

09/14/2004

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

RIGHT NUMBER: 25-79C
NAME AND ADDRESS: JOHN DEMARCO
109 E 400 N
CENTERVILLE UT 84014

MARTHA DEMARCO
109 E 400 N
CENTERVILLE UT 84014

SOURCE: WILLOW CREEK TRIBUTARY: SNAKE RIVER
QUANTITY: 0.260 CFS
45.500 AFY
PRIORITY DATE: 04/01/1881
POINT OF DIVERSION:

T03N R39E S15 NWSWSW Within BONNEVILLE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/31	0.260 CFS 45.50 AFY

PLACE OF USE: IRRIGATION Within BONNEVILLE County

T03N R39E S17	SWSE	6.6	T03N R39E S17	SESE	6.4
---------------	------	-----	---------------	------	-----

13 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: Decreed

Water is delivered through the Roy Avery Canal.

This right is a split from former right 25-79A.

Water Right 25-79C

PROFILED

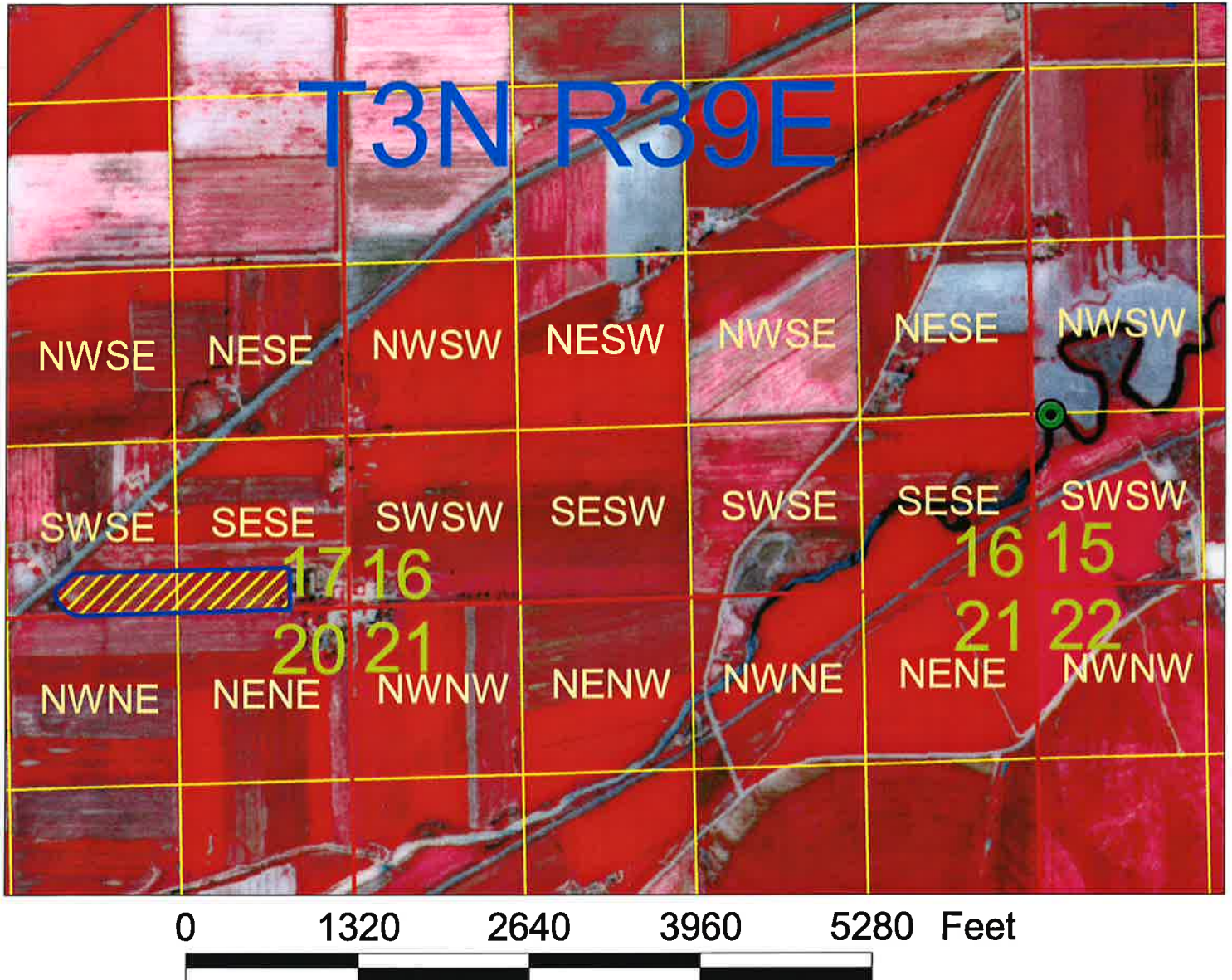
SCANNED

SEP 17 2004



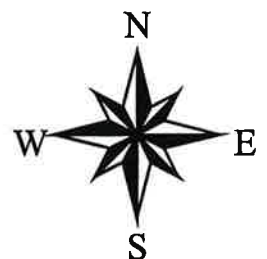
Department of Water Resources

Claim No.: 25-00079C



- Place of Use
- Point of diversion
- Sections
- QQ

PROFILED



GIS Place of Use Illustration
1987/88 NAPP Photography
Prepared by M. Holliday
Date: September 2004

August 18, 2003

John and Martha DeMarco
109 E 400 N
Centerville, UT 84014

Re: Water Right Adjudication Claim(s) A25-00079C

Dear Water User:

Idaho Department of Water Resources (IDWR) is reviewing claims to water rights in the Snake River Basin Adjudication in your area. Water Resources Field Services has been retained to do field inspections to aid the Department in making correct recommendations to the court. In the next weeks and months I will be contacting you to make an appointment to look at your diversion works and uses of water.

The main purpose of this visit is to locate and photograph the headgate(s), ditches, and irrigated lands. If there is a local person whom I may contact, please forward this letter to them and let me know how to reach them.

I look forward to helping make sure your water right recommendation is correct. Please contact me if there is a particular time that would be convenient for you. You may call in the evenings, or leave a message on the answering machine.

Sincerely,

Bryce A. Contor

PROFILED
SCANNED

SEP 17 2004

09/14/2004

RECEIVED

SEP 28 2004

DEPARTMENT OF
WATER RESOURCES

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: 25-79C

JOHN DEMARCO
109 E 400 N
CENTERVILLE UT 84014
Telephone Number: (801)295-8302

MARTHA DEMARCO
109 E 400 N
CENTERVILLE UT 84014
Telephone Number: (801)295-8302

RECEIVED

OCT 04 2004

Department of Water Resources
Eastern 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:

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: Sept 24, 2004

SIGNATURE: John Demarco

Please print your name: John DeMarco

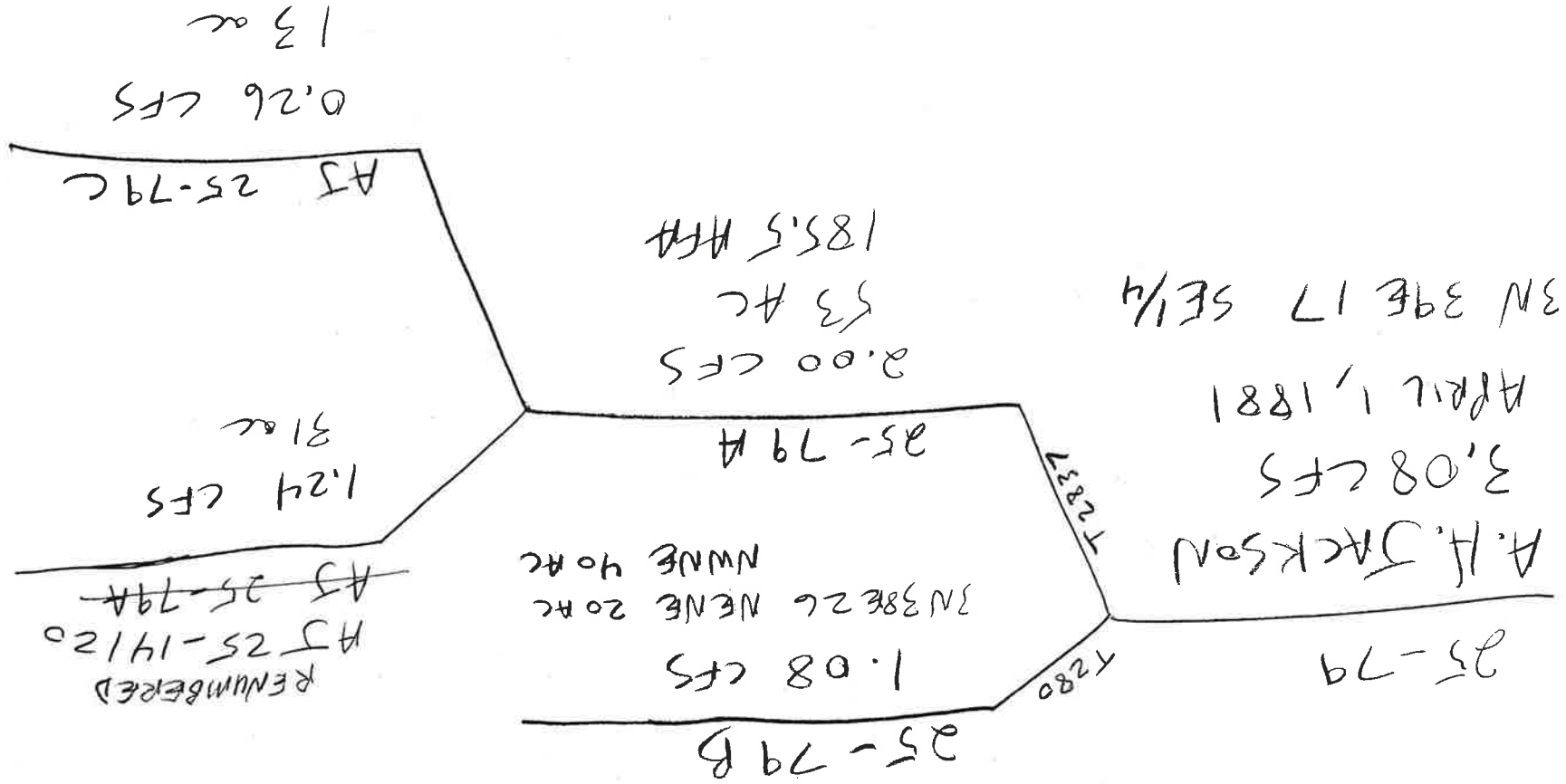
IDWR Regional Office, 900 N Skyline Dr Ste A, Idaho Falls, ID 83402, 2085257161

SCANNED
SEP 28 2004

CHICKS

SCANNED

SEP 17 2004



A25-00079A / A25-00079C Summary 10/1/03

- Ownership: Correct

- Parc: Layouts are correct per tenant Bryan Cook. Our photo.

- POO: See attached copy of Map. 3N39E 15, appears to be NE NE but may be NW NE. GPS 672,524 E 278,463 N
Waypoint 794. Our photo.

- Overlap: A25-00079A (Gladys Miller) has Farmers' Field shares.

A25-00079C apparently has no overlap. Neither Mr. Cook nor Mr. DeMarco were certain, but neither have ever paid any Canal assessments so it is likely no shares are owned.

A25-00079C
for POO overlap
10/1/03 JBC

Please see file
A25-00079A for field notes & map of POO

Joyce A. Carter

Water Resources
Field Services
208 663 4667

SCANNED

SEP 17 2004

PROTECTED

Call from John DeMarco - tenant is 9/6/03

Bryon Cook

208-529-2190

801-295-8302 Mr. DeMarco's #

9/23/03 9:00 529-2190 Msg on Machine.
9/24/03 19:45 529-2190 msg on ~~machine~~ w/child.
9/29/03 8:10 529-2190 8:00 AM Tuesday

Rink hiway - 80th East -
South 10542 80th East -
2 homes, newer brick home.

9/30/03 Mr. Cook - Miller's has Farmers Friend. DeMarco's
may be only Willow Creek -
Steve Campbell has adjoining lands, may
know more about water -

9/30/03 Mrs. DeMarco - doesn't know if Farmers Friend
water or not, will ask Mr. DeMarco
to call.

