

02/20/2004

**NOTICE OF ERROR
REPLY**

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS:

Water right number: 23-90

CELESTE B BEAM
PO BOX 91
SWAN VALLEY ID 83449
Telephone Number: (208)483-3183

FRANCIS R BEAM
PO BOX 91
SWAN VALLEY ID 83449
Telephone Number: (208)483-3183

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):

2. Describe the changes you wish to make in the proposed recommendation:

Take off Limiting Language

3. Give a brief explanation as to why you disagree with these portions:

☐ I AGREE with this proposed recommendation: no changes need to be made.

DATE: Mar 25, 2004 SIGNATURE: Celeste B. Beam
Please print your name: Celeste B. Beam

IDWR Regional Office, 900 N Skyline Dr Ste A, Idaho Falls, ID 83402, 2085257161

3/29/04 Done [Signature]

03/29/2004

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 23-90
NAME AND ADDRESS: CELESTE B BEAM
PO BOX 91
SWAN VALLEY ID 83449

FRANCIS R BEAM
PO BOX 91
SWAN VALLEY ID 83449

SOURCE: RAINEY CREEK TRIBUTARY: SOUTH FORK SNAKE RIVER
QUANTITY: 7.200 CFS
PRIORITY DATE: 01/22/1916
POINT OF DIVERSION:

T02N R44E S33 SENESE Within BONNEVILLE County
T02N R44E S33 SENWSE Within BONNEVILLE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	4/01 11/01	7.200 CFS

PLACE OF USE: IRRIGATION Within BONNEVILLE County

T01N R44E S04 Lot 1 NENE	12.0	T01N R44E S04 Lot 2 NWNE	40.0
T01N R44E S04 Lot 3 NENW	16.0	T02N R44E S33 SESW	32.0
T02N R44E S33 SWSE	32.0	T02N R44E S33 SESE	1.3

133.3 ACRES TOTAL

USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 133.3 ACRES IN A SINGLE
IRRIGATION SEASON. COMBINED RIGHT NOS.: 23-00014, 23-00017,
23-00021, 23-00046, 23-00090.

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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.

EXPLANATORY MATERIAL: Decreed

THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINTS OF
DIVERSION DESCRIBED ABOVE: 23-00014, 23-00017, 23-00021, 23-00046,
23-00090.

12/11/2003

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 23-90
NAME AND ADDRESS: CELESTE B BEAM
PO BOX 91
SWAN VALLEY ID 83449

FRANCIS R BEAM
PO BOX 91
SWAN VALLEY ID 83449

SOURCE: RAINY CREEK TRIBUTARY: SOUTH FORK SNAKE RIVER

QUANTITY: 7.200 CFS

Flood Rt Q Don't Apply
USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL
COMBINED DIVERSION RATE OF 2.67 CFS. COMBINED RIGHT NOS.:
23-00014, 23-00017, 23-00021, 23-00046, 23-00090.

THIS RIGHT WHEN COMBINED WITH RIGHT NO. 23-00014, 23-00017,
23-00021, 23-00046, 23-00090 SHALL PROVIDE NO MORE THAN .02 CFS
PER ACRE.

PRIORITY DATE: 01/22/1916

POINT OF DIVERSION:
T02N R44E S33 SENESE Within BONNEVILLE County
T02N R44E S33 SENWSE Within BONNEVILLE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
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T02N R44E S33 SWSE	32.0	T02N R44E S33 SESE	1.3

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IRRIGATION OF A COMBINED TOTAL OF 133.3 ACRES IN A SINGLE
IRRIGATION SEASON. COMBINED RIGHT NOS.: 23-00014, 23-00017,
23-00021, 23-00046, 23-00090.

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 133.3 ACRES WITHIN THE
PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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.

~~THE REMAINDER OF THIS RIGHT WAS FORFEITED FOR NON USE FROM
1980 TO 1989.~~

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINTS OF
DIVERSION DESCRIBED ABOVE: 23-00014, 23-00017, 23-00021, 23-00046,
23-00090.

