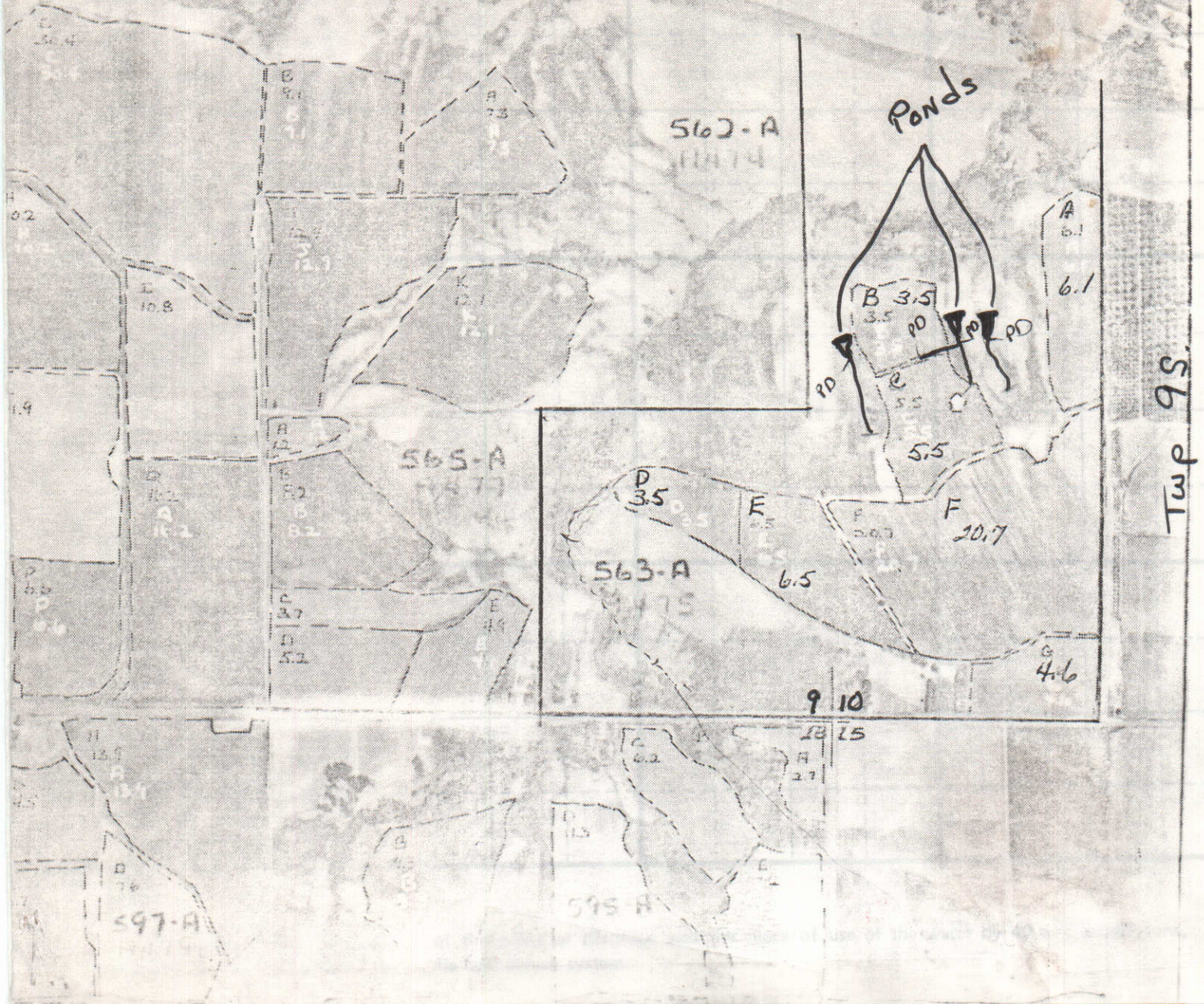


A475

Range 15E

I



State of Idaho

)

ss.

