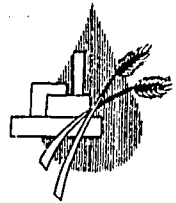


STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

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 CRAIG NELSON SKABELUND
(Name of Claimant)

P.O. Box 3203, Logan, Utah 84321 Telephone No. (801) 752-7788
(Mailing Address) (Zip Code)

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) March 20, 1897

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)

Spring tributary to Maple Creek aka Deep Creek

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

	(cfs, af)	(Domestic, Irrigation, Stock, Etc.)	(Both dates inclusive)	
			(Mo., Day)	(Mo., Day)
Quantity	<u>0.04</u>	Use <u>Domestic</u>	Period of Use From <u>01/01</u>	To <u>12/31</u>
Quantity		Use	Period of Use From	To
Quantity		Use	Period of Use From	To
Quantity		Use	Period of Use From	To
Quantity		Use	Period of Use From	To
(4)	<u>0.04</u>	TOTAL QUANTITY USED.		

(5) A) Point of diversion: (Location of point where water is diverted from its source)

NE 1/4 SE 1/4 SW 1/4, Sec. 12 Twp. 16S Rge. 40E B.M., County of Franklin
Additional points of diversion: Water for single family dwelling and livestock

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. Approx. 1963, home partially destroyed and since that time water used each year for recreation, family, livestock and animals, fewer than 1,000 head and to water less than 1/2 acre of property

