

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: 13-4136
Date Received: 2/6/25
Receipt No: P001829
Claim Fee: 25.00 By: MB

RECEIVED

FEB 06 2025

NOTICE OF CLAIM TO A WATER RIGHT

ACQUIRED UNDER STATE LAW

For Domestic and/or Stockwater Purposes

Where Daily Use is less than 13,000 gallons per day

IDWR/Preston

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) 04/01/1880 (Explain priority date selected in Remarks)
Month/Day/Year (YYYY)
3. Source of water supply (Check one) Ground Water () or Other (✓) (a) Spring
which is tributary to (b) Bear River
4. Location of point of diversion is: Township 10S, Range 40E, Section 33,
NW 1/4 of SE 1/4, or Govt. Lot BM, County of Caribou;
Parcel no. 10S40E330000
Additional points of diversion, if any:
If available, GPS coordinates:
5. Description of diverting works (wells, pumps, spring boxes, pipelines, 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 diverted from single spring north of home. Other springs in close proximity are diverted for irrigation.~~
6. Water is claimed for the following: (limited to domestic and/or stockwater uses - see page 1 of the instructions)
For Domestic purposes from 01/01 to 12/31 amount 0.04 cfs (✓) or AFY ()
For purposes from to amount
7. Total quantity claimed 0.04 cfs (✓) or AFY ()
8. Non-irrigation uses. Describe fully. (Domestic: give number of homes; Stockwater: list number and kind)
1 domestic house including irrigation of 1/2 acre

9. Location of place of use is: Township 10S, Range 40E, Section 33,
NW 1/4 of SE 1/4, Govt. Lot _____ BM, Parcel no. _____
If different than shown in Item 4
for (check one) **Domestic** (✓) **Stock** () **Domestic and Stock** ()

Additional places of use, if any _____

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 the 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.
_____ or None (✓)

13. Remarks (include an explanation of the priority date selected):
~~Priority based on add'l info under Patent 177 witnesses & Affidavit of house built by 1880 and on add'l info on claim 13-4136 filed by Evan Kackley.~~

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 13-4136

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: 3

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 Travis D. Gilbert Date 2-6-2025
Printed Name of Authorized Agent Travis D. Gilbert

16. **Notice of Appearance:**
Notice is hereby given that I, (please print) _____, will be acting as attorney at law of behalf on 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 _____



0 95 190 380 570 760 Feet

2021 Imagery

-  POD Spring
-  POU
-  PLSS Section
-  PLSS QQ

New Domestic Water Claim

Claim No. 13-4136

Gilbert Farms, LLC

Caribou County, Idaho



The United States of America,

To all to whom these presents shall come, Greeting:

CERTIFICATE

No. 177

~~Whereas~~ Edward J. Turner of Oneida County
Idaho Territory

has deposited in the General Land Office of the United States a Certificate of the Register of the Land Office at Oxford Idaho Territory, whereby it appears that full payment has been made by the said Edward J. Turner

according to the provisions of the Act of Congress of the 24th of April, 1820, entitled "An Act making further provision for the sale of the Public Lands," and the acts supplemental thereto, for the south east quarter of the north west quarter, the east half of the south west quarter and the north west quarter of the south east quarter of section thirty three, in township ten south, of range forty east of Boise Meridian, in Idaho Territory, containing one hundred and sixty acres

according to the Official Plat of the Survey of the said Lands, returned to the General Land Office by the Surveyor General, which said Tract has been purchased by the said Edward J. Turner

Now know ye, That the United States of America, in consideration of the premises, and in conformity with the several Acts of Congress in such case made and provided, have given and granted, and by these presents do give and grant, unto the said Edward J. Turner

and to his heirs, the said Tract above described: To have and to hold the same, together with all the rights, privileges, immunities, and appurtenances, of whatsoever nature, thereto belonging, unto the said Edward J. Turner

and to his heirs and assigns forever; subject to any vested and accrued water rights for mining, agricultural, manufacturing, or other purposes, and rights to ditches and canals used in connection with such water rights as may be recognized and acknowledged by the local customs, laws, and decisions of courts, and also subject to the right of the proprietor of a vein or lode to extract and remove his ore therefrom, should the same be found to penetrate or intersect the premises hereby granted, as provided by law.

In testimony whereof, J. Chester A. Arthur, President of the United States of America, have caused these letters to be made Patent, and the Seal of the General Land Office to be hereunto affixed.

