

01/09/2003

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

RIGHT NUMBER: 29-10073

NAME AND ADDRESS: EVELYN J BENHAM
5312 W TUCANNON
KENNEWICK WA 99336

RAY D BENHAM
5312 W TUCANNON
KENNEWICK WA 99336

SOURCE: SPRING

TRIBUTARY: PORTNEUF RIVER

QUANTITY: 0.130 CFS

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

PRIORITY DATE: 04/01/1946

POINT OF DIVERSION:

T09S R38E S10 SWSESW Within BANNOCK County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/31	0.130 CFS
STOCKWATER	01/01 12/31	0.020 CFS

PLACE OF USE: IRRIGATION Within BANNOCK County

T09S R38E S10 Lot 2 SWSW 2.8 T09S R38E S10 SESW 3.7

STOCKWATER same as IRRIGATION

6.5 ACRES TOTAL

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

This partial decree is subject to such general provisions necessary for
the definition of the rights or for the efficient administration of the water
rights as may be ultimately determined by the Court at a point in time no
later than the entry of a final unified decree. Section 42-1412(6), Idaho
Code.

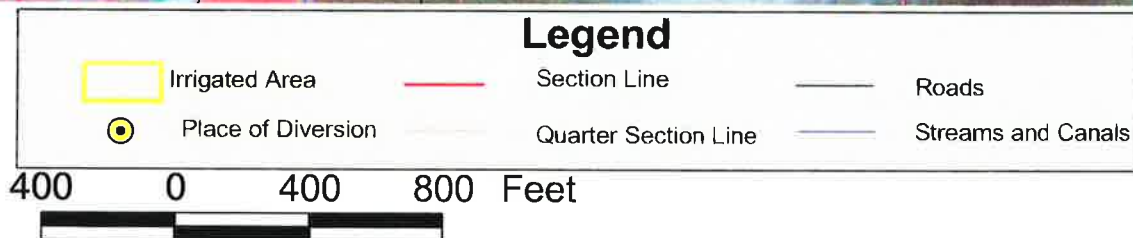
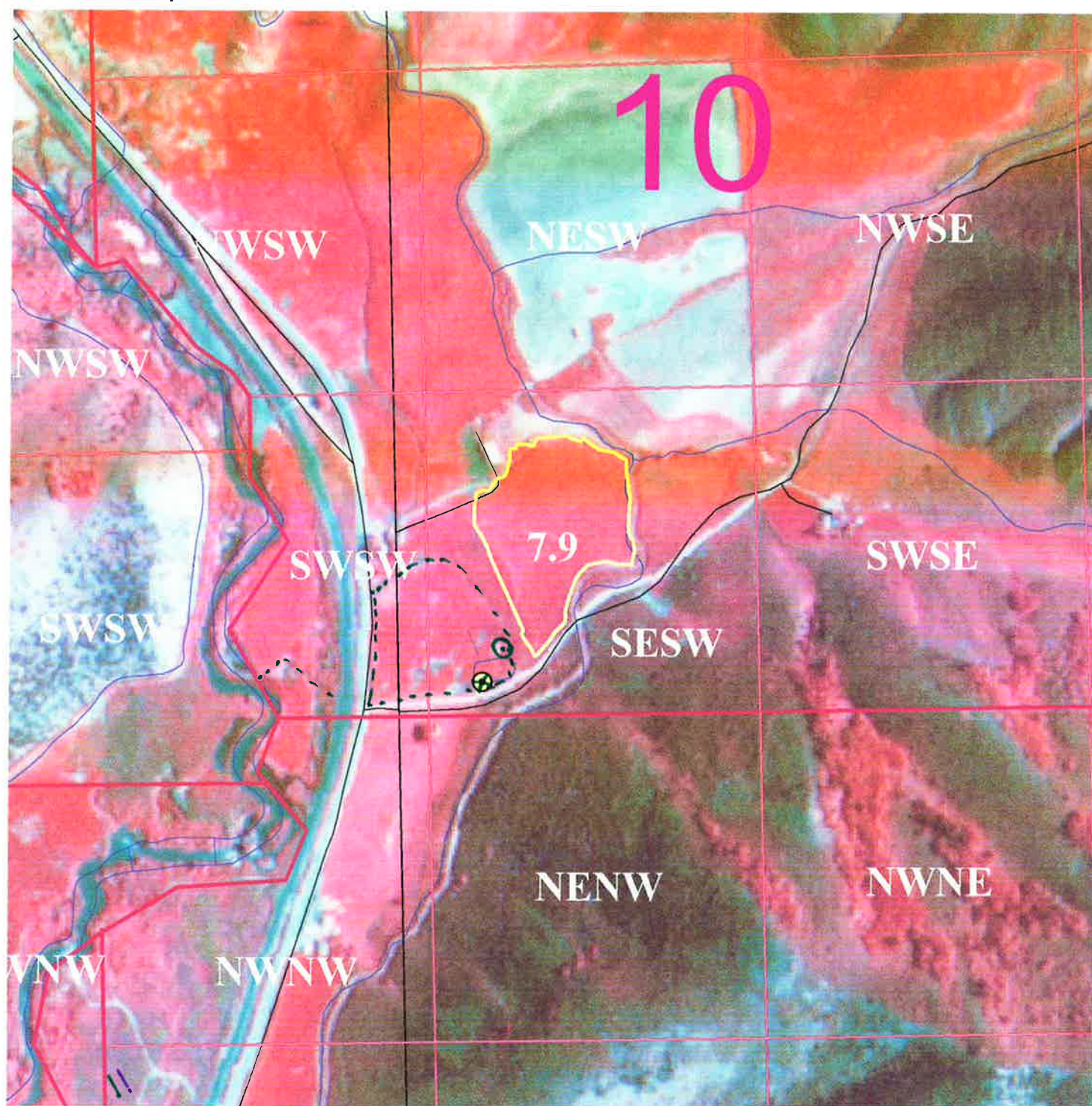
THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR
STOCKWATER USE IS NOT A DETERMINATION OF HISTORICAL
BENEFICIAL USE.

