

09/02/2004

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

RIGHT NUMBER: 25-14039  
NAME AND ADDRESS: ALLAN GILBERT  
8310 N 55 E  
IDAHO FALLS ID 83401  
SOURCE: WILLOW CREEK TRIBUTARY: SNAKE RIVER  
QUANTITY: 0.890 CFS  
The quantity of water under this right for stockwater use shall not exceed 13,000 gallons per day.

PRIORITY DATE: 05/01/1888

POINT OF DIVERSION:  
T03N R39E S20 NENESW Within BONNEVILLE County

PURPOSE AND  
PERIOD OF USE:

| <u>PURPOSE OF USE</u> | <u>PERIOD OF USE</u> | <u>QUANTITY</u> |
|-----------------------|----------------------|-----------------|
| IRRIGATION            | 04/01 10/31          | 0.890 CFS       |
| STOCKWATER            | 04/01 10/31          | 0.020 CFS       |

PLACE OF USE: IRRIGATION Within BONNEVILLE County

T03N R39E S19 NESW 2.5 T03N R39E S19 Lot 4 SWSW 32.0  
T03N R39E S19 SESW 25.0

STOCKWATER same as IRRIGATION

59.5 ACRES TOTAL

Use of this right with Right No. 25-14037 is limited to the irrigation of a combined total of 59.5 acres in a single irrigation season.

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: Decreed

Use of this right is combined with water from Enterprize Canal Co.

Water is delivered through W & O Cooper ditch.

This right is a split from former right 25-194A.

Water Right 25-14039

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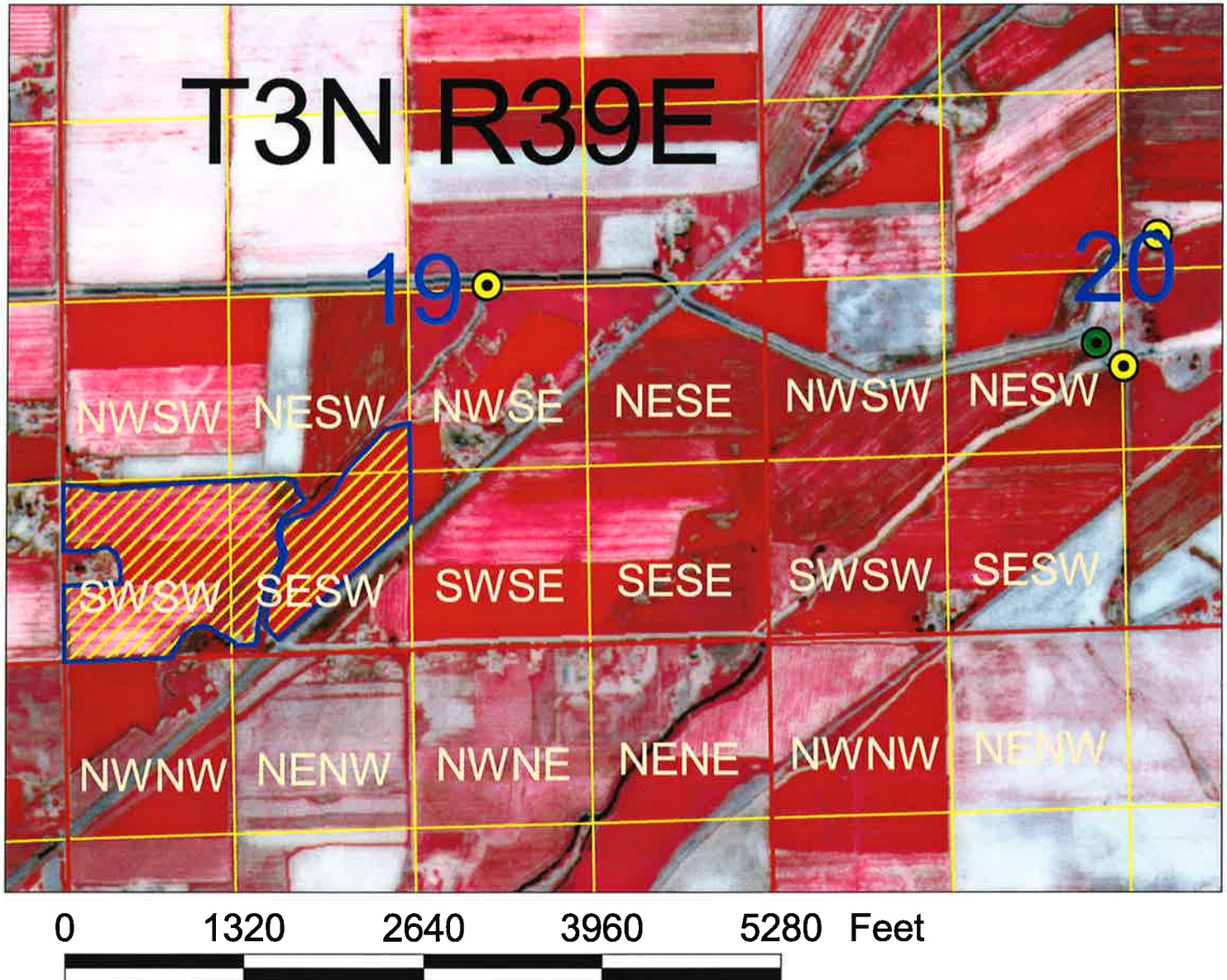
1

