

06/27/2003

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

RIGHT NUMBER: 29-13431
NAME AND ADDRESS: GLORIA MARLEY
PO BOX 335
MC CAMMON ID 83250

MAYNARD MARLEY
PO BOX 335
MC CAMMON ID 83250

SOURCE: UNNAMED STREAM TRIBUTARY: PORTNEUF RIVER

QUANTITY: 0.084 CFS
THE AMOUNT OF TIME WATER IS DIVERTED UNDER THIS WATER RIGHT
MAY NOT EXCEED 24 HOURS OF A 168 HOUR ROTATION.

PRIORITY DATE: 05/01/1880

POINT OF DIVERSION:
T09S R36E S12 NESWSE Within BANNOCK County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/15 09/15	0.084 CFS
THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS EARLY AS APRIL 1 AND MAY CONTINUE TO AS LATE AS OCTOBER 31, PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE OF WATER BEFORE APRIL 15 AND AFTER SEPTEMBER 15 UNDER THIS REMARK IS SUBORDINATE TO ALL WATER RIGHTS HAVING NO SUBORDINATED EARLY OR LATE IRRIGATION USE AND A PRIORITY DATE EARLIER THAN THE DATE A PARTIAL DECREE IS ENTERED FOR THIS RIGHT.		

PLACE OF USE: IRRIGATION Within BANNOCK County
T09S R36E S01 Lot 9 NWSW 0.4 T09S R36E S01 Lot 10 SWSW 4.0

4.4 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 - Decreed

THE DECREED SOURCE OF THE PARENT RIGHT IS SPRINGS. NO ACTUAL POINTS OF DIVERSION EXIST AS DESCRIBED BY THE DECREE. WATERS OF THE UNNAMED STREAM PRODUCED BY THE SPRINGS ARE DIVERTED INTO THE HALE-HARKNESS DITCH FOR DELIVERY.

THIS WATER RIGHT CAN NOT BE TRANSFERED.

RIGHT INCLUDES ACCOMPLISHED CHANGE IN SOURCE PURSUANT TO SECTION 42-1425, IDAHO CODE.

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.

06/27/2003

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PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

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NAME AND ADDRESS: GLORIA MARLEY
PO BOX 335
MC CAMMON ID 83250

MAYNARD MARLEY
PO BOX 335
MC CAMMON ID 83250

SOURCE: UNNAMED STREAM TRIBUTARY: PORTNEUF RIVER

QUANTITY: 0.084 CFS

THE AMOUNT OF TIME WATER IS DIVERTED UNDER THIS WATER RIGHT MAY NOT EXCEED 24 HOURS OF A 168 HOUR ROTATION.

PRIORITY DATE: 05/01/1880

POINT OF DIVERSION:

T09S R36E S12 NESWSE Within BANNOCK County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/15 09/15	0.084 CFS

THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS EARLY AS APRIL 1 AND MAY CONTINUE TO AS LATE AS OCTOBER 31, PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE OF WATER BEFORE APRIL 15 AND AFTER SEPTEMBER 15 UNDER THIS REMARK IS SUBORDINATE TO ALL WATER RIGHTS HAVING NO SUBORDINATED EARLY OR LATE IRRIGATION USE AND A PRIORITY DATE EARLIER THAN THE DATE A PARTIAL DECREE IS ENTERED FOR THIS RIGHT.

PLACE OF USE: IRRIGATION Within BANNOCK County

T09S R36E S01 Lot 9 NWSW 0.4 T09S R36E S01 Lot 10 SWSW 4.0

4.4 ACRES TOTAL

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

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EXPLANATORY MATERIAL: Decreed

06/27/2003

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

THE DECREED SOURCE OF THE PARENT RIGHT IS SPRINGS. NO ACTUAL POINTS OF DIVERSION EXIST AS DESCRIBED BY THE DECREE. WATERS OF THE UNNAMED STREAM PRODUCED BY THE SPRINGS ARE DIVERTED INTO THE HALE-HARKNESS DITCH FOR DELIVERY.

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11/26/2002

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

RIGHT NUMBER: 29-13431
NAME AND ADDRESS: GLORIA MARLEY
PO BOX 335
MC CAMMON ID 83250

MAYNARD MARLEY
PO BOX 335
MC CAMMON ID 83250

SOURCE: UNNAMED STREAM TRIBUTARY: PORTNEUF RIVER
QUANTITY: 0.100 CFS
PRIORITY DATE: 05/01/1880
POINT OF DIVERSION:

T09S R36E S12 NESWSE Within BANNOCK County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/15 09/15	0.100 CFS
THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS EARLY AS APRIL 1 AND MAY CONTINUE TO AS LATE AS OCTOBER 31, PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE OF WATER BEFORE APRIL 15 AND AFTER SEPTEMBER 15 UNDER THIS REMARK IS SUBORDINATE TO ALL WATER RIGHTS HAVING NO SUBORDINATED EARLY OR LATE IRRIGATION USE AND A PRIORITY DATE EARLIER THAN THE DATE A PARTIAL DECREE IS ENTERED FOR THIS RIGHT.		

