

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: A72-10379
Date Received: 1/04/1990
Receipt No: S010836
Received By: _____
DATA ENTERED BY: Scs
DATE: 1-4-90

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: JAMES R. BENNETTS 208-879-2725
Address: P.O. BOX 623
CHALLIS, ID 83226
OR
Name: ANN BENNETTS 208-879-2725
Address: P.O. BOX 623
CHALLIS, ID 83226

2. Date of Priority: MAY 01, 1973

3. Source: COLD SPRINGS CREEK Trib. to: SALMON RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
13N	19E	22	NW	NW	NW		CUSTER

5. Description of diverting works:
CONCRETE HEADBOX, 3"X 900' PLASTIC PIPE, 2"X 900' & 1"X 800' PIPE

6. Water is used for the following purposes:

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

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
D/1 HOUSE & LAWN

A72-10379

Page 1

Date: 01/04/90

MICROFILMED
MAR 18 1993

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
13N	19E	16	SW	SE		DOMEST	

11. Place of use in counties: CUSTER

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

13. Other Water Rights Used:
NONE

14. Remarks:

15. Basis of Claim: BENEFICIAL USE

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): _____ Date: _____
_____ Date: _____

State of Idaho)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this _____ day
of _____ 19 _____

Notary Public

Seal

Residing at _____
My Commission Expires _____

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLSIN RE THE GENERAL ADJUDICATION
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Identification No. A72-10379

Date Received

Receipt Number 5010836 *see*NOTICE OF CLAIM
TO A
WATER RIGHT

ACQUIRED UNDER STATE LAW

For Domestic and/or Stockwater Purposes

Where Daily Use is less than 13,000 gallons per day

Filing Fee \$25

RECEIVED

JAN 4 1990

Department of Water Resources
Southern Region Office

Please type or print clearly

1. Name of Claimant (s) JAMES R. BENNETTS OR ANN BENNETTS Phone 208) 879-2725Mailing Address P. O. Box 623, Challis, Idaho Zip 832262. Date of Priority (Only one per claim) 05/01/1973 Month/Day/Year3. Source of water supply (Check one) () Groundwater or Other (x) (a) Cold Springs Creek
which is tributary to (b) Salmon River Name or kind of source4. Location of point of diversion is: Township 13 N Range 19 ESection 22, NW 1/4 of NW 1/4 of NW 1/4, Govt. Lot , BM.,County of CusterAdditional points of diversion if any: 5. Description of existing diversion works (Ditches, Wells, Pumps, Pipelines, Headgate Etc.), including the dates of any changes or enlargements in use, the dimensions of the diversion works as constructed and as enlarged and the depth of each well. Concrete headbox over spring, 900 feet, 3-inch plastic pipe, 900 feet of 1½" to 2" pipe and 800 feet of 1" pipe to place of use.

6. Water is claimed for the following: (limited to Domestic and/or Stockwater only. See Instructions.)

For Domestic purposes from 01/01^{Month/Day} to 12/31^{Month/Day} amount 0.04^(cfs)For purposes from to amount
(Both dates are inclusive)7. Total quantity claimed 0.04 (cfs)8. Total consumptive use claimed is de minimus9. Non-irrigation uses. Describe fully. (Domestic: give number of households served if single ownership; Stockwater: Type and Number of livestock) Single household and yard.

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MAR 18 1993

10. Place of use is: Township: 13 N Range 19 E
Section 16, SW 1/4 of SE 1/4, Govt. Lot _____, B.M.,
for (Circle One) Domestic Stock Domestic and Stock
Additional places of use, if any _____

11. In which county (ies) are lands listed above as place of use located? Custer

12. Do you own the property listed above as place of use? Yes X No _____
If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above.
(X) None or _____

14. Remarks: _____

15. Basis of Claim (Circle One) Beneficial Use Posted Notice License Permit Decree

Court _____ Decree Date _____ Plaintiff vs Defendant _____

If applicable provide IDWR Water Right Number _____

16. Signature (s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understood the form entitled "How you will receive notice in the Snake River Basin Adjudication". (b.) I/We do _____ do not X wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of Attachments 0

For Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant (s) Jane R Bennett Sr Date Dec 29, 1989

Anna E. Bennett Date Dec 29, 1989

For Organizations: I do solemnly swear or affirm that I am _____

of _____, that I have signed the foregoing

document in the space below as _____ of _____

and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent _____ Date _____

Title and Organization _____

State of Idaho/or _____)

County of CUSTER) SS.