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# Department of Water Resources

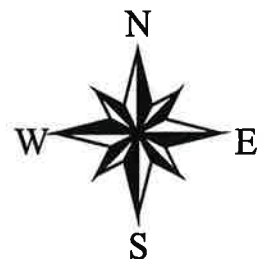
## Claim No.: 25-14039



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

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



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. SKYLINE DR., SUITE A, IDAHO FALLS, ID 83402-1718

PHONE: (208) 525-7161 FAX: (208) 525-7177 WEB SITE: [www.idwr.state.id.us](http://www.idwr.state.id.us)

EASTERN REGION

March 2, 2004

DIRK KEMPTHORNE  
Governor

KARL J. DREHER  
Director

ALLAN GILBERT  
8310 N 55 E  
IDAHO FALLS ID 83401

RE: CHANGE IN OWNERSHIP FOR 25-12B, 25-194A

Dear Mr. Gilbert:

The request for Change in Ownership for a portion of the above-referenced Notice(s) of Claim has been processed with the new Notice(s) reflecting you as one of the claimants.

Since the Change in Ownership involved just a portion of the Notice(s) of Claim, the right was split as follows:

25-12B split into:

25-14036: 1.10 cfs, 87 acres, Severe

25-14037: 0.82 cfs, 65 acres, Gilbert

25-194A split into:

25-14038: 1.21 cfs, 87 acres, Severe

25-14039: 0.91 cfs, 65 acres, Gilbert

Enclosed for your records is a typed Notice(s) reflecting your portion of the right. Review the Notice(s) and if you have other corrections or questions, please contact this office.

Respectfully submitted,

Jennifer Crabtree  
Technical Records Specialist

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

**RECEIVED****JAN 30 2004**Department of Water Resources  
Eastern Region

Please print or type. Attach pages with additional information. Instructions are included at the end of this form.  
 Incomplete forms will be returned.

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided (under the "split" heading), if the change in ownership is limited to a portion of a water right in which case division of the existing water right or adjudication claim record will be required.

| Water<br>Right No(s). | Adjudication<br>Claim No(s). | Split | Water<br>Right No(s). | Adjudication<br>Claim No(s). | Split |
|-----------------------|------------------------------|-------|-----------------------|------------------------------|-------|
|                       | A25-00012B                   | Y     |                       |                              |       |
|                       | A25-00194A                   | Y     |                       |                              |       |
|                       |                              |       |                       |                              |       |
|                       |                              |       |                       |                              |       |
|                       |                              |       |                       |                              |       |
|                       |                              |       |                       |                              |       |

2. The following **REQUIRED** information must be submitted with this form:

*ND* ~~A~~ The appropriate **FILING FEE**. See instructions for fee amounts.

- B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.

- C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):  
**PLAT OF PROPERTY** or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).

**OR**

If your water right(s) and/or adjudication claim(s) is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY** or **SURVEY MAP**.

3. Name and Address of Former Owner/Claimant(s)

Arvel G. Cooper

- ④ New Owner/Claimant(s)

Terald H Severe + Julie Lynn Severe

Name Connector (Check one): [ ] and, [ ] or, ☒ and/or

New Mailing Address

1889 East 1500 North

City, State and ZIP Code

Tenerton ID 83450

New Telephone Number

208 663-4935

5. Date you acquired the property

Feb 2002

Allan Gilbert  
8310 N-55 E

Fred Fells, Idaho  
83401

other portion of split owned by  
 Julie & Fern Severe - Tenerton

Phone: 523 9170

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**OCT 15 2004**

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6. If the change in ownership affects the entire water right for each water right or adjudication claim number listed in item 1, THEN SKIP THIS ITEM AND GO TO ITEM 7. If the change in ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (one water right per box, you may copy this page as necessary). If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

**DESCRIPTION OF YOUR PORTION OF WATER RIGHT**  
(If the right(s) will not be split, skip this area and proceed to item 7)

Water Right and/or Adjudication Claim Number 25-12B

| Water Use    | Diversion Rate or Volume<br>(cubic feet per second or acre-feet per annum) | Description<br>(acres, number and type of stock, homes, etc) |
|--------------|----------------------------------------------------------------------------|--------------------------------------------------------------|
| Irrigation   |                                                                            | 160 estimate                                                 |
| Stock        |                                                                            |                                                              |
| Domestic     |                                                                            |                                                              |
| Other        |                                                                            |                                                              |
| <b>Total</b> |                                                                            |                                                              |

Reese  
Gilbert

**DESCRIPTION OF YOUR PORTION OF WATER RIGHT**  
(If the right(s) will not be split, skip this area and proceed to item 7)

Water Right and/or Adjudication Claim Number 25-194A

| Water Use    | Diversion Rate or Volume<br>(cubic feet per second or acre-feet per annum) | Description<br>(acres, number and type of stock, homes, etc) |
|--------------|----------------------------------------------------------------------------|--------------------------------------------------------------|
| Irrigation   |                                                                            | 160 estimate                                                 |
| Stock        |                                                                            |                                                              |
| Domestic     |                                                                            |                                                              |
| Other        |                                                                            |                                                              |
| <b>Total</b> |                                                                            |                                                              |

7. Signature of New Owner(s) or Claimant(s)  
(include title if applicable)

*[Signature]*  
*[Signature]*

For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him/her for all matters related to your claims.

