

05/03/2002

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 29-2560B

NAME AND ADDRESS: REID E BENNETT
18566 S MARSH VALLEY RD
DOWNEY ID 83234

SOURCE: MARSH CREEK
WIREGRASS SPRINGS
TRIBUTARY: PORTNEUF RIVER
TRIBUTARY: MARSH CREEK
POINT OF INJECTION INTO AND POINT OF REDIVERSION FROM MARSH CREEK.

QUANTITY: 4.8 AFY
FACILITY VOLUME 24 AF.

PRIORITY DATE: 05/10/1942

POINT OF DIVERSION:

T11S R36E S2 SESE Rediversion Within BANNOCK County
T11S R36E S11 NENE Injection Within BANNOCK County
T11S R36E S12 SWSE Within BANNOCK County

*Rediversion
Injection*

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION STORAGE	01/01 12/31	4.80 AFY
IRRIGATION FROM STORAGE	04/01 10/31	4.80 AFY

PLACE OF USE:

IRRIGATION STORAGE Within BANNOCK County

T11S R36E S02 NESE 14.0 T11S R36E S02 SESE 39.0

IRRIGATION FROM STORAGE Within BANNOCK County

T11S R36E S02 NESE 14.0 T11S R36E S02 SESE 39.0

53 ~~50~~ ACRES TOTAL

USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 53 ACRES IN A SINGLE IRRIGATION
SEASON. COMBINED RIGHT NOS.: 29-04462, 29-02560B

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

source wiregrass res.

water ^{is} ~~can~~ diverter at the dam

and (1) goes in ditches to East side of Marsh Crk.

*(2) goes across Marsh Crk in pipeline to
ditches on West Side of Marsh Crk*

Water Right 29-2560B

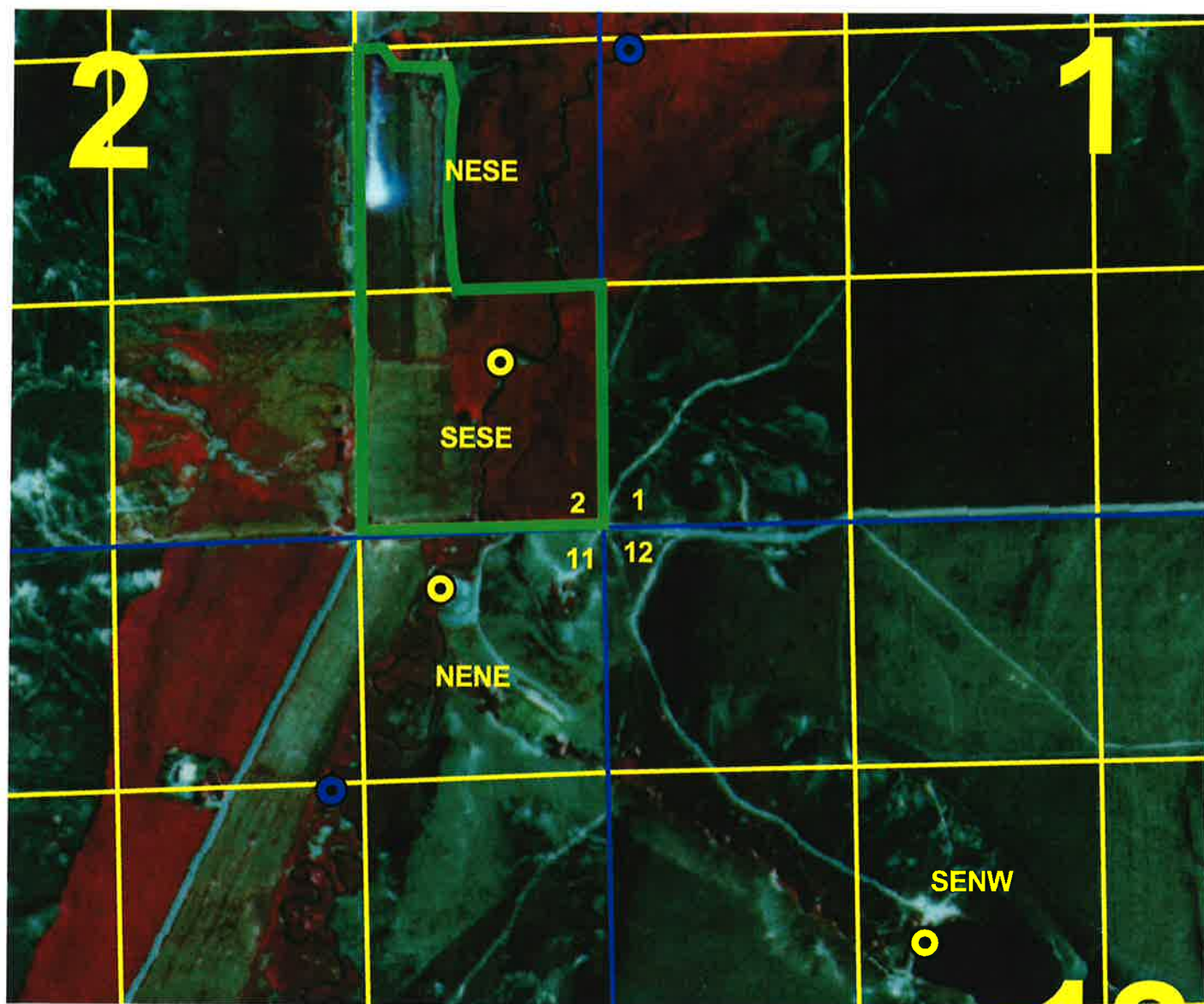
*(3) dumps into Marsh Crk and ~~the~~ rediverted
by pump in Marsh Crk (29-4462)*

