

11/14/2002

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

RIGHT NUMBER: 29-591

NAME AND ADDRESS: VELMA BULLOCK
5394 S MARSH CREEK RD
MC CAMMON ID 83250

SOURCE: BELL MARSH CREEK

TRIBUTARY: MARSH CREEK

QUANTITY: 1.600 CFS

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL
COMBINED DIVERSION RATE OF 3.00 CFS. COMBINED RIGHT NOS.: 29-00591,
29-00593B, 29-04020, 29-2279, 29-10716

PRIORITY DATE: 06/01/1900

POINT OF DIVERSION:

T08S R36E S33 SENENE Within BANNOCK County
T08S R36E S34 NENW Within BANNOCK County
T08S R36E S34 SWNNW Within BANNOCK County
T08S R36E S34 SWNNW 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	1.600 CFS

PLACE OF USE:

<u>IRRIGATION Within BANNOCK County</u>					
T08S R36E S27	SESW	13.0	T08S R36E S27	SWSE	4.0
T08S R36E S34	NWNE	20.0	T08S R36E S34	NENW	37.0
T08S R36E S34	NWNW	10.0	T08S R36E S34	SENW	12.0

96 ACRES TOTAL

USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 96 ACRES IN A SINGLE IRRIGATION
SEASON. COMBINED RIGHT NOS.: 29-00591, 29-00593B, 29-4020

USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 135 ACRES IN A SINGLE
IRRIGATION SEASON. COMBINED RIGHT NOS.: 29-00591, 29-00593B,
29-04020, 29-02279, 29-10716

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 80 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

Water Right 29-591

1

SCANNED

JUN 29 2004

11/14/2002

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

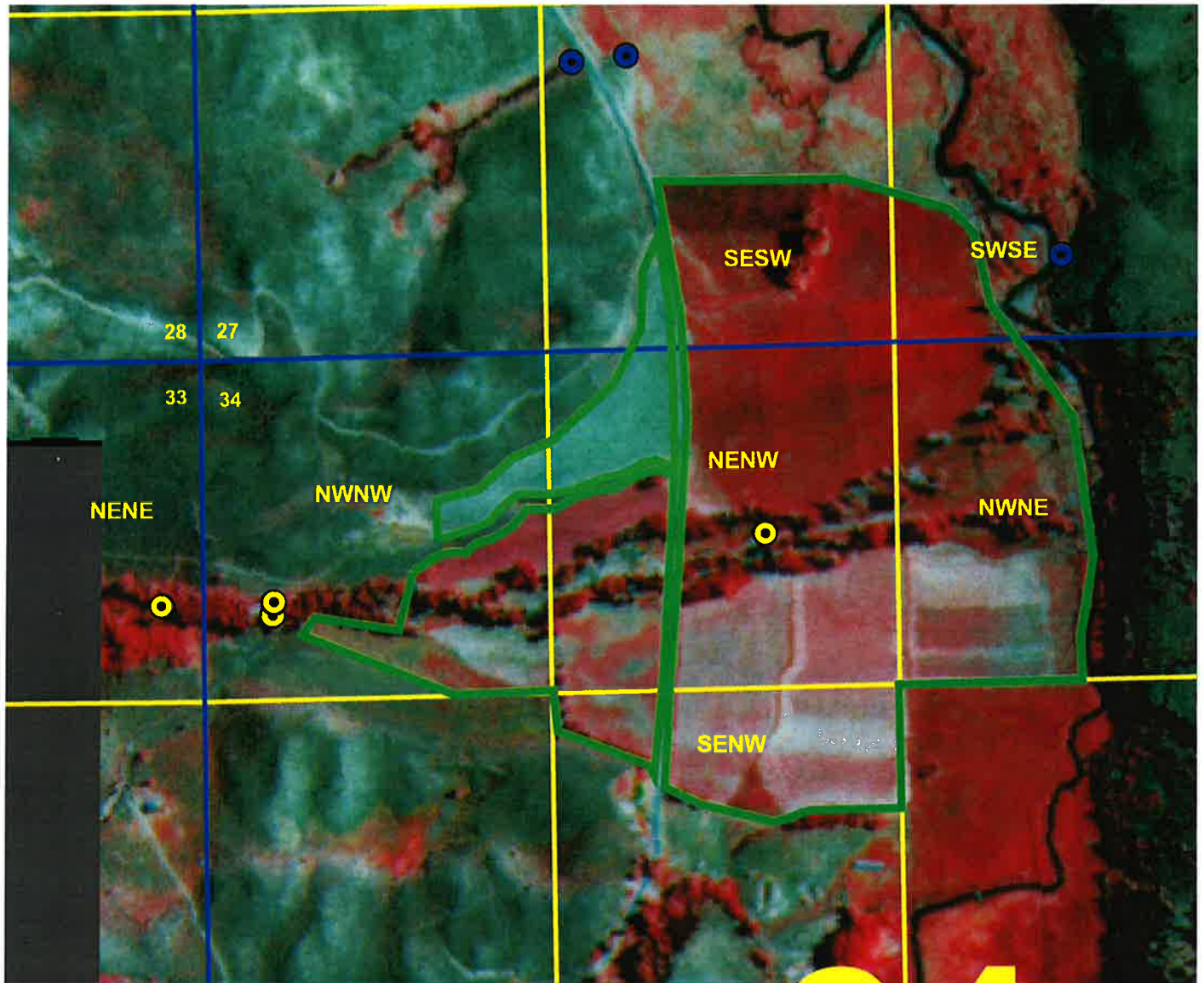
RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION
PURSUANT TO SECTION 42-1425, IDAHO CODE.

