

12/13/2002

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

RIGHT NUMBER: 29-383A

NAME AND ADDRESS: BRUCE H WHEATLEY  
2584 W ARIMO RD  
ARIMO ID 83214

DARLENE WHEATLEY  
2584 W ARIMO RD  
ARIMO ID 83214

SOURCE: GARDEN CREEK

TRIBUTARY: MARSH CREEK

QUANTITY: 0.720 CFS

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL  
COMBINED DIVERSION RATE OF 1.05 CFS. COMBINED RIGHT NOS.: 29-374, 29-375,  
29-383A, 29-384, 29-10642.

THIS RIGHT WHEN COMBINED WITH RIGHT NO. 29-374, 29-375, 29-383A, 29-384  
AND 29-10642 SHALL PROVIDE NO MORE THAN .02 CFS PER ACRE.

PRIORITY DATE: 05/01/1895

POINT OF DIVERSION:

T10S R36E S7 SWNWNE Within BANNOCK County

T10S R36E S7 SENENW 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          | 0.720 CFS       |

PLACE OF USE: IRRIGATION Within BANNOCK County

|               |      |      |               |      |      |
|---------------|------|------|---------------|------|------|
| T10S R36E S08 | NWNW | 17.0 | T10S R36E S08 | SWNW | 35.0 |
| T10S R36E S08 | NWSW | 0.6  |               |      |      |

52.6 ACRES TOTAL

USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE  
IRRIGATION OF A COMBINED TOTAL OF 52.8 ACRES IN A SINGLE  
IRRIGATION SEASON. COMBINED RIGHT NOS.: 29-374, 29-375, 29-383A,  
29-384, 29-10642.

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 36.0 ACRES WITHIN THE  
PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

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

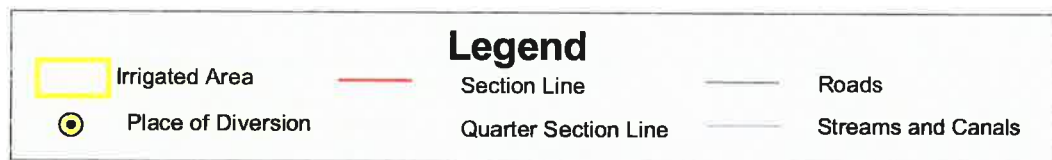
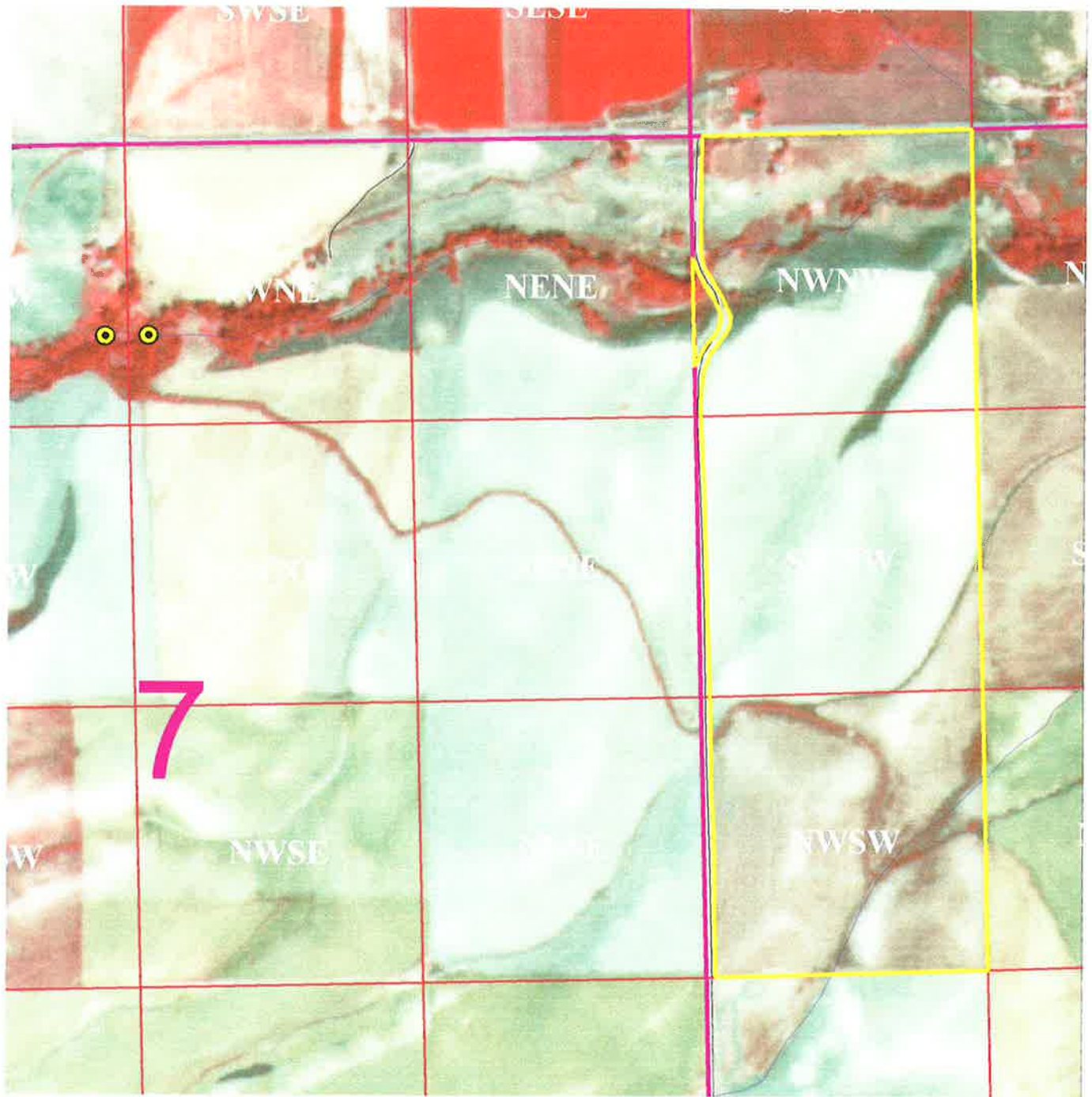
This partial decree is subject to such general provisions necessary for  
the definition of the rights or for the efficient administration of the water  
rights as may be ultimately determined by the Court at a point in time no  
later than the entry of a final unified decree. Section 42-1412(6), Idaho  
Code.

