

08/28/2004

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 79-7037

NAME AND ADDRESS: UNITED STATES OF AMERICA ACTING THROUGH
USDA FARM SERVICE AGENCY
9173 W BARNES STE B
BOISE ID 83709-1555

SOURCE: WHITE BIRD CREEK

TRIBUTARY: SALMON RIVER

QUANTITY: 1.340 CFS

USE OF THIS RIGHT WITH RIGHT NO. 79-10479 IS LIMITED TO A TOTAL
COMBINED DIVERSION RATE OF 1.76 CFS AND TO A TOTAL COMBINED
ANNUAL DIVERSION VOLUME OF 352 AF.

PRIORITY DATE: 01/10/1975

POINT OF DIVERSION:

T28N R02E S6 SESW Within IDAHO County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/15 09/15	1.340 CFS

THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS
EARLY AS MARCH 15 AND MAY CONTINUE TO AS LATE AS OCTOBER
31, PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED.
THE USE OF WATER BEFORE APRIL 15 AND AFTER SEPTEMBER 15
UNDER THIS REMARK IS SUBORDINATE TO ALL WATER RIGHTS HAVING
NO SUBORDINATED EARLY OR LATE IRRIGATION USE AND A PRIORITY
DATE EARLIER THAN THE DATE A PARTIAL DECREE IS ENTERED FOR
THIS RIGHT.

PLACE OF USE: IRRIGATION Within IDAHO County

T28N R01E S01	SENE	9.5	T28N R01E S01	NESE	25.0
T28N R01E S01	NWSE	0.5	T28N R01E S01	SWSE	6.3
T28N R01E S01	SESE	38.0	T28N R02E S06 Lot 6	NWSW	2.9
T28N R02E S06 Lot 7	SWSW	5.8			

88 ACRES TOTAL

USE OF THIS RIGHT WITH RIGHT NO. 79-10479 IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 88 ACRES IN A SINGLE IRRIGATION
SEASON.

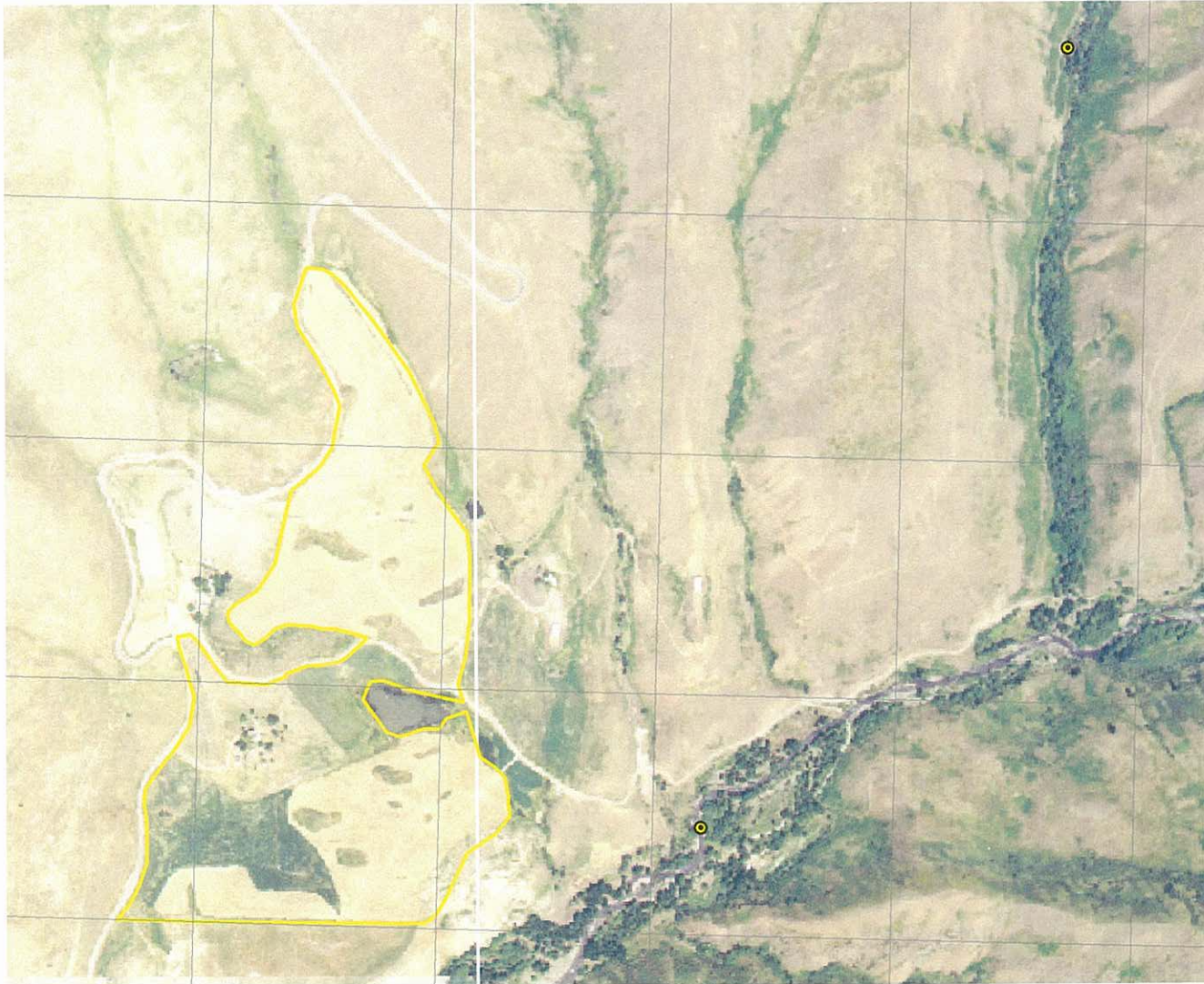
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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.