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

IDAHO DEPARTMENT OF WATER RESOURCES

29-00591, 29-00593B, 29-04020

T08S, R36E SEC 27, 34



ACRES IRRIGATED- 96



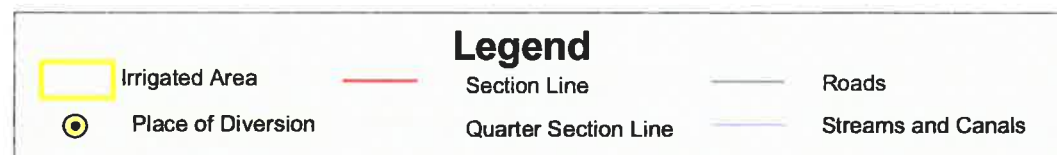
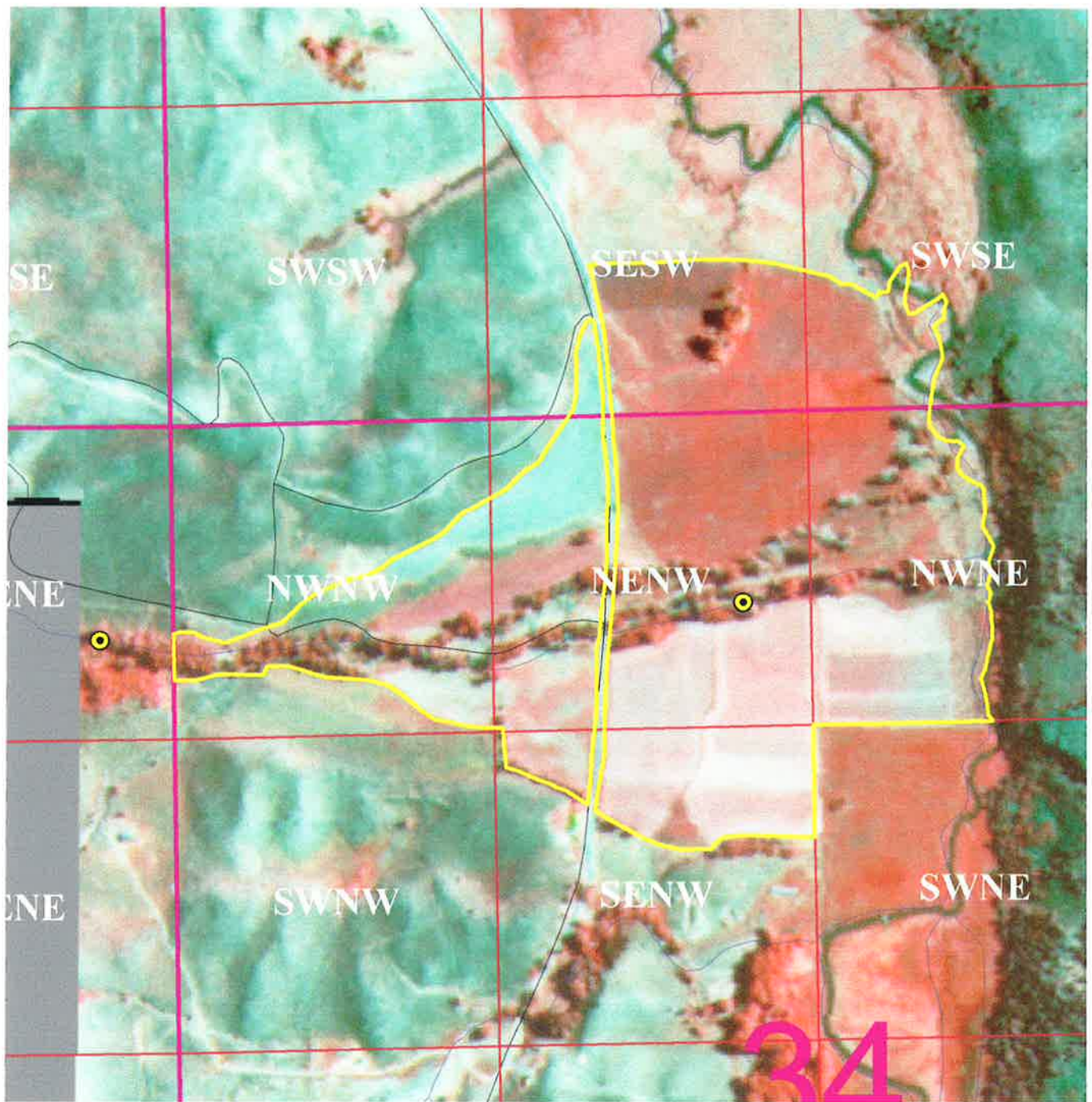
POINT OF DIVERSION



