

02/18/2003

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.

Done

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: April 21, 2003

Water right number: 29-2560A

MARSH CENTER IRRIGATION CO

~~C/O RICHARD BURMESTER~~

~~765 W HAWKINS RD~~

ARIMO ID 83214

Telephone Number: (208)897-5757

*c/o William A. Egan
1451 W. Hawkins Rd
Arimo, Idaho 83214*

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: 2-25-03

SIGNATURE: William A. Egan

Please print your name: William A. Egan

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

RECEIVED

FEB 28 2003

Department of Water Resources
Eastern Region

PROFILED

SCANNED

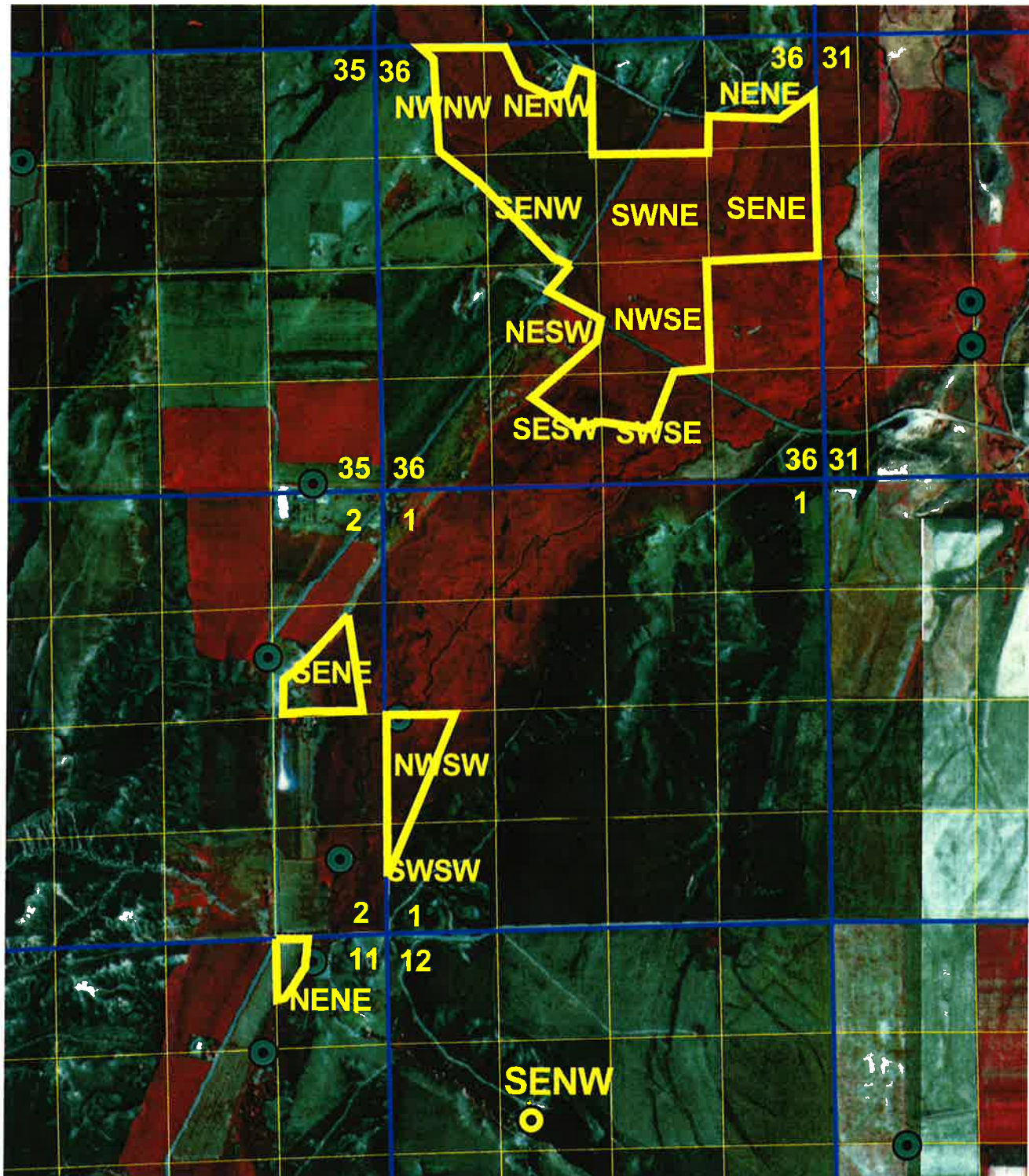
FEB 23 2006

IDAHO DEPARTMENT OF WATER RESOURCES

29-02560A, 29-02239

10S, 36E, SEC 36

11S, 36E, SEC 1, 2, 11



POINT OF DIVERSION



PLACE OF USE

SCANNED

FEB 23 2006

PROFILED

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

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO
REPORT OF ENGINEER

Permit No. R-743

- This pool is for Beneficial use In Water District No. _____
1. Name of applicant: Marsh Center Irrigating Company, Arimo, Idaho
2. Source of water supply: Firegrass Springs
3. Location of point of diversion: Is in the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 12
T. 11 S. R. 36 E. County of Bannock
4. Describe works as they exist, giving dimensions and capacities of same: An Earth Dam 21 feet high, 130 feet long, Slopes 1 $\frac{1}{2}$ to 1 Outlet of 16 inch corrugated pipe, Gate of vertical slide type, with gate stem of 3/4 inch pipe located at the end of cat walk made of poles. Ditch from reservoir is 2-3 feet wide and 1 foot deep. Estimated area of reservoir five acres.

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 pool is for beneficial use, give exact number of acres under cultivation in each forty-acre tract. (Describe manner and place of use if for other than irrigation):
- NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 11;
NW $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 1;
SE $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 2;
Twp. 11 S., Range 36 E., B.M.
