ditch size/pipe i.d. as applicable.



Scale: 1" = _____

POINT OF DIVERSION

☒ Copy of USGS Quadrangle Attached Showing location(s) of point(s) of diversion and place(s) of use (required).

☐ Aerial Photo Attached (required for irrigation of 10+ acres)

☐ Photo of Diversion and System Attached

4.

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
	Century	3	Cat. No. 8781	Berkley	8148689 2" discharge

*Code to correspond with No. on map and aerial photo

D. FLOW MEASUREMENTS

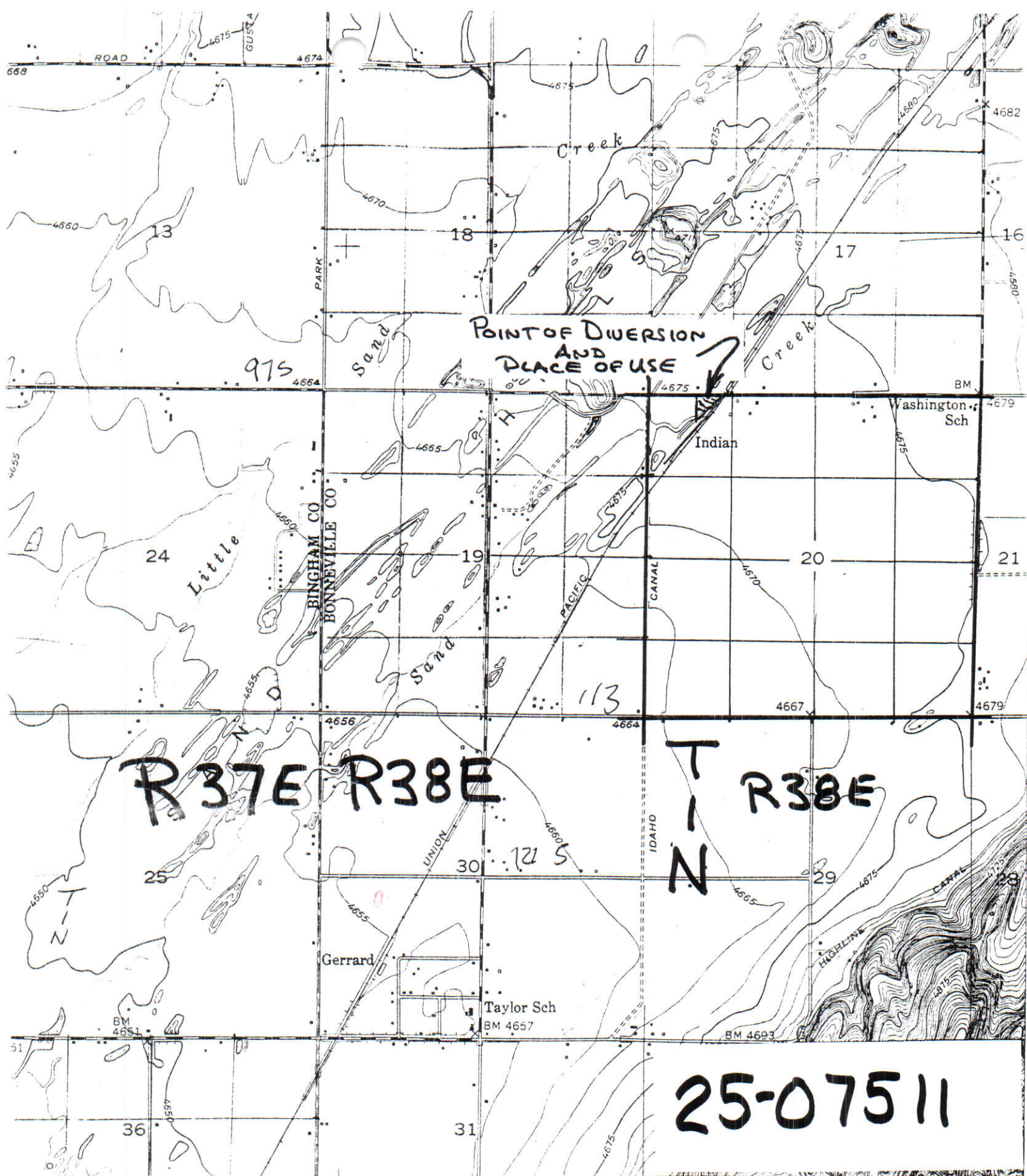
1.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date
Pressure Gage & Pitot tube		Ashcroft	1008	—	0-60	—

2. Measurements: 12 5/32" @ 20psi

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OCT 02 2001



GOSHEN
3570 1 SE

R 37 E

2'30"

R 38 E

112°

0000

1 MILE

4000 5000 6000 7000 FEET

1 KILOMETER

R38E

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OCT 02 2001

ROAD CLASSIFICATION

Primary highway, hard surface	Light-duty road, hard or improved surface
Secondary highway, hard surface	Unimproved road



SAND CREEK (VIEW from NE CORNER OF Property)

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OCT 02 2001

25-07511

POINT OF DIVERSION



↑ suction hose from Sand Creek

POINT OF DIVERSION FROM SAND CREEK IS
LOCATED ON SE EDGE OF PROPERTY

25-07511

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OCT 02 2001

Shop

Home



PLACE OF USE (VIEW FROM NE CORNER OF PROPERTY)

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OCT 02 2001

25-07511

State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 25-07511

Priority: June 26, 1989

Maximum Diversion Rate: 0.06 CFS
Maximum Diversion Volume: 8.0 AF

It is hereby certified that DANNY KELSEY Or SHERRY KELSEY
648 E 97 S
IDAHO FALLS ID 83404 have complied with the terms and
conditions of the permit, issued pursuant to Application for Permit dated June 26, 1989; and have
submitted Proof of Beneficial Use on July 26, 1990. An examination indicates that the works have a
diversion capacity of 0.09 cfs of water from:

SOURCE

SAND CREEK

Tributary: WILLOW CREEK

and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL DIVERSION VOLUME</u>
IRRIGATION	04/01 to 10/31	0.06 CFS	8.0 AF

LOCATION OF POINT(S) OF DIVERSION:

SAND CREEK NE $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 20, Twp 01N, Rge 38E, B.M., BONNEVILLE County

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals	
01N 38E 20																		2.0

Total Acres: 2

CONDITIONS OF APPROVAL

1. Use of water under this water right will be regulated by the watermaster of State Water District No. 01.
2. A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.
3. The use of water under this right shall not give rise to any claim against the holder of a senior water right based upon the theories of forfeiture, abandonment, adverse possession, waiver, equitable estoppel, estoppel by laches or customary preference.

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OCT 8 1990

State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 25-07511

4. This right when combined with all other rights shall provide no more than 0.03 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. The water right confirmed by this license is subject to all prior water rights and shall be used in accordance with Idaho law and applicable rules of the Department of Water Resources.

Signed and sealed this 21st day of JUNE, 2001.

