

06/30/2003

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

RIGHT NUMBER: 29-10664

NAME AND ADDRESS: MARSH CENTER IRRIGATION CO
C/O WM EGAN
1451 W HAWKINS RD
ARIMO ID 83214

SOURCE: HAWKINS CREEK

TRIBUTARY: MARSH CREEK

QUANTITY: 0.330 CFS

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL
COMBINED DIVERSION RATE OF 56.0 CFS. COMBINED RIGHT NOS.: 29-13493,
29-13494, 29-10663, 29-10664, 29-10665, 29-12058.

PRIORITY DATE: 06/10/1891

POINT OF DIVERSION:

T10S R35E S35 NWNNESE Injection Within BANNOCK County
T10S R35E S35 NWNNESE Within BANNOCK County
T10S R36E S31 NWNWSW Rediversion Within BANNOCK County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION STORAGE	01/01 12/31	238.90 AFY
IRRIGATION FROM STORAGE	04/01 10/31	238.90 AFY

PLACE OF USE:

Large POU

3220.2 ACRES TOTAL

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A
COMBINED TOTAL OF 3220.2 ACRES IN A SINGLE IRRIGATION SEASON.
COMBINED RIGHT NOS.: 29-13493, 29-13494, 29-10663, 29-10664,
29-10665, 29-12058.

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: Decreed

RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT
TO SECTION 42-1425, IDAHO CODE.

THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF
DIVERSION DESCRIBED ABOVE: 29-13494, 29-10663, 29-10664, 29-10665,
29-12058

02/27/2003

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

RIGHT NUMBER: 29-10664

NAME AND ADDRESS: MARSH CENTER IRRIGATION CO
C/O WM EGAN
1451 W HAWKINS RD
ARIMO ID 83214

SOURCE: HAWKINS CREEK

TRIBUTARY: MARSH CREEK

QUANTITY: 0.330 CFS

PRIORITY DATE: 06/10/1891

POINT OF DIVERSION:

T10S R35E S35 NWNESE Injection Within BANNOCK County Source: HAWKINS CREEK

T10S R35E S35 NWNESE Within BANNOCK County Source: HAWKINS CREEK

T10S R36E S31 NWNWSW Rediversion Within BANNOCK County Source: HAWKINS CREEK

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION STORAGE	01/01 12/31	238.90 AFY
IRRIGATION FROM STORAGE	04/01 10/31	238.90 AFY

PLACE OF USE:

LARGE PLACE OF USE

3173.3 ACRES

USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 3173.3 ACRES IN A SINGLE
IRRIGATION SEASON. COMBINED RIGHT NOS.: 29-13493, 29-13494,
29-10663, 29-10664, 29-10665, 29-12058.

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: Decreed

THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF
DIVERSION DESCRIBED ABOVE: 29-13494, 29-10663, 29-10664, 29-10665,
29-12058

Fix to show
Pool As - Then
large Pool.



Hawkins Creek

T10S, R35E
T10S, R36E

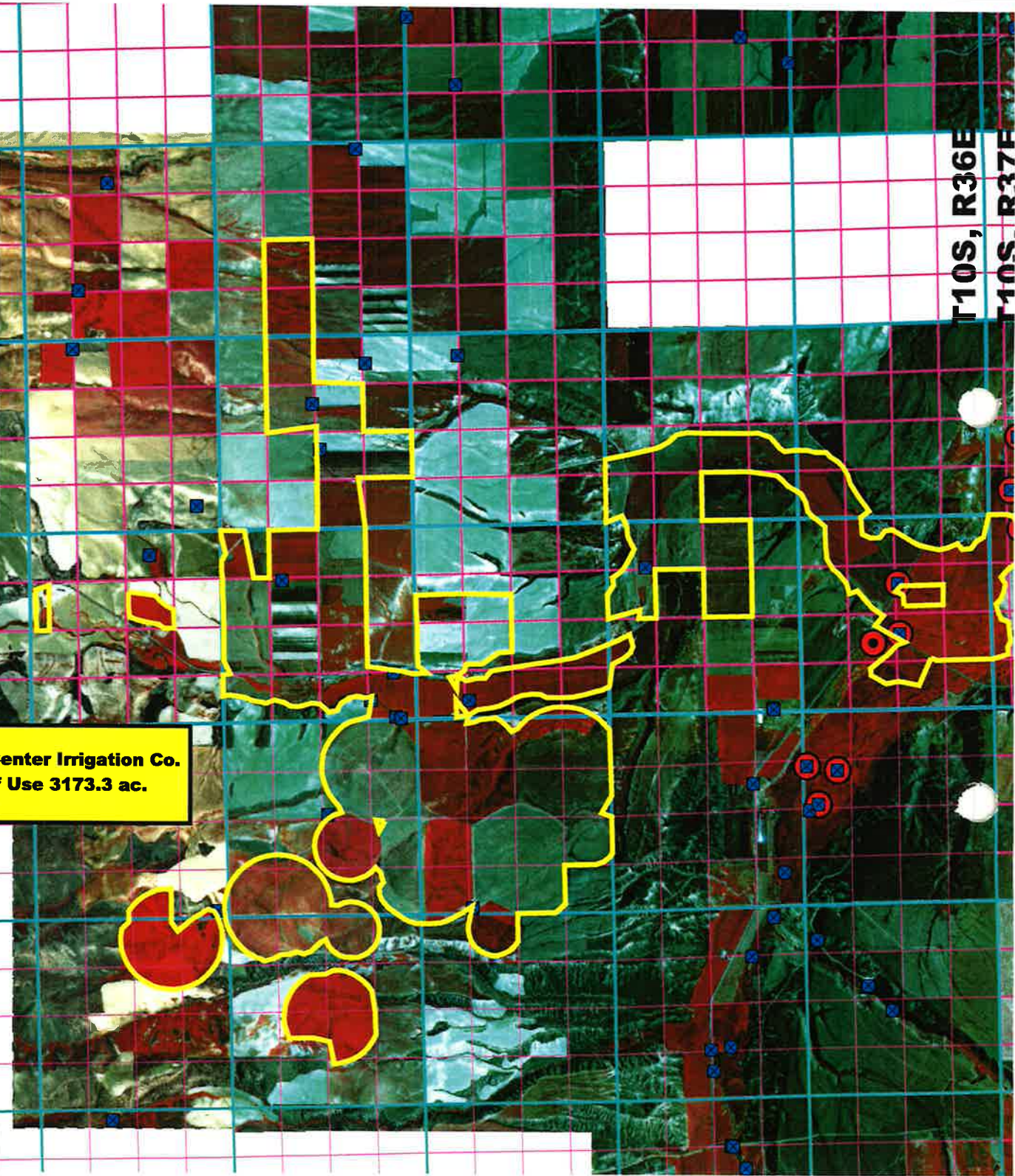
T11S, R35E
T11S, R36E

T10S, R36E
T10S, R37E

Hawkins Res.

Canal div.

Marsh Center Irrigation Co.
Place of Use 3173.3 ac.



allen

03/19/2003

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.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: April 1, 2003

Water right number:

29-10664

Manson Cotton Farm

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:

3-25-03

SIGNATURE:

William A Egan

Please print your name:

William A. Egan

IDWR Regional Office,

RECEIVED
APR 1 2003
REGIONAL OFFICE
SALT LAKE CITY

MARSH CENTER TRIG C. ^(MCIC) RECOMMENDATION / PROBLEMS

29-10664, DECREE UNDER MCIC. vs J. PANNELL SR.,
10 JUNE 1915.

SOURCES: "... PART OF THE WATERS OF SAID HAWKINS CK."

ALL OF THE SOURCES ULTIMATELY CONFLUENCE WITH HAWKINS CK FAR ABOVE THE RESERVOIR BACKWATERS AND HAVING NO PHYSICAL STRUCTURE SERVING AS A DIVERSION DEVICE. THEREFORE, SOURCE WILL BE SO RECOMMENDED AS HAWKINS CK TRIBUTARY TO MARSH CK. DIFFERENT SOURCES THAN DESCRIBED BY 29-10663.

PRIORITY DATE: PRIORITY NOT ADDRESSED BY DECREE. THE DECREE DATE OF JUNE 10, 1915. SEE PART II, PG. 2.

STORAGE: THE DECREE DISCUSSES THE VARIOUS SOURCE USE AND PURPOSE PERIODS AS "... FROM THE CLOSE OF THE IRRIGATION SEASON OF EACH AND EVERY SEASON... UP TO AND INCLUDING... (VARIOUS DATES). RECOMMEND AS IRRIGATION STORAGE 1/1 TO 12/31. IRRIGATION FROM STORAGE 4/1 TO 10/15.

