

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

CLAIM TO A WATER RIGHT



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

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

Notice is hereby given that Reid Bennett

(Name of Claimant)

Downey, Idaho

83234

Telephone No. 897-5711

(Mailing Address)

(Zip Code)

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

(1) Date of priority: (When was the water first applied to a beneficial use) April 1955

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

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

Marsh Creek tributary to Portneuf River

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

		(Both dates inclusive)			
(cfs, af)		(Domestic, Irrigation, Stock, Etc.)	(Mo., Day)		(Mo., Day)
Quantity <u>2.00</u>	Use	<u>Irrigation</u>	Period of Use From <u>3-1</u>	To	<u>11-20</u>
Quantity _____	Use	_____	Period of Use From _____	To	_____
Quantity _____	Use	_____	Period of Use From _____	To	_____
Quantity _____	Use	_____	Period of Use From _____	To	_____
Quantity _____	Use	_____	Period of Use From _____	To	_____

(4) 2.00cfs TOTAL QUANTITY USED.

(cfs. af)

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

NE $\frac{1}{4}$ S E $\frac{1}{4}$ Sec. 2 Twp. 11S Rge. 36E B.M., County of **Bannock**

Additional points of diversion: SESE Sect. 2 T11S R36E

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

Pump and pipeline

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

[illegible]

No. of acres 80

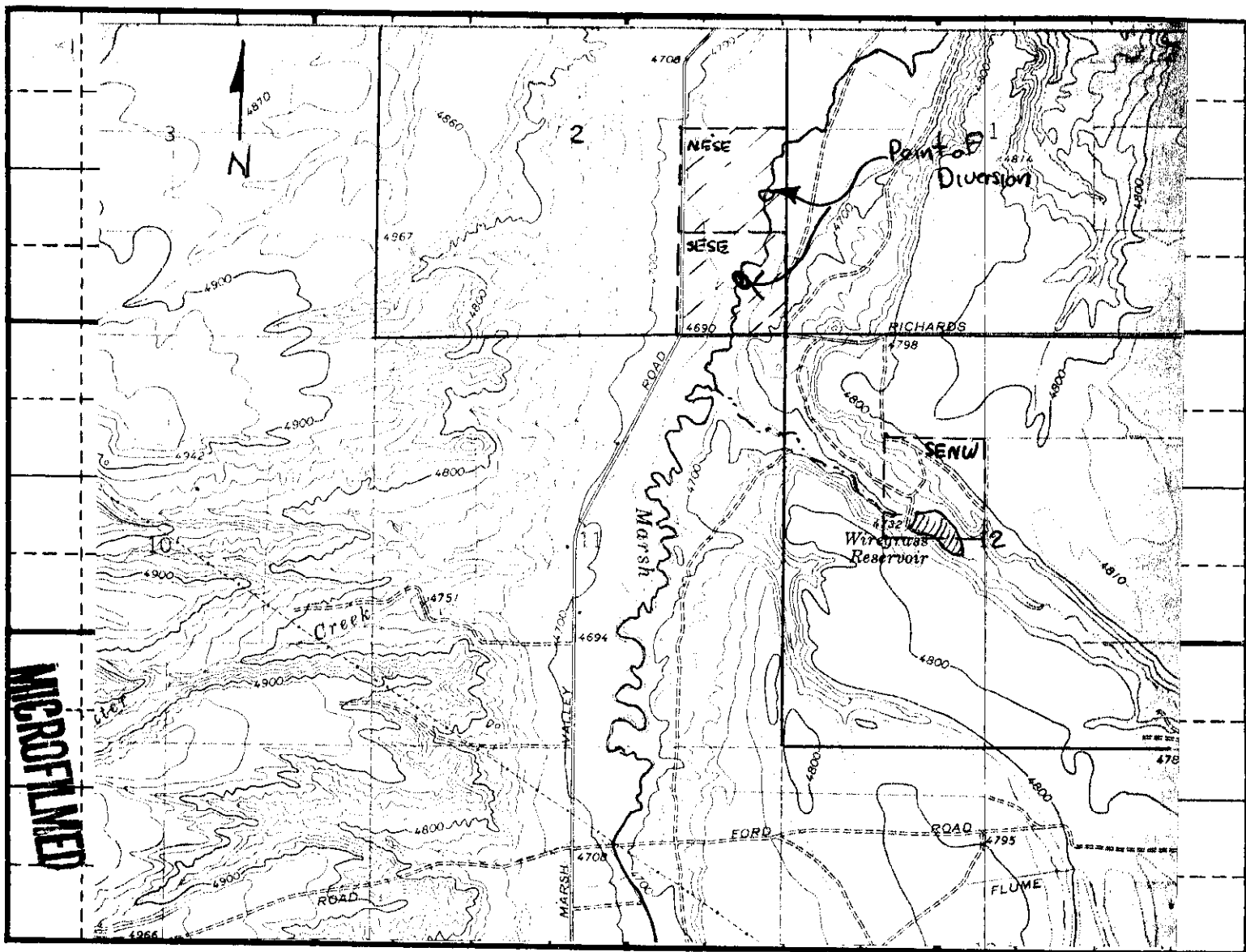
B) If water is used for other than irrigation, fully describe that use, being as specific as possible:

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

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

MICROFILMED

(8) Remarks _____



Scale: 2 inches equal 1 mile.

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

State of Idaho)
County of Bannock) ss.

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

Sworn to before me this 8 day of November, 1983.
Reid E. Bennett (Claimant)
Jeanne Sorenson Notary Public
Residing at Louney, Idaho
My commission expires 11-17-85

Received by CW Date 6-28-83 Exception filed by: _____ Forwarded to _____ Date _____
Prelim. check by HWT Date 11-10-83 claimant by: _____
\$30.00 fee received by CW Date 6-29-83
Published in Idaho State Journal # 25711
Dates 11/24 & 12/1/83



JUN 28 1983

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
CLAIM TO A WATER RIGHT



Department of Water Resources
Eastern District Office

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

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

Notice is hereby given that Reid E. Bennett
(Name of Claimant)

Downey Idaho
(Mailing Address)

83234
(Zip Code)

Telephone No. 897-5711

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

(1) Date of priority: (When was the water first applied to a beneficial use) April 1955

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

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

Marsh Creek & Wiregrass Spring & Reservoir Portneuf River

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

(cfs, af)

(Domestic, Irrigation, Stock, Etc.)

(Both dates inclusive)
(Mo., Day)

(Mo., Day)

Quantity	Use	Period of Use From	To
<u>marsh creek 2 cfs</u>	<u>Irrigation</u>	<u>3-1</u>	<u>11-20</u>
<u>wiregrass 1/5 of all water</u>	<u>Irrigation</u>	<u>3-1</u>	<u>11-20</u>
Quantity	Use	Period of Use From	To
Quantity	Use	Period of Use From	To
Quantity	Use	Period of Use From	To

(4) TOTAL QUANTITY USED.

(cfs, af)

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

N.E. 1/4 S.E. 1/4, Sec. 2 Twp. 11 S. Rge. 36 E. B.M., County of Bannock (Marsh Creek)
Additional points of diversion: S.W. 1/4 of the N.E. 1/4 of Sec. 2 Twp. 11 S. Range 36 E. B.M. County of Bannock

B) Describe means of diversion of water: (Pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.). Give sizes and capacities: be as specific as possible. Describe any changes in the system and give the date of the change. on marsh creek the means of diversion is Pump & Pipeline

on wiregrass spring & Reservoir means of diversion is ditch about one mile from Reservoir

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

T	R	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTAL
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
<u>11 S.</u>	<u>36 E.</u>	<u>2</u>													<u>40</u>			<u>40</u>	<u>80</u>

No. of acres 80

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

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

(7) If you are claiming water as a member of an organization, list name of organization: on wiregrass Reservoir & Spring Organization is Marsh Center Irrigation Co.,

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(8) Remarks _____

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Point of Diversion
White Pine Ditch
Pump
Scale: 2 inches equal 1 mile.

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

State of Idaho)
County of Bannock) ss.

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

Sworn to before me this 27 day of June, 1983.

Raid E. Bennett
(Claimant)

Jeneane Sorensen
Notary Public
Residing at Downey, Ida.

