

06/30/2003

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

RIGHT NUMBER: 29-12058

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: 2.000 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT FOR STOCKWATER USE
SHALL NOT EXCEED 13,000 GALLONS PER DAY.

PRIORITY DATE: 12/19/1891

POINT OF DIVERSION:

T10S R35E S35 NWNESW Injection Within BANNOCK County
T10S R35E S35 NWNESW 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	04/01 10/31	2.000 CFS
STOCKWATER	01/01 12/31	0.020 CFS

PLACE OF USE:

Large POU

3220.2 ACRES TOTAL *3220.2*

USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF ~~3173.5~~ ACRES IN A SINGLE
IRRIGATION SEASON. COMBINED RIGHT NOS.: 29-12058, 29-13493,
29-13494, 29-10663, 29-10664, 29-10665.

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 100 ACRES WITHIN THE
PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

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.

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR
STOCKWATER USE IS NOT A DETERMINATION OF HISTORICAL
BENEFICIAL USE.

EXPLANATORY MATERIAL: Beneficial Use

03/19/2003

IDAHO DEPARTMENT OF WATER RESOURCES
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PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/31	2.000 CFS
STOCKWATER	01/01 12/31	0.020 CFS

PLACE OF USE: IRRIGATION 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

IDAHO DEPARTMENT OF WATER RESOURCES
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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

STOCKWATER same as IRRIGATION

3220.2 ACRES TOTAL

03/19/2003

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

3220.2

USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF ~~3177.3~~ ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 29-12058, 29-13493, 29-13494, 29-10663, 29-10664, 29-10665.

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 100 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

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

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THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR STOCKWATER USE IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.

EXPLANATORY MATERIAL: Beneficial Use

02/27/2003

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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	04/01 10/31	2.000 CFS
STOCKWATER	01/01 12/31	0.020 CFS

PLACE OF USE:

IRRIGATION Within BANNOCK County

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	T10S R36E S35	NWNE	41.0
T10S R36E S35	SWNE	41.0	T10S R36E S35	NENW	41.0

IDAHO DEPARTMENT OF WATER RESOURCES
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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	SENW	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	SENW	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	SENW	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	SENW	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			

STOCKWATER same as IRRIGATION

3173.3 ACRES TOTAL

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.: 29-12058, 29-13493, 29-13494, 29-10663, 29-10664, 29-10665.

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 100 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

02/27/2003

IDAHO DEPARTMENT OF WATER RESOURCES
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THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR STOCKWATER USE IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.

EXPLANATORY MATERIAL: Beneficial Use

Hawkins Creek

Hawkins Reservoir

Canal div.

T11S, R35E

T11S, R36E

T10S, R35E

T10S, R36E

T10S, R36E

T10S, R36E

T10S, R37E

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:

29-12050

Marsh Center Feig,

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,

Contacts Data Entry Form

29-12058 B4

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

Current Owner MARSH CONFOR TRNG CO.

Name connector: and _____, or _____, and/or _____

Current Owner RICHARD BURMISTOR

Current Owner _____

Representing Attorney: _____ Phone Number: BILL EGAN - 897-5521

Accompanied By: _____ Phone Number: _____

Relationship to Claimant: _____

Date of Field Exam: _____ Time: _____

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

BENEFICIAL USE BASED ON ARTICLES OF CORPORATION
DATED 1895.

SEE ACCOMPANYING TEXT NOTES

ARTICLES OF CORPORATION ARE SIGNED IN 1895. ACCOMPANYING
TEXT DISCUSSES "... TO THE BENEFIT OF THIS COMPANY FOR FOUR
YEARS..." THEREBY, SUCH CONSTRUANCE COULD BE MADE AS TO
ASSERT A priority DATE OF 1891.

FURTHER, TEXT DISCUSSES A DAM AND RESERVOIR WHICH
IMPLIES STORAGE IN OR AROUND 1891.

SOURCE(S) DESCRIBED BY "... ALL STREAMS AND TRIBUTARIES
AND ALL WATER RUNNING INTO HAWKINS CREEK." SINCE THERE
ARE NO PROVISIONS FOR POINTS OF DIVERSION AT THESE
MANY SOURCES AND ALL "ULTIMATELY FLOW INTO HAWKINS
CREEK", HAWKINS CREEK WILL THE SOLE RECOMMENDED SOURCE.

CP2

Reviewer: _____

Date: _____

29-12058

I. EVIDENCE OF PRIORITY IS PRESENTED AS ARTICLES OF INCORPORATION (CORPORATION) AS MARSA CENTER TRING COMPANY, DATED DEC. 19, 1895. THIS PREDATES ALL OTHER KNOWN DEEDS ON HAWKINS CK. (SEE Pg. 2 IV). WHICH, IN THIS CASE IS PROBABLE BUT TO 1891 NOT 1895.

II. ARTICLES DISCUSS BUILDING RESERVOIRS FOR STORAGE IN WINTER TO IRRIGATE WITH WHEN NEEDED.

III. LOCATION OF RESERVOIR (DAM) IS ON HAWKINS CK. @ SEC. 35 C#3 T10S R35E (APPROXIMATELY) SEC. 26 BEING UNSUBMITTED.

- a. DESCRIBES DIMENSIONS OF THE DAM STRUCTURE BUT FAILS TO ADDRESS A SPECIFIC STORAGE CAPACITY.
- b. SOURCE(S) DISCUSSED AS: ALL STREAMS AND TRIBUTARIES AND ALL WATER RUNNING INTO HAWKINS CREEK.

(NOTED: THERE IS NO DISCUSSION OF DIVERSION STRUCTURES AT THE MANY AND VARIOUS SOURCES REFERENCED, INTENT. THEREFORE, ABSENT DIVERSION STRUCTURES ON THE MANY VARIOUS STREAMS AND TRIBUTARIES THE SOURCE SHALL BE SO RECOGNIZED AND RECOMMENDED AS HAWKINS CREEK WITH A POINT OF DIVERSION AS HAWKINS DAM AT

IV. POD IS CLAIMED AS THE DAM WITH VARIOUS SOURCES AS DISCUSSED IN THE DOCUMENTATION (REF. III.b.) SOURCE WILL BE RECOMMENDED AS "HAWKINS CK" w/ POD AT DAM SITE DESCRIBED AS: T.10S. R35E SEC. 35 NW NESE.

V. A TOTAL OF 3173³ AC ARE RECOGNIZED AS CLAIMED PLACE OF USE.

* Remark: THIS CLAIM DOES NOT MENTION STORAGE FOR IRRIG. RATHER IT TENDS TO CLAIM NATURAL FLOW FOR THE IRRIGATION SEASON (RECOMMENDED AS IDWR STD 4/1 TO 10/31). THIS CLAIM NEEDS AMENDMENT TO ADDRESS THE ABOVE REFERENCED REMARKS I. THEN V.

VI. OTHER DECREES REFERENCED ON HAWKINS CR ARE:

<u>CLAIM #</u>	<u>DECREE</u>	<u>DATE</u>
29-00430	MARSH CENTER TRING CO. VS GEO. ALLEN	6/09/1910
29-12058 (BU)	NONE (ARTICLES OF INCORP.)	12/01/1895
29-10663	MCICo. VS HYRUM LUNDGREN	3/24/1930
29-10664	MCICo. VS JOHN PANNEN, SR.	6/10/1915
29-10665	MCICo. VS JAMES GUNTER	11/09/1913

MAINTENANCE
DECREE
ONLY

VII. a. CAPACITY OF CONTAINMENT IS REFERENCED IN A SWORN DEPOSITION BY OSCAR JONNENKALB, SURVEYOR IN AND FOR BANNOCK COUNTY.
RECALL PG. 2 LAST LINE OF TEXT "... HIGHWATER LINE OF 75²² ACRES AND A CAPACITY OF 1500 ACRES FEET" PRECEDING TEXT DESCRIBES METHODS AND MEASUREMENTS USED IN THE DERIVATION OF THIS CAPACITY.

b. THIS SAME ABOVE REFERENCED DOCUMENT GOES ON TO DESCRIBE "... 40 SECONDS FEET OF WATER ... AS A CONTINUOUS FLOW IS OBTAINABLE ONLY DURING A PERIOD OF 4 TO 6 WEEKS IN THE SPRING FLOOD TIME OF EACH YEAR."

VIII. CAPACITY CLAIMED ON 29-10663, 10664 & 10665 IS (APPEARS TO BE BASED ON A CALCULATION OF DIVERSION RATE OVER TIME RATHER THAN AN ACRE FOOT REFERENCE BY DECREES, I.E. $(1.9835)(0.33 \text{ cfs})(365 \text{ days}) = 238^2 \text{ ARA.}$)
APPARENTLY TAKEN FROM MCICo. VS H. LUNDGREN, 1930, WHICH DISCUSSES A MEASURED FLOW FROM CERTAIN SPRINGS. THIS CALCULATION IS NOT APPROPRIATE FOR

IX. Q IS A QUESTION. HOW WAS 6.68 cfs DERIVED? THEY DON'T KNOW - AGREED 2 cfs WOULD WORK - THEY PROPOSED 1 cfs, I OFFERED 2.

Priority Date Data Entry Form

Claim Number: _____

Water Right Priority Date: _____ Water Right Basis: _____

Claimed Priority Date: 12/19/1895 Claimed Basis: BU

Recommended Priority Date: _____ Recommended Basis: _____

Amend to
1891☐ 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:

Articles of Incorporation signed in 1895. Accompanying text states "... USING THE ABOVE LOCATION (DESCRIBES DAM) TO THE BENEFIT OF THE COMPANY FOR FOUR YEARS ..."

