



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

SOUTHERN REGION

May 16, 2002

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

D STEVE BENSON
4025 GEORGES RD
AMERICAN FALL ID 83211

RE: Decreed Water Rights 41-4030, 41-7029A, 41-7029B,
41-10115, 41-10116
Change of Address Notification

Dear Water Right Holder:

Thank you for notifying us of your change in address on the water
right referenced above. Our records have been updated accordingly.

If you have any questions, please feel free to contact this office.

Sincerely,

Trish Fawcett
Technical Records Specialist

/tf



IDAHO DEPARTMENT OF WATER RESOURCES
SOUTHERN REGION
1341 FILLMORE ST STE 200
TWIN FALLS ID 83301-3380
(208) 736-3033

DIRK KEMPTHORNE
GOVERNOR

KARL J DREHER
DIRECTOR

RECEIVED

APR 30 2002

Department of Water Resources
Southern Region

CHANGE IN ADDRESS

☐ Water Right Number(s): 41-07029B, 41-04030, 41-10115
41-10116 41-07029A

☐ Old Mailing Address:

D. Steve Benson

2785 Benson Rd

Rockland, Id. 85271

☐ New Mailing Address:

D. Steve Benson

4025 Georges Rd

Am. Falls Id. 85211

☐ New Telephone Number: (208) 548-2330

☐ Signature of Claimant(s):

[Signature]

Date:

4-29-02

FOR IDWR USE ONLY
Initial Review and Data Entry
Date: By:
Further Action Needed:

Further Action Taken

Date: By:

Final Review and Data Entry

Date: By:

5/16/02 [Signature]

CID 91354

COPY

200 JUN 23 PM 1:57

DISTRICT COURT-3RBA
TWIN FALLS CO., IDAHO
FILED

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) NOTICE OF COMPLETED
ADMINISTRATIVE PROCEEDINGS
Water Rights 41-04030 and 41-10115

IDWR has completed the following Administrative Proceeding:

☐ Change of Address
☒ Substitution of Party
☐ I.C. 42-222 Transfer

SUBSTITUTION OF PARTY

Does the change in "ownership" result in a splitting of the water
right claimed? ☐ Yes ☒ No

If yes, does the split involve an I.C. 42-222 transfer? ☐ Yes ☐ No

Water Right(s): 41-04030 and 41-10115

NOTICE OF COMPLETED
ADMINISTRATIVE PROCEEDING
6/21/2000

41-04030 AND 41-10115

PAGE 1

From (Claimant/Seller):

Name of Claimant: DON BENSON
Address: 1233 IDANHA
AMERICAN FALLS ID 83271
Phone: (208) 548-2330

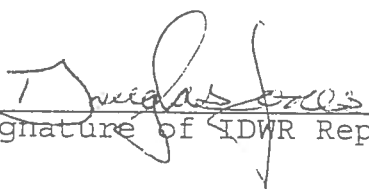
To (Claimant/Purchaser):

Name of Claimant: D STEVE BENSON
Address: 2785 BENSON RD
ROCKLAND ID 83271
Phone: (208) 548-2331

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 Reports for said water rights. 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 Transfer and Amended Director's Reports(s) on the claimant(s), prior claimants(s) and all parties in the subcases affected, if any, as reflected on the attached certificate of mailing.

DATED: 6/22/00



Signature of IDWR Representative

NOTICE OF COMPLETED
ADMINISTRATIVE PROCEEDING
6/21/2000

41-04030 AND 41-10115

PAGE 2

CC

CERTIFICATE OF MAILING

I certify that on 6/23/2000 I mailed the original and copies of this form to the following persons, postage prepaid and addressed as follows:

1. Original to:
Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P.O. Box 2707
Twin Falls, Idaho 83303-2707
2. One Copy to:
Claimant/Seller for Substitution of Party or attorney of record:

DON BENSON
1233 IDANHA
AMERICAN FALLS ID 83271
3. One Copy to:
Claimant/Purchaser for Substitution of Party or attorney of record:

D STEVE BENSON
2785 BENSON RD
ROCKLAND ID 83271
4. One Copy to:
Each party in the subcase, or attorney of record:

NORMAN M SEMANKO
ROSHOLT ROBERTSON & TUCKER
PO BOX 1906
TWIN FALLS ID 83303-1906
5. One Copy to:
Chief, Natural Resources Division
Office of the Attorney General
P.O. Box 44449
Boise, Idaho 83711-4449

