

06/30/2003

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

RIGHT NUMBER: 29-10665

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: 0.000 CFS
641.100 AFY

STORAGE CAPACITY 880.0 AF.

PRIORITY DATE: 04/01/1944

POINT OF DIVERSION:

T10S R35E S35 NWNESE Within BANNOCK County
T10S R35E S35 NWNESE Injection 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 FROM STORAGE	04/01 10/31	641.10 AFY
IRRIGATION STORAGE	01/01 12/31	641.10 AFY

PLACE OF USE:

Large POU

3220.2 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

04/01/2003

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PLACE OF USE: IRRIGATION FROM STORAGE Within BANNOCK County

T10S R35E S23	SWNW	29.0	T10S R35E S23	NESW	8.8
T10S R35E S23	NWSW	9.1	T10S R36E S21	NESW	40.0
T10S R36E S21	SESW	40.0	T10S R36E S25	NWSW	13.0
T10S R36E S25	SWSW	37.0	T10S R36E S25	SESW	9.3
T10S R36E S26	NESW	29.0	T10S R36E S26	NWSW	16.0
T10S R36E S26	SWSW	39.0	T10S R36E S26	SESW	40.0
T10S R36E S26	NESE	25.0	T10S R36E S26	NWSE	33.0
T10S R36E S26	SESE	6.1	T10S R36E S28	NWNE	1.0
T10S R36E S28	SWNE	40.0	T10S R36E S28	NENW	40.0
T10S R36E S28	SENW	38.0	T10S R36E S28	NESE	39.0
T10S R36E S28	NWSE	39.0	T10S R36E S28	SWSE	37.0
T10S R36E S32	SWNE	20.0	T10S R36E S32	SWNW	9.7
T10S R36E S33	NWNE	41.0	T10S R36E S33	SWNE	41.0
T10S R36E S33	NENW	40.0	T10S R36E S33	NWNW	22.0
T10S R36E S33	SWNW	40.0	T10S R36E S33	SENW	41.0
T10S R36E S33	NESW	41.0	T10S R36E S33	NWSW	39.0
T10S R36E S33	SWSW	20.0	T10S R36E S33	SESW	25.0
T10S R36E S33	NESE	1.8	T10S R36E S33	NWSE	41.0
T10S R36E S33	SWSE	26.0	T10S R36E S33	SESE	40.0
T10S R36E S34	SWNW	23.0	T10S R36E S34	SENW	23.0
T10S R36E S34	NESW	32.0	T10S R36E S34	NWSW	38.0
T10S R36E S34	SWSW	37.0	T10S R36E S34	SESW	29.0
T10S R36E S34	NESE	12.0	T10S R36E S34	NWSE	4.3
T10S R36E S34	SWSE	27.0	T10S R36E S34	SESE	26.0

04/01/2003

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

T10S R36E S35	NWNE	41.0	T10S R36E S35	SWNE	41.0
T10S R36E S35	NENW	41.0	T10S R36E S35	NWNW	22.0
T10S R36E S35	SWNW	36.0	T10S R36E S35	NWSW	8.3
T10S R36E S35	SWSW	0.5	T10S R36E S36	NENE	17.0
T10S R36E S36	NWNE	18.0	T10S R36E S36	SWNE	26.0
T10S R36E S36	SENE	41.0	T10S R36E S36	NENW	30.0
T10S R36E S36	NWNW	18.0	T10S R36E S36	SWNW	2.6
T10S R36E S36	SENE	33.0	T10S R36E S36	NESW	8.2
T10S R36E S36	SESW	8.6	T10S R36E S36	NESE	41.0
T10S R36E S36	NWSE	40.0	T10S R36E S36	SWSE	11.0
T10S R37E S31 Lot 1	NWNW	11.0	T10S R37E S31 Lot 2	NWNW	15.0
T10S R37E S31 Lot 3	SWNW	10.0	T10S R37E S31 Lot 4	SWNW	0.5
T10S R37E S31 Lot 6	NWSW	12.0	T11S R36E S03 Lot 1	NENE	42.0
T11S R36E S03 Lot 2	NWNE	42.0	T11S R36E S03	SWNE	40.0
T11S R36E S03	SENE	38.0	T11S R36E S03 Lot 3	NENW	40.0
T11S R36E S03 Lot 4	NWNW	43.0	T11S R36E S03	SWNW	40.0
T11S R36E S03	SENE	40.0	T11S R36E S03	NESW	40.0
T11S R36E S03	NWSW	40.0	T11S R36E S03	SWSW	40.0
T11S R36E S03	SESW	40.0	T11S R36E S03	NESE	39.0
T11S R36E S03	NWSE	40.0	T11S R36E S03	SWSE	39.0
T11S R36E S04 Lot 1	NENE	42.0	T11S R36E S04 Lot 2	NWNE	35.0
T11S R36E S04	SWNE	33.0	T11S R36E S04	SENE	40.0
T11S R36E S04	NESW	11.0	T11S R36E S04	NWSW	5.6
T11S R36E S04	SWSW	38.0	T11S R36E S04	SESW	39.0
T11S R36E S04	NESE	39.0	T11S R36E S04	NWSE	40.0
T11S R36E S04	SWSE	19.0	T11S R36E S04	SESE	31.0
T11S R36E S05	SESW	0.7	T11S R36E S05	SWSE	17.0
T11S R36E S05 Lot 7	SESE	3.5	T11S R36E S08 Lot 1	NENE	32.0
T11S R36E S08	NWNE	39.0	T11S R36E S08	SWNE	16.0
T11S R36E S08 Lot 2	SENE	8.1	T11S R36E S08	NENW	8.2
T11S R36E S08	SENE	0.2	T11S R36E S09	NENE	4.9
T11S R36E S09	NWNE	32.0	T11S R36E S09	SWNE	29.0
T11S R36E S09	NENW	29.0	T11S R36E S09	NWNW	30.0
T11S R36E S09	SENE	22.0	T11S R36E S09	NESW	19.0
T11S R36E S09	NWSE	36.0	T11S R36E S09	SWSE	1.1
T11S R36E S10	NENW	31.0	T11S R36E S10	NWNW	5.1

3220.2 ACRES TOTAL

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

04/01/2003

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

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EXPLANATORY MATERIAL: Beneficial Use

Hawkins Creek

Hawkins Reservoir

So. F

Canal div.

T11S, R35E
T11S, R36E

T10S, R35E
T10S, R36E

T10S, R36E

T10S, R36E
T10S, R37E

25

36

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:

29-10665

Mansa Conton Egan.

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 President

Please print your name:

William A. Egan

IDWR Regional Office,

RECEIVED
MAR 25 2003
IDWR REGIONAL OFFICE

29-10665

MARSH CENTER IRRIGATING CO.

I CLAIM: THIS CLAIM IS BASED UPON THE MCIC. VS J. GUNTER DECREE DATING TO 7 NOVEMBER 1913.

THE DECREE GRANTS NOR RECOGNIZES ANY WATER RIGHT(S). RATHER, THIS DECREE BARS ALL DEFENDANTS FROM INTERFERING WITH ANY CLEANING EFFORTS OF THE PLAINTIFF, MARSH CENTER IRRIGATION CO. REPS.

II RECOMMEND TWO OPTIONS:

a. DISALLOW CLAIM BECAUSE IT IS NOT UPHOLD BY A DECREE. AND NO WATER RIGHT IS RECOGNIZED.

This Option → b. AMEND THE ENTIRE CLAIM TO A STORAGE RIGHT BASED UPON BENEFICIAL USE DATING FROM 1944 WHEN THE DAM WAS REBUILT AND RAISED.

III. THE PLAN: AMEND THIS CLAIM TO A STORAGE RT.

A. BASED ON 1944 DAM REBUILD (RAISE) PROJ = Priority Date

B. USE IS FIRM STORAGE AND FIRM RIVER STORAGE

C. VOLUME (AC) IS BASED UPON 880 AC TOTAL (DAM SAFETY RECORDS)

- 238⁹ AC UNDER 29-13464

641¹ AC

d. Pool is usual 3173³ AC.

DAM SUMMARY SHEET

0430

August 1, 1995

HAWKINS

INVENTORY _____ AF
 BASIN _____ 29
 DAM NUMBER _____ 0430
 FED ID NUMBER _____ ID00036
 DAM NAME _____ HAWKINS
 COUNTY _____ BANNOCK
 STREAM _____ HAWKINS CREEK
 REGION _____ E
 PURPOSE _____ I
 RISK CATEGORY _____ 2
 SIZE CATEGORY _____ 2
 Q-Q SECTION _____ SENE
 SECTION _____ 35
 TOWNSHIP _____ 10S
 RANGE _____ 35E
 LATITUDE DEC _____ 42.5109
 LONGITUDE DEC _____ 112.3313
 DAM TYPE _____ EARTH
 STORAGE CAPACITY _____ 880.00 ACFT
 HEIGHT _____ 29.00 FT
 DRAINAGE AREA _____ 26.60 SQMI
 RESERVOIR AREA _____ 54.00 AC
 YEAR COMPLETED _____ 1870 *CREA*
 CREST ELEVATION _____ 5,748.00 MSL
 CREST LENGTH _____ 900.00 FT
 SPILLWAY TYPE _____ RPCHAN
 SPILLWAY DEPTH _____ 6.40 FT
 SPILLWAY CAPACITY _____ 465.00 CFS
 OUTLET TYPE _____ WOOD
 OUTLET SIZE _____ 12 IN
 OUTLET CAPACITY _____ 14.00 CFS
 IDF _____ Q500
 IDF MAGNITUDE _____ 1,100.00 CFS
 RELEASE CAPACITY _____ 469.00 CFS

*WATER AT 35'
 CREST AT 40'*

Poc Fri.

