

Proof of Publication

The Post-Register

State of Idaho,
County of Bonneville } ss.

I, E. F. McDermott, first being duly sworn, depose and say: That I am the
Principal Clerk of The Post Company, a corporation of Idaho Falls, Bonneville
County, Idaho, publishers of The Post-Register, a newspaper of general circulation, published daily,
except Saturday, at Idaho Falls, Idaho; said Post-Register being a consolidation of the Idaho Falls
Times, established in the year 1890, The Idaho Register, established in the year 1880 and the Idaho
Falls Post, established in 1903, such consolidation being made on the 1st day of November, 1931,
and each of said newspapers having been published continuously and uninterruptedly, prior to consoli-
dation, for more than seventy-eighty (78) weeks and said Post-Register having been published contin-
uously and uninterruptedly from the date of such consolidation, up to and including the last publica-
tion of notice hereinafter referred to.

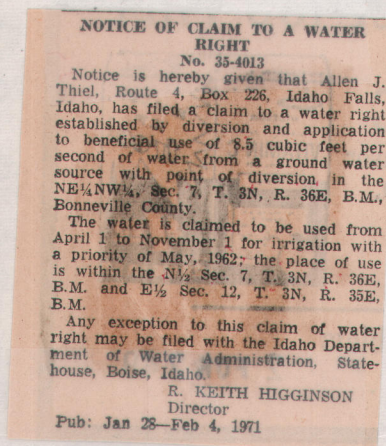
That the notice, of which a copy is hereto attached and made a part of this affidavit, was pub-
lished in said Post-Register for two consecutive weeks, first publication having been made
on the 28th day of Jan., 1971, last publication
having been made on the 4th day of Feb., 1971, and that the
said notice was published in the regular and entire issue of said paper on the respective dates of
publication, and that such notice was published in the newspaper and not in a supplement.

Subscribed and sworn to before me, this 5th day of Feb., 1971

Karelson
Notary Public

My commission expires April 5, 1971

B10, 1M



35-4013

Identification No. _____
Claim No. 35-4013
Map No. _____

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
CLAIM TO A WATER RIGHT
Established by Diversion and Application to Beneficial Use

Under the provisions of Section 42-225a, Idaho Code, a person may file a claim to a right to use water which has been established by diversion and application to beneficial use. **The filing of this claim does not confirm the water right but will serve for information purposes only.** It may, however, become the basis for future adjudication of the water right by the Court.

(Please refer to the instructions on the back of this form)

- 522 7739
1. Name of claimant Allen J. Thiel
post office address Route #4 Box 226, Idaho Falls, Idaho 83401
 2. The point of diversion is in NE $\frac{1}{4}$ of NW $\frac{1}{4}$ Section 7 Township 3 North
Range 36 E. B.M. located on Subterranean water by use of a well located as
set forth above (name of source)
tributary to _____ in Bonneville County.
 3. Dates of priority claimed: list the priority for each separate quantity that you claim. Priority dates should be based upon the earliest diversion of the water which has resulted in continued beneficial use since that time. If there has been an interval of five years or greater when the water was not beneficially used for the same purpose as originally appropriated, the priority that you claim should date from the time that the water was again beneficially applied following the period of non-use.
 - a. Date of priority claimed: May, 1962 (Completion of well drilling)
_____ amount: 8.5 c.f.s. or _____ acre feet
_____ amount: _____ c.f.s. or _____ acre feet
_____ amount: _____ c.f.s. or _____ acre feet
Total claimed _____ c.f.s. or _____ acre feet.
 - b. Explain the purpose for which the water has been used and the time during the year when you have used the right claimed:
use Irrigation period of use from Apr. 1, 1962 to Nov 1, 1962 (both dates inclusive) Dr / phone 1-14-70
use Irrigation period of use from April, 1963 to 11-1-63 (both dates inclusive)
use Irrigation period of use from April, 1964 to 11-1-64 (both dates inclusive)
use Irrigation period of use from April, 1965 to 11-1-70 (both dates inclusive).
 4. Description of diverting works: N/A
 - a. Surface water diversion dam and/or headgate: material is composed of _____
_____; length is _____ feet; height is _____ feet;
width at bottom is _____ feet; with at top is _____ feet; explain any increase in diversion capacity since structure was first built, giving dates and estimated capacities if known _____

