

04/23/2003

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

RIGHT NUMBER: 29-7393A

NAME AND ADDRESS: GREGORY M BEENKEN REVOCABLE LIVING TRUST
7940 NW 10 ST
PLANTATION FL 33322

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.440 CFS
77.000 AFY

USE OF THIS RIGHT WITH RIGHT NO. 29-07393 IS LIMITED TO A TOTAL
COMBINED DIVERSION RATE OF 1.41 CFS AND TO A TOTAL COMBINED
ANNUAL DIVERSION VOLUME OF 246.75 AF.

PRIORITY DATE: 11/04/1982

POINT OF DIVERSION:

T09S R38E S20 NWSE Lot 2 Within BANNOCK County Source: GROUND WATER

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/15 10/15	0.440 CFS 77.00 AFY

PLACE OF USE: IRRIGATION Within BANNOCK County

T09S R38E S20 Lot 3 SESW 21.0 T09S R38E S29 Lot 1 NENW 1.0

22 ACRES TOTAL

USE OF THIS RIGHT WITH RIGHT NO. 29-07393 IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 70.5 ACRES IN A SINGLE
IRRIGATION SEASON.

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 22.0 ACRES WITHIN THE
PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

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: License

USE OF WATER UNDER THIS RIGHT IS COMBINED WITH WATERS FROM
DEMPSEY IRRIGATION CO. AND FISH CREEK CANAL.

RIGHT NO. 29-07393 IS ALSO DIVERTED THROUGH POINT OF DIVERSION
DESCRIBED ABOVE.

04/21/2003

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

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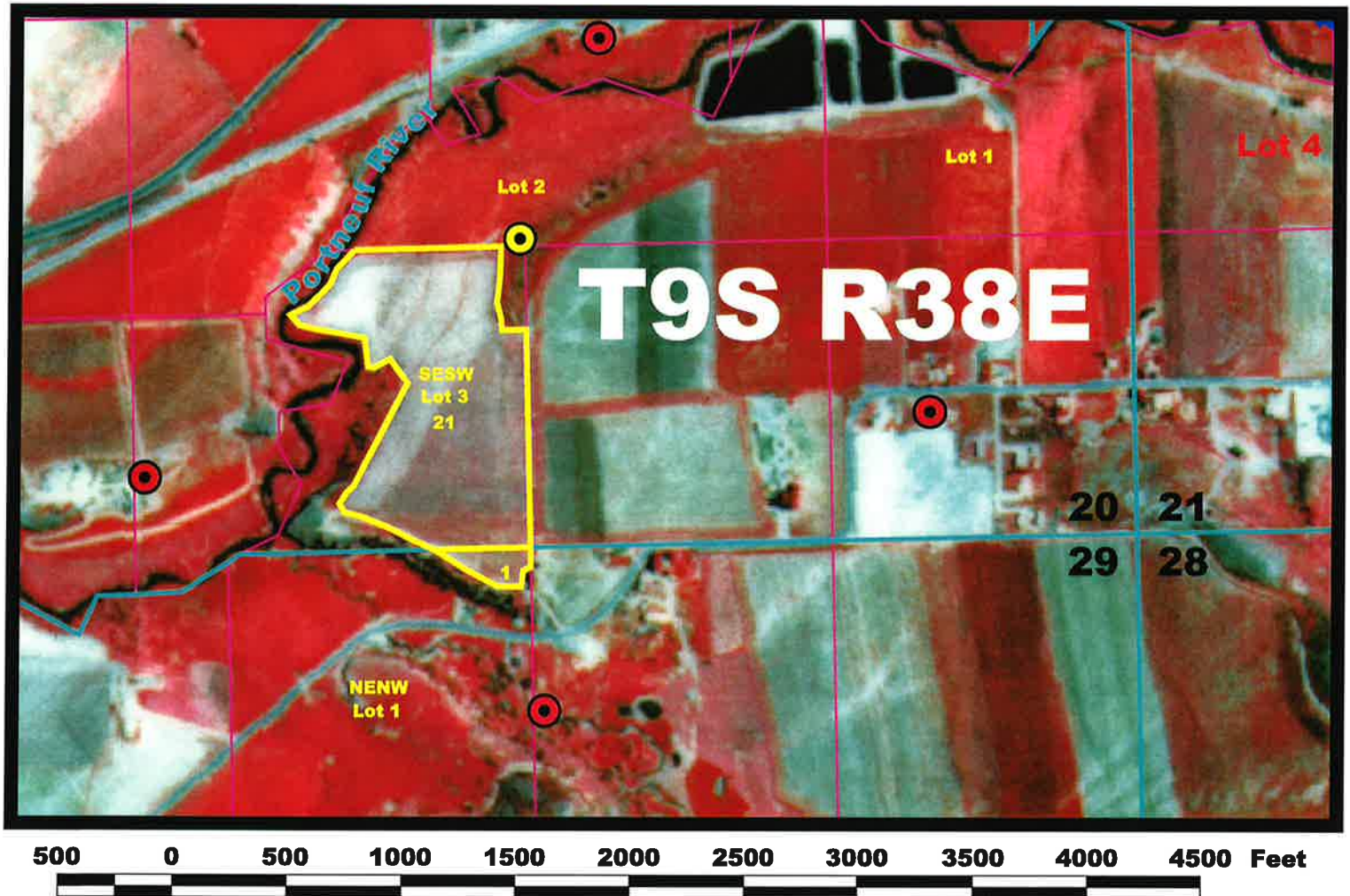


STATE OF IDAHO

Department of Water Resources

Eastern Region

Water Right(s): 29-07393A



LEGEND

-  Place of Use
-  Section
-  Quarter-Quarter
-  Point of Diversion

Place of Use: T9S, R38E
(parts of) Sec. 20 SESW (L3),
Sec. 29 NENW (L1)

Point(s) of Diversion: T9S, R38E
Sec. 20 NWSE (L2)



