

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

CLAIM TO A WATER RIGHT



Under the provisions of Section 42-243, Idaho Code, any person using or claiming rights to the public waters of Idaho established by diversion and application to a beneficial use must file a claim with the Department of Water Resources on or before June 30, 1983. Exempted from this filing are single family domestic uses as defined in Section 42-230(d), Idaho Code. Also exempted are rights represented by a permit, license, decree, adjudicated right, or a previously filed claim.

The filing of this claim does not confirm the water right claimed but failure to file may result in forfeiture of a water right.

Notice is hereby given that Bennington Irrigation Co. c/o Martin Hunter

(Name of Claimant)

Rt. 2 Montpelier, Idaho
(Mailing Address)

83254

(Zip Code)

Telephone No. 847-1753

claims a right to the diversion and beneficial use of the surface or ground water. The extent and nature of said claim is as follows:

- (1) Date of priority: (When was the water first applied to a beneficial use) 6 August 1880

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 is that a claim may be filed on single family domestic use from a ground water source.

- (2) Describe the source of water: (Name of stream, lake, spring, etc., or ground water)

Home Creek, Spring Creek, Mile Creek tributary to Bear River

- (3) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:

Quantity	(cfs, gpd, AFA)	Use	(Domestic, Irrigation, Stock, Etc.)	Period of Use From		(Both dates inclusive)	
				(Mo., Day)	(Mo., Day)		
Quantity <u>47 cfs</u>		Use <u>irrigation</u>		Period of Use From <u>April 1st</u>	To <u>Nov. 1st</u>		
Quantity <u>0.50 cfs</u>		Use <u>stockwater</u>		Period of Use From <u>Jan. 1st</u>	To <u>Dec. 31st</u>		
Quantity _____		Use _____		Period of Use From _____	To _____		
Quantity _____		Use _____		Period of Use From _____	To _____		
Quantity _____		Use _____		Period of Use From _____	To _____		

- (4) 47 cfs TOTAL QUANTITY USED.

(cfs, gpd, AFA)

- (5) A) Point of diversion: (Location of point where water is diverted from its source)

NW 1/4 NE 1/4, Sec. 14 Twp. 12S. Rge. 44E B.M., County of Bear Lake

Additional points of diversion: SW 1/4 SW 1/4 Sec. 3 Twp. 12S, Rge. 44 E.; NE 1/4 NW 1/4 Sec. 11, Twp. 12S, Rge. 44E; SW 1/4 SE 1/4 Sec. 2, Twp. 12S, Rge. 44 E.

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. Describe any changes in the system and give the date of the change. Gravity-fed pipelines

- (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.

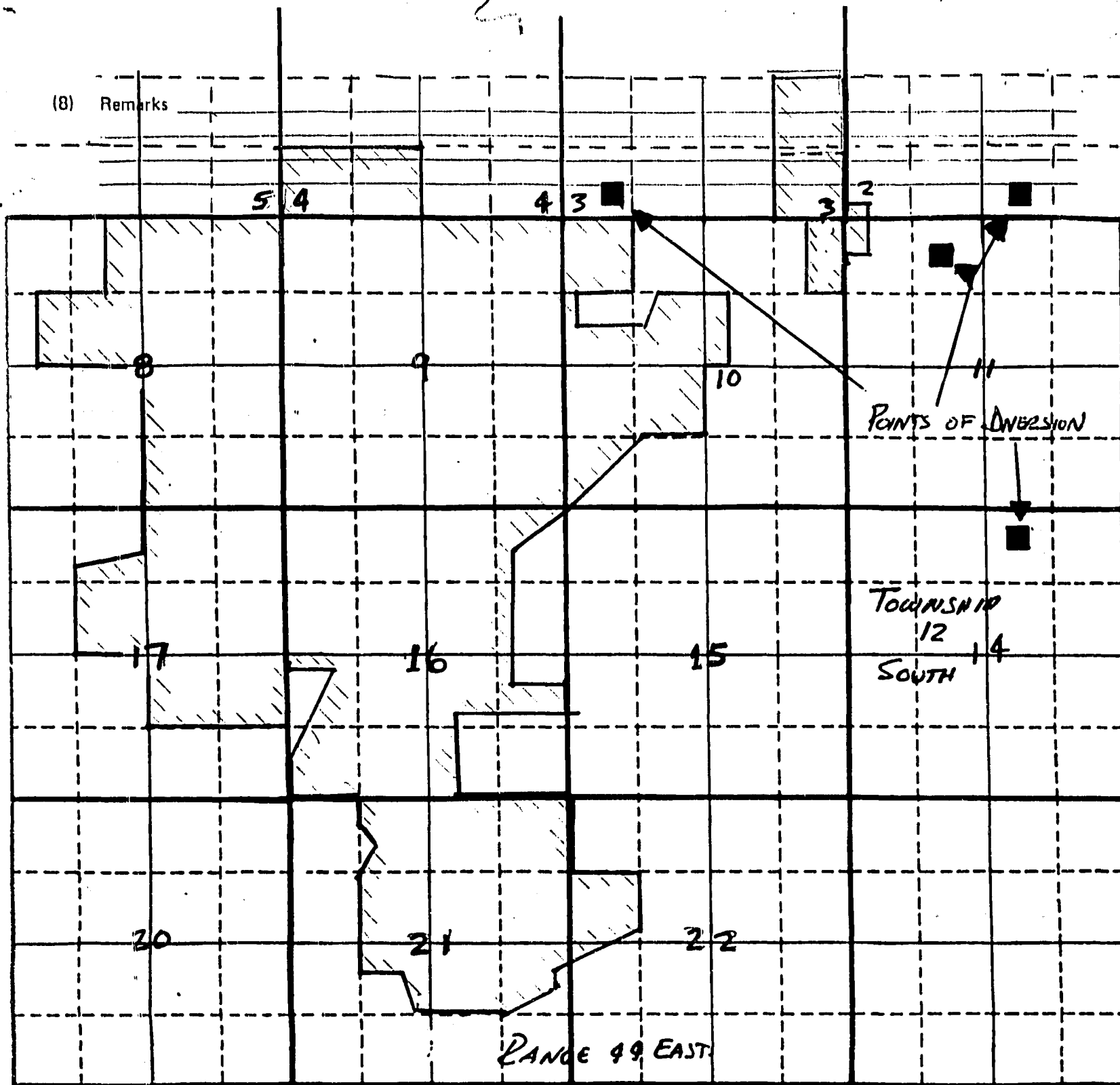
T	R	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTAL
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
12S	44E	3													30			35	65
12S	44E	2											4						4
12S	44E	11						10											10
12S	44E	10	20		15			40	20	32	40	40	14						221
12S	44E	4											30	30					60
12S	44E	9	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640
12S	44E	8	40	40	40	40	20		20	40					40	40	40	40	400
12S	44E	17	40	40	40	40	10	40							36	36			282
12S	44E	16	5	40	40	4	40	40	40	40	40	35	35	35	6	30	8		458 43%
12S	44E	21	40	40	40	40	25			40	11				13	38			287
12S	44E	22						40				6							46
No. of acres																			2473 2453

B) If water is used for other than irrigation, fully describe that use, being as specific as possible: Livestock is watered throughout the year.

