

Affidavit of Publication

State of Idaho, }
County of Gooding } SS.

Thomas D. Miller, 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 26 day of Nov, 1970, and the date of the last publication was on the 3 day of Dec, 1970.

Thomas D. Miller

Subscribed and sworn to before me this 10

day of December, 1970
(SEAL)

Audrey C. Belsher
NOTARY PUBLIC

GOODING COUNTY LEADER

Gooding, Idaho

COST OF PUBLICATION

Number of Lines in Notice.....	<u>30</u>
Number of Insertions	
<u>30</u> Lines at 14c	<u>4.20</u>
<u>30</u> Lines at 10c	<u>3.00</u>
36 4008 TOTAL COST	<u>7.20</u>

COPY OF NOTICE

Title of Notice

Notice of Claim to Water Right
Title of Notice

Plaintiff Attorney

Mrs. Gladys Keel

Defendant

Hgm

Plaintiff

Bill to

State of Idaho
Department of
Water Administration
Statehouse Annex 2
Boise, Idaho
83707

NOTICE OF CLAIM TO A WATER RIGHT NO. 36-4008

Notice is hereby given that Mrs. Gladys T. Keel, Route No. 1, Hagerman, Idaho has filed a claim to a water right established by diversion and application to beneficial use of 0.06 cubic feet per second of water from an unnamed spring, trib. to Billingsly Creek with point of diversion in the SE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 11, T. 7 S, R. 13 E, B.M., Gooding County.

The water is claimed to be used from April 1 to November 1 for the irrigation 1 acre with a priority of July, 1966 the place of use is within the SE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 11, T. 7 S, R. 13 E, 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

11-26-2tc

Identification No. _____
Claim No. 36-4008
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 Mrs. Gladys T. Keel
post office address R.#1, Hagerman, Idaho, 83332
2. The point of diversion is in East portion of NE 1/4 of SE 1/4 NE 1/4 Section 11 Township 7 So. Range 13 EBM E. B.M. located on an unnamed spring
(name of source)
tributary to Billingsly Creek 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:

<u>July 1966</u>	amount: <u>3 1/3 Miners Inches</u>	c.f.s. or _____	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 <u>irrigation</u>	period of use from <u>April 1</u> to <u>November 1</u>	(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: Concrete tile thru which part of waste water is piped and the water I use diverted thru 2" plastic pipe to point of use
 - a. Surface water diversion dam and/or headgate: material is composed of _____
_____ ; 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 150 to 200 ft. plastic pipe buried in ground. 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 _____ 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 _____

- 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:

I use on two fenced pastures and small lawn, garden & flower beds-located on

TWP.	RANGE	SEC.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$ 2 acres in the-				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 $\frac{1}{4}$	
7 So.	13	11				X													1

Total number of acres to be irrigated approx

1 acre

Explain any significant increase in area irrigated since first use, give dates and acreages if known _____
this 1 acre being a part of above described 2 acres

located in NE $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Sec.11 Tp.7 So Rge 13 EBM

b. Do you get water through a ditch owned by several users? no 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 I pasture two or three horses during summer months. Hope next year to change to sheep for summer months

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
In July 1966 I purchased 6 acres of land from Harry LeMoine. The deed to that land conveyed 6" of water in this unnamed spring. There was considerable overflow of waste water from this spring, and in the spring of 1967 I had placed a tile under the overflow pipe from this spring, and from the tile diverted 3 1/3 miners inches via a two inch plastic pipe buried in the ground for about 150 ft. to the point where I use it for irrigation. Obviously I can irrigate only in summer. Usually start about the first of April and turn the water off about November 1st, each date dependent on the weather at that time. Have used it for irrigation during such period in 1967, 1968, 1969 and 1970.

There has been no change in the amount of water diverted and used. I irrigate two small pastures, a small garden and some flower beds.

State of Idaho

County of Gooding

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.

Gladys J. Keel
Claimant

Sworn to before me this 28th day of October, 1970.

David P. Nicholson
Notary Public

Residing at Hagerman, Idaho

My commission expires 7-13-71

Keel #5385 For Department Use Only

Received by <u>[initials]</u> Date <u>11-10-70</u>	Exception filed by: _____	Forwarded to claimant by: _____	Date _____
Prelim. check by <u>[initials]</u> Date <u>11-10-70</u>	_____	_____	_____
Fee received by <u>[initials]</u> Date <u>11-10-70</u> Fee \$ <u>10.00</u>	_____	_____	_____
Approved for publication by <u>[initials]</u>	_____	_____	_____
Published in <u>Gooding County Leader</u> Dates <u>11-26 & 12-3, 1970</u> dg	_____	_____	_____

36 4008

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:	<u>May 18, 1871</u>	amount:	<u>0.8</u> c.f.s. or	<u> </u> acre feet
	<u>June 1, 1901</u>	amount:	<u>0.4</u> c.f.s. or	<u> </u> acre feet
		Total claimed:	<u>1.2</u> c.f.s. or	<u> </u> 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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County of Gooding } SS.

Thomas D. Miller, 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 26 day of Nov, 1970, and the date of the last publication was on the 3 day of Dec, 1970.

Thomas D. Miller
Subscribed and sworn to before me this 10 day of December, 1970
(SEAL)

Audrey C. Belcher
NOTARY PUBLIC

GOODING COUNTY LEADER

Gooding, Idaho

COST OF PUBLICATION

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36 4008 TOTAL COST	<u>7.20</u>

COPY OF NOTICE

Title of Notice

Notice of Claim to Water Right
Title of Notice

Plaintiff Attorney

Mrs. Gladys Keel
Defendant
Hgm
Plaintiff

Bill to

State of Idaho
Department of
Water Administration
Statehouse Annex 2
Boise, Idaho
83707

NOTICE OF CLAIM TO A WATER RIGHT NO. 36-4008

Notice is hereby given that Mrs. Gladys T. Keel, Route No. 1, Hagerman, Idaho has filed a claim to a water right established by diversion and application to beneficial use of 0.06 cubic feet per second of water from an unnamed spring, trib. to Billingsly Creek with point of diversion in the SE 1/4 NE 1/4, Sec. 11, T. 7 S, R. 13 E, B.M., Gooding County.

The water is claimed to be used from April 1 to November 1 for the irrigation of 1 acre with a priority of July, 1966 the place of use is within the SE 1/4 NE 1/4, Sec. 11, T. 7 S, R. 13 E, 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

11-26-2tc

December 16, 1970

Re: Claim to a Water Right No. 36-4008

Mrs. Gladys T. Keel
Route #1
Hagerman, Idaho 83332

Dear Mrs. Keel:

The Department of Water Administration has completed the processing of your claim to a water right, and no further action is authorized under Section 42-225 of the Idaho Code. Your claim will remain in our files and will be available at any time for your or the courts use.

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 evidence that you would like to have included in your claim file, you may add that information 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,

Donald W. McEldowney
Appropriation Supervisor

DWM:dr
Enclosure: Copy of Claim

36 4008

November 17, 1970

Re: Claim No. 36-4008 - Mrs. Gladys T. Keel

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 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/DG
Enc: legal notice

Bill submitted

Credit

By

de

36 4008

NOTICE OF CLAIM TO A WATER RIGHT

No. 36-4008

Notice is hereby given that Mrs. Gladys T. Keel, Route #1, Hagerman,

Idaho

has filed a claim to a water right established by diversion and application to beneficial use of 0.06 cubic feet per second ~~acres/feet/~~ of water from an unnamed spring, trib. to Billingsly Creek

with point of diversion in the SE1/4, Sec. 11, T. 7 S, R. 13 E, B. M.,

Gooding County

The water is claimed to be used from April 1 to November 1 for

the irrigation 1 acre

with a priority of July, 1966;

the place of use is within the SE1/4, Sec. 11, T. 7 S, R. 13 E, 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 November 26 and December 3, 1970.

November 10, 1970

Mrs. Gladys T. Keel
Route #1
Hagerman, Idaho 83332

Dear Mrs. Keel:

Returned herewith is Departmental Receipt No. 5305 in the amount of
\$10.00 for Claim Application

which was received in this office under the above date.

