

**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 BEAR RIVER BASIN WATER SYSTEM**

CIVIL CASE NUMBER: 79576

Claim ID: 13-4022
Date Received: 2/6/25
Receipt No: P001829
Claim Fee: 72.00 By: mjb

RECEIVED

FEB 06 2025

IDWR/Preston

**NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW**

Please type or print clearly

1. Name of claimant(s) Gilbert Farms LLC Phone (208) 221-4747
Mailing address PO Box 252 Grace ID Zip 83241
Street or Box City State
Email address (optional) TDGilbert81@gmail.com
2. Date of priority: (Only one per claim) 11/10/1898 (Explain priority date selected in Remarks)
Month/Day/Year (YYYY)
3. Source of water supply (Check one) Ground Water () or Other (✓) (a) Cedar Hollow Spring
which is tributary to (b) Sink
4. a. Location of point of diversion is: Township 10S, Range 40E, Section 21,
SE 1/4 of NE 1/4, Govt. Lot , BM, County of Caribou
Parcel no.
Additional points of diversion, if any: 2 PODs in same qtr qtr
If available, GPS Coordinates
b. If instream flow, beginning point of claimed instream flow is:
Township , Range , Section , 1/4 of 1/4,
Govt. Lot , BM, County of
Ending point is: Township , Range , Section , 1/4 of 1/4,
Govt. Lot , BM, 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.

Water is diverted from spring at 2 locations, into 2 collection boxes then piped separately, one for stock water,
one for 2 houses (including irrigation around houses) and 4 cellars.

6. Water is claimed for the following purposes:

(dates are inclusive MM-DD) (cfs) (acre-feet)

For Domestic purposes from 01/01 to 12/31 amount 0.08 or _____

For Stock Water purposes from 01/01 to 12/31 amount 0.06 or _____

For Commercial purposes from 01/01 to 12/31 amount 0.08 or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 0.22 (cfs) and/or (b) _____ (acre-feet)

8. Non-irrigation uses; describe fully (e.g., Domestic: Give number of households served; Stockwater: Type and number of livestock, etc.) Domestic- 2 houses, Stock water- 250 cows, Commercial-misters in 4 potato cellars

9. Description of place of use:

- If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- 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	RGE	SEC	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
10S	40E	21																D	
10S	40E	21													S			S	
10S	40E	21													C			C	
10S	40E	22										C	C						
10S	40E	22											D						

Parcel no(s). 10S40E212400, 10S40E225800 Total number of acres irrigated _____

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

11. Do you own the property listed above as place of use? Yes (☒) No (☐)
If your answer is No, describe in Remarks below the authority you have to claim this water right.

12. Describe any other water rights used at the same place and for the same purposes as described above.
Additional claim filed for Bear River water conveyed through PacifiCorp flowline from Grace Dam or None (☐)

13. Remarks (Include an explanation of the priority date selected):

Priority based on original posted notice by George Ellis on November 10, 1898- attached. In 1975, Don W. Gilbert filed a statutory claim based on this same posted notice. 1) Water is diverted from spring into 2 collection boxes. 1) Water for domestic and commercial (cellars) is piped to 2 houses and 4 cellars. Since the 1898 development of the water and the 1975 claim, accomplished changes have occurred. The original use of this right included 2 homes, one that was identified on the 1975 claim (formerly owned by Ashbaker), which was torn down, and the second house was the house for the Telluride School teacher, purchased by Gilbert in 1956. Another house was added to the system. Two houses still receive water from the spring, as shown on the map. The original use also included irrigation, and by 1975 was limited to irrigation of a 4-acre field by the Ashbaker home and directly around the two homes. Only irrigation now is around the 2 houses, which is assumed under the Domestic component claimed herein. Irrigation of the 4 acres no longer happens. This irrigation water is now used for commercial purposes for misters in the 4 cellars. See attachment for additional info on the conversion. 2) Stock wtr is collected in a separate collection box and piped to troughs.

Name of claimant(s) Gilbert Farms LLC Claim ID _____



0 200 400 800 Feet

Basemap: 2021 NAIP

Legend

- POD
- ⬠ Houses
- Troughs
- Stockwater Mainline
- Dom. & Comm. Mainline
- POU
- Twp & Rng
- Sections
- QQ



Claim Map

Bear River Basin Adjudication

Claim No. 13-4022

Claimant: Gilbert Farms LLC

14. Basis of claim (Check one) Beneficial Use (☒) Posted Notice (☐) License (☐) Permit (☐) Decree (☐)

Court _____ Decree Date _____ Plaintiff v. Defendant _____

If applicable provide IDWR Water Right Number 13-4022

15. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notices in the Bear River Basin Water System 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: 6

For Individuals: I/We do solemnly swear or affirm under penalty of perjury that the statements contained in the foregoing document are true and correct.

