

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: A45-00545
Date Received: 6/07/1989
Receipt No: X999999
Received By: R. V. [Signature]

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: GERALD L. MARCHANT 208-862-3811
Address: ROUTE 1, BASIN
OAKLEY, ID 83346

OR

Name: CELIA S. MARCHANT 208-862-3811
Address: ROUTE 1, BASIN
OAKLEY, ID 83346

2. Date of Priority: DEC 31, 1879

3. Source: MILL CREEK Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
13S	23E	32		SE	SE		CASSIA

5. Description of diverting works:

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	1.010		
STOCKWATER	01/01	12/31	0.070		4.10
STOCKWATER STORAGE	01/01	12/31	0.070		10.00

7. Total Quantity Appropriated is:
1.010 C.F.S. (and/or) 4.10 A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:

A45-00545

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Date: 06/26/89

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10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
13S	23E	29	NW		SW		STOCK	
			NW		SW		STOC S	
		32	SW		NE		IRR	40.0
			SW		NE		STOCK	
			NW		SE		IRR	36.0
			NW		SE		STOCK	
			NW		SE		STOC S	
			SW		SE		STOCK	
							Section Acres	76.0
							Total Acres	76.0

11. Place of use in counties: CASSIA

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

13. Other Water Rights Used:

14. Remarks:

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: 3/27/1987

A. KENNETH DUNN

Decree Plaintiff

vs

KYLE ADAMS

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): _____ Date: _____
_____ Date: _____

State of Idaho)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this _____ day
of _____ 19 _____
Notary Public

Seal

Residing at _____
My Commission Expires _____

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: A45-00545

Date Received:

Receipt No: X999999

Received By: B.V.V.

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: GERALD L. MARCHANT 208-862-3811
Address: ROUTE 1, BASIN
OAKLEY, ID 83346

OR

Name: CELIA S. MARCHANT 208-862-3811
Address: ROUTE 1, BASIN
OAKLEY, ID 83346

2. Date of Priority: DEC 31, 1879

3. Source: MILL CREEK Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
13S	23E	32	SE	SE			CASSIA

5. Description of diverting works:

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	1.010		
STOCKWATER	01/01	12/31	0.070		4.10
STOCKWATER STORAGE	01/01	12/31	0.070		10.00

7. Total Quantity Appropriated is:
1.010 C.F.S. (and/or) 4.10 A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:

A45-00545

Page 1

Date: 06/07/89

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Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
13S	23E	29	NW	SW	STOCK	
			NW	SW	STOCK	
		32	SW	NE	IRR	40.0
			SW	NE	STOCK	
			NW	SE	IRR	36.0
			NW	SE	STOCK	
			NW	SE	STOCK	
			SW	SE	STOCK	
					Section Acres	76.0
					Total Acres	76.0

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

14. Remarks:

Case Number:

Court :

Decree date: 3/27/1987

A. KENNETH DUNN

Decree Plaintiff

KYLE ADAMS

vs

Decree Defendant

MICROFILMED
MAR 07 1993

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: 0

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): Derald J Marchant Date: 7 Jun 89

Date: _____

State of Idaho)
County of Twin Falls) SS.

Subscribed and sworn (or affirmed) before me this 7th day

of June 1989

Robert V. Horstelt
Notary Public

Seal

Residing at Twin Falls, Idaho
My Commission Expires 1/16/1995

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: 45-00545

DATE RECEIVED:

RECEIPT NO:

RECEIVED BY: -----

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. NAME: NELLIE B. BEDKE
ADDRESS:

OAKLEY, ID 83346

2. DATE OF PRIORITY: DEC 31, 1879

3. SOURCE: MILL CREEK TRIB. TO:

4. POINT OF DIVERSION:

TOWNSHIP	RANGE	SECTION	1/4 OF	1/4 OF	1/4	LOT	COUNTY
13S	23E	32		SE	SE		CASSIA

5. DESCRIPTION OF DIVERTING WORKS:

6. WATER IS USED FOR THE FOLLOWING PURPOSES:

PURPOSE	FROM	TO	C.F.S.	(OR)	A.F.A.
IRRIGATION	03/15	11/15	1.010		
STOCKWATER	01/01	12/31	0.070		4.10
STOCKWATER STORAGE	01/01	12/31	0.070		10.00