EXPLANATORY MATERIAL: Decreed

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

THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF  
DIVERSION DESCRIBED ABOVE: 29-374, 29-375, 29-383A, 29-384,  
29-10642.

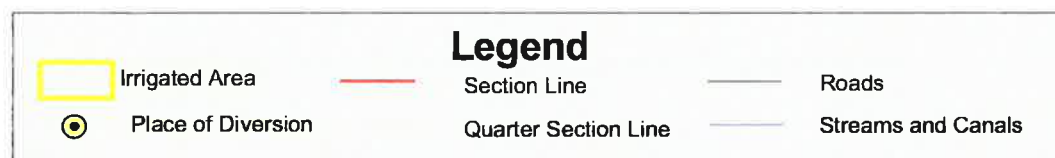
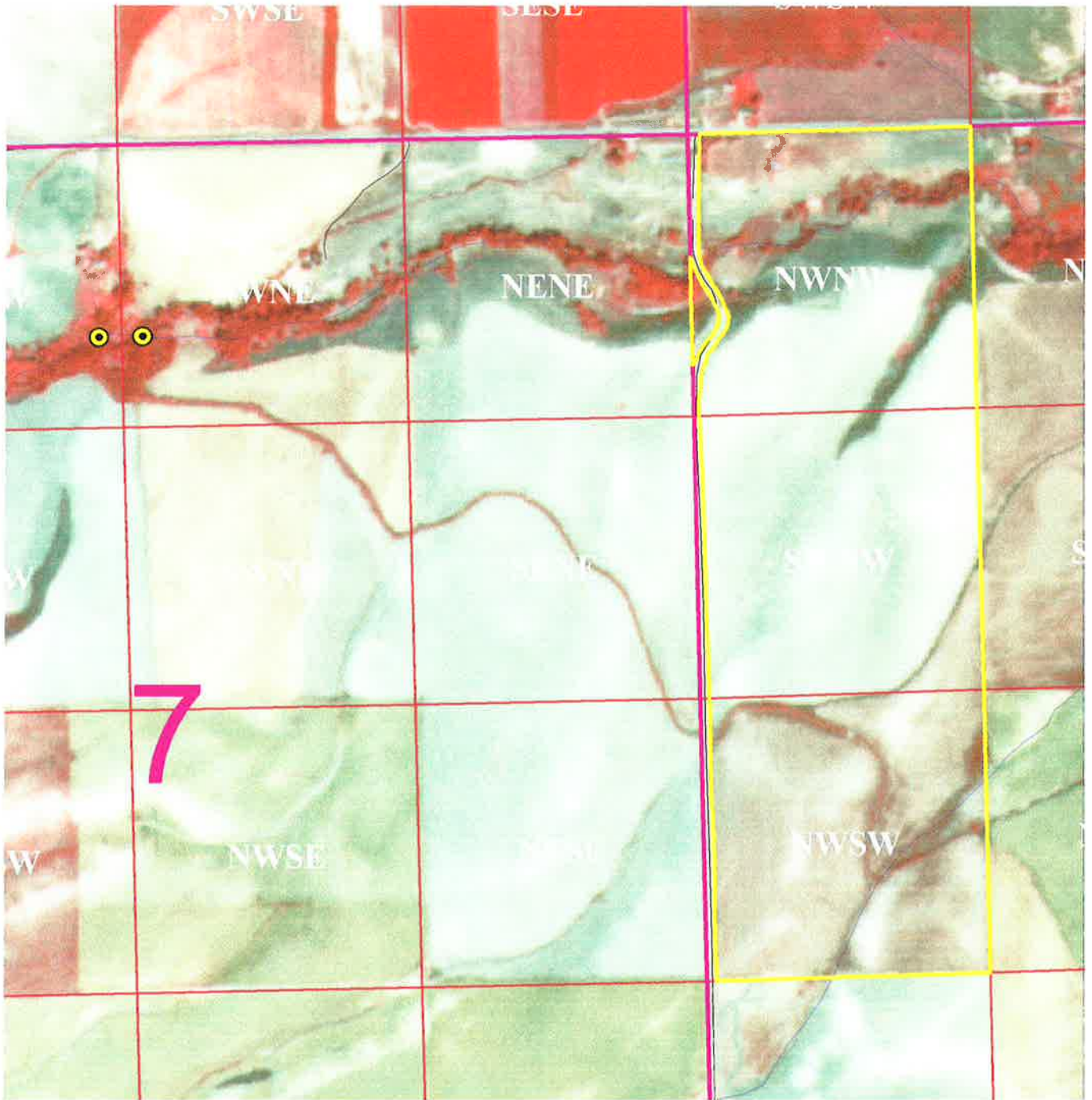
Township , 10S36E



