

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: **A41-00032H**
Date Received: 7/21/1999
Receipt No: S022380
Received By: See

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: EUGENE KRESS 208-548-2249
Address: PO BOX 231
ROCKLAND ID 83271

AND/OR

Name: GAYLE KRESS 208-548-2249
Address: PO BOX 231
ROCKLAND ID 83271

2. Date of Priority: JUN 1, 1882

3. Source: ROCK CREEK, EAST FORK Trib. to: ROCK CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
10S	31E	5	SE	SW	SE		POWER

5. Description of diverting works:
VIA ROCKLAND VILLAGE DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	10/31	0.100		

7. Total Quantity Appropriated is:
0.100 C.F.S. (and/or) A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
10S	31E	6	SE	SE		IRR	5.0

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JUL 21 1999

Department of Water Resources
Southern Region

Please type or print clearly

1. Name of Claimant (s) Eugene and Gayle Kress Phone (208) 548-2249Mailing Address P.O. Box 231 Zip 832712. Date of Priority (Only one (1) per claim) June 1, 18823. Source of water supply (a) Rockland Village Ditch (Houtz-wood)
which is tributary to (b) East Fork of Rock creek4. a. Location of existing point of diversion is: Township 10 Range 31 Section 5,
SE 1/4 of SW 1/4 of SE 1/4, Govt. Lot, E B.M., County of Power

Additional points of diversion if any: _____

b. If instream flow, beginning point of claimed instream flow is:

Township _____ Range _____ Section _____, 1/4 of _____ 1/4 of _____ 1/4,

Govt. Lot _____ B.M., County of _____

ending point is: Township _____ Range _____ Section _____, 1/4 of _____ 1/4 of _____
1/4, Govt. Lot _____ B.M., County of _____5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well. _____Headgate With measuring Box

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For Irrigation purposes from 4/1 to 10/31 amount .10 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) .10 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is _____ acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) _____

10. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
<u>10</u>	<u>31</u>	<u>6</u>																<u>5</u>	<u>5</u>

Total number of acres irrigated _____

11. In which county (ies) are lands listed above as place of use located? Power

12. Do you own the property listed above as place of use? Yes X No _____
If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above. _____ or None (X)