AT Shots HIV

Flood Exercise

Recom:

2. Stor Rts

1. 1870 (orig 2382)

2. 1944 ^{641'} 880 (orig.)

GENERAL REMARKS : YEAR COMPLETED IS AP
 REBUILT IN 1944.

TECHNICAL REMARKS : OUTLET IS A 12" X 12" W
 WITH A 16" CONC PIPE.
 WITHOUT FLOOD ROUTING: Q100 = 800 CFS WILL PASS WITH 2.2
 FREEBOARD & Q500 WILL PASS WITH 1.1' FREEBOARD.

RESTRICTIONS :

ALTERNATE CONTACTS :

880 AcFt is FROM Dam RAISING in 1944.

*① 6813 ACRES
 BY GRS
 RESERVOIR
 ② 53.55 AC
 BY DEPOSITION, 1923
 ③ 1512 AC
 BY DEPOSITION, 19*

*Taken FROM Dam SAFETY
 FLOOD OF HAWKINS RESOR.*

RESERVOIR SEDIMENT DATA SUMMARY

U. S. DEPARTMENT OF AGRICULTURE
SOIL CONSERVATION SERVICEHawkins

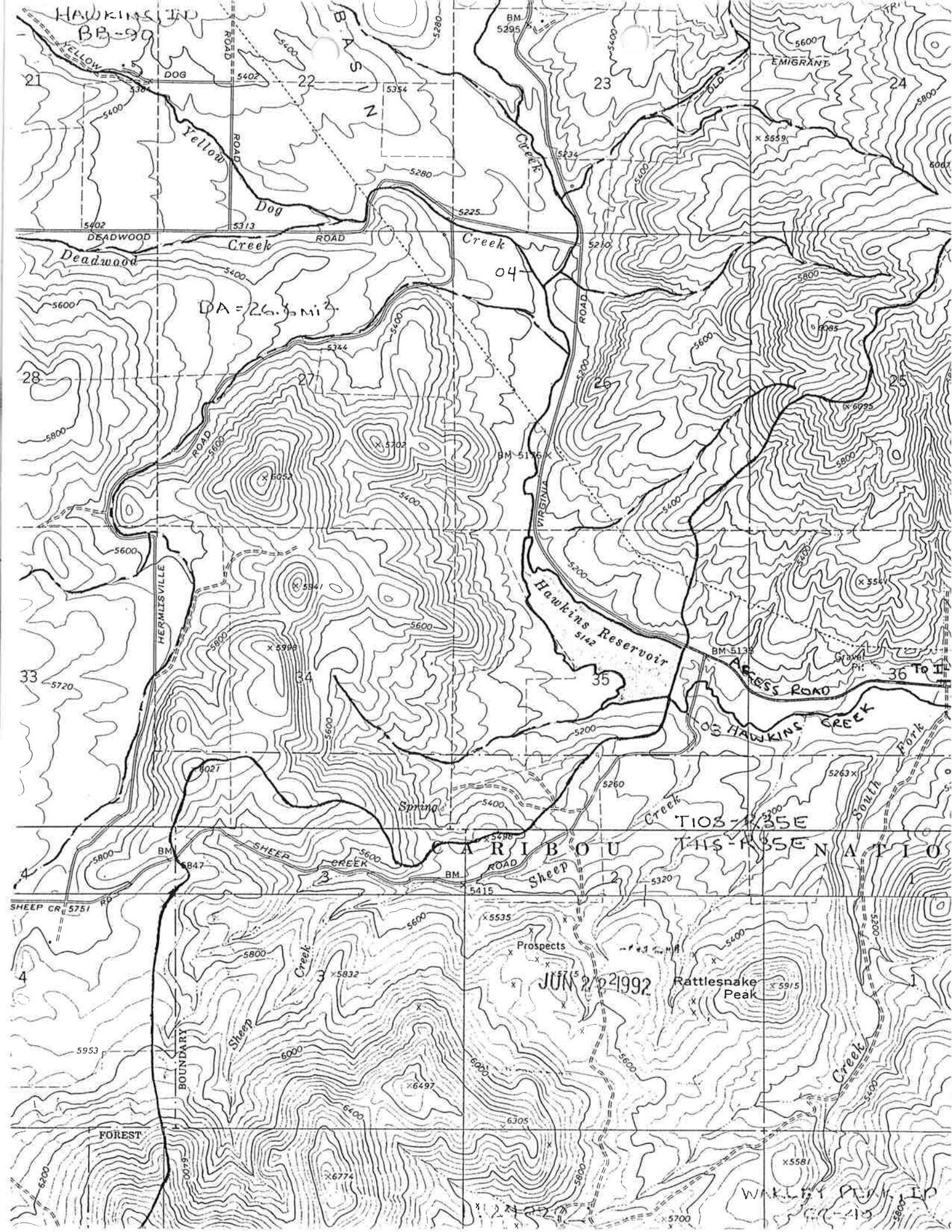
NAME OF RESERVOIR

DATA SHEET NO.

DAM	1. OWNER <u>Marsh Center Irrigation Co</u>				2. STREAM <u>Hawkins Creek</u>		3. STATE <u>Idaho</u>					
	4. SEC. <u>35</u> TWP. <u>10 S</u> RANGE <u>35 E</u>				5. NEAREST P.O. <u>Virginia, Idaho</u>		6. COUNTY <u>Bonrock</u>					
	7. LAT. <u>42° 30' 40"</u> LONG. <u>112° 20' 00"</u>				8. TOP OF DAM ELEVATION <u>5148</u>		9. SPILLWAY CREST ELEV. <u>5142</u>					
RESERVOIR	10. STORAGE ALLOCATION		11. ELEVATION TOP OF POOL		12. ORIGINAL SURFACE AREA, ACRES		13. ORIGINAL CAPACITY, ACRE-Feet		14. GROSS STORAGE, ACRE-Feet		15. DATE STORAGE BEGAN	
	a. FLOOD CONTROL										1900*	
	b. MULTIPLE USE											
	c. POWER											
	d. WATER SUPPLY											
	e. IRRIGATION		<u>5142</u>		<u>54</u>		<u>880*</u>		<u>880*</u>		16. DATE NORMAL OPER. BEGAN	
	f. CONSERVATION										1900*	
	g. INACTIVE											
17. LENGTH OF RESERVOIR <u>0.8</u> MILES					AV. WIDTH OF RESERVOIR <u>0.1</u> MILES							
WATERSHED	18. TOTAL DRAINAGE AREA <u>26.1</u> SQ. MI.				22. MEAN ANNUAL PRECIPITATION <u>13 (30 yr)</u> INCHES							
	19. NET SEDIMENT CONTRIBUTING AREA <u>26.1</u> SQ. MI.				23. MEAN ANNUAL RUNOFF <u>0.8</u> INCHES							
	20. LENGTH <u>7.8</u> MILES		AV. WIDTH <u>3.3</u> MILES		24. MEAN ANNUAL RUNOFF <u>1100</u> AC.-FT.							
	21. MAX. ELEV. <u>7258</u>		MIN. ELEV. <u>5142</u>		25. ANNUAL TEMP.: MEAN <u>48</u> RANGE <u>22-72</u>							
	26. DATE OF SURVEY		27. PERIOD YEARS	28. ACCL. YEARS	29. TYPE OF SURVEY	30. NO. OF RANGES OR CONTOUR INT.	31. SURFACE AREA, ACRES	32. CAPACITY, ACRE-Feet	33. C/I. RATIO, AC.-FT. PER AC.-FT.			
SURVEY DATA	<u>1900</u> <u>Sept 1986</u>		<u>86</u>	<u>86</u>	<u>Range</u>	<u>10</u>	<u>54</u> <u>54</u>	<u>880</u> <u>419</u>				
	26. DATE OF SURVEY		34. PERIOD ANNUAL PRECIPITATION		35. PERIOD WATER INFLOW, ACRE-Feet			36. WATER INFL. TO DATE, AC.-FT.				
					a. MEAN ANNUAL b. MAX. ANNUAL c. PERIOD TOTAL			a. MEAN ANNUAL b. TOTAL TO DATE				
					TAKE FROM DAM SAFETY FILES 2/26/03.							
	26. DATE OF SURVEY		37. PERIOD CAPACITY LOSS, ACRE-Feet			38. TOTAL SED. DEPOSITS TO DATE, ACRE-Feet						
			a. PERIOD TOTAL	b. AV. ANNUAL	c. PER SQ. MI.-YEAR	a. TOTAL TO DATE	b. AV. ANNUAL	c. PER SQ. MI.-YEAR				
	<u>Sept 1986</u>		<u>461</u>	<u>5.36</u>	<u>0.21</u>	<u>461</u>	<u>5.36</u>	<u>0.21</u>				
	26. DATE OF SURVEY		39. AV. DRY WGT., LBS. PER CU. FT.		40. SED. DEP., TONS PER SQ. MI.-YR.		41. STORAGE LOSS, PCT.		42. SED. INFLOW, PPM			
			a. PERIOD	b. TOTAL TO DATE	a. AV. ANN.	b. TOT. TO DATE	a. PERIOD	b. TOT. TO DATE				
	<u>Sept 1986</u>		<u>47</u>	<u>210</u>	<u>210</u>	<u>0.38</u>	<u>52.0</u>					

* Assumed

JUN 22 1992



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,

JAMES H. GUNTER, FRANK GILL,
CONNIE HAWKS, and SETH GLOVER,
Defendants.

