

03/07/2001

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

RIGHT NUMBER: 31-10061

NAME AND ADDRESS: LOIS C EVANS
MYRON C EVANS
HC 69 BOX 1230
HAMER, ID 83425

SOURCE: GROUND WATER

QUANTITY: 0.04 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT FOR DOMESTIC USE
SHALL NOT EXCEED 13,000 GALLONS PER DAY PER HOUSEHOLD.

PRIORITY DATE: 12/31/1976

POINT OF DIVERSION: T07N R36E S22 SESWNE Within JEFFERSON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
DOMESTIC	01-01 12-31	0.04 CFS

PLACE OF USE:

DOMESTIC Within JEFFERSON County
T07N R36E S22 SWNE

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.
DOMESTIC USE IS FOR TWO HOMES.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommended Right Report

WATER RIGHT NO. 31-10061

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	LOIS C EVANS
Current Owner	MYRON C EVANS
	HC 69 BOX 1230
	HAMER, ID 83425

Priority Date: 12/31/1976
Basis: Beneficial Use
Status: Valid

Source: GROUND WATER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
DOMESTIC	01/01	12/31	0.04 CFS		
Total Diversion			0.04 CFS		

Point(s) of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4	Lot	County
07N	36E	22	SE SW NE	0	JEFFERSON

Place(s) of use:

Place of Use Legal Description: DOMESTIC

JEFFERSON County

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
07N	36E	22		SWNE										

Conditions of Approval:

1. 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.
2. N12 THE QUANTITY OF WATER UNDER THIS RIGHT FOR DOMESTIC USE SHALL NOT EXCEED 13,000 GALLONS PER DAY.
3. P01 NO LAWFUL APPROPRIATION SHOWN: There are a number of circumstances in which a claim is proposed to be disallowed on this basis. This is most commonly included for a claim based on beneficial use or posted notice that is PROPOSED to be disallowed because the right claimed is not within an exception to the mandatory permit statute, and beneficial use of water prior to the mandatory permit statute was not confirmed. This is also included where a claim is PROPOSED to be disallowed because the claim is to water that is not public water subject to appropriation. This is also included where a right was determined not to exist in a prior adjudication.

Remarks:

1. General NO LAWFUL APPROPRIATION SHOWN FOR IRRIGATION USE.

Comments:

<u>Author</u>	<u>Date</u>	<u>Subject</u>	<u>Comment</u>
bcontor	9/29/00	Recommendation	Irrigation cannot be recommended as documentation indicates it commenced after the mandatory permit statute effective date. Domestic is recommended.

Dates:

Licensed Date:
 Claim Received Date: 06/09/1988
 Decreed Date:
 Date Filed with Court:
 Objection Filed Date:
 Response Filed Date:
 SF5 Filed:
 Special Master Recom Signed Date:

Element Reviewed/Verified Dates:

Element	Last Review Date	Reviewer	Last Verified Date	Verifier	Status
POD	9/29/00 5:01:22 PM	bcontor			In Process
POU	9/29/00 5:02:31 PM	bcontor			In Process
Priority Date	9/29/00 4:59:54 PM	bcontor			In Process
Quantity	9/29/00 5:05:38 PM	bcontor			In Process
Season	9/29/00 5:05:11 PM	bcontor			In Process
Source	9/29/00 5:01:56 PM	bcontor			In Process
Summary	9/29/00 5:12:27 PM		9/29/00 5:12:27 PM	bcontor	Complete
Use	9/29/00 5:03:43 PM	bcontor			In Process

Other Information:

Receipt Number(s):
 State or Federal: S
 Water District:
 Civil Case Number:
 Old Case Number:
 Decree Plaintiff:
 Decree Defendant:
 PresumptionFlag:
 Notice of Error Flag:
 Swan Falls Trust or Nontrust:
 Swan Falls Dismissed:
 DLE Act Number:
 Cary Act Number:
 Mitigation Plan: False

Verification Log:

