

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

6/3/2020

Water Permit 41-7085

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	ROSCOE KRESS & SONS LTD PARTNERSHIP , ZZ

Status: Relinquished

<u>Source</u>	<u>Tributary</u>
---------------	------------------

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
-----------------------	-------------	-----------	-----------------------	---------------

Source and Point(s) of Diversion

Place Of Use

Conditions of Approval:

Comments:

Dates and Other Information

Water District Number: TBD
Mitigation Plan: False

Combined Use Limits

N/A

SubCase:

N/A

Water Supply Bank:

N/A

State of Idaho
Department of Water Resources
Permit To Appropriate Water

NO. 41-07085

Proposed Priority: February 13, 1991

Maximum Storage Volume: 16.0 AF

This is to certify, that **ROSCOE KRESS & SONS LTD PARTNERSHIP**
538 W PARK
AMERICAN FALLS ID 83211

RECEIVED

has applied for a permit to appropriate water from:

FEB 05 1992

UNNAMED STREAM

tributary of **ROCK CREEK**

Department of Water Resources
Southern Region Office

and a permit is **APPROVED** for development of water as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
IRRIGATION STORAGE	01/01 to 12/31		16.0 AF
IRRIGATION FROM STORAGE	03/15 to 11/15		16.0 AF
	Totals		16.0 AF

LOCATION OF POINT(S) OF DIVERSION:

SWSE , Sec. 22, Township 11S, Range 31E
POWER County

PLACE OF USE: IRRIGATION FROM STORAGE

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
11S	31E	22	SESW 34	SWSE 29		63
Total number of acres irrigated:						63

CONDITIONS/REMARKS:

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before **February 1, 1995**.
2. Subject to all prior water rights.
3. Project construction shall commence within one year from the date of permit issuance and shall proceed diligently to completion unless it can be shown to the satisfaction of the Director of the Department of Water Resources that delays were due to circumstances over which permit holder had no control.
4. Use of water under this right is subject to control by the watermaster of State Water District No. 41.
5. The use of water under this right shall not give rise to any claim against the holder of a senior water right based upon the theories of forfeiture, abandonment, adverse possession, waiver, equitable estoppel, estoppel by laches or customary preference.
6. The Director retains jurisdiction of the right and any license subsequently issued to incorporate the use into a water district, require streamflow augmentation or other action needed to protect prior surface water and groundwater rights.

41-7085

State of Idaho
Department of Water Resources

Permit To Appropriate Water

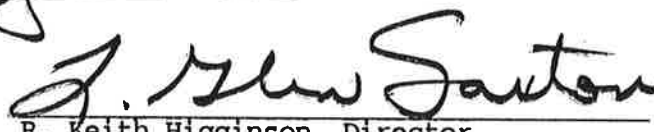
NO. 41-07085

CONDITIONS/REMARKS:

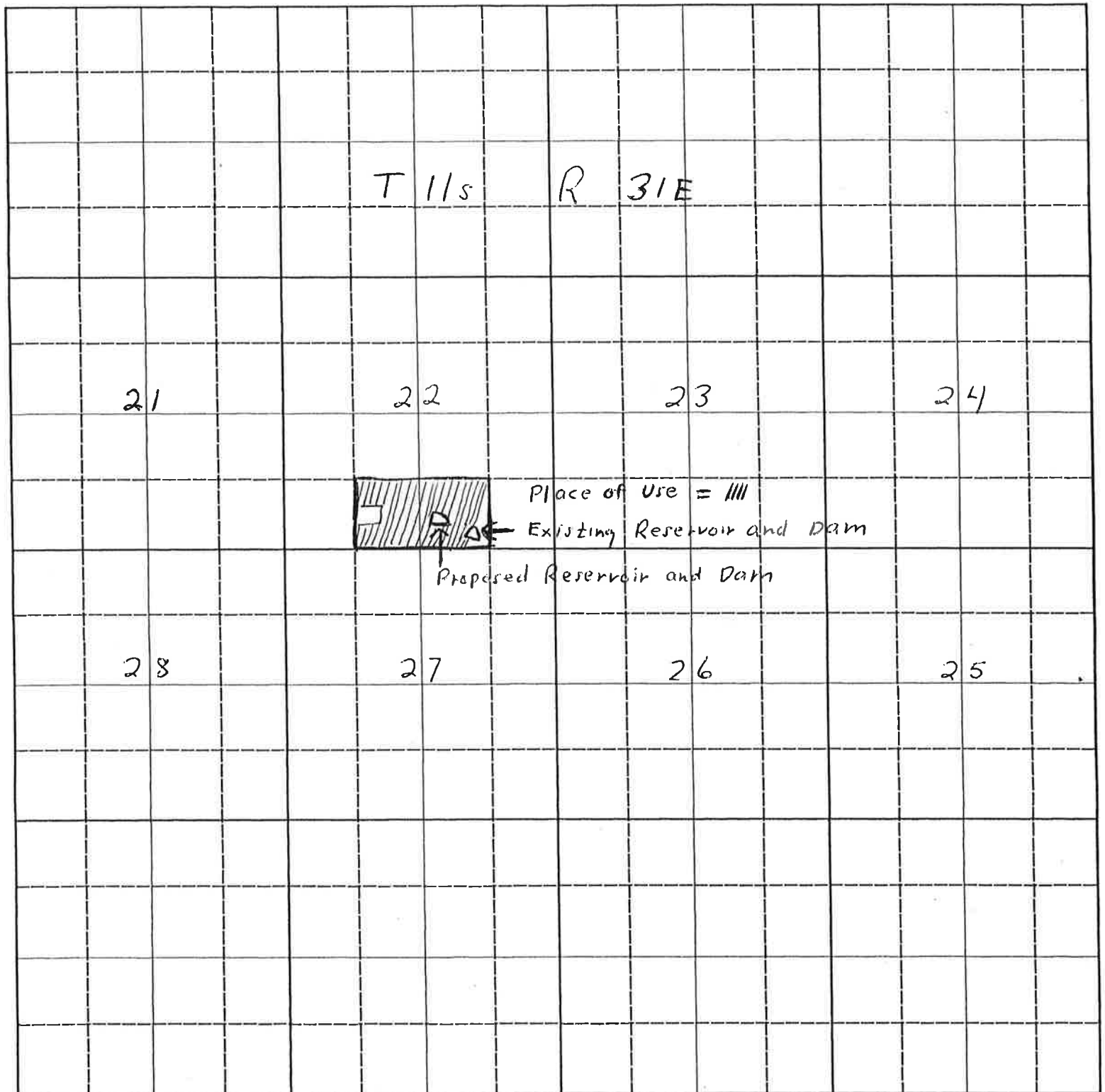
7. Permanent measuring devices must be installed in such a manner that the amount of water entering the reservoir and the amount of water released from the reservoir can be measured.
8. The storage of water under this right is contingent upon the certification of the dam and authorization of storage per the dam safety provisions of the Idaho Code.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the seal and signature of the Director, affixed at Boise, this

