



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

SOUTHERN REGION

May 16, 2002

**DIRK KEMPTHORNE
GOVERNOR**

**KARL J. DREHER
DIRECTOR**

D STEVE BENSON
4025 GEORGES RD
AMERICAN FALL ID 83211

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

Dear Water Right Holder:

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

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

Sincerely,

Trish Fawcett
Technical Records Specialist

/tf



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

DIRK KEMPTHORNE
GOVERNOR

KARL J DREHER
DIRECTOR

CHANGE IN ADDRESS

RECEIVED

APR 30 2002

Department of Water Resources
Southern Region

☐ 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):

[Signature]

Date:

4-29-02

FOR IDWR USE ONLY
Initial Review and Data Entry

Date: By:

Further Action Needed:

Further Action Taken

Date: By:

Final Review and Data Entry

Date: By:

5/16/02 [Signature]

CID 91354

COPY

200 JUN 23 PM 1: 57

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED _____

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

In Re SRBA)
Case No. 39576) NOTICE OF COMPLETED
ADMINISTRATIVE PROCEEDINGS
Water Right 41-07029B

IDWR has completed the following Administrative Proceeding:

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

SUBSTITUTION OF PARTY

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

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

Water Right(s): 41-07029B

NOTICE OF COMPLETED
ADMINISTRATIVE PROCEEDING
6/21/2000

41-07029B

PAGE 1

CERTIFICATE OF MAILING

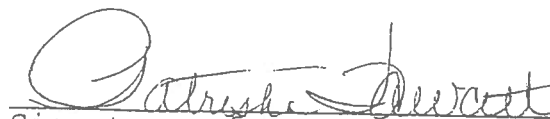
I certify that on 6/23/2000 I mailed the original and copies of this form to the following persons, postage prepaid and addressed as follows:

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:

STAN BENSON
216 POLK
AMERICAN FALLS ID 83211

DON BENSON
231 POLK
AMERICAN FALLS ID 83211
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:
Chief, Natural Resources Division
Office of the Attorney General
P.O. Box 44449
Boise, Idaho 83711-4449
5. One Copy to:
United States Dept. of Justice
Environment & Natural Resource Div.
550 West Fort Street, MSC 033
Boise, ID 83724



Signature of person or attorney mailing the form

AJ5856NP

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

DATE: JUN-21-2000

PAGE: A-2

RIGHT NUMBER: 41-070298

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

SOURCE: FALL CREEK TRIBUTARY: SNAKE RIVER

QUANTITY: 22.3 CFS
16145.0 AFY

FACILITY VOLUME OF DOMSEA SITE 115,720 CF.

PRIORITY DATE: 10/03/1978

POINT OF DIVERSION: T09S R29E S28 NWSE Within POWER County

PURPOSE AND

PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	FISH PROPAGATION	01-01 12-31	22.3 CFS
			16145.0 AFY

PLACE OF USE: FISH PROPAGATION Within POWER County
T09S R29E S28 NWSE

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 - LICENSE



State of Idaho
DEPARTMENT OF WATER RESOURCES

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

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

SOUTHERN REGION

June 23, 2000

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

D STEVE BENSON
2785 BENSON RD
ROCKLAND ID 83271

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

Dear Claimant:

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

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

Sincerely,

Trish Fawcett
Technical Records Specialist

cc: Don Benson
Norm Semanko

RECEIVED MAR 17 2000

RECEIVED

MAR 17 2000

Department of Water Resources

STATE OF IDAHO
IDAHO DEPARTMENT OF WATER RESOURCES

NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

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

Water Right No(s): 41-07029A and 41-07029B

Adjudication Claim No(s):

The following REQUIRED information must be submitted with this form:

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

Name and Address of Former Owner/Claimant STAN BENSON AND DON BENSON
216 POLK 231 POLK
AMERICAN FALLS ID 83211 AMERICAN FALLS ID 83211

New Owner/Claimant(s) DON BENSON D. STEVE BENSON

Name Connector (Check one): [] and, [] or, [X] and/or

New Mailing Address 231 POLK 2785 BENSON ROAD

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

New Telephone Number (208) 548-2331

Date you acquired the property May 9, 1997

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

Number of acres you irrigate 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.

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

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

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

RECEIVED MAR 17 2000

SRBA DIRECTORS REPORT 41-07029A

[Return to SRBA Home Page](#)

IWT072

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

Right Number: 41-07029A

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

DON BENSON
231 POLK
AMERICAN FALLS, ID 83211

Source: FALL CREEK Tributary: SNAKE RIVER

Quantity: 25.40 CFS
18295.00 AFY

FACILITY VOLUME OF EPA SITE 324,000 CF.

Priority Date: 10-03-1978

Diversion Point: T09S R29E S29 SENE Within Power County

Purpose and Period of Use:	Purpose of Use	Period of Use	Quantity
	Fish Propagation	01-01 TO 12-31	25.40 CFS
			18295.00 AFY

Place of Use: Fish Propagation Within Power County
T09S R29E S29 NENE

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

Explanatory Material: Basis of Claim - License

[Return to SRBA Home Page](#)

SRBA DIRECTORS REPORT 41-07029B

[Return to SRBA Home Page](#)

IWT072

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

Right Number: 41-07029B

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

DON BENSON
231 POLK
AMERICAN FALLS, ID 83211

Source: FALL CREEK Tributary: SNAKE RIVER

Quantity: 22.30 CFS
16145.00 AFY

FACILITY VOLUME OF DOMSEA SITE 115,720 CF.

Priority Date: 10-03-1978

Diversion Point: T09S R29E S28 NWSE Within Power County

Purpose and Period of Use:	Purpose of Use	Period of Use	Quantity
	Fish Propagation	01-01 TO 12-31	22.30 CFS
			16145.00 AFY

Place of Use: Fish Propagation Within Power County
T09S R29E S28 NWSE

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

Explanatory Material: Basis of Claim - License

[Return to SRBA Home Page](#)

DEPARTMENT OF THE INTERIOR
GEOLOGICAL SURVEY

3270004



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.

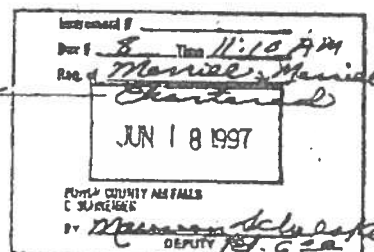
The said Grantors hereby convey said real property to Grantees, together with any and all tenements, hereditaments, and appurtenances thereto belonging or in anyway appertaining, and the rents, issues and profits thereof.

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

EXHIBIT "A"

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

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

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

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

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

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

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

COPY

200 JUL 12 AM 11:43

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

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

In Re SRBA

SUBCASE NO. 41-07029A

Case No. 39576

NOTICE OF COMPLETED
ADMINISTRATIVE PROCEEDING

IDWR has completed the following Administrative proceeding: SUBSTITUTION OF PARTY

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

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

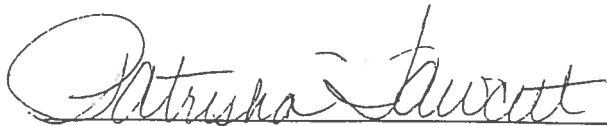
DATED: 7/7/00


Signature of IDWR Representative

CERTIFICATE OF MAILING

I certify that on 7/12, 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
PO Box 2707
Twin Falls ID 83303-2707
2. One Copy to:
Claimant/Seller for Substitution of Party or attorney of record:
Don Benson
231 Polk
American Falls ID 83211
Stan Benson
216 Polk
American Falls ID 83211
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:
5. One Copy to:
Chief Natural Resources Division
Office of the Attorney General
PO Box 44449
Boise ID 83711-4449
6. One Copy to:
United States Dept Of Justice
Environment & Natural Resource Div
550 West Fort Street MSC 033
Boise ID 83724



Signature of person or attorney mailing the form

AJ5856NP

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

DATE: JUN-26-2000

PAGE: A-1

RIGHT NUMBER: 41-D7029A

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

SOURCE: FALL CREEK TRIBUTARY: SNAKE RIVER

QUANTITY: 25.4 CFS
 18295.0 AFY

FACILITY VOLUME OF EPA SITE 324,000 CF.