Element	Date Time Stamp	Reviewer	Log Text
POD	9/29/00 5:01:20 PM	bcontor	1. (YES) The basis is beneficial use. 4. (NO) There is not evidence that there has been a change in the Point of Diversion. 6. (YES) The file contains all the necessary information to verify the POD. Comment for 6: Map on claim; drive by inspection. 8. (NO) Point of Diversion remark was not required. 9. (NO) Point of Diversion condition was not required.
POU	9/29/00 5:02:30 PM	bcontor	1. (YES) The POU is required. 2. (YES) The basis of claim is beneficial use. 5. (NO) There is no evidence that there has been a change in the POU. 9. (YES) The file contains all the necessary information to verify the POU. Comment for 9: Affidavit in claim file; drive-by inspection. 12. (NO) POU remark was not required. 13. (NO) POU condition was not required.
Priority Date	9/29/00 4:59:52 PM	bcontor	1. (NO) There has not been a later court decree of the water right(s) from the water source. 4. (YES) The basis of claim is beneficial use. 4b. (YES) The priority date was claimed after the date a permit was required for the source and water use. 9. (NO) The claim was not for an expansion or enlargement under 42-1416B or 42-1426. 12. (YES) The claim is recommended. 13. (YES) The claim is coded correctly. 14. (NO) Priority remark was not required. 15. (NO) Priority condition was not required.
Quantity	9/29/00 5:05:37 PM	bcontor	1. (YES) The basis of claim is beneficial use. 5. (YES) A flow measurement was required. 6. (NO) The source is not ground water and the purpose of use does not

			require a diversion volume limit.
			7. (NO) The parent right does not have an annual diversion volume limit.
			9. (NO) Quantity remark was not required.
Season	9/29/00 5:05:10 PM	bcontor	10. (NO) Quantity condition was not required.
			1. (YES) The basis of claim is beneficial use.
			4. (NO) There is not evidence that there has been a change to the period of use.
			9. (YES) The file contains all the necessary information to verify the period of use.
			11. (NO) The basis of is not a decree, license, or a transferred beneficial use right that has had the period of use administratively determined.
			13. (YES) Irrigation is the purposed use.
			15. (NO) Period of Use remark was not required.
Source	9/29/00 5:01:54 PM	bcontor	16. (NO) Period of Use condition was not required.
			1. (YES) The basis is beneficial use.
			4. (NO) There is not evidence that there has been a change in the Source.
			7. (YES) The file contains all of the necessary information to verify the source.
			Comment for 7: Affidavit in claim file.
			8. (NO) The source is not surface water.
			10. (NO) Source remark was not required.
			11. (NO) Source condition was not required.
Summary	9/29/00 5:12:25 PM	bcontor	1. (YES) The basis of the claim is beneficial use.
			2. (NO) All the water being used for all the purposes is not being claimed and to the extent it was claimed.
			4. (YES) A portion of the claim is being recommended.
			5. (NO) General remark was not required.
			6. (NO) Explanatory remark was not required.
			7. (YES) Additional condition was required.
			8. (YES) Wanted to view the recommended right.
			9. (NO) This is not a split right.
			10. (NO) This is not a combined right.
			11. (NO) Documents were not linked or attached to this file.
			12. (YES) Set the verification date.
Use	9/29/00 5:03:42 PM	bcontor	1. (YES) The basis of claim is beneficial use.
			4. (NO) There is not evidence that there has been a change to the purpose of use.
			9. (YES) The file contains all the necessary information to verify the purpose of use.
			11. (NO) Purpose of Use remark was not required.
			12. (NO) Purpose of Use condition was not required.

09/29/2000

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

RIGHT NUMBER: 31-10061

NAME AND ADDRESS: LOIS C EVANS
MYRON C EVANS
HC 69 BOX 1230
HAMER, ID 83425

SOURCE: GROUND WATER

QUANTITY: 0.04 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT FOR DOMESTIC USE
SHALL NOT EXCEED 13,000 GALLONS PER DAY.

