

04/27/2005

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

RIGHT NUMBER: 77-10091
NAME AND ADDRESS: HARRY S D ADAMS
10973 HWY 55
CASCADE ID 83611

LYNETTE M. ADAMS
10973 HIGHWAY 55
CASCADE ID 83611

SOURCE: UNNAMED STREAM TRIBUTARY: CABIN CREEK
QUANTITY: 0.100 CFS
PRIORITY DATE: 06/01/1907
POINT OF DIVERSION:

T15N R06E S2 NWNE Within VALLEY County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/15 10/31	0.100 CFS

PLACE OF USE: IRRIGATION Within VALLEY County
T15N R06E S02 NWNE 5.0

5 ACRES TOTAL

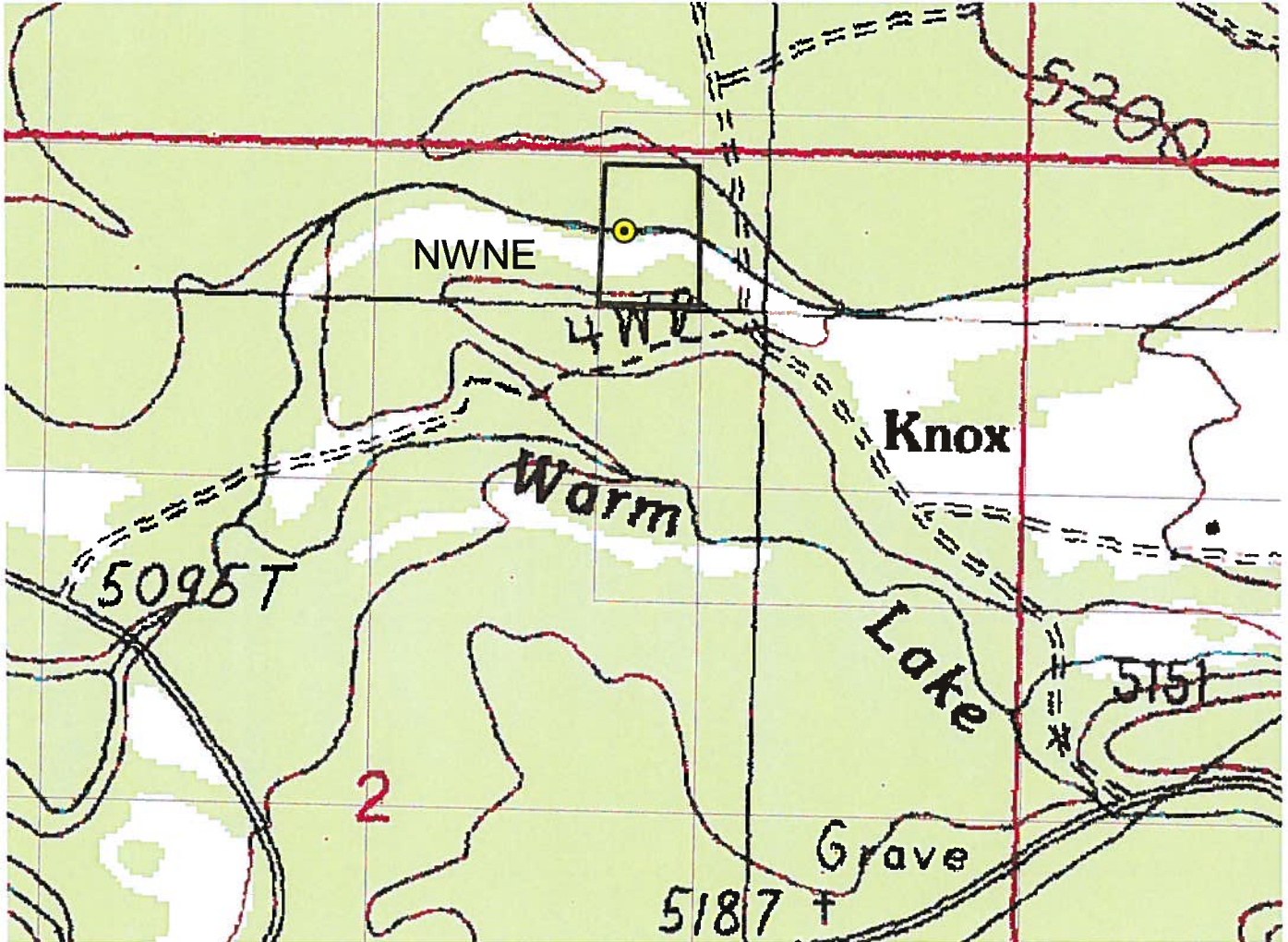
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

PROPERTY IS ~~ALSO~~ *also* KNOWN AS HOMESTEAD ENTRY SURVEY NO. 409.

