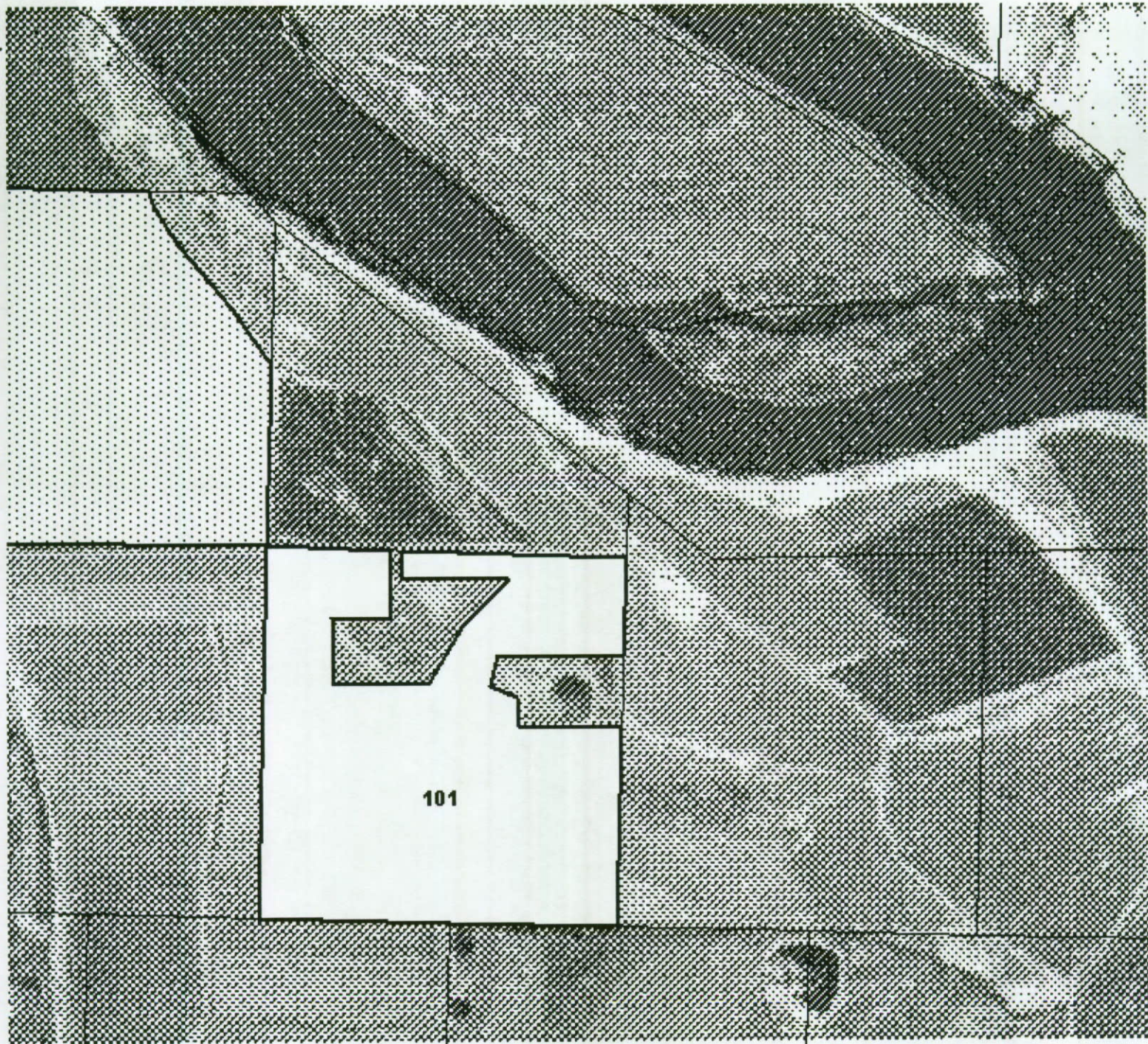


Idaho Department of Water Resources

Claim Number: 57-02041
Legal: T01N, R03W, S36
Reviewed By:

-  Point of Diversion
(Located outside of view)
-  Place of Use
-  Section Lines
-  Quarter Quarter Lines
-  Township/Range Lines





101



35 ACRES

SW SW

T1N R3W S36

57-02041

57-02041

T. 1N. 11.3 W.

SEC. 35

SEC. 36

SEC. 37

S

SEC. 38

SEC. 39

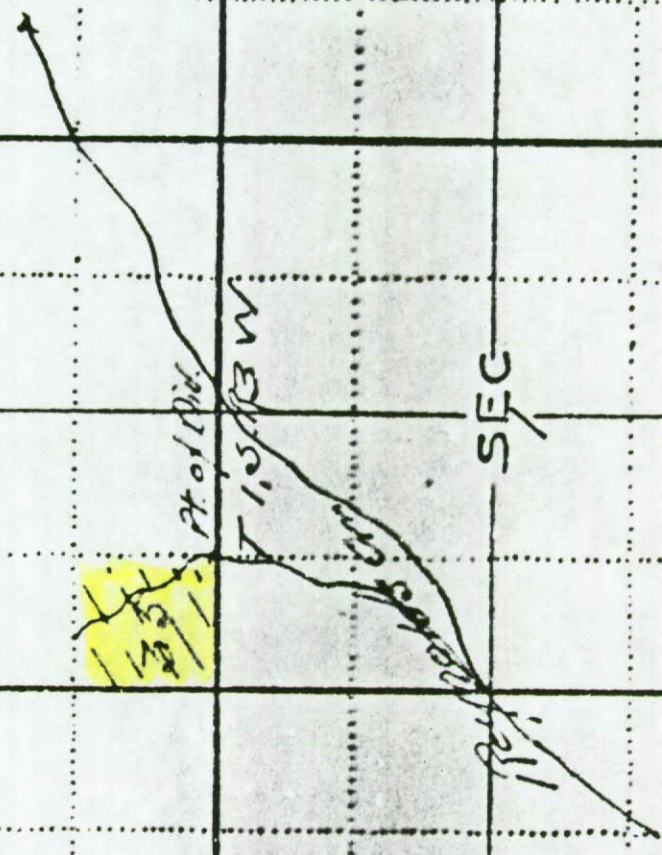
SEC. 40

S



T. 10.3 N.

T. 10.3 W.



124 124 124
B/24

NC



A5702041

Date Entry Checked By: 22.4.5 Date 6/11/11
Verification Checked By: 22.4.5 Date 12.1.13
"R" File Created By: 22.4.5 Date 9.9.13

Change Basis to Allowed
Add Cons. Use

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: A57-02041
Date Received: 11/15/1988
Receipt No: W002061
Received By: DE JAL

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: ALVIN BENSON 208-495-2228
Address: HC 79 BOX 94
MELBA, ID 83641

Name: THOMAS BENSON 208-495-2228
Address: HC 79 BOX 94
MELBA, ID 83641

2. Date of Priority: SEP 26, 1911

3. Source: REYNOLDS CREEK Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
01S	03W	10	SE	SE	SE		OWYHEE

5. Description of diverting works:
DIVERSION DAM, CONVEYING DITCH TO POU, GRAVITY IRRIGATION

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.700		
STOCKWATER	01/01	12/31	0.030		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
S/100 HEAD DAIRY

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
01N	03W	36	SW	SW		IRR	35.0
Section Acres							35.0
Total Acres							35.0

11. Place of use in counties: OWYHEE

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

13. Other Water Rights Used:
NONE

14. Remarks:

15. Basis of Claim: DECREED
Water Right Number: 7798
Case Number:
Court :
Decree date:

Decree Plaintiff

vs

Decree Defendant

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): _____ Date: _____
_____ Date: _____

State of Idaho)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this _____ day
of _____ 19 _____

Notary Public

Seal

Residing at _____
My Commission Expires _____

IDWR - WESTERN REGION

CONTRACTOR: Karan Waters

CLAIM/ID: 57-02041

Date: 2-5-03

	TNS	RNG	SEC	NE				NW				SW				SE				Sum
				NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
Claim	1N	3W	36											35						35
GIS														35						35
Claim																				
GIS																				
Claim																				
GIS																				
Claim																				
GIS																				
Claim																				
GIS																				

Number of POD's 1

Total Claimed Acres: 35

Overlapping FOU Claim #'s:

Total GIS Acres: 35

COMMENTS:

Per claim map & image interpretation.

POD estimated.

Idaho Department of Water Resources

Claim Number: 57-02041
Legal: T01N, R03W, S36
Reviewed By:

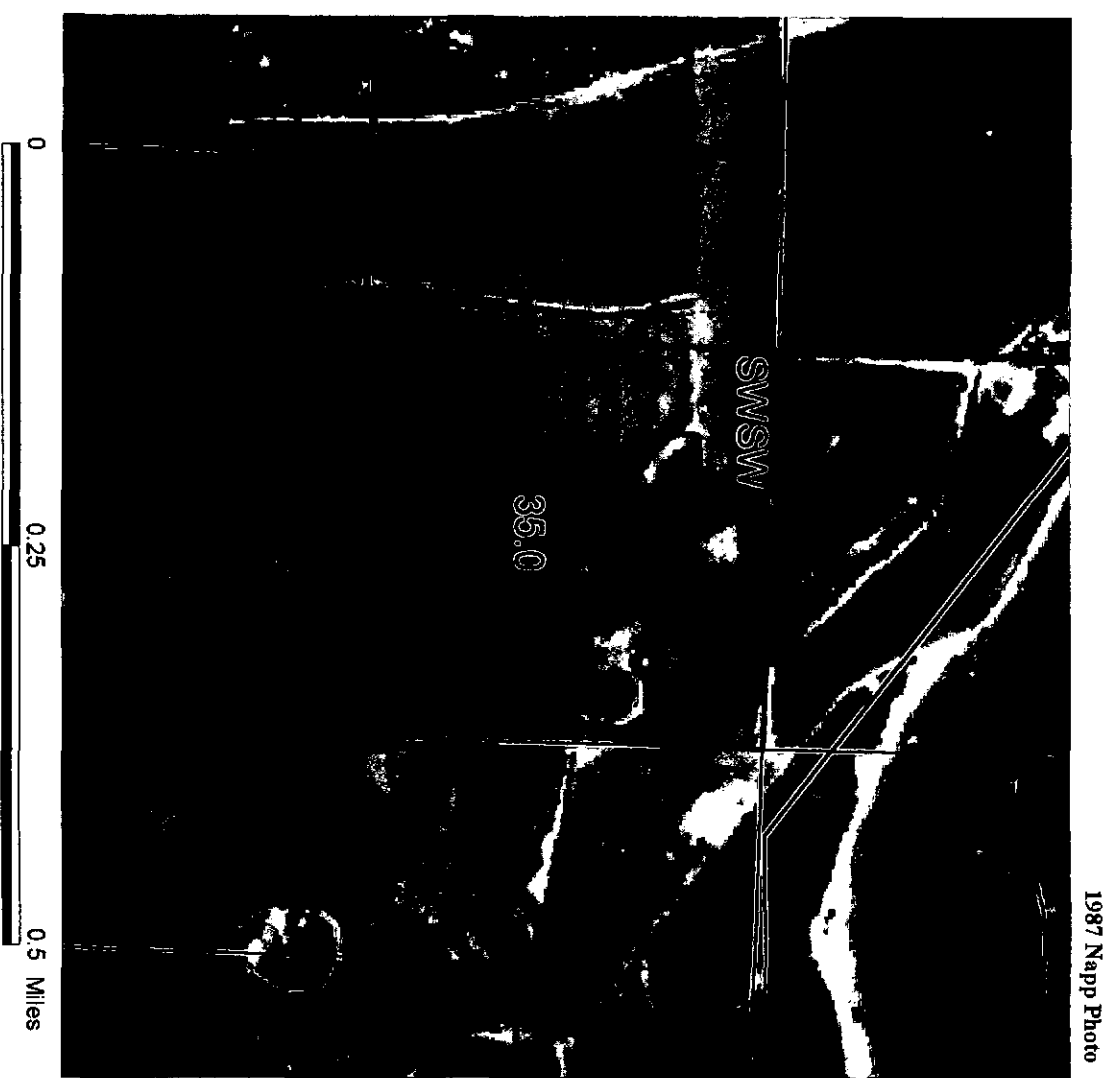
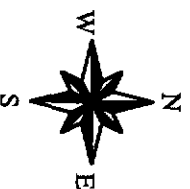
☐ Point of Diversion
(Located outside of view)

☐ Place of Use

☐ Section Lines

☐ Quarter Quarter Lines

☐ Township/Range Lines



IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

2002 DEC 23 PM 3 36

In Re SRBA	)	PARTIAL DECREE PURSUANT TO
	)	I. R. C. P. 54 (b) FOR
Case No. 39576	)	
	)	Water Right 57-02041

NAME AND ADDRESS: HOOK FAMILY LIMITED PART
HC 88 BOX 1095
MURPHY, ID 83650

SOURCE: REYNOLDS CREEK TRIBUTARY: SNAKE RIVER

QUANTITY: 0.70 CFS

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

PRIORITY DATE: 09/26/1911

POINT OF DIVERSION: T01S R03W S10 SESESE Within Owyhee County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-15 TO 11-15	0.70 CFS
	Stockwater	01-01 TO 12-31	0.03 CFS

PLACE OF USE:	Irrigation	Within Owyhee County
	T01N R03W S36	SWSW 35.0
	35.0 Acres Total	
	Stockwater	Within Owyhee County
	Same as Irrigation	

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

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

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. I.C. SECTION 42-1412(6).

RULE 54 (b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.

Roger Burdick

Roger Burdick
Presiding Judge of the
Snake River Basin Adjudication

RECEIVED

JAN 10 2003

WATER RESOURCES
WESTERN REGION

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED _____

2002 DEC 23 PM 3 34

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA

Case No. 39576

)
)
)
)

ORDER OF AMENDED PARTIAL DECREE

For Water Right 57-02041

On October 28, 2002, a *Special Master's Report and Recommendation* was filed for the above water right. No Challenges were filed to the *Special Master's Report and Recommendation* and the time for filing Challenges has now expired.

Pursuant to I.R.C.P. 53(e)(2) and *SRBA Administrative Order 1*, Section 13f, this Court has reviewed the Findings of Fact and Conclusions of Law contained in the *Special Master's Report* and wholly adopts them as its own.

Therefore, IT IS ORDERED that water right 57-02041 is hereby decreed as set forth in the attached *Amended Partial Decree Pursuant to I.R.C.P. 54(b)*.

DATED: December 23, 2002



ROGER S. BURDICK

Presiding Judge

Snake River Basin Adjudication

2002 DEC 23 PM 02:00
DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED _____

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA)

Case No. 39576)
_____)

CERTIFICATE OF MAILING

Water Right(s): 57-02041

CERTIFICATE OF MAILING

I certify that a true and correct copy of the PARTIAL DECREE
PURSUANT TO I.R.C.P. 54(b) for WATER RIGHT 57-02041 was mailed
on December 23, 2002, with sufficient first-class postage prepaid
to the following:

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

HOOK FAMILY LIMITED PART
HC 88 BOX 1095
MURPHY, ID 83650

THOMAS BENSON
HC 88, BOX 1050
MURPHY, ID 83650
Phone: 208-495-2270

ROBBIN HALL
Chief Deputy Clerk

CERTIFICATE OF MAILING

RECORDED
DEC 24 2002

PAGE 1
12/23/02

04/01/2002

IDAHO DEPARTMENT OF WATER RESOURCES
AMENDED RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER

2002 APR 13 AM 10:09

RIGHT NUMBER: 57-2041
NAME AND ADDRESS: HOOK FAMILY LIMITED PARTNERSHIP
HC 88 BOX 1095
MURPHY ID 83650

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED _____

SOURCE: REYNOLDS CREEK TRIBUTARY: SNAKE RIVER

QUANTITY: 0.70 CFS

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

PRIORITY DATE: 09/26/1911

POINT OF DIVERSION:

T01S R03W S10 SESESE Within Owyhee County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
STOCKWATER	1/01 12/31	0.030 CFS
IRRIGATION	3/15 11/15	0.700 CFS

PLACE OF USE: IRRIGATION Within Owyhee County

T01N R03W S36 SWSW 35.0

STOCKWATER same as IRRIGATION

35 ACRES TOTAL

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

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE. THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR STOCKWATER USE IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE: 57-00271, 57-00272 STOCKWATER, 100 DAIRY CATTLE
USE OF THIS RIGHT IS COMBINED WITH WATER FROM WEST REYNOLDS IRRIGATION DISTRICT.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 57-2041 V1

WATER RIGHT NUMBER: 57-2041 V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	ALVIN BENSON HC 79 BOX 94 MELBA, ID 83641 (208)495-2228
Current Owner	THOMAS BENSON HC 79 BOX 94 MELBA, ID 83641 (208)495-2228
Original Owner	WILLARD H AUSTIN WILSON, ID

Priority Date: 09/26/1911

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
REYNOLDS CREEK	SNAKE RIVER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
STOCKWATER	1/01 to 12/31	0.030 CFS	
IRRIGATION	3/15 to 11/15	0.700 CFS	
	<u>Total Diversion:</u>	0.700 CFS	

Location of Point(s) of Diversion

REYNOLDS CREEK	SE1/4SE1/4SE1/4	Sec. 10, Twp 01S, Rge 03W, B.M.
OWYHEE County		

Place of Use

IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
01N 03W 36																	35.0

Total Acres: 35

STOCKWATER same as IRRIGATIONConditions of Approval:

1. N05 THE QUANTITY OF WATER UNDER THIS RIGHT FOR STOCKWATER USE SHALL NOT EXCEED 13,000 GALLONS PER DAY.
2. N08 THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR STOCKWATER USE IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.
3. W09 USE OF THIS RIGHT IS COMBINED WITH WATER FROM WEST REYNOLDS IRRIGATION DISTRICT.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 57-2041 V1

Remarks:

1. Purpose of Use DIVERTING WATER BEFORE OR AFTER THE PERIOD OF USE UNDER THIS RIGHT IS ALLOWED PROVIDED: A. THE WATERS SO DIVERTED ARE APPLIED TO A BENEFICIAL USE, AND B. THE EXISTING RIGHTS AND FUTURE APPROPRIATIONS ARE FIRST SATISFIED.
2. Explanatory THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE: 57-00271, 57-00272 STOCKWATER, 100 DAIRY CATTLE

Dates and Other Information:

Decreed Date:
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
Defendant:
Plaintiff:
Civil Case Number:
Judicial District:
Notice of Error Flag: NONE RECEIVED
State or Federal:
Owner Name Connector: 0
Water District Number: 57J
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Swan Falls Trust or Nontrust: False
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan:

COPY

RECEIVED

APR - 4 2002

Department of Water Resources

2002 APR - 3 AM 10: 09

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED _____

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA

Water Right(s): 57-271, 57-2041,
57-11573

Case No. 39576

NOTICE OF COMPLETED
ADMINISTRATIVE
PROCEEDING

IDWR has completed the following administrative proceeding:

- ☐ Address change
- ☒ Substitution of Party
- ☐ IC § 42-222 transfer

IDWR certifies that it has completed its investigation into the changes to the elements of the water rights listed above as set forth in the attached *Amended Director's Report(s)* for said water right(s). No other changes have been made to the elements of these water rights except as set forth above.

IDWR has served copies of the *Notice of Completed Administrative Proceeding* and *Amended Director's Report(s)* on the claimant(s), prior claimant(s) and all parties in the subcases affected, if any, as reflected on the attached certificate of mailing.

DATED: 4/1/2002

Royanne Brown

Signature of IDWR Representative

RECEIVED

APR 09 2002

WATER RESOURCES
WESTERN REGION

CERTIFICATE OF MAILING

I certify that on April 2, 2002, I delivered the original and copies of this form, including all attachments, to the following persons, postage prepaid if required and addressed as follows:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
P.O. Box 2707
Twin Falls, ID 83303-2707

☐ overnight mail
☒ regular mail
☐ hand-delivered
☐ facsimile

2. Copies to:

Clive Strong
Off ice of the Attorney General
P.O. Box 44449
Boise, ID 83711-4449

☐ overnight mail
☐ regular mail
☒ hand-delivered
☐ facsimile

IDWR Document Repository
P.O. Box 83720
Boise, ID 83720-0098

☐ overnight mail
☐ regular mail
☒ hand-delivered
☐ facsimile

U.S. Dept. of Justice
Environment & Natural Resources Div.
550 W. Fort St., MSC 033
Boise, ID 83724

☐ overnight mail
☒ regular mail
☐ hand-delivered
☐ facsimile

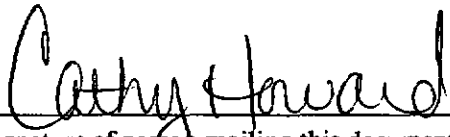
3. Copies to all parties to the subcase:

Hook Family Limited Partnership
HC 88, Box 1095
Murphy, ID 83650

☐ overnight mail
☒ regular mail
☐ hand-delivered
☐ facsimile

Alvin and Thomas Benson
HC 79, Box 94
Melba, ID 83641

☐ overnight mail
☒ regular mail
☐ hand-delivered
☐ facsimile


Signature of person mailing this document

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP**

**RECEIVED
FEB 28 2002**

*Should questions arise during the processing of this application please contact
David Shaw - ERO Resources Corp. (208) 373-7983*

Please print or type. Attach pages with additional information. Instructions are included at the end of this form.
Incomplete forms will be returned.