- NE $\frac{1}{4}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 36;
Twp. 10 S., Range 36 E., B.M.

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

8. What large stream would the water here appropriated finally reach? Portneuf, and Snake rivers
- Remarks: I failed to locate Mr. Edward Denney re his protest to this permit; was informed however that an agreement between the Denney and Marsh Center Irrigation Company had been drawn and filed for record in Pocatello, which gave Denney the right to pump from the stream at a point which is a considerable distance above the Point of Diversion named in this Permit.

This examination was made on the 24th. day of May, 1944.

(Signed) _____

Redd. Holman
Examiner

R-743

A prospect was filed to this permit by Edward Denney, of Denney, Idaho on May 14th- stating that this company already has 6 c.f.s. from the same source- that they have very little farm land and only want to "dump" this water on some meadow land that is already swamped and so injure his title on the same stream, where he has a title to one c.f.s. (Letter in permit file)

The March Center Irr. Co. has license 16261, for 5.8 c.f.s. from Wiregrass Spring- priority 5-5-25- for the irrigation of land in Section 36, Twp. 10 S., Range 36 E., B.M.

This permit

1. N

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No record of any filing by Denney on Wiregrass spring- but he does hold license # 16403, for 0.76 c.f.s. from unnamed stream diverted in SW 1/4 SW 1/4 Section 7, Twp. 11 S., Range 37 E., B.M., for domestic and irrigation use on 38 acres in this same 10.

feet

-pipe,

ted at

the end of a cat walk made of poles. Ditch from reservoir is 2-3 feet wide and 1 foot deep. Estimated area of reservoir five acres.

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 for other than irrigation):

NE 1/4 NE 1/4 Section 1;

NW 1/4 SW 1/4, SW 1/4 SW 1/4 Section 1;

SE 1/4 NE 1/4, NE 1/4 SE 1/4, SW 1/4 SE 1/4 Section 2;

Twp. 11 S., Range 36 E., B.M.

NE 1/4 NE 1/4, SW 1/4 NE 1/4, SE 1/4 NE 1/4, NE 1/4 NW 1/4, SW 1/4 NW 1/4, SE 1/4 NW 1/4 Section 36;

Twp. 10 S., Range 36 E., B.M.

