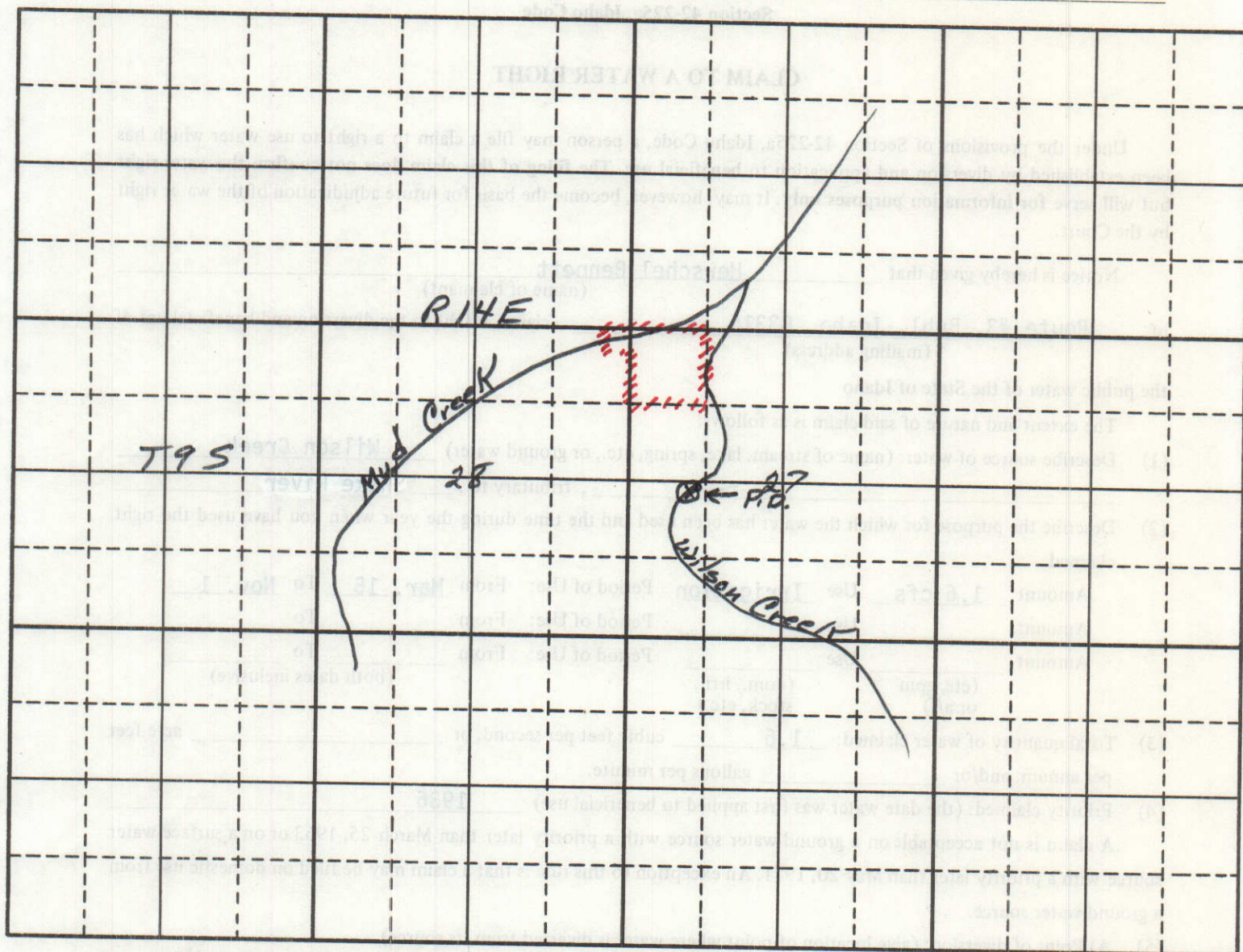


(8) Remarks



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)

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 30 day of October

Herschel Bennett
(Claimant)

, 19 74

Notary Public

Residing at

My commission expires 2-22-77

For Department Use Only

Received by NOT Date 10-30-74 Exception filed by: _____ Forwarded to _____ Date _____
Prelim. check by CC Date 10-30-74 claimant by: _____
\$10.00 fee received by CC Date 10-30-74
Approved for publication by CC
Published in Times News
Dates 11-7 & 11-14-74

Affidavit of Publication

STATE OF IDAHO,
COUNTY OF TWIN FALLS }

ss.

