

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 63-8702B
Date Received: 12/20/2005
Receipt No: W033690
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

ALAN K MARCHBANKS Phone: (208)884-1375
2788 E GREEN CANYON DR
MERIDIAN ID USA 83642

PEGGY MARCHBANKS Phone: (208)459-7106
25254 WAGNER RD
CALDWELL ID USA 83605

2. Date of Priority: 04/18/1975

3. Source: GROUND WATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
05N	03W	29	NE NW	CANYON	

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	0.76	328.5

7. Total Quantity Appropriated is:
0.76 C.F.S. and/or 328.5 A.F.A.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
05N	03W	29	SW	SW	IRRIGATION	35
			SE	SW	IRRIGATION	38
					Section Acres	73
					Total Acres	73

11. Place of use in counties: CANYON

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

13. Other Water Rights Used:

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: _____

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): *Alan L. Mendenhall* Date: _____
_____ Date: _____

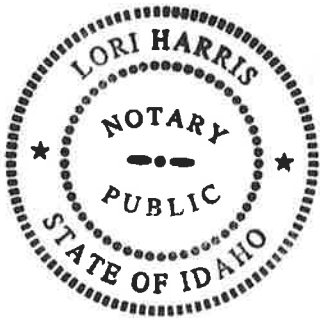
State of Idaho)
County of Ada) SS.

Subscribed and sworn (or affirmed) before me this 20th
of December 2005 Lori Harris

Notary Public

Residing at Boise, Id

My commission Expires 12-8-06



GENERAL POWER OF ATTORNEY

KNOW ALL MEN BY THESE PRESENTS: That PEGGY G. MARCHBANKS, over the age of 18 years, being of sound mind and disposing memory and not influenced by fraud, misrepresentation or undue influence of any person, and of the City of Caldwell, County of Canyon, State of Idaho has made, constituted and appointed, and by these presents does make, constitute and appoint ALAN K. MARCHBANKS of the City of Meridian, County of Ada, State of Idaho true and lawful attorney for and in her name, place and stead, and for her use and benefit, to ask, demand, sue for, recover, collect and receive all such sums of money, debts, dues, accounts, legacies, bequests, interest, dividends, annuities and demands whatsoever, as are now or shall hereafter become due, owing, payable or belonging to and have, use and take all lawful ways and means in her name or otherwise for the recovery thereof, by attachments, arrests, distress or otherwise, and to compromise and agree for the same, and acquittances, or other sufficient discharges for the same, for and in her name, to make, seal and deliver; to bargain, contract, agree for, purchase, receive and take lands, tenements, hereditaments, and accept the seisin and possession of all lands, and all deeds and other assurances in the law therefor, and to lease, let demise, bargain, sell, remise, release, convey, mortgage and hypothecate lands, tenements and hereditaments upon such terms and conditions and under such covenants as he shall think fit. Also, to bargain and agree for, buy, sell, mortgage, hypothecate and in any and every way and manner deal in and with goods, wares and merchandise, choses in action, and other property in possession or in action, and to make, do and transact all and every kind of business of what nature or kind soever, and also to sign, seal, execute, deliver and acknowledge such deeds, leases and assignments of leases, covenants, indentures, agreements, mortgages, hypothecations, bottomries, charter-parties, bills of lading, bills, bonds, notes, receipts, evidences of debt, releases and satisfaction of mortgages, judgments and other debts, and such other instruments in writing of whatever kind and nature as may be necessary or proper in the premises.

Giving and granting unto her said attorney full power and authority to do and perform all and every act and thing whatsoever requisite and necessary to be done in and about the premises, as fully to all intents and purposes as she might or could do if personally present (with full power of substitution or revocation), hereby ratifying and confirming all that he shall lawfully do or cause to be done by virtue of these presents.

This Power of Attorney shall not be affected by disability of the principal.

IN WITNESS WHEREOF, I have hereunto set my hand and seal this 20 day of December, 2001.



 PEGGY G. MARCHBANKS

STATE OF IDAHO)
)
County of Canyon)

SS:

On this 20 day of December, 2001, before me, the undersigned, a Notary Public in and for said State, personally appeared **CLYDE L. MARCHBANKS**, known to me to be the person whose name is subscribed to the within and foregoing instrument and acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year first above written.