EXPLANATORY MATERIAL: Beneficial Use

Water Right Claim Number A29-10073

08/23/2000

Township , 9S38E



IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 29-10073

WATER RIGHT NUMBER: 29-10073

Owner Type Name and Address
 Current Owner EVELYN J BENHAM
 5312 W TUCANNON
 KENNEWICK, WA 99336
 (509)783-3829
 Current Owner RAY D BENHAM
 5312 W TUCANNON
 KENNEWICK, WA 99336
 (509)783-3829

Priority Date: ~~10/15/1898~~ 4-1-1946
 Basis: ~~Statutory Claim~~ B.U.
 Status: Active

Source Tributary
 SPRING PORTNEUF RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	4/01 to 11/01	10-31	0.160 CFS	0.13
STOCKWATER	1/01 to 12/31		0.050 CFS	.02
<u>Total Diversion:</u>			0.160 CFS	0.13

Location of Point(s) of Diversion

SPRING SW1/4SE1/4SW1/4 Sec. 10, Twp 09S, Rge 38E, B.M. OKAY.
 BANNOCK 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	
09S	38E	10																	
														2.8				3.7	6.5

Total Acres: 6.5

4+2

STOCKWATER same as IRRIGATIONConditions of Approval:Remarks:

stockwater for 200 RANGE.

