

RECEIVED

SEP 4 1970

## Affidavit of Publication

County of Caribou } ss.  
State of Idaho }

V. E. Lansberry.....

being first duly sworn on his oath, states:

That he is ..publisher... of the Caribou County Sun, a newspaper of general circulation in Caribou County, Idaho, published weekly at Soda Springs in said County, that said newspaper has been published in said County uninterruptedly and continuously for over seventy-eight consecutive weeks, prior to the first publication of the annexed notice or advertisement;

That the annexed notice was published as per clipping attached in the regular and entire edition of said newspaper and not in any

supplement thereof for ..two... successive weekly issues thereof, the date of the first publication

being the ...20th... day

of ...August....., 19..70

The date of the last publication

being the ....27th... day of

...August....., 19..70

*V. E. Lansberry*

Subscribed and sworn to be

fore me this ..3rd... day

of ...Sept....., 19..70

*David J. Lansberry*

Notary Public, residing  
at Soda Springs, Idaho

(SEAL)

My Commission expires the

27 day of Oct.....

19..70.

### NOTICE OF CLAIM TO A WATER RIGHT

No. 24-4000

Notice is hereby given that G. Harvey Kennington, Fairview, Wyoming, has filed a claim to a water right established by diversion and application to beneficial use of .015 cubic feet per second of water from Fox Spring, tributary of Sage Creek with point of diversion in the NW $\frac{1}{4}$ -SE $\frac{1}{4}$  Sec. 20, T. 9 S, R. 46E, B. M., Caribou County.

The water is claimed to be used from Jan. 1 to Dec. 31 for domestic purposes with a priority of October 2, 1967 the place of use is within the NW $\frac{1}{4}$ -SE $\frac{1}{4}$  Sec. 20 T. 9S, R. 46E, B. M.

Any exception to this claim of water right may be filed with the Idaho Department of Water Administration.

R. KEITH HIGGINSON

Director

Published in the Caribou County Sun, Soda Springs, Idaho, on August 20 and August 27, 1970.

24-4000

Identification No. \_\_\_\_\_  
Claim No. 24-4000  
Map No. \_\_\_\_\_

**STATE OF IDAHO**  
**DEPARTMENT OF RECLAMATION**  
**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 G. Harvey Kennington  
post office address Fairview, Wyoming
2. The point of diversion is in NW  $\frac{1}{4}$  of SE  $\frac{1}{4}$  Section 20 Township 9 S  
Range 46 E B.M. located on Fox Spring  
(name of source)  
tributary to Sage Creek in Caribou 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:

October 2, 1967 amount: pipeline  
6 gals. per min. c.f.s. or \_\_\_\_\_ acre feet

\_\_\_\_\_ amount: \_\_\_\_\_ c.f.s. or \_\_\_\_\_ acre feet

\_\_\_\_\_ amount: \_\_\_\_\_ c.f.s. or \_\_\_\_\_ acre feet

Total claimed .015 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: entire year for household use

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)

use domestic period of use from January 1 to December 31 (both dates inclusive).
4. Description of diverting works: metal headgate at head of pipeline
  - 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 \_\_\_\_\_  
\_\_\_\_\_;

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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.

pipeline is 3,900 feet long

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 \_\_\_\_\_;

\_\_\_\_\_ type of pipe \_\_\_\_\_ plastic \_\_\_\_\_; 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:

[illegible]

Total number of acres to be irrigated

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 ONE 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~~ Wyo. }  
County of Lincoln } 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 14<sup>th</sup> day of July, 1970.

Harvey Kennington  
Claimant

Bella Mae Gibbons  
Notary Public

Residing at Afton, Wyoming

My commission expires May 18, 1972

| For Department Use Only               |                                       |                     |                                |
|---------------------------------------|---------------------------------------|---------------------|--------------------------------|
| Received by                           | Date                                  | Exception filed by: | Forwarded to claimant by: Date |
| <u>[Signature]</u>                    | <u>7-29-70</u>                        |                     |                                |
| Prelim. check by <u>[Signature]</u>   | Date <u>7-30-70</u>                   |                     |                                |
| Fee received by <u>[Signature]</u>    | Date <u>8-5-70</u> Fee <u>\$10.00</u> |                     |                                |
| Approved for publication by <u>D</u>  |                                       |                     |                                |
| Published in <u>Caribou County SD</u> | <u>8-20&amp;8-27-70</u>               |                     |                                |

24-4000

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.

