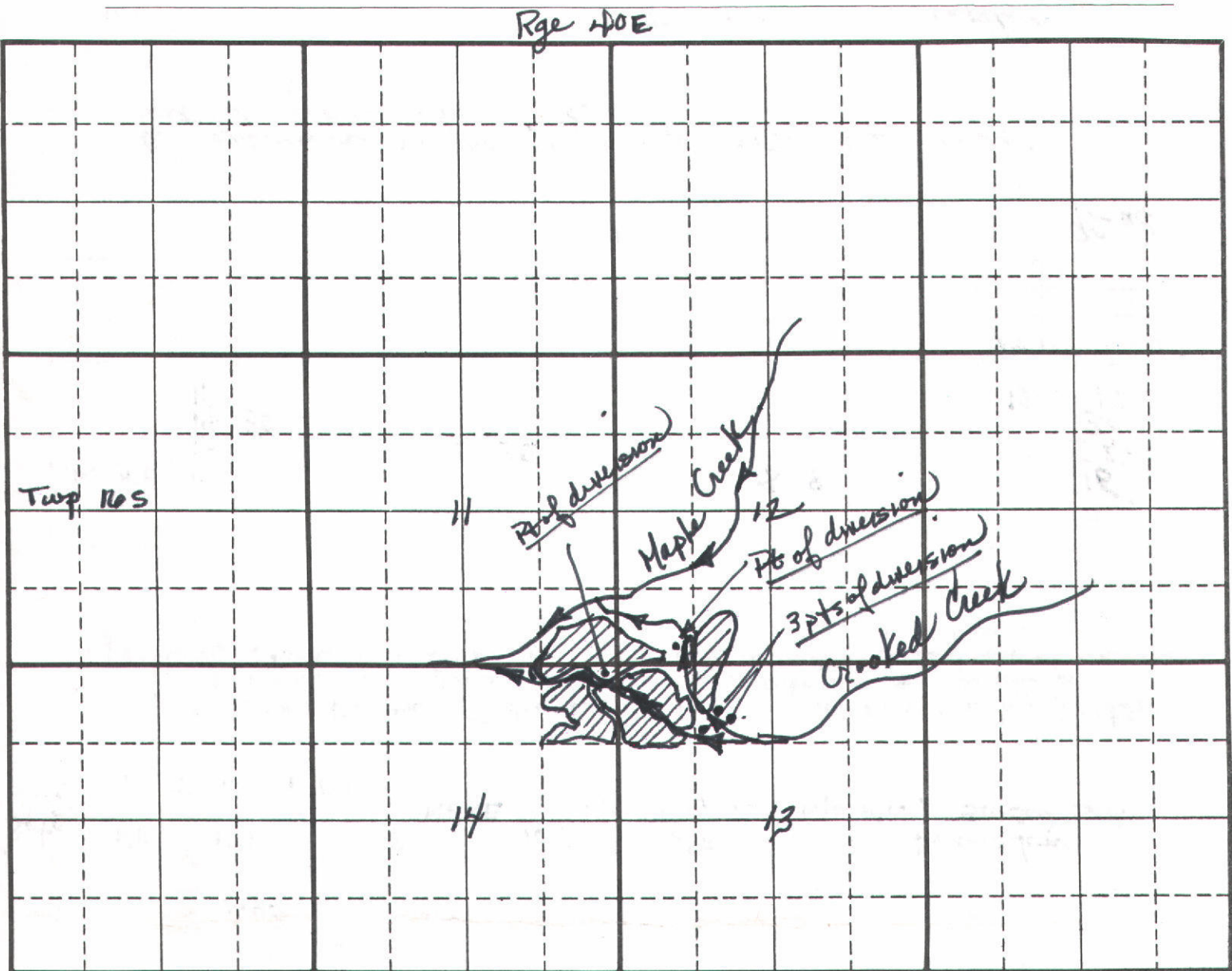


(8) Remarks _____



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 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.

Willard Seboon
(Claimant)

Sworn to before me this 8 day of February, 19 79.

Kurt L. Gresham
Notary Public
Residing at Preston, Id.

