

IDAHO DEPARTMENT OF WATER RESOURCES 11/28/2001
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

NAME AND ADDRESS: BENNETT FARMS
3590 E RICHARDS RD
DOWNEY ID 83234

SOURCE: PECK CREEK TRIBUTARY: MARSH CREEK

QUANTITY: 0.48 CFS

PRIORITY DATE: 08/25/1952

POINT OF DIVERSION:

T11S R37E S5 SWSW Within BANNOCK County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 11/01	0.480 CFS

PLACE OF USE: IRRIGATION Within BANNOCK County

T11S R37E S05 SWSW 28.0

28 ACRES TOTAL

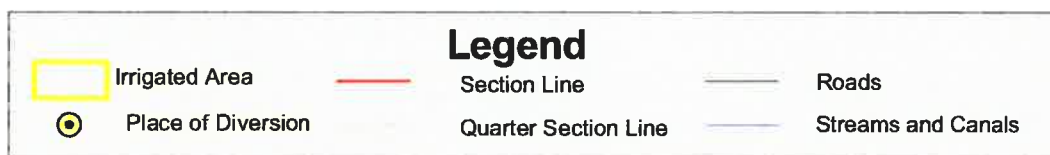
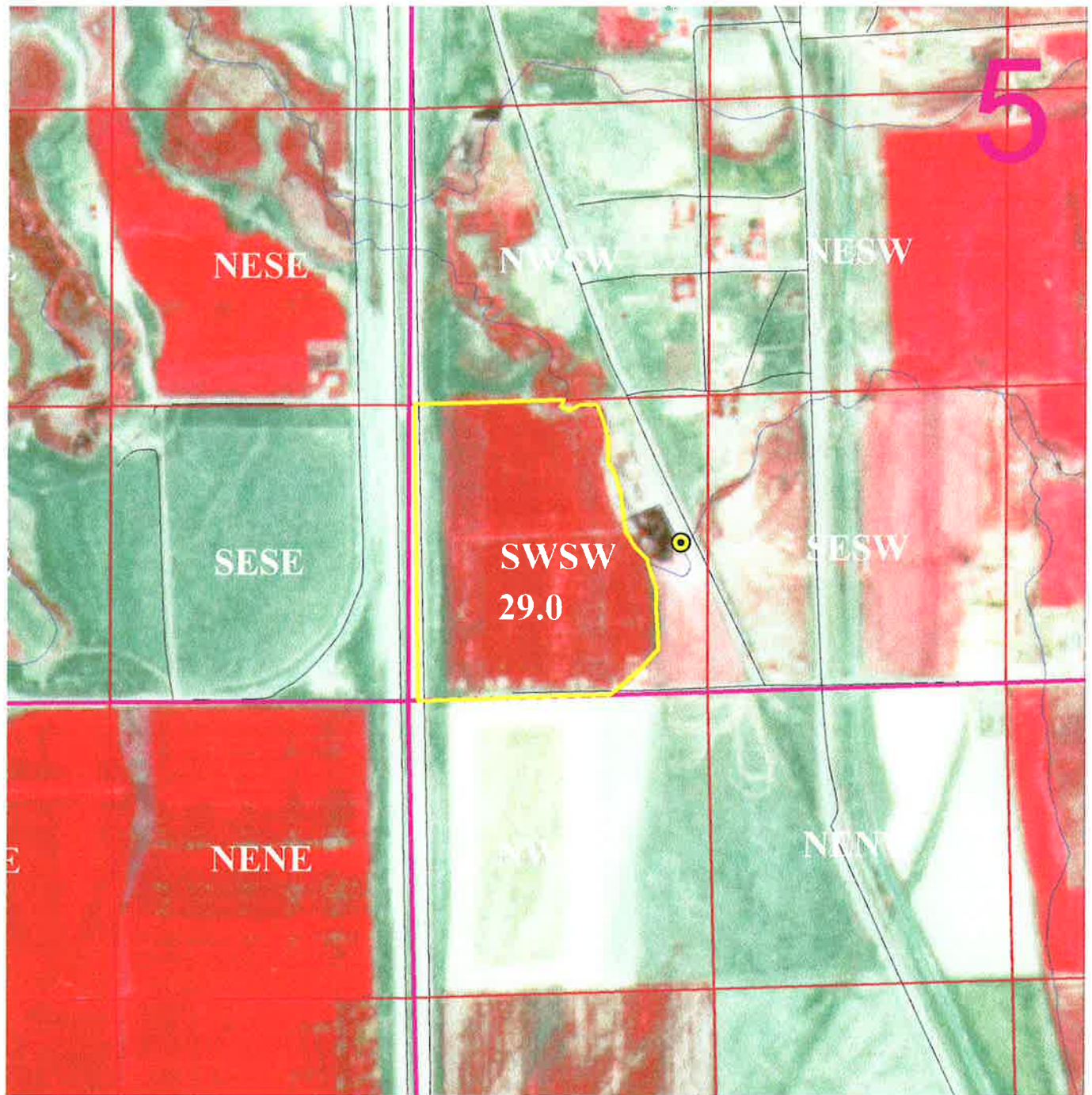
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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.

