

No

1101

RECEIVED

AFFIDAVIT OF PUBLICATION

MAY 2 1980

Department of Water Resources
Eastern District OfficeSTATE OF IDAHO, }
County of Franklin } ss.

J. WALLEN 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

April 17, 1980, and ending

with the issue of April 24, 1980

Fee \$ 10.80

Subscribed and sworn to before me this 28th day

of April, 1980.

Kevin O. Allen

Notary Public, Residing at Preston, Idaho

My Commission Expires June 7, 1982

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:

13-4126

KENDALL, KENNETH and-or BENNY and-or MERLE

OXFORD RT., CLIFTON, ID 83228

Source: GROUNDWATER

Priority Date: 04-15-1961

Amount: 1.90 CFS

Diversion Point: SENW Sec 33 T 13S R 38E, FRANKLIN Co.

Use: IRRIGATION (1.90 CFS) from 04-01 to 11-01

Place of Use: NWNE SWNE SENE NENW SENW NESW NWSE Sec 33 T 13S R 38E FOR 141 ACRES

Diversion Means: WELL, PUMP, PIPELINE and SPRINKLER SYSTEM.

Any exception to any claim of water right may be filed with the Director of the Idaho Department of Water Resources, 1515 Lincoln Road, Idaho Falls, Idaho 83401.

C. STEPHEN ALLRED
Director

Legal No. 1101 - 30L - Pub. April 17 and 24, 1980.

MICROFILMED

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 Kenneth &/or Benny &/or Merle Kendall
(Name of Claimant)
Oxford Route, Clifton, Idaho 83228 Telephone No. 747-3498
(Mailing Address) (Zip Code)

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 15, 1961

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)
ground water tributary to

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

(cfs, gpd, AFA)		(Domestic, Irrigation, Stock, Etc.)		(Both dates inclusive)	
				(Mo., Day)	(Mo., Day)
Quantity	1.90	Use	Irrigation	Period of Use From	Apr. 1 To Nov. 1
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) 1.90 TOTAL QUANTITY USED.
(cfs, gpd, AFA)

(5) A) Point of diversion: (Location of point where water is diverted from its source)
SE 1/4 NW 1/4, Sec. 33 Twp. 13S Rge. 38E 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.

Well, 50 HP pump, mainline and sprinkler system (120 nozzels)

(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	
13S	38E	33		30	36	18	8			35	4					10			141

