

05/03/2002

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

RIGHT NUMBER: 29-4462

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

SOURCE: MARSH CREEK

TRIBUTARY: PORTNEUF RIVER

QUANTITY: 1.06 CFS

PRIORITY DATE: 04/01/1959

POINT OF DIVERSION:

T11S R36E S2 SESE Within BANNOCK County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

04/01 10/31

1.060 CFS

PLACE OF USE:

IRRIGATION Within BANNOCK County

T11S R36E S02

NESE

14.0

T11S R36E S02

SESE

39.0

53 ACRES TOTAL

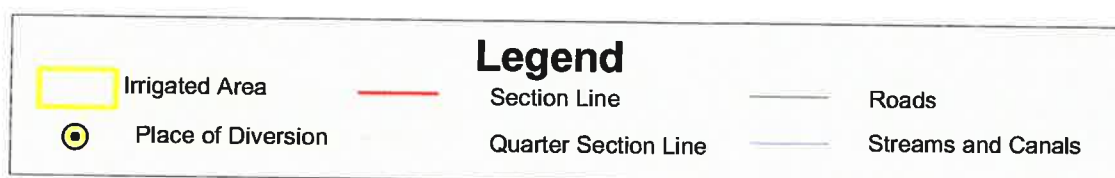
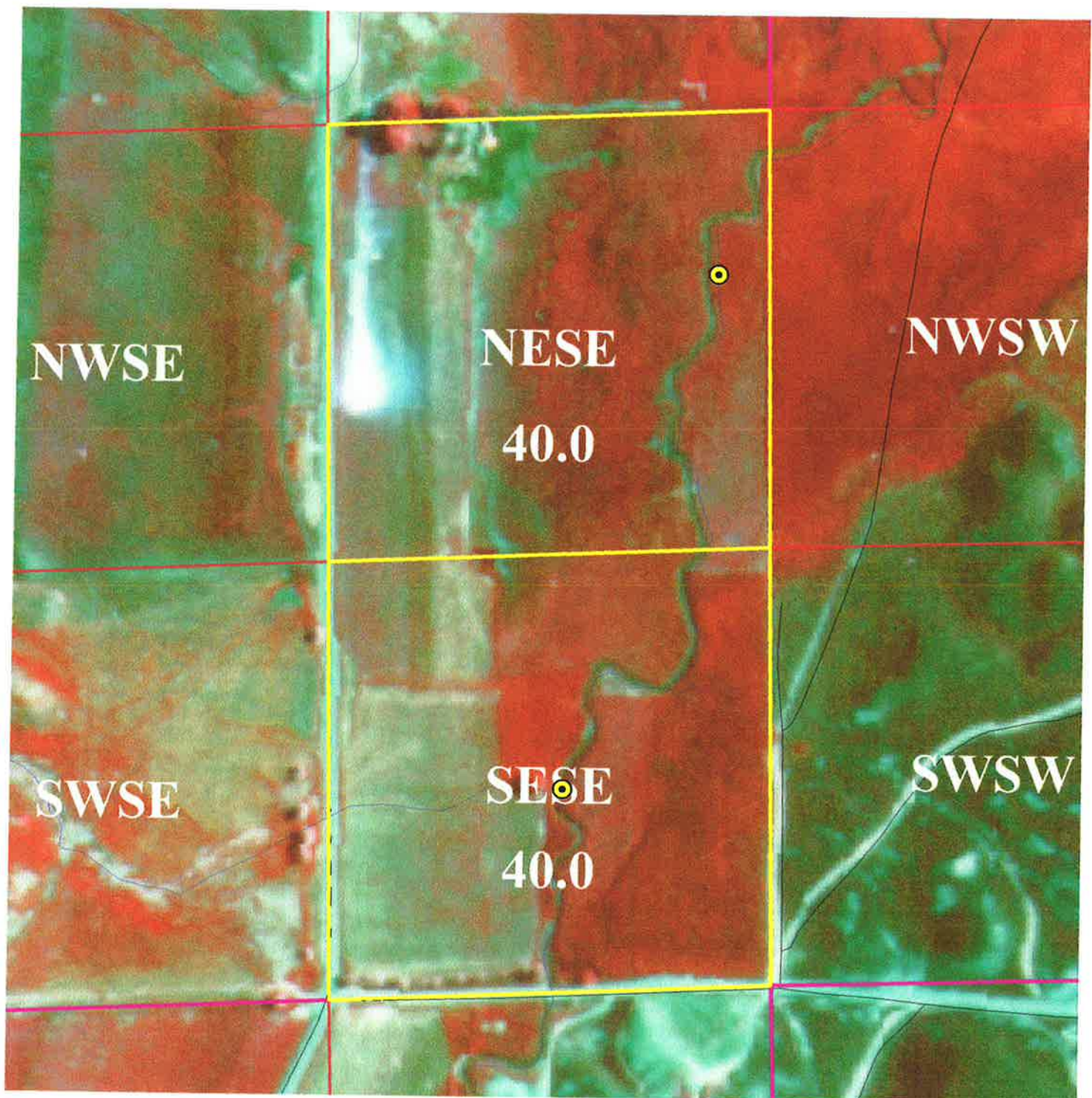
USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 53 ACRES IN A SINGLE IRRIGATION
SEASON. COMBINED RIGHT NOS.: 29-04462, 29-02560B

