

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 63-31775
Date Received: 9/30/2003
Receipt No: CO 71086
Received By: Ct 10-1-03

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

RECEIVED
OCT 16 2003
WATER RESOURCES
WESTERN REGION

1. Name of Claimant(s)

HELEN A BEVINGTON Phone: (208)392-6703

107 COTTONWOOD
IDAHO CITY ID USA 83631

2. Date of Priority: 12/31/1956

3. Source: UNNAMED STREAM Trib. to: MORES CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
06N	05E	26	NE SW	BOISE	

5. Description of diverting works:

Rock waterfall 12 inches tall by 48 inches wide - 55 feet from north property fence, 25 feet from south property fence. Stream cuts through center of 1/3 acre 60 feet from east (Cottonwood) 67 feet from west boundary fence at top of ridge. All measurements are approximate.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
FISH PROPAGATION STORAGE	01/01	12/31		0.01

7. Total Quantity Appropriated is:
0.01 A.F.A.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4 Lot	Use	Acres
----------	-------	---------	----------------	-----	-------

06N

05E 26

NE SW

FISH PROPAGATION STORAGE

11. Place of use in counties: BOISE

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

13. Other Water Rights Used:

14. Remarks:

Water flow is unchanged. Rocks for waterfall have been in place since 1956, creating 4 ft X 8 ft area where brook trout spawn. The trout also move freely north and south the length of this approximately 1/4 mile long stream (stream starts one block from 107 Cottonwood at springs on Wallula, and on to Hwy 21 with Smith Creek. See written statement enclosed from James Howes.

15. Basis of Claim: Beneficial Use

RECEIVED

OCT - 1 2003

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

Department of Water Resources

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 63-31775Date Received SEP 30 2003Receipt Number C071086NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

RECEIVED

SEP 5 2003

Department of Water Resources

Please type or print clearly

1. Name of Claimant (s) Helen A. Bevington Phone (208) 392-6703Mailing Address 107 Cottonwood, Idaho City, Id. Zip 83631HAB ② Date of Priority (Only one (1) per claim) 12.31.56 HAB3. Source of water supply (a) Stream unnamed
which is tributary to (b) Boise River via Marie's CreekHAB ④ a. Location of existing point of diversion is: Township Idaho City Range 5E Section 26 N 1/4 of (HAB)
6N Block E SW 1/4

_____ 1/4 of _____ 1/4 of _____ 1/4, Govt. Lot, _____ B.M., County of _____

Additional points of diversion if any: _____

b. If instream flow, beginning point of claimed instream flow is:

Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4,

Govt. Lot _____ B.M., County of _____

ending point is: Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of

_____ 1/4, Govt. Lot _____ B.M., 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.Rock waterfall 12" tall
by 48" wide - 55' from No. property 25' from So.
property fence fenceStream cuts trough center of 1/3 acre 60' from East
(Cottonwood) 67' from West boundary fence @ top of ridge -* all measurement are approx.

SCANNED

OCT 02 2003

6. Water is claimed for the following purposes:

HAB For Fish Propagation Storage (both dates are inclusive) (cfs) (acre feet) 1.1 to 12.31 amount 0.01 HAB
For Brook Trout Habitat purposes from 1.1 to 12.31 amount 0.01 HAB
For _____ purposes from _____ to _____ amount _____ or _____
For _____ purposes from _____ to _____ amount _____ or _____
For _____ purposes from _____ to _____ amount _____ or _____

HAB 7 Total quantity claimed (a) 80' long x 4' wide (cfs) and/or (b) 0.01 HAB (acre feet)
20" deep @ high water - less this
8. Total consumptive use claimed is 0 acre feet per annum. Summer

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) See Above

10. 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.

TWP	RNG	SEC	NE 1/4 of				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
HAB 6N	5E	26			X														

Total number of acres irrigated N.A.

11. In which county (ies) are lands listed above as place of use located? Boise

12. Do you own the property listed above as place of use? Yes X No _____
If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above. _____ or None (✓)

14. Remarks: Water flow is unchanged - Rocks have been
in place since 1956, Creating 4' x 8' area
where Brook Trout Spawn. The Trout also
move freely north & south the length of
this ^{approx 1/4 mile} stream (stream starts 1 block from
107 Cottonwood @ Springs on Wallula) See written
& on to Hwy #21 w/Smith Creek

Last Name Bevington Ident No. _____

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OCT 02 2003

Copies: White - State, Yellow - Claimant
from James Howes.

HAB

Fish Habitat HAB

Basis of Claim (check one) Beneficial Use ☒ Posted Notice _____ License _____ Permit _____ Decree _____

If applicable provide IDWR Water Right Number _____ Court _____ Case Number _____ Decree Date _____ Plaintiff vs 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 _____

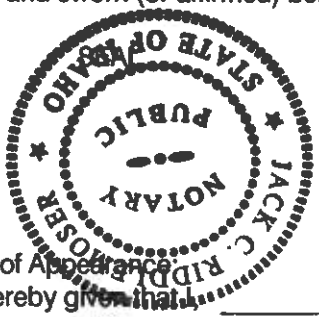
For Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true and correct. Signature of Claimant (s) Helen A. Bevington Date _____

For Organizations: I do solemnly swear or affirm that I am _____ Title _____ of _____ Organization _____, that I have signed the foregoing document in the space below as _____ Title _____ of _____ Organization _____ and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent _____ Title and Organization _____ Date _____

State of Idaho/or _____) County of Ada) SS.