DECREED.

JAN 09 1995

Department of Water Resources
Eastern District Office

Dep. Resource
Eastern District Office

This cause came on regularly to be heard this 7th day of November, 1913, Clark & Budge appearing as attorneys for the plaintiff, and no one appearing for the defendants or either of them, and it appearing to the court that the said defendants were, and each of them was on the 4th day of June, 1913, in Bannock County, Idaho, duly and regularly served with summons herein and that the said defendants and each of them failed to appear or to answer the plaintiff's complaint within the time prescribed by law, or at all, and that the default of the said defendants, and each of them, for failing to answer said complaint has been duly and regularly entered herein, the court proceeded to hear the evidence on behalf of the plaintiff in support of the allegations of its said complaint, and it appearing to the court from the evidence so adduced, the same being free and clear from all objections as to its relevancy, competency and materiality, that the allegations of said complaint are true and that the said plaintiff is entitled to the relief prayed for therein;

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED, that the plaintiff, its grantors and predecessors in interest since about the year 1870 have been, and the plaintiff now is the owner and entitled to the right to the use of 40 second feet or 2000 miner's inches measured under a four inch pressure of the waters of that certain stream known as Hawkins Creek, which rises about fifteen (15) miles west of the town of Arimo, in Bannock County, Idaho, and flows in an easterly direction into what is known as Marsh Valley in which said Valley the town of Arimo is situated; that the said waters so decreed to the plaintiff are to be diverted for distribution to the shareholders of the plaintiff for irrigation, culinary and domestic purposes at a point on said Creek about 11 miles southwesterly from the said town of Arimo by means of the reservoir and diverting works commonly known as the reservoir of the Marsh Center Irrigating Company situated at said point.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED, that the said defendants James H. Gunter and Frank Gill, and each of them, their agents and servants and all persons acting in aid or assistance of them, or claiming by, through or under them or either of them, be and they are hereby permanently restrained and enjoined from in any manner preventing the plaintiff from cleaning out the channel of what is commonly known as Deadwood Creek, the waters of which flow into what is known as Yellow Dog Creek at a point about three miles above said reservoir and thence into said Hawkins Creek at a point about one mile above said reservoir, or from in any manner interfering with the plaintiff in the removal of obstructions from the channel of said Deadwood Creek, or from in any manner interfering with the plaintiff in cleaning out the springs along said channel or adjacent thereto, which contribute to the flow of water therein. And it is further Ordered, Adjudged and Decreed that the said Frank Gill be, and he is hereby permanently restrained and enjoined from in any manner preventing the plaintiff from cleaning out the channel of the aforesaid Yellow Dog Creek, a tributary of said Hawkins Creek, where the same runs through the land belonging to or in the possession of said Frank Gill, or from in any manner interfering with the plaintiff in removing obstructions from the channel of said Creek, and from in any manner interfering with the plaintiff in cleaning out the springs along the channel of said Yellow Dog Creek, or adjacent thereto, which contribute to the flow of water therein. It is further Ordered, Adjudged and Decreed, that the said Connie Hawks and Seth Glover, their agents and servants, and all persons claiming under them or acting in aid or assistance of them, be and they are, and each of them is hereby permanently restrained and enjoined from in any manner preventing plaintiff from cleaning out the channel of said Hawkins Creek where the same runs through the lands belonging to or in possession of the said Connie Hawks and Seth Glover, or either of them, and from in any manner interfering with the plaintiff in the removal of obstructions from the channel of said Creek and from in any manner interfering with the plaintiff in cleaning out the springs along said channel, or adjacent thereto which contribute to the flow of water therein, and particularly from interfering with the plaintiff in cleaning out what is known as Mason Spring adjacent to the said channel of said Hawkins Creek, and situated within the boundaries of the land in the possession of the said defendant Connie Hawks. And it is further ordered, adjudged, and decreed, that the said defendants and each of them, their agents and servants, and all persons claiming by, through or under them, or acting in aid or assistance of them be, and they are, and each of them is hereby permanently restrained and enjoined from in any manner obstructing or interfering with the free flow of the waters of said Deadwood Creek, Yellow Dog Creek, and Hawkins Creek, or any springs within the channels of said creeks, or either of them, or adjacent to the channels thereof, or which contribute to the flow of waters therein, whereby the plaintiff is prevented from having said waters flow down to its said point of diversion, or whereby it is disturbed or interfered with the free use and enjoyment thereof. And the title and right of said plaintiff in and to the waters of all of said springs hereinbefore referred to and of the waters of said creeks heretofore named and described to the quantity of forty (40) second feet at plaintiff's said point of diversion, are hereby quieted against any and all claims of said defendants or either of them. And it is hereby adjudged and decreed, that the said defendants have not nor has any or either of them any right, title, interest, or claim upon said springs or creeks or any or either of them, or the waters flowing therefrom or therein, except such as is subject, subsequent and inferior to the said right of the plaintiff as here in decreed.

It is further ordered, adjudged and decreed that the plaintiff have and recover its costs herein incurred amounting to the sum of Thirty five Dollars.

Alfred Budge
District Judge.

STATE OF IDAHO }
County of Bannock } 35

I hereby certify that the foregoing is a full, true and correct copy of an instrument as the same now remains on file and of record in my office.

WITNESS my hand and official seal hereto affixed

this 15th day of March A.D. 1989
LARRY W. GHAN, CLERK OF THE DISTRICT COURT
EX-OFFICIO AUDITOR AND RECORDER.

By Deputy Sandra J. Hill

RECEIVED

29-10665
This is not a WR Doenst
RATHER, IT BARS INTERFERENCES BY
DEFENDANTS FROM CHANNEL CLEANING.
REFERRED TO 29-00430
30 RECOMMENDED.

Contacts Data Entry Form

29-10665

DICKSON

Owner Type	Full Name	Address	City	State	Zip	Phone
Current Owner	MANSA CONTON FARM CO.	% RICHARD BURMASTER				

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:

DICKSON MCPC VS JAMES GUNTOR 1913

Flow MEASURES OR Flow RECORDS?

RE 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,

DECREED.

-vs-
JAMES H. GUNTER, FRANK GILL,
CONNIE HAWKS, and SETH GLOVER,

Defendants.

This cause came on regularly to be heard this 7th day of November, 1913, Clark & Budge appearing as attorneys for the plaintiff, and no one appearing for the defendants or either of them, and it appearing to the court that the said defendants were, and each of them was on the 4th day of June, 1913, in Bannock County, Idaho, duly and regularly served with summons herein and that the said defendants and each of them failed to appear or to answer the plaintiff's complaint within the time proscribed by law, or at all, and that the default of the said defendants, and each of them, for failing to answer said complaint has been duly and regularly entered herein, the court proceeded to hear the evidence on behalf of the plaintiff in support of the allegations of its said complaint, and it appearing to the court from the evidence so adduced, the same being free and clear from all objections as to its relevancy, competency and materiality, that the allegations of said complaint are true and that the said plaintiff is entitled to the relief prayed for therein;

