

June 18, 1990IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLSIN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

RECEIVED

JUN 18 1990

Ident. Number: A29-04462

Date Received: 5/17/1990

Receipt No: 2014828Received By: DCDepartment of Water Resources
Eastern District OfficeNOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

208-897-5711

1. Name: REID E. BENNETT
Address: 18566 S. MARSH VALLEY RD.
DOWNEY, ID 83234

2. Date of Priority: APR 01, 1955

3. Source: MARSH CREEK Trib. to: PORTNEUF RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
11S	36E	2	NE	SE			BANNOCK
			SE	SE			BANNOCK

5. Description of diverting works:
PUMP & PIPELINE

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/01	11/20	2.000		

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

8. Total consumptive use is 200.0 Acre Feet Per Annum.

9. Non-irrigation uses:
INCIDENTIAL STOCKWATER FOR 600 SHEEP.

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
11S	36E	2	NE	SE		IRR	40.0
			SE	SE		IRR	40.0

A29-04462

Page 1

Date: 05/17/90

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A2904462



10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					Section Acres	80.0
					Total Acres	80.0

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:
A29-02560B.

14. Remarks:

15. Basis of Claim: STATUTORY CLAIM

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): X Reid Bennett Date: X June 1, 1990

Date: _____

State of Idaho)
County of Bannock) SS.

Subscribed and sworn (or affirmed) before me this 1st day
of June 19 90

Lauretta M. Davis
Notary Public

Seal

Residing at Downey, ID 83234

My Commission Expires Dec. 22, 1993

A. ROOT WATER RIGHT NUMBERS: A29-04462

B. POU LISTING

TWP	RNG	SEC	1/4	1/4	LOT	NAME	AJ #/ACRES	WR #/ACRES	LANDSAT DATA	FIELD EXAM.	RECOMM. ACRES
11S	36E	2	NE	SE		BENNETT, REID E	A29-04462 / 40.0	29-04462 / 40.0	42.0		
			NE	SE		BENNETT, REID E	29-12056 /	- /			
			NE	SE		MARSH CENTER IRRIGATION CO	A29-02560A / 26.0	- /			
			NE	SE		BENNETT, REID E	A29-02560B / 26.0	- /			
			NE	SE		MARSH CENTER IRRIGATION CO.		29-02560 / 26.0			
11S	36E	2	SE	SE		BENNETT, REID E	A29-04462 / 40.0	29-04462 / 40.0	36.0		
			SE	SE		MARSH CENTER IRRIGATION CO	A29-02560A / 34.0	- /			
			SE	SE		BENNETT, REID E	A29-02560B / 34.0	- /			
			SE	SE		MARSH CENTER IRRIGATION CO.		29-02560 / 34.0			

ADDITIONAL POU FOUND

TOTAL ACRES	A29-04462	80.00	80.00	78.00
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POU COUNTY: BANNOCK

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
A29-04462	MARSH CREEK	BENNETT, REID E	2.000	0.025		
A29-02560A	WIREGRASS SPRINGS	MARSH CENTER IRRIGATION CO			24.00	0.11
A29-02560B	WIREGRASS SPRINGS	BENNETT, REID E			8.00	0.13

39

100

12 30

101

102

103

2

Tap 11S.

Rge 36E.

