

12/22/2004

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

RIGHT NUMBER: 79-7126A
NAME AND ADDRESS: RUSSELL BENTZ
PO BOX 183
WHITE BIRD ID 83554

HOWARD M PILANT
PO BOX 183
WHITE BIRD ID 83554

DARRELL BENTZ
PO BOX 183
WHITE BIRD ID 83554

SOURCE: SALMON RIVER TRIBUTARY: SNAKE RIVER
QUANTITY: 0.120 CFS
16.000 AFY
PRIORITY DATE: 04/05/1983
POINT OF DIVERSION:

T28N R01E S27 SWNE Within IDAHO County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	3/15 11/15	0.120 CFS 16.00 AFY

PLACE OF USE: IRRIGATION Within IDAHO County

T28N R01E S27 NWNE 3.0 T28N R01E S27 Lot 5 SWNE 1.0

4 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.

EXPLANATORY MATERIAL: License



Dept. of Water Resources
Adjudication Bureau
P. O. Box 83720
Boise, ID 83720-0098

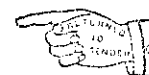
79-4021 P.D.
79-7126 A7 B

FIRST CLASS



UNITED STATES POSTAGE
02 1A \$ 00.
0004310839 OCT 27
MAILED FROM ZIP CODE

RECEIVED
NOV 06 2006
DEPARTMENT OF
WATER RESOURCES



- ☐ Not Deliverable As Addressed
- ☐ Unable To Forward
- ☐ Insufficient Address
- ☐ Moved, Left No Address
- ☐ Unclaimed ☐ Returned
- ☐ Attempted - No Answer

HOWARD M PILANT
DARRELL BENTZ

RUSSELL BENTZ
PO BOX 183
WHITE BIRD ID

Postage Number
Postage Meter
Postage Meter
Postage Meter
Postage Meter
Postage Meter

Dept. of Water Resources
Adjudication Bureau
P. O. Box 83720
Boise, ID 83720-0098



- ☒ Not Deliverable As Addressed
Unable To Forward
- ☐ Insufficient Address
 - ☐ Moved, Left No Address
 - ☐ Unclaimed ☐ Refused
 - ☐ Attempted - Not Known
 - ☐ No Such Street ☐ Number
 - ☐ Vacant ☐ Illegible
 - ☐ No Mail Receptacle
 - ☐ Box Closed - No Order
 - ☐ Returned For Better Address
 - ☐ Postage Due _____

ADDRESS SERVICE
REQUESTED

FIRST CLASS



UNITED STATES POSTAGE
02 1A \$ 00.63⁰
0004310839 AUG 22 2006
MAILED FROM ZIP CODE 83702

RECEIVED
AUG 29 2006
DEPARTMENT OF
WATER RESOURCES

Howard Pilant

DARRELL BENTZ

RUSSELL BENTZ
PO BOX 183

[REDACTED]

[REDACTED]

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
322 East Front Street, P.O. Box 83720
Boise, Idaho 83720-0098

Return Service Requested

B.79 G.P.
79-7126 A 3
79-4021 R.D.

DARRELL BENTZ

RUSSELL BENTZ
PO BOX 183
WHITE BIRD ID

PRESORTED
FIRST CLASS



UNITED STATES POSTAGE
PITNEY BOWES
02 1M \$ 00.29³
0004227270 FEB 01, 2007
MAILED FROM ZIP CODE 83702

REC-1
DEPARTMENT OF
WATER RESOURCES

83720

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
322 East Front Street, P.O. Box 83720
Boise, Idaho 83720-0098

Return Service Requested

B.79 G.P.
79-7126 A
79-7126 B
79-4021-P.D.

HOWARD M PILANT
PO BOX 183
WHITE BIRD ID

PRESORTED
FIRST CLASS



UNITED STATES POSTAGE
PITNEY BOWES
02 1M \$ 00.29³
0004227270 FEB 01 2007
MAILED FROM ZIP CODE 83702

REC-1
DEPARTMENT OF
WATER RESOURCES

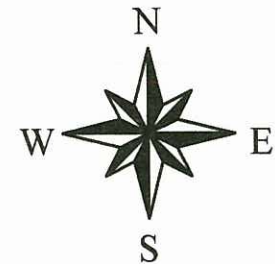
83720

79-7126A



T28N R01E
Section(s) 27

● Point of Diversion
□ Place of Use



Map prepared by: Greg Taylor
Date Prepared: December 22, 2004
Photography: 1992 DOQQ
Idaho Department of Water Resources

0 500 1000 1500 2000 Feet

A horizontal scale bar with alternating black and white segments, corresponding to the 0, 500, 1000, 1500, and 2000-foot markings.

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: A79-07126A
Date Received: 5/25/1988
Receipt No: X777777
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: HOWARD M PILANT
Address: PO BOX 183
WHITEBIRD ID 83554

OR

Name: RUSSELL BENTZ
Address: PO BOX 183
WHITEBIRD ID 83554

OR

Name: DARRELL BENTZ
Address: PO BOX 183
WHITEBIRD ID 83554

2. Date of Priority: APR 5, 1983

3. Source: SALMON RIVER Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
28N	01E	27	SW	NE		5	IDAHO

5. Description of diverting works:
7 1/2 HP PUMP AND PIPELINE

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.120		16.00

7. Total Quantity Appropriated is:
0.120 C.F.S. (and/or) 16.00 A.F.A.

8. Total consumptive use is 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	27	NW		NE		IRR	1.0
			SW		NE	5	IRR	2.0
			SE		NE	6	IRR	1.0
							Section Acres	4.0
							Total Acres	4.0

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:

14. Remarks:

CLAIM AMENDED PER LICENSE, APPROVED 10/27/1992.
THIS CLAIM IS A RESULT OF A CHANGE IN OWNERSHIP FOR A PORTION
OF CLAIM NO. A79-07126 FEE PAID UNDER RECEIPT NO. C000894.
RDH 11/15/1996.

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)
) SS.
County of _____)

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

of _____ 19 _____

Notary Public

Seal

Residing at _____

My Commission Expires _____

AJ0743NP
(OD-124)

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIMS PROOF READING REPORT
(REGIONAL)

11/14/96 13:58:59
Page 1

Water Right Number - A79-07126 **A**

Prefix Translation: ADJUDICATION CLAIM

Old (D) Number - **X777777**

+ - - - - Last Name - - - - +

+ - First Name - - +

+ - - - - Address - - - - +

*** C - CURRENT OWNER ***

PILANT

HOWARD M

1 - PO BOX 183

2 -

3 -

City- WHITEBIRD

State- ID Zip- 83554

Phone - 208-000-0000

1 - PO BOX 183

2 -

3 -

City- WHITEBIRD

State- ID Zip- 83554

Phone - 208-000-0000

1 - PO BOX 183

2 -

3 -

City- WHITEBIRD

State- ID Zip- 83554

Phone - 208-000-0000

+ - - Priority Date - - +

04/05/1983

+ - - Region - - - +

14 WESTERN

+ - - Stage - - - +

L - LICENSE

+ - - Status - - - +

+ - - Source - - - - +

SALMON RIVER

+ - - Tributary - - - - +

SNAKE RIVER

+ - - Point of Diversion - - - - +

TwN Rng Sec Tract Lot RFlg County

28N 01E 27 SW NE 5 (49) IDAHO

+ - - Water Use - - - - +

Code Description

Period From Period To

Diversion Rate Diversion Volume

01 - IRRIGATION

03/15

11/15

.12 cfs
0.150

20.00 16

+ - Total Div. Rate - + + - Total Div. Volume - +

0.150

.12 cfs

20.00

16

+ - Total Consumptive Use - + + - KW Usage - +

0.0

+ - - Place of Use - - - - +

TwN Rng Sec Tract Lot Acres Code Description County

28N 01E 27 NW NE 1.0 01 IRRIGATION (49) IDAHO

28N 01E 27 SW NE 5 **3.0 2** 01 IRRIGATION (49) IDAHO

28N 01E 27 SE NE 6 1.0 01 IRRIGATION (49) IDAHO

Total Acres:

5.0

+ - - Diversion Means - 71/2 HP PUMP AND PIPELINE

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use -

$$\frac{0.15}{5} \times \frac{X}{4} = .12 \text{ cfs}$$

$$\frac{20}{5} \times \frac{X}{4} = 16 \text{ AFA}$$

THIS CLAIM IS A RESULT OF A CHANGE IN OWNERSHIP FOR A PORTION OF CLAIM

NO. _____ FEE PAID UNDER RECEIPT NO. _____

RDH / /

AJ0743NP
(00-124)

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIMS PROOF READING REPORT
(REGIONAL)

11/14/96 13:59:00
Page 2

Water right number - A79-07126

A

Prefix Translation: ADJUDICATION CLAIM

+ - - - - Remarks - - - - -

GEN CLAIM AMENDED PER LICENSE, APPROVED 10/27/1992.

+ - - - - Old Water Right Numbers - - - - -

No Old Water Right Numbers Found

+ - - - - Conditions of Approval - - - - -

- 004 - The issuance of this right does not grant any right-of-way
- or easement across the land of another.
R51 - This right when combined with all other rights shall provide no
- more than .03 cfs per acre nor more than 4.0 afa per acre for the
- lands above.

+ - - - Decree Plaintiff - - - +

+ - - - Decree Defendant - - - +

+ - Decree Date - +
00/00/0000

+ - - - - Comments - - - - -

No Comments Found

+ - - Audit Fields - - +

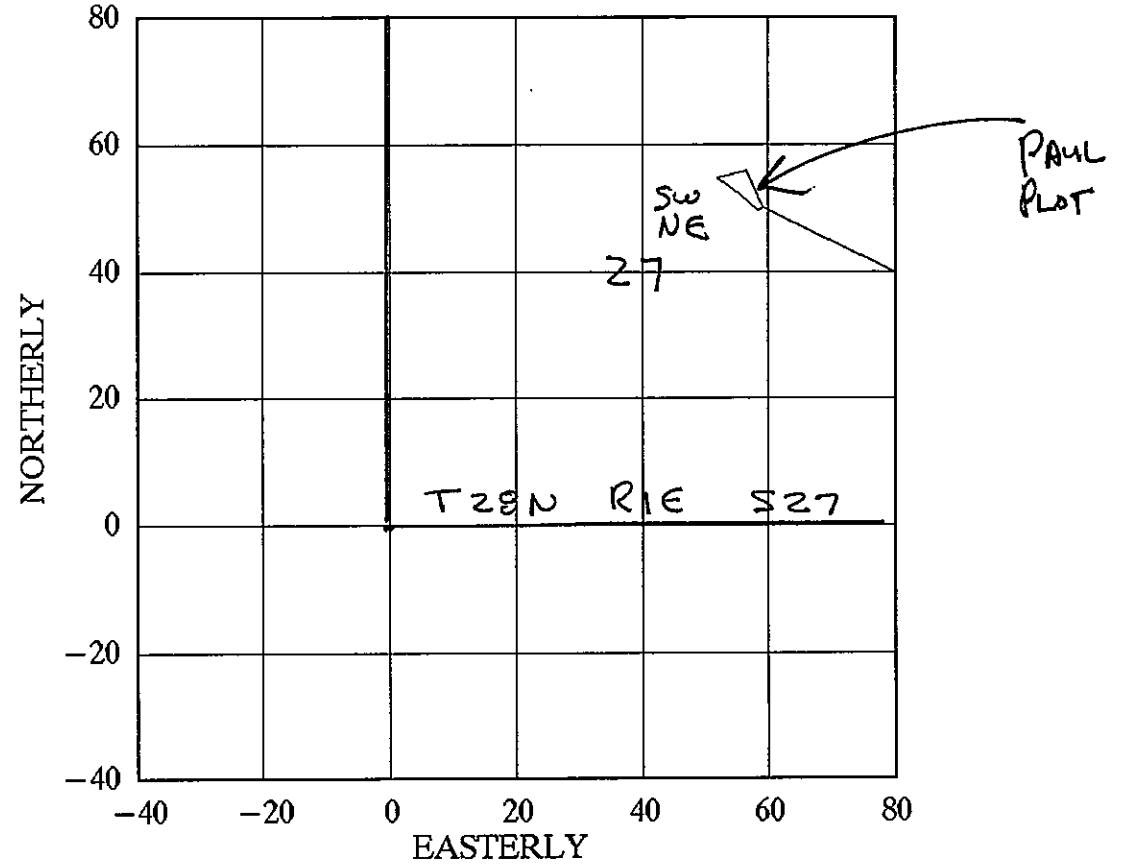
11/14/96 RHOWERTO

+ - - - - Adjudication Rights Dates and Flags Area - - - - -

Court Report Filing	- 00/00/0000	Field Inspection Made	- 07/19/1990	Civil Case Number	- 39576
Objection Filed Date	- 00/00/0000	Field Inspection Flag	-	Old Case Number	-
Response Filed Date	- 00/00/0000	Verified Date	- 00/00/0000	Old Judicial District	-
Claim Received Date	- 05/25/1988	Last Amended Date	- 11/14/1996	Temporary Right	- P
		Receipt Number	- C000894	Water District	-
		POU Ownership Flag	- Y	Federal/State Indicator	- S
		Name Connector	- OR	Presumption Flag	-
				Notice of Error Flag	-

PARCEL PLOT - METES & BOUNDS
DISTANCE IS IN CHAINS

R2h
11-14-a6



AUG 29 1994

WATER RESOURCES
WESTERN REGION

NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type
(see instructions on back of page)

DATE OF CLOSING: FEB 92
1-1-94

LEGAL DESCRIPTION OF PROPERTY: Township 28N Range 1E
Section 27, 1/4 of SW 1/4 of NE 1/4, Govt. Lot 5, BM.
Lot _____, Block _____, Subdivision/Townsite _____
If you have additional legal descriptions, please attach separate sheet.

- ☐ Served Only by a Public Service Water Supply (all water is received from a city or company who maintains water supply system, owns the water right, and bills the customer on a regular basis)
- ☐ Water Right Number(s)
Assigned by IDWR: A79-072 07126
- ☐ Name and Address of Former
Owner/Claimant(s)(Seller): Pilant/Bentz/Bentz
- ☐ New Owner/Claimant
(Purchaser): JAMES L. PAUL AND JOYCE M. PAUL
- ☐ New Mailing Address: P.O. Box 152
WHITE BIRD, Idaho 83554
- ☐ New Telephone Number: () N/A
- ☐ Does the change in ownership result in a splitting of the water right owned/claimed? X yes no
If yes, then describe the portion of the water right that is now owned/claimed by the new owner:
1 acre of Irrigation under above right in lot 5 (SWNE)
Sec 27.

