

07/14/2004

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

RIGHT NUMBER: 25-4261

NAME AND ADDRESS: RUSSELL O SIBBETT
43 EAGLE CREEK RD
WAYAN ID 83285

MARY SIBBETT
43 EAGLE CREEK RD
WAYAN ID 83285

SOURCE: EAGLE CREEK TRIBUTARY: GRAYS LAKE
RIGHT INCLUDES ACCOMPLISHED CHANGE IN SOURCE PURSUANT TO SECTION
42-1425, IDAHO CODE.

QUANTITY: 0.390 CFS
The quantity of water under this right for stockwater use shall not exceed
13,000 gallons per day.

PRIORITY DATE: 02/06/1888

POINT OF DIVERSION:

T04S R43E S23 NENE Within BONNEVILLE County
T04S R43E S23 SWNWNE Within BONNEVILLE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
STOCKWATER	01/01 12/31	0.030 CFS
IRRIGATION	05/01 10/31	0.390 CFS

PLACE OF USE: IRRIGATION Within BONNEVILLE County

T04S R43E S23	NENE	7.9	T04S R43E S23	NWNE	3.5
T04S R43E S23	NENW	8.0			

STOCKWATER same as IRRIGATION

19.4 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.

The quantity of water decreed for this water right for stockwater use is
not a determination of historical beneficial use.

EXPLANATORY MATERIAL: Statutory Claim

Stockwater use is for 75 range cattle.

Water Right 25-4261

SCANNED

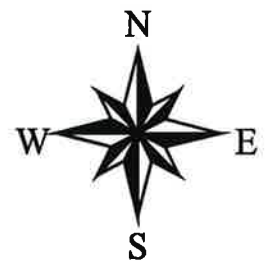
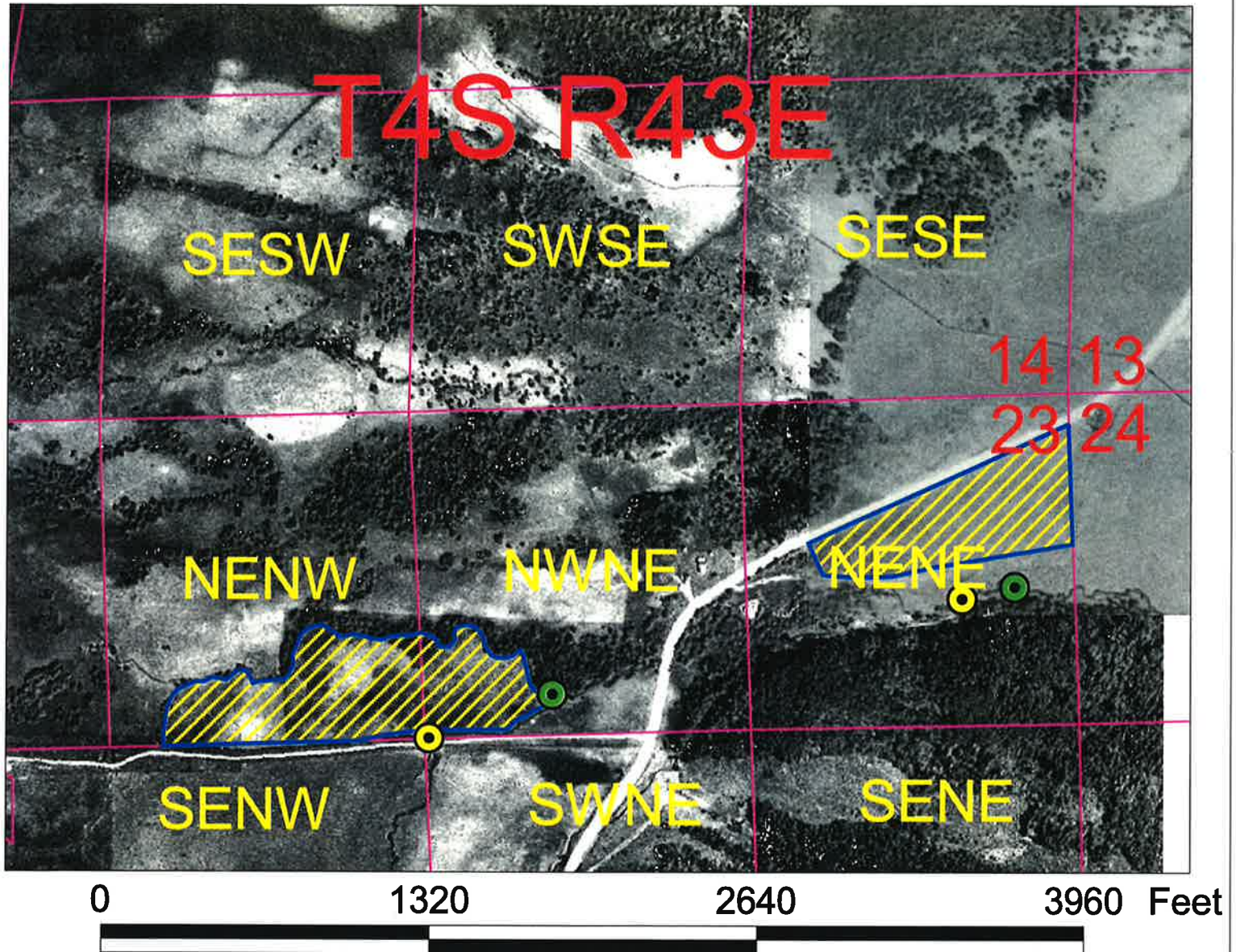
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Department of Water Resources

