

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: A29-07386
Date Received: 3/26/1990
Receipt No: M006359
Received By: RDH

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: JAY P. MERKLEY 208-232-4117
Address: 5520 BANNOCK HIGHWAY
POCATELLO, ID 83204

2. Date of Priority: APR 07, 1977

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
07S	35E	18	NE	NW	NE		BANNOCK

5. Description of diverting works:
WELL, PUMP & SPRINKLERS.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	0.240		42.00

7. Total Quantity Appropriated is:
0.240 C.F.S. (and/or) 42.00 A.F.A.

8. Total consumptive use is 30.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
07S	35E	18	NE	NE		IRR	12.0
						Section Acres	12.0
						Total Acres	12.0

A29-07386

Page 1

Date: 03/26/90

A2907386



MICROFILMED

NOV 13 1992

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:
MINK CREEK DECREE

14. Remarks:

15. Basis of Claim: LICENSE

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: 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): Jay P. Markley Date: 3-26-90
Date: _____

State of Idaho)
County of Bannock) SS.

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

Carter Fritschle
Notary Public

Seal

Residing at Carter Fritschle, Notary Public
Residing at Eagle, Idaho
My Commission Expires March 21, 1994

04/02/2001

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 29-7386

NAME AND ADDRESS: JAY P MERKLEY
5520 BANNOCK HWY
POCATELLO, ID 83204

SOURCE: GROUND WATER

QUANTITY: 0.21 CFS
36 AFY

PRIORITY DATE: 04/07/1977

POINT OF DIVERSION: T07S R35E S18 NENWNE Within BANNOCK County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE
IRRIGATION

PERIOD OF USE
04-01 11-01

QUANTITY
0.21 CFS
36.00 AFY

PLACE OF USE:

IRRIGATION Within BANNOCK County
T07S R35E S18 NENE 10.2

10.2 ACRES TOTAL

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT
ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY
DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE
ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO
CODE.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommended Right Report

WATER RIGHT NO. 29-7386

<u>Owner Type</u> Current Owner	<u>Name and Address</u> JAY P MERKLEY 5520 BANNOCK HWY POCATELLO, ID 83204 (208)232-4117
------------------------------------	--

Priority Date: 04/07/1977
Basis: License
Status: Active

<u>Source</u> GROUND WATER	<u>Tributary to</u>
-------------------------------	---------------------

<u>Beneficial Use</u> IRRIGATION	<u>From</u> 04/01	<u>To</u> 11/01	<u>Diversion Rate</u> 0.21 CFS	<u>Volume</u> 36 AFA	<u>Subuse Code</u>
Total Diversion			0.21 CFS	36 AFA	

Location of Point(s) of Diversion:

GROUND WATER	NENWNE	Sec. 18	Township 07S	Range 35E	BANNOCK County
--------------	--------	---------	--------------	-----------	----------------

IRRIGATION Use:
Acre Limit: 10.2

Place(s) of use:

Place of Use Legal Description: IRRIGATION BANNOCK County

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
07S	35E	18		NENE	10.2									

Total Acres: 10.2

Conditions of Approval:

- C18 THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.

Comments:

<u>Author</u>	<u>Date</u>	<u>Subject</u>	<u>Comment</u>
csaxton	4/2/01	POU and Diversion Rate	POU is only 10.2 acres. Licensed at an inch to the acre so diversion rate needs to be reduced as well.

Dates:

Licensed Date: 08/01/1983
Claim Received Date: 03/26/1990
Enlargement Use Priority Date:
Enlargement Statute Priority Date:

Decreed Date:
Date Filed with Court:
Objection Filed Date:
SF5 Filed:
Special Master Recom Signed Date:

Element Reviewed/Verified Dates:

Element	Last Review Date	Reviewer	Last Verified Date	Verifier	Status
Contacts	4/2/01 4:39:36 PM	csaxton			In Process
POD	4/2/01 4:40:25 PM	csaxton			In Process
POU	4/2/01 4:42:28 PM	csaxton			In Process
Priority Date	4/2/01 4:39:56 PM	csaxton			In Process
Quantity	4/2/01 4:45:41 PM	csaxton			In Process
Season	4/2/01 4:44:32 PM	csaxton			In Process
Source	4/2/01 4:41:50 PM	csaxton			In Process
Summary	4/2/01 4:48:05 PM		4/2/01 4:48:05 PM	csaxton	Complete
Use	4/2/01 4:49:52 PM	csaxton			In Process

Other Information:

Receipt Number(s): M006359
State or Federal: S
Owner Name Connector:
Water District Number:
Generic Max Rate per Acre:
Generic Max Volume per Acre:
Civil Case Number:
Old Case Number:
Decree Plaintiff:
Decree Defendant:
PresumptionFlag:
Notice of Error Flag:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Cary Act Number:
Mitigation Plan: False

Verification Log:

Element	Date Time Stamp	Reviewer	Log Text
Contacts	4/2/01 4:39:35 PM	csaxton	1. Appointment has not been scheduled. Comment for 1: Desktop Review
POD	4/2/01 4:43:46 PM	csaxton	Edited point location
POD	4/2/01 4:40:23 PM	csaxton	1. (NO) The basis is not beneficial use. 2. (YES) Parent right has a Point of Diversion. 3. (YES) The claimed Point of Diversion can be verified using the water right file. 8. (NO) Point of Diversion remark was not required. 9. (NO) Point of Diversion condition was not required.
POU	4/2/01 4:46:16 PM	csaxton	Edited PLS
POU	4/2/01 4:45:52 PM	csaxton	Edited shape boundary
POU	4/2/01 4:42:26 PM	csaxton	1. (YES) The POU is required. 2. (NO) The basis of claim is not beneficial use. 3. (YES) The Parent Right has a POU. 4. (YES) The claimed POU can be verified using the water right file. 12. (NO) POU remark was not required. 13. (NO) POU condition was not required.
Priority Date	4/2/01 4:39:54 PM	csaxton	1. (NO) There has not been a later court decree of the water right(s) from the water source. 4. (NO) The basis of claim is not beneficial use. 5. (NO) The basis of claim is not a posted notice. 6. (YES) Parent right has a priority date. 7. (NO) The basis of claim is not an application or permit. 12. (YES) The claim is recommended. 13. (YES) The claim is coded correctly. 14. (NO) Priority remark was not required. 15. (NO) Priority condition was not required.
Quantity	4/2/01 4:45:39 PM	csaxton	1. (NO) The basis of claim is not beneficial use.

Season	4/2/01 4:44:30 PM	csaxton	2. (NO) The basis of claim is not a posted notice. 3. (YES) The parent right has a diversion rate and/or diversion volume. 4. (YES) The claimed diversion rate and/or volume can be verified using the water right file. 7. (YES) The parent right has an annual diversion volume limit. 8. (YES) Irrigation is a purpose of use. 9. (NO) Quantity remark was not required. 10. (NO) Quantity condition was not required.
Source	4/2/01 4:41:48 PM	csaxton	1. (NO) The basis of claim is not beneficial use. 2. (YES) The parent right has a period of use. 3. (YES) The claimed Period of Use can be verified using the water right file. 12. (YES) Irrigation is the purposed use. 14. (NO) The period of use on the decree, license or transfer is not shorter on either the start or end date than allowable under IDWR's current standard. 15. (NO) Period of Use remark was not required. 16. (NO) Period of Use condition was not required.
Summary	4/2/01 4:48:03 PM	csaxton	1. (NO) The basis is not beneficial use. 2. (YES) Parent right has a source. 3. (YES) The claimed source can be verified using the water right file. 10. (NO) Source remark was not required. 11. (NO) Source condition was not required.
Use	4/2/01 4:49:49 PM	csaxton	1. (NO) The basis of the claim is not beneficial use. 3. (NO) There is no indication that there has been a five year period of continuous nonuse that could result in a recommendation of forfeiture or partial forfeiture. 5. (NO) General remark was not required. 6. (NO) Explanatory remark was not required. 7. (YES) Additional condition was required. 8. (YES) Wanted to view the recommended right. 9. (NO) This is not a split right. 10. (NO) This is not a combined right. 11. (NO) Documents were not linked or attached to this file. 12. (YES) Set the verification date. 1. (NO) The basis of claim is not beneficial use. 2. (YES) The parent right has a purpose of use. 3. (YES) The claimed purpose of Use can be verified using the water right file. 11. (NO) Purpose of Use remark was not required. 12. (NO) Purpose of Use condition was not required.

