

Shingle Creek Ranch

P.O. Box 1160
Riggins, ID 83549

ph: (208) 628 3462
fax: (208) 628 3462

RECEIVED

AUG 18 2005

Department of Water Resources

August 15, 2005

Department of Water Resources
attn: Carter Fritschle
322 East Front Street
PO Box 83720
Boise, Idaho 83720-0098

Dear Mr. Fritschle:

As requested in your letter of June 6, 2005 (copy included) proof of beneficial use is being submitted for claim no. 78-4173.

Mr. Zimmerman has completed the field examination of this water use.

Sincerely,



Betty G. DeVeney and
Willis D. DeVeney

enclosures

Notice of Location of Water
Affidavits
William Egbert
L.R. Damon
George E. Boodry
John H. Carrey
North Boundary Survey T24N, R1W



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street, P.O. Box 83720, Boise, Idaho 83720-0098

Phone: (208) 287-4800 FAX: (208) 287-6700 www.idwr.idaho.gov

RECEIVED

AUG 18 2005

Department of Water Resources

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

June 6, 2005

78-4173

BETTY G DE VENY

PO BOX 1160

RIGGINS ID 83549

Re: Field Examination and Evidence of Priority Date

Dear Claimant:

The Notice of Claim to a Water Right (claim) identified with the number shown above your name has been filed in the Snake River Basin Adjudication (SRBA). The claim indicates your water usage is based on "Beneficial Use" or a "Statutory Claim." Water rights of this type are established by the historic use of water, dating back to when water was first used for the purpose claimed, and are termed beneficial use rights.

The elements of beneficial use rights need to be verified by an examiner for the Idaho Department of Water Resources (IDWR) before the claim can be recommended to the SRBA Court. The examination of claims in your area will take place during the summer of 2005. An examiner will be contacting you to schedule a time to visit your property to verify your use of the water right claimed.

Also, even though most of the elements of your claim can be verified by the field exam, the date of first use, or priority date can only be verified by documentation of the historic use. If you have not supplied documentation for the priority date and historical beneficial use of the water, please submit your evidence by August 31, 2005. Enclosed you will find a pamphlet entitled "Evidence of Priority." The pamphlet describes the types of evidence required and suggests which documents will fulfill this requirement.

PLEASE NOTE: IDWR will recommend the SRBA Court decree the claim disallowed if the priority date and the historic use cannot be documented. It will be to your advantage to provide clear and convincing evidence. If you choose to submit statements from individuals as evidence, the statement should be in the form of a notarized affidavit.

If you have questions not covered by this letter or the enclosed pamphlet, please contact this office. Our toll free number is 1-800-451-4129.

Sincerely,

Carter Fritschle
Water Rights Supervisor
Adjudication Bureau

Enclosure:

Evidence of Priority Date pamphlet

Additional claimant(s) and/or claim(s):

78-4173

WILLIS D DE VENY

PO BOX 1160

RIGGINS ID 83549

Notice of Location of Water for Irrigation purposes

Notice is hereby given that I the undersigned
have this 5th day of March located the
water of this the Saw Mill Gulch for Irrigation
purposes and intend to use the same as
provided by the laws of Idaho County Idaho
governing the same the water to be
taken from the Stream at this point of
Location

March 5 1892

E. C. Clark

Filed for Record March 18th 1892 at 3 O'clock
P. M. J. P. Roads
County Recorder

Notice of Location of Water for Irrigation
Notice is hereby given that I the undersigned
have this 5th day of March located 150 inches
of Water from Shingle Creek to be used
for Irrigation purposes and intend to
be the same as provided by the Laws
of Idaho County Idaho governing
the same the water to be taken from
this Location

March 5 1892

Wm Clark

Filed for Record March 18th 1892
at 11 O'clock A. M.

This is probably Raymond's
ditch.

