

A5711571

Claim No(s). 57-11571

Claim No(s). 57-113 + 1

[illegible]

In Re SRBA	)	SUBCASE NO(S).: 57-11571
	)	
Case No. 39576	)	STANDARD FORM 5
	)	
_____	)	

The parties and IDWR agree and stipulate that the elements of this water right should be described per the attached. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

IDWR CONCURRENCE:

Roxanne Brown date
Sr. Water Resource Agent

As to Form:

Candice M. McHugh date
Deputy Attorney General, IDWR

CERTIFICATE OF MAILING

I certify that on _____, 2002, I delivered the original and copies of this form to the following persons, postage prepaid if required, and addressed as follows:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
P.O. Box 2707
Twin Falls, ID 83303-2707

☐ overnight mail
☐ regular mail
☐ hand-delivered
☐ facsimile

2. Copies to:

IDWR Document Repository
P.O. Box 83720
Boise, ID 83720-0098

☐ overnight mail
☐ regular mail
☐ hand-delivered
☐ facsimile

J. Lavar, Janet and M. Dean Young
HC 79, Box 58
Melba, ID 83641

☐ overnight mail
☐ regular mail
☐ hand-delivered
☐ facsimile

Signature of person mailing this document

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

RIGHT NUMBER: 57-11571

NAME AND ADDRESS: J LAVAR YOUNG
JANET B YOUNG
M DEAN YOUNG
HC 79 BOX 58
MELBA ID 83641

SOURCE: REYNOLDS CREEK

TRIBUTARY: SNAKE RIVER

QUANTITY: 4.5 CFS

PRIORITY DATE: 09/21/1911

POINT OF DIVERSION:

T01S R03W S2 SESWSE Within OWYHEE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	02/15 07/15	4.5 CFS

PLACE OF USE: IRRIGATION Within OWYHEE County

T01S R03W S01 Lot 3 NENW	24.0	T01S R03W S01	SWNW	12.0
T01S R03W S01	SENW	39.0		

75 ACRES TOTAL

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

THIS RIGHT SHALL NOT BE DELIVERED IF THE FLOW AT THE UPPER BASIN TOLLGATE WEIR (T03S, R04W, S24, SESW) IS AT OR LESS THAN 37 CFS, OR THE FLOW AT THE OUTLET WEIR (T02S, R04W, S12, NESE) IS AT OR LESS THAN 57 CFS.

THE USE OF WATER UNDER THIS RIGHT BEFORE MARCH 15 IS SUBORDINATE TO WATER RIGHTS 57-2325 AND 57-7040.

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: BASIS OF CLAIM - Beneficial Use

RIGHT NO. 57-00275 IS ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE.

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

In Re SRBA

Water Right(s): 57-275, 57-11571

Case No. 39576

NOTICE OF COMPLETED
ADMINISTRATIVE
PROCEEDING

IDWR has completed the following administrative proceeding:

- ☐ Address change
- ☒ Substitution of Party
- ☐ IC § 42-222 transfer

IDWR certifies that it has completed its investigation into the changes to the elements of the water rights listed above as set forth in the attached *Amended Director's Report(s)* for said water right(s). No other changes have been made to the elements of these water rights except as set forth above.

IDWR has served copies of the *Notice of Completed Administrative Proceeding* and *Amended Director's Report(s)* on the claimant(s), prior claimant(s) and all parties in the subcases affected, if any, as reflected on the attached certificate of mailing.

DATED: 3/26/2002

Reynne Brown

Signature of IDWR Representative

CERTIFICATE OF MAILING

I certify that on March 26, 2002, I delivered the original and copies of this form, including all attachments, to the following persons, postage prepaid if required and addressed as follows:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
P.O. Box 2707
Twin Falls, ID 83303-2707

☐ overnight mail
☒ regular mail
☐ hand-delivered
☐ facsimile

2. Copies to:

Clive Strong
Office of the Attorney General
P.O. Box 44449
Boise, ID 83711-4449

☐ overnight mail
☐ regular mail
☒ hand-delivered
☐ facsimile

IDWR Document Repository
P.O. Box 83720
Boise, ID 83720-0098

☐ overnight mail
☐ regular mail
☒ hand-delivered
☐ facsimile

U.S. Dept. of Justice
Environment & Natural Resources Div.
550 W. Fort St., MSC 033
Boise, ID 83724

