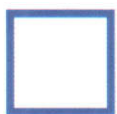
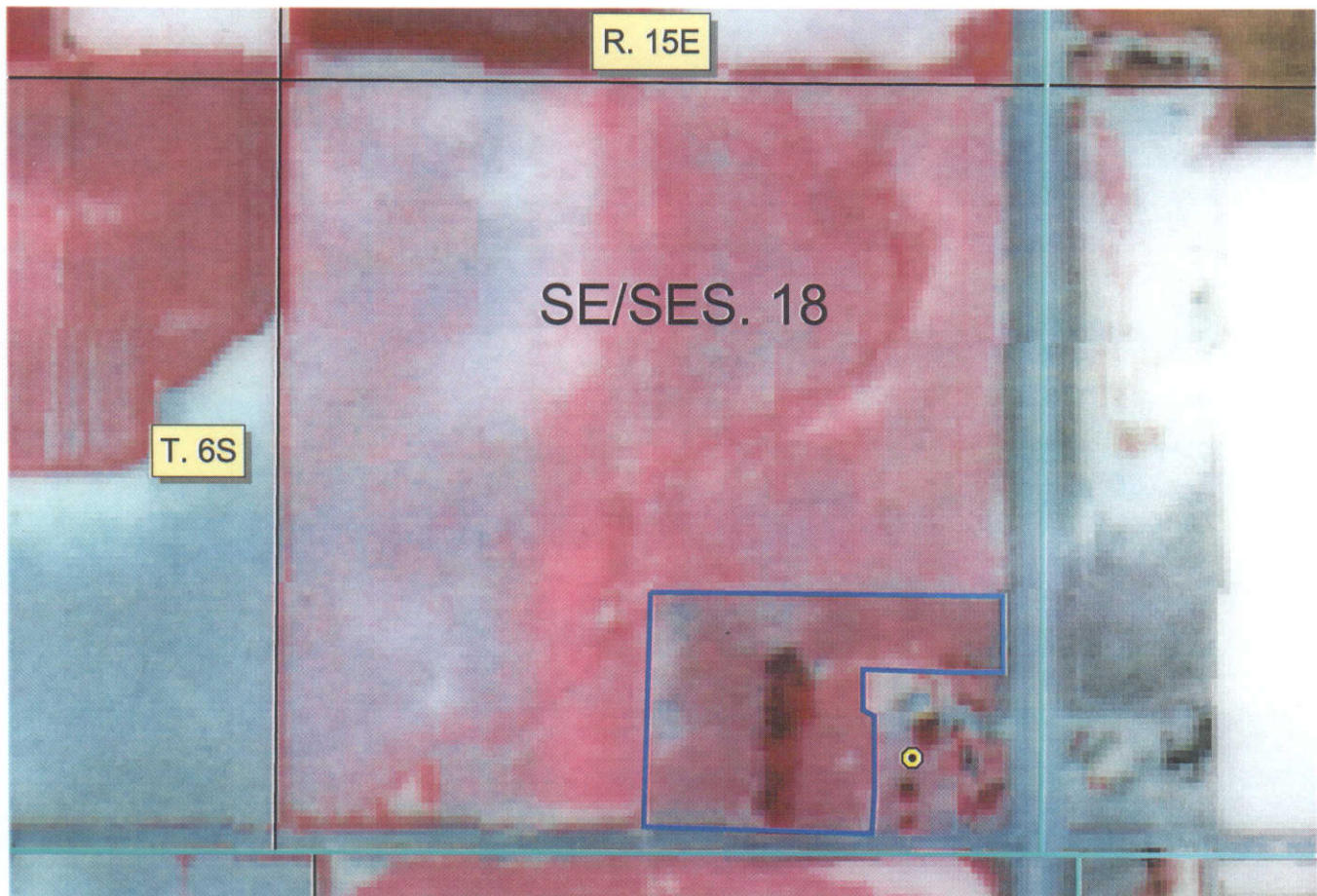


IDAHO DEPARTMENT OF WATER RESOURCES

Application for Permit 37-20931, John Bennett



Section Lines



Quarter/Quarter Lines

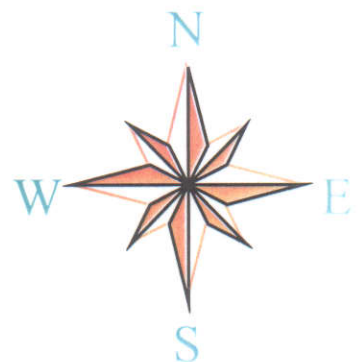
General Location: 2 mi S of Hwy 26/46 interchange on the west side
of Hwy. 46

● Point of Diversion



Land Irrigated Since 1984

MICROFILMED
SEP 03 2003



Prepared By J E Stanton 4-30-2003 1986/87 NAPP Data

RECEIVED

SEP 16 2003

Department of Water Resources
Southern Region

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

PROOF OF BENEFICIAL USE

RECEIVED
SEP 17 2003
Department of Water Resources

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 be accompanied by a completed field examination report prepared by a certified water right examiner.

