

09/02/2004

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

RIGHT NUMBER: 25-14037
NAME AND ADDRESS: ALLAN GILBERT
8310 N 55 E
IDAHO FALLS ID 83401
SOURCE: WILLOW CREEK TRIBUTARY: SNAKE RIVER
QUANTITY: 0.820 CFS
The quantity of water under this right for stockwater use shall not exceed 13,000 gallons per day.
PRIORITY DATE: 04/01/1884
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	0.820 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. 25-14039 is limited to the irrigation of a combined total of 59.5 acres in a single irrigation season.

This right is limited to the irrigation of 41 acres within the place of use described above 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

Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.

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

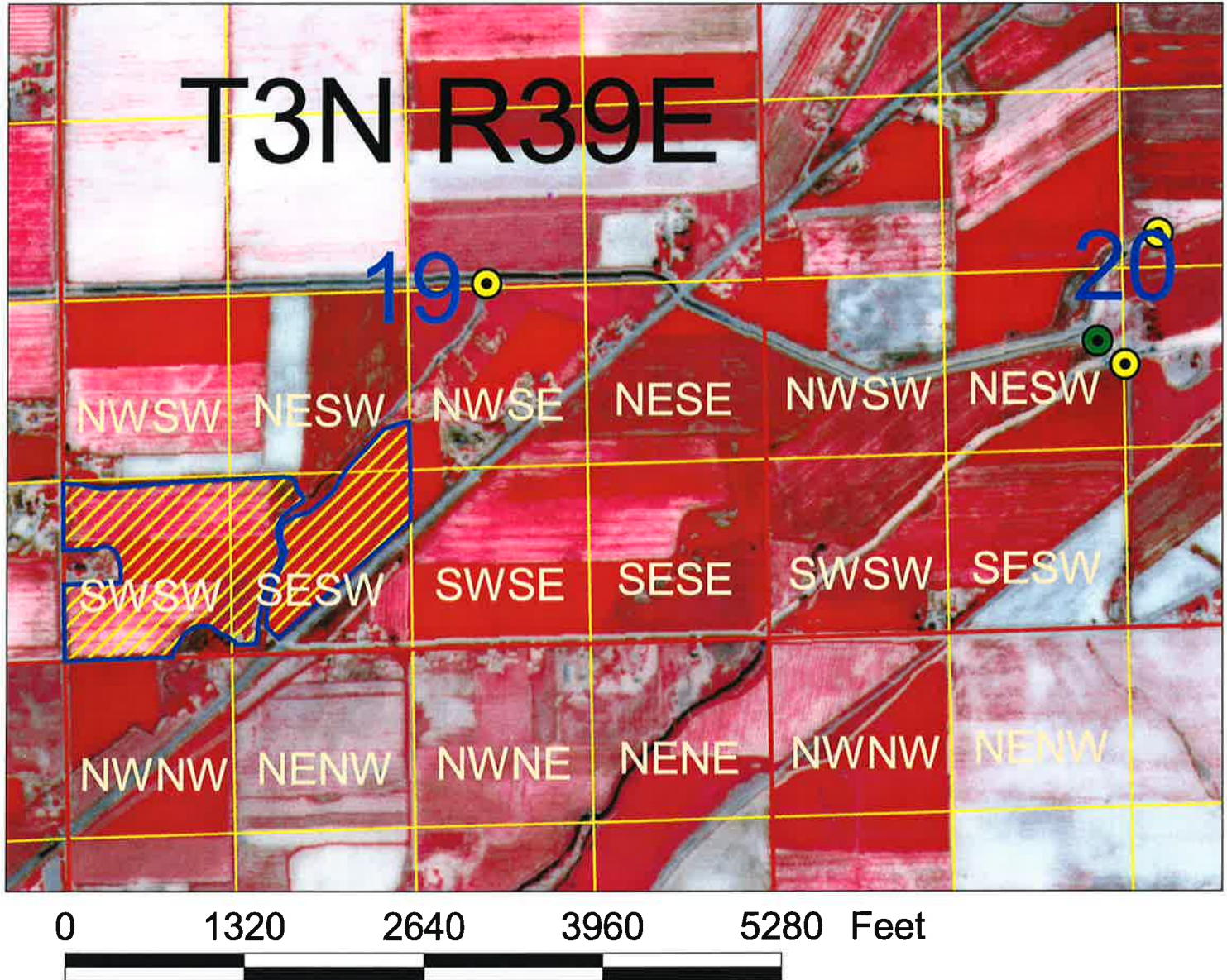
Water is delivered through W & O Cooper ditch.

This right is a split from former right 25-12B.