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided (under the "split" heading), if the change in ownership is limited to a portion of a water right in which case division of the existing water right or adjudication claim record will be required.

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
_____	57-11572	_____	_____	_____	_____
_____	✓ 57-11573	_____	_____	_____	_____
✓ 57-2041	_____	_____	_____	_____	_____
✓ 87-271	_____	_____	_____	_____	_____

2. The following **REQUIRED** information must be submitted with this form:

- A. The appropriate **FILING FEE**. See instructions for fee amounts.
- B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.
- C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions): **PLAT OF PROPERTY** or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).

OR

If your water right(s) and/or adjudication claim(s) is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY** or **SURVEY MAP**.

3. Name and Address of Former Owner/Claimant(s) Thomas Benson
HC 79, Box 94, Melba, Idaho 83641
4. New Owner/Claimant(s) Hook Family Limited Partnership
Name Connector (Check one): [] and, [] or, [] and/or
- New Mailing Address HC 88, Box 1095
- City, State and ZIP Code Murphy, Idaho 83650
- New Telephone Number (208) 495-2712
5. Date you acquired the property 6-26-1998

6.

If the change in ownership affects the entire water right for each water right or adjudication claim number listed in item 1, THEN SKIP THIS ITEM AND GO TO ITEM 7. If the change in ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (one water right per box, you may copy this page as necessary). If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

DESCRIPTION OF YOUR PORTION OF WATER RIGHT		
(If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc.)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

DESCRIPTION OF YOUR PORTION OF WATER RIGHT		
(If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc.)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

7.

Signature of New Owner(s) or Claimant(s)
(include title if applicable)

Jim Hoch Esq. Partner
Hoch Family Ltd. Part.

For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him/her for all matters related to your claims.

For Office Use Only

Received by Shawn Date 2/28/02 Fee n/a
 Received by _____ Date _____ Receipt No. _____
 Processed by _____ AJ Date _____ WR _____ Date _____

*Rec'd additional documentation for 57-271, 2041 & 11573
processed 4/1/02*

102111

JBH
B.H.

WARRANTY DEED

FOR VALUE RECEIVED ALVIN B. BENSON, A SINGLE PERSON AS TO AN UNDIVIDED 1/3 INTEREST AS TO PARCEL I AND II AND THOMAS EDWARD BENSON and JACQUELINE L. BENSON, HUSBAND AND WIFE AS TO AN UNDIVIDED 2/3 INTEREST AS TO PARCEL I AND II AND ALL INTEREST AS TO PARCEL III

the Grantors, do hereby grant, bargain, sell and convey unto HOOK FAMILY LIMITED PARTNERSHIP, AN IDAHO LIMITED PARTNERSHIP

the Grantees, whose address is HCR 88, BOX 1095, MURPHY, ID 83650

the following described premises, to-wit:

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF BY THIS REFERENCE:

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantees, their heirs and assigns forever. And the said Grantors do hereby covenant to and with the said Grantees, that they are the owners in fee simple of said premises; that said premises are free from all encumbrances; except for general taxes and assessments for the year 1998 and subsequent years, covenants, conditions, restrictions and easements of record; and that they will warrant and defend the same from all lawful claims whatsoever.

DATED: October 11, 1998

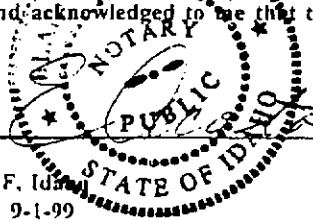
Alvin B. Benson
ALVIN B. BENSON

Thomas Edward Benson
THOMAS EDWARD BENSON

Jacqueline L. Benson
JACQUELINE L. BENSON
STATE OF IDAHO
COUNTY OF CANYON

On this 12 day of October, 1998, before me a notary public, personally appeared ALVIN B. BENSON, THOMAS EDWARD BENSON AND JACQUELINE L. BENSON, known or identified to me to be the persons whose names are subscribed to the within instrument and acknowledged to me that they have executed the same.

Anna
Notary Public
Residing at GREENLEAF, Idaho
My commission expires: 9-1-99



PIONEER TITLE COMPANY
OF CANYON COUNTY

100 10TH AVE SOUTH
NAMPA, IDAHO 83651

423 SOUTH KIMBALL
CALDWELL, ID 83605

FILED - RECORDS
98 OCT 15 11:01
JULIA HILL
OVYNE COUNTY CLERK

226306

The land referred to in this commitment/policy is situated in the State of Idaho, County of Owyhee and is described as follows:

PARCEL I

IN TOWNSHIP 1 SOUTH, RANGE 3 WEST, B. M., OWYHEE COUNTY, IDAHO

Section 2: Lots 1 and 2, SE1/4 NE1/4, NE1/4 SE1/4,

LESS the following described tract:

BEGINNING at the Southeast corner of Section 2, T1S, R3W, B. M.; thence West 1320 feet; thence North 2350 feet; thence North 43°05' East 127.3 feet to the TRUE POINT OF BEGINNING; thence North 43°05' East 225 feet; thence South 24°49' East 210 feet; thence South 43°05' West 225 feet; thence North 24°49' West 210 feet to the TRUE POINT OF BEGINNING.

ALSO LESS THE FOLLOWING:

A portion of the NE1/4 SE1/4 of Section 2 Township 1 South, Range 3 West of the Boise Meridian and is more particularly described as follows:

Beginning at the southwest corner of said NE1/4 SE1/4;

thence North 0°37'35" East along the west boundary of said NE1/4 SE1/4 a distance of 603.26 feet to a point on the southwesterly right-of-way boundary for Idaho State highway 78;

Thence South 33°55'28" East along said boundary a distance of 689.85 feet;

thence southeasterly 43.35 feet continuing along said boundary following the arc of a curve to the right having a central angle of 1°46'30", a radius of 1399.40 feet and a long chord which bears South 33°04'30" East a distance of 43.35 feet to a point on the south boundary of said NE1/4 SE1/4;

thence North 89°14'17" West along said south boundary a distance of 415.30 feet to the POINT OF BEGINNING.

PARCEL II

IN TOWNSHIP 1 NORTH, RANGE 3 WEST, B. M., OWYHEE COUNTY, IDAHO

Section 35: SE1/4 SE1/4 57-271, 57-11573

Section 36: SW1/4 SW1/4 57-2041

continued

PARCEL III

IN TOWNSHIP 1 SOUTH, RANGE 3 WEST, BOISE MERIDIAN, OWYHEE COUNTY, IDAHO
BEGINNING at the Southeast corner of Section 2, T1S, R3W, B. M., Owyhee County, Idaho; thence
West 1320 feet; thence
North 2350 feet; thence
North $43^{\circ}05'$ East, 127.3 feet to the TRUE POINT OF BEGINNING; thence
North $43^{\circ}05'$ East, 225.0 feet; thence
South $24^{\circ}49'$ East, 210.0 feet; thence
South $43^{\circ}05'$ West, 225.0 feet; thence
North $24^{\circ}49'$ West, 210.0 feet to the TRUE POINT OF BEGINNING.

A B
T E B
J. F. B.

WARRANTY DEED

RECEIVED
FEB 28 1998

FOR VALUE RECEIVED ALVIN B. BENSON, A SINGLE PERSON, LITA HOAGLAND, A MARRIED PERSON, THOMAS E. BENSON AND JACQUELINE L. BENSON, HUSBAND AND WIFE, JERRY L. BENSON, A MARRIED PERSON, BRUCE A. BENSON, A MARRIED PERSON, SCOTT J. BENSON, A SINGLE PERSON AND JEFFREY R. BENSON, A SINGLE PERSON

the Grantors, do hereby grant, bargain, sell and convey unto ~~THOMAS E. BENSON AND JACQUELINE L. BENSON~~ HOOK FAMILY LIMITED PARTNERSHIP

the Grantees, whose address is HC88 BOX 1095 MURPHY, ID 83650

the following described premises, to-wit:

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF BY THIS REFERENCE:

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantees, their heirs and assigns forever. And the said Grantors do hereby covenant to and with the said Grantees, that they are the owners in fee simple of said premises; that said premises are free from all encumbrances, except for general taxes and assessments for the year 1998 and subsequent years, covenants, conditions, restrictions and easements of record; and that they will warrant and defend the same from all lawful claims whatsoever.

DATED: March 12, 1998

ALVIN B. BENSON

LITA HOAGLAND

THOMAS E. BENSON

JACQUELINE L. BENSON

JERRY L. BENSON

BRUCE A. BENSON

SCOTT J. BENSON

JEFFREY R. BENSON

STATE OF ~~IDAHO~~ WASHINGTON
COUNTY OF ~~CANYON~~ LEWIS

On this 27 day of March, 1998, before me a notary public, personally appeared

BRUCE A. BENSON

known or identified to me to be the person(s) who name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they have executed the same.

Karen M Emerson
Notary Public
Residing at Chehalis, WA
My commission expires 7/9/98

NOTARY PUBLIC
STATE OF WASHINGTON
KAREN M. EMERSON
My Appointment Expires MAY 9, 1998

STATE OF IDAHO
COUNTY OF CANYON

On this 16th day of March, 1998, before me a notary public, personally appeared ALVIN B. BENSON, LITA HOAGLAND, THOMAS E. BENSON, JACQUELINE L. BENSON, JERRY L. BENSON, BRUCE A. BENSON, SCOTT J. BENSON, JEFFREY R. BENSON

known or identified to me to be the person(s) who name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they have executed the same.

