

IDAHO DEPARTMENT OF WATER RESOURCES 01/08/2002
RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

WATER RIGHT NO. 35-13208

NAME AND ADDRESS: V R BENSON
1604 W TABER RD
BLACKFOOT ID 83221

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.98 CFS
264.0 AFY

USE OF THIS RIGHT WITH RIGHT NO. 35-07366 IS LIMITED TO A TOTAL COMBINED
DIVERSION RATE OF 7.0 CFS.

PRIORITY DATE: 07/21/1979

THIS WATER RIGHT IS SUBORDINATE TO ALL WATER RIGHTS WITH A PRIORITY
DATE EARLIER THAN APRIL 12, 1994, THAT ARE NOT DECREED AS
ENLARGEMENTS PURSUANT TO SECTION 42-1426, IDAHO CODE. AS BETWEEN
WATER RIGHTS DECREED AS ENLARGEMENTS PURSUANT TO SECTION 42-1426,
IDAHO CODE, THE EARLIER PRIORITY RIGHT IS THE SUPERIOR RIGHT.

POINT OF DIVERSION:

T01N R32E S34 SWNNW Within BINGHAM County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/31	0.98 CFS 264.0 AFY

PLACE OF USE: IRRIGATION Within BINGHAM County

T01N R32E S33	NENE	39.0	T01N R32E S33	NWNE	40.0
T01N R32E S33	SWNE	40.0	T01N R32E S33	SENE	39.0
T01N R32E S34	NENE	39.0	T01N R32E S34	NWNE	39.0
T01N R32E S34	SWNE	40.0	T01N R32E S34	SENE	39.0
T01N R32E S34	NENW	40.0	T01N R32E S34	NWNW	39.0
T01N R32E S34	SWNW	39.0	T01N R32E S34	SENW	40.0
T01N R32E S35	NWNW	31.0	T01N R32E S35	SWNW	35.0
539 ACRES TOTAL					

USE OF THIS RIGHT WITH RIGHT NO. 35-07366 IS LIMITED TO THE IRRIGATION OF A
COMBINED TOTAL OF 539 ACRES IN A SINGLE IRRIGATION SEASON.

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

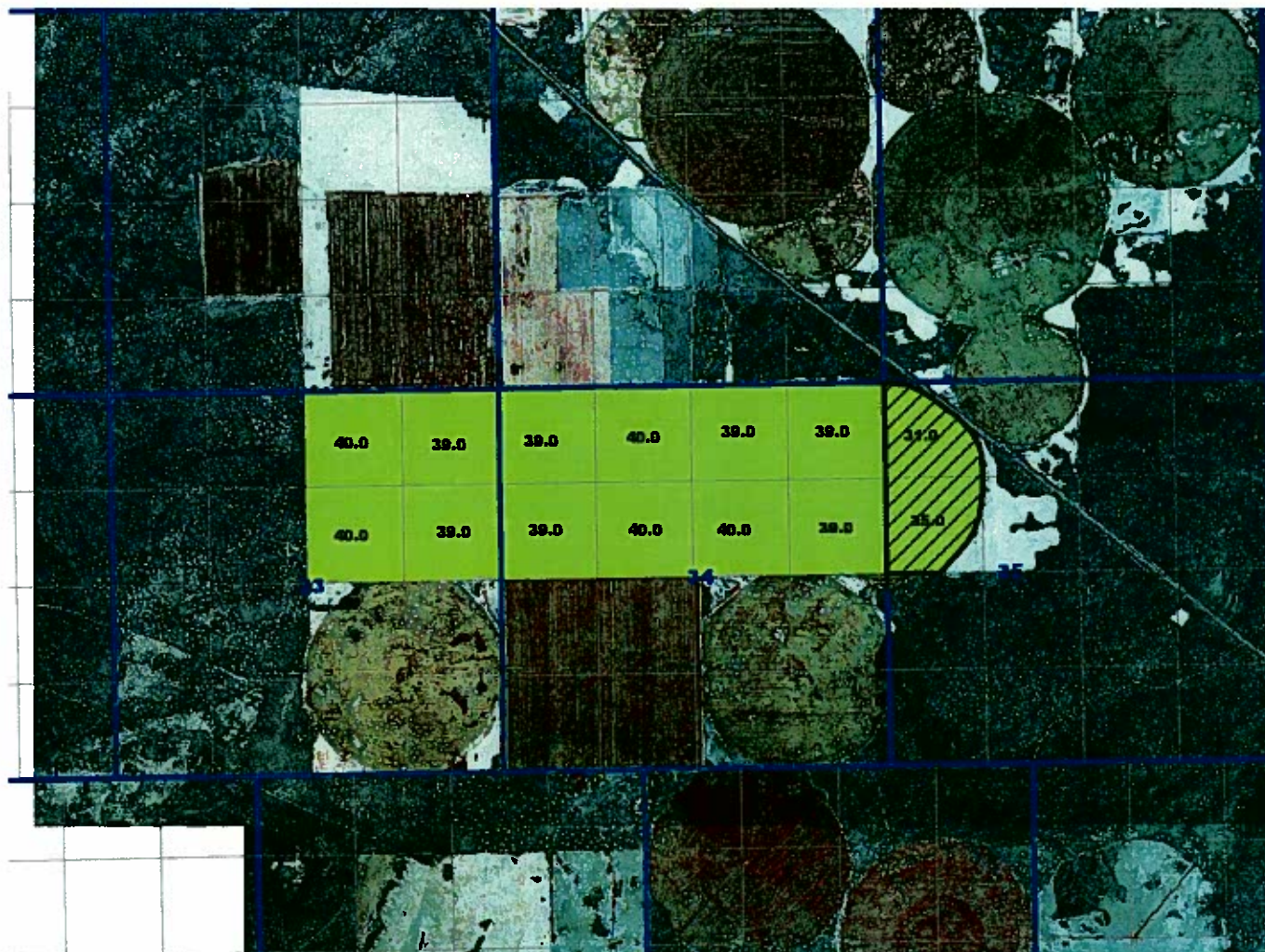
THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT
ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY
DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE
ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.
THIS RIGHT IS BASED UPON AN ENLARGEMENT OF RIGHT NO. 35-07366
PURSUANT TO SECTION 42-1426, IDAHO CODE.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

RIGHT NO. 35-07366 IS ALSO DIVERTED THROUGH POINT OF DIVERSION
DESCRIBED ABOVE.
THIS RIGHT IS FOR AN ENLARGEMENT OF 66 ACRES WITHIN THE PLACE OF
USE DESCRIBED FOR THIS RIGHT.

