

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: A37-00177H
Date Received: 7/01/1988
Receipt No: S000667
Received By: SCC

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: JAKE K. SULLIVAN 208-886-2554
Address: P.O. BOX S
SHOSHONE, ID 83352

AND/OR

Name: MARY M. SULLIVAN 208-886-2554
Address: P.O. BOX S
SHOSHONE, ID 83352

2. Date of Priority: APR 01, 1883

3. Source: LITTLE WOOD RIVER Trib. to: MALAD RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
05S	17E	35	NE	SE	SE		LINCOLN

5. Description of diverting works:
CITY PUMP #69-P2

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	0.040		

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

8. Total consumptive use is 8.0 Acre Feet Per Annum.

9. Non-irrigation uses:

A37-00177H

Page 1

Date: 07/01/88

MICROFILMED
FEB 22 1993

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
05S	17E	35	SE	SE		IRR	1.0
						Section Acres	1.0
		36	SW	SW		IRR	1.0
						Section Acres	1.0
						Total Acres	2.0

11. Place of use in counties: LINCOLN

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

13. Other Water Rights Used:
CITY WR

14. Remarks:

TRANS. 279, 723, 803, 804.

P/U CONFIRMED BY LINCOLN CO. ASSESSOR & PRESENT RIGHT HOLDER

P/U IS IN BEND OF RIVER ON EAST & WEST SIDES OF CITY LINE.

FARM = 3.87 AC.

15. Basis of Claim: DECREED

Water Right Number:

Case Number:

Court :

Decree date:

S. C. FROST, ET. AL.

Decree Plaintiff

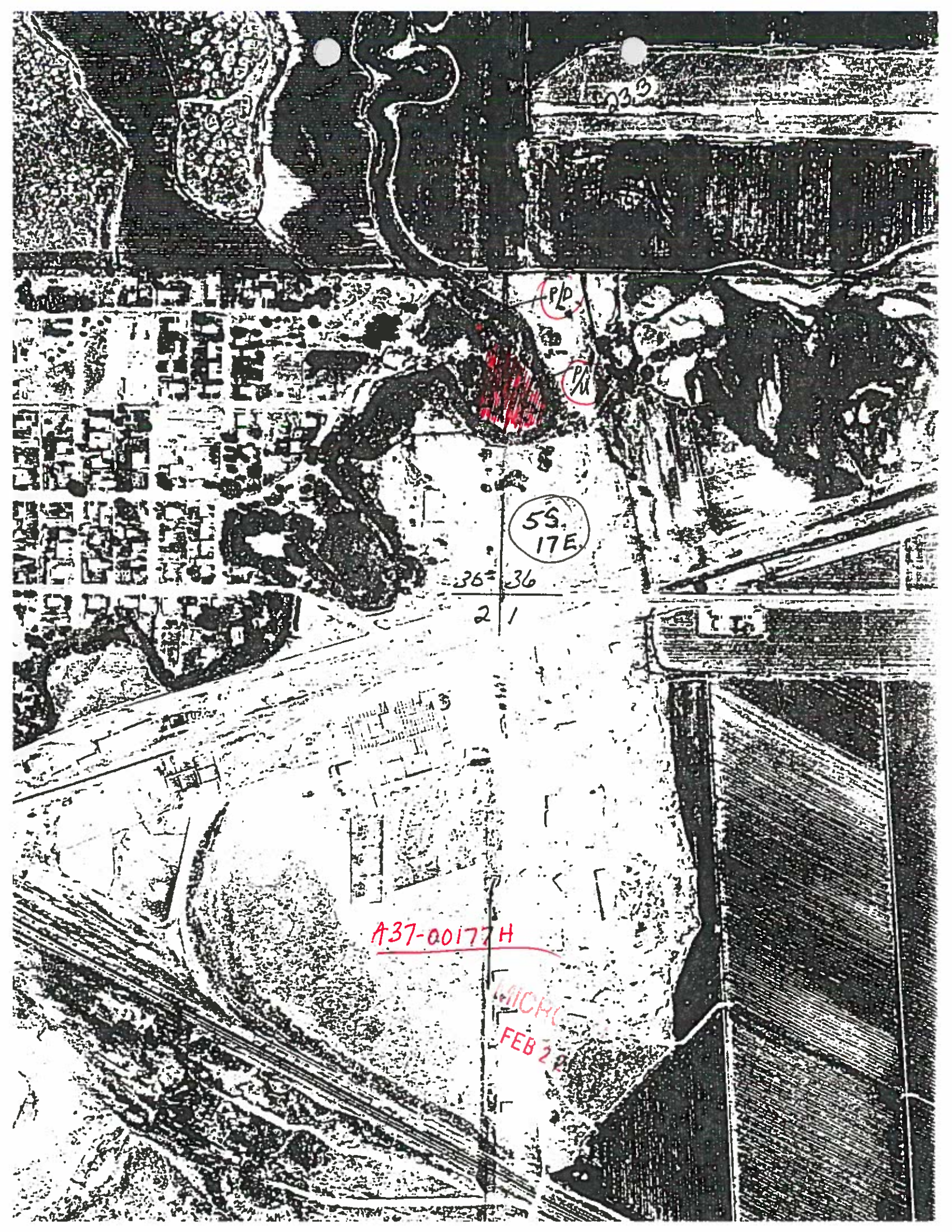
vs

ALTURAS WATER COMPANY, ET. AL.

Decree Defendant

(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 X do not wish to receive and pay a small annual fee for monthly copies of the docket sheet.

701/88
MICROFILMED
FEB 22 1988



33

P/D

P/A

55
17E

36

36

2

1

A37-00177H

MICH

FEB 22



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

January 10, 2006

GERHARDT & LAVON BENCK
710 N FLORENCE
SHOSHONE ID 83352

RE OWNERSHIP CHANGE: Adjudication Claims #37-177H

Dear Mr. and Mrs. Benck

Thank you for submitting the NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP form. Our records, however, cannot be updated without the required information listed under item 2 of the ownership change form. Specifically, we need a copy of Attached exhibit "A" of your warranty deed.

Enclosed is your original ownership change form. Please attach the required information and return the entire packet. As soon as this information is received, our records will be updated and you will be notified by mail that the change has been completed.

Thank you for your prompt attention to this matter and should you have any questions please feel free to contact me.

Sincerely,

Carrie Hahn
Clerk
enc.

RECEIVED
JAN 09 2006
Department of Water Resources
Southern Region

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

Please print or type. Attach pages with additional information. Instructions are included at the end of this form.
Photographic forms will be returned.

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided (under the "split" heading), if the change in ownership is limited to a portion of a water right in which case division of the existing water right or adjudication claim record will be required.

Water Right No(s)	Adjudication Claim No(s)	Split	Water Right No(s)	Adjudication Claim No(s)	Split
37-774-VI					

2. The following REQUIRED information must be submitted with this form:

- A. The appropriate FILING FEE. See instructions for fee amounts.
- B. A copy of the most recent DEED, TITLE POLICY, CONTRACT OF SALE or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, WITH ATTACHED LEGAL DESCRIPTION.
- C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
PLAT OF PROPERTY or SURVEY MAP clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).
OR
If your water right(s) and/or adjudication claim(s) is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency AERIAL PHOTO with the irrigated acres outlined and point(s) of diversion clearly marked. The AERIAL PHOTO should be submitted in place of the PLAT OF PROPERTY or SURVEY MAP.

3. Name and Address of Former Owner/Claimant(s)

JAKE + MARY SULLIVAN

PO BOX 5, SHOSHONE, ID, 83352

4. New Owner/Claimant(s)

GERHARDT + LAVON BENCK

(Name Corrected (Check one):) (and,) (or,) (and/or)

ALSO
160 POLE
LINE RD
#152
TWIN F.
83301

New Mailing Address

710 N. FLORENCE

City, State and ZIP Code

SHOSHONE, ID, 83352

New Telephone Number

(530-277-5541

5. Date you acquired the property

11-10-03

6. If the change in ownership affects the entire water right for each water right or adjudication claim number listed in item 1, THEN SKIP THIS ITEM AND GO TO ITEM 7. If the change in ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (one water right per box, you may copy this page as necessary). If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest NWR office for assistance.

