

09/13/2002

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

RIGHT NUMBER: 29-365

NAME AND ADDRESS: J WENDELL MARLEY
12839 S THACKER RD
ARIMO ID 83214

SOURCE: GARDEN CREEK

TRIBUTARY: MARSH CREEK

QUANTITY: 0.75 CFS

PRIORITY DATE: 05/01/1886

POINT OF DIVERSION:

T10S R36E S5 SWSESE Within BANNOCK County

T10S R36E S7 SENENW Within BANNOCK County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

04/01 10/31

0.750 CFS

PLACE OF USE:	T10S R36E S04	SWSW	2.1	T10S R36E S05	SESE	17.0
	T10S R36E S08	NENE	39.6	T10S R36E S08	SENE	21.1
	T10S R36E S09	SWNW	29.2	T10S R36E S08	SENE	21.1

109 ACRES TOTAL

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 47.0 ACRES WITHIN THE PLACE OF
USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

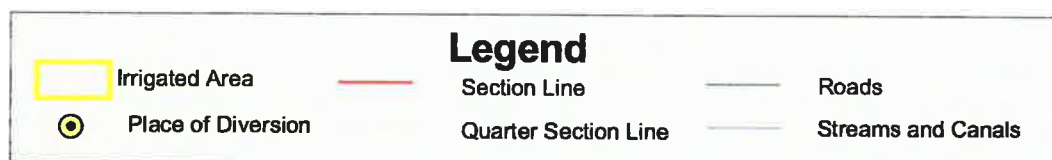
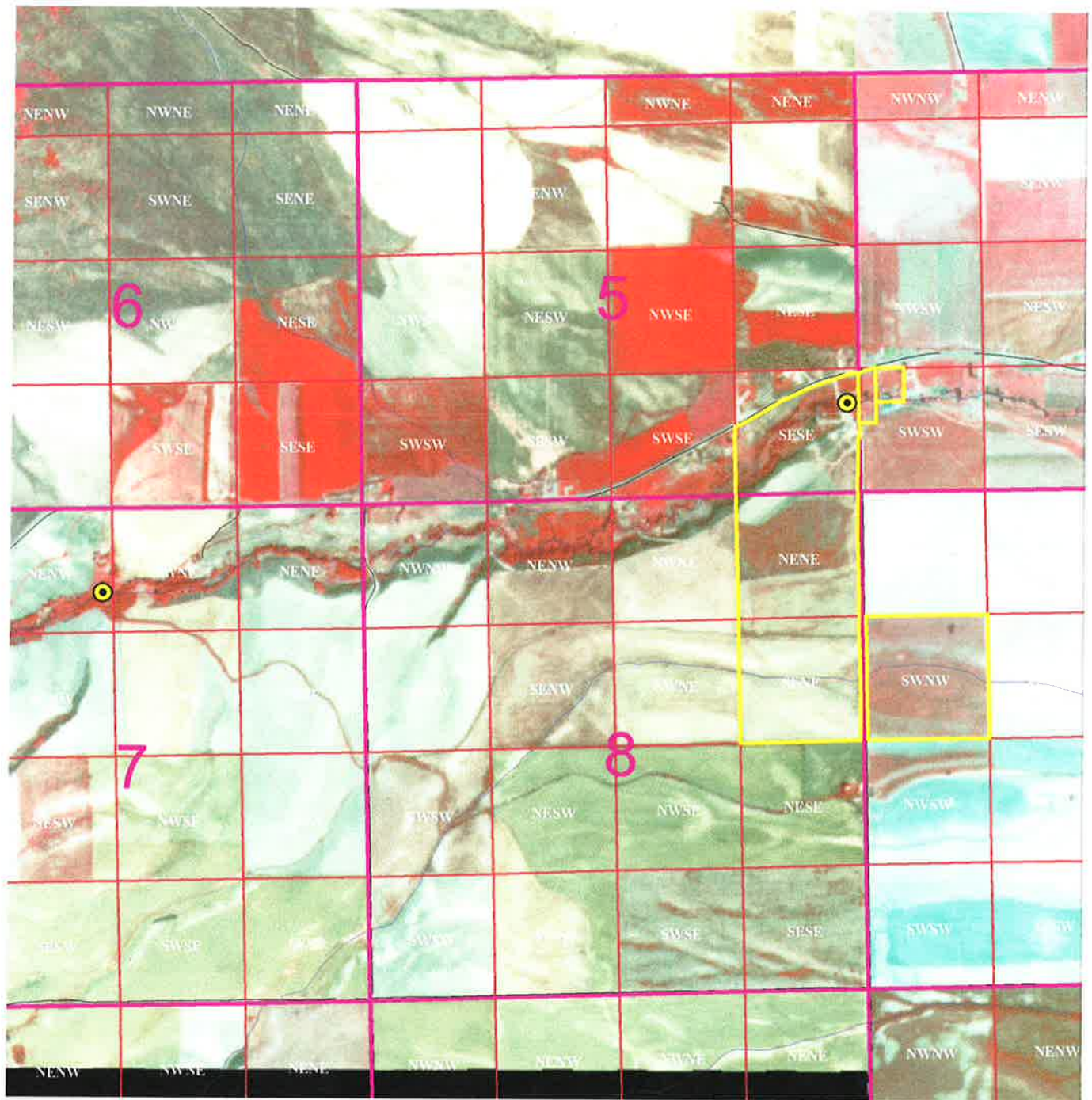
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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: Decreed