Department of Water Resources

Claim No.: 25-14037



-  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

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

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

NO ~~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

Terreton ID 83450

New Telephone Number

208 663-4935

5. Date you acquired the property

Feb 2002

Allan G. Gilbert
8310 N-55 E

Felco Farms, Idaho
83401

Other portion of split owned by
 Julie & Jerry Severe - Terreton

Phone: 523 9170

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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 (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation		160 estimate
Stock		
Domestic		
Other		
Total		

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 (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation		160 estimate
Stock		
Domestic		
Other		
Total		

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 _____
 Receipted by _____ Date _____ Receipt No. _____
 Processed by _____ AJ Date _____ WR _____ Date _____

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1059174

GRANT DEED

FOR VALUED RECEIVED, Ronald L. Walker, C.P.A., and Rudd & Company, PLLC, as Conservator of Arta Lavon Cooper, of 124 East Main, Rexburg, Idaho 83440, hereinafter called "Grantor", does hereby grant, bargain, sell and convey unto Reese Allan Gilbert of 8310 N. 55 E., Idaho Falls, Idaho 83401, Grantee, the following described real property located in Bonneville County, Idaho, to-wit:

The South Half of the Southwest Quarter (S $\frac{1}{2}$ SW $\frac{1}{4}$), of Section 19, Township 3 North, Range 39 E., Boise Mer., EXCEPTING THEREFROM THE FOLLOWING PARCELS OF LAND:

Beginning at the Southwest Corner of Section 19, Township 3 North, Range 39 E.B.M., and thence running North along the West boundary line of said section a distance of 640 feet to the true point of beginning; thence East 300 feet; thence North 150 feet; thence West 300 feet more or less to the West boundary of said Section 19; thence South along the Section line 150 feet to the true point of beginning.

Beginning at a point 313 feet South and 32 feet East of the Northwest Corner of the Southwest Quarter of the Southwest Quarter of Section 19, Township 3 North, Range 39 E.B.M., thence North 20 feet, thence East 20 feet, thence South 20 feet, thence West 20 feet to the point of beginning.

Commencing at the point on the South Section Line of Section 19, Township 3 North, Range 39 E.B.M., which point of beginning is 1860.1 feet East of the Southwest Corner of said Section 19, to the center of the highway where it curves to the left; thence running northeasterly through a 37°13' of an angle to the left 317.2 feet on a curve to the left, having a radius of 1910 feet, and through a 9°31' of a central angle; thence North 43°04' East 712.5 feet to the east boundary of the Southwest Quarter of said Section 19; thence South 500 feet; more or less, to the Southeast Corner of the Southwest Quarter, thence West 680 feet, more or less, to the point of beginning, being a part of the Southeast Quarter of the Southwest Quarter of said Section, less highway right-of-way.

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TOGETHER With any and all improvements and appurtenances thereto; rents, issues and profits thereof; and reversions and remainders.

Grantor covenants and warrants that fee simple title, to the property, is conveyed to Grantee by this Deed, free from all encumbrances.

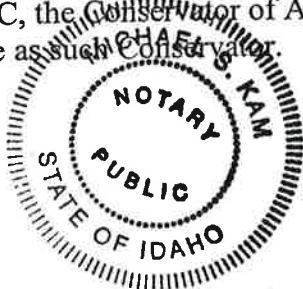
DATED This 27th day of September, 2001.

Ronald L. Walker
Ronald L. Walker, Conservator of Arta
Lavon Cooper

Rudd & Company, PLLC
Rudd & Company, PLLC

STATE OF IDAHO)
 ss.
County of Madison.)

On this 27th day of September, 2001, before me, the undersigned, a Notary Public in and for said State, personally appeared **Ronald L. Walker** and Of Rudd & Company, PLLC, the Conservator of Arta Lavon Cooper, and acknowledged to me that they executed the same as such Conservator.



[Signature]
Notary Public for Idaho
Residing at: Rexburg, Idaho
My Commission expires: 6-8-2004

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INSTRUMENT NO.	<u>1059174</u>
DATE	<u>10-01-01</u>
INST. CODE	<u>200</u>
IMAGED PGS	<u>2</u>
FEE	<u>6.00</u>
STATE OF IDAHO) COUNTY OF BONNEVILLE) ss	
I hereby certify that the within instrument was recorded.	
Ronald Longmore, County Recorder	
By	<u>[Signature]</u> Deputy
Request of	<u>Hopkins, Roder</u>

Q

Yellow. 4. Cooper Farm.
④ 20.4
① 37.8
② 8.6
③ 18.6

5.5

5.0

7.4

288
T225

② 29.1

NHEL

④ 3.5

NHEL

NHEL

⑤ 20.4

151

T2236

① 36.4

T-22-37

① 14.0

NHEL NW

②

NHEL NW 6.5

③ 11.3

② 2.9

②

19.3

NHEL NW

24

19 NHEL NW

386

T564

②

7.7

③

5.5

④ 2.9

⑤

5.3

30 24 02
T2557

①

8.4

NHEL NW

②

NHEL NW 1.7

2712

T2558

②

20.0

1351

T245

③

2.4

NHEL

④ 16.6

⑤

12.5

1209

T/636

⑦

28.2

1272

T/630

④

15.7

⑥

25.4

NHEL NW

②

9

NHEL

NHEL

①

7.9

①

3.3

NHEL 3.1

②

③

9.0

NHEL

NHEL

215

T/636

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1007-1-15-2004

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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 25-14037
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: 04/01/1884

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, OPEN DITCH AND 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	0.82	
STOCKWATER	04/01	11/01	0.05	

7. Total Quantity Appropriated is:
0.82 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 25-12B

15. Basis of Claim: Decreed

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