

09/13/2002

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

RIGHT NUMBER: 29-366

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

SOURCE: GARDEN CREEK

TRIBUTARY: MARSH CREEK

QUANTITY: 1.00 CFS

PRIORITY DATE: 05/01/1904

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

1.000 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

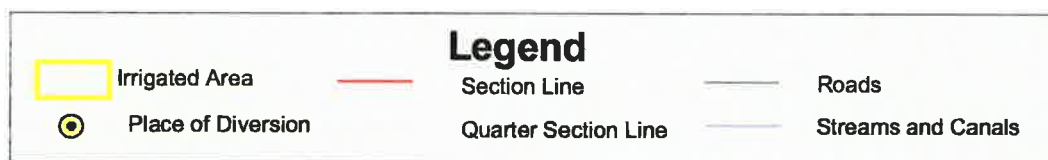
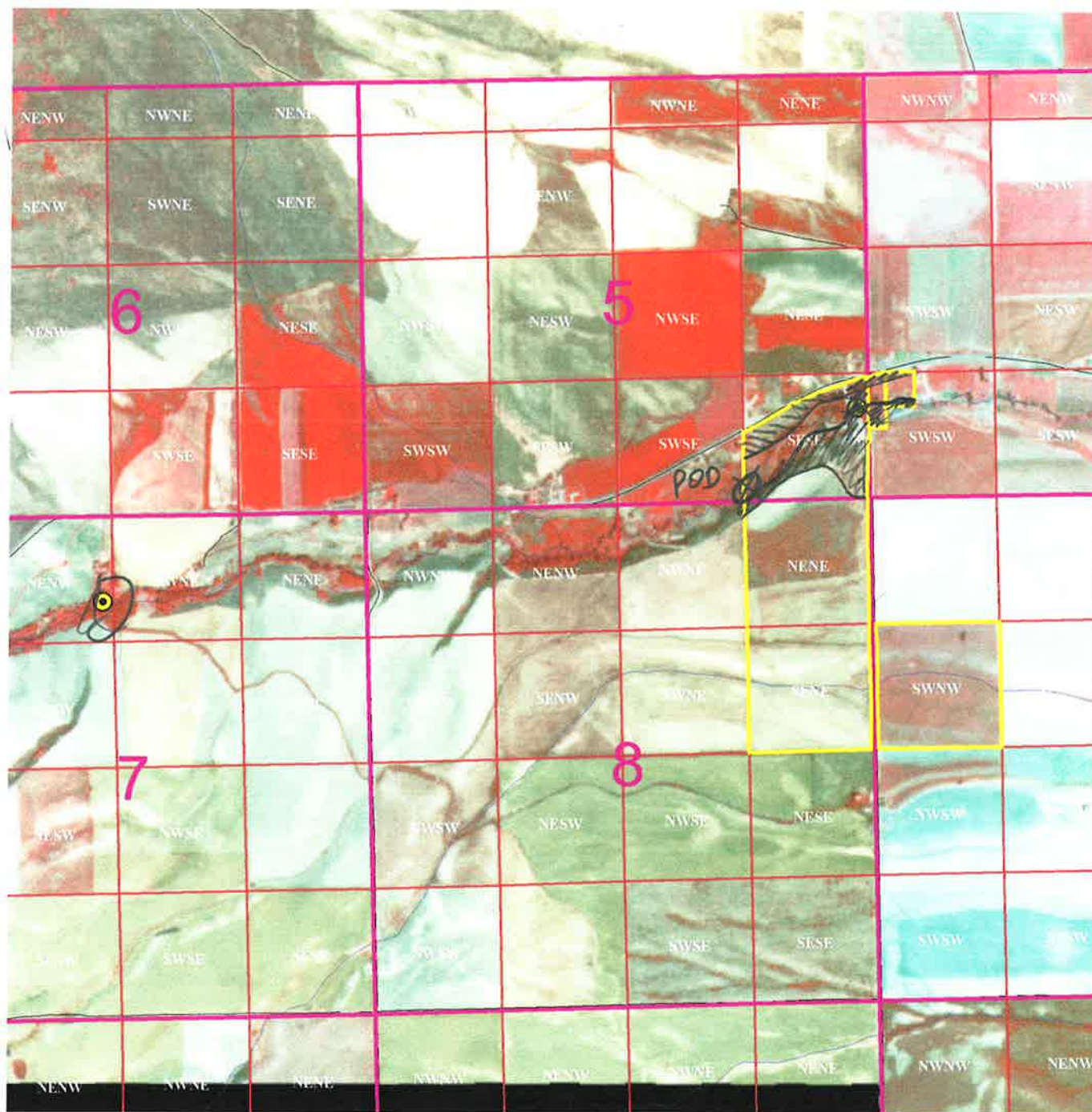
109 ACRES TOTAL

