

12/20/2004

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

RIGHT NUMBER: 79-7046

NAME AND ADDRESS: C BRUCE BENTZ  
PO BOX 102  
WHITE BIRD ID 83554

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.030 CFS  
1.200 AFY

PRIORITY DATE: 01/09/1976

POINT OF DIVERSION:

T28N R01E S22 SWSE Within IDAHO County

PURPOSE AND  
PERIOD OF USE:

PURPOSE OF USE  
DOMESTIC

PERIOD OF USE  
01/01 12/31

QUANTITY  
0.030 CFS  
1.20 AFY

PLACE OF USE: DOMESTIC Within IDAHO County  
T28N R01E S22 SWSE

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

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: A79-07046  
Date Received: 5/16/1988  
Receipt No: C000718  
Received By: DE JH

NOTICE OF CLAIM TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW

1. Name: C. BRUCE BENTZ 208-839-2397  
Address: P.O. BOX 102  
WHITEBIRD, ID 83554

2. Date of Priority: JAN 09, 1976

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

| Township | Range | Section | 1/4 of | 1/4 of | 1/4 | Lot | County |
|----------|-------|---------|--------|--------|-----|-----|--------|
| 28N      | 01E   | 22      | SW     | SE     |     |     | IDAHO  |

5. Description of diverting works:  
204' WELL W/PUMP AND PIPELINE.

6. Water is used for the following purposes:

| Purpose  | From  | To    | C.F.S | (or) | A.F.A. |
|----------|-------|-------|-------|------|--------|
| DOMESTIC | 01/01 | 12/31 | 0.020 |      |        |

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:  
D/1 HOME

10. Place of Use:

| Township | Range | Section | 1/4 of | 1/4 | Lot | Use    | Acres |
|----------|-------|---------|--------|-----|-----|--------|-------|
| 28N      | 01E   | 22      | SW     | SE  |     | DOMEST |       |

11. Place of use in counties: IDAHO

A79-07046

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Date: 10/03/88

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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: PERMIT

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 \_\_\_\_\_

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

A 79-07046

Date Received

5-16-88

Receipt Number

C000718

NOTICE OF CLAIM  
TO A  
WATER RIGHT

RECEIVED  
MAY 16 1988

## ACQUIRED UNDER STATE LAW

For Domestic and/or Stockwater Purposes

Department of Water Resources

Where Daily Use is less than 13,000 gallons per day. Filing fee \$25

Please type or print clearly

1. Name of Claimant (s) C. Bruce Bentz Phone (208) 839-2397Mailing Address P.O. Box 102 White Bird Zip 835542. Date of Priority (Only one (1) per claim) Jan. 9, 19743. Source of water supply (a) Groundwater  
which is tributary to (b) \_\_\_\_\_4. Location of point of diversion is: Township 28 N Range 1 ESection 22 1/4 of SW 1/4 of SE 1/4, Govt. Lot \_\_\_\_\_, B.M.,County of Idaho

Additional points of diversion if any: \_\_\_\_\_

5. Description of existing diversion works (Ditches, Wells, Pumps, Pipelines, Headgate 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. 8" casing 204' deep  
1 H.P. submersible pump.

6. Water is claimed for the following: (Limited to Domestic and/or Stockwater only. See Instructions)

(Both dates are inclusive) (cfs)  
For Domestic purposes from 1-1 to 12-31 amount 0.03

For \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ amount \_\_\_\_\_

7. Total quantity claimed 0.03 (cfs)8. Total consumptive use claimed is de minimus9. Non-irrigation uses. Describe fully. (Domestic: give number of households served; Stockwater: Type and number of  
livestock) 1 Domestic

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Place a "D" for domestic and "S" for stockwater use in the corresponding place of use below.

| TWP | RNG | SEC | NE 1/4 |       |       |       | NW 1/4 |       |       |       | SW 1/4 |       |       |       | SE 1/4 |       |       |       |
|-----|-----|-----|--------|-------|-------|-------|--------|-------|-------|-------|--------|-------|-------|-------|--------|-------|-------|-------|
|     |     |     | NE1/4  | NW1/4 | SW1/4 | SE1/4 | NE1/4  | NW1/4 | SW1/4 | SE1/4 | NE1/4  | NW1/4 | SW1/4 | SE1/4 | NE1/4  | NW1/4 | SW1/4 | SE1/4 |
| 28N | 1E  | 22  |        |       |       |       |        |       |       |       |        |       |       |       |        |       | D     |       |
|     |     |     |        |       |       |       |        |       |       |       |        |       |       |       |        |       |       |       |

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 ☒ 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 (X)

14. Remarks: \_\_\_\_\_

15. Basis of Claim (check one) Beneficial Use ☐ Posted Notice ☐ License ☐ Permit ☒  
Decree ☐

If applicable provide IDWR Water Right Number 79-7046

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) C. Bruce Bentz Date 5/13/88  
\_\_\_\_\_ 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 \_\_\_\_\_ )

County of Idaho ) SS.