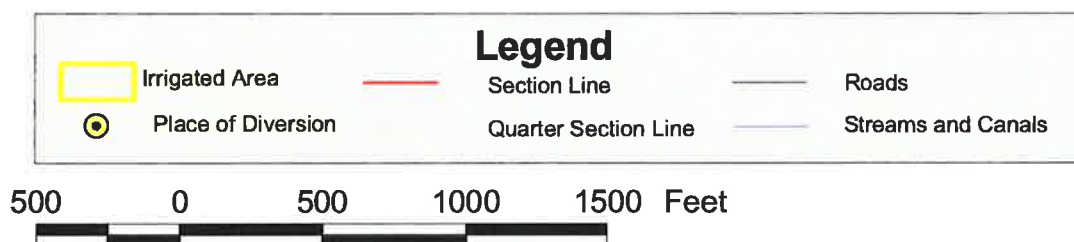
EXPLANATORY MATERIAL: License

RIGHT INCLUDES ACCOMPLISHED CHANGE IN SOURCE PURSUANT TO
SECTION 42-1425, IDAHO CODE.
USE OF WATER UNDER THIS RIGHT IS COMBINED WITH WATER FROM
PORTNEUF MARSH VALLEY CANAL.

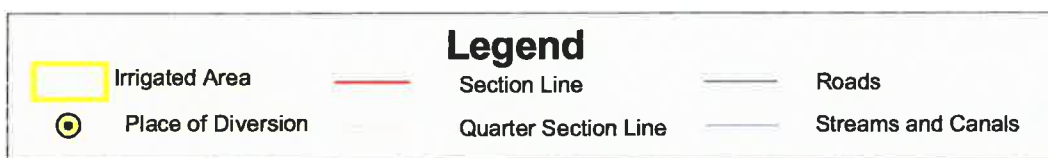
Township , 11S37E



Township , 11S37E



Township , 11S37E



02/18/2003

Gold Dave

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: 29-2319A

BENNETT FARMS

3670 E RICHARDS RD

DOWNEY ID 83234

Telephone Number: (208) 897-~~2591~~

5598

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:

April 2/03

SIGNATURE:

Mark Bennett

Please print your name:

Mark Bennett

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

RECEIVED
MAY 05 2003
Department of Water Resources
Eastern Region

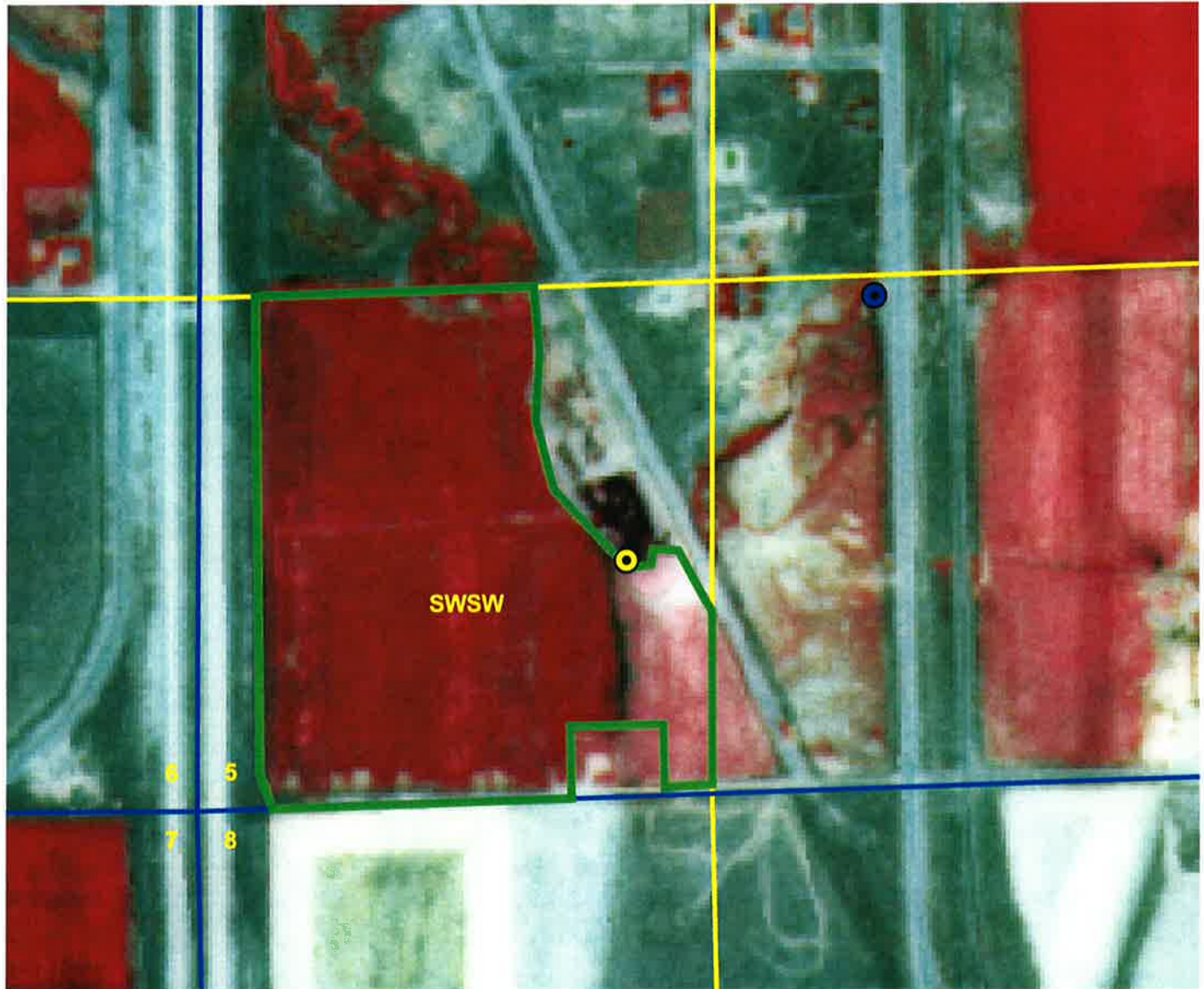
SCANNED

JAN 24 2006

IDAHO DEPARTMENT OF WATER RESOURCES

29-02319A

T11S, R37E SEC. 5



PROTECTED

ACRES IRRIGATED- 28



POINT OF DIVERSION



PLACE OF USE

SCANNED

JAN 24 2008

**GIS: PLACE OF USE
POINT OF DIVERSION
1987/1988 NAPP PHOTOS
DAVE CARLSON**

PROTECTED

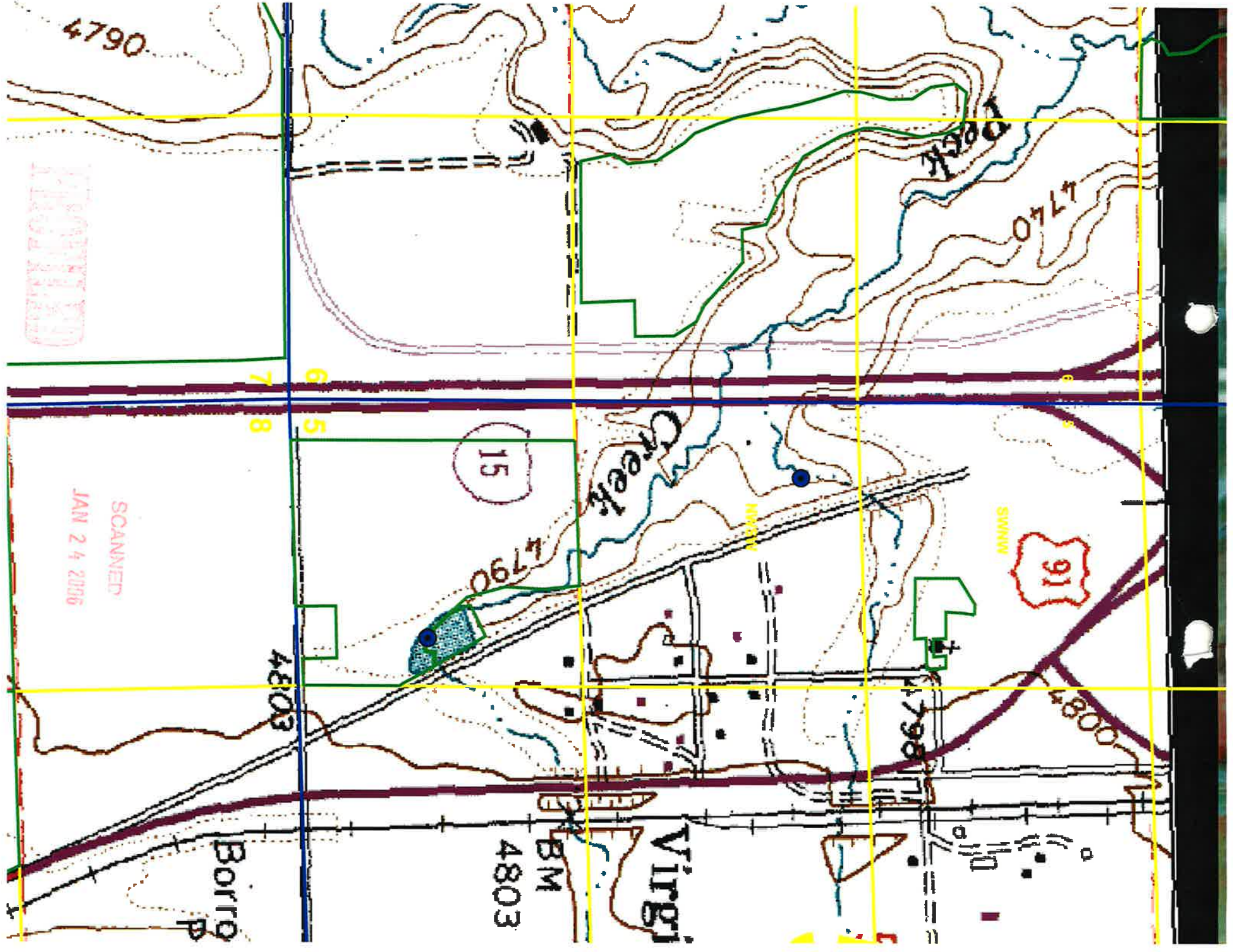
JAN 24 2006

SCANNED



29-2319 POND (irrigation storage)

DAVE CARLSON 7/2001



RECEIVED
JAN 24 2006

SCANNED
JAN 24 2006

91

15

Creek

Virgi

Borro

BM

SWNW

SWNW

6
7
8

91

4790

4803

4790

4800

4803

4790

4740

SCANNED
MAY 31 2001

Log for claim A29-02319

Spatial Dynamics TWB

5/16/00

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
11s37e	5	SWSW	28	29	
Totals:			28	29	

1 acre pond - 3' DP

AF/STORAGE

28 Acres $0.02 = .56$

IRR AF/A
stor

Identification No. 29 2319Transfer No. 1787STATE OF IDAHO
DEPARTMENT OF RECLAMATION**APPROVED****APPLICATION FOR TRANSFER OF WATER RIGHT**
To Change the Point of Diversion and/or the Place of Use

1. Name of Right Holder Keith W. Bennett
Post office address Downey, Idaho
2. Right obtained by:
a. Decree to _____ in Case of _____
(Name)
vs. _____, Dated _____ in _____
(Name of Court)
Court. County of _____.
- b. License No. 29-2319 issued by the State of Idaho, Department of Reclamation.
3. Source of water Unnamed stream tributary to Peck Creek
(Name of stream or source)
4. Date of Priority August 25, 1952
5. Amount of water a. 1.0 c.f.s. and/or
b. _____ acre feet/annum
6. Water is used for Irrigation from Apr. 1 to Nov. 1
(Month, Day) (Month, Day)
7. Original location of point of diversion is SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 5,
Township 11S, Range 37E, B.M., in Bannock County;
Additional points of diversion, if any SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 5, T. 11S, R. 37E, B.M.

8. Lands presently irrigated or place of use:

TWP.	RANGE	SEC.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTALS
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
11S	37E	5											33	10			15		58

Total number of acres presently irrigated 58

29-2319

9. If applicant was not the original holder of this right explain how it was acquired _____
Original holder _____

10. CHANGE IN POINT OF DIVERSION

- a. Quantity to be diverted at new point: 1.0 c.f.s. and/or _____ acre feet
- b. New point of diversion: SE 1/4 NE 1/4, Section 6, Township 11S
37E, Range 37E, B.M. and SW 1/4 SE 1/4, SW 1/4 SW 1/4, Sec. 5, T. 11S, R. 37E, B.M.
- c. Description of method of diversion and conveyance from new points of diversion: _____
Sumps, pumps, mainline and sprinkler

- d. Is water to be conveyed to the lands previously irrigated? Yes Partly No _____
If not, the place of use should be changed below.
- e. Describe the reasons for applying for a change in the point of diversion:
Plan to install sprinkler system to provide a more efficient method of
application.

- f. Do you intend to make the transfer permanent? Yes
- g. Do you intend to abandon completely the old point of diversion? No, I want to have the
authority to divert this right thru an additional point, but will continue to use
the old points, too.
- h. Indicate on the above plat the new point of diversion and lands to be irrigated.

11. CHANGE IN PLACE OF USE

- a. Describe the new lands on which you wish to use your right.

TWP.	RANGE	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			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	5											24						24
"	"	6				16									18				34

Total number of acres to be irrigated 58

22-23/9

State of Idaho License and Certificate of Water Right

Water License No. 23053

Amount 1.0 c.f.s.

Water District No.

Priority August 25, 1952

THIS IS TO CERTIFY that KEITH W. BENNETT

of Virginia, Idaho, made application for a permit to appropriate the public waters of the State of Idaho, dated August 25, 1952; that Permit No. 23053 was issued under said application; that Certificate of Completion of works, with a carrying capacity of

1. second feet, was issued thereunder on October 7, 1954, showing that said works were completed on the 22nd day of September, 1954; and that on the 20th day of September, 1956, KEITH W. BENNETT

of Virginia, State of Idaho, made proof to the satisfaction of the State Reclamation Engineer of Idaho, of the right to use the waters of an un-named stream, a tributary of springs and waste water, for the purpose of Irrigation

, under Use Permit No. 23053 of the Department of Reclamation and that said right to the use of said waters has been perfected in accordance with the laws of Idaho, and is hereby confirmed by the State Reclamation Engineer of Idaho and entered of record in Volume

10 of Licenses at page 6257, on the 31st day of January, 1958;

The right hereby confirmed dates from August 25, 1952;

The Point of Diversion are located in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ and

in the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 5, Tp. 11 S., R. 37 E., B. M. County Bannock

That the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall not exceed 1.0 cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
11 S.	37 E.	5	SW $\frac{1}{4}$ SE $\frac{1}{4}$	--	15
			SE $\frac{1}{4}$ SW $\frac{1}{4}$	13	10
			SW $\frac{1}{4}$ SW $\frac{1}{4}$	35	33
Total number of acres irrigated					58

24 AC

The right to the use of the water aforesaid hereby confirmed is restricted to the lands or place of use herein described, as provided by the laws of Idaho.