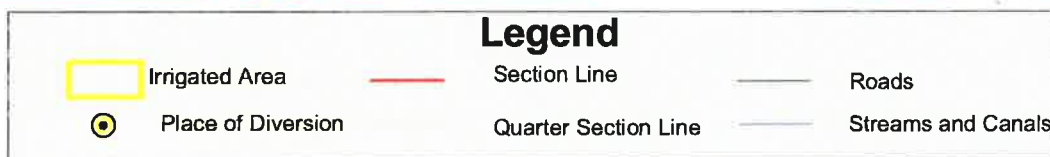
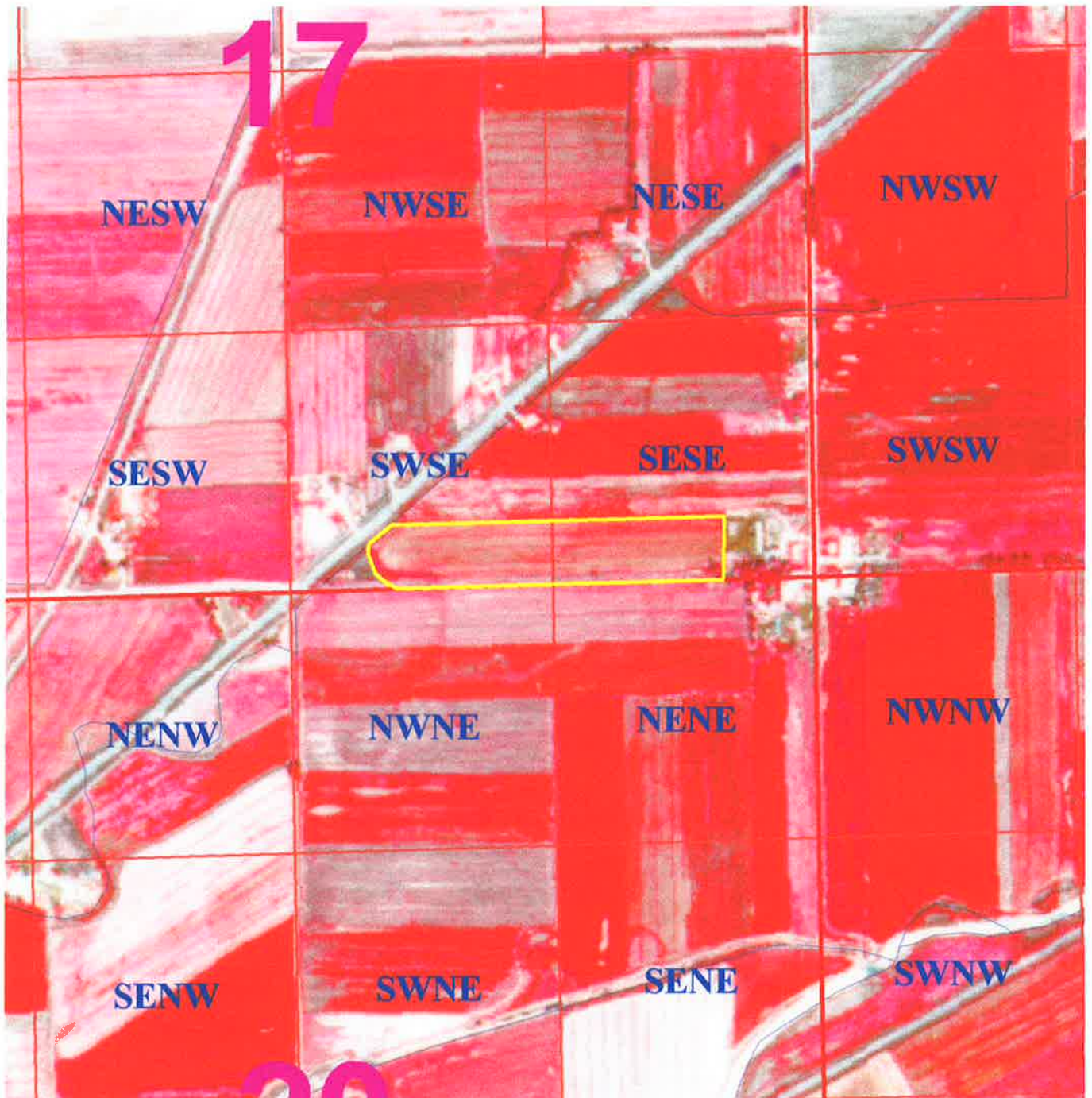
SEP 17 2004

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9/30/03 13:05 Mr. DeMarco called - doesn't think he
has other water besides Willow Creek -
never pays any canal w. assessments.