1
11 12

points of division

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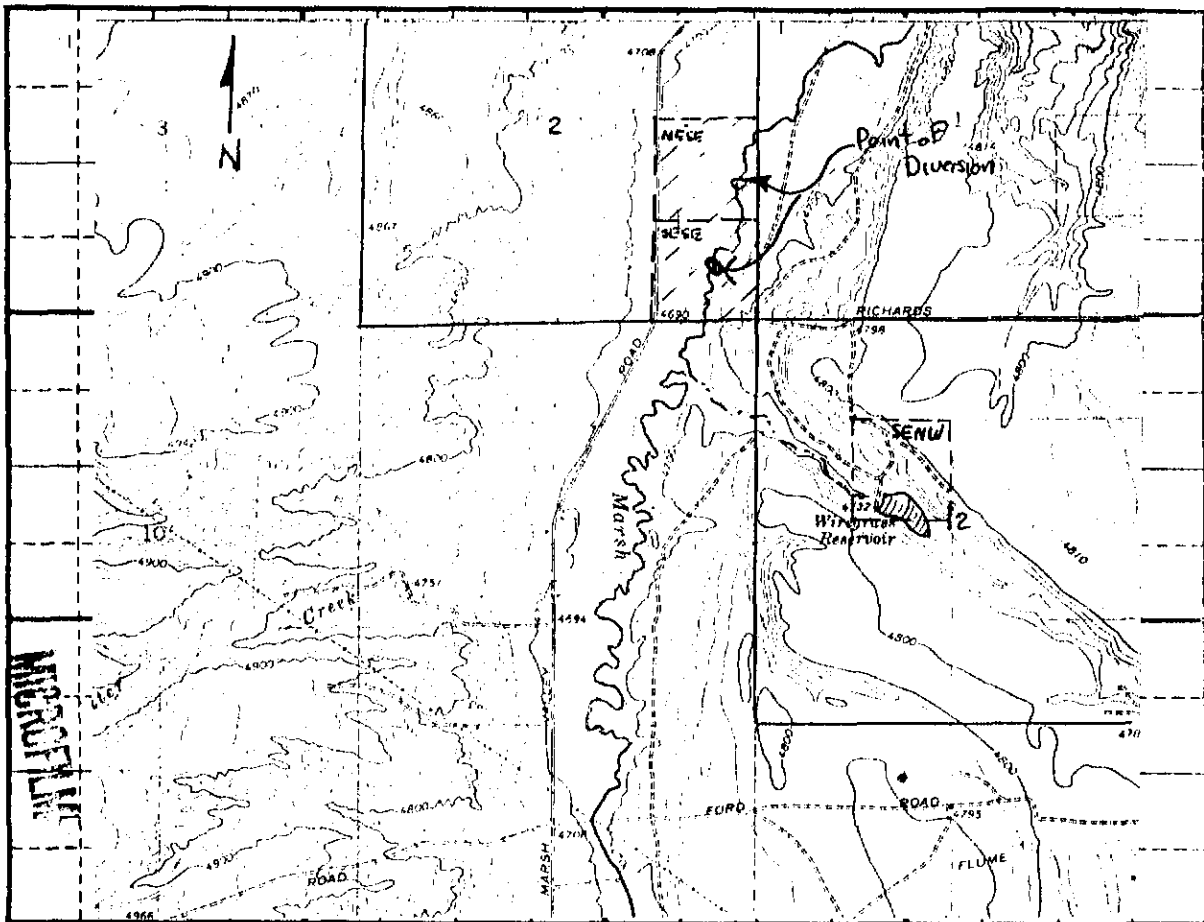
Log for claim A29-04462

Spatial Dynamics TWB

5/30/00

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
11s36e	2	NESE	40	40	
11s36e	2	SESE	40	40	
Totals:			80	80	

(B) 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 Bennett) ss.

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

8

day of

November

, 1983.

Reid E. Bennett
(Claimant)

Jessie Sorenson
Notary Public
Residing at Louise, Idaho

My commission expires 11-17-85

Received by CW Date 11-09-83 FOR DEPARTMENT USE ONLY
Prelim. check by HWJ Date 11-10-83 Exception filed by: Forwarded to
\$30.00 fee received by CW Date 6-29-83 claimant by: Date
Published in Idaho State Journal # 25711
Dates 11/24 & 12/1/83

AJ5809NP
No. A29-04462

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 04/24/00
PAGE: 127

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	REID E BENNETT 18566 S MARSH VALLEY RD DOWNEY ID 83234 (208) 897-5711	04/01/1955	IRRIGATION	03-01 11-20	2.000 CFS	
					TOTAL DIVERSION: CONSUMPTIVE USE:	2.000 CFS 200.00 AFA

Water Source: MARSH CREEK

Tributary to: PORTNEUF RIVER

Stage: STATUTORY CLAIM

Point(s) of Diversion: T11S R36E S02 NESE SESE BANNOCK County

Place of use Legal Description for: IRRIGATION

				NE				NW				SW				SE								
T	R	S		NENE	NWNE	SWNE	SENE	:	NENW	NWNW	SWNW	SENW	:	NESW	NWSW	SWSW	SESW	:	NESE	NWSE	SWSE	SESE	:	SUM
				Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac		
11S	36E	2	:					:					:					:	40				:	80.0
																						TOTAL ACRES	80.0	

POU County: BANNOCK

Non-Irrigation Uses: INCIDENTAL STOCKWATER FOR 600 SHEEP.