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number <u>37-177H V1</u>		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	<u>0.040 CFS</u>	
Stock	<u>0</u>	
Domestic	<u>0</u>	
Other	<u>0</u>	
Total	<u>0.040 CFS</u>	

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other	_____	_____
Total	_____	_____

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

JB J...
Thurgood Smith

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

For Office Use Only

Received by _____ Date _____ Fee _____
 Receipted by _____ Date _____ Receipt No. _____
 Processed by _____ AJ Date _____ WR _____ Date _____

Order No. T031268

1030114

WARRANTY DEED

For Value Received

Jake K. Sullivan and Mary Sullivan, Husband and Wife

the grantors, do hereby grant, bargain, sell, and convey unto

G.J. Benck Jr. and LaVon M. Burgess-Benck, Husband and Wife

the grantees, whose current address is

710 NORTH FLORENCE , SHOSHONE, ID 83352

the following described premises, to-wit:

See Attached Exhibit "A"

STATE OF IDAHO	175821
COUNTY OF LINCOLN	
Record	of
Gooding Title	
NOV 10 2003	
at 14 min	
recorded by	
Fee:	Return to

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantees, /their heirs and assigns forever. And the said Grantors do hereby covenant to and with the said Grantees, that they are the owners in fee simple of said premises; that said premises are free from all encumbrances except current years taxes, levies, and assessments, and except U. S. Patent reservations, restrictions, easements of record, and easements visible upon the premises, and that they will warrant and defend the same from all claims whatsoever.

08/19/2003

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

RIGHT NUMBER: 37-177H

NAME AND ADDRESS: MARY M SULLIVAN
PO BOX S
SHOSHONE ID 83352

JAKE K SULLIVAN
PO BOX S
SHOSHONE ID 83352

SOURCE: LITTLE WOOD RIVER

TRIBUTARY: MALAD RIVER

QUANTITY: 0.040 CFS

PRIORITY DATE: 04/01/1883

POINT OF DIVERSION:

T05S R17E S35 NESESE Within LINCOLN County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/15 11/15	0.040 CFS

PLACE OF USE: IRRIGATION Within LINCOLN County

T05S R17E S35	SESE	1.0	T05S R17E S36	SWSW	1.0
---------------	------	-----	---------------	------	-----

2 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: Decreed

IDAHO DEPT OF WATER RESOURCES

37-177H



660 0 660 Feet

-  Basin 37 part 1-POU
-  Basin 37 part 1-POD
-  Ownership FED-Private
-  Streams
-  Section Lines
-  Quarter - Quarter lines