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

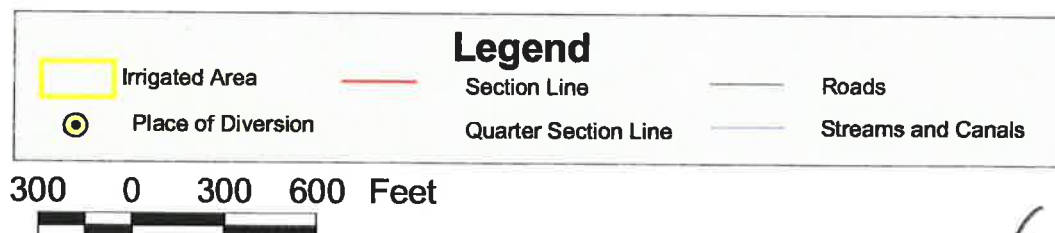
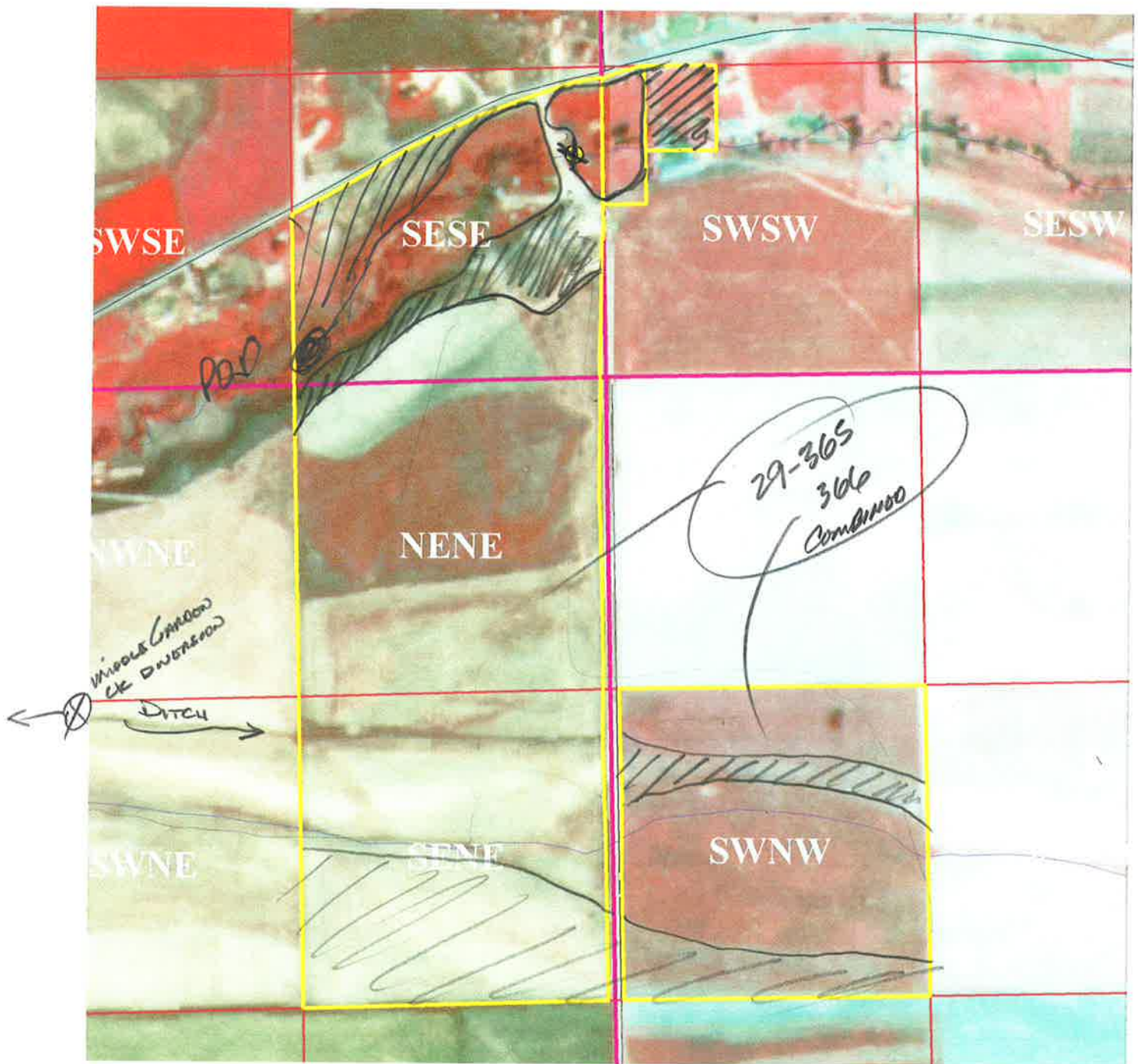
Township , 10S36E