GIS Place of Use Illustration
1987/1988 NAPP photography
Prepared by: A. Ruberry
Date: January 2002

3-1

QUIT-CLAIM DEED

RECEIVED
APR 17 2003
Department of Water Resources
Eastern Region
E20308106

THIS INDENTURE, made this 2 day of March, 2003, between Rita Ann Beenken and Gregory M. Beenken, as successor Co-Trustees, effective upon the death of Harold G. Beenken, predecessor Trustee of the Beenken Family Revocable Living Trust, UAD 12/11/1991, as evidenced by the copy of the Certificate of Death of Harold G. Beenken, attached hereto, whose complete mailing address is 7940 NW 10th Street, Plantation, Florida 33322, herein designated as Grantor, and the Gregory M. Beenken Revocable Living Trust, UAD 01/06/03, whose complete mailing address is 7940 NW 10th Street, Plantation, Florida 33322, herein designated as Grantee:

Grantor, for valuable consideration, does by these presents, Demise, Release and forever Quit Claim unto Grantee and his beneficiaries and assigns forever, the following described premises in the County of Bannock, State of Idaho, bounded and more particularly described as follows, to-wit:

Lot One (1), Section Twenty-Nine (29), and Lot Three (3), Section Twenty (20), and Tax Number Twelve (12), in Lot Two (2), Section Twenty-Nine (29), all in Township Nine (9) South, Range Thirty-Eight (38) East, Boise Meridian.

Also, any interest Grantor may have in a small tract in Lot Two (2), Section Nineteen (19), Township Nine (9) South, Range Thirty-Eight (38) East Boise Meridian, sometimes identified as Tax Number Eighteen (18).

Together with all and singular, the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, and the rents, issues and profits thereof.

TO HAVE AND TO HOLD, all and singular, the said premises, together with the appurtenances and privileges thereunto incident unto the Grantee and to his heirs or assigns forever.

IN WITNESS WHEREOF, the said Grantor have hereunto set hand and seal the day and year first above written.

SCANNED
MAY 03 2003

PROFILED

20308106
Service - Gasser - Kerv

3-8

20308106

RECEIVED AT REQUEST OF

FEE 9- DEPUTY MJ

GREGORY M. BEENKEN

2003 APR 1 PM 3 43

OFFICIAL RECORD BK# 827

LARRY E. SHAN RECORDER

STATE OF Florida

County of Broward SS

On this 17th day of March, 2003, before me, a Notary Public in and for said County and State, personally appeared GREGORY M. BEENKEN, known to me to be the person whose name he subscribed to the within instrument, and acknowledged to me that he 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.

(SEAL) Carol Wahler
My Commission DD106984
Expires April 7 2006

NOTARY PUBLIC For Gregory M. Beenken
Residing at: 8800 W. Bradford Blvd Plant Ft. 333
Commission Expires 4/7/2006

STATE OF SC

County of Allendale SS

On this 20 day of March, 2003, before me, a Notary Public in and for said County and State, personally appeared RITA ANN. BEENKEN, known to me to be the person whose name she subscribed to the within instrument, and acknowledged to me that she 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.

(SEAL)

SCANNED

MAY 03 2006

QUIT-CLAIM DEED-2

NOTARY SEAL
Helen P. Freeman
NOTARY PUBLIC For South Carolina
Residing at: 577 Darlington St Fairfax, SC
Commission Expires 6/10/04

