

05/15/2006

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

RIGHT NUMBER: 75-27L
NAME AND ADDRESS: JOHN A BENZON
257 WILLIAMS CREEK RD
SALMON ID 83467
SOURCE: WILLIAMS CREEK TRIBUTARY: SALMON RIVER
QUANTITY: 0.080 CFS
This right when combined with all other rights shall provide no more than .03
cfs per acre nor more than 3.0 afa per acre for irrigation of the lands above.
PRIORITY DATE: 05/01/1886
POINT OF DIVERSION:
T20N R21E S11 NENENE Lot 1 Within LEMHI County
PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 11/01	0.080 CFS

PLACE OF USE: IRRIGATION Within LEMHI County
T20N R21E S12 SENW 3.60

3.6 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: BASIS OF CLAIM - Decreed

20N21E

POD

Ditch

Pen

75-27L



0.1 0 0.1 0.2 0.3 Miles

LEGEND

- Lemhi taxlots
 - Township/Range
 - Sections
 - QQ
- IMAGE 1993/1994 True Color
1998 DOQQ BW

Prepared By: Danielle Favreau, 9/2/05, IDWR/IWWRI

SEP 05 2003

SCANNED

IN THE DISTRICT COURT OF THE SIXTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF LEMHI.

THE ESTATE OF GEORGE L. SHOUP,
LIMITED, AN IDAHO CORPORATION,

PLAINTIFF,

VS.

RAY EDWARDS,

: D E C R E E

Defendant.

This cause came on regularly to be heard in open Court on this 14th day of October, 1914; E. W. Whitcomb, Esq., appearing for the plaintiff and the defendant not appearing;

The Court having heard all the evidence and proof produced herein and duly considered the same, and being fully advised in the premises, and having heretofore filed its Findings of Fact and Conclusions of Law herein, in writing, it is ORDERED, ADJUDGED AND DECREED, as follows:

I.

That the plaintiff, the Estate of George L. Shoup, Limited is a corporation duly organized and existing under and by virtue of the constitution and laws of the State of Idaho.

II.

That the said plaintiff is the owner, in the possession and entitled to the possession of the following described lands, to-wit:

The Northeast Quarter, and the South Half of the Northwest Quarter of Section 12, in Township 21 North, Range 21 East Boise Meridian, the Southwest Quarter, the West Half of the Southeast Quarter, the South Half of the Northwest Quarter and the West Half of the Northeast Quarter in Section 6, the North Half of the Northwest Quarter, the Southwest Quarter of the Northwest Quarter in Section 7, in Township 21 North, Range 22 East Boise Meridian, situated in Lemhi County, State of Idaho.

III.

That the said plaintiff is entitled to the use of 760 inches, or 15 1/5 cubic feet per second in time of the waters of Williams Creek, situated in said County of Lemhi, State of Idaho, with date of priority May 1, 1886, for the purpose of irrigating said lands and for domestic use

IV.

That the said defendant, Ray Edwards, be and he is hereby restrained and enjoined perpetually from interfering with any of the said rights decreed hereunder to the plaintiff of the waters of said Williams Creek.

IT IS FURTHER ORDERED AND DECREED, That the said plaintiff shall bear its own costs and expenses in this action.

Dated this 27th day of October, A. D., 1919.

F. J. Cowen

JUDGE OF SAID COURT.

Filed this 6th day of November 1919.

W. W. Simmonds

Clerk.

By Faye Stewart

Deputy Clerk.

Book B of Judgments Page 515.

75-27L

4/22/2009 MVB

Went to the Benzon place w/ Capps & Rice. There is a ditch above the property (Highline) & a ditch below the property on the other side of Williams Creek Road.

Rice said Benzon has a right to take water out of the ditch below the road and he's just trying to move his POD to the Highline because ~~he~~ he could flood irrigate from the Highline instead of pumping from the lower ditch.

Rice said the Benzon property was all sagebrush when he was a kid & under no irrigation. Capps said it's possible there were siphon tubes occasionally, but they were illegal.

I took a look through the backfile for this one. Some notes:

- Jerry Rigby states Highline ~~Ditch~~ Ditch was not put in until 1935 (only partially constructed up to that time), but these are 1886 priority dates for 75-27 splits.
- If John Benzon says he remembers irrigation from Highline Ditch prior to 1987, it's an accomplished transfer from the lower ditch.
- It doesn't make sense John Benzon would have an 1886 water right for a ditch below his property he'd have to pump from. It makes much more sense for the water to come from the Highline.
- If ~~he did~~ Benzon didn't ~~pump~~ irrigate from Highline until after 1987, not an adjudication matter but could file for a transfer.
- Benzon could file an app. for permit from the Highline.

→ Could this be turned into a de minimus domestic right? Bob says probably all they want to do is water trees around the house, so maybe we can just make this de minimus for up to $\frac{1}{2}$ ac. of irrigation.

April 24, 2007

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P.O. Box 2707
Twin Falls, Idaho 83303-2707

RECEIVED
MAY 07 2007
DEPARTMENT OF
WATER RESOURCES

RE: Reason for Protest of Water Right 75-27L - John A. Benzon

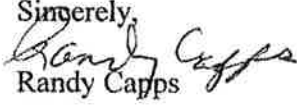
TO: Clerk of the District Court - Twin Falls, Idaho

I am enclosing documents from our previous protests of 2002 and 2003. I think you should have these documents in your file, along with the original.

I am protesting Mr. Benzons water right #75-27L on the basis that Mr. Benzon has never had water from Williams Creek on his property legally to this date and never from the Highline Ditch legally.

Therefore, I am protesting Mr. Benzons 75-27L Water Right, dated 1/08/07, that it does not exist for not having used water since 1935 (documents enclosed). However, if water right 75-27L, 1/08/07 is valid by the Idaho Department of Water Resources, I protest the moving of the diversion point of 75-27L from NESWNW Sec. 12 T20N R 21E to T20N R21E S11 NENENE Lot 1.

Sincerely,


Randy Capps

SCANNED
SEP 05 2008

RECEIVED
MAY 07 2007
DEPARTMENT OF
WATER RESOURCES

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)

A. Subcase 75-27L
(Insert water right number)

Case No. 39576)

STANDARD FORM 1
OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: Randy Capps

Address: 87 Corbett Lane
Salmon, Idaho 83467

Daytime Phone: 208-756-2997

Name & Address of Attorney, if any:

C. CLAIMANT OF WATER RIGHT AS LISTED IN DIRECTOR'S REPORT

Name: John A. Benzon

Address: 257 Williams Creek Rd.
Salmon, Idaho 83467

SCANNED
SEP 05 2008

D. I object to the following elements as recommended in the Director's Report. (Please check the appropriate box(es)).

1. ☐ **Name and Address**
Should be: _____
2. ☐ **Source**
Should be: _____
3. ☐ **Quantity**
Should be: _____
4. ☐ **Priority Date**
Should be: _____
5. ☐ **Point of Diversion**
Should be: _____
6. ☐ **Instream Flow Beginning and Ending Point**
Should be: _____
7. ☐ **Purpose(s) of Use**
Should be: _____
8. ☐ **Period of Year**
Should be: _____
9. ☐ **Place of Use**
Should be: _____
10. ☒ **I object because:** SEE ENCLOSED DOCUMENTS.
☐ This water right Should not exist.
☐ This water right was not recommended, but Should be recommended with the elements described above.

E. REASONS SUPPORTING OBJECTIONS(S): SEE ENCLOSED DOCUMENTS
OF PROTEST.

F.

VERIFICATION (must be completed)

State of IDAHO)
)ss.
County of LEMMING)

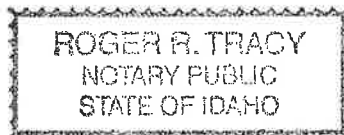
DANIEL CAPP, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

Daniel Capp
(Signature of person filing objection)

(Attorney signing in representative capacity)

Subscribed and sworn to before me on: 5/4/07



Daniel Tracy
Notary Public for TRACY

Residing at: CLAIMANT, 20 02467

My Commission Expires: 9/20/10

INSTRUCTIONS FOR MAILING

You must mail the objection, to the Clerk of the court. FAX filings will not be accepted. You must also send a copy to all the parties listed below in the Certificate of Mailing.

