

04/11/2003

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

RIGHT NUMBER: 29-4324

NAME AND ADDRESS: ERVIN GILBERT
17535 S OLD HWY 91
DOWNEY ID 83234

SOURCE: PECK CREEK

TRIBUTARY: MARSH CREEK

QUANTITY: 0.400 CFS

PRIORITY DATE: 04/01/1950

POINT OF DIVERSION:

T11S R37E S6 NESE Within BANNOCK County Source: PECK CREEK

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

04/01 10/31

0.400 CFS

PLACE OF USE:

IRRIGATION Within BANNOCK County

T11S R37E S06 Lot 2 NWNE 14.0

14 ACRES TOTAL

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

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE
EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE
ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER
THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6),
IDAHO CODE.

EXPLANATORY MATERIAL: Beneficial Use

IDAHO DEPARTMENT OF WATER RESOURCES 10/22/2001
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

NAME AND ADDRESS: ERVIN GILBERT
17535 S OLD HWY 91
DOWNEY ID 83234

SOURCE: PECK CREEK

TRIBUTARY: MARSH CREEK

QUANTITY: 0.28 CFS

PRIORITY DATE: 04/01/1950

POINT OF DIVERSION:

T11S R37E S6 NESE Within BANNOCK County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

04/01 10/31

0.280 CFS

PLACE OF USE:

IRRIGATION Within BANNOCK County

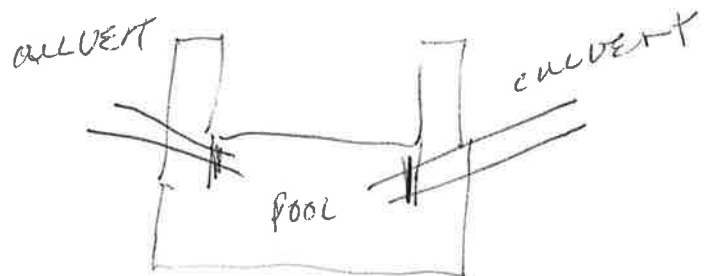
T11S R37E S06 Lot 2 NWNE 14.0

14 ACRES TOTAL

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

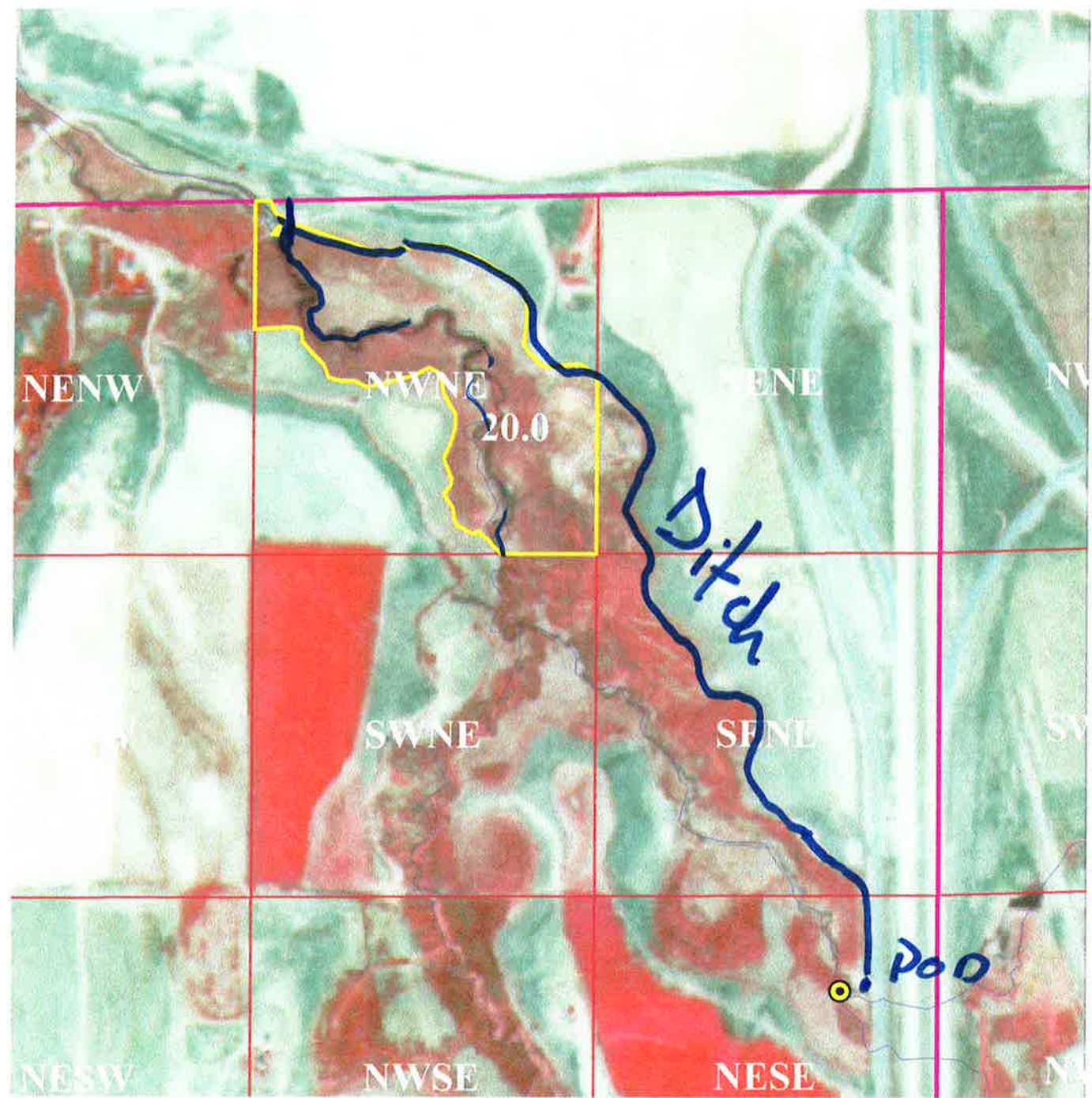
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EXPLANATORY MATERIAL: Beneficial Use

