

11/20/2006

**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: 12/13/2006

Water right number: 75-4069

ROBERT L GERVAIS
3369 HWY 93N
GIBBONSVILLE ID 83463

RECEIVED
DEC 20 2006
IDWR/North

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

Point of diversion is incorrect.

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.

X DATE: 12-7-06 X SIGNATURE: *Bob Gervais*
X Please print your name: ROBERT L. GERVAIS

IDWR Regional Office, 7600 Mineral Drive, Suite 100, Coeur D' Alene, ID 83815, 2087622800



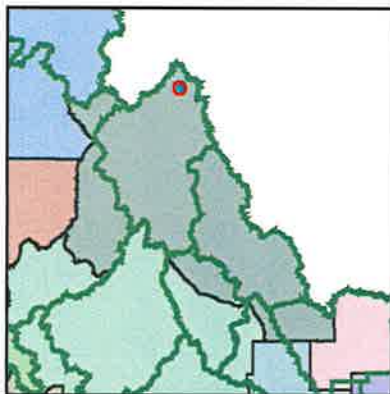
Idaho Department of Water Resources

Adjudication Claim:

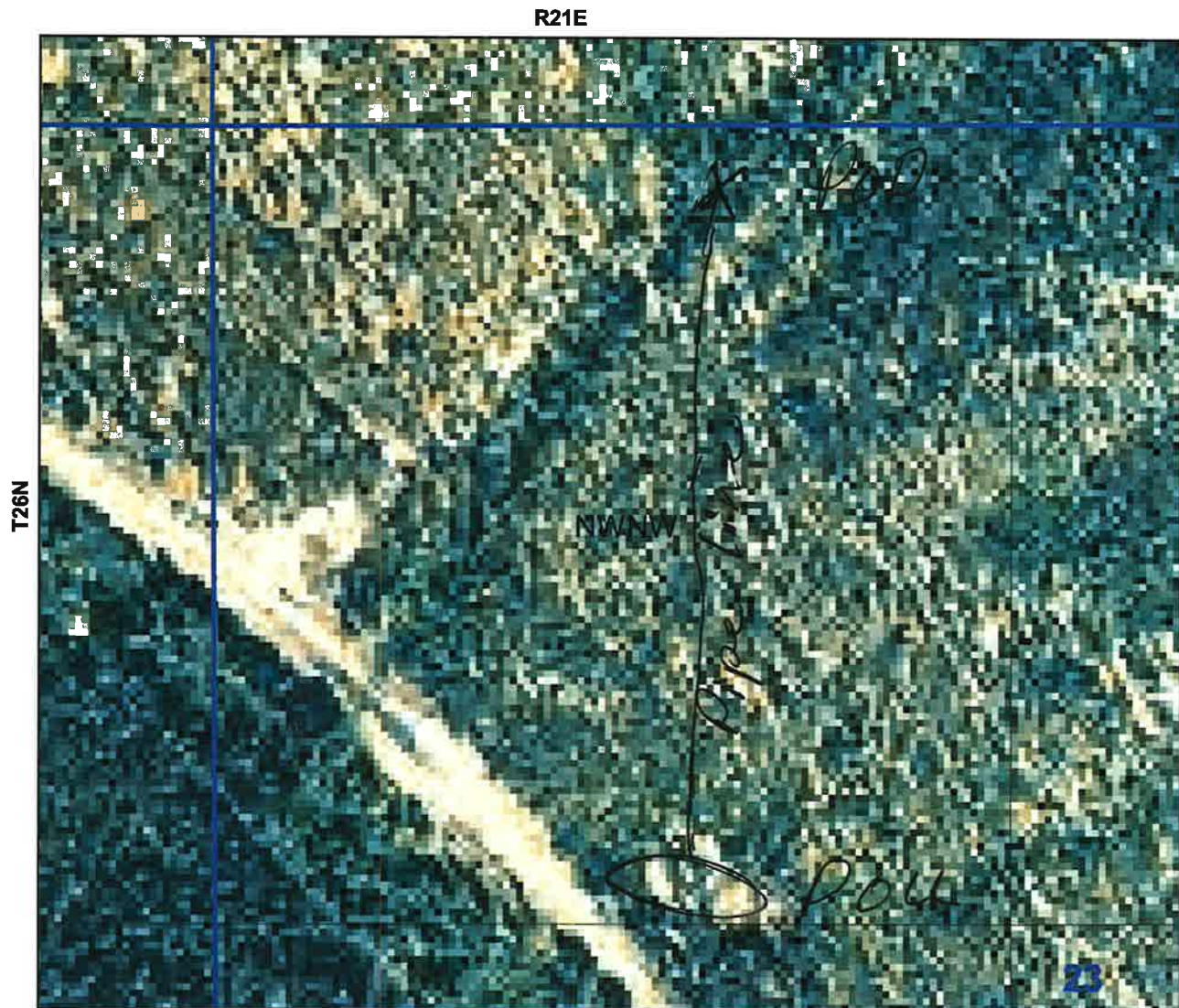
75-4069

Legend

-  Townships
-  PLS Sections
-  Quarter Quarters



Lemhi County
IDWR Basin 75



Prepared by R. Brown
On Sunday, March 5, 2006
1987/88 Aerial Photography

Owner: **ROBERT L GERVAIS**

NOTE: Only one owner is listed. There may or may not be more than this in the IDWR database.

OCT 08 2000

WARRANTY DEED

For Value Received

TIMOTHY J. LOVE and JANICE C. LOVE; husband and wife
the grantors, do hereby grant, bargain, sell and convey unto

ROBERT L. GERVAIS and FRANK J. SIMURDAK, JR., a joint venture
whose current address is
819 N. 800 E.
Shelley, Idaho 83274

the grantees, the following described premises, in Lemhi County Idaho, to wit:

Lot 3 of Crone Gulch Subdivision according to the official
plat thereof filed for record in Book 5 of Plats at page
No. 43, records of Lemhi County, Idaho. . .

SUBJECT TO: Deed of Trust dated June 1, 1981 and recorded
June 18, 1981, as Instrument No. 157811.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee s,