NOTE: Include here the type and number of stock watered: 500 dairy; 2000 beef cattle

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

Bennington Irrigation Co.



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 Bonneville) 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 affiant's knowledge.

Sworn to before me this 28th day of March

Le Grand L. Burdick, Pres.
(Claimant)

Callum Akey
Notary Public
Residing at Idaho Falls, Id.

My commission expires 6-15-85

FOR DEPARTMENT USE ONLY

Received by <u>S.M.</u>	Date <u>3-28-83</u>	Exception filed by:	Forwarded to	Date
Prelim. check by <u>K.W.</u>	Date <u>3-29-83</u>		claimant by:	
\$20.00 fee received by <u>C.W.</u>	Date <u>3-28-83</u>			
Published in <u>News Examiner</u>	# <u>25564</u>			
Dates <u>4/7</u> : <u>4/14/83</u>				

Nº 2249

RECEIVED

AFFIDAVIT OF PUBLICATION

APR 20 1983

Department of Water Resources
Eastern District Office

STATE OF IDAHO,
County of Bear Lake

ss.

Marie B. Nye
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 2 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

April 7, 1983, and ending
with the issue of April 14, 1983.

Marie B. Nye
Fees, 33.13

Subscribed and sworn to before me this 19th day
of April, 1983.

Karla Jamieson

Notary Public, Residing at Montpelier, Idaho

My Commission Expires November, 1985.

Legal No. 2249

NOTICE OF CLAIMS
TO WATER RIGHTS

The following claim(s) have been filed on
water right(s) created by diversion and
beneficial use:

11-4226

BENNINGTON IRRIGATION CO.
RT. 2, MONTPELIER, ID 83254

Source: HOME CREEK trib. to BEAR
RIVER

SPRING CREEK trib. to BEAR RIVER
MILE CREEK trib. to BEAR RIVER

Priority Date: 08/06/1880

Diversion Pt: NWNE Sec 14, T. 12S, R. 44E
SWSW Sec 03, T. 12S, R. 44E NENEW SEC 11, T.
12S, R. 44E SWSE Sec 02, T. 12S, R. 44E

Use: IRRIGATION (47.00 CFS)

STOCKWATER (0.50 CFS)

In: NESE SESE Sec 03, T. 12S, R. 44E SWSW
Sec 02, T. 12S, R. 44E NWNW Sec 11, T. 12S, R.
44E NENE SWNE NWNW SWNW SENW
NESW NWSW SWSW Sec 10, T. 12S, R. 44E
SWSW SESW Sec 04, T. 12S, R. 44E NENE
NWNW SWNE SENE NENW NWNW
SWNW SENW NESW NWSW SWSW SESE
NESE NWSE SWSE SESE Sec 09, T. 12S, R.
44E NENE NWNE SWNE SENE NENW
SWNW SENW NESE NWSE SWSE SESE
Sec 08, T. 12S, R. 44E NENE NWNE SWNE
SENE NENW NWNW NESE NWSE
Sec 17, T. 12S, R. 44E NENE NWNE SWNE
SENE NENW NWNW SWNW SENW
NESW NWSW SWSW SESW NESE NWSE
SWSE Sec 16, T. 12S, R. 44E NENE NWNE
SWNE SENE NENW SENW NESW NESE
NWSE Sec 21, T. 12S, R. 44E SWNW NWSW
Sec 22, T. 12S, R. 44E FOR 2453 ACRES

11-4227

PUGMIRE, LOUIS M.
360 ROSE AVE., SODA SPRINGS, ID 83276

Source: SPRING trib. to SINKS

Priority Date: 06/30/1937

Diversion Pt: NWNW Sec 22, T. 15S, R. 43E

Use: STOCKWATER (0.02 CFS)

In: NWNW SWNW Sec 22, T. 15S, R. 43E

Exceptions to a claim may be filed with the
Director, Dept. of Water Resources, 150
Shoup Ave., Suite 15, Idaho Falls, Idaho
83402.

KEN DUNN, Dir.

4-7, 4-14
53 LINES

ARTICLES OF INCORPORATION OF THE BENNINGTON
IRRIGATION COMPANY

KNOW ALL MEN BY THESE PRESENTS, that we, the undersigned, have this day voluntarily associated ourselves together for the purpose of forming a corporation, under the laws of the state of Idaho.

And we hereby certify; First- that the name of the said corporation is "The Bennington Irrigating Company"; Second- that the purposes for which it is formed are to control the waters of Home Creek, Mile Creek, Spring Creek, and all the spring and sources of water supply, incident to said creeks in Bear Lake County, Idaho, and to use the same for the irrigation of Sections 4, 5, 10, 23, 28, 29, 30, 31, 16, 17, 8 and 9 in Township 12 South of Range 44 East of Boise Meridian;

Third- That the place where its principal business is to be transacted shall be the town of Bennington, Bear Lake County, Idaho.

Fourth- That the term for which it is to exist fifty years from and after the of its incorporation.

Fifth- That the number of its directors shall be five and that the names and residences of those who are appointed for the first year are;

Amos R. Wright	Bennington, Bear Lake County, Idaho
David E. Lindsay	" " " "
Charles Stephens	" " " "
William H. Speirs	" " " "
George C. Perkins	" " " "

Sixth- That the amount of the Capitol Stock of this corporation shall be \$20,000.00 and divided into 20,000 shares of the par value of \$1.00 each.

Seventh- That the amount of said Capitol Stock which has been actually subscribed is \$20,000.00 and the following are the names of the persons by whom the same has been subscribed, To-wit

Amos R. Wright	4000 shares	\$4000.00
David E. Lindsay	4000 shares	4000.00
Charles Stephens	4000 shares	4000.00
William H. Speirs	4000 shares	4000.00
George C. Perkins	4000 shares	4000.00

In witness whereof, we have hereunto set our hands and seals this 2nd day of March 1895

Signed and sealed in the presence of R.S. Spence.

