

Remarks Diversion of water is by small reservoir just off main stream for
Cattle watering purposes. See attached aerial photo.

Section 23

Section 23

22

23

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)
) ss.
County of Bonneville)

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 affiants knowledge.

Lorraine Kent F Kent
(Claimant)

Sworn to before me this 5th day of February, 1976

Notary Public
Residing at Idaho Falls, Idaho

My commission expires Jan. 10, 1977

For Department Use Only

Received by <u>me</u>	Date <u>2-05-76</u>	Exception filed by:	Forwarded to	Date
Prelim. check by <u>RDC</u>	Date <u>2/5/76</u>		claimant by:	
\$10.00 fee received by <u>me</u>	Date <u>2-05-76</u> ^{2/15/05}			
Approved for publication by <u>Cal</u> <u>2-24-76</u>		<u>Clarence Kent</u>	<u>Cal</u>	<u>3-04-76</u>
Published in <u>The Idaho Enterprise</u>				
Dates <u>2-12-76</u> + <u>2-19-76</u>				

15/4
22/23

JB1

HENRY C KENT

T-2704
35.17

T-2703
4.85

DELMON CLARK

14/3
23/24

IMC D

JB1.13°

C 67.0°

CLAUDE KENT

C 24.1.0

W 70

*Small
fish
in
water*

MICROFILMED

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

Section 42-225a, Idaho Code

CLAIM TO A WATER RIGHT

Under the provisions of Section 42-225a, Idaho Code, a person may file a claim to a right to use water which has been established by diversion and application to beneficial use. **The filing of this claim does not confirm the water right but will serve for information purposes only.** It may, however, become the basis for future adjudication of the water right by the Court.

Notice is hereby given that Lorraine Kent and The Claude Kent Trust
(name of claimant)
of 2223 Oak Trail Dr., Idaho Falls, ID, claims a right to the diversion and beneficial use of
(mailing address)
the public water of the State of Idaho

The extent and nature of said claim is as follows:

- (1) Describe source of water: (name of stream, lake, spring, etc., or ground water) unnamed spring
_____, tributary to, Dairy Creek
- (2) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:
- | | | | | | | | | |
|--------|----------------------|-----|-------------------------------|----------------|------|----------------|----|------------------------|
| Amount | <u>.04</u> | Use | <u>Stock</u> | Period of Use: | From | <u>April 1</u> | To | <u>Nov. 30</u> |
| Amount | _____ | Use | _____ | Period of Use: | From | _____ | To | _____ |
| Amount | _____ | Use | _____ | Period of Use: | From | _____ | To | _____ |
| | (cfs, gpm
or a/f) | | (dom., irri.,
stock, etc.) | | | | | (both dates inclusive) |
- (3) Total quantity of water claimed: .04 cubic feet per second, or _____ acre feet per annum, and/or _____ gallons per minute.
- (4) Priority claimed: (the date water was first applied to beneficial use) 1940

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 to this rule is that a claim may be filed on domestic use from a ground-water source.

- (5) A) Point of diversion: (give location of point where water is diverted from its source)
SW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 23 Twp. 11 S Rge. 34 E 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. Small reservoir less than 1 acre ft.

- (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. See attached Aerial photo

[illegible]

Total No. of acres _____

- B) If the water is used for other than irrigation, fully describe that use, being as specific as possible: Watering
of approximately 200 head of Cattle.

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

22

23

State of Idaho)
) ss.
County of Bonneville)

Lorraine Kent & W Kent
(Claimant)

Notary Public
Residing at Idaho Falls, Idaho

Received by <u>me</u>	Date <u>2-25-76</u>	Exception filed by:	Forwarded to	Date
Prelim. check by <u>RDC</u>	Date <u>2/5/76</u>		claimant by:	
\$10.00 fee received by <u>me</u>	Date <u>2-25-76</u>	<u>4/15/85</u>		
Approved for publication by <u>me</u>	Date <u>2-24-76</u>	<u>Clarence Kent</u>	<u>Cal</u>	<u>3-04-76</u>
Published in <u>the State Enterprise</u>				
Dates <u>2-12-76 + 2-19-76</u>				

