

SCANNED

JUN 04 2001

04/06/2001

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

RIGHT NUMBER: 29-2365B

NAME AND ADDRESS: RALPH WHEATLEY
10053 S MARSH CK
MC CAMMON, ID 83250

SOURCE: MARSH CREEK

TRIBUTARY: PORTNEUF RIVER

QUANTITY: 1.66 CFS

PRIORITY DATE: 06/28/1955

POINT OF DIVERSION: T09S R36E S10 LOT 8 SESE

Within BANNOCK County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE
IRRIGATION

PERIOD OF USE
04-01 10-31

QUANTITY
1.66 CFS

PLACE OF USE:

IRRIGATION Within BANNOCK County

T09S R36E S10	LOT 7	NWSE	22	T09S R36E S10		SWSE	31
T09S R36E S10	LOT 8	SESE	19	T09S R36E S15	LOT 4	NENE	6
T09S R36E S15		NWNE	8				

86 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.

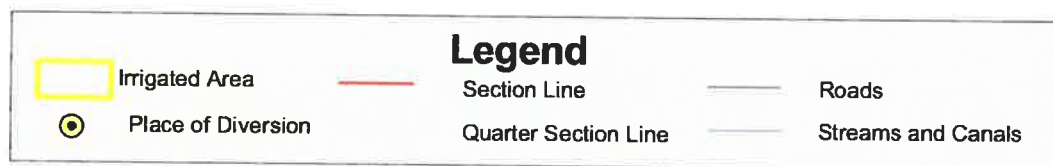
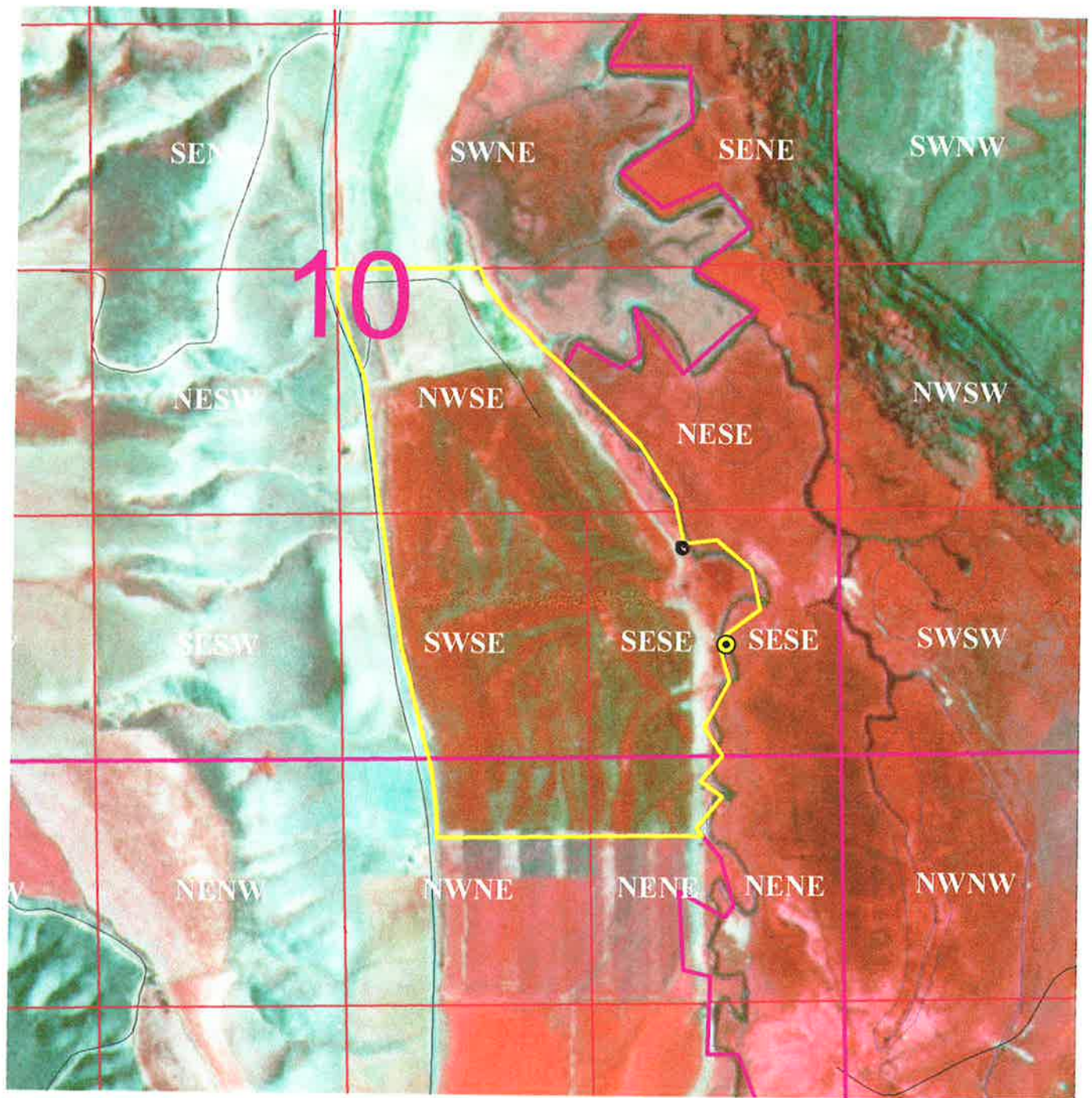
EXPLANATORY MATERIAL: BASIS OF CLAIM - License

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.

