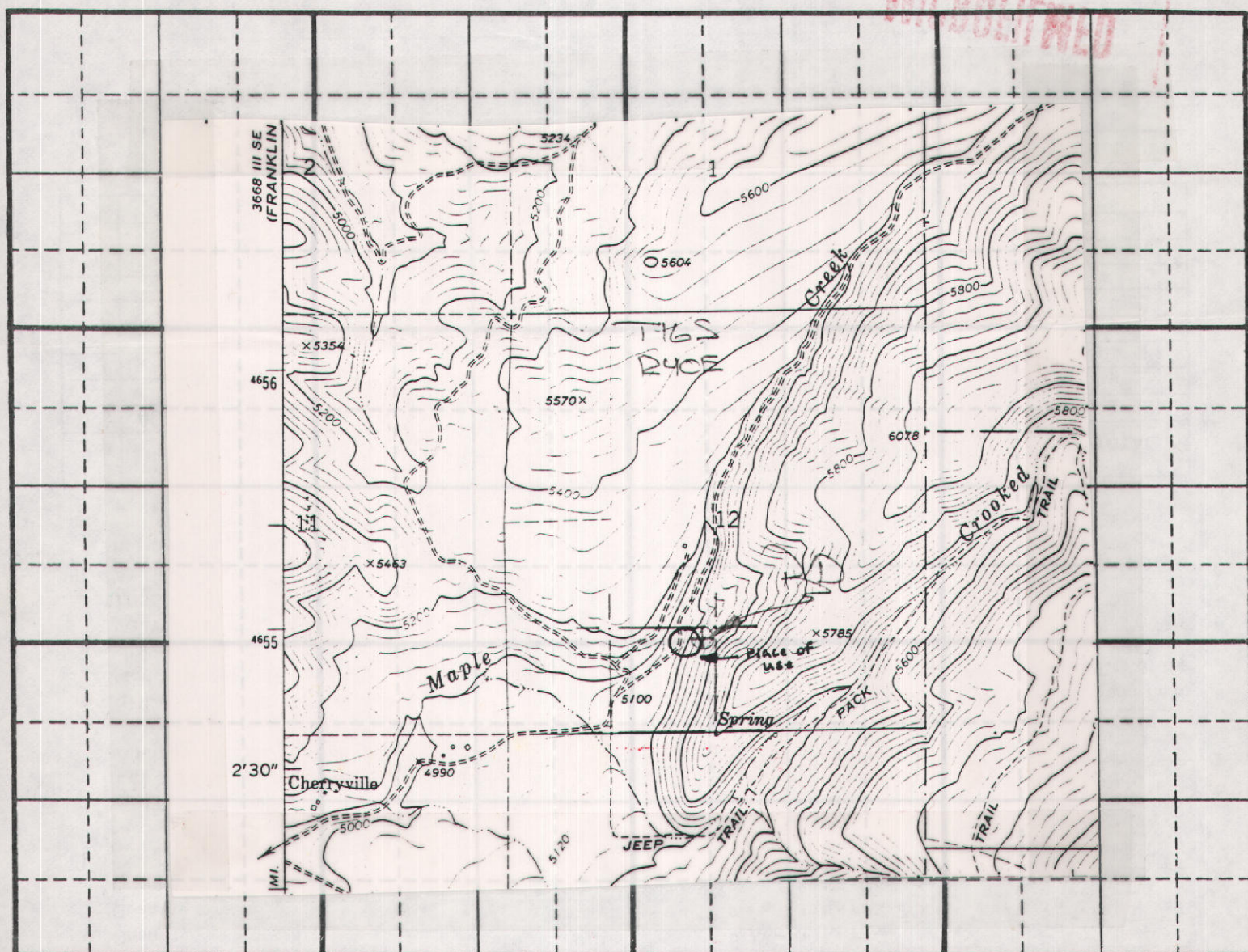


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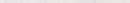
Scale: 2 inches equal 1 mile.