County of

)

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.

Carl J. DeLoe

(Claimant)

Sworn to before me this 29 day of November, 19 79.

Mary A. Hill

Notary Public

Residing at Twins Falls, Idaho 83311

My commission expires

life

FOR DEPARTMENT USE ONLY

Received by TGS

Date 11-29-79

Exception filed by:

Forwarded to

Date

Prelim. check by AS

Date

claimant by:

\$20.00 fee received by TGS

Date 11-29-79 #17005

Published in Times News

Dates 12/13 & 12/20/79

RECEIVED

**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:

47-4140

CARL DALOS
Route 4, Buhl, Id. 83316
Source: UNNAMED SPRING tributary to "I" CREEK TRIB. TO SNAKE RIVER
Priority Date: 05/01/1938
Amount: 0.80 CFS
Diversion Point: SESE Sec. 09 T 09S R 15E, Twin Falls Co.
Use: IRRIGATION (0.80 CFS) from 03/15 to 10/15
Place of Use: SESE Sec. 09 T 09S R 15E SWNW SWSW Sec. 10 T 09S R 15E FOR 40 ACRES

Diversion Means: 10" conc. pipeline running 1200' from spring to place of use.

47-4141

CARL DALOS
Route 4, Buhl, Id. 83316
Source: UNNAMED SPRING tributary to "I" CREEK TRIB. TO SNAKE RIVER
Priority Date: 07/01/1967
Amount: 1.00 CFS
Diversion Point: SESE Sec. 09 T 09S R 15E, Twin Falls Co.
Use: FISH PROP. (0.20 CFS) from 03/15 to 10/15
FISH PROP. (1.00 CFS) from 10/15 to 03/15
Place of Use: NWSW Sec. 10 T 09S R 15E
Diversion Means: 10" conc. pipeline running 1200' from spring to place of use.

47-4142

CARL DALOS
Route 4, Buhl, Id. 83316
Source: UNNAMED SPRING tributary to SNAKE RIVER
Priority Date: 07/01/1967
Amount: 1.00 CFS
Diversion Point: NWSW Sec. 10 T 09S R 15E, Twin Falls Co.
Use: FISH PROP. (1.00 CFS) from 03/15 to 10/15
Place of Use: NWSW Sec. 10 T 09S R 15E
Diversion Means: 400' of earthen ditch.

Any exception to any claim of water right may be filed with the Director of the Idaho Department of Water Resources, 1041 Blue Lakes Blvd. North, Twin Falls, Idaho 83301.

C. STEPHEN ALLRED
Director

PUBLISH: Thursday,
December 13 and 20, 1979.

Affidavit of Publication

RECEIVED

STATE OF IDAHO,
COUNTY OF TWIN FALLS }

ss.

DEC 28 1979

No. 8935

I, Linda L. Capps, being first duly sworn upon

oath, depose and say that I am Principal Clerk of the TIMES-NEWS, published daily, at Twin Falls, Idaho, and do solemnly swear that a copy of the notice of advertisement, as per clipping attached, was published in the regular and entire issue of said newspaper, and not in any supplement thereof, for two

consecutive weeks, commencing with the issue dated December 13, 1979, and ending with the issue dated December 20, 1979.

And I do further certify that said newspaper is a consolidation, effective February 16, 1942, of the Idaho Evening Times, published theretofore daily except Sunday, and the Twin Falls News, published theretofore daily except Monday, both of which newspapers prior to consolidation had been published under said names in said city and county continuously and uninterruptedly during a period of more than twelve consecutive months, and said TIMES-NEWS, since such consolidation, has been published as a daily newspaper except Saturday, until July 31, 1978, at which time said newspaper began daily publication under said name in said city and county continuously and uninterruptedly.

And I further certify that pursuant to Section 60-108 Idaho Code, Thursday of each week has been designated as the day on which legal notice by law or by order of any court of competent jurisdiction within the state of Idaho, to be published weekly, will be published; and that at the head of the editorial column of said combined newspapers, and in each issue thereof, Thursday is announced as the day on which said legal notices will be published.