112
86
198
263
461

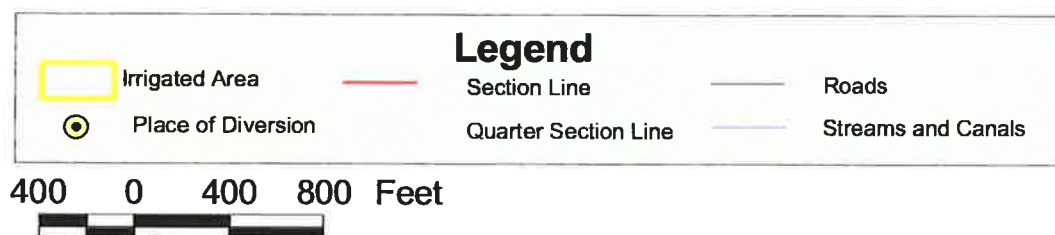
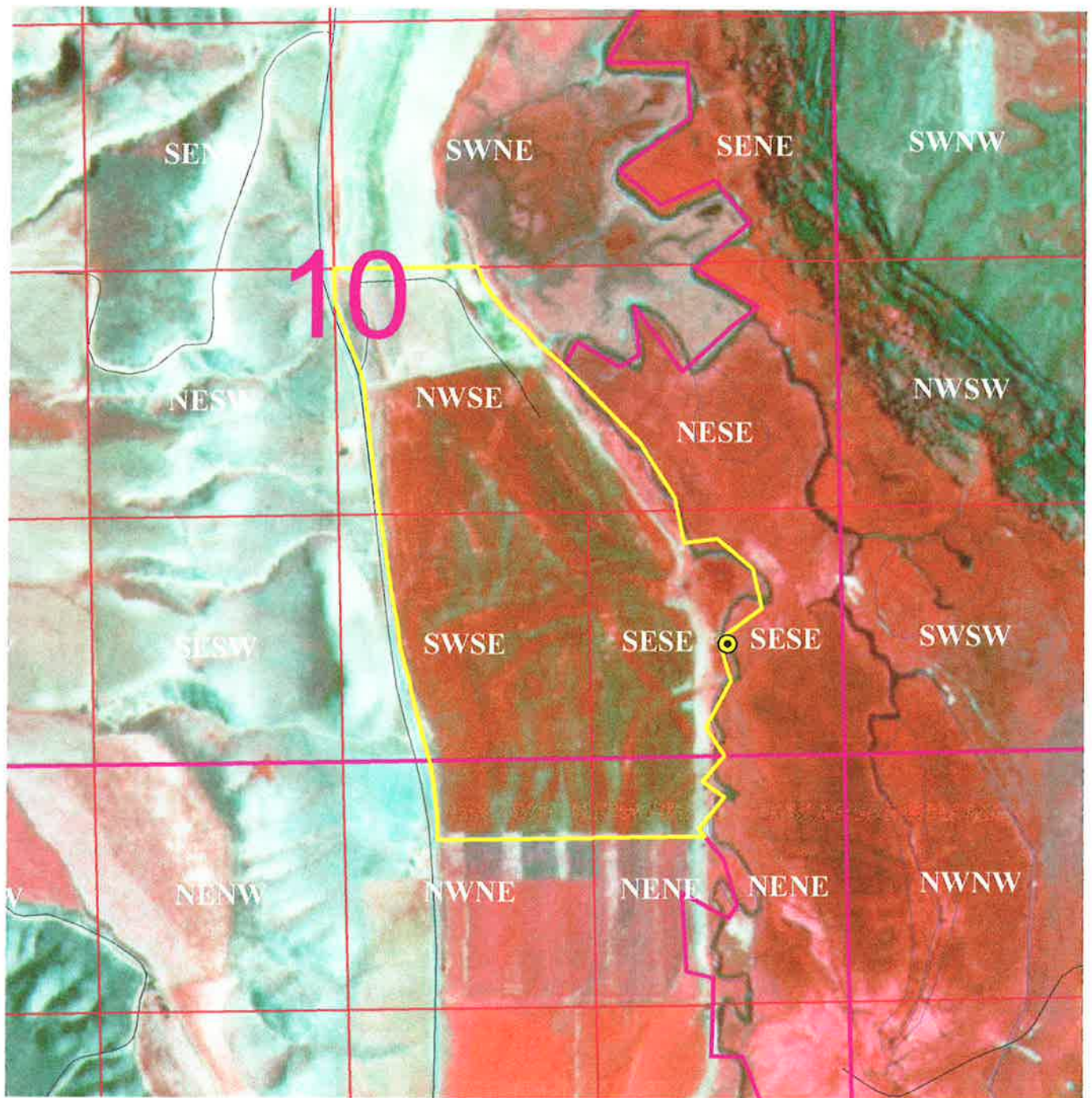
Township , 9S36E



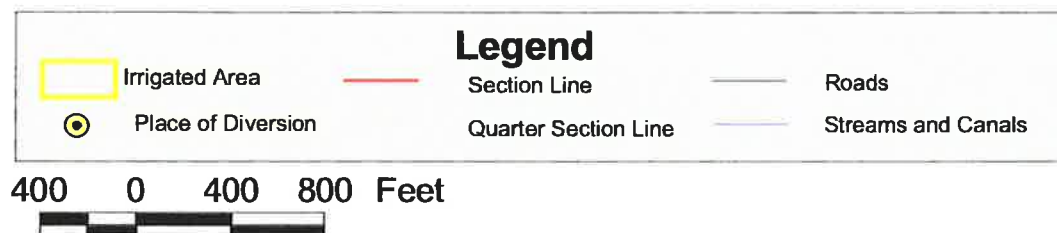
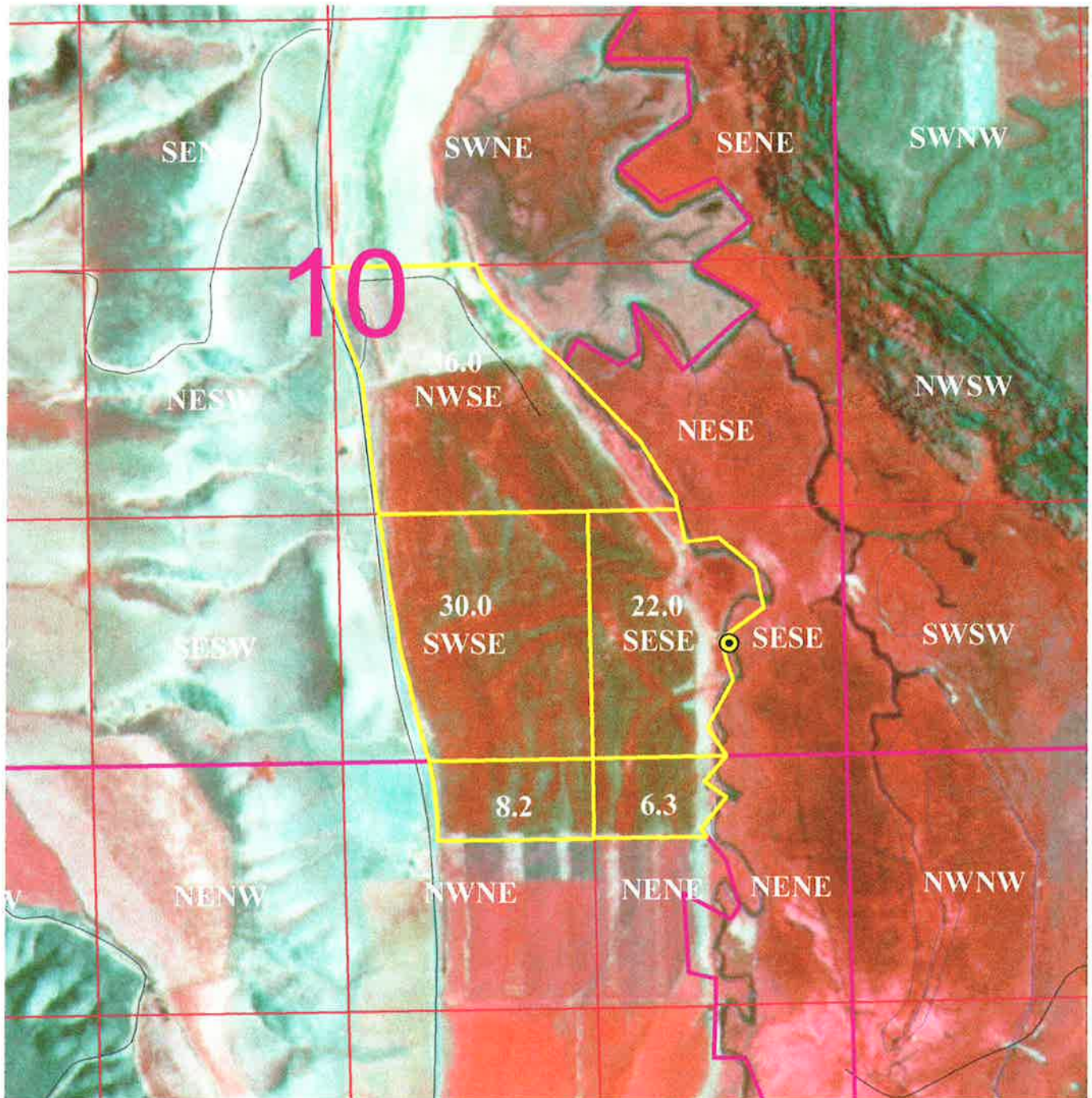
400 0 400 800 Feet

