

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES



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 Bennett Farms c/o Keith Bennett  
(Name of Claimant)

Box 59, Downey, Idaho 83234  
(Mailing Address)

Telephone No. 897-5791

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 14, 1913

**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)

Stream tributary to Peck Creek

(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  | <u>1.7 cfs</u>    | Use                                 | <u>Irrigation</u> | Period of Use From <u>4-1</u>        | To <u>11-1</u>       |
| Quantity  | <u>          </u> | Use                                 | <u>          </u> | Period of Use From <u>          </u> | To <u>          </u> |
| Quantity  | <u>          </u> | Use                                 | <u>          </u> | Period of Use From <u>          </u> | To <u>          </u> |
| Quantity  | <u>          </u> | Use                                 | <u>          </u> | Period of Use From <u>          </u> | To <u>          </u> |
| Quantity  | <u>          </u> | Use                                 | <u>          </u> | Period of Use From <u>          </u> | To <u>          </u> |

(4) 1.7 cfs TOTAL QUANTITY USED.  
(cfs. af)

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

SW  $\frac{1}{4}$  SE  $\frac{1}{4}$ , Sec. 5 Twp. 11S Rge. 37E B.M., County of Bannock

Additional points of diversion:

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. Ditches to pump to sprinkler system.

(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]