G. CERTIFICATE OF MAILING

I certify that on 5/4, 2007, I mailed the original and copies of this objection, including all attachments, to the following persons:

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 the claimant of the water right at the following address:

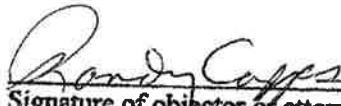
Name: John A. Benzon
Address: 257 Williams Creek Rd.
Salmon, Idaho 83467

3. Copies to:

IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

United States Department of Justice
Environment & Nat'l Resources Div
550 W Fort Street, MSC 033
Boise, ID 83724

Chief, Natural Resources Division
Office of Attorney General
PO Box 44449
Boise, ID 83711-4449



Signature of objector or attorney
mailing on Objector's behalf

07/28/2002

IDAHO DEPARTMENT OF WATER RESOURCES
 Adjudication Claim Report 75-27L

WATER RIGHT NUMBER: 75-27L

Owner Type Name and Address
 Current Owner JOHN A BENZON
 257 WILLIAMS CREEK RD
 SALMON, ID 83467
 (208)756-4573

Priority Date: 05/01/1898

Basis: Decreed

Status: Active

Source Tributary
 WILLIAMS CREEK SALMON RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	1/01 to 11/01	0.080 CFS	
<u>Total Diversion:</u>		0.080 CFS	

Location of Point(s) of Diversion

WILLIAMS CREEK NE1/4SW1/4NW1/4 Sec. 12, Twp 20N, Rge 21E, S.M.
 LEMHI County

Place of Use

IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Tot A
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
20N 21E 12								4.0									1.0

Total Acres: 4

Conditions of Approval:Remarks:

1. General

IT APPEARS TO BE ERROR IN PROPERTY DESCRIPTION IN ORIGINAL DECREE TOWNSHIP FOR PROPERTY IS 20N RATHER THAN 21N AS IN DECREE. WILLIAMS CREEK WATER CANNOT REACH T21N R21E SEC.18. THIS RIGHT IS A PORTION OF A75-00027.B/7/80/JT

Comments:Dates and Other Information:

SCANNED

SEP 05 2008

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Claim Report 75-27L

Dates and Other Information:

Claim Received Date: 8/7/1990
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
State or Federal: S
Owner Name Connector:
Water District Number:
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

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SEP 05 2008

01/08/2007

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

RIGHT NUMBER: 75-27L

NAME AND ADDRESS: JOHN A BENSON
257 WILLIAMS CREEK RD
SALMON ID 83467

SOURCE: WILLIAMS CREEK

TRIBUTARY: SALMON RIVER

QUANTITY: 0.080 CFS

This right when combined with all other rights shall provide no more than 1.0 cfs per acre nor more than 3.0 afa per acre for irrigation of the lands above.

PRIORITY DATE: 05/01/1886

POINT OF DIVERSION: T20N R21E S12 NEENESE Lot 1 Within LEMHI County

PURPOSE AND PERIOD OF USE:

PURPOSE OF USE
IRRIGATIONPERIOD OF USE
04/01 12/01QUANTITY
0.080 CFS

PLACE OF USE: IRRIGATION in LEMHI County

T20N R21E S12 SENW 3.60

3.6 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: BASIS OF CLAIM - Decreed

SCANNED

SEP 05 2008

Law Offices

**RIGBY, THATCHER, ANDRUS
RIGBY, KAM & MOELLER, Chartered**

Ray W. Rigby
Gordon S. Thatcher
G. Rich Andrus
Jerry R. Rigby
Michael S. Kam (1954-2001)
Gregory W. Moeller

P.O. Box 250
25 North Second East
Rexburg, ID 83440

Telephone: (208) 356-3633
Facsimile: (208) 356-0768
E-mail: jrigby@rigby-thatcher.com

December 10, 2002

Mr. Robert Foster
IDWR - Salmon Region Office
206 Van Dreff Offices, Suite B
Salmon, ID 83467

Re: Williams Creek/Highline Ditch vs. John A. Benzon

Dear Mr. Foster,

This firm represents Bill Gattung and other water users on the privately owned Highline Ditch which has, as its point of diversion, Williams Creek in the following location: SE1/4NE1/4NE1/4 of Section 11, Twp. 21 North, Rge. 22 E.B.M. It has come to our attention that pursuant to a mandate given to the Highline Ditch water users by you and/or the Department of Water Resources, Highline Ditch water users are now required to allow a Mr. John A. Benzon to divert his claimed Water Right No. 75-27L in the amount of .080 cfs from the Highline Ditch in order to water his approximately four acres. Our understanding is that you have based your determination based upon an affidavit of Mr. Shoup, who is now deceased.

After extensive review of the records, the chain of titles to the properties and conversation with all witnesses who were alive at the time of the original applicable diversions from Williams Creek, it is clear that Mr. Benzon does not have a water right out of Williams Creek. According to our investigation, the history of the Highline Ditch is as follows:

1. A Colonel George L. Shoup originally owned certain property now being watered by the Highline Ditch. He initially began construction of a ditch from Williams Creek but stopped at a draw well above property now owned by Mr. Benzon as well as the present water users of Highline Ditch. No water was diverted. The question at that time was whether or not to froom across the draw or engineer around the draw.
2. In 1935, the Colonel Shoup property was then divided and sold to a Mr. Gar Hodges and a Mr. Corbett. The property taken by Mr. Corbett is not at issue in this matter as such property is the north half of the original Shoup Ranch toward Williams Lake road. Mr. Hodges then contracted with Mr. Corbett, as a contractor, to construct the balance of the Highline Canal to the Hodges property purchased from the Shoups. (As a point of interest, the Corbetts and Hodges also built what is now

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SEP 05 2008

December 10, 2002

Page 2

Mr. Robert Foster

Re: Williams Creek/Highline Ditch vs. John A. Benzon

known as Rainbow Ditch for the purpose of diverting water directly from the Salmon River to their properties as well).

3. When the Highline Ditch was completed, only the Hodges ever diverted from it. Prior to that time, even when Shoups owned the property, the present property being watered by the Highline Ditch (excluding Mr. Benzon's property) was the **only** property ever watered from the original diversion.

4. Approximately, during the same period of time, another son of Colonel Shoup, by the name of Will Shoup, purchased some additional property which was unrelated to the property transferred to the Hodges as discussed above and some portion of which eventually became the property now owned by Mr. Benzon.

5. Mr. Hodges had three children, Garr Hodges, Paul Hodges and a daughter by the name of Deleith (sp). The property was then divided among the three children and the water rights from the Highline Ditch were divided in three equal portions.

6. The property originally owned by Paul Hodges eventually became owned by the Capps. The property originally owned by Garr Hodges eventually was divided up and sold to Mr. Bill Gattung, Jason Beyelerr and D. Logan. The property originally owned by Deleith Hodges went to her heirs and is now owned and or operated by Kevin Rice.

7. The only modifications to the Highline Ditch, from the time of its' construction and when it originally carried water, have been two new head gates (one by Mr. Gattung and the other by Mr. Rice) representing the three original points of diversion from the original water rights within the Highline Ditch.

8. Testimony from Mr. Gar Hodges himself will evidence that the property now owned by Mr. Benzon absolutely never had any water on it from the beginning of the original construction of the Highline Ditch by Mr. Shoup and completed by Mr. Hodges. This testimony will be confirmed by Mr. George Rice who came to the area in 1945. Both of these gentlemen are willing to testify at any hearing or meeting required to resolve this matter.

8. Both Mr. Hodges and Mr. Rice confirm that the Benzon property was always sage brush and was never cleared until recently. In fact, the property actually had a small saw mill on it and was never intended for irrigation purposes. The sage brush was five to six feet high, hardly evidencing any clearing in modern times.

9. In the early 1980s, a new diversion on Williams Creek was constructed which essentially allowed all of the water of Williams Creek to be diverted into the Highline Ditch and then within a few yards from the creek, a re-diversion takes place which dumps water for all other water rights on Williams Creek back into Williams Creek.

As stated above, it is our understanding that the Department has granted Mr. Benzon's request based

SCANNED
SEP 05 2008

December 10, 2002

Page 3

Mr. Robert Foster

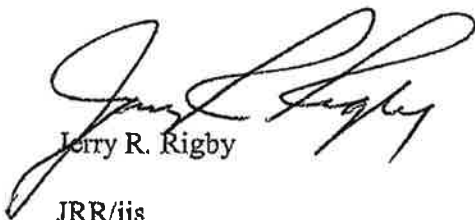
Re: Williams Creek/Highline Ditch vs. John A. Benzon

upon an Affidavit of Richard M. Shoup (deceased) prepared by his attorney of record in 1974. The fact of the matter is, the Affidavit is unsubstantiated and certainly is inconsistent with the testimony of those who were there and are presently alive and willing to testify. Furthermore, it is obviously incorrect in other ways: i.e. it states the priority date as May 1, 1888 and it should be 1886. At best, the Affidavit can only be claimed to be confused with the fact that some of the property purchased by Will Shoup lying below Mr. Benzon's property (on the other side of the road) was in fact watered from another point of diversion down stream of the point of diversion the Highline Canal on Williams Creek, located in the NE1/4SW1/4NW1/4 of Section 12. This property is presently owned by a Mr. Gale Anderson. However, this diversion could never have reached property lying up-gradient above the road and now owned by Mr. Benzon.

