

07/27/2006

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 75-4373
NAME AND ADDRESS: SUE ANN KEATING
40 GIBBONSVILLE RD
GIBBONSVILLE ID 83463

EARL R KEATING JR
40 GIBBONSVILLE RD
GIBBONSVILLE ID 83463

SOURCE: NORTH FORK SALMON RIVER TRIBUTARY: SALMON RIVER

QUANTITY: 0.280 CFS

PRIORITY DATE: 04/12/1921

POINT OF DIVERSION:

T26N R21E S26 SESE Within LEMHI County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 11/01	0.280 CFS

PLACE OF USE: IRRIGATION Within LEMHI County

T26N R21E S36	NENW	6.00	T26N R21E S36	NWNW	1.00
T26N R21E S36	SWNW	1.00	T26N R21E S36	SENW	6.00

14 ACRES TOTAL

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use



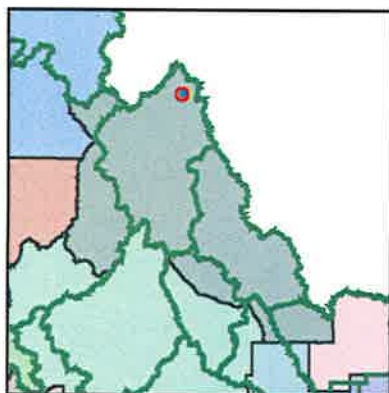
Idaho Department of Water Resources

Adjudication Claim:

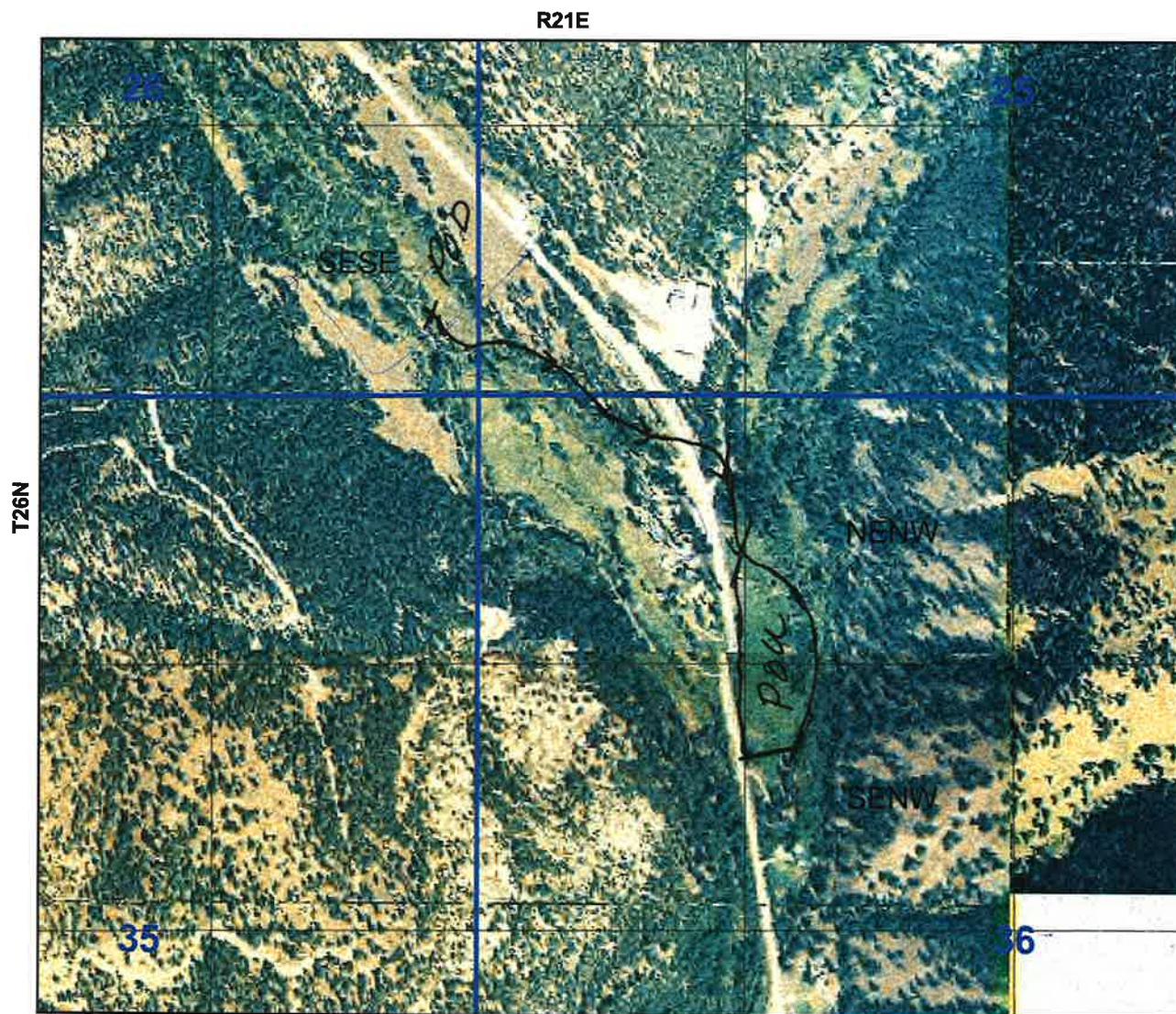
75-4373

Legend

-  Townships
-  PLS Sections
-  Quarter Quarters



Lemhi County
IDWR Basin 75

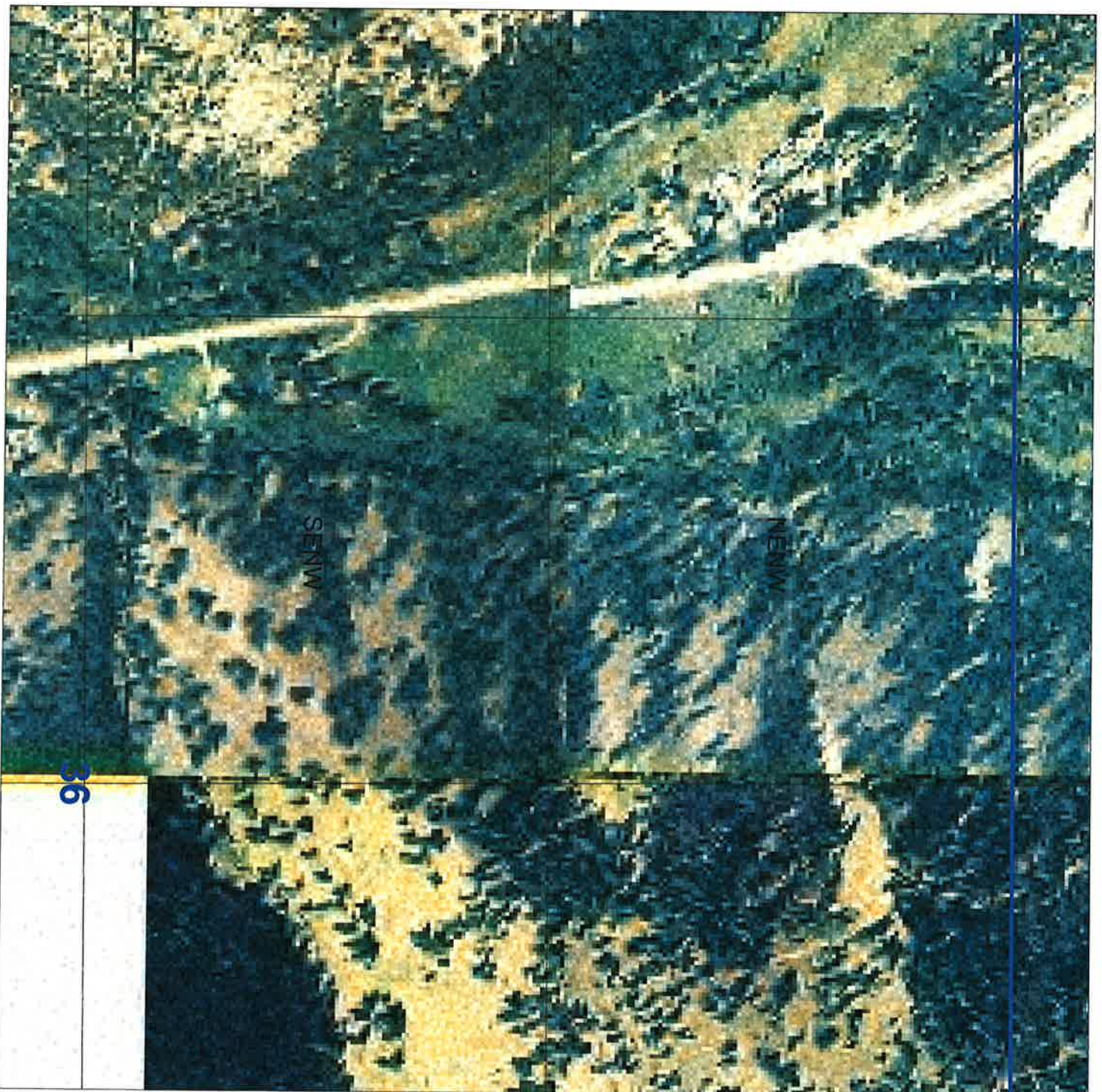


Prepared by R. Brown
On Sunday, March 5, 2006
1987/88 Aerial Photography

Owner: EARL R KEATING JR

NOTE: Only one owner is listed. There may or may not be more than this in the IDWR database.

75-4373



11/20/2006

**NOTICE OF ERROR
REPLY**

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: 12/13/2006

Water right number: 75-4373

SUE ANN KEATING
40 GIBBONSVILLE RD
GIBBONSVILLE ID 83463
Telephone Number: (208)865-2252

EARL R KEATING JR
40 GIBBONSVILLE RD
GIBBONSVILLE ID 83463
Telephone Number: (208)865-2252

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):

None.

2. Describe the changes you wish to make in the proposed recommendation:

None

3. Give a brief explanation as to why you disagree with these portions:

None

☒ I AGREE with this proposed recommendation; no changes need to be made.

DATE:

12/8/06

SIGNATURE:

Earl R. Keating Jr.
Earl R. Keating Jr.

Please print your name:

Earl R. Keating Jr.

IDWR Regional Office, 7600 Mineral Drive, Suite 100, Coeur D' Alene, ID 83815, 2087622800

RECEIVED
DEC 12 2006

DEPARTMENT OF
WATER RESOURCES

RECEIVED
DEC 15 2006
IDWR/North

DEC 10 2006

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION SECTION
CLAIM VERIFICATION FIELD EXAM SHEET
(Use with the ECVR)

CLAIM NO(s). A75-04373

1. ☒ No Change NAME IS SAME

☐ NEW OWNER:

208-865-2252

☐ No Change ADDRESS

☒ NEW ADDRESS: 40 Gibbonsville Road Gibbonsville, Id
83463

2. ☐ No Change - DATE OF PRIORITY: Completed evidence submitted

☐ Incomplete - Claimant should be asked during the exam when was water first used and submit proof of date of priority.

Priority date, per claimant, is: _____

(If the priority date, based on your exam, seems questionable, explain below.)

3. ☒ No Change — SAME SOURCE

☐ Source is different than that claimed:

Source found: _____

4. ☒ No Change — POINT OF DIVERSION

☐ Point of diversion is different than the claim and/or new P/D's:

GPS Site Tag No.: A0014975 GPS 081

Township _____ Range _____ Section _____ 1/4 _____ 1/4 _____ 1/4 _____

Township _____ Range _____ Section _____ 1/4 _____ 1/4 _____ 1/4 _____

5. ☒ No Change - DESCRIPTION OF DIVERTING WORKS

☐ Incomplete description, list below:

6. ☒ No Change - WATER USES
☐ Different uses, (list uses found):

Use _____	From _____	To _____	Amount _____	CFS _____	AFA _____
Use _____	From _____	To _____	Amount _____	CFS _____	AFA _____
Use _____	From _____	To _____	Amount _____	CFS _____	AFA _____

7. ☐ No Change - TOTAL VOLUME

☐ Incomplete on claim, the total is, Amount _____ CFS _____ AFA

☐ Changes found, the new total is, Amount _____ CFS _____ AFA

8. ☒ No Change - NON-IRRIGATION USES:

☐ Changes Exam found:

Domestic # of homes: _____ Stock # _____ List types: _____

Additional comments: _____

9. ☒ No Change — PLACE OF USE: (If changed, list below.)