Therefore, recommend amending priority to date to 1891 (1895 doc. signed - 4 yrs = 1891).

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____, R____, Sec.____,____,____,____. County: _____

Source: _____ Tributary: _____

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	POD POI	County	Source
10S	35E	35		NWNESE	Bann		Hawkins Cr

GPS Coordinates: _____

10S	36E	31		NWNESE	BANN		Hawkins Cr
-----	-----	----	--	--------	------	--	------------

GPS Coordinates: _____

GPS Coordinates: _____

GPS Coordinates: _____

GPS Coordinates: _____

GPS Coordinates: _____

GPS Coordinates: _____

GPS Coordinates: _____

GPS Coordinates: _____

GPS Coordinates: _____

GPS Coordinates: _____

GPS Coordinates: _____

Other rights from this POD? _____

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

CLAIM REFERENCES COLE SPRING, HOWITT SPRING AND SHEEP CREEK AS SOURCES. ALL SUCH SOURCES ARE TRIBUTARY TO HAWKINS CREEK - SHEEP CREEK JOINS HAWKINS CR AT NESE 500.36 T10S, R35E - APPROX. 4250' (STRAIGHT SHOT) BELOW THE DOWN STREAM TOE OF HAWKINS RESERVOIR DAM. ∴ NO STORAGE COMPONENT.

Transfers Changing POD _____

Reviewer: _____

Date: _____

DAM DIMENSIONS ARE DISCUSSED AS: ≈ 20' HIGH, 60' WIDE, 300' LONG.
REF: Antebellum or Corporation, Article III, 1895.

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:

500 GPS ACI = 3173² 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
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

Overall Diversion Rate _____ Overall Diversion Volume _____

Recommended Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
<i>Permit</i>	<i>4/1</i>	<i>10/31</i>	<i>2⁰</i>	_____
<i>Stock</i>	<i>1/1</i>	<i>12/31</i>	<i>0.02</i>	_____
_____	_____	_____	_____	_____

Overall Diversion Rate _____ Overall Diversion Volume _____

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

DIS NOT DISCUSSED IN TEXT OF ARTICLES OF CORPORATION
EXCEPT AS "ALL WATERS". FLOW RECORDS?

2⁰ cfs is suggested BY MCICG. OFFICERS
AND ADD STOCKWATER

SEASON OF USE IS RECOMMENDED TO IDWR STDS. AS 4/1 TO 10/31.

Reviewer: _____

Date: _____



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

EASTERN REGION

CECIL D. ANDRUS
GOVERNOR
R. KEITH HIGGINSON
DIRECTOR

DATE: JAN. 3, 1995

A29-12058
MARSH CENTER IRRIGATION CO
C/O RICHARD BURMESTER
765 W HAWKINS RD
ARIMO ID 83214

RECEIVED

JAN 09 1995

Department of Water Resources
Eastern District Office

EVIDENCE OF PRIORITY

Dear Claimant:

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

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

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

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

Dave Carlson
Water Right Agent, Adjudications

MICROFILMED
NOV 14 1996

CERTIFICATE OF APPOINTMENT
OF REGISTERED AGENT

ENTERED

KNOW ALL MEN BY THESE PRESENTS:

That Marsh Center Irrigation
(Name of Corporation)
an Idaho corporation, pursuant to section 30-1-12, Idaho Code, and by authority of its Board of Directors, does
hereby appoint William A. Eggar
(Name of Registered Agent)
of Armo Idaho as its
(street address) (city)
Registered Agent in the State of Idaho, upon whom process issued by authority of or under any law of the State of
Idaho may be served.

IN WITNESS WHEREOF the corporation has caused this certificate to be executed and verified by its
President (or Vice-President) on this 3rd day of March, 19 80.

Marsh Center Irrigation
(Name of Corporation)
By W. A. Eggar
(President or Vice-President)
President
(Title)

STATE OF Idaho
County of Bannock ss.

Subscribed and sworn to before me this 3rd day of March, 19 80.

IN WITNESS WHEREOF, I have hereunto set my hand and
affixed my seal.

Ben H. Bower
Notary Public
(Title)

PETE T. CENARRUSA
SECRETARY OF STATE
STATE CAPITAL
BOISE, IDAHO

State of Idaho

Department of State.

Keep

I, PETE T. CENARRUSA, Secretary of State of the State of Idaho, hereby certify that I am the custodian of the corporation and limited partnership records of this State.

I FURTHER CERTIFY That the annexed is a full, true and complete transcript of articles of incorporation, including all amendments thereto, of MARSH CENTER IRRIGATING COMPANY, an Idaho corporation, received and filed in this office on the 6th day of June, 1896, as appears of record in this office as of this date.

RECEIVED

JAN 09 1995

Department of Water Resources
Eastern District Office

Dated: February 17, 1989.



Pete T. Cenarrusa

SECRETARY OF STATE

by:

Jeannie Bram



K60P

Department of State

CORPORATION REINSTATEMENT CERTIFICATE

I, J. D. (CY) PRICE, Secretary of State of the State of Idaho, and legal custodian of the corporation records of the State and collector of the annual corporation tax, do hereby certify that

MARSH CENTER IRRIGATING COMPANY

a corporation organized and existing under and by virtue of the laws of the State of Idaho, with its principal place of business in Idaho located at Marsh Center, Idaho, forfeited on the first day of December, 1947, its charter or authority to do business in the State of Idaho, because of failure to file annual statement due the State of Idaho for the fiscal year ending June 30th, 1948, as provided by Section 26-607, Idaho Code, Annotated.

AND I FURTHER CERTIFY, That the said corporation has subsequently and on the twelfth day of March, 1948, paid the required penalties and submitted annual statement, and the said corporation is therefore reinstated on the records of this office, and all the corporate rights which it enjoyed under the Constitution and Laws of the State of Idaho prior to the date of said forfeiture, are hereby restored.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the Great Seal of the State. Done at Boise City, the Capital of Idaho, this twelfth day of March, in the year of our Lord one thousand nine hundred forty-eight, and of the Independence of the United States of America the One Hundred Seventy-second.

Secretary of State.

State of Idaho



Department of State.

I, IRA H. MASTERS, Secretary of State of the State of Idaho, and legal custodian of the corporation records of the State and collector of the annual corporation tax, do hereby certify that

MARCH CENTER IRRIGATING COMPANY

a corporation

organized and existing under and by virtue of the laws of the State of **IDAHO**, with its principal place of business in Idaho located at **Dawson County**, Idaho, forfeited on the **1st** day of **December**, 19 **12**, its charter or authority to do business in the State of Idaho, because of failure to pay the annual license tax and penalty due the State of Idaho for the fiscal year ending June 30th, 19 **13**, as provided by Section 29-607, Idaho Code, Annotated.

AND I FURTHER CERTIFY, That the said corporation has subsequently and on the **24th** day of **December**, 19 **17**, paid the annual license tax and penalty assessed against it and the said **MARCH CENTER IRRIGATING COMPANY** is therefore reinstated on the records of this office, and all the corporate rights which it enjoyed under the Constitution and Laws of the State of Idaho prior to the date of said forfeiture, are hereby restored.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the Great Seal of the State. Done at Boise City, the Capital of Idaho, this **24th** day of **December**, in the year of our Lord one thousand nine hundred **thirty-seven**, and of the Independence of the United States of America the One Hundred **Sixty-second**

Secretary of State.

CERTIFICATE OF INCORPORATION
DOMESTIC

SERIAL No. 0833-2

SEP -6 1910



DEPARTMENT OF STATE

I, ROBERT LANSDON, Secretary of State, of the State of Idaho, do hereby certify that a certified copy of the Articles of Incorporation of

MARSH CENTER IRRIGATING COMPANY

duly certified by the Recorder of BAINOCK County, to be a true copy of the original Articles, was filed in this office on the SIXTH day of JUNE A. D. One Thousand ~~and Nine Hundred~~ Eight Hundred Ninety Six, and is duly recorded in Book "B" of Domestic Corporations, Records of the State of Idaho, which articles contain the statement of facts required by law, to-wit:

FIRST, The name of the Corporation as aforesaid; SECOND, The purpose for which it was framed; THIRD, The place where its principal business is to be transacted; FOURTH, the term for which it is to exist; FIFTH, The number of its directors, or its trustees, and the names, residences and term of office of those who are appointed for the first year; SIXTH, The amount of its capital stock and the number of shares into which it is divided; SEVENTH, The amount of its capital stock actually subscribed and by whom.



IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the Great Seal. Done at Boise City, the Capital of Idaho, this TWENTY-NINTH day of AUGUST in the year of our Lord one thousand nine hundred and ten and of the Independence of the United States of America the One Hundred and

Thirty-fifth

Robert Lansdon
Secretary of State.

C E R T I F I C A T E

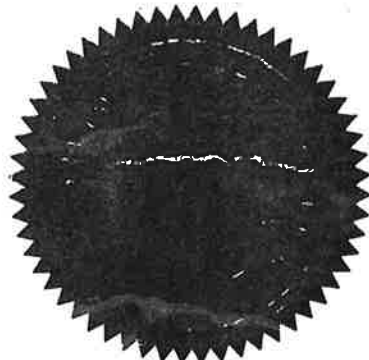
STATE OF IDAHO

DEPARTMENT OF STATE

Keep

I, ROBERT LANSDON, Secretary of State of the State of Idaho, do hereby certify that certified copies of the CORPORATION LAWS of the State of Idaho, together with all the amendments thereto, have been forwarded to the General Land Office, of the United States; that the same contain all the Corperation Laws of the State of Idaho, in force and effect, and that there has been no change made in the same since the Sixth day of March, A. D. 1909, the date of the adjournment of the last Session of the Legislature of the State of Idaho.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Great Seal of the State. Done at Boise, the Capital of Idaho, this THIRTY-FIRST day of AUGUST in the year of our Lord one thousand nine hundred ten and of the Independence of the United State of America the one hundred thirty-fifth.



