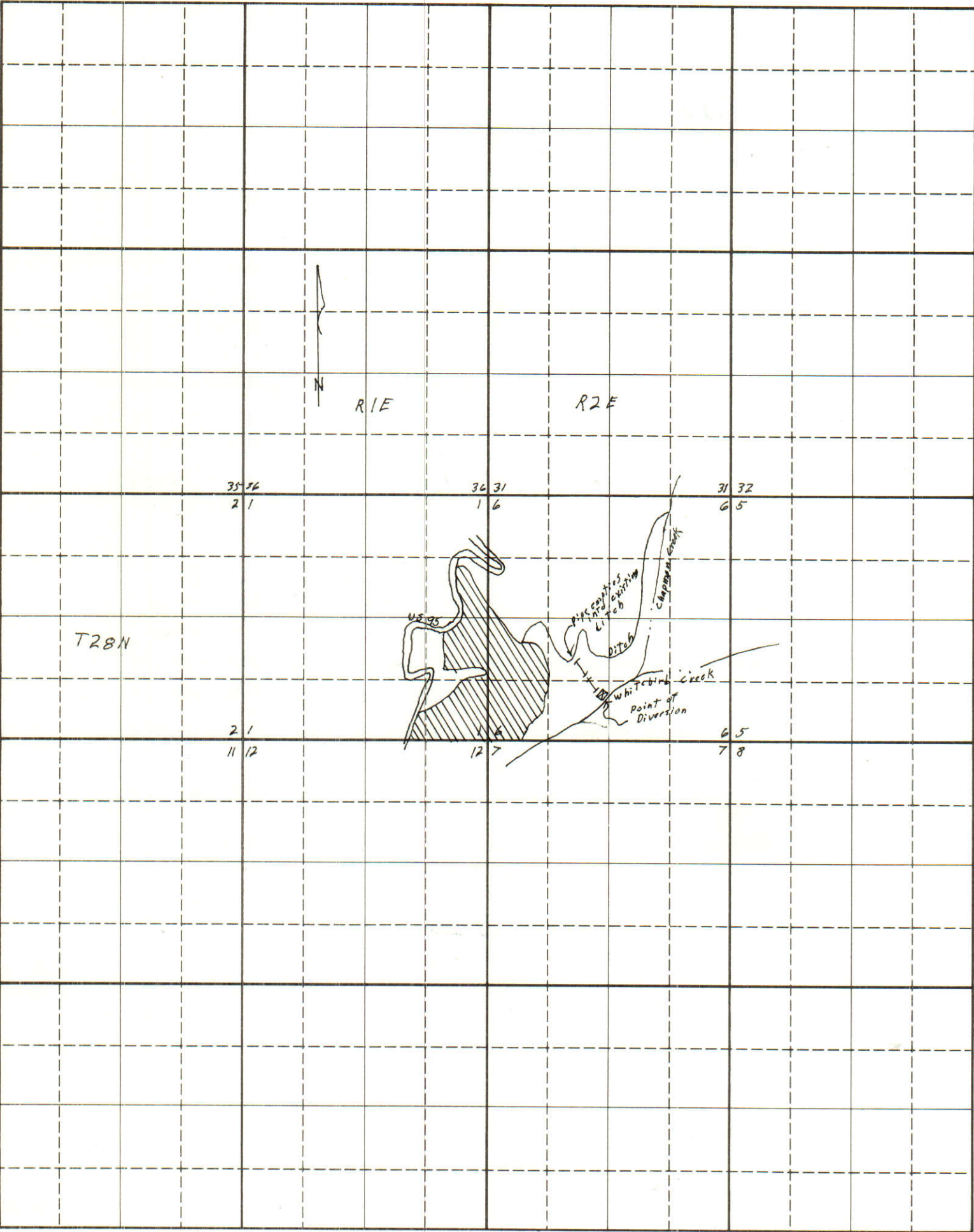


11. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



Scale: 2 inches equal 1 mile

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

Bentley Bros
By *C. Bruce Bentley*
(Applicant)
Leroy A Bentley

RECEIVED

FEB 6 1975

Department of Water Resources
FEB 6 1975

AFFIDAVIT OF PUBLICATION

NOTICE OF APPLICATION FOR WATER PERMIT

Notice is hereby given that BENTZ BROTHERS, Box 105, White Bird, ID. has on Jan. 10, 1975 submitted Application No. 79-7037 for a permit to appropriate 1.75 cubic feet per second per annum of water from White Bird Creek, trib. to Salmon River by means of pump, pipeline and ditch within the SE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 6, T. 28 N. R. 2 E, B.M. Idaho County to be used from April 15, to Sept. 15 for Irrigation of 88 acres within the SW $\frac{1}{4}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ SW $\frac{1}{4}$, Sec. 6, T 28 N, R 2 E; SE $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 1, T 28 N, R 1 E.

If issued, this permit will be subject to all prior water rights. Protests against the granting of the permit must be filed with the Idaho Department of Water Resources, Statehouse, Boise, Idaho 83720, on or before Feb. 10, 1975.

R. KEITH HIGGINSON
Director

Published in the Idaho County Free Press, Grangeville, ID on Jan. 22, 1975 and Jan. 29, 1975. J22-29

OK 2-6-75

79

.....Karen Gray..... being first duly

sworn, says he is the Office Manager.....
of the IDAHO COUNTY FREE PRESS, a weekly newspaper which
is published and issued weekly at Grangeville, Idaho County,
State of Idaho, and which is of general circulation in said county
and state; that the said notice, of which the one hereto attached
is a true copy, was published in said paper for two..... weeks,
being published two..... times, the first publication being
on the 22..... day of January....., 197..5....,
and the last publication on the 29..... day of
.....January..... 197..5.; and that the said notice
was published in the newspaper proper and not a supplement;
that said newspaper has been continuously and uninterruptedly
published in said county during a period of more than seventy-
eight consecutive weeks prior to the first publication of said
notice or advertisement.

Karen Gray

Subscribed and sworn to before me this 29..... day
of January....., 197.5....

Marilyn J. Stolley, Notary Public
for State of Idaho, residing at Grangeville, Idaho.