Notary Public
Residing at GREENLEAF, IDAHO
My commission expires: 9-1-98

224433

FILED - RECORDED

98 MAR 32 PM 4:43

REQUEST OF

SEE

JIM HUNTLEY JR.
OWYHEE COUNTY RECORDER

BY

DEPUTY

Exhibit "A"

This parcel is a portion of Government Lot 3 of Section 1, Township 1 South, Range 3 West of the Boise Meridian and is more particularly described as follows:

COMMENCING at the Northeast corner of said Government Lot 3;

Thence South $89^{\circ}35'25''$ West along the North boundary of said Government Lot 3 a distance of 330.00 feet to the TRUE POINT OF BEGINNING;

Thence South $0^{\circ}26'56''$ West a distance of 235.95 feet;

Thence North $59^{\circ}09'27''$ West a distance of 466.36 feet to a point on said North boundary;

Thence South $89^{\circ}33'03''$ East along said North boundary a distance of 402.27 feet to the TRUE POINT OF BEGINNING.



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

Phone: (208) 327-7900 FAX: (208) 327-7866

DIRK KEMPTHORNE
GOVERNOR

September 6, 2000

KARL J. DREHER
DIRECTOR

Tom Benson
HC 88, Box 1050
Murphy, ID 83650

RE: Snake River Basin Adjudication (SRBA)
Change in Water Right Ownership
Water Rights #57-00271, 57-00275, 57-01125, 57-02041

Dear Mr. Benson:

Alvin Benson advised me there have been some changes in ownership of some of the water rights referenced above. He told me you retain a water right on Cattel Creek, tributary to Reynolds Creek, and gave me your address.

You and Alvin Benson are the current owners of the water rights referenced above. I'm writing to let you know we can't change our records to reflect your separate ownership of a water right without a Notice of Change of Water Right Ownership form being completed. I have enclosed that form for your possible use. Since these water rights are still pending before the SRBA Court, there is no fee for an ownership change.

Please call me if you have any questions.

Sincerely,

Sally Sherman
Technical Records Specialist
Adjudication Technical Section

SS:region
Enclosure:

Form 42-248/42-1409(6)



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

Phone: (208) 327-7900 FAX: (208) 327-7866

RECEIVED

July 18, 2000

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

JUL 20 2000

Alvin Benson
~~Thomas Benson~~

Department of Water Resources

512 4th St.
Melba, ID 83641-5161

Re: Snake River Basin Adjudication (SRBA) *see BxC 0037*
Water Rights #57-00271, 57-00275, 57-01125, 57-01126 & 57-02041
50N 50N 50N 50N

Dear Water Right Holders:

We have been advised the address for you presently in our records is incorrect. Although we have reached you at the address above, we need your written confirmation this is your correct mailing address before we can change our records. Future notices related to your water right(s) can be sent only to the address on your water right(s) or as otherwise changed by you.

Please sign your name at the bottom of this letter and return it to this office. Make corrections to your name and address if necessary and list any other water rights you may have before returning this letter by August 14, 2000. Thank you for your help.

If your mail delivery address changes in any form, please contact us in writing so we can update our records.

If there has been a change in ownership of the property connected with the water rights referenced above, please write down the name and address of the new owner(s) so we can send them a form to make this required change to the water right records.

Sincerely,

Sally

Sally Sherman
Technical Records Specialist
Adjudication Bureau

wrote him 9-6-00
Tom Benson Petrus & water right on Cotel
Creek, Trib to Payak Creek, his address is
4C SR Box 103 Murphy Id 83650
SS:region *1050*
called 9-6-00
sent form
- PD

The address is correct as shown above or as otherwise changed.

Alvin P. Benson
Water Right Holder's Signature

2228
495-111P
Telephone No.

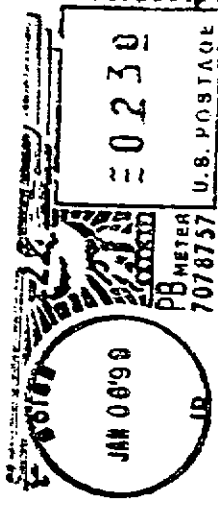
we did original to Larry Jones Melba
495-1133
495-2712
called Hook 9-6-00
another to Tom Hook 11-11-00
Brother in Phone Book
form
- PD

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
1301 North Orchard Street, P.O. Box 83720
Boise, Idaho 83720-0098

Return Service Requested

PRESCRIBED
FIRST CLASS

57-00271 SON
57-00275 SON
✓ - 01126701125 DS
✓ - 02041 SON
~~57-00275 DS~~
~~57-00275 DS~~

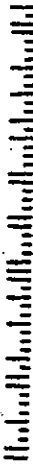


RECEIVED
BENS 029 JAN 11 1999
Department of Water Resources

ALVIN BENSON
THOMAS BENSON
HC 79 BOX 94
MEL

BENS079X 036412017 1898 05 01/08/99
RETURN TO SENDER
BENSON, ALVIN B
512 4TH ST
MELBA ID 83641-5161

01/08/99



IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA)
Case No. 39576)
_____)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR

Water Right 57-02041

1997 DEC 15 AM 10:51
DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO

FILED

NAME & ADDRESS: THOMAS BENSON
ALVIN BENSON
HC 79 BOX 94
MELBA ID 83641

SOURCE: REYNOLDS CREEK

TRIBUTARY: SNAKE RIVER

QUANTITY: 0.7 CFS

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

PRIORITY DATE: 09/26/1911

POINT OF DIVERSION: T01S R03W S10

SESESE

Within Owyhee County

PURPOSE AND
PERIOD OF USE: PURPOSE OF USE
IRRIGATION
STOCKWATER

PERIOD OF USE
Irrigation Season
01-01 12-31

QUANTITY
0.7 CFS
0.03 CFS

PLACE OF USE: IRRIGATION
T01N R03W S36
35 ACRES TOTAL

Within Owyhee County
SSW 35

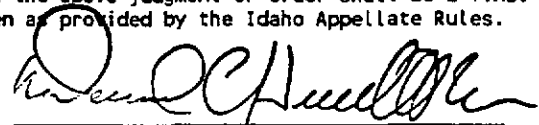
Place of use for STOCKWATER is same as IRRIGATION

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

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

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.



DANIEL C. HURLBUTT, JR.
PRESIDING JUDGE
Snake River Basin Adjudication

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
---------------	----------------	------------------	-----------	-----------------------	-------------------	---------------------

C	THOMAS BENSON	09/26/1911	IRRIGATION		0.70 CFS
C	ALVIN BENSON		STOCKWATER		0.03 CFS
	HC 79 BOX 94				-----
	MELBA ID. 836611			TOTAL DIVERSION:	0.70 CFS

TOTAL DIVERSION: 0.70 CFS

Water Source:	REYNOLDS CREEK	Tributary to:	SNAKE RIVER	Stage:	DECREED
City of Diversion:	TOTIS R03W S10	SESESE		OHYHEE County	

T01S R03W S10
SESESE

Place of use Legal Description for: IRRIGATION

Place of Use		Legal Description for												SE																			
		NE						NW						SW						SE													
		NENE		NWNE		SWNE		SENE		NENW		NWNW		SWNW		SENW		NESW		NWSW		SWSW		SESW		NESE		SWSE		SUM			
T	R	S	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac			
01N	03W	36																															

Place of use location for STOCKWATER is the same location as described for: IRRIGATION

POW County: OWYHEE

	Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):						A57-00005	A57-00007	A57-00271
S7-00005	57-00007	57-00271	57-00272	57-01032	57-01118	57-02041			
A57-00272	A57-01032	A57-01118	A57-02041	R57-00005	R57-00007	R57-00272			

Other Water Rights Listing Overlapping Place(s) of Use:
57-02041 A02-02258 A57-02041

Conditions of Approval:

not approved:
W09 - USE OF THIS RIGHT IS COMBINED WITH WATER FROM
- WEST REYNOLDS IRRIGATION DISTRICT.
N05 - THE QUANTITY OF WATER UNDER THIS RIGHT FOR STOCKWATER USE
- SHALL NOT EXCEED 13,000 GALLONS PER DAY.
N08 - THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR
- STOCKWATER USE IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL
- USE.

Remarks: EXP THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF
DIVERSION DESCRIBED ABOVE: 57-00271, 57-00272
STOCKWATER, 100 DAIRY CATTLE

Dates:	Exam Made Date:	Verified Date:	Objection Filed Date:

Misc: Water District Number: 57J Field Inspection Flag: Presumption Flag:

AJ0749NP
No. R57-02041

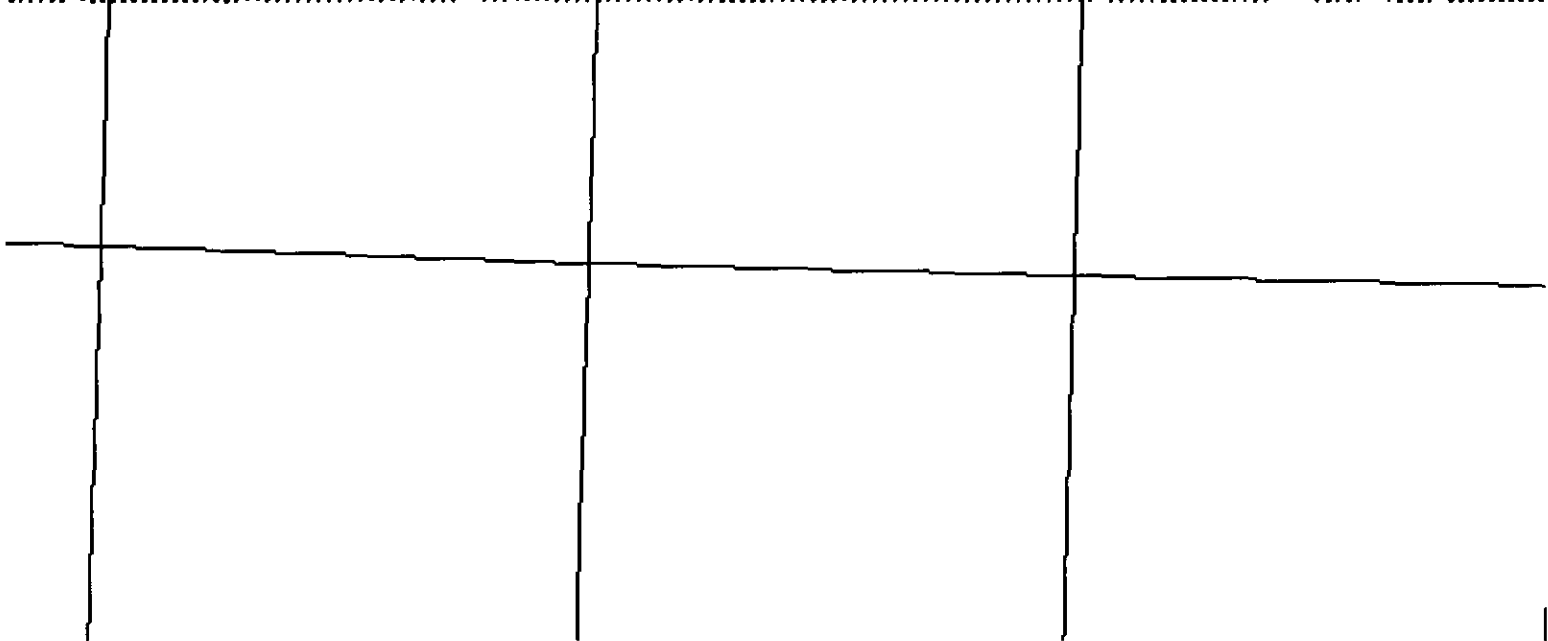
IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT
(REGIONAL)

