

RECEIVED
4/25/73

Department of Water Administration

STATE OF IDAHO)
COUNTY OF ADA) ss.

Marilyn A Connell

, being duly sworn, deposes and says: That she is the Principal Clerk of The Idaho Statesman, a daily newspaper printed and published at Boise, Ada County, State of Idaho, and having a general circulation therein and which said newspaper has been continuously and uninterruptedly published in said County during a period of twelve consecutive months prior to the first publication of the notice, a copy of which is attached hereto; that said notice was published in the regular edition of The Idaho Statesman for

Two consecutive insertions, beginning with the issue of April 12, 19 73, and ending with the issue of April 19, 19 73.

Marilyn A Connell

Subscribed and sworn to before me this 20th day of April, 19 73.

Jana A. Gentry
Notary Public for Idaho, Residing at Boise, Idaho

**NOTICE OF CLAIM
TO A WATER RIGHT**

No. 63-4212

Notice is hereby given that KEITH L. BODILY, 510 Bacon Drive, Boise, Ida., has filed a claim to a water right established by diversion and application to beneficial use of 0.04 cubic feet per second of water from a groundwater source with the point of diversion in the SW 1/4 SE 1/4, Sec. 5, T. 1 N., R. 2 E., B.M., Ada County.

The water is claimed to be used from Jan. 1 to Dec. 31 for domestic purposes with a priority of June 1, 1970; the place of use is within the SW 1/4 SE 1/4, Sec. 5, T. 1 N., R. 2 E., B.M.

Any exception to this claim of water right may be filed with the Idaho Department of Water Administration, Statehouse, Boise, Idaho, 83707.

R. KEITH HIGGINSON
Director

Pub. April 12, 19, 1973

564

OK of
4-25-73

63 4212

Identification No. _____

Claim No. 63-4212

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 KEITH L. BODILY
post office address 510 Bacon Drive, Boise, Idaho 83702

2. The point of diversion is in SW $\frac{1}{4}$ of SE $\frac{1}{4}$ Section 5 Township 1 N.
Range 2 E. B.M. located on Groundwater
(name of source)

tributary to _____ in Ada 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>June 1, 1970</u>	amount: <u>0.04</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>domestic</u>	period of use from <u>Jan. 1</u>	to <u>Dec. 31</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:

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 pumped ; depth of well is 416 feet; diameter of well is 6 inches; type of pump is _____
capacity of pump is 5 H.P. 3 gpm.; name and address of well driller is Cecil Broomfield
_____ ;

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 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

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.

Sworn to before me this

3rd

day of

Keith L. Bodily
April Claimant

Claimant

1973.

Kenneth H. Fort
Notary Public

Notary Public

Residing at

Boise, Idaho

My commission expires

May 26, 1974

For Department Use Only

Received by ej Date 4-3-73

Exception filed by:

Forwarded to
claimant by:

Date _____

Prelim. check by WHP Date 4/3/73

Fee received by is Date 4/13/73 Fee \$ 10⁰⁰

Approved for publication by

Published in Black Studies Dates 4-12-73

63 4242

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

Southern District

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

Eastern District

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

Western District

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

DEPARTMENT OF WATER ADMINISTRATION
- STAFF ANALYSIS -

Item	Initial	Date	
(1)	<u>JSB</u>	<u>4 April 73</u>	Application No. <u>63-4212</u> Name <u>Bedily</u>
(2)	<u>JSB</u>	<u>4 April 73</u>	Check: ☒ Signature ☒ Point of Diversion ☒ Quantity of Water and Period of Use ☒ Description of Diverting Works ☒ Time required for C/W and application of water to B/U ☒ Place of Use ☒ Map ☒ Fee
(3)	<u>JSB</u>	<u>4 April 73</u>	Send copies to: ☐ Idaho State Health Department ☐ Idaho Fish and Game Department ☐ Bureau of Land Management
(4)	<u>JSB</u>	<u>4 April 73</u>	☐ Request Special Use Permit from U.S.F.S. ☐ Request Easement from B.L.M.
(5)	<u>JSB</u>	<u>4 April 73</u>	In form for advertising <u>yes</u>
(6)	<u>df</u>	<u>4-25-73</u>	Affidavit of Publication received <u>yes</u>
(7)			Final date for protests _____ Protests received: yes _____ no _____
(8)			Date and Place of hearing _____ Decision reached at hearing _____
(9)			Located within Water District No. _____
(10)			Critical groundwater area: yes _____ no _____
(11)			Groundwater levels: ☐ Decline (comment) _____ ☐ Stable (comment) _____ ☐ Increasing (comment) _____
(12)			Comments: _____
(13)			Action recommended: ☒ Approve Priority _____ ☐ Deny Reason for Reduction _____ See attached sheet for conditions of approval No conditions for approval
(14)			District <u>Western</u> By <u>Robert Hamilton</u> Date <u>5-4-1973</u> Title <u>Supervisor, Idaho Dist.</u>

