

No 1373

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO,

ss.

County of Franklin

J. Walter Ross

being duly sworn,

deposes and says:

That he is the *Co. Publisher* of THE PRESTON CITIZEN, a weekly newspaper published at Preston, in the County of Franklin and State of Idaho; that said paper has been and is in general circulation in the county aforesaid, and in the vicinity of Preston; that the advertisement, a copy of which is attached hereto, was published in said newspaper once a week for *2* consecutive weeks in the regular and entire issue of said paper during the period of time of publication, and was published in the newspaper proper and not a supplement; that said paper has been established and regularly published for more than seventy-eight consecutive weeks prior to the date of first publication of said advertisement.

Such notice was published in the issue beginning with

May 28, 19*81*, and ending

with the issue of *June 4*, 19*81*.

Fee \$ *1349*

Subscribed and sworn to before me this *30th* day

of *June*, 19*81*.

Kevin D. Allen

Notary Public, Residing at Preston, Idaho

My Commission Expires *June 7*, 19*82*

RECEIVED

JUL 6 1981

Department of Water Resources
Eastern District Office

NOTICE TO 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:

13-4144

GAILEY, WILLARD
CLIFTON, ID 83228

Source: SLIDE CREEK tributary to SINKS

Priority Date: 04/01/1910

Amount: 0.45 CFS

Diversion Point: NESW Sec. 17 T 14S R 33E, FRANKLIN Co.

Use: IRRIGATION (0.45 CFS) from 04/01/ to 11/01

Place of Use: NWSE Sec. 17 T 14S R 38E FOR 12 ACRES

Diversion Means: DITCH & POND

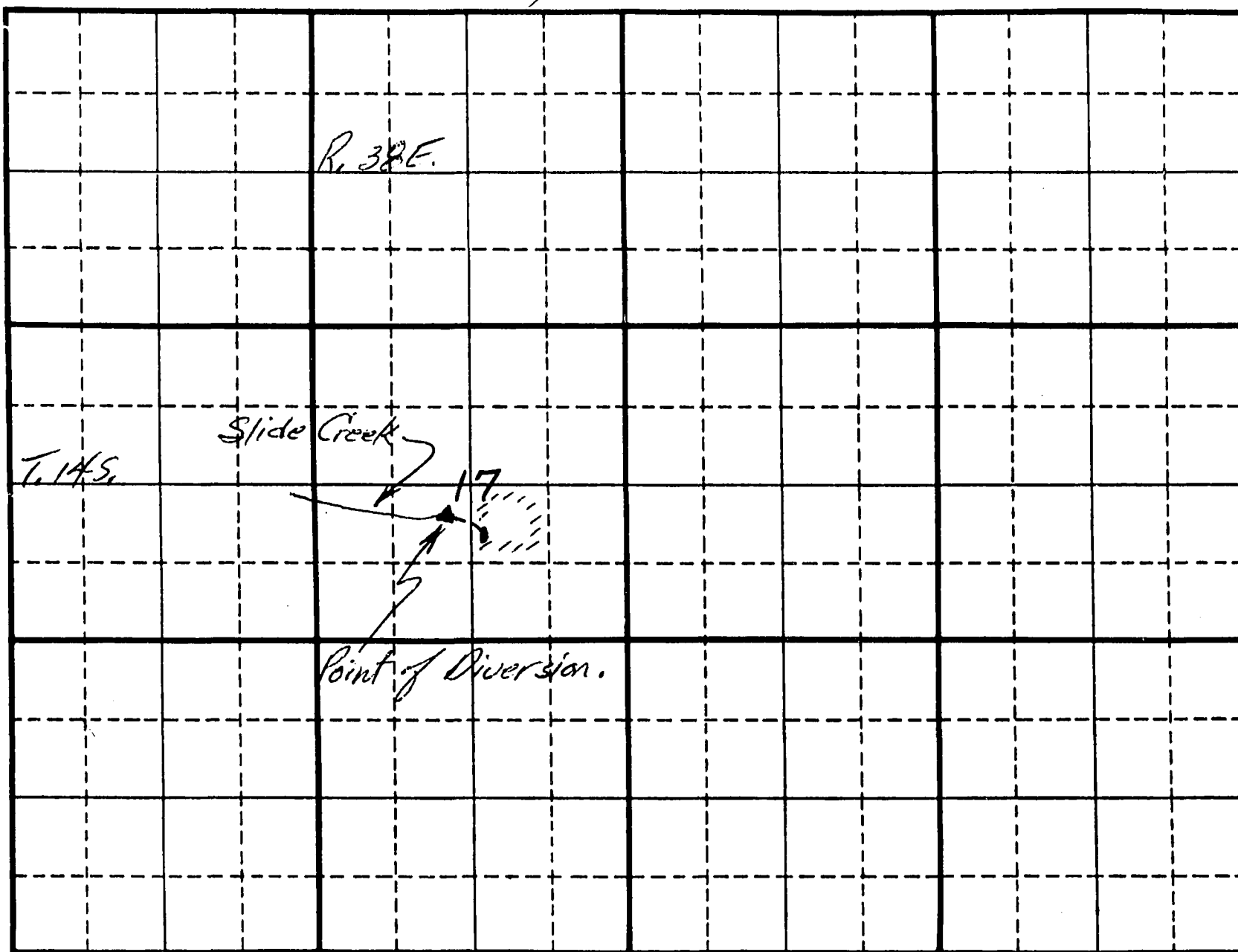
Any exception to any claim of water right may be filed with the Director of the Idaho Department of Water Resources, 150 Shoup Ave., Idaho Falls, Idaho 83401.