Use: _____	Township _____	Range _____	Section _____	1/4 _____	1/4 _____
Use: _____	Township _____	Range _____	Section _____	1/4 _____	1/4 _____
Use: _____	Township _____	Range _____	Section _____	1/4 _____	1/4 _____
Use: _____	Township _____	Range _____	Section _____	1/4 _____	1/4 _____

Remarks: (Comments pertinent to field examination) ☐ See additional attachment

☐ SYSTEM DIAGRAM INCLUDED ☐ NA

☐ Shown on GIS Layout

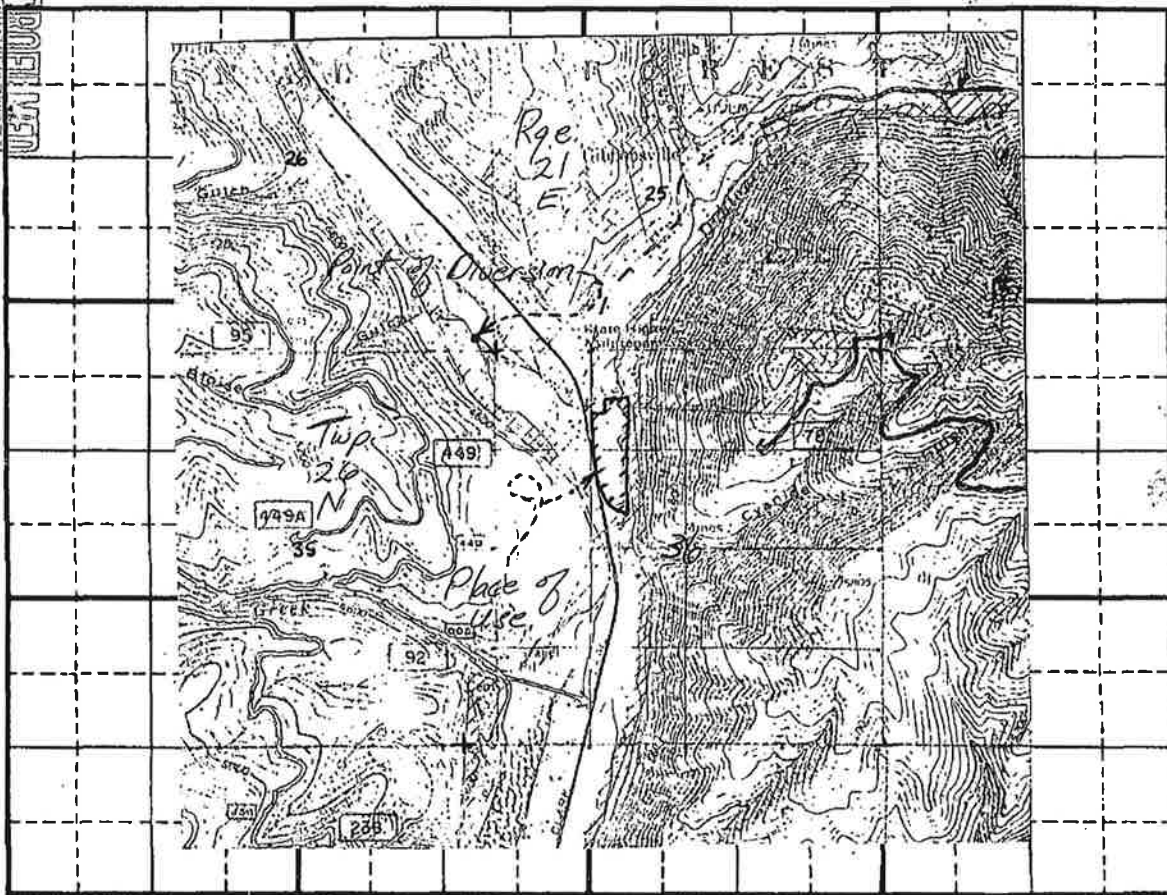
☐ CK IF IN OFFICE EXAM

DATE EXAM CONDUCTED: _____

FIELD EXAMINER: _____

Print Name
Jack F. Ellis
Signature

(8) Remarks Place of use is identified as Homestead Entry
#650, survey accepted April 12, 1921.

