

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: A29-04054
Date Received: 4/18/1990
Receipt No: _____
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: MEADOWBROOK RANCH 208-254-3186
Address: 10053 S. MARSH CREEK RD.
MC CAMMON, ID 83250

2. Date of Priority: JUN 01, 1909

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

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
10S	37E	31		NE	SW		BANNOCK
				NW	SW	5	BANNOCK
11S	37E	6		NW	NE		BANNOCK

5. Description of diverting works:
HEADGATES TO DITCHES TO PLACE OF USE FOR IRRIGATION.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	3.800		

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

8. Total consumptive use is 475.0 Acre Feet Per Annum.

9. Non-irrigation uses:
N/A

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
10S	37E	30	SE	SW		IRR	9.0
Section Acres							9.0

A29-04054

Page 1

Date: 04/18/90

MICROFILMED
NOV 13 1992



10. Place of Use: Continued

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
10S	37E	31	NE		NW		IRR	21.0
			NW		NW	1	IRR	22.0
			SW		NW	3	IRR	7.0
			SW		NW	4	IRR	39.0
			SE		NW		IRR	25.0
			NE		SW		IRR	18.0
			NW		SW	5	IRR	39.0
			NW		SW	6	IRR	3.0
			SE		SW		IRR	7.0
Section Acres								181.0
Total Acres								190.0

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:
N/A

14. Remarks:

15. Basis of Claim: STATUTORY CLAIM

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 Organizations:

I do solemnly swear or affirm that I am Ralph Whitley of
Title
Meadowbrook Ranch, that I have signed the foregoing
Organization
document in the space below as Partner of
Title
Meadowbrook Ranch and that the statements contained in the
Organization
foregoing document are true and correct.

Ralph Whitley
Signature of Authorized Agent

Meadowbrook Ranch
Title and Organization

4/26/90
Date

State of Idaho)
County of Bannock) SS.

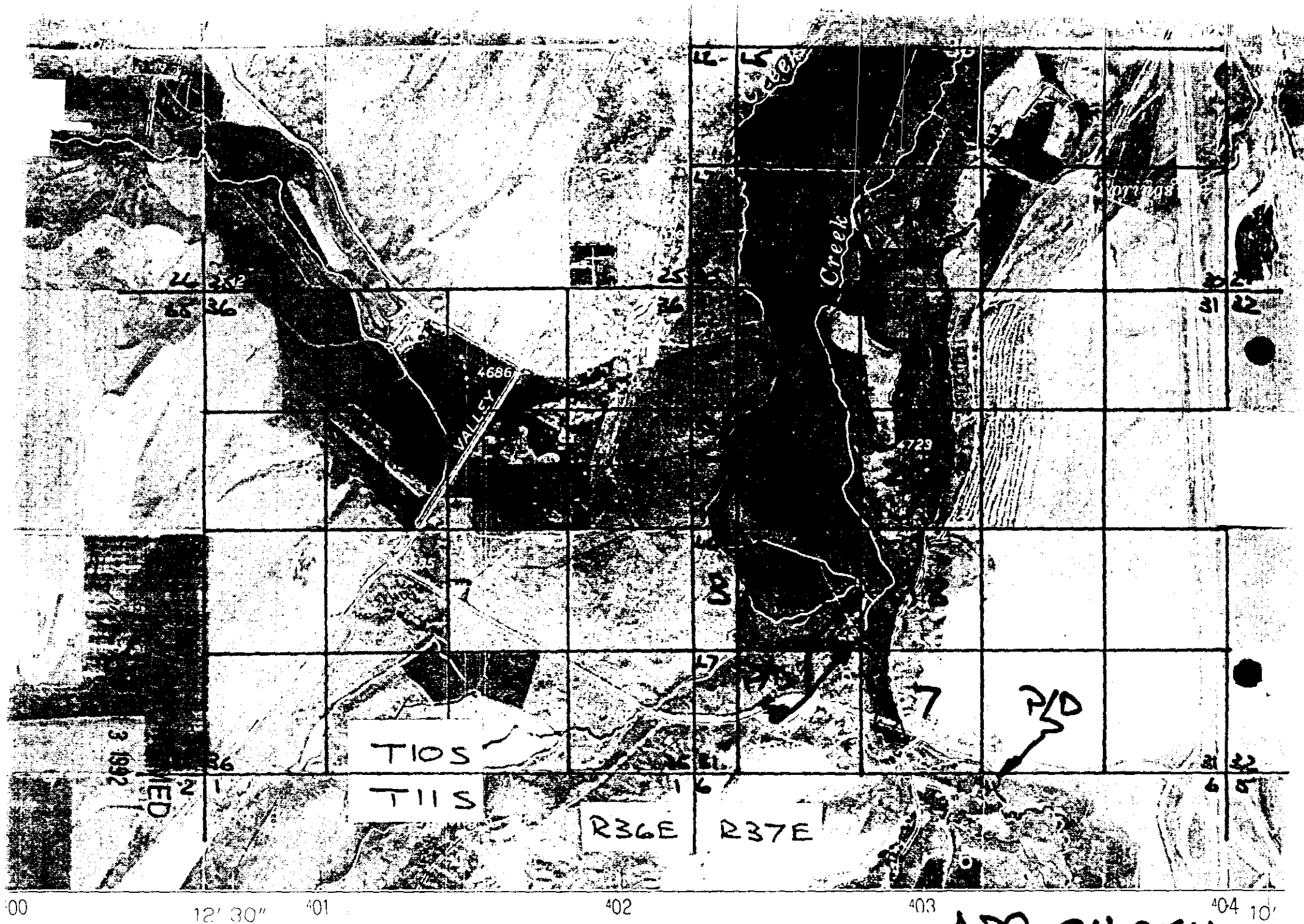
Subscribed and sworn (or affirmed) before me this 26 day
of April 19 90