Claim No.: 25-04261



- Point of diversion
- Place of Use
- GCDB04S43E GCDB

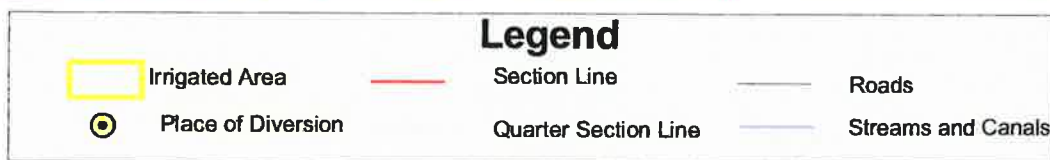
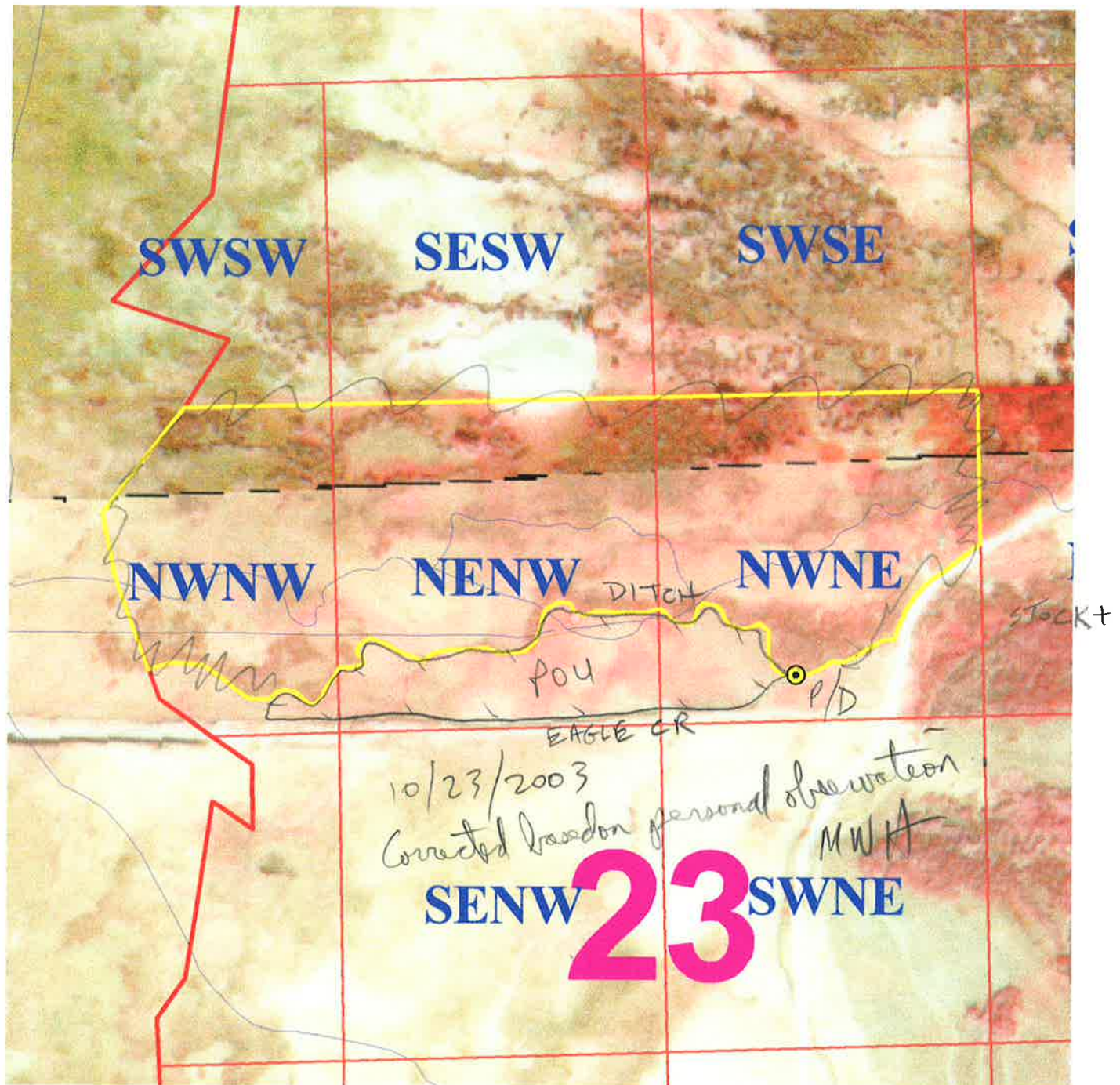
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GIS Place of Use Illustration
1987/88 NAPP Photography
Prepared by M. Holliday
Date: July 2004

