

67-4046

NAME OF APPLICANT Mr. S. HELLER

Form No. 0

R-5E.

T.
12
N.



Permit Map No. 25914

As Approved
SEP 2 1967
MARK R. KULP
Senior Examination Engineer

SCALE: 2 Inches Equal 1 Mile. Draw Plan in Ink.

25914

PUBLISHER'S AFFIDAVIT

STATE OF IDAHO)
) ss.
County of Valley)

Donald E. McMahan, being first duly sworn, deposes and says: That he is the co-editor of the Star-News, a weekly newspaper published at Cascade and McCall, in the County of Valley, State of Idaho; that said newspaper is in general circulation in the county of aforesaid and is a legal newspaper; that the advertisement, a copy of which is hereto attached, was published in said newspaper once a week for ^{Two} consecutive weeks in the regular and entire issue of every number thereof during the period and time of publication, and was published in the newspaper proper and not in a supplement; and that publication of such notice began November 21, 1974, and ended November 28, 1974.

Subscribed and sworn to before me a Notary Public in and for the County of Valley, and the State of Idaho, this 5th day of Dec, 1974.

Donald E. McMahan, Notary Public.

My commission expires July 20, 1977.

NOTICE OF CLAIM TO A WATER RIGHT

No. 65-4057

Notice is hereby given that Kent O. Kelly 1410 Highland View Dr., Boise, Idaho has filed a claim to a water right established by diversion and application to beneficial use of 1.11 cubic feet per second of water from Silver Springs, AKA Silver Creek Springs, trib. to Silver Creek with the point of diversion in the NE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 36, T. 12 N, R. 5 E, B.M. Valley County.

The water is claimed to be used from Jan. 1 to Dec. 31 for a swimming pool with a priority of 1960 the place of use is within the NE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 36, T. 12 N, R. 5 E, B.M.

Any exception to this claim of water right may be filed with the Idaho Department of Water Resources, Statehouse, Boise, Idaho, 83720.

R. KEITH HIGGINSON
Director

Published in the Star News,
McCall, Idaho on Nov. 21, 1974
and Nov. 28, 1974.

RECEIVED
DEC 9 1974
Department of Water Resources

DEC 9 1974

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12-9-74
CW

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 Kent O. Kelly (name of claimant)
of 1410 Highland View Dr., Boise, ID, 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) Silver Springs
AKA Silver Creek Springs, tributary to, Silver Creek

- (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>500 GPM</u>	Use	<u>Swimming pool</u>	Period of Use: From	<u>Jan. 1</u>	To	<u>Dec. 31</u>
Amount	_____	Use	_____	Period of Use: From	_____	To	_____
Amount	_____	Use	_____	Period of Use: From	_____	To	_____
	(cfs, gpm or a/f)		(dom., irri., stock, etc.)				(both dates inclusive)

- (3) Total quantity of water claimed: _____ cubic feet per second, or _____ acre feet per annum, and/or 500 gallons per minute.

- (4) Priority claimed: (the date water was first applied to beneficial use) 1960

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)

Survey #3259
NE ¼ SE ¼, Sec. 36 Twp. 12N Rge. 5E B. M. County of Valley

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. Swimming pool - apx. 55' x 120' x 22' x 150' x 5' deep (ave.)

- (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: Swimming pool

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

(8) Remarks The spring water flows out of rocke in side of mountain on private deeded property directly into pool which forms one side of pool. Outlet flows into Silver Creek adjacent to boundary of private property.

RGE. 5E

3 6

TWP. 12N

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)
) ss.
County of Ada)

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.

Sworn to before me this 8th day of November

I, Ben To Jell
 (Claimant)
 do hereby certify that on this 17 day of July, 1974
Henry Woods
 Notary Public
 Residing at Brice, Idaho

My commission expires 6-15-1977

Leaf # 167

For Department Use Only

Received by du Date 11-8-74 Exception filed by: _____ Forwarded to _____ Date _____
Prelim. check by du Date 11-8-74 claimant by: _____
\$10.00 fee received by ij Date 11-08-74
Approved for publication by OK 12-9-74 CH _____
Published in The Star News 11-14-74 _____
Dates 11-21 & 11-28 _____

NAME OF APPLICANT

Form No. 6

R-51

T
12
N.

