

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)
_____)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR

Water Right 57-10604

NAME & ADDRESS:

~~SANDRA J BENSON~~ **DECEASED**
JERRY L BENSON
HC 79 BOX 94
MELBA ID 83641

SOURCE: GROUNDWATER

QUANTITY: 0.09 CFS

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

PRIORITY DATE: 07/01/1890

POINT OF DIVERSION: T01N R03W S27 SENWNW Within OWYHEE County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	STOCKWATER	01-01 12-31	0.05 CFS
	DOMESTIC 1 HOME	01-01 12-31	0.04 CFS

PLACE OF USE: STOCKWATER Within OWYHEE County
T01N R03W S27 NWNW SWNW

DOMESTIC Within OWYHEE County
T01N R03W S27 SWNW

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

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

DATED: NOV 15 1996

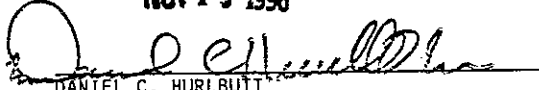


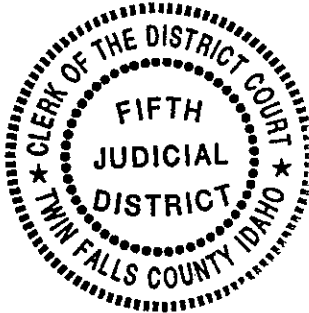
DANIEL C. HURLBUTT
PRESIDING JUDGE
Snake River Basin Adjudication

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.

DATED: **NOV 13 1996**


DANIEL C. HURLBUTT
PRESIDING JUDGE
Snake River Basin Adjudication



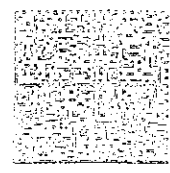
State of Idaho
County of Twin Falls ss.
I hereby certify the foregoing to be a full,
true and correct copy of the original on
file in the above entitled action.

ROBERT S. FORT
CLERK OF THE DISTRICT COURT
By 
DEPUTY CLERK

WR # 57-10604- mile permit
Kari Lynn 6.27.05

RECEIVED
JUN 24 2005
DEPARTMENT OF
WATER RESOURCES

FIRST CLASS



UNITED STATES POSTAGE
CONFIRMED
\$ 00.33⁰⁰
1014342001 JUN 24 2005
MAILED FROM ZIP CODE 10101

IDAHO DEPARTMENT OF
WATER RESOURCES

322 EAST FRONT ST
P.O. BOX 83720
BOISE, ID 83720-0098

TO

12/4/05
Kari Lynn

RANDY BENSON
SCOTT BENSON
HC 79 BOX 97



NO SUCH
NUMBER

BRUCE BENSON
273 TAUSCHER RD
ONALASKA WA 98570

JERRY L BENSON
FAYE BENSON
HC 79 BOX 660
MELBA ID 83641

RANDY BENSON
SCOTT BENSON
~~HC 79 BOX 97~~ 12146 State Hwy 78
MELBA ID 83641

RE: DECREED WATER RIGHTS 57-272, 57-1124, 57-10604

To the Benson's

The Department received SRBA Change in Address of Notice of Claim forms from you in December 2000.

It appears that what is actually needed in change in ownership for water rights. I have enclosed a copy of the decreed water right along with a Notice of Change in Water Right Ownership form for each of the decreed water rights involved.

Please complete the form and return it to this office with the required support data and filing fee of \$25.00 per water right.

If you have any questions regarding this matter, please call me at 208-287-4952.

Sincerely,

Kari Lynn Townsend
June 21, 2005

MEMORANDUM

DATE: December 14, 2000

TO: Files 57-10604, 57-00272, 57-01124

FROM: Kari Lynn Townsend

RE: Phone conversation with Jerry Benson

=====

We received four (4) SRBA Change in Address of Notice of Claim forms from Western region. Three of these forms show one of the above numbers. The 4th form has no water right/claim number shown. The numbered forms are listed below and show the name of the signer.

1. Claim 57-10604 . . . signed by Randy Benson (son of Jerry Benson)
2. Claim 57-00272 . . . signed by Bruce Benson (son of Jerry Benson)
3. Claim 57-01124 . . . signed by Jerry L. Benson and Faye Benson
4. Form without a claim number is signed by Scott Benson (son of Jerry Benson)

These claims have all been partially decreed.

Water rights 57-00272 and 57-10604 are decreed in the names of Sandra J. Benson (deceased in 1994) and Jerry L. Benson. Jerry L. Benson has remarried and his current wife is Faye Benson.