6. One Copy to:
United States Dept. of Justice
Environment & Natural Resource Div.
550 West Fort Street, MSC 033
Boise, ID 83724



Signature of person or attorney mailing the form

AJ5856NP

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

DATE: JUN-21-2000
PAGE: A-1

RIGHT NUMBER: 41-04030

NAME & ADDRESS: D STEVE BENSON
2785 BENSON RD
ROCKLAND ID 83271

SOURCE: FALL CREEK
TRIBUTARY: SNAKE RIVER

QUANTITY: 1.06 CFS

PRIORITY DATE: 04/01/1924

POINT OF DIVERSION: T09S R29E S29
NWNENE
Within POWER County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	IRRIGATION	04-01 10-31	1.06 CFS

PLACE OF USE:	IRRIGATION	Within POWER County				
	T09S R29E S28	SWNW 3.7	NESW 0.4	NWSW 22		
	S29	NENE 14	NWNE 9	SWNE 3.8	SENE 24	
		NESE 22	NWSE 2.1			
	101 ACRES TOTAL					

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - BENEFICIAL USE

AJ5856NP

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

DATE: JUN-21-2000
PAGE: A-3

RIGHT NUMBER: 41-10115

NAME & ADDRESS: D STEVE BENSON
2785 BENSON RD
ROCKLAND ID 83271

SOURCE: GROUNDWATER

QUANTITY: 0.04 CFS

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

PRIORITY DATE: 12/31/1984

POINT OF DIVERSION: T09S R29E S29 NESENE Within POWER County

PURPOSE AND

PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	DOMESTIC 1 HOUSE	01-01 12-31	0.04 CFS

PLACE OF USE: DOMESTIC Within POWER County
T09S R29E S29 SENE

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

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

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



State of Idaho
DEPARTMENT OF WATER RESOURCES
1341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380
Phone: (208) 736-3033 FAX: (208) 736-3037

SOUTHERN REGION

June 23, 2000

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

D STEVE BENSON
2785 BENSON RD
ROCKLAND ID 83271

RE: SRBA Claim(s) 41-04030, 41-10115, 41-07029B, 41-10116

Dear Claimant:

Please find the enclosed copy of the Notice of Completed Administrative Proceeding, which the department has filed with the SRBA Court regarding the above referenced claims. You have received this notice pursuant to SRBA Court Administrative Order 11 requiring IDWR to report to the court and interested parties any pending changes to adjudication claims in basins for which a Director's Report has been filed with the court.

Please contact this office if you have any questions about the notice or the administrative process.

Sincerely,

Trish Fawcett
Technical Records Specialist

cc: Don Benson
Norm Semanko

RECEIVED

MAR 17 2000

Department of Water Resources
Caitlin Beggs

STATE OF IDAHO
IDAHO DEPARTMENT OF WATER RESOURCES

NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type. Attach pages with additional information. Instructions are on the back of this page.

Incomplete forms will be returned.

Water Right No(s): 41-10115

Adjudication Claim No(s): _____

The following REQUIRED information must be submitted with this form:

- A. A copy of the most recent DEED, TITLE POLICY, CONTRACT OF SALE or other legal document indicating your ownership of the property and water rights or claims in question, WITH ATTACHED LEGAL DESCRIPTION.
- AND
- B. PLAT OF PROPERTY or SURVEY MAP for parcel of ten acres or less. (These are usually attached to your deed or on file with the county.)
- OR
- C. For water rights or adjudication claims involving ten or more irrigated acres, a USDA Farm Service Agency AERIAL PHOTO with irrigated acres outlined and point(s) of diversion clearly marked.

Name and Address of Former Owner/Claimant (1) DON BENSON AND 1233 IDANHA (2) 216 POLK
AMERICAN FALLS ID 83271 AMERICAN FALLS ID 83211

New Owner/Claimant(s) DON BENSON D. STEVE BENSON
Name Connector (Check one): [] and, [] or, [X] and/or

New Mailing Address 231 POLK 2785 BENSON ROAD

City, State and ZIP Code AMERICAN FALLS ID 83271 ROCKLAND ID 83271

New Telephone Number (208) 548-2331

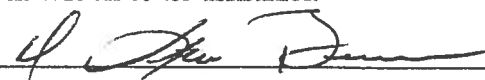
Date you acquired the property MAY 9, 1997

If you have acquired only a portion of the former owner's property, IDWR may need to split the water right(s) or adjudication claim(s). If this applies, describe in detail your portion of each water right or adjudication claim in the spaces below. If necessary, attach additional pages.