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 June


(Claimant)

Notary Public
Residing at

My commission expires 3-29-90

MICROFILMED

NOV 01 1990

FOR DEPARTMENT USE ONLY

Received by AWT Date 7-5-90
 Prelim. check by _____ Date _____
 \$30.00 fee received by AWT Date 7-5-90
 Published in Preston Citizen
 Dates 9-20-90 to 9-27-90

Exception filed by: Forwarded to claimant by: Date
 E014958
 Mayor Louis Mendoza, City of Franklin
 Dixie Bench Ditch Co. cw 10-9-90

RECEIVED

OCT 9 1990

Department of Water Resources
Eastern District Office

PROTEST TO APPLICATION FOR WATER RIGHT NO. 13-04306

APPLICANT: SKABELUND, CRAIG NELSON

Logan, Utah 84321

Source: SPRING

Tributary: MAPLE CREEK

Diversion Point: NESESW, Section 12, Township 16 South, Range 40
East, Franklin County

Use: DOMESTIC (.040 CFS)

Diversion: .040 CFS in: T16S R40E S12 SESW, Franklin County

Date Filed: 3/20/1897 (sic)

STATE OF IDAHO)
) ss.
COUNTY OF FRANKLIN)

COMES NOW, LOUIS MENDOZA, being first duly sworn upon oath,
deposes and says as follows:

1. I am the Mayor of the City of Franklin, Idaho, whose
address is as follows:

CITY OF FRANKLIN, IDAHO
c/o Louis Mendoza
331 East Main
Franklin, ID 83237

2. The so-called spring is 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
stockholder rights of this protestant in Maple Creek
Pioneer Irrigation Co.

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 most of the summer season, there is not sufficient water to satisfy even the first primary right of 6.8 CFS (Franklin Maple Creek Pioneer Irrigation Co., 1860).

DATED this 5th day of October, 1990.

CITY OF FRANKLIN, IDAHO

By: Louis Mendoza
LOUIS MENDOZA, Mayor

SUBSCRIBED AND SWORN to before me this 5th day of October, 1990.

Bonnie Jay Jensen
NOTARY PUBLIC
Residing at: Preston, Idaho
My Commission Expires: ~~11-16-91~~
7-7-94

MICROFILMED

NOV 01 1990

RECEIVED

OCT 9 1990

Department of Water Resources
Eastern District Office

PROTEST TO APPLICATION FOR WATER RIGHT NO. 13-04306

APPLICANT: SKABELUND, CRAIG NELSON

Logan, Utah 84321

Source: SPRING

Tributary: MAPLE CREEK

**Diversion Point: NESESW, Section 12, Township 16 South, Range 40
East, Franklin County**

Use: DOMESTIC (.040 CFS)

Diversion: .040 CFS in: T16S R40E S12 SESW, Franklin County

Date Filed: 3/20/1897 (sic)

STATE OF IDAHO)
) ss.
COUNTY OF FRANKLIN)

COMES NOW, ROBERT HAWORTH, being first duly sworn upon oath,
deposes and says as follows:

1. I am an officer and shareholder of DIXIE BENCH DITCH CO.,
whose address is as follows:

DIXIE BENCH DITCH CO.
c/o Robert Haworth
3144 South 3600 East
Franklin, ID 83237

2. The so-called spring is 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.

MICROFILMED

NOV 01 1990

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 5th day of October, 1990.

DIXIE BENCH DITCH CO.

By:

Robert Haworth
ROBERT HAWORTH

Officer and Shareholder

SUBSCRIBED AND SWORN to before me this 5th day of October,

1990.