 - b. Underground water diverting works: is well flowing or pumped Pumped; depth of well is 485 feet; diameter of well is 22 inches; type of pump is 400 hp Johnson deep well turbine
capacity of pump is _____ g.p.m.; name and address of well driller is Cope Well Drilling
P. O. Box 1196, Idaho Falls, Idaho 83401;

35-4013

b. Do you get water through a ditch owned by several users? No If yes, give the name of the ditch _____ The other users and their respective interests in the ditch are (if known) _____

6. Where water is used for stock watering, give number of each kind of stock watered None

7. Where water is used for domestic or municipal purposes give number of families served None name of town supplied _____

8. Where water is used for other purposes not above enumerated, give the nature of use, the extent of use, and any details regarding the initiation of the right or subsequent later expansion. Be as specific as possible, giving dates and quantities N/A

9. Remarks: please explain any details of your claim which you feel need clarification or additional explanation
The hereinabove well was drilled at the instance and request of Sagemore Associates, a co-partnership, who put the well to beneficial use immediately after it was completed in May of 1962, for the purposes of irrigating the farm.
Your applicant purchased this farm, including the well, from Sagemore Associates in the year 1965, and has used the water beneficially for irrigation purposes ever since.
Since the water has been used beneficially since 1962, it is the contention of your applicant that priority should be established since May of 1962, rather than concurrent with this application.

State of Idaho

County of Bonneville } ss.

Be it known that the undersigned, being duly sworn, deposes and says that he, ~~he, 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 affiants knowledge.

Sworn to before me this 6th day of January, 1971
THOMAS C. WHITE
NOTARY PUBLIC
IDAHO FALLS, IDAHO
MY COMM. EXPS. 1-16-73

Allen Thiel
Claimant
Thomas C. White
Notary Public
Residing at Idaho Falls, Idaho

My commission expires January 16, 1973

For Department Use Only

Received by <u>ef</u>	Date <u>1-11-71</u>	Exception filed by:	Forwarded to claimant by:	Date
Prelim. check by <u>ef</u>	Date <u>1-12-71</u>			
Fee received by <u>ef</u>	Date <u>1-12-71</u> Fee \$ <u>10.00</u>			
Approved for publication by <u>D</u>				
Idaho Falls Post Register				
Published in	Dates <u>1-28 & 2-4, 71</u>			

dg

35-4013

INSTRUCTIONS

Your claim should set forth all necessary information to describe your claimed right. Failure to give enough information may make your claim of little value. Some of the items in the form may not apply to your situation. Please use additional sheets if space provided is not sufficient to fully answer the questions.

Paragraph No.

1. Give full name and post office address of person or company making the claim.
2. Describe the point of diversion by 40-acre subdivision. Give the name of the source, the drainage to which it is tributary if surface water, and the county in which the point of diversion is located. If there is more than one point of diversion, list others in the remarks section.
3. Give the priority dates and the quantities of water that you claim. You should accurately list the dates that you initiated each new use of the water. List separately the dates and amounts of water involved in each enlargement of the diversion. (Example: if you diverted 0.8 c.f.s. of water for irrigation on May 18, 1871, for the first time for use on 40 acres of land, and then later you enlarged the diversion by diverting an additional 0.4 c.f.s. of water to irrigate an additional 20 acres of land on June 1, 1901, your right should be described as follows:

Date of priority claimed:	<u>May 18, 1871</u>	amount:	<u>0.8 c.f.s.</u> or	<u> </u> acre feet
	<u>June 1, 1901</u>	amount:	<u>0.4 c.f.s.</u> or	<u> </u> acre feet
		Total claimed:	<u>1.2 c.f.s.</u> or	<u> </u> acre feet

Since the water was used for irrigation between April 1 and October 31 on that particular farm, part b. would be completed as follows:

use irrigation period of use from April 1 to October 31 (both dates inclusive). If the water had been used for any other purpose, you would have described the priority date, amount, use, and period of use in a similar manner.

