

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A29-04324
Date Received: 4/09/1990
Receipt No: ED12949
Received By: DC

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: ERVIN GILBERT 208-597-5707
Address: 17535 S. OLD HWY 91
DOWNEY, ID 83234

2. Date of Priority: APR 01, 1950

3. Source: UNNAMED STREAM Trib. to: PECK CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
11S	37E	6	NE		SE		BANNOCK

5. Description of diverting works:
DITCH TO FLOOD IRR.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	0.500		

7. Total Quantity Appropriated is:
0.500 C.F.S. (and/or) A.F.A.

8. Total consumptive use is 62.5 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
11S	37E	6	NW	NE		IRR	25.0
Section Acres							25.0

A2904324



10. Place of Use: Continued

Total Acres 25.0

11. Place of use in counties: BANNOCK

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:
NONE

14. Remarks:

15. Basis of Claim: STATUTORY CLAIM

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not X wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: 1

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): *Kevin Hilbert* Date: 4/8/90
Date: _____

State of Idaho)
County of Bonneville) SS.

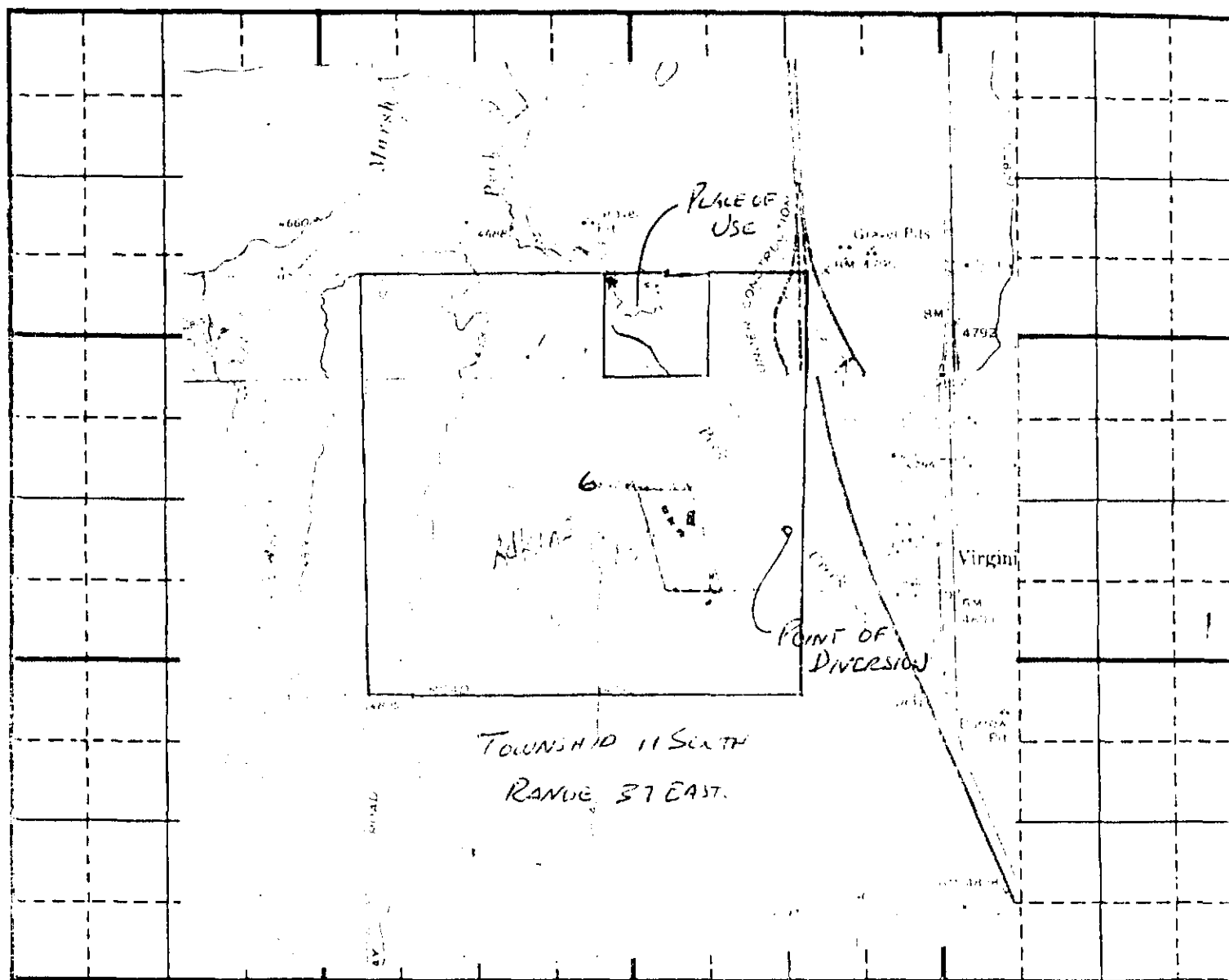
Subscribed and sworn (or affirmed) before me this 9 day
of April 19 90 *David Carl*
Notary Public

Seal

Residing at Heise, Id
My Commission Expires 2/26/96

150 Sh
Idaho Pa
2009 524
1992

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 _____)

ss.

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they she is the owner of a 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.