7. TOTAL QUANTITY APPROPRIATED IS:
1.010 C.F.S. (AND/OR)

4.10 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
13S	23E	29	NW	SW		STOCK	
			NW	SW		STOC S	

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MAR 07 1993

10. PLACE OF USE: CONTINUED

TOWNSHIP	RANGE	SECTION	1/4	OF	1/4	LOT	USE	ACRES
13S	23E	32	SW		NE		IRR	40.0
			SW		NE		STOCK	
			NW		SE		IRR	36.0
			NW		SE		STOCK	
			NW		SE		STOC S	
			SW		SE		STOCK	
							SECTION ACRES	76.0
							TOTAL ACRES	76.0

11. PLACE OF USE IN COUNTIES: CASSIA, CASSIA

12. DO YOU OWN THE PROPERTY LISTED ABOVE AS PLACE OF USE? YES

13. OTHER WATER RIGHTS USED:

14. REMARKS:

15. BASIS OF CLAIM: DECREED
CASE NUMBER:
COURT :
DECREE DATE: 3/27/1987

A. KENNETH DUNN
DECREE PLAINTIFF

KYLE ADAMS
VS DECREE DEFENDANT

MICROFILMED
MAR 07 1993

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): Gerald J Marchant DATE: 7 Jun 89

DATE: _____

FOR ORGANIZATIONS:

I DO SOLEMNLY SWEAR OR AFFIRM THAT I AM _____ OF

TITLE
_____, THAT I HAVE SIGNED THE FOREGOING
ORGANIZATION
DOCUMENT IN THE SPACE BELOW AS _____ OF

TITLE
_____ AND THAT THE STATEMENTS CONTAINED IN THE
ORGANIZATION
FOREGOING DOCUMENT ARE TRUE AND CORRECT.

SIGNATURE OF AUTHORIZED AGENT

TITLE AND ORGANIZATION

DATE

STATE OF IDAHO)
COUNTY OF Twin Falls) SS.

SUBSCRIBED AND SWORN (OR AFFIRMED) BEFORE ME THIS 7th DAY
OF June 1989
Robert V. Whistell
NOTARY PUBLIC

SEAL

RESIDING AT Twin Falls, Idaho

MY COMMISSION EXPIRES 7/16/1995
DATE: 04/20/89 36

45-00545

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MAR 07 1993

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. No. 4500545

ATTACHMENT TO
NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

Please type or print clearly:

Name of Claimant(s) Gerald L or Celia S Marchant

Mailing Address
(include Zip Code)

Rt1 Basin

Oakley Idaho

83346

Phone Number (208) 862-3811

MICROFILMED

MAR 07 1993



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 2148 4th Ave. East, Twin Falls, Idaho 83301 (208) 734-3578

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

. July 3, 1989

. Gerald L. Marchant
. Rt 1, Basin
. Oakley, Idaho 83346

Dear Claimant(s):

Please find enclosed your receipt and a copy of a computer generated claim based on the information from your original claim(s) which has been entered in our computer records.

Please review the computer generated claim for accuracy. In a few instances clarifications may have been added by the Department at the time of data entry. If you have any questions or objections regarding the computer record of your claim(s), please contact this office.

Yours truly,

Judy Givens
Adjudication Secretary

/jg

Enclosures:

A45-02497
A45-02673A
A45-00544 A45-00549A
A45-00545 ✓ A45-00549B
A45-00546 A45-00550
A45-00547 A45-00627
A45-00548A A45-00628
A45-00548B A45-00629
A45-00630
A45-00643

MICROFILMED

MAR 17 1993

06/08/2004

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

RIGHT NUMBER: 45-545

NAME AND ADDRESS: CELIA S MARCHANT
24 E BASIN RD
OAKLEY ID 83346

GERALD L MARCHANT
24 E BASIN RD
OAKLEY ID 83346

SOURCE: MILL CREEK

TRIBUTARY:

QUANTITY: 1.010 CFS
4.100 AFY

PRIORITY DATE: 12/31/1879

POINT OF DIVERSION:

T13S R23E S32 SESE Within CASSIA County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
STOCKWATER	01/01 12/31	0.070 CFS 4.10 AFY
STOCKWATER STORAGE	01/01 12/31	0.070 CFS 10.00 AFY
IRRIGATION	03/15 11/15	1.010 CFS

