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117	117

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117	117
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117	117
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Robert Brown was Roushman train

CENTRAL

ROOM

R.R.

MICROFILMED
JUN 08 1999



TR. COM T

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182.28

58.25

39.208

10m Pin at corner

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

[illegible]

Scale: 2 inches equal 1 mile.

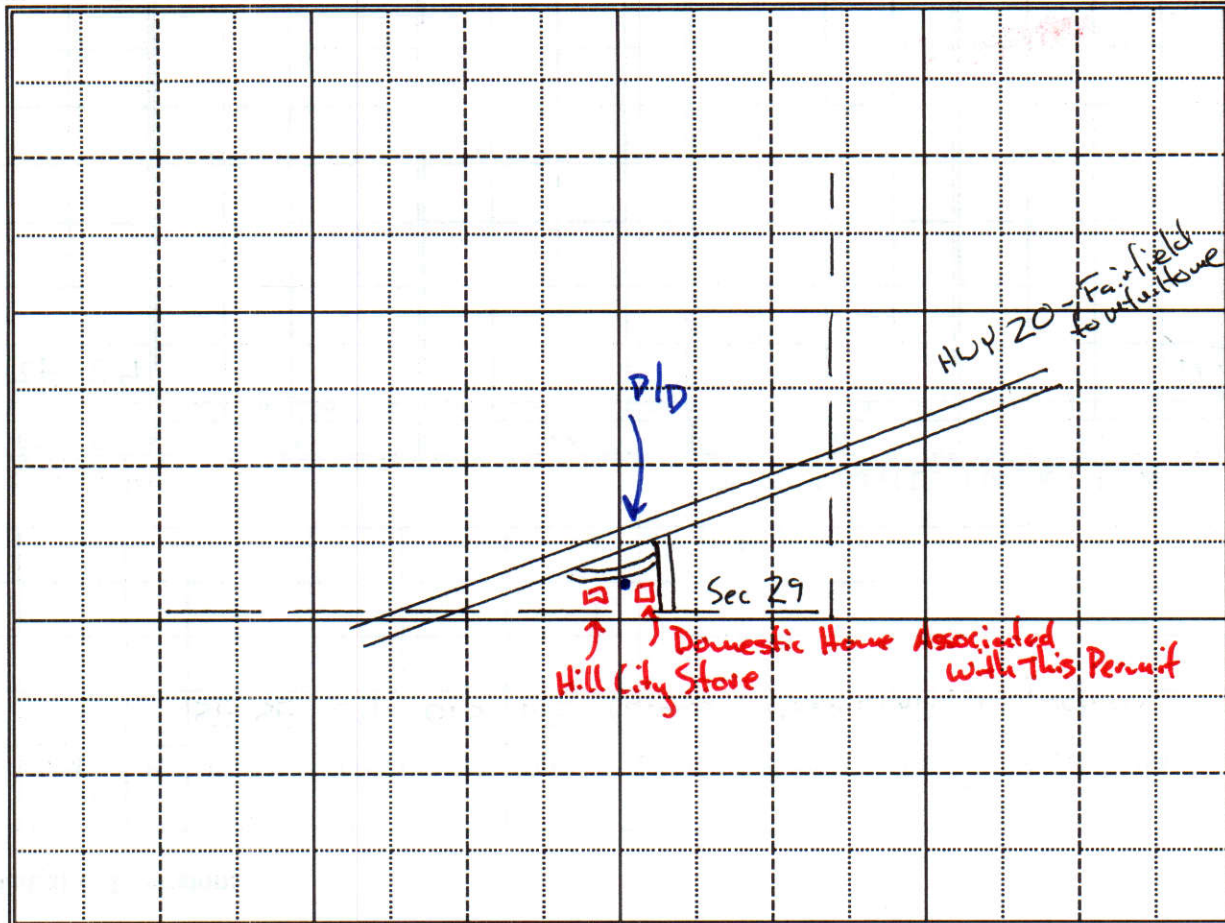
BE IT KNOWN that the undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.

Emma Malcomson Bennett
(Applicant)

(Applicant)

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3. **Delivery System Diagram:** Indicate all major components and distances between components. Indicate weir size/ditch size/pipe i.d. as applicable.



Scale: 1" = Not to Scale

☒ Copy of USGS 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)

☒ Photo of Diversion and System Attached

4.

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
	STA-RITE or Berkeley	1/2	—		