PRIORITY DATE: 10/03/1978

POINT OF DIVERSION: T09S R29E S29 SENE Within POWER County

PURPOSE AND

PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	FISH PROPAGATION	01-01 12-31	25.4 CFS
			18295.0 AFY

PLACE OF USE: FISH PROPAGATION Within POWER County
 T09S R29E S29 NENE

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 - LICENSE



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

July 12, 2000

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

D STEVE BENSON
2785 BENSON RD
ROCKLAND ID 83271

RE: SRBA Claim(s) 41-07029A

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
Stan Benson
Rosholt Robertson & Tucker

RECEIVED MAR 17 2000

RECEIVED
MAR 17 2000

STATE OF IDAHO
IDAHO DEPARTMENT OF WATER RESOURCES

NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

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

Incomplete forms will be returned.

1. Water Right No(s): 41-07029A and 41-07029B
Adjudication Claim No(s): _____

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 STAN BENSON AND DON BENSON
216 POLK 231 POLK
AMERICAN FALLS ID 83211 AMERICAN FALLS ID 83211

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

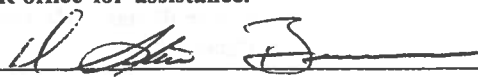
5. Date you acquired the property May 9, 1997

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 17 2000

SRBA DIRECTORS REPORT 41-07029A

[Return to SRBA Home Page](#)

IWT072

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

Right Number: 41-07029A

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

DON BENSON
231 POLK
AMERICAN FALLS, ID 83211

Source: FALL CREEK Tributary: SNAKE RIVER

Quantity: 25.40 CFS
18295.00 AFY

FACILITY VOLUME OF EPA SITE 324,000 CF.

Priority Date: 10-03-1978

Diversion Point: T09S R29E S29 SENE Within Power County

Purpose and Period of Use:	Purpose of Use	Period of Use	Quantity
	Fish Propagation	01-01 TO 12-31	25.40 CFS
			18295.00 AFY

Place of Use: Fish Propagation Within Power County
T09S R29E S29 NENE

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

Explanatory Material: Basis of Claim - License

[Return to SRBA Home Page](#)

SRBA DIRECTORS REPORT 41-07029B

[Return to SRBA Home Page](#)

IWT072

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

Right Number: 41-07029B

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

DON BENSON
231 POLK
AMERICAN FALLS, ID 83211

Source: FALL CREEK Tributary: SNAKE RIVER

Quantity: 22.30 CFS
16145.00 AFY

FACILITY VOLUME OF DOMSEA SITE 115,720 CF.

Priority Date: 10-03-1978

Diversion Point: T09S R29E S28 NWSE Within Power County

Purpose and Period of Use:	Purpose of Use	Period of Use	Quantity
	Fish Propagation	01-01 TO 12-31	22.30 CFS
			16145.00 AFY

Place of Use: Fish Propagation Within Power County
T09S R29E S28 NWSE

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

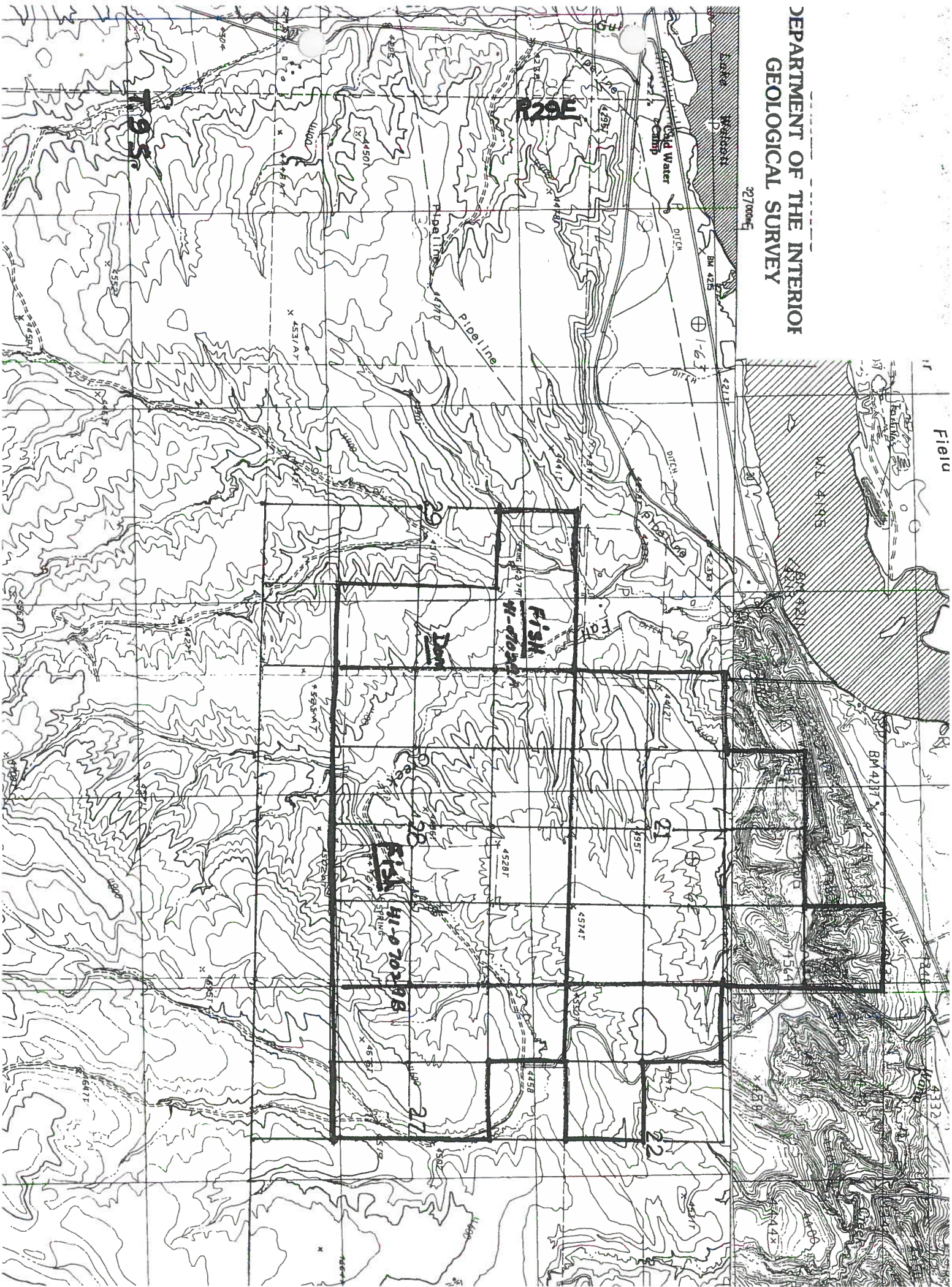
Explanatory Material: Basis of Claim - License

[Return to SRBA Home Page](#)

DEPARTMENT OF THE INTERIOR
GEOLOGICAL SURVEY

270004

Field



**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.

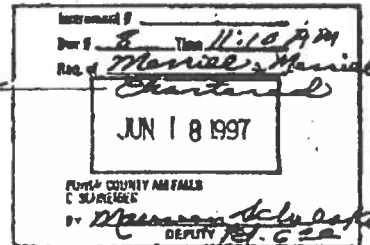
The said Grantors hereby convey said real property to Grantees, together with any and all tenements, hereditaments, and appurtenances thereto belonging or in anyway appertaining, and the rents, issues and profits thereof.

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

EXHIBIT "A"

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

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

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

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

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

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

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

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

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A41-07029
Date Received: 3/27/1990
Receipt No: S011691
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: DON BENSON 208-548-2330
Address: 231 POLK 83211-0000
AMERICAN FALLS, ID
OR
Name: STAN BENSON 208-548-2330
Address: 216 POLK 83271
AMERICAN FALLS, ID

2. Date of Priority: OCT 07, 1977

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	28	NE	NW	SE		POWER

5. Description of diverting works:
HEADGATES, DITCHES, & EARTHEN & CONCRETE FISH PONDS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
FISH PROPAGATION	01/01	12/31	~~22.270~~		
			25.4	DB	6-21-94

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

A.F.A.