Subscribed and sworn (or affirmed) before me this 11th day of Sept. 2003



Notary Public Jack C. Ridgway Residing at Meridian My Commission Expires 2/28/06 Please Print Name

17. Notice of Appearance Notice is hereby given that _____ 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 _____ Address _____ Date _____

Last Name _____ Ident. Number _____

T 06N
R 05E
S 24
NE 1/4 of SW 1/4 →



CITY MAP

IDAHO CITY

BOISE COUNTY

IDAHO

SCALE

200 100 0 300 400 500 FEET

SCANNED

OCT 02 2003

T. 6 N. R. 5 E.. B. M.

LEGEND

STREETS FORMING URBAN EXTENSIONS OF FEDERAL-AID,
PRIMARY STATE AND U. S. ROUTES

- UNIMPROVED
- GRADED AND DRAINED
- GRAVEL OR STONE
- BITUMINOUS SURFACED - LOW TYPE
- PAVED STREET

OTHER CITY STREETS

- PAVED OR SURFACE TREATED
- SURFACED - (non dustless)
- UNIMPROVED
- DEDICATED - (not open)
- FEDERAL-AID PRIMARY SYSTEM
- FEDERAL-AID SECONDARY SYSTEM

U. S. NUMBERED ROUTES

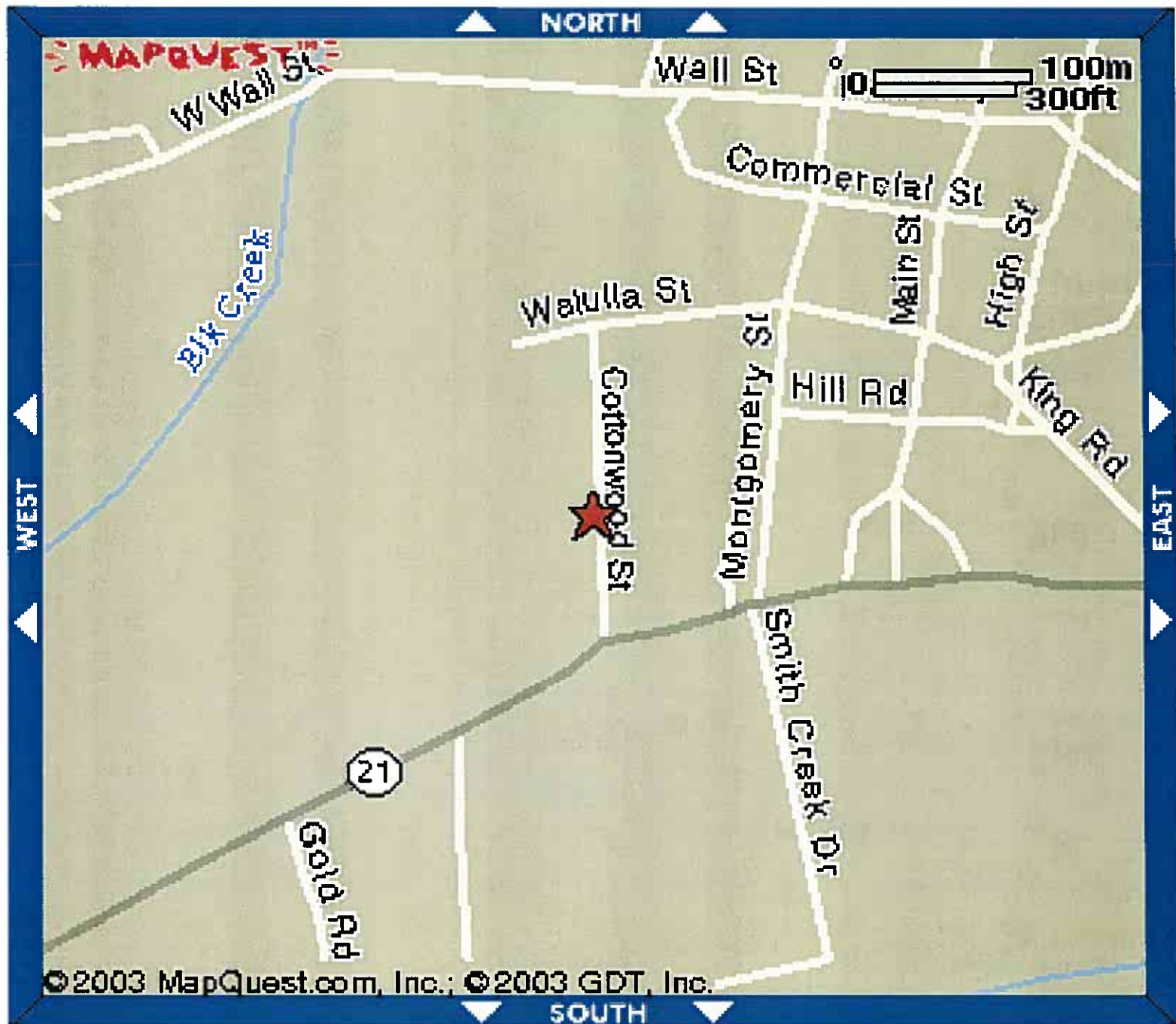
STATE NUMBERED ROUTES

CITY CENTER

RAILROAD STATION

CENTRAL BUSINESS DISTRICT

CORPORATE BOUNDARY LINE

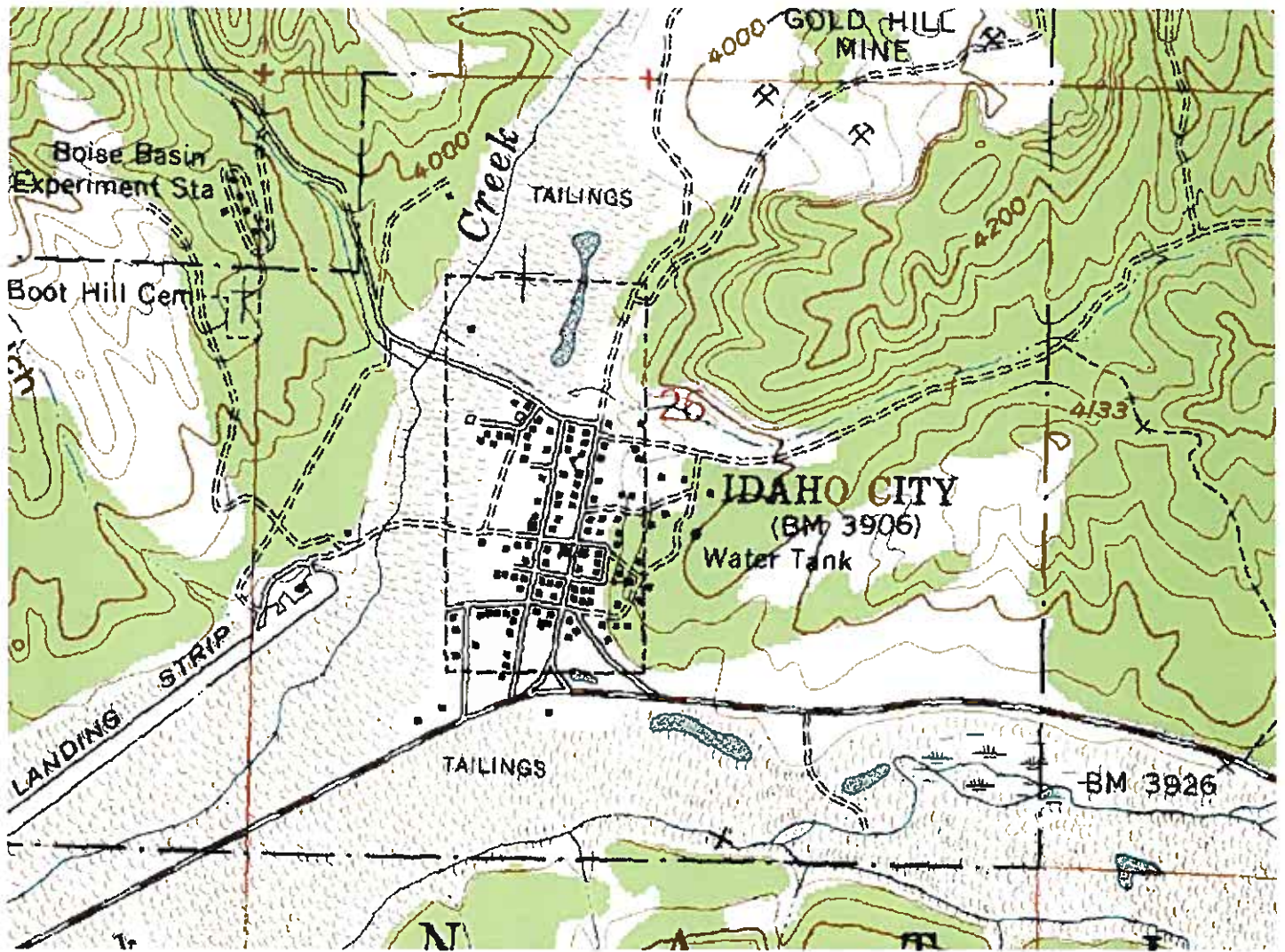


Results of Map Quest search for: 107 Cottonwood
Idaho City, ID 83631

SCANNED

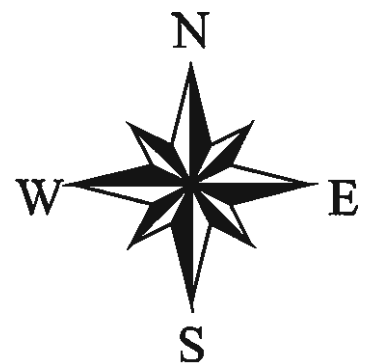
OCT 02 2003

9-5-03



1000 0 1000 2000 3000 4000 5000 Feet

T06N R05E S26



SCANNED

OCT 02 2003

9-5-03 CLF

CLAIMANT'S NAME Devington, Helen A. CLAIM IDENT. NO. _____

DATE RECEIVED 9-5-03 CK # _____ AMOUNT \$ _____

- | | YES | NO | Required Info? |
|--|-------------------------------------|-------------------------------------|----------------|
| 1. Is the name and address complete with zip code? | ☒ | ☐ | * |
| 2. Is a priority date entered? | ☒ | ☒ | * |
| Is the priority date acceptable in view of mandatory filing dates? | ☒ | ☐ | * |
| See Adjudication Memos #1 and #4 to determine if a Permit is required. | ☒ | ☐ | |
| 3. (a) Is a source entered? | ☒ | ☐ | * |
| (b) Is a tributary to entered? (if required) | ☒ | ☐ | |