My commission expires 11-24-80

FOR DEPARTMENT USE ONLY			
Received by <u>dh</u>	Date <u>2-9-79</u>	Exception filed by:	Forwarded to
Prelim. check by <u>ARK</u>	Date <u>1/29/79</u>		claimant by:
\$20.00 fee received by <u>dh</u>	Date <u>2-9-79</u>	#12877	
Published in <u>Preston Citizen</u>			
Dates <u>February 22 & March 1, 1979</u>			

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 Willard C Gibson &/or Rayola H. Gibson
Rt 1 Franklin, Idaho (Name of Claimant)
83237 (Mailing Address) (Zip Code) Telephone No. 646-2479

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) April 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. 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)
Crooked Creek tributary to maple Creek → Cub 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:

Quantity	(cfs, gpd, AFA)	Use	(Domestic, Irrigation, Stock, Etc.)	Period of Use From	(Mo., Day)	To	(Mo., Day)
Quantity	<u>3.00 c.f.s</u>	Use	<u>irrigation</u>	Period of Use From	<u>April 1</u>	To	<u>July 15</u>
Quantity	<u>.03 c.f.s</u>	Use	<u>stockwater</u>	Period of Use From	<u>Jan 1</u>	To	<u>Dec 31</u>
Quantity		Use		Period of Use From		To	
Quantity		Use		Period of Use From		To	
Quantity		Use		Period of Use From		To	

(4) 3.03 TOTAL QUANTITY USED.
(cfs, gpd, AFA)

(5) A) Point of diversion: (Location of point where water is diverted from its source)
NE 1/4 NW 1/4, Sec. 13 Twp. 16S Rge. 40E B.M., County of Franklin
Additional points of diversion: NENE Sec 14 Twp 16S Rge 40E, SWSW Sec 12 T 16S R 40E

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.
5 headgates on 5 diversions from Crooked creek, water is conveyed to place of use by ditches & land is partially flood irrigated & sprinkled using a diesel lift motor.

(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 1/4				NW 1/4				SW 1/4				SE 1/4				TOTAL
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
16S	40E	12											8	8					16
		13					2	30											34
		14	30																30
		11															12		12

No. of acres 92 ad

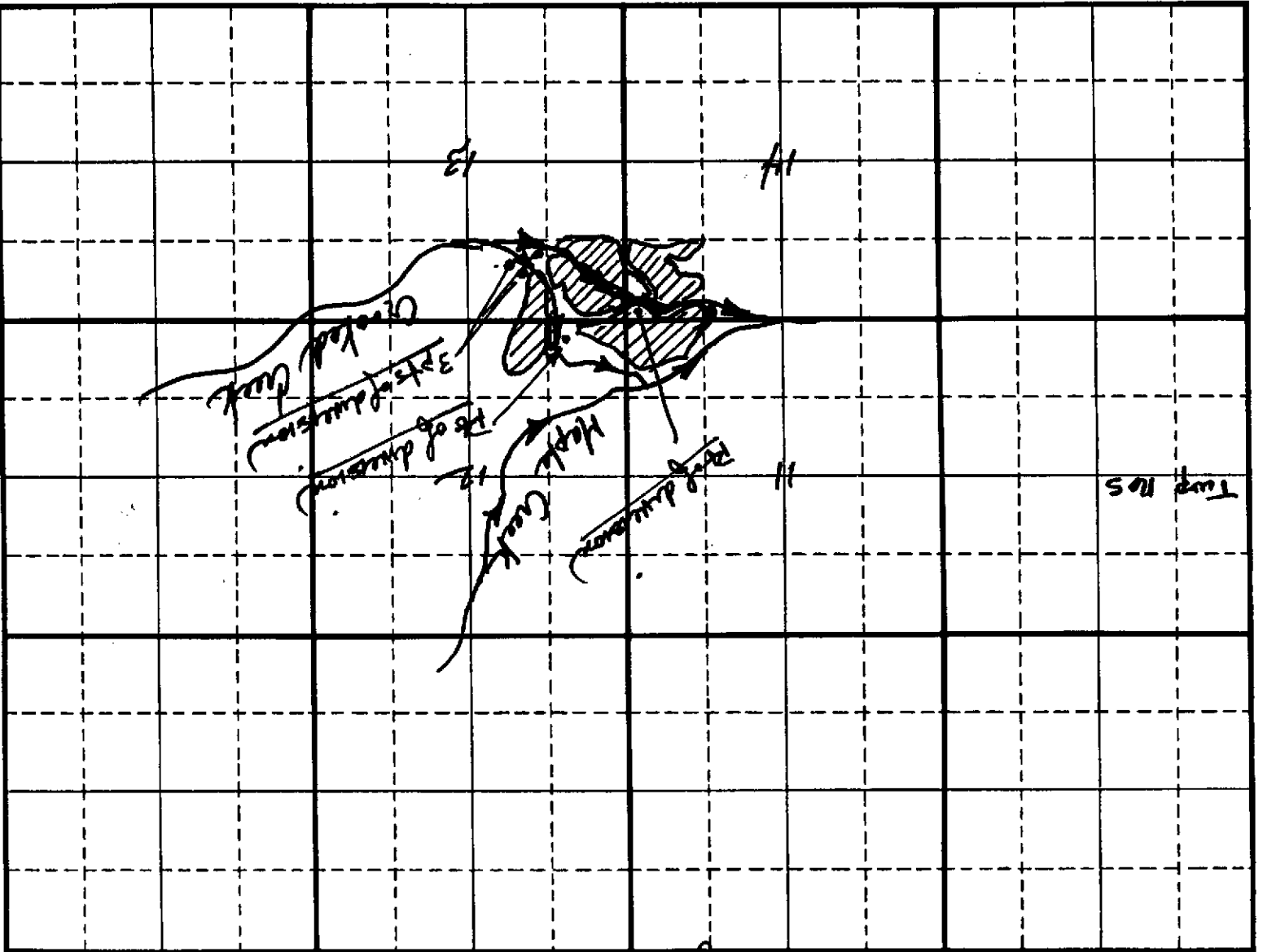
B) If water is used for other than irrigation, fully describe that use, being as specific as possible:
a maximum of 100 hd of rge cattle are watered from the creek