QUANTITY: THE DECREE DOES NOT ADDRESS FLOW RATES OR STORAGE VOLUMES. THE CLAIMED FLOW RATE OF 0.33 cfs APPEARS TO BE BASED ON THE FLOWS DISCUSSED IN MCIC. vs A. LUNDGREN, 1930, WHICH TOTAL 0.33 cfs. THE STORAGE VOLUME (AF) APPEARS TO BE BASED ON 0.33 cfs X 365 DAYS X 1.9835 f, FOR A STORAGE VOLUME OF 238⁹ AF. NO SUPPORTING RECORDS.

29-10664 CONTINUED

PRIORITY: PART II

A PRIORITY DATE OF DECEMBER 14, 1895 COULD BE ARGUED, SINCE MARSH CENTER IRRIGATION CO. WAS DECLARED A FORMAL COMPANY BY ARTICLES OF CORPORATION. AND, THEREBY CLAIMING ALL WATER AND WATER SOURCES WITHIN THE 26 SQ MI DRAINAGE BASIN OF HAWKINS CK. TO WHICH, ALL FLOWING SOURCES ARE ULTIMATELY TRIBUTARY.

Hawkins Creek

Hawkins Res.

So. F

Canal div.

T11S, R35E

T11S, R36E

T10S, R35E

T10S, R36E

Marsh Center Irrigation Co.
Place of Use 3168.5 ac

T10S, R36E

T10S, R37E

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL
DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF BANNOCK.

Marsh Center Irrigating Company
a corporation,
Plaintiff,
Vs.

D E C R E E.

John Pannell, Sr., O.C.Hawkins,
and Francis Allen,
Defendants,

This cause came on regularly for trial on the 3rd day of June, 1915, Budge & Barnard of Pocatello, Idaho, appearing as attorneys for plaintiff, and W.H.Witty, Esq., appearing as attorney for defendants. The Court having heard the evidence of the respective parties, and being fully advised in the premises, and findings of fact and conclusions of law having by stipulation of the parties been waived, it is, therefore, Ordered, Adjudged and Decreed:

I.

That the plaintiff, Marsh Center Irrigating Company, a corporation, was at the time of the commencement of this action and at all times since has been, and now is the owner of the right to use as a part of the waters of Hawkins Creek, which flows through Sections 15, 22, 23, 26, and 35, Township 10 south, Range 35 east Boise Meridian in Bannock County, Idaho, all the waters of those certain five springs arising upon the land of the defendant Francis Allen, which is described as follows, to-wit: The north half of the northwest quarter of Section 10, Township 10 south, Range 35 east Boise Meridian, from the close of the irrigation season of each and every year up to and including the 25th day of May of the year following, and the plaintiff's right and title to the waters of said springs as above decreed, is hereby established and quieted as against the said defendant Francis Allen, and all persons claiming or to claim by, through or under him, and the said Francis Allen is hereby barred and estopped from asserting any claim or right to the waters of said springs as against the rights of the said plaintiff as above decreed.

II.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the plaintiff, Marsh Center Irrigating Company, was at the time of the commencement of this action, and at all times since has been, and now is the owner of the right to use as a part of the waters of said Hawkins Creek heretofore described, all of the waters of those two springs situated in Sections 20 and 30 respectively, township 10 south, Range 35 east of Boise Meridian, which form the head-waters of what is known as Deadwood Creek, which flows through the northeast quarter of the northeast quarter of Section 29, and the north half of the north half of Section 28, said township and range, from the close of each and every irrigation season up to and including the 15th day of May of the year following, and the plaintiff's right and title to the waters of said springs as above decreed, is hereby established and quieted as against the said defendant O.C.Hawkins and all persons claiming or to claim by, through or under him, and the said defendant O.C.Hawkins is hereby barred and estopped from asserting any right or claim to the waters of said springs, or either of them, as against the right and title of the plaintiff, as hereinbefore decreed. Provided, however, that in the event that the dam and reservoir of the plaintiff situated in section 35, township 10 south, Range 35 east Boise Meridian, shall during any season prior to April first be full and overflowing, the said defendant O.C.Hawkins, shall have the right while said reservoir is overflowing, but under no other conditions, and prior to April first, but not subsequent to said date, to store and impound the waters of said springs for his own use and benefit.

III.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the plaintiff, Marsh Center Irrigating Company, a corporation, was at the time of the commencement of this action, and has been at all times since, and now is the owner of the right to use as a part of the waters of said Hawkins Creek, heretofore described, all of the waters of those certain springs which arise in the east half of the southeast quarter of Section 33, Township 10 Boise Meridian, from the close of each and every irrigation season up to and including the 15th day of June of the year following, and the right and title of the said plaintiff to said springs, as above decreed, is hereby established and quieted as against the said defendant John Pannell Sr., and all persons claiming or to claim by, through or under him, and the said defendant John Pannell Sr. is hereby barred and estopped from asserting any claim or right to the waters of said springs, or either of them, as against the right and title of the plaintiff as above decreed. Provided, however, that in the event that the dam and reservoir of the plaintiff situated in Section 35, Township 10 south, Range 35 east Boise Meridian, shall during any season prior to April first be full and overflowing, the said defendant John Pannell Sr., shall have the right while said reservoir is overflowing, but under no other conditions, and prior to April first, but not subsequent to said date, to store and impound the waters of said springs for his own use and benefit.

IV.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the said plaintiff, Marsh Center Irrigating Company, has the right at any time during the several periods during which it is entitled to the waters of the said springs mentioned, and described in the preceding paragraphs of this decree to send its officers and agents to and upon the said premises

29-10664

① MCICo.
Hawkins Cr
5 SPRINGS - TRIB TO
HAWKINS CK
ABOVE RESERVOIR

② MCICo.
2 SPRINGS = DEADWOOD CK
TRIB. TO HAWKINS CK
ABOVE RESERVOIR

③ MCICo.
W. SUBLETT CK
- TRIBUTARY -
ABOVE RESERVOIR

whereon said springs are located for the purpose of removing any obstructions from said springs, or from the channels thereof so as to secure the full and free flow of the waters of said springs, and each of them, down to the said Hawkins Creek, and the said defendants, and each of them, their agents, servants and employees, and all persons acting in aid or assistance of them, are hereby perpetually restrained and enjoined from in any manner obstructing or interfering with the free flow of the waters of said springs as above described, during the several periods within which the plaintiff is entitled to said waters as set forth in this decree, and the said defendants, and each of them, their agents, servants and employees, and all persons acting in aid or assistance of them, are hereby perpetually restrained and enjoined from in any manner interfering with the plaintiff, or its agents, and servants in removing obstructions from said springs, and the channels thereof during the said several periods above referred to within which, as aforesaid, the plaintiff is decreed the right to the use of the waters thereof.

V.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that from and after the 25th day of May and up to the close of the irrigation season in each and every year the said defendant Francis Allen shall be entitled, and he is hereby decreed the right to use all of the waters of those certain five springs described in paragraph One hereof, and as to said period during each and every season his right and title to the waters of said springs is hereby established and quieted as against the plaintiff, and all persons claiming or to claim by, through or under it, and the plaintiff is hereby barred and estopped from asserting any right or claim to the waters of said springs, or either of them, during the said period in each and every year, and the said plaintiff, its agents, employees, and servants, are, and each of them is perpetually restrained and enjoined from in any manner interfering with the said defendant's use of said water during the period aforesaid.

VI.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that from and after the 15th day of May up to the close of the irrigation season of each and every year, the said defendant O.C. Hawkins shall be entitled, and he is hereby decreed the right to use all of the waters of those certain springs described in paragraph Two hereof, and as to said period during each and every season his right and title to the waters of said springs is hereby established and quieted as against the plaintiff, and all persons claiming or to claim by, through or under it, and the plaintiff is hereby barred and estopped from asserting any right or claim to the waters of said springs, or either of them, during the said period in each and every year, and the said plaintiff, its agents, employees, and servants are, and each of them is perpetually restrained and enjoined from in any manner interfering with the said defendant's use of said water during the period aforesaid.