12/11/2003

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 23-90
NAME AND ADDRESS: CELESTE B BEAM
PO BOX 91
SWAN VALLEY ID 83449

FRANCIS R BEAM
PO BOX 91
SWAN VALLEY ID 83449

SOURCE: RAINEY CREEK TRIBUTARY: SOUTH FORK SNAKE RIVER
QUANTITY: 7.200 CFS

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL
COMBINED DIVERSION RATE OF 2.67 CFS. COMBINED RIGHT NOS.: 23-00014,
23-00017, 23-00021, 23-00046, 23-00090.

THIS RIGHT WHEN COMBINED WITH RIGHT NO. 23-00014, 23-00017, 23-00021,
23-00046, 23-00090 SHALL PROVIDE NO MORE THAN .02 CFS PER ACRE.

PRIORITY DATE: 01/22/1916

POINT OF DIVERSION:

T02N R44E S33 SENESE Within BONNEVILLE County
T02N R44E S33 SENWSE Within BONNEVILLE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	4/01 11/01	7.200 CFS

PLACE OF USE: IRRIGATION Within BONNEVILLE County

T01N R44E S04 Lot 1 NENE	12.0	T01N R44E S04 Lot 2 NWNE	40.0
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IRRIGATION OF A COMBINED TOTAL OF 133.3 ACRES IN A SINGLE
IRRIGATION SEASON. COMBINED RIGHT NOS.: 23-00014, 23-00017,
23-00021, 23-00046, 23-00090.

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PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

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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.

THE REMAINDER OF THIS RIGHT WAS FORFEITED FOR NON-USE FROM
1980 TO 1989.

EXPLANATORY MATERIAL: Decreed

12/11/2003

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINTS OF
DIVERSION DESCRIBED ABOVE: 23-00014, 23-00017, 23-00021, 23-00046,
23-00090.

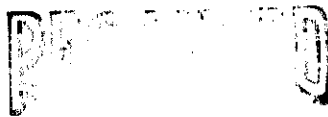
\$50.00

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: A23-00090
Date Received: 8/03/1989
Receipt No: EO10422/190
Received By: _____



Department of Resources
Eastern District Office

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name:	FRANCIS R. BEAM	208-483-3183
Address:	P. O. BOX 91	
	SWAN VALLEY, ID	83449
OR		
Name:	CELESTE B. BEAM	208-483-3183
Address:	P. O. BOX 91	
	SWAN VALLEY, ID	83449



2. Date of Priority: JAN 22, 1916

3. Source: RAINEY CREEK Trib. to: SNAKE RIVER, SOUTH F

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
02N	44E	33	NE	SE			BONNEVILLE
			NW	SE			BONNEVILLE

5. Description of diverting works:
HEADGATES TO DITCHES TO PLACE OF USE FOR FLOOD IRRIGATION.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	7.200		

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

8. Total consumptive use is 370.0 Acre Feet Per Annum.

9. Non-irrigation uses:
N/A

10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
01N	44E	4	NE		NE	1	IRR	13.0
			NW		NE	2	IRR	40.0
			NE		NW	3	IRR	30.0
Section Acres								83.0
02N	44E	33	SE		SW		IRR	31.0
			SW		SE		IRR	32.0
			SE		SE		IRR	2.0
Section Acres								65.0
Total Acres								148.0

11. Place of use in counties: BONNEVILLE

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:

A23-00014, A23-00017, A23-00021, A23-00046

14. Remarks:

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: 12/16/1910

REXBURG IRRIGATION CO. ET AL
Decree Plaintiff

vs

TETON IRR. CANAL CO. ET AL.
Decree Defendant

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin 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:

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): Francis Beam Date: 11 Sept 89
Celeste B. Beam Date: 9/11/89

State of Idaho)
County of Bonneville) SS.