NOTE: Include here the type and number of stock watered: 100 hd of rge cattle

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

MICROFILMED

Rye Joe



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 8 day of February, 1979.
Notary Public
Residing at *Franklin, Idaho*
My commission expires 11-24-80
FOR DEPARTMENT USE ONLY

Received by *dh* Date 2-9-79 Exception filed by: *1/29/79* #12877
Forwarded to claimant by: *dh* Date 2-9-79
Published in *Preston Citizen* Dates February 22 & March 1, 1979

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

Feb 22, 1979, and ending

with the issue of Mar 1, 1979

Fee \$ 17.76

Subscribed and sworn to before me this 15th day

of March, 1979.

Kevin O. Allen

Notary Public, Residing at Preston, Idaho

My Commission Expires June 7, 1982

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:

13-4098

GIBSON, WILLARD C. AND/OR RAYOLA H.
 ROUTE 1, FRANKLIN, ID 83237

Source: CROOKED CREEK tributary to MAPLE CREEK

Priority Date: 04/01/1876

Amount: 3.03 CFS

Diversion Point: NENW Sec 13 T 16S R 40 E NENE Sec 14 T 16S R 40E SWSW Sec 12 T 16S R 40E, FRANKLIN CO.

Use: STOCKWATER (0.03 CFS) from 01/01 to 12/31

IRRIGATION (3.00 CFS) from 04/01 to 07/10

Place of Use: SWSW SESW Sec 12 T 16S R 40E NENW NWNW Sec 13 T 16S R 40E NENE Sec 14 T 16S R 40E SESE Sec 11 T 16S R 40E FOR 92 ACRES

Diversion Means: HEADGATES & DITCHES

Any exception to any claim of water right may be filed with the Director of the Idaho Department of Water Resources, 1515 Lincoln Road, Idaho Falls, Idaho 83401.

C. STEPHEN ALLRED
 Director

Published 1/22 & 3/1/79.

Legal No. 835-24L — Pub. Feb. 22 and March 1, 1979.

RECEIVED

MAR 2 1979

Department of Water Resources
 Eastern District Office

June 2, 1981

RE: Claim to a Water Right No. 13-4098 GIBSON

Lowell D. Castleton
Attorney at Law
P.O. Box 191
Preston, Idaho 83263

Dear Mr. Castleton:

We have received the exception dated September 30, 1979, filed on behalf of Ramon Wright, President Franklin Maple Creek Pioneer Irrigation Company 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.

Very truly yours,

RONALD D. CARLSON
Eastern Regional Supervisor

RDC:cw:kw

cc: IDWR - State Office

June 2, 1981

RE: Claim to a Water Right No. 13-4098

Willard C. Gibson
Rayola H. Gibson
Rt. #1
Franklin, Idaho 83237

Dear Mr. & Mrs. Gibson:

Enclosed please find a copy of the 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.