Signature of Claimant (s) _____ Date: _____

_____ Date: _____

For Organizations: I do solemnly swear or affirm under penalty of perjury that I am, and that I have signed the foregoing document in the space below as the

Manager of Gilbert Farms LLC
Agent's title (Please print) Name of organization (Please print)

and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent Clint R Gilbert Date 2-6-2025

Printed Name of Authorized Agent Clint R Gilbert

16. Notice of Appearance:

Notice is hereby given that I, (please print) _____, 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 _____ Date _____

Address _____

Name of claimant(s) Gilbert Farms LLC Claim ID _____

Notice

RECEIVED

Jan 9 1975
Department of Water Resources
Eastern District Office

State of Idaho,
Bannock County

To all Concerned

- Notice is hereby giving
- 1st That George W. Ellis of Bannock County, State of Idaho, hereby claims the water of Cedar Spring to the extent of Six (6) Cubic inches per second, being the entire present flow of said spring.
 - 2nd Said water is now and has been diverted at or near a point where this water is posted and more definitely described as follows, viz: In the South East quarter of the North East quarter of Sec 2, Township 10 South of Range 40 East of Boise Meridian
 - 3rd Said water is claimed for agricultural and domestic purposes.
 - 4th Said water is diverted by means of a ditch twelve (12) inches wide and ten (10) inches deep, running from the above described point of diversion to the lands hereinafter described.
Said waters are to be used for irrigating the east half (1/2) of the South East quarter of Section twenty one (21) in Township ten (10) forty (40) East 13 N in Idaho, and containing eighty (80) acres, situate in Bannock County
 - 5th The works for the diversion and use of said waters as aforesaid are now commenced.

MICROFILMED

In Witness whereof said Claimant has
hereunto set his hand at Lago in said
County on this the 10th day of Nov 1898

George W. Ellis
Claimant

State of Idaho }
Bannock } S.S.

George W. Ellis being duly
sworn according to law deposes and says
that he is of lawful age and the Claimant
of the water mentioned in the foregoing and
whose name is subscribed therein that
the statements in said notice are true and
that the original notice of which the fore-
going is a true copy was posted in a
conspicuous place at or near the place
of division (as provided by law) on the
18th day of Nov 22-1898 at 15 minutes past
two O'clock P.M.

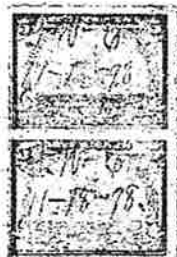
Geo. W. Ellis

Claimant

Subscribed in my presence by the said
George W. Ellis and by him sworn to before
me this the 18th day of Nov 1898

William H. Russell,

Justice of the Peace



50

Receipt, as Request of

M. B. Boudette

November 28th 1908

to

P. M. Boudette

Exposition Page 633

of the B. & O. Co.

City of Baltimore

John Smith

COUNTY TREASURER

DEPUTY

Telluride

Telluride's first school was about one block east of the present Gene Olsen home. It was about 12 feet by 12 feet and made of logs. After a few years a cement one-room school was built south and west of the former William Trappet home, now owned by Vester Olsen. This school was heated by a large potbellied stove. Inez Gilbert remembers water was carried from a spring north of the Trappet home for drinking. Ida Stone was one of the early teachers. This school became too small for the number of children, so grades one through four went to the old Bob Oland home for school; later another room was added to the cement building. This school was called Cedar Hollow. Families grew and demand for a larger school brought about the building of a new school between 1920-1930. It was a fine looking brick building with two rooms and an excellent gym, accommodating grades one through eight. It was located near the present Don Gilbert home. The children from the Utah Power and Light Co. Plant attended this school also. After Telluride consolidated with Grace, the school had many uses, one of which was as a chicken house before it was finally torn down.

