

06/04/2003

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

RIGHT NUMBER: 29-327  
NAME AND ADDRESS: DANA M MARLER  
24544 S MARSH VALLEY RD  
DOWNEY ID 83234  
RAYMOND E MARLER  
24544 S MARSH VALLEY RD  
DOWNEY ID 83234  
JODY L GARDNER  
24286 S MARSH VALLEY RD  
DOWNEY ID 83234  
RICHARD D GARDNER  
24286 S MARSH VALLEY RD  
DOWNEY ID 83234

SOURCE: BIRCH CREEK TRIBUTARY: MARSH CREEK

QUANTITY: 2.540 CFS

The amount of water diverted under this water right may not exceed 2/24 of the stream flow of Birch Creek at the point of diversion described below at any given time. This water right shall not provide more than .02 cubic feet per second per acre at any time.

PRIORITY DATE: 10/10/1878

POINT OF DIVERSION:

T12S R36E S23 SESENE Rediversion Within BANNOCK County  
T12S R36E S27 SENWSW Within BANNOCK County  
T12S R36E S27 SENWSW Within BANNOCK County  
T12S R36E S27 SENWSW Injection Within BANNOCK County  
T12S R36E S27 SENWSW Injection Within BANNOCK County

PURPOSE AND  
PERIOD OF USE:

| <u>PURPOSE OF USE</u> | <u>PERIOD OF USE</u> | <u>QUANTITY</u> |
|-----------------------|----------------------|-----------------|
| IRRIGATION            | 04/01 10/31          | 2.540 CFS       |

PLACE OF USE: IRRIGATION Within BANNOCK County

|               |      |      |                          |           |
|---------------|------|------|--------------------------|-----------|
| T12S R36E S01 | SWNE | 19.0 | T12S R36E S01 Lot 3 NENW | 23.0      |
| T12S R36E S01 | SENE | 25.0 | T12S R36E S01            | NESW 11.0 |
| T12S R36E S01 | SESW | 16.0 | T12S R36E S01            | NWSE 19.0 |
| T12S R36E S01 | SWSE | 15.0 |                          |           |

128 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

06/04/2003

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

---

RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION  
PURSUANT TO SECTION 42-1425, IDAHO CODE.

RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT  
TO SECTION 42-1425, IDAHO CODE.

01/10/2003

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

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T12S R36E S23 SESENE Rediversion Within BANNOCK County  
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T12S R36E S27 SENWSW Within BANNOCK County

PURPOSE AND  
PERIOD OF USE:

| <u>PURPOSE OF USE</u> | <u>PERIOD OF USE</u> | <u>QUANTITY</u> |
|-----------------------|----------------------|-----------------|
| IRRIGATION            | 04/01 10/31          | 2.540 CFS       |

PLACE OF USE: IRRIGATION Within BANNOCK County

|               |      |      |                          |           |
|---------------|------|------|--------------------------|-----------|
| T12S R36E S01 | SWNE | 19.0 | T12S R36E S01 Lot 3 NENW | 23.0      |
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| T12S R36E S01 | SESW | 16.0 | T12S R36E S01            | NWSE 19.0 |
| T12S R36E S01 | SWSE | 15.0 |                          |           |

128 ACRES TOTAL

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

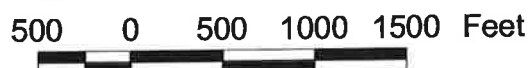
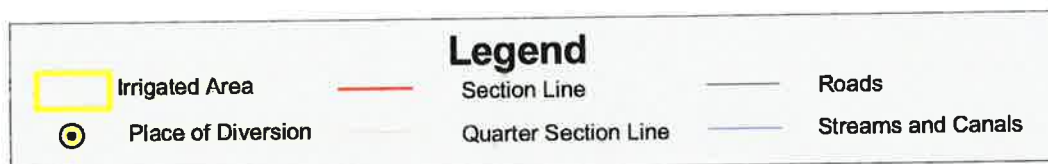
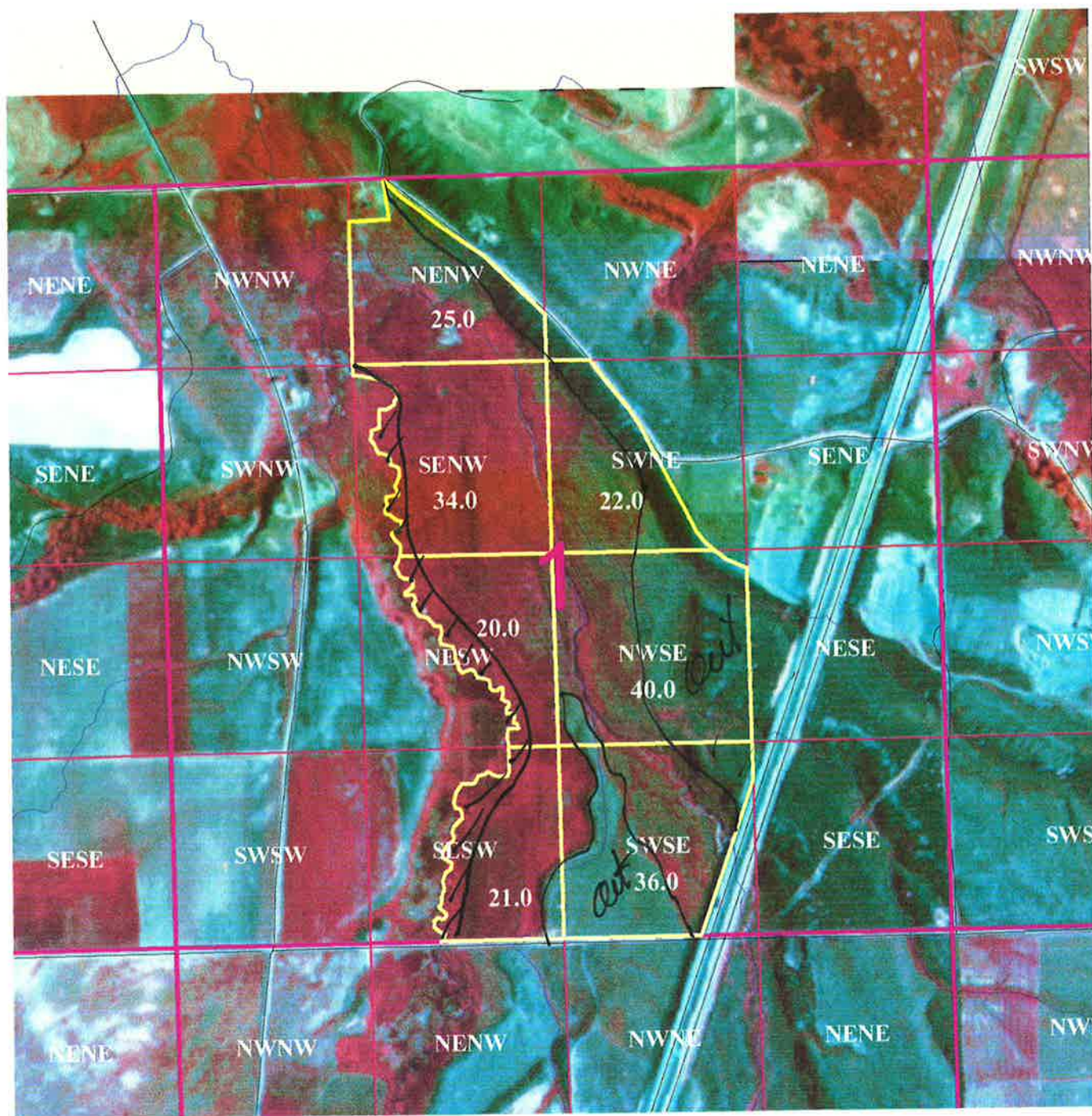
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EXPLANATORY MATERIAL: Decreed

RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION  
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RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT  
TO SECTION 42-1425, IDAHO CODE.

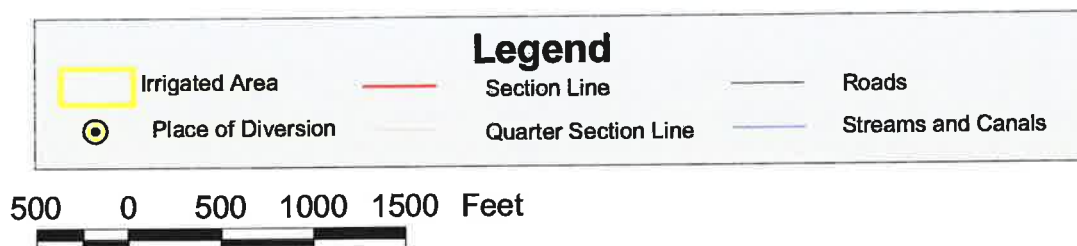
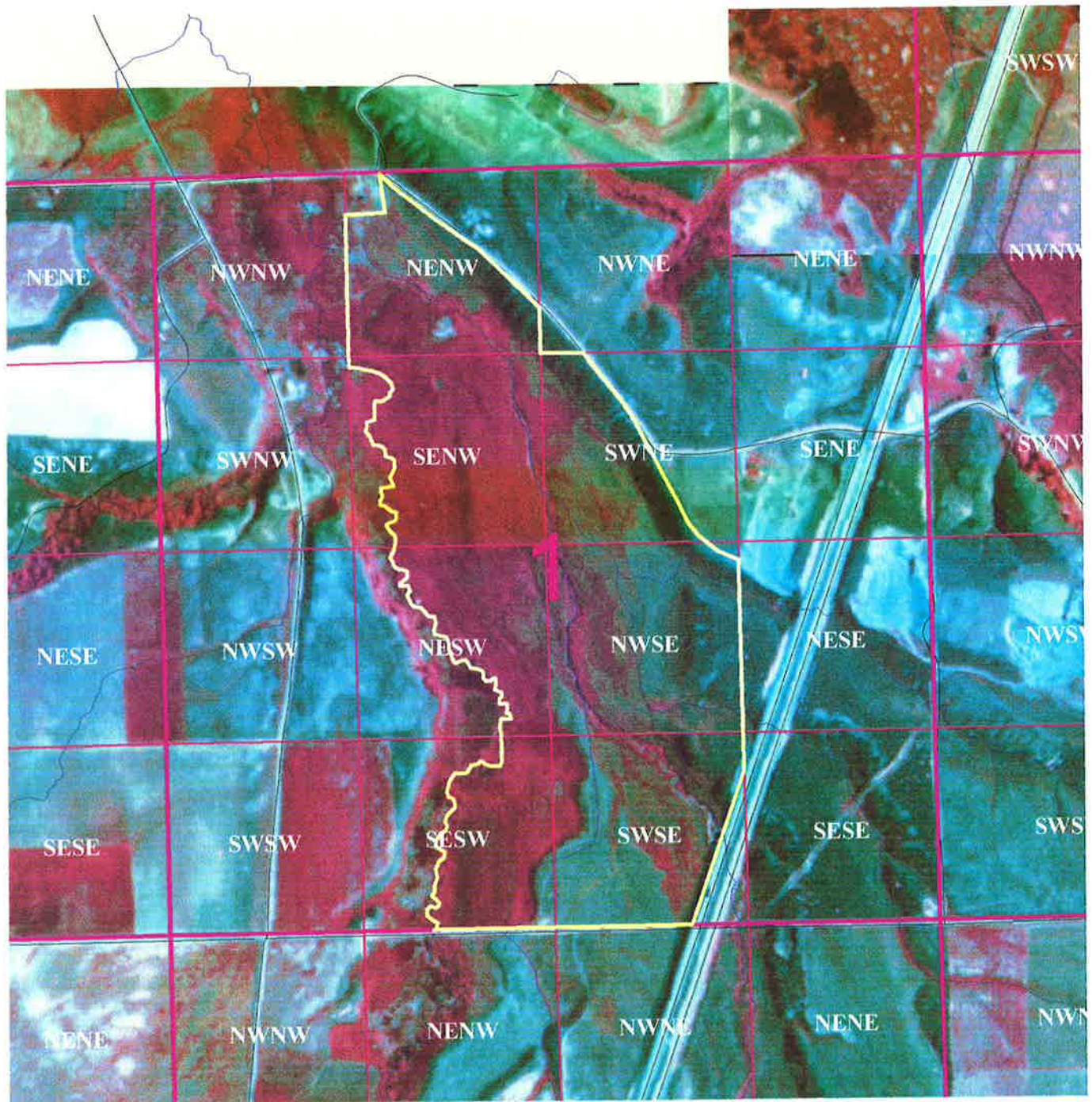
Township , 12S36E