WITNESS the seal and signature of the State Reclamation Engineer, affixed at Boise, Idaho, this

31st day of January, 1958.

/s/ Mark R. Kulp
State Reclamation Engineer.

(SEAL)

To Appropriate the Public Waters of the State of Idaho

APPLICATION No. 30781

PERMIT No. 23053

DISTRICT No.

1. Name of Applicant: KEITH W. BENNETT

Postoffice address: Virginia

County: Bannock

State: Idaho

I. If applicant is a corporation, give:

(a) Date and place of incorporation:

(b) Amount of capital stock:

(c) Amount paid in:

(d) Names and addresses of directors:

II. The financial resources of the applicant are:

(a) Cash on hand:

(b) Treasury stock:

(c) Bonds to be issued:

(d) Other resources:

2. Quantity of water claimed: One cubic feet per second.

waste water

3. Source of water supply: Un-named stream fed by springs and which is a tributary of

4. Location of point of diversion: feet distant from the

corner of Section , T. , R. , B.M., and is in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ and SE $\frac{1}{4}$ SW $\frac{1}{4}$

of Section 5 , T. 11 S. , R. 37 E. , B.M., County of Bannock

5. Water is to be used for Irrigation

6. If for mining, milling, power or manufacturing purposes, give:

(a) Point of use of water: feet distant from corner of Section

T. , R. , B.M., in the of Section , T. , R. , B.M.

(b) Amount of power generated: H.P., under feet head.

(c) Water is to be returned to at a point feet

distant from the corner of Section , T. , R. , B.M., in the
of Section , T. , R. , B.M.

7. Estimated cost of works: \$3,700.00

8. Kind of works: Pump and pipe

9. Height of dam feet; length of dam at top feet; length of dam at bottom

feet; material used in dam:

10. Size of headgate: Width feet; height feet.

11. Ditch: Width at bottom feet; width at water line feet; depth of water feet;

dimensions of flume:

Diameter of pipe inches; length of conduit miles.

Average grade per mile feet.

12. The time required for the completion of such work is Two (2) years.

13. The time required for the complete application of the water to the proposed use is Two (2) additional years.

14. The land to be irrigated is described in the following tabulation: See remarks.

Average grade per mile

feet.

12. The time required for the completion of such work is Two (2) years.

13. The time required for the complete application of the water to the proposed use is Two (2) additional years.

14. The land to be irrigated is described in the following tabulation: See remarks.

15. Existing water rights and/or valid permits appurtenant to the lands to be irrigated are: Approximately $2\frac{1}{2}$ acres in the $SW\frac{1}{4}SW\frac{1}{4}$ of Section 5, Twp. 11 S., Range 37 E., B.M. have been irrigated by this stream for at least 17 years, and approximately $1/2$ acre in $SE\frac{1}{4}SW\frac{1}{4}$

16. (a) Is reservoir to be used? If so, fill in (b) and (c) below:
 (b) Name of Reservoir and number of Storage Permit:
 (c) Date of filing of Application for Storage Permit and Name of Applicant:

BE IT KNOWN THAT The undersigned hereby makes application for permit to appropriate the public water of the State of Idaho as herein set forth.

KEITH W. BENNETT

Applicant.

By

Agent.

Date of first receipt at Department of Reclamation: 9:00 A. M. August 25, 1952

Returned to applicant for correction: September 5, 1952

Corrected application received: September 18, 1952

Approval of State Reclamation Engineer

The number of this permit is 23053

Recorded in Book 82 Page 23053 Approved September 23, 1952

This is to certify that I have examined the within application for a permit to appropriate the public waters of the State of Idaho, and hereby approve he same, subject to the following limitations and conditions:

Bond in the sum of \$ to be filed on or before

Work to begin on or before November 23, 1952 and to continue diligently and uninterruptedly to completion, unless temporarily interrupted by circumstances over which permit holder has no control.

One-fifth of the work above specified to be completed on or before September 23, 1953

The whole of said work to be completed on or before September 23, 1954

Beneficial use of water appropriated in accordance herewith, to be made on or before September 23, 1956

WITNESS My hand this 23rd day of September, 1952

MARK R. KULP

State Reclamation Engineer.

IN TESTIMONY WHEREOF, We, LEN JORDAN

, Governor of the State of Idaho,

and IRA H. MASTERS, Secretary of State of the State of Idaho, have caused this instrument to

be executed in the name of the State of Idaho, and caused the Great Seal of the State of Idaho to be hereunto affixed, this 23rd

day of September, 1952.

STATE OF IDAHO

Countersigned:

(SEAL)

By

LEN JORDAN

Governor.

By IRA H. MASTERS

Secretary of State.

