

10/31/2002

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

RIGHT NUMBER: 29-11556
NAME AND ADDRESS: DANA M MARLER
24544 S MARSH VALLEY RD
DOWNEY ID 83234

JODY L GARDNER
24286 S MARSH VALLEY RD
DOWNEY ID 83234

RAYMOND E MARLER
24544 S MARSH VALLEY RD
DOWNEY ID 83234

RICHARD D GARDNER
24286 S MARSH VALLEY RD
DOWNEY ID 83234

SOURCE: SPRINGS TRIBUTARY: BIRCH CREEK
QUANTITY: 0.240 CFS
PRIORITY DATE: 05/01/1955
POINT OF DIVERSION:

T12S R36E S1 SESWNW Within BANNOCK County
T12S R36E S1 SESWNW Within BANNOCK County
T12S R36E S1 NWNESW Within BANNOCK County
T12S R36E S1 SWNESW Within BANNOCK County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/31	0.240 CFS

PLACE OF USE: IRRIGATION Within BANNOCK County

T12S R36E S01	SWNW	5.4	T12S R36E S01	SENW	6.6
---------------	------	-----	---------------	------	-----

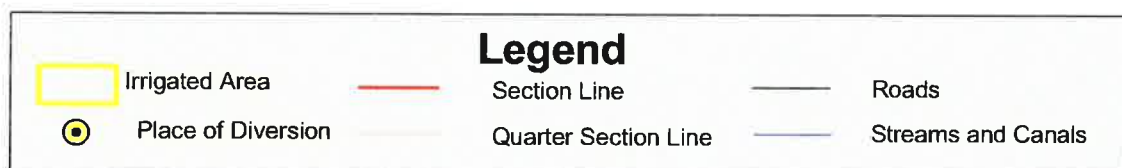
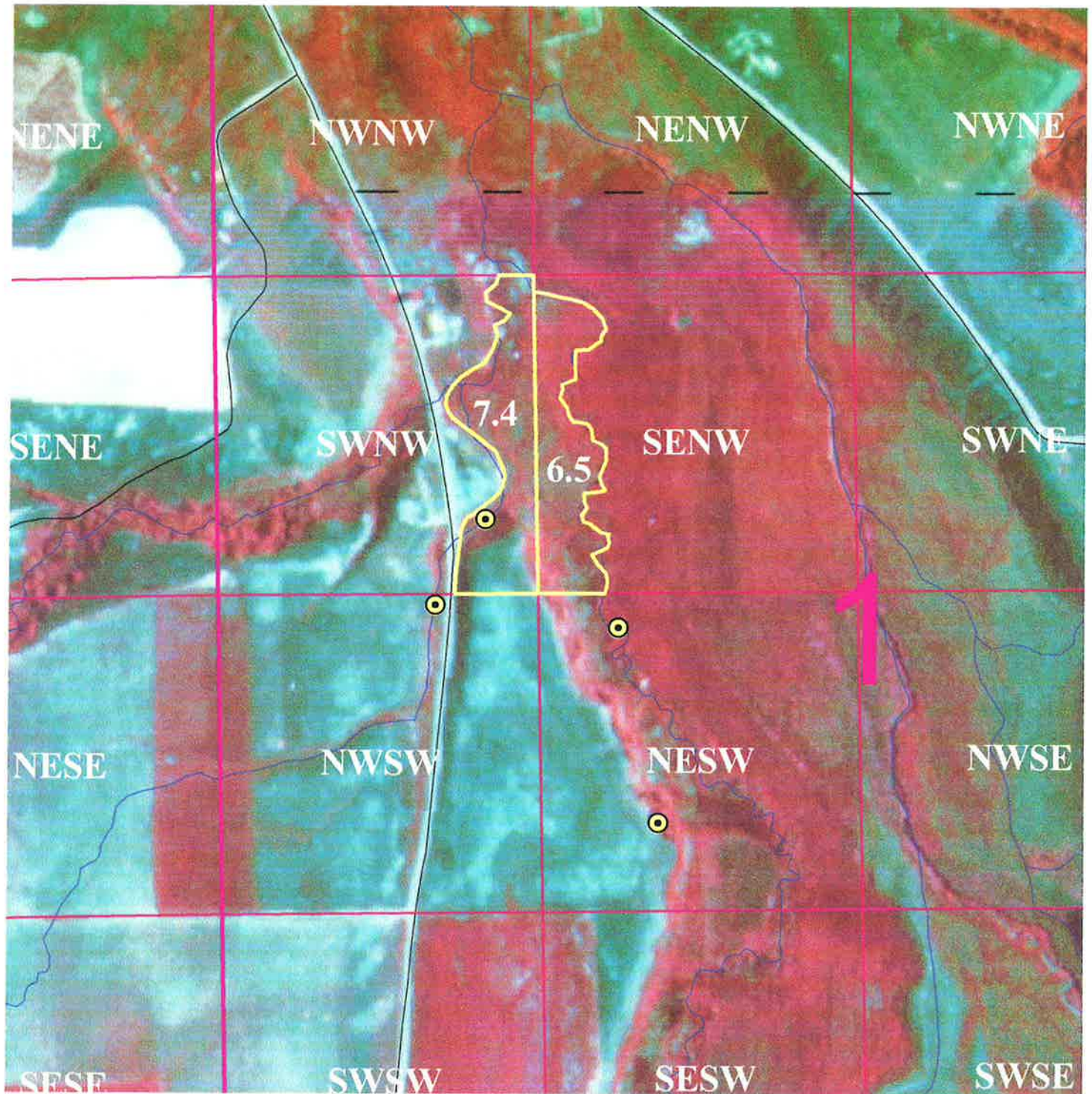
12 ACRES TOTAL

