

**SOUTH IDAHO PRESS**

**BURLEY, IDAHO**

**AFFIDAVIT OF PUBLICATION**

County of Cassia, )  
 ) ss.  
STATE OF IDAHO )

Ruth Chambers, being first

duly sworn, deposes and says that she is the  
Bookkeeper of the South Idaho  
Press, a daily newspaper published at Bur-  
ley, Idaho, in the county aforesaid and that  
the paper is of general circulation therein.  
Deponent further states that the printed no-  
tice attached hereto was duly published  
according to law in the regular editions of

The South Idaho Press for 2  
consecutive weeks, commencing with the issue

dated July 5 1968, and ending

with the issue dated July 11, 1968

Ruth Chambers

Subscribed and sworn to before me

this 12th day of July

1968.

Edith Raustadt Notary Public

Cost of Publication \$6.75

Notary Fee \_\_\_\_\_

Total Cost \_\_\_\_\_

My commission expires October 23, 1971

RECEIVED

JUL 15 1968

Department of Reclamation

No. 68-90

**NOTICE OF CLAIM TO  
A WATER RIGHT**  
No. 43-4004

Notice is hereby given that  
Richard & Ella Kossman, Malt,  
Idaho has filed a claim to a water  
right established by diversion and  
application to beneficial use of  
25 cubic feet per second of water  
from a subterranean source  
with point of diversion in NW $\frac{1}{4}$   
SE $\frac{1}{4}$ , sec. 6, T. 13 S., R. 27 E.B.M.,  
Cassia County, the water is  
claimed to be used from April 1  
to November 1 for irrigation with  
priority of April 10, 1960; the  
place of use is the SW $\frac{1}{4}$  NE $\frac{1}{4}$ , SE  
 $\frac{1}{4}$  NW $\frac{1}{4}$ , N $\frac{1}{2}$  SE $\frac{1}{4}$ , sec. 6, T. 13 S.,  
R. 27 E.B.M.

Any exception to this claim of  
water right may be filed with the  
Department of Reclamation.

R. KEITH HIGGINSON  
State Reclamation Engineer  
Published in the South Idaho  
Press on July 5, 11, 1968.

43 4004

bill sub. 7-15-68

Identification No. 43-4004

Claim No. 42586

Map No. \_\_\_\_\_

**STATE OF IDAHO**  
**DEPARTMENT OF RECLAMATION**  
**CLAIM TO A WATER RIGHT**

**Established by Diversion and Application to Beneficial Use**

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.

(Please refer to the instructions on the back of this form)

1. Name of claimant Richard & Ella Kossman  
post office address Malta, Idaho

2. The point of diversion is in NW  $\frac{1}{4}$  of SE  $\frac{1}{4}$  Section 6 Township 13 South  
Range 27 E B.M. located on well  
(name of source)

tributary to \_\_\_\_\_ in Cassia County.

3. Dates of priority claimed: list the priority for each separate quantity that you claim. Priority dates should be based upon the earliest diversion of the water which has resulted in continued beneficial use since that time. If there has been an interval of five years or greater when the water was not beneficially used for the same purpose as originally appropriated, the priority that you claim should date from the time that the water was again beneficially applied following the period of non-use.

a. Date of priority claimed:

April 10, 1960 amount: 2.5 c.f.s. or \_\_\_\_\_ acre feet  
\_\_\_\_\_ amount: \_\_\_\_\_ c.f.s. or \_\_\_\_\_ acre feet  
\_\_\_\_\_ amount: \_\_\_\_\_ c.f.s. or \_\_\_\_\_ acre feet  
Total claimed \_\_\_\_\_ c.f.s. or \_\_\_\_\_ acre feet.

b. Explain the purpose for which the water has been used and the time during the year when you have used the right claimed:

use irrigation period of use from 4/10/60 to present (both dates inclusive)  
use irrigation period of use from 4/1 to 11/1 (both dates inclusive)  
use \_\_\_\_\_ period of use from \_\_\_\_\_ to \_\_\_\_\_ (both dates inclusive)  
use \_\_\_\_\_ period of use from \_\_\_\_\_ to \_\_\_\_\_ (both dates inclusive).

