



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

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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. 83271

☐ New Mailing Address:

D. Steve Benson

4025 Georges Rd

Am. Falls Id. 83211

☐ New Telephone Number: (208) 548-2330

☐ Signature of Claimant(s):

D. Steve Benson

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

2000 JUN 23 PM 1: 57

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

IDWR has completed the following Administrative Proceeding:

SUBSTITUTION OF PARTY

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

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

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

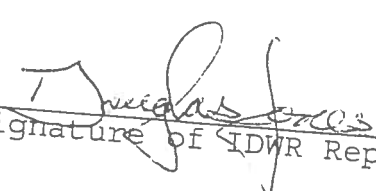
To (Claimant/Purchaser):

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

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

A handwritten signature in cursive script, appearing to read "Patricia Stewart", written over a horizontal line.

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

**STATE OF IDAHO**  
**IDAHO DEPARTMENT OF WATER RESOURCES**

**NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP**

RECEIVED

MAR 31 2000

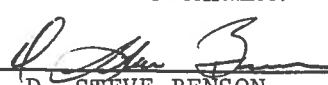
Department of Water Resources  
Eastern Region

Please print or type. Attach pages with additional information. Instructions are on the back of this page.  
Incomplete forms will be returned.

RECEIVED

APR 04 2000

Department of Water Resources  
Snake River Basin

1. Water Right No(s).: \_\_\_\_\_  
Adjudication Claim No(s).: A41-04030
  
2. 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.
  
3. Name and Address of Former Owner/Claimant: DON BENSON  
1233 IDANHA  
AMERICAN FALLS ID 83271
  
4. New Owner/Claimant(s): DON BENSON D. STEVE BENSON  
Name Connector (Check one): [ ] and, [ ] or, ☒ 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
  
5. Date you acquired the property: MAY 9, 1997
  
6. 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 \_\_\_\_\_ Number and type of stock \_\_\_\_\_  
 Diversion rate in CFS \_\_\_\_\_ Number of homes \_\_\_\_\_ 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.
  
7. 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.)
  
8. 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..

RECEIVED MAR 29 2000

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: A41-04030

Date Received: 3/27/1990

Receipt No: S011691

Received By: \_\_\_\_\_

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW

AMENDED

1. Name: DON BENSON  
Address: 1233 IDANHA  
AMERICAN FALLS ID

208-548-2330

83271

2. Date of Priority: APR 1, 1924

3. Source: FALL CREEK

Trib. to: SNAKE RIVER

4. Point of Diversion:

| Township | Range | Section | 1/4 of | 1/4 of | 1/4 | Lot | County |
|----------|-------|---------|--------|--------|-----|-----|--------|
| 09S      | 29E   | 29      | NE     | NE     |     |     | POWER  |

5. Description of diverting works:  
PORTABLE PUMP IN FALL CREEK TO SPRINKLER SYSTEM

6. Water is used for the following purposes:

| Purpose    | From  | To    | C.F.S | (or) | A.F.A. |
|------------|-------|-------|-------|------|--------|
| IRRIGATION | 03/15 | 11/15 | 2.000 |      |        |

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

A.F.A.

8. Total consumptive use is

Acre Feet Per Annum.

9. Non-irrigation uses:  
NONE

10. Place of Use:

| Township | Range | Section | 1/4 of | 1/4 | Lot | Use | Acres |
|----------|-------|---------|--------|-----|-----|-----|-------|
| 09S      | 29E   | 28      | NW     | SW  |     | IRR | 32.0  |

10. Place of Use: Continued

| Township      | Range | Section | 1/4 of 1/4 | Lot | Use | Acres |
|---------------|-------|---------|------------|-----|-----|-------|
| Section Acres |       |         |            |     |     | 32.0  |
|               |       | 29      | NE         | NE  | IRR | 10.0  |
|               |       |         | NW         | NE  | IRR | 11.0  |
|               |       |         | SE         | NE  | IRR | 26.0  |
|               |       |         | NE         | SE  | IRR | 39.0  |
| Section Acres |       |         |            |     |     | 86.0  |
| Total Acres   |       |         |            |     |     | 118.0 |

11. Place of use in counties: POWER

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

13. Other Water Rights Used:  
DOMESTIC WELL

14. Remarks:

15. Basis of Claim: STATUTORY CLAIM

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): Don Benson Date: 5-4-92  
\_\_\_\_\_  
Date: \_\_\_\_\_

State of Idaho )  
County of Twin Falls ) SS.

Subscribed and sworn (or affirmed) before me this 4<sup>th</sup> day  
of May 19 92

Kelly K Christensen  
Notary Public

Seal



Residing at Kimberly  
My Commission Expires 3-2-98

**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.

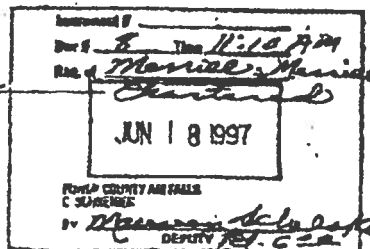
The said Grantors hereby convey said real property to Grantees, together with any and all tenements, hereditaments, and appurtenances thereto belonging or in anyway appertaining, and the rents, issues and profits thereof.

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 Jusel  
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 ( $SE\frac{1}{4}NW\frac{1}{4}$ );

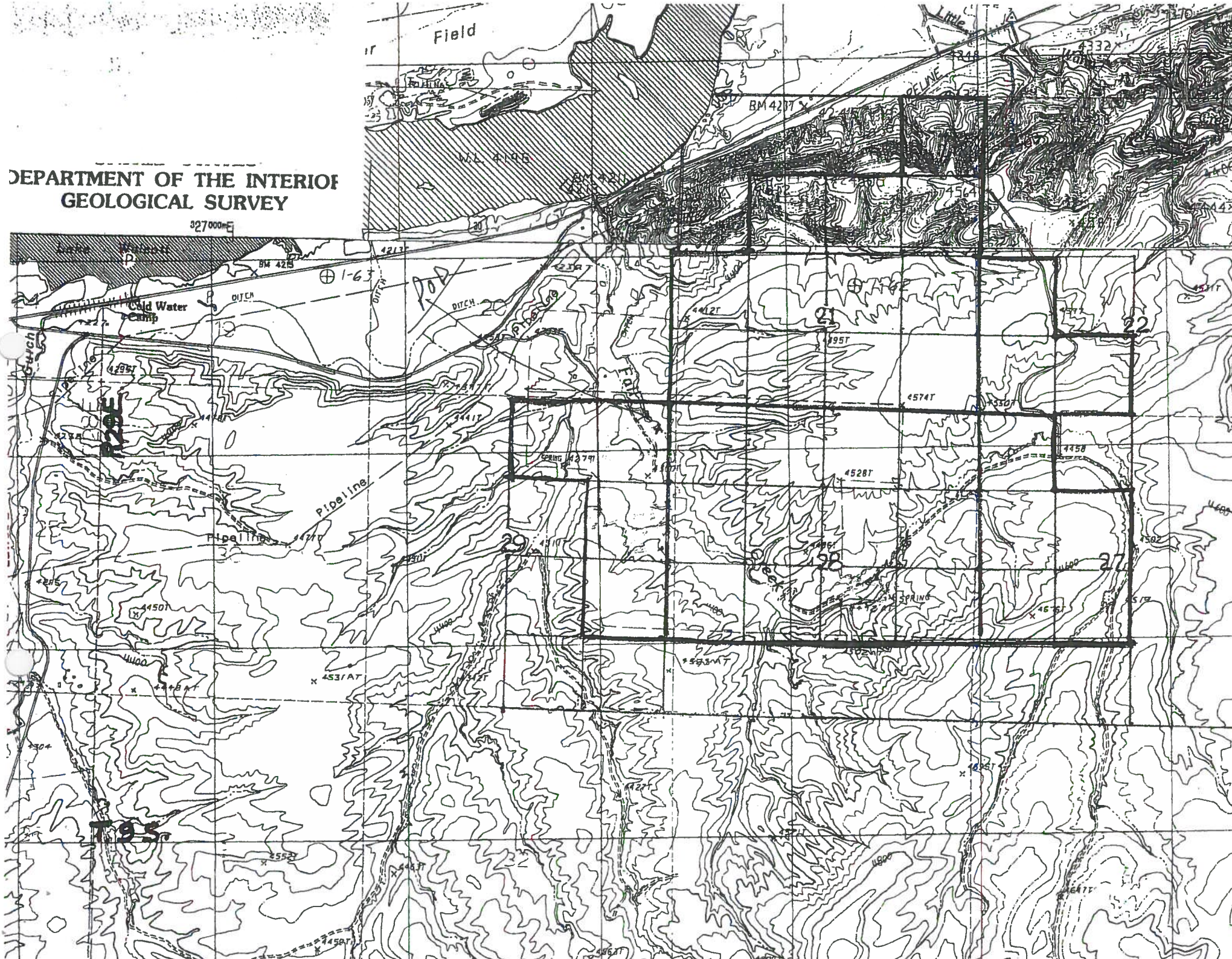
Section 22: Northwest Quarter of the Southwest Quarter ( $NW\frac{1}{4}SW\frac{1}{4}$ ); South Half of the Southwest Quarter ( $S\frac{1}{2}SW\frac{1}{4}$ );

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 ( $NE\frac{1}{4}SE\frac{1}{4}$ ).

DEPARTMENT OF THE INTERIOR  
GEOLOGICAL SURVEY



ROSHOLT, ROBERTSON & TUCKER  
ATTORNEYS AT LAW

142 THIRD AVENUE NORTH  
P.O. BOX 1906  
TWIN FALLS, ID 83303-1906  
(208) 734-0700  
FAX (208) 736-0041

---

**MEMORANDUM**

TO: Eastern Regional Office, IDWR  
FROM: Crystal Vincent *Crystal Vincent*  
DATE: March 30, 2000  
SUBJECT: **Notice of Change of Water Right Ownership**

RECEIVED  
MAR 31 2000  
Department of Water Resources  
Eastern Region

RECEIVED  
APR 04 2000  
Department of Water Resources  
Southern Region

The attached form will change the name on A41-04030 to Don and D. Steve Benson.

Please conform the extra copy of the front page and return to me in the enclosed envelope. Thanks for your attention.

033020001

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: **A41-04030**  
Date Received: 3/27/1990  
Receipt No: S011691  
Received By: \_\_\_\_\_

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW

AMENDED

1. Name: DON BENSON 208-548-2330  
Address: 1233 IDANHA  
AMERICAN FALLS ID 83271

2. Date of Priority: APR 1, 1924

3. Source: FALL CREEK Trib. to: SNAKE RIVER

4. Point of Diversion:

| Township | Range | Section | 1/4 of | 1/4 of | 1/4 | Lot | County |
|----------|-------|---------|--------|--------|-----|-----|--------|
| 09S      | 29E   | 29      |        | NE     | NE  |     | POWER  |

5. Description of diverting works:  
PORTABLE PUMP IN FALL CREEK TO SPRINKLER SYSTEM

6. Water is used for the following purposes:

| Purpose    | From  | To    | C.F.S | (or) | A.F.A. |
|------------|-------|-------|-------|------|--------|
| IRRIGATION | 03/15 | 11/15 | 2.000 |      |        |

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:  
NONE

10. Place of Use:

| Township | Range | Section | 1/4 of | 1/4 | Lot | Use | Acres |
|----------|-------|---------|--------|-----|-----|-----|-------|
| 09S      | 29E   | 28      | NW     | SW  |     | IRR | 32.0  |

10. Place of Use: Continued

| Township | Range | Section | 1/4 of 1/4 | Lot | Use           | Acres |
|----------|-------|---------|------------|-----|---------------|-------|
|          |       |         |            |     | Section Acres | 32.0  |
|          |       | 29      | NE         | NE  | IRR           | 10.0  |
|          |       |         | NW         | NE  | IRR           | 11.0  |
|          |       |         | SE         | NE  | IRR           | 26.0  |
|          |       |         | NE         | SE  | IRR           | 39.0  |
|          |       |         |            |     | Section Acres | 86.0  |
|          |       |         |            |     | Total Acres   | 118.0 |

11. Place of use in counties: POWER

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

13. Other Water Rights Used:  
DOMESTIC WELL

14. Remarks:

15. Basis of Claim: STATUTORY CLAIM

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): Don Benson Date: 5-4-92  
\_\_\_\_\_  
Date: \_\_\_\_\_

State of Idaho )  
County of Twin Falls ) SS.

Subscribed and sworn (or affirmed) before me this 4th day

of May 19 92

Kelly K Christensen  
Notary Public

Seal



Residing at Kimberly

My Commission Expires 3-2-98

IDAHO DEPARTMENT OF WATER RESOURCES  
WATER RIGHT CLAIMS PROOF READING REPORT  
(REGIONAL)

Water Right Number - 41-04030      Adj. Flag Translation:      Standard Water Right Number      Old (D) Number -

+ - - - - Last Name - - - - +      + - First Name - - +      + - - - - Address - - - - - +

\*\*\* C - CURRENT OWNER \*\*\*

BENSON      DON      1 - 216 POLK  
2 -  
3 -  
City- AMERICAN FALLS      State- ID Zip- 83271  
Phone -

BENSON      STAN      1 - 216 POLK  
2 -  
3 -  
City- AMERICAN FALLS      State- ID Zip- 83271  
Phone -

+ - - Priority Date - - +      + - - Region - - - +      + - - Stage - - - +      + - - Status - - - +

06/01/1930      17      S - STATUTORY CLAIM

+ - - - - Source - - - - - +      + - - - - Tributary - - - - - +

FALL CREEK      SNAKE RIVER

+ - - - - Point of Diversion - - - - - +

Twn      Rng      Sec      Tract      Lot      RFlg      County

09S      29E      29      NE NE      (77)      POWER

+ - - - - Water Use - - - - - +

Code      Description      Period From      Period To      Diversion Rate      Diversion Volume

01 - IRRIGATION      05/01      09/30      2.000

+ - Total Div. Rate - +      + - Total Div. Volume - +      + - Total Div. Capacity - +

2.000

+ - - - - Place of Use - - - - - +

Twn      Rng      Sec      Tract      Lot      Acres      Code      Description      County

09S      29E      28      NW SW      32.0      01      IRRIGATION      (77 ) POWER

09S      29E      NE NE      10.0      01      IRRIGATION      (77 ) POWER

09S      29E      NW NE      11.0      01      IRRIGATION      (77 ) POWER

09S      29E      SE NE      26.0      01      IRRIGATION      (77 ) POWER

09S      29E      NE SE      39.0      01      IRRIGATION      (77 ) POWER

Total Acres:      118.0

+ - Diversion Means - CHECK DAM AND DITCH

+ - Non-Irrigation Use -

+ - Other Rights for Same Use -

MICROFILMED  
MAR 2 1993

|                  |              |                 |              |                  |     |
|------------------|--------------|-----------------|--------------|------------------|-----|
| Proof Due Date   | - 00/00/0000 | Field Exam Made | - 00/00/0000 | Field Exam Fee   | -   |
| Approved/Denied  | - 00/00/0000 | Protested Date  | - 00/00/0000 | Swan Falls       | -   |
| Proof Made Date  | - 00/00/0000 | Hearing Date    | - 00/00/0000 | Temporary Right  | - P |
| Start Work Date  | - 00/00/0000 | Verified Date   | - 01/28/1986 | DLE/Carey Act    | -   |
| Order Show Cause | - 00/00/0000 | Receipt Number  | -            | Water District   | -   |
| Licensed Date    | - 00/00/0000 | Appl Received   | - 00/00/0000 | Transfer/Amended | -   |
| Decree Date      | - 00/00/0000 |                 |              |                  |     |

MICROFILMED  
MAR 12 1993



ate of Idaho

# DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301 (208) 736-3033

CECIL D. ANDRUS  
Governor

December 5, 1991

R. KEITH HIGGINSON  
Director

A41-04030  
DON BENSON  
STAN BENSON  
216 POLK  
AMERICAN FALLS ID 83271

RE: Evidence of Priority

**\*RESPONSE DEADLINE\***  
**FEBRUARY 3, 1992**  
\*\*\*\*\*

Dear Claimant:

The Notice(s) of Claim identified with the number shown above your name on the mailing label has been filed in the Snake River Basin Adjudication (SRBA). The Notice(s) indicate your water usage is based on "Beneficial Use" or a "Statutory Claim". Water rights of this type are established by the historical use of water, dating back to when water was first used for the purpose claimed. The date of first use, known as the priority date, has not been confirmed by a License, Decree or Permit. The Department will soon conduct reviews &/or field exams for the claims in your area. Since the priority date of a beneficial use water right can not be confirmed by field examination, proof must be provided supporting the priority date you have claimed.