Acting for


KARL J. DREHER
Director

MICROFILMED

OCT 02 2001

RECEIVED
JUL 26 1990

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
PROOF OF BENEFICIAL USE

Department of Water Resources

The Idaho Department of Water Resources will consider this form as a statement that the permit holder(s) has/have completed all development that will occur under this permit and that water has been applied according to the provisions of the permit for the beneficial use(s) described below. This form must be accompanied by a license examination fee or a completed field examination report prepared by a certified water right examiner who has been appointed by the department.

Permit No. 25-07511 Telephone No. (208) 529-0176

Name(s) of Permit Holder(s): Danny & Sherry Kelsey

Post Office Address: _____

Source of Water: Sand Creek

If ground water, well driller's name: _____ Date drilled: _____

Extent of Use:
Domestic _____ (No. of households) Irrigation 2 (No. of acres)
Stockwater _____ (No. and type of stock) Other _____

Total rate and/or volume for which proof is submitted 0.06 cfs 2 acre/feet

Show date water was first diverted and beneficially used under this permit: June 26, 1989

One of the following may be a condition of approval of your permit:

Measuring device: Required? Yes ☒ No Installed? Yes ☐ No

OR

Flow Measurement Port: Required? Yes ☒ No Installed? Yes ☐ No

Fee Enclosed: \$ 50.00 (See License Examination Fee Schedule)

Person to contact to accompany the Department representative during the field examination:

Danny or Sherry Kelsey 208-529-0176
Name Telephone No.
648 E 97th St Idaho Falls Idaho 83404
Address

The above information is my true statement of the extent to which the above numbered permit has been developed and I relinquish any undeveloped portion of the permit to the state of Idaho.

MICROFILMED

SEP 8 1990

7-24-90 Danny Kelsey
Date Signature (and title if on behalf of a company or organization)

State of Idaho
Department of Water Resources
Permit To Appropriate Water

NO. 25-07511

Proposed Priority: June 26, 1989 Maximum Diversion Rate: 0.06 CFS
This is to certify, that **DANNY KELSEY**

SHERRY KELSEY
648 E. 97 S.
IDAHO FALLS, ID 83404

has applied for a permit to appropriate water from:

SAND CREEK tributary of **WILLOW CREEK**

and a permit is **APPROVED** for development of water as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>
IRRIGATION	04/01 to 11/01	0.06 CFS

LOCATION OF POINT(S) OF DIVERSION: NENWNW Sec. 20, Township 01N, Range 38E
BONNEVILLE County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
01N	38E	20	NWNW	2		2

Total number of acres irrigated: 2

CONDITIONS/REMARKS:

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before **July 1, 1991**.
2. Subject to all prior water rights.
3. The right to the use of water acquired under this permit shall not give rise to any right or claim against the holder of a senior right based upon the theories of forfeiture, abandonment, adverse possession, waiver, equitable estoppel, estoppel by laches or customary preference.
4. The Director retains jurisdiction of the permit and any license subsequently issued to incorporate the use into a water district, require streamflow augmentation or other action needed to protect prior surface water and groundwater rights.
5. Use of water under this permit is subject to control by the watermaster of State Water District No. 01.
6. A lockable device, subject to the approval of the Department, shall be installed on the diverting works in a manner that will provide the watermaster suitable control of the diversion prior to diversion of water under this permit.
7. The rate of diversion of water for irrigation under this permit and all other water rights on the same land shall not exceed 0.03 cubic feet per second for each acre of land.

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JUN 18 1990

State of Idaho
Department of Water Resources**Permit To Appropriate Water**

NO. 25-07511

CONDITIONS/REMARKS:

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code.
Witness the seal and signature of the Director, affixed at Boise, this

7th day of June, 1990.

R. Keith Higginson
for R. Keith Higginson, Director

MICROFILMED

JUN 16 1990

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

25 7511
Ident. No. _____

To appropriate the public waters of the State of Idaho

1. Name of applicant DANNY OR SHERY KELSEY Phone (208) 529-0176
Post office address 648 EAST 97 SOUTH, IDAHO FALLS, ID 83404
2. Source of water supply SAND CREEK which is a tributary of Willow Creek
3. Location of point of diversion is NE $\frac{1}{4}$ of NW $\frac{1}{4}$ of NW $\frac{1}{4}$, Govt. Lot _____
Sec. 20 Township T1N Range R38E B.M. BONNEVILLE County; additional
points of diversion if any: _____
4. Water will be used for the following purposes:
Amount 0.06 for IRRIGATION purposes from 04/01 to 11/01 (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
5. Total quantity to be appropriated is (a) 0.06 and/or (b) _____
cubic feet per second acre feet per annum
6. ~~Proposed~~ EXISTING diverting works:
a. Description of ditches, flumes, pumps, headgates, etc. PUMP IN SAND CREEK WITH
PIPELINES FOR SPRINKLER IRRIGATION.

b. Height of storage dam _____ feet; active reservoir capacity _____ acre-feet; total
reservoir capacity _____ acre-feet; period of year when water will be diverted to storage:
_____ to _____ inclusive.
c. Proposed well diameter is _____ inches; proposed depth of well is _____ feet.
d. Is ground water with a temperature of greater than 90°F being sought? _____
7. Time required for the completion of the works and application of the water to the proposed beneficial use is
1 years (minimum 1 year).

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JUN 18 1990

8. Description of proposed uses (if irrigation only, go to item 9):

- Hydropower; show total feet of head and proposed capacity in KW. _____
- Stockwatering; list number and kind of livestock. _____
- Municipal; show name of municipality. _____
- Domestic; show number of households. _____
- Other; describe fully. _____

9. Description of place of use:

- If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- If water is used for other purposes, place a symbol of the use (example: *D* for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
T1N	R38E	20						2											2

Total number of acres to be irrigated 2

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

A25-12381 (DOMESTIC WELL AT SAME LOCATION)