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

8. What large stream would the water here appropriated finally reach? Portneuf, and Snake rivers

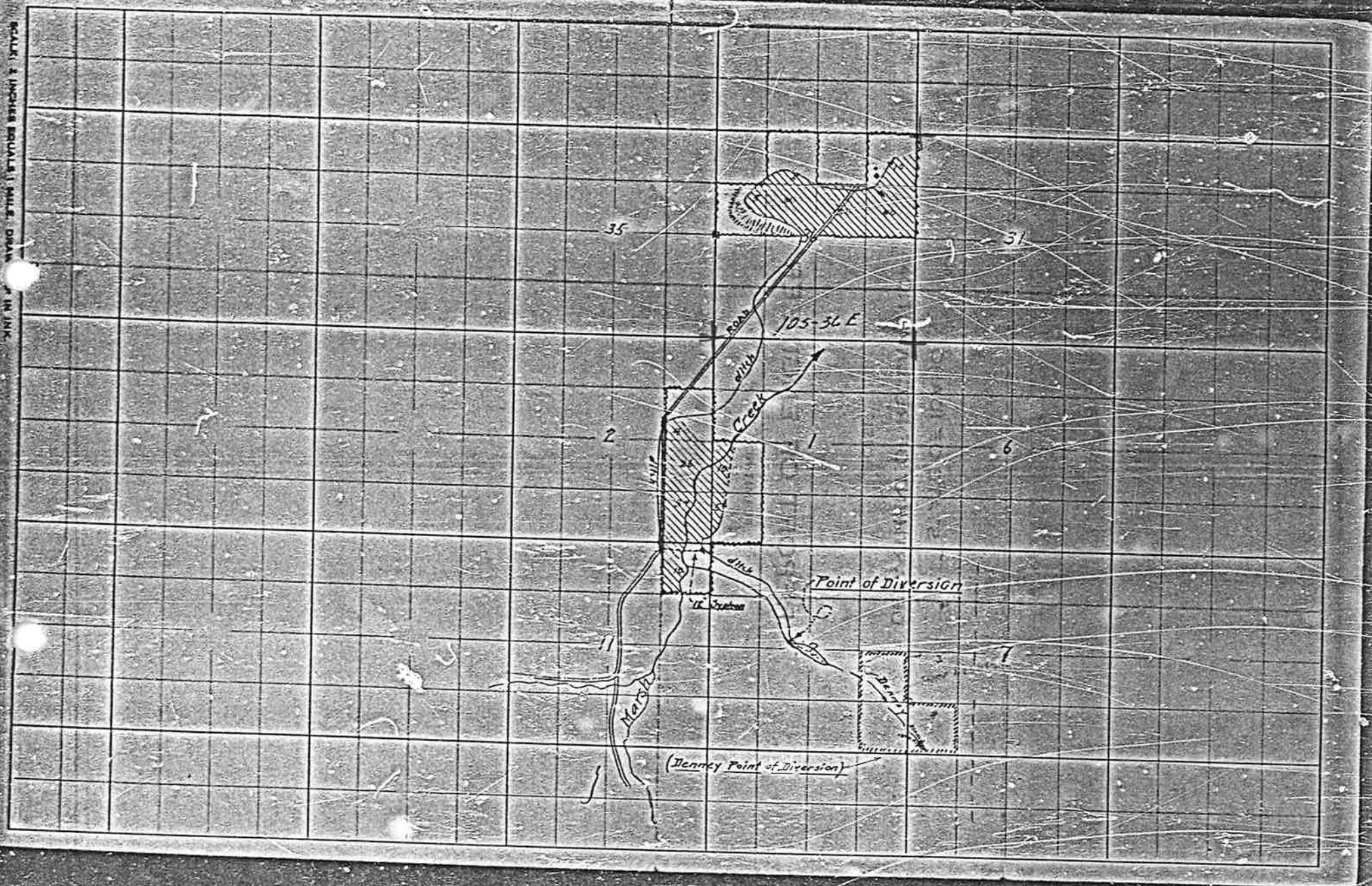
Remarks: I failed to locate Mr. Edward Denney Re his protest to this permit; was informed however that an agreement between the Denney and March Center Irrigation Company had been drawn and filed for record in Pocatello, which gave Denney the right to pump from the stream at a point which is a considerable distance above the Point of Diversion named in this Permit.

