

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: 78-10350

SANDI DEVENY

BOX 116

RIGGINS ID 83549

Telephone Number: (208) 628-3372

BRYAN G DEVENY

BOX 116

RIGGINS ID 83549

Telephone Number: (208) 628-3372

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

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

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

RECEIVED

NOV 28 2006

IDWR/North

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

DATE:

11/28/06

SIGNATURE:

Bryan G. DeVenly

Please print your name:

Bryan G. DeVenly

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

SCANNED

NOV 28 2006

06/21/2006

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

RIGHT NUMBER: 78-10350

NAME AND ADDRESS: SANDI DEVENY
BOX 116
RIGGINS ID 83549

BRYAN G DEVENY
BOX 116
RIGGINS ID 83549

SOURCE: RAPID RIVER TRIBUTARY: LITTLE SALMON RIVER

QUANTITY: 0.080 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000
GALLONS PER DAY.

PRIORITY DATE: 04/21/1894

POINT OF DIVERSION:

T23N R01E S6 NENE Lot 1 Within IDAHO County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
DOMESTIC	3/01 10/15	0.080 CFS

PLACE OF USE: DOMESTIC Within IDAHO County
T23N R01E S05 NWNW

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

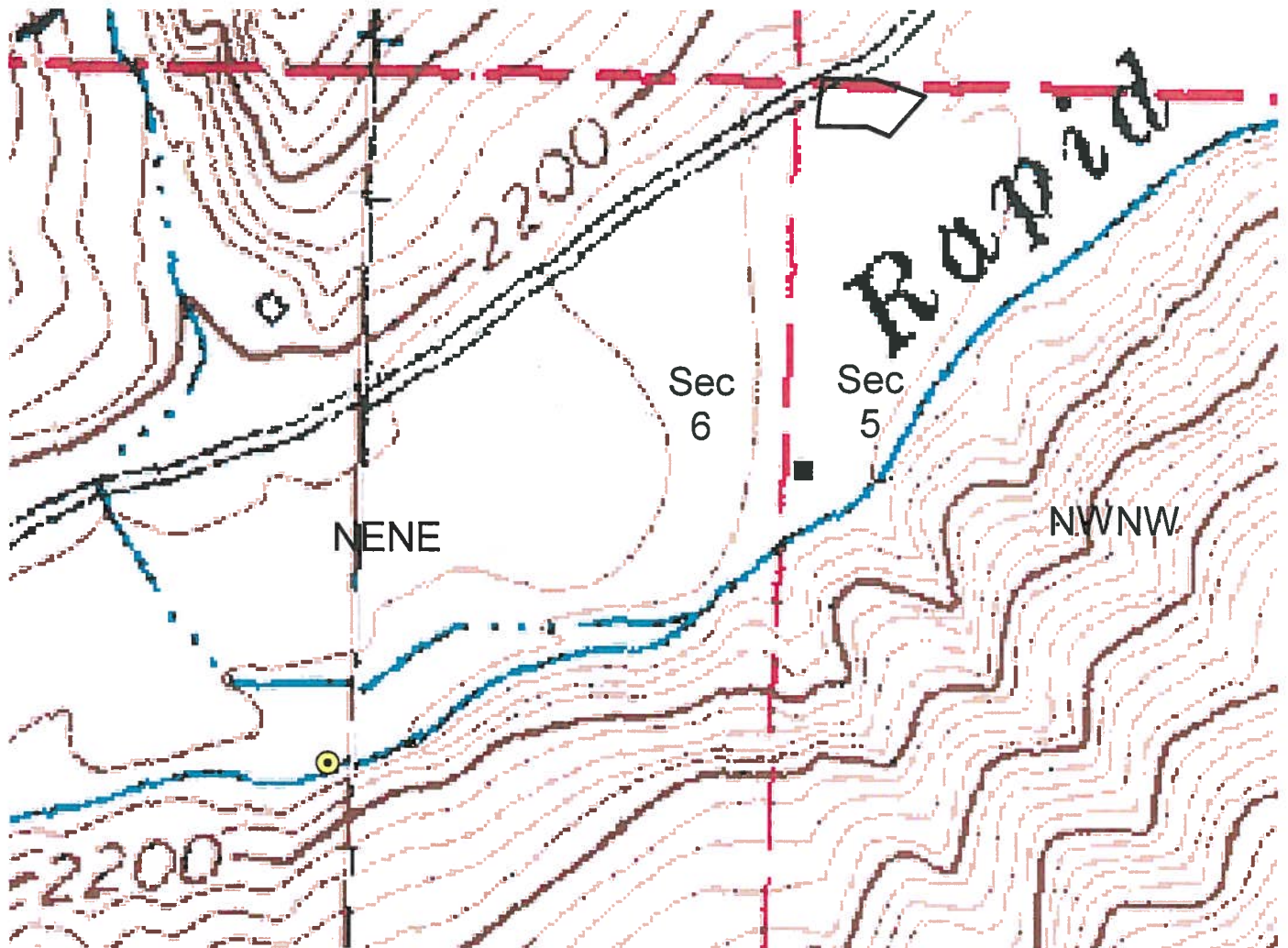
THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A
DETERMINATION OF HISTORICAL BENEFICIAL USE.