PLACE OF USE:

STOCKWATER Within CASSIA County

T13S R23E S32	SWNE	T13S R23E S32	NWSE
T13S R23E S32	SWSE		

STOCKWATER STORAGE Within CASSIA County

T13S R23E S32 NWSE

IRRIGATION Within CASSIA County

T13S R23E S32	SWNE	40.0	T13S R23E S32	NWSE	36.0
---------------	------	------	---------------	------	------

76 ACRES TOTAL

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A
COMBINED TOTAL OF 76 ACRES IN A SINGLE IRRIGATION SEASON.
COMBINED RIGHT NOS.: 45-545, 45-546, 45-547, 45-628, 45-2497.

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

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

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.

During times of low flow when the quantity of water is not sufficient to fill all the December 31, 1879 priority rights from the surface and ground waters of Mill Creek, Warm Springs, Spring Creek, Summit Creek, and their tributaries, the practice of delivery by rotation among individual appropriators within groups of water users may occur by agreement of the parties, or according to common practice and usage, provided that no water right user shall be denied the right to receive water on a continuous flow basis by reason of this decree.

Priority of appropriation shall give the better right as among those using the surface and ground waters of Mill Creek, Warm Springs, Spring Creek, Summit Creek, and their tributaries, and rights having the same priority date shall share equally in the available water supply in a manner that will equally apportion all natural channel losses among rights having the same date of priority. For example, if there are seven points of diversion from the natural channel, which have the same 1879 date of priority, and the flow in the stream is equal to one-half of the amount of flow necessary to fully satisfy all of the 1879 priorities at their respective points of diversion, then the diversion rates at each of the seven points of diversion shall be reduced by one-half. A pro rata sharing of the water in the stream shall continue to be enforced among rights of equal 1879 priority until the watermaster shall have determined that water in the stream is inadequate to reach a downstream 1879 point of diversion in a sufficient quantity to be applied to beneficial use. Thereafter, upstream 1879 appropriators who are still able to receive water in a sufficient quantity to be applied to beneficial use shall continue a pro rata sharing of the water in the stream.

EXPLANATORY MATERIAL: Decreed

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 45-545 V1

WATER RIGHT NUMBER: 45-545 V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	CELIA S MARCHANT 24 E BASIN RD OAKLEY, ID 83346 (208)862-3811
Current Owner	GERALD L MARCHANT 24 E BASIN RD OAKLEY, ID 83346 (208)862-3811

Priority Date: 12/31/1879

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
MILL CREEK	

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
STOCKWATER	01/01 to 12/31	0.070 CFS	4.10 AF
STOCKWATER STORAGE	01/01 to 12/31	0.070 CFS	10.00 AF
IRRIGATION	03/15 to 11/15	1.010 CFS	
	<u>Total Diversion:</u>	1.010 CFS	4.10 AF

Location of Point(s) of Diversion

MILL CREEK	SE1/4SE1/4	Sec. 32, Twp 13S, Rge 23E, B.M.
CASSIA County		

Place of Use

STOCKWATER

Twp	Rge	Sec	NE	NW	SW	SE	Totals
13S	23E	32	NE NW SW SE	NE NW SW SE	NE NW SW SE	NE NW SW SE	
			X			X	

STOCKWATER STORAGE

Twp	Rge	Sec	NE	NW	SW	SE	Totals
13S	23E	32	NE NW SW SE	NE NW SW SE	NE NW SW SE	NE NW SW SE	
					X		

IRRIGATION

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 45-545 V1

Twp	Rge	Sec	NE				NW				SW				SE				Totals
13S	23E	32	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
					40.0											36.0			76.0

Total Acres: 76

Conditions of Approval:

1. 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.
2. C21 During times of low flow when the quantity of water is not sufficient to fill all the December 31, 1879 priority rights from the surface and ground waters of Mill Creek, Warm Springs, Spring Creek, Summit Creek, and their tributaries, the practice of delivery by rotation among individual appropriators within groups of water users may occur by agreement of the parties, or according to common practice and usage, provided that no water right user shall be denied the right to receive water on a continuous flow basis by reason of this decree.
3. C22 Priority of appropriation shall give the better right as among those using the surface and ground waters of Mill Creek, Warm Springs, Spring Creek, Summit Creek, and their tributaries, and rights having the same priority date shall share equally in the available water supply in a manner that will equally apportion all natural channel losses among rights having the same date of priority. For example, if there are seven points of diversion from the natural channel, which have the same 1879 date of priority, and the flow in the stream is equal to one-half of the amount of flow necessary to fully satisfy all of the 1879 priorities at their respective points of diversion, then the diversion rates at each of the seven points of diversion shall be reduced by one-half. A pro rata sharing of the water in the stream shall continue to be enforced among rights of equal 1879 priority until the watermaster shall have determined that water in the stream is inadequate to reach a downstream 1879 point of diversion in a sufficient quantity to be applied to beneficial use. Thereafter, upstream 1879 appropriators who are still able to receive water in a sufficient quantity to be applied to beneficial use shall continue a pro rata sharing of the water in the stream.

Remarks:

1. Place of Use USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED
- Irrigation TOTAL OF 76 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.:
45-545, 45-546, 45-547, 45-628, 45-2497.

Comments:

1. jroberts 12/12/2002 Basis of Recommendation

Comment: Recommendation per Basin Creek Decree of 3/27/1987. (76 ac pou of 45-545, -546, -547, -628, & -2497 all overlap) NWSW of Section 29 is claimed, decreed, and recommended for stockwater & stockwater storage but that quarter quarter is actually owned by Trace Bedke, not by claimant.

2. jroberts 6/8/2004 NOE

Comment: Removed usages from the NWSW of Section 29 as not owned by claimant, per NOE.

02/12/2004

NOTICE OF ERROR
REPLY

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: See cover letter

Water right number: 45-545

CELIA S MARCHANT

RT 1 BASIN

OAKLEY ID 83346

Telephone Number: (208)862-3811

GERALD L MARCHANT

RT 1 BASIN

OAKLEY ID 83346

Telephone Number: (208)862-3811

RECEIVED
MAY 27 2004
Department of Water Resources
Southern Region

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):

2. Describe the changes you wish to make in the proposed recommendation:

*remove NW SW of S 29
not owned*

3. Give a brief explanation as to why you disagree with these portions:

 I AGREE with this proposed recommendation: no changes need to be made.

DATE: May 27 04 SIGNATURE: Gerald L Marchant
Please print your name: Gerald L Marchant

IDWR Regional Office, 1341 Fillmore St, Suite 200, Twin Falls, ID 83301, 2087363033

12/12/02

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

RIGHT NUMBER: 45-545

NAME AND ADDRESS: CELIA S MARCHANT
RT 1 BASIN
OAKLEY ID 83346

GERALD L MARCHANT
RT 1 BASIN
OAKLEY ID 83346

SOURCE: MILL CREEK

TRIBUTARY:

QUANTITY: 1.010 CFS
4.100 AFY

PRIORITY DATE: 12/31/1879

POINT OF DIVERSION:

T13S R23E S32 SESE Within CASSIA County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
STOCKWATER	01/01 12/31	0.070 CFS 4.10 AFY
STOCKWATER STORAGE	01/01 12/31	0.070 CFS 10.00 AFY
IRRIGATION	03/15 11/15	1.010 CFS

PLACE OF USE: STOCKWATER Within CASSIA County

T13S R23E S29	NWSW <i>Bedke owns</i>	T13S R23E S32	SWNE
T13S R23E S32	NWSE	T13S R23E S32	SWSE

STOCKWATER STORAGE Within CASSIA County

T13S R23E S29	NWSW <i>Bedke owns</i>	T13S R23E S32	NWSE
---------------	------------------------	---------------	------