**State of Idaho
Department of Water Resources**

Water Right(s): 35-07366, 35-13208



0.5 0 0.5 1 Miles

**Location: T01N R32E
S33, 34, 35**

 not covered by original license
 Permissible Place of Use



**GIS Place of Use Illustration
1987/1988 NAPP Photography
Prepared by R. Brown
January 8, 2002**

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 35-7366 V2

WATER RIGHT NUMBER: 35-7366 V2

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	V R BENSON 1604 W TABER RD BLACKFOOT, ID 83221 (208)684-4685

Priority Date: 01/10/1974

Basis: License

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	4/01 to 11/01	7.000 CFS	1,892.00 AF
	<u>Total Diversion:</u>	7.000 CFS	1,892.00 AF

Location of Point(s) of Diversion

GROUND WATER	SW1/4NW1/4NW1/4	Sec. 34, Twp 01N, Rge 32E, B.M.
BINGHAM County		

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
01N	32E	33	39.0	40.0	40.0	39.0													158.0
01N	32E	34	39.0	39.0	40.0	39.0	40.0	39.0	39.0	40.0									315.0

Total Acres: 473

Conditions of Approval:

1. C12 THE FOLLOWING WATER RIGHTS FROM THE FOLLOWING SOURCES OF WATER IN BASIN 35 SHALL BE ADMINISTERED SEPARATELY FROM ALL OTHER WATER RIGHTS IN BASIN 35:
WATER RIGHT NO. SOURCE NONE NONE THE FOLLOWING WATER RIGHTS FROM THE FOLLOWING SOURCES OF WATER IN BASIN 35 SHALL BE ADMINISTERED SEPARATELY FROM ALL OTHER WATER RIGHTS IN THE SNAKE RIVER BASIN: WATER RIGHT NO. SOURCE NONE NONE ALL WATER RIGHTS WITHIN BASIN 35 ARE FROM CONNECTED SOURCES OF WATER IN THE SNAKE RIVER BASIN AND SHALL BE ADMINISTERED CONJUNCTIVELY.

Remarks:

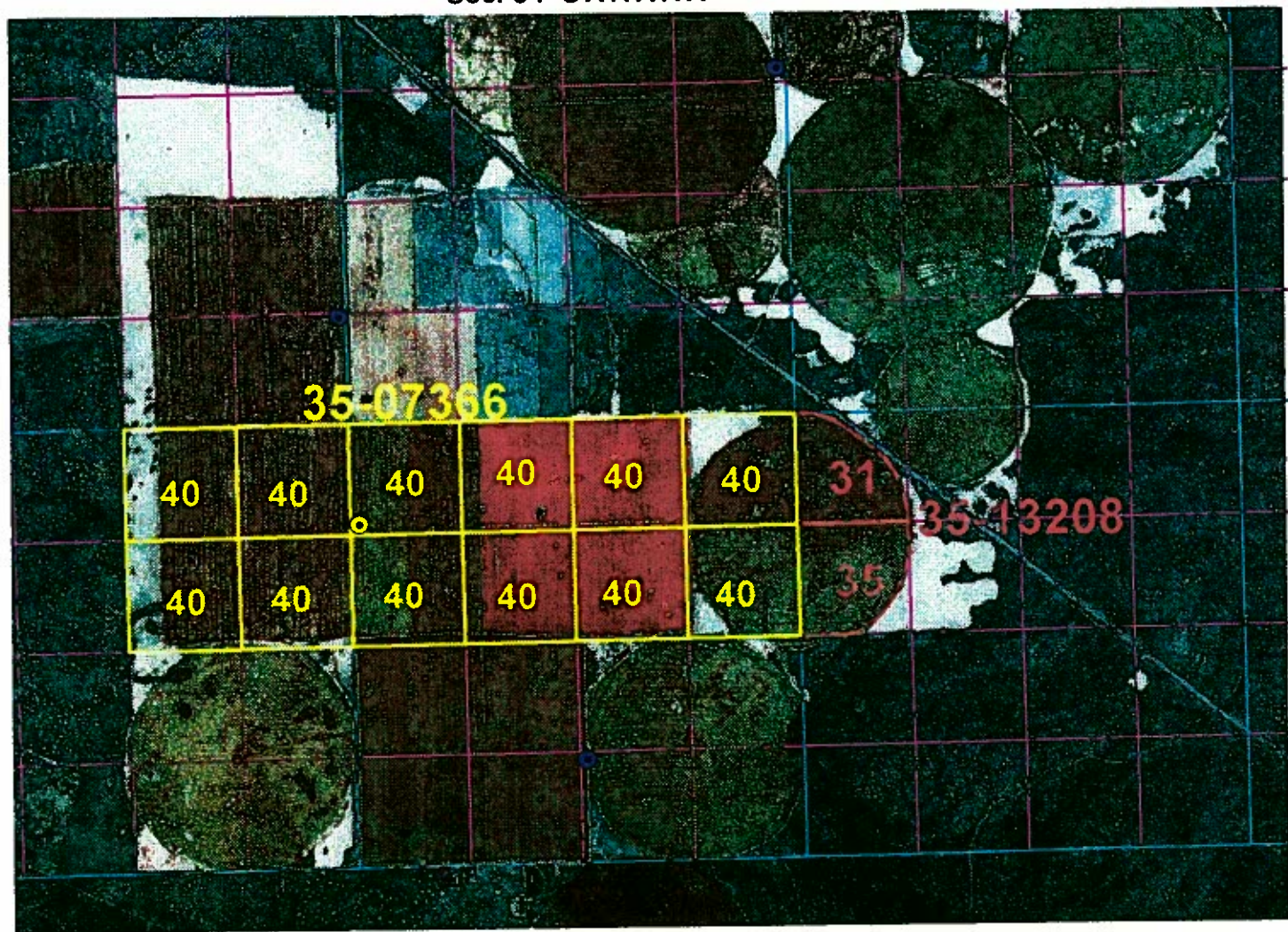
IDAHO DEPARTMENT OF WATER RESOURCES

CLAIMANT: Y R BENSON

WATER RIGHT:
35-13208

POINT OF DIVERSION:
T01N R32E
Sec. 34 SWNWNW

LOCATION: T01N R32E
Sec. 35 W2NW



- 36 Acreage
-  Point of Diversion
-  Section Lines
-  Place of Use
-  Quarter-Quarter Lines

Note: 35-13208 is an enlargement
of 35-07366 with the same point of
diversion.



