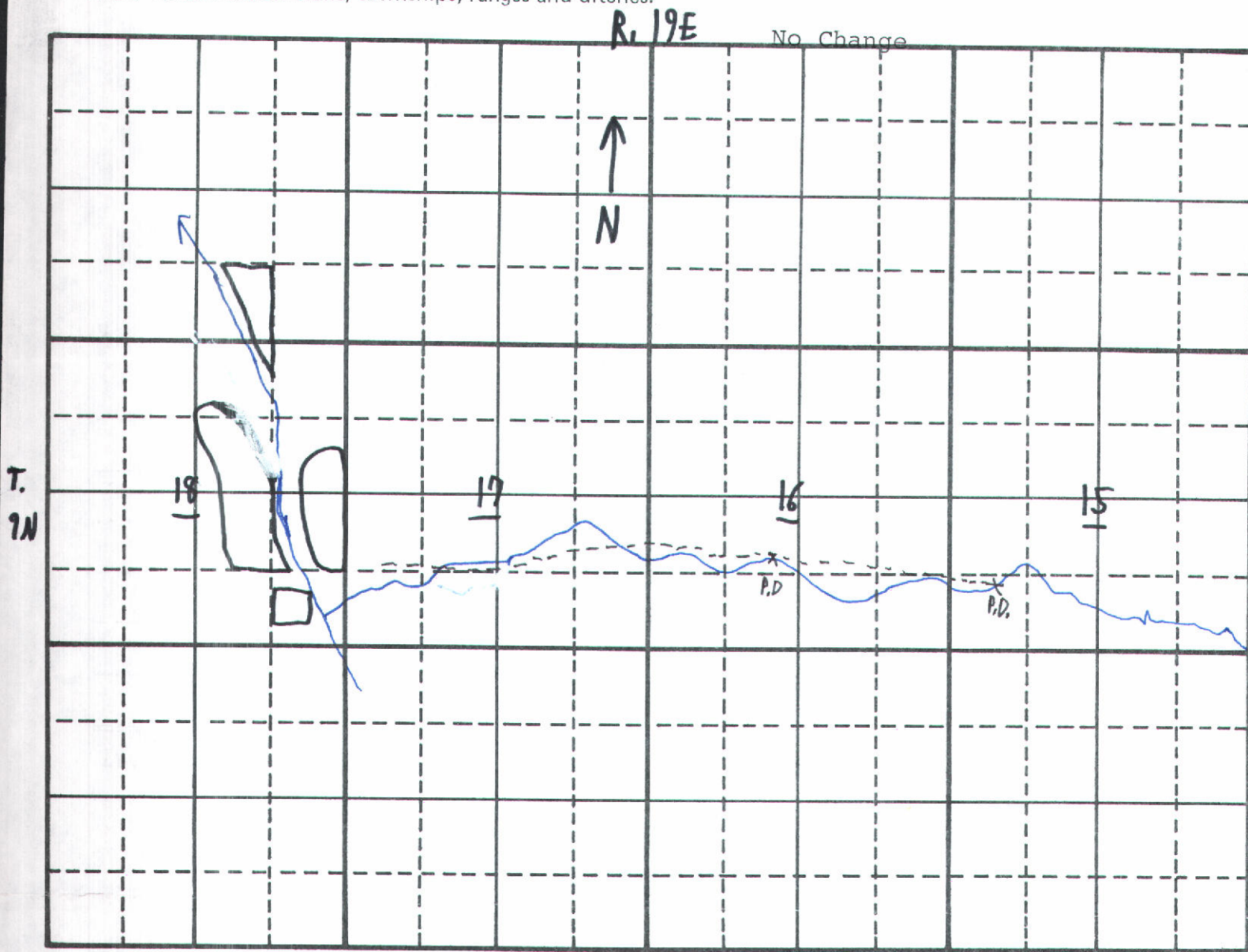


Complete the following map by showing land and point of diversion as proposed by this amendment.

Show 40-acre subdivisions, townships, ranges and ditches.



That no one will be injured by such change, and that such change will be made at permit holder's own risk.

Signed at Challis, this 12th day of September, 19 79

James R. Benth
(Signature)

FOR DEPARTMENT USE ONLY

Preliminary check by JD Fee = \$20.00 ✓

Received by marya Date 9/17/79 # 13334 dr

Publication prepared by marya Date 9/19/79

Published in Custer Publishing Co.

Publication dates 10/4 & 10/11/79

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

I, L. GLEN SAXTON, Chief, Operations Bureau, of the Department of Water Resources hereby

APPROVE this application for amendment on Permit No. 72-7066.

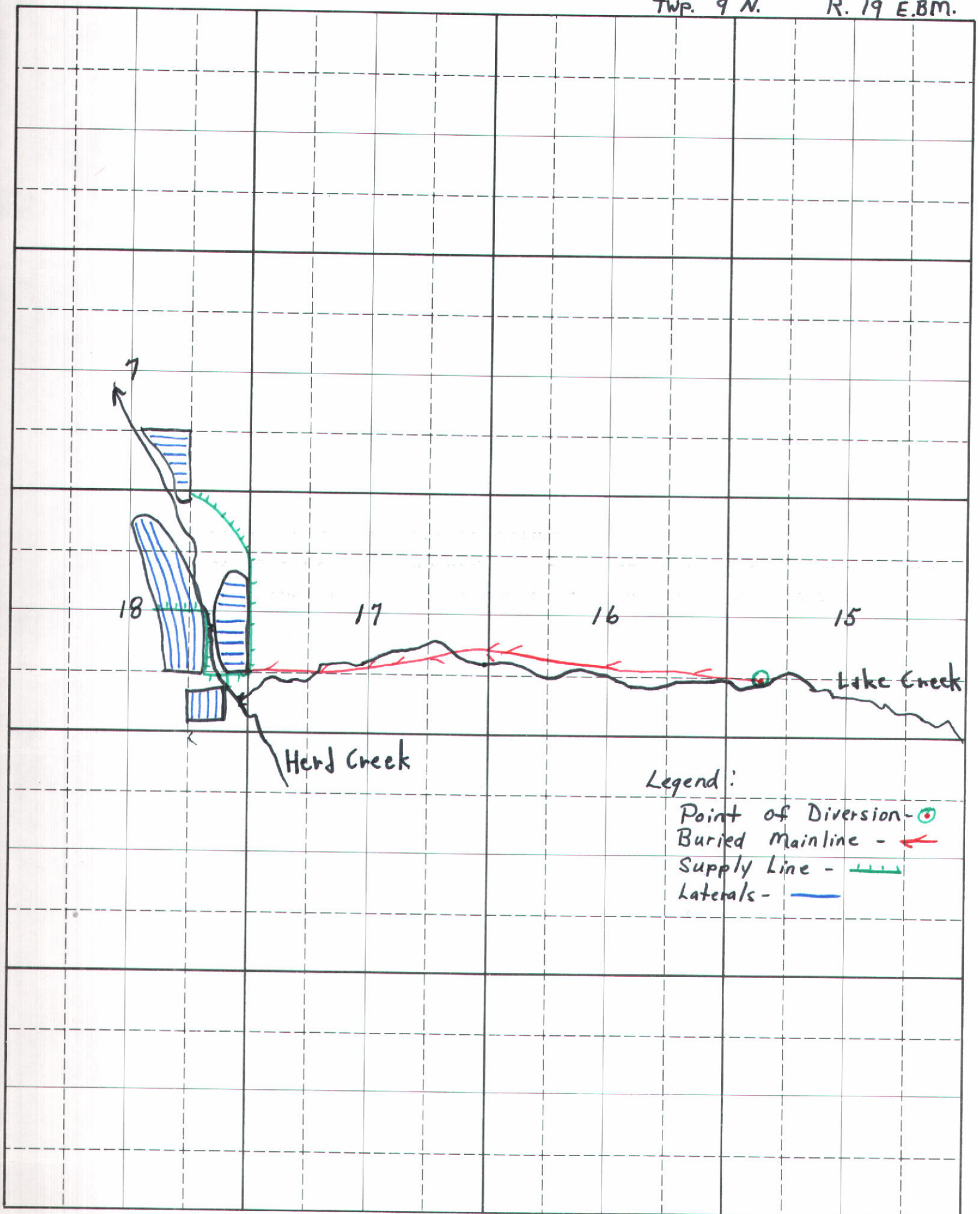
Witness my hand this 8th day of November

L. Glen Saxton
Chief, Operations Bureau

CUSTER County, Idaho

11. Map of proposed project:

TWP. 9 N. R. 19 E.BM.



Scale: 2 inches equal 1 mile

BE IT KNOWN that the undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.

James R. Smith
(Applicant)

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

RECEIVED

DEC 30 1993

Department of Water Resources

A. GENERAL INFORMATION

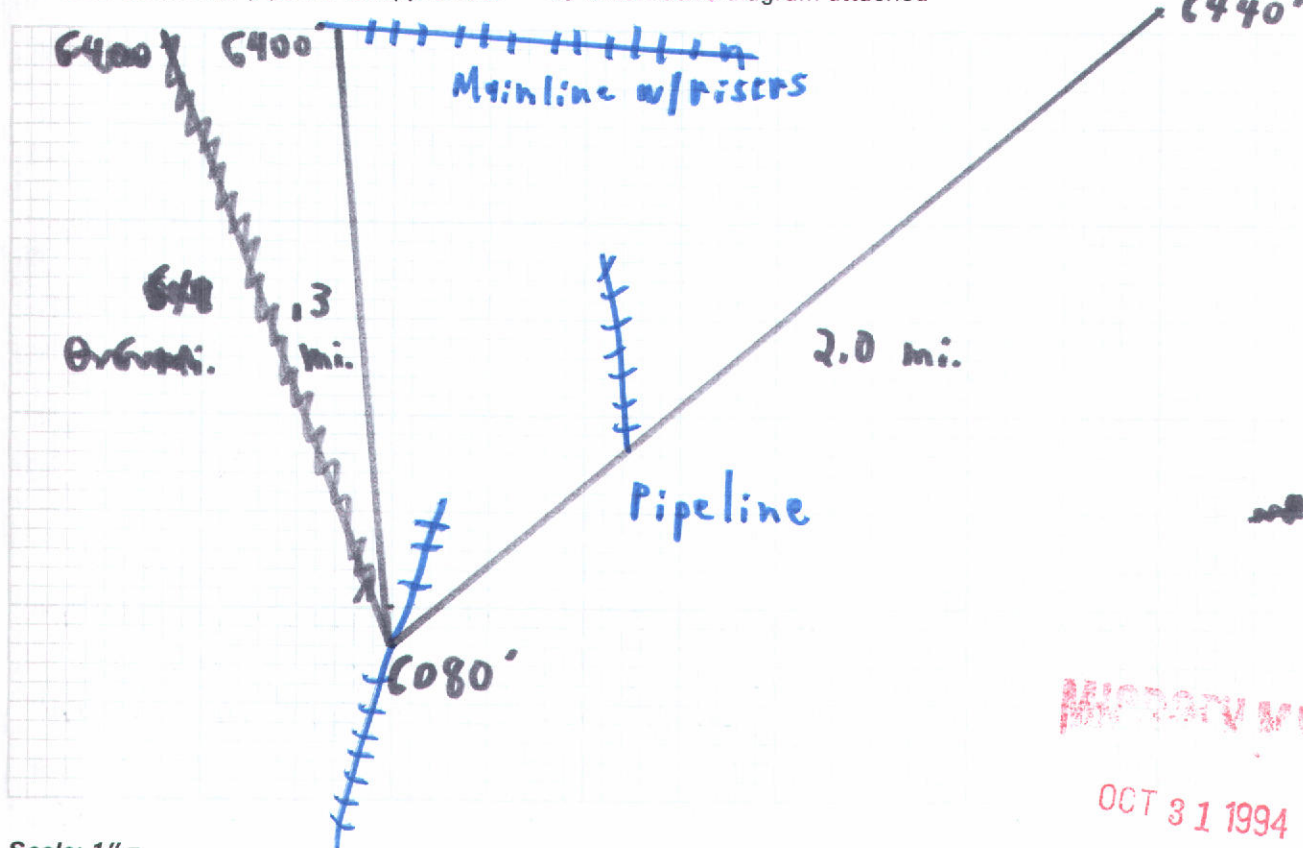
1. Owner: James Bennetts Permit No. 72-07066
Current Address: P.O. Box 36, Challis, ID 83226 Phone No. _____
2. Accompanied by: Permittee EXAM. DATE: 7-22-92 + 9-9-87
Address: _____ Phone No. _____
Relationship to Permit Holder: _____
3. Source: Lake Creek tributary to Herd Creek

B. OVERLAP REVIEW

1. Other water rights with same place of use: _____ ☐ Copies Attached
2. Other water rights with same point of diversion: None ☐ Copies Attached ☐ Copies of Field Exam's Attached

