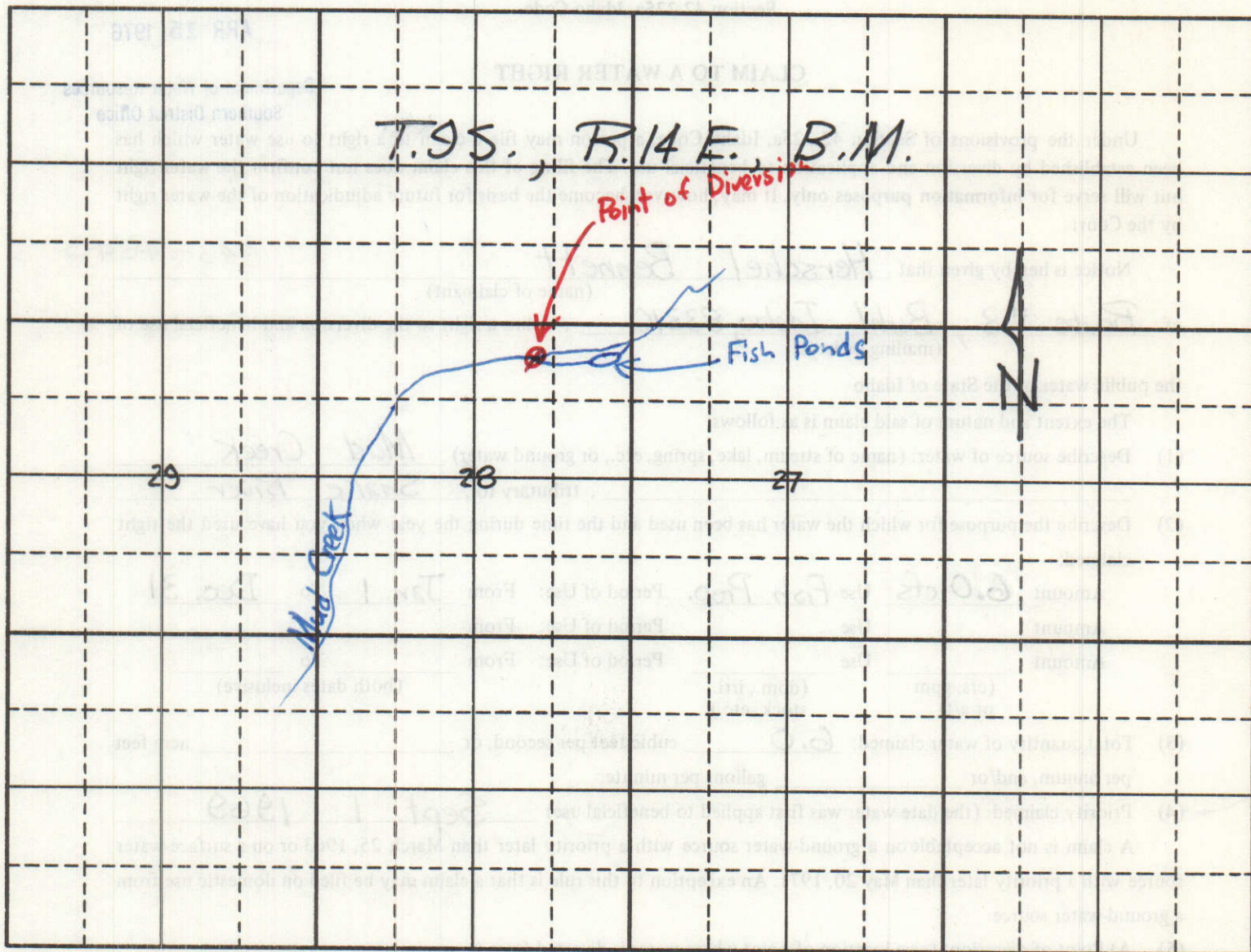


(8) Remarks _____



Scale: 2 inches equal 1 mile.

Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

State of Idaho)
County of Irwin Falls) ss.

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiants knowledge.

Sworn to before me this 15th day of April

Herschel Bennett
(Claimant)

, 19 76.

Carol E. Clough
Notary Public

Residing at Irwin Falls, Idaho

My commission expires 8-19-79

For Department Use Only

Received by ADM Date 4-15-76 Exception filed by: _____ Forwarded to _____ Date _____
Prelim. check by RIN Date 4/16/76 claimant by: _____
\$10.00 fee received by ADM Date 4-15-76 # 2070
Approved for publication by RIN _____
Published in Times News _____
Dates 4-22 & 4-29-76 _____

#2070

RECEIVED

MAY 3 1976

NOTICE OF CLAIM
TO WATER RIGHT

NO. 47-4060

Notice is hereby given that Herschel Bennett — 543-4840 — Route #3, Buhl, Idaho 83316, has filed a claim to a water right established by diversion and application to beneficial use of 6.0 cubic feet per second of water from Mud Creek with point of diversion in the NW¼NE¼, Sec. 28, Twp. 9S, Rge. 14E, B. M. Twin Falls County.