Belva Olsen
Notary Public

Seal

Residing at Mc Cammon

My Commission Expires 10-95



SCALE 1:24 000

A29-04054

1 MILE

A. ROOT WATER RIGHT NUMBERS: A29-04054

B. POU LISTING

TWP	RNG	SEC	1/4	1/4	LOT	NAME	AJ #/ACRES	WR #/ACRES	LANDSAT DATA	FIELD EXAM.	RECOMM. ACRES
10S	37E	30	SE	SW		MEADOWBROOK RANCH	A29-04054 / 9.0	- /	37.0		
			SE	SW		COLE, J ROYAL	A29-04050 / 33.0	29-04050 / 40.0			
10S	37E	31	NE	NW		MEADOWBROOK RANCH	A29-04054 / 21.0	29-04054 / 25.0	28.0		
			NE	NW		MEADOWBROOK RANCH	A29-11473 /	- /			
			NE	NW		MEADOWBROOK RANCH	29-11473 /	- /			
10S	37E	31	NW	NW	1	MEADOWBROOK RANCH	A29-04054 / 22.0	29-04054 / 12.0	40.0		
			NW	NW		BASTIAN, MERLIN S	A29-11463 / 20.0	- /			
			NW	NW	1	MARSH CENTER IRRIGATION CO	A29-10663 / 15.0	- /			
			NW	NW	1	MARSH CENTER IRRIGATION CO	A29-10664 / 15.0	- /			
			NW	NW	1	MARSH CENTER IRRIGATION CO	A29-10665 / 15.0	- /			
			NW	NW	1	MARSH CENTER IRRIGATION CO	A29-12058 / 15.0	- /			
			NW	NW	1	MARSH CENTER IRRIGATION CO	A29-00430 / 15.0	- /			
			NW	NW	1	BASTIAN, LYNN S	A29-04302 / 26.0	29-04302 / 26.0			
10S	37E	31	SW	NW	3	MEADOWBROOK RANCH	A29-04054 / 7.0	- /	56.0		
			SW	NW	2	MARSH CENTER IRRIGATION CO	A29-10663 / 10.0	- /			
			SW	NW	2	MARSH CENTER IRRIGATION CO	A29-10664 / 10.0	- /			
			SW	NW	2	MARSH CENTER IRRIGATION CO	A29-10665 / 10.0	- /			
			SW	NW	2	MARSH CENTER IRRIGATION CO	A29-12058 / 10.0	- /			
			SW	NW	2	MARSH CENTER IRRIGATION CO	A29-00430 / 10.0	- /			
			SW	NW	3	BASTIAN, LYNN S	A29-04302 / 10.0	29-04302 / 8.0			
			SW	NW	4	MANNING, LEON WALLACE		29-04054 / 40.0			
10S	37E	31	SW	NW	4	MEADOWBROOK RANCH	A29-04054 / 39.0	29-04054 / 40.0	27.0		
			SW	NW	2	MARSH CENTER IRRIGATION CO	A29-10663 / 10.0	- /			
			SW	NW	2	MARSH CENTER IRRIGATION CO	A29-10664 / 10.0	- /			
			SW	NW	2	MARSH CENTER IRRIGATION CO	A29-10665 / 10.0	- /			
			SW	NW	2	MARSH CENTER IRRIGATION CO	A29-12058 / 10.0	- /			
			SW	NW	2	MARSH CENTER IRRIGATION CO	A29-00430 / 10.0	- /			
			SW	NW	3	BASTIAN, LYNN S	A29-04302 / 10.0	29-04302 / 8.0			
10S	37E	31	SE	NW		MEADOWBROOK RANCH	A29-04054 / 25.0	29-04054 / 20.0	25.0		
10S	37E	31	NE	SW		MEADOWBROOK RANCH	A29-04054 / 18.0	29-04054 / 20.0	17.0		
10S	37E	31	NW	SW	5	MEADOWBROOK RANCH	A29-04054 / 39.0	29-04054 / 38.0			
			NW	SW	3	MARSH CENTER IRRIGATION CO	A29-10663 / 12.0	- /			
			NW	SW	3	MARSH CENTER IRRIGATION CO	A29-10664 / 12.0	- /			
			NW	SW	3	MARSH CENTER IRRIGATION CO	A29-10665 / 12.0	- /			
			NW	SW	3	MARSH CENTER IRRIGATION CO	A29-12058 / 12.0	- /			
			NW	SW	3	MARSH CENTER IRRIGATION CO	A29-00430 / 12.0	- /			
			NW	SW	5	BASTIAN, LYNN S	A29-04302 / 4.0	29-04302 / 9.0			