NOTARIZATION REQUIRED FOR EACH CLAIM

Subscribed and sworn (or affirmed) before me this 29 day of December 19 89

SEAL

Notary Public Ratsy Kindt

Residing at Challis Id

My Commission Expires 3/12/92

Last Name BENNETTS Ident No. _____

Copies: White-State, Yellow-Claimant

MICROFILMED

MAR 18 1993

JAMES R. BENNETTS

ATTORNEY AT LAW

P.O. Box 36

CHALLIS, IDAHO 83226

(208) 879-4488

December 29, 1989

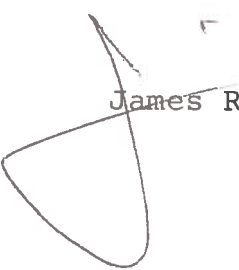
Idaho Department of Water Resources
2148 4th Avenue East
Twin Falls, ID 83301

Re: James R. Bennetts Sr. Water Filing

Dear Sirs:

Enclosed is the Notice of Claim to a Water Right for Domestic purposes for my father, along with a check in the amount of \$25.00.

Very truly yours,


James R. Bennetts

JRB:jab
Enclosures

RECEIVED

JAN 4 1990

Department of Water Resources
Southern Region Office

MICROFILMED

MAR 18 1993



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 2148 4th Ave. East, Twin Falls, Idaho 83301 (208) 734-3578

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

Jan. 9, 1990

Re: A72-10379

JAMES R BENNETTS
P O BOX 623
CHALLIS ID 83226

Dear Claimant(s):

Please find enclosed your receipt and a copy of a computer generated claim based on the information from your original claim(s) which has been entered in our computer records.

Please review the computer generated claim for accuracy. In a few instances clarifications may have been added by the Department at the time of data entry. If you have any questions or objections regarding the computer record of your claim(s), please contact this office.

Yours truly,

A handwritten signature in cursive script, appearing to read 'Judy Givens'.

Judy Givens
Adjudication Secretary

/jg

Enclosures:

MICROFILMED

MAR 18 1993

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
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CIVIL CASE NUMBER: 39576

Ident. Number: A72-10379
Date Received: 1/ 4/1990
Receipt No: S010836
Received By: _____

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

AMENDED

1. Name: JAMES R BENNETTS 208-879-2725
Address: PO BOX 623
CHALLIS ID 83226
OR
Name: ANN BENNETTS 208-879-2725
Address: PO BOX 623
CHALLIS ID 83226

2. Date of Priority: MAY 1, 1950

3. Source: COLD SPRINGS CREEK Trib. to: SALMON RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
13N	19E	22	NW	NW	NW		CUSTER

5. Description of diverting works:
CONCRETE HEADBOX, 3"X 900' PLASTIC PIPE, 2"X 900' & 1"X 800' PIPE

6. Water is used for the following purposes:

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

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
D/1 HOUSE & LAWN

MICROFILMED
NOV 01 1994

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
13N	19E	16	SE	SE		DOMEST	

11. Place of use in counties: CUSTER

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

13. Other Water Rights Used:
NONE

14. Remarks:

15. Basis of Claim: BENEFICIAL USE

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): _____ Date: _____
_____ Date: _____

State of Idaho)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this _____ day
of _____ 19 _____

Notary Public

Seal

Residing at _____
My Commission Expires _____

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NOV 01 1994

SD-0420-2
MODIFY RECORD

Idaho Department of Water Resources
Modify Comment

Date: 07/26/92
Time: 10:51:10

Water Right Number: R72-10379

Comment Date: 12/14/1992 User ID: CLELLAND

Subject: IDWR WILL COMPLETE REVIEW

THIS IS A SURFACE WATER SOURCE AND OTHER WATER RIGHTS FOR THIS
CLAIMANT MUST BE FIELD EXAMINED AT THE SAME TIME.