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

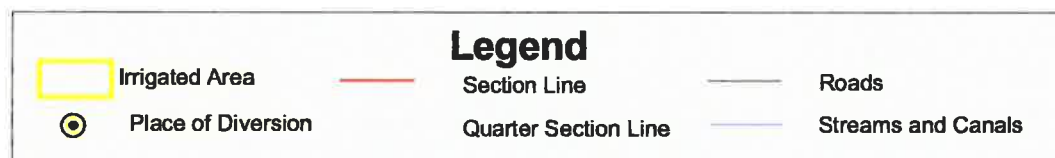
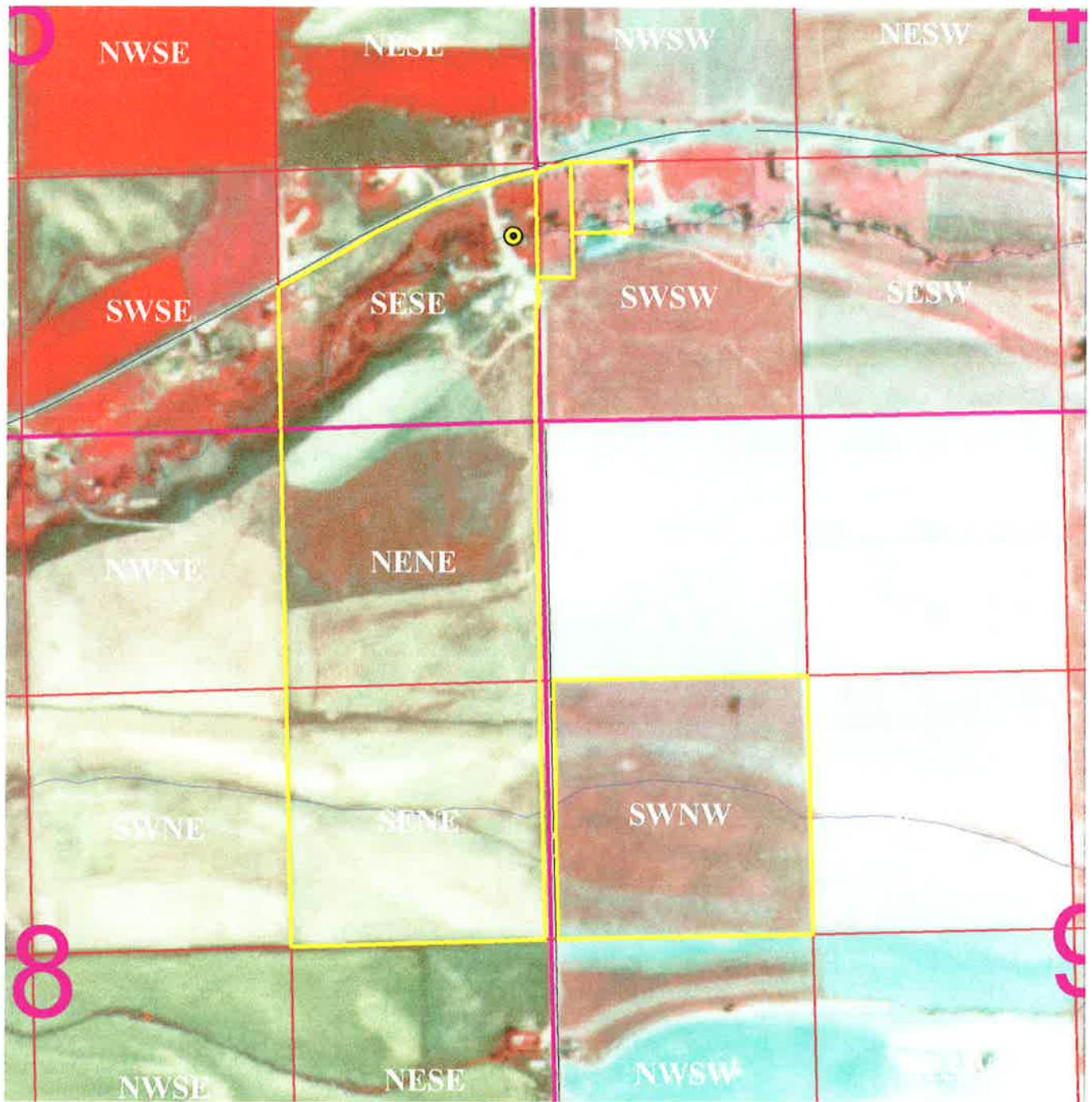
Township , 10S36E