This examination was made on the 24th day of May, 1944

(Signed)

Arthur J. Helman
Examiner

R-723



MAY 24 2001

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: A29-02560A
Date Received: 5/17/1990
Receipt No: E014601
Received By: Kan

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: MARSH CENTER IRRIGATION CO. 208-897-5757
Address: C/O RICHARD BURMESTER
765 WEST HAWKINS ROAD
ARIMO, ID 83214

2. Date of Priority: MAY 10, 1942

3. Source: WIREGRASS SPRINGS Trib. to: MARSH CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
11S	36E	12	SW	SE	NW		BANNOCK

5. Description of diverting works:
WIREGRASS RESERVOIR

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION STORAGE	01/01	12/31			24.00
IRRIGATION FROM STORAGE	03/15	11/15			24.00

7. Total Quantity Appropriated is:
C.F.S. (and/or) 24.00 A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
10S	36E	36	NE	NE		IRR	10.0
			SW	NE		IRR	30.0

A29-02560A

Page 1

Date: 05/17/90

PROFILED

SCANNED
FEB 23 2006

MICROFILMED
NOV 13 1992

A2902560A



10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres			
10S	36E	36	SE	NE		IRR	40.0			
			NE	NW		IRR	5.0			
			SW	NW		IRR	5.0			
			SE	NW		IRR	30.0			
						Section Acres	120.0			
11S	36E	1	NW	SW		IRR	10.0			
			SW	SW		IRR	5.0			
									Section Acres	15.0
			2	SE	NE		IRR	4.0		
NE	SE			IRR	26.0					
SE	SE			IRR	34.0					
						Section Acres	64.0			
		11	NE	NE		IRR	10.0			
						Section Acres	10.0			
						Total Acres	209.0			

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:
29-02239/00430/10663/10664/10665/12058

14. Remarks:

15. Basis of Claim: LICENSE

Water Right Number: R723

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 Secretary of
Title
Marsh Center Frigations Co., that I have signed the foregoing
Organization
document in the space below as Secretary of
Title
Marsh Center Frigations Co. and that the statements contained in the
Organization
foregoing document are true and correct.

Marshall Wheatley
Signature of Authorized Agent
Secretary Marsh Center Frigations Co.
Title and Organization
May 17 1990
Date

State of Idaho)
County of Bonneville) SS.

Subscribed and sworn (or affirmed) before me this 17th day
of May 19 90

Betty J. Thompson
Notary Public

Seal

Residing at BETTY J. THOMPSON, NOTARY PUBLIC
RESIDING AT 1111 N. 1000 E. SALT LAKE CITY, UT 84116
My Commission Expires MY COMMISSION EXPIRES: 6-30-94



Reed Bennett

897-5711

will Pay

21 May 1990

Marsh Center Irrigation Co.
C/O Richard Burmester
756 West Hawkins Road
Arimo, Idaho 83214

RE: Land Lists for Adjudication Claim A29-02560A
Copies of Adjudication Claims

Dear Mr. Burmester:

Enclosed are copies of the adjudication claims for yourself, your son, and Marsh Center Irrigation Co. Please review all of the claims, especially claim A29-02560A.

The legal description of the place of use on A29-02560A has 89 acres that are **NOT** within the same legal description as the other water rights for Marsh Center Irrigation Co. On the copy of the map for this claim I have indicated (in orange) those lands in question.

Please let me know what you plan to do to correct this land list.

IF YOU PLAN TO LEAVE THE LAND LIST AS IT IS RECORDED THERE IS AN ADDITIONAL \$89.00 ADJUDICATION FILING FEE DUE ON A29-02560A.

Your prompt response will be appreciated.