The Department will not recommend the Notice(s) be decreed by the court as claimed if no evidence of a priority date is submitted.

Please find enclosed a computer printout of your Notice(s) and the pamphlet entitled "Evidence of Priority". The pamphlet describes the types of evidence required and suggests which documents will fulfill this requirement. I direct your attention to the two sections entitled "What Kind of Evidence is Required" and "Some Examples of Documents Which May Be Evidence of the Priority Date".

Please submit the required evidence supporting the priority date(s) by February 3, 1992, referencing all documents with the corresponding Notice number(s). If you have any questions not covered by this letter or the enclosed pamphlet, please contact this office.

Respectfully submitted,

Allen Merritt, P.E.  
Water Rights Supervisor

Enclosures

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MAR 02 1993

COPY

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: A41-04030  
Date Received: 3/27/1990  
Receipt No: S011691  
Received By: G.V. SK

NOTICE OF CLAIM TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW

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

OR  
Name: STAN BENSON 208-548-2330  
Address: 216 POLK 83271  
AMERICAN FALLS, ID

2. Date of Priority: JUN 01, 1930

3. Source: FALL CREEK Trib. to: SNAKE RIVER

4. Point of Diversion:

| Township | Range | Section | 1/4 of | 1/4 of | 1/4 | Lot | County |
|----------|-------|---------|--------|--------|-----|-----|--------|
| 09S      | 29E   | 29      | NE     | NE     |     |     | POWER  |

5. Description of diverting works:  
PORTABLE PUMP IN FALL CREEK TO SPRINKLER SYSTEM

6. Water is used for the following purposes:

| Purpose    | From  | To    | C.F.S. | (or) | A.F.A. |
|------------|-------|-------|--------|------|--------|
| IRRIGATION | 03/15 | 11/15 | 2.000  |      |        |

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:  
NONE

A41-04030

Page 1

Date: 03/27/90

MICROFILMED  
MAR 02 1993

10. Place of Use:

| Township | Range | Section | 1/4 of | 1/4 | Lot           | Use | Acres |
|----------|-------|---------|--------|-----|---------------|-----|-------|
| 09S      | 29E   | 28      | NW     | SW  |               | IRR | 32.0  |
|          |       |         |        |     | Section Acres |     | 32.0  |
|          |       | 29      | NE     | NE  |               | IRR | 10.0  |
|          |       |         | NW     | NE  |               | IRR | 11.0  |
|          |       |         | SE     | NE  |               | IRR | 26.0  |
|          |       |         | NE     | SE  |               | IRR | 39.0  |
|          |       |         |        |     | Section Acres |     | 86.0  |
|          |       |         |        |     | Total Acres   |     | 118.0 |

11. Place of use in counties: POWER

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

13. Other Water Rights Used:  
DOMESTIC WELL

14. Remarks:

15. Basis of Claim: STATUTORY CLAIM

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): Ronald 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 19 90

Robert V. Kerstell  
Notary Public

Seal

Residing at Twin Falls, Idaho

My Commission Expires January 16, 1995

April 30, 1992

To Whom It May Concern:

I, June Jensen, can attest to the fact that there was irrigation water, from the source of Fall Creek, used on the ranch, now owned and operated by Don Benson, in Secs. 28 & 29, T 9 S, R 29 E B M in Power County, Idaho from the Spring of 1933 to December of 1967; when the ranch was sold by my mother, Mallie Roy, to Robert A. Smith.

Signed June Roy Jensen

Subscribed and sworn to before me this 30 day of April 1992.

Leanne **MICROFILMED**  
MAR 12 1993

Department of Water Resources

I Donald L Benson and  
lene Benson have owned The Fall  
Creek Ranch for 20 years. The  
portions of land have been irrigated  
with water from Fall Creek

The land is described as  
Section 28 & 29 Township 9. Range  
29. East O. M. Beaver County

Donald L. Benson

MICROFILMED

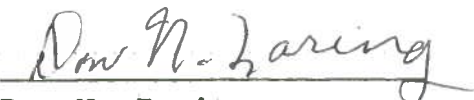
MAR 02 1993

April 27, 1992

To Whom It May Concern;

I am very familiar with land in Sec. 29, T. 9 S, Range 29 East. Pople by the name of Oliver, and many other people after Oliver left there, were irrigating from ditches in 1924 and have also irrigated by sprinkler and open ditches nearly steady since then. I am eighty (80) years old and have hunted and cowboyed close by all these years.

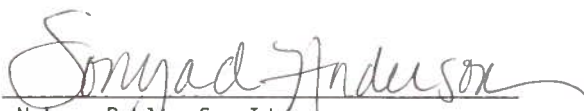
Sincerely,

  
Don N. Zaring

STATE OF IDAHO                    )  
                                          ) ss.  
County of Power                 )

On this 30th day of April, in the year 1992, before me a Notary Public in and for said State, personally appeared Don N. Zaring known or identified to me to be the person whose name is/are subscribed to the within instrument and acknowledge to me that he executed the same.

WITNESS my hand and official seal.

  
Notary Public for Idaho

MY COMMISSION EXPIRES 12-11-95  
NOTARY PUBLIC  
RESIDING AT AMERICAN FALLS, IDAHO

**MICROFILMED**  
**MAR 02 1993**

AFFIDAVIT

STATE OF IDAHO       )  
                              : SS  
COUNTY OF POWER     )

AUSTIN WOODWORTH, being first duly sworn, deposes and states:

He is acquainted with lands in the area of Fall Creek, Power County, Idaho, as owned by Donald and Alene Benson, which lands affiant has been acquainted with for over 60 years and knows that portions of said lands have been irrigated continuously with water from Fall Creek. The above lands are more particularly described as Sections 28 and 29, Township 9-S., Range 29 East, B.M., Power County, Idaho.

  
AUSTIN WOODWORTH

SUBSCRIBED AND SWORN TO before me this 28th day of April,  
1992.

(SEAL)

  
NOTARY PUBLIC FOR IDAHO  
Residing at American Falls  
My Commission Expires 4-10-97

MICROFILMED  
MAR 02 1993

**AFFIDAVIT**

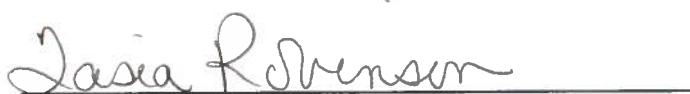
STATE OF IDAHO                     )  
                                              : ss  
County of Bannock                )

CHARLES A. WOODWORTH, being first duly sworn, deposes and states:

He is acquainted with lands in the area of Fall Creek, Power County, Idaho, as owned by Donald and Alene Benson, which lands affiant has been acquainted with for over 34 years and knows that portions of said lands have been irrigated with water from Fall Creek. The above lands are more particularly described as Sections 28 and 29, Township   9  , Range   29   East, B.M., Power County, Idaho.

  
CHARLES A. WOODWORTH

SUBSCRIBED AND SWORN TO before me this 28th day of April, 1992.

  
NOTARY PUBLIC FOR IDAHO,  
Residing at Pocatello.  
My Commission Expires: 6/2/93

(SEAL)

MICROFILMED  
MAR 02 1993

IN TESTIMONY WHEREOF, I, Woodrow Wilson

President of the United States of America, caused these letters to be made Patent, and the Seal of the General Land Office to be hereunto affixed. Given under my hand, at the City of Washington, the Eighth day of January in the year of our Lord one thousand nine hundred and eighteen and of the Independence of the United States the one hundred and forty-second.

By the President: Woodrow Wilson

By M. P. Lehey, Secretary

L. C. Lamar  
Recorder of the General Land Office.

Recorded: Patent Number 61347.

Recorded: at the request of Arthur Crowley at 4:00 P. M. at Dec. 31, 1918 in Book 3 of Patents at page 179.

Paul Bullinch, Recorder,

L. B. Hauschildt, Deputy.

Inst. No. 19060.

Patent 61347

THE UNITED STATES OF AMERICA,  
do hereby certify that the following is the substance of the

Thereof, a Certificate of the Register of the Land Office at Helena, Idaho, has been deposited in the General Land Office, whereby it appears that, pursuant to the Act of Congress of May 30, 1892, "to Secure Homesteads to Actual Settlers on the Public Domain," and the acts supplemental thereto, the claim of William L. Oliver has been established and duly considered, in conformity to law, for the north half of the northeast quarter, the southeast quarter of the northeast quarter and the northeast quarter of the southeast quarter of Section twenty-nine in Township nine south of Range twenty-nine east of the Boise Meridian, Idaho, containing one hundred sixty 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 all, 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 accrued 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, Woodrow Wilson, 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, at the City of Washington, the Fifteenth day of October in the year of our Lord one thousand nine hundred and eighteen and of the Independence of the United States the one hundred and forty-third.

By the President: Woodrow Wilson

By M. P. Lehey, Secretary.

Recorded: Patent Number 650362.  
Recorded at the request of First

L. C. Lamar, Recorder of the General Land Office.

Patents at page 180.

Paul Bullinch, Recorder, L. B. Hauschildt, Deputy.

MICROFILMED

MAR 02 1993

Water Right Number - A41-04030

Prefix Translation: ADJUDICATION CLAIM

Old (D) Number -

+ - - - - Last Name - - - - + + - First Name - - + + - - - - - Address - - - - - +

\*\*\* C - CURRENT OWNER \*\*\*  
BENSON

DON

1 - 216 POLK  
2 -  
3 -City- AMERICAN FALLS  
Phone - 208-548-2330

State- ID Zip- 83271

BENSON

STAN

1 - 216 POLK  
2 -  
3 -City- AMERICAN FALLS  
Phone - 208-548-2330

State- ID Zip- 83271

+ - - Priority Date - - + + - - Region - - - + + - - Stage - - - + + - - Status - - - +  
06/01/1930 17 SOUTHERN S - STATUTORY CLAIM+ - - - - Source - - - - + + - - - - - Tributary - - - - - +  
FALL CREEK SNAKE RIVER+ - - - - Point of Diversion - - - - - +  
Twn Rng Sec Tract Lot RFlg County Stream Index (Blank if no Index Code)

09S 29E 29 NE NE (77) POWER

+ - - - - Water Use - - - - - +  
Code Description Period From Period To Diversion Rate Diversion Volume

01 - IRRIGATION 03/15 11/15 2.000

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Div. Capacity - + + - Total Consumptive Use - + + - KW Usage - +  
2.000+ - - - - Place of Use - - - - - +  
Twn Rng Sec Tract Lot Acres Code Description County

|     |     |    |       |      |    |            |             |
|-----|-----|----|-------|------|----|------------|-------------|
| 09S | 29E | 28 | NW SW | 32.0 | 01 | IRRIGATION | (77 ) POWER |
| 09S | 29E | 29 | NE NE | 10.0 | 01 | IRRIGATION | (77 ) POWER |
| 09S | 29E | 29 | NW NE | 11.0 | 01 | IRRIGATION | (77 ) POWER |
| 09S | 29E | 29 | SE NE | 26.0 | 01 | IRRIGATION | (77 ) POWER |
| 09S | 29E | 29 | NE SE | 39.0 | 01 | IRRIGATION | (77 ) POWER |

Total Acres: 118.0

+ - - Diversion Means - PORTABLE PUMP IN FALL CREEK TO SPRINKLER SYSTEM

+ - - Non-Irrigation Use - NONE

+ - - Other Rights for Same Use - DOMESTIC WELL

+ - - - - Remarks - - - - - +  
No Remarks found.

Water right number - A41-04030

Prefix Translation: ADJUDICATION CLAIM

+ - - - - Old Water Right Numbers - - - - - +

+ - - - - Old Water Right Numbers - - - - - +  
No Old Water Right Numbers found.

+ - - - - Conditions of Approval - - - - - +  
No Conditions of Approval found.