J. P. Roads
County Recorder

I, William Egbert, certify that from my personal observation water from Shingle Creek has been in use on the Shingle Creek ranch for irrigation purposes since 1905.

Shingle creek ranch is the name commonly used to refer to that land located on and near Shingle Creek, a tributary of Rapid River, near Riggins, Idaho.

I, the undersigned, have been present on or near said ranch since 1905 and believe said information true to the best of my knowledge.

William A Egbert

Riggins Idaho

Watt Schlicher
Notary Public

Riggins Idaho

My commission expires Dec 14, 1957

I, L. R. Damon, certify that to my knowledge and belief that water from Shingle Creek was in use on the Shingle Creek Ranch as far back as 1906, to my personal observation.

Shingle Creek ranch is the common use name for the land described as follows:

Lots 3 and 4 and the South Half of the Northwest Quarter of Section 1; lot 1 and the Southeast Quarter of the Northeast Quarter of Section 2, all in township 23 North, Range 1 W. B. M. and the South Half of the Southwest Quarter and that part of the Northeast Quarter of the Southwest Quarter of Section 36 lying and being Southeast of a line running from the NE corner of said NE $\frac{1}{4}$ SW $\frac{1}{4}$ to the SW corner of said NE $\frac{1}{4}$ SW $\frac{1}{4}$, all in Section 36 in Township 24 North, Range 1 W. B. M.

I, the undersigned, have been on or near said ranch since 1906 and believe said information true to the best of my knowledge.

L R Damon

Biggins Idaho

Watt. Schleicher

Notary Public

Biggins Idaho

My commission expires Dec 14. 54

I, George E. Boody, certify that to my best knowledge and belief that water from Shingle creek, was used on Shingle creek ranch since the year 1919, to my personal observation.

Shingle creek ranch is common name use for that land located on and near shingle creek, a tributary of Rapid river, near Riggins, Idaho.

I, the undersign, have been present or near said ranch since 1919 and believe said information true to the best of my knowledge.

George E Boody
Riggins Idaho

STATE OF IDAHO

ss

County of Idaho

On this 22nd day of May in the year 1954, before me, Allen A Blair, a Notary Public in and for said state, personally appeared George E Boody known to me to be the person whose name subscribed to the within instrument, and acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my Official Seal the day and year in this certificate first above written.

Allen A Blair
Notary Public for the State of Idaho
Residing at Riggins, Idaho

Statement Concerning Claim to Water Right on Shingle Creek

From information from Bill Howard who was a friend of and wintered with Eddy's, the irrigation ditch was put on the place in 1886 on Shingle Creek. The original ditch was built by James Eddy, Sr. They resided on the property until 1899 when the property was acquired by Jack Morrison and his sister, Emma Shelby. Both Eddy's and Morrison used water for agricultural irrigation and stock water. In 1916 Chester Irwin sold the place to Charlie Clay and it was the headquarters for a large sheep operation. Irwin had purchased the place about 1913 or 1914. My dad, Tom Carrey moved on the place about 1940 and continued to farm the place. I moved to the place in 1943 and continued the farming, irrigation and stock raising. In 1949, I sold the place to Clyde and Bill DeVeney and to my personal knowledge they have continued to irrigate for farming and to use water for domestic livestock.

I knew Bill Howard personally as well as all others who lived on the place except for James Eddy, Sr., so can personally state that Shingle Creek has been used for irrigation and stock water steadily from 1886 to the present time.

Signed this 8th day of December, 1981.

Signed:

Witness:

Tom H. Carrey
Pearl E. Carrey

SOUTH BOUNDARY TOWNSHIP 24 NORTH, RANGE 1 WEST.

From the cor. to Tps. 23 and 24 N., Rs. 1 N. and 1 W., V.S.

established by me July 13, I run

West bet. secs. 1 and 36.

Ascend over mountainous land.