4. Description of diverting works:

a. Surface water diversion dam and/or headgate: material is composed of \_\_\_\_\_  
\_\_\_\_\_ ; length is \_\_\_\_\_ feet; height is \_\_\_\_\_ feet;  
width at bottom is \_\_\_\_\_ feet; width at top is \_\_\_\_\_ feet; explain any increase in diversion capacity since structure was first built, giving dates and estimated capacities if known \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

b. Underground water diverting works: is well flowing or pumped pumped ; depth of well is 240 feet; diameter of well is 137'-16" inches; type of pump is deep well turbine  
100'-12"  
capacity of pump is 1125 g.p.m.; name and address of well driller is W. D. Yarbrough  
Burley, Idaho

43 4004

attach well logs if available; has there been any change in pump or motor since well was first completed No; if so, give dates and explain

c. Conveying works: length of ditch to place of use is 100 feet; width of ditch at top is 6 feet; width of bottom of ditch is 2 feet; depth of water is \_\_\_\_\_ feet; grade of ditch per 1000 feet is \_\_\_\_\_ feet; material through which ditch passes is soil; maximum length of pipe line to first place of use is \_\_\_\_\_ feet; diameter of pipe line is \_\_\_\_\_ inches; type of pipe \_\_\_\_\_; grade of pipe per 1000 feet is \_\_\_\_\_.

Please explain any changes or increase in size of conveying system since water was first appropriated, giving date and dimensions if possible

d. If water is stored: name of reservoir \_\_\_\_\_; total capacity of reservoir is \_\_\_\_\_ acre feet; active capacity of reservoir is \_\_\_\_\_ acre feet; year construction commenced \_\_\_\_\_; year completed \_\_\_\_\_; date first used \_\_\_\_\_; period of storage is from \_\_\_\_\_ to \_\_\_\_\_; is reservoir drained each year \_\_\_\_\_; is reservoir on or off stream \_\_\_\_\_ explain \_\_\_\_\_.

if feeder canal is used give maximum carrying capacity \_\_\_\_\_ c.f.s.; if reservoir is off stream, describe location of reservoir by 40-acre subdivisions \_\_\_\_\_.

has there been any enlargement of the reservoir since it was first built \_\_\_\_\_, if so, give dates and describe \_\_\_\_\_.

5. a. Where water is used for irrigation, describe area irrigated by 40-acre subdivisions and give total acres:

| TWP. | RANGE | SEC. | NE¼ |     |     |     | NW¼ |     |     |     | SW¼ |     |     |     | SE¼ |     |     |     | TOTALS |
|------|-------|------|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|--------|
|      |       |      | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ |        |
| 13 S | 27 E  | 6    |     |     | 30  |     |     |     |     | 30  |     |     |     |     | 40  | 40  |     |     | 140    |
|      |       |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |        |
|      |       |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |        |
|      |       |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |        |
|      |       |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |        |
|      |       |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |        |
|      |       |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |        |
|      |       |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |        |
|      |       |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |        |
|      |       |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |        |

~~30~~ tracts are S3/4 SW¼ NE¼  
30 S3/4 SE¼ NW¼

Total number of acres to be irrigated 125

Explain any significant increase in area irrigated since first use, give dates and acreages if known \_\_\_\_\_.

b. Do you get water through a ditch owned by several users? \_\_\_\_\_ If yes, give the name of the ditch \_\_\_\_\_ The other users and their respective interests in the ditch are (if known) \_\_\_\_\_

6. Where water is used for stock watering, give number of each kind of stock watered \_\_\_\_\_

7. Where water is used for domestic or municipal purposes give number of families served \_\_\_\_\_ name of town supplied \_\_\_\_\_