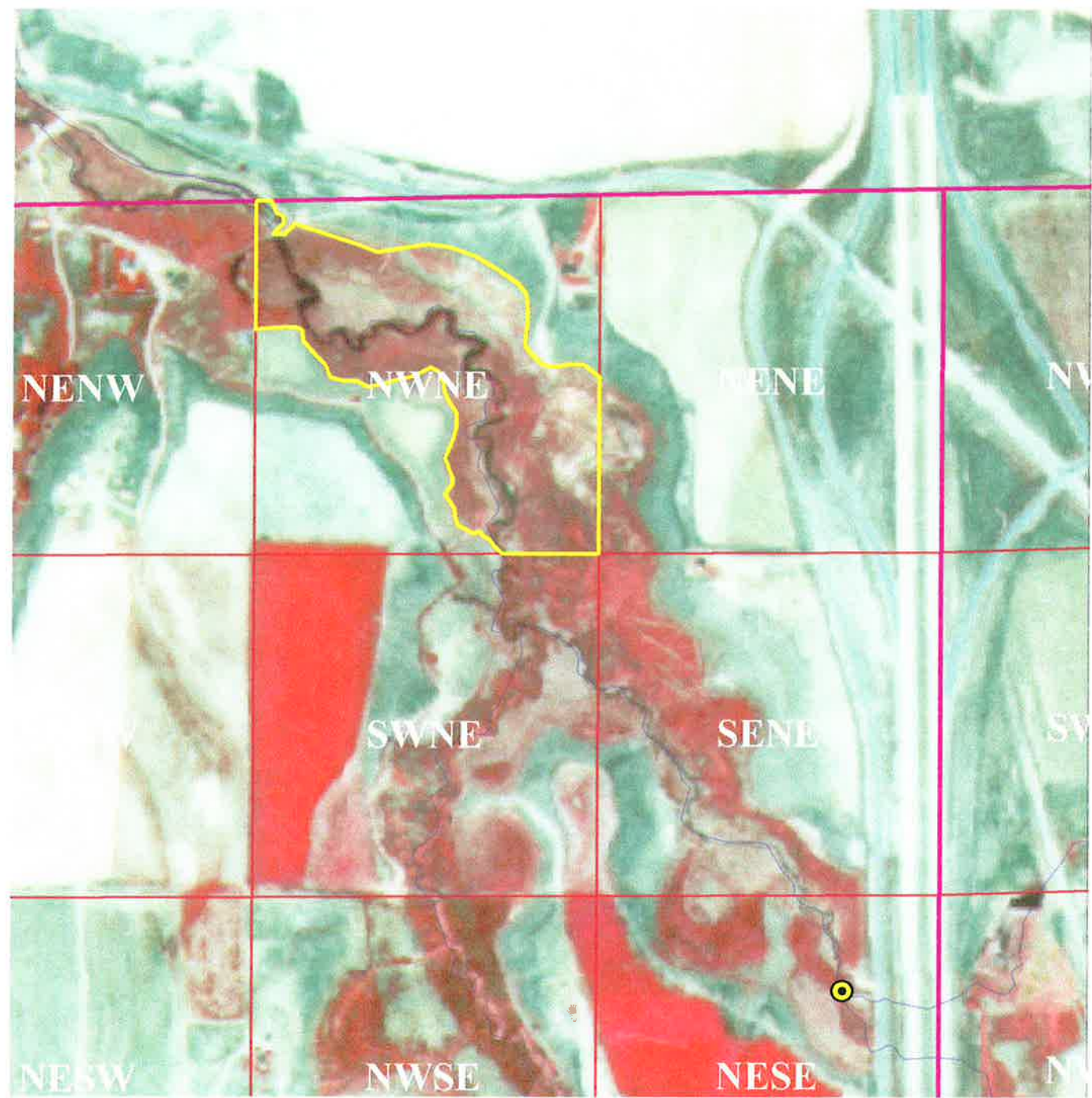


3200'
~~to 75m~~ = ~~2214'~~

Township , 11S37E



Township , 11S37E





Irrigated Area