1. Permit No. 37-20931 Telephone No. 934-4665

2. Name of Permit Holder(s): John D. & Carole Bennett

3. Mailing Address: 2095 Hwy 46

City Gooding State ID Zip 83330

4. Source of Water: Ground Water If GROUNDWATER (well), Date Drilled: mo. _____ / yr. 1920

Well Driller: _____ Drilling Permit Number: _____

5. Use(s) (as authorized by the water right permit):

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

Irrigation (No. of acres): 4.3 Other: _____

6. Total rate of diversion and/or volume for which proof is submitted: 0.12 cfs OR _____ acre-feet

7. Measuring Device Requirement: (refer to the approval conditions on your permit and respond accordingly)

(This question is not optional. Please check either yes or no. Proofs returned not checked accordingly, will be considered incomplete)

Measuring Device: Is a measuring device required?

Yes _____ or No ✓

Has the measuring device been installed?

Yes _____ or No ✓

8. Fee Enclosed: \$ 50.00 (See Fee Schedule on back of the instructions for filing proof of beneficial use)

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

Name: Applicants Telephone Number: 934-4665

Address: same as above

10. The information given on this form is my true statement of the extent to which the above numbered permit has been developed and water has been diverted. I agree to relinquish any undeveloped portion of the permit to the State of Idaho.

Signature of permit holder: Carole Bennett, owner Date: 9/14/03
(include your title, if on behalf of company or organization)

MICROFILMED
NOV 2 11 2003

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 37-20931

Priority: May 05, 2003

Maximum Diversion Rate: 0.12 CFS

This is to certify, that CAROLE R BENNETT And
JOHN D BENNETT
2095 HWY 46
GOODING ID 83330

has applied for a permit to appropriate water from:

Source: GROUND WATER

and a permit is APPROVED for development of water as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>
IRRIGATION	03/15 to 11/15	0.12 CFS

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER SE $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 18, Twp 06S, Rge 15E, B.M., GOODING County

PLACE OF USE: IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals	
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
06S	15E	18																	4.3	
																			Total Acres:	4.3

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **December 01, 2003**.
2. Subject to all prior water rights.
3. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
4. This right does not authorize the irrigation of land not previously irrigated.
5. Any license issued by IDWR pursuant to the right or portion thereof for the use of trust water is subject to a term review of 20 years after the date of this approval to determine availability of water for the use and to re-evaluate the public interest at the end of the term.
6. After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to determine the amount of water diverted from power records and shall annually report the information to the Department.
7. This right when combined with all other rights shall provide no more than 0.03 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of the Director, affixed at Boise, this 5th day of August, 2003.

MICROFILMED

SEP 11 2003

Karl J Dreher
for KARL J DREHER, Director

RECEIVED

JUL 24 2003

Department of Water Resources

Page 1

Ident. No. 37-20931

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

To appropriate the public water of the State of Idaho

1. Name: CAROLE R BENNETT
2095 HWY 46
GOODING ID 83330
(208)934-4665

And

JOHN D BENNETT
2095 HWY 46
GOODING ID 83330
(208)934-4665

2. Source: GROUND WATER

3. Location of Point of Diversion:

#1 GROUND WATER

SE1/4SE1/4SE1/4

Sec. 18, Twp 06S, Rge 15E, B.M.

GOODING County

4. Water will be used for the following purposes:

<u>Purpose</u>	<u>From</u> <u>To</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	03/15 to 11/15	0.12 CFS	

5. Total quantity to be appropriated is: 0.12 CFS

6. Proposed diverting works:

POINT OF DIVERSION #1

- a. Type and size of devices used to divert water from the source: EXISTING WELL, 5 HP
MOTOR, PUMP, MAINLINE TO SPRINKLERS

- b. Height of storage dam _____ feet;
Active reservoir capacity _____ acre-feet;
Total reservoir capacity _____ acre-feet;

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

- d. Is ground water with a temperature of greater than 85F being sought? **No**

- e. If well is already drilled, when? _____ 1920 _____;

Drilling Firm _____;

Drilling Permit No. _____.

RECEIVED

MAY - 5 2003

Department of Water Resources
Boise, Idaho

MICROFILMED

JUL 25 2003

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

To appropriate the public water of the State of Idaho

7. Time required for the completion of the works and application of the water to the proposed beneficial use is 1 year(s).

8.

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
06S 15E 18																4.3	4.3

Total Acres: 4.3

9a. Who owns the property at the point of diversion? If other than applicant, describe the arrangement enabling the applicant to make this filing.

APPLICANT

9b. Who owns the land to be irrigated or place of use? If other than applicant, describe the arrangement enabling the applicant to make this filing.