Water Right Claim Number 25-04261
Township , 4S43E

11/15/2000



500 0 500 1000 1500 Feet

SPATIAL
DYNAMICS

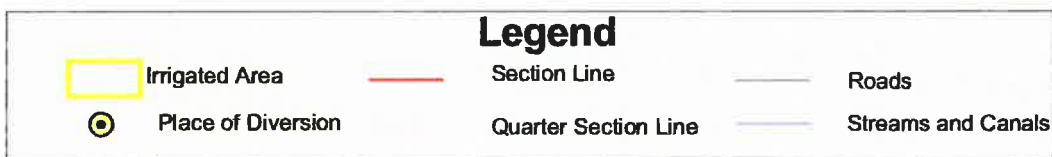
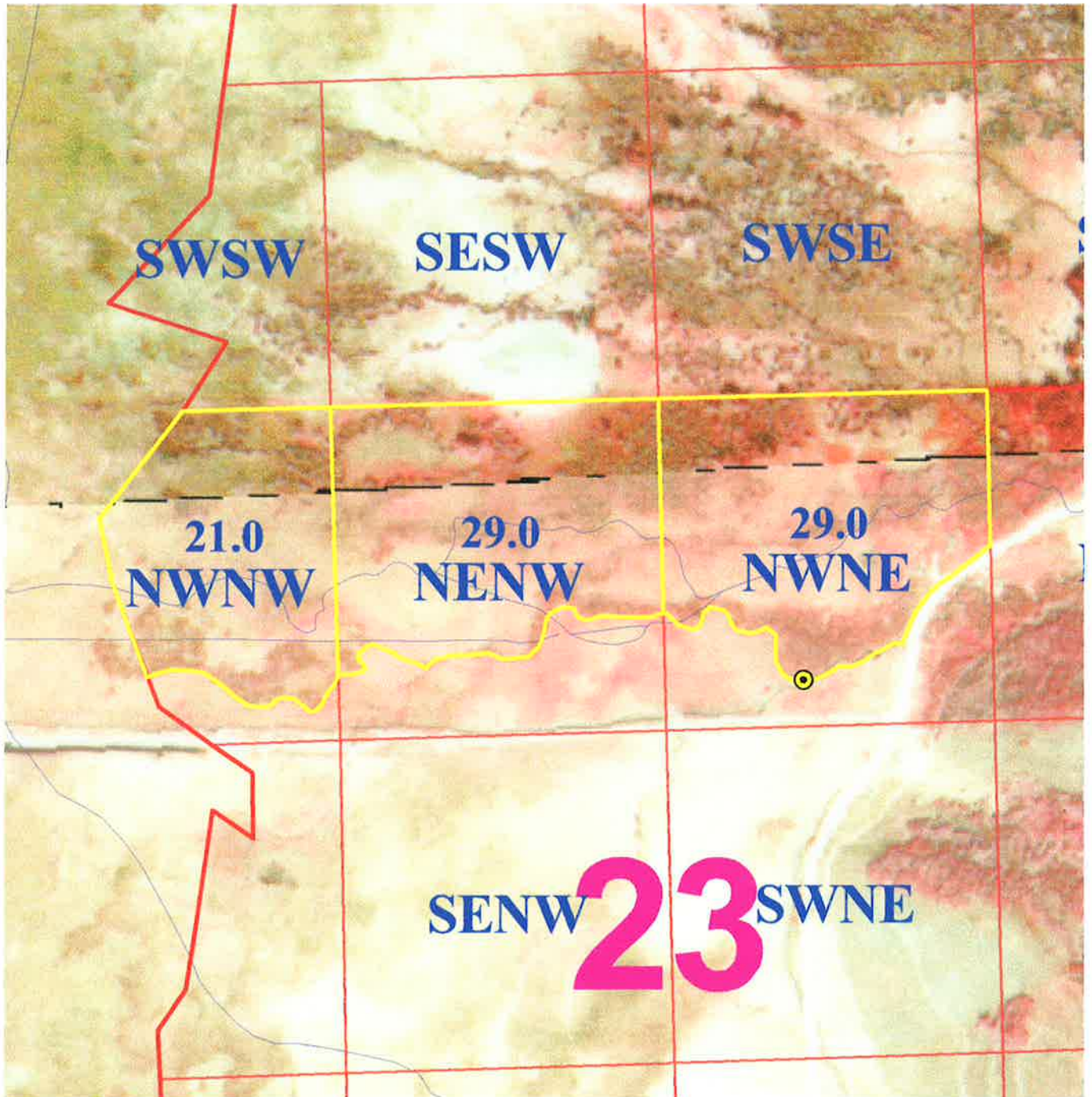


PROFIT

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OCT 04 2004

Water Right Claim Number 25-04261
Township , 4S43E

11/15/2000



SPATIAL
DYNAMICS



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Department of Water Resources
Eastern Region

NOTICE OF ERROR
REPLY

07/14/2004

MH

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS:

Water right number: 25-4261

RUSSELL O SIBBETT
43 EAGLE CREEK RD
WAYAN ID 83285

MARY SIBBETT
43 EAGLE CREEK RD
WAYAN ID 83285
Telephone Number: (208)574-2325

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):

2. Describe the changes you wish to make in the proposed recommendation:

3. Give a brief explanation as to why you disagree with these portions:

X I AGREE with this proposed recommendation: no changes need to be made.