8. Total consumptive use is
25.4 DB 6-21-94

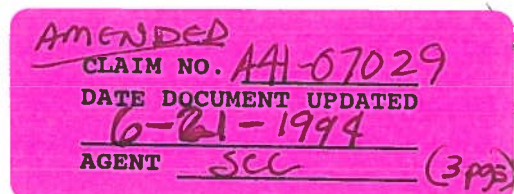
Acre Feet Per Annum.

9. Non-irrigation uses:
H/FISH PROPAGATION

A41-07029

Page 1

Date: 03/27/90



10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
09S	29E	28	NE	SE		FISH	
		29	NW	SE		FISH	

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:
NONE

14. Remarks:

THIS PROPAGATION FACILITY CONSISTS OF 24 EARTHEN PONDS & 13
CONCRETE RACEWAYS WITH ASSOCIATED HATCHERY FACILITIES, WASTE
SETTLEMENT PONDS & OFFICES.

THE DIVERSION RATE IS TAKEN FROM THE FIELD INSPECTION REPORT OF
JOHN E. PRIESTER, (P.E.L.S.), 11/24/1988 - ATTACHED.

15. Basis of Claim: PERMIT

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 1990 Robert V. Postell
Notary Public

Seal

Residing at Twin Falls, Idaho

My Commission Expires January 16, 1995

Amended Signature Ronald S. Benson
date 6-21-94

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

1 - 231 POLK

City- AMERICAN FALLS
Phone -

	+	-	-	-	Stage	-	-	+		+	-	-	-	Status
	P - PERMIT													

+ - - - - Tributary
SNAKE RIVER

- - - - - Point of Diversion
RFlg County

(77) POWER

----- Diversion Rate ----- Diversion Volume -----

30.000

me - + + - Total Div. Capacity - +

Acres	Place of Use	Description	County
-------	--------------	-------------	--------

19 FISH PROPAGATION (77) POWER

+ - - Diversion Means - HEADGATES, DITCHES & FISH PONDS.

Use -

1

Remarks - -
No Remarks found.

Conditions of Approval

- For licensing purposes, a scientific measurement of the diversion
- rate of the system as it is normally operated shall be provided
- by either properly installing and approved type of measuring
- device or by having a professional engineer certify the rate of
- diversion to the Department prior to submitting proof of

MICROFILMED
MAR 02 1993

Adj. flag translation: Standard Water Right Number

[illegible][illegible]

proof Due Date	- 01/01/1983	Field Exam Made	- 00/00/0000	Field Exam Fee	- R
Approved/Denied	- 00/00/0000	Protested Date	- 00/00/0000	Swan Falls	- Z
Proof Made Date	- 11/01/1982	Hearing Date	- 00/00/0000	Temporary Right	- P
Start Work Date	- 00/00/0000	Verified Date	- 00/00/0000	DLE/Carey Act	- 01
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 02 1993

November 28, 1988

Mr. Rob Rhoads
Domsea Farms, Inc.
400 Yellowstone
Pocatello, Idaho 83201

RECEIVED

JAN 9 1989

Department of Resources
Soil Conservation Office

Re: Flow measurement certification Fall Creek
Fish Facility in Power County, Idaho.

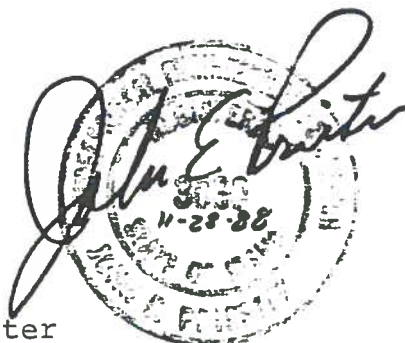
Dear Rob:

This is to verify that I have reviewed the measurement data taken, at my instruction, by Mr. Reid Newby and have verified by field inspection the physical features identified in his report and have concluded that this report represents an accurate measurement of the flow at the above referenced project.

The measurement took place at a point of diversion located in the NW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 28, T.9S., R.29E., B.M. Power County, Idaho.

Based on my examination of the data and physical features of the measured flume, I hereby certify a flow of 22.27 c.f.s. at the diversion point identified herein.

Sincerely,

A circular official seal of the State of Idaho is visible, featuring the text "STATE OF IDAHO" and "DEPARTMENT OF AGRICULTURE". Overlaid on the seal is a handwritten signature in dark ink, which appears to read "John E. Priester". The date "11-28-88" is also handwritten across the seal.

John E. Priester
P.E.L.S. 3030

MICROFILMED

MAR 02 1993

Shoshone, Idaho 83352
October 31, 1988

Mr. John Priester
P.O. Box 147
Buhl, Idaho 83316

Re: Fall Creek

Sir:

On October 29, 1988 I measured the water being diverted from Fall Creek into the fish ponds, with the following results.

The measuring section is a concrete flume about 25 feet long 8 feet wide and 4 feet deep. The outlet pipe is 3 feet in diameter. I placed a bridge across this flume for the purpose of measuring at a point about 8 feet upstream from the outlet pipe where the water was running straight. At this point close to the top of the concrete is a reinforcing nail in the wall, I marked this for a future reference point. From nail head to Water Surface is 1.42 feet. I then made two current meter measurements of this stream, using a Arline AA type meter. I had a spin test of 1 minute and 27 Seconds on this meter which is very good. I took a reading every six inches across the flume with the following results.

No.1 G.H.= 1.42 to W.S. Discharge = 22.296 CFS
No.2 G.H.= 1.42 to W.S. Discharge = 22.247 CFS
Mean Water measured = 22.273 Cubic Sec. Feet

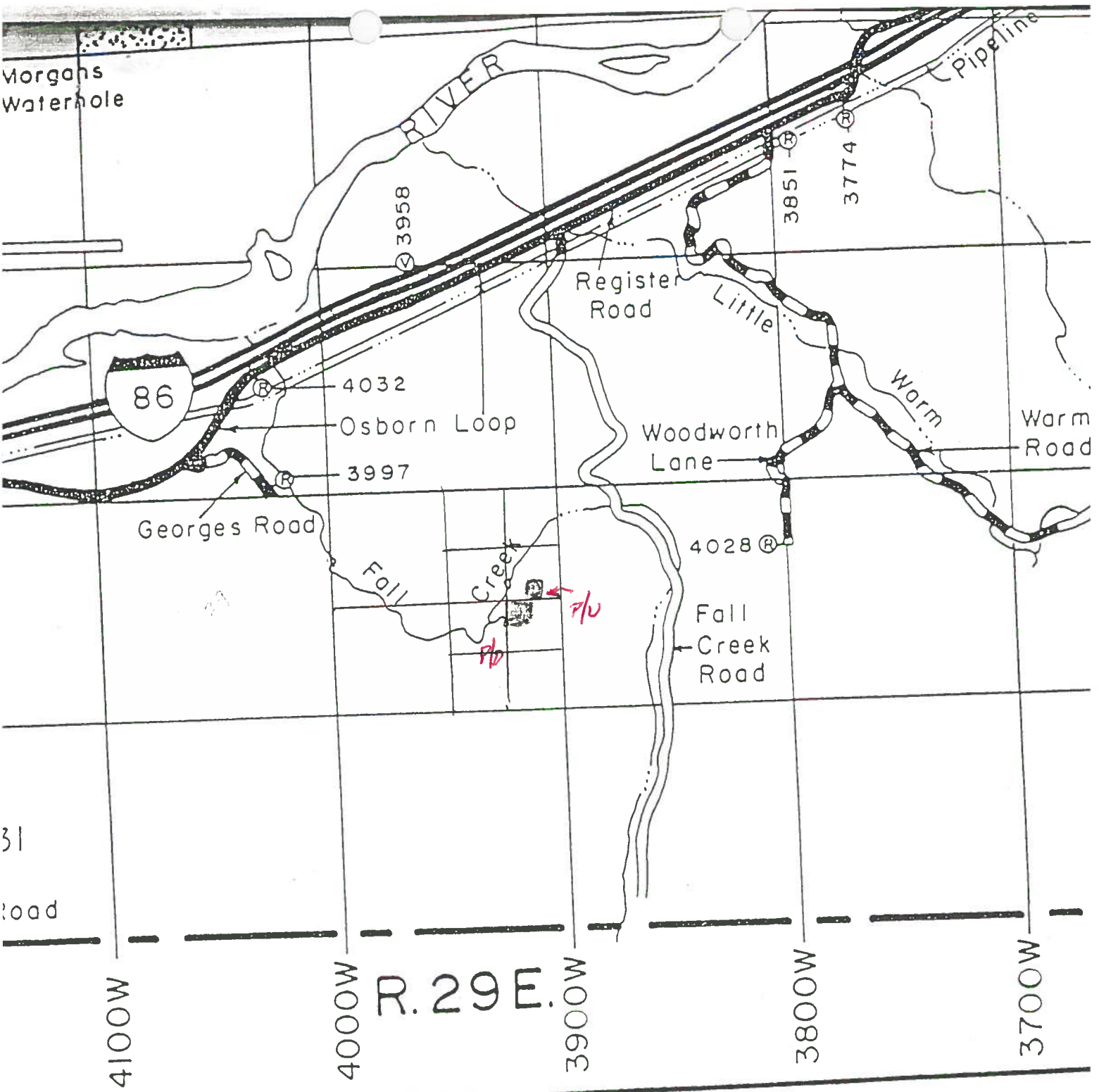
If I can be of any futher service please call.