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

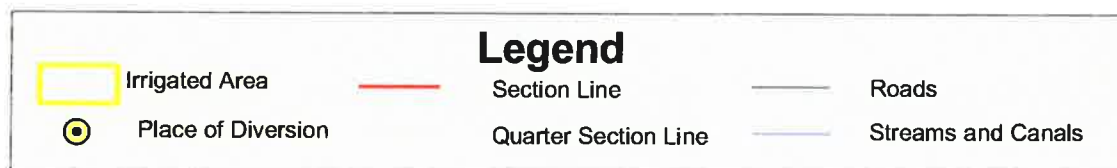
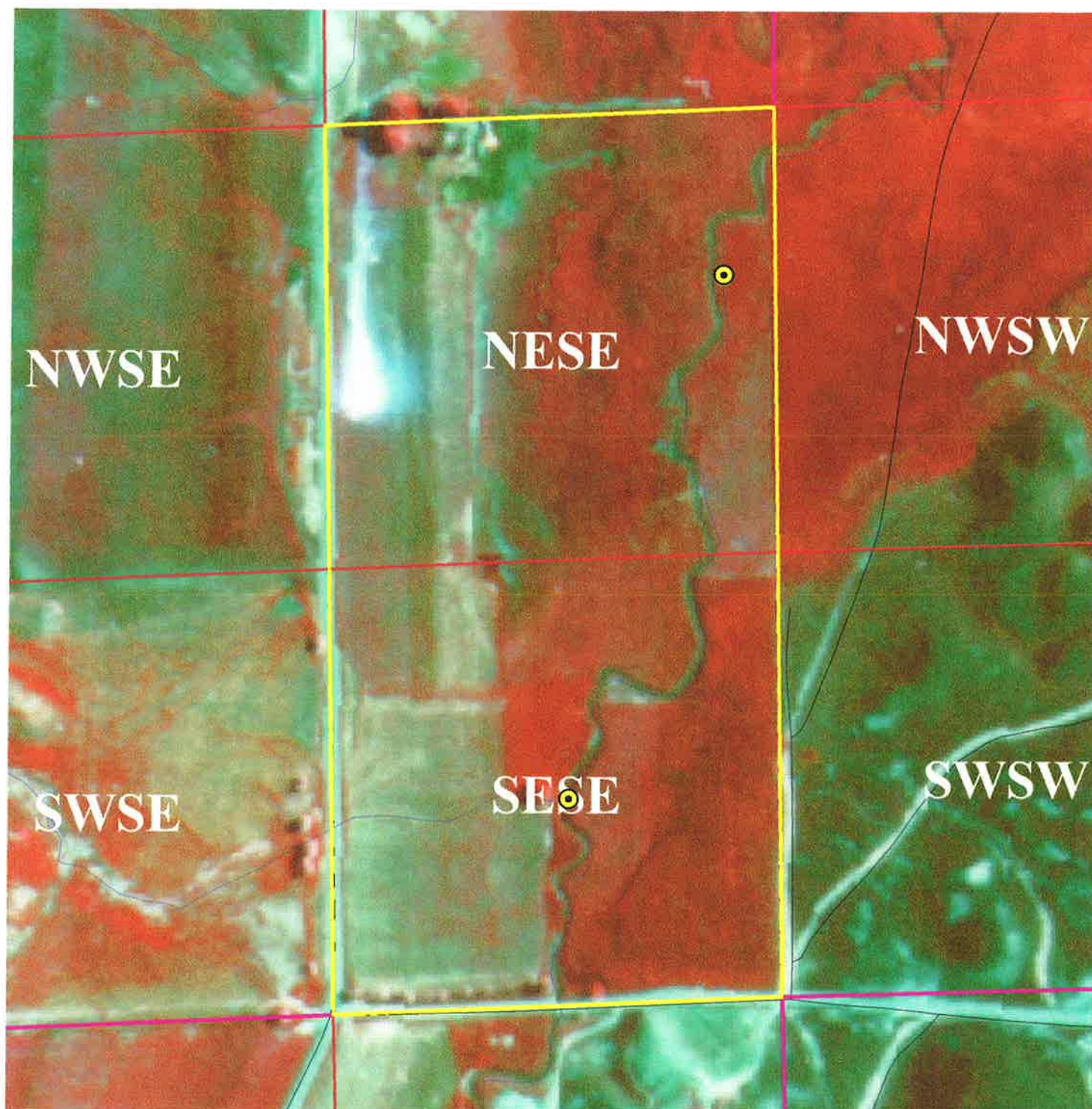
THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT
ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY
DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE
ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.