TWP	RNG	SEC	1/4	1/4	LOT	NAME	AJ #/ACRES	WR #/ACRES	LANDSAT DATA	FIELD EXAM.	RECOMM. ACRES
10S	37E	31	NW	SW	6	MEADOWBROOK RANCH	A29-04054 / 3.0	- /			
			NW	SW	3	MARSH CENTER IRRIGATION CO	A29-10663 / 12.0	- /			
			NW	SW	3	MARSH CENTER IRRIGATION CO	A29-10664 / 12.0	- /			
			NW	SW	3	MARSH CENTER IRRIGATION CO	A29-10665 / 12.0	- /			
			NW	SW	3	MARSH CENTER IRRIGATION CO	A29-12058 / 12.0	- /			
			NW	SW	3	MARSH CENTER IRRIGATION CO	A29-00430 / 12.0	- /			
			NW	SW	5	BASTIAN, LYNN S	A29-04302 / 4.0	29-04302 / 9.0			
			NW	SW	5	MANNING, LEON WALLACE		29-04054 / 38.0			
10S	37E	31	SE	SW		MEADOWBROOK RANCH	A29-04054 / 7.0	29-04054 / 25.0	24.0		
			SE	SW		HART, JENNIE	A29-04111 / 5.3	29-04111 / 5.0			

ADDITIONAL POU FOUND

TOTAL ACRES A29-04054 190.00 180.00 254.00

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
A29-04054	PECK CREEK	MEADOWBROOK RANCH	3.800	0.020		
A29-00430	HAWKINS CREEK	MARSH CENTER IRRIGATION CO	40.000	0.012		
	HAWKINS CREEK, SOUTH FORK					
A29-04050	PECK CREEK	COLE, J ROYAL	3.550	0.023		
A29-04111	SPRING	HART, JENNIE	2.800	0.016		
A29-04302	MARSH CREEK	BASTIAN, LYNN S	6.720	0.018		
A29-10663	SPRINGS	MARSH CENTER IRRIGATION CO	0.330			
	SPRINGS					
A29-10664	SPRINGS	MARSH CENTER IRRIGATION CO	0.330			
	SPRINGS					
	SPRING					

CLAIM NO.	SOURCE	NAME	DIV. RATE	DIV. RATE/ACRE	DIV. VOL.	DIV. VOL./ACRE
A29-10665	MASON SPRING	MARSH CENTER IRRIGATION CO	0.330			
A29-11463	SPRINGS	BASTIAN, MERLIN S	1.200	0.020		
A29-12058	COLE SPRING	MARSH CENTER IRRIGATION CO	6.680	0.002		
	HEWITT SPRING					
	SHEEP CREEK					

