

12/26/2006

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

RIGHT NUMBER: 78-7158
NAME AND ADDRESS: WILLIS D DE VENY
PO BOX 1160
RIGGINS ID 83549

BETTY G DE VENY
PO BOX 1160
RIGGINS ID 83549

SOURCE: NORTH FORK SHINGLE CREEK TRIBUTARY: SHINGLE CREEK
QUANTITY: 2.670 CFS
1,933.000 AFY
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
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	2.670 CFS 1,933.00 AFY

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

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.

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.

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: 78-7158

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

BETTY G 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. Fk. 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: Willis D. DeVeny

Please print your name: Willis D. 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: 78-7158

NAME AND ADDRESS: WILLIS D DE VENY
PO BOX 1160
RIGGINS ID 83549

BETTY G DE VENY
PO BOX 1160
RIGGINS ID 83549

SOURCE: SHINGLE CREEK

TRIBUTARY: RAPID RIVER

QUANTITY: 2.670 CFS
1,933.000 AFY

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:

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	2.670 CFS 1,933.00 AFY

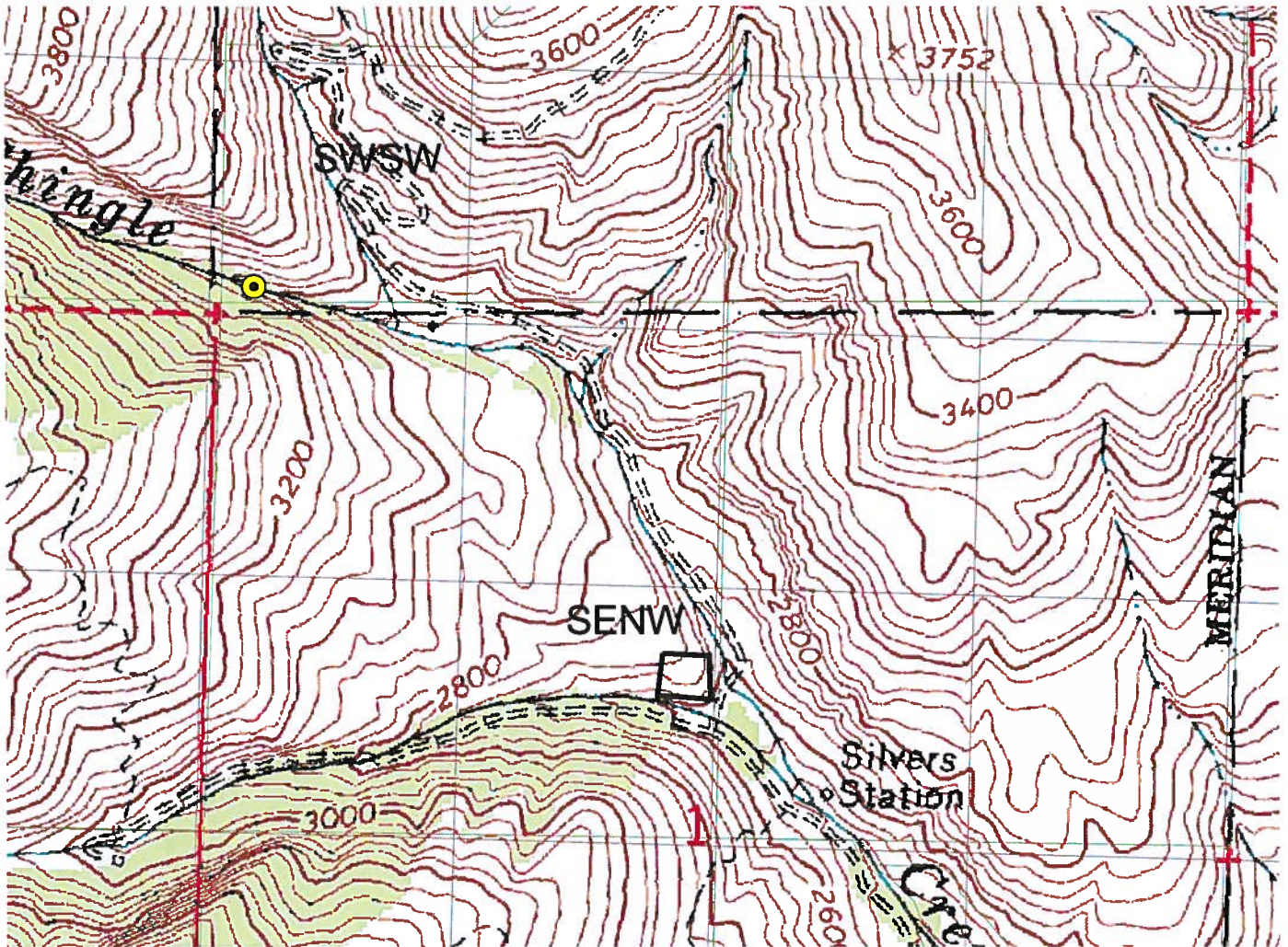
PLACE OF USE: POWER Within IDAHO County
T23N R01W S01 SENW

