

11/13/2006

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

RIGHT NUMBER: 1-10069
NAME AND ADDRESS: MERWYN SEARLE
1394 N 475 E
SHELLEY ID 83274

JOYCE SEARLE
1394 N 475 E
SHELLEY ID 83274

SOURCE: SNAKE RIVER TRIBUTARY: COLUMBIA RIVER
QUANTITY: 2.390 CFS
PRIORITY DATE: 07/10/1889
POINT OF DIVERSION:
T02N R37E S12 NWNENW Within BONNEVILLE County
T04N R37E S35 NENE Within JEFFERSON County

PURPOSE AND
PERIOD OF USE:

	<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
	IRRIGATION	04/01 10/31	2.390 CFS
PLACE OF USE:	<u>IRRIGATION in BINGHAM County</u>		
	T01N R36E S23 SWNE	31.00	T01N R36E S23 SWNW 36.00
	T01N R36E S23 SENW	24.00	T01N R36E S23 NESW 40.00
	T01N R36E S23 NWSW	40.00	T01N R36E S23 SESW 40.00
	T01N R36E S23 NWSE	37.00	T01N R36E S23 SWSE 36.00
	T01N R36E S26 NWNE	38.00	T01N R36E S26 SWNE 40.00
	T01N R36E S26 SENE	4.60	T01N R36E S26 NENW 40.00
	T01N R36E S26 SENW	40.00	T01N R36E S26 NESW 40.00
	T01N R36E S26 SESW	40.00	T01N R36E S26 NESE 18.00
	T01N R36E S26 NWSE	39.00	T01N R36E S26 SWSE 23.00
	T01N R36E S26 SESE	0.40	

607 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 607 acres in a single irrigation season. Combined Right Nos.: 1-10069, 1-10070, 1-10071, 1-10072, and 1-10073.

This right is limited to the irrigation of 90 acres within the place of use described above in a single irrigation season.

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 - Decreed

Right includes accomplished change in point of diversion pursuant to Section 42-1425, Idaho Code.

This right is former right 1-1P.

Water is delivered through Great Western and Porter Canals.

11/13/2006

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:

Water right number: 1-10069

MERWYN SEARLE
1394 N 475 E
SHELLEY ID 83274
Telephone Number: (208)357-3013

JOYCE SEARLE
1394 N 475 E
SHELLEY ID 83274
Telephone Number: (208)357-3013

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:
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: 30 NOV 06 SIGNATURE: Mervyn M Searle

Please print your name: Mervyn M Searle

IDWR Regional Office, 900 N Skyline Dr Ste A, Idaho Falls, ID 83402, 2085257161

KMT
12/04



Idaho Department of Water Resources

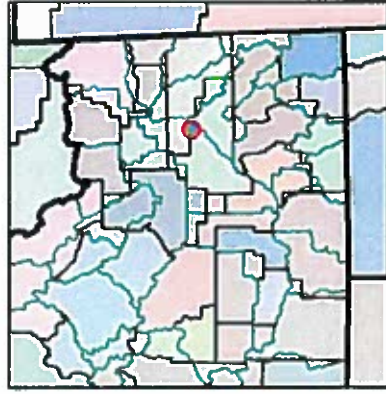
SRBA Recommendation:

1-10069 1-10072
1-10070 1-10073
1-10071

(Irrigation)