PARCEL NO. 02800020430, 002800020360

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

78-10350



0 500 1000 Feet

Sections 5 & 6
T24N R1E

● Point of Diversion

□ Place of Use





State of Idaho

DEPARTMENT OF WATER RESOURCES

Northern Region, 7600 Mineral Drive, Suite 100, Coeur d'Alene, Idaho 83815

Phone: (208) 762-2800

Fax: (208) 762-2819

Web Site: www.idwr.idaho.gov

JAMES E. RISCH
Governor

KARL J. DREHER
Director

November 30, 2006

Bryan DeVenny
Box 116
Riggins, ID 83549

RE: 78-10350

Dear Bryan:

Enclosed is a new map reflecting the comments you made on the Notice of Error Reply.
Please contact me if the changes are incorrect.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Knoblock', is written over a faint, larger signature that is partially obscured.

Kenneth Knoblock
Water Resources Agent



State of Idaho

DEPARTMENT OF WATER RESOURCES

Northern Region, 1910 Northwest Blvd. Suite 210, Coeur d'Alene, Idaho 83814-2615

Phone: (208) 769-1450

Fax: (208) 769-1454

Web Site: www.idwr.idaho.gov

JAMES E. RISCH
Governor

KARL J. DREHER
Director

June 13, 2006

Bryan & Sandi Deveny
Box 116
Riggins, ID 83549

RE: 78-10350

Dear Mr. & Mrs. Deveny:

On September 1, 1988, you submitted a Notice of Claim in the Snake River Adjudication. It lists domestic use in Section 5 Township 23N Range 1E. We searched the Idaho County tax lot information and we cannot find that you own property in that section. Would you please provide us with the parcel number?

Sincerely,

A handwritten signature in black ink, appearing to read 'Kenneth Knoblock', written over a horizontal line.

Kenneth Knoblock
Water Resources Agent

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: **A78-10350**
Date Received: 9/ 1/1988
Receipt No: W000633
Received By: _____

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

AMENDED

1. Name: BRYAN G. DEVENY 208-628-3372
Address: BOX 116
RIGGINS ID 83549
OR
Name: SANDI DEVENY 208-628-3372
Address: BOX 116
RIGGINS ID 83549
2. Date of Priority: APR 21, 1894
3. Source: RAPID RIVER Trib. to: LITTLE SALMON RIVER
4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
23N	01E	6	NE	NE			IDAHO
5. Description of diverting works:
CONCRETE HEADGATE TO DITCH TO PUMP AND PIPELINE
6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
DOMESTIC	03/01	10/15	0.080		
7. Total Quantity Appropriated is:
0.080 C.F.S. (and/or) A.F.A.
8. Total consumptive use is Acre Feet Per Annum.
9. Non-irrigation uses:
D/IRRIGATION OF TWO LOTS

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OCT 06 1992

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
23N	01E	5	NW	NW		DOMEST	

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:

78-4031 BY RAPID RIVER HOMEOWNERS ASSOC.

14. Remarks:

THE RAPID RIVER HOMEOWNERS ASSOC. FILED ON WATER IN GENERAL. THIS CLAIM IS SPECIFICALLY FOR LOTS IN MY OWNERSHIP.

6/5/1992: AMENDED CLAIM TO SHOW ACTUAL P/D AND PRIORITY DATE AS ESTABLISHED ON ATTACHED COURT HOUSE DOCUMENTS.

15. Basis of Claim: BENEFICIAL USE

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): Bryan L. DeVeny Date: 6/5/92
Sandi DeVeny Date: 6/5/92

State of Idaho)
County of Ada) SS.

Subscribed and sworn (or affirmed) before me this 5 day

of June 19 92

Lori Harris
Notary Public

Seal

Residing at Boise, Idaho

My Commission Expires 12-8-94

Application for Permit:

To Appropriate the Public Waters of the State of Idaho.

Application No. 2225-5.

Permit No. 15657.

District No. 73-L.