400 0 400 800 Feet



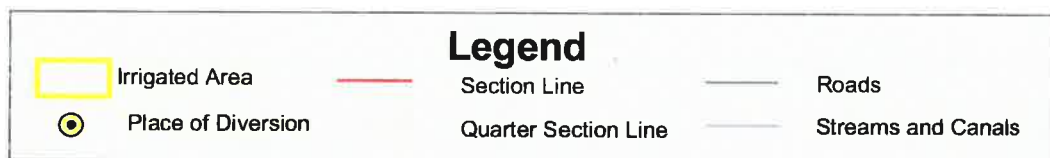
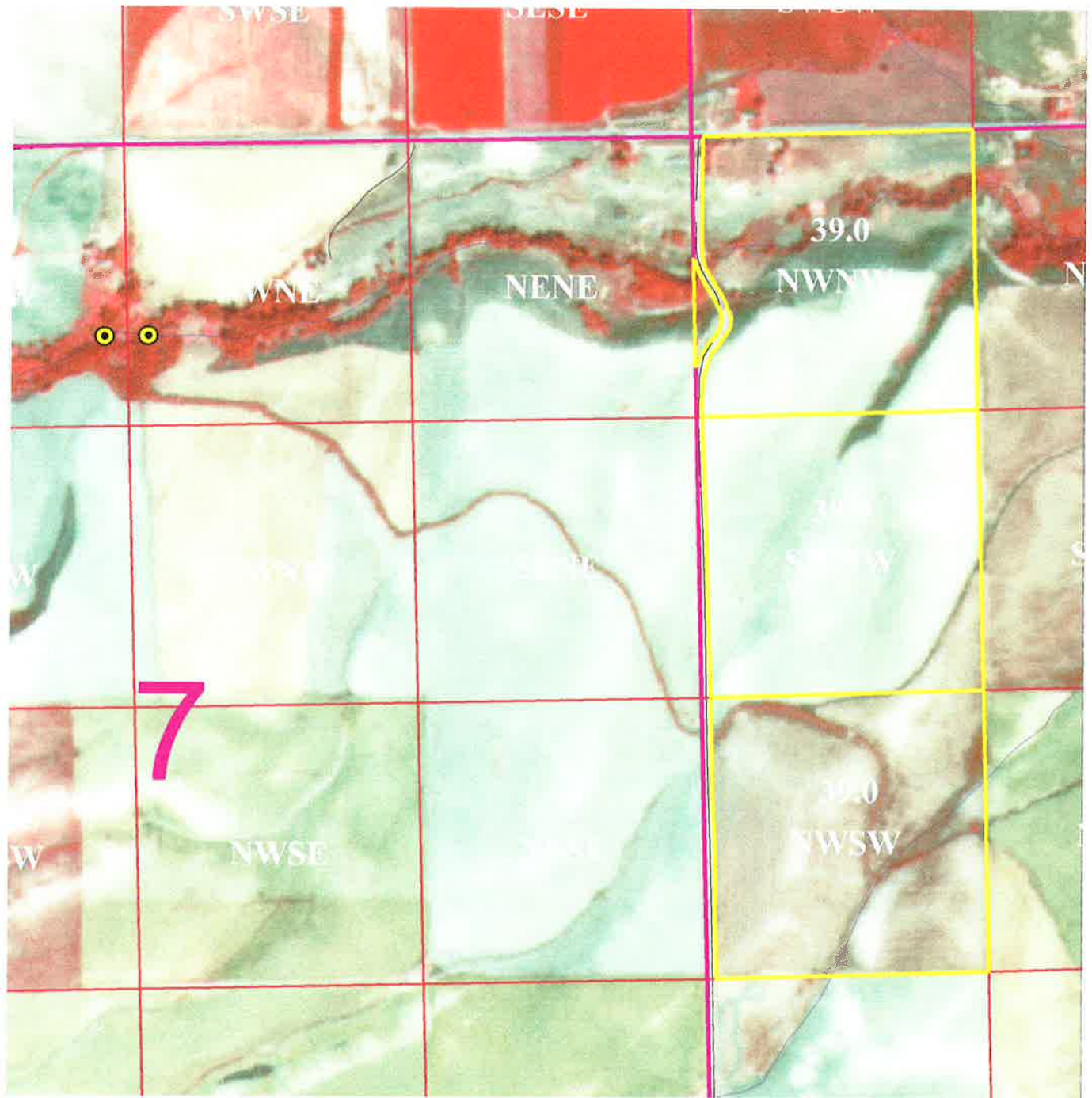
Township , 10S36E



400 0 400 800 Feet



Township , 10S36E



400 0 400 800 Feet



IDAHO DEPARTMENT OF WATER RESOURCES  
Adjudication Claim Report 29-383

WATER RIGHT NUMBER: 29-383

| <u>Owner Type</u> | <u>Name and Address</u>                                                 |
|-------------------|-------------------------------------------------------------------------|
| Original Owner    | BRUCE H WHEATLEY<br>2584 W ARIMO RD<br>ARIMO, ID 83214<br>(208)254-3357 |
| Original Owner    | DARLENE WHEATLEY<br>2584 W ARIMO RD<br>ARIMO, ID 83214<br>(208)254-3357 |

Priority Date: 05/01/1895

Basis:

Status: See Remarks

| <u>Source</u> | <u>Tributary</u> |
|---------------|------------------|
| GARDEN CREEK  | MARSH CREEK      |

| <u>Beneficial Use</u> | <u>From</u> <u>To</u>   | <u>Diversion Rate</u> | <u>Annual Volume</u> |
|-----------------------|-------------------------|-----------------------|----------------------|
| IRRIGATION            | 3/15 to 11/15           | 0.750 CFS             |                      |
|                       | <u>Total Diversion:</u> | 0.750 CFS             |                      |

Location of Point(s) of Diversion

|                |            |                                |
|----------------|------------|--------------------------------|
| GARDEN CREEK   | NW1/4NE1/4 | Sec. 7, Twp 10S, Rge 36E, B.M. |
| BANNOCK County |            |                                |
| GARDEN CREEK   | NE1/4NW1/4 | Sec. 7, Twp 10S, Rge 36E, B.M. |
| BANNOCK County |            |                                |

Place of UseIRRIGATION Within BANNOCK County

|               |      |      |               |      |      |
|---------------|------|------|---------------|------|------|
| T10S R36E S08 | NWNW | 40.0 | T10S R36E S08 | SWNW | 40.0 |
| T10S R36E S08 | NWSW | 40.0 |               |      |      |

Total Acres: 120

Conditions of Approval:Remarks:

1. General A29-00383A, BRUCE H. WHEATLEY, .75 CFS A29-00383B, MICHAEL C. SCHMITT, .03 CFS 29-00383 0.75 CFS THIS CLAIM APPEARS TO BE OVER CLAIMED 2/16/95 SC

Comments:Dates and Other Information:

383A @ 0.72 to wheatley  
383B @ 0.03 to Schmitt  
0.75

## IDAHO DEPARTMENT OF WATER RESOURCES

## Adjudication Claim Report 29-383A

WATER RIGHT NUMBER: 29-383A

| <u>Owner Type</u> | <u>Name and Address</u>                                                 |
|-------------------|-------------------------------------------------------------------------|
| Current Owner     | DARLENE WHEATLEY<br>2584 W ARIMO RD<br>ARIMO, ID 83214<br>(208)254-3357 |
| Current Owner     | BRUCE H WHEATLEY<br>2584 W ARIMO RD<br>ARIMO, ID 83214<br>(208)254-3357 |

Priority Date: 05/01/1895

Basis: Decreed

Status: **PARENT**

| <u>Source</u> | <u>Tributary</u> |
|---------------|------------------|
| GARDEN CREEK  | MARSH CREEK      |

| <u>Beneficial Use</u> | <u>From</u> <u>To</u>   | <u>Diversion Rate</u> | <u>Annual Volume</u> |
|-----------------------|-------------------------|-----------------------|----------------------|
| IRRIGATION            | 3/15 to 11/15           | 0.750 CFS             |                      |
|                       | <u>Total Diversion:</u> | 0.750 CFS             |                      |

Location of Point(s) of Diversion

|                |            |         |          |               |
|----------------|------------|---------|----------|---------------|
| GARDEN CREEK   | NE1/4NW1/4 | Sec. 7, | Twp 10S, | Rge 36E, B.M. |
| BANNOCK County |            |         |          |               |
| GARDEN CREEK   | NW1/4NE1/4 | Sec. 7, | Twp 10S, | Rge 36E, B.M. |
| BANNOCK County |            |         |          |               |

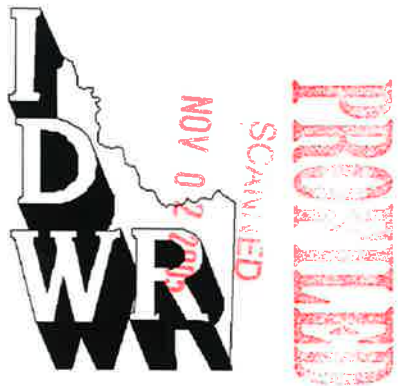
Place of UseIRRIGATION Within BANNOCK County

|                  |      |      |               |      |      |
|------------------|------|------|---------------|------|------|
| T10S R36E S08    | NWNW | 40.0 | T10S R36E S08 | SWNW | 40.0 |
| T10S R36E S08    | NWSW | 40.0 |               |      |      |
| Total Acres: 120 |      |      |               |      |      |

Conditions of Approval:Remarks:

1. General      **SPLIT RIGHT: SEE RIGHT NOS. 29-13344 & 29-13345**

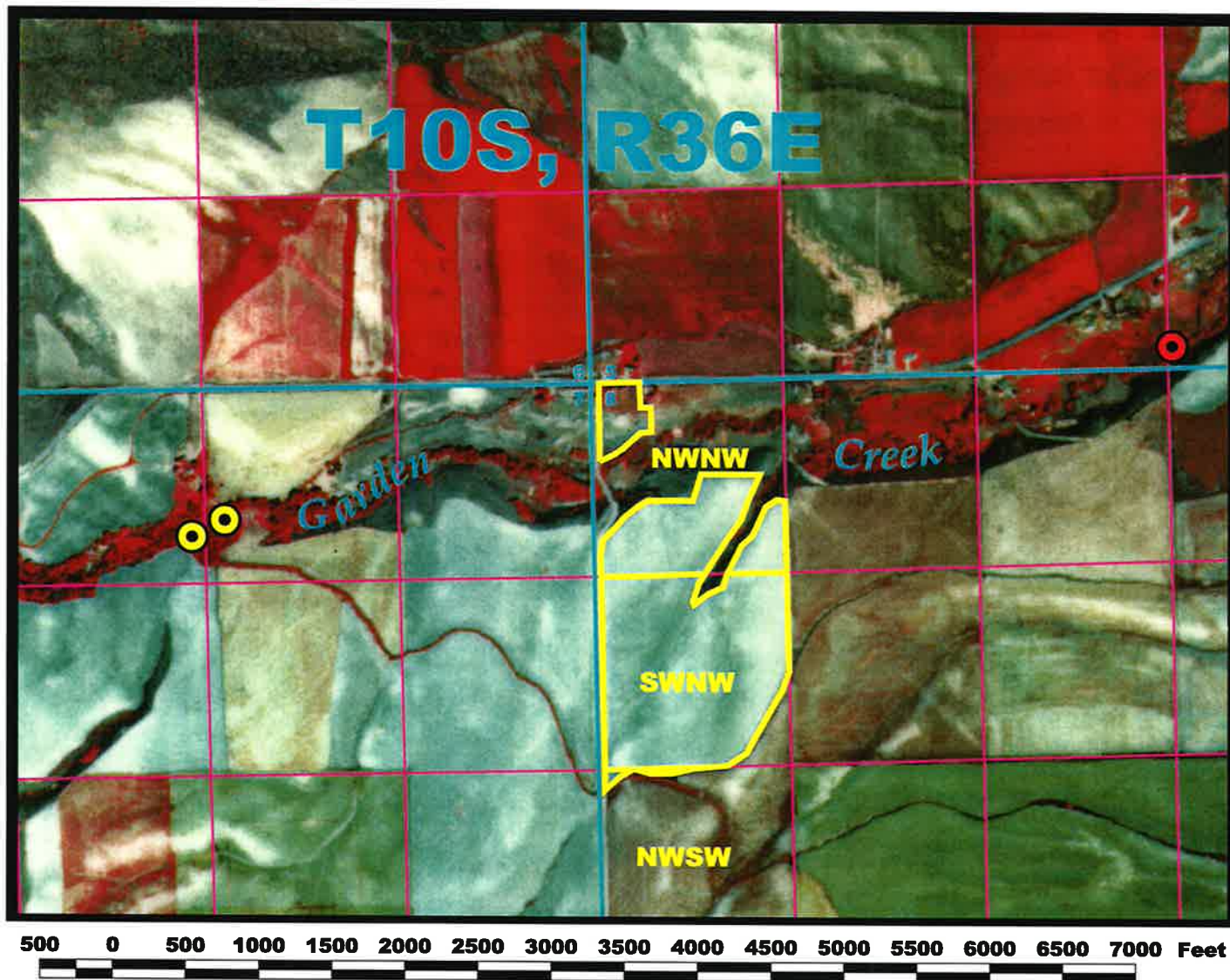
Dates and Other Information:



# State of Idaho

## Department of Water Resources

### Eastern Region



**Water Right(s):**  
29-374, 29-375, 29-383A,  
29-384, 29-10642

**Place of Use: (parts of) T10S, R36E**  
Sec. 8 W2NW, NWSW

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



#### LEGEND

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

## Contacts Data Entry Form

29-383A

| Owner Type | Full Name | Address | City | State | Zip | Phone |
|------------|-----------|---------|------|-------|-----|-------|
|------------|-----------|---------|------|-------|-----|-------|

Current Owner Bruce Wheatley

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:

GARDEN CR TRAIL vs Wolverton, et al, 15 SEPT 1915.This Pts is claimed as:29-383A B. Wheatley 0.75 cts (As Deeded)29-383B M. Schmitt 0.03 cts ET Tom BowenBowenPREVIOUSLY OVERCLAIMED; NOODS EVIDENCES ARE  
OWNERSHIP:8/7/02 Bruce Wheatley stated that Schmitt KURT 1 1/2" FOR  
LAWN etc.FB INDICATED - POD's, POU,

Reviewer: \_\_\_\_\_

Date: \_\_\_\_\_

PROFILED

SCANNED  
NOV 02 2005

**Priority Date Data Entry Form**

Claim Number: \_\_\_\_\_

Water Right Priority Date: 5/1/1895Water Right Basis: DecreeClaimed 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:

Matchos Decree

Reviewer: \_\_\_\_\_

Date: \_\_\_\_\_

**PROFILED****SCANNED**  
**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                    | 36E | 7   |         | NWNB           | BANN   | CANDON CR |
| GPS Coordinates: _____ |     |     |         |                |        |           |
|                        |     | 7   |         | NBNW           | "      | "         |
| GPS Coordinates: _____ |     |     |         |                |        |           |
| GPS Coordinates: _____ |     |     |         |                |        |           |
| GPS Coordinates: _____ |     |     |         |                |        |           |
| GPS Coordinates: _____ |     |     |         |                |        |           |
| GPS Coordinates: _____ |     |     |         |                |        |           |
| GPS Coordinates: _____ |     |     |         |                |        |           |

check  
GPS

Other rights from this POD? \_\_\_\_\_

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

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
SAMS PODs AS OTHER RTS  
\_\_\_\_\_