| 4. Is the legal description of the p.d. sufficient? | ☐ | ☒ | * |
| 5. Is there a description of the diverting works? | ☒ | ☐ | |
| 6. Are the water uses appropriate for the form? The short form is limited to domestic and stockwater uses with direct diversion. All claims that include storage or instream stockwater must use long form. | ☒ | ☐ | * |
| Is the period of use included? | ☒ | ☒ | |
| Is a quantity claimed for each use? | ☒ | ☒ | * |
| 7. Is a total quantity claimed entered? | ☒ | ☒ | |
| 8. If required is a consumptive use entered? | ☒ | ☐ | |
| Is the consumptive use correct? | ☒ | ☐ | |
| 9. Are the non-irrigation uses listed properly? If this claim is on the short form, and more than one domestic use is listed, single ownership must be stated. If not under single ownership, see Adjudication Memo # 4. | ☒ | ☐ | * |
| 10. Is (are) the place(s) of use and purpose(s) indicated? | ☒ | ☒ | * |
| 11. Is (are) the county(ies) entered? | ☒ | ☐ | |
| 12. Is the ownership of p.u. checked? | ☒ | ☐ | |
| 13. Are other water rights listed or "none" indicated? | ☒ | ☐ | |
| 14. If required, are remarks correct? (If the claimant does not own the place of use, authority for filing the claim must be explained in the remarks.) | ☒ | ☐ | |
| 15. Is the basis of the claim indicated? | ☐ | ☐ | |
| 16. If the claimant requested a monthly docket sheet, is payment enclosed? (If yes, describe payment status in "Comments" below.) | ☒ | ☐ | |
| 17. Is the claim signed by the claimant, and is the signature appropriate? Organizations must complete the organization block. | ☒ | ☐ | * |
| 18. Has the claim been signed, sealed, and dated by a notary? | ☒ | ☒ | * |
| 19. Was this claim filed on time, or was an extension granted? | ☒ | ☐ | * |
| 20. Is the fee enclosed correct? | ☒ | ☒ | * |
| 21. If this claim is based on an existing water right, has the identification number been entered? | ☒ | ☐ | |
| 22. Should this claim be data entered? | ☒ | ☒ | |