EXPLANATORY MATERIAL: License

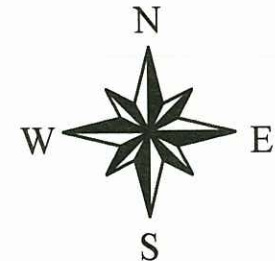
RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT
TO SECTION 42-1425, IDAHO CODE.

79-7037 & 79-10479



T28N R01E & R02E
Section(s) 1 & 6

● Point of Diversion
□ Place of Use



Map prepared by: Greg Taylor
Date Prepared: August 27, 2004
Photography: Aerial Photo
Idaho Department of Water Resources

0 800 1600 2400 3200 4000 Feet

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: **A79-07037**
Date Received: 3/23/1990
Receipt No: X111111
Received By: _____

**NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW**

1. Name: UNITED STATES OF AMERICA, ACTING THROUGH 208-334-1577
Address: USDA, FMHA
3232 ELDER ST.
BOISE ID 83705

2. Date of Priority: JAN 10, 1975

3. Source: WHITEBIRD CREEK Trib. to: SALMON RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
28N	02E	6	SE	SW			IDAHO

5. Description of diverting works:
CENTRIFUGAL PUMP W/MOTOR; SUCTION END IS DIRECT; SEE REMARKS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/15	09/15	1.340		

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

8. Total consumptive use is 352.0 Acre Feet Per Annum.

9. Non-irrigation uses:

MICROFILMED

AUG 08 1994

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
28N	01E	1	SE	NE		IRR	6.0
			NE	SE		IRR	16.0
			SW	SE		IRR	2.0
			SE	SE		IRR	20.0

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					Section Acres	44.0
	02E	6	SW	NW	IRR	2.0
			NW	SW	IRR	20.0
			SW	SW	IRR	22.0
					Section Acres	44.0
					Total Acres	88.0

11. Place of use in counties: IDAHO

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

13. Other Water Rights Used:
PERMIT 31652

14. Remarks:

5. CON'T: INTO WATER SOURCE DISTRIBUTION IS THRU 6 & 8" MAINLINE
W/ HAND MOVED LATERALS.

15. Basis of Claim: LICENSE

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: _____

MICROFILMED
AUG 08 1994

State of Idaho)
) SS.
County of _____)

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

Notary Public

Seal

Residing at _____

My Commission Expires _____

MICROFILMED

AUG 08 1994

DATA ENTRY BY

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: A79-07037
Date Received: 3/23/1990
Receipt No: X111111
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: UNITED STATES OF AMERICA, ACTING THROUGH 208-334-1577
Address: USDA, FMHA
3232 ELDER ST.
BOISE, ID 83705