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

CLAIM NO.	PURPOSES	NAME	MONTH/DAY	RATE	VOLUME
A29-11473	STOCKWATER	MEADOWBROOK RANCH	FROM 01-01 TO 12-31	0.070 CFS	
29-11473	STOCKWATER	MEADOWBROOK RANCH	FROM 01-01 TO 12-31	0.070 CFS	

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

Y() N()

* IF YES, COMPLETE OVERLAP REVIEW:

OTHER RIGHTS LISTED IN CLAIM: N/A

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()

Log for claim A29-04054

Spatial Dynamics TWB

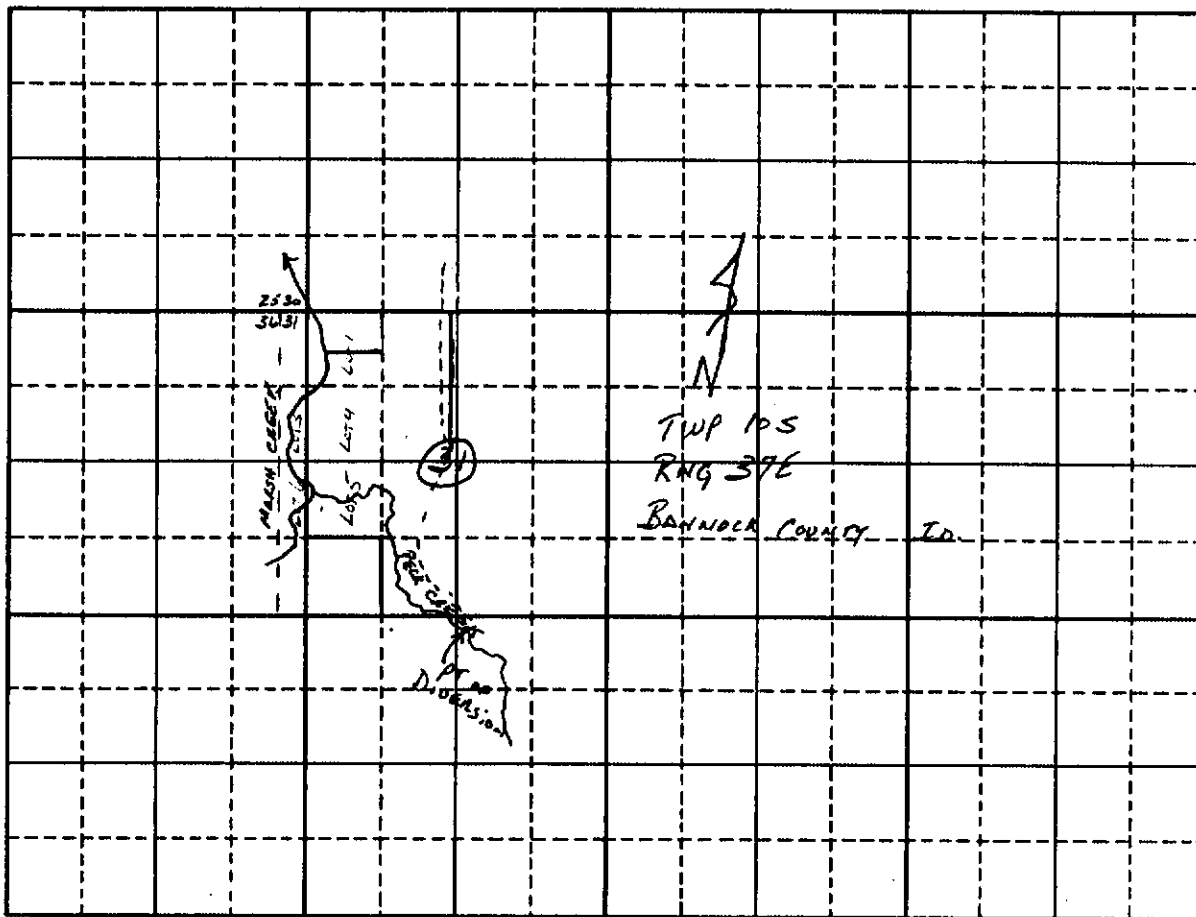
5/24/00

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
10s37e	30	SESW	9	8	
10s37e	31	NENW	21	23	
10s37e	31	NWNW	22	26	
10s37e	31	SWNW	39	40	
10s37e	31	SWNW	7	5	
10s37e	31	SENW	25	21	
10s37e	31	NESW	18	14	
10s37e	31	NWSW	39	40	
10s37e	31	NWSW	3	2.5	
10s37e	31	SESW	7	7.3	
Totals:			190	186.8	