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

D. FLOW MEASUREMENTS

1.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date
NONE						

2. Measurements: NONE

RECEIVED

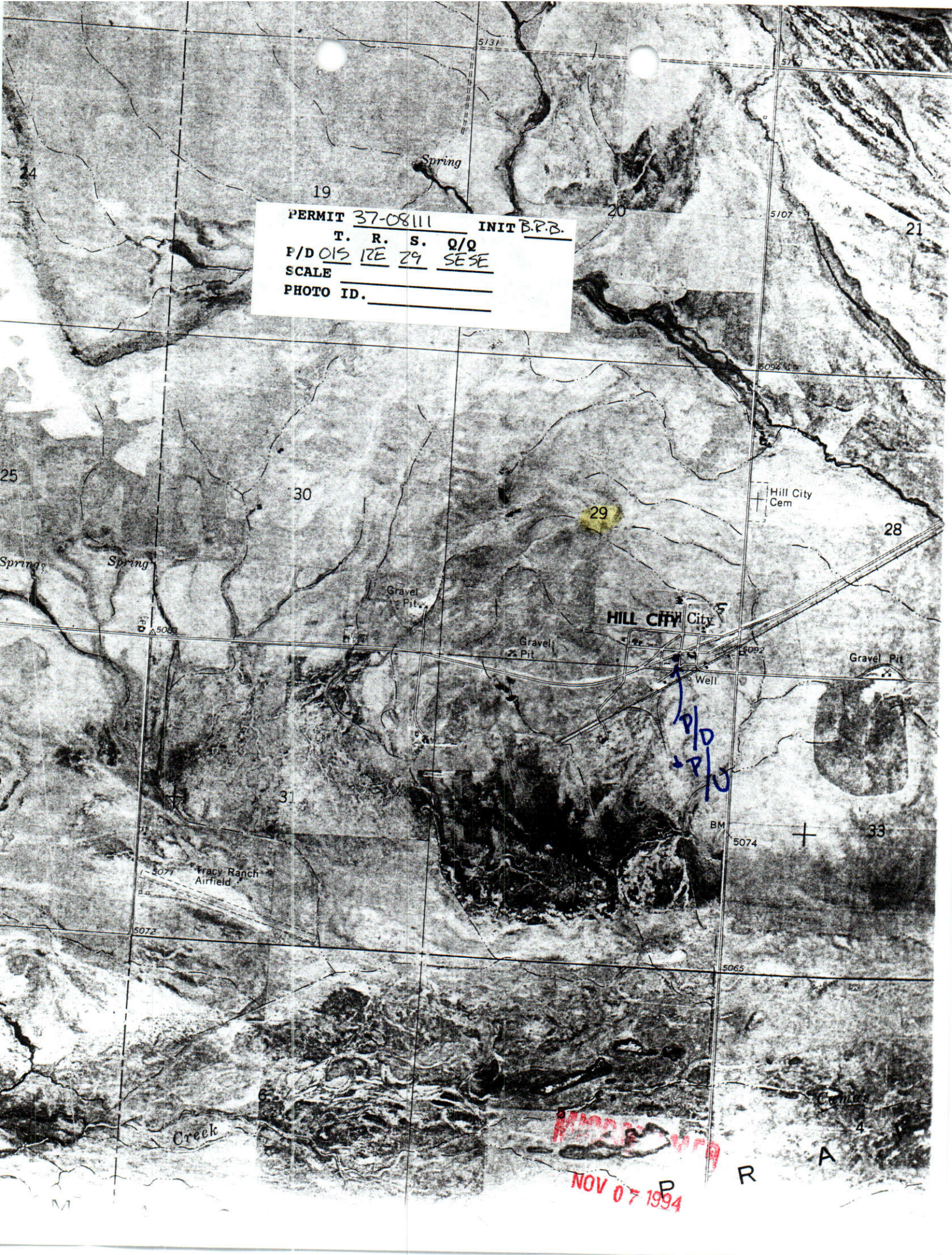
NOV 07 1994

PERMIT 37-08111 INIT B.P.B.

T. R. S. Q/Q
P/D 015 12E 29 SESE

SCALE

PHOTO ID.



P37-8111
These photos
were taken on
July 19, 1993.



Store
- some grocery
items are sold
also post office
for Hill City is
located here



this is the
irrigation use
(supposedly)
between domestic
home & store
I found no irrigation
of significant
use taking place
- no system
capable

MISSOURY MFD

NOV 07 1994



P37-8111
These photos
were taken on July 19, 1993.

HWY 20

P/D

~ 1/2 H.P.
submersible pump



P/U ~ Domestic
Use

P/D

RECEIVED
NOV 07 1994

AFFIDAVIT of PUBLICATION

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

Frank T. Crow, Jr., 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 18 day of December 19 85, and the date of the last publication was on the 25 day of December, 19 85.

[Signature]

Subscribed and sworn to before me this 25 day of December, 19 85.
(SEAL)

[Signature]
NOTARY PUBLIC

GOODING COUNTY LEADER
Gooding, Idaho

COST OF PUBLICATION

JAN 6 1986

Department of Water Resources
Southern District Office

Number of Lines in Notice	<u>31</u>
Number of Insertions	<u>2</u>
Lines tabular at	48¢
<u>31</u> Lines straight at	38¢
<u>31</u> Subsequent lines at .28.5¢	
Total Cost	<u>\$20.61</u>

COPY OF NOTICE (Paste Here)

Notice of Application of TITLE OF NOTICE

Water Right
37-8111

Emma Bennett Malcomson
PLAINTIFF ATTORNEY

DEFENDANT

PLAINTIFF

Dept. of Water Resc.,
Twin Falls, Idaho

NOTICE OF APPLICATION FOR WATER RIGHT

Notice is hereby given that the following application(s) have been submitted for permit to appropriate the public waters of the State of Idaho:

37-8111

BENNETT, EMMA
MALCOMSON
BOX 120, HILL CITY, ID 83337
Source: GROUNDWATER
Date Filed: 05/23/1983
Diversion Pt: SESE Sec 29 T 01S
R 12E
Use: IRRIGATION (0.02 CFS)
COMMERCIAL: (0.02 CFS)
DOMESTIC (0.04 CFS)
In: SESE Sec 29 T 01S R 12E FOR
1 ACRES

If issued the permit(s) will be subject to all prior water rights. Protests against the granting of any permit must be filed with the Director of the Idaho Department of Water Resources, 1041 Blue Lakes Blvd. North, Twin Falls, Idaho, 83301 and received on or before January 6, 1985.

/s/ A. KENNETH DUNN
Director

(PUB: 12-18, 25 #3873

7 pt. per line, straight 38¢
7 pt. per line, tabular 48¢
7 pt. per line, successive
insertions 28.5¢

No. #3873

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RECEIVED

MAY 2 1999

RECEIVED

MAY 21 1999

Department of Water Resources
STATE OF IDAHO
IDAHO DEPARTMENT OF WATER RESOURCES

Department of Water Resources
 Southern Region

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.

1. Water Right No(s).: 37-08111
 Adjudication Claim No(s).: _____

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 attached to your deed or on file with the county.)
 OR
 - C. For water rights or adjudication claims involving ten or more irrigated acres, a USDA Farm Service Agency AERIAL PHOTO with irrigated acres outlined and point(s) of diversion clearly marked.

3. Name and Address of Former Owner/Claimant EMMA MALCOMSON BENNETT
P.O. Box 120 HILL CITY, ID 83337

4. New Owner/Claimant(s) E. RALLIE BENNETT ROSE M. BENNETT
 Name Connector (Check one): ☐ and, ☐ or, ☒ and/or
 New Mailing Address P.O. Box 394
 City, State and ZIP Code FAIRFIELD, IDAHO 83327
 New Telephone Number (208) 764-2358

5. Date you acquired the property 3-17-99

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 you irrigate _____ Number and type of stock _____
 Diversion rate in CFS .02 Number of homes 2 Other uses COMMERCIAL

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 or Claimant(s) Rose M. Bennett
 (Corporations or other organizations must submit a list of directors and/or officers demonstrating authority to sign form.)

8. For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him or her for all matters related to your claims..

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JUN 08 1999

INSTRUCTIONS

This form has been prepared to assist new owners of property to comply with the requirements of Sections 42-248 and 42-1409(6), Idaho Code. Section 42-248 requires certain property holders to notify the Department of Water Resources (IDWR) of any change in mailing address or ownership of all or part of a water right record on file with IDWR. Section 42-1409(6) provides that new property owners must notify IDWR of any change in ownership of a water right during an adjudication of water rights. Required claims may be filed by a new owner.

Separate brochures are available from IDWR describing the adjudication of water rights and the requirement to notify IDWR of changes in ownership. Please contact your nearest IDWR office, or call 1-800-451-4129, if you would like more information or need help completing this form. Please attach additional sheets to the form if you require additional space to describe or explain any of the items on the form.

