

07/23/2002

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 29-7386

NAME AND ADDRESS: OREGON TRAIL BROADCASTING CO INC
1500 FOREMASTER LN
LAS VEGAS NV 89101

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.210 CFS
36.00 AFY

PRIORITY DATE: 04/07/1977

POINT OF
DIVERSION: T07S R35E S18 NENWNE Within BANNOCK County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

04/01 11/01

0.210 CFS
36.00 AFY

PLACE OF USE: IRRIGATION Within BANNOCK County
T07S R35E S18 NENE 10.2

10.2 ACRES TOTAL

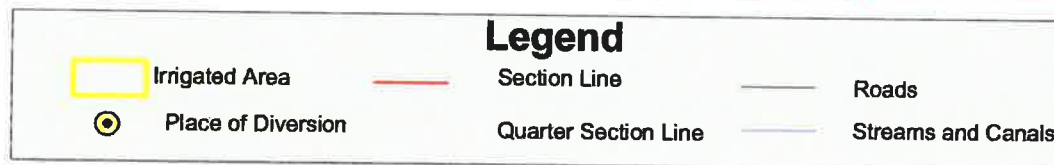
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

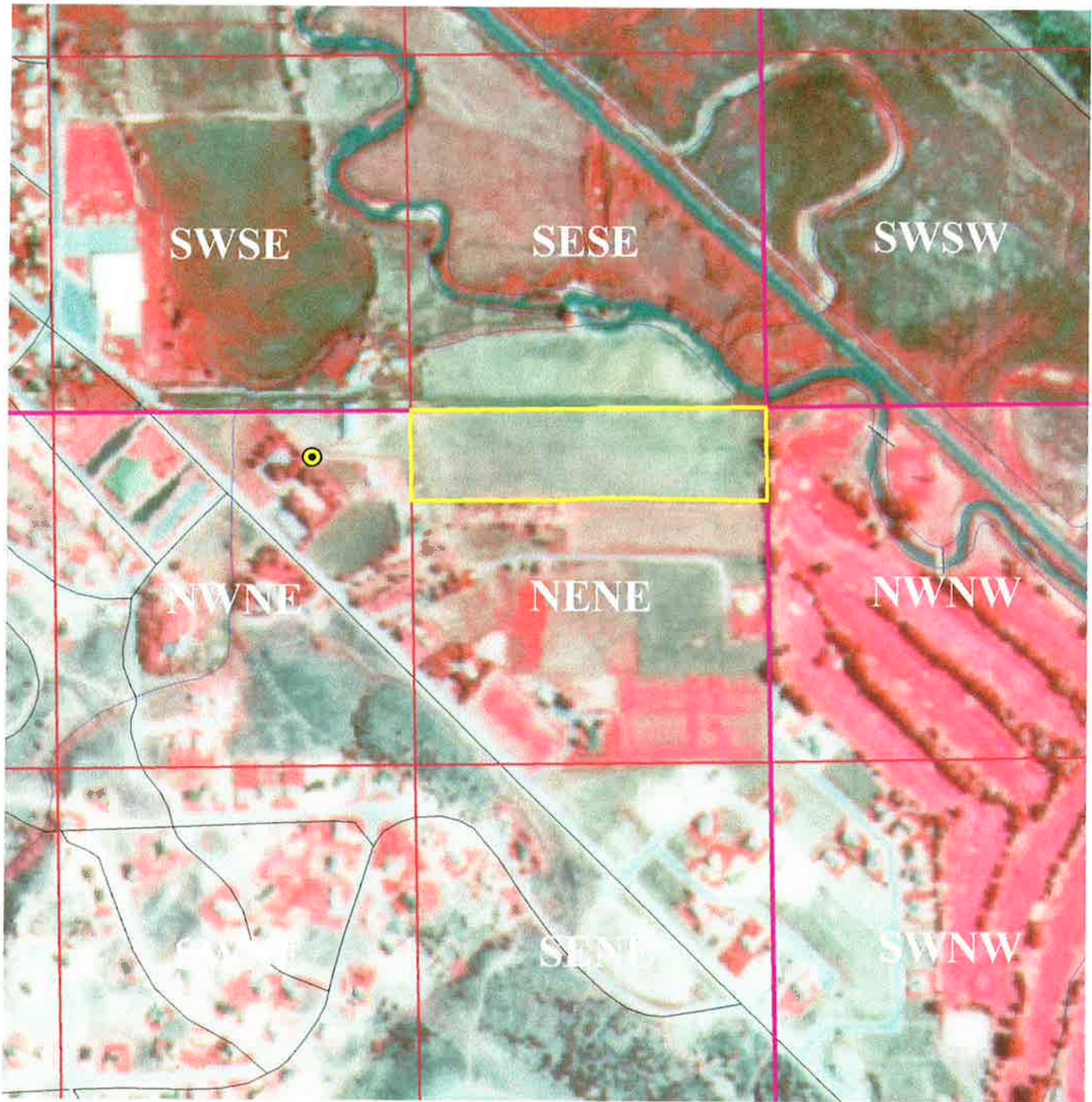
THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE
EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE
ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO
LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION
42-1412(6), IDAHO CODE.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