PROFILED
FEB 24 2005

IDAHO DEPARTMENT OF WATER RESOURCES

29-02560B

T11S, R36E SEC. 2



ACRES IRRIGATED- 53

PROFILED



POINT OF DIVERSION



PLACE OF USE

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

SCANNED
FEB 24 2000

RECEIVED

APR 23 2003

NOTICE OF ERROR
REPLY

Department of Water Resources

02/08/2003

RECEIVED
APR 28 2003
Department of Water Resources
Eastern Region

Dave

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: 29-2560B

REID E BENNETT
18566 S MARSH VALLEY RD
DOWNEY ID 83234
Telephone Number: (208) 897-5711

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:

Yes I AGREE with this proposed recommendation: no changes need to be made.

DATE: April 21, 03

SIGNATURE:

Reid E Bennett

Please print your name:

REID E. BENNETT

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

SCANNED

FEB 24 2006

PROFILED

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 29-2560

WATER RIGHT NUMBER: 29-2560

Owner Type Name and Address
 Current Owner MARSH CENTER IRRIGATION CO
 ARIMO, ID 83214

Priority Date: 05/10/1942

Basis: License

Status: Active

Source Tributary
 WIREGRASS SPRINGS MARSH CREEK

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION STORAGE	/ to /		24.00 AF
IRRIGATION FROM STORAGE	/ to /		24.00 AF
<u>Total Diversion:</u>			24.00 AF

Location of Point(s) of Diversion
 WIREGRASS SPRINGS SE1/4NW1/4 Sec. 12, Twp 11S, Rge 36E, B.M.
 BANNOCK County

Place of Use
 IRRIGATION FROM STORAGE

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
10S	36E	36	10.0		30.0	40.0	5.0		5.0	30.0									120.0
11S	36E	1									10.0	5.0							15.0
11S	36E	2				4.0								26.0			34.0		64.0
11S	36E	11	10.0																10.0

Total Acres: 209

IRRIGATION STORAGE same as IRRIGATION FROM STORAGE

Conditions of Approval:Remarks:

SC#111111
 FEB 24 2006

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report 29-2560

Comments:

Dates and Other Information:

Licensed Date: 8/21/1979
Decreed Date:
Water Supply Bank Enrollment Accepted:
Water Supply Bank Enrollment Removed:
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
Formal Action Date:
State or Federal:
Owner Name Connector:
Water District Number: 29H
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Decree Defendant:
Decree Plaintiff:
Civil Case Number:
Judicial District:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

SCANNED
FEB 24 2000

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

REPORT OF ENGINEER

Permit No. 8-7243

This proof is for beneficial use

In Water District No.