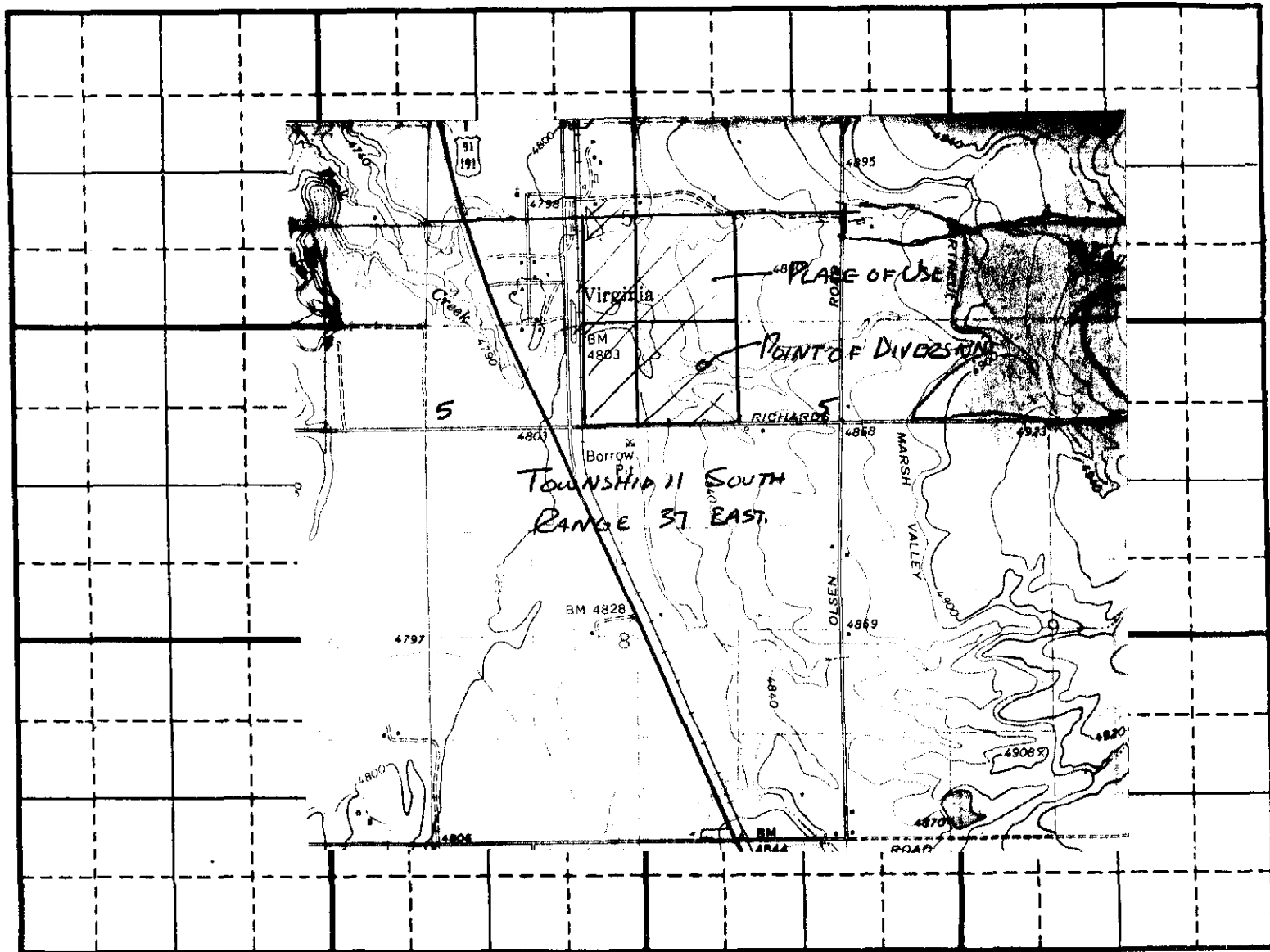
No. of acres 100

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

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:

(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 Bonneville ) 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 6<sup>th</sup> day of April, 19 83.  
Keith Bennett (Claimant)  
Colleen Wray  
Notary Public  
Residing at Idaho Falls

My commission expires 6-15-85

| FOR DEPARTMENT USE ONLY                 |                           |                     |              |
|-----------------------------------------|---------------------------|---------------------|--------------|
| Received by <u>S.M.</u>                 | Date <u>4-6-83</u>        | Exception filed by: | Forwarded to |
| Printed check by <u>H.W.J.</u>          | Date <u>4-7-83</u>        |                     | claimant by: |
| Fee received by <u>BP</u>               | Date <u>4-6-83 #28005</u> |                     |              |
| Published in <u>Idaho State Journal</u> |                           |                     |              |
| Dates <u>4/21 - 4/28/83</u>             |                           |                     |              |

# PROOF OF PUBLICATION

MAY 2 1983

STATE OF IDAHO  
County of Bannock

ss.

Jeri Larsen

Department of Water Resources  
Eastern District Office

## NOTICE OF CLAIMS TO WATER RIGHTS

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

29-4328

GILBERT, ERVIN  
DOWNEY, ID 83234  
Source: SPRINGS trib. to SINKS  
Priority Date: 04-07-1934  
Diversion Pt: SESE Sec 30 T 10S R 37E  
Use: IRRIGATION (2.00 CFS)  
In: NWNW SWNW NWSW Sec 29 T 10S  
R 37E NENE SWNE SENE NESE  
NWSE SWSE SESE Sec 30 T 10S R 37E  
FOR 158 ACRES

29-4327

GEBHARDT, LAURENCE P. &/or  
JANIE S.  
37 AILEEN DR., MADISON, CT 06443  
Source: GROUNDWATER  
Priority Date: 08-14-1951  
Diversion Pt: SESE Sec 09 T 04S R 34E  
Use: DOMESTIC (0.08 CFS)  
In: SESE Sec 09 T 04S R 34E

29-4324

GILBERT, ERVIN  
DOWNEY, ID 83234  
Source: UNNAMED STREAM trib. to  
PECK CREEK  
Priority Date: 04-01-1950  
Diversion Pt: NESE Sec 06 T 11S R 37E  
Use: IRRIGATION (0.50 CFS)  
In: NWNE Sec 06 T 11S R 37E FOR 25  
ACRES

29-4323

BENNETT FARMS  
BOX 59, DOWNEY, ID 83234  
Source: UNNAMED STREAM trib. to  
PECK CREEK  
Priority Date: 04-14-1913  
Diversion Pt: SWSE Sec 05 T 11S R 37E  
Use: IRRIGATION (1.70 CFS)  
In: SWNE NESW SESW NWSE SWSE  
Sec 05 T 11S R 37E FOR 100 ACRES

29-4322

BENNETT FARMS  
BOX 59, DOWNEY, ID 83234  
Source: SPRINGS trib. to PECK  
CREEK  
Priority Date: 04-14-1913  
Diversion Pt: SWNE Sec 05 T 11S R 37E  
Use: IRRIGATION (0.10 CFS)  
In: SWNE Sec 05 T 11S R 37E FOR 5  
ACRES