800 0 800 1600 Feet

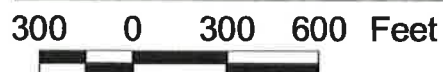
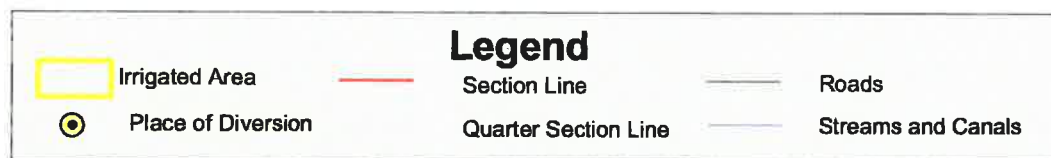
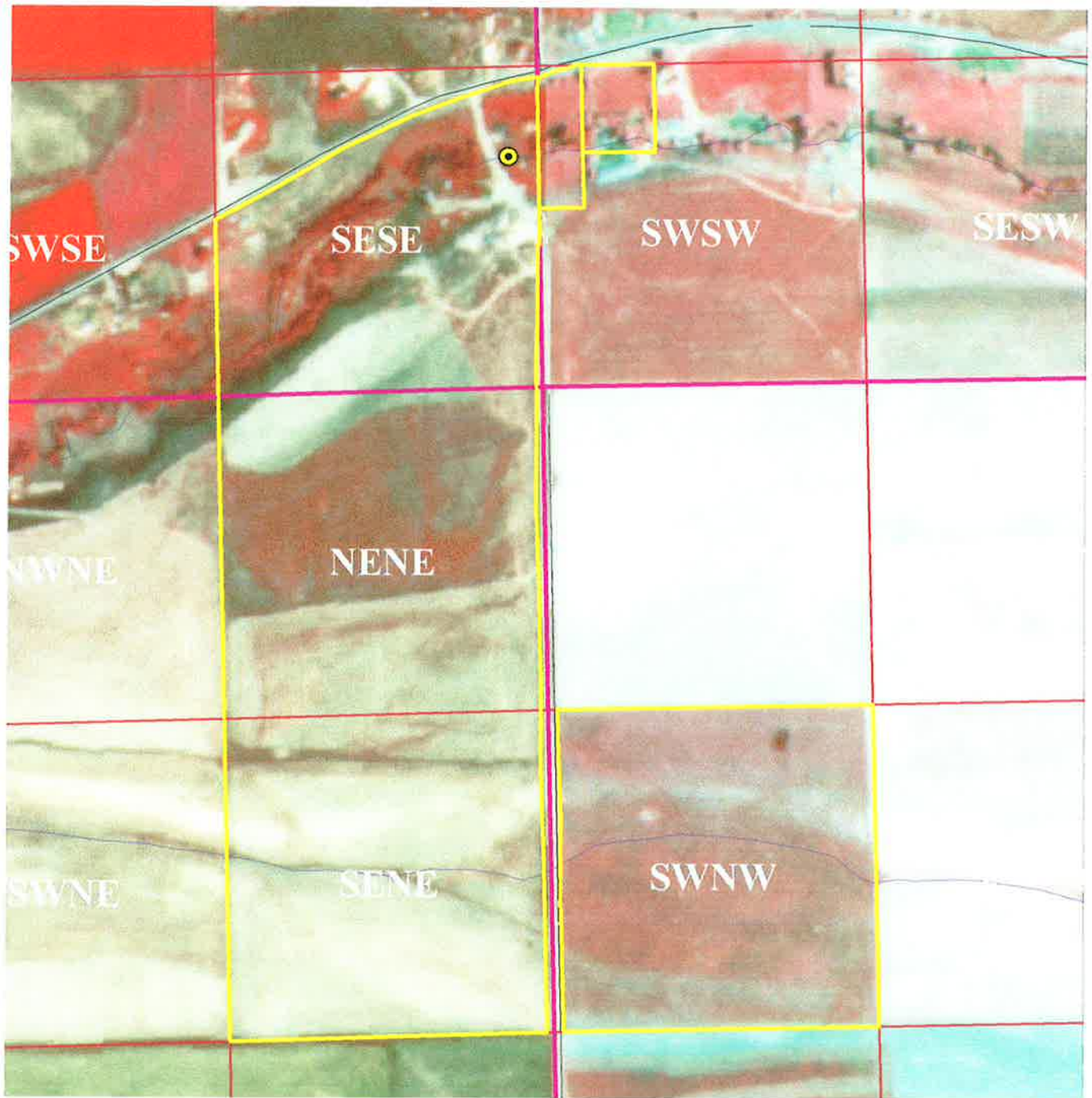