15/14
2223

C 27.0

C 53.0

DB 17.0

CLAUDE KENT

C 24.10

HENRY C KENT

7-2704
35.17

7-2703
4.05

DELMAR CLARK

*Small
piece of
paper
found
in
box*

N 70

N.D. 152.0

1413
2324

M E D

C 67.0

DB 13.0

BEFORE THE DIRECTOR OF IDAHO
DEPARTMENT OF WATER RESOURCES
Idaho Falls, Idaho

RECEIVED

MAR 1 1976

Department of Water Resources
Eastern District Office

RE: Claim of Lorraine Kent and)
the Claude Kent Trust)
Water Right No. 15-4008)

AFFIDAVIT

Comes now Clarence Kent who, after being first duly sworn, deposes and says: My name is Clarence Kent. I do hereby file exception to the above referenced claim for water right in the amount of 0.04 c.f.s. from an unnamed spring tributary to Dairy Creek on the following grounds:

1. All waters tributary to Dairy Creek arising within Section 23, Township 11 South, Range 34 EBM, Oneida County, have been previously appropriated and have been continuously used by this affiant and his predecessor in interest at least since 1928.

2. All of said waters are now incorporated in a sprinkler irrigation system of this affiant.

3. Granting of applicant's application would seriously deplete the waters used in the said sprinkler irrigation system to the extent that he would suffer irreparable damage and loss through diminished water flow.

4. This affiant denies claim of applicant to have used such water for stock watering purposes in that this affiant denies that claimant has maintained cattle or animals in said area and specifically denies that claimant has ever had 200 head of cattle watering from said stream at any time since 1920.

RECEIVED

MAR 1 1976

Dated this 17th day of February, 1976 Department of Water Resources
Eastern District Office

Clarence Kent

Clarence Kent

STATE OF IDAHO
County of Oneida, ss

On this 17th day of February, 1976, before me Laura E. Crowther, Notary Public, personally appeared Clarence Kent known to me to be the person whose name is subscribed to the within instrument and acknowledged to me that he is the person who executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

Laura E. Crowther

Notary Public

Residing at: Malad, Idaho

RECEIVED

FEB 24 1976

Department of Water Resources
Eastern District Office

**NOTICE OF CLAIM TO A
WATER RIGHT**

NO. 15-4008

NOTICE IS HEREBY GIVEN that Lorraine Kent and the Claude Kent Trust, Idaho Falls, Idaho have filed a claim to a water right established by diversion and application to beneficial use of 0.04 cubic feet per second of water from an unnamed spring tributary to Dairy Creek with the point of diversion in the SW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 23, T. 11S, R. 34E, B.M., Oneida County.

The water is claimed to be used from Apr. 1 to Nov. 30 for stock-water purposes for 200 head of cattle with a priority of 1940; the place of use is within the S $\frac{1}{2}$ NE $\frac{1}{4}$, Sec. 23, T. 11S, R. 34E, B.M.

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

R. Keith Higginson
Director

Published in the Idaho Enterprise on February 12 and February 19, 1976.

AFFIDAVIT OF PUBLICATION

State of Idaho
County of Oneida, ss.

Paula Steindel being first duly sworn on her oath, states: That she is clerk of the Idaho Enterprise, a newspaper of general circulation in Oneida County, Idaho published weekly at Malad, in said county, that said newspaper has been published in said county uninterruptedly and continuously for over seventy-eight consecutive weeks, prior to the first publication of the annexed notice or advertisement:

That said Idaho Enterprise was at all of the times of publication of said notice a newspaper of general circulation made up of at least four pages of at least five columns each, printed from type matter or stereotyped forms of at least seventeen and three fourths inches depth, and said newspaper during all of the times of publication aforesaid had more than 200 bonafide subscribers thereto living within the county of Oneida in which said newspaper was published at regular intervals not less frequently than once a week.

That the annexed notice was published per clipping attached in the regular and entire edition of said newspaper and not in any supplement thereof for 2 successive weekly issues thereof the date of the first publication being the 12 day of Feb., 1976 the date of the last publication being the 19 day of Feb., 1976.