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED, that the plaintiff, its grantors and predecessors in interest since about the year 1870 have been, and the plaintiff now is the owner and entitled to the right to the use of 40 second feet or 2000 miner's inches measured under a four inch pressure of the waters of that certain stream known as Hawkins Creek, which rises about fifteen (15) miles West of the town of Arimo, in Bannock County, Idaho, and flows in an easterly direction into what is known as Marsh Valley in which said Valley the town of Arimo is situated; that the said waters so decreed to the plaintiff are to be diverted for distribution to the shareholders of the plaintiff for irrigation, culinary and domestic purposes at a point on said Creek about 11 miles southwesterly from the said town of Arimo by means of the reservoir and diverting works commonly known as the reservoir of the Marsh Center Irrigating Company situated at said point.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED, that the said defendants James H. Gunter and Frank Gill, and each of them, their agents and servants and all persons acting in aid or assistance of them, or claiming by, through or under them or either of them, be and they are hereby permanently restrained and enjoined from in any manner preventing the plaintiff from cleaning out the channel of what is commonly known as Deadwood Creek, the waters of which flow into what is known as Yellow Dog Creek at a point about three miles above said reservoir and thence into said Hawkins Creek at a point about one mile above said reservoir, or from in any manner interfering with the plaintiff in the removal of obstructions from the channel of said Deadwood Creek, or from in any manner interfering with the plaintiff in cleaning out the springs along said channel or adjacent thereto, which contribute to the flow of water therein. And it is further Ordered, Adjudged and Decreed that the said Frank Gill be, and he is hereby permanently restrained and enjoined from in any manner preventing the plaintiff from cleaning out the channel of the aforesaid Yellow Dog Creek, a tributary of said Hawkins Creek, where the same runs through the land belonging to or in the possession of said Frank Gill, or from in any manner interfering with the plaintiff in removing obstructions from the channel of said Creek, and from in any manner interfering with the plaintiff in cleaning out the springs along the channel of said Yellow Dog Creek, or adjacent thereto, which contribute to the flow of water therein. It is further Ordered, Adjudged and Decreed, that the said Connie Hawks and Seth Glover, their agents and servants, and all persons claiming under them or acting in aid or assistance of them, be and they are, and each of them is hereby permanently restrained and enjoined from in any manner preventing plaintiff from cleaning out the channel of said Hawkins Creek where the same runs through the lands belonging to or in possession of the said Connie Hawks and Seth Glover, or either of them, and from in any manner interfering with the plaintiff in the removal of obstructions from the channel of said Creek and from in any manner interfering with the plaintiff in cleaning out the springs along said channel, or adjacent thereto which contribute to the flow of water therein, and particularly from interfering with the plaintiff in cleaning out what is known as Mason Spring adjacent to the said channel of said Hawkins Creek, and situated within the boundaries of the land in the possession of the said defendant Connie Hawks. And it is further ordered, adjudged, and decreed, that the said defendants and each of them, their agents and servants, and all persons claiming by, through or under them, or acting in aid or assistance of them be, and they are, and each of them is hereby permanently restrained and enjoined from in any manner obstructing or interfering with the free flow of the waters of said Deadwood Creek, Yellow Dog Creek, and Hawkins Creek, or any springs within the channels of said creeks, or either of them, or adjacent to the channels thereof, or which contribute to the flow of waters therein, whereby the plaintiff is prevented from having said waters flow down to its said point of diversion, or whereby it is disturbed or interfered with the free use and enjoyment thereof. And the title and right of said plaintiff in and to the waters of all of said springs hereinbefore referred to and of the waters of said creeks heretofore named and described to the quantity of forty (40) second feet at plaintiff's said point of diversion, are hereby quieted against any and all claims of said defendants or either of them. And it is hereby adjudged and decreed, that the said defendants have not nor has any or either of them any right, title, interest, or claim upon said springs or creeks or any or either of them, or the waters flowing therefrom or therein, except such as is subject, subsequent and inferior to the said right of the plaintiff as here in decreed.

It is further ordered, adjudged and decreed that the plaintiff have and recover its costs herein incurred amounting to the sum of Thirty five Dollars.

Alfred Budge
District Judge.

STATE OF IDAHO }
County of Bannock } 95

I hereby certify that the foregoing is a full, true and correct copy of an instrument as the same now remains on file and of record in my office.

WITNESS my hand and official seal hereto affixed

this 1st day of March A.D. 1914
LARRY W. GHAN, CLERK OF THE DISTRICT COURT
EX-OFFICIO AUDITOR AND RECORDER.

By Deputy

29-10665
Marsh Center Irrig Co.
1870
40 cfs on Hawkins Cr
ON-STREAM STORAGE (IMPOSED)
HEADWATERS SOURCE - MASON SP.
DEADWOOD CR, YELLOW DOG CR,
HAWKINS CR AND/OR SPRGS.
⇒ 40 cfs
HAWKINS CR IS THE
MAJOR DRAINAGE TO
WHICH OTHER CRs &
SPGS. ARE TRIBUTARY.

Priority Date Data Entry Form

Claim Number: _____

Water Right Priority Date: _____ Water Right Basis: _____

Claimed Priority Date: 4/1/1891 Claimed Basis: DECREED

Recommended Priority Date: _____ 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:

CLAIMED AS DECREED - WHICH DECREED AND WHY A 10K[#]? ~~NO!~~ ~~PIS~~
NO WR[#] WAS ASSIGNED BY DECREED.

QUESTION: THE DECREED SPEAKS OF "... SINCE ABOUT THE YEAR 1870 HAVE BEEN, ... PLAINTIFF NOW IS THE OWNER AND ENTITLED TO THE RIGHT ... OF 40 SECOND FEET OR 2000 MINUTE'S INCHES MEASURED ... " WHY DID THEY CLAIM 1891 AS THE PRIORITY YEAR WHEN THE DECREED DOES NOT REFERENCE 1891 IN ANY MANNER. ADDITIONALLY, WHY ARE THEY CLAIMING 0.33 cfs (WHICH LOOKS LIKE IT COMES FROM MCICB. VS HYRUM LUNDGREN, CIRCA 1930) WHEN MCICB VS JAMES GUNTER, CIRCA 1913 DISCUSSES 40 SECOND FEET ...

Reviewer: _____

Date: _____

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 10S, R 35E, Sec. 35, _____, NW, SE. County: BANN.Source: MASON SPR. Tributary: HAWKINS CR

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
_____	_____	_____	_____	_____	_____	_____
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:

CLAIM SAYS PD IS HAWKINS RES.- WHERE IS MASON SPR
IN RELATION TO THE RESOR?

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:

SUB CLAIM LAND LIST OF 3191 ACRES.1/500 w/ OTHER PLS: 29-2239, 2560A, 0430, 10664, 10663 & 12058.

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
<i>Pring.</i>	<i>3/15</i>	<i>11/15</i>	<i>0.33</i>	
<i>Pring. Stor</i>	<i>1/1</i>	<i>12/31</i>		<i>238⁹⁰</i>
<i>Pring. Fm Stor</i>	<i>3/15</i>	<i>11/15</i>		<i>238⁹⁰</i>

Overall Diversion Rate _____ Overall Diversion Volume _____

Recommended Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
<i>Div. To Stor</i>	<i>1/1</i>	<i>12/31</i>	<i>0.33</i>	
<i>Pring. Stor</i>	<i>1/1</i>	<i>12/31</i>		<i>238⁹⁰</i>
<i>Pring. Fm Stor</i>	<i>4/1</i>	<i>10/31</i>		<i>238⁹⁰</i>

Overall Diversion Rate _____ Overall Diversion Volume _____

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

*Change Pring/stor / Fm Stor as shown in Recomm**MEASURES OF FLOW RECORD REQ'D.*

Reviewer: _____

Date: _____

MAY 24 2001

Log for claim A29-10665

Spatial Dynamics LTD

7/12/00

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	Indiscernible
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 A29-10665

Spatial Dynamics LTD

7/12/00

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	Indiscernible
10s36e	35	NWSW	16	9	
10s36e	36	NENE	20	16	
10s36e	36	NWNE	18	17	
10s36e	36	SWNE	38	25	
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	
10s37e	31	NWNW	10	15	
10s37e	31	NWNW	15	11	
10s37e	31	SWNW	1	0.5	
10s37e	31	SWNW	12	11	
10s37e	31	NWSW	0	13	
11s35e	2	NWNW	4	13	Indiscernible
11s36e	3	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 A29-10665

Spatial Dynamics LTD

7/12/00

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	SENE	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	SENE	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. A29-10665

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 04/27/00
PAGE: 212

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	04/01/1891	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: MASON SPRING

Tributary to: HAWKINS 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	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	SUM
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		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/00430/10664/10663/12058

Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):
A29-00430 A29-10663 A29-10664 A29-12058

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

AJ5809NP
No. A29-10665

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 04/27/00
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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 A29-10664 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 A SPRING AS DESCRIBED IN THE DECREE AS
MASON SPRING ADJACENT TO THE SAID CHANNEL OF SAID HAWKINS CREEK,
AND SITUATED WITHIN THE BOUNDARIES OF THE LAND IN THE POSSESSION
OF THE SAID DEFENDANT CONNIE HAWKS.