DATE: 10/28/04 SIGNATURE: Mary Sibbett
Please print your name: Mary Sibbett

IDWR Regional Office, 900 N Skyline Dr Ste A, Idaho Falls, ID 83402, 2085257161

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5/7/2004

25-4261

Met with Mike Sillitt, son of
Russ Sillitt re: additional point
of diversion from Eagle Creek. Mike
said that Russ commonly used the
additional P/D to sub-irrigate his
apple field. Photos show P/D and
place where cause dam was placed
in order to raise the water table to
sub-irrigate. The photos also show
washed out areas that resulted from
flooding the area in the vicinity of
the dam.

Field exam and statements from Bernard
Finkstern and Mike Sillitt seem to
support the irrigation of the NENE of
section 23 from the aforementioned P/D.

PROFILE

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DEED REF
712333

OSTLER
RP 04S43E238401

04/24/01
James Sibtett
X-PPF
E-1722/218?
RP-635

942873
BK 56 p 212

SIBBETT
RP 04S43E230002

Albert Dewey
309
Book U 310-311

R356

June 4, 1946

Cormon Dewey sold to
Russ Sibtett

N $\frac{1}{2}$ NE, NENW, + LOT 1, sec 23
143 ac

Albert Dewey 120
Theodore " 120
Henry Heath 80 inch

1896 WATER SALES
FROM N EAGLE CR

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OCT 04 2004



EAGLE CREEK RANCH

Michael R. Sibbett
3910 Saddleback Rd.
Park City, Utah 84098
(435) 645-8291
(801) 560-3133 Cell
(435) 655-2215 Fax

Russell O. Sibbett; 43 Eagle Creek Road; Grays Lake, Idaho 83285 (208) 574-2325

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4/1/04

RECEIVED

APR 05 2004

Department of Water Resources
Eastern Region

Michael Holliday
Dept. of Water Resources
900 N. Skyline Dr., Suite A
Idaho Falls, Idaho 83402-1718

RE: Water Claim #25-4261 Eagle Creek

Dear Michael,

I hope I have collected enough information to prove our water rights on Eagle Creek. I have attached two letters from the oldest ranchers in the Grays Lake Valley with personal knowledge of our ranching operation and Eagle Creek. Furthermore, I'd like to add my history since 1954 of living on the ranch. We have used the water in Eagle Creek for both irrigation and livestock watering, both above and below the county road. This has been the case of every rancher that has operated on the old Dewey Place. I'm also enclosing a Feb. 20, 1888 Water location record filed by Albert Dewey as additional support that water out of Eagle Creek has been used for irrigation and livestock watering since before Idaho was a state. Please let me know if I need additional support for our claim to use water both above and below the county road and on both the North and South sides. There is still the old homestead horse barn with the waters of Eagle Creek fenced into corral. Sincerely Mike R. Sibbett

To Whom It May Concern

I have lived in the Gray Lake Valley for over 80 years and have been very much aware of the old Albert Dewey Homestead on Eagle Creek. The old Dewey place is now part of the Sibbitt Ranch. I am aware that from the homesteading years back in 1888, the Deweys and all subsequent ranchers who have owned the old Dewey Place have utilized the water out of Eagle Creek for agricultural purposes, including both irrigation and livestock watering. This water use includes the South Fork of Eagle Creek below the county road and on both the north and south sides of the creek before it was ditched along the dike straight west, the main channel went north on the Dewey place where they used the water to flood irrigate their land.

Also the water on the South Fork of Eagle Creek was used above the county road for culinary and livestock water also sub irrigation.

Mar 30 - 04

Bernard Lindstrom

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OCT 04 2004

March 14, 2004

To Whom It May Concern:

I have lived in the Grays Lake Valley for over ~~20~~³⁰ years and have been very much aware of the old Albert Dewey Homestead on Eagle Creek. The old Dewey place is now part of the Russell Sibbett Ranch. I am aware that from the homesteading years back in 1888, the Deweys and all subsequent ranchers who have owned the old Dewey Place have utilized the water out of Eagle Creek for agricultural purposes, including both irrigation and livestock watering. This water use includes the south fork of Eagle Creek both above and below the county road and on both the north and south sides of the creek. In fact, to enhance the use of Eagle Creek, I am aware that the north fork was diverted through the Dewey Place in the late 1800s as well.