+ - - - Decree Plaintiff - - - +      + - - - Decree Defendant - - - +      + - Decree Date - +  
00/00/0000

+ - - Audit Fields - 03/27/90 WORSTELL

+ - - - - Comments - - - - - +  
No Comments Found

+ - - - - Adjudication Rights Dates and Flags Area - - - - - +

|                       |              |                       |              |                         |         |
|-----------------------|--------------|-----------------------|--------------|-------------------------|---------|
| Court Report Filing   | - 00/00/0000 | Field Inspection Made | - 00/00/0000 | Civil Case Number       | - 39576 |
| Objection Filed Date  | - 00/00/0000 | Field Inspection Flag | -            | Old Case Number         | -       |
| Response Filed Date   | - 00/00/0000 | Verified Date         | - 01/28/1986 | Old Judicial District   | -       |
| Claim Received Date   | - 03/27/1990 | Last Amended Date     | - 00/00/0000 | Temporary Right         | - P     |
| Proof Due Date        | - 00/00/0000 | Proof Made Date       | - 00/00/0000 | Water District          | -       |
| Licensed Date         | - 00/00/0000 | Receipt Number        | - S011691    | Federal/State Indicator | - S     |
| Claims Tape Error Flg | -            | POU Ownership Flag    | - Y          | Presumption Flag        | -       |
| Fee Exempt Flag       | -            | Name Connector        | - OR         |                         |         |

## **Clelland, Steve**

---

**From:** Stanton, Jim  
**Sent:** Monday, April 09, 2001 12:00 PM  
**To:** Clelland, Steve; Jones, Doug  
**Cc:** Stanton, Jim  
**Subject:** Pending Transfer 69012

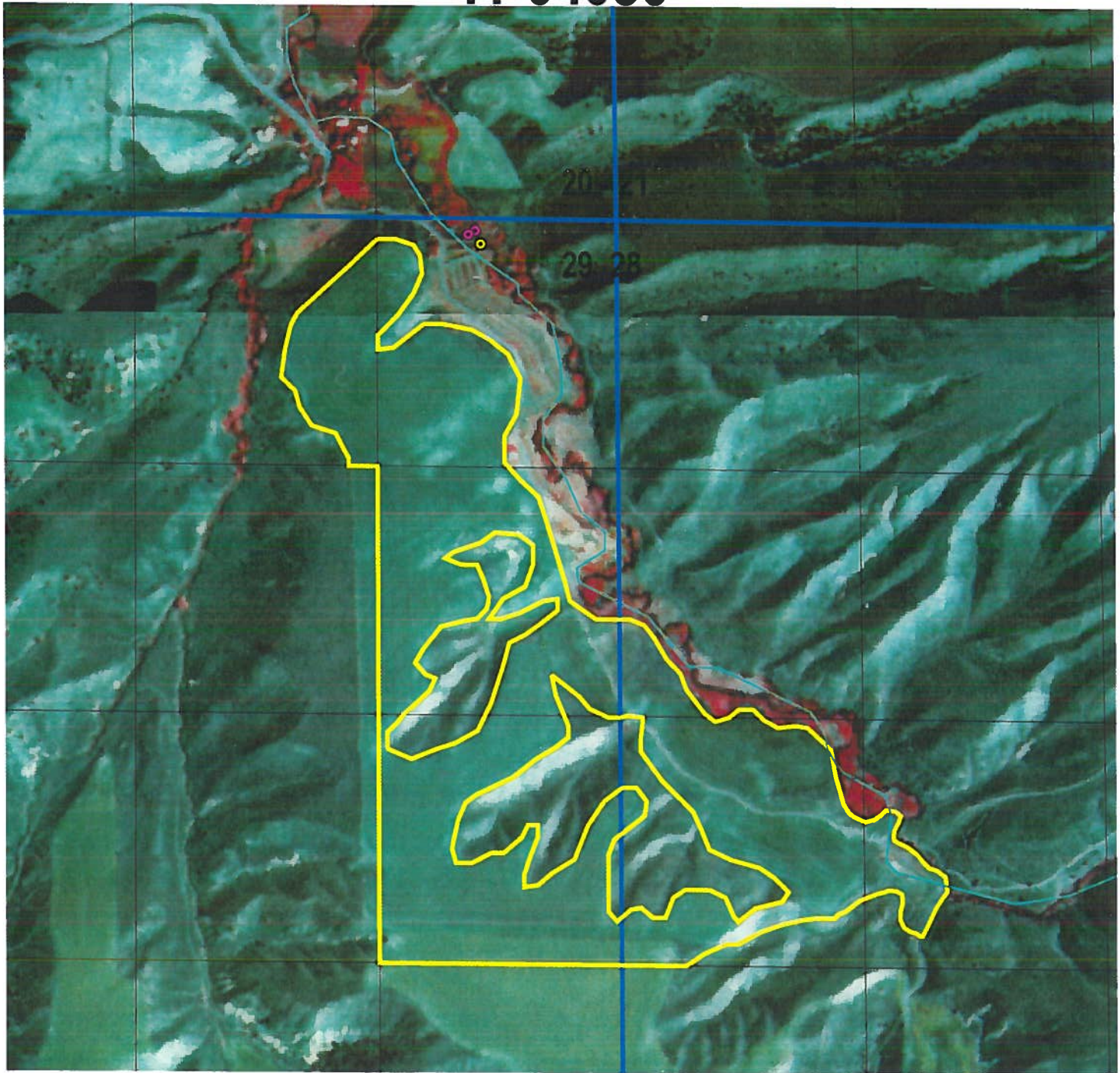
Transfer 69012 proposes changes to the following rights.

AJC 41-4030

Recommendation needs to be updated to reflect SF-5 acres of 107.5 instead of 101 as originally recommended. App is ready for advertising.

# IDAHO DEPT OF WATER RESOURCES

## 41-04030



660 0 660 1320 Feet



T9S, R29E, SEC. 28 & 29

- RECOMMENDED PLACE OF USE
- POINT OF DIVERSION
- ▬ SECTION LINES
- 1/4 - 1/4 LINES

GIS PLACE OF USE PRESENTATION  
1987 &/OR 1988 NAPP PHOTOGRAPHY  
\*\*\*REVISED\*\*\*  
DATA ENTRY BY: STEVE CLELLAND  
DATE: October 13, 2000

10/13/2000

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

RIGHT NUMBER: 41-4030

NAME AND ADDRESS: D STEVE BENSON  
2785 BENSON RD  
ROCKLAND, ID 83271

SOURCE: FALL CREEK TRIBUTARY: Snake River

QUANTITY: 2.00 CFS

PRIORITY DATE: 04/01/1924

POINT OF DIVERSION: T09S R29E S29 NWNENE Within POWER County

PURPOSE AND  
PERIOD OF USE:

| <u>PURPOSE OF USE</u> | <u>PERIOD OF USE</u> | <u>QUANTITY</u> |
|-----------------------|----------------------|-----------------|
| IRRIGATION            | 04-01 10-31          | 2.00 CFS        |

PLACE OF USE:

IRRIGATION Within POWER County

|               |      |     |               |      |      |
|---------------|------|-----|---------------|------|------|
| T09S R29E S28 | SWNW | 3.5 | T09S R29E S28 | NWSW | 25.4 |
| T09S R29E S28 | NESW | 3.5 | T09S R29E S29 | NWNE | 9.1  |
| T09S R29E S29 | NENE | 13  | T09S R29E S29 | SENE | 26   |
| T09S R29E S29 | NESE | 27  |               |      |      |

107.5 ACRES TOTAL

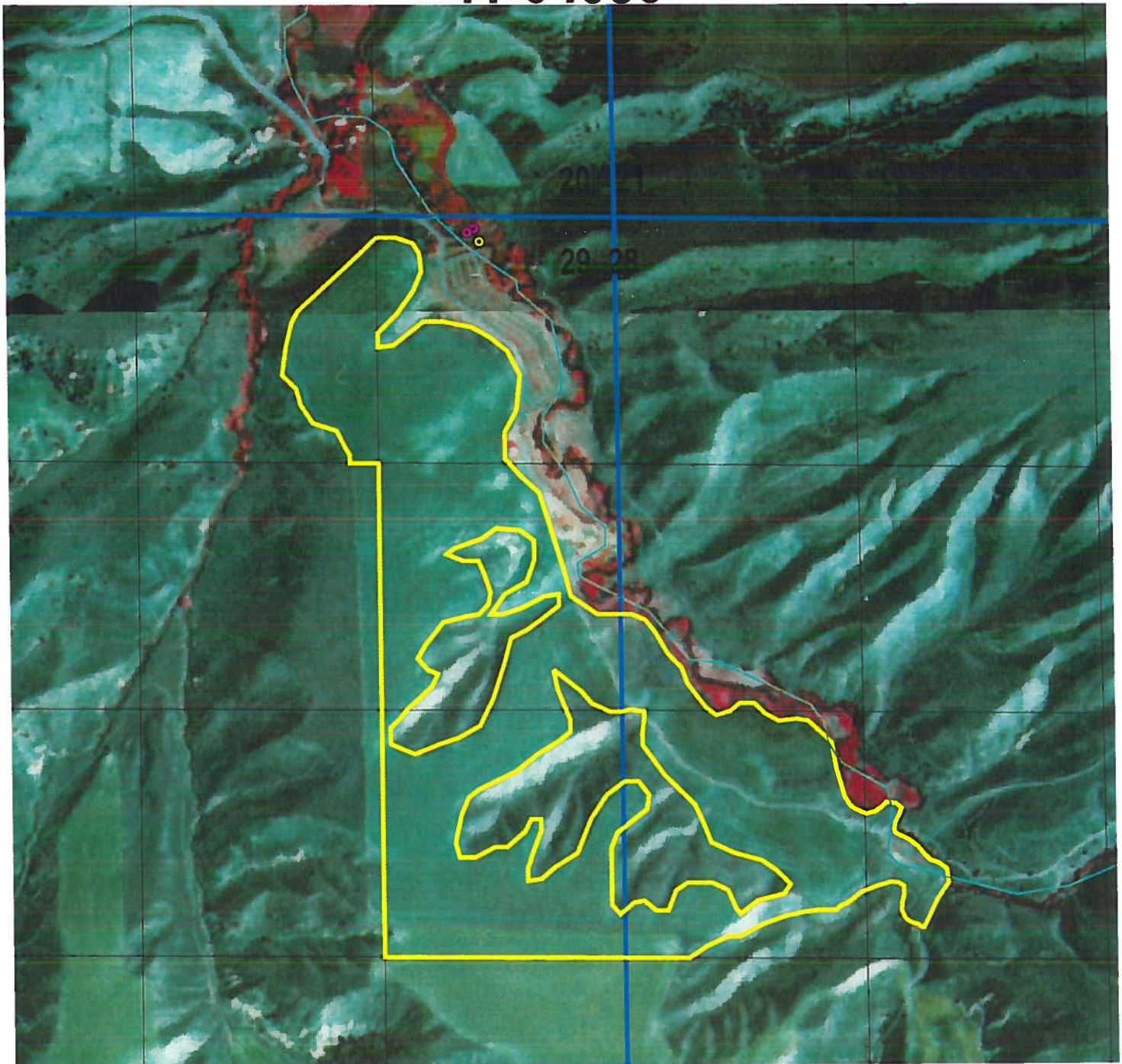
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

# IDAHO DEPT OF WATER RESOURCES

## 41-04030



660 0 660 1320 Feet



T9S, R29E, SEC. 28 & 29

- RECOMMENDED PLACE OF USE
- POINT OF DIVERSION
- SECTION LINES
- 1/4 - 1/4 LINES

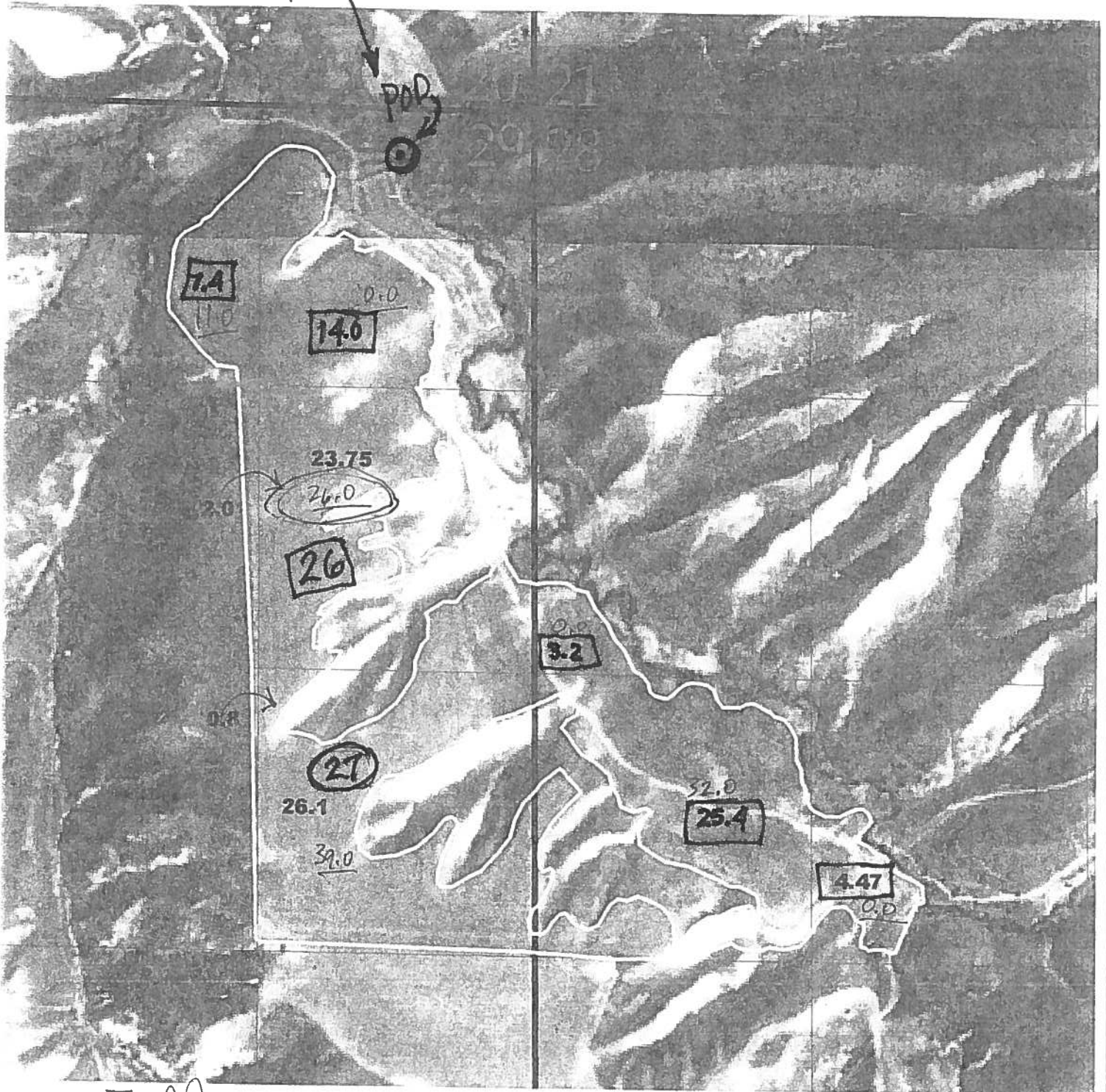
GIS PLACE OF USE PRESENTATION  
1987 &/OR 1988 NAPP PHOTOGRAPHY  
\*\*\*REVISED\*\*\*  
DATA ENTRY BY: STEVE CLELLAND  
DATE: October 13, 2000

# Place of Use Map

Steve Benson Property

POD  
NNWENE

POD



add acres  
into property owned  
ignore the GIS shape as  
Irrigated Acreage shown.

T. 09 S R. 29 E

Settlement  
mtg. 10/4/00  
SCC

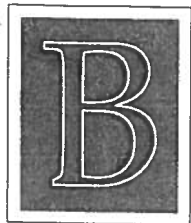
Total Irrigated Acreage on Property = 107.2 Acres

Quarter Lines

2.0 & 3



RECEIVED APR 20 2000



**BROCKWAY**  
ENGINEERING  
P.L.L.C.

Hydraulics

Hydrology

Water Resources

April 20, 2000

Mr. Norman M. Semanko  
Rosholt, Robertson & Tucker  
P.O. Box 1906  
Twin Falls, ID 83303-1906

Re: Steve Benson pump capacity  
Project No. 366-01-1999

Dear Norm:

On April 6, 2000 I conducted a test of Mr. Benson's irrigation pump from Fall Creek (water right 41-04030). This letter is to present the results of that test.