Very truly yours,

RONALD D. CARLSON
Eastern Regional Supervisor

RDC:cw:kw

Enclosure

cc: IDWR - State Office

WILLIAMS & CASTLETON

LAW OFFICES

24 NORTH STATE - P. O. BOX 191

PRESTON, IDAHO 83263

May 21, 1981

J. DENNIS "J. D." WILLIAMS
LOWELL D. CASTLETON

DALLIN J. PHILLIPS

TELEPHONE:
(208) 852-2680

Mr. Ernest M. Carlsen
Resource Analyst
1515 Lincoln Road
Idaho Falls, Idaho 83401

Re: Exception to Claim #13-4098
Our File No. 1069.5

Dear Mr. Carlsen:

In late 1979 we submitted an Exception to Claim #13-4098 on behalf of our client, the Maple Creek Irrigation Company. That document was submitted in a form adequate to meet the requirements of an affidavit under Idaho law with the exception that it had not been sworn to before a Notary Public. We have since altered the form of that Exception to include the sworn statement of Mr. Wright, the president of the objecting company, and are enclosing the objection with this letter for processing by your office. If there are any questions, please be advised.

Yours very truly,

WILLIAMS & CASTLETON



LOWELL D. CASTLETON
Attorney at Law

LDC/cr

Enclosure

RECEIVED

MAY 26 1981

Department of Water Resources
Eastern District Office



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
EASTERN REGION

John V. Evans
Governor

C. Stephen Allred
Director

1515 Lincoln Road
Idaho Falls, Idaho 83401
(208) 523-7186

December 17, 1979

RE: Claim to a Water Right No. 13-4098 - Willard C. &/or Rayola H. Gibson

Lowell D. Castleton
Attorney at Law
24 N. State, P. O. Box 191
Preston, ID 83263

Dear Mr. Castleton:

We are returning your letter of exception concerning the above referenced claim to a water right.

If you do not agree with the information that is contained in the above referenced claim to a water right, then you should file an exception, which must be in affidavit form, indicating why the right claimed is incorrectly represented. There is no time limitation for filing an exception to a claim, however, we request that if you choose to file an exception you submit it as soon as possible to assist us in rapid processing. For your convenience, we have enclosed an affidavit form.

If you have any questions concerning this matter, please feel free to contact me.

Very truly yours,

ERNEST M. CARLSEN
Sr. Resource Analyst

EMC:kw
Enclosure

cc: Franklin Maple Creek Pioneer Irrigation Co.
Ramon Wright, President

IN THE OFFICE OF THE IDAHO DEPT. OF WATER RESOURCES

IN THE MATTER OF THE APPLICATION)
OF WILLARD C. and/or RAYOLA H.)
GIBSON, to claim a water right to)
3.03 c.f.s. of water from Crooked)
Creek Tributary to Maple Creek by)
means of headgates and ditches,)
located in Franklin County, Idaho.)

EXCEPTION TO CLAIM
#13-4098

COMES NOW, the Objector, FRANKLIN MAPLE CREEK
PIONEER IRRIGATION COMPANY, and makes exception to the claim
of WILLARD C. and/or RAYOLA H. GIBSON, as follows:

1. FRANKLIN MAPLE CREEK PIONEER IRRIGATION COMPANY holds water rights in and to MAPLE CREEK, which rights derive from usage and location notices dated 1860, 1877, and 1887, and other water storage rights.
2. The rights to MAPLE CREEK including all tributaries thereto, and spring runoff are fully appropriated. The acknowledging of the claim of WILLARD C. GIBSON and RAYOLA H. GIBSON to appropriate 3.03 c.f.s. of water would adversely affect the aforementioned water rights of FRANKLIN MAPLE CREEK PIONEER IRRIGATION COMPANY.
3. A decree entered by the Idaho Supreme Court, Village of Fairview v. Franklin Maple Creek Pioneer Irrigation Company, 59 Idaho 7, 79 P. 2d 531 (1938), clearly sets out rights of all Maple Creek users and fully explains that all water from Maple Creek and its tributaries is fully apportioned.

WHEREFORE, Objector prays that the application of
WILLARD C. GIBSON and RAYOLA H. GIBSON be denied in as much as
there is no unappropriated water available in the proposed
source and the proposed use will impair existing rights.

