

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

T24N R21E S27 SWNE Within LEMHI County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	4/01 11/01	0.120 CFS

PLACE OF USE: IRRIGATION within LEMHI County

T24N R21E S27	SWNE	4.00	T24N R21E S27	SENE	2.00
---------------	------	------	---------------	------	------

6 ACRES TOTAL

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

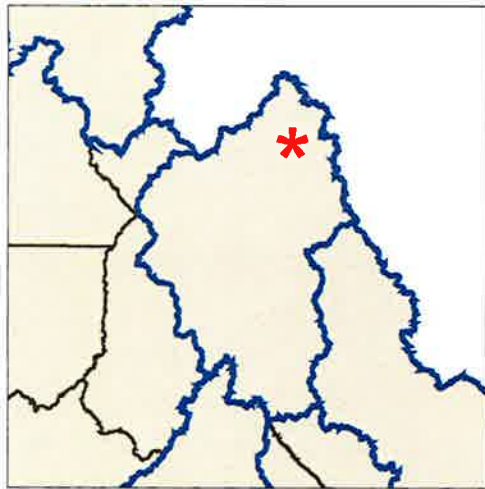
This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

Idaho Department of Water Resources



Adjudication Claim Number: **75-4122**



Legend

-  Section Lines
-  24N21E GCDB



0 0.2 0.4 Miles

A horizontal scale bar with three segments, corresponding to the 0, 0.2, and 0.4 mile markings.

Prepared by M. Van Bussum
On Tuesday, May 10, 2005
1991 Aerial Photography

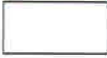


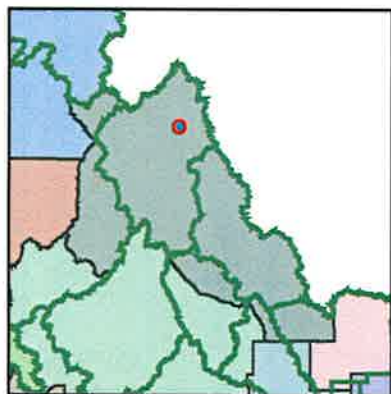
Idaho Department of Water Resources

Adjudication Claim:

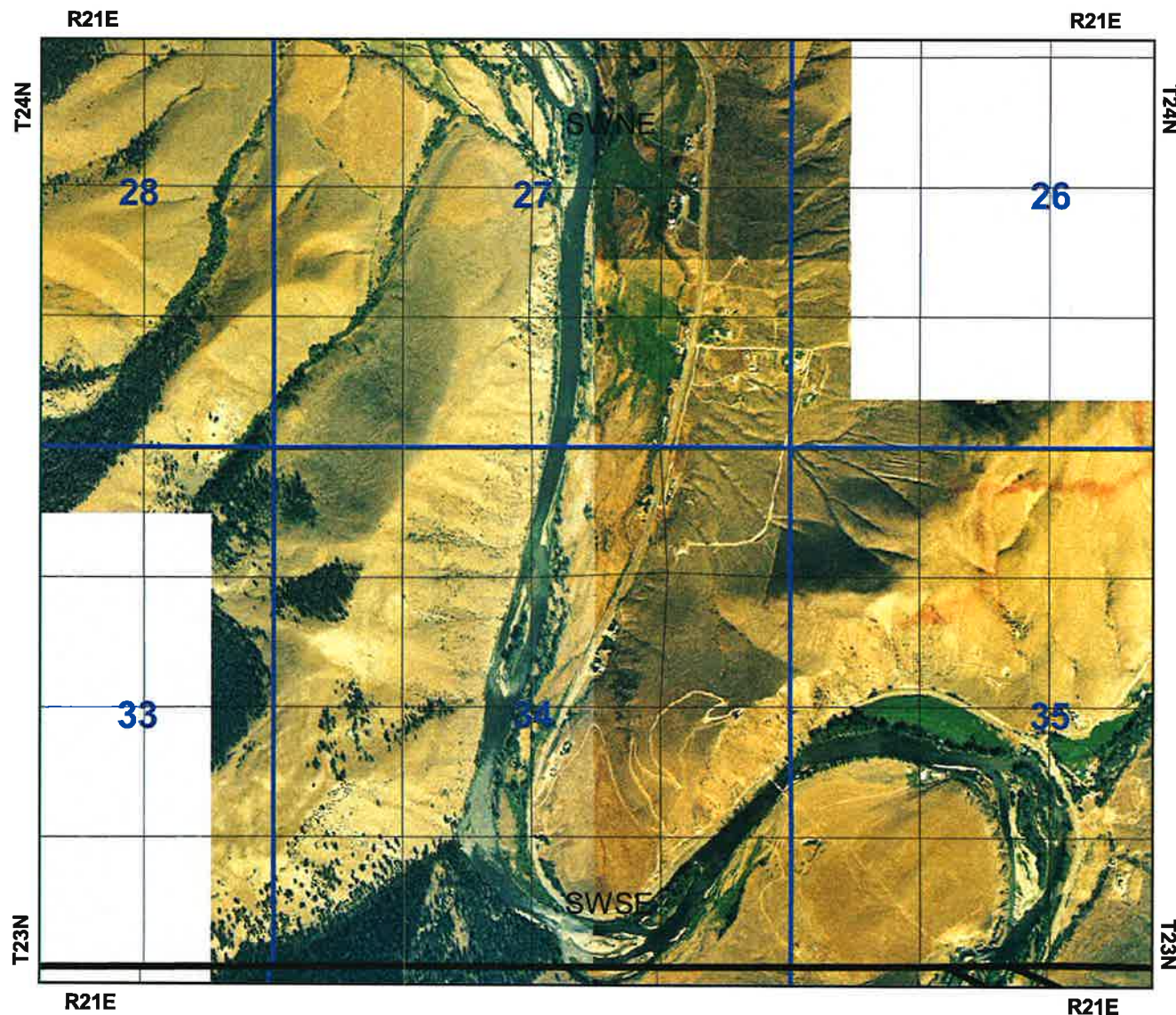
75-4122

Legend

-  Townships
-  PLS Sections
-  Quarter Quarters



Lemhi County
IDWR Basin 75



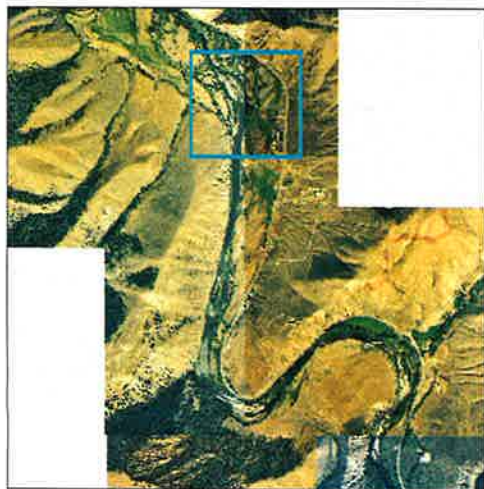
0 0.7 1.4 Miles

Owner: HABILE A FORSTER

NOTE: Only one owner is listed. There may or may not be more than this in the IDWR database.

Prepared by R. Brown
On Sunday, March 5, 2006
1987/88 Aerial Photography

75-4122



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

CLAIM NO(s). A75-04122

1. ☐ No Change NAME IS SAME
☒ NEW OWNER: Vincent R. Benson (208) 865-2436
☐ No Change ADDRESS
☒ NEW ADDRESS: P.O. Box 222 Northfork, Id 83466
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.: A0014969 GPS 074

Township 24N Range 21E Section 27 1/4 SE 1/4 SW 1/4 NE
Township _____ Range _____ Section _____ 1/4 _____ 1/4 _____ 1/4 _____

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

Pump to pipeline to centerpivot and
some hand line.

