

No Color
Documents
In File

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 Elaine B. Keetch
(name of claimant)
of 357 North 4th, Montpelier, Idaho
(mailing address), claims a right to the diversion and beneficial use of
ground water or surface water tributary to sinks;

The extent and nature of said claim is as follows:

- (1) Describe source of water: (name of stream, lake, spring, etc., or ground water) Bear Hollow Springs
(Dimick Springs)
- (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>1.0</u> | Use | <u>Stockwater</u> | Period of Use: From | <u>Jan. 1</u> | To | <u>Dec. 31</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) | | (dom. irri.) | | | | (both dates inclusive) |

- (3) Total quantity of water claimed: 1.0 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) Sept. 24, 1889

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)
 2 pts SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 7 Twp. 13S Rge. 45E B.M. County of Bear Lake
 Additional points of diversion: SW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 7, T. 13S, R. 45E, B.M.

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. Headbox, pipeline and 3 water troughs.

- (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]

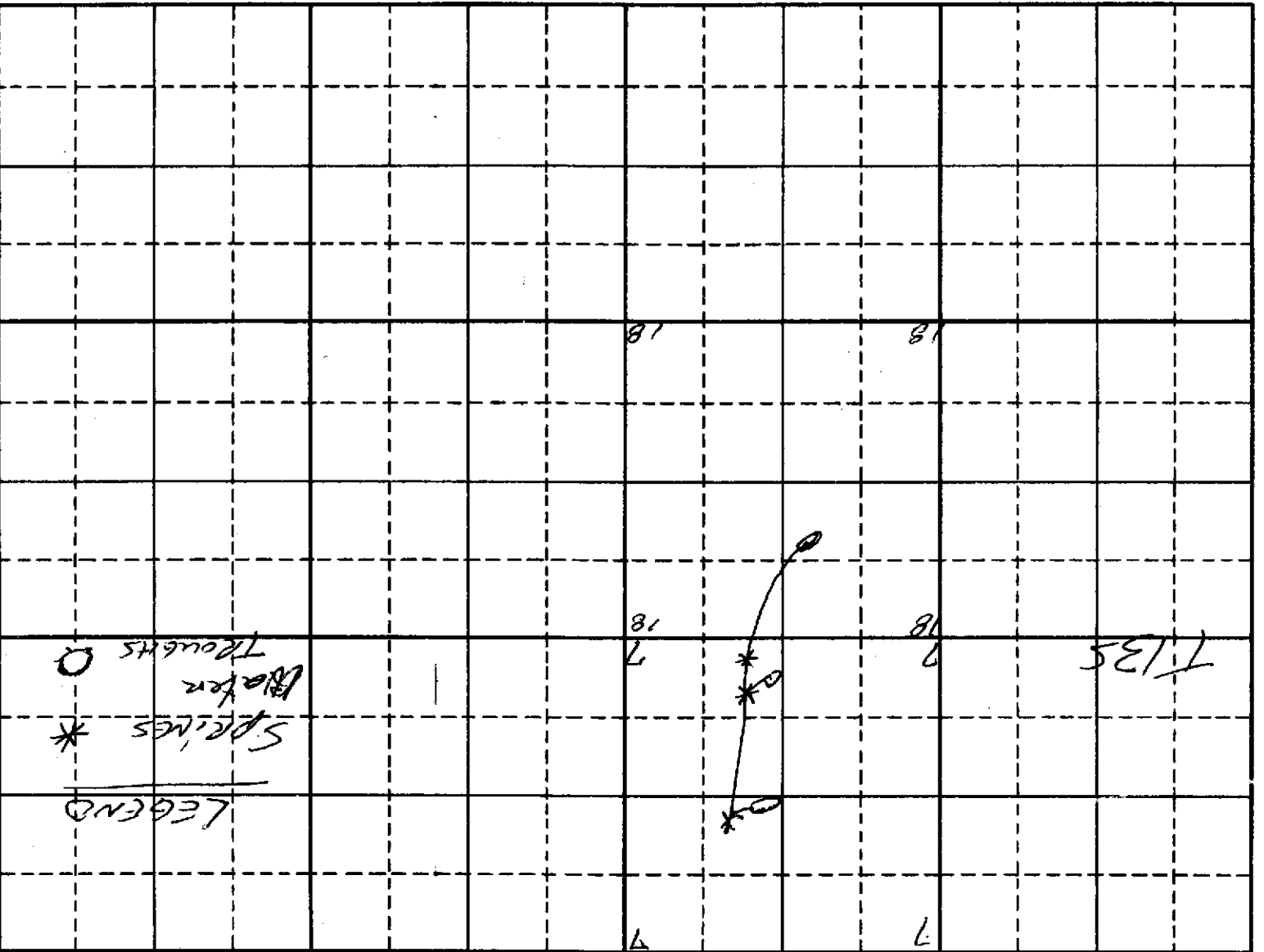
Total No. of acres _____

- B) If the water is used for other than irrigation, fully describe that use, being as specific as possible: 600 head of beef cattle and calves.