Water Right Claim Number 25-00079C
Township , 3N39E

11/27/2000

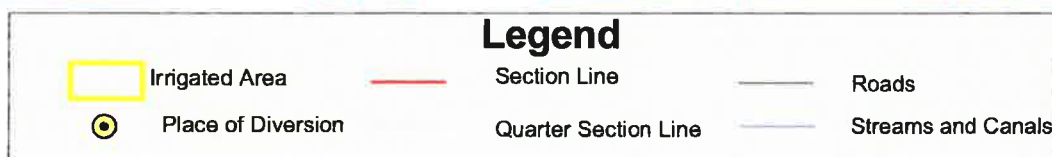
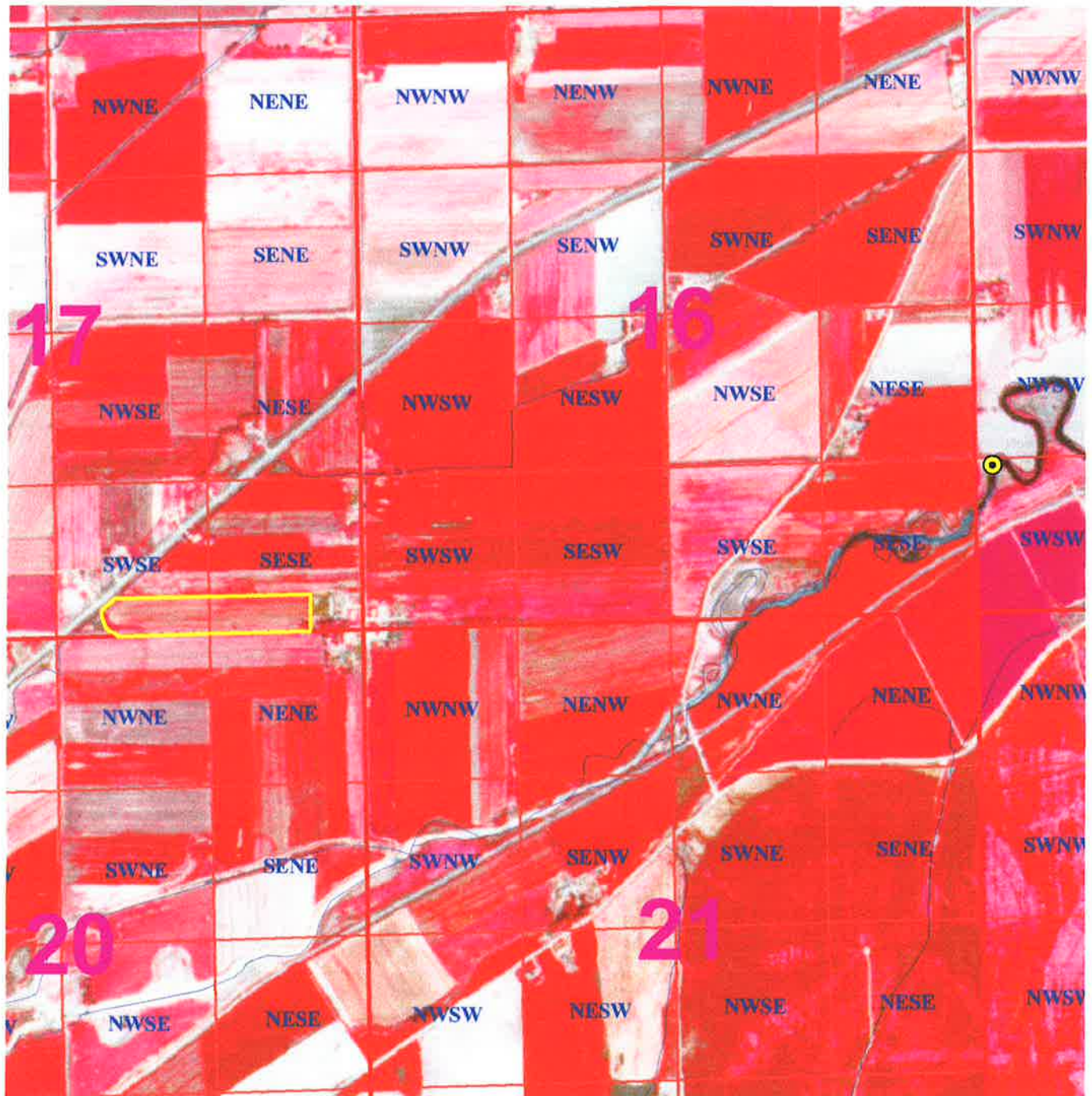


