

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

CLAIM TO A WATER RIGHT



Under the provisions of Section 42-243, Idaho Code, any person using or claiming rights to the public waters of Idaho established by diversion and application to a beneficial use must file a claim with the Department of Water Resources on or before June 30, 1983. Exempted from this filing are single family domestic uses as defined in Section 42-230(d), Idaho Code. Also exempted are rights represented by a permit, license, decree, adjudicated right, or a previously filed claim.

The filing of this claim does not confirm the water right claimed but failure to file may result in forfeiture of a water right.

Notice is hereby given that Erwin Gilbert
Downey, ID (Name of Claimant) Telephone No. 897-5707
(Mailing Address) (Zip Code)

claims a right to the diversion and beneficial use of the surface or ground water. The extent and nature of said claim is as follows:

(1) Date of priority: (When was the water first applied to a beneficial use) April 1, 1950

A claim is not acceptable on a ground water source with a priority later than March 25, 1963 or on a surface water source with a priority later than May 20, 1971. An exception is that a claim may be filed on single family domestic use from a ground water source.

(2) Describe the source of water: (Name of stream, lake, spring, etc., or ground water)
stream tributary to Peck Creek

(3) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:

(cfs, af)		(Domestic, Irrigation, Stock, Etc.)		(Both dates inclusive)	
				(Mo., Day)	(Mo., Day)
Quantity	<u>0.50 cfs</u>	Use	<u>irrigation</u>	Period of Use From <u>4/1</u>	To <u>11/1</u>
Quantity		Use		Period of Use From	To
Quantity		Use		Period of Use From	To
Quantity		Use		Period of Use From	To
Quantity		Use		Period of Use From	To

(4) 0.50 cfs TOTAL QUANTITY USED.
(cfs, af)

(5) A) Point of diversion: (Location of point where water is diverted from its source)
NE ¼ SE ¼, Sec. 6 Twp. 11S Rge. 37E B.M., County of Bannock
Additional points of diversion:

B) Describe means of diversion of water: (Pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.). Give sizes and capacities: be as specific as possible. Describe any changes in the system and give the date of the change.
Ditch from stream to flood irrigation

(6) A) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is not for irrigation, place an "X" in appropriate box to show location.

T	R	SEC.	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
11S	37E	6		25															25

No. of acres 25

B) If water is used for other than irrigation, fully describe that use, being as specific as possible:

NOTE: Include here the type and number of stock watered:
If you are claiming water as a member of an organization, list name of organization:

This topographic map depicts a section of Township 11 South, Range 37 East. The map features a grid of section lines and contour lines indicating elevation. Key features include:

- Water Features:** A "Marsh" is located in the upper left, and "Peck Creek" flows through the center. A "Borrow Pit" is marked near the bottom right.
- Infrastructure:** A "ROAD" runs vertically through the center, and another "ROAD" runs horizontally across the middle. A "RAILROAD" is visible in the upper right.
- Proposed Features:** A "Gravel Pit" is marked with a star in the upper center. A "Gravel Pits" area is marked with a star in the upper right. A "POINT OF DIVERSION" is marked with a star in the lower center.
- Other Markings:** "UNDER CONSTRUCTION" is written vertically along the railroad line. "Adkins" is written in the lower center. "Virgin" is written near the bottom right. "BM 4790", "BM 4792", "BM 4803", and "BM 4828" are marked as benchmark points.
- Section Numbers:** The map is divided into sections, with numbers 6, 7, and 8 visible.

52 - 100 -

PROOF OF PUBLICATION

MAY 2 1983

STATE OF IDAHO
County of Bannock

SS.

