

05/25/2004

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

RIGHT NUMBER: 25-10973
NAME AND ADDRESS: ERROL W TIBBITTS
4190 E 500 N
RIGBY ID 83442
SOURCE: UNNAMED SLOUGH TRIBUTARY: SNAKE RIVER
QUANTITY: 1.560 CFS
The quantity of water under this right for stockwater use shall not exceed 13,000 gallons per day.
PRIORITY DATE: 07/10/1910
POINT OF DIVERSION:

T05N R39E S29 NWNE Lot 18 Within JEFFERSON County
T05N R39E S29 SWNE Lot 20 Within JEFFERSON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/31	1.560 CFS
STOCKWATER	01/01 12/31	0.020 CFS

PLACE OF USE: IRRIGATION Within JEFFERSON County

T05N R39E S29 Lot 18 NWNE	30.0	T05N R39E S29 Lot 9 SWNE	9.2
T05N R39E S29 Lot 20 SWNE	25.0	T05N R39E S29 Lot 12 NWSE	14.0

STOCKWATER Within JEFFERSON County

T05N R39E S29 Lot 18 NWNE	T05N R39E S29 Lot 20 SWNE
---------------------------	---------------------------

78.2 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: Beneficial Use

SLOUGHS ARE BACKED UP AT P/D IN ORDER TO RAISE WATER TABLE FOR SUB-IRRIGATION.

USE OF THIS RIGHT IS COMBINED WITH WATER FROM ISLAND IRRIGATION CO.

Stockwater use is for 200 range cattle.

Water Right 25-10973

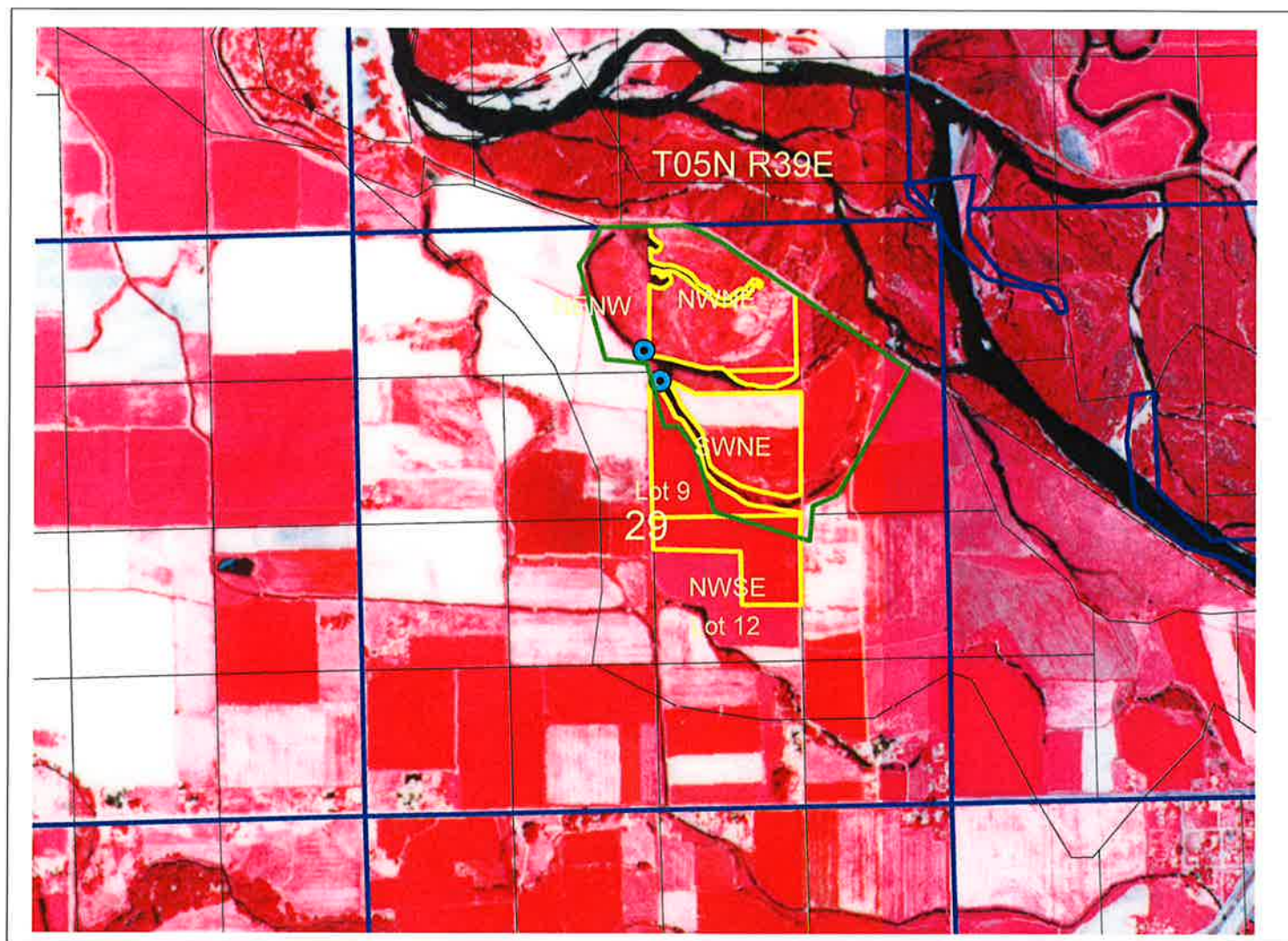
PROFILED

SCANNED

NOV 5 0 2004

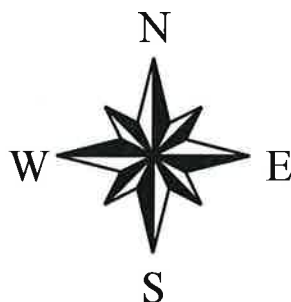
Department of Water Resources

Claim No.: 25-10973



0 1320 2640 3960 5280 6600 Feet

-  Tract 46
-  Point of diversion
-  Place of Use
-  Township/Range
-  Sections
-  QQ



GIS Place of Use Illustration
1992 Aerial Photography
Prepared by: E. Carlsen
Date: September 2005

