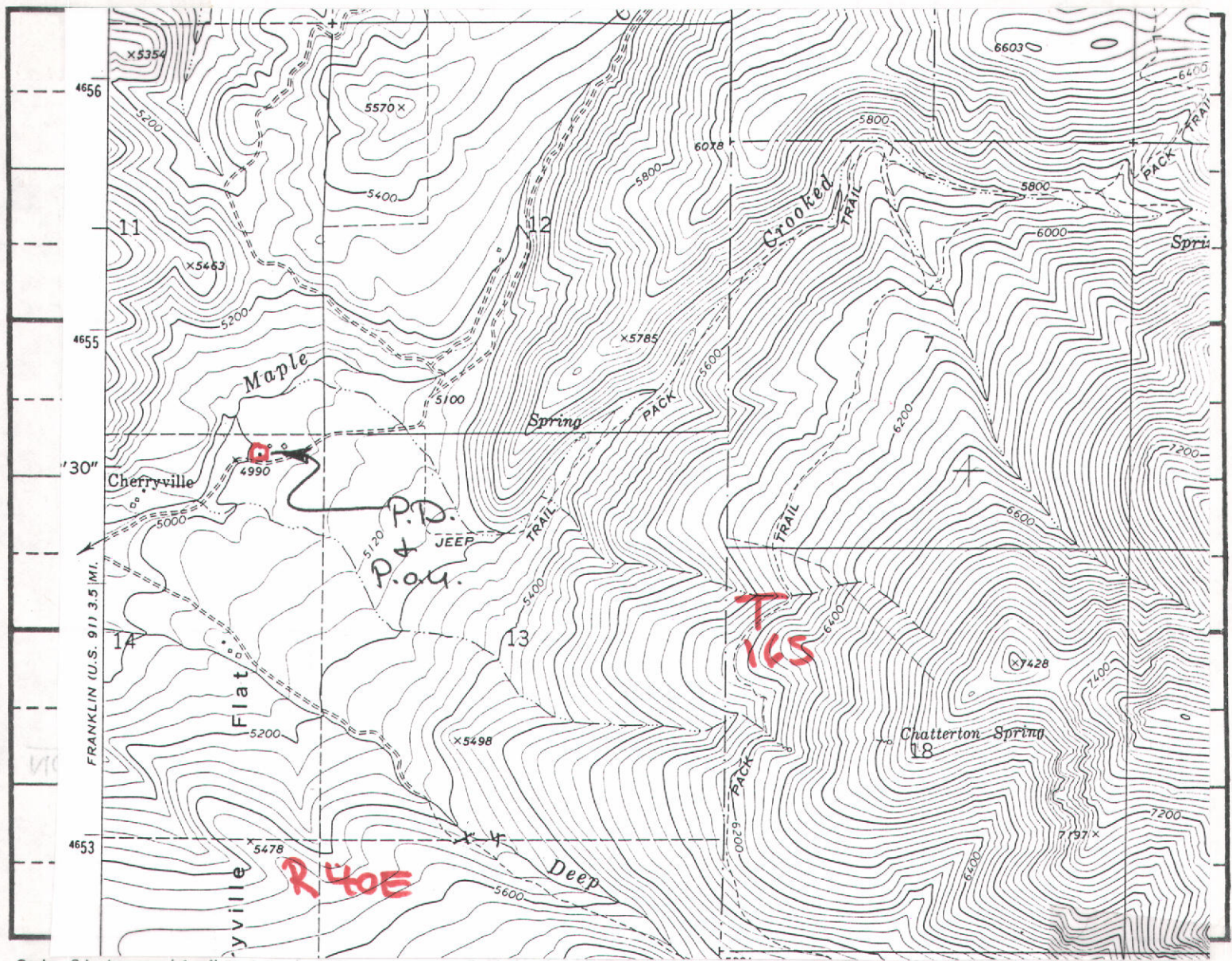


(8) Remarks _____



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 Benewah) 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 2nd day of October, 1990.