Subscribed and sworn to before me on this 20 day of December, 1979.

Delva Rowlett-Smith
Notary Public in and for the County of Twin Falls,
State of Idaho, residing at Twin Falls, Idaho

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

NGV 29 1979

CLAIM TO A WATER RIGHT

Department of Water Resources
Southern District Office

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 Carl Dalos

(Name of Claimant)

Route 4, Buhl, Idaho 83316

(Mailing Address)

Telephone No. 543-4989

(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) July 1, 1967

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)

Describe the source of water: (Name of stream, lake, spring, etc.) Snake River

(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.)

(Mo., Day)

(Mo., Day)

Quantity 1.0 Use fish raising Period of Use From Mar 15 To Oct 15

Quantity _____ Use _____ Period of Use From _____ To _____
 Date of Use From _____ To _____

Quantity _____ Use _____ Period of Use From _____ To _____
Period of Use From _____ To _____

Quantity _____ Use _____ Period of Use From _____ To _____
Period of Use From _____ To _____

Quantity _____ Use _____ Period of Use From _____ to _____

(4) 1.0 TOTAL QUANTITY USED.

(cfs, gpd, AFA)

(5) A) Point of diversion: (Location of point where water is diverted from its source)

7/11/23 NW 1/4 SW 1/4, Sec. 10 Twp. 9 S Rge. 15 E B.M., County of Twin Falls

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. 400 feet ditch earth

(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.

[illegible]

No. of acres _____

B) If water is used for other than irrigation, fully describe that use, being as specific as possible: Fish production. Water from another source will be used when this seepage is not flowing. Some water flows year long but lowers during non-irrigation season

NOTE: Include here the type and number of stock watered:

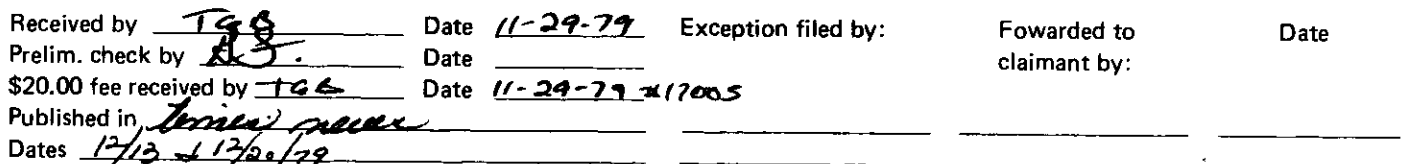
SCANNED

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

JAN 7 9 2007

SECRET

I



Affidavit of Publication

No 8935

STATE OF IDAHO,
COUNTY OF TWIN FALLS } ss.

I, Linda D. Capers being first duly sworn upon oath, depose and say that I am Bruce Clark of the TIMES-NEWS published daily, at Twin Falls, Idaho, and do solemnly swear that a copy of the notice of advertisement, as per clipping attached, was published in the regular entire issue of said newspaper, and not in any supplement thereof, for two consecutive weeks, commencing with the issue dated December 13, 1979, and ending with the issue dated December 30, 1979.

And I do further certify that said newspaper is a consolidation, effective February 16, 1942, of the Idaho Evening Times, published theretofore daily except Sunday, and the Twin Falls News, published theretofore daily except Monday, both of which newspapers prior to consolidation had been published under said names in said city and county continuously and uninterruptedly during a period of more than twelve consecutive months, and said TIMES-NEWS, since such consolidation, has been published as a daily newspaper except Saturday, until July 31, 1978, at which time said newspaper began daily publication under said name in said city and county continuously and uninterruptedly.

And I further certify that pursuant to Section 60-106 Idaho Code, Thursday of each week has been designated as the day on which legal notice by law or by order of any court of competent jurisdiction within the state of Idaho, to be published weekly, will be published; and that at the head of the editorial column of said combined newspapers, and in each issue thereof, Thursday is announced as the day on which said legal notices will be published.