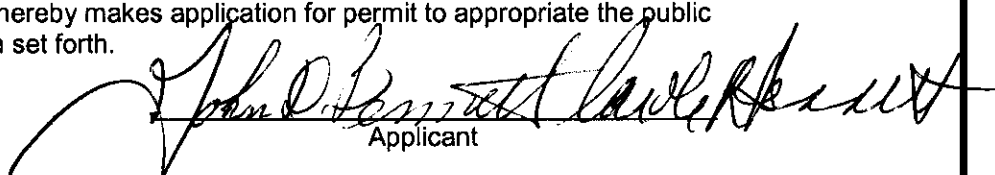
APPLICANT

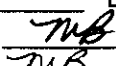
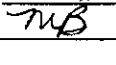
10. Remarks:

Claim 37-10271 covered irrigation, stockwater and domestic uses on this property, but was only recommended for stockwater and domestic, as the irrigation use did not start until 1984. We are requesting that this application be processed as a pre-1987 development outside the Snake River Basin moratorium. Documents verifying the 1984 usage are attached.

11. Map of proposed point of diversion and place of use attached? ☐

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.


Applicant

Received by  Date 5-5-03 Time 1pm Preliminary check by 
Publication prepared by  Date 5/23/03 Published in Gooding Co. Leader
Publication approved  Date 6/17/03

Receipt No. S025781

MICROFILMED

SEP 5 3 2003

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

To appropriate the public water of the State of Idaho

Date: 4-30-03

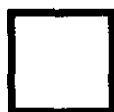
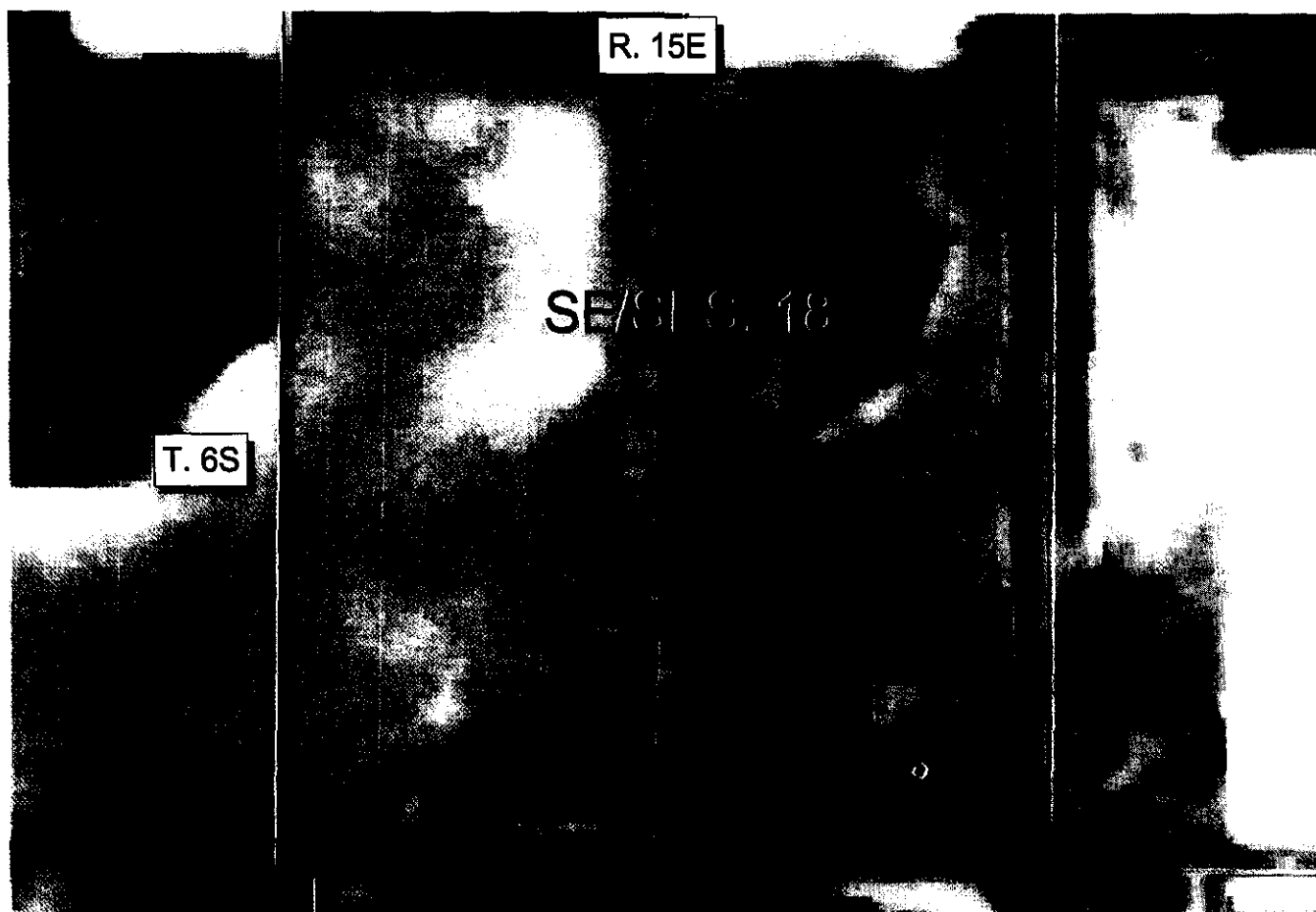
Received by: 

