

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE BEAR RIVER BASIN WATER SYSTEM
RECEIVED

CIVIL CASE NUMBER: 79576

Claim ID: 11-78146

Date Received: 12/21/23

Receipt No: 2000699

Claim Fee: 59.00 By: MB

DEC 07 2023

IDWR/Preston

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

Please type or print clearly

Daniel Frederick Kelsey, Trustee of

1. Name of claimant(s) The DF Kelsey Family Trust Phone (512) 970-1700

Mailing address 645 N Main St. Paris ID 83261

Street or Box City State

Email address (optional) dan.lazykfarms@gmail.com

2. Date of priority: (Only one per claim) 2/13/1991 (Explain priority date selected in Remarks)
Month/Day/Year (YYYY)

3. Source of water supply (Check one) Ground Water (✓) or Other () (a) _____

which is tributary to (b) _____

4. a. Location of point of diversion is: Township 13S, Range 43E, Section 33,

NE 1/4 of SE 1/4, Govt. Lot _____, BM, County of Bear Lake

Parcel no. RP13S43E337200

Additional points of diversion, if any: _____

If available, GPS Coordinates _____

b. If instream flow, beginning point of claimed instream flow is:

Township _____, Range _____, Section _____, _____ 1/4 of _____ 1/4,

Govt. Lot _____, BM, County of _____

Ending point is: Township _____, Range _____, Section _____, _____ 1/4 of _____ 1/4,

Govt. Lot _____, BM, County of _____

5. Description of existing diversion works (dams, reservoirs, ditches, wells, pumps, pipelines, headgates, etc.), including the dates of any changes or enlargements in use, the dimensions of the diversion works as constructed and as enlarged and the depth of each well.

16 inch well drilled in 1994 for Larry Kelsey. Booster with 4 in. discharge centrifugal pump and an electrical 30 hp Baldor Motor to wheel line and hand lines.

6. Water is claimed for the following purposes:

(dates are inclusive MM-DD) (cfs) (acre-feet)

For Irrigation purposes from 3/15 to 11/15 amount 0.17 or 29.8

For Stockwater purposes from 1/01 to 12/31 amount 0.01 or 0.3

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 0.18 (cfs) and/or (b) 30.1 (acre-feet)

8. Non-irrigation uses; describe fully (e.g., Domestic: Give number of households served; Stockwater: Type and number of livestock, etc.) Stockwater - up to 100 cattle

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 use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RGE	SEC	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
13S	43E	33			8.5														8.5
					S														

Parcel no(s) RP13S43E331200 Total number of acres irrigated 8.5

10. In which county(ies) are lands listed above as place of use located? Bear Lake

11. Do you own the property listed above as place of use? Yes (✓) No ()

If your answer is No, describe in Remarks below the authority you have to claim this water right.

12. Describe any other water rights used at the same place and for the same purposes as described above.

_____ or None (✓)

13. Remarks (Include an explanation of the priority date selected):

Priority date is per license. This right is a split of 11-7391. Prior to the split, a beneficial use field exam was performed in 2008 to document development. After licensing, the land and water rights were divided amongst the family and some of the original water right was sold off. Current ownership is up-to-date per ownership changes submitted and approved in 2020. See Attachment 1 for Split History.

Right has been in the Water Supply Bank and current lease agreement expires 12/31/2024. No active irrigation is occurring but the right has been protected from forfeiture per Idaho Code 42-223(5).

Place of use and point of diversion are per IDWR record and appear to be accurate.

Overlapping water right 11-7869 is a portion of the parent that was sold and is currently used as Mitigation by Non-use. It is no longer owned by the claimant.

The remaining portion of 11-7391 is diverted through the same point of diversion, but is not used on the same lands.