Water Right Claim Number A29-07386
Township , 7S35E

09/07/2000





Irrigated Area

Place of Diversion

Section Line

Quarter Section Line

Roads

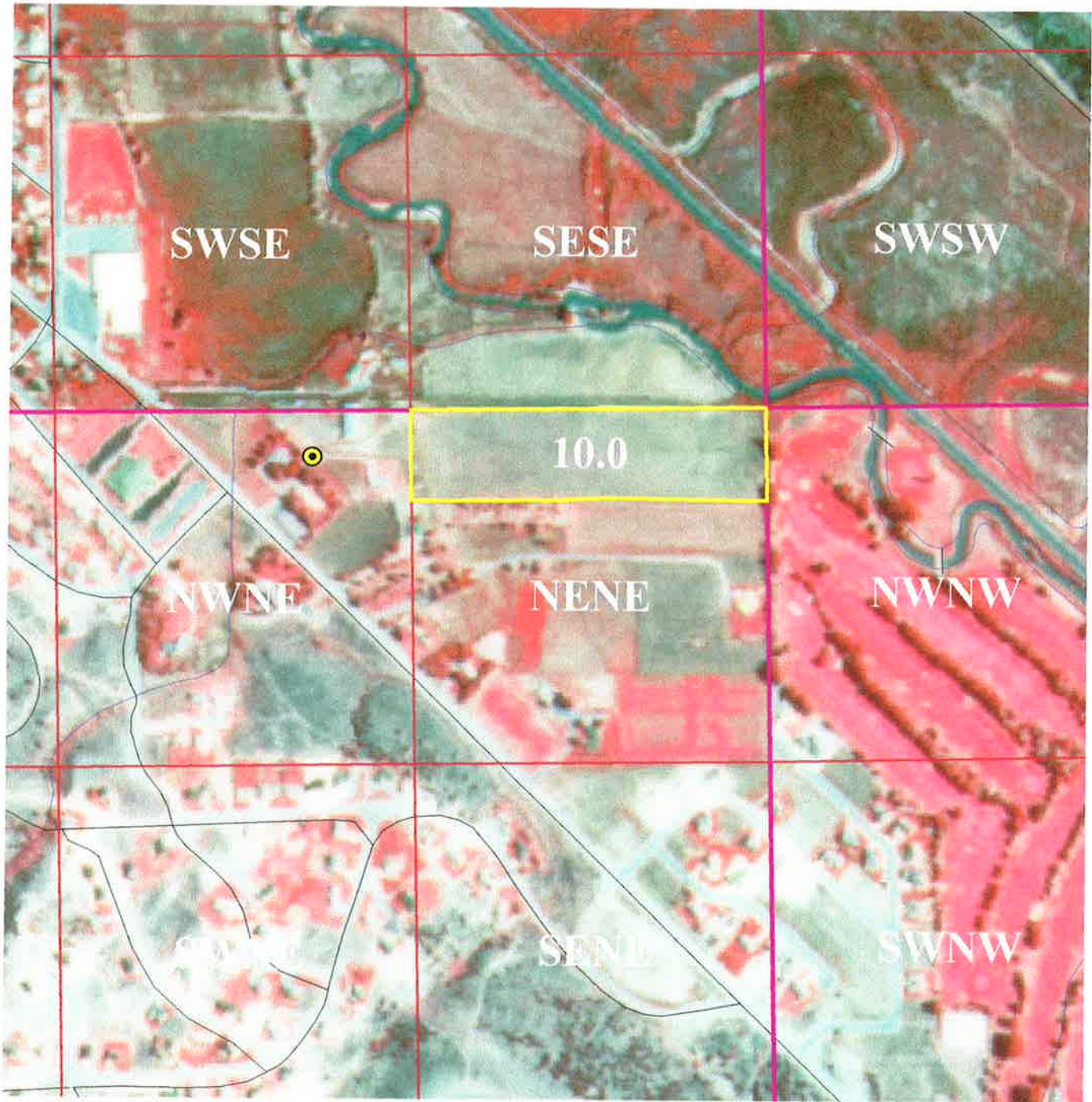
Streams and Canals

Legend



Water Right Claim Number A29-07386
Township , 7S35E

09/07/2000



Irrigated Area

Place of Diversion

Section Line

Quarter Section Line

Roads

Streams and Canals

Legend



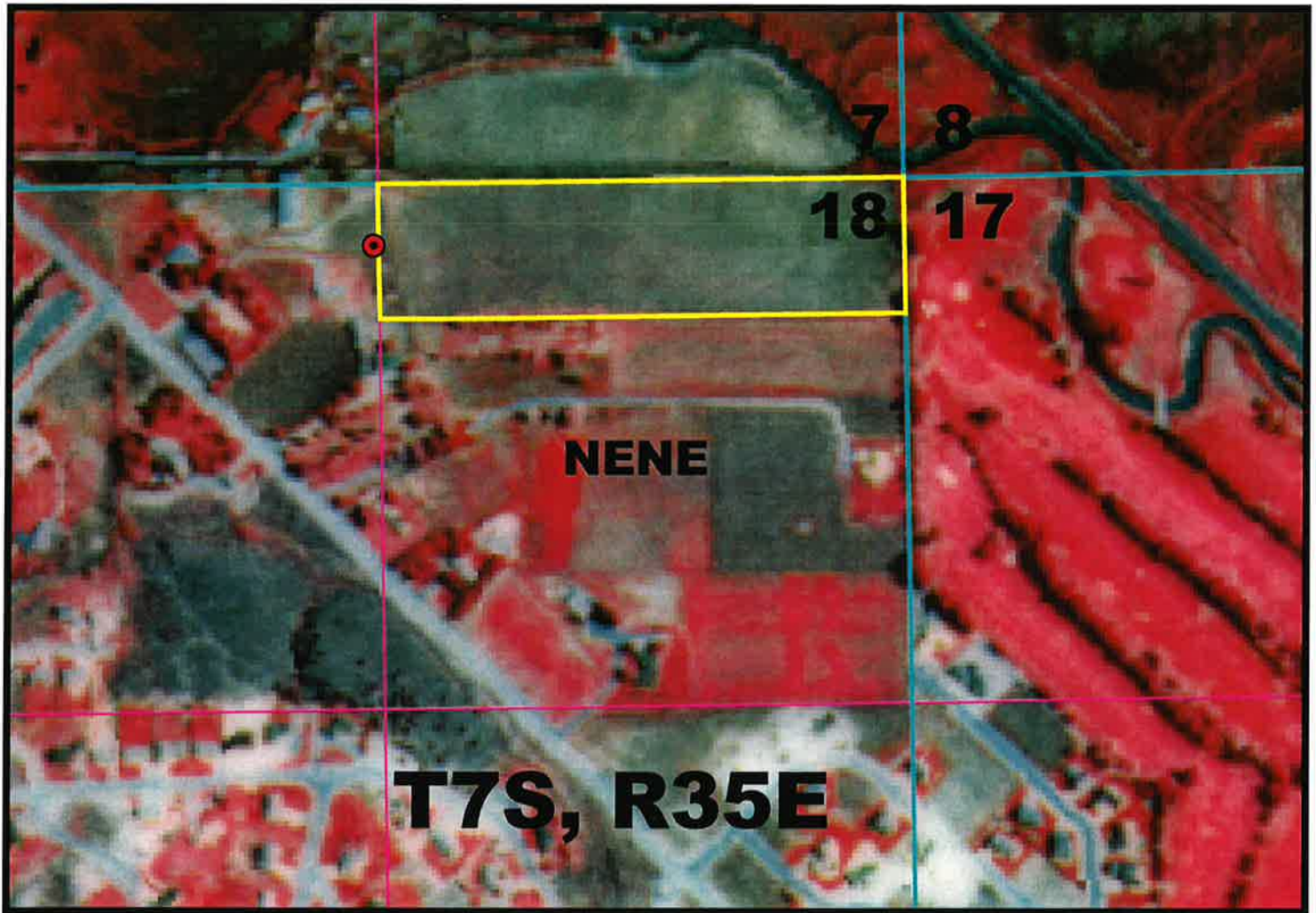
JUN 11 2001



STATE OF IDAHO

Department of Water Resources
Eastern Region

Water Right(s): 29-07386



0 1320 Feet

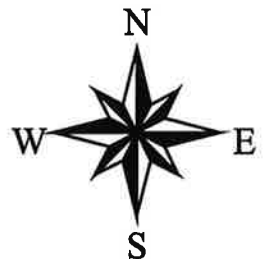
Total Irrigated Acres: 10.2

● Point(s) of Diversion

□ Place of Use

□ Quarter Quarter Lines

□ Section Lines



GIS Place of Use Illustration
1987/1988 NAPP Photography
Prepared by: C. Saxton
Date: April 2001