63-4212
May 4 1973
RECEIVED
Department of Water Administration

RECOMMENDED

CONDITIONS OF APPROVAL

- ☐ A measuring device of a type approved by this Department shall be permanently installed and maintained as part of the diverting works.
- ☐ Measuring devices of a type approved by this Department shall be permanently installed and maintained at the point of diversion and the point of effluent discharge.
- ☐ Use of water under this permit is supplemental to all existing water rights with the same purpose and place of use.
- ☐ Maximum rate of diversion shall not exceed _____ c.f.s.
- ☐ Settling ponds shall be installed which are capable of reducing the silt load in the return water to such a level that the quality of the waters of _____ Creek will not be impaired for other beneficial uses.
- ☐ Return water shall be treated to insure that the effluent meets (interstate) (intrastate) stream water quality standards.
- ☐ Use of water under this permit is subject to control by the watermaster of State Water District No. _____, _____ River.
- ☐ The proposed well shall not be drilled within _____ feet of another well.
- ☐ The issuance of this permit in no way grants any right-of-way or easement across the land of another person.
- ☐ The permit shall not be assigned or sold without first securing the written approval of the Department of Water Administration.
- ☐ This permit cannot be assigned, mortgaged, or conveyed without complying with Section 42-208, Idaho Code.
- ☐ Other: _____

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63 4242

R. KEITH HIGGINSON
Director
Pub. April 12, 19, 1973 564

WATER RIGHT NUMBER 63-4212

WATER RIGHTS EDIT REPORT

12/11/79

PAGE 45

ACT

ION

N OWNER LAST NAME - BODILY
N ADDRESS LINE 1 - 510 BACON DR.

FIRST NAME - KEITH L.

N SOURCE - GROUNDWATER
N STAGE - STATRY CLM

CITY - BOISE

STATE - ID ZIP CODE - 83701

N DIVERSION POINT - SWSE 05 01N 02E
N FROM - 01-01 TO - 12-31 USE - DOMESTIC

PRIORITY - 06-01-1970 COUNTY - ADA

TOTAL DIV. RATE - .0400CFS

N USE - DOMESTIC

USE DIV. RATE - .0400CFS

PLACE OF USE - TWN 01N RNG 02E SEC 05 TRACT SWSE

5000

IDENT. NO. 63-4212

I D A H O D E P A R T M E N T O F W A T E R R E S O U R C E S

WATER RIGHT
DATA ENTRY LOG

[illegible]

- DATA ENTRY -

Record

Present Owner: _____

from to for purposes. Amount

11679

[illegible]

9. A. Decree Name:

B. Decree Date:

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

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

12. Other Rights for Same Use:

13. A. Proof Due Date:

B. Date Permit Approved or Denied:

C. Protested Date:

D. Hearing Date:

E. Old Number:

F. Proof Made (P or blank):

G. Field Exam Made (P,R,F or blank):

H. Conditions of Approval: _____

14. Diversion Means (brief narrative):

April 30, 1973

Re: Claim to a Water Right No. 63-4212

Keith L. Bodily
510 Bacon Drive
Boise, Idaho 83702

Dear Mr. Bodily:

The Department of Water Administration has completed the processing of your claim to a water right, and no further action is authorized under Section 42-225a 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:df

Enclosure

63 4212

NOTICE OF CLAIM TO A WATER RIGHT

No. 63-4212

Notice is hereby given that KEITH L. BODILY, 510 Bacon Drive, Boise, Ida.

has filed a claim to a water right established by diversion and application
to beneficial use of 0.04 cubic feet per second ~~XXXXXXX~~ acre feet of water
from a groundwater source

with the point of diversion in the SW¹/₄SE¹/₄, Sec. 5, T. 1 N., R. 2 E., B.M.,
Ada County

The water is claimed to be used from Jan. 1 to Dec. 31 for domestic
purposes

with a priority of Junell, 1970

the place of use is within the SW¹/₄SE¹/₄, Sec. 5, T. 1 N., R. 2 E., B.M.

Any exception to this claim of water right may be filed with the Idaho
Department of Water Administration, Statehouse, Boise, Idaho, 83707.

R. KEITH HIGGINSON

Director

Published in the Idaho Statesman, Boise, Ida.

on April 12, 1973 and April 19, 1973

63 4212

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

April 5, 1973

Re: Claim to a Water Right No. 63-4211 Miles S. Miller
63-4212 Keith L. Bodily
Application for Permit No. 63-7760 John W. or Pearl C. Compton
63-7761 Everett W. Thompson
63-7763 Keith L. Bodily

Idaho Statesman
Box 2640
Boise, Idaho 83701

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,