Name of applicant

Kearb Center Irrigating Company, Arimo, Idaho

Source of water supply

Greengrass Springs

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

Describe work as they exist, giving dimensions and capacities of same. An Earth Dam 21 feet high, 150 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 a dirt 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 if 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 $\frac{1}{4}$ NE $\frac{1}{4}$ Section 11;

NE $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 1;

SE $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 3;

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

NE $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ 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? Fortneuf, and Snake rivers

Remarks I failed to locate Mr. Edward Denney. His protest to this permit; was informed however that an agreement between the Denney and Kearb 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

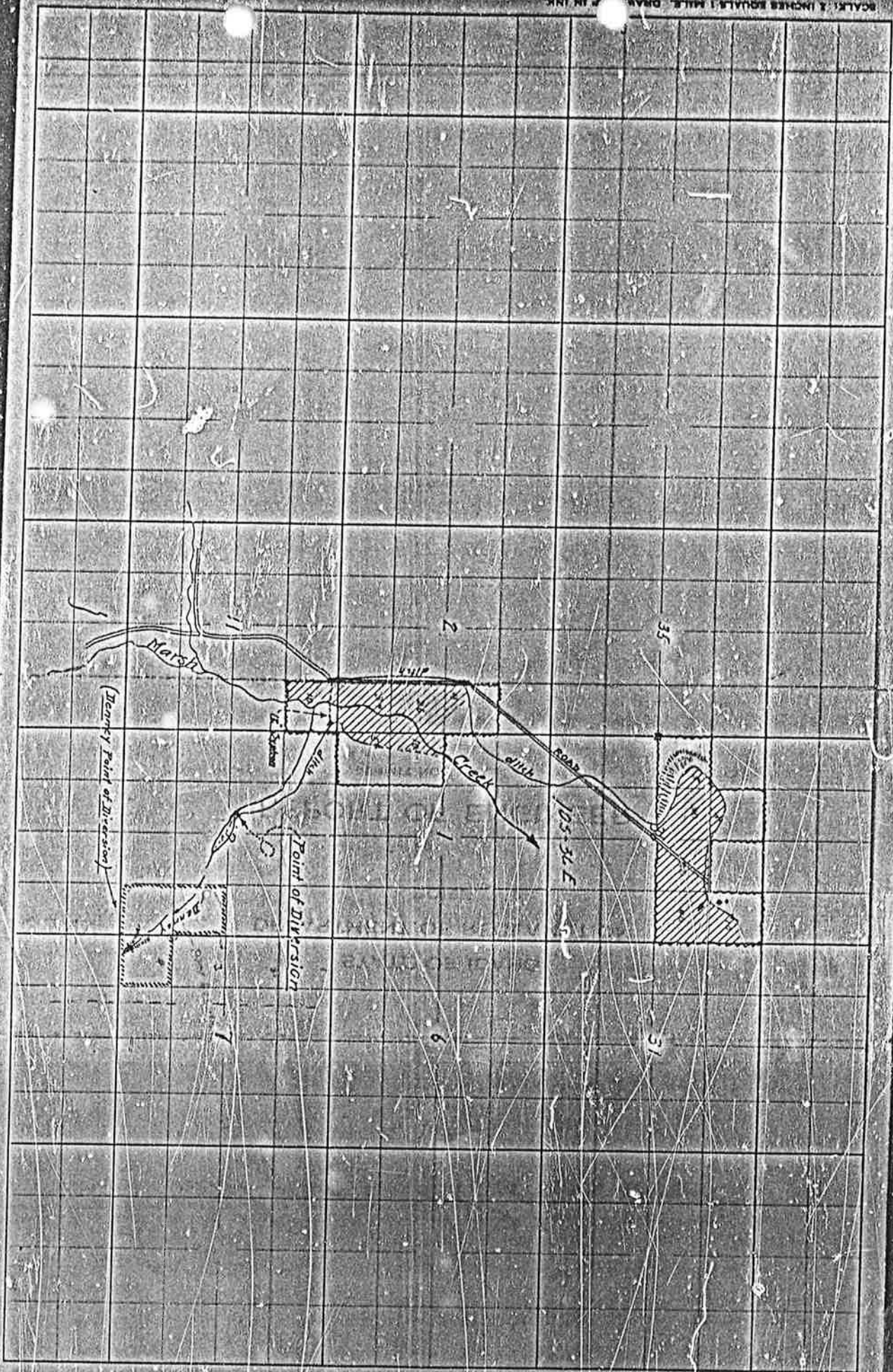
May

1944

(Signed)

Edward Denney

Examined R. 123



A project was filed to this permit by Edward Denney, of Denney, Idaho, on May 16th 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 pump this water on some meadow land that is already swamped and to secure his title on the same stream, where he has a title to one c.f.s. (Letter in permit file)

The Marsh 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 p

1. N

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 Section 7, Twp. 11 S., Range 37 E., B.M., for domestic and irrigation use on 38 acres in this same 40.