IRRIGATION Within CASSIA County

T13S R23E S32	SWNE	40.0	T13S R23E S32	NWSE	36.0
---------------	------	------	---------------	------	------

76 ACRES TOTAL

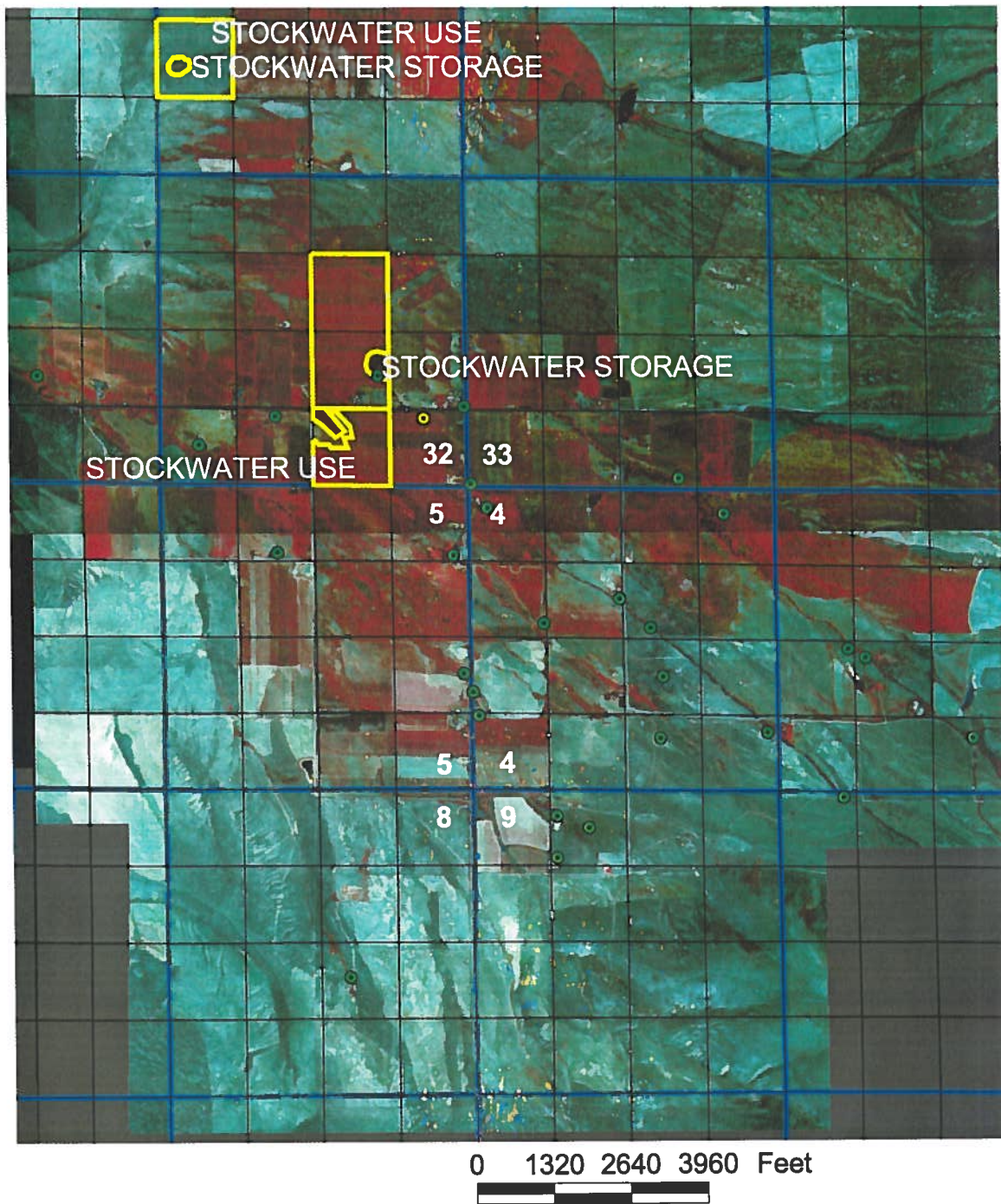
USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A
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COMBINED RIGHT NOS.: 45-545, 45-546, 45-547, 45-628, 45-2497.

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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: Decreed

45-545



RECOMMENDED PLACE OF USE
DATA ENTRY ON DEC. 18, 2002
TWP 13S, RNG 23E, SEC.32



- Point of diversion
- Place of use
- Quarter-quarter lines
- Section lines

Gis Place of Use Presentation
1987/1988 Napp Photography
Prepared by Jeanie Robertson

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 45-545 V1

WATER RIGHT NUMBER: 45-545 V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	CELIA S MARCHANT RT 1 BASIN OAKLEY, ID 83346 (208)862-3811
Current Owner	GERALD L MARCHANT RT 1 BASIN OAKLEY, ID 83346 (208)862-3811