GIS Place of Use Illustration
1987/1988 NAPP Photography
Prepared by: A Ruberry
Date: March 1998

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

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03/09/98

PAGE: 1
GENERAL INFORMATION

CLAIM NUMBER: A35-13208

LAST: BENSON
ADDRESS: 1604 W TABER RD
CITY: BLACKFOOT
PHONE NUMBER: 208-684-4685

FIRST: V R

STATE: ID ZIP: 83221

OWNER CODE: C

FIELD EXAM REQUIRED?

VERIFICATION REQUIRED DUE TO REMARKS? DATABASE Y() N() FIELD EXAMINER Y() N()

CLAIM REMARKS: QNT USE OF THIS RIGHT WITH RIGHT NO. 35-07366 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 7.0 CFS AND TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 1892 AF.

POU1 USE OF THIS RIGHT WITH RIGHT NO. 35-07366 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 539 ACRES IN A SINGLE IRRIGATION SEASON.

GEN THIS RIGHT IS BASED UPON AN ENLARGEMENT OF RIGHT NO. 35-07366 PURSUANT TO SECTION 42-1426, IDAHO CODE.

EXP RIGHT NO. 35-07366 IS ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE.
THIS RIGHT IS FOR AN ENLARGEMENT OF 66 ACRES WITHIN THE PLACE OF USE DESCRIBED FOR THIS RIGHT.

Handwritten notes:
~~Disputed~~
Pgs
District
Jury panel 10/12/98
marked return

CONTACT PERSON: _____ PHONE NUMBER: () - -
DATE OF FIELD EXAM: _/_/_ APPOINTMENT MADE: Y() N() TIME: _ : _ A() P()
ACCOMPANIED BY: _____ PHONE NUMBER: () - -
RELATIONSHIP TO CLAIMANT: _____
DIRECTIONS TO PROPERTY / NOTES: _____

27 Feb 98 sent letter to Vance Bonson, Re: Engagement claim is
needed for WINN Sec. 35, TIM R. 326.
6 March 98 Vance Bonson came in to file engagement claim Re: About

STAGE: J

PRIORITY DATE: D1-10-1974

A. AJ CLAIM: # A35-13208

B. MR RECORD: NO WATER RIGHT RECORD TO MATCH THIS AJ CLAIM

C. CAN THE PRIORITY DATE CLAIMED BE CONFIRMED BY A DECREE OR LICENSE?

D. HAS THERE BEEN A LATER COURT DECREE OF THE WATER RIGHT(S) FROM THIS WATER SOURCE?

E. IS THERE ANY INDICATION THAT THERE HAS BEEN A FIVE YEAR PERIOD OF CONTINUOUS NONUSE?
(IF YES, DESCRIBE BELOW)

F. IF THIS CLAIM IS BASED ON A PERMIT, WHERE IS THE PERMIT IN THE LICENSING PROCESS?

PROOF OF BENEFICIAL USE SUBMITTED

FIELD EXAM COMPLETED

FIELD EXAM SENT TO STATE OFFICE

LICENSE ISSUED

* IF THE PERMIT WILL NOT BE LICENSED PRIOR TO THE DIRECTOR'S REPORT,
USE CONDITION CODE AD1 AND RECOMMEND AS PERMITTED.

G. IF THIS CLAIM IS BASED ON BENEFICIAL USE, IS ADDITIONAL EVIDENCE
OF THE PRIORITY DATE REQUIRED?

* FOR CLAIMS BASED ON BENEFICIAL USE, DESCRIBE THE EVIDENCE OF PRIORITY SUBMITTED,
INCLUDING THE ANALYSIS OF THE EVIDENCE.

H. IS THE STAGE OF THE CLAIM CODED CORRECTLY?

NOTES:

*Priority is based on license 35-07366. License exam shows
education to WENW Sec. 35. - But it was not licensed but was
denied.*

*priority date confirmed as
of date of exam: July 21, 1979*

R. Brown

RECOMMENDED PRIORITY DATE:

As claimed

REVIEWED BY

A. Blum

DATE

9 March 98

A. AJ CLAIM POINT OF DIVERSION AND SOURCE:

RIGHT	TWP. RGE.	SEC.	1/4	1/4	1/4	LOT	POD FLAG	COUNTY	DIVERSION NAME	DIVERSION NUMBER
A35-13208	01N	32E	34	SW	NW	NW		BINGHAM		

OTHER AJ CLAIMS WITH SAME AJ POD
A PREFIX R PREFIX
A35-07366 R35-07366

WR RECORDS IN SAME 40 ACRE TRACT
35-07366

SOURCE: GROUNDWATER

TRIB:

B. WR POINT OF DIVERSION AND SOURCE:

THERE IS NO WATER RIGHT RECORD WITH THE SAME CLAIM NUMBER

SOURCE: NO SOURCE FOR RECORD

TRIB: NO TRIBUTARY FOR RECORD

C. IS THE CLAIMED POD WITHIN THE SAME 40 ACRE TRACT THAT IS DESCRIBED IN THE WATER RIGHT FILE? N/A() Y() N()

* IF NO, AND IF THE CHANGE IS VERIFIED AS AN ACCOMPLISHED CHANGE IN POD, DESCRIBE THE INJURY ANALYSIS PERFORMED AND ENTER FLAG "C" WITH THE APPROPRIATE EXPLANATORY CODE.

D. CAN THE CLAIMED POD BE VERIFIED USING THE WATER RIGHT FILE OR GPS DATA? N/A() Y() N()

E. SHOULD THE CLAIMED POD BE VERIFIED BY FIELD EXAM? Y() N()

F. IS THE CLAIMED SOURCE THE SAME AS DESCRIBED IN THE WATER RIGHT FILE? N/A() Y() N()

* IF NO, AND IF THE CHANGE IS VERIFIED AS AN ACCOMPLISHED CHANGE IN SOURCE, DESCRIBE THE INJURY ANALYSIS PERFORMED AND ENTER FLAG "C" WITH THE APPROPRIATE EXPLANATORY CODE.

