

AFFIDAVIT of PUBLICATION

RECEIVED

NOV 10 1988

State of Idaho,)
) SS.
County of Gooding)

Department of Water Resources
Southern Region Office

Dave Cambes, being first duly sworn, deposes and says that he is the printer (publisher) of the Gooding County Leader, a newspaper published every week in Gooding, County of Gooding, State of Idaho, that said newspaper has been continuously and uninterruptedly published for a period of seventy-eight consecutive weeks prior to the first publication of the annexed notice, and is a newspaper qualified to publish legal notices as provided by act of the 1919 session of the legislature of the State of Idaho, known as House Bill 145; that the annexed advertisement was published once

each week for 2 consecutive issues in said newspaper proper and not in a supplement; that the date of the first publication of said advertisement was on the 2nd day of Nov 19 88, and the date of the last publication was on the 9th day of Nov, 19 88.

Subscribed and sworn to before me this 9th day of Nov, 19 88.
(SEAL)

Laverne M. Lema
NOTARY PUBLIC

GOODING COUNTY LEADER
Gooding, Idaho

COST OF PUBLICATION

Number of Lines in Notice 28
Number of Insertions 2

Lines tabular at 5¢/Pica
28 Lines straight at 14.56 4¢/Pica
28 Subsequent lines at 12.74 3¢/Pica
TOTAL COST 27.30

COPY OF NOTICE
(Paste Here)

Appeal for water
TITLE OF NOTICE

PLAINTIFF ATTORNEY

DEFENDANT

PLAINTIFF

Dept of water
BILL TO

NOTICE OF APPLICATION FOR WATER RIGHT
The Following application has been filed to appropriate the public waters of the State of Idaho:
36-08389
BENSON, DOUGLAS M., BENSON, JONI L., RT. 2 BOX 2212, JEROME, ID 83338
Source: GROUNDWATER
Diversion Pt: NENWNE Sec 7 T 08S R 16E; Gooding County; 2 miles North and 5 1/4 miles West of Jerome City Center.
Use: DOMESTIC (.040 CFS)
STOCKWATER (.140 CFS)
COMMERCIAL (.180 CFS)
Date Filed: 9/01/1988
In: T08S R16E S07 - NWNE
The permit will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec. 42-203A, Idaho Code and/or the new public interest criteria of Sec. 42-203C, Idaho Code. Protests must be filed with the Director, Dept. of Water Resources, 2148 4th Avenue East, Twin Falls, Idaho 83301 on or before NOVEMBER 21, 1988.
R. Keith Higginson, Director
Publish: November 2 and 9 G3028

PUBLICATION RATES

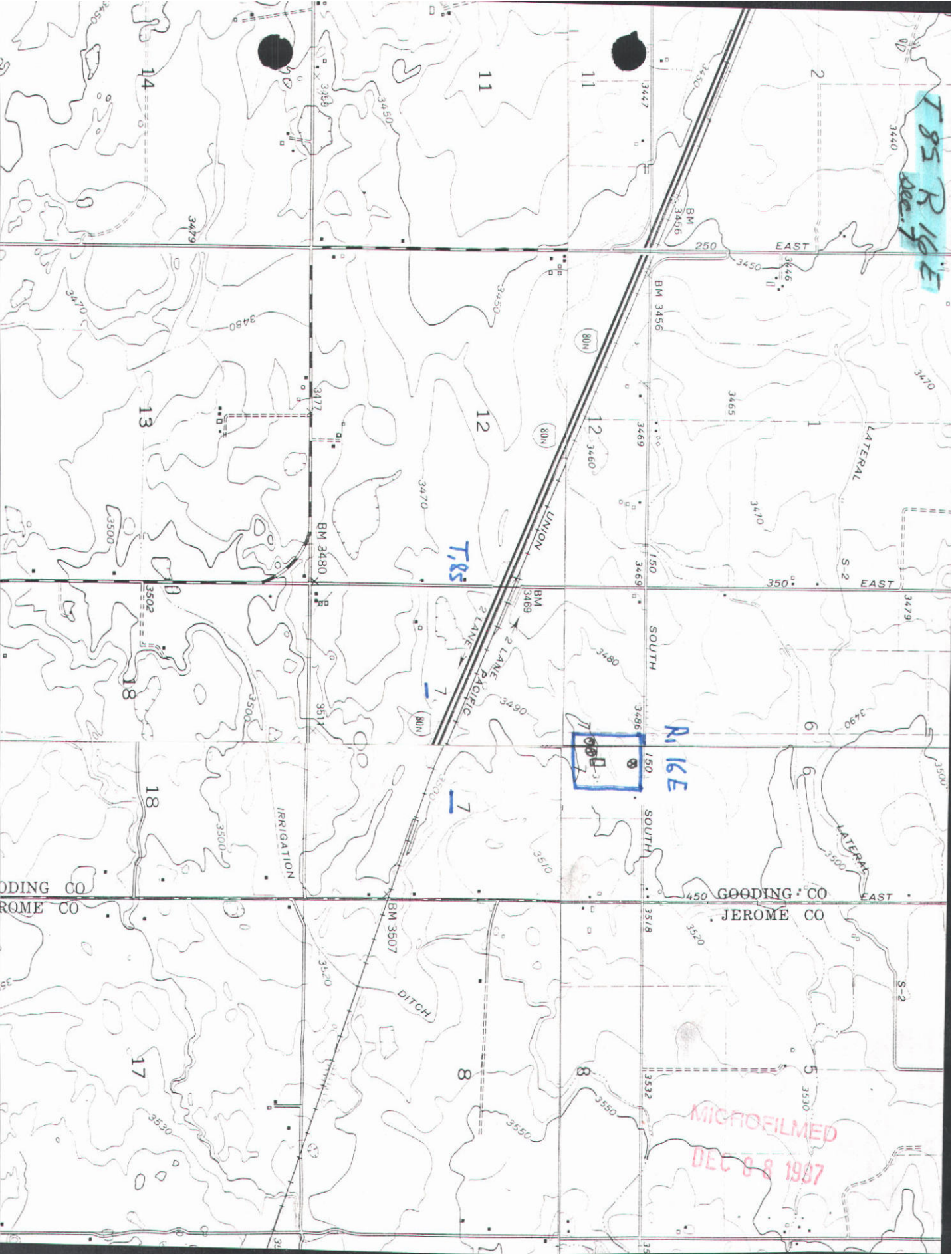
(Idaho Code, Rev. Statutes 1984)

7-8 pt. per line straight 4¢/Pica
7-8 pt. per line tabular 5¢/Pica
7-8 pt. per line successive insertions 3¢/Pica

No 1316 1989
MAR 16 1989

3028

T 85 R 16 E
Sec. 14



T 85

R 16 E

MICROFILMED
DEC 8 8 1987

81.9
142

58.6
HEL

Transferred to Jerome
1992 (#1073)

2

43.7

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99.16

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HEL

1734
T-1103

22.3
HEL (NW)

3.8
HEL (NW)

4.5
HEL (NW)

6.0
HEL (NW) T-1599

1733
T-1600

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6
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853
T-1113

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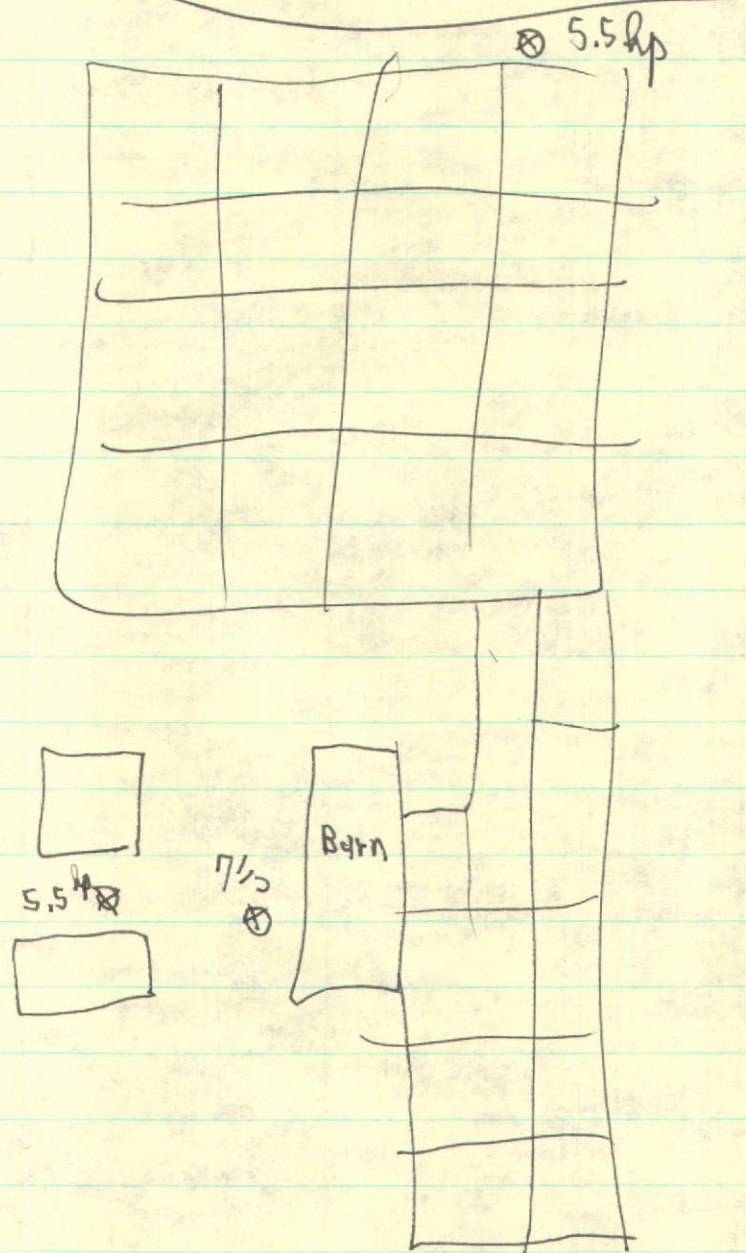
4.7

2
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3
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DEC 8 8 1997

218



has used birds full time until 2 years ago
 30-90 days Rainbird x 40-50 minutes/day. 50 double-nozzle heads
 1/8" x 50 psi

2 washing machines 20²³ hrs a day, regular-size machines use
 fresh water, 20 minutes per wash 12 gal/wash/machine
 1.69 AFA

FILED
 DEC 8 1997



Storage Tank for Wash Pens

MICROFILMED
DEC 08 1997

36-08389
9-9-97
JES



Cornals

MICROFILMED
DEC 08 1997

36-08389
9-9-97
JES



Wash Pen- Outside > Inside Views

MICROFILMED
DEC 08 1997

36-08389
9-9-97
JES



Dairy Barn

36-08389

9-9-97

JES

MICROFILMED
DEC 08 1997



Well #3, Pump house



Inside Pump house

UNRECORDED
DEC 08 1997

36-08389
9-9-97
JES



Valves & Pressure Tanks For Wells #1 & 2

REPROFILMED
DEC 08 1997

36-08389
9-9-97
JES

36-08389
9-9-97
JES

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MAY 9 8 1997

Well #2, 5 1/2 hp Pump



BARN Well, 7 1/2 hp Pump



STATE OF IDAHO
IDAHO DEPARTMENT OF WATER RESOURCES
NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type. Attach pages with additional information. Instructions are on the back of this page.
Incomplete forms will be returned.

RECEIVED
MAR 23 1998
Department of Water Resources
Southern Region
APR 20 1998

1. Water Right Number(s) WR5809NP AJ5809WP AJ5809WP
Adjudication Claim Number(s) 36-08389 36-10806 36-10805

2. The following **REQUIRED** information must be submitted with this form.

- A. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE**, or other legal document indicating your ownership of the property and water rights or claims in question, **WITH ATTACHED LEGAL DESCRIPTION.**
- AND
- B. **PLAT OF PROPERTY or SURVEY MAP** for parcel of ten acres or less. (These are usually on file with the county.) OR
- C. For water rights or adjudication claims involving ten or more irrigated acres, a **USDA Farm Service Agency (formerly ASCS) AERIAL PHOTO** with irrigated acres outlined and point(s) of diversion clearly marked.

3. Name and Address of Former Owner/Claimant(s) DOUGLAS M. AND JONI L. BENSON
2343 EAST 3100 SOUTH, JEROME, IDAHO 83338

4. New Owner/Claimant(s) RICHARD B. VAN DYK AND TAMMY D. VAN DYK
Name connector (Check one): ☒ AND, ☐ OR, ☐ AND/OR
New Mailing Address 270 North 500 West
City, State and ZIP Code Jerome, ID 83338
New Telephone Number () - -

5. Date you acquired the property 3-9-98

6. If you have acquired only a portion of the former owner's property, IDWR may need to split the water right(s) or adjudication claim(s). If this applies, describe in detail your portion of each water right or adjudication claim in the spaces below. If necessary, attach additional pages.

Number of acres actually irrigated _____ Number and type of stock _____

Diversion rate in CFS Number of homes Other uses
cubic feet per second

If a water right or adjudication claim is being split and you are not sure how to identify your portion of the original right or claim, please contact the nearest IDWR office for assistance.

7. Signature of New Owner/Claimant(s) *Richard B. Van Dyk* Date 3-6-98
Tammy D. Van Dyk Date 3-6-98
RICHARD B. VAN DYK
TAMMY D. VAN DYK

(Corporations or other organizations must submit a list of directors/officers demonstrating authority to sign form.)

8. For Snake River Basin Adjudication Claims: If you are represented by an attorney and you want IDWR to correspond directly with your attorney for all matters related to your claims, please attach a Notice of Appearance completed by your attorney.

MICROFILMED

JAN 04 1999

WARRANTY DEED

#G-26334

For Value Received

RECEIVED

Douglas M. Benson and Joni L. Benson, husband and wife

MAR 23 1998

Hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto

Department of Water Resource
Southern Region

Richard B. Van Dyk and Tammy D. Van Dyk, husband and wife

Address: 270 N 500 W Jerome, ID. 83338
c/o

Hereinafter called the Grantee, the following described premises situated in Gooding County, Idaho, to-wit:

SEE SCHEDULE A ATTACHED

TO HAVE AND TO HOLD, the said premises, with their appurtenances unto the said Grantee and to the successors heirs and assigns of the Grantee forever. The Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that they are free from all incumbrances except as above described and that Grantor will warrant and defend the same from all lawful claims whatsoever.

Dated: MARCH 6, 1998

Douglas M. Benson
Douglas M. Benson

Joni L. Benson
Joni L. Benson

STATE OF IDAHO)
COUNTY OF Blaine) ss.

On this 6th day of MARCH, 1998, before me, the undersigned, a Notary Public in and for said State, personally appeared DOUGLAS M. BENSON AND JONI L. BENSON, known or identified to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

Betty Frederickson
BETTY FREDERICKSEN Notary Public
NOTARY PUBLIC Residing at: Blaine
STATE OF IDAHO My Commission expires: 3-27-2000
Gooding County, Idaho
Commission Expires 3-27-2000

174578

STATE OF IDAHO COUNTY OF GOODING
Land Title & Escrow Inc.

Filed for record at the request of
29 min. past 11 o'clock A.m. this 10th
of March 1998 9:00
By Penny Archibald Deputy

MICROFILMED
JAN 04 1999

CONTINUATION

RECEIVED

SCHEDULE A

MAR 23 1998

Order Number: G-26334

Department of Water Resources
Southern Region

TOWNSHIP 8 SOUTH, RANGE 16, EAST OF THE BOISE MERIDIAN,
GOODING COUNTY, IDAHO

Section 7: Lot 1; NE $\frac{1}{4}$ NW $\frac{1}{4}$; All that portion of Lot 2, SE $\frac{1}{4}$ NW $\frac{1}{4}$ and NE $\frac{1}{4}$ SW $\frac{1}{4}$ lying North of the right of way of the Oregon Short Line Railroad Company.

TOWNSHIP 8 SOUTH, RANGE 16, EAST OF THE BOISE MERIDIAN,
GOODING COUNTY, IDAHO

Section 7: W $\frac{1}{2}$ NE $\frac{1}{4}$, EXCEPTING THEREFROM that part of the NW $\frac{1}{4}$ NE $\frac{1}{4}$, described as follows:

Beginning at the Northeast corner of Section 7;
Thence North 89°42' West, 1318.96 feet along the Northerly boundary of Section 7 to THE TRUE POINT OF BEGINNING;
Thence South 0°13'48" East, 1250.36 feet;
Thence North 89°42' West, 352.14 feet;
Thence North 0°13'48" West, 535.00 feet;
Thence North 89°42' West, 135.00 feet;
Thence North 0°13'48" West, 715.36 feet to the Northerly boundary of Section 7;
Thence South 89°42' East, 487.14 feet along said boundary to THE TRUE POINT OF BEGINNING.

Subject to a 25.00 feet in width County Road Right of Way along the Northerly boundary.

TOGETHER WITH all Water and water rights, ditches and ditch rights, used thereon or appurtenant thereto including but not limited to 165.07 shares of capital stock of the North Side Canal Company, and also including any licensed domestic or irrigation water rights, licenses with the State of Idaho, including but not limited to #36-08389.

RBUD
T.D.V.D.

MICROFILMED

JAN 04 1999

SCHEDULE A

SUBJECT TO THE FOLLOWING:

All reservations in patents or deeds in the chain of title.

Taxes for 1998 and subsequent years, which are a lien, but not yet due and payable.

Assessments of the North Side Canal Company and the rights and powers of said Company as by law provided. (Assessments Paid Current)

Right of way for canals, laterals and waste ditches of the North Side Canal Company, Ltd.

Power Line Easement given by Ray L. Harris and D. Jean Harris, husband and wife, to Idaho Power Company, a corporation, dated August 27, 1973, recorded February 4, 1974 as Instrument Number 48658, Gooding County records, affecting the NE¼NW¼NE¼ of Section 7, Township 8 South, Range 16, East Boise Meridian.

Power Line Easement given by R. L. Harris and D. Jean Harris, husband and wife, to Idaho Power Company, a corporation, dated June 20, 1975, recorded February 10, 1976 as Instrument Number 58116, Gooding County records, affecting the W¼NE¼ of Section 7, Township 8 South, Range 16, East Boise Meridian.

Right of Way Easement given by Harvey W. Hurlebaus and Kathleen M. Hurlebaus to The Mountain States Telephone and Telegraph Company, dated September 5, 1985, recorded September 6, 1985 as Instrument Number 116965, Gooding County records, affecting a portion of the W¼ of Section 7, Township 8 South, Range 16, East Boise Meridian.

Power Line Easement given by Doug Benson, sole owner, to Idaho Power Company, a corporation, dated December 21, 1987, recorded March 29, 1988 as Instrument Number 131534, Gooding County records, affecting a portion of the NW¼NW¼ of Section 7, Township 8 South, Range 16, East Boise Meridian.

Power Line Easement given by Richard Van Dyke and Richard B. Van Dyke, a partnership, to Idaho Power Company, a corporation, dated June 14, 1988, recorded October 12, 1988 as Instrument Number 134059, Gooding County records, affecting a portion of the NW¼NE¼ of Section 7, Township 8 South, Range 16, East Boise Meridian.

MICROFILMED

JAN 04 1999

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 36-08389

Priority: September 1, 1988

Maximum Diversion Rate:

0.18 CFS

Maximum Diversion Volume:

79.6 AF

This is to certify, that JONI L BENSON
DOUGLAS M BENSON

2343 E 3100 S
JEROME ID 83338

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated September 1, 1988; and has submitted Proof of Beneficial Use on December 11, 1989. An examination indicates that the works have a diversion capacity of 0.350 cfs of water from a GROUNDWATER 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>
STOCKWATER	01/01 to 12/31	0.14 CFS	42.7 AF
COMMERCIAL	01/01 to 12/31	0.18 CFS	36.9 AF
	Totals	0.18 CFS	79.6 AF

LOCATION OF POINT(S) OF DIVERSION:

NWNE , Sec. 7, Township 08S, Range 16E
GOODING County

PLACE OF USE: STOCKWATER

TWN RGE SEC

08S 16E 7

NWNE

PLACE OF USE:

COMMERCIAL, same as STOCKWATER use

CONDITIONS OF APPROVAL AND 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 which 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 shall be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
5. Use of water under this approval shall comply with applicable water quality standards of the Division of Environmental Quality of the Idaho Department of Health and Welfare.

FILED
JUL 28 1989

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 36-08389

CONDITIONS OF APPROVAL AND REMARKS

6. Some or all of the stockwater use authorized by this right is claimed with an earlier priority date on Snake River Basin Adjudication claim no. A36-10806. In the event that claim A36-10806 is decreed as it is claimed, the Director may amend or revoke the stockwater portion of this right to eliminate any redundancy of water rights.
7. Three points of diversion located in NWNE, S7, T8S, R16E.
8. Commercial use is for a dairy.

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 26TH day of NOVEMBER, 1997.


Acting for KARL J. DREHER, Director

36-08389
DEC 20 1997

REGULATIONS

10/10/1964

736-3033
1341 Elm St.
83301

Maximum Diversion Rate: 0.18 CFS
Maximum Diversion Volume: 79.6 AF

JONI L BENSON
DOUGLAS M BENSON

and represents to the Director of the

That he is the owner and holder of Permit to appropriate the Public Waters of the State of Idaho No. 36-08389, and requests that the permit be changed as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
STOCKWATER	01/01 to 12/31	0.14 CFS	42.7 AF
COMMERCIAL	01/01 to 12/31	0.18 CFS	36.9 AF
	Totals	0.18 CFS	79.6 AF

NWNE , Sec. 7, Township 08S, Range 16E
GOODING County

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NOV 26 1997

Department of Water Resources

COMMERCIAL, same as STOCKWATER use

Signed at home, this 9th day of November, 1927.

DEC 16 1957

(Signature)

State of Idaho
Department of Water Resources

APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 36-08389

FOR DEPARTMENT USE ONLY

Preliminary check by SWK Fee = \$50 Received by J # 5020711 Date 11-17-97

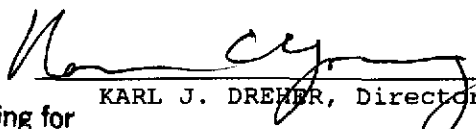
ACTION OF THE DEPARTMENT OF WATER RESOURCES

I, Karl J. Dreher, of the Department of Water Resources hereby approve the
above Application for Amendment for Permit No. 36-08389 with the following;

CONDITIONS OF APPROVAL AND 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 which 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 shall be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
5. Use of water under this approval shall comply with applicable water quality standards of the Division of Environmental Quality of the Idaho Department of Health and Welfare.
6. Some or all of the stockwater use authorized by this right is claimed with an earlier priority date on Snake River Basin Adjudication claim no. A36-10806. In the event that claim A36-10806 is decreed as it is claimed, the Director may amend or revoke the stockwater portion of this right to eliminate any redundancy of water rights.
7. Three points of diversion located in NWNE, S7, T8S, R16E.
8. Commercial use is for a dairy.

Witness my hand this 26TH day of NOVEMBER, 1997.


Acting for KARL J. DREHER, Director

UNRECORDED

DEC 08 1997

RECEIVED

DEC 11 1989

Department of Water Resources
Southern Region Office

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

PROOF OF BENEFICIAL USE

For Office Use Only

Amt. of Fee \$ 50.00

Date 12-11-89

Receipt No. 5010639

Received by J. G. [unclear]

Reviewed by [unclear] 12-23-90

RECEIVED

DEC 12 1989

The Idaho Department of Water Resources will consider this form as a statement that the permit holder(s) has/have completed all development that will occur under this permit and that water has been applied according to the provisions of the permit for the beneficial use(s) described below. This form must be accompanied by a license examination fee or a completed field examination report prepared by a certified water right examiner who has been appointed by the department.

Permit No. 36-08389 Telephone No. 324-5691

Name(s) of Permit Holder(s): Douglas M. &/or Joni L. Benson

Post Office Address: Rt. 2 Box 2212, Jerome, ID 83338

Source of Water: Groundwater

If ground water, well driller's name: D & G Drilling, Wendell, ID Date drilled: 1979 or 80 & 1985

Extent of Use:

Domestic 1 (No. of households)

Irrigation (No. of acres)

Stockwater (No. and type of stock)

Other Stock: 1000 dairy, 200 range

Commercial - dairy barn

Total rate and/or volume for which proof is submitted 0.18 cfs acre/feet

Show date water was first diverted and beneficially used under this permit: 1979

One of the following may be a condition of approval of your permit:

Measuring device: Required? Yes No Installed? Yes No

OR

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

Fee Enclosed: \$ 50. (See License Examination Fee Schedule)

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

Permittee

Name

Telephone No.

Address

The above information is my true statement of the extent to which the above numbered permit has been developed and I relinquish any undeveloped portion of the permit to the state of Idaho.

MAR 06 1990

12-11-89
Date

Signature (and title if on behalf of a company or organization)

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

APPROVED

To appropriate the public waters of the State of Idaho

1. Name of applicant Douglas M. &/or Joni L. Benson Phone 324-5691
Post office address Rt. 2, Box 2212, Jerome, ID 83338
2. Source of water supply Groundwater which is a tributary of _____
3. Location of point of diversion is NE $\frac{1}{4}$ of NW $\frac{1}{4}$ of NE $\frac{1}{4}$, Govt. Lot _____
Sec. 7 Township OBS Range 16E B.M. Gooding County; additional
points of diversion if any: _____
4. Water will be used for the following purposes:
Amount .04 for Domestic purposes from 1/1 to 12/31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount .14 for Stockwater purposes from 1/1 to 12/31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount .18 for Commercial purposes from 1/1 to 12/31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
5. Total quantity to be appropriated is (a) .18 cubic feet per second and/or (b) _____ acre feet per annum
6. Proposed diverting works:
 - a. Description of ditches, flumes, pumps, headgates, etc. 2 Wells & pumps, Existing
 - b. Height of storage dam _____ feet; active reservoir capacity _____ acre-feet; total
reservoir capacity _____ acre-feet; period of year when water will be diverted to storage:
_____ to _____ inclusive.
 - c. Proposed well diameter is _____ inches; proposed depth of well is _____ feet.
 - d. Is ground water with a temperature of greater than 90°F being sought? No
7. Time required for the completion of the works and application of the water to the proposed beneficial use is
1 years (minimum 1 year).

RECORDED

MAR 01 1989

8. Description of proposed uses (if irrigation only, go to item 9):

a. Hydropower; show total feet of head and proposed capacity in KW. _____

b. Stockwatering; list number and kind of livestock. 1200 Dairy

c. Municipal; show name of municipality. _____

d. Domestic; show number of households. 1

e. Other; describe fully. Commercial-Dairy

9. Description of place of use:

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

b. If water is used for other purposes, place a symbol of the use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
85	16E	7		<u>C</u>															
				<u>DIS</u>															

Total number of acres to be irrigated _____

10. Describe any other water rights used for the same purposes as described above. A36-10806

11. a. Who owns the property at the point of diversion? Applicant

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. _____

12. Remarks: _____



MAR 01 1989

R 16 E
 12
 T
 8
 S
 7

MICROFILMED
 MAR 01 1980

Dang B...
(Applicant)

Proposed Priority 9/1/88

Received by Shaff Date 9/01/88 Time 8:30 am Preliminary check by J.F. Stanton

Fee \$ 30 - 10 Receipted by Shaff # 5002002 Date 9/01/88

Publication prepared by M. Baldwin Date 10/20/88 Published in Gooding Co. Leader

Publication approved M. Baldwin Date 11/21/88

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. 36-8389, 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 February 1, 19 90.

c. The rate of diversion, if water is to be used for irrigation under this permit, when combined with all other water rights for the same land shall not exceed 0.02 cubic feet per second for each acre of land.

d. The water right acquired under this permit if for hydropower purposes shall be junior and subordinate to all rights to the use of water, other than hydropower, within the State of Idaho that are initiated later in time than the priority of this permit and shall not give rise to any right or claim against any future rights to the use of water, other than hydropower, within the State of Idaho initiated later in time than the priority of this permit.

e. Other:

Water used under this permit if discharged into a natural channel or subsurface system shall meet Idaho Water Quality Standards.

Permit holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.

Witness my hand this 6th day of February, 1989.

J. Glen Saylor

MICROFILMED

MAR 01 1989

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State of Idaho,)
) SS.
County of Gooding)

Department of Water Resources
Southern Region Office

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Subscribed and sworn to before me this 9th day of Nov, 19 88.
(SEAL)

Lanena M. Perma
NOTARY PUBLIC

GOODING COUNTY LEADER
Gooding, Idaho

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28 Lines straight at 14.56 4 Pica
28 Subsequent lines at 12.74 8 Pica
TOTAL COST 27.30

COPY OF NOTICE
(Paste Here)

Appeal for water
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DEFENDANT

PLAINTIFF

Dept of water
BILL TO

NOTICE OF APPLICATION FOR WATER RIGHT

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Diversion Pt: NENEWE Sec 7 T 08S R 16E, Gooding County, 2 miles North and 5 1/4 miles West of Jerome City Center.
Use: DOMESTIC (640 CFS)
STOCKWATER (140 CFS)
COMMERCIAL (180 CFS)

Date Filed: 9/01/1988
In: T08S R16E S07 - NWNE
The permit will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec. 42-203A, Idaho Code and/or the new public interest criteria of Sec. 42-203C, Idaho Code. Protests must be filed with the Director, Dept. of Water Resources, 2148 4th Avenue East, Twin Falls, Idaho 83301 on or before NOVEMBER 21, 1988.

R. Keith Higginson, Director
Publish: November 2 and 9 03028

PUBLICATION RATES

(Idaho Code, Rev. Statutes 1984)
7-8 pt. per line straight 4 Pica
7-8 pt. per line tabular 5 Pica
7-8 pt. per line successive
insertions.....

No 13061988
MAILED

3028

Keen, Shelley

From: Yenter, Cindy (Hodges)
Sent: Monday, January 28, 2002 4:22 PM
To: Keen, Shelley
Subject: Van Dyk Dairies

Shelley

I encountered a license, 36-8389, which contains a condition citing a duplicate SRBA claim with earlier priority for same use and the language "in the event that claim A36-10806 is decreed as it is claimed, the Director may amend or revoke the stockwater portion of this right to eliminate any redundancy of water rights." It turns out that the claim was in fact decreed at the rate claimed, and I am attempting to reconcile the combined water rights with the reported use. The above two rights are used at the VanDyk Gooding county dairy, in conjunction with d/s decree (priority 1920) 36-10774. I also need to send something to Gooding County P&Z, who are reviewing an application by VanDyk to increase lagoon size and want verification of water rights.

My question is this: will we or should we really reduce right no. 36-8389? 36-10806 was clearly in violation of mandatory permit statutes when it was filed for 1200 dairy, which precipitated the later in time permit. However, the 10806 partial decree contains no cow numbers or even that it is used for dairy. Complicating the issue, VanDyk reported diverting about 118 AF during 2000, which is 50% greater than the 79.6 authorized on license 36-8389 and even in excess of all combined rights if you allow the full 14.6 af for each d/s right. If we reduce the permit he's even further in the hole. 2001 data indicate a lesser diversion of 69 AF but that's suspect - I believe there is a broken flowmeter. I need to check this out more however I wasn't sure if you would like to follow up on the condition.

I'll sit on this for another day or so until I at least hear your opinion on it. Thanks.

cindy



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

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

December 22, 1998

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

RICHARD B VAN DYK
TAMMY D VAN DYK
270 N 500 W
JEROME ID 83338

RE: WATER RIGHT 36-08389

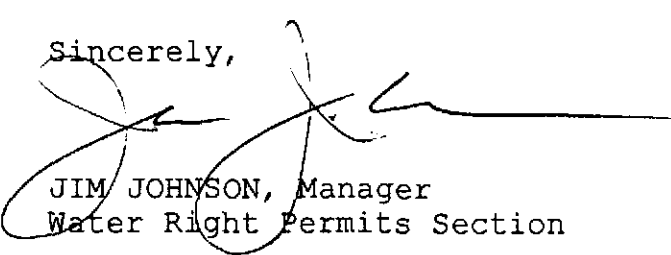
Dear Mr. & Mrs. Van Dyk:

The Department is in receipt of the correspondence changing ownership of the above referenced water right to you. We have modified our records to reflect this change in ownership and a computer generated report is enclosed.

Just a reminder, because of a law that went into effect July 1, 1996, all water right owners are required to report change of address or ownership to the department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee to the water right owner. If you have other water rights that haven't had the ownership updated please contact the department as soon as possible.

If you have any questions regarding this matter, please feel free to contact me at (208) 327-7947.

Sincerely,



JIM JOHNSON, Manager
Water Right Permits Section

JJ:klt

Enclosure

MICROFILMED

JAN 04 1999



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. BOX 83720, Boise, Idaho 83720-0098

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

November 28, 1997

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

JONI L BENSON
DOUGLAS M BENSON
2343 E 3100 S
JEROME ID 83338

RE: WATER RIGHT NO. 36-08389

Dear Water Right Holder(s):

The Department of Water Resources (the Department) has issued the enclosed license confirming that a water right has been established in accordance with the permit referenced above. The license is a preliminary order issued by the Department 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 or files an exception and/or brief 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 Department.

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 Department. The Department retains the right to review the preliminary order on its own motion.

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DEC 6 8 1997

ORAL ARGUMENT

If the Department grants a petition to review the preliminary order, the Department 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 Department will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Department 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 Department in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with Rules of Procedure 302 and 303.

FINAL ORDER

The Department 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 Department 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.

RECEIVED

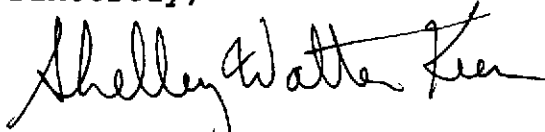
DEC 10 1997

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.

For your records I have also enclosed a copy of your Application for Amendment of Permit, which was approved.

If you have any questions, please call me at 208-327-7946.

Sincerely,

A handwritten signature in cursive script, reading "Shelley W. Keen". The signature is written in dark ink and is positioned above the typed name.

Shelley W. Keen
Water Rights Supervisor

SK:klt

Enclosure

ENCLOSURE

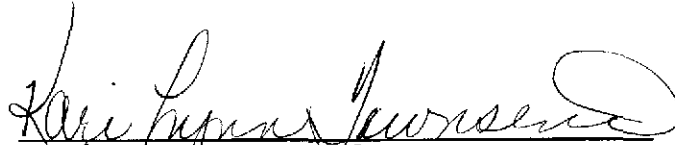
DEC 18 1997
3

CERTIFICATE OF MAILING

I hereby certify that on the 28th day of November, 1997, I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Approved License) to the person(s) listed below:

Water Right No. 36-08389

JONI L BENSON
DOUGLAS M BENSON
2343 E 3100 S
JEROME ID 83338


Kari Lynn Townsend
Secretary

RECEIVED

DEC 9 3 1997

M E M O R A N D U M

DATE: November 17, 1997

TO: File 36-08389

FROM: Kari Lynn Townsend

RE: Mailing of follow-up amendment letter

=====

The follow-up amendment letter was sent to the Twin Falls address shown on the returned envelope dated 11-3-97.

The WR2 screen has not been changed to reflect this new address as Jim prefers to have direct information from the right holder regarding an address change.

11-17-97
REC'D 11-17-97



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. BOX 83720, Boise, Idaho 83720-0098

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

November 17, 1997

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

JONI L BENSON
DOUGLAS M BENSON
2343 E 3100 S
JEROME ID 83338

RE: WATER RIGHT NO. 36-08389

Dear Permit Holder(s):

I previously forwarded to you an Application for Amendment so that you could amend your permit to depict your water right as it has actually been developed.

As of this date, I have not received this amendment. If I do not receive the amendment within fourteen (14) days, a Water Right License will be issued for less than could have been allowed. In case the amendment form I sent you has been misplaced, a new one is enclosed. Please note that the filing fee for this amendment is \$50.00.

If you have any questions, please call me at (208) 327-7946.

Sincerely,

A handwritten signature in cursive script that reads "Shelley W. Keen".

Shelley W. Keen
Water Rights Supervisor

SK:klt

Enclosure

M E M O R A N D U M

DATE: November 4, 1997

TO: File 36-08389

FROM: Kari Lynn Townsend

RE: Returned mail

=====

The letter of 10-27-97 which included the application for amendment was returned by the post office with a yellow sticker on the envelope showing an address in Twin Falls.

I resent the letter and application for amendment to the Twin Falls address but have not changed the WR2 screen. Will wait for response from the Benson's before making an official address change.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

11 North Orchard Street, P.O. Box 83720
Boise, Idaho 83720-0098

Return Service Requested

L36-08389
JONI L BENSON
2343 E 3100 S
JEROME

ID 83338

BENS343* 833382016 1997 05 10/30/97
RETURN TO SENDER
BENSON
3238 N 3250 E
TWIN FALLS ID 83301-0550

83720-0098

11 North Orchard Street, P.O. Box 83720
Boise, Idaho 83720-0098



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NOV 03 1997
Department of Water Resources



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. BOX 83720, Boise, Idaho 83720-0098

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

October 27, 1997

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

JONI L BENSON
DOUGLAS M BENSON
2343 E 3100 S
JEROME ID 83338

RE: WATER RIGHT NO. 36-08389

Dear Permit Holder(s):

The above referenced water right is in the process of being licensed. However, before a license can be issued, your permit must be amended to depict your water right as it has actually been developed.

The enclosed Application for Amendment contains information that will be included on the license when it is issued. The amendment reflects a change in the location of the point(s) of diversion. Please review carefully and if you concur, sign the amendment and return with the \$50.00 filing fee within 14 days.

The last page of the Application for Amendment form contains a list of Conditions of Approval and Remarks proposed for the license when it is issued. These conditions of approval and remarks may be modified upon further administrative review.

If you do not concur, or if you have any questions about this information, please contact me as soon as possible. My telephone number is (208) 327-7946.

Sincerely,

A handwritten signature in cursive script, reading 'Shelley W. Keen'.

Shelley W. Keen
Water Rights Supervisor

SK:klt

Enclosure

UNRECORDED
DEC 9 8 1997

WR0749NP
No. L36-08389

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 10/23/97
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	JONI L BENSON	09/01/1988	STOCKWATER	01/01 12/31	0.140 CFS	42.70 AFA
C	DOUGLAS M BENSON		COMMERCIAL	01/01 12/31	0.180 CFS	36.90 AFA
	2343 E 3100 S					
	JEROME ID 83338					
	(208) 324-5691					
				TOTAL DIVERSION:	0.180 CFS	79.60 AFA

Water Source: GROUNDWATER

Tributary to:

Stage: LICENSE

Point(s) of Diversion Capacity: 0.350 CFS ✓

Point(s) of Diversion: T08S R16E S07 NWNE GOODING County

Place of use Legal Description for: STOCKWATER

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	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	
---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	
08S	16E	7	:																												

Place of use location for COMMERCIAL is the same location as described for: STOCKWATER

Pou County: GOODING

Other Rights: NONE

Conditions of Approval:

- 081 - Use of water under this approval shall comply with applicable
- water quality standards of the Division of Environmental Quality
- of the Idaho Department of Health and Welfare.

Remarks: Three points of diversion located in NWNE, S7, T8S, R16E.
Commercial use is for a dairy.

Dates: App. Received: 09/01/1988 Priority Date: 09/01/1988
Proof Due Date: 02/01/1990 Proof Made Date: 12/11/1989
Exam Made Date: 09/09/1997 Exam Sent to S.O.: 09/23/1997
Licensed Date:

Misc: Water District Number: Field Exam Fee: R (Received)

Audit: 10/23/97 SCURTIS

LICENSE REVIEW CHECKLIST

PERMIT NO. 36-08389

DATE 9/26/97

REVIEWER: SHARLA

NAME Change — OK ✓

Address Change ✓

SOURCE Change — OK ✓

Is change/clarification of originally intended source? —

POINT OF DIV ✓ add 3rd well OK —

If not, prepare Notice of Intent to Void —
Amendment required yes

PLACE OF USE Change — OK ✓

Amendment required NO

Does map agree with written description? ✓ yes — no

OVERLAPS — P/D — P/U

RATE OF DIV

Permitted Rate

.18 cfs

Fee limit

.20 cfs

Measured

— cfs

Theoretical

.35 cfs

pump ratings

Recommended Total Div Rate .18 cfs

.23 cfs for 1000 hd
.35
-.14 SRBA 36-10806
-.14 36-08389
.07
Comm. use only under this pt.

ANNUAL VOLUME/

NATURE OF USES —

✓

Use

cfs

Volume Calc

Stock

.14

41.8

af

Perm.

—

—

af

Comm.

.18

36.9

af

—

—

—

af

SUBTOTAL

.18

78.8

af

Flow rate .18 cfs X 365 days X 1.98 = 130.1 af

Total volume recommended — af

(SUBTOTAL or Flow Rate, whichever is less)

REMARKS

C/dairy
3 old in NWNE

CONDITIONS

— Watermaster Control WD# —

— GW Measurement/Measuring Device

— Overlap

— Use-specific conditions

Advancement of Priority Date Required — yes ✓ no

SRBA Claim Filed N/A

Adjustment Memo —

1st Amend Letter P39 P38

2nd Amend Letter P42

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

RECEIVED
SEP 25 1997

Department of Water Resources

A. GENERAL INFORMATION

1. Owner: Douglas M. & Joni L. Benson Permit No. 36-08389
Current Address: 2343 E 3100 S, Jerome, ID 83338 Phone No. 324-5671
2. Accompanied by: Mr. Benson EXAM. DATE: 9-9-97
Address: _____ Phone No. _____
Relationship to Permit Holder: _____
3. Source: Groundwater tributary to _____

B. OVERLAP REVIEW

1. Other water rights with same place of use: 36-10806

☐ Copies Attached
2. Other water rights with same point of diversion: 36-10806

☐ 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" = _____

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.

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System Description (continued)

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

3 wells with submersible pumps, connecting mainlines. A 7.5 hp pump & 5.5 hp pump feed a large storage tank at the barn. A 25 hp pump in the tank serves 50 double-nozzle sprinkler heads in the washing pen. The mainlines from these 3 wells are too small to provide stock water to all the corrals, so the 3rd well at the north end of the property (with 5.5 hp pump) provides stock water but no commercial use. There is no exact line of demarcation between the 3 wells as far as stockwater use is concerned, so this is essentially one water system.

☐ 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
A	Hitachi	7.5	?	Sta-Rite	?
B	Sta-Rite	5.0 1/2	?	"	?
C	"	5.0 1/2	?	"	?

*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
A		SW	NW	NE	7	8S	16E	Gooding	Commercial/Stock Well
B		SW	"	"	"	"	"	"	" "
C		NW	"	"	"	"	"	"	Stock Well

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

Indicate Method of Determination ASCS photo

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	
8S	16E	7				CS													

Do not use this space

D. FLOW MEASUREMENTS

☐ Additional Data Sheets Attached

1.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date

2. Measurements:

Not measured. Large pump rated 75 gpm, smaller pumps 40 gpm. Lift is 150'.
40-60 psi pressure system, = 0.35 cfs total capacity.

System capacity exceeds permitted amounts - allow permitted flow rates.

E. FLOW CALCULATIONS

☐ Additional Computation Sheets Attached

1. Measured Method:

2. Alternate Method for Checking Purposes:

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) ÷ 8.8 = _____ (5)

Meter Input KW: 3.6 x _____ KH x _____ CTR or _____ MULT x _____ PTR x _____ N/ _____ T = _____ (6)

Meter Input HP: (6) x 1.34 = _____ (7)

Panel Input KW: _____ Ave PF x _____ Ave Volts x _____ Ave Amps x .001732 = _____ (6)

Panel Input HP: (6) x 1.34 = _____ (7) Efficiency: (5)/(7) x 100 = _____ %

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) =$ _____

$V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 =$ _____

$V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} =$ _____

2. Volume Calculations for Other Uses:

See Dairym Program Worksheet

APPROVED
REL 08 937

H. REMARKS AND OVERLAP REVIEW ANALYSIS

Exam was done 7-5-1990 but never written up, field notes were written on file, & photos were taken (examiner unknown). I re-visited the property & took new photos. Some old photos are also included. Original examiner found 1000 dairy cows & 200 dry stock. Owner now claims 1100 dairy & 300 dry, but admitted that some animals have been added since 1990. Recommend water for 1990 herd only. There are no homes on this system. Additional stock use under 13,000 gpd. Although Right 36-10806 covers this system, it is totally bogus. System was developed illegally in 1980, and cannot be legalized by the SRBA. My recommendations ignore this decree.

Sprinklers were used full-time for cow washing until 2 years ago, but are now used only 90 days a year or less. Property is for sale, & new owner could resume full-time use. Recommend water for full-time use be licensed.

I. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (afa)
	From	To		
Stockwater	1-1	12-31	0.14	42.7
Commercial	"	"	0.18	36.9
Totals:			0.18	79.6

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 _____
Field Report Preparation Date 9-23-97

CONSULTANT SEAL

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

FILE NUMBER _____ dbenson
REVIEWER _____ jes

DAIRIES: WATER USE WORKSHEET

REQUIRED DAIRY DATA

NUMBER OF MILKING CATTLE _____ 1000
NUMBER OF NONMILKING CATTLE _____ 200
IF LAGOON IS AEROBIC, ENTER ITS SURFACE AREA IN ACRES;
IF ANAEROBIC, ENTER ZERO _____ 13.0
EVAPOTRANSPIRATION FACTOR FOR AREA (AC-FT/AC-YR) _____ 4
ENTER 1 FOR MANUAL COW WASHING, 2 FOR AUTOMATIC, OR 3 IF
SPRINKLERS ARE USED TO FLUSH HOLDING PEN AND WASH COWS _____ 3
NUMBER OF MILKINGS PER DAY _____ 2

CALCULATIONS

DIVERSION RATE FOR STOCKWATER (CFS):

MILKING CATTLE @35 GPD/HD _____ 0.65
MILKING CATTLE (NUMBER OF CATTLE ROUNDED UP) * --- 0.65
NONMILKING CATTLE @12 GPD/HD _____ 0.04
NONMILKING CATTLE (NUMBER OF CATTLE ROUNDED UP) * --- 0.04
TOTAL (BASED UPON ROUNDED NUMBERS) _____ 0.69

DIVERSION VOLUME (AFA):

STOCKWATER

MILKING CATTLE @35 GPD/HD _____ 39.2
MILKING CATTLE (NUMBER OF CATTLE ROUNDED UP) * --- 40.0
NONMILKING CATTLE @12 GPD/HD _____ 2.7
NONMILKING CATTLE (NUMBER OF CATTLE ROUNDED UP) * --- 2.7
TOTAL (BASED UPON ROUNDED NUMBERS) _____ **42.7**

COMMERCIAL

WASHING OF BULK TANK AND RELATED EQUIPMENT _____ 0.4
PARLOR FLOOR AND MILKHOUSE FLOOR _____ 0.1
CATTLE WASHING BASED UPON METHOD OF WASHING _____ 36.4
TOTAL _____ **36.9**

TOTAL DIVERSION VOLUME _____ **79.6**

CONSUMPTIVE USE VOLUME (AFA):

STOCKWATER

MILKING _____ 5.8
NONMILKING _____ 0.0
TOTAL _____ 5.8

COMMERCIAL _____ 36.9

TOTAL CONSUMPTIVE USE _____ 42.7

THEORETICAL FLOW ESTIMATION WORKSHEET

REQUIRED PUMP INFORMATION

	PUMP 1	PUMP 2	PUMP 3
PUMP HORSEPOWER (HP) _____	7.50	5.50	5.50
LIFT (FT) _____	150	150	150
DISCHARGE PRESSURE (PSI) _____	40	40	40
FRICTION LOSSES (FT) _____	0.0	0.0	0.0

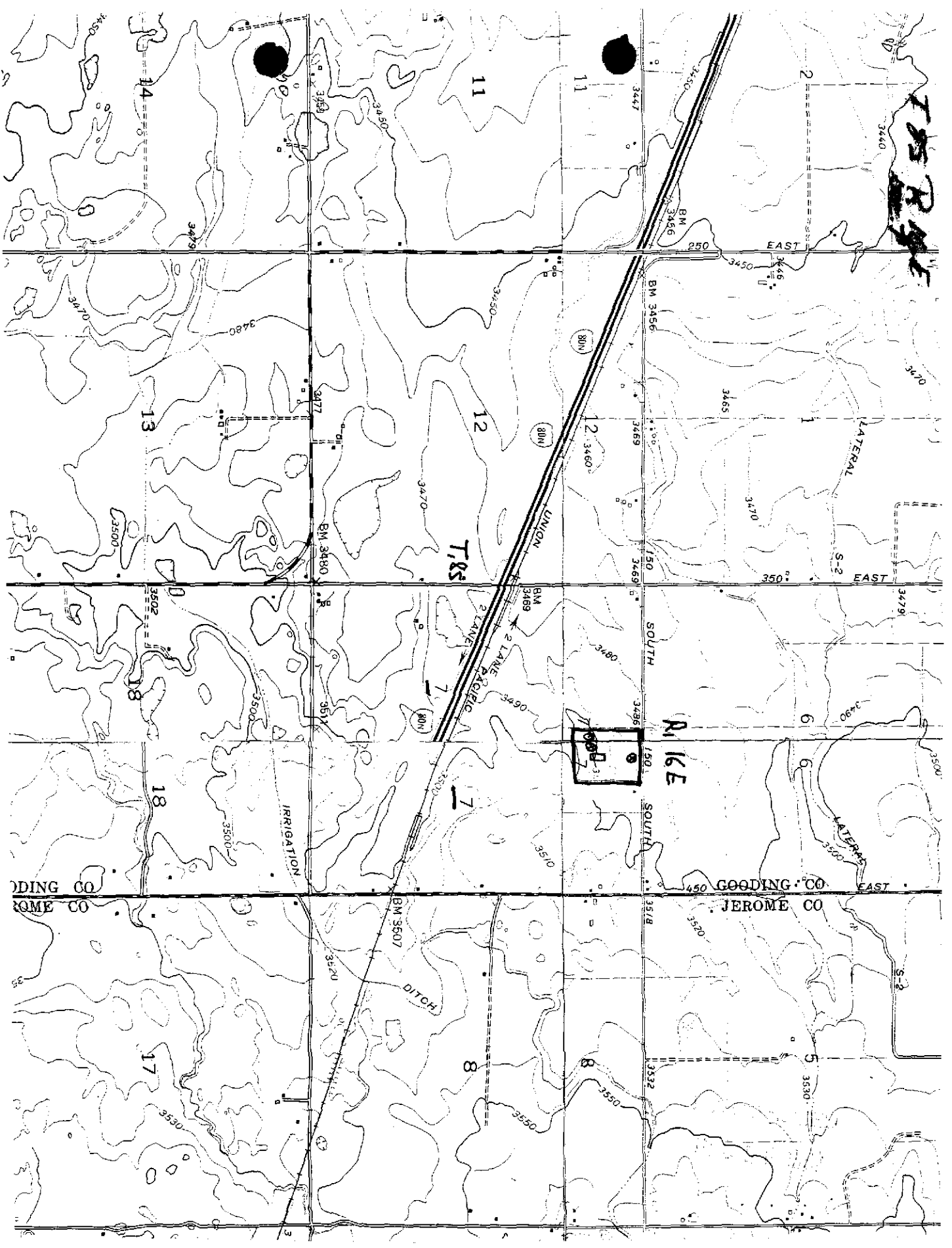
CALCULATIONS

THEORETICAL FLOW RATE (CFS) * _____ **0.19 0.14 0.14**
DIVERSION VOLUME (AFA) ** _____ 138.0 101.2 101.2

* PUMP EFFICIENCY WAS ASSUMED TO BE 70%.

** DIVERSION VOLUME IS THE ABSOLUTE MAXIMUM VOLUME BASED ON THE
THEORETICAL FLOW RATE ASSUMING PUMP RUNS CONTINUOUSLY EVERY
DAY OF THE YEAR.

* NUMBER OF CATTLE ROUNDED UP TO AGREE WITH EXISTING TABLES.



81.9
14.2

58.6
HEL

Transferred to Jerome
1992 C-10733

2

45.7

99.16

2
23.8

10.0 853
F-1113

100 - 1599

17

T-166

10.4

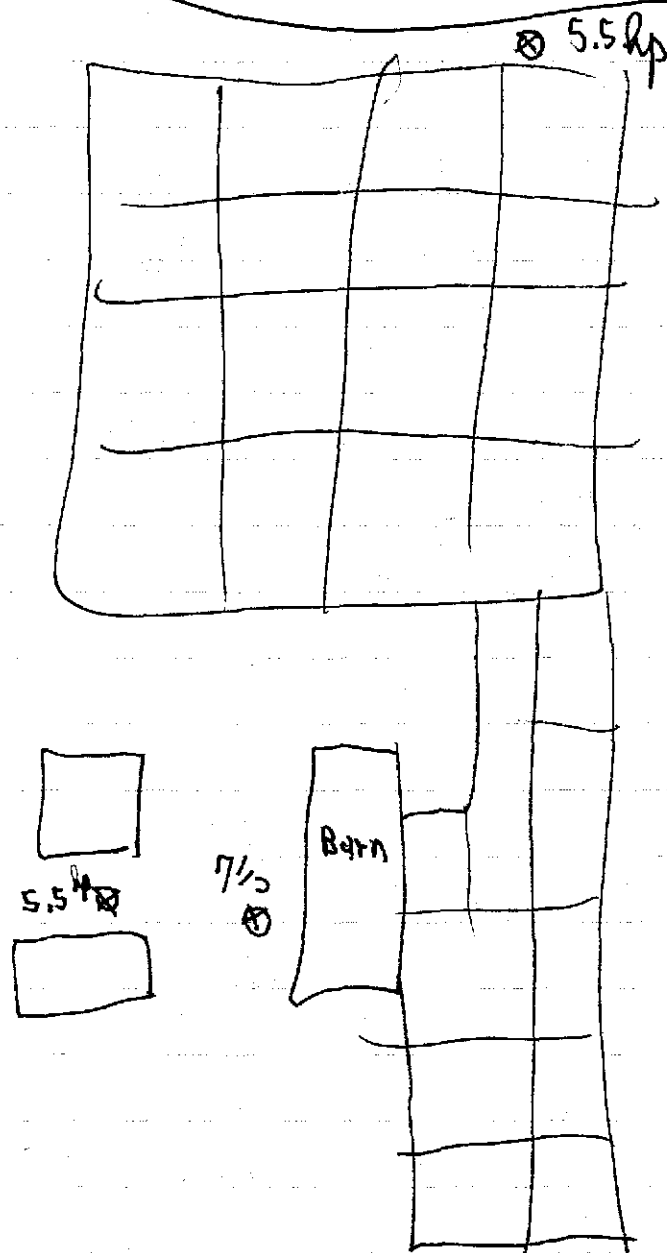
10.8

7.7

6.3

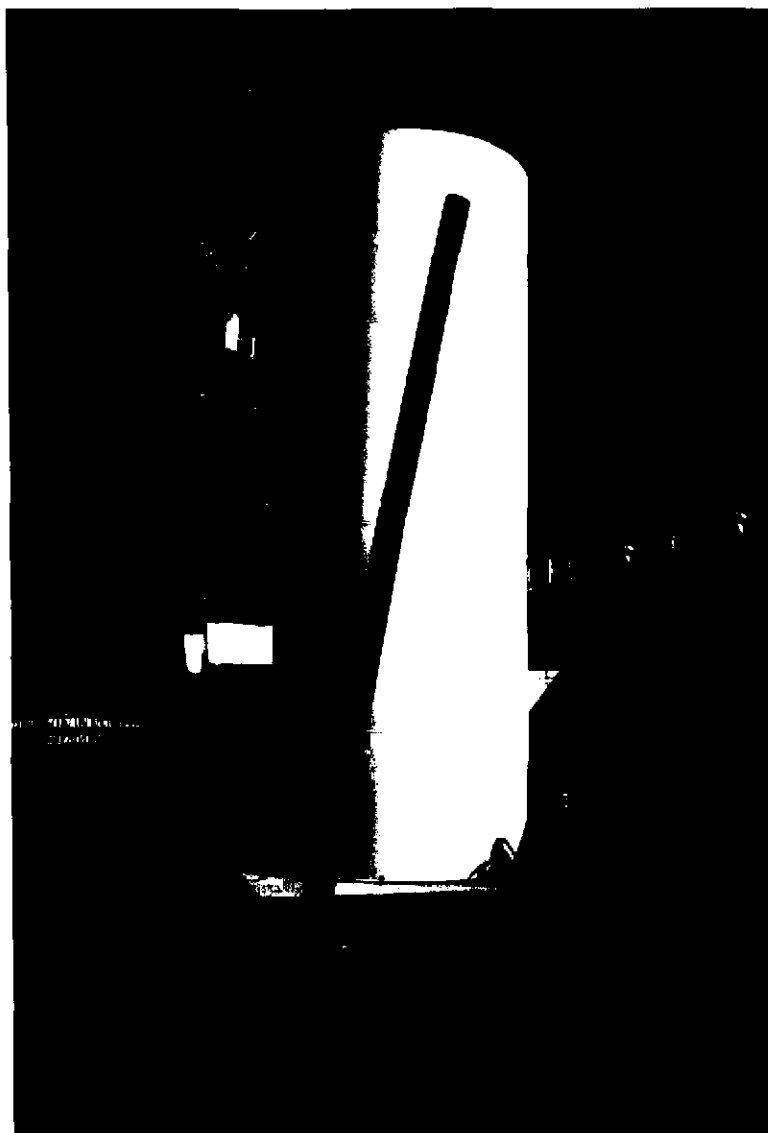
11.7

9.1



has used brick full time until 2 years ago
 30-90 days Rainbird x 40-50 minutes/day. 50 double-nozzle heads
 1/8" x 50 psi

2 washing machines 20²³ hrs a day, regular-size machines use
 fresh water, 20 minutes per wash, 12 gal/wash/machine
 1.69 AFA



Storage Tank for Wash Pens

36-08387

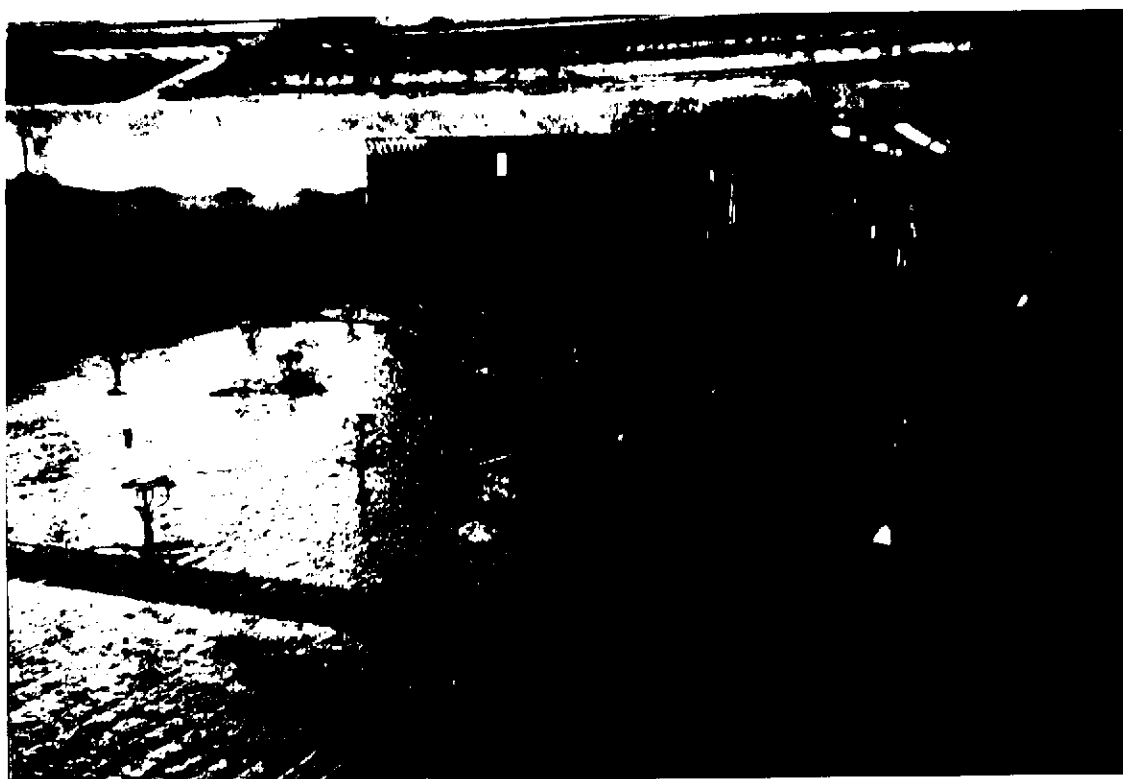
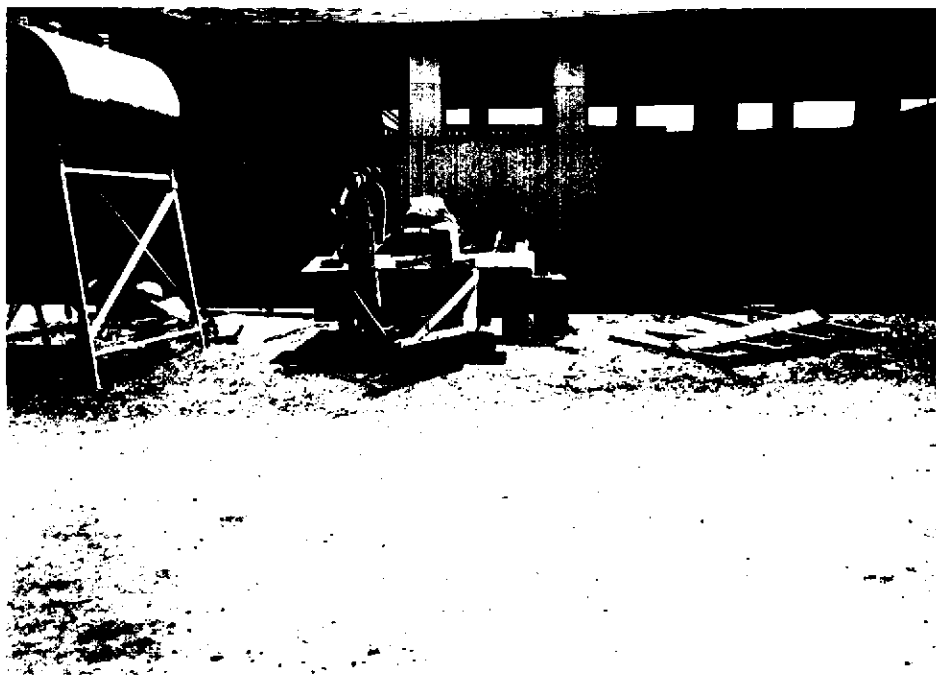
9-9-77

JES



Corrals

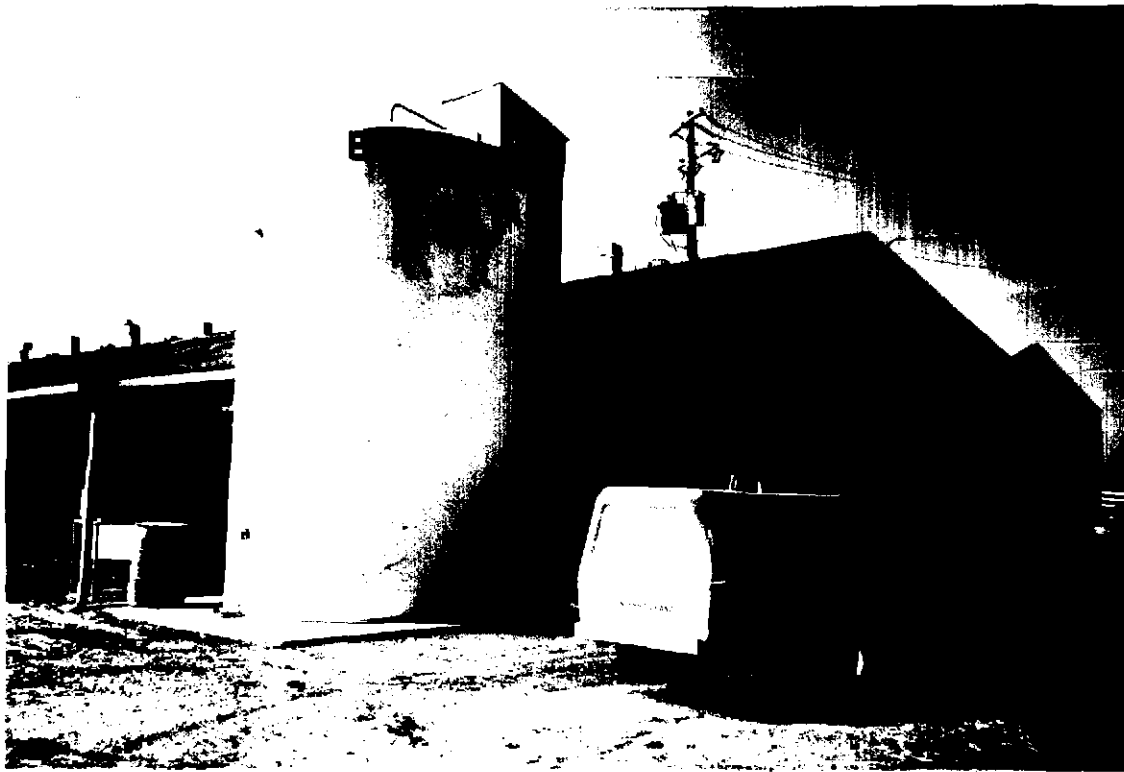
36-08389
9-9-97
JES



Wash Pen- Outside + Inside Views

Wash Pen
 36-08389
 9-9-97
 JES

36-08389
 9-9-97
 JES



Dairy Barn

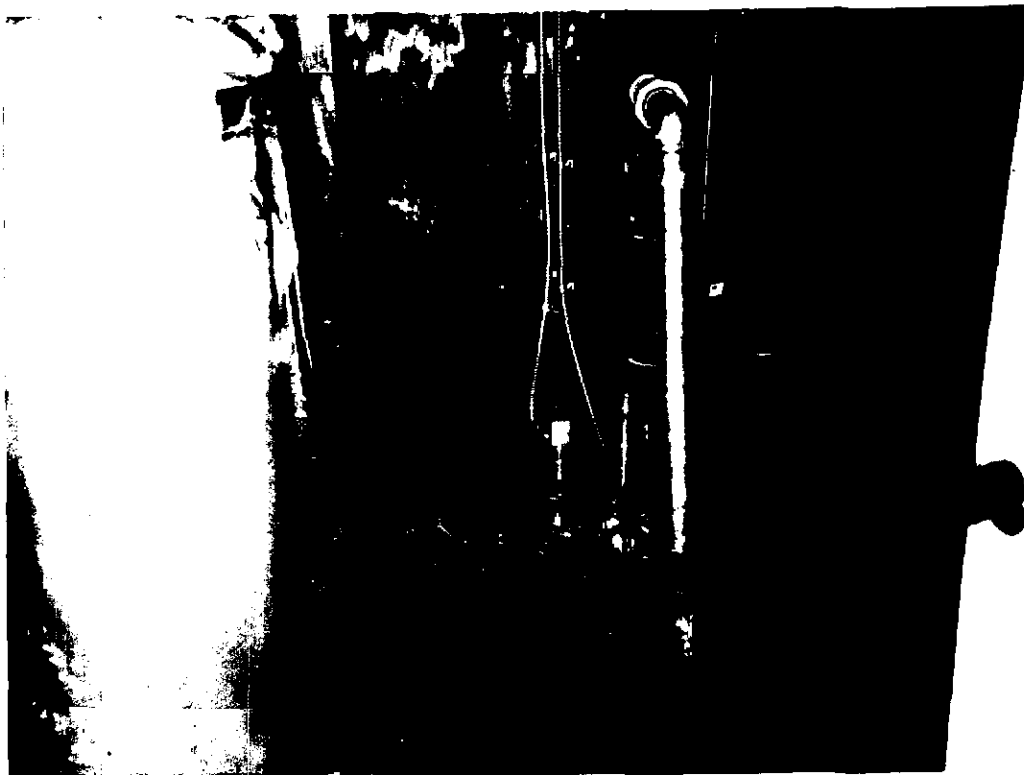
36-08387

9-9-97

JES



Well #3, Pump house



Inside Pump house

36-08389
9-9-99
JES



Valves & Pressure Tanks For Wells #1+2

36-08389

9-9-97

JES



BARN Well, 7 1/2 hp Pump



Well #2, 5 1/2 hp Pump

36-08389

9-9-97

JES

36-8389

RECEIVED

DEC 07 1993

Department of Water Resources

December 3, 1993

TO: Norm Young
Administrator
Water Management Division

FROM: Mel Schulte
Southern Division

The information below summarizes my field inspection on 12-2-1993 to investigate why a center pivot was operating in a field North of I84 near Wendell and my research of the related water rights.

1. The pivot is located in 8S, 16E, S7, SWNW on 2300 E road adjacent to the North boundary of Interstate 84.
2. The water source for the pivot was a dairy pond behind Benson Dairy. I could hear the pump running in the pond but was unable due to mud to get nearer to the pond than about 200'. It was evident the surface level of the pond was down and it appeared two smaller ponds discharged water into the larger pond being drained.
3. The pivot appeared to be a full quarter circle pivot but I did not confirm its size and diversion rate capacity.
4. Mr. Benson, the owner, was not available. I discussed the operating pivot with a hired hand and was informed the sole source of water for the pivot operating was the dairy pond and that they also use a second pivot to drain their dairy ponds.
5. The water rights relating to the dairy operation are as follows:
 - a. 36-10806--Beneficial use adjudication claim that was recommended for .04 cfs for Domestic and .14 cfs for Stockwater for 1200 head. (Proof report attached)
 - b. 36-08389--Permit for .04 cfs for Domestic, .14 cfs for Stockwater and .18 cfs for Commercial. Stock is 1200 head of dairy animals and commercial is for dairy barns. (Proof report attached)
6. My water right search found canal company rights appertenant to the land covered by the pivot but no groundwater rights.

RECEIVED

DEC 08 1993

February 23, 1990

DOUGLAS M. BENSON
JONI L. BENSON
RT. 2 BOX 2212
JEROME, ID 83338

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 36-08389

Dear Permit Holder:

The department acknowledges receipt of the proof of beneficial use form submitted for the above referenced permit. The next step in the process of developing a water right is for the department to conduct a field examination to determine and confirm the use being made of the water.

If you have questions concerning this matter, please feel free to contact the SOUTHERN Regional Office in Twin Falls at (208)734-3578.

Sincerely,

Rita Fleck
Secretary/Records Manager

c: IDWR - Region

RECEIVED
MAR 06 1990

1/00

PROOF OF BENEFICIAL USE

ANALYSIS SHEET

Permit No. 36-8389

Date: 2-21-90

General Considerations:

- ☒ Name same as permit
☒ Signature the same as permit holder
☒ Address change NO If yes, prepare a data entry
☒ Proof received timely
☐ Reinstated

Source of Water:

- ☐ Surface water
☒ Groundwater
NO 1. well log in file 1979
NA 2. drilling permit
NA A. amount of drilling fee paid for proposed uses

Extent of Use and Rate of Diversion:

- ☒ Rate of diversion appropriate for uses
☒ Is rate or volume and fee appropriate?
☒ Has permit holder indicated when water was first put to a beneficial use?

Measuring Device:

- ☒ Is a measuring device or access port required?
☒ Has one been installed?
☒ Waiver or modification of measuring device requested

Remarks:

Proof acceptable

Priority Calculation:

Date proof received

Date proof due

No. of days late

Priority date

NEW PRIORITY DATE

<u>NO</u>	

SEND FILES TO DATA ENTRY AND THEN TO MICROFILM

138916

November 30, 1989

DOUGLAS M. BENSON
JONI L. BENSON
RT. 2 BOX 2212
JEROME, ID 83338

PROOF DUE NOTICE

RE: PERMIT NO. 36-08389

Dear Permit Holder:

One of the conditions of approval of the above referenced water permit was that proof of the extent of your beneficial use must be submitted to this office on or before February 1, 1990. (See last page of your approved permit or your last approved extension request.) Enclosed is a form which when accompanied by the license examination fee or a complete field examination report prepared by a certified water right examiner 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 which might bring title to the water in question, more than one extension of time can be granted. An extension of time request form is enclosed for your convenience.

Either an acceptable proof of beneficial use submittal or an acceptable 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

RECEIVED

MAR 2 1990

S T A T E O F I D A H O
D E P A R T M E N T O F W A T E R R E S O U R C E S

Statehouse
Boise, Idaho 83720
(208) 334-7900
February 10, 1989

DOUGLAS M. BENSON
JONI L. BENSON
RT. 2 BOX 2212
JEROME, ID 83338

P E R M I T A P P R O V A L N O T I C E

RE: PERMIT NO. 36-08389

Dear Permit Holder:

Enclosed is a copy of your approved application for permit. We direct your attention to the conditions of approval on the final page.

We have enclosed a form entitled "Instructions for Proof of Beneficial Use". Please read the instructions carefully since you must take further action to develop this permit. Also enclosed for your convenience is a form entitled "Proof of Beneficial Use" that must be submitted to the Department when your project is completed.

Sincerely,

GARY SPACKMAN, Supervisor
Water Rights Permits Section

GS: SC
Enclosures

RECORDED

MAR 01 1989

Form No. 202a
4/87

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT ANALYSIS SHEET

INITIAL REVIEW BY J. G. Stanton DATE 9-8-88 APPLICATION NUMBER 36-8389

REQUIRED INFORMATION

- ☐ Name (If applicant is a corporation or partnership, names must be provided for the director, officers, & other partners.)
- ☐ Address
- ☐ Source (See USGS Quad for names of water sources)
- ☐ Point of Diversion (10 acres for spring, lot & block descriptions for subdivisions, local name, flow and/or volume)
- ☐ County
- ☐ Quantity (flow and/or volume)
- ☐ Period of Use
- ☐ Nature of proposed use (Include description of use.)
- ☐ Description of diverting works
- ☐ Time required for beneficial use of water
- ☐ Place of use or acres irrigated
- ☐ Map
- ☐ Signature (If applicant is corp. partnership, or municipality, title of signator is required)
- ☐ Fee
- ☐ Yes ☐ No* In form to receipt

ADDITIONAL INFORMATION

- ☐ Overlapping place of use (Describe source & relationship to present application on the back.)
- ☐ Overlapping point of diversion
- ☐ Yes ☐ No Field check required
Field check by _____
- ☐ Yes ☐ No Field report attached
- ☐ Yes ☐ No Critical groundwater area
- ☐ Yes ☐ No Groundwater management area
- ☐ Yes ☐ No Send dam safety information
- ☐ Yes ☐ No Send power requirement letter
- ☐ Yes ☐ No Send fish farm requirement letter
- ☐ Yes ☐ No Power residency affidavit
- ☐ Yes ☐ No Power efficiency form
- ☒ Yes ☐ No Within trustwater boundary (If yes, attach trust water supplementary analysis sheet.)
- ☐ Yes ☒ No Diversion greater than 5 cfs or 500 acre ft. (If yes, attach large diversion supplementary analysis sheet.)
- ☐ See reverse side for additional information

*REQUEST THE FOLLOWING ADDITIONAL INFORMATION FROM THE APPLICANT

Date Requested

RECEIVED
DEC 05 1988

PROCESSING

☒ Yes ☐ No Form for advertising
☐ Yes ☒ No Statewide advertising
☒ Yes ☐ No Fee amount, receipt date & No. recorded on application

SEND COPIES TO

☐ Idaho Dept. of Health & Welfare ☐ U.S. BLM, District _____
☐ Idaho Dept. of Fish & Game, Region _____ ☐ U.S. Forest Service, Forest _____
☐ Idaho Dept. of Lands ☐ Water District # _____
☐ Adjudication Bureau Unit ☐ Other _____

FINAL REGIONAL PROCESSING REVIEW

☒ Yes ☐ No Affidavit of publication received
☒ Yes ☐ No Application published correctly. If not, record action taken.

☒ Yes ☐ No Publication dates & paper, recorded on application
☐ Yes ☒ No Protests received
Final date for protest _____
☐ Yes ☒ No Protests, dates, resolution of protest, recorded on application
☐ Yes ☒ No Recommendations attached
☐ Yes ☒ No Measuring device required
☐ Yes ☒ No Access port required
☐ Yes ☒ No Will water be delivered by watermaster? If yes, what Dist. _____
☐ Yes ☒ No Special conditions of approval or cover letter below. _____

☐ See below for additional information

Date of priority recommended 9/1/88
By Loren D. Hulme Date 11/30/88

STATE OFFICE REVIEW

P16 09E 46

☐ See below for additional information

By KW Date 1/19/89

ADDITIONAL INFORMATION

App. describes existing wells-



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 2148 4th Ave. East, Twin Falls, Idaho 83301 (208) 734-3578

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

28-Oct-1988

Joni & Douglas Benson
Rt. 2 Box 2212
Jerome, ID 83338

Re: Application for Permit No. 36-08389

Dear Mr. & Mrs. Douglas Benson:

The Department of Water Resources acknowledges receipt of your water right application for permit. The application has been assigned identification No. 36-08389. Please refer to this number in all further correspondence.

This office will be advertising the application in the Gooding County Leader on 11/2 & 11/9/88. 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.

If the application is not protested, it will be forwarded to our State Office in about five weeks. 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. When a permit is issued, you will be sent a copy. A typical processing time for an unprotested application is about eight weeks.

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

Very truly yours,

James E. Stanton
Sr. Water Resource Agent

JS:MB

MICROFILMED

MAR 01 1989

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Southern Region
2148 4th Avenue East
Twin Falls, ID 83301
(208)734-3578

OCTOBER 20, 1988

GOODING COUNTY LEADER
BOX 56
GOODING, ID 83330

Gentlemen:

Enclosed you will find a legal notice which we wish to have published on the dates indicated (once a week for two consecutive weekly issues) in your newspaper. If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Your cooperation is appreciated.

Please send the affidavit of publication and publication billing to this office before NOVEMBER 21, 1988.

Yours truly,

Mary Baldwin
Secretary/Office Coordinator

Enclosure

MICROFILMED

MAR 01 1989

NOTICE OF APPLICATION FOR WATER RIGHT

The Following application(s) have been filed to appropriate the public waters of the State of Idaho:

36-08389

BENSON, DOUGLAS M.
BENSON, JONI L.
RT. 2 BOX 2212
JEROME, ID 83338

Source: GROUNDWATER

Diversion Pt: NENWNE Sec 7 T 08S R 16E; Gooding County; 2 miles North & 5 1/4 miles West of Jerome City Center.

Use: DOMESTIC	(.040 CFS)
STOCKWATER	(.140 CFS)
COMMERCIAL	(.180 CFS)

Date Filed: 9/01/1988

In: T08S R16E S07 NWNE

The permit(s) will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec. 42-203A, Idaho Code and/or the new public interest criteria of Sec. 42-203C, Idaho Code. Protests must be filed with the Director, Dept. of Water Resources, 2148 4th Avenue East, Twin Falls, Idaho 83301 on or before NOVEMBER 21, 1988.

R. Keith Higginson, Director

Published 11/02/1988 & 11/09/1988

MICROFILMED

MAR 01 1989

STAFF ANALYSIS SUPPLEMENT

1) Water District _____ Basin # 36

2) Local description (of one P/D)

☐

At the above street address

☒

2 miles N/S N and 5 1/4 miles E/W W

of Jerome city center
(City center / or numbered highway intersection)

☐

(Travel directions from city center or highway intersection)