

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
Section 42-225a, Idaho Code

CLAIM TO A WATER RIGHT

Under the provisions of Section 42-225a, Idaho Code, a person may file a claim to a right to use water which has been established by diversion and application to beneficial use. The filing of this claim does not confirm the water right but will serve for information purposes only. It may, however, become the basis for future adjudication of the water right by the Court.

Notice is hereby given that Keith W. Bennett (name of claimant)  
of Downey, Idaho 83234, claims a right to the diversion and beneficial use of (mailing address)  
the public water of the State of Idaho

The extent and nature of said claim is as follows:

- (1) Describe source of water: (name of stream, lake, spring, etc., or ground water) Peck Creek  
, tributary to, Marsh Creek
- (2) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:
- |        |                   |     |                            |                |      |        |    |                        |
|--------|-------------------|-----|----------------------------|----------------|------|--------|----|------------------------|
| Amount | 0.80              | Use | Irrigation                 | Period of Use: | From | Apr. 1 | To | Nov. 1                 |
| Amount |                   | Use |                            | Period of Use: | From |        | To |                        |
| Amount |                   | Use |                            | Period of Use: | From |        | To |                        |
|        | (cfs, gpm or a/f) |     | (dom., irri., stock, etc.) |                |      |        |    | (both dates inclusive) |
- (3) Total quantity of water claimed: 0.80 cubic feet per second, or acre feet per annum, and/or gallons per minute.
- (4) Priority claimed: (the date water was first applied to beneficial use) October 29, 1912

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 to this rule is that a claim may be filed on domestic use from a ground-water source.

- (5) A) Point of diversion: (give location of point where water is diverted from its source)  
NW ¼ SE ¼, Sec. 6 Twp. 11S Rge. 37E B. M. County of Bannock  
Additional points of diversion: SW ¼ NE ¼, Sec. 6, T. 11S, R. 37E, B.M. 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. Surface diversions for surface irrigation.

- (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. | NE¼ |     |     |     | NW¼ |     |     |     | SW¼ |     |     |     | SE¼ |     |     |     | TOTAL |
|-----|-----|------|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-------|
|     |     |      | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ |       |
| 11S | 37E | 6    |     |     | 40  |     |     |     |     |     |     |     |     |     |     |     |     |     | 40    |
|     |     |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |       |
|     |     |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |       |
|     |     |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |       |
|     |     |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |       |
|     |     |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |       |
|     |     |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |       |
|     |     |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |       |
|     |     |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |       |