Bonnie Kay Jensen
NOTARY PUBLIC

Residing at: Preston, Idaho

My Commission Expires: 7-7-94

MICROFILMED

NOV 01 1990

PROTEST TO APPLICATION FOR WATER RIGHT NO. 13-04306

APPLICANT: SKABELUND, CRAIG NELSON

Logan, Utah 84321

Source: SPRING

Tributary: MAPLE CREEK

Diversion Point: NESESW, Section 12, Township 16 South, Range 40
East, Franklin County

Use: DOMESTIC (.040 CFS)

Diversion: .040 CFS in: T16S R40E S12 SESW, Franklin County

Date Filed: 3/20/1897 (sic)

STATE OF IDAHO)
) ss.
COUNTY OF FRANKLIN)

COMES NOW, ROBERT HAWORTH, being first duly sworn upon oath,
deposes and says as follows:

1. I am an officer and shareholder of DIXIE BENCH DITCH CO.,
whose address is as follows:

DIXIE BENCH DITCH CO.
c/o Robert Haworth
3144 South 3600 East
Franklin, ID 83237

2. The so-called spring is 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 **MICROFILMED** water
rights.

NOV 01 1990

PROTEST TO APPLICATION TO WATER RIGHT - Page 1
PROTEST.WTR

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 5th day of October, 1990.

DIXIE BENCH DITCH CO.

By: Robert D. Haworth
ROBERT HAWORTH
Officer and Shareholder

SUBSCRIBED AND SWORN to before me this 5th day of October, 1990.

Bonnie Fdy Jansen
NOTARY PUBLIC
Residing at: Preston, Idaho
My Commission Expires: 7-7-94

MICROFILMED

NOV 01 1990

PROTEST TO APPLICATION TO WATER RIGHT - Page 2
PROTEST.WTR

PROTEST TO APPLICATION FOR WATER RIGHT NO. 13-04306

APPLICANT: SKABELUND, CRAIG NELSON

Logan, Utah 84321

Source: SPRING

Tributary: MAPLE CREEK

Diversion Point: NESESW, Section 12, Township 16 South, Range 40
East, Franklin County

Use: DOMESTIC (.040 CFS)

Diversion: .040 CFS in: T16S R40E S12 SESW, Franklin County

Date Filed: 3/20/1897 (sic)

STATE OF IDAHO)
) ss.
COUNTY OF FRANKLIN)

COMES NOW, LOUIS MENDOZA, being first duly sworn upon oath,
deposes and says as follows:

1. I am the Mayor of the City of Franklin, Idaho, whose
address is as follows:

CITY OF FRANKLIN, IDAHO
c/o Louis Mendoza
331 East Main
Franklin, ID 83237

2. The so-called spring is 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
stockholder rights of this protestant in Franklin Maple Creek
Pioneer Irrigation Co.

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

PROTEST TO APPLICATION TO WATER RIGHT - Page 1

NOV 01 1990

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 most of the summer season, there is not sufficient water to satisfy even the first primary right of 6.8 CFS (Franklin Maple Creek Pioneer Irrigation Co., 1860).

DATED this 5th day of October, 1990.

CITY OF FRANKLIN, IDAHO

By: Louis Mendoza
LOUIS MENDOZA, Mayor

SUBSCRIBED AND SWORN to before me this 5th day of October, 1990.

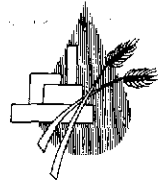
Bonnie Kay Jensen
NOTARY PUBLIC
Residing at: Preston, Idaho
My Commission Expires: ~~11-16-91~~
7-7-94

MICROFILMED

NOV 01 1990

PROTEST TO APPLICATION TO WATER RIGHT - Page 2
PROTEST6.WTR

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 CRAIG NELSON SKABELUND

(Name of Claimant)

P.O. Box 3203, Logan, Utah 84321

(Mailing Address)

Telephone No. (801) 752-7788

(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) **March 20, 1897**

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 Maple Creek aka Deep Creek

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

				(Both dates inclusive)	
(cfs, af)		(Domestic, Irrigation, Stock, Etc.)		(Mo., Day)	(Mo., Day)
Quantity	0.04	Use	Domestic	Period of Use From	01/01 To 12/31
Quantity		Use		Period of Use From	To
Quantity		Use		Period of Use From	To
Quantity		Use		Period of Use From	To
Quantity		Use		Period of Use From	To