Turner School

"I think bell—George had a crow-b building—an bell, he woul

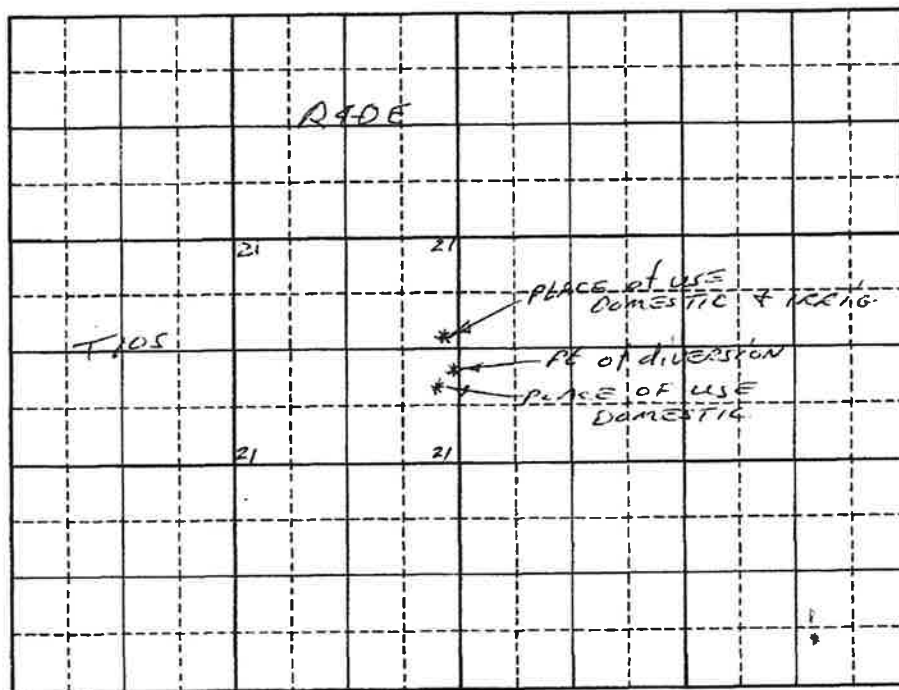
Mr. Toc place he coul right in the slanted roof months out enough fund ple moved to in 1904 on t by Howard one-room lo It also serv center. Late rooms, cloa building wa burning sto This school eight. It wa now owned traveled ma farm, up C east from sleighs, an weather, b most. Late

Accomplished Transfer and Change in Nature of Use of Water Right 13-4022

Gilbert Farms LLC

The historical use of water right 13-4022 has always been a combination of agriculture (stockwater and irrigation) and domestic uses, originally intended to be used in the E1/2 of the SE1/4 of Section 21 based on the 1898 Posted Notice. There have been many changes in how the spring has been used since it's first development. This narrative documents how the water right has been changed through the years.

In 1975, when the statutory claim for right 13-4022 was filed, Don Gilbert described the active use of the spring for 2 homes, stockwater, and irrigation of 4 acres. The claim map drawn by Don Gilbert puts the two domestic connections at known historical connections that can be verified with the Gilbert Family. Below is a copy of the statutory claim map:



The domestic and irrigation use identified in the SENE of Section 21 pertains to the Ashbaker home. Historical aerial imagery from 1945 and 1968, attached, show the location of the home and the irrigated areas around it.

Over the next several decades, the use of the water makes a slow transition to more commercial use, less irrigation use. The exact homes that are connected to the system continues to be 2, although, the Ashbaker home is removed and a new Gilbert home in the SWSW of Section 22 is built and connected to the system. Irrigation around the two homes still occurs, but it is less than ½ acre per home. The claimed irrigation of 4 acres around the Ashbaker home is assumed to be a reduction of previous irrigation, based on the legal description proposed in the posted notice. Irrigation may have originally been more than 4 acres.

This claim is intended to reflect the change that was accomplished over the years with location and nature of use under this original spring right. Below are some calculations to show the conversion from

the 4 acres of irrigation occurring in 1975 to the ultimate use of the irrigation water to operate cooling systems within 4 cellars and provide water for other necessary commercial uses associated.

Irrigation Consumptive Use

The actual crop cover is unknown from the 1970s. However, aerial imagery suggests that it was a crop with low management and lower evapotranspiration. Therefore, for this purpose, it is assumed that Grass Pasture – low management was a likely candidate for irrigation. According to ET IDWR, using the Grace Station (NWS – USC00103732), Grass Pasture – low management has a net irrigation requirement of 519 mm/year, or 1.7 ft/year (see Figure 1). Four irrigated acres would therefore have a total net irrigation requirement of 1.7 ft/yr x 4.0 acres = **6.8 afa**

Commercial Consumptive Use

There are 4 cellars. The table below shows the cellar type, along with a calculated daily water requirement for operating the misters. Note that this may be an overestimate of daily usage.