The pump is located at the west end of the tail ditch of the lower fish ponds. It is a split-case centrifugal pump powered by a 56HP liquid propane engine. According to Mr. Benson and Matt from PumpCo (the company that has serviced this pump in the past), this pump and motor has been in service at this location for many years, and is the same pump and motor that was in place when Steve Clelland made his measurement in 1994. The pump discharges into a 6-inch steel pipe with a butterfly valve, followed by a 10-foot long 8-inch steel pipe with a 6-inch orifice on the end.

A Peek Polysonics ultrasonic flow meter was attached to the 8-inch pipe approximately at its midpoint, with the transducers 4.3 feet downstream of the butterfly valve. A copy of the setup sheet completed during the measurement is enclosed. The flow control valve was used to vary the discharge from 774 to 967 gpm, and the pressure was measured with a calibrated 0 – 100 psi test gauge provided by Brockway Engineering. The gauge was located just downstream of the pump, upstream of the butterfly valve.

The objective of the pumping test was to determine the flow rate at various discharge pressures. This was accomplished by varying the setting of the flow control valve, recording the pressure, and using the ultrasonic meter to determine the flow rate. The propane motor is very old and could not maintain the discharge at a precise point, so the flow meter totalizer was used to compute an average discharge over a period of 5 minutes. Typically, flow fluctuations during this period were on the order of 50 gpm. Above a discharge of approximately 970 gpm, excessive turbulence caused by the

CHARLES E.  
BROCKWAY,  
PH.D., P.E.

CHARLES G.  
BROCKWAY,  
PH.D., P.E.

2016 NORTH  
WASHINGTON  
STREET • SUITE 4

TWIN FALLS,  
IDAHO 83301

208•736•8543

FAX: 736•8506

butterfly valve and the rotation of the water issuing from the pump prevented an accurate flow reading with the ultrasonic meter.

The attached spreadsheet and graph show the results of the pumping test. Included on the graph are the ultrasonic measurements and other measurements taken by PumpCo on April 1, 2000. These other measurements were conducted using the 6-inch orifice meter and an existing un-calibrated pressure gauge. However, they are very consistent with the ultrasonic measurements.

The scatter evident in the data on the attached plot is a result of several factors, including 1) the location of the flow meter relative to the pump and the butterfly valve, 2) the inaccuracy inherent in any flow metering device, 3) the nature of the liquid propane pump and its inherent speed fluctuations. However, the magnitude of the scatter is lower than expected given these circumstances. Curves were fit to both the orifice meter and the ultrasonic meter data. These curves are the best estimates of the pressure vs. discharge curve for this pump.

The flow measured by Mr. Clelland on June 21, 1994 from this pump was reported as 478 gpm (1.06 cfs). This is the basis for the amount in the Director's Report for Basin 41. This flow is well below all of the data shown on the attached chart even at a very high pressure. On reviewing Mr. Clelland's notes from this measurement, there was apparently no recording of the discharge pressure when this flow reading was taken. According to Mr. Benson and Mr. Clelland, the propane motor was not functioning well that day, which may have been the primary source of the incorrect capacity measurement.

To determine the maximum capacity of the pump during normal operation, it is necessary to analyze the situation in which the least pressure must be delivered by the pump. This occurs when the irrigated area closest to the pump, which is also the lowest in elevation, is being irrigated. The first wheel line in this area is approximately 200 feet from the pump and 40 feet vertically above the pump. The minimum pressure necessary for normal operation of a wheel line with typical impact sprinklers is 30 psi. The calculated head loss in 200 feet of 8-inch steel mainline with a discharge of 2.0 cfs is 1.0 psi. Accounting for the difference in elevation between the pump and the lowest wheel lines, the minimum required pressure at the pump is 48 psi. At this pressure, the measurements show that the pump can deliver 910 gpm or 2.03 cfs (from the fitted curve). At other operating conditions, with wheel lines

more distant and/or higher in elevation, the required pressure at the pump would be higher and the discharge lower. Using 70 psi as a maximum operating pressure, the minimum pumping rate would be 771 gpm (1.72 cfs).

Note that normal pump wear over time tends to decrease the flow capable of being delivered by a pump at a given pressure. The magnitude of the decline depends on factors such as operational conditions and the type of fluid pumped, and is not possible to determine with great accuracy. A reasonable estimate for 6 years of normal operation (i.e. since the 1994 measurement) would be a 10% decrease in flow. Thus, it is likely that the maximum pump capacity in 1994 was closer to 2.2 cfs.

Please do not hesitate to call if you have any questions.

Sincerely,

  
Charles G. Brockway, P.E.

cc: Steve Benson  
enc: Ultrasonic meter setup sheet  
Spreadsheet and graph



**DCT-7088 Portable Ultrasonic Flowmeter  
Field Measurement Worksheet**

Date: 04 / 06 / 2000 Time: 10:00 Am

Meter Serial No: \_\_\_\_\_ Transducer Serial No: \_\_\_\_\_

Staff: C.G. Brockway

Location: Steve Benson Fall Creek pump.

Motor/Pump Info: No pump plate. Motor: White 50 HP diesel.

**Setup -- Pipe Information**

M-10) Outside Diam: 8.020 in. [meas | calc] Circ: 2.100 ft in. [meas | calc]

M-11) Wall Thickness: .103, .104, .102 Av4 = .1035 (in) [Method: Thickness meter]

M-12) Inside Diam: 7.813 in [Confirmation: \_\_\_\_\_]

M-13) Material: [Carbon Steel] | Stainless Steel | Cast Iron | Ductile Iron | Copper | PVC | PVDF lo | PVDF hi | Aluminum | Asbestos | Fiberglass]

M-16) Liner: [None] | Tar | Epoxy | Rubber | Mortar | Polypropylene | Polystyrol | Polystyrene | Polyester | Ebonite | Teflon]

M-17) Liner Thickness: \_\_\_\_\_ in [Method: \_\_\_\_\_]

**Setup -- Fluid Information**

M-20) Fluid Type: [Water] | Sea Water | Kerosene | Gasoline | Fuel Oil #2 | Crude Oil | Propane (-45°C) | Butane (0°C) ]

**Setup -- Transducer Information**

M-23) Transducer Type: [Standard] | Hi Temp ] M-24) Mounting: [V-Method] | W-Method | Z-Method ]

M-25) Transducer Spacing: 6.06 in [Computed by flowmeter, write down spacing]

**Setup -- Flow and Totalizer Information**

M-30) Flow Units: [Gallons] | Liters | MGal (10<sup>6</sup>gallons) | Cubic Feet | Cubic Meters | Acre-Ft | Oil Barrels | Liquor Barrels ]

Time Units: [Seconds | Minutes | Hours ]

M-31) Max Flow: 2000 [M30] M-32) Min Flow: 0 [M30]

M-33) Damping: 5 seconds [suppress short term fluctuations, averaging]

M-34) Low Flow Cutoff: 0 [M30] M-35) Low Signal Cutoff: 1 % [5%]

M-36) Totalizer Units: [Gallons] | Liters | MGal (10<sup>6</sup>gallons) | Cubic Feet | Cubic Meters | Acre-Ft | Oil Barrels | Liquor Barrels ]

M-37) Totalizer Mutliplier: [ X 0.01 | X 0.1 | X 1 | X 10 | X 100 | X 1000 | X 10000 ]

M-38) Net Totalizer: [On] | Off ] M-39) Positive Totalizer: [On] | Off ] M-40) Negative Totalizer: [On] | Off ]

M-41) Totalizer Reset: [All] | Net | Positive | Negative ]

## PUMP TEST RESULTS

---

Date: 4/6/00  
Location: Steve Benson Fall Creek irrigation pump  
Equipment: Peek Polysonics DCT-7088 portable ultrasonic flow meter  
Calibrated 0 - 100 psi pressure gauge  
Staff: C. G. Brockway, P.E.

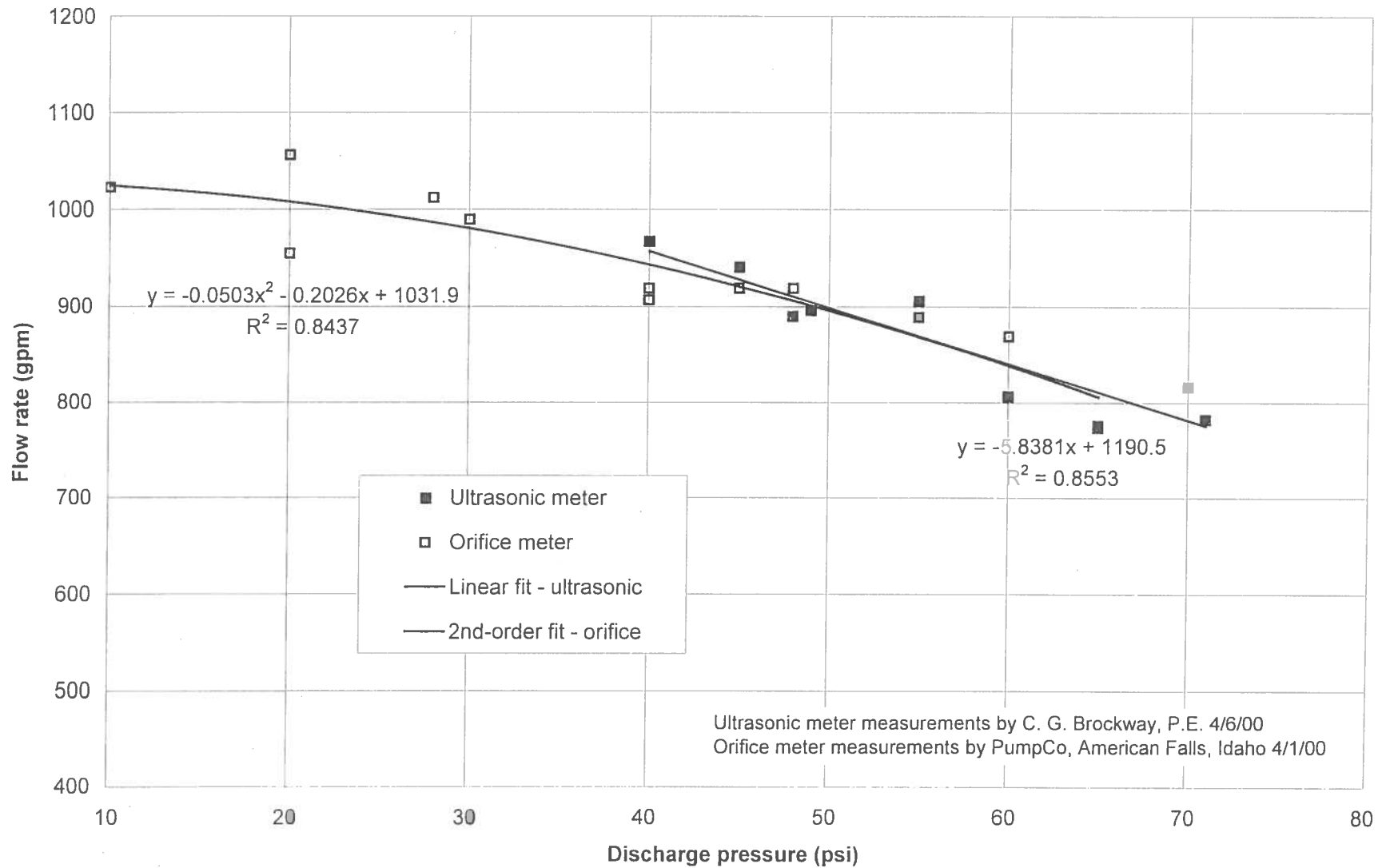
| Pressure<br>(psi) | Totalizer<br>Start | End   | Time (min) | Calculated<br>Q (gpm) |
|-------------------|--------------------|-------|------------|-----------------------|
| 48                | 17129              | 18019 | 1          | 890                   |
| 55                | 19790              | 21602 | 2          | 906                   |
| 60                | 22708              | 26741 | 5          | 807                   |
| 65                | 27555              | 31424 | 5          | 774                   |
| 71                | 32338              | 35077 | 3.5        | 783                   |
| 70                | 40777              | 44858 | 5          | 816                   |
| 40                | 48238              | 53071 | 5          | 967                   |
| 49                | 53978              | 58458 | 5          | 896                   |
| 45                | 59747              | 64450 | 5          | 941                   |

Matt at PumpCo - measurements with orifice meter 4/1/2000

| Pressure<br>(psi) | Orifice<br>Q (gpm) |
|-------------------|--------------------|
| 20                | 955                |
| 40                | 919                |
| 10                | 1023               |
| 40                | 907                |
| 48                | 919                |
| 30                | 990                |
| 28                | 1012               |
| 20                | 1056               |
| 60                | 869                |
| 65                | 776                |
| 55                | 889                |
| 45                | 919                |

## STEVE BENSON - FALL CREEK PUMP FLOW MEASUREMENT

56 HP LP motor, split-case centrifugal pump, flow measured with ultrasonic meter and orifice meter



## COMMUNICATION DOCUMENTATION

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IDWR Employee/Agent: Steve Clelland



8/23/2000 10:00 AM

NAME :

RE:

**CHUCK BROCKWAY, JR**

# CAMEIN

## MEETING ON BENSON

Allen Merritt asked me to join them for a discussion on the Benson right 41-4030. They are filing a transfer on the right and wanted to know the best timing of the filings as related to the pending Objection. An attorney represents Benson from Rosholt's firm but we were able to layout a plan of resolution. CB, jr. will attempt to rectify the image to a greater accuracy and then file the transfer to expand the PPU of the right.

25  
#2

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

1000  
JAN 28 PM 3:49  
DISTRICT COURT - SRBA  
TWIN FALLS CO., IDAHO  
FILED

In Re SRBA

A. Subcase: 41-04030

Case No. 39576

STANDARD FORM 1

OBJECTION

Please fill in the following information:

## B. NAME AND ADDRESS OF PERSON OBJECTING

Name: Don Benson  
Address: 231 Polk  
American Falls, ID 83271  
Daytime Phone: (208) 548-2331

RECEIVED  
JAN 18 2000  
Department of Water Resources  
Southern Region

Name &amp; Address of Attorney, if any:

Norman M. Semanko  
Rosholt, Robertson & Tucker  
P.O. Box 1906  
Twin Falls, ID 83303-1906

## C. CLAIMANT OF WATER RIGHT AS LISTED IN DIRECTOR'S REPORT

Name: Don Benson  
Address: 1233 Idanha  
American Falls, ID 83271

D. I object to the following elements as recommended in the Director's Report. (Please check the appropriate box(es)).

1. ☐ Name and Address:  
Should be:
2. ☐ Source:  
Should be:
3. ☒ Quantity:  
Should be: 2.0 cfs
4. ☐ Priority Date:  
Should be:
5. ☐ Point(s) of Diversion:  
Should be:
6. ☐ Instream Flow Description:  
Should be:
7. ☐ Purpose(s) of Use:  
Should be:
8. ☐ Period of Year:  
Should be:
9. ☒ Place of Use:  
Should be: 118 acres
11. I object because:  
☐ This water right should not exist.  
☐ This water right was not recommended, but should be recommended with the elements described above.