EXPLANATORY MATERIAL: Beneficial Use

77-10091



0 600 1200 Feet

Section 2
T15N R6E



● Point of Diversion

□ Place of Use

Map prepared on April 27, 2005
By Kenneth Knoblock
Idaho Department of Water Resources



State of Idaho
DEPARTMENT OF WATER RESOURCES

NORTHERN REGION, Suite No. 210 • 1910 Northwest Blvd. • Coeur d'Alene, Idaho 83814-2615
(208) 769-1450

Fax (208) 769-1454

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

April 27, 2005

Harry & Lynette Adams
10973 Highway 55
Cascade, ID 83611

RE: 77-10091

Dear Mr. & Mrs. Adams:

We have processed your change of water right ownership form. Enclosed is a copy of our recommendation. We expect to submit our recommendation before the end of this year.

Sincerely,

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

Kenneth Knoblock
Water Resources Agent

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

RECEIVED
APR 27 2005
IDWR/North

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, 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>A77-10091</u>	<u>39576</u>	☐	_____	_____	☐
_____	_____	☐	_____	_____	☐
_____	_____	☐	_____	_____	☐
_____	_____	☐	_____	_____	☐
_____	_____	☐	_____	_____	☐

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) are 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.

Name and Address of Former
Owner/Claimant(s)

SHERILL BENHAM AND/OR JOYCE BENHAM
WARM LAKE HC 72 CASCADE, ID. 83611

New Owner/Claimant(s)

HARRY S-D. ADAMS AND/OR LYNETTE M. ADAMS
Name Connector (Check one): ☐ and, ☐ or, ☐ and/or

New Mailing Address

10973 HIGHWAY 55

City, State and ZIP Code

CASCADE, ID. 83611

New Telephone Number

(208) 382 3495

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

H.S. Adams
LM Adams

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.

WARRANTY DEED

RECEIVED
APR 27 2005
IDWR/North

For Value Received, Sherrill G. Benham and Joyce E. Benham,
husband and wife

the Grantors, do hereby grant, bargain, sell and convey unto
Harry S.D. Adams and Lynette M. Adams,
husband and wife

whose address is: Island Ranch, 10973 Hwy. 55, Cascade, Id. 83611

the grantee, the following described premises, to-wit:

See attached as Exhibit "A"

TO HAVE AND TO HOLD the 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 the 1994 taxes and
assessments and that certain Deed of Trust dated August 1, 1988 and
recorded on August 9, 1988 as Instrument No. 162634 securing
\$35,000.00 in favor of Ramona Reineke and that they will warrant
and defend the same from all lawful claims whatsoever.

Dated: 6/2/94

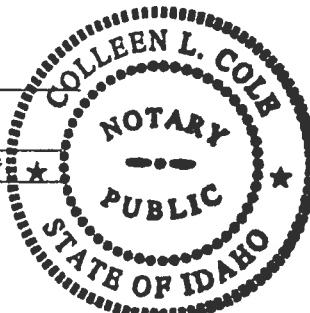
Sherrill G. Benham
Sherrill G. Benham

Joyce E. Benham
Joyce E. Benham

State of IDAHO)
County of VALLEY) ss

On the 2nd day of June, 1994 before me, Colleen L. Cole
a notary public in and for said State,
personally appeared Sherrill G. Benham and Joyce E. Benham
known to me to be the persons whose names are subscribed to the
within instrument, and acknowledged to me that they executed the
same.

