

11/18/2002

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

RIGHT NUMBER: 29-4323

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

SOURCE: UNNAMED STREAM

TRIBUTARY: PECK CREEK

QUANTITY: 1.580 CFS

PRIORITY DATE: 04/14/1913

POINT OF DIVERSION:

T11S R37E S5 NWSWSE 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	1.580 CFS

PLACE OF USE: IRRIGATION Within BANNOCK County

T11S R37E S05	NESW	16.0	T11S R37E S05	SESW	16.0
T11S R37E S05	NWSE	21.0	T11S R37E S05	SWSE	26.0

79 ACRES TOTAL

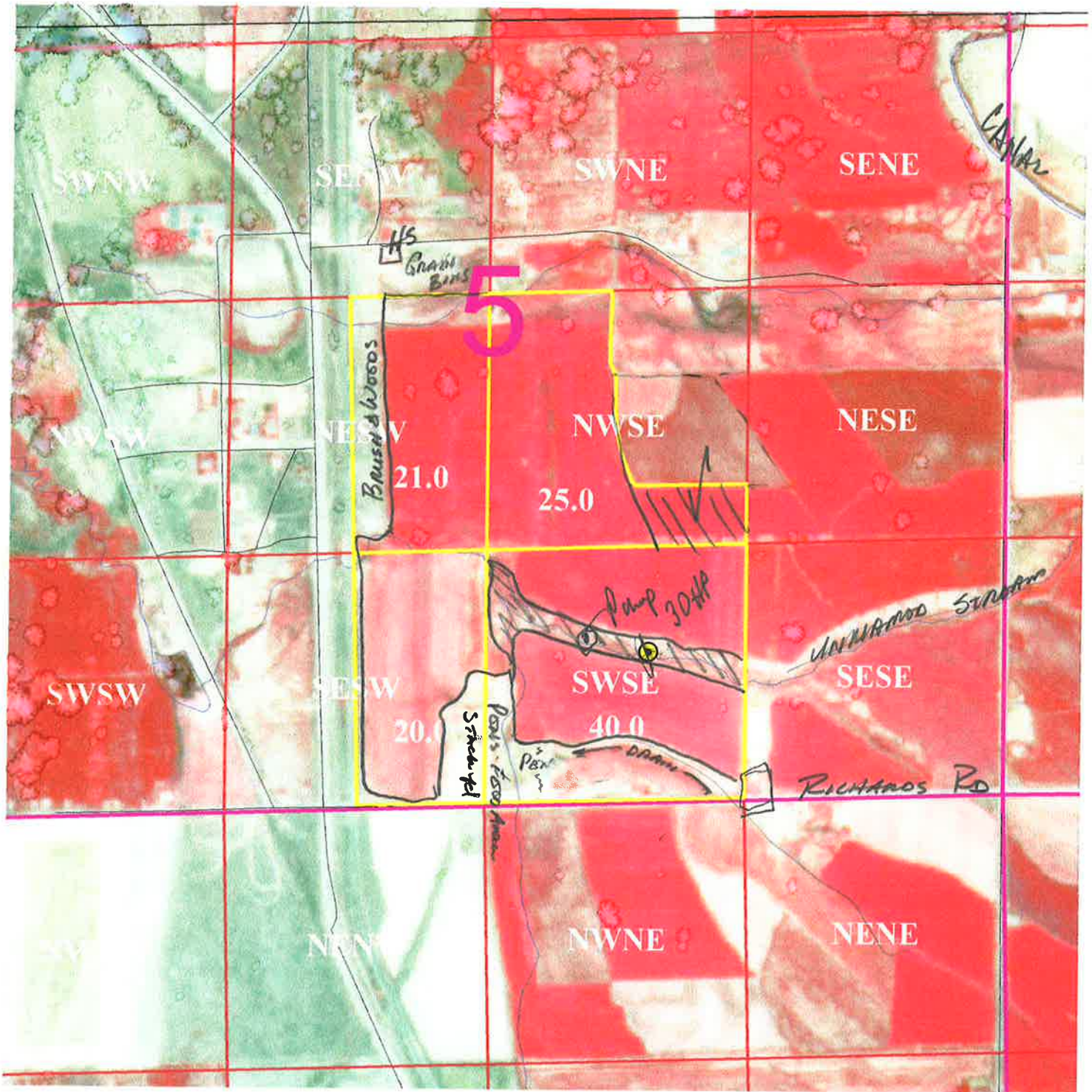
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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:

USE OF THIS RIGHT IS COMBINED WITH WATER FROM PORTNEUF-MARSH VALLEY CANAL.