Subscribed and sworn (or affirmed) before me this 13<sup>th</sup> day of May 19 88

SEAL

Notary Public Carter Fritschel

Residing at Eagle, Id

My Commission Expires 3-21-94

Last Name Bentz Ident No. A79-07046

Copies With State of Idaho Claimant

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CLAIMANT'S NAME Bontz, C. Bruce CLAIM IDENT. NO. A79-7046  
DATE RECEIVED 5-16-88 CK # 851 AMOUNT \$ 2.5

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | YES                                 | NO                       |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------|--------------------------|
| 1. Is the name and address complete with zip code?                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 2. Is priority date entered?                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Is the water use exempt from the Permit requirements, or if it is not exempt, has a Permit been approved or a License issued?<br>A Permit is required: (1) For groundwater developed after March 25, 1963 (except single family domestic and stockwater wells using less than 13,000 gpd), or (2) for surface water developed after May 20, 1971 (except for instream stockwater). Use care if claim is returned. Refer to Adjudication Memos # 1 (Adj. Claims/Applications) and # 9 (Rejection of Claims). Explain in Comments. |                                     |                          |
| 3. (a) Is a source entered?                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| (b) Is a tributary to entered? (if required)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 4. Is the legal description of the p.d. complete?                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 5. Is there a description of the diverting works?                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 6. Are the water uses appropriate for the form? The short form limited domestic and stockwater. Instream stockwater must use long form.                                                                                                                                                                                                                                                                                                                                                                                          | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Is the period of use included?                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Is a quantity claimed for each use?                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 7. Is a total quantity claimed entered?                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 8. Is the consumptive use correct?                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| If required is a consumptive use entered?                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 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, each household must file a separate claim.                                                                                                                                                                                                                                                                                         | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 10. Is (are) the place(s) of use entered?                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 11. Is (are) the county(ies) entered?                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 12. Is the ownership of p.u. checked?                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 13. Are other water rights listed or "none" checked?                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 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.)                                                                                                                                                                                                                                                                                                                                                                          | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 15. Is the basis of the claim checked?                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 16. Is the claim signed by the claimant?<br>Is the signature appropriate? (If an individual is the claimant, has that individual signed the claim, or if an organization is the claimant, is the organization signature block complete?)                                                                                                                                                                                                                                                                                         | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Has the claim been signed, sealed, and dated by a notary?                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Is the fee enclosed correct?                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| If this claim is based on an existing water right, has the identification number been entered?                                                                                                                                                                                                                                                                                                                                                                                                                                   | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Should this claim be receipted and data entered?                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

Claim checked by: LW

Comments: \_\_\_\_\_

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State of Idaho  
Department of Water Resources

# WATER RIGHT LICENSE

WATER RIGHT NO. 79-07046

Priority: January 9, 1976 Amount: 0.04 CFS 3.8 AFA

This is to certify, that C. BRUCE BENIZ  
P.O. BOX 102  
WHITEBIRD, ID 83554

has complied with the terms and conditions of the permit issued pursuant to Application for Permit dated January 9, 1976, and has submitted proof to the Department of Water Resources on August 25, 1980, that water has been applied to a beneficial use; an examination by the Department indicates that the works have a diversion capacity of .040 cfs of water from a GROUNDWATER source and that a water right has been established as follows:

| <u>BENEFICIAL USE</u> | <u>PERIOD OF USE</u> | <u>RATE OF DIVERSION</u> | <u>VOLUME</u> |
|-----------------------|----------------------|--------------------------|---------------|
| IRRIGATION            | 03/15 to 11/15       | 0.02 CFS                 | 3.2 AFA       |
| DOMESTIC              | 01/01 to 12/31       | 0.02 CFS                 | 0.6 AFA       |
| Totals                |                      | 0.04 CFS                 | 3.8 AFA       |

LOCATION OF POINT(S) OF DIVERSION: SWSE, Sec. 22, Township 28N, Range 01E  
IDAHO County

PLACE OF USE: IRRIGATION

| <u>TWN RGE SEC</u>               | <u>ACRES</u> | <u>ACRES</u> | <u>ACRES</u> | <u>TOTAL</u> |
|----------------------------------|--------------|--------------|--------------|--------------|
| 28N 01E 22                       | SWSE 0.8     |              |              | 0.8          |
| Total number of acres irrigated: |              |              |              | 0.8          |

PLACE OF USE: DOMESTIC; same as IRRIGATION use

CONDITIONS/REMARKS:

1. The right to the use of water hereby confirmed is limited to the amount which can actually be beneficially used and is restricted and appurtenant to the lands or place of use and to the purpose herein described, as provided by the laws of Idaho.
2. This right is subject to all prior water rights and may be forfeited by five years of non-use.
3. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
4. Domestic use is for 1 home.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. Witness the seal and signature of the Director, affixed at Boise, this 13<sup>th</sup> day of MARCH, 1989.

MICROFILM

MAR 17 1989

Director

*Norman C. Young*