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

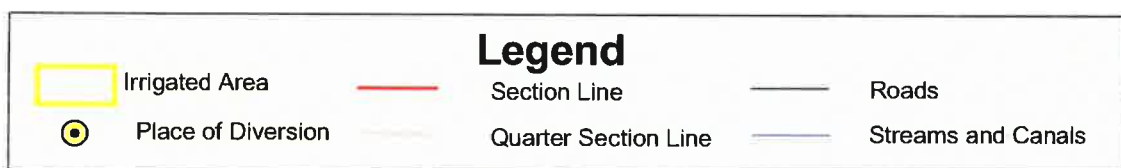
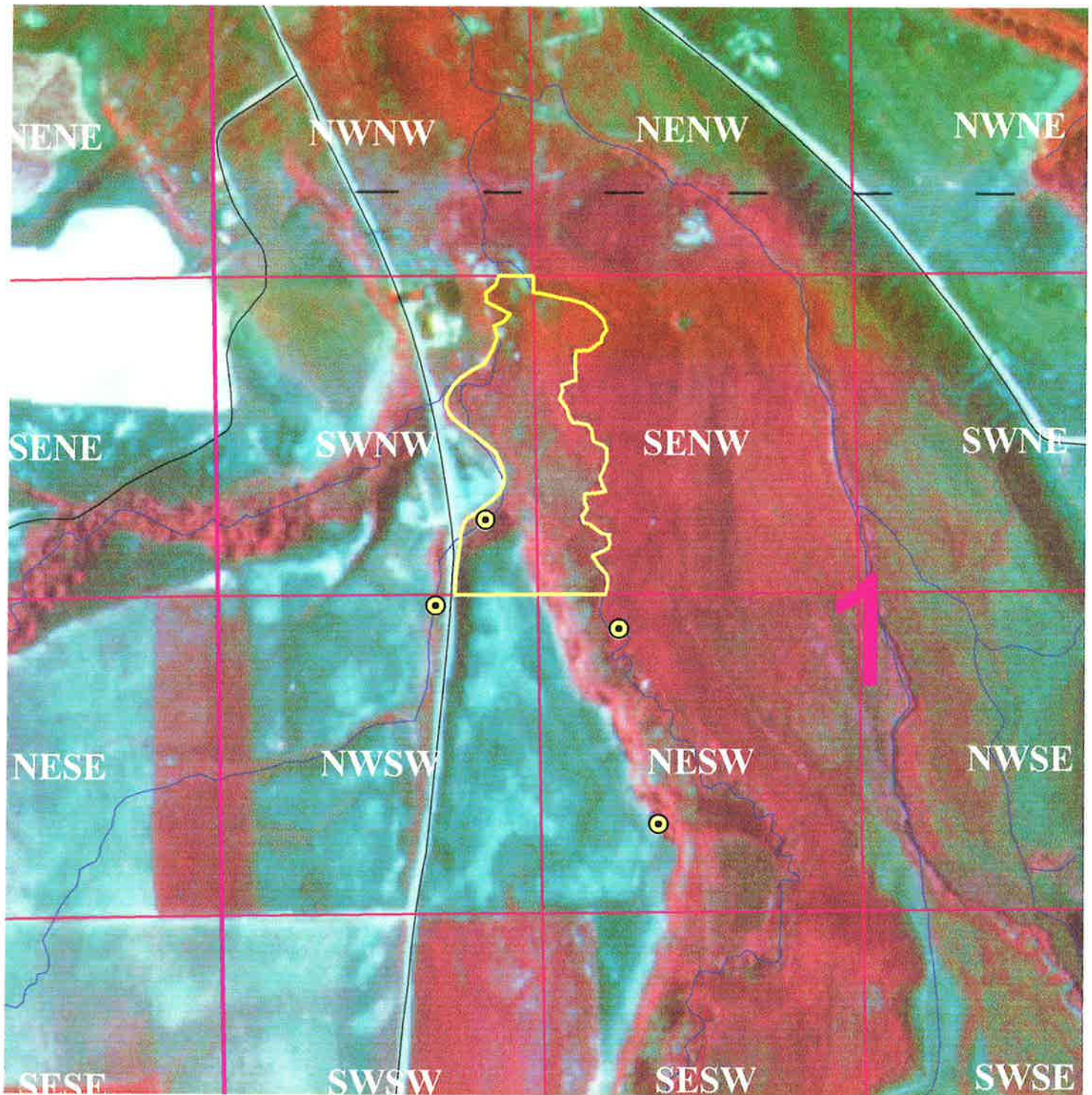
This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: Beneficial Use

