

12/26/2006

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

RIGHT NUMBER: 78-7277
NAME AND ADDRESS: BETTY G DE VENY
PO BOX 1160
RIGGINS ID 83549

WILLIS D DE VENY
PO BOX 1160
RIGGINS ID 83549

SOURCE: NORTH FORK SHINGLE CREEK TRIBUTARY: SHINGLE CREEK

QUANTITY: 2.830 CFS
2,049.000 AFY

PRIORITY DATE: 06/30/1987

The rights for the use of water confirmed in this license shall be junior and subordinate to all rights for the use of water other than hydropower, within the State of Idaho that are initiated later in time than the priority of
of
this right and shall not give rise to any right or claim against any future rights for the use of water, other than hydropower, within the State of Idaho initiated later in time than the priority of this right.

POINT OF DIVERSION:

T24N R01W S36 SWSW Within IDAHO County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
POWER	1/01 12/31	2.830 CFS 2,049.00 AFY

PLACE OF USE: POWER in IDAHO County

T23N R01W S01 SENW

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

The diversion and use of water for hydropower purposes under this license is subject to review by the Director on or after September 30, 2017, the expiration date of the power purchase contract with Idaho Power. The license is also subject to review by the Director after the date of expiration of license 4025-000 issued by the Federal Energy Regulatory Commission. Upon appropriate findings relative to the interest of the public, the Director may cancel all or any part of the use authorized herein and may revise, delete or add conditions under which the right may be exercised.

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.

11/15/2006

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: December 8, 2006

Water right number: 78-7277

BETTY G DE VENY
PO BOX 1160
RIGGINS ID 83549
Telephone Number: (208) 628-3462

WILLIS D DE VENY
PO BOX 1160
RIGGINS ID 83549
Telephone Number: (208) 628-3462

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

source

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

source should read N. Fork Shingle Creek

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

There are two forks to Shingle Creek

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

DATE: 11/25/06 SIGNATURE: Betty G. DeVeny
Please print your name: Betty G. DeVeny

IDWR State Office, 322 E Front St
PO Box 83720, Boise, ID 83720-0098, 2082874800

07/20/2005

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

RIGHT NUMBER: 78-7277
NAME AND ADDRESS: BETTY G DE VENY
PO BOX 1160
RIGGINS ID 83549

WILLIS D DE VENY
PO BOX 1160
RIGGINS ID 83549

SOURCE: SHINGLE CREEK TRIBUTARY: RAPID RIVER

QUANTITY: 2.830 CFS
2,049.000 AFY

PRIORITY DATE: 06/30/1987

The rights for the use of water confirmed in this license shall be junior and subordinate to all rights for the use of water other than hydropower, within the State of Idaho that are initiated later in time than the priority of this right and shall not give rise to any right or claim against any future rights for the use of water, other than hydropower, within the State of Idaho initiated later in time than the priority of this right.

POINT OF DIVERSION:

T24N R01W S36 SWSW Within IDAHO County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
POWER	1/01 12/31	2.830 CFS 2,049.00 AFY