Basically, the bottom line to this correspondence is that we believe Mr. Benzon's claim to water right is in error and that he does not have any water rights on his property (except for a well which was drilled by his predecessor in interest, a Mr. Snider). Furthermore, even if his predecessors in interest did own a water right (as claimed within the original Shoup water right from either the Section 11 or Section 12 diversion), it has long ago been forfeited and/or abandoned. For these reasons, we must insist that the water master and/or the Department of Water Resources reverse its direction to the Highline Ditch shareholders that they must allow Mr. Benzon to divert from the Highline Ditch. We request a specific meeting to be held when we can present our case and our witnesses. If for any reason you are unwilling to provide the same, we will of course be forced to bring whatever action is necessary to enforce what we believe are our legal rights. We await your reply.

Please contact me as soon as possible.

Sincerely yours,



Jerry R. Rigby

JRR/jjs

cc: Bill Gattung

cc: Ron Carlson

F:\WP6\SB\GATTUNGB.LTR

SCANNED

SEP 05 2008

RECEIVED

MAY 07 2007

2 May 2006

DEPARTMENT OF
WATER RESOURCES

Williams Creek Water District 75-B
88 Lois Lane
Salmon, Idaho 83467

Re: Removing water from the Highline Ditch

Dear Mr. Benzon:

It has been brought to our attention (while we were in the process of cleaning the ditch), that you have been removing water for your property.

You were notified by a letter of 7 February 2003 that the Highline Ditch is a private line and it is illegal for you to remove water from it.

If we find further evidence that you have been or are continuing to remove water from this ditch, we will have to take legal action.

Sincerely,


Kevin Rice, Watermaster


Bill Gattung, Secretary

cc: Idaho Department of Water Resources, Idaho Falls, Idaho
Bob Foster, Salmon, Idaho

SCANNED

SEP 05 2008

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. ■ Print your name and address on the reverse so that we can return the card to you. ■ Attach this card to the back of the mailpiece, or on the front if space permits.		A. Signature ☐ Agent ☐ Addressee <i>John Benzon</i>	
1. Article Addressed to: John Benzon 257 Wm. Crk Rd Salmon ID 83467		B. Received by (Printed Name) C. Date of Delivery JOHN BENZON 5-9-06	
		D. Is delivery address different from item 1? ☐ Yes ☐ No If YES, enter delivery address below:	
		3. Service Type ☒ Certified Mail ☐ Express Mail ☐ Registered ☐ Return Receipt for Merchandise ☐ Insured Mail ☐ C.O.D.	
2. Article Number (Transfer from serv) 7004 2890 0002 9623 6736		4. Restricted Delivery? (Extra Fee) ☐ Yes	

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

SCANNED
SEP 05 2008

April 24, 2007

RECEIVED

MAY 07 2007

DEPARTMENT OF
WATER RESOURCES

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P.O. Box 2707
Twin Falls, Idaho 83303-2707

RE: Reason for Protest of Water Right 75-27L - John A. Benzon

TO: Clerk of the District Court - Twin Falls, Idaho

I am enclosing documents from our previous protests of 2002 and 2003. I think you should have these documents in your file, along with the original.

I am protesting Mr. Benzons water right #75-27L on the basis that Mr. Benzon has never had water from Williams Creek on his property legally to this date and never from the Highline Ditch legally.

Therefore, I am protesting Mr. Benzons 75-27L Water Right, dated 1/08/07, that it does not exist for not having used water since 1935 (documents enclosed). However, if water right 75-27L, 1/08/07 is valid by the Idaho Department of Water Resources, I protest the moving of the diversion point of 75-27L from NESWNW Sec. 12 T20N R 21E to T20N R21E S11 NENENE Lot 1.

Sincerely,



Kevin Rice

SCANNED

SEP 05 2008

RECEIVED

MAY 07 2007

DEPARTMENT OF
WATER RESOURCES

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)
_____)

A. Subcase 75-27L
(Insert water right number)

STANDARD FORM 1
OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: Kevin Rice
Address: 127 Corbett Lane
Salmon, Idaho 83467
Daytime Phone: 208-756-2669

Name & Address of Attorney, if any:

C. CLAIMANT OF WATER RIGHT AS LISTED IN DIRECTOR'S REPORT

Name: John A. Benzon
Address: 257 Williams Creek Rd.
Salmon, Idaho 83467

SCANNED

SEP 05 2008

D. I object to the following elements as recommended in the Director's Report. (Please check the appropriate box(es)).

1. ☐ **Name and Address**
Should be: _____
2. ☐ **Source**
Should be: _____
3. ☐ **Quantity**
Should be: _____
4. ☐ **Priority Date**
Should be: _____
5. ☐ **Point of Diversion**
Should be: _____
6. ☐ **Instream Flow Beginning and Ending Point**
Should be: _____
7. ☐ **Purpose(s) of Use**
Should be: _____
8. ☐ **Period of Year**
Should be: _____
9. ☐ **Place of Use**
Should be: _____
10. ☒ **I object because:** SEE ENCLOSED DOCUMENTS
☐ This water right Should not exist.

☐ This water right was not recommended, but Should be recommended with the elements described above.

E. **REASONS SUPPORTING OBJECTIONS(S):** SEE ENCLOSED DOCUMENTS
OF PROTEST.

F.

VERIFICATION (must be completed)

State of Idaho)
)ss.
County of LeMhi)

Kevin A. Rice, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

Kevin A. Rice
(Signature of person filing objection)

(Attorney signing in representative capacity)

Subscribed and sworn to before me on: 5/6/09

Roger R. Trach
Notary Public for Idaho
Residing at: Salmon ID 83417
My Commission Expires: 9/16/10
ROGER R. TRACH
NOTARY PUBLIC
STATE OF IDAHO

INSTRUCTIONS FOR MAILING

You must mail the objection, to the Clerk of the court. FAX filings will not be accepted. You must also send a copy to all the parties listed below in the Certificate of Mailing.

G. CERTIFICATE OF MAILING

I certify that on 5-4, 2007, I mailed the original and copies of this objection, including all attachments, to the following persons:

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 the claimant of the water right at the following address:

Name: John A. Benson
Address: 257 Williams Creek Rd.
Salmon, Idaho 83467

3. Copies to:

IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

United States Department of Justice
Environment & Nat'l Resources Div
550 W Fort Street, MSC 033
Boise, ID 83724

Chief, Natural Resources Division
Office of Attorney General
PO Box 44449
Boise, ID 83711-4449


Signature of objector or attorney
mailing on Objector's behalf

STANLEY WATSON, JR., 1945 - Present

[illegible]

3.6 ACRES TOTAL

FROM 8212 612 MINUTE 09-7

~~CONFIDENTIAL - SECURITY MATTER~~

References

8912 SO WISCONSIN

04/02 22/42

REVISION OF 1985

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အောက်ကောက်

FOR THE DIRECTOR, FBI

94BY/CO/80

[illegible]

07-1869

LEVEL OF DISCRETION

5 MAY 1964 48

11. 2000-2001

U.S. DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION

1008/80/70

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Claim Report 75-271

WATER RIGHT NUMBER: 75-271

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	JOHN A BENZON 267 WILLIAMS CREEK RD SALMON, ID 83467 (208)758-4573

Priority Date: 03/01/1886

Basis: Decreased

Status: Active

<u>Source</u>	<u>Tributary</u>
WILLIAMS CREEK	SALMON RIVER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	1/01 to 11/01	0.080 CFS	
	<u>Total Diversion:</u>	0.080 CFS	

Location of Point(s) of Diversion

WILLIAMS CREEK
LEMHI County

NE1/4SW1/4NW1/4

Sec. 12, Twp 20N, Rge 21E, B.M.

Place of Use

IRRIGATION

Twp	Rge	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Total
20N	21E	12													4.0

Total Acres: 4

Conditions of Approval:

Remarks:

1. General

IT APPEARS TO BE ERROR IN PROPERTY DESCRIPTION IN ORIGINAL DECREE TOWNSHIP FOR PROPERTY IS 20N RATHER THAN 21N AS IN DECREE. WILLIAMS CREEK WATER CANNOT REACH T21N R21E SEC.18. THIS RIGHT IS A PORTION OF A75-00027.8/7/80/JT

Comments:

Dates and Other Information:

SCANNED

SEP 05 2008

07/18/2002

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Claim Report 75-27L

Dates and Other Information:

Claim Received Date: 8/7/1990
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
State or Federal: S
Owner Name Connector:
Water District Number:
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

SCANNED

SEP 05 2008

2 May 2006

Williams Creek Water District 75-B
88 Lois Lane
Salmon, Idaho 83467

Re: Removing water from the Highline Ditch

Dear Mr. Benzon:

It has been brought to our attention (while we were in the process of cleaning the ditch), that you have been removing water from your property.

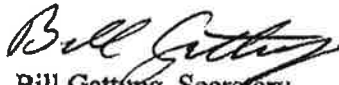
You were notified by a letter of 7 February 2003 that the Highline Ditch is a private line and it is illegal for you to remove water from it.

If we find further evidence that you have been or are continuing to remove water from this ditch, we will have to take legal action.