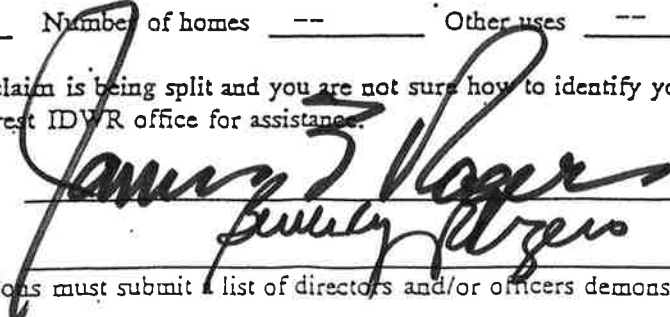
RECEIVED

JUL 19 2002

WATER RESOURCES
WESTERN REGIONSTATE OF IDAHO
IDAHO DEPARTMENT OF WATER RESOURCES

NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type. Attach pages with additional information. Instructions are on the back of this page.
Incomplete forms will be returned.

1. Water Right No(s).: A29-07386
Adjudication Claim No(s).: AJ5809WP --
2. The following REQUIRED information must be submitted with this form:
 - A. A copy of the most recent DEED, TITLE POLICY, CONTRACT OF SALE or other legal document indicating your ownership of the property and water rights or claims in question, WITH ATTACHED LEGAL DESCRIPTION.
 - AND
 - B. PLAT OF PROPERTY or SURVEY MAP for parcel of ten acres or less. (These are usually attached to your deed or on file with the county.)
 - OR
 - C. For water rights or adjudication claims involving ten or more irrigated acres, a USDA Farm Service Agency AERIAL PHOTO with irrigated acres outlined and point(s) of diversion clearly marked.
3. Name and Address of Former Owner/Claimant JAY P. MERKLEY
4. New Owner/Claimant(s) JAMES E. ROGERS AND BEVERLY A. ROGERS
Name Connector (Check one): ☒ and, ☐ or, ☐ and/or
New Mailing Address 1500 FOREMASTER LANE
City, State and ZIP Code LAS VEGAS, NEVADA 89101
New Telephone Number (702) 642-3333
5. Date you acquired the property _____
6. If you have acquired only a portion of the former owner's property, IDWR may need to split the water right(s) or adjudication claim(s). If this applies, describe in detail your portion of each water right or adjudication claim in the space below. If necessary, attach additional pages.
Number of acres you irrigate 10.17 Number and type of stock --
Diversion rate in CFS .240 Number of homes -- Other uses --
If a water right or adjudication claim is being split and you are not sure how to identify your portion of the original right or claim, please contact the nearest IDWR office for assistance.
7. Signature of New Owner or Claimant(s)

(Corporations or other organizations must submit a list of directors and/or officers demonstrating authority to sign form.
8. For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him or her for all matters related to your claims..

DEBGG CS 7/17/02
RECEIVED
JUL 24 2002
Department of Water Resources
Eastern Region
RECEIVED
JUL 11 2002
Department of Water Resources
Eastern Region

APR 2 2003

A Pioneer Company

PIONEER TITLE COMPANY
OF BANNOCK COUNTY

135 North Arthur Ave / Pocatello, Idaho 83204 / (208)
233-9595

RECEIVED
JUL 4 2002
Department of Water Resources
Eastern Region

RECEIVED
JUL 11 2002
Department of Water Resources
Eastern Region
20213933

2-1

Order No. 20020031 SMK BK

WARRANTY DEED

For Value Received

Jay P. Merkley, an unmarried person

hereinafter referred to as Grantor, does hereby grant, bargain, sell, warrant and convey unto

James E. Rogers and Beverly Rogers, husband and wife

hereinafter referred to as Grantee, whose current address is

1500 Foremaster Lane, Las Vegas, NV 89101

the following described premises, to-wit:

LEGAL DESCRIPTION EXHIBIT "A" ATTACHED

Together with all appurtenant irrigation water and ground water rights, including ground water rights license no. A29-07386 issued by the Idaho Department of Water Resources.

To HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, his heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that Grantor is the owner in fee simple of said premises; that said premises are free from all encumbrances except current years taxes, levies, and assessments, and except U.S. Patent reservations, restrictions, easements of record, and easements visible upon the premises, and that Grantor will warrant and defend the same from all claims whatsoever.

Dated: July 2, 2002


Jay P. Merkley

STATE OF IDAHO

COUNTY OF BANNOCK

On this 3rd day of JULY, in the year of 2002, before me, the undersigned, notary public personally appeared JAY P. MERKLEY, known or identified to me to be the person/persons whose name is/are subscribed to the within instrument, and acknowledged to me that he/she/they executed the same.

NOTARY SEAL

No. 20213933

Recorded at 12:29 PM

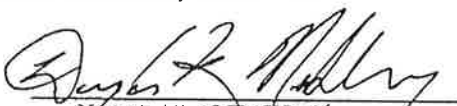
PIONEER TITLE

Date 7-8-02

Official Record Book 814

Bannock County Recorder

Fee 6.00 Deputy #


Notary Public of IDAHO

Residing at Pocatello

Commission expires: 1-9-03

2-2
EXHIBIT A

20213933

A parcel of land located in the Northeast Quarter of Section 18, Township 7 South, Range 35 East, Boise Meridian, Bannock County, Idaho, more particularly described as follows:

Commencing at the Northeast corner of Section 18, a found Bannock County Monument-Instr# 607517, the True Point of Beginning;

Thence North $89^{\circ}25'29''$ West (Rec. West) along the North line of Section 18 a distance of 1,326.55 feet to a point from which the North Quarter of Section 18- Instr# 768900 bears North $89^{\circ}25'29''$ West and is 1,316.42 distant; thence South $12^{\circ}27'55''$ East a distance of 133.57 feet; thence South $0^{\circ}30'31''$ West a distance of 209.93 feet to the South line of Instr# 349148;

Thence South $89^{\circ}25'34''$ East (Rec. East) along the South line of Instr# 349148 a distance of 1,298.49 feet to the East line of Section 18; thence North $0^{\circ}11'04''$ East along the East line of Section 18 a distance of 340.03 feet (Rec. North $0^{\circ}27'$ West 340.0 feet) to the True Point of Beginning.