PLACE OF USE

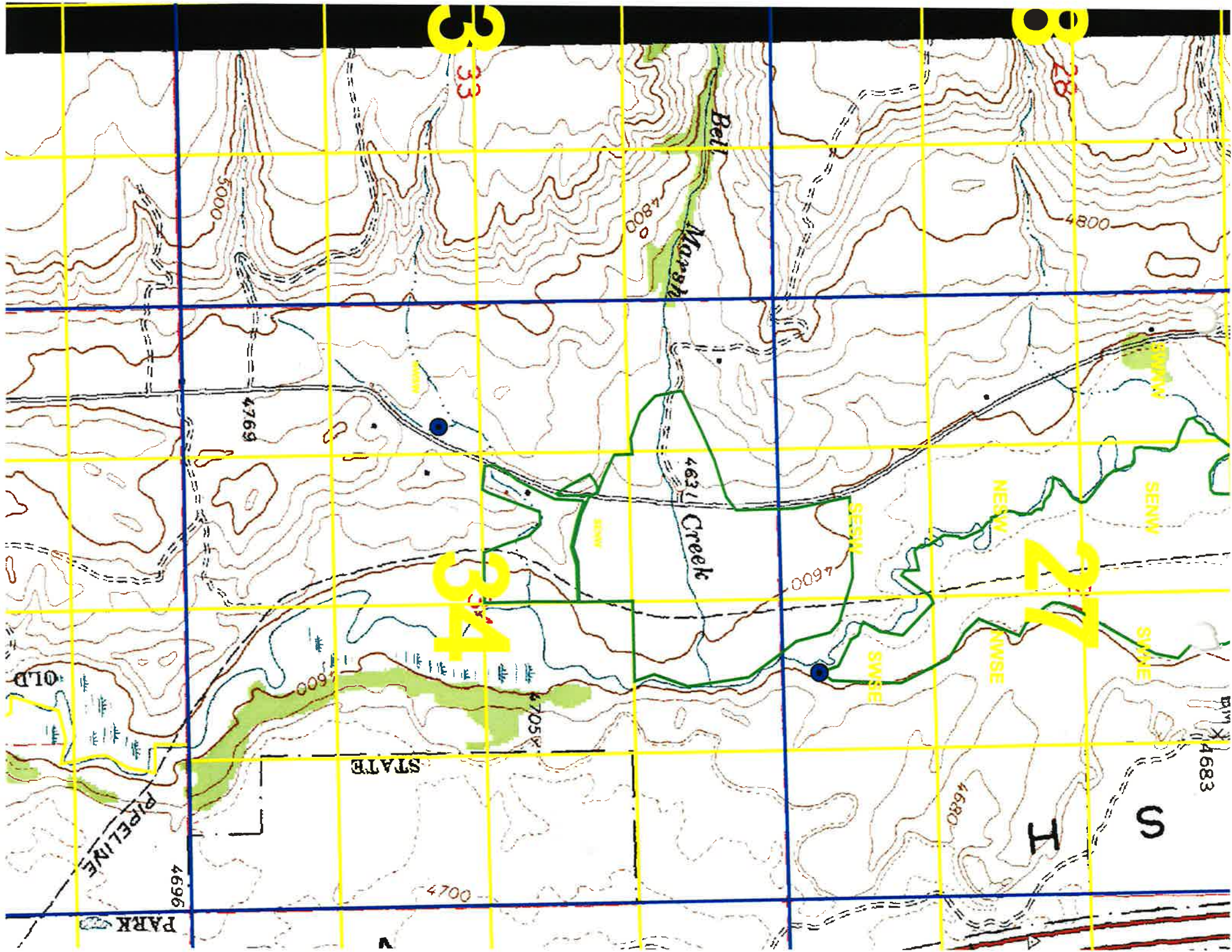
**GIS: PLACE OF USE
POINT OF DIVERSION
1987/1988 NAPP PHOTOS
DAVE CARLSON**