Nº 3431

I, Kay Mabey 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

November 7, 19 74, and ending with the issue dated
November 14, 19 74.

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 con-
tinuously 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.

Kay Mabey
Subscribed and sworn to before me on this 15th day of
November, 19 74.

Michael L. Clark
Notary Public in and for the County of Twin Falls,
State of Idaho, residing at Twin Falls, Idaho

NOTICE OF CLAIM TO A WATER RIGHT

No. 47-4048

Notice is hereby given that Herschel Bennett, Route 3, Buhl, Idaho 83316 has filed a claim to a water right established by diversion and application to beneficial use of 1.6 cubic feet per second of water from Wilson Creek, tributary to Mud Creek with point of diversion in the NW1/4SW1/4, Sec. 27, T 9S, R 14E, B.M., Twin Falls County.

The water is claimed to be used from March 15 to November 1 for irrigation of 43 acres with a priority of 1936; the place of use is within the NW1/4NW1/4, Sec. 27, T 9S, R14E; NE1/4NE1/4 Sec. 28, T9S, R14E, 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.
R. KEITH HIGGINSON
Director

Published in the Times-News on 11-7 and 11-14-74.

MICROFILMED

July 1966

1966
Hurchel Bennett

11-7-7 ✓

Soil Conservation Service

SOIL AND CAPABILITY INFORMATION

NW 1/4 NW 1/4 Sec 27

NE 1/4 NE 1/4 Sec 28

T95 R14E

RECEIVED
Dec 27

Section

II-B

NOV 15 1974

Southern District Office

[illegible]

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

CLAIM TO A WATER RIGHT

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
(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) Wilson Creek
_____, tributary to, Mud Creek
- (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 <u>1.6 cfs</u> | Use <u>Irrigation</u> | Period of Use: From <u>Mar. 15</u> To <u>Nov. 1</u> |
| 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: 1.6 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) 1936

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 SW ¼, Sec. 27 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. Headgate and dirt ditch

- (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	27						40											40
		28	3																3