2. Date of Priority: JAN 10, 1975

3. Source: WHITEBIRD CREEK Trib. to: SALMON RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
28N	02E	6	SE	SW			IDAHO

5. Description of diverting works:
CENTRIFUGAL PUMP W/MOTOR; SUCTION END IS DIRECT; SEE REMARKS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/15	09/15	1.340		

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

8. Total consumptive use is 352.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
28N	01E	1	SE	NE		IRR	6.0
			NE	SE		IRR	16.0
			SW	SE		IRR	2.0
			SE	SE		IRR	20.0

A79-07037

Page 1

Date: 06/19/90

MICROFILMED

AUG 08 1994

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					Section Acres	44.0
	02E	6	SW	NW	IRR	2.0
			NW	SW	IRR	20.0
			SW	SW	IRR	22.0
					Section Acres	44.0
					Total Acres	88.0

11. Place of use in counties: IDAHO

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

13. Other Water Rights Used:
PERMIT 31652

14. Remarks:
5. CON'T: INTO WATER SOURCE DISTRIBUTION IS THRU 6 & 8" MAINLINE
W/ HAND MOVED LATERALS.

15. Basis of Claim: LICENSE

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 _____

MICROFILMED

AUG 08 1994

NOV 8 1989

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 79-7037

Date Received _____

Receipt Number _____

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

ORIGINAL

Please type or print clearly

(USDA-Farmers Home Admin)

1. Name of Claimant (s) United States of America Phone (208) 334-1577Mailing Address State Director, FmHA, 3232 Elder St., Boise ID Zip 837052. Date of Priority (Only one (1) per claim) January 10, 19753. Source of water supply (a) Whitebird Creek
which is tributary to (b) The Salmon River4. a. Location of existing point of diversion is: Township 28N Range 2 E Section 6,
1/4 of SE 1/4 of SW 1/4, Govt. Lot, B.M., County of IdahoAdditional points of diversion if any: ---

b. If instream flow, beginning point of claimed instream flow is:

Township _____ Range _____ Section _____, 1/4 of 1/4 of 1/4,

Govt. Lot _____ B.M., County of _____

ending point is: Township _____ Range _____ Section _____, 1/4 of 1/4 of1/4, Govt. Lot B.M., County of5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well. ~~XXXXXX~~Centrifugal pump with motor. Suction end is direct into water source
distribution is through 6 and 8 inch mainline with hand moved laterals

MICROFILMED

AUG 08 1994

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For Irrigation purposes from 4-15 to 9-15 amount 1.34 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 1.34 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is 352 acre feet per annum.

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

10. Description of place of use:

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.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
28N	2E	6							2				20	22					44
28N	1E	1				6									16		2	20	44

Total number of acres irrigated 88

11. In which county (ies) are lands listed above as place of use located? Idaho

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

Permit 331652

or None ()