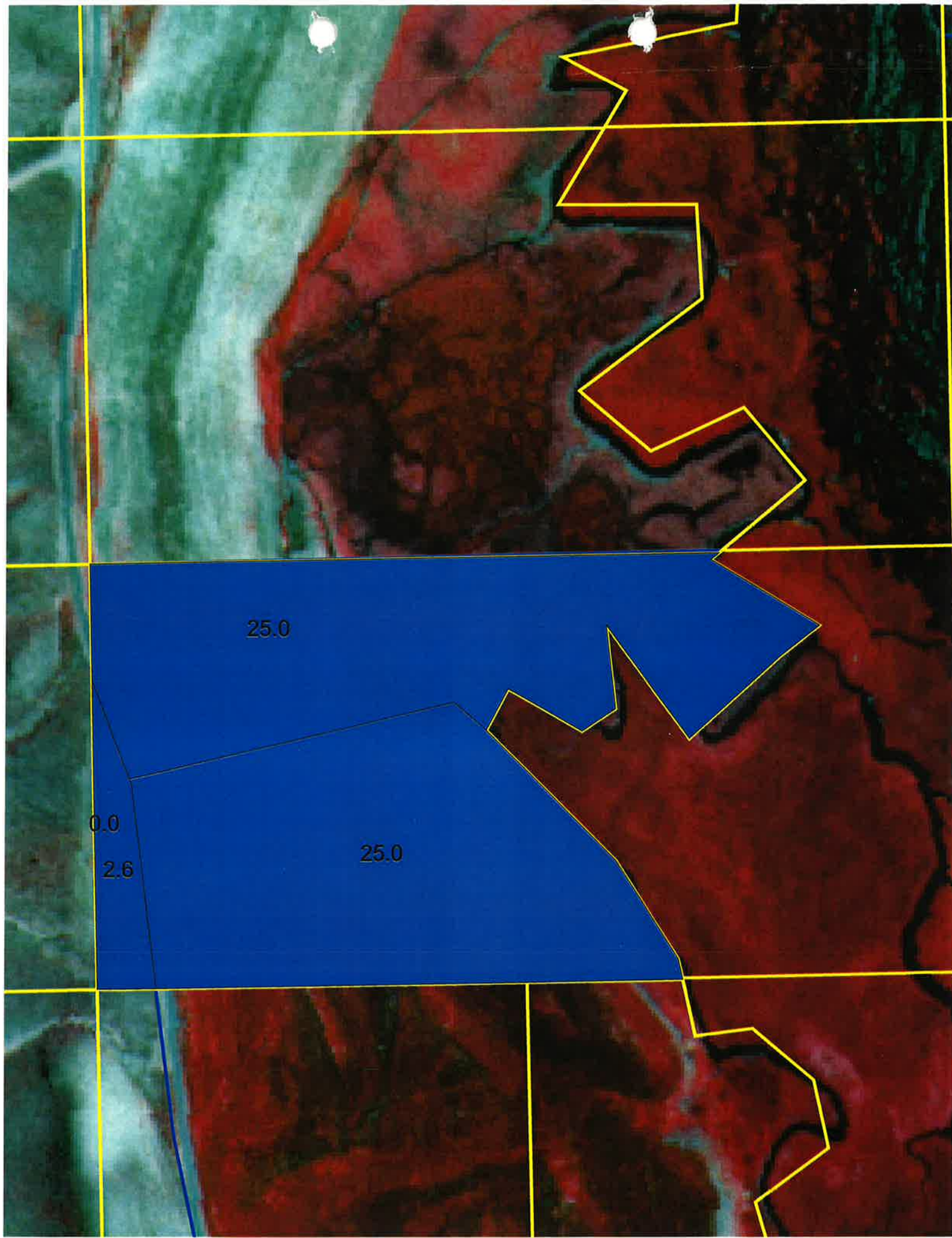


Township , 9S36E



Township , 9S36E





25.0

25.0

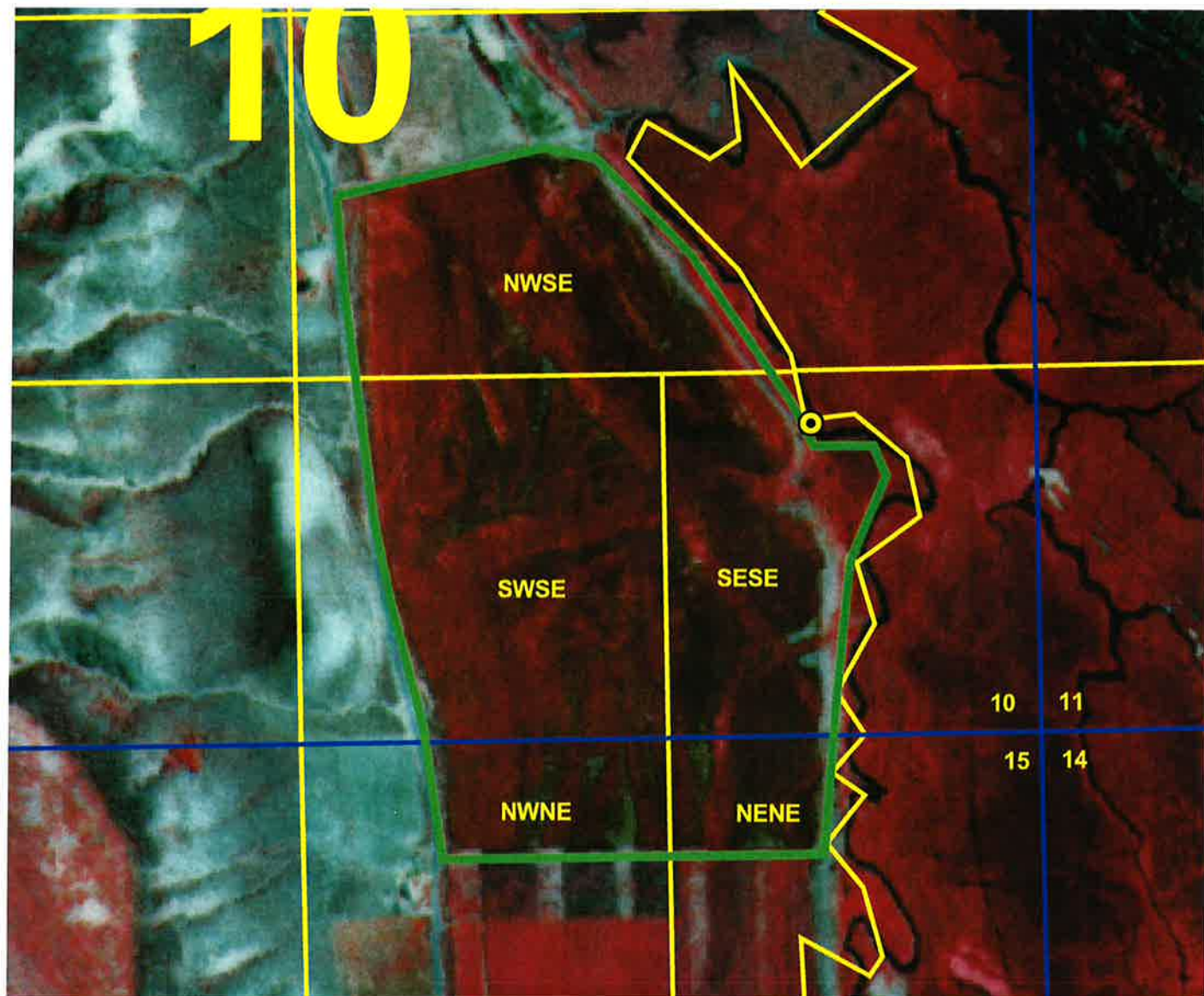
0.0

2.6

IDAHO DEPARTMENT OF WATER RESOURCES

29-02365B

T9S, R36E SEC 10, 15



ACRES IRRIGATED- 86



POINT OF DIVERSION



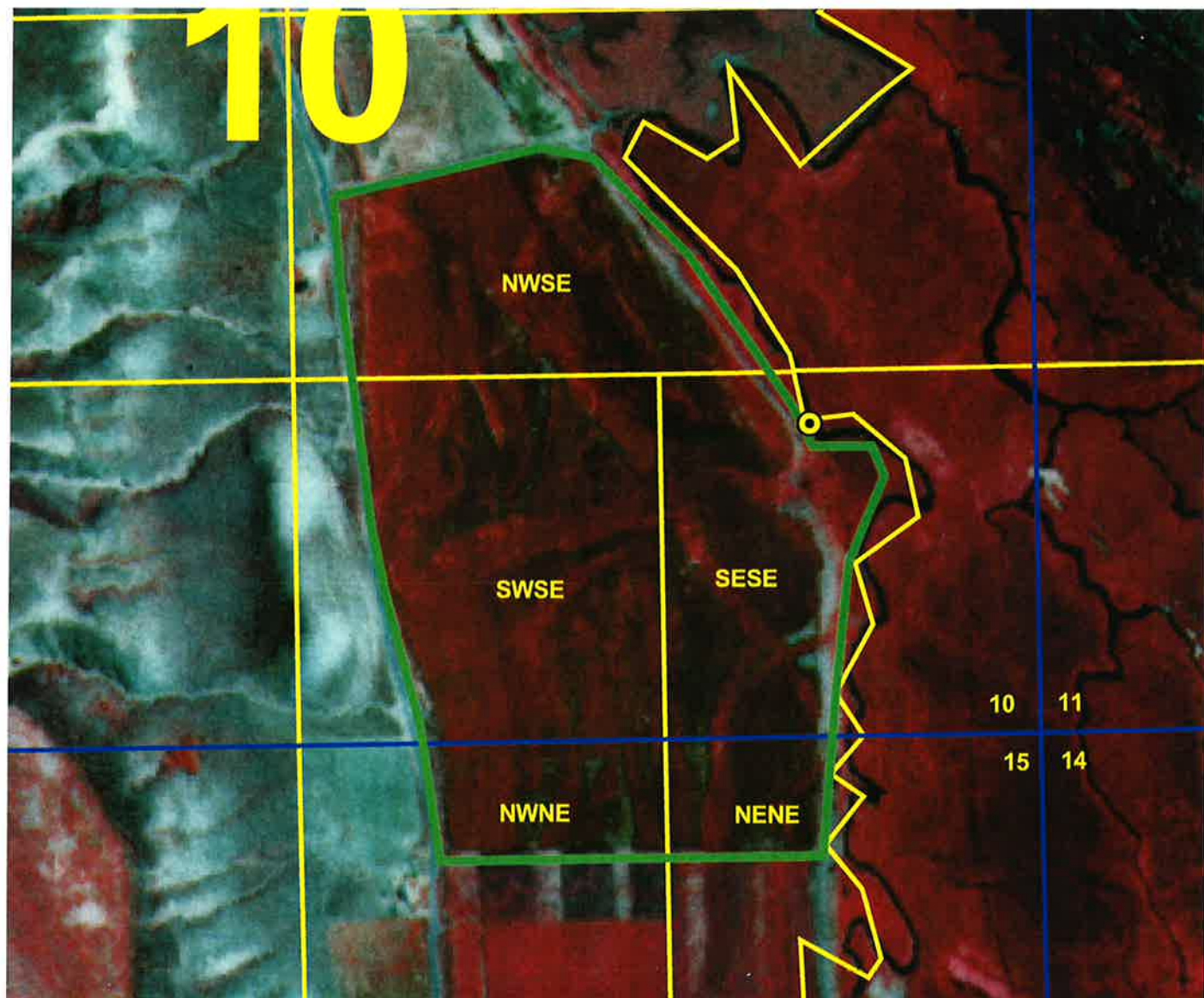
PLACE OF USE

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

IDAHO DEPARTMENT OF WATER RESOURCES

29-02365B

T9S, R36E SEC 10, 15



ACRES IRRIGATED- 86



POINT OF DIVERSION



PLACE OF USE

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

RIGHT NUMBER: 29-2365B

NAME AND ADDRESS: RALPH WHEATLEY
10053 S MARSH CREEK RD
MC CAMMON ID 83250

SOURCE: MARSH CREEK

TRIBUTARY: PORTNEUF RIVER

QUANTITY: 1.66 CFS

PRIORITY DATE: 06/28/1955

POINT OF DIVERSION:

T09S R36E S10 SESE Lot 8 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	1.660 CFS

PLACE OF USE:

IRRIGATION Within BANNOCK County

T09S R36E S10 Lot 7 NWSE	22.0	T09S R36E S10 SWSE	31.0
T09S R36E S10 Lot 8 SESE	19.0	T09S R36E S15 Lot 4 NENE	6.0
T09S R36E S15 NWNE	8.0		

86 ACRES TOTAL

USE OF THIS RIGHT AND THE USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 280 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 29-2365A, 29-2365B, 29-11177, 29-11178

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: License

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

A. ROOT WATER RIGHT NUMBERS: A29-02365A
A29-02365B

B. POU LISTING

TWP	RNG	SEC	1/4	1/4	LOT	NAME	AJ #/ACRES	WR #/ACRES	LANDSAT DATA	FIELD EXAM.	RECOMM. ACRES
09S	36E	10	NE	SE		WHEATLEY, RALPH	A29-02365B / 4.0	- /			
			NE	SE		MEADOWBROOK RANCH	A29-11458 / 30.0	- /			