Sincerely,



Kevin Rice, Watermaster



Bill Gattung, Secretary

cc: Idaho Department of Water Resources, Idaho Falls, Idaho
Bob Foster, Salmon, Idaho

SCANNED
SEP 05 2008

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

John Benzon
257 Wm. Crk Rd
Salmon ID 83467

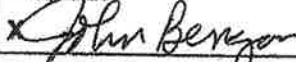
2. Article Number

(Transfer from serv.)

7004 2890 0002 9623 6736

COMPLETE THIS SECTION ON DELIVERY

A. Signature

☐ Agent☐ Addressee

B. Received by (Printed Name)

JOHN BENZON

C. Date of Delivery

5-9-06

D. Is delivery address different from item 1?

☐ Yes

If YES, enter delivery address below:

☐ No

3. Service Type

☒ Certified Mail☐ Express Mail☐ Registered☐ Return Receipt for Merchandise☐ Insured Mail☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

PS Form 3811, February 2004

Domestic Return Receipt

102585-02-M-1540

SCANNED

SEP 05 2009

April 24, 2007

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P.O. Box 2707
Twin Falls, Idaho 83303-2707

a
RECEIVED
MAY 07 2007
DEPARTMENT OF
WATER RESOURCES

RE: Reason for Protest of Water **Right** 75-27L - John A. Benzon

TO: Clerk of the District Court - **Twin** Falls, Idaho

I am enclosing documents from **our** previous protests of 2002 and 2003. I think you should have these documents in your file, **along** with the original.

I am protesting Mr. Benzons **water** right #75-27L on the basis that Mr. Benzon has never had water from Williams Creek on his **property** legally to this date and never from the Highline Ditch legally.

Therefore, I am protesting Mr. **Benzons** 75-27L Water Right, dated 1/08/07, that it does not exist for not having used water since **1935** (documents enclosed). However, if water right 75-27L, 1/08/07 is valid by the Idaho Department of Water Resources, I protest the moving of the diversion point of 75-27L from **NESWNW** Sec. 12 T20N R 21E to T20N R21E S11 NENENE Lot 1.

Sincerely,

Bill Gattung

SCANNED
SEP 05 2008

RECEIVED

MAY 07 2007

DEPARTMENT OF
WATER RESOURCES

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)

A. Subcase 75-27L

(Insert water right number)

Case No. 39576)

STANDARD FORM 1
OBJECTION

Please fill in the following information:

B NAME AND ADDRESS OF PERSON OBJECTING

Name: Bill Gattung

Address: 88 Lois Ln.

Salmon, Idaho 83467

Daytime Phone: 208-756-3704

Name & Address of Attorney, if any:

C. CLAIMANT OF WATER RIGHT AS LISTED IN DIRECTOR'S REPORT

Name: John A. Benzon

Address: 257 Williams Creek Road

Salmon, Idaho 83467

SCANNED

SEP 05 2008

D. I object to the following elements as recommended in the Director's Report. (Please check the appropriate box(es)).

1. ☐ **Name and Address**
Should be: _____
2. ☐ **Source**
Should be: _____
3. ☐ **Quantity**
Should be: _____
4. ☐ **Priority Date**
Should be: _____
5. ☐ **Point of Diversion**
Should be: _____
6. ☐ **Instream Flow Beginning and Ending Point**
Should be: _____
7. ☐ **Purpose(s) of Use**
Should be: _____
8. ☐ **Period of Year**
Should be: _____
9. ☐ **Place of Use**
Should be: _____

10. ☒ **I object because:** SEE ENCLOSED DOCUMENTS
- ☐ This water right Should not exist.
- ☐ This water right was not recommended, but Should be recommended with the elements described above.

E. **REASONS SUPPORTING OBJECTIONS(S):** SEE ENCLOSED DOCUMENTS
OF PROTEST.

F.

VERIFICATION (must be completed)

State of Idaho)
)ss.
County of LEMMING)

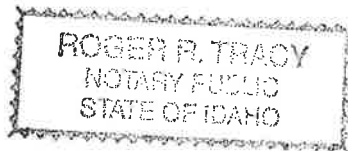
BILL LAMMUNG, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

Bill Lammung
(Signature of person filing objection)

(Attorney signing in representative capacity)

Subscribed and sworn to before me on: 5/4/07



Roger R. Tracy
Notary Public for Idaho
Residing at: SALMON ID 83402
My Commission Expires: 9/26/10

INSTRUCTIONS FOR MAILING

You must mail the objection, to the Clerk of the court. **FAX filings will not be accepted.** You must also send a copy to all the parties listed below in the Certificate of Mailing.

G. CERTIFICATE OF MAILING

I certify that on 5-4-07, 2007, I mailed the original and copies of this objection, including all attachments, to the following persons:

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 the claimant of the water right at the following address:

Name: John A. Benzon
Address: 257 Williams Creek Rd.
Salmon, Idaho 83467

3. Copies to:

IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

United States Department of Justice
Environment & Nat'l Resources Div
550 W Fort Street, MSC 033
Boise, ID 83724

Chief, Natural Resources Division
Office of Attorney General
PO Box 44449
Boise, ID 83711-4449


Signature of Objector or attorney
mailing on Objector's behalf

Law Offices

**RIGBY, THATCHER, ANDRUS
RIGBY, KAM & MOELLER, Chartered**

Ray W. Rigby
Gordon S. Thatcher
G. Rich Andrus
Jerry R. Rigby
Michael S. Kam (1954-2001)
Gregory W. Moeller

P.O. Box 250
25 North Second East
Rexburg, ID 83440

Telephone: (208) 356-3633
Facsimile: (208) 356-0768
E-mail: jrigby@rigby-thatcher.com

December 10, 2002

Mr. Robert Foster
IDWR - Salmon Region Office
206 Van Dreff Offices, Suite B
Salmon, ID 83467

Re: Williams Creek/Highline Ditch vs. John A. Benzon

Dear Mr. Foster,

This firm represents Bill Gattung and other water users on the privately owned Highline Ditch which has, as its point of diversion, Williams Creek in the following location: SE1/4NE1/4NE1/4 of Section 11, Twp. 21 North, Rge. 22 E.B.M. It has come to our attention that pursuant to a mandate given to the Highline Ditch water users by you and/or the Department of Water Resources, Highline Ditch water users are now required to allow a Mr. John A. Benzon to divert his claimed Water Right No. 75-27L in the amount of .080 cfs from the Highline Ditch in order to water his approximately four acres. Our understanding is that you have based your determination based upon an affidavit of Mr. Shoup, who is now deceased.

After extensive review of the records, the chain of titles to the properties and conversation with all witnesses who were alive at the time of the original applicable diversions from Williams Creek, it is clear that Mr. Benzon does not have a water right out of Williams Creek. According to our investigation, the history of the Highline Ditch is as follows:

1. A Colonel George L. Shoup originally owned certain property now being watered by the Highline Ditch. He initially began construction of a ditch from Williams Creek but stopped at a draw well above property now owned by Mr. Benzon as well as the present water users of Highline Ditch. No water was diverted. The question at that time was whether or not to froom across the draw or engineer around the draw.
2. In 1935, the Colonel Shoup property was then divided and sold to a Mr. Gar Hodges and a Mr. Corbett. The property taken by Mr. Corbett is not at issue in this matter as such property is the north half of the original Shoup Ranch toward Williams Lake road. Mr. Hodges then contracted with Mr. Corbett, as a contractor, to construct the balance of the Highline Canal to the Hodges property purchased from the Shoups. (As a point of interest, the Corbetts and Hodges also built what is now

SCANNED

SEP 05 2008

December 10, 2002

Page 2

Mr. Robert Foster

Re: Williams Creek/Highline Ditch vs. John A. Benzon

known as Rainbow Ditch for the purpose of diverting water directly from the Salmon River to their properties as well).

3. When the Highline Ditch was completed, only the Hodges ever diverted from it. Prior to that time, even when Shoups owned the property, the present property being watered by the Highline Ditch (excluding Mr. Benzon's property) was the **only** property ever watered from the original diversion.

4. Approximately, during the same period of time, another son of Colonel Shoup, by the name of Will Shoup, purchased some additional property which was unrelated to the property transferred to the Hodges as discussed above and some portion of which eventually became the property now owned by Mr. Benzon.

5. Mr. Hodges had three children, Garr Hodges, Paul Hodges and a daughter by the name of Deleith (sp). The property was then divided among the three children and the water rights from the Highline Ditch were divided in three equal portions.

6. The property originally owned by Paul Hodges eventually became owned by the Capps. The property originally owned by Garr Hodges eventually was divided up and sold to Mr. Bill Gattung, Jason Beyelerr and D. Logan. The property originally owned by Deleith Hodges went to her heirs and is now owned and or operated by Kevin Rice.

7. The only modifications to the Highline Ditch, from the time of its' construction and when it originally carried water, have been two new head gates (one by Mr. Gattung and the other by Mr. Rice) representing the three original points of diversion from the original water rights with n the Highline Ditch.

