

Dept. of Water Resources
Adjudication Bureau
P. O. Box 83720
Boise, ID 83720-0098

FIRST CLASS

ADDRESS SERVICE
REQUESTED



02 1A
0004310839 NOV 18 2005
MAILED FROM ZIP CODE 83702

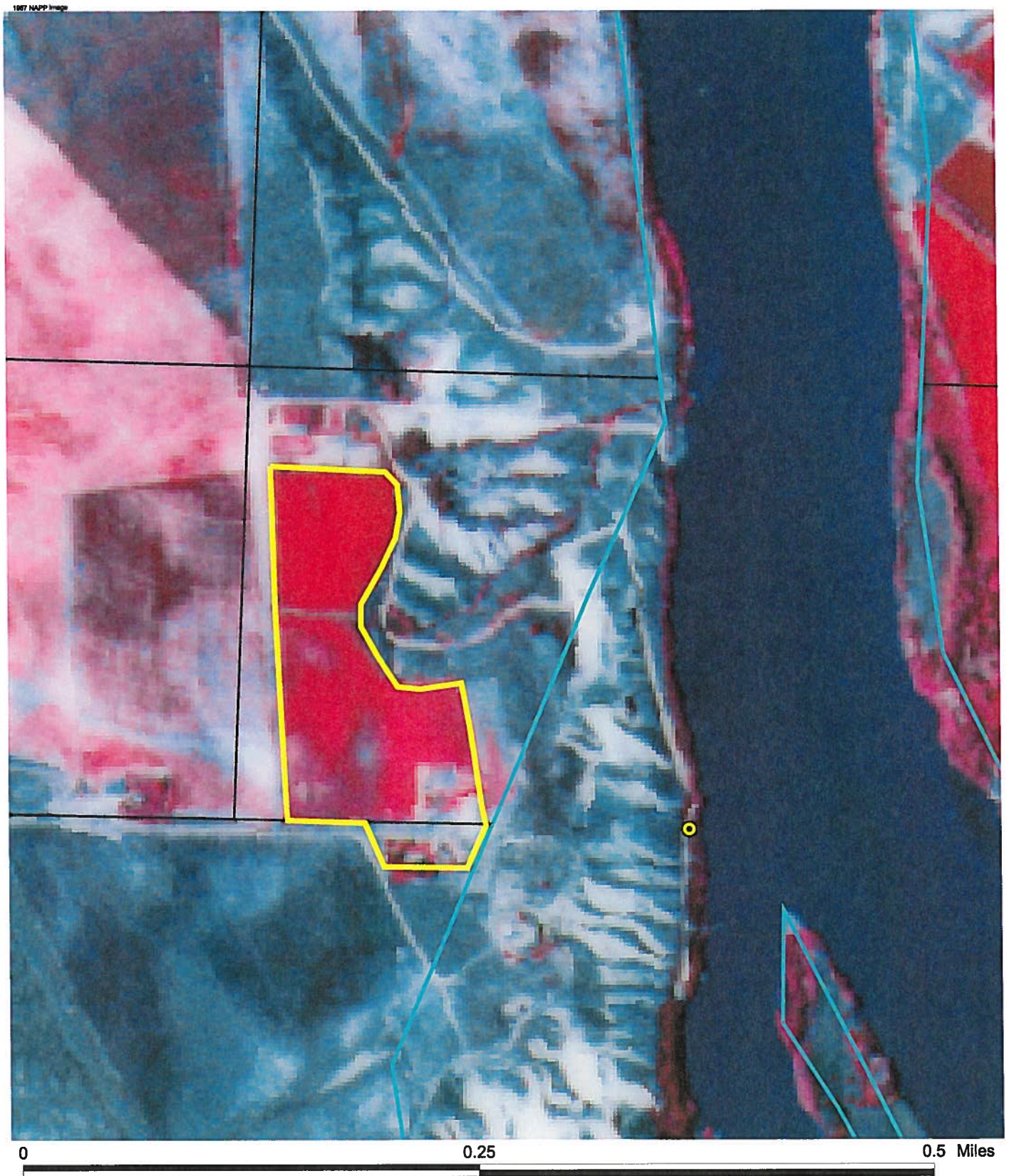
\$ 00.83⁰

2-44, 2-7419
Preliminary Report



DAVID F. GIBSON
DEANIST ANDERSON
RT 1 BOX 189
MARSING

Idaho Department of Water Resources



Claim Number: 2-7419
Legal: T02N, R04W, S26
Reviewed By: SJR 11/3/05



-  Point of Diversion
-  Place of Use
-  Sections
-  Quarter Quarter Lines

11/03/2005

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 2-7419

NAME AND ADDRESS: DENNIS J ANDERSON
RT 1 BOX 789
MARSING ID 83639

DWAIN F GIBSON
RT 1 BOX 789
MARSING ID 83639

SOURCE: SNAKE RIVER

TRIBUTARY: COLUMBIA RIVER