24th day of January, 1992


R. Keith Higginson, Director
for

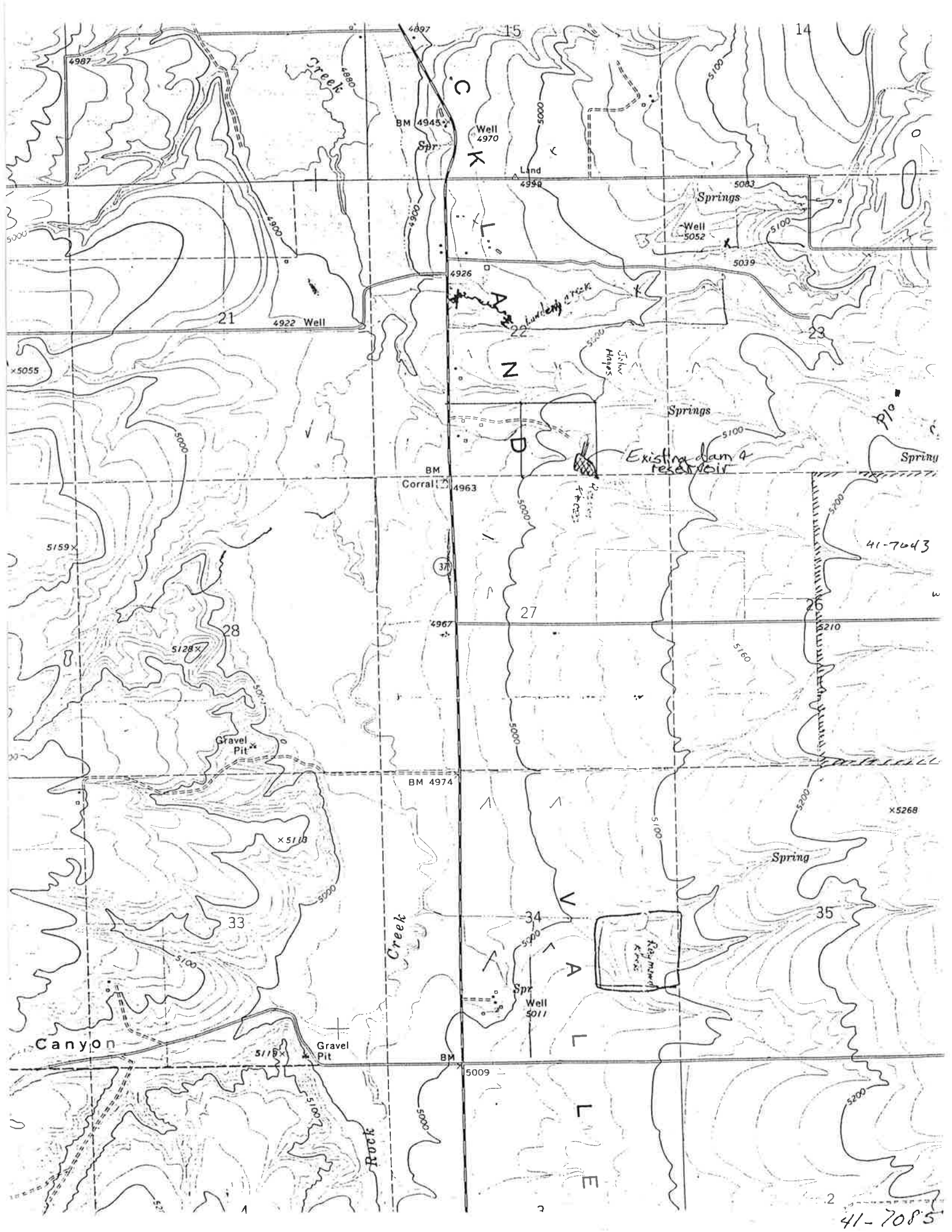
13. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



Scale: 2 inches equal 1 mile.

BE IT KNOWN that the undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.

Roscoe Kress and Sons, Ltd
Jerry R. Kress
(Applicant) Managing Partner



Date Sent to S.O.
DEC 14 1991

Ident. No. 41-07085

Form 202
6/85

RECEIVED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

FEB 14 1991

To appropriate the public waters of the State of Idaho

Department of Water Resources

Southern Region Office

1. Name of applicant Roscoe Kress and Sons, Ltd Partnership Phone 226-2863

Post office address 538 West Park, American Falls, ID 83211

2. Source of water supply Unnamed Stream which is a tributary of Rock Creek, Rockla Valley

3. Location of point of diversion is SW 1/4 of SE 1/4, Govt. Lot _____

Sec. 22 Township 11S Range 31E B.M. Power County; additional

points of diversion if any: _____

4. Water will be used for the following purposes:

Amount 16.0 for Irr. Storage purposes from 1/1 to 12/31 (both dates inclusive)
(cfs or acre-feet per annum)