Section 42-225a, Idaho Code

- (7) If you are claiming water as a member of an organization, list name of organization:

- (8) Remarks THIS IS TO AMEND CLAIM FILED IN JULY 1975 ON WHICH
PLACE OF USE WAS DESCRIBED INCORRECTLY DUE TO THE
EXTRA WIDE SECTION



Scale: 2 inches equal 1 mile.

Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

State of Idaho)
County of FRANKLIN) ss.

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiants knowledge.

Sworn to before me this 14th day of FEBRUARY, 1977.

(Claimant)
Joe S. Kennedy
Notary Public
Residing at Preston

My commission expires Lifetime

For Department Use Only

Received by <u>JW</u>	Date <u>2-25-77</u>	Exception filed by:	Forwarded to	Date
Prelim. check by <u>RDC</u>	Date <u>2-16-77</u>		claimant by:	
\$10.00 fee received by <u>H.A.</u>	Date <u>2-16-77</u>			
Approved for publication by <u>me</u>	Date <u>3-21-77</u>			
Published in <u>Idaho State Journal</u>				
Dates <u>March 10 and 17, 1977</u>				

CLAIM TO A WATER RIGHT

Under the provisions of Section 42-225a, Idaho Code, a person may file a claim to a right to use water which has been established by diversion and application to beneficial use. The filing of this claim does not confirm the water right but will serve for information purposes only. It may, however, become the basis for future adjudication of the water right by the Court.

Notice is hereby given that Richard &/or Gloria Burmester
(name of claimant)
of Armo, Idaho, claims a right to the diversion and beneficial use of
(mailing address)
the public water of the State of Idaho

The extent and nature of said claim is as follows:

- (1) Describe source of water: (name of stream, lake, spring, etc., or ground water) Peck Creek
_____, tributary to, Marsh Creek
- (2) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:

Amount	4.40	Use	Irrigation	Period of Use:	From	Apr. 1	To	Nov. 1
Amount		Use		Period of Use:	From		To	
Amount		Use		Period of Use:	From		To	
	(cfs, gpm, etc.)		(dom., irri., stock, etc.)					(both dates inclusive)

- (3) Total quantity of water claimed: 4.40 cubic feet per second, or _____ acre feet per annum, and/or _____ gallons per minute.
- (4) Priority claimed: (the date water was first applied to beneficial use) 1909

A claim is not acceptable on a ground-water source with a priority later than March 25, 1963 or on a surface-water source with a priority later than May 20, 1971. An exception to this rule is that a claim may be filed on domestic use from a ground-water source.

- (5) A) Point of diversion: (give location of point where water is diverted from its source)
 NW ¼ NE ¼, Sec. 6 Twp. 11S Rge. 37E B. M. County of Bannock
 Additional points of diversion:

B) Describe means of diversion of water: (pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.) Give sizes and capacities; be as specific as possible. Two Steel Culverts

- (6) A) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is not for irrigation, place an "X" in appropriate box to show location.

[illegible]