G. CAN THE CLAIMED SOURCE BE VERIFIED USING THE WATER RIGHT FILE? Y() N()

H. SHOULD THE CLAIMED SOURCE BE VERIFIED BY FIELD EXAM? Y() N()

I. HOW WAS THE POD AND SOURCE VERIFIED?

LICENSING FIELD EXAM (DATE OF FIELD EXAM 11-27-99)

AJ FIELD EXAM (DATE OF FIELD EXAM)

NAME OF EXAMINER)

OTHER (DESCRIBE IN NOTES BELOW)

NOTES:

Same POD AS 35-07366.

RECOMMENDED POINT(S) OF DIVERSION AND SOURCE: CHECK HERE IF RECOMMENDED AS CLAIMED (☒)

POD

TWP.	RGE.	SEC.	LOT	FLAG	COUNTY	DIVERSION NAME	DIVERSION NBR
41N	32E	34	NW		BINGHAM		

**COUNTY
BINGHAM**

SOURCE:

66

TRIB:

REVIEWED BY:

Asphodelus

DATE:

9 Mar 98

SYSTEM DESCRIPTION:	DESCRIBED BELOW (), SEE LICENSE FILE (), OR SEE ATTACHMENT ()

A. ROOT WATER RIGHT NUMBERS: A35-13208

B. POU LISTING

TWP	RNG	SEC	1/4	1/4	LOT	NAME	AJ #/ACRES	WR #/ACRES	LANDSAT DATA	FIELD EXAM.	RECOMM. ACRES
01N	32E	35	NW	NW		BENSON, V R	A35-13208 / 33.0	-	39.0		31
			NW	NW		BENSON, V R	A35-07615 / 5.0	35-07615 / 5.0			
			NW	NW		BENSON, V R	R35-07476 / 5.0	-			
			NW	NW		BENSON, V R	R35-07615 / 5.0	-			
			NW	NW		LLOYD, CALVIN G		35-07476A / 5.0			
01N	32E	35	SW	NW		BENSON, V R	A35-13208 / 33.0	-	39.0		35

ADDITIONAL POU FOUND

TOTAL ACRES A35-13208 66.00 78.00 66.0 By GTS

POU COUNTY: BINGHAM

C. IS WATER USAGE FOUND IN TRACTS OTHER THAN THOSE CLAIMED?

* IF YES, ARE THESE TRACTS LISTED ABOVE (), OR ARE THEY LISTED ON AN ATTACHED SHEET ()

Y() N()

LIST OF ALL RIGHTS WITH A SAME POU AND IRRIGATION USAGE

CLAIM NO.	SOURCE	NAME	DIV. RATE	RATE/ACRE	DIV. VOL.	DIV. VOL./ACRE
A35-13208	GROUNDWATER	BENSON, V R	0.980	0.014		
R35-07476	GROUNDWATER	BENSON, V R	14.800	0.011		
R35-07615	GROUNDWATER	BENSON, V R	2.940	0.002		
A35-07615	GROUNDWATER	BENSON, V R	2.940	0.020	514.50	3.50

NO RIGHTS WITH SAME POU BUT NOT USED FOR IRRIGATION

D. ARE OTHER WATER RIGHTS USED FOR THE SAME PURPOSE?

* IF YES, COMPLETE OVERLAP REVIEW:

OTHER RIGHTS LISTED IN CLAIM: 35-07366

Y() N()

E. IS THE CLAIMED POU THE SAME AS DESCRIBED IN THE WATER RIGHT FILE?

* IF NO, AND IF THE CHANGE IS VERIFIED AS AN ACCOMPLISHED CHANGE IN POU, DESCRIBE THE INJURY ANALYSIS PERFORMED AND ENTER FLAG "C" WITH THE APPROPRIATE EXPLANATORY CODE.

N/A() Y() N()

THIS IS AN EXHAUSTIVE CLAIM OR 35-07366.

F. CAN THE CLAIMED POU BE VERIFIED USING THE WATER RIGHT FILE AND AVAILABLE AERIAL PHOTOS?

N/A() Y() N()

G. SHOULD THE CLAIMED POU BE VERIFIED BY FIELD EXAM?

Y() N()

H. IS THERE ANY INDICATION THAT THERE HAS BEEN A FIVE YEAR PERIOD OF CONTINUOUS NONUSE OF THIS RIGHT, OR ANY PORTION OF THIS RIGHT?

Y() N()

CHECK DOCUMENTS USED TO VERIFY POB: () ORTHOPHOTOQUAD, IDNR NO. _____; () TOPOGRAPHIC QUAD, IDNR NO. _____;
() NAPP, IDNR NO. _____; () ASCS PHOTO; () OTHER GDS&NAPP

NOTES:

No change to total acreage only, as provided herein to
Per GDS.

6 Mm 98 Contracted Bureau Co. Accession to verify ownership. W2110
Sec. 35 T1N, R32E is owned by W.R. Benson Source of this.

RECOMMENDATIONS:

TOTAL ACRES: 66.0 N/A ()
REVIEWED BY: [Signature] DATE: 9 Mar 98

A. AJ CLAIMED USES:

PURPOSE OF USE	PERIOD OF USE (MONTH/DAY)	DIV. RATE FOR EACH USE	DIV. VOL. FOR EACH USE
A35-13208 IRRIGATION	FROM 04-01 TO 10-31	D.980 CFS	
TOTAL DIVERSION RATE/VOLUME		D.980 CFS	

B. WR RECORDED USES:

PURPOSE OF USE	PERIOD OF USE (MONTH/DAY)	DIV. RATE FOR EACH USE	DIV. VOL. FOR EACH USE
----------------	---------------------------	------------------------	------------------------

C. DOES THE CLAIMED PURPOSE OF USE CORRECTLY DESCRIBE THE WATER USE? Y() N()

D. IS THE CLAIMED PURPOSE OF USE THE SAME AS DESCRIBED IN THE WATER RIGHT FILE? N/A() Y() N()

* IF NO, AND IF THE ACTUAL WATER USE IS VERIFIED AS AN ACCOMPLISHED CHANGE IN PURPOSE OF USE, DESCRIBE THE INJURY ANALYSIS PERFORMED AND ENTER FLAG "C" WITH THE APPROPRIATE EXPLANATORY CODE.

