



A5711572

Claim No(s).

A57-11571
A57-11572 ✓
A57-11573

[illegible]

STAFF TIME LOG

LATE CLAIMS

Claim No(s). 57-11572

[illegible]

05/08/2002

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

RIGHT NUMBER: 57-11572

NAME AND ADDRESS: HOOK FAMILY LIMITED PARTNERSHIP
HC 88 BOX 1095
MURPHY ID 83650

SOURCE: REYNOLDS CREEK

TRIBUTARY: SNAKE RIVER

QUANTITY: 2.10 CFS

PRIORITY DATE: 09/21/1911

POINT OF DIVERSION:

T01S R03W S10 SESESE Within OWYHEE County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

02/15 07/15

2.100 CFS

PLACE OF USE: IRRIGATION Within OWYHEE County

T01N R03W S36 SWSW 35.0

35 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: Beneficial Use

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

**RECEIVED
FEB 28 2002**

*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
_____	57-11572	_____	_____	_____	_____
_____	✓ 57-11573	_____	_____	_____	_____
✓ 57-2041	_____	_____	_____	_____	_____
✓ 57-271	_____	_____	_____	_____	_____

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**.

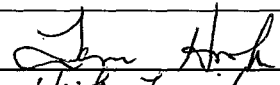
3. Name and Address of Former Owner/Claimant(s) Thomas Benson
HC 79, Box 94, Melba, Idaho 83641
4. New Owner/Claimant(s) Hook Family Limited Partnership
Name Connector (Check one): [] and, [] or, [] and/or
- New Mailing Address HC 88, Box 1095
- City, State and ZIP Code Murphy, Idaho 83650
- New Telephone Number (208) 495-2712
5. Date you acquired the property 6-26-1998

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)


 Hark Family Ltd. Part.

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 Shawn Date 2/28/02 Fee n/a
 Receipted by _____ Date _____ Receipt No. _____
 Processed by _____ AJ Date _____ WR _____ Date _____

*Rec'd additional documentation for 57-271, 2041 & 11573
processed 4/1/02*

102111

JBA
8.4.

WARRANTY DEED

FOR VALUE RECEIVED ALVIN B. BENSON, A SINGLE PERSON AS TO AN UNDIVIDED 1/3 INTEREST AS TO PARCEL I AND II AND THOMAS EDWARD BENSON and JACQUELINE L. BENSON, HUSBAND AND WIFE AS TO AN UNDIVIDED 2/3 INTEREST AS TO PARCEL I AND II AND ALL INTEREST AS TO PARCEL III

the Grantors, do hereby grant, bargain, sell and convey unto HOOK FAMILY LIMITED PARTNERSHIP, AN IDAHO LIMITED PARTNERSHIP

the Grantees, whose address is HCR 88, BOX 1095, MURPHY, ID 83650

the following described premises, to-wit:

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: October 11, 1998

Alvin B. Benson
ALVIN B. BENSON

Thomas Edward Benson
THOMAS EDWARD BENSON

Jacqueline L. Benson
JACQUELINE L. BENSON
STATE OF IDAHO
COUNTY OF CANYON

On this 12 day of October, 1998, before me a notary public, personally appeared ALVIN B. BENSON, THOMAS EDWARD BENSON AND JACQUELINE L. BENSON, known or identified to me to be the persons whose names are subscribed to the within instrument and acknowledged to me that they have executed the same.

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

PIONEER TITLE COMPANY
OF CANYON COUNTY

100 10TH AVE SOUTH
NAMPA, IDAHO 83651

423 SOUTH KIMBALL
CALDWELL, ID 83605

REQUEST OF
FEE
JBA

226306

98 OCT 15 11:01
OWNER COUNTY REC'D
Caldwell
FILED - RECORDING

The land referred to in this commitment/policy is situated in the State of Idaho, County of Owyhee and is described as follows:

PARCEL I

IN TOWNSHIP 1 SOUTH, RANGE 3 WEST, B. M., OWYHEE COUNTY, IDAHO

Section 2: Lots 1 and 2, SE1/4 NE1/4, NE1/4 SE1/4,

LESS the following described tract:

BEGINNING at the Southeast corner of Section 2, T1S, R3W, B. M.; thence West 1320 feet; thence North 2350 feet; thence North 43°05' East 127.3 feet to the TRUE POINT OF BEGINNING; thence North 43°05' East 225 feet; thence South 24°49' East 210 feet; thence South 43°05' West 225 feet; thence North 24°49' West 210 feet to the TRUE POINT OF BEGINNING.

