

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 SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A29-04062
Date Received: 5/07/1990
Receipt No: E014219
Received By: 8/28

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: WILLIAM T. EVANS 208-897-5734
Address: 25976 SOUTH HIGHWAY 91
DOWNEY, ID 83234

2. Date of Priority: JUN 01, 1909

3. Source: BYINGTON SPRINGS Trib. to: MARSH CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
12S	37E	12	SE	SE			BANNOCK

5. Description of diverting works:
PUMP AND SPRINKLER SYSTEM.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	1.500		

7. Total Quantity Appropriated is:
1.500 C.F.S. (and/or) A.F.A.

8. Total consumptive use is 203.0 Acre Feet Per Annum.

9. Non-irrigation uses:
STOCKWATER, 220 CATTLE YEAR ROUND

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
12S	37E	12	SW	SE		IRR	34.0
			SE	SE		IRR	7.0

A29-04062

Page 1

Date: 05/07/90

MICROFILMED

NOV 13 1992

A2904062



Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
						Section Acres	41.0
		13	NW	NE		IRR	34.0
			SW	NE		IRR	6.0
						Section Acres	40.0
						Total Acres	81.0

16. Signature(s)

Signature of Claimant(s): William J. Evans Date: 5/7/90
Date: _____

State of Idaho)
County of Bonneville) SS.

Subscribed and sworn (or affirmed) before me this 7th day

of May 19 90

Seal

Betty J. Thompson
Notary Public

Residing at 1111 E. 1000 N. IDAHO

My Commission Expires 6-30-94

A. AJ CLAIM POINT OF DIVERSION AND SOURCE:

RIGHT	TWP. RGE.	SEC.	1/4	1/4	1/4	LOT	POD FLAG	COUNTY	DIVERSION NAME	DIVERSION NUMBER
A29-04062	12S 37E	12		SE	SE			BANNOCK		

OTHER AJ CLAIMS WITH SAME AJ POD
A PREFIX R PREFIX
NONE NONE

WR RECORDS IN SAME 40 ACRE TRACT
NONE

SOURCE: BYINGTON SPRINGS

TRIB: MARSH CREEK

B. WR POINT OF DIVERSION AND SOURCE:

RIGHT	TWP. RGE.	SEC.	1/4	1/4	1/4	LOT	POD FLAG	COUNTY	DIVERSION NAME	DIVERSION NUMBER
29-04062	12S 37E	12		SE	SE			BANNOCK		

OTHER WR RECORDS WITH SAME WR POD
NONE

AJ CLAIMS IN SAME 40 ACRE TRACT
A PREFIX R PREFIX
NONE NONE

SOURCE: BYINGTON SPRINGS

TRIB: MARSH CREEK

C. IS THE CLAIMED POD WITHIN THE SAME 40 ACRE TRACT THAT IS DESCRIBED IN THE WATER RIGHT FILE? N/A() Y() N()

* IF NO, AND IF THE CHANGE IS VERIFIED AS AN ACCOMPLISHED CHANGE IN POD, DESCRIBE THE INJURY
ANALYSIS PERFORMED AND ENTER FLAG "C" WITH THE APPROPRIATE EXPLANATORY CODE.

D. CAN THE CLAIMED POD BE VERIFIED USING THE WATER RIGHT FILE OR GPS DATA? N/A() Y() N()

E. SHOULD THE CLAIMED POD BE VERIFIED BY FIELD EXAM? Y() N()

F. IS THE CLAIMED SOURCE THE SAME AS DESCRIBED IN THE WATER RIGHT FILE? N/A() Y() N()

* IF NO, AND IF THE CHANGE IS VERIFIED AS AN ACCOMPLISHED CHANGE IN SOURCE, DESCRIBE THE INJURY
ANALYSIS PERFORMED AND ENTER FLAG "C" WITH THE APPROPRIATE EXPLANATORY CODE.

