

170⁰⁰

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: A29-00374
Date Received: 3/20/1990
Receipt No: E012447
Received By: DMD

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: BRUCE H. WHEATLEY 208-254-3357
Address: 2584 W. ARIMO ROAD
ARIMO, ID 83214
OR
Name: DARLENE WHEATLEY 208-254-3357
Address: 2584 W. ARIMO ROAD
ARIMO, ID 83214

A2900374

2. Date of Priority: MAY 01, 1893

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

4. Point of Diversion:

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

5. Description of diverting works:
CANAL AND HEADGATES IN GARDEN CREEK

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.375		

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

8. Total consumptive use is 300.0 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

A29-00374

Page 1

Date: 03/20/90

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10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
10S	36E	8	NW	NW		IRR	40.0
			SW	NW		IRR	40.0
			NW	SW		IRR	40.0

Section Acres 120.0

Total Acres 120.0

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:
29-00383/00384/00375/10642

14. Remarks:

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date:

GARDEN CREEK IRRIG. CO.

Decree Plaintiff

vs

THOMAS E. WOLVERTON, ET. AL.

Decree Defendant

(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.

For Individuals:

Signature of Claimant(s): James H. Wheatley Date: 3-20-90
Date:

Subscribed and sworn (or affirmed) before me this 20 day
of March 19 90

Seal

Residing at Lehtola St.

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
A29-00374	10S 36E	7		NW	NE			BANNOCK		
A29-00374	10S 36E	7		NE	NW			BANNOCK		

OTHER AJ CLAIMS WITH SAME AJ POD

A PREFIX

R PREFIX

*

29-11704

29-11705

* 35 A PREFIX CLAIMS WITH THIS POD

WR RECORDS IN SAME 40 ACRE TRACT

NONE

SOURCE: GARDEN CREEK

TRIB: MARSH CREEK

B. WR POINT OF DIVERSION AND SOURCE:

2900374 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: _____

=====

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

SOURCE: GARDEN CREEK

TRIB: MARSH CREEK

REVIEWED BY: _____ DATE: _____

=====

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

A. ROOT WATER RIGHT NUMBERS: A29-00374

B. POI LISTING

TWP	RNG	SEC	1/4	1/4	LOT	NAME	AJ #/ACRES	WR #/ACRES	LANDSAT DATA	FIELD EXAM.	RECOMM. ACRES
10S	36E	8	NW	NW		WHEATLEY, BRUCE H	A29-00374 / 40.0	29-00374 /	13.0		
			NW	NW		WHEATLEY, BRUCE H	A29-10642 / 40.0	- /			
			NW	NW		SCHMITT, MICHAEL C	A29-003838 / 0.3	- /			
			NW	NW		WHEATLEY, BRUCE H	A29-00383A / 40.0	- /			
			NW	NW		SCHMITT, MICHAEL C	A29-10801 /	- /			
			NW	NW		WHEATLEY, BRUCE H	A29-00384 / 40.0	29-00384 /			
			NW	NW		GARDEN CREEK IRRIGATION CO	A29-00362 / 40.0	- /			
			NW	NW		WHEATLEY, DARLENE	A29-00375 / 40.0	29-00375 /			
			NW	NW		SCHMITT, MICHAEL C	29-10801 /	- /			
			NW	NW		THACKER, ANDREW N.		29-00383 /			
10S	36E	8	SW	NW		WHEATLEY, BRUCE H	A29-00374 / 40.0	29-00374 /			
			SW	NW		WHEATLEY, BRUCE H	A29-10642 / 40.0	- /			
			SW	NW		WHEATLEY, BRUCE H	A29-00383A / 40.0	- /			
			SW	NW		GARDEN CREEK IRRIGATION CO	A29-00362 / 40.0	- /			
			SW	NW		WHEATLEY, DARLENE	A29-00375 / 40.0	29-00375 /			
			SW	NW		WHEATLEY, BRUCE H	A29-00384 / 40.0	29-00384 /			
			SW	NW		THACKER, ANDREW N.		29-00383 /			
10S	36E	8	NW	SW		WHEATLEY, BRUCE H	A29-00374 / 40.0	- /			
			NW	SW		WHEATLEY, BRUCE H	A29-00383A / 40.0	- /			
			NW	SW		GARDEN CREEK IRRIGATION CO	A29-00362 / 40.0	- /			
			NW	SW		WHEATLEY, DARLENE	A29-00375 / 40.0	- /			
			NW	SW		WHEATLEY, BRUCE H	A29-00384 / 40.0	29-00384 /			
			NW	SW		PORTNEUF IRRIGATING CO.		29-00051 /			
			NW	SW		THACKER, ANDREW N.		29-00383 /			

ADDITIONAL POI FOUND

TOTAL ACRES A29-00374 120.00 13.00

POI 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
A29-00374	GARDEN CREEK	WHEATLEY, BRUCE H	0.375	0.003		
A29-00362	GARDEN CREEK	GARDEN CREEK IRRIGATION CO	4.000	0.005		
A29-00375	GARDEN CREEK	WHEATLEY, DARLENE	1.000	0.008		
A29-00383A	GARDEN CREEK	WHEATLEY, BRUCE H	0.750	0.006		
A29-00383B	GARDEN CREEK	SCHMITT, MICHAEL C	0.030	0.100		
A29-00384	GARDEN CREEK	WHEATLEY, BRUCE H	1.000	0.008		
A29-10642	GARDEN CREEK	WHEATLEY, BRUCE H	0.380	0.004		