11. a. Who owns the property at the point of diversion? APPLICANTS

b. Who owns the land to be irrigated or place of use? APPLICANTS

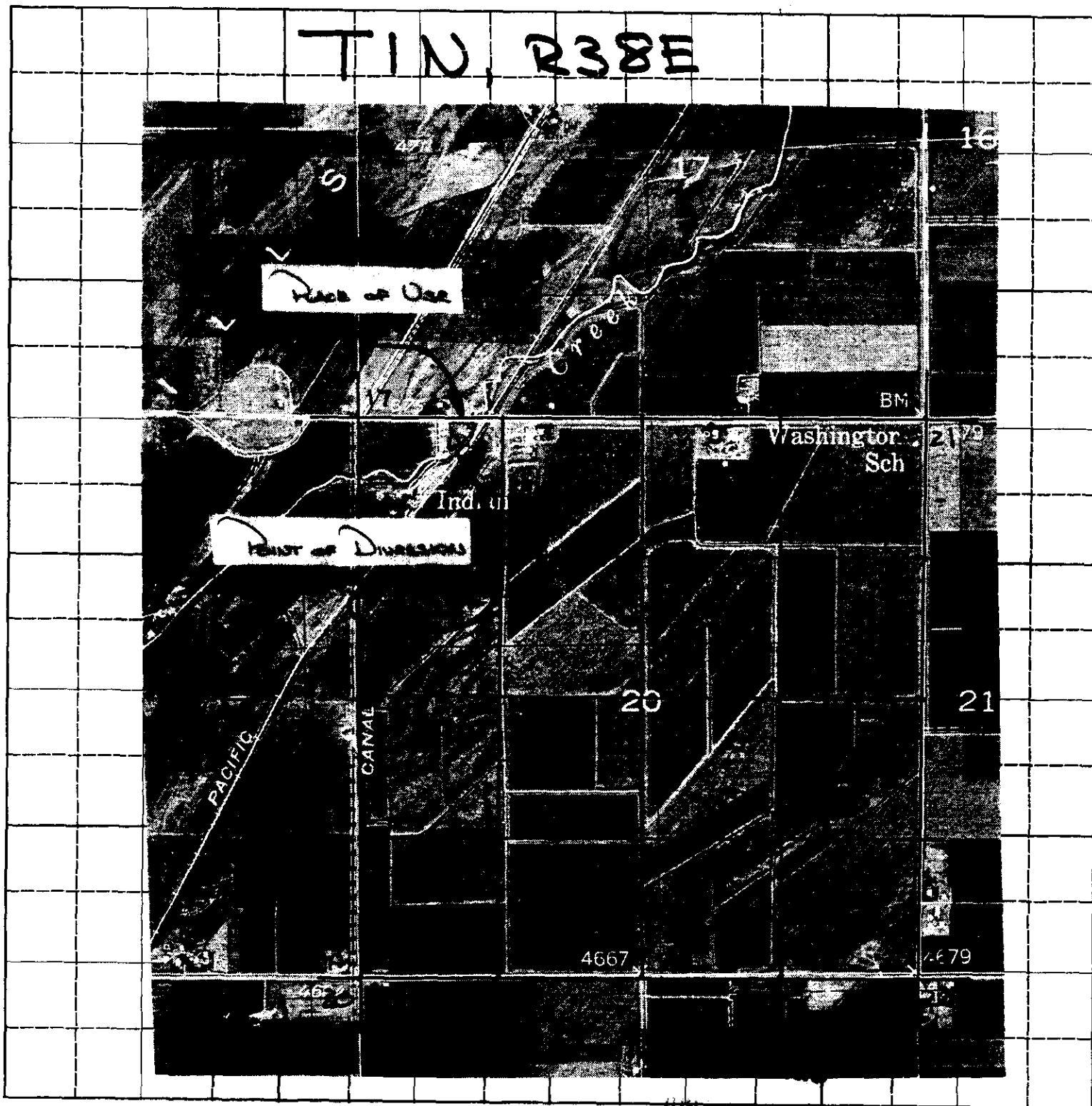
c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing. _____

12. Remarks: EXISTING SYSTEM.

MICROFILMED

JUN 18 1980

13. 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.

Denny Kelly
(Applicant)

Received by Jo Date 6-26-89 Time _____ Preliminary check by SMH
Fee \$ 30⁰⁰ Received by Jo # E009264 Date _____
Publication prepared by RB Date 4-5-90 Published in Post-Register
Publication approved OW Date 5-14-90

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

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

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 _____, 19 ____.
- c. The rate of diversion, if water is to be used for irrigation under this permit, when combined with all other water rights for the same land shall not exceed 0.02 cubic feet per second for each acre of land.
- d. The water right acquired under this permit if for hydropower purposes shall be junior and subordinate to all rights to the use of water, other than hydropower, within the State of Idaho that are initiated later in time than the priority of this permit and shall not give rise to any right or claim against any future rights to the use of water, other than hydropower, within the State of Idaho initiated later in time than the priority of this permit.
- e. Other:

RECEIVED

JUN 18 1990

NOTICE OF ALTERATION
FOR WATER RIGHT

The Following application(s) have be
filed to appropriate the public waters of th.
State of Idaho:

23-07126

BAKER, RUTH F.
3911 LEGEND CIR.
HUNTINGTON BEACH, CA 92649
Source: SNAKE RIVER, SOUTH FORK;
Tributary: SNAKE RIVER
Diversion Pt: SESWSW Sec 5 T 03N R
41E
Use: IRRIGATION (.100 CFS)
Total Diversion: (.100 CFS)
Date Filed: 6/30/1989
In: T03N R41E S05 SWSW.
5.0 ACRES TOTAL

23-07135

VAN WINKLE, JOHN DEAN
VAN WINKLE, JOLANE P.
2057 W. 4250 S.
ROY, UT 84067
Source: RAINEY CREEK; Tributary:
SNAKE RIVER
Diversion Pt: SWSE Sec 6 T 01N R 44E
Use: IRRIGATION (.030 CFS)
Total Diversion: (.030 CFS)
Date Filed: 7/24/1989
In: T01N R44E S06 SWSE
1.0 ACRES TOTAL

23-07136

ALEXANDER, LOREN C.
HC 34 BOX 10
SWAN VALLEY, ID 83449
Source: GROUNDWATER
Diversion Pt: SWNWSE Sec 17 T 01N R
44E
Use: IRRIGATION (.140 CFS)
COMMERCIAL (.060 CFS)
DOMESTIC (.040 CFS)
Total Diversion: (.240 CFS)
Date Filed: 8/22/1989
In: T01N R44E S17 NWSE
7.0 ACRES TOTAL

23-07137

LOVELL, GEORGE L.
P.O. BOX 398
RIRIE, ID 83443
Source: GROUNDWATER
Diversion Pt: SWSWNW Sec 14 T 02N R
42E
Use: IRRIGATION (.220 CFS)
STOCKWATER (.040 CFS)
DOMESTIC (.040 CFS)
Total Diversion: (.300 CFS)
Date Filed: 8/29/1989
In: T02N R42E S14 SWNW
11.0 ACRES TOTAL

23-07138

FULLMER, ELAINE BUCKLAND
6281 E. HEISE RD.
RIRIE, ID 83443
Source: SPRINGS; Tributary: SINKS
Diversion Pt: SWSENW Sec 11 T 03N R
42E
Use: IRRIGATION (.160 CFS)
Total Diversion: (.160 CFS)
Date Filed: 8/31/1989
In: T03N R42E S11 NESW
8.0 ACRES TOTAL

23-07139

HENKEN, RAYMOND N.
HENKEN, ELAINE L.
1307 E. 25TH ST.
IDAHO FALLS, ID 83404
Source: PALISADES CREEK; Tributary:
SNAKE RIVER, SOUTH FORK
Diversion Pt: SWSWSE Sec 26 T 01N R
44E
Use: IRRIGATION (.030 CFS)
Total Diversion: (.030 CFS)
Date Filed: 10/04/1989
In: T01N R44E S35 NWNE
1.0 ACRES TOTAL