E. REASONS SUPPORTING OBJECTION(S):

Recommendation does not reflect actual beneficial use.

## VERIFICATION

State of Idaho            )  
                                  )ss.  
County of Twin Falls    )

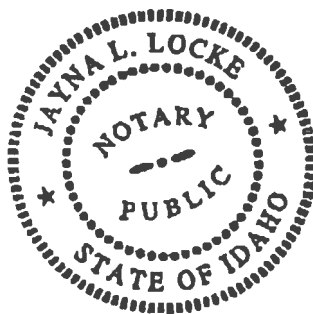
**NORMAN M. SEMANKO**, duly sworn, upon oath, deposes and says:

That I am the party/claimant filing this objection, as defined by I.C. § 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

\_\_\_\_\_  
(Signature of person filing objection)

*N. M. Semanko*  
(Attorney signing in representative capacity)

Subscribed and sworn to before me on: December 28, 1999.



*Jayna L. Locke*  
NOTARY PUBLIC FOR IDAHO  
Residing at: *Wendell, Id*  
My commission expires: *9-25-13*

**INSTRUCTIONS FOR MAILING**

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

**CERTIFICATE OF MAILING**

I hereby certify that on December 28, 1999, I mailed the original and copies of this objection, including all attachments, to the following persons:

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 the owners of the water right at the following addresses:

Name: **Don Benson**  
Address: **231 Polk**  
**American Falls, ID 83271**

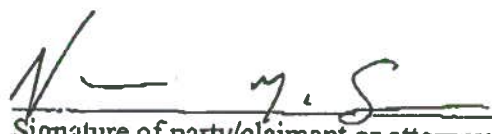
**D. Steve Benson**  
**2785 Benson Rd.**  
**Rockland, ID 83271**

3. Copies to:

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

Chief, Natural Resource Division  
Office of the Attorney General  
State of Idaho  
P.O. Box 44449  
Boise, Idaho 83711-4449

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

  
\_\_\_\_\_  
Signature of party/claimant or attorney  
mailing on Objector's behalf

(25)

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS  
DISTRICT COURT - SRBA  
TWIN FALLS CO., IDAHO  
FILED \_\_\_\_\_

In Re SRBA

A. Subcase: 41-04030

Case No. 39576

STANDARD FORM 1

OBJECTION

Please fill in the following information:

## B. NAME AND ADDRESS OF PERSON OBJECTING

Name: D. Steve Benson  
Address: 2785 Benson Road  
Rockland, ID 83271  
Daytime Phone: (208) 548-2331

Name &amp; Address of Attorney, if any:

Norman M. Semanko  
Rosholt, Robertson & Tucker  
P.O. Box 1906  
Twin Falls, ID 83303-1906

## C. CLAIMANT OF WATER RIGHT AS LISTED IN DIRECTOR'S REPORT

Name: Don Benson  
Address: 1233 Idanha  
American Falls, ID 83271

**D.** I object to the following elements as recommended in the Director's Report. (Please check the appropriate box(es)).

1. ☐ **Name and Address:**  
Should be:
2. ☐ **Source:**  
Should be:
3. ☒ **Quantity:**  
Should be: 2.0 cfs
4. ☐ **Priority Date:**  
Should be:
5. ☐ **Point(s) of Diversion:**  
Should be:
6. ☐ **Instream Flow Description:**  
Should be:
7. ☐ **Purpose(s) of Use:**  
Should be:
8. ☐ **Period of Year:**  
Should be:
9. ☒ **Place of Use:**  
Should be: 118 acres
11. **I object because:**
  - ☐ This water right should not exist.
  - ☐ This water right was not recommended, but should be recommended with the elements described above.

**E. REASONS SUPPORTING OBJECTION(S):**

Recommendation does not reflect actual beneficial use.

## VERIFICATION

State of Idaho            )  
                                  )ss.  
County of Twin Falls    )

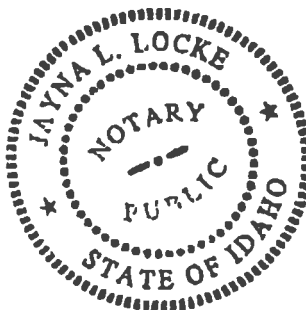
**NORMAN M. SEMANKO**, duly sworn, upon oath, deposes and says:

That I am the party/claimant filing this objection, as defined by I.C. § 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

\_\_\_\_\_  
(Signature of person filing objection)

N. M. Semanko  
(Attorney signing in representative capacity)

Subscribed and sworn to before me on: December 28, 1999.



Jayna L. Locke  
NOTARY PUBLIC FOR IDAHO  
Residing at: Wendell, Id  
My commission expires: 9-25-03

## INSTRUCTIONS FOR MAILING

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## CERTIFICATE OF MAILING

I hereby certify that on December 28, 1999, I mailed the original and copies of this objection, including all attachments, to the following persons:

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253 Third Avenue North  
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2. One copy to the owners of the water right at the following addresses:

Name: **Don Benson**  
Address: **231 Polk**  
**American Falls, ID 83271**

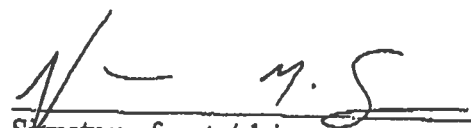
**D. Steve Benson**  
**2785 Benson Rd.**  
**Rockland, ID 83271**

3. Copies to:

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

Chief, Natural Resource Division  
Office of the Attorney General  
State of Idaho  
P.O. Box 44449  
Boise, Idaho 83711-4449

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

  
\_\_\_\_\_  
Signature of party/claimant or attorney  
mailing on Objector's behalf

AJ0749NP  
No. R41-04030

IDAHO DEPARTMENT OF WATER RESOURCES  
ADJUDICATION CLAIM PROFILE REPORT  
(REGIONAL)

DATE: 10/26/99  
PAGE: 1

| OWNER<br>CODE    | NAME & ADDRESS                                                         | PRIORITY<br>DATE | WATER USE  | USE PERIOD<br>FROM TO | DIVERSION<br>RATE | DIVERSION<br>VOLUME |
|------------------|------------------------------------------------------------------------|------------------|------------|-----------------------|-------------------|---------------------|
| C                | DON BENSON<br>1233 IDANHA<br>AMERICAN FALLS ID 83271<br>(208) 548-2330 | 04/01/1924       | IRRIGATION | 04-01 10-31           | 1.060 CFS         |                     |
| TOTAL DIVERSION: |                                                                        |                  |            |                       | 1.060 CFS         |                     |

Water Source: FALL CREEK

Tributary to: SNAKE RIVER

Stage: BENEFICIAL USE

Point(s) of Diversion:

T09S R29E S29

NWNE

POWER County

Place of use Legal Description for: IRRIGATION

|             |     |    |   | NE   |      |      |      | NW |      |      |      | SW   |   |      |      | SE   |      |   |      |      |      |      |       |      |
|-------------|-----|----|---|------|------|------|------|----|------|------|------|------|---|------|------|------|------|---|------|------|------|------|-------|------|
| T           | R   | S  | : | NENE | NWNE | SWNE | SENE | :  | NENW | NWNW | SWNW | SENW | : | NESW | NWSW | SWSW | SESW | : | NESE | NWSE | SWSE | SESE | :     | SUM  |
|             |     |    | : | Lt   | Ac   | Lt   | Ac   | :  | Lt   | Ac   | Lt   | Ac   | : | Lt   | Ac   | Lt   | Ac   | : | Lt   | Ac   | Lt   | Ac   | :     |      |
| 09S         | 29E | 28 | : |      |      |      |      | :  |      |      |      |      | : |      |      |      |      | : |      |      |      |      | :     | 26.1 |
| 09S         | 29E | 29 | : | 14   |      | 09   |      | :  |      |      | 03   |      | : | .4   |      | 22   |      | : | 22   |      | 02   |      | :     | 74.9 |
| TOTAL ACRES |     |    |   |      |      |      |      |    |      |      |      |      |   |      |      |      |      |   |      |      |      |      | 101.0 |      |

POU County: POWER

Other Rights: NONE

Dates: Exam Made Date: 06/21/1994 Verified Date: 10/26/1999 Objection Filed Date:

Misc: Water District Number: Field Inspection Flag:  
Presumption Flag:

# Flow Rate Review

10/25/99  
SCC

50 HP  
65 psi  
75% effic.

\* letter to PumpCo assess  
flow of 2.20 cfs - w/o Lift.

(Pump Elev. = 4280')  
B384 Topo

$$\frac{8.8(50)(.75)}{4 + \left(\frac{2.31 * 65}{150.15}\right)} \left(\frac{330}{x}\right)$$

① min @ 40' lift = 1.74 cfs

② AVE @ 80' = 1.43 cfs

③ MAX @ 100' = 1.32 cfs

④ peak @ 200' = .94 cfs

(Ave. flow  
= 1.36  
cfs)

(Ave flow  
= 1.27 cfs)

@ 70% eff. (Compare)  $\left(\frac{308}{x}\right)$   
① @ 40' = 1.62 cfs  
② @ 80' = 1.34 cfs  
③ @ 100' = 1.23 cfs  
④ @ 200' = 0.88 cfs

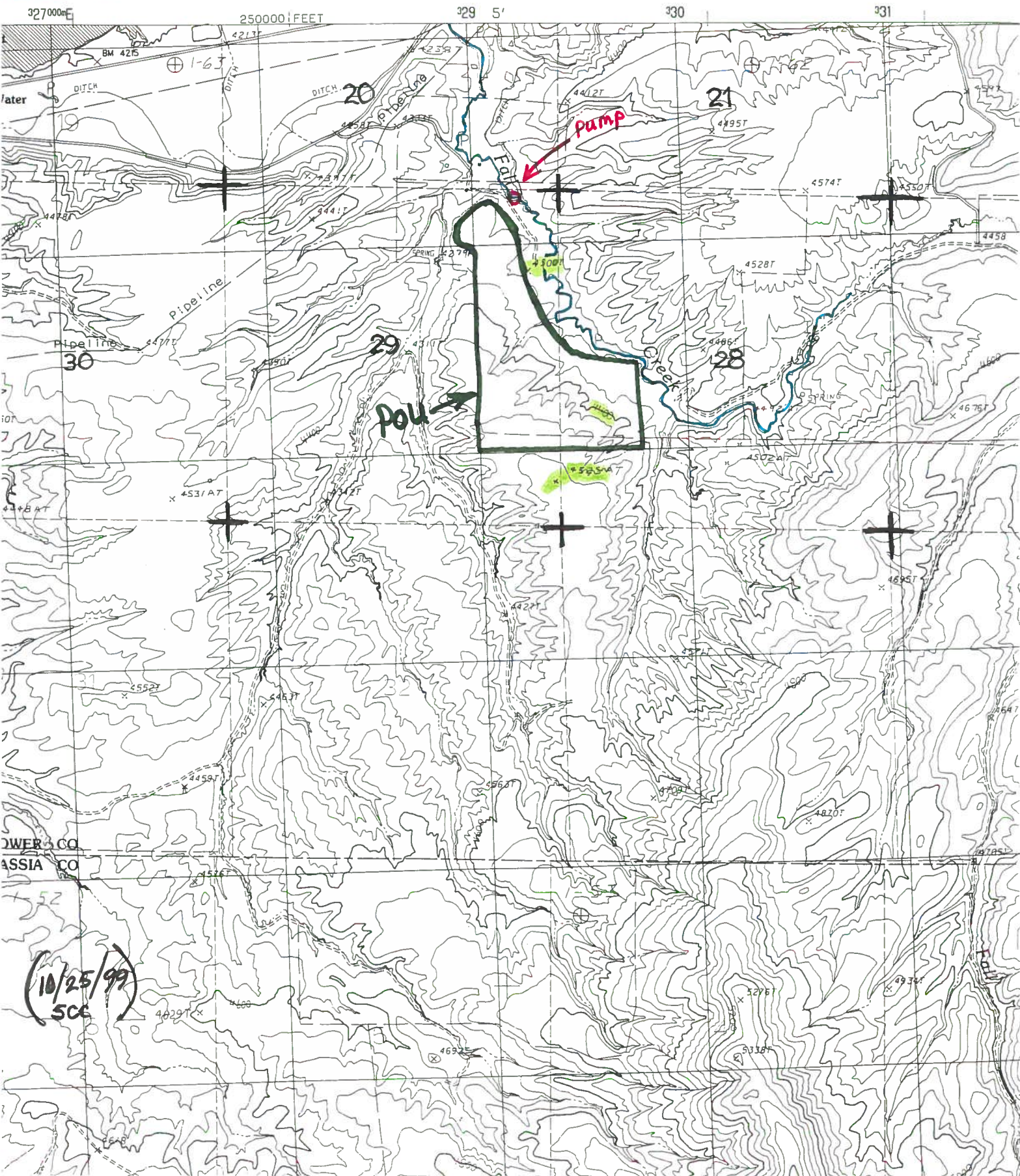
\* Flow rate recommendation will be based on  
measured rate. This was described as  
normal system by Mr. Benson. Actual meas.  
is more reliable than estimates in this situation.

A41-04030

STATES  
OF THE INTERIOR  
AL SURVEY

BB84 topo

A41-4030





**BROCKWAY**  
ENGINEERING  
P.L.L.C.

Hydraulics

Hydrology

Water Resources

RECEIVED

AUG 11 1999

Department of Water Resources  
Southern Region

August 5, 1999

Mr. Steve Clelland  
Idaho Department of Water Resources  
1341 Fillmore Street, Suite 200  
Twin Falls, ID 83301

Re: Preliminary Recommendation of Water Right 41-04030 (Benson)  
Project No. 366-01-1999

Dear Steve:

This letter is being submitted pursuant to our telephone conversation of July 20, 1999 regarding the above-referenced preliminary recommendation. The water right in question is a beneficial use claim made for irrigation of 118 acres on the Benson property near Rockland. The source of water is Fall Creek, and irrigation has historically taken place by pumping from the creek directly to a pressurized sprinkler system.

The place of use determined from your GIS analysis encompasses 101 acres. According to Mr. Benson, this is substantially correct since a small amount of irrigation was removed about 20 years ago by constructing the fish ponds. However, you recommended that a maximum of 53.0 acres in any one season be allowed within the 101-acre permissible place of use. In our phone conversation you indicated that these acres were calculated by taking the pump discharge rate measured during your 1994 site inspection (1.06 cfs) and applying a per-acre rate of 0.02 cfs. No field measurement of actual irrigation was made. (Please let me know if I am incorrect in these assumptions.)

According to Mr. Benson, it is approximately true that 50 to 60 acres are irrigated at any given time. However, over the course of a season, the lines are moved so that the full area does in fact receive water during a single season. The fact that a discharge rate of less than 0.02 cfs per acre was measured should not cause a disallowance of irrigation which has historically occurred (and continues to occur). The measured discharge rate should not be the sole determinant of allowable irrigation – many water rights have been licensed or decreed with a diversion rate of more or less than 0.02 cfs per acre.