their heirs and assigns forever. And the said Grantor s do hereby covenant to and
with the said Grantee s, that they are the owners in fee simple of said premises; that they are free
from all incumbrances

and that they will warrant and defend the same from all lawful claims whatsoever.

Dated: March 11, 1985

Timothy J. Love
Timothy J. Love

Janice C. Love
Janice C. Love

STATE OF ~~IDAHO~~ MONTANA, COUNTY OF FLATHEAD
On this 14th day of March, 1985,
before me, a notary public in and for said State, personally
appeared

Timothy J. Love and Janice C. Love,
husband and wife

known to me to be the persons whose name s are
subscribed to the within instrument, and acknowledged to
me that they have executed the same.

Notary Public
Residing at Kalispell, Idaho
Comm. Expires 1/16/88 MT.

STATE OF IDAHO) ss NO. 175345
COUNTY OF LEMHI)

This instrument was filed for record at the request of
American Land Title
at 2:55 P.M. April 2 1985
and duly filed and indexed in the file of
DEEDS Records of Lemhi County,
Idaho.

Alberta Wiederrick
By Pauline Brown Deputy
Fees \$2.00
American Land Title

Furnished by the AMERICAN LAND TITLE CO.

INDEXED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION SECTION
CLAIM VERIFICATION FIELD EXAM SHEET
(Use with the ECVR)

CLAIM NO(s). A75-04069 _____

1. ☒ No Change NAME IS SAME
☐ NEW OWNER: _____
☐ No Change ADDRESS
☒ NEW ADDRESS: 3369 Hwy 93 N Gibbonsville, Id 83463
2. ☐ No Change - DATE OF PRIORITY: Completed evidence submitted
☐ Incomplete - Claimant should be asked during the exam when was water first used and submit proof of date of priority.

Priority date, per claimant, is: _____
(If the priority date, based on your exam, seems questionable, explain below.)