Colleen L. Cole
Notary Public
Residing at: Cascade
Commission Expires: 6/6/99



Commission Expires: 6-6-99

EXHIBIT A

A parcel of land in Valley County, Idaho being located in Section 2, Township 15 North, Range 6 East, and Section 35, Township 16 North, Range 6 East, B.M. more particularly described as follows:

Beginning at the northwest corner of U.S. Homestead Survey No. 409, thence N. 89° 54' East along the North boundary of said U.S. Homestead Entry No. 409 a distance of 447.82' more or less to a point on the West right of way of a U.S. Government road; thence South 12° 22' 30" East along the West side of said road a distance of 100.60 feet; thence South 12° 58' 10" East further along said road right of way a distance of 348.87 feet; thence West a distance of 547.62 feet, more or less, to a point on the West boundary of said U.S. Homestead No. 409; thence North along said West boundary a distance of 437.47 feet to the point of beginning.

204387

MOUNTAIN TITLE & ESCROW

REQUESTED BY: _____
RECORDED

JUN 3 11 10 AM '94

TYPE: *Deed*

LELAND G. J. J. J.
VALLEY COUNTY CLERK
BY: *J. J. J.*
FEE: *6.00*



State of Idaho
DEPARTMENT OF WATER RESOURCES

NORTHERN REGION, Suite No. 210 • 1910 Northwest Blvd. • Coeur d'Alene, Idaho 83814-2615
(208) 769-1450

RECEIVED
APR 27 2005
IDWR/North

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

March 31, 2005

Harry & Lynette Adams
% Island Ranch
10973 State Hwy 55
Cascade, ID 83611

RE: 77-10091

Dear Mr. & Mrs. Adams:

On October 24, 1988, Sherrill & Joyce Benham submitted a Notice of Claim in the Snake River Adjudication (copy enclosed for your reference). We searched the Valley County tax lot information and it appears that you may now own the property. If you do own the property, and the water is still being used, and you want your name in the final recommendation, then you need to file a change in water right ownership form and mail it to this office. Be sure to include a copy of the warranty deed or other document as described in item 2. B.

Sincerely.

Kenneth Knoblock
Water Resources Agent

RECEIVED
APR 27 2005
IDWR/North

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: A77-10091
Date Received: 10/24/1988
Receipt No: W001184
Received By: EDR

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: SHERRILL BENHAM
Address: WARM LAKE
HC 72
CASCADE, ID 83611 208-634-5012
AND/OR
Name: JOYCE BENHAM
Address: WARM LAKE
HC 72
CASCADE, ID 83611 208-634-5012

2. Date of Priority: JUN 01, 1907

3. Source: UNNAMED CREEK Trib. to: CABIN CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
15N	06E	2	NE	NW	NE		VALLEY

5. Description of diverting works:
DITCH TO FLOOD IRRIGATE

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	06/01	11/01	0.100		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
S/15 HEAD HORSES

A77-10091

Page 1

Date: 10/24/88

MICROFILMED
OCT 05 1992

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
15N	06E	2	NW	NE		IRR	

11. Place of use in counties: VALLEY

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

13. Other Water Rights Used:
NONE

14. Remarks:
H.E.S.#409

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): *Sherill J. Benham* Date: 7
_____ Date: _____

State of Idaho)
County of Ada) SS.

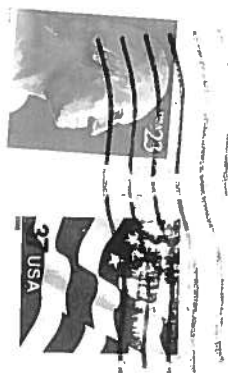
Subscribed and sworn (or affirmed) before me this 27th day
of Oct 19 88 *Eldon J. Fouch*
Notary Public