Priority Date: 12/31/1879

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
MILL CREEK	

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
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IRRIGATION	03/15 to 11/15	1.010 CFS	
	<u>Total Diversion:</u>	1.010 CFS	4.10 AF

Location of Point(s) of Diversion

MILL CREEK	SE1/4SE1/4	Sec. 32, Twp 13S, Rge 23E, B.M.
CASSIA County		

Place of Use

STOCKWATER

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
13S	23E	29										X							
13S	23E	32			X											X	X		

STOCKWATER STORAGE

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
13S	23E	29										X							

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 45-545 V1

13S 23E 32					X	
------------	--	--	--	--	---	--

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
13S	23E	32			40.0												36.0		76.0

Total Acres: 76

Conditions of Approval:

1. 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.

Remarks:

1. Place of Use USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED
- Irrigation TOTAL OF 76 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.:
45-545, 45-546, 45-547, 45-628, 45-2497.

Comments:

1. jroberts 12/12/2002 Basis of Recommendation
Comment: Recommendation per Basin Creek Decree of 3/27/1987. (76 ac pou of 45-545, -546, -547, -628, & -2497 all overlap) NWSW of Section 29 is claimed, decreed, and recommended for stockwater & stockwater storage but that quarter quarter is actually owned by Trace Bedke, not by claimant.

Dates and Other Information:

Decreed Date:
 Enlargement Use Priority Date:
 Enlargement Statute Priority Date:
 Defendant:
 Plaintiff:
 Civil Case Number:
 Judicial District:
 Notice of Error Flag:
 State or Federal: S
 Owner Name Connector: OR
 Water District Number: 45A
 Generic Max Rate Per Acre:
 Generic Max Volume Per Acre:
 Swan Falls Trust or Nontrust:
 Swan Falls Dismissed:
 DLE Act Number:
 Carey Act Number:
 Mitigation Plan: False

Element Reviewed/Verified Dates:

Element	Last Reviewed Date	Reviewer	Last Verified Date	Verifier	Status
Priority Date	12/12/2002 9:46:57 AM	jroberts			Active
POD	12/12/2002 9:47:20 AM	jroberts			Active

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Source	12/12/2002 9:55:54 AM	jroberts	Active
POU	12/12/2002 9:56:17 AM	jroberts	Active
Use	12/12/2002 11:35:20 AM	jroberts	Active
Season	12/12/2002 11:40:30 AM	jroberts	Active
Quantity	12/12/2002 11:54:39 AM	jroberts	Active
Summary	12/12/2002	jroberts	Active

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
POU	12/12/2002 10:02:57 AM	jroberts	Edited shape boundary
POU	12/12/2002 10:03:09 AM	jroberts	Edited PLS
POU	12/12/2002 11:24:50 AM	jroberts	Edited shape boundary
POU	12/12/2002 11:24:59 AM	jroberts	Edited PLS
POU	12/12/2002 11:26:15 AM	jroberts	Edited shape boundary
POU	12/12/2002 11:26:26 AM	jroberts	Edited PLS
POU	12/12/2002 11:30:41 AM	jroberts	Edited shape boundary
POU	12/12/2002 11:30:51 AM	jroberts	Edited PLS
POU	12/12/2002 11:34:29 AM	jroberts	Edited shape boundary
POU	12/12/2002 11:34:57 AM	jroberts	Edited PLS
Use	12/12/2002 11:35:21 AM	jroberts	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a Purpose of Use? (Yes) 5. Can the claimed Purpose of Use be verified using the water right file? (No) 13. Is a Purpose of Use remark and/or condition required?
Season	12/12/2002 11:40:31 AM	jroberts	(Yes) 1. Is the basis of claim Decree or License? (Yes) 4. Does the Decree or License have a Period of Use? (Yes) 5. Can the claimed Period of Use be verified using the water right file? (Yes) 14. Is irrigation claimed as a Purpose of Use? (No) 16. Is the Period of Use on the decree, license or transfer shorter on either the start date or end date than allowable under current IDWR standards? (No) 18. Is a Period of Use remark and/or condition required?