Township , 11S37E



11/14/02

[Handwritten signature]

Legend

Irrigated Area

Place of Diversion

Section Line

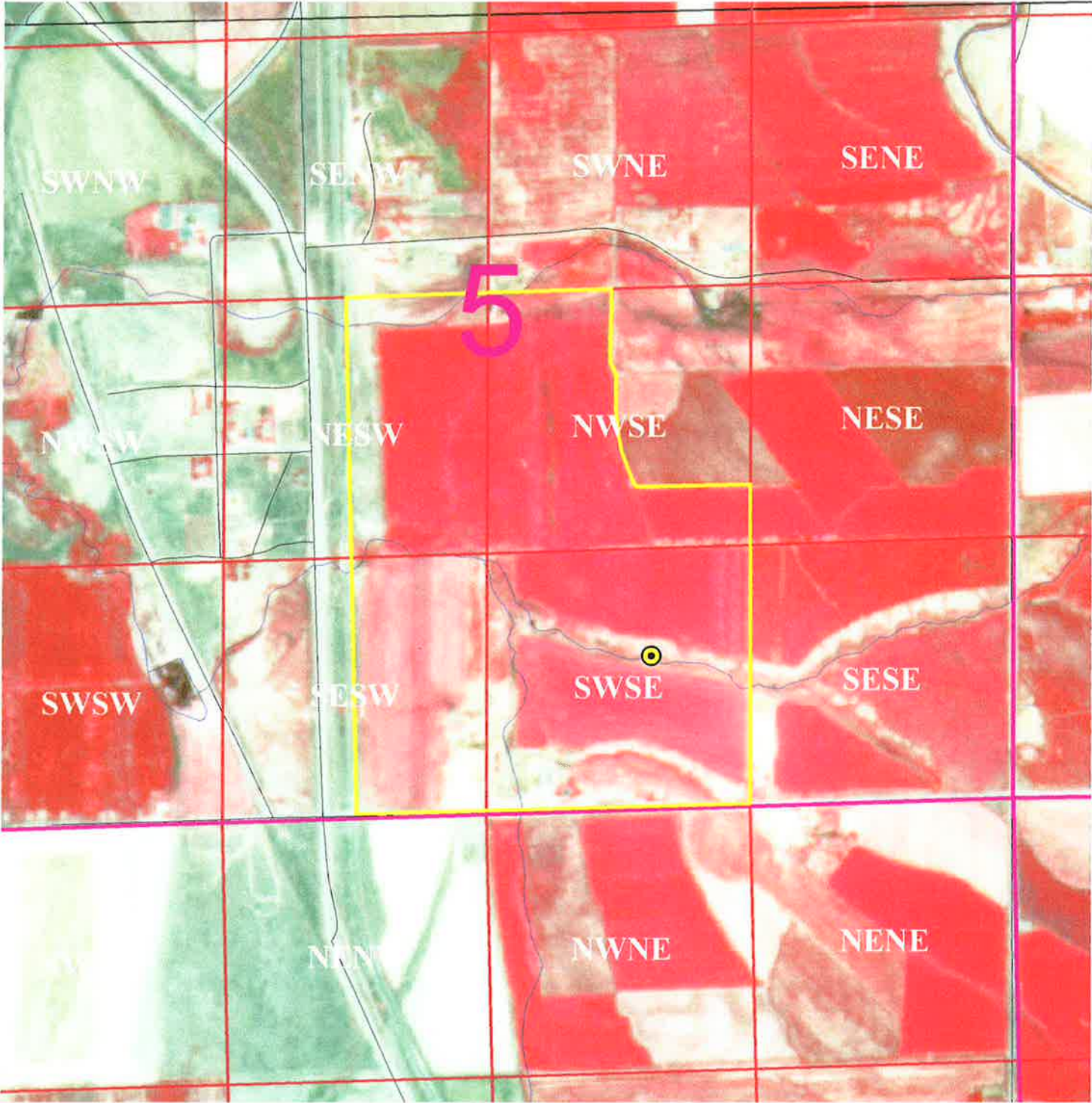
Quarter Section Line

Roads

Streams and Canals



Township , 11S37E



Irrigated Area

Place of Diversion

Section Line

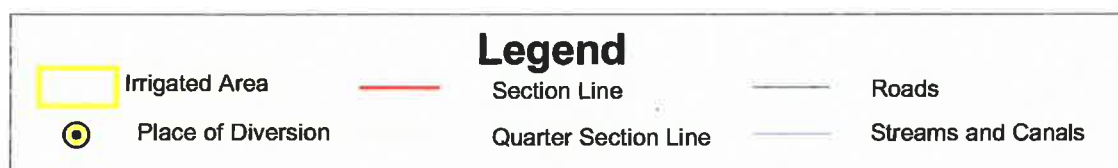
Quarter Section Line

Roads

Streams and Canals

Legend





02/18/2003

Allen

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: 29-4323

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):