PLACE OF USE: IRRIGATION Within BANNOCK County

T09S R36E S01 Lot 9 NWSW 0.5 T09S R36E S01 Lot 10 SWSW 4.5

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.

EXPLANATORY MATERIAL: Decreed

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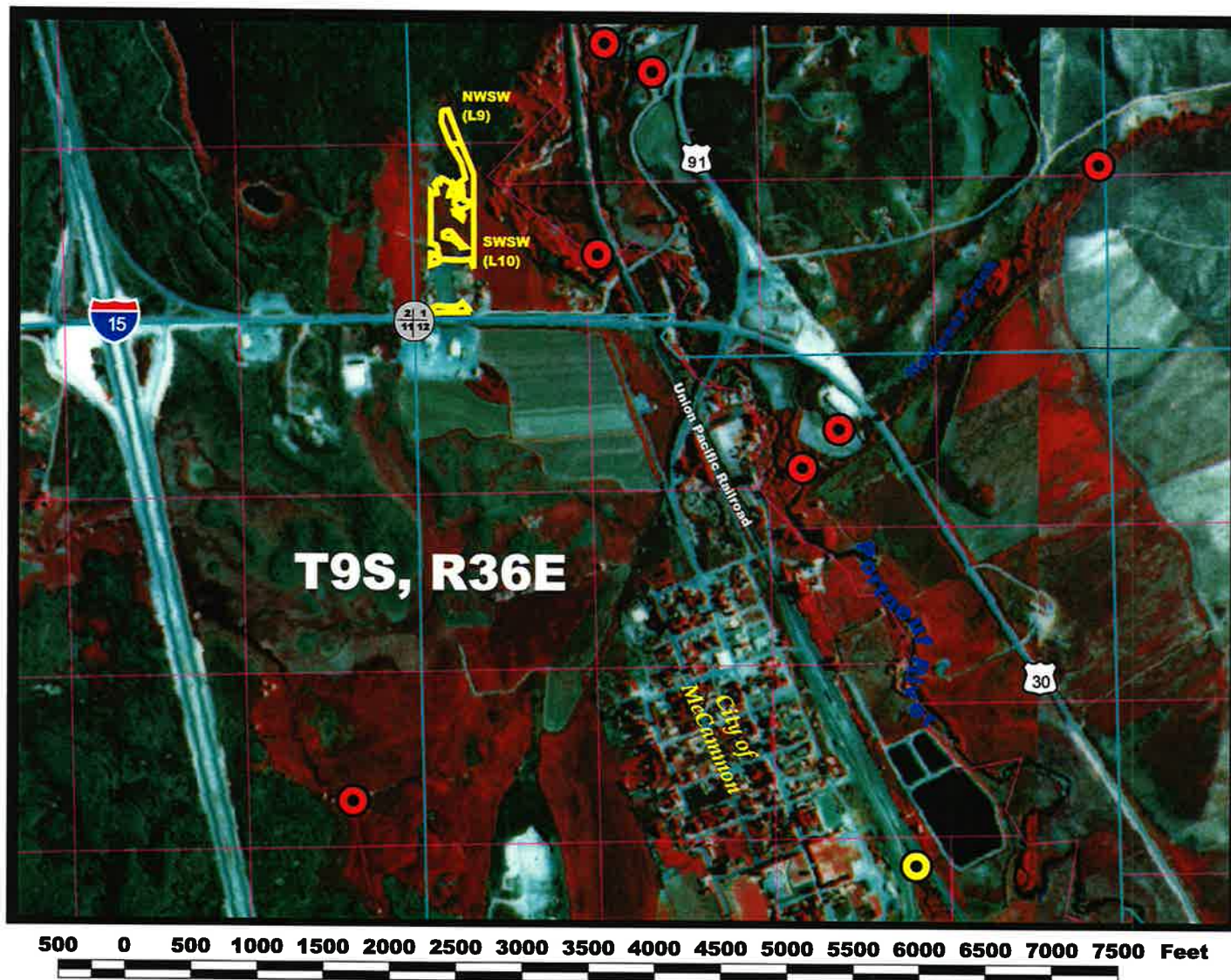
RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.