PRIORITY DATE: 12/31/1976

POINT OF DIVERSION: T07N R36E S22 SESWNE Within JEFFERSON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
DOMESTIC	01-01 12-31	0.04 CFS

PLACE OF USE:

DOMESTIC Within JEFFERSON County
T07N R36E S22 SWNE

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

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
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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: BASIS OF CLAIM - Beneficial Use

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: A31-10061
Date Received: 6/09/1988
Receipt No: E000364

*Recommend
Domestic,
disallow
irrigation*

NOTICE O
ACQU

1. Name: MYRON C. EVANS
Address: HC 69 BOX 1230
HAMER, ID

OR

Name: LOIS C. EVANS
Address: HC 69 BOX 1230
HAMER, ID

-662-5250

A310061



2. Date of Priority: M

3. Source: GROUNDWATER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
07N	36E	22	SE	SW	NE		JEFFERSON

5. Description of diverting works:
WELL, PUMP AND DELIVERY SYSTEM

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	0.100		
DOMESTIC	01/01	12/31	0.040		

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

A.F.A.

8. Total consumptive use is 13.0 Acre Feet Per Annum.

9. Non-irrigation uses:
D/ TWO HOMES.

10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres.
07N	36E	22	SW	NE	IRR	5.0
			SW	NE	DOMEST	
					Section Acres	5.0
					Total Acres	5.0

11. Place of use in counties: JEFFERSON

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

13. Other Water Rights Used:
NONE

14. Remarks:

15. Basis of Claim: BENEFICIAL USE
Water Right Number:

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 X wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: 1

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): Myron C. Evans Date: 6-9-88