			NE	SE	7	HARRIS, KATHLEEN M	A29-02365A / 7.0	- /			
			NE	SE		GIBSON, ROSS W.		29-02365 / 10.0			
			NE	SE		WHEATLEY, WAYNE		29-04413 / 15.0			
09S	36E	10	NW	SE		WHEATLEY, RALPH	A29-02365B / 22.6	- /			
			NW	SE		MEADOWBROOK RANCH	A29-11458 / 3.0	- /			
			NW	SE	7	HARRIS, KATHLEEN M	A29-02365A / 12.0	- /			
			NW	SE		GIBSON, ROSS W.		29-02365 / 38.0			
			NW	SE	7	GREEN, B. Y.		29-00437 /			
			NW	SE	7	GREEN, B. Y.		29-00438 /			
			NW	SE	7	THOMPSON, JAMES L		29-07992 / 1.0			
09S	36E	10	SW	SE		WHEATLEY, RALPH	A29-02365B / 29.2	- /			
			SW	SE		GREEN, B. Y.		29-00437 /			
			SW	SE		GREEN, B. Y.		29-00438 /			
			SW	SE		GIBSON, ROSS W.		29-02365 / 30.0			
09S	36E	10	SE	SE		WHEATLEY, RALPH	A29-02365B / 20.7	- /			
			SE	SE		MEADOWBROOK RANCH	A29-11458 / 20.0	- /			
			SE	SE		HARRIS, JEFFREY F	A29-10728 /	- /			
			SE	SE		HARRIS, JEFFREY F	29-10728 /	- /			
			SE	SE		GIBSON, ROSS W.		29-02365 / 21.0			
			SE	SE		WHEATLEY, WAYNE		29-04413 / 19.0			
			SE	SE	8	GREEN, B. Y.		29-00437 /			
			SE	SE	8	GREEN, B. Y.		29-00438 /			
09S	36E	15	NE	NE		WHEATLEY, RALPH	A29-02365B / 4.2	- /			
			NE	NE		MEADOWBROOK RANCH	A29-11458 / 18.0	- /			
			NE	NE		BULLOCK, LYNN I	A29-11855 / 20.0	- /			
			NE	NE		BULLOCK, LYNN I	A29-00435 / 20.0	- /			
			NE	NE		BULLOCK, LYNN I	A29-00436 / 20.0	- /			
			NE	NE	1	WHEATLEY, WAYNE		29-04413 / 20.0			
09S	36E	15	NW	NE		WHEATLEY, RALPH	A29-02365B / 5.7	- /	25.0		
			NW	NE		BULLOCK, LYNN I	A29-11855 / 15.0	- /			
			NW	NE		BULLOCK, LYNN I	A29-00435 / 15.0	- /			
			NW	NE		BULLOCK, LYNN I	A29-00436 / 15.0	- /			
			NW	NE		GREEN, B. Y.		29-00437 /			
			NW	NE		GREEN, B. Y.		29-00438 /			
			NW	NE		GIBSON, ROSS W.		29-02365 / 10.0			