- ☐ Attach proof of
ownership, describe
proof attached: SEE ATTACHED WARRANTY DEED
(proof of ownership must describe either the property conveyed or include the claim number. Proof
of ownership is not required if this form is signed by the former owner/claimant.)

- ☐ Signature of New
Owner/Claimant(s): James L Paul Date 8/19/94
Joyce M Paul Date 8/19/94
- ☐ Signature of Former
Owner/Claimant(s): _____ Date _____
_____ Date _____

(Signature of former claimant(s) is not required if proof of
ownership is attached.)

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: _____

Claim Numbers of Split, if any:

DEPARTMENT OF WATER RESOURCES
WESTERN REGION
2735 AIRPORT WAY
BOISE, ID 83705-5082

Original to be mailed to Idaho Department of Water Resources
Copies to Former Owner and New Owner

362093

RECEIVED

AUG 29 1994

WATER RESOURCES
WESTERN REGION

INDEXED

TRACTED

FILED

WARRANTY DEED

THIS INDENTURE, made on this 20 day of JANUARY, 1992, by and between DARELL BENTZ, also known as, DARRELL BENTZ, joined by his wife, BONNIE BENTZ, and CLINTON BENTZ, also known as, RUSTY BENTZ, joined by his wife, Nancy BENTZ, of Lewiston, Idaho 83501, hereinafter referred to as the Grantors, and JAMES L. PAUL and JOYCE M. PAUL, husband and wife, of P. O. Box 114, White Bird, Idaho 83554, hereinafter referred to as the Grantees.

WITNESSETH:

That, the said Grantors, for and in consideration of the sum of Ten Dollars (\$10), lawful money of the United States of America, and other good and valuable considerations to them in hand paid by the said Grantees, the receipt whereof is hereby acknowledged, having granted, bargained, sold, and by these presents do grant, bargain, sell, convey and confirm unto the said Grantees, their heirs and assigns forever, all the following described real property situate in the County of Idaho, State of Idaho, to wit:

See Exhibit "A" attached hereto and hereby incorporated by this reference.

TOGETHER WITH, all and singular, the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, the reversion and reversions, the remainder and remainders, rents, issues and profits thereof, and all estate, right, title and interest in and to the said property as well in law as in equity of the said Grantors.

TO HAVE AND TO HOLD, all and singular, the above mentioned and described premises, together with the appurtenances unto the said Grantees, their heirs and assigns forever.

And the said Grantors, for themselves, their heirs, executors and administrators, do covenant, grant, bargain and agree to and with the said Grantees, their heirs and assigns, that at the time of the ensealing and delivery of these presents they were well seized of the premises above conveyed as of good, sure, perfect, absolute and indefeasible estate of inheritance, in fee simple, and

WARRANTY DEED

have good right, full power and lawful authority to grant, bargain, sell and convey the same in the manner and form aforesaid, and that the same are free and clear from all and former grants, bargains, liens, taxes, assessments and encumbrances of whatever kind or nature whatsoever, EXCEPT:

(a) Easement, including the terms and conditions thereof, by and between R. V. REMINGTON, E. I. REMINGTON, MAUDE CALKINS and C. MAY HILL, Grantors, and PACIFIC TELEPHONE & TELEGRAPH CO., a corporation, recorded February 11, 1931, under Instrument No. 94937, Book 59, page 214, records of Idaho County, Idaho.

Said Easement was assigned to PACIFIC NORTHWEST BELL TELEPHONE COMPANY, by Instrument recorded in Book 109, page 178, on September 30, 1968, records of Idaho County, Idaho.

And that the above bargained premises, in the quiet and peaceable possession of the said Grantees, their heirs and assigns, against all and every person or persons lawfully claiming or to claim whole or any part thereof, the said Grantors will and shall WARRANT AND FOREVER DEFEND.

That, this deed is given by Grantors to Grantees, not on account of any default in any security agreements or arrangements which pertain to the real property hereinabove written and described, but is given for full consideration paid by Grantees to Grantors.

IN WITNESS WHEREOF, the said Grantors have hereunto set their hands and seals the day and year first above written.

Darell Bentz
DARELL BENTZ, a/k/a
DARRELL BENTZ

Bonnie Bentz
BONNIE BENTZ

Clinton Bentz
CLINTON BENTZ, a/k/a
RUSTY BENTZ

Rosalyn Bentz
ROSALYN BENTZ

Filed and recorded at the request of IDAHO COUNTY TITLE CO.

at 3:40 o'clock P M this 31st day of Jan 1982

By R. E. Gehring
Deputy

ROSE E. GEHRING

Ex-Officio Auditor and Recorder
Idaho County, Idaho

Fee \$ 15.00

RECEIVED

AUG 29 1994

WATER RESOURCES
WESTERN REGION

STATE OF IDAHO)

SS

County of Nez Perce

On this 21 day of January, 1992, before me, a Notary Public, in and for said County and State, personally appeared DARELL BENTZ, also known as, DARRELL BENTZ, and BONNIE BENTZ, husband and wife, known to me to be the persons whose names are subscribed to the within instrument, and they acknowledged to me that they freely executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year first above written.

(NOTARY SEAL)

[Signature]
Notary Public for the State of Idaho,
Residing at Lewiston Idaho, therein.
My Commission expires 5/24/94

STATE OF IDAHO)

SS

County of Nez Perce

On this 21 day of January, 1992, before me, a Notary Public, in and for said County and State, personally appeared CLINTON BENTZ, also known as, RUSTY BENTZ, and Rosalyn BENTZ, husband and wife, known to me to be the persons whose names are subscribed to the within instrument, and they acknowledged to me that they freely executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year first above written.

(NOTARY SEAL)

[Signature]
Notary Public for the State of Idaho,
Residing at Lewiston Idaho, therein.
My Commission expires 5/24/94



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AUG 29 1994

WATER RESOURCES
WESTERN REGION

EXHIBIT "A"

A parcel of land situated in Lot 5, Sec. 27, T28N, R1E, Boise Meridian, Idaho County, Idaho, which is more particularly described as follows:

Commencing at East $\frac{1}{2}$ corner of Section 27, a brass capped monument, thence N64°14'12"W, 1,536.30' to monument for Westerly 150' R.O.W. of U.S. 95 sta 387+09.09 THE TRUE POINT OF BEGINNING

Thence S59°52'11"W, 61.52' to 60' R.O.W. monument on Northerly R.O.W. of old U.S. 95, which is now a county road

Thence N47°19'00"W, on said Northerly R.O.W., 242.65' to a 5/8"X30" IR with plastic cap marked PLS 5165

Thence on a curve having a Δ of 9°30'00", a R of 1,205.92', a T of 100.20', a L of 199.95', a ch bearing of N52°04'00"W, a ch distance of 199.72' to a 5/8"X30" IR with plastic cap marked PLS 5165

Thence N56°49'00"W, on said Northerly R.O.W., 102.87' to a 60' R.O.W. monument

Thence N75°46'30"E, leaving said R.O.W., 316.87' to R.O.W. monument 150.00' Westerly from centerline of U.S. 95

Thence on said 150' R.O.W. on a curve having a Δ of 13°39'53", a R of 1,787.02', a T of 214.11', a L of 426.20', a chord bearing of S23°16'47"E, a chord distance of 425.19' to THE TRUE POINT OF BEGINNING

This parcel contains 1.678 acres more or less.