1. If there are water rights associated with the property, the seller should be able to provide you with the water right or adjudication claim number(s). Please enter these number(s) at Item 1. If you or the seller believes there are water rights for the property but the numbers are unknown, you may wish to contact IDWR for assistance in identifying the water rights for the property in question. If claims for the rights are required, and have not been filed, IDWR will so advise you.
2. The information described at Item 2 is required, since IDWR cannot process the requested change without documentation of ownership. The preferred types of documentation are shown; contact IDWR if you have difficulty obtaining this information. Do not obtain a new survey for purposes of this form before contacting IDWR.
3. Please provide the name and address of the former owner of the water right and/or adjudication claim at Item 3.
4. The name, mailing address, and telephone number of the new owner(s) is entered at Item 4. Please indicate the relationship between multiple owners by using the connector 'and', 'or', or 'and/or'. If an 'and' is used, all parties must sign this form. If an 'and/or' or 'or' is used, all parties may sign. However, only one of the named parties is required to sign.
5. At Item 5, please provide the date the property in question was acquired. This may be the date of "closing" in the case of a real estate transaction or the date of court order for other types of ownership changes.
6. You may be purchasing only a portion of the total water right held by the seller. This means the water right held by the seller may be "split" to provide your share of the right in question. Be sure to include a description of the portion of the water right you have purchased at Item 6.

Please provide as much detail as possible concerning your water right: include the number of homes, irrigated acreage if more than 1/2 acre is irrigated, type and number of stock if your right is for stockwater, etc. In the absence of information to the contrary, IDWR will assume the intent is to split the rights *proportionately*.

7. The new owner(s) must sign the form in the space(s) provided at Item 7. Corporations and other organizations must submit a list of directors or officers demonstrating the authority of the director or officer to sign the form.
8. There is no filing fee. When complete, you should retain a copy and return the original of the form to the IDWR office nearest you:

IDWR Western Region
2735 Airport Way
Boise, ID 83705-5082
(208) 334-2190

IDWR Southern Region
1341 Fillmore St., Suite 200
Twin Falls, ID 83301-3380
(208) 736-3033

IDWR Northern Region
1910 Northwest Blvd., Suite 210
Coeur d'Alene, ID 83814-2615
(208) 769-1450

IDWR Eastern Region
900 N. Skyline Dr., Suite A
Idaho Falls, ID 83402-1718
(208) 525-7161

MICROFILMED

JUN 08 1999

RECEIVED

WARRANTY DEED

MAY 26 1999

RECEIVED

MAY 21 1999

For Value Received

Emma M. Bennett, a widow

Department of Water Resources

Department of Water Resources
Southern Region

Hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto F. Rollie Bennett & Rose M. Bennett; husband and wife whose address is P.O. Box 394, Fairfield, Idaho 83327

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

Lots 4, 5, 6, 7, 8, 9 & 10, Block 12, Hill City Townsite, as the same is shown on the official plat thereof located in the office of the County Recorder of Camas County, Idaho

Together with Water Right No. 37-08111 and appurtenances thereto

TO HAVE AND TO HOLD, the said premises, with their appurtenances unto the said Grantee and to the Grantee's heirs and assigns forever. And 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: 3/17/99

Emma M. Bennett

Instrument No.

72844

STATE OF IDAHO, COUNTY OF Camas
On this 17th day of March 1999
before me, a notary public in and for said State, personally appeared

Emma M. Bennett

known to me to be the person whose name
subscribed to the within instrument, and acknowledged
to me that she executed the same.

Hayle L. Bechtel
Residing at Fairfield
Notary Public
Idaho.

STATE OF IDAHO, COUNTY OF Camas

I hereby certify that this instrument was filed for record
at the request of Rollie Bennett
at 25 minutes past 1 o'clock p. m.,
this 17th day of March
1999, in my office, and duly recorded in Book 31
of Deeds at page 264

ROLLIE BENNETT

Ex-Officio Recorder

By Kori Budgett
Fees \$3⁰⁰
Mail to: Deputy.

MICROFILMED

JUN 08 1999

RECEIVED

SECURITY TITLE CO., GOO

IDAHO

MAY 26 1997

GOOT

LINCOLN COUNTY

Department of Water Resources

RECEIVED

MAY 21 1999

Department of Water Resources
Southern Region

WARRANTY DEED

For Value Received Emma M. Bennett, a widow

Hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto F. Rollie Bennett

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

Lots 1, 2 & 3, Block 12, Townsite of Hill City, as
the same appears on the official plat on file in
the office of the Recorder of Camas County, Idaho

TO HAVE AND TO HOLD, the said premises, with their appurtenances unto the said Grantee and to the Grantee's heirs and assigns forever. And 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: May 5, 1997

Emma M. Bennett

Instrument No.

STATE OF IDAHO, COUNTY OF *Camas*
On this *5th* day of *May* 1997
before me, a notary public in and for said State, personally appeared *Emma M. Bennett*

known to me to be the person whose name is
subscribed to the within instrument, and acknowledged
to me that *she* executed the same.

Gayle L. Bachtell
Notary Public
Residing at *Fairfield, Idaho*

STATE OF IDAHO, COUNTY OF *Camas*
I hereby certify that this instrument was filed for record
at the request of *Emma Bennett*
at *30* minutes past *2* o'clock *p* m.,
this *5th* day of *May*
1997, in my office, and duly recorded in Book *30*
of Deeds at page *402*

ROLLIE BENNETT

Ex-Officio Recorder

By *Rollie Blodgett*
Deputy.

Fees \$
Mail to:

MICROFILMED

JUN 08 1999

70891

402

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CENTRAL

ROBERTSON

39.79

MICROFILMED
JUN 08 1993



State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 37-08111

Priority: May 23, 1983

Maximum Diversion Rate:

0.02 CFS

Maximum Diversion Volume:

1.4 AF

This is to certify, that EMMA MALCOMSON BENNETT
PO BOX 120

HILL CITY ID 83337

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated May 23, 1983; and has submitted Proof of Beneficial Use on January 29, 1993. An examination indicates that the works have a diversion capacity of .020 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>
COMMERCIAL	01/01 to 01/01	0.02 CFS	0.8 AF
DOMESTIC	01/01 to 12/31	0.02 CFS	0.6 AF
	Totals	0.02 CFS	1.4 AF

LOCATION OF POINT(S) OF DIVERSION:

SESE, Sec. 29, Township 01S, Range 12E
CAMAS County

PLACE OF USE: COMMERCIAL

TWN RGE SEC

01S 12E 29

SESE

PLACE OF USE:

DOMESTIC, same as COMMERCIAL use

CONDITIONS/REMARKS:

1. The maximum diversion volume is defined as the maximum allowable volume of water that may be diverted annually from the source under this right. The use of water confirmed by this right is limited to the amount 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 must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
5. Commercial use is for a combination grocery store and post office.
6. Domestic use is for 1 home.

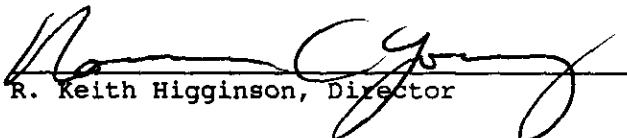
NOV 07 1994

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 37-08111

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 OCTOBER, 1994

Acting for  R. Keith Higginson, Director



NOV 07 1994

Amt. of Fee \$ _____
Date _____
Receipt No. _____
Receipt by _____

RECEIVED

JAN 29 1993

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Department of Water Resources

PROOF OF BENEFICIAL USE

The Idaho Department of Water Resources considers this form 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, when necessary, or a completed field examination report prepared by a certified water right examiner who has been appointed by the department.