Other Rights: A29-02560B.

Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):
29-12056 A29-12056

Other Water Rights Listing Overlapping Place(s) of Use:
A29-02560 A29-02560A A29-02560B

Dates:	Exam Made Date:	Verified Date:	Objection Filed Date:
Misc:	Water District Number:	Field Inspection Flag:	
		Presumption Flag:	
Audit:	06/13/90 CARLSEN	07/25/94 THOMPSON	03/29/95 POST-STD

RECEIVED

APR 03 1995

Department of Water Resources
Eastern District Office

3-31-95

TO WHOM THIS MAY CONCERN
AS A FORMER OWNER OF A 80 ACRE
RANCH location due west of
Virginia Id. legal Description
EAST half of the Southeast quarter of
Section 2 Township 11 South Range
36 E, Boise Meridian in Bonanza CO ID
IN REGARDS, TO Pumping water out
OF Marsh Creek.

I, personally knew the previous
owner AS I witnessed the fact
he had pumped water in the year
1959. I purchased the Ranch in
1962 AN from that time on EVERY
YEAR AFTER, I pumped water
from marsh creek to irrigate this
Ranch

Signed *Paul Johnson*

WITNESS

WITNESS

Nutony Rosy & Pearl
3-31-95

copies 1-1-99 -

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NOV 13 1990



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Idaho Falls, Idaho 83402-1718 - (208) 525-7161 - FAX: (208) 525-7177

EASTERN REGION

CECIL D. ANDRUS
GOVERNOR
R. KEITH HIGGINSON
DIRECTOR

DATE: JAN. 3, 1995

A29-04462
REID E BENNETT
18566 S MARSH VALLEY RD

DOWNEY ID 83234

EVIDENCE OF PRIORITY

Dear Claimant:

The Notice of Claim identified above and or below has been filed in the Snake River Basin Adjudication(SRBA). The notice indicates a water usage of irrigation, or other commercial application that is based on **BENEFICIAL USE**. Water rights of this type are established by the historical use of water, dating back to when the water was first used for the purpose claimed. This date is know as the **PRIORITY DATE**, has not been confimed by a license, Decree, or Permit. For this reason, proof must be provided supporting the priority date. As the claimant, you are responsible for submitting the necessary proof to support the **PRIORITY DATE**.

For your reference, I have provided a printout of your Notice of claim and the pamphlet **EVIDENCE OF PRIORITY**. The pamphlet suggests which documents will fulfill this requirement.

The IDWR can not recommend the notice be decreed by the court if no evidence of a priority date is submitted.

Please submit the documentation supporting the priority date by March 31, 1995, referencing the information with the corresponding Water right number. If you have any questions, please contact this office.

Dave Carlson
Water Right Agent, Adjudications

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NOV 13 1996

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 Reid Bennett

(Name of Claimant)

Downey, Idaho

83234

Telephone No. 897-5711

(Mailing Address)

(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 1955

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)

Marsh Creek

tributary to Portneuf River

- (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 2.00	Use Irrigation	Period of Use From 3-1	To 11-20
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) 2.00cfs TOTAL QUANTITY USED.