SCANNED

APR 2 2006



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, ID 83402-1718 • Phone: (208) 525-7161 FAX: (208) 525-7177

EASTERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

July 23, 2002

LAMONT JONES
JONES CHARTERED
PO BOX 967
POCATELLO ID 83204-0967

RE: NOTICE(S) OF CHANGE OF WATER RIGHT OWNERSHIP
NOTICE(S) OF CLAIM TO A WATER RIGHT 29-7386

Dear Mr. Jones:

Enclosed is the Notice of Change of Water Right Ownership for the Oregon Trail Broadcasting Co. I forwarded your request to change 29-11209 to our state headquarters in Boise for processing. If you would like to follow up on the status of this change, please contact Kari Lynn Townsend at (208) 327-7900.

Respectfully yours,

Jennifer Crabtree
Technical Records Specialist

Enclosure

SCANNED
APR 21 2003

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

Please print or type. Attach pages with additional information. Instructions are included at the end of this form.
 Incomplete forms will be returned.

RECEIVED
 JUL 17 2002
 Department of Water Resources
 Eastern Region

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided (under the "split" heading), if the change in ownership is limited to a portion of a water right in which case division of the existing water right or adjudication claim record will be required.

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
A29-07386	AJ5809WP	☐			☐
		☐			☐
		☐			☐
		☐			☐
		☐			☐

2. The following **REQUIRED** information must be submitted with this form:

- A. The appropriate **FILING FEE**. See instructions for fee amounts.
- B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.
- C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
PLAT OF PROPERTY or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).
OR
 If your water right(s) and/or adjudication claim(s) is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY** or **SURVEY MAP**.

3. Name and Address of Former Owner/Claimant(s) James E. Rogers and Beverly A. Rogers
1500 Foremaster Lane, Las Vegas, Nevada 89101
4. New Owner/Claimant(s) Oregon Trail Broadcasting Company, Inc.
 Name Connector (Check one): ☐ and, ☐ or, ☐ and/or
- New Mailing Address 1500 Foremaster Lane
- City, State and ZIP Code Las Vegas, Nevada 89101
- New Telephone Number (702) 642-3333
5. Date you acquired the property July 2, 2002

SCANNED
 APR 23 2003

6. **If the change in ownership affects the entire water right for each water right or adjudication claim number listed in item 1, THEN SKIP THIS ITEM AND GO TO ITEM 7.** If the change in ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (one water right per box, you may copy this page as necessary). If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

7. Signature of New Owner(s) or Claimant(s) _____ James E. Rogers
(include title if applicable) _____ Beverly Rogers

For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him/her for all matters related to your claims.

For Office Use Only

Received by _____ Date _____ Fee _____
 Receipted by _____ Date _____ Receipt No. _____
 Processed by _____ AJ Date _____ WR _____ Date _____

SCANNED
APR 26 2000

WARRANTY DEED

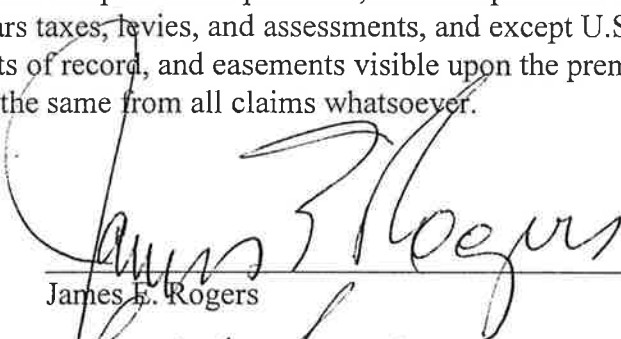
FOR VALUE RECEIVED, James E. Rogers and Beverly Rogers (a/k/a Beverly A. Rogers), husband and wife, hereinafter referred to as Grantor, does hereby grant, bargain, sell, warrant and convey unto Oregon Trail Broadcasting Co., a Nevada Corporation hereinafter referred to as Grantee, whose current address is 1500 Foremaster Lane, Las Vegas, Nevada 89101 the following described premises, to-wit:

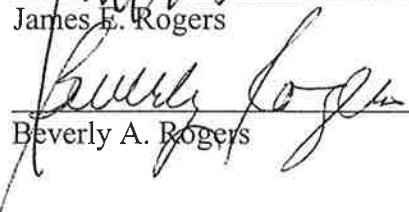
LEGAL DESCRIPTION EXHIBIT "A" ATTACHED

Together with all appurtenant irrigation water and ground water rights, including ground water rights license no. A29-07386 issued by the Idaho Department of Water Resources

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, its heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that Grantor is the owner in fee simple of said premises; that said premises are free from all encumbrances except current years taxes, levies, and assessments, and except U.S. Patent reservations, restrictions, easements of record, and easements visible upon the premises, and that Grantor will warrant and defend the same from all claims whatsoever.

DATED: July 11, 2002


James E. Rogers

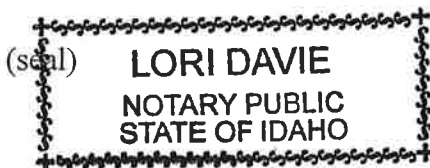

Beverly A. Rogers

STATE OF IDAHO)

:ss

County of Bannock)

On this 11th day of July, in the year 2002, before me, the undersigned, notary public personally appeared James E. Rogers and Beverly A. Rogers, known or identified to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.




NOTARY PUBLIC OF IDAHO

Residing at: Pocatello, Idaho

Commission Expires: 11-21-2007

2-2

20214325

EXHIBIT A

A parcel of land located in the Northeast Quarter of Section 18, Township 7 South, Range 35 East, Boise Meridian, Bannock County, Idaho, more particularly described as follows:

Commencing at the Northeast corner of Section 18, a found Bannock County Monument-Instr# 607517, the True Point of Beginning;