Claim checked by: schon Date: 9-8-03

Claim must be returned to claimant: ☒ (Yes) ☒ (No)

Claimant must be notified of modifications: ☐ (Yes) ☒ (No)

Receipt Prepared by: _____ Date: _____
Claim data entered by: _____ Date: _____
Sent to claimant by: _____ Date: _____

Comments: The legal description for the POD is given as N 1/4 SW 1/4

Enter as NE SW. The POD "boxes" are transposed, but it is clear the claimant is trying to describe the NESW as the POD.

(over)

Cont. from other side.

Boise County tax lot data indicates the property once owned by James Howes is actually in the NW SW of Section 26 instead the the NESW. However, the tax lot data appears to be shifted approximately 150 feet to the west in this area, so the NESW may be correct

09/29/2006

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

RIGHT NUMBER: 63-31775

NAME AND ADDRESS: HELEN A BEVINGTON
107 COTTONWOOD
IDAHO CITY ID 83631

RECEIVED

OCT 16 2006

WATER RESOURCES
WESTERN REGION

SOURCE: UNNAMED STREAM

TRIBUTARY: MORES CREEK

QUANTITY: 0.01 AFY

PRIORITY DATE: 12/31/1956

POINT OF DIVERSION:
T06N R05E S26 NESW Within BOISE County

PURPOSE AND
PERIOD OF USE:

	<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
	AESTHETIC STORAGE	01/01 12/31	0.01 AFY
PLACE OF USE:	<u>AESTHETIC STORAGE Within BOISE County</u>		
	T06N R05E S26	NESW	

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: BASIS OF CLAIM - Beneficial Use

OK
Helen Bevington
No changes -
Thanks!
Oct 10, 06

03/10/2006

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

RIGHT NUMBER: 63-31775

NAME AND ADDRESS: HELEN A BEVINGTON
107 COTTONWOOD
IDAHO CITY ID 83631

SOURCE: UNNAMED STREAM

TRIBUTARY: MORES CREEK

QUANTITY: 0.010 AFY

PRIORITY DATE: 12/31/1956

POINT OF DIVERSION:

T06N R05E S26 NESW Within BOISE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
AESTHETIC STORAGE	01/01 12/31	0.01 AFY

PLACE OF USE: AESTHETIC STORAGE Within BOISE County

T06N R05E S26 NESW

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.

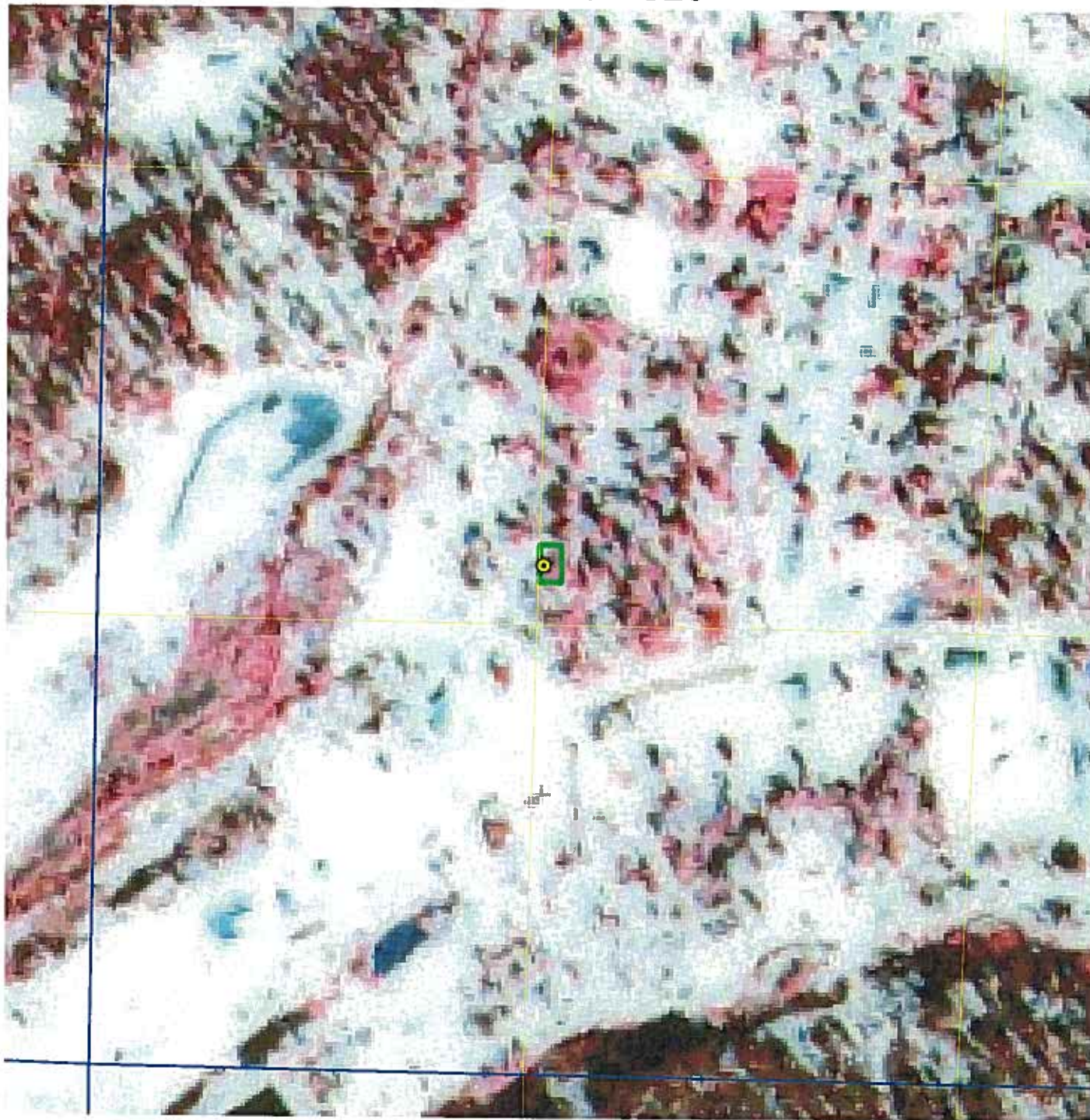
EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use



