

07/11/2005

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

RIGHT NUMBER: 78-7157

NAME AND ADDRESS: BETTY G DE VENY
PO BOX 1160
RIGGINS ID 83549

WILLIS D DE VENY
PO BOX 1160
RIGGINS ID 83549

Idaho Code, This right is subject to the provisions of Sections 42-205 through 42-210,
Failure to comply restricting the sale, transfer, assignment, or mortgage of this right.
with these provisions is cause for immediate cancellation of this right.

SOURCE: SOUTH FORK SHINGLE CREEK

TRIBUTARY: SHINGLE CREEK

QUANTITY: 4.440 CFS
3,214.000 AFY

A flow measurement port or other device as specified by the Department shall be installed by the right holder to provide for the installation of measuring equipment and the determination of the rate of diversion by the Department.

PRIORITY DATE: 10/22/1980

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:

T23N R01W S2 SENE 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	4.440 CFS 3,214.00 AFY

This right does not constitute Idaho Public Utilities Commission or Federal Energy Regulatory Commission approval that may be required.

PLACE OF USE: POWER Within IDAHO County

T23N R01W S01 SENW

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

07/11/2005

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

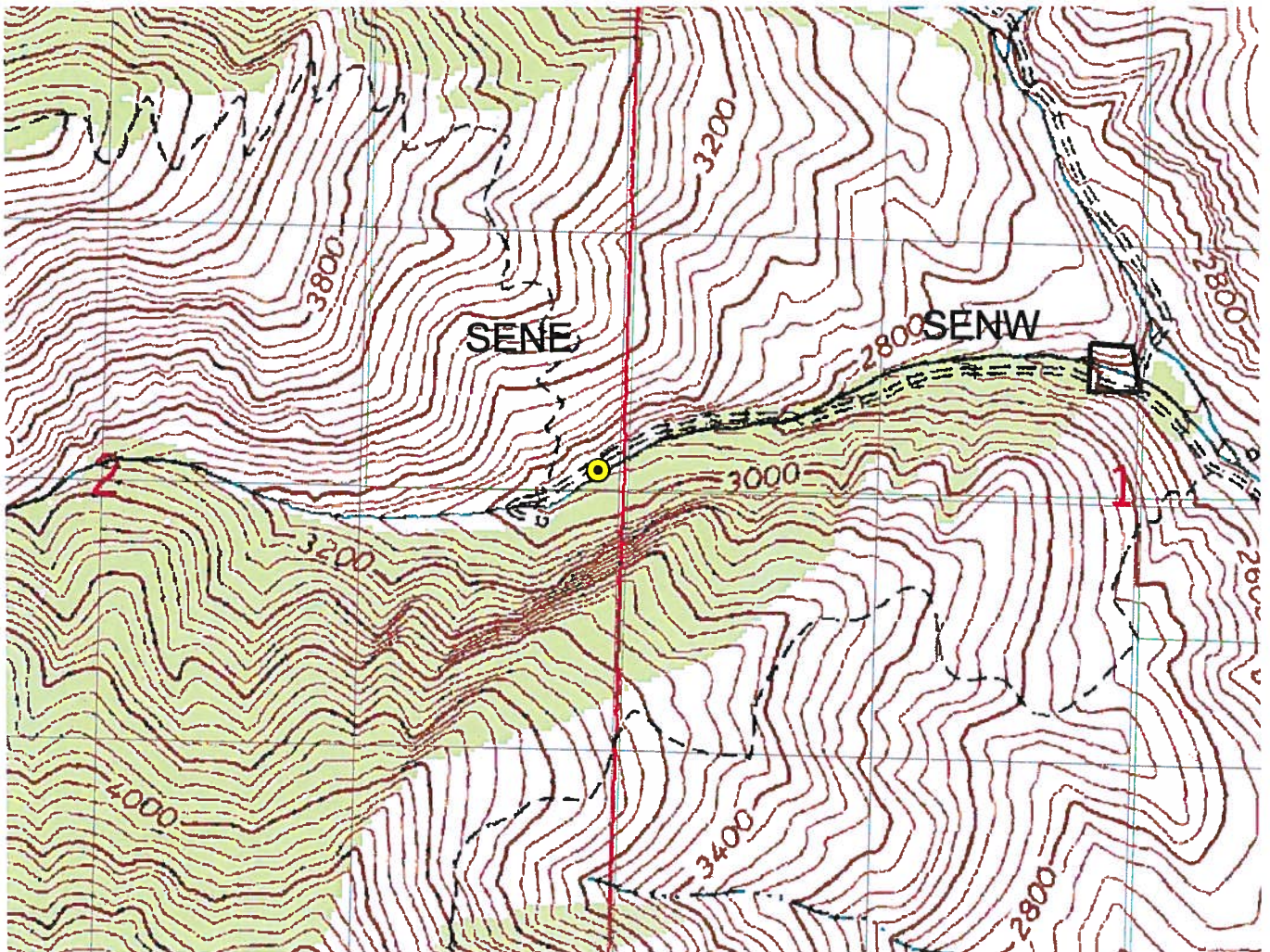
This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