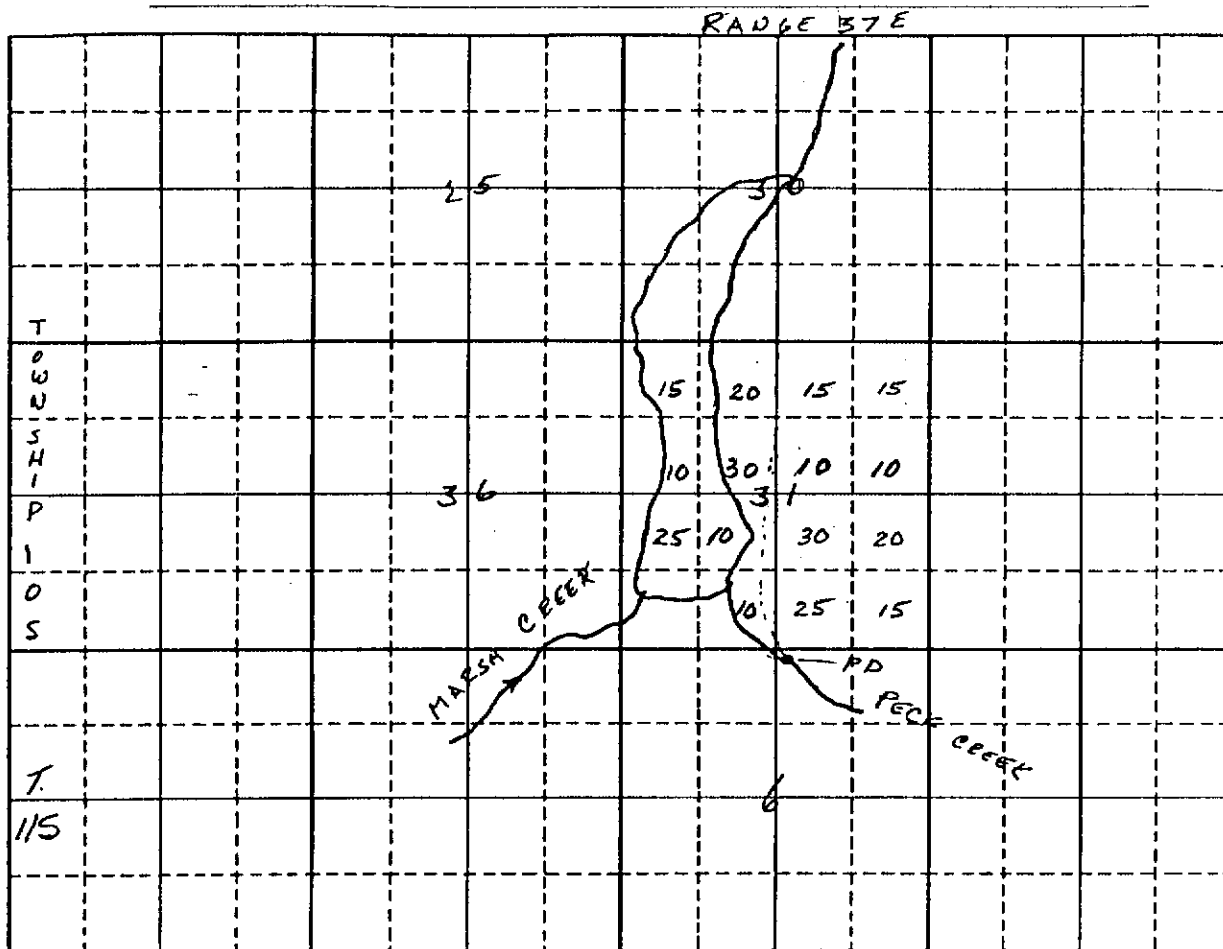
Total No. of acres 260

- B) If the water is used for other than irrigation, fully describe that use, being as specific as possible: _____

- (7) If you are claiming water as a member of an organization, list name of organization: _____

MICROFILMED

(8) Remarks _____



Scale: 2 inches equal 1 mile.

Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

State of Idaho)
) ss.
 County of BANNOCK)

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiants knowledge.

Sworn to before me this 28 day of July

Richard F. Burmaster
 (Claimant)