Idaho Department of Water Resources

63-31775

T06N R05E S26



-  Point of Diversion
-  Place of Use
-  Sections
-  Quarter Quarter



300 0 300 600 900 Feet



IDWR

Prepared by: Sandy Egbert

Date: March 10, 2006

1987 NAAP Photography

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-31775 V1

WATER RIGHT NUMBER: 63-31775 V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	HELEN A BEVINGTON 107 COTTONWOOD IDAHO CITY, ID 83631

Priority Date: 12/31/1956
 Basis: Beneficial Use
 Status: Active

<u>Source</u>	<u>Tributary</u>
UNNAMED STREAM	MORES CREEK

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
AESTHETIC STORAGE	01/01	to 12/31		0.01 AF
	<u>Total Diversion:</u>			0.01 AF

Location of Point(s) of Diversion

UNNAMED STREAM	NE1/4SW1/4	Sec. 26, Twp 06N, Rge 05E, B.M.
BOISE County		

Place of Use

AESTHETIC STORAGE

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
06N	05E	26									X								

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.

Remarks:Comments:Dates and Other Information:

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 63-31775 V1

Decreed Date:
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
Defendant:
Plaintiff:
Civil Case Number:
Judicial District:
Notice of Error Flag:
State or Federal:
Owner Name Connector:
Water District Number:
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

Combined Use Limits:Element Reviewed/Verified Dates:

<u>Element</u>	<u>Last Reviewed Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
Summary			04/15/2005	lharris	Active
Priority Date	3/10/2006 3:03:10 PM	segbert			Active
POD	3/10/2006 3:03:44 PM	segbert			Active
Source	3/10/2006 3:21:41 PM	segbert			Active
POD	3/10/2006 3:22:23 PM	segbert			Active
Source	3/10/2006 3:22:53 PM	segbert			Active
POU	3/10/2006 3:23:20 PM	segbert			Active
Use	3/10/2006 3:23:43 PM	segbert			Active
Season	3/10/2006 3:25:05 PM	segbert			Active
Quantity	3/10/2006 3:27:11 PM	segbert			Active
Summary			03/10/2006	segbert	Active

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
POD	3/10/2006 3:39:29 PM	segbert	Updated shape

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-31775 V1

Summary	3/10/2006 3:40:45 PM	segbert	(No) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice? (Yes) 3. Is the water being used for all of the purposes claimed and to the extent claimed? (No) 5. Does this right have any combined use limits with other rights? (Yes) 6. Is an additional remark and/or condition required? (No) 7. Would you like to view the recommended right? (No) 8. Is this a split or combined right? (No) 9. Do you have documents you would like to attach or link to the file? (Yes) 10. Would you like to set the verification date?
General	3/10/2006 3:03:10 PM	segbert	(No) 1. Should this water use have been included in a later court decree of the water rights from this source? (Yes) 4. Is the basis of claim decree or license? (Yes) 5. Does the decree or license have a Priority Date? (Yes) 6. Did the Claimant claim the decreed or licensed Priority Date ? (Yes) 15. Is the basis of claim coded correctly? (No) 16. Is a Priority Date remark and/or condition required?
POD	3/10/2006 3:03:45 PM	segbert	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a POD? (Yes) 5. Can the claimed POD be verified using the water right file? (No) 10. Is a POD remark and/or condition required?
POU	3/10/2006 3:40:01 PM	segbert	Updated shape for Active POU
Source	3/10/2006 3:21:42 PM	segbert	(Yes) 1. Is the basis of claim Decree or License? (Yes) 4. Does the Decree or License have a source? (Yes) 5. Can the claimed source be verified using the water right file? (No) 11. Is a Source remark and/or condition required?
POD	3/10/2006 3:22:24 PM	segbert	(No) 1. Is the basis of this claim a Decree or License? (No) 2. Is the basis of this claim a Application or Permit? (No) 6. Is there evidence that there has been a change in the POD? (Yes) 9. Does the file contain all the necessary information to verify the POD? (No) 10. Is a POD remark and/or condition required?