Subscribed and sworn to before me on this 30 day of

December, 1979.

Melba Rowlett Smith
Notary Public in and for the County of Twin Falls,
State of Idaho, residing at Twin Falls, Idaho

29251

NELSON, ROSHOLT, ROBERTSON, WALKER, TOLMAN & TUCKER

ATTORNEYS AT LAW

THE IDAHO FIRST NATIONAL BANK BUILDING

P. O. BOX 1906

TWIN FALLS, IDAHO 83301

TELEPHONE (208) 784-0700

THOMAS G. NELSON
JOHN A. ROSHOLT
J. EVAN ROBERTSON
THOMAS G. WALKER, JR.
STEVEN E. TOLMAN
JAMES C. TUCKER

SUN VALLEY-KETCHUM OFFICE

P. O. BOX 2899

SUN VALLEY, IDAHO 83353

TELEPHONE (208) 726-4491

December 20, 1979

RECEIVED

Mr. Loren Holmes
Department of Water Resources
1041 Blue Lakes Blvd. North
Twin Falls, Idaho 83301

Department of Water Resources
Southern District Office

Re: Application Nos. 47-4140, 47-4141, and 47-4142
Carl Dalos

Dear Loren:

This letter is written on behalf of the Twin Falls Canal Company. While the above three applications contemplate a diversion and use of "developed" waters which spring forth from seepage tiles planted by the Canal Company, the proposed uses below our last diversion. However, depending on where the ponds would be constructed, and whether or not this "pure" water would be commingled with other waters, it may well make the ponds susceptible to traces of mossing chemical since this lateral system has been mossed by the Canal Company for over 20 years. While we recognize that the applicant already has trout facilities on his property, please advise him that the Canal Company does not plan to change their mossing procedures.

In addition, since the seepage water presently flows into Snake River in a "pure" condition, if the Canal Company is ever accosted by the water quality agencies concerning the quality of this water, we would bring the permit holder in and assert that the water quality problem is his since he makes the last use of the water.

Please include this letter in the file concerning all three permits.

Respectfully submitted,

John A. Rosholt

JOHN A. ROSHOLT
Attorney for Twin Falls
Canal Company

JAR:bg

cc: Twin Falls Canal Company
Carl Dalos

MEMBERS OF THE FIRM ARE PROFESSIONAL CORPORATIONS

MICROFILMED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Southern Region

1041 Blue Lakes Blvd. N.
Twin Falls, Idaho 83301
(208) 734-3578

JANUARY 7, 1980

CARL DALOS
ROUTE #4
BUHL

ID 83316

RE: Claim No. 47-4142

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,

LOREN O. HOLMES
Southern Region Supervisor

Enclosure

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:

47-4142

DALOS, CARL

ROUTE #4, BUHL, ID 83316

Source: UNNAMED SPRING tributary to SNAKE RIVER

Priority Date: 07/01/1967

Amount: 1.00 CFS

Diversion Point: NSW Sec 10 T 09S R 15E, TWIN FALLS Co.

Use: FISH PROP. (1.00 CFS) from 03/15 to 10/15

Place of Use: NSW Sec 10 T 09S R 15E

Diversion Means: 400' OF EARTHEN DITCH

Any exception to any claim of water right may be filed with the Director of the Idaho Department of Water Resources, 1041 Blue Lakes Blvd. North, Twin Falls, Idaho 83301.

C. STEPHEN ALLRED

Director

Published 12/13 & 12/20/79.

RECORDED
INDEXED
JAN 2 1980
IDAHO DEPARTMENT OF WATER RESOURCES

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Southern Region

1041 Blue Lakes Blvd N.
Twin Falls, Idaho 83301
(208) 734-3578

DECEMBER 5, 1979

Times News
P. O. Box 548
Twin Falls, Idaho 83301

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 billings to this office before DECEMBER 31, 1979.

Yours truly,

Mary A. Hill
Secretary

Encl.