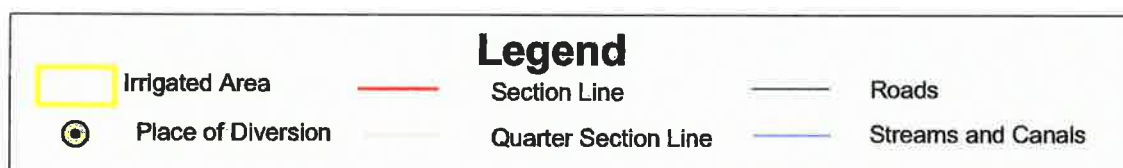
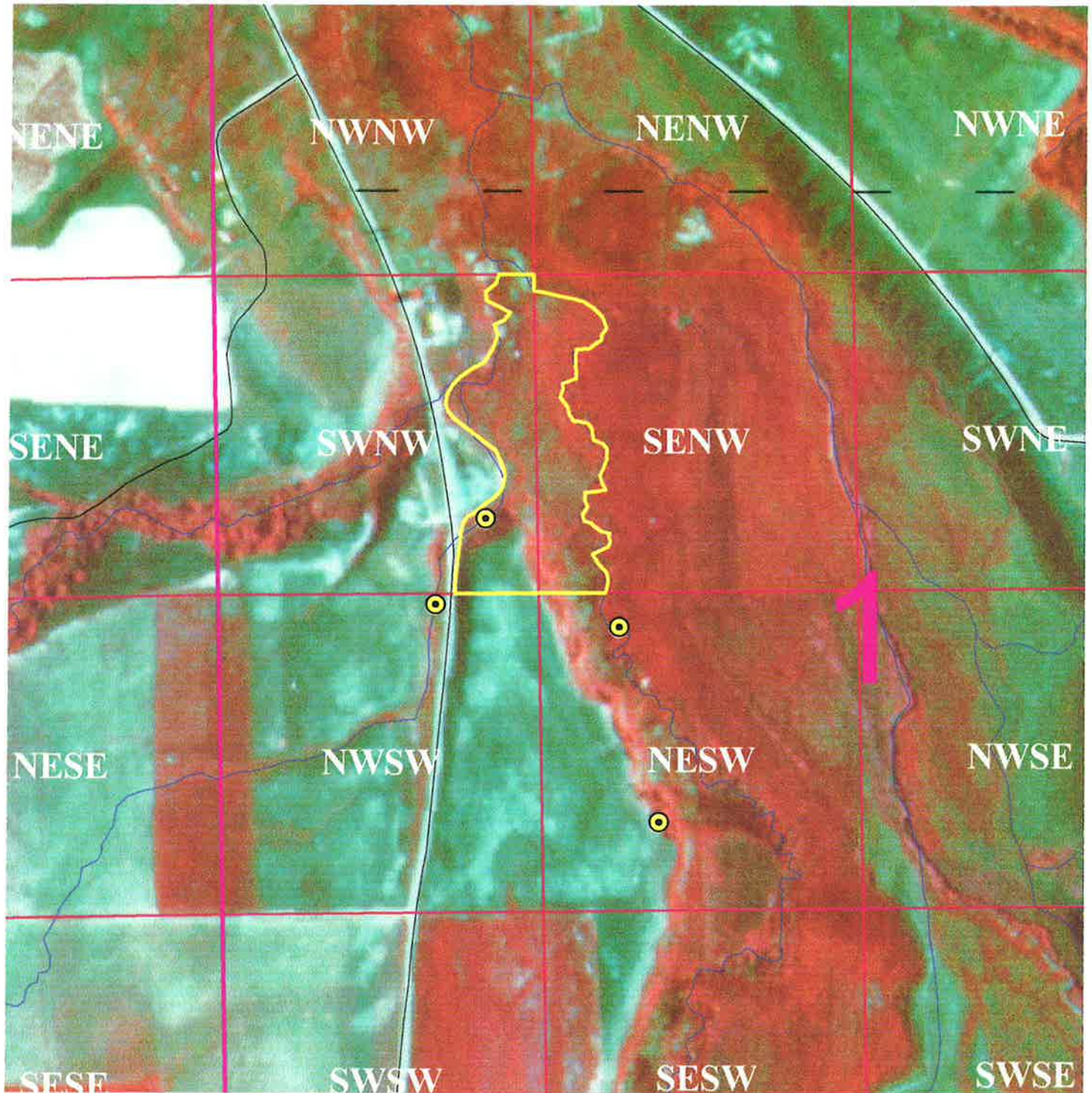
Township , 12S36E



Township , 12S36E



Township , 12S36E





State of Idaho

Department of Water Resources

Eastern Region



Water Right(s):
29-11556

Place of Use: T12S, R36E
(parts of) Sec. 1 S2NW

Point(s) of Diversion: T12S, R36E
(Springs) Sec. 1 SESWNW (2),
NWNESW, SWNESW



LEGEND



Point of Diversion

SESE

Place of Use



Section



Quarter-Quarter

500 0 500 1000 1500 2000 2500 3000 3500 4000 4500 5000 5500 6000 6500 7000 Feet

GIS Place of Use Illustration
1987/1988 NAPP Photography
Prepared by: A. Ruberry
Date: November 2002

29-11556 BU

I. Claims 1980 Priority - Attached statements can get
Back to ≈ 1955 . Recommended 5/1/1955.

II. Claims 0.24 cfs on 12th $\Rightarrow$ Dufray Eng. has 4
measures with total 0.60 cfs = Recommended 0.24 cfs
as claimed if 12th works

