

Affidavit of Publication

N^o 9824

STATE OF IDAHO, }
COUNTY OF TWIN FALLS } ss.

47-4190
KASEL, RONALD A.
RT. 3, TWIN FALLS, ID 83301
Source: UNNAMED
SPRINGS tributary to
SNAKE RIVER
Priority Date: 06/01/1935
Amount: 13.92 CFS
Diversión Point: NWSE
NESW Sec 02 T 10S R
17E, TWIN FALLS Co.
Use: FISH PROP. (13.92 CFS)
from 01/01 to 12/31
Place of Use: SENW NWNW
SWNW Sec 02 T 10S R
17E
Diversión Means: PIPELINE

I, Rinda Capps McBaine being first duly sworn upon
oath, depose and say that I am Print Clerk of the TIMES-NEWS,
published daily, at Twin Falls, Idaho, and do solemnly swear that a copy of
the notice of advertisement, as per clipping attached, was published in the regular and
entire issue of said newspaper, and not in any supplement thereof, for Two
consecutive Weeks, commencing with the issue dated
December 4, 1980, and ending with the issue dated
December 11, 1980.

And I do further certify that said newspaper is a consolidation, effective February 16,
1942, of the Idaho Evening Times, published theretofore daily except Sunday, and the Twin
Falls News, published theretofore daily except Monday, both of which newspapers prior to
consolidation had been published under said names in said city and county continuously and
uninterruptedly during a period of more than twelve consecutive months, and said TIMES-
NEWS, since such consolidation, has been published as a daily newspaper except Saturday,
until July 31, 1978, at which time said newspaper began daily publication under said name
in said city and county continuously and uninterruptedly.

And I further certify that pursuant to Section 60-108 Idaho Code, Thursday of each week
has been designated as the day on which legal notice by law or by order of any court of com-
petent jurisdiction within the state of Idaho, to be published weekly, will be published; and
that at the head of the editorial column of said combined newspapers, and in each issue there-
of, Thursday is announced as the day on which said legal notices will be published.

Rinda Capps McBaine
Subscribed and sworn to before me on this 23 day of

December, 1980.

Della Rowlett Smith

Notary Public in and for the County of Twin Falls,
State of Idaho, residing at Twin Falls, Idaho

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Southern Region

1041 Blue Lakes Blvd. N.
Twin Falls, Idaho 83301
(208) 734-3578

DECEMBER 23, 1980

RONALD A. KASEL
RT. 3
TWIN FALLS

ID 83301

RE: Claim No. 47-4190

Dear Claimant:

The Department of Water Resources has completed the advertising of your claim to a water right, and no further action is authorized under Section 42-243 and 42-244, IDAHO CODE. Your claim will be retained in our files and will be available at any time for use by you or the court.

The filing and advertising of the claim does not confirm the water right claimed, but will serve to record and preserve 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 with the claim, you may have that information or evidence added at any time. Please refer to the claim identification number when corresponding with this office.

We are enclosing a copy of your claim for your records. If you have questions, or if this office may be of further assistance, please feel free to contact us.

Yours truly,

LOREN O. HOLMES
Southern Region Supervisor

Enclosure

SCANNED

JAN 24 2002

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AFFIDAVIT

STATE OF IDAHO)
) ss.
County of Twin Falls)

AFFIDAVIT OF PERCY GREENE

Your affiant, being first duly sworn, deposes and says:

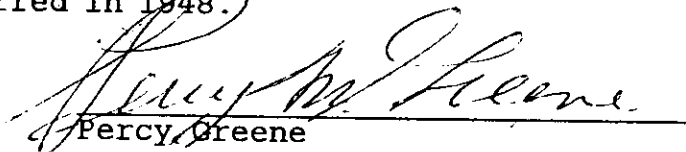
My name is Percy Greene. I am ⁶⁹~~66~~ years of age. In 1941 I acquired the SE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 2, Township 10 South, Range 17 East, Boise Meridian, Twin Falls County, Idaho, from Ed Damman. He had used the water since 1935.

He had used the water since 1935 from spring (seepage) sources from Section 1, and Section 2, both in Township 10 South, Range 17 East, Boise Meridian, Twin Falls County, for fish propagation. I purchased the property in 1941.

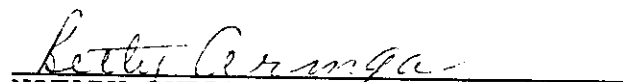
The Section 1 source is about 15.5 c/f/s and the Section 2 source is about 14 c/f/s and I have always used the water to propagate trout on a year around basis. My son-in-law, Ron Kasel, has used the water similarly since I sold to him on contract in 1970.

The flow measurements vary in high and low flow periods but without recent interference from development, the Section 1 source is about 15.5 c/f/s at high flow and the Section 2 source is about 14 c/f/s.

The property has been improved through the years. The last construction occurred in 1948.)


Percy Greene

SUBSCRIBED and SWORN to before me this 10th day of November, 1979. ^{PM E}
80


NOTARY PUBLIC FOR IDAHO
Residing at: Twin Falls

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Identification No. _____

Claim No. 47-4190

Map No. _____

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
CLAIM TO A WATER RIGHT

Established by Diversion and Application to Beneficial Use

RECEIVED
NOV 30 1950
Department of Water Resources
Snake River District Office

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 Ronald A. Kasel
post office address Rt. 3 Twin Falls, ID 83301

2. The point of diversion is in NW $\frac{1}{4}$ of SE $\frac{1}{4}$ Section 2 Township 10 South
Range 17 E. B.M. located on Unnamed Springs
Also NE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 2, Township 10 South, Range 17 E.B.M.
tributary to Snake River in Twin Falls 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:

June 1, 1935 amount: 13.92 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 fish propagation period of use from Jan. 1 to Dec. 31 (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 _____ ; 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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- Please explain any changes or increase in size of conveying system since water was first appropriated, giving date and dimensions if possible water has been used since about 1935; water is used in 10 ponds and a lake as described in paragraph 8 hereof, at end of ditch claimant pick up water and runs in 24 inch wooden pipe for 1/4 mile to places of use.