MICROFILMED

Rge. 1E

Rge. 2E

T
28
N

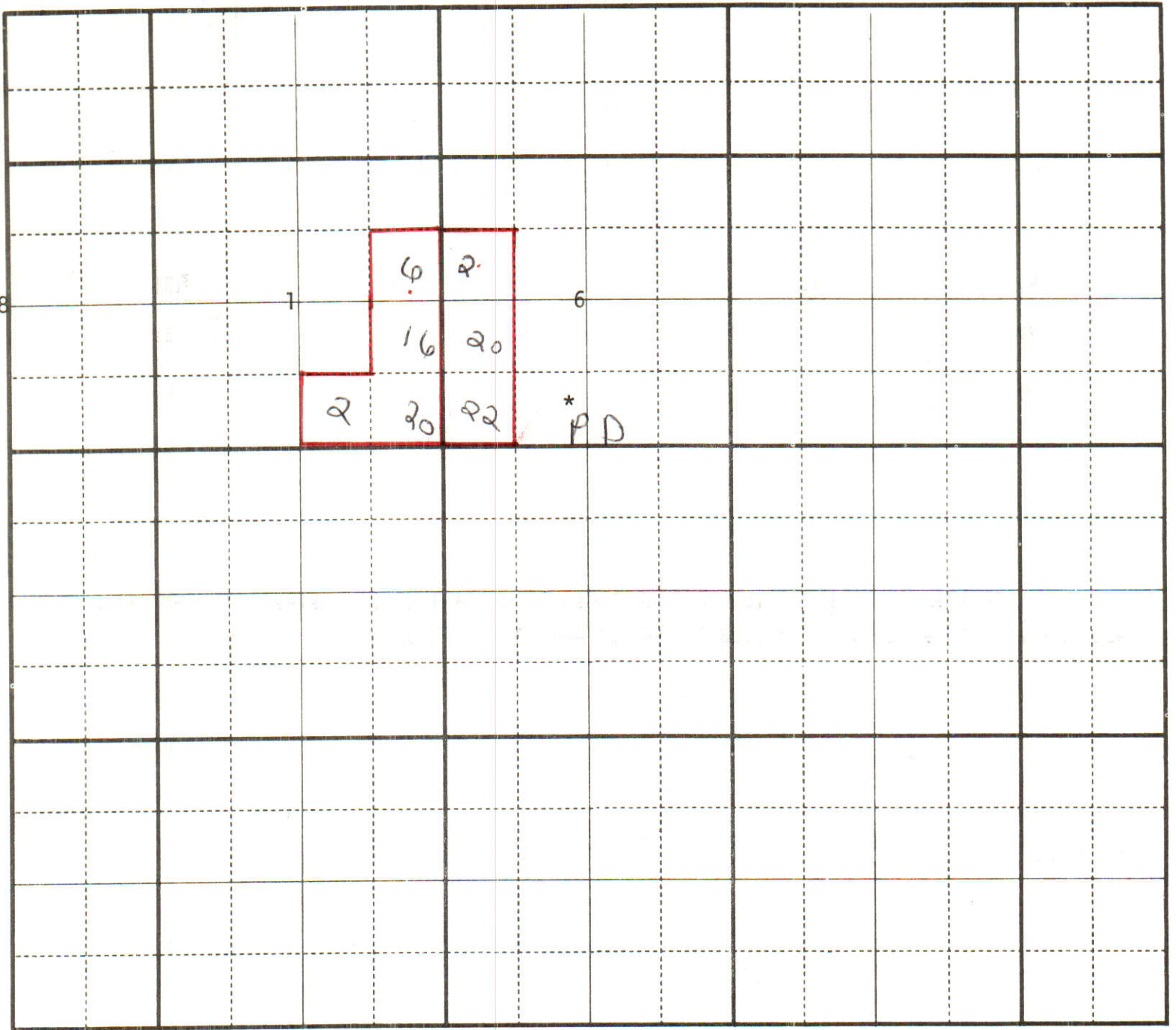


Diagram of System

T
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T
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114.6
04.0

F6
HARRY HAGEN

(18F)

336
OLD
of the

WHITE BIRD CREEK

THE UNIVERSITY OF CHICAGO

NOTICE OF APPLICATION
FOR WATER PERMIT

Notice is hereby given that BENTZ BROTHERS, Box 105, White Bird, ID has on Jan. 10, 1975 submitted Application No. 79-7037 for a permit to appropriate 1.75 cubic feet per second per annum of water from White Bird Creek, trib. to Salmon River by means of pump, pipeline and ditch within the SE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 6, T 28 N, R 2 E, B.M. Idaho County to be used from April 15, to Sept. 15 for irrigation of 88 acres within the SW $\frac{1}{4}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ SW $\frac{1}{4}$, Sec. 6, T 28 N, R 2 E; SE $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{4}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 1, T 28 N, R 1 E.

If issued, this permit will be subject to all prior water rights. Protests against the granting of the permit must be filed with the Idaho Department of Water Resources, Statehouse, Boise, Idaho 83720, on or before Feb. 10, 1975.

R. KEITH HIGGINSON
Director

Published in the Idaho County Free Press, Grangeville, ID on Jan. 22, 1975 and Jan. 29, 1975.

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

License of Water Right No. 79-7037 Priority Jan. 10, 1975 Amount 1.34 cfs

THIS IS TO CERTIFY, that BENTZ BROS.
of Whitebird, Idaho, has complied with the terms and conditions of Permit
No. 79-7037 issued pursuant to Application for Permit dated January 10, 1975,
and has submitted proof to the Department of Water Resources on March 1, 1976,
that he has applied water to a beneficial use; an examination by the Department indicates that the works have a
capacity for the diversion of 1.34 cfs of water from Whitebird Creek,
tributary to the Salmon River, and that the permit holder has applied to a beneficial use and
established a right to use water as follows:

Beneficial Use	Period of Use	Rate of Diversion	Annual Volume
<u>Irrigation</u>	from <u>April 15</u> to <u>Sept. 15</u> at <u>1.34</u> cfs and	<u>352 acre feet or</u>	
	from <u>to</u> cfs and	<u>4.0 af per acre</u>	
	from <u>to</u> at cfs and		
	(both dates inclusive)		

Subject, however, to the condition that no more than 1.34 cfs of water be diverted at any one time, and
that the amount of water so diverted and to which such right is entitled and confirmed is for the purpose
aforementioned and is limited to the amount which can actually be beneficially used and shall not exceed
352 acre feet per year, said waters to be diverted within the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Sec. 6,
Twp. 28 N, Rge. 2 E, B. M. in the County of Idaho

Description and location of place of use:

Twp.	Range	Sec.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				Totals
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
28 N	2 E	6						2			20	22							44
28 N	1 E	1				6								16		2	20		44

Total number of acres irrigated 88

A measuring device of a type approved by this Department shall be permanently
maintained as part of the diverting works.

NOTE: Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho
Code, or the applicable Idaho Law. This right may be forfeited by five years of non-use.

The right to the use of the water hereby confirmed is restricted and appurtenant to the lands or place of use
herein described, as provided by the laws of Idaho.

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 22 day of
October, 19 76.

