

**IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS**

**IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE BEAR RIVER BASIN WATER SYSTEM**

CIVIL CASE NUMBER: 79576

Claim ID: 11-4226

Date Received: 11/17/23

Receipt No: P000596

Claim Fee: \$293.00 By: mb

RECEIVED

NOV 17 2023

**NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW**

IDWR/Preston

Please type or print clearly

1. Name of claimant(s) Bennington Irrigating Company Phone (208) 221-1673
Mailing address 423 N. Second E, Montpelier, Idaho Zip 83254
Street or Box City State
Email address (optional) milkforyou5@gmail.com
2. Date of priority: (Only one per claim) August 6, 1880 (Explain priority date selected in Remarks)
Month/Day/Year (YYYY)
3. Source of water supply (Check one) Ground Water () or Other (☒) (a) multiple (see Paragraph 5)
which is tributary to (b) Bear River
4. a. Location of point of diversion is: Township 12S, Range 44E, Section 14,
NW 1/4 of NE 1/4, Govt. Lot _____, BM, County of Bear Lake County
Parcel no. 12S44E140600 (03111.01)
Additional points of diversion, if any: See Attachment 4.a.
If available, GPS Coordinates _____
- b. If instream flow, beginning point of claimed instream flow is:
Township _____, Range _____, Section _____, _____ 1/4 of _____ 1/4,
Govt. Lot _____, BM, County of _____
Ending point is: Township _____, Range _____, Section _____, _____ 1/4 of _____ 1/4,
Govt. Lot _____, BM, County of _____
5. Description of existing diversion works (dams, reservoirs, ditches, wells, pumps, pipelines, headgates, etc.),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well.
Water is diverted from Bennington Creek (aka Home Creek), Spring Creek, Miles Creek,
and Red Canyon Creek into the Georgetown Irrigation Company delivery system via weirs,
headgates, and pipes shown on the attached map.

Attachment 4.a. - Location of the Points of Diversion

Bennington Irrigating Company

Points of Diversion

TWP	RGE	SEC	1/4	1/4	Parcel No.	County
12S	44E	2	SE	SW	RPUS Govt. (no parcel no.)	Bear Lake
12S	44E	3	SW	SW	RP12S44E036600 (03001.00)	Bear Lake
12S	44E	9	SW	NE	RP12S44E091700 (03069.06)	Bear Lake
12S	44E	10	SE	NW	RP12S44E103600 (03101.00)	Bear Lake
12S	44E	10	SW	NE	RP12S44E103600 (03101.00)	Bear Lake
12S	44E	14	NW	NE	RP12S44E140600 (03111.01)	Bear Lake

Points of Injection

TWP	RGE	SEC	1/4	1/4	Parcel No.	County
12S	44E	9	SW	NE	RP12S44E092100 (03039.00)	Bear Lake
12S	44E	10	SE	SE	RP12S44E108400 (03103.01)	Bear Lake
12S	44E	10	SE	SE	RP12S44E108400 (03103.01)	Bear Lake
12S	44E	10	SW	NE	RP12S44E103600 (03101.00)	Bear Lake
12S	44E	11	SW	SW	RP12S44E116020 (03106.00)	Bear Lake
12S	44E	11	NW	NW	RP12S44E113000 (03108.00)	Bear Lake

Points of Rediversion

TWP	RGE	SEC	1/4	1/4	Parcel No.	County
12S	44E	10	SE	SW	RP12S44E104800 (03104.00)	Bear Lake

6. Water is claimed for the following purposes:

(dates are inclusive MM-DD) (cfs) (acre-feet)

For Irrigation purposes from 04/15 to 10/15 amount 44 or _____

For Stockwater purposes from 01/01 to 12/31 amount 0.5 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 44 (cfs) and/or (b) _____ (acre-feet)

8. Non-irrigation uses; describe fully (e.g., Domestic: Give number of households served; Stockwater: Type and number of livestock, etc.) Stockwater: 900 head of beef cows, 50 horses, and 20 sheep

9. Description of place of use:

- If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RGE	SEC	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
			SEE ATTACHED SUPPLEMENTAL SHEET - LARGE POU																

Parcel no(s). N/A

Total number of acres irrigated _____
2,193 acres within a service area of 3,278 acres

10. In which county(ies) are lands listed above as place of use located? Bear Lake County

11. Do you own the property listed above as place of use? Yes () No (☒)

If your answer is No, describe in Remarks below the authority you have to claim this water right.

12. Describe any other water rights used at the same place and for the same purposes as described above.

Bennington Reservoir or None ()

13. Remarks (Include an explanation of the priority date selected):

This priority date is based on Idaho water right nos. 11-4226, and the Public Notice dated August 6, 1880.

The property at the place of use is owned by current and/or future shareholders of the Company.