Seal

Residing at Boise

My Commission Expires 09/08/1999

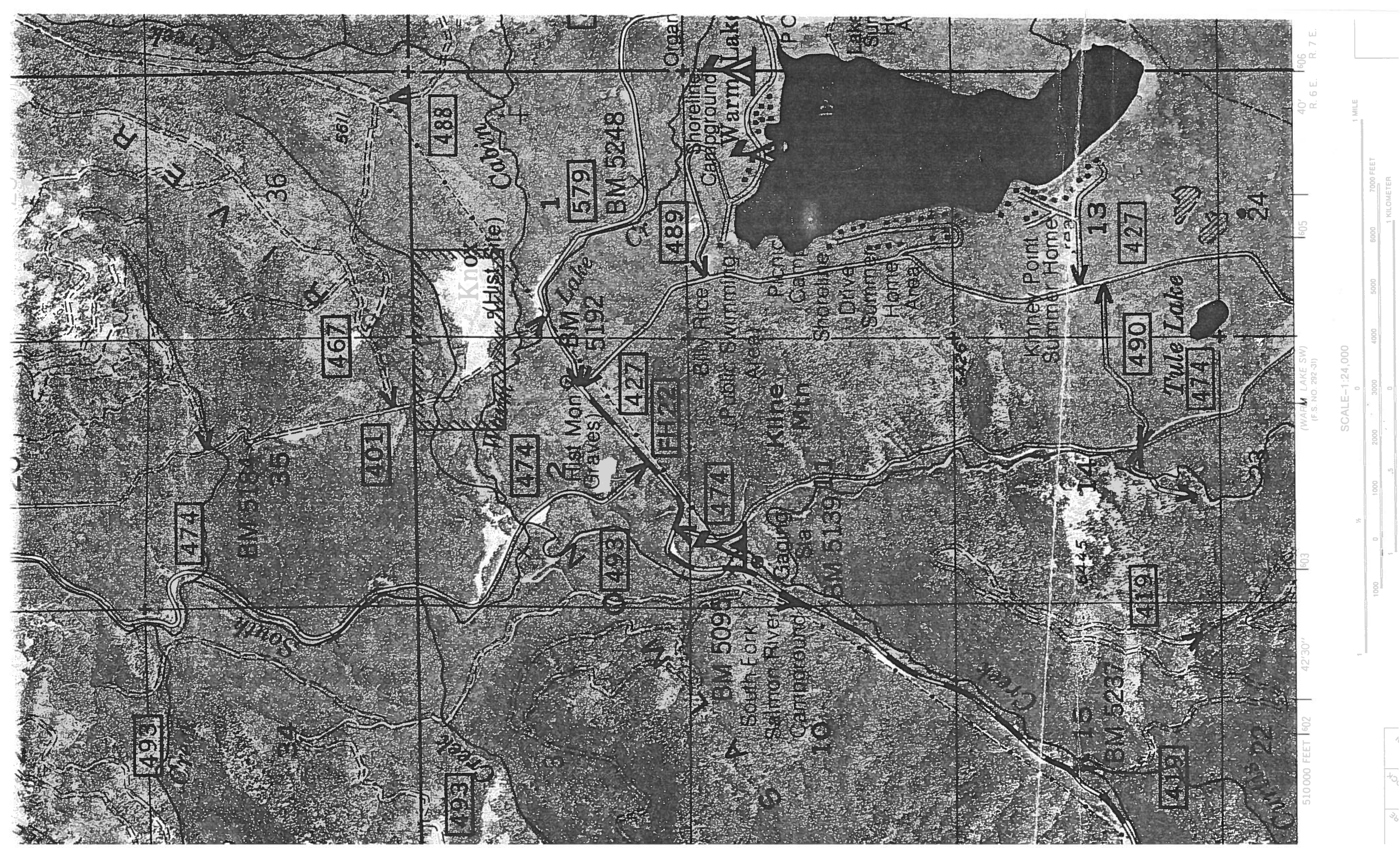
Harry and Lynette Adams
Island Ranch
10973 Highway 55
Cascade, ID 83611



KIZUJETH KNOBLICK
IDATE DEPT. CULTURAL RESOURCES
SUITE 210
1910 N. DEPT. AVE.
COEUR D'ALENE ID 83814-2415

83814+2415 08







State of Idaho
DEPARTMENT OF WATER RESOURCES

NORTHERN REGION, Suite No. 210 • 1910 Northwest Blvd. • Coeur d'Alene, Idaho 83814-2615
(208) 769-1450

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

March 31, 2005

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% Island Ranch
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Sincerely.

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Kenneth Knoblock
Water Resources Agent

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AND/OR

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8. Total consumptive use is Acre Feet Per Annum.

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S/15 HEAD HORSES

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Signature of Claimant(s): 2 Sherill L Benham Date: →
Date: _____

State of Idaho)
County of Ada) SS.