SPATIAL DYNAMICS



Water Right Claim Number 25-00079C
Township , 3N39E

11/27/2000



SPATIAL
DYNAMICS



DATE: 10/24/00
PAGE: 25

Audit: 10/26/89 OLENICHA 02/12/91 THOMPSON 03/29/95 POST-STD

4/11/1989

SRBA CLAIMS RECEIVING CHECKLIST #2

CLAIMANT'S NAME DEMARCOCLAIM IDENT. NO. A25-00079CDATE RECEIVED 10/05/89

UN # _____

AMOUNT \$ _____

YES

NO

Required Info?

1. Is the name and address complete with zip code? ☒ X
2. Is a priority date entered? ☒ X
Is the priority date acceptable in view of mandatory filing dates? ☒ X
See Adjudication Memos #1 and #4 to determine if a Permit is required. ☒ X
3. (a) Is a source entered? ☒ X
- (b) Is a tributary to entered? (if required) ☒ X N/A
4. Is the legal description of the p.d. sufficient? ☒ X
5. Is there a description of the diverting works? ☒ X
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. ☒ X
Is the period of use included? ☒ X
Is a quantity claimed for each use? ☒ X
7. Is a total quantity claimed entered? ☒ X
8. If required is a consumptive use entered? ☒ X N/A
- Is the consumptive use correct? ☒ X 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. ☒ X N/A
10. Is (are) the place(s) of use and purpose(s) indicated? ☒ X
11. Is (are) the county(ies) entered? ☒ X
12. Is the ownership of p.u. checked? ☒ X
13. Are other water rights listed or "none" indicated? ☒ X
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.) ☒ X N/A
15. Is the basis of the claim indicated? ☒ X
16. If the claimant requested a monthly docket sheet, is payment enclosed? (If yes, describe payment status in "Comments" below.) ☒ X N/A
17. Is the claim signed by the claimant, and is the signature appropriate? Organizations must complete the organization block. ☒ X
18. Has the claim been signed, sealed, and dated by a notary? ☒ X
19. Was this claim filed on time, or was an extension granted? ☒ X
20. Is the fee enclosed correct? ☒ X Exempt
21. If this claim is based on an existing water right, has the identification number been entered? ☒ X N/A
22. Should this claim be data entered? ☒ X

Claim checked by: TODate: 10/17/89Claim must be returned to claimant: ☒ (Yes) ☒ (No)Claimant must be notified of modifications: ☒ (Yes) ☒ (No)

Receipt Prepared by: _____

Claim data entered by: _____

Sent to claimant by: _____

Date: _____

Date: _____

Date: _____

Checked by: _____

Date: _____

Comments: ② PERIOD OF USE EXCEEDS GUIDELINES, ⑦ CODE⑩ CODE 6.5 ACRES IN SE 1/4 SE 1/4 AND 6.5 ACRES IN SW 1/4 SE 1/4 (FROM ATTACHED MAP), OK/EC 10-31-90MICROFILMED
NOV 06 1992



State of Idaho

DEPARTMENT OF WATER RESOURCES

150 Shoup Ave., Suite 15, Idaho Falls, Idaho 83402 - (208) 525-7161

EASTERN REGION

CECIL D. ANDRUS
GOVERNOR
R. KEITH HIGGINSON
DIRECTOR

Date: September 12, 1989

John and Martha DeMarco
109 E. 400 N.
Centerville, UT 84014

RE: Water Right Claim Returned

Dear Mr. and Mrs. DeMarco:

The Idaho Department of Water Resources (IDWR) is returning your money order #841161 (\$50.00) and Notice of Claim to a Water Right because of insufficient information and/or fees. All items on the claim form must be correctly completed and fees submitted before the IDWR can process the claim.

