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MAY 15 2025

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

DEPT. OF WATER RESOURCES
EASTERN REGION

APPLICATION FOR TRANSFER OF WATER RIGHT

RECEIVED

GENERAL INFORMATION AND INSTRUCTIONS

MAY 23 2025

Pursuant to Section 42-222(1), *Idaho Code*, a transfer application may be filed to change the point of diversion, place of use, period of use, or nature of use of all or part of an established water right. Any person proposing to make such a change is required to file a transfer application with the Department. "Such application shall be upon forms furnished by the department and shall describe the [water right] to be changed and the changes which are proposed and shall be accompanied by the statutory filing fee." *Idaho Code* § 42-222(1).

The Department has developed this application form to assist applicants in satisfying the requirements of Section 42-222(1). This application form requests information about the applicant's authority to file (Part 1), information about the current elements of the water right(s) to be changed (Part 2), information about the proposed changes (Part 3), information about the validity of the water right(s) and the effects of the proposed changes (Part 4), and confirmation that the information provided is truthful (Part 5).

The applicant or their representative must provide a response for all applicable questions, any additional information required, and the proper filing fee before this application will be considered complete. If an application is incomplete or more information is required, the Department will notify the applicant or representative and allow time for the application to be completed. An application that remains incomplete will be returned to the applicant and the filing fee will be refunded.

An application for transfer is limited to the changes proposed for a single water distribution system. A proposal to change two or more separate water distribution systems, that will remain separate after the transfer, must be filed as separate applications. Applicants may provide additional pages to supplement their responses to the questions posed on this application form. Supplemental forms for listing additional water rights, points of diversion, or places of use can be found on the Department's website (idwr.idaho.gov). If you need assistance understanding the questions on this form, generating current water right reports, determining legal descriptions, or accessing water measurement records feel free to contact the nearest regional office of the Department.

PART 1 – CONTACT INFORMATION, OWNERSHIP RECORDS, AUTHORITY TO FILE

Name(s) of Applicant(s) Benson Ranch TrustMailing Address 1590 Calico Cir; Pocatello, ID 83201-7121Email* bensonranchid@gmail.com Phone 208-226-6606Name of Representative (if any) Erick PowellMailing Address 2016 Washington Street North, Suite 4; Twin Falls, ID 83301Email* erick.powell@brockwayeng.com Phone 208-736-8543

*If an email address is provided, Department staff will use email as the primary method for corresponding with the applicant and representative about the application.

A. Representative. If the representative is authorized to sign or amend the application on behalf of the applicant, attach documents confirming that authority. Label documents as Attachment 1A.

B. Current Owner. If the applicant is not the current owner of record for all water rights included in this application, attach documents showing that the applicant has the authority to make the proposed changes. Label documents as Attachment 1B.

C. Updating Ownership Records. Applicants needing to update the ownership records for any of the water rights included in this application must attach documents supporting the ownership change. Such documents must trace ownership of the subject water rights or the current place of use for the subject water rights from the current owner of record for the water rights to the applicant. Label documents as Attachment 1C.

D. Business Entities. If the applicant is a business entity (corporation, LLC, partnership, trust, etc.), is the entity currently registered with the Idaho Secretary of State?

☐ Yes. If this application is signed by someone other than a person listed on the most recent annual report filed with the Idaho Secretary of State, attach documents confirming the authority of the signer to sign on behalf of the business entity. Label documents as Attachment 1D.

☒ No. Attach documents confirming the authority of the signer to sign on behalf of the business entity. Label documents as Attachment 1D.

E. Approval of Irrigation Delivery Entity. Section 42-108, *Idaho Code*, states that a transfer application proposing to change water rights held by an irrigation company or district requires the consent of the irrigation entity. If this application proposes to change water rights held by an irrigation entity, attach a letter of consent from the entity (labeled as Attachment 1E) or have an authorized representative of the entity co-sign the application.

F. Encumbered Properties. If the current place of use for the water rights included in this application is subject to a lien, deed of trust, mortgage, or contract and the application proposes to change the nature of use of the water rights or to move water rights off the current place of use, attach a statement of consent for the change signed by the lien holder, trustee, mortgagor or contract holder. Label documents as Attachment 1F.

G. Legal Access. If the applicant is not the current owner of the proposed point(s) of diversion, conveyance system, or place(s) of use, provide evidence of legal access to the land or infrastructure not owned by the applicant. Label documents as Attachment 1G. For example, an applicant may provide a letter of consent from the owner of the land or conveyance system or may have the owner co-sign the application. For applications proposing to divert water on or convey water across federal land, an applicant is not required to demonstrate legal access to the federal land prior to approval. Instead, if the transfer application is approved, the applicant must obtain access authorization from the relevant federal agency prior to diverting water under the subject water rights.

PART 2 – WATER RIGHTS BEFORE PROPOSED CHANGES

A. Current Water Rights. For each water right proposed to be changed, attach a current water right report obtained from any Department office or from the Department's website (idwr.idaho.gov). Label water right reports as Attachment 2A.

B. Map of Current System. Attach a map of the current point(s) of diversion and place(s) of use for the water rights to be changed. The map should clearly depict the elements of the water rights to be changed. For example, if the application proposes to change the point of diversion for a water right, the map should display the current location of the point of diversion. For irrigation water rights, the map should also identify the location of the irrigated acres to be changed. Label map as Attachment 2B.