(ENTER=Continue/Exit) (Gold2=Update) (Gold3=Delete) (Gold4=Prev) (Gold5=Next)

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IN RE THE GENERAL ADJUDICATION
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CIVIL CASE NUMBER: 39576

RECEIVED

SEP 24 1993

Department of Water Resources
Southern Region Office

Amended
NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

Ident. Number: A72-10379
Date Received: 1/04/1990
Receipt No: S010836
Received By: _____
DATA ENTERED BY *SSS*
DATE *1-4-90*

1. Name: JAMES R. BENNETTS 208-879-2725
Address: P.O. BOX 623
CHALLIS, ID 83226
OR
Name: ANN BENNETTS 208-879-2725
Address: P.O. BOX 623
CHALLIS, ID 83226

2. Date of Priority: MAY 01, ¹⁹⁵⁰1973

3. Source: COLD SPRINGS CREEK Trib. to: SALMON RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
13N	19E	22	NW	NW	NW		CUSTER

5. Description of diverting works:
CONCRETE HEADBOX, 3"X 900' PLASTIC PIPE, 2"X 900' & 1"X 800' PIPE

6. Water is used for the following purposes:

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

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
D/1 HOUSE & LAWN *related to homestead*

A72-10379

Page 1

Date: 01/04/90

RECORDED
MICROFILMED
1994

NOV 01 1994

RECORDED

MAR 18 1993

10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
13N	19E	16	<u>SW</u> SE		DOMEST	

11. Place of use in counties: CUSTER

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

13. Other Water Rights Used:
NONE

14. Remarks:

15. Basis of Claim: BENEFICIAL USE

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s):

James Bennett

Date:

22 Sept 1993

Date:

State of Idaho)

County of

Custer

) SS.

Subscribed and sworn (or affirmed) before me this 23rd day

of

September 19 93

Della Brower
Notary Public

Seal

Residing at

Clayton

My Commission Expires

7/6/99

FEB-25-1997
0009

1

RIGHT NUMBER: 72-10379

NAME AND ADDRESS:

JAMES R BENNETTS
ANN BENNETTS
PO BOX 623
CHALLIS ID 83226

SOURCE:

UNNAMED STREAM
~~SPRING CREEK~~

TRIBUTARY: SALMON RIVER
~~SALMON RIVER~~

QUANTITY:

0.04 CFS

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

PRIORITY DATE:

05/01/1950

POINT OF DIVERSION:

T13N R19E S22

NNNNW

Within CUSTER County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE
DOMESTIC 1 HOME

PERIOD OF USE
01-01 12-31

QUANTITY
0.04 CFS

PLACE OF USE:

DOMESTIC
T13N R19E S16

Within CUSTER County
SESE

OTHER MATTERS 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.

EXPLANATORY MATERIAL:

BASIS OF CLAIM - BENEFICIAL USE
PARCEL NO. RP13N19E161801A

SOURCE IS ALSO KNOWN AS COLD SPRING CREEK.

OWNER CODE NAME & ADDRESS PRIORITY DATE WATER USE USE PERIOD FROM TO DIVERSION RATE DIVERSION VOLUME
C JAMES R BENNETTS 05/01/1950 DOMESTIC 01-01 12-31 0.04 CFS
C ANN BENNETTS TOTAL DIVERSION: 0.04 CFS
PO BOX 623
CHALLIS ID 83226
(208) 879-2725

Water Source: UNNAMED STREAM Tributary to: SALMON RIVER Stage: BENEFICIAL USE
Point(s) of Diversion: T13N R19E S22 NWNNW CUSTER County

Place of use Legal Description for: DOMESTIC

NE										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 Lt Ac Lt Ac :																													
13N 19E 16 :																				D :									

POU County: CUSTER
Non-Irrigation Uses: 1 HOME
Other Rights: NONE

Conditions of Approval:
N11 - THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A
- DETERMINATION OF HISTORICAL BENEFICIAL USE.
N13 - THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000
- GALLONS PER DAY.