DATED This 30th day of September, 1979.

FRANKLIN MAPLE CREEK PIONEER IRRIGATION CO.

Ramon Wright
President

Lowell D. Castleton
LOWELL D. CASTLETON, Attorney

RECEIVED

DEC 12 1979

Department of Water Resources
Eastern District Office

RECEIVED

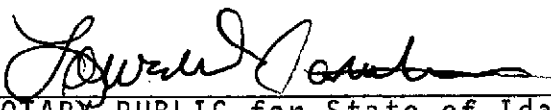
MAY 26 1980

Department of Water Resources
Eastern District Office

STATE OF IDAHO }
County of Franklin }

On this 30th day of September, 1979, before me, the undersigned, a Notary Public in and for said State, personally appeared RAMON WRIGHT, President of FRANKLIN MAPLE CREEK PIONEER IRRIGATION CO., known to me to be the person whose name is subscribed to the within instrument and acknowledged to me that said corporation executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and seal the day and year in this certificate first above written.

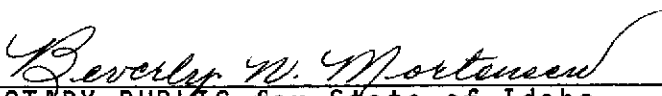


NOTARY PUBLIC for State of Idaho
Residing at Preston, Idaho.

STATE OF IDAHO }
County of Franklin }

On this 30th day of September, 1979, before me, the undersigned, a Notary Public in and for said State, personally appeared LOWELL D. CASTLETON, known to me to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and seal the day and year in this certificate first above written.



NOTARY PUBLIC for State of Idaho
Residing at Preston, Idaho.

RECEIVED

MAY 26 1981

Department of Water Resources
Eastern District Office

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Eastern Region

1515 Lincoln Road
Idaho Falls, ID 83401
(208) 523-7186

MARCH 12, 1979

WILLARD C. GIBSON
RAYOLA H. GIBSON
ROUTE 1
FRANKLIN

ID 83237

RE: Claim No. 13-4098

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

mailed to claimants 3/13/79

Enclosure

MICROFILMED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Eastern Region

1515 Lincoln Road
Idaho Falls, ID 83401
(208) 523-7186

FEBRUARY 16, 1979

Preston Citizen
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 billing to this office before MARCH 12, 1979.

Yours truly,

RONALD D. CARLSON
Supervisor

Encl.

MICROFILMED

13-4098-

GIBSON, WILLARD C. &/or RAYOLA H.

ROUTE 1, FRANKLIN, ID 83237

Source: CROOKED CREEK tributary to MAPLE CREEK

Priority Date: 04/01/1876

Amount: 3.03 CFS

Diversion Point: NENW Sec 13 T 16S R 40E NENE Sec 14 T 16S R 40E SWSW
Sec 12 T 16S R 40E, FRANKLIN Co.

Use: STOCKWATER	(0.03 CFS)	from 01/01 to 12/31
IRRIGATION	(3.00 CFS)	from 04/01 to 07/10

Place of Use: SWSW SESW Sec 12 T 16S R 40E NENW NWNW Sec 13 T 16S R 40E NENE
Sec 14 T 16S R 40E SESE Sec 11 T 16S R 40E FOR 92 ACRES

Diversion Means: HEADGATES & DITCHES

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:

Any exception to any claim of water right may be filed with the Director of the Idaho Department of Water Resources 1515 Lincoln Road, Idaho Falls, Idaho 83401.

C. STEPHEN ALLRED

Director

Published 2/22 & 3/1/79.

MICROFILMED

cw-h

February 12, 1979

Willard C. Gibson &/or
Rayola H. Gibson
Franklin, Idaho 83237

Dear Mr. and Ms. Gibson:

Attached herewith is Departmental receipt No. 12877 in the amount of \$20.00 for the above referenced claim.

Very truly yours,

RONALD D. CARLSON
Supervisor
Eastern Region

RDC:dh

Attachment

UNRECORDED

State of Idaho
Department of Water Resources

CLAIM ANALYSIS SHEET

INITIAL REVIEW BY: RP

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.

FINAL REGIONAL PROCESSING REVIEW:

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

By _____ Date _____

STATE OFFICE PROCESSING:

- ☒ Claim review complete.

By S.S. Date 3/16/79