REMARKS: The springs are located on the SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 5, Twp. 11 S., Range 37 E., B.M. This property is owned by me. majority of the waste water comes from SW $\frac{1}{4}$ SE $\frac{1}{4}$ of said Section 5, and from the East portion of the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of said Section 5, also owned by me. This water is all below the point of diversion of State License No. 9215 issued L.D.Poynter, and Permit No. 14915 in the name of Edwin F. Davis. These are the two filings which you state should be on your records in Section 5, Twp. 11 S., Range 37 E., B.M.

14.

Twp.	Range	Sec.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				Totals
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
11 S.	37 E.	5											35	13					48
Permit No. 23053 CERTIFICATE OF COMPLETION OF WORKS																			
TO ALL WHOM IT MAY CONCERN:																			
This is to certify that KEITH W. BENNETT of Downey, County of Bannock, and State of Idaho, the holder of Permit No. 30781 bearing date of priority of August 25, 1952, authorizing the diversion of one second foot of the waters of an un-named stream fed by springs County of Bannock, State of Idaho, for irrigation purposes, has fully complied with the provisions of the laws of the State of Idaho relating to the proof of completion of the works of diversion set out and described in said Permit; that said works are adequate for diverting and conveying to the place of intended use one second foot of the waters of said un-named stream; that the points of diversion of said waters are in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ and SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 5, Township 11 South, Range 37 East, B. M., and that the lands proposed to be irrigated by the use of said water are described as follows, to-wit: SW $\frac{1}{4}$ SW $\frac{1}{4}$ and SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 5, Township 11 South, Range 37 East, B. M.																			
Witness my hand this 7th day of October, A. D. 1954.																			
Proof of Completion of Works made September 22, 1954.															/s/ MARK R. KULP				
Certificate of Completion of Works issued October 7, 1954.															State Reclamation Engineer				

APPLICATION FOR AMENDMENT
TO PERMIT TO APPROPRIATE THE PUBLIC WATERS
OF THE STATE OF IDAHO, NO. 23053.

Comes now KEITH BENNETT and represents to the State Reclamation Engineer of the State of Idaho: That he is the owner and holder of Permit to appropriate the Public Waters of the State of Idaho, No. 23053. That the point of diversion is described in said permit as being located SW $\frac{1}{4}$ SW $\frac{1}{4}$ and SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 5, Township 11 South, Range 37 East, B.M. That he now requests that the point of diversion be changed to a point located SW $\frac{1}{4}$ SW $\frac{1}{4}$ and SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 5, Township 11 South, Range 37 East, B.M. That his reasons for desiring to make such change are as follows: error made in giving points of diversion. That no one will be injured by such change, and that such change will be made at Permit Holder's own risk.

Signed at Virginia, this 14 day of November 1957

/s/ Keith Bennett

Date of receipt at Department of Reclamation
December 18, 1957

APPROVAL OF STATE RECLAMATION ENGINEER

I, Mark R. Kulp, State Reclamation Engineer of the State of Idaho, hereby approve the above and foregoing application for amendment to Permit to appropriate the Public Waters of the State of Idaho, No. 23053. This approval constitutes a new permit and is issued as an amendment to the original permit, to which it refers and of which it becomes a part, and said application is approved only insofar as the rights of others will not be adversely affected thereby.

/s/ Mark R. Kulp
State Reclamation Engineer

Recorded: December 18, 1957

Application for Amendment
To Permit to appropriate the Public Waters
of the State of Idaho, No. 23053.

Comes now KEITH W. BENNETT, and represents to the State Reclamation Engineer of the State of Idaho. That he is the owner and holder of Permit to appropriate the Public Waters of the State of Idaho, No. 23053, and requests that the list of lands to be irrigated, as described in said permit, be changed to read as follows: SW $\frac{1}{4}$ SE $\frac{1}{4}$ and S $\frac{1}{2}$ SW $\frac{1}{4}$ of Section 5, Township 11 South, Range 37 East, B.M., making a total of 58 acres. That an additional amount of water is not asked for, and that the rights of others will not be adversely affected by such change.

Signed at Virginia, this 14 day of November, 1957

/s/ Keith Bennett

Date of receipt at office of Department of Reclamation
December 18, 1957.

APPROVAL OF STATE RECLAMATION ENGINEER

I, MARK R. KULP, State Reclamation Engineer of the State of Idaho, hereby approve the above and foregoing application for amendment to Permit to appropriate the Public Waters of the State of Idaho, No. 23053. This approval constitutes a new permit and is issued as an amendment to the original permit, to which it refers and of which it becomes a part, and said application is approved only insofar as the rights of others will not be adversely affected thereby.

/s/ Mark R. Kulp
State Reclamation Engineer

Recorded: December 18, 1957.

LICENSE ISSUED FOR 1.0 SEC. FT.

Page 6257

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

REPORT OF ENGINEER

Permit No. 23053

This proof is for Beneficial Use In Water District No. _____

1. Name of applicant Keith W. Bennett

2. Source of water supply: Unnamed stream fed by springs and waste water

3. Location of point of diversion: Is in the SW $\frac{1}{4}$ and SE $\frac{1}{4}$ of Section 5

T. 11 S. R. 37 E. County of Bannock

4. Describe works as they exist, giving dimensions and capacities of same: Two small

ponds capture drain water and some spring water.
Water is pumped from West pond with a 15 hp motor and
centrifugal pump. From East one by cent pump & tractor.
J.3. Rainbird 40 sprinklers $\frac{3}{4}$ " x $\frac{1}{2}$ " for W. pump.
East pumps water thru 4" port. Al. line to high point of field
by gravity.

