

03/25/2003

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

RIGHT NUMBER: 29-4463A

NAME AND ADDRESS: MEADOWBROOK RANCH
C/O RALPH WHEATLEY
10053 S MARSH CREEK RD
MC CAMMON ID 83250

SOURCE: MARSH CREEK

TRIBUTARY: PORTNEUF RIVER

QUANTITY: 1.870 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT FOR STOCKWATER USE
SHALL NOT EXCEED 13,000 GALLONS PER DAY.

PRIORITY DATE: 01/01/1894

POINT OF DIVERSION:

T11S R36E S1 NESWNW Within BANNOCK County Source: MARSH CREEK

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
STOCKWATER	01/01 12/31	0.070 CFS
IRRIGATION	04/01 10/31	1.870 CFS

PLACE OF USE: IRRIGATION Within BANNOCK County

T10S R36E S36	NESW	2.0	T10S R36E S36	SWSW	3.5
T10S R36E S36	SESW	34.0	T10S R36E S36	SWSE	35.0
T10S R36E S36	SESE	19.0			

STOCKWATER same as IRRIGATION

93.5 ACRES TOTAL

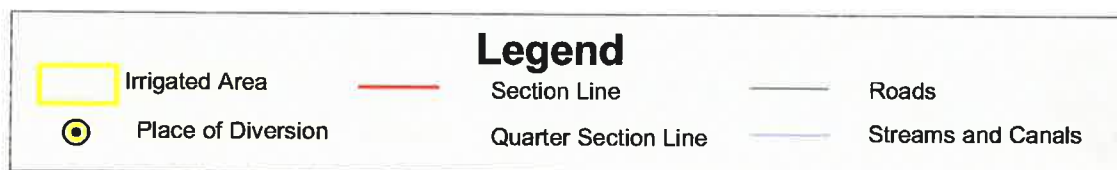
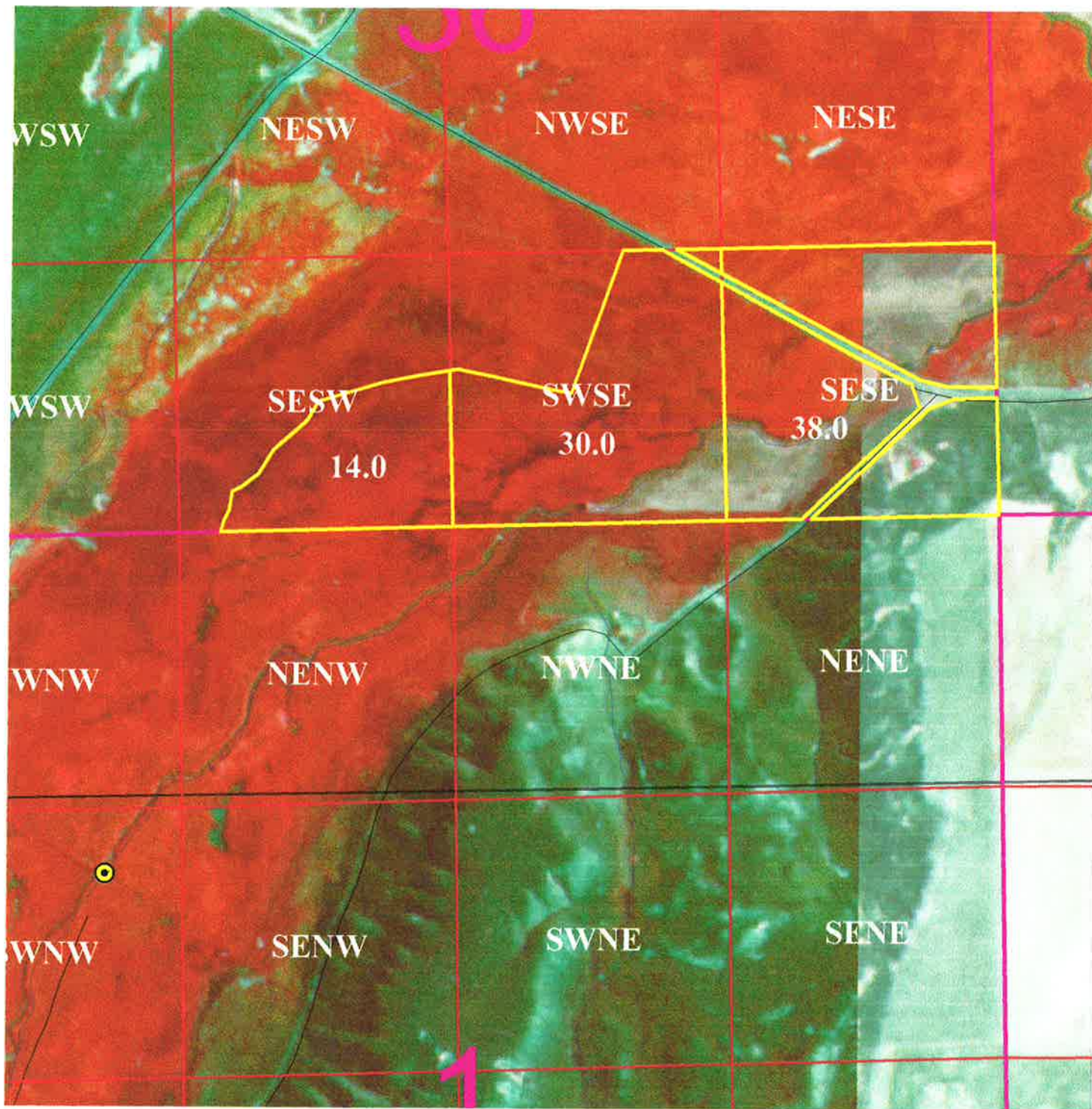
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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.