SCANNED

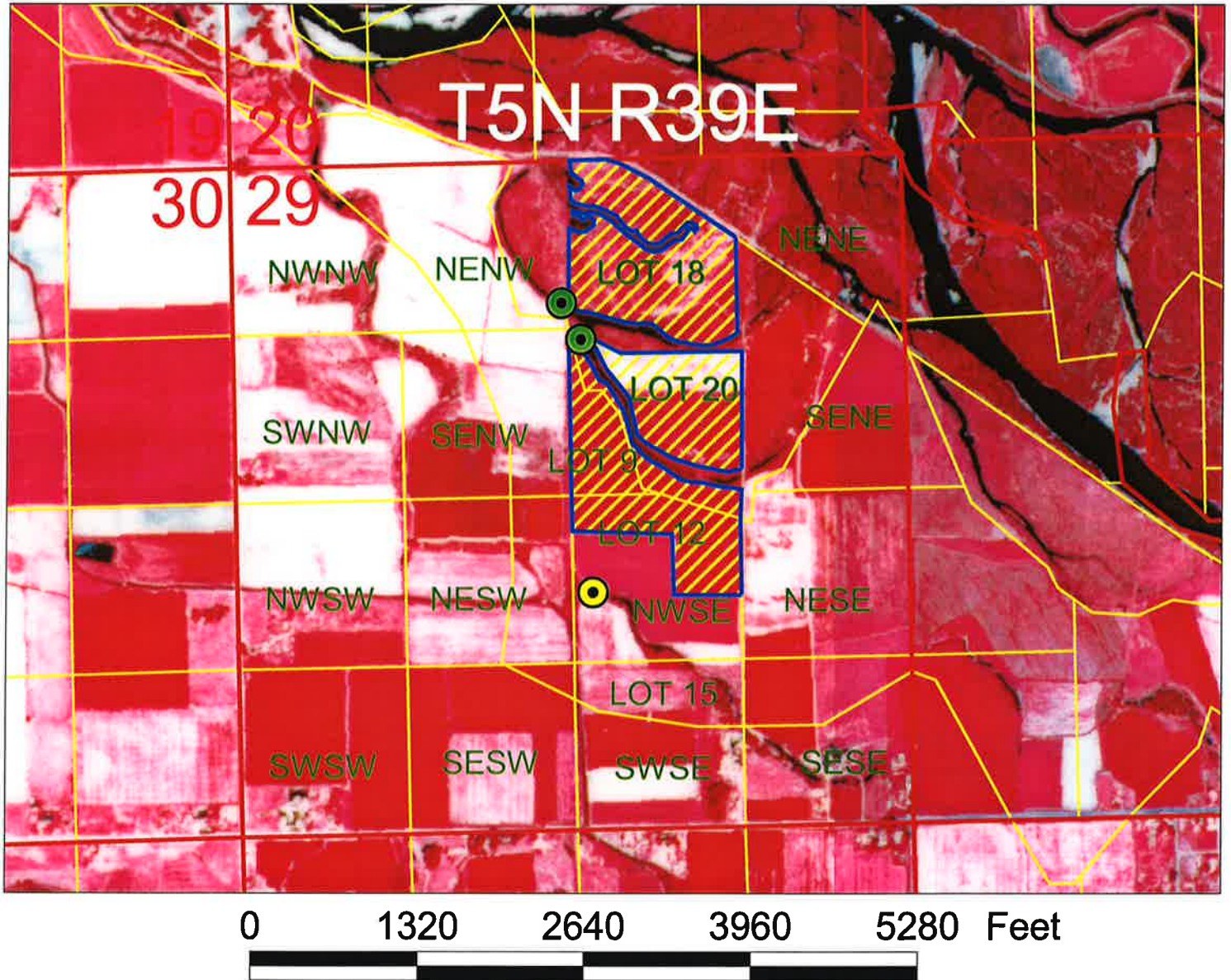
SEP 28 2005

PROFILED



Department of Water Resources

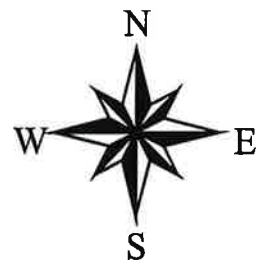
Claim No.: 25-10973



- Point of diversion
- ▨ Place of Use
- ▭ Sections
- ▭ QQ

PROFILED

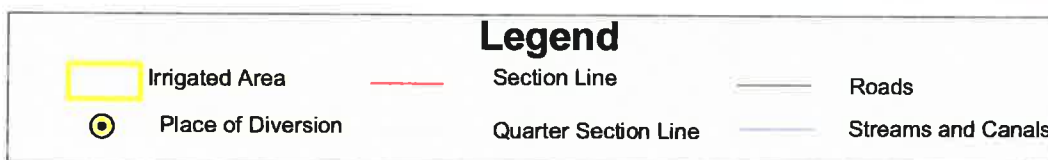
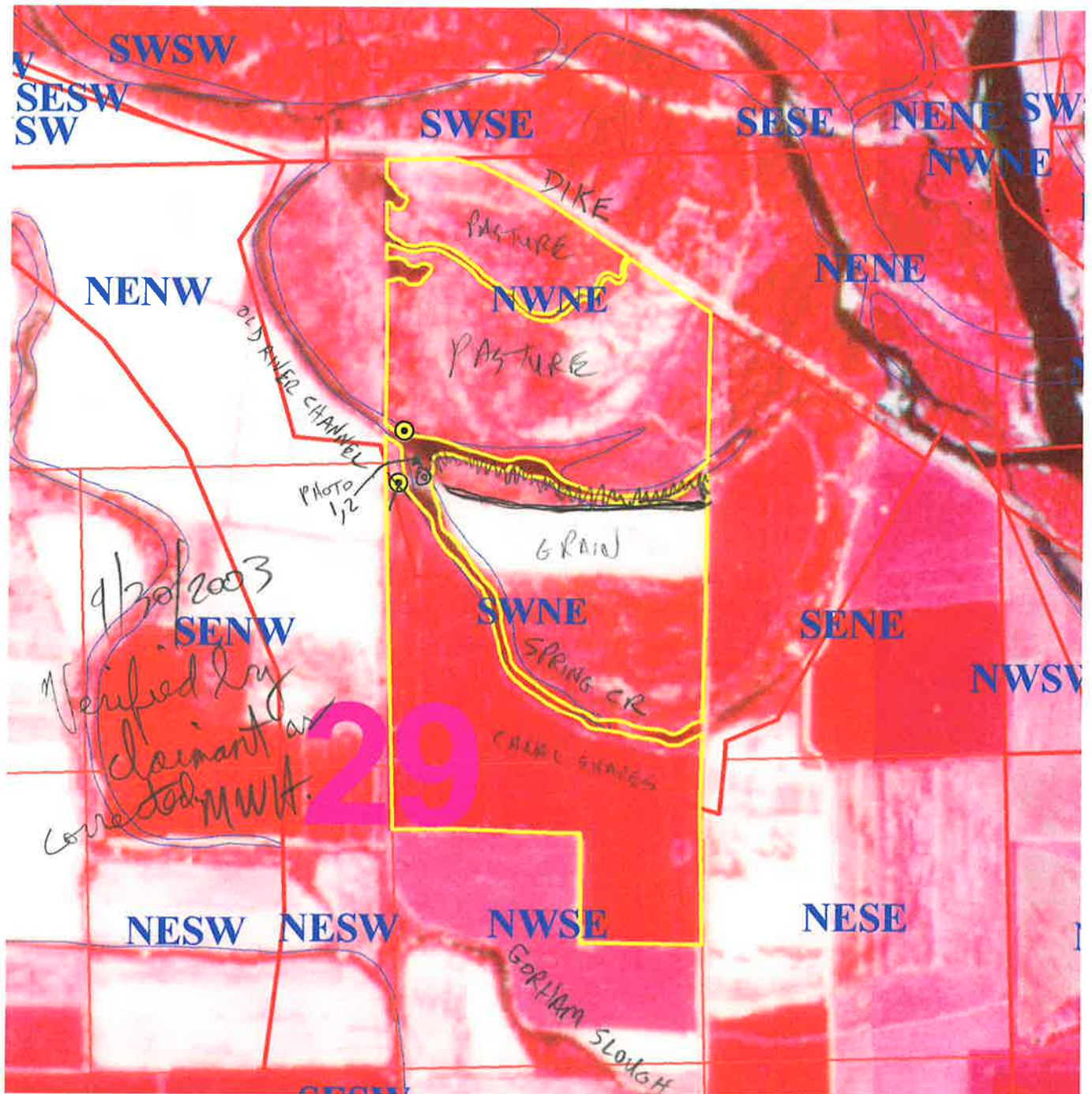
SCANNED
NOV 5 0 2004



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

Water Right Claim Number 25-10973
Township , 5N39E

12/27/2000



600 0 600 1200 1800 Feet

SPATIAL DYNAMICS



PROFILED

SCANNED
SEP 28 2005

AJ5809NP
No. A25-10973

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 10/26/00
PAGE: 123

OWNER CODE NAME & ADDRESS PRIORITY DATE WATER USE USE PERIOD FROM TO DIVERSION RATE DIVERSION VOLUME

C ERROL W TIBBITTS 07/10/1910 IRRIGATION 04-15 11-15 2.610 CFS
4190 E 500 N STOCKWATER 01-01 12-31 0.050 CFS
RIGBY ID 83442
(208) 745-8410

TOTAL DIVERSION: 2.610 CFS
CONSUMPTIVE USE: 217.00 AFA

Water Source: SPRING CREEK

Tributary to: SNAKE RIVER

Stage: BENEFICIAL USE

Point(s) of Diversion:

T05N R39E S29

NWNE

SWNE

JEFFERSON 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	Lt	Ac	:	SUM		
05N	39E	29	:			35		40										12		:	87.0		
																				:	TOTAL ACRES	:	87.0

Place of use Legal Description for: STOCKWATER

				NE				NW				SW				SE					
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	
05N	39E	29	:			S		S										S		:	

POU County: JEFFERSON

Non-Irrigation Uses: STOCK WATER - 200 HEAD RANGE CATTLE

Other Rights: ISLAND IRRIGATION CANAL CO.