Place of Diversion



Section Line



Quarter Section Line



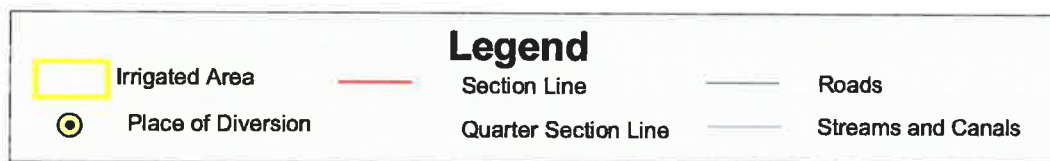
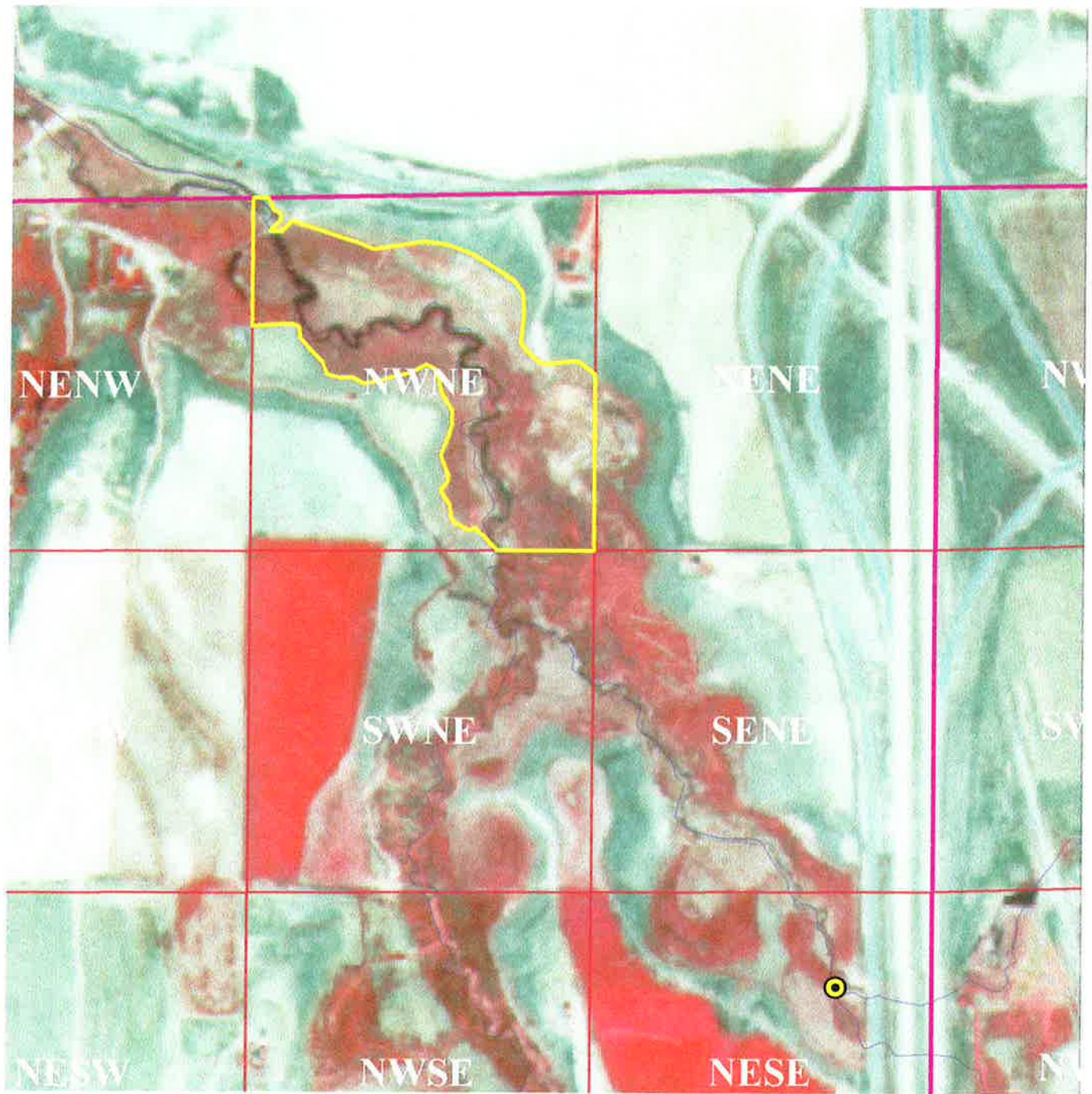
Roads