Amount 16.0 for Irr From Storage purposes from 3/15 to 11/15 (both dates inclusive)
(cfs or acre-feet per annum)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

5. Total quantity to be appropriated is (a) _____ and/or (b) 16.0
cubic feet per second acre feet per annum

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. Dam, pump, sprinklers

b. Height of storage dam 22' feet; active reservoir capacity 16.0 acre-feet; total
reservoir capacity 16.0 acre-feet; period of year when water will be diverted to storage:
1/1 to 12/31 inclusive.

c. Proposed well diameter is _____ inches; proposed depth of well is _____ feet.

d. Is ground water with a temperature of greater than 90°F being sought? _____

7. Time required for the completion of the works and application of the water to the proposed beneficial use is
4 years (minimum 1 year).

41-7085

8. Description of proposed uses (if irrigation only, go to item 9):

- Hydropower; show total feet of head and proposed capacity in KW. _____
- Stockwatering; list number and kind of livestock. _____
- Municipal; show name of municipality. _____
- Domestic; show number of households. _____
- Other; describe fully. _____

9. Description of place of use:

- If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- If water is used for other purposes, place a symbol of the use (example: *D* for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
11s	31E	22												34			29		63

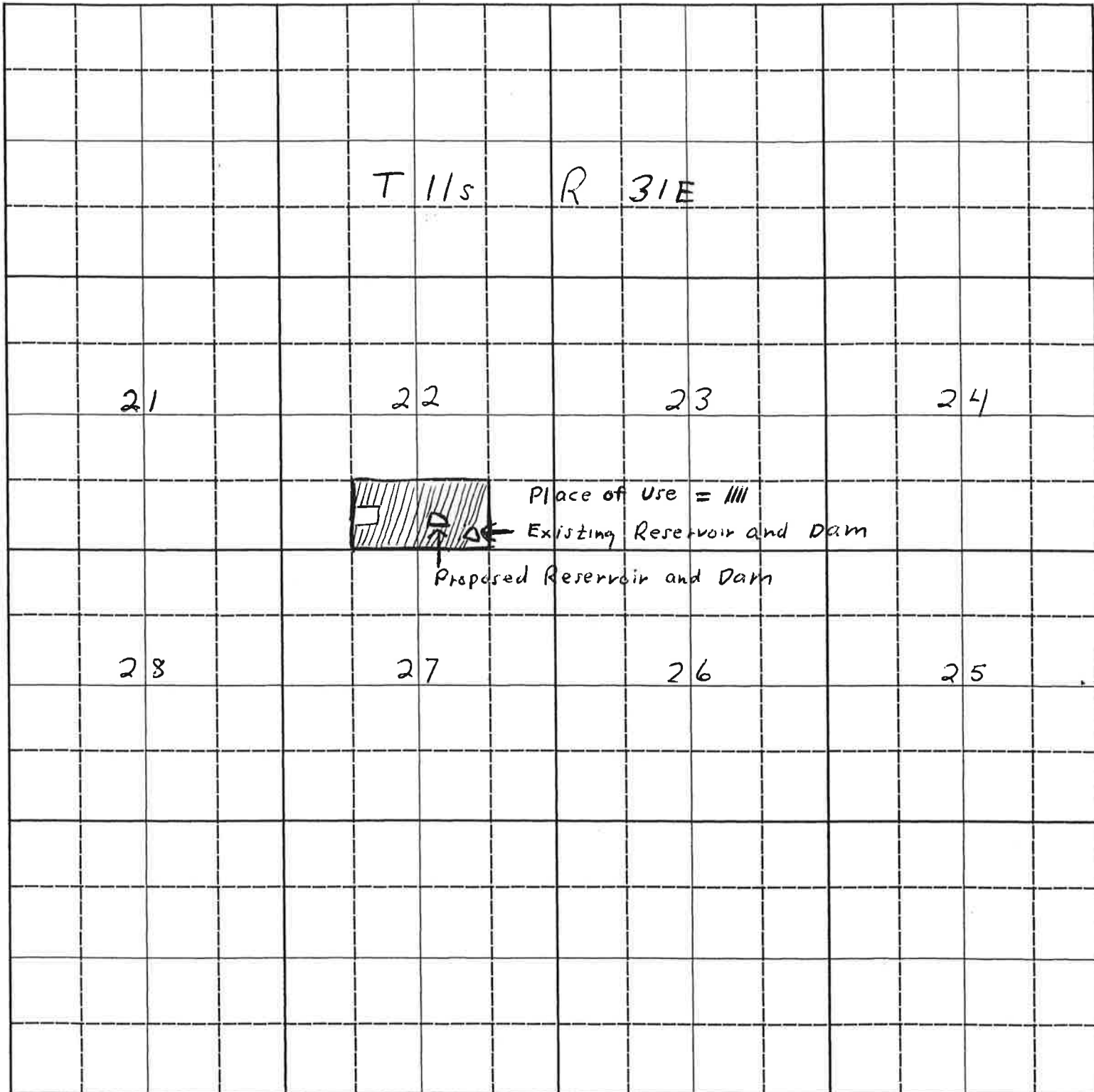
Total number of acres to be irrigated 63

