

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: A29-04320
Date Received: 4/09/1990
Receipt No: 2012950
Received By: JWS

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: APR 01, 1930

3. Source: UNNAMED STREAM Trib. to: PECK CREEK

4. Point of Diversion:

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

5. Description of diverting works:
DITCH TO FLOOD IRRIG.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	0.500		

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

8. Total consumptive use is 62.5 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	5.0
			SE	NE		IRR	17.0
			NE	SE		IRR	3.0
Section Acres							25.0

A29-04320

Page 1

Date: 04/09/90

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NOV 13 1992

A2904320

10. Place of Use: Continued

Total Acres 25.0

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:
FARMS C/O KEITH BENNETT

15. Basis of Claim: STATUTORY CLAIM

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.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 A 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): Kurt Bernath Date: 4/9/90
Date: _____

State of Idaho)
County of Bonneville) SS.

Subscribed and sworn (or affirmed) before me this 9th day
of Apr 19 90

Seal

Betty J. Thompson
Notary Public
BETTY J. THOMPSON, NOTARY PUBLIC
Residing at RESIDING AT IDAHO FALLS, IDAHO
My Commission Expires MY COMMISSION EXPIRES 6-30-94

SEP 17

129-04320

ERVIN GILBERT
#248 CM 127
CAP BU-96
F-22 116.4

ERVIN GILBERT
#248 CM 127
CAP BU-96
F-22 60.6

18
62.4

19
64.9

RETE

1048
Harold Nod
H322

21
55

1810
Mark Bennett
H302

113

23

J18

JOHN HAY
#248 CM 127
CAP BU-96
F-22 28.7

10A 12A
20.7

JOHN
1000
1000
1000
1000
1000
1000
1000
1000

17
77.1

MICROFILMED
Mark Bennett
NOV 13 1992

A. AJ CLAIM POINT OF DIVERSION AND SOURCE:

RIGHT	TWP. RGE.	SEC.	1/4	1/4	1/4	LOT	POD FLAG	COUNTY	DIVERSION NAME	DIVERSION NUMBER
A29-04320	11S 37E	6		NE	SE			BANNOCK		

OTHER AJ CLAIMS WITH SAME AJ POD
 A PREFIX R PREFIX
 A29-04296 29-04296
 A29-04324 29-11918
 A29-11918

WR RECORDS IN SAME 40 ACRE TRACT
 29-04296
 29-04324

SOURCE: UNNAMED STREAM

TRIB: PECK 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
29-04320	11S 37E	6		NE	SE			BANNOCK		

OTHER WR RECORDS WITH SAME WR POD
 29-04296
 29-04324

AJ CLAIMS IN SAME 40 ACRE TRACT
 A PREFIX R PREFIX
 A29-04296 29-04296
 A29-04324 29-11918
 A29-11918

SOURCE: UNNAMED STREAM

TRIB: PECK 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 "CM" 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 "CM" 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.	1/4	1/4	1/4	LOT	POO FLAG	COUNTY	DIVERSION NAME	DIVERSION NBR
11S	37E	6		NE	SE			SAYNOCK		
_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____

SOURCE: UNNAMED STREAM

TRIS: PECK CREEK

REVIEWED BY: _____ DATE: _____

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

A. ROOT WATER RIGHT NUMBERS: A29-04320

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	A29-04320 / 5.0	29-04320 / 5.0	39.0		
			SW	NE		BENNETT FARMS	A29-04039 / 21.0	29-04039 / 40.0			
			SW	NE		HART, JOHN WILLIAM	A29-04112 / 7.0	29-04112 / 7.0			
11S	37E	6	SE	NE		BENNETT FARMS	A29-04320 / 17.0	29-04320 / 17.0	19.0		
			SE	NE		GEFFORD, JAY D	29-04296 /	29-04296 /			
			SE	NE		CHIKATO, STEVE	A29-12217 /	- /			
			SE	NE		GEFFORD, JAY D	A29-04296 /	- /			
			SE	NE		CHIKATO, ELIZABETH	29-12217 /	- /			
			SE	NE		BENNETT, KEITH W.		29-02319 / 16.0			
11S	37E	6	NE	SE		BENNETT FARMS	A29-04320 / 3.0	29-04320 / 3.0	29.0		
			NE	SE		GEFFORD, JAY D	29-04296 /	- /			
			NE	SE		BLOXHAM, DEVON	A29-11918 /	- /			
			NE	SE		BENNETT FARMS	A29-04039 / 16.0	- /			
			NE	SE		GEFFORD, JAY D	A29-04296 /	- /			
			NE	SE		BLOXHAM, DEVISE	29-11918 /	- /			
			NE	SE		BENNETT, KEITH W.		29-02319 / 18.0			