Name of claimant(s) Daniel Frederick Kelsey, Trustee

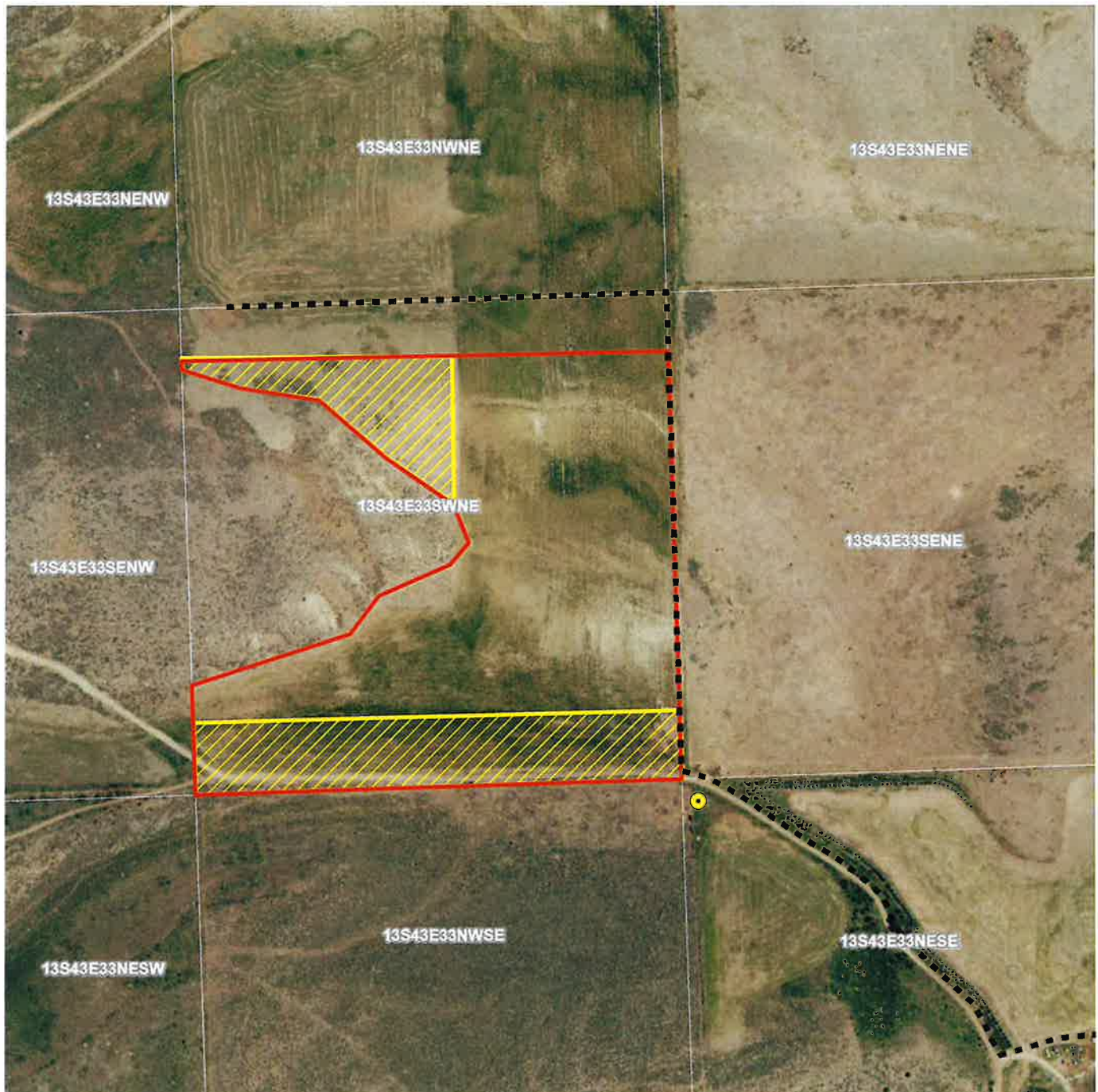
Claim ID _____

Claim Map

Based on **WR Number: 11-7866**

Claimant: Daniel Frederick Kelsey, Trustee

Claim No: _____



- POD
- Mainline
- POU Stockwater
- POU Irrigation
- Twp & Rng
- Sections
- QQ



14. Basis of claim (Check one) Beneficial Use () Posted Notice () License (☒) Permit () Decree ()

Court _____ Decree Date _____ Plaintiff v. Defendant _____

If applicable provide IDWR Water Right Number 11-7866 (split of 11-7391)

15. **Signature(s)**

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notices in the Bear River Basin Water System Adjudication."

(b.) I/We do () do not (☒) wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Individuals: I/We do solemnly swear or affirm under penalty of perjury that the statements contained in the foregoing document are true and correct.

Signature of Claimant (s) _____ Date: _____

_____ Date: _____

For Organizations: I do solemnly swear or affirm under penalty of perjury that I am, and that I have signed the foregoing document in the space below as the

Trustee _____ of The DF Kelsey Family Trust
Agent's title (Please print) Name of organization (Please print)

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

Signature of Authorized Agent [Signature] Date 12/4/2023

Printed Name of Authorized Agent Daniel Frederick Kelsey

16. **Notice of Appearance:**

Notice is hereby given that I, (please print) _____, will be acting as attorney at law on behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature _____ Date _____