Beckyl L. Anderson
NOTARY PUBLIC for Idaho
Residing at Cald Id
Commission Expires 5-21-03

200153841

RECORDED

2001 DEC 21 AM 8 12

OFFICIAL FILES
CANYON COUNTY RECORDER
Beckyl L. Anderson

REQUEST Karen Marchbanks
TYPE Long City FEE 6.00

Philip A. Peterson, ISB #2461
WHITE PETERSON
5700 East Franklin Road, Suite 200
Post Office Box 247
Nampa, Idaho 83653-0247
Telephone: (208) 466-9272/724-6649
Facsimile: (208) 466-4405
E-mail: pap@whitepeterson.com

FILED
A.M. 3:20 P.M.
SEP 01 2005
CANYON COUNTY CLERK
T. CRAWFORD, DEPUTY

Attorneys for Applicant

IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF CANYON
Magistrate Division

In the Matter of the Estate of)

CLYDE LEROY MARCHBANKS,)

Deceased.)

Case No. CV05-8058

LETTERS TESTAMENTARY

(Idaho Code §§ 15-3-602 and 15-3-702)

ALAN K. MARCHBANKS is hereby appointed personal representative of the ESTATE OF CLYDE LEROY MARCHBANKS, deceased, with all authority pertaining thereto. Administration of the estate is unsupervised.

These Letters are issued to evidence the appointment, qualification and authority of the personal representative.

WITNESS: FRANK P KOTIK, Magistrate of the District Court, County of Canyon, State of Idaho, with the seal of the Court affixed this 15th day of Sept, 2005.

FRANK P KOTIK

Magistrate

ACCEPTANCE

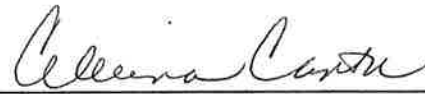
STATE OF IDAHO)
 :SS
County of Canyon)

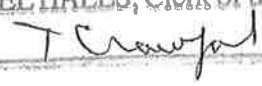
I hereby accept appointment to the office of personal representative of the ESTATE OF CLYDE LEROY MARCHBANKS, deceased, and do solemnly swear that I will perform, according to law, the duties of personal representative of said estate.


Alan K. Marchbanks

SUBSCRIBED AND SWORN TO before me this 30th day of August, 2005.




Notary Public for Idaho
Residing at: Nampa, IDAHO
Commission expires: 10-07-09

A circular seal for the District Court of the County of Canyon, State of Idaho. It features a central emblem with scales of justice and the words "DISTRICT COURT", "COUNTY OF CANYON", and "STATE OF IDAHO".
County of Canyon, Idaho.
I hereby certify that the foregoing instrument is a true and correct copy of the original as the same appears in this office.
DATED 9-1-05
G. NOEL HALES, Clerk of the District Court

Deputy

5N 3W
well

63-8487

No changes to Rt

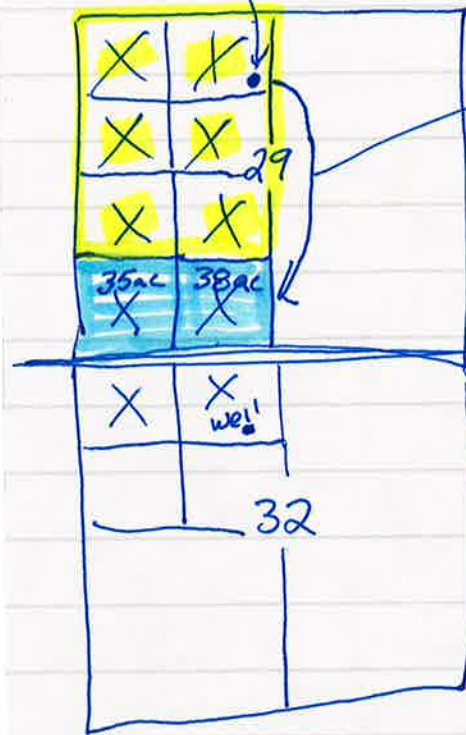
Attach 80± in Sec 29 to
Existing well NENW

That Part of Right
in Sec. 29

63-8702 B
(Marchbanks)

63-8702
(Crosby)

