

Water Right Report 17-7162

WATER RIGHT NUMBER: 17-7162

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	ROBERT L SLY
	, ID
Current Owner	LA MAR KELLY PO BOX 39B STAR ROUTE HEBER CITY, UT 84032

Priority Date: 01/31/1973

Basis:	License
--------	---------

Status: Active

Source

Tributary

GROUND WATER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	04/15 to 11/01	2.340 CFS	532.00 AF
	Total Diversion:	2.340 CFS	532.00 AF

Location of Point(s) of Diversion

GROUND WATER ONEIDA County	NE1/4NE1/4	Sec. 23, Twp 16S, Rge 32E, B.M.
GROUND WATER ONEIDA County	NW1/4NE1/4	Sec. 23, Twp 16S, Rge 32E, B.M.
GROUND WATER ONEIDA County	SE1/4SW1/4	Sec. 13, Twp 16S, Rge 32E, B.M.

Place of Use

IRRIGATION:

Twp	Rge	Sec	NE				NW				SW				SE				
			<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>Totals</u>
16S	32E	24			36.0	40.0									40.0	36.0			152.0

Total Acres: 152

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 17-7162

Conditions of Approval:

1. THIS RT. WHEN COMBINED WITH RTS 17-7062 & 17-7163 SHALL NOT EXCEED 7.34 CFS.
2. R30 This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 3.5 afa per acre for irrigation of the lands above.

Remarks:Comments:

1. kwalker 11/13/2003 Split of Right

Comment: Rights 17-7162 and 17-7163 are the results of a split of Right 17-7018 by warranty deed dated 4/23/1984 but split of water right had not occurred. Upon request of purchaser of remaining Kelly rights I reviewed files and am now correcting our record to show that a portion of this right had been retained by Kelly even though IDWR changed the record to show right was owned by Flynn who purchased from Rockhill who purchased from Kelly. Also see copy of Memorandum of Understanding between Kelly and Rockhill in file which specifies amount of water to be in Rockhills name. See documentation in file 17-7018.

Dates and Other Information:

Licensed Date:
Decreed Date:
Water Supply Bank Enrollment Accepted:
Water Supply Bank Enrollment Removed:
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
State or Federal:
Owner Name Connector:
Water District Number:
Generic Max Rate Per Acre: 0.02
Generic Max Volume Per Acre: 3.5
Decree Defendant:
Decree Plaintiff:
Civil Case Number:
Judicial District:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

Combined Use Limits:

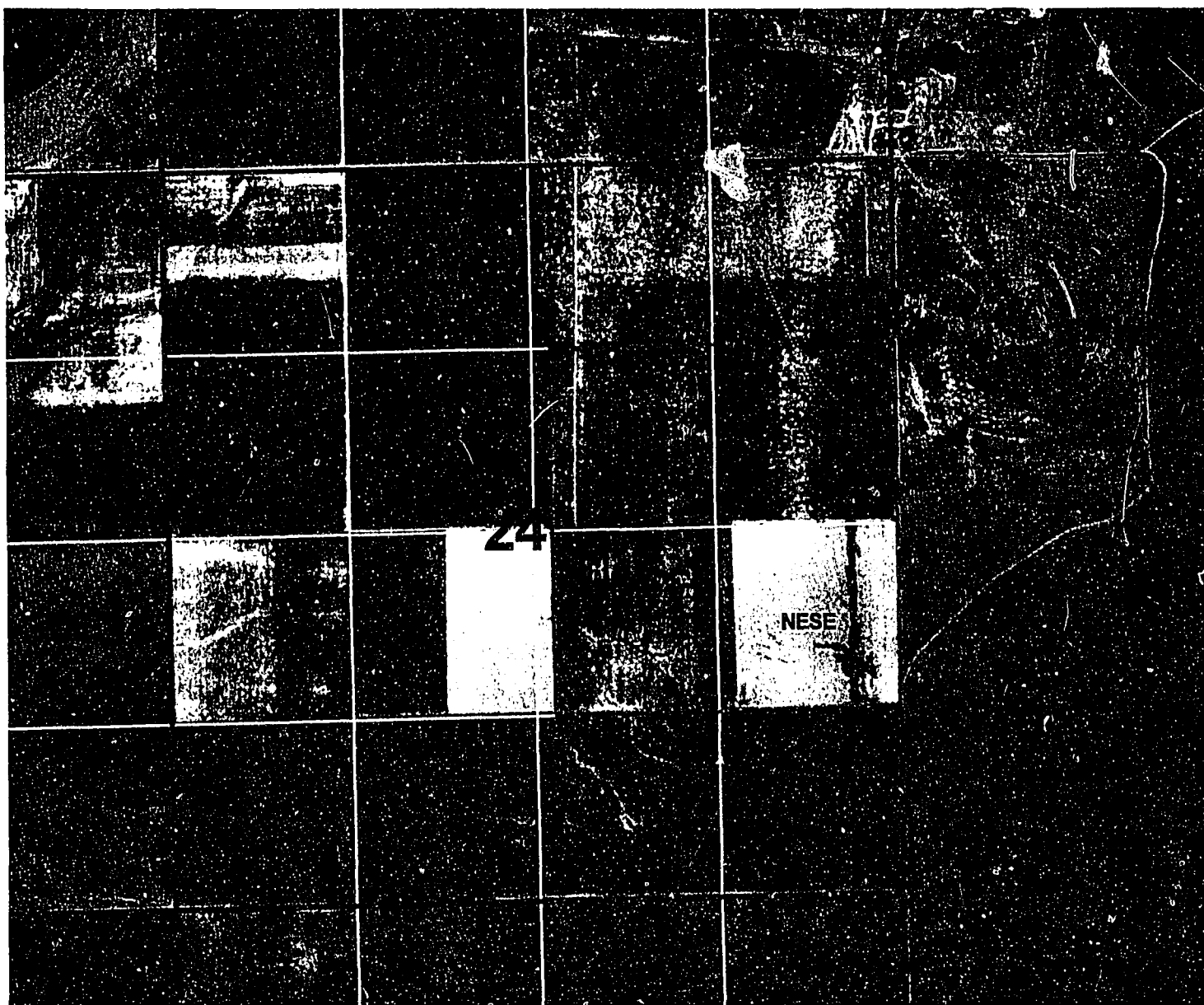
Comment Report

17-7162

1. kwalker 11/13/2003 Split of Right

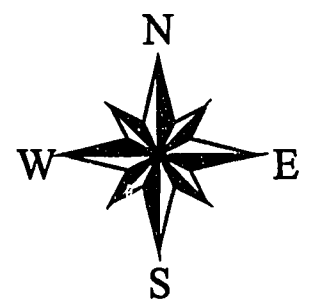
Comment: Rights 17-7162 and 17-7163 are the results of a split of Right 17-7018 by warranty deed dated 4/23/1984 but split of water right had not occurred. Upon request of purchaser of remaining Kelly rights I reviewed files and am now correcting our record to show that a portion of this right had been retained by Kelly even though IDWR changed the record to show right was owned by Flynn who purchased from Rockhill who purchased from Kelly. Also see copy of Memorandum of Understanding between Kelly and Rockhill in file which specifies amount of water to be in Rockhills name. See documentation in file 17-7018.

17-7162



0.5 0 0.5 Miles

☐ Kelly 17-7162.shp
☐ S16sr32e.shp
☐ T16s32e.shp





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

November 14, 2003

TIM KELLER
21044 W 10500 S
STONE ID 83252

RE: Water Rights 17-7018 (new numbers 17-7162 and 17-7163),
17-7062 and 17-4035

Dear Mr. Keller:

I have reviewed and revised the ownership of the above water rights per your request and based the following upon warranty deeds found in our files.

Please note that Rt. 17-7018 has been split between the Kelly property and the Flynn property. Due to the splitting of that right, two new numbers have been assigned to each portion. I have enclosed water right reports showing Rt. 17-7162 for the Kelly portion and Rt. 17-7163 for the Flynn portion.

Right 17-7062 is for lands entirely on the Flynn property description so there were no changes made to that water right.

I did not make any changes to the points of diversion described on these licenses. In order to make changes to the authorized points of diversion we would require a transfer of the water rights be submitted.

Right 17-4035 had previously been changed to the Flynn name. The warranty deed for the Flynn property did not include lands covered under this claim so I changed the entire right back to the Kelly ownership. Since that claim did not include a stockwater use I was not able to split it to show that the Flynn's had received a right for their stockwater. I did, however, put a comment in our database that describes the agreement for perpetual delivery of stockwater to the boundary of their property. If you wish to have the stockwater use from the spring recorded with us you may want to amend the claim once you have obtained ownership.

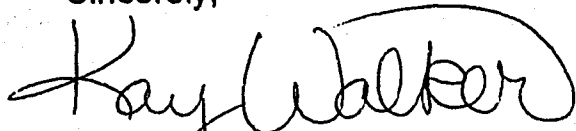
I have enclosed water right reports of each of the rights as they are recorded in our records at this time. I have also attached a map showing where each of the water rights is located, pursuant to your request. Please review all of the rights and let me know if I have not correctly identified the ownership of the lands. I based all of these changes on the warranty deeds submitted by Rockhills in 1984 and then Flynn's in 1999. I have also

filed the Memorandum of Understanding that you submitted between the Kellys and Rockhills, in our records so it could be referred to in the future.

If the water right reports correctly identify the rights as they should be recorded, please submit the Notice of Change of Water Right Ownership form (previously sent to you), along with the required documents, and we will be able to change the ownership of the Kelly rights to your name once you have purchased the property. If you need additional forms let me know.

I am sorry for the delay in completing this review for you. If you have any questions or concerns regarding what I have done, please do not hesitate to contact me at (208)327-7944.

Sincerely,



KAY WALKER
Sr. Water Resource Agent

KW:k
Enclosures