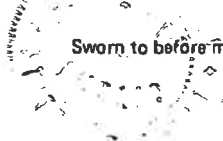


Scale: 2 inches equal 1 mile.

Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

State of Idaho)
County of Bonneville) ss.

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiant's knowledge.



Sworn to before me this 27th day of May, 1983.

Earl R. Kirtling
(Claimant)

Charles Wray
Notary Public
Residing at Johns Falls

My commission expires 6-15-85

FOR DEPARTMENT USE ONLY

Received by EMC Date 5-27-83 Exception filed by: _____ Date _____
Prelim. check by KW Date 5-31-83 Forwarded to claimant by: _____
\$30.00 fee received by KW Date 5-27-83
Published in Recorder Herald # 26339
Dates 6/9 - 6/16/83

RECEIVED

OCT 25 2005

DEPARTMENT OF
WATER RESOURCES

SNAKE RIVER BASIN ADJUDICATION
CHANGE IN ADDRESS OF NOTICE OF CLAIM

Water Right Number(s): 75-04373

Previous Mailing Address: P.O. Box 3

Gibbonsville, Idaho 83463

New Mailing Address: #40 Gibbonsville Rd.

Gibbonsville, Idaho 83463

Telephone Number: (208) 865-2252

Signature of all Claimant(s): *Earl R. Reagin*

Please print your name below your signature.

EARL R. Reagin

Sue Ann H. Reagin

Please mail or FAX this completed form to the office nearest you:

Adjudication Bureau
Idaho Dept. of Water Resources
1910 Northwest Blvd., Ste. 210
Coeur d'Alene, ID 83814-2615
Ph. 208/769-1450 or
FAX 208/769-1454

Adjudication Bureau
Idaho Dept. of Water Resources
2735 Airport Way
Boise, ID 83705-5082
Ph. 208/334-2190 or
FAX 208/334-2348

Adjudication Bureau
Idaho Dept. of Water Resources
1341 Fillmore St., Ste. 200
Twin Falls, ID 83301-3380
Ph. 208/525-7161 or
FAX 208/736-3037

Adjudication Bureau
Idaho Dept. of Water Resources
900 N. Skyline, Ste. A
Idaho Falls, ID 83402-3653
Ph. 208/736-3033 or
FAX 208/525-7177

Adjudication Bureau
Idaho Dept. Of Water Resources
322 E. Front St.
P.O. Box 83720
Boise, Id 83720-0098
Ph 208/287-4800
FAX 208/287-6701

SCANNED

NOV 14 2005

7/26/05



Earl & Sue Keating
40 Gibbonsville Rd.
Gibbonsville, ID 83463

75 4373

Do we need Appointment
with you & what else do
we need -

Property Tax?

Warrant, Deed?

1-208-865-2252

We purchased this land in
1980 & have irrigated &
pastured with Horses & Corn -
every year

Sue Ann Keating

SCANNED

AUG 01 2005

The United States of America,

To all to whom these presents shall come, Greeting:

WHEREAS, a Certificate of the Register of the Land Office at Hailey, Idaho, has been deposited in the General Land Office, whereby it appears that, pursuant to the Act of Congress of May 20, 1867 "To Secure Homesteads to Actual Settlers on the Public Domain," and the acts supplemental thereto, the claim of Albert V. Royce, has been established and duly consummated, in conformity to law, for the H. E. Survey No. 650, embracing a portion of, approximately, Section thirty-six in Township twenty-six north of Range twenty-one east of the Boise Meridian, Idaho, more particularly bounded and described as follows: Beginning at corner No. 1, from which U. S. Mineral Monument No. 1, Dahlenega Mining District, bears north nineteen degrees east sixty-two and ninety-five-hundredths chains distant; thence, south eighty-six degrees four minutes east five and ninety-six-hundredths chains to corner No. 2; thence, south one degree forty-five minutes west twenty-eight chains to corner No. 3; thence, north forty-nine degrees thirty-one minutes west seven and sixteen-hundredths chains to corner No. 4; thence, north twenty-two degrees thirty-nine minutes west seven and thirty-hundredths chains to corner No. 5; thence, north forty-one minutes west twelve and twenty-five-hundredths chains to corner No. 6; thence, south eighty-six degrees twenty-five minutes west two and ninety-three-hundredths chains to corner No. 7; thence, north three degrees fifty-six minutes east five chains to corner No. 1, the place of beginning, containing nineteen and sixty-four-hundredths acres, according to the Official Plat of the Survey of the said Land, returned to the General Land Office by the Surveyor General.