III. ~~PA~~ Pool 12th $\times 0.02 = 0.24$ cfs (GDS)

IV. POD (B² Dufray) / Sources (Springs - OK) Dufray
States "Pours to creek" $\Rightarrow$ ^{Rich} ~~Mountain~~ c/c as in 1955

V. In-house Review



IDAHO DEPARTMENT OF WATER RESOURCES

SNAKE RIVER BASIN ADJUDICATION - BASIN 29

RIGHT ID

POD ID

Quad

Claim Type

Easting

Northing

GPSID

Diversion Description

SERIES OF SPRINGS FLOW INTO COMMON DITCH. Flood irrigation. Spring feeds draw, thence to ditch. No measurable flow.

SE SW NW Sec. 1

Assumptions

Assume diversion is used for seasonal irrigation/stock water. Assume a slope of 0.1%. Assume natural stream bed is approximately 2 feet wide

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

Photos

EPE (ft)

Date (M/D/Y)

Time

Flow Rate (CFS)

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

Depth

☒ Rectangular Channel

Width

Depth

Flow Calculation

☐ Continuity

Velocity

☐ 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

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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IDAHO DEPARTMENT OF WATER RESOURCES

SNAKE RIVER BASIN ADJUDICATION - BASIN 29



RIGHT ID

POD ID

Quad

Claim Type

Easting

Northing

GPSID

Diversion Description

SERIES OF SPRINGS FLOW INTO COMMON DITCH. Flood irrigation. Ditch is in poor condition because of cattle. Flow moves overland to creek.

what creek?

SWNBSW Sec. 1

Assumptions

Assume diversion is used for seasonal irrigation/stock water. Assume a slope of 0.1%. Assume natural stream bed is approximately 2 feet wide

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

Photos

EPE (ft)

Date (M/D/Y)

Time

Flow Rate (CFS)

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

Depth

☒ Rectangular Channel

Width

Depth

Flow Calculation

☐ Continuity

Velocity

☐ 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

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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IDAHO DEPARTMENT OF WATER RESOURCES

SNAKE RIVER BASIN ADJUDICATION - BASIN 29



RIGHT ID 29 11556
POD ID 206054
Quad Downey West
Claim Type L
Easting 647737
Northing 147068
GPSID A0012555

Diversion Description

SERIES OF SPRINGS FLOW INTO COMMON DITCH: Flood irrigation. Ditch obliterated by cattle; cannot measure flow. Water flows overland directly to creek.

what creek? SE SWNW Sec. 1

Assumptions

Assume diversion is used for seasonal irrigation/stock water. Assume a slope of 0.1%. Assume natural stream bed is approximately 2 feet wide

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 206054 01.JPG POD ID 206054 03.JPG

Photos

POD ID 206054 02.JPG

EPE (ft)

25 (LH)

Date (M/D/Y)

10/18/01

Time

12.30

Flow Rate (CFS)

0

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 0

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

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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IDAHO DEPARTMENT OF WATER RESOURCES

SNAKE RIVER BASIN ADJUDICATION - BASIN 29

RIGHT ID
POD ID
Quad
Claim Type
Easting
Northing
GPSID

Diversion Description

SERIES OF SPRINGS FLOW INTO COMMON DITCH. Flood irrigation. Ditch obliterated by cattle; cannot measure flow. Water flows overland to creek.

Assumptions

Assume diversion is used for seasonal irrigation/stock water. Assume a slope of 0.1%. Assume natural stream bed is approximately 2 feet wide

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

Photos

EPE (ft)

Date (M/D/Y)

Time

Flow Rate (CFS)

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

Depth

☒ Rectangular Channel

Width

Depth

Flow Calculation

☐ Continuity

Velocity

☐ 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)

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Width of weir

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

Channel Slope

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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SCANNED

MAY 24 2001

Log for claim A29-11556

Spatial Dynamics TWB

6/5/00

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
12s36e	0		0	0	POD placement?
12s36e	0		0	0	POD placement?
12s36e	0		0	0	POD placement?
12s36e	0		0	0	POD placement?
12s36e	1	SWNW	6	7.4	
12s36e	1	SENW	6	6.5	
Totals:			12	13.9	