John B. Bowen
 Notary Public
 Residing at Downey, Idaho

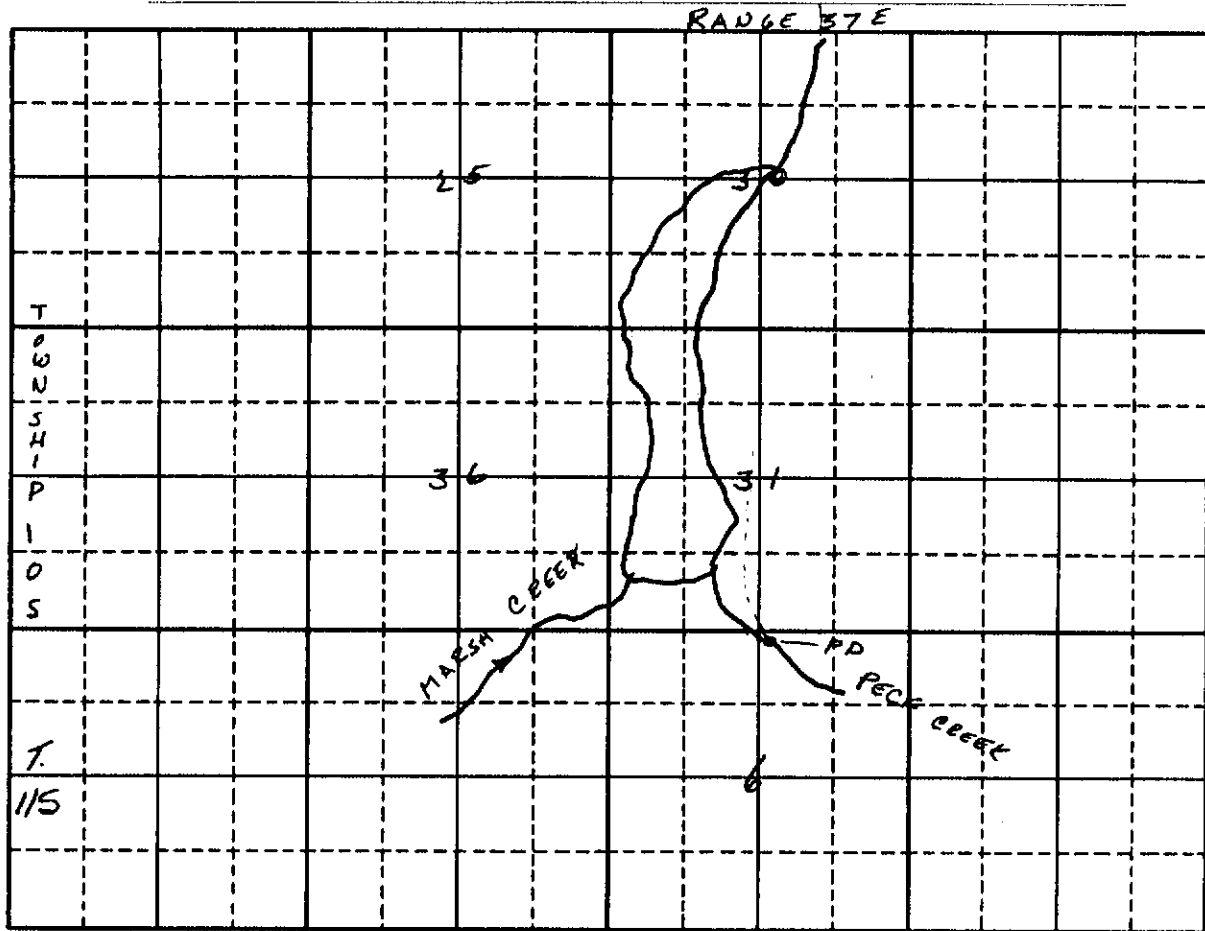
My commission expires Oct. 26, 1976

For Department Use Only

Received by <u>RL</u>	Date <u>8-11-75</u>	Exception filed by: _____	Forwarded to claimant by: _____	Date _____
Prelim. check by <u>RL</u>	Date <u>8-7-75</u>			
\$10.00 fee received by <u>RL</u>	Date <u>8-27-75</u>			
Approved for publication by _____				
Published in <u>2242 Int. Geological</u>				
Dates <u>2-14 & 2-21-75</u>				

- (7) If you are claiming water as a member of an organization, list name of organization:

(8) Remarks _____



Scale: 2 inches equal 1 mile.

Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

State of Idaho)
County of BUNNOC) ss.

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiants knowledge.

Sworn to before me this 28 day of July

Richard F. Barnmaster
(Claimant)

Notary Public

Residing at

My commission expires

Oct. 26, 1976

For Department Use Only

Received by <u>Cal</u>	Date <u>8-01-75</u>	Exception filed by:	Forwarded to	Date
Prelim. check by <u>Cal</u>	Date <u>8-7-75</u>		claimant by:	
\$10.00 fee received by <u>Cal</u>	Date <u>8-07-75</u>			
Approved for publication by <u>MB 9-2-75</u>				
Published in <u>Idaho State Journal</u>				
Dates <u>8-14 + 8-21-75</u>				