Streams and Canals



Township , 11S37E



CONVEYANCE LOSS - WORSTELL

NAME OF DITCH: 4324

BY: dc

DATE: 01/00/00

REACH	LENGTH (FT)	AVE WIDTH (FT)	SEEPAGE (FT/DAY)	WORSTELL LOSS (CFS)	DELIVERY (CFS)	DELIVERY LEFT (CFS)	LOSS FACTOR	DELIVERY LOSS (CFS)	FLOW (CFS)
1	3200	3.0	1.00	0.12	0.28	0.28	0.4331	0.12	0.40
2				0.00		0.00	0.0000	0.00	0.00
3				0.00		0.00	0.0000	0.00	0.00
4				0.00		0.00	0.0000	0.00	0.00
5				0.00		0.00	0.0000	0.00	0.00
6				0.00		0.00	0.0000	0.00	0.00
7				0.00		0.00	0.0000	0.00	0.00
8				0.00		0.00	0.0000	0.00	0.00
9				0.00		0.00	0.0000	0.00	0.00
10				0.00		0.00	0.0000	0.00	0.00
11				0.00		0.00	0.0000	0.00	0.00
12				0.00		0.00	0.0000	0.00	0.00
13				0.00		0.00	0.0000	0.00	0.00
14				0.00		0.00	0.0000	0.00	0.00
15				0.00		0.00	0.0000	0.00	0.00
16				0.00		0.00	0.0000	0.00	0.00
17				0.00		0.00	0.0000	0.00	0.00
18				0.00		0.00	0.0000	0.00	0.00
19				0.00		0.00	0.0000	0.00	0.00
20				0.00		0.00	0.0000	0.00	0.00
TOTALS	3200			0.12	0.28			0.12	

REACH = SECTION OF CHANNEL

LENGTH = LENGTH OF REACH, THE CHANNEL CAN BE DIVIDED INTO EQUAL LENGTH REACHES
OR ACTUAL LENGTHS BETWEEN DELIVERY POINTS

AVE WIDTH = AVERAGE TOP WIDTH OF WATER SURFACE IN REACH

SEEPAGE = SOIL SEEPAGE RATE OF REACH

WORSTELL LOSS = CONVEYANCE LOSS IN REACH BASED ON WORSTELL METHOD

DELIVERY = TOTAL DELIVERIES IN REACH

DELIVERY LEFT = SUM(DELIVERIES OF CURRENT AND REMAINING REACHES)

LOSS FACTOR = WORSTELL LOSS/DELIVERY LEFT

DELIVERY LOSS = SUM(LOSS FACTORS OF CURRENT AND PREVIOUS REACHES) X DELIVERY;
REPRESENTS THE LOSSES ASSIGNED TO THE DELIVERIES IN THE REACH;
IF MULTIPLE RIGHTS WITHIN REACH, DELIVERY LOSSES SHOULD BE
PRORATED BASED ON SIZE OF DELIVERY FOR EACH RIGHT WITHIN REACH

FLOW = TOTAL FLOW AT BEGINNING OF EACH REACH

02/08/2003

ave

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: April 21, 2003

Water right number: 29-4324

ERVIN GILBERT
17535 S OLD HWY 91
DOWNEY ID 83234
Telephone Number: (208) 597-5707

RECEIVED
APR 21 2003
Department of Water Resources
Eastern Region

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

Source & Quantity

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

Source - The source has always been known as unnamed Source. I am 74 yrs. old ^{native} and have never heard it referred to as Peck Creek.

