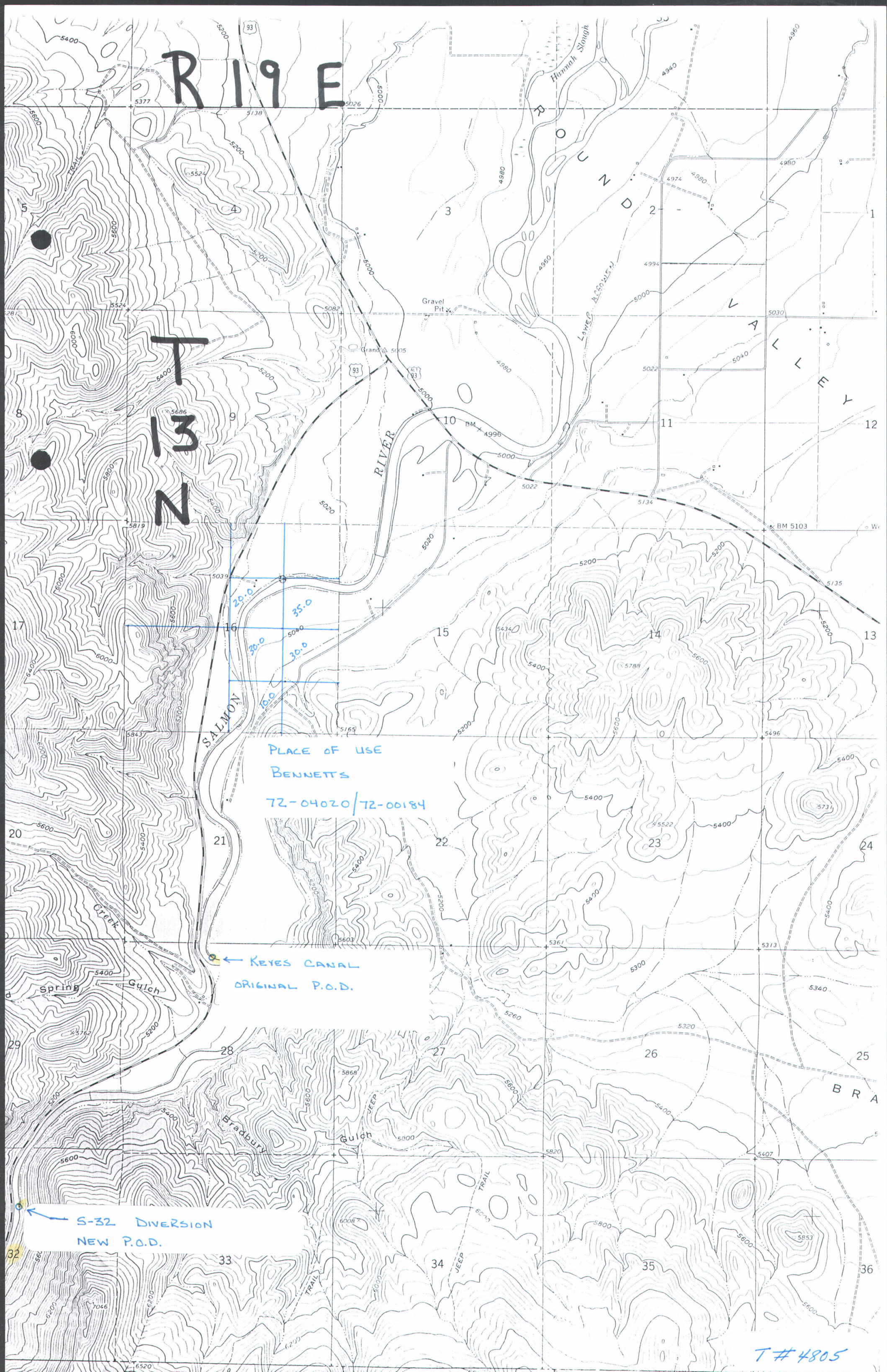


13N19E

[illegible]

MICROFILMED
MAR 11 1937



T# 4805

5087 #1

RECEIVED

MAY 05 1996

Department of Water Resources
Southern Region

AFFIDAVIT OF PUBLICATION

State of Idaho, County of Custer, ss:

I, Ruth E. Burchill, representing 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 April 25 1996 and ending with the issue dated May 2 1996.

Ruth E. Burchill

STATE OF IDAHO

COUNTY OF CUSTER

On this 2 day of May in the year of 1996 before me, a Notary Public, personally appeared Ruth E. Burchill known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that he executed the same.

Daron L. Smelter

Notary Public for Idaho

Residing at Challis

My commission expires: 10/21/2000

NOTICE OF PROPOSED CHANGE OF WATER RIGHTS

Notice is hereby given that applications have been filed with the Department of Water Resources to change the following described water right(s) pursuant to Section 42-222 of IDAHO CODE and further described with specific transfer numbers.

The following applications propose to change diversions on the Salmon River to that of the Challis Irrigation Company Canal (No.S-32) within LOT 5 (NW1/4SW1/4NE1/4), S32, T13N, R19E; Custer County.

Transfer Nos. 4805 & 4806 also modify recorded place of use.

JAMES R. &/OR JO ANN BENNETTS, PO BOX 36; CHALLIS ID 83226, has filed Transfer No. 4805 and proposes to eliminate his diversion from the Keyes Ditch. Water Right No. 72-00184 (4.00 cfs) has a priority date of 11/18/1890. Water Right No. 72-04020 (4.20 cfs) has a priority date of 6/1/1890. A total of 8.20 cfs of water is being transferred. Water is used from 4/1 to 11/1 for irrigation of 125 acres within S16, T13N, R19E.

TED L. &/OR HELEN P. MALONE, HC-63 BOX 1749; CHALLIS ID 83226, has filed Transfer No. 4806 and proposes to eliminate his diversion from the Upper McGowan Ditch. Water Right No. 72-00185 (0.06 cfs) has a priority date of 4/1/1887. Water is used from 4/1 to 11/1 for irrigation of 2.2 acres within S2, T13N, R19E.

HAROLD L. &/OR GWEN M. HORTON, PO BOX 1089; CHALLIS ID 83226, has filed Transfer No. 4807 and proposes to eliminate his diversion from the Upper McGowan Ditch. Water Right No. 72-00242 (7.47 cfs) has a priority date of 6/1/1890. Water is used from 4/1 to 11/1 for irrigation of 146 acres within S2, T13N, R19E.

A protest against approval of any particular transfer must be filed with the Department of Water Resources, Southern Region, 222 Shoshone Street East, Twin Falls, ID 83301 together with a protest fee of \$25.00 on or before May 13, 1996. (Each transfer requires a separate protest). The protestant must also send a copy of the protest to the applicant.

Karl J. Dreher, Director

Published in the The Challis Messenger on 4/25 & 5/2/96.

MICROFILMED
MAR 11 1997

OK MB 5/6/96

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

TRANSFER NO. 4805
WATER RIGHT NO(S). 72-00184/72-04020

This is to certify that: JO ANN BENNETTS
JAMES R BENNETTS
PO BOX 36
CHALLIS ID 83226

has requested a change to the above captioned water right(s). This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code, provided the conditions listed below are met.

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
Right No. 72-00184 :			
IRRIGATION	04/15 to 10/15	4.00 CFS	273.0 AF
Priority: 11/18/1890			
Right No. 72-04020 :			
IRRIGATION	04/15 to 10/15	4.20 CFS	273.0 AF
Priority: 06/01/1890			
	TOTAL:	<u>8.20 CFS</u>	<u>* 273.0 AF</u>

<u>SOURCE</u>	<u>TRIBUTARY OF</u>
SALMON RIVER	SNAKE RIVER

LOCATION OF POINT(S) OF DIVERSION: Lot 5(SWNE), Sec. 32, Township 13N, 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>
13N	19E	16	Lot 3(SWNE) 13	Lot 3(SENE) 26	NESE 15	
			Lot 4(NWSE) 21	Lot 7(SWSE) 3		78
				Total number of acres irrigated:		* 78

CONDITIONS OF APPROVAL AND REMARKS

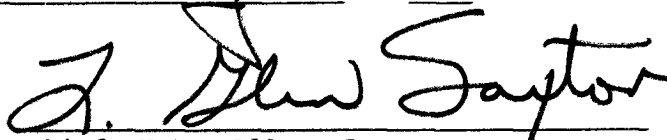
1. A measuring device of a type approved by this Department shall be maintained as a part of the diverting works.
2. This right when combined with all other rights shall provide no more than 3.5 afa per acre for the lands above.

TRANSFER NO. 4805
WATER RIGHT NO(S). 72-00184/72-04020

CONDITIONS OF APPROVAL AND REMARKS

3. Approval of this transfer in no way grants any right-of-way or easement for use of a delivery system owned by person(s) other than the right owner.
4. The change authorized by this transfer shall be accomplished within one (1) year of the date of this approval.
5. Failure to comply with the conditions of this transfer is cause for the director to issue an order to show cause why the approval of the transfer should not be rescinded.
6. Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.
7. After specific notification by the department, the right holder shall annually report the amount of water diverted to the department.
8. Approval of this transfer in no way confirms Right No. 72-04020.
9. Right No. 72-04020 has multiple priorities claimed reflecting development of the system; 1890 for 2.50 cfs, 1930 for 0.50 cfs, 1966 for 1.20 cfs.
10. Combined Right Nos. 72-00184 and 72-04020 shall not exceed a total combined diversion rate of 8.20 cfs, nor a total combined annual diversion volume of 273.0 af, for the total combined irrigation of 78.0 acres.

Dated this 4th day of February, 1997.