C. SYSTEM DESCRIPTION

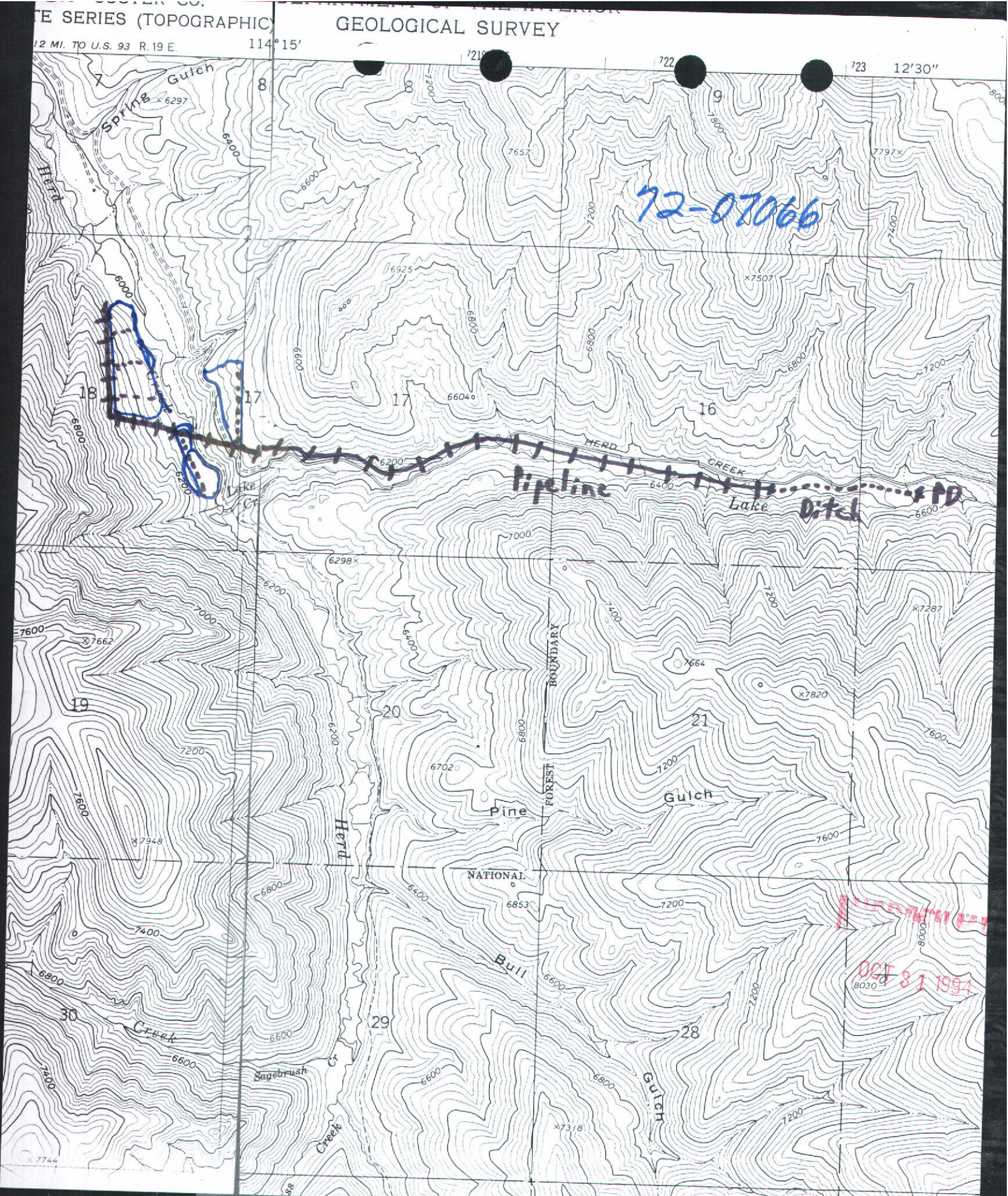
1. **Diversion System Diagram:** Indicate all major components and distances between components. Indicate weir size/ditch size/pipe i.d. as applicable. ☒ Alternative diagram attached



Scale: 1" = _____

RECEIVED
OCT 31 1994

2. ☒ Copy of U.S.G.S. Quadrangle Attached
Showing location(s) of point(s) of diversion and
place(s) of use (required). ☐ Aerial Photo Attached
(required for irrigation of 10 acres or more).
☒ Photo of Diversion and System Attached
(required for all but single household domestic groundwater, and stockwater).



6-80-78

1:6000

72-0706p

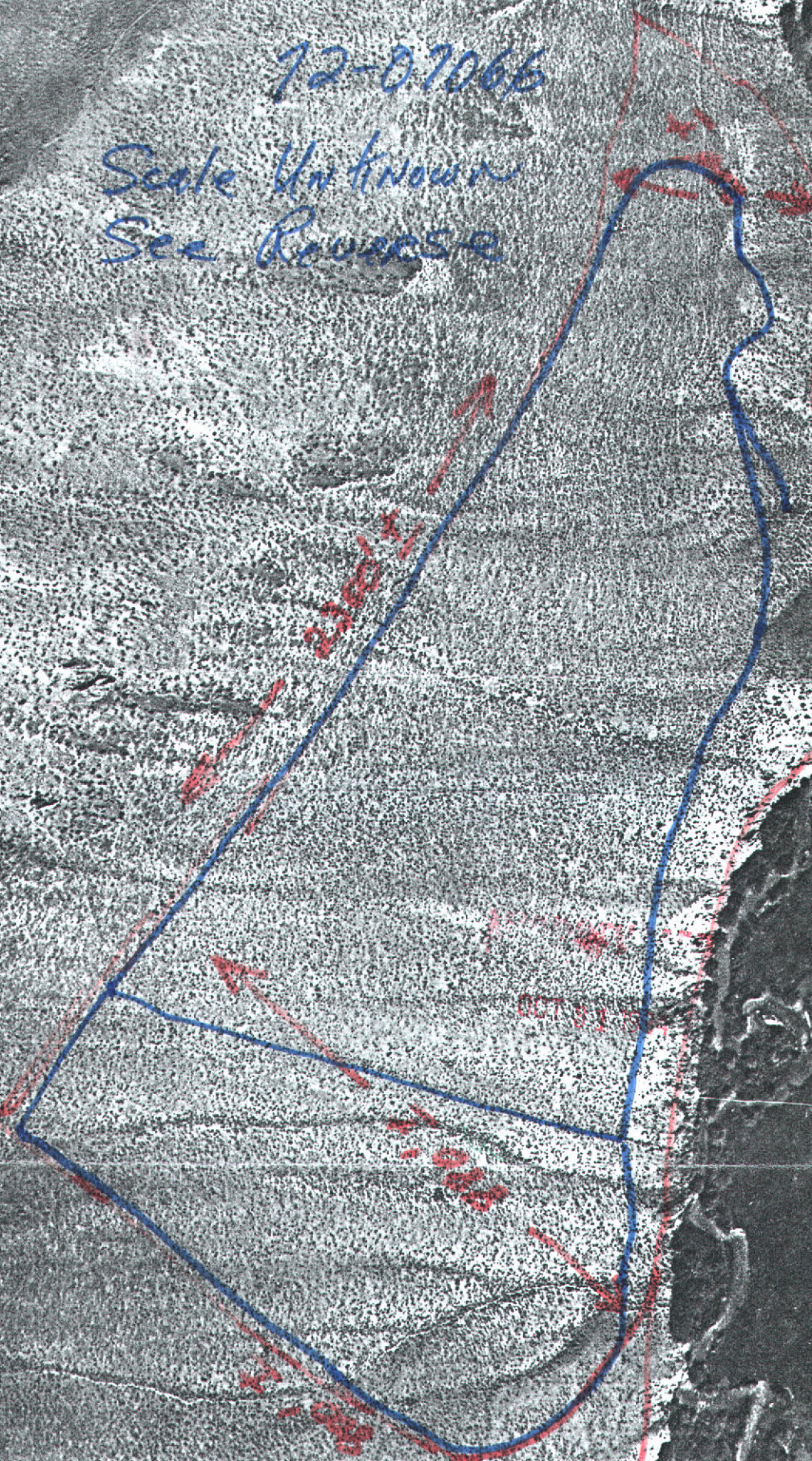
Scale Unknown
S

RECEIVED

OCT 31 1994

72-07066

Scale Unknown
See Reverse



00

LNT-PN1

7813

7321

72-07066

32m

Scale Unknown
See Remarks

OCT 31 1964



Point of diversion out of Lake Creek



Water is carried by this ditch
to a headbox

HAIR-100-1000

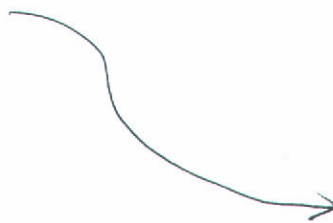
OCT 31 1994



Water goes through this
headbox and into the pipeline
notice pipeline going from
concrete structure down the
valley (buried)

Pipeline comes up over
the hill and then
begins to get distributed.

Point where measurement
was taken



UNCLASSIFIED

OCT 31 1994



This flow meter had been installed for a measurement. When Jerry Blau arrived to do the field exam, the flow meter did not function. The second time the owner had installed an access port

MICROFILM

OCT 31 1994



the pipeline goes down
across the river bottom
and carries water
to the sidehill and
river bottom

← this line takes water
over to irrigate the
ground above the road
on the other side of
the creek

place of use



OCT 31 1994



Sainfoin

72-7066



Herd Cr. Bottomland

P/4 East of
Herd Cr. Road

7-22-92



OCT 31 1994



Place of use



Place of use

OCT 31 1994

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 72-07066

Priority: January 19, 1978 Maximum Diversion Rate: 1.08 CFS
Maximum Diversion Volume: 189.0 AF

This is to certify, that JAMES R BENNETTS
PO BOX 36
CHALLIS ID 83226 has complied with the terms and conditions
of the permit, issued pursuant to Application for Permit dated January 19, 1978; and
has submitted Proof of Beneficial Use on July 24, 1985. An examination indicates
that the works have a diversion capacity of 1.330 cfs of water from:

LAKE CREEK tributary to HERD CREEK, EAST FORK

source, and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	04/15 to 10/15	1.08 CFS	189.0 AF

LOCATION OF POINT(S) OF DIVERSION: SWSW , Sec. 15, Township 09N, Range 19E
CUSTER County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
09N	19E	18	NWNE 2	SWNE 19	SENE 7	
			NESE 12	NWSE 8	SESE 6	54

Total number of acres irrigated: 54

CONDITIONS/REMARKS:

1. The maximum diversion volume is defined as the maximum allowable volume of water that may be diverted annually from the source under this right. The use of water confirmed by this right is limited to the amount that can actually be beneficially used. The maximum diversion volume may be adjusted to more accurately describe the beneficial use or to implement accepted standards of diversion and use efficiency.
2. This water right is appurtenant to the described place of use.
3. This right is subject to all prior water rights and may be forfeited by five years of non-use.
4. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
5. This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 3.5 afa per acre for the lands above.
6. The issuance of this right in no way grants any right-of-way or easement across the land of another.

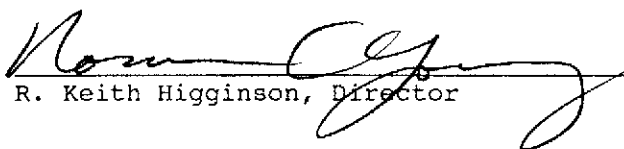
State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 72-07066

This license is issued pursuant to the provisions of Section 42-219, Idaho Code.
Witness the seal and signature of the Director, affixed at Boise, this 30TH
day of AUGUST, 1994.

Acting for


R. Keith Higginson, Director

4/86

Rec
10/6/86
IDWR
Southern

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
EXAMINATION FEE INFORMATION

For Office Use Only
Fee Received 150.00
Date 10/6/86
Receipt # 38748
Receipt by M. Baldwin
Sent to S.O. 10/6/86

RECEIVED

OCT 7 1986

1. Permit No. 72-7066

ONE OF THE FOLLOWING BOXES SHOULD BE MARKED TO DESIGNATE YOUR CHOICE:

Department of Water Resources

☒ I choose to have the department make the field examination of this permit; attached is the examination fee. (If this box is marked, complete items 1 thru 8.)

2. Permit Holder: JAMES R. Bennetts

3. Post Office Address: Box 36 Challis, Idaho 83226

Telephone No. Office: 879 4488

4. Source of Water: Herd Creek area - Diverted From Lake Creek

5. Extent of Use:

Domestic _____ (No. of households) Stockwater _____ (No. and type of stock)

Irrigation 1005 (acres) Other/Remark _____

6. Total rate &/or volume for which proof is submitted 3 cfs _____ acre-feet

7. Show the date water was first diverted and beneficially used under this permit:

May 1979

8. Person to contact to accompany the department representative during the field examination:

JAMES R. Bennetts
(Name)

Challis, Idaho 83226 879 4488
(Address) (Telephone Number)

☐ I choose to have the field examination conducted by a certified water right examiner. Attached is a statement from the certified examiner I have selected verifying that he has been retained to conduct the examination. (If this box is marked, complete items 1 thru 7.)

