

AFFIDAVIT OF PUBLICATION

RECEIVED

STATE OF IDAHO, }
County of Oneida } ss.

APR 26 1982

Department of Water Resources
Eastern District Office

Carol S. Hummell
being duly sworn,
deposes and says: That she is the Secretary of THE
IDAHO ENTERPRISE, a weekly newspaper published at Malad,
in the County of Oneida and State of Idaho; that said paper has
been and is in general circulation in the county aforesaid, and in
the vicinity of Malad; 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 15, 1982, and ending
with the issue of April 22, 1982

Carol S. Hummell
Fee \$ 94.83

Subscribed and sworn to before me this 20th day
of April, 1982.

Carol S. Hummell
Notary Public, Residing at Malad, Idaho

My Commission Expires July, 1982

NOTICE OF CLAIMS TO WATER RIGHTS

Notice is hereby given
that the following claims
to water rights have been
established by diversion
and application to benefi-
cial use:

15-4090

MCDANIEL, BUFORD
RT. 1, BOX 171, MALAD,
ID 83252

83252

Source: SPRING tribu-
tary to TIM WOZLEG
HOLLOW

Priority Date: 04-01-1969

Amount: 0.05 CFS

Diversion Point: SENE
Sec 12 T 14S R 35E,
ONEIDA Co.

Use: STICKWATER (0.05
CFS) from 01-01 to 12-31

Place of Use: SENE Sec
12 T 14S R 35E

Diversion Means: COL-
LECTION BOX TO
STOCK TROUGH

15-4091

CLARK, OLIVER PAUL
&-or GLADYS
DOWNEY RT., MALAD,
ID 83252

Source: SPRING tribu-
tary to DEVIL CREEK

Priority Date: 02-01-1941

Amount: 0.02 CFS

Diversion Point: SENE
Sec 02 T 13S R 36E,
ONEIDA Co.

Use: STOCKWATER
(0.02 CFS) from 01-01 to
12-31 DOMESTIC (0.02

CFS) from 01-01 to 12-31

Place of Use: SENE Sec
02 T 13S R 36E

Diversion Means:
HEADBOX & PIPELINE

17-4037

KRESS, ART & SONS,
INC.

P.O. BOX 336 AMERI-
CAN FALLS, ID 83211

Source: ROCK SPRING
tributary to SINKS

Priority Date: 08-01-1925

Amount: 0.06 CFS

Diversion Point: SWNW
Sec 34 T 13S R 31E,
ONEIDA Co.

Use: IRRIGATION (0.02
CFS) from 04-01 to 11-01

STOCKWATER (0.02
CFS) from 01-01 to 12-31

DOMESTIC (0.02 CFS)
from 01-01 to 12-31

Place of Use: SESE Sec
27 T 13S R 31E FOR 1

ACRES

Diversion Means: HEAD-
BOX & PIPELINE

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 83402.

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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 ART KRESS & SONS, INC.
(Name of Claimant) 548-2296
Box 336 American Falls, Id. 83211 Telephone No. 226-2717
(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) 8/1/1925

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)
Rock Spring 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:

(cfs, gpd, AFA)		(Domestic, Irrigation, Stock, Etc.)		(Both dates inclusive)	
				(Mo., Day)	(Mo., Day)
Quantity	<u>.02cfs</u>	Use	<u>Domestic</u>	Period of Use From <u>1/1</u>	To <u>12/31</u>
Quantity	<u>.02cfs</u>	Use	<u>Irrigation</u>	Period of Use From <u>4/1</u>	To <u>11/1</u>
Quantity	<u>.02cfs</u>	Use	<u>Stockwater</u>	Period of Use From <u>1/1</u>	To <u>12/31</u>
Quantity		Use		Period of Use From	To
Quantity		Use		Period of Use From	To

(4) .06cfs TOTAL QUANTITY USED.
(cfs, gpd, AFA)

(5) A) Point of diversion: (Location of point where water is diverted from its source)
SW ¼ NW ¼, Sec. 34 Twp. 13S Rge. 31E B.M., County of Oneida
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. Headbox to 1.5" diameter plastic pipe to one house

(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.	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
13S	31E	27																1	1

No. of acres 1

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: 200 head cattle

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

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[illegible]
$$-e\beta / e\beta / L$$