Legend

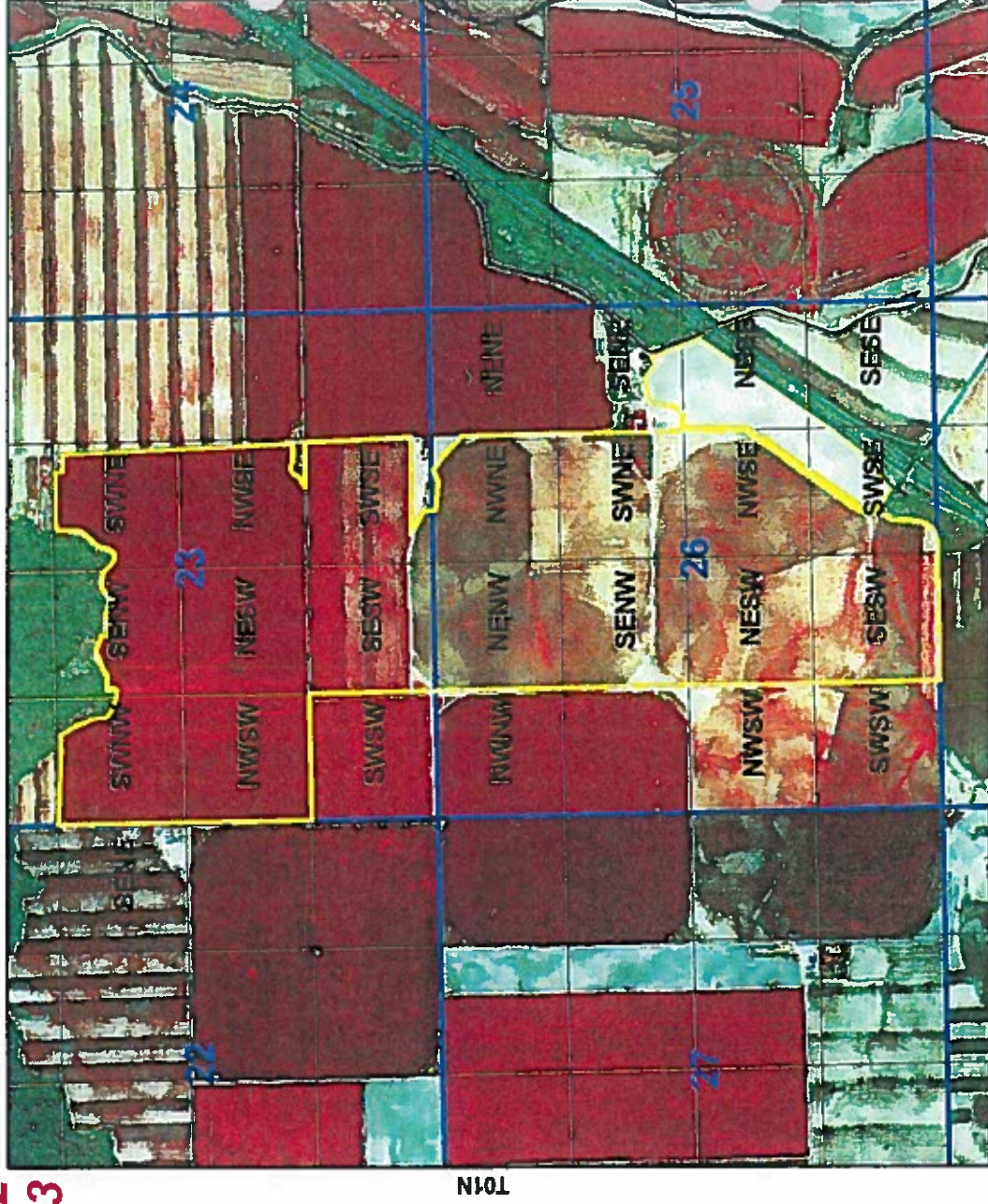
-  Place of Use
-  Townships
-  PLS Sections
-  Quarter Quarters