ALSO LESS THE FOLLOWING:

A portion of the NE1/4 SE1/4 of Section 2 Township 1 South, Range 3 West of the Boise Meridian and is more particularly described as follows:

Beginning at the southwest corner of said NE1/4 SE1/4;

thence North 0°37'35" East along the west boundary of said NE1/4 SE1/4 a distance of 603.26 feet to a point on the southwesterly right-of-way boundary for Idaho State highway 78;

Thence South 33°55'28" East along said boundary a distance of 689.85 feet;

thence southeasterly 43.35 feet continuing along said boundary following the arc of a curve to the right having a central angle of 1°46'30", a radius of 1399.40 feet and a long chord which bears South 33°04'30" East a distance of 43.35 feet to a point on the south boundary of said NE1/4 SE1/4;

thence North 89°14'17" West along said south boundary a distance of 415.30 feet to the POINT OF BEGINNING.

PARCEL II

IN TOWNSHIP 1 NORTH, RANGE 3 WEST, B. M., OWYHEE COUNTY, IDAHO

Section 35: SE1/4 SE1/4 57-271, 57-11573

Section 36: SW1/4 SW1/4 57-2041

continued

PARCEL III

IN TOWNSHIP 1 SOUTH, RANGE 3 WEST, BOISE MERIDIAN, OWYHEE COUNTY, IDAHO

BEGINNING at the Southeast corner of Section 2, T1S, R3W, B. M., Owyhee County, Idaho; thence

West 1320 feet; thence

North 2350 feet; thence

North $43^{\circ}05'$ East, 127.3 feet to the TRUE POINT OF BEGINNING; thence

North $43^{\circ}05'$ East, 225.0 feet; thence

South $24^{\circ}49'$ East, 210.0 feet; thence

South $43^{\circ}05'$ West, 225.0 feet; thence

North $24^{\circ}49'$ West, 210.0 feet to the TRUE POINT OF BEGINNING.

A B
T E B
J. A. B.

224433

FILED - RECORDED

98 MAR 32 PM 4:43

REQUEST OF

SEE

JIM HUNTLEY JR.
OWYHEE COUNTY RECORDER

BY

DEPUTY

Exhibit "A"

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 $89^{\circ}35'25''$ West along the North boundary of said Government Lot 3 a distance of 330.00 feet to the TRUE POINT OF BEGINNING;

Thence South $0^{\circ}26'56''$ West a distance of 235.95 feet;

Thence North $59^{\circ}09'27''$ West a distance of 466.36 feet to a point on said North boundary;

Thence South $89^{\circ}33'03''$ East along said North boundary a distance of 402.27 feet to the TRUE POINT OF BEGINNING.

WARRANTY DEED

RECEIVED
FEB 28 2000

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 ~~THOMAS E. BENSON AND JACQUELINE L. BENSON~~ ~~HOOK, husband and wife~~ HOOK FAMILY LIMITED PARTNERSHIP

the Grantees, whose address is HC88 BOX 1095 MURPHY, ID 83650

the following described premises, to-wit:

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

not applicable to attached c-o

Department of Water Resources

ALVIN B. BENSON LITA HOAGLAND THOMAS E. BENSON
JACQUELINE L. BENSON JERRY L. BENSON BRUCE A. 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, Idaho 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.

D. Bruce
Notary Public
Residing at GREENLEAF, IDAHO
My commission expires: 9-1-98

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

A57-11572

Date Received

9-24-99

Receipt Number

C046660

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 LAWRECEIVED
OCT 20 1999

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, Idaho Zip 836412. Date of Priority (Only one (1) per claim) 9/21/19113. Source of water supply (a) Reynolds Creek
which is tributary to (b) Snake River4. a. Location of existing point of diversion is: Township 1S Range 3W Section 10,
SE 1/4 of SE 1/4 of SE 1/4, Govt. Lot, B.M., County of OwyheeAdditional points of diversion if any: None

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 2.1 or 122.5

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 2.1 (cfs) and/or (b) 122.5 (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	
1N	3W	36									35								35

Total number of acres irrigated 35

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)