Number of acres you irrigate ~~101~~ ACRES + Number and type of stock _____

Diversion rate in CFS ~~1.06~~ Number of homes ~~1~~ Other Uses _____

If a water right or adjudication claim is being split and you are not sure how to identify your portion of the original right or claim, please contact the nearest IDWR office for assistance.

Signature of New Owner or Claimant(s) 
BY: D. STEVE BENSON

(Corporations or other organizations must submit a list of directors and/or officers demonstrating authority to sign form.)

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

SRBA DIRECTORS REPORT 41-10115

[Return to SRBA Home Page](#)

IWT072

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

Right Number: 41-10115

Name and Address: DON BENSON
216 POLK
AMERICAN FALLS, ID 83211

Source: GROUNDWATER

Quantity: .04 CFS

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

Priority Date: 12-31-1984

Diversion Point: T09S R29E S29 NESENE Within Power County

Purpose and Period of Use:	Purpose of Use	Period of Use	Quantity
	Domestic 1 HOUSE	01-01 TO 12-31	.04 CFS

Place of Use:	Domestic	Within Power County
	T09S R29E S29	SENE

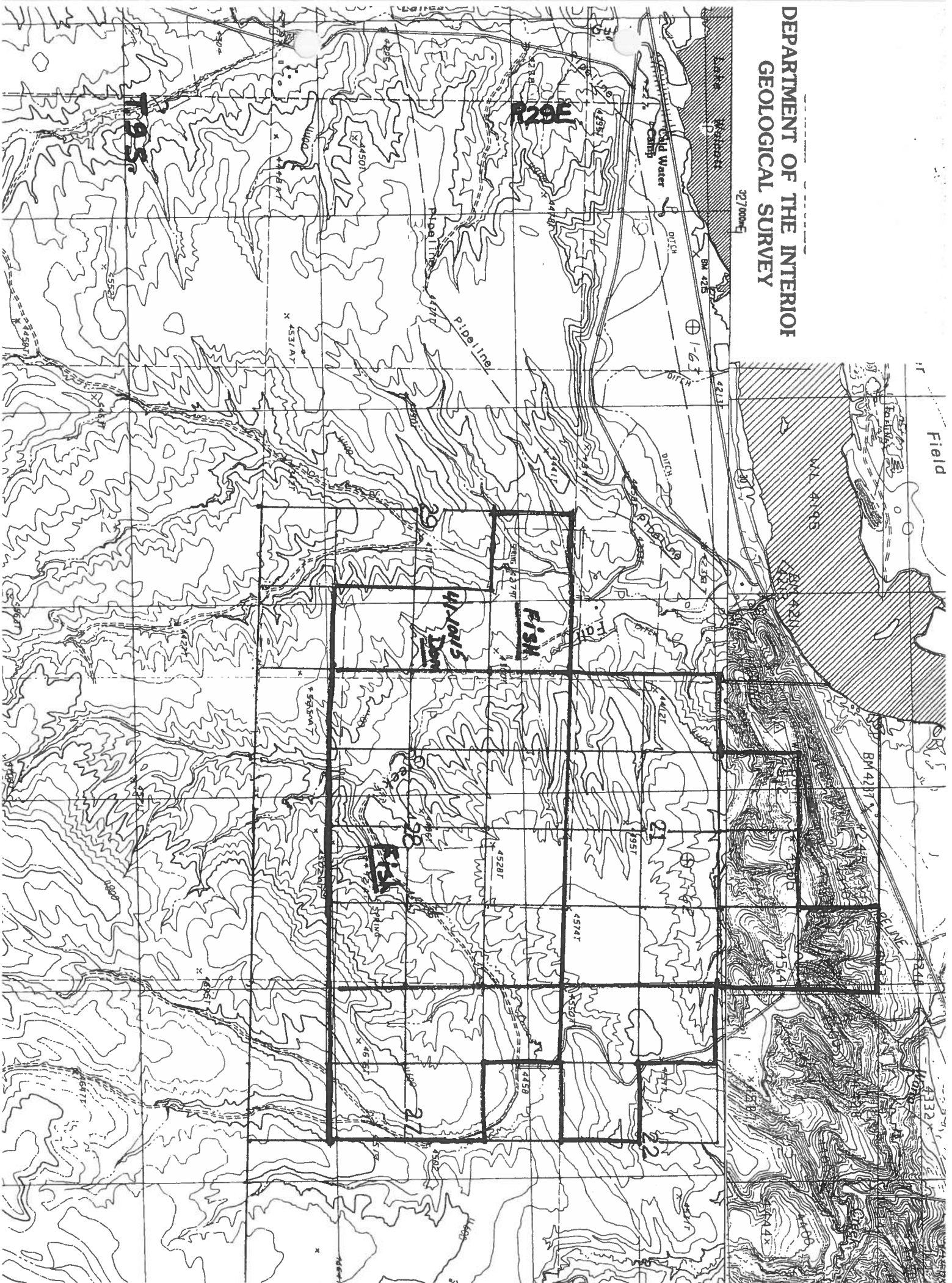
Other Provisions Necessary for Definition / Administration of this Water Right:

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

Explanatory Material: Basis of Claim - Beneficial Use

[Return to SRBA Home Page](#)

327000000



**GRANT DEED
(Fall Creek)**

For value received, DONALD BENSON (aka Donald S. Benson, a.k.a. D.S. Benson) and ALENE BENSON, husband and wife, as Grantors, do hereby grant and convey to DONALD STEVEN BENSON AND TERESA BENSON, whose address is 1590 Calico Circle, Pocatello, Idaho, 83201, as Grantees, that certain parcel of real property located in Power County, State of Idaho, and legally described in the attached Exhibit A.

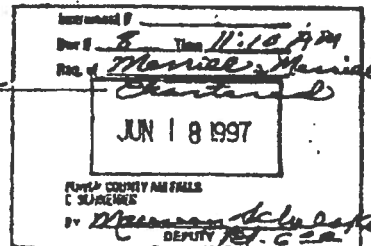
The said Grantors hereby convey said real property to Grantees, together with any and all tenements, hereditaments, and appurtenances thereto belonging or in any way appertaining, and the rents, issues and profits thereof.

Executed this 9th day of May, 1997.

Donald Benson
Donald Benson

167889

Alene Benson
Alene Benson



STATE OF IDAHO)
COUNTY OF BANNOCK)

On this 9th day of May, 1997, before me, a Notary Public in and for said county and state, personally appeared Donald Benson and Alene Benson, known to me to be the persons whose names are subscribed to the within instrument, and acknowledge to me that they executed the same.

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



Nancy Jusell
NOTARY PUBLIC STATE OF IDAHO
Residing at: Pocatello, Id
Commission expires: 2-23-99

EXHIBIT "A"

The Northwest Quarter of the Northeast Quarter ($NW\frac{1}{4}NE\frac{1}{4}$) and the Northeast Quarter of the Northwest Quarter ($NE\frac{1}{4}NW\frac{1}{4}$) and the South Half of the Northwest Quarter ($S\frac{1}{2}NW\frac{1}{4}$), all in Section 28, Township 9 South, Range 29 East, Boise Meridian, EXCEPTING AND EXCLUDING THEREFROM a parcel of land of approximately 3.4 acres in the Southwest Corner of the Southwest Quarter of the Northwest Quarter ($SW\frac{1}{4}NW\frac{1}{4}$), Section 28, Township 9 South, Range 29 East, Boise Meridian, lying South and West of Fall Creek.

All in Township Nine (9) South, Range Twenty-Nine (29) East,

Section 21: East Half of the Northeast Quarter ($E\frac{1}{2}NE\frac{1}{4}$); Southwest Quarter of the Northeast Quarter ($SW\frac{1}{4}NE\frac{1}{4}$); South Half ($S\frac{1}{2}$); Southeast Quarter of the Northwest Quarter ($SE\frac{1}{4}NW\frac{1}{4}$);

Section 22: Northwest Quarter of the Southwest Quarter ($NW\frac{1}{4}SW\frac{1}{4}$); South Half of the Southwest Quarter ($S\frac{1}{2}SW\frac{1}{4}$);

Section 27: Southeast Quarter of the Northwest Quarter ($SE\frac{1}{4}NW\frac{1}{4}$); West Half of the Northwest Quarter ($W\frac{1}{2}NW\frac{1}{4}$); North Half of the Southwest Quarter ($N\frac{1}{2}SW\frac{1}{4}$);

Section 28: East Half of the Northeast Quarter ($E\frac{1}{2}NE\frac{1}{4}$); Northwest Quarter of the Northwest Quarter ($NW\frac{1}{4}NW\frac{1}{4}$); North Half of the South Half ($N\frac{1}{2}S\frac{1}{2}$); Southwest Quarter of the Northeast Quarter ($SW\frac{1}{4}NE\frac{1}{4}$);

Section 29: North Half of the Northeast Quarter ($N\frac{1}{2}NE\frac{1}{4}$); Southeast Quarter of the Northeast Quarter ($SE\frac{1}{4}NE\frac{1}{4}$); Northeast Quarter of the Southeast Quarter ($NE\frac{1}{4}SE\frac{1}{4}$).