14. Remarks:

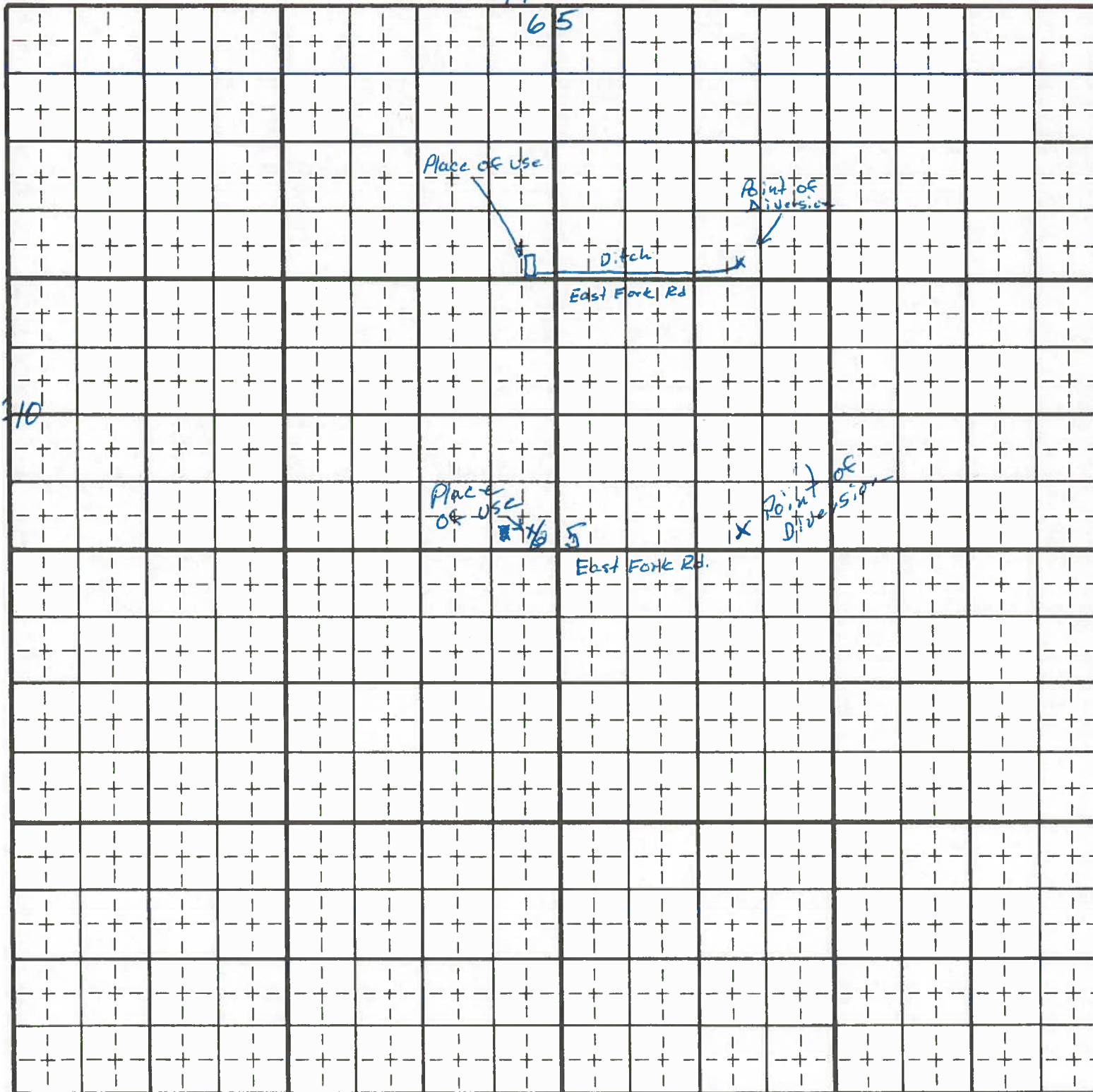
Last Name Kress Ident No. _____

Copies: White -State, Yellow-Claimant

Map of Project: show clearly the point of diversion, place of use, section number, township, and range number.

Scale: 2 inches equals 1 mile

N R 31. E



Last Name Kress Ident No. _____

Copies: White-State, Yellow-Claimant

15. Basis of Claim (check one) Beneficial Use _____ Posted Notice _____ License _____ Permit _____

Decree ☒

If applicable provide IDWR Water Right Number _____

Court _____ Case Number _____ Decree Date _____

Plaintiff vs Defendant _____

16. Signature (s)

(a.) By signing below, I/We acknowledge that I/We have received, read, and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments _____

For Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant (s) Eugene Kress Date 7-20-99

Gayle Kress Date 7-20-99

For Organizations: I do solemnly swear or affirm that I am _____

Title

of _____, that I have signed the foregoing

Organization

document in the space below as _____ of _____

Title

Organization

and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent _____

Title and Organization _____ Date _____

State of Idaho/or _____)

County of Power)

SS.

Subscribed and sworn (or affirmed) before me this 20th day of July 19 99

SEAL

Notary Public Kim H. Dean (Kim H. Dean)

Residing at Rockland Idaho

My Commission Expires 1/12/02

Please Print Name

17. Notice of Appearance:

Notice is hereby given that I, _____ will be acting as attorney at law on behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature _____