ATTACHMENT 2A
WATER RIGHT REPORT FOR WATER RIGHT NO. 41-7029A

Close

Water Right Report : 41-7029-A (Decreed/Active)

Water Right Owners

Owner Type	Name	Address	City	State	Postal Code
Current Owner	BENSON RANCH TRUST	1590 CALICO CIR	POCATELLO	ID	83201-7121
Directors Report Owner	BENSON, STAN	216 POLK	AMERICAN FALLS	ID	83211
Directors Report Owner	BENSON, DON	231 POLK	AMERICAN FALLS	ID	83211
Trustee	BENSON, TERRI I	1590 CALICO CIR	POCATELLO	ID	83201-7121

Water Right Status

Priority Date : 10/3/1978
Basis : Decreed
Status : Active

Water Source

Source	Source Qualifier	Tributary	Tributary Qualifier
FALL CREEK		SNAKE RIVER	

Points Of Diversion (Location)

Source	Township	Range	Section	Govt. Lot	QQQ	QQ	Q	County	Diversion Type
FALL CREEK	09S	29E	29	0		SE	NE	POWER	

Water Uses

Beneficial Use	From	To	Diversion Rate	Volume
FISH PROPAGATION	1/01	12/31	25.40 CFS	18295.00 AFA
TOTAL			25.40 CFS	18295.00 AFA

Places of Use

Printable View

Paged View

Place of Use Legal Description : FISH PROPAGATION (POWER county)

Township	Range	Section	Lot	QQQ	QQ	Q	Acres
09S	29E	29			NE	NE	

Conditions

Code

Conditions

FACILITY VOLUME OF EPA SITE 324,000 CF.

C18 THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.

Dates

Other Information

Licensed Date :
Decreed Date : 7/28/2000
Permit Proof Due Date :
Permit Proof Made Date :
Permit Approved Date :
Permit Moratorium Expiration Date :
Enlargement Use Priority Date :
Enlargement Statute Priority Date :
Application Received Date:
Protest Deadline Date:

State or Federal : S
Water District Number : NWD
Generic Max Rate Per Acre : 0
Generic Max Volume Per Acre : 0
Civil Case Number :
Decree Plaintiff :
Decree Defendant :
Swan Falls Trust or Nontrust :
Swan Falls Dismissed :
DLE Act Number :
Cary Act Number :
Mitigation Plan: False

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5/2/2025

89820

1 of 2

5/2/2025, 3:44 PM

C. Current Location of Irrigated Acres. If this application proposes to change the place of use or nature of use for only a portion of an irrigation water right, use the following table to identify the current location of the irrigated acres to be changed. If additional pages are required, label additional pages as Attachment 2C. If this application proposes to change or rearrange the entire place of use for irrigation water right(s), skip to Part 3.

☒ **N/A.** This application does not propose to change the place of use or nature or use of an irrigation water right or this application proposes to change the place of use or nature of use for an entire irrigation right.

Current Location of Irrigated Acres to be Changed

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Acre Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	

Total Irrigated Acres to be Changed: _____

PART 3 – DESCRIPTION OF PROPOSED CHANGES

A. Purpose of Transfer. Section 42-222(1), *Idaho Code*, states that transfer applications may only be filed to change the point of diversion, place of use, period of use, or nature of use of an established water right. Section 42-248(3), *Idaho Code*, authorizes water right ownership changes to be described on a transfer application. Identify the changes proposed in this application:

- | | |
|--|---|
| ☐ Change point(s) of diversion | ☐ Change place of use |
| ☐ Add point(s) of diversion | ☐ Change period of use |
| ☒ Change nature of use | ☐ Update water right ownership records |

B. Proposed Changes. Describe the proposed changes in narrative form:

The proposed transfer seeks to change the nature of use from non-consumptive fish propagation to non-consumptive wildlife and aesthetic use.

C. Summary of Proposed Changes.

1. Water Rights. Use the following table to list all water rights, or portions thereof, that are proposed to be changed as they would appear after the proposed changes. In the Amount column, list the volume in acre-feet (af) for storage uses or the rate in cubic feet per second (cfs) for all other uses.

All or Part	Right Number	Amount (cfs/af)	Nature of Use	Period of Use	Source
☒ ☐	41-7029A	25.4 / --	Wildlife	1/1 to 12/31	Fall Creek
☒ ☐	41-7029A	25.4 / --	Aesthetic	1/1 to 12/31	Fall Creek
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

2. Total Amounts. Calculate the total quantity, in cfs or af, of water rights that are proposed to be changed through this application. For an application proposing to only change the place of use for irrigation rights, the total quantity of water is calculated by comparing the current place of use to the proposed place of use, summing the number of acres increased in each legal subdivision, and quantifying the proportional amount of diversion rate for the increased acres. For an application proposing to change or add points of diversion for irrigation or any other beneficial use, the total amount is the total diversion rate for the changed portion of the right.

Total Amount of Water Rights Proposed to be Changed: 25.4 cfs and/or _____ af.

3. Point(s) of Diversion. Use the following table to list all the proposed points of diversion for the water rights to be changed, including any current points of diversion that will continue to be used as part of the proposed water distribution system.

The legal description for the proposed point(s) of diversion must be to the nearest 40-acre subdivision (QQ) or U.S. Government Lot of the Public Land Survey System (PLSS). PLSS information is typically available from USGS topo maps, property deeds, tax bills or various mapping tools on the Department's website.

For points of diversion within platted subdivisions, list the lot and block number in the "Diversion Name/Number" column. An application proposing an injection into a stream and a re-diversion from that stream must list the source for the original diversion as the source for the injection and re-diversion points. If this application proposes construction of a new diversion structure (for example, a new ground water well or a new pump station on a creek), please indicate the status in the appropriate column.

