

11 4036

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>.07 cfs</u> | Use | <u>domestic</u> | Period of Use: | From | <u>Jan. 1</u> | To | <u>Dec. 31</u> |
| Amount | <u>.07 cfs</u> | Use | <u>stockwater</u> | Period of Use: | From | <u>Jan. 1</u> | To | <u>Dec. 31</u> |
| Amount | <u> </u> | Use | <u> </u> | Period of Use: | From | <u> </u> | To | <u> </u> |
| | (cfs, gpm) | | (dom., irri., stock) | | | (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. Headbox with pipeline, distribution system

- [illegible]

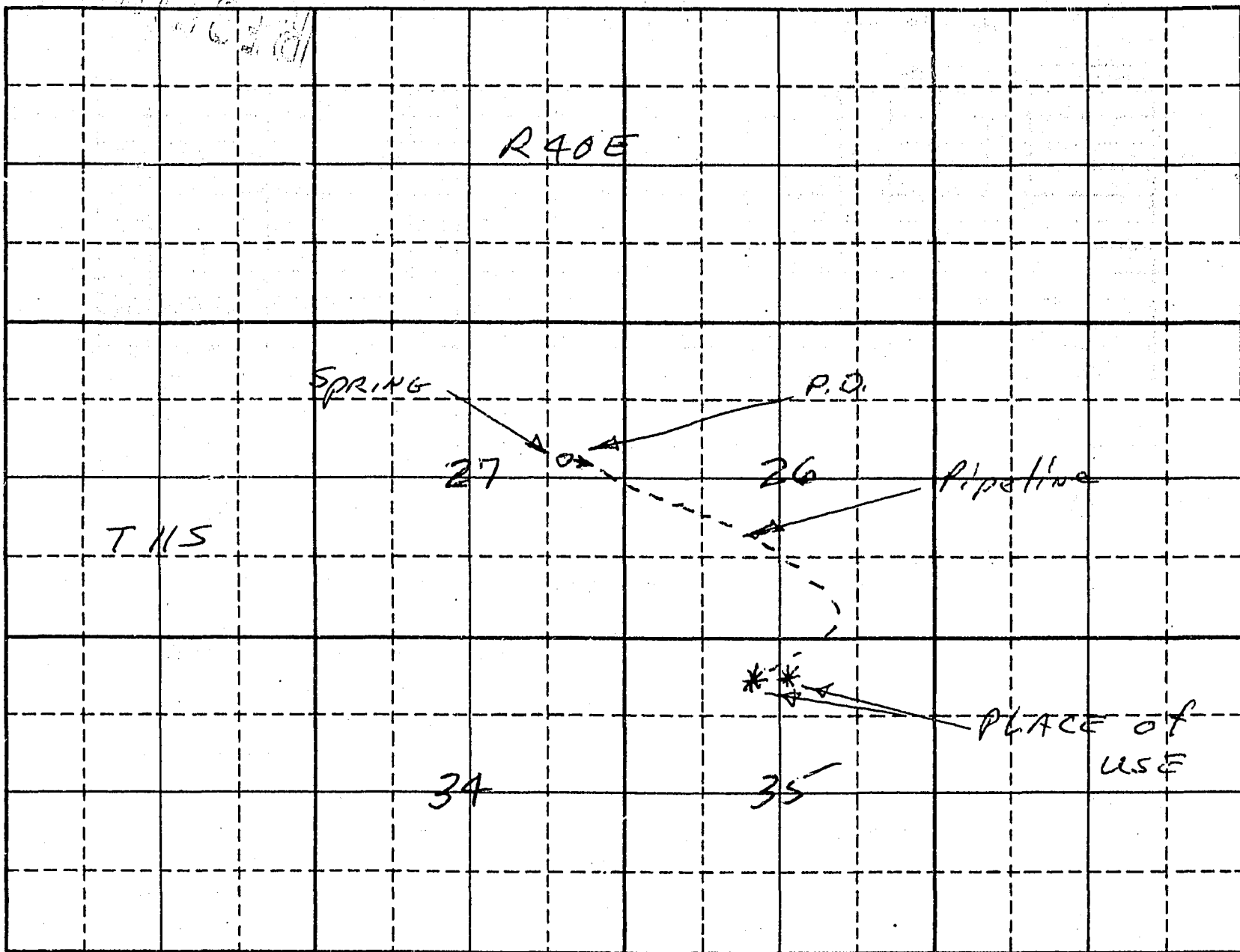
Total No. of acres N.A.