800 0 800 1600 Feet



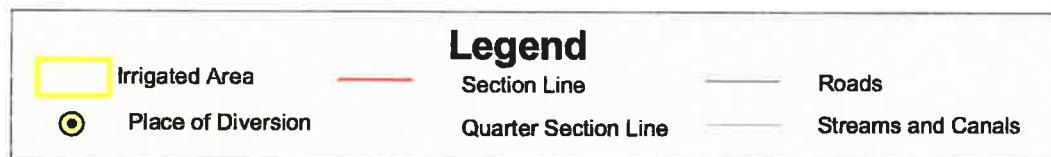
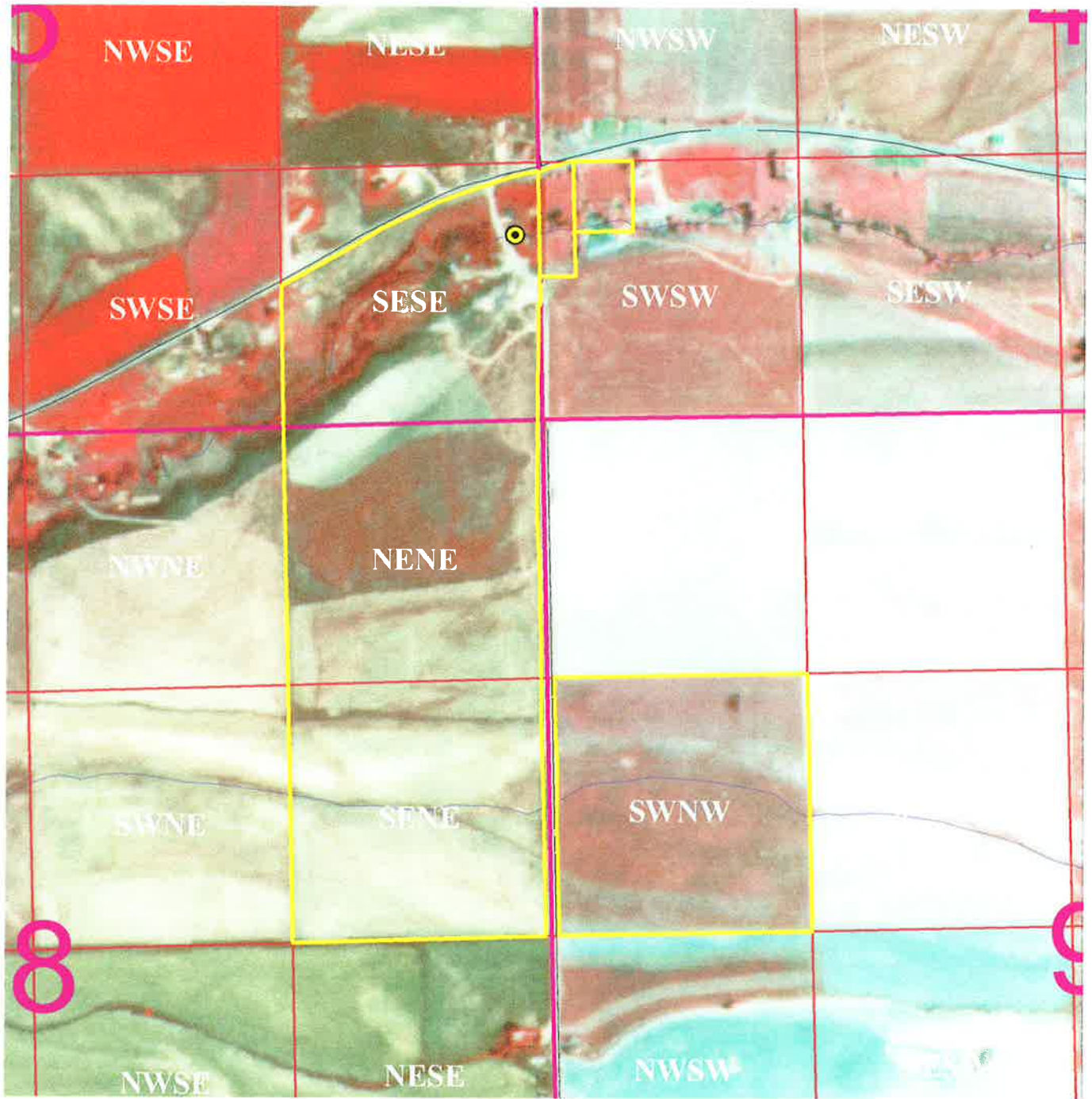
Township , 10S36E