☒ N/A. This application does not propose to add or change any points of diversion.

Proposed Points of Diversion

New?	Twp	Rge	Sec	Lot	1/4	1/4	1/4	County	Source	Diversion Name/Number

4. Place of Use. The proposed place of use must be described to the nearest 40-acre subdivision (QQ) or U.S. Government Lot of the Public Land Survey System. Government lot numbers can be noted in parenthesis below the approximate quarter-quarter location of the government lot. For water rights held by irrigation districts, municipal providers or irrigation companies, the proposed place of use may be generally described as authorized by Sections 42-202B, 42-219 and 42-222B, *Idaho Code*.

☒ N/A. This application does not propose to change the place of use.

Proposed Place of Use

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Acre Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	

Total Irrigated Acres: _____

5. Map of Proposed System. Attach a map showing the location of the points of diversion, reservoirs, dams, canals, ditches, pipelines and other works proposed to divert and convey water. Also show the location of the place of use, including any lands to be irrigated. The map should delineate the legal subdivisions including townships, ranges, sections, quarter-quarters and government lots. Label map as Attachment 3C.

PART 4 – ADDITIONAL INFORMATION

Section 42-222(1), *Idaho Code*, establishes the criteria used to evaluate transfer applications. An applicant bears the burden of demonstrating that the water right to be changed is a valid right, that the proposed use is a beneficial use, and that the proposed changes will not injure other water rights, will not enlarge the use of the original rights, are in the local public interest, and are consistent with the conservation of water resources within the state of Idaho. To satisfy this burden, an applicant must provide sufficient data and information for the

Department to evaluate the effects of the proposed change. The Department may deny an application if the applicant fails to provide sufficient data and information to determine whether the criteria from Section 42-222(1) are satisfied. In addition to the information requested in Parts 1-3 of this application, the following information must be provided for an application to be considered complete. Department staff may request additional information or clarification as the application is processed.

A. Validity of Water Rights

1. If one or more of the water rights proposed to be changed is a statutory claim, established pursuant to Section 42-248, *Idaho Code*, attach evidence supporting the priority date claimed. Label documents as Attachment 4A-1. For statutory claims, the Department may conduct a field inspection as part of the application review process to evaluate the water right elements listed on the statutory claim.

2. Has any portion of the water right(s) proposed to be changed undergone a period of five or more consecutive years of non-use?

☐ Yes. Attach a statement describing the portion of the right(s) that were not used and the length of time of the non-use. In addition, identify any exception or defense to forfeiture and provide a detailed description as to why the water rights have not been lost and forfeited for non-use. Label documents as Attachment 4A-2. Statutory exceptions or defenses to forfeiture are set forth in Section 42-223, *Idaho Code*.

☒ No.

B. Injury to Other Water Rights

1. Identify any other water right(s) diverted at the current point(s) of diversion.

None

2. Identify any other water right(s) diverted at the proposed point(s) of diversion.

None

3. Is the proposed point of diversion within a state water district? ☐ Yes. Water District # _____. ☒ No.

4. If already constructed and in use, are the proposed points of diversion equipped with Department-approved measuring devices? ☒ Yes. ☐ No.

5. If this application proposes to divert a surface water right from a ground water well, attach a technical analysis evaluating the hydraulic connection between the proposed ground water point of diversion and the source of water listed on the right to be changed. Label technical analysis as Attachment 4B-5.

6. If this application proposes changing the point of diversion for a ground water right in the Eastern Snake Plain Aquifer (ESPA), attach a technical analysis of the anticipated depletions to reaches of the Snake River that are hydraulically connected to the ESPA using the Department's current ground water model for the ESPA. The technical analysis must evaluate depletion impacts in a time-series format at transient and steady state time steps. To assist applicants in preparing the required technical analysis, the Department has developed a transfer tool interface for the ESPA model. The transfer tool and user instructions can be downloaded from the Department's website (idwr.idaho.gov). If the proposed and current points of diversion are in the same or adjacent model cells, no technical analysis is required, unless specifically requested by the Department. Label technical analysis as Attachment 4B-6.

C. Enlargement in Use

1. Identify any other water rights used at the current place of use, including the number of shares in a canal company or acres assessed by an irrigation district.

None

2. Identify any other water rights used at the proposed place of use, including the number of shares in a canal company or acres assessed by an irrigation district.

None

3. If this application proposes changing the place of use or nature of use for irrigation water rights, will the current place of use, for the portion of the right to be changed, continue to be irrigated?

☐ Yes. Identify the water right(s) to be used for the continued irrigation.

☐ No. The place of use for the portion to be changed will no longer be irrigated.

☒ N/A. The application does not propose to change the place of use for irrigation rights.

4. Unstacking Water Rights for Irrigation. If this application proposes to change the place of use for an irrigation water right that is combined with other irrigation rights at the current place of use but does not propose to change the place of use for all the stacked irrigation rights, attach evidence of the historical consumptive use occurring under all water rights at the current place of use. For irrigation rights, this should include at least five years of diversion data and/or crop data and estimates of evapotranspiration. Label the information as Attachment 4C-4. Evapotranspiration data may be available on the Department's website (<http://et-idwr.idaho.gov>)

5. If the application proposes to change the nature of use for a water right, attach evidence of the historical consumptive use occurring under the portion of the water right to be changed. For irrigation rights, this should include diversion data, crop data and estimates of evapotranspiration. Label the information as Attachment 4C-5. Evapotranspiration data may be available on the Department's website (<http://et-idwr.idaho.gov>)

6. If the application proposes to change the nature of use of a water right to municipal use for reasonably anticipated future needs, complete the form titled "Municipal Water Right Application Checklist" found on the Department's website (idwr.idaho.gov). Label the form as Attachment 4C-6.