☐ overnight mail
☒ regular mail
☐ hand-delivered
☐ facsimile

3. Copies to all parties to the subcase:

J. Lavar, Janet and M. Dean Young
HC 79 Box 58
Melba, ID 83641

☐ overnight mail
☒ regular mail
☐ hand-delivered
☐ facsimile

Thomas, Jerry and Alvin Benson
HC 79 Box 94
Melba, ID 83641

☐ overnight mail
☒ regular mail
☐ hand-delivered
☐ facsimile



Signature of person mailing this document

03/26/2002

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

RIGHT NUMBER: 57-275
NAME AND ADDRESS: J LAVAR YOUNG
HC 79 BOX 58
MELBA ID 83641

JANET B YOUNG
HC 79 BOX 58
MELBA ID 83641

M DEAN YOUNG
HC 79 BOX 58
MELBA ID 83641

SOURCE: REYNOLDS CREEK TRIBUTARY: SNAKE RIVER

QUANTITY: 1.40 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT FOR STOCKWATER USE SHALL NOT EXCEED 13,000 GALLONS PER DAY.

PRIORITY DATE: 10/28/1887

POINT OF DIVERSION:

T01S R03W S2 SESWSE Within OWYHEE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
STOCKWATER	1/01 12/31	0.030 CFS
IRRIGATION	3/15 11/15	1.400 CFS

DIVERTING WATER BEFORE OR AFTER THE PERIOD OF USE UNDER THIS RIGHT IS ALLOWED PROVIDED: A. THE WATERS SO DIVERTED ARE APPLIED TO A BENEFICIAL USE, AND B. THE EXISTING RIGHTS AND FUTURE APPROPRIATIONS ARE FIRST SATISFIED.

PLACE OF USE: IRRIGATION Within OWYHEE County

T01S R03W S01 Lot 3 NENW	24.0	T01S R03W S01	SWNW	12.0
T01S R03W S01	SENW	39.0		

STOCKWATER same as IRRIGATION

75 ACRES TOTAL

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

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR STOCKWATER USE IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.

EXPLANATORY MATERIAL: Decreed

STOCKWATER, 100 DAIRY CATTLE
USE OF THIS RIGHT IS COMBINED WITH WATER FROM WEST REYNOLDS IRRIGATION DISTRICT.

03/26/2002

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

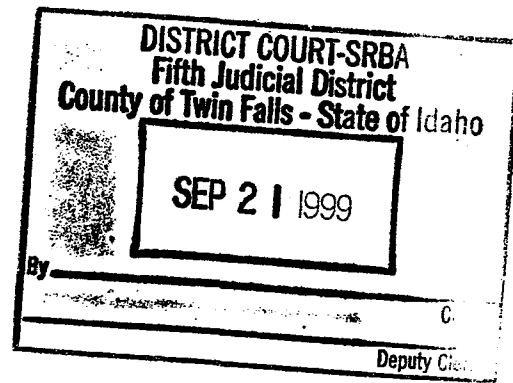
RIGHT NUMBER: 57-11571

NAME AND ADDRESS: J LAVAR YOUNG
HC 79 BOX 58
MELBA ID 83641

JANET B YOUNG
HC 79 BOX 58
MELBA ID 83641

M DEAN YOUNG
HC 79 BOX 58
MELBA ID 83641

NO BENEFICIAL USE FOUND: This is included for a claim based on beneficial use that is PROPOSED to be disallowed because beneficial use of water was not confirmed by IDWR's field examination or by other evidence submitted by the claimant.



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

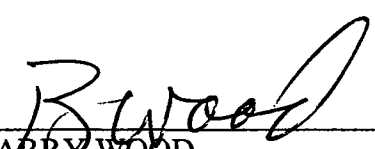
Subcase No. 57-11571

**ORDER GRANTING MOTION
TO FILE LATE NOTICE OF CLAIM**

On May 10, 1999, a Motion to File Late Notice of Claim was filed by
Thomas 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 9-21-99.


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 September 22, 1999, with sufficient, first-class postage to the following:

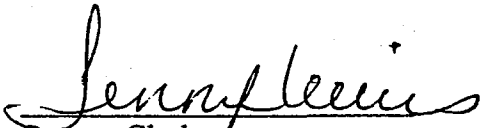
IDWR Document Depository
PO Box 83720
Boise, ID 83720

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

Thomas Benson
HC 79, Box 94
Melba, ID 83641


Deputy Clerk

Claim No(s).