(cfs, af)

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

NE 1/4 SE 1/4, Sec. 2 Twp. 11S Rge. 36E B.M. County of Bannock

Additional points of diversion: SESE Sect. 2 T11S R36E

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. Pump and pipeline

- (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.	NE1/4				NW1/4				SW1/4				SE1/4				TOTAL
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
11S	36E	2													40			40	80

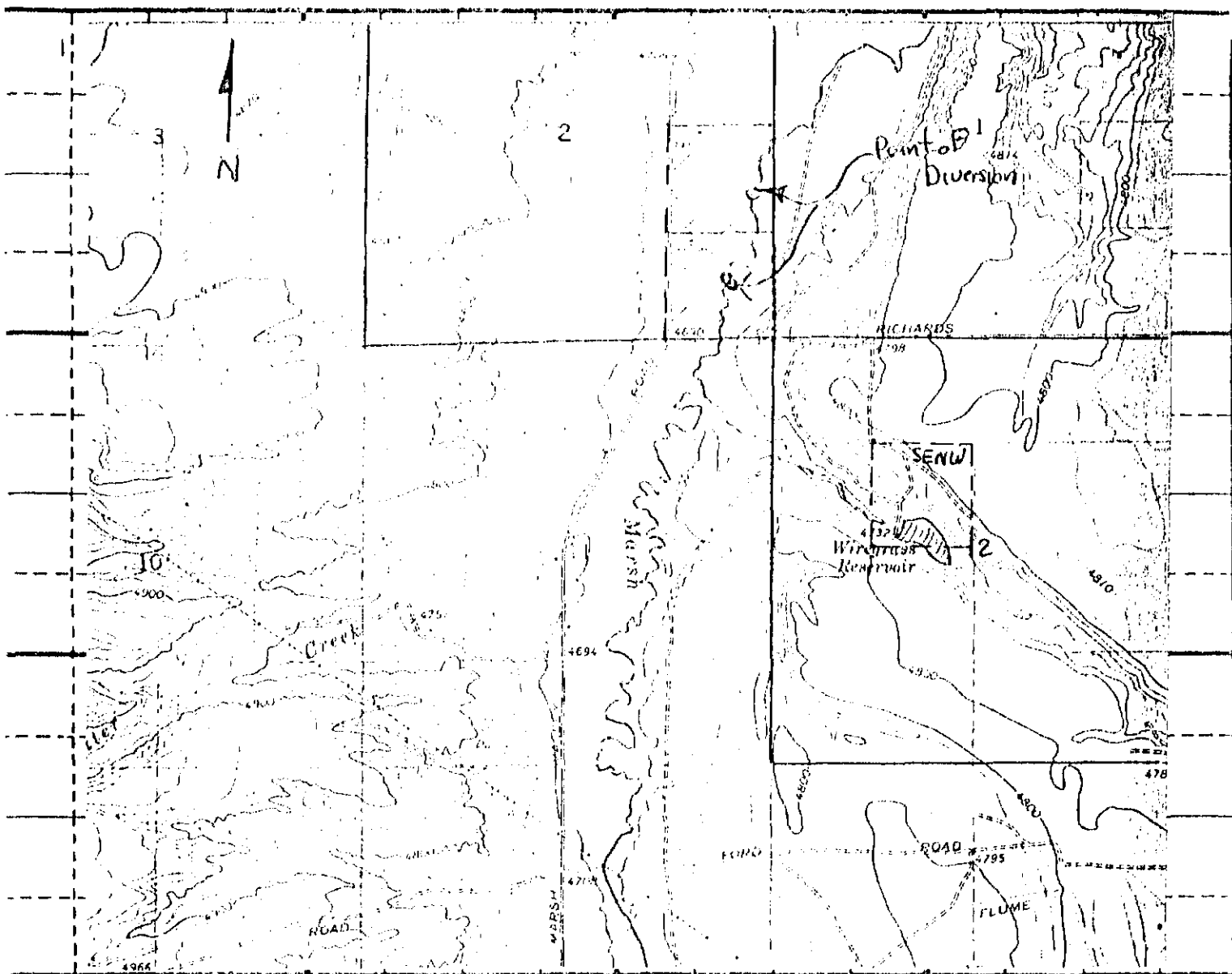
No. of acres 80

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 Bannock

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

8

day of

November

1983

(Claimant)

Notary Public

Residing at

Donnell
James J. Jensen
Boonville, Idaho

My commission expires

11-17-85

FOR DEPARTMENT USE ONLY

Received by CW

Date 6-28-83

Exception filed by:

Forwarded to

Date

Prelim. check by HWS

Date 11-10-83

claimant by:

\$30.00 fee received by CW

Date 6-29-83

Published in Idaho State Journal #25711

Dates 11/24 & 12/1/83