Sept 16, 1986
Date

JAMES R. Bennetts
Signature of Permit Holder (and title, if appropriate)

State of Idaho

Department of Water Resources

LICENSE EXAMINATION FEE SCHEDULE

(c.f.s. = cubic feet per second
AF = acre feet)

cfs	AF	Fee
0 - 0.04	0 - 4	\$ 0
.05 - 0.20	5 - 20	50.00
.21 - 1.0	21 - 100	100.00
1.01 - 2.0	101 - 200	125.00
2.01 - 3.0	201 - 300	150.00
3.01 - 4.0	301 - 400	175.00
4.01 - 5.0	401 - 500	200.00
5.01 - 6.0	501 - 600	225.00
6.01 - 7.0	601 - 700	250.00
7.01 - 8.0	701 - 800	275.00
8.01 - 9.0	801 - 900	300.00
9.01 - 10.0	901 - 1000	325.00
10.01 - 11.0	1001 - 1100	350.00
11.01 - 12.0	1101 - 1200	375.00
12.01 - 13.0	1201 - 1300	400.00
13.01 - 14.0	1301 - 1400	425.00
14.01 - 15.0	1401 - 1500	450.00
15.01 - 16.0	1501 - 1600	475.00
16.01 - 17.0	1601 - 1700	500.00
17.01 - 18.0	1701 - 1800	525.00
18.01 - 19.0	1801 - 1900	550.00
19.01 - 20.0	1901 - 2000	575.00
20.01 & over	2001 & over	600.00

Checks should be made payable to the
Department of Water Resources

No fee is required for single family
domestic use or stockwater use.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
PROOF OF BENEFICIAL USE

RECEIVED
JUL 24 1985

Department of Water Resources

The Idaho Department of Water Resources will consider this form as a statement that the permit holder(s) has completed development under this permit and that water has been applied according to the provisions of the permit for the beneficial use(s) described below:

Permit No. 17-7016

Name(s) of Permit Holder: James R. Bennett

Post Office Address: Box 36 Challis Idaho 83226

Telephone No. 208 2567

Source of Water: Lake Co. - Trip at Hard Rock

Extent of Use:

Domestic _____ (number of households)

Stockwater _____ (number and type of stock)

Irrigation 100 _____ (acres)

Other/Remarks _____

Indicate the date water was first diverted and beneficially used under this permit: _____

Measuring Device: Required? ☒ Yes ☐ No
Installed? ☐ Yes ☐ No

Flow Measurement Port: Required? ☐ Yes ☐ No
Installed? ☐ Yes ☐ No

Person to contact to accompany the Department representative during the field examination:

James R. Bennett

(Name)

Box 36, Challis, Idaho 83226 208-2567

(Address)

(Telephone Number)

The above information is a true statement of the extent to which the above numbered permit has been developed

July 22, 1985
Date

James R. Bennett
Signature of Permit Holder (and Title, if appropriate)

RECEIVED

James R. Bennett
BCH-36
Charlottesville, VA 22906



Idaho Department of Water Resources
Statehouse Mail
Boise, ID 83720

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
REQUEST FOR EXTENSION OF TIME

To provide additional time in which to submit
proof of beneficial use on a water right permit

RECEIVED
APR 20 1982
Department of Water Resources
Sawada Building

JAMES R. BENNETTS
(Name)

of P. O. Box 36, Challis
(Address)

State of Idaho, deposes and says:

That he is the holder, or the duly authorized agent of the holder*, of Permit to appropriate the Public Waters of the State of Idaho No. 72-7066.

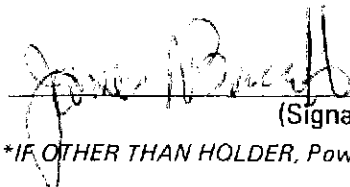
That under the terms and conditions of said permit, work thereunder was required to be completed on or before January 24,, 19 83.

That he has heretofore performed the following work described under said permit: Constructed a pipeline with pipe varying in size from 10 inch to 6 inch. Steel - buried. Set up distribution lines. Cleared 80 to 100 acres. Levelled 20 additional acres. Planted and irrigated the same for 2 seasons. Costing \$50,000.00+.

Costing \$ 50,000.00+

That he is unable to complete the remainder of the work within the required time for the following reasons, to-wit: I prefer not to expend additional monies at this time because of interest rates and difficulty in securing funds. I also prefer to finish the work with present help which will require more than one season.

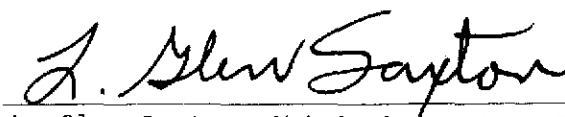
Wherefore, he asks that the Department of Water Resources extend the time for the completion of obligations under said permit to July 30,, 19 85.


(Signature)*
*IF OTHER THAN HOLDER, Power of Attorney must be supplied.

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

IT IS HEREBY ORDERED that the above application for extension of time be APPROVED and the time within which to submit the statement of beneficial use is extended to August 1, 1985.

Signed this 2nd day of August, 19 82.


L. Glen Saxton, Chief, Operations Bureau

\$15.00 fee received by LD

Date 5-5-82

Receipt # 22784

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF CHANGING THE MEASURING
DEVICE REQUIREMENT FOR PERMIT NO. 72-7066

ORDER

WHEREAS, the above numbered permit was approved with the condition that a measuring device of a type approved by the Department be permanently installed and maintained as part of the diverting works; and,

WHEREAS, on July 1, 1978, the Department adopted a new water measurement condition which states: "An access port or other device as specified by the Department shall be installed by the permit holder to provide for the installation of measuring equipment and the determination of the rate of diversion by the Department"; and,

WHEREAS, the former condition required the permit holder to purchase and install a measuring device or hire a professional engineer to certify the rate of diversion; and,

WHEREAS, the measuring device condition effective July 1, 1978, requires less capital expenditure by the permit holder; and,

WHEREAS, to be equitable to holders of permits issued prior to July 1, 1978, the new condition should be retroactive;

NOW THEREFORE, it is hereby ordered that the condition of approval of this permit related to water measurement is hereby changed as follows:

"The permit holder shall either install a measuring device or provide a certified measurement by a professional engineer or install an access port or other device as specified by the Department".

Dated this 1st day of June 1981.

Glen Saxton

GLEN SAXTON
Chief, Operations Bureau

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR AMENDMENT OF A PERMIT

To change the point of diversion and/or the place of use.

Comes now JAMES R. BENNETTS

of (address) P. O. Box 36, Challis, Idaho 83226, and represents to the
Director of the Idaho Department of Water Resources:

That he is the owner and holder of Permit to appropriate the Public Waters of the State of Idaho
No. 72-7066, and requests that the permit and permit map be changed as follows:

1. Point of diversion: SW ¼ SW ¼, Section 15, Township 9N, Range 19 E, B.M.,
County of Custer. Other points of diversion: NE1/4SW1/4, Section 16,
Township 9 N., Range 19 E., B.M., Custer County, Idaho.

2. Period and nature of use: (irrigation, domestic, stockwatering, industrial, etc.)

Amount NO CHANGE for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre feet per annum)

3. Place of use or land to be irrigated:

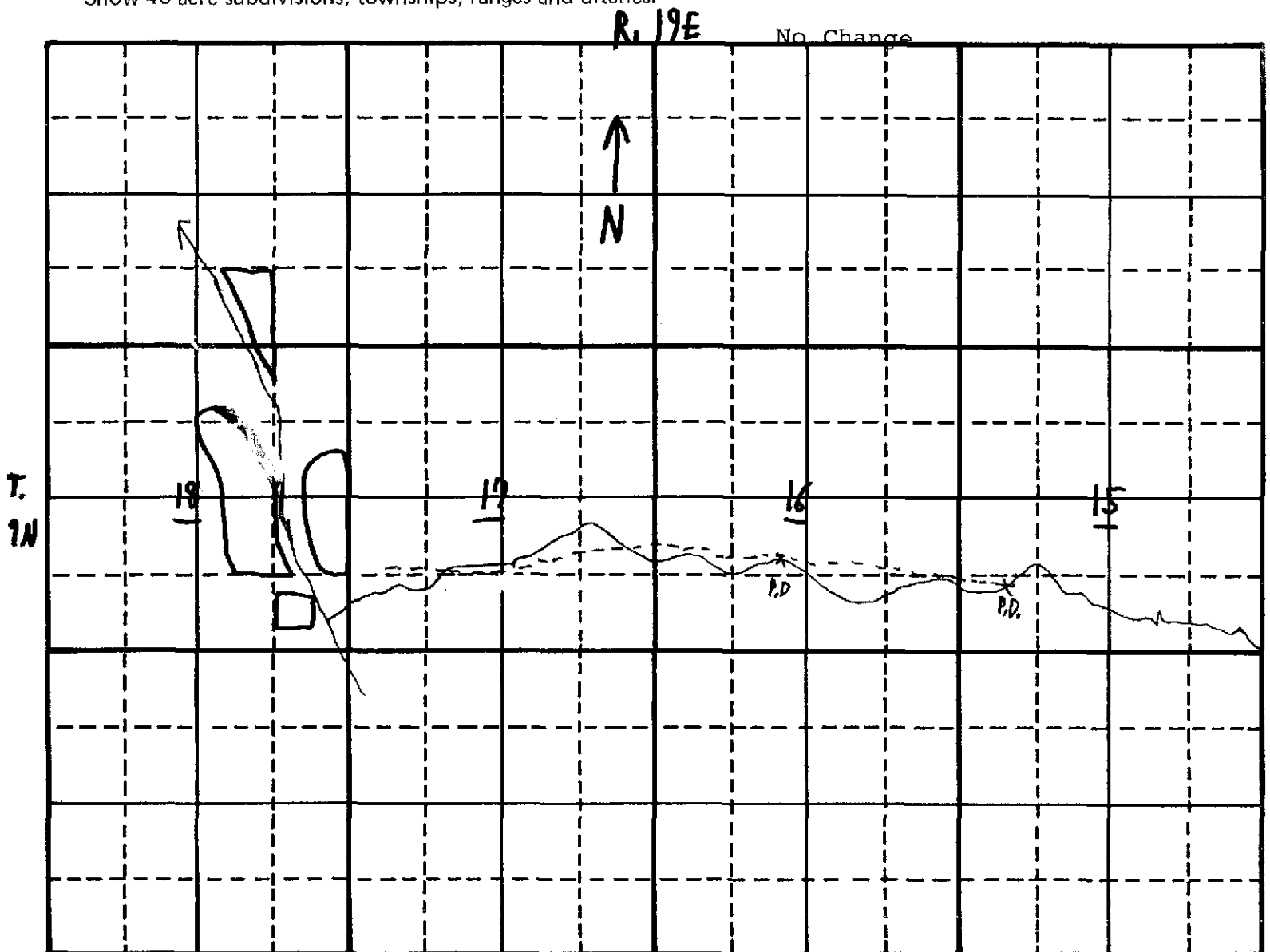
TWP	RGE	SEC	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
NO	CHANGE																		

Total number of acres to be irrigated = _____

4. a. Who owns the property at the point of diversion? State of Idaho owns alternate diver-
sion
b. Who owns the land to be irrigated or the place of use? No Change
c. If the property is owned by a person other than the applicant, describe the arrangement enabling the
applicant to make this filing: No Change

Complete the following map by showing land and point of diversion as proposed by this amendment.

Show 40-acre subdivisions, townships, ranges and ditches.



That no one will be injured by such change, and that such change will be made at permit holder's own risk.

Signed at Challis, this 12th day of September, 19 79

James R. Smith
(Signature)

FOR DEPARTMENT USE ONLY

Preliminary check by JA Fee = \$20.00 ✓

Received by maria Date 9/17/79 # 13334

Publication prepared by maria Date 9/14/79

Published in crystal publishing co.

Publication dates 10/4 & 10/11/79

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

I, L. GLEN SAXTON, Chief, Operations Bureau, of the Department of Water Resources hereby

APPROVE this application for amendment on Permit No. 72-7066.