A57-11571 ✓
A57-11572
A57-11573

[illegible]

03/26/2002

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

RIGHT NUMBER: 57-11571

NAME AND ADDRESS: J LAVAR YOUNG
HC 79 BOX 58
MELBA ID 83641

JANET B YOUNG
HC 79 BOX 58
MELBA ID 83641

M DEAN YOUNG
HC 79 BOX 58
MELBA ID 83641

NO BENEFICIAL USE FOUND: This is included for a claim based on beneficial use that is PROPOSED to be disallowed because beneficial use of water was not confirmed by IDWR's field examination or by other evidence submitted by the claimant.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

Should questions arise during the processing of this application please contact:
David Shaw - ERO Resources Corp. (208) 373-7983

Please print or type. Attach pages with additional information. Instructions are included at the end of this form.
 Incomplete forms will be returned.

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided (under the "split" heading), if the change in ownership is limited to a portion of a water right in which case division of the existing water right or adjudication claim record will be required.

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
	<u>57-11571</u>	☐			☐
<u>57-275</u>		☐			☐
		☐			☐
		☐			☐

2. The following **REQUIRED** information must be submitted with this form:
- A. The appropriate **FILING FEE**. See instructions for fee amounts.
- B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.
- C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions): **PLAT OF PROPERTY** or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).

OR

If your water right(s) and/or adjudication claim(s) is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The AERIAL PHOTO should be submitted in place of the PLAT OF PROPERTY or SURVEY MAP.

3. Name and Address of Former Owner/Claimant(s) Thomas Benson, Alvin Benson, Jerry Benson
HC 79, Box 94, Melba, Idaho, 83641
4. New Owner/Claimant(s) J. LaVar Young, Janet Young, M. Dean Young
 Name Connector (Check one): [] and, [] or, [XX] and/or
- New Mailing Address HC 79, Box 58
- City, State and ZIP Code Melba, Idaho, 83644
- New Telephone Number (208) 495-1133
5. Date you acquired the property March 12, 1998

6. **If the change in ownership affects the entire water right for each water right or adjudication claim number listed in item 1, THEN SKIP THIS ITEM AND GO TO ITEM 7.** If the change in ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (one water right per box, you may copy this page as necessary). If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

DESCRIPTION OF YOUR PORTION OF WATER RIGHT		
(If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc.)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

DESCRIPTION OF YOUR PORTION OF WATER RIGHT		
(If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc.)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

7. Signature of New Owner(s) or Claimant(s)
(include title if applicable)

Janet Young
Janet Young

For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him/her for all matters related to your claims.

For Office Use Only

Received by R. Brown Date 3/26/02 Fee n/a
 Receipted by _____ Date _____ Receipt No. _____
 Processed by R. Brown Date 3/26/02 WR n/a Date _____

WARRANTY DEED

FOR VALUE RECEIVED ALVIN B. BENSON, A SINGLE PERSON, LITA HOAGLAND, A MARRIED PERSON, THOMAS E. BENSON AND JACQUELINE L. BENSON, HUSBAND AND WIFE JERRY L. BENSON, A MARRIED PERSON, BRUCE A. BENSON, A MARRIED PERSON, SCOTT J. BENSON, A SINGLE PERSON AND JEFFREY R. BENSON, A SINGLE PERSON

the Grantors, do hereby grant, bargain, sell and convey unto

M. DEAN YOUNG, A SINGLE PERSON AND J. LAVAR YOUNG AND JANET YOUNG, HUSBAND AND WIFE

the Grantees, whose address is

Hc 79 Box 58

the following described premises, to-wit:

Melba, Id 83641

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF BY THIS REFERENCE:

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantees, their heirs and assigns forever. And the said Grantors do hereby covenant to and with the said Grantees, that they are the owners in fee simple of said premises; that said premises are free from all encumbrances, except for general taxes and assessments for the year 1998 and subsequent years, covenants, conditions, restrictions and easements of record; and that they will warrant and defend the same from all lawful claims whatsoever.