400 0 400 800 Feet

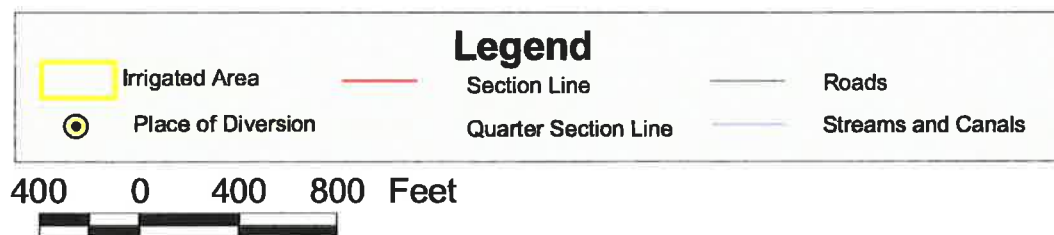


Township , 10S36E



400 0 400 800 Feet







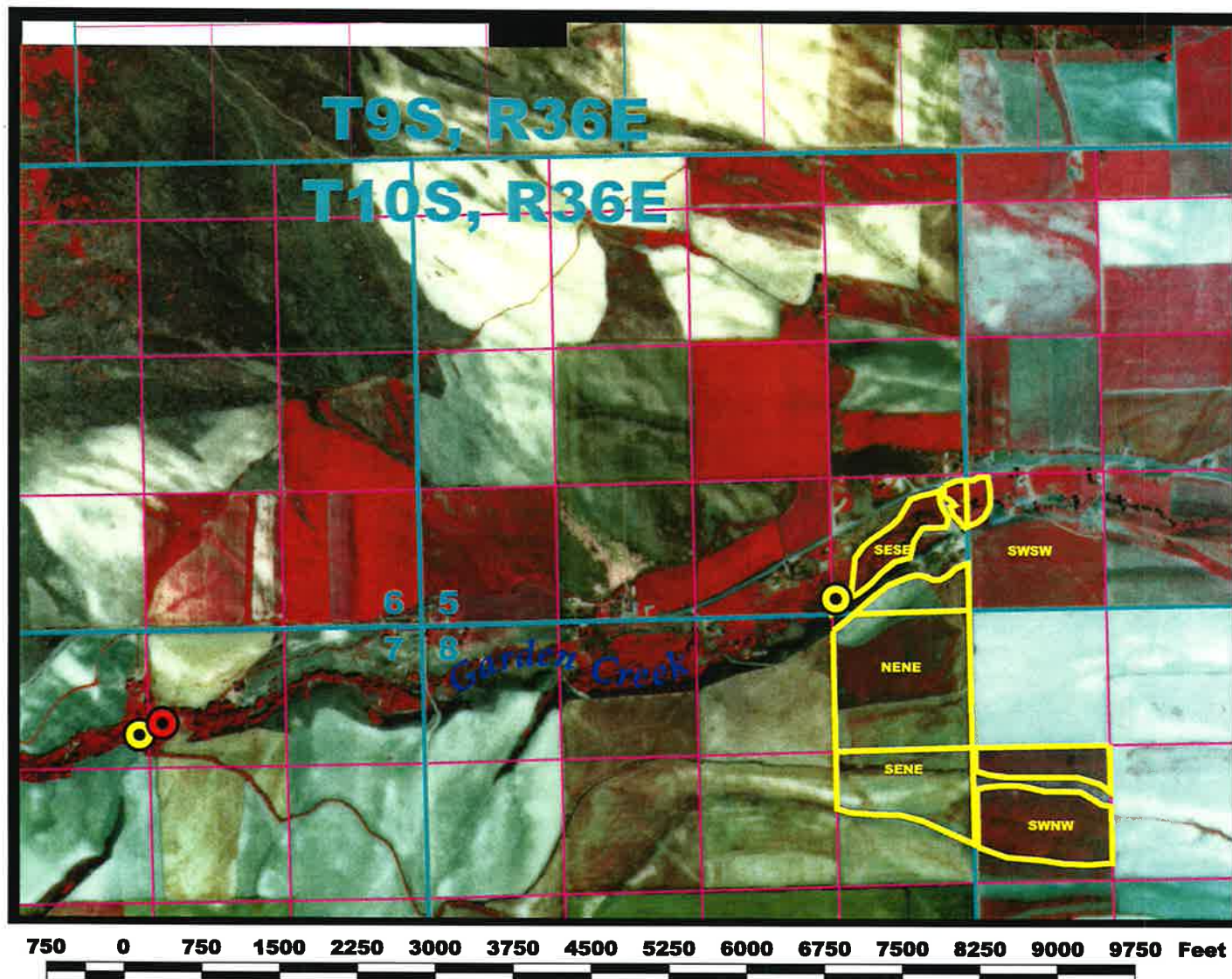
PROCESSED
NOV 02 2005

SCANNED

State of Idaho

Department of Water Resources

Eastern Region



Water Right(s):

**29-00365,
29-00366**

**Place of Use: T10S, R36E
(parts of) Sec. 4 SESE,
Sec. 5 SWSW, Sec. 8
E2NE, Sec. 9 NWNW**

**Point(s) of Diversion: T10S, R36E
Sec. 5 SWSESE,
Sec. 7 SENENW**



LEGEND



Point of Diversion

SESE

Place of Use



Section



Quarter-Quarter

GIS Place of Use Illustration
1987/1988 NAIP Photography
Prepared by: A. Ruberry
Date: September 2002

T9S, R36E

T10S, R36E

SCANNED
NOV 02 2005

6 5
7 8

Garden Creek

SESE

17.0

2.1

SWSW

NENE

39.6

SENE

21.1

SWNW

29.2

CHANGE IN ADDRESS

This form is solely for purposes of notifying IDWR of a change in address of an adjudication claim.

[] Water Right Number(s): 29-00366

29-00365

[] Old Mailing Address: J. WENDELL MARLEY

11299 S. HENDERSON

McCannon ID

[] New Mailing Address:

J. Wendell Marley

12839 S Thacker Rd

Arimo Idaho 83214

[] Telephone Number:

254-9126