QUANTITY: 0.200 CFS
45.000 AFY

PRIORITY DATE: 06/27/1985

POINT OF DIVERSION:

T02N R04W S26 NENESW Lot 3 Within OWYHEE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/15 11/15	0.200 CFS

The use of water for irrigation under this right may begin as early as March 1 provided other elements of the right are not exceeded. The use of water before March 15 under this remark is subordinate to all water rights having no subordinated early irrigation use and a priority date earlier than the date a partial decree is entered for this right.

PLACE OF USE: IRRIGATION Within OWYHEE County

T02N R04W S26 Lot 2 SENW	9.0	T02N R04W S26 Lot 3 NWSW	1.0
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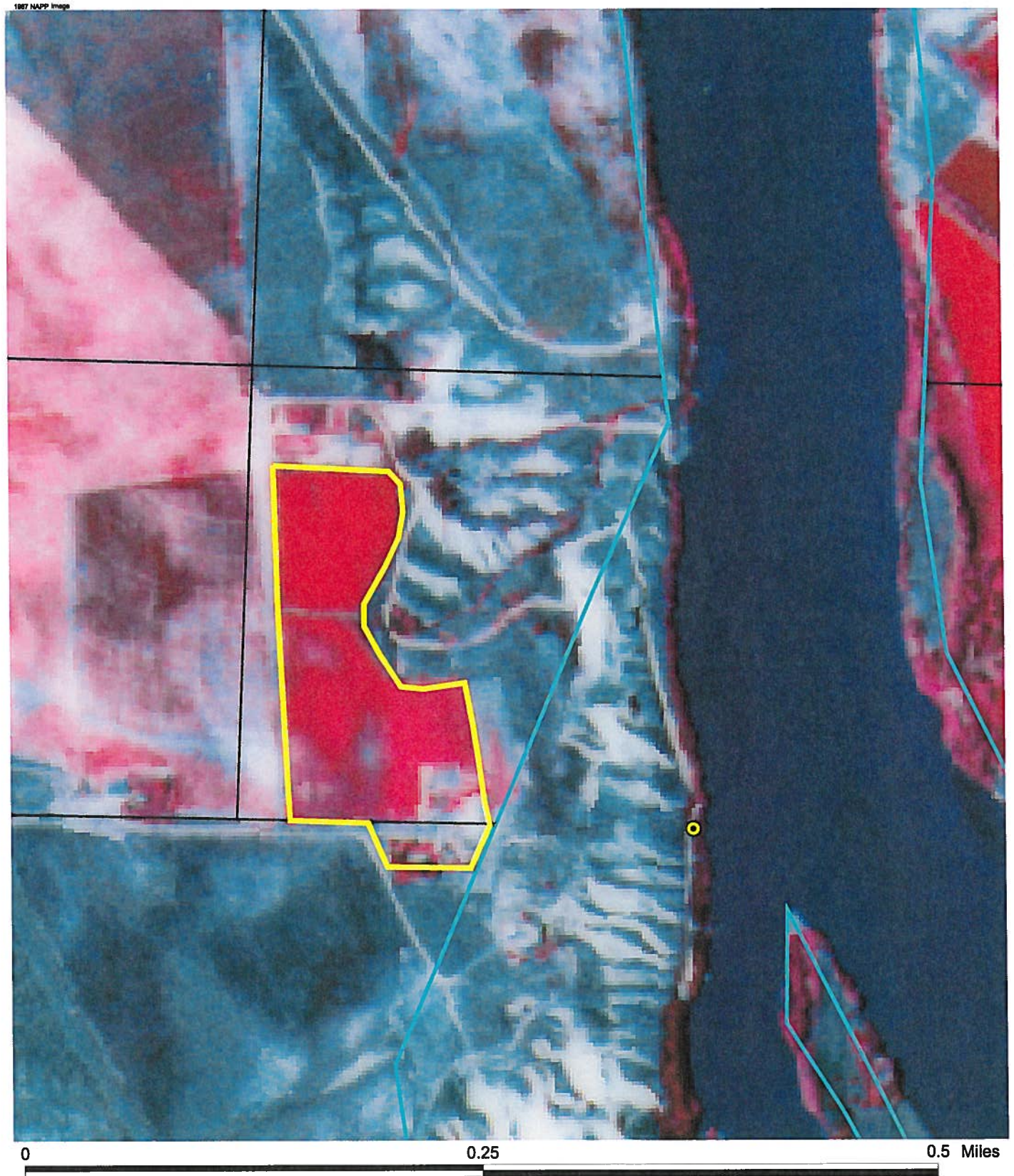
10 ACRES TOTAL