DATED: March 12, 1998

Alvin B. Benson Lita Hoagland Thomas E. Benson
ALVIN B. BENSON LITA HOAGLAND THOMAS E. BENSON
Jacqueline L. Benson Jerry L. Benson Bruce A. Benson
JACQUELINE L. BENSON JERRY L. BENSON BRUCE A. BENSON
Scott J. Benson Jeffrey R. Benson
SCOTT J. BENSON JEFFREY R. BENSON

STATE OF ~~IDAHO~~ WASHINGTON
COUNTY OF ~~CANYON~~ LEWIS

On this 27 day of March, 1998, before me a notary public, personally appeared

BRUCE A. BENSON

known or identified to me to be the person(s) who(se) name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they have executed the same.

Karen M. Emerson

Notary Public
Residing at Chehalis, WA
My commission expires: 5/9/98

NOTARY PUBLIC
STATE OF WASHINGTON
KAREN M. EMERSON
My Appointment Expires MAY 9, 1998

STATE OF IDAHO
COUNTY OF CANYON

On this 16th day of March, 1998, before me a notary

public, personally appeared ALVIN B. BENSON, LITA HOAGLAND

THOMAS E. BENSON, JACQUELINE L. BENSON, JERRY L.

BENSON, BRUCE A. BENSON, SCOTT J. BENSON, JEFFREY R. BENSON

known or identified to me to be the person(s) who(se) name(s)

is/are subscribed to the within instrument and acknowledged to

me that he/she/they have executed the same

Darva Z...

Notary Public
Residing at GREENLEAF, ID
My commission expires: 9-1-99



224431

REQUEST OF

Hansen
Co

FILED - RECORDED

98 MAR 32 PM 4:42

JIM HUNTLEY JR.
OWYHEE COUNTY RECORDER
BY B. Hunt
DEPUTY

Exhibit "A"

✓ The N1/4 SE1/4 NW1/4 of Section 1 in Township 1 South, Range 3 West, B. M., Owyhee County, Idaho; and a parcel of land in Lot 3 of Section 1, Township 1 South, Range 3 West, B. M., described as follows:

BEGINNING at a point 330 feet West of the Northeast corner of said Lot 3;

✓ Thence running West a distance of 822.6 feet;

✓ Thence South 1171.5 feet to the South line of said Lot 3;

Thence East along said South line of Lot 3, 822.6 feet;

Thence North 1171.5 feet to the POINT OF BEGINNING.

EXCEPTING THEREFROM the following described parcel

This parcel is a portion of Government Lot 3 of Section 1, Township 1 South, Range 3 West of the Boise Meridian and is more particularly described as follows:

COMMENCING at the Northeast corner of said Government Lot 3;

✓ Thence South 89°35'25" West along the North boundary of said Government Lot 3 a distance of 330.00 feet to the TRUE POINT OF BEGINNING;

Thence South 0°26'56" West a distance of 235.95 feet;

Thence North 59°09'27" West a distance of 466.36 feet to a point on said North boundary;

Thence South 89°33'03" East along said North boundary a distance of 402.27 feet to the TRUE POINT OF BEGINNING.

All that part of the S1/2 NW1/4 of Section 1, Township 1 South, Range 3 West, B. M., particularly described as follows, to-wit:

✓ COMMENCING at the center of said Section 1, and running thence North on the half section line a distance of 990 feet;

Thence running West a distance of 1760 feet;

Thence running South 990 feet to the East and West half section line;

Thence running East a distance of 1760 feet to the POINT OF BEGINNING

RECEIVED

OCT 08 1999

WATER RESOURCES
WESTERN REGIONIN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLSIN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number A57-11571

Date Received 9-24-1999

Receipt Number C04665

Should questions arise during
the processing of this applica-
tion please contact:SHERL L. CHAPMAN
410 S. Orchard, Suite 144
Boise, ID 83705
344-6690NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

RECEIVED

OCT 20 1999

Department of Water Resources

Please type or print clearly

1. Name of Claimant (s) Thomas Benson Phone () 495-2270Mailing Address HC 79, Box 94, Melba, ID Zip 836412. Date of Priority (Only one (1) per claim) 9/21/19113. Source of water supply (a) Reynolds Creekwhich is tributary to (b) Snake River4. a. Location of existing point of diversion is: Township 1S Range 3W Section 2,
SE 1/4 of SW 1/4 of SE 1/4, Govt. Lot, _____ B.M., County of OwyheeAdditional 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. Water is diverted from Reynolds Creek through
commonly owned ditches to the place of use. Water is distributed to the irrigated lands through open
ditches and pipelines.

