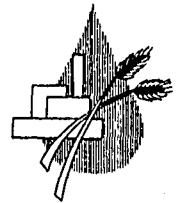


STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

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 Benny L. Kendall

(Name of Claimant)

8795 N. Westside Highway, Clifton, Idaho 83228

(Mailing Address)

(Zip Code)

Telephone No. 747-3704

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) August 1, 1951

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)

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, af)	(Domestic, Irrigation, Stock, Etc.)	(Both dates inclusive) (Mo., Day)	(Mo., Day)
Quantity <u>0.04 cfs</u>	Use <u>domestic</u>	Period of Use From <u>1/1</u>	To <u>12/31</u>
Quantity <u>0.02 cfs</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 _____
Quantity _____	Use _____	Period of Use From _____	To _____

- (4) 0.06 cfs TOTAL QUANTITY USED.
(cfs, af)

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

SE $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$, 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. Water is collected in a pipeline, then gravity flows down to a 3000 gal. Holding Tank we built.

- (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 $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTAL
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
13S	38E	33					D/S												

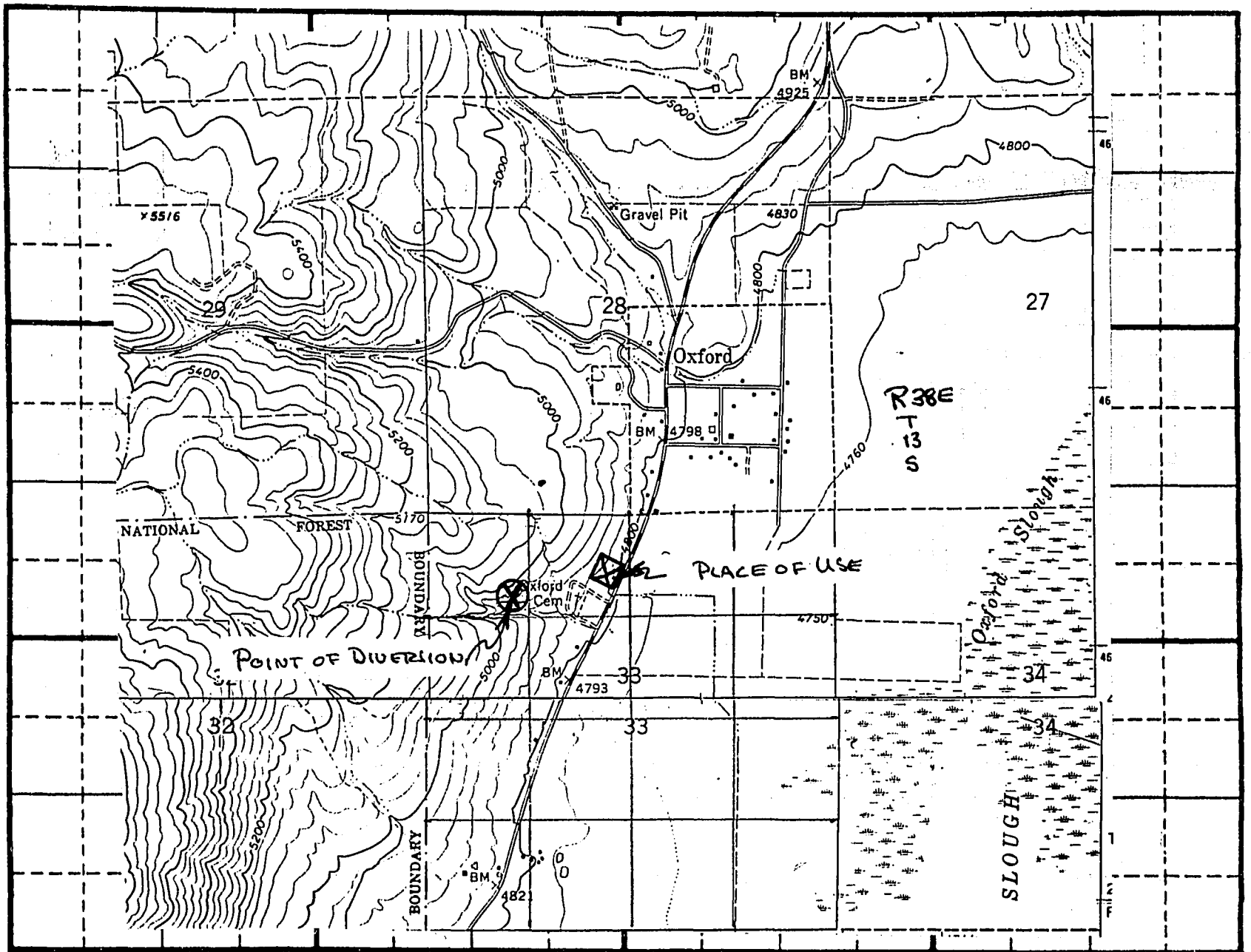
No. of acres _____

B) If water is used for other than irrigation, fully describe that use, being as specific as possible: domestic