Amos R. Wright (SEAL)
David E. Lindsay (SEAL)
William H. Speirs (SEAL)
Charles Stephens (SEAL)
George C. Perkins (SEAL)

State of Idaho }
County of Bear Lake } ss

On the 2nd day of March, 1895, before me, James H. Wallis, A Notary Public in and for said County, residing therein, duly commissioned and qualified, personally appeared Amos R. Wright, David E. Lindsay, Charles Stephens, William H. Speirs, and George C. Perkins, personally known to me to be the persons whose names are subscribed to the within instrument, and they each duly acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year last above written.

(SEAL)

James H. Wallis
Notary Public, Bear Lake County, Idaho.

No. 33--- Articles of incorporation of the Bennington Irrigating Company
Filed March 15th, 1895, at 11 o'clock A.M.

G. Spongberg, Co. Recorder

X4. 25

DECLARATION

Georgetown, Idaho, Mar 23, 1909.
This certifies that I, James C. Fitch, do by these presents relinquish all my interest right to the following described, unsurveyed land, situated in Bear Lake County, Idaho, according to the N.E. Corner of J. B. Nathan's Desert entry No. 100, as follows, to wit: Beginning thence N. 160 rds. thence W. 160 rds. thence S. 160 rds. thence S. 160 rds. to place of beginning and containing 160 acres of land.

James C. Fitch.

Recorded at the request of Fay Austin the 2nd Oct. 1909 at 2-20 P.M.

By *Samuel Holmes* Deputy.

H. R. Holmes Recorder.

Water Notice.

Blackfoot Idaho May 29, 1897

This is to certify that Chas S. Dalton sold to B.H. Bowen 1/2 shares or 3/10 interest in the water, of place known as Jones Gap, and belonging to land, sold by me to said party.

Charles S. Dalton
Sarah J. Dalton.

Recorded at the request of B. H. Bowen the 27th day of January 1900 at 11 A.M.

By *Emma Holmes* Deputy.

H. R. Holmes Recorder.

4-43

Water Notice.
Incorporated under the laws of Idaho 25 shares.

No. 129
BENNINGTON IRRIGATION COMPANY. Capital stock \$20,000.00 20 Shares \$1.00 each.
THIS IS TO CERTIFY, that Charles Astle is entitled to twenty five Shares of the Capital stock of the Bennington Irrigation Company, transferable only on the Books of the Company in person, or by attorney, on the Surrender of this Certificate.
Witness the Seal of the Company and the signature of
The President and Secretary of Bennington, Idaho,
this 9th day of June A.D. 1900.

J. H. Pierson President
George C. Perkins Secretary

(Seal)
Recorded at the request of Chas Astle the 10th day of Jan. 1910 at 2 P.M.

By *Emma Holmes* Deputy.

H. R. Holmes Recorder.

3466

Lease.

THIS IN DEEDURE Made the Twenty seventh day of November in the year of our Lord one thousand nine hundred and nine Between Andrew Nielsen of Montpelier Bear Lake County State of Idaho the party of the first part and Jany L. Wilm of Montpelier Bear Lake County State of Idaho, the party of the second part, WITNESSETH, That the said party of the first part has leased and demise, and by these presents do lease and demise, unto the said party of the second part the following described property to wit: The North East quarter (1/4) of the North East Quarter (1/4) of Section Twenty seven 27 Township Twelve (12) South of Range (44) East of Boise Meridian in Idaho containing forty acres of land more or less.
Also the South East quarter (1/4) of the Southeast Quarter (1/4) of Section Twenty two (22) Township Twelve (12) South of Range forty four (44) East of Boise Meridian in Idaho containing forty acres of land be there more or less together with all water rights thereunto belonging, with the appurtenances, for the term of one year from the first day of December A.D. one thousand nine hundred and nine at the rent or sum of _____ Dollars, payable in _____ of the United States of America _____

AND IT IS HEREBY AGREED that if any rents shall be due and unpaid, or if default shall be made in any of the covenants herein contained, then it shall be lawful for the said party of the first part to re-enter said premises and to remove all persons therefrom.

And the said party of the second part do hereby covenant, promise and agree to pay the said party of the first part, the said rent in the manner hereinbefore specified and half of all the produce raised on the said farm including grain of all kinds and vegetables in consideration of the party of the second part hereby covenant and agree to and with the party of the first part, that he will occupy till and in all respects cultivate the premises above mentioned during the term mentioned aforesaid in a farmer like manner and according to the usual course of farming practised in said neighbourhood that he will not commit any waste or damage or suffer to be done that he will keep the fences in repair and also the buildings on the said premises at his own costs, and that he will deliver to the said party of the first part his heirs executors or administrators, one half of all the proceeds and crops produced on the said farm and premises aforesaid of _____ and description to be divided on the said premises in stock and _____ as the usual course and custom of making such division in the neighbourhood

2

-----BY LAWS-----

-----OF THE BENNINGTON IRRIGATING COMPANY-----

-----ARTICLE I.-----

The officers shall consist of a President, Vice-President, Treasurer and Secretary, who shall be chosen by the Directors from among themselves.

-----ARTICLE II.-----

Section.1. A Board of Directors shall be elected at the annual meeting of the stockholders. The Directors elect shall serve for one year from the First Monday in April 1926, and until their successors are elected and qualified.

Section.2. No stockholder shall be eligible for election as a member of the Board of Directors unless he is a bona fide holder and owner of at least ten shares of the capital stock of the company at the time of his election.

-----ARTICLE III.-----

Section.1. President. The President shall preside at all meetings of the Directors or stockholders. He shall sign, as President, all certificates of stock, and all contracts and other instruments in writing which have been first approved by the Board of Directors. He shall draw all checks and warrants upon the Treasury. He shall call the Directors together whenever he deems it necessary; and he shall have, subject to the advise and control of the Directors, the general superintendence of the affairs of the company. In the absence of the President the Vice-President shall perform his duties.

Section.2. Treasurer. It shall be the duty of the Treasurer to keep safely all moneys belonging to the company, and disburse the same under the direction of the Board of Directors, on warrants signed by the President and Secretary. At each annual meeting of the stockholders, he shall submit a complete statement of his accounts for the past year, with the proper vouchers, for their information. He shall discharge such other duties pertaining to his office as shall be prescribed by the Board of Directors.