Given under my hand, at the City of Washington, the tenth day of April, in the year of our Lord one thousand eight hundred and eighty four, and of the Independence of the United States the one hundred and eighth

LS.

BY THE PRESIDENT:

Chester A. Arthur

By Wm. H. Brooke Secretary
S. W. Clarke, Recorder of the General Land Office

PRE-EMPTION PROOF.—TESTIMONY OF WITNESS.

Wm P. Erwin being called as a witness in support of the Pre-emption claim of Edward J. Sumner to the S E 4 N W 4 E S W 4 of N W 3 E 4 sect 23-10 S-40 E, testifies as follows:

Ques. 1.—What is your post-office address?

Ans. Gentile Valley, Oneida, Co. Idaho

Ques. 2.—How long have you known claimant, and what is his age?

Ans. about 14 years, about 35 years of age

Ques. 3.—Is claimant married or single? 2d. Of whom does his family (if any) consist? 3d. Is he a native or naturalized citizen?

Ans. 1st, married; 2d, wife two children; 3d, native born

Ques. 4.—Are you familiar with the character of the land? 2d. Are there any indications of coal, minerals, or salines thereon? (if so state plainly the nature.) 3d. Is it more valuable for agricultural than mining purposes? 4th. Do you reside in its vicinity? 5th. Is it within the limits of an incorporated town, or selected town site, or used, in any way, for purposes of trade or business? (Answer to the point and in detail.)

Ans. 1st, yes; 2d, not that I know of; 3d, yes; 4th, within about 6 miles; 5th, no

Ques. 5.—Is claimant the owner of 320 acres in this or any other State or Territory? 2d. Did he leave or abandon a residence on his own land in this territory to reside on the land herein described? 3d. Has he ever filed for or entered other land under the pre-emption law? 4th. Has he mortgaged or agreed to sell the land herein described?

Ans. 1st, not that I know of; 2d, not to my knowledge; 3d, not to my knowledge; 4th, no

Ques. 6.—When did claimant first settle on his claim? 2d. What was his first act of settlement? 3d. What improvements has he on the land? 4th. What is the value of such improvements? 5th. When did he commence his residence thereon? 6th. Has his residence been continuous? 7th. What use has he made of the land? 8th. How much land has he broken and cultivated? (Answer to the point and in detail.)

Ans. 1st, married June 21 1880; 2d, building a house; 3d, See house four rooms, Corral, stable, yard, stable, cellar, chicken house, about 100 rods of fence; 4th, \$ 500; 5th, married June 21 1880; 6th, yes continuous; 7th, raised crops, cut hay & pasture; 8th, 5 acres.

Ques. 7.—Are you in any way interested in this claim, or, by blood or marriage, related to claimant?

Ans. not interested, no relation

I HEREBY CERTIFY that witness is a person of respectability; that the foregoing testimony was read to before being subscribed, and was sworn to before me this 3d day of Sept, 1882.

(SEE NOTE ON FOURTH PAGE.)

Wm P. Erwin
August Duadenhausen
Register

PRE-EMPTION PROOF.—TESTIMONY OF WITNESS.

Thomas L. Arnett being called as a witness in support of the Pre-emption claim of Edward J. Turner to the SE⁴ NW⁴ E² SW⁴ & NW⁴ SE⁴ Sect 33-10^s-40^s, testifies as follows:

Ques. 1.—What is your post-office address?

Ans. Gentile Valley, Blaine Co Idaho,

Ques. 2.—How long have you known claimant, and what is his age?

Ans. about 4 years, about 35 years of age

Ques. 3.—Is claimant married or single? 2d. Of whom does his family (if any) consist? 3d. Is he a native or naturalized citizen?

Ans. 1st, Married; 2d, wife and two children; 3d, native born

Ques. 4.—Are you familiar with the character of the land? 2d. Are there any indications of coal, minerals, or salines thereon? (if so state plainly the nature.) 3d. Is it more valuable for agricultural than mining purposes? 4th. Do you reside in its vicinity? 5th. Is it within the limits of an incorporated town, or selected town site, or used, in any way, for purposes of trade or business? (Answer to the point and in detail.)

Ans. 1st, yes; 2d, none; 3d, yes; 4th, within 6 mile; 5th, no

Ques. 5.—Is claimant the owner of 320 acres in this or any other State or Territory? 2d. Did he leave or abandon a residence on his own land in this Territory to reside on the land herein described? 3d. Has he ever filed for or entered other land under the pre-emption law? 4th. Has he mortgaged or agreed to sell the land herein described?