NOTE: Include here the type and number of stock watered: 50 head dairy or range cattle

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

- (8) Remarks My father bought this farm in August 1951. The spring was already in use, but he developed it further. I own the ground where it will be used and also the point of diversion.



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)
County of Franklin) 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 6th day of July

Benny L. Kershell
(Claimant)

Lela E. Johnson
Notary Public
Residing at Preston, Idaho

My commission expires July 18, 1987

Received by CW Date 6-23-87 Exception filed by: _____ Forwarded to _____ Date _____
Prelim. check by _____ Date _____
\$30.00 fee received by CW/dg Date 7-9-87 # 41262
Published in Preston Citizen Date 7-29-87
Dates 8/6 + 8/13, dg

FOR DEPARTMENT USE ONLY

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 Benny L. Kendall
(Name of Claimant)

8295 N. Westside Highway, Clifton, N.J. 07011 Telephone No. 201-747-3704

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) Aug. 1951

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)

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

(cfs, af)		(Domestic, Irrigation, Stock, Etc.)		(Both dates inclusive)	
				(Mo., Day)	(Mo., Day)
Quantity	<u>.04</u>	Use	<u>Domestic</u>	Period of Use From <u>1-1</u>	To <u>12-31</u>
Quantity	<u>.02</u>	Use	<u>Stock</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
Quantity		Use		Period of Use From	To

- (4) .06 TOTAL QUANTITY USED.
(cfs, af)

- (5) A) Point of diversion: (Location of point where water is diverted from its source)
SE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 33 Twp. 13 Rge. 39 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. Water is collected in a pipe-line, then gravity flows down to a 3000 gal storage tank and are built.

- (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: Domestic & household culinary water.

NOTE: Include here the type and number of stock watered: 50 head of dairy or Beef cattle

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

(8) Remarks My Father Bought This Farm in Aug. 1951. The spring was already
in use but he developed it further. I own the ground where it will
Be used and at the point of diversion -

Point of disc

Place of use

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 _____)

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 10 day of June, 1982.

