

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: A29-00366
Date Received: 7/16/1997
Receipt No: EO23412
Received By: DC

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: J WENDELL MARLEY 208-254-9126
Address: 11299 S HENDERSON
MCCAMMON ID 83250

2. Date of Priority: MAY 1, 1904

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

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
10S	36E	5		SE	SE		BANNOCK
		7		NE	NW		BANNOCK

5. Description of diverting works:
HEADGATE/DITCHES TO FLOOD IRR

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	1.000		

7. Total Quantity Appropriated is:
1.000 C.F.S. (and/or) A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
10S	36E	4	SW	SW		IRR	3.0



10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					Section Acres	3.0
		5	SE	SE	IRR	30.0
					Section Acres	30.0
		8	NE	NE	IRR	40.0
			SE	NE	IRR	40.0
					Section Acres	80.0
		9	SW	NW	IRR	40.0
					Section Acres	40.0
					Total Acres	153.0

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:
29-0365

14. Remarks:

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: / /

GARDEN CREEK IRRIG. CO.
Decree Plaintiff

THOMAS E. WOLVERTON, ET. AL.
vs 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 _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

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): Wendell Merley Date: 7-16-97

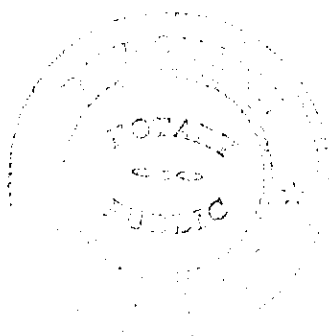
Date: _____

State of Idaho)
County of Bonneville) SS.

Subscribed and sworn (or affirmed) before me this 16 day
of July 19 97 Dave C. G.
Notary Public

Seal

Residing at Rigby, Id
My Commission Expires 2/26/2002



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
A29-00366	10S 36E	5		SE	SE			BANNOCK		
A29-00366	10S 36E	7		NE	NW			BANNOCK		

OTHER AJ CLAIMS WITH SAME AJ POD

A PREFIX

R PREFIX

* 29-10621

29-12045

29-12233

* 22 A PREFIX CLAIMS WITH THIS POD

WR RECORDS IN SAME 40 ACRE TRACT

29-04402

29-04403

SOURCE: GARDEN CREEK

TRIB: MARSH CREEK

B. WR POINT OF DIVERSION AND SOURCE:

2900366 THERE IS NO POD ASSOCIATED WITH THIS WATER RIGHT NUMBER

SOURCE: GARDEN CREEK

TRIB: MARSH CREEK

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
10S	36E	5		SE	SE			BANNOCK		
10S	36E	7		NE	NW			BANNOCK		
_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____

SOURCE: GARDEN CREEK

TRIB: MARSH CREEK

REVIEWED BY: _____ DATE: _____

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

A. ROOT WATER RIGHT NUMBERS: A29-00366

B. POU LISTING

TWP	RNG	SEC	1/4	1/4	LOT	NAME	AJ #/ACRES	WR #/ACRES	LANDSAT DATA	FIELD EXAM.	RECOMM. ACRES
10S	36E	4	SW	SW		MARLEY, J WENDELL	A29-00366 / 3.0	- /	40.0		
			SW	SW		MEADOWBROOK RANCH	A29-04402 / 7.0	29-04402 / 7.0			
			SW	SW		MARLEY, J WENDELL	A29-00365 / 3.0	- /			
			SW	SW		EVANS, JOHN	A29-11464 /	- /			
			SW	SW		EVANS, SANDRA	A29-11442 / 3.4	- /			
			SW	SW		EVANS, JOHN	A29-11462 / 3.4	- /			
			SW	SW		MEADOWBROOK RANCH	A29-02450 / 22.0	29-02450 / 22.0			
			SW	SW		EVANS, JOHN	29-11464 /	- /			
			SW	SW		WOLVERTON, THOMAS E.		29-00363 /			
			SW	SW		WOLVERTON, THOMAS E.		29-00364 /			
10S	36E	5	SE	SE		MARLEY, J WENDELL	A29-00366 / 30.0	29-00366 /	30.0		
			SE	SE		MARLEY, J WENDELL	A29-00365 / 30.0	29-00365 /			
			SE	SE		WHEATLEY, STEPHEN M	A29-12233 /	- /			
			SE	SE		SUTTON, DAVID PORTER	A29-12045 /	- /			
			SE	SE		SUTTON, DAVID PORTER	29-12045 /	- /			
			SE	SE		WHEATLEY, STEPHEN M	29-12233 /	- /			
10S	36E	8	NE	NE		MARLEY, J WENDELL	A29-00366 / 40.0	29-00366 /	35.0		
			NE	NE		MARLEY, J WENDELL	A29-00365 / 40.0	29-00365 /			
10S	36E	8	SE	NE		MARLEY, J WENDELL	A29-00366 / 40.0	29-00366 /	18.0		
			SE	NE		MARLEY, J WENDELL	A29-00365 / 40.0	29-00365 /			
10S	36E	9	SW	NW		MARLEY, J WENDELL	A29-00366 / 40.0	29-00366 /	34.0		
			SW	NW		MARLEY, J WENDELL	A29-00365 / 40.0	29-00365 /			