63-8702 A
Crosby
Unchanged Part



07/06/2006

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

RIGHT NUMBER: 63-8702B

NAME AND ADDRESS: ALAN K MARCHBANKS
2788 E GREEN CANYON DR
MERIDIAN ID 83642

PEGGY MARCHBANKS
25254 WAGNER RD
CALDWELL ID 83605

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.760 CFS
328.500 AFY

PRIORITY DATE: 04/18/1975

POINT OF DIVERSION:

T05N R03W S29 NENW Within CANYON County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

03/15 11/15

0.760 CFS
328.50 AFY

The use of water for irrigation under this right may begin as early as March 1, provided other elements of the right are not exceeded. The use of water before March 15 under this remark is subordinate to all water rights having no subordinated early irrigation use and a priority date earlier than the date a partial decree is entered for this right.

PLACE OF USE: IRRIGATION Within CANYON County

T05N R03W S29 SWSW 35.00 T05N R03W S29 SESW 38.00

73 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

Rights 63-8702A, 63-11275 and 63-20388 are also diverted through the point of diversion described above.

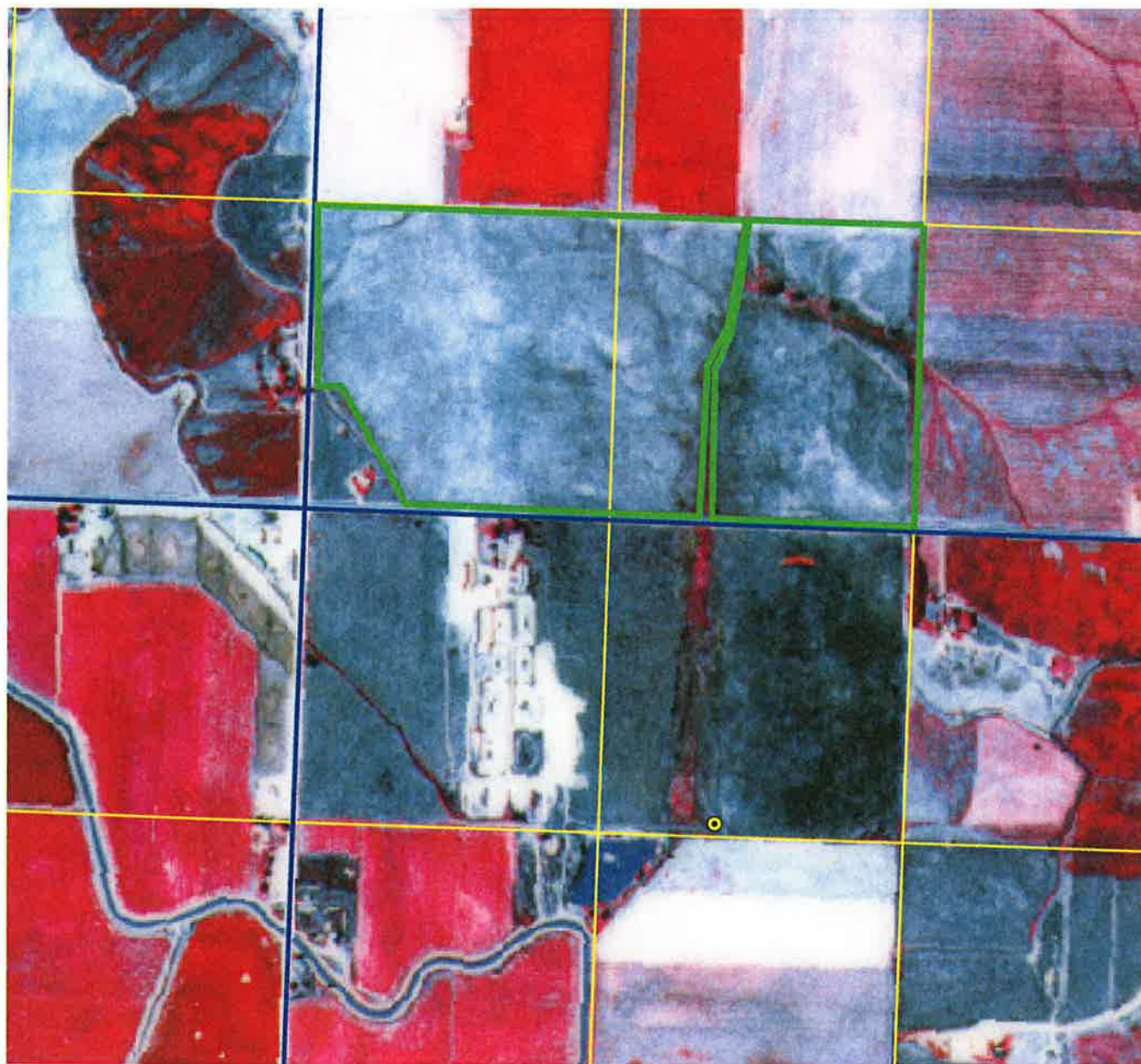
Use of this right is combined with water from Black Canyon Irrigation District.