(4) 0.04 TOTAL QUANTITY USED.
(cfs. af)

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

NE $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 12 Twp. 16S Rge. 40E B.M., County of Franklin

Additional points of diversion: Water for single family dwelling and livestock

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. Approx. 1963, home partially destroyed and since that time water used each year for recreation, family, livestock and animals, fewer than 1,000 head and to water less than $\frac{1}{2}$ acre of property

(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 $\frac{1}{2}$

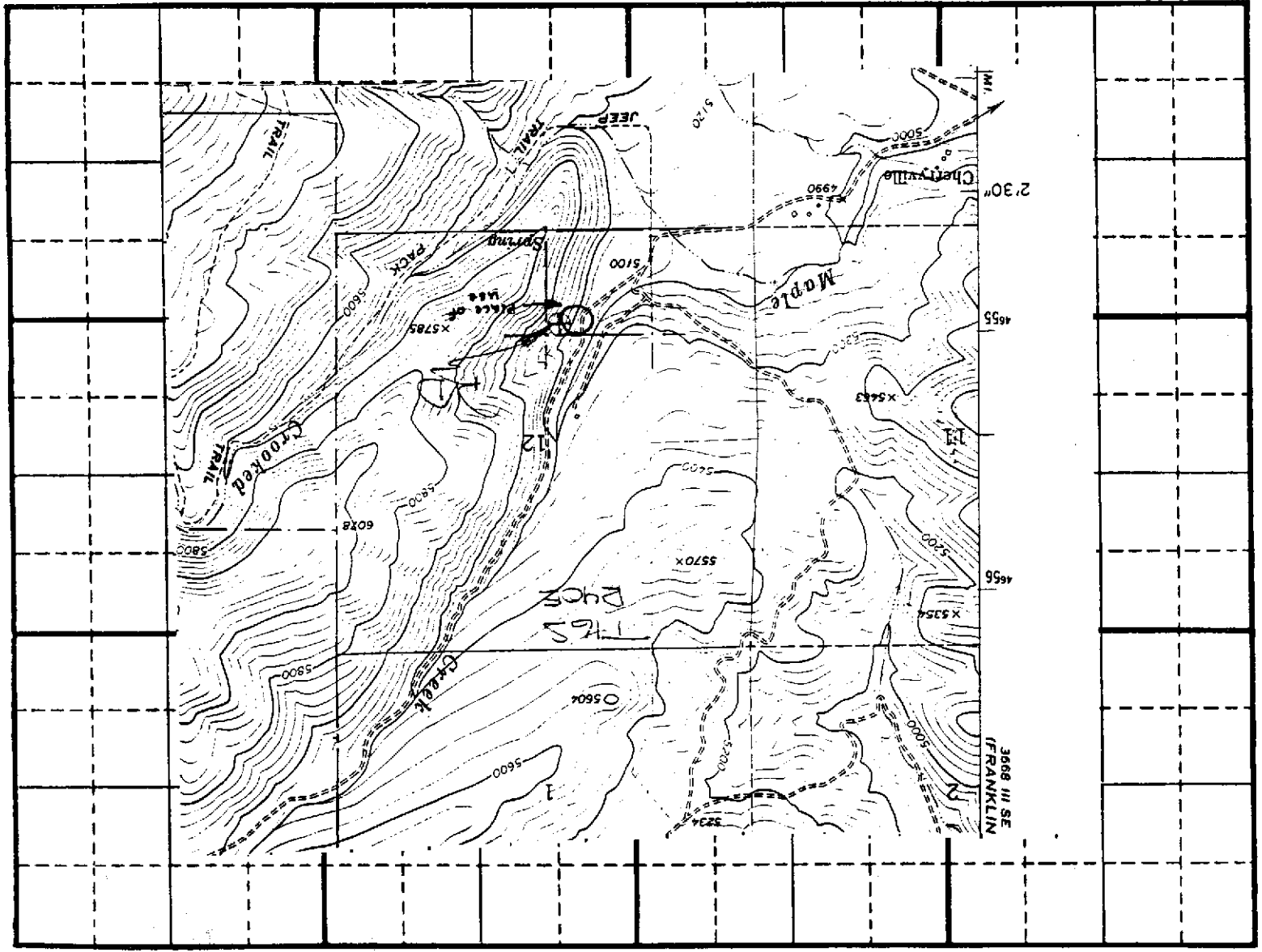
B) If water is used for other than irrigation, fully describe that use, being as specific as possible:

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NOV 01 1990

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

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



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 June, 1990.
(Claimant)

Notary Public
Residing at
Notary ID 83228
MICROFILMED
NOV 01 1990

FOR DEPARTMENT USE ONLY
Exception filed by: Date 7-5-90
Prelim. check by: Date 7-5-90
Received by: Date 7-5-90
Published in: Date 7-5-90
Dates: 9-30-90, 10-9-90
Dixie Bench Ditch Co. CW
Mayor Louis Mendoza, City of Franklin

875
RECEIVED

3291

AFFIDAVIT OF PUBLICATION

Department of Water Resources

Eastern District Office

STATE OF IDAHO,

ss.

County of Franklin

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

Sept 19

19*90*

with the issue of

Sept 29

19*90*

MICROFILMED

Fee \$

82.22

NOV 01 1990

Subscribed and sworn to before me this *29* day

of

Sept

19*90*

Kelly M. Nelson

Notary Public, Residing at Preston, Idaho

My Commission Expires

Aug 14

19*95*

**NOTICE OF APPLICATION
FOR WATER RIGHT**

The following application(s) have been filed to appropriate the public waters of the State of Idaho:

13-04306

SKABELUND, CRAIG NELSON

P.O. BOX 3203

LOGAN, UT 84321

Source: SPRING

Tributary: MAPLE CREEK

Diversion Pt: NESESW Sec 12 T 16S R 40E

Use: DOMESTIC (.040 CFS) Total

Diversion: (.040 CFS)

Date Filed: 3/20/1897

In: T16S R40E S12 SESW

13-07473

SKABELUND, CRAIG NELSON

P.O. BOX 3203

LOGAN, UT 84321

Source: SPRING

Tributary: MAPLE CREEK

Diversion Pt: NESESW Sec 12 T 16S

R 40E

Use: DOMESTIC (.110 CFS) Total

Diversion: (.110 CFS)

Date Filed: 7/7/1990

In T16S R40E S12 SESW

13-07474

HANSEN, TIM L.

162 LARSEN DR. NO. 4

PRESTON, ID 83263

Source: SPRING

Tributary: SINKS

Diversion Pt: NWENW Sec 6 T 15S

R 40E

Use: STOCKWATER (.050 CFS)

Total Diversion: (.050 CFS)

Date Filed: 8/13/1990

In: T15S R40E S06 NENW

13-07475

HANSEN, TIM L.

162 LARSEN DR. NO. 4

PRESTON, ID 83263

Source: SPRING

Tributary: SINKS

Diversion Pt: LOT 3 (SENENW) Sec

6 T 15S R 40E

Use: STOCKWATER (.090 CFS)

Total Diversion: (.090 CFS)

Date Filed: 8/13/1990

In: T15S R40E S06 NENW

The permit(s) will be subject to all prior water rights. Protests must be filed with the Director, Dept. of Water Resources, Eastern Region, 150 Shoup Avenue, Suite 15, Idaho Falls, Idaho 83402 on or before OCTOBER 8, 1990.

R. KEITH HIGGINSON,
Director

Legal No. 3291 — Publish Sept. 19, 26, 1990.

