

APR 22 2002



State of Idaho

DEPARTMENT OF WATER RESOURCES

Department of Water Resources

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

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

April 9, 2002

DIRK KEMPTHORNE
GOVERNORKARL J. DREHER
DIRECTOR

BEN CAVANESS
LINDA CAVANESS
2761 MOONLIGHT LN
AMERICAN FALLS ID 83211-5432

4-23-02

SRBA Court already
had new address via NCAP 5-7-01,
but data base wasn't updated.

Re: Snake River Basin Adjudication (SRBA)

Water Rights #35-7492, 35-7991A, 35-7991B, 35-12790, 35-8227,
35-8605E, 35-8605F, 35-8630, 35-8844C, 35-8844D

Dear Water Right Holders:

I have had no response to my letter of February 21, 2002, so am writing you again. Even though the SRBA Court has your current address, IDWR does not. 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 April 24, 2002. 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 call this office toll-free at 1-800/451-4129 to obtain a form to make this required change to the water right record.

Sincerely,

Sally Sherman
Sally Sherman
Technical Records Specialist
Adjudication Bureau

SS:region

#####

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

Ben Cavaness

Claimant Signature

(208) 226-5281

Telephone No.

SCANNED
APR 22 2002

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

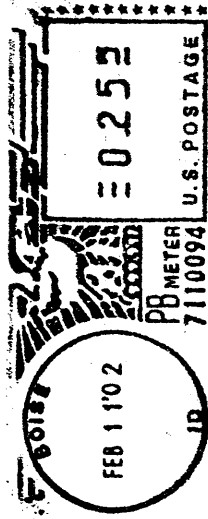
Return Service Requested

RECEIVED
FEB 19 2002

Department of Water Resources

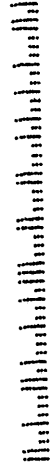
rec
35-7492
✓ - 7991A+B
✓ - 12790
WR5
35-8227
✓ - 8605E+F
✓ - 8630
✓ - 8844C+D

PRESORTED
FIRST CLASS



BEN CAVANESS

CAVA895* 032112007 1001 04 02/15/02
RETURN TO SENDER
CAVANESS
2761 MOONLIGHT LN
AMERICAN FALLS ID 03211-5432
RETURN TO SENDER



ALMS #372000032



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, Idaho 83402-1718 - (208) 525-7161- Fax (208) 525-7177

EASTERN REGION

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

May 3, 2001

BEN CAVANESS
2761 MOONLIGHT LN
AMERICAN FALLS ID 83211-5432

RE: Notice of Change of Address for 35-7492, 35-7688, 35-7991A,
35-7991B, 35-12790, 35-12791 and Notice of Completed
Administrative Proceeding (NCAP)

Dear Mr. Cavaness:

On May 2, 2001, the Idaho Department of Water Resources (IDWR) received a change of address for the above referenced water right(s). Based on this change, IDWR water right records for the Snake River Basin Adjudication (SRBA) have been updated.

Furthermore, as directed by the SRBA Court, this office mailed a copy of the updated water right record(s) to each party listed on the enclosed NCAP. The intent of this mailing is to ensure each party has a current record of water right(s) as recorded in the SRBA.

Please feel free to contact me if you have any questions concerning this matter.

Respectfully,


Jennifer Crabtree
Technical Records Specialist

Enclosure

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 Rights: 35-7492, 35-7668,
35-7991A, 35-7991B, 35-12790,
35-12791

Case No. 39576

)

)

**NOTICE OF COMPLETED
ADMINISTRATIVE
PROCEEDING**

IDWR has completed the following Administrative proceeding:

☒ Address change

☐ Substitution of Party

☐ I.C. § 42-222 transfer

☐ point of diversion

☐ place of use

☐ period of use

☐ nature of use

☐ split of water right

☐ change in ownership

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 Reports* for said water rights. 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: May 3, 2001

Ernest Carlson

Signature of IDWR Representative

CERTIFICATE OF MAILING

I certify that on May 4, 2001, I mailed the original and copies of this form to the following persons, postage prepaid and addressed as follows:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
PO Box 2707
Twin Falls ID 83303-2707

2. One copy to:

Claimant/Seller for Substitution of Party or attorney of record:
BEN CAVANESS
2761 MOONLIGHT LN
AMERICAN FALLS ID 83211