Address _____

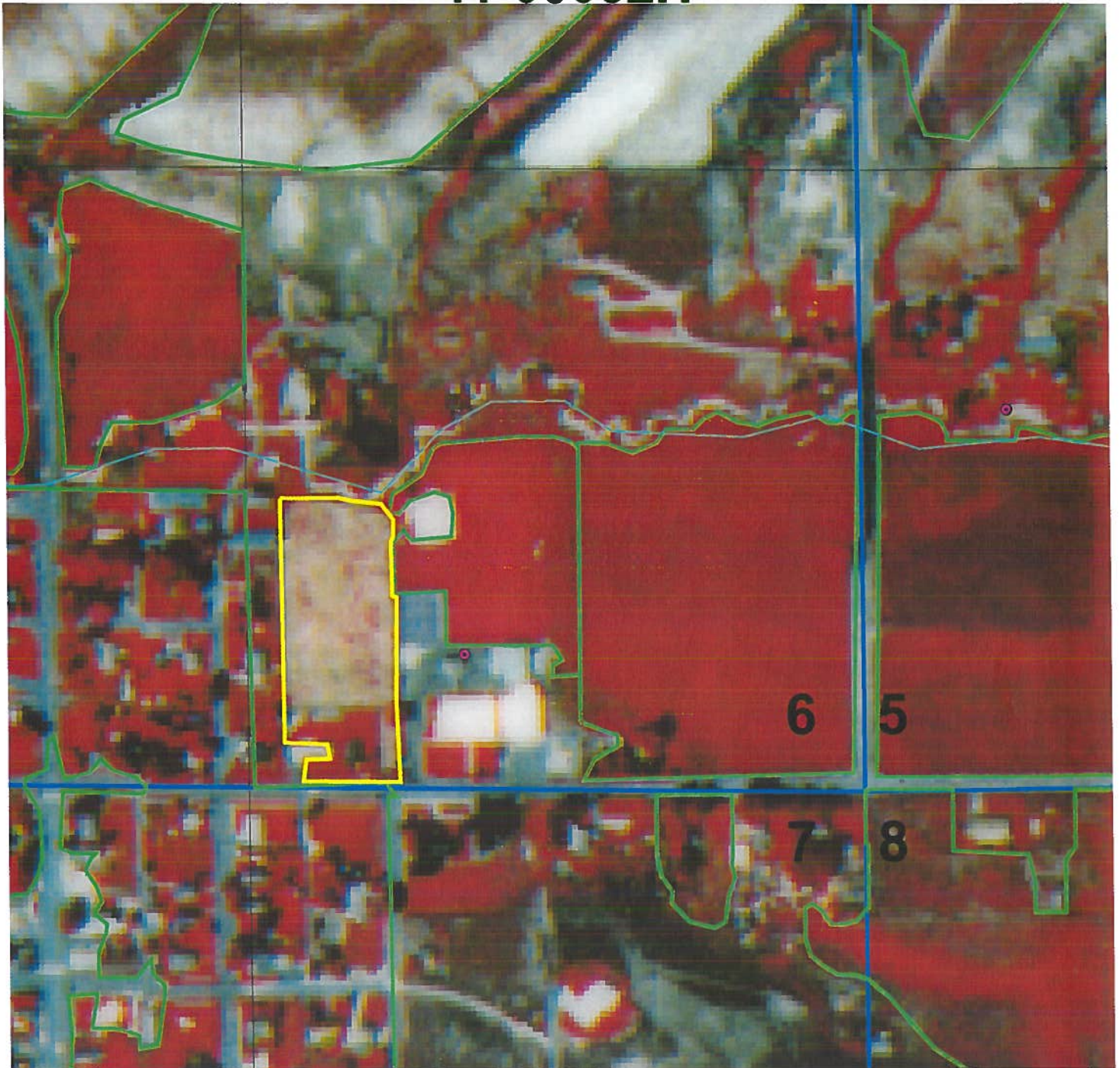
Date _____

Last Name Kress Ident. Number _____

Copies White-State, Yellow-Claimant

IDAHO DEPT OF WATER RESOURCES

41-00032H



- RECOMMENDED PLACE OF USE
- POINT OF DIVERSION
- SECTION LINES
- 1/4 - 1/4 LINES

T10S, R31E, SEC. 6, SESE
GIS PLACE OF USE PRESENTATION
1987 &/OR 1988 NAPP PHOTOGRAPHY

DATA ENTRY BY: STEVE CLELLAND
DATE: October 21, 1999

DATE: 10/21/99
PAGE: 1

Stage: DECREED

POWER County

3

TOTAL ACRES

Other Rights: NONE

Dates:	Exam Made Date:	Verified Date:	10/21/1999	Objection Filed Date:
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Misc: Water District Number: 41 Field Inspection Flag: D
Presumption Flag:

CLAIM NUMBER A41-00032H

DATE 10/21/99

TRANSFER NUMBER _____

AGENT SC

CLAIMED ACRE TOTAL 5

GIS ACRE TOTAL 3.2

	TWP	RNG	SEC	NE				NW				SW				SE			
				NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE
LAIM	10s	31E	6																
GIS																			5
ECOM																			3.2
																			3.2
LAIM																			
GIS																			
ECOM																			
LAIM																			
GIS																			
ECOM																			

341-POU.SHP

SHAPE NOS.