E. SHOULD THE CLAIMED PURPOSE OF USE BE VERIFIED BY FIELD EXAM? Y() N()

F. DOES THE CLAIMED PERIOD OF USE CONFORM TO IDWR STANDARDS? Y() N()

G. SHOULD THE PERIOD OF USE BE RECOMMENDED TO IDWR STANDARDS? Y() N()

* IF THE RECOMMENDED PERIOD OF USE IS DIFFERENT THAN IDWR STANDARDS, EXPLAIN IN NOTES BELOW.

H. IS THE CLAIMED DIVERSION RATE FOR EACH USE THE SAME AS DESCRIBED IN THE WATER RIGHT FILE? N/A() Y() N()

* IF NO, DESCRIBE IN NOTES BELOW HOW THE RECOMMENDED DIVERSION RATE FOR EACH USE WAS DETERMINED.

I. SHOULD THE CLAIMED DIVERSION RATE FOR EACH USE BE VERIFIED BY FIELD EXAM? N/A() Y() N()

J. IS THE CLAIMED DIVERSION VOLUME FOR EACH USE THE SAME AS DESCRIBED IN THE WATER RIGHT FILE? N/A() Y() N()

* IF NO, DESCRIBE IN NOTES BELOW HOW THE RECOMMENDED DIVERSION VOLUME FOR EACH USE WAS DETERMINED.

K. SHOULD THE CLAIMED DIVERSION VOLUME FOR EACH USE BE VERIFIED BY FIELD EXAM? N/A() Y() N()

NOTES:

AJ CLAIM TOTAL DIVERSION RATE: D.980 CFS
WR ROOT RIGHT TOTAL DIVERSION RATE: CFS

- A. IS THE CLAIMED TOTAL DIVERSION RATE THE SAME AS DESCRIBED IN THE WATER RIGHT FILE? N/A() Y() N()
B. CAN THE CLAIMED TOTAL DIVERSION RATE BE VERIFIED USING THE WATER RIGHT FILE? N/A() Y() N()

* ALL CLAIMS BASED ON BENEFICIAL USE (INCLUDING POSTED NOTICES AND STATUTORY CLAIMS) REQUIRE A FLOW MEASUREMENT.

- C. IS THERE ANY INDICATION THAT THERE HAS BEEN A FIVE YEAR PERIOD OF CONTINUOUS NONUSE OF THIS RIGHT, OR ANY PORTION OF THE DIVERSION RATE? Y() N()

* IF AN AMOUNT SMALLER THAN THE ORIGINAL DIVERSION RATE IS CLAIMED AND A FIELD EXAM IS NOT REQUIRED, EXPLAIN IN NOTES.

- D. SHOULD THE CLAIMED DIVERSION RATE BE VERIFIED BY FIELD EXAM? Y() N()

E. FLOW MEASUREMENT N/A

MEASUREMENT METHOD _____, SEE ATTACHED CALCULATIONS.

F.

RATE/VOLUME CALCULATIONS: (IRRIGATION)

- 1a. IRRIGATION RATE
ACRES 66 x D.02 CFS/ACRE = _____ CFS
(Taken from pou review)

IS A DIVERSION RATE PER ACRE GREATER THAN 0.02 CFS/ACRE CLAIMED? Y() N()
IF YES, IS AN ADDITIONAL WATER USE FORM FILED AND ATTACHED? Y() N()

2. IRRIGATION DIVERSION VOLUME

CLAIMED DIVERSION VOLUME = _____ AF/A

ACRES _____ x DIVERSION VOL. AF/A FOR AREA _____ =

TOTAL DIVERSION VOLUME _____ AF/A

3. IRRIGATION CONSUMPTIVE USE

CLAIMED CONSUMPTIVE USE = _____ AF/A

ACRES _____ x CONSUMPTIVE VOL. AF/A FOR AREA _____ =

TOTAL CONSUMPTIVE USE _____ AF/A

4. CALCULATIONS FOR USES OTHER THAN IRRIGATION: SEE BELOW () OR SEE ATTACHMENT ()

1b. CALCULATIONS

Original
 $35-09366 - 9.00 \text{ cfs on } 473.0 \text{ ac}$
 $= 0.0148 \text{ cfs/ac}$
Consumption
 $35-13208 - 0.98 \text{ cfs on } 66 \text{ ac}$
 $= 0.0148 \text{ cfs/ac}$

RECOMMENDATIONS: CHECK HERE IF RECOMMENDED AS CLAIMED ()

REC. PURPOSE OF USE	REC. PERIOD FROM TO	REC. DIV RATE CFS	REC. DIV VOL. AF/A	REC. CONS. USE
IRRIGATION	04-01 10-31	DATABASE EXAMINER 0.980	DATABASE EXAMINER	DATABASE EXAMINER 0.0
TOTAL FOR THIS RIGHT				

NON-IRRIGATION USES CLAIMED:

NON-IRRIGATION USES RECOMMENDED: CHECK HERE IF RECOMMENDED AS CLAIMED ()

REVIEWED BY: *[Signature]*

DATE: *9 Apr 98*

FLAG: E

STANDARD CONDITIONS (CODE):

STANDARD REMARKS (CODE): *QNT-E25; 07366, 7.0 cfs, 1892 AC*

PAW1- EN; 07366, 539 AC

GON- K02; 07366

EXP- K09, 66 AC, FOS, 07366

EXPLANATORY CONDITIONS (CODE):

EXPLANATORY REMARKS (CODE):

A. CHECK ONLY THE FOLLOWING THAT APPLY:

OWNERSHIP _____
FORFEIT/ABANDON _____
ADDITIONAL DIV. AMOUNT _____

ACCEPTED AS CLAIMED ()
NEEDS REVIEW ()
()
()
()

B. SPLIT WATER RIGHT REVIEW

ROOT WATER RIGHT NUMBER: 35-13208

TOTAL DIVERSION RATE OF WR SPLITS

SPLITS:

OLD RIGHT NUMBERS	CURRENT CLAIM NUMBERS	DIVERSION RATE	CURRENT "R" CLAIM NUM.	"R" DIV. RATE	WR RIGHT NUMBERS	DIVERSION RATE
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-	A35-13208	0.980	-	-	-	-
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TOTAL CFS 0.980

DIVERSION RATE REVIEW

DO THE SUM CFS RATE OF THE SPLITS EQUAL THE ROOT RIGHT CFS RATE? (Y/N)
IF NO, IS THE WRITTEN REVIEW DESCRIBED BELOW () OR SEE ATTACHMENT ()?