Point of Release

Point of Diversion on
Un-named stream

Permit Map No. 25914
As Approved
SEP 1 1954
MARK R. KILP
State Engineer

SCALE: 2 inches Equal 1 Mile. Show Plan to 1-4.

25914

PUBLISHER'S AFFIDAVIT

STATE OF IDAHO)
) ss.
County of Valley)

Donald E. McMahan, being first duly sworn, deposes and says: That he is the co-editor of the Star-News, a weekly newspaper published at Cascade and McCall, in the County of Valley, State of Idaho; that said newspaper is in general circulation in the county of aforesaid and is a legal newspaper; that the advertisement, a copy of which is hereto attached, was published in said newspaper once a week for ^{Two} consecutive weeks in the regular and entire issue of every number thereof during the period and time of publication, and was published in the newspaper proper and not in a supplement; and that publication of such notice began November 21, 1974, and ended November 28, 1974.

Donald E. McMahan
Subscribed and sworn to before me a Notary Public in and for the County of Valley, and the State of Idaho, this 23rd day of July, 1974.

Donald E. McMahan, Notary Public.
My commission expires July 20, 1977.

NOTICE OF CLAIM TO A WATER RIGHT

No. 65-4057

Notice is hereby given that Kent O. Kelly 1410 Highland View Dr., Boise, Idaho has filed a claim to a water right established by diversion and application to beneficial use of 1.11 cubic feet per second of water from Silver Springs, AKA Silver Creek Springs, trib. to Silver Creek with the point of diversion in the NE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 36, T. 12 N, R. 5 E, B.M. Valley County.

The water is claimed to be used from Jan. 1 to Dec. 31 for a swimming pool with a priority of 1960 the place of use is within the NE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 36, T. 12 N, R. 5 E, B.M.

Any exception to this claim of water right may be filed with the Idaho Department of Water Resources, Statehouse, Boise, Idaho, 83720.

R. KEITH HIGGINSON
Director

Published in the Star News,
McCall, Idaho on Nov. 21, 1974
and Nov. 28, 1974.

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12-9-74
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State of Idaho

APR 2 1975

Department of Water Resources

Department of Water Resources

ASSIGNMENT OF PERMIT

HOWARD OLSON and B. JO ANN OLSON, husband and wife,

I, /, hereby assign to BUFORD H. WITHERS and RUTH E.

WITHERS, husband and wife,

of 100 E. Madison Street, LaGrange, Kentucky 40031

Address

CHECK ONE



All my right, title, and interest in and to Permit No. 65-4057
to appropriate the public waters of the State of Idaho.



The following described portion of my right, title, and interest in and to Permit
No. _____ to appropriate the public waters of the State of Idaho.

(Describe that portion of the permit being assigned by listing the acreage within
each 40 acre subdivision, the point of diversion and the amount of water in cubic
feet per second for direct diversion, or acre feet for storage)

Made this 14th day of August, 19 75.

Permit Holder

Howard Olson
Howard Olson

Spouse of Permit Holder

B. JoAnn Olson
B. JoAnn Olson

State of Idaho)

County of Canyon) ss.

On this 14th day of August, 19 75, personally
appeared before me the signer(s) of the above instrument, who duly acknowledged to me
that he (she) (they) executed the same.

seal

Carol D. Spinkhowes
Notary Public residing at

Nampa, Idaho

My commission expires:

8/23/77

RECEIVED

State of Idaho
Department of Water Resources

APR 2 1975

Department of Water Resources

ASSIGNMENT OF PERMIT

ANNE VANCE, husband and wife,
I, TROY VANCE and BONNIE /, hereby assign to HOWARD OLSON and B. JO ANN
OLSON, husband and wife,
of 3204 South Indiana, Caldwell, Idaho 83605
Address

CHECK ONE

- ☒ All my right, title, and interest in and to Permit No. 65-4057
to appropriate the public waters of the State of Idaho.
- ☐ The following described portion of my right, title, and interest in and to Permit
No. _____ to appropriate the public waters of the State of Idaho.
(Describe that portion of the permit being assigned by listing the acreage within
each 40 acre subdivision, the point of diversion and the amount of water in cubic
feet per second for direct diversion, or acre feet for storage)

Made this 31st day of July, 19 75.