List of Attachments to Claim Form:

1. IDWR Water Right Report of 11-4226

2. IDWR Map of 11-4226

3. Map of point of diversion and place of use for irrigation

4. Map of point of diversion and place of use for stockwater

5. Public Notice dated August 6, 1880

6. Warranty Deed dated April 5, 1895

Name of claimant(s) Bennington Irrigating Company

Claim ID _____

STOCKWATER LARGE POU

**SUPPLEMENTAL SHEET
NOTICE OF CLAIM TO A WATER RIGHT**

9. Description of place of use:

- a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below.
- See instructions for standard symbols.

[illegible]

Parcel No(s). **N/A**

Total number of acres irrigated

Name of claimant(s) Bennington Irrigating Company Claim ID _____

14. Basis of claim (Check one) Beneficial Use (☒) Posted Notice (☒) License (☐) Permit (☐) Decree (☐)

Court _____ Decree Date _____ Plaintiff v. Defendant _____

If applicable provide IDWR Water Right Number 11-4226

15. **Signature(s)**

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notices in the Bear River Basin Water System Adjudication."

(b.) I/We do (☐) do not (☒) wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: 6

For Individuals: I/We do solemnly swear or affirm under penalty of perjury that the statements contained in the foregoing document are true and correct.

Signature of Claimant (s) _____ Date: _____

Date: _____

For Organizations: I do solemnly swear or affirm under penalty of perjury that I am, and that I have signed the foregoing document in the space below as the

President _____ of Bennington Irrigating Company
Agent's title (Please print) Name of organization (Please print)

and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent Quinn Jenson Date 11-8-23

Printed Name of Authorized Agent Quinn Jenson

16. **Notice of Appearance:**

Notice is hereby given that I, (please print) Thomas J. Budge, Attorney, will be acting as attorney at law on behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature Thomas J. Budge Date 11-8-23

Address PO Box 1391, Pocatello, Idaho 83204-1391, tj@racineolson.com

Name of claimant(s) Bennington Irrigating Company Claim ID _____

HOW YOU WILL RECEIVE NOTICES IN THE BEAR RIVER BASIN WATER SYSTEM ADJUDICATION

All documents filed in the Bear River Basin Water System Adjudication, other than notices of claim, are filed with the court. Notices of claim to water rights filed in the Bear River Basin Water System Adjudication are filed with the Idaho Department of Water Resources (IDWR). Copies of all documents filed in the Bear River Basin Water System Adjudication will not be mailed to all parties (claimants) in the adjudication. Any document filed with the court will be mailed only to those parties who may be directly affected by it.

A monthly docket sheet is prepared by the court, which contains a summary of all documents filed with the court in the previous month and the dates and locations of hearings scheduled for the following three months. The docket sheet will be filed with the district court clerk in each county within the Bear River Basin Water System Adjudication. Copies of a monthly docket sheet may be obtained from any of the offices of IDWR; a small fee may be charged to cover the cost of mailing and/or copying. If you wish to receive an annual subscription of the docket sheet printed each month, you should mark the appropriate place on your notice of claim form. You will be charged a small annual subscription fee by the court to cover the cost of copying and mailing. The docket sheet is also available on the court's web site at:

<http://www.srba.idaho.gov/BRBA20.HTM>

Copies of any document listed on the docket sheet may be obtained from any of the IDWR offices or the court and a small fee may be charged to cover the cost of mailing and/or copying the document.

Copies of all notices of claim filed with IDWR will be available for inspection at all IDWR offices. You may also obtain copies of the notices of claim filed by other claimants, but you may be charged for the cost of copying and mailing. A claimant will not be charged for a copy of his or her own notice of claim, and a person who acquires property with water rights for which a notice of claim was filed will not be charged for a copy of the notice of claim filed by the previous owner.