Sincerely,

Keith C. Wilson
Senior Resource Agent

MICROFILMED
NOV 13 1992

WR5809NP
No. 29-02560

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 05/02/01
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	MARSH CENTER IRRIGATION CO.	05/10/1942	IRRIGATION STORAGE	00/00 00/00		24.00 AFA
			IRRIGATION FROM STORAGE	00/00 00/00		24.00 AFA
TOTAL DIVERSION:						24.00 AFA

Water Source: WIREGRASS SPRINGS

Tributary to: MARSH CREEK

Stage: LICENSE

Point(s) of Diversion:

T11S R36E S12

SENW

BANNOCK County

Place of use Legal Description for: IRRIGATION FROM STORAGE

				NE				NW				SW				SE							
T	R	S	:	NENE	NWNE	SWNE	SENE	:	NENW	NWNW	SWNW	SENW	:	NESW	NWSW	SWSW	SESW	:	NESE	NWSE	SWSE	SESE	:
				Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac	
10S	36E	36	:	10		30	40	:	05		05	30	:					:					:
11S	36E	1	:					:					:		10	05		:					:
11S	36E	2	:				04	:					:					:	26			34	:
11S	36E	11	:	10				:					:					:					:
TOTAL ACRES																						209.0	

Pou County: BANNOCK

Dates:	App. Received:	Priority Date:	05/10/1942
	Proof Due Date:	Proof Made Date:	
	Exam Made Date:	Exam Sent to S.O.:	
	Licensed Date:	08/21/1979	

Misc: Water District Number: 29H Field Exam Fee:

Audit: 03/12/85 05/22/88 CONVERT

Billy Egan

SCANNED
MAY 24 2001

A. ROOT WATER RIGHT NUMBERS: A29-02560A
A29-02560B

B. POU LISTING

TWP	RNG	SEC	1/4	1/4	LOT	NAME	AJ #/ACRES	WR #/ACRES	LANDSAT DATA	FIELD EXAM.	RECOMM. ACRES
10S	36E	36	NE	NE		MARSH CENTER IRRIGATION CO	A29-02560A / 10.0	- /		26.0	
			NE	NE		MARSH CENTER IRRIGATION CO	A29-10663 / 20.0	- /			
			NE	NE		MARSH CENTER IRRIGATION CO	A29-10664 / 20.0	- /			
			NE	NE		MARSH CENTER IRRIGATION CO	A29-10665 / 20.0	- /			
			NE	NE		BASTIAN, MERLIN S	29-10147 /	- /			
			NE	NE		BASTIAN, MERLIN S	A29-10147 /	- /			
			NE	NE		BASTIAN, MERLIN S	A29-10148 /	- /			
			NE	NE		MARSH CENTER IRRIGATION CO	A29-12058 / 20.0	- /			
			NE	NE		BASTIAN, MERLIN S	29-10148 /	- /			
			NE	NE		MARSH CENTER IRRIGATION CO	A29-00430 / 20.0	- /			
			NE	NE		BASTIAN, LYNN S	A29-04302 / 26.0	29-04302 / 26.0			
			NE	NE		MARSH CENTER IRRIGATION CO.		29-02560 / 10.0			
10S	36E	36	SW	NE		MARSH CENTER IRRIGATION CO	A29-02560A / 30.0	- /		41.0	
			SW	NE		MARSH CENTER IRRIGATION CO	A29-02239 / 38.0	29-02239 / 40.0			
			SW	NE		MARSH CENTER IRRIGATION CO	A29-10663 / 38.0	- /			
			SW	NE		MARSH CENTER IRRIGATION CO	A29-10664 / 38.0	- /			
			SW	NE		MARSH CENTER IRRIGATION CO	A29-10665 / 38.0	- /			
			SW	NE		MARSH CENTER IRRIGATION CO	A29-12058 / 38.0	- /			
			SW	NE		MARSH CENTER IRRIGATION CO	A29-00430 / 38.0	- /			
			SW	NE		BASTIAN, LYNN S	A29-04302 / 19.0	29-04302 / 19.0			
			SW	NE		MARSH CENTER IRRIGATION CO.		29-02560 / 30.0			
			SW	NE		MEADOWBROOK RANCH		29-08020 / 20.0			
10S	36E	36	SE	NE		MARSH CENTER IRRIGATION CO	A29-02560A / 40.0	- /		39.0	
			SE	NE		MARSH CENTER IRRIGATION CO	A29-02239 / 40.0	29-02239 / 40.0			
			SE	NE		MARSH CENTER IRRIGATION CO	A29-10663 / 40.0	- /			
			SE	NE		MARSH CENTER IRRIGATION CO	A29-10664 / 40.0	- /			
			SE	NE		MARSH CENTER IRRIGATION CO	A29-10665 / 40.0	- /			
			SE	NE		MARSH CENTER IRRIGATION CO	A29-12058 / 40.0	- /			
			SE	NE		BASTIAN, MERLIN S	A29-11465 / 20.0	- /			
			SE	NE		MARSH CENTER IRRIGATION CO	A29-00430 / 40.0	- /			
			SE	NE		BASTIAN, LYNN S	A29-04302 / 35.0	29-04302 / 35.0			
			SE	NE		MARSH CENTER IRRIGATION CO.		29-02560 / 40.0			
10S	36E	36	NE	NW		MARSH CENTER IRRIGATION CO	A29-02560A / 5.0	- /		36.0	
			NE	NW		MARSH CENTER IRRIGATION CO	A29-02239 / 30.0	29-02239 / 30.0			
			NE	NW		MARSH CENTER IRRIGATION CO	A29-10663 / 30.0	- /			
			NE	NW		MARSH CENTER IRRIGATION CO	A29-10664 / 30.0	- /			
			NE	NW		MARSH CENTER IRRIGATION CO	A29-10665 / 30.0	- /			
			NE	NW		MARSH CENTER IRRIGATION CO	A29-12058 / 30.0	- /			
			NE	NW		MEADOWBROOK RANCH	A29-11481 /	- /			