My commission expires _____

FOR DEPARTMENT USE ONLY

Received by aw Date 6-28-83 Exception filed by: _____ Forwarded to _____ Date _____
Prelim. check by _____ Date _____
\$30.00 fee received by aw Date 6-29-83
Published in #25711
Dates _____

PROOF OF PUBLICATION

STATE OF IDAHO
County of Bannock

ss.

Shirley J. Arlotta

RECEIVED
DEC 9 1983

Department of Water Resources
Eastern District Office

being first duly sworn on oath deposes and says: That she
was at all times herein mentioned a citizen of the United States of America, more than 21 years of age, and the Principal Clerk of THE IDAHO STATE JOURNAL, a daily newspaper, printed and published at Pocatello, Bannock County, Idaho, and having a general circulation therein.

That the document or notice, a true copy of which is attached, was published in the said IDAHO STATE JOURNAL, on the following dates, to-wit:

<u>November 24</u>	, 19 <u>83</u>	<u> </u>	, 19 <u> </u>
<u>December 1</u>	, 19 <u>83</u>	<u> </u>	, 19 <u> </u>
<u> </u>	, 19 <u> </u>	<u> </u>	, 19 <u> </u>
<u> </u>	, 19 <u> </u>	<u> </u>	, 19 <u> </u>
<u> </u>	, 19 <u> </u>	<u> </u>	, 19 <u> </u>

That said paper has been continuously and uninterruptedly published in said County for a period of seventy-eight weeks prior to the publication of said notice or advertisement and is a newspaper within the meaning of the laws of Idaho.

Shirley J. Arlotta

Subscribed and sworn to before me this 2nd

day of December, 1983

[Signature]

Notary Public, State of Idaho
Residence: Pocatello, Idaho

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PROOF OF PUBLICATION

STATE OF IDAHO
County of Bannock

ss.

Shirley J. Arlotta

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Shirley J. Arlotta

Subscribed and sworn to before me this 2nd

day of December, 1983

[Signature]

Notary Public, State of Idaho
Residence: Pocatello, Idaho

NOTICE OF CLAIMS TO WATER RIGHTS

The following claim(s) have been filed on water right(s) created by diversion and beneficial use:

29-4462

BENNETT, REID

DOWNEY, ID 83234

Source: MARSH CREEK trib. to PORT-NEUF RIVER

Priority Date: 04-01-1955

Diversion Pt: NESE SESE Sec 02 T 11S R 36E

Use: IRRIGATION (2.00 CFS)

In: NESE SESE Sec 02 T 11S R 36E FOR 80 ACRES

Exceptions to a claim may be filed with the Director, Dept. of Water Resources, 150 Shoup Ave., Suite 15, Idaho Falls, Idaho 83402.

S/KEN DUNN, Dir.

November 24, December 1, 1983

No. 492

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Eastern Region

150 Shoup Ave., Suite 15
Idaho Falls, Idaho 83402
(208) 525-7161

DECEMBER 12, 1983

REID BENNETT
DOWNEY

ID 83234

RE: Claim No. 29-4462

Dear Claimant:

The Department of Water Resources has completed the advertising of your claim to a water right, and no further action is authorized under Section 42-243 and 42-244, IDAHO CODE. Your claim will be retained in our files and will be available at any time for use by you or the court.

The filing and advertising of the claim does not confirm the water right claimed, but will serve to record and preserve the information and the evidence which you included in your claim.

If, at a later date, you find that you have additional information or supporting evidence that you would like to have included with the claim, you may have that information or evidence added at any time. Please refer to the claim identification number when corresponding with this office.

We are enclosing a copy of your claim for your records. If you have questions, or if this office may be of further assistance, please feel free to contact us.

Yours truly,

RONALD D. CARLSON
Eastern Region Supervisor

Enclosure

MICROFILMED

November 17, 1983

RE: Claim to a Water Right No. 29-4462 BENNETT

Thomas Bloxham, Watermaster
Water District No. 29
Downey, ID 33234

Dear Mr. Bloxham:

Enclosed, for your information only, is a copy of the above referenced claim to a water right filed within your district. If you have any questions concerning this matter, please feel free to contact this office.