Jeri Larsen

Department of Water Resources
Eastern District Office

NOTICE OF CLAIMS TO WATER RIGHTS

The following claim(s) have been filed
in water right(s) created by diversion
and beneficial use:

29-4328

GILBERT, ERVIN
DOWNEY, ID 83234
Source: SPRINGS trib. to SINKS
Priority Date: 04-01-1934
Diversion Pt: SESE Sec 30 T 10S R 37E
Use: IRRIGATION (2.00 CFS)
In: NWNW SWNW NWSW Sec 29 T 10S
R 37E NENE SWNE SENE NESE
NWSE SWSE SESE Sec 30 T 10S R 37E
FOR 158 ACRES

29-4327

GEBHARDT, LAURENCE P. &/or
JANIE S.
37 AILEEN DR., MADISON, CT 06443
Source: GROUNDWATER
Priority Date: 08-14-1951
Diversion Pt: SESE Sec 09 T 06S R 34E
Use: DOMESTIC (0.08 CFS)
In: SESE Sec 09 T 06S R 34E

29-4324

GILBERT, ERVIN
DOWNEY, ID 83234
Source: UNNAMED STREAM trib. to
PECK CREEK
Priority Date: 04-01-1950
Diversion Pt: NESE Sec 06 T 11S R 37E
Use: IRRIGATION (0.50 CFS)
In: NWNE Sec 06 T 11S R 37E FOR 25
ACRES

29-4323

BENNETT FARMS
BOX 59, DOWNEY, ID 83234
Source: UNNAMED STREAM trib. to
PECK CREEK
Priority Date: 04-14-1913
Diversion Pt: SWSE Sec 05 T 11S R 37E
Use: IRRIGATION (1.70 CFS)
In: SWNE NESW SESW NWSE SWSE
Sec 05 T 11S R 37E FOR 100 ACRES

29-4322

BENNETT FARMS
BOX 59, DOWNEY, ID 83234
Source: SPRINGS trib. to PECK
CREEK
Priority Date: 04-14-1913
Diversion Pt: SWNE Sec 05 T 11S R 37E
Use: IRRIGATION (0.10 CFS)
In: SWNE Sec 05 T 11S R 37E FOR 5
ACRES

29-4321

SAXTON, E.D. &/or EVA M.
RT. 1, BOX 77, DOWNEY, ID 83234
Source: UNNAMED STREAM trib. to
PECK CREEK
Priority Date: 03-20-1914
Diversion Pt: SWNE Sec 05 T 11S R 37E
Use: IRRIGATION (0.04 CFS)
In: SWNE Sec 05 T 11S R 37E FOR 2
ACRES

29-4320

BENNETT FARMS
BOX 59, DOWNEY, ID 83234
Source: UNNAMED STREAM trib. to
PECK CREEK
Priority Date: 04-01-1930
Diversion Pt: NESE Sec 06 T 11S R 37E
Use: IRRIGATION (0.50 CFS)
In: SWNE SENE NESE Sec 06 T 11S R
37E FOR 25 ACRES

29-4319

MCPHERSON, DAVID JAMES &/or
CATHY LEE
RT. 1, BOX 42, POCATELLO, ID 83201
Source: GROUNDWATER
Priority Date: 06-15-1947
Diversion Pt: SWNW Sec 16 T 06S R 34E
Use: IRRIGATION (0.03 CFS)
STOCKWATER (0.02 CFS)
DOMESTIC (0.04 CFS)
In: SWNW Sec 16 T 06S R 34E FOR 4
ACRES

Exceptions to a claim may be filed with
the Director, Dept. of Water Resources,
101 E. 10th Ave., Suite 15, Idaho Falls,

being first duly sworn on oath deposes and says: That she
was at all times herein mentioned a citizen of the United States of Ameri-
ca, more than 21 years of age, and the Principal Clerk of THE IDAHO
STATE JOURNAL, a daily newspaper, printed and published at Pocatello,
Bannock County, Idaho, and having a general circulation therein.

That the document or notice, a true copy of which is attached, was
published in the said IDAHO STATE JOURNAL, on the following dates,
to-wit:

April 21	, 19 83	, 19
April 28	, 19 83	, 19
	, 19	, 19
	, 19	, 19
	, 19	, 19

That said paper has been continuously and uninterruptedly published
in said County for a period of seventy-eight weeks prior to the publication
of said notice or advertisement and is a newspaper within the meaning
of the laws of Idaho.