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For Irrigation purposes from 2/1 to 7/15 amount 4.5 or 262.5

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 4.5 (cfs) and/or (b) 262.5 (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.) N/A

10. Description of place of use:

- If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- 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	
1S	3W	1					24		12	39									75

Total number of acres irrigated 75

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

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

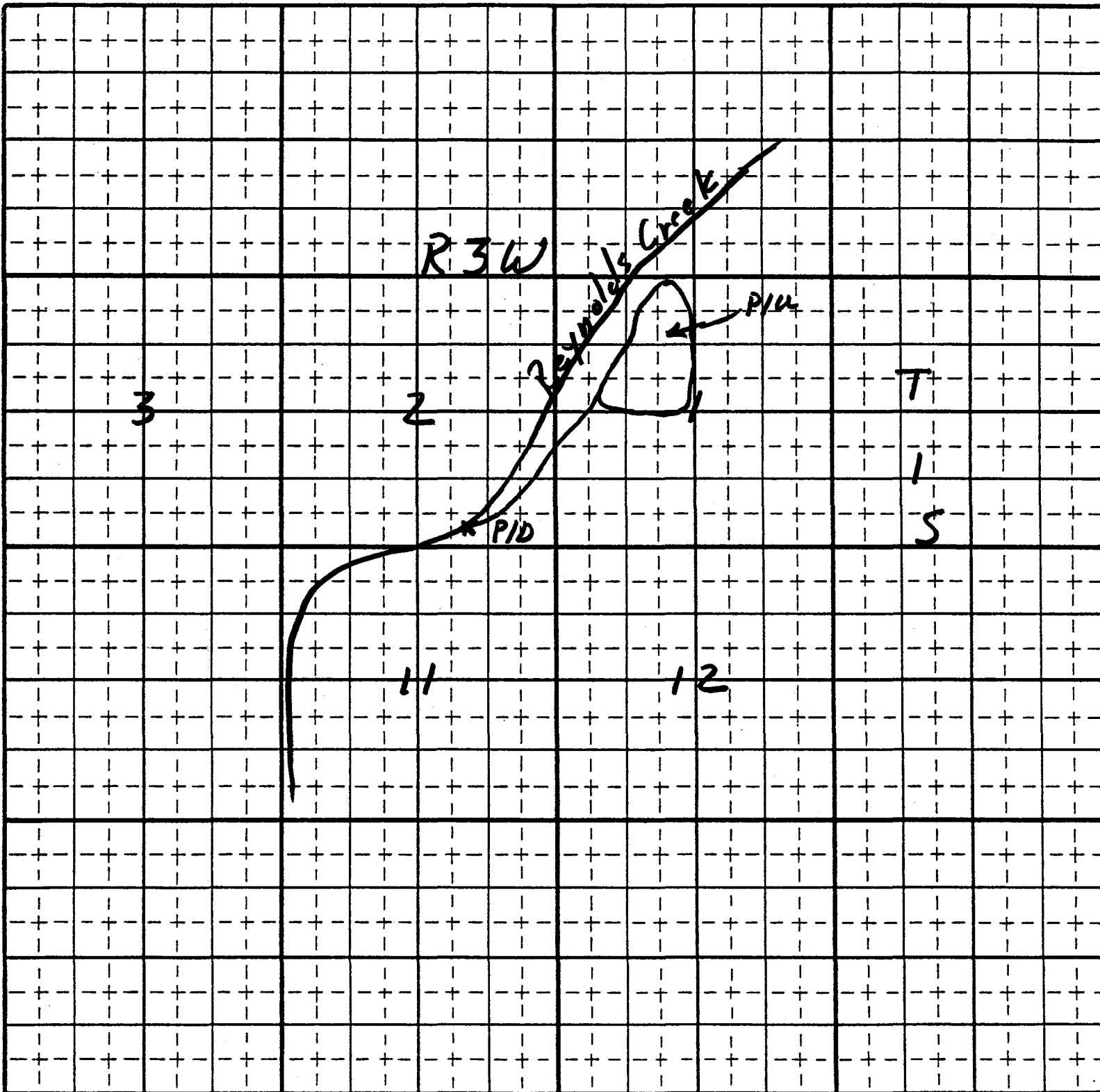
14. Remarks: This water right is based on the historical diversion and use of the high flows that normally occur briefly in the upper Reynolds Creek basin. Use of this right may occur prior to the beginning of the normal irrigation season since the claimant must take advantage of the high flows as they occur. This right is for the diversion and use of up to 3.5 acre feet per acre annually.