NOW KNOW YE, That there is therefore, granted by the UNITED STATES unto the said claimant the tract of Land above described; TO HAVE AND TO HOLD the said tract of Land with the appurtenances thereof, unto the said claimant and to the heirs and assigns of the said claimant forever; subject to any vested and accrued water rights for mining, agricultural, manufacturing or other purposes, and rights to ditches and reservoirs used in connection with such water rights as may be recognized and acknowledged by the local customs, laws and decisions of courts; and there is reserved from the lands hereby granted a right of way thereon for ditches or canals constructed by the authority of the United States.

IN TESTIMONY WHEREOF, I, Warren G. Harding,

President of the United States of America, have caused these letters to be in
Patent, and the Seal of the General Land Office to be hereunto affixed.

GIVEN under my hand, in the District of Columbia, the SEVENTH

SEAL

day of MARCH in the year of our Lord one thousand

nine hundred and TWENTY-TWO and of the Independence of the

United States the one hundred and FORTY-SIXTH

By the President

By

Warren G. Harding
Viola G. Engel
W. P. DeLoach

Secretary

RECORD OF PATENTS: Patent Number

853663

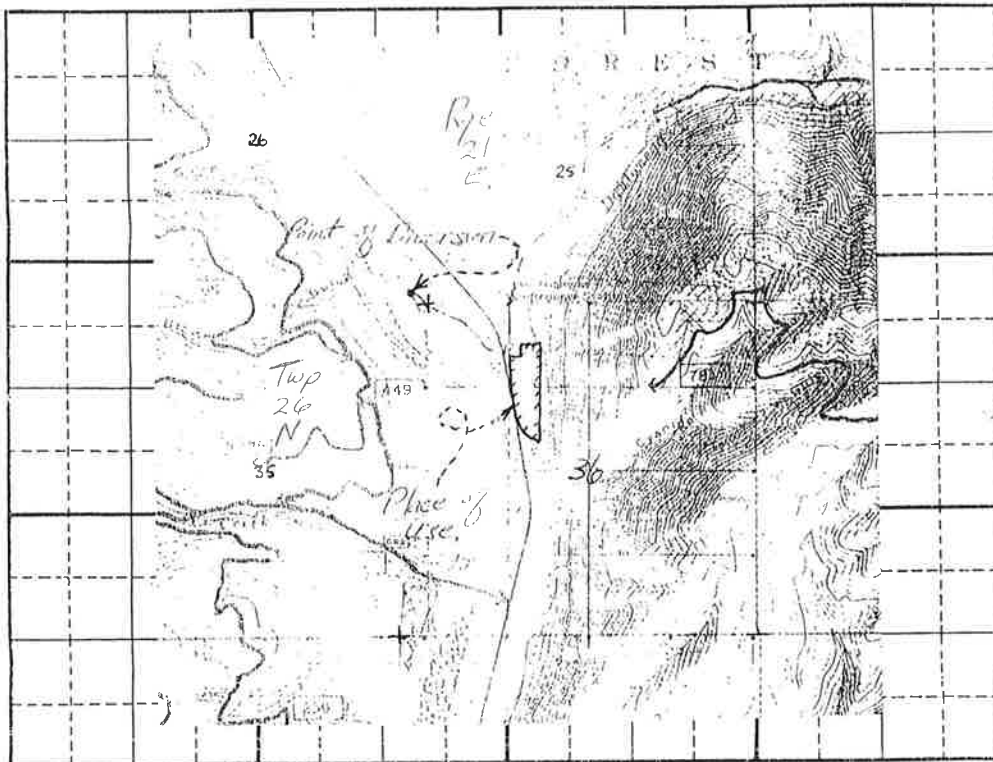
Recorder of the General Land Office

SCANNED

1-2158

AUG 11 1903

Remarks

Place of use is identified as Homestead Entry
#650, survey accepted April 12, 1921.

Scale: 2 inches equal 1 mile.

Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

State of Idaho

County of Blaine

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiant's knowledge.

Sworn to before me this 5 day of May, 1983.