Idaho Department of Water Resources

63-8702B

05N 03W Section 29



-  POU
-  POD
-  Sections
-  Quarter/Quarter

Total Irrigated
Acres: 73

500 0 500 1000 Feet



IDWR
Prepared by: Lori Graves
Date: 6-12-06
1986-87 Photography

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-8702B V1

WATER RIGHT NUMBER: 63-8702B V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	ALAN K MARCHBANKS 2788 E GREEN CANYON DR MERIDIAN, ID 83642 (208)884-1375
Current Owner	PEGGY MARCHBANKS 25254 WAGNER RD CALDWELL, ID 83605 (208)459-7106

Priority Date: 04/18/1975

Basis: License

Status: Active

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

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	03/15 to 11/15	0.760 CFS	328.50 AF
	<u>Total Diversion:</u>	0.760 CFS	328.50 AF

Location of Point(s) of Diversion

GROUND WATER	NE1/4NW1/4	Sec. 29, Twp 05N, Rge 03W, B.M.
CANYON 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	
05N	03W	29												35.0				38.0	73.0

Total Acres: 73

Conditions of Approval:

1. X36 Rights 63-8702A, 63-11275 and 63-20388 are also diverted through the point of diversion described above.
2. S39 The use of water for irrigation under this right may begin as early as March 1, provided other elements of the right are not exceeded. The use of water before March 15 under this remark is subordinate to all water rights having no subordinated early irrigation use and a priority date earlier than the date a partial decree is entered for this right.
3. 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.
4. W14 Use of this right is combined with water from Black Canyon Irrigation District.

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 63-8702B V1

Remarks:

Comments:

1. Igraves 6/11/2006 P/U
Comment: Shape file reflects FSA photo attached to licensing field exam.
2. Igraves 6/11/2006 Parcel No.
Comment: Irrigation is for Parcel No. R3806700000

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:
Owner Name Connector: OR
Water District Number:
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

Combined Use Limits:

Water Supply Bank:

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-8702B

WATER RIGHT NUMBER: 63-8702B

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	ALAN K MARCHBANKS 2788 E GREEN CANYON DR MERIDIAN, ID 83642 (208)884-1375
Current Owner	PEGGY MARCHBANKS 25254 WAGNER RD CALDWELL, ID 83605 (208)459-7106

Current Owner:
Clyde Marchbanks
← same address

Priority Date: 04/18/1975 ✓
Basis: License ✓
Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER ✓	

correct prorated amts

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	03/15	11/15	0.760 CFS ✓	328.50 AF ✓
	<u>Total Diversion:</u>		0.760 CFS ✓	328.50 AF ✓

Location of Point(s) of Diversion

GROUND WATER	NE1/4NW1/4 ✓	Sec. 29, Twp 05N, Rge 03W, B.M.
CANYON County		

Place of Use

<u>IRRIGATION</u>	<u>NE</u>				<u>NW</u>				<u>SW</u>				<u>SE</u>				
Twp Rge Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
05N 03W 29																	73.0

Total Acres: 73

Conditions of Approval:Remarks:Comments:

Parcel No R3806700000

Dates and Other Information:

Claim Received Date: 12/20/2005
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
State or Federal:
Owner Name Connector: OR
Water District Number:
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

Add: 539 - 3/1 to 11/15
~~004~~ - No Right of Way
(P/D on other's prop)
X36 - shared P/D
W14 - BCID water also
used

Combined Use Limits:

WATER RIGHT LICENSE

THIS IS TO CERTIFY, that HAROLD G. &/or HARRIETT A. CROSBY


Director

FIELD REPORT

2. Source of water supply: Groundwater ☒ Surface water ☐ _____ (name spring, stream, etc.)
Tributary to _____

Other uses: _____

Permit No. 63-8702
Examination for B/A

[illegible]

TOTAL ACREAGE 160

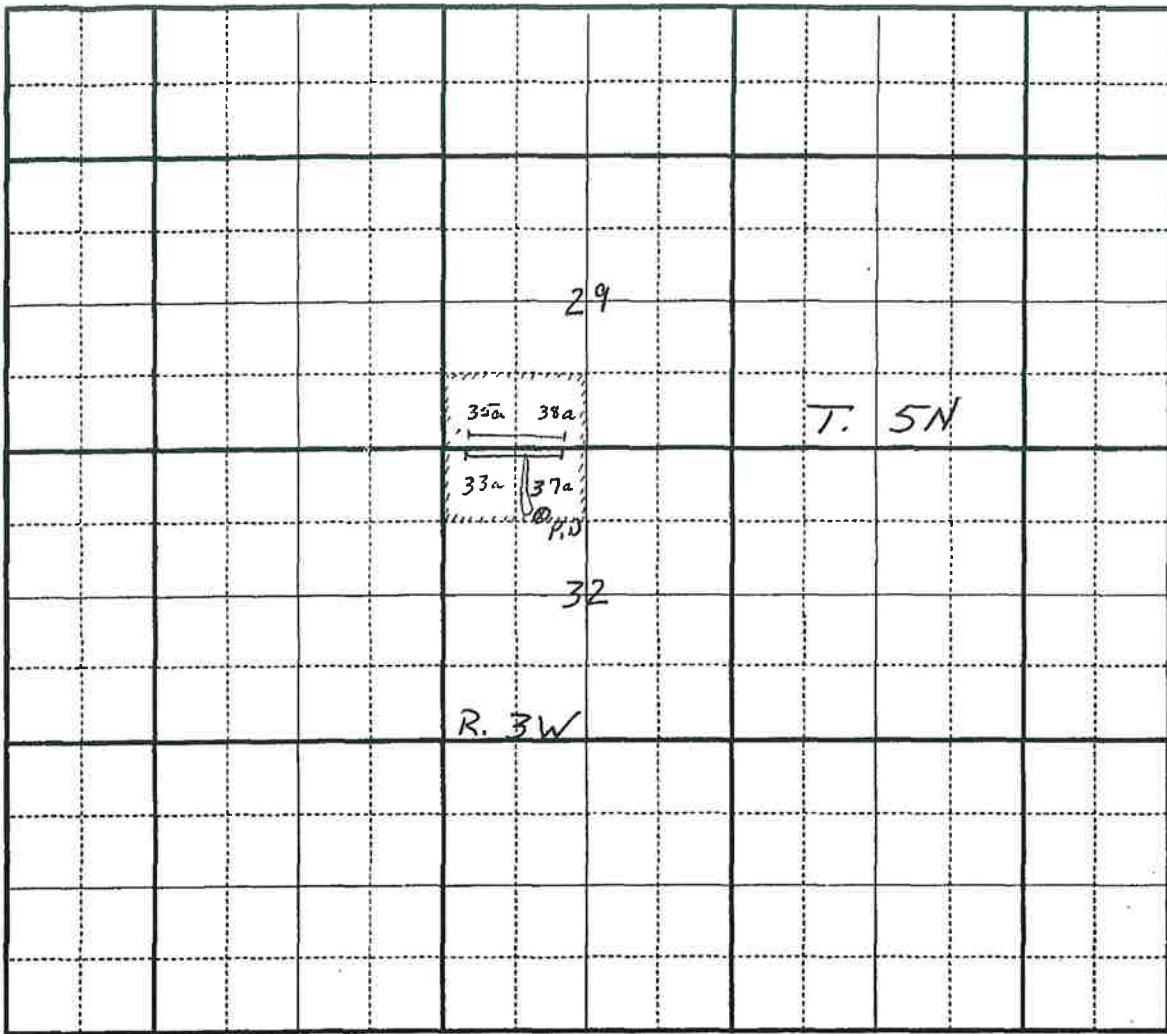
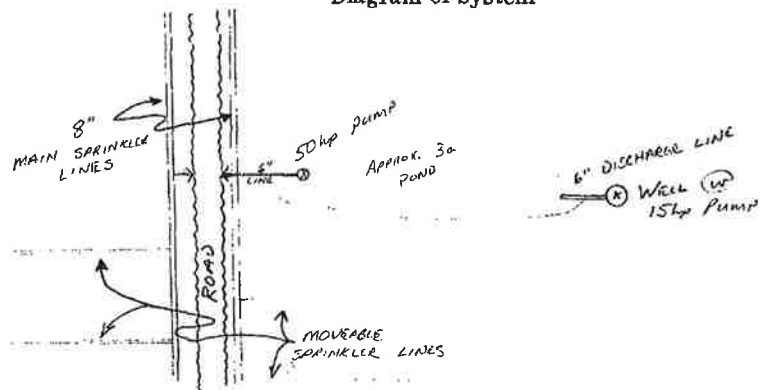