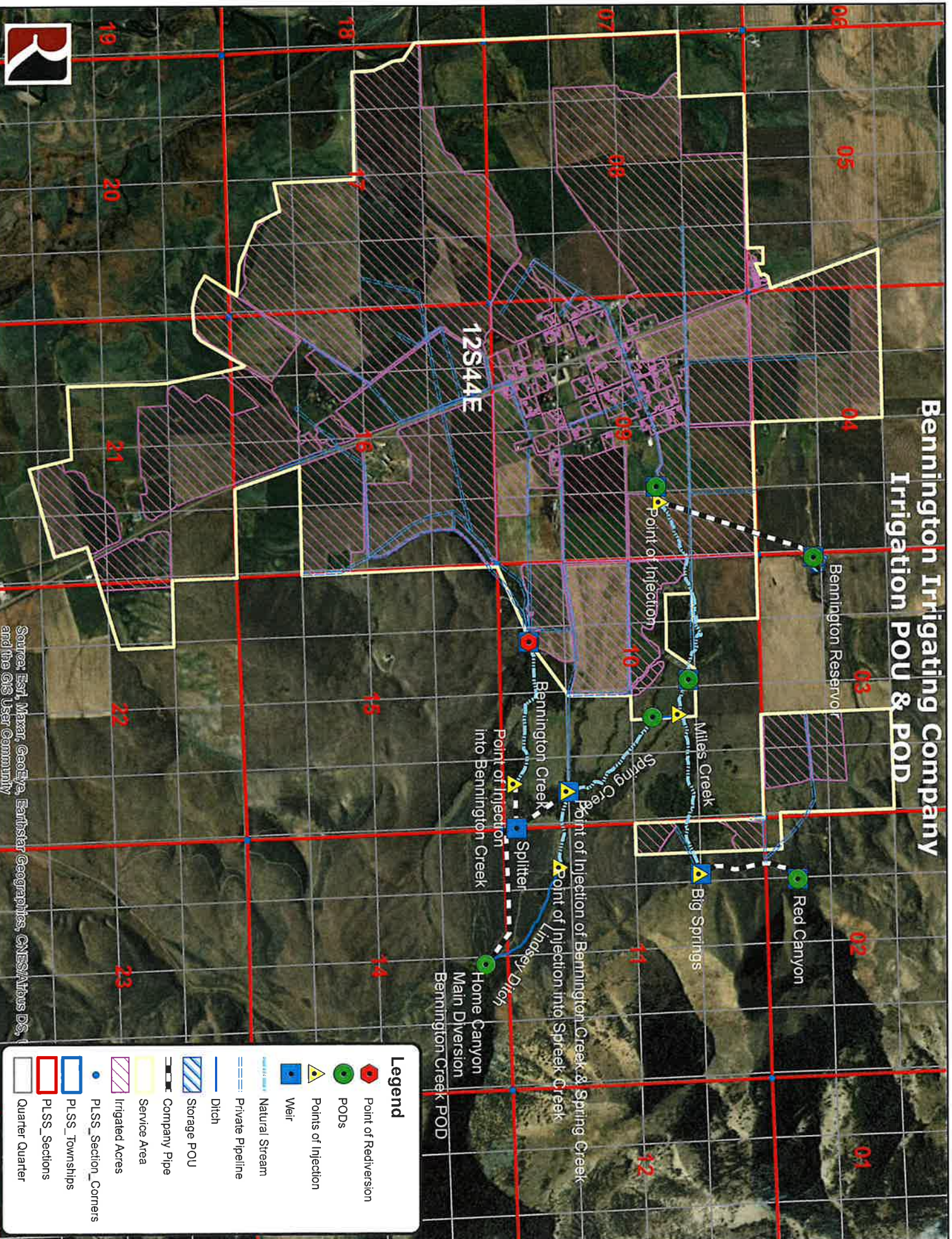
After the notices of claim have been reviewed, the director will prepare and file a Director's report with the court that will contain the Director's recommendations as to each water right claimed under state law and a copy of each federal reserved water right claimed. A Director's report will be prepared for all claims filed in the Bear River Basin Water System Adjudication. When this report is filed with the court, you will be mailed a notice informing you that the report has been filed. The notice will be sent to the most recent address shown by IDWR's files. Attached to the notice will be a copy of those portions of the report describing the water rights you have claimed. If you do not agree with the way your water right is described, you may file an objection to the report with the court. You can also file an objection if you disagree with the way another claimant's water rights are described, and the notice will tell you where a copy of the full report is available for inspection. The notice will tell you when and where to file your objection.

It is very important that you inform IDWR in writing of any change in your address. This is to make sure that you receive the notices affecting your water rights that are to be mailed by IDWR or the court.

If you are acquiring property with water rights within the boundaries of the Bear River Basin Water System Adjudication in Idaho (either by purchase, gift, inheritance, or other means), it is very important that you inquire of IDWR whether a notice of claim has been filed. If you fail to file a required notice of claim for a water right, that water right may be determined to no longer exist.

If a notice of claim has been filed, it is very important that you file a written notice of change in ownership with IDWR. You may contact IDWR regional offices or the IDWR web site <http://www.idwr.idaho.gov/> for change of ownership forms. The notice of change in ownership form must be accompanied by evidence of the ownership of the property. Again, this is to make sure that you receive the notices affecting your water rights that are to be mailed by IDWR or the court.