ADDITIONAL POU FOUND

TOTAL ACRES	A29-00366	153.00	157.00
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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
A29-00366	GARDEN CREEK	MARLEY, J WENDELL	1.000	0.006		
A29-00365	GARDEN CREEK	MARLEY, J WENDELL	0.750	0.004		
A29-02450	GROUNDWATER	MEADOWBROOK RANCH	1.000	0.019	178.50	3.50
A29-04402	GARDEN CREEK	MEADOWBROOK RANCH	0.240	0.020		
A29-11442	GARDEN CREEK	EVANS, SANDRA	0.045	0.013		
A29-11462	GARDEN CREEK	EVANS, JOHN	0.060	0.017		

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

CLAIM NO.	PURPOSES	NAME	MONTH/DAY	RATE	VOLUME
A29-11464	DOMESTIC	EVANS, JOHN	FROM 01-01 TO 12-31	0.040 CFS	
29-11464	DOMESTIC	EVANS, JOHN	FROM 01-01 TO 12-31	0.040 CFS	
A29-12233	DOMESTIC	WHEATLEY, STEPHEN M	FROM 01-01 TO 12-31	0.040 CFS	
A29-12045	DOMESTIC	SUTTON, DAVID PORTER	FROM 01-01 TO 12-31	0.040 CFS	
29-12045	DOMESTIC	SUTTON, DAVID PORTER	FROM 01-01 TO 12-31	0.040 CFS	
29-12233	DOMESTIC	WHEATLEY, STEPHEN M	FROM 01-01 TO 12-31	0.040 CFS	

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

Y() N()

* IF YES, COMPLETE OVERLAP REVIEW:

OTHER RIGHTS LISTED IN CLAIM: 29-0365

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()

5

100
153

N

Refin

#228
JOHN MARLEY

T524
Jan Williams
#875

5 4
8 9 Leland Armstrong
#965

1 28.9 NHE

2 19.0 NHE

59.9

#1040
Cecil Armstrong
CRP: CN #103A
F-8
62.0

29-00365
29-00366

3 35.9 NHE

3 33.1 NHE
ST

4 37.9 SF

8 62.0 HEL

Humphrey
CRP: CN #133
87-96
F-1
34.0 NHE

#1102

10 14.7 NHE

Humphrey
134

3 31.7

Meadowbrook
T393 #1084

4 36.9 NHE

through said two canal systems does not exceed the said four cubic feet per second of time, said right to date from the month of June 1877, and is prior in time and superior in right to the rights of all of the defendants in this action, and to the rights of all and every of the persons signing said stipulations, or any of them, the same being the first right to the use of the waters of said stream to the amount of four cubic feet per second of time.

And the remaining waters of said stream are decreed as follows, to-wit:

- 29 0363 To Thomas E. Wolverton, three-fourths second foot of water to date from the 1st day of May, 1886 and one second foot of water to date from the 1st day of May 1904, said water to be used upon the S.W. 1/4 of the S.W. 1/4 of Sec. 4, and the N. Half of the S.E. 1/4 of Sec. 9 in Township 10, South of Range 36 E.B.M.
- 29 0364 To John Morley, three-fourths second foot of water to date from the 1st day of May, 1886, and one second foot of water to date from the 1st day of May, 1904, to be used on the E. half of the N.E. 1/4, Sec. 8, the S.E. 1/4 of the S.E. 1/4 of Sec. 5, and the S.W. 1/4 of the N.W. 1/4 of Sec. 9, in Township 10 South of Range 36 E. B. M.:-
- 29 0365 To Thomas C. Smith, three-fourths second foot of water to date from the 1st day of May, 1890 and one second foot of water to date from the 1st day of May, 1904, to be used on the N.W. 1/4 of Sec. 10, Township 10 South of Range 36 E.B.M.:-
- 29 0366 To William J. Millard, three-fourths second foot of water to date from the 1st day of May, 1893, and one second foot of water to date from the 1st day of May, 1904, to be used on the S.E. 1/4 of Sec. 3, Township 10 South of Range 36 E.B.M.:-
- 29 0367 To Albert Evans, three-eighths second foot of water to date from the 1st day of May, 1893, and three-eighths second foot of water to date from the 1st day of May, 1898; also one second foot of water to date from the 1st day of May, 1904, to be used on the East half of the N.W. 1/4 of Sec. 8, Township 10 South of Range 36 E.B.M.:-
- 29 0368 To L. S. Whitney three-eighths second foot of water to date from the 1st day of May, 1893, and three-eighths second foot of water to date from the 1st day of May, 1904, to be used on the West half of the N.W. 1/4 of Sec. 8, Township 10, South of Range 36 E.B.M.
- 29 0369 To J. S. Wheeler, three-fourths second foot of water to date from the 1st day of May, 1887 and one second foot of water to date from the 1st day of May, 1904, to be used on the East half of the S. W. 1/4, and the N.W. 1/4 of the S.E. 1/4 and S.W. 1/4 of the N.E. 1/4 in Sec. 2, Township 10, South of Range 36 E. B. M.:- Also the S.W. 1/4 of the N. W. 1/4 and the West half of the S. W. 1/4 of Sec. 2, Township 10 South of Range 36 E.B.M.:-
- 29 0370 To David Armstrong, three-fourths second foot of water to date from the 1st day of May, 1895, and one second foot of water to date from the 1st day of May, 1904, to be used on the S.W. 1/4 of Sec. 10; also three-sixteenths second foot of water to date from the 1st day of May, 1895, and one-fourth of second foot of water to date from the 1st day of May, 1904, to be used on the S. W. 1/4 of the S.E. 1/4 of Sec. 9, all in Township 10, South of Range 36 E.B.M.:-
- 29 0371 To Andrew N. Thacker, three-fourths second foot of water to date from the 1st day of May, 1895 and one second foot of water to date from the 1st day of May, 1904, to be used upon the S. W. 1/4 of Sec. 9; also three-fourths second foot of water to date from the 1st day of May 1895; and one second foot of water to date from the 1st day of May, 1904, to be used on the West half of the N.W. 1/4 and the N.W. 1/4 of the S.W. 1/4 of Sec. 8, Township 10, South, of Range 36 E. B. M.
- 29 0372 To Thomas Exeter, three-fourths second foot of water to date from the 1st day of May, 1895, and one second foot of water to date from the 1st day of May, 1904, to be used on the South half of the S. E. 1/4 Sec. 8, and the North half of the N.E. 1/4 Sec. 17, Township 10 South of Range 36 E. B. M.
- 29 0373 To William Jenkins, Jr., three-fourths second foot of water to date from the 1st day of May, 1895, and one second foot of water to date from the 1st day of May, 1904, to be used on the East half of the N. E. 1/4 and the East half of the S. E. 1/4 Sec. 10, Township 10, South of Range 36 E. B. M.:-
- 29 0374 To P. M. Larson, three-fourths second foot of water to date from the 1st day of May, 1896, and one second of water to date from the 1st day of May, 1904, and to be used on the East half of the N. W. 1/4 and the East half of the S. W. 1/4 Sec. 11 Township 10, South of Range 36 E. B. M.
- 29 0375 To Annie Crowshaw, three-fourths second foot of water to date from the 1st day of May, 1898, and one second foot of water to date from the 1st day of May, 1904, to

Log for claim A29-00366

Spatial Dynamics LTD

6/22/00

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
10s36e	4	SWSW	3	4.8	
10s36e	5	SESE	30	31	
10s36e	8	NENE	40	39	
10s36e	8	SENE	40	39	
10s36e	9	SWNW	40	39	
Totals:			153	152.8	

AJ5809NP
No. A29-00366

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 04/27/00
PAGE: 10

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	J WENDELL MARLEY 11299 S HENDERSON MC CAMMON ID 83250 (208) 254-9126	05/01/1904	IRRIGATION	04-01 11-01	1.000 CFS	
TOTAL DIVERSION:					1.000 CFS	

Water Source: GARDEN CREEK

Tributary to: MARSH CREEK

Stage: DECREED

Point(s) of Diversion: T10S R36E S05 SESE
S07 NENW
BANNOCK County
BANNOCK County

Place of use Legal Description for: IRRIGATION

NE												NW				SW				SE						
		NENE		NWNE		SWNE		SENE		NENW		NWNW		SWNW		SESW		NESE		NWSE		SWSE		SESE		
T	R	S	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	SUM	
10S	36E	4	:														03								3.0	
10S	36E	5	:																			30			30.0	
10S	36E	8	:	40					40																80.0	
10S	36E	9	:								40														40.0	
TOTAL ACRES																							153.0			

POU County: BANNOCK

Other Rights: 29-0365

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

29-10621	29-12045	29-12233	A29-00362	A29-00365	A29-00371	A29-00372	A29-00373	A29-00374	A29-00375
A29-00381	A29-00383A	A29-00383B	A29-00384	A29-00425	A29-00426	A29-04402	A29-10621	A29-10642	A29-11442
A29-11462	A29-11615	A29-11616	A29-12045	A29-12233					

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

A29-00365 A29-02450 A29-04402 A29-11442 A29-11462

Conditions of Approval:

C05 - RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO
- SECTION 42-1425, IDAHO CODE.

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

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

Audit: 07/23/97 DCARLSON 04/13/00 CVANDERM