OFFICE of VITAL STATISTICS

CERTIFIED COPY

3-3

20308106

CERTIFICATE OF DEATH
FLORIDA

LOCAL FILE NO.		1. DECEDENT'S NAME FIRST: Harold MIDDLE: George LAST: Beenken		2. SEX: Male	
3. DATE OF DEATH (Month, Day, Year) December 10, 2002		4. SOCIAL SECURITY NUMBER [REDACTED]		5a. AGE - Last Birthday (years): 80	
6. DATE OF BIRTH (Month, Day, Year) August 09, 1922		7. BIRTHPLACE (City and State or Foreign Country) Lakota, Iowa		5b. UNDER 1 YEAR Months: Days: Hours: Minutes:	
9a. PLACE OF DEATH (Check only one: see instructions on other side) HOSPITAL ☒ Inpatient ☐ Outpatient ☐ OOA ☐ OTHER: Nursing Home ☐ Residence ☐ Other (Specify):		9b. INSIDE CITY LIMITS? (Yes or No) Yes		8. WAS DECEDENT EVER IN U.S. ARMED FORCES? (Yes or No) Yes	
9c. FACILITY NAME (If not institution, give street and number) Florida Hospital - Orlando		9d. CITY, TOWN, OR LOCATION OF DEATH Orlando		9e. COUNTY OF DEATH Orange	
10a. DECEDENT'S USUAL OCCUPATION Electrical Engineer		10b. KIND OF BUSINESS/INDUSTRY Medical		11. MARITAL STATUS - Married, Never Married, Widowed, Divorced (Specify) Widowed	
12. SURVIVING SPOUSE (If wife, give maiden name)		13a. RESIDENCE - STATE Florida		13b. COUNTY Orange	
13c. CITY, TOWN, OR LOCATION Winter Park		13d. STREET AND NUMBER 200 St. Andrews Blvd. #1203		14. WAS DECEDENT OF HISPANIC OR HAITIAN ORIGIN? (Specify No or Yes - If yes, specify Haitian, Cuban, Mexican, Puerto Rican, etc.) No	
15. RACE - American Indian, Black, White, etc. White		16. DECEDENT'S EDUCATION (Specify only highest grade completed: Elementary/Secondary, College (1-3 or 4+)) 4		17. FATHER'S NAME (First, Middle, Last) Harm G. Beenken	
18. MOTHER'S NAME (First, Middle, Maiden Surname) Sina U. Miller		19a. INFORMANT'S NAME (Type or Print) Gregory M. Beenken		19b. MAILING ADDRESS (Street and Number or Rural Route Number, City or Town, State, Zip Code) 7940 N.W. 10 St, Plantation, FL 33322	
20a. METHOD OF DISPOSITION Burial ☐ Cremation ☒ Removal from State ☐ Donation ☐ Other (Specify):		20b. PLACE OF DISPOSITION (Name of cemetery, crematory, or other place) Orange County Crematory		20c. LOCATION - City or Town, State Orlando, Florida	
21a. SIGNATURE OF FUNERAL SERVICE LICENSEE OR PERSON ACTING AS SUCH [Signature]		21b. LICENSE NUMBER (of Licensee) KA0000546		21c. NAME AND ADDRESS OF FACILITY National Cremation Society Beacon Chapter 2315 Lee Road - Winter Park, FL 32789	
22a. To the best of my knowledge, death occurred at the time, date and place and due to the cause(s) as stated. (Signature and Title) [Signature]		22b. DATE SIGNED (Mo., Day, Yr) 12/16/02		22c. HOUR OF DEATH 16:50	
22d. NAME OF ATTENDING PHYSICIAN IF OTHER THAN CERTIFIER (Type or Print) Dennis Stevenson, M.D.		23a. On the basis of examination and/or investigation, in my opinion death occurred at the time, date and place and due to the cause(s) as stated. (Signature and Title) [Signature]		23b. DATE SIGNED (Mo., Day, Yr) 12/18/02	
23c. HOUR OF DEATH 16:50		23d. MEDICAL EXAMINER'S CASE #		24. NAME AND ADDRESS OF CERTIFIER (PHYSICIAN, MEDICAL EXAMINER) (Type or Print) Dennis Stevenson, M.D. 101 Edinburg Dr., Winter Park, FL 32792	
25a. SUBREGISTRAR - SIGNATURE AND DATE [Signature]		25b. LOCAL REGISTRAR - SIGNATURE Luis M. Wallace		25c. DATE REGISTERED DEC 18 2002	
26. PART I. Enter the diseases, injuries, or complications that caused the death. Do not enter the mode of dying, such as cardiac or respiratory arrest, shock or heart failure. List only one cause on each line. IMMEDIATE CAUSE (Final disease or condition resulting in death) → a. RESPIRATORY FAILURE b. HEART HYPOPERFUSION c. CLAPROPHOSIS d. HYPERTENSION (CHRONIC) Sequitely list conditions, if any, leading to immediate cause. Enter UNDERLYING CAUSE (Disease or injury that initiates events resulting in death) LAST RIGHT THORACOTOMY Pleurax Effusion		27a. WAS AN AUTOPSY PERFORMED? (Yes or No) No		27b. WERE AUTOPSY FINDINGS USED TO COMPLETE CAUSE OF DEATH? (Yes or No) No	
28. IF FEMALE, WAS THERE A PREGNANCY IN THE PAST 3 MONTHS? Yes ☐ No ☒		29. IF SURGERY IS MENTIONED IN PART I, ENTER CONDITION FOR WHICH IT WAS PERFORMED Pleurax Effusion		30. DATE OF SURGERY (Mo., Day, Year) 12/9/02	
31. PROBABLE MANNER OF DEATH (Specify: Natural, accident, suicide, homicide, or undetermined) NATURAL		32a. DATE OF INJURY (Month, Day, Year)		32b. TIME OF INJURY	
32c. PLACE OF INJURY - At home, farm, street, factory, etc. (Specify)		32d. INJURY AT WORK? (Yes or No)		32e. DESCRIBE HOW INJURY OCCURRED	
32f. LOCATION (Street and Number or Rural Route Number, City or Town, State)		THIS IS A CERTIFIED TRUE AND CORRECT COPY OF THE OFFICIAL RECORD ON FILE IN THIS OFFICE			

VOID IF ALTERED OR ERASED

VOID IF ALTERED OR ERASED



WARNING:
9734119

THIS DOCUMENT IS PRINTED OR PHOTOCOPIED ON SECURITY PAPER WITH A WATERMARK OF THE GREAT SEAL OF THE STATE OF FLORIDA. DO NOT ACCEPT WITHOUT VERIFYING THE PRESENCE OF THE WATERMARK.
THE DOCUMENT FACE CONTAINS A MULTI-COLORED BACKGROUND AND GOLD EMBOSSED SEAL. THE BACK CONTAINS SPECIAL LINES WITH TEXT AND SEALS IN THERMOCHROMIC INK.

DON FORM 1564A (3/99)

CERTIFICATION OF VITAL RECORD

FLORIDA DEPARTMENT OF
HEALTH

State Registrar

DEC 18 2002

SERVICE GASSER & KERL, PLLC.

ATTORNEYS AND COUNSELORS AT LAW

2043 EAST CENTER STREET
P.O. Box 6009
POCATELLO, ID 83205-6009

TEL: (208) 232-4471
FAX: (208) 232-1808
SENDER'S E-MAIL: JAS@SGKLAW.NET

allen



ARCHIE W. SERVICE
MONTE C. GRAY

CLARK GASSER
1929-2001

DARCY L. TAYLOR
PARALEGAL

April 16, 2003

State of Idaho
Department of Water Resources
900 N. Skyline Dr., Suite A
Idaho Falls, ID 83402-1718

RECEIVED
APR 17 2003
Department of Water Resources
Eastern Region

Re: Water Right Number: 29-7393A
The Beenken Family Revocable Living Trust
Gregory M. Beenken Revocable Living Trust

Dear Department:

In regard to the above water right, #29-7393A, I understand Mr. Greg Beenken has returned the Notice of Error Reply in regard to the Preliminary Recommendation for the SRBA. The Notice of Error was returned to note the change of ownership of the water right from the Beenken Family Revocable Living Trust, c/o Harold Beenken, to the Gregory M. Beenken Revocable Living Trust, c/o Gregory Beenken.

To support that change of ownership, enclosed please find a copy of a recorded Quit Claim Deed with a copy of a Certificate of Death for Harold Beenken attached. The deed transfers the property to which the water right attaches to the Gregory M. Beenken Revocable Living Trust. The transfer being the result of Harold Beenken's passing away and the property being acquired by his son, Gregory, and resulting trust.