Comments:

C18

Dates and Other Information:N
N

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 29-10073

Dates and Other Information:

Claim Received Date: 3/7/1990
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
State or Federal: S
Owner Name Connector: AND
Water District Number: 29
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

Element Reviewed/Verified Dates:

<u>Element</u>	<u>Last Reviewed Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
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Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
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NOTICE OF ERROR
REPLY

02/08/2003

Department of Water Resources
Eastern Region

RECEIVED
APR 07 2003

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: 29-10073

EVELYN J BENHAM
5312 W TUCANNON
KENNEWICK WA 99336
Telephone Number: (509)783-3829

RAY D BENHAM
5312 W TUCANNON
KENNEWICK WA 99336
Telephone Number: (509)783-3829

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:

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

DATE:

22 Mar 03

SIGNATURE:

Ray D Benham

Please print your name:

RAY D Benham

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

PROFILED

SCANNED

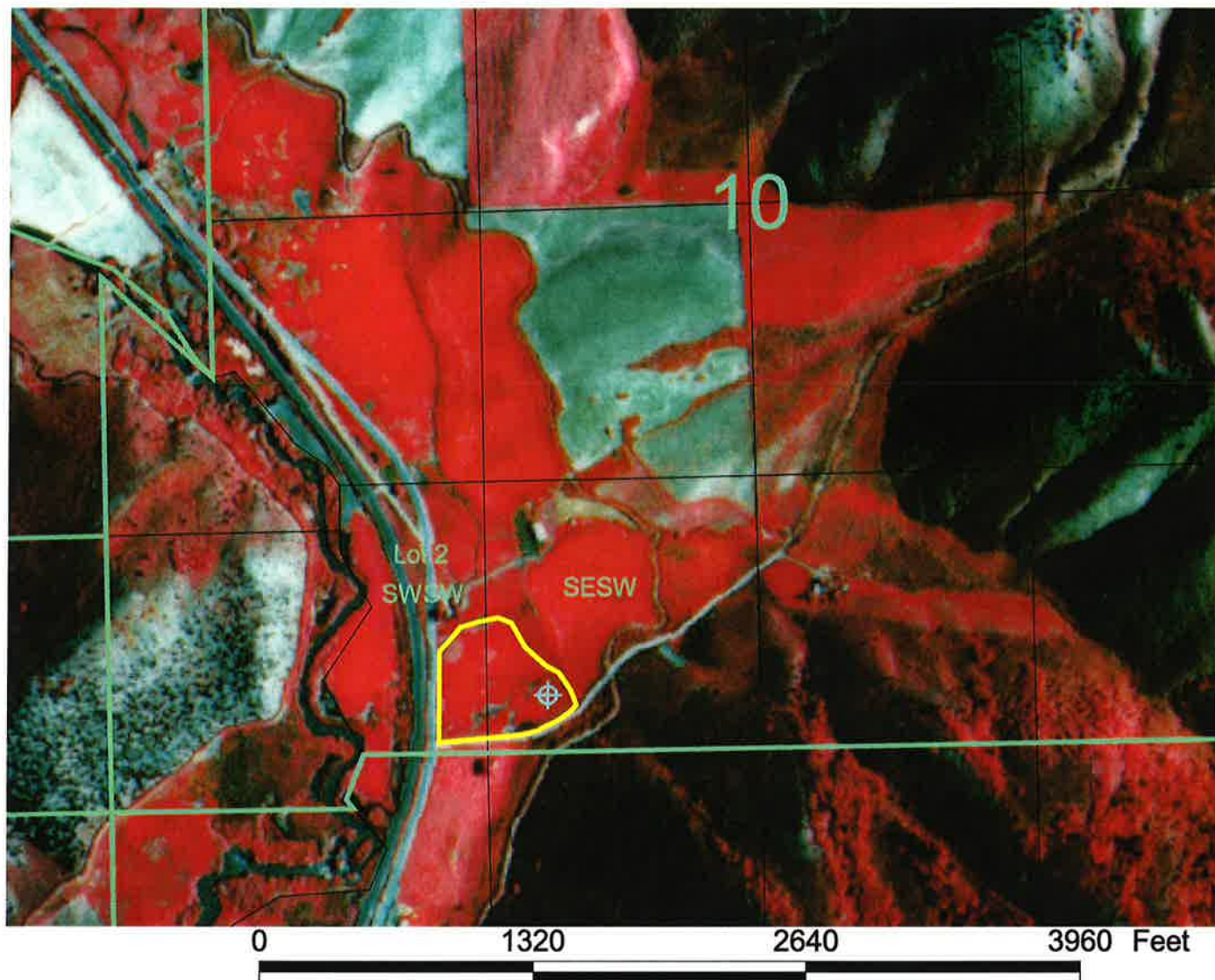
MAY 17 2006



Department of Water Resources

Claim No.: 29-10073

Twp 09S, Rge 38E

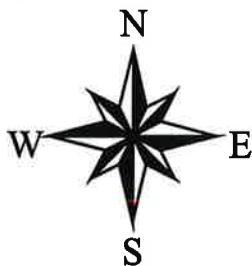


Irrigated Acres = 6.5

PROFILE

- Place of use.shp
- Diversion.shp
- Sections
- QQ

SCANNED
MAY 17 2006



GIS Place of Use Illustration
1987/1988 NAPP Photography
Prepare by: E. Carlsen
Date: January 2003

SCANNED

MAY 18 2001

Log for claim A29-10073

Spatial Dynamics PJM

8/23/00

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
09s38e	10	SESW	8	7.9	
Totals:			8	7.9	

I. EVIDENCE OF Priority Lotton is attached.
 A.) Use April 1, 1946 (Begin OF IRREG SEASON).



IDAHO DEPARTMENT OF WATER RESOURCES

SNAKE RIVER BASIN ADJUDICATION - BASIN 29



RIGHT ID 29 10073
POD ID 200006
Quad Haystack Mountain
Claim Type S-1
Easting 664194
Northing 173806
GPSID A0011661

Diversion Description