Adrian Gibson
(Claimant)

Adrian Wray
Notary Public
Residing at Idaho Falls

My commission expires 5/29/91

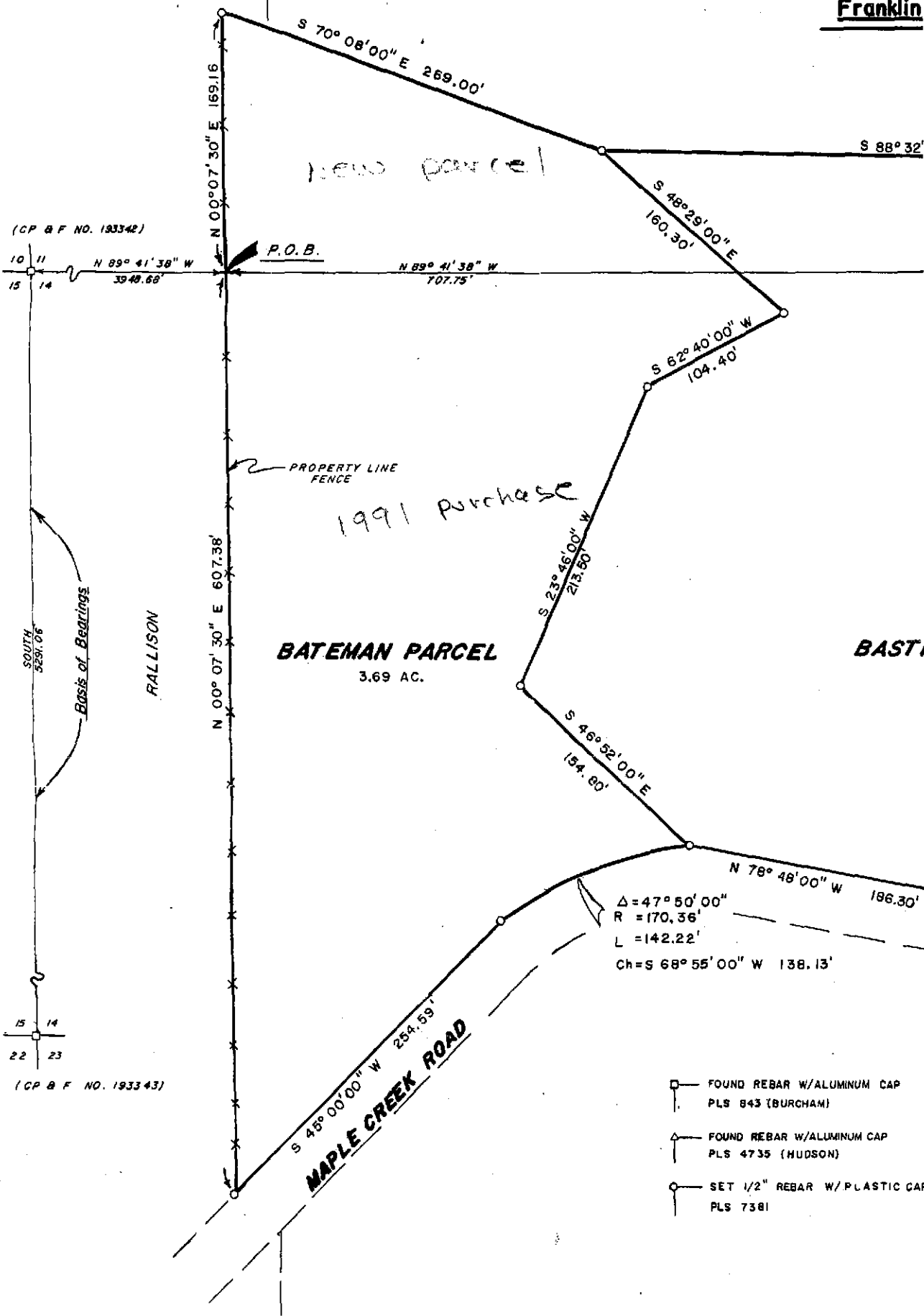
FOR DEPARTMENT USE ONLY

Received by <u>HWS</u>	Date <u>10-2-90</u>	Exception filed by:	Forwarded to	Date
Prelim. check by <u>EB</u>	Date <u>12-10-90</u>		claimant by:	
\$30.00 fee received by <u>HWS</u>	Date <u>10-2-90</u>	<u>E015290</u>		
Published in <u>Preston Citizen</u>		<u>Dixie Bench Ditch Co. cw</u>		<u>2/12/91</u>
Dates <u>1-17-24-91</u>				

MICROFILMED

RECORD

Forrest Bateman &
IN SECTIONS 11 & 12
Franklin



SCANNED

MAR 01 2005

PROTEST TO CLAIMS TO WATER RIGHT NO. 13-04308

APPLICANT: GIBSON, W. Dean and Jeanne M.
Rt 1, Franklin, ID 83237
Source: Spring Tributary: SINKS
Diversion Point: NWNENE, Sec. 14, T 16 S. R. 40 E
Use: DOMESTIC (.040 CFS) and STOCKWATER (.020 CFS)
Total Diversion: .040 CFS In: T16S R40E S14 NENE, Franklin County
Date Filed: 6/1/1876 (sic)

STATE OF IDAHO)
) ss.
COUNTY OF FRANKLIN)

COMES NOW, JAY R. MCKENZIE being first duly sworn upon oath,
deposes and says as follows:

1. I am retained by and am the attorney for DIXIE BENCH DITCH
CO. The mailing address for purposes of this Protest is as
follows:

DIXIE BENCH DITCH CO.
c/o Jay R. McKenzie
5 East Oneida
Preston, ID 83263

2. The so-called springs and sinks are in reality the
surfacing of an intermittent stream which at times and places flows
above the ground and through the gravel under the ground, and
eventually into Maple Creek.

3. All of the waters of Maple Creek, with the tributaries
thereto, are covered by prior decrees and rights, including the
rights of this protestant.

4. The proposed appropriation and use is such that if
granted, it will reduce the quantity of water under existing water
rights.

5. The water supply from Maple Creek and its tributaries itself is insufficient for the purpose for which it is sought to be appropriated by the application.

6. The claim is in excess of the recognized need for and duty of water for domestic purposes.