If you have any questions, please contact either Gregory Beenken or me. Best regards.

SERVICE GASSER & KERL

Jim Spinner
Jim Spinner

JS/tdd

Enc.

cc: Greg Beenken

SCANNED
MAY 03 2003

NOTICE OF ERROR
REPLY

Allen

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: April 21, 2003

Water right number: 29-7393A

THE BEENKEN FAMILY REVOCABLE LIVING TRUST
C/O HAROLD BEENKEN - DECEASED
200 S ANDREWS BLVD APT 1203
WINTER PARK FL 32792
Telephone Number: (407) 671-8266

*GREGORY M. BEENKEN
REVOCABLE LIVING TRUST
7940 NW 10 ST.
PLANTATION, FLA 33322
(954) 452-8210*

*sent
ownership
change
form
4/16/03*

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):

2. Describe the changes you wish to make in the proposed recommendation:

3. Give a brief explanation as to why you disagree with these portions:

X I AGREE with this proposed recommendation: no changes need to be made.

DATE: 4-4-03 SIGNATURE: *Gregory M. Beenken*
Please print your name: GREGORY M. BEENKEN

IDWR Regional Office, 900 N Skyline Dr Ste A, Idaho Falls, ID 83402, 2085257161

4/21/03 Done

SRB

PROFILED

SCANNED
MAY 03 2005

RECEIVED

APR 11 2003

Department of Water Resources
Eastern Region

return ↓
↓ to sender

First Class Mail
Postage & Fees Paid
USPS
Permit No 6-10

DEPARTMENT OF WATER RESOURCES
EASTERN DISTRICT OFFICE
900 N. SKYLINE DR.
IDAHO FALLS, IDAHO 83402

**ADDRESS SERVICE
REQUESTED**



✓ C/O HAROLD BEENKEN
200 S ANDREWS BLVD APT 1203
WINTER PARK FL 32792

BEEN200 327923005 1C02 22 02/28/03
FORM 3547

BEENKEN, HAROLD G
7940 NW 10TH ST
PLANTATION FL 33322-5144

[illegible]

29-7393A

为 此 申 报

Departamentul de Văzire și Auzire
- București -



IDAHO DEPARTMENT OF WATER RESOURCES

SNAKE RIVER BASIN ADJUDICATION - BASIN 29



RIGHT ID 29 7393 A

POD ID 514039

Quad

Claim Type L

Easting 0

Northing 0

GPSID

Diversion Description

WATER SUPPLY IS FROM WELL ON NEIGHBOR'S PARCEL. THE WELL IS LISTED AND DESCRIBED ALSO UNDER WATER RIGHT NO. 29-07393.

Assumptions

Invoice #

Phase-0 (No Attention)
Phase-I (Ready to Go to Field)
Phase-II (Site Visit - Data Missin
Phase-III (Complete w/issues)
Phase-IV (Total Complete)

Linked

Photos

EPE (ft)

Date (M/D/Y)

Time

Flow Rate (CFS)

0

Open Channel Flow

☐ Complete one box from both Area and Calculation sections

Cross Sectional Area

☐ Circular Channel

- ☐ Less than half full
- ☐ Half full
- ☐ More than half full
- ☐ Full

Diameter 0

Depth

☐ Rectangular Channel

Width

Depth

Flow Calculation

☐ Continuity

Velocity 0

☐ Orifice

(Use only for head over a pipe flowing full with free discharge)

Depth of Water above orifice centerline

☐ Weir

(Use only for water flowing freely over weir)

Height of water above nappe

Width of weir

☐ Manning (If used, include photo of representative channel section)

Channel Slope

Channel Description

Concrete lined	.016
Smooth earth	.025
Earth	.033
Rough bed, weeds on sides	.04
Smooth natural stream	.033
Rough natural stream	.1

Pumped System

HP

Pressure Head (psi)

Elevation Head (ft)

Motor Mfg

Motor Serial #

Pump Type

Pump Mfg

Pump Serial#

New Contact Information

New Contact Comments

This Form and the associated query are the exclusive intellectual property of Intrepid Engineering Services, and may not be copied, modified, or distributed without the express written consent of Intrepid Engineering Service, Inc.



Carlsen, Ernie

From: Carlsen, Ernie
Sent: Friday, September 14, 2001 8:30 AM
To: 'Jim Spinner'
Subject: RE: Harold Beenken

Dear Mr. Spinner:

With the number you provided I have tracked down your clients claim. It is 29-7393A and is in the name of the Trust. The claim is being reviewed by Allen Ruberry, Senior Water Resource Agent, in this office. Mr. Ruberry has already examined the place of use and appears to have sufficient information to make his recommendation.

The claim is not on the contractors list.

Ernie Carlsen
Adjudication Section Supervisor

-----Original Message-----

From: Jim Spinner [mailto:jas@sgklaw.net]
Sent: Thursday, September 13, 2001 3:40 PM
To: Carlsen, Ernie
Subject: RE: Harold Beenken

Dear Mr. Carlson: Our records show the water right claim number is 29-07393. Thanks for your assistance. Jim Spinner

> -----Original Message-----

> From: Carlsen, Ernie [mailto:ECarlsen@idwr.state.id.us]
> Sent: Tuesday, September 11, 2001 3:22 PM
> To: 'jas@sgklaw.net'
> Cc: Carlsen, Ernie
> Subject: Harold Beenken

>

>

> Dear Mr. Spinner:

> I have researched our records and can not identify a water right
> claim either in the name of Harold Beenken or the Beenken Family
> Revocable

> Living Trust. If your client could provide the water right claim
> number(s)

> that will enable me to notify the contractor.