Transfers Changing POD \_\_\_\_\_

Reviewer: \_\_\_\_\_

Date: \_\_\_\_\_

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NOV 02 2005

## 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 | 366 | 8   | NNNW |   | Beaver |         | 40 <sup>2</sup> | Trails         |
|     |     |     | SWNW |   | "      |         | 40 <sup>2</sup> | "              |
|     |     |     | NWSW |   | "      |         | 40 <sup>2</sup> | "              |
|     |     |     |      |   |        |         |                 |                |
|     |     |     |      |   |        |         |                 |                |
|     |     |     |      |   |        |         |                 |                |

Total Acres \_\_\_\_\_

## Recommended Place of Use

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

Total Acres \_\_\_\_\_

Document how the POU was verified:

DISCLOSED TO: W<sup>2</sup>NW, NW/4, Sec. 8 Claimed as Disclosed

Overlaps w/ other PUs: POU w/ Limits

Transfers Changing POU \_\_\_\_\_

Reviewer: \_\_\_\_\_

Date: \_\_\_\_\_

PROFILE

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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 |
|--------------|------------|--------------|-------------|--------|
| <i>Innis</i> | <i>NOT</i> | <i>Spec.</i> | <i>0.75</i> |        |
|              |            |              |             |        |
|              |            |              |             |        |

Overall Diversion Rate \_\_\_\_\_

Overall Diversion Volume \_\_\_\_\_

## Claimed Period of Use and Diversion Rate

| Water Use    | Start       | End          | Rate        | Volume |
|--------------|-------------|--------------|-------------|--------|
| <i>Innis</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>Innis</i> | <i>4/1</i> | <i>10/31</i> | <i>0.72</i>              |        |
|              |            |              | <i>- 0.03 to Schmidt</i> |        |
|              |            |              |                          |        |

Overall Diversion Rate *0.72*

Overall Diversion Volume \_\_\_\_\_

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

*SOU NOT DOCUMENTED - LISO DEPT STD OF 4/1 TO 10/31.*

Reviewer: \_\_\_\_\_

Date: \_\_\_\_\_

PROFILED

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NOV 02 2005

MAY 22 2001

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 N. W. 1/4 and the East half of the S. W. 1/4 Sec. 11

Log for claim A29-00383A

Spatial Dynamics BTD

6/23/00

| TR             | SEC | QQ   | Acres<br>Claimed | Acres<br>Found | COMMENT |
|----------------|-----|------|------------------|----------------|---------|
| 10s36e         | 8   | NWNW | 40               | 39             |         |
| 10s36e         | 8   | SWNW | 40               | 39             |         |
| 10s36e         | 8   | NWSW | 40               | 39             |         |
| <b>Totals:</b> |     |      | 120              | 117            |         |

DATE: 04/27/00  
PAGE: 21

Audit: 02/21/95 SCOX 03/29/95 POST-STD 04/13/00 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: A29-00383A  
Date Received: 3/20/1990  
Receipt No: EP12447  
Received By: \_\_\_\_\_

NOTICE OF CLAIM TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW

1. Name: BRUCE H.. WHEATLEY 208-254-3357  
Address: 2584 W ARIMO ROAD  
ARIMO, ID 83214  
OR  
Name: DARLENE WHEATLEY 208-254-3357  
Address: 2584 W ARIMO ROAD  
ARIMO, ID 83214

2. Date of Priority: MAY 01, 1895

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   | 7       | NW NE             |     | BANNOCK |
|          |       |         | NE NW             |     | BANNOCK |

5. Description of diverting works:  
CANAL AND HEADGATES IN GARDEN CREEK

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 300.0 Acre Feet Per Annum.

9. Non-irrigation uses:  
NONE

A29-00383A

Page 1

Date: 03/29/90

MICROFILMED  
NOV 13 1992



10. Place of Use:

| Township | Range | Section | 1/4 of | 1/4 | Lot | Use | Acres |
|----------|-------|---------|--------|-----|-----|-----|-------|
| 10S      | 36E   | 8       | NW     | NW  |     | IRR | 40.0  |
|          |       |         | SW     | NW  |     | IRR | 40.0  |
|          |       |         | NW     | SW  |     | IRR | 40.0  |

Section Acres 120.0

Total Acres 120.0

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:  
A29-00374/00375/00384/10642

14. Remarks:

15. Basis of Claim: DECREED  
Case Number:  
Court :  
Decree date:

GARDEN CREEK IRRIG. CO.  
Decree Plaintiff

vs

THOMAS E. WOLVERTON, ET. AL.  
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): \_\_\_\_\_ Date: \_\_\_\_\_  
\_\_\_\_\_ Date: \_\_\_\_\_

State of Idaho )  
County of \_\_\_\_\_ ) SS.