7. The appropriation requested will conflict with the local public interest in that all of said waters are already appropriated and used.

8. Maple Creek and its tributaries are covered by prior decrees and rights to the extent of no less than 41.73 CFS, while through much of the summer season, there is not sufficient water to satisfy even 20 CFS, and never enough to satisfy all existing rights.

DATED this 1st day of February, 1991.


Jay R. McKenzie
Attorney for Dixie Bench Ranch

SUBSCRIBED AND SWORN to before me this 1st day of February,
1991.


NOTARY PUBLIC

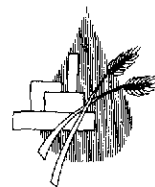
Residing at: Preston, Idaho

My Commission Expires: 3-22-93

FILED
MAR 14 1991

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 W. Dean Gibson or Jeanne M. Gibson
(Name of Claimant)

Rt 1 Franklin ID 83237 Telephone No. 646-2450
(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) 6-01-1876

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)
Springs 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>0.62 cfs</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) 0.04 cfs TOTAL QUANTITY USED.
(cfs, af)

(5) A) Point of diversion: (Location of point where water is diverted from its source)
NW 1/4 NE 1/4 NE 1/4, Sec. 14 Twp. 16S Rge. 40E 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.
Collection box with pump to our home

(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%				NW%				SW%				SE%				TOTAL
			NE%	NW%	SW%	SE%	NE%	NW%	SW%	SE%	NE%	NW%	SW%	SE%	NE%	NW%	SW%	SE%	
<u>16S</u>	<u>40E</u>	<u>14</u>	<u>D</u>																
			<u>S</u>																

No. of acres _____

B) If water is used for other than irrigation, fully describe that use, being as specific as possible:
Domestic for our home + stock trough

NOTE: Include here the type and number of stock watered: 2-3 head of horses

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



875

No 3342

RECEIVED

FEB 4 1991

AFFIDAVIT OF PUBLICATION

Department of Water Resources
Eastern District Office

STATE OF IDAHO, }
County of Franklin } ss.