Troy Vance
Permit Holder Troy Vance

Bonnie Anne Vance
Spouse of Permit Holder Bonnie Anne Vance

State of Idaho)
County of Canyon) ss.

On this 31st day of July, 19 75, personally
appeared before me the signer(s) of the above instrument, who duly acknowledged to me
that he (she) (they) executed the same.

seal

Carol S. Spinkrow
Notary Public residing at

Nampa, Idaho

My commission expires:

8/23/77

April 8, 1976

Re: Permits No. 65-2864 and 65-2865
Claim to a Water Right No. 65-4057

Mr. Leon R. Weeks
Weeks, Yost, White & Ahrens
112 - 9th Ave. South
Nampa, Idaho 83651

Dear Mr. Weeks:

This is to acknowledge receipt of the assignments submitted in connection with the above referenced permits and claim.

The assignments for permits 65-2864 and 65-2865 have been recorded and the Department's records changed to reflect Buford H. and Ruth E. Withers as permit holders.

As we have no procedure for recording an assignment in connection with claims to a water right, the original assignments have been placed in our Claim No. 65-4057 file for future reference as to ownership.

The assignment 'copies' are herewith returned for your records.

Sincerely,

D. Darlene Reich
Water Rights Supervisor

Enclosures (6)

WEEKS, YOST, WHITE & AHRENS, P.A.

ATTORNEYS AT LAW
112 9TH AVENUE SOUTH
NAMPA, IDAHO 83651

LEON R. WEEKS
WILLIAM F. YOST
TERRENCE R. WHITE
EDWARD D. AHRENS

Department of P. O. BOX 247
TELEPHONE 466-9272

April 1, 1976

Department of Water Resources
Statehouse
Boise, Idaho 83720

Re: Permits No. 65-2864,
65-2865 and 65-4057

Gentlemen:

Enclosed herewith are the original and one copy
each of Assignments of Permits No. 65-2864, 65-2865 and
65-4057, as follows:

Original and one copy each of Assignments of
said Permits from Troy and Bonnie Anne Vance,
husband and wife, to Howard and B. Jo Ann
Olson, husband and wife

Original and one copy each of Assignments of
said Permits from the Olsons to Buford H.
and Ruth E. Withers, husband and wife

These documents should all be self-explanatory.

Very truly yours,

WEEKS, YOST, WHITE & AHRENS, P.A.

Leon R. Weeks

CS
Encs.

January 30, 1975

Mr. Leon R. Weeks
Weeks, Yost & White
112 - 9th Ave. South
Nampa, Idaho 83651

Dear Mr. Weeks:

This office has received the assignments submitted in behalf of Kent O. Kelly in connection with Claim No. 65-4057 and Permit No. 65-2864.

Please be advised that the Department has no procedure for recording an assignment in connection with a claim to a water right, however, we will place the document in our file for future reference as to present ownership.

We are herewith returning the assignment for Permit 65-2864 as Mr. Kelly is no longer the permit holder of records. Enclosed for your reference is a copy of the assignment whereby Mr. Kelly conveyed all interest in and to the permit to Mr. Kenneth Dynes.

If you have any questions regarding the above matters, please feel free to contact us.

Sincerely,

D. Darlene Reich
Water Rights Supervisor

ddr
Enclosures (2)

RECEIVED

WEEKS, YOST & WHITE

ATTORNEYS AT LAW
112 9TH AVENUE SOUTH
NAMPA, IDAHO 83651

LEON R. WEEKS
WILLIAM F. YOST
TERRENCE R. WHITE

January 23, 1975

P. O. BOX 95
TELEPHONE 466-9274

Department of Water Resources
State House
Boise, Idaho 83700

Gentlemen:

Enclosed herewith is Assignment of Permit #65-4057
and #65-2864.