14. Remarks:

MICROFILMED

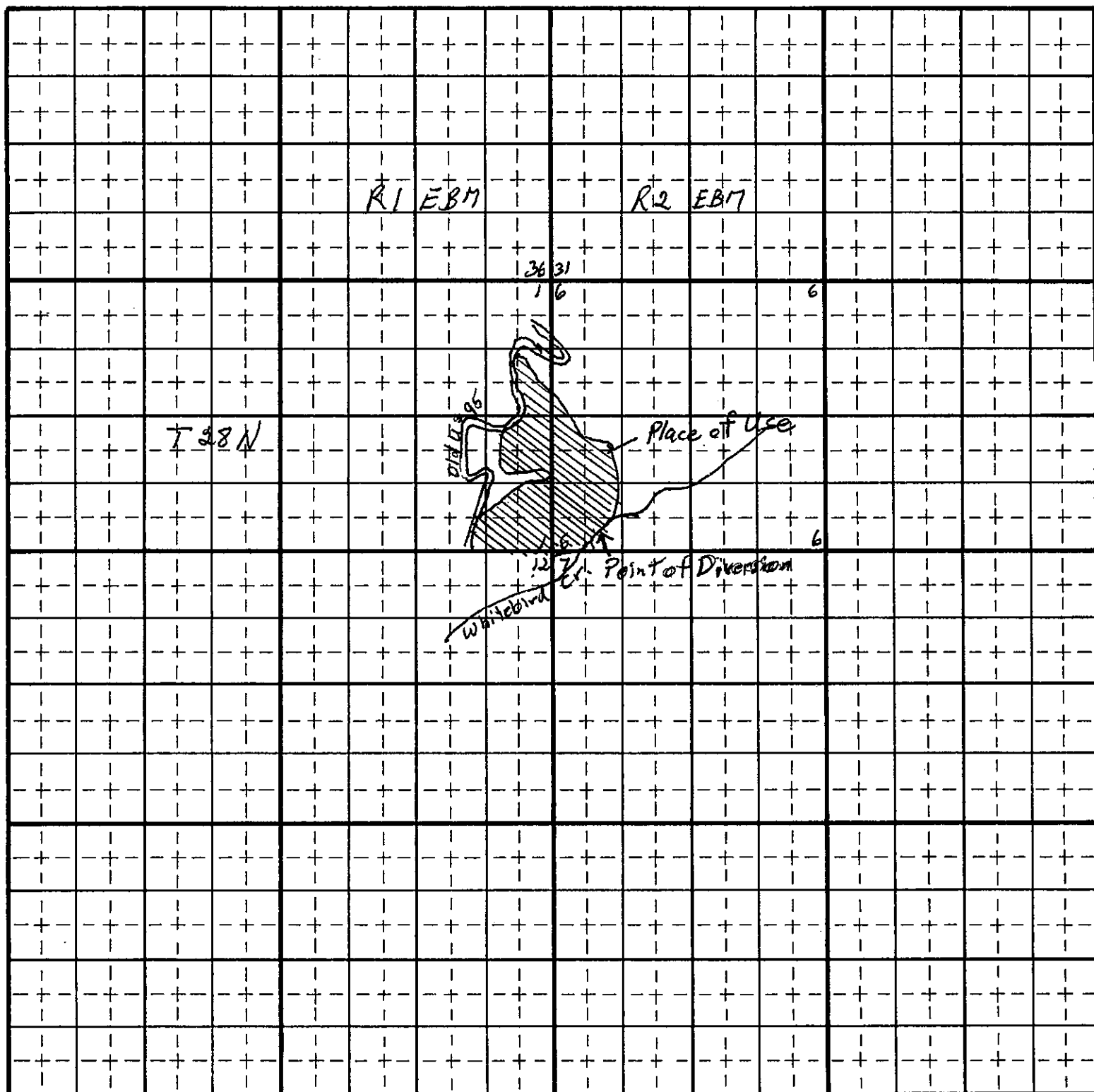
AUG 08 1994

Last Name USDA-FmHA Ident No. _____

Copies: White -State, Yellow-Claimant

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

Scale: 2 inches equals 1 mile



MICROFILMED

AUG 08 1994

Last NameUSDA FmHA

Ident No.

Copies: White-State, Yellow-Claimant

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

Decree _____

If applicable provide IDWR Water Right Number 79-7037

Court _____ Case Number _____ Decree Date _____

Plaintiff vs 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 do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant (s) _____ Date _____

_____ Date _____

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

Title

of USDA-Farmers Home Administration , that I have signed the foregoing
Organization

document in the space below as County Supervisor of Farmers Home Administration
Title Organization

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

Signature of Authorized Agent A Craig Scholtzman

Title and Organization County Supervisor, FmHA Date May 11, 1989

State of Idaho/xxxxxxxxxxxxxxxxxxxx

) SS.