> Ernie Carlsen

> Adjudication Section Supervisor

>

> ecarlsen@idwr.state.id.us

>

1
PROFILED

SCANNED

MAY 03 2006

SERVICE GASSER & KERL, PLLC

ATTORNEYS AND COUNSELORS AT LAW

2043 EAST CENTER STREET
P.O. BOX 6009
POCATELLO, ID 83205-6009

TEL: (208) 232-4471
FAX: (208) 232-1808
SENDER'S E-MAIL: JAS@SGKLAW.NET

RECEIVED

SEP 13 2001

Department of Water Resources



RON KERL
STEVEN V. RICHERT
JAMES A. SPINNER

ARCHIE W. SERVICE
MONTE C. GRAY

CLARK GASSER
OF COUNSEL

DARCY L. TAYLOR
PARALEGAL

September 10, 2001

Earnest Carlsen, Adjudication Section Supervisor
Eastern Regional Office
Idaho Department of Water Resources
P.O. Box 83720
Boise, ID 83720-0098

RECEIVED

SEP 17 2001

Department of Water Resources
Eastern Region

Re: Investigation of Water Right Claims in Snake River
Basin Adjudication, Basin 29

Dear Mr. Carlsen:

Please accept this notice that I am the attorney for the Beenken Family Revocable Living Trust, UTD 12-11-91, c/o Harold Beenken, 200 South Andrews Boulevard, Apt. 1203, Winterpark, FL 32792, and also represent Mr. Beenken. He received a letter from your office dated July 25, 2001, advising of the commencement of the Snake River Basin Adjudication in the Portneuf River Basin (Basin 29).

Mr. Beenken, individually and as Trustee in the Beenken Family Revocable Living Trust requests that I be notified if any field investigation is necessary by Intrepid Engineering Services. Please feel free to contact me with copies of any correspondence to Mr. Beenken at the above address. Any notices to Mr. Beenken or the trust can be sent to my attention.

Very truly yours,

SERVICE, GASSER & KERL, PLLC

Jim Spinner

JS/lml

cc: Harold Beenken
IDWR Eastern Regional Office - Idaho Falls
IDWR - Soda Springs

PROFILED

MAY 03 2002

SCANNED

JUN 06 2001

29-7393A (ERROR OF LICENSING)

SEE ATTACHED MEMO AND PLAN TO CORRECT.

Photo of WOU is in 29-07393.

NOTES in 29-7393-

PROFILED

SCANNED

MAY 03 2006

MEMO

To: Dave Tuthill
From: Harold Jones
Re: License 29-07393

The field exam for license 29-07393 was done in 1995 by summer temp and Keith Wilson. When the place of use map was done our agent put the east section line for Section 20 ¼ mile too far west of the actual section line. This mistake was not noticed and the ground was licensed with the wrong ¼ of ¼.

In 1999 the City of Lava wanted to buy this right and talked to us about filing a transfer. We then caught the legal description mistake but the transfer was never pursued.

There are at least 2 parties who own this place of use listed in 29-07393. This is reflected by claims A29-07393 & A29-07393A.

Dean Day has incorrectly filed on the whole right under A29-07393. He only owns a part of the ground under the place of use.

The Beenken Family Trust owns approximately 26 acres of the original farm. This was leased by Mr. Day who farmed the entire entity

We would now like to correct license 29-07393 via the adjudication process or have water allocations review our revised map and make said change.

THE PLAN

WITH RESPECT TO THE OBVIOUS LICENSING ERROR THE FOLLOWING IS THE COURSE OF ACTION.

- 1.) GO TO COUNTY ASSESSOR TO DETERMINE OWNERSHIP OF LANDS INVOLVED. - USOD GBS THOMAS
- 2.) SEEK AMENDMENTS FROM CLAIMANTS
 - a.) ABSENT AMENDMENTS - REFER TO LEGAL STAFF
- 3.) WITH AMENDMENTS - ACCOUNT FOR ALL PARTS OF LICENSE
 - a.) POTENTIALLY AN UNCLAIMED PART IN SECTION 29. ⇒ NO!
 - 1.) IF SO, SEEK A CLAIM
 - 2.) IF NOT, PROCEED WITH DAY & BEENKEN CLAIMS - PROPORTIONAL
- 4.) ANY OTHER WR/AJ CLAIMS? (BESIDES CANAL CO. SHARES) ⇒ NO!
- 5.) FIX THE ERROR(S) WITH ADJ. RECOMMENDS — ⇒ YES!

PROFILED

MAY 03 2005

Water Right Number - 29-07393

Prefix Translation: WATER RIGHT

Old (D) Number -

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

*** C - CURRENT OWNER ***

DAY

DEAN

1 - PO BOX 112

2 -

3 -

City- LAVA HOT SPRINGS

State- ID Zip- 83221

Phone - 208-000-0000

DAY

ETHEL

1 - PO BOX 112

2 -

3 -

City- LAVA HOT SPRINGS

State- ID Zip- 83221

Phone - 208-000-0000

+ - - Priority Date - - + + - - Region - - - + + - - Stage - - - + + - - Status - - - - +
11/04/1982 15 EASTERN L - LICENSE+ - - - - Source - - - - - + + - - - - Tributary - - - - - +
GROUNDWATER+ - - - - Point of Diversion - - - - - +
TwN Rng Sec Tract Lot RFlg County Diversion Name Diversion Rate Diversion No.
09S 38E 20 NW SE (5) BANNOCK+ - - - - Water Use - - - - - +
Code Description Period From Period To Diversion Rate Diversion Volume
01 - IRRIGATION 04/15 10/15 1.690+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Div. Capacity - + + - Total Consumptive Use - + + - KW Usage - +
1.690 1.970 0.0+ - - - - Place of Use - - - - - +
TwN Rng Sec Tract Lot Acres Code Description County
09S 38E 20 NE SW 2 3.0 01 IRRIGATION (5) BANNOCK
09S 38E 20 SE SW 3 8.0 01 IRRIGATION (5) BANNOCK
09S 38E 20 NW SE 2 23.5 01 IRRIGATION (5) BANNOCK
09S 38E 20 SW SE 40.0 01 IRRIGATION (5) BANNOCK
09S 38E 20 SE SE 6.0 01 IRRIGATION (5) BANNOCK
09S 38E 29 NW NE 2.5 01 IRRIGATION (5) BANNOCK
09S 38E 29 NE NW 1.5 01 IRRIGATION (5) BANNOCK

Total Acres: 84.5

+ - - Diversion Means -

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use -

Water right number - 29-07393

Prefix Translation: WATER RIGHT

+ - - - - Remarks - - - - - +
This right when combined with all other rights shall provide
no more than .02 cfs per acre nor exceed a combined annual
diversion volume of 295.8 af for the lands above.