Section.3. Secretary. It shall be the duty of the Secretary to keep a record of the meetings of the Board of Directors and of the stockholders. He shall keep the book of blank certificates of stock, fill up and countersign all the certificates issued, and make the corresponding entries on the margin of each book, on such issuance. He shall keep a proper transfer book, and a stock ledger in debit.

-----ARTICLE.VII.-----

No contract by any officer of the company shall be valid, without the previous authorization or subsequent ratification of the Board of Directors.

-----Article.VIII.-----

Amended on page 83
The regular annual meeting of the stockholders shall be held on the First Monday in April of each year, at the office of the company, in Bennington, Bear Lake County, Idaho. A representation of a majority of the capital stock shall be necessary for the transaction of the business of all meetings of stockholders. At such meetings a representation by proxy duly appointed and held only by bona fide shareholders, shall be allowed; such proxy to be in writing and filed with the Secretary of the company.

A majority of the Board of Directors shall constitute a quorum for the transaction of business at all their meetings. All meetings of stockholders shall be called by a notice posted in three conspicuous places in the town of Bennington, for a period of ten days; provided, that when necessary, a shorter notice may be given, and the Board of Directors may adopt such means of giving the said notice, as to them may be expedient and proper.

-----ARTICLE.IX.-----

Certificates of stock shall be of such form and device as the Board of Directors may direct, and such certificate shall be signed by the President and Secretary, and express on its face their number, date, of issuance, number of shares for which, and the persons to whom issued. Several certificates may be issued to the same person or persons, provided, that in the aggregate they do not exceed the number of shares belonging to such person or persons. The certificate book shall contain a margin on which shall be entered the number, date, number of shares, and the name or names of the persons expressed in the corresponding certificates.

-----ARTICLE.X.-----

Shares of the company may be transferred at any time by the holders thereof, or by the attorney legally constituted, or by legal representative. But no transfer shall be valid except between the parties thereto, until entered in the proper form on the books of the company. The surrendered certificates shall be cancelled before a new certificate shall be issued in lieu thereof. The receiver of the new certificate shall be required to signify his assent to the by-laws of the company; and no transfer of any share of stock shall be valid, upon which any assessments are due and unpaid, or to the holder

of which is indebted to the company on any account whatever, without the consent of the Board of Directors.

-----ARTICLE.XI.-----

The Secretary and Treasurer shall be required to enter into a good and sufficient bond, with two or more sureties, in the sum of Three Hundred Dollars, conditioned for the faithful performance of their duties. In case a vacancy shall occur in any of the offices, by death, resignation or otherwise, such vacancy shall be filled by the other members of the Board of Directors; such officer to hold his office until the next annual election.

-----ARTICLE.XII.-----

Any shareholder moving dams or gates, or using water from any of the ditches or conduits belonging to the company, without first obtaining the consent of the watermaster or his deputy, shall be fined twenty five dollars.

-----ARTICLE.XIII.-----

A two thirds vote of the shareholders shall determine the amount of water each share shall be entitled to; or it may be determined by the Board of Directors.

-----ARTICLE.XIV.-----

The shareholders conveying water through any of the ditches or conduits of the company, shall keep the said ditches or conduits in good repair, and shall forfeit his share of water during such time said labor remains unperformed. The labor to be performed in keeping ditches in repair shall be allotted according to the amount of land under cultivation.

-----ARTICLE.XV.-----

The books and papers, in the office of the Secretary and Treasurer, shall at all times, during business hours, be open to the inspection of the Board of Directors, and of any stockholder.

-----ARTICLE.XVI.-----

These by-laws may be altered or amended at any annual meeting of the company, or at any special meeting called for that purpose, by a vote of two thirds of the subscribed stock.

and credit form, showing the number of shares issued to and transferred by any stockholder, and the dates of such issuance and transfer. He shall countersign all checks; keep proper account books, and discharge such other duties as pertain to his office, and are prescribed by the Board of Directors.

-----ARTICLE IV.-----

The Board of Directors shall have power; 1: To call meetings of stockholders when they deem necessary, giving not less than ten days notice thereof in manner as hereinafter provided; and they shall call meetings of the stockholders at any time, upon a written request for that purpose, of persons representing one tenth of all the capital stock. 2: To make rules and regulations not inconsistent with the laws of the State of Idaho or the by-laws of the company, for the guidance of the officers and management of the affairs of the company. 3: To incur such indebtedness as they may deem necessary; provided, however, that no indebtedness over One Thousand Dollars, shall at any time be incurred by the company; and to authorize the execution, by the President and Secretary, of any note for such indebtedness.

-----ARTICLE V.-----

Section. 1. A Watermaster shall be elected at the annual meeting of the shareholders, who shall hold his office for one year, and until his successor shall be elected or appointed, and qualified. Before entering upon the discharge of his duties he shall give a good and sufficient bond in the sum of Five Hundred dollars, with two or more sureties, conditioned for the faithful performance of his duties. It shall be the duty of the watermaster to attend, either personally or by deputy or deputies, to the distribution of all water, and to see that all water, ditches, gates, dams, and flumes are kept in good repair.

Section. 2. The Watermaster shall have power to appoint one or more deputies, who shall have the like power to control the distribution of the water as their principal, and for whose official acts the watermaster shall be responsible.

Section. 3. The salary of the watermaster and method of payment shall be determined at the annual meeting of the stockholders.

-----ARTICLE VI.-----

The members of the Board of Directors shall receive no compensation for their services as such, nor shall the company be held liable for any services rendered. The Secretary and Treasurer shall receive such compensation for their services as the Board of Directors shall determine.

ARTICLE XVII.

These by-laws shall always remain in possession of the Secretary of the company.

CERTIFICATE

We the undersigned, a majority of the Directors of the Bennington Irrigating Company, hereby certify that the foregoing By-Laws, consisting of seventeen articles, have been duly adopted as the 'By-Laws' of said corporation.

Witness our hands this 13th day of April 1895.

A. R. Wright
David E. Lindsay
Frank C. Perkins
Dr. F. L. Spivey
Charles Stephens

We the undersigned, stockholders, representing, owning and holding two thirds of the capital stock subscribed, in the Bennington Irrigating Company, hereby assent to the foregoing by-laws of the company and hereby agree to, and do adopt the same, as provided by section 2588 Revised Statutes of Idaho.

Dated April 13th 1895.

A. R. Wright
C. Lippert
David Hunter
John Hanson

D M Bursbach

George Stephens

J. B. Lindsay

J. B. Lindsay

Garber Oakley

David Lindsay

Geo. R. Lindsay

Alb. Peterson

Miles F. Thayer

M. Mouritsen

Alma M. Parker

W. Graham

W. J. Lindsay

G. J. Merrill

J. P. Jensen

L. B. Smith

W. H. Lewis

J. D. M. Arthur

Eph. L. Lindsay

Emma L. Boy

Edwin H. L. L. L.