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

C/o coming soon.
Also see A75-04203

☐ SYSTEM DIAGRAM INCLUDED ☐ NA

☐ Shown on GIS Layout

☐ CK IF IN OFFICE EXAM

DATE EXAM CONDUCTED: _____

FIELD EXAMINER: _____

Print Name
Jack F. Ellis
Signature

11/20/2006

NOTICE OF ERROR
REPLY

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: 12/13/2006

Water right number: 75-4122

ILENE BENSON
BOX 222
NORTH FORK ID 83466

VINCENT R BENSON
PO BOX 222
NORTH FORK ID 83466
Telephone Number: (208) 684-4685

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: 11/22/2006

SIGNATURE:

Vincent R Benson Ilene Benson
Please print your name: Vincent R Benson Ilene Benson

IDWR Regional Office, 7600 Mineral Drive, Suite 100, Coeur D' Alene, ID 83815, 2087622800

RECEIVED

DEC 11 2006

IDWR/North

SCANNED ✓

DEC 12 2006

11/20/2006

**NOTICE OF ERROR
REPLY**

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

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NORTH FORK ID 83466

VINCENT R BENSON
PO BOX 222
NORTH FORK ID 83466
Telephone Number: (208) 684-4685

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: 11-28-06

SIGNATURE:

Vincent R Benson *Ilene Benson*

Please print your name:

VINCENT R. BENSON *Ilene Benson*

IDWR Regional Office, 7600 Mineral Drive, Suite 100, Coeur D' Alene, ID 83815, 2087622800

SCANNED
DEC 12 2006

RECEIVED

DEC 1 12 2006

IDWR/North

RECEIVED

APR 27 2006

Department of Water Resources
Eastern Region

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

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

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

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
	<u>A75-04122</u>	☐			☐
		☐			☐
		☐			☐
		☐			☐
		☐			☐

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

- A. The appropriate **FILING FEE**. See instructions for fee amounts.
- B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.
- C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
PLAT OF PROPERTY or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).

OR

If your water right(s) and/or adjudication claim(s) is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY** or **SURVEY MAP**.

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

Habile A & Gracie W Forster
P.O. Box 1165 Northfork, Id 83466

4. New Owner/Claimant(s)

Vincent R. & Ilene Benson

Name Connector (Check one): ☐ and, ☐ or, ☐ and/or

New Mailing Address

P.O. Box 222

City, State and ZIP Code

North Fork, Idaho 83466

New Telephone Number

(208) 865-2436

5. Date you acquired the property

Nov. 13-1998

SCANNED

MAY 04 2006

6-8059

WARRANTY DEED

For Value Received, SUE MARTIN, as Conservator of the Estate of Gracie Forster, the Grantor, does hereby Grant, Bargain, Sell and Convey unto VINCENT R. BENSON and ILENE BENSON, husband and wife, the Grantees, whose current address is P.O. Box 222, North Fork, Idaho 83466, those premises in Lemhi County, Idaho, more particularly described on Exhibit "A" annexed hereto and by this reference made a part hereof.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantees, their heirs and assigns forever, and the said Grantor does hereby covenant to and with the said Grantees, that it is the owner in fee simple of said premises; that they are free from all encumbrances except the following:

General taxes for the year 1999 and subsequent years, which are an accruing lien, not yet due and payable. Liability for additional assessment and subsequent tax billing, if any, by reason of improvements made to the insured premises subsequent to January 1, 1999.

Easement to the State of Idaho Department of Fish and Game for fish screen and incidental purposes, recorded December 4, 1990 as Instrument No. 209019, records of Lemhi County, Idaho.

Any rights, interests or easements in favor of the public which exist or are claimed to exist over any part of said land covered by water that is included within the boundaries of the North Fork of the Salmon River.

Fenceline running along the Northerly boundary of the above described real property as shown in Record of Survey recorded August 18, 1993 in Book 11 of Record of Surveys at Page No. 17, records of Lemhi County, Idaho.