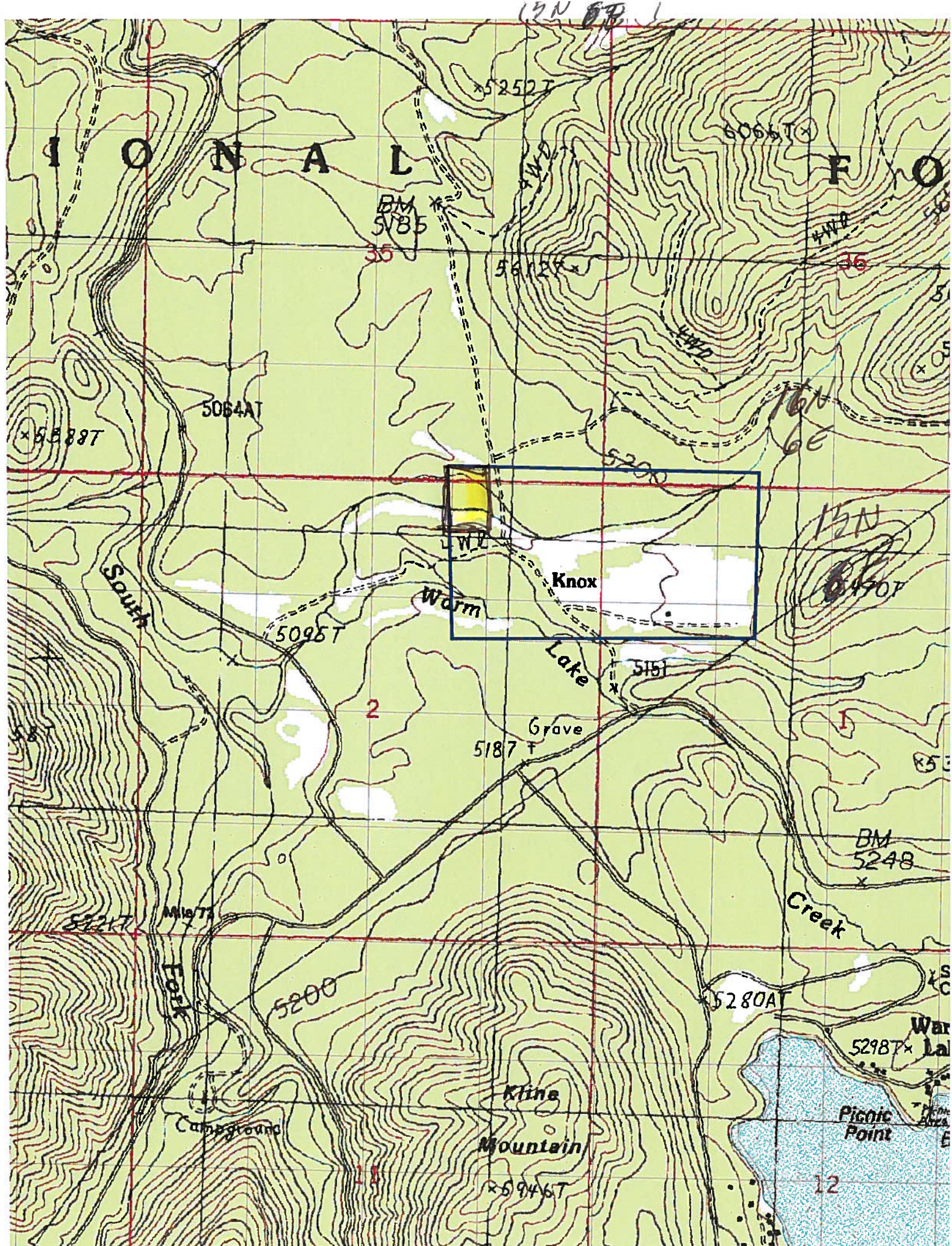
Subscribed and sworn (or affirmed) before me this 24th day
of Oct 19 88 Elden J. Pouch
Notary Public

