

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: A29-04039
Date Received: 4/09/1990
Receipt No: 2012980
Received By: HCO

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: BENNETT FARMS 208-897-5791
Address: 3590 E. RICHARDS RD.
DOWNEY, ID 83234

2. Date of Priority: OCT 29, 1912

3. Source: PECK CREEK Trib. to: MARSH CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
11S	37E	6	SW	NE			BANNOCK

5. Description of diverting works:
PUMP IN CREEK TO SPRINKLERS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	0.780		

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

8. Total consumptive use is 97.5 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
11S	37E	6	SW	NE		IRR	21.0
			NW	SW		IRR	2.0
			NE	SE		IRR	16.0
Section Acres							39.0

A29-04039

Page 1

Date: 04/09/90

MICROFILMED
NOV 13 1992

A2904039

10. Place of Use: Continued

Total Acres 39.0

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:

A29-04320 IS ADJACENT

14. Remarks:

15. Basis of Claim: STATUTORY CLAIM

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NOV 13 1992

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):

Keith Bennett

Date: *04/09/90*

Date: _

State of Idaho)

County of *Bannock*)

SS.

Subscribed and sworn (or affirmed) before me this *9th* day

of *Apr* 19 *90*

Bruce J. Champ
Notary Public

Seal

Residing at *BUTTE, IDAHO*
MY COMMISSION EXPIRES *6-30-92*

A. A CLAIM POINT OF DIVERSION AND SOURCE:

RIGHT	TWP. RGE.	SEC.	1/4	1/4	1/4	LOT	POD FLAG	COUNTY	DIVERSION NAME	DIVERSION NUMBER
A29-04039	**S 37E	6		SW	NE			BANNOCK		
OTHER A CLAIMS WITH SAME A POD			WR RECORDS IN SAME 40 ACRE TRACT							
A PREFIX		R PREFIX								
NONE		NONE		NONE						

SOURCE: PECK CREEK

TRIB: MARSH CREEK

B. WR POINT OF DIVERSION AND SOURCE:

RIGHT	TWP. RGE.	SEC.	1/4	1/4	1/4	LOT	POD FLAG	COUNTY	DIVERSION NAME	DIVERSION NUMBER
29-04039	**S 37E	6		NW	SE			BANNOCK		
29-04039	**S 37E	6		NW	NE			BANNOCK		
29-04039	**S 37E	6		SW	NE			BANNOCK		
OTHER WR RECORDS WITH SAME WR POD			A CLAIMS IN SAME 40 ACRE TRACT							
				A PREFIX R PREFIX						
29-04054				A29-04030						
29-04***				A29-04053						
29-04**2				A29-04054						
				A29-04***						
				A29-04**2						
				A29-***98						

SOURCE: PECK CREEK

TRIB: MARSH CREEK

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

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

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

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

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

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

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

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

1. HOW WAS THE POO AND SOURCE VERIFIED?

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

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

OTHER (DESCRIBE IN NOTES BELOW)

NOTES: _____

RECOMMENDED POINT(S) OF DIVERSION AND SOURCE: CHECK HERE IF RECOMMENDED AS CLAIMED (____)

TWP.	RGE.	SEC.	POO			LOT	FLAG	COUNTY	DIVERSION NAME	DIVERSION NBR
			1/4	1/4	1/4					
11S	37E	6	SW	SW	NE			BANNOCK		
_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____

SOURCE: PECK CREEK

TRIB: MARSH CREEK

REVIEWED BY: _____ DATE: _____

SYSTEM DESCRIPTION: DESCRIBED BELOW (____), SEE LICENSE FILE (____), OR SEE ATTACHMENT (____)

A. ROOT WATER RIGHT NUMBERS: A29-04039

B. POI LISTING

TWP	RNG	SEC	1/4	1/4	LOT	NAME	AJ #/ACRES	WR #/ACRES	LANDSAT DATA	FIELD EXAM.	RECOMM. ACRES
11S	37E	6	SW	NE		BENNETT FARMS	A29-04039 / 21.0	29-04039 / 40.0		39.0	
			SW	NE		HART, JOHN WILLIAM	A29-04112 / 7.0	29-04112 / 7.0			
			SW	NE		BENNETT FARMS	A29-04320 / 5.0	29-04320 / 5.0			
11S	37E	6	NW	SW		BENNETT FARMS	A29-04039 / 2.0	- /			
			NW	SW		HART, JENNIE	A29-04111 / 40.0	29-04111 / 20.0			
			NW	SW	6	HART, JOHN W	A29-07183 / 53.0	29-07183 / 53.0			
11S	37E	6	NE	SE		BENNETT FARMS	A29-04039 / 16.0	- /		29.0	
			NE	SE		BENNETT FARMS	A29-04320 / 3.0	29-04320 / 3.0			
			NE	SE		GEFFORD, JAY D	29-04296 /	- /			
			NE	SE		BLOXHAM, DEVON	A29-11918 /	- /			
			NE	SE		GEFFORD, JAY D	A29-04296 /	- /			
			NE	SE		BLOXHAM, DEVISE	29-11918 /	- /			
			NE	SE		BENNETT, KENNETH W.		29-02319 / 18.0			