Subscribed and sworn (or affirmed) before me this 11th day
of Sept. 19 89
Patricia L. Weeks
Notary Public

Seal

Residing at Irwin, ID.
My Commission Expires 10-8-94

Contacts Data Entry Form

Water Right No. 23-90

Owner Type	Full Name	Address	City	State	Zip	Phone
------------	-----------	---------	------	-------	-----	-------

Current Owner	Francis Beam					
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Name connector: and _____, or _____, and/or _____

Current Owner _____

Current Owner _____

Representing Attorney: _____ Phone Number: _____

Accompanied By: _____ Phone Number: _____

Relationship to Claimant: _____

Date of Field Exam: _____ Time: _____

Directions to Property (if different from above) and/or update owner information:

CLAIMED AS DECREE UNDER ROXBURG BRIDGE VS TOLON
BRIDGE, 1910. Problem THIS DECREE WAS DONE 1910
PRIORITY DATE CLAIMED IS 1916 -

THIS CLAIM WAS DECREEED UNDER FAUSADDE & FILLIS CO,
VS L. CRANDALL, et al. (DECREE 23-H, PG. 5) 1951,
SEE EXCERPT ATTACHED.

FS INDICATOR: ADU/ALL RTs

Reviewer: _____

Date: _____

Priority Date Data Entry Form

Claim Number: _____

Water Right Priority Date: _____ Water Right Basis: _____

Claimed Priority Date: JAN 22 1916 Claimed Basis: DECEASEDRecommended Priority Date: 1/22/1916 Recommended Basis: DECEASED☐ Use Claimed Priority Date and Basis as Recommended Priority Date and Basis

Document the evidence submitted/reviewed for the priority date claimed, include your analysis of the evidence:

Claim MATCHES DECEASED (NOTE Pg 1 e-CVR #2)

Reviewer: _____

Date: _____

Point of Diversion and Source Data Entry Form

Claim Number: _____

Water Right Point of Diversion: T____, R____, Sec.____,____,____,____, County: _____

Source: _____ Tributary: _____

Claimed Point of Diversion: T 2N, R 44E, Sec. 33,____,____,____,____, County: BONN.Source: RAINY CK Tributary: SNAKE RIVER

Recommended Point of Diversion: T____, R____, Sec.____,____,____,____, County: _____

Source: _____ Tributary: _____

____ Use Claimed POD and Source as Recommended POD and Source

Twp	Rge	Sec	Gov Lot	QQQ of QQ of Q	County	Source
					<u>BONN.</u>	<u>RAINY CK</u>
GPS Coordinates: _____						
GPS Coordinates: _____						
GPS Coordinates: _____						
GPS Coordinates: _____						
GPS Coordinates: _____						
GPS Coordinates: _____						
GPS Coordinates: _____						

Other rights from this POD? _____

Document how the POD and Source were verified and/or Pump and Motor data:

POD NOT ADDRESSOR BY DOELIGS.OTHER Pts same POD Remark

Transfers Changing POD _____

Reviewer: _____

Date: _____



Rainey Creek Diversion Northside
T.2N., R.44E.
Section 33 SWSESW
(Diversion serves several users)
Photo taken 9/30/03 ABR



Rainey Cr Div.
T.2N R.44E
Sec. 33 SESESE

Period of Use and Quantity Data Entry Form

Claim Number: _____

☐ Use Claimed Period of Use and Quantity as Recommended Period of Use and Quantity

Water Right Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume

Overall Diversion Rate _____ Overall Diversion Volume _____

Claimed Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
Irrig.	4/1	11/1	7.2	

Overall Diversion Rate _____ Overall Diversion Volume _____

Recommended Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
Irrig.	4/15	10/31	2.67 @ 133 ³ ac	

Overall Diversion Rate _____ Overall Diversion Volume _____

Document how the Period of Use and/or Diversion Rate were verified:

SOL NOT ADDRESSED BY DEERGS. USE DORT STD AS 4/15 TO 10/31.