Township , 10S36E

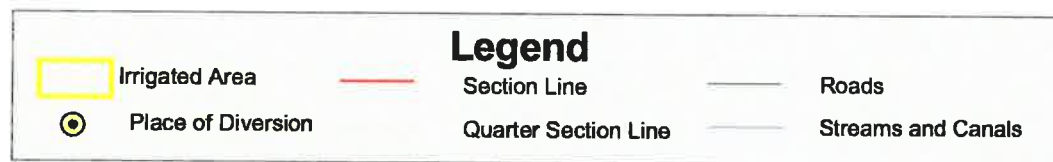
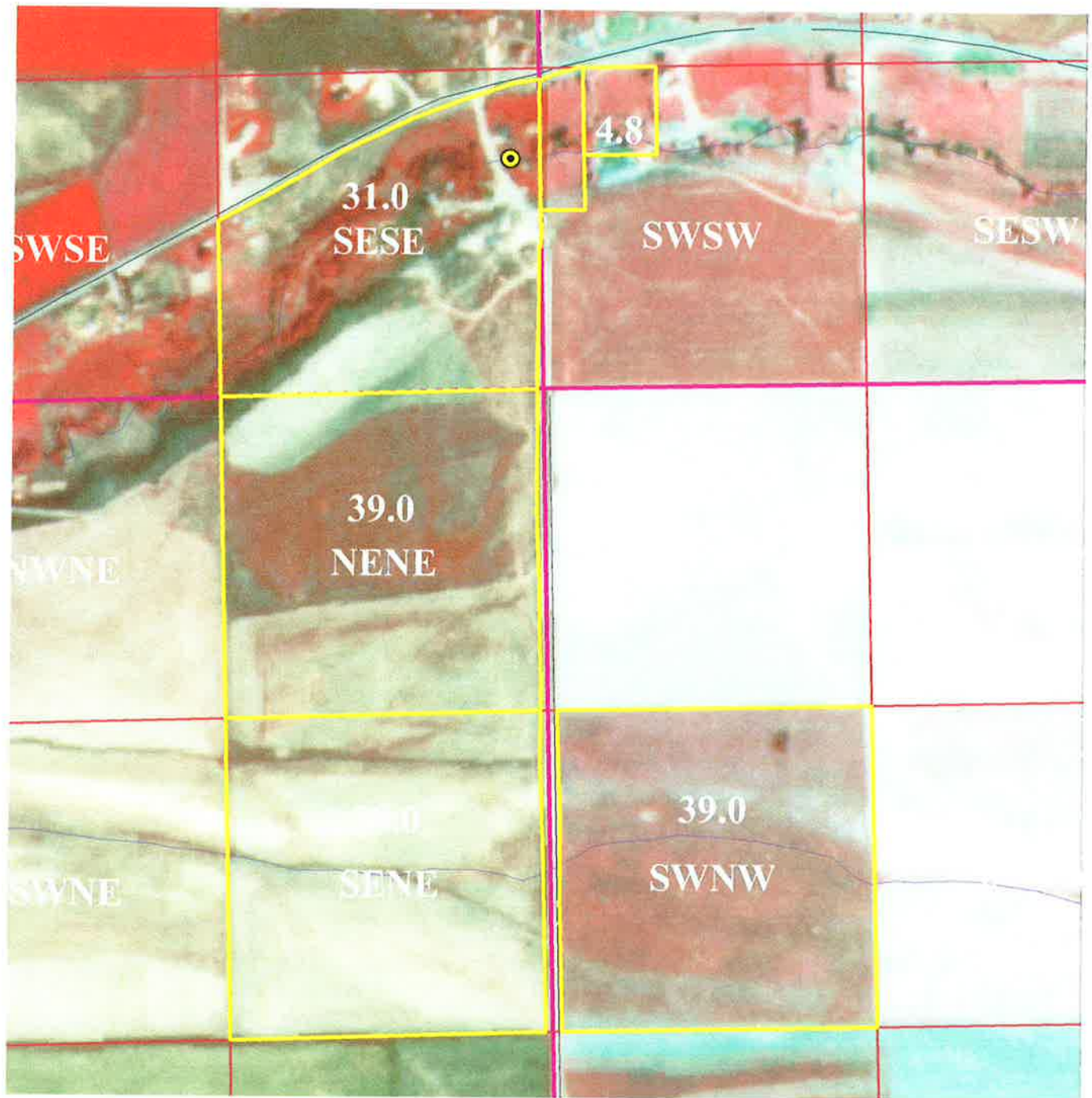


8/28/02
AAR

Township , 10S36E



Township , 10S36E



300 0 300 600 Feet





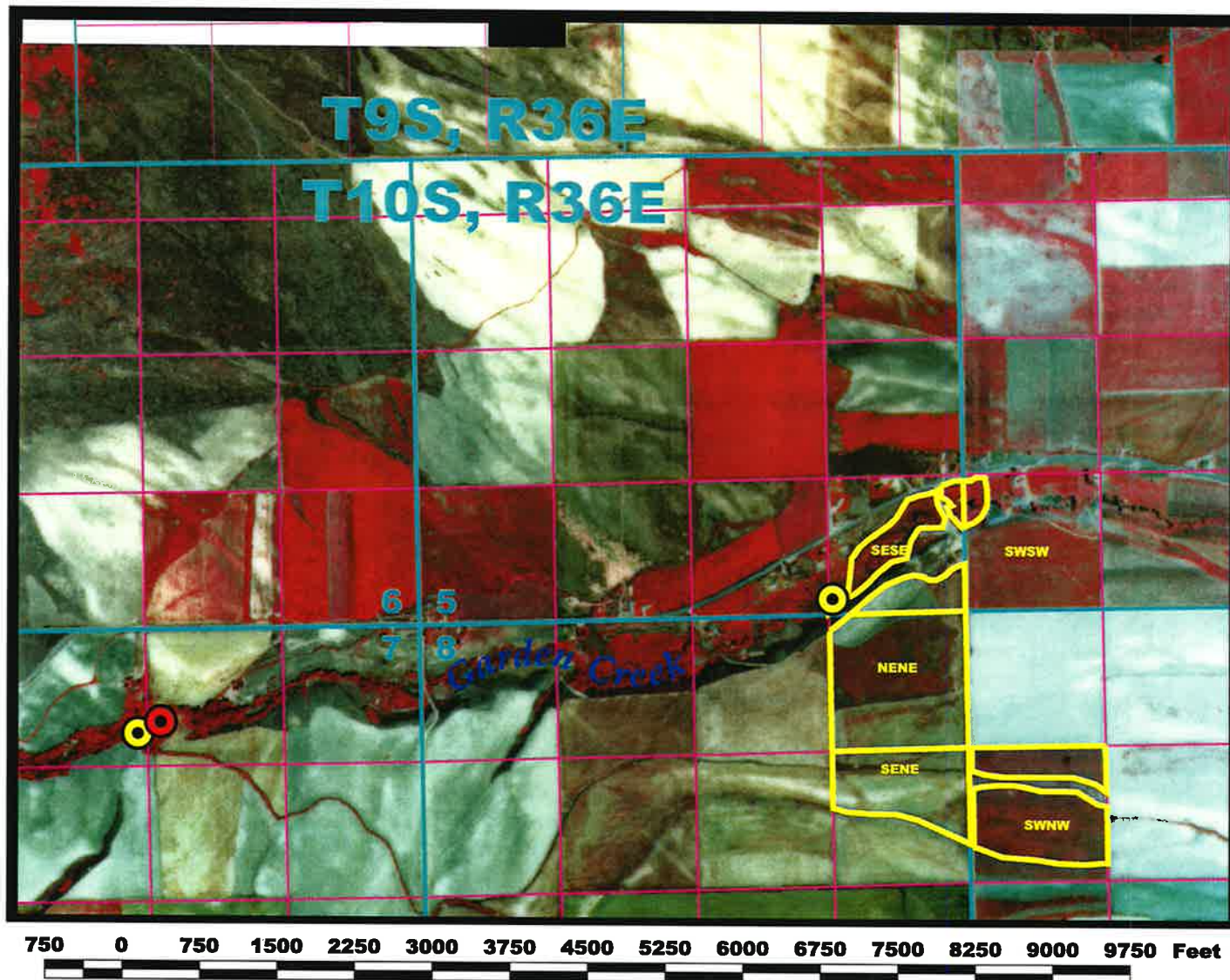
NOV 02 2005

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

T9S, R36E

T10S, R36E

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NOV 02 2005

6 5
7 8

Garden Creek

SESE
17.0
2.1
SWSW

NENE
39.6

SENE
21.1

SWNW
29.2

Contacts Data Entry Form

Owner Type _____ Full Name _____ Address _____ City _____ State _____ Zip _____ Phone _____

Current Owner J. WENDELL MARLEY

Name connector: and _____, or _____, and/or _____

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:

GARDON CK TRAIL vs WILKINSON, et al

* NEEDS D OF ADDRESS ⇒ SUB 29-00365 FIVE
TO: J WENDELL MARLEY
12839 S THACKER RD
ARIMA IO 83214

SUB 29-365 FOR FORM (SIGNATURE)

RE INDICATOR: POU, POD

Reviewer: _____

Date: _____

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Priority Date Data Entry Form

Claim Number: 29-366
Water Right Priority Date: May 1, 1904 Water Right Basis: Decrees
Claimed Priority Date: " 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:

CLAIMED Priority matches Decrees

Reviewer: _____

Date: _____

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NOV 02 2005

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
105	368	5		SESE	Bann	Cannon Cr
GPS Coordinates: _____						
		7		NENW	Bann	Cannon Cr
GPS Coordinates: _____						
GPS Coordinates: _____						
GPS Coordinates: _____						
GPS Coordinates: _____						
GPS Coordinates: _____						
GPS Coordinates: _____						
GPS Coordinates: _____						

Other rights from this POD? _____

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

Sams POD's as 29-366

FE - POD's

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
10S	36E	4	SWSW		Barren		3 ^e	Prng
		5	SSE				30 ^e	
		8	NENE				40	
			SENE				40	
		9	SWNW				40	
Total Acres							153 ^e	

Recommended Place of Use

Twp	Rge	Sec	QQ	Q	County	Lot Num	Acres	Purpose of Use
Total Acres								

Document how the POU was verified:

NOTES in 29-365. ⇒ ENLARG. CLAIM? *no* *CP5*

Overlap w/ 29-365 SEE GRS POU.