G. CAN THE CLAIMED SOURCE BE VERIFIED USING THE WATER RIGHT FILE? Y() N()

H. SHOULD THE CLAIMED SOURCE BE VERIFIED BY FIELD EXAM? Y() N()

I. HOW WAS THE POD AND SOURCE VERIFIED?

LICENSING FIELD EXAM (DATE OF FIELD EXAM) Y() N()

AJ FIELD EXAM (DATE OF FIELD EXAM NAME OF EXAMINER) Y() N()

OTHER (DESCRIBE IN NOTES BELOW)

NOTES: _____

=====

RECOMMENDED POINT(S) OF DIVERSION AND SOURCE: CHECK HERE IF RECOMMENDED AS CLAIMED (___)

TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	POD FLAG	COUNTY	DIVERSION NAME	DIVERSION NBR
12S	37E	12		SE	SE			BANNOCK		
_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____

SOURCE: BYINGTON SPRINGS

TRIB: MARSH CREEK

REVIEWED BY: _____ DATE: _____

=====

SYSTEM DESCRIPTION: DESCRIBED BELOW (___), SEE LICENSE FILE (___), OR SEE ATTACHMENT (___)

A. ROOT WATER RIGHT NUMBERS: A29-04062

B. POU LISTING

TWP	RNG	SEC	1/4	1/4	LOT	NAME	AJ #/ACRES	WR #/ACRES	LANDSAT DATA	FIELD EXAM.	RECOMM. ACRES
12S	37E	12	SW	SE		EVANS, WILLIAM T	A29-04062 / 34.0	29-04062 / 34.0	29.0		
12S	37E	12	SE	SE		EVANS, WILLIAM T	A29-04062 / 7.0	29-04062 / 7.0	19.0		
12S	37E	13	NW	NE		EVANS, WILLIAM T	A29-04062 / 34.0	29-04062 / 34.0	37.0		
			NW	NE		EVANS, WILLIAM T	A29-02123 / 10.0	29-02123 / 10.0			
12S	37E	13	SW	NE		EVANS, WILLIAM T	A29-04062 / 6.0	- /	15.0		
			SW	NE		EVANS, WILLIAM T	A29-02123 / 10.0	29-02123 / 10.0			

ADDITIONAL POU FOUND

TOTAL ACRES A29-04062 81.00 75.00 100.00

POU COUNTY: BANNOCK

C. IS WATER USAGE FOUND IN TRACTS OTHER THAN THOSE CLAIMED?

Y() N()

* IF YES, ARE THESE TRACTS LISTED ABOVE (), OR ARE THEY LISTED ON AN ATTACHED SHEET ()

LIST OF ALL RIGHTS WITH A SAME POU AND IRRIGATION USAGE

CLAIM NO.	SOURCE	NAME	DIV. RATE	DIV. RATE/ACRE	DIV. VOL.	DIV. VOL./ACRE
A29-04062	BYINGTON SPRINGS	EVANS, WILLIAM T	1.500	0.018		
A29-02123	COALPIT CREEK	EVANS, WILLIAM T	0.400	0.020		