November 29, 1990

RE: Claim to a Water Right No. 13-~~0~~4306

Craig Nelson Skabelund
P.O. Box 3203
Logan, UT 84321

Dear Mr. Skabelund:

Enclosed please find copies of exceptions 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

November 29, 1990

RE: Claim to a Water Right No. 13-04306 CRAIG NELSON SKABELUND

David K. Woodward, Pres.
Ritewood, Inc.
3643 S 4000 E
Franklin, ID 83237

Dear Mr. Woodward:

We have received the exception filed against the above referenced claim to a water right. 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

November 29, 1990

RE: Claim to a Water Right No. 13-04306 CRAIG NELSON SKABELUND

Ramon G. Wright, Pres.
Franklin Maplecreek Pioneer Irrig. Co.
3987 E. Maplecreek
Franklin, ID 83237

Dear Mr. Wright:

We have received the exception filed against the above referenced claim to a water right. 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

RECEIVED

IN THE MATTER OF:)
Craig Nelson Skabelund)
Applications)
13-04306)
13-07473) *Protest*
State of Idaho)
County of Franklin)

AFFIDAVIT

NOV - 9 1990

Department of Water Resources
Eastern District Office

David K. Woodward being first duly sworn,

deposes and says: As President of Ritewood, Inc. I am filing this protest
on the applications listed above. Ritewood, Inc. is one of the larger shareholders
in the Flack Ditch. The John Gayman and Flack Ditch are the 3rd and 4th water
right users on water that has been decreed to them for irrigation purposes from
the Maple Creek.

David K. Woodward
(Signature)

Subscribed and sworn to before me this 7 day of November, 1990.

Carson M. Hatch
(Notary Public)

Residing at Franklin, Idaho:
My Commission Expires 1 May 1993:

IN THE MATTER OF:)
Applications 13-04306)
13-07473)
Craig Nelson Skabelund)

AFFIDAVIT

RECEIVED

NOV - 9 1990

Department of Water Resources
Eastern District Office

State of Idaho)
County of Franklin)

Ramon G. Wright being first duly sworn,

deposes and says: As President of the Franklin Maplecreek Pioneer Irrigation Company, I wish to file this protest on the applications listed above.

All tributaries of the Maple Creek have been filed on by our company as first water right users; with the Dixie Bench Ditch as second right user; and with the John Gayman and the Flack Ditch as third and fourth water right users. In total there have been eleven water rights filed on Maple Creek. (See Supreme Court ruling pages 6 and 7 in the document which was sent to you and received by your office 10-04-90.) These waters have been decreed and allocated out to these various ditch companies and stockholders for irrigation purposes.

I am filing this protest in order to protect the waters which rightfully belong to our stockholders.

Franklin Maplecreek Pioneer Irrigation Co.

Ramon G. Wright President
(Signature)

Subscribed and sworn to before me this 7 day of November, 1990.

[Signature]
(Notary Public)

Residing at Franklin, Idaho:
My Commission Expires 1 May 1993:

26-Oct-1990

CRAIG NELSON SKABELUND
PO BOX 3203
LOGAN UT 84321

RE: CLAIM NO. 13-4306

Dear Mr. Skabelund:

The Department of Water Resources has completed the processing of your claim to a water right and no further action is authorized under Sections 42-225a and 42-225b, Idaho Code. Your claim will be retained in our files and will be available at any time for use by you or the court.

As you are aware, the filing of your amended claim does not, in itself, guarantee you a water right; it only records and preserves 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 in your amended claim file, you may have that information or evidence added at any time. Please refer to your claim number when corresponding with this office.

We are enclosing, for your records, a copy of your amended claim. If you have any questions, or if we can be of further assistance, please feel free to call upon us.

Very truly yours,

HAROLD JONES
Water Rights Supervisor

HJ:cw:rb

Enclosure

MICROFILMED

NOV 6 1990

October 9, 1990

RE: Claim to a Water Right No. 13-04306

Craig Nelson Skabelund
P.O. Box 3203
Logan, UT 84321

Dear Mr. Skabelund:

Enclosed please find copies of exceptions 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

NOV 01 1990

October 9, 1990

RE: Claim to a Water Right No. 13-04306 CRAIG NELSON SKABELUND

Mayor Louis Mendoza
City of Franklin, Idaho
331 East Main
Franklin, ID 83237

Dear Mayor Mendoza:

We have received the exception filed against the above referenced claim to a water right. 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

RECEIVED

NOV 11 1990

October 9, 1990

RE: Claim to a Water Right No. 13-04306 CRAIG NELSON SKABELUND

Mr. Robert Haworth
Dixie Bench Ditch Co.
3144 S. 3600 E.
Franklin, ID 83237

Dear Mr. Haworth:

We have received the exception filed against the above referenced claim to a water right. 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.