Source

2. Describe the changes you wish to make in the proposed recommendation:

Source: Peck Creek

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

My other diversions on this creek are listed as Peck Creek

___ 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

Do this => New Recomm. to Kous

6/05/03 - Done ABZ

PROFILED

SCANNED

MAR 24 2003

RECEIVED
MAY 05 2003
Department of Water Resources
Eastern Region



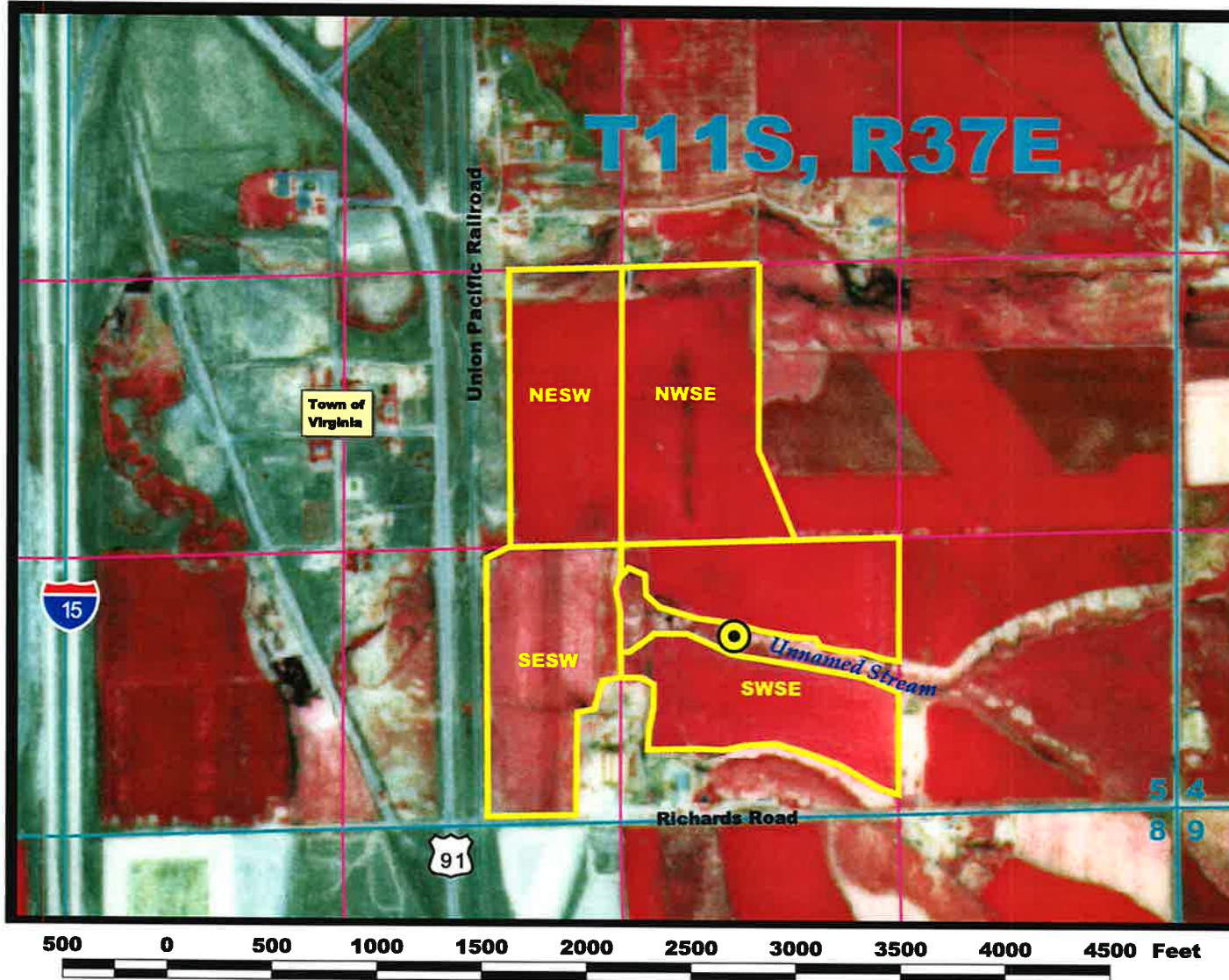
MAR 24 2016

PROTECTED
SCANNED

State of Idaho

Department of Water Resources

Eastern Region



Water Right(s):
29-04323

Place of Use: (parts of) T11S, R37E
Sec. 5 E2SW, W2SE

Point(s) of Diversion: T11S, R37E
Sec. 5 NWSWSE



LEGEND



Point of Diversion

SESE

Place of Use



Section



Quarter-Quarter

City of Virginia

BENNETT, KEITH W

SAXTON, ELMER DEE

BENNETT, KEITH W

TYLER, DARWIN

BENNETT, KEITH

BENNETT, KEITH W
BENNETT, MARK B & BENNETT, PENNY R

BENNETT, MARK B & BENNETT, PENNY R

BENNETT, KEITH W

BENNETT, KEITH

BRADY, ALLEN J

BENNETT, MARK B

KELLEY, HARVEY B & KELLE

Priority Date Data Entry Form