- (7) If you are claiming water as a member of an organization, list name of organization: Community pipeline owned by Bartlome, Hogan and Andersen

11 4036

Department of Water Administration
(8) Remarks
JUN 13 1973

11 4036



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 Bonneville

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.

Wawn S. Hogan
(Claimant)

Sworn to before me this 16 day of May

19 73

Norman C. Young
Notary Public
Residing at Idaho Falls, Idaho

My commission expires 6/10/75

For Department Use Only

Received by sa Date 5-16-73 Exception filed by: Forwarded to Date
Prelim. check by NCY Date 5-16-73 claimant by:
\$10.00 fee received by sa Date 5-16-73 # 7193
Approved for publication by NCY Barthlome mb 6/6/73
Published in Caribou City Sun, Soda Springs and
Dates 5-24-73 Andersen
Public app'd - NCY 6/11/73

RECEIVED

JUN 1 1973

Department of Water Administration
Eastern District Office

**NOTICE OF CLAIM TO A
WATER RIGHT
No. 11-4036**

Notice is hereby given that Wawn S. Hogan, Route No. 1, Grace, Idaho, has filed a claim to a water right established by diversion and application to beneficial use of 0.07 cubic feet per second of water from an unnamed spring, tributary to the Bear River with point of diversion in the SE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 27, T. 11S, 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 stockwatering purposes for 200 head of beef cattle with a priority of June, 1945; the place of use is within the NW $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 35, T. 11S, R. 40E, B.M.

Any exception to this claim of water right may be filed with the Idaho Department of Water Administration, 240 South Holmes, Idaho Falls, Idaho, 83401.

R. KEITH HIGGINSON,
Director

Published in the Caribou County Sun, Soda Springs, Idaho, on May 24, and May 31, 1973.

**Affidavit of
Publication**

County of Caribou }
State of Idaho } ss.

V. E. Lansberry

being first duly sworn on his oath, states:

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

24th day of

May, 1973

The date of the last publication

being the 31st day of

May, 1973

VE Lansberry
Subscribed and sworn to be-

fore me this 31st day

of May, 1973

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

My Commission expires the

1st day of November

1974.

11 4036

ACKNOWLEDGEMENT

Date: 5-16-73

Re: Claim Application No. 11-4036

I hereby acknowledge that, even though I was assisted by employees of the Idaho State Department of Reclamation in the preparation of Application No. 11-4036, all responsibility with regard to the accuracy and completeness of the information contained therein rests with me.

Signed:

Walter L. Hogan

Applicant 11 4036

NOTICE OF CLAIM TO A WATER RIGHT

NO. 11-4036

Notice is hereby given that Wawn S. Hogan, Route #1, Grace, Idaho

has filed a claim to a water right established by diversion and application
to beneficial use of 0.07 cubic feet per second ~~XXXXXXXXXXXXXXXXXXXX~~
of water from an unnamed spring, tributary to the Bear River
with point of diversion in the SE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 27, T. 11S, 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 stockwatering purposes for 200 head of beef cattle
with a priority of June, 1945 ;
the place of use is within the NW $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 35, T. 11S, R. 40E, B.M.

Any exception to this claim of water right may be filed with the Idaho
Department of Water Administration, 240 South Holmes, Idaho Falls, Idaho,
83401.

R. KEITH HIGGINSON

Director

Published in the Caribou County Sun, Soda Springs, Idaho
on May 24 and May 31, 1973

11 4036C8

May 17, 1973

Re: Claim No. 11-4036 - Wawn S. Hogan

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 ample 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. In order to receive payment, the following certification must appear on the bill:

"I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid."