5. Water is used for: Irrigation

6. State whether or not water has been turned into works of diversion: yes

7. List legal subdivisions of lands to be irrigated. If proof is for beneficial use, give exact number of acres under cultivation in each forty-acre tract. (Describe manner and place of use if other than irrigation):

SW $\frac{1}{4}$; SE $\frac{1}{4}$ Section 5, Twp. 11 S., Rge. 37 E., B.M. 56 acres.

See map.

(Submit map on attached plat, showing location and details of above description.)

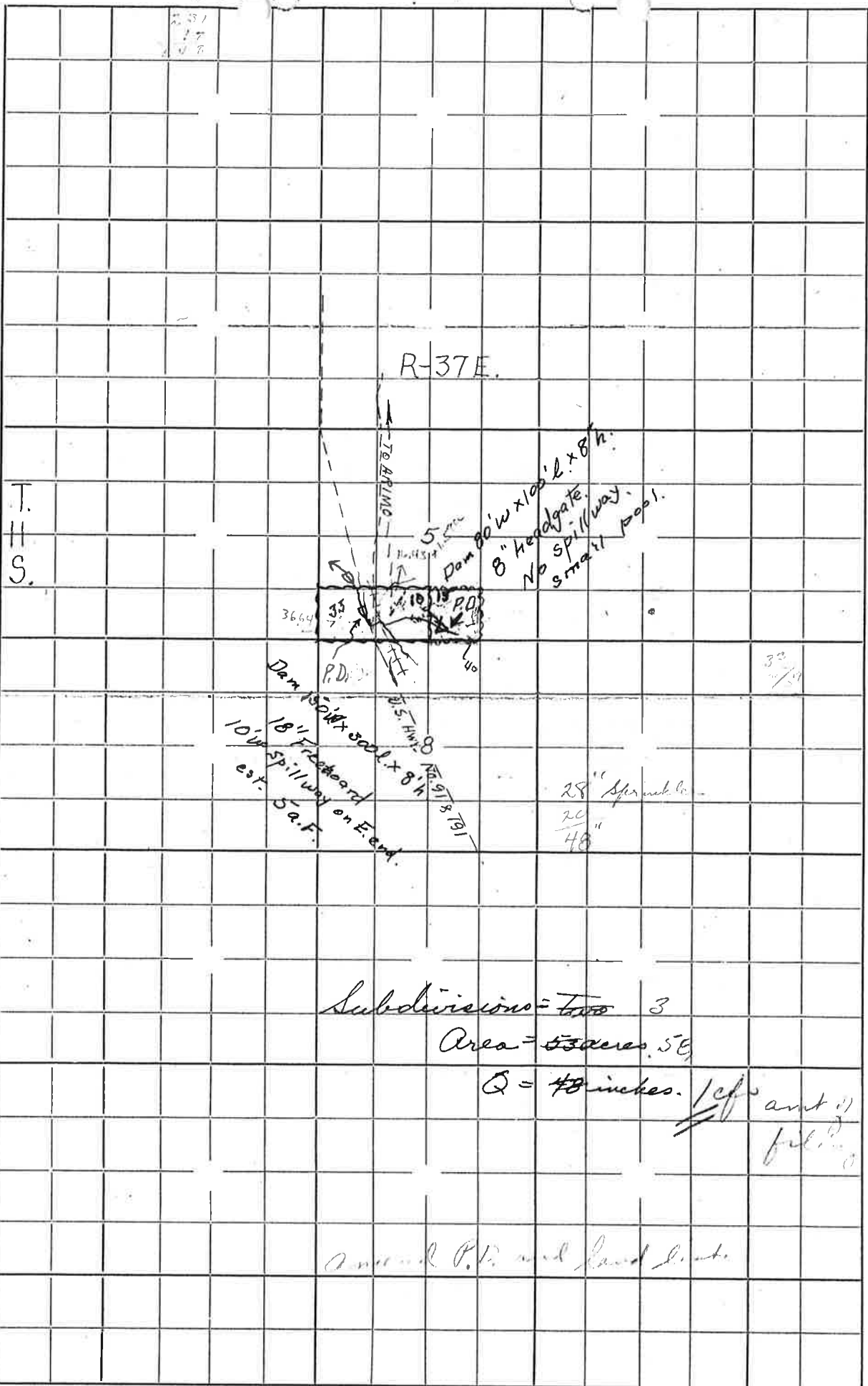
8. What large stream would the water here appropriated finally reach? Portneuf

Remarks: _____

Crops are hay, grain, row crops.

This examination was made on the 9 day of April, 19 57

(Signed) E. M. Humphrey Examiner.



Scale: 2 Inches Equals 1 Mile. Draw Map in Ink.