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Quantity	12/12/2002 11:54:39 AM	jroberts	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a diversion rate and/or volume? (Yes) 5. Can the claimed diversion rate and/or volume be verified using the water right file? (Yes) 8. Does the parent right have an annual diversion volume limit? (Yes) 10. Is a irrigation a purpose of use? (No) 12. Is a Quantity remark or condition required? Description for Question 10 - Volume determined in decree for stockwater use only.
Summary	12/12/2002 12:12:15 PM	jroberts	(Yes) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice? (No) 2. Does any evidence indicate a five year period of continuous nonuse occurred that could result in recommending forfeiture or partial forfeiture? (Yes) 5. Is an additional remark and/or condition required? (Yes) 6. Would you like to view the recommended right? (No) 7. Is this a split or combined right? (No) 8. Do you have documents you would like to attach or link to the file? (Yes) 9. Would you like to set the verification date?
POU	12/12/2002 12:25:13 PM	jroberts	Edited shape boundary
POU	12/12/2002 12:25:28 PM	jroberts	Edited PLS
POU	12/12/2002 12:28:59 PM	jroberts	Edited shape boundary
POD	12/12/2002 9:49:09 AM	jroberts	Edited point location
POD	12/12/2002 9:55:28 AM	jroberts	Edited point location
Priority Date	12/12/2002 9:46:57 AM	jroberts	(No) 1. Should this water use have been included in a later court decree of the water rights from this source? (Yes) 4. Is the basis of claim decree or license? (Yes) 5. Does the decree or license have a Priority Date? (Yes) 6. Did the Claimant claim the decreed or licensed Priority Date ? (Yes) 15. Is the basis of claim coded correctly? (No) 16. Is a Priority Date remark and/or condition required?
POD	12/12/2002 9:47:20 AM	jroberts	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a POD? (Yes) 5. Can the claimed POD be verified using the water right file? (No) 10. Is a POD remark and/or condition required?
POD	12/12/2002 9:55:36 AM	jroberts	Edited PLS

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Source	12/12/2002 9:55:54 AM	jroberts	(Yes) 1. Is the basis of claim Decree or License? (Yes) 4. Does the Decree or License have a source? (Yes) 5. Can the claimed source be verified using the water right file? (No) 11. Is a Source remark and/or condition required?
POU	12/12/2002 9:56:18 AM	jroberts	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 2a. Is the POU required? (Yes) 5. Does the Decree or License have a POU? (Yes) 6. Can the claimed POU be verified using the water right file? (Yes) 14. Is a POU remark and/or condition required?

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 45-545

WATER RIGHT NUMBER: 45-545

Owner Type Name and Address
 Current Owner NELLIE B BEDKE
 OAKLEY, ID 83346

Priority Date: 12/31/1879

Basis: Decreed

Status: Active

Source Tributary
 MILL CREEK

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	3/15 to 11/15	1.010 CFS	
STOCKWATER STORAGE	1/01 to 12/31	0.070 CFS	10.00 AF
STOCKWATER	1/01 to 12/31	0.070 CFS	4.10 AF
	<u>Total Diversion:</u>	1.010 CFS	4.10 AF

Location of Point(s) of Diversion

MILL CREEK SE1/4SE1/4 Sec. 32, Twp 13S, Rge 23E, B.M.
 CASSIA County

Place of Use

IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
13S 23E 32			40.0												36.0		76.0

Total Acres: 76

STOCKWATER STORAGE

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
13S 23E 29											X						
13S 23E 32															X		

STOCKWATER

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	

*NWSW of Section 29
 (stockwater storage
 & stockwater is
 not owned by
 claimant!
 - owned by Bedke*

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Water Right Report 45-545																				
13S	23E	29	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals	
												X								
13S	23E	32			X													X	X	

Conditions of Approval:Remarks:Comments:Dates and Other Information:

Licensed Date:
 Decreed Date: 3/27/1987
 Water Supply Bank Enrollment Accepted:
 Water Supply Bank Enrollment Removed:
 Enlargement Use Priority Date:
 Enlargement Statute Priority Date:
 State or Federal:
 Owner Name Connector:
 Water District Number: 45A
 Generic Max Rate Per Acre:
 Generic Max Volume Per Acre:
 Decree Defendant:
 Decree Plaintiff:
 Civil Case Number:
 Judicial District:
 Swan Falls Trust or Nontrust:
 Swan Falls Dismissed:
 DLE Act Number:
 Carey Act Number:
 Mitigation Plan: False