

Claim No. 11 4063

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 Floyd E. Benton,
(name of claimant)
of Pegram, Star Route 1, Montpelier, Idaho
(mailing address) 83254, claims a right to the diversion and beneficial use of
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) Lyon Spring
, tributary to, sinks
- (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>0.08</u> | Use | <u>Mining & Milling</u> | Period of Use: From | <u>May 1</u> | To | <u>Nov. 1</u> |
| Amount | <u>0.02</u> | Use | <u>Domestic</u> | Period of Use: From | <u>Jan. 1</u> | To | <u>Dec. 31</u> |
| Amount | | Use | | Period of Use: From | | To | |
| | (cfs, gpm or a/l) | | (dom., irri., stock, etc.) | | | | (both dates inclusive) |

- (3) Total quantity of water claimed: 0.10 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) May, 1955

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)
SW ¼ SW ¼, Sec. 5 Twp. 16S Rge. 45E B. M. County of Bear Lake
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. original owner used a gasoline engine and pump to lift the water from the spring to the quarries through a 3-inch pipe. The domestic water was collected in a 500 gal. tank.

- (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.

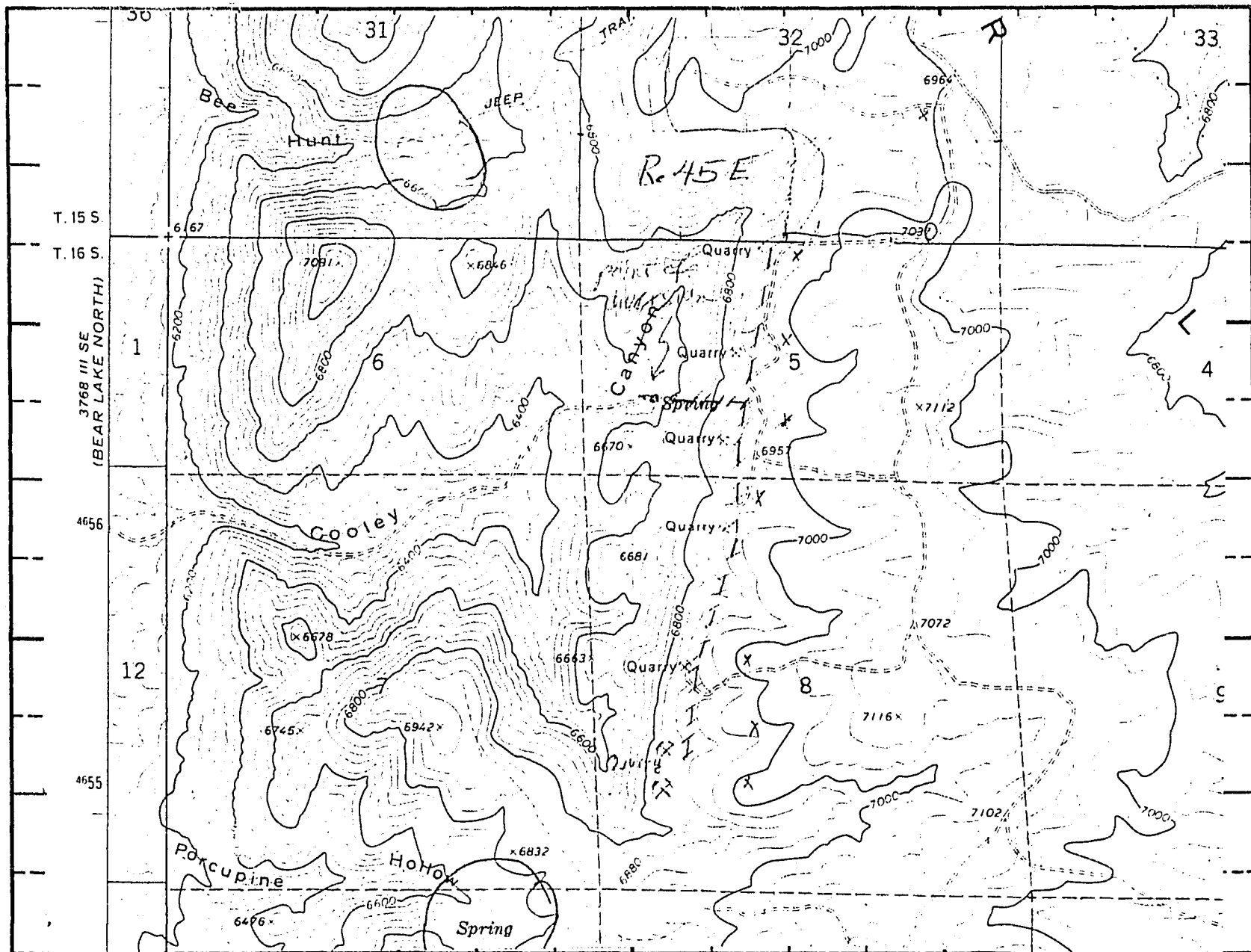
T	R	SEC.	NE ¼				NW ¼				SW ¼				SE ¼				TOTAL
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
16S	45E	5								X	X			X					
		8					X	X	X			X							

Total No. of acres _____

B) If the water is used for other than irrigation, fully describe that use, being as specific as possible:
Domestic for a single family dwelling, mining and milling of flagstone quarries.
The water being used to remove sand and dirt from the stone surface

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

(8) Remarks Earnest Lyon of Paris, Idaho, filed the original mining claims
from 1951 to 1955. Mr. Benton purchased these claims in 1971 and
continued to use the water for the same purpose.