136

POU Confirmed by exam & plat maps ≠ 5 acres.

3.2 acres @ 32" = 0.064 cfs

341-POD.SHP

NOS. DESCRIPTION

9

Rd. Ditch T10s, R31E, S5
NESWSE

DBF TABLES UPDATED

341-DBPOU.DBF

341-DBPOD.DBF

PEG LAYOUT

41-00032H.jpg

IDAHO DEPT OF WATER RESOURCES

41-00032H



660 0 660 1320 Feet



- RECOMMENDED PLACE OF USE
- POINT OF DIVERSION
- SECTION LINES
- 1/4 - 1/4 LINES

T10S, R31E, SEC. 6, SESE
GIS PLACE OF USE PRESENTATION
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DATA ENTRY BY: STEVE CLELLAND
DATE: October 21, 1999

10/21/99
SCC

KRESS: 41-00032 H

All documentation supports this portion of the split. If not claimed here the water would be used part of the City's portion.

All elements have been confirmed in all the other splits of this right. See Split Review listing.

GIS: shape file does not show 5.0 acres of irrigation; 3.2 Acres found.

A flow rate of 3.2" (0.064 cfs) is allowed on this parcel; allow max. rate of 1"/acre. Balance will be added to the City's right, 41-00032 F (0.036 cfs)

41-00032 SPLIT REVIEW

10/21/99
Sec

WR

-32B

(.34 cts)

-32B

UDY

(C)

(.34)

R

(.34)

<#4651>

32C

RALPHS

(.20)

.228

32D

Lesley

(.18)

.18

32E

Poulson

(.04)

.02

-32A

32F

CITY

(.68)

.212

+0.036 = 0.248

Remaining Balance

32G

MAY

(.12)

.12

32H

KRESS

(.10)

1.66

overclaimed

.988

(1.20 - .988) = .212

Revised .064

1.20 cts

60"

Subj: ryi

FROM: Allen Merritt

DATE: May 6, 1996

TO: File: Transfer #4651

SUBJECT: Pre-hearing conference

On 5/3/96 I conducted another pre-hearing conference assisted by Steve Clelland. It was held in American Falls at the EIPCA Bldg. George Udy, applicant was in attendance as well as, Gene Nelson, Eugene Kress and Warren Lasley (City of Rockland) being the protestants.

Mr. Kress was the only one not in attendance at the first conference. At this conference Mr. Lasley provided a map of the city's service area for their right. The map also included the area of the other users in the ditch. He also provided an explanation of the users in the ditch as follows:

	1882	1886	Total
City	34"	11"	45" *
Udy	17"		17"
Lasley	9"		9"
Kress		5"	5" *
Ralphs		5"	5"
Charles		5"	5" *
School (LDS Church)		1"	1" *
Morris		2"	2" *
Moss		1"	1" *
			90"

* Included in City's SRBA claim of 59".

We discussed how the rights were claimed in SRBA and Mr. Kress indicated he went in to file a claim but the department employee said he didn't have to. I can only speculate that he told the agent his water was delivered by the city. We discussed the need for privately held rights to be claimed separately. We also discussed the need for the city to modify their claim and contact the people who they included on their claim to get things straightened out.

The matter of the transfer was discussed and it was felt that it best to work things out if possible. I asked if they could give a window for us to plan a hearing but nobody would commit to anything. Mr. Udy seemed agreeable to meet with the protestants to work something out so I told them I would wait to schedule a hearing until Mr. Udy got back with me to set one. All agreed that was ok.

After the conference Mr. Udy indicated that this was turning into such a mess that he would just like to sell the 17" to the city ditch users and then drill a well on the place. He asked if the department would extend his permit 41-07057 again to allow him to do this. He had filed proof ar extended once before (he had copies of the p told him it did not look possible for this to 41-07057 since he had submitted proof.