TOGETHER WITH, an easement and right of way for access purposes across the below described parcel of real property. It is intended by the Grantors that the fee ownership shall be reserved in the Grantors, and only an access easement across said property is being granted herein. Said property is described as follows:

A 14.00' wide access road 7.00' on each side of centerline to provide access to 1.678 acre parcel situated in Lot 5, Section 27, T28N, R1E, Boise Meridian, Idaho County, Idaho, which is more particularly described as follows:

Commencing at East $\frac{1}{2}$ corner of Section 27, thence N62°11'22"W, 2,101.52' to monument for 60' Northerly R.O.W. of old U.S. 95, which is now a county road

Thence N75°46'30"E, on Northerly boundary of parcel, 102.89' to centerline of 14.00' access road THE POINT OF BEGINNING

Thence on said centerline, N66°16'54"W, 7.85'

N76°35'09"W, 89.06'

S84°23'09"W, 46.20'

S49°58'18"W, 44.27' to Northerly 33' R.O.W. of old U.S. 95

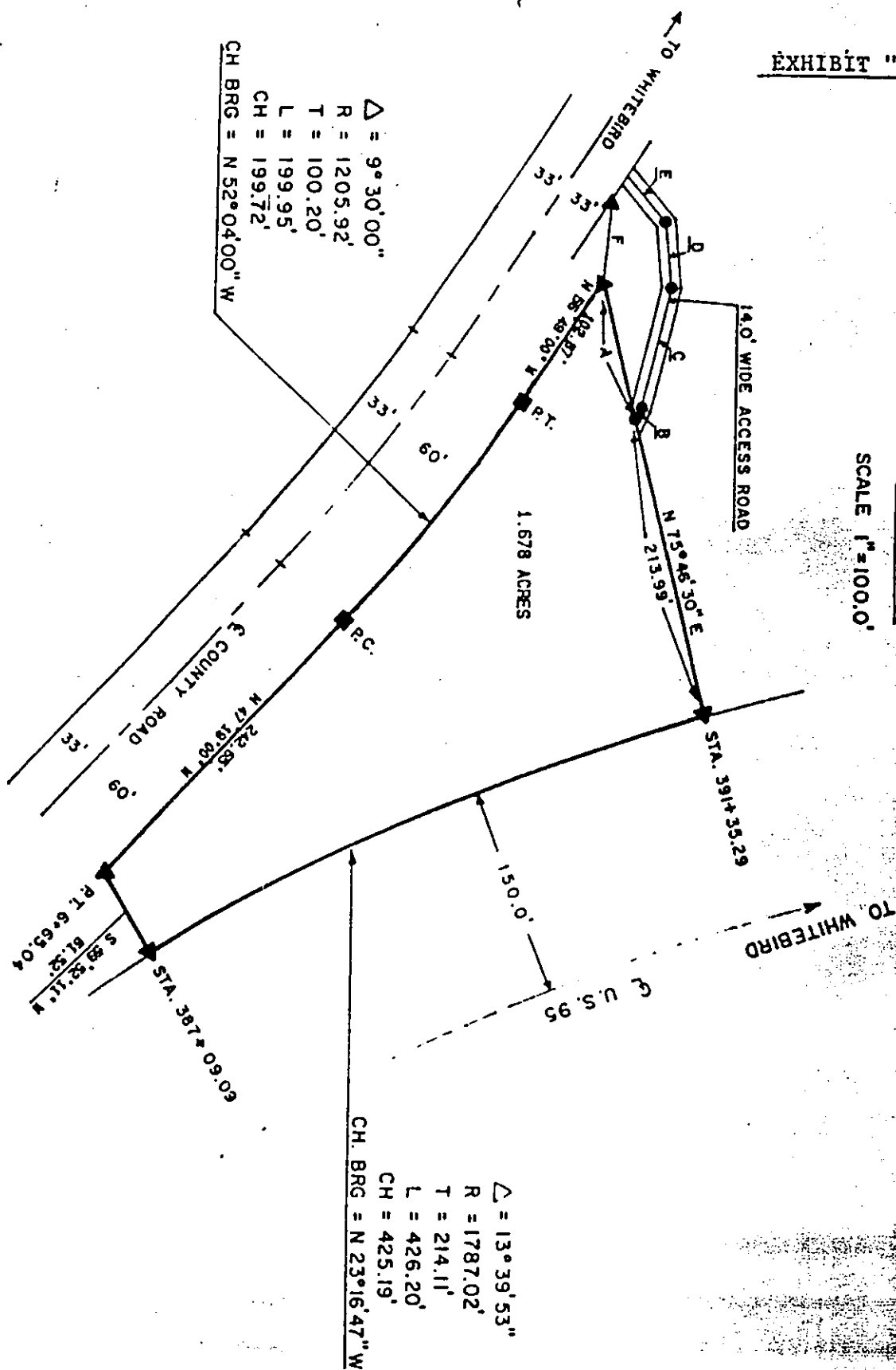
THE POINT OF ENDING

Area of access road 0.060 acres more or less.

That the property conveyed and the access easement are as shown in Exhibit "B" which follows:

DETAIL

SCALE 1"=100.0'



RECEIVED

AUG 29 1994

WATER RESOURCES
WESTERN REGION

SCHEDULE C

8010

A parcel of land situated in Lot 5, Sec. 27, T28N, R1E, Boise Meridian, Idaho County, Idaho, which is more particularly described as follows:

Commencing at East $\frac{1}{4}$ corner of Section 27, a brass capped monument, thence N64°14'12"W, 1,536.30' to monument for Westerly 150' R.O.W. of U.S. 95 sta 387+09.09 THE TRUE POINT OF BEGINNING.

Thence S59°52'11"W, 61.52' to 60' R.O.W. monument on Northerly R.O.W. of old U.S. 95, which is now a county road

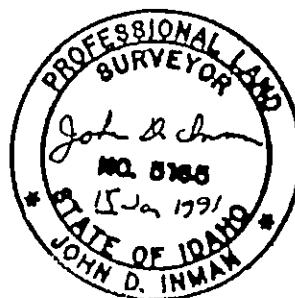
Thence N47°19'00"W, on said Northerly R.O.W., 242.65' to a 5/8"X30" IR with plastic cap marked PLS 5165

Thence on a curve having a Δ of 9°30'00", a R of 1,205.92', a T of 100.20', a L of 199.95', a ch bearing of N52°04'00"W, a ch distance of 199.72' to a 5/8"X30" IR with plastic cap marked PLS 5165

Thence N56°49'00"W, on said Northerly R.O.W., 102.87' to a 60' R.O.W. monument

Thence N75°46'30"E, leaving said R.O.W., 316.87' to R.O.W. monument 150.00' Westerly from centerline of U.S. 95