Last Name Benson Ident No. A57-11571

Copies: White -State, Yellow-Claimant

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

Scale: 2 inches equals 1 mile



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

If applicable provide IDWR Water Right Number _____

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) Thomas Benson Date 5-6-99

Jacqueline McKel Benson Date 5-6-99

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 Cedar) SS.

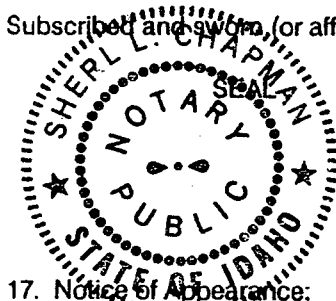
Subscribed and sworn (or affirmed) before me this 6 day of May 19 99

Notary Public Sheri L. Chapman

Residing at Meridian Idaho

My Commission Expires June 14, 2000

Please Print Name Sheri L. Chapman



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 Benson Ident. Number A57-11571

Copies White-State, Yellow-Claimant

RECEIVED

MAY - 7 1999

Department of Water Resources
Adjudication Bureau

RECEIVED

MAY 26 1999

WATER RESOURCES
WESTERN REGIONIN 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 A57-11571

)

(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 Thomas Benson

My address is HC 79, Box 94, Melba, ID 83641

My phone number is: Work 208-495-2270 Home 208-495-2270

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 believed the use of the water under this claim was covered by the
original general provisions. However, the decision on Basinwide issue
5A (General Provision #2, Reynolds Creek) in 1998 mandates this filing.

☐ 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.)

Affidavits of Henry Brandau and Richard Bass

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 \$ 100.00.

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 August 17, 1999; 1:30 p.m.

(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 IdahoCounty of Ada

_____, 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.

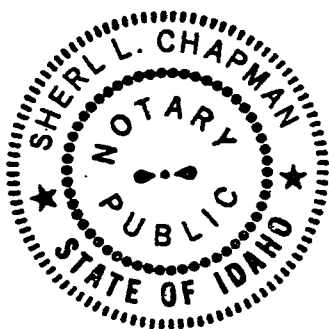
Thomas Benson
Signature of person filing motion

Attorney signing in representative capacity

Subscribed and sworn to before me on

May 6, 1999

(Insert Date)



Sherill L. Chapman
Notary Public for Idaho
Residing at: Meridian, Idaho
My Commission expires: 6/14/2000

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 May 6, 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

AFFIDAVIT
HENRY BRANDAU

I, Henry Brandau, of HC 79, Box 66, Melba, Idaho have lived in the Reynold's Basin since 1914. My father George Brandau purchased the property in 1907. I have farmed and ranched in the basin all of my life and was Watermaster in 1935 and 36 in the basin. My personal experience has been that the "excess water" in the basin has been used on cropland on or before February 1st as long as the ground was not frozen. During drought years water was occasionally generally available but in average to good water years significant flow was diverted onto cropland in an effort to stimulate growth and prolong the flow of Reynold's Creek later in the year. Use of the excess water often extended into July as long as water was available and the creek was not put on regulation.

Signed: Henry Brandau
Henry Brandau

Date: 1-4-99

Subscribed and sworn before me on this 4th day of January
19 99.



[Signature]
(Signature of Notary Public)

My commission expires: 01-16-06

December 10, 1998
Route #1 Box 1117A
No. Hogg Rd.
Homedale, Id. 83628

Dear Sirs:

My Name is Richard Bass, My address is Rt#1 Box 1117, No. Hogg Rd. Homedale Id. 83628. I am 65 years old and worked and lived on Reynolds Creek for 52 years prior to selling my ranch in June of 1998 to John and Cathy Romero. Prior to owning my ranch I worked for my Father, Jonas Bass, and Uncle George Bass. In 1962 I purchased my Uncle's ranch on Whiskey Hill road and in 1982 we purchased the home ranch from my Mother Launa Bass..