Earl R. Hartung
(Claimant)
Notary Public
Residing at Edinboro, Pa.

My commission expires 6-1-83

FOR DEPARTMENT USE ONLY

Received by EPCDate 5-21-83

Exception filed by:

Forwarded to

Date

Prelim. check by KawDate 5-24-83

claimant by:

Published in Recorder's ReportDate 5-24-83Dates 6/19 - 6/16/83

OCT 1 9 2001

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 SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A75-04373
Date Received: 5/08/1990
Receipt No: E014363
Received By: DC

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: EARL R. KEATING, JR. 208-865-2252
Address: BOX 3
GIBBONSVILLE, ID 83463

OR
Name: SUE ANN KEATING 208-865-2252
Address: BOX 3
GIBBONSVILLE, ID 83463

2. Date of Priority: APR 01, 1895

3. Source: SALMON RIVER, NORTH FORK Trib. to: SALMON RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
26N	21E	26	SE	SE			LEMHI

5. Description of diverting works:
HEADGATE, WHEEL & DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	0.560		

7. Total Quantity Appropriated is:
0.560 C.F.S. (and/or) A.F.A.

8. Total consumptive use is 35.0 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
26N	21E	36	NE	NW		IRR	7.0
			SE	NW		IRR	7.0

Section Acres 14.0

Total Acres 14.0

11. Place of use in counties: LEMHI

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:
NONE

14. Remarks:

15. Basis of Claim: STATUTORY CLAIM

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin 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 that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): _____ Date: _____
_____ Date: _____

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 SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576
Ident. Number A75-04373
Date Received 5-8-90
Receipt Number E014363
OK #6361 6400

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

RECEIVED

MAY - 8 1990

Department of Water Resources
Eastern District Office

Please type or print clearly

1. Name of Claimant (s) Earl R. Keating Jr. or Sue Ann Keating Phone (208) 865-2252
Mailing Address Box 3 Gibbonsville, Idaho Zip 83463

2. Date of Priority (Only one (1) per claim) April 1, 1895

3. Source of water supply (a) North Fork Salmon River
which is tributary to (b) Salmon River

4. a. Location of existing point of diversion is: Township 26N Range 21E Section 26,
SE 1/4 of Se 1/4 of _____ 1/4, Govt. Lot, _____ B.M., County of Lemhi

Additional points of diversion if any: _____

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

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

Govt. Lot _____ B.M., County of _____

ending point is: Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____
_____ 1/4, Govt. Lot _____ B.M., 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.

Wooden headgate with fish wheel, open ditch

A7504373



MICROFILMED

DEC 15 1992

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For Irrigation purposes from 4/1 to 11/1 amount 0.56 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 0.56 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is _____ acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) _____

10. Description of place of use:

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

b. 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	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				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	
26N	21E	36					7			7									14

Total number of acres irrigated 14

11. In which county (ies) are lands listed above as place of use located? Lemhi

12. Do you own the property listed above as place of use? Yes X No _____
If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above. _____ or None (X)