7. To your knowledge, are any portions of the water rights proposed to be changed:

Yes

No

☐

☒

currently leased to the Water Supply Bank?

If yes, complete the form titled "Application for Transfer of Water Right Attachment WSB" found on the Department's website (idwr.idaho.gov). Label the Form as Attachment 4C-7.

☐

☒

currently used in a mitigation plan limiting the use of water under the right?

☐

☒

subject to an agreement not to divert (CREP)?

☐

☒

currently enrolled in a federal set-aside program (CRP)?

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D. Local Public InterestDEPT. OF WATER RESOURCES
SOUTHERN REGION

The department must consider whether the proposed changes are in the local public interest as defined in Section 42-202B(3), *Idaho Code*. Some of the local public interest factors that may be considered in conjunction with a transfer application are (1) Recreation, fish, and wildlife impacts, (2) Water quality or contamination concerns, (3) Local and state ordinances, regulations, or policies related to water use, (4) Goals, requirements and limits set forth in the State Water Plan. If you choose to provide information about local public interest factors, label the information as Attachment 4D.

E. Conservation of Water Resources

Describe the diversion works and water delivery system. This may include sizes and dimensions of pumps, pipelines, headgates, ditches, dams, impoundments and irrigation equipment.
Existing surface water diversion, measuring device, and ditches.

PART 5 – FILING FEE AND SIGNATURE

A. Filing Fee. Filing fees for transfer applications are set forth in Section 42-221.O, *Idaho Code*. A table summarizing the filing fees for transfer applications is also found on the Department's website (idwr.idaho.gov). Any application proposing to change the nature of use for one or more rights requires an additional filing fee of \$250. Applications proposing to update the ownership records for water rights must also include the appropriate filing fee to update the ownership records. For any application relying on the filing fee set forth in Section 42-221.O.8, *Idaho Code*, attach a statement describing how the application qualifies under Section 42-221.O.8. Label documents as Attachment 5A.

B. Affidavit of Applicant or Representative:

I hereby assert that no one will be injured by the proposed changes and that the proposed changes do not constitute an enlargement in use of the original right(s). The information contained in this application is true to the best of my knowledge. I understand that any willful misrepresentations made in this application may result in rejection of the application or cancellation of an approval.

Terri J. Benson
Signature of Applicant or Representative*

Terri J. Benson
Print Name and Title, if applicable

5/2/25
Date

Signature of Applicant or Representative*

Print Name and Title, if applicable

Date

*If water rights included in this application are owned by multiple people or entities, each owner must sign the application form.

FOR DEPARTMENT USE ONLY

Fee Paid: \$ 2486.00 Receipt #: E050862 Date: 5-15-25 Received by: m. jettis
Add'l Paid: \$ 24.00 Receipt #: 5840660 Date: 5-30-25 Received by: S.G.

ATTACHMENT 2B
MAP OF CURRENT AND PROPOSED POD AND POU

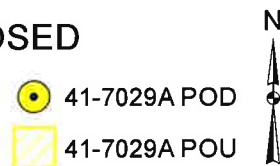


1 inch = 500 feet

BENSON RANCH TRUST

**WATER RIGHT NO. 41-7029A, CURRENT AND PROPOSED
TRANSFER NATURE OF USE
NON-CONSUMPTIVE TO NON-CONSUMPTIVE
NAIP 2021 AERIAL**

BROCKWAY ENGINEERING, PLLC.
JJJ - Date: 5/2/2025



ATTACHMENT 4C-5
STATEMENT REGARDING NATURE OF USE CHANGE

Benson Ranch Trust

Water Right No. 41-7029A

Proposed Change in Nature of Use

Brockway Engineering, PLLC

GEP, PE – May 2, 2025

As requested in the Transfer Application form, this is a statement regarding the proposed change in the nature of use of Water Right No. 41-7029A. The current nature of use listed on the water right is 'fish propagation' and the water right owner wishes to change the nature of use to 'wildlife' and 'aesthetics'.

The water right has historically been diverted and used for fish propagation. However, the family has made a change, and no longer wishes to raise fish. However, they would like to retain the aesthetic nature of the ditch and allow wildlife to continue to access the raceways.

The proposed change is clerical in nature, and there will be no additional diversion over historic. Both the current use and proposed uses are non-consumptive. No additional evaluation is required.

The proposed point of diversion and place of use is the same as currently described.