A fenceline running along the Southerly boundary of the above described real property as shown on Preliminary Record of Survey made by Thomas Taylor or Harper-Leavitt Engineering and being unrecorded.

THIS WARRANTY DEED IS BEING RE-RECORDED TO CORRECT THE GRANTEE'S NAME

SCANNED

MAY 04 2006

A FRACTION OF H.E.S. NO. 101 IN SECTION 27, T. 24 N., R. 21 E., POISE MERIDIAN, LEMHI COUNTY, IDAHO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT CORNER NO. 1 OF SAID H.E.S. NO. 101, FROM WHICH CORNER NO. 2 OF SAID H.E.S. NO. 101 BEARS S. 89 DEGREES 28' 11" E. THE BASIS OF BEARING OF THIS DESCRIPTION; THENCE ALONG THE WEST LINE OF SAID H.E.S. NO. 101, THE FOLLOWING THREE (3) COURSES; (1) S. 01 DEGREES 31' 49" W., 1235.50 FEET; (2) S. 29 DEGREES 58' 11" E., 336.50 FEET; (3) S. 08 DEGREES 28' 11" E., 273.55 FEET;

THENCE LEAVING SAID WEST LINE S. 61 DEGREES 13' 30" E., 20.81 FEET TO A POINT MARKED WITH A 5/8" REBAR AND CAP MARKED WADE PLS 5080 SAID POINT BEING THE POINT OF BEGINNING;

THENCE S. 61 DEGREES 13' 30" E., 1239.16 FEET TO THE INTERSECTION WITH THE RIGHT-OF-WAY OF HIGHWAY 93;

THENCE S. 01 DEGREES 39' 34" W. ALONG SAID RIGHT-OF-WAY, 310.95 FEET;

THENCE LEAVING SAID RIGHT-OF-WAY N. 61 DEGREES 13' 11" W., 1259.72 FEET TO THE INTERSECTION WITH SAID WEST LINE OF H.E.S. NO. 101;

THENCE ALONG SAID WEST LINE OF H.E.S. NO. 101 THE FOLLOWING TWO (2) COURSES; (1) N. 08 DEGREES 01' 49" E., 191.60 FEET; (2) N. 08 DEGREES 28' 11" W., 122.45 FEET;

THENCE LEAVING SAID WEST LINE S. 61 DEGREES 13' 30" E., 20.81 FEET TO THE POINT OF BEGINNING.

1968 KIT MOBILE HOME, I.D.#CFMP55/552CKUS-2,118

RESERVING TO THE GRANTOR, ESTATE OF GRACIE FORSTER, AN INCAPACITATED PERSON, DURING THE FULL TERM OF THE LIFE OF GRACIE FORSTER, THE RIGHT OF POSSESSION AND OCCUPANCY IN AND TO SAID REAL ESTATE AND THE IMPROVEMENTS THEREON, AND ANY RENTS AND PROFITS ARISING THEREFROM.

EXHIBIT "A"

Idaho Water Resources
Eastern Region
150 Shoup Ave Suite 15
Idaho Falls, Idaho 83401
Ph. 1-525-7161

Foster

Sheet No. 2

-----20-----

No. 1

United States
to
Alexander O'Neil

Final Certificate.

Book "Y" of Deeds

page 227.