Name of Applicant: B. B. Hinkley, Post Office Address, Pollock,
County, Idaho, State, Idaho

1. If applicant is a corporation, Give:

(a) Date and place of incorporation: (b) Amount of capital stock: \$

(c) Amount paid in, \$ - (d) Name and addresses of directors.

11 The financial resources of the applicant are, (a) Cash on hand \$

(b) Treasury stock \$ - (c) Bonds to be issued: \$ (d) Other resources.

2 Quantity of water claimed: 60 cubic feet per second.

3. Source of water supply: Rapid River, which is a tributary of ---

4. Location of point of diversion: 1000 feet distant from the Northeast

corner of Section 6, T. 23, N. R. 1, East B. M., and is in the Northeast

quarter of Northeast quarter of Section 6, T. 23 N. R. 1 East B. M.,

County of Idaho.

5. Water is to be used for: Irrigation.

6. If for mining, milling, power or manufacturing purposes, Give:

(a) Point of use of water -- feet distant from -- corner of Section

T., R., B. M., in the -- of Section --, T., R., B. M.

(b) Amount of power generated, --- N. P., under --- feet head.

(c) Water is to be returned to -- at a point --- feet distant from the --
corner of Section --, T., R., B. M., in the -- of Section --, T., R., B. M.

7 Estimated cost of works \$1000.00: 8. Kind of works: ---

9 Height of dam --- feet, length of dam at top --- feet; length of dam at
bottom --- feet; on abutment in dam.

10. Size of headgate: Width twenty inches, height six teen inches

11. Ditch: Width at bottom 20 in. Width at water line 26

Depth of water 18 in: Dimensions of flume ---, Diameter of pipe --- in.

Length of conduit 34 miles. Average grade per mile $\frac{1}{2}$ in to foot

12. It is required for the completion of such work is, more
or less months:

13. It is required for the complete application of the
water to the proposed use is no additional years:

14: The land to be irrigated is described in the following
tabulations:

RECORDED

OCT 6 1992

Imp. Range Sec.	NW 1/4		NE 1/4		NW 1/4		SE 1/4		Totals
	NW 1/4	NE 1/4	NW 1/4	NE 1/4	NW 1/4	NE 1/4	SW 1/4	SE 1/4	
20							58 1/4		13
24 NW 1/4							52 1/4		20
28 NW 1/4					NW 1/4				16
								Total	50

Total numbers of Acres to be irrigated, Fifty.
 15: (c) Is reservoir to be used? NO. (If so, file in (b) and (c) below).

(b) Name of reservoir and number of Storage Permit:

(c) Date of filing of Application for Storage Permit and name of Applicant. Remarks -
 Be it known, that the undersigned hereby makes Application for permit to appropriate the public waters of the State of Idaho, herein set forth.

Bert B. Hinkley. Applicant

By --- Agent.

Approval of Commissioner of Reclamation:

The number of this Permit is 13-657. Recorded in Book 65; page 15657.
 Approved December 6, 1922:

This is to certify, that I have examined the within Application for a Permit to appropriate the public waters of the State of Idaho, and hereby approve the same, subject to the following limitations and conditions:
 Bond in the sum of \$-- to be filed on or before ---

Work to begin on or before February 5, 1923, and to continue diligently and uninterruptedly to completion, unless temporarily interrupted by circumstances over which the permit holder has no control.

One-fifth of the work above specified to be completed on or before

March 6, 1923: The whole of said work to be completed on or before June 6, 1923.
 Beneficial use of water appropriated in accordance herewith to be made on or before June 6, 1923.

Witness my hand this 6th day of December, 1922.

W. H. Swendsen.

Commissioner of Reclamation.

No. 13-657 Permit, Date of first receipt of office of Commissioner of Reclamation, 9 A.M. Nov. 27, 1922: Fee \$100 pd.

Received Nov. 27, 1922: Department of Reclamation:
 State of Idaho. } ss.
 County of Idaho.

Filed for record in the office of the Recorder of Idaho County, at the request of W. W. Manning, on the 28th Dec A.D. 1922. at 1 o'clock P.M.

Henry Fletcher. County Recorder.

March 1

Notice of Water Right.

State of Idaho }
 County of Idaho } To All Whom These May Come:

I know Ye, That Joseph Butcher, Frank C Bond, George M. Parsons, and Frank A. Green River City, Idaho, and each in Way of Lewiston, Idaho, do hereby publish and declare as a

and notice to all the world:

That we have a legal right to use, possess and control of, and claim six thousand (6000) inches of the water of Rapid River, in said County and State, measured under a four inch pressure, and flowing at the point of diversion, which point of diversion is divided as follows to wit: One half from one to one and one half miles above its junction with Little Salmon River, water posted on line two

eight in diameter, standing on left bank of said Rapid River.