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: A41-10115
Date Received: 3/27/1990
Receipt No: S011691
Received By: B. V. J.

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: DON BENSON 208-548-2330
Address: 216 POLK
AMERICAN FALLS, ID 83271

2. Date of Priority: DEC 31, 1984

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
09S	29E	28	NW	SW	NW		POWER

5. Description of diverting works:
6" X 180' WELL, 1 HP PUMP

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
DOMESTIC	01/01	12/31	0.040		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
D/1 HOUSE

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
09S	29E	28	SW	NW		DOMEST	

11. Place of use in counties: POWER

A41-10115

Page 1

Date: 03/27/90

MICROFILMED

MAR 02 1993

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

13. Other Water Rights Used:
A41-04030

14. Remarks:

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): Donald S. Benson Date: 3-27-90

Date: _____

State of Idaho)
County of Twin Falls) SS.

Subscribed and sworn (or affirmed) before me this 27th day
of March 1990

Robert V. Winstell
Notary Public

Seal

Residing at Twin Falls, Idaho

My Commission Expires January 16, 1995

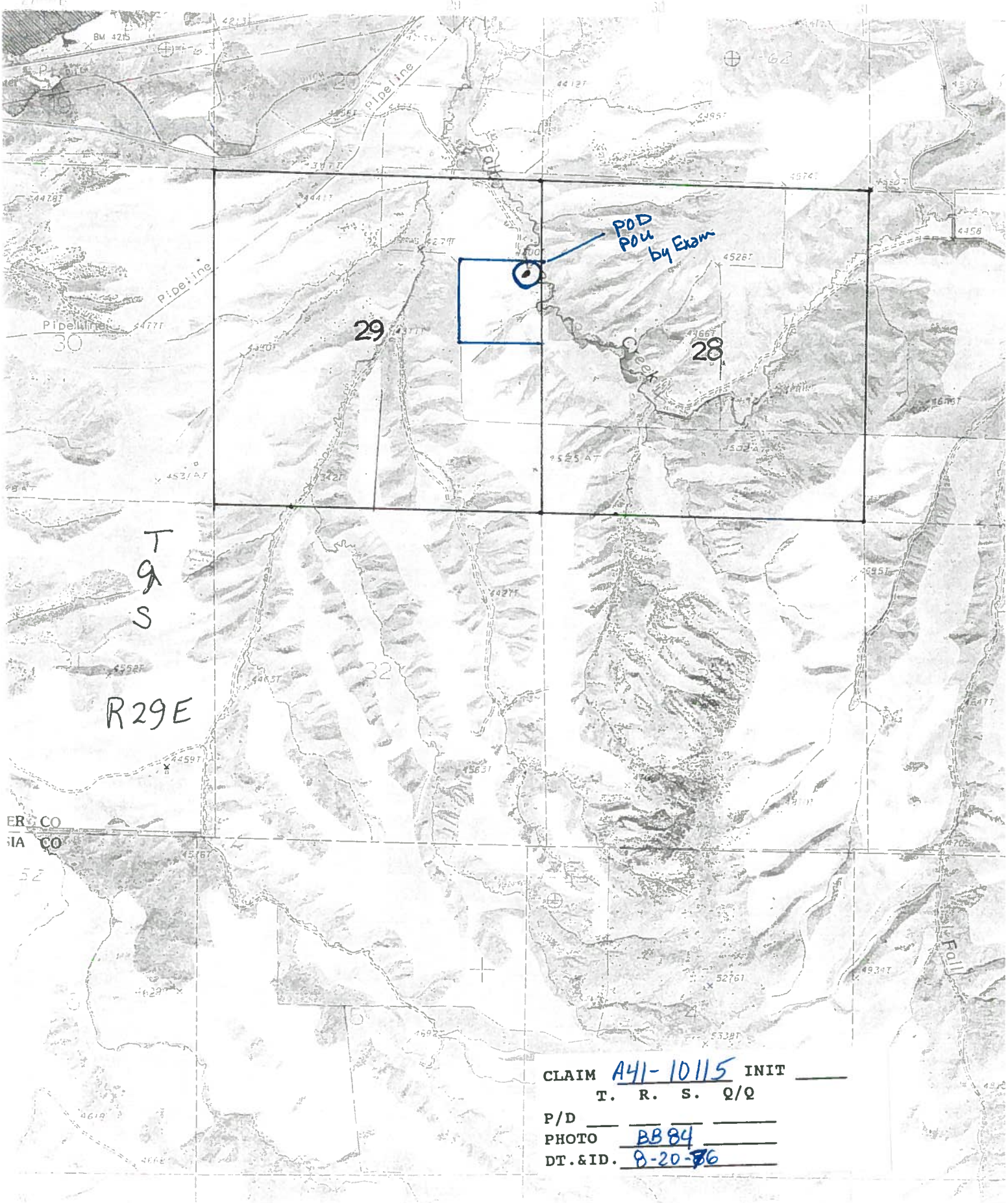
53

DATE: 05/29/99
PAGE: 1

Field Inspection Flag:
Presumption Flag:

DATE: 05/29/99
PAGE: 1

ATES
HE INTERIOR
SURVEY



CLAIM 441-10115 INIT _____
T. R. S. Q/Q
P/D _____
PHOTO BB84
DT.&ID. 8-20-86

CLAIM NO. 441-10115

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
CLAIM VERIFICATION EXAM SHEET
FOR DOMESTIC AND STOCKWATER CLAIMS IN PLACE OF A CVR

1. ☒ No Change NAME:
☐ NEW OWNER: _____
☒ No Change ADDRESS:
☐ NEW ADDRESS: _____
- ☒ DATA ENTRY STANDARDS CHECKED?
2. ☒ No Change - DATE OF PRIORITY: No Field Verification Needed.
☐ CHANGE- Priority date, per claimant, is _____.
(if the priority date, based on your exam, seems questionable, explain in COMMENTS.)
3. ☒ No Change - SOURCE:
☐ CHANGE - Different Source found: _____
4. ☐ No Change - POINT OF DIVERSION:
☒ Point of diversion is different than the claim
New P/D: Twp. _____, Rge. _____, Sec. 29, NE 1/4 SE 1/4 NE 1/4
- Note: If the 10-acre tract is shown on the claim, then verification of the 10-acre parcel is needed. Otherwise the 10-acre tract is not required, unless the source is a spring.
5. ☒ No Change - DESCRIPTION OF DIVERTING WORKS:
☐ Incomplete desc., complete items missing, IF KNOWN.
HP of pump _____ Static water level _____ Well depth _____
Casing size _____ Pumping water level _____ Gravity flow _____
Method of irr. _____
6. ☒ No Change - WATER USES:
☐ Different uses, (list uses found).
- | | | | | |
|-----------|------------|----------|------------------|----------|
| Use _____ | From _____ | To _____ | Amount _____ cfs | _____ af |
| Use _____ | From _____ | To _____ | Amount _____ cfs | _____ af |
7. ☒ No Change - TOTAL VOLUME:
☐ Change found, The new total is, -- -- -- _____ cfs _____ af
8. N/A
9. ☒ No Change - NON-IRRIGATION USES: Completed on claim
☐ Incomplete on claim - Exam found:
Domestic - No. of homes _____ Stockwater - No. of head _____
Other: _____
- ☒ DATA ENTRY STANDARDS (correct to..)

10. ☐ No Change Use ☒ PLACE OF USE: (If changed, list below.)

Twp. Rge. Sec. 1/4, 1/4, 1/4
29 NE SE NE

11. ☐ Checked: N/A

12. ☐ Checked: N/A

13. ☐ No change - OTHER RIGHTS FOR SAME USE:

☒ CHANGE: NONE

14. ☐ None REMARKS: (copy existing remarks to comments in "R")

☒ Add the following standard remarks:

LIST STANDARD REMARKS FOR THE RECOMMENDATION:

N11 N13

15. ☒ BASIS OF CLAIM VERIFIED AS: D - L - P - S - ☒ J (circle one)

COMMENTS: (pertinent to field examination)

ATTACHMENTS: Attached to This Form. Attachments are in Permit File.

PHOTOS

MAP

SYSTEM DIAGRAM

DATE EXAM CONDUCTED:

6-21-94

FIELD EXAMINER:

STEVE CLELLAND

Signature

Steve Clelland

REVIEWED BY/DATE:

see 5/29/99

DATA ENTRY BY/DATE:

VERIFICATION BY/DATE: