

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: A29-00327
Date Received: 4/19/1990
Receipt No: 5013408
Received By: Egal

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name:	RICARD D. GARDNER	208-897-5104
Address:	24286 S. MARSH VALLEY RD. DOWNER, ID 83234	
OR		
Name:	JODY L. GARDNER	208-897-5104
Address:	24286 S. MARSH VALLEY RD. DOWNER, ID 83234	
OR		
Name:	RAYMOND E. MARLER	208-897-5105
Address:	24544 S. MARSH VALLEY RD. DOWNEY, ID 83234	
OR		
Name:	DANA M. MARLER	208-897-5105
Address:	24544 S. MARSH VALLEY RD. DOWNEY, ID 83234	

A2900327



2. Date of Priority: JUN 09, 1904

3. Source: BIRCH CREEK Trib. to: MARSH CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
12S	36E	14	NE	SE	SE		BANNOCK

5. Description of diverting works:

HEADGATE IN STREAM TO CANAL TO 8" GRAVITY FLOW PIPE TO SPRINKLERS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	2.540		

7. Total Quantity Appropriated is:

2.540 C.F.S. (and/or) A.F.A.

A29-00327

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Date: 04/19/90

MICROFILMED

NOV 13 1992

8. Total consumptive use is 317.5 Acre Feet Per Annum.

9. Non-irrigation uses:

INCIDENTAL STOCKWATERING FOR 100 HEAD CATTLE/HORSES

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
12S	36E	1	SW	NE		IRR	12.0
			NE	NW	3	IRR	8.0
			SE	NW		IRR	26.0
			NE	SW		IRR	8.0
			SE	SW		IRR	15.0
			NW	SE		IRR	28.0
			SW	SE		IRR	31.0

Section Acres 128.0

Total Acres 128.0

11. Place of use in counties: BANNOCK

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

13. Other Water Rights Used:

NONE

14. Remarks:

AC. IRR. = 360.

DIVERSION RATE IS 1/6 OF THE FLOW.

PRIORITY DATE TAKEN FROM DECREE.

*** CLAIMED MAXIMUM DIVERSION RATE OF 1 MINERS INCH PER ACRE.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date:

HENRY WAKLEY, ET. AL.

Decree Plaintiff

vs

GEORGE WAKLEY

Decree 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 X wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: 1

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): Raymond E. Markin Date: 4-19-90

Richard A. Gardner Date: 4-19-90

State of Idaho

County of Bonneville) SS.

Subscribed and sworn (or affirmed) before me this 19 day

of April 19 90

[Signature]
Notary Public

Seal

Residing at Scabo Falls, ID

My Commission Expires 22 Aug 1994

A. AJ CLAIM POINT OF DIVERSION AND SOURCE:

RIGHT	TWP. RGE.	SEC.	1/4	1/4	1/4	LOT	POD FLAG	COUNTY	DIVERSION NAME	DIVERSION NUMBER
A29-00327	12S 36E	14	NE	SE	SE			BANNOCK		
OTHER AJ CLAIMS WITH SAME AJ POD							WR RECORDS IN SAME 40 ACRE TRACT			
A PREFIX A29-00329							R PREFIX NONE			
							NONE			

SOURCE: BIRCH CREEK

TRIB: MARSH CREEK

B. WR POINT OF DIVERSION AND SOURCE:

2900327 THERE IS NO POD ASSOCIATED WITH THIS WATER RIGHT NUMBER

SOURCE: BIRCH CREEK

TRIB:

C. IS THE CLAIMED POD WITHIN THE SAME 40 ACRE TRACT THAT IS DESCRIBED IN THE WATER RIGHT FILE? N/A() Y() N()

* IF NO, AND IF THE CHANGE IS VERIFIED AS AN ACCOMPLISHED CHANGE IN POD, DESCRIBE THE INJURY ANALYSIS PERFORMED AND ENTER FLAG "C" WITH THE APPROPRIATE EXPLANATORY CODE.

D. CAN THE CLAIMED POD BE VERIFIED USING THE WATER RIGHT FILE OR GPS DATA? N/A() Y() N()

E. SHOULD THE CLAIMED POD BE VERIFIED BY FIELD EXAM? Y() N()

F. IS THE CLAIMED SOURCE THE SAME AS DESCRIBED IN THE WATER RIGHT FILE? N/A() Y() N()

* IF NO, AND IF THE CHANGE IS VERIFIED AS AN ACCOMPLISHED CHANGE IN SOURCE, DESCRIBE THE INJURY ANALYSIS PERFORMED AND ENTER FLAG "C" WITH THE APPROPRIATE EXPLANATORY CODE.

G. CAN THE CLAIMED SOURCE BE VERIFIED USING THE WATER RIGHT FILE? Y() N()

H. SHOULD THE CLAIMED SOURCE BE VERIFIED BY FIELD EXAM? Y() N()

I. HOW WAS THE POD AND SOURCE VERIFIED?

LICENSING FIELD EXAM (DATE OF FIELD EXAM) Y() N()

AJ FIELD EXAM (DATE OF FIELD EXAM) NAME OF EXAMINER) Y() N()

OTHER (DESCRIBE IN NOTES BELOW)

NOTES: _____

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RECOMMENDED POINT(S) OF DIVERSION AND SOURCE: CHECK HERE IF RECOMMENDED AS CLAIMED ()

TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	POD FLAG	COUNTY	DIVERSION NAME	DIVERSION NBR
12S	36E	14	NE	SE	SE			BANNOCK		
_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____

SOURCE: _____ TRIB: _____

REVIEWED BY: _____ DATE: _____

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SYSTEM DESCRIPTION: DESCRIBED BELOW (), SEE LICENSE FILE (), OR SEE ATTACHMENT ()

A. ROOT WATER RIGHT NUMBERS: A29-00327

B. POU LISTING

TWP	RNG	SEC	1/4	1/4	LOT	NAME	AJ #/ACRES	WR #/ACRES	LANDSAT DATA	FIELD EXAM.	RECOMM. ACRES
12S	36E	1	SW	NE		MARLER, DANA M	A29-00327 / 12.0	29-00327 /	19.0		
			SW	NE		MORRISON, KIP	A29-10886 /	- /			
			SW	NE		MORRISON, KIP	29-10886 /	- /			
			SW	NE		WAKLEY, GEORGE		29-00326 /			
12S	36E	1	NE	NW	3	MARLER, DANA M	A29-00327 / 8.0	29-00327 /	21.0		
			NE	NW	3	WAKLEY, GEORGE		29-00326 /			
12S	36E	1	SE	NW		MARLER, DANA M	A29-00327 / 26.0	29-00327 /	38.0		
			SE	NW		GARDNER, RICHARD D	A29-11556 / 6.0	- /			
			SE	NW		GARDNER, RICHARD D	A29-11557 /	- /			
			SE	NW		GARDNER, RICHARD D	29-11557 /	- /			
			SE	NW		WAKLEY, GEORGE		29-00326 /			
12S	36E	1	NE	SW		MARLER, DANA M	A29-00327 / 8.0	29-00327 /	38.0		
			NE	SW		WAKLEY, GEORGE		29-00326 /			
12S	36E	1	SE	SW		MARLER, DANA M	A29-00327 / 15.0	29-00327 /	39.0		
			SE	SW		WAKLEY, GEORGE		29-00326 /			
12S	36E	1	NW	SE		MARLER, DANA M	A29-00327 / 28.0	29-00327 /	18.0		
			NW	SE		WAKLEY, GEORGE		29-00326 /			
12S	36E	1	SW	SE		MARLER, DANA M	A29-00327 / 31.0	29-00327 /	32.0		
			SW	SE		WAKLEY, GEORGE		29-00326 /			

ADDITIONAL POU FOUND

TOTAL ACRES	A29-00327	128.00	205.00
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POU COUNTY: BANNOCK

C. IS WATER USAGE FOUND IN TRACTS OTHER THAN THOSE CLAIMED?

Y() N()

* IF YES, ARE THESE TRACTS LISTED ABOVE (), OR ARE THEY LISTED ON AN ATTACHED SHEET ()

LIST OF ALL RIGHTS WITH A SAME POU AND IRRIGATION USAGE

CLAIM NO.	SOURCE	NAME	DIV. RATE	DIV. RATE/ACRE	DIV. VOL.	DIV. VOL./ACRE
A29-00327	BIRCH CREEK	MARLER, DANA M	2.540	0.019		
A29-11556	SPRINGS	GARDNER, RICHARD D	0.240	0.020		

LIST ALL RIGHTS WITH SAME POU BUT NOT USED FOR IRRIGATION.

