

NOV 04 2005

Department of Water Resources
Southern Region

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 37-21589
Date Received: 10/3/2005
Receipt No:
Received By:

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

1. Name of Claimant(s)

BECKY R BENSON Phone: (208)788-3657
K C BENSON
117 TREASURE LN
HAILEY ID USA 83333

Amended

2. Date of Priority: 08/01/1902

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

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
02N	18E	36	SW NW	BLAINE	
02N	18E	20	SW NW	BLAINE	
02N	18E	16	SW NE	BLAINE	

5. Description of diverting works:

BIG WOOD RIVER CANAL, DITCH, HEADGATE

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	05/01	10/01	0.19	

7. Total Quantity Appropriated is:
0.19 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4 Lot	Use	Acres
01N	19E	6	NW SW	IRRIGATION	1.5
			SW SW	IRRIGATION	3.5
Section Acres					5
Total Acres					5

11. Place of use in counties: BLAINE

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

13. Other Water Rights Used:

14. Remarks:

This right is a split from former right 37-483A.

This right is a split from former right 37-21344.

Property is also known as Lot 4, Barker Subdivision.

15. Basis of Claim: Decreed

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

14th

day of

Oct

20

05

Notary Public

Residing at

My commission Expires





State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

DEPT INTERNET WEB SITE: www.idwr.idaho.gov

SOUTHERN REGION

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

October 11, 2005

K C BENSON
117 TREASURE LN
HAILEY ID 83333

RE: SNAKE RIVER BASIN ADJUDICATION (SRBA) CLAIMS 37-21583, 37-21586, 37-21589, and 37-21592

Dear Mr Benson

Enclosed are the four claims for your use to amend the place of use from 2 acres to 5 acres. I have reviewed the aerial photography for your property and it appears that there is approximately 0.75 acres historically covered by buildings, driveway and other non-irrigated ground. The final recommendation will reflect the actual irrigated ground as of 1987.

The claims will not be valid until the notarized forms are returned to this office along with the additional \$3.00 variable fee due for the additional acres. The variable fee is based upon the number of additional acres and is only calculated once for the four claims.

If you have any questions please give me a call.

Sincerely

Kelly K Christensen
Sr Water Resource Agent
E-mail address: kelly.christensen@idwr.idaho.gov

Enclosures

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
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CIVIL CASE NUMBER: 39576

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Date Received: 10/3/2005
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**NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW**

1. Name of Claimant(s)

BECKY R BENSON Phone: (208)788-3657
117 TREASURE LN
HAILEY ID 83333

K C BENSON Phone: (208)788-3657
117 TREASURE LN
HAILEY ID 83333

2. Date of Priority: 08/01/1902

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

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot		County	Type
02N	18E	36	SW	NW	BLAINE	
02N	18E	20	SW	NW	BLAINE	
02N	18E	16	SW	NE	BLAINE	

5. Description of diverting works:

BIG WOOD RIVER CANAL, DITCH, HEADGATE

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	05/01	10/01	0.19	

7. Total Quantity Appropriated is:
0.19 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres	
01N	19E	6	NW	SW	6	IRRIGATION	0.8
			SW	SW	7	IRRIGATION	1.2
						Section Acres	2
						Total Acres	2

11. Place of use in counties: BLAINE

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

13. Other Water Rights Used:

14. Remarks:

This right is a split from former right 37-483A.

This right is a split from former right 37-21344.

Property is also known as Lot 4, Barker Subdivision.

15. Basis of Claim: Decreed



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

SOUTHERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

October 5, 2005

K C BENSON
BECKY BENSON
117 TREASURE LN
HAILEY ID 83333

RE: SRBA Claim(s) 37-21340, 37-21342, 37-21344,
37-21346

Dear Claimants:

Pursuant to the notification that you own a portion of the property to which the above referenced adjudication claims are appurtenant, the department has split the original claims. Your portions have been numbered 37-21583, 37-21586, 37-21589 and 37-21592.

Enclosed please find your copies of the computer-generated claims. Review these documents and should you have any questions or corrections, please contact this office.

Sincerely,

Trish Fawcett
Technical Records Specialist

Enc.

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.