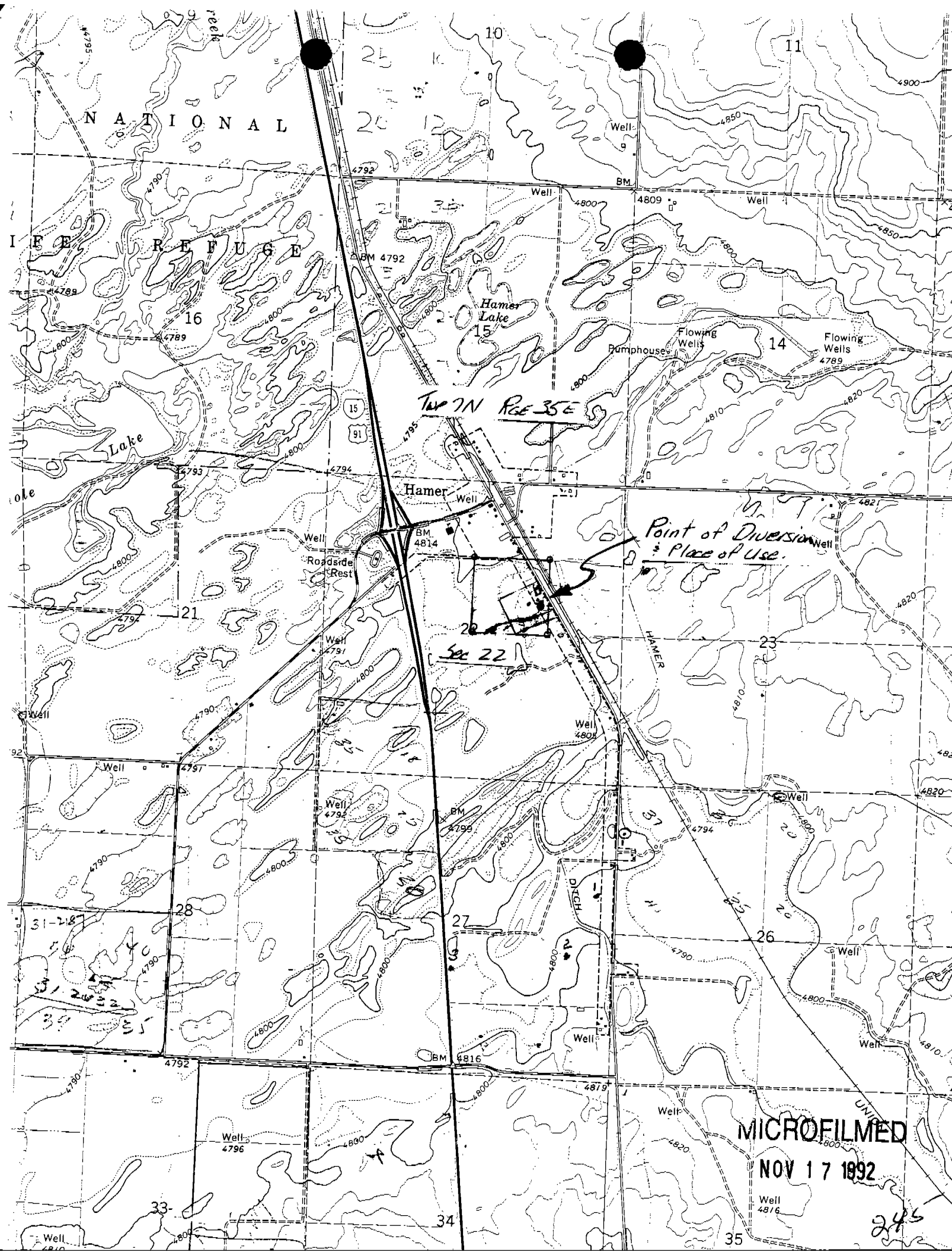
Date: _____

State of Idaho)
County of Bonneville) SS.

Subscribed and sworn (or affirmed) before me this 9th day
of June 19 88 Calleen Wray
Notary Public



Residing at Idaho Falls
My Commission Expires 5/29/1991



MICROFILMED

NOV 17 1892

245



State of Idaho
DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, Idaho 83402-1718 - (208) 525-7161- Fax (208) 525-7177

EASTERN REGION

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

March 16, 2001

Harold Jones
Water Rights Supervisor, Allocations Bureau, Eastern Region
Idaho Department of Water Resources
900 North Skyline Ste A
Idaho Falls, Idaho 83402

Re: New Permit for Pre-Moratorium Development

Dear Mr. Jones:

Myron and Lois Evans have two homes and a small irrigated pasture in Hamer. In 1988 they filed Adjudication Claim 31-10061. In the file is good documentation indicating that the development took place in the summer of 1976.

Because of the statutes and guidelines that we must operate under in the Adjudication, I am able to recommend the domestic uses for the two homes, but not for the irrigation.

It is clear from the attached Notice of Error that Mr. and Mrs. Evans have acted in good faith and have intended to do what was required by the department. I suggested that it may be possible for them to obtain a permit for their irrigation, based upon pre-1987 development.

Could you please ask one of the Allocations agents to contact Mr. and Mrs. Evans and discuss what they may do to apply for a permit?

Thank you,

Bryce A. Contor
Senior Water Resource Agent,
Adjudication Bureau

cc: Myron and Lois Evans

RECEIVED

MAR 15 2001

NOTICE OF ERROR
REPLY

Department of Water Resources
Eastern Region

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: March 9, 2001

Water right number: 31-10061

LOIS C EVANS

~~HC 69 BOX 1230~~

HAMER ID 83425

2071 N. Old Butte Hwy ^{ME}

MYRON C EVANS

~~HC 69 BOX 1230~~

HAMER ID 83425

Telephone Number: (208) 662-5250

2071 N. Old Butte Hwy ^{ME}

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

In 1975 I bought 10 acres of land from Charley Hall & built a home, and in 1976 I put in about 3 to 5 acres of pasture that I watered with the same pump I used for domestic use and later sent to water resources a letter so describing what I did, with a neighbor Rene Shurtliff signing it.

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

I feel that it should read 2 homes of domestic use & 5 acres of irrigation use. Just as I put in my application as of June 9, 1988 when asked for by water resources.