Claim Number: 29-4323

Water Right Priority Date: _____ Water Right Basis: _____

Claimed Priority Date: 4/14/1913 Claimed Basis: Stat. 243 BURecommended Priority Date: 4/14/1913 Recommended Basis: BU☐ Use Claimed Priority Date and Basis as Recommended Priority Date and Basis

Document the evidence submitted/reviewed for the priority date claimed, include your analysis of the evidence:

PRIORITY DATE CLAIMED IS SUPPORTED BY AN
AFFIDAVIT BY LEVERGE JUCHAN, 1995.

Mark Bennett - 897-5598 (3670 E. Richards Rd.)

11/14/02 FR-

1. Check Bann Co. Assessor Tax lot for Boundary + property

FR INDICATED: POD, SOURCE, Q, POD

Please change address

Mark Bennett

Reviewer: _____

Date: _____

PROFILED

SCANNED
MAR 24 2006

Point of Diversion and Source Data Entry Form

Claim Number: _____

Water Right Point of Diversion: T____, R____, Sec.____,____,____,____. County: _____

Source: _____ Tributary: _____

Claimed Point of Diversion: T 11S, R 37E, Sec. 5,____,____,____. County: BANKSource: UNNAMO STREAM Tributary: Puck CK

Recommended Point of Diversion: T____, R____, Sec.____,____,____,____. County: _____