RECEIVED
SEP 29 2005
 Department of Water Resources
 Southern Region

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, if the change in ownership is limited to a portion of a water right in which case division of the existing water right or adjudication claim record will be required.

Water Right No(s)	Adjudication Claim No(s)	Split	Water Right No(s)	Adjudication Claim No(s)	Split
	37-21340	X			
	37-21346	X			
	37-21342	X			
	37-21344	X			
	37-11943				

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) are 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)

Estate of Evelyn V. Barker
 c/o E. Patrick Barker P.O. Box 284 Bellevue
 KC. Benson Becky R. Benson Id 83313

4. New Owner/Claimant(s)

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

New Mailing Address

117 Treasure Ln.

City, State and ZIP Code

Hailey, Id. 83333

New Telephone Number

(208) 788-3657

5. Date you acquired the property

4/6/04

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

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	5 Acres hot 4 Barker Sub.
Stock	_____	acres at this time
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

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

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



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

For Office Use Only

Received by C. SKINNER

Date 9/29/2005

Fee \$25.00

Received by C. SKINNER

Date 9/29/2005

Receipt No. 5028033

Processed by _____ AJ

Date _____

WR _____

Date _____

Water Right Sale Agreement April 3, 2004

1. The Sellers (heirs) at law or devisees of Evalyn V. Barker, deceased, subject to the administration of the estate of said decedent in Blaine County, Probate Case No. SP 98-1696 wherein E. Patrick Barker is the appointed Personal Representative of said estate transfer and convey the following water rights, or parts thereof, to the Buyers, K.C. and Becky Benson as follows:

- Water right No. 37-11943 for domestic use is transferred and conveyed in its entirety. A portion of the following irrigation water rights are transferred and conveyed as follows:
 1. 37-481A .02 cfs (1882)
 2. 37-11961 .04 cfs (1883)
 3. 37-482F .04 cfs (1884)
 4. 37-483A .1896 cfs (1902)
- The above listed water rights, or parts thereof, are appurtenant to the above-described property (Lot 4, Barker Sub. S.W. ¼ Section 6, T 1 N., R. 19 E., B.M., Blaine County, 5.18 acres).
- The Seller also does not transfer or convey, but instead reserves and retains the remaining portions of the following irrigation water rights:

1. 37-481A .30 cfs (1882)
2. 37-11961 .18 cfs (1883)
3. 37-482F .28 cfs (1884)
4. 37-483A 1.3904 cfs (1902)

- These water rights will remain appurtenant to the Seller's property (lots, 1, 2 and 3 of Barker Subdivision).
- The Buyer covenants to not transfer the portions of irrigation water rights (37-481A, 37-11961, and 37-482F) off of the above-described property (Lot 4, Barker Sub. S.W. ¼ Section 6, T 1 N., R. 19 E., B.M., Blaine County, 5.18 acres) for any purpose. This covenant shall run with the land. The irrigation water rights have been claimed in the Snake River Basin Adjudication (SRBA) but have not yet been reviewed by the Idaho Department of Water Resources (IDWR) or the SRBA District Court as of the date of this sale. The Seller does not warrant or guaranty that the water rights will be decreed by the Court as claimed. In the event the water rights are decreed for an amount less than that claimed, the Buyer's portion of the water rights will be reduced proportionally.

4/6/04
K.C. Benson

4/6/04
Becky R. Benson

Pat Barker

4/3/04

4/3/04

4/3/04

4/6/04

State of IDAHO

SS.

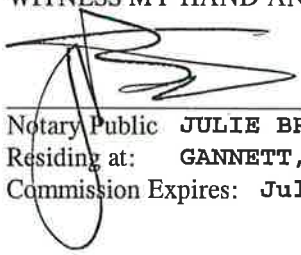
County of BLAINE

On this 6th day of April, 2004, before me, the undersigned, a Notary Public, in and for said State, personally appeared K.C. BENSON AND BECKY BENSON

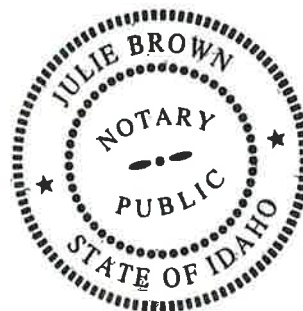
_____, known to me, and/or identified to me on the basis of satisfactory evidence, to be the person(s) whose name is/are subscribed to the within instrument and acknowledged to me that they executed the same.

WITNESS MY HAND AND OFFICIAL SEAL.

(SEAL)



Notary Public JULIE BROWN
Residing at: GANNETT, ID
Commission Expires: July 09, 2005



State of IDAHO

SS.

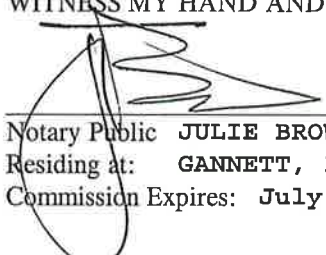
County of BLAINE

On this 6th day of April, 2004, before me, the undersigned, a Notary Public, in and for said State, personally appeared E. PATRICK BARKER

_____, known to me, and/or identified to me on the basis of satisfactory evidence, to be the personal representative whose name is subscribed to the within instrument and acknowledged to me that NE executed the same.

WITNESS MY HAND AND OFFICIAL SEAL.

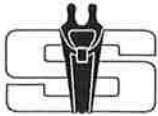
(SEAL)



Notary Public JULIE BROWN
Residing at: GANNETT, ID
Commission Expires: July 09, 2005



THIS AGREEMENT MAY BE EXECUTED IN COUNTERPART,
AND AS EXECUTED SHALL CONSTITUTE ONE AGREEMENT.
BONDING ON ALL PARTIES, EVEN THOUGH ALL THE
PARTIES DO NOT SIGN THE ORIGINAL OR THE SAME
COUNTERPART.



Instrument # 501447

HAILEY, BLAINE, IDAHO

2004-04-06 01:30:00 No. of Pages: 2

Recorded for : BLAINE COUNTY TITLE

MARSHA RIEMANN Fee: 6.00

Ex-Officio Recorder Deputy

Index to: WTYQCICORP DEED

WARRANTY DEED

For Value Received E. PATRICK BARKER, CURTIS DARRELL BARKER AND CARLA MILLER

the Grantor hereby grants, bargains, sells, conveys and warrants unto K.C. BENSON AND BECKY
R. BENSON, HUSBAND AND WIFE

the Grantee whose current address is: 129 TREASURE LANE, HAILEY ID 83333-5105

the following described premises, to-wit:

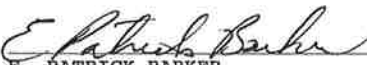
Lot 4 of BARKER SUBDIVISION, according to the official plat thereof,
recorded July 28, 1998 as Instrument No. 417004, records of Blaine
County, Idaho.

Parcel Number: RP000390000040A

SUBJECT TO: Current General Taxes, a lien in the process of assessment, not yet due or payable.
Easements, restrictions, reservations, provisions of record, and assessments, if any.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, their heirs
and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that it is the
owner in fee simple of said premises; that said premises are free from all encumbrances and that he will warrant
and defend the same from all lawful claims whatsoever.

Dated: March 31, 2004


E. PATRICK BARKER

CURTIS DARRELL BARKER


CARLA MILLER

State of IDAHO

ss.

County of BLAINE

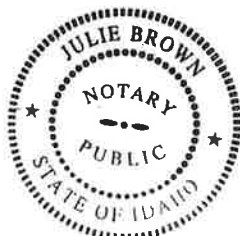
On this 1st day of April, 2002, before me, the
undersigned, a Notary Public, in and for said State, personally appeared E. PATRICK BARKER,
~~CURTIS DARRELL BARKER~~, AND CARLA MILLER

_____, known to me, and/or identified to me
on the basis of satisfactory evidence, to be the person(s) whose name is/are subscribed to the within instrument
and acknowledged to me that they executed the same.

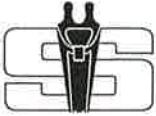
WITNESS MY HAND AND OFFICIAL SEAL.

(SEAL)


Notary Public
Residing at: Garnett, ID
Commission Expires: 7/9/05



THIS AGREEMENT MAY BE EXECUTED IN COUNTERPART,
AND AS EXECUTED SHALL CONSTITUTE ONE AGREEMENT.
BONDING ON ALL PARTIES, EVEN THOUGH ALL THE
PARTIES DO NOT SIGN THE ORIGINAL OR THE SAME
COUNTERPART.



WARRANTY DEED

For Value Received **E. PATRICK BARKER, CURTIS DARRELL BARKER AND CARLA MILLER**

the Grantor hereby grants, bargains, sells, conveys and warrants unto **K.C. BENSON AND BECKY R. BENSON, HUSBAND AND WIFE**

the Grantee whose current address is: **129 TREASURE LANE, HAILEY ID 83333-5105**

the following described premises, to-wit:

Lot 4 of BARKER SUBDIVISION, according to the official plat thereof, recorded July 28, 1998 as Instrument No. 417004, records of Blaine County, Idaho.

Parcel Number: **RP000390000040A**

SUBJECT TO: Current General Taxes, a lien in the process of assessment, not yet due or payable. Easements, restrictions, reservations, provisions of record, and assessments, if any.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, their heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that it is the owner in fee simple of said premises; that said premises are free from all encumbrances and that he will warrant and defend the same from all lawful claims whatsoever.

Dated: **March 31, 2004**

E. PATRICK BARKER



CURTIS DARRELL BARKER

CARLA MILLER

State of **IDAHO**

ss.

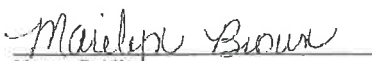
County of **BLAINE**

On this 1st day of April, 2002, before me, the undersigned, a Notary Public, in and for said State, personally appeared ~~E. PATRICK BARKER, CURTIS DARRELL BARKER, AND CARLA MILLER~~

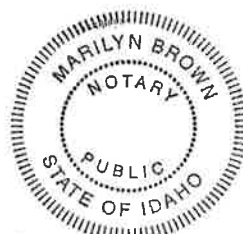
_____, known to me, and/or identified to me on the basis of satisfactory evidence, to be the person(s) whose name is/are subscribed to the within instrument and acknowledged to me that Curtis D. Barker executed the same.

WITNESS MY HAND AND OFFICIAL SEAL.

(SEAL)



Notary Public
Residing at: Barreock
Commission Expires: 6-17-2004



11/28/2006

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

RIGHT NUMBER: 37-21589

NAME AND ADDRESS: BECKY R BENSON
117 TREASURE LN
HAILEY ID 83333

K C BENSON
117 TREASURE LN
HAILEY ID 83333

SOURCE: BIG WOOD RIVER

TRIBUTARY: MALAD RIVER

QUANTITY: 0.190 CFS

PRIORITY DATE: 08/01/1902

POINT OF DIVERSION:

T02N R18E S36 SWNW Within BLAINE County

Water diverted from Headgate #45 delivered through District Canal.

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/15 10/31	0.190 CFS

PLACE OF USE: IRRIGATION in BLAINE County

T01N R19E S06 Lot 6 NWSW 1.20 T01N R19E S06 Lot 7 SWSW 2.80

4 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 4 acres in a single irrigation season. Combined Right Nos.: 37-21583, 37-21586, 37-21589, and 37-21592.

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

This right is a split from former right 37-21344.

This right is a split from former right 37-483A.

Property is also known as Lot 4, Barker Subdivision.



Idaho Department of Water Resources

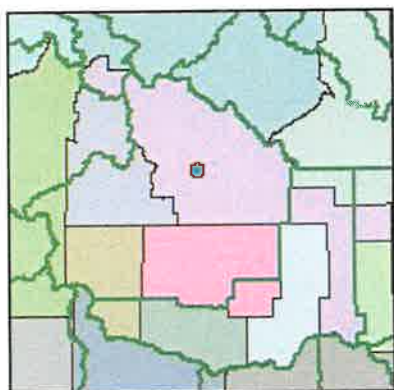
SRBA Recommendation:

37-21583, 37-21586

37-21589, 37-21592

Legend

-  Place of Use
-  Townships
-  PLS Sections
-  Quarter Quarters



Blaine County
IDWR Basin 37



0 0.2 0.4 Miles

Prepared by N. Erickson
On Tuesday, November 28, 2006
2004 Aerial Photography