Ans. 1st, not to my knowledge; 2d, no; 3d, not to my knowledge; 4th, not to my knowledge

Ques. 6.—When did claimant first settle on his claim? 2d. What was his first act of settlement? 3d. What improvements has he on the land? 4th. What is the value of such improvements? 5th. When did he commence his residence thereon? 6th. Has his residence been continuous? 7th. What use has he made of the land? 8th. How much land has he broken and cultivated? (Answer to the point and in detail.)

Ans. 1st, June 2, 1880; built a house; 3d, log house four rooms, corral, stack yard, stable, cellar, chicken house, about 100 rods of fence; 4th, \$ 500; 5th, since June 2, 1880; 6th, yes, continuous; 7th, raised crops, but hay & pasture, cleared; 8th, 2 acres.

Ques. 7.—Are you in any way interested in this claim, or, by blood or marriage, related to claimant?

Ans. not interested, none

Thomas L. Arnett

I HEREBY CERTIFY that witness is a person of respectability; that the foregoing testimony was read to before being subscribed, and was sworn to before me this 30th day of Sept, 1882

(SEE NOTE ON FOURTH PAGE.)

C August Pundthausen
Register

PRE-EMPTION PROOF.—TESTIMONY OF CLAIMANT.

Edward J. Turner being called as a witness in his own behalf in support of his pre-emption claim to the S E 1/4 NW 1/4 E 1/4 NW 1/4 S E 1/4 Sect 33-12-40 E testifies as follows:

Ques. 1.—What is your name (written in full and correctly spelled) and age?

Ans. Edward J. Turner, 35 years of age

Ques. 2.—Are you the head of a family, (if so, of whom does it consist,) or a single person?

Ans. wife and two children

Ques. 3.—Are you a native-born or naturalized citizen of the United States?*

Ans. native born

Ques. 4.—Is your pre-emption claim, above described, within the limits of an incorporated town, or selected site of a city or town, or used in any way for trade and business? 2d. Did you leave other land of your own to settle on your present claim? 3d. Have you ever made a pre-emption filing or entry for land other than that you now seek to enter? If so, describe the same. (Answer to the point and in detail.)

Ans. 1st, no; 2d, no

3d, I have not

Ques. 5.—When did you first make settlement on the above-described land? 2d. What was your first act of settlement? 3d. Were there any improvements on the land when you settled? If so, state who then owned them and whether you purchased the same. 4th. What improvements have you made on the land since settlement, and what is the value of same?

Ans. 1st, June 2, 1880; 2d, building a house

3d, none

4th, Log house, 14x40, Larral, Stack, hardy Stable, Kallax, chicken house, about 100 rods of fencing, valued \$500

Ques. 6.—When did you first establish an actual residence on the land you now seek to enter? 2d. Has your residence thereon since been continuous? 3d. What use have you made of the land? 4th. How much of the land, if any, have you broken and cultivated since settlement, and what kind and quantity of crops have you raised?

Ans. 1st, June 2, 1880; 2d, yes continuous

3d, Raising crops, cutting hay & pasture

4th, about 5 acres, wheat, oats, potatoes & cut hay, about 60 tons above this season

Ques. 7.—Are either of the parties who have testified as your witnesses in this case related to you by blood or marriage? If so, state how related.

Ans. none related

Edward J. Turner

I HEREBY CERTIFY that each question and answer in the foregoing testimony was read to claimant before being subscribed, and was sworn to before me this 30 day of Sept, 1882

August Paddenhausen
Register

* In case the party is of foreign birth, a copy of his declaration of intention to become a citizen, or full naturalization certificate, officially certified, must be filed with the case.

NOTE.—The officer before whom the testimony is taken should call the attention of the witness to the following Section of the Revised Statutes, and state to him that it is the purpose of the Government, if it be ascertained that he testifies falsely, to prosecute him to the full extent of the law.

TITLE LXX.—CRIMES.—CH. 4.

SEC. 5392. Every person who, having taken an oath before a competent tribunal, officer, or person, in any case in which a law of the United States authorizes an oath to be administered, that he will testify, declare, depose, or certify truly, or that any written testimony, declaration, deposition, or certificate by him subscribed is true, willfully and contrary to such oath states or subscribes any material matter which he does not believe to be true, is guilty of perjury, and shall be punished by a fine of not more than two thousand dollars, and by imprisonment, at hard labor, not more than five years, and shall, moreover, thereafter be incapable of giving testimony in any court of the United States until such time as the judgment against him is reversed. [See § 1750.]

(4—374 a.)

