

04/11/2003

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

RIGHT NUMBER: 29-4320

NAME AND ADDRESS: BENNETT FARMS
3670 E RICHARDS RD
DOWNEY ID 83234

SOURCE: PECK CREEK

TRIBUTARY: MARSH CREEK

QUANTITY: 0.420 CFS

PRIORITY DATE: 04/01/1930

POINT OF DIVERSION:

T11S R37E S6 NESE Within BANNOCK County Source: PECK CREEK

T11S R37E S6 NESE Within BANNOCK County Source: PECK CREEK

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

04/01 10/31

0.420 CFS

PLACE OF USE:

IRRIGATION Within BANNOCK County

T11S R37E S06

SWNE

3.0

T11S R37E S06

SENE

11.0

T11S R37E S06

NESE

4.0

18 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: Beneficial Use

IDAHO DEPARTMENT OF WATER RESOURCES 10/25/2001
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: 0.36 CFS

PRIORITY DATE: 04/01/1930

POINT OF DIVERSION:

T11S R37E S6 NESE Within BANNOCK County

T11S R37E S6 NESE Within BANNOCK County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/31	0.360 CFS

PLACE OF USE: IRRIGATION Within BANNOCK County

T11S R37E S06	SWNE	3.0	T11S R37E S06	SENE	11.0
T11S R37E S06	NESE	4.0			

18 ACRES TOTAL

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

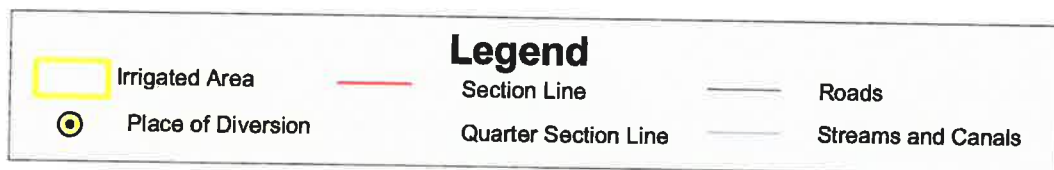
THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT
ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY
DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE
ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.

EXPLANATORY MATERIAL: Beneficial Use

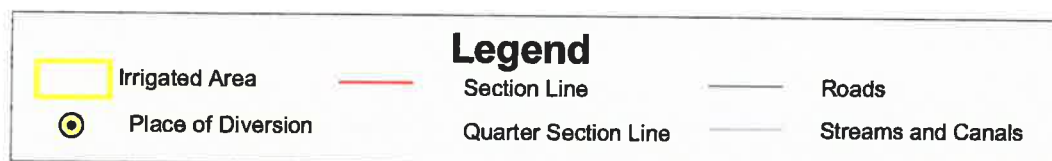
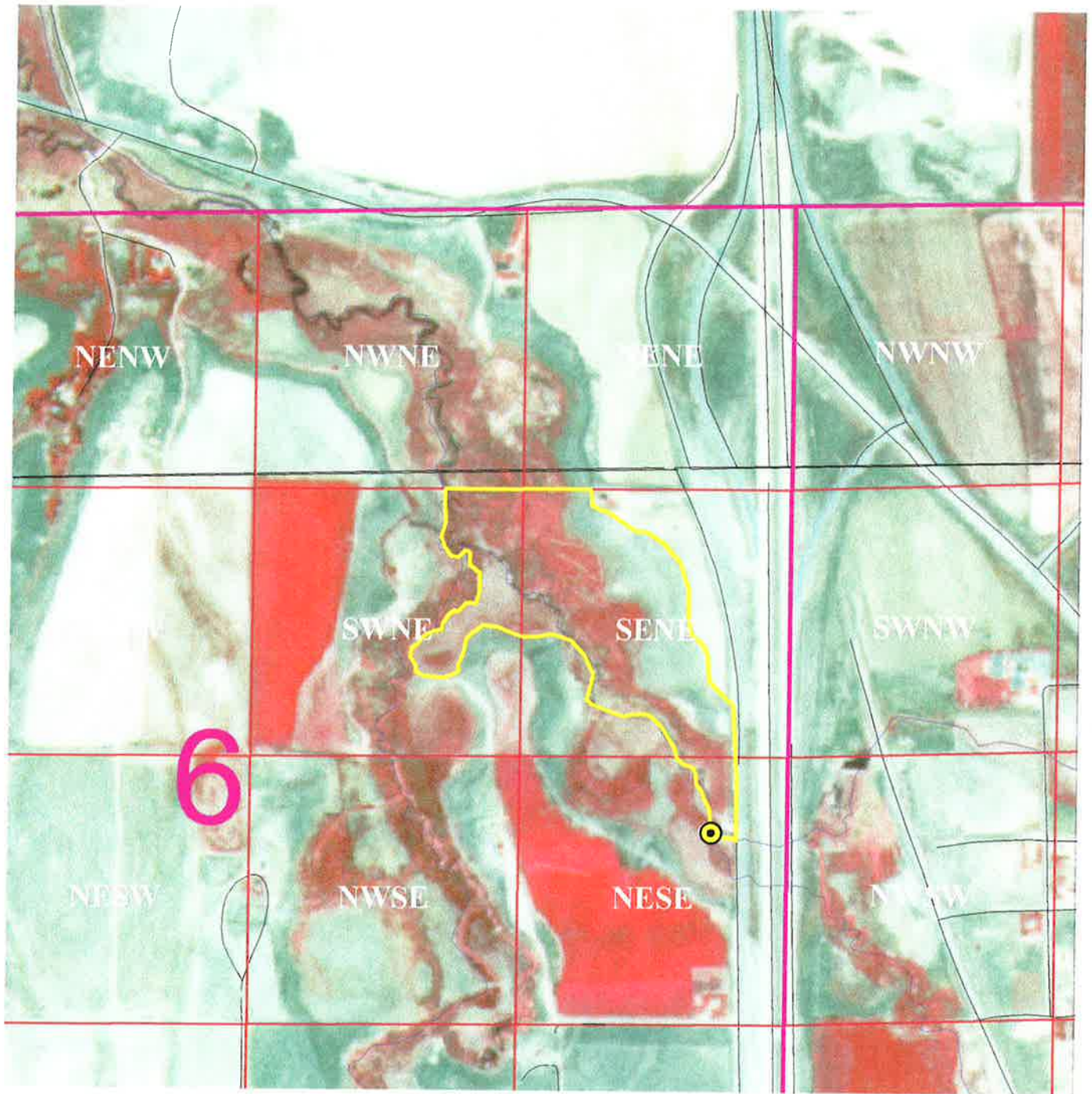
ADDED 0.06 CFS
Ditch Loss