P/D IS HAWKNIS 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

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 29-10665
Date Received: 5/17/1990
Receipt No: E014601
Received By: E 0 2 8 6 2 8
AMENDED JC
4-1-03

AMENDED

**NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW**

1. Name of Claimant(s)

MARSH CENTER IRRIGATION CO Phone:
C/O WM EGAN
1451 W HAWKINS RD
ARIMO ID USA 83214

2. Date of Priority: 04/01/1944

3. Source: HAWKINS CREEK , HAWKINS CREEK , HAWKINS CREEK Trib. to: MARSH CREEK ,
MARSH CREEK , MARSH CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
10S	35E	35	NW NE SW	BANNOCK	
10S	35E	35	NW NE SW	BANNOCK	I
10S	36E	31	NW NW SE	BANNOCK	R

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 STORAGE	01/01	12/31		641.1
IRRIGATION FROM STORAGE	04/01	10/31		641.1

7. Total Quantity Appropriated is:
641.1 A.F.A.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4 Lot	Use	Acres
10S	35E	23	SW NW	IRRIGATION FROM STORAGE	29
			NE SW	IRRIGATION FROM STORAGE	8.8
			NW SW	IRRIGATION FROM STORAGE	9.1
Section Acres					46.9
10S	36E	21	NE SW	IRRIGATION FROM STORAGE	40
			SE SW	IRRIGATION FROM STORAGE	40
Section Acres					80
10S	36E	25	NW SW	IRRIGATION FROM STORAGE	13
			SW SW	IRRIGATION FROM STORAGE	37

			SE	SW	IRRIGATION FROM STORAGE	9.
					Section Acres	59.3
10S	36E	26	NE	SW	IRRIGATION FROM STORAGE	29
			NW	SW	IRRIGATION FROM STORAGE	16
			SW	SW	IRRIGATION FROM STORAGE	39
			SE	SW	IRRIGATION FROM STORAGE	40
			NE	SE	IRRIGATION FROM STORAGE	25
			NW	SE	IRRIGATION FROM STORAGE	33
			SE	SE	IRRIGATION FROM STORAGE	6.1
					Section Acres	188.1
10S	36E	28	NW	NE	IRRIGATION FROM STORAGE	1
			SW	NE	IRRIGATION FROM STORAGE	40
			NE	NW	IRRIGATION FROM STORAGE	40
			SE	NW	IRRIGATION FROM STORAGE	38
			NE	SE	IRRIGATION FROM STORAGE	39
			NW	SE	IRRIGATION FROM STORAGE	39
			SW	SE	IRRIGATION FROM STORAGE	37
					Section Acres	234
10S	36E	32	SW	NE	IRRIGATION FROM STORAGE	20
			SW	NW	IRRIGATION FROM STORAGE	9.7
					Section Acres	29.7
10S	36E	33	NW	NE	IRRIGATION FROM STORAGE	41
			SW	NE	IRRIGATION FROM STORAGE	41
			NE	NW	IRRIGATION FROM STORAGE	40
			NW	NW	IRRIGATION FROM STORAGE	22
			SW	NW	IRRIGATION FROM STORAGE	40
			SE	NW	IRRIGATION FROM STORAGE	41
			NE	SW	IRRIGATION FROM STORAGE	41
			NW	SW	IRRIGATION FROM STORAGE	39
			SW	SW	IRRIGATION FROM STORAGE	20
			SE	SW	IRRIGATION FROM STORAGE	25
			NE	SE	IRRIGATION FROM STORAGE	1.8
			NW	SE	IRRIGATION FROM STORAGE	41
			SW	SE	IRRIGATION FROM STORAGE	26
			SE	SE	IRRIGATION FROM STORAGE	40
					Section Acres	458.8
10S	36E	34	SW	NW	IRRIGATION FROM STORAGE	23
			SE	NW	IRRIGATION FROM STORAGE	23
			NE	SW	IRRIGATION FROM STORAGE	32
			NW	SW	IRRIGATION FROM STORAGE	38
			SW	SW	IRRIGATION FROM STORAGE	37
			SE	SW	IRRIGATION FROM STORAGE	29
			NE	SE	IRRIGATION FROM STORAGE	12
			NW	SE	IRRIGATION FROM STORAGE	4.3
			SW	SE	IRRIGATION FROM STORAGE	27
			SE	SE	IRRIGATION FROM STORAGE	26
					Section Acres	251.3
10S	36E	35	NW	NE	IRRIGATION FROM STORAGE	41
			SW	NE	IRRIGATION FROM STORAGE	41
			NE	NW	IRRIGATION FROM STORAGE	41
			NW	NW	IRRIGATION FROM STORAGE	22
			SW	NW	IRRIGATION FROM STORAGE	36

			NW	SW		IRRIGATION FROM STORAGE	8.3
			SW	SW		IRRIGATION FROM STORAGE	0.5
						Section Acres	189.8
10S	36E	36	NE	NE		IRRIGATION FROM STORAGE	17
			NW	NE		IRRIGATION FROM STORAGE	18
			SW	NE		IRRIGATION FROM STORAGE	26
			SE	NE		IRRIGATION FROM STORAGE	41
			NE	NW		IRRIGATION FROM STORAGE	30
			NW	NW		IRRIGATION FROM STORAGE	18
			SW	NW		IRRIGATION FROM STORAGE	2.6
			SE	NW		IRRIGATION FROM STORAGE	33
			NE	SW		IRRIGATION FROM STORAGE	8.2
			SE	SW		IRRIGATION FROM STORAGE	8.6
			NE	SE		IRRIGATION FROM STORAGE	41
			NW	SE		IRRIGATION FROM STORAGE	40
			SW	SE		IRRIGATION FROM STORAGE	11
						Section Acres	294.4
10S	37E	31	NW	NW	1	IRRIGATION FROM STORAGE	11
			NW	NW	2	IRRIGATION FROM STORAGE	15
			SW	NW	3	IRRIGATION FROM STORAGE	10
			SW	NW	4	IRRIGATION FROM STORAGE	0.5
			NW	SW	6	IRRIGATION FROM STORAGE	12
						Section Acres	48.5
11S	36E	3	NE	NE	1	IRRIGATION FROM STORAGE	42
			NW	NE	2	IRRIGATION FROM STORAGE	42
			SW	NE		IRRIGATION FROM STORAGE	40
			SE	NE		IRRIGATION FROM STORAGE	38
			NE	NW	3	IRRIGATION FROM STORAGE	40
			NW	NW	4	IRRIGATION FROM STORAGE	43
			SW	NW		IRRIGATION FROM STORAGE	40
			SE	NW		IRRIGATION FROM STORAGE	40
			NE	SW		IRRIGATION FROM STORAGE	40
			NW	SW		IRRIGATION FROM STORAGE	40
			SW	SW		IRRIGATION FROM STORAGE	40
			SE	SW		IRRIGATION FROM STORAGE	40
			NE	SE		IRRIGATION FROM STORAGE	39
			NW	SE		IRRIGATION FROM STORAGE	40
			SW	SE		IRRIGATION FROM STORAGE	39
						Section Acres	603
11S	36E	4	NE	NE	1	IRRIGATION FROM STORAGE	42
			NW	NE	2	IRRIGATION FROM STORAGE	35
			SW	NE		IRRIGATION FROM STORAGE	33
			SE	NE		IRRIGATION FROM STORAGE	40
			NE	SW		IRRIGATION FROM STORAGE	11
			NW	SW		IRRIGATION FROM STORAGE	5.6
			SW	SW		IRRIGATION FROM STORAGE	38
			SE	SW		IRRIGATION FROM STORAGE	39
			NE	SE		IRRIGATION FROM STORAGE	39
			NW	SE		IRRIGATION FROM STORAGE	40
			SW	SE		IRRIGATION FROM STORAGE	19
			SE	SE		IRRIGATION FROM STORAGE	31
						Section Acres	372.6
11S	36E	5	SE	SW		IRRIGATION FROM STORAGE	0.7
			SW	SE		IRRIGATION FROM STORAGE	17

			SE	SE	7	IRRIGATION FROM STORAGE	3.5
						Section Acres	21.2
11S	36E	8	NE	NE	1	IRRIGATION FROM STORAGE	32
			NW	NE		IRRIGATION FROM STORAGE	39
			SW	NE		IRRIGATION FROM STORAGE	16
			SE	NE	2	IRRIGATION FROM STORAGE	8.1
			NE	NW		IRRIGATION FROM STORAGE	8.2
			SE	NW		IRRIGATION FROM STORAGE	0.2
						Section Acres	103.5
11S	36E	9	NE	NE		IRRIGATION FROM STORAGE	4.9
			NW	NE		IRRIGATION FROM STORAGE	32
			SW	NE		IRRIGATION FROM STORAGE	29
			NE	NW		IRRIGATION FROM STORAGE	29
			NW	NW		IRRIGATION FROM STORAGE	30
			SE	NW		IRRIGATION FROM STORAGE	22
			NE	SW		IRRIGATION FROM STORAGE	19
			NW	SE		IRRIGATION FROM STORAGE	36
			SW	SE		IRRIGATION FROM STORAGE	1.1
						Section Acres	203
11S	36E	10	NE	NW		IRRIGATION FROM STORAGE	31
			NW	NW		IRRIGATION FROM STORAGE	5.1
						Section Acres	36.1
						Total Acres	3220.2

11. Place of use in counties: BANNOCK

12. Do you own the property listed above as place of use? Yes

13. Other Water Rights Use:

14. Remarks:

CLAIM AMENDED TO DELETE IRRIGATION COMPONENT. USE IS FOR STORAGE AND IRRIGATION FROM STORAGE. ALSO ADDED ACRES IN T10S, R35E, SEC. 23 SWNW, NESW, NWSW.

