

IDAHO DEPARTMENT OF WATER RESOURCES 11/30/2001
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

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

SOURCE: UNNAMED STREAM TRIBUTARY: PECK CREEK
RIGHT INCLUDES ACCOMPLISHED CHANGE IN SOURCE PURSUANT TO SECTION
42-1425, IDAHO CODE.

QUANTITY: 0.52 CFS

PRIORITY DATE: 08/25/1952

POINT OF DIVERSION:

T11S R37E S6 SWNE 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	0.520 CFS

PLACE OF USE: IRRIGATION Within BANNOCK County

T11S R37E S06	SWNE	19.0	T11S R37E S06	SENE	1.0
T11S R37E S06	NESE	17.0	T11S R37E S06	NWSE	1.0

38 ACRES TOTAL

USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 38 ACRES IN A SINGLE IRRIGATION
SEASON. COMBINED RIGHT NOS.: 29-02319B, 29-04039

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 30 ACRES WITHIN THE PLACE OF USE
DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

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.

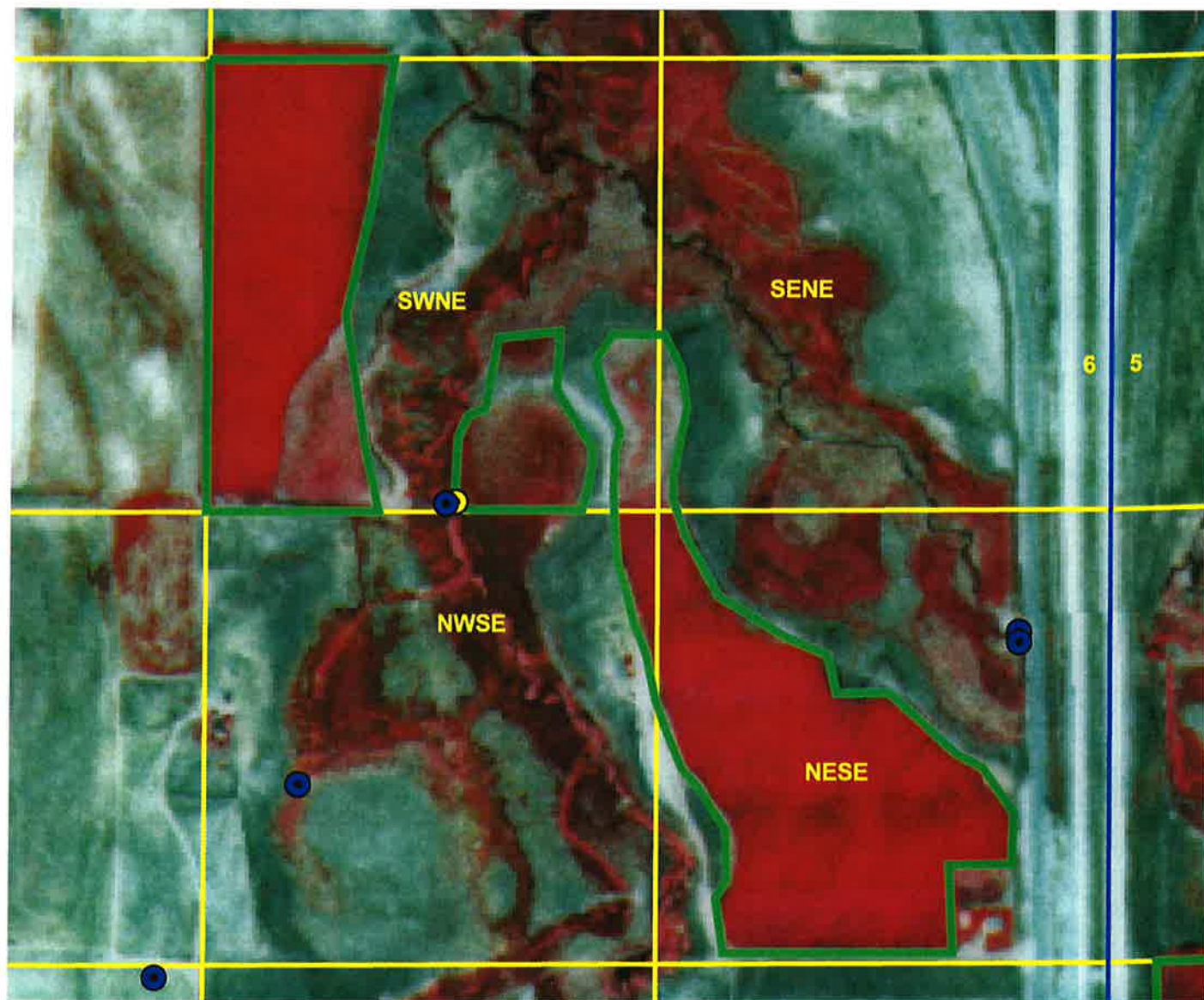
EXPLANATORY MATERIAL: License

RIGHT INCLUDES ACCOMPLISHED CHANGE IN 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.

IDAHO DEPARTMENT OF WATER RESOURCES

29-02319B, 29-04039

T11S, R37E SEC. 5



ACRES IRRIGATED- 38



POINT OF DIVERSION



PLACE OF USE

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

02/18/2003

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: 29-2319B

BENNETT FARMS
3670 E RICHARDS RD
DOWNEY ID 83234

Telephone Number: (208) 897-~~5792~~ 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 21/03 SIGNATURE: Mark Bennett
Please print your name: Mark Bennett

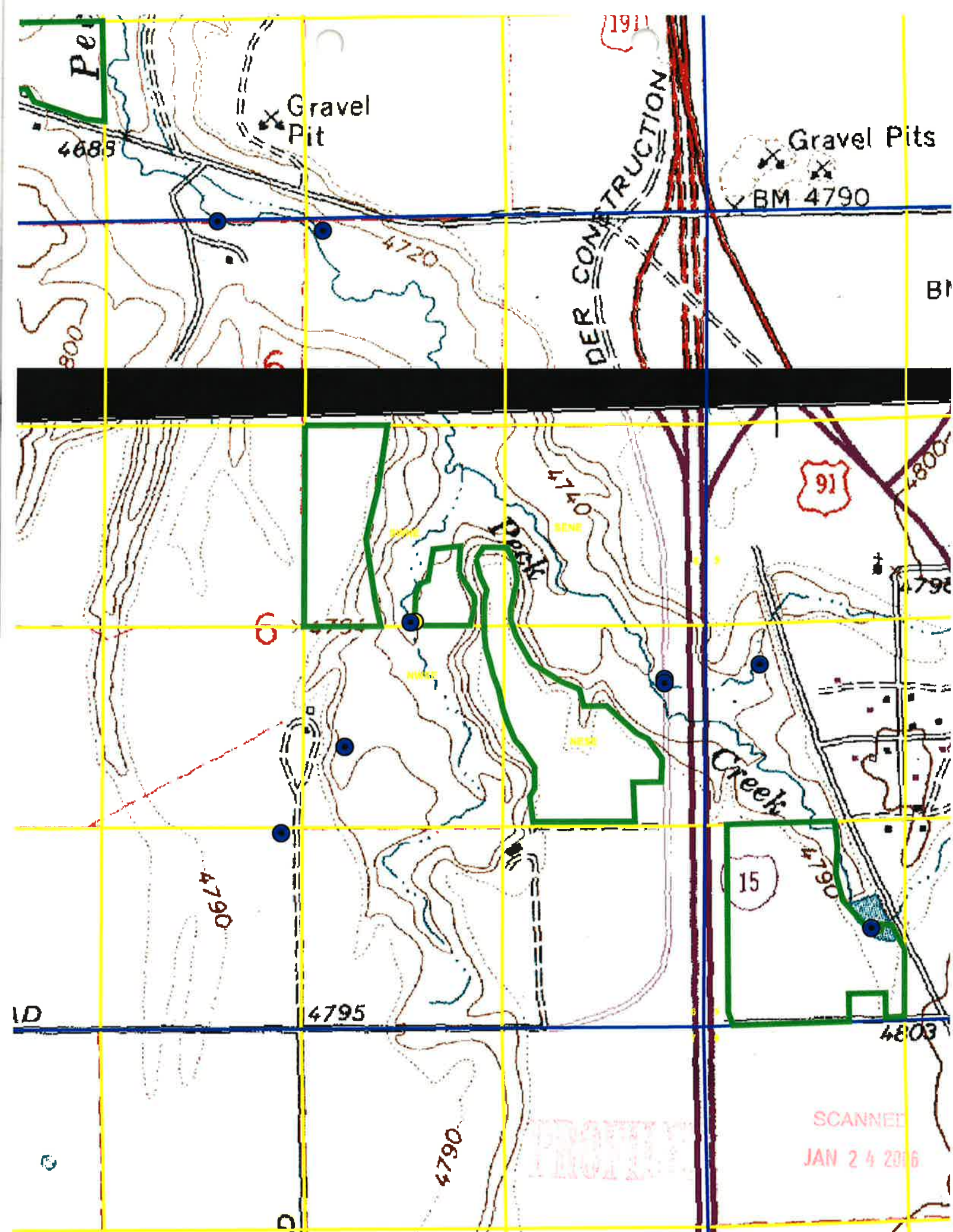
IDWR Regional Office, 900 N Skyline Dr Ste A, Idaho Falls, ID 83402, 2085257161