Robert Lansdon
Secretary of State.

STATE OF IDAHO (ss.
COUNTY OF BANNOCK)

RECEIVED 08503

JAN 09 1935

Department of Water Resources
Eastern District Office

Oscar Sonnenkalb, being duly sworn, says: That he is the engineer who was employed to survey the reservoir of the Marsh Center Irrigation Company; that he had marked such survey by stakes and other marks on the ground; that such reservoir was constructed by said Marsh Center Irrigation Company, and the execution of the work was found in accordance with the above survey at a later inspection of the work by the affiant in the summer of 1913.

That the initial point of the highline contour of such reservoir, designated as No. 1, bears from the East quarter section corner of Sec. 35 Township 10, S. R. 28, East of Boise Meridian, North 65° West 1223 feet distant, that the total area of the constructed reservoir contains 53.55 acres, and that the initial point of the irrigation ditches, diverted from Hawkins Creek, being designated as the diversion gate in the base of the dam bears from the East quarter section corner of Section 35 Township 10, S. R. 35, East of Boise Meridian, North 85°20' West 1232.2 feet distant.

Return by
1910 Deposition
Discussion of Ang
and Res. Engr.

Oscar Sonnenkalb

Subscribed and sworn to before me this 26th day of May, 1923.

Notary Public, residing at
Pocatello, Idaho.

RECEIVED

JAN 09 1995

Department of Natural Resources
Eastern District Office

APPLICATION FOR RESERVOIR SITE.

-----O-----

I, John M. Kleinman do hereby certify that I am the president of the MARSH CENTER IRRIGATING COMPANY, and on behalf of said company and under its authority do hereby apply for the reservation of land in Bannock County, State of Idaho, for the construction and use of a reservoir for furnishing water for the purposes of irrigation under the provisions of an act of Congress approved March 3rd, 1881, entitled, "An Act to repeal Timber Culture Laws and for other purposes the location of said reservoir site and land necessary for its use, is as follows:

Beginning at the point of the waterline at the N.E. end of the Reservoir dam designated as Station O-I-P- which bears from the East quarter section-corner of Sec. 35 N. 65° W. 1223 Ft. Distant.

Thence running on a level line as follows:

FROM STATION No. "O" S. 16°30' W. 453.00 Ft. to point above center of discharge sluice designated P.O.D. which bears from East $\frac{1}{4}$ Sec 35 N. 85°20' W. 1232.2 ft. dist.

thence	S.	W.	906.00 Ft.	To STATION NO.
"	S. 85°	W.	276.00 "	" 2
"	S. 79°	W.	155.00 "	" 3
"	S. 73°	W.	211.50 "	" 4
"	S. 85°	W.	296.00 "	" 5
"	S. 87°	W.	93.00 "	" 6
"	N. 72°	W.	97.90 "	" 7
"	N. 5°35'	W.	50.00 "	" Small spring-branch 2 ft. wide runs NE
"	N. 59°30'	E.	75.00 "	" STATION NO. 8
"	N. 11°05'	W.	141.00 "	" " " 9
"	N. 2°	W.	162.00 "	" " " 10
"	N. 18°30'	W.	134.00 "	" " " 11
"	S. 89°30'	W.	102.00 "	" " " 12
"	N. 47°	W.	262.00 "	" " " 13
"	S. 86°15'	W.	173.00 "	" " " 14
"	S. 60°	W.	122.00 "	" " " 15
"	N. 53°25'	W.	256.00 "	" " " 16
"			60.00 "	" Small spring-branch 1 ft. wide runs NE
"	N. 24°	W.	116.00 "	" STATION NO. 17
"	N. 68°25'	W.	213.00 "	" " " 18
"	N. 9°	E.	133.00 "	" " " 19
"	N. 29°	W.	173.00 "	" " " 20
"	N. 32°	W.	311.00 "	" " " 21
"			124.00 "	" " " 22

thence	N 43° 00'	W	156.00	Ft.	To	STATION No.	23
"	N 41° 30'	W	182.00	"	"	"	24
"	N 36° 00'	W	212.50	"	"	"	25
"	N 7° 00'	W	109.00	"	"	"	26
"	N 38° 00'	W	100.00	"	"	"	27
"	N 45° 55'	W	99.00	"	"	"	28
"	N 13° 30'	W	233.00	"	"	"	29
"	N 29° 00'	W	240.00	"	"	"	30
"	N 70° 30'	E	119.00	"	"	"	31
"	N 64° 15'	E	110.00	"	"	"	32
Hawkins Creek 15 Ft. wide runs southerly-the center of the Creek, as point of Diversion, bears S 65° 30' E 1356 ft. dist. from the NW corner of Sec. 35.							
"	S 19° 00'	E	178.00	"	"	STATION NO.	32
"	S 51° 30'	E	131.00	"	"	"	33
"	S 68° 45'	E	105.00	"	"	"	34
"	S 70° 25'	E	202.50	"	"	"	35
"	S 70° 25'	E	203.00	"	"	"	36
"	S 40° 50'	E	271.50	"	"	"	37
"	S 38° 35'	E	180.50	"	"	"	38
"	S 42° 45'	E	136.00	"	"	"	39
"	S 67° 25'	E	140.00	"	"	"	40
"	S 64° 30'	E	134.00	"	"	"	41
"	S 64° 25'	E	128.00	"	"	"	42
"	S 59° 30'	E	300.00	"	"	"	43
"	S 75° 45'	E	145.00	"	"	"	44
"	S 79° 35'	E	91.00	"	"	"	45
"	S 48° 50'	E	101.00	"	"	"	46
"	S 64° 30'	E	293.00	"	"	"	47
"	S 75° 00'	E	270.00	"	"	"	48
"	S 70° 30'	E	258.00	"	"	"	49
"	S 81° 15'	E	161.00	"	"	"	50
"	S 58° 30'	E	200.00	"	"	"	0

the point of beginning, containing 75.72

I, hereby certify that to the best of my knowledge and belief that said land is not mineral or reserved and that the reservoir is to be used solely for the purpose of storing water for the purposes of irrigation.

The applicant has filed no other declaratory statement under this act.

And I further certify that it is the bone fide purpose and intention of this applicant to construct and complete said reservoir in the following manner, to-wit;

The dam across the basin will be constructed of earth with a puddled core on bed rock.

Its dimensions are:

Top length 906 feet.

Height above creek bottom 40 ft. with water line level at 38 ft.
Upstream slope 1X2½. Top width 6 ft. Rip Rap covering on in-
side slope. Downstream slope 1X2. Headgate 2X 1 ft. clear.

Waste Sluice on western hill slope, spilling water into ditch
which leads back to the creek.

And to maintain the same in accordance with the provisions of
said act of Congress and such regulations as are, or may be prescrib-
ed thereunder.

John M. Kleinman

President.

MARSH CENTER IRRIGATING COMPANY.

#####

State of Idaho, |
County of Bannock | 0 ss

John M. Kleinman being first duly sworn deposes and says;

That he is the president of the Marsh Center Irrigating Company,
that the statements herein made are true to the best of his knowledge
and belief.

John M. Kleinman

Subscribed and sworn to before me this 1st day of August, 1910.

Wesley Dwyer

Notary Public.

POOR ORIGINAL

I, L. F. Parris, certify that I am the President of the Marsh Center Irrigation Company; that the reservoir described as follows:

The initial point of the highline contour of such reservoir, designated as No. 1, bears from the East quarter section corner of Sec. 35 Township 10, S. R. 28, East of Boise Meridian, North 65° West 1223 feet distant, that the total area of the constructed reservoir contains 53.55 acres, and that the initial point of the irrigation ditches, diverted from Hawkins Creek, being designated as the diversion gate in the base of the dam bears from the East quarter section corner of Section 35, Township 10, S.R. 35, East of the Boise Meridian, North 85°20' West 1232.2 feet distant.

was actually constructed as set forth in the affidavit of Oscar Sonnenkalb, the Engineer employed by the Marsh Center Irrigation Company to make said survey and on the exact location represented on the map by the field notes, approved by the Secretary of the Interior; that the company has in all things complied with the acts of Congress of March 3, 1891, granting right of way for said reservoir on the public lands of the United States.

L. F. Parris
President of Marsh Center
Irrigation Company.

Seal of the Company)

Attest:

J. P. Jensen
Secretary.

RECEIVED
JAN 09 1995
Department of Water Resources
Eastern District Office

State of Idaho, :
County of Bannock : ss

Oscar Sonnenkalb being first duly sworn deposes and says; that he is now and has been continuously for several years last past County Surveyor in and for Bannock County, Idaho, and was the surveyor who was employed to make the survey by the Marsh Center Irrigating Company for its proposed reservoir; that the survey of said company's reservoir is described as follows:

WATERLINE OF RESERVOIR.

Beginning at the point of the waterline at the N.E. end of the Reservoir dam designated as Station 0-I-P- which bears from the East Quarter section-corner of Sec. 35 N. 65° W. 1223 Ft. distant.