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

A01-00081C A01-00082C A01-00083X A01-00117F A01-00118F A01-04005 A25-10975

Remarks: GEN CHANGED OWNERSHIP 12/19/96/JT/EC
*AMENDED CLAIM TO REFLECT 2 POINTS OF DIVERSION AND NOT FOUR

Dates: Exam Made Date: Verified Date: Objection Filed Date:

Misc: Water District Number: Field Inspection Flag:
Presumption Flag:

Audit: 02/06/89 THOMPSON 02/07/91 THOMPSON 02/12/91 THOMPSON 03/29/95 POST-STD
12/19/96 JTHOMPSON 04/20/98 GTAYLOR

SCANNED

AUG 01 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 SRBA

Case No. 39576

) **Subcase No. 25-10973**

) **STANDARD FORM 5**

) **STIPULATED ELEMENTS OF A**
) **WATER RIGHT**

This form is used to report the stipulated elements of one water right acquired under state law and/or one federal reserved water right. Submission of this form will not automatically result in the issuance of a partial decree. The Presiding Judge or Special Master will conduct any hearing necessary to determine whether the facts, data, expert opinions and law support the issuance of a partial decree for the water right.

The parties agree that the Snake River Basin Adjudication Court has jurisdiction of the parties and subject matter to enter a partial decree for this water right; that they have been served with sufficient process, according to the law; and that they have appeared, prosecuted, and defended their positions with regard to this water right dispute.

The parties and IDWR agree and stipulate that the elements of this water right should be described per the attached. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

CLAIMANT(s):

OBJECTOR(s):

Errol W. Tibbitts 9-7-05
Errol W. Tibbitts Date

Larry A. Brown
Attorney for BLM Date

STANDARD FORM 5 -- 25-10973

PROFILED

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SEP 28 2005

IDWR Concurrence:

Ernest Carlsen 9/7/05
Ernest Carlsen Date
IDWR Adjudication Supervisor

Chris M. Bromley 9/6/05
Chris M. Bromley Date
Deputy Attorney General
Attorney for IDWR

STANDARD FORM 5 -- 25-10973

PROFILED

**SCANNED
SEP 28 2005**

Received Time Sep. 6. 9:33AM

CERTIFICATE OF MAILING

I certify that on _____, 2005, I mailed the original and copies of this form, including all attachments, to the following persons by mailing the original and/or copies, postage prepaid and addressed as follows:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P. O. Box 2707
Twin Falls, Idaho 83303-2707

2. Copies to all parties in subcase:

UNITED STATE OF AMERICA

Represented by:

US DEPARTMENT OF JUSTICE
ENVIRONMENTAL & NATL' RESOURCES
550 WEST FORT STREET, MSC 033
BOISE, IDAHO 83724

ERROL W. TIBBITTS
4190 E. 500 N.
RIGBY, IDAHO 83442

IDWR REPOSITORY
P.O. BOX 83720
BOISE, IDAHO 83720

Signature of person or attorney mailing the form

STANDARD FORM 5 – 25-10973

SCANNED
SEP 28 2005

Received Time Sep. 6. 9:33AM

IDAHO DEPARTMENT OF WATER RESOURCES RECOMMENDED
WATER RIGHTS ACQUIRED UNDER STATE LAW

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

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

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.

EMC
EWT

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

USE OF THIS RIGHT IS COMBINED WITH WATER FROM ISLAND IRRIGATION CO.

Stockwater use is for 200 range cattle.

The land was resurveyed and the property that was formerly in Government Lots 18 and 20 are now identified as Tract 46.

PROFILED

SCANNED
SEP 28 2005

IDAHO DEPARTMENT OF WATER RESOURCES RECOMMENDED
WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 25-10973

NAME AND ADDRESS:

ERROL W TIBBITTS
4190 E 500 N
RIGBY ID 83442

SOURCE:

Source:
UNNAMED SLOUGH

Tributary:
SNAKE RIVER

QUANTITY:

1.560 CFS

The quantity of water under this right for stock water use shall not exceed 13,000 gallons per day.

PRIORITY DATE: 07/10/1910

POINT OF DIVERSION:

T05N R39E S29 SWNE (Tract 46)
Within JEFFERSON County

~~T05N R39E S29 Lot 18 NWNE~~
~~Within JEFFERSON County~~

~~T05N R39E S29 Lot 20 SWNE~~
~~Within JEFFERSON County~~

T05N R39E S29 NENW (Tract 46)
Within JEFFERSON County

Point of diversion is not located on federal public lands.

PURPOSE AND
PERIOD OF USE:

Purpose of use	Period of use:	Quantity:
IRRIGATION	04/01 10/31	1.560 CFS
STOCKWATER	01/01 12/31	0.020 CFS

PLACE OF USE:

IRRIGATION within JEFFERSON County
T05N R39E S29 NWNE 30.0 (Tract 46)

~~T05N R39E S29 Lot 18 NWNE 30.0~~

T05N R39E S29 SWNE 24.0 (Tract 46)

~~T05N R39E S29 Lot 20 SWNE 25.0~~

T05N R39E S29 Lot 9 SWNE 9.2

T05N R39E S29 NWSE 1.5 (Tract 46)

T05N R39E S29 Lot 12 NWSE 14.0

~~STOCKWATER within JEFFERSON County~~

~~T05N R39E S29 Lot 18 NWNE~~
~~T05N R39E S29 Lot 20 SWNE~~

STOCKWATER Same as IRRIGATION

78.7 ACRES TOTAL

78.2 ACRES TOTAL

Place of use does not include federal public lands

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SEP 28 2005

RECEIVED

SEP 16 2004

05/25/2004

M H

Department of Water Resources
Eastern Region

NOTICE OF ERROR
REPLY

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: 25-10973

ERROL W TIBBITTS

4190 E 500 N

RIGBY ID 83442

Telephone Number: (208)745-8410

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:

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

DATE:

9-15-04

SIGNATURE:

Errol W. Tibbitts

Please print your name:

ERROL W. TIBBITTS

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

PROFILED

SCANNED

SEP 17 2004



9/30/2003 Point where headgate backs up
"Spring Creek". Looking SE.

083

A0008375

N 295241

E 669683

Photo 1

PROFILED

SCANNED

NOV 5 0 2004



9/30/2003 Old river channel and point where channel is
backed up to increase sub. Looking NW

084 N 295328
E 669636

PROFILED

SCANNED

NOV 5 0 2004

PHOTO 2

9/30/2003

25-10973

Met w/ Errol. He said that sub water was necessary in order to make his canal shares effective. The slough that he refers to as "Spring Creek" is filled with his Island Irrigation water every spring in order to raise the sub. The ground south of "Spring Creek" is also irrigated w/ canal shares. The acreage lying north of "Spring Creek" is irrigated with sub water only. The slough that he refers to as the "old river channel" is also dammed to raise the sub in the area.