DEERGS AS 7.2 cfs (ON BEST CASE ACRES 6 QD'S X 40 AC = 240 AC) $\therefore 7.2 \text{ cfs} / 240 \text{ AC} = 0.03 \text{ cfs/AC}$

Claims 148 AC X 0.03 cfs/AC = 4.44 cfs

APPROX ABANDONMENT OR 2.76 cfs MAY APPLY

RECOMMEND 133³ AC @ 0.02 cfs/AC = 2.67 cfs

Reviewer: _____

Date: _____

4.53 cfs Lost

7.20

Partial Abandon

Remark

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
01n44e	4	NENE	13	12	
01n44e	4	NWNE	40	40	
01n44e	4	NENW	30	26	
02n44e	33	SESW	31	31	
02n44e	33	SWSE	32	28	
02n44e	33	SESE	2	1.4	
Totals:			148	138.4	

Qs:

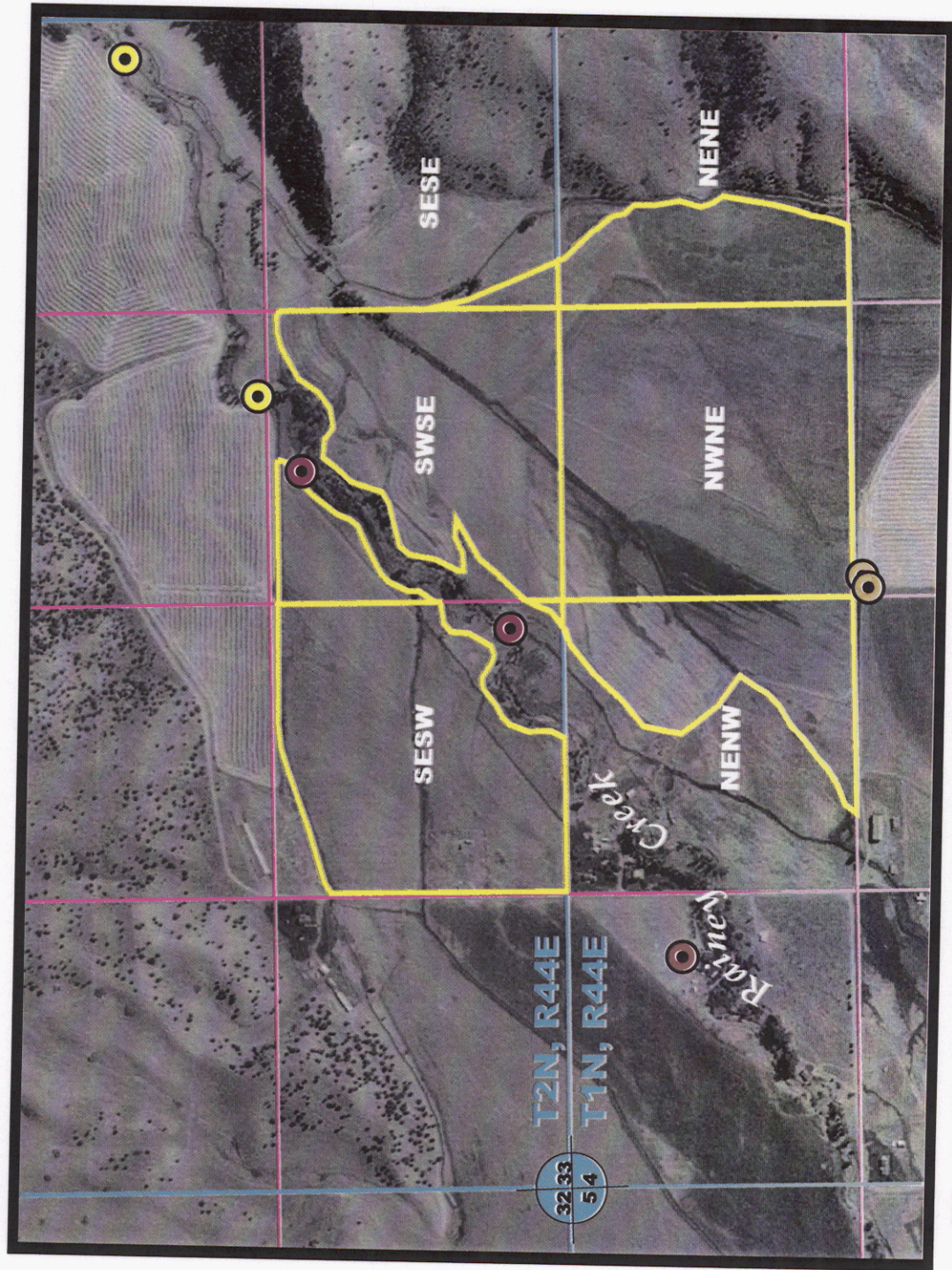
1. WHICH POD SERVOS WHICH SIDE?
2. Lower Polygon - E. Boundary looks
Like it might BORDER A DITCH
3. CENTER ALONG Ch looks odd?