MICROFILMED

SEP 13 2003

IDAHO DEPARTMENT OF WATER RESOURCES

Application for Permit 37-20931, John Bennett



Section Lines



Quarter/Quarter Lines

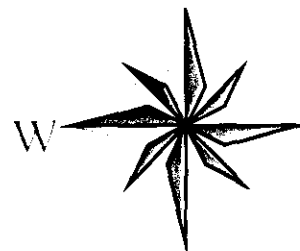
General Location: 2 mi S of Hwy 26/46 interchange on the west side
of Hwy. 46

⊙ Point of Diversion



Land Irrigated Since 1984

MICROFILMED
SEP 13 2003



Prepared By J E Stanton 4-30-2003 1986/87 NAPP Data

Comment Report

37-20931

1. jstanton 5/5/2003 2:22:54 PM Special Administration Area Notes

Comment: Special Administration Areas : Eastern Snake Plain Aquifer

Exempt: Y

Reason: Non-Consumptive Use

Doc Attached:

Explanation: POU is less than 5 ac

Special Administration Areas : Water District 130

Exempt: Y

Reason: Non-Consumptive Use

Doc Attached:

Explanation: POU is less than 5 ac

Special Administration Areas : North Snake GW District

Exempt: Y

Reason: Non-Consumptive Use

Doc Attached:

Explanation: POU is less than 5 ac

2. jstanton 5/5/2003 2:23:40 PM Additional Information Supporting Application

Comment:

Evidence of Pre-1987 development: Attached

3. jstanton 5/5/2003 Comment/Analysis

Comment: The place of use is clearly visible on the ArcView base map, although the water source cannot be determined. An affidavit from the original owner states that he irrigated 5 acres with the well beginning in 1984. Other documents also support the claim of pre-1987 development. There appears to be sufficient evidence to support continued processing. The place of use is small enough to be exempt from the various ESPA requirements. It appears that this application can be approved as moratorium exempt.

4. jstanton 5/5/2003 Legal Notice Remarks

Comment: This application covers the use of ground water on less than 5 acres of pasture that have been irrigated since 1984. The land is located 2 miles south of the Hwy 26/46 interchange and on the west side of Hwy 46.

MICROFILMED

SEP 03 2003

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 37-10271

WATER RIGHT NUMBER: 37-10271

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	MABLE A BROWN 2095 S HWY 46 RT 2 GOODING, ID 83330 (208)934-5137
Original Owner	R DALE BROWN 2095 S HWY 46 RT 2 GOODING, ID 83330 (208)934-5137
Current Owner	ELIZABETH LEIGH BENNETT 218 ORCHARD DR GOODING, ID 83330
Current Owner	JOHN D BENNETT 2095 HWY 46 GOODING, ID 83330 (208)934-4665
Current Owner	CAROLE R BENNETT 2095 HWY 46 GOODING, ID 83330 (208)934-4665

Priority Date: 01/01/1920

Basis: Beneficial Use

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
DOMESTIC	1/01 to 12/31	0.040 CFS	
STOCKWATER	4/01 to 11/01	0.040 CFS	
IRRIGATION	4/01 to 11/01	0.100 CFS	
	<u>Total Diversion:</u>	0.100 CFS	

Location of Point(s) of Diversion

GROUND WATER	NE1/4SE1/4SE1/4	Sec. 18, Twp 06S, Rge 15E, B.M.
GOODING County		

Place of Use

DOMESTIC

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
06S	15E	18																	X

STOCKWATER

MICROFILMED

SEP 23 2003

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Claim Report 37-10271

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
06S	15E	18																	

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
06S	15E	18																	

Total Acres: 5

Conditions of Approval:**Remarks:**

1. General OWNERSHIP CHANGE 2/25/92 BY JG.

Comments:**Dates and Other Information:**

Claim Received Date: 6/27/1988
 Enlargement Use Priority Date:
 Enlargement Statute Priority Date:
 State or Federal: S
 Owner Name Connector: AND
 Water District Number:
 Generic Max Rate Per Acre:
 Generic Max Volume Per Acre:
 Swan Falls Trust or Nontrust:
 Swan Falls Dismissed:
 DLE Act Number:
 Carey Act Number:
 Mitigation Plan: False

MICROFILMED

SEP 11 2003

March 17, 2003

Idaho Department of Water Resources

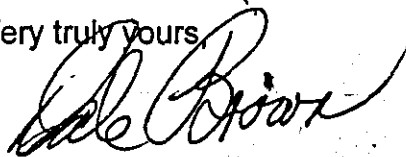
Re: 2095 Highway 46
Gooding, Idaho
Water Right Number 37-10271

To Whom It May Concern:

My family has owned the above mentioned property off and on since the 1940's; I acquired the property in 1984. The water delivery from the canal company was inadequate due to elevation of the property and an ample amount of water could not be received; at that time the 5 water shares were sold and a 5 horsepower pump was installed on the well for irrigation purposes. Since that time the five acres has been watered through the well with hand lines and according to the present owner, it is still being watered in this manner.

If I may be of further service to you regarding this property, please feel free to contact me.