42 cfs total

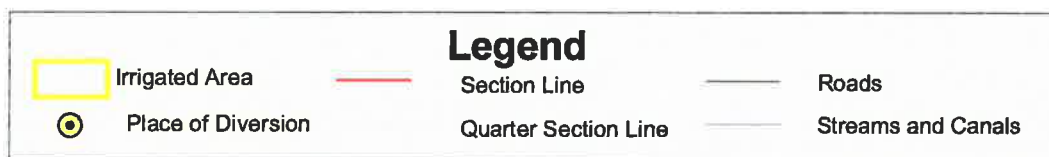
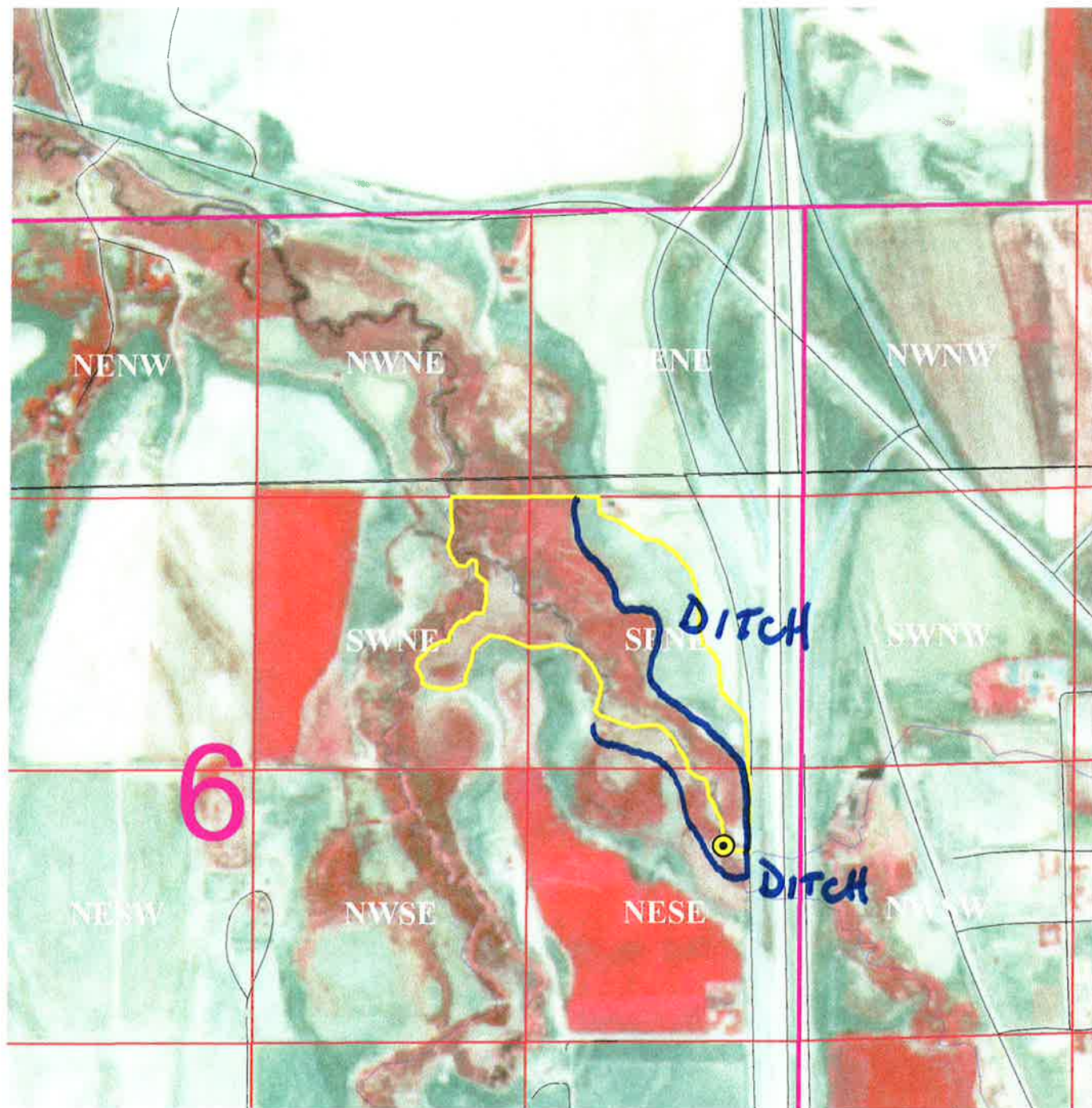
Township , 11S36E



Township , 11S36E



Township , 11S36E



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: 29-4320

BENNETT FARMS

3670 E RICHARDS RD

DOWNNEY ID 83234

Telephone Number: (208) 897-~~5791~~ 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:

I would like .50 CFS. Rather than .36 CFS

3. Give a brief explanation as to why you disagree with these portions:

The water is transferred by open ditch. So there is a loss factor from the point of diversion