8. Testimony from Mr. Gar Hodges himself will evidence that the property now owned by Mr. Benzon absolutely never had any water on it from the beginning of the original construction of the Highline Ditch by Mr. Shoup and completed by Mr. Hodges. This testimony will be confirmed by Mr. George Rice who came to the area in 1945. Both of these gentlemen are willing to testify at any hearing or meeting required to resolve this matter

8. Both Mr. Hodges and Mr. Rice confirm that the Benzon property was always sage brush and was never cleared until recently. In fact, the property actually had a small saw mill on it and was never intended for irrigation purposes. The sage brush was five to six feet high, hardly evidencing any clearing in modern times.

9. In the early 1980s, a new diversion on Williams Creek was constructed which essentially allowed all of the water of Williams Creek to be diverted into the Highline Ditch and then within a few yards from the creek, a re-diversion takes place which dumps water for all other water rights on Williams Creek back into Williams Creek.

As stated above, it is our understanding that the Department has granted Mr. Benzon's request t ased

SCANNED

SEP 05 2009

December 10, 2002

Page 3

Mr. Robert Foster

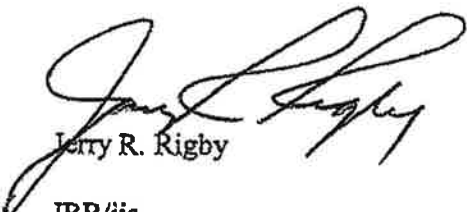
Re: Williams Creek/Highline Ditch vs. John A. Benzon

upon an Affidavit of Richard M. Shoup (deceased) prepared by his attorney of record in 1974. The fact of the matter is, the Affidavit is unsubstantiated and certainly is inconsistent with the testimony of those who were there and are presently alive and willing to testify. Furthermore, it is obviously incorrect in other ways: i.e. it states the priority date as May 1, 1888 and it should be 1886. At best, the Affidavit can only be claimed to be confused with the fact that some of the property purchased by Will Shoup lying below Mr. Benzon's property (on the other side of the road) was in fact willed from another point of diversion down stream of the point of diversion the Highline Canal on Williams Creek, located in the NE1/4SW1/4NW1/4 of Section 12. This property is presently owned by a Mr. Gale Anderson. However, this diversion could never have reached property lying up-gradient above the road and now owned by Mr. Benzon.

Basically, the bottom line to this correspondence is that we believe Mr. Benzon's claim to water right is in error and that he does not have any water rights on his property (except for a well which was drilled by his predecessor in interest, a Mr. Snider). Furthermore, even if his predecessors in interest did own a water right (as claimed within the original Shoup water right from either the Section 11 or Section 12 diversion), it has long ago been forfeited and/or abandoned. For these reasons, we must insist that the water master and/or the Department of Water Resources reverse its direction to the Highline Ditch shareholders that they must allow Mr. Benzon to divert from the Highline Ditch. We request a specific meeting to be held when we can present our case and our witnesses. If for any reason you are unwilling to provide the same, we will of course be forced to bring whatever action is necessary to enforce what we believe are our legal rights. We await your reply.

Please contact me as soon as possible.

Sincerely yours,



Jerry R. Rigby

JRR/jjs

cc: Bill Gattung

cc: Ron Carlson

FAWPASSBGATTUNGB.LTR

SCANNED

SEP 05 2008

01/08/2007

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

RIGHT NUMBER: 75-27L

NAME AND ADDRESS: JOHN A BENZON
257 WILLIAMS CREEK RD
SALMON ID 83467

SOURCE: WILLIAMS CREEK

TRIBUTARY: SALMON RIVER

QUANTITY: 0.080 CFS

This right when combined with all other rights shall provide no more than .03 cfs per acre nor more than 3.0 afa per acre for irrigation of the lands above.

PRIORITY DATE: 05/01/1886

POINT OF DIVERSION: T20N R21E S11 NENENE Lot 1 Within LEMHI County

PURPOSE AND PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

04/01 11/01

0.080 CFS

PLACE OF USE: IRRIGATION in LEMHI County

T20N R21E S12 SENW 3.60

3.6 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: BASIS OF CLAIM - Decreed

07/2/2002

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 75-27L

WATER RIGHT NUMBER: 75-27L

Owner Type

Current Owner

Name and Address

JOHN A BENZON
257 WILLIAMS CREEK RD
SALMON, ID 83467
(208)766-4573

Priority Date: 05/01/1988

Basis: Decreed

Status: Active

Source

WILLIAMS CREEK

Tributary

SALMON RIVER

Beneficial Use

IRRIGATION

From To

1/01 to 11/01

Diversion Rate

0.080 CFS

Annual VolumeTotal Diversion:

0.080 CFS

Location of Point(s) of Diversion

WILLIAMS CREEK

LEMHI County

NE1/4SW1/4NW1/4

Sec. 12, Twp 20N, Rge 21E, B.M.

Place of Use

IRRIGATION

Twp	Rge	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Total
20N	21E	12																	4.0

Total Acres: 4

Conditions of Approval:Remarks:

1. General

IT APPEARS TO BE ERROR IN PROPERTY DESCRIPTION IN ORIGINAL DECREE TOWNSHIP FOR PROPERTY IS 20N RATHER THAN 21N AS IN DECREE. WILLIAMS CREEK WATER CANNOT REACH T21N R21E SEC.18. THIS RIGHT IS A PORTION OF A75-00027.8/7/80/JT

Comments:Dates and Other Information:

SCANNED

SEP 05 2008

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Claim Report 75-27L

Dates and Other Information:

Claim Received Date: 8/7/1990
Entitlement Use Priority Date:
Entitlement Statute Priority Date:
State or Federal: S
Owner Name Connector:
Water District Number:
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

SCANNED

SEP 05 2008

01/08/2007

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

RIGHT NUMBER: 75-27L

NAME AND ADDRESS: JOHN A BENZON
257 WILLIAMS CREEK RD
SALMON ID 83467

SOURCE: WILLIAMS CREEK

TRIBUTARY: SALMON RIVER

QUANTITY: 0.080 CFS

This right when combined with all other rights shall provide no more than 03
cfa per acre nor more than 3.0 afa per acre for irrigation of the lands above.

PRIORITY DATE: 05/01/1886

POINT OF
DIVERSION: T20N R21E S11 NENENE Lot 1 Within LEMHI County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 11/01	0.080 CFS

PLACE OF USE: IRRIGATION in LEMHI County

T20N R21E S12 SENW 3.60

3.6 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: BASIS OF CLAIM - Decreed

2 May 2006

Williams Creek Water District 75-B
88 Lois Lane
Salmon, Idaho 83467

RECEIVED
MAY 07 2007
DEPARTMENT OF
WATER RESOURCES

Re: Removing water from the Highline Ditch

Dear Mr. Benzon:

It has been brought to our attention (while we were in the process of cleaning the ditch), that you have been removing water for your property.

You were notified by a letter of 7 February 2003 that the Highline Ditch is a private line and it is illegal for you to remove water from it.

If we find further evidence that you have been or are continuing to remove water from this ditch, we will have to take legal action.

Sincerely,


Kevin Rice, Watermaster


Bill Gattung, Secretary

cc: Idaho Department of Water Resources, Idaho Falls, Idaho
Bob Foster, Salmon, Idaho

SCANNED

SEP 05 2008

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

John Benzon
257 Wm. Crk Rd
Salmon ID 83467

2. Article Number

(Transfer from servi

7004 2890 0002 9623 6736

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

COMPLETE THIS SECTION ON DELIVERY

A. Signature

x John Benzon

☐ Agent☐ Addressee

B. Received by (Printed Name)

JOHN BENZON

C. Date of Delivery

5-9-06

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type

☒ Certified Mail☐ Express Mail☐ Registered☐ Return Receipt for Merchandise☐ Insured Mail☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

SCANNED

SEP 05 2009

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION SECTION
CLAIM VERIFICATION FIELD EXAM SHEET
(Use with the ECVR)**

CLAIM NO(s). 75-276

1. ☒ No Change NAME IS SAME
☐ NEW OWNER: _____
☐ No Change ADDRESS _____
☒ NEW ADDRESS: 257 Williams Cr. RD Salmon ID 83467
2. ☐ No Change - DATE OF PRIORITY: Completed evidence submitted
☐ Incomplete - Claimant should be asked during the exam when was water first used and submit proof of date of priority.

Priority date, per claimant, is: _____
(If the priority date, based on your exam, seems questionable, explain below.)