Sincerely,

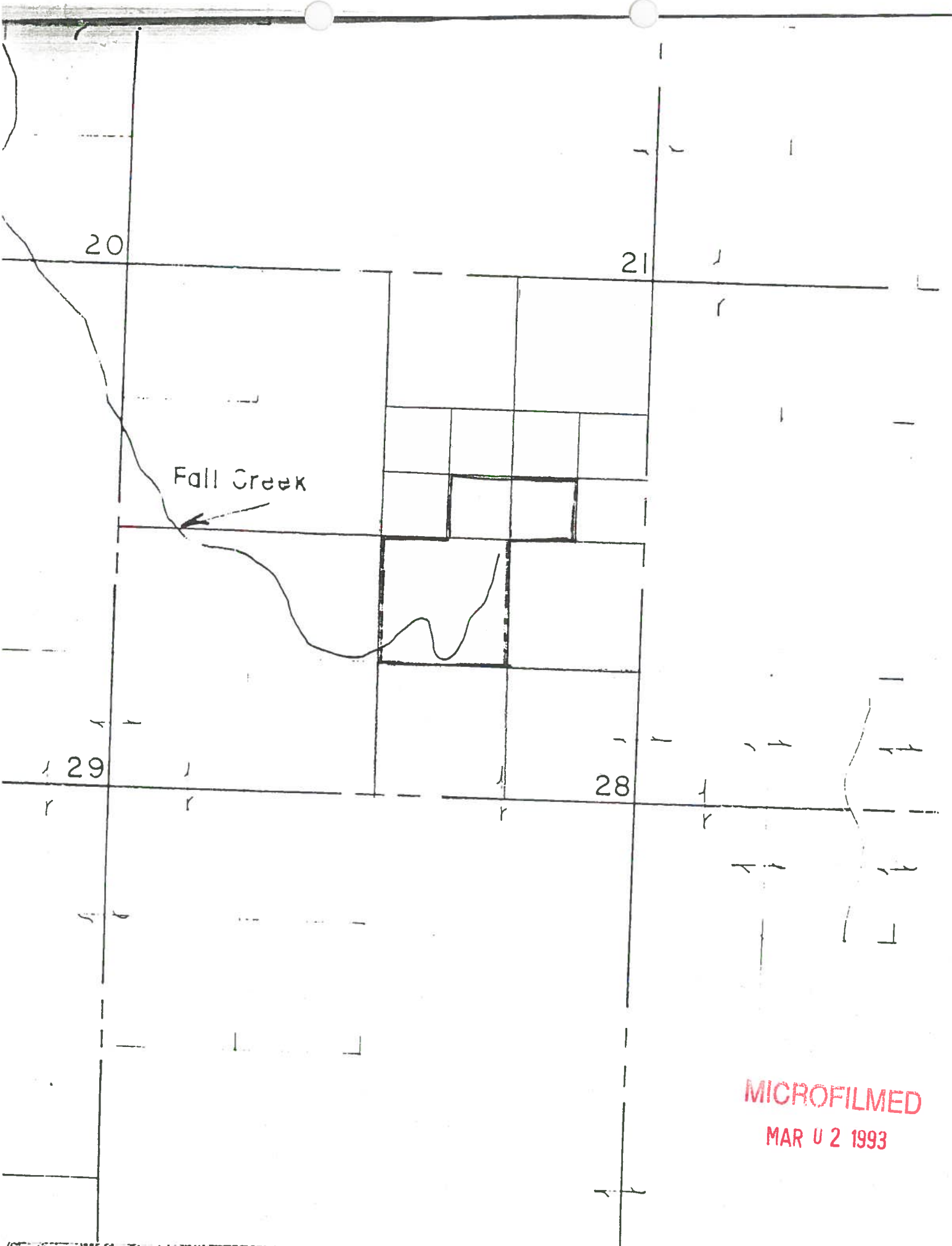

Reid J. Newby

MICROFILMED

MAR 12 1993



MICROFILMED
MAR U 2 1993



MICROFILMED
MAR U 2 1993

Water Right Number - R41-07029A

Prefix Translation: RESEARCH

Old (D) Number -

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

*** C - CURRENT OWNER ***
BENSON

STAN

BENSON

DON

1 - 216 POLK
2 -
3 -
City- AMERICAN FALLS
Phone - 208-548-2330
1 - 231 POLK
2 -
3 -
City- AMERICAN FALLS
Phone - 208-548-2330
State- ID Zip- 83211

+ - - Priority Date - - + + - - - Region - - - + + - - - Stage - - - + + - - - Status - - - +
10/03/1978 17 SOUTHERN L - LICENSE

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

+ - - - - Point of Diversion - - - - - +
Twn Rng Sec Tract Lot RFlg County
09S 29E 29 SE NE (77) POWER

+ - - - - Water Use - - - - - +
Code Description Period From Period To Diversion Rate Diversion Volume
19 - FISH PROPAGATION 01/01 12/31 25.400 18295.00

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Consumptive Use - + + - KW Usage - +
25.400 18295.00 0.0

+ - - - - Place of Use - - - - - +
Twn Rng Sec Tract Lot Acres Code Description County
09S 29E 29 NE NE 19 FISH PROPAGATION (77) POWER
Total Acres:

+ - - Diversion Means - HEADGATES, DITCHES, & EARTHEN & CONCRETE FISH PONDS

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use - NONE

+ - - - - Remarks - - - - - +

QNT FACILITY VOLUME OF EPA SITE 324,000 CF.

Water right number - R41-07029A

Prefix translation: RESEARCH

+ - - - - 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 - - - - - +
Date: 05/29/1999 User Id: SCELLAN Subject: COPIED FROM REMARKS
THIS PROPAGATION FACILITY CONSISTS OF 24 EARTHEN PONDS & 13
SETTLEMENT PONDS & OFFICES.
JOHN E. PRIESTER, (P.E.L.S.), 11/24/1988 - ATTACHED.
Date: 07/20/1999 User Id: SCELLAN Subject: COMBINED USE FLOWS
THE TWO SITES LISTED ON THIS LICENSE HAVE A COMBINED FLOW LIMIT
AFTER CONFIRMATION AND DISCUSSION WITH CHUCK B. JR.
Date: 10/26/1999 User Id: SCELLAN Subject: RECOMMENDATION
AFTER REVIEW AND DISCUSSION OF THIS RIGHT IT HAS BEEN SPLIT TO
IS NOT AN ACTUAL LIMIT BUT TRIED TO DESCRIBE THE RIGHTS AS NOT
BY SPLITTING THE SYSTEMS THE NEED FOR COMBINED LANGUAGE IS NOT
VOLUME NUMBER IS INACCURATE AND CANNOT BE ACCURATELY CALCULATED
POND WORK PREVENTS DIVERSION.
PART A IS THE LOWER SITE.
Date: 10/26/1999 User Id: SCELLAN Subject: COPIED FROM REMARKS
THIS PROPAGATION FACILITY CONSISTS OF 24 EARTHEN PONDS & 13
SETTLEMENT PONDS & OFFICES.CONCRETE RACE WAYS WITH ASSOCIATED HATCHERY FACILITIES, WASTE
THE DIVERSION RATE IS TAKEN FROM THE FIELD INSPECTION REPORT OF
CORRECTED ZIP CODE PER RETURNED MAIL 5/17/95 DMS
OF 25.4 CFS FOR THE TWO SITES COMBINED. I ADDED THIS STATEMENT
MORE ACCURATELY DESCRIBE THE SITUATION. THE COMBINED USE LIMIT
BEING ADDITIVE IN FLOW; THEY USE THE SAME WATER IN SUCCESSION.
NEEDED. VOLUME IS DROPPED AS LISTED BY COND. CODE 1 OF THE LIC.
SINCE THE FLOWS ARE ABLE TO BE DIVERTED YEAR AROUND EXCEPT WHEN
PART B IS THE UPPER SITE.