The diversion rate of 1.06 cfs in the preliminary recommendation may also be in error. According to Matt Nielsen at PumpCo in American Falls, the pump at Fall Creek is a 50 HP unit that delivers at approximately a pressure of 65 psi. With these conditions, and assuming a pump efficiency of 75%, a maximum discharge rate of 2.20 cfs should be easily achievable. This equates

CHARLES E.  
BROCKWAY,  
PH.D., P.E.

CHARLES G.  
BROCKWAY,  
PH.D., P.E.

2016 NORTH  
WASHINGTON  
STREET • SUITE 4

TWIN FALLS,  
IDAHO 83301

208•736•8543

FAX: 736•8506

to 0.0218 cfs per acre (1.09 inches per acre) for 101 acres. Accounting for some uncertainty in this calculation, the standard diversion rate of 0.02 cfs/acre appears justified.

Based on this additional information, please accept this letter as a notice of error for 41-04030, which requests a modification of the preliminary recommendation as follows:

1. Change the allowable irrigated acres to 101.0
2. Change the diversion rate to 0.02 cfs per acre for 101 acres, or 2.02 cfs.
3. Change the name and address to:

D. Steve Benson  
2785 Benson Road  
Rockland, ID 83271

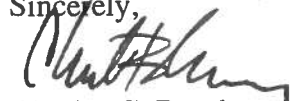
All other components of the recommendation appear to be correct.

Also, the addresses on the preliminary recommendations 41-10115 and 41-10116 should be changed to:

D. Steve Benson  
2785 Benson Road  
Rockland, ID 83271

Please do not hesitate to call if you have any questions.

Sincerely,



Charles G. Brockway

cc: Steve Benson

It was noted that  
we have different  
addresses for Don  
Benson on these  
4 claims.

Phone call to Power  
City courthouse  
indicates that he owns  
homes at all addresses  
we have, and his  
relatives live there.  
Left addresses as  
originally claimed.

6/10/99 JH



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

DIRK KEMPTHORNE  
GOVERNOR

KARL J. DREHER  
DIRECTOR

July 14, 1999

D Steve Benson  
2785 Benson Rd  
Rockland, ID  
83271

RE: Claims R41-04030, 07029, 10115, 10116

Dear Mr. Benson;

Per your request, enclosed are copies of the SRBA recommendations for claims in the name of Don Benson. The Director's Report is due out next month for Basin 41 (Fall Creek/Rockland Valley area), so you should review these recommendations as soon as possible. If you disagree with the recommendations or just have questions, contact Steve Clelland at our Twin Falls office. He is the reviewing agent for Basin 41, and is responsible for the recommendations.

Also per your request, enclosed are an application for a water transfer and instructions.. If you have questions on transfers, I can assist you.

Regards,

James E. Stanton  
Sr. Water Resource Agent

## COMMUNICATION DOCUMENTATION

This form is to be used to document public record information requests regarding any SRBA claim or claims. The form may also be used to document IDWR communications requesting information regarding any SRBA claim or claims when the request is not made in writing or the claim verification report is not readily available to document the request. This form is to be filed in all relevant claim files or a central office file.

**DON BENSON NOE**

I will add a combined flow rate for the two sites as described in the license remarks.

Chy Address

4/10/31

VERIFIED BY Su

| OWNER<br>CODE | NAME & ADDRESS                                                         |
|---------------|------------------------------------------------------------------------|
| C             | DON BENSON<br>1233 IDANHA<br>AMERICAN FALLS ID 83271<br>(208) 548-2330 |

Tributary to: SNAKE RIVER

**Stage: BENEFICIAL USE**

T09S R29E S29

**NWNENE**

POWER County

|     |     |    |   | NE   |    |      |    | NW   |    |      |    | SW   |    |      |    | SE   |    |      |    |      |   |      |    |      |    |      |    |      |    |      |    |      |    |      |      |             |  |  |  |       |
|-----|-----|----|---|------|----|------|----|------|----|------|----|------|----|------|----|------|----|------|----|------|---|------|----|------|----|------|----|------|----|------|----|------|----|------|------|-------------|--|--|--|-------|
|     |     |    |   | NENE |    | NWNE |    | SWNE |    | SENE |    | NENW |    | NWNW |    | SWNW |    | SENW |    | NESW |   | NWSW |    | SWSW |    | SESW |    | NESE |    | NWSE |    | SWSE |    | SESE |      |             |  |  |  |       |
| T   | R   | S  | : | Lt   | Ac | Lt   | Ac | Lt   | Ac | Lt   | Ac | :    | Lt | Ac   | Lt | Ac   | Lt | Ac   | Lt | Ac   | : | Lt   | Ac | Lt   | Ac | Lt   | Ac | Lt   | Ac | :    | Lt | Ac   | Lt | Ac   | :    | SUM         |  |  |  |       |
| 09S | 29E | 28 | : |      |    |      |    |      |    |      |    | :    |    |      |    |      |    |      |    |      | : |      |    |      |    |      |    |      |    |      |    |      |    |      |      | 26.1        |  |  |  |       |
| 09S | 29E | 29 | : | 14   |    | 09   |    | 03   |    | 24   |    | :    |    |      |    |      |    |      |    |      | : |      |    |      |    |      |    |      |    |      |    |      |    |      | 74.9 |             |  |  |  |       |
|     |     |    |   |      |    |      |    |      |    |      |    |      |    |      |    |      |    |      |    |      |   |      |    |      |    |      |    |      |    |      |    |      |    |      |      | TOTAL ACRES |  |  |  | 101.0 |

**Other Rights:** NONE

del.

6/11/99

Field Inspection Flag:  
Presumption Flag:

Revised  
10/26/99  
SC

AJ0749NP  
No. R41-04030

IDAHO DEPARTMENT OF WATER RESOURCES  
ADJUDICATION CLAIM PROFILE REPORT  
(REGIONAL)

DATE: 05/29/99  
PAGE: 1

=====

| OWNER<br>CODE    | NAME & ADDRESS                                                         | PRIORITY<br>DATE | WATER USE  | USE PERIOD<br>FROM TO | DIVERSION<br>RATE | DIVERSION<br>VOLUME |
|------------------|------------------------------------------------------------------------|------------------|------------|-----------------------|-------------------|---------------------|
| C                | DON BENSON<br>1233 IDANHA<br>AMERICAN FALLS ID 83271<br>(208) 548-2330 | 04/01/1924       | IRRIGATION | 03-15 11-15           | 1.06 CFS          |                     |
| TOTAL DIVERSION: |                                                                        |                  |            |                       | 1.06 CFS          |                     |

Water Source: FALL CREEK

Tributary to: SNAKE RIVER

Stage: BENEFICIAL USE

Point(s) of Diversion:

T09S R29E S29

NWNENE

POWER County

Place of use Legal Description for: IRRIGATION

|             |     |    |   | NE |    |    |    | NW |    |    |    | SW |    |    |    | SE |    |    |    |       |      |
|-------------|-----|----|---|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|-------|------|
| T           | R   | S  | : | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac | :     | SUM  |
| 09S         | 29E | 28 | : |    |    |    |    |    |    |    | 03 |    |    |    | .4 | 22 |    |    |    |       | 26.1 |
| 09S         | 29E | 29 | : | 14 |    | 09 |    | 03 |    | 24 |    |    |    |    |    |    | 22 | 02 |    |       | 74.9 |
| TOTAL ACRES |     |    |   |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    | 101.0 |      |

POU County: POWER

Other Rights: NONE

Remarks: POU1 THIS RIGHT IS LIMITED TO THE IRRIGATION OF 53.0 ACRES WITHIN  
THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

Dates: Exam Made Date: 06/21/1994 Verified Date: 05/29/1999 Objection Filed Date:

Misc: Water District Number: Field Inspection Flag:  
Presumption Flag:

CLAIM NUMBER 441-04030 DATE 5/28/99 TRANSFER NUMBER \_\_\_\_\_  
 AGENT SA CLAIMED ACRE TOTAL 118  
 GIS ACRE TOTAL 100.9

|       | TWP | RNG | SEC | NE |     |     |    | NW |    |     |    | SW  |    |    |    | SE |     |    |      |
|-------|-----|-----|-----|----|-----|-----|----|----|----|-----|----|-----|----|----|----|----|-----|----|------|
|       |     |     |     | NE | NW  | SW  | SE | NE | NW | SW  | SE | NE  | NW | SW | SE | NE | NW  | SW | SE   |
| CLAIM | 9S  | 29E | 28  |    |     |     |    |    |    | Ø   |    | Ø   | 32 |    |    |    |     |    |      |
| GIS   |     |     |     |    |     |     |    |    |    | 3.7 |    | 0.4 | 22 |    |    |    |     |    | 32   |
| RECOM |     |     |     |    |     |     |    |    |    | 3.7 |    | 0.4 | 22 |    |    |    |     |    | 26.1 |
|       |     |     |     |    |     |     |    |    |    |     |    |     |    |    |    |    |     |    | 26.1 |
| CLAIM |     |     | 29  | 10 | 11  | Ø   | 26 |    |    |     |    |     |    |    |    | 39 | Ø   |    | 86   |
| GIS   |     |     |     | 14 | 8.9 | 3.8 | 24 |    |    |     |    |     |    |    |    | 22 | 2.1 |    | 74.8 |
| RECOM |     |     |     | 14 | 9   | 3.8 | 24 |    |    |     |    |     |    |    |    | 22 | 2.1 |    | 74.9 |
| CLAIM |     |     |     |    |     |     |    |    |    |     |    |     |    |    |    |    |     |    |      |
| GIS   |     |     |     |    |     |     |    |    |    |     |    |     |    |    |    |    |     |    |      |
| RECOM |     |     |     |    |     |     |    |    |    |     |    |     |    |    |    |    |     |    |      |

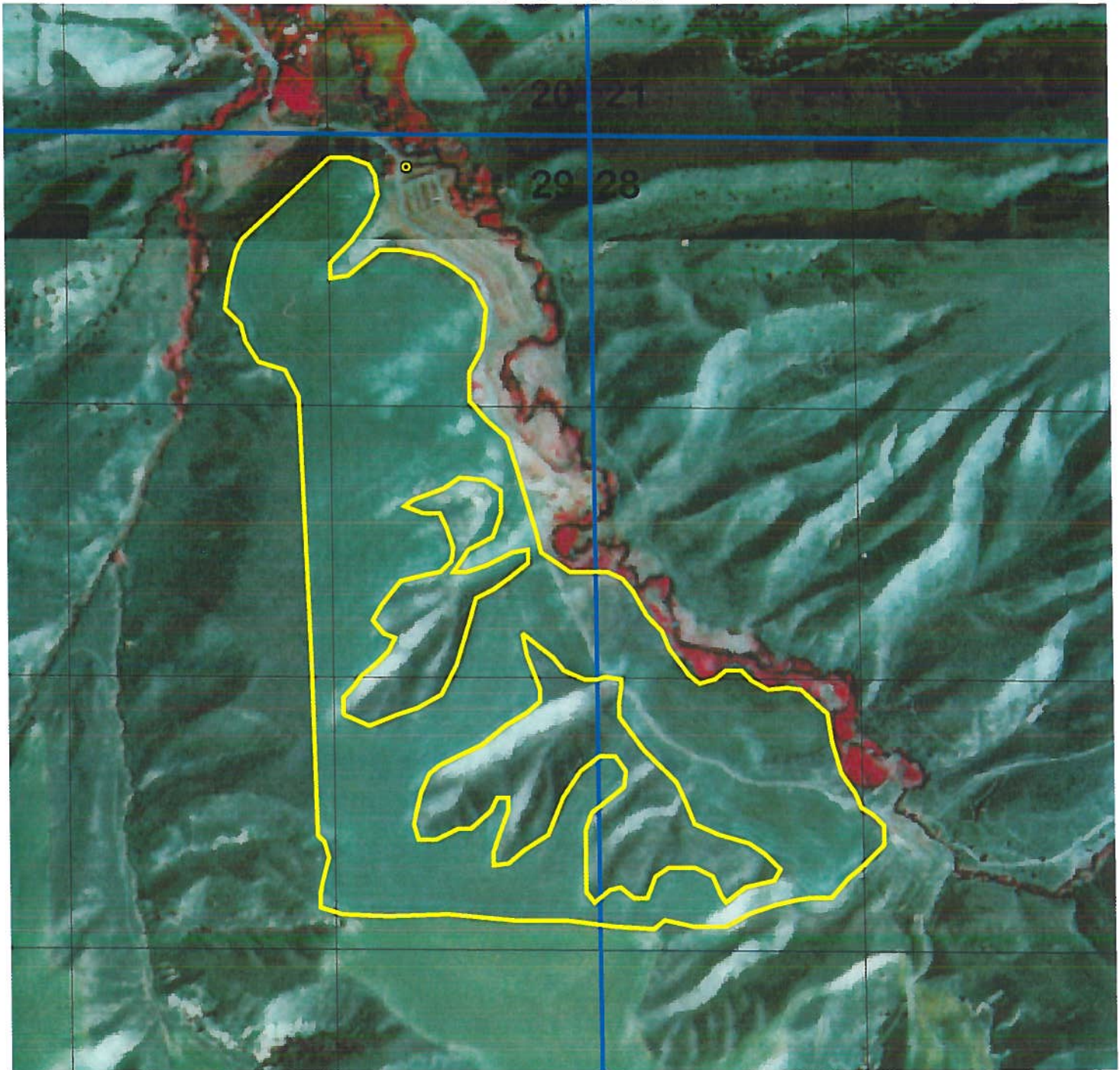
B41-POU.SHP \_\_\_\_\_  
 SHAPE NOS. 38 \_\_\_\_\_  
 B41-POD.SHP \_\_\_\_\_  
 NOS. DESCRIPTION \_\_\_\_\_  
27 (pump) S.29, NWNENE

system appears to be used as a PDU; limit to  
 acres at 1"/acre of measured flow rate.  
 → Acres limited to 53 acres based on flow  
 of 1.06 cfs in PDU of 101 Ac

DBF TABLES UPDATED \_\_\_\_\_  
 B41-DBPOU.DBF SA 3/9/00 ✓  
 B41-DBPOD.DBF \_\_\_\_\_  
 JPEG LAYOUT ✓ 41-04030.jpg Revised: 10/12/00 SA