23-07140

TAYLOR, HARRY JOSEPH
TAYLOR, BEVERLY JOAN
870 E. 1400 N.
SHELLEY, ID 83274
Source: PALISADES CREEK; Tributary:
SNAKE RIVER, SOUTH FORK
Diversion Pt: SWSWSE Sec 26 T 01N R
44E
Use: IRRIGATION (.030 CFS)
Total Diversion: (.030 CFS)
Date Filed: 9/27/1989
In: T01N R44E S35 NWNE
1.0 ACRES TOTAL

P.O. BOX 2077

IDAHO FALLS, ID 83403
Source: GROUNDWATER
Diversion Pt: SESE Sec 28 T 02N R 38E
Use: IRRIGATION (.380 CFS)
Total Diversion: (.380 CFS)
Date Filed: 4/10/1989
In: T02N R38E S28 SESE
19.0 ACRES TOTAL

25-07511

KELSEY, DANNY
KELSEY, SHERRY
648 E. 97 S.
IDAHO FALLS, ID 83404
Source: SAND CREEK; Tributary: WIL-
LOW CREEK
Diversion Pt: NENWNW Sec 20 T 01N R
38E
Use: IRRIGATION (.060 CFS)
Total Diversion: (.060 CFS)
Date Filed: 6/26/1989
In: T01N R38E S20 NWNW
2.0 ACRES TOTAL

25-07512

RHOADES, ARVIN
P.O. BOX 1422
IDAHO FALLS, ID 83403
Source: TWIN CREEK; Tributary: WIL-
LOW CREEK
Diversion Pt: NESWSW Sec 28 T 01S R
40E
SWSWSW Sec 28 T 01S R 40E
Use: IRRIGATION (.400 CFS)
Total Diversion: (.400 CFS)
Date Filed: 6/15/1989
In: T01S R40E S28 SWSW
20.0 ACRES TOTAL

25-07525

LINCOLN CEMETERY DISTRICT
C/O CECIL SCOTT
3242 LINCOLN RD.
IDAHO FALLS, ID 83401
Source: GROUNDWATER
Diversion Pt: NWNWNW Sec 15 T 02N R
38E
Use: IRRIGATION (.090 CFS)
Total Diversion: (.090 CFS)
Date Filed: 8/15/1989
In: T02N R38E S15 NWNW
4.5 ACRES TOTAL

25-07545

PARKER, JERRY L.
P.O. BOX 358
RIRIE, ID 83443
Source: GROUNDWATER
Diversion Pt: SESW Sec 22 T 03N R 39E
Use: IRRIGATION (7.540 CFS)
Total Diversion: (7.540 CFS)
Date Filed: 11/02/1989
In: T03N R39E S22 SWSW SESW SWSE
SESE
S27 NENE NWNE SWNE SENE NENW
NWNW SWNW SENW NESW NWSW
377.0 ACRES TOTAL

25-07547

SCHEUERMANN, KEITH W.
756 S. FOOTHILL RD.
IDAHO FALLS, ID 83401
Source: GROUNDWATER
Diversion Pt: SENE Sec 19 T 02N R 39E
Use: IRRIGATION (.300 CFS)
Total Diversion: (.300 CFS)
Date Filed: 8/25/1989
In: T02N R39E S19 SENE
15.0 ACRES TOTAL

25-07561

NEIBAUR, RYAN
2320 ROSS
IDAHO FALLS, ID 83406
Source: GROUNDWATER
Diversion Pt: SENW Sec 17 T 01N R 38E
Use: IRRIGATION (4.000 CFS)
Total Diversion: (4.000 CFS)
Date Filed: 3/02/1990
In: T01N R38E S17 NENW NWNW
SWNW SENW NWSW SWSW
S18 NESE NWSE SWSE SESE
S19 NENE NWNE SWNE
383.0 ACRES TOTAL

The permit(s) will be subject to all prior
water rights. Protests may be submitted
based on the criteria of Sec. 42-203A, Idaho
Code and/or the new public interest cri-
teria of Sec. 42-203C, Idaho Code. Protests
must be filed with the Director, Dept. of
Water Resources, 150 Shoup Ave., Suite
15, Idaho Falls, Idaho 83402 on or before
APRIL 23, 1990.

R. Keith Higginson, Director
Published: April 5, 12, 1990

REF 11100

Water Resources
District Office

APR 12 1990



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

June 22, 2001

DANNY KELSEY
SHERRY KELSEY
648 E 97 S
IDAHO FALLS ID 83404

RE: License No. 25-7511 - Issuance of License

Dear Water Right Holder(s):

The Department of Water Resources has issued the enclosed Water Right License confirming that a water right has been established in accordance with your permit. Please be sure to thoroughly review the conditions of approval and remarks listed on your license.

The license is a PRELIMINARY ORDER issued by the Department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action by the Department unless a party petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the service date as described in the enclosed information sheet.

Please note that water right owners are required to report any change of water right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact any office of the Department or visit the Department's homepage on the Internet to obtain the proper forms and instructions.

If you have any questions, please contact me at 208-327-7946.

Sincerely,

Shelley W. Keen
Water Rights Supervisor

SWK:klt

Enclosure(s)

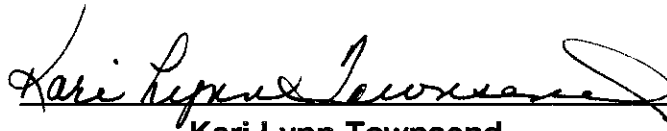
MAILED
JUN 27 2001

CERTIFICATE OF MAILING

I hereby certify that on June 22, 2001 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER(Approved License) to the person(s) listed below:

RE: WATER RIGHT NO. 25-7511

**DANNY KELSEY
SHERRY KELSEY
648 E 97 S
IDAHO FALLS ID 83404**


**Kari Lynn Townsend
Secretary**

MAILED
JUN 22 2001
IDAHO FALLS

**EXPLANATORY INFORMATION
TO ACCOMPANY A
PRELIMINARY ORDER**

The accompanying order or approved document is a "**Preliminary Order**" issued by the department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action of the Department of Water Resources (department) unless a party petitions for reconsideration, files an exception and brief, or requests a hearing as further described below:

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the department within fourteen (14) days of the service date of this order. The department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See Section 67-5243(3) Idaho Code.

EXCEPTIONS AND BRIEFS

Within fourteen (14) days after (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding with the Director. Otherwise, this preliminary order will become a final order of the agency.

REQUEST FOR HEARING

Unless a right to a hearing before the department or the Idaho Water Resource Board (Board) is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

ORAL ARGUMENT

If the Director grants a petition to review the preliminary order, the Director shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director orders otherwise, all oral arguments will be heard in Boise, Idaho.