TWP	RNG	SEC	1/4	1/4	LOT	NAME	AJ #/ACRES	WR #/ACRES	LANDSAT DATA	FIELD EXAM.	RECOMM. ACRES
			NW	NE		TRACY, WARD		29-07950 / 9.0			
ADDITIONAL POU FOUND											

TOTAL ACRES	A29-02365B	86.40	25.00
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POU COUNTY: BANNOCK

C. IS WATER USAGE FOUND IN TRACTS OTHER THAN THOSE CLAIMED?

Y() N()

* IF YES, ARE THESE TRACTS LISTED ABOVE (), OR ARE THEY LISTED ON AN ATTACHED SHEET ()

LIST OF ALL RIGHTS WITH A SAME POU AND IRRIGATION USAGE

CLAIM NO.	SOURCE	NAME	DIV. RATE	DIV. RATE/ACRE	DIV. VOL.	DIV. VOL./ACRE
A29-02365B	MARSH CREEK	WHEATLEY, RALPH	1.800	0.020		
A29-00435	LITTLE COTTONWOOD CREEK	BULLOCK, LYNN I	2.500	0.018		
A29-00436	GOODENOUGH CREEK					
	LITTLE COTTONWOOD CREEK	BULLOCK, LYNN I	1.100	0.008		
	GOODENOUGH CREEK					
A29-02365A	MARSH CREEK	HARRIS, KATHLEEN M	2.010	0.017		
	SPRINGS					
A29-11458	MARSH CREEK	MEADOWBROOK RANCH	5.550	0.020		
A29-11855	SPRINGS	BULLOCK, LYNN I	1.240	0.009		

LIST ALL RIGHTS WITH SAME POU BUT NOT USED FOR IRRIGATION.

CLAIM NO.	PURPOSES	NAME	MONTH/DAY	RATE	VOLUME
A29-10728	STOCKWATER	HARRIS, JEFFREY F	FROM 01-01 TO 12-31	0.030 CFS	
29-10728	STOCKWATER	HARRIS, JEFFREY F	FROM 01-01 TO 12-31	0.030 CFS	

D. ARE OTHER WATER RIGHTS USED FOR THE SAME PURPOSE?

Y() N()

* IF YES, COMPLETE OVERLAP REVIEW:

OTHER RIGHTS LISTED IN CLAIM: NONE

A. AJ CLAIM POINT OF DIVERSION AND SOURCE:

RIGHT	TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	POD FLAG	COUNTY	DIVERSION NAME	DIVERSION NUMBER
A29-02365B	09S	36E	10		SE	SE			BANNOCK		

OTHER AJ CLAIMS WITH SAME AJ POD
A PREFIX R PREFIX
A29-10728 29-10728

WR RECORDS IN SAME 40 ACRE TRACT
NONE

SOURCE: MARSH CREEK

TRIB: PORTNEUF RIVER

B. WR POINT OF DIVERSION AND SOURCE:

RIGHT	TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	POD FLAG	COUNTY	DIVERSION NAME	DIVERSION NUMBER
29-02365	09S	36E	10		NE	SE			BANNOCK		

OTHER WR RECORDS WITH SAME WR POD
NONE

AJ CLAIMS IN SAME 40 ACRE TRACT
A PREFIX R PREFIX
A29-02365A NONE
A29-11458

SOURCE: MARSH CREEK

TRIB: PORTNEUF RIVER

C. IS THE CLAIMED POD WITHIN THE SAME 40 ACRE TRACT THAT IS DESCRIBED IN THE WATER RIGHT FILE? N/A() Y() N()

* IF NO, AND IF THE CHANGE IS VERIFIED AS AN ACCOMPLISHED CHANGE IN POD, DESCRIBE THE INJURY
ANALYSIS PERFORMED AND ENTER FLAG "C" WITH THE APPROPRIATE EXPLANATORY CODE.

D. CAN THE CLAIMED POD BE VERIFIED USING THE WATER RIGHT FILE OR GPS DATA? N/A() Y() N()

E. SHOULD THE CLAIMED POD BE VERIFIED BY FIELD EXAM? Y() N()

F. IS THE CLAIMED SOURCE THE SAME AS DESCRIBED IN THE WATER RIGHT FILE? N/A() Y() N()

* IF NO, AND IF THE CHANGE IS VERIFIED AS AN ACCOMPLISHED CHANGE IN SOURCE, DESCRIBE THE INJURY
ANALYSIS PERFORMED AND ENTER FLAG "C" WITH THE APPROPRIATE EXPLANATORY CODE.

G. CAN THE CLAIMED SOURCE BE VERIFIED USING THE WATER RIGHT FILE? Y() N()

H. SHOULD THE CLAIMED SOURCE BE VERIFIED BY FIELD EXAM? Y() N()

I. HOW WAS THE POD AND SOURCE VERIFIED?

LICENSING FIELD EXAM (DATE OF FIELD EXAM) Y() N()

AJ FIELD EXAM (DATE OF FIELD EXAM) NAME OF EXAMINER) Y() N()

OTHER (DESCRIBE IN NOTES BELOW)

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO
REPORT OF ENGINEER

Permit No. 25725

This proof is for Beneficial Use

In Water District No.

1. Name of applicant: Roas W. Gibson

2. Source of water supply: Marsh Creek, tributary of Portneuf River

3. Location of point of diversion is in the NE 1/4 of Section 10

T. 9 S. R. 36 E. County of Bannock

4. Describe works as they exist, giving dimensions and capacities of same: I. H. Stationary Diesel Engine, Model UD 14, 50 HP, 95.64, US Hallshaft Gear Head - 30 HP, 7030316 1-1 Ratio - Leque-Bowling Pump - 19651 10" x 8" column 10" discharge

5. Water is used for: Irrigation

6. State whether or not water has been turned into works of diversion: yes

7. List legal subdivisions of lands to be irrigated. If proof is for beneficial use, give exact number of acres under cultivation in each forty-acre tract. (Describe manner and place of use if other than irrigation):

W 1/4 Sec. 21 E 1/4 Sec. 3 NE 1/4 Sec. 11 NW 1/4 Sec. 15 T. 9 S., R. 36 E., B.M.

(Submit map on attached plat, showing location and details of above description.)