Thence running on a level line as follows:

FROM STATION No. "O". S 16°30' W 453.00 Ft. to point above center of discharge sluice designated P. of D. which bears from East 1/4 Sec. Cor. of Sec. 35 N. 85°20' W. 1232.2 ft. Dist. to STATION No. 1. along the slope of the dam, 906.00 Ft.

thence	S 85°	W	276	Ft. To	STATION	No. 2.
"	S 79°	W	155	"	"	" 3
"	S 73°	W	211 50	"	"	" 4
"	S 85°	W	296	Ft. "	"	" 5
"	S 87°	W	93	"	"	" 6
"	N 72°	W	97	"	"	" 7
"	N 5°35'	W	50	"	"	"
"						Small spring-branch 2 ft. wide runs N.E.
"	NW. 59°30'	E	141 00	Ft. To	STATION	No. 8.
"	N 11°05'	W	162 00	"	"	" 9
"	N 2°	W	134 00	"	"	" 10
"	N 18°30'	W	102 00	"	"	" 11
"	S 89°30'	W	262 00	"	"	" 12
"	N 47°	W	173 00	"	"	" 13
"	S 86°15'	W	122 00	"	"	" 14
"	S 60°	W	256 00	"	"	" 15
"	N 53°25'	W	60 00	"	"	" 16
"						Small spring-branch 1 ft. wide runs N.E.
"	NW 24°	W	213 00	"	STATION	No. 17.
"	N 68°25'	W	133 00	"	"	" 18
"	N 9°	E	173 00	"	"	" 19
"	N 29°	W	311 00	"	"	" 20
"	N 32°	W	124 00	"	"	" 21
"	N 43°	W	156 00	"	"	" 22
"	N 41°	W	182 00	"	"	" 23
"	N 36°	W	212 50	"	"	" 24
"	N 7°	W	109 00	"	"	" 25
"	N 38°	W	100 00	"	"	" 26
"	N 45°55'	W	99 00	"	"	" 27
"						" 28

thence	N	13°30'	W	233.00	Ft.	To	STATION No.	29.
"	N	29°	W	240 00	"	"	"	30
"	N	70°30'	E	119 00	"	"	"	31
"	N	64°15'	E	110 00	"	"	"	32.
							Hawkins Creek 15 ft. wide runs southerly-The center of the Creek, as point of Diversion, bears, S 65°30' E. 1356 ft. dist. from the NW corner of Sec. 35.	
"	S	19°55'	E	178 00	"	"	STATION No.	32.
"	S	51°30'	E	131 00	"	"	"	33
"	S	68°45'	E	105 00	"	"	"	34
"	S	70°25'	E	202 50	"	"	"	35
"	S	40°50'	E	203 00	"	"	"	36
"	S	38°35'	E	271 50	"	"	"	37
"	S	42°45'	E	180 50	"	"	"	38
"	S	67°25'	E	136 00	"	"	"	39
"	S	67°25'	E	140 00	"	"	"	40
"	S	64°30'	E	134 00	"	"	"	41
"	S	64°25'	E	128 00	"	"	"	42
"	S	59°30'	E	300 00	"	"	"	43
"	S	75°45'	E	145 00	"	"	"	44
"	S	79°35'	E	91 00	"	"	"	45
"	S	48°50'	E	101 00	"	"	"	46
"	S	64°30'	E	293 00	"	"	"	47
"	S	75°	E	270 00	"	"	"	48
"	S	70°30'	E	258 00	"	"	"	49
"	S	81°15'	E	161 00	"	"	"	50
"	S	58°30'	E	200 00	"	"	"	0

the point of beginning containing 75.72 acres.
An equi-distant 10 ft. contour line was run which embraces

46.35 acres.

The water line was determined by running a contour with a 20 inch Gurley Level from a point 3 feet below the top level of the dam and putting stations wherever the breaking of the line was required.

The bearings and distances of the different courses were determined with a W. and L.E. Gurley Light Mountain Transit with Solar attachment and a 100 foot tape line. The angles of the bearings were turned off directly from the true meridian determined by solar observations.

The project consists of the storage of the Winter flow and of the surplus water of the Hawkins Creek, a stream running through Townships 10 South, Range 35 and 36 East of the Boise Meridian, Idaho, in a reservoir lying in the North half and the North half of the Southeast Quarter of Section 35 Township 10 South, Range 35 East with a surface area embraced by its highwater line of 75.72 acres and a capacity of 1500 acre feet.

Revised to 1923
Deposition on
O. Sonnenknecht
-2-



The Company has a right to 40 second feet of water in said creek, an amount which as a continuous flow is obtainable only during a period of 4 to 6 weeks in the spring flood time of each year.

The water users of this impounded water are all stockholders of the company and own, besides small irrigable tracts in the creek bottom large tracts of dry-farming lands on the higher benches along the creek. It is for these small irrigable tracts in the creek bottom and on the lowest benches that the storage water shall be used and as the district lies in a relatively high altitude and requires therefore not more than one acre foot of water to the acre, in order to produce fine crops in intense farming, the above estimated 1500 acre feet of the reservoir will be sufficient for the use of every settler in the creek bottom.

The reservoir will be constructed in the basin through which the creek runs, and the water for irrigation use will be turned back into the natural creek bed, which will form the Main Irrigation Canal for the system.

The Company owns no irrigation ditches and the water users will construct their own laterals, diverting the water direct from the creek into small ditches which altogether run through patented or proven up claims.

The capacity of Hawkins Creek at the point of Diversion into the Reservoir was determined by channel measurements immediately above the point. The velocity was determined by floating tubes. Measurements were made in different seasons of the year by myself and by settlers claiming the water rights.

The flow of the creek cannot be called a well defined one, varying continuously according to heavy or light snowfalls during the winter months, early or late spring floods, early or late fall rains, long or short periods of thunder storms during the summer months--The area of the water-shed is nearly 20 square miles, the average of the annual rain-fall is about 22 inches.

The following table gives approximately the average flow at the point of diversion during the last 5 years:-

	January	Maximum Flow	10 Sec. Feet.
	February	"	8 "
M	March	"	50 "
	April	"	30 "
	May	"	30 "
	June	"	15 "
	July	"	30 "
	August	"	8 "
	September	"	"
	October	"	20 "
	"	"	10 "
	November	"	10 "
	December	"	8 "

*AVG OF 12 mos
Flows = 1906*

*Sensor of Use
1 Spoutage*

The irrigation period in the district is relatively a very short one, only embracing 5 months, which will allow a period of 7 months in the year for the storage of the water.

The dam across the basin will be constructed of earth with a puddled core on bed rock.

Its dimensions are:

Top length 906 feet.

Height above creek bottom 40 ft. with water line level at 38 ft.

Upstream slope 1X2½. Top width 6 Ft. RipRap covering on inside slope.

Downstream slope 1X2. Headgate 2 X 1 ft. clear.

Waste Sluice on western hill slope, spilling water into ditch, which leads back to the creek.

Survey commenced May 1st, 1910, and completed May 5th, 1910.

That such survey accurately represents the proposed waterline of said reservoir and that said survey is accurately represented upon the map and that no lake or lake-bed stream or stream-bed is used for said reservoir except as shown upon the accompanying map.

Ascertained by

Subscribed and sworn to before me this 29 day of August, 1910.

Notary Public

Notary Public.

STATE OF IDAHO, }
COUNTY OF BANNOCK, }

KNOW ALL MEN BY THESE PRESENTS, That we, the undersigned, under and by virtue of the provisions of the Statute of the State of Idaho, providing for the formation of corporations, for certain purposes do hereby certify, agree and declare each for himself and not for another, that we will and by these presents do form ourselves into a body politic and incorporate, under the following provisions and restrictions, to-wit:--

Article I.

The name of said corporation shall be, Marsh Center Irrigating Company.

Article II.

The object for which this company is formed is to build reservoirs, to develop the water supplies also to store up the water in winter to irrigate with when needed.

Article III.

The principal place for a reservoir now under construction is located on Hawkins Creek, Bannock County, State of Idaho, and more fully described in this article as in Tp. 10 S., and R. 35 East and will be approximately Sec. 26, being unsurveyed.

The dam being now about twenty feet high and sixty feet wide on the bottom and fifteen feet wide on top and three hundred feet long costing about two thousand two hundred dollars.

And be it further known that we claim as the site for the said reservoir from the dam which is located as specified in this article and running up the creek in a northerly direction to a point about one mile from the dam, also about one-half mile wide; and be it further known that we have been using the above location to the benefit of this Company for four years, which site has been designated by stakes placed prominently; and be it further known that we claim all streams and tributaries and all water running into Hawkins Creek as appendages to the interest of this Company, also we deny any other Company a right under any other head or name or control only as The Marsh Center Irrigating Company; and the claims are further confirmed by our by-laws of an earlier date, which have been approved by the Company.

Article IV.

This Company shall continue its corporate existence for the period of ninety-nine years from and after the filing of these presents in the office of Sec. of State of Idaho.

Article V.

The No. of its directors, or trustees, shall be three, and the following named persons shall constitute the Board of Trustees and manage the business of the Company:-- W. C. Hawkins, F. L. Parrish, M. A. Gunter, all of whom reside in Marsh Center, County of Bannock, State of Idaho.

Article VI.

The amount of capital stock shall be Fifty thousand dollars subject to be increased or diminished according to law, and said

capital stock shall be divide into one thousand shares subject to be enlarged or diminished according to the judgment of the Company. Each of the parties to these presents do now own in the Company reservoir shares in No. ranging from two to six.