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR STOCKWATER USE IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.

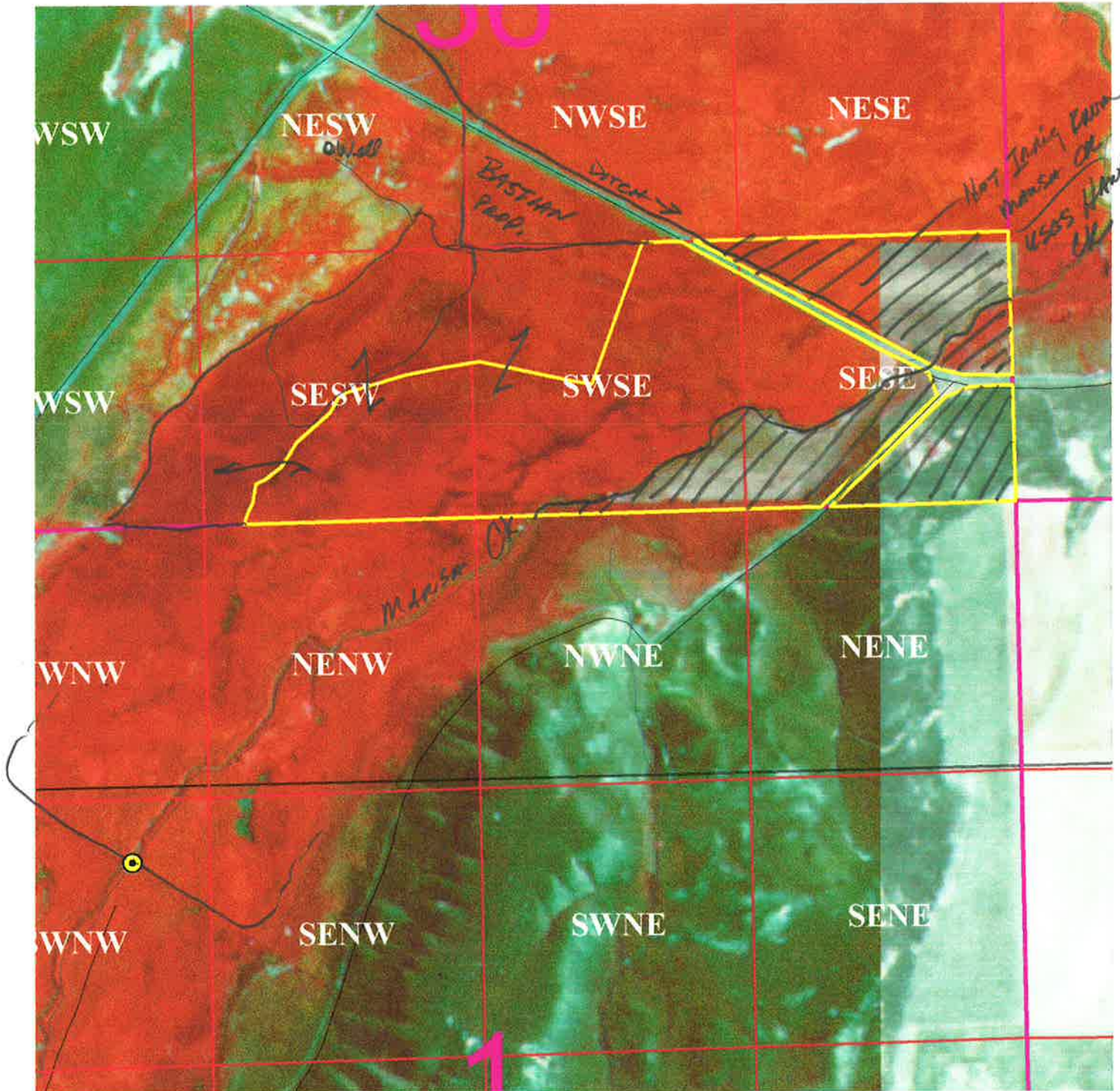
EXPLANATORY MATERIAL: Beneficial Use

Townships , 10S36E, 11S36E



SCANNED
APR 05 2006

Townships , 10S36E, 11S36E



9/26/02
ABR

Legend					
	Irrigated Area		Section Line		Roads
	Place of Diversion		Quarter Section Line		Streams and Canals