My father Jonas Bass, and my Uncle, always started irrigating in Febuary and my normal practice in irrigation for theses ranches was to start running water as soon as the ice went out of Reynolds Creek and Bavington Creek. This usually was the first week in February, I did this practice to take advantage of the early spring run off. In one drought period lasting 5 years I started running water in Mid December.

If I can be of further assistance please call 208-337-6085.

Richard Bass

A handwritten signature in cursive script that reads "Richard Bass". The signature is written in dark ink and is positioned below the typed name.

57-11571

Lavar Young
 RB diversion from Reynolds Creek
 Taken at ditch below return to Reynolds Creek

RECEIVED
 MAY 01 2002
 Department of Water Resources
 Adjudication Bureau

Weir approximately a rectangular weir

	X-section Dist	Rod	Rel Elev.	HW Area (ft ²)	HW Perimeter (ft)
Approx elev at HW	0	1.68	1.68	9.24	
Approx elev at HW	5.5	1.68	1.68		8.86
SUM				9.24	8.86
	ft (from x-sec)	Rod (ft)			
upstream	15	8.68			
downstream	-20	9.1			
Gradient (S)	0.012				
R	1.043				
n (visually est.)	0.04				
V (ft/sec)	4.20				
Q (cfs) (HW)	38.77				
inches	1939				



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 7, 1999

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

Thomas Benson
HC 79 Box 94
Melba, ID 83641

RE: Snake River Basin Adjudication (SRBA)
Notices of Claim to a Water Right #A57-11571, A57-11572 and
A57-11573

Dear Claimant:

Your Notices of Claim to a Water Right were received from the SRBA Court recently. We have enclosed data-entered copies of your claims and your receipts #C046654, C046659 and C046660 for the fees paid.

Your Notices 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,

Donald V. Shaff, Manager
Adjudication Technical Section

DS:ss:region
Enclosure:

Receipts #C046654, C046659 & C046660
Data-entered Copies of Claims

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

A57-11571

Date Received

Receipt Number

Should questions arise during
the processing of this applica-
tion please contact:

SHERL L. CHAPMAN
410 S. Orchard, Suite 144
Boise, ID 83705
344-6690

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

RECEIVED

MAY - 7 1993

Department of Water Resources

Please type or print clearly

1. Name of Claimant (s) Thomas Benson Phone () 495-2270

Mailing Address HC 79, Box 94, Melba, ID Zip 83641

2. Date of Priority (Only one (1) per claim) 9/21/1911

3. Source of water supply (a) Reynolds Creek
which is tributary to (b) Snake River

4. a. Location of existing point of diversion is: Township 1S Range 3W Section 2,
SE 1/4 of SW 1/4 of SE 1/4, Govt. Lot, _____ B.M., County of Owyhee

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. Water is diverted from Reynolds Creek through
commonly owned ditches to the place of use. Water is distributed to the irrigated lands through open
ditches and pipelines.

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For Irrigation purposes from 2/1 to 7/15 amount 4.5 or 262.5

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 4.5 (cfs) and/or (b) 262.5 (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.) N/A

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	
1S	3W	1					24		12	39									75