Seal

Residing at Bowie
My Commission Expires 09/08/1999

MICROFILMED

OCT 05 1992



~~16N 6E~~ Check for ownership

15N 6E 1

77-10091 } Forest Service ⁷⁷⁻⁴¹⁹¹ Sherrill Berkham ⁷⁷⁻¹⁰⁰⁹¹
77-4191 }

~~none of ownership~~

looks like it went to USFS
through the State of Ill

Mark Bingman
382-7400

16N 6E 35

Gary Harris

Harry & Lenette
Adams

7

40 Island Ranch
10973 Stateway 55

Int 95378
DK 2

Mar 24, 1978

Cascade, ID

Adams

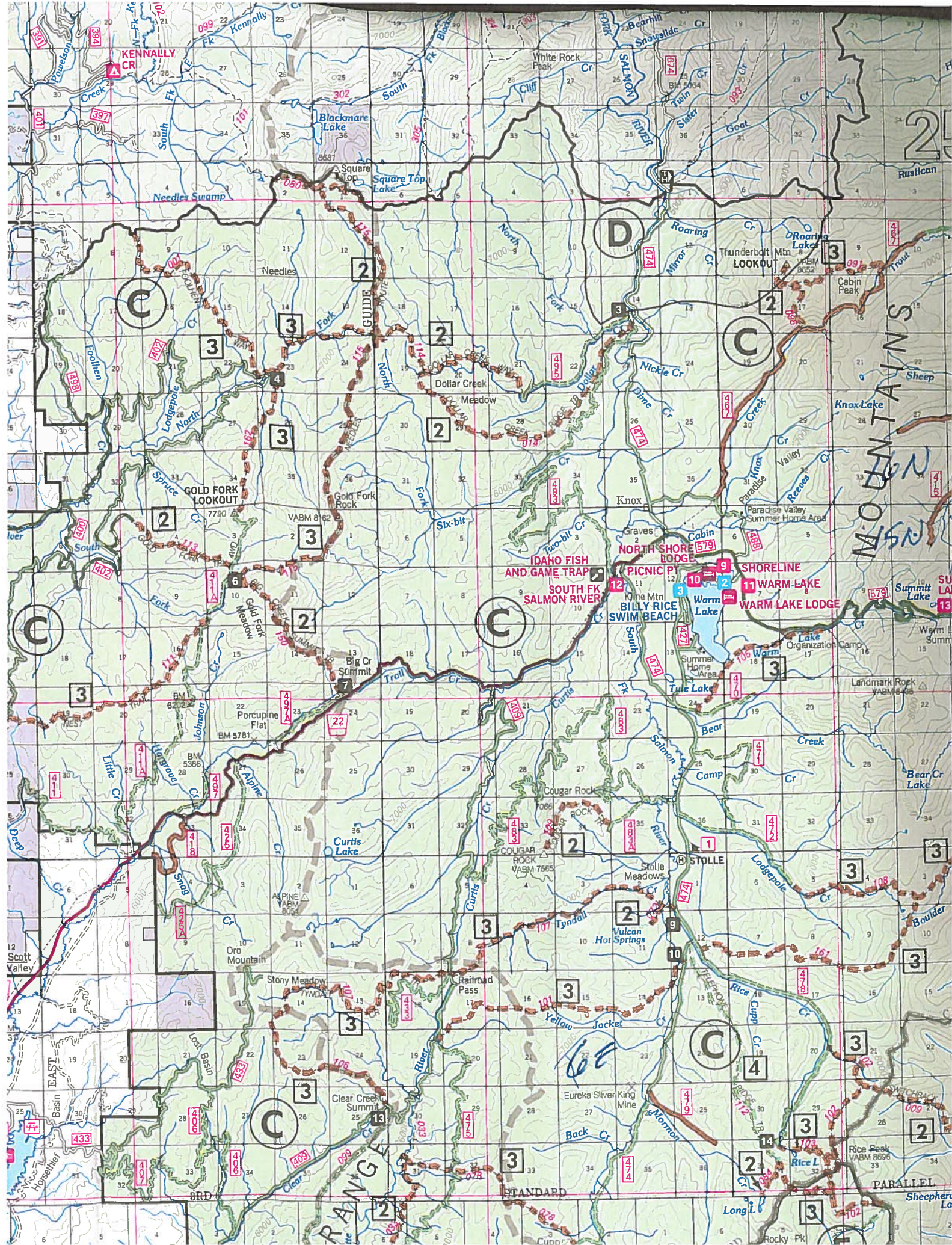
RECORDER OFFICE

WARRENTY DEED 83011

SAFECO TO USA

16N 6E 35

15N 6E 2





Results List

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Click on a **Patentee Name** to view the full land patent information. An *ITALIC* entry denotes data that has not been indexed against the land patent document, and therefore has no image associated with it.