ADDITIONAL POI FOUND

TOTAL ACRES	A29-04039	39.00	40.00	68.00
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POI COUNTY: SANVOCK

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

Y() N()

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

LIST OF ALL RIGHTS WITH A SAME POU AND IRRIGATION USAGE

CLAIM NO.	SOURCE	NAME	DIV. RATE	DIV. RATE/ACRE	DIV. VOL.	DIV. VOL./ACRE
A29-04039	PECK CREEK	BENNETT FARMS	0.780	0.020		
A29-04111	SPRING	HART, JENNIE	2.800	0.016		
A29-04112	SPRING	HART, JOHN WILLIAM	0.500	0.029		
A29-04320	UNNAMED STREAM	BENNETT FARMS	0.500	0.020		
A29-07183	GROUNDWATER	HART, JOHN W	1.920	0.009	714.00	3.58

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

CLAIM NO.	PURPOSES	NAME	MONTH/DAY	RATE	VOLUME
29-04296	STOCKWATER	GEFFORD, JAY D	FROM 01-01 TO 12-31	0.050 CFS	
A29-11918	DOMESTIC	BLOXHAM, DEVON	FROM 01-01 TO 12-31	0.040 CFS	
A29-11918	STOCKWATER	BLOXHAM, DEVON	FROM 01-01 TO 12-31	0.020 CFS	
A29-04296	STOCKWATER	GEFFORD, JAY D	FROM 01-01 TO 12-31	0.050 CFS	
29-11918	DOMESTIC	BLOXHAM, DENISE	FROM 01-01 TO 12-31	0.040 CFS	
29-11918	STOCKWATER	BLOXHAM, DENISE	FROM 01-01 TO 12-31	0.020 CFS	

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

Y() N()

* IF YES, COMPLETE OVERLAP REVIEW:

OTHER RIGHTS LISTED IN CLAIM: A29-04320 IS ADJACENT

E. IS THE CLAIMED POU THE SAME AS DESCRIBED IN THE WATER RIGHT FILE?

N/A() Y() N()

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

F. CAN THE CLAIMED POU BE VERIFIED USING THE WATER RIGHT FILE AND AVAILABLE AERIAL PHOTOS?

N/A() Y() N()

G. SHOULD THE CLAIMED POU BE VERIFIED BY FIELD EXAM?

Y() N()

H. IS THERE ANY INDICATION THAT THERE HAS BEEN A FIVE YEAR PERIOD OF CONTINUOUS NONUSE OF THIS RIGHT, OR ANY PORTION OF THIS RIGHT?

Y() N()

SEP 17

129-04039

ERVIN GILBERT
#248 CN# 127
EOP 26-96
F-23 76.4

ERVIN GILBERT
#248 CN# 127
EOP 26-96
F-22 60.6

R371

115

10-28
Harold No. 1
HS227

172
1400

J18

21
5.9

810
North 810
4502

1.3

2.3

1.3

1.3

1.3

1.3

1.3

1.3

1.3

1.3

1.3

1.3

1.3

1.3

1.3

1.3

MICROMARKED Bennett

NOV 13 1992

MICROMARKED

Log for claim A29-04039

Spatial Dynamics TWB

5/18/00

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
11s37e	6	SWNE	21	14	
11s37e	6	NE SE	16	17	
11s37e	6	NWSE	2	0.8	nws in database should be nwse
Totals:			39	31.8	

 **SPATIAL
DYNAMICS**

CLAIM TO A WATER RIGHT

MICROFILMED

AJ5809NP
No. A29-04039

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 04/24/00
PAGE: 93

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	BENNETT FARMS 3590 E RICHARDS RD DOWNNEY ID 83234 (208) 897-5791	10/29/1912	IRRIGATION	04-01 11-01	0.780 CFS	
					TOTAL DIVERSION:	0.780 CFS
					CONSUMPTIVE USE:	97.50 AFA

Water Source: PECK CREEK

Tributary to: MARSH CREEK

Stage: STATUTORY CLAIM

Point(s) of Diversion: T11S R37E S06

SWNE

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
11S	37E	6	:				2	:							02	:		16	:	39.0
																			TOTAL ACRES	39.0