8. Where water is used for other purposes not above enumerated, give the nature of use, the extent of use, and any details regarding the initiation of the right or subsequent later expansion. Be as specific as possible, giving dates and quantities \_\_\_\_\_

9. Remarks: please explain any details of your claim which you feel need clarification or additional explanation \_\_\_\_\_

The well now being pumped was drilled to get water when earlier wells dried up the old Raft River springs in this area. This well is really an effort to get water that would be available if some earlier priority wells hadn't been drilled and dried up an older water supply of better priority.

43 4004

BE IT KNOWN that the undersigned hereby makes claim to a water right as described above together with all attached information and certifies that all statements are true and accurate to the best of his knowledge.

(Date)

(Signature of Claimant)

State of Idaho

County of Cassia } ss.

On this 14 day of June 1968, personally appeared before me the signer(s) of the above instrument, who duly acknowledged to me that he (she) (they) executed the same.

Notary Public residing at Malta, Idaho

My commission expires May 3, 1971

For Department Use Only

Received by if Date 6-18-68

Exception filed by: \_\_\_\_\_

Forwarded to claimant by: \_\_\_\_\_

Date \_\_\_\_\_

Prelim. check by Dew Date 6-18-68

Fee received by if Date 6-19-68 Fee \$ 10.00

Approved for publication by TLS 6-26-68

Published in South Oda Dates 7-4-68

43 4004

## INSTRUCTIONS

Your claim should set forth all necessary information to describe your claimed right. Failure to give enough information may make your claim of little value. Some of the items in the form may not apply to your situation. Please use additional sheets if space provided is not sufficient to fully answer the questions.

### Paragraph No.

1. Give full name and post office address of person or company making the claim.
2. Describe the point of diversion by 40-acre subdivision. Give the name of the source, the drainage to which it is tributary if surface water, and the county in which the point of diversion is located. If there is more than one point of diversion, list others in the remarks section.
3. Give the priority dates and the quantities of water that you claim. You should accurately list the dates that you initiated each new use of the water. List separately the dates and amounts of water involved in each enlargement of the diversion. (Example: if you diverted 0.8 c.f.s. of water for irrigation on May 18, 1871, for the first time for use on 40 acres of land, and then later you enlarged the diversion by diverting an additional 0.4 c.f.s. of water to irrigate an additional 20 acres of land on June 1, 1901, your right should be described as follows:

|                           |                     |                |                      |                   |           |
|---------------------------|---------------------|----------------|----------------------|-------------------|-----------|
| Date of priority claimed: | <u>May 18, 1871</u> | amount:        | <u>0.8 c.f.s. or</u> | <u>          </u> | acre feet |
|                           | <u>June 1, 1901</u> | amount:        | <u>0.4 c.f.s. or</u> | <u>          </u> | acre feet |
|                           |                     | Total claimed: | <u>1.2 c.f.s. or</u> | <u>          </u> | acre feet |

Since the water was used for irrigation between April 1 and October 31 on that particular farm, part b. would be completed as follows:

use-irrigation period of use from April 1 to October 31 (both dates inclusive). If the water had been used for any other purpose, you would have described the priority date, amount, use, and period of use in a similar manner.

4. Describe the diversion works and explain any changes since the right was first initiated.
5. If the water is used for irrigation, give the total acreage and list the lands irrigated by 40-acre subdivisions and complete the other questions.
- 6, 7, & 8. Describe any other uses of water.
9. In the remarks section, give any information or details that you feel are not fully covered or that need clarifying. You might explain your operation, where the water is returned to if for an industrial or non-consumptive right, the condition and temperature of the returned water, and any other information to help explain your claim.

You may wish to include as a part of your claim, affidavits of witnesses who are familiar with your right and who have a personal knowledge of the circumstances which you have described in your claim. You may submit maps, drawings, certified copies of posted notices which may have been filed in the county courthouse, water measurement records, or any other document which you feel will support your claim.