J. B. L. L. L.

J. B. L. L. L.

J. B. L. L. L.

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J. B. L. L. L.

J. B. L. L. L.

Memories Dees

Alli Deestman, made the 21st day of April in the year of our Lord one thousand eight hundred and ninety five, bet-
ween M. A. Wright, David Hunter, O. E. Dickinson, W. H. Speer,
W. E. Perkins, Allen Parker, W. E. Dickinson, J. E. Weaver, W.
P. Dickinson, Charles Stephens, W. E. Stephens, M. A. Graham,
Samuel Hall, M. J. Newman, W. J. Dickinson, Daniel Davis,
Mello Davis, Ephraim Dickinson, Peter Hanson, E. Hubbard,
John Hanson, A. Wasserman, Helen Carter, W. M. Davis, J. A.
Coffey, Ed. W. Dickinson, W. M. Lewis, Aaron Stephens, W. E. Pe-
erson, David Dickinson, Ed Merrill, J. E. McArthur, M. O.
Geece, James Pearson, M. Merritt, E. D. Borth, S. O. Borth,
James Melton, Emma Dickinson, J. A. Dickinson, of Dennington,
County of Dear Lake, and State of Idaho, party of the first part,
and the Dennington Association Company, a Corporation, the
party of the second part, Witnesseth, that the said party of the first

Friday, Charles Stephens, Geo Stephens, Wm. Stratton,
Samuel Hall, Wm. J. Thomas, W. J. Buckley, Francis Brown,
Walter Davis, Ephraim Andrews, Peter Hanson, & Newbark,
Peter Hanson, A. Hanson, Helen Barker, Geo. W. Birch, Dr.
Stephens, Edw. Buckley, Wm. W. Lewis, Aaron Stephens, Geo. Pat-
erson, David Anthony, Jas. Merrill, J. P. Webster, Wm. O.
Hansen, James Peterson, Wm. Matthews, & D. Booth, J. O. Munk,
James Webster, Emma Anthony, J. H. Snider, & Demington,
County of Dear Lake, and State of Dakota, Party of the first part,
and the Demington Exploring Company a Corporation, the
Party of the second part, Witnesseth, that the said Party of the first
part, for and in consideration of the sum of twenty thousand
Dollars, lawful money of the United States of America, to them
in hand paid, by the said Party of the second part, the receipt
whereof is hereby acknowledged, have granted, bargained, sold,
aliened, released, conveyed and confirmed, and by these
presents do grant, bargain, sell, alien, release, convey
and confirm unto the said Party of the second part, and to its
heirs, and assigns, forever, all that certain right and claim

spring unto the said party of the second part, and to it
and assigns, forever, all that certain water right and stream
situate in Berks County, Alaska and known and described
as follows, to-wit:

On the right to the use and enjoyment of all the waters of
'Home Creek', 'Mile Creek', 'Spring Creek' and all the springs,
that be contiguous and adjacent to the said creek, and all
the various sources of supply, whereby the said springs and
creeks are fed and supplied. Also all the water rights and enjoy-
ments, now in anywise owned, held, and enjoyed by the party of
the first part, for the purpose of irrigating any and all lands con-
ced by the said party of the first part, in and around the
Town of Dennington, Berks County, Alaska. The said water
rights being the same that have been appropriated, purchas-
ed, held and enjoyed, by the party of the first part, as the
association known by the name of 'The Dennington Irriga-
tion Company'.
Together with all and singular the rights, powers, remedies

Conduits and appurtenances thereto belonging, or in anywise appertaining, and the rents, issues and profits thereof; and also, of the estate, right, title, interest, property, possession claims and demands whatsoever, as well in law as in equity, of the party of the first part, of, in, onto the said premises, and every part and parcel thereof, with the appurtenances.

As it appears to stand all and singular the said premises, together with the appurtenances unto the said party of the second part, and to its heirs and assigns, forever; and the said party of the first part, and their heirs, the said premises so in the quiet and peaceable possession of the said party of the second part, its heirs and assigns, against the said party of the first part, and their heirs, and against any and all persons whomsoever lawfully claiming or to claim the same, shall and lawfully warrant, and by these presents

at Kansas whenever lawfully claiming or to whom
claim, shall and will warrant, and by these presents
never defend.

On Witness Whereof, the said party of the first part
have hereunto set their hands and seals the day and year

first above written
(Signed, sealed and delivered)

in the presence of

R. D. Spencer

David Hunter (deat)

W. H. Spurio (deat)

Almon Parker (deat)

C. F. Spencer (deat)

Charles Stephens (deat)

W. D. Graham (deat)

Wm. D. Spencer (deat)

Daniel Davis (deat)

Stephen Sunday (deat)

D. D. Dunscomb (deat)

D. B. Sunday (deat)

E. W. Jenkins (deat)

E. W. Sunday (deat)

Leah P. Sunday (deat)

George Stephens (deat)

Samuel Hall (deat)

W. D. Sunday (deat)

Wm. D. Davis (deat)

John Spencer (deat)

John Spencer (deat)

A. P. Right, (deat)

Pence	C. G. Wright, < dead >
W. Hunter < dead >	J. E. Dickinson < dead >
W. Speer < dead >	E. W. Jenkins < dead >
Alma Parker < dead >	E. W. Dickinson < dead >
J. E. Mooren < dead >	Chas. F. Dickinson < dead >
Charles Stephens < dead >	Wm. J. Stephens < dead >
M. D. Graham < dead >	Samuel Hall < dead >
Wm. J. Mooren < dead >	M. J. Dickinson < dead >
Samuel Davis < dead >	Wm. J. Davis < dead >
John Dickinson < dead >	John Mooren < dead >
J. D. Burkett < dead >	John Mooren < dead >
W. Mooren < dead >	John Mooren < dead >
Chas. W. Birch < dead >	John Mooren < dead >
John Dickinson < dead >	John Mooren < dead >
Wm. J. Mooren < dead >	John Mooren < dead >
David Dickinson < dead >	John Mooren < dead >
J. E. M. C. Mooren < dead >	John Mooren < dead >
James Mooren < dead >	John Mooren < dead >
J. D. Burdette < dead >	John Mooren < dead >

James McKee Clerk > Thomas Lindsey < Seat >
J. W. Lindsey < Seat >
United States of America.