(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												DX					

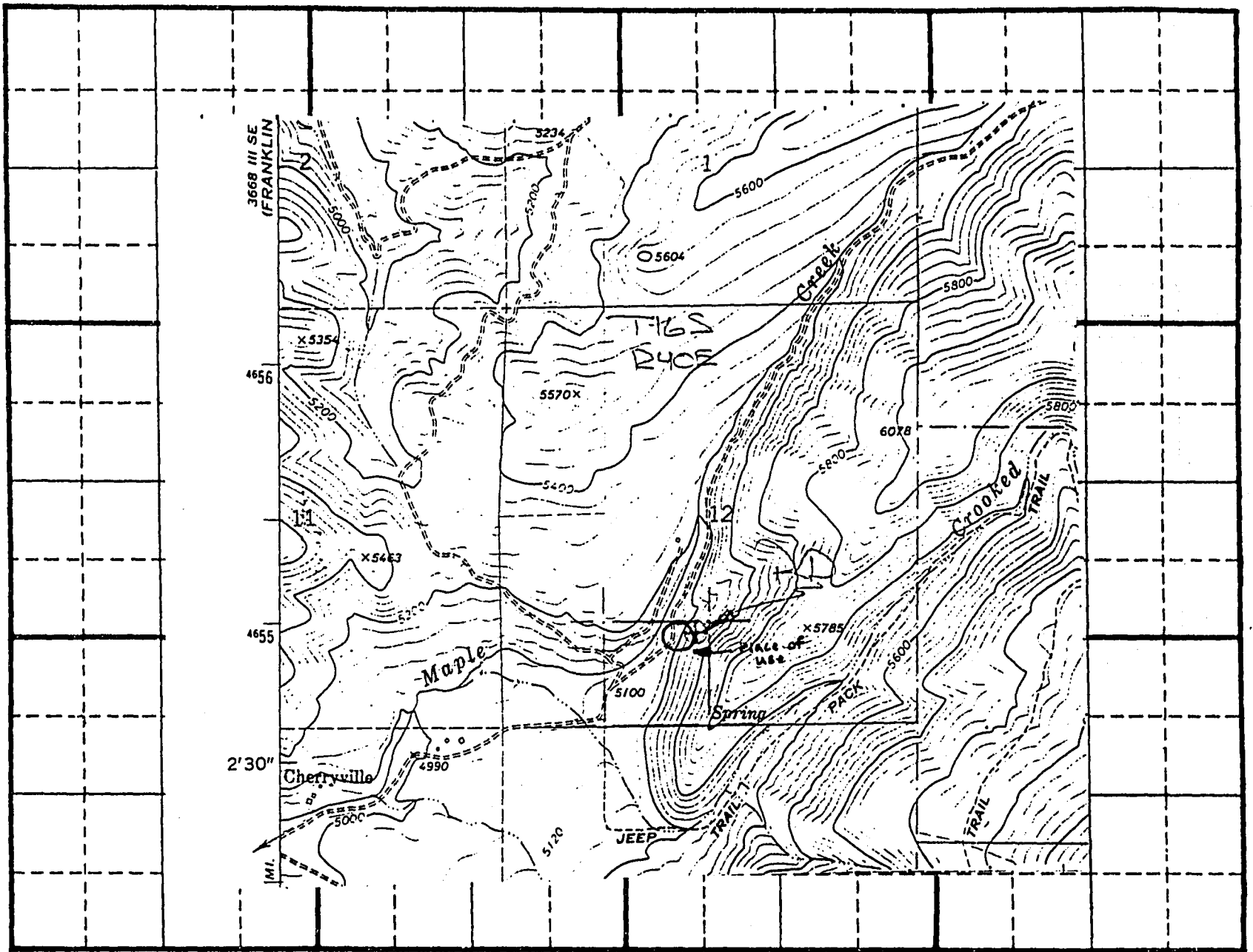
No. of acres 1/2

B) If water is used for other than irrigation, fully describe that use, being as specific as possible:

NOTE: Include here the type and number of stock watered:

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

(8) Remarks _____

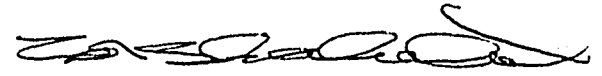


Scale: 2 inches equal 1 mile.

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.

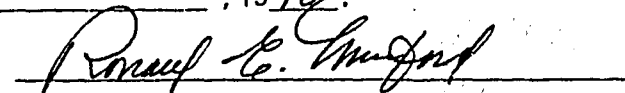
State of Idaho)
County of Franklin) ss.

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.



(Claimant)

Sworn to before me this 6th day of June, 1990.


Notary Public
Residing at Clifton Id 83228

My commission expires 3-29-90

FOR DEPARTMENT USE ONLY

Received by <u>HWT</u>	Date <u>7-5-90</u>	Exception filed by:	Forwarded to	Date
Prelim. check by <u>HWT</u>	Date <u>7-5-90</u>	# <u>E014958</u>	claimant by:	
\$30.00 fee received by <u>HWT</u>	Date <u>7-5-90</u>			
Published in <u>Preston Citizen</u>			Mayor Louis Mendoza, City of Franklin	
Dates <u>9-20, 27-90</u>			Dixie Bench Ditch Co. CW	<u>10-9-90</u>

33-300

875
RECEIVED 3291
AFFIDAVIT OF PUBLICATION

Department of Water Resources
Eastern District Office
STATE OF IDAHO,
County of Franklin

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 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

..... Sept 19, 1990, and ending
with the issue of Sept 29, 1990

Fee \$..... 82.22

Subscribed and sworn to before me this 29 day
of Sept, 1990

.....
Kelly M. Mabe

Notary Public, Residing at Preston, Idaho

My Commission Expires Aug 14, 1995

**NOTICE OF APPLICATION
FOR WATER RIGHT**

The following application(s) have been filed to appropriate the public waters of the State of Idaho:

13-04306

SKABELUND, CRAIG NELSON
P.O. BOX 3203
LOGAN, UT 84321
Source: SPRING
Tributary: MAPLE CREEK
Diversion Pt: NESESW Sec 12 T 16S
R 40E
Use: DOMESTIC (.040 CFS) Total
Diversion: (.040 CFS)
Date Filed: 3/20/1997
In: T16S R40E S12 SESW
13-07473

SKABELUND, CRAIG NELSON
P.O. BOX 3203
LOGAN, UT 84321
Source: SPRING
Tributary: MAPLE CREEK
Diversion Pt: NESESW Sec 12 T 16S

R 40E
Use: DOMESTIC (.110 CFS) Total
Diversion: (.110 CFS)
Date Filed: 7/5/1990
In: T16S R40E S12 SESW
13-07474

HANSEN, TIM L.
162 LARSEN DR. NO. 4
PRESTON, ID 83263
Source: SPRING
Tributary: SINKS
Diversion Pt: NWNENW Sec 6 T 15S
R 40E
Use: STOCKWATER (.050 CFS)
Total Diversion: (.050 CFS)
Date Filed: 8/13/1990
In: T15S R40E S06 NENW
13-07475