Bingham County
IDWR Basin 1

Prepared by C. Moore
On Tuesday, November 14, 2006
1987/88 Aerial Photography

R36E



Town

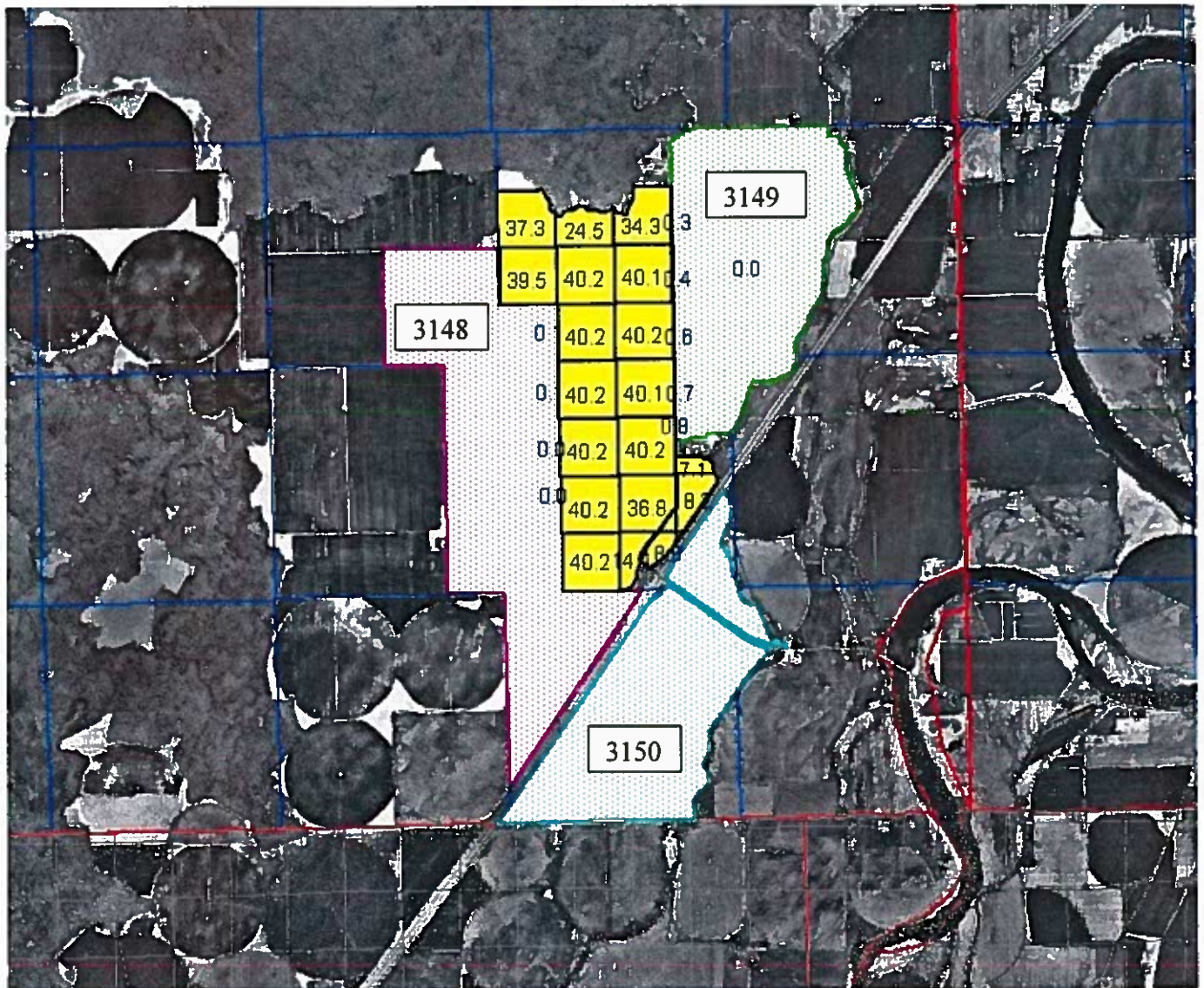
0 0.8 1.6 Miles

Owner: Merwyn Searle

NOTE: Only one owner is listed. There may or may not be more than this in the IDWR database.

Transfer 3147

Merwyn and Joyce Searle



Transfer No. 3147Water Right No. 01-0001, etc.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
To Change the Point of Diversion and/or the Place of Use

APPROVEDName of applicant SEARLE BROS. Phone 357-3013Post Office address C/O Merwyn Searle, Rt. 1 Box 335, Shelley, ID 83274**A. DESCRIPTION OF RIGHT AS RECORDED****1. Right evidenced by:**

- a. Decree No. _____ Decreed to _____ (Name)
in case of _____ vs _____
dated in _____ in _____ county of _____
(Name of court)
- b. ~~Decree No.~~ Transfer 264/01-0001 issued by the Idaho Department of Water Resources
- c. Claim No. _____ on file with the Idaho Department of Water Resources

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant. If the applicant is not the original holder of the water right, explain how it was acquired _____**3. Source of water** Snake River tributary to Columbia River**4. Date of priority** 7-10-1889**5. Water is used for the following purposes:**

amount 8.67cfs for Irrigation purposes from _____ to _____ * Not Listed

amount _____ for _____ purposes from _____ to _____

amount _____ for _____ purposes from _____ to _____
(month/day — both dates inclusive)