TWP	RNG	SEC	1/4	1/4	LOT	NAME	AJ #/ACRES	WR #/ACRES	LANDSAT DATA	FIELD EXAM.	RECOMM. ACRES
			NE	NW		MEADOWBROOK RANCH	29-11481 /	- /			
			NE	NW		MARSH CENTER IRRIGATION CO	A29-00430 / 30.0	- /			
			NE	NW		MARSH CENTER IRRIGATION CO.		29-02560 / 5.0			
			NE	NW		MEADOWBROOK RANCH		29-08020 / 32.0			
10S	36E	36	SW	NW		MARSH CENTER IRRIGATION CO	A29-02560A / 5.0	- /	34.0		
			SW	NW		MARSH CENTER IRRIGATION CO	A29-10663 / 5.0	- /			
			SW	NW		MARSH CENTER IRRIGATION CO	A29-10664 / 5.0	- /			
			SW	NW		MARSH CENTER IRRIGATION CO	A29-10665 / 5.0	- /			
			SW	NW		MARSH CENTER IRRIGATION CO	A29-12058 / 5.0	- /			
			SW	NW		MARSH CENTER IRRIGATION CO	A29-00430 / 5.0	- /			
			SW	NW		MARSH CENTER IRRIGATION CO.		29-02560 / 5.0			
			SW	NW		MEADOWBROOK RANCH		29-08020 / 6.0			
10S	36E	36	SE	NW		MARSH CENTER IRRIGATION CO	A29-02560A / 30.0	- /	38.0		
			SE	NW		MARSH CENTER IRRIGATION CO	A29-02239 / 34.0	29-02239 / 35.0			
			SE	NW		MARSH CENTER IRRIGATION CO	A29-10663 / 34.0	- /			
			SE	NW		MARSH CENTER IRRIGATION CO	A29-10664 / 34.0	- /			
			SE	NW		MARSH CENTER IRRIGATION CO	A29-10665 / 34.0	- /			
			SE	NW		MARSH CENTER IRRIGATION CO	A29-12058 / 34.0	- /			
			SE	NW		MARSH CENTER IRRIGATION CO	A29-00430 / 34.0	- /			
			SE	NW		MARSH CENTER IRRIGATION CO.		29-02560 / 30.0			
			SE	NW		MEADOWBROOK RANCH		29-08020 / 30.0			
11S	36E	1	NW	SW		MARSH CENTER IRRIGATION CO	A29-02560A / 10.0	- /	23.0		
			NW	SW		DEGN, KENNETH R	A29-02337 / 26.3	- /			
			NW	SW		MARSH CENTER IRRIGATION CO.		29-02560 / 10.0			
11S	36E	1	SW	SW		MARSH CENTER IRRIGATION CO	A29-02560A / 5.0	- /			
			SW	SW		MARSH CENTER IRRIGATION CO.		29-02560 / 5.0			
11S	36E	2	SE	NE		MARSH CENTER IRRIGATION CO	A29-02560A / 4.0	- /	39.0		
			SE	NE		BENNETT, REID E	A29-12056 /	- /			
			SE	NE		FUHRMAN RANCH INC	A29-12902 / 24.0	- /			
			SE	NE		FUHRMAN RANCH INC	A29-07141 / 8.0	29-07141 / 2.0			
			SE	NE		FUHRMAN RANCH INC	A29-13105 /	- /			
			SE	NE		MARSH CENTER IRRIGATION CO.		29-02560 / 4.0			
			SE	NE		MAYNARD LAND & LIVESTOCK LLC		29-07731 / 13.0			
11S	36E	2	NE	SE		MARSH CENTER IRRIGATION CO	A29-02560A / 26.0	- /	42.0		
			NE	SE		BENNETT, REID E	A29-04462 / 40.0	29-04462 / 40.0			
			NE	SE		BENNETT, REID E	29-12056 /	- /			
			NE	SE		BENNETT, REID E	A29-02560B / 26.0	- /			
			NE	SE		MARSH CENTER IRRIGATION CO.		29-02560 / 26.0			
11S	36E	2	SE	SE		MARSH CENTER IRRIGATION CO	A29-02560A / 34.0	- /	36.0		
			SE	SE		BENNETT, REID E	A29-04462 / 40.0	29-04462 / 40.0			
			SE	SE		BENNETT, REID E	A29-02560B / 34.0	- /			