Witness my hand this 8th day of November

19 79

L. Glen Saxton
Chief, Operations Bureau

Identification No. _____

Application No. 72-7066

STATE OF IDAHO
DEPARTMENT OF RECLAMATION WATER RESOURCES

APPLICATION FOR PERMIT

To Appropriate the Public Waters of the State of Idaho

APPROVED
Department of Idaho Resources
Southern District Office

1. Name of applicant James R. Bennetts
post office address P. O. Box 36 Challis, Idaho 83226
2. Source of water supply Lake Creek which is a tributary of Herd Creek-East Fork-Salmon River
3. a. Location of point of diversion is SW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 15 Township 9 N.
Range 19 E. B.M. Custer County; additional points of diversion if any: None

- b. If water is not consumed, it will be discharged into Herd Creek at a point in SE $\frac{1}{4}$
of SE $\frac{1}{4}$ of Section 18 Township 9 N. Range 19 E. B.M.
4. Quantity to be appropriated:
a. 3 cubic feet per second and/or (150 miners inches)
b. _____ acre feet per annum will be stored.
5. Water will be used for the following purposes:
Irrigation purpose from April 15 to October 15 (both dates inclusive)
_____ purpose from _____ to _____ (both dates inclusive)
_____ purpose from _____ to _____ (both dates inclusive)
6. Proposed diverting works:
a. Description of ditches, flumes, pumps, headgates, etc. 2 miles of 8" steel or plastic pipe distributed through hand move 3 or 4 inch laterals-gravity system

- b. Height of storage dam _____ feet; active reservoir capacity _____ acre feet; total reservoir capacity _____ acre feet; materials used in storage dam: _____

- c. Proposed well diameter is _____ inches; proposed depth of well is _____ feet.
7. a. Time required for the completion of the works and application of the water to the proposed beneficial use is 5 years.
b. Estimated construction cost is \$ 40,000.00.
8. Description of proposed uses:
a. If water is **not** for irrigation:
(1) Give the place of use of water: _____ $\frac{1}{4}$ of _____ $\frac{1}{4}$ of Section _____ Township _____
Range _____ B.M.
(2) Amount of power to be generated: _____ hp under _____ feet of head.
(3) List number of each kind of livestock to be watered _____

(4) Name of municipality to be served _____, or number of families to be supplied with domestic water: _____.
(5) If water is to be used for other purposes describe: _____

b. If water is for irrigation, indicate acreage in each subdivision in the tabulation below:

TWP.	RANGE	SEC.	NE1/4				NW1/4				SW1/4				SE1/4				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	
9N	18E	18		15	35	25									25	25		10	135
		7															30		30

Total number of acres to be irrigated 165

c. Describe any other water rights used for the same purposes _____

9. a. Who owns the property at the point of diversion Bureau of Land Management

b. Who owns the land to be irrigated or place of use Applicant

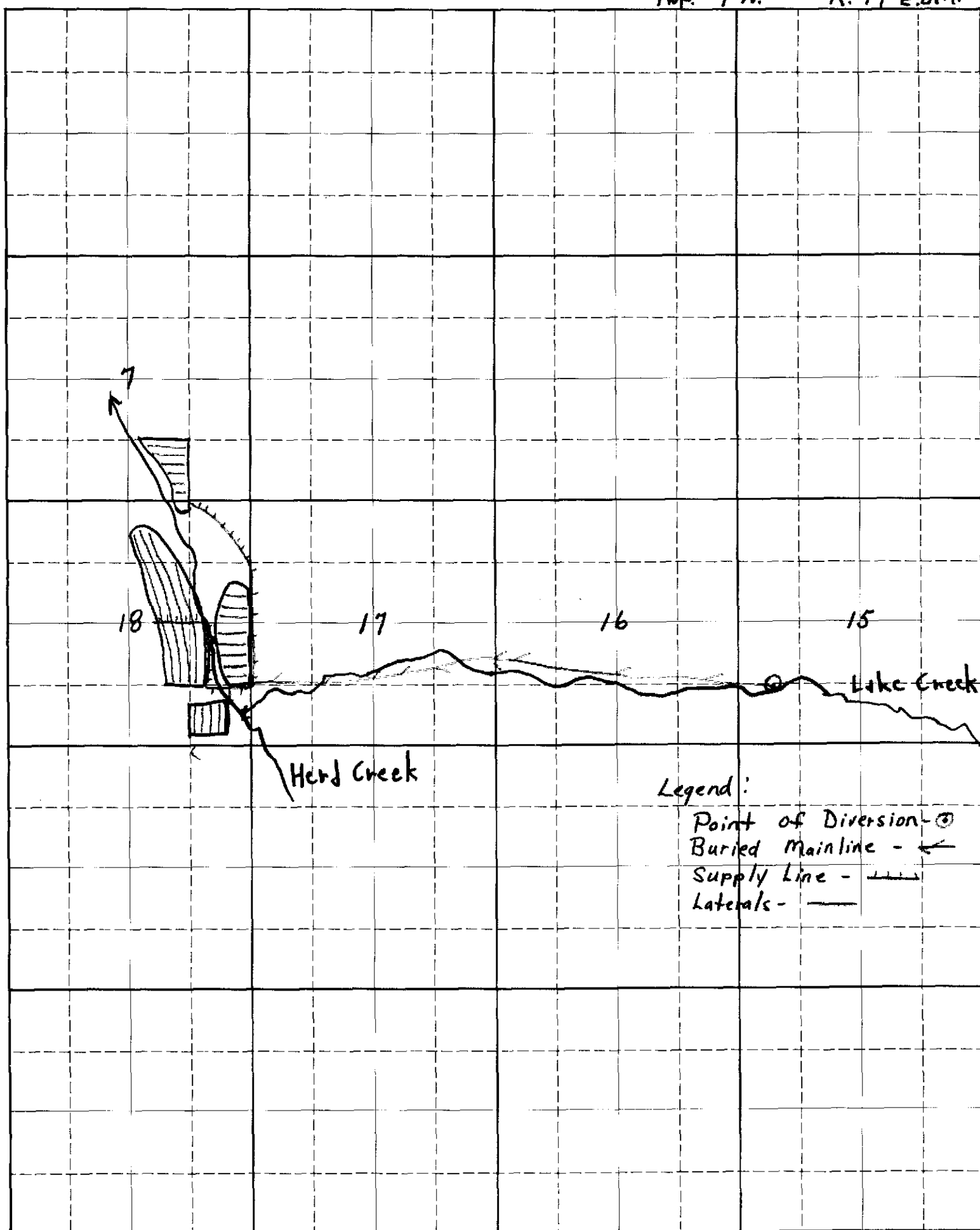
c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing _____

10. Remarks Project contemplates development of gravity flow system with hand move sprinklers. Bureau of Land Management special use permit for buried mainline is being negotiated.

CUSTER County, Idaho

11. Map of proposed project:

TWP. 9 N. R. 19 E. BM.



Legend:

Point of Diversion - (O)
Buried Mainline - ←
Supply Line - —+—+—
Laterals - —

Scale: 2 inches equal 1 mile

BE IT KNOWN that the undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.

James R. Smith
(Applicant)

Proposed Priority 01/19/78

Received by ls Date 1/19/78 Time 10:30
Preliminary check by Wth Fee \$ 2.00 3.15
Receipted by mlb Date 1/19/78 # 10281 ~ 2/3/78 # 10315
Publication prepared by LSm Date 2/14/78
Published in Custer Publishing Co.
Publication dates 2/23 + 2/2/78
Publication approved LS Date 3/8/78
Priority reduced to _____ Reason _____

Protests filed by: _____

Copies of protests forwarded by _____

Hearing held by _____ Date _____

Recommended for approval denial by mls

ACTION OF STATE RECLAMATION ENGINEER

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. 72-7066, and said application is hereby APPROVED.

1. Approval of said application is subject to the following limitations and conditions:

- a. SUBJECT TO ALL PRIOR WATER RIGHTS.
- b. Proof of construction of works and application of water to beneficial use shall be submitted on or before April 1, 19 83.
- c. Other: For licensing purposes a scientific measurement of the diversion rate of the system as it is normally operated shall be provided by either properly installing an approved type of measuring device or by having a professional engineer certify the rate of diversion to the Department prior to submitting proof of beneficial use of water. (2) The issuance of this permit in no way grants any right-of-way or easement across the land of another.

Witness my hand this 26TH day of April, 19 78.

Roman C Young
Administrator



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

Phone: (208) 327-7900 FAX: (208) 327-7866

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

August 31, 1994

JAMES R BENNETTS
PO BOX 36
CHALLIS ID 83226

RE: WATER RIGHT NO. 72-07066

Dear Water Right Holder(s):

Enclosed herewith is a copy of the Water Right License issued on the above referenced permit. If you have any questions, please contact me within 10 days of receipt of this license.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jim Johnson', with a long horizontal line extending to the right.

JIM JOHNSON, Manager
Water Right Permits Section

JJ:dc

Enclosure

LICENSE REVIEW CHECKLIST

PERMIT NO. 72-7066 DATE 7-28-94



NAME	Yes ☐	No ☒	Or Address Change?
PRIORITY DATE	☐	☒	Advance? ☐ Advanced to: _____ Order to reinstate needed? _____ Incorrect fee for rate recommended? _____
SOURCE	☐	☒	Changes or just clarification of originally intended source? _____ Notice of Intent to Void necessary? _____
POINT OF DIV	☐	☒	Amendment needed? <u>Delete NEW SEC 16</u> Overlaps? _____
PLACE OF USE	☐	☒	Amendment needed? <u>Delete SEC 7 acres</u> Overlaps? _____
DIV RATE	☐	☒	Measurement Q = <u>.58</u> Theoretical Q = _____ <u>Annular in Sept. HSCS measurement, between 400-600 gpm, Capacity at 1.33 CFS</u> Capacity: <u>1.33</u> Combined rates exceed capacity _____ Permit/fee limits: <u>3 CFS</u> Allowable: <u>1.08</u>
ANNUAL VOLUME	☐	☒	Season of use: <u>8/3.5 (4-15 to 10-15)</u> Calculations: <u>54 x 3.5 = 189</u> Flow limit: _____ cfs x _____ x 1.9835 = _____ Combined volumes exceed capacity/allowable _____
USES	☐	☒	Change in Nature of Use or additional uses? _____ Amendment necessary? _____
REMARKS	☐	☒	Multiple p/d(s) in 1/4 1/4? _____ Other _____
CONDITIONS	☒	☐	Measuring/Locking Devices _____ Watermaster control - District _____ Irrigation Overlap _____ Water Quality _____ Other _____
COMMENTS:	<u>Reduce acres & rate</u>		

RECOMMENDED

CFS

VOLUME

LICENSE ☒

Irrigation

1.08

189

1ST AMENDMENT LETTER _____

FINAL AMENDMENT LETTER _____

Claim Fined

WR0750NP
(00-138)

IDAHO DEPARTMENT OF WATER RESOURCES
PLACE OF USE 1/4 1/4 COMPARISON REPORT

DATE: 07/28/94
PAGE: 1

(WATER RIGHT NUMBERS THAT BEGIN WITH AN '*' ARE ADJUDICATION CLAIMS)

WR-NUMBER	SOURCE	NE								NW								SW								SE								SUM
		NE		NW		SW		SE		NE		NW		SW		SE		NE		NW		SW		SE		NE		NW		SW		SE		
		Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac			
L7207066	T09N R19E S18 LAKE CREEK																																	
	:			02		19		07	:																	12		08			06	:	54	
7200218	HERD CREEK :			I		I		:																		I		I						
A7200218	HERD CREEK :			25		10		10	:																	10				10	:	65		
R7200218	HERD CREEK :			25		10		10	:																	10				10	:	65		
7204060	HERD CREEK :							05	:																							5		
A7204060	HERD CREEK :			25		10		10	:																	10				10	:	65		
A7216275	HERD CREEK :			25		10		10	:																	10				10	:	65		

AJ5809NP
No. R72-07066

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 07/28/94
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	JAMES R BENNETTS	01/24/1978	IRRIGATION	04-01 11-01	1.00 CFS	
C	JO ANN BENNETTS PO BOX 36 CHALLIS ID 83226 (208) 879-2567				1.00 CFS	200.00 AFA
				TOTAL DIVERSION: CONSUMPTIVE USE:		

Water Source: LAKE CREEK

Tributary to: HERD CREEK, EAST FORK

Stage: PERMIT

Point(s) of Diversion: T09N R19E S15
S16

SWSW
SESE

CUSTER County
CUSTER County

Place of use Legal Description for: IRRIGATION

				NE				NW				SW				SE						
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	SUM	
09N	18E	18	:			05		25		15								15		15		80.0
																			TOTAL ACRES		80.0	

should be 19E

POU County: CUSTER

Other Rights: NONE

Other Water Rights with Same Point(s) of Diversion and Source:
A72-07066 A72-07066A R72-07066A

Other Water Rights Listing Overlapping Place(s) of use:
A72-07066 A72-07066A R72-07066A

Dates: Exam Made Date:

Verified Date:

Misc: Water District Number:

Field Inspection Flag:
Presumption Flag: C

Audit: 02/10/94 SSRBA

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

RECEIVED

DEC 30 1993

Department of Water Resources

A. GENERAL INFORMATION

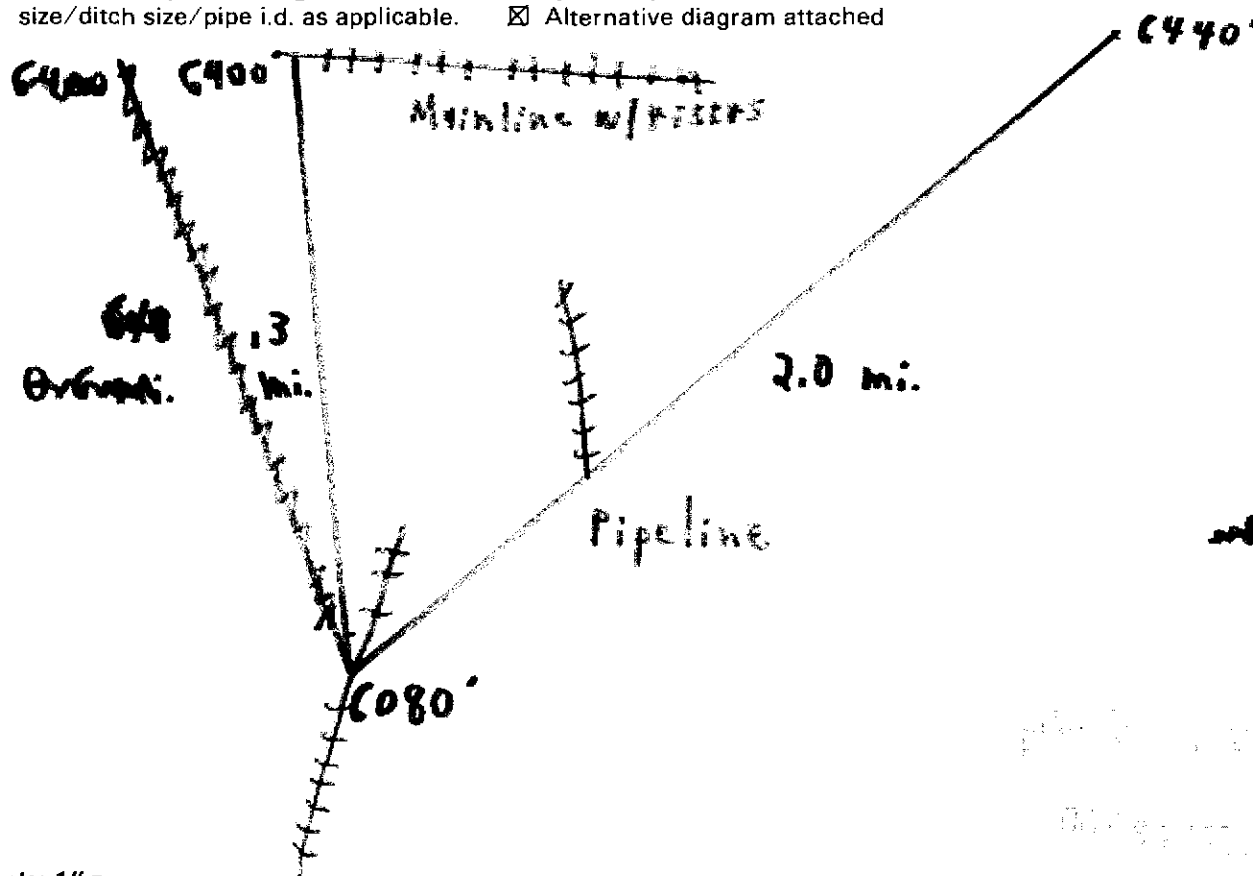
1. Owner: James Bennetts Permit No. 72-07066
Current Address: P.O. Box 36, Challis, ID 83226 Phone No. _____
2. Accompanied by: Permittee EXAM. DATE: 7-22-92 + 9-9-87
Address: _____ Phone No. _____
Relationship to Permit Holder: _____
3. Source: Lake Creek tributary to Herd Creek