☐ 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

RECEIVED
MAY 05 2003
Department of Water Resources
Eastern Region

PROFILED

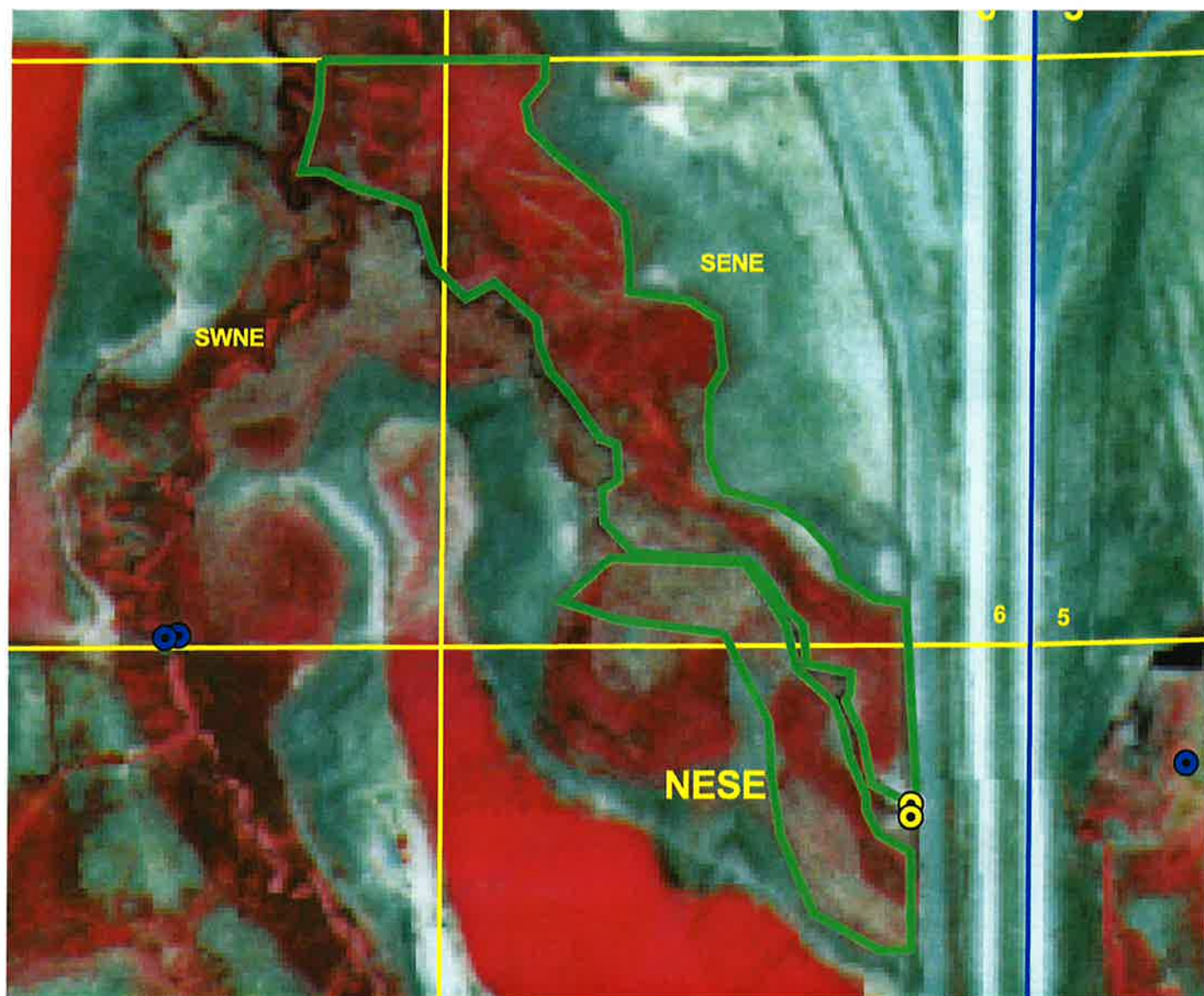
SCANNED

MAR 24 2003

IDAHO DEPARTMENT OF WATER RESOURCES

29-04320

T11S, R37E SEC. 6



ACRES IRRIGATED- 18



POINT OF DIVERSION



PLACE OF USE

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

PROFILED
SCANNED
4 2006

WNE

6

5

91

4800

SWNE

SENE

Rock

NESE

6

5

4798

Creek

15

4790

PROFILED

6

5

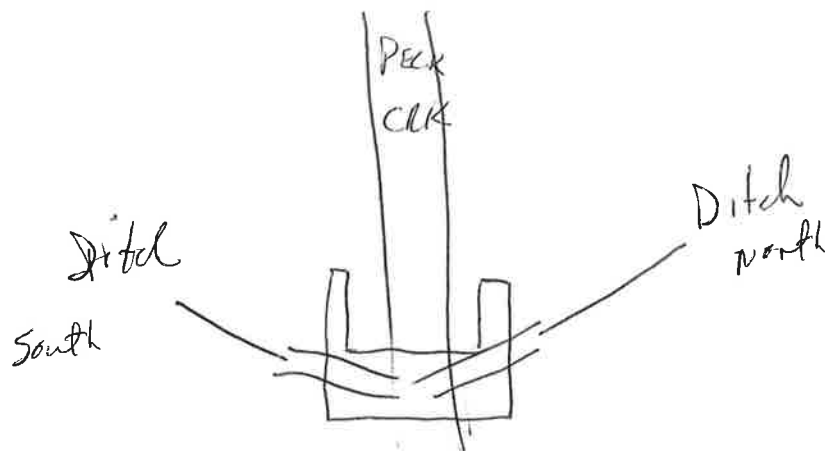
SCANNED
MAR 24 2006

7

8

4803

29-04320 dcarlson 2001
POD and ditch to north



PROFILED

SCANNED
MAR 24 2006

29-04320 dcarlson 2001

pod and ditch to the south PECK CREEK



PROFILED

SCANNED
MAR 24 2006

MAY 31 2001

Log for claim A29-04320

Spatial Dynamics TWB

6/26/00

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
11s37e	6	SWNE	5	6.3	
11s37e	6	SENE	17	18	
11s37e	6	NESE	3	1.5	
Totals:			25	25.8	