NOT

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R B

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TWP	RNG	SEC	1/4	1/4	LOT	NAME	AJ #/ACRES	WR #/ACRES	LANDSAT DATA	FIELD EXAM.	RECOMM. ACRES
			SE	SE		MARSH CENTER IRRIGATION CO.		29-02560 / 34.0			
11S	36E	11	NE	NE		MARSH CENTER IRRIGATION CO	A29-02560A / 10.0	- /		14.0	
			NE	NE		FUHRMAN RANCH INC	A29-02295B / 4.0	- /			
			NE	NE		FUHRMAN RANCH INC	A29-07730 / 4.0	- /			
			NE	NE		MARSH CENTER IRRIGATION CO.		29-02560 / 10.0			
			NE	NE		FUHRMAN RANCH INC.		29-04381 / 5.0			
ADDITIONAL POU FOUND											

TOTAL ACRES	A29-02560A	209.00	368.00
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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
A29-02560A	WIREGRASS SPRINGS	MARSH CENTER IRRIGATION CO			24.00	0.11
A29-00430	HAWKINS CREEK	MARSH CENTER IRRIGATION CO	40.000	0.012		
	HAWKINS CREEK, SOUTH FORK					
A29-02239	WIREGRASS SPRING	MARSH CENTER IRRIGATION CO	5.800	0.024		
A29-02295B	MARSH CREEK	FUHRMAN RANCH INC	2.000	0.015		
A29-02337	GROUNDWATER	DEGN, KENNETH R	3.000	0.028		
A29-02560B	WIREGRASS SPRINGS	BENNETT, REID E			8.00	0.13
A29-04302	MARSH CREEK	BASTIAN, LYNN S	6.720	0.018		
A29-04462	MARSH CREEK	BENNETT, REID E	2.000	0.025		
A29-07141	GROUNDWATER	FUHRMAN RANCH INC	0.810	0.019		
A29-07730	MARSH CREEK	FUHRMAN RANCH INC	0.760	0.005		
A29-10663	SPRINGS	MARSH CENTER IRRIGATION CO	0.330			
	SPRINGS					
	SPRINGS					
A29-10664	SPRINGS	MARSH CENTER IRRIGATION CO	0.330			
	SPRINGS					
	SPRING					