DITCHES TO FLOOD IRRIGATION 48" culvert under Hadley Canal access road. Culvert half full of water moving at a rate of 1 ft./second. GPS ID tag on east end of culvert.

THIS IS A CULVERT FOR DEMPSEY CANAL. HAS NOTHING TO DO WITH THE CLAIMED SPRING

Assumptions

Slope of 0.1%.

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

POD ID 200006 01.JPG

Photos

EPE (ft)

Date (M/D/Y)

Time

Flow Rate (CFS)

12.1066862187053

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 4

Depth

☐ Rectangular Channel

Width

Depth

Flow Calculation

☒ Continuity

Velocity 0.5

☐ 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 0.001

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

SPRING LOCATION SHOULD BE AROUND 664,078 → 173,786 ↓

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Ray D. and Evelyn J. Benham

5312 W Tucannon Kennewick, WA 99336 (509) 783-3829

24 March 1995

Dave Carlson
State of Idaho Department of Water Resources
900 N Skyline Dr.
Idaho Falls, Id 83402-1718

Dear Mr. Carlson:

In reference to the two unnamed springs on our property near Lava Hot Springs, ID. My Wife Evelyn has direct knowledge of the use and maintenance of ditches from the spring for irrigation and cattle watering purposes back to 1946 when her father [Marlin Hogan] purchased the Farm. I have direct knowledge from June of 1956 of maintenance of use of water by cattle. I married Evelyn in 1956. We do not have receipts for the maintenance but dynamite has been used on several occasions before back hoe's were available for cleaning the ditches.

At the time we filed for the with your office the person taking our claim told us to use the 1898 date for Hadley Spring. Since you indicated that is not acceptable please accept this letter for your files.

Sincerely,

Ray D. Benham

Ray D Benham
24 Mar 95

Evelyn J [Hogan] Benham

Evelyn Hogan Benham
24 Mar 95

MICROFILMED

NOV 13 1995



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Idaho Falls, Idaho 83402-1718 - (208) 525-7161 - FAX: (208) 525-7177

EASTERN REGION

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

March 2, 1995

Ray and Evelyn Benham

Dear Mr. and Mrs. Benham:

The evidence you submitted, indicates a water right from Hadley Spring.