Address _____

Name of claimant(s) Daniel Frederick Kelsey, Trustee Claim ID _____

Attachment 1

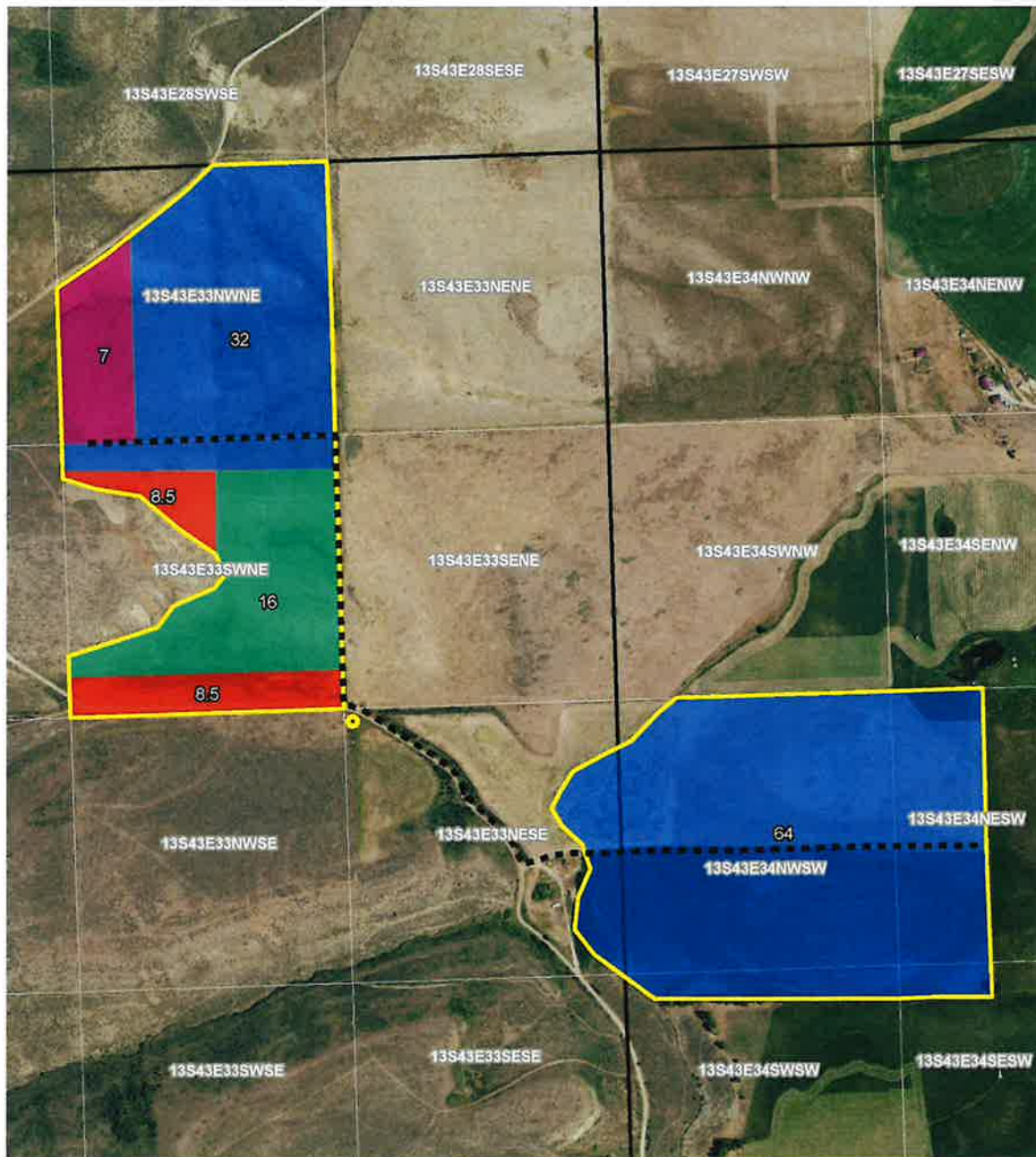
Split History and Timeline of 11-7391

2/13/1991	Application for Permit
9/2/2008	Beneficial Use Field Exam Performed
5/7/2009	License Approval
1/1/2020	WSB Lease Contract 1238 for 11-7866 (8.5 acres) begins; term ends 12/31/2024
1/1/2020	WSB Lease Contract 1237 for 11-7391 (31.5 acres) begins; term ends 12/31/2024
3/10/2020	A 7-acre portion of 11-7391 is conveyed to Bear Lake Sands LLC. New Water Right # 11-7857.
9/10/2020	Ownership Splits of 11-7391 divided the remaining water right into 11-7391 for 95.5 acres and 11-7866 for 24.5 acres. New owners identified as Lazy K Hat Ranch, LLC and The DF Kelsey Family Trust. Underlying land owners do not always correlate to water right ownership. Quitclaim deeds were provided to IDWR to update ownership records accurately.
MM/DD/2020	A 16-acre portion of 11-7866 is conveyed to new Bear Lake Beach, LLC, et al. New Water Right #11-7869. Date should be available in water right backfiles.