County of Idaho)

Subscribed and sworn (or affirmed) before me this 11th day of May 19 89

SEAL

Notary Public Ernest M. Gullick

Residing at Grangeville, Idaho

My Commission Expires 12-20-91

Please Print Name

17. Notice of Appearance:

Notice is hereby given that I, Peter Monson 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 _____

Indian Resource Section
Land of Natural Resource Section
U.S. Department of Justice
P.O. Box 44378
Washington, D.C. 20026-4378

MICROFILMED

AUG 08 1994

Last Name USDA FmHA Ident. Number _____

Copies White-State, Yellow-Claimant

State of Idaho
Department of Water Resources

POOR ORIGINAL

WATER RIGHT LICENSE

License of Water Right No. 79-7037 Priority Jan. 10, 1975 Amount 1.34 cfs

THIS IS TO CERTIFY, that BENTZ BROS.
of Whitebird, Idaho, has complied with the terms and conditions of Permit
No. 79-7037 issued pursuant to Application for Permit dated January 10, 1975,
and has submitted proof to the Department of Water Resources on March 1, 1976,
that he has applied water to a beneficial use; an examination by the Department indicates that the works have a
capacity for the diversion of 1.34 cfs of water from Whitebird Creek,
tributary to the Salmon River, and that the permit holder has applied to a beneficial use and
established a right to use water as follows:

Beneficial Use	Period of Use	Rate of Diversion	Annual Volume
<u>Irrigation</u>	from <u>April 15</u> to <u>Sept. 15</u>	at <u>1.34</u> cfs and	<u>352 acre feet or</u> <u>4.0 af per acre</u>
	from _____ to _____	at _____ cfs and	
	from _____ to _____	at _____ cfs and	

(both dates inclusive)

Subject, however, to the condition that no more than 1.34 cfs of water be diverted at any one time, and
that the amount of water so diverted and to which such right is entitled and confirmed is for the purpose
aforementioned and is limited to the amount which can actually be beneficially used and shall not exceed
352 acre feet per year, said waters to be diverted within the SE 1/4 SW 1/4 of Sec. 6,
Twp. 28 N, Rge. 2 E, B.M. in the County of Idaho

Description and location of place of use:

Twp.	Range	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
28 N	2 E	6						2			20	22							44
28 N	1 E	1				6								16		2	20		44

Total number of acres irrigated 88

A measuring device of a type approved by this Department shall be permanently
maintained as part of the diverting works.

NOTE: Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho

Code, or the applicable Idaho Law. This right may be forfeited by five years of non-use.

The right to the use of the water hereby confirmed is restricted and appurtenant to the lands or place of use
herein described, as provided by the laws of Idaho.

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 22 day of
October, 19 76.

Director

State of Idaho

Department of Water Resources

POOR ORIGINAL

WATER RIGHT LICENSE

MAY 8 1975

License of Water Right No. 79-7040 Priority Jan. 29, 1975 Amount 0.022 cfsTHIS IS TO CERTIFY, that BENTZ BROS.

of Whitebird, Idaho, has complied with the terms and conditions of Permit No. 79-7040 issued pursuant to Application for Permit dated January 29, 1975, and has submitted proof to the Department of Water Resources on March 1, 1976, that he has applied water to a beneficial use; an examination by the Department indicates that the works have a capacity for the diversion of 0.022 cfs of water from a ground water source, tributary to _____, and that the permit holder has applied to a beneficial use and established a right to use water as follows:

Beneficial Use	Period of Use	Rate of Diversion	Annual Volume
<u>Domestic</u>	from <u>Jan. 1</u> to <u>Dec. 31</u>	at <u>0.022</u> cfs and	<u>2.4 acre feet</u>
	from _____ to _____	at _____ cfs and	
	from _____ to _____	at _____ cfs and	

(both dates inclusive)

Subject, however, to the condition that no more than 0.022 cfs of water be diverted at any one time, and that the amount of water so diverted and to which such right is entitled and confirmed is for the purpose aforementioned and is limited to the amount which can actually be beneficially used and shall not exceed 2.4 acre feet per year, said waters to be diverted within the NW 1/4 Sec. 1,
Twp. 28 N, Rge. 1 E, B.M. in the County of Idaho

Description and location of place of use:

Twp.	Range	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
28 N	1 E	1								(2 families)					X			X	

Total number of acres irrigated _____

MICROFILMED

AUG 08 1994

NOTE: Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho Law. This right may be forfeited by five years of non-use.

The right to the use of the water hereby confirmed is restricted and appurtenant to the lands or place of use herein described, as provided by the laws of Idaho.