B. OVERLAP REVIEW

1. Other water rights with same place of use: _____ ☐ Copies Attached
2. Other water rights with same point of diversion: None ☐ Copies Attached ☐ Copies of Field Exam's Attached

C. SYSTEM DESCRIPTION

1. **Diversion System Diagram:** Indicate all major components and distances between components. Indicate weir size/ditch size/pipe i.d. as applicable. ☒ Alternative diagram attached



2. ☒ Copy of U.S.G.S. Quadrangle Attached Showing location(s) of point(s) of diversion and place(s) of use (required). ☐ Aerial Photo Attached (required for irrigation of 10 acres or more).
☒ Photo of Diversion and System Attached (required for all but single household domestic groundwater, and stockwater).

System Description (continued)

3. **Narrative:** Description (As operating at time of measurement. Indicate pressure, number of sprinklers, etc.)

Check dam & ditch to buried pipeline. Pipeline pressurizes gravity sprinkler system for irrigation of pasture. Risers in Herd Creek bottomland area are opened for flood irrigation & to relieve pressure on sprinklers when handlines along Herd Cr. are used.

P/D is at about 6400', lowest point is about 6100' at Herd Creek. Elevation then climbs again to a bit less than 6400' at top of pipeline. Elevation then decreases as the mainline runs north along the upper side of the west field.

☐ See Remarks on page 4 for continuation

- 4.

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size

*Code to correspond with No. on map and aerial photo

5. **Point(s) of Diversion:**

Ident. No.	Gov't. Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Method of Determination/Remarks
		NE	SW	SW	15	9N	19E	Custer	

6. **Place(s) of Use:**

Indicate Method of Determination Quad Map

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
9N	19E	18		2	19	7									12	8		6	54

Do not use this space

D. FLOW MEASUREMENTS

☒ Additional Data Sheets Attached

1.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date
Annubar, Manometer						

2. Measurements:

~~Not~~ Measured at 0.58 cfs in September (~~low flow time of year~~).

E. FLOW CALCULATIONS

☐ Additional Computation Sheets Attached

1. Measured Method:

2. Alternate Method for Checking Purposes:

ASCS Calculated & Flow of 600 gpm = 1.34 cfs Allow 0.02 cfs x 54 ac. = 1.08 cfs

F. PUMP EFFICIENCY DATA (Optional)

Discharge Pressure: _____ psi x 2.31 = _____ ft (1) Dynamic pumping level _____ ft (2)

Total head: (1) + (2) = _____ (3)

Flow rate _____ cfs (4)

Water HP: (3) x (4) ÷ 6.8 = _____ (5)

Meter Input KW: 3.8 x _____ KW x _____ CTR or _____ MU x _____ P/B x _____ = _____ (6)

Meter Input HP: (5) x 1.34 = _____ (7)

Panel Input KW: _____ Ave PH x _____ Ave volts x _____ Ave Amps: (6) / (7) = _____ (8)

Panel Input HP: (8) x 1.34 = _____ Efficiency: (5) / (7) x 100 = _____ %

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$V_{ir} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = 54 \times 3.5 = 189.0$

$V_{div} = (\text{Division Rate (cfs)} \times (\text{Days of Irrigation} \times 86400) = 1.08 \times 184 \times 1,9835 = 394.2$

$V_{ir} = 189.0$

2. Volume Calculations for Domestic Use:

H. REMARKS AND OVERLAP REVIEW ANALYSIS

The east field has not been irrigated for a couple of years - handlines were stolen, & applicant could not afford to replace them. He still plans to irrigate this property, so I am recommending it for licensing.

System flow is pretty constant throughout the season, according to Mr. Bennett. Apparently, flows from Herd Lake maintain Lake Creek.

Original P/D was further downstream, but was moved due to flood damage in 1987. Could be moved again if stream channel moves again.

Large west field is planted to sainfoin, an alfalfa-like forage crop. Other areas are in natural grasses for livestock use.

Reason for low measurement unknown. But based on ASCS system design, recommend system be licensed for 1 1/4 acre. It does not seem likely that this system could be operated properly with the amount measured.

I. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (afa)
	From	To		
Irrigation	4-15	10-15	1.08	189

Totals: 1.08 cfs 189 afa

2. Recommended Amendments

☐ Change P.D. as reflected above

☐ Add P.D. as reflected above

☒ None

☐ Change P.U. as reflected above

☐ Add P.U. as reflected above

☐ Other

J. AUTHENTICATION

Field Examiner's Name

J E Stanton

Signature

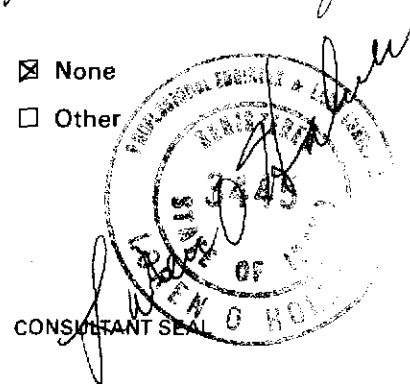
J E Stanton

Certification Date

3/30/93

Field Report Preparation Date

10-22-93



K. Licensing recommendation shall be prepared by an Idaho Department of Water Resources employee on a computer printout attached hereto.

JAMES R. BENNETTS

ATTORNEY AT LAW

P.O. Box 36

CHALLIS, IDAHO 83226

May 7, 1993

(208) 879-4488

RECEIVED

MAY 11 1993

Department of Water Resources
Southern Region Office

James E. Stanton
Idaho Department of Water Resources
222 Shoshone Street East
Twin Falls, ID 83301

Re: Herd Creek Ranch Water Right, Custer County

Dear Mr. Stanton:

I am enclosing a copy of the work sheet prepared by SCS on the pipeline capacity of the Herd Creek water system you requested. This, along with the earlier data submitted, should help indicate the usage.

I am sorry this took so long to find, but the local SCS office is controlled out of Salmon (Ralph Swift) and we couldn't locate the data when I first tried.

I would say the design was to deliver 65+ inches as compared to about 2/3 that amount if pumped.

Very truly yours,

James R. Bennetts

JRB:jab
Enclosures

2
Jim Barrett

Gravity System

diversion Location 1/2 mile S of Sea
 1.4 N. R. 19 E.

Along 2 miles 8" steel

1/2 mile 6" Aluminum

2-1/2 miles 5" waterline

$Q = 600 \text{ GPM}$

water pump

Elev. Lift 210'

Dist to Head 700'

H.P. 50

$Q = 400 \text{ GPM}$

Est. cost- material

8" steel \$31,500.00

6" Aluminum 6,336.00

2-5" by 1/2" water 2,800.00

Total \$40,636.00

10/10/00
10/10/00

State of Idaho
DEPARTMENT OF WATER RESOURCES
SUPPLEMENTAL FIELD REPORT FOR ANNUBAR MEASUREMENT

Measured by: Danen

Date 9-9-87

Owner: _____

Permit No. 72-7066

Description of well &/or measuring site

- Include any clarifications of the sketch
- Include legal description if more than one p.d. is described in the Field Report

MEASURED INSIDE PIPE DIAMETER IN INCHES (ID)

CIR = Pipe Circumference in Inches = 26.16

T = Pipe Thickness in Inches = 1/4

ID = $2 [(0.1592 \times \text{CIR}) - T] = \dots\dots\dots 7.83$

ANNUBAR DESCRIPTION & CONSTANT (C)

Size Used in Test 8"

State ID No. _____

Select C based on size from Table below.

Nominal Pipe Size	C
4"	4.23
6"	3.75
8"	3.87
10"	3.94
12"	3.99
14" - 16"	4.01
18" - 24"	4.02
30" or larger	4.03

C selected 3.87

DIFFERENTIAL PRESSURE READING IN INCHES OF H₂O (H)

High Reading = 36.3

Low Reading = 35.1

High - Low = H = 1.2

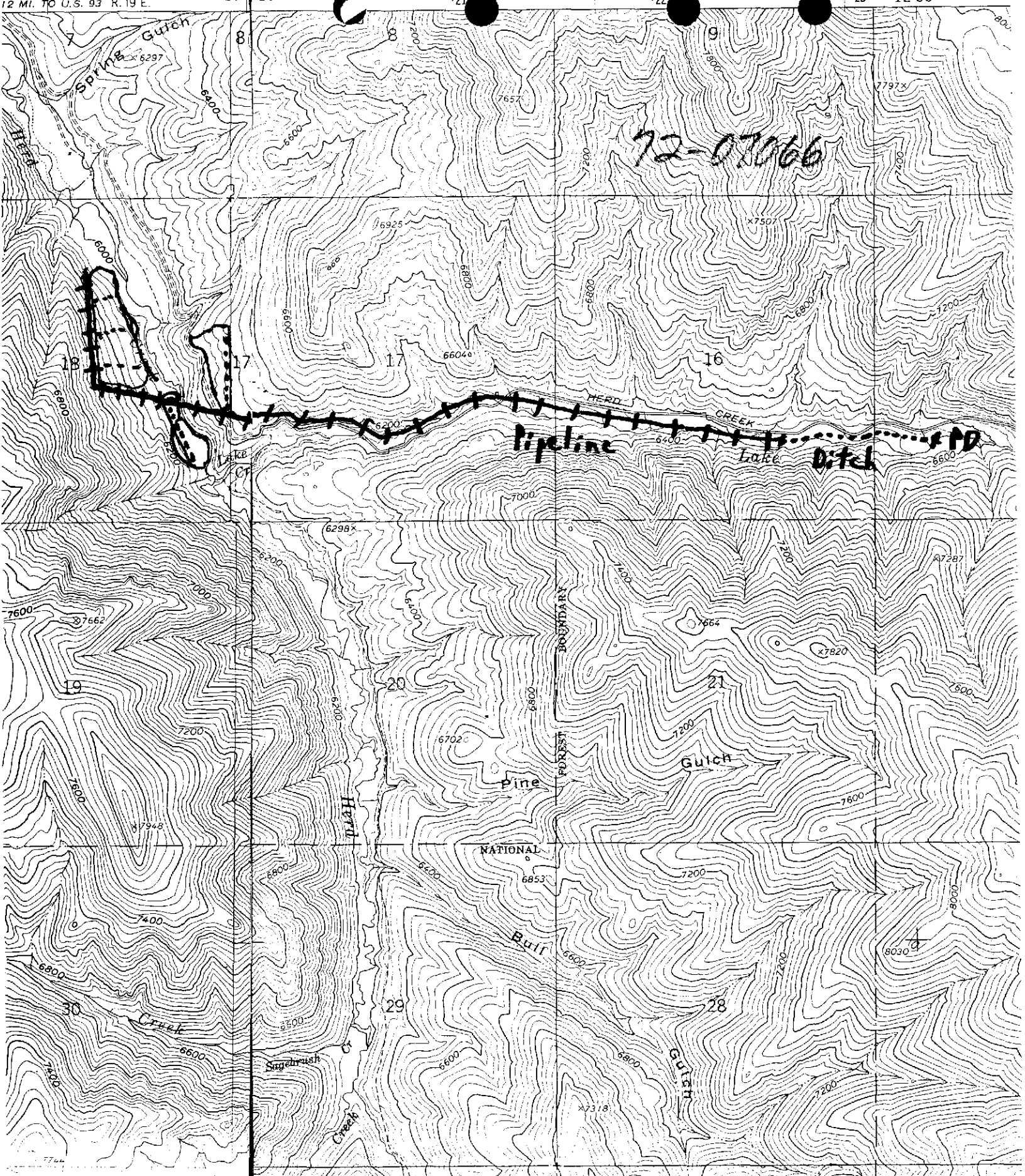
CALCULATION OF DISCHARGE IN CFS (Q)

$$Q = \frac{(ID)^2 \cdot (\sqrt{H}) \cdot (C)}{448.8}$$

$$Q = \frac{(7.83)^2 \cdot (\sqrt{1.2}) \cdot (3.87)}{448.8} = .58 \text{ CFS}$$

SKETCH (If not shown on Field Report)

(Flow in creek at lowest time of year)



6-00-78

1:06000

72-07066

Scale Unknown

061

72-07066

State Unknown

See Remarks



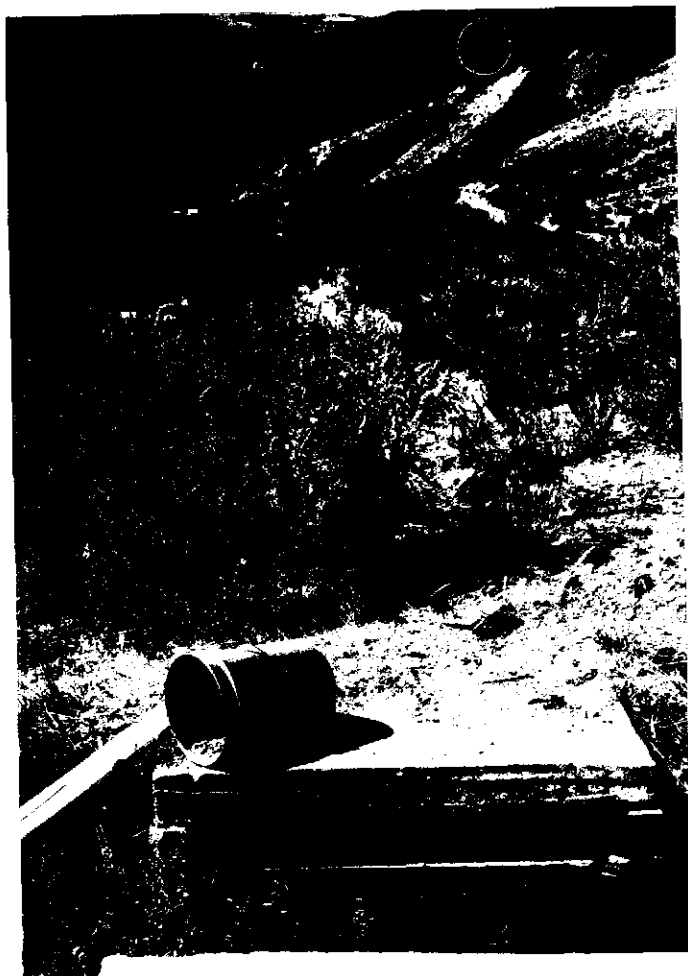
[illegible]



Point of diversion out of Lake Creek



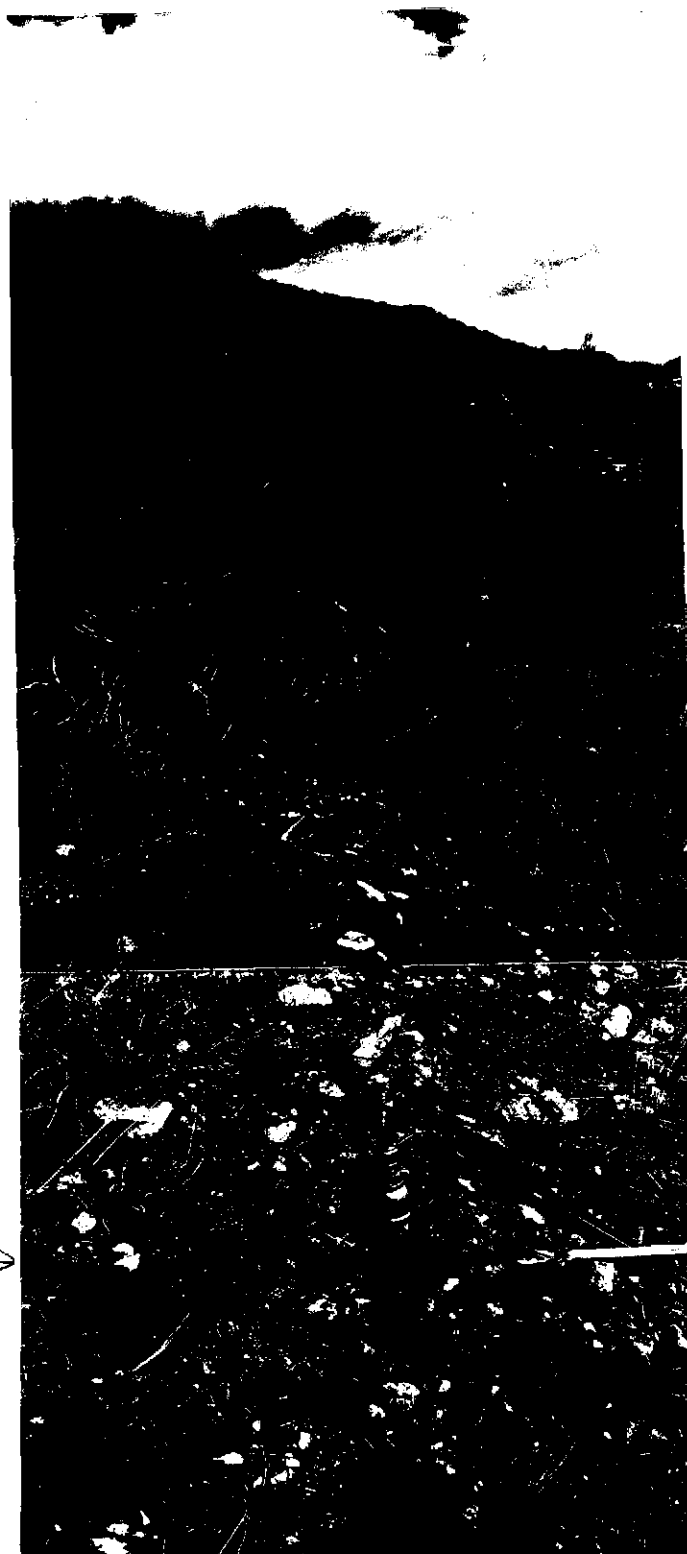
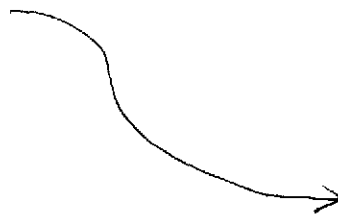
Water is carried by this ditch
to a headbox



Water goes through this headbox and into the pipeline notice pipeline going from concrete structure down the valley (buried)

Pipeline comes up over the hill and then begins to get distributed.

Point where measurement was taken





This flow meter had been installed for a measurement. When Zeny Blau arrived to do the field exam, the flow meter did not function. The second time the owner had installed an access port



the pipeline goes down
across the river bottom
and carries water
to the sidehill and
river bottom

← this line takes water
over to irrigate the
ground above the road
on the other side of
the creek

place of use





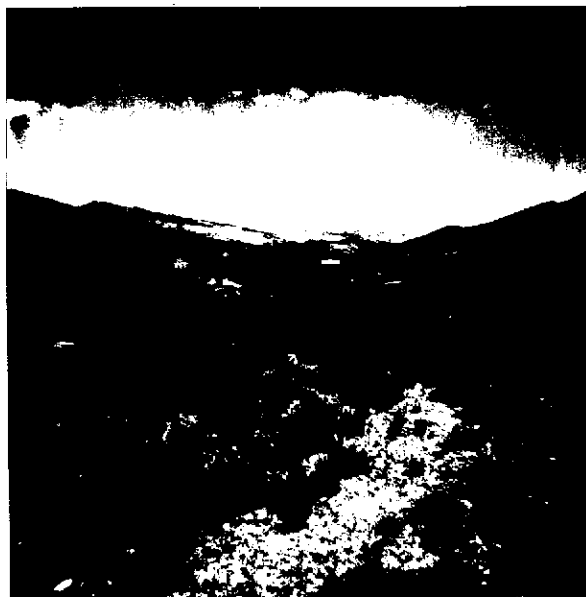
Sainfoin

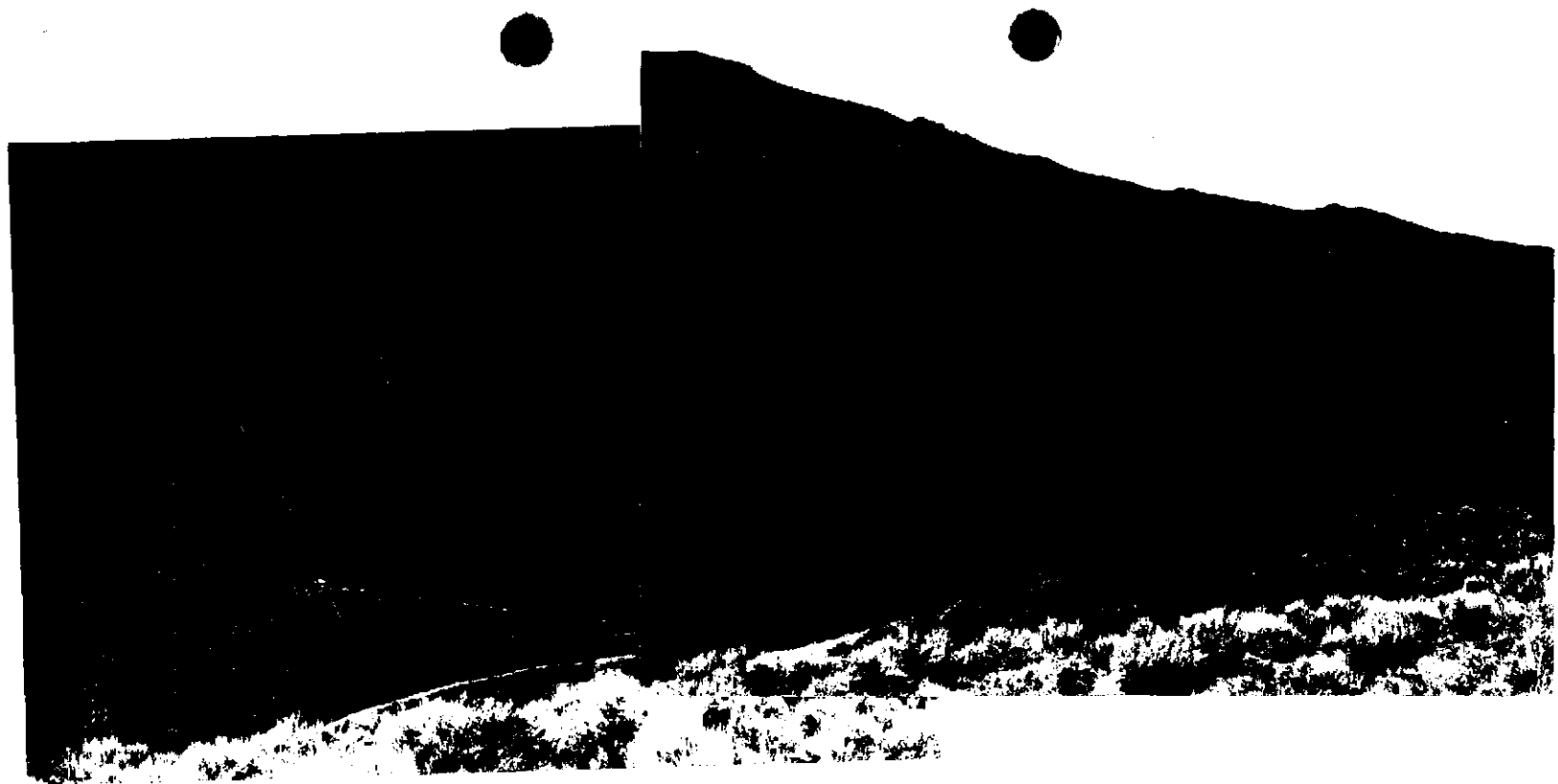
72-7066

Herd Cr. Bottomland

P/4 East of
Herd Cr. Road

7-22-92





Place of use



Place of use



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
SOUTHERN REGION

John V. Evans
Governor

A. Kenneth Dunn
Director

1041 Blue Lakes Blvd. North
Twin Falls, Idaho 83301
(208) 734-3578

72-7066
BENNETTS, JAMES R.
P.O. BOX 36
CHALLIS, ID 83226

138177

August 12, 1986

CERTIFIED MAIL

EXAMINATION FEE NOTICE

Dear Permit Holder:

Department records show that proof of beneficial use has been submitted for the above-referenced permit, but that a field examination has not yet been conducted to determine the extent of beneficial use of the water for licensing purposes.

House Bill 671 (effective April 4, 1986) enacted by the 1986 Idaho Legislature requires the payment of a fee before this department can conduct the field examination needed to issue a license confirming use of water under the permit. This letter is notification that the license examination fee is due within sixty (60) days of the date of this letter. The examination fee information sheet (enclosed) must be returned with the fee.

As an alternative to submitting the fee, the department will accept a field examination report completed by a certified water right examiner from the private sector. If you choose to have the examination done by a certified water right examiner, you need not submit the license examination fee to the department, but you must within sixty (60) days of the date of this letter return to the department, the examination fee information sheet showing appropriate information together with a statement from the certified examiner to verify that you have retained a certified examiner to conduct the field examination. If you choose this alternative, a completed field examination report must be submitted within one year of the date of this letter. You cannot later change your decision to use this alternative and submit the fee needed for the department to conduct the field examination, but you may change to another certified examiner.

Certified water right examiners are licensed engineers or geologists certified by the department to conduct water right examinations. The procedure for certifying examiners results from the recently enacted HB 671 and is being developed at this time. A listing of certified water

right examiners will be available from this department when examiners have been certified.

If your permitted use, in fact, has already been examined by the department and you have not asked to have the examination repeated, the fee requirement is not applicable to your permit. If you believe this is the case, please contact the department.

The license examination fee is to be based on the amount of water you indicate you have developed, as listed in item 6 on the examination fee information sheet. The amount of water on which the examination fee is based can be less than the permitted amount, if less water has been diverted and beneficially used. The licensed amount of water, however, will not exceed the amount you claim on the examination fee information sheet. The enclosed license examination fee schedule shows a listing of applicable fees.

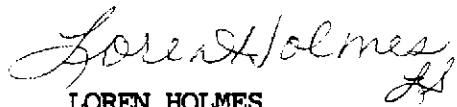
FAILURE TO SUBMIT WITHIN THE SIXTY (60) DAY PERIOD, THE FEE OR THE STATEMENT THAT A CERTIFIED EXAMINER HAS BEEN RETAINED TO MAKE THE FIELD EXAMINATION, WILL BE CAUSE TO ADVANCE THE PRIORITY OF THE PERMIT ONE DAY FOR EACH DAY THAT THE FEE SUBMITTAL IS LATE.

FAILURE TO SUBMIT THE FEE OR THE COMPLETED FIELD EXAMINATION REPORT WITHIN A YEAR WILL BE CAUSE TO CONSIDER THE PROOF OF BENEFICIAL USE TO BE INCOMPLETE AND TO LAPSE THE PERMIT.

The attached examination fee information sheet and the fee may be submitted to the following department office.

Southern Region
Idaho Dept. of Water Resources
1041 Blue Lakes Blvd. North
Twin Falls, ID 83301
Phone: 734-3578

Sincerely,


LOREN HOLMES
Southern Regional Manager

Enclosures

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Southern Region

1841 Elm Lake Blvd. N.
Twin Falls, Idaho 83301
(208) 734-1575

NOVEMBER 14, 1985

JAMES BENNETT
BOX 75
CHALLIS

ID 88115

RE: Permit No. 72-7866

Dear Permit Holder:

We acknowledge receipt of your statement submitted as proof of beneficial use for the above referenced permit.

Before a license can be issued, a field examination must be made by a representative of this department.

A condition of approval of your original permit required the installation of an access road which, according to the report card submitted by you, has not been installed. An access road must be installed prior to the time a field examination is made.

A field examiner will contact you to arrange to examine your system.

If you have any questions regarding the field examination, please contact this office by phone at 734-1575 or in person at our office at 1841 Elm Lake Blvd. N., Twin Falls, Idaho.

Sincerely,
William A. Nantz
Secretary

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

STATEHOUSE
BOISE, IDAHO 83720
(208) 334-4440
CERTIFIED MAIL

138056

BENNETTS, JAMES R.
P.O. BOX 36
CHALLIS, ID 83226

PROOF DUE NOTICE

MAY 31, 1985

DEAR PERMIT HOLDER:

ONE OF THE CONDITIONS OF APPROVAL OF YOUR WATER PERMIT NO. 72-7066 WAS THAT PROOF OF THE EXTENT OF YOUR BENEFICIAL USE MUST BE SUBMITTED TO THIS OFFICE ON OR BEFORE AUGUST 31, 1985. (SEE LAST PAGE OF YOUR APPROVED PERMIT OR YOUR LAST APPROVED EXTENSION REQUEST). ENCLOSED IS A FORM WHICH MAY BE USED TO SUBMIT THE REQUIRED PROOF.

IF YOU HAVE NOT FULLY COMPLETED YOUR PROJECT, AND YOU OR A PREVIOUS OWNER OF THIS PERMIT HAVE NOT RECEIVED A PRIOR EXTENSION OF TIME, YOU MAY REQUEST AN EXTENSION OF TIME IF THE DELAY IS FOR REASONABLE CAUSE AS PROVIDED IN SECTION 42-204, IDAHO CODE. IF YOU HAVE BEEN PREVENTED FROM PROCEEDING BY A GOVERNMENTAL AGENCY OR BY LITIGATION, MORE THAN ONE EXTENSION OF TIME CAN BE GRANTED. A EXTENSION OF TIME REQUEST FORM IS ENCLOSED FOR YOUR CONVENIENCE.

EITHER THE BENEFICIAL USE FORM OR A REQUEST FOR AN EXTENSION OF TIME MUST BE RECEIVED BY THIS DEPARTMENT ON OR BEFORE THE ABOVE DESCRIBED PROOF DUE DATE. IF NEITHER IS RECEIVED, THE DEPARTMENT WILL SEND YOU A LAPSE NOTICE. WITHIN SIXTY (60) DAYS OF THE MAILING OF THE LAPSE NOTICE, THE PERMIT WILL NO LONGER BE OF ANY FORCE NOR EFFECT.

SINCERELY,

RITA FLECK
SECRETARY/RECORDS MANAGER

ENCLOSURES

ASSISTANT CLERK
CLERK
CLERK



State of Idaho

DEPARTMENT OF WATER RESOURCES

STATE OFFICE, 450 W. State Street, Boise, Idaho

JOHN V. EVANS

Governor

A. KENNETH DUNN

Director

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 334-4440

December 13, 1982

Dear Wateruser:

The enclosed Order changes the measuring device condition of approval on your water right permit.

The changed condition is less restrictive and provides you the option to install an access port or have your system measured and certified by a professional engineer. Instructions for access port installation are also enclosed.

If you have questions regarding this matter, please contact the regional office nearest to you.

Sincerely,

DAVID R. TUTHILL JR., P. E.
Supervisor, Water Allocations Section

DRT:jg

Enclosures

NORTHERN REGION OFFICE
Route #5, Box 203, Government Way
Coeur d'Alene, Idaho 83814
Telephone 667-6484

SOUTHERN REGION OFFICE
1041 Blue Lake Boulevard North
Twin Falls, Idaho 83301
Telephone 734-3578

EASTERN REGION OFFICE
150 Shoup Avenue
Idaho Falls, Idaho 83401
Telephone 525-7161

WESTERN REGION OFFICE
92 South Cole Road
Boise, Idaho 83709
Telephone 334-2190

100-450-100
100-450-100
100-450-100

August 4, 1982

James R. Bennetts
P.O. Box 36
Challis, ID 83226

Dear Mr. Bennetts:

Re: Permit No. 72-7066

Enclosed is a copy of the approved request for extension of time. The time within which to submit the statement of beneficial use is extended to August 1, 1985.

Sincerely,

RITA I. FLECK
Sr. Secretary

Enc: Ext. of Time
Receipt 22784

MICROFILMED

RECEIVED

JAMES R. BENNETTS
ATTORNEY AT LAW
P. O. BOX 36
CHALLIS, IDAHO 83226

JUL 21 1982

Department of Water Resources

RECEIVED

JUL 22 1982

Department of Water Resources
Southern District Office

(208) 879-4488

June 24, 1982

State Office

Loren O. Holmes
Southern Region Supervisor
State of Idaho
Department of Water Resources
Southern Region
1041 Blue Lakes Blvd. North
Twin Falls, Idaho 83301

Re: Permit No. 72-7066
James R. Bennetts

Dear Mr. Holmes:

In March, I wrote requesting a form for extension of time on the above entitled permit, on Herd Creek, Custer County. We received a letter from you with the proper form on March 17, 1982. The application was then submitted with the fee, but we have heard nothing from you.

Our cancelled check No. 2241 has been received in due course, but we have no confirmation of the extension. Would you please bring us up to date.

Thank you.

Very truly yours,

James R. Bennetts

JRB:dl

RECEIVED

State of Idaho
Department of Water Resources

AMENDMENT ANALYSIS SHEET

INITIAL REVIEW BY: J E Stanton

Right Number 72-7066 Applicant BENNETTS, James R.

Purpose of Amendment: ☐ Change point of diversion. ☐ Add diversion point(s).
☐ Increase amount. ☐ Change place of use. ☐ Other _____

CHECK:

- ☒ Description of amended point(s) of diversion.
- ☒ Amount, nature and period of use. If increased, delay date of priority.
- ☒ Description of amended places of use. If expanded, delay date of priority.
- ☒ Ownership of point of diversion and place of use.
- ☒ Map.
- ☒ Signature (must be permit holder).
- ☒ Fee.
- ☒ Existing water rights from the same source, amended place of use.
- ☐ Right number(s) no change in P.U.
- ☒ Yes ☐ No Should amendment be advertised?
- ☐ Yes ☒ No Should date of priority be delayed? If yes, to what date? _____

FINAL REGIONAL PROCESSING REVIEW:

- ☒ Affidavit of publication received.
- ☒ Amendment published correctly.
- ☒ Protests processed.
- ☒ Approve.
- ☐ Deny.
- Conditions _____
- _____
- _____

By Loren D Holmes Date 10-25-79

STATE OFFICE PROCESSING:

- ☒ Amendment correct and complete. By J Date 11/7/79
- ☐ Approved copy sent to applicant and to Region. By _____ Date _____

RECEIVED

AFFIDAVIT OF PUBLICATION

State of Idaho, County of Custer, ss:

I, MARGARET PARKS
 Publisher of the Challis Messenger,
 a weekly newspaper, published at
 Challis, Idaho, do solemnly swear
 that the notice hereto attached and
 made a part hereof, was published
 in the regular and entire issue of
 the Challis Messenger for 2
 consecutive weeks, commencing with
 the issue dated Oct. 4,
 1979 and ending with the issue
 dated Oct. 11, 1979.
Witness my hand and seal

Subscribed and sworn to before
 me this 22 day of October,
 1979.

James M. James
 Notary Public, residing at Challis,
 Idaho. My commission expires on
April 30, 1983

NOTICE OF AMENDMENT TO A WATER PERMIT NO. 72-7066

Notice is hereby given that James
 R. Bennetts is the holder of approved
 permit No. 72-7066 authorizing the
 diversion of 3 cubic feet per second of
 water from Lake Creek tributary of
 Herd Creek - East Fork Salmon
 River in the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 15, Twp.
 9N, Rge. 19E., B.M., Custer County,
 to be used for irrigation purposes on
 165 acres within the W $\frac{1}{2}$ NE $\frac{1}{4}$,
 SE $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ SE $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$,
 Sec. 18; SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 7, Twp. 9N,
 Rge. 18E.

The permit holder has applied to
 the Department of Water Resources
 for an Amendment to the permit, to
 change the point of diversion as
 follows:

Point of Diversion: NE $\frac{1}{4}$ SW $\frac{1}{4}$,
 Sec. 16; SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 15, Twp. 9N,
 Rge. 19E, B.M., County of Custer.

Any protest against approval of the
 amending of Permit No. 72-7066 as
 set forth above must be filed with the
 Idaho Department of Water
 Resources, 1041 Blue Lakes Blvd.
 North, Twin Falls, Idaho, 83301, on or
 before October 22, 1979.

C. STEPHEN ALLRED

Director
 Published in the Challis Messenger
 on October 4 and October 11, 1979.

*ok
 message
 10/23/79*

NOTICE OF AMENDMENT TO A WATER PERMIT

NO. 72-7066

Notice is hereby given that James R. Bennetts is the holder of approved permit No. 72-7066 authorizing the diversion of 3 cubic feet per second of water from Lake Creek tributary of Herd Creek - East Fork Salmon River in the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 15, Twp. 9N, Rge. 19E., B.M., Custer County, to be used for irrigation purposes on 165 acres within the W $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ SE $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 18; SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 7, Twp. 9N, Rge. 18E.

The permit holder has applied to the Department of Water Resources for an Amendment to the permit, to change the point of diversion as follows:

Point of Diversion: NE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 16; SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 15, Twp. 9N, Rge. 19E, B.M., County of Custer.

Any protest against approval of the amending of Permit No. 72-7066 as set forth above must be filed with the Idaho Department of Water Resources, 1041 Blue Lakes Blvd. North, Twin Falls, Idaho, 83301, on or before October 22, 1979.

C. STEPHEN ALLRED
Director

Published in the Custer Publishing Co. on October 4 and October 11, 1979.

**NOTICE OF AMENDMENT TO
A WATER PERMIT
NO. 72-7066**

Notice is hereby given that James R. Bennetts is the holder of approved permit No. 72-7066 authorizing the diversion of 3 cubic feet per second of water from Lake Creek tributary of Herd Creek - East Fork Salmon River in the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 15, Twp. 9N, Rge. 19E., B.M., Custer County, to be used for irrigation purposes on 165 acres within the W $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ SE $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 18; SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 7, Twp. 9N, Rge. 18E.

The permit holder has applied to the Department of Water Resources for an Amendment to the permit, to change the point of diversion as follows:

Point of Diversion: NE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 16; SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 15, Twp. 9N, Rge. 19E, B.M., County of Custer.