State of Idaho
County of Blaine

On this fifth day of April in the
year of our Lord one thousand eight hundred and ninety
five, before me, W. H. Davis, Justice of the Peace, in and for
Washington Precinct, Blaine County, State of Idaho, duly
elected and qualified, personally appeared A. P. Wright, David
Winter, D. B. Lindsey, E. C. Perkins, Allen Parker, Wm. P. Grant,
Wm. T. E. Meenan, Wm. P. Lindsey, Charles Stephens, Wm. Stephens,
M. O. Graham, Samuel Hall, M. T. Meenan, M. J. Lindsey, David
L. Davis, Walter Davis, Ephraim Lindsey, Peter Meenan,
D. Burkhardt, John Meenan, A. Warraman, Wm. Carter, Wm.
M. Birch, Geo. Chaplin, Edw. C. Lindsey, Wm. Davis, Aaron

Burkett, John Hanson, A. Vancouver, Nelson Clatter, Wm. Birch, Geo. Shaffer, Edw. T. Lindsay, Wm. Lewis, Green Lipsett, Wm. Peterson, David Lindsay, Jed Merrill, J. B. McWhorter, M. C. Jensen, James Dixon, Wm. Mounition, E. Barth, J. O. Munk, James Melton, Edmund Lindsay, J. M. Lindsay, whose names are subscribed to the executed instrument as Joint Party thereto, personally known to me to be the same persons described in, and who executed the said annexed instrument as Joint Party thereto, and duly acknowledged to me that they executed the same freely and voluntarily, and for the uses and purposes therein mentioned.

On Witness Whereof, I have hereunto set my hand at my office in Lemington, County of Benaville, State of Idaho, this day and year in the certificate first above written

M. A. Speere

Justice of the Peace.

State of Idaho
County of Benaville } ss.

I am a good man.

the said annexed instrument as first party there-
and duly acknowledged to me that they executed the
same freely and voluntarily, and for the uses and purposes
therein mentioned.

On Witness Whereof, I have hereunto set my hand at my
Office in Birmingham, County of Dear State, State of Alabama,
the day and year in the certificate first above written
W. N. Spencer

Justice of the Peace.

State of Alabama
County of Dear State } ss.

On this 27th day of April in the
Year of our Lord one thousand eight hundred and ninety
five, before me Robert J. Spencer, a Notary Public, acting
in and for Dear State County, State of Alabama duly sworn-
in and qualified, personally appeared W. N. Spencer,
whose name is subscribed to the annexed instrument first
above written, personally known to me to be the same

and at a point where the

pleased, described in, and who executed the said arrested
instrument to said party thereto, and duly acknowledged to
me that he executed the same freely and voluntarily, and for
the use and purposes therein hereunto set on foot and
in witness whereof, I have hereunto set my office in this city
San Antonio, Texas, the day and year in this certifi-

plied my office of Clerk, the day and year in this certifi-

Montpelier, State of Idaho.

in witness whereof, I have hereunto set my office in this city
San Antonio, Texas, the day and year in this certifi-

Robert J. Spence
Notary Public

April 29th 1895, at New
Mexico

Co. Recorder

dear >
This for record at request of R. J. Spence

in witness whereof, I have hereunto set my office in this city

Public Notice

Notice is hereby given that the undersigned trustee of the
 Pennington Draining Company, a body corporate existing un-
 der the laws of State Territory do hereby claim and appropriate
 all the waters of Worm Creek, all the waters of Spring Creek
 and one third of the waters of White Creek near Pennington Beach
 Lake County Idaho Territory and all the springs and streams flow-
 ing into said creeks along and above the ditch of said Com-
 pany's Draining Company as hereinafter mentioned.

To be taken out of the said Worm Creek at a certain point
 about one quarter of a mile west of the mouth of what is known
 as Worm Canyon and at the point where the ditch of the said
 Pennington Draining Company intersects said Worm Creek
 at being the point where this notice is posted.

To be taken out of Spring Creek about two hundred yards
 below the source of said Spring Creek and at a point where the

ington Disputing Company interests and White Creek
being the point where the river is protected.

It is taken out of Spring Creek about two hundred yards
below the source of said Spring Creek and at a point where the
ditch of the said Disputing Company intersects
the waters of said Spring Creek.
It is taken out of the said White Creek about one hundred
yards from the source of said White Creek, one third of the
waters of said White Creek being hereby appropriated.

The said Disputing Company claims and so
hereby appropriates all of the waters of Spring Creek and Spring
Creek and one third of the waters of White Creek and all the
springs and streams flowing into said creeks along and above
the ditches of this Company's appropriation or so much thereof as
will flow through ditches No. (6) feet wide at the top, from (4)
feet wide at the bottom, and also feet deep with a fall of (6)
six inches to the foot.

The purpose for which said water is claimed and ap-
propriated is for the object of irrigating the land embraced in
the following described tracts: Sections 5, 11, 10, 15, 22, 28, 29, 30,

Territory of Idaho }
 County of Blaine } ss.
 I, _____,

ss.
I hereby certify that a notice to
meet of the Society was posted up at the
place of meeting on the 1st of June 1841.

[illegible]

John Hansen

Oct. 1880.

A. D. Wright and

Recorded at the request of J. H. Moore,
6th August 1880 as in O. G. Park
M. J. Quire

Q. W. Fisher

2

Slide

11-4226

BENNINGTON IRRIGATION CO.

RT. 2, MONTPELIER, ID 83254

Source: HOME CREEK trib. to BEAR RIVER
SPRING CREEK trib. to BEAR RIVER
MILE CREEK trib. to BEAR RIVER

Priority Date: 08/06/1880

Diversion Pt: NWNE Sec 14 T 12S R 44E SWSW Sec 03 T 12S R 44E NENW
Sec 11 T 12S R 44E SWSE Sec 02 T 12S R 44E

Use: IRRIGATION (47.00 CFS)
STOCKWATER (0.50 CFS)

In: NESE SESE Sec 03 T 12S R 44E SWSW Sec 02 T 12S R 44E NWNW
Sec 11 T 12S R 44E NENE SWNE NWNW SWNW SENW NESW NWSW SWSW
Sec 10 T 12S R 44E SWSW SESW Sec 04 T 12S R 44E NENE NWNE SWNE SENE NENW
NWNW SWNW SENW NESW NWSW SWSW SESW NESE NWSE SWSE SESE Sec 09 T 12S R 44E
NENE NWNE SWNE SENE NENW SWNW SENW NESE NWSE SWSE SESE Sec 08 T 12S R 44E
NENE NWNE SWNE SENE NENW NWNW NESE NWSE Sec 17 T 12S R 44E NENE NWNE SWNE
SENE NENW NWNW SWNW SENW NESW NWSW SWSW SESW NESE NWSE SWSE
Sec 16 T 12S R 44E NENE NWNE SWNE SENE NENW SENW NESW NESE NWSE
Sec 21 T 12S R 44E SWNW NWSW Sec 22 T 12S R 44E FOR 2453 ACRES

NOTICE OF CLAIMS TO WATER RIGHTS

The following claim(s) have been filed on water right(s) created by diversion and beneficial use:

Exceptions to a claim may be filed with the Director, Dept. of Water Resources, 150 Shoup Ave., Suite 15, Idaho Falls, Idaho 83402.