Paula Steindel
Subscribed and sworn to before me this 20 day of Feb., 1976.

H. A. Maylor
Notary Public, residing at Malad, Idaho

My Commission expires the 11 day of Oct., 1977.

Costs:

31 lines at 23c per line first insertion \$ 7.13

lines tabulated at 34 $\frac{1}{2}$ c per line \$

15c per line each subsequent insertion \$ 4.65

TOTAL \$ 11.78

(Rates for legal notices are fixed by Idaho law)

March 4, 1976

RE: Claim to a Water Right No. 15-4008

Lorraine Kent and
The Claude Kent Trust
2223 Oak Trail Drive
Idaho Falls, Idaho 83401

Dear Ms. Kent:

The Department of Water Resources has completed the processing of your claim to a water right and no further action is authorized under Sections 42-225a and 42-225b, Idaho Code. Your claim will be retained in our files and will be available at any time for use by you or the court.

As you are aware, the filing of your claim does not, in itself, guarantee you a water right; it only records and preserves 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 in your claim file, you may have that information or evidence added at any time. Please refer to your claim number when corresponding with this office.

We are enclosing, for your records, a copy of your claim. If you have any questions or if we can be of further assistance, please feel free to call upon us.

Very truly yours,

RONALD D. CARLSON
Supervisor,
Eastern Region

RDC:CH

Enc: Copy of Claim

March 4, 1976

RE: Claim to a Water Right No. 15-4008 KENT

Mr. J. W. Crowther
Attorney at Law
60 North Main
Malad City, Idaho 83252

Dear Mr. Crowther:

We have received the exception dated February 17, 1976, filed in behalf of Clarence Kent against the above referenced claim to a water right. The following is a quote from the provisions of the Idaho Code under which this claim has been filed:

42-225b. Recording of claims by department-----Corrections.-----

.....
At any time after filing a claim under the provisions of this section, any person who disagrees that a right has been established as set forth in said claim may file an exception thereto in duplicate, in affidavit form, accompanied by such proof as said person deems appropriate. An exception filed shall be made a part of the file of the claim in the Department of Water Administration (renamed Department of Water Resources, July 1, 1974) and shall be considered the same as other evidence in said file. A copy of an exception filed shall be forwarded to the claimant by the Department of Water Resources. Such claims may be corrected by the claimant only by filing of an amended claim in the same form as the original which shall be recorded and numbered by the department the same as the original and for which no additional filing fee shall be required.

Only the above action has been contemplated by the Idaho Legislature and we are not authorized to hold hearings or evaluate for conformation or final censorship of the described rights.

If you have any questions regarding this matter, please contact us.

Very truly yours,

RONALD D. CARLSON
Supervisor, Eastern Region

RDC:CW

March 4, 1976

RE: Claim to a Water Right No. 15-4008

Lorraine Kent and
The Claude Kent Trust
2223 Oak Trail Drive
Idaho Falls, Idaho 83401

Dear Ms. Kent:

Please find enclosed a copy of the exception filed by Attorney J. W. Crowther, in behalf of Clarence Kent in connection with your Claim No. 15-7008. The following is a quote from the provisions of the Idaho Code under which this claim has been filed:

42-225b. Recording of claims by department-----Corrections.-----

.....
At any time after filing a claim under the provisions of this section, any person who disagrees that a right has been established as set forth in said claim may file an exception thereto in duplicate, in affidavit form, accompanied by such proof as said person deems appropriate. An exception filed shall be made a part of the file of the claim in the Department of Water Administration (renamed Department of Water Resources, July 1, 1974) and shall be considered the same as other evidence in said file. A copy of an exception filed shall be forwarded to the claimant by the Department of Water Resources. Such claims may be corrected by the claimant only by filing of an amended claim in the same form as the original which shall be recorded and numbered by the department the same as the original and for which no additional filing fee shall be required.

Only the above action has been contemplated by the Idaho Legislature and we are not authorized to hold hearings or evaluate for conformation or final censorship of the described rights.

If you have any questions regarding this matter, please contact us.