Total No. of acres 43

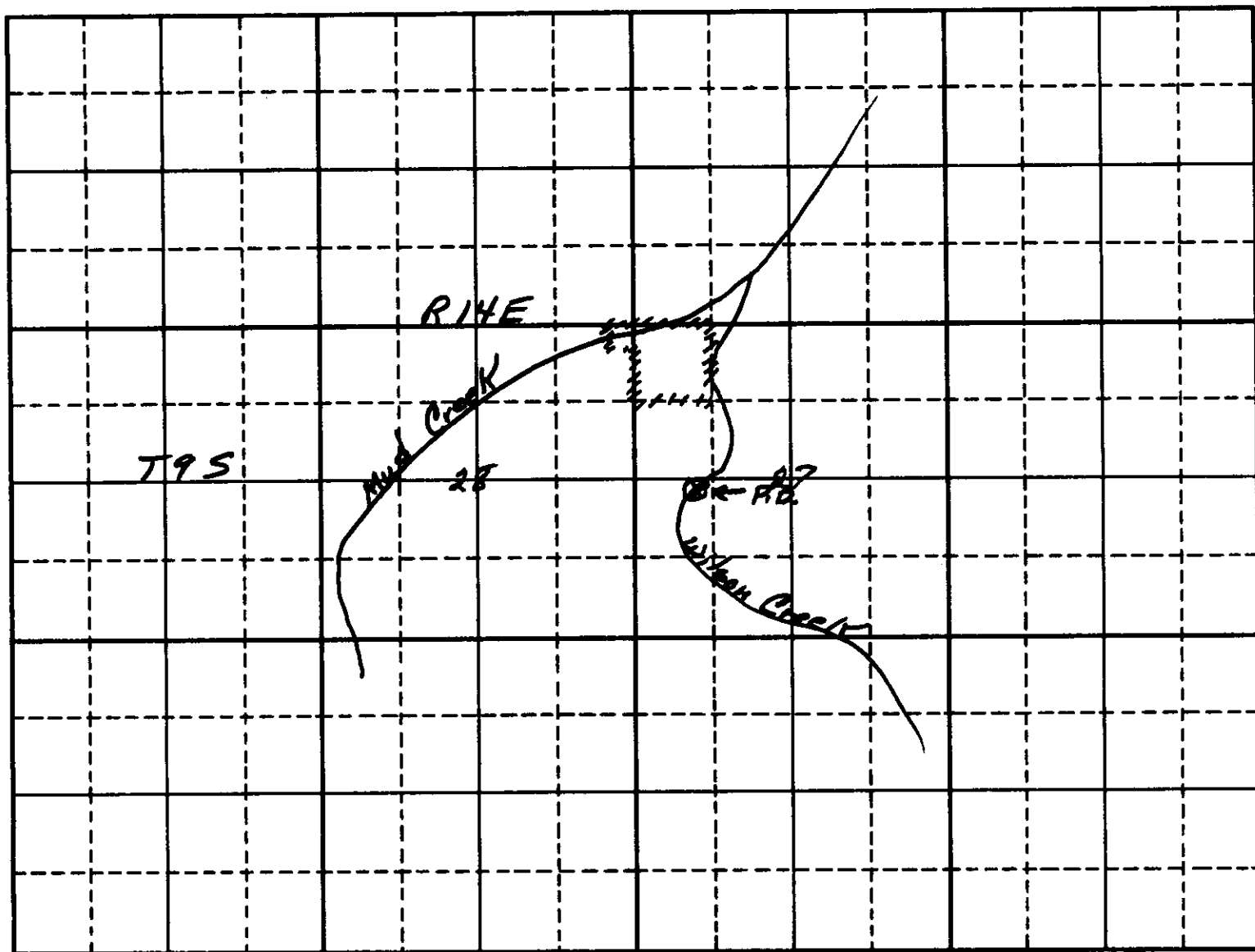
B) If the water is used for other than irrigation, fully describe that use, being as specific as possible: _____

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

SCANNED

IAN 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 Lincoln) 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 30 day of October, 19 74

Herschel Bennett
(Claimant)

[Signature]
Notary Public

Residing at Bozeman.

My commission expires 2-22-77

For Department Use Only

Received by 140 F Date 10-30-74 Exception filed by: _____ Forwarded to _____ Date _____
Prelim. check by CC Date 10-30-74 claimant by: _____
\$10.00 fee received by CC Date 10-30-74
Approved for publication by CC
Published in Times News
Dates 11-7 & 11-14-74

#14635

A F F I D A V I T

† † † † † †

STATE OF IDAHO)
) ss.
County of Twin Falls)

Clarence L. Young, being first duly sworn on oath,
deposes and says:

That he is a resident of Route 3, Buhl, Twin Falls
County, State of Idaho, over the age of twenty-one years.
That he has resided at the above address for sixteen years,
and knows of his own personal knowledge that irrigation water
has been diverted at a particular point, to-wit:

At a point about midway and approximately
one hundred (100) yards south of the northern
boundary line of the Northwest quarter of the
Southwest quarter (NW $\frac{1}{4}$ SW $\frac{1}{4}$) of Section twenty-
seven (27) in Township Nine (9) South, Range
Fourteen (14) East of the Boise Meridian, Twin
Falls County, Idaho,

and that said diversion point of irrigation water has existed
uninterrupted for sixteen years last past.