Township , 8S36E



300 0 300 600 Feet





SCANNED

MAY 31 2001

Log for claim A29-10708

Spatial Dynamics LTD

7/12/00

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
08s36e	27	SESW	15	13	Wrong tract in database?
08s36e	27	SWSE	5	6.3	
08s36e	34	NWNE	20	21	
08s36e	34	NENW	38	37	
08s36e	34	NWNW	15	13	
08s36e	34	SENW	15	11	
Totals:			108	101.3	

SCANNED

JUN 29 2004

LEW CARLILE,

Plaintiff,

v.

RIDDY CANAL COMPANY, a corporation;
PARLEY M. MORRIS; JOSEPH S. MORRIS;
DANIEL M. GREEN; JAMES W. GREEN;
ISAAC J. ALLEN; NELLIE GREEN; URBAN
GREEN; JOSEPH M. HARRIS; JOSEPH R.
HARRIS; MEMORIAL HARRIS; OLIVER W.
HARRIS; ORVIL HARRIS; JARED GREEN;
SR.; MARY ELLEN GREEN; WALTER EDWARDS;
and W. E. BULLOCK,

Defendants.

417
D E C R E E.

This cause came on to be heard at this term, and
was argued by counsel; and thereupon, upon consideration
thereof, it is ordered, adjudged and decreed as follows:

²⁹⁻⁰⁵⁹¹
~~29-0523~~ That the plaintiff, Lew Carlile, is entitled to the
use of one and six-tenths (1.6) cubic feet of water per
second of time from Belle Marsh Creek to be diverted from said
Belle Marsh Creek at a point in the Northwest quarter of the
Northwest quarter of Section 34, Township 8 South, Range 36
East B. M. for the irrigation of approximately eighty acres
in the Northwest quarter of the Northwest quarter of Section
34, the East half of the Northwest quarter of Section 34,
the East half of the Southwest quarter of Section 27, and the
Southeast quarter of the Northwest quarter of Section 27,
Township 8 South, Range 36 East B. M., said right to date
from June 1st, 1900, and to be superior to the rights of any

of the defendants in this action, except that of Walter Edwards
whose right is of equal dignity.

²⁹⁻⁰⁵²⁴
~~29-0592~~ That the said Lew Carlile, the plaintiff, is
entitled to the use of one-fifth of one cubic foot per second

(1)

WR5809NP
No. 29-00591

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 08/07/01
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	LEW CARLILE	06/01/1900	IRRIGATION	00/00 00/00	1.600 CFS	
TOTAL DIVERSION:					1.600 CFS	

Water Source: BELLE MARSH CREEK

Tributary to: MARSH CREEK

Stage: DECREED

Point(s) of Diversion: T08S R36E S34

NWNW

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	Lt	Ac	: Lt	Ac	Lt	Ac	: SUM	
08S	36E 27	:								:						:				:					
08S	36E 34	:								:	I					:	I			:					

Pou County: BANNOCK

Remarks: GEN ACRES IRRIGATED 80.

Dates:	App. Received:	Priority Date:	06/01/1900
	Proof Due Date:	Proof Made Date:	
	Exam Made Date:	Exam Sent to S.O.:	
	Licensed Date:		

Misc:	Water District Number:	Field Exam Fee:
-------	------------------------	-----------------

WR5809NP
No. 29-00591

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 03/30/01
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	LEW CARLILE	06/01/1900	IRRIGATION	00/00 00/00	1.600 CFS	
TOTAL DIVERSION:					1.600 CFS	

Water Source: BELLE MARSH CREEK

Tributary to: MARSH CREEK

Stage: DECREED

Point(s) of Diversion: T08S R36E S34

NWNW

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
08S	36E 27	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:
08S	36E 34	:	:	:	:	:	I	I	I	:	I	:	I	:	:	:	:	:

Pou County: BANNOCK

Remarks: GEN ACRES IRRIGATED 80.