KEN DUNN, Dir.

Published 4/7 & 4/14/83.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Eastern Region

150 Shoup Ave., Suite 15
Idaho Falls, Idaho 83402
(208) 525-7161

MARCH 30, 1983

The News-Examiner
P. O. Box 278
Montpelier, Idaho 83254

Gentlemen:

Enclosed you will find a legal notice which we wish to have published on the dates indicated (once a week for two consecutive weekly issues) in your newspaper. We have allowed ample time for you to submit a galley proof to this office for review before the first publication date. 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. Your cooperation is appreciated.

Please send the affidavit of publication and publication billings to this office before APRIL 25, 1983.

Yours truly,

RONALD D. CARLSON
Supervisor
Eastern Region

Encl.

Form 243a
11/78

State of Idaho
Department of Water Resources

CLAIM ANALYSIS SHEET

INITIAL REVIEW BY: KC Wilson

Right Number

11 4225

Applicant

Bennington Irr. Co

NOTE: IF ANY OF THE ITEMS BELOW ARE MISSING, THE CLAIM IS INCOMPLETE AND MUST BE RETURNED IMMEDIATELY TO THE CLAIMANT ALONG WITH THE APPROPRIATE COVER LETTER.

CHECK:

- ☒ Name and address.
- ☒ Date of priority. (Check for a date past the mandatory filing dates.) (One date only.)
- ☒ Source.
- ☒ Quantity, use, period.
- ☒ Point(s) of diversion.
- ☒ Location of use.
- ☒ Signature/notarization/fee.
W.D. #11

FINAL REGIONAL PROCESSING REVIEW:

- ☒ Affidavit of publication received.
- ☒ Claim published correctly.

N/A

Exceptions processed.

By

Eric Carlson

Date

April 27, 1983

April 25, 1983

STATE OFFICE PROCESSING:

- ☒ Claim review complete.

By

Juni

Date

5-2-83

April 1, 1983

RE: Claim to a Water Right No. 11-2226 BENNINGTON IRRIGATION

Mr. Russell Stoker, Watermaster
Water District No. 11
279 East Third North
Soda Springs, ID 83276

Dear Mr. Stoker:

Enclosed, for your information only, is a copy of the above referenced claim to a water right filed within your district. If you have any questions concerning this matter, please feel free to contact this office.

Very truly yours,

ERNEST CARLSEN
Assistant Regional Supervisor

EC:cw

Enclosure

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Eastern Region

150 Shoup Ave., Suite 15
Idaho Falls, Idaho 83402
(208) 525-7161

APRIL 25, 1983

BENNINGTON IRRIGATION CO.
RT. 2
MONTPELIER ID 83254

RE: Claim No. 11-4226

Dear Claimant:

The Department of Water Resources has completed the advertising of your claim to a water right, and no further action is authorized under Section 42-243 and 42-244, IDAHO CODE. Your claim will be retained in our files and will be available at any time for use by you or the court.

The filing and advertising of the claim does not confirm the water right claimed, but will serve to record and preserve 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 with the claim, you may have that information or evidence added at any time. Please refer to the claim identification number when corresponding with this office.

We are enclosing a copy of your claim for your records. If you have questions, or if this office may be of further assistance, please feel free to contact us.

Yours truly,

RONALD D. CARLSON
Eastern Region Supervisor

Enclosure

RECEIVED
APR 29 1983

Department of Water Resources

RECEIVED

Claim No. 11-04226

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
CLAIM TO A WATER RIGHT**

DEC 19 1995
AMENDED
Department of Water Resources

AMENDED

Section 42-243, Idaho Code authorizes the filing of a claim to a water right established by diversion and application of water to beneficial use for domestic uses as defined in Section 42-111, Idaho Code. The filing of this claim does not confirm the water right claimed.

Notice is hereby given that BENNINGTON IRRIGATION COMPANY C/O ALAN PHELPS
(Name of Claimant)
128 S MAIN BENNINGTON, MONTPELIER 83254 Telephone No: (208) 847-0425
(Mailing Address) ID (Zip Code)

claims a right to the diversion and beneficial use of the surface or ground water. The extent and nature of said claim is as follows:

1. Date of Priority: (When the water was first applied to beneficial use) AUGUST 6, 1880
A claim is not acceptable on a surface water source with a priority later than May 20, 1971.

- 2. Describe the source of water: (Name of stream, lake, spring, etc., or ground water)**

UNNAMED STREAMS tributary to BEAR RIVER

- 3. Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:**

(cfs, af)

(Domestic, Stock, Etc.)

(Both dates inclusive)
(Mo., Day) (Mo., Day)

Quantity	47.00 cfs	Use	IRRIGATION	Period of Use From	4-15	to	10-15
Quantity	0.50	Use	Stockwater	Period of Use From	1/1	to	12/31
Quantity		Use		Period of Use From		to	

4. 47.00 TOTAL QUANTITY USED.
(cfs, af) SEE ATTACH

SEE ATTACHED SHEET

5. A) Location of point of diversion is _____ ¼ of _____ ¼ of _____ ¼, Govt. Lot _____
Sec. _____ Township _____ Range _____ B.M. _____ County; additional points of diversion
if any: _____

B) Describe means of diversion of water: (Pump and pipeline, well, diversion dam, reservoir, length of ditch etc.). Give sizes and capacities: be as specific as possible. Describe any changes in the system and give the date of the change. **DITCHES AND PIPELINES**

6. **A) Describe place of use within each 40-acre tract in the appropriate box using the following symbols in the appropriate tract. D - domestic, S - stockwater, X - other**