This evidence is fine for 29-4272, but the other two water rights are for Spring(unnamed). You need to submit evidence for these additional water rights, since the Notice of Water Right only talks about Hadley Springs.

If you have anymore questions please call or write me.

Thank you

A handwritten signature in cursive script, appearing to read 'Dave Carlson'.

Dave Carlson
Water Agent, Adjudication

MICROFILMED

NOV 13 1995

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Stage: STATUTORY CLAIM

BANNOCK County

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Dates:	Exam Made Date:	Verified Date:
Misc:	Water District Number: 29	Field Inspection Flag: Presumption Flag:

NOV 1 1966

AJ5809NP
No. A29-10073

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 12/28/94
PAGE: 3

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	RAY D BENHAM	10/15/1898	IRRIGATION	04-01 11-01	0.16 CFS	
C	EVELYN J BENHAM		STOCKWATER	01-01 12-31	0.05 CFS	
	5312 W TUCANNON					
	KENNEWICK WA 99336					
	(509) 783-3829					
				TOTAL DIVERSION:	0.16 CFS	
				CONSUMPTIVE USE:		20.00 AFA

Water Source: UNNAMED SPRING

Tributary to: PORTNEUF RIVER

Stage: STATUTORY CLAIM

Point(s) of Diversion: T09S R38E S10

SWSESW

BANNOCK County

Place of use Legal Description for: IRRIGATION

NE																NW								SW								SE																																							
T	R	S	NENE				NWNE				SWNE				SENE				:	NENW				NWNW				SWNW				SENW				:	NESW				NWSW				SWSW				SESW				:	NESE				NWSE				SWSE				SESE				:	SUM
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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

RECEIVED

Ident. Number: A29-10073

Date Received: 7/20/1989

Receipt No: E012255

Received By: S.M.

MAR 7 - 1990

Department of Water Resources
Eastern District Office

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: RAY D. BENHAM 509-783-3829
Address: 5312 W. TUCANNON
KENNEWICK, WA 99336

AND/OR

Name: EVELYN J. BENHAM 509-783-3829
Address: 5312 W. TUCANNON
KENNEWICK, WA 99336

2. Date of Priority: OCT 15, 1898

3. Source: UNNAMED SPRING Trib. to: PORTNEUF RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
09S	38E	10	SW	SE	SW		BANNOCK

5. Description of diverting works:
DITCHES TO FLOOD IRRIGATION

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	0.160		
STOCKWATER	01/01	12/31	0.050		

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

A.F.A.

8. Total consumptive use is 20.0 Acre Feet Per Annum.

9. Non-irrigation uses:
STOCKWATER - 200 CATTLE

A29-10073

Page 1

Date: 07/20/89

PROFILED

SCANNED
MAY 17 2006

MICROFILMED
NOV 13 1992

A2910073



10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
09S	38E	10	SE	SW		IRR	8.0
Section Acres							8.0
Total Acres							8.0

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:

22.5 SHARES IN DEMPSEY CANAL COMPANY, A29-10074/04272

14. Remarks:

15. Basis of Claim: STATUTORY CLAIM

16. Signature(s)

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

Number of attachments: 2

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): Ray D Benham Date: 20 July 1989