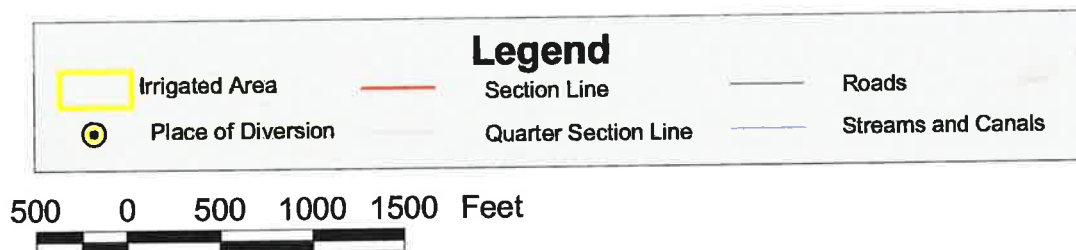
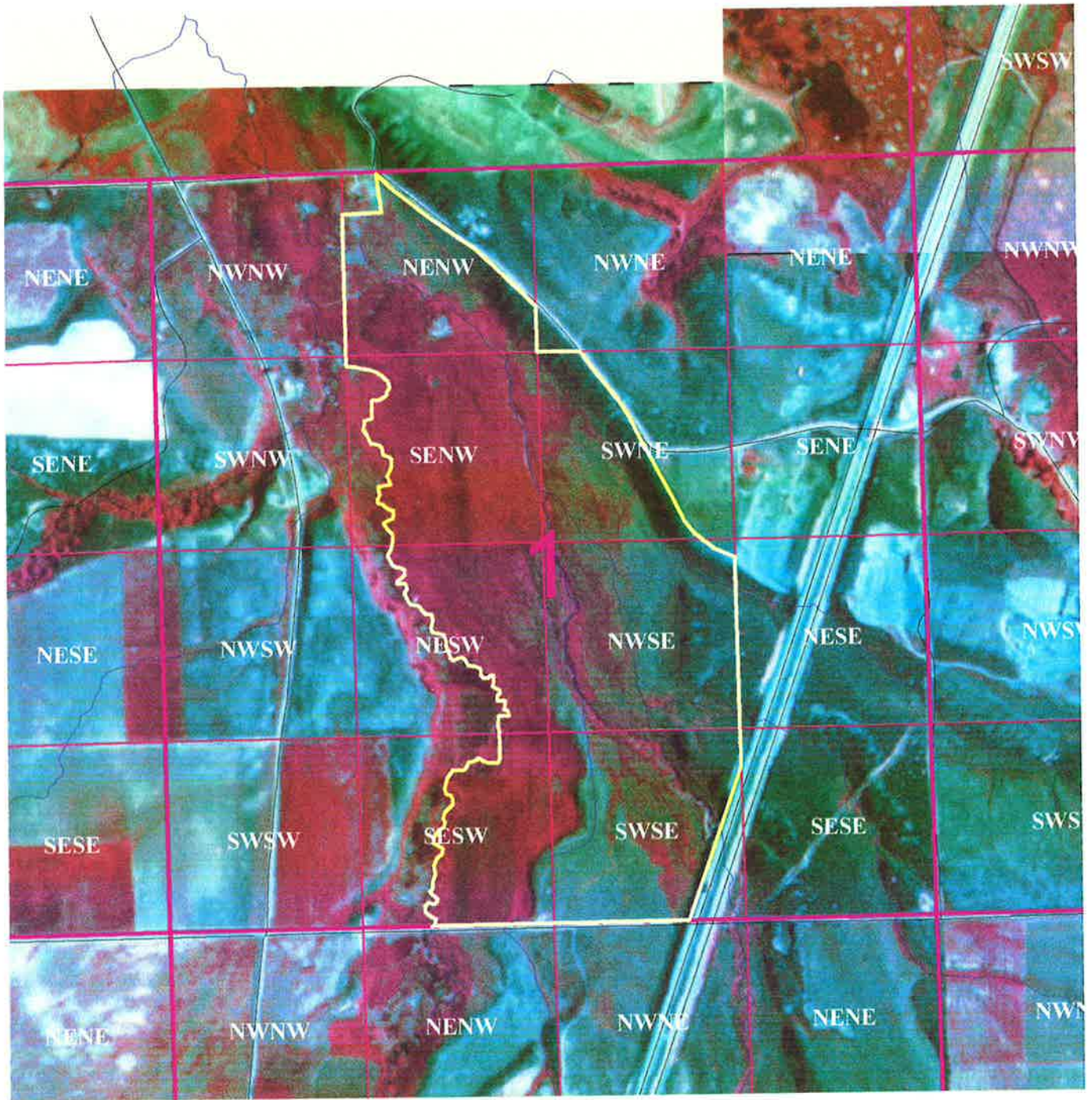
Water Right Claim Number A29-00327

05/10/2000

**Township , 12S36E**



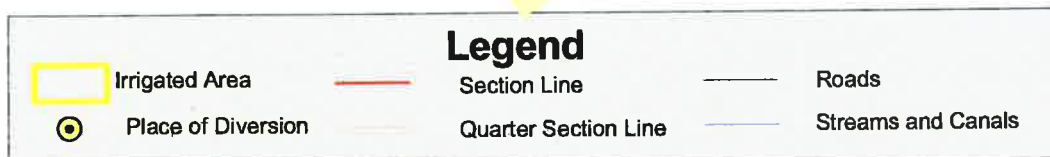
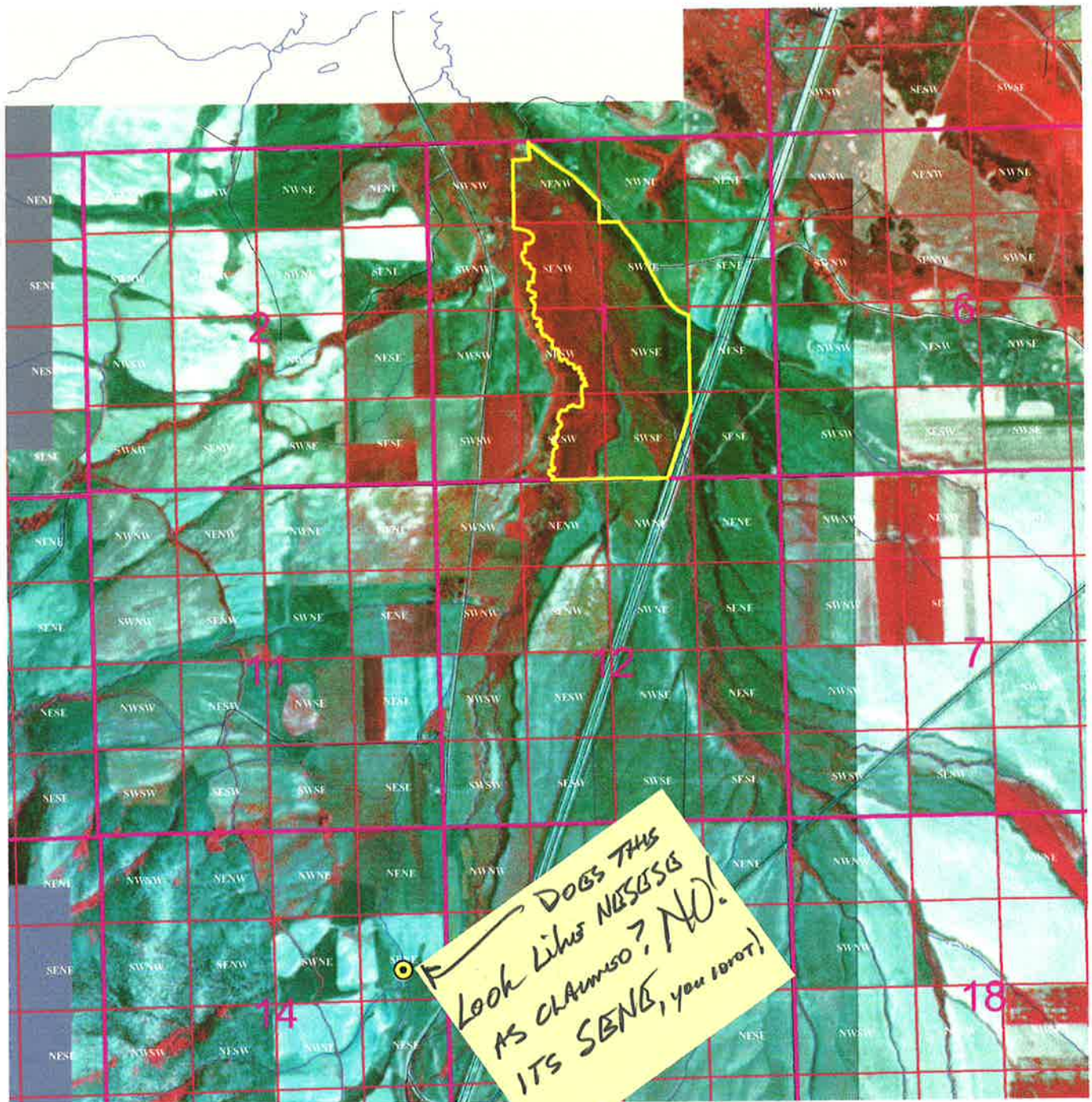
Township , 12S36E