3. One copy to:

Claimant/Purchaser for Substitution of Party, or attorney of record:
N/A

4. One copy to:

Each party in the subcase, or attorney of record

JEFFREY C FEREDAY

JOHN ROSHOLT

GIVENS PURSLEY LAW OFFICE

ROSHOLT ROBERTSON & TUCKER

PO BOX 2720

PO BOX 1906

BOISE ID 83701-2720

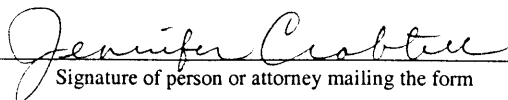
TWIN FALLS ID 83303-1906

5. One copy each to:

Chief Natural Resources Division
Office of the Attorney General
PO Box 44449
Boise ID 83711-4449

6. One Copy to:

United States Dept of Justice
Environment & Natural Resource Div
550 West Fort Street MSC 033
Boise ID 83724


Signature of person or attorney mailing the form

CHANGE IN ADDRESS

This form is solely for purposes of notifying IDWR of a change in address of an adjudication claim.

[] Water Right Number(s): 35-7492 ^{✓ NCAP} 35-12790 ^{✓ NCAP}
35-07668 ^{✓ NCAP} 35-07991 ^{✓ A - NCAP}
35-12791 ^{✓ NCAP} ~~35-7492~~ ^{✓ B - NCAP}

[] Old Mailing Address: 895 FILLMORE
AM. FALLS, ID 83211

[] New Mailing Address: 2761 Moonlight Lane
AMERICAN FALLS, ID 83211

[] Telephone Number: (208) 226-5201

[] Signature of Claimant: Ben Saveman

[] Date: 12-29-2000

FOR IDWR USE ONLY:

Initial Review and Data-Entry

Date: By:

Further Action Needed:

Further Action Taken

Date: By:

Final Review and Data-Entry

Date: By:

Handed: Please make
sure all my address
changes have been made

Thanks

Ben

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 Rights: 35-7668,
35-7991 split into A & B

Case No. 39576

)

)

NOTICE OF COMPLETED
ADMINISTRATIVE
PROCEEDING

IDWR has completed the following Administrative proceeding:

☐ Address change

☐ Substitution of Party

☒ I.C. § 42-222 transfer **5562**

☒ point of diversion ☒ place of use

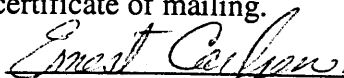
☐ period of use ☐ nature of use

☒ split of water right ☐ change in ownership

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 Reports* for said water rights. 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: 8 Dec 2000

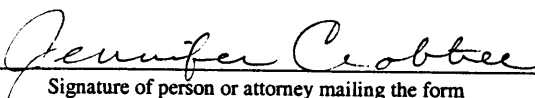


Signature of IDWR Representative

CERTIFICATE OF MAILING

I certify that on 12-8, 2000, I mailed the original and copies of this form to the following persons, postage prepaid and addressed as follows:

1. Original to:
Clerk of the District Court
Snake River Basin Adjudication
PO Box 2707
Twin Falls ID 83303-2707
2. One copy to:
Claimant/Seller for Substitution of Party or attorney of record:
BEN CAVANESS
895 FILMORE
AMERICAN FALLS ID 83211
3. One copy to:
Claimant/Purchaser for Substitution of Party, or attorney of record:
N/A
4. One copy to:
Each party in the subcase, or attorney of record
JOHN ROSHOLT
ROSHOLT ROBERTSON & TUCKER
PO BOX 1906
TWIN FALLS ID 83303-1906
5. One copy each to:
Chief Natural Resources Division
Office of the Attorney General
PO Box 44449
Boise ID 83711-4449
6. One Copy to:
United States Dept of Justice
Environment & Natural Resource Div
550 West Fort Street MSC 033
Boise ID 83724



Signature of person or attorney mailing the form

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

TRANSFER NO. 5562
WATER RIGHT NO. 35-07991B

RECEIVED

MAR 13 2000

Department of Water Resources
Eastern Region

This is to certify that: BEN CAVANESS
895 FILLMORE
AMERICAN FALLS ID 83211

has requested a change to the above captioned water right(s). This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code, provided the conditions listed below are met.