PRE-EMPTION PROOF.

LAND OFFICE AT

Oxford Idaho
Series, R. and R. No. 177

Approved:

August Duddenhausen, Register.

Receiver.

ADDRESS OF CLAIMANT:

Name: Edward J. Turner

Post office: Gen. Del. Valley

County: Oneida

State or Ter.: Idaho

AFFIDAVIT REQUIRED OF PRE-EMPTION CLAIMANT.

Sec. 2262, Revised Statutes.

I, Edward J. Turner, claiming the right of pre-emption, under section 2259 of the Revised Statutes of the United States, to the S E 4 N W 4 E 2 S R 7 N R S 5 E

quarter of section number 33, of township number 10 South, of range number 40 East, subject to sale at Oxford Idaho

do solemnly swear that I have never had the benefit of any right of pre-emption under said section; that I am not the owner of three hundred and twenty acres of land in any State or Territory of the United States, nor have I settled upon and improved said land to sell the same on speculation, but in good faith to appropriate it to my own exclusive use or benefit; and that I have not, directly or indirectly, made any agreement or contract, in any way or manner, with any person or persons whomsoever, by which the title which I may acquire from the Government of the United States should inure, in whole or in part, to the benefit of any person except myself.

Edward J. Turner

I, August Duddenhausen Register, of the land office at Oxford Idaho, do hereby certify that the above affidavit was subscribed and sworn to before me this 30 day of

Sept

A. D. 1882

August Duddenhausen
Register

TERRITORY OF IDAHO,
COUNTY OF ONEIDA,

Personally appeared before me, the Register of
the Oneida Land District at Oxford, Oneida County, Territory
of Idaho, *J. A. Straight*, who being duly sworn
on his oath says, that he is *Publisher*, of the "Idaho

"Enterprise," a weekly newspaper printed and published at the
said town of Oxford, and that the advertisement or notice of
intention to make final proof, given by *E. J. Turner*,
J. Turner, a copy of which is hereto attached

was published weekly, for five successive weeks in said "Idaho
Enterprise," commencing on the *25* day of *Aug* 1882
and ending on the *28* day of *Sept* 1882.

Sworn and subscribed to before me
this *30* day of *Sept* A. D. 1882

August Duddenhausen
Register

LAND OFFICE AT OXFORD, IDAHO.

I *August Duddenhausen*, Register, do hereby certify that a notice, a printed copy of which is
hereto annexed, was by me posted in a conspicuous place in my office for a period of thirty days, I
having first posted said notice on the *23* day of *August* A. D. 1882.

August Duddenhausen
Register

NOTICE OF HOMESTEAD PROOF.
LAND OFFICE AT OXFORD IDAHO.

August 25th, 1882.
Notice is hereby given that the fol-
lowing-named settler has filed notice
of his intention to make final proof
in support of his claim, and that said
proof will be made before the Reg-
ister and Receiver at Oxford, I. T., on
September 29th, 1882, viz: Edward
J. Turner, on declaratory statement No.
210, for the sec. 12, 13, 14, 15, and 16, sec.
33, tp. 10 s. r. 40 e. He names the
following witnesses to prove his con-
tinuous residence upon, and cultivation
of, said land, viz: John Sanderson,
Wm. F. Erwin, Thos. L. Arnett, Frank
Luther, all of Oneida County, I. T.
Is *A. Duddenhausen, Re.*

Claimant Gilbert Farms LLC

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	Stkwater(North)	\$25.00	Stockwater northerly of Travis's house
7	Stkwater (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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Claimant:	Gilbert Farms LLC			
Claim ID:	13-4136			
	Rate/ Unit	Unit	# Units	\$ Amount
De Minimis	\$25	Claim	1	\$25.00
De Minimis Stock (> 4th	\$0	Claim		
Non-De Minimis	\$50	Claim		
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		
Public instream flow, public lake level maintenance, wildlife	\$100	cfs		
Fire protection	\$0	cfs		
Groundwater recharge	\$0	cfs or afa		
Total				\$25.00

TABLE 3. VARIABLE FEE SCHEDULE

Irrigation	31.00 per acre	Each acre is charged only once
Power generation	\$3.50 per kilowatt of capacity	Manufacturing's responsible 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, heating, cooling	\$100.00 per cfs	
Public instream flow, public lake level maintenance, wildlife	\$100.00 per cfs	

Exceptions: No variable fee is charged for the protection of ground water recharge

Notes:

Revised January 30, 2023
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 users other than domestic and/or stockwater users 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