



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N Skyline Dr., Ste A, Idaho Falls, Idaho 83402-1718

Phone: (208) 525-7161 FAX: (208) 525-7177 www.idwr.idaho.gov

July 13, 2018

Nicholas Benson
Sherice Benson
1604 W Tabor Rd
Blackfoot ID 83221

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

RE: Notice of Change in Water Right Ownership
Water Rights: 35-7776

Dear Sir/Madam:

On May 9, 2018, you filed a Notice of Change in Water Right Ownership (ownership change) with the Idaho Department of Water Resources (IDWR), seeking to update the ownership records for the water rights listed above. After an initial review, we determined that you needed to provide additional evidence of ownership, specifically a chain of deeds tracing from the owner currently listed on the water rights to you. On May 16, 2018, we sent a letter requesting the additional information. The additional information was to be provided within 30 days.

IDWR has never received a response to the request for additional information. Without the requested documents, we cannot verify ownership of the water right and cannot complete the ownership change. We are therefore returning your original ownership change and have initiated a refund of your filing fee (\$25.00). The refund from the state of Idaho will arrive at the address listed above within a couple of weeks.

Please feel free to re-file your ownership change any time in the future when you have collected the requested documentation of ownership. Because your filing fee is being refunded, you will need to determine and provide the proper filing fee at the time you re-file the ownership change.

If you have any questions, feel free to contact me at (208) 525-7161.

Respectfully submitted,

Jonie Barg
Technical Records Specialist

Enclosure(s)

Barg, Jonie

From: Barg, Jonie
Sent: Friday, July 13, 2018 11:28 AM
To: Pline, Treva; Steed, Susan
Subject: Refund Request
Attachments: E043984

Treva & Susan,

Good morning!!

I have a refund request as follows:

Receipt number: E043984
Amount: \$25.00
Payable to: Idaho AgCredit
PO Box 985
Blackfoot ID 83221

Reason: Total filing fee received \$25.00 for an ownership change application for Nicholas and Sherice Benson. Additional information was required and requested but not submitted, therefore we are returning the application not complete and the applicant is entitled to a full refund.

Let me know if you need additional information.

Thank you so much for your time. Let me know if you have any questions.

Have a great day!!!

Jonie Barg

Jonie Barg
Technical Records Specialist
Idaho Department of Water Resources
900 N Skyline Ste A
Idaho Falls ID 83402
phone: (208) 525-7161
fax: (208) 525-7177
email: jonie.barg@idwr.idaho.gov

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

MAY 09 2018

Department of Water Resources
Eastern Region

Notice of Change in Water Right Ownership

1. List the numbers of all water rights and/or adjudication claim records to be changed. If you only acquired a portion of the water right or adjudication claim, check "Yes" in the "Split?" column. If the water right is leased to the Water Supply Bank, check "Yes". If you are not sure if the water right is leased to the Water Supply Bank, see #6 of the instructions.

Water Right/Claim No.	Split?	Leased to Water Supply Bank?	Water Right/Claim No.	Split?	Leased to Water Supply Bank?
35-7776	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐

2. Previous Owner's Name: Eastern Idaho Production Credit Assn
Name of current water right holder/claimant
3. New Owner(s)/Claimant(s): Nicholas B Benson and Sherice Benson
New owner(s) as listed on the conveyance document Name connector ☐ and ☐ or ☒ and/or
- 1604 W Taber Road Blackfoot ID 83221
Mailing address City State ZIP
- 208-684-4685 _____
Telephone Email
4. If the water rights and/or adjudication claims were split, how did the division occur?
☐ The water rights or claims were divided as specifically identified in a deed, contract, or other conveyance document.
☐ The water rights or claims were divided proportionately based on the portion of their place(s) of use acquired by the new owner.
5. Date you acquired the water rights and/or claims listed above: 5/21/2013
6. If the water right is leased to the Water Supply Bank changing ownership of a water right will reassign to the new owner any Water Supply Bank leases associated with the water right. Payment of revenue generated from any rental of a leased water right requires a completed IRS Form W-9 for payment to be issued to an owner. A new owner for a water right under lease shall supply a W-9. Water rights with multiple owners must specify a designated lessor, using a completed Lessor Designation form. Beginning in the calendar year following an acknowledged change in water right ownership, compensation for any rental will go to the new owner(s).
7. This form must be signed and submitted with the following **REQUIRED** items:
☒ A copy of the conveyance document – warranty deed, quitclaim deed, court decree, contract of sale, etc. The conveyance document must include a legal description of the property or description of the water right(s) if no land is conveyed.
☐ Plat map, survey map or aerial photograph which clearly shows the place of use and point of diversion for each water right and/or claim listed above (if necessary to clarify division of water rights or complex property descriptions).
☒ Filing fee (see instructions for further explanation):
 o \$25 per *undivided* water right.
 o \$100 per *split* water right.
 o No fee is required for pending adjudication claims.
☐ If water right(s) are leased to the Water Supply Bank AND there are multiple owners, a Lessor Designation form is required.
☐ If water right(s) are leased to the Water Supply Bank, the individual owner or designated lessor must complete, sign and submit an IRS Form W-9.