3. ☒ No Change — SAME SOURCE
☐ Source is different than that claimed:

Source found: _____

4. ☒ No Change — POINT OF DIVERSION
☐ Point of diversion is different than the claim and/or new P/D's:
GPS Site Tag No.: A0014970 Couldn't get a GPS reading

Township _____ Range _____ Section _____ 1/4 _____ 1/4 _____ 1/4 _____
Township _____ Range _____ Section _____ 1/4 _____ 1/4 _____ 1/4 _____

5. ☒ No Change - DESCRIPTION OF DIVERTING WORKS
☐ Incomplete description, list below:

6. ☒ No Change - WATER USES
☐ Different uses, (list uses found):

Use _____	From _____	To _____	Amount _____	CFS _____	AFA _____
Use _____	From _____	To _____	Amount _____	CFS _____	AFA _____
Use _____	From _____	To _____	Amount _____	CFS _____	AFA _____

7. ☐ No Change - TOTAL VOLUME

☐ Incomplete on claim, the total is, Amount _____ CFS _____ AFA

☐ Changes found, the new total is, Amount _____ CFS _____ AFA

8. ☒ No Change - NON-IRRIGATION USES:

☐ Changes Exam found:

Domestic # of homes: _____ Stock # _____ List types: _____

Additional comments: _____

9. ☒ No Change — PLACE OF USE: (If changed, list below.)

Use: _____	Township _____	Range _____	Section _____	1/4 _____	1/4 _____
Use: _____	Township _____	Range _____	Section _____	1/4 _____	1/4 _____
Use: _____	Township _____	Range _____	Section _____	1/4 _____	1/4 _____
Use: _____	Township _____	Range _____	Section _____	1/4 _____	1/4 _____

Remarks: (Comments pertinent to field examination) ☐ See additional attachment

Mr. Gervais has a spring box about a thousand feet up Crone Gulch. Gravity feed. He irrigates a small pasture, some fruit trees a wind break and domestic use.

☐ SYSTEM DIAGRAM INCLUDED

☐ NA

☐ Shown on GIS Layout

☐ CK IF IN OFFICE EXAM

DATE EXAM CONDUCTED: _____

FIELD EXAMINER: _____

<i>Jack Z. Ellis</i>	Print Name
_____	Signature



State of Idaho

DEPARTMENT OF WATER RESOURCES

Northern Region, 7600 Mineral Drive, Suite 100, Coeur d'Alene, Idaho 83815

Phone: (208) 762-2800

Fax: (208) 762-2819

Web Site: www.idwr.idaho.gov

December 11, 2006

JAMES E. RISCH
Governor

KARL J. DREHER
Director

ROBERT L GERVAIS
3369 HWY 93N
GIBBONSVILLE ID 83463

RE: WATER RIGHT 75-4069

Dear Mr. Gervais:

Because I neglected to get a Notice of Error signed by you, I am enclosing the form and request that you **date** and **sign** the form, and **print your name** below your signature. Then please return the form to me in the enclosed self-addressed envelope.

If you have any questions, please call me at 208-762-2801.

Thank you very much,

Sincerely,


Robert G. Haynes, P.E.
Regional Manager

RGH:db

RECEIVED
JUL - 5 1994

Department of Water Resources
Eastern District Office

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: A75-04069
Date Received: 6/ 2/1994
Receipt No: E019880
Received By: 6/2

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: ROBERT L GERVAIS 208-865-2208
Address: BOX 80
GIBBONSVILLE ID 83463

2. Date of Priority: JUL 1, 1923

3. Source: CRONE GULCH SPRING Trib. to: NORTH FORK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
26N	21E	23	NW	NW			LEMHI

5. Description of diverting works:
SETTLING POND WITH PIPE, SPRING BOX 4' W X 5' L, GRAVITY FEED

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	01/01	12/31	0.020		
STOCKWATER	01/01	12/31	0.010		
DOMESTIC	01/01	12/31	0.010		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
DOMESTIC 2 HOME; STOCKWATER

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
26N	21E	23	NW	NW		IRR	2.0
			NW	NW		STOCK	

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
26N	21E	23	NW	NW	DOMEST	
Section Acres						2.0
Total Acres						2.0

11. Place of use in counties: LEMHI

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

13. Other Water Rights Used:
NONE

14. Remarks:

TIME RLY.
THIS IS MY FULL[^]RESIDENCE AND I DEPEND ON THIS WATER AS MY ONLY SOURCE. I HAUL DRINKING WATER FROM TOWN IN BOTTLES - NO WELL, NO ELECTRICITY.

