

In Witness whereof said claimant has
hereunto set his hand at Lago in said
County on this the 10th day of Nov 1898

Geo. W. Ellis

Claimant

State of Idaho }
Bannock } S.S.

George W. Ellis being duly
sworn according to law deposes and says
that he is of lawful age and the claimant
of the water mentioned in the foregoing and
whose name is subscribed thereto: that
the statements in said notice are true, and
that the original notice of which the fore-
going is a true copy was posted in a
conspicuous place at or near the place
of diversion (as provided by law) on the
10th day of Nov 1898 at 15 minutes past
two O'clock P.M.

Geo. W. Ellis

Claimant

Subscribed in my presence by the said
George W. Ellis and by him sworn to before
me this the 18th day of Nov 1898

William H. Bassett,

Justice of the Peace



Section 42-225a, Idaho Code

Under the provisions of Section 42-225a, Idaho Code, a person may file a claim to a right to use water which has been established by diversion and application to beneficial use. **The filing of this claim does not confirm the water right but will serve for information purposes only.** It may, however, become the basis for future adjudication of the water right by the Court.

The extent and nature of said claim is as follows:

- | | | | | | | | | |
|--------|-------------|-----|----------------------------|----------------|------|------------------------|----|----------------|
| Amount | <u>0.08</u> | Use | <u>Domestic</u> | Period of Use: | From | <u>Jan. 1</u> | To | <u>Dec. 31</u> |
| Amount | <u>0.02</u> | Use | <u>Stockwater</u> | Period of Use: | From | <u>Jan. 1</u> | To | <u>Dec. 31</u> |
| Amount | <u>0.16</u> | Use | <u>Irrigation</u> | Period of Use: | From | <u>Apr. 1</u> | To | <u>Nov. 1</u> |
| | (cfs, gpm) | | (dom., irri., stock, etc.) | | | (both dates inclusive) | | |

- 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 to this rule is that a claim may be filed on domestic use from a ground-water source.

- 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. Headgate and ditches, headbox, pipeline, and domestic distribution systems.

- [illegible]