Your claim will be advertised in a county newspaper for two weeks. Exceptions to your claim which dispute the water right that you have described may be received by the Department of Reclamation and you will be provided a copy of such exceptions.

The fee for filing this claim with the Department of Reclamation, Room 107, Statehouse, Boise, Idaho 83701, is \$10.00.

W. D. Yarbrough  
Malta, Idaho

Date: Dec. 14, 1959

Log on well. 16"

0-6' top soil

6-10' clay

10-70' gravel and sand

70-71' clay

71-150' sand and gravel

150-151' clay

151-180' gravel and sand; lots of water

180-182' clay

182-240' gravel and sand

43 4004

**SOUTH IDAHO PRESS**

**BURLEY, IDAHO**

**AFFIDAVIT OF PUBLICATION**

County of Cassia, )  
 ) ss.  
STATE OF IDAHO )

*Ruth Chambers*, being first

duly sworn, deposes and says that she is the

*Bookkeeper* of the South Idaho Press, a daily newspaper published at Burley, Idaho, in the county aforesaid and that the paper is of general circulation therein. Deponent further states that the printed notice attached hereto was duly published according to law in the regular editions of

The South Idaho Press for 2

consecutive weeks, commencing with the issue

dated July 5 1968, and ending

with the issue dated July 11, 1968.

*Ruth Chambers*

Subscribed and sworn to before me

this 12th day of July

1968.

*Edith Raustadt* Notary Public

Cost of Publication \$6.75

Notary Fee

Total Cost

My commission expires October 23, 1971

**RECEIVED**

JUL 15 1968

Department of Reclamation

No. 68-90  
**NOTICE OF CLAIM TO  
A WATER RIGHT**  
No. 43-100-100

Notice is hereby given that Richard & Ella Kossman, Malt, Idaho has filed a claim to a water right established by diversion and application to beneficial use of 2.0 cubic feet per second of water from a subterranean source with point of diversion in NW 1/4, SE 1/4, sec. 6, T. 22 N., R. 27 E., B.M. 27 E.B.M., Cassia County, Idaho. The water is claimed to be used from April 1 to November 1 for irrigation with priority of April 10, 1960; the place of use is the SW 1/4, SE 1/4, NW 1/4, N 1/2, SE 1/4, sec. 8, T. 13 S., R. 27 E.B.M.

Any exception to this claim of water right may be filed with the Department of Reclamation.

R. KENNETH JOHNSON  
State Reclamation Engineer  
Published in the South Idaho Press on July 5, 1968.

43 4004

*will sub. 7-15-68*

February 21, 1969

Re: Claim No. 43-4004  
Richard and Lila Rossman

Mr. L. V. Creason  
Creason and Creason  
Attorneys at Law  
Rupert, Idaho 83350

Dear Mr. Creason:

Please be advised that the above referenced claim has been processed and is now on file as public record at the Department of Reclamation, Boise, Idaho. As the Statutes of the State of Idaho do not provide for further processing of the claim, the claim will remain on file until such time as the applicant is in need of the information in the claim.

Also, the department has no means to record the transfer of ownership of a claim. You may, however, forward a letter to our department and advise us of the new owners names and we will file it with the claim so that the information will be available.

If you need further assistance, please contact us.

Very truly yours,

Donald W. McElDowney  
Appropriation Examiner

DWM:ks

43 4004

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FEB 17

CREASON & CREASON

ATTORNEYS AT LAW  
RUPERT, IDAHO 83350

Department of Reclamation

H. V. CREASON  
C. H. CREASON

BOX 335  
436-4131

February 14, 1969

State of Idaho  
Department of Reclamation  
Statehouse - Annex 2  
Boise, Idaho 83707

Re: Claim No. 43-4004  
Richard & Ella Kossman

Gentlemen:

We wish to advise you that Mr. & Mrs. Kossman are contemplating selling the property upon which they have filed a claim to a water right as above-numbered.