A. KENNETH DUNN

Director

Legal No. 1373-27 L - Pub. 5/28, 6/04/81.

(8) Remarks Land was traditionally flood irrigated. The claimant converted to sprinkler irrigation around 1970. Flow of water has historically been adequate for 25 sprinkler heads 13/64 inch diameter, gravity flow.



Scale: 2 inches equal 1 mile.

Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

State of Idaho)
County of FRANKLIN) 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 affiant's knowledge.

Willard Gailley
(Claimant)

Sworn to before me this 7 day of April, 19 81.

William Rhoads
Notary Public
Residing at Idaho Falls

My commission expires MAY 4, 1984

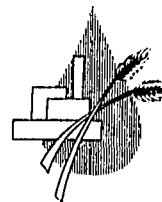
Drafted by EMC. 5/7/81

FOR DEPARTMENT USE ONLY

Received by <u>AW</u>	Date <u>5-13-81</u>	Exception filed by:	Forwarded to	Date
Prelim. check by <u>KW</u>	Date <u>5-15-81</u>		claimant by:	
<u>30</u> \$ <u>17.00</u> fee received by <u>AW</u>	Date <u>5-13-81</u>			
Published in <u>Preston Citizen</u>	<u>#17636</u>			
Dates <u>5/8 & 6/04/81</u>				

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

CLAIM TO A WATER RIGHT



Under the provisions of Section 42-243, Idaho Code, any person using or claiming rights to the public waters of Idaho established by diversion and application to a beneficial use must file a claim with the Department of Water Resources on or before June 30, 1983. Exempted from this filing are single family domestic uses as defined in Section 42-230(d), Idaho Code. Also exempted are rights represented by a permit, license, decree, adjudicated right, or a previously filed claim.

The filing of this claim does not confirm the water right claimed but failure to file may result in forfeiture of a water right.

Notice is hereby given that Willard Gailey
Clifton, Idaho (Mailing Address) (Name of Claimant) 83228 (Zip Code) Telephone No. 747-3271

claims a right to the diversion and beneficial use of the surface or ground water. The extent and nature of said claim is as follows:

(1) Date of priority: (When was the water first applied to a beneficial use) April 1, 1910

A claim is not acceptable on a ground water source with a priority later than March 25, 1963 or on a surface water source with a priority later than May 20, 1971. An exception is that a claim may be filed on single family domestic use from a ground water source.

(2) Describe the source of water: (Name of stream, lake, spring, etc., or ground water) Slide Creek tributary to sinks.