Water right 57-01124 is decreed in the name of Benson Farms Inc. According to Jerry L. Benson the Benson Farms Inc. was made up of himself, his father and his brother.

Mr. Benson said he received the forms from IDWR that were then filled out and returned to IDWR. He stated that he was told that he needed to show new ownership to include his current wife and that the portion of ownership that was in the name of Sandra J. Benson has been shifted to the three (3) sons (Randy, Bruce & Scott) by means of the will of Sandra Benson. According to Mr. Benson, this is an undivided split among the three (3) sons.

Mr. Benson also indicated that there are other claims/decreed rights existing that are not mentioned in this group that were part of the original Benson family claims. He said that some of the property has been sold to buyers outside the family but he isn't sure what claims belong to the new owners.

Snake River Basin Adjudication
Change in Address of Notice of Claim

RECEIVED

DEC 12 2000

WATER RESOURCES
WESTERN REGION

RECEIVED

DEC 13 2000

Department of Water Resources

Claim Number(s):

57-10604

Previous Mailing Address:

New Mailing Address:

HL 79 Box 27

Melba Id 83641

Telephone Number:

(208) 495-2127

Signature of Claimant(s):

Randy Benson

Please return this completed form to:

Adjudication Bureau
Idaho Dept. of Water Resources
1301 N. Orchard St.
Boise, ID 83706-2237
Ph. 1/800/451-4129 or
FAX 208/327-5400

Adjudication Bureau
Idaho Dept. of Water Resources
2735 Airport Way
Boise, ID 83705-5082
Ph. 208/334-2190 or
FAX 208/334-2348

COPY

Adjudication Bureau
Idaho Dept. of Water Resources
1341 Fillmore St., Ste. 200
Twin Falls, ID 83301-3380 or
FAX 208/736-3037

Adjudication Bureau
Idaho Dept. of Water Resources
900 N. Skyline, Ste. A
Idaho Falls, ID 83402-3653 or
FAX 208/525-7177

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	_____	_____
Stock	_____	_____
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) Randy Benson
(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 _____ Date _____ Fee _____
 Received by _____ Date _____ Receipt No. _____
 Processed by _____ AJ Date _____ WR _____ Date _____

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Claim Report

WATER RIGHT NO. 57-10604

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	SANDRA J BENSON
Current Owner	JERRY L BENSON
	HC 79 BOX 94
	MELBA, ID 83641
	(208)495-2228

Priority Date: 07/01/1890
Basis: Beneficial Use
Status: Valid

Source: GROUND WATER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
STOCKWATER	1/01	12/31	0.05 CFS		
DOMESTIC	1/01	12/31	0.04 CFS		
Total Diversion			0.09 CFS		

Point(s) of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4	Lot	County
01N	03W	27	SE NW NW	0	OWYHEE

Place(s) of use:

Place of Use Legal Description: STOCKWATER OWYHEE County

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
01N	03W	27		NWNW			SWNW							

Place of Use Legal Description: DOMESTIC OWYHEE County

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
01N	03W	27		NWNW			SWNW							

Remarks:

1. General 57-1130 REYNOLDS CREEK ADJ. NUMBER

Dates:

Licensed Date:
Claim Received Date: 01/24/1989
Decreed Date: 11/15/1996

Snake River Basin Adjudication
Change in Address of Notice of Claim

RECEIVED

DEC 12 2000

WATER RESOURCES
WESTERN REGION

Claim Number(s):

57-10604

RECEIVED

DEC 13 2000

Previous Mailing Address:

Department of Water Resources

New Mailing Address:

HC 79 Box 97
Mellie Id. 833641

Telephone Number:

()

Signature of Claimant(s):

John Benson

Please return this completed form to:

Adjudication Bureau
Idaho Dept. of Water Resources
1301 N. Orchard St.
Boise, ID 83706-2237
Ph. 1/800/451-4129 or
FAX 208/327-5400

Adjudication Bureau
Idaho Dept. of Water Resources
2735 Airport Way
Boise, ID 83705-5082
Ph. 208/334-2190 or
FAX 208/334-2348

COPY

Adjudication Bureau
Idaho Dept. of Water Resources
1341 Fillmore St., Ste. 200
Twin Falls, ID 83301-3380 or
FAX 208/736-3037

Adjudication Bureau
Idaho Dept. of Water Resources
900 N. Skyline, Ste. A
Idaho Falls, ID 83402-3653 or
FAX 208/525-7177

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	_____	_____
Stock	_____	_____
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)

Scott B. Enman

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 _____ Date _____ Fee _____
 Receipted by _____ Date _____ Receipt No. _____
 Processed by _____ AJ Date _____ WR _____ Date _____