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
A29-04320	11S	37E	6		NE	SE			BANNOCK		

OTHER AJ CLAIMS WITH SAME AJ POD
A PREFIX R PREFIX
A29-04296 29-04296
A29-04324 29-11918
A29-11918

WR RECORDS IN SAME 40 ACRE TRACT
29-04296
29-04324

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
29-04320	11S	37E	6		NE	SE			BANNOCK		

OTHER WR RECORDS WITH SAME WR POD

AJ CLAIMS IN SAME 40 ACRE TRACT
A PREFIX R PREFIX
A29-04296 29-04296
A29-04324 29-11918
A29-11918

29-04296
29-04324

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: _____

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	6		NE	SE			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: A29-04320

B. POU LISTING

TWP	RNG	SEC	1/4	1/4	LOT	NAME	AJ #/ACRES	WR #/ACRES	LANDSAT DATA	FIELD EXAM.	RECOMM. ACRES
11S	37E	6	SW	NE		BENNETT FARMS	A29-04320 / 5.0	29-04320 / 5.0	39.0		
			SW	NE		BENNETT FARMS	A29-04039 / 21.0	29-04039 / 40.0			
			SW	NE		HART, JOHN WILLIAM	A29-04112 / 7.0	29-04112 / 7.0			
11S	37E	6	SE	NE		BENNETT FARMS	A29-04320 / 17.0	29-04320 / 17.0	19.0		
			SE	NE		GEPFORD, JAY D	29-04296 /	29-04296 /			
			SE	NE		CHIKATO, STEVE	A29-12217 /	- /			
			SE	NE		GEPFORD, JAY D	A29-04296 /	- /			
			SE	NE		CHIKATO, ELIZABETH	29-12217 /	- /			
			SE	NE		BENNETT, KEITH W.		29-02319 / 16.0			
11S	37E	6	NE	SE		BENNETT FARMS	A29-04320 / 3.0	29-04320 / 3.0	29.0		
			NE	SE		GEPFORD, JAY D	29-04296 /	- /			
			NE	SE		BLOXHAM, DEVON	A29-11918 /	- /			
			NE	SE		BENNETT FARMS	A29-04039 / 16.0	- /			
			NE	SE		GEPFORD, JAY D	A29-04296 /	- /			
			NE	SE		BLOXHAM, DENISE	29-11918 /	- /			
			NE	SE		BENNETT, KEITH W.		29-02319 / 18.0			
ADDITIONAL POU FOUND											

TOTAL ACRES	A29-04320	25.00	25.00	87.00
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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
A29-04320	UNNAMED STREAM	BENNETT FARMS	0.500	0.020		
A29-04039	PECK CREEK	BENNETT FARMS	0.780	0.020		
A29-04112	SPRING	HART, JOHN WILLIAM	0.500	0.029		

LIST ALL RIGHTS WITH SAME POU BUT NOT USED FOR IRRIGATION.

CLAIM NO.	PURPOSES	NAME	MONTH/DAY	RATE	VOLUME
29-04296	STOCKWATER	GEPPFORD, JAY D	FROM 01-01 TO 12-31	0.050 CFS	
A29-12217	DOMESTIC	CHIKATO, STEVE	FROM 01-01 TO 12-31	0.040 CFS	
A29-04296	STOCKWATER	GEPPFORD, JAY D	FROM 01-01 TO 12-31	0.050 CFS	
29-12217	DOMESTIC	CHIKATO, ELIZABETH	FROM 01-01 TO 12-31	0.040 CFS	
A29-11918	DOMESTIC	BLOXHAM, DEVON	FROM 01-01 TO 12-31	0.040 CFS	
A29-11918	STOCKWATER	BLOXHAM, DEVON	FROM 01-01 TO 12-31	0.020 CFS	
29-11918	DOMESTIC	BLOXHAM, DENISE	FROM 01-01 TO 12-31	0.040 CFS	
29-11918	STOCKWATER	BLOXHAM, DENISE	FROM 01-01 TO 12-31	0.020 CFS	

D. ARE OTHER WATER RIGHTS USED FOR THE SAME PURPOSE?

Y() N()

* IF YES, COMPLETE OVERLAP REVIEW:

OTHER RIGHTS LISTED IN CLAIM: NONE

E. IS THE CLAIMED POU 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 POU, DESCRIBE THE INJURY ANALYSIS PERFORMED AND ENTER FLAG "C" WITH THE APPROPRIATE EXPLANATORY CODE.