Director

Identification No. 79-7037

Application No. _____

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION

APPLICATION FOR PERMIT

To Appropriate the Public Waters of the State of Idaho
(TYPE OR PRINT IN INK)

APPROVED

1. Name of applicant Bentz Bros.
post office address Box 105, Whitebird, Idaho 83554
2. Source of water supply Whitebird Creek which is a tributary of Salmon River
3. a. Location of point of diversion is SE $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 6 Township 28N
Range 2E B.M. Idaho County; additional points of diversion if any: _____

b. If water is not consumed, it will be discharged into Whitebird Creek at a point in SE $\frac{1}{4}$
of SW $\frac{1}{4}$ of Section 6 Township 28N Range 2E B.M. _____
4. Water will be used for the following purposes:
Amount 1.75 for Irrigation purpose from April 15 to Sept. 15 (both dates inclusive)
(cfs or ~~acre-feet~~ per annum)
Amount _____ for _____ purpose from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purpose from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
5. Total quantity to be appropriated:
a. 1.75 cubic feet per second ~~acre-feet per annum~~
b. ~~xxxxxxxxxxxxxxxxxxxxxx~~ acre-feet per annum
6. Proposed diverting works:
a. Description of ditches, flumes, pumps, headgates, etc. 50 H.P. electric pump at creek
800 ft. - 8" steel pipe to existing ditch from Chapman Creek and 2,000 ft. at
ditch to field.

b. Height of storage dam _____ feet, active reservoir capacity _____ acre feet; total reservoir
capacity _____ acre feet, materials used in storage dam: _____
Period of year during which storage will occur _____ to _____ inclusive.
(Mo. Day) (Mo. Day)
c. Proposed well diameter is _____ inches; proposed depth of well is _____ feet.
7. a. Time required for the completion of the works and application of the water to the proposed beneficial use
is 1 years.
b. Estimated construction cost is \$ 3,500.00.
8. Description of proposed uses:
a. If water is **not** for irrigation:
(1) Give the place of use of water: _____ $\frac{1}{4}$ of _____ $\frac{1}{4}$ of Section _____ Township _____
Range _____ B.M. _____
(2) Amount of power to be generated: _____ hp under _____ feet of head.
(3) List number of each kind of livestock to be watered _____

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

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

[illegible]

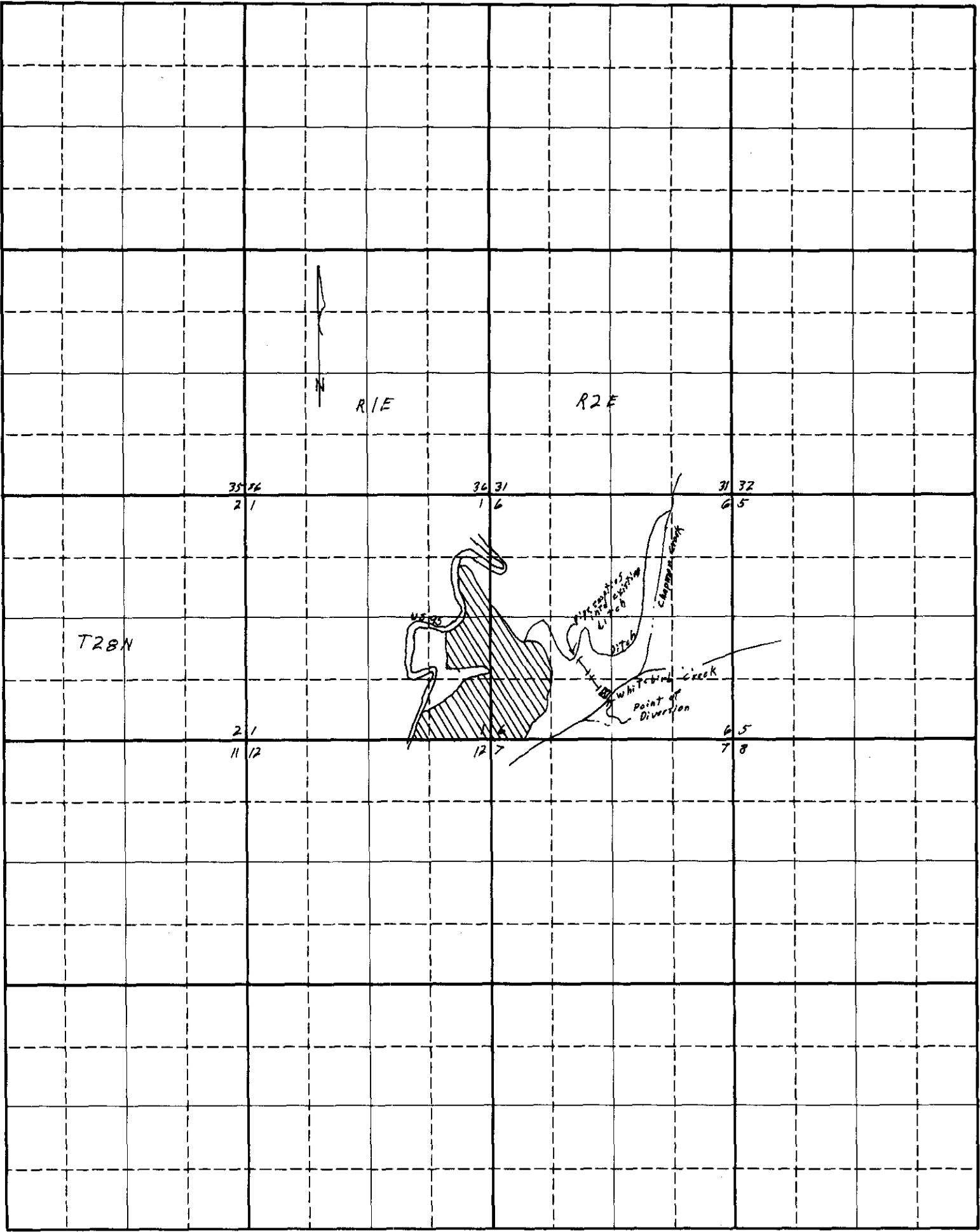
Total number of acres to be irrigated 88

c. Describe any other water rights used for the same purposes as described above. Permit 31652

9. a. Who owns the property at the point of diversion C. Bruce Bentz
 b. Who owns the land to be irrigated or place of use C. Bruce Bentz and Gerald A. Bentz dba Bentz Bros.
 c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing _____

[illegible]

11. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



Scale: 2 inches equal 1 mile

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

Bentley Bros
By *C. Bruce Bentley*
(Applicant)
Zeroh A Bentley

Proposed Priority ~~1-13-1975~~

Received by CP Date 1-10-75 Time 1:00 p.m.

Preliminary check by CS Fee \$ 35.00

Received by Ca Date 1-13-75 # 15382

Publication prepared by HA Date 1-16-75

Published in Wash County Free Press

Publication dates Jan 22 & Jan 29

Publication approved 40 Date 2-6-75

Priority reduced to 00 Reason

Protests filed by: Mrs. Ray Holes, Et. al,
Mangerville, La (with drawn)

Copies of protests forwarded by JG 2-15-75

Hearing held by _____ Date _____

Recommended for approval denial by BDF

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER ADMINISTRATION

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. 79-7037, 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 March 1, 1976.

c. Other: A measuring device of a type approved by this Department shall be permanently installed and maintained as part of the diverting works.

2. Denial of said application is for the following reasons:

Witness my hand this 29 day of February 19 75

Directions

DEPARTMENT OF WATER RESOURCES
- STAFF ANALYSIS -

Item Initial Date

Application No.

79-7037

☒ Source
☒ Point of Diversion
☒ County
☒ Quantity of Water and Period of Use
☒ Description of Diverting Works
☒ Time required for B/U of water
☒ Place of Use or Acres Irrigated
☒ Map
☒ Signature
☒ Fee

(1) R.W.H. 1-14-75

In form to receipt

(2) NA

Send Copies to:

Idaho State Health Department
Idaho Fish and Game Department
Bureau of Land Management

(3) NA

Request Special Use Permit from U.S.F.S.
Request Easement from B.L.M.
Request Information from Applicant

(4) R.W.H. 1-14-75

In form for advertising

(5)

Platted on Map No.