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

Idaho Department of Water Resources



Claim Number: 2-7419
Legal: T02N, R04W, S26
Reviewed By: SJR 11/3/05



-  Point of Diversion
-  Place of Use
-  Sections
-  Quarter Quarter Lines

CF

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: A02-07419
Date Received: 1/12/1989
Receipt No: C005069
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: DWAIN F. GIBSON 208-896-4382
Address: RT. 1 BOX 789
MARSING, ID 83639

AND/OR

Name: DENNIS J. ANDERSON
Address: RT. 1 BOX 789
MARSING, ID 83639

2. Date of Priority: JUN 27, 1985

3. Source: SNAKE RIVER Trib. to: COLUMBIA RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
02N	04W	26	NE	NE	SW	3	OWYHEE

5. Description of diverting works:
20 HP PUMP, OPEN DITCH WITH GRAVITY IRRIGATION, SIPHON TUBES.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.200		

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

8. Total consumptive use is 35.0 Acre Feet Per Annum.

9. Non-irrigation uses:

A02-07419

Page 1

Date: 01/12/89

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AUG 10 1992

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
02N	04W	26	SE	NW	2	IRR	9.0
			NE	SW	3	IRR	1.0
						Section Acres	10.0
						Total Acres	10.0

11. Place of use in counties: OWYHEE

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

13. Other Water Rights Used:
02-00044

14. Remarks:

15. Basis of Claim: PERMIT

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 _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

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): _____ Date: _____
_____ Date: _____

State of Idaho)
County of _____) ss.

Subscribed and sworn (or affirmed) before me this _____ day
of _____ 19 _____

Notary Public

Seal

Residing at _____

My Commission Expires _____

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 A02-07419Date Received 1-12-89 CFReceipt Number C005069

CF 11-8-88

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of Claimant (s) Dwain F. Gibson &/or Dennis J. Anderson Phone (208) 896-4382 (2)Mailing Address Route #1, Box 789, Marsing, ID Zip 836392. Date of Priority (Only one (1) per claim) June 27, 19853. Source of water supply (a) Snake River
which is tributary to (b) Columbia River4. a. Location of existing point of diversion is: Township 2N Range 4W Section 26,
NE 1/4 of NE 1/4 of SW 1/4, Govt. Lot, 3 B.M., County of Owyhee

Additional points of diversion if any: _____

b. If instream flow, beginning point of claimed instream flow is:

Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4,

Govt. Lot _____ B.M., County of _____

ending point is: Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____

_____ 1/4, Govt. Lot _____ B.M., County of _____

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well. 20 hp. pump, open
ditch with gravity irrigation, siphon tubes.