8. What large stream would the water here appropriated finally reach? Snake River via Portneuf

Remarks: Mr. Gibson along

Measured with Spading meter (5 Rev. water 6.55)

This examination was made on the 27th day of July 1961

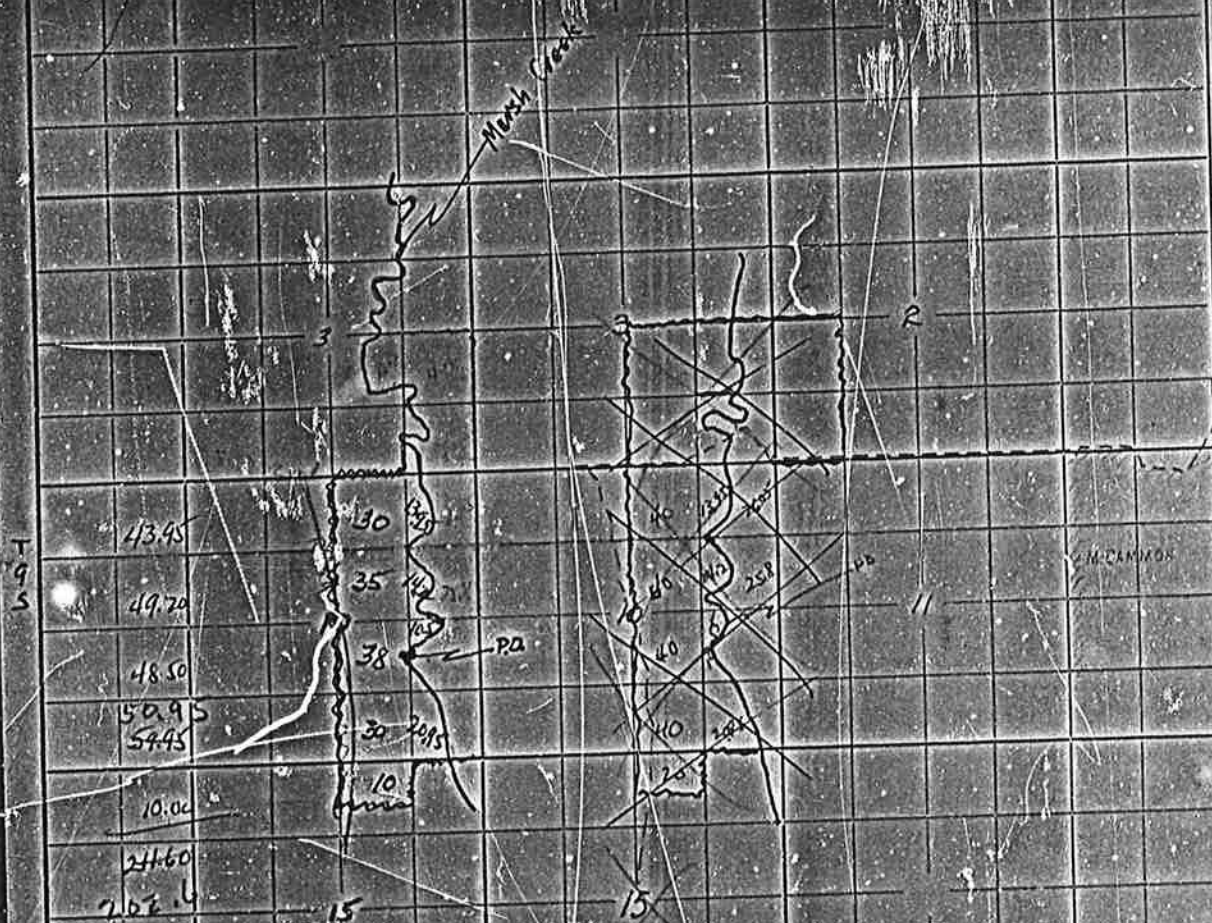
(Signed)

Leque-Bowling

Examiner

25725

3.97 YFG = 3.81 cfm
126,500.00



4 REIT

9
2.02.6
211.60 5 cm
3.81 1/2 in 190 1/2 inches

Scale: 2 Inches Equals 1 Mile. Draw Map in Ink.

25725

State of Idaho License and Certificate of Water Right

Water License No. 25725

Amount 3.81 c.f.s.

Water District No.

Priority June 28, 1955

THIS IS TO CERTIFY that ROSS W. GIBSON

of Arimo, Idaho

made application for a permit to appropriate the

public waters of the State of Idaho, dated May 25,

1955; that Permit No. 25725

was issued under said application; that Certificate of Completion of works, with a carrying capacity of

5.0 second feet, was issued thereunder on June 6,

1957, showing that said works

were completed on the 5th day of June,

1957, and that on the 12th

day of July,

1960,

ROSS W. GIBSON

of Arimo,

State of

Idaho,

made proof to the satisfaction of the

State Reclamation Engineer

of Idaho, of the right to use the waters of Marsh

Creek,

a tributary of Portneuf River

for the purpose of irrigation

under Use Permit No. 25725

of the Department of Reclamation

and that said right to the use of said waters has been perfected in accordance with the laws of Idaho,

and is hereby confirmed by the State Reclamation Engineer of Idaho and entered of record in Volume

11 of Licenses at page 7151 on the 1 day of

September

1961

The right hereby confirmed dates from June 28,

1955

The Point of Diversion is located

in the NE 1/4, SE 1/4, Sec. 10, Tp. 2 S, R. 36 E, B. M. Bannock County

That the amount of water to which such right is entitled and hereby confirmed, for the purposes

aforsaid, is limited to an amount actually needed and beneficially used for said purposes, and shall

not exceed 3.81 cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
2 S	34 E	10	NE 1/4 NE 1/4	40	13.95
			NW 1/4 NE 1/4	40	30
			SW 1/4 NE 1/4	40	35
			SE 1/4 NE 1/4	40	14.2
			NE 1/4 SE 1/4	40	10.5
			NW 1/4 SE 1/4	40	38
			SW 1/4 SE 1/4	40	30
			SE 1/4 SE 1/4	40	20.95
		15	NW 1/4 NE 1/4	20	10
Total number of acres to be irrigated:					202.60

The right to the use of the water aforsaid hereby confirmed is restricted to the lands or place of use herein described, as provided by the laws of Idaho.

WITNESS the seal and signature of the State Reclamation Engineer, affixed at Boise, Idaho, this

1st day of September

1961

/s/ RALPH W. THOMAS

Deputy State Reclamation Engineer

(SEAL)

SCANNED

JUN 04 2001

Log for claim A29-02365B

Spatial Dynamics LTD

7/13/00

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
09s36e	10	SWNE	0	0	
09s36e	10	NESE	4	0	Acreage found in NWSE qq.
09s36e	10	NWSE	22	36	
09s36e	10	SWSE	29	30	
09s36e	10	SESE	20	22	
09s36e	10	SESE	0	0	
09s36e	15	NENE	4	6.3	
09s36e	15	NWNE	5	8.2	
Totals:			84	102.5	

161

48.5 / 2

NWSE - 38
NESE - 10.5

85.

SESE	21
10 SWSE	30
15 NWNE	10
61	
24	

DATE: 04/27/00
PAGE: 89

Audit: 04/24/90 JONES 06/23/94 COX 03/29/95 POST-STD 06/07/95 JTHOMPSON
04/13/00 CVANDERM



State of Idaho
DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Idaho Falls, Idaho 83402-1718 - (208) 525-7161 - Fax (208) 525-7177

EASTERN REGION

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

JUNE 7, 1995

RALPH WHEATLEY
10053 S MARSH CK
MCCAMMON ID 83250

RE: CHANGE IN OWNERSHIP FOR A29-02365B

Dear Mr. Wheatley:

The request for Change in Ownership concerning the Notice(s) of Claim in the above reference has been processed and the Notice(s) modified to reflect you as the new owner.