Source: _____ Tributary: _____

☐ Use Claimed POD and Source as Recommended POD and Source

Twp	Rge	Sec	Gov Lot	QQQ of QQ of Q	County	Source
<u>11S</u>	<u>37E</u>	<u>5</u>		<u>NW1SW1SE</u>	<u>BANK</u>	<u>UNNAMO Stream</u> → <u>Puck CK</u>
GPS Coordinates: _____						
GPS Coordinates: _____						
GPS Coordinates: _____						
GPS Coordinates: _____						
GPS Coordinates: _____						
GPS Coordinates: _____						
GPS Coordinates: _____						

Other rights from this POD? _____

Document how the POD and Source were verified and/or Pump and Motor data:

Transfers Changing POD _____

Reviewer: _____

Date: _____

X Also uses Portwest Mason Vandy Canal shares Remark

SCANNED

MAR 24 2003

Place Of Use Data Entry Form

Claim Number: _____

_____ Use Claimed POU as Recommended POU

Claimed Place of Use

Twp	Rge	Sec	QQ	Q	County	Lot Num	Acres	Purpose of Use
11S	37E	5	NESW				20	Prairie.
			SESW				16	Prairie.
			NWSE				17	Prairie.
			SWSE				40	Prairie.

Total Acres _____

Recommended Place of Use

Twp	Rge	Sec	QQ	Q	County	Lot Num	Acres	Purpose of Use
11S	37E	5	NESW				16	
			NWSE				21	
			SESW				16	
			SWSE				26	

Total Acres 79

Document how the POU was verified:

$$79 \times .02 = 1.58$$

Transfers Changing POU _____

Reviewer: _____

Date: _____

SCANNED

MAR 24 2006

Purpose of Use Data Entry Form

Claim Number: _____

_____ Use Claimed Purpose of Use as Recommended Purpose of Use

Water Right Purpose of Use

Water Use	Number of Homes	Number of Stock	Acre Limit	Number of Other
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

Claimed Purpose of Use

Water Use	Number of Homes	Number of Stock	Acre Limit	Number of Other
FRUIT	_____	_____	930	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

Recommended Purpose of Use

Water Use	Number of Homes	Number of Stock	Acre Limit	Number of Other
FRUIT	_____	_____	170	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

Document how the Purpose of Use was verified:

Transfers Changing Purpose of Use _____

Reviewer: _____

Date: _____

SCANNED
MAR 24 2006

Period of Use and Quantity Data Entry Form

Claim Number: _____

☐ Use Claimed Period of Use and Quantity as Recommended Period of Use and Quantity

Water Right Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

Overall Diversion Rate _____

Overall Diversion Volume _____

Claimed Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
<i>Tring</i>	<i>4/1</i>	<i>11/1</i>	<i>1.7</i>	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

Overall Diversion Rate _____

Overall Diversion Volume _____

Recommended Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
<i>Tring</i>	<i>4/1</i>	<i>10/31</i>	<i>1.58</i>	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

Overall Diversion Rate _____

Overall Diversion Volume _____

Document how the Period of Use and/or Diversion Rate were verified:

93 ac x 0.02 cfs/ac = 1.86 cfs Claims 1.7 cfs on 93 ac. Why?
Don't Inaugate 93 ac ⇒ Try 79 x 0.02 = 1.58 cfs Recommended

Reviewer: _____

Date: _____

SCANNED

MAR 24 2006

Contacts Data Entry Form

Owner Type	Full Name	Address	City	State	Zip	Phone
Current Owner	BENNETT FARMS	KEITH BENNETT				

Name connector: and ____, or ____, and/or ____

Current Owner _____

Current Owner _____

Representing Attorney: _____ Phone Number: _____

Accompanied By: _____ Phone Number: _____

Relationship to Claimant: _____

Date of Field Exam: _____ Time: _____

Directions to Property (if different from above) and/or update owner information:

Changed address to Mark- KEITH, THE FATOR,
PASSED AWAY - FARM IS IN TRUST.