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

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1979-1980

FINAL ORDER

The Director will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Director may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its issuance if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) the petition for reconsideration is disposed of; or
- (b) the petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

MIC 11-1-11
ST * 11-1-11

LICENSE REVIEW CHECKLIST

Permit No. 25-7511

Date: 6-14-2001 Reviewer: Kay Walker

Change/OK

Name/Address OK

Source OK

Point of Diversion: OK

Does change clarify original intended source? If no, void permit.
Change (P39/P49) Add (P45/P44) Feds (P40)

W32 (multiple in 1/4/1/4)
W36 (overlap)
W59 (subdivision description)

Place of Use OK

Change (P41/P49) Add (P41/P44) Feds (P43)

W60 (subdivision description)
W27 (ppu acre limit)

Overlaps: Right(s): none
File reviewed _____ Profile reports printed _____

P/D & P/U amend (P37) Feds (P48)

Rate of Diversion:

Permitted rate 0.06 cfs
Fee Limit 0.20 cfs
Measured 0.09 cfs
Theoretical _____ cfs

Recommended Total Diversion Rate 0.06

Water Uses OK

Change (P46)

Season of Use per new Standards

4-1 10-31

Irrigation 0.06 cfs 8.0 af
Stockwater _____ cfs _____ af
Domestic _____ cfs _____ af
_____ cfs _____ af
_____ cfs _____ af
Total 0.06 cfs 8.0 af

Irrigation - overlap (R58-R61, R62-R65, R66-R69)

~~supp. Gw (WB7/065/104)~~
~~overlap spec combined rts (W35)~~
~~<1 acre (W31)~~
~~Domestic (W01/wb5/070/071/075)~~
~~Power (W42 or W43/025/027/R22 or R23)~~
~~Fish (042)~~
~~Erie (077)~~
~~Water Quality (081/R07)~~
~~Payette - (W22/047/27A)~~
~~Stockwater for US (R37)~~

Volume Determination

0.06 cfs x 1.9835 x 314 days = 25.5 af (vs) 2 acres x 4.0 (FHR) = 8.0 af
3.0 (con)

Remarks: 048, R02, R04, R68

Additional Conditions Yes

Watermaster Control - 01
_____ GW Measurement/Measuring Device
_____ Other
Trust R55 - remove 051)
Non-trust (048/049)

GW Dist? _____
Water Msmt. Dist? _____
Crit. GWMA? _____
GWMA? _____
Government Lots? _____

Advance Priority? yes If yes, explain why below.
no

SRBA Claim? not req'd

Adjust memo _____

Amend Letters _____

P87, S06

Second Amendment Notice _____

S06

Idaho Dept. of Water Resources
Place of Use Comparison Report

Type	WR #	Owner	Source	TRS	NEWE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE	Total
App	25 7605	HARTMAN FARM TRUST	GROUND WATER	01N38E20	38	35	40	40	37	17	38	40	40	39	38	38	39	40	39	38	597
Claim	25 7611	IDAHO EDUCATION DISTRICT	GROUND WATER	01N38E20	38	35	40	40	37	17	38	40	40	39	38	38	39	40	39	38	597
Claim	1 312	IDAHO EDUCATION DISTRICT	GROUND WATER	01N38E20	38	35	40	40	37	17	38	40	40	39	38	38	39	40	39	38	597
Claim	1 368	IDAHO EDUCATION DISTRICT	GROUND WATER	01N38E20	38	35	40	40	37	17	38	40	40	39	38	38	39	40	39	38	597
Claim	1 369	IDAHO EDUCATION DISTRICT	GROUND WATER	01N38E20	38	35	40	40	37	17	38	40	40	39	38	38	39	40	39	38	597
Claim	1 370	IDAHO EDUCATION DISTRICT	GROUND WATER	01N38E20	38	35	40	40	37	17	38	40	40	39	38	38	39	40	39	38	597
Claim	1 75	IDAHO EDUCATION DISTRICT	GROUND WATER	01N38E20	38	35	40	40	37	17	38	40	40	39	38	38	39	40	39	38	597
Claim	1 76	IDAHO EDUCATION DISTRICT	GROUND WATER	01N38E20	38	35	40	40	37	17	38	40	40	39	38	38	39	40	39	38	597
Claim	1 312	IDAHO EDUCATION DISTRICT	GROUND WATER	01N38E20	38	35	40	40	37	17	38	40	40	39	38	38	39	40	39	38	597
Claim	25 224	WILLOW CREEK	WILLOW CREEK	01N38E20	38	35	40	40	37	17	38	40	40	39	38	38	39	40	39	38	597

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

RECEIVED
JUL - 6 1999

Department of Water Resources

A. GENERAL INFORMATION

Permit No. 25-07511

1. Owner: Danng or Sherry Kelsey Phone No. 529-0176(h)
524-4303(w)
Current Address: 648E 97th S Idaho Falls, Id 83404

2. Accompanied by: Sherry Kelsey EXAM DATE: 6-19-1998

Address: - Phone No. -

Relationship to Permit Holder: -

3. Source: Sand Creek tributary to -

B. OVERLAP REVIEW

1. Other water rights with the same place of use: NONE

2. Other water rights with the same point of diversion: NONE

C. DIVERSION AND DELIVERY SYSTEM

1. Point(s) of Diversion:

Ident No.	Gov't Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Method of Determination/Remarks
		NE	NW	NW	20	1N	38E	Bonneville	County Assessor Plots: On site

2. Place(s) of Use:

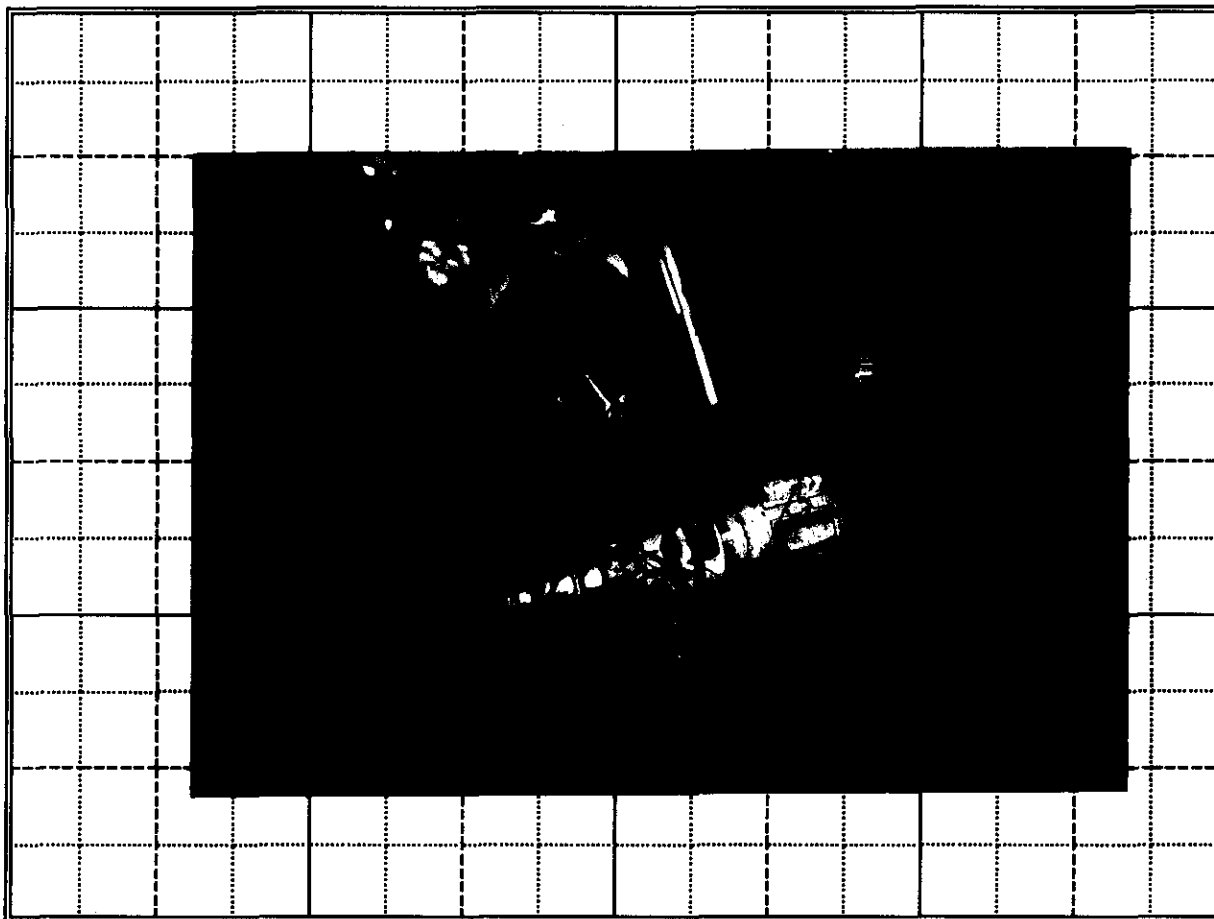
Indicate Method of Determination ON SITE: County Assessor

