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Documents
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STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

Section 42-225a, Idaho Code

CLAIM TO A WATER RIGHT

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.

Notice is hereby given that Delbert L. Keller
(name of claimant)
of Route #2, Preston, Idaho 83263, claims a right to the diversion and beneficial use of
(mailing address)
the public water of the State of Idaho

The extent and nature of said claim is as follows:

- (1) Describe source of water: (name of stream, lake, spring, etc., or ground water) Strawberry Creek
_____, tributary to, Mink Creek & Bear River
- (2) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:

Amount	<u>0.80</u>	Use	<u>Irrigation</u>	Period of Use:	From	<u>May 1</u>	To	<u>Oct. 1</u>
Amount	<u> </u>	Use	<u> </u>	Period of Use:	From	<u> </u>	To	<u> </u>
Amount	<u> </u>	Use	<u> </u>	Period of Use:	From	<u> </u>	To	<u> </u>
	(cfs, gpm, ~~or etc.~~)		(dom., irri., stock, etc.)					(both dates inclusive)

- (3) Total quantity of water claimed: 0.80 cubic feet per second, or _____ acre feet per annum, and/or _____ gallons per minute.
- (4) Priority claimed: (the date water was first applied to beneficial use) JUNE 1900

A claim is not acceptable on a ground-water source with a priority later than March 25, 1963 or on a surface-water source with a priority later than May 20, 1971. An exception to this rule is that a claim may be filed on domestic use from a ground-water source.

- (5) A) Point of diversion: (give location of point where water is diverted from its source)
SE SW
NE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 31 Twp. 13S Rge. 41E B. M. County of Franklin
 Additional points of diversion: _____

B) Describe means of diversion of water: (pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.) Give sizes and capacities; be as specific as possible. Pump

- (6) A) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is not for irrigation, place an "X" in appropriate box to show location.

[illegible]