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

Quantity - Due to the length of the Ditch and the gravel formation thru which the ditch runs, the flow @ 0.280 CFS, would never reach the land designated as irrigated.

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

DATE: _____ SIGNATURE: _____

Please print your name: _____

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

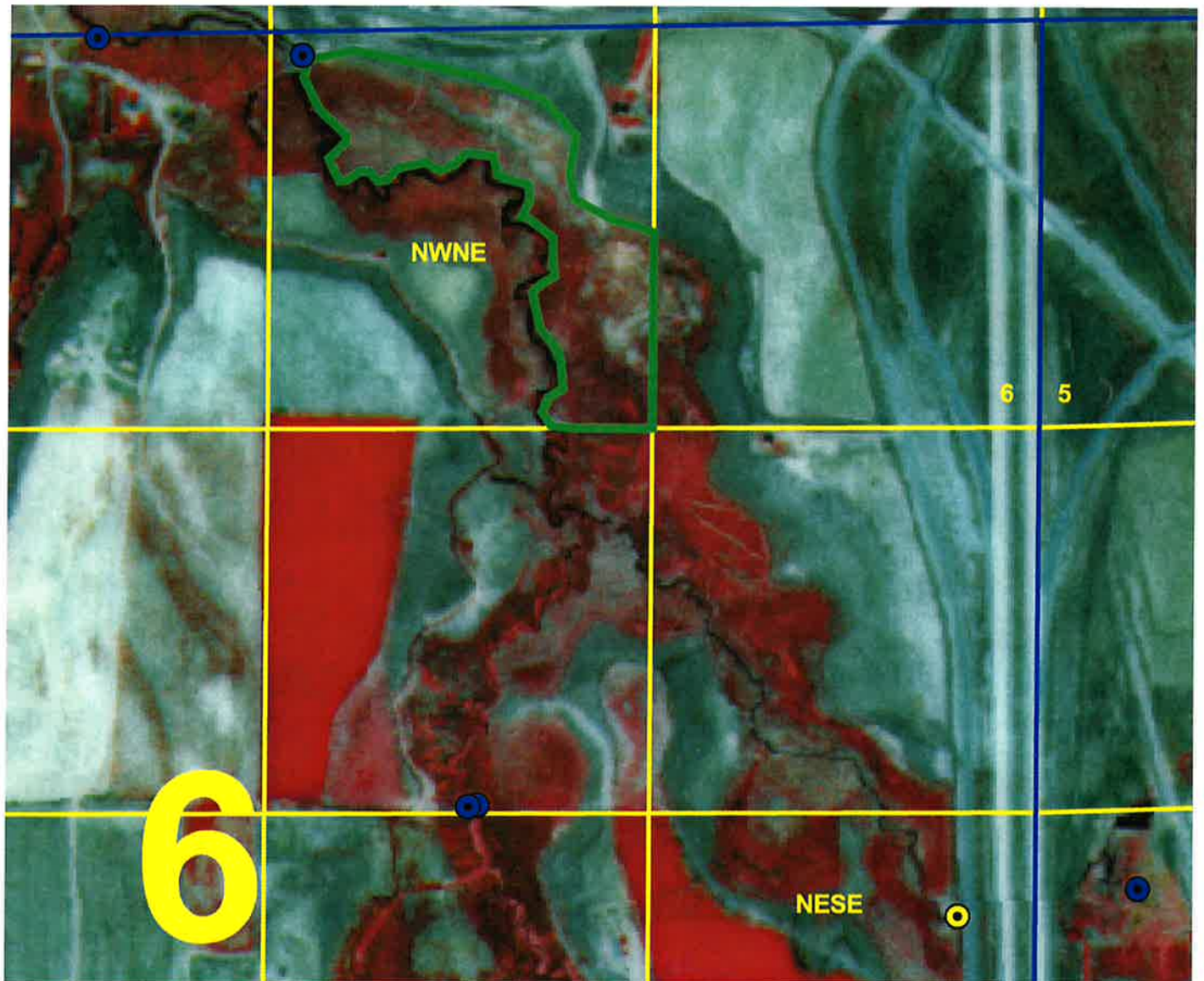
FILED

SCANNED
MAR 24 2003

IDAHO DEPARTMENT OF WATER RESOURCES

29-04324

T11S, R37E SEC 6



ACRES IRRIGATED- 14



POINT OF DIVERSION



PLACE OF USE

**GIS: PLACE OF USE
POINT OF DIVERSION
1987/1988 NAPP PHOTOS
DAVE CARLSON**

[illegible]