The 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.

Facility known as Shingle Creek Project.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

78-7157



0 200 400 Feet

Sections 2 & 1
T23N R1W



● Point of Diversion

□ Place of Use

Map prepared on July 11, 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: **A78-07157**
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: OCT 22, 1980

3. Source: SHINGLE CREEK, SOUTH FORK Trib. to: SHINGLE CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
23N	01W	2		SE	NE		IDAHO

5. Description of diverting works:
SEE REMARKS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
POWER	01/01	12/31	4.440		3214.00

7. Total Quantity Appropriated is:
4.440 C.F.S. (and/or) 3214.00 A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
340 FT. HEAD; NAMEPLATE 110 KW

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:

78-7158 & 78-7277

14. Remarks:

EXISTING DIVERSION WORKS DESCRIPTION: A GATED CONCRETE DIVERSION STRUCTURE 34 FT. LONG AND 8 FT. HIGH (AS MEASURED FROM DOWNSTREAM SIDE) WITH SCREENING FOR INTAKE PIPE AND SETTLING BOX; AND 2965 FT. OF 14" STEEL PIPE.

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

15. Basis of Claim: LICENSE

State of Idaho
Department of Water Resources

Wester

WATER RIGHT LICENSE

WATER RIGHT NO. 73-07157

Priority: October 22, 1980

Maximum Diversion Rate:

4.44 CFS

Maximum Diversion Volume:

3214.0 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 October 22, 1980; and has submitted Proof of Beneficial Use on August 18, 1983. An examination indicates that the works have a diversion capacity of 4.960 cfs of water from:

SHINGLE CREEK, SOUTH FORK

tributary to SHINGLE CREEK

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>
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POWER	01/01 to 12/31	4.44 CFS	3214.0 AF
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LOCATION OF POINT(S) OF DIVERSION:

SENE , Sec. 2, Township 23N, Range 01W
IDAHO County

PLACE OF USE: POWER

TWN RGE SEC

23N 01W 1

SENE

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.

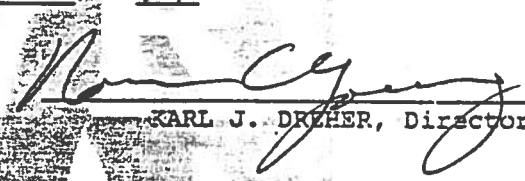
State of Idaho
Department of Water Resources**WATER RIGHT LICENSE**

WATER RIGHT NO. 78-07157

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: **A78-07157**
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: APR 29, 1981

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

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
23N	01W	2		SE	NE		IDAHO

5. Description of diverting works:
SEE REMARKS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
POWER	01/01	12/31	4.440		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
340 FT. HEAD; NAMEPLATE 110 KW

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:
78-7158 & 78-7277

14. Remarks:

EXISTING DIVERSION WORKS DESCRIPTION: A GATED CONCRETE DIVERSION STRUCTURE 34 FT. LONG AND 8 FT. HIGH (AS MEASURED FROM DOWNSTREAM SIDE) WITH SCREENING FOR INTAKE PIPE AND SETTLING BOX; AND 2965 FT. OF 14" STEEL PIPE.