Please correct the items identified below and return the forms to the IDWR within 30 days of the date of this letter. Failure to return the corrected claim within the 30-day period may result in an assessment of an additional \$50.00 late-fee.

- Insufficient Fee: The filing fee for an irrigation Notice of Claim is \$50.00 plus \$1.00 per irrigated acre. The total fee for your 12.96-acre claim is \$63.00.
- It appears from the IDWR records you may have a portion of decreed right 25-00079A. If this is the case, Items #2, #3, #4, and #15 should be corrected to agree with the previously documented information (see enclosed water rights proof reading report). Note: The point of diversion in Item #4a is where the ditch takes water from the stream instead of where the ditch crosses your property. Item #4b should only be completed if you are claiming diversion of water for cattle or other purposes which utilize water directly in the stream channel.

I have enclosed a blank Notice of Claim for you to complete if necessary. If you have any questions, please call Tony Olenichak, Water Rights Agent, at (208)-525-7161.

Sincerely,

Tony Olenichak
for Ernest Carlsen

Ernest Carlsen
Adjudication Supervisor

MICROFILMED

NOV 06 1992

BONNEVILLE COUNTY
CLERK

769267

89 JUN 23 AM 11:05

WARRANTY DEED

FOR VALUE RECEIVED W. A. MILLER and GLADYS M. MILLER, husband and wife,

the grantors, do hereby grant, bargain, sell and convey unto

JOHN DeMARCO and MARTHA DeMARCO, husband and wife,

whose current address is 109 East 400 North, Centerville, Utah 84014

the grantees, the following described premises, in Bonneville County, Idaho,

to-wit: A parcel of land situated in Bonneville County, State of Idaho, Township 3 North, Range 39 E.B.M., Section 17; more particularly described as follows: Beginning at the Southeast corner of Section 17, T3N, R39 E.B.M.; thence West for a distance of 460.60 feet to the True Point of Beginning; thence S89°34'40"W for a distance of 2026.95 feet; thence N50°20'32"E for a distance of 495.23 feet; thence S89°57'07"E for a distance of 1645.85 feet; thence South for a distance of 300.00 feet to the True Point of Beginning, containing 12.96 acres more or less. (TOGETHER with all tenements, hereditaments and appurtenances, ditch and water rights, to and including but not limited to one inch per acre of Willow Creek water.)

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee s, their heirs and assigns forever. And the said Grantors do hereby covenant to and with the said Grantee s, that they are the owners in fee simple of said premises; that they are free from all encumbrances and that they will warrant and defend the same from all lawful claims whatsoever.

Dated: March 6, 1978

W. A. MillerGladys M. Miller

STATE OF IDAHO, COUNTY OF JEFFERSON

On this 6th day of March, 1978, before me, a notary public in and for said state, personally appeared W. A. MILLER and GLADYS M. MILLER, husband and wife,

known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they have executed the same.

INSTRUMENT NO. 76-9267INST. CODE 6-33-88FICHE NO. 5809-78FEE 3.00STATE OF IDAHO)
COUNTY OF BONNEVILLE) ss

I hereby certify that the within instrument was recorded.