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NOV 5 0 2004

Surveyed by
H. G. Bardsley

ST 1928 34.00

5.89°48' W

20.530

19 1395

40.65

17 4031

2000

20 3278

21 2002

29 147.71

3 13

12

11

10

NORTH

22.80

SCANNED
NOV 5 0 2004

PROTECTED

25-10973
+ 10975

May 22 1991
State of Idaho
County of Jefferson

The undersigned being first duly sworn states:

That my father and mother (Lorenzo Edwin and Mary A. Tibbitts) began receiving beneficial use of water as described in Water Rights Claim #'s A25-10975 and A25-10973 on July 10, 1910. This continued beneficial use passed on to Wayne E. Tibbitts through a Homestead Deed dated 10-11-35 and a Gift of Deed dated 11-22-40 and continual beneficial use of the water has been utilized by Wayne E. Tibbitts to date as described in the above stated Water Rights Claims.

My age at the date of this signing is 88.


Wayne E. Tibbitts
May 22 1991

STATE OF IDAHO
County of Jefferson

On this 22 day of May 1991, before me ERROL W. TIBBITTS a Notary Public in and for said State, personally appeared WAYNE E. TIBBITTS known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same. IN WITNESS WHEREOF I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.



Notary Public for the State of Idaho
Residing at _____, Idaho
Commission ERROL W. TIBBITTS, NOTARY PUBLIC
RESIDING AT RIGBY, IDAHO
COMMISSION EXPIRES 9-15-91



MICROFILMED
NOV 10 1992

May 22, 1991
State of Idaho
County of Jefferson

The undersigned being first duly sworn states:

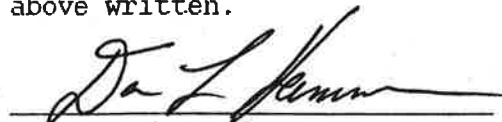
That I am aware of Wayne Tibbitts having received beneficial use of subwater for subirrigation and stock water purposes as described in Water Rights Claims #'s A25-10973 and A25-10975 which has been continual to date. This use has passed to Errol W. Tibbitts through my mother's Will which gave me a 1/2 undivided interest in our farm as of 11-19-67. Also, I purchased riparian land from BLM as of 6-23-78.

My age at the date of this signing is 53.


Errol W. Tibbitts
May 22, 1991

STATE OF IDAHO
County of Jefferson

On this ²² day of May, 1991, before me DAN L. HAMMOND a Notary Public in and for said State, personally appeared ERROL W. TIBBITTS known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same. IN WITNESS WHEREOF I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.


Notary Public for the State of Idaho
Residing at Rigby, Idaho
Commission expires 12-8-92

MICROFILMED

NOV 10 1992

SCANNED

AUG 0 2001

Log for claim 25-10973

Spatial Dynamics CAT

12/27/00

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
05n39e	29	NWNE	35	64	GCDB is irregular here due to river, acreage will not
05n39e	29	SENE	40	9.2	GCDB is irregular here due to river, acreage will not
05n39e	29	NWSE	12	13	
Totals:			87	86.2	

query properly



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Idaho Falls, Idaho 83402-1718 - (208) 525-7161 - Fax (208) 525-7177

EASTERN REGION

DECEMBER 19, 1996

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

ERROL W TIBBITTS
4190 E 500 N
RIGBY ID 83442

RE: CHANGE IN OWNERSHIP FOR A25-10971, -10972, -10973
AND -10975

Dear Mr. Tibbitts:

The request for Change in Ownership concerning the Notice(s) of Claim in the above reference has been processed and the Notice(s) modified to reflect you as the new owner.

Enclosed are copies of the Notice(s) of Claim, with your name shown as the current owner. Review the forms and if there are other corrections or questions, feel free to contact this office.

If there are no questions or corrections, please keep these Notices for your records.

Respectfully submitted,

Jo Thompson
Adjudication Secretary

Enclosure: Notices of Claim

OKAY EMC
18 DEC 96

STATE OF IDAHO
IDAHO DEPARTMENT OF WATER RESOURCES
NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type. Attach pages with additional information. Instructions are on the back of this page.
Incomplete forms will be returned.

1. Water Right Number(s) _____
Adjudication Claim Number(s) ^{#s} A^R25-10971, A^R25-10972, A^R25-10973, A^R25-10974
2. The following **REQUIRED** information must be submitted with this form.
- A. A copy of the most recent DEED, TITLE POLICY, CONTRACT OF SALE, or other legal document indicating your ownership of the property and water rights or claims in question, WITH ATTACHED LEGAL DESCRIPTION.
AND
- B. PLAT OF PROPERTY or SURVEY MAP for parcel of ten acres or less. (These are usually on file with the county.)
OR
- C. For water rights or adjudication claims involving ten or more irrigated acres, a USDA Farm Service Agency (formerly ASCS) AERIAL PHOTO with irrigated acres outlined and point(s) of diversion clearly marked.
3. Name and Address of Former Owner/Claimant(s) ERROL W TIBBITTS WAYNE TIBBITTS
4. New Owner/Claimant(s) ERROL W. TIBBITTS
Name connector (Check one): ☐ AND, ☐ OR, ☐ AND/OR
New Mailing Address 4190 E. 500 N.
City, State and ZIP Code RIGBY, IDAHO 83442
New Telephone Number (208) 745-8410
5. Date you acquired the property _____
6. If you have acquired only a portion of the former owner's property, IDWR may need to split the water right(s) or adjudication claim(s). If this applies, describe in detail your portion of each water right or adjudication claim in the spaces below. If necessary, attach additional pages.
- Number of acres actually irrigated _____ Number and type of stock _____
- Diversion rate in CFS _____ Number of homes _____ Other uses _____
cubic feet per second
- If a water right or adjudication claim is being split and you are not sure how to identify your portion of the original right or claim, please contact the nearest IDWR office for assistance.
7. Signature of New Owner/Claimant(s) [Signature] Date 12-18-96

Date _____
8. (Corporations or other organizations must submit a list of directors/officers demonstrating authority to sign form.)
For Snake River Basin Adjudication Claims: If you are represented by an attorney and you want IDWR to correspond directly with your attorney for all matters related to your claims, please attach a Notice of Appearance completed by your attorney.

April 29, 1991

Errol W. Tibbitts
4190 E. 500 N.
Rigby, ID 83442

RE: **Evidence of Priority**

Dear Mr. Tibbitts:

The Notice(s) of Claim identified with the number(s) shown at the end of this letter has been filed in the Snake River Basin Adjudication (SRBA). The Notice(s) indicates the water usage are based on "Beneficial Use" or a "Statutory Claim". Water rights of this type are established by the historical use of water, dating back to when water was first used for the purpose claimed, at or on the place of use identified on the Notice. The date the water was first put to use, known as the priority date, has not been confirmed by a License, Decree, or Permit. For this reason, proof must be provided supporting the priority date.

For your reference I have provided a printout of your Notice(s) and the pamphlet entitled **"Evidence of Priority"**. The pamphlet describes the types of evidence required and suggests which documents will fulfill this requirement. While I encourage you to read all of the pamphlet, I direct your attention to the two sections entitled **"What Kind of Evidence is Required"** and **"Some Examples of Documents Which May Be Evidence of the Priority Date"**.