HANSEN, TIM L.
162 LARSEN DR. NO. 4
PRESTON, ID 83263
Source: SPRING
Tributary: SINKS
Diversion Pt: LOT 3 (SENENW) Sec
6 T 15S R 40E
Use: STOCKWATER (.090 CFS)
Total Diversion: (.090 CFS)
Date Filed: 8/13/1990
In: T15S R40E S06 NENW

The permit(s) will be subject to all prior water rights. Protests must be filed with the Director, Dept. of Water Resources, Eastern Region, 150 Shoup Avenue, Suite 15, Idaho Falls, Idaho 83402 on or before OCTOBER 8, 1990.

R. KEITH HIGGINSON,
Director

Legal No. 3291 — Publish Sept. 19, 26, 1990.

PROTEST TO APPLICATION FOR WATER RIGHT NO. 13-04306

APPLICANT: SKABELUND, CRAIG NELSON
Logan, Utah 84321
Source: SPRING
Tributary: MAPLE CREEK
Diversion Point: NESESW, Section 12, Township 16 South, Range 40
East, Franklin County
Use: DOMESTIC (.040 CFS)
Diversion: .040 CFS in: T16S R40E S12 SESW, Franklin County
Date Filed: 3/20/1897 (sic)

STATE OF IDAHO)
) ss.
COUNTY OF FRANKLIN)

COMES NOW, ROBERT HAWORTH, being first duly sworn upon oath,
deposes and says as follows:

1. I am an officer and shareholder of DIXIE BENCH DITCH CO.,
whose address is as follows:

DIXIE BENCH DITCH CO.
c/o Robert Haworth
3144 South 3600 East
Franklin, ID 83237

2. The so-called spring is in reality the surfacing of an
intermittent stream which at times and places flows above the
ground and through the gravel under the ground, and eventually into
Maple Creek.

3. All of the waters of Maple Creek, with the tributaries
thereto, are covered by prior decrees and rights, including the
rights of this protestant.

4. The proposed appropriation and use is such that if
granted, it will reduce the quantity of water under existing water
rights.

PROTEST TO APPLICATION TO WATER RIGHT - Page 1
PROTEST.WTR

5. The water supply from Maple Creek and its tributaries itself is insufficient for the purpose for which it is sought to be appropriated by the application.

6. The claim is in excess of the recognized need for and duty of water for domestic purposes.

7. The appropriation requested will conflict with the local public interest in that all of said waters are already appropriated and used.

8. Maple Creek and its tributaries are covered by prior decrees and rights to the extent of no less than 41.73 CFS, while through much of the summer season, there is not sufficient water to satisfy even 20 CFS, and never enough to satisfy all existing rights.

DATED this 5th day of October, 1990.

DIXIE BENCH DITCH CO.

By: Robert Haworth
ROBERT HAWORTH
Officer and Shareholder

SUBSCRIBED AND SWORN to before me this 5th day of October,
1990.

Bonnie Fay Jensen
NOTARY PUBLIC
Residing at: Preston, Idaho
My Commission Expires: 7-7-94

PROTEST TO APPLICATION TO WATER RIGHT - Page 2
PROTEST.WTR

PROTEST TO APPLICATION FOR WATER RIGHT NO. 13-04306

APPLICANT: SKABELUND, CRAIG NELSON
Logan, Utah 84321
Source: SPRING
Tributary: MAPLE CREEK
Diversion Point: NESESW, Section 12, Township 16 South, Range 40
East, Franklin County
Use: DOMESTIC (.040 CFS)
Diversion: .040 CFS in: T16S R40E S12 SESW, Franklin County
Date Filed: 3/20/1897 (sic)

STATE OF IDAHO)
COUNTY OF FRANKLIN) ss.

COMES NOW, LOUIS MENDOZA, being first duly sworn upon oath,
deposes and says as follows:

1. I am the Mayor of the City of Franklin, Idaho, whose
address is as follows:

CITY OF FRANKLIN, IDAHO
c/o Louis Mendoza
331 East Main
Franklin, ID 83237

2. The so-called spring is in reality the surfacing of an
intermittent stream which at times and places flows above the
ground and through the gravel under the ground, and eventually into
Maple Creek.