Very truly yours,

RONALD D. CARLSON
Supervisor, Eastern Region
RDC:CM
Enclosure



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
EASTERN DISTRICT

Cecil D. Andrus
Governor

R. Keith Higginson
Director

RECEIVED
MAR 1 1976

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

Department of Water Resources
Eastern District Office

February 20, 1976

RE: Claim to a Water Right No. 15-4008 LORRAINE KENT & THE CLAUDE KENT TRUST

Mr. J. W. Crowther
Attorney at Law
60 North Main
Malad City, Idaho 83252

Dear Mr. Crowther:

Please find enclosed the exception you filed against the above claim to a water right on behalf of Clarence Kent.

As I indicated to you in Preston on Wednesday, the claim is simply evidence of a right that has been established through the diversion and beneficial use of water. An exception to a claim should point out inaccuracies or errors that exist in the claim as filed. All exceptions are included in the claim file for consideration by the court at any time said right is adjudicated.

Because the affidavit you submitted appears to be more in the form of an objection to a new appropriation than an exception to a proposed record of an existing right, you may wish to review the right as claimed and if your client feels it to be inaccurate, file an exception pointing out these inaccuracies.

If you have any questions concerning this matter, please feel free to contact me.

Very truly yours,

RONALD D. CARLSON
Supervisor
Eastern Region

RDC:CW

Enclosure

February 20, 1976

RE: Claim to a Water Right No. 15-4008 LORRAINE KENT & THE CLAUDE KENT TRUST

Mr. J. W. Crowther
Attorney at Law
60 North Main
Malad City, Idaho 83252

Dear Mr. Crowther:

Please find enclosed the exception you filed against the above claim to a water right on behalf of Clarence Kent.

As I indicated to you in Preston on Wednesday, the claim is simply evidence of a right that has been established through the diversion and beneficial use of water. An exception to a claim should point out inaccuracies or errors that exist in the claim as filed. All exceptions are included in the claim file for consideration by the court at any time said right is adjudicated.

Because the affidavit you submitted appears to be more in the form of an objection to a new appropriation than an exception to a proposed record of an existing right, you may wish to review the right as claimed and if your client feels it to be inaccurate, file an exception pointing out these inaccuracies.

If you have any questions concerning this matter, please feel free to contact me.

Very truly yours,

RONALD D. CARLSON
Supervisor
Eastern Region

RDC:CW

Enclosure

February 6, 1976

RE: Applications for Permit No. 17-7078
Claim to a Water Right No. 15-4008

The Idaho Enterprise
P.O. Box 205
Malad City, Idaho 83252

Gentlemen:

Enclosed you will find a legal notice which we wish to have published once a week for two consecutive weekly issues of your newspaper. We have inserted the publication dates allowing time for you to submit us a galley proof for review before publication.

After sending us a galley proof, proceed with the publication on the dates we have inserted, assuming the notice is correct. If we have any corrections, we will notify you before the first publication. 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.

Very truly yours,

RONALD D. CARLSON
Supervisor,
Eastern Region

Bill submitted 2-24-76 by CW

RDC:ME

Legal Notices (2)

NOTICE OF CLAIM TO A WATER RIGHT

NO. 15-4008

Notice is hereby given that Lorraine Kent and the Claude Kent Trust,
Idaho Falls, Idaho

~~have~~
~~xxx~~ has filed a claim to a water right established by diversion and application
to beneficial use of 0.04 cubic feet per second ~~XXXXXXXXXXXXXXXXXXXX~~
of water from an unnamed spring tributary to Dairy Creek
with point of diversion in the SW 1/4, Sec. 23, T. 11S, R. 34E, B.M.,
Oneida County

The water is claimed to be used from Apr. 1 to Nov. 30
for stockwater purposes for 200 head of cattle
with a priority of 1940;
the place of use is within the SW 1/4, Sec. 23, T. 11S, R. 34E, B.M.

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

R. KEITH HIGGINSON

Director

Published in the Idaho Enterprise, Malad City, Idaho
on February 12 and February 19, 1976.

RECORDED

aw-R
aw-A.