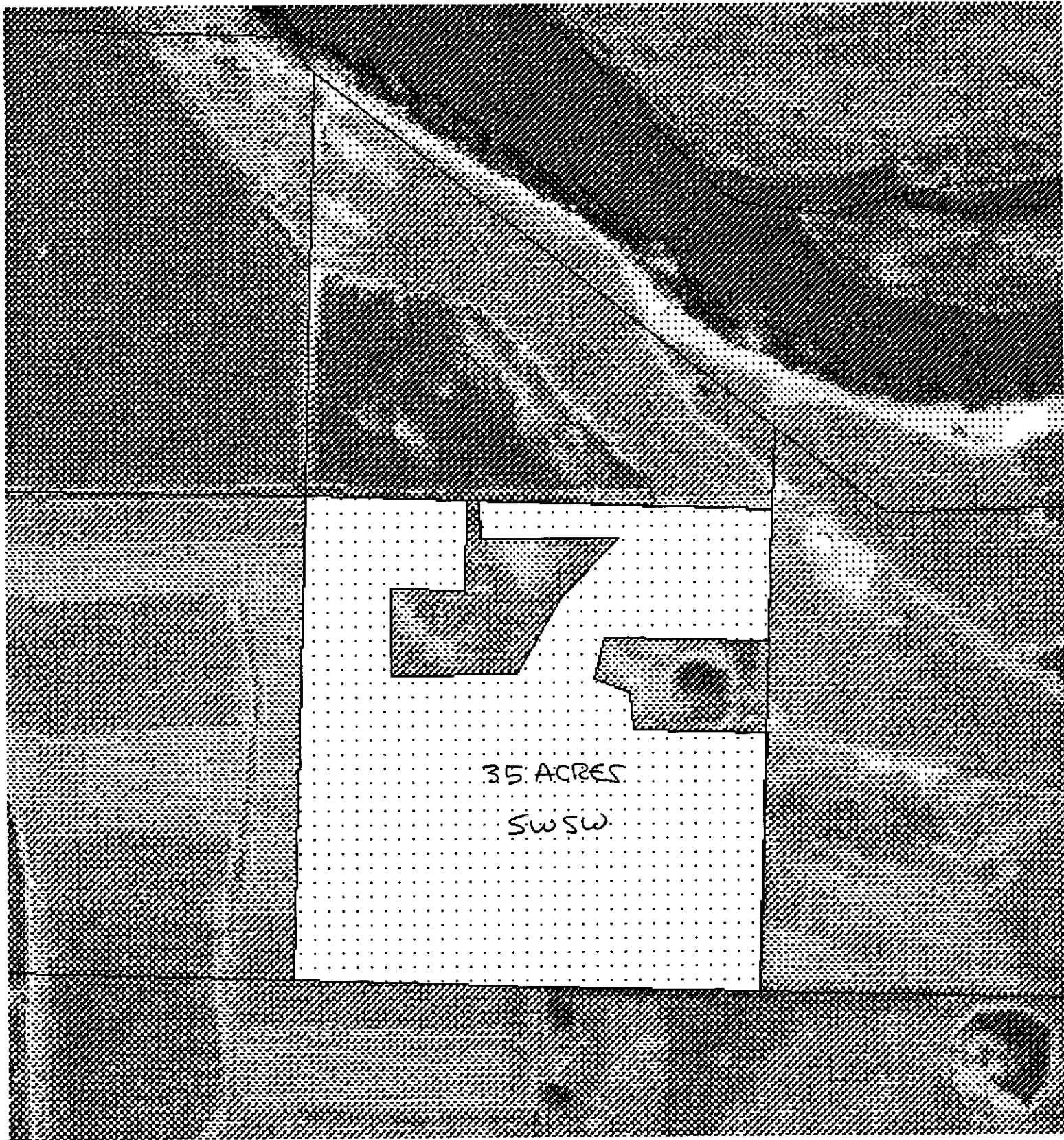
DATE: 11/12/97
PAGE: 2

Audit: 11/12/97 MSCHULTE



101





T1N R3W S36

57-02041

57-02041

T. 1N 11.3 W

SEC. 35

SEC. 36

SEC. 37

51

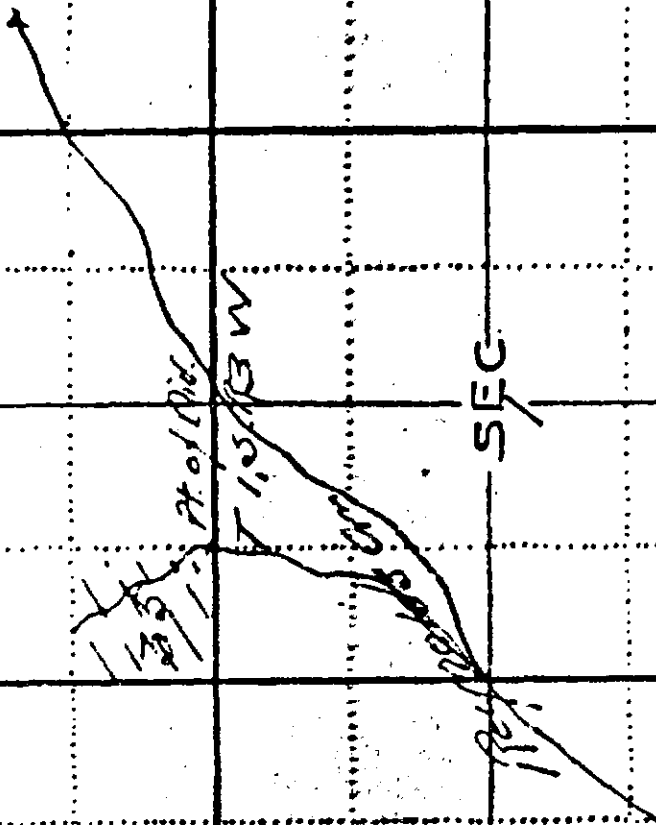
SEC. 38

SEC. 39

SEC. 40

51

Bar
1/2



WESTERN REGION

CLAIM NUMBERS 2041

AGENT PON DATE 10/22/97

TOTAL ACRES FROM RECOMMENDATION 35

GEOGRAPHIC INFO SYSTEM ACRES 35

READY FOR DECREE ____ (YES) SENT FOR DECREE ____ (YES)

RIGHT NO				NE				NW				SW				SE				
	TNS	RNG	SEC	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
57-2041 RECOM	1N	3W	36											35						35
G														35						35
RECOM																				
GIS																				

POLYGON CREATED ON 80 4

POLYGON # () () () () _____ UPDATED BY

ATTRIBUTES OF B57-POU.SHP (10) () () () () ()

ATTRIBUTES OF B57-POD.SHP (*) () () () () ()

B57-DBPOU.DBF _____ UPDATED BY

B57-DBPOD.DBF _____ UPDATED BY

* NOTE: POD .TIF FOR 15 3W S10 15 NOT YET

TRANSFORMED CORRECTLY. THIS NOT ASSIGNED POD # YET - 10/30/97

RDH GFSTABLE

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

DATE: NOV-12-1997

PAGE: A-1

RIGHTS FROM: SOURCE: REYNOLDS CREEK TRIBUTARY: SNAKE RIVER

RIGHT NUMBER: 57-02041

NAME AND ADDRESS: THOMAS BENSON
ALVIN BENSON
HC 79 BOX 94
MELBA ID 83641

SOURCE: REYNOLDS CREEK TRIBUTARY: SNAKE RIVER

QUANTITY: 0.7 CFS

THE QUANTITY FOR NON-IRRIGATION USE IS LIMITED TO THE AMOUNT BENEFICIARILY
USED FOR STOCK, 100 HD DAIRY

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

PRIORITY DATE: 09/26/1911

POINT OF DIVERSION: T01S R03W S10 SESESE Within Owyhee County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	IRRIGATION	<u>Irrigation Season</u> 03/13 11/13	0.7 CFS
	STOCKWATER	01-01 12-31	0.03 CFS

PLACE OF USE: IRRIGATION Within Owyhee County
T01N R03W S36 SWSW 35
35 ACRES TOTAL

Place of use for STOCKWATER is same as IRRIGATION

CONSUMPTIVE USE: 12913 AFY

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

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

THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF DIVERSION
DESCRIBED ABOVE: 97/00271, 97/00272

57-02041 (CONT.)

EXPLANATORY MATERIAL: BASIS OF CLAIM - DECREE

USE OF THIS RIGHT IS COMBINED WITH WATER FROM
WEST REYNOLDS IRRIGATION DISTRICT.

THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF
DIVERSION DESCRIBED ABOVE: 57-00271, 57-00272
STOCKWATER, 100 DAIRY CATTLE

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT
(REGIONAL)

DIVERSION VOLUME

OWNER CODE	NAME & ADDRESS
1	...
2	...
3	...
4	...
5	...
6	...
7	...
8	...
9	...
10	...
11	...
12	...
13	...
14	...
15	...
16	...
17	...
18	...
19	...
20	...
21	...
22	...
23	...
24	...
25	...
26	...
27	...
28	...
29	...
30	...
31	...
32	...
33	...
34	...
35	...
36	...
37	...
38	...
39	...
40	...
41	...
42	...
43	...
44	...
45	...
46	...
47	...
48	...
49	...
50	...
51	...
52	...
53	...
54	...
55	...
56	...
57	...
58	...
59	...
60	...
61	...
62	...
63	...
64	...
65	...
66	...
67	...
68	...
69	...
70	...
71	...
72	...
73	...
74	...
75	...
76	...
77	...
78	...
79	...
80	...
81	...
82	...
83	...
84	...
85	...
86	...
87	...
88	...
89	...
90	...
91	...
92	...
93	...
94	...
95	...
96	...
97	...
98	...
99	...
100	...

