

Affidavit of Publication

RECEIVED

MAR 16 1973

State of Idaho, }
County of Gooding } ss.

Department of Water Administration
Southern District Office

Alfred E. Hagen, being first duly sworn, deposes and says that he is the printer (publisher) of the Gooding County Leader, a newspaper published every week in Gooding, County of Gooding, State of Idaho; that said newspaper has been continuously and uninterruptedly published for a period of seventy-eight consecutive weeks prior to the first publication of the annexed notice and is a newspaper qualified to publish legal notices as provided by act of the 1919 session of the legislature of the State of Idaho, known as House Bill 145; that the annexed advertisement

was published once each week for 2 consecutive issues in said newspaper proper and not in a supplement; that the date of the first publication of said advertisement was on the 8 day of March, 19 73, and the date of the last publication was on the 15 day of March, 19 73

Subscribed and sworn to before me this 15

day of March, 19 73
(SEAL)

GOODING COUNTY LEADER

Gooding, Idaho

COST OF PUBLICATION

Number of Lines in Notice.....

Number of Insertions

_____ Lines at 14¢

_____ Lines at 10¢

TOTAL COST.....

COPY OF NOTICE

Title of Notice

Water Right Claim

Title of Notice

No 36-4026

Plaintiff Attorney

Defendant

Plaintiff

Bill to

Dept of Water Admin
1041 Blue Lakes Blvd N
Twin Falls Id

NOTICE OF CLAIM TO A WATER RIGHT NO. 36-4026

Notice is hereby given that Carl H. and/or Thelma P. Ferguson, Route 1, Wendell, ID has filed a claim to a water right established by diversion and application to beneficial use of .22 cubic feet per second of water from an unnamed springs, tributary to Snake River with point of diversion in the NW 1/4 NE 1/4, Sec. 17, T. 8S, R. 14E, B.M., Gooding County.

The water is claimed to be used from Jan. 1 to Dec. 31 for domestic, stockwater, and recreation purposes and from March 15 to Nov. 15 for the irrigation of 8 acres with a priority of 1915; the place of use is within the NW 1/4 NE 1/4, Sec. 17, T. 8S, R. 14E, B.M.

Any exception to this claim of water right may be filed with the Idaho Department of Water Administration, 1041 Blue Lakes Boulevard North, Twin Falls, Idaho, 83301.

R. KEITH HIGGINSON,
Director

3-8-2tc

36 4026

Identification No. _____

Claim No. 36-4026

Map No. _____

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION

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)

1. Name of claimant Carl H. and/or Thelma P. Ferguson
post office address Route 1, Wendell, ID 83355

2. The point of diversion is in NW $\frac{1}{4}$ of NE $\frac{1}{4}$ Section 17 Township 8S
Range 14E B.M. located on Unnamed Springs

(name of source)

tributary to Snake River in Gooding 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:

8 1915 amount: 0.22 c.f.s. or _____ acre feet

amount: _____ c.f.s. or _____ acre feet

amount: _____ c.f.s. or _____ acre feet

Total claimed 0.22 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 Domestic period of use from Jan. 1 to Dec. 31 (both dates inclusive)

use Stockwater period of use from Jan. 1 to Dec. 31 (both dates inclusive)

use Irrigation period of use from March 15 to Nov. 15 (both dates inclusive)

use Recreation period of use from Jan. 1 to Dec. 31 (both dates inclusive).

4. Description of diverting works:

a. Surface water diversion dam and/or headgate: material is composed of concrete box
with two pipes for the various uses; length is _____ feet; height is _____ feet;
width at bottom is _____ feet; width 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 _____; depth of well is _____ feet; diameter of well is _____ inches; type of pump is _____
capacity of pump is _____ g.p.m.; name and address of well driller is _____

attach well logs if available; has there been any change in pump or motor since well was first completed _____; if so, give dates and explain _____

- c. Conveying works: length of ditch to place of use is _____ feet; width of ditch at top is _____ feet; width of bottom of ditch is _____ feet; depth of water is _____ feet; grade of ditch per 1000 feet is _____ feet; material through which ditch passes is _____; maximum length of pipe line to first place of use is 500 feet; diameter of pipe line is 2 & 8 inches; type of pipe galvanized pipe; grade of pipe per 1000 feet is _____.