It is our goal to recommend this historical water rights within the Snake River Basin as accurately as possible. Field exams to verify other items of the Notice(s) have been or soon will be conducted by Department personnel. But, the Department will not recommend the Notice(s) be decreed by the court if no evidence of a priority date is submitted.

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NOV 10 1992

Errol Tibbitts

Page 2

Please submit the required evidence supporting the priority date(s) by May 29, 1991, referencing all documents with the corresponding Notice number(s). If you have any questions not covered by this letter or the enclosed pamphlet, please contact this office.

All Notices required to submit this evidence are currently being reviewed for recommendation to the court. Hence, the need for expediency on your part or your agency. every effort should be made to submit this information within 30 days of the date of this letter.

Respectfully submitted,

Ernest Carlsen
Water right Supervisor, Adjudication

EC:sc

Enclosure: Brochure on "Evidence of Priority"
Proof Report

A25-10973
ERROL W TIBBITTS
4190 E 500 N

RIGBY ID 83442

A25-10975
ERROL W TIBBITTS
4190 E 500 N

RIGBY ID 83442

MICROFILMED

NOV 10 1992

RIGBY TITLE & DEVELOPMENT COMPANY
PHONE 745-6711 — BOX 405 — 110 N. CLARK ST.
RIGBY, IDAHO 83442

September 16, 1982

Mr. Errol W. Tibbitts
Rigby, Idaho 83442

LOT BOOK REPORT No. 11,671
Re: Errol W. Tibbitts

Dear Errol:

At your request, we have searched our Tract Indexes of County Records as to the following described property, to-wit:

TRACT 1:

Township 5 North, Range 39 East of the Boise Meridian, Jefferson County, Idaho

Section 29: Lots 5, 9, 12, 14 and 15.

EXCEPTING THEREFROM: That portion of Lots 5 and 14 which lie West of the Island Canal Company's canal.

TRACT 2:

Township 5 North, Range 39 East of the Boise Meridian, Jefferson County, Idaho

Section 29: That portion of Tract 46 lying between the North-South Quarter Section Line and East 16th Line, formerly designated as Lot 18 (portion) and Lot 20.

and as of September 16, 1982 at 9:00 a.m., we find:

The last deed of record as to the above described property runs as follows:

TRACT 1: WAYNE E. TIBBITTS, an undivided one-half interest.

ERROL W. TIBBITTS, an undivided one-half interest.

TRACT 2: ERROL W. TIBBITTS, subject to the community interest of his wife.

We have also searched our General Index for Judgments and Income Tax Liens against the above vested owner, and as of the above date we find: NONE.

We further find taxes and other encumbrances as follows:

1. Taxes for the year 1981 and all prior taxes have been paid.
Taxes for the year 1982 are an accruing lien, not yet due or payable.

MICROFILMED
NOV 10 1992

2. To Easements and right of ways for highways, roads, ditches, canals, pole, power and transmission lines as they exist.
3. To all existing zoning ordinances and applicable building codes, laws and regulations.

This report is based on a search of our Tract Indexes of the County Records and is not a title or ownership report and no examination of the title to the property described has been made. For this reason, no liability beyond the amount paid for in this report is assumed hereunder, and the company is not responsible beyond the amount paid for any errors and omissions contained herein.

RIGBY TITLE & DEVELOPMENT COMPANY, INC.

BY C. K. Jones

ts

MICROFILMED
NOV 10 1992

No. 50559

MORTGAGE

SHORT COVENANT

Mary A. Tibbitts,

TO

Harvey L. Wilson.

Dated....., 19.....

STATE OF IDAHO,
County of Jefferson, } ss.

I hereby certify that this instrument was
filed for record at the request of **Bash L. Bennett**
at 50 minutes past 9 o'clock A.M.
this 22nd day of April A. D.
1935 in my office, and duly recorded in
Book 109 of Mortgages
on page 134

W. J. Bauer
Ex-Officio Recorder.

By Deputy
fees, \$ 1.40

KNOW ALL MEN BY THESE PRESENTS, That M. G. Cummins & S.

do & hereby certify and declare that a certain mortgage, bearing date the 15th day of April A. D. 1935, made and executed by Mary A. Tibbitts & Wilson

the party of the first part therein, to M. G. Cummins & S.

the party of the second part therein,

R. E. M. T. G. INSTRUMENT 51524

recorded in the office of the County Recorder of the County of Jefferson, State of

Idaho, in Book 114 of Mortgages, on page 357 on the 8th day of

July 1935, together with the debt thereby secured, is fully paid, satisfied and discharged.

IN WITNESS WHEREOF, We have hereunto set our hand and seal, the 21st

day of June. A. D. one thousand nine hundred and thirty two.

SIGNED, SEALED, AND DELIVERED IN PRESENCE OF:

George M. Barker

M. G. Cummins
[Seal]

MICROFILMED

NOV 10 1992

No. 109

Satisfaction of Mortgage

M. G. Cummings

To

Mary A. Tibbitts

Dated 21st, 1942

STATE OF IDAHO, } ss.

County of Jefferson

I hereby certify that this instrument was
 filed for record at request of
Wayne Tibbitts
 at 40 minutes past 9:00
 o'clock A. M., this 21st
 day of December A. D. 1942
 in my office, and duly recorded in Book 76
 of Release at page 397
Amy Davis
 Ex Officio Recorder.

By _____ Deputy.

Fees, \$.40

Mail to _____

Form S-609-40065-1M-2-30.

KNOW ALL MEN BY THESE PRESENTS, That a certain mortgage, executed on the
 day of January, A. D. 1912, which was duly recorded in the records of Jefferson County,
 in the State of Idaho, on the 22 day of April, A. D. 1925, in Book 109
 of Mortgages, on page 134, and which was given to secure the sum of
 Seventeen hundred and no/100 Dollars \$ 1700.00
 Mary A. Tibbitts, a widow, and which is from
 to Harvey L. M. on.
 County of Jefferson

On this 21st day of December, in the year 1942, before me,
George M. Larsen a Notary Public in and for said State, personally appeared
Wayne Tibbitts
 known to me to be the person whose name is subscribed to the within instrument
 and acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year in
 this certificate first above written.

George M. Larsen
 Notary Public for the State of Idaho,
 Residing at Boise, Idaho.

MICROFILMED
 NOV 10 1992

MICROFILMED
NOV 10 1992

Seal

Seal

Seal

Harvey L. Wilson

Harvey L. Wilson
Signed, sealed and delivered in the presence of:

IN WITNESS WHEREOF, these presents are signed this 21 day of December, A. D. 1942.

section 29, in Township 5 North Range 39 East Boise Meridian.

lots 9, 12 and 15, and the east 65 rods of lot 5

dated and being in the County of Jefferson and State of Idaho, viz:

is hereby released and satisfied in full. The said Mortgage was upon the following described property sit-

Harvey L. Wilson.

My A. Tibbitts, a widow, Wayne E. Tibbitts and LeFetta Tibbitts, his wife,

Seventeen hundred and no/100 Dollars \$ 1700.00, and which is from

of Mortgages, on page 134, and which was given to secure the sum of

in the State of Idaho, on the 22 day of April, A. D. 1925, in Book 109

day of January, A. D. 1913, which was duly recorded in the records of Jefferson County,

KNOW ALL MEN BY THESE PRESENTS, That a certain mortgage, executed on the 24th

RECORD ON SATISFACTION OF MORTGAGE

County of

On this

21st

day of

December

in the year 1942, before me,

a Notary Public in and for said State, personally appeared

known to me to be the person whose name

subscribed to the within instrument

and acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year in this certificate first above written.

George M. Larson

Notary Public for the State of Idaho,
Residing at *Boise*, Idaho.