15. Basis of Claim: Decreed

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 William A Egan President of
_____ Title
Mansa Cotton Irrig., that I have signed the foregoing
Organization
document in the space below as _____ of
_____ Title
_____ and that the statements contained in the
Organization
foregoing document are true and correct. _____
Signature of Authorized Agent

Title and Organization

1 April 03
Date

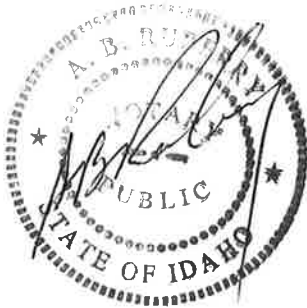
State of Idaho)
County of BENNETT) SS.

Subscribed and sworn (or affirmed) before me this 1ST
of April 2003 Allen B Ruben

Notary Public

Residing at EDAMO KAUS RD

My commission Expires 9/23/03



SCANNED
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: A29-10665
Date Received: 5/17/1990
Receipt No: E014601
Received By: Kew

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: APR 01, 1891

3. Source: MASON SPRING Trib. to: HAWKINS 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

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
10S	35E	21	SE	NE		IRR	20.0

A29-10665

Page 1

Date: 05/17/90

A2910665



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NOV 16 1992

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
						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	4.0
	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

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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/00430/10664/10663/12058

14. Remarks:

THIS RIGHT CONSISTS OF A SPRING AS DESCRIBED IN THE DECREE AS

MICROFILMED
NOV 16 1992

14. Remarks: Continued

MASON SPRING ADJACENT TO THE SAID CHANNEL OF SAID HAWKINS CREEK,
AND SITUATED WITHIN THE BOUNDARIES OF THE LAND IN THE POSSESSION
OF THE SAID DEFENDANT CONNIE HAWKS.

P/D IS HAWKNIS RESERVOIR

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: 11/07/1913

MARSH CENTER IRRIGATING CO.

Decree Plaintiff

vs

JAMES H. GUNTER

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 and that the statements contained in the Organization

foregoing document are true and correct.

Marshall Wheatley
Signature of Authorized Agent

Secretary Marsh center Irrigation
Title and Organization

May 17 1990
Date

State of Idaho)
County of Bannock) SS.