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

When I first moved to Hamer, I have tried to be 100% truthful about what I was doing and sent in to water resources all applications I have been irrigating about 3 acres since 1976 and using the same well & 3/4 hp pump for our domestic use.

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

DATE: 3-6-01

SIGNATURE:

Myron C. Evans

Please print your name:

Myron C. Evans

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

The 3 acres is south of our home and if it was not watered it would turn into a big sand bowl, and if you know Hamer the wind, it seems, is always blowing, and the home would be full of sand also we have a few animals that it is necessary for the grass to be thick.

MEMORANDUM

To: 31-10061
Fr: Bryce Contor
Date: 3/7/2001
Re: Phone conversation with Myron Evans



Yesterday I talked with Myron Evans regarding the disallowal of the irrigation portion of his claim. I explained that since the development took place from groundwater after 1963, only domestic could be recommended. I gave him Shelley Keen's phone number and sent Shelley a heads-up e-mail regarding the possibility of applying for a moratorium exemption permit.

I also agreed to add a remark clarifying that the right was for two homes, and I updated the N12 remark to clarify the 13,000 gallon per day limitation per household.

deposes and says: Myron C. Evans and Lois C. Evans, husband and wife, dwelling at 2071 North Old Butte Highway, Hamer, Idaho, 83425, began using water for beneficial use at this place of residence in 1976, their priority date.

Water was for domestic use, sprinkling, irrigation, and stockwatering.

This well was drilled in the summer of 1976.

Rene Shurtliff
(Signature)

Subscribed and sworn to before me this 23 day of June, 1993

Mary R. Ferguson
(Notary Public)

Residing at Hamer, Idaho, Jefferson County.
My Commission Expires 7-20-1998



State of Idaho
DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Idaho Falls, Idaho 83402-1718 - (208) 525-7161 - FAX: (208) 525-7177

EASTERN REGION

FEBRUARY 9, 1993

CECIL D. ANDRUS
GOVERNOR
R. KEITH HIGGINSON
DIRECTOR

COPIES ORIGINAL

*

RE: EVIDENCE OF PRIORITY

Dear Claimant(s):

The Notice(s) of Claim identified with the number shown above in the "address" label and at the "end" of this letter has been filed in the Snake River Basin Adjudication (SRBA). The Notice indicates water usage is based on "Beneficial Use". Water rights of this type are established by the historical use of water, dating back to when water was first used for the purpose claimed, at or on the place of use identified on the Notice. The date the water was first put to use, known as the priority date, has not been confirmed by a License, Decree, or Permit. For this reason, proof must be provided supporting the priority date. As the claimant, you are responsible for submitting the necessary proof to support the priority date.

It is important that each element of the Notice be substantiated. For instance, regarding claims for irrigation, the evidence should tend to show that diversion works were in place, that they were capable of diverting the claimed diversion rate, and that the diverted water was beneficially used on the entire claimed place of use on or before the claimed priority date.

For your reference, I have provided a printout of your Notice and the pamphlet entitled "Evidence of Priority". The pamphlet describes the types of evidence required and suggests which documents will fulfill this requirement. While I encourage you to read all of the pamphlet, I direct your attention to the two sections entitled "What Kind of Evidence is Required" and "Some Examples of Documents Which May Be Evidence of the Priority Date".

EVIDENCE OF PRIORITY

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It is our goal to recommend historical water rights within the Snake River Basin as accurately as possible. Field exams to verify other items of the Notice have been or soon will be conducted by Department personnel.

The Department will not recommend the Notice be decreed by the court if no evidence of a priority date is submitted.

Please submit the required evidence supporting the priority date by MARCH 9, 1993, referencing all documents with the corresponding Notice number. If you have any questions not covered by this letter or the enclosed pamphlet, please contact this office.

Respectfully submitted,

Eric Verner
Senior Water Agent

EV:jt

Enclosure: Brochure on "Evidence of Priority"
Proof Report

Other Water Right Numbers Needing Evidence of Priority

MICROFILMED
APR 14 1994