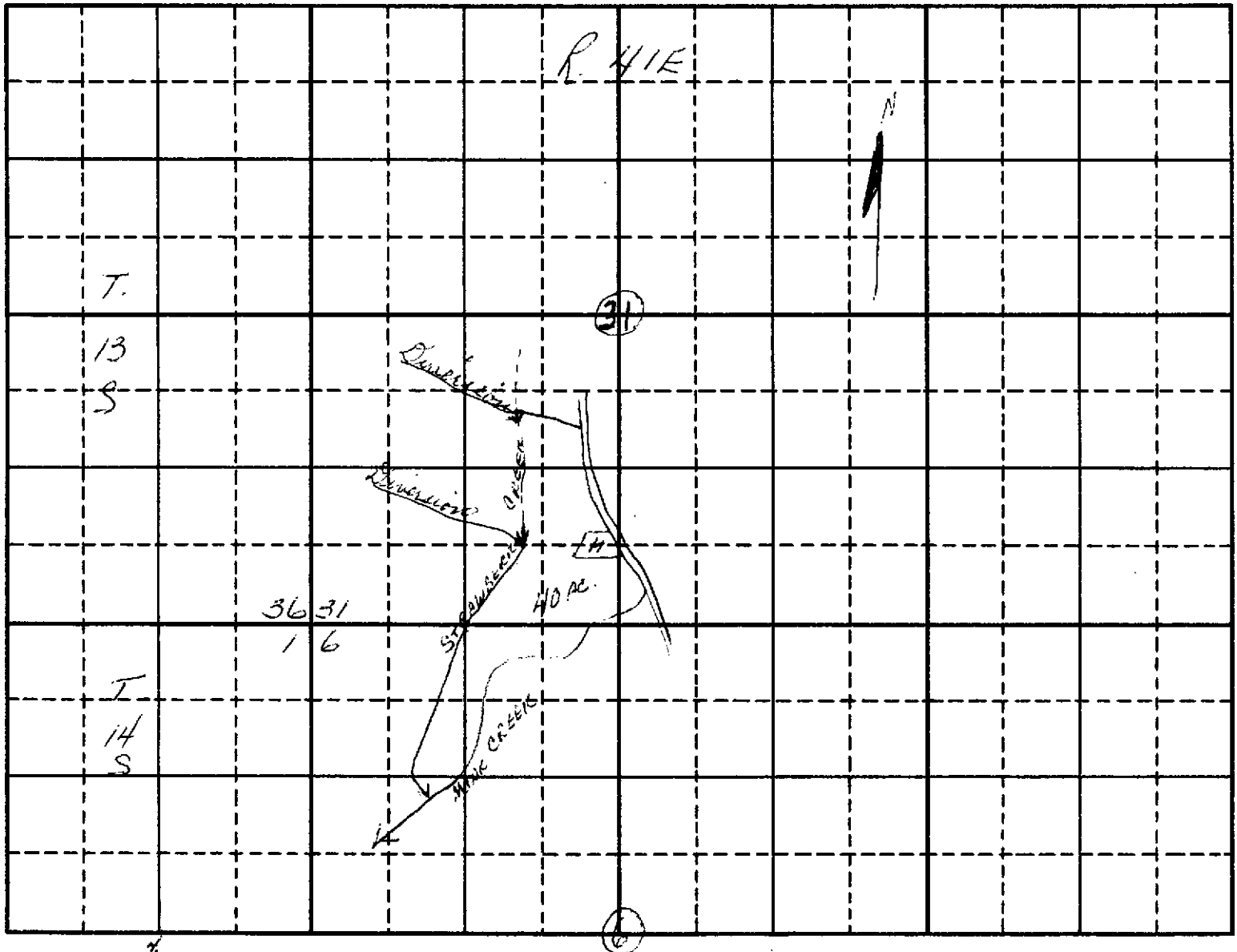
Total No. of acres 40

- B) If the water is used for other than irrigation, fully describe that use, being as specific as possible:** _____

- (7) If you are claiming water as a member of an organization, list name of organization:

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(8) Remarks _____



Scale: $\frac{1}{2}$ 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)
) ss.
County of Franklin)

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 affiants knowledge.

Gilbert L. Keller
(Claimant)

Sworn to before me this 18th day of September, 19 74.

J. P. Garner
Notary Public
Residing at Preston, Idaho

My commission expires 5-31-75

For Department Use Only

Received by <u>MB</u>	Date <u>9-20-74</u>	Exception filed by:	Forwarded to	Date
Prelim. check by <u>JH</u>	Date <u>9-11-74</u>		claimant by:	
\$10.00 fee received by <u>MB</u>	Date <u>9-20-74</u>			
Approved for publication by <u>MB-10-15-74 #13064</u>				
Published in <u>The Preston Citizen</u>				
Dates <u>Sept 26 & October 3, 1974</u>				

IN THE MATTER OF:

State of Idaho

County of Franklin

Frank Jensen
RECEIVED RECEIVED
AFFIDAVIT

SEP 20 1974

SEP 11 1974

Department of Water Resources
Eastern District Office

Department of Water Resources
Eastern District Office

Leeral G. Jensen

being first duly sworn,

deposes and says: That I am 60 years old and reside in Preston. That I am familiar
with the Delbert L. Keller farm which borders my farm in Mink Creek. I have been
familiar with the diversion of Strawberry Creek water on the Delbert Keller farm and
that it has been diverted onto the said farm for all my knowledgeable years. I am
more familiar with the development of this stream to irrigate forty (40) acres of
land since 1953. It has been continuously used on this forty (40) acres through
a sprinkler system since that time.

Leeral G. Jensen
(signature)

Subscribed and sworn to before me this 5th day of September 19 74.

MICROFILMED

J. P. Garner
(notary public)

Residing at Preston, Idaho

My commission expires 5-31-75

IN THE MATTER OF:

State of Idaho

County of Franklin

RECEIVED

SEP 20 1974

Department of Water Resources
Eastern District Office

RECEIVED

AFFIDAVIT SEP 11 1974

Department of Water Resources
Eastern District Office

Elmo A. Keller

being first duly sworn,

deposes and says: That I am seventy years old and have^{spent} the most of my adult years
in Mink Creek, a neighbor to the farm owned by Delbert Keller. I have personal
knowledge that water from Strawberry Creek, which flows through the Delbert Keller
farm has been diverted and used on this farm for as long as I can remember. I
am more familiar with the development of this stream to irrigate approximately
forty acres since 1953 and that it has been continuously used on the farm to
some extent for as long as I can remember.

Elmo A. Keller
(signature)

Subscribed and sworn to before me this 5th day of September 19 74.

J. P. Garner
(notary public)

Residing at Preston, Idaho
My commission expires 5-31-75

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AFFIDAVIT OF PUBLICATION

STATE OF IDAHO,

County of Franklin

ss.