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

(8) Remarks Based upon posted notice recorded in Book 1, page 467, miscellaneous records of Bear Lake County.

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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 Bonanza 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 21st day of June

(Claimant)

Notary Public

Residing at

My commission expires

For Department Use Only

Received by _____ Date 6-25-74 Prelim. check by _____ Date 6/25/74 \$10.00 fee received by _____ Date 6-25-74 Approved for publication by _____ Date 6/27/74 #12934 Published by _____ July 4-11, 1974 Dates _____

RECEIVED

JUN 26 1974

A F F I D A V I T

Department of Water Administration
Eastern District Office

STATE OF IDAHO,)
) ss.
County of Bear Lake.)

Re: Permit No. 3793
(New No. 11-2024)

The Undersigned, having been duly sworn, hereby state that they are residents of Bear Lake County, and have been residents of Bear Lake County for more than thirty years, and

The Undersigned have personal knowledge that Charles G. Keetch and his son, Charles Pugmire Keetch, and his son, Golden B. Keetch, and John P. Keetch, ~~or~~ and the widow of John P. Keetch, Elaine Keetch, have all used to beneficial use for stock water, 1 c.f.s. of water from Bear Hollow, that water being the same water that was applied for under permit No. 3793/11-2024, point of diversion being located within the Southwest Quarter of the Southeast Quarter of Section 7, Township 13 South, Range 45 East, Boise Meridian, Idaho.

Dated this 19 day of June, 1974.

Walter P. Hinz
Leslie N. Tate
J. W. Lauridsen

SWORN AND SUBSCRIBED to before me this 19th day of June, 1974.

Dola J. Jones
NOTARY PUBLIC for Idaho
Residing at Montpelier, Idaho
My Comm. expires 8-10-75

THE NEWS-EXAMINER

MONTPELIER, IDAHO

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JUL 02 1974

Department of Water Resources
Eastern District Office

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO,)
County of Bear Lake,) ss.

W. Jerome Taylor

being first duly sworn, deposes and says he is
Publisher and Foreman of the News-
Examiner; that the said News-Examiner is a
weekly newspaper published at Montpelier,
County of Bear Lake, State of Idaho, of
general circulation in said County and State.

That the notice attached was published in
the said News-Examiner, and not in a
supplement, for two

successive weeks, commencing with the issue
dated July 4, 19 74

and ending with the issue

dated July 11, 19 74

W. Jerome Taylor
Publisher and Foreman

TO A WATER RIGHT

No. 11-4041

Notice is hereby given that Elaine B. Keetch, 357 North 4th, Montpelier, Idaho has filed a claim to a water right established by diversion and application to beneficial use of 1.0 cubic feet per second of water from Bear Hollow Springs (Dimick Springs) tributary to sinks with point of diversion in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ (2 pts.), SW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 7, T. 13S, R. 45E, B. M., Bear Lake County.

The water is claimed to be used from January 1 to December 31 for stockwatering purposes for 600 head of beef cattle and calves, with a priority of September 24, 1889; the place of use is within the SW $\frac{1}{4}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 7, SE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 18, T. 13S, R. 45E, B. M.

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

R. KEITH HIGGINSON

Director

Published in The News-Examiner, Montpelier, Idaho on July 4 and July 11, 1974.

(j-4)11

Subscribed and sworn to before me this 19th day of July, 19 74

Phyllis Smart

Notary Public.

11 4041



State of Idaho
DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 - (208) 334-7900

CECIL D. ANDRUS
GOVERNOR
R. KEITH HIGGINSON
DIRECTOR

July 20, 1988

RE: Water Right No. 11-4041

John D. Keetch &/or Beverly K. McLain
c/o Lynn Brower, Atty.
484 Washington
Montpelier, ID 83254

Dear Mr. Keetch & Ms. McLain:

We are in receipt of the correspondence concerning the above referenced water right.

The recorded ownership of the right will not be changed in the Department's computer records, since the water right involved is a claimed right. A claimed water right is considered real property and is acquired when the property to which it is appurtenant is purchased. Proof of owning the land is proof of owning the water right claim, if the previous land owner did not exclude the water right from the sale.