Subscribed and sworn to before me this 29th
day of April, 19 83

Notary Public, State of Idaho
Residence: Pocatello, Idaho

MICROFILMED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Eastern Region

150 Shour Ave., Suite 15
Idaho Falls, Idaho 83402
(208) 525-7161

MAY 9, 1983

ERVIN GILBERT
DOWNEY

ID 83234

RE: Claim No. 29-4324

Dear Claimant:

The Department of Water Resources has completed the advertising of your claim to a water right, and no further action is authorized under Section 42-243 and 42-244, IDAHO CODE. Your claim will be retained in our files and will be available at any time for use by you or the court.

The filing and advertising of the claim does not confirm the water right claimed, but will serve to record and preserve the information and the evidence which you included in your claim.

If, at a later date, you find that you have additional information or supporting evidence that you would like to have included with the claim, you may have that information or evidence added at any time. Please refer to the claim identification number when corresponding with this office.

We are enclosing a copy of your claim for your records. If you have questions, or if this office may be of further assistance, please feel free to contact us.

Yours truly,

RONALD D. CARLSON
Eastern Region Supervisor

Enclosure

ENCLOSURE



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
EASTERN REGION

John V. Evans
Governor

A. Kenneth Dunn
Director

150 Shoup
Idaho Falls, Idaho 83401
(208) 525-7161

April 18, 1983

RE: Amended Claim to a Water Right No. 29-4156 SMITH
Claim to a Water Right No. 29-4320 BENNETT
29-4321 SAXTON
29-4322 BENNETT
29-4323 BENNETT
29-4324 GILBERT

Tom Bloxham, Watermaster
Water District No. 29
Downey, ID 83234

Dear Mr. Bloxham:

Enclosed, for your information only, is a copy of the above referenced claim to a water right filed within your district. If you have any questions concerning this matter, please feel free to contact this office.

Very truly yours,

ERNEST CARLSEN
Assistant Regional Supervisor

EC:cw

Enclosure (6)

MICROFILMED

State of Idaho
Department of Water Resources

CLAIM ANALYSIS SHEET

INITIAL REVIEW BY: KC Wilson

Right Number 29 4324

Applicant Erwin G. Ibert

NOTE: IF ANY OF THE ITEMS BELOW ARE MISSING, THE CLAIM IS INCOMPLETE AND MUST BE RETURNED IMMEDIATELY TO THE CLAIMANT ALONG WITH THE APPROPRIATE COVER LETTER.

CHECK:

- ☒ Name and address.
- ☒ Date of priority. (Check for a date past the mandatory filing dates.) (One date only.)
- ☒ Source.
- ☒ Quantity, use, period.
- ☒ Point(s) of diversion.
- ☒ Location of use.
- ☒ Signature/notarization/fee.
WD #39

FINAL REGIONAL PROCESSING REVIEW:

- ☒ Affidavit of publication received.
- ☒ Claim published correctly.
- ☐ Exceptions processed.

By Ernest Carlson Date May 10, 1983

STATE OFFICE PROCESSING:

- ☒ Claim review complete.

By RC Date 5-17-83

~~May 11, 1983~~
May 9, 1983

RECEIVED

RECEIVED
MAY 17 1983
Department of Water Resources

29-4324

GILBERT, ERVIN

DOWNEY, ID 83234

Source: UNNAMED STREAM trib. to PECK CREEK

Priority Date: 04/01/1950

Diversion Pt: NESE Sec 06 T 11S R 37E

Use: IRRIGATION (0.50 CFS)

In: NWNE Sec 06 T 11S R 37E FOR 25 ACRES

27 29-4324

28 GILBERT, ERVIN

29 DOWNEY, ID 83234

30 Source: UNNAMED STREAM trib. to

31 PECK CREEK

32 Priority Date: 04-01-1950

33 Diversion Pt: NESE Sec 06 T 11S R 37E

34 Use: IRRIGATION (0.50 CFS)

35 In: NWNE Sec 06 T 11S R 37E FOR 25

36 ACRES

29-4324