23053

DATE: 04/24/00
PAGE: 57

Audit: 04/11/90 JONES 06/16/94 COX 03/29/95 POST-STD

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 29-2319A
Date Received: 11/27/2001
Receipt No:
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

BENNETT FARMS Phone: (208)897-5791

3590 E RICHARDS RD
DOWNEY ID 83234

2. Date of Priority: 08/25/1952

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	Type
11S	37E	5	SW SW	BANNOCK	

5. Description of diverting works:

holding sump pond to pump 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	1	

7. Total Quantity Appropriated is:

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
11S	37E	5	SW SW	IRRIGATION	28
Section Acres					28

A2902319A



Total Acres 28

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:

15. Basis of Claim: License

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 Organizations:

I do solemnly swear or affirm that I am _____ of
Title

_____, that I have signed the foregoing

Organization
document in the space below as _____ of

Title
_____ and that the statements contained in the
Organization
foregoing document are true and correct. _____

Signature of Authorized Agent

Title and Organization

Date

State of Idaho)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this

of _____ 20__

Notary Public

Residing at _____

My commission Expires _____

SCANNED

MAY 31 2001

X

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: A29-02319
Date Received: 4/09/1990
Receipt No: 13012950
Received By: HWS

NOTICE OF CLAIM TO A WATER RIGHT 897-5598
ACQUIRED UNDER STATE LAW

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

2. Date of Priority: AUG 25, 1952

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	5	SW	SW			BANNOCK

5. Description of diverting works:
HOLDING SUMP POND TO PUMP 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	1.000		

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

8. Total consumptive use is 70.0 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
11S	37E	5	SW	SW		IRR	28.0
Section Acres							28.0

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10. Place of Use: Continued

Total Acres 28.0

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:
 PORTNEUF-MARSH VALLEY CANAL

14. Remarks:
 TRANS. 1787.

15. Basis of Claim: LICENSE
 Water Right Number: 23053

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 X 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 Keith Bennett 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

Betty J. Thompson
Notary Public

Seal

Residing at BETTY J. THOMPSON, NOTARY PUBLIC
RESIDING AT IDAHO FALLS, ID
My Commission Expires MY COMMISSION EXPIRES: 6-30-94

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
A29-02319	11S 37E	5		SW	SW			BANNOCK		
OTHER AJ CLAIMS WITH SAME AJ POD			WR RECORDS IN SAME 40 ACRE TRACT							
A PREFIX			R PREFIX							
A29-11172			29-11172			NONE				

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
29-02319	11S 37E	6		SE	NE			BANNOCK		
29-02319	11S 37E	5		SW	SE			BANNOCK		
29-02319	11S 37E	5		SW	SW			BANNOCK		
OTHER WR RECORDS WITH SAME WR POD			AJ CLAIMS IN SAME 40 ACRE TRACT							
			A PREFIX			R PREFIX				
29-02160			A29-04323			29-11172				
29-04323			A29-11172			29-11173				
			A29-11173			29-12217				
			A29-12217							

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 "C" 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 "C" 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()

I. HOW WAS THE POD 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: _____

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

TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	POD FLAG	COUNTY	DIVERSION NAME	DIVERSION NBR
11S	37E	5		SW	SW			BANNOCK		
_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____

SOURCE: UNNAMED STREAM

TRIB: PECK CREEK

REVIEWED BY: _____ DATE: _____

=====

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

A. ROOT WATER RIGHT NUMBERS: A29-02319

B. POU LISTING

TWP	RNG	SEC	1/4	1/4	LOT	NAME	AJ #/ACRES	WR #/ACRES	LANDSAT DATA	FIELD EXAM.	RECOMM. ACRES
11S	37E	5	SW	SW		BENNETT FARMS	A29-02319	/ 28.0	29-02319	/ 24.0	32.0
			SW	SW		PORTNEUF MARSH VALLEY CANAL	COA29-00589	/ 27.0	-	/	
			SW	SW		BENNETT, CHAUNCEY	A29-11172	/	-	/	
			SW	SW		PORTNEUF MARSH VALLEY CANAL	COA29-00052	/ 27.0	-	/	
			SW	SW		PORTNEUF MARSH VALLEY CANAL	COA29-00053	/ 27.0	-	/	
			SW	SW		PORTNEUF MARSH VALLEY CANAL	COA29-04060	/ 27.0	29-04060	/	
			SW	SW		BENNETT, CHAUNCEY	29-11172	/	-	/	

ADDITIONAL POU FOUND

TOTAL ACRES	A29-02319	28.00	24.00	32.00
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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
A29-02319	UNNAMED STREAM	BENNETT FARMS	1.000	0.035		
A29-00052	PORTNEUF RIVER	PORTNEUF MARSH VALLEY CANAL CO	176.850	0.034		
A29-00053	TOPONCE CREEK	PORTNEUF MARSH VALLEY CANAL CO	164.430	0.032		
A29-00589	PORTNEUF RIVER	PORTNEUF MARSH VALLEY CANAL CO			16410.00	3.23
A29-04060	TOPONCE CREEK					
	PORTNEUF RIVER	PORTNEUF MARSH VALLEY CANAL CO			21834.00	4.30

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A 29-02319

PD

RSTE

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