Could you please advise me as to the status of said claim, as a transfer of said claim should be made to the purchaser of the property.

If you have special requirements as to the transfer, please advise and send such forms as may be necessary to be completed.

Yours very truly

CREASON & CREASON

*H. V. Creason*  
H. V. Creason  
C.

HVC:hc

43 4004

February 17, 1969

Re: Claim to a Water Right No. 43-4004

Mr. Richard and Mrs. Ella Kossman  
Malta,  
Idaho

Dear Mr. and Mrs. Kossman:

We are in receipt of your letter dated February 8, 1969. The record of the Department of Reclamation indicates that on July 18, 1968, we forwarded a letter to your attention advising you that the claim had been filed and returned to the department's receipt No. 1009 in the amount of \$10.00. We are enclosing a copy of our letter of July 18, 1968.

You should be advised that the filing of the claim completes the action taken by the Department of Reclamation. Your claim is now on record and is available to your use if you everyneed it.

If we may be of further assistance, please contact us.

Very truly yours,

Donald W. McElldowney  
Appropriation Examiner

DWM:ks

enclosure: Copy of July 18, 1968 letter

43 4004

RECEIVED

FEB 10 1969

Department of Reclamation

February 8, 1969

Department of Reclamation  
Boise, Idaho 83700

In July of 1968, I made a claim for a water right from a well. The claim number was 43-4004. I have never received any answer from you. Could you please advise me as to what happened to the claim I filed?

If you need more information, please let me know.

What do I need to do now to establish a right of use?

Yours truly,



Richard Kossman

43 4004

July 18, 1968

Re: Claim No. 43-4004

Richard & Ella Kossman  
Malta,  
Idaho

Dear Mr. Kossman:

Please be advised that the Department of Reclamation has received and processed your claim to a water right. The information in your claim is filed under Claim No. 43-4004.

Enclosed is receipt No. 1009 in the amount of \$10.00 for your filing fee. Please contact us if we may be of further assistance.

Very truly yours,

Donald W. McEldowney  
Appropriation Examiner

DWM:ks

Enclosure: Receipt No. 1009

43 4004

RECEIVED

JUL 9 1968

Department of Reclamation

1 a  
ivy

No. 68-90

**NOTICE OF CLAIM TO  
A WATER RIGHT**

No. 43-4004

Notice is hereby given that Richard & Elma Kossman, Malheur, Idaho has filed a claim to a water right established by diversion and application to beneficial use of 2.5 cubic feet per second of water from a subterranean source with point of diversion in NW<sup>1</sup>/<sub>4</sub>, SE<sup>1</sup>/<sub>4</sub>, sec. 8, T. 13 S., R. 27 E.B.M., Cassia County; the water is claimed to be used from April 1 to November 1 for irrigation with priority of April 10, 1960; the place of use is the SW<sup>1</sup>/<sub>4</sub>, NE<sup>1</sup>/<sub>4</sub>, SE<sup>1</sup>/<sub>4</sub>, NW<sup>1</sup>/<sub>4</sub>, N<sup>1</sup>/<sub>2</sub>, SE<sup>1</sup>/<sub>4</sub>, sec. 8, T. 13 S., R. 27 E.B.M.

Any exception to this claim of water right may be filed with the Department of Reclamation.

R. KEITH HIGGINSON

State Reclamation Engineer

Published in the South Idaho  
Press on July 5, 11, 1968.

43 4004

June 26, 1968

Re: Claim No. 43-4004  
Richard & Ella Kossman

South Idaho Press  
230 East Main, Box 750  
Burley, Idaho

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 ample 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 date. If you can not publish the notice on the proposed dates please contact us immediately.

An affidavit of publication must be submitted to the Department of Reclamation, along with the publication bill. In order to receive payment, the following certification must appear on the bill:

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of same has been paid.