The water is claimed to be used from Jan. 1 to Dec. 31, for Fish Propagation. With a priority of Sept. 1, 1969. The place of use is within the NE¼NE¼, Sec. 28, Twp. 9S, Rge. 14E, B. M.

Any exception to this claim of water right may be filed with the Idaho Department of Water Resources, 1041 Blue Lakes Blvd., North, Twin Falls, Idaho, 83301 on or before May 10, 1976.

R. KEITH HIGGINSON

Director

Publish: April 22 and 29, 1976.

O.K.C.C.
5-3-76.

Affidavit of Publication

STATE OF IDAHO,
COUNTY OF TWIN FALLS }

ss.

No 4830

I, Kay Malmey being first duly sworn upon oath, depose and say that I am Princ Clerk of the TIMES-NEWS, published daily, except Saturday, at Twin Falls, Idaho, and do solemnly swear that a copy of the notice of advertisement, as per clipping attached, was published in the regular and entire issue of said newspaper, and not in any supplement thereof, for two consecutive Thursdays, commencing with the issue dated April 22, 1976, and ending with the issue dated April 29, 1976.

And I do further certify that said newspaper is a consolidation, effective February 16, 1942, of the Idaho Evening Times, published theretofore daily except Sunday, and the Twin Falls News, published theretofore daily except Monday, both of which newspapers prior to consolidation had been published under said names in said city and county continuously and uninterruptedly during a period of more than twelve consecutive months, and said TIMES-NEWS, since such consolidation, has been published as a daily newspaper except Saturday, under said name in said city and county continuously and uninterruptedly.

And I further certify that pursuant to Section 60-108 Idaho Code, Thursday of each week has been designated as the day on which legal notice by law or by order of any court of competent jurisdiction within the state of Idaho, to be published weekly, will be published; and that at the head of the editorial column of said combined newspapers, and in each issue thereof, Thursday is announced as the day on which said legal notices will be published.

Subscribed and sworn to before me on this 29 day of

April, 1976
Carlyne Jennings

Notary Public in and for the County of Twin Falls,
State of Idaho, residing at Twin Falls, Idaho

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Section 42-225a, Idaho Code

RECEIVED

APR 15 1976

CLAIM TO A WATER RIGHT

Department of Water Resources
Southern District Office

Under the provisions of Section 42-225a, Idaho Code, a person may file a claim to a right to use water which has been established by diversion and application to beneficial use. **The filing of this claim does not confirm the water right but will serve for information purposes only.** It may, however, become the basis for future adjudication of the water right by the Court.

Notice is hereby given that Herschel Bennett 543-4840
(name of claimant)
of Route #3, Buhl, Idaho, 83316, claims a right to the diversion and beneficial use of
(mailing address)
the public water of the State of Idaho

The extent and nature of said claim is as follows:

- (1) Describe source of water: (name of stream, lake, spring, etc., or ground water) Mud Creek
tributary to, Snake River
- (2) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:
Amount 6.0 cfs Use Fish Prop. Period of Use: From Jan. 1 To Dec. 31
Amount _____ Use _____ Period of Use: From _____ To _____
Amount _____ Use _____ Period of Use: From _____ To _____
(cfs, gpm or a/f) (dom., irri., stock, etc.) (both dates inclusive)
- (3) Total quantity of water claimed: 6.0 cubic feet per second, or _____ acre feet per annum, and/or _____ gallons per minute.
- (4) Priority claimed: (the date water was first applied to beneficial use) Sept. 1 1969

A claim is not acceptable on a ground-water source with a priority later than March 25, 1963 or on a surface-water source with a priority later than May 20, 1971. An exception to this rule is that a claim may be filed on domestic use from a ground-water source.

- (5) A) Point of diversion: (give location of point where water is diverted from its source)
NW ¼ NE ¼, Sec. 28 Twp. 9S. Rge. 14E B. M. County of Twin Falls
Additional points of diversion: _____

B) Describe means of diversion of water: (pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.) Give sizes and capacities; be as specific as possible. diversion dam in Mud Creek to divert water in open ditch to four fish ponds.