20.00 Top of ridge 250 ft. above Tp. cor. bears NW. and SE.

Descend 300 ft. to

33.00 Dry bed of creek course S. Thence over hilly land sloping S.

40.00 Set a basalt stone 16x9x7 ins. 11 ins. in ground for $\frac{1}{2}$ sec. cor. marked $\frac{1}{2}$ on N. face and raised a mound of stone 2 ft. base, $1\frac{1}{2}$ ft. high N. of cor. No pits.

41.50 Top of sp r bears S. Descend 200 ft. over mountainous land.

48.50 Ravine course SW. Thence over hilly land sloping S.

56.35 Road bears NW. and SE.

58.20 Fence bears N. 70° W. and S. 70° E.

59.50 Enter alfalfa field.

63.75 House bears N. 3.00 chs. dist.

66.00 Shingle Creek 30 lks. wide flows S. 60° E.

Enter scattering timber and dense undergrowth and Ascend.

70.00 Ditch 2 lks. wide flows SE.

80.00 A point 250 ft. above creek,

Set a granite stone 18x6x6 ins. 12 ins. in ground for cor. of secs. 1, 2, 35 and 36, marked with 5 notches on W. and 1 notch on E. edges, from which

A fir 7 ins. dia. bears N. $86\frac{1}{2}^{\circ}$ E. 203 lks. dist., marked T 24 N R 1 W S 36 B T

A pine 24 ins. dia. bears S. $67\frac{1}{2}^{\circ}$ E. 128 lks. dist., marked T 23 N R 1 W S 1 B T

A pine 22 ins. dia. bears S. 75° W. 205 lks. dist. marked T 23 N R 1 W S 2 B T

A fir 8 ins. dia. bears N. $63-3/4^{\circ}$ W. 57 lks. dist., marked T 24 N R 1 W S 35 B T

SOUTH BOUNDARY TOWNSHIP 24 NORTH, RANGE 1 WEST.

chs.

Land hilly and mountainous,
Soil sandy loam and stony, 2nd and 4th rate,
Timber, pine, fir and tamarack,
Mountainous land or covered with dense undergrowth
54.00 chs.

West bot. secs. 2 and 35,

Ascend over mountainous land through scattering timber
and dense undergrowth.

23.50 Top of spur 460 ft. above sec. cor. bears N.
Descend 100 ft.

29.50 Ravine, course N. 20° E. Ascend.

40.00 Set a granite stone 16x9x5 ins. 11 ins. in ground
for $\frac{1}{2}$ sec. cor. marked $\frac{1}{2}$ on N. face, from which
A fir 8 ins. dia. bears N. 78° W. 69 lks. dist.,
marked $\frac{1}{2}$ S 35 B T
A fir 8 ins. dia. bears S. 81° W. 54 lks. dist.,
marked $\frac{1}{2}$ S 2 B T

Latitude at this cor. is 45° 22'.

50.00 Leave scattering and enter heavy timber bears N. and S.

75.00 Leave heavy and enter scattering timber bears N. and S.

80.00 A point 850 ft. above ravine,

Set a granite stone 21x9x3 ins. 15 ins. in ground for
cor. of secs. 2, 3, 34 and 35, marked with 4 notches
on W. and 2 notches on E. edges, from which

A pine 5 ins. dia. bears N. 44° E. 44 lks. dist.,
marked T 24 N R 1 W S 35 B T

A pine 4 ins. dia. bears S. 22½° E. 70 lks. dist.,
marked T 23 N R 1 W S 2 B T

A pine 5 ins. dia. bears S. 34° W. 34 lks. dist.,
marked T 25 N R 1 W S 3 B T

A pine 5 ins. dia. bears N. 40° W. 41 lks. dist.,
marked T 24 N R 1 W S 34 B T

Land mountainous,
Soil stony, 3rd rate,
Timber, pine, fir and tamarack,
Mountainous or heavily timbered land or covered with
dense undergrowth 80.00 chs.

August 17, 1902.