J. WALTER ROSS

being duly sworn,

deposes and says:

CO-PUBLISHER

That he is the 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 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

..... Jan 16, 1991, and ending with the issue of Jan 23, 1991

Fee \$ 86.45

Subscribed and sworn to before me this 23 day of Jan, 1991

Notary Public, Residing at Preston, Idaho

My Commission Expires Aug 14, 1995

NOTICE OF CLAIMS TO WATER RIGHT

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

13-04307

GIBSON, W. DEAN
GIBSON, RAYOLA

RT. 1

FRANKLIN, ID 83237

Source: SPRINGS Tributary: SINKS

Diversion Pt: SESESW Sec 13 T 16S R 40E

Use: STOCKWATER (.050 CFS) DOMESTIC (.040 CFS) Total Diversion: (.050 CFS)

Date Filed: 6/1/1938

In: T16S R40E S14 NENE

13-04308

GIBSON, W. DEAN
GIBSON, JEANNE M.

RT. 1

FRANKLIN, ID 83237

Source: SPRING Tributary: SINKS

Diversion Pt: NWNENE Sec 14 T 16S R 40E

Use: STOCKWATER (.020 CFS) DOMESTIC (.040 CFS) Total Diversion: (.040 CFS)

Date Filed: 6/1/1876

In: T16S R40E S14 NENE

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

R. KEITH HIGGINSON,
Director

Legal No. 3342, Publish 16, 23, 1991.

MAR 14 1991



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street, P.O. Box 83720, Boise, ID 83720-0098

Phone: (208) 287-4800 Fax: (208) 287-6700 Web Site: www.idwr.idaho.gov.

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

January 4, 2005

FOREST FERRELL BATEMAN
RAMONA BATEMAN
5563 E MAPLE CREEK RD
FRANKLIN ID 83237

RE: Change of Ownership for Water Right 13-4308

Dear Water Right Holder(s):

The department acknowledges receipt of correspondence changing ownership of the above referenced water right to you. The department has modified its records to reflect the change in ownership and has enclosed a computer-generated report for your records.

Please note that as of July 1, 1996, water right owners are required to report any change of water right ownership and any change of mailing address of the owner of a water right to the department. Notice of the change must be provided to the department within 120 days of the change. Change reporting forms are available from any office of the department.

Please feel free to contact this office if you have any questions regarding this matter.

Sincerely,

for Jeff Peppersack, Manager
Water Right Permits Section

JP:klm
Enclosure

SCANNED

MAR 01 2005

February 12, 1991

RE: Claim to a Water Right No. 13-04308

W. Dean Gibson or
Jeanne M. Gibson
Rt. 1
Franklin, ID 83237

Dear Claimants:

Enclosed please find a copy of an exception filed in connection with the above referenced claim. 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.

Respectfully submitted,

HAROLD W. JONES
Water Rights Supervisor

HWJ:CW

Enclosure

MICROFILMED

MAR 14 1991

February 12, 1991

RE: Claim to a Water Right No. 13-04307 W. DEAN OR RAYOLA GIBSON
13-4308 W. DEAN OR JEANNE M. GIBSON

Jay R. McKenzie, Attorney
Dixie Bench Ditch Co.
5 East Oneida
Preston, ID 83263

Dear Mr. McKenzie:

We have received the exception filed against the above referenced claims to water rights. The following is a quote from the provisions of the Idaho Code under which these claim have 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.