# Water Right Claim, Number A29-00327

05/10/2000

Township , 12S36E

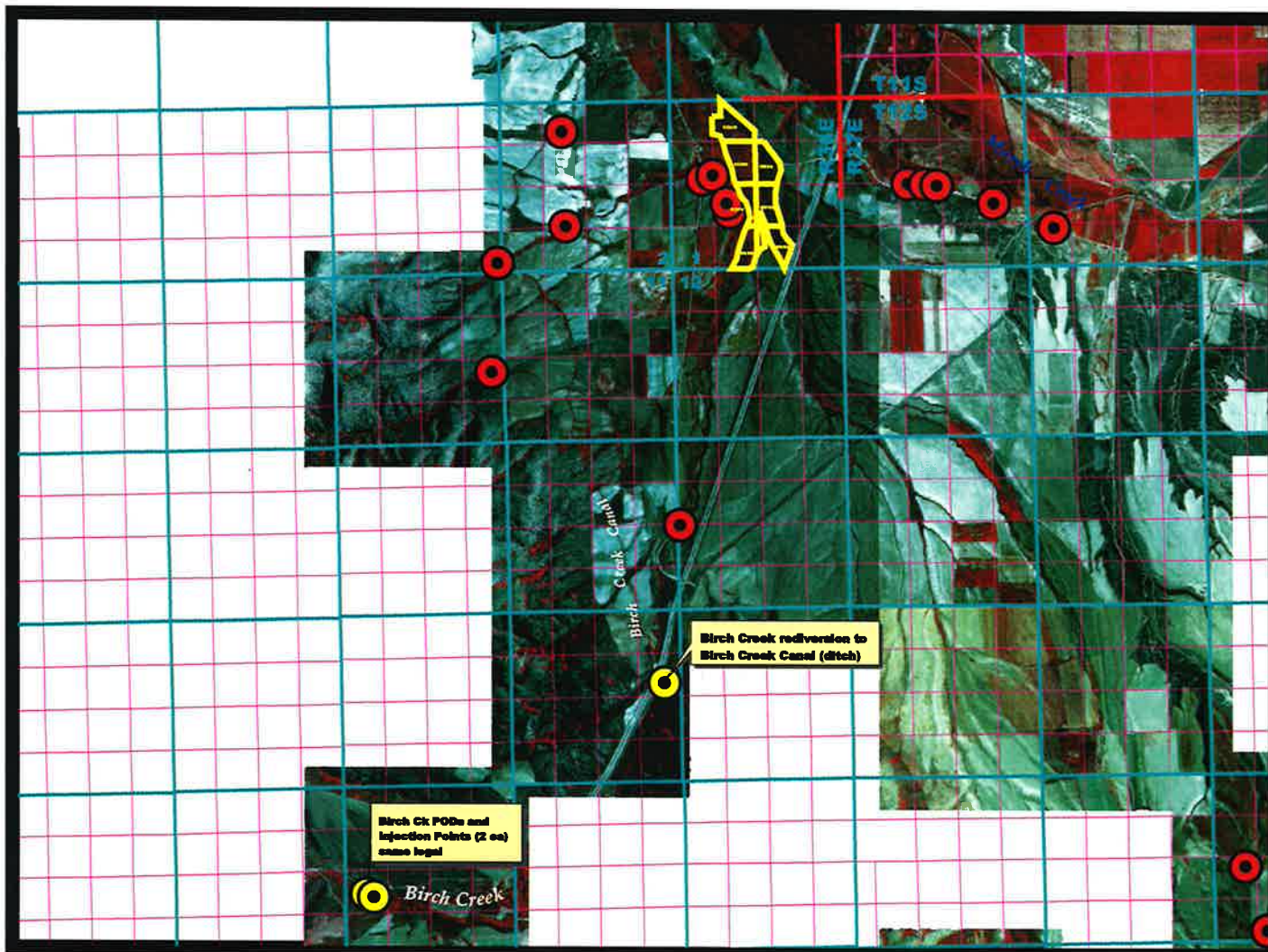




# State of Idaho

## Department of Water Resources

### Eastern Region



**Water Right(s):**  
**29-00327**

**Place of Use: (parts of): T12S, R36E**  
**Sec. 1 E2W2, W2E2**

**Point(s) of Diversion: T12S, R36E**  
**Sec. 23 SESENE (Rediv)**  
**Sec. 27 SENWSW (2 PODs)**

**NOTE: Delivery through**  
**Birch Creek Canal.**



### LEGEND

- Point of Diversion
- SESE Place of Use
- Section
- Quarter-Quarter

2000 0 2000 4000 6000 8000 10000 12000 14000 16000 18000 20000 22000 24000 26000 28000 30000 Feet



STATE OF IDAHO

OFFICE OF THE ATTORNEY GENERAL

LAWRENCE G. WASDEN

June 4, 2003

TO: Basin 29 Surface Water User

I am writing this letter to you as a courtesy to inform you that after review of the Department of Water Resource's preliminary recommendation for your water right(s), a quantity remark has been added. The quantity remark will reflect how your water right(s) was historically decreed in a prior decree. The prior decree recognized the quantity for your water right(s) as a fractional amount of the stream flow listed from the source on your water right. You can expect the Department's Director's Report, which is to be filed with the SRBA Court sometime in July, to include a quantity remark as follows:

The amount of water diverted under this water right may not exceed (*decreed percent or fraction*) of the stream flow of (*decreed source*) at the point of diversion described above at any given time. This water right shall not provide more than .02 cubic feet per second per acre at any time.