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): Robert L. Jervais Date: 6-9-94

Date: _____

State of Idaho)
County of LENIHI) SS.

Subscribed and sworn (or affirmed) before me this 9th day

of June 19 94

[Signature]
Notary Public

Seal

Residing at SALMON

My Commission Expires 2-19-97

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: A75-04069
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Receipt No: E019880
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: ROBERT L GERVAIS 208-865-2208
Address: BOX 80
GIBBONSVILLE ID 83463

2. Date of Priority: JUL 1, 1923

3. Source: CRONE GULCH SPRING Trib. to: NORTH FORK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
26N	21E	23	NW	NW	NW		LEMHI

5. Description of diverting works:
SETTLING POND WITH PIPE, SPRING BOX 4' W X 5' L, GRAVITY FEED

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	01/01	12/31	0.020		
STOCKWATER	01/01	12/31	0.010		
DOMESTIC	01/01	12/31	0.010		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
DOMESTIC 2 HOME; STOCKWATER

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
26N	21E	23	NW	NW		IRR	2.0
			NW	NW		STOCK	

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
26N	21E	23	NW	NW		DOMEST	

Section Acres 2.0

Total Acres 2.0

11. Place of use in counties: LEMHI

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

13. Other Water Rights Used:
NONE

14. Remarks:

THIS IS MY FULL RESIDENCE AND I DEPEND ON THIS WATER AS MY ONLY SOURCE. I HAUL DRINKING WATER FROM TOWN IN BOTTLES - NO WELL, NO ELECTRICITY.

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: _____

MICROFILMED

NOV 13 1996

Date: 06/02/94

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 _____

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:

Ident. Number

Date Received

Receipt Number

39576
A75-04069

RECEIVED
JUN 1 1994

Department of Water Resources
Eastern District Office

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of Claimant (s) Robert L. Gervais Phone (208) 865-2208Mailing Address Box 80 Gibbonsville, Id Zip 834632. Date of Priority (Only one (1) per claim) July 19233. Source of water supply (a) Crone Gulch Spring & Surface Water
which is tributary to (b) North Fork of the Salmon River4. a. Location of existing point of diversion is: Township 26N Range 21 E Section 23,
NW 1/4 of NW 1/4 of _____ 1/4, Govt. Lot, _____ B.M., County of Lemhi

Additional points of diversion if any: _____

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

Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____ 1

Govt. Lot _____ B.M., County of _____

ending point is: Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____
_____ 1/4, Govt. Lot _____ B.M., County of _____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. Settling pond with pipe, gravity fed.

1989 SPRING BOX (SETTLING BOX) 4'W X 5'L
2 COMPARTMENTS
GRAVITY FEED PIPE

A7504069



MICROFILMED
NOV 18 1996

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For Irrigation purposes from Jan. 1 to Dec. 31 amount .02 or _____

For Domestic & Stock purposes from Jan. 1 to Dec. 31 amount .02 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) .04 (cfs) and/or (b) _____ (acre feet)

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

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) Watering stock and animals, also for household use (washing & bathing. Serves 2 households on lots 1,2 & 3.

10. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

b. 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
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
26	21	23					2												2
							D&S												

Total number of acres irrigated _____ 2

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

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

or None (X)

14. Remarks:

THIS IS MY FULL TIME RESIDENCE
AND I DEPEND ON THIS WATER AS MY
ONLY SOURCE

I HAUL DRINKING WATER FROM TOWN IN BOTTLES
NO WELL - NO ELECTRICITY (C)