ADDITIONAL POI FOUND

TOTAL ACRES A29-04320 25.00 25.00 87.00

POI COUNTY: SANNOCK

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 POI AND IRRIGATION USAGE

CLAIM NO.	SOURCE	NAME	DIV. RATE	DIV. RATE/ACRE	DIV. VOL.	DIV. VOL./ACRE
A29-04320	UNNAMED STREAM	BENNETT FARMS	0.500	0.020		
A29-04039	PECK CREEK	BENNETT FARMS	0.780	0.020		
A29-04112	SPRING	HART, JOHN WILLIAM	0.500	0.029		

LIST ALL RIGHTS WITH SAME POI 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	
A29-12217	DOMESTIC	CHIKATO, STEVE	FROM 01-01 TO 12-31	0.040 CFS	
A29-04296	STOCKWATER	GEFFORD, JAY D	FROM 01-01 TO 12-31	0.050 CFS	
29-12217	DOMESTIC	CHIKATO, ELIZABETH	FROM 01-01 TO 12-31	0.040 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	
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: NONE

E. IS THE CLAIMED POI 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 POI, DESCRIBE THE INJURY ANALYSIS PERFORMED AND ENTER FLAG "C" WITH THE APPROPRIATE EXPLANATORY CODE.

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

N/A() Y() N()

G. SHOULD THE CLAIMED POI 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()

Log for claim A29-04320

Spatial Dynamics TWB

6/26/00

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
11s37e	6	SWNE	5	6.3	
11s37e	6	SENE	17	18	
11s37e	6	NESE	3	1.5	
Totals:			25	25.8	

 **SPATIAL
DYNAMICS**

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

CLAIM TO A WATER RIGHT

Under the provisions of Section 42-243, Idaho Code, any person using or claiming rights to the public waters of Idaho established by diversion and application to a beneficial use must file a claim with the Department of Water Resources on or before June 30, 1983. Exempted from this filing are single family domestic uses as defined in Section 42-230(d), Idaho Code. Also exempted are rights represented by a permit, license, decree, adjudicated right, or a previously filed claim.

The filing of this claim does not confirm the water right claimed but failure to file may result in forfeiture of a water right.

Notice is hereby given that Bennett Farms c/o Keith Bennett
(Name of Claimant)

Box 59, Downey, Idaho 83234
(Mailing Address)

Telephone No. 897-5791
(Zip Code)

claims a right to the diversion and beneficial use of the surface or ground water. The extent and nature of said claim is as follows:

- (1) Date of priority: (When was the water first applied to a beneficial use) April 1, 1930

A claim is not acceptable on a ground water source with a priority later than March 25, 1963 or on a surface water source with a priority later than May 20, 1971. An exception is that a claim may be filed on single family domestic use from a ground water source.

- (2) Describe the source of water: (Name of stream, lake, spring, etc., or ground water)

Stream tributary to Peck Creek

- (3) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:

	(cfs, af)	(Domestic, Irrigation, Stock, Etc.)	(Both dates inclusive)	
			(Mo., Day)	(Mo., Day)
Quantity	<u>0.50 cfs</u>	Use <u>Irrigation</u>	Period of Use From <u>4-1</u>	To <u>11-1</u>
Quantity		Use	Period of Use From	To
Quantity		Use	Period of Use From	To
Quantity		Use	Period of Use From	To
Quantity		Use	Period of Use From	To

- (4) 0.50 cfs TOTAL QUANTITY USED.
(cfs, af)

- (5) A) Point of diversion: (Location of point where water is diverted from its source)

N 1/4, S 2, Sec. 6 Twp. 11S Rge. 37E B.M., County of Bannock

Additional points of diversion:

B) Describe means of diversion of water: (Pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.). Give sizes and capacities: be as specific as possible. Describe any changes in the system and give the date of the change. Ditch from stream to flood irrigation

- (6) A) Describe location of use by listing number of irrigated acres within each 40 acre tract in appropriate box. If use is not for irrigation, place an "X" in appropriate box to show location.