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6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For Irrigation purposes from 3-15 to 11-15 amount .20 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) .20 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is 35 acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) _____

10. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			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	
2N	4W	26								Lot 2 9	Lot 3 1								10

Total number of acres irrigated 10

11. In which county (ies) are lands listed above as place of use located? Owyhee

12. Do you own the property listed above as place of use? Yes ☒ No ☐
If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above.
02-00044 or None ()

14. Remarks:

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Last Name Gibson & Anderson Ident No. A02-07419

Copies: White -State, Yellow-Claimant

15. Basis of Claim (check one) Beneficial Use _____ Posted Notice _____ License _____ Permit ☒
 Decree _____
 If applicable provide IDWR Water Right Number 02-07419
 Court _____ Case Number _____ Decree Date _____
 Plaintiff vs Defendant _____

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 ☒
 wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments _____

For Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant (s) Dwain F. Gibson Date 1-11-89

Date _____

For Organizations: I do solemnly swear or affirm that I am _____

Title

of _____, that I have signed the foregoing

Organization

document in the space below as _____ of _____

Title

Organization

and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent _____

Title and Organization _____ Date _____

State of Idaho/or _____)
) SS.
 County of Canyon)

Subscribed and sworn (or affirmed) before me this 11 day of Jan 19 89

SEAL

Notary Public Julia Davis

Residing at Maryland

My Commission Expires 6-3-92

Please Print Name

17. Notice of Appearance:

Notice is hereby given that I, _____ will be acting as attorney at law on behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature _____

Address _____

Date _____

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AUG 10 1992

Last Name Gibson + Anderson Cont. Number A02-07419

Copies White-State, Yellow-Claimant

R4W R3W

OPALENE GULCH QUADRANGLE

IDAHO

7.5 MINUTE SERIES (ORTHO PHOTOQUAD)

47° 30"

18

230 000 FEET

116° 45'

43° 30'

4916

19

4915

4914

660 000
FEET

4913

31

4912

T. 2 N.

27' 30"

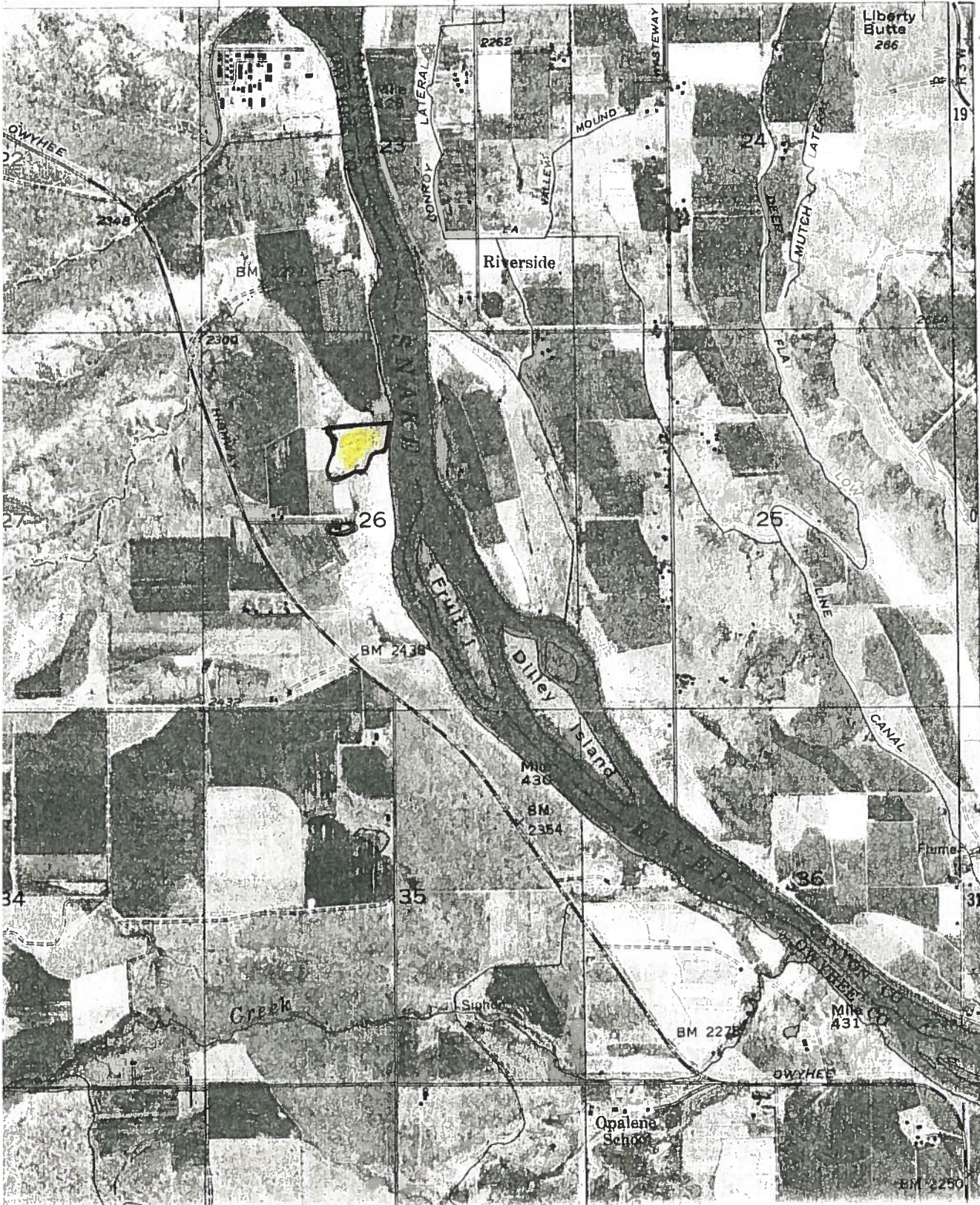
T. 1 N.