View Image	Patentee Name	State	County	Issue Date	Land Office	Doc. Nr.	Accession/ Serial Nr.
	DRAKE, DANIEL G	ID	Valley	3/25/1922	Boise City	023273	856027
	FS	ID	Valley	3/7/1978	Idaho	3231978	IDI 013333
	IDAHO STATE	ID	Valley	3/7/1978	Idaho	3231978	IDI 013333
	SAFECO TITLE INS CO OF ID	ID	Valley	3/7/1978	Idaho	3231978	IDI 013333
	USA	ID	Valley	3/7/1978	Idaho	3231978	IDI 013333

5 ACRES WERE KEPT WHEN THE LAND WAS TRANSFERRED TO THE FOREST SERVICE

3/23/5



State of Idaho
DEPARTMENT OF WATER RESOURCES

NORTHERN REGION, Suite No. 210 • 1910 Northwest Blvd. • Coeur d'Alene, Idaho 83814-2615
(208) 769-1450

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

March 21, 2005

Sherrill & Joyce Benham
Warm Lake HC 72
Cascade, ID 83611

RE: 77-10091

Dear Mr. & Mrs. Benham:

We have reviewed your Snake River Adjudication claim. We understand that the U.S. Forest Service now owns the property. If that is the case then we need some documentation that you have permission from the forest service to irrigate the land. Would you please send us a copy of that documentation?

Sincerely,

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Kenneth Knoblock
Water Resources Agent



Land Patent Details

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[Help](#)

Accession/Serial #: 856027 BLM Serial #: IDB 0023273

previous next

- Patent Description
- Legal Land Description
- Document Image
- Certified Copy

Aliquot Parts	Sec./ Block	Township	Range	Fract. Section	Meridian	State	Counties	Survey Nr.
1/	15-N	6-E	No	Boise	ID	Valley	409	
Remarks: HOMESTEAD ENTRY SURVEY #409								
2/	15-N	6-E	No	Boise	ID	Valley	409	
Remarks: HOMESTEAD ENTRY SURVEY #409								
35/	16-N	6-E	No	Boise	ID	Valley	409	
Remarks: HOMESTEAD ENTRY SURVEY #409								
36/	16-N	6-E	No	Boise	ID	Valley	409	
Remarks: HOMESTEAD ENTRY SURVEY #409								

Note: Legal land descriptions can be used to help find the precise location of the land. For more information, please see our description of the [Rectangular Survey System](#).

Land Patent Image

 Quick Help  Bookmark (Ctrl+D)

[Home](#) > [Land Patent Search](#) > [Results List](#) > [Land Patent Details](#) > [Land Patent Image](#)

Acc./Ser. Nr.: 856027 Patentee: DANIEL G DRAKE

Issue Date: 3/25/1922

Image Formats: Small GIF | [Large GIF](#) | [TIFF](#) | [PDF](#)

[Add To Shopping Cart](#)

Boise 073273

4-1008-R.

The United States of America,

To all to whom these presents shall come, Greeting:

WHEREAS, a Certificate of the Register of the Land Office at Boise, Idaho,

has been deposited in the General Land Office, whereby it appears that, pursuant to the Act of Congress of May 20, 1862,

"To Secure Homesteads to Actual Settlers on the Public Domain," and the acts supplemental thereto, the claim of

Daniel G. Drake

has been established and duly consummated, in conformity to law, for the H. E. Survey No. 409, embracing a portion of, approximately, Section one in Township fifteen north and Section thirty-six in Township sixteen north all in Range six east and Section six in Township fifteen north and Section thirty-one in Township sixteen north all in Range seven east of the Boise Meridian, Idaho, more particularly bounded and described as follows: Beginning at corner No. 1 from which U.S. Location Monument No. 409, bears north fifty-eight degrees thirty-one minutes east one and sixty-two-hundredths chains distant; thence, west fifty-three and twenty-four-hundredths chains to corner No. 2; thence, north thirty chains to corner No. 3; thence, north eighty-nine degrees fifty-four minutes east fifty-three and twenty-four-hundredths chains to corner No. 4; thence, south two minutes east thirty and ten-hundredths chains to corner No. 1, the place of beginning, containing one hundred fifty-nine and ninety-nine-hundredths acres,

according to the Official Plat of the Survey of the said Land, returned to the GENERAL LAND OFFICE by the Surveyor-General:

NOW KNOW YE, That there is, therefore, granted by the UNITED STATES unto the said claimant the tract of Land above described; TO HAVE AND TO HOLD the said tract of Land, with the appurtenances thereof, unto the said claimant and to the heirs and assigns of the said claimant forever; subject to any vested and accreted water rights for mining, agricultural, manufacturing, or other purposes, and rights to ditches and reservoirs used in connection with such water rights, as may be recognized and acknowledged by the local customs, laws, and decisions of courts; and there is reserved from the lands hereby granted a right of way thereon for ditches or canals constructed by the authority of the United States.