6. Total amount of water under right: a. 8.67 cubic feet per second
&/or
b. _____ acre feet per annum

7. Location of original point of diversion is * _____ % of * _____ % of Section *
Township * _____ Range * _____ B.M., in _____ County
Additional points of diversion, if any _____

8. Lands irrigated or place of use:

TWP.	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
1N	36E	23	X		X	X			X	X	X	X	X	X	X	X	X	X	
		24					X	X	X	X	X	X	X	X					
		25						X											
		26	X	X	X	X	X	X	X	X	X	X	X	X		X	X		
		27													X			X	
		35		X	X		X			X	X			X		X	X		

Total number of acres to be irrigated Not Listed

9. Describe any other water rights used for the same purpose as described above Tr. 492/01-0116
01-0068
Tr. 247/01-0136,

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of nonuse? NO If yes, describe in item D, REMARKS.

B. DESCRIPTION OF PORTION OF RIGHT OWNED BY APPLICANT (If the entire right is owned by the applicant, omit part B).

1. Amount of water: a. 9.27 * cubic feet per second
b. _____ &/or _____ acre feet per annum
2. Point of diversion NE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 35 Township 4N
Range 37E, B.M., JEFFERSON County
Additional points NW $\frac{1}{4}$ NW $\frac{1}{4}$, Sect. 12, T. 2N, R. 37E

3. Place of use: SEE ATTACHMENT

TWP.	RANGE	SEC.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTALS
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	

T264/01-0001 2.39 cfs.

Total number of acres to be irrigated _____

T492/01-0116 2.20 cfs. *

C. DESCRIPTION OF RIGHT OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

1. General Information

T398/01-0116
01-0117a. Amount of water to be diverted *9.27 c.f.s. &/or _____ acre feet
01-0118b. Description of diverting works Headworks of Great Western Canal system
and Porter Canal
0.32 cfs.

T247/01-0068c. Describe the reasons for the proposed changes To define which portions of the
01-0136 decreed rights go with specific properties to allow the Searle
Bros. to dissolve their partnership. Merwyn Searle will take
4.13 cfs. over the place of use described in C 3. c.

T399/01-0116
01-0117
01-0118
0.23 cfs g. Change in point of diversion

Point of diversion NE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 35 Township 4N
Range 37E, B.M., Jefferson County
Additional points NW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 12, T. 2N, R. 37E.

3. Change in place of use

- a. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? _____ Yes X No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed change.
- b. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer
The water has been used on this ground for many years. This is
to clarify for us and the Federal Land Bank what rights are
appurtenant to what ground.

MERWANT

LEGAL DESCRIPTION:

Twp 1 North Range 36 E B.M.

Sec 23: $S\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{2}$, $1\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$.

Sec 26: E $\frac{1}{2}$ W $\frac{1}{2}$, $1\frac{1}{2}$ E $\frac{1}{2}$

Sec 26: TH. E $\frac{1}{2}$ E $\frac{1}{2}$ OF S $\frac{1}{2}$ SECTION 26 LYING WEST OF THE
GREAT WESTERN CANAL, EAST OF A NORTH SOUTH COUNTY ROAD,
WEST OF THE FOOT
OF HAY OF I-15 AND SOUTH OF THE FOLLOWING DESCRIBED LINE:
BEGINNING AT A POINT ON THE SOUTH LINE OF THE SECTION LINE 1856.27
FEET, S. $21^{\circ}04'54''$ W. 252.0 FEET AND SOUTH $0^{\circ}44'25''$ E 326.81 FEET,
THENCE SOUTH $68^{\circ}27'12''$ W. 156.49 FEET THENCE S. $88^{\circ}44'03''$ W. 200
FEET MORE OR LESS TO A COUNTY ROAD - BEING THE TRUE FOOT OF BEGINNING
THENCE NORTH $88^{\circ}44'03''$ EAST 300 FEET MORE OR LESS TO
THE GREAT WESTERN CANAL.

4/11/1989

SRBA CLAIMS RECEIVING CHECKLIST #2

CLAIMANT'S NAME

Merwyn Sambo

CLAIM I T. NO.

A01-10069

DATE RECEIVED

6-1-89

CK #

AMOUNT \$

YES

NO

Required Info?