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

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78-7158



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

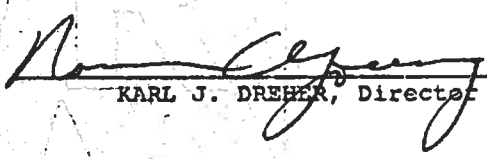
State of Idaho
Department of Water Resources**WATER RIGHT LICENSE**

WATER RIGHT NO. 78-07158

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

MICROFILMED

APR 23 1997

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 78-07158

Priority: October 22, 1980

Maximum Diversion Rate:

2.67 CFS

Maximum Diversion Volume:

1933.0 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 November 14, 1984. 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	2.67 CFS	1933.0 AF
<u>LOCATION OF POINT(S) OF DIVERSION:</u>		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.

MICROFILMED

APR 23 1987

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: **A78-07158**
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 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:
HEADGATE 3 1/2 FT. X 23 FT., SETTLING BOX, 3538 FT. STEEL PIPE 14"
6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
POWER	01/01	12/31	2.670		1933.00
7. Total Quantity Appropriated is:
2.670 C.F.S. (and/or) 1933.00 A.F.A.
8. Total consumptive use is Acre Feet Per Annum.
9. Non-irrigation uses:
440 FT. HEAD; NAMEPLATE 115 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:
78-7277 AND 78-7157

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

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 78-07158

Priority: October 22, 1980

Maximum Diversion Rate:

2.67 CFS

Maximum Diversion Volume:

1933.0 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 November 14, 1984. 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:

BENEFICIAL USE

PERIOD OF USE

RATE OF DIVERSION

ANNUAL VOLUME

POWER

01/01 to 12/31

2.67 CFS

1933.0 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.

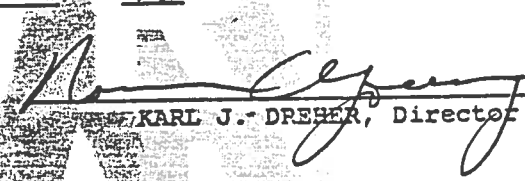
State of Idaho
Department of Water Resources**WATER RIGHT LICENSE**

WATER RIGHT NO. 78-07158

CONDITIONS OF APPROVAL AND REMARKS

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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: A78-07158
Date Received: 7/21/1988
Receipt No: W000514
Received By: _____

RECEIVED
FEB 22 1993
Department of Water Resources
Regional Office

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
Address: BOX 239
RIGGINS ID 83549

208-628-3462

AND/OR

Name: BETTY G. DE VENY
Address: BOX 239
RIGGINS ID 83549

208-628-3462

2. Date of Priority: APR 29, 1981

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:

HEADGATE 3 1/2 FT. X 23 FT., SETTLING BOX, 3538 FT. STEEL PIPE 14"

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
POWER	01/01	12/31	2.670		

7. Total Quantity Appropriated is:
2.670 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 115 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:
78-7277 AND 78-7157

14. Remarks:

PERMIT PRIORITY DATE DOESN'T MATCH CLAIM PRIORITY DATE.

15. Basis of Claim: PERMIT

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 A78-07158

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. DeVeny 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) North Fork Shingle Creek
which is tributary to (b) Rapid River

4. 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 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. cement headgate 3 1/2 ft. x 23 ft.

including irrigation and power intake settling box; 3538 feet of 14" steel pipe.

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AUG 08 1994

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 2.67 or 1993

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 2.67 (cfs) and/or (b) 1993 (acre feet)

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

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) 440 ft. head; nameplate 115 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.
78-7277 and 78-7157 or None ()

14. Remarks:

MICROFILMED

AUG 08 1994

Last Name DeVeny 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 "N. FR" (North Fork) and "Shingle Cr." (Shingle Creek) at the top left, goes right to "point of diversion", then down and right to "powerhouse", then down and right to "Shingle Cr." at the bottom right. The route is labeled "pipeline" and "Shingle Cr.". There are also labels "3.5", "3.6", "2", and "1" along the route. The map is on a grid with dashed lines and solid lines.

AUG 08 1994

Copies: White-State, Yellow-Claimant

15. Basis of Claim (check one) Beneficial Use _____ Posted Notice _____ License _____ Permit _____
Decree _____
If applicable provide IDWR Water Right Number 78-7158
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. DeVeney Date 7/13/88
Betty G. DeVeney 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 Sheri L. Chapman

Residing at 4105 Orchard Suite 144 Boise Id
83705

My Commission Expires June 14, 1994

Please Print Name Sheri 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 DeVeney Ident. Number _____

Copies White-State, Yellow-Claimant