

Claim No. 13 4012

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION

Section 42-225a, Idaho Code

CLAIM TO A WATER RIGHT

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.

Notice is hereby given that Truman Ashbaker (name of claimant)
of Grace, Idaho (mailing address), claims a right to the diversion and beneficial use of
ground water or surface water tributary to The Spring Sinks before Reaching Bear River;

The extent and nature of said claim is as follows:

(1) Describe source of water: (name of stream, lake, spring, etc., or ground water) Cedar Hollow Spring
~~Unnamed Spring~~

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

Amount	<u>1 Cu Ft-Second</u>	<u>Domestic</u>	Period of Use: From	<u>Jan. 1, 1921</u>	To	<u>Dec. 31, 1921</u>
Amount	~~1 Cu Ft-Second~~	~~Domestic~~	Period of Use: From	~~1921~~	To	~~1921~~
Amount	<u>1 Cu Ft-Second</u>	<u>Irr.</u>	Period of Use: From	<u>May 1,</u>	To	<u>Sept. 31,</u>
	(cfs, gpm or a/f)	(dom., irri., stock, etc.)		(both dates inclusive)		

(3) Total quantity of water claimed: 1 cubic feet per second, or _____ acre feet per annum, and/or _____ gallons per minute. The Spring Opened in 1921 Improvements were completed in Aug. 15, 1921

(4) Priority claimed: (the date water was first applied to beneficial use) ~~XXXXXX~~ XXXXXX

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.

(5) A) Point of diversion: (give location of point where water is diverted from its source)
NE 1/4 SE 1/4, Sec. 21 Twp. 10S Rge. 40E B. M. County of Caribou
Additional points of diversion: More Particularly XXXX 1540 Ft. N. and 150 Ft. W. from the Southeast Corner of Section 21, TS 10S, R 40E, BM

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. Diverted by 8" plastic Pipe Recently Installed

(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	
10S	40E	21																15	15 ACRES