F. CAN THE CLAIMED POU BE VERIFIED USING THE WATER RIGHT FILE AND AVAILABLE AERIAL PHOTOS?

N/A() Y() N()

G. SHOULD THE CLAIMED POU BE VERIFIED BY FIELD EXAM?

Y() N()

H. IS THERE ANY INDICATION THAT THERE HAS BEEN A FIVE YEAR PERIOD OF CONTINUOUS NONUSE OF THIS RIGHT, OR ANY PORTION OF THIS RIGHT?

Y() N()

- (7) If you are claiming water as a member of an organization, list name of organization:

AJ5809NP
No. A29-04320

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 04/24/00
PAGE: 115

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	BENNETT FARMS 3590 E RICHARDS RD DOWNEY ID 83234 (208) 897-5791	04/01/1930	IRRIGATION	04-01 11-01	0.500 CFS	
TOTAL DIVERSION: CONSUMPTIVE USE:					0.500 CFS	62.50 AFA

Water Source: UNNAMED STREAM

Tributary to: PECK CREEK

Stage: STATUTORY CLAIM

Point(s) of Diversion:

T11S R37E S06

NESE

BANNOCK County

Place of use Legal Description for: IRRIGATION

				NE				NW				SW				SE					
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	SUM
11S	37E	6	:					05		17	:									:	25.0
																			TOTAL ACRES	25.0	

POU County: BANNOCK

Non-Irrigation Uses: NONE

Other Rights: NONE

Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):
29-04296 29-11918 A29-04296 A29-04324 A29-11918

Other Water Rights Listing Overlapping Place(s) of Use:
A29-04039 A29-04112

Remarks: GEN FARMS C/O KEITH BENNETT

Dates: Exam Made Date:

Verified Date:

Objection Filed Date:

Misc: Water District Number:

Field Inspection Flag:

Presumption Flag:

Audit: 04/11/90 JONES 07/20/94 THOMPSON 03/29/95 POST-STD

CLAIM NO. A29-04320

AFFIDAVIT

I am the previous owner of the property described in this notice,
claim number A39-04320. Water was put to beneficial use on this
property April 1, 1930 and has been used beneficially since that
date.

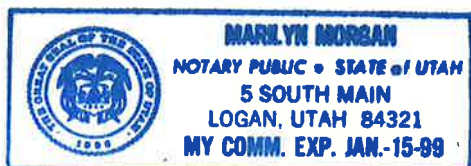
Levere Jackson 2/23/95
Signature of affiant Date

State of ~~Idaho~~ or Utah)
County of Cache) SS.

Subscribed and sworn (or affirmed) before me this 23rd day
of February 19 95

Notary Public Marilyn Morgan
Residing at Logan **MICROFILMED**
My Commission Expires 1-NOV-1996

SEAL



Misc: Water District Number: Field Inspection Flag:
Presumption Flag:

MICROFILMED
NOV 13 1990

75
MAY 31 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: A29-04320

Date Received: 4/09/1990

Receipt No: B012950

Received By: HWJ

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

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

2. Date of Priority: APR 01, 1930

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	6	NE	SE			BANNOCK

5. Description of diverting works:
DITCH TO FLOOD IRRIG.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	0.500		

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

8. Total consumptive use is 62.5 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	6	SW	NE		IRR	5.0
			SE	NE		IRR	17.0
			NE	SE		IRR	3.0

Section Acres 25.0

A29-04320

Page 1

Date: 04/09/90

MICROFILMED
NOV 13 1992

A2904320



10. Place of Use: Continued

Total Acres 25.0

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:
NONE

14. Remarks:
FARMS C/O KEITH BENNETT

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 A 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): Kuth 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

Seal

Betty J. Thompson
Notary Public

BETTY J. THOMPSON, NOTARY PUBLIC

Residing at RESIDING AT IDAHO FALLS, IDAHO

My Commission Expires MY COMMISSION EXPIRES: 6-30-94

SEE J17

A29-04320

ERVIN GILBERT
#248 CN# 127
CRP 86-96
F-23 76.4

ERVIN GILBERT
#248 CN# 127
CRP 86-96
F-22 60.6

R37E

18
62.4

19
59.9

T643
Harold Vought
#322

F23
1399

J18

T
115

PD

MICROFILMED
Mark Bennett
NOV 13 1992