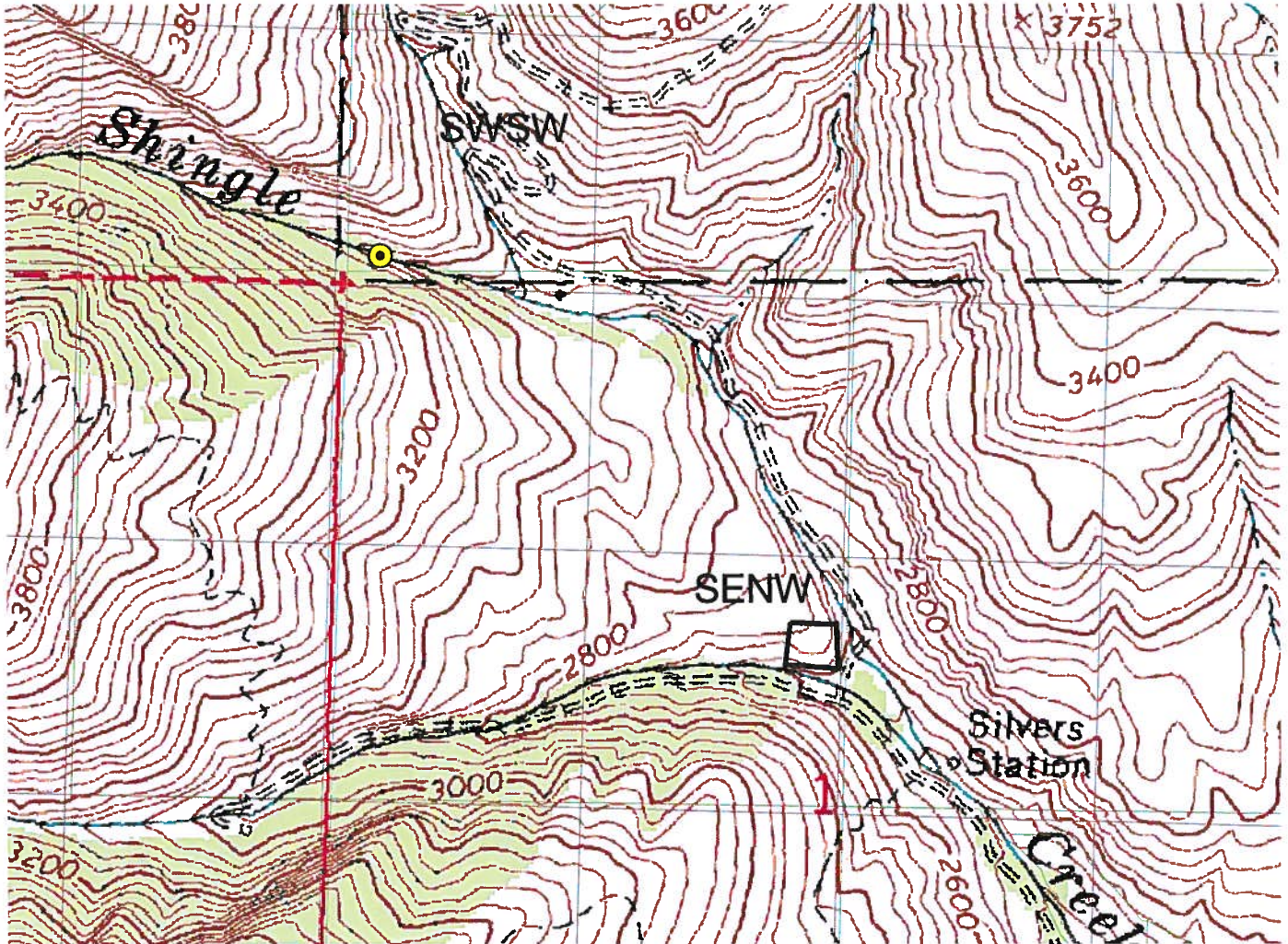
PLACE OF USE: POWER Within IDAHO County
T23N R01W S01 SENW

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

The diversion and use of water for hydropower purposes under this license is subject to review by the Director on or after September 30, 2017, the expiration date of the power purchase contract with Idaho Power. The license is also subject to review by the Director after the date of expiration of license 4025-000 issued by the Federal Energy Regulatory Commission. Upon appropriate findings relative to the interest of the public, the Director may cancel all or any part of the use authorized herein and may revise, delete or add conditions under which the right may be exercised.

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.

78-7277



0 700 1400 Feet

Section 1
T23N R1W
Section 36
T24N R1W



● Point of Diversion

□ Place of Use

Map prepared on July 20, 2005
By Kenneth Knoblock
Idaho Department of Water Resources

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: A78-07277
Date Received: 7/21/1988
Receipt No: W000514
Received By: _____

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

AMENDED

1. Name: WILLIS D DE VENY 208-628-3462
Address: PO BOX 239
RIGGINS ID 83549
AND/OR
Name: BETTY G DE VENY 208-628-3462
Address: PO BOX 239
RIGGINS ID 83549

2. Date of Priority: JUN 30, 1987

3. Source: SHINGLE CREEK Trib. to: RAPID RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
24N	01W	36	SW	SW			IDAHO

5. Description of diverting works:
CEMENT HEADGATE, IRR. & POWER INTAKE SETTLING BOX, STEEL PIPE.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
POWER	01/01	12/31	2.830		2049.00

7. Total Quantity Appropriated is:
2.830 C.F.S. (and/or) 2049.00 A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
440 FT. HEAD; NAMEPLATE 115KW

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
23N	01W	1	SE	NW		POWER	

11. Place of use in counties: IDAHO

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

13. Other Water Rights Used:

78-7157 AND 78-7158.