1. Permit No. 37-08111 Telephone No. (208) 764-2398

2. Name(s) of Permit Holder(s): Emma Malcomson Bennett

3. Mailing Address: P.O. Box 120, Hill City, ID. 83337-0120

4. Source of Water: groundwater
If GROUNDWATER, Well Driller's Name: C.B. Eaton & Sons Date Drilled: Nov. 1981 (date invoice paid)
Windell, ID. 83355

OPTIONAL:

Pump horsepower: _____ Pressure (psi): _____ Dynamic pumping level (ft.): _____

5. Extent of Use (as authorized by the permit):

Domestic .04 cfs (No. of households) 20 Stockwater _____ (No. and type of stock)

Irrigation 21/193 Klg (No. of acres) Other _____

6. Total rate and/or volume for which proof is submitted 0.04 cfs OR _____ acre/feet

7. Refer to the approval conditions on your permit and respond accordingly:

Measuring device: Required? _____ Yes L No _____ Installed? _____ Yes _____ No

OR

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

8. Fee Enclosed: \$ _____ (See License Fee Schedule on back of Instruction Sheet)

9. Person to contact to accompany the Department representative during field examination of the water system.

Emma Bennett (208) 764-2398 or 764-9209
Name Telephone No.

Box 120, Hill City, ID. 83337
Address

10. 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.

01/28/93 Emma Malcomson Bennett
Date Signature (and title, if on behalf of a company or organization)

FEB 17 1993

RECEIVED
JAN 28 1991

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

For Office Use Only

\$15 FEE Received by

Date

Receipt #

REQUEST FOR EXTENSION OF TIME

Department of Water Resources
TO PROVIDE ADDITIONAL TIME IN WHICH TO SUBMIT PROOF OF
BENEFICIAL USE FOR A WATER RIGHT PERMIT

The Idaho Department of Water Resources will consider this form as a request that the permit holder(s) be granted an additional period of time in which to complete development of a water right under the provisions of Section 42-204, Idaho Code.

Permit No. 37-08111Name(s) of Permit Holder: Emma Malcomson BennettPost Office Address: Box 120, Hill City, Idaho 83337Telephone No. (208) 764-2398Date Proof is Due: February 1, 1991

Describe what work has been completed toward the development of this water right: well drilled, pump installed,
(This must be filled out! If no work has been completed, show "none".)
two septic tanks and drains installed, inside plumbing into two existing buildings, water and
septic hookup for trailer. Store, service station, bar operated; material purchased for
greenhouse construction.

Costing \$ 35,225.00 approx.

The permit holder(s) has been unable to complete the remainder of the work for the following reasons:

Unable to repair damage caused by extreme weather until ground thaws.

Permit holder(s) request an extension to February 1, 19 96. Emma Malcomson Bennett
(1 yr. minimum) (Signature)*

FEE: \$15.00

*IF OTHER THAN PERMIT HOLDER
POWER OF ATTORNEY MUST BE SUPPLIED.

ACTION OF THE DEPARTMENT OF WATER RESOURCES

MAR 18 1991

IT IS HEREBY ORDERED that the above request for extension of time be APPROVED and the time within which to submit proof of beneficial use is extended to February 1, 1993.

Signed this 1st day of March, 19 91.

A. Glen Saylor
Chief, Water Allocation Bureau

RECEIVED
MAY 21 1983

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

Department of Water Resources
Southern District Office

To appropriate the public waters of the State of Idaho

APPROVED

1. Name of applicant Emma Malcomson Bennett Phone 764-2398

Post office address Box 120 Hill City, ID 83337

2. Source of water supply Groundwater which is a tributary of Malad River

3. Location of point of diversion is SE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 29 Township 1S

Range 12E B.M. Camas County, additional points of diversion if any: _____

4. Water will be used for the following purposes:

Amount .02 for Commercial purposes from 1/1 to 1/1 (both dates inclusive)
(cfs or acre-feet per annum)

Amount .04 for Domestic purposes from 1/1 to 12/31 (both dates inclusive)
(cfs or acre-feet per annum)

Amount .02 for Irrigation purposes from 4/15 to 10/15 (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:

a. .08 cfs cubic feet per second and/or b. _____ acre-feet per annum.

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. well, piped to place of use

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

Period of year when water will be diverted to storage _____ to _____ inclusive.
(Month/Day) (Month/Day)

c. Proposed well diameter is 8 inches; proposed depth of well is _____ feet.

7. Time required for the completion of the works and application of the water to the proposed beneficial

use is 5 years (minimum 1 year — maximum 5 years).

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: _____ horsepower 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 1.