- (6) A) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is not for irrigation, place an "X" in appropriate box to show location.

T	R	SEC.	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
9S	14E	28	X																

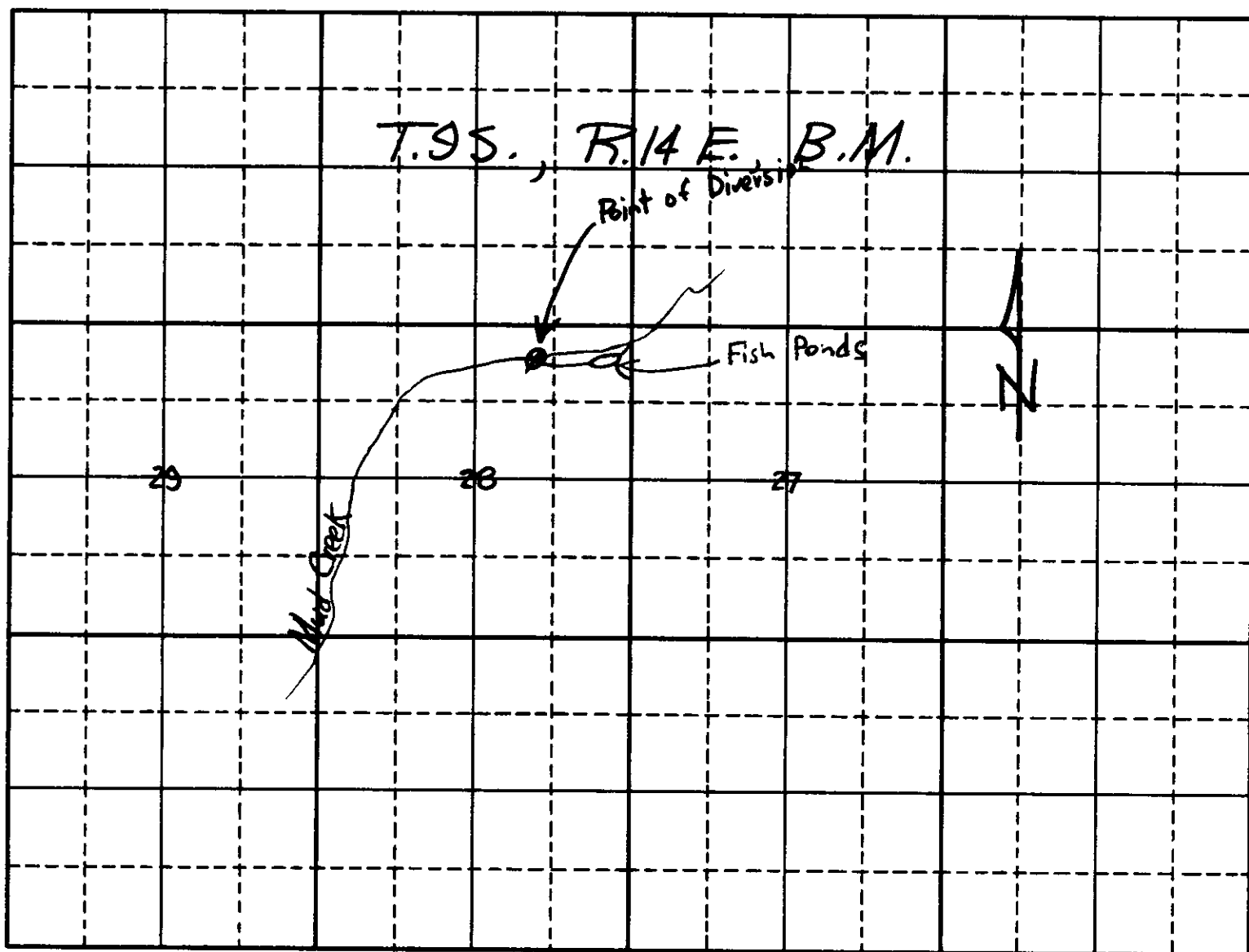
Total No. of acres _____

B) If the water is used for other than irrigation, fully describe that use, being as specific as possible: Fish prop.

SCANNED

- (7) If you are claiming water as a member of an organization, list name of organization: JAN 28 2002

(8) Remarks _____



Scale: 2 inches equal 1 mile.

Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

State of Idaho)
County of Twin Falls) ss.

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiants knowledge.

Sworn to before me this 15th day of April, 19 76.