(3) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:

Quantity	(cfs, gpd, AFA)	Use	(Domestic, Irrigation, Stock, Etc.)	(Both dates inclusive)	
				(Mo., Day)	(Mo., Day)
Quantity <u>0.45 cfs</u>	Use <u>Irrigation</u>	Period of Use From <u>April 1</u>	To <u>Nov. 1</u>		
Quantity _____	Use _____	Period of Use From _____	To _____		
Quantity _____	Use _____	Period of Use From _____	To _____		
Quantity _____	Use _____	Period of Use From _____	To _____		
Quantity _____	Use _____	Period of Use From _____	To _____		

(4) 0.45 cfs. TOTAL QUANTITY USED.
(cfs, gpd, AFA)

(5) A) Point of diversion: (Location of point where water is diverted from its source)
NE 1/4 SW 1/4, Sec. 17 Twp. 14 S Rge. 38 E B.M., County of Franklin.
Additional points of diversion: _____

B) Describe means of diversion of water: (Pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.). Give sizes and capacities: be as specific as possible. Describe any changes in the system and give the date of the change. Open ditch diverts entire flow of creek into a 1/4 acre foot storage pond.

(6) A) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is not for irrigation, place an "X" in appropriate box to show location.

T	R	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTAL
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
<u>14 S</u>	<u>38 E</u>	<u>17</u>														<u>12</u>			<u>12</u>

No. of acres 12

B) If water is used for other than irrigation, fully describe that use, being as specific as possible: _____

NOTE: Include here the type and number of stock watered: _____

(7) If you are claiming water as a member of an organization, list name of organization: _____

13-4144

GAILEY, WILLARD

CLIFTON, ID 83228

Source: SLIDE CREEK tributary to SINKS

Priority Date: 04/01/1910

Amount: 0.45 CFS

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Use: IRRIGATION (0.45 CFS) from 04/01 to 11/01

Place of Use: NWSE Sec 17 T 14S R 38E FOR 12 ACRES

Diversion Means: DITCH & POND.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Eastern Region

150 Shoup Ave.
Idaho Falls, Idaho 83401
(208) 525-7161

MAY 22, 1981

The Preston Citizen
P. O. Box 472
Preston, Idaho 83263

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 JUNE 15, 1981.

Yours truly,

RONALD D. CARLSON
Supervisor
Eastern Region

Encl.

July 1, 1981

RE: Claim to a Water Right No. 13-4144 GAILEY

Preston Citizen
P.O. Box 472
Preston, Idaho 83263

Gentlemen:

Would you please submit an affidavit of publication and certified bill in connection with the above referenced application(s). The legal notice was to have been published in your paper on May 28 and June 4, 1981.

Your cooperation in this matter is greatly appreciated.

Very truly yours,

KAY WALKER
Secretary

CW:kw

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Eastern Region

150 Shoup Ave.
Idaho Falls, Idaho 83401
(208) 525-7161

JUNE 17, 1981

MILLARD GAILEY
CLIFTON

ID 83228

RE: Claim No. 13-4144

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,

RONALD D. CARLSON
Eastern Region Supervisor

Enclosure

Form 243a
11/78

State of Idaho
Department of Water Resources

CLAIM ANALYSIS SHEET

INITIAL REVIEW BY: KCW

Right Number 13 4144 Applicant W. Lloyd Gailley

NOTE: IF ANY OF THE ITEMS BELOW ARE MISSING, THE CLAIM IS INCOMPLETE AND MUST BE RETURNED IMMEDIATELY TO THE CLAIMANT ALONG WITH THE APPROPRIATE COVER LETTER.

CHECK:

- ☒ Name and address.
- ☒ Date of priority. (Check for a date past the mandatory filing dates.) (One date only.)
- ☒ Source.
- ☒ Quantity, use, period.
- ☒ Point(s) of diversion.
- ☒ Location of use.
- ☒ Signature/notarization/fee.

FINAL REGIONAL PROCESSING REVIEW:

- ☒ Affidavit of publication received.
- ☒ Claim published correctly.
- ☐ Exceptions processed.

By Ernest Date July 8 '81

STATE OFFICE PROCESSING:

- ☒ Claim review complete.

By Maureen Date 7/14/81

*proofed on phone
5/26/81 KCW*