14. Remarks:

PERMIT PRIORITY DATE DOESN'T MATCH CLAIM PRIORITY DATE.
CLAIM AMENDED PER LICENSE ISSUED 4/3/97. LH

15. Basis of Claim: LICENSE

Western

WATER RIGHT LICENSE

WATER RIGHT NO. 78-07277

Priority: June 30, 1987

Maximum Diversion Rate:

2.83 CFS

Maximum Diversion Volume:

2049.0 AF

This is to certify, that WILLIS D DE VENY

PO BOX 239

RIGGINS ID 83549

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated June 30, 1987; and has submitted Proof of Beneficial Use on July 15, 1988. An examination indicates that the works have a diversion capacity of 5.580 cfs of water from:

SHINGLE CREEK

tributary to RAPID RIVER

source, and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
POWER	01/01 to 12/31	2.83 CFS	2049.0 AF

LOCATION OF POINT(S) OF DIVERSION:

SWSW , Sec. 36, Township 24N, Range 01W
IDAHO County

PLACE OF USE: POWER

TWN RGE SEC

23N 01W 1

SENW

CONDITIONS OF APPROVAL AND REMARKS

1. The maximum diversion volume is defined as the maximum allowable volume of water that may be diverted annually from the source under this right. The use of water confirmed by this right is limited to the amount which can actually be beneficially used. The maximum diversion volume may be adjusted to more accurately describe the beneficial use or to implement accepted standards of diversion and use efficiency.
2. This water right is appurtenant to the described place of use.
3. This right is subject to all prior water rights and may be forfeited by five years of non-use.
4. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
5. This right does not constitute Idaho Public Utilities Commission or Federal Energy Regulatory Commission approval that may be required.
6. Use of water under this right shall be non-consumptive.

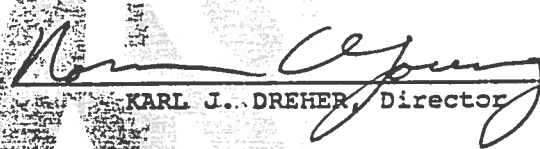
State of Idaho
Department of Water Resources**WATER RIGHT LICENSE**

WATER RIGHT NO. 78-07277

CONDITIONS OF APPROVAL AND REMARKS

7. The rights for the use of water confirmed in this license shall be junior and subordinate to all rights for the use of water other than hydropower, within the State of Idaho that are initiated later in time than the priority of this right and shall not give rise to any right or claim against any future rights for the use of water, other than hydropower, within the State of Idaho initiated later in time than the priority of this right.
8. Water used under this right if discharged into a natural channel shall meet Idaho Water Quality Standards.
9. The diversion and use of water for hydropower purposes under this license is subject to review by the Director on or after September 30, 2017, the expiration date of the power purchase contract with Idaho Power. The license is also subject to review by the Director after the date of expiration of license 4025-000 issued by the Federal Energy Regulatory Commission. Upon appropriate findings relative to the interest of the public, the Director may cancel all or any part of the use authorized herein and may revise, delete or add conditions under which the right may be exercised.
10. Facility known as Shingle Creek Project.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code.
Witness the seal and signature of the Director, affixed at Boise, this 3rd
day of APRIL, 1997.


KARL J. DREHER, Director

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: **A78-07277**
Date Received: 7/21/1988
Receipt No: W000514
Received By: _____

**COPY FOR
YOUR FILES**

**NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW**

**COPY FOR
YOUR FILES**

1. Name: WILLIS D DE VENY 208-628-3462
Address: PO BOX 1160
RIGGINS ID 83549
AND/OR
Name: BETTY G DE VENY 208-628-3462
Address: PO BOX 1160
RIGGINS ID 83549

2. Date of Priority: AUG 31, 1987

3. Source: SHINGLE CREEK, NORTH FORK Trib. to: RAPID RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
24N	01W	36	SW	SW	SW		IDAHO

5. Description of diverting works:
CEMENT HEADGATE, IRR. & POWER INTAKE SETTLING BOX, STEEL PIPE.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
POWER	01/01	12/31	2.830		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
440 FT. HEAD; NAMEPLATE 115KW