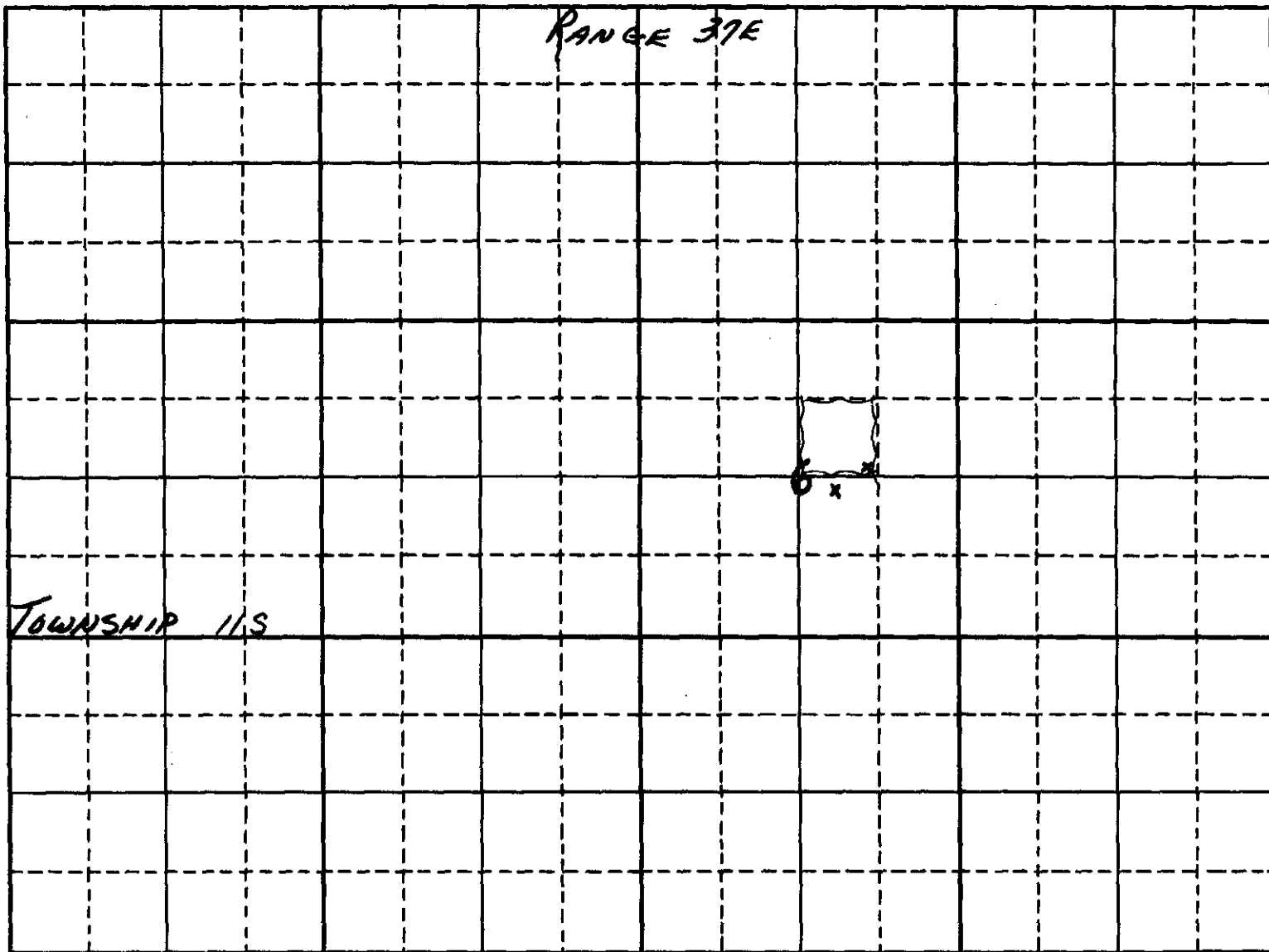
Total No. of acres 40

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

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

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(8) Remarks Claim based on calcelled permit No. 13337



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 )  
 ) ss.  
County of BONNEVILLE )

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 affiants knowledge.

Sworn to before me this 26<sup>th</sup> day of AUGUST, 1974.

Keith M. Bennett  
(Claimant)

Ronald D. Carlson  
Notary Public  
Residing at FIRTH, IDAHO

My commission expires 2/14/78

For Department Use Only

|                                                      |                     |                     |              |      |
|------------------------------------------------------|---------------------|---------------------|--------------|------|
| Received by <u>MB</u>                                | Date <u>8-26-74</u> | Exception filed by: | Forwarded to | Date |
| Prelim. check by <u>RDC</u>                          | Date <u>8/26/74</u> |                     | claimant by: |      |
| \$10.00 fee received by <u>MB</u>                    | Date <u>8-26-74</u> |                     |              |      |
| Approved for publication by <u>CB 7/24/74 #13031</u> |                     |                     |              |      |
| Published in <u>Idaho State Journal</u>              |                     |                     |              |      |
| Dates <u>September 5-12, 1974</u>                    |                     |                     |              |      |

# PROOF OF PUBLICATION

STATE OF IDAHO  
County of Bannock

ss.

RECEIVED

Katherine Wanner

SEP 20 1974

being first duly sworn on oath deposes and says that <sup>She</sup> ~~He~~ 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:

|              |      |    |
|--------------|------|----|
| September 5  | 1974 | 19 |
| September 12 | 1974 | 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.