I have placed a copy of the correspondence in the water right file for future reference only and no other action will be taken.

If you have any questions, please let us know.

Sincerely,

JIM JOHNSON
Water Rights Supervisor

JJ:sc

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CLAIM

Permit No. 11-4041

ASSIGNMENT REVIEW CHECK LIST

1. Signature of Permit Holder?
2. Notary?
3. a. Full Assignment?
b. Partial Assignment?
4. "No assignment" condition on permit?
5. Commencement of Works received?
 - a. Commencement of works requested?
 - b. Show Cause Order drafted & sent?
 - c. Cancellation necessary?
6. Affidavit of residency required?
7. Extension granted due to litigation?
(If yes, commencement of works is not required.)

T
NA

~~1. Type permit summary sheet.~~

~~2. Coding sheet.~~

3. Acknowledgement letter type.

4. Copy to region.

#4 Doc #16

Date 5-27-88

Employee Ju-

11-4041



404 Washington, Montpelier, Idaho 83254 (208) 847-2499

Lynn Brower

Attorney and Counselor at Law

Department of Water Resources

MAR -7 1988

March 4, 1988

State of Idaho
Department of Water Resources
1301 North Orchard
Boise, ID 83706

RE: Elaine B. Keetch Water Rights

To Whom It May Concern:

This letter is requesting that all claims to water rights previously issued to Elaine B. Keetch, deceased, be transferred to Beverly K. McLain and John D. Keetch, Co-Personal Representatives of the estate of Elaine B. Keetch.

I have enclosed a copy of the Corrected Deed of Distribution, which was recorded in Bear Lake County on March 3, 1987. When the transfer has been completed, please send verification of the transfer to John D. Keetch, at 357 North 4th, Montpelier, Idaho, 83254.

If you have any questions, please feel free to contact my office.

Sincerely,

A handwritten signature in cursive script, appearing to read "Lynn Brower".

LYNN BROWER
Attorney at Law

LB:cat

cc: John D. Keetch
Enclosure

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BEAR LAKE COUNTY RECORDER
JOAN R. EDGREN

CORRECTED

DEED OF DISTRIBUTION

'87 MAR 3 PM 2 27

Joan R. Edgren
DEPUTY FEE

THIS DEED, made this 27th day of February, 1987, between BEVERLY K. McLAIN and JOHN D. KEETCH, Co-Personal Representatives of the Estate of ELAINE B. KEETCH, deceased, of Star Route 1, Box 1680 and 357 North 4th, Montpelier, Bear Lake County, Idaho, respectively, the Parties of the First Part, and BEVERLY K. McLAIN of Star Route 1, Box 1680, Montpelier, Bear Lake County, Idaho, and JOHN D. KEETCH of 357 North 4th, Montpelier, Bear Lake County, Idaho, Parties of the Second Part.

WHEREAS, BEVERLY K. McLAIN and JOHN D. KEETCH, Parties of the First Part, are the duly appointed and acting Co-Personal Representatives of the Estate of ELAINE B. KEETCH, deceased; and

WHEREAS, BEVERLY K. McLAIN and JOHN D. KEETCH, Parties of the Second Part, are entitled to receive distribution of the property hereafter described in this Deed under the laws of intestacy pursuant to the provisions of the Idaho Uniform Probate Code;

NOW THEREFORE, WITNESSETH, that the said Parties of the First Part, for a valuable consideration, and for the purpose of distributing certain real property from the Estate of ELAINE B. KEETCH, deceased, does by these presents hereby distribute, grant, bargain, sell, convey and confirm unto the said Parties of the Second Part, and to their heirs and assigns forever, all that certain parcel of land, situate, lying and being in Bear Lake, County of Bear Lake, State of Idaho, and more particularly described as follows:

11-0908
PARCEL #1

The Northwest Quarter of the Southwest Quarter of Section 34, Township 13 South, Range 44 East of the Boise Meridian, Idaho.

*Need legal
Twp, 13S, R. 44E, S. 34*
PARCEL #2

All of Lot 3 in Block 19, in Plat A of the Original Old Townsite of Montpelier, Idaho, EXCEPT the South 55 feet. ALSO EXCEPT: Beginning at a point 55 feet North of the Southeast Corner of Lot 3, Block 19, MONTPELIER ORIGINAL TOWNSITE SURVEY, as platted and of record in the County of Bear Lake, State of Idaho; thence West 165 feet to the TRUE POINT OF BEGINNING; thence West 165 feet to the alley; thence North 110 feet to the South line of Lot 4; thence East 165 feet; thence South 110 feet to the point of beginning.