T	R	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTAL
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
11S	37E	6			5	17									3				25

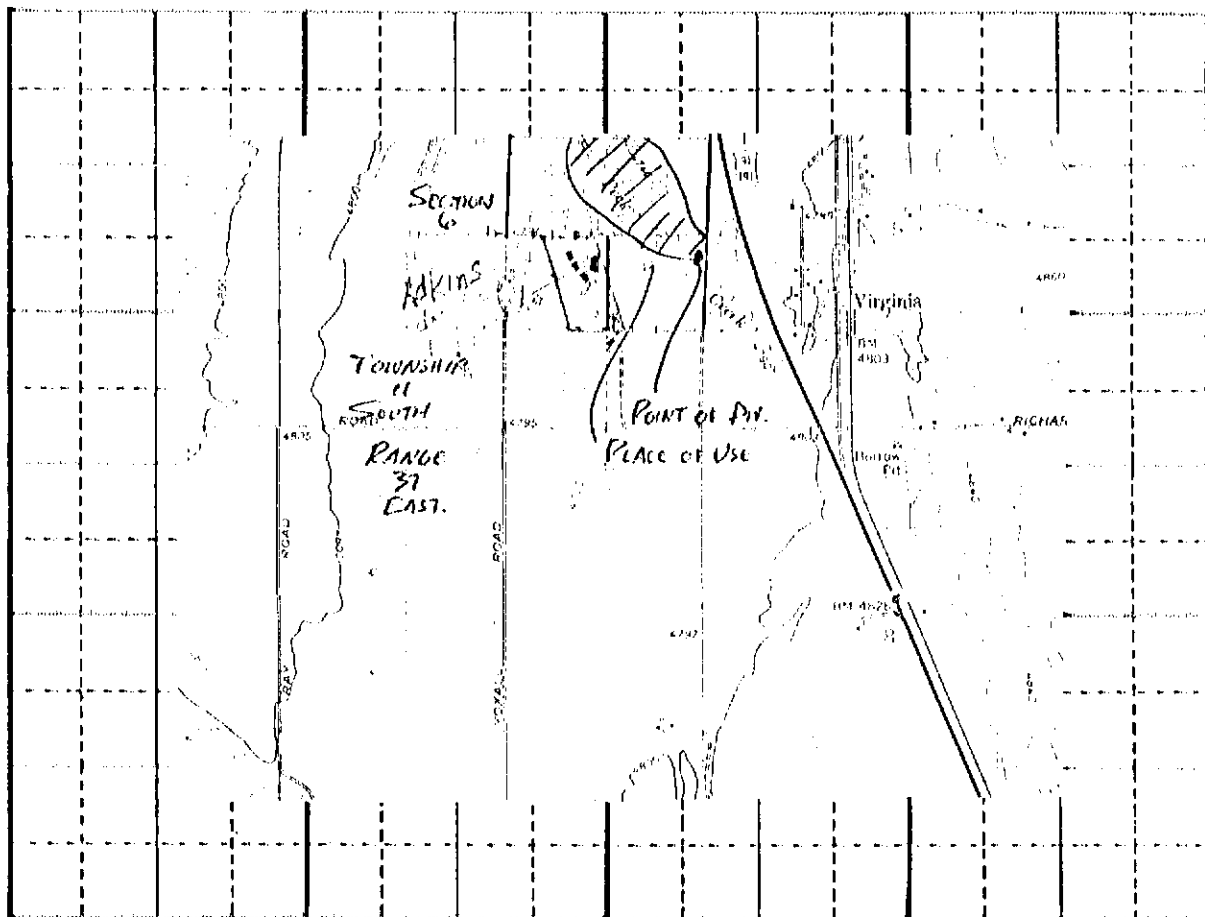
No. of acres 25

B) If water is used for other than irrigation, fully describe that use, being as specific as possible:

NOTE: Include here the type and number of stock watered:

- (7) If you are claiming water as a member of an organization, list name of organization:

(8) Remarks



Scale: 2 inches equal 1 mile.