Subscribed and sworn (or affirmed) before me this 17th day

of May 19 90

Seal

Betty J. Thompson
Notary Public

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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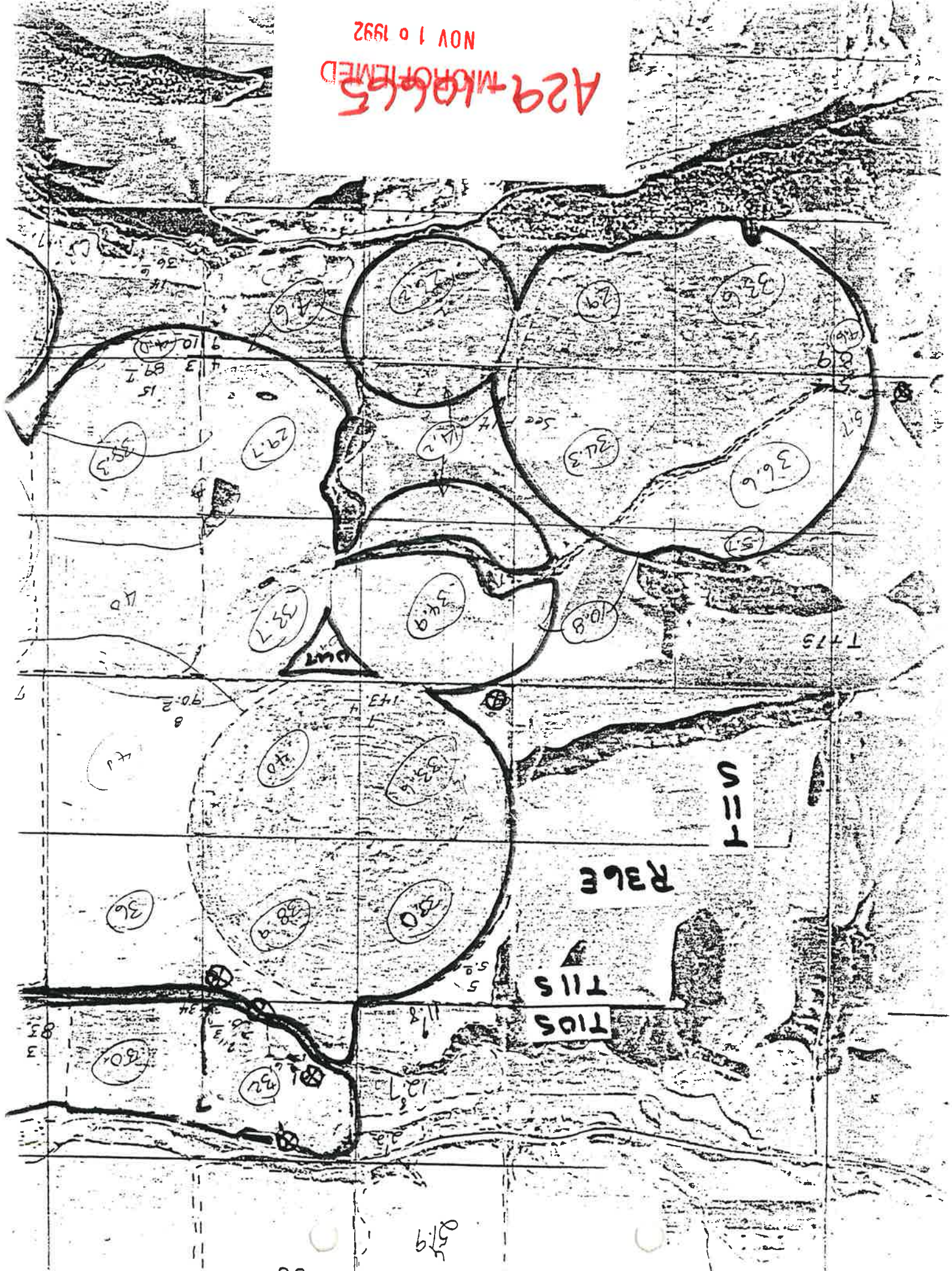
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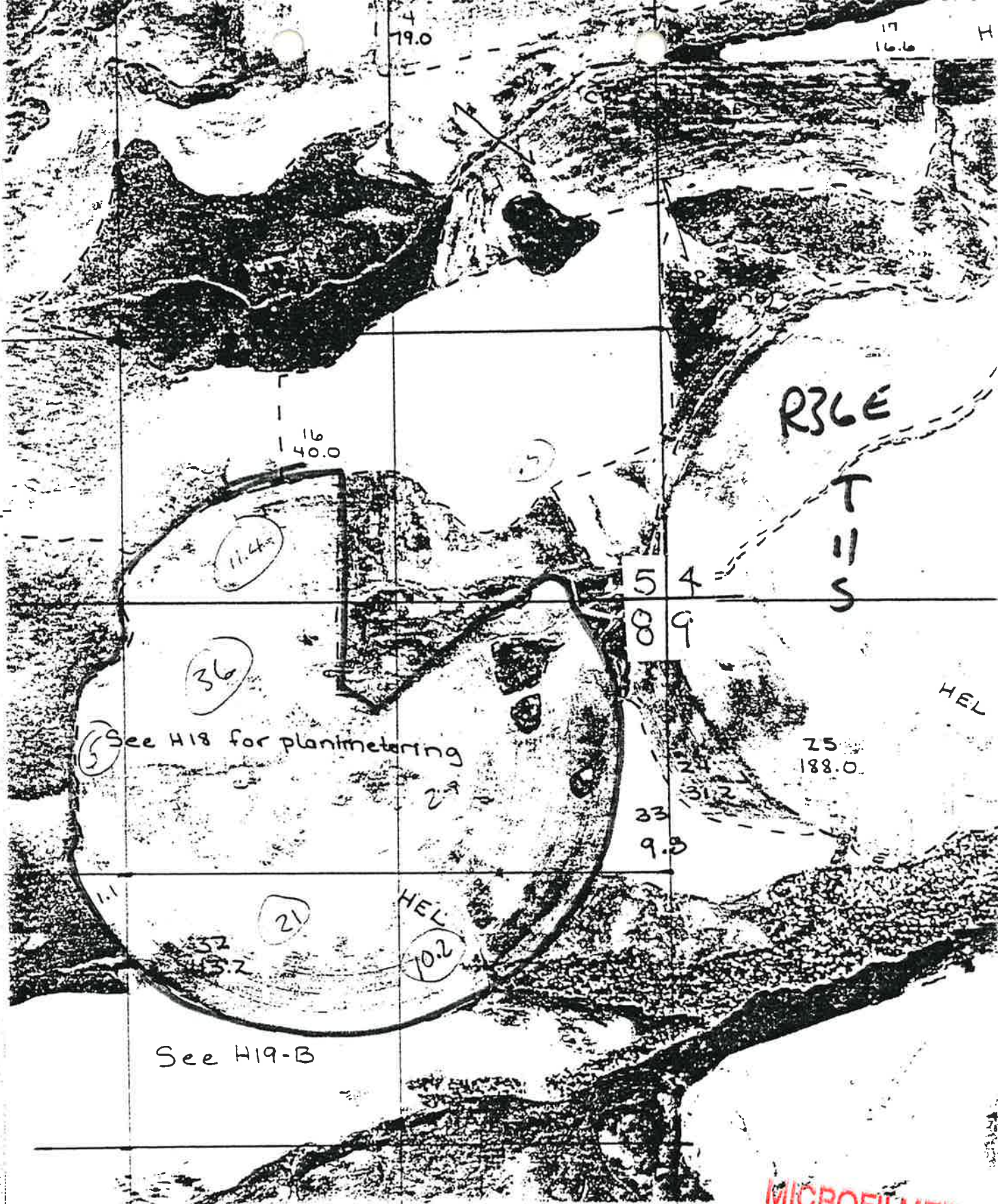
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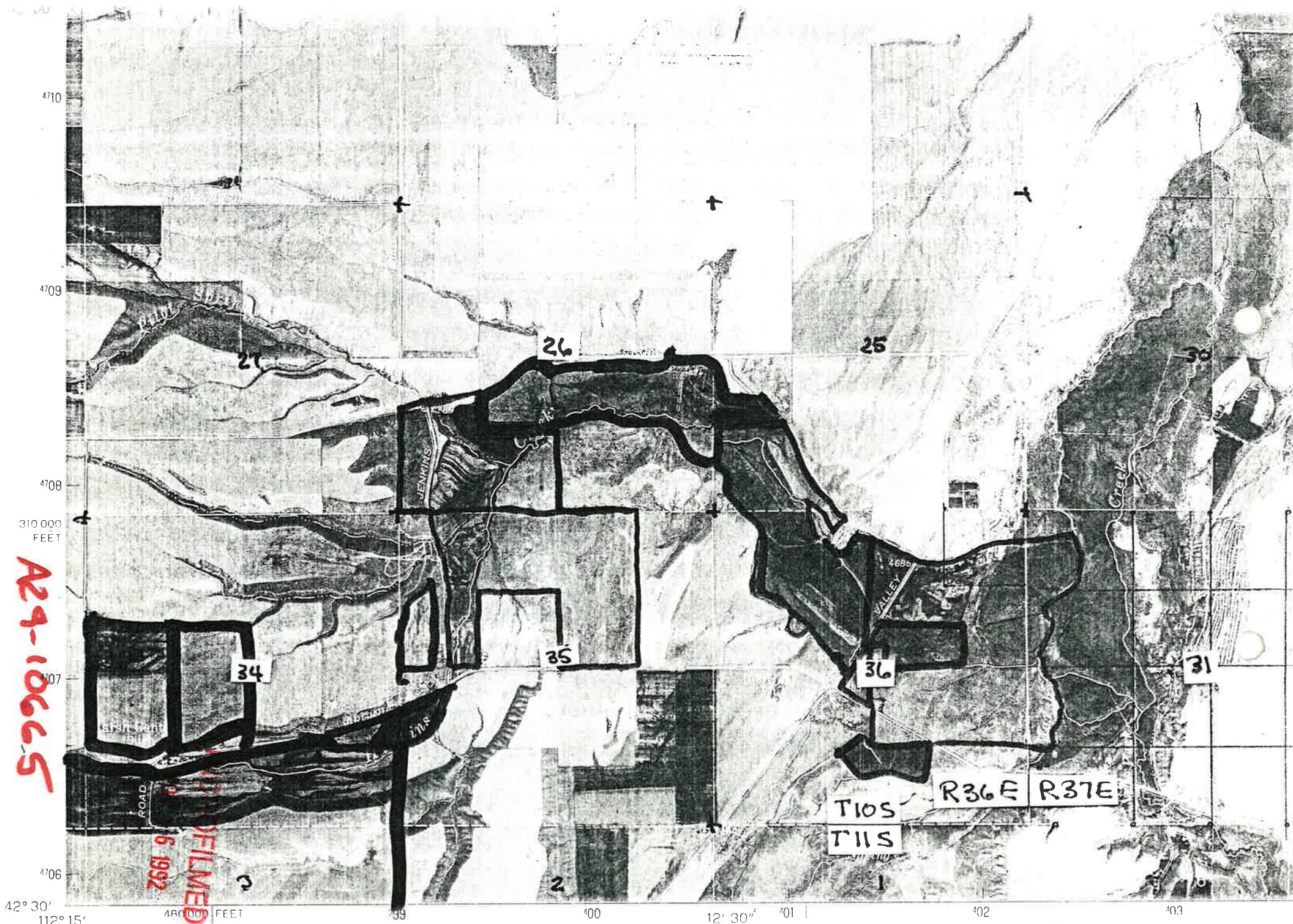
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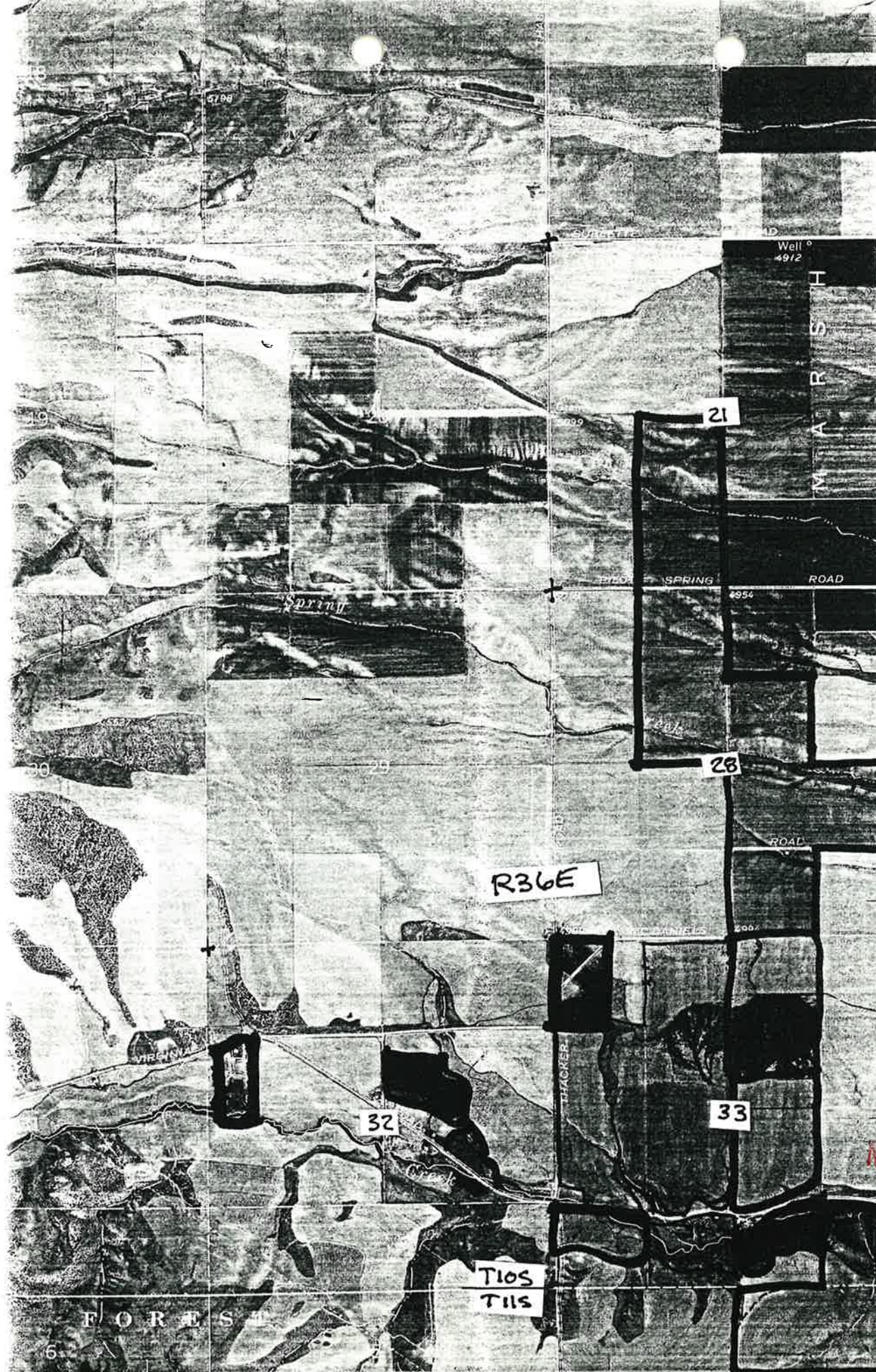