State of Idaho

Department of Water Resources

Eastern Region



Water Right(s):

29-13431

**Place of Use: (parts of) T9S, R36E
Sec. 1 NWSW (L9), SWSW (L10)**

**Point(s) of Diversion: T9S, R36E
Sec. 12 NESWSE (unnamed stream)**

**Note: Delivery through
Hale-Harkness ditch**



LEGEND

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



State of Idaho

Department of Water Resources

Eastern Region



Water Right(s):

29-13431

Place of Use: T9S, R36E
(parts of) Sec.1 SWSW (L 10),
NWSW (L 9)
Point(s) of Diversion: T9S, R36E
Sec. 12 NESWSE (unnamed stream)

Notes: Delivery is through
Hale-Harkness ditch.



LEGEND

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

GIS Place of Use Illustration
1987/1988 NAFF Photography
Prepared by: C. Bird
Date: June 2003



State of Idaho

Department of Water Resources

Eastern Region



Water Right(s):
29-13431

Place of Use: T9S, R36E
(parts of) Sec.1 SWSW (L 10),
NWSW (L 9)
Point(s) of Diversion: T9S, R36E
Sec. 12 NESWSE (unnamed stream)

Notes: Delivery is through
Hale-Harkness ditch.



LEGEND

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

GIS Place of Use Illustration
1987/1988 NAPP Photography
Prepared by: C. Bird
Date: June 2003

July 2, 2003

Maynard Marley
P.O. Box 335
McCammon ID 83250

Re: Water Right No. 29-13431

Dear Mr. Marley

I am writing this letter to you as a courtesy to inform you that after the Idaho Department of Water Resources reviewed its preliminary recommendation for your water right, a quantity remark has been added and the number of acres for the place of use has been adjusted slightly downward.

You can expect the Department's Director's Report, which is to be filed with the SRBA Court sometime in the next couple of weeks, to reflect these changes. Please see the attached revised preliminary director's report for the description of your water right.

If you disagree with the recommendation for your water right, you will be able to file an objection with the SRBA Court. A Notice of Filing Director's Report will be mailed to you along with the Director's Report for your water right sometime in July. This Notice will outline the deadlines and process for filing an objection to your water right(s).

If you have any further questions regarding this matter, you can contact me at 208-327-7900.

Very truly yours,

Candice M. McHugh
Deputy Attorney General, IDWR

Enclosure

cc: Allen Ruberry

02/13/2003

Allen

NOTICE OF ERROR
REPLY

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

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

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

Water right number: 29-13431

GLORIA MARLEY
PO BOX 335
MC CAMMON ID 83250
Telephone Number: (208) 254-3244

MAYNARD MARLEY
PO BOX 335
MC CAMMON ID 83250
Telephone Number: (208) 254-3244

RECEIVED
MAR 10 2003
Department of Water Resources
Eastern Region

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

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

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

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

DATE: MAR. 4, 03

SIGNATURE:

Maynard Marley
MAYNARD MARLEY

Please print your name:

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

SEE 29-62 FILE FOR ADDITIONAL DOCS

T9S, R36E

NWSW (L9)
0.5 AC

SWSW (L10)
4.5 AC

2	1
11	12

50. ORGILL, SAMUEL .40 c.f.s.
1-0062 1880 May 1

POD: SEE NOTE BELOW

POU: LOT 10 SEC. 1,
S²SE, NWSE SEC. 2

51. ROMRIELL, G. H. .40 c.f.s.
1-0063 1906 May 1

Said water to be diverted through the said Hale-Harkness Ditch, last above described, for the irrigation of lands in Lot 10, Section 1; the South half of the Southeast quarter, and the Northwest quarter of the Southeast quarter, Section 2, Township 9 South, Range 38 East.

Said Water to be diverted through a private ditch having its intake from the Portneuf River in Lot 3, Section 19, Township 9 South, Range 37 East, for the irrigation of lands in Lots 1 and 2, the Northeast quarter of the Northeast quarter, Section 19, Lot 5, Section 18, all in Township 9 South, Range 37 East.

NOTE: POD DESCRIBED IN 29-00059 (DECREES) AS:

" TWO GROUPS OF SPRINGS FOR THE SOURCE OF THIS DITCH.
ONE GROUP IS LOCATED N 61° E, ± 700'; OTHER GROUP IS
LOCATED S 57° W, ± 1900', FROM THE NE CORNER OF THE
SOUTHEAST QUARTER OF SEC. 13, 9536E. (SEE GPS).

EXCERPT FROM UNION GRAIN
AND ELEVATOR VS McCANNON
CANAL CO., AUGUST 6, 1932
(FINAL AMENDMENT)

SABR

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.