(5) If water is to be used for other purposes describe: _____

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

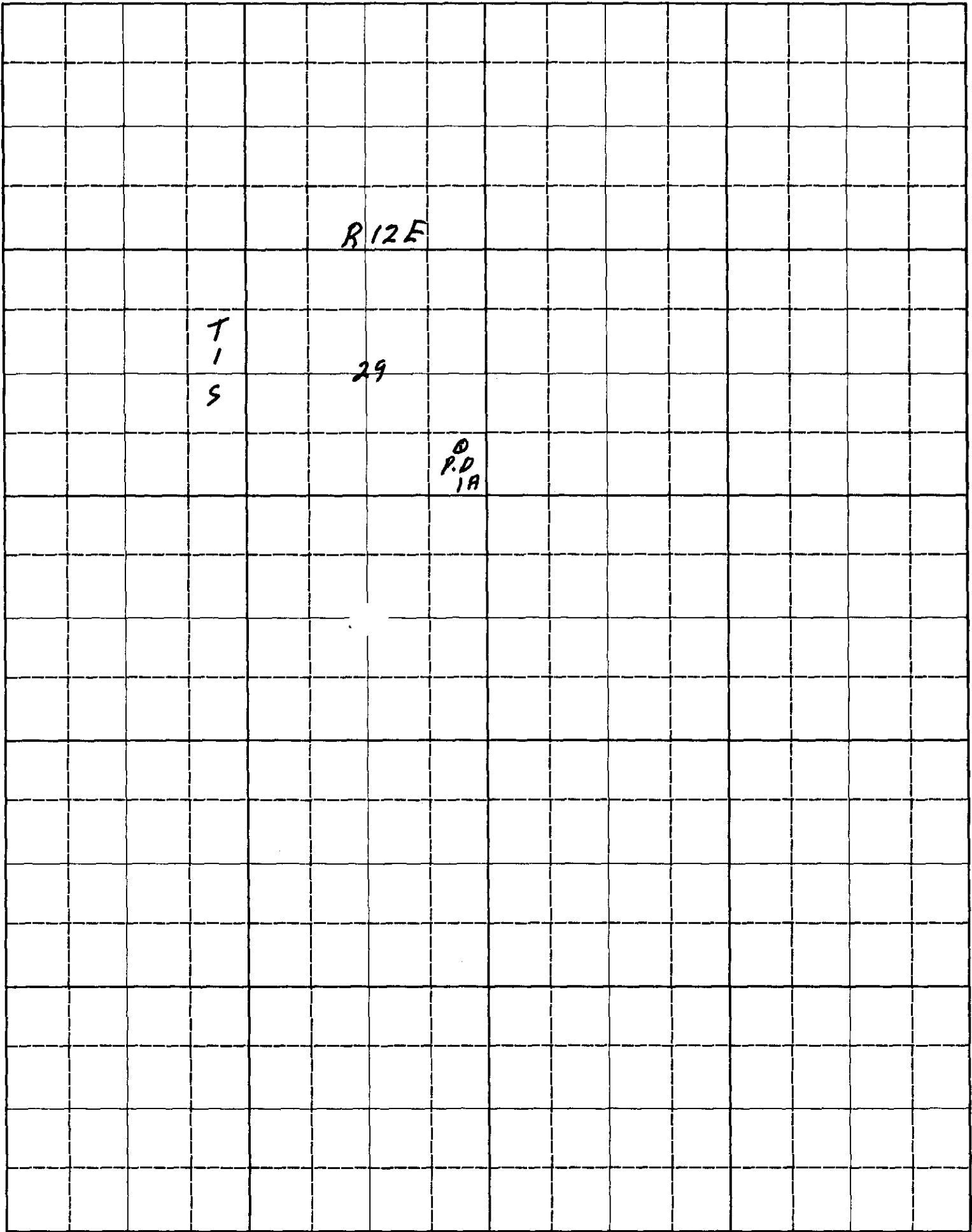
Total number of acres to be irrigated 1

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

Commercial - Green House.

[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.

Emma Djalco Jensen Russell
(Applicant)

MICROFILMED

Proposed Priority 5/23/83

5/27/83

11:30 a

MICROFILMED

Received by SKV Date 5/23/82 Time 4:30 PM

Preliminary check by AF Fee \$ 38.76 11 2 88 76

Receipted by SKV Date 5/23/83

Publication prepared by marrya Date 12/10/85

Published in Gooding Co. Leader

Publication dates 12/18 + 12/25/85

Publication approved may 2. Date 1/6/86

Protests filed by: None

Copies of protests forwarded by _____

Hearing held by _____ Date _____

Recommended for approval denial by ADM KW

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. 37-8111, 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 91.
- 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. Other: Permit holder shall commence the excavation or construction of diverting works within one year of the date this permit is issued and shall proceed diligently until the project is complete.

Witness my hand this 13th day of February, 1986.

J. Glen Saxton
Chief, Operations Bureau



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

June 8, 1999

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

F ROLLIE BENNETT
ROSE M BENNETT
PO BOX 394
FAIRFIELD ID 83327

RE: Water Right 37-08111

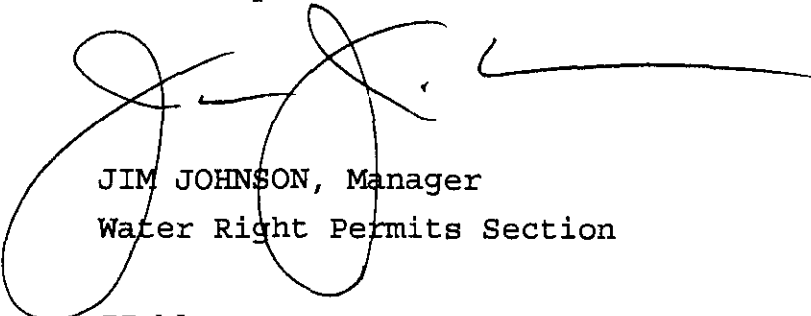
Dear Mr. & Mrs. Bennett:

The Department is in receipt of the correspondence changing the 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

Enclosures

MICROFILMED

JUN 08 1999



State of Idaho
DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000
Phone: (208) 327-7900 FAX: (208) 327-7866

October 28, 1994

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

EMMA MALCOMSON BENNETT
PO BOX 120
HILL CITY ID 83337-0120

RE: WATER RIGHT NO. 37-08111

Dear Water Right Holder(s):

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

Sincerely,

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

SHELLEY W. KEEN
Water Rights Supervisor

SK:dc

Enclosure

RECEIVED

NOV 07 1994

LICENS REVIEW CHECKLIST

PERMIT NO. 37-08111 DATE 9-30-94



NAME	Yes ☐ No ☒	Or Address Change?
PRIORITY DATE	☐ ☒	Advance? ☐ Advanced to: _____ Order to reinstate needed? ☐ Incorrect fee for rate recommended? <u>NONE p/d -.04</u>
SOURCE	☐ ☒	Changes or just clarification of originally intended source? _____ Notice of Intent to Void necessary? ☐
POINT OF DIV	☐ ☒	Amendment needed? _____ Overlaps? ☐
PLACE OF USE	☐ ☒	Amendment needed? _____ Overlaps? ☐
DIV RATE	☐ ☒	Permit (fee) limits: <u>.04</u> Meas Q = _____ Theo Q = <u>.02</u> Recommend: <u>.02</u> <u>Both limited to .02</u> Combined rates exceed capacity _____
ANNUAL VOLUME	☐ ☒	Season of use: <u>(1-1 to 12-31)</u> Calculations: <u>Internal domestic only @ .6</u> <u>Commercial for 312 days per yr</u> Flow limit: _____ cfs x _____ x 1.9835 = _____ Combined volumes exceed capacity/allowable _____
USES	☐ ☒	Change in Nature of Use or additional uses? _____ Amendment necessary? ☐
REMARKS	☐ ☒	Multiple p/d(s) in ¼ ¼? _____ Other _____
CONDITIONS	☐ ☒	Measuring/Locking Devices _____ Watermaster control - District _____ Irrigation Overlap _____ Water Quality _____ Other _____ Heat/Cool/ Fish verified _____
COMMENTS: <u>Delete irrigation use - none evident; Reduce rate</u>		

RECOMMENDED	CFS	VOL	SRBA Claim Filed	<u>NO-N/A</u>
<u>Domestic</u>	<u>.02</u>	<u>.6</u>	Adjustment Memo Needed	<u>NO</u>
<u>Commercial</u>	<u>.02</u>	<u>.8</u>		
<u>Total</u>	<u>.02</u>	<u>1.4</u>	LICENSE	☒
			1ST AMENDMENT LETTER	☐
			FINAL AMENDMENT LETTER	☐