Very truly yours,

ERNEST CARLSEN
Assistant Regional Supervisor

EC:cw

Enclosure

MICROFILMED

State of Idaho
Department of Water Resources

CLAIM ANALYSIS SHEET

INITIAL REVIEW BY: HWS

Right Number 29 4462 Applicant Bennett

NOTE: IF ANY OF THE ITEMS BELOW ARE MISSING, THE CLAIM IS INCOMPLETE AND MUST BE RETURNED IMMEDIATELY TO THE CLAIMANT ALONG WITH THE APPROPRIATE COVER LETTER.

CHECK:

- ☒ Name and address.
- ☒ Date of priority. (Check for a date past the mandatory filing dates.) (One date only.)
- ☒ Source.
- ☒ Quantity, use, period.
- ☒ Point(s) of diversion.
- ☒ Location of use.
- ☒ Signature/notarization/fee.

FINAL REGIONAL PROCESSING REVIEW:

- ☒ Affidavit of publication received.
- ☒ Claim published correctly.
- ☒ Exceptions processed.

By Ernest Carlson Date Dec. 12, 1983

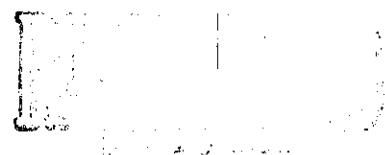
December 12, 1983

STATE OFFICE PROCESSING:

- ☒ Claim review complete.

By PC Date 12/15/83

MICROFILMED



Department of Water Resources

CW

November 1, 1983

Reid Bennett
Downey,
Idaho 83234

Dear Mr. Bennett:

Enclosed is a new claim based on the original you submitted. You may only submit one claim per separate source. This new claim reflects the Marsh Creek water.

I looked into the Wissgrass reservoir and spring situation and found that two water rights already exist in the name of Marsh Center Irrigation Company for lands which include your property. Therefore no claim on this water is necessary.

Please review the new claim and if everything appears correct sign and have it notarized and send it to this office.

Sincerely,

HAROLD W. JONES
Sr. Resource Agent

HWJ:jk

Enclosure

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Eastern Region

150 Shoup Ave., Suite 15
Idaho Falls, Idaho 83402
(208) 525-7161

NOVEMBER 16, 1983

Idaho State Journal
P. O. Box 431
Pocatello, Idaho 83201

Gentlemen:

Enclosed you will find a legal notice which we wish to have published on the dates indicated (once a week for two consecutive weekly issues) in your newspaper. We have allowed ample time for you to submit a galley proof to this office for review before the first publication date. If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Your cooperation is appreciated.

Please send the affidavit of publication and publication billing to this office before DECEMBER 12, 1983.

Yours truly,

RONALD D. CARLSON
Supervisor
Eastern Region

Encl.

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NOTICE OF CLAIMS TO WATER RIGHTS

The following claim(s) have been filed on water right(s) created by diversion and beneficial use:

Exceptions to a claim may be filed with the Director, Dept. of Water Resources, 150 Shoup Ave., Suite 15, Idaho Falls, Idaho 83402.

KEN DUNN, Dir.

Published 11/24 & 12/1/83.

MICROFILMED

29-4462

BENNETT, REID

DOWNEY, ID 83234

Source: MARSH CREEK trib. to PORTNEUF RIVER

Priority Date: 04/01/1955

Diversion Pt: NESE SESE Sec 02 T 115 R 36E

Use: IRRIGATION (2.00 CFS)

In: NESE SESE Sec 02 T 115 R 36E FOR 80 ACRES

dt15308 VDT #16 ENTERED EXPIRE
11/17/83 12.04 11/17/83 12.01 *12/02/83

SLUG: DT492 GUIDE: DEPT. OF WATER RESOURCES AUTHOR: LEGA

FILE: LEGAL PAGE: 12/01 LAST USER: LEGAL

FT PT ERR LN# -----OUTPUT TEXT-----

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2 NOTICE OF CLAIMS
3 TO WATER RIGHTS
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9 DOWNEY, ID 83234
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12 Priority Date: 04-01-1955
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14 R 36E
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21 Idaho 83402.
22 S/KEN DUNN, Dir.
23 November 24, December 1, 1983
24 No. 492
25 <o<o<o<o

galley proof