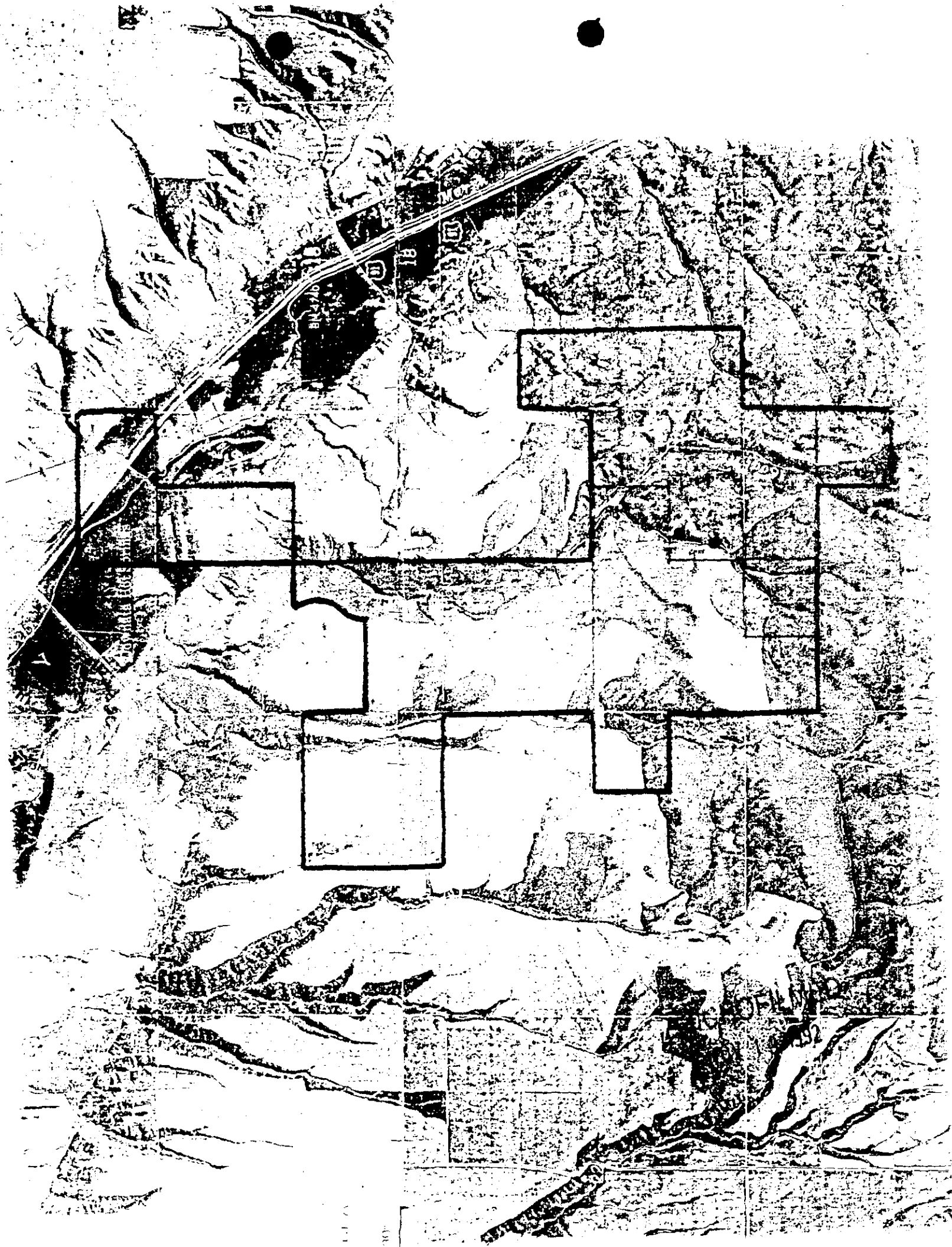
NO RIGHTS WITH SAME POU BUT NOT USED FOR IRRIGATION

D. ARE OTHER WATER RIGHTS USED FOR THE SAME PURPOSE?

Y() N()

* IF YES, COMPLETE OVERLAP REVIEW:

OTHER RIGHTS LISTED IN CLAIM: NONE



Log for claim A29-04062

Spatial Dynamics TWB

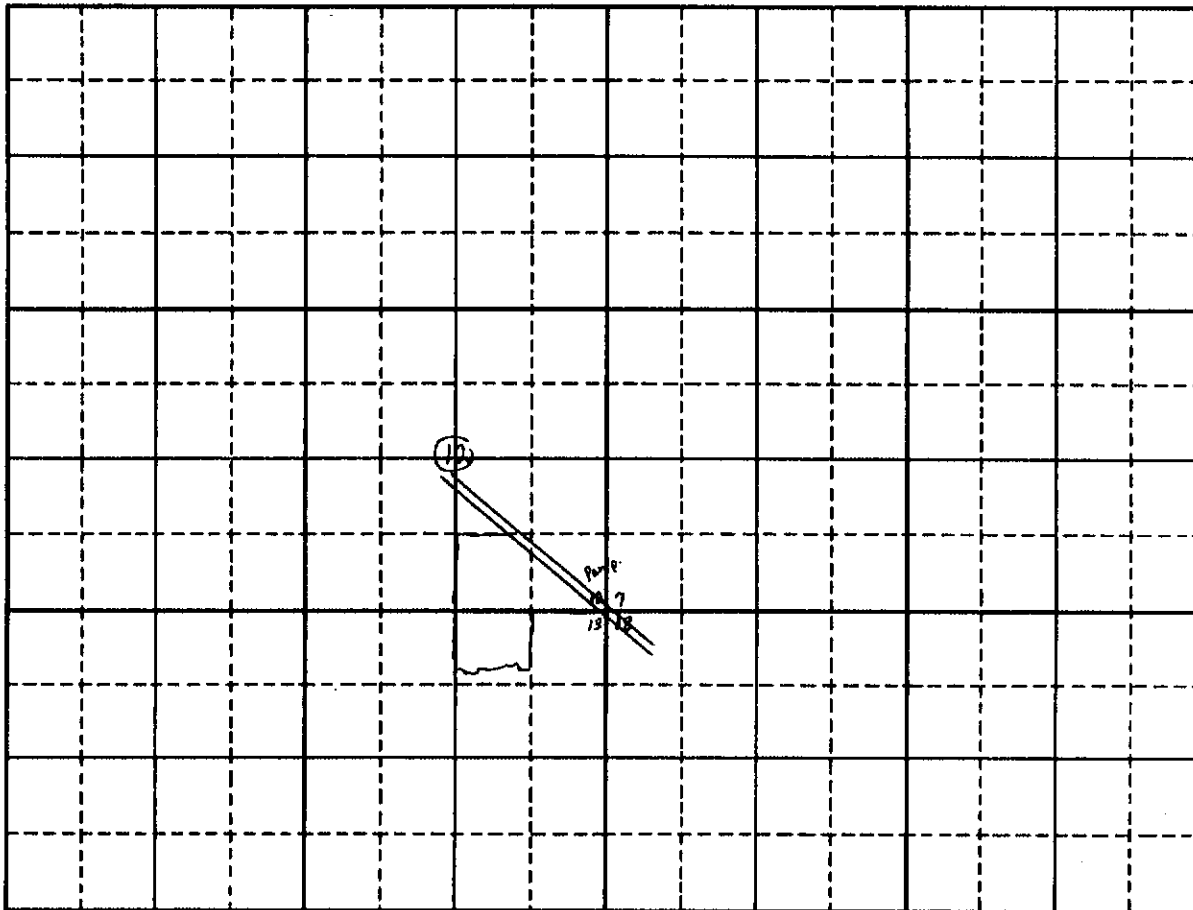
5/24/00

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
12s37e	12	SWSE	34	37	
12s37e	12	SESE	7	19	Indiscernible
12s37e	13	NWNE	34	40	
12s37e	13	SWNE	6	40	Permissible place of use?
Totals:			81	136	

CLAIM TO A WATER RIGHT

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

(8) Remarks _____



Scale: 2 inches equal 1 mile.

Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

State of Idaho)
) ss.
County of Bannock)

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

Sworn to before me this 20th day of January

William R. Evans
(Claimant)

Harold L. Anderson 1976
Notary Public
Residing at Preston, Idaho

My commission expires Lifetime

For Department Use Only

Received by <u>TRM</u>	Date <u>1-23-76</u>	Exception filed by:	Forwarded to	Date
Prelim. check by <u>RDC</u>	Date		claimant by:	
\$10.00 fee received by <u>me</u>	Date <u>1-23-76</u> #10553			
Approved for publication by <u>me</u>	Date <u>2-17-76</u>			
Published in <u>The Idaho Statesman</u>				
Dates <u>Jan 20 - Feb 11, 1976</u>				