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)
) ss.
 County of Bonneville)

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 22nd day of September, 19 77.

Floyd S. Benton
 (Claimant)

Charles Wray
 Notary Public

Residing at Idaho Falls, Idaho

My commission expires 6/15/81

For Department Use Only

Received by <u>CW</u>	Date <u>9-22-77</u>	Exception filed by:	Forwarded to	Date
Prelim. check by <u>EMC</u>	Date <u>7-22-77</u>		claimant by:	
\$10.00 fee received by <u>CW</u>	Date <u>9-22-77</u>			
Approved for publication by <u>me</u>	Date <u>10-13-77</u>			
Published in <u>Newspaper</u>				
Dates <u>Sept 29 & Oct 6, 1977</u>				

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO,
County of Bear Lake

ss.

Allen W. Thompson
being duly sworn,

deposes and says:

That he is the *publisher* of THE NEWS-EXAMINER, a weekly newspaper published at Montpelier, in the County of Bear Lake and State of Idaho; and said paper has been and is in general circulation in the county aforesaid, and in the vicinity of Montpelier; that the advertisement, a copy of which is attached hereto, was published in said newspaper once a week for *seven* consecutive weeks in the regular and entire issue of said paper during the period and time of publication, and was published in the newspaper proper and not a supplement; that said paper has been established and regularly published for more than seventy-eight consecutive weeks prior to the date of first publication of said advertisement.

Such notice was published in the issue beginning with

September 29, 1977, and ending
with the issue of *October 6, 1977*

Fees, *15.23*

Subscribed and sworn to before me this *11* day
of *October*, 19*77*

Paula Thompson

Notary Public, Residing at Montpelier, Idaho

My Commission Expires *March 13, 1979*

LEGAL NOTICE

NOTICE OF CLAIM TO A WATER RIGHT NO. 11-4083

Notice is hereby given that Floyd E. Benton, Star Route Pegram has filed a claim to a water right established by diversion and application to beneficial use of 0.10 cubic feet per second of water from Lyon Spring tributary to sinks with point of diversion in the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 5, T., 16S, R. 45E, B.M., Bear Lake County.

The water is claimed to be used from Jan. 1 to Dec. 31 for domestic purposes for one family and from May 1 to Nov. 1 for mining and milling purposes with a priority of May, 1955; the place of use is within the SE $\frac{1}{4}$ NW $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, Sec. 5, N $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 8, T. 16S, R. 45E, B.M.

Any exception to this claim of water right may be filed with the Idaho Department of Water Resources, 1515 Lincoln Road, Idaho Falls, Idaho, 83401.

C. STEPHEN ALLRED
Director

Published in the News-Examiner, Montpelier, Idaho on September 29 and October 6, 1977.

S29-06

RECEIVED

OCT 13 1977

Department of Water Resources
Eastern District Office

NOTICE OF CLAIM TO A WATER RIGHT

NO. 11-4063

Notice is hereby given that Floyd E. Benton,

Star Route Pegram

has filed a claim to a water right established by diversion and application to beneficial use of 0.10 cubic feet per second ~~none feet per annum~~

of water from Lyon Spring tributary to sinks

with point of diversion in the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 5, T. 16S, R. 45E, B.M.

Bear Lake County

The water is claimed to be used from Jan. 1 to Dec. 31 for domestic
purposes for one family and from May 1 to Nov. 1 for mining and milling purposes
with a priority of May, 1955 ;

the place of use is within the SE $\frac{1}{4}$ NW $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, Sec. 5, N $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$,
Sec. 8, T. 16S, R. 45E, B.M.

Any exception to this claim of water right may be filed with the Idaho Department of Water Resources, 1515 Lincoln Road, Idaho Falls, Idaho, 83401.

C. STEPHEN ALLRED
X R X X K E I T H H I G G I N S O N X

Director

Published in the News Examiner, Montpelier, Idaho

on September 29 and October 6, 1977

me. J.
me. A.

September 23, 1977

RE: Application for Permit No. 11-7134 BENT N
11-4063

News-Examiner
Montpelier,
Idaho 83254

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 time for you to submit us a galley proof for review before publication.

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

An affidavit of publication must be submitted to the Department along with the publication bill.

Very truly yours,

R. NALD D. CARLSON
Supervisor
Eastern Region

Bill submitted 10-13-77 by CW

ADC:GD

Enclosures (2)



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
EASTERN REGION

John V. Evans
Governor

October 17, 1977

1515 Lincoln Road
Idaho Falls, Idaho 83401
(208) 523-7186

C. Stephen Allred
Director

RE: Claim to a Water Right No. 11-4063

Mr. Floyd E. Benton
P.O. Box 6023
Salt Lake City, UT 84110

Dear Mr. Benton:

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, 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, for your records, a copy of your claim. If you have any questions or if we can be of further assistance, please feel free to call upon us.

Very truly yours,

RONALD D. CARLSON
Supervisor
Eastern Region

RDC:CD

Enclosure