Clarence L. Young

SUBSCRIBED AND SWORN TO before me this 30th day
of October, 1974.

Sharon M. Linn
NOTARY PUBLIC for Idaho
Residing at Buhl, Idaho

The water from the above indicated point of diversion has been used
on lands in the NW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 27, and the NE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 28, T9S,
R 14E.

Clarence L. Young

RECEIVED

NOV 15 1974

A F F I D A V I T

* * * *

DEPARTMENT OF STATE & COMMERCE
SOUTHERN DISTRICT OFFICE

STATE OF IDAHO)
) ss.
County of Twin Falls)

Paris R. Bolton, being first duly sworn on oath,
deposes and says:

That he is a resident of Route 3, Buhl, Twin Falls
County, State of Idaho, over the age of twenty-one years.
That he has been a resident of Buhl since 1929, and knows of
his own personal knowledge that irrigation water has been
diverted at a particular point, to-wit:

At a point about midway and approximately
one hundred (100) yards south of the northern
boundary line of the Northwest quarter of the
Southwest quarter (NW $\frac{1}{4}$ SW $\frac{1}{4}$) of Section twenty-
seven (27) in Township Nine (9) South, Range
Fourteen (14) East of the Boise Meridian, Twin
Falls County, Idaho,

and that said diversion point of irrigation water has existed
uninterrupted since the year 1936. The water from the above-
described point of diversion has been used on lands in the
Northwest Quarter of the Northwest Quarter (NW $\frac{1}{4}$ NW $\frac{1}{4}$) Section
27, and the Northeast Quarter of the Northeast Quarter (NE $\frac{1}{4}$ NE $\frac{1}{4}$)
Section 28, Township 9 South, Range 14 East of the Boise Meridian,
Twin Falls County, Idaho.

P R Bolton

SUBSCRIBED AND SWORN TO before me this 4th day
of November, 1974.

Wm M. Dunn
NOTARY PUBLIC for Idaho
Residing at Buhl, Idaho

UNITED STATES DEPARTMENT OF AGRICULTURE

SOIL CONSERVATION SERVICE

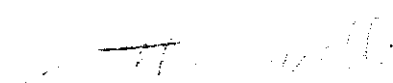
1112 Main, Buhl, Idaho

SUBJECT Irrigation Water requirement on the
Herschel Bennett Farm

DATE: 11-15-74

TO: To whom it may concern

Under gravity irrigation, 5/8 of a Miner's Inch is inadequate for
cropping needs on the Herschel Bennett farm in Section 27 & 28,
Township 9 South, Range 14 East, (Northwest of Buhl), because of
steep slopes.


Jonathan Wells
Soil Conservationist



July 1966

UNITED STATES DEPARTMENT OF AGRICULTURE
Soil Conservation Service

SOCI. AND CAPABILITY INFORMATION

11-7-7 ✓

NW 1/4 NW 1/4 Sec 27

NE 1/4 NE 1/4 Sec 28

T95 R14E

Action

11-13

Area	Symbol On Map	Land Capability Unit	Effect. Depth (inch.)	Soil Profile		AWC (inch)	Coarse Frag- ments (%)	Slope	Ero- sion	Drain- age	Permea- bility	Frost Free Days	Other	Limiting Factors Slope, AWC Stoniness
				Texture Surface	Subsoil									
	C ₁ /E	VIe	20-40"	Sandy loam		3.5-4.5"	None	12-20%	Severe	Well	2-6.3"/hr	140-160		
14	Cy 2/c	IIIe	>60"	loam - s/l		4.5-6.0"	0-1%	4-8%	Severe	Well	2-6.3"/hr	140-160		Slope
15	H+1/A	VIe	>60"	loam - loam		4-6"	1-5%	10-20%	Severe	Well	.6-2.0"/hr	140-160		Slope
16	H+1/G	VIIe	>60"	loam - loam		4-6"	1-5%	30-60%	Ext. Severe	Well	.6-2.0"/hr	140-160		Slope
17	Mn1	VI _s	<20"	loam	loam	2-3"	0-7%	10-20%	Ext. Severe	well	.63-2.0"/hr	140-160		Slope, AWC
18	Mn2	VII _s	<20"	loam - loam		2-3"	7-30%	20-60%	Ext. Severe	well	.63-2.0"/hr	140-160		Slope, AWC Stoniness