Very truly yours,



Dale Brown
626 Agr Lane
Gooding, Idaho 83330
208-934-5080

MICROFILMED

SEP 13 2003

March 16, 2003

Idaho Department of Water Resources

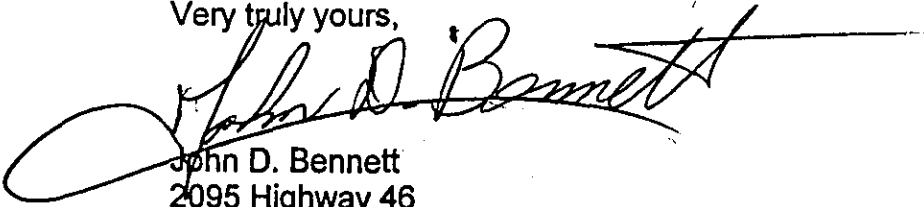
Re: 2095 Highway 46, Gooding, Idaho
Water Right Number: 37-10271

To Whom It May Concern:

We have owned the above mentioned property since 2/25/92 and since that time have always irrigated the land through the well which has a 5 horsepower pump; the well has been in existence since 1920 and the 5 horsepower pump was installed in 1984. Also in 1992 we installed underground 3" water lines with 3 risers, one in each fenced field, hand lines are being used for irrigation. Enclosed is a letter from the County Assessor indicating the land has been assessed as irrigated agriculture for this time period.

If I need to present additional information regarding this well and pump and the irrigation of the land, please feel free to contact me.

Very truly yours,



John D. Bennett
2095 Highway 46
Gooding, Idaho 83330
208-934-4665

MICROFILMED

APR 03 2003

GOODING



COUNTY

624 MAIN STREET
GOODING, IDAHO

Patty Bauscher-Assessor
e-mail [pbauscher@co.](mailto:pbauscher@co.gooding.id.us)
gooding.id.us

(208)934-5666
fax (208)934-5667

Carole R Bennett
2095 State Highway 46
Gooding Id 83330

March 7, 2003

RE: status of ground.

Mrs. Bennett,

As you requested, I researched your property located in Township 6 Range 15 in Section 18 with a property address of 2095 State Highway 46. The assessors records indicate that 4.572 acres has been assessed in category one since 1992. For assessment purposes, category one is irrigated agriculture. My records are open to anyone who wishes to inspect them.

Sincerely

Patty Bauscher
Gooding County Assessor

MICROFILMED

2003

March 19, 2003

Department of Water Resources

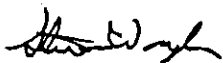
Re:2095 Highway 46
Gooding, Idaho
John & Carole Bennett

To Whom It May Concern:

I have serviced the pump on the above mentioned well for the past 14 years, I know the well is being used to irrigate the acreage and there are underground main lines to the pastures; the previous owner of this business has also serviced this pump but the dates are unknown. The depth of the well is approximately 275' and there is a 5 horsepower pump; the well produces at least 60 gallons of water per minute.

If I may be of further service to you regarding the information provided, please feel free to contact me.

Very truly yours,



Steve Waugh
Bob's Electric Motors
2039 Main Street
Gooding, Idaho 83330
208-934-4689

MICROCHEM

SEP 13 2003

SECTION 18
 TWP. 6
 RANGE 15
 TAX No. 2
 ACRES 5.87 + or -

RECORD OF TAX NUMBERS
 GOODING COUNTY, IDAHO

DESCRIPTION OF PROPERTY

Book of Deeds 49 Page 535

Beginning at a point on the South boundary of and 60 feet west of the southeast corner of said Section 18, which point is also on the west boundary of State Highway 46; thence north along said west boundary of State Highway 46 a distance of 765.0 feet; thence S 40 degrees 53 minutes for a distance of 135.0 feet; thence S 56 degrees 16 minutes a distance of 217.5 feet; thence S 36 degrees 05 minutes a distance of 62.0 feet; thence S 22 degrees 35 minutes a distance of 246.7 feet; thence S 2 degrees 34 minutes a distance of 265.7 feet to the south boundary of said Section 18; thence easterly along said south boundary for a distance of 414.5 feet to the point of beginning, containing in all 5.27 acres more or less, together with all water rights appurtenant thereto.

MICROFILMED

SEP 13 2003

SECTION 18

TWP. 6 South

RANGE 15 EBM

TAX NO. 2-B

ACRES 1.54 + OR -

RECORD OF TAX NUMBERS
GOODING COUNTY, IDAHO

INST. # 130189

DESCRIPTION OF PROPERTY

TOWNSHIP 6 SOUTH, RANGE 15 EAST BOISE MERIDIAN
SECTION 18
PART SE1/4SE1/4

GOODING COUNTY, IDAHO

Beginning at the Southeast corner of Section 18;
thence South 89° 39' 35" West 62.30 feet along the Southerly boundary
of Section 18 to the Westerly boundary of State Highway 46, Project
No. F(2) Highway Survey on file in the office of the Department of
Transportation, Division of Highways, State of Idaho;
thence North 0° 05' West 406.82 feet along the Westerly
boundary of said Highway to the TRUE POINT OF BEGINNING:
thence North 0° 05' West 358.18 feet along said boundary;
thence South 40° 53' West 135.00 feet;
thence South 56° 16' West 217.30 feet;
thence South 36° 05' West 62.30 feet;
thence South 22° 35' West 90.70 feet;
thence South 89° 44' 02" East 340.95 feet along an existing
fence to the TRUE POINT OF BEGINNING.

Said parcel of land containing 1.54 acres more or less.

MICROFILMED
SEP 9 3 2003

Section 18

Twp. 6South

Range 15 EBM

Tax No. 2-A

RECORD OF TAX NUMBERS
GOODING COUNTY, IDAHO

Acres 2.08 + or -

INST. # 130197

DESCRIPTION OF PROPERTY

TOWNSHIP 6 SOUTH, RANGE 15 EAST BOISE MERIDIAN
SECTION 18
PART SE1/4SE1/4

GOODING COUNTY, IDAHO

Beginning at the Southeast corner of Section 18;

thence South 89° 39' 35" West 62.30 feet along the Southerly

boundary of Section 18 to the Westerly boundary of State Highway 46,

Project No.F 2371 (2)Highway Survey on file in the office of the

Department of Transportation, Division of Highways, State of Idaho;

thence South 89° 39' 35" West 415.64 feet along the Southerly boundary

of Section 18 to the TRUE POINT OF BEGINNING:

thence South 89° 39' 35" West 202.19 feet along said Section line;

thence North 0° 43' 45" East 413.37 feet along an existing fence;

thence North 89° 44' 02" East 271.03 feet along an existint fence;

thence South 22° 35' West 158.00 feet;

thence South 2° 54' West 265.33 feet to the TRUE POINT

OF BEGINNING.

Said parcel of land containing 2.08 acres more or less.

MICROFILMED
SEP 9 1982



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

November 10, 2003

JOHN D BENNETT
CAROLE BENNETT
2095 HWY 46
GOODING ID 83330

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 37-20931

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 contact you to schedule a field examination to determine and confirm the use being made of the water, and that it meets the permitted beneficial use.

Be advised that Section 42-248, Idaho Code, requires you or the owner of these water rights to maintain current ownership and address records on file with the department. Forms to file a change of ownership of a water right and/or a change in the address of the water right owner are available from any department office, or at the department's website at: www.idwr.state.id.us.

If you have questions, please contact the **Southern** Regional Office of the department in Twin Falls (208) 334-2190.

Sincerely,

Deborah J. Gibson
Administrative Assistant
Water Allocation Bureau

Encl.

c: IDWR - Regional Office (w/encl.)

MICROFILMED

NOV 24 2003

ANALYSIS SHEET FOR PROOF OF BENEFICIAL USE

Permit No.: 37-20931

Reviewed By: dgibson

Date: November 7, 2003

	<u>Yes</u>	<u>No</u>		<u>Yes</u>	<u>No</u>
Proof received timely?	X		Drilling permit required?	X	
License examination fee required?	X		Drilling permit No.:		
Appropriate fee submitted?	X		Drilling permit upgrade needed?		
Receipt No.:		S025781, S026121	Well driller's report filed?		
Additional Amount Due:			Measuring device required?		X
Name and address same as permit?	X		Measuring device installed?		X
Are the water uses correct?	X		Measure device waiver requested?		

Priority Calculation

Date proof received		09/16/2003
Date proof due	-	12/01/2003
Lapse notice sent	-	
No. of days late	=	0
Holiday allowance	+	
Priority date	+	05/05/2003
New priority date	=	05/05/2003

Deficiencies of Actions Items

Acknowledge proof.



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

August 6, 2003

CAROLE R BENNETT
JOHN D BENNETT
2095 HWY 46
GOODING ID 83330

RE: Permit No. 37-20931

Permit Approval Notice

Dear Permit Holder:

The Department of Water Resources has issued the enclosed permit authorizing you to establish a new water right. Please be sure to thoroughly review the conditions of approval and remarks listed on your permit.

The permit 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 by the Department unless a party petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the service date as described in the enclosed information sheet.

Enclosed is 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 licensed water right. Also enclosed is a form entitled 'Proof of Beneficial Use.' If your project is already completed, you should complete and submit this form immediately.

The right to drill a well is not a part of this permit to appropriate water. Beginning in July of 1987, a statute was enacted which requires a drilling permit for new well construction and deepening of existing wells. If the well(s) proposed for use under this water right permit were drilled or deepened after July 1, 1987, a separate drilling permit must be obtained from this Department. Please contact the Ground Water Protection Section located here at this office or our regional office nearest you.

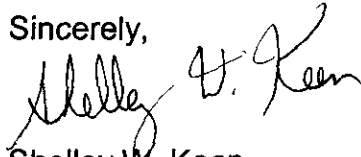
MICROFILMED

AUG 13 2003

Also, please note that water right owners are required to report any change of water right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact any office of the Department or visit the Department's homepage on the Internet to obtain the proper forms and instructions.

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

Sincerely,

A handwritten signature in black ink, appearing to read "Shelley W. Keen". The signature is fluid and cursive, with the first name "Shelley" being more prominent.