*Katherine Wanner*

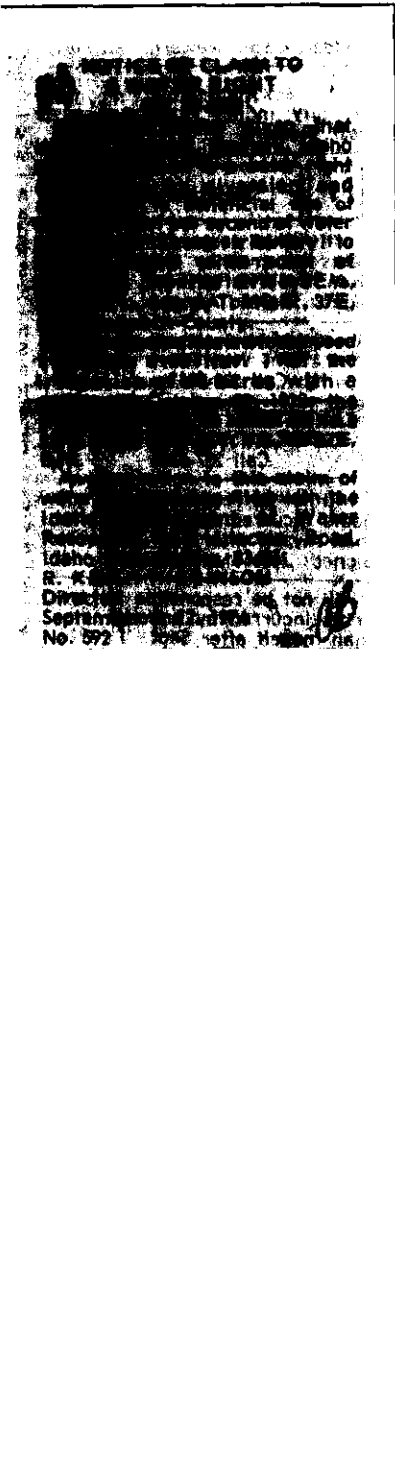
Subscribed and sworn to before me this 12th  
day of September, 1974

*Della L. Ladford*

Notary Public, State of Idaho  
Residence: Pocatello, Idaho

Commission Expires  
March 5, 1977

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# PRC OF PUBLICA.ION

STATE OF IDAHO  
County of Bannock

ss.

**NOTICE OF CLAIM TO  
A WATER RIGHT**  
NO. 29 4039

Notice is hereby given that Keith W. Bennett, Downey, Idaho has filed a claim to a water right established by diversion and application to beneficial use of 0.80 cubic feet per second of water from Peck Creek tributary to Marsh Creek with point of diversion in the NW $\frac{1}{4}$ SE $\frac{1}{4}$ , SW $\frac{1}{4}$ NE $\frac{1}{4}$ , Sec. 6, T. 11S, R. 37E, B.M. Bannock County.

The water is claimed to be used from Apr. 1 to Nov. 1 for the irrigation of 40 acres with a priority of October 29, 1912; the place of use is within the SW $\frac{1}{4}$ NE $\frac{1}{4}$ , Sec. 6, T. 11S, R. 37E, B.M.

Any exception to this claim of water right may be filed with the Idaho Department of Water Resources, 1515 Lincoln Road, Idaho Falls, Idaho, 83401.  
R. KEITH HIGGINSON  
Director  
September 5, 12, 1974  
No. 592

being first duly sworn on oath deposes and says: That.....  
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:

|       |         |       |         |
|-------|---------|-------|---------|
| ..... | 19..... | ..... | 19..... |
| ..... | 19..... | ..... | 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 .....  
day of ....., 19.....

Notary Public, State of Idaho  
Residence: Pocatello, Idaho

Commission Expires  
March 6, 1977

MICROFILMED

# PROOF OF PUBLICATION

RECEIVED

STATE OF IDAHO  
County of Bannock

ss.

*Duplicate*

SEP 2 1974

Katherine Wanner

Department of Water Resources  
Eastern District Office  
She

being first duly sworn on oath deposes and says: That  
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:

|              |       |    |
|--------------|-------|----|
| September 5  | 19 74 | 19 |
| September 12 | 19 74 | 19 |
|              | 19    | 19 |
|              | 19    | 19 |
|              | 19    | 19 |

That said paper has been continuously and uninterruptedly pub-  
lished 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.

*Katherine Wanner*

Subscribed and sworn to before me this 12th  
day of September, 1974

*Lucas L. Gadsby*

Notary Public, State of Idaho  
Residence: Pocatello, Idaho

Commission Expires:  
March 5, 1977

# PRC OF OF PUBLICA .ION

STATE OF IDAHO  
County of Bannock

ss.