**PRIORITY
DATE**

WATER USE

USE PERIOD
FROM TO

DIVERSION
RATE

DIVERSION VOLUME

C THOMAS BENSON
C ALVIN BENSON
HC 79 BOX 94
MELBA ID 83641
(208) 495-2228

IRRIGATION STOCKWATER

03-15 11-15
01-01 12-31

0.70 CFS
0.03 CFS

MELBA ID 83641
(208) 495-2228

TOTAL DIVERSION:
CONSUMPTIVE USE:

0.70 CFS

129.50 AFA

Water Source: REYNOLDS CREEK

Tributary to: SNAKE RIVER

Point(s) of Diversion:

33333

Place of use Legal Description for: IRRIGATION

FIN

NENE	NWNE	SWNE	SENE	:	NENW	NWNW	SWNW	SENW
t AC	Lt AC	Lt AC	Lt AC	:	Lt AC	Lt AC	Lt AC	Lt AC

NEW NWSW
Lt AC Lt AC L

MSW SES
AC Lt AC

```

NESE NWSE SWSSE SESE
Lt Ac Lt Ac Lt Ac Lt Ac

```

SUM

01N 03W 36 :

35

TOTAL ACRES

35.0
35.0

place of use location for STOCKWATER is the same location as described for: IRRIGATION

POU County: OUYHEE

Non-Irrigation Uses: STOCK, 100 HQ DAIRY

Other Rights: NONE

Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):

	57-00005	57-00007	57-00271	57-00272	57-01032	57-01118	57-02041
	57-00005	A57-00272	A57-01032	A57-01118	A57-02041	R57-00007	R57-00272

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

57-02041 A02-02258 A57-02041

Conditions of Approval:

W09 - USE OF THIS RIGHT IS COMBINED WITH WATER FROM
- WEST REYNOLDS IRRIGATION DISTRICT.

Remarks: ~~NEW~~ THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE: 57-00271, 57-00272

Dates: Exam Made Date:

Verified Date:

Objection Filed Date:

Misc:

Water District Number: 57J

Field Inspection Flag:
Presumption Flag:

AJ0749NP
No. R57-02041

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT
(REGIONAL)

DATE: 11/12/97
PAGE: 2

Audit: 11/12/97 MSCHULTE

MICROFILMED
OCT 06 1992

ADJUDICATION CLAIM CHECKLIST

NOTICE OF CLAIM NO. A57-02041

"R" RECORD

WE ELEMENT	FIELD EXAM Y/N-IF NO, DO OFFICE VERIFICATION	IN-OFFICE VERIFICATION WHOM/DATE	VERIFIED BY CODE (SEE BELOW)	FIELD EXAM BY WHOM/DATE	CLAIMANT CONTACT NEEDED - Y/N*	REVIEW COMPLETED WHOM/DATE	DATA ENTRY COMPLETED WHOM/DATE	FINAL VERIFICATION DATE ENTERED WHOM/DATE
PRIORITY	N	8W 12/13/90	6	N/A	N	B.A.S. 6-11-90		
PT. OF DIV.								
SOURCE								
PL. OF USE								
DIV. AMOUNT CFS/AF		189.91 addendum						
CONSUMPTIVE USE		added						
NATURE OF USE	N							
PERIOD OF USE	N							
BASIS OF CLAIM	draw							
REMARKS	N							

VERIFICATION CODES

TOPO MAP/ORTHO-PG = 1
ASCS MAP = 2
WATERMASTER RECORDS = 3
NAPP PHOTOS = 4
FIELD EXAM = 5
OTHER (SEE COMMENTS) = 6

MICROFILMED
6 1992

*IF CLAIMANT CONTACT IS NEEDED, COMPLETE CLAIMANT CONTACT CHECKLIST AND ATTACH.

COMMENTS:

6-- same as previously drawn

See overlap maps in A57-00271

CLAIM NUMBER:

D. RATE/VOLUME CALCULATIONS: (IRRIGATION)

1b. CALCULATIONS

1a. IRRIGATION RATE
ACRES 35 x 0.02 CFS/ACRE = 0.70 CFS
(Taken from p/u review)

DOES AMOUNT CLAIMED EXCEED 0.02 CFS/ACRE? Y() N(X)

*** IF YES ADDITIONAL WATER USE FORM FILED AND ATTACHED? Y() N() ***

2. IRRIGATION CONSUMPTIVE USE

CLAIMED CONSUMPTIVE USE = AF/A 3.7 - 1.25

ACRES 35 x CONSUMPTIVE VOL. AF/A FOR AREA 2.5
TOTAL CONSUMPTIVE USE 87.5 AF/A 129.5 - 1.25

3. IRRIGATION DIVERSION VOLUME

CLAIMED DIVERSION VOLUME = AF/A - N/A

ACRES 35 x DIVERSION VOL. AF/A FOR AREA 5.0
TOTAL DIVERSION VOLUME 175.0 AF/A

4. CALCULATIONS FOR USES OTHER THAN IRRIGATION:

SEE ATTACHED SHEET? Y(X) N() →

Diversion → 100 hdl x .0391 = 3.91 AF/A

REMARKS: (Include limitations on CONSUMPTIVE USE for combined rights.)

Recommend 1.40 AF/A on stockwater usage as previously discussed.
FOG: Other rights w/ same POD: 57-00271 & 57-00272
App Condition: W09

Reviewed by
Jana Warner

FILED
6 1992

Water Right Number - A57-02041

Adj. Flag Translation: Adjudication Temporary Work Area

Old (D) Number -

+ - - - - Last Name - - - - + + - First Name - - - - + + - - - - Address - - - - - +

*** C - CURRENT OWNER ***
BENSON

ALVIN

1 - STAR RT.

2 -

3 -

City- MELBA

Phone -

1 - STAR RT.

2 -

3 -

City- MELBA

Phone -

State- ID Zip- 83641

State- ID Zip- 83641

BENSON

+ - - Priority Date - - + + - - Region - - - + + - - Stage - - - + + - - Status - - - +
09/26/1911 ✓ 14 L - LICENSE

+ - - - - Source - - - - + + - - - - Tributary - - - - - +
REYNOLDS CREEK ✓ SNAKE RIVER

+ - - - - Point of Diversion - - - - - +
Stream Index (Blank if no Index Code)

Twn Rng Sec Tract Lot Rflg County Stream Index (Blank if no Index Code)
01S 03W 10 SE SE ✓ (73) OWYHEE

+ - - - - Water Use - - - - - +
Diversion Rate Diversion Volume

Code Description Period From Period To Diversion Rate Diversion Volume
01 - IRRIGATION 03/15 11/15 ✓ 0.700 ✓
04 - STOCKWATER 01/01 12/31 ✓ 0.030 ✓ 1.40

+ - - Total Div. Rate - + + - Total Div. Volume - + + - Total Div. Capacity - + + - Total Consumptive Use - + + - KW Usage - +
0.700

+ - - - - Place of Use - - - - - +
Description County

Twn Rng Sec Tract Lot Acres Code Description County
01N 03W 36 SW SW 35.0 01 IRRIGATION (73) OWYHEE

Total Acres: 35.0

+ - - Diversion Means -

+ - - Non-Irrigation Use - S/100 RANGE.

+ - - Other Rights for Same Use - SOURCE(S) OUTSIDE BASIN.

+ - - - - Remarks - - - - - +
No Remarks found.

MICROFILMED
OCT 06 1992

MICROFILMED
OCT 06 1992

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

13:47:52
06/01/90

PAGE: 12
QUICKLOOK INFORMATION

CLAIM NUMBER: A57-02041

WR ELEMENT	FIELD EXAM Y/N	CORRESPONDENCE SENT/RECEIVED BY WHOM/DATE	FIELD EXAM BY WHOM/DATE	CHANGE CLAIM Y/N	VERIFIED BY CODE	COMPLETED REVIEW WHOM/DATE	COMPLETED DATA ENTRY WHOM/DATE	VERIFIED DATE WHOM/DATE
PRIORITY DATE								
POINT OF DIV	Y							
SOURCE								
PLACE OF USE	Y							
DIV. AMOUNT CFS/VOLUME	Y							
CONSUMPTIVE USE	-							
PURPOSES	Y							
PERIOD OF USE	Y							
BASIS OF CLAIM								
REMARKS								

"VERIFIED BY" CODES

TOPO MAP/ORTHO-PQ = 1
ASCS MAP = 2
WATERMASTER RECORDS = 3
NAPP PHOTOS = 4
FIELD EXAM = 5
OTHER (SEE REMARKS) = 6

THESE CODES ARE USED TO INDICATE HOW THE FIELD EXAMINER VERIFIED THE INFORMATION
USED FOR THIS FIELD EXAMINATION. INDICATED ARE ALL CODES WHICH APPLY.

MICROFILMED
OCT 06 1992

WATER RIGHT NUMBER 57-2041

FIRST NAME - ALVIN

FIRST NAME - THOMAS

DRIG C
ORIG 1

ADDRESS LINE 2 -

CITY - MELBA

STATE - ID ZIP CODE

TRIBUTARY OF - SNAKE RIVER

PRIORITY - 09-26-1911 COUNTY - CUMBER

WRITER DIST. - SFR DLE/DRREY ACT - RIGHT BRSL

STATUS -

TOTAL DIV. VOLUME -

0.00 AFR. TFR/AMEND -

REDIV -

USE DIV. RATE -

USE DIV. RATE -

USE DIV. RATE -

USE DIV. RATE -

USE DIV. RATE -

USE DIV. RATE -

USE DIV. RATE -

USE DIV. RATE -

USE DIV. RATE -

USE DIV. RATE -

USE DIV. RATE -

USE DIV. RATE -

USE DIV. RATE -

USE DIV. RATE -

USE DIV. RATE -

USE DIV. RATE -

OWNER LAST NAME - BENSON

OWNER FIRST NAME - BENSON

ADDRESS LINE 1 - STR. RT.