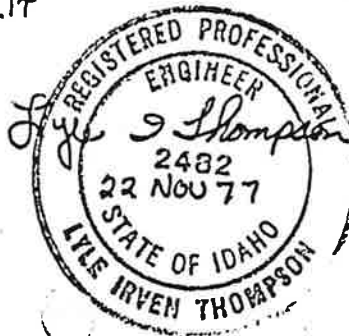
Ronald Longmore,
County Recorder.By John A. Miller DeputyRequest of John A. Miller

Notary Public
Residing at Rigby
My commission expires: 8-31-78

MICROFILMED
NOV 06 1992



THOMPSON ENGINEERING INC.
CONSULTING ENGINEERING
RIGBY, IDAHO



NOV 06 1992

SCANNED

JUL 25 1989

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: A25-00079C

Date Received: 10/05/1989

Receipt No: E010968 *ok Nn W*

Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: JOHN DEMARCO 801-295-8302
Address: 109 E. 400 N.
CENTERVILLE, UT 84014

AND

Name: MARTHA DEMARCO 801-295-8302
Address: 109 E. 400 N.
CENTERVILLE, UT 84014

2. Date of Priority: APR 01, 1881

3. Source: WILLOW CREEK Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
03N	39E	15	SW	SW			BONNEVILLE

5. Description of diverting works:
HEADGATE/DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.260		

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

8. Total consumptive use is 39.0 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

A2500079C



A25-00079C

Page 1

Date: 10/26/89

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NOV 06 1992

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
03N	39E	17	SW	SE		IRR	6.5
			SE	SE		IRR	6.5

Section Acres 13.0

Total Acres 13.0

11. Place of use in counties: BONNEVILLE

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

13. Other Water Rights Used:
NONE

14. Remarks:

THIS CLAIM IS BASED ON A PORTION OF DECREED RIGHT 25-0079A.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date:

Decree Plaintiff

vs

Decree Defendant

NO LATE FEE IF RECEIVED

BY 10/12/89 2.0.IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLSIN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number A25-00079CDate Received 10/5/89Receipt Number E010968NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

RECEIVED

OCT 5 1989

Department of Water Resources
Eastern District Office

Please type or print clearly

1. Name of Claimant (s) John AND MARTHA DeMARCO Phone (801) 295-8302Mailing Address 109 EAST 400 NORTH, CENTERVILLE, UTAH Zip 840142. Date of Priority (Only one (1) per claim) 04/01/18813. Source of water supply (a) Willow Creek
which is tributary to (b) SNAKE RIVER4. a. Location of existing point of diversion is: Township 03N Range 39E Section 15, TRACT
SW, SW
_____ 1/4 of _____ 1/4 of _____ 1/4, Govt. Lot, _____ B.M., County of Bonneville

Additional points of diversion if any: _____

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. DITCH VIA Willow Creek

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NOV 06 1992

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For IRRIGATION purposes from 3-15 to 11-15 amount 0.26 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) _____ (cfs) and/or (b) 39 Acre FT/Acre/Season (acre feet)

8. Total consumptive use claimed is 39 Acre FT/Acre/Season acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) _____

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	
<u>T3N</u>	<u>R39E</u>	<u>17</u>	<u>(Refer to Attachment 2)</u>																<u>12.96</u>

Total number of acres irrigated 12.96

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

12. Do you own the property listed above as place of use? Yes X 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. _____ or None (X)

14. Remarks: Deeded water Right bought from W.A. Miller, Route 1, Box 249
Idaho Falls, Idaho (83401). Copy of WARRANTY Deed (Attachment 1,
As well as plot map Attachment 2).

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Last Name DeMarco Ident No. 39576

Copies: White -State, Yellow-Claimant

Scale: 2 inches equals 1 mile

A 16x16 grid of squares. Each square contains a crosshair pattern formed by two dashed lines intersecting at the center. The lines are oriented horizontally and vertically, creating a central point where they meet. The grid is composed of 16 columns and 16 rows of these squares.

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Copies: White-State, Yellow-Claimant

15. Basis of Claim (check one) Beneficial Use _____ Posted Notice _____ License _____ Permit _____

Decree ☒

If applicable provide IDWR Water Right Number 25-00079A

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 2

For Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant (s) John DeMarco Date 2 Oct 89

Martha DeMarco Date 10-2-89

For Organizations: I do solemnly swear or affirm that I am _____

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 Utah)
County of Salt Lake) SS.

Subscribed and sworn (or affirmed) before me this 3 day of October 19 89

SEAL

Notary Public Sandra Underwood

Residing at Salt Lake County

My Commission Expires 2-22-92

Please Print Name

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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Copies White-State, Yellow-Claimant