(6)

Located within Water District No.

(7)

Critical groundwater area: yes no

(8)

Groundwater levels:

Declining, Stable, Increasing

(comment)

(9)

Other rights on the same place of use

(10)

Comments:

(11) Jg OK

Affidavit of Publication received(date) 2-6-75

(12) CS Feb 18, 1975

Final date for protests Feb 10, 1979

Protests received: yes ☒ no ☒ rec. Feb 3, 1975

(13) CS Feb 18, 1975

All requested information received from agencies or applicant: yes ☒ no ☒ withdrawn Feb 18, 1975

(14) CS Feb 18, 1975

Action recommended:

☒ Approve ☐ Deny

Proposed Priority

Reason for Reduction

☒ Measuring device required

See attached sheet for other conditions of approval

No special conditions for approval

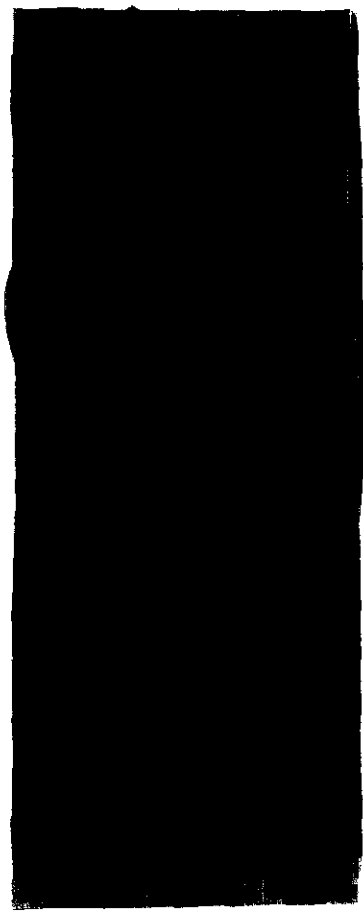
(15) District Western

By M. Clayton Brown Date Feb 18, 1975

MICROFILMED

5 1975

AFFIDAVIT OF PUBLICATION



OK 2-6-15
Jg

.....Karen Gray..... being first duly sworn, says he is the Office Manager..... of the IDAHO COUNTY FREE PRESS, a weekly newspaper which is published and issued weekly at Grangeville, Idaho County, State of Idaho, and which is of general circulation in said county and state; that the said notice, of which the one hereto attached is a true copy, was published in said paper for two..... weeks, being published two..... times, the first publication being on the 22..... day of January....., 197..5..., and the last publication on the 29..... day of January..... 197..5.; and that the said notice was published in the newspaper proper and not a supplement; that said newspaper has been continuously and uninterruptedly published in said county during a period of more than seventy-eight consecutive weeks prior to the first publication of said notice or advertisement.

Karen Gray

Subscribed and sworn to before me this 29..... day of January....., 197..5....

Marilyn J. Stolley, Notary Public for State of Idaho, residing at Grangeville, Idaho.

MICROFILMED

October 25, 1976

Re: Permit No. 79-7037

Bentz Bros.
Box 105
Whitebird, ID 83554

Gentlemen:

Enclosed herewith is a copy of the water rights license issued on the above referenced permit.

Sincerely,

D. DARLENE REICH
Water Rights Supervisor

DDR:mef

Enc.

October 6, 1976

Bentz Bros.
Box 105
Whitebird, ID 83554

Gentlemen:

A representative of this Department has made an examination of the works covered by your Permit No. 79-7037 and has found the following:

Quantity of water diverted: 1.34 cfs Source: Whitebird Creek

Amount of water that can be recognized as beneficially used under Idaho law: 1.34 cfs

The maximum quantity diverted shall not exceed 352 acre feet, or 4.0 af per acre, per year.

Point of diversion: SE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 6, Twp. 28 N, Rge. 2 E, B. M.

Beneficial use: Irrigation of 88 acres within the SW $\frac{1}{4}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ SW $\frac{1}{4}$, Sec. 6, Twp. 28 N, Rge. 2 E, B. M. and SE $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 1, Twp. 28 N, Rge. 1 E, B. M.

Priority date established: January 10, 1975

If you do not concur with these findings please contact us within 10 days, otherwise a water license will be issued as set forth above.