ADDRESS LINE 3 -

SOURCE - REYNOLDS CREEK

STAGE -

TOTAL DIV. VOLUME -

DIVERSION POINT -

FROM - 03-15 TO - 11-15

FROM - 01-01 TO - 12-31

USE - IRRIGATION

DEGREE NAME -

REMARKS -

NON IRRIG USE - S/AND RANGE

OTHER RIGHTS FOR SAME USE - SOURCE(S) OUTSIDE BASIN

PROOF DUE -

PROOF MADE -

DIVERSION MEANS -

FLD EXAM -

COND. OF APPROVAL -

PROTESTED -

HEARING -

DATE -

DATE -

DATE -

DATE -

DATE -

DATE -

DATE -

DATE -

DATE -

DATE -

DATE -

DATE -

DATE -

MEMO TO: 57-2041 FROM: F.E.L. DATE: 8/7/80

THIS CLAIM WAS ORIGINALLY CLAIMED FOR 40 ACRES IN THE SW SW
SEC 36, BUT ORIGINALLY LICENSED FOR ONLY 35 ACRES IN THAT TRACT.
WE ARE, THEREFORE, RECOMMENDING THIS RIGHT FOR 35 ACRES & .7 CGS AS
LICENSED. MRSRS. ~~BABSON~~ MAY DESIRE TO CLAIM AN ADDITIONAL 4 ACRES
ON A B/U RT TO COVER THE DIFFERENCE FOR THE ADDITIONAL ACREAGE.

MICROFILMED

OCT 06 1992

552

IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF OWYHEE

IN THE MATTER OF THE GENERAL DETER-
MINATION OF RIGHTS TO THE USE OF
REYNOLDS CREEK
DRAINAGE BASIN.

**NOTICE OF CLAIM
TO A
WATER RIGHT**

57-2041	
I.D. No.	Map No.
\$ 10	14464
Fee Paid	Receipt No.

Notice is hereby given that Alvin Benson and Thomas Benson

(Name of Claimant)

Star Route, Melba, Idaho

83641

Telephone No. 495-2228

(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, or priority date of decreed, licensed or permit right) September 26, 1911, Benson v. Brandau, Willard Austin filing

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

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

Quantity 0.7 cfs Use irrigation and stock Period of Use From 2/15 To 11/30
(CFS, GPD, AF) (Domestic, irrigation, stock, etc.) (Mo., Day) (Mo., Day)
(Both dates inclusive)

Quantity .03 Use livestock Period of Use From 1/1 To 12/31
(CFS, GPD, AF) (Domestic, irrigation, stock, etc.) (Mo., Day) (Mo., Day)
(Both dates inclusive)

Quantity _____ Use _____ Period of Use From _____ To _____
(CFS, GPD, AF) (Domestic, irrigation, stock, etc.) (Mo., Day) (Mo., Day)
(Both dates inclusive)

Quantity _____ Use _____ Period of Use From _____ To _____
(CFS, GPD, AF) (Domestic, irrigation, stock, etc.) (Mo., Day) (Mo., Day)
(Both dates inclusive)

(4) 1.7 TOTAL QUANTITY CLAIMED.
(CFS, GPD, AF)

(5) A) Point of Diversion: Give location of point where water is diverted from its source SE NW SE NW %
Sec. 10, Twp. 1 South, Rge. 3 West, B.M., Owyhee County

Additional Points:

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.
diversion dam

(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	
18	3W	36											X						40
													(39)						39.35
													(35)						

Other rts: Source(s) outside basin.

Total no. of acres 40.39

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

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: Lower Reynolds

(8) Remarks Water Resource #57-2041 (This stated when combine with)
re shall provide no more than .0255/Ac

(9) Basis of claim (Check one) ☐ A) Right based on diversion and beneficial use.
☒ B) Right decreed by court, cite title of case. Benson v. Brandau

☒ C) Right based on application, permit, license, or previous statutory claim filed with the Idaho

E Department of Water Resources. Give No. LICENSE

Department of Water Resources

Western Regional Office

Be it known that the undersigned, after being duly sworn on oath, depose(s) and say(s) that all statements included herein are true and accurate to the best of (his, her, their) knowledge.

July 19, 1979

(Date)

State of Idaho

Organization

County of Lampa

ss.

Seal

Individual

(Signature of Claimant)

Organization

(Signature of Claimant)

(Signature of Authorized Agent)

On this 19th day of July, in the year 1979 before me

a notary public, personally appeared Alvin Benson and Thomas Benson

known to me to be the person(s) whose name(s) are subscribed to the above instrument, and acknowledged to me that they, or each of them,

executed the same.

8/7/80 9KN 10/10/79 Alvin Benson Thomas Benson

Calda - 11 Idaho

GIGRAY, MILLER, DOWNEN & WESTON

LAWYERS

DEARBORN BUILDING

9TH & DEARBORN STS.

POST OFFICE BOX 640

CALDWELL, IDAHO 83605

TELEPHONE 208-459-0091

WM. F. GIGRAY, JR.
DEAN E. MILLER
DONALD E. DOWNEN
GERALD L. WESTON

WM. F. GIGRAY, III
DEAN J. MILLER
R. SCOTT PASLEY

July 19, 1979

Department of Water Resources
92 South Cole Road
Broadbent Business Park
Boise, ID 83705

Gentlemen:

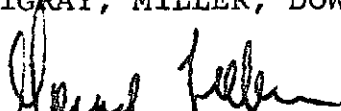
Enclosed herewith please find the following Notices
of Claim to a Water Right:

- ✓1. Calvin C. Johnston, Water Resource #57-0273
- ✗2. Alvin Benson, Jerry Benson and Thomas Benson, Water Resource #57-0275
- ✓3. Jerry L. Benson and Sandra J. Benson Water Resource #57-0272
- ✓4. Winston Goering and Margaret Goering Water Resource #57-0274
- ✓5. Alvin Benson and Thomas Benson Water Resource #57-0271
- ✓6. Alvin Benson and Thomas Benson Water Resource #57-0241

Also enclosed herewith please find Benson Farms, Inc.
check in the amount of \$60.00 in payment of the filing fees.

Yours very truly,

GIGRAY, MILLER, DOWNEN & WESTON


Gerald L. Weston

GLW:cm
Enclosures

RECEIVED
MICROFILMED

OCT 06 1992
Department of Water Resources
Western Regional Office

IN THE DISTRICT COURT OF THE _____ JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF _____

IN THE MATTER OF THE GENERAL DETER-
MINATION OF RIGHTS TO THE USE OF _____
REYNOLDS CREEK
DRAINAGE BASIN.

**NOTICE OF CLAIM
TO A
WATER RIGHT**

57-2041	
I.D. No.	Map No.
\$	
Fee Paid	Receipt No.

Notice is hereby given that Alvin Benson and Thomas Benson

(Name of Claimant)

Star Route, Melba, Idaho

83641

Telephone No. 495-2228

(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, or priority date of decreed, licensed or permit right) September 26, 1911, Benson v. Brandau, Willard Austin filing
- (2) Describe the source of water: (Name of stream, lake, spring, etc., or ground water) Reynolds Creek
tributary to _____
- (3) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:
Quantity 0.7 cfs Use irrigation and stock Period of Use From 2/15 To 11/30
(CFS, GPD, AF) (Domestic, irrigation, stock, etc.) (Mo., Day) (Mo., Day)
(Both dates inclusive)
Quantity _____ Use _____ Period of Use From _____ To _____
(CFS, GPD, AF) (Domestic, irrigation, stock, etc.) (Mo., Day) (Mo., Day)
(Both dates inclusive)
Quantity _____ Use _____ Period of Use From _____ To _____
(CFS, GPD, AF) (Domestic, irrigation, stock, etc.) (Mo., Day) (Mo., Day)
(Both dates inclusive)
Quantity _____ Use _____ Period of Use From _____ To _____
(CFS, GPD, AF) (Domestic, irrigation, stock, etc.) (Mo., Day) (Mo., Day)
(Both dates inclusive)
- (4) _____ TOTAL QUANTITY CLAIMED.
(CFS, GPD, AF)
- (5) A) Point of Diversion: Give location of point where water is diverted from its source NW $\frac{1}{4}$ NW $\frac{1}{4}$
Sec. 10, Twp. 1 South, Rge. 3 West, B.M., Owyhee County
Additional Points: _____
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. diversion dam
- (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 $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTAL
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
1A	3W	36											X ^{3.5}						40

Total no. of acres 40

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

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: Lower Reynolds

(8) Remarks Water Resource #57-2041

RECEIVED

JUL 20 1979

☐ A) Right based on diversion and beneficial use.

☒ B) Right decreed by court, cite title of case. Benson v. Brandau

☐ C) Right based on application, permit, license, or previous statutory claim filed with the Idaho
Department of Water Resources. Give No. 47-1041

Department of Water Resources

Western Regional Office

Be it known that the undersigned, after being duly sworn on oath, depose(s) and say(s) that all statements included herein are true and accurate to the best of (his, her, their) knowledge.

July 19, 1979

(Date)

State of Idaho

Organization _____

County of Campana

ss.

Seal

Individual

Alvin B. Benson
(Signature of Claimant)

Thomas C. Benson
(Signature of Spouse)

Organization

(Signature of Authorized Agent)

On this 19th day of July, in the year 1979 before me
a notary public, personally appeared Alvin Benson and Thomas Benson

known to me to be the person(s) whose name(s) are subscribed to the above instrument, and acknowledged to me that (he, she, they, corporation,
partnership, or _____) executed the same.