1. Is the name and address complete with zip code? ☒ YES ☐ NO *
2. Is a priority date entered? ☒ YES ☐ NO *
- Is the priority date acceptable in view of mandatory filing dates?
See Adjudication Memos #1 and #4 to determine if a Permit is required. ☒ YES ☐ NO *
3. (a) Is a source entered? ☒ YES ☐ NO *
- (b) Is a tributary to entered? (if required) ☐ YES ☒ NO N/A
4. Is the legal description of the p.d. sufficient? ☒ YES ☐ NO *
5. Is there a description of the diverting works? ☒ YES ☐ NO
6. Are the water uses appropriate for the form? The short form is limited to domestic and stockwater uses with direct diversion. All claims that include storage or instream stockwater must use long form. ☒ YES ☐ NO *
- Is the period of use included? ☒ YES ☐ NO *
- Is a quantity claimed for each use? ☒ YES ☐ NO *
7. Is a total quantity claimed entered? ☒ YES ☐ NO
8. If required is a consumptive use entered? ☐ YES ☒ NO N/A
- Is the consumptive use correct? ☒ YES ☐ NO N/A
9. Are the non-irrigation uses listed properly? If this claim is on the short form, and more than one domestic use is listed, single ownership must be stated. If not under single ownership, see Adjudication Memo # 4. ☒ YES ☐ NO N/A *
10. Is (are) the place(s) of use and purpose(s) indicated? ☒ YES ☐ NO *
11. Is (are) the county(ies) entered? ☒ YES ☐ NO
12. Is the ownership of p.u. checked? ☒ YES ☐ NO
13. Are other water rights listed or "none" indicated? ☒ YES ☐ NO
14. If required, are remarks correct? (If the claimant does not own the place of use, authority for filing the claim must be explained in the remarks.) ☒ YES ☐ NO N/A
15. Is the basis of the claim indicated? ☒ YES ☐ NO
16. If the claimant requested a monthly docket sheet, is payment enclosed? (If yes, describe payment status in "Comments" below.) ☒ YES ☐ NO N/A
17. Is the claim signed by the claimant, and is the signature appropriate? Organizations must complete the organization block. ☒ YES ☐ NO *
18. Has the claim been signed, sealed, and dated by a notary? ☒ YES ☐ NO *
19. Was this claim filed on time, or was an extension granted? ☒ YES ☐ NO *
20. Is the fee enclosed correct? ☒ YES ☐ NO Exempt *
21. If this claim is based on an existing water right, has the identification number been entered? ☒ YES ☐ NO N/A
22. Should this claim be data entered? ☒ YES ☐ NO

Claim checked by: LSJ

Date:

6-12-89

Claim must be returned to claimant:

☐ (Yes) ☐ (No)

Claimant must be notified of modifications:

☐ (Yes) ☐ (No)

Receipt Prepared by:

Claim data entered by: JS

Sent to claimant by:

Date:

Date:

Date:

Checked by:

Date:

Comments:

Ad number - 01-0001B

Telferson & Bendham Co. both listed

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OCT 20 1992

SCANNED

AUG 27 2001

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: A01-10069
Date Received: 6/01/1989
Receipt No: E008641
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: MERWYN SEARLE 208-357-3013
Address: 1394 N 475 E
SHELLEY, ID 83274
OR
Name: JOYCE SEARLE 208-357-3013
Address: 1394 N 475 E
SHELLEY, ID 83274

2. Date of Priority: JUL 10, 1889

3. Source: SNAKE Trib. to: COLUMBIA

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
02N	37E	12	NW	NW			JEFFERSON
04N	37E	35	NE	NE			JEFFERSON

5. Description of diverting works:
HEADWORKS OF GREAT WESTERN CANAL SYS. AND PORTER CANAL

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	01/01	11/01	2.390		

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

8. Total consumptive use is 1821.0 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

A01-10069

Page 1

Date: 07/18/89

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10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
01N	36E	23	SW		NE		IRR	31.0
			SW		NW		IRR	38.0
			SE		NW		IRR	26.0
			NE		SW		IRR	40.0
			NW		SW		IRR	40.0
			SE		SW		IRR	40.0
			NW		SE		IRR	36.0
			SW		SE		IRR	35.0
							Section Acres	286.0
		26	NW		NE		IRR	39.0
			SW		NE		IRR	39.0
			SE		NE		IRR	7.0
			NE		NW		IRR	40.0
			SE		NW		IRR	40.0
			NE		SW		IRR	40.0
			SE		SW		IRR	38.0
			NE		SE		IRR	18.0
			NW		SE		IRR	35.0
			SW		SE		IRR	25.0
							Section Acres	321.0
							Total Acres	607.0