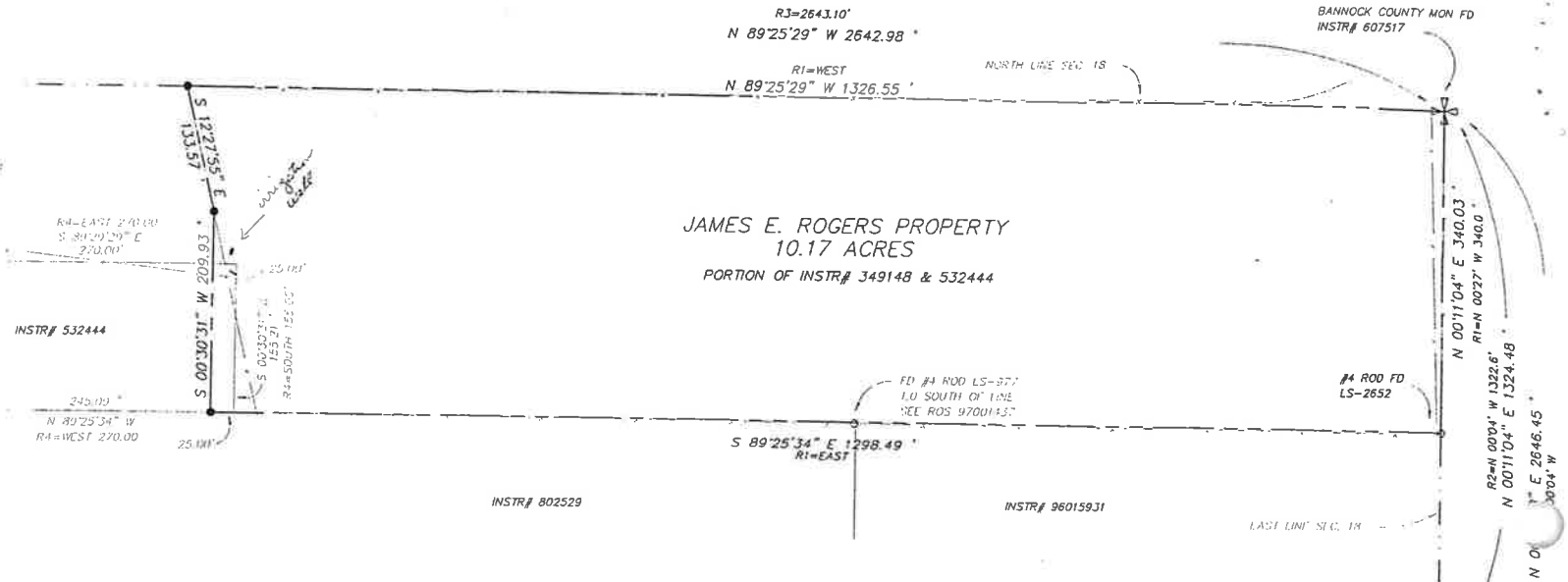
Thence North 89°25'29" West (Rec. West) along the North line of Section 18 a distance of 1,326.55 feet to a point from which the North Quarter of Section 18-- Instr# 768900 bears North 89°25'29" West and is 1,316.42 distant; thence South 12°27'55" East a distance of 133.57 feet; thence South 0°30'31" West a distance of 209.93 feet to the South line of Instr# 349148;

Thence South 89°25'34" East (Rec. East) along the South line of Instr# 349148 a distance of 1,298.49 feet to the East line of Section 18; thence North 0°11'04" East along the East line of Section 18 a distance of 340.03 feet (Rec. North 0°27' West 340.0 feet) to the True Point of Beginning.

NO 20214325
RECORDED AT REQUEST OF
Lamont Jones
2002 JUL 12 AM 9 12
OFFICIAL RECORD BOOK NO 814
BANNOCK COUNTY IDAHO
LARRY W GHAN RECORDER
FEE 6.00 DEPUTY mw

SCANNED

APR 28 2000



SURVEYORS CERTIFICATE

THIS MAP CORRECTLY REPRESENTS A SURVEY MADE BY ME OR UNDER MY DIRECTION IN CONFORMANCE WITH THE REQUIREMENTS OF CHAPTER 19, TITLE 55, IDAHO CODE.

DAVID KLATT, PLS-5074
DATE _____

COUNTY RECORDER

INSTRUMENT NO. _____
STATE OF IDAHO _____
COUNTY OF _____

RECORDED AT THE REQUEST OF DAVID KLATT

TIME: _____ DATE: _____ FEE: _____
BOOK: _____ PAGE: _____

COUNTY CLERK LARRY W. CHAN

PRELIMINARY

RECORD OF SURVEY

JAMES E. ROGERS
LOCATED IN THE NE 1/4 SECTION 18 T.7S., R.35E., B.M.
BANNOCK COUNTY, IDAHO

DAVID KLATT SURVEYING SERVICE

416 S. 4th AVE.
POCATELLO, IDAHO 83201
208-232-8396

Drawn by: D.K.

Sheet 1 of 1

APR 28 2000

SCANNED

LAW OFFICES
JONES, CHARTERED
203 SOUTH GARFIELD
P.O. BOX 967
POCATELLO, IDAHO 83204-0967

LAMONT JONES
JACK H. ROBISON
THOMAS J. HOLMES
MATTHEW O. PAPPAS

TELEPHONE: (208) 232-5911
FAX: (208) 232-5962
E-MAIL: jhrobison@joneschartered.com

July 15, 2002

Idaho Department of Water Resources
Eastern Region
900 N. Skyline Drive, Suite A
Idaho Falls, Idaho 83402-1718

RECEIVED
JUL 17 2002
Department of Water Resources
Eastern Region

claim
RE: License No. 29-07386 and License No. 29-11209 - *pd.*

Ladies and Gentlemen:

Please find enclosed an executed Notice of Change of Water Right Ownership from Mr. and Mrs. James Rogers to Oregon Trail Broadcasting Company, Inc. for each of the above referenced licenses, together with copies of recorded Deeds, surveys and aerial photos of the properties located in Pocatello, Bannock County, Idaho.