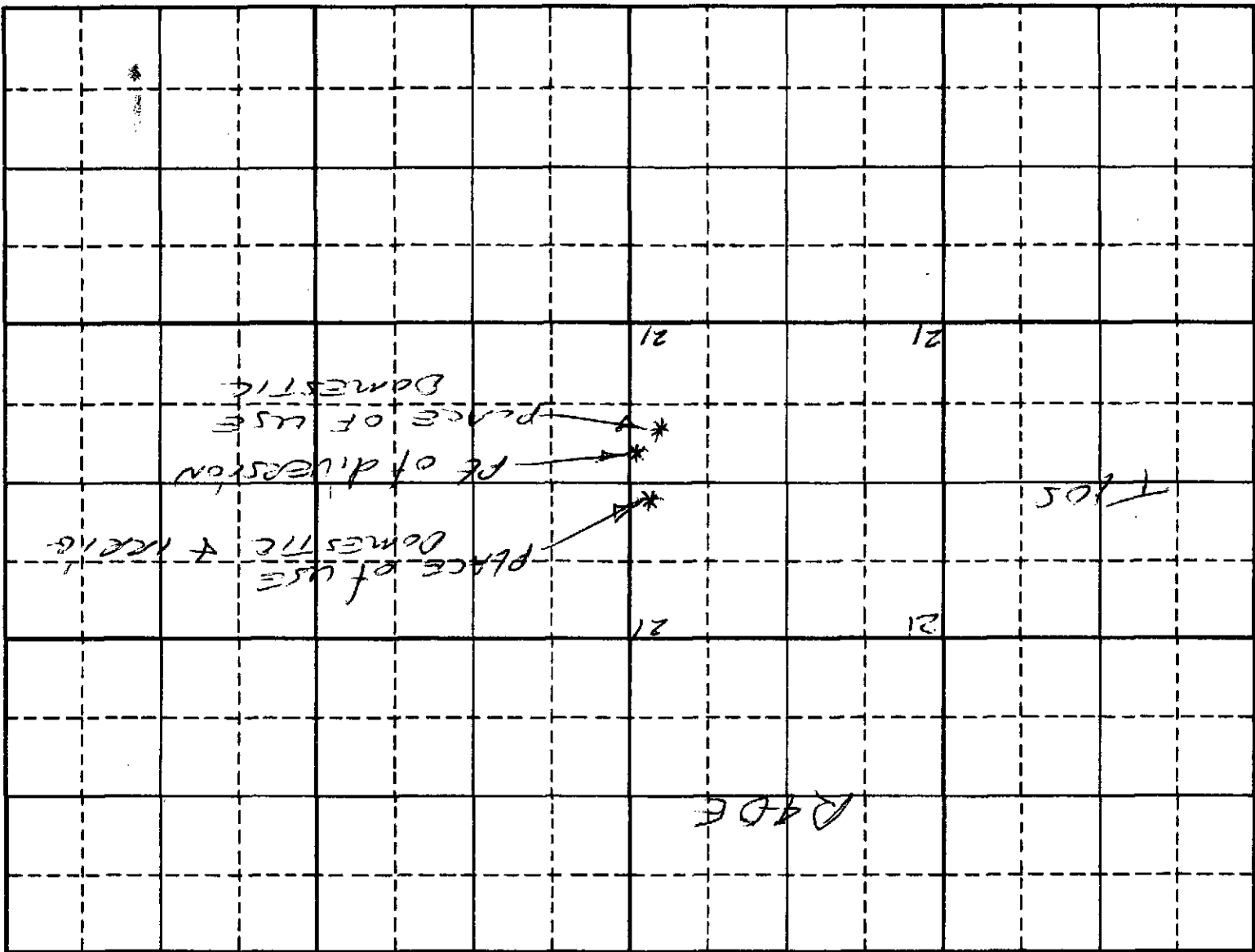
Total No. of acres 4

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

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(8) Remarks Water is also used from this spring by Truman Ashbaker for

culinary purposes.



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 Bonneville 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.

Sworn to before me this 4th day of June, 1974.

(Claimant)

Alonzo Gilbert

Notary Public

Residing at IDAHO Falls, IDAHO

My commission expires 6/10/75

For Department Use Only

Received by MB Date 1-24-75 Prelim. check by MB Date 1-24-75 \$10.00 fee received by MB Date 1-24-75 Approved for publication by MB - 1-27-75 #4031 Published in Idaho County News Jan. 16 + 23, 1975 Dates

"Notice"

RECEIVED

Jan 9 1975
U.S.
Department of Water Resources
Eastern District Office

State of Idaho,
Bannock County

To all Concerned

Notice is hereby giving

1st That George W. Ellis of Latah County, State of Idaho, hereby claims the water of Cedar Spring to the extent of six (6) cubic inches per second, being the entire present flow of said spring.

2nd Said water is now and has been diverted at or near a point where this notice is posted and more definitely described as follows, viz: In the South East quarter of the North East quarter of Sec 21 Township 10 South of Range 40 East of Brier Meridian.

3rd Said water is claimed for agricultural and domestic purposes.

4th Said water is diverted by means of a ditch twelve (12) inches wide and ten (10) inches deep, running from the above described point of diversion to the lands hereinafter described.

Said waters are to be used for irrigating the east half (1/2) of the South East quarter of Section twenty one (21) in Township ten (10) forty (40) East 13 N in Idaho, and containing eighty (80) acres, situate in Bannock County.

5th The works for the diversion and use of said waters as aforesaid are now commenced.

MICROFILMED

In Witness whereof said Claimant has
hereunto set his hand at Lago in said
County on this the 10th day of Nov 1898

George W. Ellis

Claimant

State of Idaho }
Ramsden } S.S.

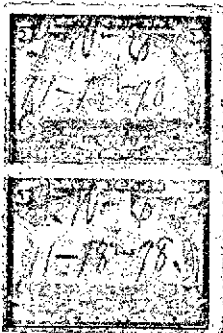
George W. Ellis being duly
sworn according to law deposes and says
that he is a lawful age and the Claimant
of the water mentioned in the foregoing and
wherein name is subscribed therein that
the statements in said notice are true and
that the original notice of which the fore-
going is a true copy was posted in a
conspicuous place at or near the place
of division (as provided by law) on the
10th day of Nov 1898 at 10 minutes past
two O'clock P M

Geo W. Ellis

Claimant

Subscribed in my presence by the said
George W. Ellis and by him sworn to before
me this the 18th day of Nov 1898

William H. Bassett,
Justice of the Peace



Affidavit of Publication

RECEIVED

JAN 31 1975

Department of Water Resources
Eastern District Office

County of Caribou } ss.
State of Idaho }

V. E. Lansberry

being first duly sworn on his
oath, states:

PUBLIC NOTICE

NOTICE OF CLAIM TO A WATER RIGHT No. 13-4022

Notice is hereby given that Don W. Gilbert, Grace, Idaho, has filed a claim to a water right established by diversion and application to beneficial use of 0.26 cubic feet per second of water from Cedar Hollow Spring tributary to sinks with point of diversion in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ (2pts.), Sec. 21, T. 10S, R. 40E, B.M., Caribou County.

The water claimed to be used from Jan. 1 to Dec. 31 for domestic purposes for two families and stockwatering purposes for 100 beef cattle, within the NE $\frac{1}{4}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 21, T. 10S, R. 40E; and from Apr. 1 to Nov. 1 for the irrigation of 4 acres within the SE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 21, T. 10S, R. 40E, B.M., with a priority of November 18, 1898.