TWN: 5S
RNG: 17E



GIS Place of Use Presentation
NAPP Aerial Photo 1987/1988
By Steve Clelland

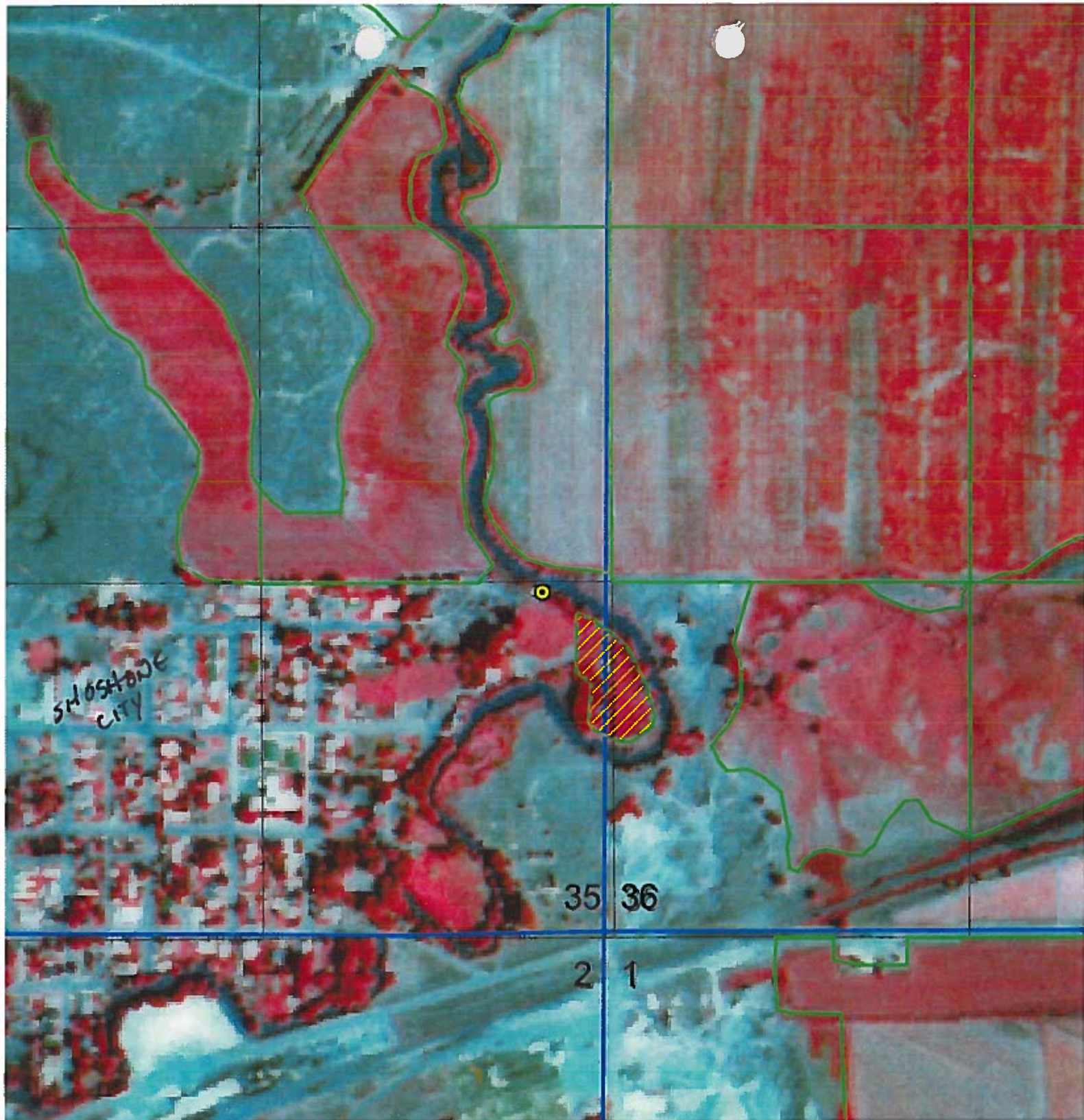
Date: AUGUST 19, 2003

37-177H

8/19/03
sa

Decreed right as transferred.
split appears okay as claimed.

G15 = 2 Acres



31-177H
T5s R17E

11-19-02
500

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 37-177H

WATER RIGHT NUMBER: 37-177H

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	GOODING MOTT DITCH ASSN
	SHOSHONE, ID 83352
Original Owner	CHARLES DILL
	, ID

Priority Date: 04/01/1883

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
LITTLE WOOD RIVER	MALAD RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	/ to /	0.040 CFS	
	<u>Total Diversion:</u>	0.040 CFS	

Location of Point(s) of Diversion

LITTLE WOOD RIVER	SE1/4SE1/4	Sec. 35, Twp 05S, Rge 17E, B.M.
LINCOLN County		

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
05S	17E	35																	X
05S	17E	36											X						

Conditions of Approval:Remarks:

- General TRANS. 279, 723, 803, 804.
P/U CONFIRMED BY LINCOLN CO. ASSESSOR & PRESENT RIGHT HOLDER P/U IS IN
BEND OF RIVER ON EAST & WEST SIDES OF CITY LINE.
FARM = 3.87 AC. AC. IRRIG. UNKNOWN.

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report 37-177H

Comments:

Dates and Other Information:

Licensed Date:
Decreed Date: 12/13/1909
Water Supply Bank Enrollment Accepted:
Water Supply Bank Enrollment Removed:
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
State or Federal:
Owner Name Connector:
Water District Number: 37M
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Decree Defendant:
Decree Plaintiff:
Civil Case Number:
Judicial District:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False