Topographic map of the Virgil, Colorado area. The map shows Peck Creek and Virgil Creek. A yellow grid is overlaid on the map. A red stamp reads "PROFILED". A yellow line indicates the profile line. A red stamp reads "SCANNED MAR-27-2006".

29-04324 dcarlson 2001
POD and ditch to north



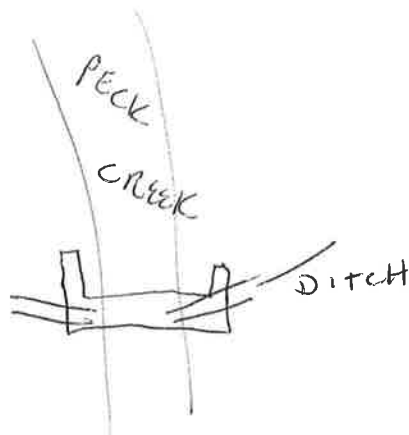
PROFILED

SCANNED
MAR 24 2006

29-04324



D CARLSON - POD/ditch
2001



PROFILED

SCANNED
MAR 24 2005

A. ROOT WATER RIGHT NUMBERS: A29-04324

B. POU LISTING

TWP	RNG	SEC	1/4	1/4	LOT	NAME	AJ #/ACRES	WR #/ACRES	LANDSAT DATA	FIELD EXAM.	RECOMM. ACRES
11S	37E	6	NW	NE		GILBERT, ERVIN	A29-04324 / 25.0	29-04324 / 25.0			
			NW	NE		GILBERT, ELLIS E	A29-11198 /	/			
			NW	NE		GILBERT, ELLIS E	29-11198 /	/			
			NW	NE		HART, JENNIE	A29-04111 / 10.0	29-04111 / 10.0			

ADDITIONAL POU FOUND

TOTAL ACRES A29-04324 25.00 25.00

POU COUNTY: BANNOCK

C. IS WATER USAGE FOUND IN TRACTS OTHER THAN THOSE CLAIMED?

Y() N()

* IF YES, ARE THESE TRACTS LISTED ABOVE (), OR ARE THEY LISTED ON AN ATTACHED SHEET ()

LIST OF ALL RIGHTS WITH A SAME POU AND IRRIGATION USAGE

CLAIM NO.	SOURCE	NAME	DIV. RATE	DIV. RATE/ACRE	DIV. VOL.	DIV. VOL./ACRE
A29-04324	UNNAMED STREAM	GILBERT, ERVIN	0.500	0.020		
A29-04111	SPRING	HART, JENNIE	2.800	0.016		

LIST ALL RIGHTS WITH SAME POU BUT NOT USED FOR IRRIGATION.

CLAIM NO.	PURPOSES	NAME	MONTH/DAY	RATE	VOLUME
A29-11198	STOCKWATER	GILBERT, ELLIS E	FROM 01-01 TO 12-31	0.020 CFS	
A29-11198	DOMESTIC	GILBERT, ELLIS E	FROM 01-01 TO 12-31	0.040 CFS	
29-11198	STOCKWATER	GILBERT, ELLIS E	FROM 01-01 TO 12-31	0.020 CFS	
29-11198	DOMESTIC	GILBERT, ELLIS E	FROM 01-01 TO 12-31	0.040 CFS	

D. ARE OTHER WATER RIGHTS USED FOR THE SAME PURPOSE?

Y() N()

* IF YES, COMPLETE OVERLAP REVIEW:

OTHER RIGHTS LISTED IN CLAIM: NONE

48
N 42
W 112
29
10
13.3
4220
42.2
(ped by road)

MAY 24 2001

Log for claim A29-04324

Spatial Dynamics TWB

7/12/00

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
11s37e	6	NWNE	25	20	
Totals:			25	20	