3. All of the waters of Maple Creek, with the tributaries
thereto, are covered by prior decrees and rights, including the
stockholder rights of this protestant in Franklin Maple Creek
Pioneer Irrigation Co.

4. The proposed appropriation and use is such that if
granted, it will reduce the quantity of water under existing water
rights.

5. The water supply from Maple Creek and its tributaries

PROTEST TO APPLICATION TO WATER RIGHT - Page 1

2088523502-IDWR EASTERN REGION 1

SENT BY: Xerox Telecopier 7021 10-5-90 4:43PM

itself is insufficient for the purpose for which it is sought to be appropriated by the application.

6. The claim is in excess of the recognized need for and duty of water for domestic purposes.

7. The appropriation requested will conflict with the local public interest in that all of said waters are already appropriated and used.

8. Maple Creek and its tributaries are covered by prior decrees and rights to the extent of no less than 41.73 CFS, while through most of the summer season, there is not sufficient water to satisfy even the first primary right of 6.8 CFS (Franklin Maple Creek Pioneer Irrigation Co., 1860).

DATED this 5th day of October, 1990.

CITY OF FRANKLIN, IDAHO

By: Louis Mendoza
LOUIS MENDOZA, Mayor

SUBSCRIBED AND SWORN to before me this 5th day of October,
1990.

Bonnie Kay Jensen
NOTARY PUBLIC
Residing at: Preston, Idaho
My Commission Expires: ~~11-16-91~~
7-7-94

PROTEST TO APPLICATION TO WATER RIGHT - Page 2
PROTEST6.WTR

20888523502-IDWR EASTERN REGION : # 2

SENT BY: Xerox Telecopier 7021 : 10-5-90 : 4:44PM :

RECEIVED

OCT 9 1990

Department of Water Resources
Eastern District Office

PROTEST TO APPLICATION FOR WATER RIGHT NO. 13-04306

APPLICANT: SKABELUND, CRAIG NELSON
Logan, Utah 84321
Source: SPRING
Tributary: MAPLE CREEK
Diversion Point: NESESW, Section 12, Township 16 South, Range 40
East, Franklin County
Use: DOMESTIC (.040 CFS)
Diversion: .040 CFS in: T16S R40E S12 SESW, Franklin County
Date Filed: 3/20/1897 (sic)

STATE OF IDAHO)
COUNTY OF FRANKLIN) ss.

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c/o Robert Haworth
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7. The appropriation requested will conflict with the local public interest in that all of said waters are already appropriated and used.

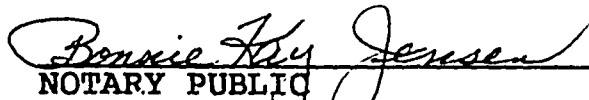
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DATED this 5th day of October, 1990.

DIXIE BENCH DITCH CO.

By: 
ROBERT HAWORTH
Officer and Shareholder

SUBSCRIBED AND SWORN to before me this 5th day of October,
1990.


NOTARY PUBLIC
Residing at: Preston, Idaho
My Commission Expires: 7-7-94

RECEIVED

OCT 9 1990

Department of Water Resources
Eastern District Office

PROTEST TO APPLICATION FOR WATER RIGHT NO. 13-04306

APPLICANT: SKABELUND, CRAIG NELSON
Logan, Utah 84321
Source: SPRING
Tributary: MAPLE CREEK
Diversion Point: NESESW, Section 12, Township 16 South, Range 40
East, Franklin County
Use: DOMESTIC (.040 CFS)
Diversion: .040 CFS in: T16S R40E S12 SESW, Franklin County
Date Filed: 3/20/1897 (sic)

STATE OF IDAHO)
) ss.
COUNTY OF FRANKLIN)

COMES NOW, LOUIS MENDOZA, being first duly sworn upon oath,
deposes and says as follows:

1. I am the Mayor of the City of Franklin, Idaho, whose
address is as follows:

CITY OF FRANKLIN, IDAHO
c/o Louis Mendoza
331 East Main
Franklin, ID 83237

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Pioneer Irrigation Co.

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DATED this 5th day of October, 1990.

CITY OF FRANKLIN, IDAHO

By: Louis Mendoza
LOUIS MENDOZA, Mayor

SUBSCRIBED AND SWORN to before me this 5th day of October, 1990.