Log for claim A29-07386

Spatial Dynamics BTD

9/7/00

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
07s35e	18	NENE	12	10	
Totals:			12	10	

AJ5809NP
No. A29-07386

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 05/18/00
PAGE: 253

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	JAY P MERKLEY 5520 BANNOCK HWY POCATELLO ID 83204 (208) 232-4117	04/07/1977	IRRIGATION	04-01 11-01	0.240 CFS	42.00 AFA
TOTAL DIVERSION:					0.240 CFS	42.00 AFA
CONSUMPTIVE USE:						30.00 AFA

Water Source: GROUNDWATER

Tributary to:

Stage: LICENSE

Point(s) of Diversion: T07S R35E S18

NENWNE

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	:	
07S	35E	18	:	12				:					:					:							:	12.0
																							TOTAL ACRES	12.0		

POU County: BANNOCK

Other Rights: MINK CREEK DECREE

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

29-10828 29-11416 29-12181 A29-02336 A29-10828 A29-11416 A29-12181

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

A29-02459 A29-02459A A29-02459B

Dates: Exam Made Date:

Verified Date:

Objection Filed Date:

Misc: Water District Number:

Field Inspection Flag:

Presumption Flag:

Audit: 03/26/90 HAUMANN 07/27/94 THOMPSON 03/29/95 POST-STD

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

License of Water Right No. 29-7386 Priority April 7, 1977 Amount 0.24 cfs

THIS IS TO CERTIFY, that Dr. Jay P. &/or Mary A. Merkley
of Pocatello, Idaho, has complied with the terms and conditions of Permit
No. 29-7386 issued pursuant to Application for Permit dated April 7, 1977,
and has submitted proof to the Department of Water Resources on May 20, 1981,
that he has applied water to a beneficial use; an examination by the Department indicates that the works have a
capacity for the diversion of 0.29 cfs of water from a groundwater source,
tributary to _____, and that the permit holder has applied to a beneficial use and
established a right to use water as follows:

Beneficial Use	Period of Use	Rate of Diversion	Annual Volume
<u>Irrigation</u>	<u>from April 1 to November 1</u>	<u>0.24 cfs and</u>	<u>42.0 acre feet</u>
	<u>from _____ to _____</u>	<u>cfs and</u>	
	<u>from _____ to _____</u>	<u>cfs and</u>	

(both dates inclusive)

Subject, however, to the condition that no more than 0.24 cfs of water be diverted at any one time, and
that the amount of water so diverted and to which such right is entitled and configured for the purpose
aforementioned and is limited to the amount which can actually be beneficially used and shall not exceed
42.0 acre feet per year, said waters to be diverted within the NW1/4, Section 18, Twp.
7S, Rge. 35E in the County of Bannock

Description and location of place of use:

Twp.	Range	Sec.	NE1/4				NW1/4				SW1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
7S	35E	18	12												12

Total number of acres irrigated 12

NOTE: Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho Law. This right may be forfeited by five years of non-use.

The right to the use of the water hereby confirmed is restricted and appurtenant to the lands or place of use herein described, and is subject to all prior water rights, as provided by the laws of Idaho.

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 29 day of

June, 19 83.