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

\_\_\_\_\_  
Notary Public

Seal

Residing at \_\_\_\_\_  
My Commission Expires \_\_\_\_\_

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: A29-00383  
Date Received: 3/20/1990  
Receipt No: FO12447  
Received By: Dmb

NOTICE OF CLAIM TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW

1. Name: BRUCE H.. WHEATLEY 208-254-3357  
Address: 2584 W ARIMO ROAD  
ARIMO, ID 83214

OR  
Name: DARLENE WHEATLEY 208-254-3357  
Address: 2584 W ARIMO ROAD  
ARIMO, ID 83214

2. Date of Priority: MAY 01, 1895

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

4. Point of Diversion:

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

5. Description of diverting works:  
CANAL AND HEADGATES IN GARDEN CREEK

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 300.0 Acre Feet Per Annum.

9. Non-irrigation uses:  
NONE

A29-00383

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Date: 03/20/90

A2900383



MICROFILMED  
NOV 13 1992

10. Place of Use:

| Township | Range | Section | 1/4 | of | 1/4 | Lot | Use | Acres |
|----------|-------|---------|-----|----|-----|-----|-----|-------|
| 10S      | 36E   | 8       | NW  |    | NW  |     | IRR | 40.0  |
|          |       |         | SW  |    | NW  |     | IRR | 40.0  |
|          |       |         | NW  |    | SW  |     | IRR | 40.0  |

Section Acres 120.0

Total Acres 120.0

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:  
A29-00374/00375/00384/10642

14. Remarks:

15. Basis of Claim: DECREED  
Case Number:  
Court :  
Decree date:

GARDEN CREEK IRRIG. CO.  
Decree Plaintiff

vs

THOMAS E. WOLVERTON, ET. AL.  
Decree Defendant

(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.

**MICROFILMED**  
**NOV 13 1992**

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35'  
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4713

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MAY 22 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: A29-00383 A  
Date Received: 3/20/1990  
Receipt Number: X777777

NOTICE OF C  
ACQUIRE

3-20-1990  
Established.  
Water Right split  
Used A29-003834.  
For Wheatley  
RWH

1. Name: SPLIT RIGHT  
Address: N, ID

2. Date of Priority: MAY 01,

3. Source: GARDEN CREEK  
SPLIT RIGHT

4. Point of Diversion:

Township Range Section 1/4 c  
10S 36E 7

County  
BANNOCK  
BANNOCK

5. Description of diverting works:  
CANAL AND HEADGATES IN GARDEN CREEK

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 300.0 Acre Feet Per Annum.

9. Non-irrigation uses:  
NONE

10. Place of Use:

| Township | Range | Section | 1/4 of 1/4 | Lot | Use | Acres |
|----------|-------|---------|------------|-----|-----|-------|
| 10S      | 36E   | 8       | NW NW      |     | IRR | 40.0  |

A29-00383

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Date: 03/29/90

MICROFILMED

NOV 13 1992

10. Place of Use: Continued

| Township      | Range | Section | 1/4 of | 1/4 | Lot | Use | Acres |
|---------------|-------|---------|--------|-----|-----|-----|-------|
| 10S           | 36E   | 8       | SW     | NW  |     | IRR | 40.0  |
|               |       |         | NW     | SW  |     | IRR | 40.0  |
| Section Acres |       |         |        |     |     |     | 120.0 |
| Total Acres   |       |         |        |     |     |     | 120.0 |

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:  
A29-00374/00375/00384/10642

14. Remarks:  
A29-00383A, BRUCE H. WHEATLEY, .75 CFS  
A29-00383B, MICHAEL C. SCHMITT, .03 CFS

15. Basis of Claim:

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): \_\_\_\_\_ Date: \_\_\_\_\_  
\_\_\_\_\_ Date: \_\_\_\_\_

State of Idaho )  
County of \_\_\_\_\_ ) SS.

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

\_\_\_\_\_  
Notary Public

Seal

Residing at \_\_\_\_\_  
My Commission Expires \_\_\_\_\_