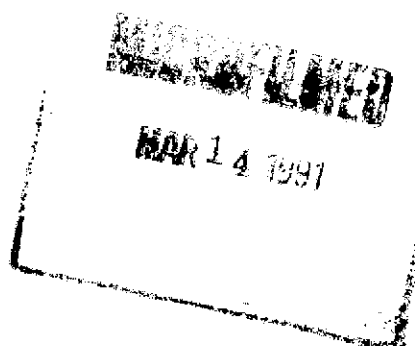
Only the above action has been contemplated by the Idaho Legislature and we are not authorized to hold hearings or evaluate for conformation or final censorship of the described rights.

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

Respectfully submitted,

HAROLD W. JONES
Water Rights Supervisor

HWJ:CW



State of Idaho
Department of Water Resources

INITIAL DATE
Distributed for Staffing 12-5-90 RB
Submitted for Advertising 12-10-90 HWT

CLAIM ANALYSIS SHEET

INITIAL REVIEW BY: SBV 4308
13-4308

Right Number _____ Applicant GIBSON

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.
- ☒ W.D. NONE

FINAL REGIONAL PROCESSING REVIEW:

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

By OW Date 2-12-91

STATE OFFICE PROCESSING:

- ☒ Claim review complete.

By Brenda Miller Date 2-28-91

MICROFILMED

MAR 14 1991

RECEIVED
FEB 28 1991

Department of Water Resources

13-04308

GIBSON, W. DEAN
GIBSON, JEANNE M.
RT. 1
FRANKLIN, ID 83237

Source: SPRING

Tributary: SINKS

Diversion Pt: NWNENE Sec 14 T 16S R 40E

Use: STOCKWATER (.020 CFS)
DOMESTIC (.040 CFS)
Total Diversion: (.040 CFS)

Date Filed: 6/ 1/ 1876

In: T16S R40E S14 NENE

MICROFILMED

MAR 14 1991

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

R. KEITH HIGGINSON, Director

Published 1/17/1991 & 1/24/1991

RECEIVED

MAR 14 1991

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 water 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, 1988. Exempted from this filing are single family domestic use as defined in Section 42-230(e), 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

Name:	W. DEAN GIBSON	208-646-2450
Address:	RT. 1	
	FRANKLIN, ID	83237
Name:	JEANNE M. GIBSON	208-646-2450
Address:	RT. 1	
	FRANKLIN, ID	83237

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: (OCT 02, 1990) 6-1-1876

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. Exceptions are that claims may be filed on single family domestic uses from ground water, or on stock drinking from any source.

2. Source: SPRING Trib. to: SINKS

3. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
STOCKWATER	01/01	12/31	0.020		
DOMESTIC	01/01	12/31	0.040		

4. Total Quantity Appropriated is:

0.040 C.F.S. (and/or) A.F.A.

5. A) Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4	Lot	County
13-04308		Page	1	Date:	12/10/90

MICROFILMED

MAR 14 1991

5. A) Point of Diversion: Continued

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
'16S	'40E	'14	'NW	'NE	'NE		FRANKLIN

B) Description of diverting means:
'COLLECTION BOX WITH PUMP

6. A) Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
'16S	'40E	'14	'NE	'NE		STOCK	

B) Non-irrigation uses:

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

8. Remarks:

(STOCK IS FOR 3 HEAD OF HORSES. DOMESTIC IS FOR ONE HOME.)

State of Idaho)
County of _____) 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 affiants knowledge.

(Claimant)

Sworn to before me this _____ day of _____, 19____.

Notary Public
Residing at _____

My commission expires _____

FOR DEPARTMENT USE ONLY

Received by _____	Date _____	Exception	Forwarded to	Date
Prelim. check by _____	Date _____	filed by:	claimant by:	
Fee received by _____	Date _____			
Published in _____				
Dates _____				

RECEIVED