- 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 _____

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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. 10 ponds plus artificial lake (Mary Alice Lake) are used for propagation. Use is on SE NW, and W $\frac{1}{2}$ NW $\frac{1}{4}$, Section 2, Township 10 South, Range 17 E.B.M. All water has always been used. No additional ponds have been added since 1935. One small spring source included in total amount serves hatchery building in NW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 2, Township 10 South, Range 17 E.B.M.

9. Remarks: please explain any details of your claim which you feel need clarification or additional explanation Trout facility was first developed by Damman and operated for many years by Percy Greene. Claimant is contract purchaser of land and water right from Percy Greene.

BE IT KNOWN that the undersigned hereby makes claim to a water right as described above together with all attached information and certifies that all statements are true and accurate to the best of his knowledge.

11/10/80
(Date)

Ronald A. Kasel
(Signature of Claimant) Ronald A. Kasel

State of Idaho }
County of Twin Falls } ss.

On this 10th day of November, 1980, personally appeared before me the signer(s) of the above instrument, who duly acknowledged to me that he (she) (they) executed the same.

John A. Rosenthal
Notary Public residing at Twin Falls

My commission expires _____

For Department Use Only

Received by <u>mace</u> Date <u>11-13-80</u>	Exception filed by: _____	Forwarded to claimant by: _____	Date _____
Prelim. check by <u>Adm</u> Date <u>11/14/80</u>	_____	_____	_____
Fee received by <u>mace</u> Date <u>11/14/80</u> Fee <u>\$30.00</u>	_____	_____	_____
Approved for publication by <u>mace</u>	_____	_____	_____
Published in <u>Twin Falls News</u> Dates <u>11/4 + 12/11/80</u>	_____	_____	_____

RECORDED

Affidavit of Publication

Nº 9824

STATE OF IDAHO,
COUNTY OF TWIN FALLS } ss.

I, Renda Capps McBaine being first duly sworn upon oath, depose and say that I am Print Clerk of the TIMES-NEWS, published daily, at Twin Falls, Idaho, and do solemnly swear that a copy of the notice of advertisement, as per clipping attached, was published in the regular and entire issue of said newspaper, and not in any supplement thereof, for Two consecutive weeks, commencing with the issue dated

December 4, 1980, and ending with the issue dated December 11, 1980.

And I do further certify that said newspaper is a consolidation, effective February 16, 1942, of the Idaho Evening Times, published theretofore daily except Sunday, and the Twin Falls News, published theretofore daily except Monday, both of which newspapers prior to consolidation had been published under said names in said city and county continuously and uninterruptedly during a period of more than twelve consecutive months, and said TIMES-NEWS, since such consolidation, has been published as a daily newspaper except Saturday, until July 31, 1978, at which time said newspaper began daily publication under said name in said city and county continuously and uninterruptedly.

And I further certify that pursuant to Section 60-108 Idaho Code, Thursday of each week has been designated as the day on which legal notice by law or by order of any court of competent jurisdiction within the state of Idaho, to be published weekly, will be published; and that at the head of the editorial column of said combined newspapers, and in each issue thereof, Thursday is announced as the day on which said legal notices will be published.

Renda Capps McBaine
Subscribed and sworn to before me on this 23 day of

December, 1980

Della Rowlett Smith

Notary Public in and for the County of Twin Falls,
State of Idaho, residing at Twin Falls, Idaho

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NOTICE OF CLAIMS TO WATER RIGHTS

Notice is hereby given that the following claim(s) to water right(s) have been established by diversion and application to beneficial use:

47-4190.

KASEL, RONALD A.

RT. 3, TWIN FALLS, ID 83301

Source: UNNAMED SPRINGS tributary to SNAKE RIVER

Priority Date: 06/01/1935

Amount: 13.92 CFS

Diversion Point: NWSE NESW Sec 02 T 10S R 17E, TWIN FALLS Co.

Use: FISH PROP. (13.92 CFS) from 01/01 to 12/31

Place of Use: SENW NWNW SWNW Sec 02 T 10S R 17E

Diversion Means: PIPELINE

Any exception to any claim of water right may be filed with the Director of the Idaho Department of Water Resources, 1041 Blue Lakes Blvd. North, Twin Falls, Idaho 83301.

C. STEPHEN ALLRED

Director

Published 12/4 & 12/11/80.

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RT. 3, TWIN FALLS, ID 83301
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Place of Use: SENW NWNW
SWNW Sec 02 T 10S R
17E
Diversion Means: PIPELINE

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macy
11/24/80

S T A T E O F I D A H O
DEPARTMENT OF WATER RESOURCES
Southern Region

1041 Blue Lakes Blvd N.
Twin Falls, Idaho 83301
(208) 734-3578

NOVEMBER 20, 1980

Times News
P. O. Box 548
Twin Falls, Idaho 83301

Gentlemen:

Enclosed you will find a legal notice which we wish to have published on the dates indicated (once a week for two consecutive weekly issues) in your newspaper. We have allowed ample time for you to submit a galley proof to this office for review 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. Your cooperation is appreciated.

Please send the affidavit of publication and publication billing to this office before DECEMBER 22, 1980.

Yours truly,

Mary A. Hill
Secretary

Encl.

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