2003

SCANNED

JAN 24 2006

RECEIVED
MAY 05 2003
Department of Water Resources
Eastern Region



APPROVED

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)

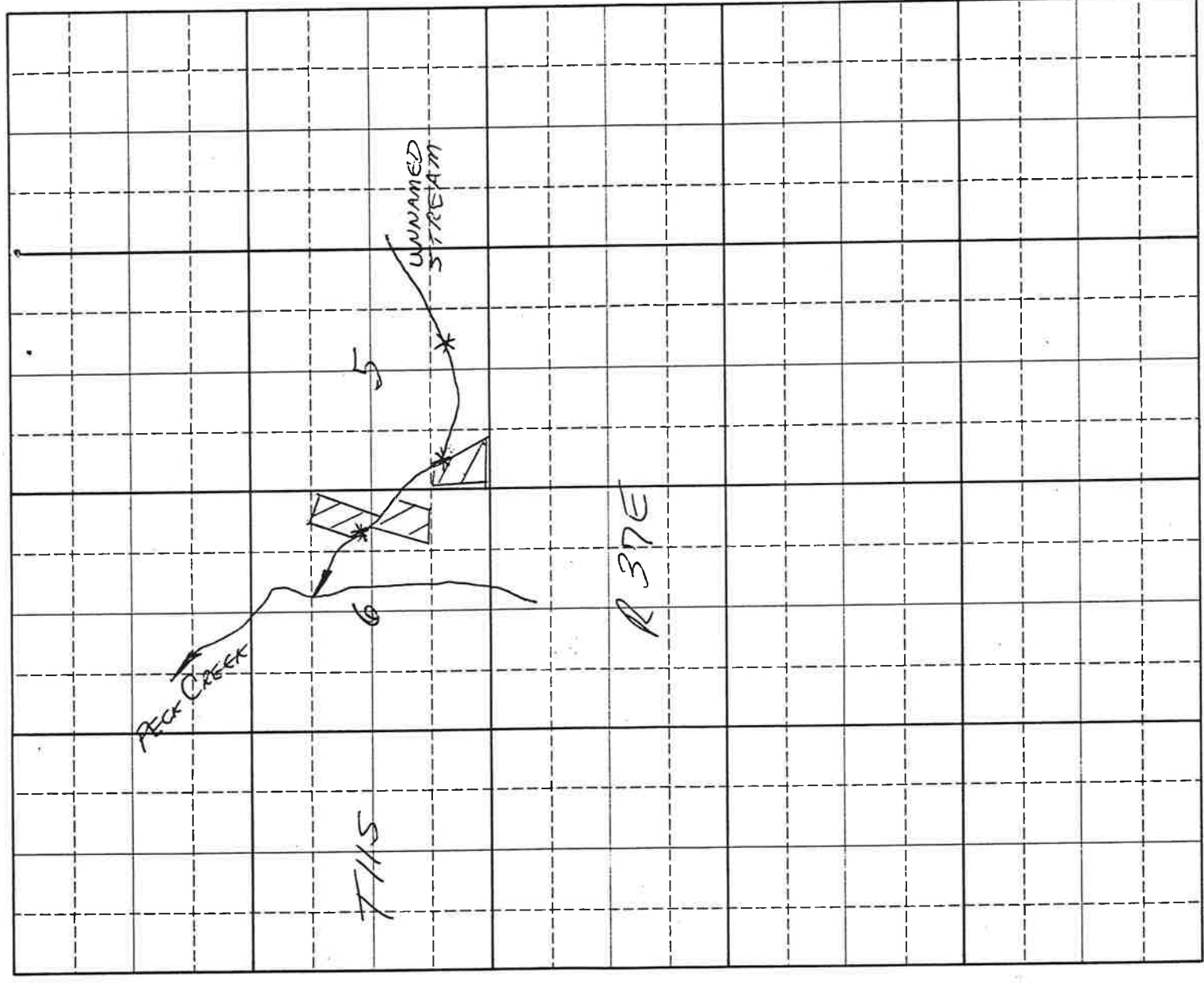
7. Original location of point of diversion is SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 5,
Township 11S, Range 37E, B.M., in Bannock County;