4. Describe the diversion works and explain any changes since the right was first initiated.
5. If the water is used for irrigation, give the total acreage and list the lands irrigated by 40-acre subdivisions and complete the other questions.
- 6, 7, & 8. Describe any other uses of water.
9. In the remarks section, give any information or details that you feel are not fully covered or that need clarifying. You might explain your operation, where the water is returned to if for an industrial or non-consumptive right, the condition and temperature of the returned water, and any other information to help explain your claim.

You may wish to include as a part of your claim, affidavits of witnesses who are familiar with your right and who have a personal knowledge of the circumstances which you have described in your claim. You may submit maps, drawings, certified copies of posted notices which may have been filed in the county courthouse, water measurement records, or any other document which you feel will support your claim.

Your claim will be advertised in a county newspaper for two weeks. Exceptions to your claim which dispute the water right that you have described may be received by the Department of Reclamation and you will be provided a copy of such exceptions.

The fee for filing this claim with the Department of Reclamation, Room 107, Statehouse, Boise, Idaho 83701, is \$10.00.

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and each of said newspapers having been published continuously and uninterruptedly, prior to consoli-
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having been made on the 4th day of Feb., 1971, and that the
said notice was published in the regular and entire issue of said paper on the respective dates of
publication, and that such notice was published in the newspaper and not in a supplement.

Subscribed and sworn to before me, this 5th day of Feb., 1971

Karl S. Hall
Notary Public

My commission expires April 5, 1971

B10, 1M

NOTICE OF CLAIM TO A WATER RIGHT
No. 35-4013
Notice is hereby given that Allen J. Thiel, Route 4, Box 225, Idaho Falls, Idaho, has filed a claim to a water right established by diversion and application to benefit of 1.5 cubic feet per second from a ground water source in the NE 1/4 NW 1/4 of T. 36N, R. 36E, B.M., Bonneville County, Idaho.
The water is to be used from April 1, 1971 for irrigation with a priority of 1962; the place of use is within the NE 1/4 NW 1/4 of T. 36N, R. 36E, B.M. and E 1/2 Sec. 12, T. 36N, R. 36E, B.M.
Any objection to this claim of water right must be filed with the Idaho Department of Water Administration, Statehouse, Boise, Idaho.
R. KEITH HIGGINSON
Director
Pub: Jan 28-Feb 4, 1971

35-4013

February 18, 1971

Re: Claim to a Water Right No. 35-4013

Mr. Allen J. Thiel
Route #4, Box 226
Idaho Falls, Idaho 83401

Dear Mr. Thiel:

The Department of Water Administration has completed the processing of your claim to a water right, and no further action is authorized under Sections 42-225a and 42-225b, Idaho Code. Your claim will be retained in our files and will be available at any time for use by you or the court.

As you are aware, the filing of your claim does not in itself, guarantee you a water right; it only records and preserves the information and the evidence which you included in your claim.

If, at a later date, you find that you have additional information or supporting evidence that you would like to have included in your claim file, you may have that information or evidence added at any time. Please refer to your claim number when corresponding with this office.

We are enclosing, for your records, a copy of your claim. If you have any questions, or if we can be of further assistance, please feel free to call upon us.

Very truly yours,

Donald W. McEldowney
Appropriation Supervisor

DWM:dr
Enclosure: Copy of claim

35-4013

**NOTICE OF CLAIM TO A WATER
RIGHT**

No. 35-4013

Notice is hereby given that Allen J. Thiel, Route 4, Box 226, Idaho Falls, Idaho, has filed a claim to a water right established by diversion and application to beneficial use of 8.5 cubic feet per second of water from a ground water source with point of diversion in the NE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 7, T. 3N, R. 36E, B.M., Bonneville County.

The water is claimed to be used from April 1 to November 1 for irrigation with a priority of May, 1962; the place of use is within the N $\frac{1}{2}$ Sec. 7, T. 3N, R. 36E, B.M. and E $\frac{1}{2}$ Sec. 12, T. 3N, R. 35E, B.M.

Any exception to this claim of water right may be filed with the Idaho Department of Water Administration, Statehouse, Boise, Idaho.