My commission expires _____

Notary Public residing at Calhoun, Idaho

County: Owyhee
Stream: Reynolds Creek.
Amount: 35/50 of 1 Sec.ft.
Use: Irrigation.
Priority: 9/26/11

STATE OF IDAHO

Water License No. 7798

WHEREAS, On the 26th day of September, A. D. 1911, WILLARD H. AUSTIN,

of Wilson, County of Owyhee, State of Idaho, duly made application (No. 11416) to me for a permit to use 8/10 of 1 cubic foot per second of the waters of REYNOLDS CREEK,

County of Owyhee, State of Idaho, for irrigation and domestic purposes, and,

WHEREAS, On the 4th day of November, A. D. 1911, Permit No. 7798 was issued to said applicant for the diversion of said water and providing for the completion of the works of diversion therein described on or before the 4th day of November, A. D. 1912, and for the application to beneficial use of said water on or before the 4th day of November, A. D. 1913, and,

WHEREAS, On the 4th day of November, A. D. 1912, WILLARD H. AUSTIN,

the holder of said permit, duly made proof of the completion of adequate works for the diversion of 8/10 of 1 cubic foot per second of said waters, as evidenced by my Certificate No. 7798 dated October 25, 1913, confirming the completion of works of sufficient capacity for diverting and conveying to the place of intended use 8/10 of 1 cubic foot per second of said water, with date of priority of September 26, 1911, and

WHEREAS, On the 4th day of November, A. D. 1912, WILLARD H. AUSTIN,

the holder of said permit, duly made proof of the application to beneficial use of 35/50 of 1 cubic foot per second of said water:

NOW, THEREFORE, By virtue of authority vested in me by the laws of the State of Idaho, I hereby grant and confirm to WILLARD H. AUSTIN,

of Wilson, County of Owyhee, State of Idaho, the holder and owner of said Permit No. 7798, a perpetual right, dating from September 26, 1911, to the use of 35/50 of 1 cubic foot per second of the waters of Reynolds Creek,

in the County of Owyhee and State of Idaho, or so much thereof as may be necessary for the purposes hereinbelow mentioned, to be diverted at a point in the NW $\frac{1}{4}$ of NW $\frac{1}{4}$ Sec. 10, T. 1 S., R. 3 W. B. M.,

and conducted to and upon 35 acres in the SW $\frac{1}{4}$ of SW $\frac{1}{4}$ Sec. 36, T. 1 N., R. 3 W. B. M.,

for the purpose of irrigation and domestic use, subject, however, to the laws of the State of Idaho, applicable to a license for the use of the waters of the State, and subject, also, to the local or community customs, rules and regulations which have been or may be adopted from time to time by a majority of the users from a common source of supply, canal or lateral from which such water may be taken, when such rules and regulations have for their object the economical use of such water.

WITNESS, My hand and the seal of my office at Boise, Idaho, this 25th day of October, A. D., nineteen hundred and thirteen.

F. P. King,

(Seal)

State Engineer.

57, 2041

MICROFILMED
OCT 06 1992

HOW YOU WILL RECEIVE NOTICES IN THE SNAKE RIVER BASIN ADJUDICATION

All documents filed in the Snake River Basin Adjudication other than notices of claims are filed with the court. Notices of claims to water rights filed in the Snake River Basin Adjudication are filed with the Idaho Department of Water Resources. Copies of all documents filed in the Snake River Basin Adjudication will not be mailed to all parties (claimants) in the adjudication.

By order of the court, any document filed with the court will be mailed only to those parties who may be directly affected by it. A monthly docket sheet will be prepared by the department which contains a summary of all documents filed with the court in the previous month and the dates and locations of hearings scheduled for the following three months. The docket sheet will be filed with the district court clerk in each county within the Snake River Basin in Idaho. Copies of the docket sheet may be obtained from any of the offices of the department either in person or by mail; a small fee will be charged to cover the cost of mailing and/or copying. If you wish to receive a copy of the docket sheet each month, you should mark the appropriate place on your notice of claim form. You will be charged a small annual subscription fee to cover the cost of copying and mailing. Copies of any document listed on the docket sheet may be obtained from any of the offices of the department either in person or by mail; a small fee will be charged to cover the cost of mailing and/or copying.

Copies of all notices of claims filed with the department will be available for inspection from all offices of the department. Copies of the notices of claims may be obtained in person or by mail, but you will be charged for the cost of copying and mailing. (A claimant will not be charged for a copy of his or her own notice of claim, and a person who acquires property with water rights for which a notice of claim was filed will not be charged for a copy of the notice of claim filed by the previous owner.)

After the notices of claims have been reviewed, the director will prepare and file a report with the court. Part 1 of the report will contain the director's recommendations as to each water right claimed under state law. Part 2 of the report will list each federal reserved water right claimed. A number of reports will be prepared, one or more for each sub-basin in the Snake River Basin. When the report for your sub-basin is filed with the court, you will be mailed a notice informing you that the report for your sub-basin has been filed. The notice will be sent to the most recent address shown by the department's files. Attached to the notice will be a copy of those portions of the report describing the water rights you have claimed. If you do not agree with the way your water right is described, you may file an objection to the report with the court. You can also file an objection if you disagree with the way other claimant's water rights are described, and the notice will tell you where a copy of the full report is available for inspection. The notice will tell you when and where to file your objection. The notice of filing for each sub-basin report will also be published state-wide in local newspapers.

5000 20 130

(acre feet)

For _____ purposes from _____ to _____ amount _____ or _____

8. Total consumptive use claimed is _____ acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) 5/100/dairy

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

[illegible]

Total number of acres irrigated 35

12. Do you own the property listed above as place of use? Yes ✓ No
If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above. or None ()

14. Remarks:

MICROFILMED
OCT 06 1992

Copies: White -State, Yellow-Claimant

It is very important that you inform the department in writing of any change in your address. This is to make sure that you receive the notices affecting your water rights that are to be mailed by the department.

If you are acquiring property with water rights in the Snake River Basin water system in Idaho (either by purchase, gift, inheritance, or other means), it is very important that you inquire of the department whether a notice of claim has been filed. If not, you must file a notice of claim or the water right may be declared by the court to no longer exist. If a notice of claim has been filed, it is very important that you file a written notice of change in ownership with the department. The notice of change in ownership must be accompanied by some evidence of the change in ownership, such as a copy of the deed or a property tax statement showing the name of the new owner. Again, this is to make sure that you receive the notices affecting your water rights that are to be mailed by the department.

The cost of the subscription to the docket sheet is \$7.50 for calendar year 1988. The cost of the subscription may increase a small amount for calendar year 1989 if the cost of copying and/or mailing should increase.

If you are planning to file a motion or other pleading (not a notice of claim) with the court (not IDWR), the court has issued an order setting a special procedure that is different from the usual civil rules. A copy of the order may be obtained from any office of IDWR; you may be charged for the cost of mailing and/or copying.

Map of Project: show clearly the point of diversion, place of use, section number, township, and range number.

Scale: 2 inches equals 1 mile

[illegible]

15. Basis of Claim (check one) Beneficial Use _____ Posted Notice _____ License _____ Permit _____

Decree ✓

If applicable provide IDWR Water Right Number A57-02041

Court 3rd Case Number 3456 Decree Date _____

Plaintiff vs Defendant R. Kenneth Dunn v. Harry Adams et al.

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 Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

✓ Signature of Claimant (s) Thomas E. Benson

Date Nov. 14, 1988

Date _____

For Organizations: I do solemnly swear or affirm that I am _____

Title

of _____, that I have signed the foregoing

Organization

document in the space below as _____ of _____

Title

Organization

and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent _____

Title and Organization _____ Date _____

State of Idaho/or Idaho)

County of Canyon) SS.

Subscribed and sworn (or affirmed) before me this 14 day of November 19 88

SEAL

Notary Public John H. Meyer

Residing at 15470 Homedale Rd.

My Commission Expires SEPT 21, 1994

Please Print Name

17. Notice of Appearance:

Notice is hereby given that I, _____ will be acting as attorney at law on behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature _____

Address _____

Date _____

MICROFILMED
OCT 06 1992

Last Name Benson Ident. Number A57-02041

Copies White-State, Yellow-Claimant

12/22/1988

SRBA CLAIMS RECEIVING CHECKLIST

CLAIMANT'S NAME BENSON

CLAIM IDENT. NO. AS7-02041

DATE RECEIVED 11-15-89 CK # 5470 AMOUNT \$ 362.00

- | | YES | NO | Required Info? |
|--|--|--------------------------|----------------|
| 1. Is the name and address complete with zip code? | ☒ | ☐ | * |
| 2. Is a priority date entered? | ☒ | ☐ | * |
| Is the priority date acceptable in view of mandatory filing dates? | ☒ | ☐ | * |
| 3. (a) Is a source entered? | ☒ | ☐ | * |
| (b) Is a tributary to entered? (if required) | ☒ N/A | ☐ | |
| 4. Is the legal description of the p.d. sufficient? | ☒ | ☐ | * |
| 5. Is there a description of the diverting works? | ☒ | ☐ | |
| 6. Are the water uses appropriate for the form? The short form is limited to domestic and stockwater uses with direct diversion. All claims that include storage or instream stockwater must use long form. | ☒ | ☐ | |
| Is the period of use included? | ☒ | ☐ | |
| Is a quantity claimed for each use? | ☒ | ☐ | * |
| 7. Is a total quantity claimed entered? | ☒ | ☐ | |
| 8. If required is a consumptive use entered? | ☒ N/A | ☐ | |
| Is the consumptive use correct? | ☒ N/A | ☐ | |
| 9. Are the non-irrigation uses listed properly? If this claim is on the short form, and more than one domestic use is listed, single ownership must be stated. If not under single ownership, see Adjudication Memo # 4. | ☒ N/A | ☐ | * |
| 10. Is (are) the place(s) of use and purpose(s) indicated? | ☒ | ☐ | * |
| 11. Is (are) the county(ies) entered? | ☒ | ☐ | |
| 12. Is the ownership of p.u. checked? | ☒ | ☐ | |
| 13. Are other water rights listed or "none" indicated? | ☒ | ☐ | |
| 14. If required, are remarks correct? (If the claimant does not own the place of use, authority for filing the claim must be explained in the remarks.) | ☒ N/A | ☐ | |
| 15. Is the basis of the claim indicated? | ☒ | ☐ | |
| 16. Has the claimant requested a monthly docket sheet? (If yes, describe payment status in "Comments" below.) | ☒ | ☐ | |
| 17. Is the claim signed by the claimant, and is the signature appropriate? | ☒ | ☐ | * |
| 18. Has the claim been signed, sealed, and dated by a notary? | ☒ | ☐ | * |
| 19. Was this claim filed on time, or was an extension granted? | ☒ | ☐ | * |
| 20. Is the fee enclosed correct? | ☒ Exempt | ☐ | * |
| 21. If this claim is based on an existing water right, has the identification number been entered? | ☒ N/A | ☐ | |
| 22. Should this claim be receipted and data entered? | ☒ | ☐ | |

Claim checked by: VERIFIED RDH Date: 1-19-89

Claim must be returned to claimant: ☐ (Yes) ☒ (No)

Claimant must be sent a copy of amended claim for approval: ☐ (Yes)

Receipt Prepared by: _____

Date: _____

Claim data entered by: _____

Date: _____

Sent to claimant by: _____

Date: _____

Checked by: _____

Date: _____

Comments: DIFFERENT POINT OF DIVERSION, ADD Stockwater (WASN'T LISTED ON DEGREE)

\$ 50.00 ABEL 185000 REYNOLDS IRRIG. DIST.

REYNOLDS IRRIG. DIST.

MICROFILMED

OCT 06 1992