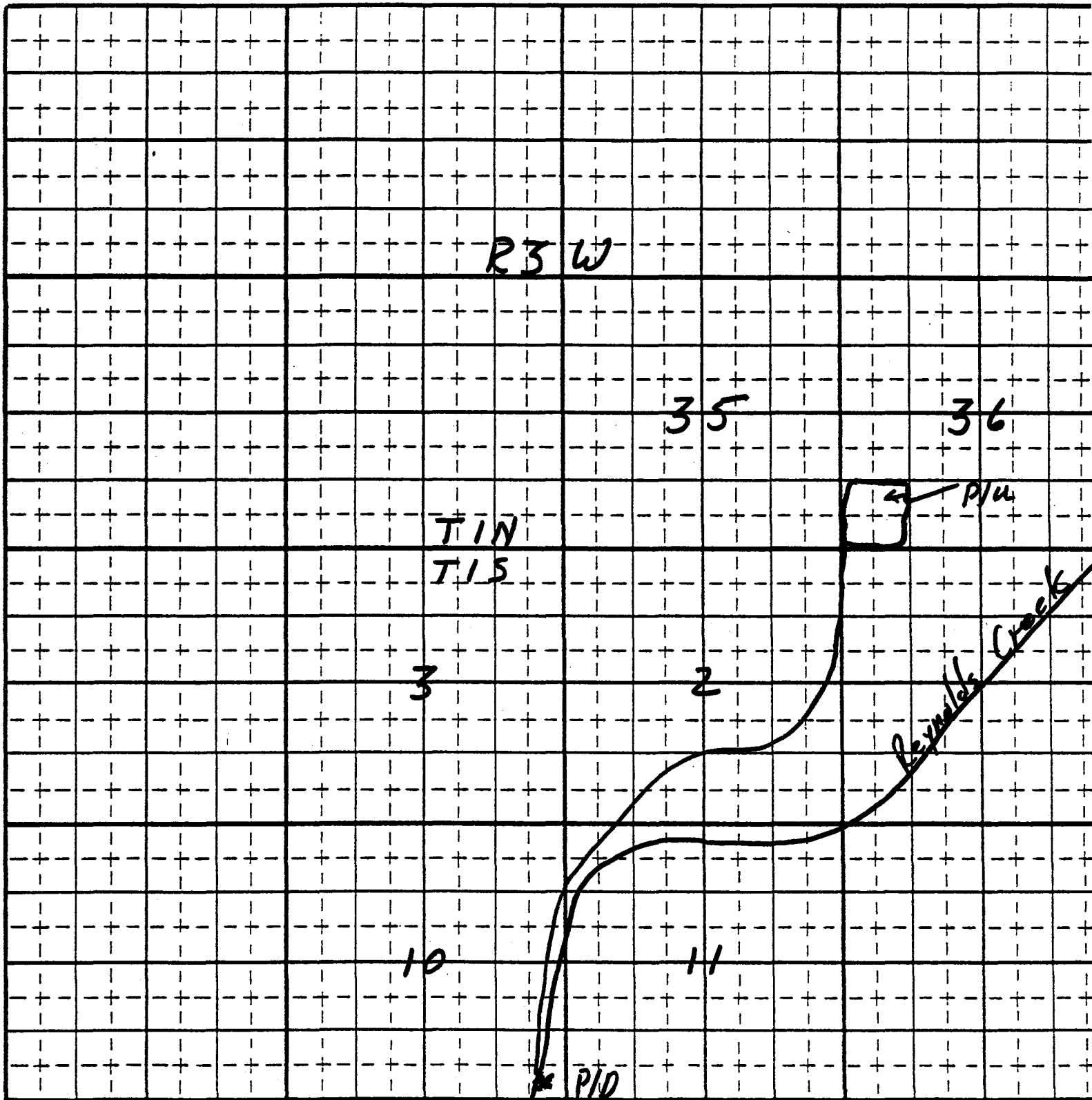
14. Remarks: This water right is based on the historical diversion and use of the high flows that normally occur briefly in the upper Reynolds Creek basin. Use of this right may occur prior to the beginning of the normal irrigation season since the claimant must take advantage of the high flows as they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

Last Name Benson Ident No. A57-11572

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 XXX 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 May 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 Thomas Benson

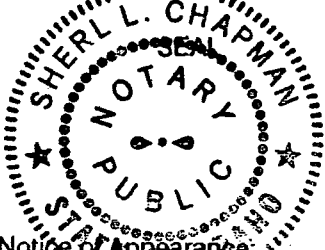
Title and Organization _____ Date May 6-99

State of Idaho/or _____)

County of Ada)

SS.