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1970

# Affidavit of Publication

County of Caribou }  
State of Idaho } ss.

V. E. Lansberry.....

being first duly sworn on his  
oath, states:

That he is .. publisher...  
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newspaper of general circulation  
in Caribou County, Idaho, pub-  
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said County, that said newspaper  
has been published in said Coun-  
ty uninterruptedly and continu-  
ously for over seventy-eight con-  
secutive weeks, prior to the first  
publication of the annexed notice  
or advertisement;

That the annexed notice was  
published as per clipping attached  
in the regular and entire edition  
of said newspaper and not in any

supplement thereof for .. two...  
successive weekly issues thereof,  
the date of the first publication

being the ... 20th ..... day

of ... August ....., 19.. 70

The date of the last publication

being the ... 27th ..... day of

... August ....., 19.. 70

*V. E. Lansberry*

Subscribed and sworn to be-

fore me this .. 3rd... day

of ... Sept. ...., 1970

*David J. Lansberry*

Notary Public, residing  
at Soda Springs, Idaho

(SEAL)

My Commission expires the

27 day of ... Oct. ....

19.. 70.

## NOTICE OF CLAIM TO A WATER RIGHT

No. 24-4000

Notice is hereby given that  
G. Harvey Kennington, Fairview,  
Wyoming, has filed a claim to a  
water right established by diver-  
sion and application to benefi-  
cial use of .015 cubic feet per sec-  
ond of water from Fox Spring,  
tributary of Sage Creek with  
point of diversion in the NW¼-  
SE¼ Sec. 20, T. 9 S, R. 46E, B. M.,  
Caribou County.

The water is claimed to be  
used from Jan. 1 to Dec. 31 for  
domestic purposes with a prior-  
ity of October 2, 1967 the place  
of use is within the NW¼SE¼  
Sec. 20 T. 9S, R. 46E, B. M.

Any exception to this claim of  
water right may be filed with  
the Idaho Department of Water  
Administration.

R. KEITH HIGGINSON  
Director

Published in the Caribou Coun-  
ty Sun, Soda Springs, Idaho, on  
August 20 and August 27, 1970.

24-4000

ACT  
ION

N OWNER LAST NAME - KENNINGTON

FIRST NAME - G. HARVEY

N CITY - FAIRVIEW STATE - WY

N SOURCE - FOX SPRING

TRIBUTARY OF - SAGE CREEK

N STAGE - STATUTORY CLAIM

PRIORITY - 10-02-1967 COUNTY - CARIBOU

TOTAL DIV. RATE -

.0200CFS

N DIVERSION POINT - NWSE 20 09S 46E

WATER DIST. - 01

N FROM - 01-01 TO - 12-31 USE - DOMESTIC

USE DIV. RATE - .0200CFS

N USE - DOMESTIC

PLACE OF USE - TWN 09S RNG 46E SEC 20 TRACT NWSE

\*\* R \*\* NO INPUT DATA FROM PRECEEDING RECORD

N OTHER RIGHTS FOR SAME USE - D/1 HOME.

\*\* R \*\* MULTIPLE LINES - ABBREVIATE TO FIT 65 POSITIONS



- DATA ENTRY -

Record

Present Owner: \_\_\_\_\_

5. A. Stage (A,P,L,D,S,J): S  
B. Status (D,L,R,C,A,I,F - leave blank if valid):  
C. Priority Date: 10-2-1967  
D. County: 29  
E. Total Diversion Rate: .02  
F. Total Diversion Volume:  
G. Transfer/Amendment (P,T of A or blank):  
H. Water District: 01  
I. DLE/Carey Act (D,C or blank):  
J. Right Basis (for adjudication claims A,B,C only):

|                          | <u>Tract</u> | <u>Sec.</u> | <u>Twp.</u> | <u>Rge.</u> | <u>Gov't Lot</u> | <u>Rediv.</u> |
|--------------------------|--------------|-------------|-------------|-------------|------------------|---------------|
| 6. A. Point of Diversion | <u>NW 5E</u> | <u>20</u>   | <u>92</u>   | <u>46E</u>  |                  |               |
|                          |              |             |             |             |                  |               |
|                          |              |             |             |             |                  |               |
|                          |              |             |             |             |                  |               |