Director

Identification No. 29 7386

Application No. _____

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT**

APPROVED

**To Appropriate the Public Waters of the State of Idaho
(TYPE OR PRINT IN INK)**

1. Name of applicant Dr. Jay P. &/or. Mary A. Merkley Phone: 232-4117, Res. 232-7766 Office
post office address Rt. #3, Box 198-B, Pocatello, ID 83201

2. Source of water supply ground water which is a tributary of _____

3 a. Location of point of diversion is NW $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 18 Township 7S
Range 35E B.M. Bannock County; additional points of diversion if any: _____

b. If water is not consumed, it will be discharged into _____ at a point in _____ $\frac{1}{4}$
of _____ $\frac{1}{4}$ of Section _____ Township _____ Range _____ B.M. _____

4 Water will be used for the following purposes:

Amount 0.28 for irrigation purpose from Apr. 1 to Nov. 1 (both dates inclusive)
(cfs or acre-feet per annum)

Amount _____ for _____ purpose from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

Amount _____ for _____ purpose from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

5. Total quantity to be appropriated:

a. 0.28 cubic feet per second and/or

b. _____ acre feet per annum.

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. well, pump and sprinkler system

b. Height of storage dam _____ feet, active reservoir capacity _____ acre feet; total reservoir
capacity _____ acre feet, materials used in storage dam: _____

Period of year during which storage will occur _____ to _____ inclusive.
(Mo. Day) (Mo. Day)

c. Proposed well diameter is 8 inches; proposed depth of well is 90 feet.

7. a. Time required for the completion of the works and application of the water to the proposed beneficial use
is 5 years.

b. Estimated construction cost is \$4,000.00

8. Description of proposed uses:

a. If water is **not** for irrigation:

(1) Give the place of use of water. _____ $\frac{1}{4}$ of _____ $\frac{1}{4}$ of Section _____ Township
Range _____ B.M. _____

(2) Amount of power to be generated _____ hp under _____ feet of head.

(3) List number of each kind of livestock to be watered _____

(4) Name of municipality to be served _____, or number of families to be
supplied with domestic water _____

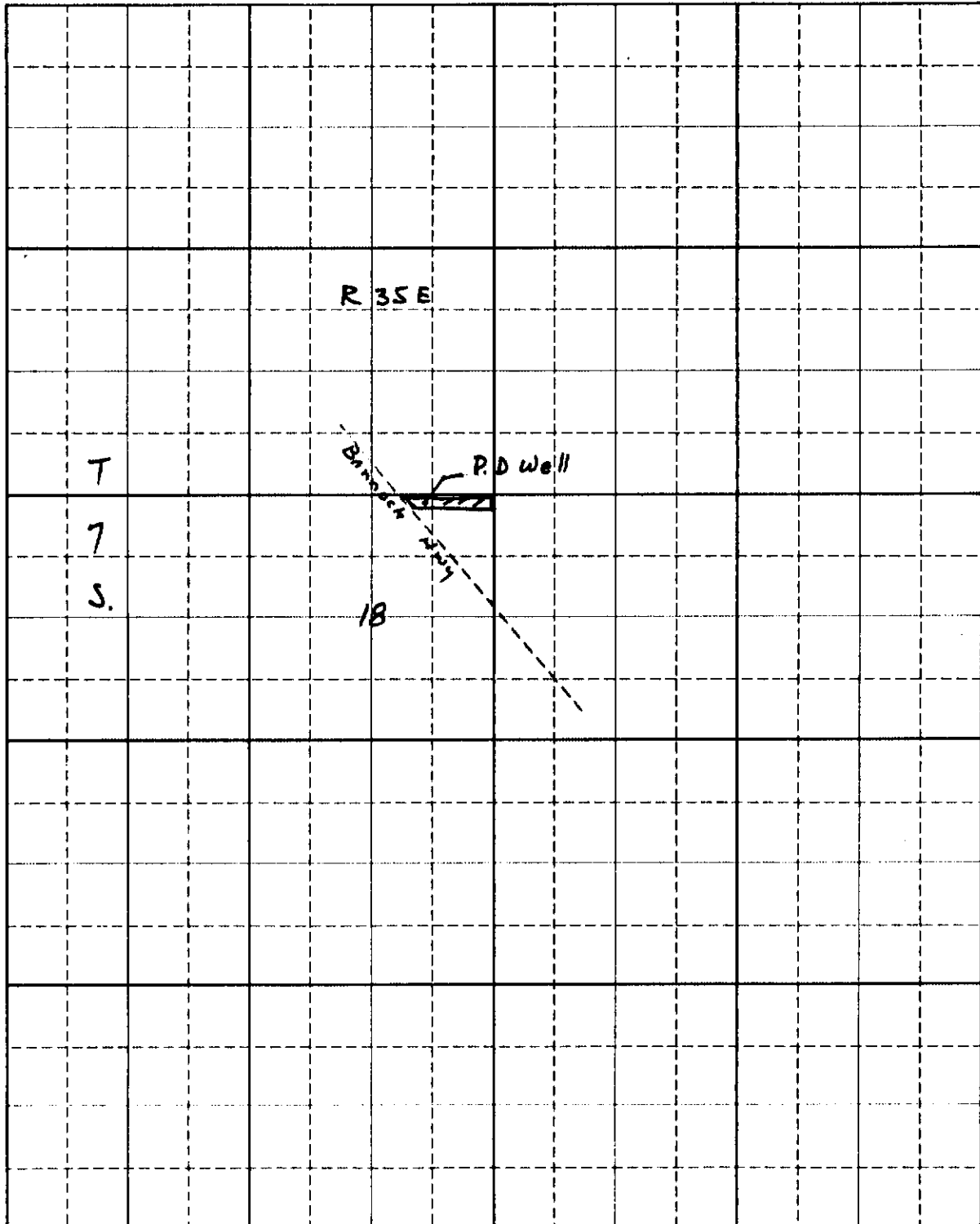
(5) If water is to be used for other purposes describe: _____