11-0908
PARCEL #3

A fraction of the Northeast Quarter of Section 4, Township 14 South, Range 44 East of Boise Meridian, Idaho. Commencing 9.75 chains West from the Northeast Corner of Section 4, Township 14 South, Range 44 East of Boise Meridian; thence South 11.25 chains; thence West 30.25 chains, more or less, to the quarter line; thence North 11.25 chains to quarter corner; and thence East 30.25 chains, more or less, to point of beginning.

11-4041
PARCEL #4

Commencing at the Northwest Corner of Lot 2, Section 18, Township 13 South, Range 45 East of Boise Meridian, Idaho, and running thence East 140 rods, more or less, to center of road right of way; thence Southwesterly following said road to a point 68 rods, more or less, East of the West boundary of said Section; thence West 68 rods to West section line; and thence North 92 rods; more or less, to point of beginning, subject to all public road right of ways.

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*Sec. 18
11-4041*

PARCEL #5

Commencing at the Northeast Corner of Section 18, Township 13 South, Range 45 East of Boise Meridian, Idaho, and running thence West 80 rods; thence South 92 rods; thence in a Northeasterly direction in a direct line to a point on the Section line which is 266 rods North of the Southeast Corner of Section 18; and thence North 54 rods to point of beginning.

N.R.

PARCEL #6

All of Section 17, Township 13 South, Range 45 East of Boise Meridian, Idaho.

N.R.

PARCEL #7

The West Half of the Southwest Quarter, and the Southwest Quarter of the Northwest Quarter of Section 9, Township 13 South, Range 45 East of Boise Meridian, Idaho.

N.R.

PARCEL #8

The East Half of the Northwest Quarter; the Southwest Quarter of the Northwest Quarter; the Southeast Quarter of the Northeast Quarter, and the South Half of Section 8, Township 13 South, Range 45 East of Boise Meridian, Idaho.

*11-0909
11-0908*

PARCEL #9

The Southeast Quarter of the Northwest Quarter; the Northeast Quarter of the Southwest Quarter; the North Half of the Southeast Quarter; and the South Half of the Northeast Quarter of Section 33, Township 13 South, Range 44 East of Boise Meridian, Idaho; ALSO, commencing at a point 11.10 chains South along the Quarter section line from the Northwest Corner of the Northeast Quarter of Section 33, Township 13 South, Range 44 East of Boise Meridian, Idaho, and running thence East 10.85 chains to center of deep slough; thence Southeasterly along center of slough to the Northeast Corner of the Northwest Quarter of the Southwest Quarter of Section 34, Township 13 South, Range 44 East of Boise Meridian, Idaho; and running thence West 80 rods to the Northeast Corner of the Southeast Quarter of said Section 33, Township 13 South, Range 44 East of Boise Meridian, Idaho; thence North 80 rods; thence West 160 rods; thence North 8.90 chains, more or less, to point of beginning. ALSO commencing at a point 15.00 chains North from the Southwest Corner of the Southeast Quarter of Section 33, Township 13 South, Range 44 East of Boise Meridian, Idaho; thence North 5.00 chains; thence East 40.00 chains; thence South 5.00 chains; and thence West 40.00 chains to point of beginning.

11-4041

PARCEL #10

The South Half of the Northeast Quarter and the Southeast Quarter of Section 7, Township 13 South, Range 45 East of Boise Meridian, Idaho.

11-4287

PARCEL #11

The West Half of the Northwest Quarter; the North Half of the Southwest Quarter; and the Southeast Quarter of the Southwest Quarter of Section 24, Township 13 South, Range 44 East of Boise Meridian, Idaho.

*N.W.
11-4287*

PARCEL #12

Commencing at the Southwest Corner of the Northwest Quarter of Section 26, Township 13 South, Range 44 East of Boise Meridian, Idaho, and running thence South 89 degrees 40 minutes East 19.75 chains; thence South 20.26 chains; thence North 89 degrees 40 minutes West 19.75 chains; and thence North 20.26 chains to place of beginning.

PARCEL #13

Commencing at a point 1.00 chains East and 18.00 chains North from the Southeast Corner of the Northeast Quarter of Section 22, Township 13 South, Range 44 East of Boise Meridian, Idaho, and running thence North 1.95 chains; thence West 1 chain; thence

RECORDED

AUG 01 1988

North 2.14 chains; thence North 89 degrees 30 minutes West 40.75 chains; thence South 15 degrees 00 minutes East 2.50 chains; thence West 0.50 chains; thence South 7.25 chains, more or less; thence East 40.75 chains, more or less, to East section line; thence North 5 chains, more or less; and thence East 1.00 chain to place of beginning, EXCEPT railroad right of ways.