ATTACHMENT 1D
TRUST DOCUMENTS FOR SIGNATURE



0006229665

**STATE OF IDAHO***Office of the secretary of state, Phil McGrane***ANNUAL REPORT**

Idaho Secretary of State

PO Box 83720

Boise, ID 83720-0080

(208) 334-2301

Filing Fee: \$0.00

*For Office Use Only***-FILED-**

File #: 0006229665

Date Filed: 5/3/2025 9:32:56 AM

Entity Name and Mailing Address:

Entity Name:

BENSON RANCH AT FALL CREEK, LLC

The file number of this entity on the records of the Idaho
Secretary of State is:

0003900152

Address

4025 GEORGES RD
AMERICAN FALLS, ID 83211-5504

Entity Details:

Entity Status

Active-Existing

This entity is organized under the laws of:

IDAHO

If applicable, the old file number of this entity on the records of
the Idaho Secretary of State was:

The registered agent on record is:

Registered Agent

Terri I Benson

Registered Agent

Physical Address

4025 GEORGES RD
AMERICAN FALLS, ID 83211

Mailing Address

4025 GEORGES RD
AMERICAN FALLS, ID 83211-5504

Limited Liability Company Managers and Members

Name	Title	Business Address
TERRI I BENSON, TRUSTEE OF THE BENSON RANCH TRUST	Manager	4025 GEORGES RD AMERICAN FALLS, ID 83211-5504

The annual report must be signed by an authorized signer of the entity.

Job Title: Manager

Terri Benson

Sign Here

05/03/2025

Date

BUILT-0003 03/03/2025 9:33 AM RECEIVED BY OFFICE OF THE IDAHO SECRETARY OF STATE



OFFICIAL AD PROOF

This is the proof of your ad scheduled to run in **Magic Valley Times-News** on the dates indicated below. If changes are needed, please contact us prior to deadline at help@column.us

Notice ID: xsKya8DmpP5Y4uibjovX | **Proof Updated: Jun. 12, 2025 at 09:32am MDT**
Notice Name: Legal Notice, Transfer 89820 | Publisher ID: COL-NV-2210

This is not an invoice. Below is an estimated price, and it is subject to change. You will receive an invoice with the final price upon invoice creation by the publisher.

FILER

ID DEPARTMENT OF WATER
RESOURCES Southern Region
denise.maline@idwr.idaho.gov
(208) 736-3033

FILING FOR

Magic Valley
Times-News

Columns Wide: 2

Ad
Class: Legals

06/19/2025: General Legal Notice	40.35
06/26/2025: General Legal Notice	35.31
Affidavit Fee	9.00

Total \$84.66

See Proof on Next Page

Legal notice confirmation received from Times News 6-12-2025

**NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 89820**

BENSON RANCH TRUST, 1590 CALICO CIR, POCA TELLO, ID 83201-7121 has filed Application No. 89820 for changes to the following water rights within POWER County(s): Right No(s). 41-7029A; to see a full description of these rights and the proposed transfer, please see <https://research.idwr.idaho.gov/apps/waterrights/querynewtransfers>. The purpose of the transfer is to change a portion of the above rights as follows: Application proposes changing the nature of use on a 25.40 cfs Fall Creek water right from fish propagation to wildlife and aesthetic use. Place of use and point of diversion are located approximately 11.0 miles south and 10.6 miles west of the American Falls Dam.

For additional information concerning the property location, contact Southern Region office at (208)736-3033. Protests may be submitted based on the criteria of Idaho Code Sec. 42-222. Any protest against the proposed change must be filed with the Department of Water Resources, Southern Region, 650 ADDISON AVE W STE 500, TWIN FALLS ID 83301-5858 together with a protest fee of \$25.00 for each application on or before **July 7, 2025**. The protestant must also send a copy of the protest to the applicant.

MATHEW WEAVER, Director
Publish: June 19, 26, 2025
COL-NV-2210

✓ sm

THANK YOU for your legal submission!

Your legal has been submitted for publication. Below is a confirmation of your legal placement. You will also receive an email confirmation.

ORDER DETAILS**PREVIEW FOR AD NUMBER IPL02416490****Order Number:**

IPL0241649

1.54inches x 4.41inches

Order Status:

Submitted

Classification:

Legals & Public Notices

Package:

BOI - Legal Ads

Site:

boise

Final Cost:

\$63.61

Referral Code:

Transfer 89820

Payment Type:

Account Billed

User ID:

IPL0025232

ACCOUNT INFORMATION

IDAHO DEPT OF WATER RESOURCES / SOUTH IP
650 ADDISON AVE W, STE 500
TWIN FALLS, ID 83301
208-287-4800
idwrpayable@idwr.idaho.gov
IDAHO DEPT OF WATER RESOURCES / SOUTH

TRANSACTION REPORT**Date**

June 12, 2025 12:21:40 PM EDT

Amount:

\$63.61

SCHEDULE FOR AD NUMBER IPL02416490

June 18, 2025

Idaho Statesman (Boise) Print Publication

June 25, 2025

Legal notice confirmation received
from Idaho Statesman 6-12-2025

✓ DM 6/12/2025

Idaho Statesman (Boise) Print Publication

**NOTICE OF PROPOSED
CHANGE OF WATER RIGHT
TRANSFER NO. 89820**

BENSON RANCH TRUST, 1590 CALICO CIR, POCA TELLO, ID 83201-7121 has filed Application No. 89820 for changes to the following water rights within POWER County(s): Right No(s). 41-7029A; to see a full description of these rights and the proposed transfer, please see <https://research.idwr.idaho.gov/apps/waterrights/que-rynewtransfers>. The purpose of the transfer is to change a portion of the above rights as follows: Application proposes changing the nature of use on a 25.40 cfs Fall Creek water right from fish propagation to wildlife and aesthetic use. Place of use and point of diversion are located approximately 11.0 miles south and 10.6 miles west of the American Falls Dam.