State of Idaho

Department of Water Resources

Eastern Region



Water Right(s):
23-00014, 23-00017,
23-00021, 23-00046,
23-00090

Place of Use: (parts of)
T2N, R44E Sec. 33
SESW, S2SE
T1N, R44E Sec. 4
NENW, N2NE

Point(s) of Diversion:
T2N, R44E Sec. 33
SESWSE, SESESE



LEGEND



Point of Diversion

SESE

Place of Use



Section

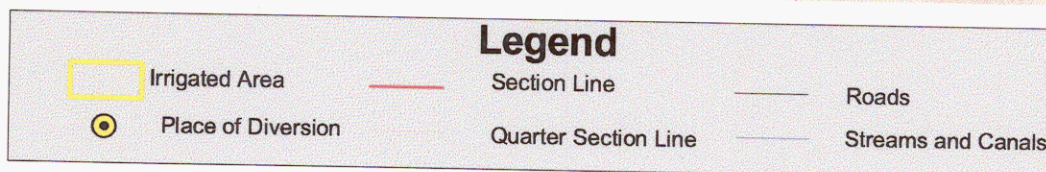
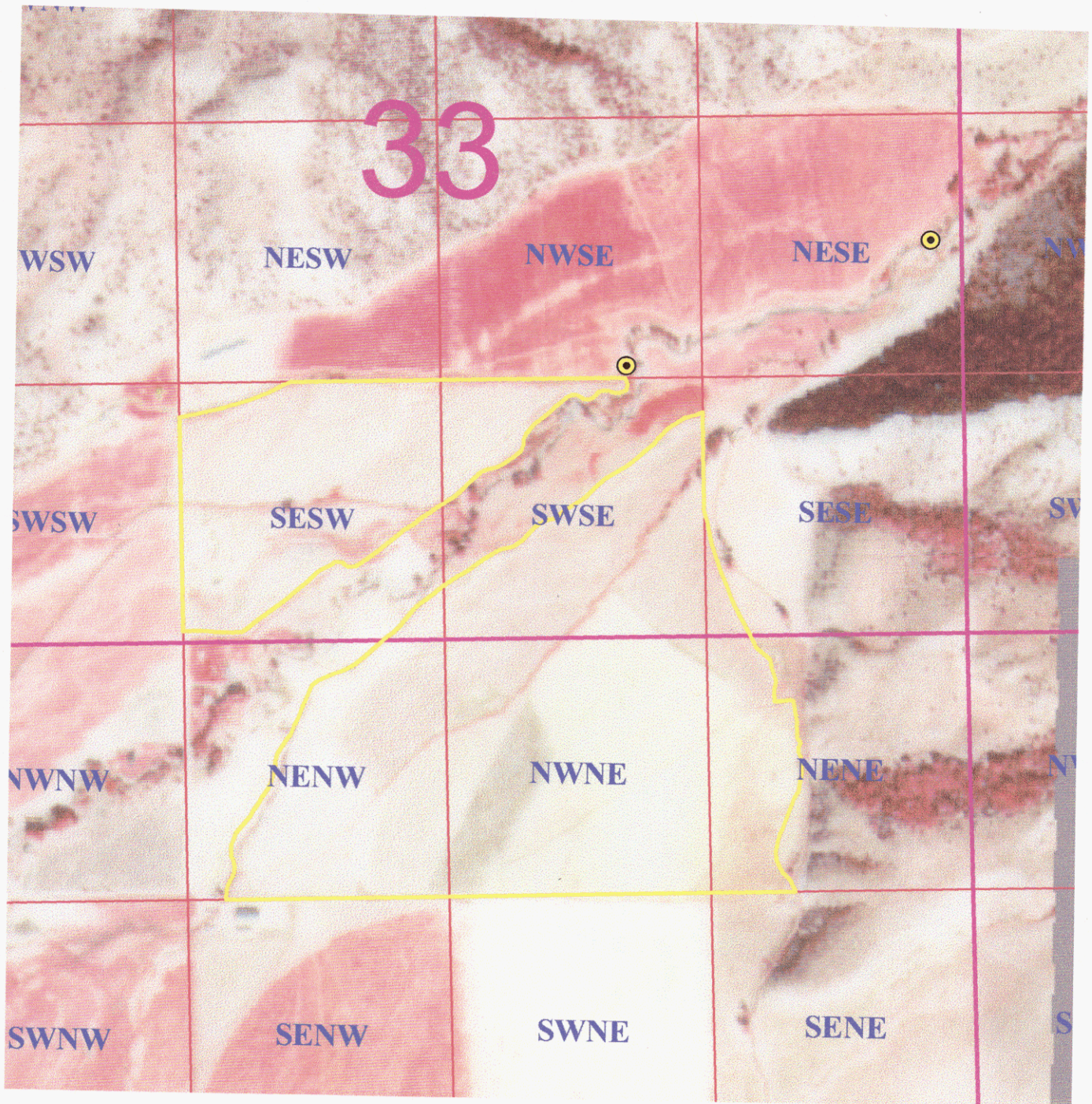