8. Signature: Nick Benson owner 4/25/2018
 Signature of new owner/claimant Title, if applicable Date

Signature: Sherice Benson owner 4/25/2018
 Signature of new owner/claimant Title, if applicable Date

For IDWR Office Use Only:

Received by JB Date 5/9/18 Receipt No. E043984 Receipt Amt. \$25.-

Active in the Water Supply Bank? Yes ☐ No ☐ If yes, forward to the State Office for processing W-9 received? Yes ☐ No ☐

Name on W-9 _____ Approved by _____ Processed by _____ Date _____

71F 5-7-18

Instrument # 649493

INGHAM COUNTY

05-21-2013 10:35:39 No. of Pages: 2

Recorded for: NICK BENSON

MARA J. STAUB

Fee: 13.00

Ex-Officio Recorder Deputy

Quit Claim Deed

FOR VALUE RECEIVED, GRANTOR, Ilene Benson, "trustee of the Vincent and Ilene Benson Revocable Trust," wife, 467 Neff Circle, Blackfoot, Idaho, 83221, hereby convey, release, remise and forever quitclaim unto GRANTEES, Nicholas B Benson and Sherice Benson - Husband & Wife Whose address is 1604 W. Taber Road, Blackfoot, Idaho 83221, the following described property, TO- WIT:

Parcel I

T1 S. R33 E. Sec. 32 All Sec. NE of Railroad

Parcel II

All that portion of Lot 1 in section 5 Township 2 South, Range 33 E.B.M., laying North and East of State Highway. Less of following : 10983 Part of Section 5, Township 2, Range 33 East, B.M., Bingham County, Idaho, described as : Beginning at a point on the North line of Taber Road Federal Aid Project 84-B, said point being N. 89°40'29" W. 1,328.00 feet along the Section line and S. 56°23'00" E. 267.12 feet along said right-of-way from the NE corner of said Section 5, and running thence S. 56°23'00" E. 365.48 feet; thence N. 33°37'00" E. 240.00 feet; thence N. 89°40'29" W. 437.24 feet to the point of beginning.

Parcel III

T1 S. R33 E.B.M

Section 33: S1/2

Section 34: W1/2SW1/4

Together with the appurtenances thereto.

DATED THIS 20 day of May, 2013

Ilene Benson Trustee
Grantor

Nicholas B. Benson
GRANTEE

Sherice Benson
GRANTEE

INDIVIDUAL ACKNOWLEDGMENT

STATE OF IDAHO)

COUNTY OF Bingham)

On this 20 day of May, 2013, before me, a
Notary Public in and for said State, personally appeared Elene Benson Trustee & Nicholas B. Benson & Sherice Benson
known to be to be the person(s) whose name(s)
is/are subscribed to the within instrument, and acknowledged to me that he/she/they
executed the same.



Darla Richards
Notary Public for Idaho
Residing at Blackfoot, ID
My Commission Expires 3/25/2017



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 E FRONT ST STE 648 • PO BOX 83720 • BOISE ID 83720-0098

Phone: (208) 287-4800 • Fax: (208) 287-6700 • Website: idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

March 27, 2018

ID No. 120-500113

MAR 30 2018

EASTERN IDAHO PRODUCTION CREDIT ASSN
188 W JUDICIAL
PO BOX 985
BLACKFOOT ID 83221

RE: Compliance with "Final Order on Reconsideration in the Matter of Requiring Measuring Devices for Ground Water Diversions in Water District Nos. 31, 34, 100, 110, 120, 130 and 140"

Dear Water User:

The Idaho Department of Water Resources (IDWR) is reviewing compliance with the above referenced measurement order (Order). This Order, issued on July 20, 2016, states: "*Owners of irrigation diversions that are required to be measured shall install acceptable measuring devices by the start of the 2018 irrigation season.*" After review of IDWR records and communication with Water District staff, *it appears that the diversions or wells noted below do not have the required measuring device* installed or have an approved variance (see reverse for more information on IDWR approved measuring devices and the variance process).

WMIS #	Metal Tag ID #	Local Well Name	Water District #
500113	A0007034	01S 33E 33 03	120

Pursuant to Idaho Code § 42-701(3), you are hereby notified that you must install and maintain the required measuring device(s) before diverting water this irrigation season to avoid potential curtailment by the watermaster.

A Measurement Hotline has been set up to accept voice messages concerning the status of required measuring device(s). **The Measurement Hotline phone number is (208) 287-6799.** To respond to this notice, please call the Measurement Hotline within 15 days of the date of this notice and leave a voice message containing the following information:

- Provide the ID No. from the top (red color) of this notice, and
 - request an inspection if the measuring device has been installed, or
 - provide detailed information concerning any measuring device installation that is currently underway, and the date the installation will be complete and ready for inspection, or
 - provide notice that you intend to request a variance and will submit the necessary application within 15 days of the date of this letter.

Respectfully,

Brian Ragan

Brian Ragan
Water Compliance Bureau

cc: Water District Watermaster

see reverse