STATE OF IDAHO,
County of Jefferson

} ss

On this 21st day of December, A. D. 1942, before me, the undersigned,
a Notary Public within and for the said County and State personally appeared
Harvey L. Wilson,

known to me to be the person described in and who executed the above and foregoing Satisfaction and
Release of Mortgage, and acknowledged to me that he executed the same for the purpose herein men-
tioned

IN WITNESS WHEREOF, I have hereunto set my hand and affixed
my official seal the day and year last above written.

Ruth R. Burnett

Notary Public, Rigby, Idaho.

My commission expires Nov. 9th, 1946.

No.

Harvey L. Wilson

to

Mary A. Tibbitts, a widow
et al,

Release of Mortgage

Dated, 1942

Recorded at the request of

Wayne Tibbitts

December 21st, 1942

at 45 minutes past 9:00 o'clock

A. M. in Book 76 of release of

Mortgages, Page 397.

County of Jefferson, State of Idaho.

Ann Davis

Recorder,

By

Deputy

PRINTED BY THE RIGBY STAR

Fee: 40¢

MICROFILMED
NOV 10 1992

OCT 18 1935

Blackfoot 044854

4-1003.

The United States of America,

To all to whom these presents shall come, Greeting:

WHEREAS, a Certificate of the Register of the Land Office at Blackfoot, Idaho, has been deposited in the General Land Office, whereby it appears that, pursuant to the Act of Congress of May 20, 1862, "To Secure Homesteads to Actual Settlers on the Public Domain," and the acts supplemental thereto, the claim of Wayne E. Tibbitts has been established and duly consummated, in conformity to law, for the Lots nine, twelve, and fifteen of section twenty-nine in Township five north of Range thirty-nine east of the Boise Meridian, Idaho, containing sixty-one acres and ninety hundredths of an acre,

according to the Official Plat of the Survey of the said Land, on file in the GENERAL LAND OFFICE:

NOW KNOW YE, That there is, therefore, granted by the UNITED STATES unto the said claimant the tract of Land above described; TO HAVE AND TO HOLD the said tract of Land, with the appurtenances thereof, unto the said claimant and to the heirs and assigns of the said claimant forever; subject to any vested and accrued water rights for mining, agricultural, manufacturing, or other purposes, and rights to ditches and reservoirs used in connection with such water rights, as may be recognized and acknowledged by the local customs, laws, and decisions of courts; and there is reserved from the lands hereby granted a right of way thereon for ditches or canals constructed by the authority of the United States.

IN TESTIMONY WHEREOF, I, Franklin D. Roosevelt,

President of the United States of America, have caused these letters to be made Patent, and the seal of the General Land Office to be hereunto affixed.

GIVEN under my hand, at the City of Washington, the ELEVENTH day of OCTOBER In the year of our Lord one thousand nine hundred and THIRTY-FIVE and of the Independence of the United States the one hundred and SIXTIETH.

By the President: Franklin D. Roosevelt
By Robert L. Johnston Secretary

RECORDED: Patent Number 1079015

0-0020

U. S. GOVERNMENT PRINTING OFFICE: 1935

Robert L. Johnston
Recorder of the General Land Office

92752

Instrument No. _____

State of Idaho,
County of Jefferson, } ss.

I hereby certify that the within
instrument was filed for record at the
request of

Wayne Hilbly

on the 20 day of Nov, 1922

at 2 minutes past 11 o'clock

AM and recorded in Book 153

of Needle page 3

records of Jefferson County.

EILEEN MADSEN

Recorder.

By Chas. J. [Signature]

Deputy

Recorder's Fee \$ 1.00

PLATTED BY
VEARL C. CRYSTAL, Assessor

By [Signature]

Deputy

DEED OF GIFT.

THIS INDENTURE, Made this 22nd day of November, A. D. 1940 between Mary A. Tibbetts, a widow of Lorenzo County of Jefferson, State of Idaho, the party hereto of the first part, and Wayne E. Tibbetts, of Lorenzo County of Jefferson, State of Idaho, the party hereto of the second part;

WITNESSETH: That the said party of the first part, for and in consideration of LOVE AND AFFECTION, the receipt whereof is hereby acknowledged by the said party of the first part, have granted, bargained and sold, and by these presents do grant, bargain, sell, convey and confirm unto the said party of the second part, and for ~~his~~ sole and separate property the following real property situated in Jefferson County, Idaho, and more particularly described as follows, to-wit:

The East sixty-five rods(65) of Lot Five(5) in Section twenty-nine(29) in Township Five (5) North Range Thirty-nine (39) East Boise Meridian, in Idaho; together with all ditch and water rights belonging thereto, and however evidenced.

Together with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in any wise appertaining, the revision and revisions, remainder and remainders, rents, issues and profits thereof, and all estate, right, title and interest in and to the said property, as well in law as in & equity, of the said party of the first part.

IN WITNESS WHEREOF, the said party of the first part has set his hand, this the day and year in this instrument first above written.

SIGNED IN THE PRESENCE OF:

Rash L. Bennett)
)
)

Mary A. Tibbetts

STATE OF IDAHO,)
) ss.
County of Jefferson.)

On this 22nd day of November, A. D., 1940, before the undersigned, a Notary Public for Idaho, there personally appeared Mary A. Tibbetts, a widow known to me to be the person whose name is subscribed to the foregoing instrument and who acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

Rash L. Bennett
Notary Public for Idaho.
Residence: Rigby, Idaho.

My commission expires November 9th, 1942.

Instrument No. 65705

State of Idaho,
County of Jefferson, } ss.

I hereby certify that the within
instrument was filed for record at the
request of

Wayne E. Tibbitts

on the 22 day of November, 1940

at 45 minutes past 3 o'clock

P. M. and recorded in Book 124

of Deeds, page 545.

records of Jefferson County.

W. E. Tibbitts
Recorder.

By _____ Deputy.

Recorder's Fee \$ 1.00

PLATTED BY
A. T. JOHNSON, Assessor

By _____ Deputy

10/27/1988

SRBA CLAIMS RECEIVING CHECKLIST

CLAIMANT'S NAME 11 BRINTS, BEOL W. CLAIM I F. NO. A25-10973

DATE RECEIVED 11-03-88 CK # 2538 AMOUNT \$ 289

- | | 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) | ☐ N/A | ☐ |
| 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? | ☐ N/A | ☐ |
| Is the consumptive use correct? | ☐ N/A | ☐ |
| 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. | ☒ N/A | ☐ |
| 10. Is (are) the place(s) of use entered? | ☒ | ☐ |
| 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.) | ☒ N/A | ☐ |
| 15. Is the basis of the claim checked? | ☒ | ☐ |
| 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? | ☐ Exempt | ☐ |
| If this claim is based on an existing water right, has the identification number been entered? | ☐ N/A | ☐ |
| Should this claim be receipted and data entered? | ☒ | ☐ |

Claim checked by: DM

Comments: _____

MICROFILMED

NOV 10 1992

8779

THIS INDENTURE, Made the Ninth day of January in the year of our Lord one thousand nine hundred and Twenty-eight between Mary A. Tibbitts, a widow; Wayne E. Tibbitts and LaRetta J. Tibbitts, husband and wife. of Lorenzo County of Jefferson State of Idaho parties of the first part, and Harvey L. Wilson of Rigby County of Jefferson State of Idaho the part y. of the second part,

WITNESSETH, That the said parties of the first part, for and in consideration of the sum of Five Hundred and No/100 DOLLARS lawful money of the United States, do by these presents GRANT, BARGAIN, SELL AND CONVEY, unto the said part y. of the second part, and to his heirs and assigns, FOREVER, all that certain real property situate in the County of Jefferson and State of Idaho, and bounded and particularly described as follows, to-wit: The East 65 rods of Lot 5 in Section 29, Township 5 North, Range 39 East of Boise Meridian, and Commencing at the Northwest corner of Lot 5, Section 29, Township 5 North, Range 39, East of Boise Meridian, and thence running North to the South Bank of Snake River, thence in an Easterly direction along the South Bank of Snake River to a point directly north of the Northeast corner of said Lot 5, thence due South to the said Northeast corner of the said Lot 5, thence West along the North boundary line of the said Lot 5 to the place of beginning, containing 121.29 acres, more or less.