That the special purpose for which said water is intended to be used is for the generation of Electric Power and General Milling and Manufacturing purposes.

That the place of intended use is at or near the junction of said Rapid River with Little Salmon River, a distance of 1 to 1 1/2 miles below point

of diversion.

That we intend to divert it from said Rapid River by means of natural channel ditch or flume which said natural channel, ditch or flume is 6000 inches capacity in size and carries or conducts 6000 inches of water

from said Rapid River.

That we appropriate and took said water on the nineteenth day of March A.D. 1894, that the name of the appropriators of said water are Joseph Butcher, Frank A. Green, George M. Parsons, and Mr. Day, & Frank A. Green.

That we also hereby claim said ditch and the right of way thereof and for said water by it conveyed, or to be conveyed, from said point of diversion to said land or point of final discharge, and also the right of location upon any lands of any flume, flume or reservoir, co-located, or to be constructed by us in appropriating and in using said water.

That we also claim the right to keep in repair and to enlarge said means of water appropriation at any time, and the right to dispose of the said right, water, ditch or said appropriances, in whole or in part at any time, whenever our hands are at Pella, Idaho & Idaho

the 19th day of March 1894.

Joseph Butcher
 Frank M. Day
 Frank A. Green
 George M. Parsons
 Frank C. Bond

Location.

Filed for record at Pella, Idaho. Rapid River Mining Dist. March 20 1894.

Recorded in Book - Page 79.

Sherman Pella

Filed for record at Pella, Idaho. March April 21 1894, at 8 o'clock

A.M.

A.W. Darrington
 Esq. of the County Recorder
 Attest

MICROFILMED

OCT 06 1992

(KESSLER CREEK)

UNITED STATES
DEPARTMENT OF THE INTERIOR
GEOLOGICAL SURVEY

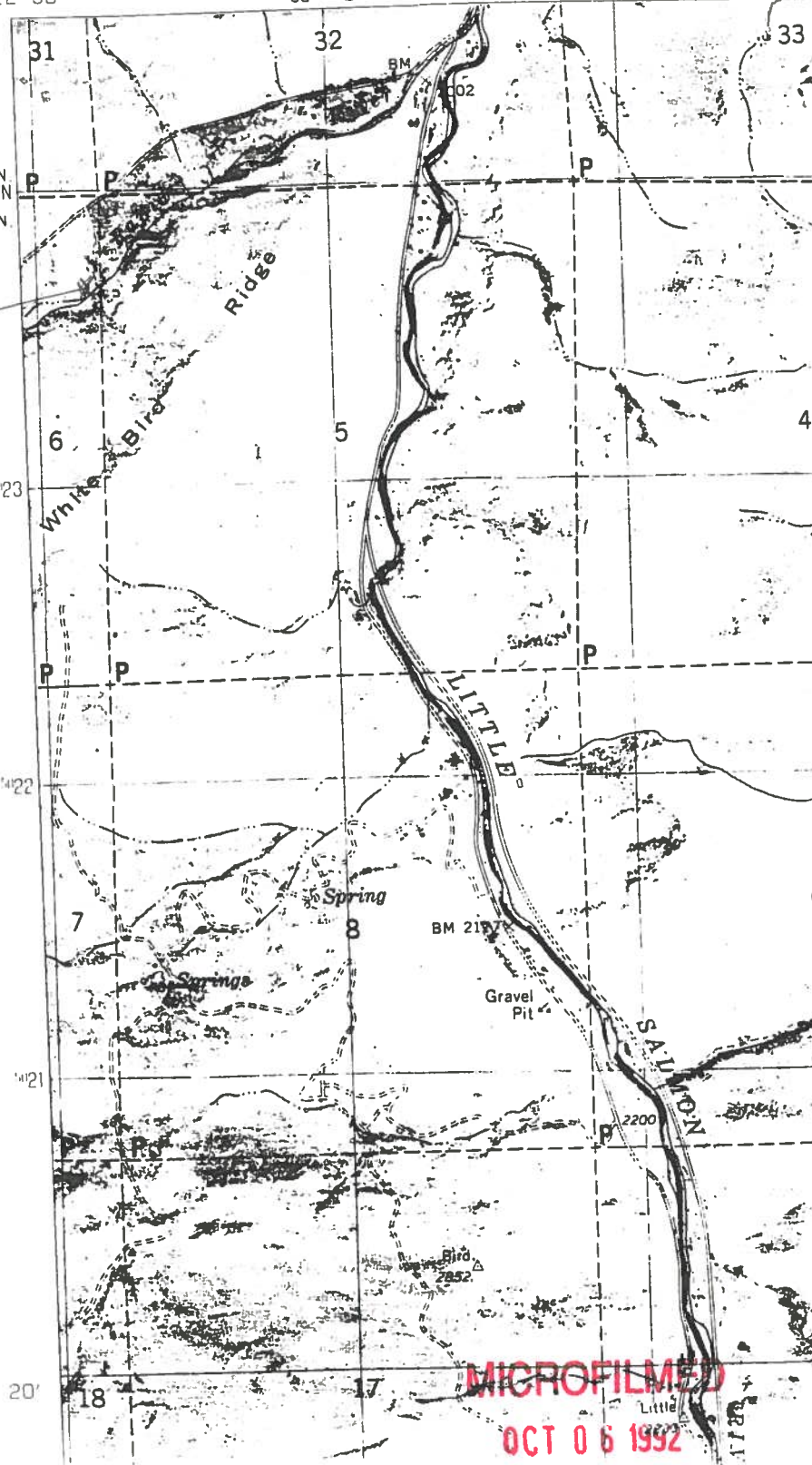
116° 22' 30"
45° 22' 30"

550000m E

51

T. 24 N.
24
T. 23 N.

P/D



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: A78-10350
Date Received: 7/25/1988
Receipt No: W000633
Received By: ESR

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: BRYAN G. DEVENY 208-628-3372
Address: BOX 116
RIGGINS, ID 83549
OR
Name: SANDI DEVENY 208-628-3372
Address: BOX 116
RIGGINS, ID 83549
2. Date of Priority: DEC 01, 1922
3. Source: RAPID RIVER Trib. to: LITTLE SALMON RIVER
4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
23N	01E	5	NW	NW			IDAHO
5. Description of diverting works:
CONCRETE HEADGATE TO DITCH TO PUMP AND PIPELINE
6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
DOMESTIC	03/01	10/15	0.080		
7. Total Quantity Appropriated is:
0.080 C.F.S. (and/or) A.F.A.
8. Total consumptive use is Acre Feet Per Annum.
9. Non-irrigation uses:
D/IRRIGATION OF TWO LOTS

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
23N	01E	5	NW	NW		DOMEST	

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:

78-4031 BY RAPID RIVER HOMEOWNERS ASSOC.

14. Remarks:

THE RAPID RIVER HOMEOWNERS ASSOC. FILED ON WATER IN GENERAL. THIS CLAIM IS SPECIFICALLY FOR LOTS IN MY OWNERSHIP.

15. Basis of Claim: BENEFICIAL USE

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: 39576

Ident. Number

A78-16350

Date Received

7-25-88

Receipt Number

4000633

NOTICE OF CLAIM

TO A

WATER RIGHT

ACQUIRED UNDER STATE LAW

For Domestic and/or Stockwater Purposes

Where Daily Use is less than 13,000 gallons per day. Filing fee \$25

Please type or print clearly

1. Name of Claimant (s) Bryan G. or Sandi DeVeny Phone (208) 628 3372

Mailing Address Box 116, Riggins, ID Zip 83549

2. Date of Priority (Only one (1) per claim) December 1, 1922

3. Source of water supply (a) Rapid River
which is tributary to (b) Little Salmon River

4. Location of point of diversion is: Township 23N Range 1E

Section 5, 1/4 of NW 1/4 of NW 1/4, Govt. Lot _____, B.M.,

County of Idaho

Additional points of diversion if any: by pump from ditch, NW1/4NW1/4NW1/4, Sec. 5, T23N, R1E, B/M/

5. Description of existing diversion works (Ditches, Wells, Pumps, Pipelines, Headgate 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. Main diversion is a concrete headgate
and water is transported by open ditch. My diversion is by portable pump
from the ditch.

6. Water is claimed for the following: (Limited to Domestic and/or Stockwater only. See Instructions)
(Both dates are inclusive) (cfs)
For domestic irri-purposes from Mar. 1 to Oct. 15 amount .08
gation
For _____ purposes from _____ to _____ amount _____

7. Total quantity claimed .08 (cfs)

8. Total consumptive use claimed is de minimus

9. Non-irrigation uses. Describe fully. (Domestic: give number of households served; Stockwater: Type and number of
livestock) two residential lots - domestic irrigation use

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Copies: White-Sure, Yellow-Claimant

GET IT K 1002

10. Place a "D" for domestic and "S" for stockwater use in the corresponding place of use below.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4			
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4
23N	1E	5						D										

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.
Rapid River Homeowners Association Claim 78-4031 or None ()

14. Remarks: The Rapid River Homeowners Association filed on the water in general.
My claim is specifically for the two lots I own.

15. Basis of Claim (check one) Beneficial Use x 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 x
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) Bryan & DeVeny Date 7/24/88

Sandi DeVeny Date 7/24/88

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 Idaho) SS.

Subscribed and sworn (or affirmed) before me this 24th day of July 19 88

SEAL

Notary Public Chick S. Heath

Residing at Riggins, ID 83549

My Commission Expires 8-15-93

Last Name DeVeny Ident No. A78-10350

Copies White-State, Yellow-Claimant

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7/26/1988

SRBA CLAIMS RECEIVING CHECKLIST

CLAIMANT'S NAME Oweny CLAIM IDENT. NO. A78-10350

DATE RECEIVED 07/25/88 CK # 2853 AMOUNT \$ 25.00

	YES	NO
1. Is the name and address complete with zip code?	☐	☐
2. Is priority date entered?	☐	☐
Is the water use exempt from the Permit requirements, or if it is not exempt, has a Permit been approved or a License issued? A Permit is required: (1) for groundwater developed after March 25, 1963 (except single family domestic and stockwater wells using less than 13,000 gpd), or (2) for surface water developed after May 20, 1971 (except for instream stockwater). Use care if claim is returned. Refer to Adjudication Memos # 1 (Adj. Claims/Applications) and # 9 (Rejection of Claims). Explain in Comments.		
3. (a) Is a source entered?	☐	☐
(b) Is a tributary to entered? (if required)	☐	☐
4. Is the legal description of the p.d. complete?	☐	☐
5. Is there a description of the diverting works?	☐	☐
6. Are the water uses appropriate for the form? The short form limited domestic and stockwater. 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. Is the consumptive use correct?	☐	☐
If required is a consumptive use entered?	☐	☐
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, each household must file a separate claim.	☐	☐
10. Is (are) the place(s) of use entered?	☐	☐
11. Is (are) the county(ies) entered?	☐	☐
12. Is the ownership of p.u. checked?	☐	☐
13. Are other water rights listed or "none" checked?	☐	☐
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 checked?	☐	☐
16. Is the claim signed by the claimant? Is the signature appropriate? (If an individual is the claimant, has that individual signed the claim, or if an organization is the claimant, is the organization signature block complete?)	☐	☐
Has the claim been signed, sealed, and dated by a notary?	☐	☐
Is the fee enclosed correct?	☐	☐
If this claim is based on an existing water right, has the identification number been entered?	☐	☐
Should this claim be receipted and data entered?	☐	☐

Claim checked by: _____

Comments: _____

MICROFILMED



State of Idaho
DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

October 30, 1992

Bryan and Sandi Deveny *ℓ*
Box 116
Riggins, ID. 83549

RE: Adjudication Claim No. A78-10350

Dear Claimants:

This office received information related to the above-referenced claim filed by you. The information was submitted by Charles and Georgianna Vogelsong of Riggins.

The information is labeled as an Exception to the claim, and it will be evaluated as part of the adjudication review process in making recommendations to the court regarding your claim. The review and recommendation process is tentatively scheduled for late 1995.

You will have ample opportunity to respond to any concerns that the department may have based on its evaluation of the Exception. Enclosed is a copy of the Exception for your records and a copy of an acknowledgement letter sent to the Vogelsongs.

Sincerely,

Steve Lester
Water Rights Supervisor

Enclosure: Vogelsong Exception

MICROFILMED

AUG 08 1994



State of Idaho
DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

October 30, 1992

Charles and Georgianna Vogelsong
1301 S. US Hwy 95
Riggins, ID. 83549

RE: Exception to Claims A78-04031 and A78-10350

Dear Mr. and Mrs. Vogelsong:

This letter acknowledges receipt of the information dated 10/19/92 that you submitted regarding the above-referenced claims. The information is labeled as an Exception to the claim, and it will be evaluated as part of the adjudication review process in making recommendations to the court regarding the claims. Recommendations will be made by evaluating each claim for accuracy, completeness, and supporting or negating information (such as an Exception). The recommendations will be included in the Director's Report to the court, tentatively scheduled for late 1995.

If you are dissatisfied with the department recommendations to the court concerning the above-referenced claims, you may file an objection with the court at the proper time.

The claimants, and the association's attorney, were provided a copy of the Exception and of this letter.