Article VII.

The Board of Trustees of this Company shall meet immediately after the filing of these presents and adopt by-laws for the government of the Company and all necessary and proper arrangements for carrying out the object herein expressed and as to them may seem for the best interest of the Company.

W.C.HAWKINS, (Seal).
JOHN T.WOODLAND, (Seal).
JOSEPH T.WOODALND, (Seal).
M.A.GUNTER, (Seal).
C.G.HAWKINS, (Seal).
Z.V.GUNTER, (Seal).

LEWIS HAWKINS, (Seal).
F.L.PARRIS, (Seal).
JOHN M.KLINMAN, (Seal).
MORONI KLEINMAN, (Seal).
WILLIAM BEETON, Jr., (Seal).
N.S.COFFIN, (Seal).

FRANKLIN K.DUSTMAN, (Seal).

STATE OF IDAHO,)
COUNTY OF BANNOCK,) SS.

On this 14th of Dec., 1895, before me Jas. Henderson, a Notary Public in and for said Bannock County, duly commissioned and sworn, personally appeared W.C.Hawkins, M.A.Gunter, Lebo Parris, and ----- and ----- to me known to be the individuals described in and who executed the foregoing instrument as parties thereto and they severally acknowledged to me that they executed the same freely and voluntarily and for the uses and purposes therein mentioned.

In Witness Whereof, I have hereunto set my hand and affixed my official seal the day and year in this certificate above written.

JAMES HENDERSON, Notary Public.

(Seal).

Endorsed:-- Articles of Incorporation of The Marsh Center Irrigation Company. Recorded at request of W.C.Hawkins, Dec. 19, 1895, at 30 minutes past 4 o'clock P.M. in Record of Incorporations, page 115, records of the Book "1", County of Bannock. John Scott, County Recorder. Theo. Turner, Deputy. Fee \$1.40.

----- oOo -----

STATE OF IDAHO,)
BANNOCK COUNTY,) SS.

I, John Scott, Ex Officio County Recorder in and for said County, do hereby certify that the above and foregoing is a full, true and correct copy of the Articles of Incorporation of the

Marsh Center Irrigating Company (2)

POOR ORIGINAL

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

George D. Allen, Lars Nelson,
Harry Hewitt, J. W. Stinger, Al-
bert Smearer, Walter Stinger, Geo.
Smith, Z. V. Gunter, Mae Gunter,
Lizzie Stinger, John Pannel, Sr.,
K. Pannel, Otto Pruitt, John Pannel,
Jr., Ulrich Bower, R. E. Cole, John
T. Woodland, James Gunter,
Defendants.

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JAN 09 1995

Department of Water Resource
Eastern District Office

DECREED

29-430
CIVIL

This cause coming on regularly to be heard this 9 day of June, 1910, Geo. E. Gray, Esq., appearing as counsel for the plaintiff, and no one appearing for defendants, (the default of said defendants and each of them having been regularly and duly entered according to law), it also appearing to the Court that due and legal service of summons in the above entitled action was made as required by law upon said defendants and each of them and that none of said defendants demurred or answered to said complaint, within the time required by law and before the entry of said default.

WHEREUPON, witnesses were duly sworn and testified on behalf of plaintiff and from said testimony the Court finds that all of the material allegations of plaintiff's complaint are fully sustained;

29-00423
WHEREFORE, by reason of said evidence and the law, it is hereby ORDERED, ADJUDGED and DECREED, that the said plaintiff is entitled to forty second feet of the water in what is known as Hawkins Creek and the South Fork of Hawkins Creek in Bannock County, Idaho, and the

POOR ORIGINAL

right to the use of said water dating from the....day of May, 1870, and the points of diversion of said water being at what is known as the reservoir, in Township Nine (9) South Range Thirty-five (35) E. B. M., in Bannock County, Idaho, and also at a point about three-fourths ($\frac{3}{4}$) of a mile below said reservoir and known as the South Fork of said Hawkins Creek.

It is further ORDERED, ADJUDGED and DECREED, that the title to said forty second feet of water as aforesaid as against said defendants and each of them be and is hereby QUIETED in the plaintiff.

And it is further ORDERED, ADJUDGED and DECREED that said defendants and each of them and their attorneys, agents or servants be and are hereby forever enjoined from, in any ^{way or} manner, interfering with the plaintiff's use of the said water of said Hawkins Creek.

Said water so decreed to be used for the purpose of irrigating the lands of the stockholders of said plaintiff corporation, situated in Bannock County, Idaho, and for domestic and culinary purposes.

Done in open Court this 9 day of June, 1910.

Reuben Budge
District Judge.

#####

State of Idaho, |

County of Bannock |

ss

I, E. G. Gallet, Clerk of the District Court of the Fifth Judicial District of the State of Idaho, in and for the County of Bannock do hereby certify that the foregoing is a full, true and correct copy of the Decree in the above entitled action now on file in my office.

E. G. Gallet
Clerk

Marsh Center Irrigation Company, as the same appears from the record thereof, in Book "1" of the record of Incorporations, at page 115, of the records of the said County of Bannock, State of Idaho.

Attest my hand and official seal this 5th day of June, A.D., 1896.



John S. Smith,
Ex Officio County Recorder.

By *Thos. Turner*, Deputy.

STATE OF IDAHO }
County of Bannock } ss

The first thing I noticed when I stepped out of the car was the smell of the sea. It was a salty, briny scent that I had never before. I had heard that the ocean was beautiful, but I had never experienced it. The sun was shining brightly, and the waves were crashing against the shore. I felt a sense of peace and tranquility that I had never before. I had heard that the ocean was beautiful, but I had never experienced it. The sun was shining brightly, and the waves were crashing against the shore. I felt a sense of peace and tranquility that I had never before.

[illegible]

I have just received your letter of the 10th inst. and in reply to inform you that the same has been forwarded to the proper authorities for their consideration. I am, Sir, very respectfully,
 Yours, Sir, very obediently,
 J. H. Thompson

1895-11425-1891

OH-52887M

STORAGE
INVESTIGATION

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Department of Water Resources
Eastern District Office

POOR ORIGINAL

This Company shall continue its corporate Existence for the period of ninety
nine years from and after the filing of these presents in the office of Sec- of
State of Idaho

Article V

The No. of its directors or trustees shall be three and the and the following named
persons shall constitute the board of trustees and manage the business of the
company W.C. Hawkins J.L. Parry M.M. Sumter all of whom Reside in Marsh
Center County of Cammock State of Idaho

Article VI

The amount of Capital Stock shall be fifty Thousand Dollars subject to be increased
or diminished according to Law and said Capital Stock shall be divided into one
thousand shares Subject to be enlarged or diminished according to the judgment
of the company each of the parties to these presents do now own in the company
Reservoir shares in No ranging from two to six

Article VII

The board of trustees of this Company shall meet immediately after the filing of these
presents and adopt bylaws for the government of the Company and all neces-
sary and proper arrangements for carrying out the object herein expressed
and as to them may seem for the best interest of the company

W.C. Hawkins (Seal) C.L. Hawkins (Seal) John M. Kinnman (Seal)
John M. Woodland (Seal) J.M. Sumter (Seal) Meroni Kinnman (Seal)
Joseph T. Woodland (Seal) Lewis Hawkins (Seal) William Beeton Jr (Seal)
M.M. Sumter (Seal) J.L. Parry (Seal) N.S. Coffin (Seal)
State of Idaho

Franklin N. Kustman (Seal)

County of Cammock on this 17th of Dec 1896 before me Jas Henderson
a Notary Public in and for said Cammock County duly commissioned
and sworn personally appeared W.C. Hawkins J.M. Sumter Lilo Parry
and to me personally known to be the individuals described as parties
hereto and they severally acknowledged to me that they executed the same freely
and voluntarily and for the uses and purposes therein mentioned in
witness whereof I have hereunto set my hand and affixed my official Seal this
day and year in this Certificate above written

James Henderson
Notary Public
John Scott Recorder
Thos Turner deputy

Request of W.C. Hawkins dec 19 1896 at 4:30 PM Fee \$120

2A-1205B

POOR ORIGINAL

Certificate Dism-
issing Capital
Stock of the Marsh
Center Irrigation Co.,
a corporation.

DEPARTMENT OF STATE
Secretary of State
4th day of
August 1902
A.M. and Document in Book
"M" of Dom. Corporations
page 139.
ords of the State of Idaho.

C. J. Bassett
Secretary of State.
By R. L. Osborn

Request
of N. D. Coffin
at #0
date August 2nd
1902

J. J. Campbell
Attorney.
G. L. Saxe
Deputy.

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APR 4 1996

W. J. [unclear]
25 [unclear]

W. J. [unclear]
41
August 2nd

Certificate [unclear]
ing Member of the
March Center for
igation Company
a corporation

R. A. [unclear]
chug [unclear]

C. J. [unclear]
17/1
1907
at 9
4th

POOR ORIGINAL

POOR ORIGINAL

Certified Copy
2810
Articles of Incorporation
- of the -
Marsh Center
Irrigating Company

DEPARTMENT OF STATE

Witnessed and signed by me
this sixth day of
June 1896 at 1:30
P. M. and recorded in Book
6 Domestic Incorporations
114

In witness whereof I have hereunto set my hand and the seal of the Department of State at Washington, D. C.
this 6th day of June 1896
J. W. Garrett
Secretary

Marsh Center Irrigating Com, Inc (4)

POOR ORIGINAL

FIFTY-FIRST CONGRESS. SESS. II. CHS. 560, 561. 1891

1095

one of whom shall be an officer of the Treasury Department, which commission shall also examine the said proposed sites, and such others as the Secretary of the Treasury may designate, and grant such hearings in relation thereto as they shall deem necessary; and said commission shall, within thirty days after such examination, make to the Secretary of the Treasury written report of their conclusion in the premises, accompanied by all statements, maps, plats, or documents taken by or submitted to them, in like manner as hereinbefore provided in regard to the proceedings of said agent of the Treasury Department; and the Secretary of the Treasury shall thereupon finally determine the location of the building to be erected.