CONCRETE RACE WAYS WITH ASSOCIATED HATCHERY FACILITIES, WASTE

+ - - Audit Fields - - - +
10/26/99 SCELLAN+ - - - - 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 - 10/26/1999 Old Judicial District -
Response Filed Date - 00/00/0000 Verified Date - 00/00/0000 Temporary Right - P
Claim Received Date - 03/27/1990 Last Amended Date - S011691 Water District - 01
Receipt Number - Y Federal/State Indicator - S
POU Ownership Flag - OR Presumption Flag -
Name Connector - Notice of Error Flag -

Water Right Number - R41-07029B

Prefix Translation: RESEARCH

Old (D) Number -

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

*** C - CURRENT OWNER ***
BENSON

STAN

1 - 216 POLK
2 -
3 -

City- AMERICAN FALLS
Phone - 208-548-2330

State- ID Zip- 83211

BENSON

DON

1 - 231 POLK
2 -
3 -

City- AMERICAN FALLS
Phone - 208-548-2330

State- ID Zip- 83211

+ - - Priority Date - - + + - - - Region - - - + + - - - Stage - - - + + - - - Status - - - +
10/03/1978 17 SOUTHERN L - LICENSE

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

+ - - - - Point of Diversion - - - - - +
Twn Rng Sec Tract Lot Rflg County

09S 29E 28 NW SE (777) POWER

+ - - - - Description Period From Period To Water Use Diversion Rate Diversion Volume
Code 19 - FISH PROPAGATION 01/01 12/31 22.300 16145.00

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Consumptive Use - + + - KW Usage - +
22.300 16145.00 0.0

+ - - - - Place of Use - - - - - +
Twn Rng Sec Tract Lot Acres Code Description County
09S 29E 28 NW SE 19 FISH PROPAGATION (777) POWER

Total Acres:

+ - - Diversion Means - HEADGATES, DITCHES, & EARTHEN & CONCRETE FISH PONDS

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use - NONE

+ - - - - Remarks - - - - - +

QNT FACILITY VOLUME OF DOMSEA SITE 115,720 CF.

Water right number - R41-070298

Prefix translation: RESEARCH

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 - - - - -
Date: 05/29/1999 User Id: SCELLAN Subject: COPIED FROM REMARKS
THIS PROPAGATION FACILITY CONSISTS OF 24 EARTHEN PONDS & 13
SETTLEMENT PONDS & OFFICES.
JOHN E. PRIESTER, (P.E.L.S.), 11/24/1988 - ATTACHED.
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Date: 10/26/1999 User Id: SCELLAN Subject: RECOMMENDATION
AFTER REVIEW AND DISCUSSION OF THIS RIGHT IT HAS BEEN SPLIT TO
IS NOT AN ACTUAL LIMIT BUT TRIED TO DESCRIBE THE RIGHTS AS NOT
BY SPLITTING THE SYSTEMS THE NEED FOR COMBINED LANGUAGE IS NOT
VOLUME NUMBER IS INACCURATE AND CANNOT BE ACCURATELY CALCULATED
POND WORK PREVENTS DIVERSION.
PART A IS THE LOWER SITE.
Date: 10/26/1999 User Id: SCELLAN Subject: COPIED FROM REMARKS
THIS PROPAGATION FACILITY CONSISTS OF 24 EARTHEN PONDS & 13
SETTLEMENT PONDS & OFFICES.

CONCRETE RACE WAYS WITH ASSOCIATED HATCHERY FACILITIES, WASTE
THE DIVERSION RATE IS TAKEN FROM THE FIELD INSPECTION REPORT OF
CORRECTED ZIP CODE PER RETURNED MAIL 5/17/95 DMS
OF 25.4 CFS FOR THE TWO SITES COMBINED. I ADDED THIS STATEMENT
MORE ACCURATELY DESCRIBE THE SITUATION. THE COMBINED USE LIMIT
BEING ADDITIVE IN FLOW; THEY USE THE SAME WATER IN SUCCESSION.
NEEDED. VOLUME IS DROPPED AS LISTED BY COND. CODE 1 OF THE LIC.
SINCE THE FLOWS ARE ABLE TO BE DIVERTED YEAR AROUND EXCEPT WHEN
PART B IS THE UPPER SITE.

CONCRETE RACE WAYS WITH ASSOCIATED HATCHERY FACILITIES, WASTE

Audit Fields - - +
10/26/99 SCELLAN

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 Verified Date - 10/26/1999 Old Judicial District -
Response Filed Date - 00/00/0000 Last Amended Date - 00/00/0000 Temporary Right - P
Claim Received Date - 03/27/1990 Receipt Number - S011691 Water District - 01
POU Ownership Flag - Y Federal/State Indicator - S
Name Connector - OR Presumption Flag -
Notice of Error Flag -

COPY

Copy from
M Fischl:
10/26/99
SCC

MEMORANDUM

TO: File 41-07029
FROM: Brenda Chapman
DATE: October 20, 1993
RE: Annual Volume for Fish Propagation

Per a memo dated 1/15/88, volume is calculated as follows:

1. Calculate changes per hour:
Total flow into facility x 3600/facility volume (cf) = changes
2. Calculate annual volume:
Facility volume (af) x changes x 8760 = AFA
3. Calculate volume given by permitted flow:
Flow rate (cfs) x 1.9835 x 365 days = AFA
4. Recommend lower figure.

EARTHEN "LOWER PONDS" - EPA SITE

PART 'A'

1. 25.4 cfs x 3600 sec per hr / 324,000 cf = .28 changes per hr
2. 7.4 AF x .28 x 8760 hrs per yr = 18,294.76 AFA
3. 25.4 cfs x 1.9835 x 365 days = 18,389.03 AFA

RECOMMENDATION : 18,294.8 AFA

CONCRETE "UPPER PONDS" - DOMSEA SITE

PART 'B'

1. 22.3 cfs x 3600 sec per hr / 115,720 cf = .69 changes per hr
2. 2.7 AF x .69 x 8760 hrs per yr = 16,408.4 AFA
3. 22.3 cfs x 1.9835 x 365 days = (14,935.9) AFA ← ERROR
= 16,144.7 AFA

RECOMMENDATION : ~~14,935.9~~ AFA
= 16,144.7

COMBINED TOTAL RECOMMENDATION : 33,230.7 AFA

EPA SITE VOLUME CALCULATIONS:
 $24 \times (3 \times 30 \times 150) = 324,000 \text{ CF}$

DOMSEA SITE VOLUME CAL:
 $13 \times (130 \times 16 \times 4) = 108,160 \text{ CF}$
 $60 \times (14 \times 3 \times 3) = 7,560 \text{ CF}$
115,720 CF

Combined Vol.

18,294.8
+ 16,144.7

34,439.5 AFA

Comparison

Correction Made to
Volume on PART 'B' based
on COA #1 allowing adjust-
ments to Volume.

10/26/99
SCC

Corrected
on
Record

9/7/99

w/zhelley
K.

Benson:

Try to avoid Amending License - fix in SRBA!

* Cannot achieve Annual Volume if flows is truly limited to 25.4 cfs
* Modify per Lic Cond. #1 last sent end

Drop Vol. ^{YES?} Really a worthless number due to cleaning & fish harvests
Combined use Limit?

Does not seem to indicate a True "Combined" of
Clarify - not change "further define"

* drop license #'s
refine element three Remarks!