Sincerely,


Lamont Jones

LJ:ld
Enclosures
c:\lamont\july02\rogers07101

SCANNED
APR 28 2008

Log for claim A29-07386

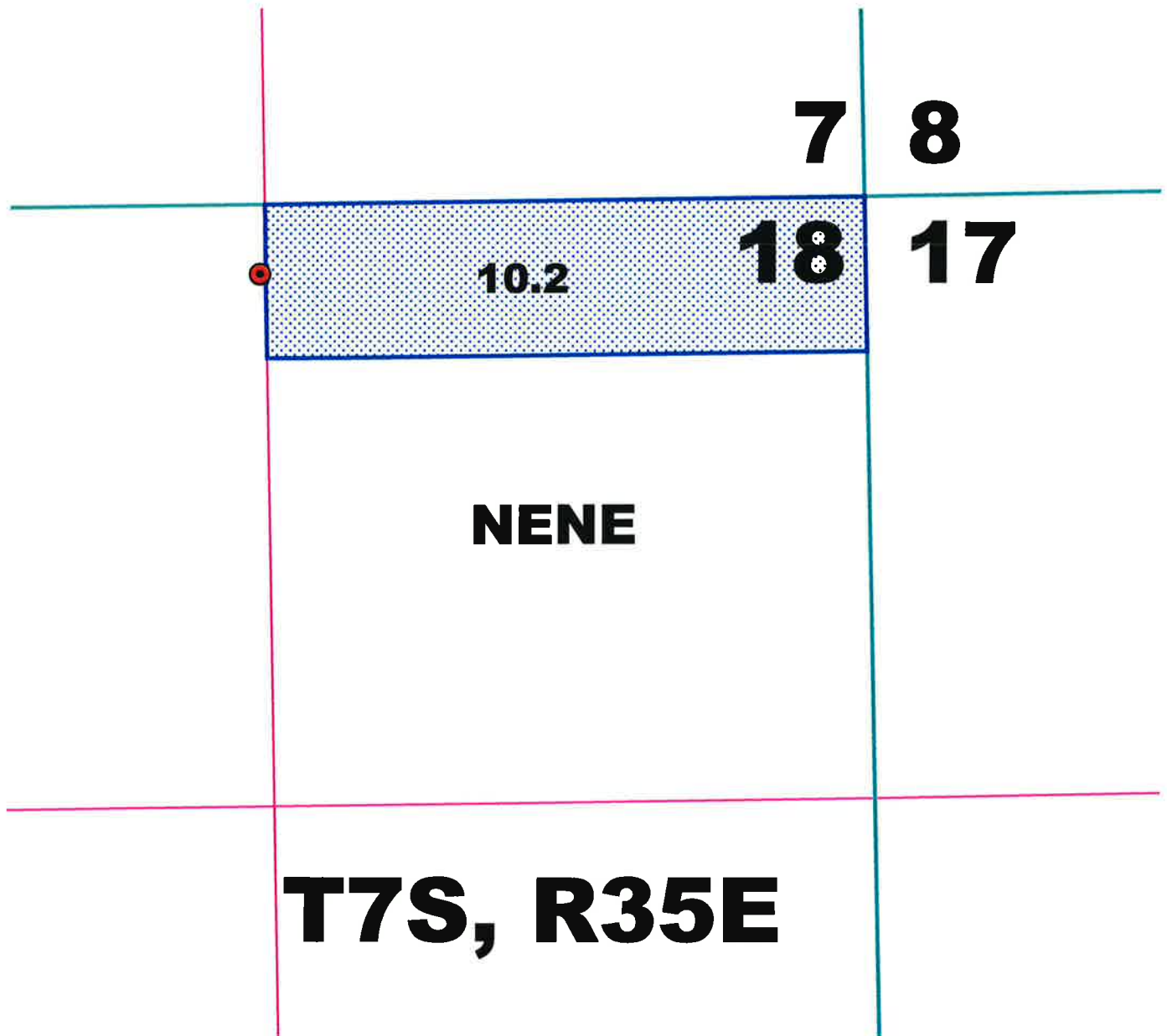
Spatial Dynamics BTD

9/7/00

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
07s35e	18	NENE	12	10	
Totals:			12	10	

Jay Merkley

WR # (s): 29-07386



Total Irrigated Acres: 10.2

Acreage Distribution

Prepared By: Craig Saxton
April 2001

AJ5809NP
No. A29-07386

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 05/18/00
PAGE: 253

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	JAY P MERKLEY 5520 BANNOCK HWY POCATELLO ID 83204 (208) 232-4117	04/07/1977	IRRIGATION	04-01 11-01	0.240 CFS	42.00 AFA
					TOTAL DIVERSION:	0.240 CFS
					CONSUMPTIVE USE:	42.00 AFA 30.00 AFA

Water Source: GROUNDWATER

Tributary to:

Stage: LICENSE

Point(s) of Diversion: T07S R35E S18 NENWNE BANNOCK County

Place of use Legal Description for: IRRIGATION

NE				NW				SW				SE				
NENE NWNE SWNE SENE				NENW NWNW SWNW SENW				NESW NWSW SWSW SESW				NESE NWSE SWSE SESE				
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 Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	SUM		
07S	35E	18	: 12	:	:	:	:	:	:	:	:	:	:	12.0		
													TOTAL ACRES	12.0		

POU County: BANNOCK

Other Rights: MINK CREEK DECREE

Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):
29-10828 29-11416 29-12181 A29-02336 A29-10828 A29-11416 A29-12181

Other Water Rights Listing Overlapping Place(s) of Use:
A29-02459 A29-02459A A29-02459B

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

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

Audit: 03/26/90 HAUMANN 07/27/94 THOMPSON 03/29/95 POST-STD

Department of Water Resources

License of Water Right No. 29-7386 Priority April 7, 1977 Amount 0.24 cfs

Beneficial Use Period of Use Rate of Diversion Annual Volume

Irrigation from April 1 to November 1 at 0.24 cfs and 42.0 acre feet

_____ from _____ to _____ at _____ cfs and _____

_____ from _____ to _____ at _____ cfs and _____

(both dates inclusive)

Description and location of place of use:

Total number of acres irrigated 12

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 29 day of June, 19 83.

83

[Signature]
Director

Identification No. 29 7386

Application No. _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

APPROVED

To Appropriate the Public Waters of the State of Idaho
(TYPE OR PRINT IN INK)

1. Name of applicant Dr. Jay P. &/or Mary A. Merkley Phone: 232-4117, Res. 232-7766 Office
post office address Rt. #3, Box 198-B, Pocatello, ID 83201

2. Source of water supply ground water which is a tributary of _____

3. a. Location of point of diversion is NW $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 18 Township 7S
Range 35E B.M. Bannock County; additional points of diversion if any: _____

b. If water is not consumed, it will be discharged into _____ at a point in _____ $\frac{1}{4}$
of _____ $\frac{1}{4}$ of Section _____ Township _____ Range _____ B.M. _____

4. Water will be used for the following purposes:

Amount 0.28 for irrigation purpose from Apr. 1 to Nov. 1 (both dates inclusive)
(cfs or acre-feet per annum)

Amount _____ for _____ purpose from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

Amount _____ for _____ purpose from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

5. Total quantity to be appropriated:

a. 0.28 cubic feet per second and/or

b. _____ acre feet per annum.

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. well, pump and sprinkler system

b. Height of storage dam _____ feet, active reservoir capacity _____ acre feet, total reservoir
capacity _____ acre feet, materials used in storage dam: _____

Period of year during which storage will occur _____ to _____ inclusive.
(Mo., Day) (Mo., Day)

c. Proposed well diameter is 8 inches; proposed depth of well is 90 feet.

7. a. Time required for the completion of the works and application of the water to the proposed beneficial use
is 5 years.

b. Estimated construction cost is \$ 4,000.00

8. Description of proposed uses:

a. If water is **not** for irrigation:

(1) Give the place of use of water: _____ $\frac{1}{4}$ of _____ $\frac{1}{4}$ of Section _____ Township _____
Range _____ B.M. _____

(2) Amount of power to be generated: _____ hp under _____ feet of head.