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

Respectfully submitted,

HAROLD W. JONES
Water Rights Supervisor

HWJ:CW

MICROFILMED

NOV 01 1990

October 9, 1990

Mr. Ramon G. Wright, President
Franklin Maplecreek Pioneer Irrigation Company
c/o 3987 E. Maplecreek Road
Franklin, ID 83237

Gentlemen:

Pursuant to Section 42-244, Idaho Code, a person may at any time submit to the Department of Water Resources an affidavit describing why a particular claim to a water right is not correct. This exception becomes part of the permanent claim file and is considered the same as other evidence in the file if the claimant pursues civil action to have the claim adjudicated by a court. Administrative action to substantiate the claim cannot be taken by this Department.

Your letter concerning claim to a water right No. 13-04306 in the name of Craig Nelson Skabelund could not be processed as an exception because it was not notarized. To assist you in submitting an exception, we are returning a copy of your letter along with a blank affidavit form. Whether you rewrite your letter or complete the affidavit, make sure the document is notarized before sending it to the Department.

Very truly yours,

HAROLD W. JONES
Water Rights Supervisor

HWJ:CW

Enclosure

MICROFILMED

NOV 01 1990

October 9, 1990

Mr. David K. Woodward, Pres.
Ritewood Inc., et al
Flack Ditch Co.
c/o 3643 S. 4000 E.
Franklin, ID 83237

Gentlemen:

Pursuant to Section 42-244, Idaho Code, a person may at any time submit to the Department of Water Resources an affidavit describing why a particular claim to a water right is not correct. This exception becomes part of the permanent claim file and is considered the same as other evidence in the file if the claimant pursues civil action to have the claim adjudicated by a court. Administrative action to substantiate the claim cannot be taken by this Department.

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Very truly yours,

HAROLD W. JONES
Water Rights Supervisor

HWJ:CW

Enclosure

MICROFILMED

NOV 11 1990

State of Idaho
Department of Water Resources

CLAIM ANALYSIS SHEET

13 4306

INITIAL REVIEW BY: HWS

Right Number _____ Applicant Skabelund

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.

FINAL REGIONAL PROCESSING REVIEW:

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

By De Date 10-9-90

STATE OFFICE PROCESSING:

- ☒ Claim review complete.

By Brenda Miller Date 10-30-90

MICROFILMED

NOV 01 1990

RECEIVED
OCT 30 1990

Department of Water Resources

S T A T E O F I D A H O
D E P A R T M E N T O F W A T E R R E S O U R C E S
Eastern Region
150 Shoup Ave., Suite 15

Idaho Falls, Idaho 83402
(208) 525-7161

SEPTEMBER 10, 1990

THE PRESTON CITIZEN
P.O. BOX 472
PRESTON, ID 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. 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 billing to this office before OCTOBER 8, 1990.

Yours truly,

Rita Bodell
Secretary

Encl.

MICROFILMED

NOV 01 1990

NOTICE OF APPLICATION FOR WATER RIGHT

The Following application(s) have been filed to appropriate the public waters of the State of Idaho:

RECORDED

NOV 01 1990

13-04306

SKABELUND, CRAIG NELSON
P.O. BOX 3203
LOGAN, UT 84321

Source: SPRING

Tributary: MAPLE CREEK

Diversion Pt: NESESW Sec 12 T 16S R 40E

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

Date Filed: 3/20/ 1897

In: T16S R40E S12 SESW

RECEIVED
MAY 19 1897

NOV 21 1897