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

CLAIM NO.	PURPOSES	NAME	MONTH/DAY	RATE	VOLUME
A29-10801	DOMESTIC	SCHMITT, MICHAEL C	FROM 01-01 TO 12-31	0.040 CFS	
29-10801	DOMESTIC	SCHMITT, MICHAEL C	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: 29-00383/00384/00375/10642

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()

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UNRECORDED
NOV 1 1962

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
19 0364 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.E. 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 0365 To John Morley, three-fourths second foot of water to date from the 1st day
19 0366 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.W. 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 0367 To Thomas C. Smith, three-fourths second foot of water to date from the 1st day
29 0368 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 0369 To William J. Millard, three-fourths second foot of water to date from the 1st
19 0370 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 0371 To Albert Evans, three-eighths second foot of water to date from the 1st day of
19 0372 May, 1893, and three-eighths second foot of water to date from the 1st day of May,
19 0373 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 0374 To L. S. Whitney three-eighths second foot of water to date from the 1st day of
May,
29 0375 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 0376 To J. S. Wheeler, three-fourths second foot of water to date from the 1st day
29 0377 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 0378 To David Armstrong, three-fourths second foot of water to date from the 1st day
29 0379 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
29 0380 date from the 1st day of May, 1895, and one-fourth of second foot of water to date
29-0600 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 0381 To Andrew N. Thacker, three-fourths second foot of water to date from the 1st
19 0382 day of May, 1895 and one second foot of water to date from the 1st day of May, 1904,
19 0383 to be used upon the S. W. 1/4 of Sec. 9; also three-fourths second foot of water to
19 0384 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 0385 To Thomas Exeter, three-fourths second foot of water to date from the 1st day
29 0386 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 0387 To William Jenkins, Jr., three-fourths second foot of water to date from the
19 0388 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 0389 To P. M. Larson, three-fourths second foot of water to date from the 1st day of
29 0390 May, 1896, and one second of water to date from the 1st day of May, 1904, and to
be used on the N. W. 1/4 and the East half of the S. W. 1/4 Sec. 11

Log for claim A29-00374

Spatial Dynamics BTD

6/22/00

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
10s36e	8	NWNW	40	39	
10s36e	8	SWNW	40	39	
10s36e	8	NWSW	40	39	
Totals:			120	117	

AJ5809NP
No. A29-00374

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 04/27/00
PAGE: 16

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	BRUCE H WHEATLEY	05/01/1893	IRRIGATION	03-15 11-15	0.375 CFS	
C	DARLENE WHEATLEY					
	2584 W ARIMO RD					
	ARIMO ID 83214			TOTAL DIVERSION:	0.375 CFS	
	(208) 254-3357			CONSUMPTIVE USE:		300.00 AFA

Water Source: GARDEN CREEK

Tributary to: MARSH CREEK

Stage: DECREED

Point(s) of Diversion: T10S R36E S07

NWNE

NENW

BANNOCK County

Place of use Legal Description for: IRRIGATION

				NE				NW				SW				SE					
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	SUM
10S	36E	8	:																	:	120.0
																				TOTAL ACRES	120.0

POU County: BANNOCK

Non-Irrigation Uses: NONE

Other Rights: 29-00383/00384/00375/10642

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

29-11704	29-11705	A29-00362	A29-00365	A29-00366	A29-00371	A29-00372	A29-00373	A29-00375	A29-00376	
A29-00377	A29-00381	A29-00383A	A29-00383B	A29-00384	A29-00387	A29-00388	A29-00389	A29-00390	A29-00409	
A29-00410	A29-00414	A29-00415	A29-00416	A29-00417A	A29-00417B	A29-00418A	A29-00418B	A29-00425	A29-00426	
A29-10642	A29-11615	A29-11616	A29-11704	A29-11705						

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

A29-00362 A29-00375 A29-00383 A29-00383A A29-00383B A29-00384 A29-10642

Dates: Exam Made Date:

Verified Date:

Objection Filed Date:

Misc: Water District Number:

Field Inspection Flag:

Presumption Flag: D

Audit: 03/20/90 DUNN 05/24/94 COX 03/29/95 POST-STD



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, Idaho 83402-1718 - (208) 525-7161- Fax (208) 525-7177

EASTERN REGION

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

May 18, 1999

TO: KELLY & DEBBIE LAGA
2805 W ARIMO RD
ARIMO ID 83214

THE "NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP" FOR **A29-00374** & **A29-00375** HAS BEEN RETURNED FOR THE FOLLOWING ITEM(S) :

- ☒ COPY OF DEED, TITLE POLICY, CONTRACT OF SALE, OR OTHER LEGAL DOCUMENT indicating your ownership of the property and water rights in question,
- ☒ LEGAL DESCRIPTION OF PROPERTY
- ☒ PLAT OF PROPERTY OR SURVEY MAP (usually on file with the county)
- ☐ USDA FARM SERVICE AGENCY (FORMERLY ASCS) AERIAL PHOTO with irrigated acres outlined and point(s) of diversion clearly marked.

PLEASE ENCLOSE THE REQUESTED ITEM(S) AND RESUBMIT THE ENTIRE PACKET ALONG WITH THE CHANGE OF OWNERSHIP FORM TO THIS OFFICE, AND WE WILL PROCESS YOUR CHANGE OF OWNERSHIP AS SOON AS POSSIBLE.