EXPLANATORY MATERIAL: Beneficial Use

Township , 11S36E



Township , 11S36E



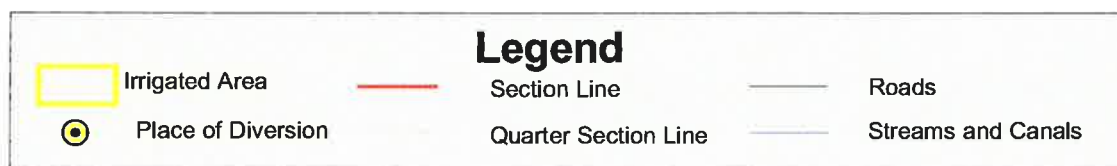
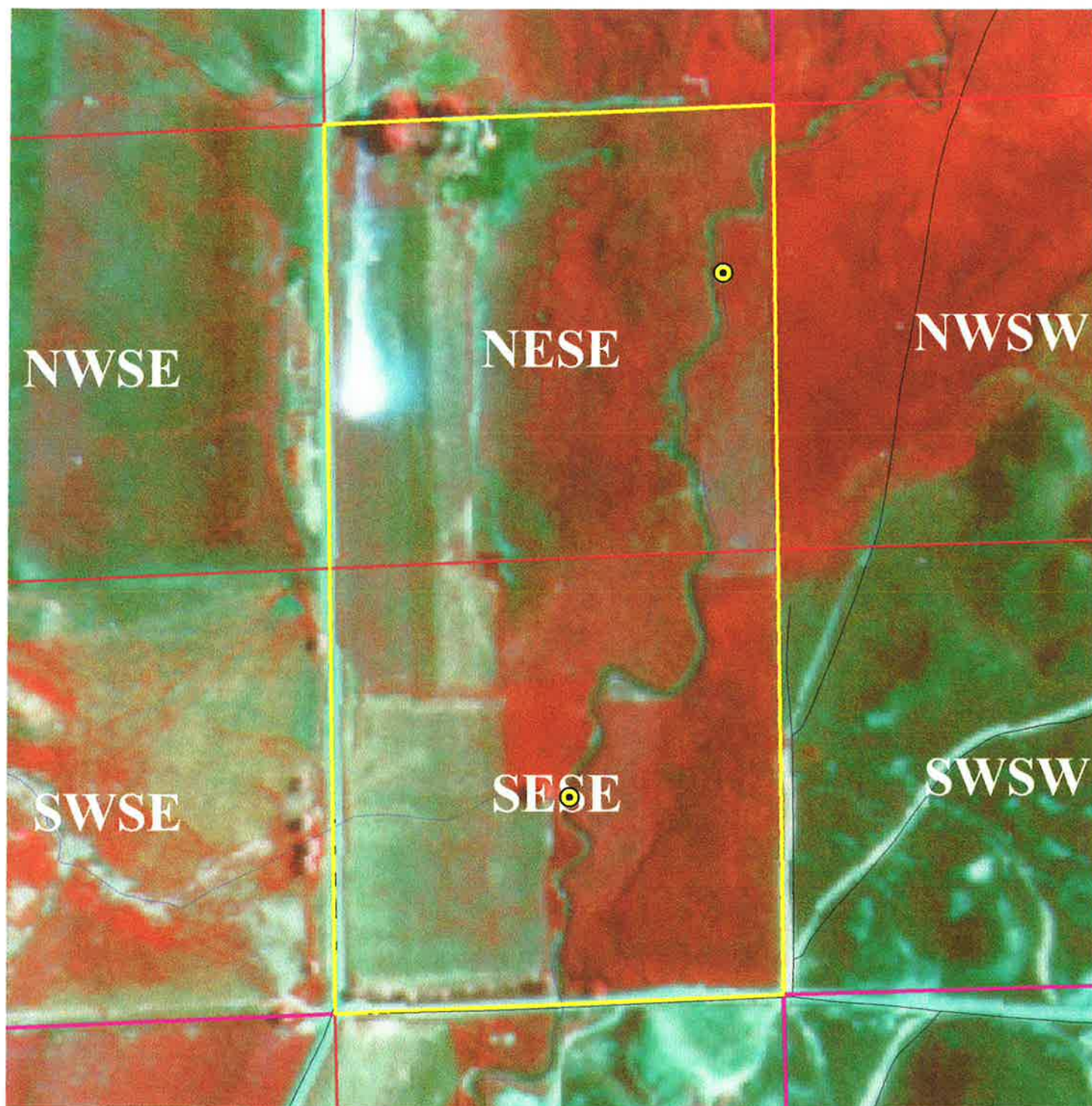
1000