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



Notary Public Sherl L. Chapman

Residing at Mendocino Hills

My Commission Expires June 14, 2000

Please Print Name Sherl 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 A57-11572

Copies White-State, Yellow-Claimant

ERO Resources Corp.
1106 N. Cole Rd., Suite C
Boise, ID 83704-8661
(208) 373-7983
Fax: 373-7985



Denver • Boise

www.eroresources.com
boise@eroresources.com

RECEIVED
APR 24 2002

Department of Water Resources

Department of Water Resources

RECEIVED
APR 24 2002

April 24, 2002

Roxanne Brown
Idaho Department of Water Resources
P.O. Box 83720
Boise, ID 83720-0098

RE: Claim to Water Right Nos. 57-11572 and 57-11573

Dear Roxanne:

Enclosed is a copy of the measurement notes from the measurement of Tom Hook's diversion for the above referenced water rights. The total discharge measured was 11.2 cfs on April 15, 2002. The amount measured was more than the total 9.66 cfs claimed under the above referenced claims.

We are still trying to contact LaVar Young to measure his diversion for claim to water right no. 57-11571. Also, we have been in contact with Tom Benson regarding his Cottle Creek claim. The discharge of Cottle Creek has not increased sufficiently this year to make a measurement of Mr. Benson's diversion but we will attempt to do a channel capacity analysis prior to the May 1 hearing date.

If you have any questions regarding these claims please feel free to contact me.

Yours truly,

A handwritten signature in cursive script that reads "Dave".

David B. Shaw
Project Manager

DBS:sw

Encl.

RECEIVED

APR 24 2002

Department of Water Resources



ERO Resources Corporation

1106 N. Cole Rd., Ste. C

Boise, Idaho 83704-8661

(208) 373-7983

West Repnold's upper ditch

RECEIVED

APR 24 2002

Department of Water Resources

DISCHARGE MEASUREMENT NOTES

Site Number _____ By WAH
 Site Name Tom Hook's ditch Duplicate of Site Number _____
 Time _____ Date 15 April 2002
 Width 7.70 Area 11.10 Velocity 1.01 G.H. _____ Discharge 11.2
 Method 64.2 No. Secs 23 G.H. change _____ in _____ hr. Susp. vd
 Method coef. 1.0 Hor. Angle coef. 1.0 Susp. Coef. 1.0 Meter No. _____
 Type of meter pygmy Date rated steel 2 Spin before measurement _____, after _____
 Meter _____ ft. above bottom of weight. Tag checked _____ Levels obtained _____

GAGE READINGS				
Time	Inside			Outside
Weighted M.G.H.				
G.H. correction				
Correct M.G.H.				

Meas. Plots _____ % diff. from _____ rating.

Chain bar chain found _____ changed to _____ at _____

Wading, cable, ice, boat, upstream,
 downstream, side bridge 20 feet, mile,
 above, below gage. headgate

Aquacalc No. ✓

Measurement rated excellent (2%), good (5%), fair (8%), poor (over 8%), estimated, none;
 based on the following conditions:

Flow irregularCross section irregular - fairly bottom

Control _____

Weather windy, cloudy Air _____ °C @ _____ Water _____ °C @ _____

pH _____ Cond _____ μS TDS _____ Mg/L

DO _____ Mg/L _____ % Meter ID _____

Number of Sections Sampled: _____ EWI _____ EDI _____

Remarks _____

Brown, Roxanne

From: David Shaw [dshaw@eroresources.com]
Sent: Monday, April 01, 2002 4:51 PM
To: Brown, Roxanne
Subject: Re: Benson to Hook Change of Ownership

Roxanne,

If you look at the paper copy of 57-11572 you will see the map correctly describes the place of use of 57-11572 but the written legal for the place of use is wrong. This is the claim we had our debate about whether IDWR could accept an amended claim or if it had to be submitted to the court.

We have a request in to the court for a hearing date on an SF4 to amend 57-11572 so the written legal matches the map for the POU. Debbie is planning to set a number of Basin 57 things for May 1 in Murphy and she thinks there will be time to hear this SF4 at that time, but we are waiting to hear back from Debbie.

I think you will find the map matches the deed and the underlying water right. At the time the original high water claim was prepared for Benson the written legal for the POU was done incorrectly.

Please let me know if you have any better ideas. If this claim had been reviewed for recommendation the error would have been caught and corrected without all this mess, but I don't have any other ideas at this point.