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

+ - - - - Conditions of Approval - - - - - +
R25 - This right when combined with all other rights shall provide no
- more than 3.5 afa per acre for irrigation of the lands above.
065 - The right holder shall use the full allotment of appurtenant
- surface water rights in conjunction with groundwater diverted
- under this right and shall only divert groundwater under this
- right when water from the appurtenant surface water rights cannot
- be delivered to the right holder.
079 - This right shall not be used if the surface water right(s)
- appurtenant to the place of use is sold, transferred, leased or
- used on any other place of use.

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

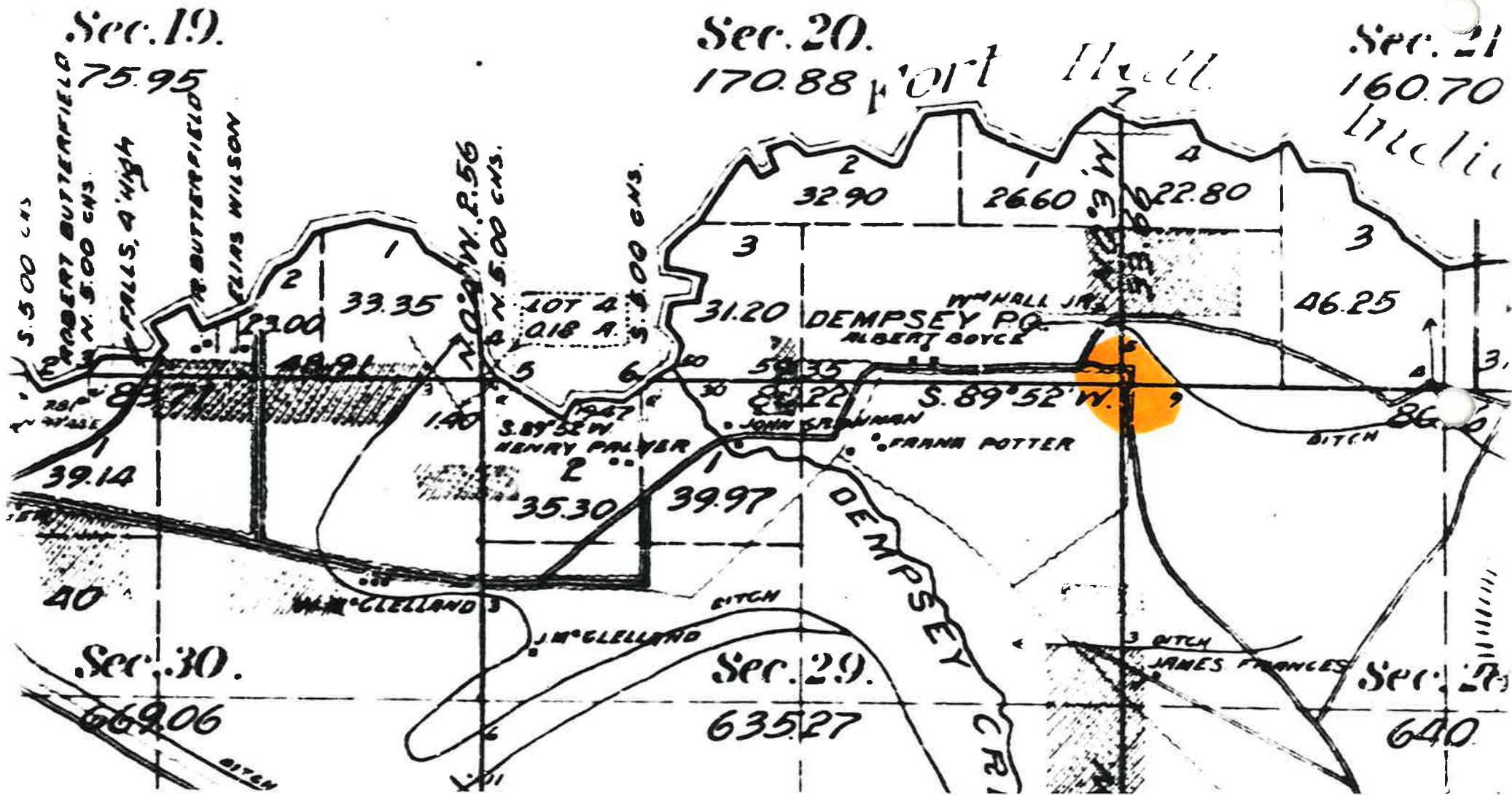
+ - - - - Comments - - - - - +
Date: 12/17/1991 User Id: VAULT Subject: Proof of Beneficial Use Rcvd
Proof of Beneficial Use Rcvd

+ - - Audit Fields - 04/07/88 05/22/88 CONVERT 12/17/91 COMMENTS 12/23/91 MILLER 12/31/91 MILLER
04/27/94 CURTIS 08/21/95 KWILSON 01/18/96 KWILSON 03/10/97 SCURTIS 03/17/97 SCURTIS
03/20/97 SCURTIS 06/03/97 SCURTIS