VII.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the said defendant John Pannell Sr. from and after the 15th day of June up to the close of the irrigation season of each and every year shall have, and is hereby decreed the right to use all of the waters of those certain springs described in paragraph III hereof, and as to said period during each and every season his right and title to the waters of said springs is hereby established and quieted as against the plaintiff, and all persons claiming or to claim by, through or under it, and the plaintiff is hereby barred and estopped from asserting any right or claim to the waters of said springs, or either of them, during the said period in each and every year, and the said plaintiff, its agents, employees and servants are, and each of them is perpetually restrained and enjoined from in any manner interfering with the said defendant's use of said water during the period aforesaid.

VIII.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the plaintiff recover their costs herein taxed at No dollars.

Dated this 10th day of June, 1915.

F. J. Cowen,
District Judge.

X
IN THE DISTRICT COURT OF THE FIFTH JUDICIAL
DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF BANNOCK.

J. A. Severson,
Plaintiff,

Vs.

R.C. Clewein and Antone Reider,
doing business under the firm
name and style of City Meat
Market.

Defendants,

FINDINGS OF FACT AND CONCLUSIONS
of Law.

This cause came on regularly for trial on the 28th day of May, 1915, before the Court without a jury, a jury having been expressly waived by parties hereto, S.C. Winters, Esq., and C.O. Pierce, Esq., appearing as attorneys for the plaintiff and R.M. Terrell, Esq., appearing as attorney for the defendants; and from the evidence introduced, the Court finds the facts as follows, to-wit:

1st. That on or about the 20 day of June, 1911, the defendants above named were the owners, in the possession and entitled to the possession of a certain Meat Market business conducted at No. 357 East Center Street, in the City of Pocatello, Idaho, known as the City Meat Market.

CLEANING D

29-10664
Pg. 2

ALLEN
DAM OVERFLOW
RIGHT-

HAWKINS
DAM OVERFLOW
RIGHT-

PANNELL
DAM OVERFLOW

Contacts Data Entry Form

29-10664

DECEASED

Owner Type	Full Name	Address	City	State	Zip	Phone
------------	-----------	---------	------	-------	-----	-------

Current Owner	MARSH CANTOR TRNG. Co.	%	Richard Burmester			
---------------	------------------------	---	-------------------	--	--	--

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:

MARSH CANTOR TRNG Co. vs JOHN PANNELL, SR. 6/10/1915,

X → READ THIS DECEASED

Other Pts: 29-2239, 2560A, 0430, 10663, 10665, 12058

FD-INDICATED

Reviewer: _____

Date: _____

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL
DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF BANNOCK.

Marsh Center Irrigating Company
a corporation,

Plaintiff,

Vs.

DECREE.

John Pannell, Sr., O.C.Hawkins,
and Francis Allen,

Defendants,

29-10664

June 3, 1915

This cause came on regularly for trial on the 3rd day of June, 1915, Budge & Barnard of Pocatello, Idaho, appearing as attorneys for plaintiff, and W.H.Witty, Esq., appearing as attorney for defendants. The Court having heard the evidence of the respective parties, and being fully advised in the premises, and findings of fact and conclusions of law having by stipulation of the parties been waived, it is, therefore, Ordered, Adjudged and Decreed:

I.

That the plaintiff, Marsh Center Irrigating Company, a corporation, was at the time of the commencement of this action and at all times since has been, and now is the owner of the right to use as a part of the waters of Hawkins Creek, which flows through Sections 15, 22, 23, 26, and 36, Township 10 south, Range 35 east Boise Meridian in Bannock County, Idaho, all the waters of those certain five springs arising upon the land of the defendant Francis Allen, which is described as follows, to-wit: The north half of the northwest quarter of Section 10, Township 10 south, Range 35 east Boise Meridian, from the close of the irrigation season of each and every year up to and including the 25th day of May of the year following, and the plaintiff's right and title to the waters of said springs as above decreed, is hereby established and quieted as against the said defendant Francis Allen, and all persons claiming or to claim by, through or under him, and the said Francis Allen is hereby barred and estopped from asserting any claim or right to the waters of said springs as against the rights of the said plaintiff as above decreed.

II.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the plaintiff, Marsh Center Irrigating Company, was at the time of the commencement of this action, and at all times since has been, and now is the owner of the right to use as a part of the waters of said Hawkins Creek heretofore described, all of the waters of those two springs situated in Sections 29 and 30 respectively, township 10 south, Range 35 east of Boise Meridian, which form the head-waters of what is known as Deadwood Creek, which flows through the northeast quarter of the northeast quarter of Section 29, and the north half of the north half of Section 28, said township and range, from the close of each and every irrigation season up to and including the 15th day of May of the year following, and the plaintiff's right and title to the waters of said springs as above decreed, is hereby established and quieted as against the said defendant O.C.Hawkins and all persons claiming or to claim by, through or under him, and the said defendant O.C.Hawkins is hereby barred and estopped from asserting any right or claim to the waters of said springs, or either of them, as against the right and title of the plaintiff, as hereinbefore decreed. Provided, however, that in the event that the dam and reservoir of the plaintiff situated in section 35, township 10 south, Range 35 east Boise Meridian, shall during any season prior to April first be full and overflowing, the said defendant O.C.Hawkins, shall have the right while said reservoir is overflowing, but under no other conditions, and prior to April first, but not subsequent to said date, to store and impound the waters of said springs for his own use and benefit.

III.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the plaintiff, Marsh Center Irrigating Company, a corporation, was at the time of the commencement of this action, and has been at all times since, and now is the owner of the right to use as a part of the waters of said Hawkins Creek, heretofore described, all of the waters of those certain springs which arise in the east half of the southeast quarter of Section 33, Township 10 south, Range 35 east of Boise Meridian, from the close of each and every irrigation season up to and including the 15th day of June of the year following, and the right and title of the said plaintiff to said springs, as above decreed, is hereby established and quieted as against the said defendant John Pannell Sr., and all persons claiming or to claim by, through or under him, and the said defendant John Pannell Sr. is hereby barred and estopped from asserting any claim or right to the waters of said springs, or either of them, as against the right and title of the plaintiff as above decreed. Provided, however, that in the event that the dam and reservoir of the plaintiff situated in Section 35, Township 10 south, Range 35 east Boise Meridian, shall during any season prior to April first be full and overflowing, the said defendant John Pannell Sr., shall have the right while said reservoir is overflowing, but under no other conditions, and prior to April first, but not subsequent to said date, to store and impound the waters of said springs for his own use and benefit.

IV.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the said plaintiff, Marsh Center Irrigating Company, has the right at any time during the several periods during which it is entitled to the waters of the said springs mentioned, and described in the preceding paragraphs of this decree to send its officers and agents to and upon the said premises

OFF SEASON: IMPLIES STORAGE
...CLOSE OF IRRIg SEASON TO
25 MAY...

OFF SEASON: IMPLIES STORAGE
...CLOSE OF IRRIg SEASON TO
15 MAY...

DAM AND RESERVOIR =
SIBRANGE FACILITY
POD@ Dam outlet
OVERFLOW AFTER 1 April (1915)

OFF SEASON: IMPLIES STORAGE
"CLOSE OF " IRRIg SEASON"
TO " 15 June "

whereon said springs are located for the purpose of removing any obstructions from said springs, or from the channels thereof so as to secure the full and free flow of the waters of said springs, and each of them, down to the said Hawkins Creek, and the said defendants, and each of them, their agents, servants and employees, and all persons acting in aid or assistance of them, are hereby perpetually restrained and enjoined from in any manner obstructing or interfering with the free flow of the waters of said springs as above described, during the several periods within which the plaintiff is entitled to said waters as set forth in this decree, and the said defendants, and each of them, their agents, servants and employees, and all persons acting in aid or assistance of them, are hereby perpetually restrained and enjoined from in any manner interfering with the plaintiff, or its agents, and servants in removing obstructions from said springs, and the channels thereof during the said several periods above referred to within which, as aforesaid, the plaintiff is decreed the right to the use of the waters thereof.

V.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that from and after the 25th day of May and up to the close of the irrigation season in each and every year the said defendant Francis Allen shall be entitled, and he is hereby decreed the right to use all of the waters of those certain five springs described in paragraph One hereof, and as to said period during each and every season his right and title to the waters of said springs is hereby established and quieted as against the plaintiff, and all persons claiming or to claim by, through or under it, and the plaintiff is hereby barred and estopped from asserting any right or claim to the waters of said springs, or either of them, during the said period in each and every year, and the said plaintiff, its agents, employees, and servants are, and each of them is perpetually restrained and enjoined from in any manner interfering with the said defendant's use of said water during the period aforesaid.