[] Signature of Claimant:

J. Wendell Marley

[] Date:

8-28-02

FOR IDWR USE ONLY:

Initial Review and Data-Entry

Date:

By:

Further Action Needed:

Further Action Taken

Date:

By:

Final Review and Data-Entry

Date:

By:

PROFILE

SCANNED
NOV 02 2005

Contacts Data Entry Form

29-365

DECR000

Owner Type	Full Name	Address	City	State	Zip	Phone
Current Owner	J WENDALL MARLEY					
Name connector: and						
Current Owner						
Current Owner						

Representing Attorney: _____ Phone Number: _____

Accompanied By: _____ Phone Number: _____

Relationship to Claimant: _____

Date of Field Exam: _____ Time: _____

Directions to Property (if different from above) and/or update owner information:

GARDEN CR PARK CO. vs WENDALL MARLEY (15 Oct 1906.) 29J

ADDRESS PER FORM Done

X SEE FE Map in 29-365

PB INDICATED: POU, POP

Reviewer: _____

Date: _____

PROFIT

SCANNED
NOV 02 2005

Priority Date Data Entry Form

Claim Number: 29-365
Water Right Priority Date: 1 May 1886 Water Right Basis: DOCRUSS
Claimed Priority Date: May 1, 1886 Claimed Basis: "
Recommended Priority Date: " Recommended Basis: "