MICROFILMED

NOV 13 1992

Erwin Dickert
(Claimant)

Sworn to before me this _____ day of _____, 1992.

Log for claim A29-04324

Spatial Dynamics TWB

7/12/00

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
11s37e	6	NWNE	25	20	
Totals:			25	20	

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 Ervin Gilbert
Downey, ID (Name of Claimant)
(Mailing Address) (Zip Code) Telephone No. 897-5707

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) April 1, 1950
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)
stream tributary to Peck 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:

Quantity	(cfs, af)	Use	(Domestic, Irrigation, Stock, Etc.)	(Both dates inclusive)	
				(Mo., Day)	(Mo., Day)
Quantity	<u>0.50 cfs</u>	Use	<u>irrigation</u>	Period of Use From <u>4/1</u>	To <u>11/1</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>0.50 cfs</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, Sec. 6 Twp. 11S Rge. 37E B.M., County of Bannock
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. Describe any changes in the system and give the date of the change. Ditch from stream to flood irrigation

- (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.	NE1/4				NW1/4				SW1/4				SE1/4				TOTAL
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
11S	37E	6		25															25

No. of acres 25

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:

[illegible]

State of Idaho)
County of Laramie) ss.

Sworn to before me this 6th day of April, 1983 (Claimant's Signature)

My commission expires 6-12-89

Received by S.M. Date 4-6-83 Exception filed by: _____ Forwarded to _____ Date _____
Prelim. check by Koen Date 4-6-83 claimant by: _____
\$30.00 fee received by BP Date 4-6-83 # 28006
Published in Idaho State Journal
Dates 4/21 - 4/28/83

AJ5809NP
No. A29-04324

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 04/24/00
PAGE: 119

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	ERVIN GILBERT 17535 S OLD HWY 91 DOWNEY ID 83234 (208) 597-5707	04/01/1950	IRRIGATION	04-01 11-01	0.500 CFS	
TOTAL DIVERSION:					0.500 CFS	
CONSUMPTIVE USE:						62.50 AFA

Water Source: UNNAMED STREAM

Tributary to: PECK CREEK

Stage: STATUTORY CLAIM

Point(s) of Diversion: T11S R37E S06 NESE

BANNOCK County

Place of use Legal Description for: IRRIGATION

NE				NW				SW				SE												
T	R	S		NENE	NWNE	SWNE	SENE	:	NENW	NWNW	SWNW	SENW	:	NESW	NWSW	SWSW	SESW	:	NESE	NWSE	SWSE	SESE	:	SUM
				Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac		
11S	37E	6	:			25		:					:					:						25.0
TOTAL ACRES																							25.0	

POU County: BANNOCK

Non-Irrigation Uses: NONE

Other Rights: NONE

Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):
29-04296 29-11918 A29-04296 A29-04320 A29-11918

Other Water Rights Listing Overlapping Place(s) of Use:
A29-04111

Dates:	Exam Made Date:	Verified Date:	Objection Filed Date:
Misc:	Water District Number:	Field Inspection Flag:	
		Presumption Flag:	
Audit:	04/11/90 DCARLSON	07/20/94 THOMPSON	03/29/95 POST-STD

RECEIVED

MAR 8 1995

CLAIM NO. A29-04324

Department of Water Resources
Eastern District Office

AFFIDAVIT

I, Levere Juchau, as previous owner of land adjacent to land now owned by...
Ervin Gilbert, the claimant, for this water right and as a co-owner in the...
ditch that served this land, I verify that water was first put to use and...
is still in use since April 1, 1950.

Signature of affiant

Date

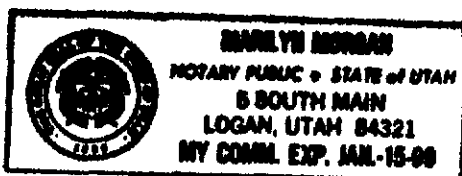
Levere Juchau
State of ~~Idaho~~ or Utah
County of Cache

SS.

Subscribed and sworn (or affirmed) before me this 6th day
of March 19 95

Notary Public Marilyn Morgan
Residing at Logan, Utah
My Commission Expires 1-15-99

SEAL



AJ5809NP
No. A29-04324

IDAH0 DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 12/28/94
PAGE: 4

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	ERVIN GILBERT 17535 S OLD HWY 91 DOWNEY ID 83234 (208) 597-5707	04/01/1950	IRRIGATION	04-01 11-01	0.50 CFS	
					TOTAL DIVERSION:	0.50 CFS
					CONSUMPTIVE USE:	62.50 AFA

Water Source: UNNAMED STREAM

Tributary to: PECK CREEK

Stage: STATUTORY CLAIM

Point(s) of Diversion: T11S R37E S06 NESE

BANNOCK County

Place of use Legal Description for: IRRIGATION

		NE				NW				SW				SE				
T	R S	NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE	SUM
		Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	
11S	37E 6	:		25	:													25.0
																	TOTAL ACRES	25.0

POU County: BANNOCK

Non-Irrigation Uses: NONE

Other Rights: NONE

Dates: Exam Made Date:

Verified Date:

Misc: Water District Number:

Field Inspection Flag:
Presumption Flag:

MICROFILMED
NOV 13 1995