Total number of acres irrigated 75

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

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

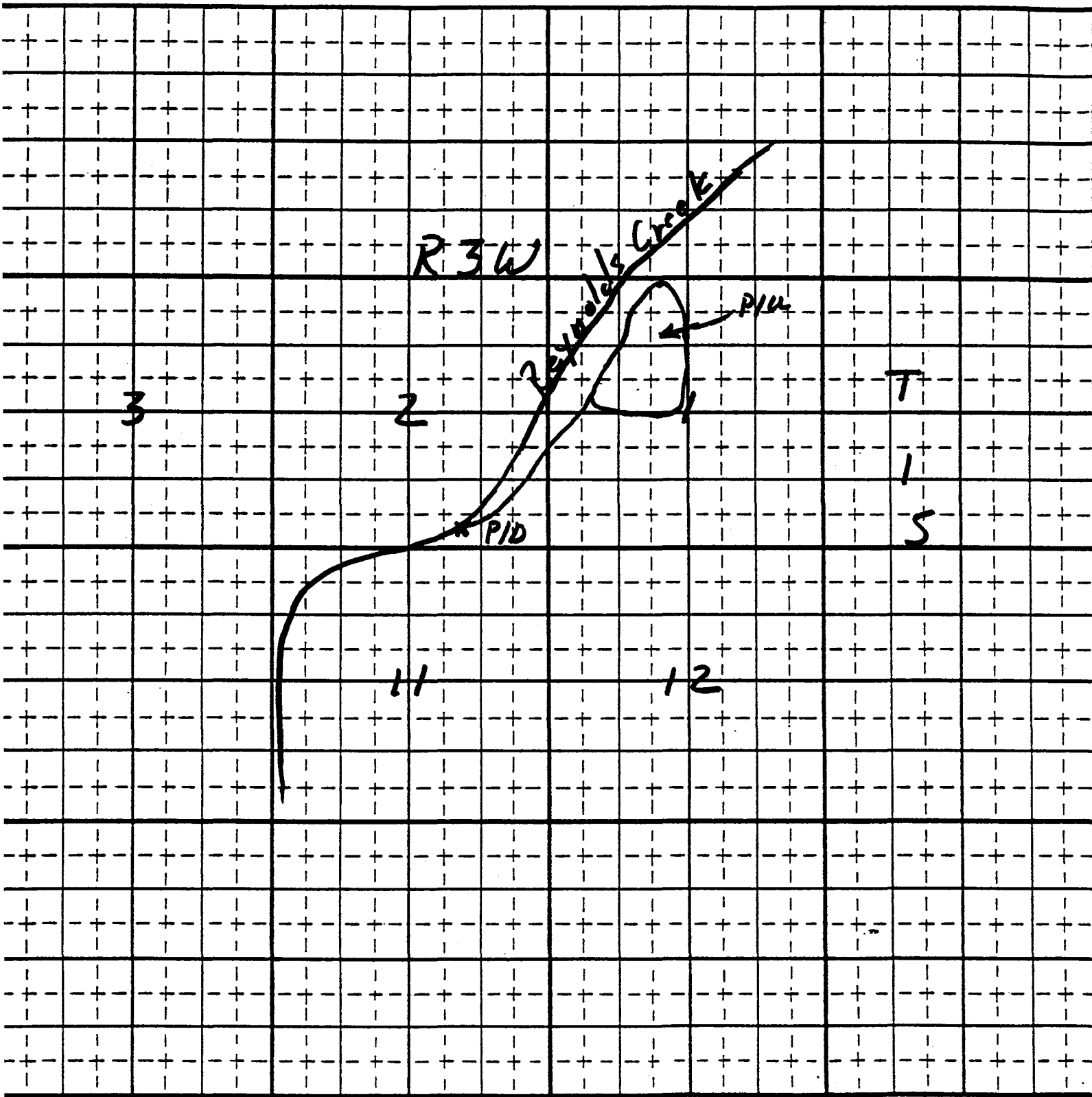
This water right is based on the historical diversion and use of the high flows that normally occur briefly in the upper Reynolds Creek basin. Use of this right may occur prior to the beginning of the normal irrigation season since the claimant must take advantage of the high flows as they occur. This right is for the diversion and use of up to 3.5 acre feet per acre annually.

Last Name Benson Ident No. A57-11571

Copies: White -State, Yellow-Claimant

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

Scale: 2 inches equals 1 mile



15. Basis of Claim (check one) Beneficial Use XX Posted Notice _____ License _____ Permit _____
Decree _____
If applicable provide IDWR Water Right Number _____
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) Thomas Benson Date 5-6-99

Jacqueline McKee Benson Date 5-6-99

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

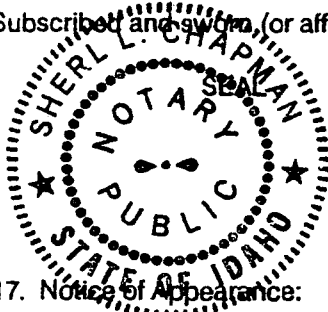
and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent _____

Title and Organization _____ Date _____

State of Idaho/or _____)
County of Cada) SS.

Subscribed and sworn (or affirmed) before me this 6 day of May 19 99



Notary Public Sheri L. Chapman

Residing at Meridian Idaho

My Commission Expires June 14, 2000

Please Print Name Sheri L. Chapman

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 Benson Ident. Number A57-11571

Copies White-State, Yellow-Claimant