Sincerely,

BOBBY D. FLEENOR
Chief, Water Rights

May Come

1992, 1993, 1994, 1995, 1996, 1997, 1998, 1999, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2065, 2066, 2067, 2068, 2069, 2070, 2071, 2072, 2073, 2074, 2075, 2076, 2077, 2078, 2079, 2080, 2081, 2082, 2083, 2084, 2085, 2086, 2087, 2088, 2089, 2090, 2091, 2092, 2093, 2094, 2095, 2096, 2097, 2098, 2099, 2100, 2101, 2102, 2103, 2104, 2105, 2106, 2107, 2108, 2109, 2110, 2111, 2112, 2113, 2114, 2115, 2116, 2117, 2118, 2119, 2120, 2121, 2122, 2123, 2124, 2125, 2126, 2127, 2128, 2129, 2130, 2131, 2132, 2133, 2134, 2135, 2136, 2137, 2138, 2139, 2140, 2141, 2142, 2143, 2144, 2145, 2146, 2147, 2148, 2149, 2150, 2151, 2152, 2153, 2154, 2155, 2156, 2157, 2158, 2159, 2160, 2161, 2162, 2163, 2164, 2165, 2166, 2167, 2168, 2169, 2170, 2171, 2172, 2173, 2174, 2175, 2176, 2177, 2178, 2179, 2180, 2181, 2182, 2183, 2184, 2185, 2186, 2187, 2188, 2189, 2190, 2191, 2192, 2193, 2194, 2195, 2196, 2197, 2198, 2199, 2200, 2201, 2202, 2203, 2204, 2205, 2206, 2207, 2208, 2209, 2210, 2211, 2212, 2213, 2214, 2215, 2216, 2217, 2218, 2219, 2220, 2221, 2222, 2223, 2224, 2225, 2226, 2227, 2228, 2229, 2230, 2231, 2232, 2233, 2234, 2235, 2236, 2237, 2238, 2239, 2240, 2241, 2242, 2243, 2244, 2245, 2246, 2247, 2248, 2249, 2250, 2251, 2252, 2253, 2254, 2255, 2256, 2257, 2258, 2259, 2260, 2261, 2262, 2263, 2264, 2265, 2266, 2267, 2268, 2269, 2270, 2271, 2272, 2273, 2274, 2275, 2276, 2277, 2278, 2279, 2280, 2281, 2282, 2283, 2284, 2285, 2286, 2287, 2288, 2289, 2290, 2291, 2292, 2293, 2294, 2295, 2296, 2297, 2298, 2299, 2300, 2301, 2302, 2303, 2304, 2305, 2306, 2307, 2308, 2309, 2310, 2311, 2312, 2313, 2314, 2315, 2316, 2317, 2318, 2319, 2320, 2321, 2322, 2323, 2324, 2325, 2326, 2327, 2328, 2329, 2330, 2331, 2332, 2333, 2334, 2335, 2336, 2337, 2338, 2339, 2340, 2341, 2342, 2343, 2344, 2345, 2346, 2347, 2348, 2349, 2350, 2351, 2352, 2353, 2354, 2355, 2356, 2357, 2358, 2359, 2360, 2361, 2362, 2363, 2364, 2365, 2366, 2367, 2368, 2369, 2370, 2371, 2372, 2373, 2374, 2375, 2376, 2377, 2378, 2379, 2380, 2381, 2382, 2383, 2384, 2385, 2386, 2387, 2388, 2389, 2390, 2391, 2392, 2393, 2394, 2395, 2396, 2397, 2398, 2399, 2400, 2401, 2402, 2403, 2404, 2405, 2406, 2407, 2408, 2409, 2410, 2411, 2412, 2413, 2414, 2415, 2416, 2417, 2418, 2419, 2420, 2421, 2422, 2423, 2424, 2425, 2426, 2427, 2428, 2429, 2430, 2431, 2432, 2433, 2434, 2435, 2436, 2437, 2438, 2439, 2440, 2441, 2442, 2443, 2444, 2445, 2446, 2447, 2448, 2449, 2450, 2451, 2452, 2453, 2454, 2455, 2456, 2457, 2458, 2459, 2460, 2461, 2462, 2463, 2464, 2465, 2466, 2467, 2468, 2469, 2470, 2471, 2472, 2473, 2474, 2475, 2476, 2477, 2478, 2479, 2480, 2481, 2482, 2483, 2484, 2485, 2486, 2487, 2488, 2489, 2490, 2491, 2492, 2493, 2494, 2495, 2496, 2497, 2498, 2499, 2500, 2501, 2502, 2503, 2504, 2505, 2506, 2507, 2508, 2509, 2510, 2511, 2512, 2513, 2514, 2515, 2516, 2517, 2518, 2519, 2520, 2521, 2522, 2523, 2524, 2525, 2526, 2527, 2528, 2529, 2530, 2531, 2532, 2533, 2534, 2535, 2536, 2537, 2538, 2539, 2540, 2541, 2542, 2543, 2544, 2545, 2546, 2547, 2548, 2549, 2550, 2551, 2552, 2553, 2554, 2555, 2556, 2557, 2558, 2559, 2560, 2561, 2562, 2563, 2564, 2565, 2566, 2567, 2568, 2569, 2570, 2571, 2572, 2573, 2574, 2575, 2576, 2577, 2578, 2579, 2580, 2581, 2582, 2583, 2584, 2585, 2586, 2587, 2588, 2589, 2590, 2591, 2592, 2593, 2594, 2595, 2596, 2597, 2598, 2599, 2600, 2601, 2602, 2603, 2604, 2605, 2606, 2607, 2608, 2609, 2610, 2611, 2612, 2613, 2614, 2615, 2616, 2617, 2618, 2619, 2620, 2621, 2622, 2623, 2624, 2625, 2626, 2627, 2628, 2629, 2630, 2631, 2632, 2633, 2634, 2635, 2636, 2637, 2638, 2639, 2640, 2641, 2642, 2643, 2644, 2645, 2646, 2647, 2648, 2649, 2650, 2651, 2652, 2653, 2654, 2655, 2656, 2657, 2658, 2659, 2660, 2661, 2662, 2663, 2664, 2665, 2666, 2667, 2668, 2669, 2670, 2671, 2672, 2673, 26

- 839-2319
Benny
Benny

Permit No. 79-7037
Examination for b/u

- Max Rate of Diversion 1.75 cubic feet per second and annual volume _____ AF/Annum.

- Township 28N N/S, Range 2E E/W, B.M., Section 6, Subdivision SE $\frac{1}{4}$ SW $\frac{1}{4}$, Idaho
County
- Township _____ N/S, Range _____ E/W, B.M., Section _____, Subdivision _____ $\frac{1}{4}$ _____ $\frac{1}{4}$, _____
County
- Township _____ N/S, Range _____ E/W, B.M., Section _____, Subdivision _____ $\frac{1}{4}$ _____ $\frac{1}{4}$, _____
County

Other Points of Diversions:

Description of diverting works: 50 hp elec. pump at creek, 800' - 8" steel pipe, 201' of lift from pump to existing ditch through 8" pipe, then 2,000' of ditch to fields.

Measuring device required: yes ☒ no ☐

- [illegible]