N.R.
PARCEL #14

The Northwest Quarter of the Northeast Quarter; the South Half of the Northeast Quarter; and the Northwest Quarter of the Southeast Quarter of Section 13, Township 13 South, Range 44 East of Boise Meridian, Idaho.

TOGETHER with all and singular the tenements, hereditaments, and appurtenances thereunto belonging or in anywise appertaining, the reversion and reversions, remainder and remainders, rents, issues and profits thereof;

This Corrected Deed of Distribution made to correct that certain Deed of Distribution dated 17 September 1986 and recorded 23 September 1986 as Microfilm Instrument #141675, records of Bear Lake County, Idaho.

TO HAVE AND TO HOLD, all and singular the said premises, together with the appurtenances, unto the Parties of the Second Part, and to their heirs and assigns forever.

IN WITNESS WHEREOF, the said Parties of the First Part have hereunto set their hands and seals the day and year first above written.

Beverly K. McLain
BEVERLY K. McLAIN

John D. Keetch
JOHN D. KEETCH

STATE OF IDAHO)
) ss.
County of Bear Lake)

On this 27th day of February, 1987, before me, a Notary Public in and for said State, personally appeared BEVERLY K. McLAIN and JOHN D. KEETCH, known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I hereunto set my hand and seal the day and year in this certificate first above written.

Merilee Judwig
Notary Public for State of Idaho
Residing at Montpelier
Commission Expires 11-13-88

MICROFILMED

AUG 01 1988

IDENT. NO. 11-4041

I D A H O D E P A R T M E N T O F W A T E R R E S O U R C E S

WATER RIGHT
DATA ENTRY LOG

[illegible]

XXXXXXXXXXXXXXXXXXXXX RESOURCES

July 22, 1974

Re: Claim to a Water Right No. 11-4041

Ms. Elaine B. Keetch
357 North 4th
Montpelier, ID 83254

Dear Ms. Keetch:

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,

NORMAN C. YOUNG
District Engineer

NCY:MB

Enc: Copy of Claim

11 4041

June 28, 1974

RE: Claim to a Water Right No. 11-4041 - KEETCH

The News-Examiner
P.O. Box 278
Montpelier, Idaho 83254

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,

NORMAN C. YOUNG
District Engineer

NCY:CB

Bill submitted 7-22-74 by MB

Enclosure: Legal Notice (1)

11 4041

**NOTICE OF CLAIM
TO A WATER RIGHT**

No. 11-4041

Notice is hereby given that Elaine B. Keetch, 357 North 4th, Montpelier, Idaho has filed a claim to a water right established by diversion and application to beneficial use of 1.0 cubic feet per second of water from Bear Hollow Springs (Dimick Springs) tributary to sinkas with point of diversion in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ (2 pts.) SW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 7, T. 13S, R. 45E, B. M., Bear Lake County.

The water is claimed to be used from January 1 to December 31 for stockwatering purposes for 600 head of beef cattle and calves, with a priority of September 24, 1893; the place of use is within the SW $\frac{1}{4}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 7, SE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 18, T. 13S, R. 45E, B. M.

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

R. KEITH HIGGINSON

Director

Published in The News-Examiner, Montpelier, Idaho on July 4 and July 11, 1974.

(1411)

11 4041

NO. 11-4041

357 North 4th, Montpelier, Idaho

The water is claimed to be used from Jan. 1 to Dec. 31 for stockwatering
ses for 600 head of beef cattle and calves.

with a priority of Sept. 24, 1889
the place of use is within the SW¹/₄NE¹/₄, SW¹/₄SE¹/₄, Sec. 7, SE¹/₄NW¹/₄, Sec. 18,
T. 13S, R. 45E, B.M.

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

R. KEITH HIGGINSON

Director

Published in the News-Examiner, Montpelier, Idaho

on July 4 and July 11, 1974.

11-4041

CB, A. A.

June 25, 1974

Ms. Elaine Keetch
357 North 4th
Montpelier, Idaho

Dear Ms. Keetch:

Attached herewith is departmental receipt No. 12934 in the amount of \$10.00 for the Claim to a Water Right which was received in this office under the above date.

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

Very truly yours,

NORMAN C. YOUNG
District Engineer

NCY:MB

Attachment