Remarks: EXP PARCEL NO. RP13N19E161801A
SOURCE IS ALSO KNOWN AS COLD SPRING CREEK.

Dates: Exam Made Date: 09/22/1993 Verified Date: 06/03/1994 Objection Filed Date:
Misc: Water District Number: Field Inspection Flag:
Presumption Flag:

Comments: Date: 12/14/1992 User-ID: CLELLAND Subject: IDWR WILL COMPLETE REVIEW
THIS IS A SURFACE WATER SOURCE AND OTHER WATER RIGHTS FOR THIS
CLAIMANT MUST BE FIELD EXAMINED AT THE SAME TIME.

Date: 01/14/1997 User-ID: DS1-PROD Subject: D&S 1 HOME UPDATE

564
2/25/97

AJ5809NP
No. R72-10379

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 01/17/97
PAGE: 65

Comments:

Date: 01/14/1997 User-ID: DS1-PROD Subject: D&S 1 HOME UPDATE
USE-NOT-IRRIGATION FIELD TEXT REPLACED WITH "1 HOME".
CONDITION CODES N11 AND N13 ADDED IF NOT ALREADY PART OF RECORD.
ANY GEN REMARK CHANGED TO AN EXP REMARK.

Audit:

12/14/92 CLELLAND 07/26/93 SMITH 06/03/94 CLELLAND 03/30/95 POST-STD
01/14/97 DS1-PROD

R PROOF



CVR D&S



MAPS



PHOTOS



MISC

~~MICROFILMED~~

NOV 01 1991

DATE: 06/05/94

DIVERSION
VOLUME

0.04 CFS

0.04 CFS

Stage: BENEFICIAL USE

CUSTER County

MS

[illegible]

Other Rights: NONE

Dates: Exam Made Date: 09/22/1993 Verified Date: 06/03/1994

Field Inspection Flag:
Presumption Flag:

Comments: Date: 12/14/1992 User-ID: CLELLAND Subject: IDWR WILL COMPLETE REVIEW THIS IS A SURFACE WATER SOURCE AND OTHER WATER RIGHTS FOR THIS CLAIMANT MUST BE FIELD EXAMINED AT THE SAME TIME.

Audit: 06/03/94 CLELLAND

MICROFILMED
NOV 01 1994

CLAIM NO. A72-10379

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

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

MICROFILMED

NOV 01 1994

MM

10. ☒ No Change - PLACE OF USE: (If changed, list below.)
Use Twp. Rge. Sec. 1/4, 1/4, 1/4

as amended

16 SE SE

11. ☒ Checked: N/A

12. ☒ Checked: N/A

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

☐ CHANGE: NONE

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

☒ Add the following standard remarks:

LIST STANDARD REMARKS FOR THE RECOMMENDATION:

Boi source AKI = Cold Spring Creek

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

COMMENTS: (pertinent to field examination)

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

PHOTOS

MAP

SYSTEM DIAGRAM

☐
☐
☐

☐
☒
☐

DATE EXAM CONDUCTED: 9-22-93

FIELD EXAMINER: STEVE CHELLAND

Signature

Steve Chelland

REVIEWED BY/DATE:

Sa 6-3-94

DATA ENTRY BY/DATE:

VERIFICATION BY/DATE:



8

9

POOR ORIGINAL

17

16

15

T
13
N

20

21

22

R19E

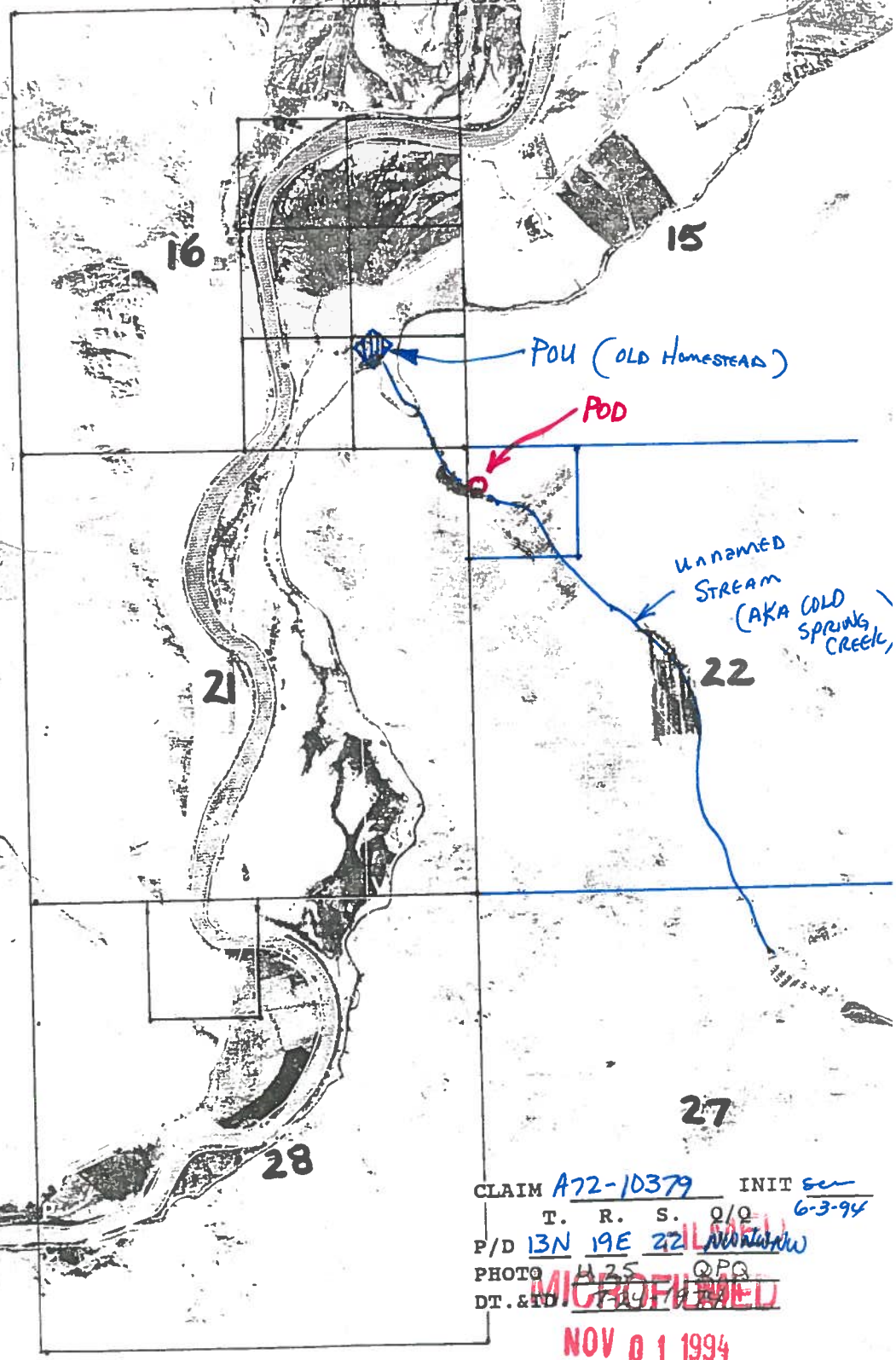
29

28

27

CLAIM A72-10379 INIT SW
T. R. S. Q/Q 6-3-94
P/D 13N 19E 22
PHOTO H 25 QPQ
DT. & TO 7-14-79

NOV 01 1994



A72-10379 w/ J. Bennett

9-22-93
su

Domestic use from Cold Springs Creek

Priority: 5-1-1973
needs permit!

1973 priority
Date

Surface water
(after 5-20-71)

Permit Regs

Cisterns on East Side of Creek System has been replaced by well. Earthquake reduced the flow and finally unusable in 1992 when well replaced it.

Delivery System still in place to this Homestead.

priority predates the 1950's
Amended procedures in process.

6-3-94 amendment data entered
su

MICROFILMED

NOV 01 1994