VI.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that from and after the 15th day of May up to the close of the irrigation season of each and every year, the said defendant O.C. Hawkins shall be entitled, and he is hereby decreed the right to use all of the waters of those certain springs described in paragraph Two hereof, and as to said period during each and every season his right and title to the waters of said springs is hereby established and quieted as against the plaintiff, and all persons claiming or to claim by, through or under it, and the plaintiff is hereby barred and estopped from asserting any right or claim to the waters of said springs, or either of them, during the said period in each and every year, and the said plaintiff, its agents, employees, and servants are, and each of them is perpetually restrained and enjoined from in any manner interfering with the said defendant's use of said water during the period aforesaid.

VII.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the said defendant John Pannell Sr. from and after the 16th day of June up to the close of the irrigation season of each and every year shall have, and is hereby decreed the right to use all of the waters of those certain springs described in paragraph III hereof, and as to said period during each and every season his right and title to the waters of said springs is hereby established and quieted as against the plaintiff, and all persons claiming or to claim by, through or under it, and the plaintiff is hereby barred and estopped from asserting any right or claim to the waters of said springs, or either of them, during the said period in each and every year, and the said plaintiff, its agents, employees and servants are, and each of them is perpetually restrained and enjoined from in any manner interfering with the said defendant's use of said water during the period aforesaid.

VIII.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the plaintiff recover their costs herein taxed at No dollars.

Dated this 10th day of June, 1916.

F. J. Cowen,
District Judge.

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL
DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF BANNOCK.

J. A. Severson,
Plaintiff,

Vs.

R.C. Olewein and Antone Reider,
doing business under the firm
name and style of City Meat
Market.

Defendants,

FINDINGS OF FACT AND CONCLUSIONS
of Law.

This cause came on regularly for trial on the 28th day of May, 1916, before the Court without a jury, a jury having been expressly waived by parties hereto, S.C. Winters, Esq., and C.O. Pierce, Esq., appearing as attorneys for the plaintiff and R.M. Terrell, Esq., appearing as attorney for the defendants; and from the evidence introduced, the Court finds the facts as follows, to-wit:

1st. That on or about the 20 day of June, 1911, the defendants above named were the owners, in the possession and entitled to the possession of a certain Meat Market business conducted at No. 357 East Center Street, in the City of Pocatello, Idaho, known as the City Meat Market.

Stream Channel
Maintenance & Cleaning
R

No MCB Co. Right Granted

No MCB Co. Right Granted

No MCB Co. Right Granted

Priority Date Data Entry Form

Claim Number: _____

Water Right Priority Date: _____ Water Right Basis: _____

Claimed Priority Date: 6/10/1915 Claimed Basis: DECREERecommended Priority Date: 1891 Recommended Basis: _____☐ 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:

Claims same date as DECREE? Priority not listed by
DECREE? However, Paragraph 1 states "... WAS AT THE
TIME OF THIS COMMENCEMENT ... AND AT ALL TIMES SINCE ..."
IMPLIES THE PRIORITY DATE COULD BE JUNE 3rd 1915
INSTEAD OF JUNE 10, 1915 THE ACTUAL DECREE DATE

Amund?
70 days earlier
to 3 June 1915

1891 Based on Articles of Incorporation

Reviewer: _____

Date: _____

Claim Number: _____

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

Source: _____ Tributary: _____

Claimed Point of Diversion: T 10S, R 35E, Sec. 35, NW, SE. County: BROWN.

Source: Spring, Spring, Spring Tributary: Hawkins Cr, Donowood Cr, W. Sublette Cr.

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

Source: _____ Tributary: _____

Use Claimed POD and Source as Recommended POD and Source

[illegible]

Other rights from this POD? _____

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

HAWKINS RESERVOIR AS POD/POI
POR IN SEC. 31 10/36

Transfers Changing POD _____

Reviewer: _____

Date: _____

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

Total Acres _____

Recommended Place of Use

Twp	Rge	Sec	QQ	Q	County	Lot Num	Acres	Purpose of Use

Total Acres _____

Document how the POU was verified:

SIZE Claim LAND LIST - 3173³ AC

Transfers Changing POU _____

Reviewer: _____

Date: _____

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
Panig	3/15	11/15	0.33	
Panig Stor	1/1	12/31		238 ⁹⁰
Panig Km Stor	3/15	11/15		238 ⁹⁰

Overall Diversion Rate _____ Overall Diversion Volume _____

Recommended Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
~~DIV. TO STOR~~	~~1/1~~	~~12/31~~	~~0.33~~	~~_____~~ NO! ON-STORM
* Panig Stor	1/1	12/31		238 ⁹⁰
* Panig Km Stor	4/1	10/31		238 ⁹⁰

Overall Diversion Rate _____ Overall Diversion Volume _____

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

CHANGE STORAGE ELEMENTS TO CONFORM TO USB.

Q IS NOT REFERENCED IN MCICo vs J Pannell Sr.

CLAIMS 0.33 ⇒ APPEARS TO COME FROM MCICo. vs

HYAM LUNDGREN, CIRCA MARCH 1930. i.e. Q IS A REAL

QUESTION. ANY MEASURES ON SPRINGS? NO!

* THIS SOURCE ONLY ADDRESSES STORAGE - STORAGE IMPLIED BY

"DAM AND RESERVOIR"

Reviewer: _____

Date: _____

SCANNED

MAY 24 2001

Log for claim A29-10664

Spatial Dynamics LTD

7/10/00

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
10s35e	21	SENE	20	31	Indiscernible
10s35e	23	SWNW	30	29	
10s35e	23	NESW	5	9.1	
10s35e	23	NWSW	5	9.2	
10s35e	36	SESW	18	12	
10s35e	36	SWSE	2	3.3	
10s36e	21	NESW	40	40	
10s36e	21	SESW	40	39	
10s36e	25	NWSW	15	13	
10s36e	25	SWSW	37	37	
10s36e	25	SESW	10	10	
10s36e	26	NESW	30	29	
10s36e	26	NWSW	17	16	
10s36e	26	SWSW	40	39	
10s36e	26	SESW	40	40	
10s36e	26	NESE	30	25	
10s36e	26	NWSE	30	33	
10s36e	26	SESE	5	5.2	
10s36e	28	SWNE	40	39	
10s36e	28	NENW	40	40	
10s36e	28	SENW	40	40	
10s36e	28	NESE	40	39	
10s36e	28	NWSE	40	38	
10s36e	28	SWSE	40	38	
10s36e	32	SWNE	25	20	
10s36e	32	SWNW	10	9.7	
10s36e	33	NWNE	40	41	
10s36e	33	SWNE	40	41	
10s36e	33	NENW	40	40	
10s36e	33	NWNW	15	25	
10s36e	33	SWNW	37	40	
10s36e	33	SENW	40	41	
10s36e	33	NESW	37	41	
10s36e	33	NWSW	36	39	
10s36e	33	SWSW	22	20	
10s36e	33	SESW	15	24	
10s36e	33	NWSE	40	40	
10s36e	33	SWSE	23	25	
10s36e	33	SESE	32	37	
10s36e	34	SWNW	22	23	
10s36e	34	SENW	20	23	
10s36e	34	NESW	38	32	
10s36e	34	NWSW	40	39	
10s36e	34	SWSW	30	33	
10s36e	34	SESW	28	28	
10s36e	34	NESE	15	12	
10s36e	34	NWSE	1	4.3	
10s36e	34	SWSE	27	27	

Log for claim A29-10664

Spatial Dynamics LTD

7/10/00

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
10s36e	34	SESE	26	26	
10s36e	35	NWNE	40	41	
10s36e	35	SWNE	40	41	
10s36e	35	NENW	40	41	
10s36e	35	NWNW	20	22	
10s36e	35	SWNW	27	37	
10s36e	35	NWSW	16	9	Indiscernible
10s36e	36	NENE	20	16	
10s36e	36	NWNE	18	17	
10s36e	36	SWNE	38	25	Indiscernible
10s36e	36	SENE	40	41	
10s36e	36	NENW	30	31	
10s36e	36	NWNW	20	18	
10s36e	36	SWNW	5	3.1	
10s36e	36	SENW	34	32	
10s36e	36	NESW	7	8.2	
10s36e	36	SESW	10	8.7	
10s36e	36	NESE	40	41	
10s36e	36	NWSE	40	39	
10s36e	36	SWSE	20	11	Indiscernible
10s37e	31	NWNW	15	11	
10s37e	31	NWNW	10	15	
10s37e	31	SWNW	1	0.5	
10s37e	31	SWNW	12	11	
10s37e	31	NWSW	0	13	
11s35e	2	NWNW	4	13	
11s36e	0	SENE	38	38	
11s36e	3	NENE	39	42	
11s36e	3	NWNE	39	41	
11s36e	3	SWNE	40	40	
11s36e	3	NENW	38	39	
11s36e	3	NWNW	36	42	
11s36e	3	SWNW	40	39	
11s36e	3	SENW	40	39	
11s36e	3	NESW	40	40	
11s36e	3	NWSW	40	38	
11s36e	3	SWSW	38	38	
11s36e	3	SESW	36	39	
11s36e	3	NESE	39	39	
11s36e	3	NWSE	40	40	
11s36e	3	SWSE	37	39	
11s36e	4	NENE	38	42	
11s36e	4	NWNE	33	35	
11s36e	4	SWNE	33	33	
11s36e	4	SENE	40	40	
11s36e	4	NESW	10	11	
11s36e	4	NWSW	5	5.6	
11s36e	4	SWSW	36	38	