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

RECEIVED

SEP 21 1994

Department of Water Resources

A. GENERAL INFORMATION

Permit No. 37-8111

1. Owner: Emma Malcomson Bennett

Phone No. 764-2398

Current Address: Box 120 Hill City

83337

2. Accompanied by: Emma Malcomson Bennett

EXAM DATE: 7-19-93

Address: _____

Phone No. 764-2398 or 764-9209

Relationship to Permit Holder: _____

3. Source: Groundwater

tributary to _____

B. OVERLAP REVIEW

1. Other water rights with the same place of use: NONE

2. Other water rights with the same point of diversion: NONE

C. DIVERSION AND DELIVERY SYSTEM

1. Point(s) of Diversion:

Ident No.	Gov't Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Method of Determination/Remarks
			SE	SE	29	01S	12E	Camas	USGS QUAD, Inspection

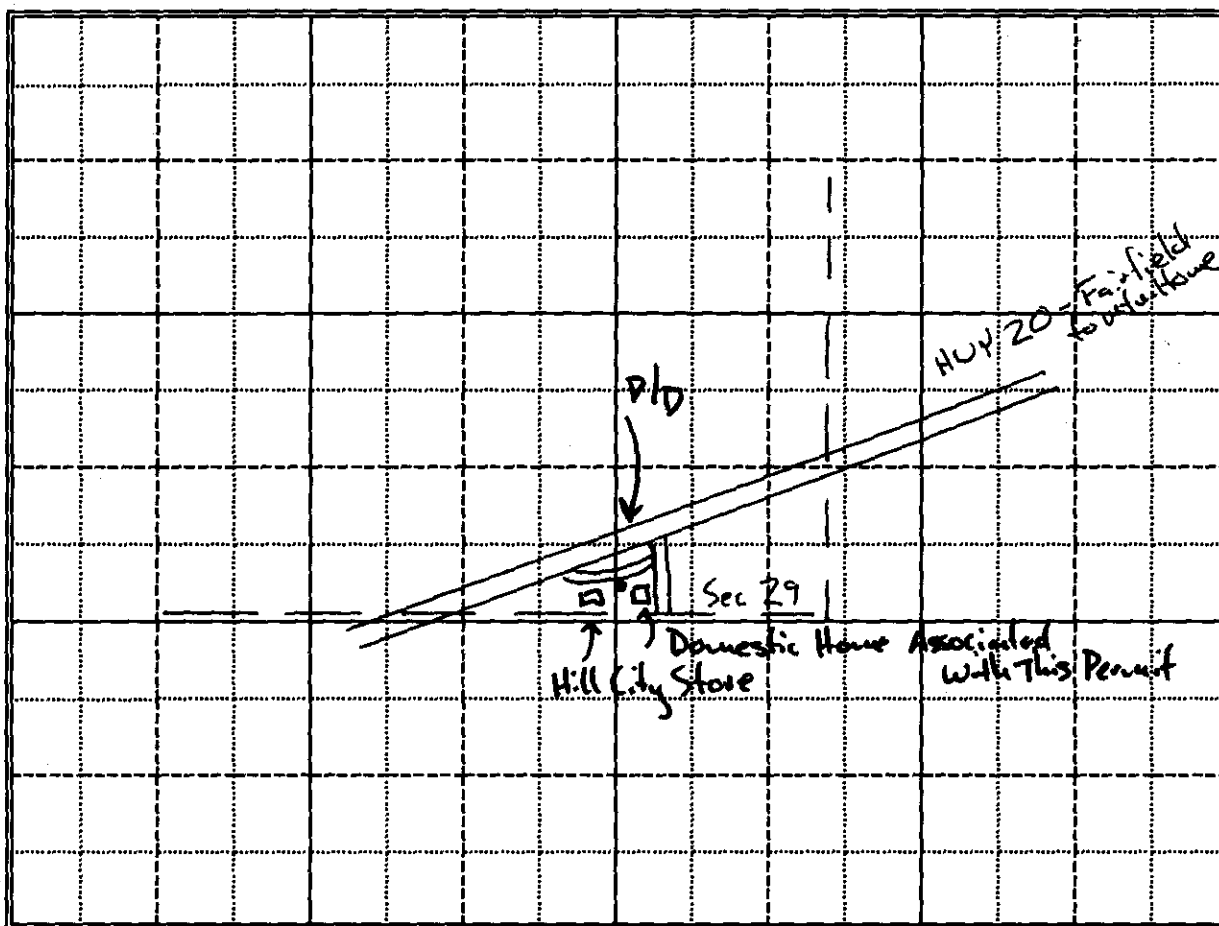
2. Place(s) of Use:

Indicate Method of Determination Inspection, USGS QUAD

TWP	RGE	SEC	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
01S	12E	29																D/C	D+C

NOV 07 1994

3. **Delivery System Diagram:** Indicate all major components and distances between components. Indicate weir size/ditch size/pipe I.D. as applicable.



Scale: Not to Scale

☒ Copy of USGS 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)

☒ Photo of Diversion and System Attached

4.

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
	STA-RITE or Berkeley	1/2	—		

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

D. FLOW MEASUREMENTS

1.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date
NONE						

2. Measurements: NONE

RECEIVED
FEB 25 1994

07 1994

E. NARRATIVE/REMARKS/COMMENTS

see attached sheet

Commercial diversion rate: 4 fixtures $\times$ 1.5 gpm = 6 gpm =
.013 = .02 cfs.

Have conditions of permit approval been met? ☒ yes ☐ no

NOV 07 1994

F. FLOW CALCULATIONS

Additional Computation Sheets Attached

Measured Method:

$$\frac{.5 \times 8.8 \times .7}{(35 \times 2.31) + 120} = .02 \text{ cfs.}$$

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation: *N/A*

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

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

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

2. Volume Calculations for Other Uses:

Domestic Use; *Internal only = .6 ofa.*

Use For Hill City Store:

6 days/week year around = 312 days
Two toilet rooms (2 fixtures each) @ 400 gpd ea = 800 gpd.
800 x 312 = 249,600 gpy = .8 ofa.

H. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (afa)
	From	To		
<i>Domestic</i>	<i>1/1</i>	<i>12/31</i>	<i>.02 cfs</i>	<i>1.2 ofa</i>
<i>Commercial</i>	<i>1/1</i>	<i>12-31</i>	<i>.02</i>	<i>.8</i>
Totals:			<i>.04 cfs</i>	<i>1.4 ofa</i>

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

I. AUTHENTICATION

Field Examiner's Name Bret Barry Date 8-27-93

Reviewer _____ Date _____

SEAL

MADE

NOV 07 1994

DATE: August 29, 1993

FROM: Brett Barry

SUBJECT: P37-08111 FIELD EXAM REPORT: NARRATIVE/COMMENTS

On July 19, 1993, the field examination for the above water permit was conducted. Emma Bennett, the permit holder, accompanied myself during this examination. This permit is to appropriate a total of 0.08 cfs for domestic, commercial, and irrigation use.