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

Proof Due Date	- 06/01/1982	Field Exam Made	- 08/15/1995	Field Exam Fee	-
Approved/Denied	- 06/29/1977	Protested Date	- 00/00/0000	Swan Falls	- Z
Proof Made Date	- 04/11/1982	Hearing Date	- 00/00/0000	Temporary Right	- P
Exam to S.O. Date	- 01/19/1996	Verified Date	- 00/00/0000	DLE/Carey Act	-
Order Show Cause	- 00/00/0000	Receipt Number	-	Water District	-
Licensed Date	- 05/20/1997	Appl Received	- 05/05/1977	Transfer/Amended	-
Presumption Flag	-	Name Connector	-	POU Ownership Flag	- Y
SRBA Decreed Flag	-				

T. 9 S., R. 38 E.



Portneut River

Lot 1

Lot 2

T9S R38E

SESW
Lot 3
21

1

NENW
Lot 1

20 21

29 20

SERVICE GASSER & KERL

ATTORNEYS AND COUNSELORS AT LAW

2043 EAST CENTER STREET
P.O. Box 6009
POCATELLO, ID 83205-6009

TEL: (208) 232-4471
FAX: (208) 232-1808
SENDER'S E-MAIL: JAS@SGKLAW.NET



RON KERL
STEVEN V. RICHERT
JAMES A. SPINNER

ARCHIE W. SERVICE
MONTE C. GRAY

CLARK GASSER
OF COUNSEL

DARCY L. TAYLOR
PARALEGAL

RECEIVED

AUG 14 2000

Department of Water Resources
Eastern Region

August 11, 2000

Harold Jones
IDWR Eastern Region
900 North Skyline Drive, Suite A
Idaho Falls, ID 83402-1718

Re: Harold Beenken - The Beenken Family Revokable Living Trust
Interest in Water Right License No. 29-07393

Dear Mr. Jones:

Pursuant to our recent phone conversations enclosed please find an original Notice of Claim to a Water Right Acquired Under State Law to be filed on behalf of the Beenken Family Revokable Living Trust, together with our check in the amount of \$126.50 which equals the \$50.00 claim fee, \$50.00 late fee and \$1.00 per acre on the claim. I appreciate your assistance in getting that filed pending the redetermination of the acreage by the IDWR. If you have any questions or need anything further, please let me know. I understand that you may denote the claim as claim number 29-07393 A. Best regards.

Very truly yours,

SERVICE, GASSER & KERL

Jim Spinner

JS/jc

Enc.

cc: Harold Beenken

PROFILED

SCANNED
MAY 05 2006

JUN 06 2001

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 29-07393A
Date Received: 8/14/00
Receipt No:
Received By:

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

1. Name of Claimant(s)

Name: THE BEENKEN FAMILY REVOCABLE LIVING TRUST UTD 12-11-91 Phone:
(407) 671-8266

Address: C/O HAROLD BEENKEN
200 S ANDREWS BLVD APT 1203
WINTER PARK FL USA 32792

2. Date of Priority: 11/04/1982

3. Source: GROUND WATER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County
09S	38E	20	NW SE 2	BANNOCK

5. Description of diverting works:

WATER SUPPLY IS FROM WELL ON NEIGHBOR'S PARCEL. THE WELL IS LISTED AND
DESCRIBED ALSO UNDER WATER RIGHT NO. 29-07393.

6. Water is used for the following purposes:

Purpose
IRRIGATION

From To C.F.S.
04/15 10/15 0.53

(or) A.F.A.
92.77

7. Total Quantity Appropriated is:

0.53 C.F.S. and/or 66.25 A.F.A.

8. Total consumptive use:

9. Non-irrigation uses:

A2907393A



22AC .44

77AKA

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
09S	38E	20	SE SW	3	IRRIGATION	25 - 21
					Section Acres	25
09S	38E	29	NE NW	1	IRRIGATION	1.5 - 1
					Section Acres	1.5
					Total Acres	26.5

11. Place of use in counties: BANNOCK

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

13. Other Water Rights Used:
ALSO PART OF 29-07393

No! Same POD & system only

14. Remarks:

FOR IDENTIFICATION AT THE BOTTOM: THE BEENKEN FAMILY REVOCABLE LIVING TRUST WILL BE LISTED AS BEENKEN TRUST.

IDWR HAS IDENTIFIED THE INITIAL DESCRIPTION UNDER WATER RIGHT DENOTED AS CLAIM 29-07393 TO BE INCORRECT AND IT IS CURRENTLY BEING REVIEWED BY IDWR FOR A NEW DETERMINATION.

DATE THAT THIS WATER RIGHT WAS PUT TO BENEFICIAL USE IS BASIS OF CLAIM.

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 Organizations:

I do solemnly swear or affirm that I am _____ of
Title

_____, that I have signed the foregoing

Organization
document in the space below as _____ of
Title

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

Signature of Authorized Agent

Title and Organization

Date

State of Idaho)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this

of _____ 20__

Notary Public

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 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 A29-07393ADate Received 8-14-2000Receipt Number ED26070

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

Please type or print clearly The Beenken Family Revocable

Living Trust UTD 12-11-91

1. Name of Claimant (s) _____ Phone (407) 671-8266

Mailing Address %Harold Beenken, Apt 1203, 200 S. Andrews Blvd. Zip 32792
Winter Park, FL2. Date of Priority (Only one (1) per claim) 11-04-19823. Source of water supply (a) groundwater

which is tributary to (b) _____

4. a. Location of existing point of diversion is: Township 09S Range 38E Section 20,1/4 of NW 1/4 of SE 1/4, Govt. Lot, #2 B.M., County of Bannock

Additional points of diversion if any: _____

b. If instream flow, beginning point of claimed instream flow is:

Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4,

Govt. Lot _____ B.M., County of _____

ending point is: Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of

1/4, Govt. Lot _____ B.M., County of _____5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, 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. _____Water supply is from well on neighbor's parcel. The well is listed and described
also under water right no. 29-07393.Date that this water right was put to beneficial use is ~~XXXXXXXXXX~~ basis for claim

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For irrigation purposes from 4/15 to 10/15 amount 0.53 or 92.77

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 0.53 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is 66.25 acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) _____

10. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
09S	38E	20												lot 3 25					25
09S	38E	29					lot 1 1.5												1.5

Total number of acres irrigated 26.5

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

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.

or None ()

14. Remarks:

For identification at the bottom: The Beenken Family Revocable Living Trust
will be listed as Beenken Trust.