For additional information concerning the property location, contact Southern Region office at (208)736-3033. Protests may be submitted based on the criteria of Idaho Code Sec. 42-222. Any protest against the proposed change must be filed with the Department of Water Resources, Southern Region, 650 ADDISON AVE W STE 500, TWIN FALLS ID 83301-5858 together with a protest fee of \$25.00 for each application on or before July 7, 2025. The protestant must also send a copy of the protest to the applicant. MATHEW WEAVER, Director

Published in the Power County Press, Idaho Statesman, Post Register on June 18th & 25th, 2025 and Times News, Lewiston Tribune on June 19th & 26th, 2025.

IPL0241649

Jun 18,25 2025

A handwritten signature in blue ink, appearing to be 'DM', with a checkmark to its left.



ADVERTISING INVOICE

APG West Payment
Processing
PO Box 1570
Pocatello, ID 83204
Ph. (208) 542-6712

BILLING DATE:	ACCOUNT NO:
06/12/25	12622

Denise Maline
IDWR SOUTHERN REGION TWIN FALLS
650 ADDISON AVE W STE 500
TWIN FALLS, ID 83301

AD #	DESCRIPTION	START	STOP	TIMES	AMOUNT
645724	NOTICE OF PROPOSED C	06/18/25	06/25/25	4	\$79.10

Transfer No. 89820 (Benson Ranch Trust)

Legal notice confirmation received from Post Register 6-12-2025

✓ DM
6/12/2025

Payments:

Date	Method	Card Type	Last 4 Digits	Check	Amount
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Discount: \$0.00
Surcharge: \$0.00
Credits: \$0.00

Gross: \$79.10
Paid Amount: \$0.00

Amount Due: \$79.10

We Appreciate Your Business!

**NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 89820**

BENSON RANCH TRUST, 1590 CALICO CIR, POCATELLO, ID 83201-7121 has filed Application No. 89820 for changes to the following water rights within POWER County(s): Right No(s). 41-7029A; to see a full description of these rights and the proposed transfer, please see <https://research.idwr.idaho.gov/apps/waterrights/querynewtransfers>. The purpose of the transfer is to change a portion of the above rights as follows: Application proposes changing the nature of use on a 25.40 cfs Fall Creek water right from fish propagation to wildlife and aesthetic use. Place of use and point of diversion are located approximately 11.0 miles south and 10.6 miles west of the American Falls Dam.

For additional information concerning the property location, contact Southern Region office at (208)736-3033. Protests may be submitted based on the criteria of Idaho Code Sec. 42-222. Any protest against the proposed change must be filed with the Department of Water Resources, Southern Region, 650 ADDISON AVE W STE 500, TWIN FALLS ID 83301-5858 together with a protest fee of \$25.00 for each application on or before **July 7, 2025**. The protestant must also send a copy of the protest to the applicant.

MATHEW WEAVER
Director

Published: June 18, 25, 2025 (PR12622-645724)

✓ dm



IDAHO DEPARTMENT OF
WATER RESOURCES

Southern Region • 650 Addison Ave W, Suite 500 • Twin Falls, ID 83301-5858

Phone: 208-736-3033 • Fax: 208-736-3037 • Email: southerninfo@idwr.idaho.gov • Web: idwr.idaho.gov

Governor Brad Little

Director Mathew Weaver

June 12, 2025

BENSON RANCH TRUST
TERRI BENSON, TRUSTEE
1590 CALICO CIR
POCATELLO, ID 83201-7121

RE: Transfer No. 89820
Water Right No(s). 41-7029A

Dear Applicant(s):

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

A legal notice of the application has been prepared and is scheduled for publication in the **POWER COUNTY PRESS, IDAHO STATESMAN, POST REGISTER on 6/18/2025 and 6/25/2025; and TIMES NEWS, LEWISTON TRIBUNE on 6/19/2025 and 6/26/2025.** Protests to this application may be submitted for a period ending ten (10) days after the second publication. Any protest against this application must be filed with the Department of Water Resources, together with a protest fee of \$25.00 for each application, on or before **July 7, 2025.**

If the application is protested, you will be sent a copy of each protest. 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 the application is not protested, the Department will process your application and notify you of any action taken on the application. If your application is approved, the Department will send you a copy of the approval document.

Please contact this office if you have any questions regarding the application.

Sincerely,

Denise Maline
Administrative Assistant

c: Brockway Engineering PLLC

Maline, Denise

From: Maline, Denise
Sent: Thursday, June 12, 2025 9:52 AM
To: Dawson,Bradley
Subject: Comment Letter for Transfer 89820 (Benson Ranch Trust)
Attachments: Comment letter to F&G for 89820.docx; Transfer 89820 (Benson Ranch Trust).pdf

Hi Bradley,

Attached is an application for transfer currently being processed by the department. Please review the application and provide any necessary comments within 21 days.

If you have any questions regarding this information, please feel free to contact Bill Mills at our office.

Thank you in advance,

Denise @ IDWR Twin Falls



Denise Maline, Administrative Assistant I
Idaho Dept. of Water Resources, Southern Region
650 Addison Ave W Ste 500
Twin Falls ID 83301-5858
(208) 293-9908
denise.maline@idwr.idaho.gov



IDAHO DEPARTMENT OF
WATER RESOURCES

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Governor Brad Little

Director Mathew Weaver

June 12, 2025

IDAHO DEPT OF FISH & GAME
BRADLEY DAWSON
324 S 417 E STE 1
JEROME ID 83338-6206

Re: Transfer No. 89820 (Benson Ranch Trust)
Water Right No(s). 41-7029A

Dear Mr. Dawson:

The Idaho Department of Water Resources (IDWR) is seeking written comment and/or recommendations from your organization regarding the above referenced water right application. *You can find a complete copy of the application(s) at:* <https://idwr.idaho.gov/apps/ExtSearch/WRAJSearch/WRADJSearch.aspx>. Please review the application, complete the enclosed recommendation form, and submit it to this office within 21 days of the date of this letter.