Bennington Irrigating Company Irrigation POU & POD



Legend

- Point of Redirection
- PODs
- Points of Injection
- Weir
- Natural Stream
- Private Pipeline
- Ditch
- Storage POU
- Company Pipe
- Service Area
- Irrigated Acres
- PLSS_Section_Corners
- PLSS_Townships
- PLSS_Sections
- Quarter Quarter

Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, and the GIS User Community

**Bennington Irrigating Company
Stockwater POU & POD**

Bennington Reservoir

Miles Creek

Spring Creek

Bennington Creek

Point of Injection into Bennington Creek

Splitter

Lindsey Ditch

Home Canyon Main Diversion

Bennington Creek POD

Big Springs

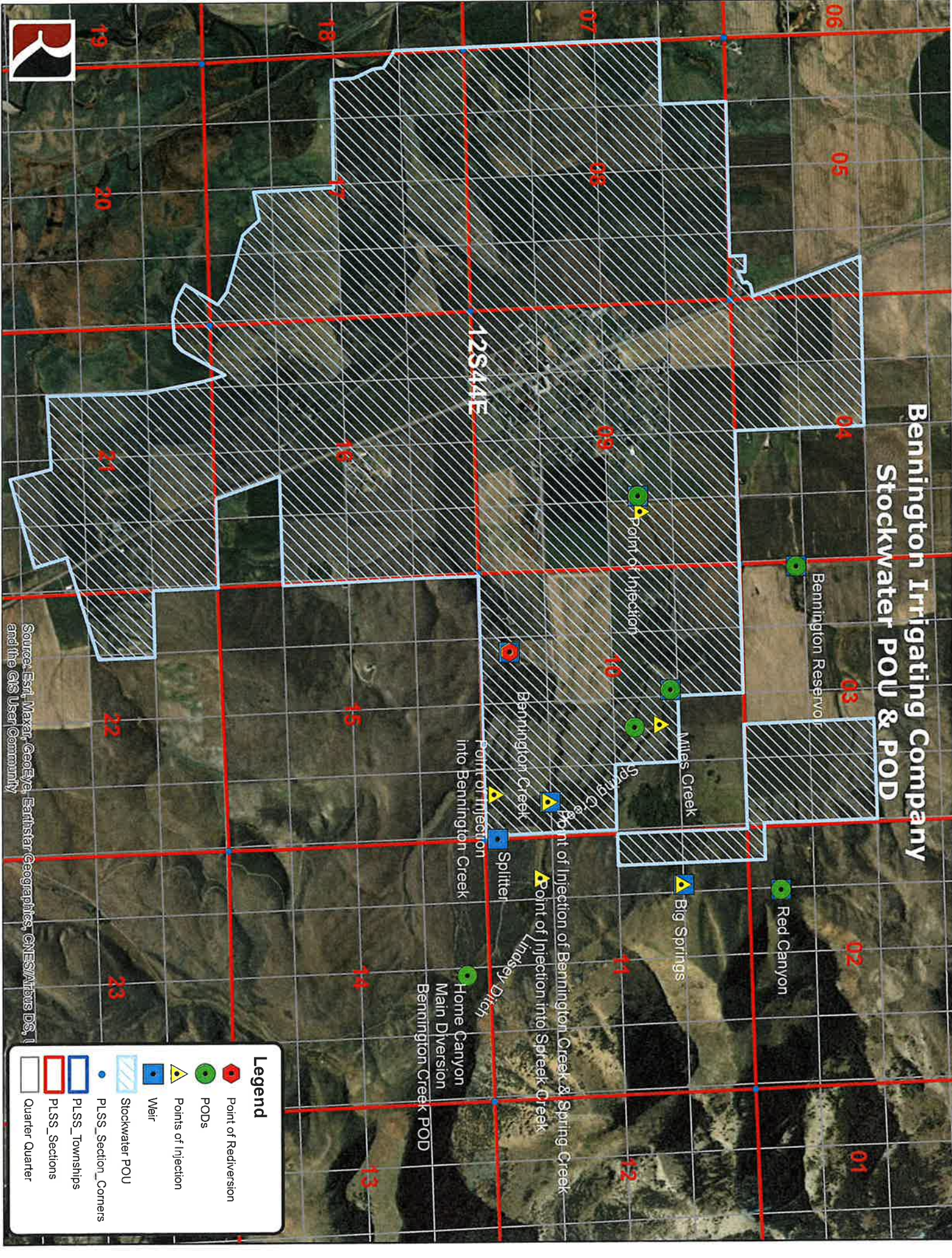
Red Canyon

Point of Injection of Bennington Creek & Spring Creek

Legend

- Point of Rediversion
- PODs
- Points of Injection
- Weir
- Stockwater POU
- PLSS_Section_Corners
- PLSS_Townships
- PLSS_Sections
- Quarter Quarter

Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, and the GIS User Community



**Bennington Irrigating Company
Stockwater POU & POD**

Bennington Reservoir

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Point of Injection into Bennington Creek