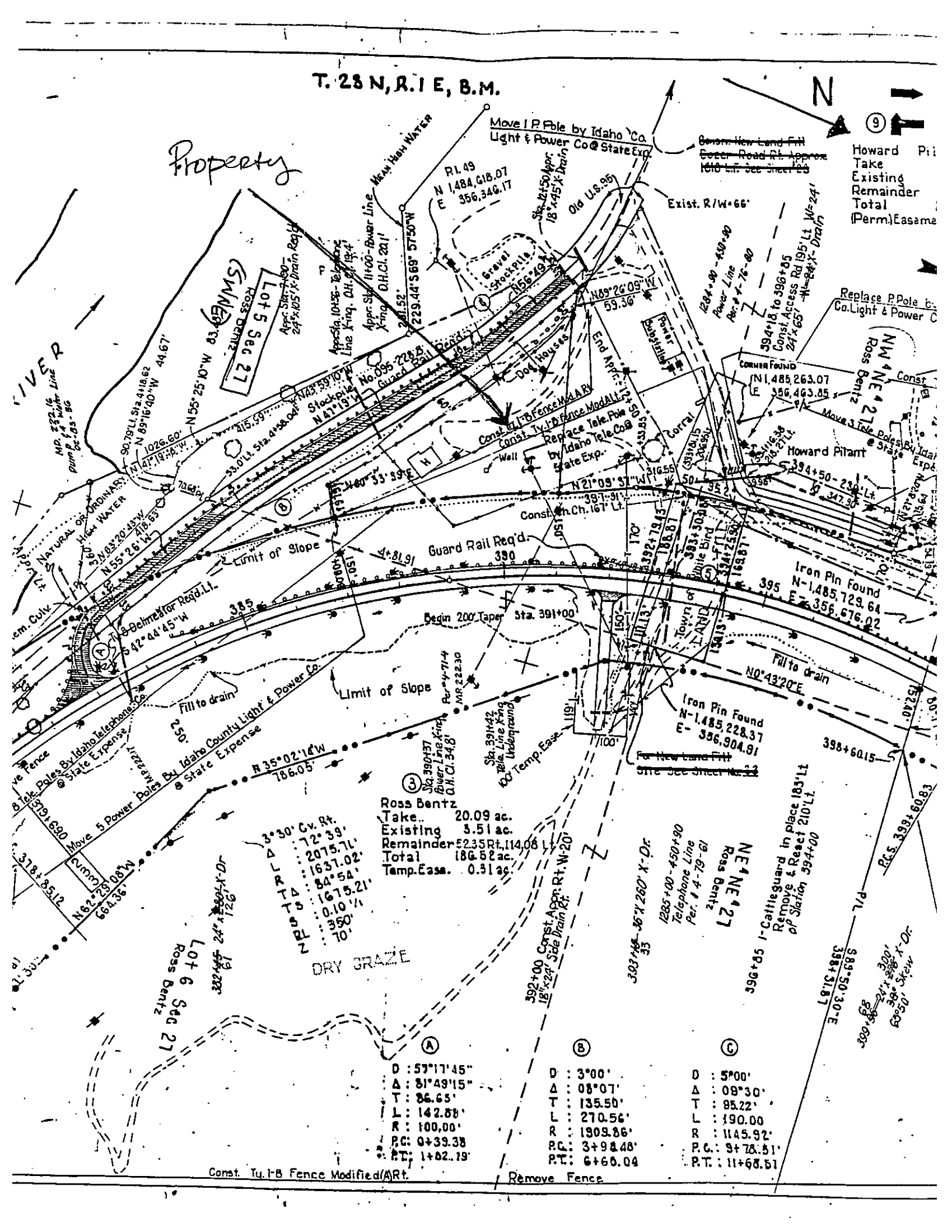
Thence on said 150' R.O.W. on a curve having a Δ of 13°39'53", a R of 1,787.02', a T of 214.11', a L of 426.20', a chord bearing of S23°16'47"E, a chord distance of 425.19' to THE TRUE POINT OF BEGINNING



T. 28 N, R. 1 E, B.M.



Property



Ross Bentz
Take 20.09 ac.
Existing 3.51 ac.
Remainder 16.58 ac.
Total 18.09 ac.
Temp. Eas. 0.31 ac.

3° 30' C.V. RT.
72° 39'
2075.71'
1651.02'
84° 54'
1675.21'
0.10'
350'
10'

DRY GRAZE

D : 57° 17' 45"
A : 81° 49' 15"
T : 86.65'
L : 142.88'
R : 100.00'
P.C. : 0+39.38
P.T. : 1+02.19

D : 3° 00'
A : 08° 07'
T : 135.50'
L : 270.56'
R : 190.86'
P.C. : 3+94.48
P.T. : 6+60.04

D : 5° 00'
A : 08° 30'
T : 95.22'
L : 190.00'
R : 1145.92'
P.C. : 9+78.51
P.T. : 11+68.51

Const. Tu. B Fence Modified (ART)

Remove Fence

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: **A79-07126**
Date Received: 5/25/1988
Receipt No: C000894
Received By: _____

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

AMENDED

1. Name: HOWARD M PILANT
Address: PO BOX 183
WHITEBIRD ID 83554

OR

Name: RUSSELL BENTZ
Address: PO BOX 183
WHITEBIRD ID 83554

OR

Name: DARRELL BENTZ
Address: PO BOX 183
WHITEBIRD ID 83554

2. Date of Priority: APR 5, 1983

3. Source: SALMON RIVER Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
28N	01E	27	SW	NE		5	IDAHO

5. Description of diverting works:
7 1/2 HP PUMP AND PIPELINE

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.150		20.00

7. Total Quantity Appropriated is:
0.150 C.F.S. (and/or) 20.00 A.F.A.

8. Total consumptive use is 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	27	NW		NE		IRR	1.0
			SW		NE	5	IRR	3.0
			SE		NE	6	IRR	1.0
							Section Acres	5.0
							Total Acres	5.0

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:

14. Remarks:

CLAIM AMENDED PER LICENSE, APPROVED 10/27/1992.

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 _____

State of Idaho
Department of Water Resources

NOV 8 8 1982

WATER RIGHT LICENSE

WATER RIGHT NO. 79-07126

Department of Water Resources
Water Rights Division Office

Priority: April 5, 1983

Maximum Diversion Rate: 0.15 CFS
Maximum Diversion Volume: 20.0 AF

This is to certify, that HOWARD M PILANT
RUSSELL BENTZ
DARRELL BENTZ

PO BOX 183

WHITEBIRD ID 83554

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated April 5, 1983; and has submitted Proof of Beneficial Use on March 7, 1988. An examination indicates that the works have a diversion capacity of .160 cfs of water from:

SALMON RIVER tributary to SNAKE RIVER

source, and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	03/15 to 11/15	0.15 CFS	20.0 AF

LOCATION OF POINT(S) OF DIVERSION: Lot 5(SWNE), Sec. 27, Township 28N, Range 01E
IDAHO County

PLACE OF USE: IRRIGATION
TWN RGE SEC

<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
28N 01E 27	NWNE 1	Lot 5(SWNE) 3 Lot 6(SENE) 1	5
Total number of acres irrigated:			5

CONDITIONS/REMARKS:

1. The maximum diversion volume is defined as the maximum allowable volume of water that may be diverted annually from the source under this right. The use of water confirmed by this right is limited to the amount which can actually be beneficially used. The maximum diversion volume may be adjusted to more accurately describe the beneficial use or to implement accepted standards of diversion and use efficiency.
2. This water right is appurtenant to the described place of use.
3. This right is subject to all prior water rights and may be forfeited by five years of non-use.
4. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
5. The issuance of this right in no way grants any right-of-way or easement across the land of another.