IDWR can finish reviewing an unprotested application as soon as the protest period has passed. Therefore, your prompt response to this request is appreciated. If your organization desires to formally protest the approval of this application, you may do so after the notice is published by filing a written protest along with a \$25.00 filing fee within 10 days after final publication (**on or before July 7, 2025**).

Please contact this office if you have any questions regarding the application.

Sincerely,

Denise Maline

Denise Maline
Administrative Assistant 1

Enclosure(s)

Maline, Denise

From: Maline, Denise
Sent: Thursday, June 12, 2025 9:04 AM
To: Power County Press
Subject: LEGAL NOTICE
Attachments: Power County Press cover letter.docx; Transfer 89820 Ad.docx

Good morning,

Attached please find **(1)** legal notice being submitted for publication on June 18th & 25th, 2025, under *IDWR account SIDW*. Please let me know if there are any questions or if you are not able to run the ad on the dates requested.

Please send the affidavit of publication and invoice to IDWR's Twin Falls office at the address below.

Thank you in advance,

Denise Maline, IDWR Twin Falls



Denise Maline, Administrative Assistant I
Idaho Dept. of Water Resources, Southern Region
650 Addison Ave W Ste 500
Twin Falls ID 83301-5858
(208) 293-9908
denise.maline@idwr.idaho.gov



IDAHO DEPARTMENT OF
WATER RESOURCES

Southern Region • 650 Addison Ave W, Suite 500 • Twin Falls, ID 83301-5858

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Governor Brad Little

Director Mathew Weaver

June 12, 2025

LEGAL NOTICE DEPARTMENT
POWER COUNTY PRESS
PO BOX 547
AMERICAN FALLS, ID 83211

RE: Transfer No. 89820
Water Right No(s). 41-7029A

Dear Legal Notice Department:

Please publish the enclosed legal notice 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.

An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to this office before **July 7, 2025**. Your cooperation is appreciated.

Sincerely,

Denise Maline

Denise Maline
Administrative Assistant

Enclosure(s)

Maline, Denise

From: Maline, Denise
Sent: Thursday, June 12, 2025 9:08 AM
To: Idaho Statesman
Subject: LEGAL NOTICE - Benson Ranch Trust (IDWR Acct No. 37634)
Attachments: Idaho Statesman cover letter.docx; Transfer 89820 Ad.docx

Good morning,

Attached please find **(1)** legal notice being submitted for publication on June 18th & 25th, 2025, under *IDWR account number 37634*. Please let me know if there are any questions or if you are not able to run the ad on the dates requested.

Please send the affidavit of publication and invoice to IDWR's Twin Falls office at the address below.

Thank you in advance,

Denise Maline, IDWR Twin Falls



Denise Maline, Administrative Assistant I
Idaho Dept. of Water Resources, Southern Region
650 Addison Ave W Ste 500
Twin Falls ID 83301-5858
(208) 293-9908
denise.maline@idwr.idaho.gov



IDAHO DEPARTMENT OF
WATER RESOURCES

Southern Region • 650 Addison Ave W, Suite 500 • Twin Falls, ID 83301-5858
Phone: 208-736-3033 • Fax: 208-736-3037 • Email: southerninfo@idwr.idaho.gov • Web: idwr.idaho.gov

Governor Brad Little

Director Mathew Weaver

June 12, 2025

LEGAL NOTICE DEPARTMENT
IDAHO STATESMAN
PO BOX 40
BOISE ID 83707-0040

RE: Transfer No. 89820
Water Right No(s). 41-7029A

Dear Legal Notice Department:

Please publish the enclosed legal notice 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.

An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to this office before **July 7, 2025**. Your cooperation is appreciated.

Sincerely,

Denise Maline

Denise Maline
Administrative Assistant

Enclosure(s)

Maline, Denise

From: Maline, Denise
Sent: Thursday, June 12, 2025 9:10 AM
To: Post Register
Subject: LEGAL NOTICE - Benson Ranch Trust (IDWR Acct. No. 12622)
Attachments: Post Register cover letter.docx; Transfer 89820 Ad.docx

Good morning,

Attached please find **(1)** legal notice being submitted for publication in the Post Register on June 18th & 25th, 2025, under *IDWR account number 12622*. Please let me know if there are any questions or if you are not able to run the ad on the dates requested.

Please send the affidavit of publication and invoice to IDWR's Twin Falls office at the address below.

Thank you in advance,

Denise Maline, IDWR Twin Falls



Denise Maline, Administrative Assistant I
Idaho Dept. of Water Resources, Southern Region
650 Addison Ave W Ste 500
Twin Falls ID 83301-5858
(208) 293-9908
denise.maline@idwr.idaho.gov



IDAHO DEPARTMENT OF
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Governor Brad Little

Director Mathew Weaver

June 12, 2025

LEGAL NOTICE DEPARTMENT
POST REGISTER
PO BOX 1800
IDAHO FALLS ID 83403-1800

RE: Transfer No. 89820
Water Right No(s). 41-7029A

Dear Legal Notice Department:

Please publish the enclosed legal notice 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.

An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to this office before **July 7, 2025**. Your cooperation is appreciated.