Please explain any changes or increase in size of conveying system since water was first appropriated, giving date and dimensions if possible _____

- d. If water is stored: name of reservoir _____; total capacity of reservoir is _____ acre feet; active capacity of reservoir is _____ acre feet; year construction commenced _____; year completed _____; date first used _____; period of storage is from _____ to _____; is reservoir drained each year _____; is reservoir on or off stream _____ explain _____

if feeder canal is used give maximum carrying capacity _____ c.f.s.; if reservoir is off stream, describe location of reservoir by 40-acre subdivisions _____

has there been any enlargement of the reservoir since it was first built _____, if so, give dates and describe _____

5. a. Where water is used for irrigation, describe area irrigated by 40-acre subdivisions and give total acres:

TWP.	RANGE	SEC.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTALS
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
8S	14E	17	8																8

Total number of acres to be irrigated 8

Explain any significant increase in area irrigated since first use, give dates and acreages if known _____

b. Do you get water through a ditch owned by several users? _____ 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 75 head of cattle

7. Where water is used for domestic or municipal purposes give number of families served one family
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.

9. Remarks: please explain any details of your claim which you feel need clarification or additional explanation
Recreation use is a natural pond which has been stocked with fish

State of Idaho

County of _____

\$5.

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.

Carl H. Ferguson
Claimant

Sworn to before me this 27 day of Feb, 1923.

 Notary Public
 Residing at _____

My commission expires

For Department Use Only

Received by RA Date 3-2-73

Exception filed by:

Forwarded to
claimant by:

Date _____

Prelim. check by RMN Date 3-2-73 # 9582

Fee received by ALW Date 3-2-73 Fee \$ 10.00

Approved for publication by CH

Published in Gooding County Leader, 3-8 &

alw 3-15-73

36 4126

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:	May 18, 1871	amount:	0.8 c.f.s. or	_____	acre feet
	June 1, 1901	amount:	0.4 c.f.s. or	_____	acre feet
	Total claimed:		1.2 c.f.s. or	_____	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 a Claim to a Water Right is \$10.00. Your claim and fee may be submitted to ~~one~~ of the following offices:

Northern District

Idaho Dept. of Water Administration
401 Front Avenue, Room 209
Coeur d'Alene, Idaho 83814

Eastern District

Idaho Dept. of Water Administration
240 South Holmes
Idaho Falls, Idaho 83401

Southern District

Idaho Dept. of Water Administration
1041 Blue Lakes Blvd. North
Twin Falls, Idaho 83301

Western District

Idaho Dept. of Water Administration
Statehouse - Annex 2
Boise, Idaho 83707

I have lived in the vicinity of Jerome and Wendell, Idaho since 1915.
From 1915 to 1973 by personal observation..

I can state that the certain parcel of land described as:

Township 8 South, Range 14 East of the Boise Meridian

Section 17: A tract of land in the NW $\frac{1}{4}$ NE $\frac{1}{4}$

described as follows:

Beginning at a point on the North
boundary of said Section 17, which point is 1498.2
feet Westerly from the Northeast corner of Section 17;
thence Westerly along said North boundary
a distance of 414.8 feet;

thence S 26° 5' E a distance of 202.0 feet;

thence N 86° 43' E a distance of 157.0 feet;

thence N 60° 47' E a distance of 206.2 feet;

thence N 76° 11' E a distance of 324.9 feet;

thence N 32° 38' E a distance of 251.5 feet;

thence N 11° 34' E a distance of 203.7 feet;

more or less to the point of beginning.

IN THE COUNTY OF GOODING, STATE OF IDAHO

Has been continuously irrigated from an unnamed spring located on
the above described property.

During this time the same spring has also furnished the water for
domestic and stock use.

Walter W. Kelley
Walter W. Kelley
367 East Ave. C.
Wendell, Idaho

State of Idaho)
) ss.
County of Gooding)

On this 1st day of March, 1973 before me, the undersigned,
a notary public in and for said State personally appeared
Walter W. Kelley, known to me to be the person whose name is
subscribed to the within instrument and acknowledged to me that he
executed the same.

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

Marcus P. Hall
Notary Public for the State
of Idaho, residing at
Wendell, Idaho

Affidavit of Publication

State of Idaho, }
County of Gooding } ss.