Herschel Bennett
(Claimant)

Carol E. Clough
Notary Public
Residing at Twin Falls, Idaho

My commission expires 8-19-79

For Department Use Only

Received by ADM Date 4-15-76 Exception filed by: _____ Forwarded to _____ Date _____
Prelim. check by RIN Date 4/16/76 claimant by: _____
\$10.00 fee received by ADM Date 4-15-76 # 2070
Approved for publication by RIN _____
Published in Times News _____
Dates 4-22 & 4-29-76 _____

#2070

RECEIVED

MAY 3 1976

Affidavit of Publication

STATE OF IDAHO,
COUNTY OF TWIN FALLS }

ss.

Nº 4830

I, John H. Hays being first duly sworn upon oath, depose and say that I am Editor of the TIMES-NEWS, published daily, except Saturday, at Twin Falls, Idaho, and do solemnly swear that a copy of the notice of advertisement, as per clipping attached, was published in the regular and entire issue of said newspaper, and not in any supplement thereof, for two consecutive times, commencing with the issue dated April 22, 1976, and ending with the issue dated April 29, 1976.

And I do further certify that said newspaper is a consolidation, effective February 16, 1942, of the Idaho Evening Times, published theretofore daily except Sunday, and the Twin Falls News, published theretofore daily except Monday, both of which newspapers prior to consolidation had been published under said names in said city and county continuously and uninterruptedly during a period of more than twelve consecutive months, and said TIMES-NEWS, since such consolidation, has been published as a daily newspaper except Saturday, under said name in said city and county continuously and uninterruptedly.

And I further certify that pursuant to Section 60-108 Idaho Code, Thursday of each week has been designated as the day on which legal notice by law or by order of any court of competent jurisdiction within the state of Idaho, to be published weekly, will be published; and that at the head of the editorial column of said combined newspapers, and in each issue thereof, Thursday is announced as the day on which said legal notices will be published.

Subscribed and sworn to before me on this 29 day of

April 19 76
Earl J. Jamniga
Notary Public in and for the County of Twin Falls,
State of Idaho, residing at Twin Falls, Idaho

O.K.C.
5-3-76.

Times News

Idaho's Largest Evening Newspaper

P. O. BOX 348

TWIN FALLS, IDAHO 83301

April 29, 1976

State of Idaho
Department of Water Resources
1041 Blue Lakes Blvd. North
Twin Falls, Idaho 83301

BENNETT WATER RIGHT 47-4060

April 22, 1976 28 LI @ 21¢ ---\$5.88

April 29, 1976 28 LI @ 15¢ ---\$4.20

\$0 10.08

K. M. M. M.
INVOICE 4830

May 3, 1976

Re: Claim To A Water Right No. 47-4060

Mr. Herschel Bennett
Route #3
Buhl, ID 83316

Dear Mr. Bennett:

The Department of Water Resources has completed the processing of your Claim to a Water Right, and no further action is authorized under Sections 42-225a and 42-225b of the Idaho Code. Your claim will be retained in our files and will be available at any time for use by you or the Court.

As you are aware, the filing of your claim does not, in itself guarantee you a water right; it only records and preserves the information and the evidence which you included in your claim.

If, at a later date, you find that you have additional information or supporting evidence that you would like to have included in your claim file, you may have that information or evidence added at any time. Please refer to your claim number when corresponding with this office.

We are enclosing a copy of the claim for your records. If you have any questions or if we can be of further assistance, please feel free to contact us.

Sincerely,

Michael L. Steele
Southern Region Supervisor

MLS:cc

Enc.

SCANNED

JAN 28 2002

NOTICE OF CLAIM TO A WATER RIGHT

NO. 47-4060

Notice is hereby given that Harachel Bennett 543-4840

Route #3, Buhl, Idaho 83316

has filed a claim to a water right established by diversion and application
to beneficial use of 6.0 cubic feet per second ~~20725 feet per second~~
of water from Mud Creek

with point of diversion in the NW1/4, Sec. 28, Twp. 9S, Rge. 14E, B.M.
Twin Falls County.

The water is claimed to be used from Jan. 1 to Dec. 31. for Fish

Propagation.

with a priority of Sept. 1, 1969.;

the place of use is within the NW1/4, Sec. 28, Twp. 9S, Rge. 14E, B.M.

Any exception to this claim of water right may be filed with the Idaho
Department of Water Resources, 1041 Blue Lakes Blvd., North, Twin Falls,
Idaho, 83301 on or before May 10, 1976.

R. KEITH HIGGINSON

Director

Published in the Times News

on April 22, and April 29, 1976.

April 16, 1976

Times News
P.O. Box 548
Twin Falls, ID 83301

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.

Sincerely,

Michael L. Steele
Southern Region Supervisor

ms

Enclosure

Bill submitted: _____