The information in parentheses and italics will reflect whatever fraction and source is correct for your water right(s).

If you disagree with the inclusion of this quantity remark in your water right, you will be able to file an objection with the SRBA Court. A Notice of Filing Director's Report will be mailed to you along with the Director's Report for your water right(s) sometime in July. This Notice will outline the deadlines and process for filing an objection to your water right(s).

If you have any further questions regarding this matter, you can contact me at 208-327-7900.

Very truly yours,

Candice M. McHugh  
Deputy Attorney General, IDWR

cc: Allen Ruberry  
CMM/pm

**PROF**  
Natural Resources Division - Water Resources Unit  
1301 North Orchard St., Boise, Idaho 83706-2237  
Telephone: (208) 327-7920; Legal FAX: (208) 327-7866  
Adjudication FAX: (208) 327-5400

SCANNED

SEP 26 2005

| Claim No.                                                                          | Claimant       | Fract.  | Q by Rec | Acres | Stream          | Remarks                               |
|------------------------------------------------------------------------------------|----------------|---------|----------|-------|-----------------|---------------------------------------|
| <u>Phillips vs Edwards Decree, 1924..... Rowley Creek</u>                          |                |         |          |       |                 |                                       |
| 29-11242                                                                           | Wm Phillips    | 1/2     | 1.50     | 75.0  | Rowley Ck       |                                       |
| 29-12020                                                                           | P Fergus       | 1/4     | 2.02     | 100.8 | Rowley Ck       |                                       |
| 29-13469                                                                           | K Williams     | 1/4     | 2.52     | 126.0 | Rowley Ck       |                                       |
| Claimed in-full                                                                    |                |         |          |       |                 |                                       |
| <u>Wakley vs Wakley, 1904..... Station Creek</u>                                   |                |         |          |       |                 |                                       |
| 29-00321                                                                           | Vaughan, et al | 1/5     | 3.91     |       | Station Ck      |                                       |
| 29-00326                                                                           | F Winward      | 1/5     | 1.92     | 96.0  | Station Ck      |                                       |
| 29-10461                                                                           | Lazy VZ Trust  | 2/5     | 3.08     |       | Station Ck      |                                       |
| 29-11699                                                                           | P Adams        | 1/5     | 5.64     | 282.2 | Station Ck      |                                       |
| Decreed right(s) claimed in-full                                                   |                |         |          |       |                 |                                       |
| 29-13476                                                                           | TJL Properties |         | 0.065    |       | Station Ck      | Recommended as BU, Priority 6/10/1904 |
| <u>Wakley vs Wakley, 1904..... Dry Hollow (Big Ck) and Maple Ck (Mines Canyon)</u> |                |         |          |       |                 |                                       |
| 29-00317A                                                                          | Vaughan, et al | 4/4 0/0 | 3.91     |       | Big Ck/Maple Ck | DISALLOWED-ownership not proven       |
| 29-00320                                                                           | Vaughan, et al | 1/4     | 3.91     |       | Big Ck/Maple Ck |                                       |
| 29-10462                                                                           | Lazy VZ Trust  | 4/4 1/2 | 1.23     |       | Big Ck/Maple Ck | Recommended as 1/2 flow **            |
| 29-11698                                                                           | P Adams        | 1/4     | 5.64     | 282.2 | Big Ck/Maple Ck |                                       |
| Claimed in-full                                                                    |                |         |          |       |                 |                                       |
| 29-11700                                                                           | P Adams        | XX      | 0.36     | 282.2 | Unnamed Strm    | Beneficial Use                        |
| 29-10407                                                                           | TJL Properties | XX      | 0.07     |       | Big Ck/Maple Ck | Recommended as BU, Priority 6/10/1904 |

Daniels vs Woodland, 1878..... Birch Creek

29-13103 Malad Valley Irr 3/4 6.20 Lg POU Birch Ck  
Marsh Creek side (B29) users got 1/4 of the flow of Birch Creek as shown below.

Wakley vs Wakley, 1904..... Birch Creek

|                 |                |      |      |       |          |
|-----------------|----------------|------|------|-------|----------|
| 29-00322        | Vaughan, et al | 4/24 | 3.91 | 195.3 | Birch Ck |
| 29-00327        | Marler/Gardner | 2/24 | 2.54 | 128.0 | Birch Ck |
| 29-00328A       | K Williams     | 1/24 | 2.52 | 126.0 | Birch Ck |
| 29-00328B       | P Fergus       | 5/24 | 2.02 | 100.8 | Birch Ck |
| 29-00328C       | F Winward      | 2/24 | 1.92 | 96.0  | Birch Ck |
| 29-00329        | F Winward      | 2/24 | 0.80 | 40.0  | Birch Ck |
| 29-11241        | Wm Phillips    | 2/24 | 1.50 | 75.0  | Birch Ck |
| 29-11650        | TJL Properties | 2/24 | 1.76 | 88.0  | Birch Ck |
| 29-11697        | P Adams        | 4/24 | 5.64 | 282.2 | Birch Ck |
| Claimed in-full |                |      |      |       |          |

Notes:

\*\* Re; 29-10462 see Transfer #3032 Claim combines 29-317 and 29-330C (which recombines A & B)  
The Decree of Davis vs Treasure only involves Birch Creek water.

PROFILED

SCANNED  
SEP 26 2005



STATE OF IDAHO  
OFFICE OF THE ATTORNEY GENERAL  
ALAN G. LANCE

December 11, 2002

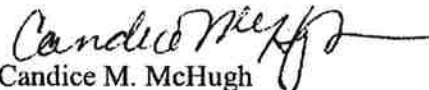
Dear Claimant(s):

I am the Deputy Attorney General for the Idaho Department of Water Resources working on the SRBA in Basin 29. After reviewing your water right claim, it appears that the priority date you claimed for your water right(s) might not be correct and that October 10, 1878, might be the appropriate priority date for your claim(s). In order to recommend this priority date, which is earlier than the priority date you originally claimed, your claim(s) would need to be amended. Therefore, I have enclosed for your review and signature an amended claim form. If you would like to amend your claim(s) to reflect the earlier priority date please initial the change on the amended claim form and have your signature notarized; then, return the signed amended claim in the enclosed self-addressed envelope.

The Department intends to issue its preliminary Director's Report for your water right(s) in January, 2003. If we do not receive the signed, notarized amended claim form from you prior to January 10, 2003, the Department will recommend your water right(s) with the priority date no earlier than the priority date that you have currently claimed.

If you have any questions concerning this matter, you can contact me at (208) 327-5404 or Allen Ruberry, Senior Water Resource Agent with IDWR's Eastern Region Office at (208) 525-7161.