DATABASE N
FIELD EXAMINER Y() N()

NOTES:

35-
ENLARGEMENT OF 07366

AUTHENTICATION:

SIGNATURE: _____ DATE: 9 March 98

NAME OF FIELD EXAMINER: A.B. P. _____ TITLE: Sr. Asst.

MAPS AND AERIAL PHOTOGRAPHS USED TO REVIEW THIS NOTICE OF CLAIM TO A WATER RIGHT

TYPE OF MAP OR PHOTOGRAPH (CHECK IF USED)	IF USED, SUPPLY APPROPRIATE DATE AND OTHER INFORMATION	COPY INCLUDED IN FILE?
☐ ORTHOPHOTOQUAD	DATE OF PHOTO _____ IDWR ID NO. _____	Y() N()
☐ TOPOGRAPHIC	DATE FIELD CHECKED _____ IDWR ID NO. _____	Y() N()
☒ NAPP <i>GIS</i>	DATE OF PHOTO _____ <i>See GIS</i>	Y() N()
☐ ASCS AERIAL PHOTO	DATE OF PHOTO _____	Y() N()
☐ ASCS COLOR SLIDE	DATE OF PHOTO _____	Y() N()
☐ BLM OR USFS AERIAL PHOTO	DATE OF PHOTO _____	Y() N()
☐ TOWNSHIP SURVEY (GOVERNMENT PLAT)	DATE OF SURVEY _____	Y() N()
☐ SCS SOIL SURVEY MAP	DATE ISSUED _____	Y() N()
☐ SUBDIVISION PLAT MAP	DATE OF MAP _____	Y() N()
☐ OTHER _____	DATE _____	Y() N()
☐ OTHER _____	DATE _____	Y() N()
☐ OTHER _____	DATE _____	Y() N()

LIST OF ATTACHMENTS (CHECK IF ATTACHED)	IF ATTACHED, SUPPLY APPROPRIATE INFORMATION	NO. OF PAGES	NOTES
☐ LICENSING FIELD EXAM	DATE OF FIELD EXAM _____ <i>35-02366</i>	_____	_____
☐ WATER RIGHT LICENSE	DATE LICENSE SIGNED _____	_____	_____
☐ IDWR APPROVED TRANSFER	DATE TRANSFER APPROVED _____	_____	_____
☐ SYSTEM DESCRIPTION	DATE DRAWN _____	_____	_____
☐ PHOTOGRAPHS	DATE(S) PHOTOS TAKEN _____	_____	_____
☐ SPLIT RIGHT REVIEW	DATE REVIEW COMPLETED _____	_____	_____
☐ HUBBLE ANALYSIS	DATE ANALYSIS COMPLETED _____	_____	_____
☐ CONVEYANCE LOSS ANALYSIS	DATE ANALYSIS COMPLETED _____	_____	_____
☐ FLOW MEASUREMENT CALCULATIONS	DATE SYSTEM MEASURED _____	_____	_____
☐ OTHER _____	DATE _____	_____	_____
☐ OTHER _____	DATE _____	_____	_____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

07:34:12
03/09/98

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QUICKLOOK INFORMATION

16
CLAIM NUMBER: A35-13208

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

BARCODE UPDATED
WHOM/DATE



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

October 26, 1999

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

V. R. Benson
1604 W. Taber Rd.
Blackfoot, ID 83221

RE: Snake River Basin Adjudication (SRBA)
Notice of Claim to a Water Right #A35-13208

Dear Claimant:

Your Notice of Claim to a Water Right was received from the SRBA Court recently. We have enclosed a data-entered copy of your claim for your records. We have also enclosed receipts #C024948 (for your claim), and #C024949 (for V. Blaine Benson's claim) for the fees paid by you.

Your Notice of Claim will be investigated and reported to the Court in a future supplemental Director's Report. Please contact me at 208/327-7932 if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read 'Donald V. Shaff', written over a horizontal line.

Donald V. Shaff, Manager
Adjudication Technical Section

DS:ss:region
Enclosures:

Receipts #C024948 and C024949
Data-entered Copy of Claim

DISTRICT COURT
SNAKE RIVER BASIN ADJUDICATION
STATE OF IDAHO



RECEIVED
OCT 22 1999

Department of Water Resources

(208) 736-3011
FAX (208) 736-2121

SRBA CHAMBERS
P.O. BOX 2707
TWIN FALLS, IDAHO 83303-2707

October 21, 1999

Dave Tuthill
Idaho Department of Water Resources
P O Box 83720
Boise, ID 83720-0098

RE: Motions to File Late Notices of Claim Granted at the October 19th Status
Conference

Dear Dave:

Enclosed, please find an *Order Granting Motion to File Late Notice of Claim* and
the attached Notice of Claim for each of the following subcases.

72-00176L	Robert Griswold	\$106.00 filing fee paid, Check 2765 ✓
35-13209	V. Blaine Benson	\$131.00 filing fee paid, Check 3617 ✓
35-13208	V.R. Benson	\$166.00 filing fee paid, Check 3618 ✓
35-13275	Wendy Porter	\$25.- Filing Fee paid to IDWR- Eastern (see receipt attached to Notice of Claim) ✓

If you have questions about these or other matters, please contact me.

Sincerely,

Ami Alberdi
Deputy Clerk of the Court
Snake River Basin Adjudication

Enclosures

DISTRICT COURT-SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
OCT 19 1999	
By _____	Clerk
Deputy Clerk	

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

In Re SRBA

Case No. 39576

Subcase No. 85-13208

ORDER GRANTING MOTION
TO FILE LATE NOTICE OF CLAIM

On July 20, 1999, a Motion to File Late Notice of Claim was filed by
V.R. Benson. All procedural requirements under
Administrative Order 1 were complied with in filing this *Late Notice of Claim*. No valid
objections were made to this *Late Notice of Claim*. The Motion is GRANTED.

IT IS SO ORDERED.

DATED 10/19/1999.