Any protest against approval of the amending of Permit No. 72-7066 as set forth above must be filed with the Idaho Department of Water Resources, 1041 Blue Lakes Blvd. North, Twin Falls, Idaho. 83301, on or before October 22, 1979.

C. STEPHEN ALLRED

Director

Published in the Challis Messenger
on October 4 and October 11, 1979.

□□□

*ok
mays
10/1/79*



STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES SOUTHERN REGION

John V. Evans
Governor

1041 Blue Lakes Blvd. North
Twin Falls, Idaho 83301
(208) 734-8576

C. Stephen Allred
Director

September 19, 1979

Mr. Bill Scribner
Department of Lands
Statehouse
Boise, Idaho 83720

Re: Notice of Amendment to a Water Permit No. 72-7066 - James R. Bennetts

Dear Mr. Scribner:

Enclosed is a copy of the above referenced Application for Amendment of a Permit for your information and files.

If you have any questions concerning this matter, please contact this office.

Sincerely,

Mary A. Hill
Secretary

for

Loren O. Holmes
Southern Region Supervisor

Encl:

1041 Blue Lakes Blvd. North
Twin Falls, Idaho 83301
(208) 734-8576



STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES SOUTHERN REGION

John V. Evans
Governor

C. Stephen Allred
Director

1041 Blue Lakes Blvd. North
Twin Falls, Idaho 83301
(208) 734-5570

September 19, 1979

Custer Publishing Co.
P. O. Box 405
Challis, Idaho 83226

Re: Notice of Amendment to a Water Permit No. 72-7066 - James R. Bennetts

Gentlemen:

Enclosed you will find a legal notice which we wish to have published once a week for two consecutive weekly issues of your newspaper. We have inserted the publication dates allowing ample time for you to submit us a galley proof for review before publication.

After sending us a galley proof, proceed with the publication on the dates we have inserted, assuming the notice is correct. If we have any corrections, we will notify you before the first publication. If you cannot publish the notice on the proposed dates, please contact us immediately.

In order to receive payment, an affidavit of publication must be submitted to the Department along with the publication bill.

Sincerely,

Mary A. Hill
Secretary

Encl:

MICROFILMED



STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES SOUTHERN REGION

John V. Evans
Governor

1041 Blue Lakes Drive North
Twin Falls, Idaho 83301
(208) 734-6570

C. Stephen Alfred
Director

September 19, 1979

James R. Bennetts
P. O. Box 36
Challis, Idaho 83226

Re: Application for Permit No. 72-7066 - James R. Bennetts

Dear Mr. Bennetts:

Enclosed is your receipt No. 13334 for check No. 92-297 in the amount of \$20.00 for the above referenced Application for Permit, which was received in this office September 14, 1979.

If you have any questions concerning this matter, please feel free to contact this office.

Sincerely,

Mary A. Hill
Secretary

for

Loren O. Holmes
Southern Region Supervisor

Encl:

RECEIVED
SEP 21 1979
SOUTHERN REGION
DEPARTMENT OF WATER RESOURCES
TWIN FALLS, IDAHO

JAMES R. BENNETTS

ATTORNEY AT LAW

P. O. BOX 36

CHALLIS, IDAHO 83226

(208) 879-4488

September 12, 1979

Loren O. Holmes
State of Idaho
Department of Water Resources
1041 Blue Lakes Blvd. North
Twin Falls, Idaho 83301

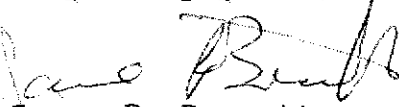
Re: Permit No. 72-7066
James R. Bennetts

Dear Mr. Holmes:

I am enclosing an Application for Amendment of a Permit in the above entitled matter.

I am also enclosing a check in the amount of \$20.00 to cover the cost of filing. Thank you.

Very truly yours,


James R. Bennetts

JRB:dl
Enclosure

*P.S. The selection of Alternate Point of Diversion
(downstream) is the only change.*

9, 1979

Permit No. 72-7066

Mr. L. Bennetts

Box 36

, ID 85226

Mr. Bennetts:

Enclosed is a copy of the approved application for amendment submitted
the above referenced permit.

GROVER

et Rights Supervisor

MICROFILMED



STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

John V. Evans
Governor

C. Stephen Allred
Director

Statehouse
Boise, Idaho 83720
(208) 384-2215

May 3, 1978

Re: Permit No. 72-7066

James R. Bennetts
P. O. Box 36
Challis, ID 83226

Dear Mr. Bennetts:

Enclosed is a copy of your approved Application for Permit No. 72-7066. We direct your attention to the conditions of approval as listed on the fourth page.

Be sure to note that a special condition requiring you to either install and maintain a measuring device at your point of diversion or to provide the Department a certified measurement of the systems diversion capacity prior to submitting proof of beneficial use of water. We have enclosed a letter describing the different types of measuring devices accepted by this office.

Sincerely,

L. GLEN SAXTON
Chief, Operations Bureau

LGS:KW

Enclosure

MICROFILMED

PRE-PERMIT SURFACE-WATER EXAMINATION DATA SHEET

Date 3-13-78 Examiner Jim Stanton Application No. 72-7066

Applicant(s) Interviewed No

Upstream Users Interviewed Dick Baker

&/or Upstream Diversions Inspected _____

Downstream Users Interviewed N/A

&/or Downstream Diversions Inspected _____

Legal Description Verified By Map (or give proper description) Yes

Water Flow: Visual Estimate Not available Channel Width _____ Average Depth _____

Water Velocity _____ Channel Slope _____

Do Additional Inflows Enter Downstream From This Diversion? Little inflow until
stream enters Herd Creek

Does This Water Enter Canal-Company Waterways? No Canal Co. Approval? N/A

Source Of Waste Water: Legal Description N/A

Proportion Of Water Flow Arising On Applicant's Land _____

Does There Appear To Be Sufficient Water To Fulfill This Application Without Harming
Downstream Users? Yes XX No _____

Do Other Aspects Of The Application Appear To Be As Stated? Yes XX No _____

Notes Site was not visited due to distance from regional office, but upstream user was
contacted by phone. He stated that there are no other water users on Lake Cr.
below him, and that sufficient water was probably available to fulfill this application

Signed JF Stanton

AFFIDAVIT OF PUBLICATION

State of Idaho, County of Custer, ss:

I, MARGARET PARKS.....

Publisher of the Challis Messenger,
a weekly newspaper, published at
Challis, Idaho, do solemnly swear
that the notice hereto attached and
made a part hereof, was published
in the regular and entire issue of
the Challis Messenger for 2.....
consecutive weeks, commencing with
the issue dated FEB 23.....,
1978 and ending with the issue
dated MAR 2....., 1978..

Margaret Parks

Subscribed and sworn to before
me this 6.. day of March.....,
1978..

Bernard N. Rock

Notary Public, residing at Challis,
Idaho. My commission expires on

Continued

**NOTICE OF APPLICATION
FOR WATER PERMIT**

Notice is hereby given that James
R. Bennetts, Challis, ID 83226 has on
1/19/78 submitted Application No. 72-
7066 for a permit to appropriate 3.
cubic feet per second of water from
Lake Cr., tributary of Herd Cr. East
Fork Salmon Riv. by means of 2
miles of 8" pipe to gravity irrigation
system within the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 15,
Twp. 9N, Rge. 19E., B.M., Custer
County to be used from Apr. 15 to Oct.
15 for irrigation purposes of 165 acres
within the W $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$,
N $\frac{1}{2}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 18;
SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 7, Twp. 9N, Rge. 18E,
B.M.

If issued, this permit will be
subject to all prior water rights.
Protests against the granting of the
permit must be filed with the Idaho
Department of Water Resources,
1041 Blue Lakes Blvd., North, Twin
Falls, Idaho, 83301 on or before
March 13, 1978.

C. STEPHEN ALLRED
Director

Published in the Challis Messenger
on 2/23 and 3/2/78

□□□

RECEIVED

RECEIVED
DEPARTMENT OF WATER RESOURCES
TWIN FALLS, IDAHO
APR 2 1978

NOTICE OF APPLICATION FOR WATER PERMIT

Notice is hereby given that James R. Bennetta
Challis, ID 83226
has on 1/19/78 submitted Application No. 72-7066
for a permit to appropriate 3. cubic feet per second ~~per foot per second~~
of water from Lake Cr., tributary of Herd Cr. East Fork Salmon Riv.
by means of 2 miles of 8" pipe to gravity irrigation system
within the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 15, Twp. 9N, Rge. 19E., B.M., Custer County

to be used from Apr. 15 to Oct. 15
for irrigation purposes of 165 acres

within the W $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 18; SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 7,
Twp. 9N, Rge. 18E, B.M.

If issued, this permit will be subject to all prior water rights. Protests against the granting of the permit must be filed with the Idaho Department of Water Resources, 1041 Blue Lakes Blvd., North, Twin Falls, Idaho, 83301 on or before March 13, 1978.

C. STEPHEN ALLRED

Director

Published in the Custer Publishing Co.

on 2/23 and 3/2/78

MICROFILMED

OK 2/23/78

**NOTICE OF APPLICATION
FOR WATER PERMIT**

Notice is hereby given that James R. Bennetts, Challis, ID 83226 has on 1/19/78 submitted Application No. 72-7066 for a permit to appropriate 3 cubic feet per second of water from Lake Cr., tributary of Herd Cr. East Fork Salmon Riv. by means of 2 miles of 8" pipe to gravity irrigation system within the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 15, Twp. 9N, Rge. 19E., B.M., Custer County to be used from Apr. 15 to Oct. 15 for irrigation purposes of 165 acres within the W $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 18; SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 17, Twp. 9N, Rge. 18E. B.M.

If issued, the permit will be subject to all prior water rights. Protests against the granting of the permit must be filed with the Idaho Department of Water Resources, 1041 Blue Lakes Blvd., North, Twin Falls, Idaho, 83301 on or before March 13, 1978.

**C. STEPHEN ALLRED
Director**

Published in the Challis Messenger
on 2/23 and 3/2/78

February 14, 1978

Custer Publishing Co.
P. O. Box 405
Challis, ID 83226

Re: Application for Permit No. 72-7066 - James R. Bennetts

Gentlemen:

Enclosed you will find a legal notice which we wish to have published once a week for two consecutive weekly issues of your newspaper. We have inserted the publication dates allowing ample time for you to submit us a galley proof for review before publication.

After sending us a galley proof, proceed with the publication on the dates we have inserted, assuming the notice is correct. If we have any corrections, we will notify you before the first publication. If you cannot publish the notice on the proposed dates, please contact us immediately.

In order to receive payment, an affidavit of publication must be submitted to the Department along with the publication bill.

Sincerely,

Michael L. Steele
Southern Region Supervisor

MICROFILMED

Bill submitted: _____

February 14, 1978

Mr. James R. Bennetts
P. O. Box 36
Challis, ID 83226

Re: Application for Permit No. 72-7066

Dear Mr. Bennetts:

Enclosed are your receipts No. 10315 and No. 10281 for checks No. 92-297 in the amount of \$15.00 and \$30.00 for the above referenced application for permit which was received in this office.

Also enclosed please find some new application for permit forms which we would appreciate you using in the future.

If you have any questions, please feel free to contact this office.

Sincerely,

Sheryl Merritt
Secretary

Enclosures

JAMES R. BENNETTS

ATTORNEY AT LAW

P. O. BOX 36

CHALLIS, IDAHO 83226

(208) 879-4488

February 1, 1978

Bill MacAllister
Water Resource Agent
Department of Water Resources
Statehouse
Boise, Idaho 83720

Re: Application for Permit

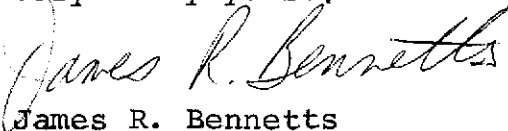
Dear Mr. MacAllister:

In reference to your letter of January 30, 1978,
please find enclosed the balance of the filing
fee of \$15.00.

I hope that this is satisfactory to complete the
application which I submitted.

Thank you.

Very truly yours,


James R. Bennetts

JRB:dl

Enclosure/check for \$15.00

July 30, 1978

Application for Permit

James R. Bennett
P.O. Box 36
Tus, ID 83226

Mr. Bennett:

In receipt of the Application for Permit that you recently submitted to us with your check for \$30.00. Enclosed is your receipt for \$30.00. Unfortunately, fee for the amount of water that you propose to divert is \$45.00 and I inadvertently allowed a receipt to be written for the insufficient fee that you submitted. Thus before we can process your application you must submit the balance the filing fee of \$15.00.

Please note your application is not considered complete until the full fee is paid your priority date will be the date when your application is complete. To obtain earliest possible priority date you should submit the balance of the fee as soon possible.

If we do not hear from you within 30 days we will refund the portion of the fee that paid and return your application to you.

I apologize for any confusion that I have caused. If you have any questions please contact me.

Sincerely,

MacAllister
Resource Agent

INTER-DEPARTMENT MEMO — 1

DATE 1-25-78

FROM Jim Stanton, Southern Region

TO Bill MacAllister

SUBJECT Application For Permit of James R. Bennetts

The attached application was sent to you by the applicant. The application was checked for correctness, and a receipt for payment was issued (receipt attached). The payment was not correct, however. The proper fee is \$45. instead of \$30. I am returning the application to you so that the proper payment can be obtained from the applicant.


SIGNATURE

MICROFILMED