Sincerely,

Glade S. Sibbett
3/19/04

Notary:

Ann Lewis
49 W 2nd So
Soda Springs, Id.
83276
exp. 8/19/04



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WATER LOCATION RECORD.

WATER LOCATION

-OF-

Pass
Albert Dewey

Notice is hereby given that the undersigned, a citizen of the United States, thereby claims and appropriates all the waters of what is known as North Eagle Creek in John Day's Valley near the foot of the Cariboo Mountain, in Bligh County, Idaho Territory.

Said appropriation is made by means of a dam thrown across said creek about 40 rods in an easterly direction from the cabin and improvements of the undersigned on his desert entry and the waters of said creek diverted and conveyed by means of a ditch of the following dimensions, 10 ft. wide, four feet wide in the bottom, five feet wide on top, two feet deep, with a fall common to the lay of the land, to the lands in Section 11, 13, 24 and 28 Township 4 south, of Range 44 East, for agricultural purposes.

Dated this 6 day of February A. D. 1888.

Albert Dewey.

Attest,

J. C. Rich

Recorded at the request of J. C. Rich
Febr. 20 1888 at 4 P.M.

Geo A Robethan
Recorder

Copy of the old 1888
water location for the
North Fork of Eagle Creek

10/23/2003

25-4261

P/D

N 221233

E 713285

Ground between creek and ditch was irrigated to fence.
Yps location of fence and ditch intersection is as follows:

N 221267

E 712901

Some old ditches observed in the field
Claimant purchased ground in 1930's

Claimant said he will send EOP.

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10/23/2003 P/D from Eagle Creek.

E



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PROFILE



10/23/2003

NW
↑

View of Pou from P/D.

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5/7/2004

N
↖

East end of P04 lying between
fence and road. This ground irrigated
from upper P/D.

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5/7/2004
WNW
↑

West end of P04 lies between fence and road. This ground irrigated from upper P/D.

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PROFILED



5/7/2004
E
↑

Mike Sibbett says this is the place where
- canvas dam is placed to back up Eagle Cr.
for sub-irrigation.

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5/7/2004

W
↑

Downstream view P/D and resulting
washed out area near Eagle Cr

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5/7/2004 When dam was in place, overflow
would run down this channel.

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↑ S
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THE BONNEVILLE ABSTRACT COMPANY, LTD. IDAHO FALLS, IDAHO

5-

The Bonneville Abstract Company, Ltd., Idaho Falls, Idaho

Albert Dewey-

Grantors

TO

Theodore Dewey.

Grantees

Character of Instrument **WARRANTY DEED.**

Date of Instrument **December 21st, 1896-**

Date of Record **Dec. 23, 1896 at 9:10 AM**

Book **"U" of Deeds at Page 311-**

Records of Bonneville County, State of Idaho.

Consideration, \$ **1.00**

Transcribed from book "S" page 408-

Records of Bingham county- Idaho.

Acknowledgement:

Date **December 21st, 1896-** acknowledged before
Wm. M. Lacey, a justice of peace-
in and for **Bingham** County, State of **Idaho**

Is official seal attached? **Yes-**

Is the acknowledgement regular? **Yes-**

Does wife duly acknowledge on examination without the hearing of
her husband? **.....**

Does wife join throughout instrument? **.....**

Is instrument sealed?

Name of witness

Wm. Lewis, Lester Decker-

Granting Words **grant, bargain, sell, convey and confirm-**
covenants, if any **warrant and defend-**

Are there any conditions, limitations or recitals?

Are there any irregularities or defects? **not stated whether grantor is single or married.**

DESCRIPTION: Lands in Bonneville County, State of Idaho.