# IDAHO DEPT OF WATER RESOURCES

## 41-04030



660 0 660 1320 Feet

T9S R29E SEC. 28 & 29

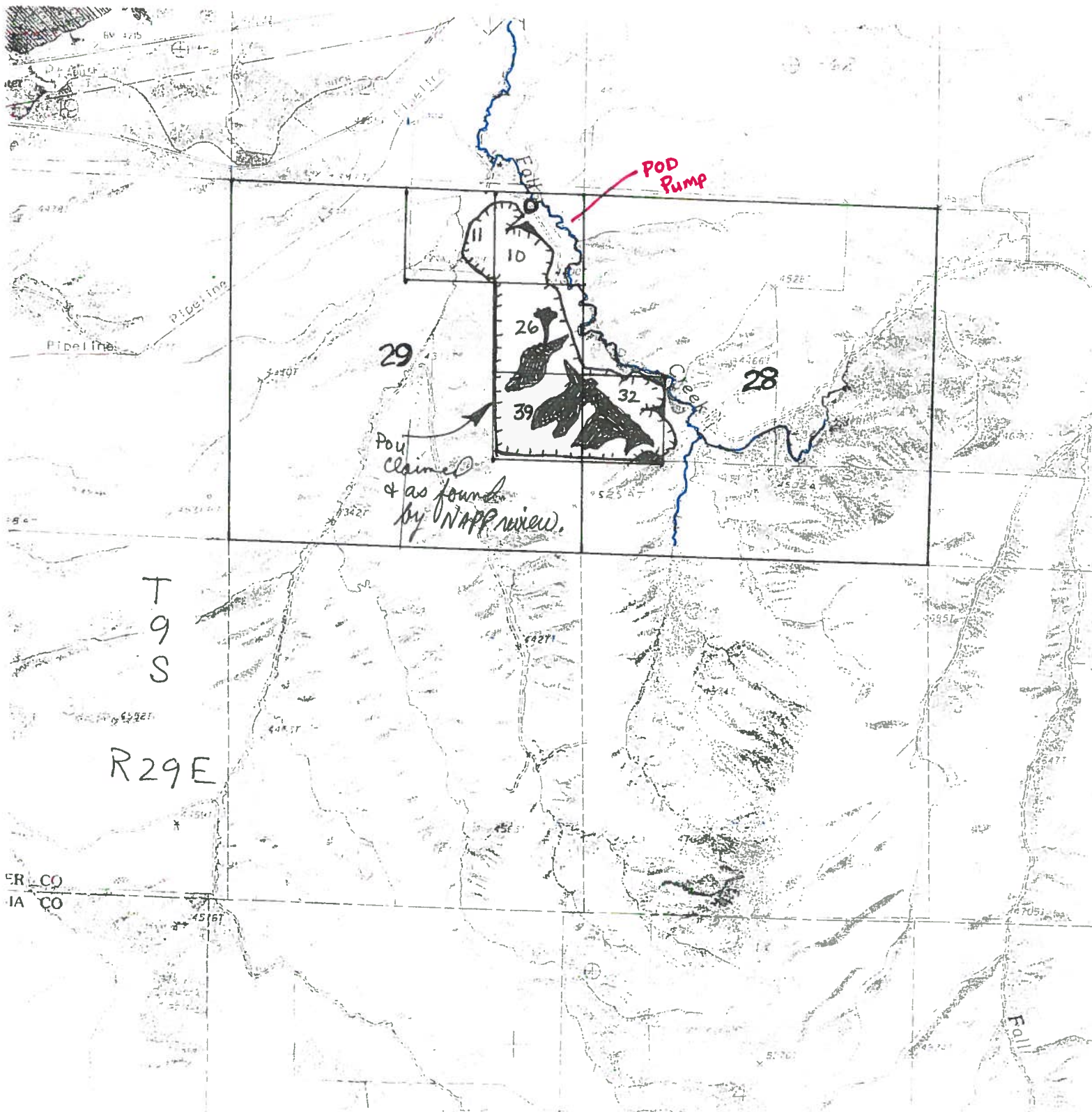


- RECOMMENDED PLACE OF USE
- POINT OF DIVERSION
- SECTION LINES
- 1/4 - 1/4 LINES

GIS PLACE OF USE PRESENTATION  
1987 &/OR 1988 NAPP PHOTOGRAPHY

DATA ENTRY BY: STEVE CLELLAND  
DATE: May 28, 1999

STATES  
THE INTERIOR  
SURVEY



AS CLAIMED

118 ac.

CLAIM A41-4030 INIT       

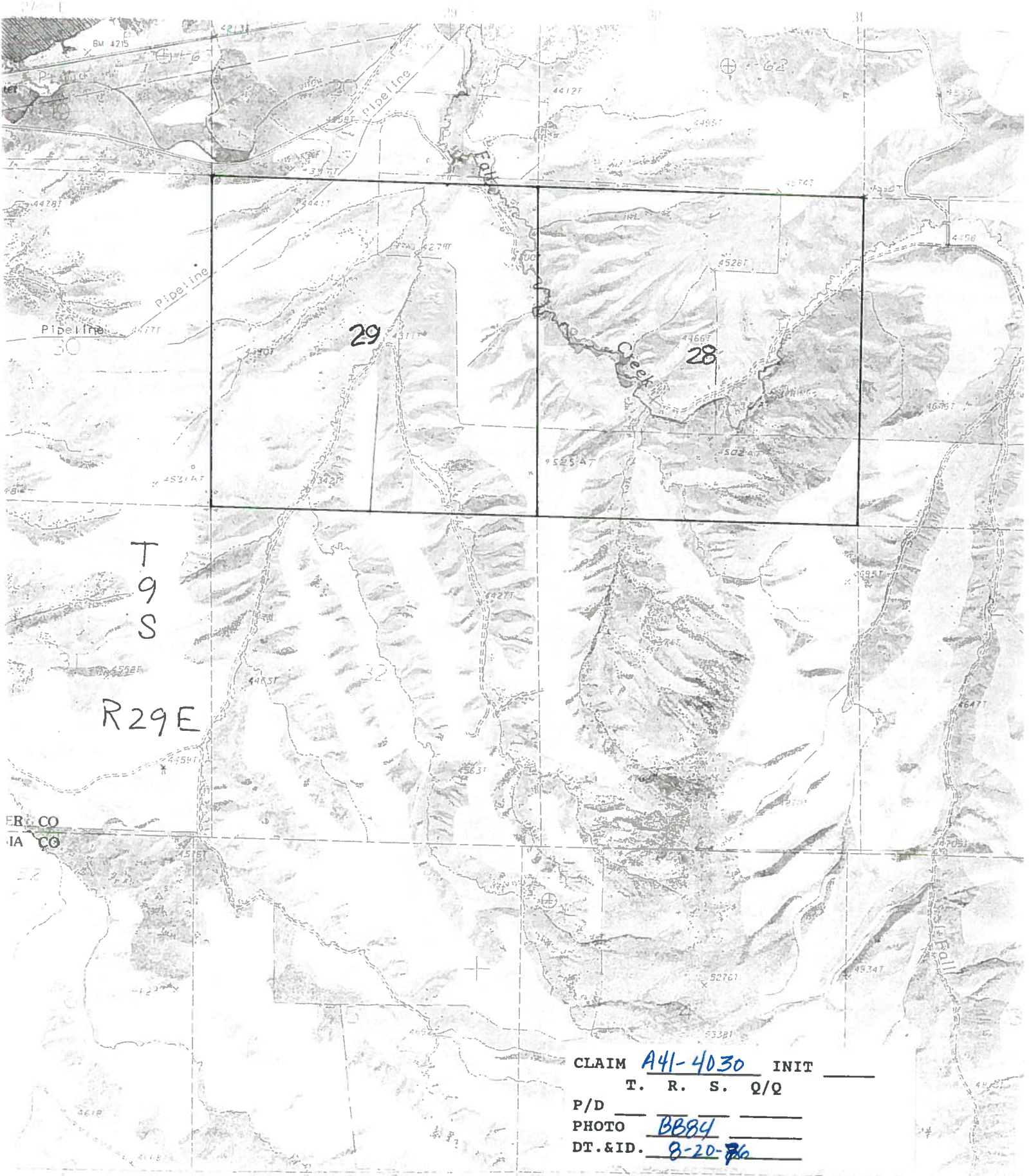
T. R. S. Q/Q

P/D       

PHOTO BB84

DT.&ID. 8-20-76

ATES  
HE INTERIOR  
SURVEY



CLAIM A41-4030 INIT \_\_\_\_\_  
T. R. S. Q/Q  
P/D \_\_\_\_\_  
PHOTO BB84  
DT.&ID. 8-20-86



CLAIM A41-4030 INIT SCC  
T. R. S. Q/Q 6-20-74  
P/D \_\_\_\_\_  
PHOTO NAPP 381-61 BB84 NE  
DT.&ID. 7-24-87 \_\_\_\_\_

6-21-94

Don BENSON

- Discussed Domestic Claims. (2)
- Reviewed claim & license for fish uses  
He had to amend claim to match the  
licensed rate of flow.

Review of irrigation-

Place of use as shown in photo  
& on review map. Gullies shown  
in center of fields will reduce acres.  
Limited by the pump system to what  
is actually irrigated due to the lift required.

This day he was having pump problems  
which may affect flow as measured.  
Clutch was slipping-

Est. 4 lines at  $\frac{1}{4}$  mile length in operation.  
150 gal/line

\* Send Copies of meas. & claim to Don Benson

2pm  
6-20-94  
Extra



State of Idaho

# DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301 (208) 736-3033

CECIL D. ANDRUS  
Governor

R. KEITH HIGGINSON  
Director

MODE SELECT  
INPUT

OUTER DIAMETER  
8.0051 IN

PIPE MATERIAL  
? ALUM

WALL THICKNESS  
0.0640 IN

INNER LINING  
? NO LING.

KIND OF FLUID  
? WATER

SENSOR MOUNTING  
? U

TYPE OF SENSOR  
? SMALL

DATA CHANGE  
? NO

SPACING  
5.692 IN U

ZERO MODE  
CLEAR

ZERO MODE  
AUT ZERO

ZERO MODE  
ZERO OPR

06-21 14:5300 \*R  
+ 51.249E 0GPM

MODE SELECT  
TO CHECK

0294.7 MMSEC  
100.15 % TO

06-21 14:5400 \*R  
+000.00 % AI2

#1 > 06-21 15:0000 \*R  
+ 43.324E 0GPM

HAD VALVE SHUT &  
W/ AIR LOCK IN PUMP.

SPRINKLERS NOT IN  
FULL PATTERN

#2 > 06-21 15:0600 \*R  
+ 1.096E 3GPM

MODE SELECT  
TO CHECK

0295.1 MMSEC  
100.26 % TO

DAMPING SET  
10 SEC

#3 > 06-21 15:1100 \*R  
+722.246E 0GPM

#4 > 06-21 15:1800 \*R  
+477.623E 0GPM

06-21 15:1800 \*R  
+489.246E 0GPM

06-21 15:2400 \*R  
+466.792E 0GPM

POLYSONIC  
MEASUREMENT

w/  
DON BENSON  
441-04030

= 2.44  
cfs FALL CREEK

by SCC  
6-21-94

= 1.61  
cfs

$\bar{X} = 477.9 \text{ GPM}$

= 1.06 cfs

## EXPLANATION OF MEASUREMENTS:

- #1. Output valve was not fully open.
- #2. No operating pressure on the system;
- #3. Filling upper lines & pressurizing.
- #4. Flow stabilized at this rate,  
operation at normal conditions.  
Typical as per Don Benson, owner,  
expected flows for the 50-60 acres  
estimated to be irrigated here.



POU CLAIMED

A41-4030



6-21-94

Photo:  
R4H1  
by SCC

UPPER  
PORTION  
NOT YET  
SPRINKLED.



A41-4030

POD @ fish return flow  
on FALL Creek.



PHOTOS:  
R41-1  
by Sa

6-21-94  
Sa

↑  
Polysonic  
meas. Site

## LISTING OF MAPS USED IN REVIEW OF THIS FILE

CLAIM NUMBER: \_\_\_\_\_.

| DESCRIPTION OF MAP         | ID NUMBERS            | MAP DATE       | COPY IN FILE?   |
|----------------------------|-----------------------|----------------|-----------------|
| ORTHOPHOTOQUAD (OPQ)       | <u>BB84</u>           | <u>8-20-76</u> | <u>YES</u> / NO |
| ASCS MAP                   | _____                 | _____          | YES / NO        |
| NAPP PHOTO                 | <u>381-61 BB84 NE</u> | <u>7-24-87</u> | <u>YES</u> / NO |
| <del>BLM AERIAL</del> NAPP | <u>377-88 BB84 NW</u> | <u>7-22-87</u> | YES / <u>NO</u> |
| SUBDIVISION PLAT           | _____                 | _____          | YES / NO        |
| TOPOGRAPHIC QUAD           | _____                 | _____          | YES / NO        |
| GOVERNMENT LOT MAP         | _____                 | _____          | YES / NO        |
| SCS SOILS MAP              | _____                 | _____          | YES / NO        |
| OTHER:                     | _____                 | _____          | YES / NO        |
| _____                      | _____                 | _____          | YES / NO        |
| _____                      | _____                 | _____          | YES / NO        |
| _____                      | _____                 | _____          | YES / NO        |
| _____                      | _____                 | _____          | YES / NO        |
| _____                      | _____                 | _____          | YES / NO        |
| _____                      | _____                 | _____          | YES / NO        |

=====

REMARKS:

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
ADJUDICATION CLAIM VERIFICATION REPORT

15:11:32  
04/22/91

PAGE: 12  
QUICKLOOK INFORMATION

CLAIM NUMBER: A41-04030

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

"VERIFIED BY" CODES

TOPO MAP/ORTHO-PQ = 1  
ASCS MAP = 2  
WATERMASTER RECORDS = 3  
NAPP PHOTOS = 4  
FIELD EXAM = 5  
OTHER (SEE REMARKS) = 6

THESE CODES ARE USED TO INDICATE HOW THE FIELD EXAMINER VERIFIED THE INFORMATION  
USED FOR THIS FIELD EXAMINATION. INDICATED ARE ALL CODES WHICH APPLY.

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
ADJUDICATION CLAIM VERIFICATION REPORT

15:11:32  
04/22/91

PAGE: 1  
GENERAL INFORMATION

CLAIM NUMBER: A41-04030

LAST: BENSON  
ADDRESS: 216 POLK  
CITY: AMERICAN FALLS  
PHONE NUMBER: 208-548-2330

FIRST: DON  
STATE: ID ZIP: 83271

OWNER CODE: C

LAST: BENSON  
ADDRESS: 216 POLK  
CITY: AMERICAN FALLS  
PHONE NUMBER: 208-548-2330

FIRST: STAN  
STATE: ID ZIP: 83271

OWNER CODE: C

FIELD EXAM REQUIRED?

DATABASE  
N

FIELD  
EXAMINER

VERIFICATION REQUIRED DUE TO REMARKS?

NO REMARKS IN CLAIM

DON BENSON  
548-2330  
Kelly please call  
if you have any  
questions  
RF

CONTACT PERSON: Don Benson

PHONE NUMBER: ( ) 548 - 2330

DATE OF FIELD EXAM:   /  /  

APPOINTMENT MADE: Y ☒ N ☐

TIME: 2:00 A ☐ P ☒

ACCOMPANIED BY:                                 

PHONE NUMBER: ( )    -   

RELATIONSHIP TO CLAIMANT:                                 

DIRECTIONS TO PROPERTY / REMARKS:

→ Take Cold water Exit to Georges Road.

A. AJ CLAIM: # A41-0403D PRIORITY DATE: ~~06-01-1930~~ STAGE: S  
B. WR RECORD: # 41-04030 PRIORITY DATE: 06-01-1930 STAGE: S

C. FIELD EXAM REQUIRED? DATABASE FIELD EXAMINER  
DUE TO PRIORITY DATE DISCREPANCY? (Y/N) N

ARE THERE OBVIOUS REASONS TO QUESTION THE PRIORITY DATE CLAIMED? Y( ) N( )  
IF YES EXPLAIN.