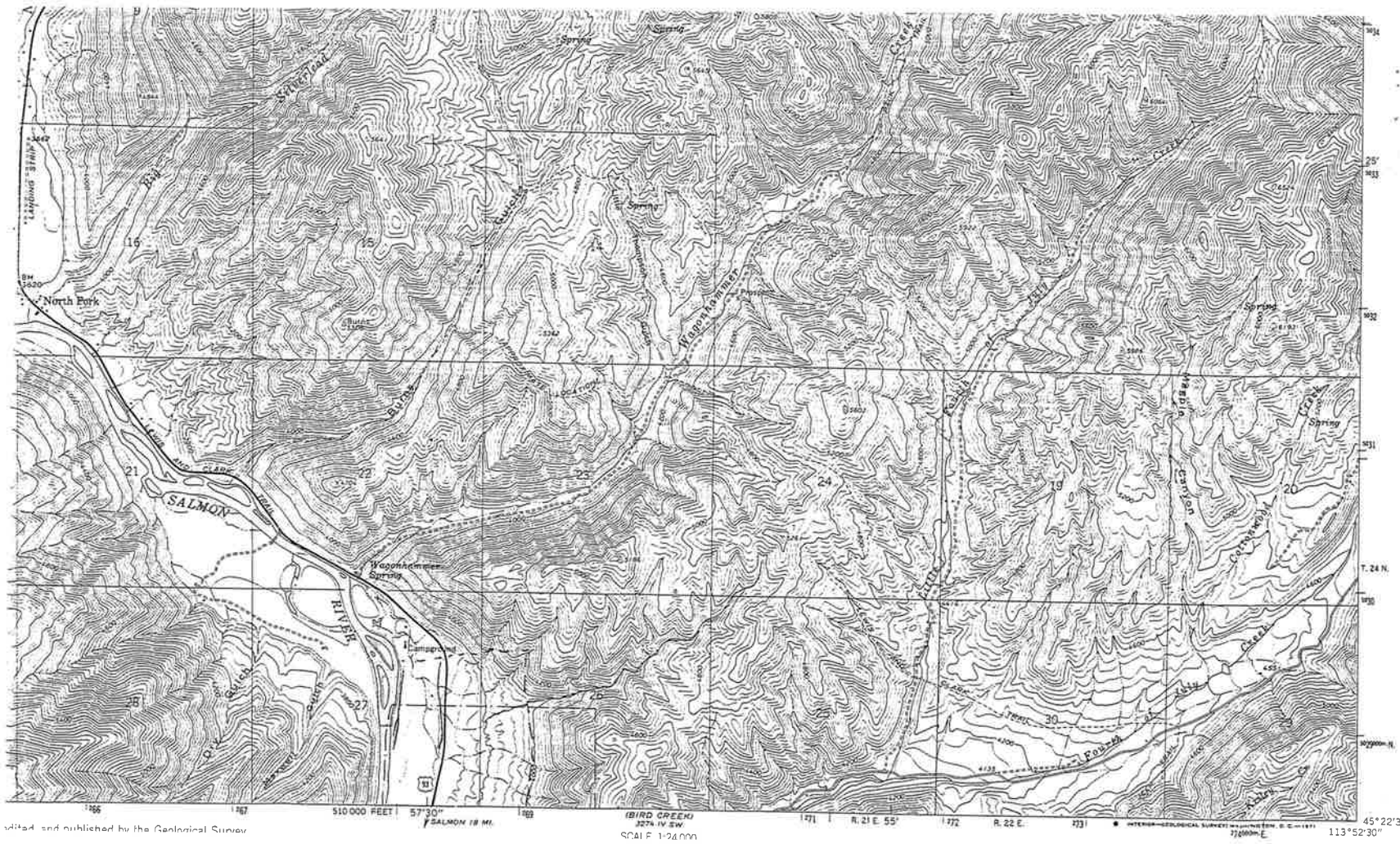
Dated Sept. 8th 1916.

Recorded April 12th 1917.