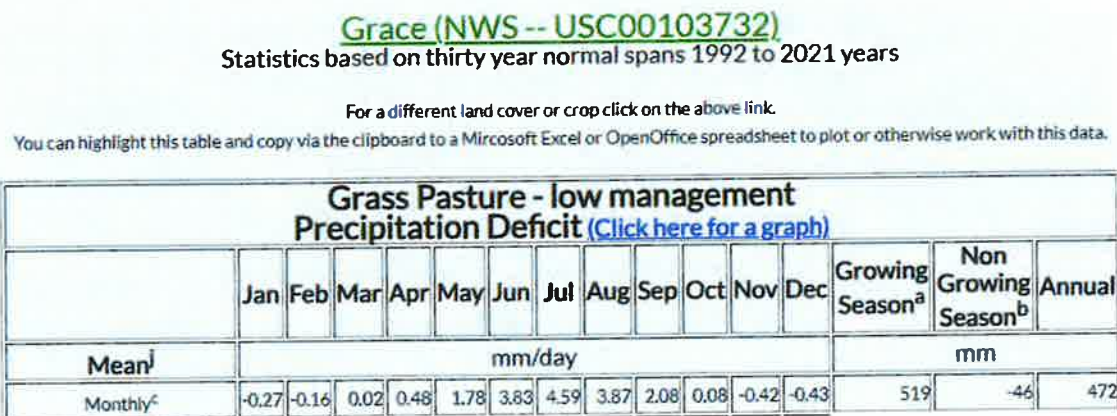
Cellar Description	Nozzles	Gal/Hour/Nozzle	Gal/Hour
Double Curvette	40	0.5	20
A-Frame Cellar	Different Cooling System (Swamp Cooler with Atomizer), but similar water use as Double Curvette		10
Single Curvette			10
Total Hourly Requirements			40

The cooling systems operate up to 14 hours per day, typically, but can vary depending on exact conditions. Operations start September 10 and run through May 31, which is a total of about 260 days. If the operation is running at 100% capacity, and including an additional 10% for uncertainty, the cellars would require about 0.49 afa.

$40 \text{ gal/hr} \times 14 \text{ hrs/day} \times 260 \text{ days/yr} \times 100\% \text{ capacity} \times 110\% \text{ for uncertainty} = 160,160 \text{ gal/yr} = 0.49 \text{ afa}$

There are some other small commercial uses during the summer months for maintaining equipment, etc. Since those other uses are not quantifiable, the required volume for commercial use is rounded to **1.0 afa**, which is a reduction in historical use of the right when it was used for irrigation.

Figure 1. Excerpts of ET IDWR



Affidavit of Travis Gilbert, Gilbert Farms LLC

For beneficial use of water diverted from Grace Dam and conveyed through flow line

Caribou County, Idaho

My name is Travis Gilbert. I am 54 years old and have been acquainted with the Gilbert Farms operation and use of water for the homes, stock watering and potato cellars, among other things, since 1985. My grandfather, Don W. Gilbert, and family purchased this property in 1956 and began using the water available by the springs from what is called Cedar Hollow. Four cellars were constructed between 1966 and 1998. I witnessed the addition of the last 3 cellars. Don lived in an existing home that was originally occupied by the school teacher for the Telluride School, which was on the Gilbert property originally, but had been torn down. In 1975, Don built a new home and relied on the spring water for both homes, stock water and for potato cellars. As far as I know, there have always been two homes receiving water from the spring.

PacifiCorp, formerly Utah Power & Light Company, owns a flowline that conveys water from the Grace Dam to the Grace Power Plant. This flowline follows along the roadway near Cedar Hollow Spring. It is my understanding from information told to me by my grandfather Don, that the flowline has provided additional water to our springs since Don purchased the property in 1956, and likely before. In approximately 1975, the spring water diminished substantially when the flow line ruptured. Our spring was covered by sediment from the washout of the flow line. With cooperation from Utah Power & Light, a direct tap was provided off the new steel section of the flow line to assist in water delivery to the Gilbert Farms operation and homes.

The water is diverted by means of a tap off the flowline, flowing into a ditch, which then sinks and benefits the natural spring water used at the homes, cellars and stock water.

Gilbert Farms LLC is now owned and operated by Travis Gilbert and Clint Gilbert, grandsons of Don W. Gilbert.

I affirm that this statement is correct and that I myself have done and seen things I have described.