Dave

----- Original Message -----

From: "Brown, Roxanne" <rbrown@idwr.state.id.us>
To: "David B. Shaw (E-mail)" <dshaw@eroresources.com>
Cc: "Brown, Roxanne" <rbrown@idwr.state.id.us>
Sent: Monday, April 01, 2002 4:23 PM
Subject: Benson to Hook Change of Ownership

> Hello Dave,

>

> In February, you had submitted a Change of Ownership form (c-o) for
> Tom Hook (Hook Family Partnership) concerning Water Rights 57-271,
57-2041,

> 57-11572, 57-11573. You may remember that the Warranty Deed originally
> submitted with this c-o did not refer to the land to which these rights
are

> appurtenant. At some later date, you submitted an additional Deed.

>

> In processing this c-o, I have noted that neither the first nor
> second deeds refer to the land claimed in 57-11572. In addition, I can
find

> no other claim at this location and I would expect to find an underlying
> claim for Reynolds Creek water as this is a claim to high flows.

>

> It seems there are two alternatives: there is either a third deed
> that covers the land under 57-11572, or there is an error as to the place
of

> use on claim 57-11572.

>

> I will change the ownership on 57-271, 57-2041 and 57-11573 and
> submit the Notice of Administrative Proceeding (NCAP) for these rights.
> Please let me know how you wish to proceed in 57-11572.

>

Brown, Roxanne

From: Brown, Roxanne
Sent: Monday, April 01, 2002 4:24 PM
To: David B. Shaw (E-mail)
Cc: Brown, Roxanne
Subject: Benson to Hook Change of Ownership

Hello Dave,

In February, you had submitted a Change of Ownership form (c-o) for Tom Hook (Hook Family Partnership) concerning Water Rights 57-271, 57-2041, 57-11572, 57-11573. You may remember that the Warranty Deed originally submitted with this c-o did not refer to the land to which these rights are appurtenant. At some later date, you submitted an additional Deed.

In processing this c-o, I have noted that neither the first nor second deeds refer to the land claimed in 57-11572. In addition, I can find no other claim at this location and I would expect to find an underlying claim for Reynolds Creek water as this is a claim to high flows.

It seems there are two alternatives: there is either a third deed that covers the land under 57-11572, or there is an error as to the place of use on claim 57-11572.

I will change the ownership on 57-271, 57-2041 and 57-11573 and submit the Notice of Administrative Proceeding (NCAP) for these rights. Please let me know how you wish to proceed in 57-11572.

Thanks! Roxanne



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,

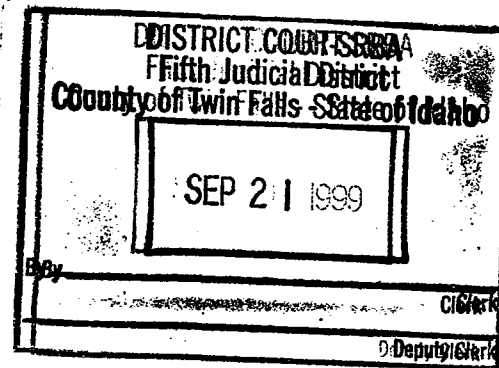
A handwritten signature in black ink, appearing to read 'Donald V. Shaff'.

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 SRBA

Case No. 39576

Subcase No. 57-11572

**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

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

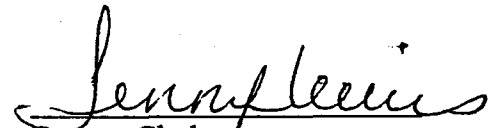
IDWR Document Depository
PO Box 83720
Boise, ID 83720

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

RECEIVED

MAY - 7 1999

Department of Water Resources
Adjudication Bureau

RECEIVED

MAY 26 1999

WATER RESOURCES
WESTERN REGION

**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 A57-11572

)

(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

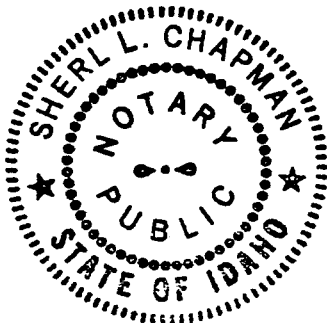
_____ being first duly sworn, upon oath, deposes and says:
(Insert name of person filing form)

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)



Sherl L. Chapman
Notary Public for Idaho
Residing at: Mendon, 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 March 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:

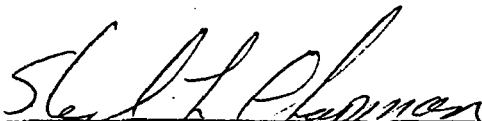
IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

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 February 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 "Richard Bass".