Very truly yours,

WEEKS, YOST & WHITE, P.A.

Leon R. Weeks
Leon R. Weeks *JB*

jb
enclosures

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State of Idaho
Department of Water Resources

ASSIGNMENT OF PERMIT

I, KENT O KELLY, hereby assign to HAROLD OLSON AND TROY VANCE
of CALDWELL, IDAHO
Address

CHECK ONE



All my right, title, and interest in and to Permit No. 65-4057
to appropriate the public waters of the State of Idaho.



The following described portion of my right, title, and interest in and to Permit
No. _____ to appropriate the public waters of the State of Idaho.

(Describe that portion of the permit being assigned by listing the acreage within
each 40 acre subdivision, the point of diversion and the amount of water in cubic
feet per second for direct diversion, or acre feet for storage)

Made this 20th day of November, 19 74.

Kent O Kelly
Permit Holder

Patricia S. Kelly
Spouse of Permit Holder

State of Idaho)

County of Ada) ss.

On this 20th day of November, 19 74, personally
appeared before me the signer(s) of the above instrument, who duly acknowledged to me
that he (she) (they) executed the same.

seal

Rhoda-Mary Green
Notary Public residing at

Boise, Idaho

My commission expires:

January 7, 1975

MICROFILMED

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION
WESTERN DISTRICT OFFICE



Cecil D. Andrus
Governor
R. Keith Higginson
Director

614 State Street
Statehouse - Annex 2
Boise, Idaho 83707
(208) 384-2190

Water Rights Administration
Water Resource Investigations
Dam and Reservoir Safety
Water Well Drilling
Waste Disposal Wells
Stream Channel Protection
Geothermal Resources

December 9, 1974

Mr. Kent O. Kelly
1410 Highland View Dr.
Boise, ID 83702

Re: Claim to a Water Right No. 65-4057

Dear Mr. Kelly:

The Department of Water Resources has completed the processing of your claim to a water right, and no further action is authorized under Section 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.

Sincerely,

KENNETH H. FOIT, P. E.
Western District Engineer

KHF: cla

Enclosure

RECEIVED
DEC 11 1974

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION

Cecil D. Andrus
Governor
R. Keith Higginson
Director

Statehouse - Annex 2
Boise, Idaho 83707
(208) 384-2215
Western District Office



Water Rights Administration
Water Resource Investigation
Dam and Reservoir Safety
Water Well Drilling
Waste Disposal Wells
Stream Channel Protection

November 15, 1974

The Star News
Box 985
McCall, ID 83638

Re: Claim to a Water Right No. 65-4057 - Kent O. Kelly
Application for Permit No. 65-7516 - Eld Ranches, Inc.
65-7517 - Norman R. Cole

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. 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)

Sincerely,

Bill submitted

12-9-74

Ca

NOTICE OF CLAIM TO A WATER RIGHT

No. 65-4057

Notice is hereby given that KENT O. KELLY

1410 Highland View Dr., Boise, ID

has filed a claim to a water right established by diversion and application
to beneficial use of 1.11 cubic feet per second ~~acre feet of water~~

from Silver Springs, AKA Silver Creek Springs, trib. to Silver Creek
with the point of diversion in the NE 1/4 Sec. 36, T. 12 N, R. 5 E, B.M.

Valley County

The water is claimed to be used from Jan. 1 to Dec. 31
for a swimming pool

with a priority of 1960

the place of use is within the NE 1/4 Sec. 36, T. 12 N, R. 5 E, B.M.

Any exception to this claim of water right may be filed with the Idaho
Department of Water Resources, Statehouse, Boise, Idaho, 83720.

R. KEITH HIGGINSON

Director

Published in the The Star News, McCall, ID

on Nov. 21, 1974 and Nov. 28, 1974