14. Remarks:

MICROFILMED

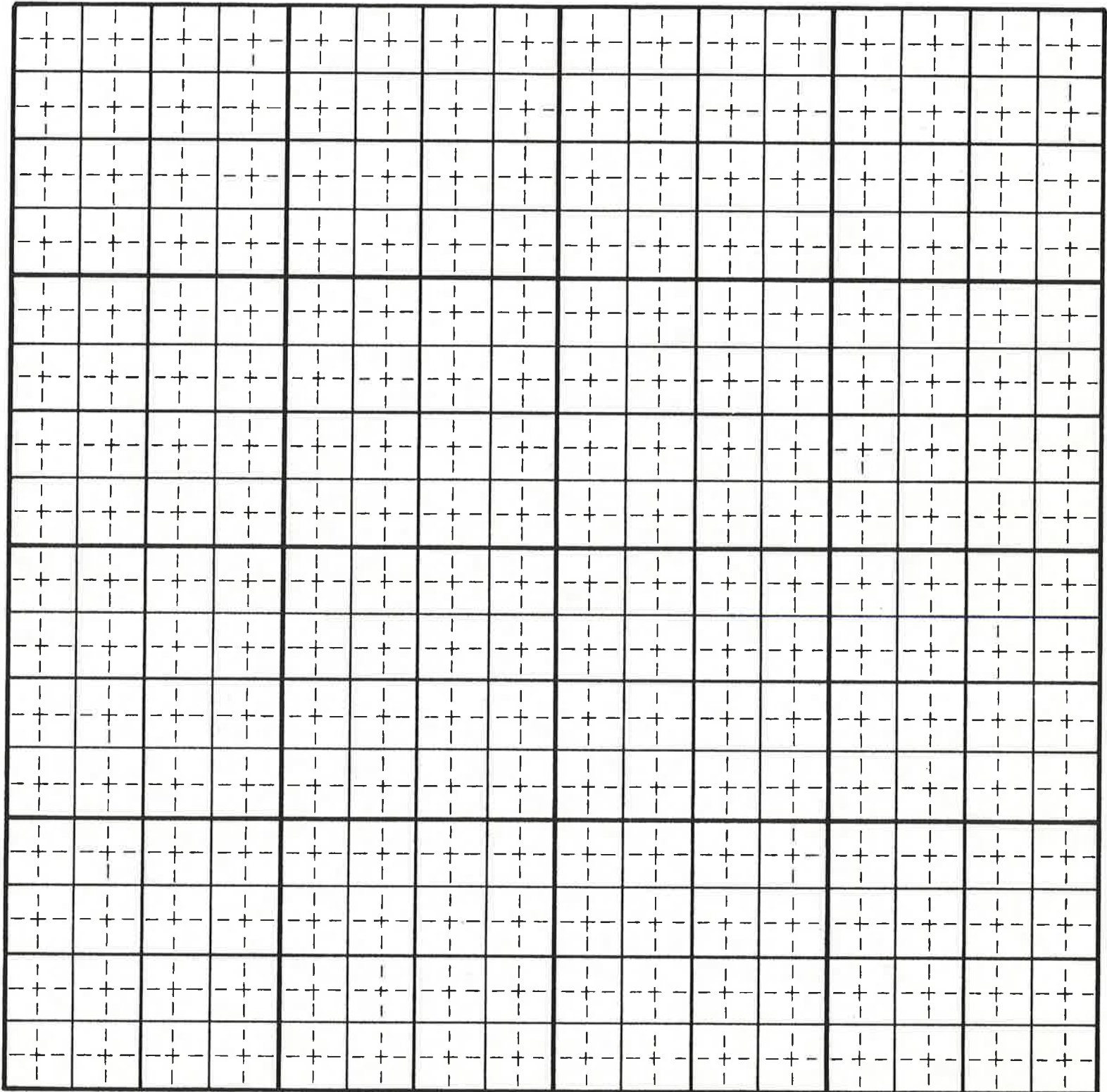
DEC 15 1992

Last Name _____ Ident No. _____

Copies: White -State, Yellow-Claimant

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

Scale: 2 inches equals 1 mile



MICROFILMED

DEC 15 1992

Last Name _____ Ident No. _____

Copies: White-State, Yellow-Claimant

15. Basis of Claim (check one) Beneficial Use _____ Posted Notice _____ License _____ Permit _____
Decree XX

If applicable provide IDWR Water Right Number 75 4373

Court _____ Case Number _____ Decree Date _____

Plaintiff vs Defendant _____

16. Signature (s)

(a.) By signing below, I/We acknowledge that I/We have received, read, and understand the form entitled "How you will receive notice in the Snake River Basin 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 do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant (s) Carl R. Kautz

Date 5-2-90

Date _____

For Organizations: I do solemnly swear or affirm that I am _____

Title

of _____, that I have signed the foregoing

Organization

document in the space below as _____ of _____

Title

Organization

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

Signature of Authorized Agent _____

Title and Organization _____

Date _____

State of Idaho/or _____)

County of humboldt)

SS.

Subscribed and sworn (or affirmed) before me this 2nd day of May 19 90

SEAL

Notary Public [Signature]

Residing at Salt Lake

My Commission Expires 6/12/92

Please Print Name

17. Notice of Appearance:

Notice is hereby given that I, _____ 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 _____

Address _____

Date _____

Last Name _____ Ident. Number _____

MICROFILMED

DEC 15 1992

Copies White-State, Yellow-Claimant