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-31775 V1

Source	3/10/2006 3:22:54 PM	segbert	(No) 1. Is the basis of claim Decree or License? (No) 2. Is the basis of claim an Application or Permit? (No) 6. Is the basis of claim a Posted Notice? (No) 7. Is there evidence that there has been a change in the source? (Yes) 10. Does the file contain all the necessary information to verify the source? (No) 11. Is a Source remark and/or condition required? Description for Question 10 - map in file
POU	3/10/2006 3:23:20 PM	segbert	(No) 1. Is the basis of this claim a Decree or License? (Yes) 2b. Is the POU required? (No) 3. Is the basis of claim a Application or Permit? (No) 7. Is there evidence that there has been a change in the POU? (Yes) 13. Does the file contain all the necessary information to verify the POU? (No) 14. Is a POU remark and/or condition required?
Use	3/10/2006 3:23:43 PM	segbert	(No) 1. Is the basis of this claim a Decree or License? (No) 2. Is the basis of this claim a Application or Permit? (No) 6. Is there evidence that there has been a change in the Purpose of Use? (Yes) 11. Does the file contain all the necessary information to verify the Water Use? (No) 13. Is a Purpose of Use remark and/or condition required?
Season	3/10/2006 3:25:05 PM	segbert	(No) 1. Is the basis of claim Decree or License? (No) 2. Is the basis of claim a Application or Permit? (No) 6. Is there evidence that there has been a change in the Period of Use? (Yes) 12. Does the file contain all the necessary information to verify the Period of Use? (No) 13. Is the basis of claim a decree, license, or a transferred beneficial use right that has had the Period of Use administratively determined? (No) 15. Is irrigation claimed as a Purpose of Use? (No) 18. Is a Period of Use remark and/or condition required?

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-31775 V1

Quantity	3/10/2006 3:27:11 PM	segbert	(No) 1. Is the basis of this claim a Decree or License? (No) 2. Is the basis of this claim a Application or Permit? (No) 6. Is the basis of claim a posted notice? (No) 7. Is a flow measurement required? (No) 9. Is the source Groundwater and does the purpose of use require a diversion volume limit? (No) 11. Has a diversion volume limit been established by a decree, license or transfer for this water use? (No) 12. Is a Quantity remark or condition required? Description for Question 7 - small amount of water
Summary	4/15/2005 8:56:11 AM	lharris	(No) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice? (Yes) 3. Is the water being used for all of the purposes claimed and to the extent claimed?

Water Supply Bank:

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-31775

WATER RIGHT NUMBER: 63-31775

Owner Type Name and Address
 Current Owner HELEN A BEVINGTON
 107 COTTONWOOD
 IDAHO CITY, ID 83631

Priority Date: 12/31/1956 ✓ *see letter in file & remarks below*
 Basis: Beneficial Use ✓
 Status: Active ✓

Source Tributary
 UNNAMED STREAM MORES CREEK

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
FISH PROPAGATION STORAGE	01/01 to 12/31		0.01 AF
<i>Aesthetic storage</i>			
<u>Total Diversion:</u>			0.01 AF

Location of Point(s) of Diversion
 UNNAMED STREAM NE1/4SW1/4 Sec. 26, Twp 06N, Rge 05E, B.M.
 BOISE County

Place of Use
 FISH PROPAGATION STORAGE

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
06N	05E	26									X								

Conditions of Approval:Remarks:

- General Water flow is unchanged. Rocks for waterfall have been in place since 1956, creating 4 ft X 8 ft area where brook trout spawn. The trout also move freely north and south the length of this approximately 1/4 mile long stream (stream starts one block from 107 Cottonwood at springs on Wallula, and on to Hwy 21 with Smith Creek. See written statement enclosed from James Howes.

Comments:Dates and Other Information:

**IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM POU REVIEW REPORT
ADJUDICATION CLAIM NUMBER: 63-31775**

04/15/2005

1

Right #	Type	Twp	Rge	Sec	QQ	Q	Lot	Purpose of Use	Acres/Total	Name
4073	Claim	06N	05E	26	NE	SW		IRRIGATION		CITY OF IDAHO CITY
3473	Water Right	06N	05E	26	NE	SW		IRRIGATION	3/3	US DEPT OF AGRICULTURE
4073	Water Right	06N	05E	26	NE	SW		IRRIGATION		CITY OF IDAHO CITY
15235	Water Right	06N	05E	26	NE	SW		IRRIGATION	0.8/1	IDAHO CITY HISTORICAL FOUNDATION INC
31775	Claim	06N	05E	26	NE	SW		FISH PROPAGATION STORAGE		HELEN A BEVINGTON
4712	Water Right	06N	05E	26	NE	SW		MUNICIPAL		CITY OF IDAHO CITY
4073	Claim	06N	05E	26	NE	SW		DOMESTIC		CITY OF IDAHO CITY
31757	Claim	06N	05E	26	NE	SW		DOMESTIC		STEVE SANDERS
31996	Claim	06N	05E	26	NE	SW		DOMESTIC		LOYD CORTER
5249	Water Right	06N	05E	26	NE	SW		DOMESTIC		IDAHO LODGE #1 AF&AM
7946	Water Right	06N	05E	26	NE	SW		DOMESTIC		VERA SANDERSON
12128	Water Right	06N	05E	26	NE	SW		DOMESTIC		KENNETH R SMITH
15419	Water Right	06N	05E	26	NE	SW		DOMESTIC		TODD C NIEHOFF
30370	Water Right	06N	05E	26	NE	SW	6	DOMESTIC		MARGARET A DODGE



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

Phone: (208) 327-7900 FAX: (208) 327-7866 www.idwr.state.id.us/idwr/idwrhome.htm

MEMORANDUM

DIRK KEMPTHORNE

Governor

KARL J. DREHER

Director

TO: WATER MANAGEMENT DIVISION STAFF

FROM: NORM YOUNG *NY*

RE: 1) ADJUDICATION CLAIMS TOLLING FORFEITURE
2) FISH PROPAGATION FACILITY VOLUME

DATE: MARCH 24, 2000

Adjudication Memo #46-47
Permit Processing Memo #18
Transfer Processing Memo #22
Licensing Memo #11

On December 29, 1999, the Snake River Basin Adjudication (SRBA) district court issued its *Order on Challenge (Consolidated Issues) of "Facility Volume" Issue and "Additional Evidence" Issue*, Subcase Nos. 36-02708, et al., In Re SRBA, Case No. 39576. In that decision the SRBA district court determined, among other things that:

1. "Once a claimant files a claim in the SRBA, for a particular water right, the forfeiture provisions of I.C. § 42-222(2) are also tolled for purposes of establishing forfeiture, so long as the claimant continues to prosecute the claim to a partial decree."