State of Idaho
Department of Water Resources

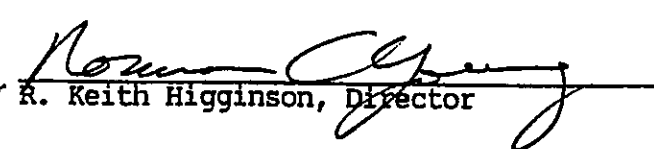
WATER RIGHT LICENSE

WATER RIGHT NO. 79-07126

CONDITIONS/REMARKS:

6. This right when combined with all other rights shall provide no more than .03 cfs per acre nor more than 4.0 afa per acre for the lands above.

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 27th day of OCTOBER, 1972.

Acting for  Director

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: A79-07126
Date Received: 5/20/1988
Receipt No: C000894
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: HOWARD M. PILANT
Address: P.O. BOX 183
WHITEBIRD, ID 83554

OR

Name: CLINTON BENTZ
Address: P.O. BOX 183
WHITEBIRD, ID 83554

OR

Name: DARRELL BENTZ
Address: P.O. BOX 183
WHITEBIRD, ID 83554

2. Date of Priority: APR 05, 1983

3. Source: SALMON RIVER Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4	Lot	County
28N	01E	27	SW NE		IDAHO

5. Description of diverting works:
7 1/2 H.P. PUMP AND PIPELINE

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.160		

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

A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:

A79-07126

Page 1

Date: 08/01/88

10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
28N	01E	27	NW		NE		IRR	3.0
			SW		NE		IRR	5.0
							Section Acres	8.0
							Total Acres	8.0

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:

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: 39356

Ident. Number

A 79-07126

Date Received

5-20-88

Receipt Number

48794

C000894

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of Claimant (s) HOWARD PILANT OR CLINTON BENTZ Phone () _____
OR DARRELL BENTZ
Mailing Address B6X183 WHITE BIRD Zip 83554

2. Date of Priority (Only one (1) per claim) 4-5-83

3. Source of water supply (a) SALMON RIVER
which is tributary to (b) SNAKE RIVER

4. a. Location of existing point of diversion is: Township 28N Range 1E Section 27,
SW 1/4 of NE 1/4 of _____ 1/4, Govt. Lot, _____ B.M., County of IDAHO

Additional 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 of _____

_____ 1/4, Govt. Lot _____ B.M., County of _____

5. 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. 7 1/2 HP PUMP AND

PIPE LINE

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For IRRIGATION purposes from 3-15 to 11-15 amount 0.16 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 0.16 (cfs) and/or (b) _____ (acre feet)

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.) _____

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	
<u>28N</u>	<u>1E</u>	<u>27</u>		<u>3</u>	<u>5</u>														<u>8</u>

Total number of acres irrigated 8

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.

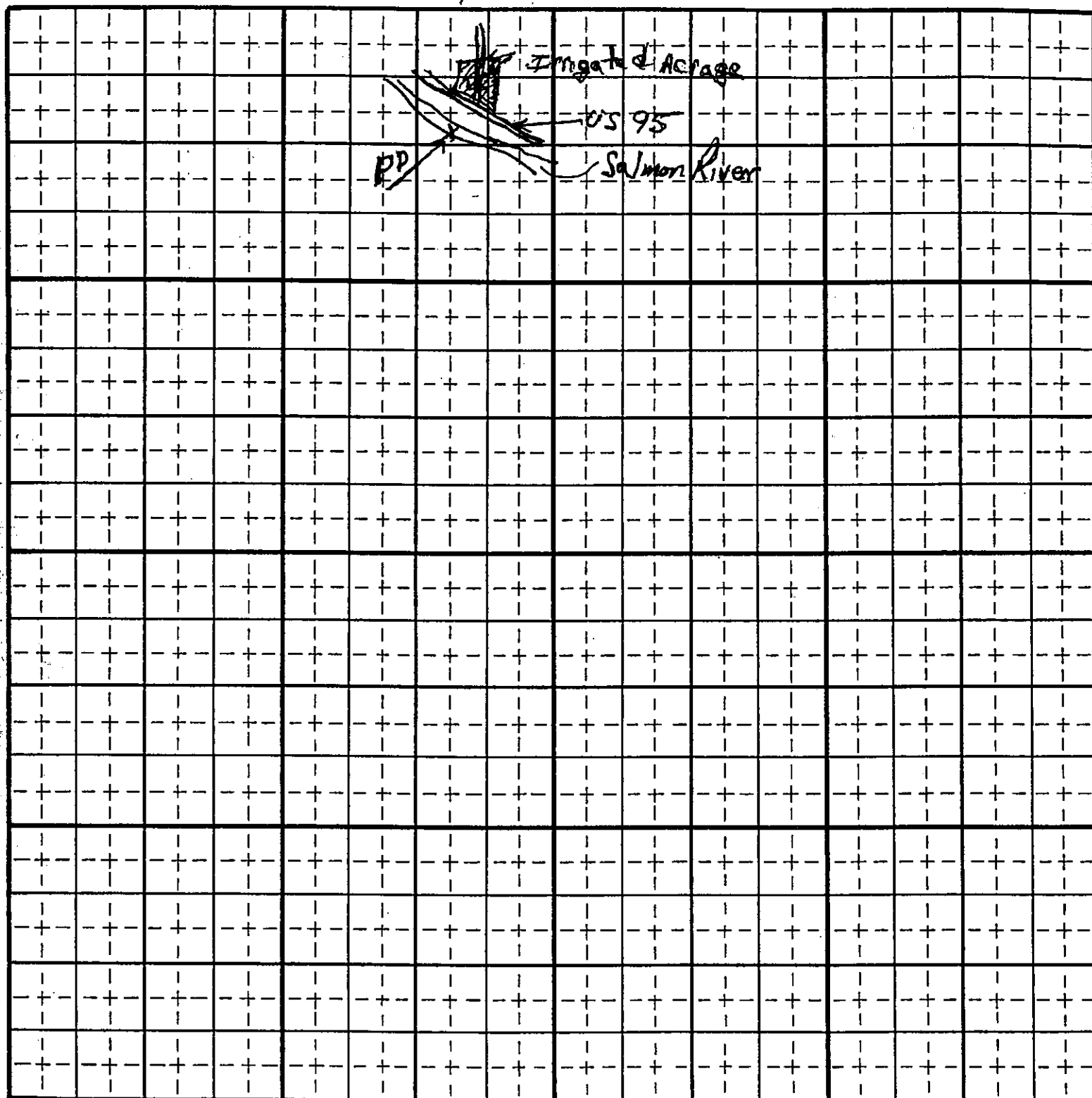
13. Describe any other water rights used at the same place and for the same purposes as described above. _____ or None ()

14. Remarks: _____

Last Name Pilant or Bentz Ident No. A79-07126

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

Scale: 2 inches equals 1 mile



Last Name Pilant or Bentz Ident No. A 79-07126 Cop

15. Basis of Claim (check one) Beneficial Use _____ Posted Notice _____ License _____ Permit ☒
 Decree _____
 If applicable provide IDWR Water Right Number 79-7126
 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) Haward Pilant Date 5/20/88

C.R. Bentz Date 5/20/88

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 20th day of May 19 88

SEAL

Notary Public Carter Fritschel

Residing at Eagle, Id

My Commission Expires 3-21-94

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 _____

Last Name Pilant or Bentz Ident. Number A79-07126



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

November 15, 1996

PHILIP E. BATT
GOVERNOR

Re: Original Notice of Claim to a Water Right No. A79-07126

KARL J. DREHER
DIRECTOR

Renumbered Notice of Claim to a Water Right No. A79-07126A

HOWARD M PLANT OR
RUSSELL BENTZ OR
DARRELL BENTZ
PO BOX 183
WHITEBIRD ID 83554

Dear CLAIMANTS,

We have received and processed a Change of Ownership for a portion of the original Claim to a Water Right Number as referenced above. This change of ownership required a split of the original claim resulting in renumbering this claim by adding alpha suffixes to represent each split. The new Notice of Claim to a Water Right number for your portion is referenced above and a copy is enclosed.