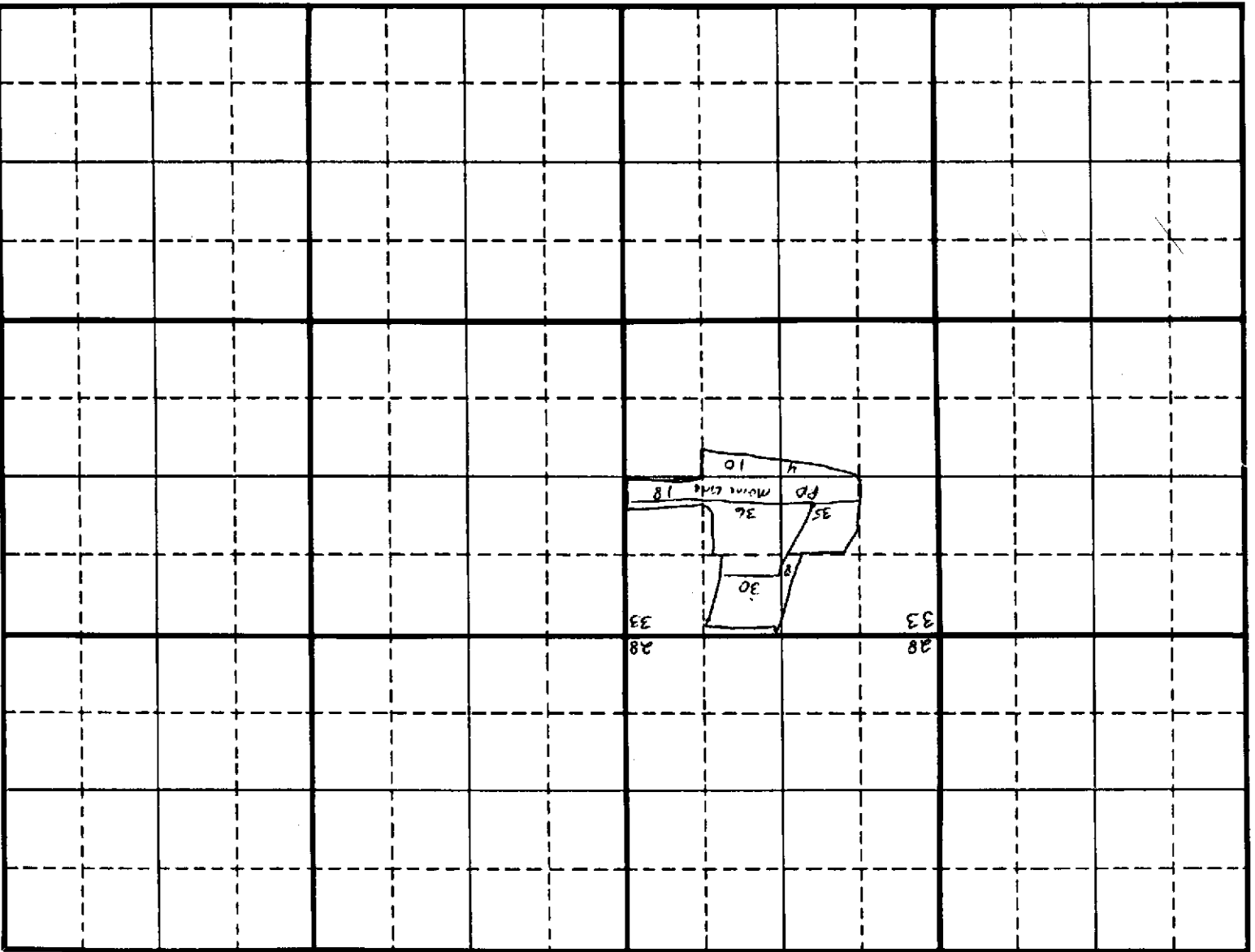
No. of acres 141

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:

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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 Bernilla

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.

Sworn to before me this 4 day of April

(Claimant)

19 80

Notary Public
Residing at

Kathryn Lindegar
Alamo Falls

My commission expires 2/15/83

FOR DEPARTMENT USE ONLY

Received by 90 Date 4/4/80 Exception filed by: _____
Prelim. check by 90 Date 4/4/80 Forwarded to _____
Published in The Preston Citizen Date 4/4/80 # 13919 claimant by: _____
Dates 4/17 & 4/24/80

No

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MAY 2 1980

Department of Water Resources
Easter Office

STATE OF IDAHO,

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County of Franklin

J. Walter Ross

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My Commission Expires June 7, 1982

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KENDALL, KENNETH and-or BENNY and-or MERLE
OXFORD RT., CLIFTON, ID 83228
Source: GROUNDWATER
Priority Date: 04-15-1980
Amount: 1.00 CFS
Diversion Point: SENW Sec 38 T 13S R 38E, FRANKLIN Co.
Use: IRRIGATION (1.00 CFS) from 04-01 to 11-01
Place of Use: NWNE SWNE SENE NENW SENW NESW NWSE Sec 33 T 13S R 38E FOR 141 ACRES
Diversion Means: WELL, PUMP, PIPELINE and SPRINKLER SYSTEM

Any exception to any claim of water right may be filed with the Director of the Idaho Department of Water Resources, 1515 Lincoln Road, Idaho Falls, Idaho 83401.

C. STEPHEN BARNES
Director

Legal No. 1301 - 20L - Pub. April 17 and 24, 1980.

UNRECORDED

State of Idaho
Department of Water Resources

CLAIM ANALYSIS SHEET

INITIAL REVIEW BY: Ernest

Right Number 13 4126 Applicant K. Ball

NOTE: 13-4126 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. 5/5
- ☒ 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 Calen Date May 7, 1980

STATE OFFICE PROCESSING:

- ☒ Claim review complete.

By Juni Date 5/14/80

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Eastern Region

1515 Lincoln Road
Idaho Falls, Idaho 83401
(208) 523-7186

MAY 8, 1980

KENNETH KENDALL
BENNY KENDALL
MERLE KENDALL
OXFORD RT.
CLIFTON

ID 83228

RE: Claim No. 13-4126

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

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Eastern Region

1515 Lincoln Road
Idaho Falls, Idaho 83401
(208) 523-7186

APRIL 10, 1980

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 MAY 5, 1980.

Yours truly,

RONALD D. CARLSON
Supervisor
Eastern Region

Encl.

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C. STEPHEN ALLRED

Director

Published 4/17 & 4/24/80.



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