TWP	RGE	SEC	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
1N	38E	20					2											2	

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3. **Delivery System Diagram:** Indicate all major components and distances between components. Indicate weir size/ditch size/pipe I.D. as applicable.



Scale: 1" = _____

POINT OF DIVERSION

☒ Copy of USGS Quadrangle Attached Showing location(s) of point(s) of diversion and place(s) of use (required).

☐ Aerial Photo Attached (required for Irrigation of 10+ acres)

☐ Photo of Diversion and System Attached

4.

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
	Century	3	Cat. No. 8781	Berkley	8148689 2" discharge

*Code to correspond with No. on map and aerial photo

D. FLOW MEASUREMENTS

1.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date
Pressure Gage & Pitot tube		Ashcroft	1008	—	0-60	—

2. Measurements: 12 5/32" @ 20 psi

WATER DIVISION

E. NARRATIVE/REMARKS/COMMENTS

Suction hose in Sand Creek to pump to 2" PVC Pipe with 12- $\frac{5}{32}$ "
sprinklers.

Bonneville County Assessor Lists Place of Use as 2.42ac Less house
driveway & Shop would leave 2.0ac

Have conditions of permit approval been met? ☒ yes ☐ no

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1998 10 1 1000

F. FLOW CALCULATIONS

____ Additional Computation Sheets Attached

Measured Method:

$$5/32" \text{ sprinklers @ } 20 \text{ psi} = 3.26 \text{ gpm} \times 12 = 39.12 \text{ gpm} = 0.09 \text{ cfs}$$

$$Q_{\text{LIMITED TO } 0.03 \text{ cfs/ac}} = 0.06 \text{ cfs}$$

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$$V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = 2 \times 4 = 8 \text{ afa}$$

$$V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 = 0.06(214)1.9835 = 25.5$$

$$V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} = 8.0 \text{ afa}$$

2. Volume Calculations for Other Uses:

H. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (afa)
	From	To		
<u>IRRIGATION</u>	<u>4/1</u>	<u>11/1</u>	<u>0.06 cfs</u>	<u>8.0 afa</u>
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
Totals:			<u>0.06 cfs</u>	<u>8.0 afa</u>

2. Recommended Amendments

____ Change P.D. as reflected above

____ Add P.D. as reflected above

☒ None

____ Change P.U. as reflected above

____ Add P.U. as reflected above

____ Other

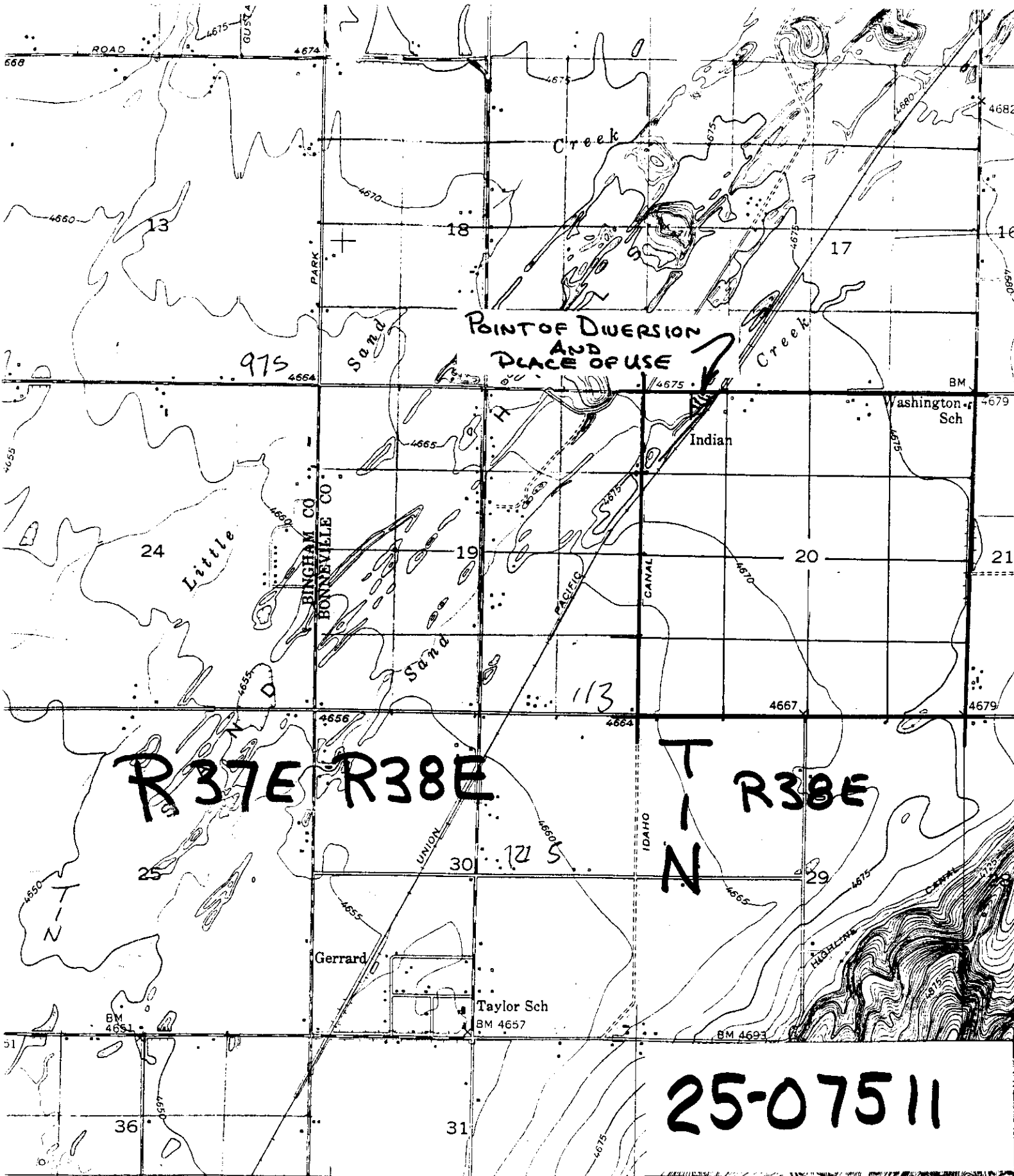
I. AUTHENTICATIONField Examiner's Name KEITH C WILSON Date 6-19-1998