Shelley W. Keen

Water Rights Supervisor

Enclosure(s)

MICROFILMED
SEP 12 2001

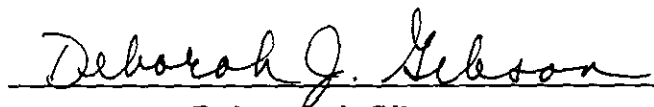
CERTIFICATE OF SERVICE

I hereby certify that on August 6, 2003 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER(Approved Permit) to the person(s) listed below:

RE: WATER RIGHT NO.

37-20931

**CAROLE R BENNETT
JOHN D BENNETT
2095 HWY 46
GOODING ID 83330**

A handwritten signature in cursive script, reading "Deborah J. Gibson", is written over a horizontal line.

**Deborah J. Gibson
Administrative Assistant**

MICROFILMED

SEP 4 3 2003

**EXPLANATORY INFORMATION
TO ACCOMPANY A
PRELIMINARY ORDER**

(To be used in connection with actions when a hearing was not held)

(Required by Rule of Procedure 730.02)

The accompanying order or approved document 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 of Water Resources ("department") unless a party petitions for reconsideration, files an exception and brief, or requests a hearing 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 fourteen (14) 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 with the Director. Otherwise, this preliminary order will become a final order of the agency.

REQUEST FOR HEARING

Unless a right to a hearing before the Department or the Water Resource Board is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

ORAL ARGUMENT

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

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

FINAL ORDER

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

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

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

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

APPEAL OF FINAL ORDER TO DISTRICT COURT

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

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

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

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DEC 13 2003

FILE PROGRESS SUMMARY

APPLICANT: Carol A. John Bennett WATER RIGHT NO. 37-20931

WATER RIGHT NO.

37-20931

INIT.	DATE	COMMENT
Lt.	5-5-03	Staff to Jim Stanton
MB	5-8-03	To Mary for advertising, SDE completed.
MB	5/23/03	Adv. Sch GCL 6/5 + 6/12/03; 6/23/03
MB	5/28/03	LTR. to app
MB	6/17/03	Pub. aff. rec.
MB	6/24/03	To AD M for signoff
AD-	7/16/03	Updated Permit SDR
AD-	7/16/03	Recommendation - Draft
AD-	7/16/03	To MB to forward.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT ANALYSIS SHEET

INITIAL REVIEW BY J. S. Stanton

DATE 5-5-03

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 &/or volume.)
- ☒ County
- ☒ Quantity (flow &/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

++++PROPOSED PRIORITY DATE 5-5 19 2003

ADDITIONAL INFORMATION

☐ Overlapping place of use(Describe source & relationship to present application on the back.

37-10271

☒ Overlapping point of diversion.

37-10271

☐ Yes ☒ No Field check required Field check by _____ Date _____

- ☐ Yes ☒ No Field report attached
- ☐ Yes ☒ No Critical Ground water 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
- ☐ Yes ☒ No Diversion greater than 5 cfs or 500 acre ft. (If yes, attach large diversion supplementary analysis sheet.)

Process as per-1987 development

Comment Letters:

	Date Requested	Date Received
Watermaster: District _____	_____	_____
Fish & Game _____	_____	_____
Canal Company _____	_____	_____
Stream Channel _____	_____	_____
City _____	_____	_____
DEQ _____	_____	_____
County _____	_____	_____
Department of Ag _____	_____	_____
Other _____	_____	_____

* REQUEST THE FOLLOWING ADDITIONAL INFORMATION FROM THE APPLICANT:

Date Requested _____, 20 _____

FINAL REGIONAL PROCESSING REVIEW

Date of priority recommended 5/5, 19 20 03

By AM Title Manager Date 7/16, 20 03

ADDITIONAL INFORMATION:

STATE OFFICE REVIEW

Date _____, 20 _____

AFFIDAVIT of PUBLICATION

State of Idaho } ss.
County of Gooding }

Norma DeVoe, being first duly sworn, deposes and says that he/she 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

5th day of June, 2003, and the date of the last publication was on the 12th day of June, 2003.

On this 12th day of June, in the year of 2003, before me, a Notary Public, personally appeared Norma DeVoe, known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that he/she executed the same.

SHELLEY STURGEON
Notary Public
State of Idaho

Shelley Sturgeon
Notary Public for Idaho

Residing at Jerome

My commission expires: 12/3/05

8197/47456
GOODING COUNTY LEADER
Gooding, Idaho

COST OF PUBLICATION

Number of Picas per Line _____

Number of Lines in Notice _____

Number of Insertions 2x

Lines tabular at _____ 8.0¢/Pica

643.5 Lines straight at 45.05 7.0¢/Pica

643.5 Subsequent lines at 38.61 6.0¢/Pica

Affidavit Fee: 2.50

TOTAL COST 86.16

COPY OF NOTICE

(Paste Here)

Southfield - #70489
TITLE OF NOTICE

PLAINTIFF ATTORNEY

DEFENDANT

PLAINTIFF

I.D.W.R.