*Duplicate*

## NOTICE OF CLAIM TO A WATER RIGHT NO. 29-4039

Notice is hereby given that Keith W. Bennett, Downey, Idaho has filed a claim to a water right established by diversion and application to beneficial use of 0.80 cubic feet per second of water from Peck Creek tributary to Marsh Creek with point of diversion in the NW1/4SE1/4, SW1/4NE1/4, Sec. 6, T. 11S, R. 37E, B.M. Bannock County.

The water is claimed to be used from Apr. 1 to Nov. 1 for the irrigation of 40 acres with a priority of October 29, 1912; the place of use is within the SW1/4NE1/4, Sec. 6, T. 11S, R. 37E, B.M.

Any exception to this claim of water right may be filed with the Idaho Department of Water Resources, 1515 Lincoln Road, Idaho Falls, Idaho, 83401.  
R. KEITH HIGGINSON  
Director  
September 5, 12, 1974  
No. 592

being first duly sworn on oath deposes and says: That.....  
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:

....., 1971 .....  
....., 1971 .....  
....., 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 .....  
day of....., 1971

.....  
Notary Public, State of Idaho  
Residence: Pocatello, Idaho

INTER-DEPARTMENT MEMO — 1

FROM

Colleen

DEBBIE

RECEIVED

DATE December 19, 1974

TO

Darlene

REC :

Department of Water Resources

SUBJECT

Claim Affidavits

Please add these four affidavits to the original claim file No. 29-4039.

Thanks!

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*Colleen*

SIGNATURE

IN THE MATTER OF: Water Right )  
 Keith Bennett )  
 Downey, Idaho 83234 )  
 State of Idaho )  
 County of Bannock )

**RECEIVED**  
 DEC 13 1974  
 AFFIDAVIT  
 Department of Water Resources  
 Eastern District Office

I, Loyde T. Bennett being first duly sworn,  
 deposes and says: That water from Peck creek tributary to Marsh creek has been  
used in the southwest quarter, northeast quarter, section six (6), township  
eleven (11) south range 37 east Boise meridian Bannock County since 1912, point of  
diversion in northwest quarter, southeast quarter, and southwest quarter, northeast  
quarter, Section six (6), township eleven (11) south, range 37 east Boise meridian  
Bannock County. This property is now owned by Keith W. Bennett, Downey, Idaho;  
former owner when water was first diverted was Thomas W. Bennett, now deceased.

Loyde T. Bennett  
 (signature)

Subscribed and sworn to before me this 9 day of November 1974.

T. Dail Boam  
 (notary public)

Residing at Downey Bannock Idaho  
 My commission expires 11-8-76.

**RECEIVED**  
DEC 13 1974

Department of Water Resources  
AFFIDAVIT Eastern District Office

IN THE MATTER OF: Water Right )  
)  
)  
Keith W. Bennett )  
Downey, Idaho 83234 )  
State of Idaho )  
County of Bannock )

I, Elwood Dahlke being first duly sworn,

deposes and says: That water from Peck Creek tributary to Marsh Creek has been used  
in the southwest quarter, northeast quarter, section six (6), township eleven (11)  
South Range 37 east Boise meridian Bannock County since 1912, point of diversion in  
northwest quarter, southeast quarter, and southwest quarter, northeast quarter,  
section six (6), township eleven (11) South Range 37 east Boise meridian Bannock  
County. This property is now owned by Keith W. Bennett, Downey, Idaho; former  
owner when water was first diverted was Thomas W. Bennett, now deceased.

Elwood Dahlke  
(signature)

Subscribed and sworn to before me this 5 day of December 19 74

Paul Boan  
(notary public)

Residing at Downey, Ida.  
My commission expires 8-20-76

**RECORDED**

**RECEIVED**  
DEC 19 1974

AFFIDAVIT  
Department of Water Resources  
Eastern District Office

IN THE MATTER OF: Water Right )  
Keith W. Bennett )  
Downey, Idaho 83234 )  
\_\_\_\_\_  
State of Idaho )  
County of Bannock )

I, Ettna E. Gilbert being first duly sworn,  
deposes and says: That water from Peck Creek tributary to Marsh Creek has been used  
in the southwest quarter, northeast quarter, section six (6), township eleven (11)  
South Range 37 east Boise meridian Bannock County since 1912, point of diversion in  
northwest quarter, southeast quarter, and southwest quarter, northeast quarter, section  
six (6), township eleven (11) South Range 37 east Boise meridian Bannock County. This  
property is now owned by Keith W. Bennett, Downey, Idaho; former owner when water was  
first diverted was Thomas W. Bennett, now deceased.