**For Office Use Only**

Received by \_\_\_\_\_ Date \_\_\_\_\_ Fee \_\_\_\_\_  
 Received by \_\_\_\_\_ Date \_\_\_\_\_ Receipt No. \_\_\_\_\_  
 Processed by \_\_\_\_\_ AJ Date \_\_\_\_\_ WR \_\_\_\_\_ Date \_\_\_\_\_

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RECEIVED

FEB 26 2004

Department of Water Resources  
Eastern Region

BONNEVILLE COUNTY RECORDER  
1073560 MAR21'02 PM 3:59

1073560

## GRANT DEED BY CONSERVATORS

FOR VALUE RECEIVED, **RONALD L. WALKER, C.P.A., and RUDD & COMPANY, PLLC**, as Conservators of the Estate of **ARTA LAVON COOPER**, also known as Arta Cooper, a Protected Person, of 124 East Main Street, Rexburg, Idaho 83440 ("Grantors"), do hereby grant, bargain, confirm, and convey unto **JERRY SEVERE and JULIE SEVERE**, husband and wife, of 1889 East 1500 North, Terreton, Idaho 83450, ("Grantees"), the following described real property located in Bonneville County, State of Idaho, to wit:

Commencing at the Southeast corner of Section 19, Township 3 North, Range 39, East of the Boise Meridian, Bonneville County, Idaho, and running thence North 89 rods, thence West and parallel with the South boundary line of said Section 160 rods; thence South on one-half section line 89 rods; thence East on section line 160 rods to the place of beginning;

Also commencing at the Northwest corner of the last above-described tract; thence East along the North line thereof 679 feet, more or less to the point of its intersection with the main county highway, which passes diagonally through said Section 19; thence Northeasterly along said highway 260 feet; thence Northwesterly and at right angles to said highway 80 feet, more or less, to the center of the channel of Willow Creek at such an angle and in such a manner as to bisect a certain water hole used in said creek at said point; thence Southerly and Northwesterly along the meandering of the said creek to the point of intersection with the West boundary line of the Southeast quarter of Section 19; thence South 500 feet, more or less to the place of beginning.

**Less and Excepting:** Beginning at the Southeast corner of Section 19, Township 3 North, Range 39, East of the Boise Meridian, Bonneville County, Idaho and running thence North 90°00'00" West along the South line of said Section 19 a distance of 100 feet; thence North 0°00'00" West 77.81 feet; thence South 87°01'16" East 100.13 feet; thence South 0°00'00" West along the East line of said Section 19 a distance of 72.60 feet to the point of beginning.

**Less and excepting** State Highway 26 – Roosevelt Highway.

Grant Deed by Conservators – Page 1 of 3  
CooperA.GrD

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OCT 15 2004

JP50188

FIRST AMERICAN TITLE CO.

P. O. Box 3432

Idaho Falls, Idaho 83403

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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 25-14039  
Date Received: 2/26/2004  
Receipt No:  
Received By:

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

1. Name of Claimant(s)

ALLAN GILBERT Phone: (208)523-9170  
8310 N 55 E  
IDAHO FALLS ID USA 83401

2. Date of Priority: 05/01/1888

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

4. Point of Diversion:

| Township | Range | Section | 1/4 of 1/4 of 1/4 Lot | County     | Type |
|----------|-------|---------|-----------------------|------------|------|
| 03N      | 39E   | 21      | SW NW                 | BONNEVILLE |      |

5. Description of diverting works:

HEADGATE TO DITCHES TO P/U FOR FLOOD IRRIGATION.

6. Water is used for the following purposes:

| Purpose    | From  | To    | C.F.S. | (or) A.F.A |
|------------|-------|-------|--------|------------|
| IRRIGATION | 04/01 | 11/01 | 0.91   |            |
| STOCKWATER | 04/01 | 11/01 | 0.03   |            |

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

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

| Township | Range | Section | 1/4 of 1/4 Lot | Use        | Acres |
|----------|-------|---------|----------------|------------|-------|
| 03N      | 39E   | 19      | SW SW 4        | IRRIGATION | 36    |
|          |       |         | SE SW          | IRRIGATION | 29    |

Section Acres 65

Total Acres 65

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:

THIS RIGHT IS A SPLIT FROM FORMER RIGHT 25-194A

15. Basis of Claim: Decreed

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