Affidavit of Publication

STATE OF IDAHO,)
COUNTY OF TWIN FALLS) ss.

N^o 3431

I, Kay Mabey 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
November 7, 19 74, and ending with the issue dated
November 14, 19 74.

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 con-
tinuously 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 15th day of
November, 19 74.

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

NOTICE OF CLAIM TO A WATER RIGHT

No. 47-4048

Notice is hereby given that Hersch-
el R. Ruppel, Route 3, Buhl, Idaho
83401, has claimed a claim to a water
right, consisting of diversion and
application to beneficial use of 1.6
cubic feet per second of water from
Wilson Creek, tributary to Mud
Creek, at point of diversion in the
County of Twin Falls, Idaho, Sec. 27, T 9S, R 14E,
S. 14E, Sec. 28, T9S, R14E, S. 14E.

The water is claimed to be used
from March 15 to November 1 for ir-
rigation of 43 acres with a priority
of 1904; the place of use is within the
County of Twin Falls, Idaho, Sec. 27,
T 9S, R14E, S. 14E, Sec. 28, T9S,
R14E, S. 14E.

Any objection to the claim of
water right may be filed with the
Idaho Department of Water,
Room 1041 Blue Lake Blvd.,
North Twin Falls, Idaho, or
R. KEITH WIGGINSON,
Director.

Published in the Times-News on
11-7 and 11-14-74.

*o.k.c.c
11-9-74*



STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

STATE HOUSE BOISE, IDAHO 83720

August 8, 1975

Re: Claim No. 47-4048 - Herschel Bennett

Mr. Dan Slavin
P. O. Box 83
Twin Falls, Idaho 83301

Dear Mr. Slavin:

Enclosed are the copies which you requested. The fee for these copies is \$2.50, which you may remit to this office at your convenience.

Sincerely,

JANICE F. ROHM
Secretary

JFR

Enclosures

SCANNED

JAN 28 2002

November 27, 1974

RE: Claim to a Water Right No. 47-4048

Mr. Herschel Bennett
Route #3
Buhl, Idaho 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.

Very truly yours,

Bob Haynes
Southern District Engineer

BH:cc

enc.

REGISTERED

RESOURCES
XXXXXXXXXXXXXXXXXXXXXXX

October 30, 1974

RE: Application For Permit No. 47-7283
&
Claim To A Water Right No. 47-4048

Times News
P. O. Box 548
Twin Falls, Idaho 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,

Bob Haynes
Southern District Engineer

NOTICE OF CLAIM TO A WATER RIGHT

NO. 47-4048

Notice is hereby given that Herschel Bennett

Route #3, Buhl, Idaho 83316

has filed a claim to a water right established by diversion and application
to beneficial use of 1.6 cubic feet per second ~~XXXXXXXXXXXXXXXXXXXX~~
of water from Wilson Creek, tributary to Mud Creek

with point of diversion in the NW¹SW⁴, Sec. 27, T 9S, R 14E, B.M.,

Twin Falls County

The water is claimed to be used from March 15 to November 1 for irrigation
of 43 acres.

with a priority of 1936;

the place of use is within the NW¹SW⁴, Sec. 27, T 9S, R14E;

NE¹NE⁴, Sec. 28, T9S, R14E, 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 ~~XXXXXXXXXXXX~~

R. KEITH HIGGINSON

Director

Published in the Times News
on 11-7 and 11-14-74