10. Describe any other water rights used for the same purposes as described above. Claim # A41-04008 for existing storage dam to irrigate the same acres

- Who owns the property at the point of diversion? Applicant
- Who owns the land to be irrigated or place of use? Applicant
- If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing. _____

12. Remarks: Water level in lower reservoir will be regulated by existing upper reservoir. Irrigations will be made only from pump in lower reservoir.

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



Scale: 2 inches equal 1 mile.

BE IT KNOWN that the undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.

Roscoe Thess and Sons, Ltd
George R. Thess
(Applicant)

Received by DRJ MB 1W Date 2-13-91 1-9-91 Time 11:30 Preliminary check by 28
Fee \$ \$30 Receipted by DRJ # 5013005 Date 2/13/91
Publication prepared by M. Baldwin Date 4-17-91 Published in Pomer Co. Press
Publication approved checked M. Baldwin Date 5-16-91 APPR 6/24/91

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. _____, and said application is hereby _____.

1. Approval of said application is subject to the following limitations and conditions:

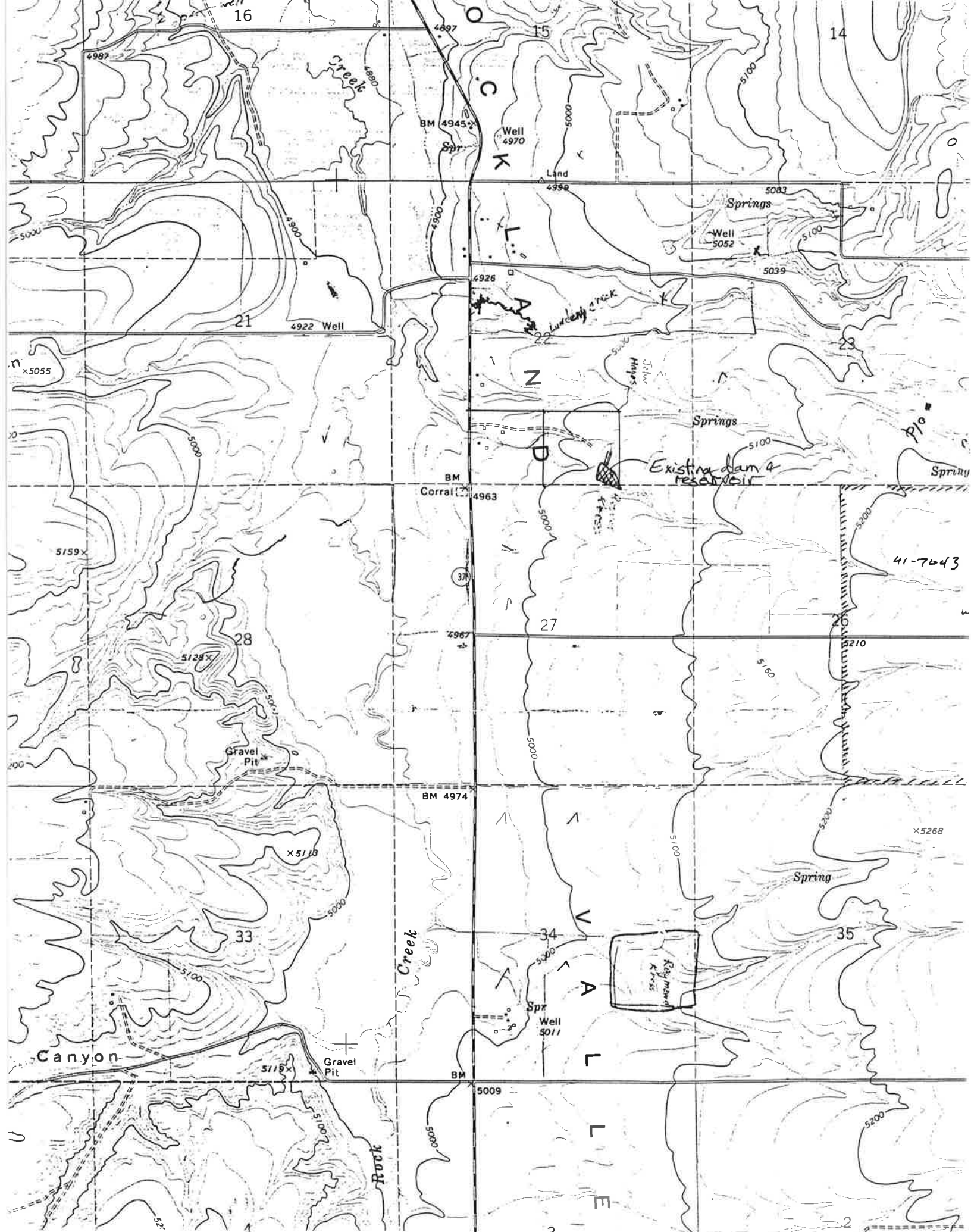
a. SUBJECT TO ALL PRIOR WATER RIGHTS.

b. Proof of construction of works and application of water to beneficial use shall be submitted on or before _____, 19 ____.

c. The rate of diversion, if water is to be used for irrigation under this permit, when combined with all other water rights for the same land shall not exceed 0.02 cubic feet per second for each acre of land.

d. The water right acquired under this permit if for hydropower purposes shall be junior and subordinate to all rights to the use of water, other than hydropower, within the State of Idaho that are initiated later in time than the priority of this permit and shall not give rise to any right or claim against any future rights to the use of water, other than hydropower, within the State of Idaho initiated later in time than the priority of this permit.

e. Other:



41-7043

41-7085

- Application for Permit: Roscoe Kress & Sons Ltd Partnership
1. Roscoe Kress 5187 S. Rockland Hwy
Alice Kress Rockland, ID 83271
(208)-548-2257
 2. Jerry R. Kress 538 West Park
Gwendolyn Kress American Falls, ID 83211
(208)-226-2863
 3. Don D. Kress 1438 Ash Drive
Charlotte Kress Bozeman, MT 59715

General Partners: Jerry Kress, Managing Partner
Roscoe Kress