MICROFILMED
OCT 24 1996

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
23N	01W	1	SE	NW		POWER	

11. Place of use in counties: IDAHO

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

13. Other Water Rights Used:
78-7157 AND 78-7158.

14. Remarks:
PERMIT PRIORITY DATE DOESN'T MATCH CLAIM PRIORITY DATE.

15. Basis of Claim: PERMIT

CHANGE IN ADDRESS OF NOTICE OF CLAIM

[] Water Right Number (s): A78-02070/104173/07157/10320
07277/10338/10340/10341/11965
10339/102033/04087/10315
[] Old Mailing Address: Willis & Betty DeVeny
P.O. Box 259
Riggins 83549
[] New Mailing Address: P.O. Box 1160

New Telephone Number: (208) 628-3462

[] Signature of Claimant: Betty J. DeVeny
Date: 8/1/95

FOR IDWR USE ONLY:

Initial Review and Data-Entry

Date: 8-1-95 By: RTF

Further Action Needed: 0

Further Action Taken

Date: By:

Final Review and Data-Entry

Date: 8-1-95 By: RTF

SEND TO YOUR NEAREST
REGION OFFICE:

Western Region Office
2735 Airport Way
Boise, ID 83705
(208) 334-2190

Southern Region Office
222 Shoshone St. East
Twin Falls ID 83301
(208) 734-3578

State Office
1301 N. Orchard St.
Boise, ID 83720
(208) 327-7900

Eastern Region Office
150 Shoup Ave. #15
Idaho Falls ID 83402
(208) 525-7161

Northern Region Office
1910 Northwest Blvd. #210
Coeur d'Alene ID 83814
(208) 756-4639

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OCT 24 1996

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: A78-07277
Date Received: 7/21/1988
Receipt No: 452.50 W000514
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: WILLIS D. DE VENY 208-628-3462
Address: P.O. BOX 239
RIGGINS, ID 83549

AND/OR
Name: BETTY G. DE VENY 208-628-3462
Address: P.O. BOX 239
RIGGINS, ID 83549

2. Date of Priority: AUG 31, 1987

3. Source: SHINGLE CREEK, NORTH FORK Trib. to: RAPID RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
24N	01W	36	SW	SW	SW		IDAHO

5. Description of diverting works:
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6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
POWER	01/01	12/31	2.830		

7. Total Quantity Appropriated is:
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9. Non-irrigation uses:
440 FT. HEAD; NAMEPLATE 115KW

10. Place of Use:

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11. Place of use in counties: IDAHO

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

13. Other Water Rights Used:
78-7157 AND 78-7158.

14. Remarks:

PERMIT PRIORITY DATE DOESN'T MATCH CLAIM PRIORITY DATE.

15. Basis of Claim: PERMIT

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): _____ Date: _____
_____ Date: _____

State of Idaho)
County of _____) SS.

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

Notary Public

Seal

Residing at _____

My Commission Expires _____

**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: 39356

Ident. Number

Date Received

Receipt Number

A78-092777-21-1988W000514 *JP*

**NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW**

Please type or print clearly

1. Name of Claimant (s) Willis D. and/or Betty G. DeVeny Phone (208) 628-3462Mailing Address Box 239, Riggins, ID Zip 835492. Date of Priority (Only one (1) per claim) August 31, 19873. Source of water supply (a) North Fork Shingle Creek
which is tributary to (b) Rapid River4. a. Location of existing point of diversion is: Township 24N Range 1W Section 36,
SW 1/4 of SW 1/4 of SW 1/4, Govt. Lot, B.M., County of IdahoAdditional points of diversion if any:

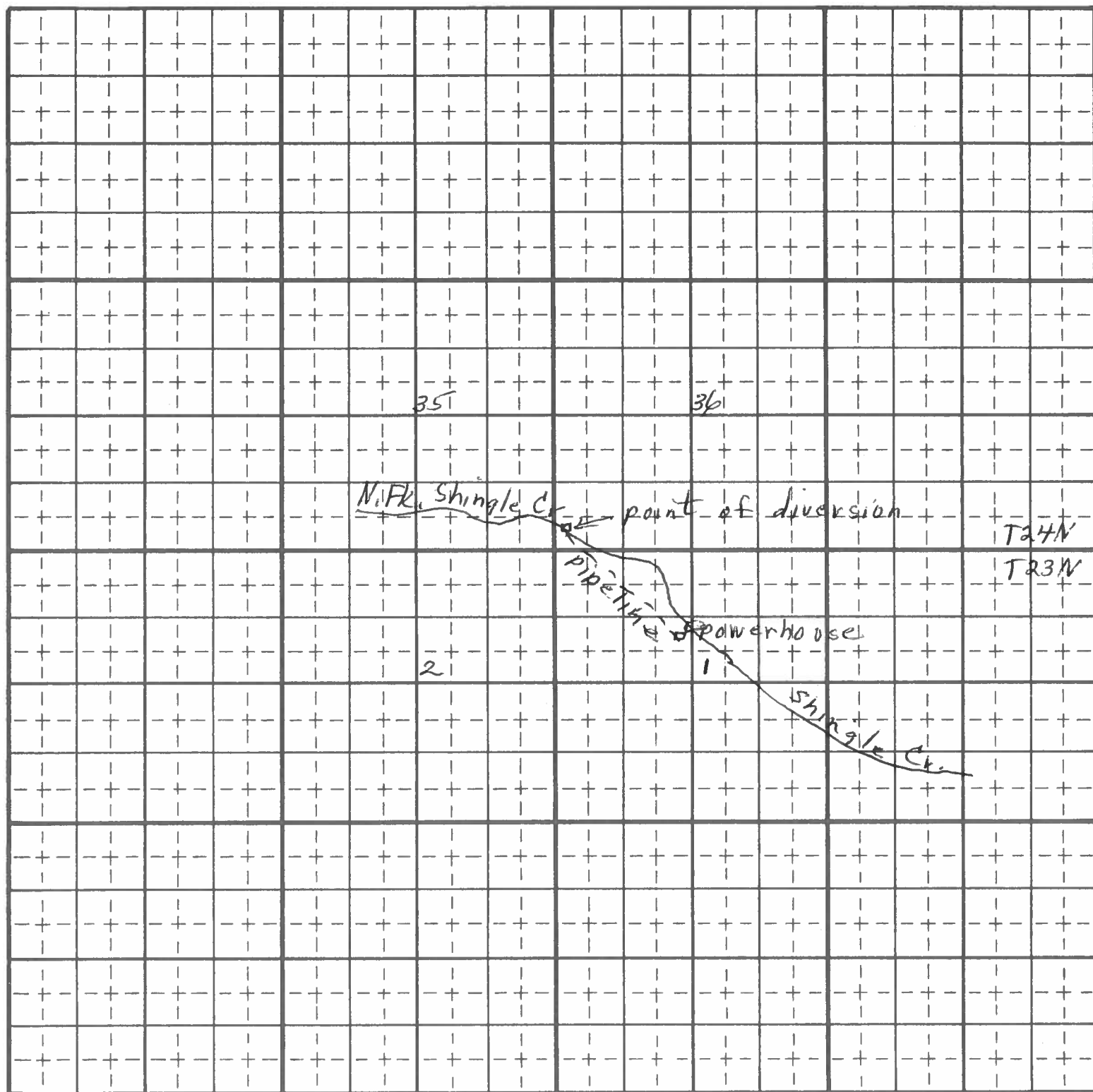
b. If instream flow, beginning point of claimed instream flow is:

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. cement headgate 3 1/2 ft. x 23 ft.
including irrigation and power intake settling box; 3538 feet of 14" steel pipe.

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

Scale: 2 inches equals 1 mile

R1W



Last Name DeVeny Ident No. _____

MICROFILMED
Copies of this map are available from the National Archives and Records Administration

OCT 25 1964

15. Basis of Claim (check one) Beneficial Use _____ Posted Notice _____ License _____ Permit x _____
Decree _____
If applicable provide IDWR Water Right Number 78-7277
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 x _____
wish to receive and pay a small annual fee for monthly copies of the docket sheet.
Number of attachments _____ We are currently subscribers.

For Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

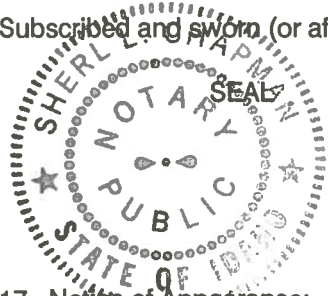
Signature of Claimant (s) William D. Deveny Date 7/13/88
Betty H. Deveny Date 7/13/88

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 Ada) SS.

Subscribed and sworn (or affirmed) before me this 13 day of July 19 88



Notary Public Sher L. Chapman

Residing at 4105 Orchard Suite 144 Boise Id 83705

My Commission Expires June 14, 1994

Please Print Name Sher L. Chapman

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 DeVeny Ident. Number _____

MICROFILMED
Copies White State, Yellow Claimant
OCT 05 1997