3. ☒ No Change — SAME SOURCE
☐ Source is different than that claimed:

Source found: _____

4. ☐ No Change — POINT OF DIVERSION
☒ Point of diversion is different than the claim and/or new P/D's:
GPS Site Tag No.: ADD17406 File # 923PODW1

Township 20N Range 21E Section 11 1/4 SE 1/4 NE 1/4 NE
Township _____ Range _____ Section _____ 1/4 1/4 1/4

5. ☒ No Change - DESCRIPTION OF DIVERTING WORKS
☐ Incomplete description, list below:

headgate on creek ditch to place of use

6. ☒ No Change - WATER USES
☐ Different uses, (list uses found):

Use _____	From _____	To _____	Amount _____	CFS _____	AFA _____
Use _____	From _____	To _____	Amount _____	CFS _____	AFA _____
Use _____	From _____	To _____	Amount _____	CFS _____	AFA _____

7. ☒ No Change - TOTAL VOLUME

☐ Incomplete on claim, the total is, Amount _____ CFS _____ AFA

☐ Changes found, the new total is, Amount _____ CFS _____ AFA

8. ☒ No Change - NON-IRRIGATION USES:

☐ Changes Exam found:

Domestic # of homes: _____ Stock # _____ List types: _____

Additional comments: _____

9. ☒ No Change — PLACE OF USE: (If changed, list below.)

Use: _____	Township _____	Range _____	Section _____	1/4 _____	1/4 _____
Use: _____	Township _____	Range _____	Section _____	1/4 _____	1/4 _____
Use: _____	Township _____	Range _____	Section _____	1/4 _____	1/4 _____
Use: _____	Township _____	Range _____	Section _____	1/4 _____	1/4 _____

Remarks: (Comments pertinent to field examination) ☐ See additional attachment

this land is also covered und. 75-7083

assessor's off 2 parcels 2.8 to 8 acres

☐ SYSTEM DIAGRAM INCLUDED

☐ NA

☒ Shown on GIS Layout

☐ CK IF IN OFFICE EXAM

DATE EXAM CONDUCTED: 9-29-05

FIELD EXAMINER: Bob Foster
Print Name

Bob Foster
Signature

Claim 75-000274 file

RECEIVED

MAR 14 2003

Department of Water Resources

Law Offices

**RIGBY, THATCHER, ANDRUS
RIGBY, KAM & MOELLER, Chartered**

Ray W. Rigby
Gordon S. Thatcher
G. Rich Andrus
Jerry R. Rigby
Michael S. Kam - (1954-2001)
Gregory W. Moeller

P.O. Box 250
25 North Second East
Rexburg, ID 83440

Telephone: (208) 356-3633
Fax: (208) 356-0768
E-Mail: Rexlaw@srv.net

March 11, 2003

Glen Saxton
Department of Water Resources
P.O. Box 83720
1301 North Orchard Street
Boise, Idaho 83720-0098

Re: Williams' Creek, Lemhi County

Dear Glen:

Since my letter to you dated January 24, 2003, we have obtained the Affidavit of Mr. Gar Hodges, the son of the original owner of the properties involved. His affidavit addresses and confirms the position taken by Mr. Gattung. Although we will not be advancing anything further at this time before the Department, please see that this Affidavit is placed in the appropriate file for the appropriate time when the affected water rights will be adjudicated. As always, should you have any question, please do not hesitate to call.

Sincerely yours,



Jerry R. Rigby

JRR:jt

Enclosure

cc: Bill Gattung
F:\WP6\SB\GATTUNG.LT8

SCANNED

SEP 05 2000

County of La Paz .)

SCANNED
SEP 05 2000

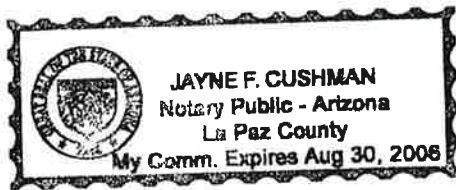
to Bill Gattung, Jason Beyler and others. My sister Deleith's property is still owned by the Rice family as far as I understand it.

7. From my own personal knowledge, since the beginning of the Highline Ditch's construction, at no time did the Highline Ditch carry any water for the lands now owned by Mr. Benzon nor was any water diverted from the Highline Ditch for any lands now owned by Mr. Benzon.
8. During the entire time I resided and owned lands in the Salmon area, the Benzon property was never developed for irrigation. It only grew large sage brush (further evidencing no irrigation activity upon the property) and the only use of the property was from an old saw mill that was constructed there during some of the time I resided in the area. Never was any water diverted from any creek or ditch to the Benzon property to my knowledge.

FURTHER YOUR AFFIANT SAITH NOT.


Gar Hodges

SUBSCRIBED AND SWORN To before me this 4th day of ^{Feb}~~January~~, 2003.




Notary Public for Arizona
Residing at: Quartzsite
My Commission Expires: 8/30/06

Law Offices

**RIGBY, THATCHER, ANDRUS
RIGBY, KAM & MOELLER, Chartered**

Ray W. Rigby
Gordon S. Thatcher
G. Rich Andrus
Jerry R. Rigby
Michael S. Kam (1954-2001)
Gregory W. Moeller

P.O. Box 250
25 North Second East
Rexburg, ID 83440

Telephone: (208) 356-3633
Facsimile: (208) 356-0768
E-mail: jrigby@rigby-thatcher.com

RECEIVED
DEC 11 2002
Department of Water Resources
Eastern Region

December 10, 2002

Mr. Robert Foster
IDWR - Salmon Region Office
206 Van Dreff Offices, Suite B
Salmon, ID 83467

Re: Williams Creek/Highline Ditch vs. John A. Benzon

Dear Mr. Foster,

This firm represents Bill Gattung and other water users on the privately owned Highline Ditch which has, as its point of diversion, Williams Creek in the following location: SE1/4NE1/4NE1/4 of Section 11, Twp. 21 North, Rge. 22 E.B.M. It has come to our attention that pursuant to a mandate given to the Highline Ditch water users by you and/or the Department of Water Resources, Highline Ditch water users are now required to allow a Mr. John A. Benzon to divert his claimed Water Right No. 75-27L in the amount of .080 cfs from the Highline Ditch in order to water his approximately four acres. Our understanding is that you have based your determination based upon an affidavit of Mr. Shoup, who is now deceased.

After extensive review of the records, the chain of titles to the properties and conversation with all witnesses who were alive at the time of the original applicable diversions from Williams Creek, it is clear that Mr. Benzon does not have a water right out of Williams Creek. According to our investigation, the history of the Highline Ditch is as follows:

1. A Colonel George L. Shoup originally owned certain property now being watered by the Highline Ditch. He initially began construction of a ditch from Williams Creek but stopped at a draw well above property now owned by Mr. Benzon as well as the present water users of Highline Ditch. No water was diverted. The question at that time was whether or not to froom across the draw or engineer around the draw.

2. In 1935, the Colonel Shoup property was then divided and sold to a Mr. Gar Hodges and a Mr. Corbett. The property taken by Mr. Corbett is not at issue in this matter as such property is the north half of the original Shoup Ranch toward Williams Lake road. Mr. Hodges then contracted with Mr. Corbett, as a contractor, to construct the balance of the Highline Canal to the Hodges property purchased from the Shoups. (As a point of interest, the Corbetts and Hodges also built what is now

December 10, 2002

Page 2

Mr. Robert Foster

Re: Williams Creek/Highline Ditch vs. John A. Benzon

known as Rainbow Ditch for the purpose of diverting water directly from the Salmon River to their properties as well).

3. When the Highline Ditch was completed, only the Hodges ever diverted from it. Prior to that time, even when Shoups owned the property, the present property being watered by the Highline Ditch (excluding Mr. Benzon's property) was the **only** property ever watered from the original diversion.

4. Approximately, during the same period of time, another son of Colonel Shoup, by the name of Will Shoup, purchased some additional property which was unrelated to the property transferred to the Hodges as discussed above and some portion of which eventually became the property now owned by Mr. Benzon.

5. Mr. Hodges had three children, Garr Hodges, Paul Hodges and a daughter by the name of Deleith (sp). The property was then divided among the three children and the water rights from the Highline Ditch were divided in three equal portions.

6. The property originally owned by Paul Hodges eventually became owned by the Capps. The property originally owned by Garr Hodges eventually was divided up and sold to Mr. Bill Gattung, Jason Beyelerr and D. Logan. The property originally owned by Deleith Hodges went to her heirs and is now owned and or operated by Kevin Rice.

7. The only modifications to the Highline Ditch, from the time of its' construction and when it originally carried water, have been two new head gates (one by Mr. Gattung and the other by Mr. Rice) representing the three original points of diversion from the original water rights within the Highline Ditch.

8. Testimony from Mr. Gar Hodges himself will evidence that the property now owned by Mr. Benzon absolutely never had any water on it from the beginning of the original construction of the Highline Ditch by Mr. Shoup and completed by Mr. Hodges. This testimony will be confirmed by Mr. George Rice who came to the area in 1945. Both of these gentlemen are willing to testify at any hearing or meeting required to resolve this matter

8. Both Mr. Hodges and Mr. Rice confirm that the Benzon property was always sage brush and was never cleared until recently. In fact, the property actually had a small saw mill on it and was never intended for irrigation purposes. The sage brush was five to six feet high, hardly evidencing any clearing in modern times.

9. In the early 1980s, a new diversion on Williams Creek was constructed which essentially allowed all of the water of Williams Creek to be diverted into the Highline Ditch and then within a few yards from the creek, a re-diversion takes place which dumps water for all other water rights on Williams Creek back into Williams Creek.