The compensation of said commissioners shall be fixed by the Secretary of the Treasury, but the same shall not exceed six dollars per day and actual traveling expenses: *Provided, however,* That the member of said commission appointed from the Treasury Department shall be paid only his actual traveling expenses.

So much of the appropriation herein made as may be necessary to defray the expenses of advertising for proposals, actual traveling expenses of said agent, and the compensation and actual traveling expenses of said commissioners, and other expenses incident to the selection of the site, and for necessary survey thereof, shall be immediately available.

So much of said appropriation as may be necessary for the preparation of sketch-plans, drawings, specifications, and detailed estimates for the building by the Supervising Architect of the Treasury Department shall be available immediately upon the approval by the Secretary of the Treasury of such site.

No money appropriated by this act shall be available, except as hereinbefore provided, until a valid title to the site for said building shall be vested in the United States, nor until the State of Michigan shall have ceded to the United States exclusive jurisdiction over the same, during the time the United States shall be or remain the owner thereof, for all purposes except the administration of the criminal laws of said State and the service of civil process therein.

After the said site shall have been paid for and the sketch-plans and detailed estimates for the building shall have been prepared by the Supervising Architect and approved by the Secretary of the Treasury, the Secretary of the Interior and the Postmaster-General the balance of said appropriation shall be available for the erection and completion of the building, including fire-proof vaults, heating and ventilating apparatus, elevators, and approaches.

The building shall be unexposed to danger from fire by an open space of at least forty feet on each side, including streets and alleys.

Approved, March 3, 1891.

CHAP. 561.—An act to repeal timber-culture laws, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That an act entitled "An act to amend an act entitled 'An act to encourage the growth of timber on the Western prairies,'" approved June fourteenth, eighteen hundred and seventy eight, and all laws supplementary thereto or amendatory thereof, be, and the same are hereby, repealed: *Provided,* That this repeal shall not affect any valid rights heretofore accrued or accruing under said laws, but all bona fide claims lawfully initiated before the passage of this act may be perfected upon due compliance with law, in the same manner, upon the same terms and conditions, and subject to the same limitations, forfeitures, and contests as if this act had not been passed: *And provided further,* That the following words of the last clause of section two of said

Examination.
Hearings.

Report.

Determination of location.

Compensation of commissioners.

Proviso.

Treasury member.

Advertising, etc., expenses, immediately available.

Appropriation for plans, etc., available on approval of site.

No expenditure until valid title, etc., pass.

Balance for construction, etc.

Open space.

March 3, 1891.

Timber culture laws repealed.

Vol. 20, p. 113.

Proviso.
Existing rights preserved.

Number of trees per acre.

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Department of Water Resources
Eastern District Office

Not to interfere with
Government occupa-
tion.
Approval.

no such right of way shall be so located as to interfere with the proper occupation by the Government of any such reservation, and all maps of location shall be subject to the approval of the Department of the Government having jurisdiction of such reservation, and the privilege herein granted shall not be construed to interfere with the control of water for irrigation and other purposes under authority of the respective States or Territories.

Maps to be filed.

SEC. 19. That any canal or ditch company desiring to secure the benefits of this act shall, within twelve months after the location of ten miles of its canal, if the same be upon surveyed lands, and if upon unsurveyed lands, within twelve months after the survey thereof by the United States, file with the register of the land office for the district where such land is located a map of its canal or ditch and reservoir; and upon the approval thereof by the Secretary of the Interior the same shall be noted upon the plats in said office, and thereafter all such lands over which such rights of way shall pass shall be disposed of subject to such right of way. Whenever any person or corporation, in the construction of any canal, ditch, or reservoir, injures or damages the possession of any settler on the public domain, the party committing such injury or damage shall be liable to the party injured for such injury or damage.

Approval.

Damages.

Applicable to all
canals, etc.

SEC. 20. That the provisions of this act shall apply to all canals, ditches, or reservoirs, heretofore or hereafter constructed, whether constructed by corporations, individuals, or association of individuals, on the filing of the certificates and maps herein provided for. If such ditch, canal, or reservoir, has been or shall be constructed by an individual or association of individuals, it shall be sufficient for such individual or association of individuals to file with the Secretary of the Interior, and with the register of the land office where said land is located, a map of the line of such canal, ditch, or reservoir, as in case of a corporation, with the name of the individual owner or owners thereof, together with the articles of association, if any there be. Plats heretofore filed shall have the benefits of this act from the date of their filing, as though filed under it: *Provided*, That if any section of said canal, or ditch, shall not be completed within five years after the location of said section, the rights herein granted shall be forfeited as to any uncompleted section of said canal, ditch, or reservoir, to the extent that the same is not completed at the date of the forfeiture.

Proviso.

Forfeiture for non-
completion.

Use only for canal.

SEC. 21. That nothing in this act shall authorize such canal or ditch company to occupy such right of way except for the purpose of said canal or ditch, and then only so far as may be necessary for the construction, maintenance, and care of said canal or ditch.

Disposal of land of
Dakota Central Rail-
road Company.

Vol. 25, p. 893.

SEC. 22. That the section of land reserved for the benefit of the Dakota Central Railroad Company on the west bank of the Missouri River, at the mouth of Bad River, as provided by section sixteen of "An act to divide a portion of the reservation of the Sioux Nation of Indians in Dakota into separate reservations and to secure the relinquishment of the Indian title to the remainder and for other purposes," approved March second, eighteen hundred and eighty-nine, shall be subject to entry under the town-site law only.

For town sites.

Entries on Osage
lands confirmed.

SEC. 23. That in all cases where second entries of land on the Osage Indian trust and diminished reserve lands in Kansas, to which at the time there were no adverse claims, have been made and the law complied with as to residence and improvement, said entries be, and the same are hereby, confirmed, and in all cases where persons were actual settlers and residing upon their claims upon said Osage Indian trust and diminished reserve lands in the State of Kansas on the ninth day of May, eighteen hundred and seventy two, and who have made subsequent pre-emption entries either upon public or upon said Osage Indian trust and diminished reserve lands, upon which there were no legal prior adverse claims at the time, and the

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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: A29-12058
Date Received: 5/17/1990
Receipt No: E014601
Received By: Kew

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

BU

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: DEC 19, 1895

3. Source: COLE SPRING (unnamed) Trib. to: HAWKINS CREEK
HEWITT SPRING (unnamed) - where? HAWKINS CREEK
SHEEP CREEK HAWKINS CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
10S	35E	23	NW	SE	NW	5A9,	BANNOCK
		35		NW	SE	Hawkins Res.	BANNOCK
	36E	26	SE	NE	SW	Hawkins Cr?	BANNOCK

5. Description of diverting works:
HAWKINS RESERVOIR & HASKINS CREEK

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	6.680	-	

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

8. Total consumptive use is 7977.5 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

A2912058



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 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			

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/10663/10664/10776/00430

14. Remarks:

THIS RIGHT REPRESENTS A CLAIM TO ALL STREAMS AND TRIBUTARIES AND

14. Remarks: Continued

ALL WATER RUNNING INTO HAWKINS CREEK FOUND IN THE ARTICLES OF INCORPORATION. SEE ATTACHED COPY.

15. Basis of Claim: BENEFICIAL USE

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

Marshall Center Irrigation Co., that I have signed the foregoing
Organization

document in the space below as Secretary of

Marshall Center Irrigation Co. and that the statements contained in the
Organization

foregoing document are true and correct.