On a tract of 91.48 acres within Salmon National Forest in surveyed Sec. 27 Twp. 24 N.R. 21 E.B.M. designated as Homestead Entry, Survey No. 101, List No. 4-69, described by metes and bounds as follows:- Beginning at corner No. 1 identical with the meander corner of fractional sections 22 and 27 on right bank of Salmon River, extending thence E along the line between sections 22 and 27, 2.68 $\frac{1}{2}$ chains to corner No. 2; thence S. 0° 3' E 4.98 chains to corner No. 3; thence S 89° 55' E 5.01 chains to corner No. 4; thence S 0° 2' E 4.99 chains to corner No. 5; thence S 89° 49' E 5.01 chains to corner No. 6; thence S 0° 2' E 4.99 chains to corner No. 7; thence S 89° 43' E 5.01 chains to corner No. 8; thence S 0° 1' E 4.99 chains to corner No. 9; thence S 89° 38' E 5.01 chains to corner No. 10; thence S 0° 1' E 34.67 chains to corner No. 11; thence N 89° 36' W 0.13 chains to corner No. 12; thence N. 0° 01' W 0.46 $\frac{1}{2}$ chains to corner No. 13; thence S 89° 46' W 21.42 chains to corner No. 14; thence along the meander line of the right bank of Salmon River N 1° 20' E 10.03 chains; N 7° 30' E 15 chains; N 9° 0' W 6 chains; N 30° 30' W 5.40 chains; N 1° 0' E 18.72 chains to corner No. 1 the place of beginning; and also Additional Homestead Entry. Serial No. 012749 for the E $\frac{1}{2}$ of NE $\frac{1}{4}$ of SE $\frac{1}{4}$, the NE $\frac{1}{4}$ of SE $\frac{1}{4}$ of SE $\frac{1}{4}$, the S $\frac{1}{2}$ of SE $\frac{1}{4}$ of SE $\frac{1}{4}$ of NE $\frac{1}{4}$ Sec. 27; the W $\frac{1}{2}$ of NW $\frac{1}{4}$ of SW $\frac{1}{4}$, the NW $\frac{1}{4}$ of SW $\frac{1}{4}$ of SW $\frac{1}{4}$, the SW $\frac{1}{4}$ of SW $\frac{1}{4}$ of SW $\frac{1}{4}$ of NW $\frac{1}{4}$, Sec. 26 Twp 24 N R. 21 E.B.M. Containing 67.50 acres, List No- 4-992.