**conveys 120 miners inches of the water of North Eagle
creek in Bingham county, Idaho, claimed by first party
and recorded in book "B" water locations page 131.**

**MICROFILMED
NOV 10 1952**

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 Russell Sibbett
Wayan, ID 83285 (Name of Claimant)
(Mailing Address) (Zip Code) Telephone No. 574-2198

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) June 20, 1900

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)
Eagle Creek tributary to Gray's Lake
- (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>1.60 cfs</u>	Use <u>irrigation</u>	Period of Use From <u>6/1</u>	To <u>10/1</u>
Quantity	<u>0.03 cfs</u>	Use <u>stockwater</u>	Period of Use From <u>1/1</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

- (4) 1.60 cfs TOTAL QUANTITY USED.
(cfs, af)

- (5) A) Point of diversion: (Location of point where water is diverted from its source)
NW 1/4 NE 1/4, Sec. 23 Twp. 4S Rge. 43E B.M., County of Bonneville
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.
headgate to ditches for flood irrigation, livestock drink
from ditches and creek

- (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	
43	43E	23		30			30	20											80

No. of acres 80

- 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: 75 head range cattle

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

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HOST TEMPORARY FILE

DATE: 10-2-95

NO. A25-04261 CLAIMANT: RUSSELL SIBBETT

[] ATTACH COPY OF PROOF REPORT FROM TEMP HOST

HARD COPY IN X2 FILE? YES _____ NO X

RECORD IN MASTER HOST? YES _____ NO _____
USE AJQ7 OR AJQ5 TO CHECK FOR SPLITS

CHECK FOR A RECEIPT USING CLAIMANTS NAME IN AR
YES _____ NO _____

DID CLAIMANT FILE OTHER NOTICES YES _____ NO _____

COMPARE DATA ENTRY FOR AJ& WR
IS IT DIFFERENT? YES _____ NO _____

IF THERE IS NO DIFFERENCE AND DATA IS NOT TO STANDARD, NUMBER CAN BE DELETED (IF NOT 10,000 NO.) OR COPIED AS P16 IN "R" RECORD.

IF DATA ENTRY FOR AJ REFLECTS CHANGES, CONTACT CLAIMANT ABOUT INTENT TO FILE NOTICE.

REMARKS: Mary's name not shown on W.R. side.
Stock water not shown on W.R. side
10-26-95: Spoke to Mrs. Sibbett. She will have her husband call me. Ret'd call. I called back. No ans.

ACTION TAKEN:

~~MICROFILMED~~
~~NOV 8 / 1996~~

[] RECORD DELETED FROM DATABASE. DATE: _____ INITIALS: _____

NOTE: DO NOT DELETE 10,000 NOS; MODIFY DATA AND MOVE RECORD TO MASTER HOST.

~~MICROFILMED~~
NOV 18 1996

715-9

4313

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 25-4261
Date Received: 10/27/1995
Receipt No: E021656
Received By: MWH

AMENDED NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

RUSSELL O SIBBETT Phone:
43 EAGLE CREEK RD
WAYAN ID USA 83285

MARY SIBBETT Phone:
43 EAGLE CREEK RD
WAYAN ID USA 83285

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MAY 27 2004

Department of Water Resources
Eastern Region

2. Date of Priority: ~~06/20/1900~~ 02/06/1888

3. Source: EAGLE CREEK Trib. to: GRAYS LAKE

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 Lot	County	Type
04S	43E	23	NW	NE		BONNEVILLE	
04S	43E	23	NE	NE		BONNEVILLE	

5. Description of diverting works:

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	6/01 5/01	10/01 10/31	1.60	
STOCKWATER	1/01	12/31	0.03	

7. Total Quantity Appropriated is:
1.6 C.F.S.

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8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of	1/4 Lot	Use	Acres
04S	43E	23	NE	NW	IRRIGATION	30
			NW	NW	IRRIGATION	20
			NW	NE	IRRIGATION	30
					Section Acres	80
					Total Acres	80

11. Place of use in counties: BONNEVILLE

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

13. Other Water Rights Used:

14. Remarks:

CLAIMANT DECIDED TO FILE ON HIS RIGHT TO PRESERVE IT 10/27/95 JT/DD

Amended claim to add point of diversion, to change season of use to recognized season, and to change priority date to better reflect evidence found.