2. S

3. L

T

4. D

hi

Ga

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 Section 1;

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

SE 1/4 NE 1/4 NE 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 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 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)

Edith Johnson
Examiner

R-423



State of Idaho

DEPARTMENT OF WATER RESOURCES

150 Shoup Ave., Suite 15, Idaho Falls, Idaho 83402 - (208) 525-7161

EASTERN REGION

CECIL D. ANDRUS
GOVERNOR
R. KEITH HIGGINSON
DIRECTOR

May 17, 1990

Reid E. Bennett
18566 S. Marsh Valley Rd.
Downey, ID 83234

RE: Notices of Claim

Dear Mr. Bennett:

The Idaho Department of Water Resources (IDWR) is returning Check #0110 and your Notices of Claim to a Water Rights along with three typed notices. The typed notices were prepared with information from the notices you submitted and water rights on record with IDWR. A copy of the records is enclosed for your reference.

Please review the typed notices to ensure they reflect your use of water. Should you wish to change any of the items on the typed notices, line through the error and enter the correct information. Once the notices are in proper form, sign them in the presence of a notary and return them with the filing fee (\$205.00). To avoid being assessed a late fee the notices must be returned by June 18, 1990.

If you wish to make an appointment to discuss the corrections, please call the IDWR at (208) 525-7161.

Respectfully submitted,

A handwritten signature in blue ink that reads "Ernest Carlsen". The signature is written in a cursive style with a long, sweeping underline.

Ernest Carlsen
Adjudication Supervisor

EC:jt

Enclosure

MICROFILMED
NOV 13 1992

SCANNED

MAY 24 2001

NO LATE FEE IF RECEIVED

BY June 18, 1990.

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

RECEIVED
JUN 13 1990

Ident. Number: A29-02560B
Date Received: 3/21/1990
Receipt No: E014828
Received By: DC

Department of Water Resources
Eastern District Office

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: REID E. BENNETT 208-897-5711
Address: 18566 S. MARSH VALLEY RD.
DOWNEY, ID 83234

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 of	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			~~4.80~~ 8
IRRIGATION FROM STORAGE	03/15	11/15			~~4.80~~ 8

7. Total Quantity Appropriated is: 8
C.F.S. (and/or) ~~4.80~~ A.F.A.

8. Total consumptive use is 8
~~4.8~~ 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 of	Lot	Use	Acres
11S	36E	2	NE	SE		IRR	26.0
			SE	SE		IRR	34.0

A29-02560B

Page 1

Date: 05/17/90

SCANNED
FEB 23 2006

PROFILED

MICROFILMED
NOV 13 1992

A2902560B



10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					Section Acres	60.0
					Total Acres	60.0

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:
A29-04462

14. Remarks:

THIS NOTICE IS FOR 1/5TH OF THE LICENSED RIGHT FOR STORAGE IN
WIREGRASS RESERVIOR. *4 Wiregrass Spring*

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 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, Idaho

My Commission Expires Dec. 22, 1993

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
11S	36E	2	NE	SE		BENNETT, REID E	A29-02560B / 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		MARSH CENTER IRRIGATION CO	A29-02560A / 26.0	- /			
			NE	SE		MARSH CENTER IRRIGATION CO.		29-02560 / 26.0			
11S	36E	2	SE	SE		BENNETT, REID E	A29-02560B / 34.0	- /			36.0
			SE	SE		BENNETT, REID E	A29-04462 / 40.0	29-04462 / 40.0			
			SE	SE		MARSH CENTER IRRIGATION CO	A29-02560A / 34.0	- /			
			SE	SE		MARSH CENTER IRRIGATION CO.		29-02560 / 34.0			

ADDITIONAL POU FOUND

TOTAL ACRES	A29-02560B	60.00	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
A29-02560B	WIREGRASS SPRINGS	BENNETT, REID E			8.00	0.13
A29-02560A	WIREGRASS SPRINGS	MARSH CENTER IRRIGATION CO			24.00	0.11
A29-04462	MARSH CREEK	BENNETT, REID E	2.000	0.025		

FEB 23 2006

SCANNED