Dates:	App. Received:	Priority Date:	06/01/1900
	Proof Due Date:	Proof Made Date:	
	Exam Made Date:	Exam Sent to S.O.:	
	Licensed Date:		

Misc: Water District Number: Field Exam Fee:

Audit: 06/24/85 05/22/88 CONVERT 02/06/98 CLEARFLD



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

EASTERN REGION

CECIL D. ANDRUS
GOVERNOR
R. KEITH HIGGINSON
DIRECTOR

October 30, 1990

RECEIVED
NOV 1 1990

Department of Water Resources

VELMA BULLOCK
5394 S MARSH CREEK ROAD
MCCAMMON ID 83250

RE: EXCEPTION TO NOTICE OF CLAIM A29-00593A

Dear Ms Bullock:

This office received your affidavit dated September 30, 1990, concerning Notice of Claim A29-00593A filed by K. V. and Allida Stephenson. The affidavit will be placed with the Notice for future consideration and a copy has been sent to Stephensons.

Recommendation for each Notice of Claim will be listed in the Director's Report. In preparing this report, IDWR is required by statute to review each notice to ensure it is complete and accurate. Information in the exception letter will be considered as part of this review.

Publication of the Director's Report including Marsh Creek is tentatively scheduled for January 1993. When it becomes available for public review, IDWR will mail notification to each claimant. If you are dissatisfied with the recommendation in the Director's Report, you may contest it by filing an objection with the court. Following the objection, the matter will be set for hearing.

If there is a more immediate concern about Stephenson's use of water, you could file a formal request that the IDWR issue a "cease and desist" order for illegally diverting water. It would be necessary, however, for you to file sufficient documentation for the IDWR to be certain that the Stephensons were diverting water they did not own, that had been

MICROFILMED

NOV 16 1992

Velma Bullock
Page - 2 -

abandoned or forfeited in the past, or that has failed to properly transfer the water to the place where it is presently being used. The evidence should be in the form of affidavits, photographs and any other documentation such as aerial photographs which shows the use of water.

Feel free to contact this office for further assistance (525-7161).

Respectfully submitted,



Ernest Carlsen
Adjudication Supervisor

EC:jt

cc: David Shaw/State Office
K.V. and Allida Stephenson
file

MICROFILMED
NOV 16 1992

In The Matter Of:
NOTICE OF CLAIM TO
WATER RIGHT.

AFFIDAVIT OF VELMA BULLOCK

STATE OF IDAHO)
) ss
County of Bannock)

Department of Water Resources
Eastern District Office

VELMA BULLOCK, being first duly sworn on oath, deposes and
says:

1. Regarding Civil case number 239576, identification number A29-00593A, date received April 27, 1990, of Notice of Claim to a water right of K.V. Stephenson or Allida Stephenson, that I never granted either of the above-listed parties and easement across my property described as follows:

Township 8 South, Range 36 East, Boise Meridian,
Bannock County, Idaho.

Section 22: That portion of the S1/2SW1/4 lying East of the center line of Marsh Creek.

Section 7: W1/2E1/2, E1/2SW1/4, S1/4NW1/4, and that part of the NE1/4NW1/4 lying East of Marsh Creek.

Section 34: N1/2NW1/4, SE1/4NW1/4, and NW1/4NE1/4.
Together with all Taylor Grazing Rights and privileges
appertaining to or in anyway connected to the above
described real property.

2. That I own the above-mentioned property where the point of diversion is located at the head gate and that the ditch runs across my property which I own, maintain and have used for my own water rights.

3. That I never agreed to let either K.V. Stephenson or Allida Stephenson to divert water through my ditch and head gate to their property.

AFFIDAVIT OF VELMA BULLOCK

MICROFILMED
NOV 16 1992

4. That I only discovered that K.V. Stephenson was diverting water through my ditch the last two years in 1989 and 1990, and that he was personally notified he was trespassing both times.

DATED this 9/25/90 day of September, 1990.

By: Velma Bullock
VELMA BULLOCK

SUBSCRIBED AND SWORN TO before me this 25th day of September, 1990.

(NOTARY SEAL)

Andra G Hill
NOTARY PUBLIC for Idaho
my Com. expires: 11/29/95

Notary Seal

STATE OF IDAHO } ss
County of Bannock }

I hereby certify that the foregoing is a full, true and correct copy of an instrument as the same now remains on file and of record in my office
WITNESS my hand and official seal hereto affixed

this 25 day of September A.D. 19 90
LARRY W. GHAN, CLERK OF THE DISTRICT COURT
EX-OFFICIO AUDITOR AND RECORDER.