0

1000



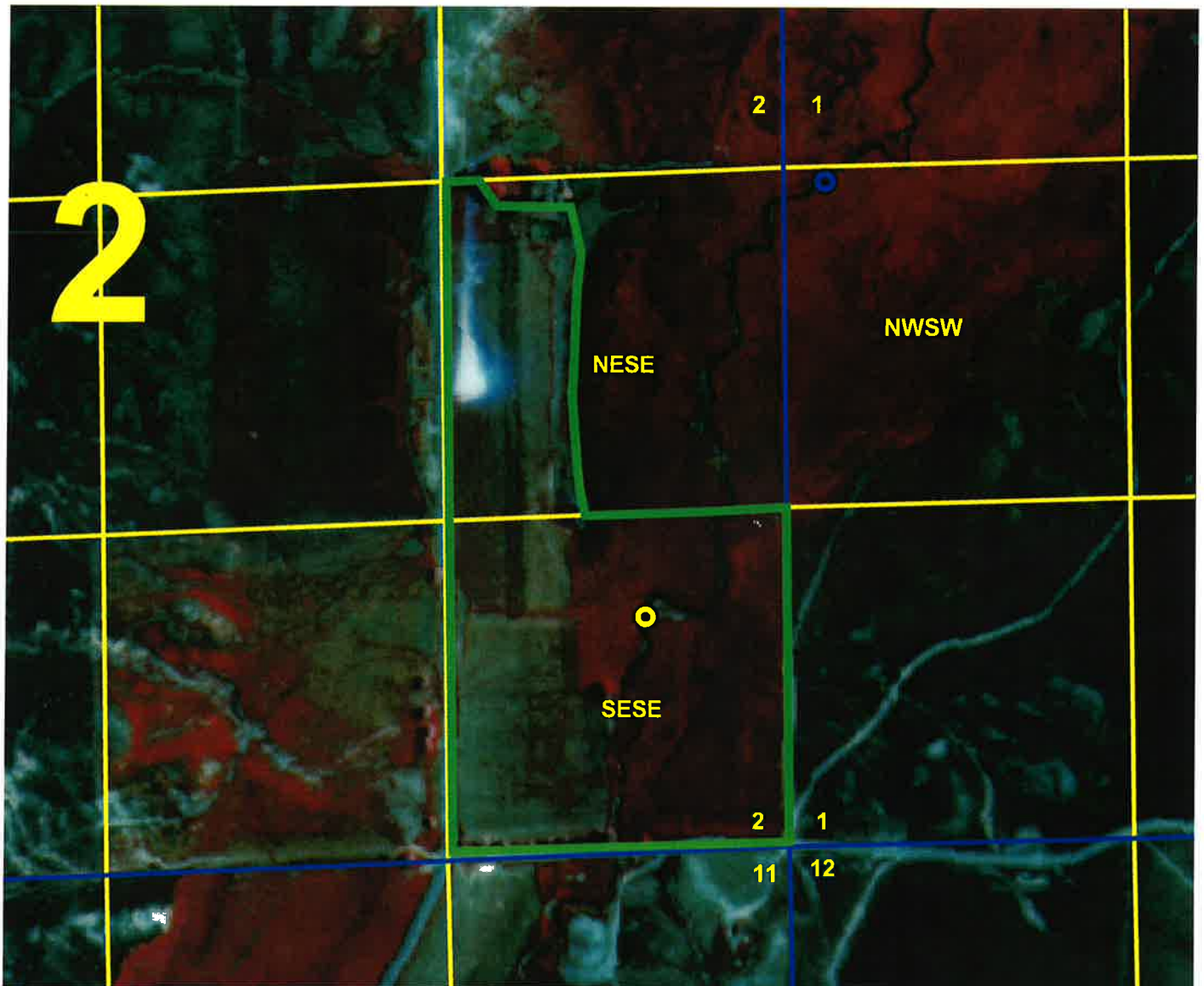
Township , 11S36E



IDAHO DEPARTMENT OF WATER RESOURCES

29-04462

T11S, R36E SEC 2



ACRES IRRIGATED- 53
PROFILE



POINT OF DIVERSION



PLACE OF USE

SCANNED
APR 05 2006

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

[Microsoft TerraServer](#)

[Display Image](#)

[USGS Aerial Photograph](#)

47 km SE of Pocatello, Idaho, United States 23 Jul 1999



1990's
photos

SCANNED
APR 05 2006



0 100 200M

0 100 200yd

Image courtesy of the US Geological Survey.

1990's

SCANNED
APR 05 2006





MAY 31 2001

Log for claim A29-04462

Spatial Dynamics TWB

5/30/00

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
11s36e	2	NESE	40	40	
11s36e	2	SESE	40	40	
Totals:			80	80	

pod N 42 29 28.8
W112 12 44.8

4743

4" intake

desal pump

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

AJ5809NP
No. A29-04462

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 04/24/00
PAGE: 127

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	REID E BENNETT 18566 S MARSH VALLEY RD DOWNEY ID 83234 (208) 897-5711	04/01/1955	IRRIGATION	03-01 11-20	2.000 CFS	
TOTAL DIVERSION:					2.000 CFS	
CONSUMPTIVE USE:						200.00 AFA

Water Source: MARSH CREEK

Tributary to: PORTNEUF RIVER

Stage: STATUTORY CLAIM

Point(s) of Diversion: T11S R36E S02 NESE SESE 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	:	SUM				
11S	36E	2	:															:					
																			40		40	:	80.0
																			TOTAL ACRES			80.0	