Additional points of diversion, if any SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 5, T. 11S, R. 37E, B.M.

[illegible]

20-255

24-2017



SCALE: 2 Inches Equal 1 Mile. Draw Plan in Ink.

9. If applicant was not 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
 , 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

20-23/9

- 27-257
- b. Do you intend to make the transfer permanent? Yes
- c. Are you completely abandoning the lands previously irrigated by this right? If not, explain your plans:
No, will continue to irrigate part of the land as indicated, but 28 acres will
be deleted as far as irrigation under this right is concerned.
- d. Describe any other water rights that you claim for the new ground upon which you wish to transfer this right: Use rights from the same source. Claims will be filed.
- e. Indicate on the above plat the new land to be irrigated and the point of diversion.

I hereby assert that no one will be injured by such transfer and that the change will be made at my own risk. The information contained in this application is true to the best of my knowledge.

Keith H. Bennett
(signature of applicant)

Subscribed and sworn to before me this 11 day of July, 1974

Norman E. Goering
(notary public)

My commission expires 6/10/75

**ACTION OF STATE RECLAMATION ENGINEER
AND CERTIFICATE OF TRANSFER**

This is to certify that I have examined Application for Transfer of Water Rights No. 29-2319,
and said application is hereby APPROVED

1. Approval of said application is subject to the following limitations and conditions:

Measuring devices of a type approved by this Department shall be permanently
installed and maintained as part of the diverting works.

2. Denial of said application is for the following reasons:

Witness my hand this 19 day of August, 1974

R. Keith Higginson
R. KEITH HIGGINSON, Director
Idaho Department of Water Resources

FOR DEPARTMENT USE ONLY

Received by <u>MB</u>	Date <u>7-11-74</u>	Protest filed by:	Date
Prelim. check by <u>NCY</u>	Date <u>7/11/74</u>		
Fee received by <u>MB</u>	Date <u>7-11-74</u> Fee \$ <u>30.00</u>		
	<u>#12938</u>		
Approved for publication by <u>CB</u>	Date <u>7/30/74</u>		
Published in <u>Idaho State Journal</u>	Date <u>July 18-25, 1974</u>		
Hearing held			
Watermaster Recommendation sent <u>WD #2319 (inactive)</u>			

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 $\frac{1}{4}$	13	15
			SE $\frac{1}{4}$ SW $\frac{1}{4}$	35	10
			SW $\frac{1}{4}$ SW $\frac{1}{4}$		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)

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 29-2319B
Date Received: 11/29/2001
Receipt No:
Received By: *DC*

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

A2902319B



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: PECK CREEK Trib. to: MARSH CREEK

4. Point of Diversion:

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

5. Description of diverting works:

pump in creek to sprinkler

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/01	11/01	0.52	

7. Total Quantity Appropriated is:
0.52 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	6	SW NE	IRRIGATION	21
			NE SE	IRRIGATION	16
			NW SE	IRRIGATION	2

SCANNED
JAN 24 2006

Section Acres 39
Total Acres 39

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:

split of license 29-02319 needed to make a recommendation
for 29-04049

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

SCANNED
JAN 24 2006