Water Right Pedigree For 11-7391

Water Right Number	Status	Reason for Split
11-7391 (parent)		Transfer
-->11-7857	Active	Transfer
-->11-7866	Active	Ownership Change
-->11-7869	Active	Ownership Change

Splits of 11-7391



710 355 0 710 Feet



Date Created: 11/30/2023

--- Mainline

● POD

□ Licensed POU 11-7391

■ Split, Sold & Transferred - 11-7857

■ Split & Sold - 11-7869

Base Map: USDA NAIP 2021

■ Split - 11-7866

■ Remaining 11-7391

□ Twp & Rng

□ Sections

□ QQ



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Rocky Mountain
ENVIRONMENTALSM
ASSOCIATES, INC.

IDWR/Preston

December 7, 2023

RMEA 23-0201

Idaho Department of Water Resources
Preston Field Office
325 East 600 South, Ste 300
Preston, Idaho 83263-4921

Re: Bear River Basin Adjudication Claims – Lazy K Hat Ranch LLC and The DF Kelsey Family Trust

Dear Ms. Marion Beck,

This letter accompanies a check for four Adjudication claims for the Lazy K Hat Ranch LLC and The DF Kelsey Family Trust, which were transmitted electronically. Also attached are worksheets summarizing the fee calculations for a total fee of \$179 for Lazy K Hat and \$59 for The DF Kelsey Family Trust.

In addition to responses to be provided to the claimant, please copy Rocky Mountain Environmental Associates, Inc. (RMEA) at kristin.rmea@gmail.com with a copy of the receipt and copies of the first pages of each claim, showing the numbers assigned by IDWR.

The claims filed are listed in the attached fee summary tables.

Please contact our office with any questions regarding these applications.

Thank you,

A handwritten signature in black ink that reads "Kristin Moore".

Kristin Moore
Senior Water Rights Analyst

Enclosures: Check
Fee Summary Tables

Claimant:
Claim ID:

DF Kelsey Family Trust
11-7866

Instructions for Form No. 42-1400-1

Revised January 30, 2023

FILING FEES

Each claim submitted must include the filing fee. The filing fee for domestic and/or stockwater use claims diverting less than 13,000 gallons of water per day is \$25.00. However, if you are filing more than four (4) claims in which the only purpose of use listed is stockwater, only the first four (4) claims require the \$25.00 filing fee. All additional stockwater claims are fee exempt once the \$100.00 in filing fees has been paid for the first four (4) stockwater only claims filed after July 1, 2017.

The flat fee for filing all other claims filed is \$50.00 per claim. An additional variable filing fee based upon acreage, power generating nameplate capacity, cubic feet per second (cfs) amount, or an equivalent volume of storage water is required for claims for water uses other than domestic and/or stockwater uses diverting less than 13,000 gallons of water per day. Use Table 3 to calculate the variable fee. Add the calculated variable fee to the \$50.00 flat fee to determine the total fee for the claim. The exceptions are fire protection or ground water recharge which have a \$50.00 flat fee, and no variable fee.

Examples for a single claim to a water right with single source and same priority date:

Single family domestic, and stockwater use, less than 13,000 gallons per day in total \$25.00
100 acres irrigation, domestic and stockwater as above \$150.00
Fish propagation, 4.2 cfs \$92.00
Multiple family domestic, 1.6 cfs, irrigation of yards and gardens, 14 acres \$224.00

TABLE 3. VARIABLE FEE SCHEDULE

	\$1.00 per acre	Each acre is charged only once
Irrigation		
Power generation	\$3.50 per kilowatt of capacity	Manufacturer's nameplate rating, or \$250,000.00, whichever is less
Aquaculture	\$10.00 per cfs	
Domestic, stockwater use in excess of 13,000 gallons per day	\$100.00 per cfs	
Municipal, industrial, commercial, mining, heating, cooling	\$100.00 per cfs	
Public instream flow, public lake level maintenance, wildlife	\$100.00 per cfs	

Exceptions: NO variable fee is charged for fire protection or ground water recharge.

Rate/Unit Unit # Units \$ Amount

De Minimis	\$25 Claim			
De Minimis Stock (> 4th claim)	\$0 Claim			
Non-De Minimis	\$50 Claim	1		\$50.00
Irrigation	\$1 Acre	9		\$9.00
Power Generation	\$3.50 KW of Capacity			
Aquaculture	\$10 cfs			
Dom. & Stock (>13k gpd), Municipal, industrial, commercial, mining, heating, cooling	\$100 cfs			
Public instream flow, public lake level maintenance, wildlife	\$100 cfs			
Fire protection	\$0 cfs			
Groundwater recharge	\$0 cfs or afa			
Total				\$59.00

Duplicate this worksheet once for each claim.

Note:

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