

# AFFIDAVIT OF PUBLICATION

RECEIVED

STATE OF IDAHO,  
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.

Such notice was published in the issue beginning with April 15, 1982, and ending with the issue of April 22, 1982.

Carol H. Hummell  
Fee \$ 94.83

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

Carol H. 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 beneficial use:

15-4090  
MCDANIEL, BUFORD  
RT. 1, BOX 171, MALAD,  
ID 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: COLLECTION 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: 0.02 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, 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 ACRE  
Diversion Means: HEADBOX & PIPELINE  
Any exception to any claim of water right may be filed with the Director of the Idaho Department of Water Resources, 1500 Shoup Ave., Idaho Falls, Idaho 83402.

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)<br>(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     |
|     |     |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |       |
|     |     |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |       |
|     |     |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |       |
|     |     |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |       |
|     |     |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |       |
|     |     |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |       |
|     |     |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |       |
|     |     |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |       |

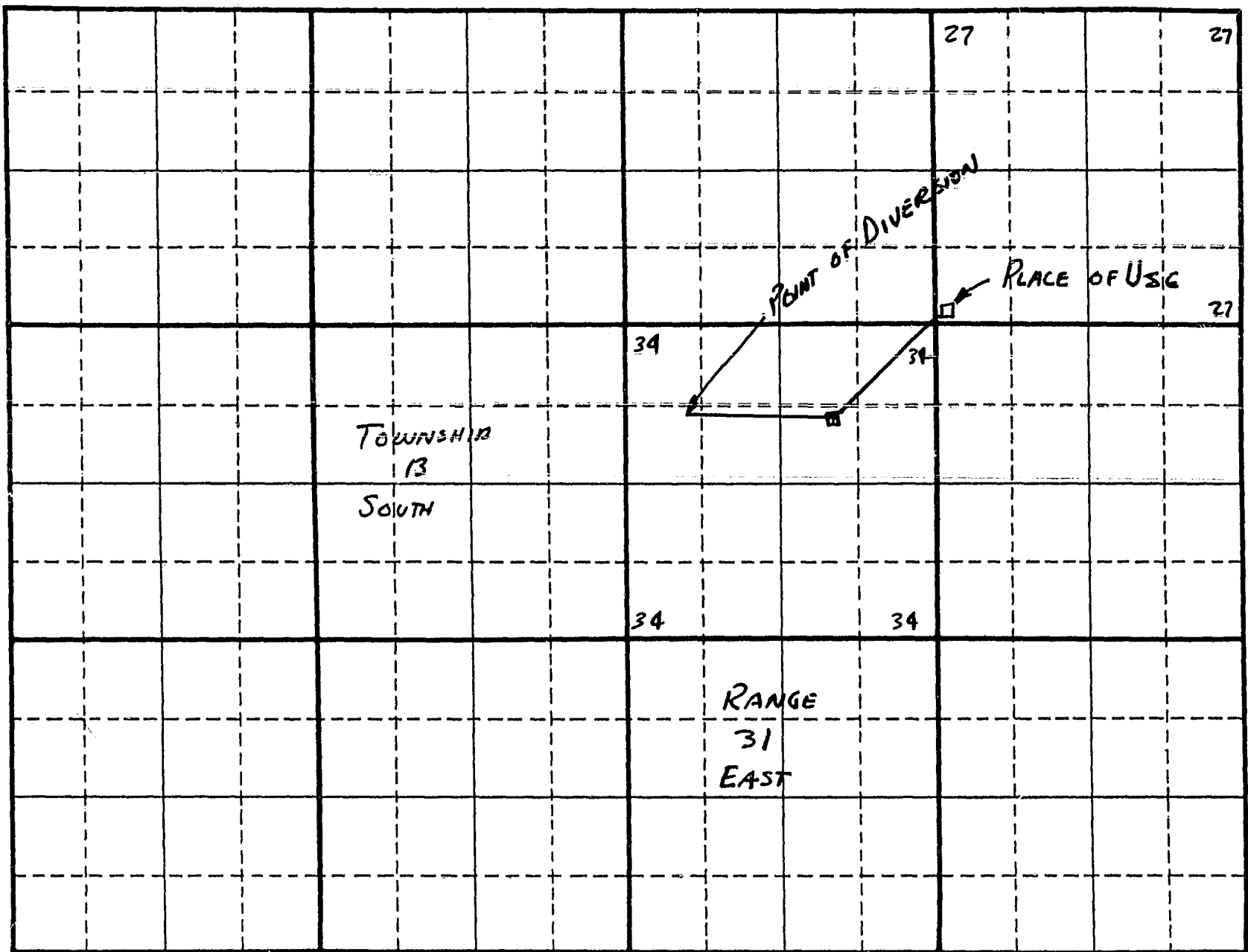
No. of acres 1

- 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:

(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.



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 Ongida ) 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.

Art Kress & Sons Inc.  
by Larry Kress  
 (Claimant)

Sworn to before me this 30th day of March, 19 82

Charlie M. Maden  
 Notary Public  
 Residing at Highway 20th

My commission expires 7/32/82

FOR DEPARTMENT USE ONLY

Received by S.M. Date 3/24/82 Exception filed by: \_\_\_\_\_ Forwarded to \_\_\_\_\_ Date \_\_\_\_\_  
 Prelim. check by Kew Date 3-31-82 claimant by: \_\_\_\_\_  
 \$20.00 fee received by S.M. Date 3-30-82  
 Published in Idaho Express #20186  
 Dates 4-15 4-22-82

17-4037

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: SHNW 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

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: 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

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
Eastern Region

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150 Shoup Ave.  
Idaho Falls, Idaho 83402  
(208) 325-7181

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

RECEIVED  
MAY 10 1982  
Department of Water Resources