By Deputy Barbara Young

NO. 90012360
RECORDER AT REQUEST OF
Lamar Bullock
90 SEP 25 P4:07

OFFICIAL RECORD BOOK NO. 530
BANNOCK COUNTY, IDAHO
LARRY W. GHAN RECORDER
FEE 6.00 DEPUTY By

AFFIDAVIT OF VELMA BULLOCK

MICROFILMED

NOV 16 1992

Old (D) Number -

+ - - - - - - - - Address - - - - - - - - - - - - - - +

1 -

2 -

3 -

City-

Phone -

State-

Zip-

+ - - - Status - - - - +

+ - - - - Tributary - - - - - +
MARSH CREEK

Twn	Rng	Sec	Tract	Lot	RFlg	County	Point of Diversion	Stream Index (Blank if no Index Code)
08S	36E	34	NW NW		(5)	BANNOCK		

Code	Description	Period From	Water Use Period To	Diversion Rate	Diversion Volume
01	IRRIGATION			0.220	

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Div. Capacity - + + - Total Consumptive Use - + + - KW Usage - +

Twn	Rng	Sec	Tract	Lot	Acres	Place of Use Code	Description	County
08S	36E	34	SW NE			01	IRRIGATION	(5) BANNOCK

Total Acres:

+ - - Diversion Means -

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use -

+	-	Remarks	+
		No Remarks found.	

+ - - - - - Conditions of Approval - - - - -
No Conditions of Approval found. +

+ - Decree Date - +
06/11/1924

05/22/88 CONVERT

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT CLAIMS PROOF READING REPORT

03/22/90 14:14:05
Page 2

Water right number - 29-00593

Adj. flag translation: Standard Water Right Number

+ - - - - Water Rights Dates and Flags Area - - - - - +

Proof Due Date	- 00/00/0000	Field Exam Made	- 00/00/0000	Field Exam Fee	-
Approved/Denied	- 00/00/0000	Protested Date	- 00/00/0000	Swan Falls	-
Proof Made Date	- 00/00/0000	Hearing Date	- 00/00/0000	Temporary Right	- P
Start Work Date	- 00/00/0000	Verified Date	- 07/23/1985	DLE/Carey Act	-
Order Show Cause	- 00/00/0000	Receipt Number	-	Water District	-
Licensed Date	- 00/00/0000	Appl Received	- 00/00/0000	Transfer/Amended	-
Decree Date	- 06/11/1924				

DO NOT FILM

Water Right Number - 29-00591

Adj. Flag Translation: Standard Water Right Number

Old (D) Number -

+ - - - - Last Name - - - - + + - First Name - - + + - - - - - Address - - - - - +

*** C - CURRENT OWNER ***

CARLILE

LEW

1 -

2 -

3 -

City-

Phone -

State-

Zip-

+ - - Priority Date - - + + - - Region - - - + + - - Stage - - - + + - - Status - - - - +
06/01/1900 15 D - DECREED+ - - - - Source - - - - - + + - - - - Tributary - - - - - +
BELLE MARSH CREEK MARSH CREEK+ - - - - Point of Diversion - - - - - +
TwN Rng Sec Tract Lot RFlg County Stream Index (Blank if no Index Code)
08S 36E 34 NW NW (5) BANNOCK+ - - - - Water Use - - - - - +
Code Description Period From Period To Diversion Rate Diversion Volume
01 - IRRIGATION 1.600+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Div. Capacity - + + - Total Consumptive Use - + + - KW Usage - +
1.600+ - - - - Place of Use - - - - - +
TwN Rng Sec Tract Lot Acres Code Description County
08S 36E 27 SE NW 01 IRRIGATION (5) BANNOCK
08S 36E 27 NE SW 01 IRRIGATION (5) BANNOCK
08S 36E 27 SE SW 01 IRRIGATION (5) BANNOCK
08S 36E 34 NE NW 01 IRRIGATION (5) BANNOCK
08S 36E 34 NW NW 01 IRRIGATION (5) BANNOCK
08S 36E 34 SE NW 01 IRRIGATION (5) BANNOCK

Total Acres:

+ - - Diversion Means -

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use - 29-0592

+ - - - - Remarks - - - - - +
ACRES IRRIGATED 80.+ - - - - Conditions of Approval - - - - - +
No Conditions of Approval found.