Map should show the location of the point of diversion and the place of use of the water by 40 acre subdivisions, section, township and range of the public land survey system.

State of Idaho

County of Conseville

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiant's knowledge.

Sworn to before me this 6th day of April

Keith Bennett
(Claimant)

Carlton May
Notary Public
Residing at Idaho Falls, ID

My commission expires 6-15-85

FOR DEPARTMENT USE ONLY

Received by S.M.

Date 4-6-83

Exception filed by:

Forwarded to

Date

Prelim. check by H.W.J.

Date 4-7-83

claimant by:

\$30.00 fee received by BP

Date 4-6-83 #28005

Published in Idaho State Journal

Dates 4/21 - 4/25/83

AJ5809NP
No. A29-04320

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 04/24/00
PAGE: 115

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	BENNETT FARMS 3590 E RICHARDS RD DOWNEY ID 83234 (208) 897-5791	04/01/1930	IRRIGATION	04-01 11-01	0.500 CFS	
TOTAL DIVERSION:					0.500 CFS	
CONSUMPTIVE USE:						62.50 AFA

Water Source: UNNAMED STREAM

Tributary to: PECK CREEK

Stage: STATUTORY CLAIM

Point(s) of Diversion: T11S R37E S06 NESE

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	:				05		17	:							03	:		25.0
TOTAL ACRES																			25.0	

POU County: BANNOCK

Non-Irrigation Uses: NONE

Other Rights: NONE

Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):
29-04296 29-11918 A29-04296 A29-04324 A29-11918

Other Water Rights Listing Overlapping Place(s) of Use:
A29-04039 A29-04112

Remarks: GEN FARMS C/O KEITH BENNETT

Dates: Exam Made Date:

Verified Date:

Objection Filed Date:

Misc: Water District Number:

Field Inspection Flag:

Presumption Flag:

Audit: 04/11/90 JONES 07/20/94 THOMPSON 03/29/95 POST-STD

CLAIM NO. A29-04320

AFFIDAVIT

I am the previous owner of the property described in this notice,
claim number A39-04320. Water was put to beneficial use on this
property April 1, 1930 and has been used beneficially since that
date.

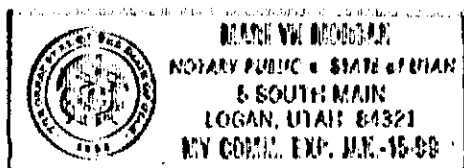
Levere Jackson
Signature of affiant

2/23/95
Date

State of Idaho/or Utah)
County of Cache) SS.

Subscribed and sworn (or affirmed) before me this 23rd day
of February 19 95.

SEAL



Notary Public Marilyn Morgan
Residing at Logan, Utah
My Commission Expires 1-NOV-93 1996

AJ5809NP
No. A29-04320

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 12/28/94
PAGE: 20

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	BENNETT FARMS 3590 E RICHARDS RD DOWNEY ID 83234 (208) 897-5791	04/01/1930	IRRIGATION	04-01 11-01	0.50 CFS	
TOTAL DIVERSION:					0.50 CFS	
CONSUMPTIVE USE:						62.50 AFA

Water Source: UNNAMED STREAM

Tributary to: PECK CREEK

Stage: STATUTORY CLAIM

Point(s) of Diversion: T11S R37E S06 NESE

SANNOCK County

Place of use Legal Description for: IRRIGATION

WE				NW				SW				SE					
T	R	S		NESE	NWSE	SWSE	SESE	NESE	NWSE	SWSE	SESE	NESE	NWSE	SWSE	SESE	SUM	
Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac
11S	37E	6	:			05	17	:						03			25.0
TOTAL ACRES																25.0	

POU County: SANNOCK

Non-Irrigation Uses: NONE

Other Rights: NONE

Remarks: FARMS C/O KEITH BENNETT

Dates: Exam Made Date:

Verified Date:

Misc: Water District Number:

Field Inspection Flag:

Presumption Flag:

MICROFILMED
NOV 13 1990