AJ5809NP
No. A29-11556

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 04/24/00
PAGE: 179

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	RICHARD D GARDNER	05/01/1900	IRRIGATION	04-01 11-01	0.240 CFS	
C	JODY L GARDNER					
	24286 S MARSH VALLEY RD			TOTAL DIVERSION:	0.240 CFS	
	DOWNEY ID 83234			CONSUMPTIVE USE:		30.00 AFA
	(208) 897-5104					

C DANA M MARLER
C RAYMOND E MARLER
24544 S MARSH VALLEY RD
DOWNEY ID 83234
(208) 897-5105

Water Source: SPRINGS

Tributary to: SINKS

Stage: BENEFICIAL USE

Point(s) of Diversion: T12S R36E S01 SESWNW NWNESW SWNESW NENWSW 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		
12S	36E	1	:									06	06							:	12.0		
																				:	12.0		
																				:	TOTAL ACRES	:	12.0

POU County: BANNOCK

Non-Irrigation Uses: NONE

Other Rights: NONE

Other Water Rights Listing Overlapping Place(s) of Use:
A29-00327

Dates: Exam Made Date:

Verified Date:

Objection Filed Date:

Misc: Water District Number:

Field Inspection Flag:
Presumption Flag:

Audit: 04/20/90 VERNER 09/07/94 JTHOMPSO 03/29/95 POST-STD 04/12/00 CVANDERM

Affidavit

I, the undersigned, having been a resident of Marsh Valley for the past 46 years, hereby state that I am acquainted with that property known as the Gardner + Marker Ranch (formerly the Wakely Ranch), legally described as follows:

T12S R36E 501 Reference: AJ5809NP No. A29-11556 of Idaho Department of Water Resources files.

I further state that I am acquainted with the springs rising on said property and water from Birch Creek that has been used to irrigate said property, and I hereby certify that said water has been used on this property for the past 35 ^{years} years.

Signed this 27th day of March 1995. ²⁵

R. Richard Baker

R. RICHARD BAKER

272 E 1st North
Downey, Id 83234

RECEIVED
MAR 30 1995

Department of Water Resources
Eastern District Office

1995
25
1970

MICROFILMED
NOV 14 2000

Affidavit

I, the undersigned, having been a resident of Marsh Valley for the past 30 years, hereby state that I am acquainted with that property known as the Gardner + Marker Ranch (formerly the Wakely Ranch), legally described as follows:

T12S R36E 501 Reference: AJ5809NP No. A29-11556
of Idaho Department of Water Resources files.

I further state that I am acquainted with the springs rising on said property and water from Birch Creek that has been used to irrigate said property, and I hereby certify that said water has been used on this property for the past 40 years.

Signed this 28th day of March 1995.

Louis Blythm

Box 41

Downey, Idaho 83234

RECEIVED

MAR 30 1995

Department of Water Resources
Eastern District Office

1995
- 40
1955

MICROFILMED

NOV 14 1996

Affidavit

I, the undersigned, having been a resident of Marsh Valley for the past 70 years, hereby state that I am acquainted with that property known as the Gaedner + Marlee Ranch (formerly the Wakely Ranch), legally described as follows:

T12S R36E 501 Reference: AJ5809NP No. A29-11556
of Idaho Department of Water Resources files.

I further state that I am acquainted with the springs rising on said property and water from Birch Creek that has been used to irrigate said property, and I hereby certify that said water has been used on this property for the past 40 years.

Signed this 28th day of March 1995.

William J. Gaedner

25976 S. U.S. Hwy 91
Downey, Id 83234

RECEIVED

MAR 30 1995

Department of Water Resources
Eastern District Office

1995
- 40 yrs
1955

MICROFILMED
NOV 14 1990

Affidavit

I, the undersigned, having been a resident of Marsh Valley for the past 40 years, hereby state that I am acquainted with that property known as the Gardner + Marker Ranch (formerly the Wakely Ranch), legally described as follows:

T12S R36E 501 Reference: AJ5809NP No. A29-11556
of Idaho Department of Water Resources files.