As stated above, it is our understanding that the Department has granted Mr. Benzon's request based

SCANNED

SEP 05 2009

December 10, 2002

Page 3

Mr. Robert Foster

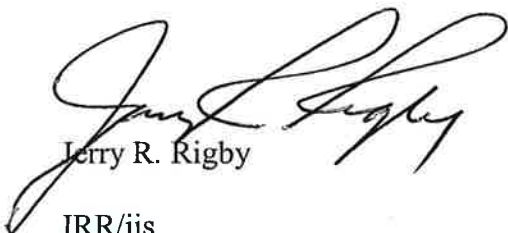
Re: Williams Creek/Highline Ditch vs. John A. Benzon

upon an Affidavit of Richard M. Shoup (deceased) prepared by his attorney of record in 1974. The fact of the matter is, the Affidavit is unsubstantiated and certainly is inconsistent with the testimony of those who were there and are presently alive and willing to testify. Furthermore, it is obviously incorrect in other ways: i.e. it states the priority date as May 1, 1888 and it should be 1886. At best, the Affidavit can only be claimed to be confused with the fact that some of the property purchased by Will Shoup lying below Mr. Benzon's property (on the other side of the road) was in fact watered from another point of diversion down stream of the point of diversion the Highline Canal on Williams Creek, located in the NE1/4SW1/4NW1/4 of Section 12. This property is presently owned by a Mr. Gale Anderson. However, this diversion could never have reached property lying up-gradient above the road and now owned by Mr. Benzon.

Basically, the bottom line to this correspondence is that we believe Mr. Benzon's claim to water right is in error and that he does not have any water rights on his property (except for a well which was drilled by his predecessor in interest, a Mr. Snider). Furthermore, even if his predecessors in interest did own a water right (as claimed within the original Shoup water right from either the Section 11 or Section 12 diversion), it has long ago been forfeited and/or abandoned. For these reasons, we must insist that the water master and/or the Department of Water Resources reverse its direction to the Highline Ditch shareholders that they must allow Mr. Benzon to divert from the Highline Ditch. We request a specific meeting to be held when we can present our case and our witnesses. If for any reason you are unwilling to provide the same, we will of course be forced to bring whatever action is necessary to enforce what we believe are our legal rights. We await your reply.

Please contact me as soon as possible.

Sincerely yours,



Jerry R. Rigby

JRR/jjs

cc: Bill Gattung

cc: Ron Carlson

FAWP6\SB\GATTUNGB.LTR

SCANNED

SEP 05 2003

AFFIDAVIT

STATE OF IDAHO :
: ss.
County of Lemhi :

RICHARD M. SHOUP, being first duly sworn, according to law, deposes and says:

That he has been a resident of the County of Lemhi, State of Idaho, for

74 years;

That he is familiar with and has on numerous times been upon the following described premises situated in Lemhi County, State of Idaho, to-wit:

A tract of land in the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 12, T. 20 N., R. 21 E., B.M. Lemhi County, Idaho.

Commencing at the NE corner of the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 12, T. 20 N., R. 21 E., B. M.; thence run south along the east boundary line of said SE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 12, 525.0 feet to the point of Beginning; thence continue South, 360 feet to the northern boundary line of the Williams Creek County Road Right-of-Way; thence run in a Westerly direction along the northern boundary line of said William Creek Road Right-of-Way, 715 feet; thence North, 225.0 feet; thence East, 700 feet to the point of Beginning. Containing 5.25 Ac es.

ESCEPTING THEREFROM a strip of land 55 feet wide, and 360 feet long in a north-south direction along the East boundary of said tract of land, for a roadway providing ingress and egress from the county road on the south to the land lying north of the above described tract of land. Containing 0.45 acres.

Leaving 4.8 Acres in the first described tract of land above.

That the said parcel of ground was a portion of the ranch situated in the Williams Creek area which the Shoup family owned;

That your affiant knows of his own knowledge that said parcel of ground was under cultivation and hay was grown from 1913-1917

UNTIL the year of 1917.

That during the time the land was under cultivation there was a ditch which carried water from Williams Creek to said land.

That the ditch carried 25 inches of water and that 1 inches of water per acre was necessary to irrigate said premises.

That said parcel of ground is a portion of the real property described in a certain Decree dated October 27, 1919, wherein the water of Williams Creek was

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JUL 31 2002
Department of Water Resources
Eastern Region

SCANNED

SEP 05 2008

decreed, and that said lands are a portion of the real property which was granted
a priority date of May 1, 1833.

Richard M. Shoup

Subscribed and sworn to before me this 4 day of June, 1974.

(SEAL)

James C. Hernon

Notary Public for the State of Idaho
Residing at Salmon, Idaho

SCANNED

SEP 05 2005

STATE OF IDAHO :
: ss.
County of Lemhi :

Department of Water Resources

RICHARD M. SHOUP, being first duly sworn, according to law, deposes and says:

That he has been a resident of the County of Lemhi, State of Idaho, for 77 years;

That he is familiar with and has on numerous times been upon the following described premises situated in Lemhi County, State of Idaho, to-wit:

A tract of land in the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 12, T. 20 N., R. 21 E., B.M. Lemhi County, Idaho.

Commencing at the NE corner of the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 12, T. 20 N., R. 21 E., B. M.; thence run south along the east boundary line of said SE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 12, 525.0 feet to the point of Beginning; thence continue South, 360 feet to the northern boundary line of the Williams Creek County Road Right-of-Way; thence run in a Westerly direction along the northern boundary line of said Williams Creek Road Right-of-Way, 715 feet; thence North, 225.0 feet; thence East, 700 feet to the point of Beginning. Containing 5.25 Acres.

EXCEPTING THEREFROM a strip of land 55 feet wide, and 360 feet long in a north-south direction along the East boundary of said tract of land, for a roadway providing ingress and egress from the county road on the south to the land lying north of the above described tract of land. Containing 0.45 acres.

Leaving 4.8 Acres in the first described tract of land above.

That the said parcel of ground was a portion of the ranch situated in the Williams Creek area which the Shoup family owned;

That your affiant knows of his own knowledge that said parcel of ground was under cultivation and hay was grown from 1913-1917

UNTIL the year of 1917.

That during the time the land was under cultivation there was a ditch which carried water from Williams Creek to said land.

That the ditch carried 25 inches of water and that 1 inches of water per acre was necessary to irrigate said premises.

That said parcel of ground is a portion of the real property described in a certain Decree dated October 27, 1919, wherein the water of Williams Creek was

MICROFILMED

JUL 15 1992

decreed, and that said lands are a portion of the real property which was granted
a priority date of May 1, 1838.

Richard M. Shoup

Subscribed and sworn to before me this 4 day of June, 1974.

(SEAL)

James C. Herndon

Notary Public for the State of Idaho
Residing at Salmon, Idaho

MICROFILMED
DEC 15 1992

IN THE DISTRICT COURT OF THE SIXTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF LEMHI.

THE ESTATE OF GEORGE L. SHOUP,
LIMITED, AN IDAHO CORPORATION,

PLAINTIFF,

: D E C R E E

VS.
RAY EDWARDS,

Defendant.

This cause came on regularly to be heard in open Court on this 14th day of October, 1914; E. W. Whitcomb, Esq., appearing for the plaintiff and the defendant not appearing;

The Court having heard all the evidence and proof produced herein and duly considered the same, and being fully advised in the premises, and having heretofore filed its Findings of Fact and Conclusions of Law herein, in writing, it is ORDERED, ADJUDGED AND DECREED, as follows:

I.

That the plaintiff, the Estate of George L. Shoup, Limited is a corporation duly organized and existing under and by virtue of the constitution and laws of the State of Idaho.

II.

That the said plaintiff is the owner, in the possession and entitled to the possession of the following described lands, to-wit:

The Northeast Quarter, and the South Half of the Northwest Quarter of Section 12, in Township 21 North, Range 21 East Boise Meridian, the Southwest Quarter, the West Half of the Southeast Quarter, the South Half of the Northwest Quarter and the West Half of the Northeast Quarter in Section 6, the North Half of the Northwest Quarter, the Southwest Quarter of the Northwest Quarter in Section 7, in Township 21 North, Range 22 East Boise Meridian, situated in Lemhi County, State of Idaho.

III.

That the said plaintiff is entitled to the use of 750 inches or 15 1/5 cubic feet per second in time of the waters of Williams Creek, situated in said County of Lemhi, State of Idaho, with date of priority May 1, 1886, for the purpose of irrigating said lands and for domestic use

IV.

That the said defendant, Ray Edwards, be and he is hereby restrained and enjoined perpetually from interfering with any of the said rights decreed hereunder to the plaintiff of the waters of said Williams Creek.

IT IS FURTHER ORDERED AND DECREED, That the said plaintiff shall bear its own costs and expenses in this action.

Dated this 27th day of October, A. D., 1919.