DO NOT FILM

Water right number - 29-00591

Adj. flag translation: Standard Water Right Number

+ - - - - Decree Plaintiff - - - +
LEW CARLILE

+ - - - - Decree Defendant - - - +
RIDDY CANAL CO., ET. AL.

+ - Decree Date - +
06/11/1924

+ - - Audit Fields - 06/24/85

05/22/88 CONVERT

```
+ - - - - - - - - - - - - - - - Water Rights Dates and Flags Area - - - - - +
```

Proof Due Date	-	00/00/0000
Approved/Denied	-	00/00/0000
Proof Made Date	-	00/00/0000
Start Work Date	-	00/00/0000
Order Show Cause	-	00/00/0000
Licensed Date	-	00/00/0000
Decree Date	-	06/11/1924

Field Exam Made - 00/00/0000
Protested Date - 00/00/0000
Hearing Date - 00/00/0000
Verified Date - 06/24/1985
Receipt Number -
Appl Received - 00/00/0000

Field Exam Fee	-
Swan Falls	-
Temporary Right	- P
DLE/Carey Act	-
Water District	-
Transfer/Amended	-

DO NOT FILM

02/08/2003

10
Dave

NOTICE OF ERROR
REPLY

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: April 21, 2003

Water right number: 29-591

VELMA BULLOCK
5394 S MARSH CREEK RD
MC CAMMON ID 83250
Telephone Number: (208)254-3392

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):

2. Describe the changes you wish to make in the proposed recommendation:

3. Give a brief explanation as to why you disagree with these portions:

☒ I AGREE with this proposed recommendation: no changes need to be made.

DATE: Mar. 7, 03 SIGNATURE: Velma Bullock
Please print your name: VELMA BULLOCK

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

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 29-591
Date Received: 8/23/2001
Receipt No: ~~X777777~~ M006333
Received By: DC

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

VELMA BULLOCK Phone: (208)254-3392

5394 S MARSH CREEK RD
MC CAMMON ID USA 83250

2. Date of Priority: 06/01/1900

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

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
08S	36E	34	SE NE NW	BANNOCK	
08S	36E	33	SE NE NE	BANNOCK	

5. Description of diverting works:

DAM, HEADGATE 10' PIPE, GRAVITY FEED SPRINKLERS SYSYEM AND DITCHES

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	03/15	11/15	1.6	

7. Total Quantity Appropriated is:
1.6 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
08S	36E	27	SW SE	IRRIGATION	5

			SE	NW	IRRIGATION	15
					Section Acres	20
08S	36E	34	NW	NE	IRRIGATION	20
			NW	NW	IRRIGATION	15
			SE	NW	IRRIGATION	15
			NE	NW	IRRIGATION	38
					Section Acres	88
					Total Acres	108

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:

ACRES IRRIGATED 80
 | THIS RIGHT HAS BEEN COMBINED WITH 29-00593 SEE A29-10708
 29-00591 = 1.6 CFS 29-00593 = 0.22 CFS TOTAL = 1.82 CFS
 A29-10708 = 1.82 CFS
 THIS RIGHT IS CLAIMED IN FULL. EN 1/4/96

15. Basis of Claim: Decreed

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: A29-00591

Date Received:

Receipt No: X777777

Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: COMBINED RIGHT

Address: N, ID

0

2. Date of Priority: JUN 01, 1900

3. Source: BELLE MARSH CREEK
COMBINED RIGHT

Trib. to: MARSH CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
08S	36E	34	NW	NW	NW		BANNOCK

5. Description of diverting works:

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION			1.600		

7. Total Quantity Appropriated is:
1.600 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 of	Lot	Use	Acres
08S	36E	27	SE	NW		IRR	
			NE	SW		IRR	
			SE	SW		IRR	

A29-00591

Page 1

Date: 03/22/90

A2900591



MICROFILMED

NOV 13 1992

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
08S	36E	34	NE	NW		IRR	
			NW	NW		IRR	
			SE	NW		IRR	

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:
29-0592

14. Remarks:
ACRES IRRIGATED 80.

THIS RIGHT HAS BEEN COMBINED WITH 29-00592 SEE A29-10708

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

LEW CARLILE
Decree Plaintiff

vs

RIDDY CANAL CO., 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 _____

PETERSON & COFFIN
LAWYERS
POCATELLO, IDAHO

IN THE DISTRICT COURT OF THE UNITED STATES FOR THE DISTRICT
OF IDAHO, EASTERN DIVISION.

LEW CARLILE,

Plaintiff,

v.