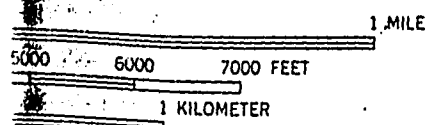
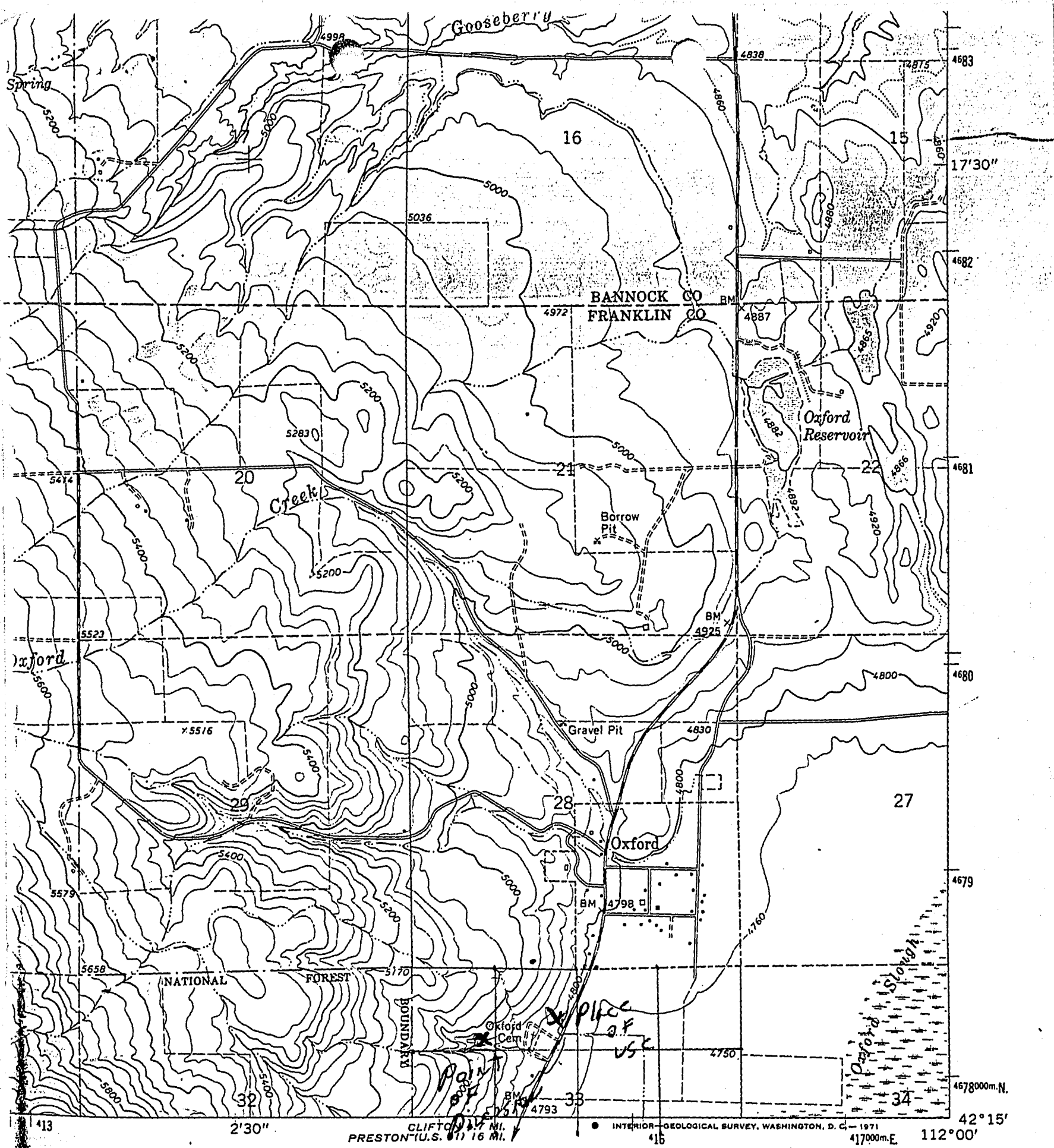
Benny L. Knecht
(Claimant)

Notary Public
Residing at Preston, Idaho

My commission expires Nov. 13, 1991

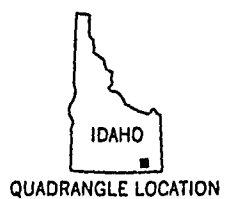
FOR DEPARTMENT USE ONLY

Received by dlg Date 6-15-87 Exception filed by: _____ Forwarded to _____ Date _____
Prelim. check by _____ Date _____ claimant by: _____
\$30.00 fee received by _____ Date _____
Published in _____
Dates _____



TOURS

IC STANDARDS



QUADRANGLE LOCATION

ROAD CLASSIFICATION

Primary highway, all weather, hard surface _____
 Secondary highway, all weather, hard surface _____
 Light-duty road, all weather, improved surface _____
 Unimproved road, fair or dry weather _____

U. S. Route

OXFORD, IDAHO
 N4215—W11200/7.5

CC-92

#85

AUG 17 1987

No 3009

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO, }
County of Franklin } ss.

J. Walter 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

Aug 6, 1987, and ending with the issue of Aug 13, 1987.

Fee \$ 19.25

Subscribed and sworn to before me this 14th day of Aug, 1987.

Ken I. Allen

Notary Public, Residing at Preston, Idaho

My Commission Expires June 7, 1992

NOTICE OF CLAIMS FOR WATER RIGHTS

The following claim(s) have been filed on water right(s) created by diversion and beneficial use:

13-4298

KENDALL, BENNY L.
8795 NORTH WESTSIDE HIGHWAY,
CLIFTON, ID 83228

Source: SPRING trib. to SINKS
Diversion Pt: SENWNW Sec 33 T 13S
R 38E

Use: STOCKWATER (0.020 CFS)
DOMESTIC (0.040 CFS)

Priority Date: 08/01/1951

In: NENW Sec 33 T 13S R 38E

Exceptions to a claim may be filed with the Director, Department of Water Resources, Eastern Region, 150 Shoup, Suite 15, Idaho Falls, Idaho, 83402.

KEN DUNN, Dir.

Legal No. 3009 -22L- Publish
August 6, 13, 1987.