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	04/01 to 11/01	0.41 CFS	* 108.0 AF

SOURCE

GROUNDWATER

Priority: 07/02/1981

LOCATION OF POINT(S) OF DIVERSION:

SESW , Sec. 15, Township 09S, Range 28E
POWER County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
09S	28E	15	NESW 16.0	NWSW 16.0	SWSW 40.0	
			SESW 40.0	SWSE 5.7		117.7
		22	NWNE 0.3	NENW 19.0	NWNW 17.0	36.3
Total number of acres irrigated:						* 154.0 **

CONDITIONS OF APPROVAL AND REMARKS

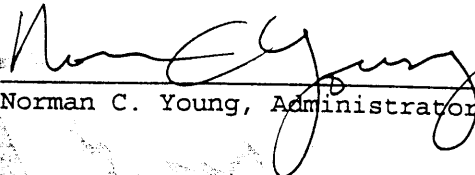
1. This right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.
2. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.
3. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
4. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

TRANSFER NO. 5562
WATER RIGHT NO. 35-07991B

CONDITIONS OF APPROVAL AND REMARKS

5. Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.
- ** 6. Right 35-07991B is limited to the irrigation of 27.0 acres in the place of use described above in a single irrigation season.
- * 7. Rights 35-07991B and 35-07668 when combined shall not exceed a total annual maximum diversion volume of 616.0 af at the field headgate and the irrigation of 154.0 acres.
8. All water rights within Basin 35 are from connected sources of water in the Snake River Basin and shall be administered conjunctively.

Dated this 8th day of March, 2000.


Norman C. Young, Administrator



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, Idaho 83402-1718 - (208) 525-7161- Fax (208) 525-7177

EASTERN REGION

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

December 8, 2000

BEN CAVANESS
895 FILMORE
AMERICAN FALLS ID 83211

RE: Transfer #5562 (water right 35-7668 & 35-7991) and Notice of Completed Administrative Proceeding (NCAP)

Dear Mr. Cavaness:

On March 8, 2000, the Idaho Department of Water Resources (IDWR) approved Transfer #5562, modifying a portion of the above referenced water right(s). Based on this transfer, IDWR water right records for the Snake River Basin Adjudication (SRBA) have been updated with new water right numbers reflecting the division of the water right.

Furthermore, as directed by the SRBA Court, this office mailed a copy of the updated water right record(s) to each party listed on the enclosed NCAP. The intent of this mailing is to ensure each party has a current record of the water right(s) as recorded in the SRBA.

Please feel free to contact me if you have any questions concerning this matter.

Respectfully,

Jennifer Crabtree
Technical Records Specialist

Mr. Ernie Carlsen
Idaho Dept. of Water Res.
990 N. Skyline Dr. Suite A
Idaho Falls, ID 83402-1718

Re: Water Rights 35-07991 A and B

Dear Ernie:

Candice has requested that I respond directly to you in the above matter. Enclosed is a photo copy of the assessors map of the subject property to which the objection was made. Since this property was patented as a mining claim before the USGS survey the real property north of the mining claim boundary was listed in the survey as Government Lots numbered one and two. In the past the pivot irrigation system watered several acres of land in Lots one and two. The end gun has been turned off and we are not farming any ground in said Lots 1 and 2 that we are aware of. Mr. Dubois is concerned that the records reflect that we have no interest in property lying to the North of the SW1/4 of said section 15.

My recommendation would be that, based on the recommendation of the Power County Assessor, that the first paragraph on the place of use be revised to reflect the following:

“That the use of water within Section 15 in Township 9 South, Range 28 EBM be limited to the South West ¼ of said Section 15 and shall not include any portion of Lots numbered one and two in the South ½ of the Northwest ¼ of said section 15.”

The existing language could be read to limit use in the South half of the NESW and NWSW which would reduce my water right from 154 acres to 114 acres, which is not what was intended.

It is my understanding that Candice will prepare a SSFS (?) on this proposal and forward it to all parties and that the Court has set a deadline of May 10, 2002 at 5:00 pm for the complete resolution of this matter.

If you have any problems or questions please give me a call.

Sincerely,

A handwritten signature in cursive script, appearing to read "Ben".

Ben Cavaness

cc: Candice, Jim, Spec. Master

STATE

320.00 Ac.*

15

U.S.A.
BLM

MINIDOKA NATIONAL
WILDLIFE REFUGE

MINIDOKA
NATIONAL WILDLIFE
REFUGE

20.00

20.00

160.00 Ac.*

STATE

T-8
(PARCEL 3B)

8-29

BEN CAVENESE ET-UX

(PA

16

15

6

21

22

5

34.60 *

T-8

(PARCEL 3B)