Very Truly Yours,



Candice M. McHugh  
Deputy Attorney General, IDWR

Enclosures

cc: Allen Ruberry

*1/6/03 Called - Spoke w/ Dana Marlor,  
Her husband is signing today and will  
mail -*

**PROFILED**

Natural Resources Division - Water Resources Unit  
1301 North Orchard St., Boise, Idaho 83706-2237  
Telephone: (208) 327-7920; Legal FAX: (208) 327-7866  
Adjudication FAX: (208) 327-5400

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**SEP 26 2005**

29-00327 DUCROS

I. WARLEY VS WARLEY DUCROS

A. WHAT DOES DUCROS SPECIFY FOR SOU

1. DIRT STD IS 4/1 TO 10/31.

B. WHAT IS REFERENCED AS POU

1. ACRES         $\approx 360^{\circ}$  AC BY DUCROS

2. CLAIMS  $128^{\circ}$  AC

C. Q SPECIFIED BY DUCROS  $\frac{1}{6}$  OF ... ALL BIRCH CK

1. CLAIMS 2.54 cfs on  $128^{\circ}$  AC  $\Rightarrow 0.02$  cfs/AC

D. PRIORITY FROM DUCROS - NON-USED DUCROS

DATE OF 9 JUNE 1904 - OK

10/10/1878

DAVIDS VS WOODLAND

AMONDOO 1/6/03

II. POU'S CHANGES - ADD<sup>2</sup> POU'S NEW LOCATION  
2-Points of Injection, 1 REVOLV. (Sec. 23)

PROFILE

SCANNED

SEP 26 2005

MAY 24 2001

Log for claim A29-00327

Spatial Dynamics TWB

5/10/00

| TR             | SEC | QQ   | Acres<br>Claimed | Acres<br>Found | COMMENT |
|----------------|-----|------|------------------|----------------|---------|
| 12s36e         | 1   | SWNE | 12               | 22             |         |
| 12s36e         | 1   | NENW | 8                | 25             |         |
| 12s36e         | 1   | SENE | 26               | 34             |         |
| 12s36e         | 1   | NESW | 8                | 20             |         |
| 12s36e         | 1   | SESW | 15               | 21             |         |
| 12s36e         | 1   | NWSE | 28               | 40             |         |
| 12s36e         | 1   | SWSE | 31               | 36             |         |
| <b>Totals:</b> |     |      | 128              | 198            |         |

AJ5809NP  
No. A29-00327

IDAHO DEPARTMENT OF WATER RESOURCES  
ADJUDICATION CLAIM PROFILE REPORT

DATE: 04/24/00  
PAGE: 10

| OWNER<br>CODE    | NAME & ADDRESS                                                                | PRIORITY<br>DATE | WATER USE  | USE PERIOD<br>FROM TO | DIVERSION<br>RATE | DIVERSION<br>VOLUME |
|------------------|-------------------------------------------------------------------------------|------------------|------------|-----------------------|-------------------|---------------------|
| C                | DANA M MARLER<br>24544 S MARSH VALLEY RD<br>DOWNEY ID 83234<br>(208) 897-5105 | 06/09/1904       | IRRIGATION | 04-01 11-01           | 2.540 CFS         |                     |
| TOTAL DIVERSION: |                                                                               |                  |            |                       | 2.540 CFS         |                     |
| CONSUMPTIVE USE: |                                                                               |                  |            |                       |                   | 317.50 AFA          |

C JODY L GARDNER  
C RICARD D GARDNER  
24286 S MARSH VALLEY RD  
DOWNEY ID 83234  
(208) 897-5104

C RAYMOND E MARLER  
24544 S MARSH VALLEY RD  
DOWNEY ID 83234  
(208) 897-5105

Water Source: BIRCH CREEK

Tributary to: MARSH CREEK

Stage: DECREED

Point(s) of Diversion: T12S R36E S14 NESESE

BANNOCK County

Place of use Legal Description for: IRRIGATION

|     |     |   |   | NE   |      |      |      | NW |       |      |      | SW   |   |      |      | SE   |      |   |      |      |      |             |   |       |
|-----|-----|---|---|------|------|------|------|----|-------|------|------|------|---|------|------|------|------|---|------|------|------|-------------|---|-------|
| T   | R   | S | : | NENE | NWNE | SWNE | SENE | :  | NENW  | NWNW | SWNW | SENW | : | NESW | NWSW | SWSW | SESW | : | NESE | NWSE | SWSE | SESE        | : | SUM   |
|     |     |   |   | Lt   | Ac   | Lt   | Ac   |    | Lt    | Ac   | Lt   | Ac   |   | Lt   | Ac   | Lt   | Ac   |   | Lt   | Ac   | Lt   | Ac          |   |       |
| 12S | 36E | 1 | : |      |      | 12   |      | :  | 03-08 |      | 26   |      | : | 08   |      | 15   |      | : | 28   | 31   |      |             | : | 128.0 |
|     |     |   |   |      |      |      |      |    |       |      |      |      |   |      |      |      |      |   |      |      |      | TOTAL ACRES |   | 128.0 |

POU County: BANNOCK

Non-Irrigation Uses: INCIDENTAL STOCKWATERING FOR 100 HEAD CATTLE/HORSES

Other Rights: NONE

Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):  
A29-00329

Other Water Rights Listing Overlapping Place(s) of Use:  
A29-11556

Remarks: GEN AC. IRR. = 360.  
DIVERSION RATE IS 1/6 OF THE FLOW.  
PRIORITY DATE TAKEN FROM DECREE.  
\*\*\* CLAIMED MAXIMUM DIVERSION RATE OF 1 MINERS INCH PER ACRE.

Dates: Exam Made Date: Verified Date: Objection Filed Date:

Misc: Water District Number: Field Inspection Flag:  
Presumption Flag: D

AJ5809NP  
No. A29-00327

IDAHO DEPARTMENT OF WATER RESOURCES  
ADJUDICATION CLAIM PROFILE REPORT

DATE: 04/24/00  
PAGE: 11

=====

Audit: 04/20/90 VERNER 04/29/94 COX 03/29/95 POST-STD 04/12/00 CVANDERM

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 29-327  
Date Received: 4/19/1990  
Receipt No: E013408  
Received By:

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW

AMENDED

1. Name of Claimant(s)

RICHARD D GARDNER  
24286 S MARSH VALLEY RD  
DOWNEY ID USA 83234

Phone: (208)897-5104

DANA M MARLER  
24544 S MARSH VALLEY RD  
DOWNEY ID USA 83234

Phone: (208)897-5105

RAYMOND E MARLER  
24544 S MARSH VALLEY RD  
DOWNEY ID USA 83234

Phone: (208)897-5105

JODY L GARDNER  
24286 S MARSH VALLEY RD  
DOWNEY ID USA 83234

Phone: (208)897-5104

2. Date of Priority: ~~06/09/1904~~ 10/10/1878 *Rem  
Dm*

3. Source: BIRCH CREEK Trib. to: MARSH CREEK

4. Point of Diversion:

| Township | Range | Section | 1/4 of 1/4 of 1/4 Lot | County  | Type |
|----------|-------|---------|-----------------------|---------|------|
| 12S      | 36E   | 14      | NE SE SE              | BANNOCK |      |