RECEIVED

SEP 2 1987

Department of Water Resources
Eastern District Office



John V. Evans
Governor

A. Kenneth Dunn
Director

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
EASTERN REGION

150 Shoup — Suite 15
Idaho Falls, Idaho 83402
(208) 525-7161

June 19, 1987

Benny L. Kendall
8795 N. Westside Highway
Clifton, Idaho 83228

RECEIVED

JUN 23 1987

Department of Water Resources
Eastern District Office

Dear Sir:

Enclosed is a claim to a water right and check #220 in the amount of \$30 that were received by this office, and a retyped claim that needs your review and signature.

Before returning the retyped claim and \$30 filing fee, complete item #2, what is spring tributary to. If there is no tributary, put "sinks". Also item #5b, how water is diverted, needs to be completed.

Please return the completed, signed and notarized claim along with the \$30 filing fee as soon as possible.

Sincerely,

A handwritten signature in cursive script, reading "Keith C. Wilson", is written over the typed name.

Keith C. Wilson
Sr. Resource Agent

KCW/dg

Enclosure



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
EASTERN REGION

John V. Evans
Governor

A. Kenneth Dunn
Director

150 Shoup — Suite 15
Idaho Falls, Idaho 83402
(208) 525-7161

June 24, 1987

Benny L. Kendall
8795 N. Westside Highway
Clifton, ID 83228

RECEIVED
JUL 8 1987

Department of Water Resources
Eastern District Office

Dear Sir:

As per my June 19, 1987, letter, complete item #2 and 5b, sign in front of a notary, and return with \$30 filing fee.

Sincerely,

Keith C. Wilson

Keith C. Wilson
Sr. Water Resource Agent

KCW/dg

Enclosure

NOTICE OF CLAIMS TO WATER RIGHTS

The following claim(s) have been filed on water right(s) created by
diversion and beneficial use:

Exceptions to a claim may be filed with the Director, Dept. of Water
Resources, Eastern Region, 150 Shoup, Suite 15, Idaho Falls, Idaho 83402

KEN DUNN, Dir.

Published 8/6 & 8/13/87.

13-4298

KENDALL, BENNY L.

8795 NORTH WESTSIDE HIGHWAY, CLIFTON, ID 83228

Source: SPRING trib. to SINKS

Diversion Pt: SENWNW Sec 33 T 135 R 38E

Use: STOCKWATER	(0.020 CFS)
DOMESTIC	(0.040 CFS)

Priority Date: 08/01/1951

In: NENW Sec 33 T 135 R 38E

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Eastern Region

150 Shoup Suite 15
Idaho Falls, Idaho 83402
(208) 525-7161

JULY 29, 1987

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 billings to this office before AUGUST 24, 1987.

Yours truly,

Michele Davis
Office Secretary

Encl.

June 22, 1987

Seth Coburn, Watermaster
Water District #13-R
Rt 1, Box 97
Clifton, Idaho 83228

RE: Claim to a Water Right No. 13-4298

Dear Mr. Coburn:

Enclosed for your information only is a copy of the above referenced claim to a water right filed within your district. If you have any questions concerning this matter, please feel free to contact this office.

Sincerely,

Ernest Carlsen
Water Rights Supervisor

EC/dg

Enclosure

August 25, 1987

The Preston Citizen
P.O. Box 472
Preston, Idaho 83263

Re: Application No. 13-4298, Kendall

Gentlemen:

Would you please submit an affidavit of publication and certified bill in connection with the above referenced applications. The legal notices were to have been published in your paper on August 6, and August 13, 1987.

Your cooperation in this matter is greatly appreciated.

Sincerely,

Deena Green
Office Secretary

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Eastern Region

150 Shoup, Suite 15
Idaho Falls, Idaho 83402
(208) 525-7161

AUGUST 24, 1987

BENNY L. KENDALL
8795 NORTH WESTSIDE HIGHWAY
CLIFTON ID 83228

RE: Claim No. 13-4298

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 Manager

Enclosure
1

Form 243a
11/78

State of Idaho
Department of Water Resources

CLAIM ANALYSIS SHEET

INITIAL REVIEW BY: KC Wilson

Right Number 13-4298

Applicant Benny L. Kendall

NOTE: 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.

WD 13-R dg 7-30-87

FINAL REGIONAL PROCESSING REVIEW:

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

By Ernest Carlson Date 3 Sept. 87

STATE OFFICE PROCESSING:

- ☒ Claim review complete.

By SC Date 9/8/87

protest date 8-24-87

RECEIVED
SEP 08 1987

Department of Water Resources