CLAIM NO.	PURPOSES	NAME	MONTH/DAY	RATE	VOLUME
A29-10886	DOMESTIC	MORRISON, KIP	FROM 01-01 TO 12-31	0.040 CFS	
29-10886	DOMESTIC	MORRISON, KIP	FROM 01-01 TO 12-31	0.040 CFS	
A29-11557	STOCKWATER	GARDNER, RICHARD D	FROM 01-01 TO 12-31	0.030 CFS	
A29-11557	STOCKWATER STORAGE	GARDNER, RICHARD D	FROM 01-01 TO 12-31		0.10 AF/A
29-11557	STOCKWATER	GARDNER, RICHARD D	FROM 01-01 TO 12-31	0.030 CFS	
29-11557	STOCKWATER STORAGE	GARDNER, RICHARD D	FROM 01-01 TO 12-31		0.10 AF/A

D. ARE OTHER WATER RIGHTS USED FOR THE SAME PURPOSE?

Y() N()

* IF YES, COMPLETE OVERLAP REVIEW:

OTHER RIGHTS LISTED IN CLAIM: NONE

E. IS THE CLAIMED POU THE SAME AS DESCRIBED IN THE WATER RIGHT FILE?

N/A() Y() N()

* IF NO, AND IF THE CHANGE IS VERIFIED AS AN ACCOMPLISHED CHANGE IN POU, DESCRIBE THE INJURY ANALYSIS PERFORMED AND ENTER FLAG "C" WITH THE APPROPRIATE EXPLANATORY CODE.

F. CAN THE CLAIMED POU BE VERIFIED USING THE WATER RIGHT FILE AND AVAILABLE AERIAL PHOTOS?

N/A() Y() N()

G. SHOULD THE CLAIMED POU BE VERIFIED BY FIELD EXAM?

Y() N()

H. IS THERE ANY INDICATION THAT THERE HAS BEEN A FIVE YEAR PERIOD OF CONTINUOUS NONUSE OF THIS RIGHT, OR ANY PORTION OF THIS RIGHT?

Y() N()

A29-00327

Log for claim A29-00327

Spatial Dynamics TWB

5/10/00

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
12s36e	1	SWNE	12	22	
12s36e	1	NENW	8	25	
12s36e	1	SENE	26	34	
12s36e	1	NESW	8	20	
12s36e	1	SESW	15	21	
12s36e	1	NWSE	28	40	
12s36e	1	SWSE	31	36	
Totals:			128	198	

AJ5809NP
No. A29-00327

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 04/24/00
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OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	DANA M MARLER 24544 S MARSH VALLEY RD DOWNEY ID 83234 (208) 897-5105	06/09/1904	IRRIGATION	04-01 11-01	2.540 CFS	
					TOTAL DIVERSION: CONSUMPTIVE USE:	2.540 CFS 317.50 AFA

C JODY L GARDNER
C RICARD D GARDNER
24286 S MARSH VALLEY RD
DOWNEY ID 83234
(208) 897-5104

C RAYMOND E MARLER
24544 S MARSH VALLEY RD
DOWNEY ID 83234
(208) 897-5105

Water Source: BIRCH CREEK

Tributary to: MARSH CREEK

Stage: DECREED

Point(s) of Diversion: T12S R36E S14 NESESE

BANNOCK County

Place of use Legal Description for: IRRIGATION

				NE				NW				SW				SE									
T	R	S	:	NENE	NWNE	SWNE	SENE	:	NENW	NWNW	SWNW	SENW	:	NESW	NWSW	SWSW	SESW	:	NESE	NWSE	SWSE	SESE	:	SUM	
				Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac			
12S	36E	1	:			12		:	03-08		26		:	08		15		:		28	31			:	128.0
																						TOTAL ACRES		128.0	

POU County: BANNOCK

Non-Irrigation Uses: INCIDENTAL STOCKWATERING FOR 100 HEAD CATTLE/HORSES

Other Rights: NONE

Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):
A29-00329

Other Water Rights Listing Overlapping Place(s) of Use:
A29-11556

Remarks: GEN AC. IRR. = 360.
DIVERSION RATE IS 1/6 OF THE FLOW.
PRIORITY DATE TAKEN FROM DECREE.
*** CLAIMED MAXIMUM DIVERSION RATE OF 1 MINERS INCH PER ACRE.

Dates: Exam Made Date: Verified Date: Objection Filed Date:

Misc: Water District Number: Field Inspection Flag:
Presumption Flag: D

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IDAHO DEPARTMENT OF WATER RESOURCES
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Audit: 04/20/90 VERNER 04/29/94 COX 03/29/95 POST-STD 04/12/00 CVANDERM