☐ Use Claimed Priority Date and Basis as Recommended Priority Date and Basis

Document the evidence submitted/reviewed for the priority date claimed, include your analysis of the evidence:

Priority matches DOCRUSS

Reviewer: _____

Date: _____

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Point of Diversion and Source Data Entry Form

Claim Number: _____

Water Right Point of Diversion: T____, R____, Sec.____,____,____,____. County: _____

Source: _____ Tributary: _____

Claimed Point of Diversion: T____, R____, Sec.____,____,____,____. County: _____

Source: _____ Tributary: _____

Recommended Point of Diversion: T____, R____, Sec.____,____,____,____. County: _____

Source: _____ Tributary: _____

____ Use Claimed POD and Source as Recommended POD and Source

Twp	Rge	Sec	Gov Lot	QQQ of QQ of Q	County	Source
10S	36E	5		SWSESE	Bann	GARDON CK
GPS Coordinates: _____						
		7		NE NW	"	"
GPS Coordinates: _____						
GPS Coordinates: _____						
GPS Coordinates: _____						
GPS Coordinates: _____						
GPS Coordinates: _____						
GPS Coordinates: _____						

46 Main Ck.
 6/3
 South Ditch

Other rights from this POD? _____

Document how the POD and Source were verified and/or Pump and Motor data:

POD's NOT DOCUMENTED BY OVERS
 Same POD's as 29-366

Transfers Changing POD _____

Reviewer: _____

Date: _____

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Place Of Use Data Entry Form

Claim Number: _____

_____ Use Claimed POU as Recommended POU

Claimed Place of Use

Twp	Rge	Sec	QQ	Q	County	Lot Num	Acres	Purpose of Use
105	36E	4	SWSW		Banner		3	Trails
		5	SESE		"		30	"
		8	NESE		"		40	"
			SE NE		"		40	"
		9	SWSW		"		40	"

Total Acres 153⁰

Recommended Place of Use

Twp	Rge	Sec	QQ	Q	County	Lot Num	Acres	Purpose of Use
		4	SWSW				2.1	
		5	SESE				17 ⁰	
		8	E ² NE				60 ³	
		9	SWSW				29 ²	

Total Acres 109

109

Document how the POU was verified:

Discussed POU is: E²NE Sec. 8, SESE Sec. 5, SWSW Sec. 9, 105 36ENO ACRES SPEC. - CLAIMS ADDITIONAL ACRES (3) IN SEC. 4 (ABOVE) => C₅Q? ENLARGING CLAIM FOR SEC. 4? NOOverlaps w/ 29-366 -

Transfers Changing POU _____

Reviewer: _____

Date: _____

PROVIDED

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NOV 02 2005

Period of Use and Quantity Data Entry Form

Claim Number: _____

☐ Use Claimed Period of Use and Quantity as Recommended Period of Use and Quantity

Water Right Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

Overall Diversion Rate _____ Overall Diversion Volume _____

Claimed Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
Pring	3/15	11/15	0.75	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

Overall Diversion Rate _____ Overall Diversion Volume _____

Recommended Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
Pring	4/1	10/31	0.75	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

Overall Diversion Rate _____ Overall Diversion Volume _____

Document how the Period of Use and/or Diversion Rate were verified:

DECREE DOES NOT SPECIFY SOU: THEREFORE, DEPT STD
OF 4/1 TO 10/31 IS USED —

Combination w/ 366; Limitation to 47° AC
w/ 109

$$109 \sqrt{\frac{1.0}{0.75}} = 0.016$$

Reviewer: _____

Date: _____

PROFILED

SCANNED
NOV 02 2005

SCANNED
MAY 22 1901

through said two canal systems does not exceed the said four cubic feet per second of time, said right to date from the month of June 1877, and is prior in time and superior in right to the rights of all of the defendants in this action, and to the rights of all and every of the persons signing said stipulations, or any of them, the same being the first right to the use of the waters of said stream to the amount of four cubic feet per second of time.