Ettna E. Gilbert  
(signature)

Subscribed and sworn to before me this 5 day of December 19 74.

J. Dail Boam  
(notary public)

Residing at Downey, Idaho  
My commission expires 8-20-76

IN THE MATTER OF: Water Right )  
 Keith Bennett )  
 Downey, Idaho 83234 )  
 State of Idaho )  
 County of Bannock )

**RECEIVED**  
 DEC 19 1974  
 AFFIDAVIT  
 Department of Water Resources  
 Eastern District Office

I, Levere Juchau being first duly sworn,  
 deposes and says: That water from Peck Creek tributary to Marsh Creek has been  
 used in the southwest quarter, northeast quarter, section six (6), township eleven (11)  
 South Range 37 east Boise meridian Bannock County since 1912, point of diversion in  
 northwest quarter, southeast quarter, and southwest quarter, northeast quarter,  
 section six (6), township eleven (11) South Range 37 east Boise meridian Bannock  
 County. This property is now owned by Keith W. Bennett, Downey, Idaho; former owner  
 when water was first diverted was Thomas W. Bennett, now deceased.

Levere Juchau  
 (signature)

Subscribed and sworn to before me this 9<sup>th</sup> day of September 19 74.

Harry R. Hablitz  
 (notary public)

Residing at Logan, Utah  
 My commission expires November 22, 1976.

XXXXXXXXXXXXXXXXXXXXX RESOURCES

September 23, 1974

Re: Claim to a Water Right No. 29-4039

Mr. Keith W. Bennett  
Downey  
Idaho 83234

Dear Mr. Bennett:

The Department of Water Resources has completed the processing of your claim to a water right and no further action is authorized under Sections 42-225a and 42-225b, Idaho Code. Your claim will be retained in our files and will be available at any time for use by you or the court.

As you are aware, the filing of your claim does not, in itself, guarantee you a water right; it only records and preserves 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 in your claim file, you may have that information or evidence added at any time. Please refer to your claim number when corresponding with this office.

We are enclosing, for your records, a copy of your claim. If you have any questions or if we can be of further assistance, please feel free to call upon us.

Very truly yours,

RONALD D. CARLSON  
Acting District Engineer

DC:MB

cc: Copy of claim

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XXXXXXXXXXXXXXXXXXXXX RESOURCES

August 30, 1974

RE: Claim to a Water Right No. 29-4039 Bennett  
" " " No. 29-4040 McKinney

Idaho State Journal  
Box 431  
Pocatello, ID 83201  
Gentlemen:

Enclosed you will find a legal notice which we wish to have published once a week for two consecutive weekly issues of your newspaper. We have inserted the publication dates allowing time for you to submit us a galley proof for review before publication.

After sending us a galley proof, proceed with the publication on the dates we have inserted, assuming the notice is correct. If we have any corrections, we will notify you before the first publication. 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.

Very truly yours,

RONALD D. CARLSON  
Acting District Engineer

RDC:MB

Enc: Legal Notices (2)

Bill submitted 9-20-74 by MB

**MICROFILMED**

NOTICE OF CLAIM TO A WATER RIGHT

NO. 29-4039

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Downey, Idaho

has filed a claim to a water right established by diversion and application to beneficial use of 0.80 cubic feet per second ~~2000 feet per second~~ of water from Peck Creek tributary to Marsh Creek with point of diversion in the NW $\frac{1}{4}$ SE $\frac{1}{4}$ , SW $\frac{1}{4}$ NE $\frac{1}{4}$ , Sec. 6, T. 11S, R. 37E, B.M. Bannock County.

The water is claimed to be used from Apr. 1 to Nov. 1 for the irrigation of 40 acres

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R. KEITH HIGGINSON

Director

Published in the Idaho State Journal, Pocatello, Idaho on September 5 and September 12, 1974

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MB-L  
CB-A.