Enclosed is a typed Notice with your name shown as the current owner. Review the forms and if there are other corrections or questions, feel free to contact this office.

If there are no questions or corrections, please keep this Notice for your records.

Respectfully submitted,

Jo Thompson
Adjudication Secretary

Enclosure: Notice of Claim

NOV 13 1995



NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type
(see instructions on back of page)

DATE OF CLOSING: _____

LEGAL DESCRIPTION OF PROPERTY: Township _____ Range _____
Section _____, 1/4 of _____ 1/4 of _____ 1/4, Govt. Lot _____, BM.
Lot _____, Block _____, Subdivision/Townsite _____
If you have additional legal descriptions, please attach separate sheet.

☐ Served Only by a Public Service Water Supply (all water is received from a city or company who maintains water supply system, owns the water right, and bills the customer on a regular basis)

☐ Water Right Number(s)
Assigned by IDWR: _____

A29-02365B ^{OK} *JA*

☐ Name and Address of Former
Owner/Claimant(s)(Seller): _____

Darrell Harris
3905 Brookfield Idaho Falls
Ralph Wheatley

☐ New Owner/Claimant
(Purchaser): _____

Ralph Wheatley

☐ New Mailing Address: _____

10053 S Marsh Crk
McCammon Idaho

☐ New Telephone Number: _____

(208) 254-3186 43250

☐ Does the change in ownership result in a splitting of the water right owned/claimed? yes ☒ no
If yes, then describe the portion of the water right that is now owned/claimed by the new owner:

☐ Attach proof of
ownership, describe
proof attached: _____

WARRANTY DEED

(proof of ownership must describe either the property conveyed or include the claim number. Proof of ownership is not required if this form is signed by the former owner/claimant.)

☐ Signature of New
Owner/Claimant(s): _____

Ralph Wheatley

Date 3/23/95

Date _____

☐ Signature of Former
Owner/Claimant(s): _____

Date _____

Date _____

(Signature of former claimant(s) is not required if proof of ownership is attached.)

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: _____

Claim Numbers of Split, if any:

MICROFILMED

NOV 13 1995

Original to be mailed to Idaho Department of Water Resources
Copies to Former Owner and New Owner

WARRANTY DEED

90007514

For Value Received

Lynn I. Bullock and Una C. Bullock

the grantor, do hereby grant, bargain, sell, and convey unto

Darryl W. Harris and Christine Harris, husband and wife

the grantee, whose current address is

3905 Brookfield Lane
Idaho Falls, Idaho

the following described premises, to-wit:

The North one-half of Lot 4 in Section 15, Township 9 South, Range
36 E.B.M. Bannock County, Idaho.

EXCEPTING therefrom the Southerly 240 feet of the above described parcel.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantees,
their heirs and assigns forever. And the said Grantors do hereby covenant to and
with the said Grantee, that they are the owners in fee simple of said premises; that said
premises are free from all incumbrances except as hereinabove set forth and that they will warrant and
defend the same from all lawful claims whatsoever.

Dated:

May 11, 1983

Lynn I. Bullock
Lynn I. Bullock
Una C. Bullock
Una C. Bullock

STATE OF IDAHO, COUNTY OF

On this 13th day of May, 1983,
before me, a notary public in and for said State, personally
appeared

Lynn I. Bullock

Notary Public

known to me to be the person who name
subscribed to the within instrument, and acknowledged to
me that executed the same.

Donna L. Waters
Notary Public

Residing at Idaho Falls, Idaho
Comm. Expires June 23, 1984

90007514

NO.
RECORDER AT REQUEST OF
CLERK OF COURT

'90 JUN 13 AM 11:18

OF BANNOCK COUNTY, IDAHO
CLERK OF COURT
FEE 3.00 DEPUTY B

INSTRUMENT NO.

31
1-54984
WARRANTY DEED

For Value Received

DARRYL W. HARRIS AND CHRISTINE HARRIS, HUSBAND AND WIFE **90007515**
the grantor s, do hereby grant, bargain, sell and convey unto

RALPH AND VAUNA WHEATLEY, HUSBAND AND WIFE

whose current address is

10053 South Marsh Creek Road,
McCammon, Id 83250

the grantee s, the following described premises, in Bannock County Idaho, to wit:

SEE ATTACHED EXHIBIT "A"

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee s,
their heirs and assigns forever. And the said Grantor s do hereby covenant to and
with the said Grantee , that they are the owners in fee simple of said premises; that they are free
from all incumbrances

and that they will warrant and defend the same from all lawful claims whatsoever.

Dated:

June 5, 1990

Darryl W. Harris
DARRYL W. HARRIS

Christine Harris
CHRISTINE HARRIS

STATE OF IDAHO, COUNTY OF Bonneville
On this 6th day of June, 19 90,
before me, a notary public in and for said State, personally
appeared Darryl W. Harris and Christine
Harris

Notary Seal

known to me to be the person s whose names are
subscribed to the within instrument, and acknowledged to
me that they executed the same.

Monna H. Harker
Notary Public

Residing at Idaho Falls, Idaho
Comm. Expires 6/22/94

NO. **90007515**

RECORDED AT REQUEST OF
NOTARY PUBLIC

'90 JUN 13 A11:19

Furnished by the AMERICAN LAND TITLE CO., Pocatello, Idaho

PARCEL 1:

3-2 90007515

TOWNSHIP 9 SOUTH, RANGE 36 E.B.M., BANNOCK COUNTY, IDAHO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

SECTION 10: LOTS 7 AND 8, THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER
SECTION 15: THE NORTH HALF OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER. LESS: THE SOUTHERLY 240 FEET OF THE NORTH HALF OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER.

EXCEPT: A PARCEL OF LAND LOCATED IN THE NW $\frac{1}{4}$ NE $\frac{1}{4}$ OF SECTION 15, TOWNSHIP 9 SOUTH, RANGE 36 E.B.M., BANNOCK COUNTY, IDAHO, MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTH QUARTER CORNER OF SECTION 15, TOWNSHIP 9 SOUTH, RANGE 36 E.B.M., THENCE SOUTH 00°06'59" EAST ALONG THE CENTER MERIDIONAL LINE OF SAID SECTION 249.07 FEET TO THE TRUE POINT OF BEGINNING; THENCE CONTINUING SOUTH 00°06'59" EAST, 411.70 FEET; THENCE SOUTH 89°46' EAST, 445.13 FEET TO THE WEST RIGHT OF WAY LINE OF MARSH CREEK ROAD; THENCE NORTH 01°12' WEST ALONG SAID RIGHT OF WAY, 219.73 FEET; THENCE CONTINUING ALONG SAID LINE 193.15 FEET ALONG A TANGENT CURVE CONCAVE TO THE SOUTHWEST, SAID CURVE HAVING A RADIUS OF 1407.50 FEET AND A CENTRAL ANGLE OF 07°51'46"; THENCE NORTH 89°47' WEST, 424.11 FEET, MORE OR LESS, TO THE TRUE POINT OF BEGINNING.