Log for claim A29-10664

Spatial Dynamics LTD

7/10/00

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
11s36e	4	SESW	34	39	
11s36e	4	NESE	33	38	
11s36e	4	NWSE	34	40	
11s36e	4	SWSE	14	19	
11s36e	4	SESE	29	31	
11s36e	5	SESW	0	0.4	
11s36e	5	SWSE	11	17	
11s36e	5	SESE	6	3.7	
11s36e	8	NENE	33	32	
11s36e	8	NWNE	36	38	
11s36e	8	SWNE	21	16	
11s36e	8	SENE	10	8.1	
11s36e	8	NENW	5	8.4	
11s36e	8	SENW	1	0.3	
11s36e	9	NENE	4	5.1	
11s36e	9	NWNE	26	32	
11s36e	9	SWNE	27	29	
11s36e	9	NENW	29	29	
11s36e	9	NWNW	33	30	
11s36e	9	SENW	22	22	
11s36e	9	NESW	22	20	
11s36e	9	NWSE	37	36	
11s36e	9	SWSE	2	1.5	
11s36e	10	NENW	29	31	
11s36e	10	NWNW	4	4.9	
Totals:			3177	3259.3	

AJ5809NP
No. A29-10664

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 04/27/00
PAGE: 210

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	MARSH CENTER IRRIGATION CO C/O RICHARD BURMESTER 765 W HAWKINS RD ARIMO ID 83214 (208) 897-5757	06/10/1915	IRRIGATION IRRIGATION STORAGE IRRIGATION FROM STORAGE	03-15 11-15 01-01 12-31 03-15 11-15	0.330 CFS	238.90 AFA 238.90 AFA
TOTAL DIVERSION: CONSUMPTIVE USE:					0.330 CFS	160.40 AFA

Water Source: SPRINGS
SPRINGS
SPRING

Tributary to: HAWKINS CREEK
DEADWOOD CREEK
WEST SUBLETT CREEK

Stage: DECREED

Point(s) of Diversion: T10S R35E S35 NWSE

BANNOCK County

Place of use Legal Description for: IRRIGATION

		NE				NW				SW				SE				
T	R S	NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE	SUM
		Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	
10S	35E 21				20													20.0
10S	35E 23							30		05	05							40.0
10S	35E 36											18			02			20.0
10S	36E 21									40			40					80.0
10S	36E 25										15	37	10					62.0
10S	36E 26									30	17	40	40	30	30		05	192.0
10S	36E 28			40		40			40					40	40	40		240.0
10S	36E 32			25				10										35.0
10S	36E 33			40	40	40	15	37	40	37	36	22	15		40	23	32	417.0
10S	36E 34							22	20	38	40	30	28	15	01	27	26	249.3
10S	36E 35			40	40	40	20	27			16							183.0
10S	36E 36	20	18	38	40	30	20	05	34	07			10	40	40	20		322.0
10S	37E 31						01-15	02-10			03-12	04-01						38.0
11S	35E 2						04											4.0
11S	36E 3	01-39	02-39	40	38	03-38	04-36	40	40	40	40	38	36	39	40	37		581.8
11S	36E 4	01-38	02-33	33	40					10	05	36	34	33	34	14	29	345.4
11S	36E 5															11 07-06	17.6	
11S	36E 8	01-33	36	21	02-10	05			01									106.9
11S	36E 9	04	26	27		29	33		22	22					37	02		203.4
11S	36E 10					29	04											33.6
TOTAL ACRES																	3191.0	

Place of use location for IRRIGATION FROM STORAGE is the same location as described for: IRRIGATION

POU County: BANNOCK

Non-Irrigation Uses: NONE

Other Rights: 29-02239/02560A/00430/10663/10665/12058

AJ5809NP
No. A29-10664

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 04/27/00
PAGE: 211

Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):
A29-00430 A29-10663 A29-10665 A29-12058

Other Water Rights Listing Overlapping Place(s) of Use:

A29-00430 A29-02239 A29-02560 A29-02560A A29-04013 A29-04054 A29-04302 A29-04463A A29-07153 A29-07271
A29-07276 A29-07432 A29-10663 A29-10665 A29-11452 A29-11465 A29-12058

Conditions of Approval:

- R04 - Use of water under this water right will be regulated by the
- watermaster of State Water District No. 29H.

Remarks: GEN THIS RIGHT CONSISTS OF 8 SPRINGS AS DESCRIBED IN THE DECREE AS
FOLLOWS: ...ALL THE WATERS OF
1. ...THOSE CERTAIN FIVE SPRINGS ARISING UPON...THE N 1/2 OR
THE NW 1/4 SEC 10, T10S, R35E. FROM THE CLOSE OF THE IRRIGATING
SEASON...UP TO AND INCLUDING THE 25TH DAY OF MAY OF THE YEAR
FOLLOWING.
2. ...THOSE TWO SPRINGS SITUATED IN SEC 20 & 30 RESPECTIVELY
T10S, R35E...FROM THE CLOSE OF EACH...IRRIGATION SEASON UP TO AND
INCLUDING THE 15TH DAY OF MAY OF THE YEAR FOLLOWING.
3. ...THOSE CERTAIN SPRINGS WHICH ARISE IN THE E 1/2 SE 1/4
SEC 35, T10S, R35E...FROM THE CLOSE OF EACH...IRRIGATION SEASON
UP TO AND INCLUDING THE 15TH DAY OF JUNE OF THE YEAR FOLLOWING...
WHICH FORM THE HEAD WATERS OF WHAT IS KNOWN AS WEST SUBLETT CREEK
=
P/D IS HAWKINS RESERVOIR

Dates:	Exam Made Date:	Verified Date:	Objection Filed Date:
Misc:	Water District Number: 29H	Field Inspection Flag:	
		Presumption Flag:	
Audit:	05/18/90 WILSON	08/03/94 THOMPSON	03/29/95 POST-STD 04/13/00 CVANDERM

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: A29-10664
Date Received: 5/17/1990
Receipt No: E014601
Received By: KW

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: JUN 10, 1915

3. Source: SPRINGS Trib. to: HAWKINS CREEK
SPRINGS DEADWOOD CREEK
SPRING WEST SUBLETT CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
10S	35E	35	NW	SE			BANNOCK

5. Description of diverting works:
HAWKINS RESERVOIR

6. Water is used for the following purposes:

Purpose	From	To	C.F.S. (or)	A.F.A.
IRRIGATION	03/15	11/15	0.330	
IRRIGATION STORAGE	01/01	12/31		238.90
IRRIGATION FROM STORAGE	03/15	11/15		238.90

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

8. Total consumptive use is 160.4 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

A29-10664

Page 1

Date: 05/17/90

MICROFILMED
NOV 16 1992



10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
10S	35E	21	SE	NE		IRR	20.0
			Section Acres				20.0
		23	SW	NW		IRR	30.0
			NE	SW		IRR	5.0
			NW	SW		IRR	5.0
			Section Acres				40.0
		36	SE	SW		IRR	18.0
			SW	SE		IRR	2.0
			Section Acres				20.0
	36E	21	NE	SW		IRR	40.0
			SE	SW		IRR	40.0
			Section Acres				80.0
		25	NW	SW		IRR	15.0
			SW	SW		IRR	37.0
			SE	SW		IRR	10.0
			Section Acres				62.0
		26	NE	SW		IRR	30.0
			NW	SW		IRR	17.0
			SW	SW		IRR	40.0
			SE	SW		IRR	40.0
			NE	SE		IRR	30.0
			NW	SE		IRR	30.0
			SE	SE		IRR	5.0
			Section Acres				192.0
		28	SW	NE		IRR	40.0
			NE	NW		IRR	40.0
			SE	NW		IRR	40.0
			NE	SE		IRR	40.0
			NW	SE		IRR	40.0
			SW	SE		IRR	40.0
			Section Acres				240.0
		32	SW	NE		IRR	25.0
			SW	NW		IRR	10.0