IN TESTIMONY WHEREOF, I, Warren G. Harding,

President of the United States of America, have caused these letters to be made Patent, and the seal of the General Land Office to be hereunto affixed.

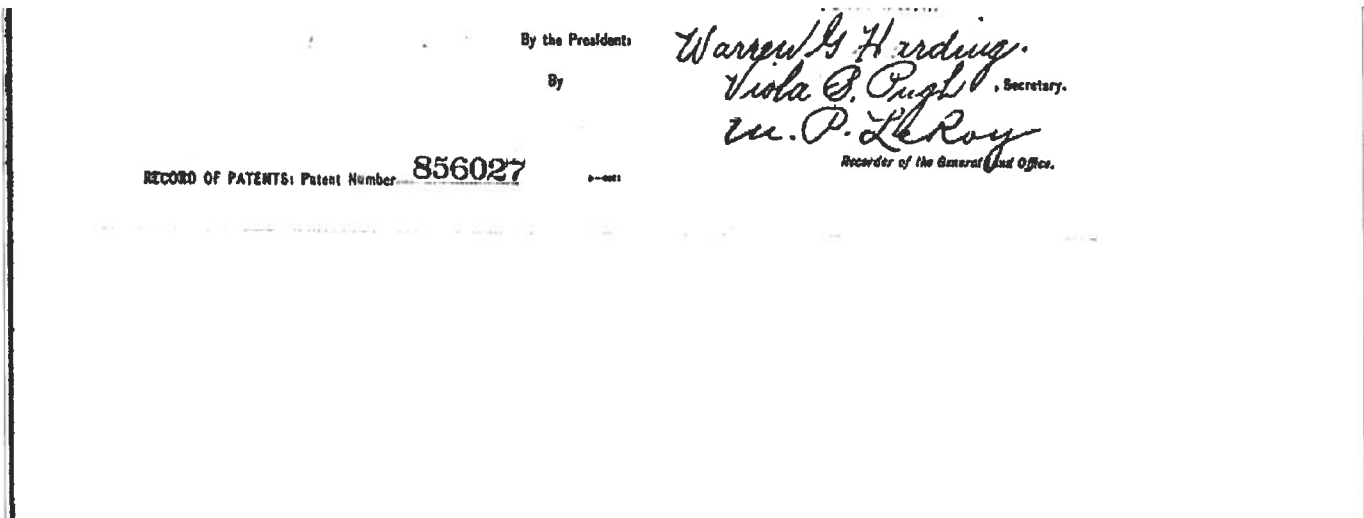
GIVEN under my hand, in the District of Columbia, the TWENTY-FIFTH

(SEAL)

day of MARCH in the year of our Lord one thousand

sine hundred and TWENTY-TWO and of the Independence of the

United States the one hundred and FORTY-SIXTH.

**Why can't I get a good print from this page?**

You probably will not be able to print a satisfactory copy of this page. *For best printing, please try the **PDF format**.* Look for the **PDF** link in the **Image Formats:** section above. See our [Image Formats Information](#) page for more information about viewing and printing our land patent images.

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Receipt is for \$55 assumed
5 acres

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Northern Region Office
1910 Northwest Blvd - Suite 210
Coeur d'Alene, ID 83814-2676

77-10691

Sherill & Joyce Benham
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83814-2676

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State of Idaho
DEPARTMENT OF WATER RESOURCES

NORTHERN REGION, Suite No. 210 • 1910 Northwest Blvd. • Coeur d'Alene, Idaho 83814-2615
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DIRK KEMPTHORNE
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RECEIVED

MAR 30 2005

IDWR/North

March 21, 2005

Sherrill & Joyce Benham
Warm Lake HC 72
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A77-10091

Page 1

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MICROFILMED
OCT 05 1992

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