(signature of claimant)

Very truly yours,

NORMAN C. YOUNG
District Engineer

NCY:BA
Enc: Legal notice

Bill submitted 6-01-73 by BA

11 4036

WAWN S. HOGAN, Route No. 1,
Grace, Idaho

APPLICANT FOR WATER RIGHT
TO BE USED FOR AGRICULTURE

WAWN S. HOGAN

mb

**NOTICE OF CLAIM TO A
WATER RIGHT
No. 11-4036**

Notice is hereby given that Wawn S. Hogan, Route No. 1, Grace, Idaho, has filed a claim to a water right established by diversion and application to beneficial use of 0.07 cubic feet per second of water from an unnamed spring, tributary to the Bear River with point of diversion in the SE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 27, T. 11S, 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 stockwatering purposes for 200 head of beef cattle with a priority of June, 1945; the place of use is within the NW $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 35, T. 11S, R. 40E, B.M.

Any exception to this claim of water right may be filed with the Idaho Department of Water Administration, 240 South Holmes, Idaho Falls, Idaho, 83401.

R. KEITH HIGGINSON,
Director

Published in the Caribou County Sun, Soda Springs, Idaho, on May 24, and May 31, 1973.

Wawn S. Hogan

11-4036

WAWN S. HOGAN, Route No. 1,
Grace, Idaho

WAWN S. HOGAN, Route No. 1,
Grace, Idaho

WAWN S. HOGAN

June 6, 1973

RE: Claim to a Water Right No. 11-4036

Mr. & Mrs. Keith Barthlome
R. R. #1, Box 139
Grace, Idaho 83241

Dear Mr. & Mrs. Barthlome:

We have received the exception dated June 5, 1973, 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 reclamation (renamed department of water administration, July 1, 1970) 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 administration. 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.

Note that exceptions to be considered by the court must be in affidavit form. You may wish to re-execute your exception and have your signatures acknowledged before a Notary Republic to meet this requirement.

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

Very truly yours,

NORMAN C. YOUNG
District Engineer

NCY:mb

11 4036

June 6, 1973

Re: Claim to a water Right No. 11-4036

Mr. & Mrs. Wayne Andersen
Grace,
Idaho 83241

Dear Mr. & Mrs. Andersen:

We have received the exception dated June 5, 1973, 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 reclamation (renamed department of water administration, July 1, 1970) 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 administration. 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.

Note that exceptions to be considered by the court must be in affidavit form. You may wish to re-execute your exception and have your signature acknowledged before a Notary Republic to meet this requirement.

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

Very truly yours,

NORMAN C. YOUNG
District Engineer

NCY:mb

11 4036

June 6, 1973

Re: Claim to a Water Right No. 11-4036

Mr. Wawn S. Hogan
Route #1, Box 141
Grace, Idaho 83241

Dear Mr. Hogan:

Enclosed please find a copy of the exception filed by Keith and Phyllis B. Barthlome and Wayne and Annetta Andersen against 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 reclamation (renamed department of water administration, July 1, 1970) 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 administration. Such claims may be corrected by the claimant only by filing of an amended claim in the same manner 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 we can be of further assistance, please contact us.

Very truly yours,

NORMAN C. YOUNG
District Engineer

NCY:mb
Enc: Copy of exception

11 4036

Keith Barthlome
R. R.#1 Box 139
Grace, Idaho
83241

Mr. R. Keith Higginson
Director of Idaho Dept.
of Water Administration
240 South Holmes
Idaho Falls, Idaho
83401

RECEIVED

JUN 5 1973

Department of Water Administration
Eastern District Office

Mr. Higginson;

We the undersigned protest the claim to a water right #11-4036 by Wawn S. Hogan on an unnamed spring, tributary to the Bear River with the point of diversion in the SE $\frac{1}{4}$ NE $\frac{1}{4}$, SEC. 27, T.11S, R. 40E, B.M. Caribou County, on the ground that this spring was and is being used as culinary water for three separate families on three separate ranches, each paying for $\frac{1}{3}$ expense on spring development, cistern, line, labor, and so forth.

The party filing this claim has complained about the amount of water not being sufficient for three families now is filing for the amount for two-hundred head of beef cattle.

We protest this to the fact that we have use for the water that he is trying to get.

Keith Barthlome
Thyllis B. Barthlome
Wayne Andersen
Gretta Andersen
11 4036

June 12, 1973

Re: Claim to a Water Right No. 11-4036

Wawn S. Hogan
Route #1, Box 141
Grace, Idaho 83241

Dear Mr. Hogan:

The Department of Water Administration 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

11 4036