IDWR has identified the initial decription under water right denoted
as Claim 29-07393 to be incorrect and it is currently being reviewed
by IDWR for a new determination.

Last Name Beenken Trust Ident No. _____

Copies: White -State, Yellow-Claimant

15. Basis of Claim (check one) Beneficial Use ☒ Posted Notice _____ License ☒ Permit _____
Decree _____
If applicable provide IDWR Water Right Number also part of 29-07393
Court _____ Case Number _____ Decree Date _____
Plaintiff vs Defendant _____

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

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

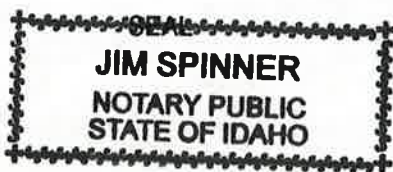
For Organizations: I do solemnly swear or affirm that I am Trustee _____ Title _____
of The Beenken Family Revocable Living Trust _____, that I have signed the foregoing
Organization
document in the space below as Trustee _____ of The Beenken Family Revocable
Title _____ Organization Living Trust
and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent Harold S. Beenken

Title and Organization The Beenken Family Revocable Living Trust Date Aug 7, 2000

State of Idaho/or _____)
County of Bannock) SS.

Subscribed and sworn (or affirmed) before me this 7th day of August, 2000 19____



Notary Public Jim Spinner

Residing at Pocatello, Idaho

My Commission Expires 3-16-06

Please Print Name

17. Notice of Appearance:

Notice is hereby given that I, Jim Spinner will be acting as attorney at law on behalf
of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above
should be mailed to me at the address listed below.

Signature Jim Spinner, Esq.

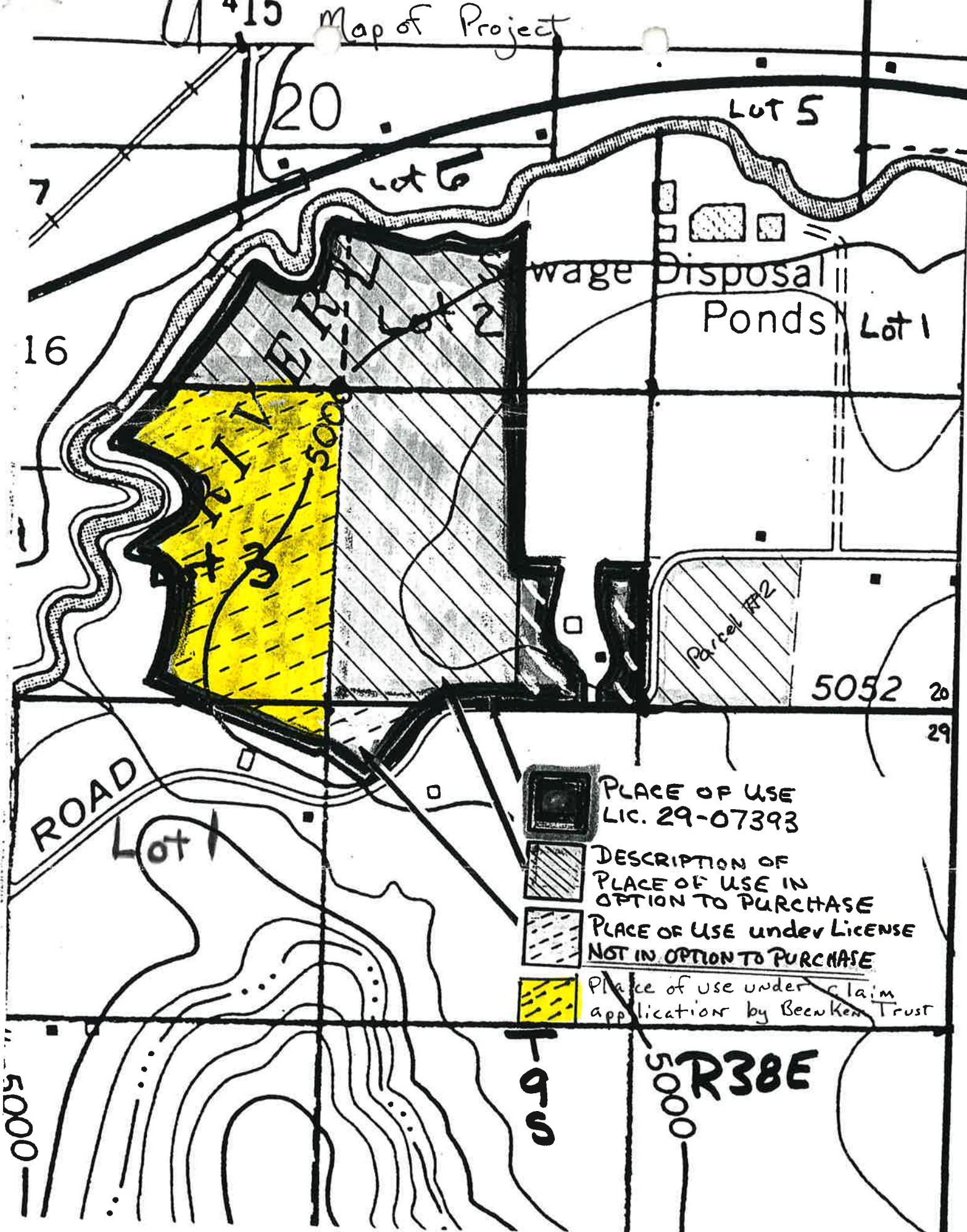
Address P.O. Box 6009, Pocatello, ID 83205-6009

Date August 7, 2000

Last Name Beenken Trust Ident. Number _____

Copies White-State, Yellow-Claimant

Map of Project



Last Name: Beerken Trust

Ident. No. _____