(signature)

1-31-2025
(date)

State of Idaho
County of Caribou

This document was signed before me by TRAVIS Gilbert
on January 31, 2025 (date) (name)




Commission Expires 8/21/26



10S40E21
10S40E22

0 135 270 540 810 1,080 Feet

1945 USGS Single Frame Aerial Photography

- POD
- Historical Ashbaker House
- Domestic Connections
- Historical Irrigation
- PLSS Section
- PLSS QQ

1945 Historical Imagery

Claim No. 13-4022

Gilbert Farms, LLC

Caribou County, Idaho





1968 USGS Single Frame Aerial Photography

0 135 270 540 810 1,080 Feet

- | | |
|--|---|
|  POD |  Historical Irrigation |
|  Historical Ashbaker House |  PLSS Section |
|  Domestic Connections |  PLSS QQ |

1968 Historical Imagery

Claim No. 13-4022

Gilbert Farms, LLC

Caribou County, Idaho



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Claimant:	Gilbert Farms LLC			
Claim ID:	13-4022			
	Rate/ Unit	Unit	# Units	\$ Amount
De Minimis	\$25 Claim			
De Minimis Stock (> 4th	\$0 Claim			
Non-De Minimis	\$50 Claim		1	\$50.00
Irrigation	\$1 Acre			
Power Generation	\$3.50 KW of Capacity			
Aquaculture	\$10 cfs			
Dom. & Stock (>13k gpd), Municipal, industrial, commercial, mining, heating, cooling	\$100 cfs		0.22	\$22.00
Public instream flow, public lake level maintenance, wildlife	\$100 cfs			
Fire protection	\$0 cfs			
Groundwater recharge	\$0 cfs or afa			
Total				\$72.00

Duplicate this worksheet once for each claim.

Notes:

Domestic/stock/commercial for 4 cellars

TABLE 3. VARIABLE FEE SCHEDULE

Irrigation	\$1.00 per acre	Each acre is charged only once
Power generation	\$3.50 per kilowatt of capacity	Manufacturer's nameplate rating, or \$250,000.00, whichever is less
Aquaculture	\$10.00 per cfs	
Domestic stockwater use in excess of 13,000 gallons per day	\$100.00 per cfs	
Municipal, industrial, commercial, mining, heating, cooling	\$100.00 per cfs	
Domestic stockwater use in excess of 13,000 gallons per day	\$100.00 per cfs	
Public instream flow, public lake level maintenance, wildlife	\$100.00 per cfs	

Exceptions: No variable fee is charged for fire protection or ground water recharge

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FILING FEES

Each claim submitted must include the filing fee. The filing fee for domestic and/or stockwater use claims, diverting less than 13,000 gallons of water per day is \$25.00. However, if you are filing more than four (4) claims in which the only purpose of use listed is stockwater, only the first four (4) claims require the \$25.00 filing fee. All additional stockwater claims are fee exempt once the \$100.00 in filing fees has been paid for the first four (4) stockwater only claims filed after July 1, 2017.

The flat fee for filing all other claims filed is \$50.00 per claim. An additional variable filing fee based upon acreage, power generating nameplate capacity, cubic feet per second (cfs) amount, or an equivalent volume of storage water is required for claims for water uses other than domestic and/or stockwater uses diverting less than 13,000 gallons of water per day. Use Table 3 to calculate the variable fee. Add the calculated variable fee to the \$50.00 flat fee to determine the total fee for the claim. The exceptions are fire protection or ground water recharge which have a \$50.00 flat fee, and no variable fee.

Examples for a single claim to a water right with single source and same priority date

- Single family domestic and stockwater use, less than 13,000 gallons per day in total \$25.00
- 100 acres irrigation, domestic and stockwater as above \$150.00
- Fish propagation, 4.2 cfs \$92.00
- Multiple family domestic, 1.6 cfs, irrigation of yards and gardens, 14 acres \$224.00

Claimant	Gilbert Farms LLC
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Claim #	Claim ID	\$ for Claim	Notes
1	13-4022	\$72.00	Domestic/stock/commercial for 4 cellars
2	New-from flowline	\$72.00	Bear River water through Flowline Tap
3	13-4136	\$25.00	Travis house- domestic
4	13-4135	\$169.00	Irrigation of 119 acres and claim fee-\$50
5	LCCC WW	\$50.00	Irrigation of same 119 acres (only pay acres once) Last Chance wastewater
6	Sitewater(North)	\$25.00	Stockwater northerly of Travis's house
7	Sitewater (South)	\$25.00	Stockwater southerly of Travis's house
8	803 Hubbard Rd	\$25.00	Domestic/Enlargement claim
9	801 Hubbard	\$25.00	Domestic & Stock water claim
10	945 River Rd	\$25.00	Domestic claim
11	945 River Rd	\$25.00	Domestic claim
Total		\$538.00	

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