Your portion of this claim has a specified point of diversion, nature of use and place of use. If you plan on changing the nature of use, place of use or point of diversion under this right, including adding a new point of diversion, then an Application for Transfer on your portion of this right is required. Please contact this office for further information on the Application for Transfer form. If you do not plan on changing any items on your claim, then no further action is required at this time. You will be notified of any future action taken on this claim.

Please feel free to contact this office if you have any questions concerning your claim or this letter.

Sincerely,

Ron Howerton
ADJUDICATION BUREAU
Department of Water Resources
Western Region Office
(208) 334-2190

Attachment(s)

ATTACHMENT A

SRBA CLAIM CHECK PER BENEFICIAL USE EXAM

EXAMINER Larry Waters DATE SUBMITTED _____
ADJUDICATION AGENT _____ RESPONSE DUE DATE _____
COUNTY Idaho OWNER'S NAME P. Sant & Bentz

PERMIT DATA	T	R	S	Q/Q	T	R	S	Q/Q
P/D	<u>28N</u>	<u>1E</u>	<u>27</u>	<u>SWNE</u>	_____	_____	_____	_____
P/U	<u>"</u>	<u>"</u>	<u>"</u>	<u>"</u>	_____	_____	_____	_____

ADJUDICATION DATA RELATING TO THIS PERMIT NUMBER

A. Check Permit Number for Adjudication Claim Filing

- ☐ Claim required for permit but not filed
(examiner needs to notify permit holder during exam)
- ☐ Claim filed for permit and copy attached *
- ☐ Claim filed although not required (proof filed after 11-19-87)
- ☐ No claim filed or required.

B. Check Adjudication Claims Relating to the Permit Holder but are Different Claims (new number - different right)

- ☐ Name index search
- ☐ Non-data entry claims search
- ☐ Claim found but large system no exam required *

Claims found requiring exam	Date field exam conducted	Exam data is in, Permit file	Attached
<u>A79-07126</u> Adj No. <u>7-19-90</u>		☒	☐
<u>A79-04021</u> Adj No. <u>7-19-90</u>		☐	☒
_____ Adj No. _____		☐	☐

* copies included only if pertinent to permit field exam

~~MICROFILMED~~
OCT 06 1992

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
CLAIM VERIFICATION EXAM SHEET

(to be used in connection with B/U exams for same owners)

1. ☒ No Change NAME:
☐ NEW OWNER: _____
☐ No Change ADDRESS:
☐ NEW ADDRESS: _____
2. ☒ No Change - DATE OF PRIORITY: Completed - No Field Verification Needed.
☐ Incomplete - Claim shows no priority date, claimant should be asked during the exam when was water first used.
Priority date, per claimant, is _____
(if the priority date, based on your exam, seems questionable, explain in remarks.)
3. ☒ No Change - SOURCE:
☐ Source is different than that claimed:
Source found: _____
4. ☒ No Change - POINT OF DIVERSION:
☐ Point of diversion is different than the claim
New P/D: Twp. _____, Rge. _____, Sec. _____, 1/4 1/4 1/4
- Note: If the 10-acre tract is shown on the claim, then verification of the 10-acre parcel is needed. Otherwise the 10-acre tract is not required, unless the source is a spring.
5. ☒ No Change - DESCRIPTION OF DIVERTING WORKS:
☐ Incomplete desc., complete items missing, IF KNOWN.
☒ Additional comments in remarks.
HP of pump 1 Static water level 23 Well depth 191
Casing size 6" Pumping water level _____ Gravity flow _____
Method of irr. _____
6. ☒ No Change - WATER USES:
☐ Different uses, (list uses found).
- | | | | | |
|-----------|------------|----------|------------------|----------|
| Use _____ | From _____ | To _____ | Amount _____ cfs | _____ af |
| Use _____ | From _____ | To _____ | Amount _____ cfs | _____ af |
7. ☒ No Change - TOTAL VOLUME:
☒ Change found, The new total is, -- -- -- 0.08 cfs 2.4 afq
8. N/A

MICROFILMED

OCT 06 1992

9. ☒ No Change - NON-IRRIGATION USES: Completed on claim
☒ Incomplete on claim - Exam found:

Domestic - No. of homes 3 Stockwater - No. of head 8

Other: _____

10. ☒ No Change - PLACE OF USE: (If changed, list below.)
Use Twp. Rge. Sec. 1/4, 1/4, 1/4

Remarks: (Comments pertinent to field examination)

domestic pump supplies water to 3 homes ^(in house use only)
and stockwater for 8 horses. All of
the homes & horse are in Section 27
the NW 1/4 of NE 1/4. The area outlined
in the attached map is for irrigation
only.

ATTACHMENTS:

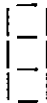
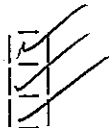
Attached to
This Form.

Attachments are
in Permit File.

PHOTOS

MAP

SYSTEM DIAGRAM



- ☐ Changes found during exam or additional information in the permit file, see permit file.

DATE EXAM CONDUCTED: 7-19-90

FIELD EXAMINER:

Signature

Larry Waters
Larry J. Waters

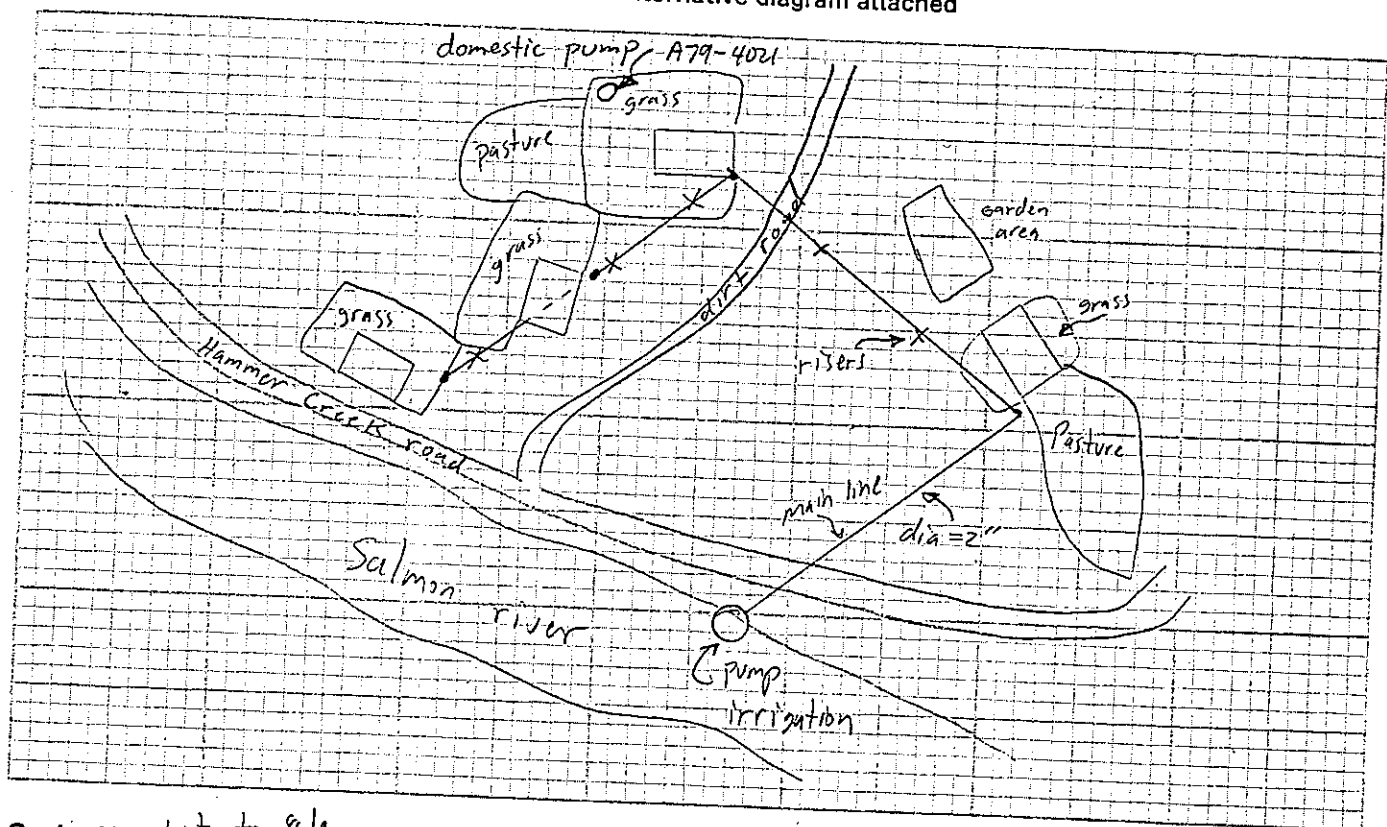
~~MICROFILMED~~

~~NOV 6 1992~~

A79-4021

SYSTEM DESCRIPTION

1. **Diversion System Diagram:** Indicate all major components and distances between components. Indicate size/ditch size/pipe i.d. as applicable. ☐ Alternative diagram attached

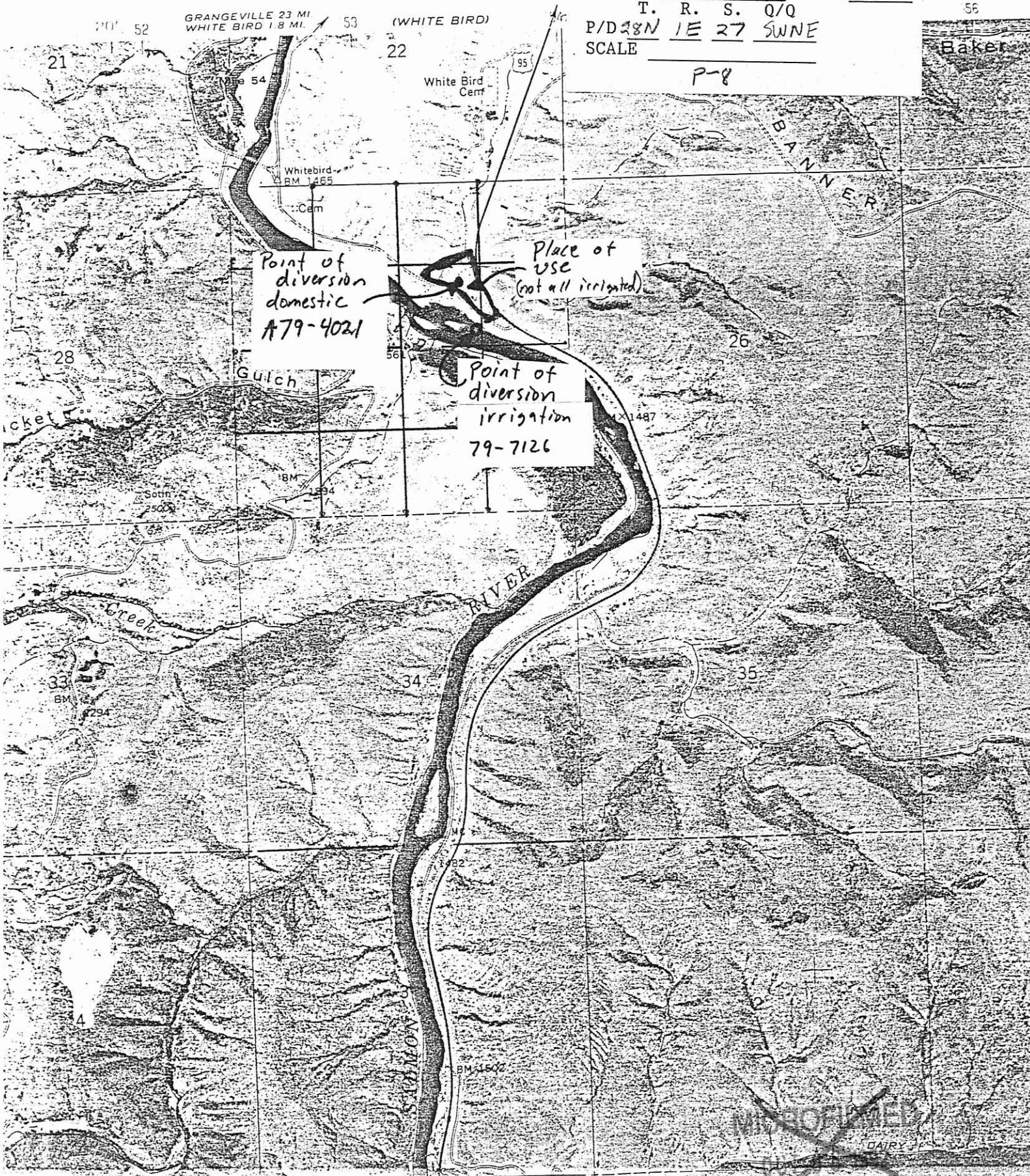


Scale: 1" = not to scale

2. ☒ Copy of U.S.G.S. Quadrangle Attached
Showing location(s) of point(s) of diversion and
place(s) of use (required). ☐ Aerial Photo Attached
(required for irrigation of 10 acres or more).
☒ Photo of Diversion and System Attached
(required for all but single household domestic groundwater, and stockwater).

~~FILED~~
OCT 06 1992

PERMIT A79-4021 INIT L.W.
T. R. S. Q/O
P/D 28N 1E 27 SWNE
SCALE P-8



A79-4021



Picture of domestic well
that feeds 3 Homes for
in house use only. Irrigation
is covered under 79-7126. Picture
taken looking west.

~~MICROFILMED~~
~~OCT 06 1992~~