REMARKS:

*affidavit by Don Faring supports the 1924 date claimed.*

RECOMMENDED PRIORITY DATE:

06-01-1930

REVIEWED BY

DATE

A. AJ CLAIM POINT OF DIVERSION AND SOURCE:

| RIGHT     | TWP. | RGE. | SEC. | 1/4 | 1/4 | 1/4 | LOT | CNTY  |
|-----------|------|------|------|-----|-----|-----|-----|-------|
| A41-04030 | 09S  | 29E  | 29   |     | NE  | NE  |     | POWER |

OTHER AJ CLAIMS WITH SAME AJ POD  
A PREFIX R PREFIX  
NONE NONE

WR RECORDS IN SAME 40 ACRE TRACT

41-D2012  
41-04012  
41-04013  
41-04014  
41-07056

SOURCE: FALL CREEK

TRIB: SNAKE RIVER

B. WR POINT OF DIVERSION AND SOURCE:

| RIGHT    | TWP. | RGE. | SEC. | 1/4 | 1/4 | 1/4 | LOT | CNTY  |
|----------|------|------|------|-----|-----|-----|-----|-------|
| 41-04030 | 09S  | 29E  | 29   |     | NE  | NE  |     | POWER |

OTHER WR RECORDS WITH SAME WR POD

AJ CLAIMS IN SAME 40 ACRE TRACT  
A PREFIX R PREFIX

41-02012  
41-04012  
41-04013  
41-04014  
41-07056

A41-02012 NONE  
A41-04012  
A41-04013  
A41-04014

SOURCE: FALL CREEK

TRIB: SNAKE RIVER

C. FIELD EXAM REQUIRED?

|                                  | DATABASE | FIELD EXAMINER |
|----------------------------------|----------|----------------|
| DUE TO POD DISCREPANCY? (Y/N)    | Y        | _____          |
| DUE TO SOURCE DISCREPANCY? (Y/N) | N        | _____          |

REMARKS:

RECOMMENDED POINT(S) OF DIVERSION AND SOURCE:

| TWP. | RGE. | SEC. | 1/4 | 1/4 | 1/4 | LOT | COUNTY |
|------|------|------|-----|-----|-----|-----|--------|
|------|------|------|-----|-----|-----|-----|--------|

|     |     |     |     |     |     |     |     |
|-----|-----|-----|-----|-----|-----|-----|-----|
| --- | --- | --- | --- | --- | --- | --- | --- |
| --- | --- | --- | --- | --- | --- | --- | --- |

SOURCE: FALL CREEK

TRIB: SNAKE RIVER

REVIEWED BY: \_\_\_\_\_ DATE: \_\_\_\_\_

A. ROOT WATER RIGHT NUMBERS: A41-04030

B. POU LISTING

| TWP         | RNG | SEC | 1/4 | 1/4 | LOT | NAME         | AJ<br>#/ACRES   | WR<br>#/ACRES  | LANDSAT<br>DATA | FIELD<br>EXAM. | RECOMM.<br>ACRES |
|-------------|-----|-----|-----|-----|-----|--------------|-----------------|----------------|-----------------|----------------|------------------|
| 09S         | 29E | 28  | NW  | SW  |     | BENSON , DON | A41-04030 /32.0 | 41-04030 /32.0 |                 |                |                  |
| 09S         | 29E | 29  | NE  | NE  |     | BENSON , DON | A41-04030 /10.0 | 41-04030 /10.0 |                 |                |                  |
|             |     |     | NE  | NE  |     | BENSON , DON |                 | 41-07056 /     |                 |                |                  |
| 09S         | 29E | 29  | NW  | NE  |     | BENSON , DON | A41-04030 /11.0 | 41-04030 /11.0 |                 |                |                  |
| 09S         | 29E | 29  | SE  | NE  |     | BENSON , DON | A41-04030 /26.0 | 41-04030 /26.0 |                 |                |                  |
|             |     |     | SE  | NE  |     | BENSON , DON |                 | 41-07056 /     |                 |                |                  |
| 09S         | 29E | 29  | NE  | SE  |     | BENSON , DON | A41-04030 /39.0 | 41-04030 /39.0 |                 |                |                  |
| TOTAL ACRES |     |     |     |     |     |              | A41-04030       | 118.00         |                 | 118.00         |                  |

ARE IRRIGATED ACRES FOUND IN TRACTS OTHER THAN INDICATED ABOVE, Y( ) N( )  
IF YES SEE ATTACHED SHEET:

C. FIELD EXAM REQUIRED?

DUE TO POU DISCREPANCY? (Y/N)

DATABASE  
Y

FIELD  
EXAMINER

PRESUMPTION FLAG:

REMARKS:

$1.06 \text{ cfs} \div 0.02 \text{ cfs/ac} = 53 \text{ acres}$   
(see also GIS)

RECOMMENDATIONS:

TOTAL ACRES: 53

REVIEWED BY: SC

DATE: 5/29/99

A. AJ CLAIMED USES:

| PURPOSES                            | MONTH/DAY           | DIVERSION QUANTITY |
|-------------------------------------|---------------------|--------------------|
| A41-04030 IRRIGATION                | FROM 03-15 TO 11-15 | 2.000 CFS          |
| TOTAL DIVERSION RATE/VOLUME CLAIMED |                     | 2.000 CFS          |

B. WR RECORDED USES:

| PURPOSES                            | MONTH/DAY           | DIVERSION QUANTITY |
|-------------------------------------|---------------------|--------------------|
| 41-04030 IRRIGATION                 | FROM 05-01 TO 09-30 | 2.000 CFS          |
| TOTAL DIVERSION RATE/VOLUME CLAIMED |                     | 2.000 CFS          |

PRESUMPTION FLAG:

C. FIELD EXAM REQUIRED?

|                                          | DATABASE | FIELD EXAMINER |
|------------------------------------------|----------|----------------|
| DUE TO WATER-USE DISCREPANCY? (Y/N)      | N        | _____          |
| DUE TO DIVERSION RATE DISCREPANCY? (Y/N) | N        | _____          |
| DUE TO PERIOD FROM/TO DISCREPANCY? (Y/N) | Y        | _____          |

D. PERIOD OF USE:

RECOMMEND AS CLAIMED? Y( ) N( )

RECOMMEND TO WR STANDARDS OR OTHER? Y( ) N( ) Explain in remarks, below.

REMARKS:

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A. DOES DIVERSION RATE CLAIMED AGREE WITH EXISTING RECORDS?

Y( ) N( )

AJ TOTAL CLAIMED DIVERSION RATE: 2.000 CFS  
WR ROOT RIGHT TOTAL DIVERSION RATE: 2.000 CFS

\*\*\* IF NO or IF STATUTORY CLAIM or BENEFICIAL USE then flow measurement required. \*\*\*

\*\* If an amount smaller than the original diversion rate is \*\*

\*\* claimed and an exam is NOT required, explain in remarks. \*\*

FLOW MEASUREMENT REQUIRED?

FIELD  
DATABASE EXAMINER

DUE TO STAGE OR DIVERSION RATE DISCREPANCY? (Y/N)

Y

B.

FLOW MEASUREMENT

MEASUREMENT METHOD

polysonic

, SEE ATTACHED CALCULATIONS.

= 1.06 cfs

C. ARE OTHER WATER RIGHTS USED? Y( ) N( ) IF YES COMPLETE OVERLAP REVIEW.

OTHER RIGHTS LISTED IN CLAIM: DOMESTIC WELL

NO CLAIMS FOUND WITH SAME POI AND IRRIGATION USAGE

NO RIGHTS WITH SAME POI BUT NOT USED FOR IRRIGATION

D. RATE/VOLUME CALCULATIONS: (IRRIGATION)

1a. IRRIGATION RATE

ACRES \_\_\_\_\_ x 0.02 CFS/ACRE = \_\_\_\_\_ CFS  
(Taken from p/u review)

1b. CALCULATIONS

DOES AMOUNT CLAIMED EXCEED 0.02 CFS/ACRE? Y( ) N( )

\*\*\* IF YES ADDITIONAL WATER USE FORM FILED AND ATTACHED? Y( ) N( ) \*\*\*

2. IRRIGATION CONSUMPTIVE USE

CLAIMED CONSUMPTIVE USE = \_\_\_\_\_ AF/A

ACRES \_\_\_\_\_ x CONSUMPTIVE VOL. AF/A FOR AREA \_\_\_\_\_ =

TOTAL CONSUMPTIVE USE \_\_\_\_\_ AF/A

3. IRRIGATION DIVERSION VOLUME

CLAIMED DIVERSION VOLUME = \_\_\_\_\_ AF/A

ACRES \_\_\_\_\_ x DIVERSION VOL. AF/A FOR AREA \_\_\_\_\_ =

TOTAL DIVERSION VOLUME \_\_\_\_\_ AF/A

4. CALCULATIONS FOR USES OTHER THAN IRRIGATION:

SEE ATTACHED SHEET? Y( ) N( )

REMARKS: (Include limitations on CONSUMPTIVE USE for combined rights.)

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RECOMMENDATIONS:

| REC.<br>PURPOSES     | REC. PERIOD<br>FROM TO | REC. DIV<br>RATE CFS | REC. DIV<br>VOL. AF/A | REC. CONS.<br>USE |
|----------------------|------------------------|----------------------|-----------------------|-------------------|
|                      |                        | DATABASE EXAMINER    | DATABASE EXAMINER     | DATABASE EXAMINER |
| IRRIGATION           | 03-15 11-15            | 2.000                |                       | 0.0               |
| TOTAL FOR THIS RIGHT |                        | 2.000                |                       | 0.0               |

REVIEWED BY: \_\_\_\_\_

DATE: \_\_\_\_\_

A. CHECK ONLY THE FOLLOWING THAT APPLY:

|                              | ACCEPTED<br>AS CLAIMED | NEEDS<br>REVIEW |
|------------------------------|------------------------|-----------------|
| OWNERSHIP _____              | ( )                    | ( )             |
| FORFEIT/ABANDON _____        | ( )                    | ( )             |
| ADDITIONAL DIV. AMOUNT _____ | ( )                    | ( )             |

B. SPLIT WATER RIGHT REVIEW

ROOT WATER RIGHT NUMBER: 41-04030

|                                   | DATABASE | EXAMINER | CFS |
|-----------------------------------|----------|----------|-----|
| TOTAL DIVERSION RATE OF WR SPLITS | 2.000    | _____    |     |

SPLITS:

| OLD RIGHT<br>NUMBERS | CURRENT<br>CLAIM NUMBERS | DIVERSION<br>RATE | CURRENT "R"<br>CLAIM NUM. | "R" DIV.<br>RATE | WR RIGHT<br>NUMBERS | DIVERSION<br>RATE |
|----------------------|--------------------------|-------------------|---------------------------|------------------|---------------------|-------------------|
| -                    | A41-04030                | 2.000             | -                         |                  | 41-04030            | 2.000             |
| TOTAL CFS            |                          | 2.000             |                           |                  |                     | 2.000             |

DIVERSION RATE REVIEW

DO THE SUM CFS RATE OF THE SPLITS EQUAL THE ROOT RIGHT CFS RATE? (Y/N)  
IF NO, is the written review sheet attached? (Y/N)

| DATABASE | FIELD<br>EXAMINER |
|----------|-------------------|
| Y        | _____             |
|          | _____             |

REMARKS:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

AUTHENTICATION:

SIGNATURE: \_\_\_\_\_ DATE: \_\_\_\_\_  
NAME OF FIELD EXAMINER: \_\_\_\_\_ TITLE: \_\_\_\_\_

Water Right Number - 41-04030 Prefix Translation: WATER RIGHT Old (D) Number -

+ - - - - Last Name - - - - + + - First Name - - + + - - - - - Address - - - - - +

\*\*\* C - CURRENT OWNER \*\*\*  
BENSON DON 1 - 216 POLK  
2 -  
3 -  
City- AMERICAN FALLS State- ID Zip- 83271  
Phone -  
1 - 216 POLK  
2 -  
3 -  
City- AMERICAN FALLS State- ID Zip- 83271  
Phone -

BENSON STAN

+ - - Priority Date - - + + - - Region - - - + + - - Stage - - - + + - - Status - - - +  
06/01/1930 17 SOUTHERN S - STATUTORY CLAIM

+ - - - - Source - - - - - + + - - - - Tributary - - - - - +  
FALL CREEK SNAKE RIVER

+ - - - - Point of Diversion - - - - - +  
TwN Rng Sec Tract Lot RFlg County Stream Index (Blank if no Index Code)  
09S 29E 29 NE NE (77) POWER

+ - - - - Water Use - - - - - +  
Code Description Period From Period To Diversion Rate Diversion Volume  
01 - IRRIGATION 05/01 09/30 2.000

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Div. Capacity - +  
2.000

+ - - - - Place of Use - - - - - +  
TwN Rng Sec Tract Lot Acres Code Description County  
09S 29E 28 NW SW 32.0 01 IRRIGATION (77 ) POWER  
09S 29E 29 NE NE 10.0 01 IRRIGATION (77 ) POWER  
09S 29E 29 NW NE 11.0 01 IRRIGATION (77 ) POWER  
09S 29E 29 SE NE 26.0 01 IRRIGATION (77 ) POWER  
09S 29E 29 NE SE 39.0 01 IRRIGATION (77 ) POWER  
Total Acres: 118.0

+ - - Diversion Means - CHECK DAM AND DITCH

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use -

+ - - - - Remarks - - - - - +  
No Remarks found.

Water right number - 41-04030

Prefix Translation: WATER RIGHT

+ - - - - Old Water Right Numbers - - - - - +

+ - - - - Old Water Right Numbers - - - - - +  
No Old Water Right Numbers found.

+ - - - - Conditions of Approval - - - - - +  
No Conditions of Approval found.

+ - - - Decree Plaintiff - - - + + - - - Decree Defendant - - - + + - Decree Date - +  
00/00/0000

+ - - - - Comments - - - - - +  
No Comments Found

+ - - Audit Fields - 01/28/86 05/28/88 CONVERT

+ - - - - Water Rights Dates and Flags Area - - - - - +

|                                |                              |                     |
|--------------------------------|------------------------------|---------------------|
| Proof Due Date - 00/00/0000    | Field Exam Made - 00/00/0000 | Field Exam Fee -    |
| Approved/Denied - 00/00/0000   | Protested Date - 00/00/0000  | Swan Falls -        |
| Proof Made Date - 00/00/0000   | Hearing Date - 00/00/0000    | Temporary Right - P |
| Exam to S.O. Date - 00/00/0000 | Verified Date - 01/28/1986   | DLE/Carey Act -     |
| Order Show Cause - 00/00/0000  | Receipt Number -             | Water District -    |
| Licensed Date - 00/00/0000     | Appl Received - 00/00/0000   | Transfer/Amended -  |
| Decree Date - 00/00/0000       | Presumption Flag -           |                     |