88

Rge. 1E

Rge. 2E

T
28
N

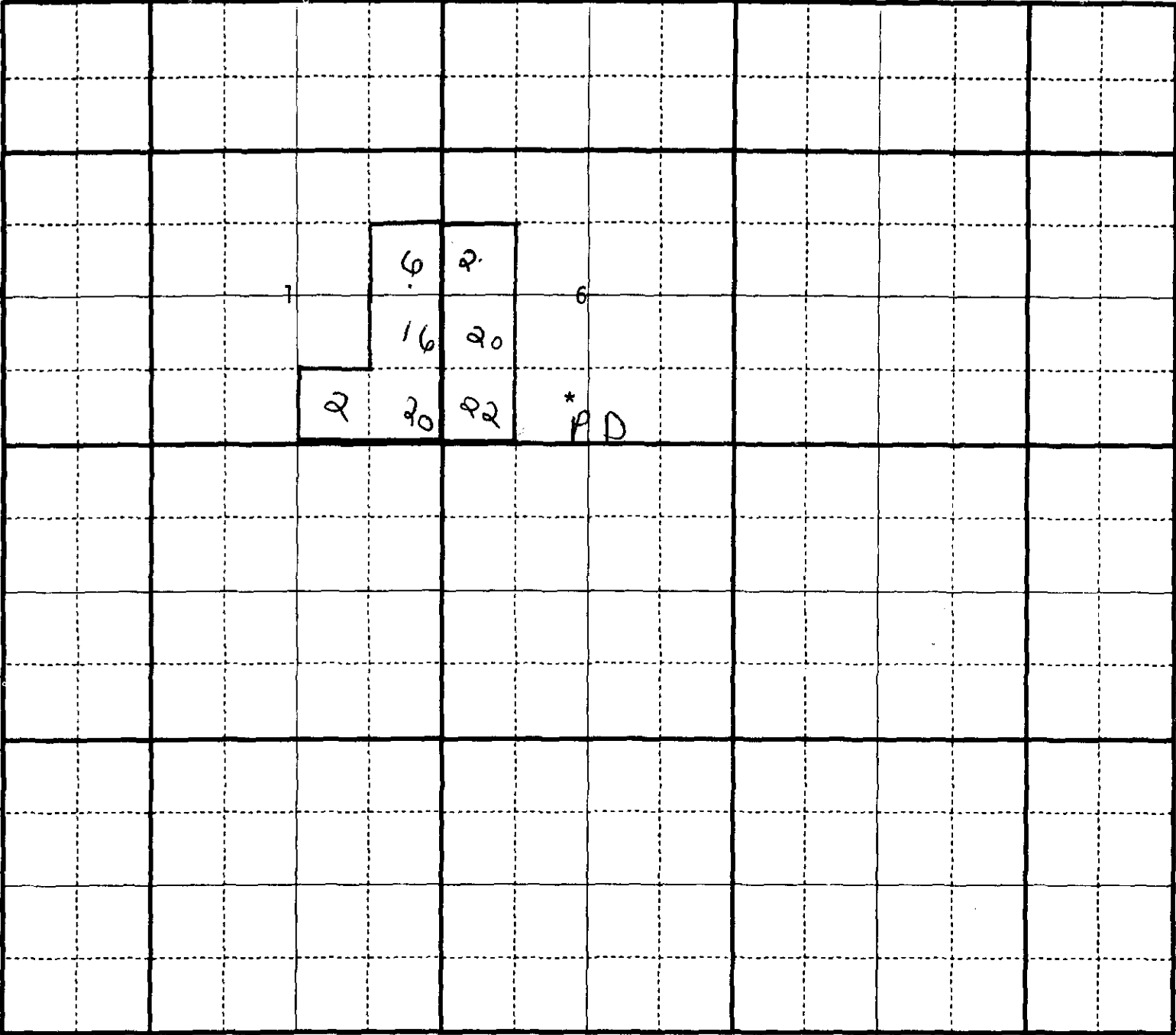


Diagram of System

DATE OF EXAM 7-8-76

ACREAGE
Found 88.0
Recommended 88.0

Irrigation Requirement 4.0 Ac Ft/Ac

USE
Irrigation Q = 1.33 c.f.s. V = 352.0 AF/Ann. from April 15 to Sept 15
Domestic Q = _____ c.f.s. V = _____ AF/Ann. from _____ to _____
Livestock Q = _____ c.f.s. V = _____ AF/Ann. from _____ to _____

Is water co-mingled? yes _____ no X

Name source: _____
twp. _____ N/S, Rge _____ E/W, B.M., Sec. _____, Sub. _____ 1/4 _____ 1/4 _____
County _____

Exchange? yes _____ no X

Name source exchanged with: _____
twp. _____ N/S, Rge _____ E/W, B.M., Sec. _____, Sub. _____ 1/4 _____ 1/4 _____
County _____

Point of injection: _____
twp. _____ N/S, Rge _____ E/W, B.M., Sec. _____, Sub. _____ 1/4 _____ 1/4 _____
County _____

Point of exchange: _____
twp. _____ N/S, Rge _____ E/W, B.M., Sec. _____, Sub. _____ 1/4 _____ 1/4 _____
County _____

Total Q measured 599 gpm 14" - 8" pipe - 6" orifice Method of measurement Pipe Orifice

Total Q recommended 1.33 cfs Meter No. _____ Type _____ Condition _____

Total V recommended 352.0 AF

Recommended Amendments:

P.D. _____
Place of Use _____
Other _____
None ✓

MEASUREMENT CALCULATION:

Total $599 \div 442.8 = 1.334 \text{ cfs}$

Total V = $88 \text{ acres} \times 4.0 \text{ AF} = 352.0 \text{ AF}$
 $1.33 \times 1.98 \times 153 \text{ days} = 402.9 \text{ AF}$

SYSTEM DESCRIPTION:

Pumping from Whitebird Creek with 50 HP Century electric motor
serial #05 N and pump seal #137 pumping up hill to fields in 8" pipe
and then into open ditch - ditch flows into two ponds.
The water is redistributed from ponds and sprinkle irrigates
fields

REMARKS:

Examiner's Signature Peter Chamberlin Date 7-9-76

Checked by JLS Date 7-14-76

Approved by _____ Date _____

Ken
Foit

Roy Sullivan

Dick Schradle

$$\begin{array}{r} 258 \\ 105 \\ \hline 153 \end{array}$$

July 15, 1976

A. Kraig Schlottman
County Supervisor
U.S. Department of Agriculture
Farmers Home Administration
P.O. Box 129
Grangeville, Idaho 83530

RE: Permit #79-7037
Gerald & Bruce Bentz

Dear Mr. Schlottman:

Enclosed please find an Assignment of Permit form to assign the subject permit from the Bentz Bros. to the new owners. The permit was issued under the name of the Bentz Brothers and signed by both Gerald and Bruce Bentz.

If we can be of further assistance, please advise.

Sincerely,

Marcia L. Brown
Records Supervisor

mlb
Enc. 1

UNITED STATES DEPARTMENT OF AGRICULTURE
FARMERS HOME ADMINISTRATION
P. O. Box 129
Grangeville, Idaho 83530

RECEIVED

JUL 22 1976

July 13, 1976

Department of Water Resources

State of Idaho
Department of Water Resources
Statehouse
Boise, Idaho 83720

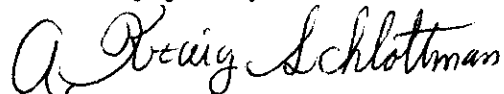
Re: Water Right Permits
Gerald and Bruce Bentz, Whitebird, Idaho

Gentlemen:

On July 7 you advised us that Permit No. 79-7037 out of White Bird Creek is in good standing. This application was issued to Gerald and Bruce Bentz.

We are processing a loan to purchase the land to which this permit pertains. If it will be necessary to assign the application for permit, please send us the necessary forms.

Sincerely yours,



A. Kraig Schlottman
County Supervisor

March 10, 1976

Re: Permit No. 79-7037

Bentz Brothers
Box 105
Whitebird, ID 83554

Gentlemen:

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

Before a license can be issued, a field examination must be made by a representative of this Department. We cannot tell during which part of the irrigation season this examination will be made, however, our examiner will try to contact you at the time he makes the exam so that you may show him the system.

If you have any questions concerning the field exam, please contact our District Office in Boise.

Sincerely,

D. Darlene Reich
Water Rights Supervisor

DDR:JG

Identification No. 79-7037

Permit No. _____

OK

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

PROOF OF APPLICATION OF WATER TO BENEFICIAL USE

1. a) Name of Permit Holder BENTZ Bros
 b) Post Office Address Box 105 White Bird Idaho 83554
 2. Permit Number 79-7037
 3. Date of Priority that you are prepared to establish 1-13-1975
 4. a) Source from which water was appropriated White Bird Creek
 b) Location of the point of diversion: SE 1/4 SW 1/4, Section 6
 Township 28 N, Range 2 E Boise Meridian, Other points of diversion: _____

5. a) The amount of water and use to which the water has been applied:
 Amount 1.75 for IRRIGATION purposes from April 15 to Sept 15 incl.
 (cfs and/or acre-feet per annum) (Month-Day) (Month-Day)
 Amount _____ for _____ purposes from _____ to _____ incl.
 (cfs and/or acre-feet per annum) (Month-Day) (Month-Day)
 Amount _____ for _____ purposes from _____ to _____ incl.
 (cfs and/or acre-feet per annum) (Month-Day) (Month-Day)

b) Total amount appropriated 1.75 cfs cfs and/or acre-feet per annum

c) Describe how and by whom measurement of rate of flow or amount of storage was made and the qualifications of the person making the measurement: Measured flow from horizontal pipe by horizontal and vertical distances sheet 9.9 chapter 9 section 15 NEH USDA SCS by C.F. Hanson Civil Engineering Technician, Emmet, Idaho

6. If the means of diversion and conveyance are owned by someone other than the Permit Holder:

a) Give the name or description of the canal, ditch or other works by which the water is conducted to the place of use:

b) Describe the agreement or understanding by which you take water from the works:

7. a) Briefly describe the works for diverting and conveying the water to the place of use, (if from a subterranean source, give the pump size, motor size, size of well casing, depth of well; if from surface water, give brief description of diversion structure and/or canal or ditch) 50 H.P. electric pump at creek 800 FT. - 8" steel pipe 201' OF lift from pump to existing ditch through 8" pipe then 2,000 FT OF DITCH TO FIELDS

b) Describe the type and size of measuring device which you have installed at your point of diversion: A VENTURI meter 8-IN. pipe with a 6-IN. orifice

c) Give well driller's name and address and the date the well was completed:

8. If for other than irrigation, describe the beneficial use to which you have applied the water and the place of use:

Examined 3-2-76 if

17413

9. Irrigation uses: describe the lands irrigated by giving the acreages irrigated within each 40 acre subdivision: _____

T	R	SEC.	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
28N	2E	6							2.0			20.0	22.0						44
28N	1E	1				6.0								16.0		2.0	20.0		44

Total number of acres irrigated 88

10. Remarks: UNABLE TO OBTAIN CLEAR COPY OF AN AERIAL PHOTOGRAPH OF THE PROPERTY IN QUESTION

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

Feb. 26th 1976
 (Date)

Bruce Bantz
General A. Bantz
 (Signature)

State of Idaho)
) ss.
 County of Idaho)

On this 26th day of February, 1976, personally appeared before me the signer(s) of the above instrument, who duly acknowledged to me that he (she) (they) executed the same.

Raymond R. Blinn Jr.
 Notary Public residing at
White Butte, Idaho

My commission expires 1979

PS Form 3811, Jan. 1975

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

● **SENDER:** Complete items 1, 2, and 3.
Add your address in the "RETURN TO" space on reverse.

1. The following service is requested (check one).

- ☐ Show to whom and date delivered..... 15¢
- ☐ Show to whom, date, & address of delivery.. 35¢
- ☐ **RESTRICTED DELIVERY.**
Show to whom and date delivered..... 65¢
- ☐ **RESTRICTED DELIVERY.**
Show to whom, date, and address of delivery 85¢

2. ARTICLE ADDRESSED TO:

Bentz Bros.

3. ARTICLE DESCRIPTION:

REGISTERED NO.	CERTIFIED NO.	INSURED NO.
	138239	

(Always obtain signature of addressee or agent)

I have received the article described above.

SIGNATURE ☐ Addressee ☒ Authorized agent

4. *X Bentz Bros.*
DATE OF DELIVERY

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE:

CLERK'S
INITIALS

UNITED STATES POSTAL SERVICE
OFFICIAL BUSINESS

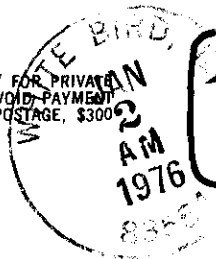
SENDER INSTRUCTIONS

- Print your name, address, and ZIP Code in the space below.
- Complete items 1, 2, and 3 on reverse side.
 - Moisten gummed ends and attach to back of article.

**RETURN
TO**



PENALTY FOR PRIVATE
USE TO AVOID PAYMENT
OF POSTAGE, \$300



DEPARTMENT OF WATER RESOURCES
STATEHOUSE
BOISE, IDAHO 83726

December 31, 1975

CERTIFIED MAIL

138239

Re: Permit No. 79-7037

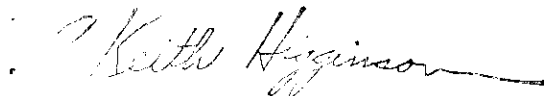
Rontz Brothers
Box 105
Whitebird, Idaho 83554

Gentlemen:

One of the conditions of approval of your water Permit No. 79-7037 (see last page of your approved permit) was that evidence of the extent of development be submitted as proof of application of water to beneficial use to this office on or before March 1, 1976. Enclosed is an affidavit form which must be used to submit the required proof of beneficial use.

If you have not fully completed your project, and you have not previously received an extension of time, you may request an extension of time provided the delay is for reasonable cause as indicated in Section 42-204, Idaho Code, amended. If you have been prevented from proceeding by a governmental agency or by litigation, more than one extension of time can be granted.

Either the beneficial use affidavit or a request for an extension of time must be received by this Department on or before the above mentioned date, otherwise the permit will lapse and be of no further force or effect.



R. KEITH HIGGINSON
Director

RKH:jg
Enc: Proof affidavit

February 24, 1975

Re: Permit No. 79-7037

Bentz Brothers
Box 105
Whitebird, Idaho 83554

Gentlemen:

Enclosed is a copy of your approved Application for Permit No. 79-7037. We direct your attention to the conditions of approval as listed on the fourth page.

Be sure to note that a special condition requiring you to install and maintain a measuring device at your point of diversion has been placed upon your permit. We are enclosing a letter describing different types of measuring devices accepted by this office.

Sincerely,

BOBBY D. FLEENOR
Chief, Water Rights

BDF:jfr

Enclosures

MICROFILMED

Feb. 5, 1975

Idaho Dept. of Water Resources
Statehouse

Boise, Idaho 83720

RECEIVED

FEB 17 1975

Department of Water Resources

FEB 18 1975

Gentlemen:

I hereby withdraw my protest
of the Bantz Bros. of Whitford, Idaho
for a water permit to pump from
Whitford Creek. We have discussed the
matter and it was a misunderstanding
on my part of the amount they
wish to use.

Very truly yours,
Mrs. Ray Holes

MRS RAY HOLES
Route #1
Grangeville, ID 83530

MICROFILMED

February 18, 1975

Bentz Bros.
Box 105
Whitebird, ID 83554

Re: Application for Permit No. 79-7037, Protest

Gentlemen:

Enclosed is a copy of a letter withdrawing the protest filed by Mrs. Ray Moles on Jan. 31, 1975

The protest has been removed from our department's records and we will now continue processing of your application.

If we can be of further assistance to you, please feel free to contact this office.

Sincerely,

KENNETH H. FOIT, P.E.
Western District Engineer

KHF:jg

Enclosure

Microfilm

February 18, 1975

Mrs. Ray Moles
Rt. # 1
Grangeville, ID
83530

Re: Application for Permit No. 79-7037 Protest

Dear Mrs. Moles:

This is to acknowledge receipt of your withdrawal of your above referenced protest. Please be advised that the protest has been removed from the department's records.

If you have any further questions, please do not hesitate to contact this office.

Sincerely,

KENNETH H. FOIT, P.E.
Western District Engineer

KaF:jg

MICROFILMED

Public Notices

NOTICE OF APPLICATION FOR WATER PERMIT

Notice is hereby given that BENTZ BROTHERS, Box 105, White Bird, ID. has on Jan. 10, 1975 submitted Application No. 79-7037 for a permit to appropriate 1.75 cubic feet per second per annum of water from White Bird Creek, trib. to Salmon River by means of pump, pipeline and ditch within the ~~SW~~SW $\frac{1}{4}$, Sec. 6, T. 28 N. R. 1 E., B.M. Idaho County to be used from April 15, to Sept. 15 for Irrigation of 88 acres within the SW $\frac{1}{4}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ SW $\frac{1}{4}$, Sec. 6, T 28 N, R 2 E; SE $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 1, T 28 N, R 1 E.

If issued, this permit will be subject to all prior water rights. Protests against the granting of the permit must be filed with the Idaho Department of Water Resources, Statehouse, Boise, Idaho 83720, on or before Feb. 10, 1975.

R. KEITH HIGGINSON
Director

Published in the Idaho County Free Press, Grangeville, ID on Jan. 22, 1975 and Jan. 29, 1975.

Grangeville, Idaho
Jan 30, 1975

Idaho Department of Water Resources, Statehouse
Boise, Idaho 83720

Gentlemen:

I am writing in protest to the enclosed application for the water permit of the Bentz Brothers.

Both last summer and the summer before during the period of July, Aug. and Sept. Whitebird Creek was extremely low. I am concerned that if this permit to pump the excessive amount of water asked for is granted that there will not be water for the ones of us who have property and hold water permits on down the creek toward Whitebird. Also there will not be water enough for the fish life in this creek.

As you are probably aware the Bentz Bros are the first to take water from Whitebird Creek as it flows down toward the town of Whitebird and the Salmon River. There are a number of existing water rights along this creek now and these should be considered before your decision is made.

I strongly urge you to carefully examine the flow of the creek during the dry summer months before issuing a permit to pump the amount asked for.

Very truly yours,

Mrs. Ray Holes

MRS. RAY HOLES
Route # 1
Grangeville, Idaho 83530

RECEIVED
FEB 3 1975

February 10, 1975

Mrs. Ray Holes
Route #1
Grangeville, ID 83530

Re: Application No. 79-7037-Bentz-Brothers

Dear Mrs. Holes:

This is to acknowledge receipt of your protest to issuance of a permit pursuant to the above referenced application. The following are the principle items we can consider at a conference and/or hearing in either approving or denying an application for permit (Section 42-203, Idaho Code):

1. Will the proposed use reduce the quantity of water under existing water rights?
2. Is the proposed water supply insufficient for the purposes intended?
3. Is the application made in good faith or for delay or speculative purposes?
4. Has the applicant sufficient financial resources with which to complete the project?

The Department may reject an application and refuse issuance of a permit, partially approve the permit, approve the permit for a quantity of water less than applied for, or approve the permit subject to special conditions.

A permit issued by this office is subject to all prior water rights and does not in any way convey or establish a right-of-way over private or governmental lands. Any right-of-way or easement must be obtained by the individuals concerned through action outside of the water right proceedings.

You will be notified at a later date as to the time and place set for conference and or hearing to discuss the matters of protest. If we may be of further assistance, please contact us.

Very truly yours,

KENNETH H. FOIT
Western District Engineer

RECORDED

February 10, 1975

Benta Brothers
Box 105, Whitebird, ID

Re: Application for Permit No. 79-7037

Gentlemen:

We have enclosed a copy of the protest filed against the issuance of a permit pursuant to your Application No. 79-7037. You should be aware that the following are the principle items we can consider at a conference and/or hearing in either approving or denying an application for permit (Section 42-203, Idaho Code):

1. Will the proposed use reduce the quantity of water under existing water rights?
2. Is the proposed water supply insufficient for the purpose intended?
3. Is the application made in good faith or for delay or speculative purpose?
4. Has the applicant sufficient financial resources with which to complete the project?

The Department cannot allow a permit for irrigation purposes which would entail the use of more than a continuous flow of 0.02 cubic feet per second of water for each acre of land, or an annual amount of 5 acre feet for each acre of land, unless the applicant can show that more is required. (Section 42-202, Idaho Code)

A permit issued by this office is subject to all prior water rights and does not in anyway convey or establish a right-of-way over private or governmental lands. Any right-of-way or easement must be obtained by the applicant through action outside of the water right proceedings.

You will be notified at a later date as to the time and place set for a conference and/or hearing to discuss the matters of protest. Legal counsel is not mandatory at any proceeding before the Department, although you may desire to employ an attorney in your behalf.

If we may be of any assistance, please contact us.

Very truly yours,

KENNETH H. FOIT, P.E.
Western District Engineer

KHF:jg

Enclosure Copy of protest

MICROFILMED

STATE OF IDAHO

DEPARTMENT OF WATER ADMINISTRATION

Cecil D. Andrus
Governor

R. Keith Higginson
Director

Statehouse Annex 2
Boise, Idaho 83707
(208) 384-2215
Western District Office



Water Rights Administration
Water Resource Investigation
Dam and Reservoir Safety
Water Well Drilling
Waste Disposal Wells
Stream Channel Protection

January 17, 1975

Idaho County Free Press
Box 267
Grangeville, Idaho 83530

Re: Application for a Water Permit No. 78-7066, James A. Amell
No. 79-7037, Bentz Brothers

Gentlemen:

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

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

An affidavit of publication must be submitted to the Department along with the publication bill. In order to receive payment, the following certification must appear on the bill:

"I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid."

(signature of claimant)

Sincerely,

bill submitted

OK Jg 2-6-75

[Handwritten initials]

NOTICE OF APPLICATION FOR WATER PERMIT

Notice is hereby given that

BENTZ BROTHERS

Box 105, Whitebird, ID
has on Jan. 10 1975 submitted Application No. 79-7037
for a permit to appropriate 1.75 cubic feet per second XXXXXXX acre feet
per annum of water from Whitebird Creek, trib. to Salmon River
by means of pump, pipeline and ditch
within the SE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 6, T 28 N, R. 2 E, B.M. Idaho County

to be used from April 15, to Sept. 15
for Irrigation 88 acres

within the SE $\frac{1}{4}$ NE $\frac{1}{4}$, W $\frac{1}{2}$ SW $\frac{1}{4}$, Sec. 6, T 28 N, R 2 E;
SE $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 1, T 28 N, R 1 E

If issued, this permit will be subject to all prior water rights. Protests against the granting of the permit must be filed with the Idaho Department of Water Resources, Statehouse, Boise, Idaho, 83720, on or before

Feb. 10, 1974

R. KEITH HIGGINSON

Director

Published in the Idaho County Free Press, Grangeville, ID
on Jan. 22, 1975 and Jan. 29, 1975

MICROFILMED

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION
WESTERN DISTRICT OFFICE



Cecil D. Andrus
Governor
R. Keith Higginson
Director

614 State Street
Statehouse - Annex 2
Boise, Idaho 83707
(208) 384-2190

Water Rights Administration
Water Resource Investigations
Dam and Reservoir Safety
Water Well Drilling
Waste Disposal Wells
Stream Channel Protection
Geothermal Resources

January 14, 1975

Bentz Brothers
Box 105
Whitebird, ID 83554

Re: Application for Permit No. 79-7037

Gentlemen:

Enclosed is your Receipt No. 15382 in the amount of \$ 35.00 for
one application for Permit which was received in this office
on January 10, 1975.

Sincerely,

CATHY L. ATKINSON
Stenographer

CLA:c

Enclosure

MAILED