11. Place of use in counties: BINGHAM

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

13. Other Water Rights Used:
T247/01-0068; T398/01-0116; T399/01-0117; T492/01-0118

14. Remarks:
SEE ATTACHMENT INFORMATION GAINED FROM APPLICATION FOR TRANSFER
OF WATER RIGHT

15. Basis of Claim: DECREED
Water Right Number: 0001A
Case Number:
Court :
Decree date:

VS

Decree Defendant

Page

2

Date: 07/18/89

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OCT 20 1992

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: 39574

Ident. Number A01-10069

Date Received 6-1-89

Receipt Number 6008641

21

A0110069



NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of Claimant (s) Merwyn or Joyce Scarle Phone (208) 357-3013

Mailing Address 1394 N 475 E Shelley Idaho Zip 83274

2. Date of Priority (Only one (1) per claim) 7-10-1889

3. Source of water supply (a) Snake River
which is tributary to (b) Columbia River

4. a. Location of existing point of diversion is: Township 4N Range 37E Section 35,
NE 1/4 of NE 1/4 of _____ 1/4, Govt. Lot, _____ B.M., County of Jefferson

Additional points of diversion if any: NW 1/4 NW 1/4, Sec 12, T2N, R37E

b. If instream flow, beginning point of claimed instream flow is:

Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4,

Govt. Lot _____ B.M., County of _____

ending point is: Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____

_____ 1/4, Govt. Lot _____ B.M., County of _____

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well. Headworks of Great
Western Canal System and Porter Canal

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6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For Irrigation purposes from 4/1 to 11/1 amount 2.39 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 2.39 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is 1821 acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) none

10. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				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	NE1/4	NW1/4	SW1/4	SE1/4	
1N	36E	23			31				38	26	40	40		40		36	35		286
		26		39	39	7	40		~~40~~	40	40			38	18	35	25		321

Total number of acres irrigated 607

11. In which county (ies) are lands listed above as place of use located? Bingham

12. Do you own the property listed above as place of use? Yes / No
If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above.
T242/01-0068 T395/01-0116 T399/01-0117 T492/01-0118 or None ()

14. Remarks: see attachment Information gained from
application for Transfer of Water Right

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OCT 20 1992

Last Name Searle Ident No. _____

Copies: White - State, Yellow - Claimant

Scale: 2 inches equals 1 mile

See Attachment

A 16x16 grid of squares. Each square contains a small crosshair pattern consisting of a vertical line, a horizontal line, and two diagonal lines intersecting at the center. The lines are thin and black, and the background of each square is white. The grid is composed of 16 columns and 16 rows of these squares.

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OCT 20 1992

Last Name

Searle

Ident No.

Copies: White-State, Yellow-Claimant

15. Basis of Claim (check one) Beneficial Use _____ Posted Notice _____ License _____ Permit _____
Decree T264/01-0001
If applicable provide IDWR Water Right Number A01-0001 A
Court _____ Case Number _____ Decree Date _____
Plaintiff vs 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 do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant (s) Meredith M. Leatham Date 1 Jun 89
_____ Date _____

For Organizations: I do solemnly swear or affirm that I am _____ Title _____
of _____, that I have signed the foregoing
Organization
document in the space below as _____ of _____
Title Organization
and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent _____

Title and Organization _____ Date _____

State of Idaho/or _____)
County of Benjamin) SS.

Subscribed and sworn (or affirmed) before me this 1st day of June 19 89

SEAL

Notary Public Loise Leatham

Residing at Shells

My Commission Expires 1-27-91

Please Print Name Leatham

17. Notice of Appearance:

Notice is hereby given that I, _____ will be acting as attorney at law on behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature _____

Address _____

Date _____

Last Name _____ Ident. Number _____

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OCT 20 1992

Copies White-State, Yellow-Claimant