Diagram of System



DATE OF EXAM 11/19/79

ACREAGE
Found 143
Recommended 143

Irrigation Requirement 4.5 Ac Ft/Ac

USE
Irrigation Q = 1.48 c.f.s. V = 643.5 AF/Ann. from 3/15 to 11/15
Domestic Q = _____ c.f.s. V = _____ AF/Ann. from _____ to _____
Livestock Q = _____ c.f.s. V = _____ AF/Ann. from _____ to _____
Dust Control Q = .15 cfs V = 27.32 AF/Ann 3/15 11/15

Is water co-mingled? yes _____ no ☒

Name source: _____
twp. _____ N/S, Rge _____ E/W, B.M., Sec. _____, Sub. _____ 1/4 _____ 1/4 _____
County _____

Exchange? yes _____ no ☒

Name source exchanged with: _____
twp. _____ N/S, Rge _____ E/W, B.M., Sec. _____, Sub. _____ 1/4 _____ 1/4 _____
County _____

Point of Injection: _____
twp. _____ N/S, Rge _____ E/W, B.M., Sec. _____, Sub. _____ 1/4 _____ 1/4 _____
County _____

Point of exchange: _____
twp. _____ N/S, Rge _____ E/W, B.M., Sec. _____, Sub. _____ 1/4 _____ 1/4 _____
County _____

Total Q measured 1.48 cfs Method of measurement ANNULAR, 6" PROBE

Total Q recommended 1.48 cfs Meter No. _____ Type _____ Condition _____

Total V recommended 670.82 AF/Ann.

Recommended Amendments:

P.D. _____
Place of Use _____
Other NATURE OF USE: ADD DUST CONTROL AS USE: .15 cfs @ 27.32 AF/Ann for 3/15 to 11/15
None _____

MEASUREMENT CALCULATION:

Q FOR IRRIG TAKEN FROM ANNULAR CONVERSION TABLE FOR 6.00" PROBE FROM 20" READING.
 $V = 1.48 \text{ cfs} (1.48) (245 \text{ Lm/Lp}) = 717.55 \text{ AF/Ann}$ or $193 \text{ ann} (4.5 \text{ AF/Ac}) = 643.5 \text{ AF/Ann}$ ✓
Q FOR DUST CONTROL FOR 7.5-acre STOCKPENS = .02 cfs/acre = .15 cfs
 $V = .15 \text{ cfs} (1.48) (92 \text{ days/yr}) = 27.32 \text{ AF/Ann}$ ✓
 $V = 7.5 \text{ acres} (4.5 \text{ AF/Ac}) = 33.75 \text{ AF/Ann}$ off for irrigation

SYSTEM DESCRIPTION:

15 hp UNICLOSED MOTOR #R-7082-05-154, 6" DISCHARGE
INTO 3-ACRE POND, 50 hp PUMP, 8" TAPER 6" MAINLINE TO MOVABLE
SPRINKLER LINES.
MODEL 70 RE 7/32, APPROX 85 PSI, 57 Leads at one time

REMARKS:

SUPPLEMENTARY TO RIVER CHANNEL (KENTON) DISTRICT WATERS.
AMENDMENT RECOMMENDED TO CONVERT 7.5 ACRES TO DUST CONTROL FOR STOCK PENS.
LESS WATER WILL BE USED FOR IRRIG USE.