Quarter-Quarter

250 0 250 500 750 1000 1250 1500 1750 2000 2250 2500 2750 3000 3250 3500 3750 4000 4250 4500 Feet

Water Right Claim Number 23-00090
Townships , 2N44E, 1N44E

05/31/2001



SPATIAL
DYNAMICS

20 28

32 33

28 27

33 34

A23-00090

32 33

5 4

33 34

4 3

R44E

T2N

T1N

31

32

2

30

40

13

San Valley Cemetery

5 4
8 9

4 3
9 10

MICROFILMED
NOV 07 1992

rights shall immediately lapse and become void and of no effect.

III.

It is further considered, adjudged and decreed by the Court that the plaintiffs are entitled to a summary decree and adjudication of the waters of Snake River and its tributaries with date of priority of January 22, 1916.

Plaintiffs	Amount of Miners Inches	Amount of Second Feet
The Palisade Irrigation Company	4890	97.8
J. L. Higham	120	2.4
Richard A. Beam	360	7.2
Ivan Weeks	160	3.2
Thomas M. Weeks	200	4.
John B. Miller	240	4.8
Shurtleff Bros.	880	17.6
Elizabeth Beam	150	3.
David H. Peterson and Jess L. Peterson	100	2.00
Henry Goettsche	312	6.24
Weeks Bros.	135	2.7
Luther Smith	160	3.2
M. E. Toliver	800	16.
Harry Bitton	160	3.2
Francis Stoltenberg	210	4.2
Joe Kruse	120	2.4
Henry McCabe	150	3.

IV.

Further ordered, adjudged and decreed that the plaintiffs have the right to divert and use said quantity of water with the said priority date subject, however, to the terms of the said decree of December 16th, 1910, and said decree of June 25th, 1929, for use for irrigation and domestic purposes upon the following described lands, to-wit:

23-0090 It is Further Ordered, Adjudged and Decreed that the plaintiff, Richard A. Beam, has the right to divert from Upper Rainey Creek and use said quantity of water with the said priority date for irrigating and domestic purposes upon the following described lands, to-wit:

NENW, N²NE, SENW
 SEC. 4 T1N, R44E,
 SESW, SWSE, SEC. 33
 T. 2N R44E
 Northeast Quarter of the Northwest Quarter (NE¹NW¹),
 North Half of the Northeast Quarter (N¹NE¹), South-
 east Quarter of the Northwest Quarter (SE¹NW¹),
 Section Four (4), Township One (1) North, Range
 Forty-four (44), East of the Boise Meridian; South
 east Quarter of the Southwest Quarter (SE¹SW¹),
 Southwest Quarter of the Southeast Quarter (SW¹SE¹),
 Section Thirty-three (33), Township Two (2) North,
 Range Forty-four (44), East of the Boise Meridian.

Best Case 480AC
240

600's x 40ac = 240ac