MICROFILMED

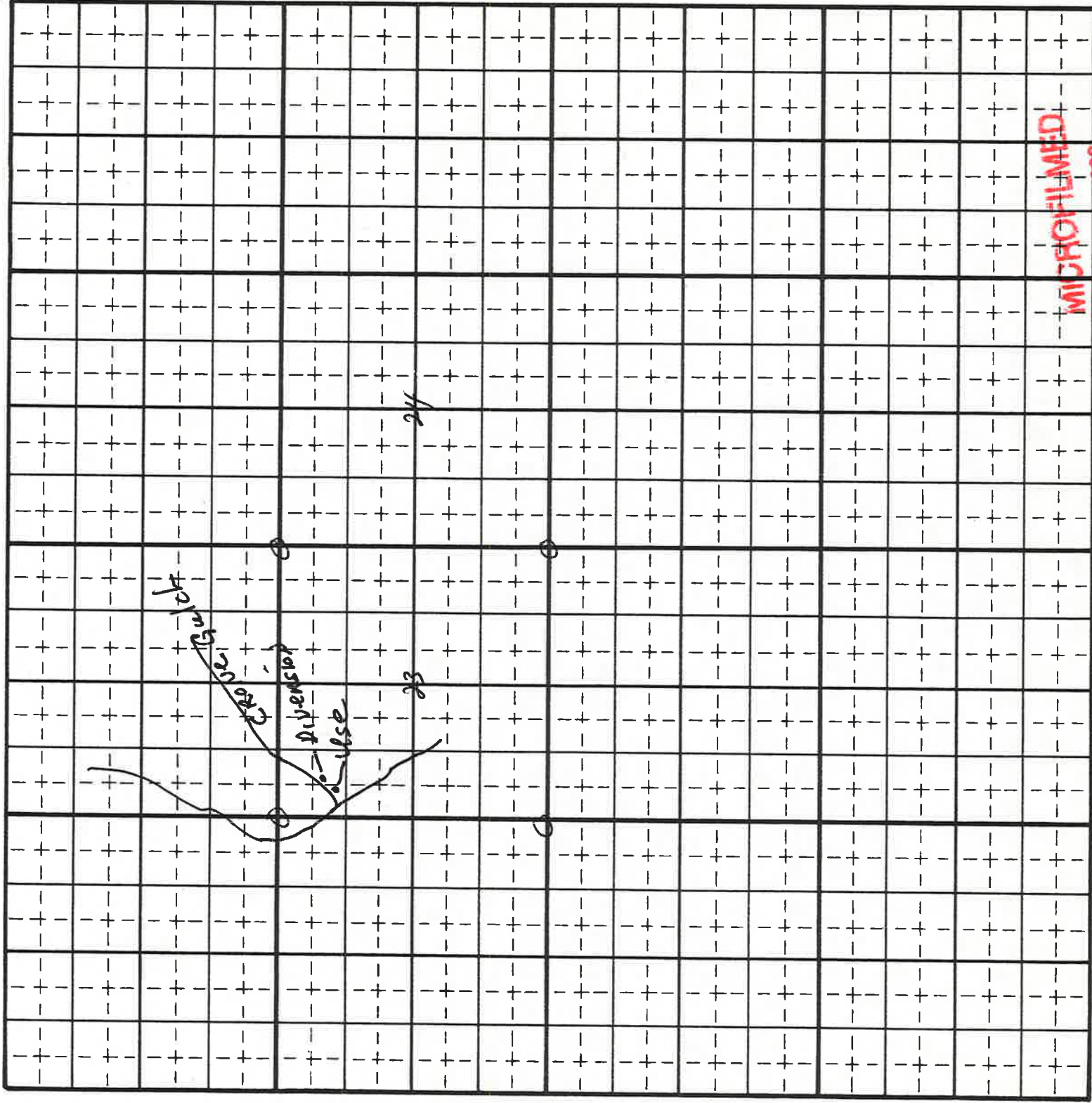
NOV 18 1996

Last Name Gervais Ident No. _____

Copies: White -State, Yellow-Claimant

Map of Project: show clearly the point of diversion, place of use, section number, and range number.

Scale: 2 inches equals 1 mile



Last Name _____

Ident No. _____

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 75-04069

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 2

For Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

~~X~~ Signature of Claimant (s) Robert J. Jenkins Date MAY 31, 1994

Date _____

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 _____)
County of Lemhi) SS.

Subscribed and sworn (or affirmed) before me this 10 day of May 1994

SEAL

Notary Public Carey Cook

Residing at Salmon

My Commission Expires 9-5-97

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 _____

MICROFILMED
NOV 18 1996

Last Name _____ Ident. Number _____

Copies White-State, Yellow-Claimant