AJ5809NP
No. A29-04054

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 04/24/00
PAGE: 95

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	MEADOWBROOK RANCH 10053 S MARSH CREEK RD MC CAMMON ID 83250 (208) 254-3186	06/01/1909	IRRIGATION	04-01 11-01	3.800 CFS	
					TOTAL DIVERSION:	
					CONSUMPTIVE USE:	475.00 AFA

Water Source: PECK CREEK

Tributary to: MARSH CREEK

Stage: STATUTORY CLAIM

Point(s) of Diversion:

T10S R37E S31
T11S R37E S06

NESW Lot05(NWSW)
NWNE

BANNOCK County
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	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	Lt	Ac	:			
10S	37E	30	:								:									:									:								:	9.0	
10S	37E	31	:								:	21	01-22	03-07		25	:	18	05-39		07	:							:								:	181.0	
10S	37E	31	:								:			04-39			:		06-03			:							:								:		
																														TOTAL ACRES		190.0							

POU County: BANNOCK

Non-Irrigation Uses: N/A

Other Rights: N/A

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

29-11198 A29-04030 A29-04053 A29-11198

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

A29-00430 A29-04050 A29-04111 A29-04302 A29-10663 A29-10664 A29-10665 A29-12058

Dates: Exam Made Date:

Verified Date:

Objection Filed Date:

Misc: Water District Number:

Field Inspection Flag:

Presumption Flag:

Audit: 04/28/90 MEYER 07/19/94 THOMPSON 03/29/95 POST-STD

IN THE MATTER OF:

AFFIDAVIT

Water Rights on Arimo Ditch

State of Idaho

County of Bannock

May 1, 1978

Norman H. Reisner

being first duly sworn,

deposes and says: The original Arimo ditch was built by Mr. Evans before we homesteaded our farm in 1908. The water that was filed on was from Yago Creek not Peck Creek. At that time Peck Creek was only a very small creek and was a branch of Yago Creek. The Portneuf Marsh Valley Canal was built in 1912 and the water was first turned into the canal in 1913. After the water was turned into the Portneuf Marsh Valley Canal, Peck Creek became a larger stream. Today it is the main stream and Yago Creek is a small branch.

When we homesteaded in 1908, Charlie Fink, a neighbor to the east of our homestead, had the Arimo Ditch running through his farm, but he could not use any water from the ditch. Mr. Tom Coffin who married Mrs. Evans after the death of Mr. Evans, then farmed the Evans farm. Charlie Fink's land below the ditch was dryland because he could not use any water from the Arimo Ditch. He could not even use any water for a garden. The land just north of Charlie Fink's farm (which is now owned by Royal Cole) was in the same condition as the Charlie Fink farm. Both were dry land. The Arimo Ditch carried water through both farms that they were not allowed to use.

In 1925 or 1926 the State of Idaho allowed people living on a ditch or a stream to use surplus (high water). Charlie Fink was then able to take water out of the Arimo Ditch and irrigate his land. The Charlie Fink farm was the

first farm on the ditch. Charlie Fink began to use water from the Arimo Ditch
on his farm from 1925 or 1926 until he sold his farm. All those who have
owned the farm since have used the water. Water has been used continuously
since 1925 or 1926. Today the Charlie Fink Farm is owned by Wayne Wheatly.

Robert Cole or Royal Cole First took water from the Arimo ditch many
years after 1925. They never took it before 1925 because Mr. Tom Coffin would
not let them use any water.

I know these facts to be true because I lived on the Reigner Farm continuously from 1908 to 1976.

Herman Reider
(Signature)

Subscribed and sworn to before me this 31 day of Dec, 1965.

(Notary Public)

Residing at Leona Hot Springs, N.M.
My Commission Expires 4-4-88

RECEIVED

AUG 21 1975

Department of Water Resources
Eastern District Office

Winnipeg, Manitoba

July 28, 1975

I, who at this time is a Notary Public for the Province of Manitoba, do hereby certify that the above is a true and correct copy of the original ground now owned by Richard Durmister. This water originates from these springs which were directly caused by the seepage from the Red Wing Canal when it was constructed in 1910. Charlie Link was the first one to use these waters and to ~~my~~ knowledge there were never any filings, only users ~~to~~ rights were established by the late Charlie Link, so I would say this users right has been in effect for the last 65 yrs.

Signed this 28th day of July 1975

E. Harold Williams

Subscribed and sworn before me
as Notary Public this 28th day of July 1975

John B. Brown

my Commission expires Oct. 26, 1976.