Together with 1000 shares of the Capital Stock of the Island Irrigation Company, represented by Stock Certificate #35,

together with the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

THIS GRANT Is intended as a Mortgage to secure the payment of Five certain promissory note s. of even date herewith, executed and delivered by the said first parties to the said part y. of the second part all payable at Rigby, Idaho, as follows: One of said Notes due on December 10, 1928, One on December 10, 1929, One on December 10th, 1930, One on December 10, 1931, One on December 10, 1932; each note being for the sum of \$100. Interest as stated in said notes.

AND THESE PRESENTS SHALL BE VOID if such payment be made. But in case default shall be made in the payment of the said principal sum s. of money, or any part thereof, as provided in the said note s., or if the interest be not paid as therein specified, then it shall be optional with the said part y. of the second part, his executors, administrators or assigns, to consider the whole of said principal sum s. expressed in said note s. as immediately due and payable; and immediately to enter into and upon all and singular the above described premises, and to sell and dispose of the same, according to law, and out of the money arising from such sale to retain the principal and interest which shall then be due on the said promissory note s., together with the costs and charges of foreclosure suit, including

reasonable counsel fees and also the amounts of all such payments of taxes, assessments, incumbrances or insurance as may have been made by said second part y. his heirs, executors or assigns with the interest on the same, rendering the overplus of the purchase money (if any there shall be) unto the said parties of the first part, their heirs, executors, administrators or assigns.

IN WITNESS WHEREOF, The said parties of the first part, have hereunto set their hands and seal s. the day and year first above written.

Signed, Sealed and Delivered in the Presence of

Clara Bonarney

Mary A Tibbitts (SEAL)

Wayne E Tibbitts (SEAL)

LaRetta J. Tibbitts

STATE OF IDAHO,
County of Jefferson } ss.

On this 10 day of January, 1928, before me

a Notary Public
in and for said County, personally appeared Mary A. Tibblitts, a widow; Wayne E. Tibblitts & Loretta J. Tibblitts, known to me to be the person s. whose name s. are subscribed to the within instrument, and acknowledged to me that the y. executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year in this certificate first above written.

My Commission Expires:
December 5th, 1931.

Notary Public for Idaho
Residing at Rigby, Idaho.

Paul Brackley

No. 34472

MORTGAGE

SHORT COVENANT

Mary A. Tibblitts

TO

Harvey L. Nelson

Dated , 19

STATE OF IDAHO, } ss.
County of

I hereby certify that this instrument was
filed for record at request of

Paul Brackley

at 5 minutes past 4

o'clock P. M., this 10 day

of January A. D. 1928

in my office, and duly recorded in Book

80 of at page 557

J. R. Sawyer

Ex-Officio Recorder.

By *J. R. Sawyer* Deputy.

Fees, \$ 1.75

MORTGAGE—SHORT COVENANT

THIS INDENTURE, Made the Ninth day of January in the year of our Lord one thousand nine hundred and thirty-five between Mary A. Tibbitts, a widow, Wayne E. Tibbitts and LaRetta Tibbitts, his wife,

of Lorenzo County of Jefferson State of Idaho part ies of the first part, and Harvey L. Wilson of Lorenzo County of Jefferson State of Idaho the part y of the second part,

WITNESSET, That the said parties of the first part, for and in consideration of the sum of Seventeen hundred and no/100 DOLLARS lawful money of the United States, does by these presents GRANT, BARGAIN, SELL AND CONVEY, unto the said party of the second part, and to his heirs and assigns, FOREVER, all that certain real property situate in the County of Jefferson and State of Idaho, and bounded and particularly described as follows, to-wit:

Lots Nine, Twelve, and Fifteen, and the East 65 rods of Lot 5, section 29, all being in township 5 North Range 39 East Boise Meridian, together with all ditch and water rights used in any manner in connection therewith.

Especially as to 1,000 shares of the capital stock in the Island Irrigation Company, a corporation.

together with the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

THIS GRANT is intended as a Mortgage to secure the payment of one certain promissory note of even date herewith, executed and delivered by the said parties of the first part to the said party of the second part and due and payable Five years after date, bearing interest at the rate of 6% per annum with interest payable annually.

AND THESE PRESENTS SHALL BE VOID if such payment be made. But in case default shall be made in the payment of the said principal sum of money, or any part thereof, as provided in the said note, or if the interest be not paid as therein specified, then it shall be optional with the said party of the second part, his executors, administrators or assigns, to consider the whole of said principal sum expressed in said note as immediately due and payable; and immediately to enter into and upon all and singular the above described premises, and to sell and dispose of the same, according to law, and out of the money arising from such sale to retain the principal and interest which shall then be due on the said promissory note, together with the costs and charges of foreclosure suit, including reasonable

counsel fees and also the amounts of all such payments of taxes, assessments, incumbrances or insurance as may have been made by said second part y his heirs, executors or assigns with the interest on the same, rendering the overplus of the purchase money (if any there shall be) unto the said parties of the first part, their heirs, executors, administrators or assigns.

IN WITNESS WHEREOF, The said part ies of the first part, have hereunto set their hands and seals the day and year first above written.

Signed, Sealed and Delivered in the Presence of

Barth H. Secord

Mary A. Tibbitts (SEAL)
Wayne E. Tibbitts (SEAL)
LaRetta Tibbitts

STATE OF IDAHO,
County of Jefferson } ss.

On this 12th day of April, 1935, before me

Bash L. Bennett a Notary Public

in and for said County, personally appeared Mary A. Tibbitts, a widow, Wayne E. Tibbitts

and LaRetta J. Tibbitts, his wife, known to me to be the person whose name are

subscribed to the within instrument, and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year in this certificate first above written.

Bash L. Bennett

Notary Public for Idaho.
Residing at Rigby, Idaho.

My commission expires Nov. 9th, 1938.

No. 30559

MORTGAGE

SHORT COVENANT

Mary A. Tibbitts,

TO

Harvey L. Wilson.

Dated 12th day of April, 1935

STATE OF IDAHO,

County of Jefferson, ss.

I hereby certify that this instrument was
filed for record at the request of *Bash L. Bennett*
at 50 minutes past 9 o'clock A.M.
this 22nd day of April, 1935 A.D.
in my office and duly recorded in
Book 107 of Mortgages
on page 134.