POU County: BANNOCK

Non-Irrigation Uses: NONE

Other Rights: A29-04320 IS ADJACENT

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

A29-04111 A29-04112 A29-04320

Dates: Exam Made Date:

Verified Date:

Objection Filed Date:

Misc: Water District Number:

Field Inspection Flag:

Presumption Flag:

Audit: 04/11/90 JONES 07/15/94 THOMPSON 03/29/95 POST-STO

IN THE MATTER OF: Water Right
Keith Bennett

Downey, Idaho 83234

State of Idaho

County of Blaine

RECEIVED

SEP 19 1974

Department of Water Resources
Eastern District Office

J. Levere Duchau

being first duly sworn,

deposes and says: That water from Lock Creek tributary to Marsh Creek has been used in the southwest quarter, northeast quarter, section six (6), township eleven (11) South Range 37 east Boise meridian Blaine County since 1912, point of diversion in northwest quarter, southeast quarter, and southwest quarter, northeast quarter, section six (6), township eleven (11) South Range 37 east Boise meridian Blaine County. This property is now owned by Keith W. Bennett, Downey, Idaho; former owner when water was first diverted was Thomas W. Bennett, now deceased.

Levere Duchau
(signature)

Subscribed and sworn to before at this 9th day of September 1974

Patricia L. Whittle
(notary public)

Residing at *Legu, Utah*
My commission expires *September 01, 1976*

Claim No. 29 4039

IN THE MATTER OF: Water Right

Keith W. Bennett
Downey, Idaho 83234

State of Idaho

County of Bannock

POOR ORIGINAL

RECEIVED
DEC 19 1974

AFFIDAVIT
Department of Water Resources
Eastern District Office

I, Ethna E. Gilbert

being first duly sworn,

deposes and says: That water from Jack Creek tributary to Marsh Creek has been used in the southwest quarter, northeast quarter, section six (6), township eleven (11), south Range 32 east Boise meridian Bannock County since 1912, point of diversion in northwest quarter, southeast quarter, and southwest quarter, northeast quarter, section six (6), township eleven (11) south Range 32 east Boise meridian Bannock County. This property is now owned by Keith W. Bennett, Downey, Idaho; former owner when water was first diverted was Thomas W. Bennett, now deceased.

(signature)

Subscribed and sworn to before me this 5 day of November 1974.

(notary public)

Residing at Downey, Idaho
My commission expires 8-20-76

NOV 13 1974

Claim No. 29 4039

POOR ORIGINAL

IN THE MATTER OF: Water Right

Keith Bennett

Downey, Idaho 83234

State of Idaho

County of Bannock

RECEIVED

DEC 10 1974

AFFIDAVIT
Department of Water Resources
Eastern District Office

... Lloyd T. Bennett, being first duly sworn,
deposes and says: That water from Jack creek tributary to Merah creek has been
... used in the southwest quarter, northeast quarter, section six (6), township
... eleven (11) north, range 32 east Boise meridian, Bannock County since 1912, point of
... diversion in northwest quarter, southeast quarter, and southwest quarter, northeast
... quarter, section six (6), township eleven (11) north, range 32 east Boise meridian
... Bannock County. This property is now owned by Keith W. Bennett, Downey, Idaho;
... former owner when water was first diverted was John W. Bennett, now deceased.

Lloyd T. Bennett
(signature)

Subscribed and sworn to before me this 9 day of November 1974.

Paul Brown
(notary public)

Residing at Downey Bannock Idaho
My commission expires 8-7-76.

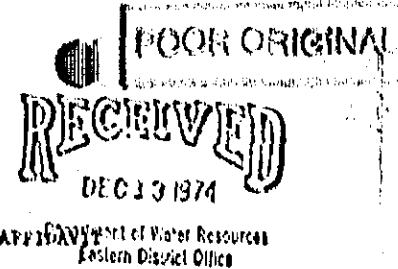
Claim No. 2

IN THE MATTER OF: Water Right

Keith W. Bennett
Downey, Idaho 83244

State of Idaho

County of Pannock



I, Elwood Dahlke

being first duly sworn,

deposes and says: That water from Jack Creek tributary to Marsh Creek has been used in the southwest quarter, northeast quarter, section six (6), township eleven (11) South Range 32 east Boise meridian Pannock County since 1912, point of diversion in northwest quarter, southeast quarter, and southwest quarter, northeast quarter, section six (6), township eleven (11) South Range 32 east Boise meridian Pannock County, this property is now owned by Keith W. Bennett, Downey, Idaho former owner when water was first diverted was Thomas A. Bennett, now deceased.

Elwood Dahlke
(signature)

Subscribed and sworn to before me this

5 day of December 1974
T. Paul Boon
(notary public)

Residing at

Downey, Idaho

My commission expires

8-20-76