6

45.50 *

BEN CAVENESE

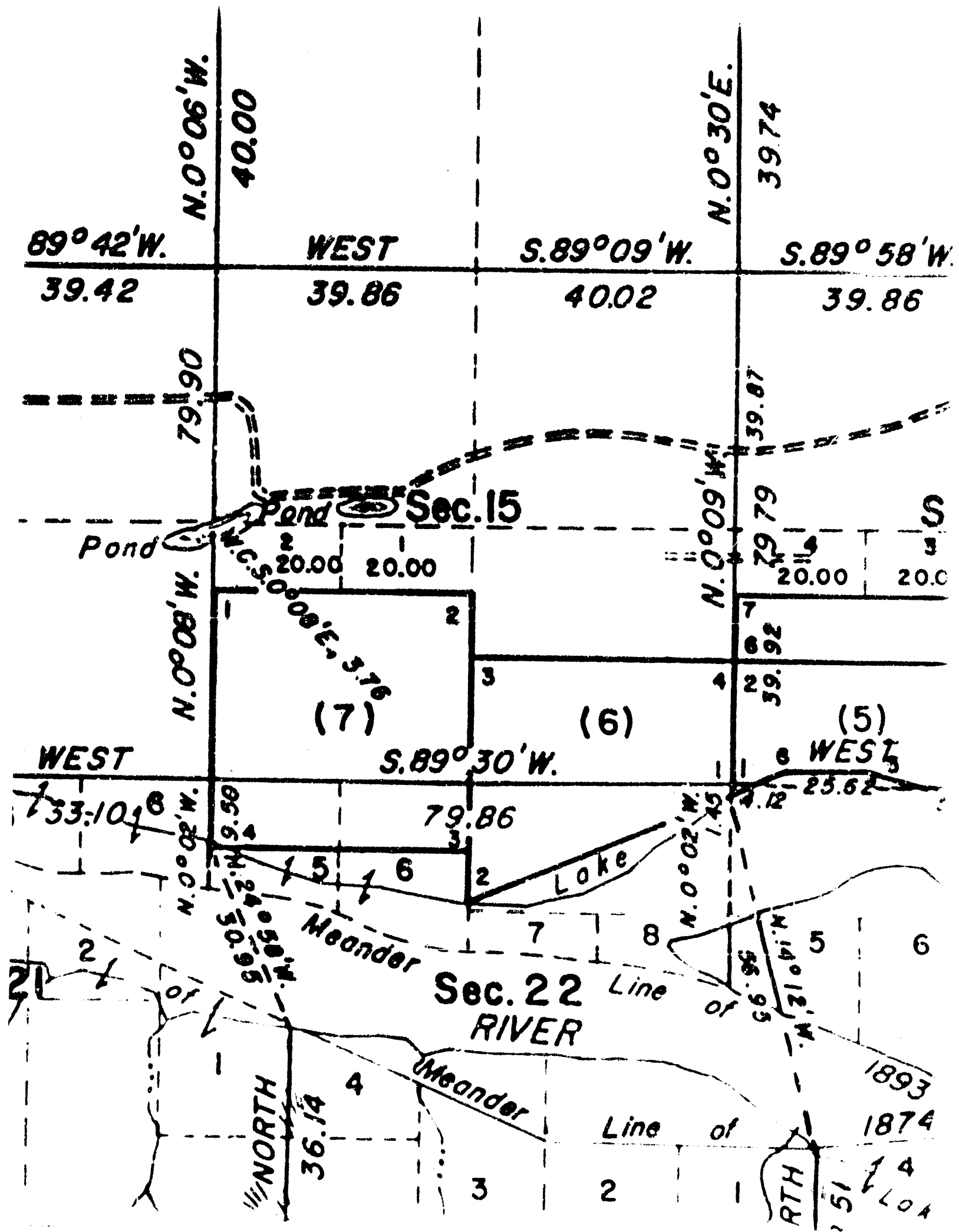
80.00 Ac

T-6

(PAR. 2B)