Splitter

Lindsey Ditch

Home Canyon Main Diversion

Bennington Creek POD

Big Springs

Red Canyon

Point of Injection of Bennington Creek & Spring Creek

Legend

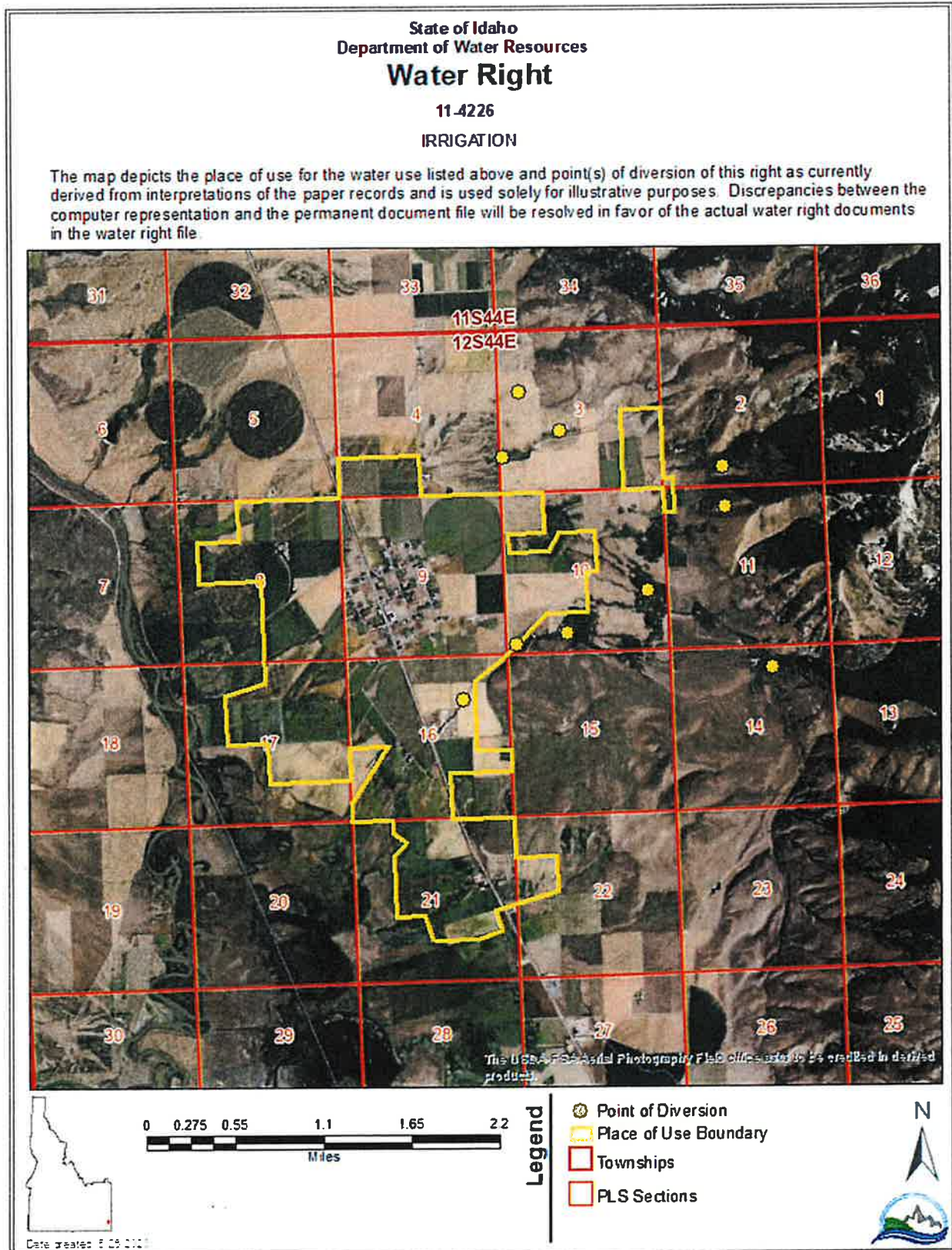
- Point of Rediversion
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Legend

- Point of Rediversion
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-
- Legend**
- Point of Rediversion
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 - Weir
 - Stockwater POU
 - PLSS_Section_Corners
 - PLSS_Townships
 - PLSS_Sections
 - Quarter Quarter



Bennington Irrigating Company

Close

Water Right Report : 11-4226(Statutory Claim/Active)

Water Right Owners

Owner Type	Name	Address	City	State	Postal Code
Current Owner	BENNINGTON IRRIGATION CO	36 BENNINGTON CEMETARY RD	MONTPELIER	ID	83254
Security Interest	IDWR WATER RESOURCE BOARD	C/O JOHN LOFFREDO 102 S WARPETH ST	SALMON	ID	83467

Water Right Status

Priority Date : 8/6/1880

Basis : Statutory Claim

Status : Active

Water Source

Source	Source Qualifier	Tributary	Tributary Qualifier
UNNAMED STREAMS		BEAR RIVER	

Points Of Diversion (Location)