Wayne H. Bell

being duly sworn,

deposes and says:

That he is the Co-publisher of THE PRESTON CITIZEN, a weekly newspaper published at Preston, in the County of Franklin and State of Idaho; that said paper has been and is in general circulation in the county aforesaid, and in the vicinity of Preston; that the advertisement, a copy of which is attached hereto, was published in said newspaper once a week for two consecutive weeks in the regular and entire issue of said paper during the period and time of publication, and was published in the newspaper proper and not a supplement; that said paper has been established and regularly published for more than seventy-eight consecutive weeks prior to the date of first publication of said advertisement.

Such notice was published in the issue beginning with

September 26, 19 74, and ending

with the issue of October 3, 19 74

Fees, \$ 12.58

Subscribed and sworn to before me this 11 day

of October, 19 74.

William H. Liddis
Notary Public, Residing at Preston, Idaho

My Commission Expires March, 19 78

NOTICE OF CLAIM TO A WATER RIGHT NO. 13-4017

Notice is hereby given that Delbert L. Keller, Route No. 2, Preston, Idaho has filed a claim to a water right established by diversion and application to beneficial use of 0.80 cubic feet per second of water from Strawberry Creek tributary to Mink Creek tributary to Bear River; with point of diversion in the NE¹/₄SW¹/₄, SE¹/₄SW¹/₄, Sec. 31, T. 13S, R. 41E, B.M., Franklin County.

The water is claimed to be used from May 1 to Oct. 1 for the irrigation of 40 acres with a priority of June, 1900; the place of use is within the E¹/₂SW¹/₄, Sec. 31, T. 13S, R. 41E, N¹/₂NW¹/₄, Sec. 6, T. 14S, R. 41E, B.M.

Any exception to this claim of water right may be filed with the Idaho Department of Water Resources, 1515 Lincoln Road, Idaho Falls, Idaho, 83401.

R. KEITH HIGGINSON
Director

Published in the Preston Citizen, Preston, Idaho on September 26 and October 3, 1974.

Legal No. 2735 — Pub.
Sept. 26, Oct. 3, 1974.

XXXXXXXXXXXXXXXXXXXXX RESOURCES

October 15, 1974

Re: Claim to a Water Right No. 13-4017

Mr. Delbert L. Keller
Route #2
Preston, ID 83263

Dear Mr. Keller:

The Department of Water Resources 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,

RONALD D. CARLSON
Acting District Engineer

RDC:MB

Enc: Copy of claim

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XXXXXXXXXXXXXXXXXXXXX RESOURCES

September 20, 1974

Re: Claim to a Water Right No. 13-4017 Keller

Preston Citizen
Box 389
Preston, ID 83263

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 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. 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.

Very truly yours,

RONALD D. CARLSON
Acting District Engineer

Bill submitted 10-15-74 by MB

RDC:MB

Enc: Legal Notice (1)

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Route #2, Preston, Idaho

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The water is claimed to be used from May 1 to Oct. 1 for the irrigation of 40 acres

with a priority of June, 1900;
the place of use is within the E $\frac{1}{2}$ SW $\frac{1}{4}$, Sec. 31, T. 13S, R. 41E, NE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 6, T. 14S, R. 41E, B.M.

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R. KEITH HIGGINSON

Director

Published in the Preston Citizen, Preston, Idaho

on September 26 and October 3, 1974

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CB-P
CB
Called 9/24/74
MB-X

XXXXXXXXXXXXXXXXXXXXX RESOURCES

September 20, 1974

Re: Claim to a Water Right No. 13-4017

Mr. Delbert L. Keller
Route #2
Preston, ID 83263

Dear Mr. Keller:

Attached herewith is departmental receipt No. 13064 in the amount of \$10.00 for the above referenced claim.

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

Very truly yours,

LOREN O. HOLMES
Asst. to District Engineer

LOH:MB

Attachment

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XXXXXXXXXXXXXXXXXXXXX RESOURCES

September 11, 1974

Mr. Delbert L. Keller
Route #2
Preston, ID 83263

Dear Mr. Keller:

Enclosed please find your check No. 92-273 in the amount of \$10.00 for the claim to a water right which we are returning because it was not signed and was incomplete. We have taken the liberty to retype the claim, but the following items need to be completed:

In Item 4, please list the month in 1900 when the water was applied to beneficial use.

In Item 6, give the legal description of the acres in each 40 acre subdivision.

On the plat on the back page, please mark the points of diversion.

After completing the above items, please sign the retyped claim before a Notary Public and return it to this office with the \$10.00 filing fee for processing.

Very truly yours,

RONALD D. CARLSON
Acting District Engineer

RDC:MB

Enc: Check No. 92-273
Claims

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