(CB) Letter info:

upper site: (DOMSEA)

R Newby = 22.3 cfs

Wish: VOL = 16145 AF
Fac VOL = 115,720 AF

OKAY connection to Volume

10/26/99 (Review w/ DRJ & ADI SCC)
I agreed to split out the separate systems. The same water is diverted into each system due to Re-use of the Stream Flows.

See Chapman Memo Attached

(A) Lower site: (EPA)

DS meas = 25.4 cfs.

VOL = 18295 AF OKAY

Wish: VOL = 18389 AF NO
Fac VOL = 324,000 AF

(Lic Vol = 33230.7)

① given combined limit = 25.4 cfs
(per B. Chapman 1993)

increased Cumulative vol = 14935.9 AF

(22.3 ^{x1.98} x 365 = 16,144.7 AF)
(25.4 ^{x1.98} x 365 = 18,389.0 AF)

<correct VOL> 16144.7 A

- difference would mean flows were not diverted in full for at least 14 days.

Actual Vol

Combined Based on Flow

34533.7

6/9/94

COMMUNICATION DOCUMENTATION

Claim No. 41-07029

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.

IDWR Employee/Agent: Steve Clelland

8/17/99 10:55 AM

NAME:

CHUCK BROCKWAY, JR.

CALLIN

RE:

BENSON FISH USES

He confirmed I received the info he sent earlier... I have and can agree with the acreage increase but not sure about the flow rate increase. He wanted to know about a possible error on the license... I told him the claimant had an opportunity to correct any errors when the license was issued. It is very difficult to make any changes at this time. I offered to discuss it with legal staff. I offered to have him review the flow rate measurements in the file for accuracy.



BROCKWAY
ENGINEERING
P.L.L.C.

Hydraulics

Hydrology

Water Resources

RECEIVED

AUG 25 1999

Department of Water Resources
Boise, Idaho

August 23, 1999

Mr. Norm Young
Idaho Department of Water Resources
1301 North Orchard
Boise, ID 83706

Re: Petition to amend license 41-07029 (Don Benson)
Project No. 366-01-1999

Dear Mr. Young:

In accordance with our telephone conversations last week, I am submitting this letter as a petition to amend the above-referenced license.

The original permit was granted in 1977 for fish propagation. The permit authorized a 30.0 cfs diversion rate from Fall Creek. On the permit application, three points of diversion and places of use were listed, but only two were developed (#1 and #3 on the application). No delineation of the individual diversion amounts to the facilities was given in the permit application. Proof of Beneficial Use was submitted on November 1, 1982, and the field examination work conducted in 1988 and 1993.

I have obtained a copy of the entire file, including the field examiner's notes, flow measurements, and calculations. It appears that the examination was conducted jointly by Gary Funderberg and Doug Jones. The facility covered by the water right exists in two locations: the upper site, recorded as the "DOMSEA" site on the license, and the lower site, recorded as the "EPA" site on the license. The two sites are about 1 mile apart and have separate diversions from Fall Creek and separate return flow streams. The field examiner based his recommendations on current meter measurements of the diversions to each site. The lower site was measured by Doug Jones on February 2, 1993 to be 25.4 cfs, and the upper site was measured by Reid Newby on October 29, 1988 to be 22.3 cfs.

Because the sites are independent, the examiner's recommendation was to split the right into an "A" part (lower site) and a "B" part (upper site), with the measured diversion rates for each part. I agree with this approach. However, the examiner's recommendation was not followed, and the right was licensed for 25.4 cfs total, with condition #7 stating: "The combined total rate of diversion for the EPA and DOMSEA sites shall not exceed 25.4 cfs".

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

On the license review checklist prepared by Brenda Chapman on October 20, 1993, the comment was made to "use maximum measurement [for flow], but not cumulative; however, use cumulative volume figure of both sites." The cumulative volume figures were calculated by taking the measured diversion rates (22.3 cfs upper, 25.4 cfs lower) for 365 days/year. These facts indicate that a continuous diversion of 22.3 cfs through the upper facility and 25.4 cfs through the lower facility was recognized by Ms. Chapman and intended for licensure. Perhaps a misunderstanding regarding the diversion system configuration led her to believe that only the maximum rate of 25.4 should be authorized.

In addition, a mathematical error was made by Ms. Chapman in calculating the annual diversion volume for the upper site. On the Memorandum dated October 20, 1993, which is included as part of the file, the value 14935.9 afa is **incorrect**. The correct value should be 16144.7 afa (calculated by taking 22.3 cfs x 1.9835 af/cfs-day x 365 days/year)

Based on the above information, I respectfully request that the license be amended by splitting the right as follows:

Part A (lower site):

Diversion rate = 25.4 cfs

Diversion volume = 18389 afa

Facility volume = 324,000 af

Part B (upper site):

Diversion rate = 22.3 cfs

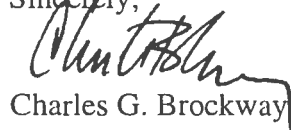
Diversion volume = 16145 afa

Facility volume = 115,720 af

Alternatively, the license could be amended by modifying condition #7 to clarify that the lower site is limited to 25.4 cfs and 18389 afa, and the upper site is limited to 22.3 cfs and 16145 afa.

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

Sincerely,



Charles G. Brockway

cc: Steve Benson
Steve Clelland (IDWR Southern)



BROCKWAY
ENGINEERING
PLLC

2016 NORTH
WASHINGTON
STREET • SUITE 4

TWIN FALLS,
IDAHO 83301

RECEIVED

AUG 25 1999

Department of Water Resources
Scrubman Eng'g Inc.



Idaho Department of Water Resources
Attn: Steve Clelland
1341 Fillmore Street, Suite 200
Twin Falls, Idaho 83301

83301X3380 18



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

AJ0749NP
No. R41-07029

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

DATE: 07/20/99
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	DON BENSON 231 POLK AMERICAN FALLS ID 83211 (208) 548-2330	10/03/1978	FISH PROPAGATION	01-01 12-31	25,400 CFS	33230.70 AFA
TOTAL DIVERSION:					25,400 CFS	33230.70 AFA

C STAN BENSON
216 POLK
AMERICAN FALLS ID 83211
(208) 548-2330

Water Source: FALL CREEK

Tributary to: SNAKE RIVER

Stage: LICENSE

Point(s) of Diversion:

T09S R29E S28
S29

NWSE
SENE

POWER County
POWER County

Place of use Legal Description for: FISH PROPAGATION

T	R	S	NE	NW	SW	SE
09S	29E	28	NE NE	SE NE	NW NW	SW NW
09S	29E	29	NE NE	SE NE	NW NW	SW NW

POU County: POWER

Other Rights: NONE

Remarks: QNT FACILITY VOLUME OF EPA SITE 324,000 CF.
FACILITY VOLUME OF DOWSEA SITE 115,720 CF.
THE COMBINED TOTAL RATE OF DIVERSION FOR THE EPA AND DOWSEA
SITES SHALL NOT EXCEED 25.4 CFS.

EXP THIS PROPAGATION FACILITY CONSISTS OF 24 EARTHEN PONDS & 13
CONCRETE RACE WAYS WITH ASSOCIATED HATCHERY FACILITIES, WASTE
SETTLEMENT PONDS & OFFICES.

Dates: Exam Made Date: Verified Date: 07/20/1999 Objection filed Date:

Misc: Water District Number: 01 Field Inspection Flag:
Presumption Flag:

COMMUNICATION DOCUMENTATION

Claim No. see below

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.

IDWR Employee/Agent Steve Clelland

7/20/99 9:30 AM

NAME:

RE:

CHUCK BROCKWAY JR

CALLIN

DON BENSON NOE

He spoke with Viki H. and then to me... basically addressing the POU of 53 acres in a 110 ac. PPU. I told him of my discussions with Mr. Benson in 1994 and how he agreed the actual irrigation was 50-60 ac. It does appear the lands in Rockland area are dryland in nature and so ANY additional waters will be of beneficial use.

Chuck will send a letter or report indicating that this is the case here and the water is used on all 110 acres within the season; this would be a duty of water near $\frac{1}{2}$ inch per acre.

I told him although the deadline for NOE has passed to go ahead send the reply and other info into me as soon as possible so I can make any necessary corrections to the record before the final Dir. Report. Claim 41-04030.