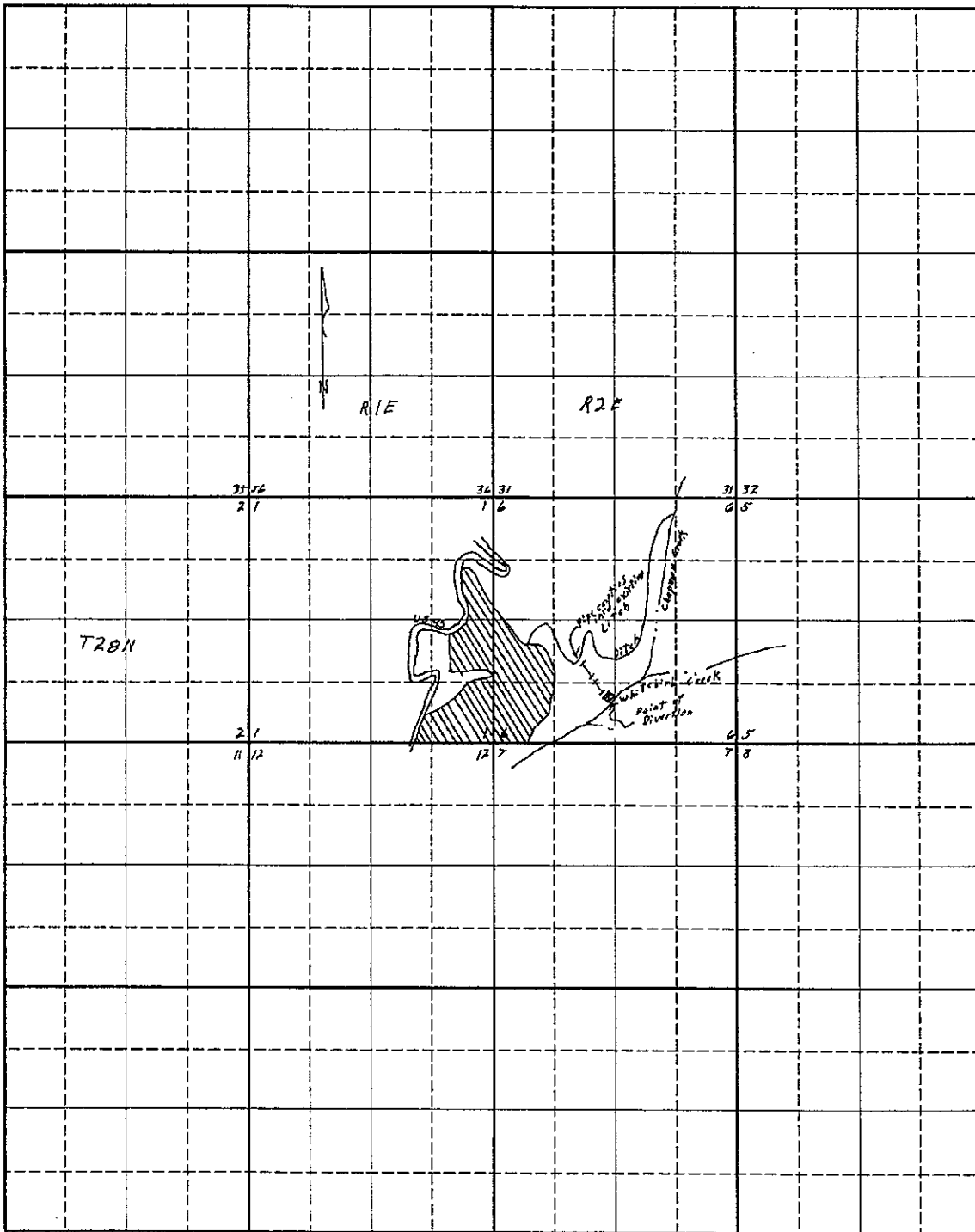
Witness the seal and signature of the Director, affixed at Boise, Idaho, this 10 day of June, 19 76.

No Claim Made for This

Director



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



Scale: 2 inches equal 1 mile

BE IT KNOWN that the undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.

Bentley Bros
of C. Bruce Bentley
 (Applicant)
Lorall A Bentley

F.E.

1976