APR 13 1973
Superior Court Administration
Gooding District Office

Alfred F. Hagen, being first duly sworn, deposes and says that he is the printer (publisher) of the Gooding County Leader, a newspaper published every week in Gooding, County of Gooding, State of Idaho; that said newspaper has been continuously and uninterruptedly published for a period of seventy-eight consecutive weeks prior to the first publication of the annexed notice and is a newspaper qualified to publish legal notices as provided by act of the 1919 session of the legislature of the State of Idaho, known as House Bill 145; that the annexed advertisement

was published once each week for 2 consecutive issues in said newspaper proper and not in a supplement; that the date of the first publication of said advertisement was on the 8 day of March, 1973, and the date of the last publication was on the 15 day of March, 1973

Subscribed and sworn to before me this 15 day of March, 1973
Mary Ann Hagen
NOTARY PUBLIC

GOODING COUNTY LEADER Gooding, Idaho COST OF PUBLICATION

Number of Lines in Notice.....
Number of Insertions
Lines at 14¢
Lines at 10¢
TOTAL COST.....

COPY OF NOTICE

Title of Notice

Water Right Claim
Title of Notice

No 36-4026
Plaintiff Attorney

Defendant

Plaintiff

Bill to

Dept of Water Admin
1041 Blue Lakes Blvd N
Twin Falls Id

NOTICE OF CLAIM TO A WATER RIGHT NO. 36-4026

Notice is hereby given that Carl H. and/or Thelma P. Ferguson, Route 1, Wendell, ID has filed a claim to a water right established by diversion and application to beneficial use of .22 cubic feet per second of water from an unnamed spring tributary to Snake River with point of diversion in the NW 1/4 NE 1/4, Sec. 17, T. 8S, R. 14E, B.M., Gooding County.

The water is claimed to be used from Jan. 1 to Dec. 31 for domestic, stockwater, and recreation purposes and from March 15 to Nov. 15 for the irrigation of 8 acres with a priority of 1915; the place of use is within the NW 1/4 NE 1/4, Sec. 17, T. 8S, R. 14E, B.M.

Any exception to this claim of water right may be filed with the Idaho Department of Water Administration, 1041 Blue Lakes Boulevard North, Twin Falls, Idaho 83301.

R. KEITH HIGGINSON
Director

3-8-2tc

36 4026

March 28, 1973

RE: Claim No. 35-4026 - Carl H. and/or Thelma P. Ferguson

Mr. Carl H. Ferguson
Route 1
Wendell, ID 83355

Dear Mr. Ferguson:

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 of the 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 the claim. If you have any questions or if we can be of further assistance, please feel free to call upon us.

Very truly yours,

BoL Haynes
District Engineer
Southern District

BH:alw

Enc.

36 4026

March 2, 1973

RE: Claim No. 36-4026 - Carl H. and/or Thelma P. Ferguson

Gooding County Leader
Box 56
Gooding, ID 83330

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)

Very truly yours,

Bob Haynes
District Engineer
Southern District
District Engineer
Southern District
BH:alw

Bill sent by _____

Enc: Legal Notice

36 4026

NOTICE OF CLAIM TO A WATER RIGHT

NO. 36-4026

Notice is hereby given that Carl H. and/or Thelma P. Ferguson,
Route 1, Wendell, ID
has filed a claim to a water right established by diversion and application
to beneficial use of .22 cubic feet per second ~~xxx feet per second~~
of water from an unnamed springs, tributary to Sanke River
with point of diversion in the NW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 17, T. 8S, R. 14E, B.M.,
Gooding County

The water is claimed to be used from Jan. 1 to Dec. 31 for domestic,
stockwater, and recreation purposes and from March 15 to Nov. 15 for the irrigation
of 0 acres
with a priority of 1915;
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Any exception to this claim of water right may be filed with the Idaho
Department of Water Administration, 1041 Blue Lakes Boulevard North, Twin
Falls, Idaho, 83301.

R. KEITH HIGGINSON

Director

Published in the Gooding County Leader, Gooding, ID
on March 8 and March 15, 1973

Need Galley Proof
**NOTICE OF CLAIM TO A
WATER RIGHT
NO. 36-4026**

Notice is hereby given that
Carl H. and/or Thelma P.
Ferguson, Route 1, Wendell,
ID has filed a claim to a
water right established by di-
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beneficial use of .22 cubic
feet per second of water from
an unnamed springs, tribu-
tary to Snake River with
point of diversion in the NW
 $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 17, T. 8S, R.
14E, B.M., Gooding County.

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Water Administration, 1041
Blue Lakes Boulevard North,
Twin Falls, Idaho, 83301.

R. KEITH HIGGINSON,

Director

OK
clw 3-6-73 3-8-2tc

36
4026