Marshall Wheatley
Signature of Authorized Agent

Secretary Marshall Center Irrigation
Title and Organization

May 17th 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

80.1

45.6

147.9

17

8.0

8.3

8.8

32

30.1

28.5

27.3

26.8

38

83.6

20.9

34

TIOS
TIS

38

36

37.6

38.2

38.3

34.0

40

40

10
164

38.3

R36E

143.4

90.2

73.1

8
181.4

33.7

40

40

40

10
2

TIS

29.7

38.3

36

37.4

10
25.5

15
89.1

40

10
11

4.6

29.6

235.7

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47.1

RECORDED
NOV 18 1952

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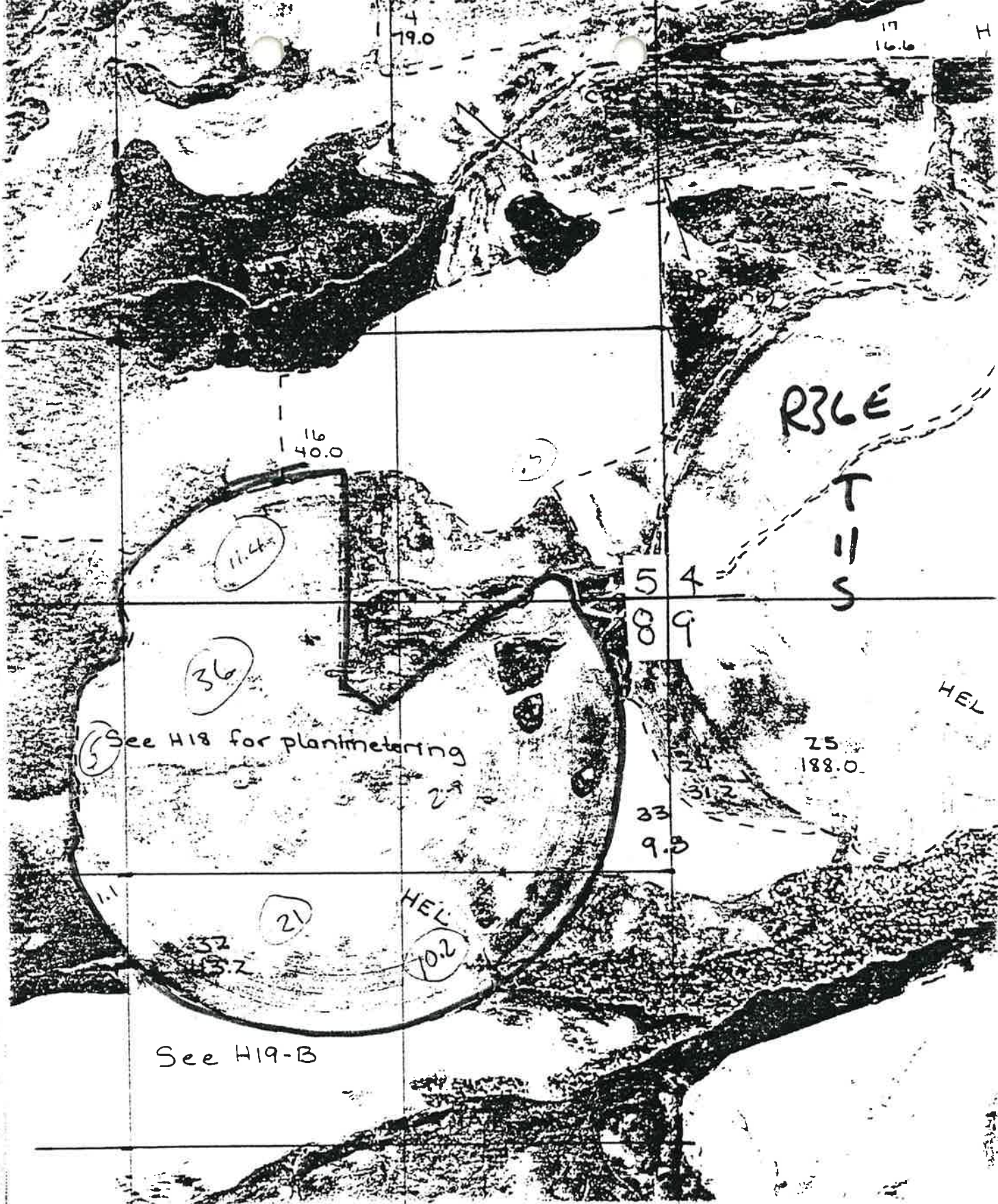
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www

A29-12058

UNRECORDED
NOV 15 1952

NOV 10 1954



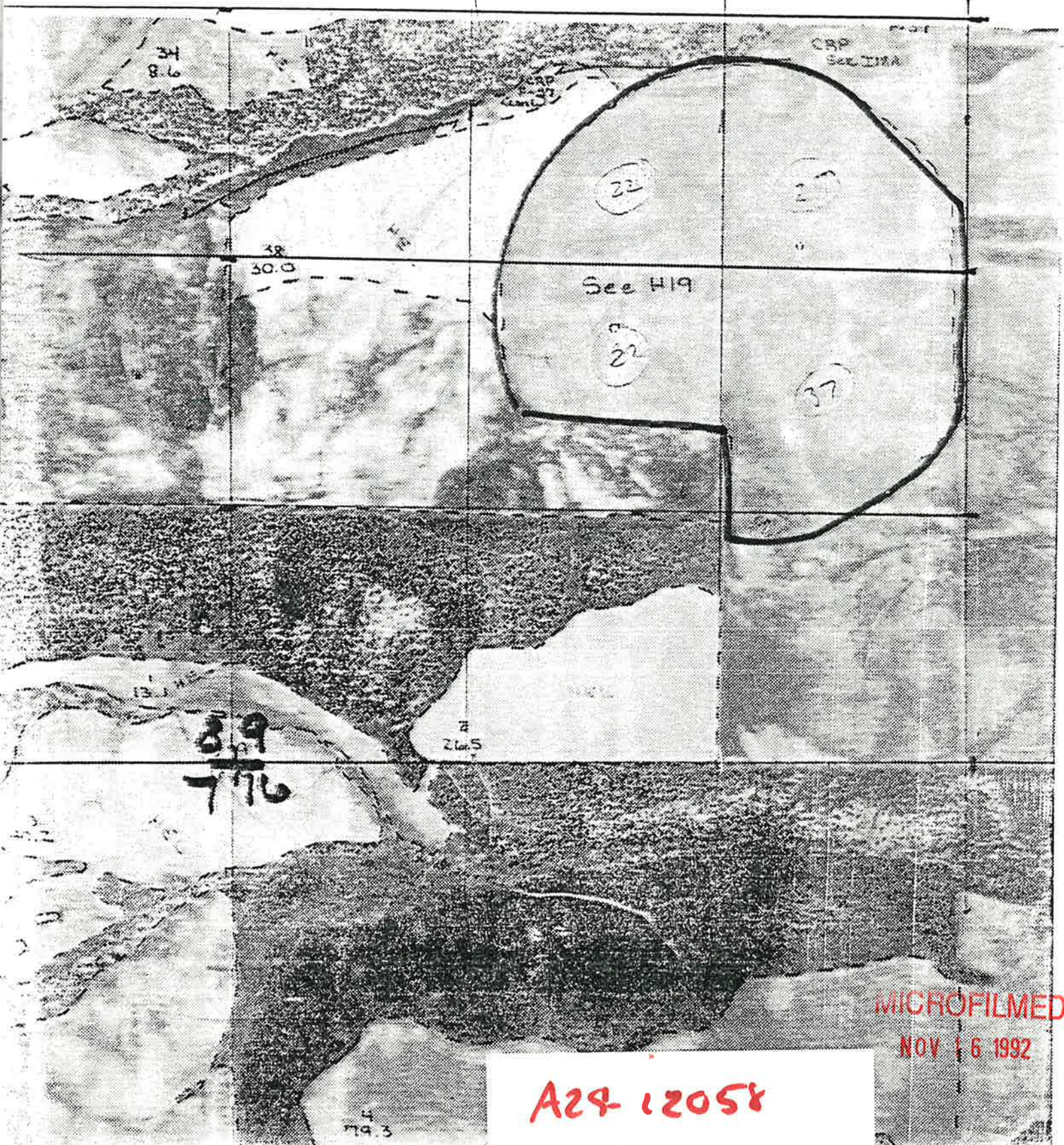
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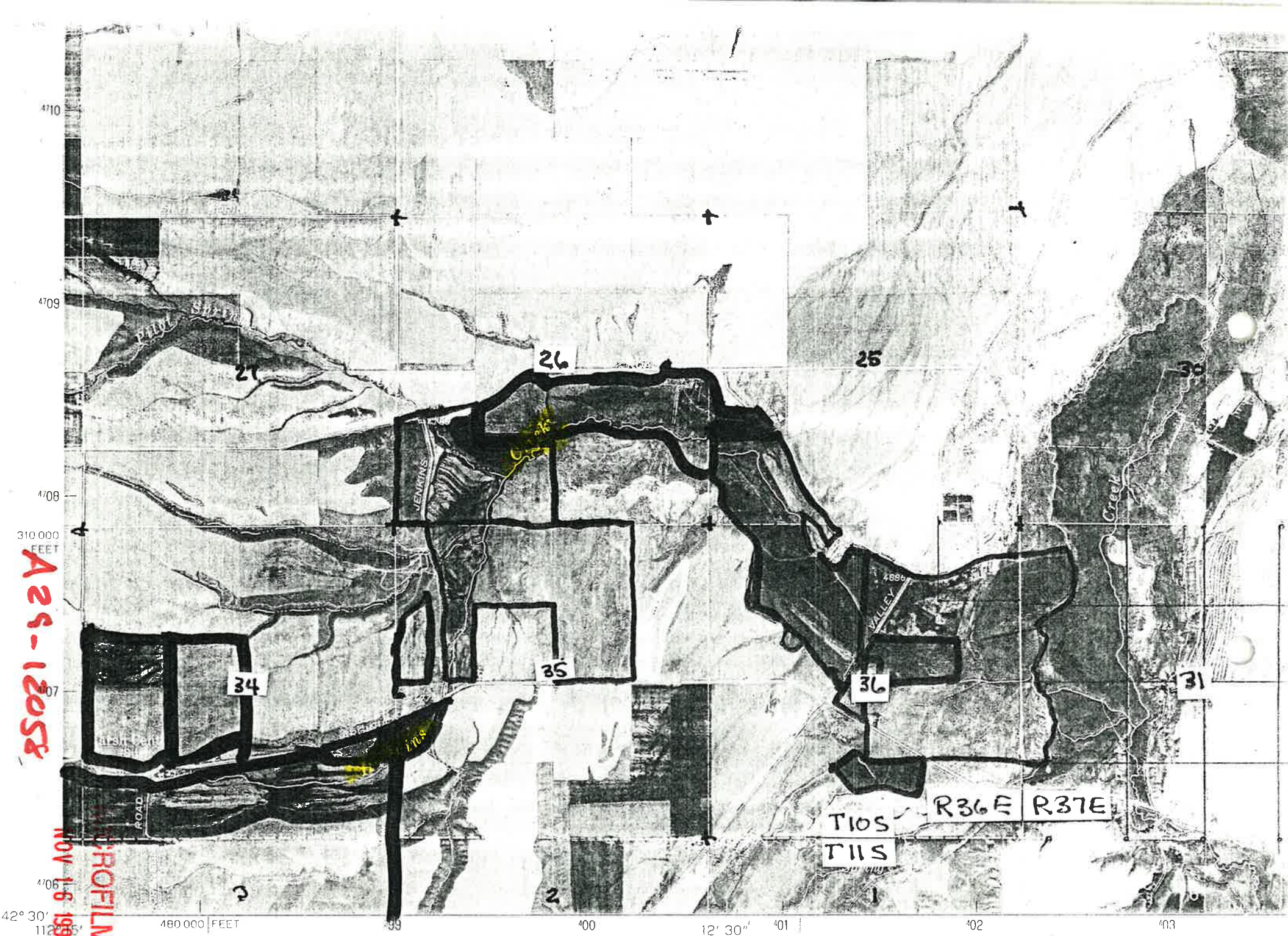
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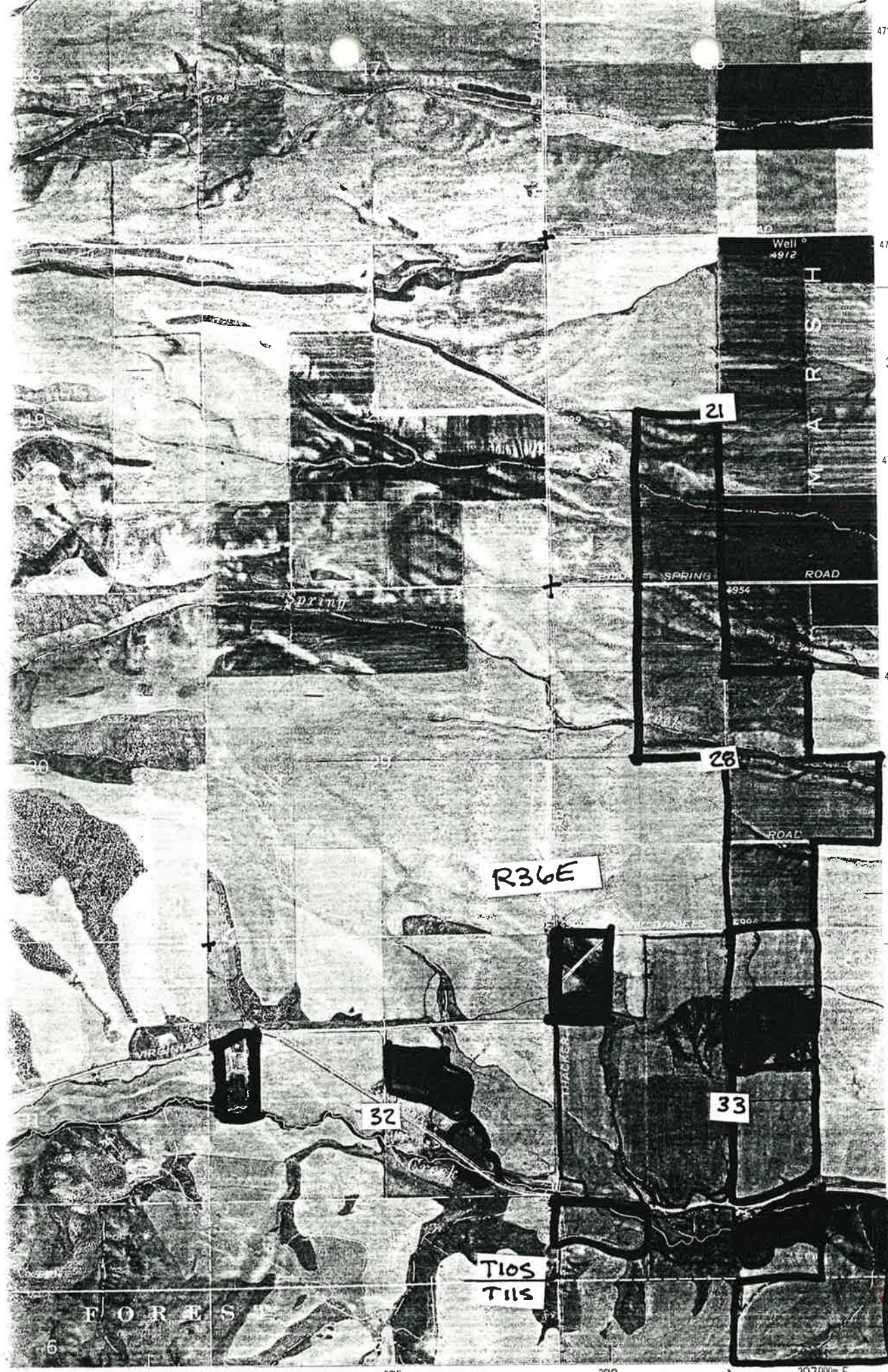