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APR 05 2006



State of Idaho

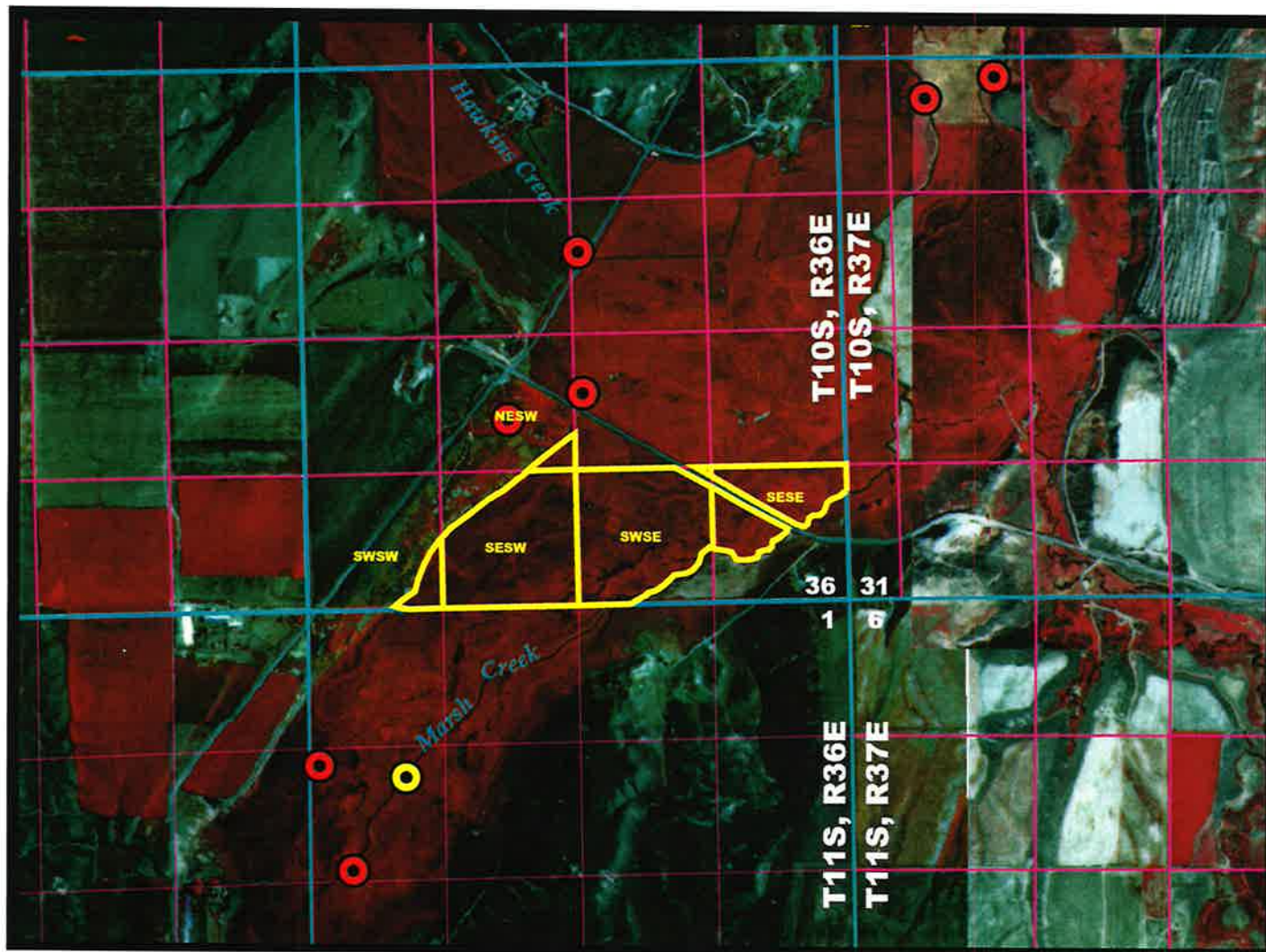
Department of Water Resources

Eastern Region

APR 05 2006

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PROTECTED



750 0 750 1500 2250 3000 3750 4500 5250 6000 6750 7500 8250 9000 9750 Feet

Water Right(s):
29-4463A

Place of Use: (parts of): T10S, R36E
Sections 36 S2S2

Point(s) of Diversion: T11S, R36E
Sec. 1 NESWN



LEGEND

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

GIS Place of Use Illustration
1987/1988 NAFF Photography
Prepared by: A. Ruberry
Date: March 2003



STATE OF IDAHO
OFFICE OF THE ATTORNEY GENERAL
ALAN G. LANCE

October 16, 2002

Meadow Brook Ranch
C/o Ralph Wheatley
10053 S Marsh Creek Road
McCammon, ID 83250

Re: SRBA Claim Nos. 29-04463A and 29-11452

Dear Claimant:

I am the Deputy Attorney General assigned to represent the Idaho Department of Water Resources in Basin 29 in the Snake River Basin Adjudication.

The Idaho Department of Water Resources has met with your son twice and has asked him to have you call our office in Idaho Falls. However, we have not received the information we are seeking with regards to the above water rights. It appears that a field exam is necessary in order to complete our recommendation of the above water rights and perhaps an amendment to your claim for the place of use is required. We need this additional information in order to conclude our recommendation of your water rights.

Please contact Allen Ruberry at our office in Idaho Falls at 208-525-7161 or you can contact me directly at 208-327-5404. Your prompt attention to this matter is appreciated.

Very truly yours,

A handwritten signature in black ink, reading "Candice McHugh", is written over the typed name.

CANDICE M. McHUGH
Deputy Attorney General
Idaho Department of Water Resources

CMM/pm

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APR 05 2006

11/06/2002

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

RIGHT NUMBER: 29-4463A

DISALLOWED

NAME AND ADDRESS: MEADOWBROOK RANCH
C/O RALPH WHEATLEY
10053 S MARSH CREEK RD
MC CAMMON ID 83250

SOURCE: MARSH CREEK

TRIBUTARY: PORTNEUF RIVER

QUANTITY: 0.000 CFS

PRIORITY DATE: 01/01/1894

POINT OF DIVERSION:

T11S R36E S1 NESWNW Within BANNOCK County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
STOCKWATER	01/01 12/31	
IRRIGATION	04/01 11/01	

PLACE OF USE: IRRIGATION Within BANNOCK County

T10S R36E S36	SESW	T10S R36E S36	SWSE
T10S R36E S36	SESE		

STOCKWATER same as IRRIGATION

40 ACRES TOTAL

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

NO BENEFICIAL USE FOUND: This is included for a claim based on beneficial use that is PROPOSED to be disallowed because beneficial use of water was not confirmed by IDWRs field examination or by other evidence submitted by the claimant.

NO BENEFICIAL USE FOUND.

EXPLANATORY MATERIAL: Beneficial Use

*Amended to Add
125 ac*

\$

*935
81
125*

Receipt # E028601

Water Right 29-4463A

SCANNED
1
APR 05 2006

MAYNARD LAND
AND LIVESTOCK

MV CATTLEMENS CORP % EGAN, WM

BASTIAN, LYNN

WHEATLEY, JACK R & SMITH, BOYD C

R36E

R37E

36
1

31
6

T10S

T11S

Marsh Creek

EGAN, WILLIAM ALVA

KENT, SIDNEY W

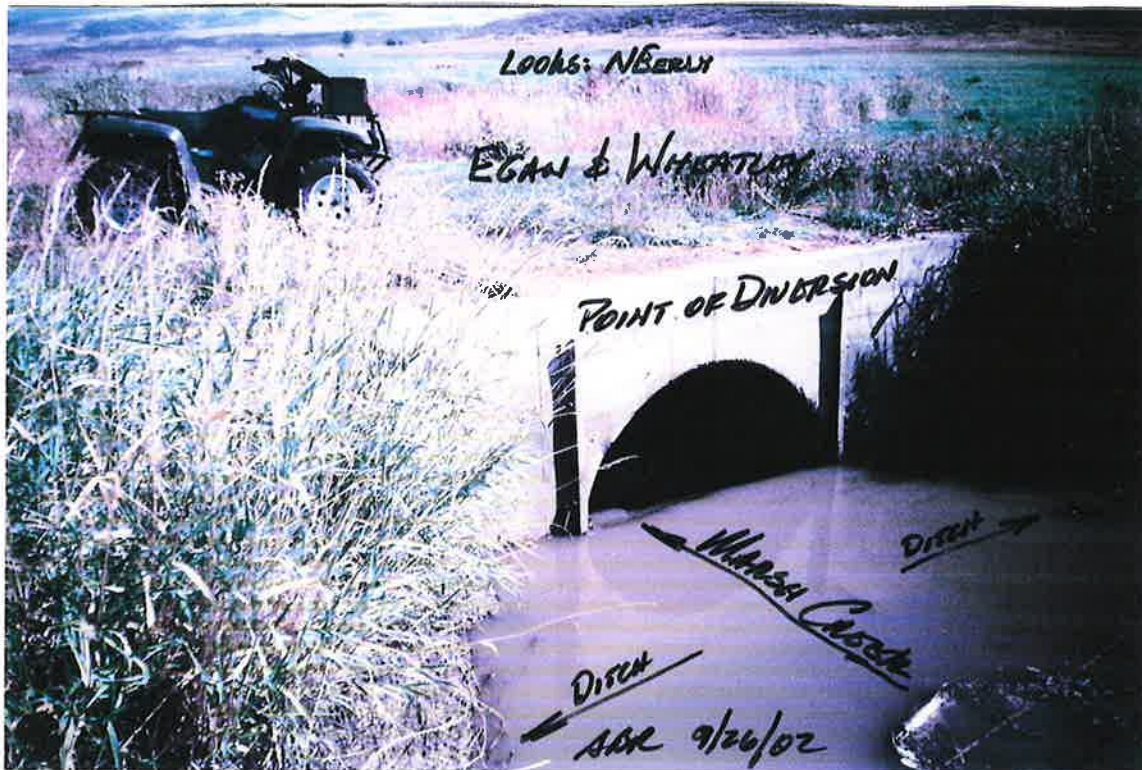
BLM

USA

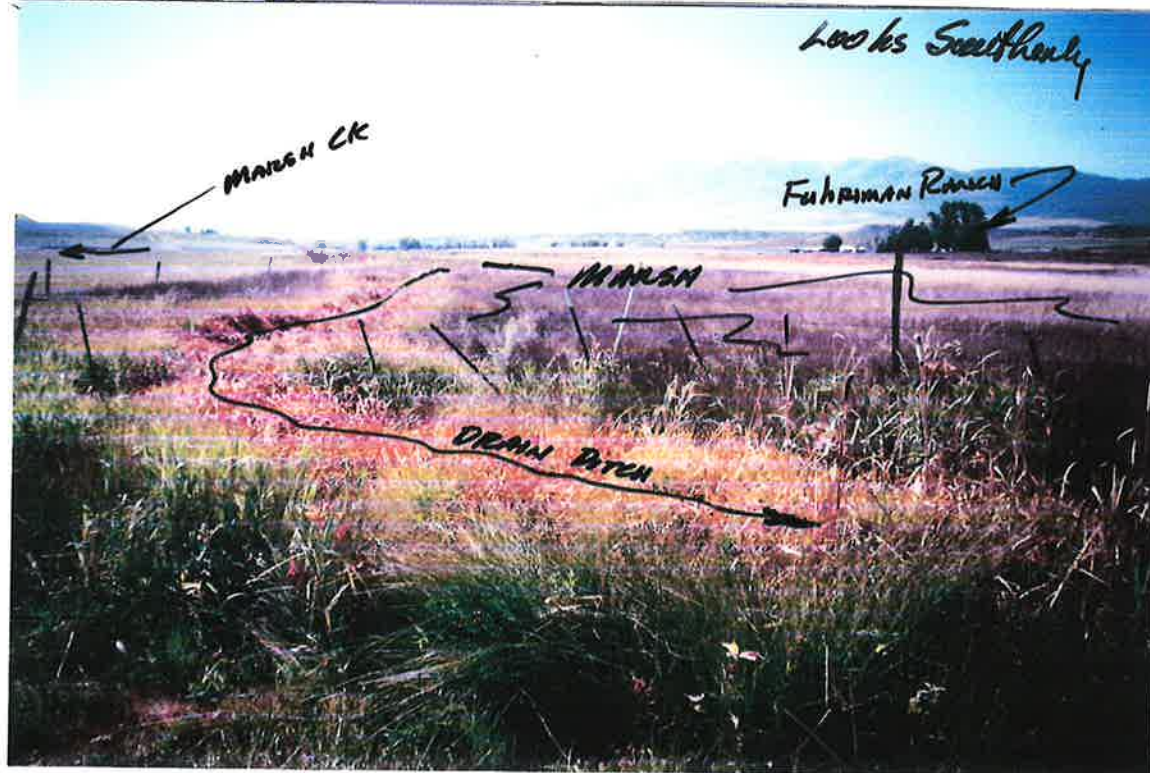
WHITWORTH, MORGAN &

FUHRIMAN RANCH INC

FUHRIMAN, WILLIAM D



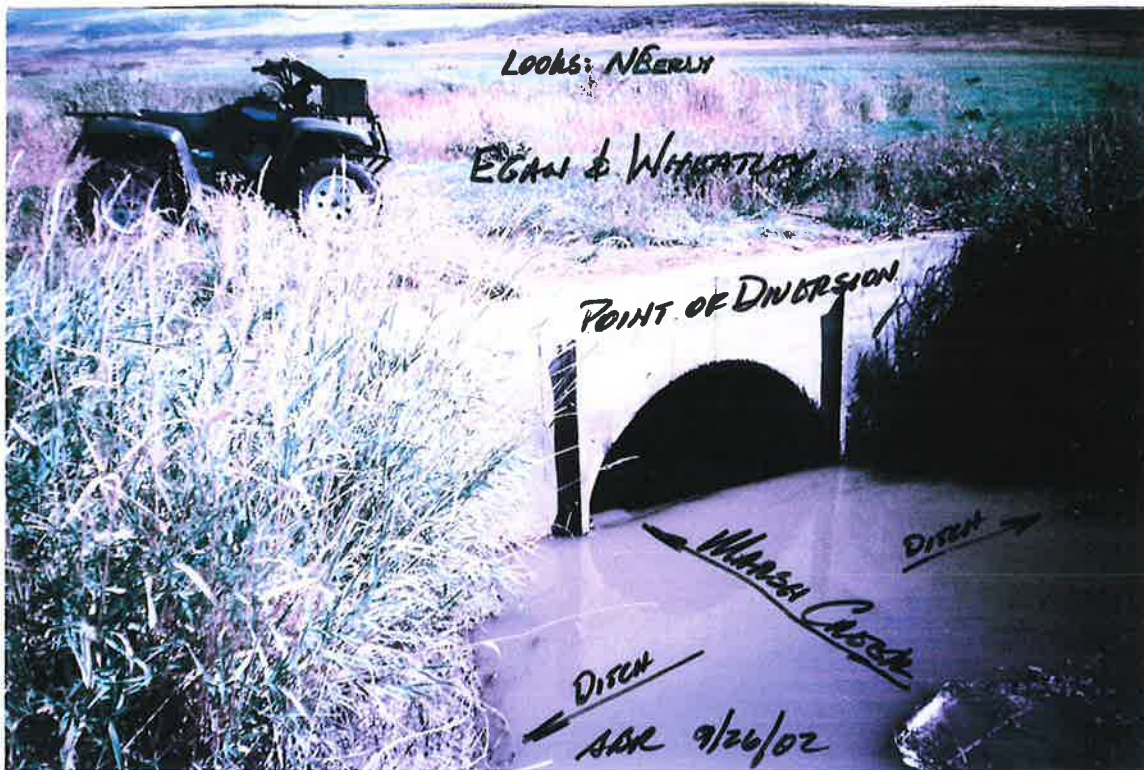
EGAN AND WHEATLEY (MEADOW BROOK RANCH) DIVERSION OFF MARSH CREEK



Shows THE SOURCE AND CONVEYANCE OF IRRIGATION WATER FOR Wm EGAN'S PROPERTY (± 10 ac).

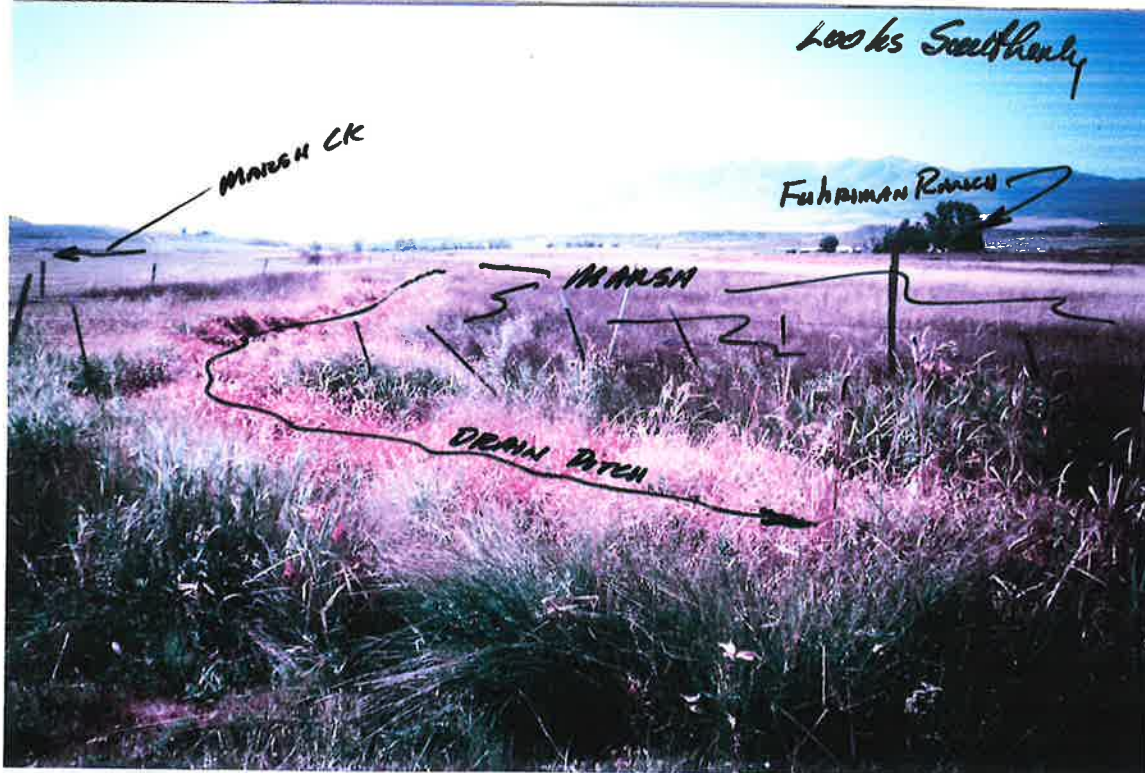
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EGAN & WHEATLEY
POD off Marsh
Creek

EGAN AND WHEATLEY (MEADOW BROOK RANCH) DIVERSION OFF
MARSH CREEK



Shows THE SOURCE AND CONVEYANCE OF IRRIGATION WATER
FOR Wm EGAN'S PROPERTY (± 10 ac).

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PROFILED

29-04463A

Date: _____

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Point of Diversion and Source Data Entry Form

Claim Number: _____

Water Right Point of Diversion: T _____, R _____, Sec. _____, _____, _____, _____, County: _____

Source: _____ Tributary: _____

Claimed Point of Diversion: T 11S, R 36E, Sec. 1, NE, SW, NW, County: Bann.Source: Marsh Cr Tributary: Portmont River

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
_____	_____	_____	_____	_____	_____	_____
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:

USBS SAME POD AS Wm REAN (29-04463B) WITH
CONVEYANCE DITCHES WEST OF MARSH CR ONLY.

Transfers Changing POD _____

Reviewer: _____

Date: _____

SCANNED

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Place Of Use Data Entry Form

Claim Number: _____

_____ Use Claimed POU as Recommended POU

Claimed Place of Use

Tw	Rge	Sec	QQ	Q	County	Lot Num	Acres	Purpose of Use

Total Acres _____

*Claimed Pool needs
Amended - IT DON'T QUIT
FIT.*

Recommended Place of Use

Tw	Rge	Sec	QQ	Q	County	Lot Num	Acres	Purpose of Use

Total Acres _____

Document how the POU was verified:

@ T1152365 SEC. 36 SESE - CLAIMS HOAC → ONLY THAT PART
SO OF VIRGINIA RD AND NORTH OF MARSH CK. THAT PART SE
OF MARSH CK IS NOT IRRIG; UP HILL TO HOUSE. THAT PART NORTH OF
VIRGINIA RD (APPROX N²SESE TRIANGLE PC) IS IRRIGATED FROM HAWKINS
CK VIA A DITCH WHICH PARALLEL'S THE VIRGINIA RD ON THE N² SIDE.

Transfers Changing POU _____

Reviewer: _____

Date: _____

SCANNED

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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
Feeding	4/1	11/1	1.62	
Stock	1/1	12/31	0.07	

Overall Diversion Rate 1.62 cfs Overall Diversion Volume _____

Recommended Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
Feeding	4/1	10/31		
Stock	1/1	12/31	0.07	

Overall Diversion Rate _____ Overall Diversion Volume _____

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

SDU TO DEPT STD.

Feeding (D) BASED ON _____ AC X 0.02 cfs/AC: §42-220/202 IC = _____ cfs

Reviewer: _____

Date: _____

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29-04463A Stat. BU

OK @ 4/1/1894
NOT 1/1/1894

I. Statutory claim - claims 1894 Priority from Marsh CK.

A. AFFIDAVIT (DATED 1956, J. M. Woodland) DISCUSSES GRANTS OF U.S. LAND PATENTS TO SPECIFIC PROPERTY. J. T. WOODLAND PATENT DATED 1899 TO POOL CLAIMS. PATENTS WERE GRANTED TO LANDS AFTER 5YR PERIOD OF 'PROVING UP' ON THE LANDS - APPARENTLY THIS WAS DONE TO HAVE RECEIVED SUCH A PATENT.

Q: →
CHECK 29-H

B. Any DEEDS ON MARSH CR for this AREA?

C. Claims: 1.62 cts on 8/AC $\Rightarrow$ 0.02 cts/AC - OR 1. MEASURES REQ'D.

II. POOL CLAIMS DOES NOT MATCH AFFIDAVIT.

WHEN WAS IT CHANGED/MOVED 1929 TO PRESENT?

III. SOIL CLAIMS 4/1 TO 11/1 - DEPT 5 TO FOR BU CLAIMS IS 4/1 TO 19/31 - SO RECOMMENDED.

IV. Remarks state: "... A portion of 4463" - NO MATTER ITS ONLY STATUTORY IN NATURE.

V. POOL CLAIMS MATCHES POOL DISCUSSED IN AFFIDAVIT AS PATENT (1899) TO J. T. & E. A. WOODLAND, (NO AC. LISTED)

Q: → VI. CLAIMS STORAGE FROM HAWKINS RES. $\Rightarrow$ WHICH AFS

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APR 05 2006



IDAHO DEPARTMENT OF WATER RESOURCES

SNAKE RIVER BASIN ADJUDICATION - BASIN 29



RIGHT ID 29 4463 A
POD ID 207106
Quad Downey West
Claim Type L
Easting 647402
Northing 156961
GPSID A0012574

Diversion Description

DAM, DITCHES TO PLACE OF USE FOR IRRIGATION. Culvert in Marsh Creek can completely block flow (6' 0 culvert flowing 1/2 full). Lateral ditches extend to either side.

Assumptions

Slope. NOT FOUND

Invoice #

Phase-0 (No Attention)
Phase-I (Ready to Go to Field)
Phase-II (Site Visit - Data Missin
Phase-III (Complete w/issues)
Phase-IV (Total Complete)

Linked

POD ID 207106 01.JPG POD ID 207106 03.JPG

Photos

POD ID 207106 02.JPG POD ID 207106 04.JPG

EPE (ft)

Date (M/D/Y)

Time

Flow Rate (CFS)

17.244925297019

Open Channel Flow

☒ Complete one box from both Area and Calculation sections

Cross Sectional Area

☒ Circular Channel

- ☐ Less than half full
☒ Half full
☐ More than half full
☐ Full

Diameter 6

Depth

☐ Rectangular Channel

Width

Depth

Flow Calculation

☐ Continuity

Velocity 0

☐ Orifice

(Use only for head over a pipe flowing full with free discharge)

Depth of Water above orifice centerline

☐ Weir

(Use only for water flowing freely over weir)

Height of water above nappe

Width of weir

☒ Manning (If used, include photo of representative channel section)

Channel Slope 0.0001

Channel Description	
Concrete lined	.016
Smooth earth	.025
Earth	.033
Rough bed, weeds on sides	.04
Smooth natural stream	.033
Rough natural stream	.1

Pumped System

HP

Pressure Head (psi)

Elevation Head (ft)

Motor Mfg

Motor Serial #

Pump Type

Pump Mfg

Pump Serial#

New Contact Information

New Contact Comments

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APR 05 2006

Log for claim A29-04463A

Spatial Dynamics TWB

5/30/00

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
10s36e	36	SESW	14	14	
10s36e	36	SWSE	27	30	
10s36e	36	SESE	40	38	
Totals:			81	82	

PROFILED

SPATIAL
DYNAMICS
APR 05 2006

RECEIVED
JUN 05 1995

Affidavit

State of Idaho,)
County of Bannock.) ss.

Department of Water Resources
Eastern District Office

James M. Woodland, 635 East Halliday, Pocatello, Idaho, being first duly sworn, deposes and says: That he was born July 4, 1886, and that he is the son of John T. Woodland and Emma A. Woodland, and that his Father received U. S. Patent on June 22, 1899, to the South half of the Southeast quarter and the East half of the Southwest quarter, Section 36, Township ten S., R. 36 E., B. M. He further states that his Uncle Joseph T. Woodland received U. S. Patent June 22, 1899 to the East half of the Southeast quarter, and the Southeast quarter of the Northeast quarter, Section two and the Northwest quarter of the Southwest quarter, Section 1, Township 11 S., R. 36 E., B. M. He further states that Joseph Truman Cole was his cousin and that the said Joseph Truman Cole received U. S. Patent, December 30, 1901, to the South half of the Northwest quarter and Lots 3 and 4, Section one, Township 11 S., Range 36 E., B. M. He further deposes and says that he knows water was diverted from the Marsh Creek to irrigate all the meadow land on the above described tracts and that the point of diversion was at first on the Northwest quarter of the Southwest quarter of Section 1, Township 11 South, Range 36 E., B. M. He knows this water was diverted before 1900 as he used to help the above named men put in the dam. The water was used to irrigate all of the meadow lands above described. He says his Brother, Orville was baptized at the Ford about June 1, 1901. He states he used to swim from the Ford to the Dam. Later the Dam was moved down stream in the Marsh Creek to near where the present dam is located and it was used to irrigate the meadow lands formerly owned by his Father, John T. Woodland until he sold these lands to George Morrison and Henry J. Nelson.

Witness

Walter C. Cress
Elmer Ellsworth

Signed

James M. Woodland

Subscribed and sworn to before me this 24 day of September, 1956

~~XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX~~

J. Blackhurst
Notary Public,

Residence: Pocatello, Idaho

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APR 05 2006

AJ5809NP
No. A29-04463A

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 04/24/00
PAGE: 128

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	MEADOWBROOK RANCH 10053 S MARSH CREEK RD MC CAMMON ID 83250 (208) 254-3186	01/01/1894	IRRIGATION STOCKWATER	04-01 11-01 01-01 12-31	1.620 CFS 0.070 CFS	
TOTAL DIVERSION: CONSUMPTIVE USE:					1.620 CFS	202.50 AFA

Water Source: MARSH CREEK

Tributary to: PORTNEUF RIVER

Stage: STATUTORY CLAIM

Point(s) of Diversion: T11S R36E S01 NESWNW

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	36	:									:									:				
																14								:	
																				27 40				:	81.0
																				TOTAL ACRES				:	81.0

Place of use location for STOCKWATER is the same location as described for: IRRIGATION

POU County: BANNOCK

Non-Irrigation Uses: S/300 CATTLE

Other Rights: STORAGE FROM HAWKINS RESERVOIR.

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

A29-00430 A29-02239 A29-10663 A29-10664 A29-10665 A29-11452 A29-12058

Remarks: GEN THIS NOTICE OF CLAIM IS A PORTION OF 29-04463.

PROOF OF PRIORITY SUBMITTED 5 JUNE 1995, SUPPORTING 22 JUNE 1899.

SEE FILE FOR PROOF.*****5 JUNE 1995 ABR*****

Dates: Exam Made Date: Verified Date: Objection Filed Date:

Misc: Water District Number: Field Inspection Flag:
Presumption Flag:

Audit: 04/28/90 MEYER 07/25/94 THOMPSON 03/29/95 POST-STD 06/05/95 ARUBERRY

MAY 31 2001

131

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: A29-04463A

Date Received: 4/18/1990

Receipt No:

Received By:

Ralph Whortley

H 254-3186

C 251-1243

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: MEADOWBROOK RANCH 208-254-3186
Address: 10053 S. MARSH CREEK RD.
MC CAMMON, ID 83250

2. Date of Priority: JAN 01, 1894

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
11S	36E	1	NE	SW	NW		BANNOCK

5. Description of diverting works:
DAM, DITCHES TO PLACE OF USE FOR IRRIGATION.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	1.620		
STOCKWATER	01/01	12/31	0.070		

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

8. Total consumptive use is 202.5 Acre Feet Per Annum.

9. Non-irrigation uses:
S/300 CATTLE

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
10S	36E	36	SE	SW		IRR	14.0
			SW	SE		IRR	27.0

A29-04463A

Page 1

Date: 04/18/90

SCANNED

APR 05 2006

PROFILED

MICROFILMED

NOV 13 1992



10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres	
10S	36E	36	SE SE		IRR	40.0	
						Section Acres	81.0
						Total Acres	81.0

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:
STORAGE FROM HAWKINS RESERVOIR.