[illegible]

c. Describe any other water rights used for the same purposes as described above. None

- [illegible]

11. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



Scale: 2 inches equal 1 mile

BE IT KNOWN that the undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.

Mary A. Merkle
(Applicant)

Proposed Priority 4/ 7/77

Received by (u) Date 4-27-77 Time 2:30 P

Preliminary check by SP Fee \$25.00

Receipted by (u) Date 4-27-77 # 655

Publication prepared by (u) Date 4-28-77

Published in Shawee State Journal

Publication dates April 14 & 21 - 1977

Publication approved me Date 4-26-77

Priority reduced to _____ Reason _____

Protests filed by: _____

Copies of protests forwarded by _____

Hearing held by: _____ Date _____

Recommended for approval denial by me JP

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. 29-7386, and said application is hereby APPROVED.

1. Approval of said application is subject to the following limitations and conditions:

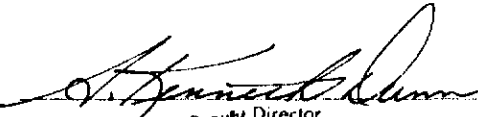
a. SUBJECT TO ALL PRIOR WATER RIGHTS.

b. Proof of construction of works and application of water to beneficial use shall be submitted on or before May 1, 19 82.

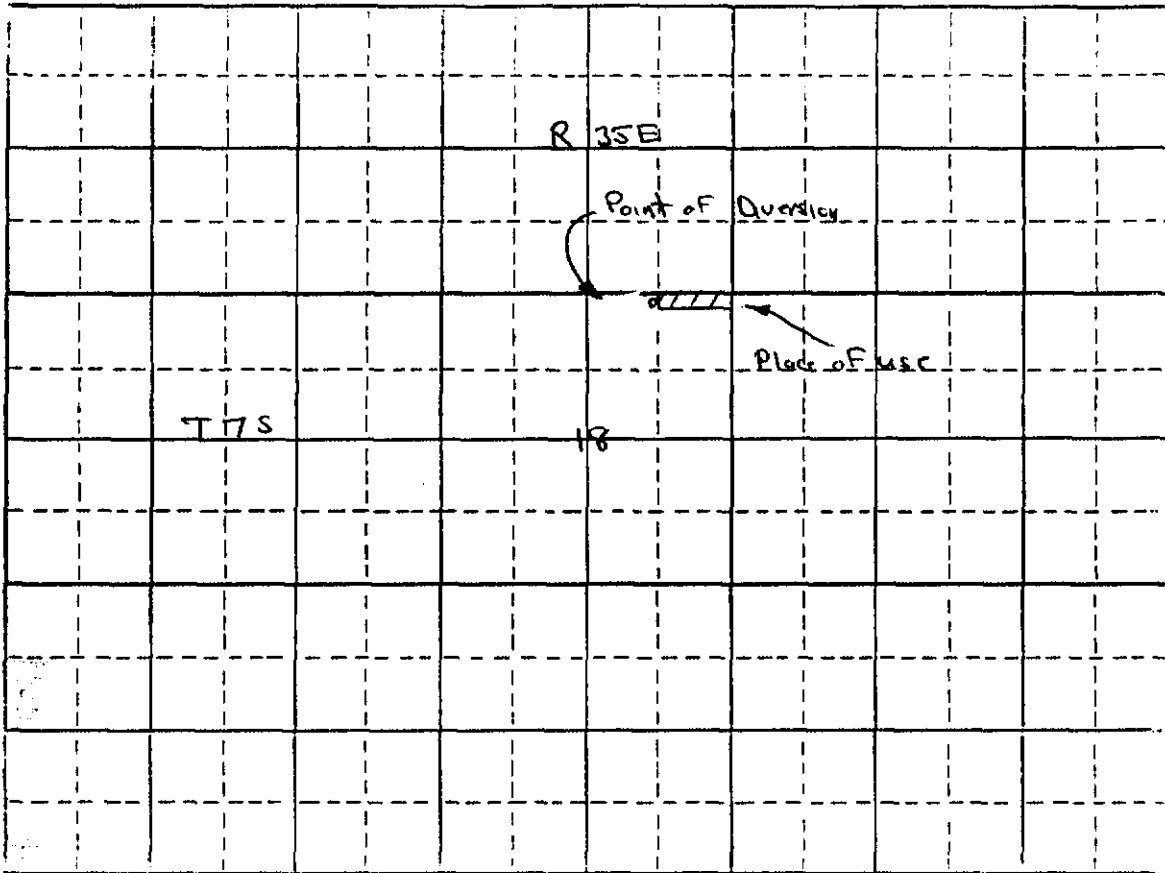
c. Other: _____

2. Denial of said application is for the following reasons: _____

Witness my hand this 31 day of May, 19 77.

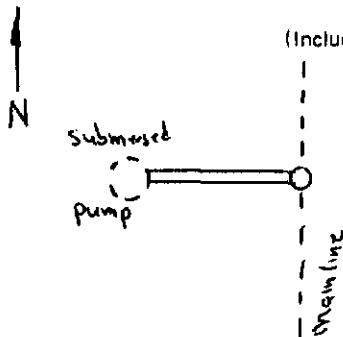

Deputy Director

MAP (Attach Aerial Photo)



SCHEMATIC DIAGRAM OF SYSTEM

(Include distance from pump to measuring device, if applicable.)



Point(s) of diversion: NW 1/4 NE 1/4 Section 18 T 7S R 35E

Place(s) of Use

TWP.	RGE.	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
7S	35E	18	12																12

Recommended Amendments:

☐ Change P.D. as reflected above

☐ Add P.D. as reflected above

☒ None

☐ Change P.U. as reflected above

☐ Add P.U. as reflected above

☐ Other

Examiner's Signature

W. J. Jones

Date

3-24-82

Checked by

AC Jones

Date

3-30-82

Approved by

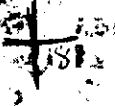
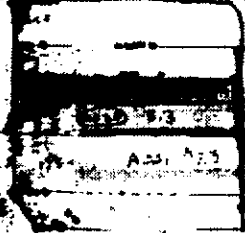
W. J. Jones

Date

4-6-82

27-7586

HW3



11-2-A

NOT TO
SCALE