Source	Township	Range	Section	Govt. Lot	QQQ	QQ	Q	County	Diversion Type
UNNAMED STREAMS	12S	44E	2	0		SE	SW	BEAR LAKE	
UNNAMED STREAMS	12S	44E	3	0		SW	NW	BEAR LAKE	
UNNAMED STREAMS	12S	44E	3	0		NE	SW	BEAR LAKE	
UNNAMED STREAMS	12S	44E	4	0		SE	SE	BEAR LAKE	
UNNAMED STREAMS	12S	44E	10	0		SW	SW	BEAR LAKE	
UNNAMED STREAMS	12S	44E	10	0		SW	SW	BEAR LAKE	
UNNAMED STREAMS	12S	44E	10	0		SE	SW	BEAR LAKE	
UNNAMED STREAMS	12S	44E	10	0		NE	SE	BEAR LAKE	
UNNAMED STREAMS	12S	44E	11	0		NE	NW	BEAR LAKE	
UNNAMED STREAMS	12S	44E	14	0		NW	NE	BEAR LAKE	
UNNAMED STREAMS	12S	44E	16	0		SW	NE	BEAR LAKE	

Water Uses

Beneficial Use	From	To	Diversion Rate	Volume
IRRIGATION	04/01	11/01	47.00 CFS	
STOCKWATER	01/01	12/31	0.50 CFS	
TOTAL			47.00 CFS	

Places of Use

Printable View

Paged View

Place of Use Legal Description : IRRIGATION (BEAR LAKE county)

Township	Range	Section	Lot	QQQ	QQ	Q	Acres
12S	44E	2		SW	SW	4	
12S	44E	3		NE	SE	30	
12S	44E	3		SE	SE	35	
				SW	SW	30	

Township	Range	Section	Lot	QQQ	QQ	Q	Acres
12S	44E	4			SE	SW	30
12S	44E	8			NE	NE	40
12S	44E	8			NW	NE	40
12S	44E	8			SW	NE	40
12S	44E	8			SE	NE	40
12S	44E	8			NE	NW	20
12S	44E	8			SW	NW	20
12S	44E	8			SE	NW	40
12S	44E	8			NE	SE	40
12S	44E	8			NW	SE	40
12S	44E	8			SW	SE	40
12S	44E	8			SE	SE	40
12S	44E	9			NE	NE	40
12S	44E	9			NW	NE	40
12S	44E	9			SW	NE	40
12S	44E	9			SE	NE	40
12S	44E	9			NE	NW	40
12S	44E	9			NW	NW	40
12S	44E	9			SW	NW	40
12S	44E	9			SE	NW	40
12S	44E	9			NE	SW	40
12S	44E	9			NW	SW	40
12S	44E	9			SW	SW	40
12S	44E	9			SE	SW	40
12S	44E	9			NE	SE	40
12S	44E	9			NW	SE	40
12S	44E	9			SW	SE	40
12S	44E	9			SE	SE	40
12S	44E	10			NE	NE	20
12S	44E	10			SW	NE	15
12S	44E	10			NW	NW	40
12S	44E	10			SW	NW	20
12S	44E	10			SE	NW	32
12S	44E	10			NE	SW	40
12S	44E	10			NW	SW	40
12S	44E	10			SW	SW	14
12S	44E	11			NW	NW	10
12S	44E	16			NE	NE	5
12S	44E	16			NW	NE	40
12S	44E	16			SW	NE	40
12S	44E	16			SE	NE	4
12S	44E	16			NE	NW	40
12S	44E	16			NW	NW	40
12S	44E	16			SW	NW	40
12S	44E	16			SE	NW	40
12S	44E	16			NE	SW	40

Bennington Irrigating Company

Township	Range	Section	Lot	QQQ	QQ	Q	Acres
12S	44E	16		NW	SW	35	
12S	44E	16		SW	SW	35	
12S	44E	16		SE	SW	35	
12S	44E	16		NE	SE	6	
12S	44E	16		NW	SE	30	
12S	44E	16		SW	SE	8	
12S	44E	17		NE	NE	40	
12S	44E	17		NW	NE	40	
12S	44E	17		SW	NE	40	
12S	44E	17		SE	NE	40	
12S	44E	17		NE	NW	10	
12S	44E	17		NW	NW	40	
12S	44E	17		NE	SE	36	
12S	44E	17		NW	SE	36	
12S	44E	21		NE	NE	40	
12S	44E	21		NW	NE	40	
12S	44E	21		SW	NE	40	
12S	44E	21		SE	NE	40	
12S	44E	21		NE	NW	25	
12S	44E	21		SE	NW	40	
12S	44E	21		NE	SW	11	
12S	44E	21		NE	SE	13	
12S	44E	21		NW	SE	38	
12S	44E	22		SW	NW	40	
12S	44E	22		NW	SW	6	

Irrigation Totals

Total Acres Acre Limit

2453.00

Conditions**Code Conditions**

Sources also known as Home Creek, Spring Creek, and Mile Creek

CLAIM C/O MARTIN HUNTER

- 108 This water right includes a point of diversion established in accordance with a notice filed under the provisions of Section 42-113(3), Idaho Code. Diversion and use of water from this point of diversion shall not exceed 13,000 gallons per day for stockwater use. The water delivery system established in accordance with this notice shall be fully enclosed and shall be equipped with an automatic shutoff valve or a mechanism for returning unused water to the source through an enclosed water system. The water delivery system shall be designed to facilitate measurement of the rate of flow through the system.