W. J. [Signature]
Ex-Officio Recorder

By fees, \$1.40 Deputy

KNOW ALL MEN BY THESE PRESENTS, That *M. A. Tibbitts*

do hereby certify and declare that a certain mortgage, bearing date the

15th

day

SCANNED

AUG 11 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: **A25-10973**
Date Received: 11/ 3/1988
Receipt No: E003779
Received By: _____

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

AMENDED

1. Name: ERROL W TIBBITTS 208-745-8410
Address: 4190 E 500 N
RIGBY ID 83442

2. Date of Priority: JUL 10, 1910

3. Source: SPRING CREEK Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
05N	39E	29	NW	NE			JEFFERSON
			SW	NE			JEFFERSON

5. Description of diverting works:
DIRT DAM, RESERVOIR, HEADGATE TO PROVIDE SUB IRRIGATION

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/15	11/15	2.610		
STOCKWATER	01/01	12/31	0.050		

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

8. Total consumptive use is 217.0 Acre Feet Per Annum.

9. Non-irrigation uses:
STOCK WATER - 200 HEAD RANGE CATTLE

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
05N	39E	29	NW	NE		STOCK	
			NW	NE		IRR	35.0

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
05N	39E	29	SW	NE		STOCK	
			SW	NE		IRR	40.0
			NW	SE		STOCK	
			NW	SE		IRR	12.0
						Section Acres	87.0
						Total Acres	87.0

11. Place of use in counties: JEFFERSON

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

13. Other Water Rights Used:
ISLAND IRRIGATION CANAL CO.

14. Remarks:
CHANGED OWNERSHIP 12/19/96/JT/EC
*AMENDED CLAIM TO REFLECT 2 POINTS OF DIVERSION AND NOT FOUR

15. Basis of Claim: BENEFICIAL USE

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): Europe L. Lill Date: 4-20-98

Date: _____

State of Idaho

County of Bonneville) SS.

Subscribed and sworn (or affirmed) before me this 20 day
of April 19 98

Raine Cas
Notary Public

Seal

Residing at Rigby, Id
My Commission Expires 2/26/2007



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: **A25-10973**
Date Received: 11/ 3/1988
Receipt No: E003779
Received By: _____

**COPY FOR
YOUR FILES**

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

**COPY FOR
YOUR FILES**

1. Name: ERROL W TIBBITTS
Address: 4190 E 500 N
RIGBY ID

208-745-8410

83442

2. Date of Priority: JUL 10, 1910

3. Source: SPRING CREEK

Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
05N	39E	29	NW	NE			JEFFERSON
			NW	NE			JEFFERSON
			SW	NE			JEFFERSON
			SW	NE			JEFFERSON

5. Description of diverting works:

DIRT DAM, RESERVOIR, HEADGATE TO PROVIDE SUB IRRIGATION

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/15	11/15	2.610		
STOCKWATER	01/01	12/31	0.050		

7. Total Quantity Appropriated is:

2.610 C.F.S. (and/or)

A.F.A.

8. Total consumptive use is

217.0 Acre Feet Per Annum.

9. Non-irrigation uses:

STOCK WATER - 200 HEAD RANGE CATTLE

10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
05N	39E	29	NW		NE		STOCK	
			NW		NE		IRR	35.0
			SW		NE		STOCK	
			SW		NE		IRR	40.0
			NW		SE		STOCK	
			NW		SE		IRR	12.0
							Section Acres	87.0
							Total Acres	87.0

11. Place of use in counties: JEFFERSON

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

13. Other Water Rights Used:
ISLAND IRRIGATION CANAL CO.

14. Remarks:
CHANGED OWNERSHIP 12/19/96/JT/EC

15. Basis of Claim: BENEFICIAL USE

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: A25-10973
Date Received: 11/03/1988
Receipt No: E003779
Received By: Entered for

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: ERROL W TIBBITTS 208-745-8410
Address: 4190 E 500 N
RIGBY, ID 83442

AND

Name: WAYNE ~~E~~ TIBBITTS 2-7-91/80/00
Address: RIGBY, ID 83442

2. Date of Priority: JUL 10, 1910

3. Source: SPRING CREEK Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
05N	39E	29	NW	NE			JEFFERSON
			NW	NE			JEFFERSON
			SW	NE			JEFFERSON
			SW	NE			JEFFERSON

5. Description of diverting works:
DIRT DAM, RESERVOIR, HEADGATE TO PROVIDE SUB IRRIGATION

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/15	11/15	2.610		
STOCKWATER	01/01	12/31	0.050		

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

8. Total consumptive use is 217.0 Acre Feet Per Annum.

9. Non-irrigation uses:
STOCK WATER - 200 HEAD RANGE CATTLE

A25-10973

Page 1

Date: 02/06/89

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10. Place of Use:

2-7-91/80/0E

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
05N	39E	29	NW	NE	STOCK	
			SW	NE	STOCK	
			NW	SE	STOCK	
			NW	NE	IRR	35.0
			SW	NE	IRR	40.0
			NW	SE	IRR	12.0
			Section Acres			87.0
			Total Acres			87.0

11. Place of use in counties: JEFFERSON

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

13. Other Water Rights Used:
ISLAND IRRIGATION CANAL CO.

14. Remarks:

15. Basis of Claim: BENEFICIAL USE

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 _____

137

25

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 A-25-10973Date Received 11-03-88Receipt Number E003779

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

A2510973



Please type or print clearly

1. Name of Claimant (s) Errol W. and Wayne E. Tibbitts Phone (208) 745-8410
Mailing Address 4190 East 500 North, Rigby, ID Zip 83442

2. Date of Priority (Only one (1) per claim) July 10, 1910 EWT

3. Source of water supply (a) Spring Creek
which is tributary to (b) Snake River

4. a. Location of existing point of diversion is: Township 5 North Range 39 East Section 29,
1/4 of SW 1/4 of NE 1/4, Govt. Lot, B.M., County of Jefferson
AND NW 1/4 of NE 1/4,

Additional points of diversion if any: _____

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

Township 5 North Range 39 East Section 29, 1/4 of SW 1/4 of NE 1/4, EWT
Govt. Lot _____ B.M., County of Jefferson AND NW 1/4 of NE 1/4,
ending point is: Township 5 North Range 39 East Section 29, 1/4 of SW 1/4 of
NE 1/4, Govt. Lot B.M., County of Jefferson AND NW 1/4 of
NE 1/4, County of Jefferson.

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. dirt dam, reservoir, headgate to provide
sub irrigation

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6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For Irrigation purposes from 4-15 to 11-15 amount 2.61 or
 For STOCKWATER purposes from 1-1 to 12-31 amount .05 or
 For purposes from to amount or
 For purposes from to amount or

7. Total quantity claimed (a) 2.61 (cfs) and/or (b) (acre feet)

8. Total consumptive use claimed is 217 acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) stock water - 200 head range cattle

10. Description of place of use:

- If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- 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
			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	
5N	39E	29	35	35	40											12	40		87
				S	S											S			

Total number of acres irrigated 87

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

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.
 Island Irrigation Canal Co. or None ()

14. Remarks:

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Last Name Ident No.

Copies: White - State, Yellow - Claimant

UNNAMED SLOUGH
TRIBUTARY OF SNAKE RIVER

POINT OF DIVERSION

SW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 29
NW $\frac{1}{4}$ NE $\frac{1}{4}$
T5N R39E

PLACE OF USE

12 ac NW $\frac{1}{4}$ of SE $\frac{1}{4}$

40 ac SW $\frac{1}{4}$ of NE $\frac{1}{4}$

35 ac NW $\frac{1}{4}$ of NE $\frac{1}{4}$

87 ac

3E R39E

RIGBY ORTHOPHOTOQUAD
IDAHO

26 55

27 570 000 FEET

28

29

111° 52' 30"
43° 45'



4844

4843

4842

750 000
FEET

4841

4840

42' 30"

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5
7

Scale: 2 inches equals 1 mile

A 16x16 grid of squares. Each square contains a crosshair pattern formed by two dashed lines intersecting at the center. The grid is composed of 16 columns and 16 rows of these squares.

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 _____

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) _____

Date November 3, 1988

Date 11/3/88

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 Idaho)

) SS.

County of Jefferson)

Subscribed and sworn (or affirmed) before me this 3rd day of November 19 88

SEAL

Notary Public Willis Robinette

Residing at Idaho Falls, Idaho

My Commission Expires May 23, 1994

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 _____

Last Name _____ Ident. Number _____

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