ALSO EXCEPT: A PARCEL OF LAND LOCATED IN THE NW $\frac{1}{4}$ NE $\frac{1}{4}$ OF SECTION 15, AND THE SW $\frac{1}{4}$ SE $\frac{1}{4}$ OF SECTION 10, TOWNSHIP 9 SOUTH, RANGE 36 E.B.M., BANNOCK COUNTY, IDAHO, MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTH QUARTER CORNER OF SECTION 10, TOWNSHIP 9 SOUTH, RANGE 36 E.B.M., THENCE NORTH 00°02' WEST ALONG THE CENTER MERIDIONAL LINE OF SAID SECTION, 244.45 FEET; THENCE SOUTH 89°47' EAST, 312.23 FEET TO A POINT BEING ON A NONTANGENT CURVE CONCAVE TO THE NORTHEAST AND HAVING A RADIUS OF 5755.00 FEET, RADIAL LINE OF SAID CURVE THROUGH SAID POINT BEARING SOUTH 78°18'29" WEST; THENCE SOUTHEASTERLY ALONG SAID CURVE 213.42 FEET TO THE END OF SAID CURVE (A RADIAL LINE THROUGH SAID END BEARING SOUTH 76°11' WEST); THENCE SOUTH 13°50' EAST, 176.09 FEET; THENCE 117.19 FEET ALONG A TANGENT CURVE CONCAVE TO THE SOUTHWEST HAVING A RADIUS OF 1407.50 FEET AND HAVING A CENTRAL ANGLE OF 04°46'14"; THENCE NORTH 89°47' WEST, 424.11 FEET TO THE CENTER MERIDIONAL LINE OF SECTION 15; THENCE NORTH 0°06'59" WEST, 249.07 FEET, MORE OR LESS, TO THE POINT OF BEGINNING.

LESS: A PORTION OF LOT 7 IN SECTION 10, TOWNSHIP 9 SOUTH, RANGE 36 E.B.M., BANNOCK COUNTY, IDAHO, AS SHOWN ON THE GENERAL LAND OFFICE PLAT AS FILED FOR RECORD WITH THE BUREAU OF LAND MANAGEMENT IN BOISE, IDAHO AND MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE BRASS CAP MARKING THE NORTHEAST CORNER OF SECTION 10, TOWNSHIP 9 SOUTH, RANGE 36 E.B.M., THENCE SOUTH 37°55'56" WEST, 4189.33 FEET TO A POINT ON THE EASTERLY RIGHT OF WAY LINE OF MARSH CREEK ROAD, SAID POINT BEING THE TRUE POINT OF BEGINNING; THENCE NORTH 77°21'35" EAST, 1002.22 FEET; THENCE SOUTH 52°11'01" EAST, 190.24 FEET, MORE OR LESS, TO THE SURVEYED MEANDER LINE OF MARSH CREEK; THENCE NORTHEASTERLY ALONG SAID MEANDER LINE THE FOLLOWING COURSES AND DISTANCES: NORTH 28°30' EAST, 110.24 FEET; SOUTH 59°15' EAST, 264.00 FEET; NORTH 57°30' EAST, 125.40 FEET; NORTH 05°30' WEST, 264.00 FEET; SOUTH 35°00' EAST, 435.60 FEET; NORTH 48°45' EAST, 376.20 FEET; NORTH 53°00' EAST, 158.40 FEET; NORTH 57°30' WEST, 396.00 FEET; NORTH 51°00' EAST, 114.23 FEET, MORE OR LESS, TO A POINT ON THE LATITUDINAL CENTERLINE OF SECTION 10:

3-3

90007515

THENCE NORTH 89°51'37" WEST 1998.30 FEET ALONG SAID LATITUDINAL CENTERLINE TO THE CENTER QUARTER CORNER OF SAID SECTION 10: THENCE SOUTH 00°02'00" EAST, 340.94 FEET ALONG THE MERIDIONAL CENTERLINE TO A POINT ON THE EASTERLY RIGHT OF WAY LINE OF MARSH CREEK ROAD; THENCE SOUTH 18°37'00" EAST, 176.04 FEET ALONG SAID RIGHT OF WAY LINE TO A POINT OF CURVATURE TO THE RIGHT; THENCE ALONG THE CURVE TO THE RIGHT A DISTANCE OF 168.03 FEET, SAID CURVE HAVING A RADIUS OF 979.93 FEET, A CENTRAL ANGLE OF 09°49'28", A CHORD LENGTH OF 167.82 FEET AND A CHORD BEARING OF SOUTH 13°42'16" EAST TO THE TRUE POINT OF BEGINNING. ALSO EXCEPTING THEREFROM ANY LANDS LYING WEST OF THE EASTERLY RIGHT OF WAY OF SAID MARSH CREEK ROAD AS SHOWN ON THE GENERAL LAND OFFICE PLAT AS FILED FOR RECORD WITH THE BUREAU OF LAND MANAGEMENT IN BOISE, IDAHO.

PARCEL 2:

TOWNSHIP 9 SOUTH, RANGE 36 E.B.M., BANNOCK COUNTY, IDAHO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

SECTION 15: THE NORTH ONE-HALF OF LOT 4 EXCEPTING THE SOUTHERLY 240 FEET. ALSO EXCEPTING THEREFROM ANY LANDS LYING WEST OF THE EASTERLY RIGHT OF WAY OF SAID MARSH CREEK ROAD AS SHOWN ON THE GENERAL LAND OFFICE PLAT AS FILED FOR RECORD WITH THE BUREAU OF LAND MANAGEMENT IN BOISE, IDAHO.

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: **A29-02365B**
Date Received: 4/24/1990
Receipt No: E013563
Received By: _____

**COPY FOR
YOUR FILES**

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

**COPY FOR
YOUR FILES**

1. Name: RALPH WHEATLEY 208-254-3186
Address: 10053 S MARSH CK
MCCAMMON ID 83250

2. Date of Priority: JUN 28, 1955

3. Source: MARSH CREEK Trib. to: PORTNEUF RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
09S	36E	10	SE	SE	SE		BANNOCK

5. Description of diverting works:
PUMP IN CREEK 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	1.800		

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

8. Total consumptive use is 216.0 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
09S	36E	10	NE	SE		IRR	4.0
			NW	SE		IRR	22.6
			SW	SE		IRR	29.2
			SE	SE		IRR	20.7

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10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					Section Acres	76.5
		15	NE	NE	IRR	4.2
			NW	NE	IRR	5.7
					Section Acres	9.9
					Total Acres	86.4

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:
CHANGED OWNERSHIP 6/7/95/JT/GT

15. Basis of Claim: LICENSE

Water Right Number: 25725

MICROFILMED
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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: A29-02365B

Date Received: 4/23/1990

Receipt No: EO 13563

Received By: BB
OK#3445 137

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: DARRYL HARRIS 208-522-5669
Address: 3905 BROOKFIELD LANE
IDAHO FALLS, ID 83406

2. Date of Priority: JUN 28, 1955

3. Source: MARSH CREEK Trib. to: PORTNEUF RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
09S	36E	10		SE	SE		BANNOCK

5. Description of diverting works:
PUMP IN CREEK 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	1.800		

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

8. Total consumptive use is 216.0 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
09S	36E	10	NE	SE		IRR	4.0
			NW	SE		IRR	22.6
			SW	SE		IRR	29.2

A29-02365B

Page 1

Date: 04/23/90

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10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
09S	36E	10	SE	SE		IRR	20.7
						Section Acres	76.5
		15	NE	NE		IRR	4.2
			NW	NE		IRR	5.7
						Section Acres	9.9
						Total Acres	86.4

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:

15. Basis of Claim: LICENSE
Water Right Number: 25725

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: _____

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): *Harvey W. Lani* Date: *April 23 1990*

Date: _____

State of Idaho)
County of *Bonneville*) SS.

Subscribed and sworn (or affirmed) before me this *23rd* day

of *Apr* 19 *90*

Betty J. Thompson
Notary Public

Seal

Residing at BETTY J. THOMPSON, NOTARY PUBLIC
RESIDING AT IDAHO FALLS, IDAHO
My Commission Expires EXPIRES: 6-30-94

MICROFILMED
NOV 13 1992

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