Dates

Licensed Date :

Decreed Date :

Permit Proof Due Date :

Permit Proof Made Date :

Permit Approved Date :

Permit Moratorium Expiration Date :

Enlargement Use Priority Date :

Enlargement Statute Priority Date :

Other Information

State or Federal :

Water District Number : 11

Generic Max Rate Per Acre : 0

Generic Max Volume Per Acre : 0

Civil Case Number :

Decree Plaintiff :

Decree Defendant :

Swan Falls Trust or Nontrust :

Bennington Irrigating Company

Application Received Date:
Protest Deadline Date:
IDAHO DEPARTMENT OF WATER RESOURCES

Swan Falls Dismissed :
DLE Act Number :
Cary Act Number :
Mitigation Plan: False

5/15/2023

Public Notice

45

Notice is hereby given that the undersigned trustee of the Bennington Irrigating Company, a body corporate existing under the laws of Idaho Territory do hereby claim and appropriate all the waters of Horse Creek, all the waters of Spring Creek and one third of the waters of White Creek near Bennington Bear Lake County Idaho Territory and all the springs and streams flowing into said creek along and above the ditch of said Bennington Irrigating Company as hereinafter mentioned.

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

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

Bennington Irrigating Company embarks and the same creek
it being the point where the water is put off.

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 Bennington Irrigating Company intersects
the waters of said Spring Creek.

It is taken out of the said Water Creek about one hundred
yards from the source of said Water Creek, one third of the
waters of said Water Creek being hereby appropriated.

The said Bennington Irrigating Company claims and de-
mands appropriate all of the waters of Spring Creek and Spring
Creek and one third of the waters of Water Creek and all the
springs and streams flowing into said creeks along and above
the ditches of the Company's appropriation or so much thereof as
will flow through ditches six (6) feet wide at the top, four (4)
feet wide at the bottom, and three feet deep with a fall of (6)
six inches to the foot.

For the purpose for which said water is claimed and appropri-
ated is for the object of irrigating the land embraced in
the following list, to-wit: Section 5, 11, 10, 15, 22, 28, 29, 20

back and one third of the waters of Mts. Grant and all the springs and streams flowing into said creek along and above the ditches of this Company's appropriation or as much thereof as will flow through ditches nos 16) feet wide at the top, from 14) feet wide at the bottom, and three feet deep with a fall of 16) six inches to the foot.

The purpose for which said water is conveyed and apportioned is for the object of irrigating the land embraced in the following described tracts: Sections 5, 11, 10, 15, 22, 28, 29, 30, 31, 16, 17, 8 and 9. No 12 South, 11th East. Clinton and lands adjacent thereto for agricultural and other purposes.

The means by which the said Bennington Irrigating Company intends to divert the waters of said Mts. Grant, Spring Creek, and Mts. Grant as above specified is by ditches nos 16) feet wide at the top, from 14) feet wide at the bottom, and two (2) feet deep with a fall of six 16) inches to the foot.

MICROFILMED

Bennington Irrigating Company }
J. H. Moore
J. A. D. Wright
Superior of the Bennington
Bennington Irrigating Company

Attest of John
County of Deer Lake } ss.

I hereby certify that a notice to the author is a true and correct copy was posted up at the place designated by the above Bennington Irrigating Company where their ditches intersect the waters of Home Creek, Spring Creek and Mole Creek, at being the point where the said Bennington Irrigating Company takes out the waters of the said Home Creek, Spring Creek, and Mole Creek and conducts the same into their ditches the said notice being posted on the twenty-fourth day of August 1880.

John Hansen

Recorded at the request of J. H. Howe, A. Q. Wright and A. Q. Howe 6th August 1880 at 11 o'clock a.m.