Reviewer _____ Date _____

SEAL

MICROFILM

7-12-1998



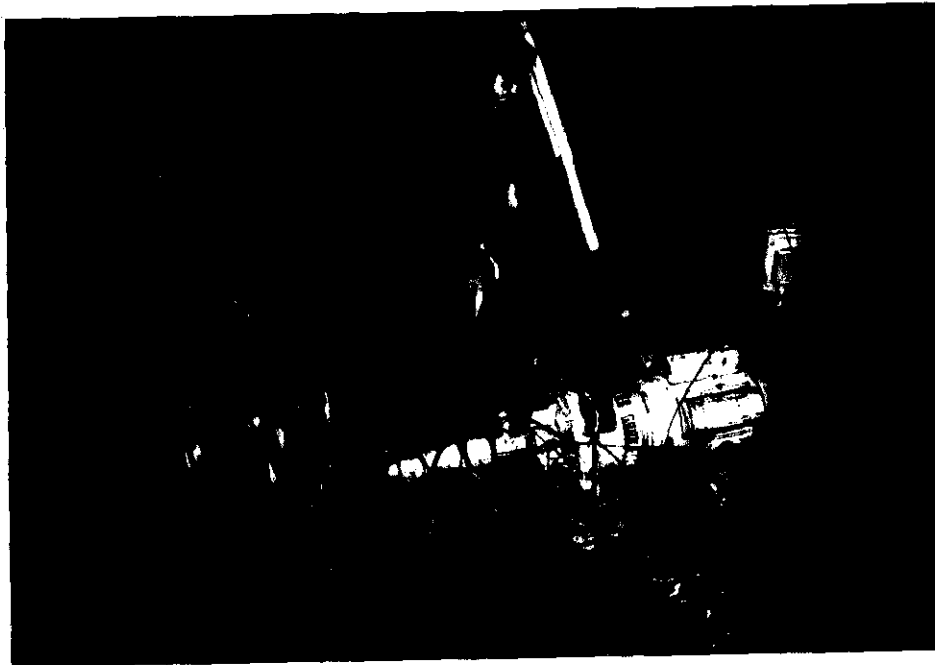


SAND CREEK (VIEW from NE CORNER OF Property)

25-07511

NOV 11 1971
U.S. GEOLOGICAL SURVEY
WATER RESOURCES DIVISION
ALBUQUERQUE, NEW MEXICO

POINT OF DIVERSION



↑ suction hose from Sand Creek

POINT OF DIVERSION FROM SAND CREEK IS
LOCATED ON SE EDGE OF PROPERTY

25-07511

REC-111
11/1/77
11/1/77

Shop

Home



PLACE OR USE (VIEW from NE corner of property)

25-07511

September 7, 1990

DANNY KELSEY
SHERRY KELSEY
648 E. 97 S.
IDAHO FALLS, ID 83404

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 25-07511

Dear Permit Holder:

The department acknowledges receipt of the proof of beneficial use form submitted for the above referenced permit. The next step in the process of developing a water right is for the department to conduct a field examination to determine and confirm the use being made of the water.

I note that the permit issued to you by the department requires the installation of a lockable device to allow the department to determine the rate of diversion. The proof which you submitted does not show that you have installed this equipment.

/ The installation of the lockable device must be complete by the time the department representative conducts the examination of your system unless the department has rescinded the requirement prior to the field examination. In some cases, the equipment requirement can be rescinded because the equipment cannot be physically installed, is not appropriate or can be accommodated with other measuring methods.

If you have questions concerning this matter, please feel free to contact the EASTERN Regional Office in Idaho Falls at (208)525-7161.

Sincerely,

Rita Fleck
Secretary/Records Manager

c: IDWR - Region

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SEP 11 1990

1/88

PROOF OF BENEFICIAL USE

ANALYSIS SHEET

Permit No. _____

Date: _____

General Considerations:

____ Name same as permit
____ Signature the same as permit holder
____ Address change _____ If yes, prepare a data entry
____ Proof received timely
____ Reinstated

Source of Water:

____ Surface water
____ Groundwater
____ 1. well log in file
____ 2. drilling permit
____ A. amount of drilling fee paid for proposed uses

Extent of Use and Rate of Diversion:

____ Rate of diversion appropriate for uses
____ Is rate or volume and fee appropriate?
____ Has permit holder indicated when water was first put to a beneficial use?

Measuring Device:

____ Is a measuring device or access port required?
____ Has one been installed?
____ Waiver or modification of measuring device requested

Remarks:

Priority Calculation:

Date proof received	_____	_____
Date proof due	_____	-
No. of days late	_____	=
Priority date	_____	+
NEW PRIORITY DATE	_____	=

SEND FILES TO DATA ENTRY AND THEN TO MICROFILM

S T A T E O F 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

Statehouse
Boise, Idaho 83720
(208) 327-7900
June 7, 1990

DANNY KELSEY
SHERRY KELSEY
648 E. 97 S.
IDAHO FALLS, ID 83404

P E R M I T A P P R O V A L N O T I C E

RE: PERMIT NO. P25-07511

Dear Permit Holder:

Enclosed is a copy of your approved application for permit. We direct your attention to the conditions of approval on the final page.

Be sure to note the special condition requiring you to install a lockable device that will provide the watermaster control on your diversion.

We have enclosed a form entitled "Instructions for Proof of Beneficial Use". Please read the instructions carefully since you must take further action to develop this permit. Also enclosed for your convenience is a form entitled "Proof of Beneficial Use" that must be submitted to the Department when your project is completed. If development is complete, you may submit proof of beneficial use immediately.