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

R. KEITH HIGGINSON
Director

Published in the Caribou County Sun, Soda Springs, Idaho on January 16 and January 23, 1975.

That he is Publisher of the Caribou County Sun, a newspaper of general circulation in Caribou County, Idaho, published weekly at Soda Springs in said County, that said newspaper has been published in said County uninterrupted and continuously for over seventy-eight consecutive weeks, prior to the first publication of the annexed notice or advertisement;

That the annexed notice was published as per clipping attached in the regular and entire edition of said newspaper and not in any supplement thereof

for 2 successive weekly issues thereof, the date of the first publication being the

16th

day of

January

, 19 75

The date of the last publication

being the 23rd day of

January

, 19 75

Subscribed and sworn to be

fore me this 24th day

of January, 19 75

Clarence S. Johnson

Notary Public, residing
at Soda Springs, Idaho

(SEAL)

My Commission expires the

1st day of November

19 78

February 3, 1975

Mr. Stephen Allen
Box 205
Grace, Idaho 83241

Dear Mr. Allen:

In reply to your letter of January 31, 1975, it is doubtful that use of the water from Cedar Hollow Springs would effect your well, since the water flows naturally from the ground and not pumped. If you do not agree with Mr. Gilbert's Claim to a Water Right No. 13-4022, you may file an exception to the claim which must be submitted in affidavit form. We have enclosed an affidavit for your convenience.

If you have any further questions, please feel free to contact us.

Very truly yours,

LOREN O. HOLMES
Asst. to District Engineer

LOH:mb

Enclosure

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RECEIVED

FEB 3 1975

Department of Water Resources
Eastern District Office

January 31, 1975

Idaho Department of Water Resources
Idaho Falls, Idaho

Dear Mr. Higginson:

I am writing concerning the Claim of Water Right, No. 13-4022 presented by Don W. Gilbert.

We are in question to this claim because our well source of water, drilled approximately 10 years ago, is on top of Cedar Hollow Spring, approximately $\frac{1}{4}$ mile due north of the spring source in claim. We have three families drawing from this well. We would appreciate your investigation to determine if this is the same source and if there will be sufficient water for both.

Sincerely,



Stephen Allen
Box 205
Grace, Idaho 83241

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February 3, 1975

RE: Claim to a Water Right No. 13-4022

Mr. Don W. Gilbert
Grace
Idaho 83241

Dear Mr. Gilbert:

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 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 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 claim. If you have any questions or if we can be of further assistance, please feel free to call upon us.

Very truly yours,

RONALD D. CARLSON
Acting District Engineer

RDC:MB

Enc: Copy of claim

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January 10, 1975

RE: Claim to a Water Right No. 13-4022 Gilbert
Application for Permit No. 29-7245 Idaho Transportation

Caribou County Sun
P.O. Box 815
Soda Springs, ID 83276

Gentlemen:

Enclosed you will find a legal notice which we wish to have published once a week for two consecutive weekly issues of your newspaper. We have inserted the publication dates allowing time for you to submit us a galley proof for review before publication.

After sending us a galley proof, proceed with the publication on the dates we have inserted, assuming the notice is correct. If we have any corrections, we will notify you before the first publication. 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.

Very truly yours,

RONALD D. CARLSON
Acting District Engineer

RDC:MB

Bill submitted 1-27-75 by MB

Enc: Legal Notices (2)

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PUBLIC NOTICE

First Time
Published

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TO A WATER RIGHT
No. 13-4022**

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

R. KEITH HIGGINSON
Director

Published in the Caribou County Sun, Soda Springs, Idaho on January 16 and January 23, 1975.

NOTICE OF CLAIM TO A WATER RIGHT

NO. 13-4022

Notice is hereby given that Don W. Gilbert,

Grace, Idaho

has filed a claim to a water right established by diversion and application to beneficial use of 0.26 cubic feet per second ~~some of which per second~~ of water from Cedar Hollow Spring tributary to sinks with point of diversion in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ (2 pts.), Sec. 21, T. 10S, R. 40E, B. M., Caribou County.

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R. KEITH HIGGINSON

Director

Published in the Caribou County Sun, Soda Springs, Idaho
on January 16 and January 23, 1975.

MICROFILMED

aw-h
ow-h

January 9, 1975

RE: Claim to a Water Right No. 13-4022

Mr. Don W. Gilbert
Grace
Idaho 83241

Dear Mr. Gilbert:

Attached herewith is departmental receipt No. 4031 in the amount of \$10.00 for the above referenced claim.

Very truly yours,

RONALD D. CARLSON
Acting District Engineer

RDC:MB

Attachment

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