And the remaining waters of said stream are decreed as follows, to-wit:

- 29 0363 To Thomas E. Wolverton, three-fourths second foot of water to date from the 1st day of May, 1886 and one second foot of water to date from the 1st day of May 1904, said water to be used upon the S.W. 1/4 of the S.W. 1/4 of Sec. 4, and the N. Half of the S.E. 1/4 of Sec. 9 in Township 10, South of Range 36 E.B.M.
- 29 0365 To John Morley, three-fourths second foot of water to date from the 1st day of May, 1886, and one second foot of water to date from the 1st day of May, 1904, to be used on the E. half of the N.E. 1/4, Sec. 8, the S.E. 1/4 of the S.E. 1/4 of Sec. 5, and the S.W. 1/4 of the N.W. 1/4 of Sec. 9, in Township 10 South of Range 36 E. B. M.:-
- 29 0367 To Thomas C. Smith, three-fourths second foot of water to date from the 1st day of May, 1890 and one second foot of water to date from the 1st day of May, 1904, to be used on the N.W. 1/4 of Sec. 10, Township 10 South of Range 36 E.B.M.:-
- 29 0369 To William J. Millard, three-fourths second foot of water to date from the 1st day of May, 1893, and one second foot of water to date from the 1st day of May, 1904, to be used on the S.E. 1/4 of Sec. 3, Township 10 South of Range 36 E.B.M.:-
- 29 0371 To Albert Evans, three-eighths second foot of water to date from the 1st day of May, 1893, and three-eighths second foot of water to date from the 1st day of May, 1898; also one second foot of water to date from the 1st day of May, 1904, to be used on the East half of the N.W. 1/4 of Sec. 8, Township 10 South of Range 36 E.B.M.:-
- 29 0374 To L. S. Whitney three-eighths second foot of water to date from the 1st day of May, 1893, and three-eighths second foot of water to date from the 1st day of May, 1904, to be used on the West half of the N.W. 1/4 of Sec. 8, Township 10, South of Range 36 E.B.M.
- 29 0376 To J. S. Wheeler, three-fourths second foot of water to date from the 1st day of May, 1887 and one second foot of water to date from the 1st day of May, 1904, to be used on the East half of the S. W. 1/4, and the N.W. 1/4 of the S.E. 1/4 and S.W. 1/4 of the N.E. 1/4 in Sec. 2, Township 10, South of Range 36 E. B. M.:- Also the S.W. 1/4 of the N. W. 1/4 and the West half of the S. W. 1/4 of Sec. 2, Township 10 South of Range 36 E.B.M.:-
- 29 0378 To David Armstrong, three-fourths second foot of water to date from the 1st day of May, 1895, and one second foot of water to date from the 1st day of May, 1904, to be used on the S.W. 1/4 of Sec. 10; also three-sixteenths second foot of water to date from the 1st day of May, 1895, and one-fourth of second foot of water to date from the 1st day of May, 1904, to be used on the S. W. 1/4 of the S.E. 1/4 of Sec. 9, all in Township 10, South of Range 36 E.B.M.:-
- 29 0381 To Andrew N. Thacker, three-fourths second foot of water to date from the 1st day of May, 1895 and one second foot of water to date from the 1st day of May, 1904, to be used upon the S. W. 1/4 of Sec. 9; also three-fourths second foot of water to date from the 1st day of May 1895, and one second foot of water to date from the 1st day of May, 1904, to be used on the West half of the N.W. 1/4 and the N.W. 1/4 of the S.W. 1/4 of Sec. 8, Township 10, South, of Range 36 E. B. M.
- 29 0385 To Thomas Exeter, three-fourths second foot of water to date from the 1st day of May, 1895, and one second foot of water to date from the 1st day of May, 1904, to be used on the South half of the S. E. 1/4 Sec. 8, and the North half of the N.E. 1/4 Sec. 17, Township 10 South of Range 36 E. B. M.
- 29 0387 To William Jenkins, Jr., three-fourths second foot of water to date from the 1st day of May, 1895, and one second foot of water to date from the 1st day of May, 1904, to be used on the East half of the N. E. 1/4 and the East half of the S. E. 1/4 Sec. 10, Township 10, South of Range 36 E. B. M.:-
- 29 0389 To P. M. Larson, three-fourths second foot of water to date from the 1st day of May, 1896, and one second of water to date from the 1st day of May, 1904, and to be used on the East half of the N. W. 1/4 and the East half of the S. W. 1/4 Sec. 11 Township 10, South of Range 36 E. B. M.
- 29 0391 To Annie Crowshaw, three-fourths second foot of water to date from the 1st day of May, 1898, and one second foot of water to date from the 1st day of May, 1904, to