During the examination, I found the well to serve only an old domestic house and a small grocery store. The small grocery store had a total of four fixtures. There was no irrigation system set up for delivery. The application for permit called for the commercial use to be a greenhouse. I found no greenhouse, service station, or bar&motel in use. ~~Therefore, I recommend only the domestic part of this permit for licensing. This well can supply water for domestic use for the home for up to 13,000 gpd and the store, for 2500 gpd to be considered domestic use.~~

There was very little information available concerning the well and pump. The permit holder did not have any knowledge of the pump size or well depth. I called Eaton Drilling, they said the well was drilled in 1978 and a 1/2 H.P. submersible pump (either a Berkeley or Sta-Rite) was installed. The static water level was 120 ft then. In 1987, they replaced the pump with the same horsepower but did not have any information regarding the pump setting or static water levels.

There is a post office for Hill City inside the store. The store usually serves between 0-20 customers a day.

NOV 07 1994

19
PERMIT 37-08111 INIT B.P.B.
T. R. S. Q/Q
P/D OIS RE 29 SESE
SCALE
PHOTO ID.





P37-8111
These photos
were taken on
July 19, 1993.

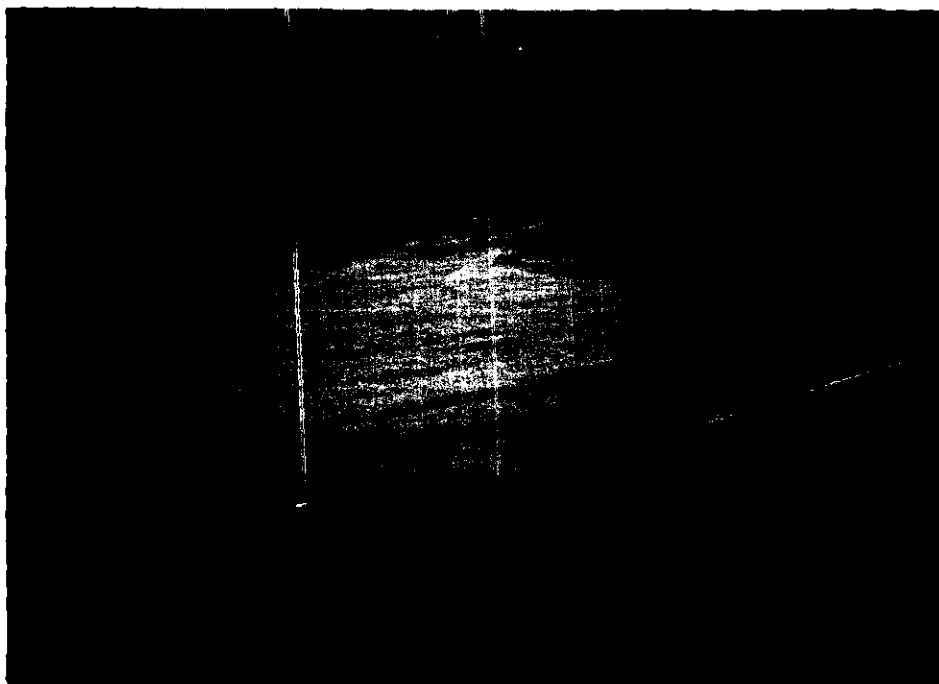
Store
- some grocery
items are sold
also post office
for Hill City is
located here



this is the
irrigation use
(supposedly)
between domestic
home + store

I found no irrigation
of significant
use taking place
- no system
capable

NOV 07 1994



P37-8111
These photos
were taken on July 19, 1993.

HWY 20

P/D

~ 1/2 H.P.
submersible pump



P/U ~ Domestic
Use

P/D

NOV 07 1994

February 5, 1993

EMMA MALCOMSON BENNETT
P.O. BOX 120
HILL CITY ID 83337

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 37-08111

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)736-3033.

Sincerely,

Karen L. Gustafson
Secretary/Records Manager

c: IDWR - Region

RECEIVED
FEB 17 1993

November 30, 1992

EMMA MALCOMSON BENNETT
P.O. BOX 120
HILL CITY ID 83337

PROOF DUE NOTICE

RE: PERMIT NO. 37-08111

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, 1993. (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.

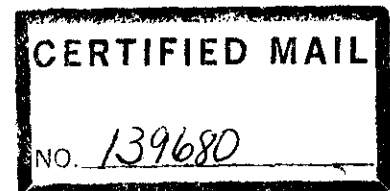
If you have not fully completed your project, and you or a previous owner of this permit have not received a prior extension of time, you may request an extension of time if the delay is for reasonable cause as provided in Section 42-204, Idaho Code. If you have been prevented from proceeding by a governmental 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,

Karen L. Gustafson
Secretary/Records Manager

Enclosures



FEB 17 1993

March 7, 1991

EMMA MALCOMSON BENNETT
BOX 120
HILL CITY ID 83337

Dear Ms. Bennett:

Re: Permit No. 37-8111

Enclosed is a copy of the approved request for extension of time. The time within which to submit proof of beneficial use is extended to February 1, 1993.

Note that the department has granted this extension based on due diligence. It is important that you work diligently toward the completion of this project during the construction period allowed. The department may not be able to grant additional requests.

Sincerely,

RITA I. FLECK
Secretary/Records Manager

Enclosure

MICROFILMED

MAR 18 1991

/38818

November 30, 1990

EMMA MALCOMSON BENNETT
BOX 120
HILL CITY, ID 83337

PROOF DUE NOTICE

RE: PERMIT NO. 37-08111

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, 1991. (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,

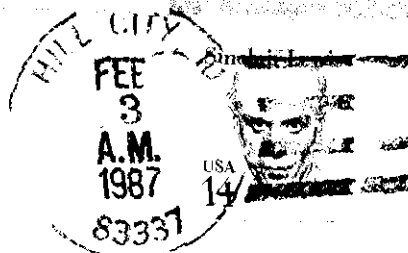
Rita Fleck
Secretary/Records Manager

Enclosures

REFILED

MAR 18 1991

Emma N. Bennett
Box 120
Hill City, ID. 83337



MAILED

MAR 18 1991

IDAHO DEPARTMENT OF WATER RESOURCES
STATEHOUSE
BOISE, IDAHO 83720

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
COMMENCEMENT OF WORKS

Permit No. 37-8111

Name(s) of Permit Holder(s): Emma Malcomson Bennett

Post Office Address: Box 120, Hill City
Idaho 83337-0120 Tel. No. 764-2398

☒ I hereby certify that construction of diversion works for the above referenced permit began on Nov 13, 1981 (date) and I understand that I must continue to develop the water system with due diligence to maintain a valid permit.

☐ I hereby certify that construction of diverting works on the above referenced project has not yet begun due to the following reason beyond my control:

*Note: A financing difficulty is
not an acceptable reason.