Examiner's Signature Charles W. Byers Jr. Date 11/21/79

Checked by DBS Date 11/21/79

Approved by _____ Date _____

7.5 AF for STOCKPENS, DUST CONTROL

April 20

15 hp. Uniclose motor

U.S. Electric Motors

frame 254TP

Johnston Pump

Discharge $5\frac{3}{4}$ I.D. pipe

Discharge pipe only 6" long to small pond
with pump from pond to sprinkle system.

7/16/79 Will Case L. Howard Annular NIPPEL SET CR



Idaho Dept. of Water Resources Place of Use Comparison Report

Type	WR #	Owner	Source	TRS	NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE	Total
Rec	63 2878	BLACK CANYON IRRIGATION DIST,	ELIJAH DRAIN, WILSON DRAIN	05N03W29	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	0
Rec	63 2322	UNITED STATES OF AMERICA ACTING THROUGH,	ELIJAH SLOUGH, WILSON SLOUGH	05N03W29	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	0
Claim	63 8487	PEGGY MARCHBANKS, CLYDE L MARCHBANKS,	GROUND WATER	05N03W29					38	38	36	38	39	37							226
Claim	63 8702B	ALAN K MARCHBANKS, PEGGY MARCHBANKS,	GROUND WATER	05N03W29											35	38					73
Rec	63 8487	PEGGY MARCHBANKS, CLYDE L MARCHBANKS,	GROUND WATER	05N03W29					38	38	36	38	39	37							226
Rec	63 8702B	ALAN K MARCHBANKS, PEGGY MARCHBANKS,	GROUND WATER	05N03W29											35	38					73
Right	63 23704	A O PETERSON,	GROUND WATER	05N03W29		X															0
Right	63 23704	A O PETERSON,	GROUND WATER	05N03W29		X															0
Right	63 26277	DOUGLAS E BRANDEL,	GROUND WATER	05N03W29																X	0
Right	63 26277	DOUGLAS E BRANDEL,	GROUND WATER	05N03W29																X	0
Right	63 28463	CLYDE L MARCHBANKS, PEGGY MARCHBANKS,	GROUND WATER	05N03W29											X						0
Right	63 28464	PEGGY MARCHBANKS, CLYDE L MARCHBANKS,	GROUND WATER	05N03W29											X						0
Right	63 8487	CLYDE L MARCHBANKS,	GROUND WATER	05N03W29					38	38	36	38	39	37							226

[illegible]

Receipt Details for ID W033690

Status	Adjustment Type	Version
		1

General Information:

Date Received	Date Deposited	Region	Total Amount	Payment Type
12/20/2005 1:30:22 PM	12/20/2005 3:45:56 PM	WESTERN	\$123.00	Check
Payer		MARCHBANKS, PEGGY G.		

Account Information:

Check #	Account #	Credit Card Name	Authorization #
4320			
Card Expiration Date	Credit Card Transaction #		

Comment Adjudication Claim Fee 63-8702B

Fee Detail:

Amount	Description	PCA	Fund	Fund Detail	Subsidiary	Object
\$123.00	ADJUDICATION FILING FEE	42503	0337			1155

Refund(s):

Amount	Payee	Date	Document Number
--------	-------	------	-----------------

Water Right Information:

Basin Number	Sequence Number	Split Suffix	Amount	Type
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Print Report

REAL PROPERTY INQUIRY

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+++++
01 6R38067-000- -0 082-00 SCH135+ 01 48,800 72.73
+++++
05 100 2.44
MARCHBANKS, CLYDE L + 19 2.28
& MARCHBANKS, PEGGY G +
+
+
+
25254 WAGNER RD +
CALDWELL ID 83607 +
+++++
29-5N-3W SW + TOTAL 48,900 77.45
S 1/2 SW LS TX 96337 & TX 96338 +++++
+ SURVEY INST 9013046
+ DRAIN DR VALUE APPR DYW
+ CLASS REAP 04 MAN UNIT 0
PURPLE SAGE RD, CA + PARCEL 6R05N03W296001 H/O N C/B N
+ PRIOR ACCOUNT 5R38067-000- -0
SEE R38068 + 02 MH on Property NO
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