Transfers Changing POU _____

Reviewer: _____

Date: _____

PROFILED

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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
<i>Travis</i>	<i>3/15</i>	<i>11/15</i>	<i>0.75</i>	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

Overall Diversion Rate _____ Overall Diversion Volume _____

Recommended Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
<i>Travis</i>	<i>4/1</i>	<i>10/31</i>	_____	_____
_____	<i>DEPT</i>	<i>STD SOL</i>	_____	_____
_____	_____	_____	_____	_____

Overall Diversion Rate _____ Overall Diversion Volume _____

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

DOCS DOES NOT SPECIFY SOL, => DEPT. STA.

Reviewer: _____

Date: _____

PROTECTED

SCANNED

NOV 02 2005

SCANNED
MAY 27 2008

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
19 0364 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
19 0366 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
29 0368 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
19 0370 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
29 0372 May, 1893, and three-eighths second foot of water to date from the 1st day of May,
19 0373 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,
29 0375 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
29 0377 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 W. 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
29 0379 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
29 0380 date from the 1st day of May, 1895, and one-fourth of second foot of water to date
29-0600 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
19 0382 day of May, 1895 and one second foot of water to date from the 1st day of May, 1904,
19 0383 to be used upon the S. W. 1/4 of Sec. 9; also three-fourths second foot of water to
19 0384 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
29 0386 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
19 0388 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
29 0390 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
29 0392 May, 1898, and one second foot of water to date from the 1st day of May, 1904, to

Log for claim A29-00366

Spatial Dynamics BTD

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. A29-00366

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 04/27/00
PAGE: 10

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	05/01/1904	IRRIGATION	04-01 11-01	1.000 CFS	
TOTAL DIVERSION:					1.000 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	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	SUM
10S	36E	4	:	:	:	:	:	:	:	:	:	03	:	:	:	:	:	3.0
10S	36E	5	:	:	:	:	:	:	:	:	:	:	:	:	:	30	:	30.0
10S	36E	8	:	40	:	:	:	:	:	:	:	:	:	:	:	:	:	80.0
10S	36E	9	:	:	:	:	:	40	:	:	:	:	:	:	:	:	:	40.0
TOTAL ACRES																	153.0	

POU County: BANNOCK

Other Rights: 29-0365

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

29-10621	29-12045	29-12233	A29-00362	A29-00365	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:

A29-00365 A29-02450 A29-04402 A29-11442 A29-11462

Conditions of Approval:

C05 - RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO
- SECTION 42-1425, IDAHO CODE.

Dates: Exam Made Date:

Verified Date:

Objection Filed Date:

Misc: Water District Number:

Field Inspection Flag:

Presumption Flag: D

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

MAY 22 2001

50

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: A29-00366
Date Received: 7/16/1997
Receipt No: E023412
Received By: DC

**NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW**

1. Name: J WENDELL MARLEY 208-254-9126
Address: 11299 S HENDERSON
MCCAMMON ID 83250

2. Date of Priority: MAY 1, 1904

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:
HEADGATE/DITCHES TO FLOOD IRR

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	1.000		

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

8. Total consumptive use is Acre 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

A2900366



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:
29-0365

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 16 day
of July 19 97 Dave Carlson
Notary Public

Seal

Residing at Rigby, Id
My Commission Expires 2/26/2002



Meadowbrook T393 #1084

134
Humphrey

34.0
 87-96
 CRP:CN #133
 Murphy
 NHE

65-9
2

29-00365
29-00366

END 687
1

#104D
Ceil Armstrong
CRP:CN #103A

59.9

60057595

8228 JOHN MARLEY

SWB KIN UDC
H251

100
153

5