R. KEITH HIGGINSON
Director

Pub: Jan 28-Feb 4, 1971

35-4013

January 19, 1971

Re: Claim No. 35-4013 - Allen J. Thiel

Idaho Falls Post Register
P.O. Box 1800
Idaho Falls, Idaho 83401

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 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

DWM/DG
Enc: legal notice

Bill submitted 2-11-71 By de

35-4013

NOTICE OF CLAIM TO A WATER RIGHT

No. 35-4013

Notice is hereby given that Allen J. Thiel, Route 4, Box 226,
Idaho Falls, Idaho,
has filed a claim to a water right established by diversion and appli-
cation to beneficial use of 8.5 cubic feet per second ~~acre/foot~~
of water from a ground water source
with point of diversion in the NE $\frac{1}{4}$ Sec. 7, T. 3N, R. 36E, B.M.,
Bonneville County.

The water is claimed to be used from April 1 to November 1
for irrigation
with a priority of May, 1962;
the place of use is within the N $\frac{1}{2}$ Sec. 7, T. 3N, R. 36E, B.M. and
NE $\frac{1}{4}$ NE $\frac{1}{4}$ E $\frac{1}{2}$ Sec. 12, T. 3N, R. 35E, B.M.

Any exception to this claim of water right may be filed with the
Idaho Department of Water Administration., Statehouse, Boise, Idaho.

R. KEITH HIGGINSON

Director

Published in the Idaho Falls Post Register, Idaho Falls, Idaho,
on January 28 and February 4, 1971.

35-4013

January 12, 1971

Ferebauer and Whyte
Attorneys at Law
P. O. Box 1157
Idaho Falls, Idaho 83401

Dear Mr. Whyte:

Returned herewith is Departmental Receipt No. 5488 in the amount of
\$70.00 for Application for Permit (\$60.00) and Claim Application,
which was received in this office under the above date, in the name of
(\$10.00)
Allen J. Thiel.

Very truly yours,

M. RUSSELL BOSCH
Administrative Assistant

MRB:ejw

Enclosure: Receipt

35-4013

JOHN FEREBAUER
THOMAS C. WHYTE

LAW OFFICES
FEREBAUER & WHYTE
552 NORTH CAPITAL AVENUE
P. O. Box 1157
IDAHO FALLS, IDAHO 83401

TELEPHONE 522-6630
AREA CODE 208

January 6, 1971

RECEIVED
JAN 10 1971
DEPARTMENT OF WATER ADMINISTRATION

State of Idaho
Department of Water Administration
Statehouse - Annex Two
Boise, Idaho 83707

Attention: Dorian Clay
Appropriation Examiner

Dear Mr. Clay:

Enclosed is an Application for Permit to appropriate the Public Waters of the State of Idaho, and a Claim to Water Right, all on behalf of Allen J. Thiel, and all on the same well located on the same property.

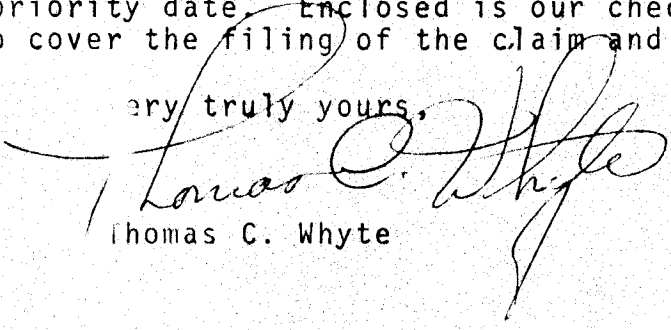
You wrote on December 10, 1970 indicating that 8.5 c.f.s. is an improper amount of water for the acreage shown.

I would call to your attention that this office made an error in showing only 320 acres in the "Totals" column, when in fact, we had shown 640 acres under the 40 acre subdivision columns, and there is, in fact, 640 acres which are irrigated.

Therefore, we re-submit the same Application for Permit, and also submit a Claim to Water Right.

We would appreciate it if you would issue a permit at the earliest possible priority date. Enclosed is our check in the sum of \$70.00 to cover the filing of the claim and application.

Very truly yours,


Thomas C. Whyte

TCW/lc

Enc.

35-4013