14. Remarks:
THIS NOTICE OF CLAIM IS A PORTION OF 29-04463.

15. Basis of Claim: STATUTORY 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 Organizations:

I do solemnly swear or affirm that I am Ralph Whitley of
Meadowbrook Ranch Organization, that I have signed the foregoing
document in the space below as Partner & Manager of
Meadowbrook Ranch Organization and that the statements contained in the
foregoing document are true and correct.

Ralph Whitley
Signature of Authorized Agent
Meadowbrook Ranch
Title and Organization
4/26/90
Date

State of Idaho

County of

Bannock

)
) SS.
)

Subscribed and sworn (or affirmed) before me this 26 day

of April 19 90

Belva Olsen
Notary Public

Seal

Residing at Mc Cammon, Id

My Commission Expires 10-95

SC4-11153
479-05-2006

7/D

Poo-OK

R36E

R37E

A29-04463A

400

12 30"

401

402

403

6

2 1

11 12

1 6

12 7

THIS
~~R37E~~
R36E

R37E

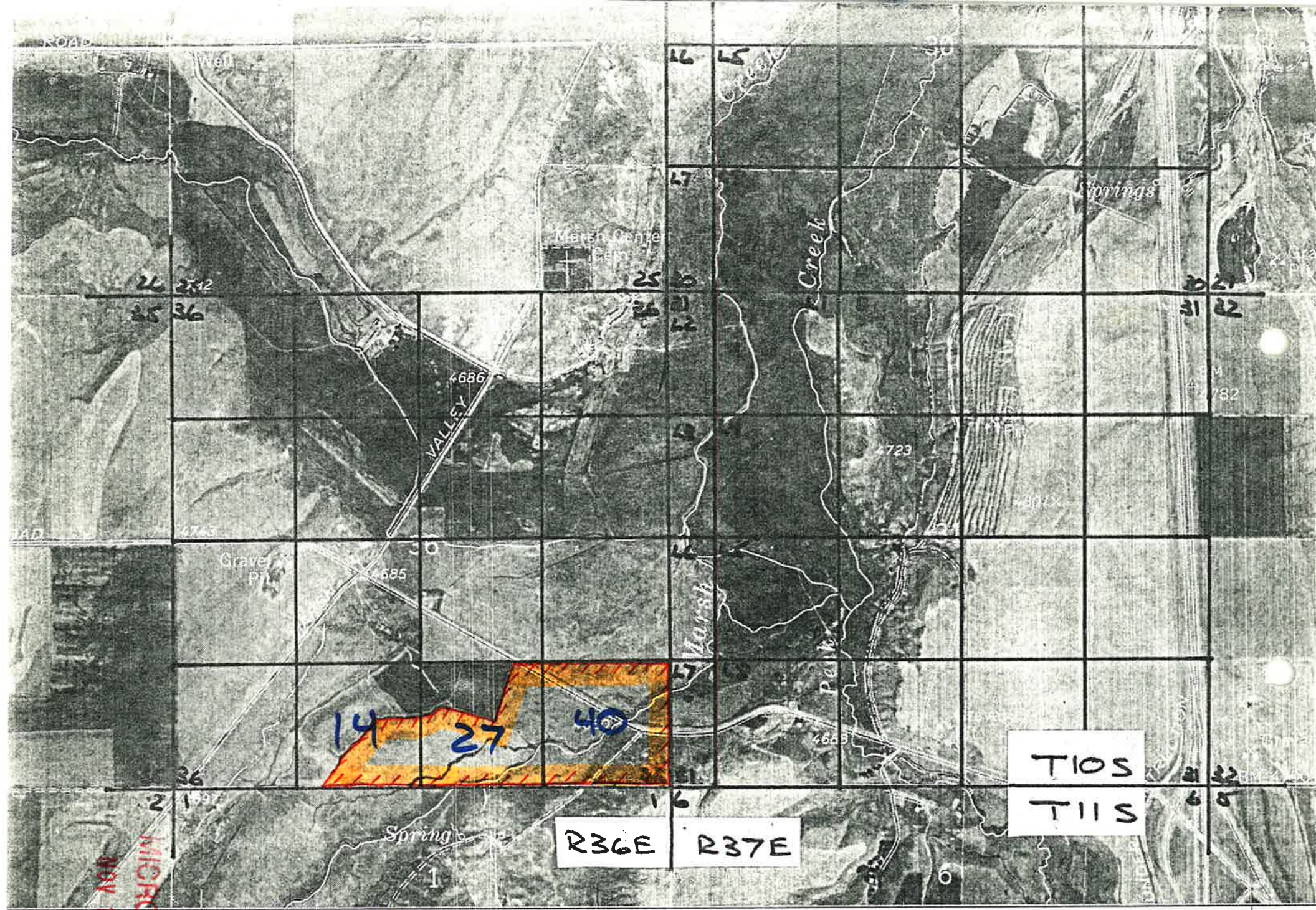
MICROFILMED
NOV 13 1962

ROAD

Marsh

Marsh
Pond

ROAD



MICROFILMED
APR 13 1992

APR 05 2006
SCANNED

R36E

R37E

T10S
T11S

SCALE 1:24 000

A29-04463A

1 MILE