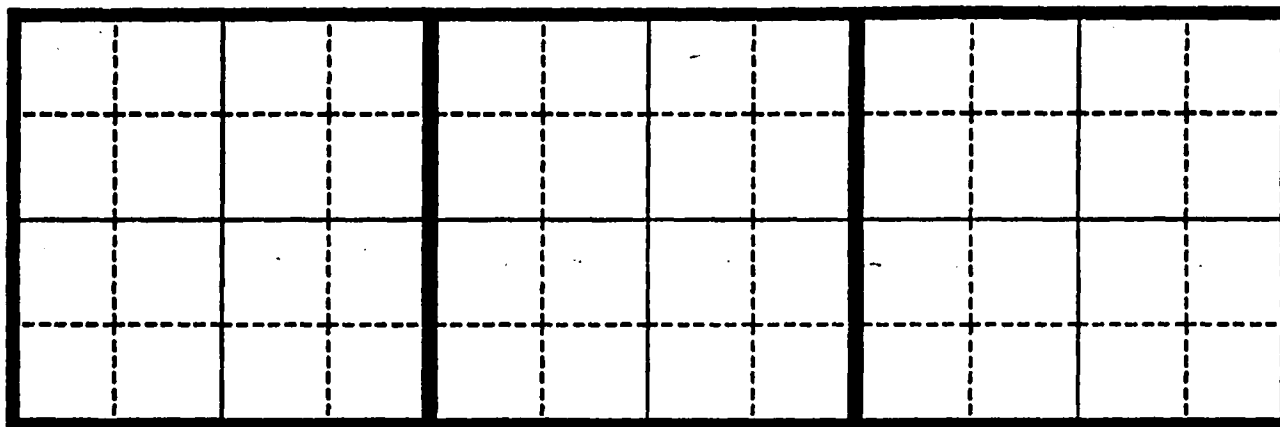
SEE ATTACHED SHEET

[illegible]

B) Fully describe the use, being specific as possible: _____

NOTE: Include here the type and number of stock watered: 500 DAIRY CATTLE AND 2000 BEEF CATTLE

7. Remarks: THE SOURCES ARE KNOWN LOCALLY AS HOME, SPRING, AND MILE CREEK



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. Attach an aerial photograph of the place of use if available.

State of Idaho)
County of _____) ss.

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

J. Brent Cleveland
Claimant's Signature (and title if claim is for an organization)

Sworn to before me this 18 day of December, 1995.

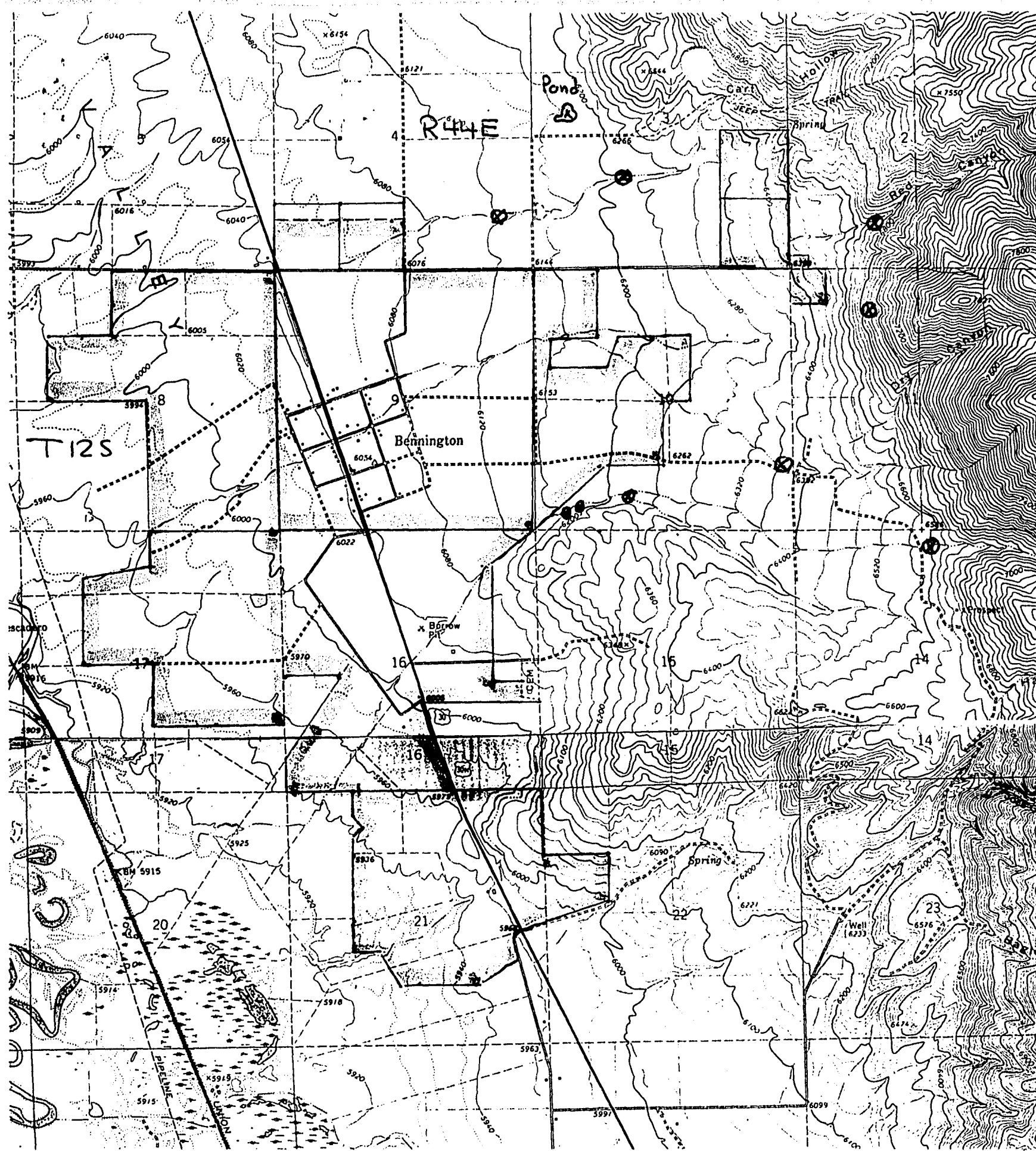
Deloy M. Feltner
Notary Public
Residing at: Denver, Idaho

My commission expires: Feb 28, 2000

FOR DEPARTMENT USE ONLY

Received by _____	Date _____	Published in _____
Prelim. check by _____	Date _____	
\$100.00 receipted by _____	Date _____	
Receipt # _____		
Exceptions filed by _____	Dates _____	

[illegible]



Claim 11-04226

- Places of use
- Point of Diversion