RIDDY CANAL COMPANY, a corporation;
PARLEY M. MORRIS; JOSEPH S. MORRIS;
DANIEL M. GREEN; JAMES W. GREEN;
ISAAC J. ALLEN; NELLIE GREEN; ERBAN
GREEN; JOSEPH M. HARRIS; JOSEPH R.
HARRIS; MEMORIAL HARRIS; OLIVER W.
HARRIS; ORVIL HARRIS; JARED GREEN;
SR.; MARY ELLEN GREEN; WALTER EDWARDS;
and W. E. BULLOCK,

Defendants.

417
D E C R E E.

This cause came on to be heard at this term, and
was argued by counsel; and thereupon, upon consideration
thereof, it is ordered, adjudged and decreed as follows:

²⁹⁻⁰⁵⁹¹
²⁹⁻⁰⁵²³ That the plaintiff, Lew Carlile, is entitled to the
use of one and six-tenths (1.6) cubic feet of water per
second of time from Belle Marsh Creek to be diverted from said
Belle Marsh Creek at a point in the Northwest quarter of the
Northwest quarter of Section 34, Township 8 South, Range 36
East B. M. for the irrigation of approximately eighty acres
in the Northwest quarter of the Northwest quarter of Section
34, the East half of the Northwest quarter of Section 34,
the East half of the Southwest quarter of Section 27, and the
Southeast quarter of the Northwest quarter of Section 27,
Township 8 South, Range 36 East B. M., said right to date
from June 1st, 1900, and to be superior to the rights of any

of the defendants in this action, *except that of Walter Edwards*
whose right is of equal dignity.
²⁹⁻⁰⁵²⁴
²⁹⁻⁰⁵²² That the said Lew Carlile, the plaintiff, is
entitled to the use of one-fifth of one cubic foot per second

1 of time or ten inches of the water of that certain spring known
2 as Saxton Spring for the irrigation of the land above des-
3 cribed, said water to be diverted at the said Saxton Spring
4 located in the Southwest quarter of Section 34, Township 8
5 South, Range 36 East B.M., and to be conveyed from said point
6 to and upon the land hereinbefore described, said right to date
7 from June 1st, 1900;

8 ²⁹⁻⁰⁵⁹³~~29-0525~~ That the defendant, Walter Edwards, is entitled to
9 the use of twenty-two hundredths cubic feet of water per
10 second of time or eleven inches from Belle Marsh Creek for the
11 irrigation of approximately twelve acres of land located in
12 the Northwest corner of the Southwest quarter of the Northeast
13 quarter of Section 34, Township 8 South, Range 36 East B.M.,
14 said water to be diverted at the same point on Belle Marsh
15 Creek as heretofore described as the point of diversion of
16 the plaintiff, Lew Carlile, and the right of the said defendant,
17 Walter Edwards, to date from June 1st, 1900, and to be of equal
18 dignity in all respects with the right of the said Lew Carlile
19 to the waters of Belle Marsh Creek as hereinbefore in this
20 decree set forth;

21 ²⁹⁻⁰⁵⁹⁴~~29-0526~~ It is further ordered, adjudged and decreed that the
22 Riddy Canal Company, a corporation, one of the defendants in
23 said action is entitled to the use of, and that it do have at
24 all times, all of the remainder of the waters flowing in the
25 said Belle Marsh Creek, after the rights above defined are
26 supplied, for domestic use upon and for the irrigation of
27 nine hundred sixty acres of land owned by the stockholders of
28 said corporation, situated in Sections 4, 5, 9 and 33, Town-
29 ship 8 South, Range 36 East B.M. in Bannock County, State of
30 Idaho, the same to be diverted through the canal of the said
31 Riddy Canal Company which diverts water from said Belle Marsh
32 Creek at a point about one-fourth of a mile west of the north-

1 west corner of Section 32, Township 8 South; Range 36 East
2 B. M. in Bannock County, Idaho, its right to the use thereof
3 to date from June 18th, 1902.

4 It is further ordered, adjudged and decreed that
5 the parties to the above entitled action and each and all of
6 them, and all persons claiming under them or any of them are
7 hereby perpetually enjoined and restrained from interfering
8 in any manner with the free use by the respective parties
9 hereto' of the amount of water hereinbefore set forth as
10 belonging to them and each of them.

11 Done in open Court this 11th day of June, 1924.

12
13
14
15 Frank D. Smith
16 JUDGE.

17 I hereby certify that the annexed instrument
18 is a true and correct copy of the original on
19 file in my office.

20 Dated this 13th day of July, 1924

21 FRANK D. BELL, Clerk

22 By Frank D. Bell Deputy.