POU County: BANNOCK

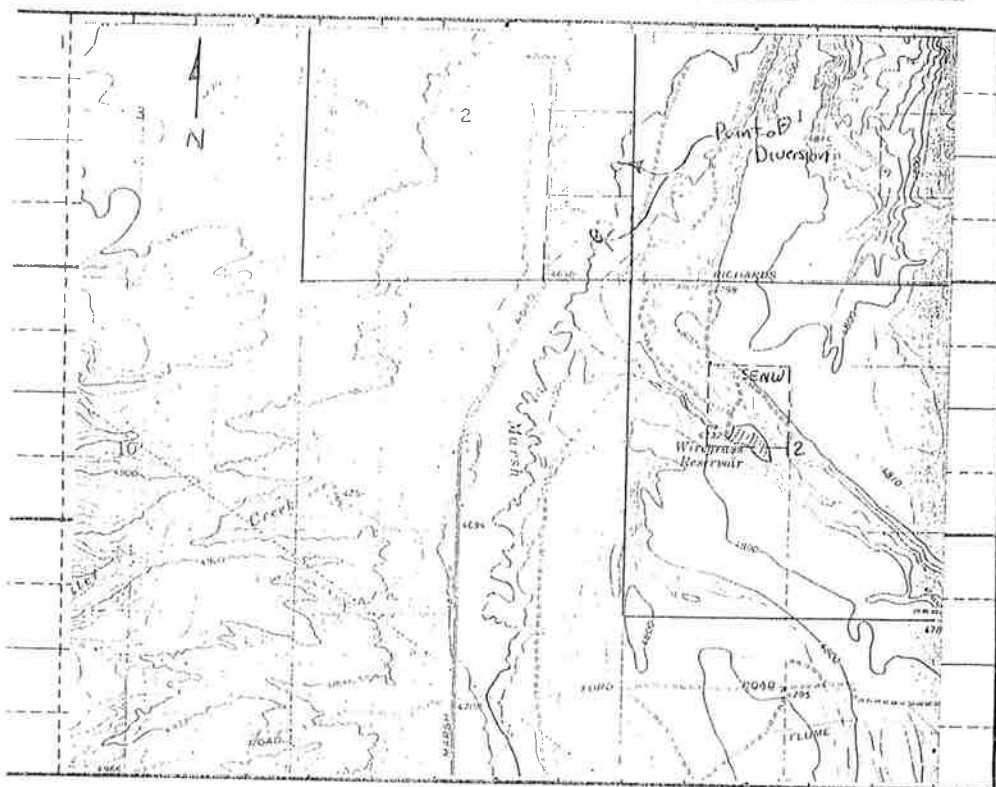
Non-Irrigation Uses: INCIDENTAL STOCKWATER FOR 600 SHEEP.

Other Rights: A29-02560B.

Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):
29-12056 A29-12056

Other Water Rights Listing Overlapping Place(s) of Use:
A29-02560 A29-02560A A29-02560B

Dates:	Exam Made Date:	Verified Date:	Objection Filed Date:
Misc:	Water District Number:	Field Inspection Flag:	Presumption Flag:
Audit:	06/13/90 CARLSEN	07/25/94 THOMPSON	03/29/95 POST-STD



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 Bernard

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 8 day of November, 1983.

(Claimant)

James J. Jensen
Notary Public
Residing at Acorn, Idaho

My commission expires 11-17-85

FOR DEPARTMENT USE ONLY

Received by CW Date 6-28-83
 Prelim. check by HWS Date 11-10-83
 \$30.00 fee received by CW Date 6-21-83
 Published in Idaho State Journal # 25711
 Date 11/24/83

Exception filed by: _____ Date _____
 Forwarded to claimant by: _____ Date _____

RECEIVED

APR 03 1995

Department of Water Resources
Eastern District Office

3-31-95

To Whom This may concern
AS A former owner of A 80 ACRE
RANCH location due west of
Virginia Id. legal Description
EAST half of the Southeast quarter of
Section 2 Township 11 South Range
36 E, Boise meridian in Bonanza CO. ID.
In regards, to Pumping water out
of Marsh Creek.