Very truly yours,

M. RUSSELL BOSCH
Administrative Assistant

MRB:ejw

Enclosure: Receipt

STATE OF IDAHO

DEPARTMENT OF WATER ADMINISTRATION

Statehouse - Annex 2

Boise, Idaho 83707

(208) 384-2215



R. Keith Higginson
Director

Water Rights Administration
Water Resource Investigations
Dam and Reservoir Safety
Water Well Drilling
Flood Plain Management
Irrigation and
Flood Control Districts

October 30, 1970

Mrs. Gladys T. Keel
Hagerman, Idaho
83332

Dear Mrs. Keel:

We are herewith returning your claim to a water right, and personal check #92-100, in the amount of \$10.00, as we find in reviewing your claim that you have neglected to list a township and range. We also note that under item 5a, you have failed to list the location of your two acres. We would assume, in reviewing this claim, that this location would be in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 11, of the same township and range as your point of diversion.

As soon as you have made these necessary clarifications, and re-submitted the claim, we shall begin its processing.

Very truly yours,

Dorian Clay
Appropriation Examiner

DC:cm

Enc: check #92-100
claim to a water right

NOV 10 1970
Department of Water Administration

36 4008

Dear Mr. Clay:

If I ever get this right, shall
certainly miss your letters!

Thank you!

Gladys J. Keel-

RECEIVED

NOV 28 1936

Department of Water Administration

H
October 30, 1970

Mrs. Gladys T. Keel
Hagerman, Idaho
83332

C
Dear Mrs. Keel:

U
O
We are herewith returning your claim to a water right, and personal check #92-100, in the amount of \$10.00, as we find in reviewing your claim that you have neglected to list a township and range. We also note that under item 5a, you have failed to list the location of your two acres. We would assume, in reviewing this claim, that this location would be in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 11, of the same township and range as your point of diversion.

As soon as you have made these necessary clarifications, and re-submitted the claim, we shall begin its processing.

P
Very truly yours,

Dorian Clay
Appropriation Examiner

Y
DC:cm

Enc: check #92-100
Claim to a water right

Hagerman, Idaho.
October 25, 1970

Attention Mr. Dorian Clay,
Department of Water Administration,
State House, Annex 2,
Boise, Idaho. 83707
Gentlemen:

I enclose herewith Claim to Water Right, with my
check for filing fee of \$10.00.

I'm glad you have plenty of these forms for stupid
people like me who fail to properly answer your questions.
If this third attempt isn't correct, guess I'll have to try
to make a trip to Boise and let you cross examine me. Sorry
to cause you so much annoyance.

Very truly yours,

Shade J. Kuhl

36 4008

August 6, 1970

Ms. Gladys T. Keel
Hagerman, Idaho 83332

C
Dear Ms. Keel:

O
We are herewith returning your claim to a Water Right, as we find in reviewing this claim, that in its present state, we cannot accept it. Please note that item 3a, should list only the date of priority, or the first use of the water, and the amount in cubic feet per second, (cfs). Item 3b, should list only the use, and the period of use. The rest of the information that you have submitted under items 3a, and 3b, should be included in the remarks section on page 3.

If we can be of any further assistance in helping you with this claim form, please feel free to contact us.

P
The filing fee for this claim will be \$10.00.

Very truly yours,

Y
Dorian Clay
Appropriation Examiner

DC/cm

Enclosure: original claim form
& new claim form

36 4008

Hagerman, Idaho.

July 29, 1970

Mr. Donald W. McEldowney,
Department of Reclamation,
State of Idaho, Boise, Ida. 83701

Dear sir:

I think about a month has elapsed since I discussed with you the matter of filing on this waste water from the spring on the land which I have sold on contract to R.W.Stevens, and from which he, Mr. Pope and I get domestic water. There has been no controversy over my use of this waste water and doubt as there ever would be; but there has been so much controversy other places over water rights, thought it might be well to look into the matter of establishing my continued right to use this water on the two acres of land I reserved for my home. If this proof of use can be established and placed on file in your office without any public filing, I of course would prefer to do that. This is my first experience using any private water right, so am not at all familiar with procedures. I will greatly appreciate any advice you can give me.

Very truly yours,

Philip J. Kuel

26 1008