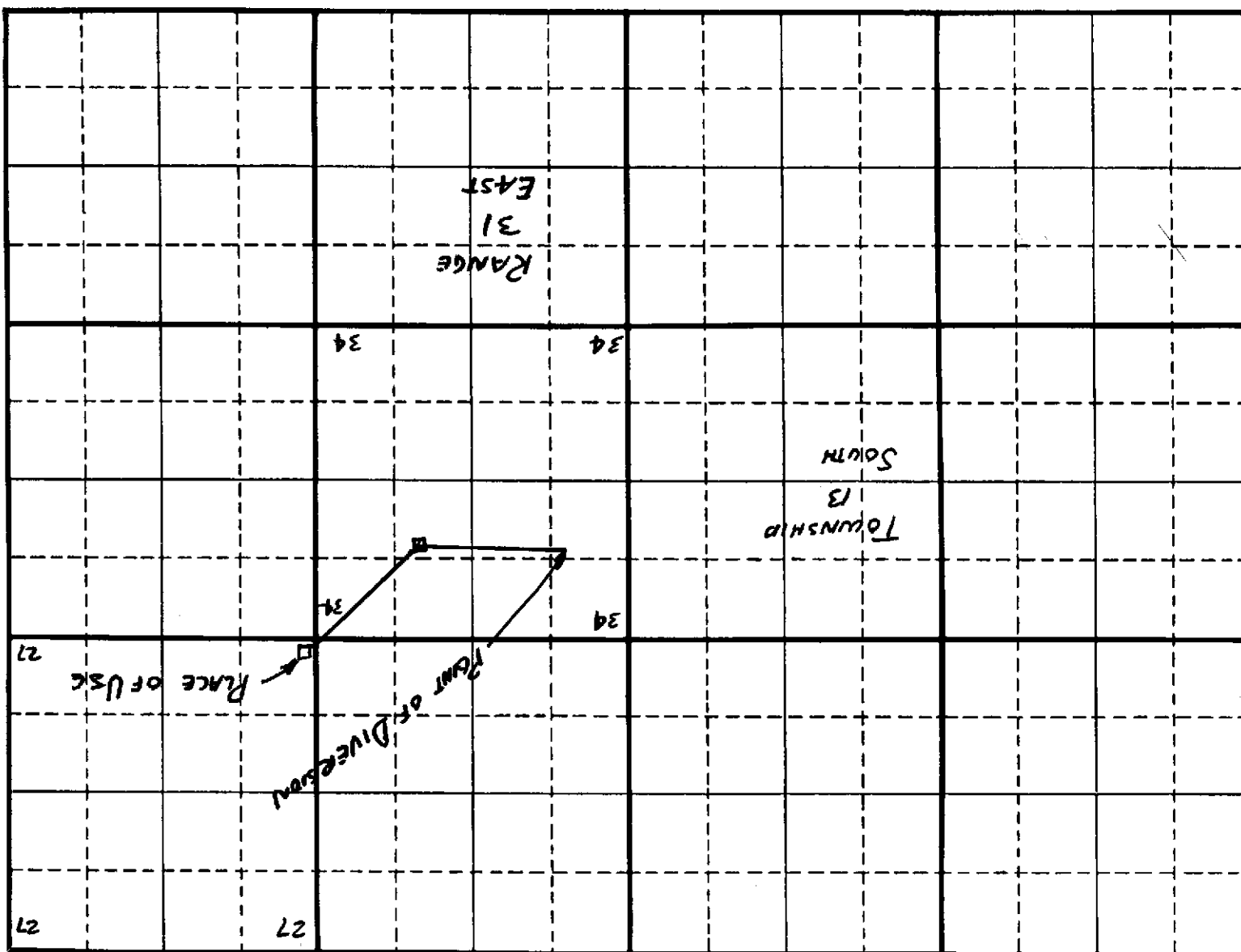
Notary Public
Residing at
Kings, N.Y.

(Claimant)

and from 8:30s. Inc.
by Jerry Allen
(Claimant)

State of Idaho)
County of Oshana) ss.)

Scale: 2 inches equal 1 mile.



(8)	Remarks	This system was originally constructed by Commons and Hansen. Claimant has acquired the use of the water through purchase of the land. The system is now operated jointly by Clyde Hansen and Art Kress and Sons. Claim no. 17-4036 and 17-7099 represent the Hansen rights.
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RECEIVED

STATE OF IDAHO, ss.
County of Oneida

APR 26 1982

Department of Water Resources
Eastern District Office

Carol H. Hummell being duly sworn,
deposes and says: That she is the Secretary of THE IDAHO ENTERPRISE, a weekly newspaper published at Malad, in the County of Oneida and State of Idaho; that said paper has been and is in general circulation in the county aforesaid, and in the vicinity of Malad; 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.