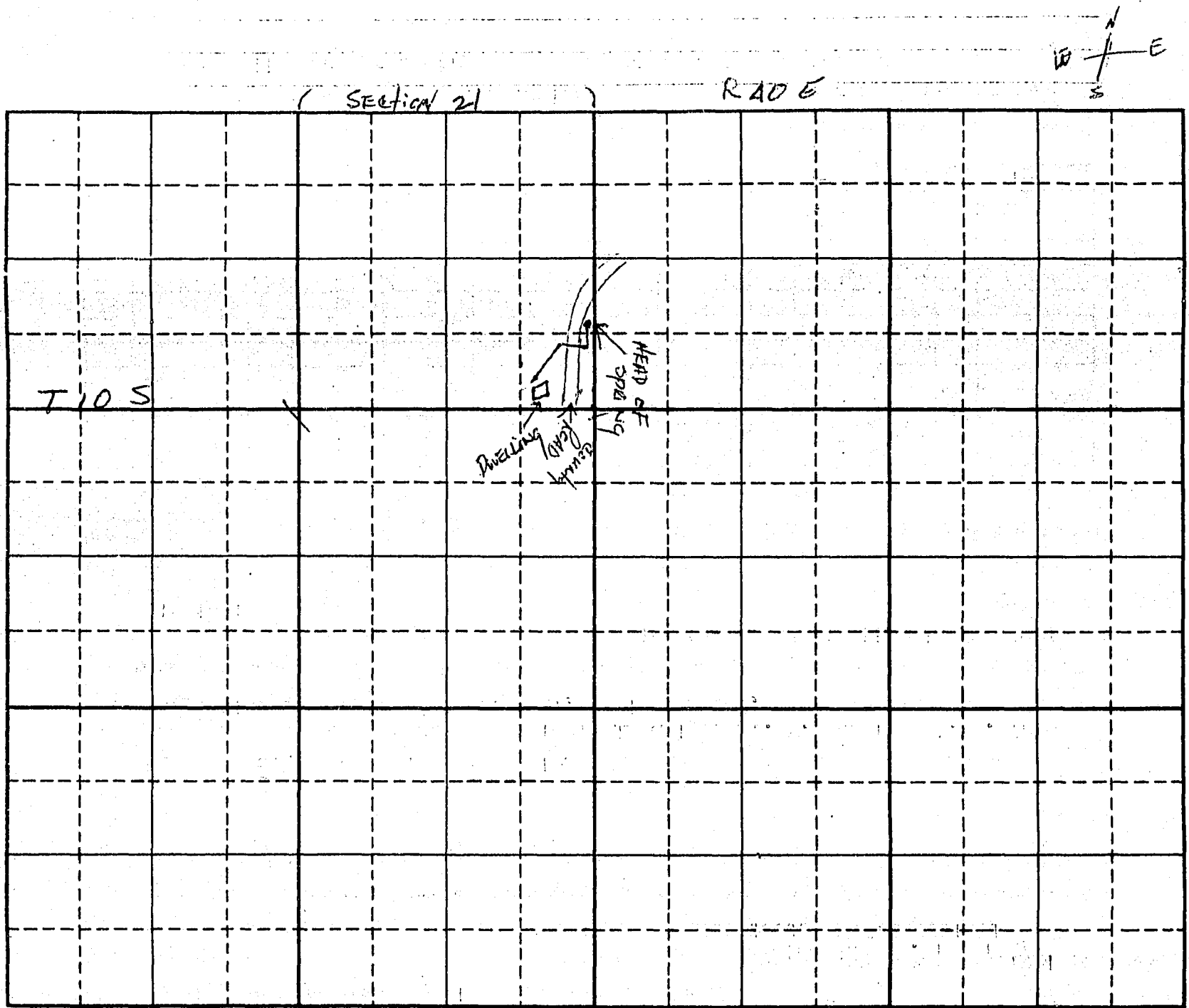
Total No. of acres 15

B) If the water is used for other than irrigation, fully describe that use, being as specific as possible:
Water is used partially for Irrigation and Partially for Domestic Purposes
3 Families are presently using the Spring for Domestic Purposes

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

13-4012

(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

ss.

County of Caribou

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 4 day of June

Stephen R. R. R.
(Claimant)
6-11-74
Notary Public
Residing at Grace, Idaho

My commission expires

Dec. 17, 1977

For Department Use Only

Received by <u>MB</u>	Date <u>6-11-74</u>	Exception filed by:	Forwarded to	Date
Prelim. check by <u>NCY</u>	Date <u>6-11-74</u>		claimant by:	
\$10.00 fee received by <u>MB</u>	Date <u>6-11-74</u>			
Approved for publication by <u>MB</u>	Date <u>7-3-74</u>			
Published in <u>Caribou County, ID</u>				
Dates <u>June 20 + 27, 1974</u>				

13-4012

Affidavit of Publication

RECEIVED

JUL 3 1974

Department of Water Administration
Eastern District Office

County of Caribou } ss.
State of Idaho }

V. E. Lansberry

being first duly sworn on his
oath, states:

That he is publisher
of the Caribou County Sun, a
newspaper of general circula-
tion in Caribou County, Idaho,
published weekly at Soda
Springs in said County, that said
newspaper has been pub-
lished in said County uninterru-
ptedly and continuously for
over seventy-eight consecutive
weeks, prior to the first publi-
cation of the annexed notice or
advertisement;

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

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

20th day of

June, 19 74.

The date of the last publication

being the 27th day of

June, 19 74.

V. E. Lansberry
Subscribed and sworn to be-

fore me this 2nd day

of July, 19 74

Elaine S. Johnson
Notary Public, residing
at Soda Springs, Idaho
(SEAL)

My Commission expires the

1st day of November

19 74.

NOTICE OF CLAIM TO A WATER RIGHT No. 13-4012

Notice is hereby given that
Truman Ashbaker, Grace, Ida-
ho, has filed a claim to a water
right established by diversion
and application to beneficial use
of 1.0 cubic feet per second of
water from Cedar Hollow
Spring tributary of sinks with
point of diversion in the NE $\frac{1}{4}$ -
SE $\frac{1}{4}$, Sec. 21, T. 10S, R. 40E,
B.M., Caribou County.

The water is claimed to be
used from Jan. 1 to Dec. 31 for
domestic purposes for 3 fami-
lies and from May 1 to Sept.
31 for irrigation purposes for
15 acres; with a priority of
August 15, 1927; the place of
use is within the SE $\frac{1}{4}$ SE $\frac{1}{4}$,
Sec. 21, T. 10S, R. 40E, B.M.

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

R. KEITH HIGGINSON,
Director

Published in the Caribou Coun-
ty Sun, Soda Springs, Idaho, on
June 20, and June 27, 1974.

13-4012

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R. KEITH HIGGINSON,
Director

Published in the Caribou Coun-
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13-4012

Review of claim filed by
Truman Ashbaker on Unnamed
Spring NE 1/4 SE 1/4 Sec 21 T10S R40E

- ① Signature is OK
- ② Fee is correct
- ③ TRID. TO BEAR RIVER OR SINKS
- ④ Unnamed spring are is this Cedar Hollow spring?
- ⑤ Period of use is not clear
- ⑥ P.D., P.U. and Map are consistent.
- ⑦ PRIORITY DATE could be more specific
- ⑧ Number of families using domestic water

June 5, 1974

C
Mr. Truman Ashbaker
Grace
Idaho 83241

Dear Mr. Ashbaker:

C
We regret that it is necessary to return your Claim to a Water Right received in this office this date and your check No. 15-20 in the amount of \$10.00, as clarification of some items is required. We are enclosing an additional Claim to a Water Right form for your use.