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					Section Acres	35.0
		33	NW	NE	IRR	40.0
			SW	NE	IRR	40.0
			NE	NW	IRR	40.0
			NW	NW	IRR	15.0
			SW	NW	IRR	37.0
			SE	NW	IRR	40.0
			NE	SW	IRR	37.0
			NW	SW	IRR	36.0
			SW	SW	IRR	22.0
			SE	SW	IRR	15.0
			NW	SE	IRR	40.0
			SW	SE	IRR	23.0
			SE	SE	IRR	32.0
					Section Acres	417.0
		34	SW	NW	IRR	22.0
			SE	NW	IRR	20.0
			NE	SW	IRR	38.0
			NW	SW	IRR	40.0
			SW	SW	IRR	30.0
			SE	SW	IRR	28.5
			NE	SE	IRR	15.0
			NW	SE	IRR	1.7
			SW	SE	IRR	27.3
			SE	SE	IRR	26.8
					Section Acres	249.3
		35	NW	NE	IRR	40.0
			SW	NE	IRR	40.0
			NE	NW	IRR	40.0
			NW	NW	IRR	20.0
			SW	NW	IRR	27.0
			NW	SW	IRR	16.0
					Section Acres	183.0
		36	NE	NE	IRR	20.0
			NW	NE	IRR	18.0
			SW	NE	IRR	38.0
			SE	NE	IRR	40.0
			NE	NW	IRR	30.0
			NW	NW	IRR	20.0
			SW	NW	IRR	5.0

10. Place of Use: Continued

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres		
10S	36E	36	SE		NW		IRR	34.0		
			NE		SW		IRR	7.0		
			SE		SW		IRR	10.0		
			NE		SE		IRR	40.0		
			NW		SE		IRR	40.0		
			SW		SE		IRR	20.0		
Section Acres								322.0		
	37E	31	NW		NW	1	IRR	15.0		
			SW		NW	2	IRR	10.0		
			NW		SW	3	IRR	12.0		
			SW		SW	4	IRR	1.0		
	Section Acres								38.0	
	11S	35E	2	NW		NW		IRR	4.0	
				Section Acres						
	36E	3	NE		NE	1	IRR	39.4		
NW				NE	2	IRR	39.1			
SW				NE		IRR	40.0			
SE				NE		IRR	38.3			
NE				NW	3	IRR	38.2			
NW				NW	4	IRR	36.1			
SW				NW		IRR	40.0			
SE				NW		IRR	40.0			
NE				SW		IRR	40.0			
NW				SW		IRR	40.0			
SW				SW		IRR	38.3			
SE				SW		IRR	36.0			
NE				SE		IRR	39.0			
NW				SE		IRR	40.0			
SW				SE		IRR	37.4			
Section Acres								581.8		
4				NE		NE	1	IRR	38.9	
				NW		NE	2	IRR	33.0	
	SW			NE		IRR	33.6			
	SE			NE		IRR	40.0			
	NE			SW		IRR	10.8			
	NW			SW		IRR	5.7			
	SW			SW		IRR	36.6			
	SE			SW		IRR	34.3			
	NE			SE		IRR	33.7			
	NW			SE		IRR	34.9			

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
11S	36E	4	SW	SE		IRR	14.2
			SE	SE		IRR	29.7
					Section Acres		345.4
		5	SW	SE		IRR	11.4
			SE	SE	7	IRR	6.2
					Section Acres		17.6
		8	NE	NE	1	IRR	33.6
			NW	NE		IRR	36.0
			SW	NE		IRR	21.0
			SE	NE	2	IRR	10.2
			NE	NW		IRR	5.0
			SE	NW		IRR	1.1
					Section Acres		106.9
		9	NE	NE		IRR	4.6
			NW	NE		IRR	26.2
			SW	NE		IRR	27.0
			NE	NW		IRR	29.0
			NW	NW		IRR	33.6
			SE	NW		IRR	22.0
			NE	SW		IRR	22.0
			NW	SE		IRR	37.0
			SW	SE		IRR	2.0
					Section Acres		203.4
		10	NE	NW		IRR	29.6
			NW	NW		IRR	4.0
					Section Acres		33.6
					Total Acres		3191.0

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:

29-02239/02560A/00430/10663/10665/12058

14. Remarks:

THIS RIGHT CONSISTS OF 8 SPRINGS AS DESCRIBED IN THE DECREE AS

14. Remarks: Continued

FOLLOWS: ...ALL THE WATERS OF

1. ...THOSE CERTAIN FIVE SPRINGS ARISING UPON...THE N 1/2 OR THE NW 1/4 SEC 10, T10S, R35E. FROM THE CLOSE OF THE IRRIGATING SEASON...UP TO AND INCLUDING THE 25TH DAY OF MAY OF THE YEAR FOLLOWING.

2. ...THOSE TWO SPRINGS SITUATED IN SEC 20 & 30 RESPECTIVELY T10S, R35E...FROM THE CLOSE OF EACH...IRRIGATION SEASON UP TO AND INCLUDING THE 15TH DAY OF MAY OF THE YEAR FOLLOWING.

3. ...THOSE CERTAIN SPRINGS WHICH ARISE IN THE E 1/2 SE 1/4 SEC 35, T10S, R35E...FROM THE CLOSE OF EACH...IRRIGATION SEASON UP TO AND INCLUDING THE 15TH DAY OF JUNE OF THE YEAR FOLLOWING... WHICH FORM THE HEAD WATERS OF WHAT IS KNOWN AS WEST SUBLETT CREEK

P/D IS HAWKINS RESERVOIR

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: 6/10/1915

MARSH CENTER IRRIGATING CO.

Decree Plaintiff

vs

JOHN PANNELL, SR.

Decree Defendant

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

Marshall Wheatley
Signature of Authorized Agent

Secretary Marsh center Irrigation 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 IDAHO FALLS, IDAHO