MINIDOKA NATIONAL
WILDLIFE REFUGE

11.30



MINERAL SURVEY NO 2643

BONANZA BAR GROUP

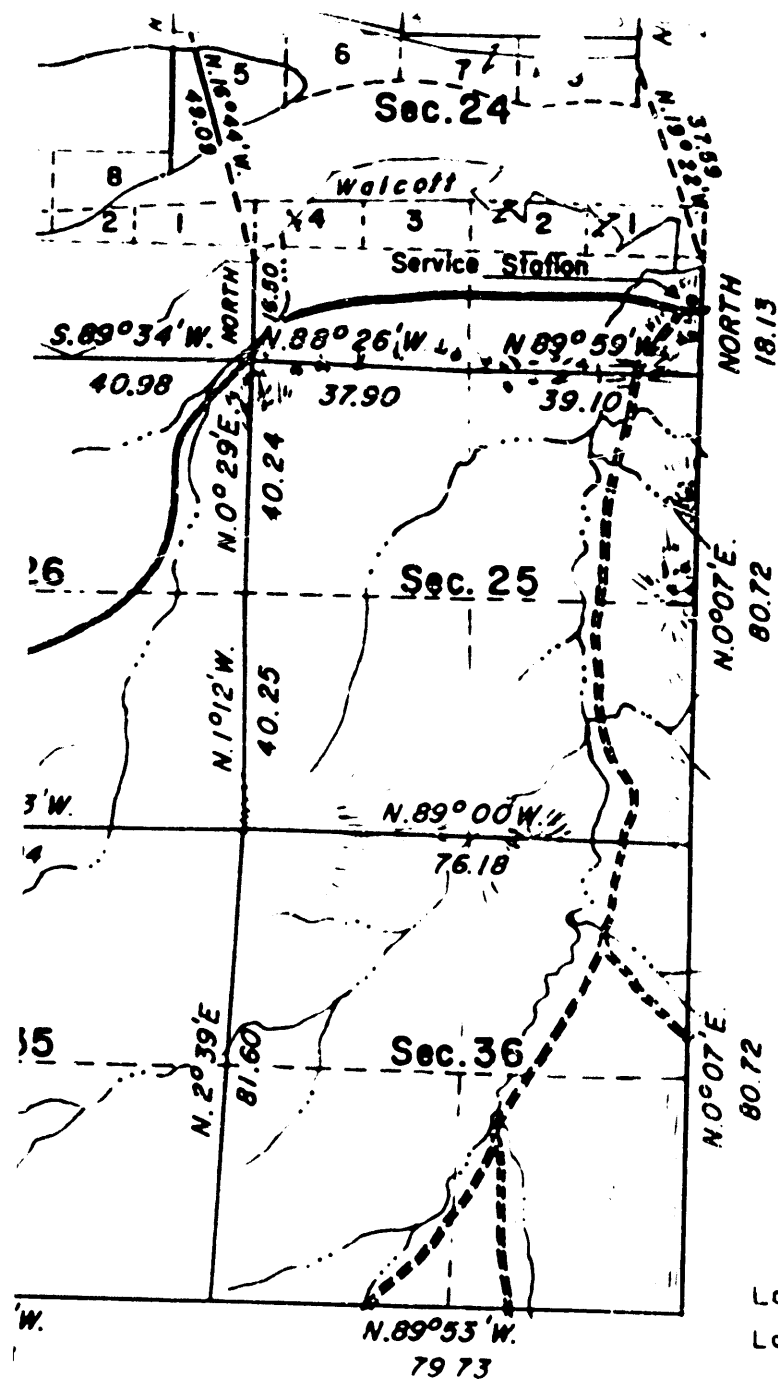
- (1) GOLD BAR PLACER**
- (2) GOLD CROWN PLACER**
- (3) GOLDEN LEAF PLACER**
- (4) GRASSHOPPER PLACER**
- (5) EXCELSIOR PLACER**
- (6) NORTH STAR PLACER**
- (7) RESCUE PLACER**

Portions of the east and west boundaries and the subdivisional lines south of the Snake River, the south boundary and meanders of the left bank of Snake River were surveyed by George W. Newman in 1874. Portions of the east and west boundaries and the subdivisional lines north of Snake River, the north boundary and meanders of the right bank of Snake River were surveyed by Frederick J. Mills and Frank Riblett

ary was de... resurveyed...
Carl S. Swanholm in 1915.

This plat represents a dependent resurvey of the east and west boundaries, the subdivisonal lines, and a portion of the north boundary designed to restore the corners in their original locations according to the best available evidence and a traverse of the flow line of Lake Walcott. Except as shown hereon, lottings and areas are as shown on plats approved November 7, 1874 and January 17, 1895.

Survey executed by Walter H. Good July 23, 1945 to June 21, 1946, under special instructions for Group 317, Idaho, dated March 20, 1945.



Latitude $42^{\circ}35'12''$ N
Longitude $113^{\circ}07'54''$ W

UNITED STATES DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
Washington, D. C. February 16, 1956

This plat is strictly conformable to the approved field notes, and the survey, having been correctly executed in accordance with the requirements of law and the regulations of this Bureau, is hereby accepted.

For the Director

Carl S. Harrington

Cadastral Engineering Staff Officer