SCANNED

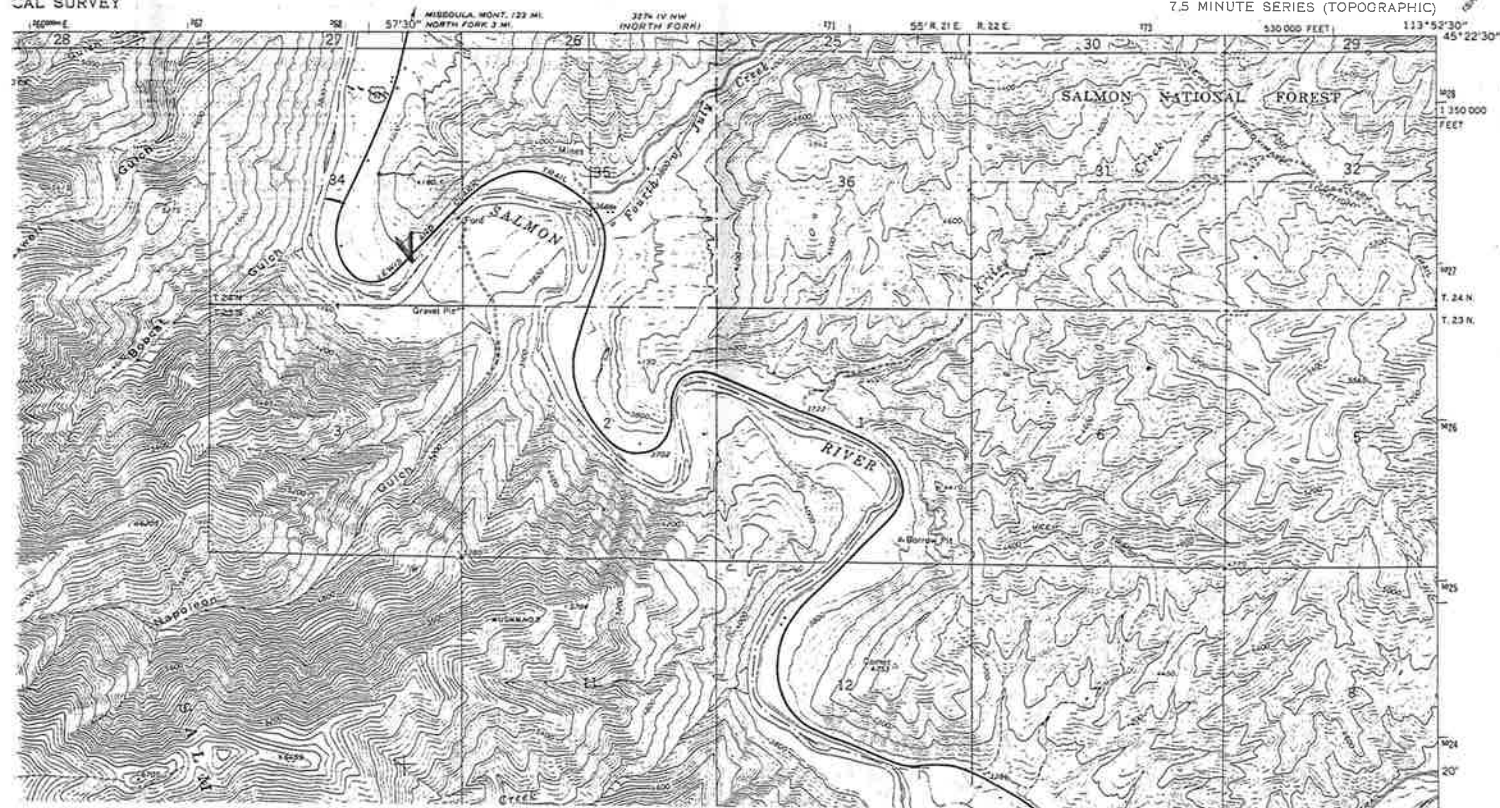
MAY 06 1905



edited and published by the Geological Survey

UNITED STATES
OF THE INTERIOR
GEOLOGICAL SURVEY

BIRD CREEK QUADRANGLE
IDAHO-LEMHI CO.
7.5 MINUTE SERIES (TOPOGRAPHIC)



SCANNED

MAY 04 2006

OCT 0 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: A75-04122

Date Received: 4/23/1990

Receipt No: M006701

Received By: [Signature]

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: HABILE A. FORSTER 208-865-2285
Address: P. O. BOX 1165
NORTH FORK, ID 83466

OR

Name: GRACIE W. FORSTER 208-865-2285
Address: P. O. BOX 1165
NORTH FORK, ID 83466

2. Date of Priority: SEP 09, 1915

3. Source: SALMON RIVER Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4	Lot	County
24N	21E	34	SW SW SE		LEMHI

5. Description of diverting works:
HEADGATE & DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	0.120		

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

A.F.A.

8. Total consumptive use is 15.0 Acre Feet Per Annum.

9. Non-irrigation uses:
STOCKWATER INCIDENTAL TO IRRIGATION

A75-04122

Page 1

Date: 04/23/90

MICROFILMED
DEC 15 1992



10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
24N	21E	27	SW	NE		IRR	6.0
Section Acres							6.0
Total Acres							6.0

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:
N/A

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 ☒ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: 1

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): Grace H. Forster Date: 4/23/90

Date: _____

State of Idaho)
County of LEMHI) SS.

Subscribed and sworn (or affirmed) before me this 23rd day
of Apr 19 90

James E. Lully
Notary Public

Seal

Residing at Boise, ID
My Commission Expires 11/08/1994



510 000 FEET

and published by the Geological Survey
in cooperation with the U.S. Forest Service

photograph prepared from 1:80,000-scale
aerial photographs taken July 24, 1974

and 10,000-foot grid ticks, Idaho coordinate
system (transverse Mercator)
and 10,000-foot grid ticks

T24N R21E
Sec 27

MICROFILMED

DEC 15 1992

NORTH