- P
Y
1. My review of the Bancroft USGS Quad map indicates that the spring may be named Cedar Hollow Spring. If it is locally known by that name, the claim should describe it that way. Also, does the spring sink before reaching Bear River or is it tributary to Bear River? This information should be entered on line 3 above Item 1.
 2. The period of use requested in Item 2 refers to the season of use during each calendar year. Normally, domestic use is described as being during January 1 to December 31, and the irrigation period in your area is normally considered to be April 1 to November 1.
 3. Is it possible to be more specific on the priority date (Item 4)? We would like to have the date claimed to the nearest day.
 4. Please list in Item 6b the number of families using the domestic water.

If you will clarify the above mentioned items and return the claim form with the statutory filing fee of \$10.00, we will be happy to continue processing it.

Very truly yours,

NORMAN C. YOUNG
District Engineer

NCY: ~~11~~
Enc: Check No. 15-20
Claim forms

13-402

Dear Sir:

This is the only form
enclosed so am putting
in the first one we
filled out, the
information you
wanted.

RECEIVED

JUN 11 1974

Department of Water Administration
Eastern District Office

13-4012

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION
EASTERN DISTRICT OFFICE



Cecil D. Andrus
Governor
R. Keith Higginson
Director

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

Water Rights Administration
Water Resource Investigations
Dam and Reservoir Safety
Water Well Drilling
Waste Disposal Wells
Stream Channel Protection
Geothermal Resources

June 5, 1974

RECEIVED

JUN 11 1974

Department of Water Administration
Eastern District Office

Mr. Truman Ashbaker
Grace
Idaho 83241

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Very truly yours,

Norman C. Young

NORMAN C. YOUNG
District Engineer

IT WAS NECESSARY FOR US TO X*OUT SOME INFORMATION ON THE OLD FORM AND MAKE CORRECTIONS AS WE DID NOT RECEIVE THE ADDITIONAL CLAIM FORM MENTIONED ABOVE IN YOUR LETTER.

THANK YOU FOR YOUR HELP.

NCY: mb

Enc: Check No. 15-20
Claim forms

13-4012

June 14, 1974

C

Re: Claim to a Water Right No. 13-4012

O

Mr. Truman Ashbaker
Grace
Idaho 83241

P

Dear Mr. Ashbaker:

Attached herewith is departmental receipt No. 12911 in the amount of \$10.00 for the above referenced claim.

If you have any questions, please contact us.

Y

Very truly yours,

NORMAN C. YOUNG
District Engineer

NCY:MB

Attachment

NOTICE OF CLAIM TO A WATER RIGHT

NO. 13-4012

Notice is hereby given that Truman Ashbaker

Grace, Idaho

has filed a claim to a water right established by diversion and application
to beneficial use of 1.0 cubic feet per second ~~4000 feet per second~~

of water from Cedar Hollow Spring tributary of sinks

with point of diversion in the NE¹SE¹, Sec. 21, T. 10S, R. 40E, B.M.,

Caribou County.

The water is claimed to be used from Jan. 1 to Dec. 31 for domestic
purposes for 3 families and from May 1 to Sept. 31 for irrigation purposes for 15 acres;
with a priority of August 15, 1927;

the place of use is within the SE¹SE¹, Sec. 21, T. 10S, R. 40E, B.M.

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

R. KEITH HIGGINSON

Director

Published in the Caribou County Sun, Soda Springs, Idaho

on June 20 and June 27, 1974.

CB-L.
MB-B
MB-A

13-4012

June 14, 1974

RE: Claim to a Water Right No. 13-4012 - Ashbaker
Application for Permit No. 24-7012 - Lesoon

Caribou County Sun
P.O. Box 815
Soda Springs, Idaho 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,

NORMAN C. YOUNG
District Engineer

NCY:CB

Enc: Legal Notice (2)

Bill submitted 7-3-74 by MB

13-4012

**NOTICE OF CLAIM TO
A WATER RIGHT
No. 13-4012**

MB Notice is hereby given that Truman Ashbaker, Grace, Idaho, has filed a claim to a water right established by diversion and application to beneficial use of 1.0 cubic feet per second of water from Cedar Hollow Spring tributary of sinks with point of diversion in the NE $\frac{1}{4}$ -SE $\frac{1}{4}$, Sec. 21, T. 10S, R. 40E, B.M., Caribou County.

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

R. KEITH HIGGINSON,
Director

Published in the Caribou County Sun, Soda Springs, Idaho, on June 20, and June 27, 1974. MB

July 8, 1974

Re: Claim to a Water Right No. 13-4012

Mr. Truman Ashbaker
Grace
Idaho 83241

Dear Mr. Ashbaker:

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,

NORMAN C. YOUNG
District Engineer

NCY:MB

Enc: Copy of Claim

13-4012