10:15 am:

Chuck called back: We discussed the elements of the fish right, 41-07029. My basic review was – nothing has changed, recommend as licensed. Chuck asked about the flow rate between the two sites, volumes, and SRBA exam. No changes were apparent so I allowed the full licensed rate; my only other option is to reduce it.

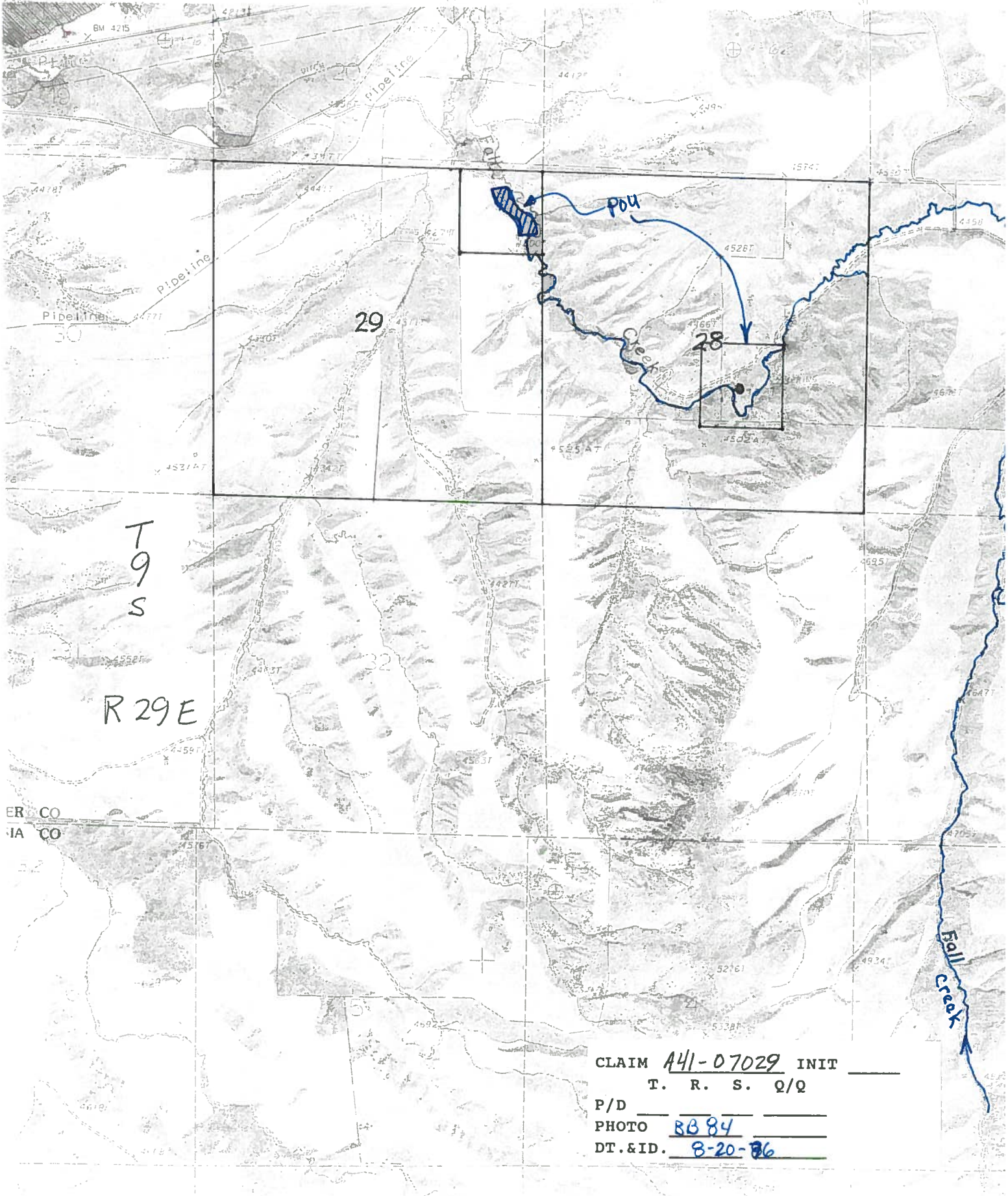
I will add a combined flow rate for the two sites as described in the license remarks.

DATE: 05/29/99
PAGE: 1

POWER County
POWER County

Misc: Water District Number: 01 Field Inspection Flag:
Presumption Flag:

ATES
HE INTERIOR
SURVEY



CLAIM A41-07029 INIT _____
T. R. S. Q/Q
P/D _____
PHOTO BB84
DT.&ID. 8-20-86



CLAIM A41-7029 INIT _____
T. R. S. Q/Q
P/D _____
PHOTO NAPP 381-61 BB84 NE
DT.&ID. 7-24-87

RECEIVED

State of Idaho
Department of Water Resources

NOV 20 1982

WATER RIGHT LICENSE

Department of Water Resources
Southern Region Office

WATER RIGHT NO. 41-07029

Priority: October 3, 1978

Maximum Diversion Rate: 25.40 CFS
Maximum Diversion Volume: 33230.7 AF

This is to certify, that DON BENSON
231 POLK

AMERICAN FALLS ID 83211 has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated October 7, 1977; and has submitted Proof of Beneficial Use on November 1, 1982. An examination indicates that the works have a diversion capacity of 25.400 cfs of water from:

FALL CREEK tributary to SNAKE RIVER

source, and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
FISH PROPAGATION	01/01 to 12/31	25.40 CFS	33230.7 AF

LOCATION OF POINT(S) OF DIVERSION:

NWSE , Sec. 28, Township 09S, Range 29E
SENE , Sec. 29, Township 09S, Range 29E
POWER County

PLACE OF USE: FISH PROPAGATION

TWN RGE SEC

09S 29E 28	NWSE
29	NENE

CONDITIONS/REMARKS:

1. The maximum diversion volume is defined as the maximum allowable volume of water that may be diverted annually from the source under this right. The use of water confirmed by this right is limited to the amount which can actually be beneficially used. The maximum diversion volume may be adjusted to more accurately describe the beneficial use or to implement accepted standards of diversion and use efficiency.
2. This water right is appurtenant to the described place of use.
3. This right is subject to all prior water rights and may be forfeited by five years of non-use.
4. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
5. Return water shall be treated to insure that the effluent meets Idaho Water Quality Standards.
6. Use of water under this right is subject to policies set forth in the State of Idaho Water Plan, including Policy No. 5G.
7. The combined total rate of diversion for the EPA and DOMSEA sites shall not exceed 25.4 cfs.
8. The facility volume of the EPA site is 324,000 cf.
9. The facility volume of the DOMSEA site is 115,720 cf.

41-07029

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE
WATER RIGHT NO. 41-07029

This license is issued pursuant to the provisions of Section 42-219, Idaho Code.
Witness the seal and signature of the Director, affixed at Boise, this 16TH
day of NOVEMBER, 1993.

Acting for *R. Keith Higginson*
R. Keith Higginson, Director

WATER RIGHT

- the State of Idaho Water Plan, including Policy No. 5G.

+	-	-	-	-	Decree Defendant	-	-	-	+
---	---	---	---	---	------------------	---	---	---	---

--Comments--
No Comments Found

02/10/88	05/28/88	CONVERT	02/10/93	BALDWIN	10/19/93	CHAPMAN	10/20/93	CHAPMAN
11/05/93	CHAPMAN							

Water Rights Dates and Flags Area

Proof Due Date	-	01/01/1983	Field Exam Made	-	09/24/1988	Field Exam Fee	-	R
Approved/Denied	-	01/29/1978	Tested Date	-	00/00/0000	Swan Falls	-	Z
Proof Made Date	-	11/01/1982	Hearing Date	-	00/00/0000	Temporary Right	-	P
Exam to S.O. Date	-	02/10/1993	Verified Date	-	00/00/0000	DLE/Carrey Act	-	
Order Show Cause	-	00/00/0000	Receipt Number	-		Water District	-	0F
Licensed Date	-	11/16/1993	Appl Received	-	10/07/1977	Transfer/Amended	-	
Decree Date	-	00/00/0000	Name Connector	-		POU Ownership Flag	-	Y
Presumption Flag	-							

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

"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.

