

Identification No. 13 0063

Transfer No. _____

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

APPROVED

APPLICATION FOR TRANSFER OF WATER RIGHT
To Change the Point of Diversion and/or the Place of Use

1. Name of Right Holder Melvin Ray Gilbert & Carolyn P. Gilbert

Post office address 495 East Center, Lewiston, Utah 84320

2. Right obtained by:

a. Decree to William Gilbert in Case of Gilbert
(Name)

vs. Gailey, Dated Apr. 17, 1957 in 5th District Court
(Name of Court)

Court. County of Franklin.

b. License No. _____ issued by the State of Idaho, Department of Reclamation.

3. Source of water Spring Creek tributary to Worm Creek
(Name of stream or source)

4. Date of Priority June 9, 1923

5. Amount of water a. 1.94 c.f.s. and/or

b. _____ acre feet/annum

6. Water is used for Irrigation from Apr. 1 to Nov. 1
(Month, Day) (Month, Day)

7. Original location of point of diversion is NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 13,

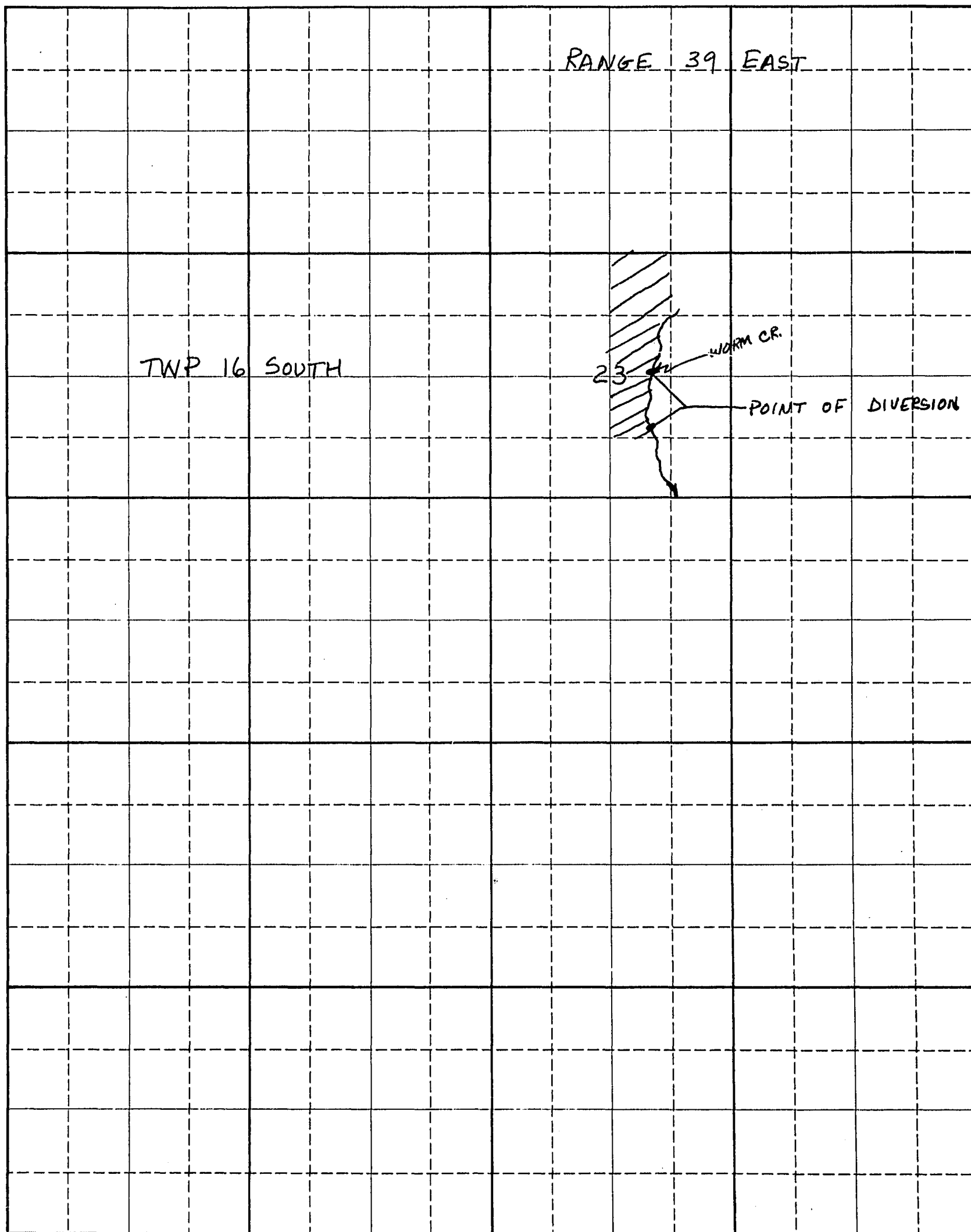
Township 16S, Range 39E, B.M., in Franklin County;