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 X 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):

Mike Sibbett for Mary

Date:

5/24/04

5/24/04

Date:

State of ~~Idaho~~ Utah)
County of Salt Lake) SS.

Subscribed and sworn (or affirmed) before me this
of 24 day May 2004

John A Green
Notary Public

Residing at

Murray, Utah

My commission Expires

6/1/07

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OCT 04 2004

PROFILED 3

midwest@uk.gov
Mike Abbott is
Russ' son, the
phone # is:

(c) 801-261-6465
435-658-0728
(c) 801-560-3133

2/11/2004
Mike requested an
additional 30 days to
get EOP submitted. OK'd

AJ5809NP
No. A25-04261

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 10/18/00
PAGE: 48

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	RUSSELL SIBBETT	06/20/1900	IRRIGATION	06-01 10-01	1.600 CFS	
C	MARY SIBBETT		STOCKWATER	01-01 12-31	0.030 CFS	
	WAYAN ID 83285					
TOTAL DIVERSION:					1.600 CFS	

Water Source: EAGLE CREEK

Tributary to: GRAYS LAKE

Stage: STATUTORY CLAIM

Point(s) of Diversion:

T04S R43E S23

NWNE

BONNEVILLE County

Place of use Legal Description for: IRRIGATION

				NE				NW				SW				SE				
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	Lt	Ac	:	SUM
04S	43E	23	:			30				30	20	:								80.0
TOTAL ACRES																			80.0	

Place of use location for STOCKWATER is the same location as described for: IRRIGATION

POU County: BONNEVILLE

Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):
A25-04005 A25-04034A

Other Water Rights Listing Overlapping Place(s) of Use:
A25-04265

Remarks: GEN ***CLAIMANT DECIDED TO FILE ON HIS RIGHT TO PRESERVE IT 10/27/95
JT/DD***

Dates: Exam Made Date:

Verified Date:

Objection Filed Date:

Misc: Water District Number:

Field Inspection Flag:

Presumption Flag:

Audit: 10/27/95 JTHOMPSO

SCANNED

JUL 27 2001

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: A25-04261

Date Received: 10/27/1995

Receipt No: 5021656

Received By: Jo

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: RUSSELL SIBBETT
Address:

WAYAN ID 83285

Name: MARY SIBBETT
Address:

WAYAN ID 83285



2. Date of Priority: JUN 20, 1900

3. Source: EAGLE CREEK Trib. to: GRAYS LAKE

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
04S	43E	23	NW	NE			BONNEVILLE

5. Description of diverting works:

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	06/01	10/01	1.600		
STOCKWATER	01/01	12/31	0.030		

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

A.F.A.

8. Total consumptive use is

Acre Feet Per Annum.

9. Non-irrigation uses:

MICROFILMED

NOV 18 1996

MICROFILMED

NOV 11 1996

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
04S	43E	23	NW	NE		IRR	30.0
			NE	NW		IRR	30.0
			NW	NW		IRR	20.0

Section Acres 80.0

Total Acres 80.0

11. Place of use in counties: BONNEVILLE

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

13. Other Water Rights Used:

14. Remarks:

***CLAIMANT DECIDED TO FILE ON HIS RIGHT TO PRESERVE IT 10/27/95
JT/DD***

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 ____ 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):

Russell Libbett
Mary Libbett

Date: 10/27/95

Date: 10/27/95

MICROFILMED

NOV 8 / 1995

MICROFILMED

NOV 18 1996

State of Idaho)
County of Bonneville) SS.

Subscribed and sworn (or affirmed) before me this 27 day
of October 19 95

Betty J. Thompson
Notary Public

Seal

Residing at BETTY J. THOMPSON, NOTARY PUBLIC
RESIDING AT IDAHO FALLS, IDAHO
My Commission ~~Expires~~ EXPIRATION DATE: 7-05-2000

~~MICROFILMED~~
~~NOV 8 1995~~

Date: 10/27/95
~~MICROFILMED~~
~~NOV 18 1996~~