LAST: BENSON
ADDRESS: 231 POLK
CITY: AMERICAN FALLS
PHONE NUMBER: 208-548-2330
OWNER CODE: C

FIRST: DON
STATE: ID ZIP: 832110000
LAST: BENSON
ADDRESS: 216 POLK
CITY: AMERICAN FALLS
PHONE NUMBER: 208-548-2330
OWNER CODE: C

FIELD EXAM REQUIRED?
VERIFICATION REQUIRED DUE TO REMARKS?
DATABASE
Y
FIELD EXAMINER

CLAIM REMARKS:
THIS PROPAGATION FACILITY CONSISTS OF 24 EARTHEN PONDS & 13
CONCRETE RACEWAYS WITH ASSOCIATED HATCHERY FACILITIES, WASTE
SETTLEMENT PONDS & OFFICES.
THE DIVERSION RATE IS TAKEN FROM THE FIELD INSPECTION REPORT OF
JOHN E. PRIESTER, (P.E.L.S.), 11/24/1988 - ATTACHED.

FIELD EXAMINATION INFORMATION

CLAIM NUMBER: A41-U/029

CONTACT PERSON: _____

PHONE NUMBER: (____) ____-____

DATE OF FIELD EXAM: ____/____/____

APPOINTMENT MADE: Y(____) N(____)

TIME: ____:____ A(____) P(____)

ACCOMPANIED BY: _____

PHONE NUMBER: (____) ____-____

RELATIONSHIP TO CLAIMANT: _____

DIRECTIONS TO PROPERTY / REMARKS:

A. AJ CLAIM: # A41-07029 PRIORITY DATE: 10-07-1977 STAGE: P
B. WR RECORD: # 41-07029 PRIORITY DATE: 10-07-1977 STAGE: P

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:

RECOMMENDED PRIORITY DATE:
10-07-1977

REVIEWED BY _____ DATE _____

A. AJ CLAIM POINT OF DIVERSION AND SOURCE:

RIGHT	TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	CNTY
A41-07029	09S	29E	28	NE	NW	SE		POWER

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

WR RECORDS IN SAME 40 ACRE TRACT
NONE

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
41-07029	09S	29E	28		NW	SE		POWER

OTHER WR RECORDS WITH SAME WR POD
AJ CLAIMS IN SAME 40 ACRE TRACT
A PREFIX R PREFIX
NONE NONE

SOURCE: FALL CREEK

TRIB: SNAKE RIVER

C. FIELD EXAM REQUIRED?

DUE TO POD DISCREPANCY?	(Y/N)	DATABASE	FIELD EXAMINER
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: A41-07029

B. POU LISTING

TWP	RNG	SEC	1/4	1/4	LOT	NAME	AJ #/ACRES	WR #/ACRES	LANDSAT DATA	FIELD EXAM.	RECOMM. ACRES
09S	29E	28	NE	SE		BENSON , DON	A41-07029 /	- /			
09S	29E	29	NW	SE		BENSON , DON	A41-07029 /	- /			
TOTAL ACRES							A41-07029				

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 FIELD EXAMINER
Y Y

PRESUMPTION FLAG:

REMARKS:

RECOMMENDATIONS:

TOTAL ACRES: _____

REVIEWED BY: _____

DATE: _____

A. AJ CLAIMED USES:

PURPOSES
A41-07029 FISH PROPAGATIONMONTH/DAY
FROM 01-01 TO 12-31DIVERSION QUANTITY
22.270 CFS

TOTAL DIVERSION RATE/VOLUME CLAIMED

22.270 CFS

B. WR RECORDED USES:

PURPOSES
41-07029 FISH PROPAGATIONMONTH/DAY
FROM 01-01 TO 12-31DIVERSION QUANTITY
30.000 CFS

TOTAL DIVERSION RATE/VOLUME CLAIMED

30.000 CFS

PRESUMPTION FLAG:

C. FIELD EXAM REQUIRED?

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

D. PERIOD OF USE:

RECOMMEND AS CLAIMED?

Y() N()

RECOMMEND TO WR STANDARDS OR OTHER?

Y() N() Explain in remarks, below.

REMARKS:

A. DOES DIVERSION RATE CLAIMED AGREE WITH EXISTING RECORDS? Y() N()

AJ TOTAL CLAIMED DIVERSION RATE: 22.270 CFS
 WR ROOT RIGHT TOTAL DIVERSION RATE: 30.000 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 _____, SEE ATTACHED CALCULATIONS.

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

OTHER RIGHTS LISTED IN CLAIM: NONE

NO CLAIMS FOUND WITH SAME POU AND IRRIGATION USAGE

NO RIGHTS WITH SAME POU 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.)

RECOMMENDATIONS:

REC. PURPOSES	REC. PERIOD FROM TO	REC. DIV RATE CFS	REC. DIV VOL. AF/A	REC. CONS. USE
FISH PROPAGATION	01-01 12-31	DATABASE EXAMINER 22.270	DATABASE EXAMINER	DATABASE EXAMINER 0.0
TOTAL FOR THIS RIGHT		22.270		0.0

REVIEWED BY: _____

DATE: _____

A. CHECK ONLY THE FOLLOWING THAT APPLY:

	ACCEPTED AS CLAIMED	NEEDS REVIEW
OWNERSHIP _____	()	()
FORFEIT/ABANDON _____	()	()
ADDITIONAL DIV. AMOUNT _____	()	()

B. SPLIT WATER RIGHT REVIEW

ROOT WATER RIGHT NUMBER: 41-07029

TOTAL DIVERSION RATE OF WR SPLITS

DATABASE
30.000

EXAMINER _____

CFS

SPLITS:

OLD RIGHT NUMBERS	CURRENT CLAIM NUMBERS	DIVERSION RATE	CURRENT "R" CLAIM NUM.	"R" DIV. RATE	WR RIGHT NUMBERS	DIVERSION RATE
-	A41-07029	22.270	-		41-07029	30.000

TOTAL CFS

22.270

30.000

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
NFIELD
EXAMINER

REMARKS:

AUTHENTICATION:

SIGNATURE: _____

DATE: _____

NAME OF FIELD EXAMINER: _____ TITLE: _____

Water Right Number - 41-07029

Prefix Translation: WATER RIGHT

Old (D) Number -

*** C - CURRENT OWNER ***
BENSON DON

1 - 231 POLK
2 -
3 -

City- AMERICAN FALLS State- ID Zip- 832110000
Phone -

Priority Date - 10/07/1977 Region - 17 SOUTHERN Stage - P - PERMIT Status -

Source - FALL CREEK Tributary - SNAKE RIVER

Twn Rng Sec Tract Lot Rflg County Point of Diversion - Stream Index (Blank if no Index Code)

09S 29E 28 NW SE (77) POWER

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

19 - FISH PROPAGATION

01/01 12/31

30.000

Total Div. Rate - 30.000 Total Div. Volume - Total Div. Capacity -

Twn Rng Sec Tract Lot Acres Place of Use Code Description County

09S 29E 28

19 FISH PROPAGATION

(77) POWER

- - - - - Diversion Means - HEADGATES, DITCHES & FISH PONDS.

- - - - - Non-Irrigation Use -

- - - - - Other Rights for Same Use -

Remarks - No Remarks found.

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

01A - For licensing purposes, a scientific measurement of the diversion rate of the system as it is normally operated shall be provided by either properly installing and approved type of measuring device or by having a professional engineer certify the rate of diversion to the Department prior to submitting proof of beneficial use of water.

WATER TIGHT

+ - Decree Date - +
00/00/0000

No Comments Found

```

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

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Proof Due Date	- 01/01/1983	Field Exam Made	- 00/00/0000	Field Exam Fee	- R
Approved/Denied	- 00/00/0000	Protested Date	- 00/00/0000	Swan Falls	- Z
Proof Made Date	- 11/01/1982	Hearing Date	- 00/00/0000	Temporary Right	- P
Exam to S.O. Date	- 00/00/0000	Verified Date	- 00/00/0000	DLE/Carrey Act	-
Order Show Cause	- 00/00/0000	Receipt Number	-	Water District	- 01
Licensed Date	- 00/00/0000	Appl Received	- 00/00/0000	Transfer/Amended	-
Decree Date	- 00/00/0000	Presumption Flag	-		