

Affidavit of Publication

RECEIVED
NOV 26 1971
Department of Water Administration

State of Idaho,
County of Gooding }

ss.

Mrs. 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 18 day

of November, 1971, and the date of the last publication

was on the 25 day of November, 1971.

Mrs. Alfred E. Hagen

Subscribed and sworn to before me this 25

day of November, 1971.
(SEAL)

Audrey C. Belsher
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 Permit

Title of Notice

Monty B. Montgomery
Plaintiff Attorney

NOTICE OF CLAIM TO A WATER RIGHT No. 36-4017

Notice is hereby given that Monty B. Montgomery, Route #1, Wendell, Idaho has filed a claim to a water right established by diversion and application to beneficial use of 0.8 cubic feet per second of water from a ground water source with point of diversion in the NE 1/4 SW 1/4, Sec. 34, T. 8S, R. 14E, B.M., Gooding County.

The water is claimed to be used from March 15 to Nov. 15 for the irrigation of 40 acres with a priority of May 1, 1953; the place of use is within the NE 1/4 SW 1/4, Sec. 34, T. 8S, R. 14E, B.M.

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

R. KEITH HIGGINSON,
Director

11-18-2tc

PUBLICATION RATES:

(Idaho Code, (Rev. Statutes) 1956	
7 pt. per line, straight	14c
7 pt. per line, tabular	20c
7 pt. per line, successive insertions.....	10c
6 pt. per line, straight	15c
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No 1332

36 4017

Identification No. _____
Claim No. 36 4017
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 MONTY B. MONTGOMERY
post office address Route #1 Wendell, Idaho 83355
2. The point of diversion is in NE $\frac{1}{4}$ of SW $\frac{1}{4}$ Section 34 Township 8 S
Range 14 E B.M. located on ground water
(name of source)
tributary to _____ 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:
May 1 1953 amount: 0.8 c.f.s. or 160 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 Mar. 15 to Nov. 15 (both dates inclusive)
use _____ period of use from _____ to _____ (both dates inclusive)
use _____ period of use from _____ to _____ (both dates inclusive)
use _____ period of use from _____ to _____ (both dates inclusive).
4. Description of diverting works:
 - 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 125 feet; diameter of well is 6 inches; type of pump is 15 HP Electric
capacity of pump is 360 g.p.m.; name and address of well driller is C. B. Eaton & Sons

Conveying works: length of ditch to place of use is 1320 feet; width of ditch at top is 2 feet; width of bottom of ditch is 1½ feet; depth of water is 1½ feet; grade of ditch per 1000 feet is 1 feet; material through which ditch passes is soil; maximum length of pipe line to first place of use is _____ feet; diameter of pipe line is _____ inches; type of 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 _____

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_____

[illegible]

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 _____

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

State of Idaho

County of Ada } 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 affiants knowledge.

Sworn to before me this

29

day of

Oct

1971

Monty B. Montgomery
Claimant
Donald W. Elder
Notary Public
Residing at Boise Idaho

Residing at

My commission expires

2-18-74

For Department Use Only

Received by IS Date 29 Oct 71

Exception filed by:

Forwarded to
claimant by:

Date

Prelim. check by IS Date 29 Oct 71

Fee received by eg Date 10/29/71

Fee \$ 10.22

Approved for publication by 3DE

Published in Boeing City Leader Dates 11-18-71-25-71

36 4 17

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

Affidavit of Publication

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State of Idaho,
County of Gooding

ss.

Department of Water Administration

Mrs. Alfred E. Hagen

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Dorothy C. Belsher
NOTARY PUBLIC

GOODING COUNTY LEADER

Gooding, Idaho

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Water Permit

Title of Notice

Monty B. Montgomery

NOTICE OF THE
TO A WATER PERMIT
No. 1332
Notice is hereby given that
Monty B. Montgomery, Boise,
Idaho, has applied for a water
right to divert water from a
source with point of diversion
in the Boise River, Boise,
Idaho, to a point of use in
Boise, Idaho, for the purpose
of irrigating 15 acres with a
project in Boise, Idaho,
1942, the above notice is
published for the purpose of
giving notice to all persons
of water right may be made
with the Idaho Department of
Water Administration, Boise,
Idaho.
R. KEITH HIGGINS

PUBLICATION RATES:

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No 1332

36 4017

December 9, 1971

Re: Claim to a Water Right No. 36-4017

C
Monty B. Montgomery
Route #1
Wendell, Idaho 83355

Dear Mr. Montgomery:

O
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.

P
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.

Y
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

36 4017

November 10, 1971

Re: Claim No. 36-4017 - Monty B. Montgomery

Gooding County Leader
Box 56
Gooding, Idaho 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 our 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:cr

Enc: Legal Notice

Bill submitted 12-2-71 By CR

36 4017

**NOTICE OF CLAIM
TO A WATER RIGHT**

No. 36-4017

Notice is hereby given that Monty B. Montgomery, Route #1, Wendell, Idaho has filed a claim to a water right established by diversion and application to beneficial use of 0.8 cubic feet per second of water from a ground water source with point of diversion in the NE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 34, T. 8S, R. 14E, B.M., Gooding County.

The water is claimed to be used from March 15 to Nov. 15 for the irrigation of 40 acres with a priority of May 1, 1953; the place of use is within the NE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 34, T. 8S, R. 14E, B.M.

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

R. KEITH HIGGINSON,
Director

11-18-2tc

O.K.
11-15-71
J.B.

36 4017

NOTICE OF CLAIM TO A WATER RIGHT

No. 36-4017

Notice is hereby given that Monty B. Montgomery,

Route #1, Wendell, Idaho

has filed a claim to a water right established by diversion and application to beneficial use of 0.8 cubic feet per second ~~XXXXXXXXXX~~ of water from a ground water source

with point of diversion in the NE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 34, T. 8S, R. 14E, B.M., Gooding
County

The water is claimed to be used from March 15 to Nov. 15 for the
irrigation of 40 acres

with a priority of May 1, 1953;

the place of use is within the NE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 34, T. 8S, R. 14E, 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 Gooding County Leader, Gooding, Idaho
on Nov. 18 and Nov. 25, 1971.