[illegible]

P 72379

|    |     |    |
|----|-----|----|
| 92 | 46E | 20 |
|----|-----|----|

B. Decree Date:

10. Remarks: A.  
B.  
C.  
D.  
E.

11. Other Uses (Non-irrigation explanatory information):

D/1 home

H. Conditions of Approval: \_\_\_\_\_

14. Diversion Means (brief narrative):

September 10, 1970

Re: Claim to a Water Right No. 24-4000

Mr. G. Harvey Kennington  
Fairview, Wyoming

Dear Mr. Kennington:

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

Enclosures: Copy of claim  
Receipt No. 5017

24-4000

DON SAMUELSON  
GOVERNOR



R. KEITH HIGGINSON  
State Reclamation Engineer

STATE OF IDAHO  
DEPARTMENT OF WATER ADMINISTRATION

August 12, 1970

Re: Claim to a Water Right No. 24-4000 - G. Harvey Kennington

The Caribou County Sun  
P. O. Box 815  
Soda Springs, Idaho 83276

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 of Reclamation 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 the claimant)

Very truly yours,

Donald W. McEldowney  
Appropriation Supervisor

DWM:CM

Enc: Legal Notice

*Bill submitted  
9-4-70  
ds*

24-4000

NOTICE OF CLAIM TO A WATER RIGHT

No. 24-4000

Notice is hereby given that G. Harvey Kennington, Fairview,

Wyoming

has filed a claim to a water right established by diversion and application to beneficial use of .015 cubic feet per second 11/1/70 of water from Fox Spring, tributary of Sage Creek with point of diversion in the NW~~1~~SE~~1~~ Sec. 20, T. 9S, R. 46E, B.M.,

Caribou County

The water is claimed to be used from Jan. 1 to Dec. 31 for domestic purposes with a priority of October 2, 1967; the place of use is within the NW~~1~~SE~~1~~ Sec. 20 T. 9S, R. 46E, B.M.

Any exception to this claim of water right may be filed with the Idaho Department of Water Administration.

R. KEITH HIGGINSON

Director

Published in the Caribou County Sun, Soda Springs, Idaho on August 20 and August 27, 1970.

24-4000

July 22, 1970

Mr. G. Harvey Kennington  
Fairview, Wyoming

Dear Mr. Kennington:

C We are herewith returning your personal check in the amount of \$10.00,  
and your claim to a water right, as in its present state, we cannot accept  
it.

O Please note under item 3b, that you have listed a use for irrigation, with  
a period of use from April 25, to October 1. If this is true, then you  
should also fill out item 5a, on page 2, showing the number of acres in  
P each 40 acre subdivision, Section, Township, and Range.

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

Y If we can be of any assistance in this matter, please feel free to  
contact us.

Very truly yours,

Dorian Clay  
Appropriation Examiner

DC/cm

Enclosure: Personal check in the amount of \$10.00, and claim to a water right

24-4000

June 25, 1970

C  
O  
P  
Y

G. Harvey Kennington  
Fairview, Wyoming

Dear Mr. Kennington:

We are returning your personal check in the amount of \$10.00, and your original claim to a water right. We have taken the liberty to type the claim, and have entered additional information that would help the department in clarifying your water right claim.

Please review the additional information, and if you concur with the additional information, please sign the claim before notary public, and have the natary execute the document and return the claim and the \$10.00 filing fee.

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

Very truly yours,

Donald W. McEldowney  
Appropriation Supervisor

DWM/cm

Enc: \$10.00 check, original claim, and typed claim

24-4000