J. C. Wright

Marquette Deeds

The ~~original~~ ^{original} make the fifth day of April in the year of our Lord one thousand eight hundred and ninety five, that
 Allen A. P. Wright, David Hunter, E. E. Swickard, W. H. Spence,
 J. C. Perkins, Anna Carter, Geo. E. Swickard, J. E. Weaver, Geo.
 P. Swickard, Charles Stephens, Geo. Stephens, W. B. Graham,
 Samuel Hall, W. J. Mason, W. J. Swickard, Dennis C. C. C. C. C.
 Wells Davis, Ephraim Swickard, Peter Hanson, A. P. Swickard,
 John Hanson, A. Hanson, Helen Carter, Geo. W. Davis, J. P.
 Apple, Ed. E. Swickard, W. H. Lewis, Aaron Tipton, Geo. E.
 Cason, David Swickard, Ed. Merrill, J. E. McArthur, W. C.
 Benson, James Cason, W. M. Maudslayi, E. C. Corbett, J. C. Maudslayi,
 James Melton, Emma Swickard, J. E. Swickard, of Bennington,
 County of Benning, and State of Idaho, Party of the first part,
 and the Bennington Irrigating Company, a Corporation, the
 Party of the second part, Witnesseth, that the said Party of the first

J. Swinney, Charles Stephens, Geo Stephens, Wm. Graham,
Samuel Hall, W. J. Mason, W. J. Swinney, Daniel Cross,
Walter Davis, Ephraim Swinney, Peter Hanson, & Jacobson,
John Hanson, A. Hanson, Helen Drake, Geo. W. Brown, Jr.,
Stephen, Edw. E. Swinney, W. W. Lewis, Aaron Tipton, Al. Est-
erson, David Swinney, Jas Merrill, J. E. McArthur, W. C.
Hansen, James Peterson, W. M. Maudslow, E. Bothe, J. C. Munk,
James Walker, Emma Swinney, J. A. Swinney, of Bennington,
County of Ver. State, and State of Idaho, Party of the first part,
and the Bennington Irrigating 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, confirm
and confirm unto the said Party of the second part, and to its
Heirs, and Assigns, Heirs and Assigns, all that certain tract or

... continue unto the said party of the second part, and to it
their, and assigns, foreever, all that certain water right and share
situate in Hardlake County Idaho and known and described
as follows, to-wit:

On the night to the use and enjoyment of all the waters of
'Horse Creek', 'Mile Creek', 'Spring Creek' and all the springs,
that be contiguous and adjacent to the said creeks, 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 com-
ed by the said party of the first part, in and around the
town of Bennington, Hardlake County, Idaho. The said water
rights being the same that have been appropriated, purchas-
ed, held and enjoyed, by the party of the first part, with
association known by the name of 'The Bennington Irrig-
ation Company'.

Sheweth with all and singular the aforesaid, Florence, respondent

Conduits and appurtenances thereto belonging, or in anywise appertaining, and the rents issues and profits thereof, and also, with 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, on to the said premises, and every part and parcel thereof, with the appurtenances. Or Means to that 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 promise 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 whatsoever lawfully claiming or to claim the same, shall and well warrant, and by these presents

all persons who were lawfully claiming or to claim the same, shall and will warrant, and by these presents forever 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

Daniel Hunter (dear)
W. W. Speers (dear)
Alma Parker (dear)
B. E. Thomas (dear)
Charles Stephens (dear)
W. D. Graham (dear)
Miss S. Thomas (dear)
Daniel Davis (dear)
John W. Lindsay (dear)
J. D. Burkhardt (dear)

A. P. Right, (dear)
J. E. Lindsay (dear)
J. W. Perkins (dear)
J. E. Lindsay (dear)
Leah P. Lindsay (dear)
George Stephens (dear)
Marshall Hart (dear)
W. J. Lindsay (dear)
Ophelia Davis (dear)
John Hansen (dear)
John Hansen (dear)



November 15, 2023

Idaho Dept. of Water Resources
325 East 600 South, Ste 300
Preston, Idaho 83263-4921
marion.beck@idwr.idaho.gov

Sent via Email & U.S. Mail

RECEIVED

NOV 17 2023

IDWR/Preston

**Re: Bennington Irrigating Company
Notices of Claims to Water Rights
Bear River Basin Adjudication**

To whom it may concern:

Enclosed for filing please find the originals of two Notices of Claims to Water Rights, together with a check in the amount of \$2,343.00 for the filing fees, broken down as follows:

Claim 11-4226: \$50 flat fee + (\$1.00 per acre x 2,193 acres = \$2,193) + (\$100.00 per cfs x 0.5 cfs stockwater = \$50) = \$2,293.00

Claim Storage: \$50 flat fee

Total: \$2,343.00

Please file the originals and email the claim numbers assigned to tessa@racineolson. Thank you for your assistance. Please contact us if you have any questions.

Sincerely,

A handwritten signature in blue ink that reads 'Tessa Sparrow'. Below the signature, the name 'TESSA SPARROW' is printed in a bold, sans-serif font, followed by the title 'Paralegal' in a smaller, sans-serif font.

TESSA SPARROW
Paralegal

Enclosure

c: Bennington Irrigating Company