Bonnie Kay Jensen
NOTARY PUBLIC
Residing at: Preston, Idaho
My Commission Expires: ~~11-16-91~~
7-7-94

13-04306

SKABELUND, CRAIG NELSON
P.O. BOX 3203
LOGAN, UT 84321

Source: SPRING

Tributary: MAPLE CREEK

Diversion Pt: NESESW Sec 12 T 16S R 40E

Use: DOMESTIC (.040 CFS)
Total Diversion: (.040 CFS)

Date Filed: 3/20/ 1897

In: T16S R40E S12 SESW

NOTICE OF APPLICATION FOR WATER RIGHT

The Following application(s) have been filed to appropriate the public waters of the State of Idaho:

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Eastern Region
150 Shoup Ave., Suite 15

Idaho Falls, Idaho 83402
(208) 525-7161

SEPTEMBER 10, 1990

THE PRESTON CITIZEN
P.O. BOX 472
PRESTON, ID 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. 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 OCTOBER 8, 1990.

Yours truly,

Rita Bodell
Secretary

Encl.

October 9, 1990

Mr. David K. Woodward, Pres.
Ritewood Inc., et al
Flack Ditch Co.
c/o 3643 S. 4000 E.
Franklin, ID 83237

Gentlemen:

Pursuant to Section 42-244, Idaho Code, a person may at any time submit to the Department of Water Resources an affidavit describing why a particular claim to a water right is not correct. This exception becomes part of the permanent claim file and is considered the same as other evidence in the file if the claimant pursues civil action to have the claim adjudicated by a court. Administrative action to substantiate the claim cannot be taken by this Department.

Your letter concerning claim to a water right No. 13-04306 in the name of Craig Nelson Skabelund could not be processed as an exception because it was not notarized. To assist you in submitting an exception, we are returning a copy of your letter along with a blank affidavit form. Whether you rewrite your letter or complete the affidavit, make sure the document is notarized before sending it to the Department.

Very truly yours,

HAROLD W. JONES
Water Rights Supervisor

HWJ:CW

Enclosure

October 9, 1990

Mr. Ramon G. Wright, President
Franklin Maplecreek Pioneer Irrigation Company
c/o 3987 E. Maplecreek Road
Franklin, ID 83237

Gentlemen:

Pursuant to Section 42-244, Idaho Code, a person may at any time submit to the Department of Water Resources an affidavit describing why a particular claim to a water right is not correct. This exception becomes part of the permanent claim file and is considered the same as other evidence in the file if the claimant pursues civil action to have the claim adjudicated by a court. Administrative action to substantiate the claim cannot be taken by this Department.

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Very truly yours,

HAROLD W. JONES
Water Rights Supervisor

HWJ:CW

Enclosure

October 9, 1990

RE: Claim to a Water Right No. 13-04306 CRAIG NELSON SKABELUND

Mr. Robert Haworth
Dixie Bench Ditch Co.
3144 S. 3600 E.
Franklin, ID 83237

Dear Mr. Haworth:

We have received the exception 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 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.

Respectfully submitted,

HAROLD W. JONES
Water Rights Supervisor

HWJ:CW

October 9, 1990

RE: Claim to a Water Right No. 13-04306 CRAIG NELSON SKABELUND

Mayor Louis Mendoza
City of Franklin, Idaho
331 East Main
Franklin, ID 83237

Dear Mayor Mendoza:

We have received the exception 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 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.

Respectfully submitted,

HAROLD W. JONES
Water Rights Supervisor

HWJ:CW

October 9, 1990

RE: Claim to a Water Right No. 13-04306

Craig Nelson Skabelund
P.O. Box 3203
Logan, UT 84321

Dear Mr. Skabelund:

Enclosed please find copies of exceptions 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.

Respectfully submitted,

HAROLD W. JONES
Water Rights Supervisor

HWJ:CW

Enclosure

26-Oct-1990

CRAIG NELSON SKABELUND
PO BOX 3203
LOGAN UT 84321

RE: CLAIM NO. 13-4306

Dear Mr. Skabelund:

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

Very truly yours,

HAROLD JONES
Water Rights Supervisor

HJ:cw:rb

Enclosure