Chief, Water Alloc. Bureau

Page 1

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESTransfer No. 4805

RECEIVED

MAR 11 1996

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1

RECEIVED
MAY 1 1996Department of Water Resources
Southern RegionName of applicant JAMES R FOR JULIAN BENNETT

Phone (208) 874-2547

Post Office address PO Box 36 Challis ID 83226

FF88

A. PURPOSE OF TRANSFER

1. ☒ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use to conform with historical use.
☐ Change nature of use ☐ Change period of use ☐ Other _____

2. Describe the reason for the proposed changes elimination of three Salmon River Diversions by consolidation into Challis Irrigation Co. canal system

B. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

1. Right Number	Priority	Amount (cfs/ac-ft)	Nature of Use	Period of Use
<u>72-04020</u>	<u>26-01-1890</u>	<u>120 cfs</u>	<u>irrigation</u>	<u>26-01-1890</u> to <u>11-21</u>
<u>72-00184</u>	<u>11-18-1896</u>	<u>4.00 cfs</u>	<u>irrigation</u>	<u>11-18-1896</u> to <u>11-21</u>
_____	_____	_____	_____	_____ to _____
_____	_____	_____	_____	_____ to _____

2. Total amount of water being transferred 820 cfs cubic feet per second and/or _____ acre-feet per annum.

3. Source of water Salmon River tributary to Snake River

4. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
<u>5</u>	<u>NW</u>	<u>SW</u>	<u>NE</u>	<u>32</u>	<u>13N</u>	<u>19E</u>	<u>Challis</u>	<u>S-32 Challis Irrigation Co. Canal</u>

5. Lands irrigated or place of use:

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	
<u>13N</u>	<u>19E</u>	<u>16</u>			<u>43</u> <u>20.0</u>	<u>43</u> <u>35.0</u>									<u>30.0</u>	<u>50.0</u>	<u>16.0</u>		<u>125.0</u>

* Changes per phone conv. with Jim Bennett
4/11/96 ADmTotal acres 125.0

PART 1

6. General Information:

a. Description of diversion system Rock wing in river, headgate, canal to place of use

b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? _____ Yes _____ No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes.

c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer:
NONE

d. Remarks:
A72-04020 + A72-00184 describe POS + POL of 72-04020 + 72-00185

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. _____
And said application is hereby _____, subject to the following limitations and conditions:

Witness my hand this _____ day of _____, 19 _____

MICROFILMED

MAR 1 1957

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No. 72-00184 Decreed to Neb. C. Jensen
in case of Charles B. Jensen vs. Richard Burnett
dated 02/12/1975 in Custer county of Idaho
- b. License No. _____ issued by the Idaho Department of Water Resources.
- c. Claim No. _____ on file with the Idaho Department of Water Resources.
- d. Transfer No. _____ which produced this right.

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:

☒ Tax Notice ☐ Warranty Deed ☐ Other _____

3. Source of water Salmon River tributary to Sawtooth River

4. Date or priority 11/10/1890

5. Water is used for the following purpose:

amount 4.00 cfs for irrigation purposes from 04-01 to 11-01
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

6. Total amount of water under right 4.00 cfs cubic feet per second and/or _____ acre-feet per annum.

7. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
		NW	NE	28	13N	19E	Custer	Keyes Ditch

8. Lands irrigated or place of use:

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	
13N	19E	16			I	I					I			I		I	I		

Total acres _____

9. Describe any other water rights used for the same purpose as described above 72-01010 72-01160

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?
 _____ If yes, describe _____

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

(If the entire right is to be changed by the applicant, omit part B and C.)

1. amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion

3. Lands irrigated or place of use:

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	

Total acres _____

C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)

1. amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion

3. Lands irrigated or place of use:

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	

MICROFILMED
 MAR 11 1987

Total acres _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No. _____ Decreed to _____
in case of _____ vs. _____
dated _____ in _____ county of _____
- b. License No. _____ issued by the Idaho Department of Water Resources.
- c. Claim No. 72-04020 on file with the Idaho Department of Water Resources.
- d. Transfer No. _____ which produced this right.

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:

☒ Tax Notice ☐ Warranty Deed ☐ Other _____

3. Source of water Sullivan River tributary to Snake River

4. Date or priority 02/01/1890

5. Water is used for the following purpose:

amount 4.20 cfs for irrigation purposes from 04-15 to 10-30
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

6. Total amount of water under right 4.20 cfs cubic feet per second and/or _____ acre-feet per annum.

7. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
		NE	NW	28	13N	19E	Custer	Keyes Ditch

8. Lands irrigated or place of use:

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	
13N	19E	16			150	350									300	210	150	50	125.0

Total acres 125.0

9. Describe any other water rights used for the same purpose as described above 72-00154 72-00160

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?
 _____ If yes, describe _____

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

(If the entire right is to be changed by the applicant, omit part B and C.)

1. amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	

Total acres _____

C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)

1. amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	

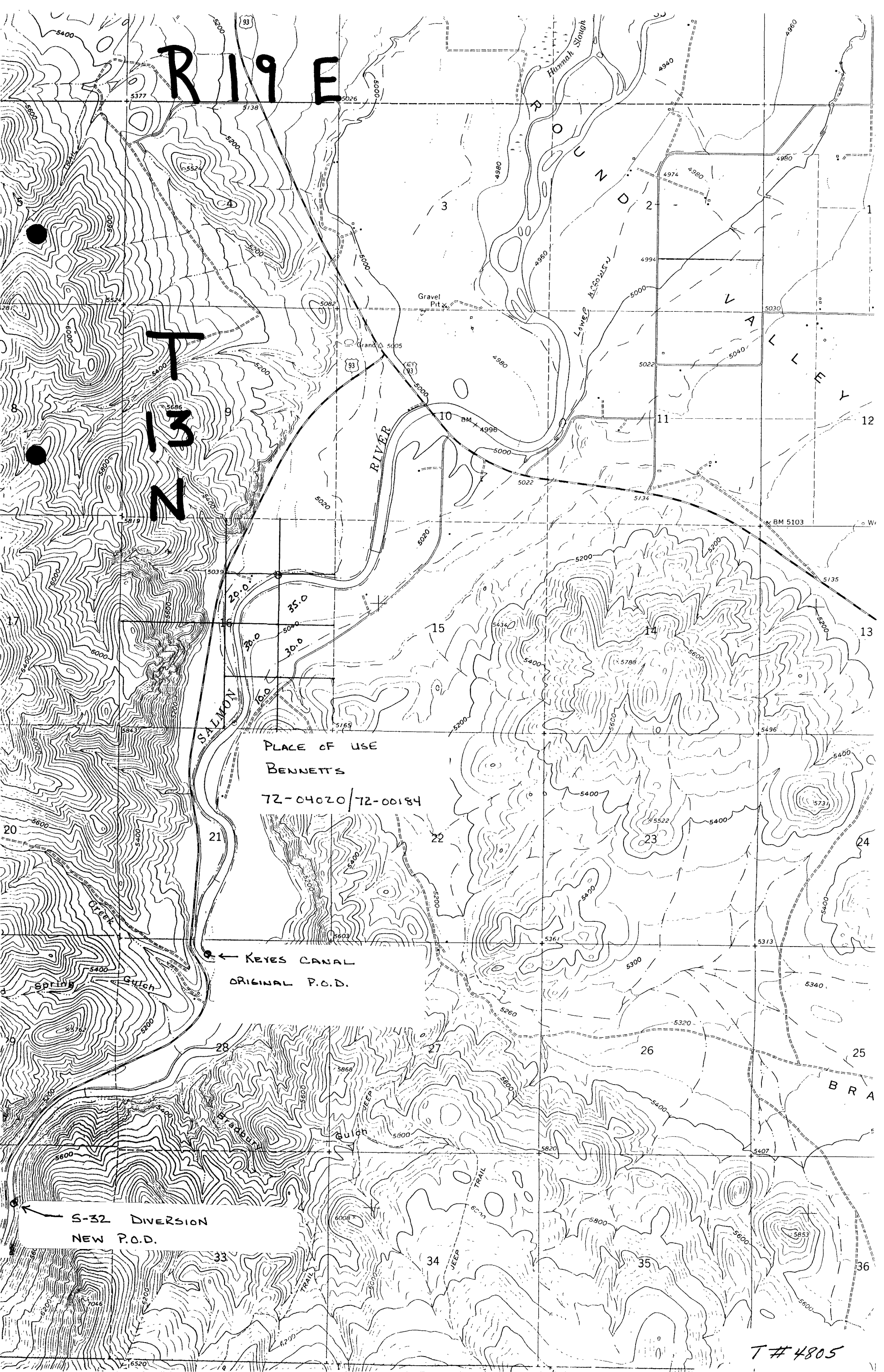
MICROFILMED

MAR 11 1957

Total acres _____

13N19E

08 LT04	08 LT03	08 LT02	08 LT01	05 LT04	05 LT03	05 LT02	05 LT01	04 LT04	04 LT03	04 LT02	04 LT01	03 LT04	03 LT03	03 LT02	03 LT01	02 LT04	02 LT03	02 LT02	02 LT01	01 LT04	01 LT03	01 LT02	01 LT01
08 SWNW	08 SENW	08 SWNE	08 SENE	05 SWNW	05 SENW	05 SWNE	05 LT05	04 SWNW	04 SENW	04 SWNE	04 SENE	03 SWNW	03 SENW	03 SWNE	03 LT05	02 LT05	02 SENW	02 SWNE	02 SENE	01 SWNW	01 SENW	01 SWNE	01 SENE
08 NWSW	08 NESW	08 NWSE	08 NESE	05 NWSW	05 NESW	05 NWSE	05 LT06	04 NWSW	04 NESW	04 NWSE	04 NESE	03 NWSW	03 NESW	03 NWSE	03 LT08	02 LT08	02 NWSW	02 NWSE	02 SENE	01 NWSW	01 NESW	01 NWSE	01 NESE
08 SWSW	08 SESW	08 SWSE	08 SESE	05 SWSW	05 SESW	05 SWSE	05 LT07	04 SWSW	04 SESW	04 SWSE	04 LT05	03 SWSW	03 SESW	03 SWSE	03 LT09	02 LT09	02 SWSW	02 SESE	02 SESE	01 SWSW	01 SESW	01 SWSE	01 SESE
07 NNW	07 NENW	07 NNNE	07 NENE	08 NNW	08 NENW	08 NNNE	08 LT01	09 NNW	09 NENW	09 NNNE	09 NENE	10 NNW	10 NENW	10 NNNE	10 LT02	11 LT01	11 NENW	11 NNNE	11 NENE	12 NNW	12 NENW	12 NNNE	12 NENE
07 SWNW	07 SENW	07 SWNE	07 SENE	08 SWNW	08 SENW	08 SWNE	08 LT02	09 SWNW	09 SENW	09 SWNE	09 LT03	10 SWNW	10 SENW	10 SWNE	10 LT04	11 LT03	11 SENW	11 SWNE	11 SENE	12 SWNW	12 SENW	12 SWNE	12 SENE
07 NWSW	07 NESW	07 NWSE	07 NESE	08 NWSW	08 NESW	08 NWSE	08 LT03	09 NWSW	09 NESW	09 NWSE	09 NESE	10 NWSW	10 NESW	10 NWSE	10 LT08	11 LT04	11 NESW	11 NWSE	11 NESE	12 NWSW	12 NESW	12 NWSE	12 NESE
07 SWSW	07 SESW	07 SWSE	07 SESE	08 SWSW	08 SESW	08 SWSE	08 LT04	09 SWSW	09 SESW	09 SWSE	09 SESE	10 SWSW	10 LT11	10 SWSE	10 SESE	11 SWSW	11 SESW	11 SWSE	11 SESE	12 SWSW	12 SESW	12 SWSE	12 SESE
18 NNW	18 NENW	18 NNNE	18 NENE	17 NNW	17 NENW	17 NNNE	17 LT01	18 NNW	18 NENW	18 NNNE	18 LT01	15 LT02	15 LT01	15 NNNE	14 NNW	14 NENW	14 NNNE	14 NENE	13 NNW	13 NENW	13 NNNE	13 NENE	
18 SWNW	18 SENW	18 SWNE	18 SENE	17 SWNW	17 SENW	17 SWNE	17 LT01	18 SWNW	18 SENW	18 SWNE	18 LT02	15 LT03	15 SENW	15 SWNE	15 SESE	14 SWNW	14 SENW	14 SWNE	14 SENE	13 SWNW	13 SENW	13 SWNE	13 SENE
18 SW	18 NESW	18 NWSE	18 NESE	17 NWSW	17 NESW	17 NWSE	17 LT03	18 NWSW	18 LT05	18 LT04	18 SESE	15 NWSW	15 NESW	15 NWSE	15 SESE	14 NWSW	14 NESW	14 NWSE	14 NESE	13 NWSW	13 NESW	13 NWSE	13 NESE
18 SWSW	18 SESW	18 SWSE	18 SESE	17 SWSW	17 SESW	17 SWSE	17 LT04	18 SWSW	18 LT06	18 LT07	18 SESE	15 SWSW	15 SESW	15 SWSE	15 SESE	14 SWSW	14 SESW	14 SWSE	14 SESE	13 SWSW	13 SESW	13 SWSE	13 SESE
19 NNW	19 NENW	19 NNNE	19 NENE	20 NNW	20 NENW	20 NNNE	20 LT01	21 NNW	21 LT02	21 LT01	21 NENE	22 NNW	22 NENW	22 NNNE	22 NENE	23 NNW	23 NENW	23 NNNE	23 NENE	24 NNW	24 NENW	24 NNNE	24 NENE
19 SWNW	19 SENW	19 SWNE	19 SENE	20 SWNW	20 SENW	20 SWNE	20 LT02	21 SWNW	21 LT03	21 LT04	21 SENE	22 SWNW	22 SENW	22 SWNE	22 SENE	23 SWNW	23 SENW	23 SWNE	23 SENE	24 SWNW	24 SENW	24 SWNE	24 SENE
19 NWSW	19 NESW	19 NWSE	19 NESE	20 NWSW	20 NESW	20 NWSE	20 LT03	21 NWSW	21 LT06	21 LT05	21 NESE	22 NWSW	22 NESW	22 NWSE	22 NESE	23 NWSW	23 NESW	23 NWSE	23 NESE	24 NWSW	24 NESW	24 NWSE	24 NESE
19 SWSW	19 SESW	19 SWSE	19 SESE	20 SWSW	20 SESW	20 SWSE	20 LT04	21 SWSW	21 LT07	21 LT08	21 SESE	22 SWSW	22 SESW	22 SWSE	22 SESE	23 SWSW	23 SESW	23 SWSE	23 SESE	24 SWSW	24 SESW	24 SWSE	24 SESE
20 NNW	20 NENW	20 NNNE	20 NENE	20 NNW	20 NENW	20 NNNE	20 LT01	28 NNW	28 LT02	28 LT01	28 NENE	27 NNW	27 NENW	27 NNNE	27 NENE	26 NNW	26 NENW	26 NNNE	26 NENE	25 NNW	25 NENW	25 NNNE	25 NENE
20 SWNW	20 SENW	20 SWNE	20 SENE	20 SWNW	20 SENW	20 SWNE	20 LT02	28 SWNW	28 LT03	28 LT04	28 SENE	27 SWNW	27 SENW	27 SWNE	27 SENE	26 SWNW	26 SENW	26 SWNE	26 SENE	25 SWNW	25 SENW	25 SWNE	25 SENE
20 NWSW	20 NESW	20 NWSE	20 NESE	20 NWSW	20 NESW	20 NWSE	20 LT03	28 NWSW	28 LT06	28 LT05	28 NESE	27 NWSW	27 NESW	27 NWSE	27 NESE	26 NWSW	26 NESW	26 NWSE	26 NESE	25 NWSW	25 NESW	25 NWSE	25 NESE
20 SWSW	20 SESW	20 SWSE	20 SESE	20 SWSW	20 SESW	20 SWSE	20 LT04	28 SWSW	28 LT07	28 LT08	28 SESE	27 SWSW	27 SESW	27 SWSE	27 SESE	26 SWSW	26 SESW	26 SWSE	26 SESE	25 SWSW	25 SESW	25 SWSE	25 SESE
21 NNW	21 NENW	21 NNNE	21 NENE	22 NNW	22 NENW	22 NNNE	22 LT02	28 NNW	28 NENW	28 NNNE	28 NENE	24 NNW	24 NENW	24 NNNE	24 NENE	23 NNW	23 NENW	23 NNNE	23 NENE	22 NNW	22 NENW	22 NNNE	22 NENE
21 SWNW	21 SENW	21 SWNE	21 SENE	22 SWNW	22 SENW	22 SWNE	22 LT04	28 SWNW	28 LT05	28 LT06	28 SENE	24 SWNW	24 SENW	24 SWNE	24 SENE	23 SWNW	23 SENW	23 SWNE	23 SENE	22 SWNW	22 SENW	22 SWNE	22 SENE
21 NWSW	21 NESW	21 NWSE	21 NESE	22 NWSW	22 NESW	22 NWSE	22 LT03	28 NWSW	28 LT07	28 LT08	28 NESE	24 NWSW	24 NESW	24 NWSE	24 NESE	23 NWSW	23 NESW	23 NWSE	23 NESE	22 NWSW	22 NESW	22 NWSE	22 NESE
21 SWSW	21 SESW	21 SWSE	21 SESE	22 SWSW	22 SESW	22 SWSE	22 LT11	28 SWSW	28 LT09	28 LT10	28 SESE	24 SWSW	24 SESW	24 SWSE	24 SESE	23 SWSW	23 SESW	23 SWSE	23 SESE	22 SWSW	22 SESW	22 SWSE	22 SESE



T#4805

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3

- A. Draw a map or attach a USGS map indicating the new point(s) of diversion and/or the new place of use for rights described in part 1. Clearly depict the land by section, township and range number.

See attached map

PART 3**B. CHANGES IN NATURE OF USE**

1	New Nature of Use	Amount (cfs/ac-ft)	Hours/days/year	Period of Use
				to
				to

2. Quantity and quality of return flows and location of discharge:

3. Describe effects on other water uses resulting from the proposed change:

I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge.

I understand that any willful misrepresentations made in this application may result in voiding its approval.

Alan Bennetts James D. Bennett
Subscribed and sworn to before me this 17th day of March, 19 96
(Signature of Applicant)

Kathryn M. Swindell
(Notary Public)

My commission expires 11/17/2000**FOR DEPARTMENT USE ONLY**Transfer contains 8 pages and 2 attachmentsReceived by Adm rec'd Date 3-11-96 Protest filed by NonePrelim. check by Adm Fee \$100. 5018937Receipted by gs Date 3-13-96Published in The Challis Messenger Copies of protest forwarded by _____Pub. dates 4/25 + 5/2/96 Hearing held by _____ Date _____Watermaster recommendation requested on N/A Recommended for ☒ approval ☐ denial_____ rec'd. _____ by Adm