F. J. Cowen

JUDGE OF SAID COURT.

Filed this 6th day of November 1919.

W. W. Simmonds

Clerk.

By Faye Stewart

Deputy Clerk.

SCANNED

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: A75-00027L
Date Received: 8/07/1990
Receipt No: E015103
Received By:

*See Receipt No. E016256
for 4.00 to cover
acreage.*

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: JOHN A. BENZON
Address: RT. 1 BOX 229 AB
SALMON, ID

208-756-4573

83467

2. Date of Priority: MAY 01, 1886

3. Source: WILLIAMS CK

Trib. to: SALMON

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
20N	21E	12	NE	SW	NW		LEMHI

5. Description of diverting works:
DIVERSION DAM W/HEADGATE TO DITCHES

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	01/01	11/01	0.080		

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

8. Total consumptive use is 12.5 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
20N	21E	12	SE	NW		IRR	4.0

Section Acres 4.0

Total Acres 4.0

A75-00027L

Page 1

Date: 08/07/90

MICROFILMED
DEC 15 1992



11. Place of use in counties: LEMHI

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

13. Other Water Rights Used:
A75-07083

14. Remarks:

IT APPEARS TO BE ERROR IN PROPERTY DESCRIPTION IN ORIGINAL DECREE
TOWNSHIP FOR PROPERTY IS 20N RATHER THAN 21N AS IN DECREE.
WILLIAMS CREEK WATER CANNOT REACH T21N R21E SEC.18. THIS
RIGHT IS A PORTION OF A75-00027.8/7/90/JT

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: 11/06/1919

EST. GEORGE L. SHOUP, LTD VERSUS
Decree Plaintiff

vs RAY EDWARDS
Decree 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/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 _____

\$50.00 CLAIM FEE
 \$5.00 ACRE FEE
 \$50.00 LATE FEE
 \$105.00 DUE

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

4.00 FEE Paid
5-1-90

**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 A75-00027 L (PORTION)
 Date Received _____
 Receipt Number E 015103
 EST 8-1-90 4.00 paid H. on another notice

RECEIVED

AUG - 7 1990

Department of Water Resources
Eastern District Office

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

Please type or print clearly

- Name of Claimant (s) JOHN A. BENZON Phone (208) 756-4573
Mailing Address RT. 1 Box 229 AB, Salmon, ID. Zip 83467
- Date of Priority (Only one (1) per claim) MAY 1, 1886
- Source of water supply (a) WILLIAMS CREEK
which is tributary to (b) SALMON RIVER
- a. Location of existing point of diversion is: Township 20N Range 21E Section 12,
NE 1/4 of SW 1/4 of NW 1/4, Govt. Lot, _____ B.M., County of LEMH
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 _____
- 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. DIVERSION DAM W/ HEADGATE
TO DITCHES

MICROFILMED

DEC 15 1992

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs) 4

(acre feet)

For IRRIGATION purposes from 4/1 to 11/31 amount 0.08 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 0.08 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is 12.5 acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) NONE

10. Description of place of use:

- If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- 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	
<u>20N</u>	<u>21E</u>	<u>12</u>								<u>#</u>									<u>#</u>

Total number of acres irrigated #

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

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. I.D. # A75-0708:

WELL-IRRIGATION 04/01 - 11/01 cfs 0.020 DOMESTIC 01/01 - 12/31 cfs 0.020 or None ()

14. Remarks: APPEARS TO BE ERROR IN PROPERTY DESCRIPTION IN

ORIGINAL DECREE. TOWNSHIP FOR THIS PROPERT IS 20N RATHER

THAN 21N AS IN DECREE. WILLIAMS CREEK WATER CANNOT

REACH T21N R21E SEC. 18. A - K split from - A75 -

MICROFILMED

DEC 15 1992

Last Name _____ Ident No. _____

Copies: White - State, Yellow - Claimant

15. Basis of Claim (check one) Beneficial Use _____ Posted Notice _____ License _____ Permit _____

Decree X

If applicable provide IDWR Water Right Number 75-00027 (Portion)

Court 6th Judicial Dist, IDAHO Case Number _____ Decree Date 11-6-1919

Plaintiff vs Defendant ESTATE OF GEORGE L. SHOUP, ET AL. VS. RAY EDWARDS

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 1

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

Signature of Claimant (s) John A. Benson Date August 7, 1990

Date _____

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

of _____, that I have signed the foregoing
Organization

document in the space below as _____ of _____
Title Organization

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

Signature of Authorized Agent _____

Title and Organization _____ Date _____

State of Idaho/or Idaho)
County of Lemhi) SS.

Subscribed and sworn (or affirmed) before me this 21st day of Aug 19 90

SEAL

Notary Public Wayne

Residing at Salmon, ID

My Commission Expires 2/18/93

Please Print Name

17. Notice of Appearance:

Notice is hereby given that I, _____ 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 _____

Address _____

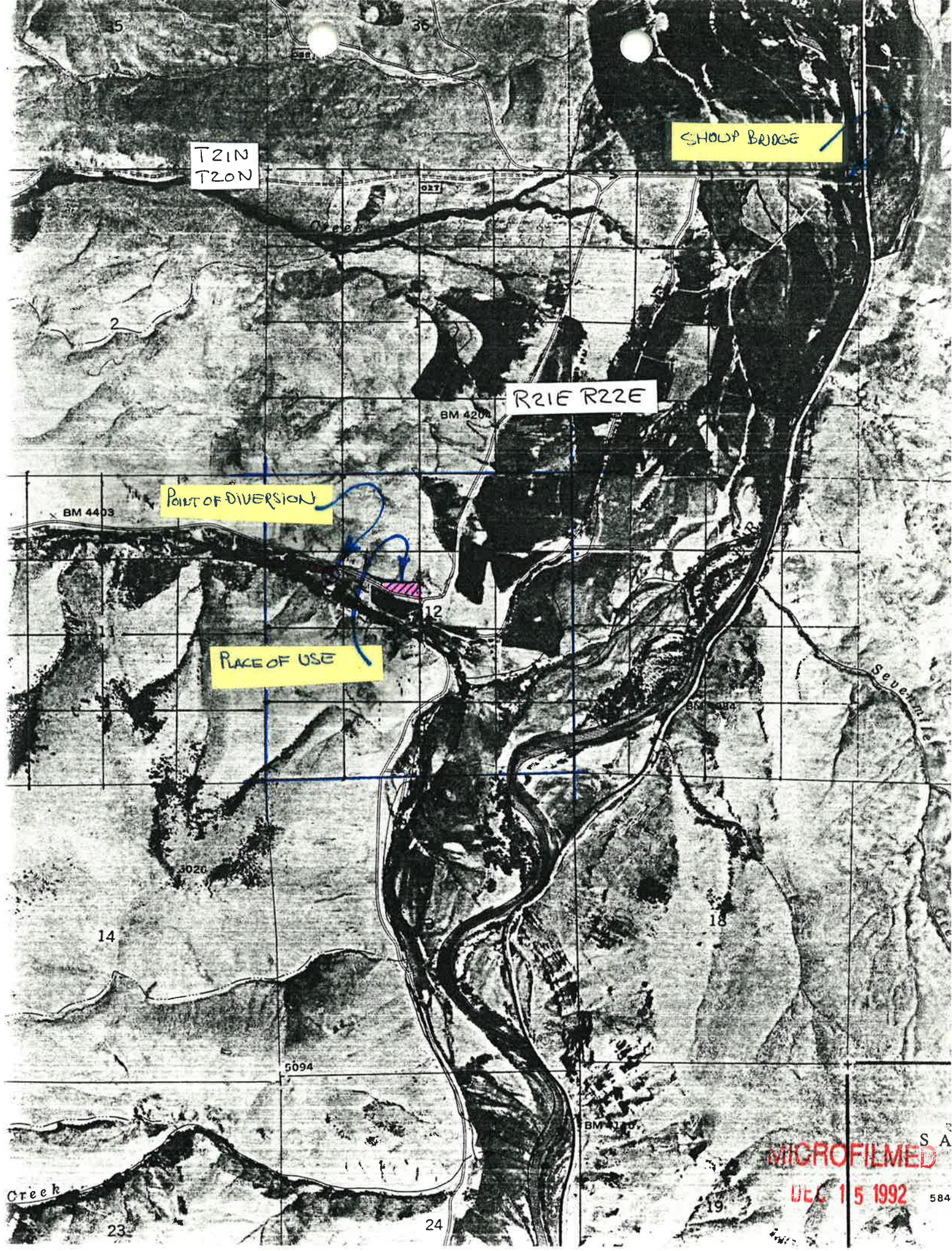
Date _____

MICROFILMED

DEC 15 1992

Last Name _____ Ident. Number _____

Copies White-State, Yellow-Claimant



T21N
T20N

SHOUP BRIDGE

R21E R22E

POINT OF DIVERSION

PLACE OF USE

MICROFILMED

DEC 15 1992

S.A.

584