BILL TO

NOTICE OF APPLICATIONS

Notice is hereby given that two applications have been filed with the Idaho Department of Water Resources regarding water rights within Gooding County: **SOUTHFIELD DAILY** 3308 S 1600 E; **WENDELL** ID 83355 filed Application for Transfer No. 70489 on 3/10/03 for diversion of a combined total of 4.02 cfs from two ground water rights and an additional ground water right used for mitigation purposes only. Transfer proposes adding a second well to an existing irrigation system and creating a 442-acre permissible place of use on a farm located approximately 6 to 7 miles west and 0.5 to 1.75 miles south of Wendell. Protests may be submitted based on the criteria of Sec 42-222, Idaho Code. Application for Permit No. 37-20931

JOHN D. & CAROLE R. BENNETT
2095 HWY 46
GOODING ID 83330
Point of Diversion: SESESE, S18, T06S, R15E
Source: GROUND WATER
Use: 03/15 To 11/15 IRRIGATION (0.12 CFS)
Date Filed: 05/05/2003
Place of Use: 4.3 Acres within SESE, S18, T06S, R15E

Remark: This application covers the use of ground water on less than 5 acres of pasture that have been irrigated since 1984. The land is located 2 miles south of the Hwy 26/46 interchange and on the west side of Hwy 46. Permit will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec 42-203A, Idaho Code. For specific details regarding the applications, please contact IDWR Southern Regional Office at 208-736-3033 or visit www.idwr.state.id.us with detail provided under "New Water Right Applications". Protests against approval must be filed with IDWR, Southern Region, 1341 Fillmore St., Suite 200; Twin Falls, ID 83301 with a protest fee of \$25.00 for each application on or before June 23, 2003. The protestant must also send a copy of the protest to the applicant.

Karl J. Dreher, Director
PUB: 6/5 - 6/12 G47456

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NOTICE OF APPLICATIONS

Notice is hereby given that two applications have been filed with the Idaho Department of Water Resources regarding water rights within Gooding County:

SOUTHFIELD DAIRY, 3308 S 1600 E; WENDELL ID 83355 filed **Application for Transfer No. 70489** on 3/10/03 for diversion of a combined total of 4.82 cfs from two ground water rights and an additional ground water right used for mitigation purposes only. Transfer proposes adding a second well to an existing irrigation system and creating a 442-acre permissible place of use on a farm located approximately 6 to 7 miles west and 0.5 to 1.75 miles south of Wendell. Protests may be submitted based on the criteria of Sec 42-222, Idaho Code.

Application for Permit No. 37-20931

JOHN D. & CAROLE R. BENNETT

2095 HWY 46

GOODING ID 83330

Point of Diversion: SESESE, S18, T06S, R15E

Source: GROUND WATER

Use: 03/15 To 11/15 IRRIGATION (0.12 CFS)

Date Filed: 05/05/2003

Place of Use: 4.3 Acres within SESE, S18, T06S, R15E

Remark: This application covers the use of ground water on less than 5 acres of pasture that have been irrigated since 1984. The land is located 2 miles south of the Hwy 26/46 interchange and on the west side of Hwy 46. Permit will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec 42-203A, Idaho Code.

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Karl J. Dreher, Director

Published in the Gooding County Leader on 6/5 & 6/12/03.

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SEP 13 2003

IDAHO DEPARTMENT OF WATER RESOURCES
1341 FILLMORE STREET-STE# 200
TWIN FALLS ID 83301
Phone: 736-3033
Fax#: 736-3037

May 28, 2003

ATTN: Norma
MAGIC VALLEY PUBLISHING
Gooding County Leader
PO BOX 468
JEROME ID 83338

Dear Norma:

Enclosed you will find a legal notice which we wish to have published in your newspaper on the dates indicated (once a week for two consecutive weekly issues).

If you cannot publish the notice on the proposed dates, please contact us immediately at 736-3033.

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

Sincerely



Mary A. Baldwin
Administrative Assistant

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SEP 6 3 2003



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

SOUTHERN REGION

May 28, 2003

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

JOHN D. & CAROLE R. BENNETT
2095 HWY 46
GOODING ID 83330

RE: Application for Permit No. 37-20931

Dear Applicant(s):

The Department of Water Resources acknowledges receipt of your water right application. Please refer to the above referenced number in all future correspondence regarding this application.

A legal notice of the application has been prepared for publication in the **Gooding County Leader** on **6/5 & 6/12/03**. Submittal of protests to the application will be allowed for a period ending ten days after the second publication. (**June 23, 2003**)

If an application is protested you will be sent a copy of the protest(s). All protests must be resolved before the application can be considered for approval. If the protest(s) cannot be resolved voluntarily, the Department will conduct a conference and/or hearing on the matter.

If an application is not protested, it will be forwarded to our State Office in Boise for final processing. The State Office will notify you of any action taken on the application and will send you a copy of the permit if approved. A typical processing time for an unprotested application is about eight weeks.

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

Sincerely,

Mary A. Baldwin
Administrative Assistant I

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SEP 4 3 2003