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Produced by the Geological Survey
in cooperation with the Soil Conservation Service

Orthophotograph prepared from 1:78 000 scale



4712

4711

32' 30"

4710

T
10
S

4709

4708

4707

TI
MICROFILMED
NOV 16 1992
TI

17' 30"

395

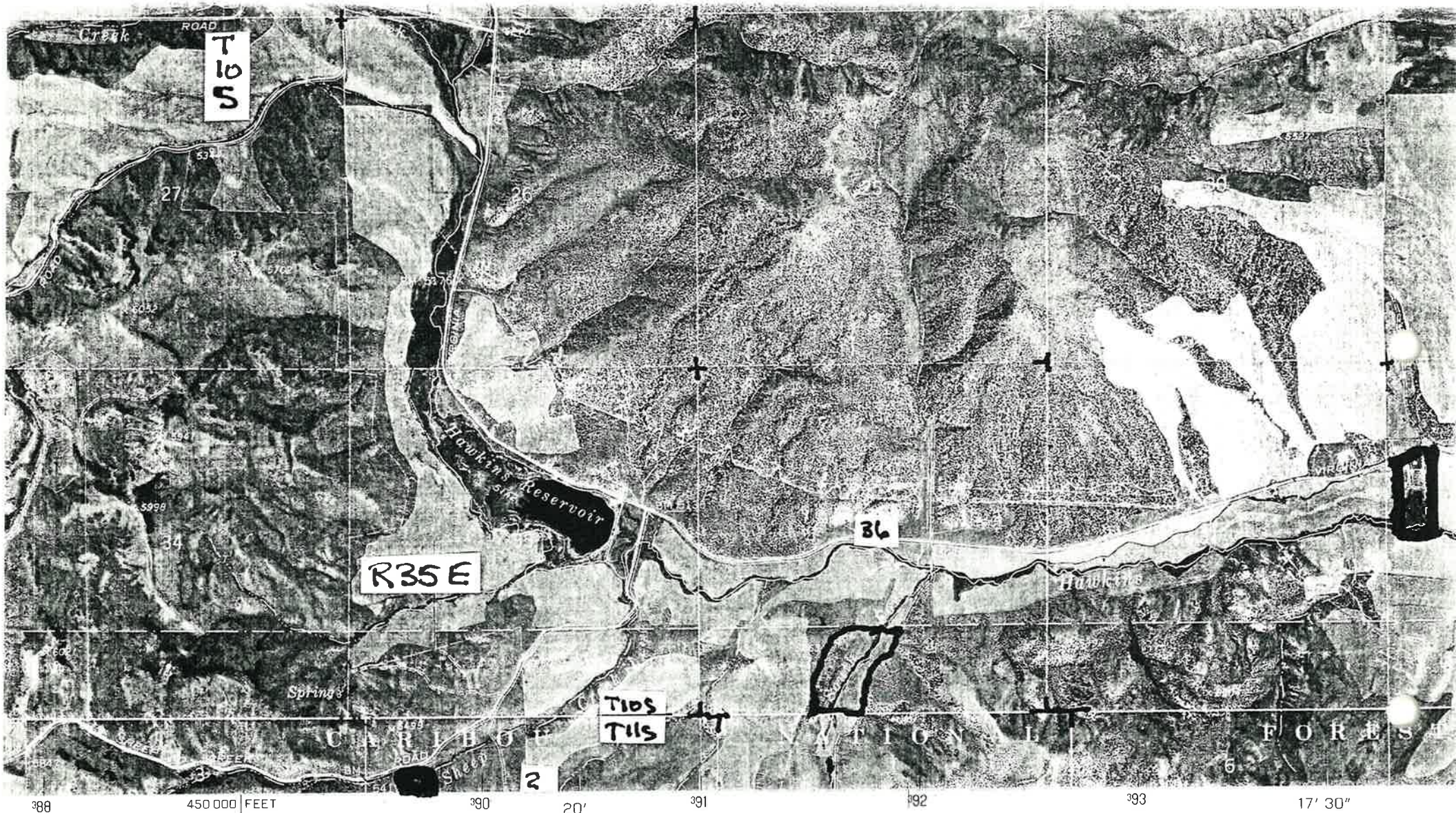
396

397000m E 112° 15'

470600m N

42° 30'

A29-12058



ological Survey
 ie Forest Service
 from 1:78 000-scale
 ugust 7, 1976
 t grid ticks: Idaho coordinate
 sverse Mercator
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 l by scanning techniques
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NORTH