Additional points of diversion, if any _____

8. Lands presently irrigated or place of use:

TWP.	RANGE	SEC.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTALS
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
16S	39E	23		26	30											22			78

Total number of acres presently irrigated 78



SCALE: 2 Inches Equal 1 Mile. Draw Plan in Ink.

9. If applicant was not the original holder of this right explain how it was acquired: _____
Purchase of land and water right.

10. CHANGE IN POINT OF DIVERSION

- a. Quantity to be diverted at new point: 1.94 c.f.s. and/or _____ acre feet
SW NE
- b. New point of diversion: NW 1/4 SE 1/4, Section 23, Township 16S
_____, Range 39E, B.M.
- c. Description of method of diversion and conveyance from new points of diversion: _____
Pump and portable mainline.

- d. Is water to be conveyed to the lands previously irrigated? Yes X No _____.
If not, the place of use should be changed below.
- e. Describe the reasons for applying for a change in the point of diversion:
Change from flood to sprinkler irrigation. Better accessability,
eliminate ditches.

- f. Do you intend to make the transfer permanent? Yes
- g. Do you intend to abandon completely the old point of diversion? Yes

- h. Indicate on the above plat the new point of diversion and lands to be irrigated.

11. CHANGE IN PLACE OF USE NO CHANGE

- a. Describe the new lands on which you wish to use your right.

TWP.	RANGE	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	

Total number of acres to be irrigated _____

b. Do you intend to make the transfer permanent?_____

c. Are you completely abandoning the lands previously irrigated by this right? If not, explain your plans:

d. Describe any other water rights that you claim for the new ground upon which you wish to transfer this right:_____

e. Indicate on the above plat the new land to be irrigated and the point of diversion.

I hereby assert that no one will be injured by such transfer and that the change will be made at my own risk. The information contained in this application is true to the best of my knowledge.

Carolyn R. Gilbert
Melvin Ray Gilbert
(signature of applicant)

Subscribed and sworn to before me this 3rd day of January, 1975.

R. D. Carter
(notary public)

My commission expires 2/14/78.

**ACTION OF STATE RECLAMATION ENGINEER
AND CERTIFICATE OF TRANSFER**

This is to certify that I have examined Application for Transfer of Water Rights No. 13-0063,
and said application is hereby APPROVED.

1. Approval of said application is subject to the following limitations and conditions:

2. Denial of said application is for the following reasons:_____

Witness my hand this 24 day of February, 19 75.

R. D. Carter
Director

FOR DEPARTMENT USE ONLY

Received by MB Date 1-3-75

Protest filed by: _____ Date _____

Prelim. check by JP Date 1-3-75

Fee received by MB Date 1-3-75 Fee \$ 30.00

Approved for publication by MB 2-10-75 #4023

Published in Butte Citizen Dates Jan. 16 & 23, 1975

Hearing held _____

Watermaster Recommendation sent A.A. 13A Roland Carter

WARRANTY DEED

ROSS W. TELFORD and ZELMA R. TELFORD, husband and wife

grantor s of Weston, County of Franklin, Idaho, ~~State of Idaho~~ hereby
CONVEY and WARRANT to

MELVIN RAY GILBERT and CAROLYN R. GILBERT, husband
and wife

grantee of Lewiston, Cache County, State of Utah
for the sum of \$10.00 and other valuable consideration
the following described tract of land in Franklin County, State of ~~Idaho~~ Idaho

West half of the Northeast quarter and the West half of the South-
east Quarter of Section 23, Township 16 South, Range 39 East of
the Boise Meridian, Franklin County, Idaho.

Containing 160 acres, more or less.

SUBJECT to existing rights of way.

TOGETHER WITH the right to use 1.94 cfs of water flowing in Spring
Creek as allotted to William D. Gilbert Estate for the irrigation
of 79 acres of the above described land, as more fully described
in that certain "Decree" between William Gilbert vs. Joseph W. Gailey,
dated April 2, 1957 and in the District Court of the Fifth Judicial
District of the State of Idaho, in and for Franklin County,.

WITNESS, the hand s of said grantor s, this

27th day of March

A. D. 1974

Signed in the presence of

Sherrin O. Kirby

Ross W. Telford
Zelma R. Telford

STATE OF UTAH
County of *Franklin* ss.

On the *5th* day of *April*
A. D. 19 *74* personally appeared before me

Ross W. Telford and
Zelma R. Telford,
husband and wife

RECORDING DATA

Entry No.

134790

Fee \$

RECORDED ☐ INDEXED ☐
PLATTED ☐ ABSTRACTED ☐
COMPARED ☐ DELIVERED ☐

Recorded at the request of

American Land Title Co.

11:48 a.m. APR 8 1974 *1:15 p.m.*

MICHAEL D. KUNZ, RECORDER

By *L. R. E. Johnson* Deputy
FRANKLIN COUNTY, IDAHO
1:15 p.m.

Commission expires: *February 1976*
Residing in: *Preston Idaho*

Notary Public

LAND TITLE COMPANY

RECORDED ☒
INDEXED ☒
PLATTED ☒
ABSTRACTED ☒
COMPARED ☒
DELIVERED ☒

No 2791

AFFIDAVIT OF PUBLICATION

RECEIVED

FEB 10 1975

Department of Water Resources
Eastern District Office

STATE OF IDAHO,
County of Franklin

ss.

Hayne R. Bell

being duly sworn,

deposes and says:

That he is the *Co-publisher* of THE PRESTON CITIZEN, a weekly newspaper published at Preston, in the County of Franklin and State of Idaho; that said paper has been and is in general circulation in the county aforesaid, and in the vicinity of Preston; that the advertisement, a copy of which is attached hereto, was published in said newspaper once a week for *two* consecutive weeks in the regular and entire issue of said paper during the period and time of publication, and was published in the newspaper proper and not a supplement; that said paper has been established and regularly published for more than seventy-eight consecutive weeks prior to the date of first publication of said advertisement.

Such notice was published in the issue beginning with

January 16, 19 *75*, and ending

with the issue of *January 23*, 19 *75*

Fees, \$ *18.87*

Subscribed and sworn to before me this *6* day

of *February*, 19 *74*.

Delana D. Liddell

Notary Public, Residing at Preston, Idaho

My Commission Expires *March*, 19 *78*.

NOTICE OF
PROPOSED CHANGE OF
WATER RIGHT

NO. 13-0063

Notice is hereby given that Melvin Ray Gilbert and Carolyn P. Gilbert, 495 East Center, Lewiston, Utah, has applied to the Department of Water Resources for a change in the point of diversion of the waters of Spring Creek tributary to Worm Creek. The right sought to be changed is evidenced by Decree to William Gilbert in Case of Gilbert -vs- Gailey, Dated April 17, 1957 in Fifth District Court, Franklin County and is recorded as follows:

AMOUNT: 1.94 cfs
PRIORITY: June 9, 1923
DECREED POINT OF
DIVERSION: NW $\frac{1}{4}$ NW $\frac{1}{4}$,
Sec. 13, T. 16S, R. 39E, B.M.,
Franklin County;

The water is used within the W $\frac{1}{2}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 23, T. 16S, R. 39E, B.M., to irrigate 78 acres.

TO BE CHANGED
AS FOLLOWS

The water will be diverted within the SW $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 23, T. 16S, R. 39E, B.M.

Any protest against approval of the above proposed change of water right must be filed with the Idaho Department of Water Resources, 1515 Lincoln Road, Idaho Falls, Idaho, 83401, on or before February 3, 1975.

R. KEITH HIGGINSON
Director.

Published in the Preston Citizen, Preston, Idaho, on January 16 and January 23, 1975.

Legal No. 2791 — Pub
Jan. 16, 23, 1975.

January 7, 1975

Mr. Roland Carter, Watermaster
Water District No. 13A
Route #2, Box 323
Preston, Idaho 83263

Dear Mr. Carter:

Enclosed please find a copy of Application for Transfer of Water Right No. 13-0063 in the name of Melvin Ray & Carolyn P. Gilbert and a watermaster recommendation form. Please complete the form and return it to this office on or before February 3, 1975.

Your cooperation in this matter is greatly appreciated.

Very truly yours,

RONALD D. CARLSON
Acting District Engineer

RDC:MB

Enclosures

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R. KEITH HIGGINSON

Director

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CW-H
CW-H
MB-A

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R. KEITH HIGGINSON
Director

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Legal No. 2791 — Pub.
Jan. 16, 23, 1975.

January 10, 1975

RE: Application for Transfer No. 13-0063 Gilbert

The Preston Citizen
Box 472
Preston, ID 83263

Gentlemen:

Enclosed you will find a legal notice which we wish to have published once a week for two consecutive weekly issues of your newspaper. We have inserted the publication dates allowing time for you to submit us a galley proof for review before publication.

After sending us a galley proof, proceed with the publication on the dates we have inserted, assuming the notice is correct. If we have any corrections, we will notify you before the first publication. If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill.

Very truly yours,

RONALD D. CARLSON
Acting District Engineer

RDC:MB

Bill submitted 2-10-75 by MB

Enc: Legal Notice (1)

February 3, 1975

C
RE: Application for Transfer No. 13-0063 Gilbert

O
The Preston Citizen
Box 472
Preston, ID 83263

Gentlemen:

P
Would you please submit an affidavit of publication and certified bill in connection with the above referenced application. The legal notice was to have been published in your paper on January 16 and January 23, 1975.

Your cooperation in this matter is greatly appreciated.

Y
Very truly yours,

RONALD D. CARLSON
Acting District Engineer

RDC:MB

INTER-DEPARTMENT MEMO ---1

FROM Ron Carlson

TO Bob Fleenor

SUBJECT Transfer No. 13-0063

DATE February 14, 1975

FEB 18 1975
Department of Water Resources

This is the right represented by 13-0063 of the Preliminary Findings
of water rights for Worm Creek.

The proposed findings should be corrected to reflect this change before
the final draft is released.

Ron

SIGNATURE

C
February 24, 1975

O
Re: Transfer No. 13-0063

Melvin & Carolyn Gilbert
495 East Center
Lewiston, Utah 84320

P
Dear Mr. & Mrs. Gilbert:

Enclosed herewith is a copy of your approved Application for Transfer No. 13-0063.
We direct your attention to the conditions of approval as listed on the fourth page.

Sincerely,

Y
BOBBY D. FEEENOR
Chief, Water Rights

BDF:jfr

Enclosure