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Produced by the Geological Survey
in cooperation with the Soil Conservation Service

SCALE 1:24,000



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32' 30"

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470600m N

42° 30' 112° 15' E

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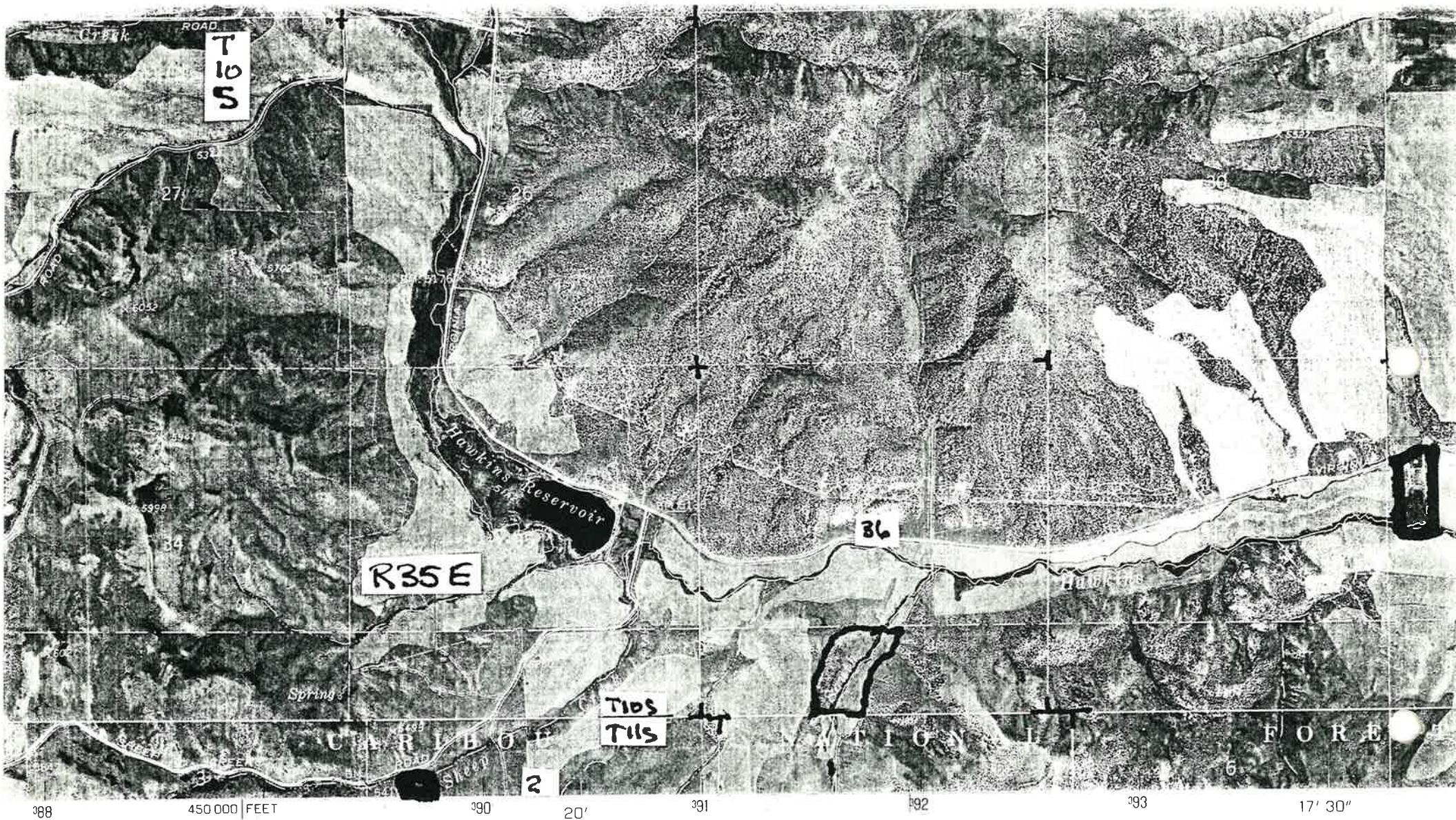
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17' 30"

395

396

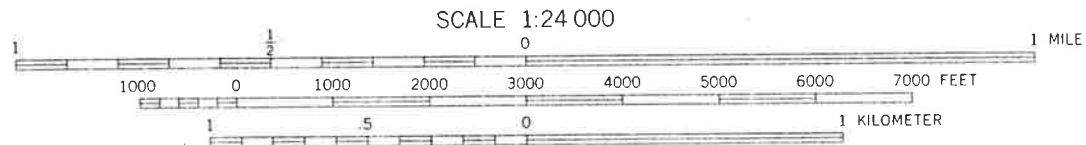
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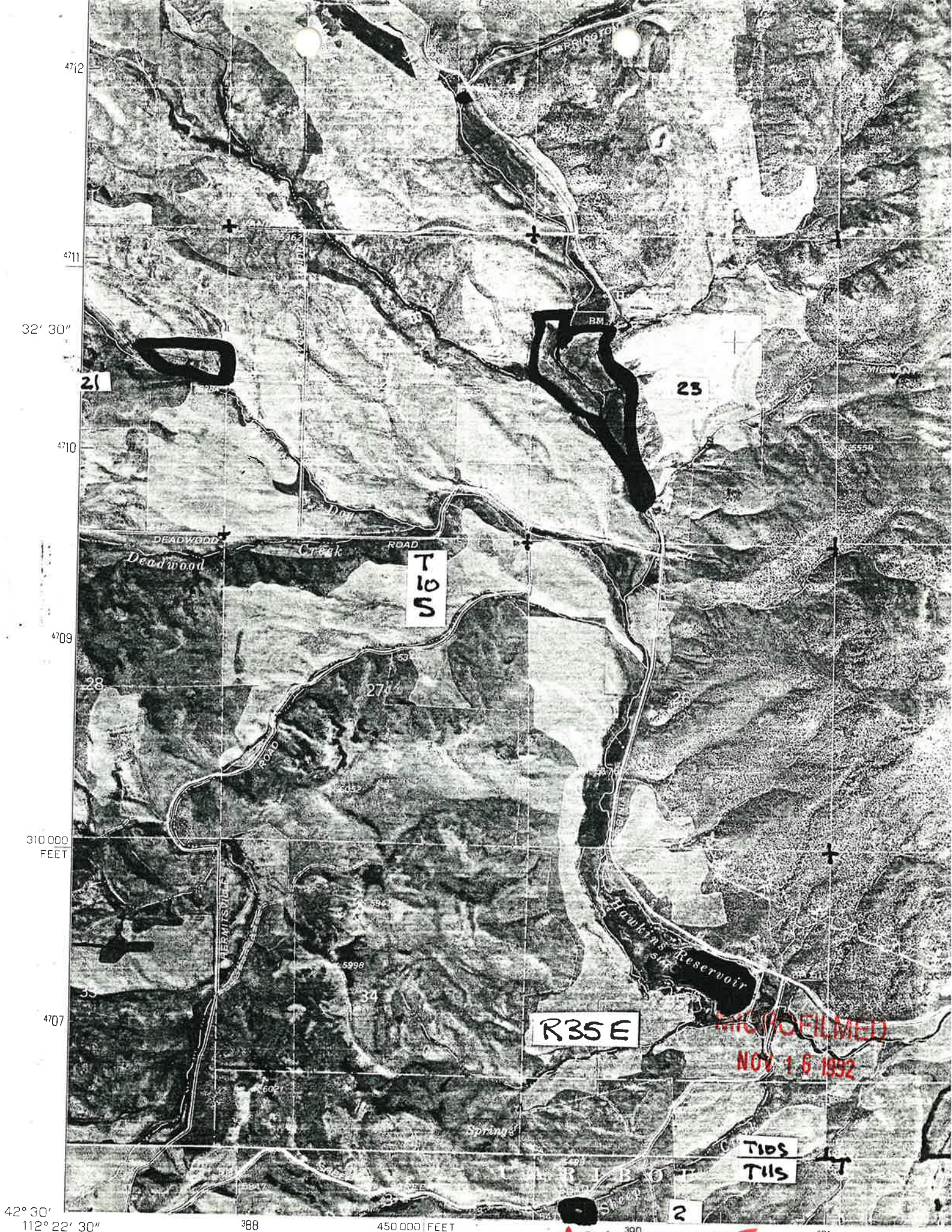


Geological Survey
 U.S. Forest Service
 from 1:78 000-scale
 August 7, 1976
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NORTH





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32' 30"
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310 000
FEET
4707
42° 30'
112° 22' 30"

R35E

MICROFILMED
NOV 16 1992

T10S
T11S

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