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Carol H. Hummell
Fee \$94.83

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Carol H. Hummell
Notary Public, Residing at Malad, Idaho

My Commission Expires July, 1982

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MCDANIEL, BUFORD
RT. 1, BOX 171, MALAD, ID 83252

83252
Source: SPRING tributary to TIM WOZZLEG HOLLOW

Priority Date: 04-01-1969
Amount: 0.05 CFS
Diversion Point: SENE Sec 12 T 14S R 35E, ONEIDA Co.

Use: STICKWATER (0.05 CFS) from 01-01 to 12-31
Place of Use: SENE Sec 12 T 14S R 35E

Diversion Means: COLA LECTON BOX TO STOCK TROUGH

15-4091
CLARK, OLIVER PAUL & GLADYS
DOWNEY RT, MALAD, ID 83252

Source: SPRING tributary to DEVIL CREEK
Priority Date: 02-01-1941

Amount: 0.04 CFS
Diversion Point: SENE Sec 02 T 13S R 36E, ONEIDA Co.

Use: STOCKWATER (0.02 CFS) from 01-01 to 12-31
DOMESTIC (0.02 CFS) from 01-01 to 12-31

Place of Use: SENE Sec 02 T 13S R 36E
Diversion Means: HEADBOX & PIPELINE

17-4037
KRESS, ART & SONS, INC.
P.O. BOX 100, AMERICAN FALLS, ID 83402

Source: ROCK SPRING tributary to SINKS
Priority Date: 03-01-1925

Amount: 0.06 CFS
Diversion Point: SW 1/4 Sec 34 T 13S R 36E, ONEIDA Co.

Use: IRRIGATION (0.02 CFS) from 04-01-1941 to 12-31
STOCKWATER (0.02 CFS) from 01-01-1941 to 12-31
DOMESTIC (0.02 CFS) from 01-01-1941 to 12-31

Place of Use: SENE Sec 27 T 13S R 36E, ONEIDA Co.
Diversion Means: ACRES

17-4038
DICKSON, JAMES
BOX 150, IDAHO

Source: SPRING tributary to SINKS
Priority Date: 03-01-1925
Amount: 0.06 CFS
Diversion Point: SW 1/4 Sec 34 T 13S R 36E, ONEIDA Co.
Use: IRRIGATION (0.02 CFS) from 04-01-1941 to 12-31
STOCKWATER (0.02 CFS) from 01-01-1941 to 12-31
DOMESTIC (0.02 CFS) from 01-01-1941 to 12-31
Place of Use: SENE Sec 27 T 13S R 36E, ONEIDA Co.
Diversion Means: ACRES

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Eastern Region

150 Shoup Ave.
Idaho Falls, Idaho 83402
(208) 525-7161

MAY 3, 1982

ART & SONS, INC. KRESS
P.O. BOX 336
AMERICAN FALLS ID 83211

RE: Claim No. 17-4037

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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MAY 10 1982

Department of Water Resources

State of Idaho
Department of Water Resources

CLAIM ANALYSIS SHEET

INITIAL REVIEW BY: Keith C Wilson

Right Number 17 4037

Applicant Art Kress & Son Inc.

NOTE: ¹⁷⁻⁴⁰³⁷ 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.

May 3, 1982

FINAL REGIONAL PROCESSING REVIEW:

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

By Ernest Carlson Date May 4, 1982

STATE OFFICE PROCESSING:

- ☒ Claim review complete.

By kw Date 5/27/82

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1Z-403Z

KRESS, ART & SONS, INC.

P.O. BOX 336, AMERICAN FALLS, ID 83211

Source: ROCK SPRING tributary to SINKS

Priority Date: 08/01/1925

Amount: 0.06 CFS

Diversion Point: SWNW Sec 34 T 13S R 31E, ONEIDA Co.

Use: IRRIGATION	(0.02 CFS)	from 04/01 to 11/01
STOCKWATER	(0.02 CFS)	from 01/01 to 12/31
DOMESTIC	(0.02 CFS)	from 01/01 to 12/31

Place of Use: SESE Sec 27 T 13S R 31E FOR 1 ACRES

Diversion Means: HEADBOX & PIPELINE

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