I, personally know the previous
owner AS I witness the fact
he had pumped water in the year
1959. I purchased the Ranch in
1962. From that time on every
year after, I pumped water
from Marsh Creek to irrigate this
Ranch

Signed Carl Morrison

WITNESS

Witness

Notary Rosy & Cecil
3-31-95

expres 1-1-99-

MICROFILMED

NOV 13 1990



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Idaho Falls, Idaho 83402-1718 - (208) 525-7161 - FAX: (208) 525-7177

EASTERN REGION

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

DATE: JAN. 3, 1995

A29-04462
REID E BENNETT
18566 S MARSH VALLEY RD
DOWNEY ID 83234

EVIDENCE OF PRIORITY

Dear Claimant:

The Notice of Claim identified above and or below has been filed in the Snake River Basin Adjudication(SRBA). The notice indicates a water usage of irrigation, or other commercial application that is based on **BENEFICIAL USE**. Water rights of this type are established by the historical use of water, dating back to when the water was first used for the purpose claimed. This date is know as the **PRIORITY DATE**, has not been confimed by a license, Decree, or Permit. For this reason, proof must be provided supporting the priority date. **As the claimant, you are responsible for submitting the necessary proof to support the PRIORITY DATE.**

For your reference, I have provided a printout of your Notice of claim and the pamphlet **EVIDENCE OF PRIORITY**. The pamphlet suggests which documents will fulfill this requirement.

The IDWR can not recommend the notice be decreed by the court if no evidence of a priority date is submitted.

Please submit the documentation supporting the priority date by March 31, 1995, referencing the information with the corresponding Water right number. If you have any questions, please contact this office.

Dave Carlson
Water Right Agent, Adjudications

MICROFILMED

NOV 13 1996

Dave

RECEIVED

02/08/2003

APR 23 2003

NOTICE OF ERROR
REPLY

Department of Water Resources

RECEIVED
APR 28 2003
Department of Water Resources
Eastern Region

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: 29-4462

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):

Dam site in marsh creek, to flood meadow ground
old Dam wash out - and I have not had money to fix it with

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

But I would like to use it again as soon as I can get the money

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

The old Dam has been used since the Farm was settled
By one of the first people in marsh valley

☐ 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

I would like to show you what is left of the
old Dam so you can see for your self.

PROFILED

SCANNED
FEB 28 2006

SCANNED

MAY 31 2001

NO LATE FEE IF RECEIVED

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

Ident. Number: A29-04462

Date Received: 5/17/1990

Receipt No: E014828

Received By: DC

RECEIVED

JUN 13 1990

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: APR 01, 1955

3. Source: MARSH CREEK Trib. to: PORTNEUF RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
11S	36E	2		NE	SE		BANNOCK
				SE	SE		BANNOCK

5. Description of diverting works:
PUMP & PIPELINE

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/01	11/20	2.000		

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

8. Total consumptive use is 200.0 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	40.0
			SE	SE		IRR	40.0

A29-04462

Page 1

Date: 05/17/90

MICROFILMED

NOV 13 1992

A2904462



10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					Section Acres	80.0
					Total Acres	80.0

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:
A29-02560B.

14. Remarks:

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 _____ 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 *Ruf 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, ID 83234

My Commission Expires Dec. 22, 1993

A. ROOT WATER RIGHT NUMBERS: A29-04462

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	A29-04462 / 40.0	29-04462 / 40.0	42.0		
			NE	SE		BENNETT, REID E	29-12056 /	- /			
			NE	SE		MARSH CENTER IRRIGATION CO	A29-02560A / 26.0	- /			
			NE	SE		BENNETT, REID E	A29-02560B / 26.0	- /			
			NE	SE		MARSH CENTER IRRIGATION CO.		29-02560 / 26.0			
11S	36E	2	SE	SE		BENNETT, REID E	A29-04462 / 40.0	29-04462 / 40.0	36.0		
			SE	SE		MARSH CENTER IRRIGATION CO	A29-02560A / 34.0	- /			
			SE	SE		BENNETT, REID E	A29-02560B / 34.0	- /			
			SE	SE		MARSH CENTER IRRIGATION CO.		29-02560 / 34.0			

ADDITIONAL POU FOUND

TOTAL ACRES A29-04462 80.00 80.00 78.00

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

99

00

12' 30"

01

02

03

2

*Twp 11S.
Rge 36E.*

*1
11 12*

points of diversion

MICROFILMED
NOV 13 1992