BM 2250

A02-0741

T2N

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AUG 10 1992



10/27/1988 SRBA CLAIMS RECEIVING CHECKLIST

CLAIMANT'S NAME Gibson & Anderson CLAIM IDENT. NO. A02-07419

DATE RECEIVED 1-12-89 CK # _____ AMOUNT \$ C005069

	YES	NO
1. Is the name and address complete with zip code?	☒	☐
2. Is a priority date entered?	☒	☐
Is the water use exempt from the Permit requirements, or if it is not exempt, has a Permit been approved or a License issued? A Permit is required: (1) for groundwater developed after March 25, 1963 (except single family domestic and stockwater wells using less than 13,000 gpd), or (2) for surface water developed after May 20, 1971 (except for instream stockwater). USE CARE IF CLAIM IS RETURNED. REFER TO ADJUDICATION MEMOS # 1 (ADJ. CLAIMS/APPLICATIONS) AND # 9 (REJECTION OF CLAIMS). EXPLAIN IN COMMENTS.		
3. (a) Is a source entered?	☒	☐
(b) Is a tributary to entered? (if required)	☒	☐
4. Is the legal description of the p.d. sufficient?	☒	☐
5. Is there a description of the diverting works?	☒	☐
6. Are the water uses appropriate for the form? The short form is limited to domestic and stockwater uses with direct diversion. All claims that include storage or instream stockwater must use long form.	☒	☐
Is the period of use included?	☒	☐
Is a quantity claimed for each use?	☒	☐
7. Is a total quantity claimed entered?	☒	☐
8. If required is a consumptive use entered?	☒	☐
Is the consumptive use correct?	☒	☐
9. Are the non-irrigation uses listed properly? If this claim is on the short form, and more than one domestic use is listed, single ownership must be stated. If not under single ownership, see Adjudication Memo # 4.	☒	☐
10. Is (are) the place(s) of use and purpose(s) indicated?	☒	☐
11. Is (are) the county(ies) entered?	☒	☐
12. Is the ownership of p.u. checked?	☒	☐
13. Are other water rights listed or "none" indicated?	☒	☐
14. If required, are remarks correct? (If the claimant does not own the place of use, authority for filing the claim must be explained in the remarks.)	☒	☐
15. Is the basis of the claim indicated?	☒	☐
16. Is the claim signed by the claimant, and is the signature appropriate? (If an individual is the claimant, has that individual signed the claim, or if an organization is the claimant, is the organization signature block complete?)	☒	☐
Has the claim been signed, sealed, and dated by a notary?	☒	☐
Was this claim filed on time, or was an extension granted?	☒	☐
Is the fee enclosed correct?	☒	☐
If this claim is based on an existing water right, has the identification number been entered?	☒	☐
Should this claim be receipted and data entered?	☒	☐

IDWR - WESTERN REGION

CONTRACTOR: Karan Waters

CLAIM/ID: 02-07419

Date: 7-19-02

	TNS	RNG	SEC	NE				NW				SW				SE				Sum
				NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
Claim	2N	4W	26								-2 9				-3 1					10
GIS											9 1									10
Claim																				
GIS																				
Claim																				
GIS																				
Claim																				
GIS																				