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

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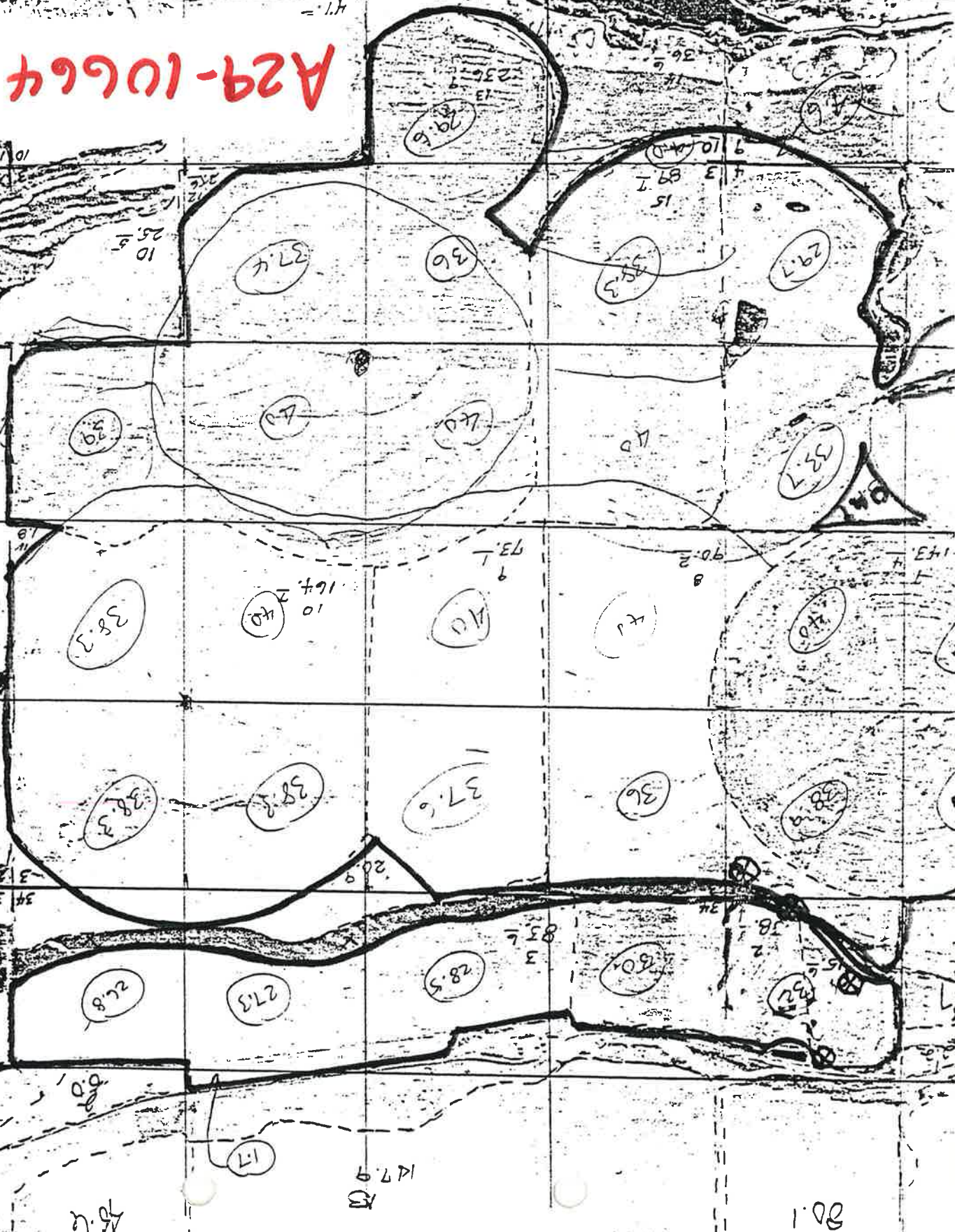
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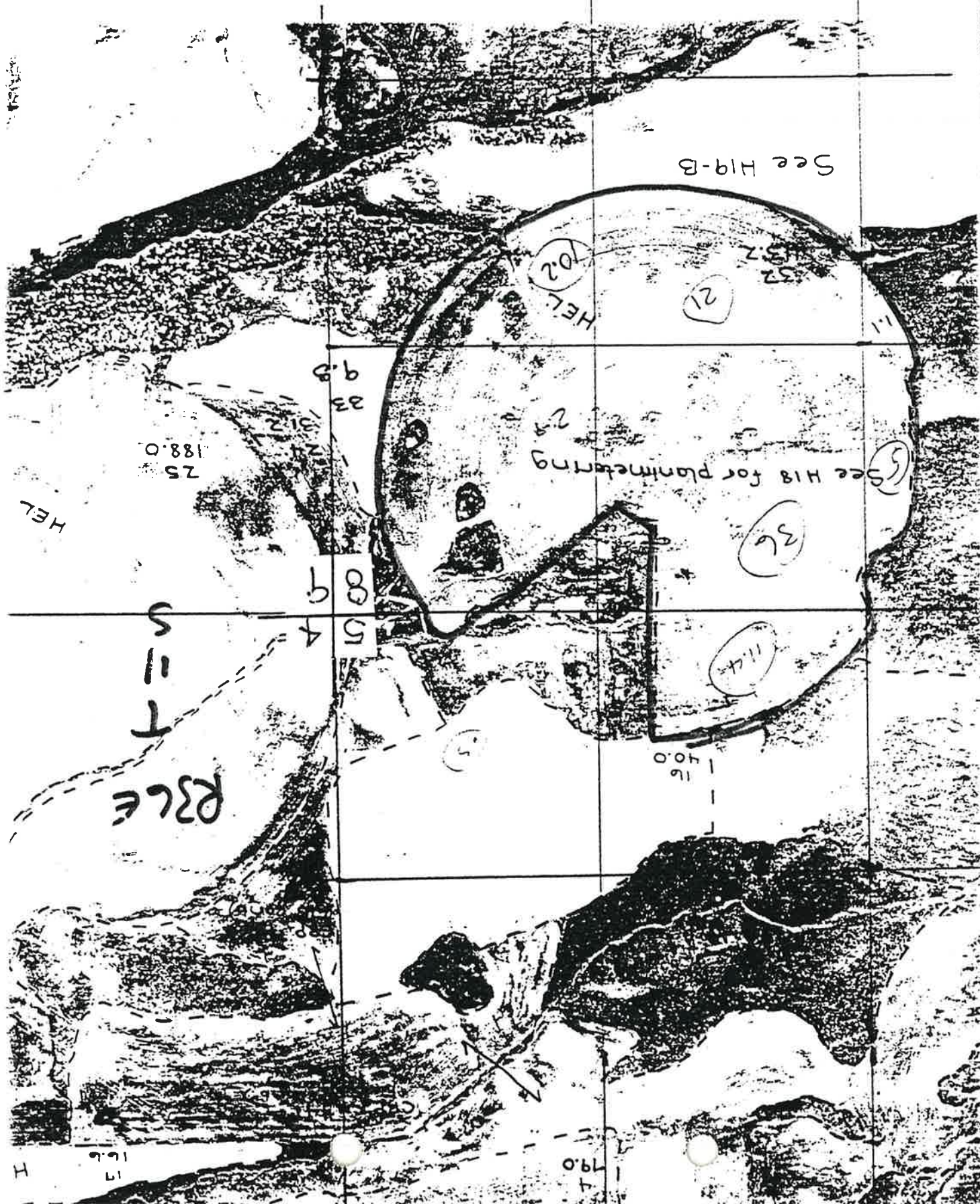
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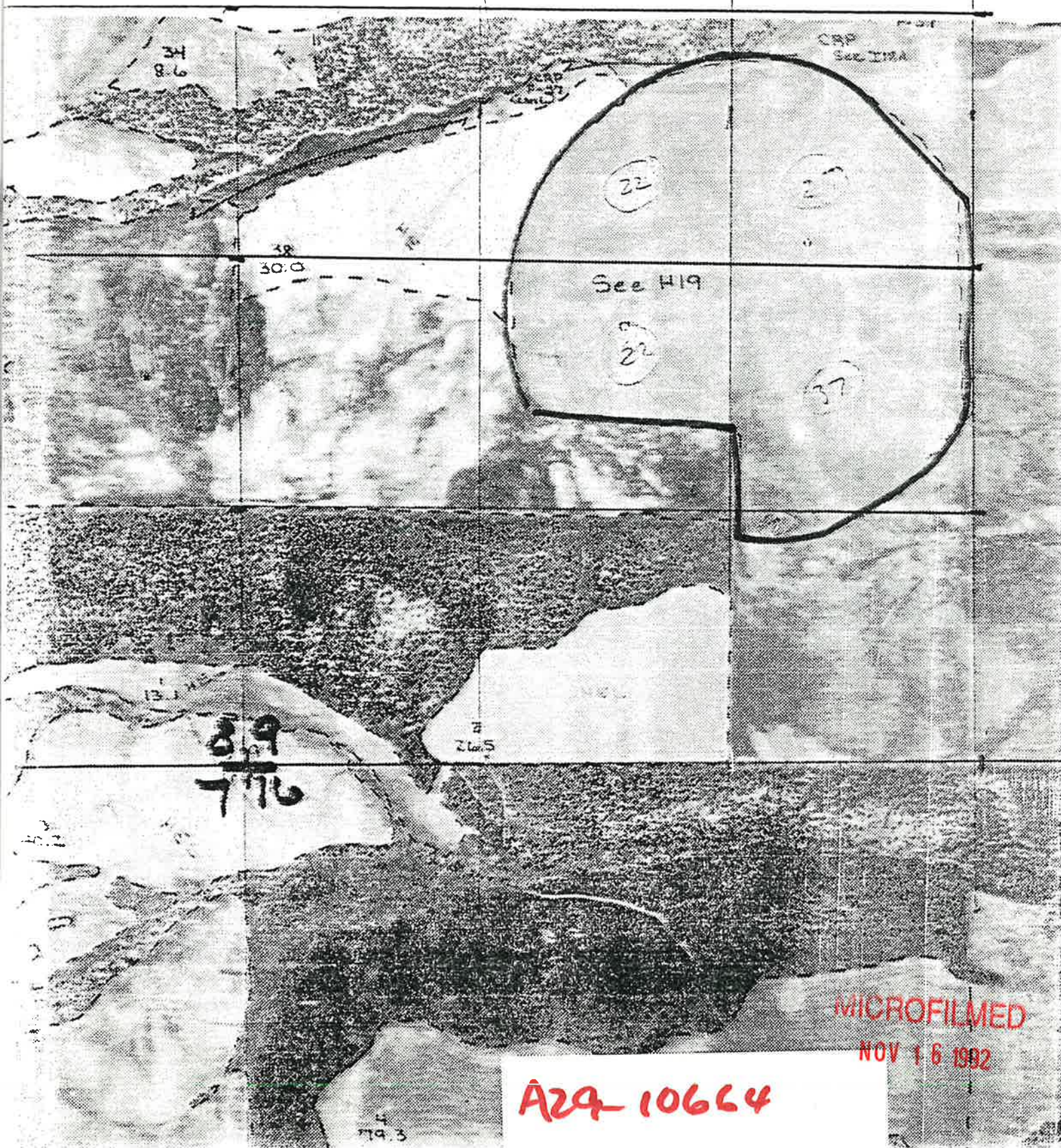
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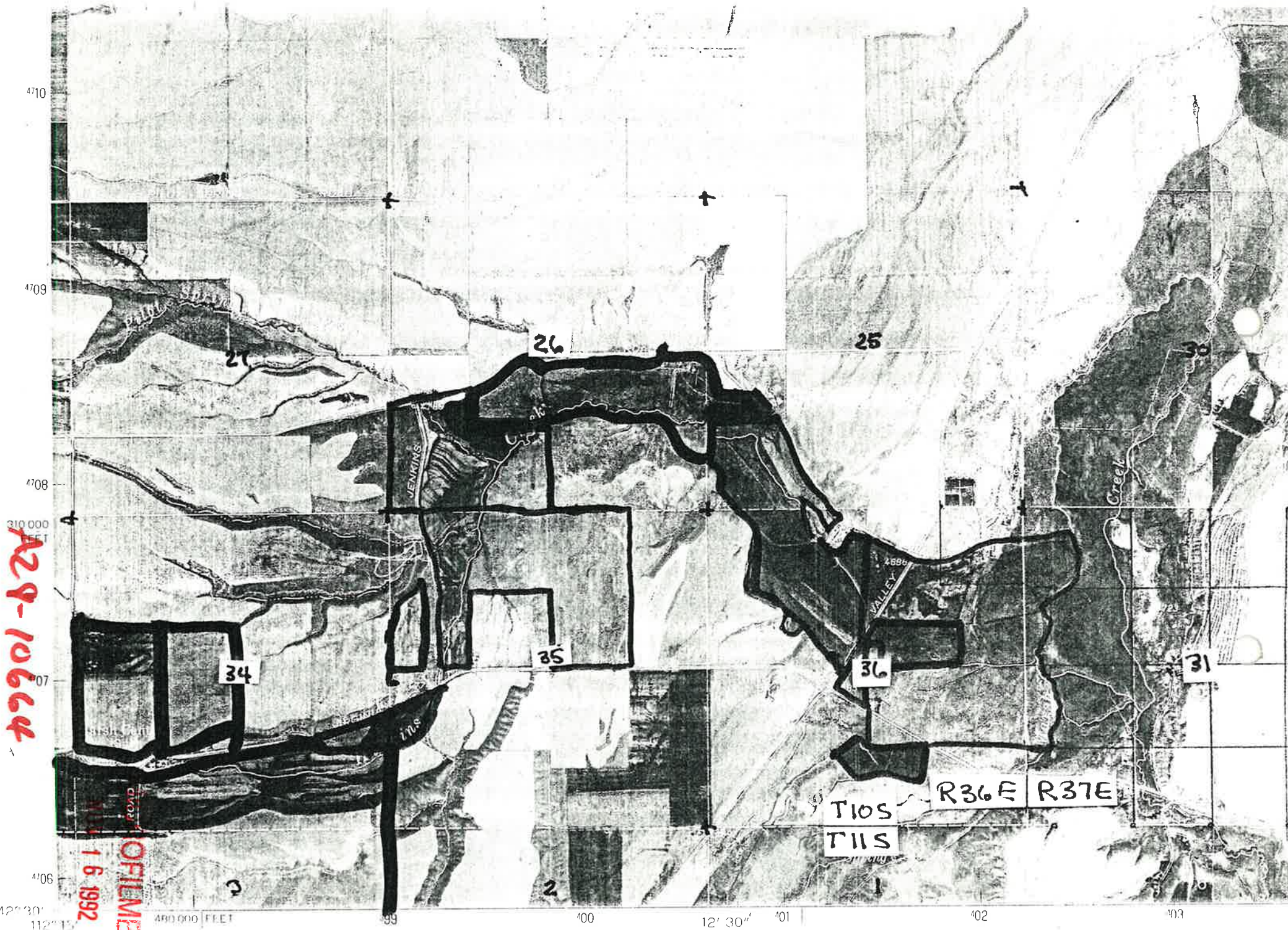