2. Facility volume is not an element of a water right for fish propagation. While a facility volume condition could be carried over from a license into a partial decree, an additional remark would be added to the partial decree indicating that the condition has no effect on the use of the right.

Water Management Division will implement this decision as follows:

Adjudication Bureau:

1. Agents investigating water use in the SRBA shall only investigate water use prior to the date the water right claim was filed with IDWR for purposes of determining whether forfeiture has occurred. Field examinations made, photographs taken, or other evidence of non-use of a water right after the date a claim was filed with IDWR shall not be used in preparing the recommendation on the claim for the Director's Report.

2. Facility volume conditions will not be included in the Director's Report for fish propagation claims whether or not the claim is based upon an existing license that includes the facility volume condition.

Water Allocation Bureau:

1. Filing a claim and participating in the SRBA does not prevent a water user from making use of his/her water right. Therefore, in the context of transfer or other applicable administrative proceedings, IDWR will continue to consider nonuse of water after the filing of an SRBA claim as relevant to whether forfeiture has occurred.

2. Facility volume conditions will not be included in new permits for fish propagation and will not be carried over from a permit to the resulting license. IDWR will not, on its own initiative, endeavor to enforce a facility volume condition associated with any existing right.

Except as specifically discussed in this memorandum, IDWR standards regarding the investigation of SRBA water right claims and the processing of administrative applications remains unchanged.



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

September 8, 2003

HELEN A BEVINGTON
107 COTTONWOOD
IDAHO CITY ID 83631

RE: Snake River Basin Adjudication (SRBA)
Unnumbered Notice of Claim to a Water Right – Boise County

Dear Claimant:

We are returning the Notice of Claim to a Water Right you filed for your property in Boise County because we need your assistance before we can process your claim. Please initial any changes you make to your claim form.

At Item #2, Priority Date, please write down the month, day and year you believe water was first used at this location. You wrote in Remarks, Item #14, that the waterfall rocks have been in place since 1956. We will enter 12-31-1956 unless you specify a different priority date.

At Items #4 and #10, based on an Idaho City map, your legal description is Township 6N, Range 5E, Section 26, NE ¼ of the SW ¼. Please enter your legal description on the claim form at Item #4 and again at Item #10.

At Items #6 and #7, based on the dimensions you provided at Item #7, we believe your water use stores approximately 0.01 acre feet. If you agree with this, please line through Brook Trout Habitat, write in Fish Propagation Storage, and year around use (1/1 to 12/31); the amount would be 0.01 acre feet. The acre feet amount would be written at Item #6 and again at Item #7.

At Item 15, Basis of Claim, since we did not find a permit or license for your water use, your claim would be based on Beneficial Use. Please line through Fish Habitat and check Beneficial Use.

All Notices of Claim must be notarized to be valid. Please sign the claim again in front of a Notary Public before returning it to us. If you agree that you are using 0.01 acre feet per year for your trout, please include a claim fee of \$51.00 (\$50.00 filing fee plus \$1.00 per acre foot).

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OCT 02 2003

Helen A. Bevington
September 8, 2003
Page 2 of 2

Please keep your yellow copy of your claim form and return the white original to us with your filing fee. Also, please submit the statement from James Howes supporting the priority date of this claim as soon as you receive it.

Sincerely,



Steve C. Clelland
Sr. Water Resource Agent
Adjudication Technical Section

CF:SCC:SS:state

Enclosure:

Incomplete Notice of Claim to a Water Right

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OCT 07 2003

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 _____

Date Received _____

Receipt Number _____

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

RECEIVED

SEP 5 2003

Department of Water Resources

Please type or print clearly

1. Name of Claimant (s) Helen A. Bevington Phone (208) 392-6703Mailing Address 107 Cottonwood, Idaho City, Id. Zip 83631

2. Date of Priority (Only one (1) per claim) _____

3. Source of water supply (a) Stream unnamed
which is tributary to (b) Boise River via Mores Creek4. a. Location of existing point of diversion is: Township Idaho City Range _____ Section _____
Block E
_____ 1/4 of _____ 1/4 of _____ 1/4, Govt. Lot, _____ B.M., County of _____

Additional points of diversion if any: _____

b. If instream flow, beginning point of claimed instream flow is:

Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4,

Govt. Lot _____ B.M., County of _____

ending point is: Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____
_____ 1/4, Govt. Lot _____ B.M., 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.Rock water fall 12" tall
by 48" wide - 55' from No. property 25' from So.
property fence fenceStream cuts trough center of 1/3 acre 60' from East
(Cottonwood) 67' from West boundary fence @ top of ridge -* all measurement are approx.

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OCT 02 2003

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For Brook Trout habitat purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 80' long x 4' wide (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is 0 20" deep @ high water - less this acre feet per annum. Summer

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) See Above

10. 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.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	

Total number of acres irrigated

N.A.

11. In which county (ies) are lands listed above as place of use located? Boise

12. Do you own the property listed above as place of use? Yes X No _____
If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above. _____ or None (✓)

14. Remarks: Water flow is unchanged - Rocks have been
in place since 1956, Creating 4'x8' area
where Brook Trout spawn. The Trout also
move freely north & south the length of
this ^{approx 1/4 mile long} stream (stream starts 1 block from
107 Cottonwood @ Springs on wallula) See written
& on to Hwy #21 w/Smith Creek

Last Name Bevington Ident No. _____

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Statement encl.
Copies: White-State, Yellow-Claimant
from James Howes.