5. Description of diverting works:

HEADGATE IN STREAM TO CANAL TO 8" GRAVITY FLOW PIPE TO SPRINKLERS

6. Water is used for the following purposes:

| Purpose    | From | To    | C.F.S. | (or) A.F.A |
|------------|------|-------|--------|------------|
| IRRIGATION | 4/01 | 11/01 | 2.54   |            |

7. Total Quantity Appropriated is:  
2.54 C.F.S.

8. Total consumptive use:

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JAN 08 2003

9. Non-irrigation uses:

10. Place of use:

| Township | Range | Section | 1/4 of 1/4 | Lot | Use           | Acres |
|----------|-------|---------|------------|-----|---------------|-------|
| 12S      | 36E   | 1       | SW         | NE  | IRRIGATION    | 12    |
|          |       |         | NE         | NW  | IRRIGATION    | 8     |
|          |       |         | SE         | NW  | IRRIGATION    | 26    |
|          |       |         | NE         | SW  | IRRIGATION    | 8     |
|          |       |         | SE         | SW  | IRRIGATION    | 15    |
|          |       |         | NW         | SE  | IRRIGATION    | 28    |
|          |       |         | SW         | SE  | IRRIGATION    | 31    |
|          |       |         |            |     | Section Acres | 128   |
|          |       |         |            |     | Total Acres   | 128   |

11. Place of use in counties: BANNOCK

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

13. Other Water Rights Used:

14. Remarks:

AC. IRR. = 360.  
DIVERSION RATE IS 1/6 OF THE FLOW.  
PRIORITY DATE TAKEN FROM DECREE.  
\*\*\* CLAIMED MAXIMUM DIVERSION RATE OF 1 MINERS INCH PER ACRE.

15. Basis of Claim: Decreed

JAN - 8 2003

Department of Water Resources

## 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 X wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: 2

## 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): Raymond E Maule Date: 1-06-03  
Nana M Maule 1-06-03 Date:

State of Idaho )  
County of Bannock ) SS.

Subscribed and sworn (or affirmed) before me this  
of 1-6- 2003

Barbara A. Bybee

Notary Public

Residing at Downey, IdMy commission Expires 12-22-05

BARBARA A. BYBEE  
Notary Public  
State of Idaho

SCANNED

JAN 11 8 2003

JAN - 8 2003

Department of Water Resources

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 29-327  
Date Received: 4/19/1990  
Receipt No: E013408  
Received By:

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW

AMENDED

## 1. Name of Claimant(s)

RICHARD D GARDNER  
24286 S MARSH VALLEY RD  
DOWNEY ID USA 83234

Phone: (208)897-5104

DANA M MARLER  
24544 S MARSH VALLEY RD  
DOWNEY ID USA 83234

Phone: (208)897-5105

RAYMOND E MARLER  
24544 S MARSH VALLEY RD  
DOWNEY ID USA 83234

Phone: (208)897-5105

JODY L GARDNER  
24286 S MARSH VALLEY RD  
DOWNEY ID USA 83234

Phone: (208)897-5104

2. Date of Priority: ~~08/09/1904~~ 10/10/1878

3. Source: BIRCH CREEK Trib. to: MARSH CREEK

## 4. Point of Diversion:

| Township | Range | Section | 1/4 of 1/4 of 1/4 Lot | County  | Type |
|----------|-------|---------|-----------------------|---------|------|
| 12S      | 36E   | 14      | NE SE SE              | BANNOCK |      |

## 5. Description of diverting works:

HEADGATE IN STREAM TO CANAL TO 8" GRAVITY FLOW PIPE TO SPRINKLERS

## 6. Water is used for the following purposes:

| Purpose    | From | To    | C.F.S. | (or) A.F.A |
|------------|------|-------|--------|------------|
| IRRIGATION | 4/01 | 11/01 | 2.54   |            |

7. Total Quantity Appropriated is:  
2.54 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

| Township | Range | Section | 1/4 of 1/4 | Lot | Use           | Acres |
|----------|-------|---------|------------|-----|---------------|-------|
| 12S      | 36E   | 1       | SW         | NE  | IRRIGATION    | 12    |
|          |       |         | NE         | NW  | IRRIGATION    | 8     |
|          |       |         | SE         | NW  | IRRIGATION    | 26    |
|          |       |         | NE         | SW  | IRRIGATION    | 8     |
|          |       |         | SE         | SW  | IRRIGATION    | 15    |
|          |       |         | NW         | SE  | IRRIGATION    | 28    |
|          |       |         | SW         | SE  | IRRIGATION    | 31    |
|          |       |         |            |     | Section Acres | 128   |
|          |       |         |            |     | Total Acres   | 128   |

11. Place of use in counties: BANNOCK

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

13. Other Water Rights Used:

14. Remarks:

AC. IRR. = 360.  
DIVERSION RATE IS 1/6 OF THE FLOW.  
PRIORITY DATE TAKEN FROM DECREE.  
\*\*\* CLAIMED MAXIMUM DIVERSION RATE OF 1 MINERS INCH PER ACRE.

15. Basis of Claim: Decreed

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): Richard W. Bidney Date: 1-6-03

1-6-03 Jody L. Gardner Date: \_\_\_\_\_

State of Idaho )  
County of Bannock ) SS.

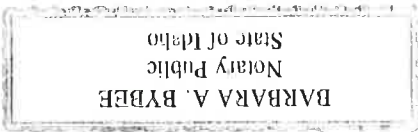
Subscribed and sworn (or affirmed) before me this  
of 1-6 2003

Barbara A. Bybee

Notary Public

Residing at Downey, Id

My commission Expires 12-22-05



SCANNED  
JAN - 8 2003

MAY 24 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: A29-00327  
Date Received: 4/19/1990  
Receipt No: 5013408  
Received By: SSA

1/12

*Richard*

NOTICE OF CLAIM TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW

1. Name: RICARD D. GARDNER 208-897-5104  
Address: 24286 S. MARSH VALLEY RD.  
DOWNER, ID 83234  
OR  
Name: JODY L. GARDNER 208-897-5104  
Address: 24286 S. MARSH VALLEY RD.  
DOWNER, ID 83234  
OR  
Name: RAYMOND E. MARLER 208-897-5105  
Address: 24544 S. MARSH VALLEY RD.  
DOWNEY, ID 83234  
OR  
Name: DANA M. MARLER 208-897-5105  
Address: 24544 S. MARSH VALLEY RD.  
DOWNEY, ID 83234