(3) List number of each kind of livestock to be watered _____

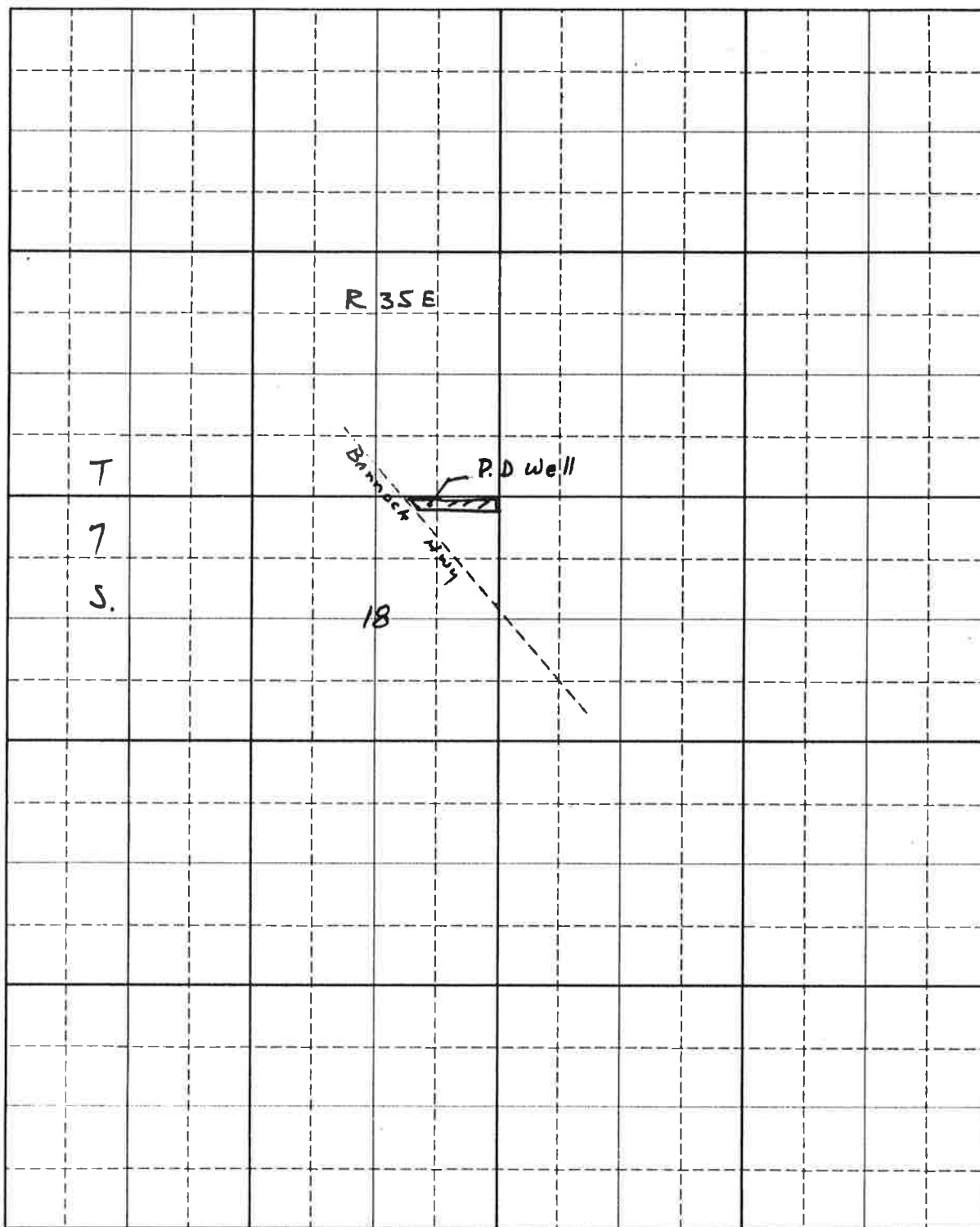
(4) Name of municipality to be served _____ or number of families to be
supplied with domestic water _____

(5) If water is to be used for other purposes describe: _____

29-7386 HWS



11. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



Scale: 2 inches equal 1 mile

BE IT KNOWN that the undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.

Mary A. Mestley
(Applicant)

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 29-7386
Date Received: 3/26/1990
Receipt No: M006359
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

JAMES E ROGERS Phone: (702) 642-3333
1500 FOREMASTER LN
LAS VEGAS NV USA 89101

BEVERLY A ROGERS Phone: (702) 642-3333
1500 FOREMASTER LN
LAS VEGAS NV USA 89101

2. Date of Priority: 04/07/1977

3. Source: GROUND WATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
07S	35E	18	NE NW NE	BANNOCK	

5. Description of diverting works:

WELL, PUMP & SPRINKLERS.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A.
IRRIGATION	4/01	11/01	0.24	42

7. Total Quantity Appropriated is:
0.24 C.F.S. and/or 42 A.F.A.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
07S	35E	18	NE	NE	IRRIGATION	12
					Section Acres	12
					Total Acres	12

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:

CHANGED OWNERSHIP PER CLAIMANT REQUEST (CSAXTON 7/19/02).

15. Basis of Claim: License



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, ID 83402-1718 • Phone: (208) 525-7161 FAX: (208) 525-7177

EASTERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

July 22, 2002

JAMES & BEVERLY ROGERS
1500 FOREMASTER LN
LAS VEGAS NV 89101

RE: NOTICE(S) OF CHANGE OF WATER RIGHT OWNERSHIP
NOTICE(S) OF CLAIM TO A WATER RIGHT 29-7386

Dear Mr. & Mrs. Rogers:

The request for Change of Water Right Ownership concerning the above-referenced Notice(s) of Claim has been processed and the Department's records updated to reflect you as the new claimant.

The enclosed report shows this change along with listing the elements of the water right being claimed. Please review this report and contact this office if there are corrections or questions.

Respectfully yours,

Jennifer Crabtree
Technical Records Specialist

Enclosure

JUN 11 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: A29-07386
Date Received: 3/26/1990
Receipt No: M806359
Received By: H28

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: JAY P. MERKLEY
Address: 5520 BANNOCK HIGHWAY
POCATELLO, ID 83204 208-232-4117

2. Date of Priority: APR 07, 1977

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
07S	35E	18	NE	NW	NE		BANNOCK

5. Description of diverting works:
WELL, PUMP & SPRINKLERS.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	0.240		42.00

7. Total Quantity Appropriated is:
0.240 C.F.S. (and/or) 42.00 A.F.A.

8. Total consumptive use is 30.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
07S	35E	18	NE	NE		IRR	12.0

Section Acres 12.0

Total Acres 12.0

A29-07386

Page 1

Date: 03/26/90

A2907386



MICROFILMED

NOV 13 1992

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:
MINK CREEK DECREE

14. Remarks:

15. Basis of Claim: LICENSE

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: 1

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): Jay P. Markley Date: 3-26-90
Date: _____

State of Idaho)
County of Bannock) SS.