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, 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
<u>29.00062</u>	<u>(SPLIT)</u>				

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) are 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)

John Harris

4. New Owner/Claimant(s)

Maynard and/or Gloria Marley

Name Connector (Check one): [] and, [] or, ☒ and/or

New Mailing Address

P.O. Box 335

City, State and ZIP Code

McCammn, Id. 83250

New Telephone Number

(208) 254-3244

5. Date you acquired the property

Nov. 22, 1972

3-1

567191

THIS INDENTURE, made this 22nd day of November in the year of our Lord, One Thousand Nine Hundred and Seventy-two, between JEFFREY F. HARRIS and KATHLEEN M. HARRIS, husband and wife, of _____, County of Bannock, State of Idaho the parties of the first part, and MAYNARD MARLEY and GLORIA MARLEY, husband and wife, of MC Cammon, County of Bannock, State of Idaho the parties of the second part:

WITNESSETH: That the said parties of the first part, for and in consideration of the sum of Ten and 00/100 - - (\$10.00) and other valuable consideration ~~DOLLARS~~, lawful money of the United States of America, to them in hand paid by the said parties of the second part, the receipt whereof is hereby acknowledged do by these presents, Grant, Bargain, Sell and Convey and Confirm unto said parties of the second part, and to their heirs and assigns forever: All that certain lot, piece or parcel of land situate, lying and being in the County of Bannock, State of Idaho, bounded and more particularly described as follows, to-wit: ~~TRACT 5:~~ Tract of land in Lot 9 and Lot 10, Section 1, T. 9 S., R. 36 E., B.M., Bannock County, Idaho, more particularly described as follows:

Commencing at the Southwest Corner of Section 1, T. 9 S., R. 36 E., B.M.: THENCE N 0° 16' W, 70.6 feet to the North Right-of-Way line of Highway U. S. 30 North; THENCE S 88° 13' E, along said Right-of-Way, 271.40 feet to the TRUE POINT OF BEGINNING; THENCE continuing S 88° 13' E, along said Right-of-Way, 68.80 feet; THENCE N 80° 28' E, 76.88 feet; THENCE Due North, 1504.52 feet; THENCE N 89° 10' W, 144.40 feet; THENCE Due South, 1517.21 feet to the TRUE POINT OF BEGINNING, and containing 5.0 acres, more or less. AND TRACT 6:

A tract of land in Lot 9 and Lot 10, Section 1, T. 9 S., R. 36 E., B.M., Bannock County, Idaho, more particularly described as follows:

Commencing at the Southwest Corner of Section 1, T. 9 S., R. 36 E., B.M.: THENCE N 0° 16' W, 70.6 feet to the North Right-of-Way line of Highway U. S. 30 North; THENCE S 88° 13' E, along said Right-of-Way, 127.6 feet to the TRUE POINT OF BEGINNING; THENCE continuing S 88° 13' E, along said Right-of-Way, 143.80 feet; THENCE Due North, 1517.21 feet; THENCE N 89° 10' W, 143.80 feet; THENCE Due South, 1514.82 feet, to the TRUE POINT OF BEGINNING, and containing 5.0 acres more or less.

(See Attached Schedule)

Parties of the first part except from this conveyance any right, title or interest in and to the existing irrigation ditches upon either Tract 5 or Tract 6 and specifically reserve the right of ingress and egress for the purpose of care and maintenance of said ditches.

Parties of the first part hereby sell, convey and transfer 20 inches of existing water from the "Hale-Harkness Ditch" for the exclusive use of parties of the second part for a period not to exceed 24 hours in any given week.

[SEAL]

[SEAL]

GP

06/27/2003

**NOTICE OF ERROR
REPLY**

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

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS:

Water right number: 29-13431

GLORIA MARLEY
PO BOX 335
MC CAMMON ID 83250
Telephone Number: (208) 254-3244

MAYNARD MARLEY
PO BOX 335
MC CAMMON ID 83250
Telephone Number: (208) 254-3244

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

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

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

____ I AGREE with this proposed recommendation; no changes need to be made.

DATE: _____ **SIGNATURE:** _____

Please print your name: _____

IDWR Regional Office,

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 29-13431
Date Received: 11/26/2002
Receipt No:
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

GLORIA MARLEY Phone: (208) 254-3244
PO BOX 335
MC CAMMON ID USA 83250

MAYNARD MARLEY Phone: (208) 254-3244
PO BOX 335
MC CAMMON ID USA 83250

2. Date of Priority: 05/01/1880

3. Source: SPRINGS , SPRINGS Trib. to: SINKS , SINKS

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
09S	36E	13	NW SE	BANNOCK	
09S	37E	18	SW NW	BANNOCK	

5. Description of diverting works:

HALE HARKNESS DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	03/15	11/15	0.1	

7. Total Quantity Appropriated is:
0.1 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4 Lot	Use	Acres
09S	36E	1	NW SW 9	IRRIGATION	0.5
			SW SW 10	IRRIGATION	4.5

Section Acres 5
Total Acres 5

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:

THIS RIGHT IS A SPLIT FROM FORMER RIGHT 29-00062.

15. Basis of Claim: Decreed

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): _____ Date: _____

_____ Date: _____

State of Idaho)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this

of _____ 20__

Notary Public

Residing at _____

My commission Expires _____