Reviewer: _____

Date: _____

SCANNED
MAR 24 2006

MAY 31 2001

Log for claim A29-04323

Spatial Dynamics TWB

5/26/00

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
11s37e	5	NESW	20	21	
11s37e	5	SESW	16	20	
11s37e	5	NWSE	17	25	
11s37e	5	SWSE	40	40	
Totals:			93	106	

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

CLAIM TO A WATER RIGHT



Under the provisions of Section 42-243, Idaho Code, any person using or claiming rights to the public waters of Idaho established by diversion and application to a beneficial use must file a claim with the Department of Water Resources on or before June 30, 1983. Exempted from this filing are single family domestic uses as defined in Section 42-230(d), Idaho Code. Also exempted are rights represented by a permit, license, decree, adjudicated right, or a previously filed claim.

The filing of this claim does not confirm the water right claimed but failure to file may result in forfeiture of a water right.

Notice is hereby given that Bennett Farms c/o Keith Bennett

(Name of Claimant)

Box 59, Downey, Idaho 83234

(Mailing Address)

Telephone No. 897-5791

(Zip Code)

claims a right to the diversion and beneficial use of the surface or ground water. The extent and nature of said claim is as follows:

- (1) Date of priority: (When was the water first applied to a beneficial use) April 14, 1913

A claim is not acceptable on a ground water source with a priority later than March 25, 1963 or on a surface water source with a priority later than May 20, 1971. An exception is that a claim may be filed on single family domestic use from a ground water source.

- (2) Describe the source of water: (Name of stream, lake, spring, etc., or ground water)

Stream tributary to Peck Creek

- (3) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:

	(cfs, af)	(Domestic, Irrigation, Stock, Etc.)	(Both dates inclusive)	
			(Mo., Day)	(Mo., Day)
Quantity	<u>1.7 cfs</u>	Use <u>Irrigation</u>	Period of Use From <u>4-1</u>	To <u>11-1</u>
Quantity		Use	Period of Use From	To
Quantity		Use	Period of Use From	To
Quantity		Use	Period of Use From	To
Quantity		Use	Period of Use From	To

- (4) 1.7 cfs TOTAL QUANTITY USED.
(cfs, af)

- (5) A) Point of diversion: (Location of point where water is diverted from its source)

SW ¼ SE ¼, Sec. 5 Twp. 11S Rge. 37E B.M., County of Bannock

Additional points of diversion:

B) Describe means of diversion of water: (Pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.). Give sizes and capacities: be as specific as possible. Describe any changes in the system and give the date of the change. Ditches to pump to sprinkler system.

- (6) A) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is not for irrigation, place an "X" in appropriate box to show location.

T	R	SEC.	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
11S	37E	5			5						15			16		24	40		100