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SEP - 5 2003

Department of Water Resources

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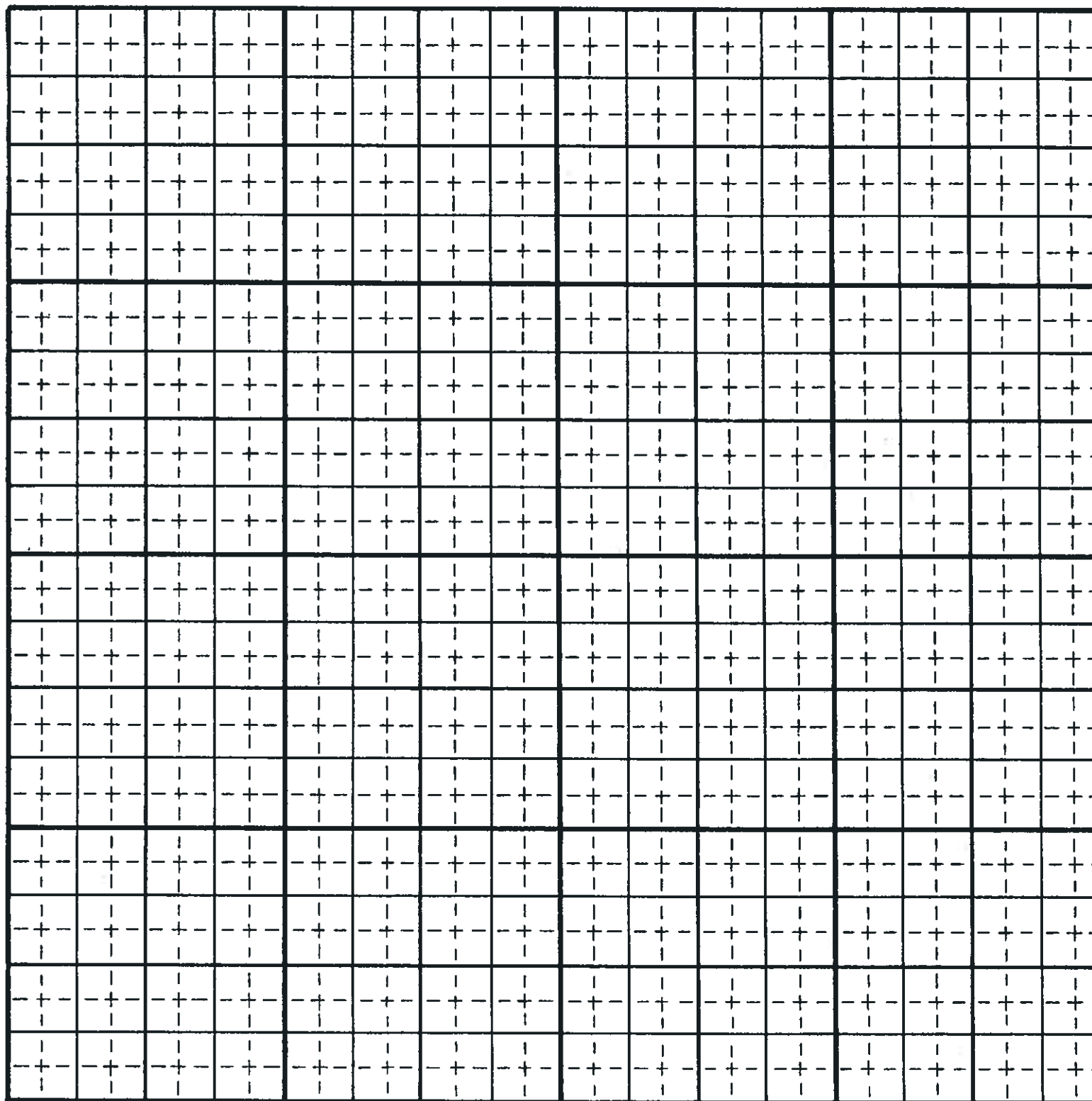
OCT 8 2003

Carter - Jim's letter
isn't here from S.F. Yet -
See mail AS AP
HB

Not at all
Sure what
you need/want
on this -

Map of Project: show clearly the point of diversion, place of use, section number, township, and range number.

Scale: 2 inches equals 1 mile



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OCT 07 2003

Last Name _____ Ident No. _____

Copies: White-State, Yellow-Claimant

F. Habitat

15. Basis of Claim (check one) Beneficial Use _____ Posted Notice _____ License _____ Permit _____
Decree _____
If applicable provide IDWR Water Right Number _____
Court _____ Case Number _____ Decree Date _____
Plaintiff vs 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 do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant (s) Helen A. Bevington Date _____
_____ Date _____

For Organizations: I do solemnly swear or affirm that I am _____

_____ Title
of _____, that I have signed the foregoing
Organization

document in the space below as _____ of _____
Title Organization

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

Signature of Authorized Agent _____

Title and Organization _____ Date _____

State of Idaho/or _____)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this _____ day of _____ 19 _____

SEAL

Notary Public _____

Residing at _____

My Commission Expires _____

Please Print Name

17. Notice of Appearance:

Notice is hereby given that I, _____ 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 _____

Address _____

Date _____

Last Name _____ Ident. Number _____

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OCT 02 2003

Copies White-State, Yellow-Claimant

My family purchased the property known as 107 Cottonwood in Idaho City, Boise County, Idaho in 1956.

The decorative waterfall is all natural and has never been used to alter or divert the natural flow of the stream which runs North to South through said property.

I sold the property to Helen A. Bevington in Feb. 03 and the waterfall remains the same after (46-47) years.

This property is over $\frac{1}{3}$ acre but less than $\frac{1}{2}$ acre. The stream length through this property is approx. 80'. (For -)

James Howey 09/02/03

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SEP 9 2003

Department of Visitor Resources

Carter - Enclosed
letter from Jim for 107 Cottonwood
Signed w/his card if you
need more information L/-

SCANNED

OCT 02 2003