\_\_\_\_\_  
Signature of claimant

Very truly yours,

Donald W. McEldowney  
Appropriation Examiner

DWM:ks

Enclosure: Legal notice

43 4004

# NOTICE OF CLAIM TO A WATER RIGHT

No. 43-4004

Notice is hereby given that Richard & Ella Kossman, Malta, Idaho  
 has filed a claim to a water right  
established by diversion and application to beneficial use of 2.5  
cubic feet per second ~~acre~~ feet of water from a subterranean source  
 with point of diversion in NW $\frac{1}{4}$ SE $\frac{1}{4}$ , sec.  
3, T. 13 S, R. 27 E, B.M., Cassia County; the water is  
claimed to be used from April 1 to November 1 for irrigation  
 with a priority of April 10, 1960  
; the place of use is the SW $\frac{1}{4}$ NE $\frac{1}{4}$ , SE $\frac{1}{4}$ NW $\frac{1}{4}$ ,  
N $\frac{1}{2}$ SE $\frac{1}{4}$ , sec. 6, T. 13 S, R. 27 E, B.M.

Any exception to this claim of water right may be filed with the Department of Reclamation.

**R. KEITH HIGGINSON**  
**State Reclamation Engineer**

Published in the South Idaho Press, Burley, Idaho  
on July 4 and July 11.

43 4004

WELL LOG AND REPORT OF THE  
STATE RECLAMATION ENGINEER OF IDAHOPermit No. 43-4004 Well No. \_\_\_\_\_ County CassiaOwner Richard KasmanAddress Malta IdahoDriller Waymon GarbroughAddress Malta IdahoWell location 77 1/4 Sec. 6, T. 135 N/S, R. 27 E/WSize of drilled hole 16240' Total depth of well 240'

Locate well in section

|        |        |
|--------|--------|
| NW 1/4 | NE 1/4 |
| SW 1/4 | SE 1/4 |

Give depth to standing water from the ground 14' Water temp. \_\_\_\_\_ °Fahr.On "Pumping Test" delivery was 133 g.p.m. or \_\_\_\_\_ c.f.s. Drawdown was 55 feet.Size of pump and motor used to make test 8" Pump, 300 w. motorLength of time of test 4 hours \_\_\_\_\_ minutes.

If flowing well, give flow \_\_\_\_\_ c.f.s. or \_\_\_\_\_ g.p.m. and of shut off pressure \_\_\_\_\_

If flowing well, described control works \_\_\_\_\_

(TYPE AND SIZE OF VALVE, ETC.)

Water will be used for Irrigation Weight of casing per lineal foot 48 lbThickness of casing 1/4 Casing material Steel

(STEEL, CONCRETE, WOOD, ETC.)

Diameter, length and location of casing 16" 1 to 140, 12" 180 to 240(CASING 12" IN DIAMETER OR LESS, GIVE INSIDE DIAMETER;  
CASING OVER 12" IN DIAMETER, GIVE OUTSIDE DIAMETER)

## CASING RECORD

| Diam.<br>Casing | From<br>Feet | To<br>Feet | Length | Remarks—seals, grouting, etc. |
|-----------------|--------------|------------|--------|-------------------------------|
|                 |              |            |        |                               |
|                 |              |            |        |                               |
|                 |              |            |        |                               |
|                 |              |            |        |                               |
|                 |              |            |        |                               |

Number and size of perforations 1000 located 1 feet to 140 feet from ground  
600 130 240Date of commencement of well 1 Dec. 1959 Date of completion of well 14 Dec. 1959

# WELL LOG

[illegible]

### WELL DRILLER'S STATEMENT

**This well was drilled under my supervision and the above information is true and correct to the best of my knowledge and belief.**

Signed Walter J. Hough  
By \_\_\_\_\_

Dated Feb. 5, 1960

License No. 118