Sincerely,

Denise Maline

Denise Maline
Administrative Assistant

Enclosure(s)



IDAHO DEPARTMENT OF
WATER RESOURCES

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Governor Brad Little

Director Mathew Weaver

June 12, 2025

LEGAL NOTICE DEPARTMENT
TIMES NEWS
PO BOX 548
TWIN FALLS, ID 83303-0548

Submitted online via Column.us

RE: Transfer No. 89820
Water Right No(s). 41-7029A

Dear Legal Notice Department:

Please publish the enclosed legal notice 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.

An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to this office before **July 7, 2025**. Your cooperation is appreciated.

Sincerely,

Denise Maline

Denise Maline
Administrative Assistant

Enclosure(s)

Maline, Denise

From: Maline, Denise
Sent: Thursday, June 12, 2025 9:12 AM
To: Lewiston Tribune
Subject: LEGAL NOTICE - Benson Ranch Trust (IDWR Acct. No. 446620)
Attachments: Lewiston Tribune cover letter.docx; Transfer 89820 Ad.docx

Good morning,

Attached please find **(1)** legal notice being submitted for publication on June 19th & 26th, 2025, under *IDWR account number 446620*. Please let me know if there are any questions or if you are not able to run the ad on the dates requested.

Please send the affidavit of publication and invoice to IDWR's Twin Falls office at the address below.

Thank you in advance,

Denise Maline, IDWR Twin Falls



Denise Maline, Administrative Assistant I
Idaho Dept. of Water Resources, Southern Region
650 Addison Ave W Ste 500
Twin Falls ID 83301-5858
(208) 293-9908
denise.maline@idwr.idaho.gov



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Governor Brad Little

Director Mathew Weaver

June 12, 2025

LEGAL NOTICE DEPARTMENT
LEWISTON TRIBUNE
505 C ST
PO BOX 957
LEWISTON ID 83501-0957

RE: Transfer No. 89820
Water Right No(s). 41-7029A

Dear Legal Notice Department:

Please publish the enclosed legal notice 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.

An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to this office before **July 7, 2025**. Your cooperation is appreciated.

Sincerely,

Denise Maline

Denise Maline
Administrative Assistant

Enclosure(s)

**NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 89820**

BENSON RANCH TRUST, 1590 CALICO CIR, POCA TELLO, ID 83201-7121 has filed Application No. 89820 for changes to the following water rights within POWER County(s): Right No(s). 41-7029A; to see a full description of these rights and the proposed transfer, please see <https://research.idwr.idaho.gov/apps/waterrights/querynewtransfers>. The purpose of the transfer is to change a portion of the above rights as follows: Application proposes changing the nature of use on a 25.40 cfs Fall Creek water right from fish propagation to wildlife and aesthetic use. Place of use and point of diversion are located approximately 11.0 miles south and 10.6 miles west of the American Falls Dam.

For additional information concerning the property location, contact Southern Region office at (208)736-3033. Protests may be submitted based on the criteria of Idaho Code Sec. 42-222. Any protest against the proposed change must be filed with the Department of Water Resources, Southern Region, 650 ADDISON AVE W STE 500, TWIN FALLS ID 83301-5858 together with a protest fee of \$25.00 for each application on or before **July 7, 2025**. The protestant must also send a copy of the protest to the applicant.

MATHEW WEAVER, Director

Published in the Power County Press, Idaho Statesman, Post Register on June 18th & 25th, 2025 and Times News, Lewiston Tribune on June 19th & 26th, 2025.

MEMORANDUM

Date: June 5, 2025
To: Transfer 89820
From: Bill Mills
Re: Transfer Proposal

Application proposes changing the nature of use on a 25.40 cfs Fall Creek water right from fish propagation to wildlife and aesthetic use. Place of use and point of diversion are located approximately 11.0 miles south and 10.6 miles west of the American Falls Dam.

M E M O R A N D U M

Date: June 5, 2025
To: Transfer 89820
From: Bill Mills
Re: Fee Evaluation

Filing fees charged for transfer application #89820 were based on the current transfer fee schedule and included \$2260.00 for the 25.4 cfs being transferred in the application and included an additional \$250.00 for the proposed change of nature of use, making the total fee paid \$2510.00 (Receipt Nos. E050862 & S040660).



BROCKWAY
ENGINEERING
P.L.L.C.

Hydraulics

Hydrology

Water Resources

RECEIVED

MAY 15 2025

DEPT. OF WATER RESOURCES
EASTERN REGION

May 12, 2025

Mr. James Cefalo
Idaho Department of Water Resources
900 N. Skyline Drive Suite A
Idaho Falls, ID 83402-1718

Re: Transfer Application Water Right No. 41-7029A
Benson Ranch Trust

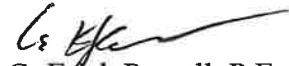
Dear James,

Enclosed with this letter is an application for transfer of water right no. 41-7029A, to change the nature of use from Fish Propagation to Wildlife and Aesthetics. There is no proposed change to the point of diversion, place of use, diversion flow rate, or non-consumptive nature of the water right.

We have enclosed a check to cover the application fee of \$2,236 (for 25.4 cfs) plus the additional \$250 for change in nature of use.

If you have any questions, please do not hesitate to ask.

Sincerely,


G. Erick Powell, P.E.

enclosed

cc: Terri Benson

CHARLES E.
BROCKWAY,
PH.D., P.E.

CHARLES G.
BROCKWAY,
PH.D., P.E.

2016 NORTH
WASHINGTON
STREET • SUITE 4

TWIN FALLS,
IDAHO 83301

208•736•8543

FAX: 736•8506