Number of POD's 1

Total Claimed Acres: 10

Overlapping POU Claim #'s:

Total GIS Acres: 10

COMMENTS:

per claim map and image interpretation

Idaho Department of Water Resources

Claim Number: 02-07419
Legal: T02N, R04W, S26
Reviewed By:

● Point of Diversion



Place of Use

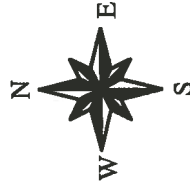
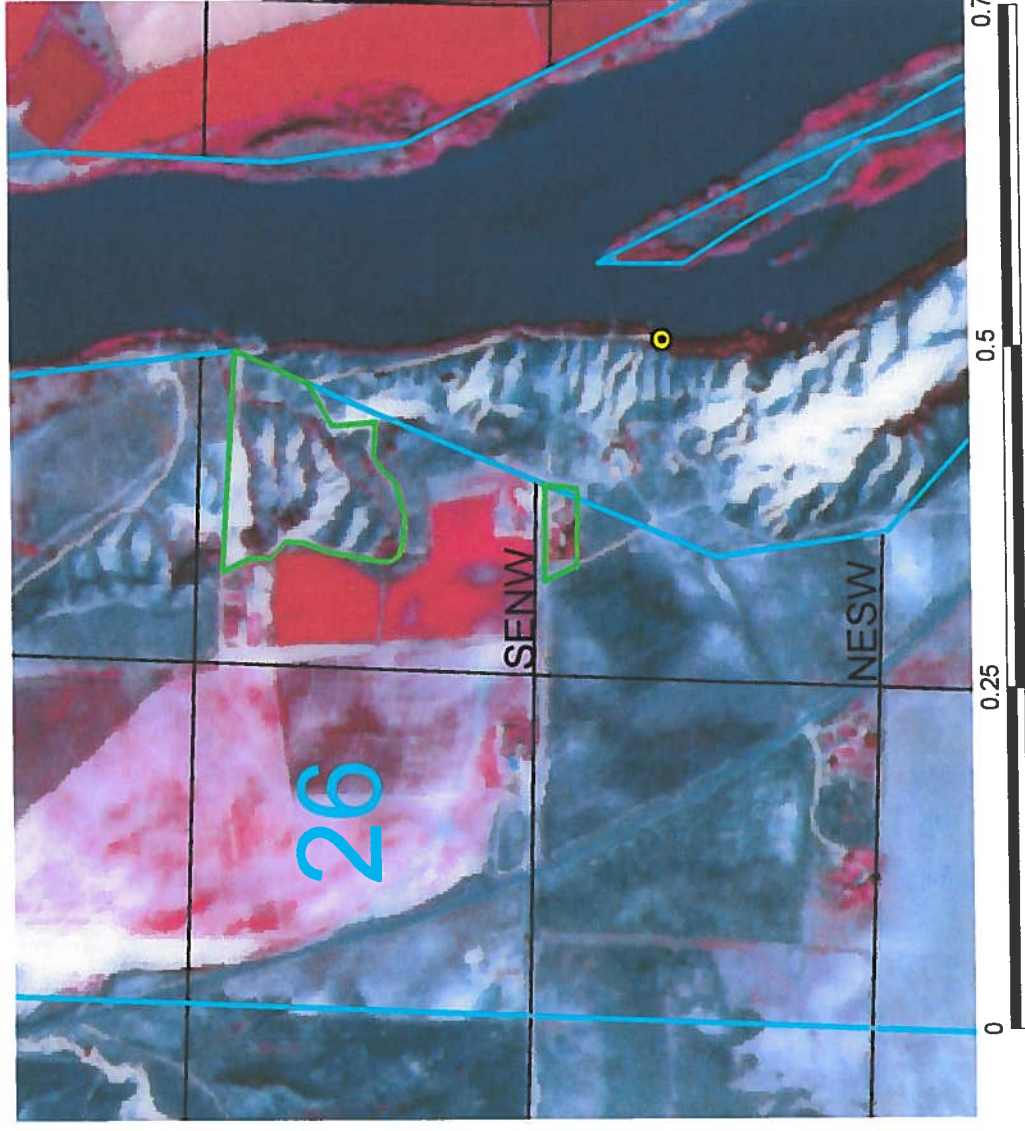