A2900327



2. Date of Priority: JUN 09, 1904

3. Source: BIRCH CREEK Trib. to: MARSH CREEK

4. Point of Diversion:

|          |       |         |        |        |     |     |         |
|----------|-------|---------|--------|--------|-----|-----|---------|
| Township | Range | Section | 1/4 of | 1/4 of | 1/4 | Lot | County  |
| 12S      | 36E   | 14      | NE     | SE     | SE  |     | BANNOCK |

5. Description of diverting works:  
HEADGATE IN STREAM TO CANAL TO 8" GRAVITY FLOW PIPE TO SPRINKLERS

6. Water is used for the following purposes:

|            |       |       |        |      |        |
|------------|-------|-------|--------|------|--------|
| Purpose    | From  | To    | C.F.S. | (or) | A.F.A. |
| IRRIGATION | 04/01 | 11/01 | 2.540  |      |        |

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

A29-00327

Page 1

Date: 04/19/90

MICROFILMED

NOV 13 1992

8. Total consumptive use is 317.5 Acre Feet Per Annum.

9. Non-irrigation uses:

INCIDENTAL STOCKWATERING FOR 100 HEAD CATTLE/HORSES

10. Place of Use:

| Township | Range | Section | 1/4 of | 1/4 | Lot | Use | Acres |
|----------|-------|---------|--------|-----|-----|-----|-------|
| 12S      | 36E   | 1       | SW     | NE  |     | IRR | 12.0  |
|          |       |         | NE     | NW  | 3   | IRR | 8.0   |
|          |       |         | SE     | NW  |     | IRR | 26.0  |
|          |       |         | NE     | SW  |     | IRR | 8.0   |
|          |       |         | SE     | SW  |     | IRR | 15.0  |
|          |       |         | NW     | SE  |     | IRR | 28.0  |
|          |       |         | SW     | SE  |     | IRR | 31.0  |

Section Acres 128.0

Total Acres 128.0

11. Place of use in counties: BANNOCK

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

13. Other Water Rights Used:  
NONE

14. Remarks:

AC. IRR. = 360.

DIVERSION RATE IS 1/6 OF THE FLOW.

PRIORITY DATE TAKEN FROM DECREE.

\*\*\* CLAIMED MAXIMUM DIVERSION RATE OF 1 MINERS INCH PER ACRE.

15. Basis of Claim: DECREE

Case Number:

Court :

Decree date:

HENRY WAKLEY, ET. AL.

Decree Plaintiff

vs

GEORGE WAKLEY

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 X 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): Raymond E. Marler Date: 4-19-90  
Richard A. Sandner Date: 4-19-90

State of Idaho

County of Bonneville ) SS.

Subscribed and sworn (or affirmed) before me this 19 day

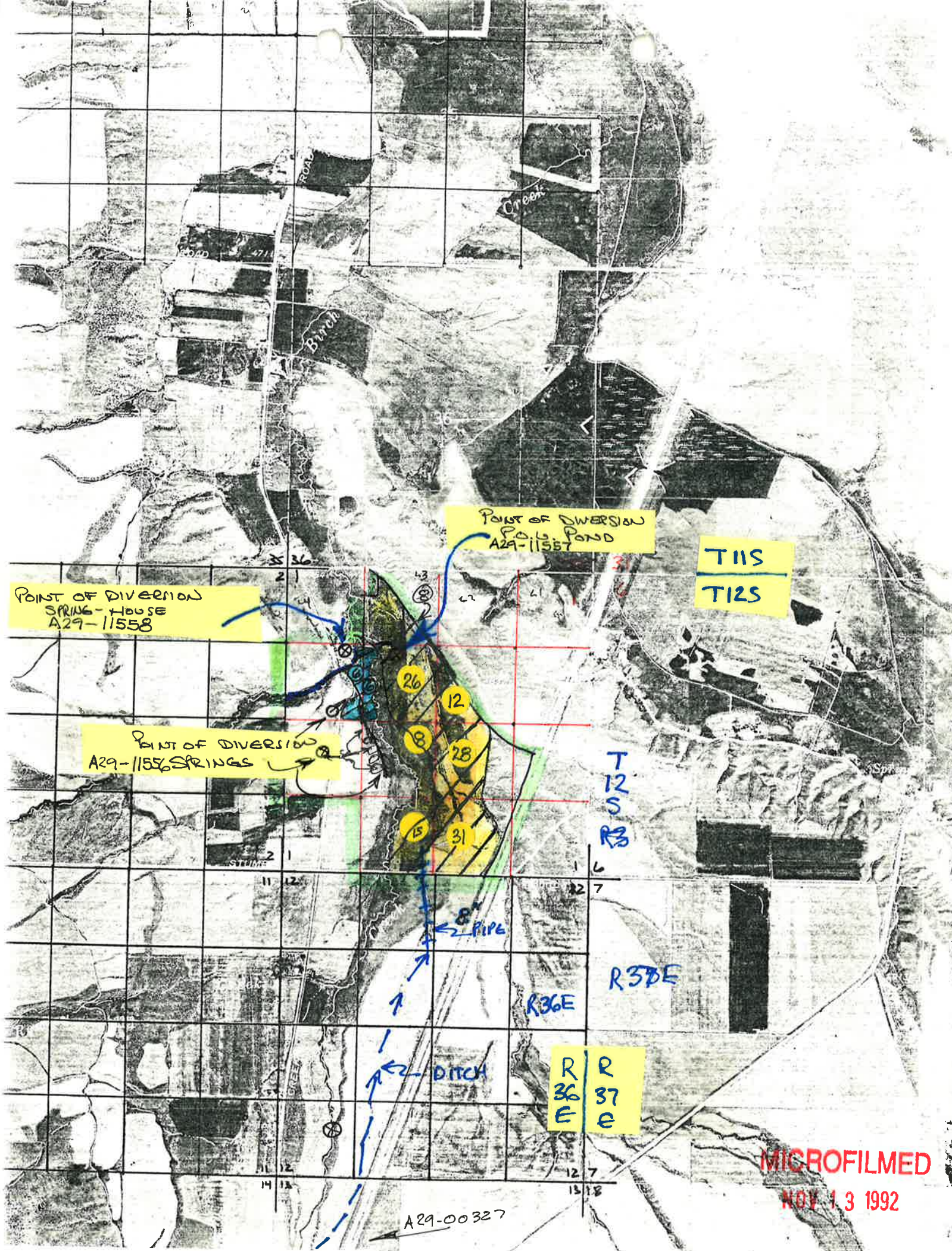
of April 19 90

[Signature]  
Notary Public

Seal

Residing at Idaho Falls, ID

My Commission Expires 22 Aug 1994



POINT OF DIVERSION  
SPRING-HOUSE  
A29-11558

POINT OF DIVERSION  
POLY POND  
A29-11557

T11S  
T12S

POINT OF DIVERSION  
A29-11556 SPRINGS

T  
12  
S  
R3

R36E

R3DE

R  
36  
E  
R  
37  
E

MICROFILMED  
NOV 13 1992

A29-00327