MAIL



31873

B. Wood
BARRY WOOD
Administrative District Judge and
Presiding Judge of the
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that true and correct copies of the **ORDER GRANTING MOTION TO FILE LATE NOTICE OF CLAIM** were mailed on October 21, 1999, with sufficient, first-class postage to the following:

IDWR Document Depository
PO Box 83720
Boise, ID 83720
NOTICE OF CLAIM FORWARDED

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

United States Dept of Justice
Environment & Natural Resources Division
550 West Fort Street, MSC 033
Boise, ID 83724

V R Benson
1604 W Taber Road
Blackfoot, ID 83221


Deputy Clerk

RECEIVED

OCT 05 1999

Department of Water Resources

1999 SEP 27 PM 1:42

DISTRICT COURT - SRBA
TWIN FALLS CO. IDAHO

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

Subcase Nos. 35-13208

Case No. 39576

NOTICE SETTING HEARING ON
MOTION TO FILE LATE NOTICE
OF CLAIM

On July 20, 1999, a *Motion to File Late Notice of Claim* was filed by V. R. Benson in the above subcase.

The *Motion* will be heard on Tuesday, October 19, 1999, at 1:30 p.m. at:

CUSTER COUNTY COURTHOUSE
801 MAIN STREET
CHALLIS, IDAHO

Any party wishing to participate by telephone shall contact the deputy clerk of the SRBA prior to Friday, October 15, 1999 by 5:00 p.m.

DATED September 27, 1999.



Ami Alberdi
Deputy Clerk of the Court
Snake River Basin Adjudication

CERTIFICATE OF MAILING

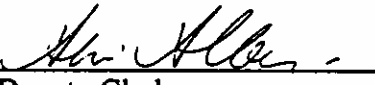
I certify that true and correct copies of the **NOTICE SETTING HEARING ON MOTION TO FILE LATE NOTICE OF CLAIM** were mailed on October 1, 1999, with sufficient, first-class postage to the following:

IDWR Document Depository
PO Box 83720
Boise, ID 83720

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

United States Dept of Justice
Environment & Natural Resources Division
550 West Fort Street, MSC 033
Boise, ID 83724

V R Benson
1604 W Taber Road
Blackfoot, ID 83221


Deputy Clerk

RECEIVED

JUL 21 1999

Department of Water Resources

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

) Subcase 35-13208

) (Insert water right number)

Case 39576

) STANDARD FORM 4

) MOTION TO FILE:

) ☒ LATE NOTICE OF CLAIM

) ☐ AMENDED NOTICE OF CLAIM

INSTRUCTIONS

This form is used to file a late Notice of Claim or an amendment to a Notice of Claim in a reporting area where the Director's Report has been filed. Forms may be obtained from the SRBA Court, the Idaho Department of Water Resources (IDWR), or you may copy or reproduce this blank form. If you copy or reproduce this form, please copy on both sides with the even-number pages upside down.

The water right number for your late or amended claim must be indicated above in the blank space following "Subcase." You must use a **separate form for each** late or amended Notice of Claim.

This form has been adopted by the court in **SRBA Administrative Order 1, Rules of Procedure** (amended Sept. 30, 1996), Section 4, which may be consulted for further information.

By filing a *Motion to File a Late Notice of Claim* or a *Motion to File an Amended Notice of Claim*, you certify that it is well-grounded in fact; is warranted by existing law or a good-faith argument for the extension, modification or reversal of existing law; and is not filed for any improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation.

☐ I have read **SRBA Administrative Order 1, Rules of Procedure** (amended Sept. 30, 1996).

My name is _____

My address is _____

My phone number is: Work _____ Home _____

I am an attorney representing _____

My name is _____

My address is _____

My phone number is _____

MOTION TO FILE A LATE NOTICE OF CLAIM

A Motion to File a Late Notice of Claim will require a hearing before the Presiding Judge.

☐ I did not file a Notice of claim to the use of water in the SRBA because:

☐ I filed a ~~Notice of Claim~~ and elected to ~~defer~~ judicial proceedings on my ~~domestic or stock~~ watering use. I desire to reinstate my ~~Notice of Claim~~ for domestic or ~~stock watering~~ use.

☐ I am providing legal and factual documentation for my claimed use of water. You must describe these documents and attach a readable copy. (You do not need to fill this out if you are reinstating a Notice of Claim for domestic or stock watering use, but you **must** attach a copy of your Notice of Claim.)

I have attached:

- ☒ A fully completed Notice of Claim (available from IDWR).
- ☐ A claim filing fee for a domestic and stock watering use. IDWR may charge this fee pursuant to I.C. § 42-1414. To determine this amount, contact IDWR at (800) 451-4129. I have enclosed a check payable to: State of Idaho Department of Water Resources in the amount of \$ _____.
- ☒ A claim filing fee and a late claim fee for those claims other than a domestic or stock watering use for which a notice of claim was not filed. To determine this amount, contact IDWR at (800) 451-4129. I have enclosed a check payable to: State of Idaho Department of Water Resources in the amount of \$ 166⁰⁰.

Follow these instructions regarding the hearing on this motion.

1. Contact the Clerk of the SRBA Court (208-736-3011) to request a hearing date and time.
2. Fill in the following information:

This motion will be heard on _____
(Insert Date and Time)

at the SRBA courthouse, 253 Third Avenue North, Twin Falls, Idaho.

MOTION TO FILE AN AMENDED NOTICE OF CLAIM

A Motion to File an Amended Notice of Claim may require a hearing before the Presiding Judge or Special Master or may be granted by leave of the court or by written consent of the parties and the Idaho Department of Water Resources. Leave to amend a claim shall be freely given when justice so requires.

- ☐ I must amend my Notice of Claim to the use of water in the SRBA because:

- ☐ I am providing legal and factual documentation to support my amended Notice of Claim. You must describe these documents and attach a readable copy.

I have attached:

- ☐ An amended Notice of Claim (available from IDWR).
- ☐ Payment of the following additional fees required by IDWR:

VERIFICATION (Must be completed)

State of IDAHO

County of LEMHI

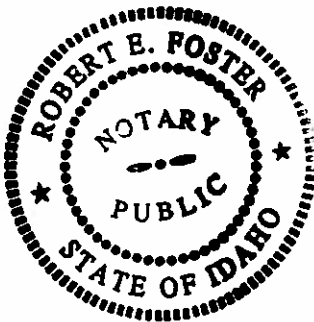
V. R. Benson, being first duly sworn, upon oath, deposes and says:
(Insert name of person filing form)

That I am the party/claimant filing this motion for late or amended claim (as listed on Page 2) as defined by I.C. §§ 42-1401A(1) and (7) or that I am the attorney for the party/claimant filing this motion for late or amended claim and that I have read this motion, know its contents, and believe that the statements are true to the best of my knowledge.