Section Lines



Quarter Quarter Lines

1987 Napp Photo



Idaho Department of Water Resources

Claim Number: 02-07419
Legal: T02N, R04W, S26
Reviewed By:

● Point of Diversion



Place of Use

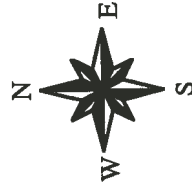
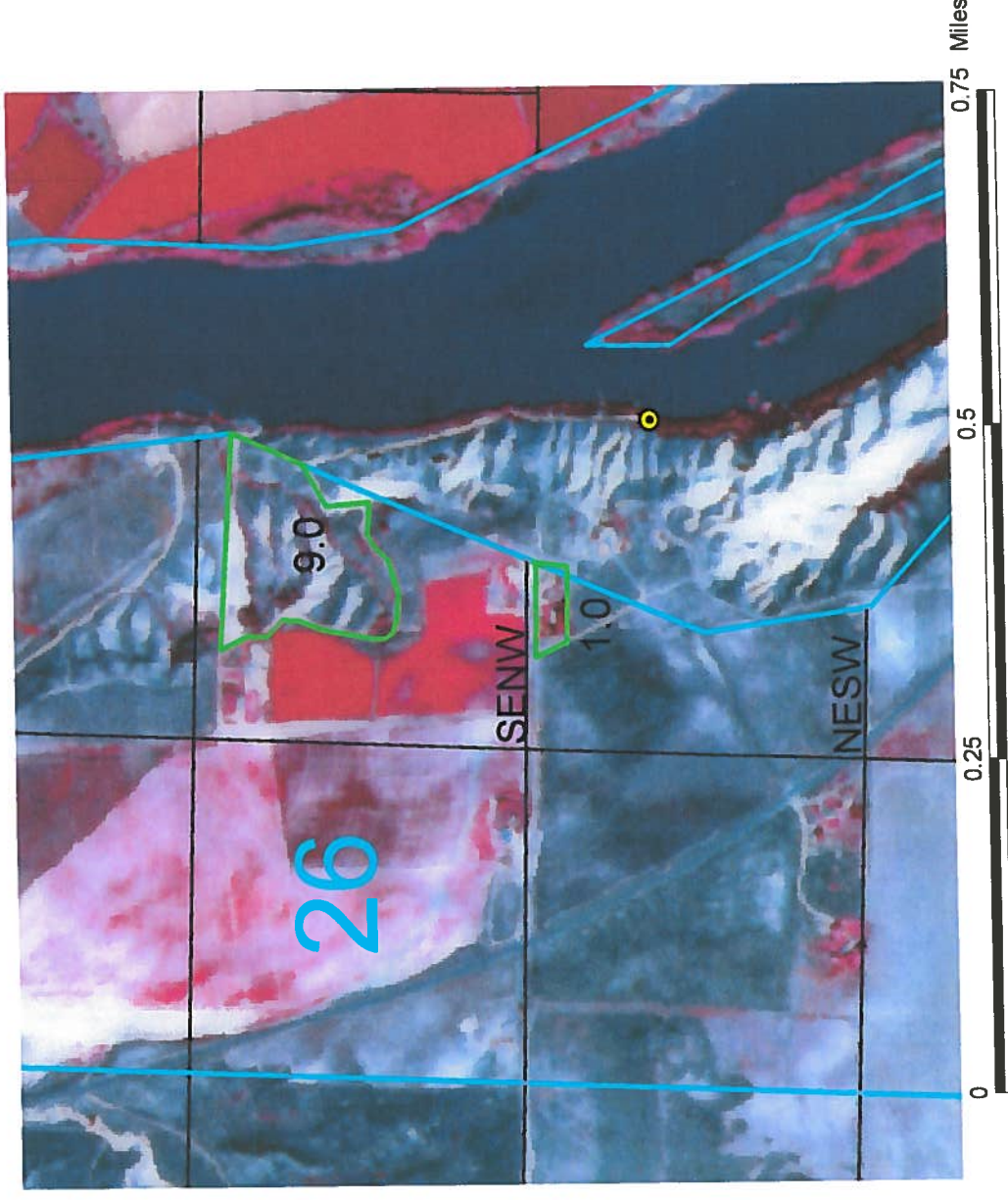


Section Lines



Quarter Quarter Lines

1987 Napp Photo



State of Idaho
Department of Water Resources

JUN 29 1993

WATER RIGHT LICENSE

WATER RIGHT NO. 02-07419

Department of Water Resources
Western Regional Office

Priority: June 27, 1985

Maximum Diversion Rate: 0.20 CFS
Maximum Diversion Volume: 45.0 AF

This is to certify, that DWAIN F GIBSON
DENNIS J ANDERSON

RT 1 BOX 789
MARSING ID 83639 has complied with the terms and conditions
of the permit, issued pursuant to Application for Permit dated June 27, 1985; and
has submitted Proof of Beneficial Use on September 24, 1986. An examination indicates
that the works have a diversion capacity of .540 cfs of water from:

SNAKE RIVER tributary to COLUMBIA RIVER

source, and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	03/15 to 11/15	0.20 CFS	45.0 AF

LOCATION OF POINT(S) OF DIVERSION: Lot 3(NWSE), Sec. 26, Township 02N, Range 04W
OWYHEE County

<u>PLACE OF USE:</u>	<u>IRRIGATION</u>			
<u>TWN RGE SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
02N 04W 26	Lot 2(SENW) 9	Lot 3(NESW) 1		10
		Total number of acres irrigated:		10

CONDITIONS/REMARKS:

1. The maximum diversion volume is defined as the maximum allowable volume of water that may be diverted annually from the source under this right. The use of water confirmed by this right limited to the amount that can actually be beneficially use used. The maximum diversion volume may be adjusted to more accurately describe the beneficial use or to implement accepted standards of diversion and use efficiency.
2. This water right is appurtenant to the described place of use.
3. This right is subject to all prior water rights and may be forfeited by five years of non-use.
4. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
5. The issuance of this right in no way grants any right-of-way or easement across the land of another.

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AUG 16 1994

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 02-07419

CONDITIONS/REMARKS:

6. Water shall not be diverted under this right unless the flow of the Snake River exceeds established downstream minimum stream flows.
7. This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 4.5 afa per acre for the lands above.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. Witness the seal and signature of the Director, affixed at Boise, this 24TH day of DECEMBER, 1992.

Acting for Norm C. Young
R. Keith Higginson, Director

MICROFILMED

AUG 16 1994

ATTACHMENT A

SRBA CLAIM CHECK PER BENEFICIAL USE EXAM

EXAMINER Ly DATE SUBMITTED 5/1/92

ADJUDICATION AGENT _____ RESPONSE DUE DATE _____

COUNTY _____ OWNER'S NAME _____

PERMIT DATA	T	R	S	Q/Q	T	R	S	Q/Q
P/D	_____	_____	_____	_____	_____	_____	_____	_____
P/U	_____	_____	_____	_____	_____	_____	_____	_____

PROOF SUBMITTED DATE _____

ADJUDICATION DATA RELATING TO THIS PERMIT NUMBER

A. Check Permit Number for Adjudication Claim Filing:

- ☐ Claim required for permit but not filed
(examiner needs to notify permit holder during exam)
- ☒ Claim filed for permit and copy attached *
- ☐ Claim filed although not required (proof filed after 11-19-87)
- ☐ No claim filed or required.

B. Check Adjudication Claims Relating to the Permit Holder but are Different Claims (new number - different right)

- ☐ Name index search
- ☐ Legal description search
- ☐ Non-data entry claims search
- ☐ Claim found but large system no exam required *

Claims found requiring exam	Date field exam conducted	Exam data is in, Permit file	Attached	Exam not Conducted
4ME SYSTEM ACRES, <u>A02-00044</u> Adj No.	<u>6/19/87</u>	<u>+</u>	<u>-</u>	<u>-</u>
<u>A02-07419</u> Adj No.	<u>6/19/87</u>	<u>+</u>	<u>-</u>	<u>-</u>
_____ Adj No.	_____	<u>-</u>	<u>-</u>	<u>-</u>

☐ Exam completed date(s) data entered 6/23/87 (initial & date)

* copies included only if pertinent to permit field exam

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AUG 10 1992