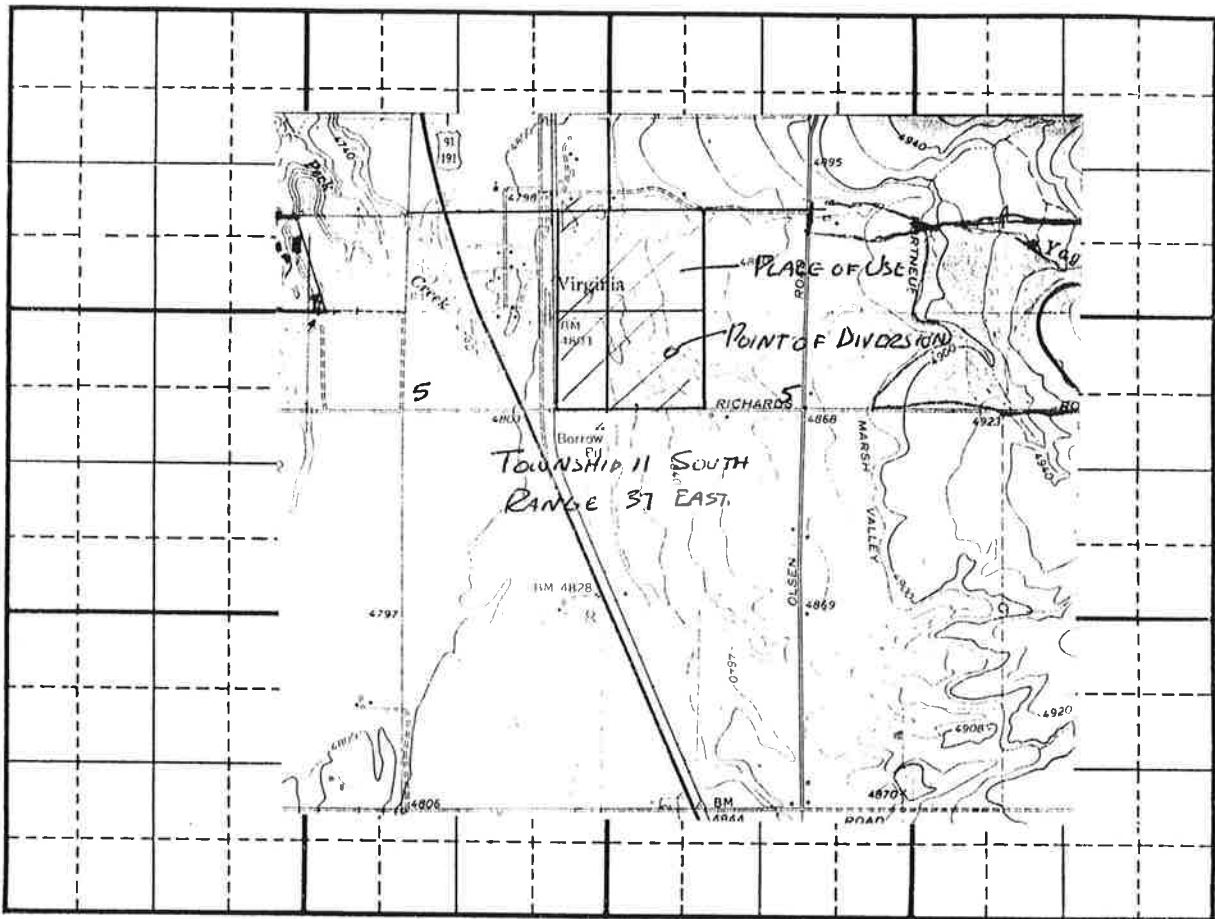
No. of acres 100

- B) If water is used for other than irrigation, fully describe that use, being as specific as possible:

NOTE: Include here the type and number of stock watered:

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

(8) Remarks _____



Scale: 2 inches equal 1 mile.

Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

State of Idaho)
County of Bonneville) ss.

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiant's knowledge.

Sworn to before me this 6th day of April

Keith Bennett
(Claimant)

Callum Wray
Notary Public
Residing at Idaho Falls

My commission expires 6-15-85

FOR DEPARTMENT USE ONLY

Received by S.M. Date 4-6-83 Exception filed by: _____ Forwarded to _____ Date _____
Prelim. check by H.W.J. Date 4-7-83 claimant by: _____
\$30.00 fee received by BP Date 4-6-83 #28005
Published in Idaho State Journal
Dates 4/21 - 4/28/83

CLAIM NO. A29-04323

AFFIDAVIT

I am one of the previous owners of the property and water rights referred to in claim number A20-04323. The water was put to beneficial use April 14, 1913 and has been used on this property continuously since that date.

Edwin F. Davis filled permit number 14915, priority date April 14, 1913 and put the water to beneficial use on the property referred to. It has been used on the property continuously since that date.

* Levere Juchan
Signature of affiant

2/23/95
Date

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

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

SEAL

Notary Public Marilyn Morgan
Residing at Logan, Utah
My Commission Expires NOV 13 1996



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	04/14/1913	IRRIGATION	04-01 11-01	1.70 CFS	
TOTAL DIVERSION:					1.70 CFS	
CONSUMPTIVE USE:						232.50 AFA

Water Source: UNNAMED STREAM

Tributary to: PECK CREEK

Stage: STATUTORY CLAIM

Point(s) of Diversion: T11S R37E S05 SWSE

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	5	:											20		16		17	40	:	93.0		
																				TOTAL ACRES		93.0	

POU County: BANNOCK

Non-Irrigation Uses: NONE

Other Rights: PORTNEUF-MARSH VALLEY CANAL

Remarks: FARMS C/O KEITH BENNETT

Dates: Exam Made Date:

Verified Date:

Misc: Water District Number:

Field Inspection Flag:
Presumption Flag:

MICROFILMED
NOV 13 1996

Applicant No. 21052
 Permit No. 14918
 District No. 1704

1. Name of Applicant: Edwin F. Davis.

Postoffice address: Virginia

County: Bamcock

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: 0.25 cubic feet per second.