Subscribed and sworn (or affirmed) before me this 26th day
of March 19 90

Carter Fritschle
Notary Public

Seal

Residing at Carter Fritschle, Notary Public
Residing at Eagle, Idaho
My Commission Expires March 21, 1994

04/02/2001

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

RIGHT NUMBER: 29-7386

NAME AND ADDRESS: JAY P MERKLEY
5520 BANNOCK HWY
POCATELLO, ID 83204

SOURCE: GROUND WATER

QUANTITY: 0.21 CFS
36 AFY

PRIORITY DATE: 04/07/1977

POINT OF DIVERSION: T07S R35E S18 NENWNE Within BANNOCK County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04-01 11-01	0.21 CFS 36.00 AFY

PLACE OF USE:

IRRIGATION Within BANNOCK County
T07S R35E S18 NENE 10.2

10.2 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

04/02/2001

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommended Right Report

WATER RIGHT NO. 29-7386

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	JAY P MERKLEY 5520 BANNOCK HWY POCATELLO, ID 83204 (208)232-4117

Priority Date:	04/07/1977
Basis:	License
Status:	Active

<u>Source</u>	<u>Tributary to</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	04/01	11/01	0.21 CFS	36 AFA	
Total Diversion			0.21 CFS	36 AFA	

Location of Point(s) of Diversion:

GROUND WATER	NENWNE	Sec. 18	Township 07S	Range 35E	BANNOCK County
--------------	--------	---------	--------------	-----------	----------------

IRRIGATION Use:
Acre Limit: 10.2

Place(s) of use:

Place of Use Legal Description: IRRIGATION	BANNOCK County
--	----------------

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
07S	35E	18		NENE	10.2									

Total Acres: 10.2

Conditions of Approval:

1. C18 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.

Comments:

<u>Author</u>	<u>Date</u>	<u>Subject</u>	<u>Comment</u>
csaxton	4/2/01	POU and Diversion Rate	POU is only 10.2 acres. Licensed at an inch to the acre so diversion rate needs to be reduced as well.

Dates:

Licensed Date:	08/01/1983
Claim Received Date:	03/26/1990
Enlargement Use Priority Date:	
Enlargement Statute Priority Date:	

Decreed Date:
Date Filed with Court:
Objection Filed Date:
SF5 Filed:
Special Master Recom Signed Date:

Element Reviewed/Verified Dates:

Element	Last Review Date	Reviewer	Last Verified Date	Verifier	Status
Contacts	4/2/01 4:39:36 PM	csaxton			In Process
POD	4/2/01 4:40:25 PM	csaxton			In Process
POU	4/2/01 4:42:28 PM	csaxton			In Process
Priority Date	4/2/01 4:39:56 PM	csaxton			In Process
Quantity	4/2/01 4:45:41 PM	csaxton			In Process
Season	4/2/01 4:44:32 PM	csaxton			In Process
Source	4/2/01 4:41:50 PM	csaxton			In Process
Summary	4/2/01 4:48:05 PM		4/2/01 4:48:05 PM	csaxton	Complete
Use	4/2/01 4:49:52 PM	csaxton			In Process

Other Information:

Receipt Number(s): M006359
State or Federal: S
Owner Name Connector:
Water District Number:
Generic Max Rate per Acre:
Generic Max Volume per Acre:
Civil Case Number:
Old Case Number:
Decree Plaintiff:
Decree Defendant:
PresumptionFlag:
Notice of Error Flag:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Cary Act Number:
Mitigation Plan: False

Verification Log:

Element	Date Time Stamp	Reviewer	Log Text
Contacts	4/2/01 4:39:35 PM	csaxton	1. Appointment has not been scheduled. Comment for 1: Desktop Review
POD	4/2/01 4:43:46 PM	csaxton	Edited point location
POD	4/2/01 4:40:23 PM	csaxton	1. (NO) The basis is not beneficial use. 2. (YES) Parent right has a Point of Diversion. 3. (YES) The claimed Point of Diversion can be verified using the water right file. 8. (NO) Point of Diversion remark was not required. 9. (NO) Point of Diversion condition was not required.
POU	4/2/01 4:46:16 PM	csaxton	Edited PLS
POU	4/2/01 4:45:52 PM	csaxton	Edited shape boundary
POU	4/2/01 4:42:26 PM	csaxton	1. (YES) The POU is required. 2. (NO) The basis of claim is not beneficial use. 3. (YES) The Parent Right has a POU. 4. (YES) The claimed POU can be verified using the water right file. 12. (NO) POU remark was not required. 13. (NO) POU condition was not required.
Priority Date	4/2/01 4:39:54 PM	csaxton	1. (NO) There has not been a later court decree of the water right(s) from the water source. 4. (NO) The basis of claim is not beneficial use. 5. (NO) The basis of claim is not a posted notice. 6. (YES) Parent right has a priority date. 7. (NO) The basis of claim is not an application or permit. 12. (YES) The claim is recommended. 13. (YES) The claim is coded correctly. 14. (NO) Priority remark was not required. 15. (NO) Priority condition was not required.
Quantity	4/2/01 4:45:39 PM	csaxton	1. (NO) The basis of claim is not beneficial use.

Season 4/2/01 4:44:30 PM csaxton

Source 4/2/01 4:41:48 PM csaxton

Summary 4/2/01 4:48:03 PM csaxton

Use 4/2/01 4:49:49 PM csaxton

2. (NO) The basis of claim is not a posted notice.
3. (YES) The parent right has a diversion rate and/or diversion volume.
4. (YES) The claimed diversion rate and/or volume can be verified using the water right file.
7. (YES) The parent right has an annual diversion volume limit.
8. (YES) Irrigation is a purpose of use.
9. (NO) Quantity remark was not required.
10. (NO) Quantity condition was not required.
1. (NO) The basis of claim is not beneficial use.
2. (YES) The parent right has a period of use.
3. (YES) The claimed Period of Use can be verified using the water right file.
12. (YES) Irrigation is the purposed use.
14. (NO) The period of use on the decree, license or transfer is not shorter on either the start or end date than allowable under IDWR's current standard.
15. (NO) Period of Use remark was not required.
16. (NO) Period of Use condition was not required.
1. (NO) The basis is not beneficial use.
2. (YES) Parent right has a source.
3. (YES) The claimed source can be verified using the water right file.
10. (NO) Source remark was not required.
11. (NO) Source condition was not required.
1. (NO) The basis of the claim is not beneficial use.
3. (NO) There is no indication that there has been a five year period of continuous nonuse that could result in a recommendation of forfeiture or partial forfeiture.
5. (NO) General remark was not required.
6. (NO) Explanatory remark was not required.
7. (YES) Additional condition was required.
8. (YES) Wanted to view the recommended right.
9. (NO) This is not a split right.
10. (NO) This is not a combined right.
11. (NO) Documents were not linked or attached to this file.
12. (YES) Set the verification date.
1. (NO) The basis of claim is not beneficial use.
2. (YES) The parent right has a purpose of use.
3. (YES) The claimed purpose of Use can be verified using the water right file.
11. (NO) Purpose of Use remark was not required.
12. (NO) Purpose of Use condition was not required.