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

AJ5809NP
No. A29-04324

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 04/24/00
PAGE: 119

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	ERVIN GILBERT 17535 S OLD HWY 91 DOWNEY ID 83234 (208) 597-5707	04/01/1950	IRRIGATION	04-01 11-01	0.500 CFS	
					TOTAL DIVERSION:	0.500 CFS
					CONSUMPTIVE USE:	62.50 AFA

Water Source: UNNAMED STREAM

Tributary to: PECK CREEK

Stage: STATUTORY CLAIM

Point(s) of Diversion: T11S R37E S06 NESE

BANNOCK County

Place of use Legal Description for: IRRIGATION

				NE				NW				SW				SE								
T	R	S	:	NENE	NWNE	SWNE	SENE	:	NENW	NWNW	SWNW	SENW	:	NESW	NWSW	SWSW	SESW	:	NESE	NWSE	SWSE	SESE	:	SUM
				Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac		
11S	37E	6	:			25		:					:					:					:	25.0
																							TOTAL ACRES	25.0

POU County: BANNOCK

Non-Irrigation Uses: NONE

Other Rights: NONE

Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):
29-04296 29-11918 A29-04296 A29-04320 A29-11918

Other Water Rights Listing Overlapping Place(s) of Use:
A29-04111

Dates:	Exam Made Date:	Verified Date:	Objection Filed Date:
Misc:	Water District Number:	Field Inspection Flag:	
		Presumption Flag:	
Audit:	04/11/90 DCARLSON	07/20/94 THOMPSON	03/29/95 POST-STD

RECEIVED
MAR 08 1995

CLAIM NO. A29-04324

Department of Water Resources
- Eastern District Office

AFFIDAVIT

I, Levere Juchau, as previous owner of land adjacent to land now owned by...
Ervin Gilbert, the claimant, for this water right and as a co-owner in the...
ditch that served this land, I verify that water was first put to use and...
is still in use since April 1, 1950.

Signature of affiant

3/6/95
Date

Levere Juchau
State of ~~Idaho~~ or Utah)
County of Cache) SS.

Subscribed and sworn (or affirmed) before me this 6th day
of March 19 95

SEAL

Notary Public Marilyn Morgan
Residing at Logan, Utah
My Commission Expires 1-15-99



AJ5809NP
No. A29-04324

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 12/28/94
PAGE: 4

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	ERVIN GILBERT 17535 S OLD HWY 91 DOWNEY ID 83234 (208) 597-5707	04/01/1950	IRRIGATION	04-01 11-01	0.50 CFS	
TOTAL DIVERSION:					0.50 CFS	
CONSUMPTIVE USE:						62.50 AFA

Water Source: UNNAMED STREAM

Tributary to: PECK CREEK

Stage: STATUTORY CLAIM

Point(s) of Diversion: T11S R37E S06 NESE

BANNOCK County

Place of use Legal Description for: IRRIGATION

				NE				NW				SW				SE								
T	R	S	:	NENE	NWNE	SWNE	SENE	:	NENW	NWNW	SWNW	SENW	:	NESW	NWSW	SWSW	SESW	:	NESE	NWSE	SWSE	SESE	:	SUM
				Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	:	
				11S	37E	6	:					:						:					:	25.0
								:					:					:					:	25.0
				TOTAL ACRES																				

POU County: BANNOCK

Non-Irrigation Uses: NONE

Other Rights: NONE

Dates: Exam Made Date:

Verified Date:

Misc: Water District Number:

Field Inspection Flag:
Presumption Flag:

NOV 13 1996
MICROFILMED

MAY 24 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: A29-04324
Date Received: 4/09/1990
Receipt No: ED12949
Received By: DL

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: ERVIN GILBERT 208-597-5707
Address: 17535 S. OLD HWY 91
DOWNEY, ID 83234

2. Date of Priority: APR 01, 1950

3. Source: UNNAMED STREAM Trib. to: PECK CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
11S	37E	6	NE	SE			BANNOCK

5. Description of diverting works:
DITCH TO FLOOD IRR.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	0.500		

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

8. Total consumptive use is 62.5 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
11S	37E	6	NW	NE		IRR	25.0
						Section Acres	25.0

MICROFILMED
NOV 13 1992

A2904324



10. Place of Use: Continued

Total Acres 25.0

11. Place of use in counties: BANNOCK

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

13. Other Water Rights Used:
NONE

14. Remarks:

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

Number of attachments: 1

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): *Kevin S. Lusk* Date: 4/9/90
_____ Date: _____

State of Idaho)
County of Bonneville) SS.