V. R. Benson
Signature of person filing motion

Attorney signing in representative capacity

Subscribed and sworn to before me on July 19, 1999.
(Insert Date)



Robert E Foster
Notary Public for IDAHO
Residing at: Salmon IDAHO
My Commission expires: 02-16-2001

INSTRUCTIONS FOR MAILING

You must mail this form, including all attachments, to the Clerk of the SRBA Court. **FAX filings will not be accepted by the SRBA Clerk of the Court.** You must also send a copy to all the parties listed below in the Certificate of Mailing.

CERTIFICATE OF MAILING

I certify that on 7-19, 1999, I mailed the original and copies of this form, including all attachments, to the following persons by mailing the original and/or copies, postage prepaid and addressed as follows:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
PO Box 2707
Twin Falls, ID 83303-2707

2. Copies to:

IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

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

United States Department of Justice
Environment and Natural Resource Division
550 West Fort Street, MSC 033
Boise, ID 83724

3. If you are filing an amended Notice of Claim in a subcase being heard before the Presiding Judge or a Special Master, you must serve a copy on all parties to that subcase.

(Insert Names/address of parties)



Signature of person or attorney mailing the form



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

EASTERN REGION

4 May 1998

V R BENSON
1604 W TABER RD
BLACKFOOT ID 83221

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

RE: Enlargement Claims A35-13208 & A35-13209

Dear Mr. Benson:

On or about March 25, 1998, when you visited my office, we discussed the need for, and subsequently filed two separate enlargement claims, 35-13208 and 35-13209.

Claim A35-13208 was filed for an additional 66 acres as an enlargement of License 35-07366. Before this claim can be recommended to the court for partial decree, filing fees in the amount of \$116.00 (\$50.00 filing fee and \$66.00 as \$1.00/ac.) must be paid.

35-13209 was filed as an enlargement of 35-07277. We had a lengthy discussion regarding the priority date because of the State Lands lease issue. BLM records suggest the priority date can be verified as far back as July 25, 1978. You indicated you felt the priority date could be verified even further back in time. However, to date, I have not received notification proof of the date you would like. In addition, if this claim is to be recommended to the court filing fees in the amount of \$81.00 (\$50.00 filing fee and \$31.00 as \$1.00/ac.) must be paid.

For these two water right claims to be favorably recommended to the court, the above referenced problems must be satisfied. The deadline for the court recommendation of these two rights is May 18, 1998. Failure to satisfy the above issues will result in the claims being DISALLOWED.

If you have further questions regarding the above-referenced claims, please contact me at the above telephone number or make an appointment to visit.

Respectfully submitted,

Allen B. Ruberry

Allen B. Ruberry
Sr. Water Resource Agent
Adjudications bureau

CC: File(s)

27 February 1998

V R BENSON
1604 W Taber RD
Blackfoot ID 83221

Re: IRRIGATED LAND NOT COVERED BY WATER RIGHTS 35-07366 AND
35-07277

Dear Mr. Benson:

During a recent review of the Notice of Claim to a Water Right referenced above, the irrigated acreage identified exceeds the acreage covered by the water right. Pursuant to Idaho Code Section 42-1426, the additional acreage may qualify for an "enlargement claim" thus allowing continued irrigation of this land. For your reference, I have enclosed a computer simulated illustration of the land covered by the water right and the land apparently being irrigated.

To file an enlargement claim you will need to furnish evidence showing when the additional land was placed under irrigation. The enclosed pamphlet entitled "Evidence of Priority" provides some guidelines for fulfilling this requirement.

Notices of Claim for the area in question are currently being reviewed by the Department prior to submitting them to the court. Hence, the need for expediency on your part. Please call this office to schedule an appointment to meet with me if you wish to discuss this matter or obtain assistance in filing an enlargement claim. I look forward to your timely response.

Respectfully submitted,

Allen B. Ruberry
Sr. Water Resource Agent
Adjudications Bureau

CC: File

Enclosures: Proof of Priority pamphlet
Profile Reports of 35-07277 and 35-07366
Computer simulated illustration

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: A35-13208

Date Received: 3/ 6/1998

Receipt No: ~~X777777~~ C046949

Received By: *[Signature]* 1/9/2/99

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: V R BENSON 208-684-4685
Address: 1604 W TABER RD
BLACKFOOT ID 83221

2. Date of Priority: JAN 10, 1974

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
01N	32E	34	SW	NW	NW		BINGHAM

5. Description of diverting works:
WELL TO PIVOTS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	10/31	0.980		

7. Total Quantity Appropriated is:
0.980 C.F.S. (and/or) 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 of	Lot	Use	Acres
01N	32E	35	NW	NW		IRR	33.0
			SW	NW		IRR	33.0

A3513208



10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					Section Acres	66.0
					Total Acres	66.0

11. Place of use in counties: BINGHAM

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

13. Other Water Rights Used:
35-07366

14. Remarks:

USE OF THIS RIGHT WITH RIGHT NO. 35-07366 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 7.0 CFS AND TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 1892 AF.

USE OF THIS RIGHT WITH RIGHT NO. 35-07366 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 539 ACRES IN A SINGLE IRRIGATION SEASON.

THIS RIGHT IS BASED UPON AN ENLARGEMENT OF RIGHT NO. 35-07366 PURSUANT TO SECTION 42-1426, IDAHO CODE.

RIGHT NO. 35-07366 IS ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE.

THIS RIGHT IS FOR AN ENLARGEMENT OF 66 ACRES WITHIN THE PLACE OF USE DESCRIBED FOR THIS RIGHT.

15. Basis of Claim: BENEFICIAL USE

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): *V. Benson* Date: 3-6-98

Date: _____

State of Idaho)
County of BONNEVILLE) SS.

Subscribed and sworn (or affirmed) before me this 6 day
of MARCH 19 98

ALEX B. RUBERRY
Notary Public



Residing at IDAHO FALLS

My Commission Expires 09/23/2003