I further state that I am acquainted with the springs rising on said property and water from Birch Creek that has been used to irrigate said property, and I hereby certify that said water has been used on this property for the past 30 years.

Signed this 28th day of March 1995.

Ronald D. Wakely
1280 E. Big Hollow Rd
Downey, Idaho 83234
208-897-5910

RECEIVED

MAR 30 1995

Department of Water Resources
Eastern District Office

1995
- 30 yrs

1965

Claims 1900 (a little short.)

MICROFILMED

NOV 14 1996

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	RICHARD D GARDNER	05/01/1900	IRRIGATION	04-01 11-01	0.24 CFS	
C	JODY L GARDNER 24286 S MARSH VALLEY RD DOWNEY ID 83234 (208) 897-5104				0.24 CFS	
				TOTAL DIVERSION:		
				CONSUMPTIVE USE:		30.00 AFA
C	DANA M MARLER					
C	RAYMOND E MARLER 24544 S MARSH VALLEY RD DOWNEY ID 83234 (208) 897-5105					

Water Source: SRINGS

Tributary to: SINKS

Stage: BENEFICIAL USE

Point(s) of Diversion: T12S R36E S01 SESWNW NWNESW SWNESW NENWSW 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
12S	36E	1	:																	12.0
																			TOTAL ACRES	12.0

POU County: BANNOCK

Non-Irrigation Uses: NONE

Other Rights: NONE

Dates: Exam Made Date:

Verified Date:

Water District Number:

Field Inspection Flag:

Presumption Flag:

RECEIVED
MAR 30 1995
Department of Water Resources
Eastern District Office

MAY 24 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: A29-11556
Date Received: 4/19/1990
Receipt No: EO 13408
Received By: SA

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name:	RICHARD D. GARDNER	208-897-5104
Address:	24286 S. MARSH VALLEY RD. DOWNEY, ID 83234	
OR		
Name:	JODY L. GARDNER	208-897-5104
Address:	24286 S. MARSH VALLEY RD. DOWNEY, ID 83234	
OR		
Name:	DANA M. MARLER	208-897-5105
Address:	24544 S. MARSH VALLEY RD. DOWNEY, ID 83234	
OR		
Name:	RAYMOND E. MARLER	208-897-5105
Address:	24544 S. MARSH VALLEY RD. DOWNEY, ID 83234	

A2911556



2. Date of Priority: MAY 01, 1900

3. Source: SRINGS Trib. to: SINKS

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
12S	36E	1	SE	SW	NW		BANNOCK
			NW	NE	SW		BANNOCK
			SW	NE	SW		BANNOCK
			NE	NW	SW		BANNOCK

5. Description of diverting works:
SERIES OF SPRINGS FLOW INTO COMMON DITCH. FLOW IRRIGATION.

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		

A29-11556

Page 1

Date: 04/19/90

MICROFILMED

NOV 16 1992

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

A.F.S.

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

9. Non-irrigation uses:
NONE

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
12S	36E	1	SW	NW		IRR	6.0
			SE	NW		IRR	6.0
Section Acres							12.0
Total Acres							12.0

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:
NONE

14. Remarks:

15. Basis of Claim: BENEFICIAL USE

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 y 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): Raymond E. Marler Date: 4-19-90

Richard J. Lundner Date: 4-19-90

State of Idaho

County of Bonneville) SS.

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

of April 19 90

[Signature]
Notary Public

Seal

Residing at Idaho Falls, Id.

My Commission Expires 22 Aug 1994



POINT OF DIVERSION
SPRING-HOUSE
A29-11558

POINT OF DIVERSION
P.O. POND
A29-11557

POINT OF DIVERSION
A29-11556 SPRINGS

T11S
T12S

T
12
S
R3

R3DE

R36E

R
36
E
R
37
E

MICROFILMED
NOV 16 1992

A29-00327