Sincerely,

Steve Lester
Water Rights Supervisor

CC: Rapid River Homeowners Assoc.
Bryan and Sandi Deveny
J. W. Givens, Atty. for Association

MICROFILMED

AUG 08 1994



State of Idaho
DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

July 30, 1992

Mr. C. M. Vogel song
P.O. Box 347
Riggins, ID. 83549-0347

RE: Adjudication Claim Nos. A78-04031 and A78-10350

Dear Mr. Vogel song:

I received your recent letter concerning the above-referenced adjudication claims. It appears that a misunderstanding has occurred regarding advertising of water rights.

Water right applications for new development or proposed changes to existing water rights are advertised for public notice and comment. However, changes recorded solely within the adjudication claim process are not advertised. Therefore, a claimant may record changes to a right via an adjudication claim, and such changes do not imply new modifications but instead reflect changes or corrections that occurred prior to the adjudication commencement. The difference between advertised and unadvertised changes depends on whether the modification is proposed (advertised) or already was accomplished when the adjudication started (not advertised). The current adjudication commenced in November, 1987.

Although adjudication claims or amended claims are not advertised, these filings may be protested by letters to the files. Adjudication protests will be investigated during the adjudication review period for the area. The tentative adjudication review for your area is scheduled for 1995.

You can protest or challenge any adjudication claim by writing to this office, attention Adjudication Staff. Be sure to identify the protested claim(s) in your correspondence. I hope this letter clarifies the process for you.

Sincerely,

Steve Lester
Water Rights Supervisor

MICROFILMED

OCT 24 1996

RECEIVED

JUL 22 1992

7/20/92

Department of Water Resources
Western Regional Office

Steve Lester
Idaho Dept. of Water Resources
2735 Airport Way
Boise, Idaho - 83705 - 5082

Dear Mr. Lester;

Thankyou for the copies of the amended claims from Rapid River Subdivision and the DeVenys Ident. # A78-04031 and A78-10350. I have been waiting for the publication in the Idaho County Free Press legal notices; however have not seen them. Can you please advise when the publication is scheduled? I will then file timely protests for both claims.

Thanking you in advance for your further assistance, I remain,

Sincerely,



C.M. Vogel song
P.O.Box 347,
Riggins, Idaho - 83549 - 0347

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OCT 24 1996

RECEIVED

OCT 21 1992

COPY

Department of Water Resources

Western Regional Office

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: A78-04031
A78-10350

PROTEST

AMENDED CLAIM OF WATER RIGHT

PROTEST

1. Names: RAPID RIVER HOMEOWNERS ASSOCIATION, and
BRYAN G. DEVENY or SANDI DEVENY
Addresses: RIGGINS, IDAHO ----- 83549

THE UNDERSIGNED OWNERS OF LAND SITUATED IN THE NE $\frac{1}{4}$ OF THE NE $\frac{1}{4}$ OF
SECTION 6, TOWNSHIP 23N., RANGE 1 E.B.M., IDAHO COUNTY, IDAHO,
HEREWITH PROTEST THE ABOVE REFERRED AMENDED CLAIM TO WATER RIGHT
FOR THE FOLLOWING REASONS, TO-WIT:

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AUG 08 1994

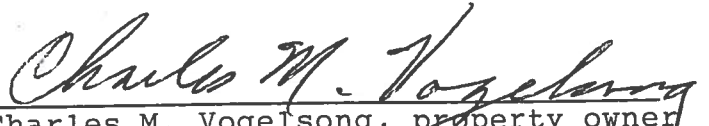
Claimants were previously filed on a ditch located in Section 5,
Twp. 23N. R.1 EBM, Idaho County, Idaho, and the same is still
in use now. Two ditches exist serving locations in Sections 5 and
32 (situated in Twp. 24N.); but only one, that located in Section
5, was filed upon as required by law, and even that filing is
defective. The claims are based upon a claim filed in 1894 for
water to be used for the stated purposes of generating electricity,
and several milling and manufacturing purposes. NO CLAIM FOR IRRE-
GATION WAS MADE. This claim is also most vague as to where the
water is being taken from. The description fits either of the two
present day ditches, and might have applied to either; but the
entire claim seems to have simply died sometime between the filing
date in 1894, and the Application for Permit Number 22255 on
Permit number 15657 filed by B.B.Hinkley, December 6, 1922. If that
were not the case, the 1922 Hinkley permit application would not
have been filed. It is the ONLY document of record which might
provide ANY foundation for a claim in Section 6 to use water from
there for irregation. We are informed by the prior owner of our
property that all any of these people ever had by way of access
was permission from the landowners to operate their ditch; and
that no easement of any kind was ever granted to use the land for
that or any other purpose. That permission continued through several
ownerships to and including the undersigned until earlier in
1992 when these people through their attorney informed us that
they neither wanted nor needed our permission to have their ditch
on and accross our land, at which time we informed said lawyer
that the permission was thenceforth discontinued. This came about
due to our suggestion that the parties should have an easement
for their ditch for better future security of same. The lawyer
disagreed and negotiations were ceased. As a result, our position
is that the parties now have no legal access to Section 6, and
the Idaho Water Resources informs us that no active permit is on

