

Claim No. **13 4022**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 Don W. Gilbert
(name of claimant)
of Grace, Idaho, claims a right to the diversion and beneficial use of
(mailing address)
ground water or surface water tributary to sinks;

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
- (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>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>
	<u>(cfs, gpm, etc.)</u>		<u>(dom., irri., stock, etc.)</u>				<u>(both dates inclusive)</u>

- (3) Total quantity of water claimed: 0.26 cubic feet per second, or _____ acre feet per annum, and/or _____ gallons per minute.

- (4) Priority claimed: (the date water was first applied to beneficial use) November 18, 1898

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)
(2 pts.) NE ¼ SE ¼, Sec. 21 Twp. 10S Rge. 40E B.M. County of Caribou
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. Headgate and ditches, headbox, pipeline, and domestic distribution systems.

- (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.

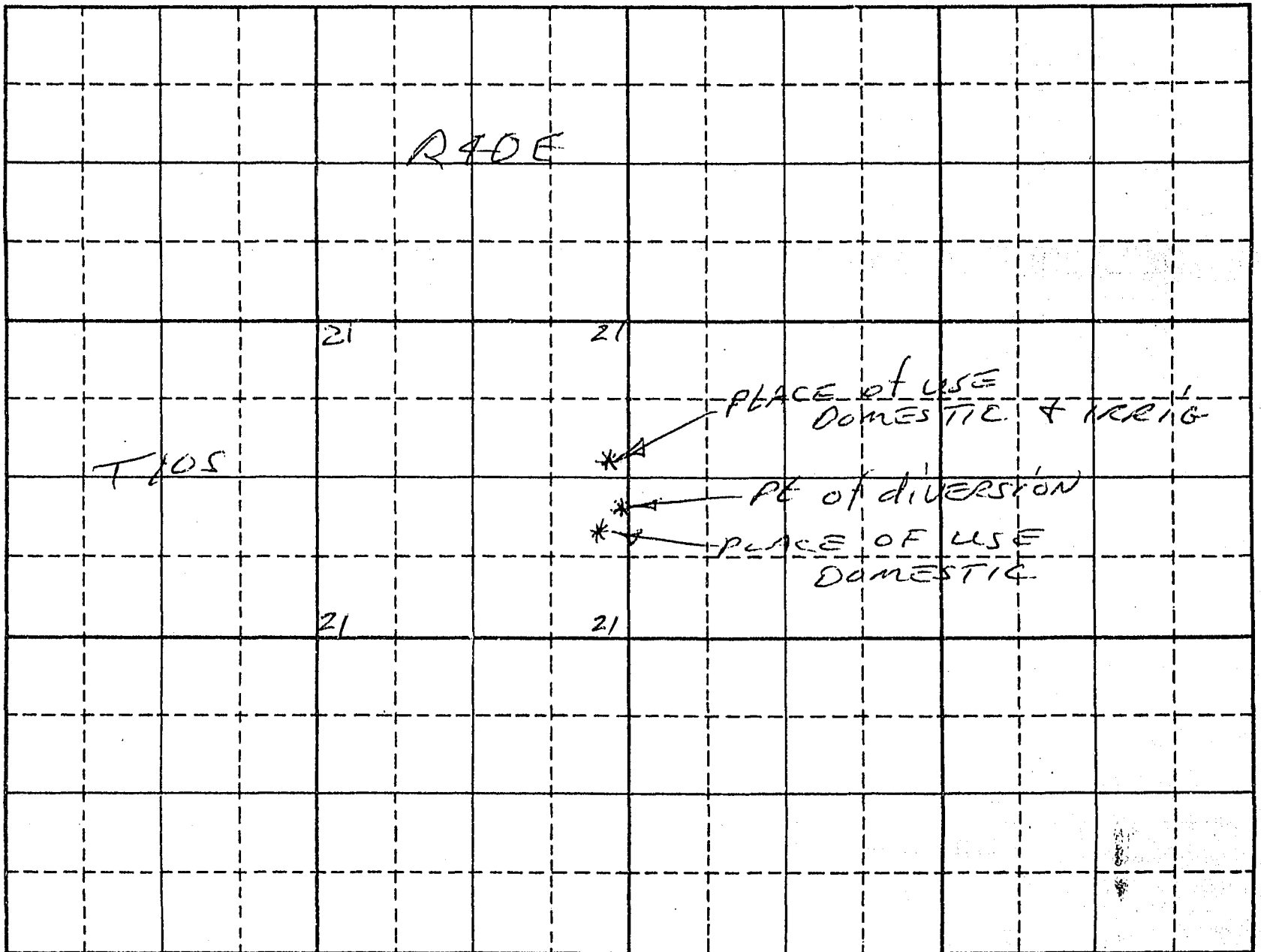
T	R	SEC.	NE ¼				NW ¼				SW ¼				SE ¼				TOTAL
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
10S	40E	21				4													4
						X									X				

Total No. of acres 4

B) If the water is used for other than irrigation, fully describe that use, being as specific as possible:
Domestic purposes for two families, stockwater purposes for 100 head of beef cattle.

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

(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.

Don W. Gilbert
(Claimant)

Roman C. Young
Notary Public
Residing at IDAHO Falls, IDAHO

My commission expires 6/10/75

For Department Use Only

Received by <u>MB</u>	Date <u>1-09-75</u>	Exception filed by:	Forwarded to	Date
Prelim. check by <u>LF</u>	Date <u>1-04-75</u>		claimant by:	
\$10.00 fee received by <u>MB</u>	Date <u>1-09-75</u>			
Approved for publication by <u>AW-1-27-75 #4031</u>				
Published in <u>(Bonneville County News)</u>				
Dates <u>Jan. 16 + 23, 1975</u>				

Notice

RECEIVED

Jun 9 1975
Department of Water Resources
Eastern District Office

State of Idaho,
Bannock County

To all Concern

- 1st Notice is hereby given,
That George W. Ellis of Lago, Bannock 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 Prime 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.

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.

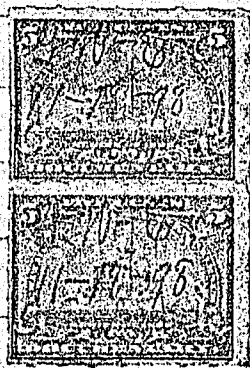
Geo. W. Ellis

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



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Request, at Request of
 W. H. Bassett
 November 28th 1908
 30 THREE PAGES
 P. in the Record of the
 Location page 633
 of the 'Bottle Case'
 of the 'Bottle Case'
 of the 'Bottle Case'
 of the 'Bottle Case'

COUNTY RECORDER

DEPUTY

John Smith

Affidavit of Publication

RECEIVED

JAN 27 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:

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 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

Elaine S. Johnson

Notary Public, residing
at Soda Springs, Idaho
(SEAL)

My Commission expires the

1st day of November

19 78

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 ap-
plication 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 dom-
estic 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 pri-
ority 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, Ida-
ho on January 16 and January
23, 1975.

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

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 ~~acres feet per annum~~ 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.

The water is 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.

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Ow-g*

PUBLIC NOTICE

**First Time
Published**

**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.

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)

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

RECEIVED

FEB 3 1975

Department of Water Resources
Eastern District Office

January 31, 1975

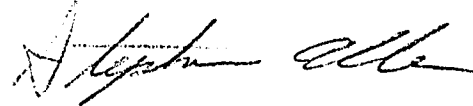
Idaho Department of Water Resources
Idaho Falls, Idaho

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

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