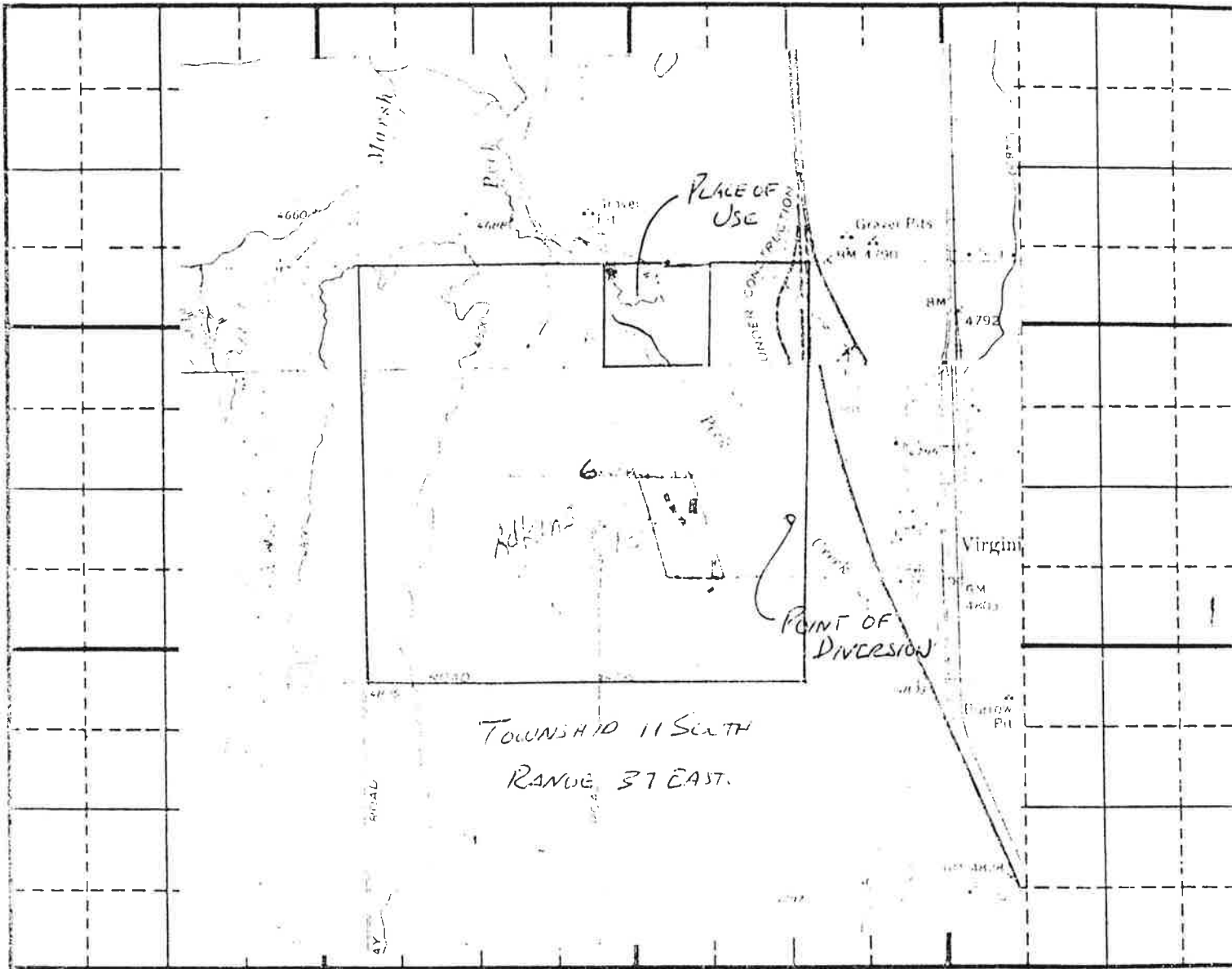
Subscribed and sworn (or affirmed) before me this 9 day
of April 19 90 *David Carl*
Notary Public

Seal

Residing at Heise, Id
My Commission Expires 2/26/96

150 5th
Idaho Falls
(208) 325-
8400 p. 1992

Remarks _____



Scale: 2 inches equal 1 mile.

Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

State of Idaho)

) ss.

County of Douglas)

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiant's knowledge.

MICROFILMED
NOV 13 1992

Corrin Dickert
(Claimant)

Sworn to before me this 14 day of Nov, 1992.