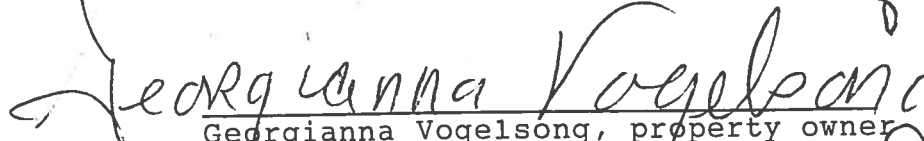
Ident. Numbers: A78-04031 and A78-10350

PROTEST TO AMENDED CLAIM OF WATER RIGHT. continued

file with their office as is required under current law. Therefore, no valid claim or permit exists presently for the claimants to take water from Section 6. Due to the above, and the demonstrated total disregard of landowner's property rights, esthetic and safety considerations, we ask the Court to declare claimants' amended water right claim be disallowed and any and all right to claim and/or take water from Section 6 be suspended until proper access is acquired by claimants. If proper legal access for use of the land to transport any water acquired across Section 6 for usage in other sections is not attained within a reasonable time as determined by this Court, then we ask that all claims of the claimants for water right or permit in Section 6 be ordered discontinued.

Submitted for consideration this 19th day of October, 1992.


Charles M. Vogelsong, property owner


Georgianna Vogelsong, property owner

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AUG 08 1994

W000633

09/01/88
08:58:36

DEVENY, BRYAN G.

ADJUDICATION FEE

0410162 9337 6490

\$25.00

\$25.00

CHECK 2853

WR/NO: A78-10350

Idaho Department of Water Resources

Region: Western

Signature: _____

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IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIMS PROOF READING REPORT

- - - OLD WATER RIGHT NUMBERS - -
NO OLD WATER RIGHT NUMBERS FOUND.

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OCT 24 1996

WATER RIGHT NUMBER - A78-10350

PREFIX TRANSLATION: ADJUDICATION CLAIM

+ - - - - - CONDITIONS OF APPROVAL - - - - - +
NO CONDITIONS OF APPROVAL FOUND.

+ - - - - DECREE PLAINTIFF	- - - +		+ - - - - DECREE DEFENDANT	- - - +		+ - DECREE DATE	- +
						00/00/0000	

+ - - AUDIT FIELDS - 09/01/88 ROUSH 09/26/89 REFUNDML 06/05/92 GRAVES

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+-----+-----+-----+-----+-----+-----+-----+-----+-----+-----+
                                -COMMENTS-
                                NO COMMENTS FOUND

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[illegible]

COURT REPORT FILING	-	00/00/0000	FIELD INSPECTION MADE	-	00/00/0000	CIVIL CASE NUMBER	-	39576
OBJECTION FILED DATE	-	00/00/0000	FIELD INSPECTION FLAG	-		OLD CASE NUMBER	-	
RESPONSE FILED DATE	-	00/00/0000	VERIFIED DATE	-	00/00/0000	OLD JUDICIAL DISTRICT	-	
CLAIM RECEIVED DATE	-	09/01/1988	LAST AMENDED DATE	-	06/08/1992	TEMPORARY RIGHT	-	P
PROOF DUE DATE	-	00/00/0000	PROOF MADE DATE	-	00/00/0000	WATER DISTRICT	-	
LICENSED DATE	-	00/00/0000	RECEIPT NUMBER	-	W000633	FEDERAL/STATE INDICATOR	-	S
CLAIMS TAPE ERROR FLG	-		PDU OWNERSHIP FLAG	-	Y	PRESUMPTION FLAG	-	
FEE EXEMPT FLAG	-		NAME CONNECTOR	-	OR	NOTICE OF ERROR FLAG	-	

0028000 20 430
002800120 360

DATA ENTRY

ENTERED

CHECKED

"Verified By"
 [Signature]
 [Signature] for Records
 [Signature]
 [Signature] (See Remarks)
 County Records
 Witness Statement
 Project Records
 IDWR Records

VERIFIED

MAY 14 1993

CERTIFIED

MAY 21 1993

WATER EXAMINER

MICROFILMED

OCT 24 1996