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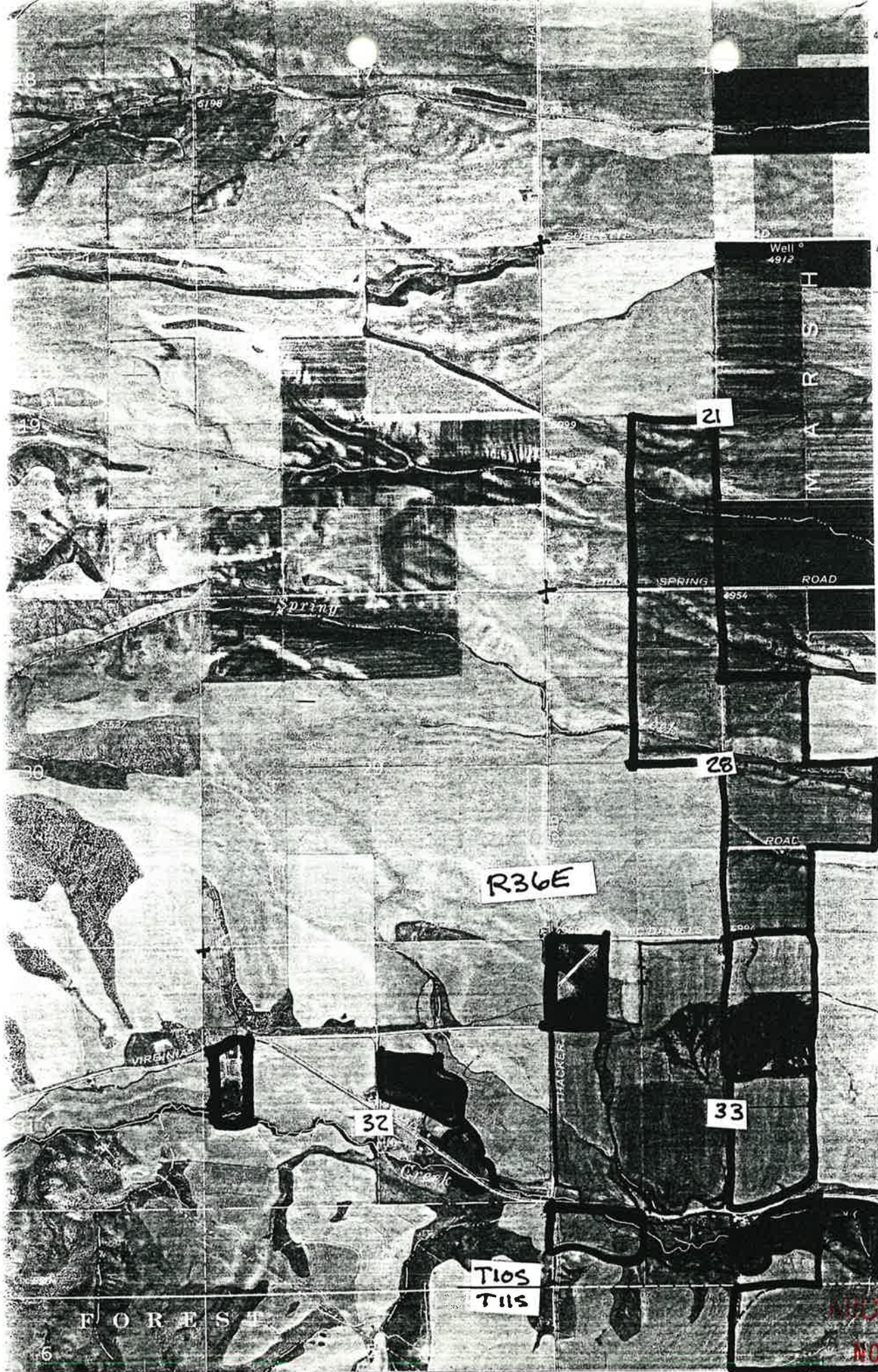
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Produced by the Geological Survey
in cooperation with the Soil Conservation Service

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