Date: _____

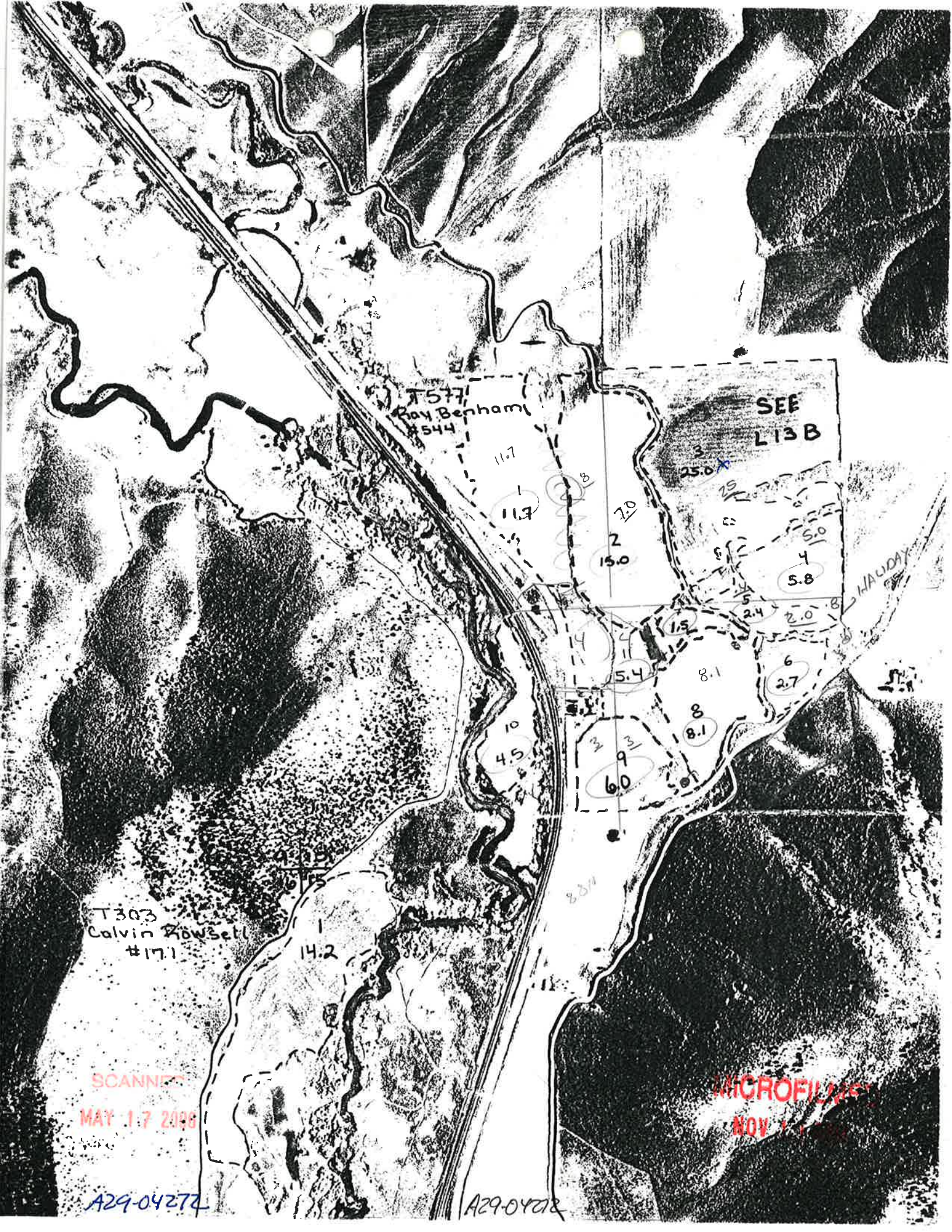
State of Idaho)
County of BONNEVILLE) SS.

Subscribed and sworn (or affirmed) before me this 20 day
of July 19 89

[Signature]
Notary Public

Seal

Residing at TRAIL BLIS
My Commission Expires 9-12-89



T577
Ray Benham
#544

SEE
L13B

HAUDAY

T303
Calvin Rowsett
#171

SCANNED
MAY 17 2006

MICROFILMED
NOV 1 1985

A29-04272

A29-04272

A2904272

A2904272



T303
Calvin Howsell
#171

T547
Roy Benham
#544

SEE
L13B

NOV 17 1963