AJ5809NP
No. A29-04062

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 04/24/00
PAGE: 96

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	WILLIAM T EVANS 25976 S HWY 91 DOWNEY ID 83234 (208) 897-5734	06/01/1909	IRRIGATION	04-01 11-01	1.500 CFS	
					TOTAL DIVERSION: CONSUMPTIVE USE:	1.500 CFS 203.00 AFA

Water Source: BYINGTON SPRINGS

Tributary to: MARSH CREEK

Stage: STATUTORY CLAIM

Point(s) of Diversion: T12S R37E S12 SESE

BANNOCK County

Place of use Legal Description for: IRRIGATION

		NE				NW				SW				SE				
T	R S	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	SUM
12S	37E 12	:						:						:				41.0
12S	37E 13	:		34	06	:			:					:			07	40.0
																	TOTAL ACRES	81.0

POU County: BANNOCK

Non-Irrigation Uses: STOCKWATER, 220 CATTLE YEAR ROUND

Other Rights: NONE

Other Water Rights Listing Overlapping Place(s) of Use:
A29-02123

Dates: Exam Made Date: Verified Date: Objection Filed Date:

Misc: Water District Number: Field Inspection Flag:
Presumption Flag:

Audit: 05/08/90 DUNN 07/19/94 THOMPSON 03/29/95 POST-STD

AZ-04062

AFFIDAVIT

We, the undersigned, having been residents of Marsh Valley for the past forty years, hereby state that we are acquainted with that property known as the Hyrum E. Byington place, and legally described as follows:

The South half of the Southeast Quarter of Section 12, and the West half of the Northeast Quarter of Section 13, all being located in Township 12 South, Range 37 East of the Boise Meridian in Idaho.

We further state that we are acquainted with the springs rising on said property and water from Marsh Creek that has been used to irrigate said property, and we hereby certify that said water from springs and Marsh creek has been used on this property for the past 40 years.

Signed and sealed this 22 day of March 1949.

WITNESSES

[Signature]

H C Bowen

John Bowen

[Signature]

The Marshall

[Signature]

State of Idaho

County of Bannock

Subscribed and sworn to before me this 22 day of March in the year 1949.

Notary Public Residing at Downey, Idaho
My Commission Expires Sept. 16, 1952

[Signature]
Notary Public residing at Downey, Idaho

RECORDED
1949 MAR 23
10 12 30

POOR ORIGINAL

Stephen E. Byington and wife,
Maud E. Byington,

to

Cache Valley Banking Company,
corporation of Logan, Utah.

MORTGAGE

Dated: November 16, 1926
Filed: December 29, 1926
at 2:50 P. M.
Instrument No.: 128214
Recorded: Book 51 Mortgage
Record Page 340
Consideration: \$1200.00

Grant, bargain, sell and convey real property in Bannock County,
Idaho:

West half of Northeast quarter of Section thirteen, and South
Half of Southeast quarter of Section twelve, Township twelve
South of Range thirty-seven East of Boise Meridian, containing
one hundred sixty acres.

Together with all water rights belonging or in anywise apper-
taining to any of above described land and especially including
all springs arising thereon.

Grant intended as mortgage to secure payment of promissory note of
even date by said first parties to said second party for \$1200.00, due
October 1st, 1927, with interest at eight per cent per annum from date.
This mortgage is further given to secure any other indebtedness mortgagors
now owe or shall later owe to said mortgagee.

One Witness

Stephen E. Byington (Seal)
Maud E. Byington (Seal)

Acknowledged: Cache County, Utah, November 16, 1926; by Stephen E.
Byington and wife, Maud E. Byington, before Leo M. Squires, Notary Public
in and for said State. Residing at Logan, Utah. (Notarial Seal) Commis-
sion expires Jan. 10, 1928.

BANNOCK TITLE-ABSTRACT COMPANY
PAGE NUMBER

NOV 13 1926