Log for claim A29-00365

Spatial Dynamics LTD

6/22/00

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
10s36e	4	SWSW	3	4.8	
10s36e	5	SESE	30	31	
10s36e	8	NENE	40	39	
10s36e	8	SENE	40	39	
10s36e	9	SWNW	40	39	
Totals:			153	152.8	

AJ5809NP
No. A29-00365

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 04/27/00
PAGE: 9

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	J WENDELL MARLEY 11299 S HENDERSON MC CAMMON ID 83250 (208) 254-9126	05/01/1886	IRRIGATION	03-15 11-15	0.750 CFS	
TOTAL DIVERSION:					0.750 CFS	

Water Source: GARDEN CREEK

Tributary to: MARSH CREEK

Stage: DECREED

Point(s) of Diversion:

T10S R36E S05
S07

SESE
NENW

BANNOCK County
BANNOCK County

Place of use Legal Description for: IRRIGATION

				NE				NW				SW				SE								
T	R	S	:	NENE Lt Ac	NWNE Lt Ac	SWNE Lt Ac	SENE Lt Ac	:	NENW Lt Ac	NWNW Lt Ac	SWNW Lt Ac	SENW Lt Ac	:	NESW Lt Ac	NWSW Lt Ac	SWSW Lt Ac	SESW Lt Ac	:	NESE Lt Ac	NWSE Lt Ac	SWSE Lt Ac	SESE Lt Ac	:	SUM
10S	36E	4	:					:					:			03		:					:	3.0
10S	36E	5	:					:					:					:				30	:	30.0
10S	36E	8	:		40		40	:					:					:					:	80.0
10S	36E	9	:					:			40		:					:					:	40.0
TOTAL ACRES																							153.0	

POU County: BANNOCK

Other Rights: 29-00366

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

29-10621	29-12045	29-12233	A29-00362	A29-00366	A29-00371	A29-00372	A29-00373	A29-00374	A29-00375
A29-00381	A29-00383A	A29-00383B	A29-00384	A29-00425	A29-00426	A29-04402	A29-10621	A29-10642	A29-11442
A29-11462	A29-11615	A29-11616	A29-12045	A29-12233					

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

A29-00366 A29-02450 A29-04402 A29-11442 A29-11462

Dates: Exam Made Date:

Verified Date:

Objection Filed Date:

Misc: Water District Number:

Field Inspection Flag:

Presumption Flag:

Audit: 07/23/97 DCARLSON 04/13/00 CVANDERM

MAY 22 2001

203

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: A29-00365
Date Received: 10/ 8/1991
Receipt No: EO 23412
Received By: DC

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: J WENDELL MARLEY
Address: 11299 S HENDERSON
MCCAMMON ID

208-254-9126

83250

2. Date of Priority: MAY 1, 1886

3. Source: GARDEN CREEK

Trib. to: MARSH CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
10S	36E	5		SE	SE		BANNOCK
		7		NE	NW		BANNOCK

5. Description of diverting works:
DITCH FOR FLOOD IRRIGATION

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.750		

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

A.F.A.

8. Total consumptive use is

Acres Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
10S	36E	4	SW	SW		IRR	3.0

A2900365



10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					Section Acres	3.0
		5	SE	SE	IRR	30.0
					Section Acres	30.0
		8	NE	NE	IRR	40.0
			SE	NE	IRR	40.0
					Section Acres	80.0
		9	SW	NW	IRR	40.0
					Section Acres	40.0
					Total Acres	153.0

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:
29-00366

14. Remarks:

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: / /

GARDEN CREEK IRRIG. CO.

Decree Plaintiff

THOMAS E. WOLVERTON, ET. AL.

vs Decree Defendant

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

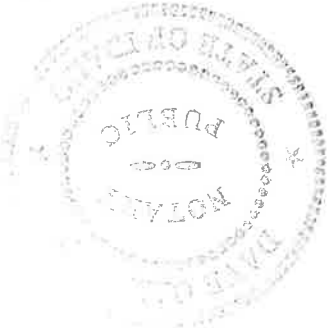
Signature of Claimant(s): *Wendell M. M. M.* Date: 7-16-97

Date: _____

State of Idaho)
County of Bonneville) SS.

Subscribed and sworn (or affirmed) before me this 17 day
of July 19 97 *Wendell M. M. M.*
Notary Public

Seal



Residing at *Regby, ID*
My Commission Expires 2/26/2002