29-4321

SAXTON, E.D. &/or EVA M.  
RT. 1, BOX 77, DOWNEY, ID 83234  
Source: UNNAMED STREAM trib. to  
PECK CREEK  
Priority Date: 03-20-1914  
Diversion Pt: SWNE Sec 05 T 11S R 37E  
Use: IRRIGATION (0.04 CFS)  
In: SWNE Sec 05 T 11S R 37E FOR 2  
ACRES

29-4320

BENNETT FARMS  
BOX 59, DOWNEY, ID 83234  
Source: UNNAMED STREAM trib. to  
PECK CREEK  
Priority Date: 04-01-1930  
Diversion Pt: NESE Sec 06 T 11S R 37E  
Use: IRRIGATION (0.50 CFS)  
In: SWNE SENE NESE Sec 06 T 11S R  
37E FOR 25 ACRES

29-4319

MCPHERSON, DAVID JAMES &/or  
CATHY LEE  
RT. 1, BOX 42, POCATELLO, ID 83201  
Source: GROUNDWATER  
Priority Date: 06-15-1947  
Diversion Pt: SWNW Sec 16 T 04S R 34E  
Use: IRRIGATION (0.03 CFS)  
STOCKWATER (0.02 CFS)  
DOMESTIC (0.04 CFS)  
In: SWNW Sec 16 T 04S R 34E FOR 4  
ACRES

Exceptions to a claim may be filed with  
the Director, Dept. of Water Resources,  
1000 E. 10th St., Boise, ID 83725

being first duly sworn on oath deposes and says: That she  
was at all times herein mentioned a citizen of the United States of Ameri-  
ca, 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:

|          |         |      |
|----------|---------|------|
| April 21 | , 19 83 | , 19 |
| April 28 | , 19 83 | , 19 |
|          | , 19    | , 19 |
|          | , 19    | , 19 |
|          | , 19    | , 19 |

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.

Subscribed and sworn to before me this 29th  
day of April, 19 83

Notary Public, State of Idaho  
Residence: Pocatello, Idaho

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
Eastern Region

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

MAY 9, 1983

BENNETT FARMS  
BOX 59  
DOWNEY

ID 83234

RE: Claim No. 29-4323

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

Enclo

RECEIVED  
MAY 11 1983



STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
EASTERN REGION

John V. Evans  
Governor

A. Kenneth Dunn  
Director

150 Shoup  
Idaho Falls, Idaho 83401  
(208) 525-7161

April 18, 1983

RE: Amended Claim to a Water Right No. 29-4156 SMITH  
Claim to a Water Right No. 29-4320 BENNETT  
29-4321 SAXTON  
29-4322 BENNETT  
29-4323 BENNETT  
29-4324 GILBERT

Tom Bloxham, Watermaster  
Water District No. 29  
Downey, ID 83234

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 (6)

MICROFILMED

State of Idaho  
Department of Water Resources

CLAIM ANALYSIS SHEET

INITIAL REVIEW BY: HWS

Right Number 29 4323 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.  
WD #27

FINAL REGIONAL PROCESSING REVIEW:

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

By Ernest Carlson Date May 10, 1983

*May 9, 1983*

STATE OFFICE PROCESSING:

- ☒ Claim review complete.

By RC Date 5-17-83

**RECEIVED**

**RECEIVED**  
MAY 17 1983

Department of Water Resources

29-4323

BENNETT FARMS

BOX 59, DOWNEY, ID 83234

Source: UNNAMED STREAM trib. to PECK CREEK

Priority Date: 04/14/1913

Diversion Pt: SWSE Sec 05 T 11S R 37E

Use: IRRIGATION (1.70 CFS)

In: SWNE NESW SESW NWSE SWSE Sec 05 T 11S R 37E FOR 100 ACRES

37 29-4323

38 BENNETT FARMS

39 BOX 59, DOWNEY, ID 83234

40 Source: UNNAMED STREAM trib. to

41 PECK CREEK

42 Priority Date: 04-14-1913

43 Diversion Pt: SWSE Sec 05 T 11S R 37E

44 Use: IRRIGATION (1.70 CFS)

45 In: SWNE NESW SESW NWSE SWSE

46 Sec 05 T 11S R 37E FOR 100 ACRES

MICROFILMED