02/02/87
Date

Emma M. Bennett
Signature of Permit Holder

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

- - - - -

STATEHOUSE
BOISE, IDAHO 83720
(208) 334-4440
FEBRUARY 14, 1986

BENNETT, EMMA MALCOMSON
BOX 120
HILL CITY, ID 83337

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 37-8111

DEAR PERMIT HOLDER:

ENCLOSED IS A COPY OF YOUR APPROVED APPLICATION FOR PERMIT. WE DIRECT YOUR ATTENTION TO THE CONDITIONS OF APPROVAL ON THE FOURTH PAGE.

YOU SHOULD BE AWARE THAT THE GROUNDWATER YOU PROPOSE TO DIVERT IS LOCATED WITHIN A DRAINAGE BASIN WHERE SURFACE WATERS ARE REGULATED DURING THE MONTHS OF LOW FLOW. IT IS POSSIBLE THAT DIVERSION OF GROUNDWATER MAY HAVE AN ADVERSE IMPACT ON THESE SURFACE WATER FLOWS. INFORMATION AVAILABLE TO US AT THIS TIME DOES NOT WARRANT REFUSING TO ISSUE PERMITS IN YOUR AREA, BUT WE DO CAUTION THAT DIVERSIONS OF GROUNDWATER ARE NOT ALLOWED TO DEplete FLOWS AVAILABLE FOR SURFACE WATER USERS WITH EARLIER PRIORITY DATES. SITING YOUR WELL AS FAR FROM SURFACE SOURCES AS POSSIBLE AND CASING OUT UPPER WATER PRODUCING ZONES MAY REDUCE THE POTENTIAL OF INTERFERENCE.

PLEASE NOTE THE REQUIREMENT THAT AS A PERMIT HOLDER YOU MUST COMMENCE THE EXCAVATION OR CONSTRUCTION OF DIVERTING WORKS WITHIN ONE YEAR OF THE DATE THE PERMIT WAS ISSUED, AND YOU MUST PROCEED DILIGENTLY UNTIL THE PROJECT IS COMPLETED. THE ENCLOSED BLUE CARD MUST BE COMPLETED AND RETURNED TO THIS OFFICE AS SOON AS YOU COMMENCE CONSTRUCTION, NO LATER THAN ONE YEAR FROM THE DATE THE PERMIT WAS APPROVED.

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 INTO A LICENSE.

SINCERELY,

DAVID R. TUTHILL, JR., P.E.
SUPERVISOR, WATER ALLOCATION SECTION

DRT: SC
ENCLOSURES

MICROFILMED

NELSON, ROSHOLT, ROBERTSON, TOLMAN & TUCKER
Chartered

ATTORNEYS AT LAW
142 3RD AVE NO.

MAILING ADDRESS: P.O. BOX 1906
TWIN FALLS, ID 83303-1906
TELEPHONE (208) 734-0700

THOMAS G. NELSON
JOHN A. ROSHOLT
J. EVAN ROBERTSON
STEVEN K. TOLMAN
JAMES C. TUCKER

TERRY T. UHLING
F. BRUCE COVINGTON
LAIRD B. STONE
GARY D. SLETTE

February 5, 1986

RECEIVED

FEB 6 1986

Department of Water Resources
Southern District Office

Mr. Loren Holmes
Department of Water Resources
Southern Division
1041 Blue Lakes Blvd., No.
Twin Falls, Idaho 83301

Dear Loren:

This letter will serve to advise you that the following applications will be released from the "Swan Falls" lawsuit:

45-7553; 36-8223; 36-8185; and 37-8111.

You may proceed with the processing of these applications. If you have any questions, please advise.

Most sincerely,

Cindy
Cynthia S. Cranston-Felton
Paralegal

CSCF:tpk

MICROFILMED

AFFIDAVIT of PUBLICATION

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

Frank T. Crow, Jr., 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 18 day of December 19 85, and the date of the last publication was on the 25 day of December, 19 85.

[Signature]

Subscribed and sworn to before me this 25 day of December, 19 85
(SEAL)

[Signature]
NOTARY PUBLIC

GOODING COUNTY LEADER
Gooding, Idaho

COST OF PUBLICATION

JAN 6 1986

Department of Water Resources
Southern District Office

Number of Lines in Notice 31
Number of Insertions 2
Lines tabular at 48¢
31 Lines straight at 38¢ \$11.78
31 Subsequent lines at .285¢ \$ 8.83
Total Cost \$20.61

COPY OF NOTICE (Paste Here)

Notice of Application of TITLE OF NOTICE

Water Right
37-8111

Emma Bennett Malcomson
PLAINTIFF ATTORNEY

DEFENDANT

PLAINTIFF

Dept. of Water Resc.
Twin Falls, Idaho

Notice is hereby given that the following application(s) have been submitted for permit to appropriate the public waters of the State of Idaho:

37-8111

BENNETT, EMMA
MALCOMSON
BOX 120, HILL CITY, ID 83337
Source: GROUNDWATER
Date Filed: 05/23/1983
Division: SESE Sec 29 T 01S R 12E
Use: IRRIGATION (0.04 CFS)
COMMERCIAL (0.04 CFS)
DOMESTIC (0.04 CFS)
In: SESE Sec 29 T 01S R 12E FOR 1 ACRES

If issued the permit(s) will be subject to all prior water rights. Protests against the granting of any permit must be filed with the Director of the Idaho Department of Water Resources, 1041 Blue Lakes Blvd. N., Twin Falls, Idaho, 83301 and received on or before January 5, 1986.

By: A. K. KENNEDY, DUNN

(PUB: 12-18, 25 #3873
7 pt. per line, straight 38¢
7 pt. per line, tabular 48¢
7 pt. per line, successive
insertions 28.5¢

No. #3873

MICROFILMED



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
SOUTHERN REGION

John V. Evans
Governor

A. Kenneth Dunn
Director

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

December 10, 1985

Gooding County Leader
Box 56
Gooding, Idaho 83330

Gentlemen:

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

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

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

Very truly yours,

Mary A. Newby
Sec/Office Coord.

Encl:

MICROFILMED

NOTICE OF APPLICATION FOR WATER RIGHT

Notice is hereby given that the following application (s) have been submitted for permit to appropriate the public waters of the State of Idaho:

32-8111-

BENNETT, EMMA MALCOMSON

BOX 120, HILL CITY, ID 83337

Source: GROUNDWATER

Date Filed: 05/23/1983

Diversion Pt: SESE Sec 29 T 01S R 12E

Use: IRRIGATION	(0.02 CFS)
COMMERCIAL	(0.02 CFS)
DOMESTIC	(0.04 CFS)

In: SESE Sec 29 T 01S R 12E FOR 1 ACRES

If issued the permit(s) will be subject to all prior water rights. Protests against the granting of any permit must be filed with the Director of the Idaho Department of Water Resources, 1041 Blue Lakes Blvd. North, Twin Falls, Idaho, 83301 and received on or before January 6, 1985.

A. KENNETH DUNN
Director

Published December 18 and 25, 1985.

MICROFILMED