3. Source of water supply: (1) Springs which is a tributary of Peck Creek.
 (2) unnamed stream

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

corner of Section T R B. M. and is in the (1) SE 34

of Section 5 T 11 S. R. 37 E. B. M. County of Bamcock. (2) SE 34

5. Water is to be used for: Irrigation and domestic purposes.

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. is 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. is the

of Section T R B. M.

7. Estimated cost of works: \$ 750.00

8. Kind of works: Dam, ditch, flume.

9. Height of dam: 5 feet; length of dam at top: 30 feet; length of dam at bottom: 20

feet; material used in dam: Gravel.

10. Size of headgate: Width: 4 feet; height: 4 feet

11. Ditch: Width at bottom: 2 feet; width at water line: 4 feet; depth of water: 1

feet; dimensions of flume: 5 x 22 feet

Diameter of pipe: inches; length of conduit: 11 miles

Average grade per mile: 50 feet

12. The time required for the completion of such work is one and 1/2 years

13. The time required for the completion of the water to the proposed use is no additional years

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

POOR ORIGINAL

COOR ORIGINAL

NOTICE FOR PUBLICATION

NOTICE OF PROOF APPLICATION OF WATER
TO BENEFICIAL USE

Notice is hereby given that at 0 a m on the 18th day of Oct., 1922, 19
at Arise County of Benewah, State of Idaho,
before Henry J. Nelson a Notary Public, proof will be submitted
of the application to beneficial use of 5 second cubic feet per second of the
waters of an Unnamed stream in accordance with the terms and conditions of
Permit No. 14915 heretofore issued by the Commissioner of Reclamation
of the State of Idaho.

The name and postoffice address of the person or corporation holding said permit are
Edwin F. Davis, Virginia, Idaho

The use to which said water has been applied is
Domestic & Irrigation

The amount applied to beneficial use is 2 cubic feet per second

The place where said water is used (if for irrigation, give full and accurate description of the
lands irrigated) 20 acres in NW 1/4, 12 acres in SW 1/4, 20 acres in SE 1/4 of
Section 5, Twp. 11 N., Range 37 E., S. 1/2.

The name of the canal or ditch or other works by which said water is conducted to such place of use
is Unnamed

The right to take water from such works is based upon Permit No. 14915

The source of supply from which such water is diverted is Section 5, Twp. 11 N., Range 37 E., S. 1/2.

The date of the priority which said user is prepared to establish is
Oct. 24, 1920

Commissioner of Reclamation.

14915

MICROFILMED
NOV 19

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: A29-04323
Date Received: 4/09/1990
Receipt No: 5012950
Received By: HWS

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: BENNETT FARMS
Address: 3590 E. RICHARDS RD.
DOWNEY, ID

Mark
83234

208-897-5791

2. Date of Priority: APR 14, 1913

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	SE			BANNOCK

5. Description of diverting works:
DITCHES & SPRINKLER SYSTEM

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	1.700		

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

A.F.A.

8. Total consumptive use is 232.5 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	5	NE	SW		IRR	20.0
			SE	SW		IRR	16.0
			NW	SE		IRR	17.0

A29-04323

Page 1

Date: 04/09/90

A2904323



MICROFILMED
NOV 13 1992

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
11S	37E	5	SW SE		IRR	40.0
Section Acres						93.0
Total Acres						93.0

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:
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 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): 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

Seal

Betty J. Thompson
Notary Public

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

191

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiant's knowledge.

State of Idaho

Scale: 2 inches equal 1 mile.



✓ 29-0423