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): A78-02070/04173/07157/10326
07277/10338/10340/10341/11965
10339/02033/04087/10315

[] Old Mailing Address: Willis & Betty DeVery
P.O. Box 259
Riggins 83549

[] New Mailing Address: P.O. Box 1160

New Telephone Number: (208) 628-3462

[] Signature of Claimant: Betty H. DeVery
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: A78-07157
Date Received: 7/21/1988
Receipt No: W000514
Received By: _____

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

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

AND/OR

Name: BETTY G. DE VENY 208-628-3462
Address: BOX 239
RIGGINS, ID 83549

2. Date of Priority: APR 29, 1981

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

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
23N	01W	2	SE	NE			IDAHO

5. Description of diverting works:
SEE REMARKS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
POWER	01/01	12/31	4.440		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
340 FT. HEAD; NAMEPLATE 110 KW

A78-07157

Page 1

Date: 08/09/88

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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:
78-7158 & 78-7277

14. Remarks:

EXISTING DIVERSION WORKS DESCRIPTION: A GATED CONCRETE DIVERSION STRUCTURE 34 FT. LONG AND 8 FT. HIGH (AS MEASURED FROM DOWNSTREAM SIDE) WITH SCREENING FOR INTAKE PIPE AND SETTLING BOX; AND 2965 FT. OF 14" STEEL PIPE.

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 A78-07127

Date Received 7-21-88

Receipt Number W000514

**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. DeVeney Phone (208) 628-3462

Mailing Address Box 239, Riggins, ID Zip 83549

2. Date of Priority (Only one (1) per claim) April 29, 1981

3. Source of water supply (a) South Fork Shingle Creek
which is tributary to (b) Rapid River

4. a. Location of existing point of diversion is: Township 23N Range 1W Section 2,
SE 1/4 of SE 1/4 of NE 1/4, Govt. Lot, _____ B.M., County of Idaho

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. a gated concrete diversion structure 32 ft. long and 8 ft. high (as measured from downstream side) with screening for intake pipe and settling box; and 2965 feet of 14" steel pipe.

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Copies: White-State. Yellow-Claimant

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For power production purposes from Jan. 1 to Dec. 31 amount 4.44 or 3214

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 4.44 (cfs) and/or (b) 3214 (acre feet)

8. Total consumptive use claimed is NA acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) 340 ft. head ; nameplate 110 kw

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	
23N	1W	1								P									

Total number of acres irrigated 0

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

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.
78-7158 and 78-7277 or None ()

14. Remarks:

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AUG 08 1994

Last Name DeVeney Ident No. _____

Copies: White -State, Yellow-Claimant

Scale: 2 inches equals 1 mile

A hand-drawn map on a grid showing a pipeline route. The route starts at a 'point of diversion' (marked with a '2'), goes east through a 'Shingle 1C' area, and then turns south. A 'powerhouse' is marked with an arrow pointing to the route. Other labels include '357', '361', 'T24M', and 'T23M'.

AUG 08 1994

Copies: White-State, Yellow-Claimant

15. Basis of Claim (check one) Beneficial Use _____ Posted Notice _____ License _____ Permit x _____
Decree _____
If applicable provide IDWR Water Right Number 78-7157
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 have previously subscribed to docket sheet.

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 G. 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.

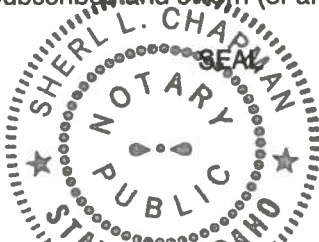
Subscribed and sworn (or affirmed) before me this 13 day of July 19 88

Notary Public Sherl L. Chapman

Residing at 410 Orchard Suite 144 Boise Id
83765

My Commission Expires June 14, 1994

Please Print Name Sherl 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 _____

MICROFILMED

AUG 08 1994

Last Name DeVeny Ident. Number _____

Copies White-State, Yellow-Claimant