Sincerely,

GARY SPACKMAN, Supervisor
Water Right Permits Section

GS: SC
Enclosures

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JUN 18 1990

Dist. for staffing 6-29-89 ACB

Submitted for advertising 8-11-89 HWT

Form No. 202a
4/87

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT ANALYSIS SHEET

NON-TRUST
HOLD

INITIAL REVIEW BY Danny Dunn DATE 2 August APPLICATION NUMBER 25 7511

Danny or Sherry Kelsey

REQUIRED INFORMATION

- ☒ Name (If applicant is a corporation or partnership, names must be provided for the director, officers, & other partners.)
- ☒ Address
- ☒ Source (See USGS Quad for names of water sources)
- ☒ Point of Diversion (10 acres for spring, lot & block descriptions for subdivisions, local name, flow and/or volume)
- ☒ County
- ☒ Quantity (flow and/or volume)
- ☒ Period of Use
- ☒ Nature of proposed use (Include description of use.)
- ☒ Description of diverting works
- ☒ Time required for beneficial use of water
- ☒ Place of use or acres irrigated
- ☒ Map
- ☒ Signature (If applicant is corp. partnership, or municipality, title of signator is required)
- ☒ Fee
- ☒ Yes ☐ No* In form to receipt

ADDITIONAL INFORMATION

- ☐ Overlapping place of use (Describe source & relationship to present application on the back.)
- ☐ Overlapping point of diversion
- ☐ Yes ☒ No Field check required
- ☐ Yes ☒ No Field check by _____
- ☐ Yes ☒ No Field report attached
- ☐ Yes ☒ No Critical groundwater area
- ☐ Yes ☒ No Groundwater management area
- ☐ Yes ☒ No Send dam safety information
- ☐ Yes ☒ No Send power requirement letter
- ☐ Yes ☒ No Send fish farm requirement letter
- ☐ Yes ☒ No Power residency affidavit
- ☐ Yes ☒ No Power efficiency form
- ☐ Yes ☒ No Within trustwater boundary (If yes, attach trust water supplementary analysis sheet.)
- ☐ Yes ☒ No Diversion greater than 5 cfs or 500 acre ft. (If yes, attach large diversion supplementary analysis sheet.)
- ☐ See reverse side for additional information

*REQUEST THE FOLLOWING ADDITIONAL INFORMATION FROM THE APPLICANT

Date Requested

Department of Water Resources

PROCESSING ☒ Yes ☒ No In form for advertising
☒ Yes ☒ No Statewide advertising
☒ Yes ☒ No Fee amount, receipt date & No. recorded on application

SEND COPIES TO ☐ Idaho Dept. of Health & Welfare ☐ U.S. BLM
☒ Idaho Dept. of Fish & Game ³⁻¹³⁻⁹⁰ ☐ U.S. Forest Service
☐ Idaho Dept. of Lands ☒ Water District 01
☐ Adjudication Bureau Unit ☐ Other _____

FINAL REGIONAL PROCESSING REVIEW

☒ Yes ☐ No Affidavit of publication received
☒ Yes ☐ No Application published correctly. If not, record action taken.

☒ Yes ☐ No Publication dates & paper, recorded on application
☐ Yes ☒ No Protests received
Final date for protest 4-23-90
☐ Yes ☐ No Protests, dates, resolution of protest, recorded on application
☐ Yes ☒ No Recommendations attached
☒ Yes ☐ No Measuring device required
☐ Yes ☒ No Access port required
☒ Yes ☐ No Will water be delivered by watermaster? If yes, what Dist. 01
☒ Yes ☐ No Special conditions of approval or cover letter below. _____

See below for additional information
Date of priority recommended 6-26-89
By HWS Date 5-15-90

STATE OFFICE REVIEW POI, P16 48 49 05(01) 01H
By tw See below for additional information
Date 5-25-90

ADDITIONAL INFORMATION

Condition - <01H> LOS7 wD 01 Snake River
App. in NON-TRUST area-

WATERMASTER COMMENTS

I have reviewed Application for Permit No. 25-7511 and have the following comments/objections to the approval of this application for permit:

The flows in Sand Creek are largely the result of water wasted from Progressive and T. data irrigation districts. While theoretically there may be impacts on downstream water rights they could not be measured. Historically Sand Creek users have not been regulated by the water masters. Perhaps they should be

4/26/90 R. Carlson
Date RONALD D. CARLSON, WATERMASTER
Water District No. 01

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JUN 18 1990



IDAHO FISH & GAME

REGION 6
1515 Lincoln Road
Idaho Falls, ID 83401
(208) 522-7783

RECEIVED

APR 11 1990

Department of Water Resources
Eastern District Office

April 10, 1990

Mr. Harold Jones
Water Rights Specialist
Idaho Department of Water Resources
150 Shoup Avenue, Suite 15
Idaho Falls, ID 83402

Re: Water Right Application 25-^{7511 Kelsey}~~7512 - Arvin Rhoades~~

Dear Skip:

Idaho Department of Fish and Game has reviewed the referenced application by ~~Mr. Rhoades~~. We have no objection to granting this right. Sand Creek is annually dewatered and represents limited fish and wildlife values.

Thank you for the opportunity to review and comment.

Sincerely,

Herbert A. Pollard II
Regional Supervisor
Region 6

HAP:SE:ab

cc: U.S. Fish and Wildlife Service (Lobdell)
Bureau of Program Coordination
Bureau of Fisheries

Cecil D. Andrus / Governor
Jerry M. Conley / Director



Working for wildlife since 1938

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JUN 18 1990

13-Mar-1990

Danny or Sherry Kelsey
648 E. 97 S.
Idaho Falls, ID 83404

RE: Application for Permit No. 25-7511

Dear Water Right Applicant:

The Department of Water Resources acknowledges receipt of your water right permit. This office is currently in the process of advertising the application in the Post-Register on April 5 & 12, 1990. The advertisement will be published for two consecutive weeks, and a period of ten days following the second publication will be allowed for the submittal of protests.

If the application is protested, you will be sent a copy of the protest. The protest must be resolved before the application is approved or denied. If the protest is not resolved voluntarily, this Department will conduct a conference and/or hearing on the matter.

If the application is not protested, it will be forwarded to our state office in about five weeks. State office personnel will conduct a complete review prior to final processing of the application and will notify you of the outcome of this review. When a permit is issued, you will be sent a copy. A typical processing time for an unprotested application is about eight weeks.

Please feel free to contact this office if you have any questions regarding this procedure.

Sincerely,

HAROLD W. JONES
Water Rights Supervisor

HWJ/rb

MICROFILMED

JUN 18 1990

12-Mar-1990

Department of Fish & Game
1515 Lincoln Rd.
Idaho Falls, ID 83401

RE: Applications for Permit 29-7867, 25-7512, 25-7511, 23-7140,
23-7139, 23-7135, 22-7658, & 22-7660

Dear Sir:

We are enclosing a copy of the applications that may be of interest to your department. Please review the applications and submit any comments you may have to our Department as soon as possible. The last date of protest is April 23, 1990, and we are required to take final action shortly thereafter.

If we may be of further assistance, please feel free to contact us.

Respectfully submitted,

HAROLD W. JONES
Water Rights Supervisor

HWJ/rb
enc.

MICROFILMED

JUN 18 1990

25-07511

KELSEY, DANNY
KELSEY, SHERRY
648 E. 97 S.
IDAHO FALLS, ID 83404

Source: SAND CREEK

Tributary: WILLOW CREEK

Diversion Pt: NENWNW Sec 20 T 01N R 38E

Use: IRRIGATION (.060 CFS)
Total Diversion: (.060 CFS)

Date Filed: 6/26/1989

In: T01N R38E S20 NWNW

2.0 ACRES TOTAL

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JUN 18 1990