Copy of transfer sent to lien holder _____

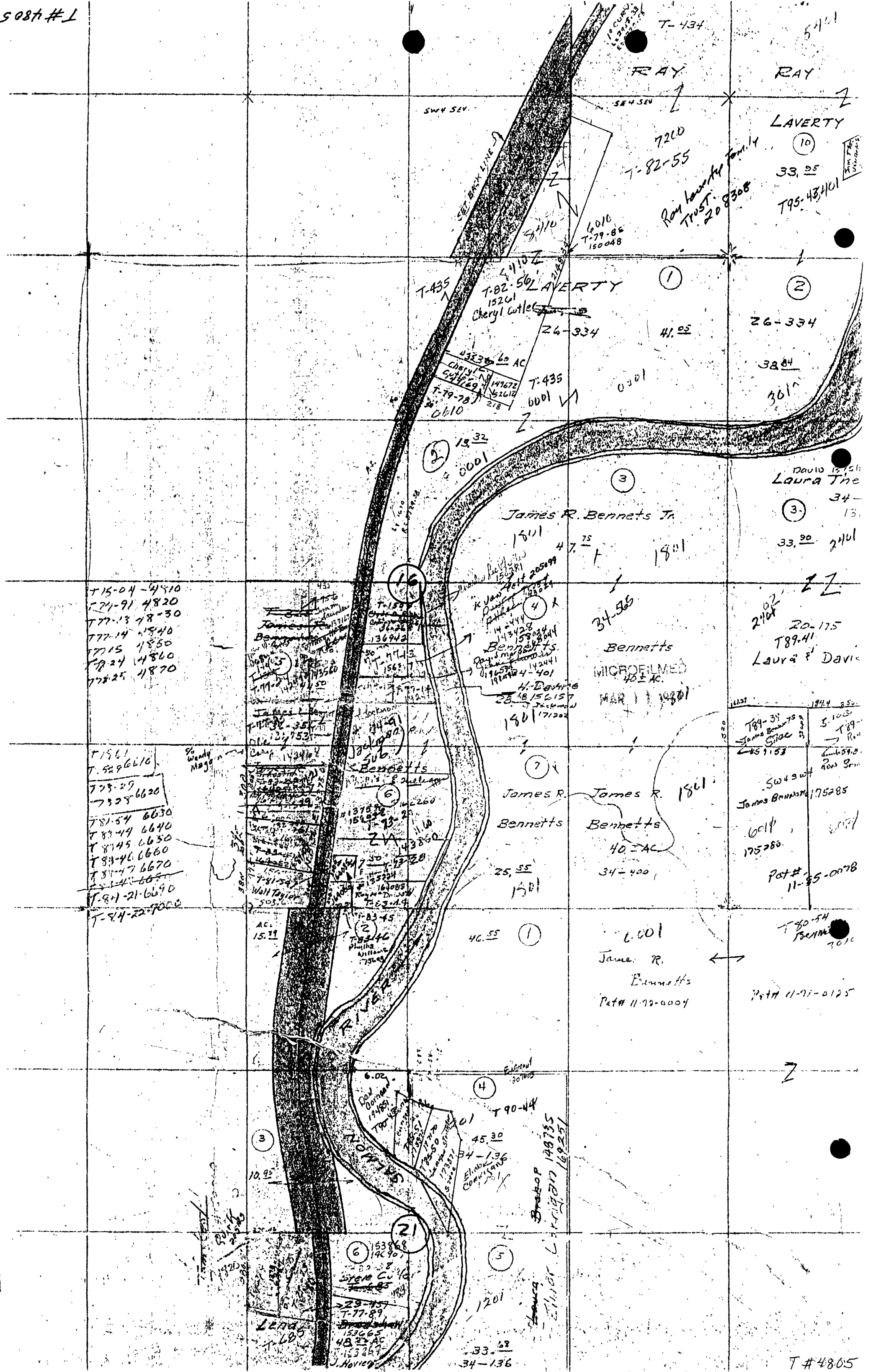
MICROFILMED
MAR 11 1997

RECEIVED

MAR 13 1996

Department of Water Resources
Southern Region

5087 #1



T # 4805

3/08/96
14:29:29

UNIFORM ASSESSMENT DEVELOPMENT
SOFTWARE SYSTEMS
PM8001
NUMERIC ROLL
BY SPECIFIC NAME

PAGE 1

** PARCEL KEY **	NAME/ADDRESS	LEGAL DESCRIPTION	CAT	QUANTITY	UNIT	MARKET	REVIEW YEAR
TYPE PARCEL NO STATUS							
CODE OLD PARCEL NO							
MAP NUMBER							
RP 13N19E111801 A 011-00 RP13N19E111801A	BENNETTS, JAMES R & BENNETTS, JO ANN PO BOX 36 CHALLIS ID 83226	TRACT 83-88 SEC 11 T13N R19E	1	86.060	AC		1992
PROPERTY ADDRESS:				86.060 **			***
TYPE: AG LOCATION: 321 INSP YR: 1992							
RP 13N19E117841 A 011-00 RP13N19E117840A	BENNETTS, JAMES R & BENNETTS, JO ANN M PO BOX 36 CHALLIS ID 83226	TRACT 753, 81-108 SEC 11 T13N R19E	1 5 19	18.000 1.384 1.000	AC AC AC		1992 1992 1992
193679-80	PROPERTY ADDRESS:				20.384 **		***
TYPE: AG LOCATION: 321 INSP YR: 1992							
RP 13N19E156011 A 024-00 RP13N19E156010A	BENNETTS, JAMES R & BENNETTS, JO ANN PO BOX 36 CHALLIS ID 83226	W2SW4SW4, TRACT 89-39 SEC 15 T13N R19E	5	25.100	AC		1992
191229-251	PROPERTY ADDRESS:				25.100 **		***
TYPE: AG LOCATION: 321 INSP YR: 1992							
RP 13N19E161801 A 011-00	BENNETTS, JAMES ROBERT PO BOX 36 CHALLIS ID 83226	LOTS 3,4,7 E2SE4 SEC 16 T13N R19E	1 5 10 19 31 32	93.000 78.980 2.000 8.000	AC AC AC AC		1995 1995 1995 1995 1994 1994
PROPERTY ADDRESS:				181.980 **			*** *HO*
TYPE: AG LOCATION: 321 INSP YR: 1994							
RP 13N19E210001 A 024-00	BENNETTS, JAMES R PO BOX 36 CHALLIS ID 83226	NE4NE4 SEC 21 T13N R19E	1 5	5.000 35.000	AC AC		1992 1992

3/08/96
14:29:29

UNIFORM ASSESSMENT DEVELOPMENT
SOFTWARE SYSTEMS
PM8001
NUMERIC ROLL
BY SPECIFIC NAME

PAGE 2

** PARCEL KEY **	NAME/ADDRESS	LEGAL DESCRIPTION	CAT	QUANTITY	UNIT	MARKET	REVIEW YEAR
------------------	--------------	-------------------	-----	----------	------	--------	-------------

TYPE PARCEL NO STATUS
CODE OLD PARCEL NO
MAP NUMBER

PROPERTY ADDRESS:

40.000 **

TYPE: AG LOCATION: 321
INSP YR: 1992

RP 13N19E223020 A	BENNETTS, JAMES R	NW4NW4NW4	4	3.000	AC	1992
024-00 RP13N19E223010A	PO BOX 36	SEC 22 T13N R19E	5	7.000	AC	1992
190703	CHALLIS	ID 83226				

PROPERTY ADDRESS:

10.000 **

TYPE: AG LOCATION: 321
INSP YR: 1992

NUMBER OF PARCELS-

6

TOTAL QUANTITY

363.524

REQUESTED NAMES

BENNETTS, JAMES*

**** PROMPT RESPONSES ****

LOCATION CODES INCLUDED -ALL

PARCEL TYPES INCLUDED -ALL

LIMITS

FROM
RP13N000000000A
RP14N000000000A

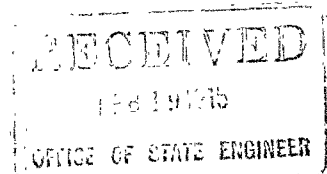
TO
RP13N999999999A
RP14N999999999A

T44865

IN THE DISTRICT COURT OF THE SIXTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR
CUSTER COUNTY.

Charles B. Jenson, Margaret Jenson,
Nels C. Jenson, and The George
McGowan Company, Limited,
a corporation,
Plaintiffs,
vs.
Richard Bennetts, and
Ellen Bennetts,
Defendants.

DECREE.



This cause came on for hearing before the Honorable F. J. Cowen, District Judge, sitting at chambers, at Salmon City, Lemhi County, Idaho, on the 12th day of February, 1915, by agreement of all of the parties and their respective counsel, the court sitting without a jury, a jury having been expressly waived, and all parties being represented by counsel, the plaintiffs by Messrs. O'Brien & Glemon, of Salmon City, Idaho, and the defendants by W. W. Adamson, Esq., of Challis, Idaho.

And thereupon it was stipulated and agreed that all cross-complaints filed in said action be deemed answered, and that all of the pleadings herein be considered amended to conform to the proofs herein, and it was thereupon so ordered by the court.

And on the said day, in open court, said attorneys, by and with the consent of their respective clients above named, entered into and agreed upon and signed herein a certain stipulation of facts, which said stipulation of facts was thereupon presented to the Court and filed in said court in said action, and the court being fully advised in the premises, thereupon approved the said stipulation of facts and ordered that the same be adopted as his findings of fact in said cause.

And the said cause having been heretofore finally submitted upon said stipulation of facts, to the said court, for consideration and decision, and the court being fully advised in the premises, and having heretofore made and ordered filed herein findings of fact and conclusions of law, and directed judgment and decree in said action in accordance therewith.

NOW, IT IS THEREFORE ORDERED, ADJUDGED AND DECREED, That the waters of Salmon River, situated in Custer County, Idaho, as hereinafter set forth and described, be and the same are hereby distributed, awarded and decreed to the several parties to this suit, for beneficial uses and purposes, in amounts of ^{cubic} ~~the~~ dates, with priority of right in accordance with said dates, as follows, to wit: 72 0182

The plaintiff, Charles B. Jenson, 900 inches or eighteen cubic feet, per second of time, dating from the 15th day of January, 1886, to be appurtenant to and awarded for the purpose of irrigating the lands of said plaintiff, situated in Custer County, State of Idaho, and particularly described as follows, to wit:

Lot nine, northeast quarter of the northeast quarter and west half of the northwest quarter, Sec. 10; Lot ten, Sec. 10, southeast quarter of the southeast quarter, Sec. 9;

72 0183

The plaintiff, Margaret Jenson, 100 inches, or two cubic feet, per second of time, dating from the 15th day of January, 1886, to be appurtenant to and awarded for the purpose of irrigating the lands of said plaintiff, situated in Custer County, State of Idaho, and particularly described as follows, to wit:

The northeast quarter of the southeast quarter of Section 9, in Township 13 North of Range 19 East of Boise Meridian.

72 0184

The plaintiff, Nels C. Jenson, 200 inches, or four cubic feet, per second of time, dating from the 18th day of November, 1890, to be appurtenant to and awarded for the purpose of irrigating the lands of said plaintiff, situated in Custer County, State of Idaho, and particularly described as follows, to wit:

Lots three, four, five and six of Section 16, Township 13 North of Range 19 East of Boise Meridian, containing 168.48 acres.

72 0185

The plaintiff, The George McGowan Company, Limited, a corporation, 2,000 inches, or forty cubic feet, per second of time, dating from the 1st day of April, 1887, to be appurtenant to and awarded for the purpose of irrigating the lands of said plaintiff, situated in Custer County, State of Idaho, and particularly described as follows, to wit:

The west half of the northwest quarter and west half of the southwest quarter of Sec. 36; northeast quarter of the northeast quarter, south half of the northeast quarter, southeast quarter and Lots one and six of Sec. 35; east half of the northwest quarter and east half of the southwest quarter of Sec. 36, Township 14 North, Range 19 East of Boise Meridian.

Also Lot four of Sec. 1, and Lots one and two of Sec. 2, Township 13 North, Range 19 East of Boise Meridian (less 10.29 acres heretofore deeded from Lot two, Sec. 2.)

72 0186

The defendant Richard Bennette, 225 inches, or 4.5 cubic feet, per second of time, dating from the 18th day of November, 1890, to be appurtenant to and awarded for the irrigation of the lands of the said defendant, situated in Custer County, State of Idaho, and particularly described as follows, to wit:

The northwest quarter of the northeast quarter, east half of the northwest quarter, and Lot three, Sec. 11, Township 13 North, Range 19 East of Boise Meridian.

72 0187

The defendant, Ellen Bennetts, 175 inches, or 3.5 cubic feet, per second of time, dating from the 18th day of November, 1890, to be appurtenant to and awarded for the purpose of irrigating the lands of the said defendant, situated in Custer County, State of Idaho, and particularly described as follows, to wit:

The south half of the southeast quarter, Sec. 2; and the northeast quarter of the northeast quarter, Sec. 11, Township 13 North, Range 19 East of Boise Meridian.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED, That the several amounts of water above decreed be measured and distributed to the said parties at their respective points of diversion.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED, That the first appropriation in point of time be first in point of right, and all appropriations of the same date are of equal right and in case of insufficiency of water to supply all awards, the said waters are to be diverted

IT IS FURTHER ORDERED, ADJUDGED AND DECREED, That each and every of the parties to this suit, their agents, employees, attorneys, assigns and grantees, and all persons acting by, under or through them, or either of them, are hereby restrained and perpetually enjoined from in any manner interfering with the waters of said Salmon River herein decreed, or exercising any other or greater rights with reference to said water than is herein decreed to the said parties, respectively.

Done this 12th day of February, 1915.

F. J. Cowen,
Judge.

Filed this 15th day of Feb'y. A. D. 1915.

E. J. Michael

Clerk.

State of Idaho)
 : ss.
County of Custer)

I, E. J. Michael, Clerk of the District Court of the Sixth Judicial District of the State of Idaho, in and for Custer County, hereby certify that I have compared the foregoing copy with the record, which appears in Book 2 of Judgments at pages 33, -34-35 and that the same is a full, true and complete copy of said record.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said Court this 16th day of February, 1915.

E. J. Michael
Clerk.



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

February 5, 1997

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

JO ANN BENNETTS
JAMES R. BENNETTS
PO BOX 36
CHALLIS ID 83226

RE: WATER RIGHT NOS: 72-00184 AND 72-04020
TRANSFER NO: 4805

Dear Water Right Holder:

Enclosed is a copy of your approved Transfer of Water Right for the above referenced water rights. Please be sure to thoroughly read the Conditions and Remarks listed on the transfer.

The accompanying **transfer approval** should be considered and treated as a **preliminary order** of the department issued pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action of the department unless a party petitions for reconsideration within fourteen (14) days after issuance as further described below:

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the department within fourteen (14) days of the service date of this order. The department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See section 67-5243(3) Idaho Code.

EXCEPTIONS AND BRIEFS

Within twenty-one (21) days after (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding. Otherwise, this preliminary order will become a final order of the agency.

If any party appeals or takes exceptions to this preliminary order, opposing parties shall have twenty-one (21) days to respond to any party's appeal. Written briefs in support of or taking exceptions to the preliminary order shall be filed with the Director. The Director retains the right to review the preliminary order on his own motion.

ORAL ARGUMENT

If the Director grants a petition to review the preliminary order, the Director shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director orders otherwise, all oral arguments will be heard in Boise, Idaho.

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties, if any, to the proceedings in accordance with Rules of Procedure 302 and 303.

FINAL ORDER

The Director will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Director may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its issuance if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) the petition for reconsideration is disposed of; or
- (b) the petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

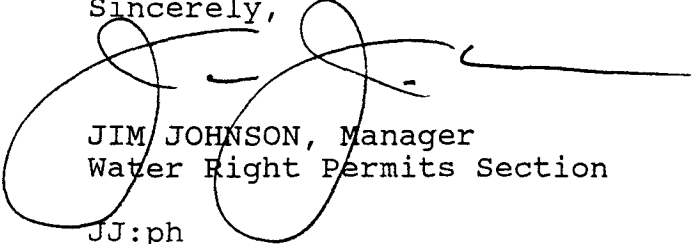
Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

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

Sincerely,



JIM JOHNSON, Manager
Water Right Permits Section

JJ:ph

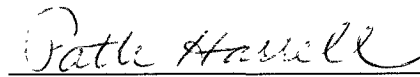
Enclosure

CERTIFICATE OF MAILING

I hereby certify that on the **5th** day of **February, 1997**, I mailed a true and correct copy, postage prepaid, of the foregoing **PRELIMINARY ORDER (Transfer Approval)** to the person(s) listed below:

Transfer No. 4805
Water Right Nos. 72-00184 and 72-04020

JOANN BENNETTS
JAMES R. BENNETTS
PO BOX 36
CHALLIS ID 83226



Patti Harrell
Secretary

MEMORANDUM

TO: FILE NOS. 72-00184 & 72-04020

FROM: PAM SKAGGS/STATE OFFICE

SUBJECT: TRANSFER NO. 4805

DATE: August 7, 1996

=====

This is one of four transfer applications filed to consolidate diversions from the Salmon River into the existing Challis Irrigation Company Canal S-32, eliminating separate diversion points and changing the place of use to reflect current practices. Transfer No. 4805 proposes to change the point of diversion and place of use under Right Nos. 72-00184 & 72-04020.

The rate of diversion recommended under this transfer approval is higher than the standard 0.02 cfs/acre at 0.137 cfs/acre, as determined necessary and historically used by SRBA investigation and Hubble analysis of the system.

Statutory Claim No. 72-04020 was filed with multiple priority dates describing the development of the system. This transfer approval reflects the claim the way it was originally filed and the SRBA will confirm the actual priority date or dates under this right.

Season of use and diversion volume were adjusted to current standards. Recommended conditions include measuring device, future annual reporting, irrigation overlap, right-of-way and standard transfer conditions.

TRANSFER REVIEW SHEET
(04-96)

Transfer # 4805

Date Reviewed 08-02-76

Right(s) 72-00184 _____
72-04020 _____

WRQ Print Split Summary ☒ Run POU Comparison Report

B:Change P/D C:Add P/D D:Change P/U E:Change Nature of Use
F:Change Period of Use G:Other H:Change P/D & Add P/D
I:Change P/D & P/U J:Add P/D & Change P/U

Proof of Ownership ^①Tax information + ^②Letter to Assessor
① Covers new P/U + all old P/U except Lot 5 (NESW) + Lot 6 (SESW) per 72-00184
② Applicant does not own these G-2s anymore - multiple owners.

Transfer ☒ All of Right _____ Portion of Right
Resulting Split(s) NONE

Check Transfer Against Recorded Right

Season/Vol. B/3.5

(1) _____ Priority (2) ☒ Use (3) _____ Season (4) _____ Rate (5) _____ Volume
(6) ☒ Source (7) _____ P/D (8) _____ P/U (9) _____ Proof/Owner (10) ☒ Map
(11) NA Water District (12) NO Pertinent Conditions (13) NO Expansion
Confirm Use

③ Standard Season 4-15 to 10-15
① 72-04020 Claimed multiple priorities.
④ Rate determined through SRBA Review / measure Analysis / a KERS confirmed
 $4.0 + 4.2 = 8.2 < 10.6 \times \text{max above water flow}$
⑤ Standard VOL $3.5 \times 78 = 273.0 \text{ a/cu} < 402 \text{ both rts.}$
⑦ Change P/D
⑧ Change P/U - Lot 5 (NESW) + Lot 6 (SESW) Across salmon River + not part of this system. Acres Reduced to 78 confirmed Acres per SRBA review.

Transfer Remarks Claimed Priorities
Conditions (T01) 72-04020 Combined Rt. Limits - Fish Screen
R01, R25, T04, T07, T08, T09 NO Per LG 910-394
028

Database/Processing Notes Standard ☒ Non-Standard _____

T Files
Edit approval - total lines + limits *
Edit 72-00184 to single rt + remarks when approved

WR Reports File James, 0204-97 Transfer Memo Complete ☒
File Deleted 38 Database Updated 0204-9708

Approval Cover Letter Standard _____ Preliminary Order ☒

ID Code 36-906 + 908 Fish Protection Statutes, 3/32 stainless steel plate - per Bob Foster.

WR0749NP

IDAHO DEPARTMENT OF WATER RESOURCES

DATE: 09/20/96

PAGE: 1

OWNER	PRIORITY	USE PERIOD	DIVERSION	DIVERSION
CODE NAME & ADDRESS	DATE	WATER USE	FROM TO	RATE VOLUME
C JO ANN BENNETTS	11/18/1890	IRRIGATION	04/15 10/15	4.000 CFS 273.00 AFA
C JAMES R BENNETTS				
PO BOX 36			TOTAL DIVERSION:	4.000 CFS 273.00 AFA
CHALLIS ID 83226				
(208) 879-2567				

Water Source: SALMON RIVER

Tributary to: SNAKE RIVER

Stage: DECREED

Point(s) of Diversion: T13N R19E S32 Lot 05(SWNE)

CUSTER County

Point of Diversion Name(s):

				Name	Rate	Number
T13N	R19E	S32	Lot 05 (SW NE)	CHALLIS IRR CO CANAL		S-32

Place of use Legal Description for: IRRIGATION

				NE				NW				SW				SE										
				NENE	NWNE	SWNE	SENE	:	NENW	NWNW	SWNW	SENW	:	NESW	NWSW	SWSW	SESW	:	NESE	NWSE	SWSE	SESE	:			
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	SUM
---	---	--	:	-----	-----	-----	-----	:	-----	-----	-----	-----	:	-----	-----	-----	-----	:	-----	-----	-----	-----	-----	:	-----	
13N	19E	16	:			03-13	03-26	:					:					:	15	04-21	07-03			:	78.0	
																							TOTAL ACRES		78.0	

Pou County: CUSTER

Other Water Rights with Same Point(s) of Diversion and Source:

72-00034	72-00035	72-00186A	72-00187	72-02076A	72-02076B	72-02098	72-04020	72-04192B	72-07051
72-07269	72-07492	L72-07051	T72-00185B	T72-00185D	T72-00238	T72-00240	T72-00242	T72-04020	

Other Water Rights Listing Overlapping Place(s) of use:

72-00184 72-04020 L72-07051 T72-04020

Conditions of Approval:

- R01 - A measuring device of a type approved by this Department shall
- be maintained as a part of the diverting works.
- R25 - This right when combined with all other rights shall provide no
- more than 3.5 afa per acre for the lands above.
- T04 - Approval of this transfer in no way grants any right-of-way or
- easement for use of a delivery system owned by person(s) other
- than the right owner.
- T07 - The change authorized by this transfer shall be accomplished
- within one (1) year of the date of this approval.
- T08 - Failure to comply with the conditions of this transfer is cause
- for the director to issue an order to show cause why the approval
- of the transfer should not be rescinded.
- T09 - Approval of this transfer does not preclude the opportunity for
- review of the validity of the water right(s) in the ongoing
- Snake River Basin Adjudication.
- O28 - After specific notification by the department, the right holder

Conditions of Approval:

- shall annually report the amount of water diverted to the
- department.

Remarks:

~~Approval of this transfer in no way confirms Right No. 72-04020.~~
~~Right No. 72-04020 has multiple priorities claimed reflecting~~
~~development of the system; 1890 for 2.50 cfs, 1930 for 0.50 cfs,~~
~~1966 for 1.20 cfs.~~

Combined Right Nos. 72-00184 and 72-04020 shall not exceed a
total combined diversion rate of 8.20 cfs, nor a total combined
annual diversion volume of 273.0 af, for the total combined
irrigation of 78.0 acres.

An adequate fish screen shall be maintained as part of the
diverting works to comply with fish protection statutes as
directed by the Department of Fish and Game. NO

Dates: App. Received: 03/13/1996 Priority Date: 11/18/1890
Proof Due Date: Proof Made Date:
Exam Made Date: Exam Sent to S.O.:
Licensed Date:

Misc: Water District Number: Field Exam Fee:

Comments: Date: 08/01/1996 User-ID: PSKAGGS Subject: TRANSFER NO. 4805
Transfer No. 4805 was filed to change the point of diversion &
place of use under Right Nos. 72-00184 & 72-04020.

Audit: 04/12/96 MBALDWIN 04/17/96 MBALDWIN 08/01/96 PSKAGGS 08/02/96 PSKAGGS
08/07/96 PSKAGGS 09/19/96 PSKAGGS 09/20/96 PSKAGGS

WR0749NP
No. T72-04020

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 09/20/96
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	JO ANN BENNETTS	06/01/1890	IRRIGATION	04/15 10/15	4.200 CFS	273.00 AFA
C	JAMES R BENNETTS					
	PO BOX 36			TOTAL DIVERSION:	4.200 CFS	273.00 AFA
	CHALLIS ID 83226					
	(208) 879-2567					

Water Source: SALMON RIVER

Tributary to: SNAKE RIVER

Stage: STATUTORY CLAIM

Point(s) of Diversion: T13N R19E S32 Lot 05(SWNE)

CUSTER County

Point of Diversion Name(s):

Name	Rate	Number
T13N R19E S32 Lot 05 (SW NE) CHALLIS IRR CO CANAL		S-32

Place of use Legal Description for: IRRIGATION

NE				NW				SW				SE				
NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE	SUM
T	R	S	: 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	
13N	19E	16	:		03-13	03-26	:					:	15	04-21	07-03	78.0
															TOTAL ACRES	78.0

Pou County: CUSTER

Other Water Rights with Same Point(s) of Diversion and Source:

72-00034	72-00035	72-00186A	72-00187	72-02076A	72-02076B	72-02098	72-04020	72-04192B	72-07051
72-07269	72-07492	L72-07051	T72-00184	T72-00185B	T72-00185D	T72-00238	T72-00240	T72-00242	

Other Water Rights Listing Overlapping Place(s) of use:

72-00184 72-04020 L72-07051 T72-00184

Conditions of Approval:

- R01 - A measuring device of a type approved by this Department shall be maintained as a part of the diverting works.
- R25 - This right when combined with all other rights shall provide no more than 3.5 afa per acre for the lands above.
- T04 - Approval of this transfer in no way grants any right-of-way or easement for use of a delivery system owned by person(s) other than the right owner.
- T07 - The change authorized by this transfer shall be accomplished within one (1) year of the date of this approval.
- T08 - Failure to comply with the conditions of this transfer is cause for the director to issue an order to show cause why the approval of the transfer should not be rescinded.
- T09 - Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.
- 028 - After specific notification by the department, the right holder

Conditions of Approval:

- shall annually report the amount of water diverted to the
- department.

Remarks:

Approval of this transfer in no way confirms Right No. 72-04020. Right No. 72-04020 has multiple priorities claimed reflecting development of the system; 1890 for 2.50 cfs, 1930 for 0.50 cfs, 1966 for 1.20 cfs.

Combined Right Nos. 72-00184 and 72-04020 shall not exceed a total combined diversion rate of 8.20 cfs, nor a total combined annual diversion volume of 273.0 af, for the total combined irrigation of 78.0 acres.

An adequate fish screen shall be maintained as part of the diverting works to comply with fish protection statutes as directed by the Department of Fish and Game. *no*

Dates: App. Received: 03/13/1996 Priority Date: 06/01/1890
Proof Due Date: Proof Made Date:
Exam Made Date: Exam Sent to S.O.:
Licensed Date:

Misc: Water District Number: Field Exam Fee:

Comments: Date: 08/01/1996 User-ID: PSKAGGS Subject: TRANSFER NO. 4805
Transfer No. 4805 was filed to change the point of diversion & place of use under Right Nos. 72-00184 & 72-04020.

Audit: 04/12/96 MBALDWIN 04/17/96 MBALDWIN 08/01/96 PSKAGGS 08/01/96 PSKAGGS
08/02/96 PSKAGGS 08/02/96 PSKAGGS 08/07/96 PSKAGGS 09/19/96 PSKAGGS

0000 0000 12 19

00

FORM NO. 1 (REV. 10-64) SHEET 1 OF 1

CLAIM NUMBER: A-00144

WATER VOLUME CALCULATION - IRRIGATION

IR. CALCULATION

1. IRRIGATION CONSUMPTIVE USE
 CLAIMED CONSUMPTIVE USE = 490.0 AC/A
 ACRES 78.0 CONSUMPTIVE VOL. AC/A FOR AREA 2.5
 TOTAL CONSUMPTIVE USE 195.0 AC/A

2. IRRIGATION DIVERSION VOLUME
 DIVERSION VOLUME = AC/A
 DIVERSION VOL. AC/A FOR AREA N/A
 TOTAL DIVERSION VOLUME N/A AC/A

3. CALCULATION FOR USES OTHER THAN IRRIGATION
 AS ATTACHED SHEET (Y) () ()

REMARKS (Include Irrigation, or CONSUMPTIVE USE for Contingent Rights.)

Hubble Analysis Review:
 Bt2 soil needs a
 rate of 0.137 cfs/ac
 X 78 Ac = 10.68 cfs (FIR)

Limited by Claims:
 A72-00184 4.00 cfs
 A72-4020 4.20 cfs
8.20

Calc. Contingence Issues: 0.89 cfs

* No claim for this amount or
the additional flow for FIR.

Allow 8.20 cfs
(w/combined rights)

GRADED BORDER EVALUATION

Job name: A72-00184 & A72-04020 Location: BT2 SOILS, 78 AC ALF
By: SCC Date: Jun 8, 1994

Roughness coefficient (n)= 0.150 Intake family (If)=2.00
Slope (S)= 0.0100 ft/ft Border width (W)= 755 ft
Net application (Fn)= 1.13 inches Border length (L)= 300 ft
Inflow time (Ti)= 8 hours, 0 minutes

Flow per Border (cfs)	Unit Flow (cfs/ft)	Gross Application (in)	Deep Percolation (in)	Runoff (in)	Application Efficiency (percent)	Notes
10.60	Gross depth is less than required gross application depth					
10.61	Gross depth is less than required gross application depth					
10.62	Gross depth is less than required gross application depth					
10.63	Gross depth is less than required gross application depth					
10.64	Gross depth is less than required gross application depth					
10.65	Gross depth is less than required gross application depth					
10.66	Gross depth is less than required gross application depth					
10.67	Gross depth is less than required gross application depth					
10.68	0.014	16.30	15.16	0.00	6.9	
10.69	0.014	16.31	15.16	0.02	6.9	
10.70	0.014	16.33	15.16	0.03	6.9	

$$\frac{10.68 \text{ cfs}}{78 \text{ Ac}} = 0.137 \text{ cfs/Ac}$$

CLAIM NO. --- A72-00184 & A72-04020 Lotus Program:
 AGENT ----- SCC IRR-PHAC.WK3
 DATE ----- 06/08/94 Date form revised:
 4/21/93 by KKC

 SOIL CHARACTERISTICS
 Soil Type = BT2; BARTONFLAT...VERY GRAVELLY LOAM, EXTREMELY GRAVELLY SANDY LOAM
 Source of Soils Data = Printout from SCS State Office

soil depth (inches)		AWC (in/in)		PH		organic (%)		soil depth (inches)		AWC (inches)		intake family	
lower	upper	lower	upper	lower	upper	lower	upper	lower	upper	lower	upper	flood	furrow
0	5	0.05	0.08	7.4	8.4	1	2	1	0.57	2	0.55		
5	45	0.02	0.05	7.4	8.4			1	0.61				
45	60	0.02	0.05	7.4	8.4			3	1.41				
								4	1.83			alternate	
								5	2.25			method	
												NA	NA

Management Allowed Deficit (MAD)

crop	root depth (ft)	stress point (inches)	MAD	FIELD NOTES AND CALCULATIONS			
				FIELD 1	FIELD 2	FIELD 3	FIELD 4
alfalfa (hay or seed)	5	0.5	1.13	FIELD WIDTH	11325	0	
corn (field or silage)	4	0.5	0.91	IRRIGATION DAYS	5		
grain (winter or spring)	4	0.5	0.91	DRY DAYS	0		
pasture (or grass hay)	3	0.5	0.71	SET TIME (hours)	8		
other (enter below)				CALCULATED RUN (run = acres*43560/width)			
				LENGTH (RUN) =	300		
				CALCULATED BORDER WIDTH (ditch length/irr days * cha			
				WIDTH =	755		
				THEORETICAL ROTATION (med/net irr req in inches per			
				SELECTED MAD =	1.13		
				ROTATION =	4.6 DAYS		

PEAK IRRIGATION DIVERSION REQUIREMENT AT FIELD

Weather Station = CHALLIS
 Figure No = 10-15

crop	acres	system	recomm. eff.	Net Irrigation Requirement (mm/day)							
				mar	apr	may	jun	jul	aug	sep	oct
PASTURE	0	FLOOD			1.47	3.84	4.87	5.86	4.56	3.23	2.07
ALFALFA	78	FLOOD	8.1		1.28	4.51	5.65	6.25	4.45	2.52	0.7
Summary	78		8		1.28	4.51	5.65	6.25	4.45	2.52	0.70
				Peak Net Irrigation Requirement (mm/day) =				6.25			

Program Operation based upon "GUIDELINES FOR THE EVALUATION OF IRRIGATION DIVERSION RATES"
 HURBLE ENGINEERING INC. OCTOBER 1991
 Soil Characteristics based upon SOIL CONSERVATION SERVICE STUDIES
 Peak Irrigation Diversion based upon ALLEN & BROCKWAY WEATHER INFORMATION 1983

CLAIM NUMBER: A72-00184

APPOINTMENT MADE: Y() N()

PHONE NUMBER: ()

DATE: () A() P()

PHONE NUMBER: ()

Met w/ Jim Bennett in his office in Dallas, then I went to view the actual
field site alone. Confirmed the irrigation area from the Hayes Ditch and
Determined the acres as stated herein.

6-8-74

A72-00184

32-X

A72-04020

CLERK *X*
Acres were irrigated under A72-00184 but additional water
has been shown as needed by Hubble Review.

ACREAGE

TOTAL ACRES: 78.0

REVIEWED BY: *SM*

DATE: 6-9-94

A72-04020-1

32 X

AJ5809NP
No. R72-00184

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 08/02/96
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	JAMES R BENNETTS	11/18/1890	IRRIGATION	04-15 10-15	4.00 CFS	
C	JO ANN BENNETTS					
	PO BOX 36					
	CHALLIS ID 83226					
	(208) 879-2567					
				TOTAL DIVERSION:	4.00 CFS	

Water Source: SALMON RIVER

Tributary to: SNAKE RIVER

Stage: DECREED

Point(s) of Diversion: T13N R19E S28 Lot01(NENENW)

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	:	SUM	
13N	19E	16	:			03-13	03-26	:						15	04-21	07-03	:	78.0
																	TOTAL ACRES	78.0

POU County: CUSTER

Other Rights: 72-04020

Remarks: GEN WATER IS DELIVERED THROUGH KEYES DITCH.
USE OF THIS RIGHT WITH RIGHT NO. 72-04020 IS LIMITED TO A
TOTAL COMBINED ANNUAL CONSUMPTIVE USE VOLUME OF 195.0 AF, AND TO
THE IRRIGATION OF A COMBINED TOTAL OF 78.0 ACRES IN A SINGLE
IRRIGATION SEASON.
THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF
DIVERSION DESCRIBED ABOVE: 72-00186B, 72-04020 & 72-10496.

Dates: Exam Made Date: 09/22/1993 Verified Date: 06/09/1994 Objection Filed Date:

Misc: Water District Number: Field Inspection Flag:
Presumption Flag: C

Comments: Date: 12/14/1992 User-ID: CLELLAND Subject: CORRECTED POU
DATA ENTRY ERROR CORRECTED, WAS SEC 16, NWSE AND SHOULD HAVE BEEN
NESE AS SHOWN ON ORIGINAL CLAIM FORM.

Date: 06/09/1994 User-ID: CLELLAND Subject: COPIED FROM REMARKS
ORIGINALLY DECREED FOR 4.0 CFS ON 165.48 ACRES. CLAIMED 4.05
CFS ON 125 ACRES. SEE ATTACHED PROOF REPORT.

Date: 06/09/1994 User-ID: CLELLAND Subject: RECOMMENDATION

AJ5809NP
No. R72-00184

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 08/02/96
PAGE: 2

=====

Comments: Date: 06/09/1994 User-ID: CLELLAND Subject: RECOMMENDATION
A DIVERSION RATE OF 0.105 CFS PER ACRE AT THE FIELD HEADGATE IS
INCLUDED IN THE RATE OF DIVERSION PER HUBBLE ANALYSIS REVIEW.
THIS RATE IS ONLY SUPPLIED WHEN COMBINED WITH 72-04020. THE RATE
SHOWN BY HUBBLE REVIEW ACTUALLY WAS 0.137 CFS PER ACRE BUT LIMIT-
ED BY CLAIMED AMOUNTS AND MAYBE DITCH CAPACITY.

Audit: 11/13/92 CLELLAND 12/14/92 CLELLAND 06/09/94 CLELLAND 03/30/95 POST-STD

AJ5809NP
No. R72-04020

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 08/02/96
PAGE: 3

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	JAMES R BENNETTS	04/15/1915	IRRIGATION	04-15 10-15	4.20 CFS	
C	JO ANN BENNETTS					
	PO BOX 36			TOTAL DIVERSION:	4.20 CFS	
	CHALLIS ID 83226					
	(208) 879-2567					

Water Source: SALMON RIVER

Tributary to: SNAKE RIVER

Stage: BENEFICIAL USE

Point(s) of Diversion: T13N R19E S28 Lot01(NENENW)

CUSTER County

Place of use Legal Description for: IRRIGATION

NE				NW				SW				SE												
T	R	S	:	NENE	NWNE	SWNE	SENE	:	NENW	NWNW	SWNW	SENW	:	NESW	NWSW	SWSW	SESW	:	NESE	NWSE	SWSE	SESE	:	SUM
			:	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	:	
13N	19E	16	:				03-13	:					:					:	15	04-21	07-03		:	78.0
																					TOTAL ACRES		78.0	

POU County: CUSTER

Other Rights: 72-00184

Remarks: GEN WATER IS DELIVERED THROUGH KEYES DITCH.
USE OF THIS RIGHT WITH RIGHT NO. 72-00184 IS LIMITED TO A
TOTAL COMBINED ANNUAL CONSUMPTIVE USE VOLUME OF 195.0 AF, AND TO
THE IRRIGATION OF A COMBINED TOTAL OF 78.0 ACRES IN A SINGLE
IRRIGATION SEASON.
THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF
DIVERSION DESCRIBED ABOVE: 72-00186B, 72-00184 & 72-10496.

Dates: Exam Made Date: 09/22/1993 Verified Date: 06/09/1994 Objection Filed Date:

Misc: Water District Number: Field Inspection Flag:
Presumption Flag:

Comments: Date: 06/09/1994 User-ID: CLELLAND Subject: COPIED FROM REMARKS
PRIORITIES ARE 1890 2.5 CFS, 1930 0.5 CFS, 1966 1.2 CFS.
CLAIMED ENTIRE 4.2 CFS WITH 1890 PRIORITY. DIFFERENCE IN P/D
AND P/U FROM ORIGINAL STATUTORY CLAIM. PERIOD OF USE ON
ORIGINAL 04/15 TO 10/30, CLAIMED 04/01 TO 11/01.

AJ5809NP
No. R72-04020

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 08/02/96
PAGE: 4

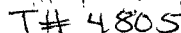
=====

Comments: Date: 06/09/1994 User-ID: CLELLAND Subject: COPIED FROM REMARKS
SEE ATTACHED PROOF REPORT.

Audit: 11/13/92 CLELLAND 06/09/94 CLELLAND 03/30/95 POST-STD

(WATER RIGHT NUMBERS THAT BEGIN WITH AN '*' ARE ADJUDICATION CLAIMS)
(QUARTER-QUARTERS WITH A '?' HAVE DIFFERENT ACREAGE AMOUNTS--CHECK THE DATA BASE RECORDS)

WR-NUMBER	SOURCE	NE		NW		SW		SE		NE		NW		SW		SE		NE		NW		SW		SE		SUM	
		Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac		
T13N R19E S 16																											
7200182	SALMON RIV :	01-1				02-1																					
7200184	SALMON RIV :					03-1	03-1																				
A7200184	SALMON RIV :					03-20	03-35																			125	
R7200184	SALMON RIV :					03-13	03-26																			78	
T7200184	SALMON RIV :					03-20	03-35																			125	
7204020	SALMON RIV :					03-18	03-33																			125	
A7204020	SALMON RIV :					03-20	03-35																			125	
R7204020	SALMON RIV :					03-13	03-26																			78	
T7204020	SALMON RIV :					03-20	03-35																			125	
7204021	SALMON RIV :	01-35				20	02-15																			70	
7204152	SALMON RIV :																										
A7204152	SALMON RIV :																									5	
R7204152	SALMON RIV :																									4	
A7204160	COLD SPRIN :																									20	
R7204160A	UNNAMED ST :																									11	
7207048	GROUNDWATE :					12																				12	
A7207048	GROUNDWATE :					12																				12	
R7207048	GROUNDWATE :																									12	
A7207051	SALMON RIV :																									50	
L7207051	SALMON RIV :																									50	
R7207051	SALMON RIV :																									50	
A7207269	SALMON RIV :																									50	
R7207269	SALMON RIV :																									50	
A7210086	SALMON RIV :	40		10	12					4		2														69	
R7210086	SALMON RIV :	40		10	12					4		2														69	
A7210107	SALMON RIV :				20																					20	
R7210107	SALMON RIV :				20																					20	
A7210324	SALMON RIV :																									50	
R7210324	SALMON RIV :																									50	
A7210325	SALMON RIV :																									50	
R7210325	SALMON RIV :																									50	
PLSS DATA	LEGAL LOOK :	01	30	30	03	30	03	30	30	30	30	30	30	30	30	30	30	30	30	07	30	30	30	30	30		
PLSS DATA	LEGAL LOOK :	30		30	02	30	01	30	30	30	30	30	30	30	30	30	30	30	30	30	30	30	30	30	30		
PLSS DATA	LEGAL LOOK :	30		30	02	30	30	30	30	30	30	30	30	30	30	30	30	30	30	04	30	30	30	30	30		
PLSS DATA	LEGAL LOOK :	30		30	30	30	30	30	30	30	30	30	30	30	06	30	30	30	30	04	30	30	30	30	30		
PLSS DATA	LEGAL LOOK :	30		30	30	30	30	30	30	30	30	30	30	30	06	30	30	30	30	30	06	30	30	30	30		
PLSS DATA	LEGAL LOOK :	30		30	30	30	30	30	30	30	05	30	30	30	30	30	30	30	30	30	06	30	30	30	30		
PLSS DATA	LEGAL LOOK :	30		30	30	30	30	30	30	30	05	30	30	30	30	30	30	30	30	05	30	30	30	30	30		
PLSS DATA	LEGAL LOOK :	30		30	30	30	30	30	30	30	30	30	30	30	30	30	30	30	30	05	30	30	30	30	30		
--86 MAP--	C37Q-U 25 :			27						6																105	
NO QTRS	MAPPING	Lot01-41 Lot02-11 Lot03-43 Lot04-25 Lot05-02 Lot05-02 Lot07-10																									

$$e \qquad E \qquad d \qquad D \qquad c \qquad C$$


SD-0611-2 Basin: 72 Starting Water Right: 04020

S E L	Water Right No.	Name Last, First	O W N	Priority Date	STG/ STS	Source	Use Desc	S Y S
-	72-04020	BENNETTS, JAMES R.	C	06/01/1890	S/	SALMON RIVER	IRR	WR
-	T72-04020	BENNETTS, JAMES R	C	06/01/1890	S/	SALMON RIVER	IRR	WR
-		BENNETTS, JO ANN	C					
-	R72-04020	BENNETTS, JAMES R	C	04/15/1915	J/	SALMON RIVER	IRR	AJ
-		BENNETTS, JO ANN	C					
-	A72-04020	BENNETTS, JAMES R	C	06/01/1890	S/	SALMON RIVER	IRR	AJ
-		BENNETTS, JO ANN	C					
-	R72-04020	BENNETTS, JAMES R	C	04/15/1915	J/	SALMON RIVER	IRR	AJ
-		BENNETTS, JO ANN	C					

(GOLD6=Print Profile Rpt For All Rights/Claims on Screen)
(Enter=Continue) (GOLD7=This Query) (GOLD8=Cancel) (Menu _____)

SD-0611-2 Basin: 72 Starting Water Right: 00184

S E L	Water Right No.	Name Last, First	O W N	Priority Date	STG/ STS	Source	Use Desc	S Y S
-	72-00184	JENSON, NELS C.	C	11/18/1890	D/	SALMON RIVER	IRR	WR
-	T72-00184	BENNETTS, JAMES R	C	11/18/1890	D/	SALMON RIVER	IRR	WR
-		BENNETTS, JO ANN	C					
-	R72-00184	BENNETTS, JAMES R	C	11/18/1890	D/	SALMON RIVER	IRR	AJ
-		BENNETTS, JO ANN	C					
-	A72-00184	BENNETTS, JAMES R	C	11/18/1890	D/	SALMON RIVER	IRR	AJ
-		BENNETTS, JO ANN	C				STOCK	
-	R72-00184	BENNETTS, JAMES R	C	11/18/1890	D/	SALMON RIVER	IRR	AJ
-		BENNETTS, JO ANN	C					

(GOLD6=Print Profile Rpt For All Rights/Claims on Screen)
(Enter=Continue) (GOLD7=This Query) (GOLD8=Cancel) (Menu _____)

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER ANALYSIS SHEET

INITIAL REVIEW BY: Adm

1. Right number 72-00184 Applicant Binnett
2. Type of right: ☒ Decree ☐ License ☐ Claim 72-00184
A72-04020
3. Purpose of transfer: ☒ Change point of diversion ☐ Add diversion point(s) ☐ Change place of use
☐ Other _____

4. Check:

- a. ☒ Source ☒ Priority ☒ Amount ☒ Purpose ☒ Period of use 72-00184
A72-04020
b. ☐ Description of original point of diversion.
c. ☐ Description of original place of use.

5. Amount of land &/or water transferred:

- a. ☒ All of right.
b. ☐ Part of right (NOTE! Part B should be filled in only if part of the right is owned by the applicant).
c. ☒ Check description of point(s) of diversion.
d. ☒ Check description of place of use.
e. ☒ Check map (shows p.d. and p.u. after transfer).
f. ☒ Check for correct signature, notarization, and fee.
g. ☒ Check proof of ownership of right &/or land from which water is transferred.
h. ☒ Check for expansion in use of right. Comments Appears to be none
i. ☒ Check for existing water rights from same source, on land water is being transferred to.
Right number(s) N/A
j. ☐ Is use within a Watermaster District? ☐ Yes ☒ No
If yes, what district? _____

FINAL PROCESSING REVIEW BY: Adm

1. Watermaster recommendation requested on N/A Received on _____
2. Is transfer published correctly? ☒ Yes ☐ No
3. Protest received? ☐ Yes ☒ No

RECOMMENDED ACTION

1. ☒ Approve
2. ☐ Deny
3. Conditions* 1. Subject to SPDA Review
2. Mess. device & fish screen requirements
3. Does not grant easement
4. By Adm Date 5/24/96 MAY 1996

RECEIVED

MAY 05 1996

Department of Water Resources
Southern Region

AFFIDAVIT OF PUBLICATION

State of Idaho, County of Custer, ss:

I, Ruth E. Burchill, representing 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 April 25 1996 and ending with the issue dated May 2 1996.

Ruth E. Burchill

STATE OF IDAHO

COUNTY OF CUSTER

On this 2 day of May in the year of 1996 before me, a Notary Public, personally appeared Ruth E. Burchill known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that he executed the same.

[Signature]
Notary Public for Idaho

Residing at Challis

My commission expires 10/21/2000

NOTICE OF PROPOSED CHANGE OF WATER RIGHTS

Notice is hereby given that applications have been filed with the Department of Water Resources to change the following described water right(s) pursuant to Section 42-222 of IDAHO CODE and further described with specific transfer numbers.

The following applications propose to change diversions on the Salmon River to that of the Challis Irrigation Company Canal (No.S-32) within LOT 5 (NW1/4SW1/4NE1/4), S32, T13N, R19E; Custer County.

Transfer Nos. 4805 & 4806 also modify recorded place of use.

JAMES R. &/OR JO ANN BENNETTS, PO BOX 36; CHALLIS ID 83226, has filed Transfer No. 4805 and proposes to eliminate his diversion from the Keyes Ditch. Water Right No. 72-00184 (4.00 cfs) has a priority date of 11/18/1890. Water Right No. 72-04020 (4.20 cfs) has a priority date of 6/1/1890. A total of 8.20 cfs of water is being transferred. Water is used from 4/1 to 11/1 for irrigation of 125 acres within S16, T13N, R19E.

TED L. &/OR HELEN P. MALONE, HIC-63 BOX 1749; CHALLIS ID 83226, has filed Transfer No. 4806 and proposes to eliminate his diversion from the Upper McGowan Ditch. Water Right No. 72-00185 (0.06 cfs) has a priority date of 4/1/1887. Water is used from 4/1 to 11/1 for irrigation of 2.2 acres within S2, T13N, R19E.

HAROLD L. &/OR GWEN M. HORTON, PO BOX 1089; CHALLIS ID 83226, has filed Transfer No. 4807 and proposes to eliminate his diversion from the Upper McGowan Ditch. Water Right No. 72-00242 (7.47 cfs) has a priority date of 6/1/1890. Water is used from 4/1 to 11/1 for irrigation of 146 acres within S2, T13N, R19E.

A protest against approval of any particular transfer must be filed with the Department of Water Resources, Southern Region, 222 Shoshone Street East, Twin Falls, ID 83301 together with a protest fee of \$25.00 on or before May 13, 1996. (Each transfer requires a separate protest). The protestant must also send a copy of the protest to the applicant.

Karl J. Dreher, Director

Published in the The Challis Messenger on 4/25 & 5/2/96.

OK
MB
5/6/96

MAF

STATEMENT

**Custer Publishing, Inc.**

Phone 879-4445

P.O. Box 405

Challis, Idaho 83226

Dept. of Water
 222 Shoshone St. East
 Jern Falls, Id 83301-6105

Job No.	Date	DESCRIPTION	Amount
	5-2-96	Notice of Proposed Change of water Rights 4/25 + 5/2/96 58 lines	\$ 60.03 OK MB 5/6/96
T# 4805		72-00184	RECEIVED MAY 06 1996 Department of Water Resources Southern Region
		72-04020	
T# 4806		72-00185	
T# 4807		72-00282	

A finance charge of 1½ percent (annual percentage rate of 18%) with a minimum charge of 50¢ will be charged to all accounts not paid within 30 days of billing.

1-0000000000

2-0000000000

**NOTICE OF PROPOSED CHANGE
OF WATER RIGHTS**

Notice is hereby given that applications have been filed with the Department of Water Resources to change the following described water right(s) pursuant to Section 42-222 of IDAHO CODE and further described with specific transfer numbers.

The following applications propose to change diversions on the Salmon River to that of the Challis Irrigation Company Canal (No.S-32) within LOT 5 (NW1/4SW1/4NE1/4), S32, T13N, R19E; Custer County.

Transfer Nos. 4805 & 4806 also modify recorded place of use.

JAMES R. &/OR JO ANN BENNETTS, PO BOX 36; CHALLIS ID 83226, has filed Transfer No. 4805 and proposes to eliminate his diversion from the Keyes Ditch. Water Right No. 72-00184 (4.00 cfs) has a priority date of 11/18/1890. Water Right No. 72-04020 (4.20 cfs) has a priority date of 6/1/1890. A total of 8.20 cfs of water is being transferred. Water is used from 4/1 to 11/1 for irrigation of 125 acres within S16, T13N, R19E.

TED L. &/OR HELEN P. MALONE, HC-63 BOX 1749; CHALLIS ID 83226, has filed Transfer No. 4806 and proposes to eliminate his diversion from the Upper McGowan Ditch. Water Right No. 72-00185 (0.06 cfs) has a priority date of 4/1/1887. Water is used from 4/1 to 11/1 for irrigation of 2.2 acres within S2, T13N, R19E.

HAROLD L. &/OR GWEN M. HORTON, PO BOX 1089; CHALLIS ID 83226, has filed Transfer No. 4807 and proposes to eliminate his diversion from the Upper McGowan Ditch. Water Right No. 72-00242 (7.47 cfs) has a priority date of 6/1/1890. Water is used from 4/1 to 11/1 for irrigation of 146 acres within S2, T13N, R19E.

A protest against approval of any particular transfer must be filed with the Department of Water Resources, Southern Region, 222 Shoshone Street East, Twin Falls, ID 83301 together with a protest fee of \$25.00 on or before May 13, 1996. (Each transfer requires a separate protest). The protestant must also send a copy of the protest to the applicant.

Karl J. Dreher, Director

Published in the The Challis Messenger
on 4/25 & 5/2/96.

FORWARDED

APR 25 1996



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301-6105 (208) 736-3033
Fax (208) 736-3037

April 16, 1996

PHILIP E. BATT
Governor

KARL J. DREHER
Director

CUSTER PUBLISHING CO
PO BOX 405
CHALLIS ID 83226

Gentlemen:

Enclosed you will find a legal notice which we wish to have published in your newspaper. We have inserted the required publication dates. If time allows, please submit a galley proof for review before publication.

We have attempted to submit this legal as camera ready. Please call me at your earliest convenience and prior to your staff re-typing the legal if it does not meet your specifications so I can possibly make adjustments.

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.

Very truly yours,

Mary Baldwin
Sr. Secretary

Enclosure

NOTICE OF PROPOSED CHANGE OF WATER RIGHTS

Notice is hereby given that applications have been filed with the Department of Water Resources to change the following described water right(s) pursuant to Section 42-222 of IDAHO CODE and further described with specific transfer numbers.

The following applications propose to change diversions on the Salmon River to that of the Challis Irrigation Company Canal (No.S-32) within LOT 5 (NW1/4SW1/4NE1/4), S32, T13N, R19E; Custer County. Transfer Nos. 4805 & 4806 also modify recorded place of use.

JAMES R. &/OR JO ANN BENNETTS, PO BOX 36; CHALLIS ID 83226, has filed Transfer No. 4805 and proposes to eliminate his diversion from the Keyes Ditch. Water Right No. 72-00184 (4.00 cfs) has a priority date of 11/18/1890. Water Right No. 72-04020 (4.20 cfs) has a priority date of 6/1/1890. A total of 8.20 cfs of water is being transferred. Water is used from 4/1 to 11/1 for irrigation of 125 acres within S16, T13N, R19E.

TED L. &/OR HELEN P. MALONE, HC-63 BOX 1749; CHALLIS ID 83226, has filed Transfer No. 4806 and proposes to eliminate his diversion from the Upper McGowan Ditch. Water Right No. 72-00185 (0.06 cfs) has a priority date of 4/1/1887. Water is used from 4/1 to 11/1 for irrigation of 2.2 acres within S2, T13N, R19E.

HAROLD L. &/OR GWEN M. HORTON, PO BOX 1089; CHALLIS ID 83226, has filed Transfer No. 4807 and proposes to eliminate his diversion from the Upper McGowan Ditch. Water Right No. 72-00242 (7.47 cfs) has a priority date of 6/1/1890. Water is used from 4/1 to 11/1 for irrigation of 146 acres within S2, T13N, R19E.

A protest against approval of any particular transfer must be filed with the Department of Water Resources, Southern Region, 222 Shoshone Street East, Twin Falls, ID 83301 together with a protest fee of \$25.00 on or before May 13, 1996. (Each transfer requires a separate protest). The protestant must also send a copy of the protest to the applicant.

Karl J. Dreher, Director

Published in the The Challis Messenger on 4/25 & 5/2/96.



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301-6105 (208) 736-3033
Fax (208) 736-3037

April 16, 1996

PHILIP E. BATT
Governor

KARL J. DREHER
Director

JAMES R BENNETTS &/OR
JO ANN BENNETTS
PO BOX 36
CHALLIS ID 83226

Re: Application for Transfer No. 4805 (72-00184, 72-04020)

Dear Applicants:

The Department of Water Resources acknowledges receipt of your Application for Transfer.

This office has scheduled advertising the application in The The Challis Messenger for 4/25 and 5/2/96. The advertisement will be published for two weeks, and a period of ten days following the second publication will be allowed for the submittal of protests.

If the application is protested, you will be sent a copy of the protest. The protest must be resolved before the application is approved or denied. If the protest is not resolved voluntarily, this Department will conduct a conference and/or hearing on the matter.

State Office personnel will conduct a complete review prior to final processing of the application and will notify you of the outcome of this review.

Please feel free to contact this office if you have any questions regarding this procedure.

Very truly yours,

Allen D. Merritt, P.E.
Regional Manager

AM:MB

UNITED STATES DEPARTMENT OF AGRICULTURE
NATURAL RESOURCES CONSERVATION SERVICE

P.O. Box 305

CHAALLIS, ID. 83226

OFFICIAL BUSINESS
PENALTY FOR PRIVATE USE, \$300

AN EQUAL OPPORTUNITY EMPLOYER



U.S. POSTAGE
PAID
CHAALLIS, ID.
83226
MAR 08, 1996
AMOUNT
\$2.98
00094313-0

FIRST CLASS MAIL

Fold at line over top of envelope to
the right of the return address

CERTIFIED

P 251 822 219

MAIL

RECEIVED

MAR 11 1996

Department of Water Resources
Southern Region

IDAHO DEPT. OF WATER RESOURCES

222 SHOSHONE ST. EAST

TWIN FALLS, ID.

83301