

07/20/2005

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

RIGHT NUMBER: 78-2070
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: RAPID RIVER
QUANTITY: 0.740 CFS
148.000 AFY
PRIORITY DATE: 10/10/1963
POINT OF DIVERSION:

T24N R01W S35 SWSE Within IDAHO County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/01 12/01	0.720 CFS 148.00 AFY

PLACE OF USE: IRRIGATION Within IDAHO County

T23N R01W S01 Lot 3 NENW	14.0	T23N R01W S01 Lot 4 NWNW	11.0
T23N R01W S01 SWNW	2.0	T23N R01W S01 SENW	10.0

37 ACRES TOTAL

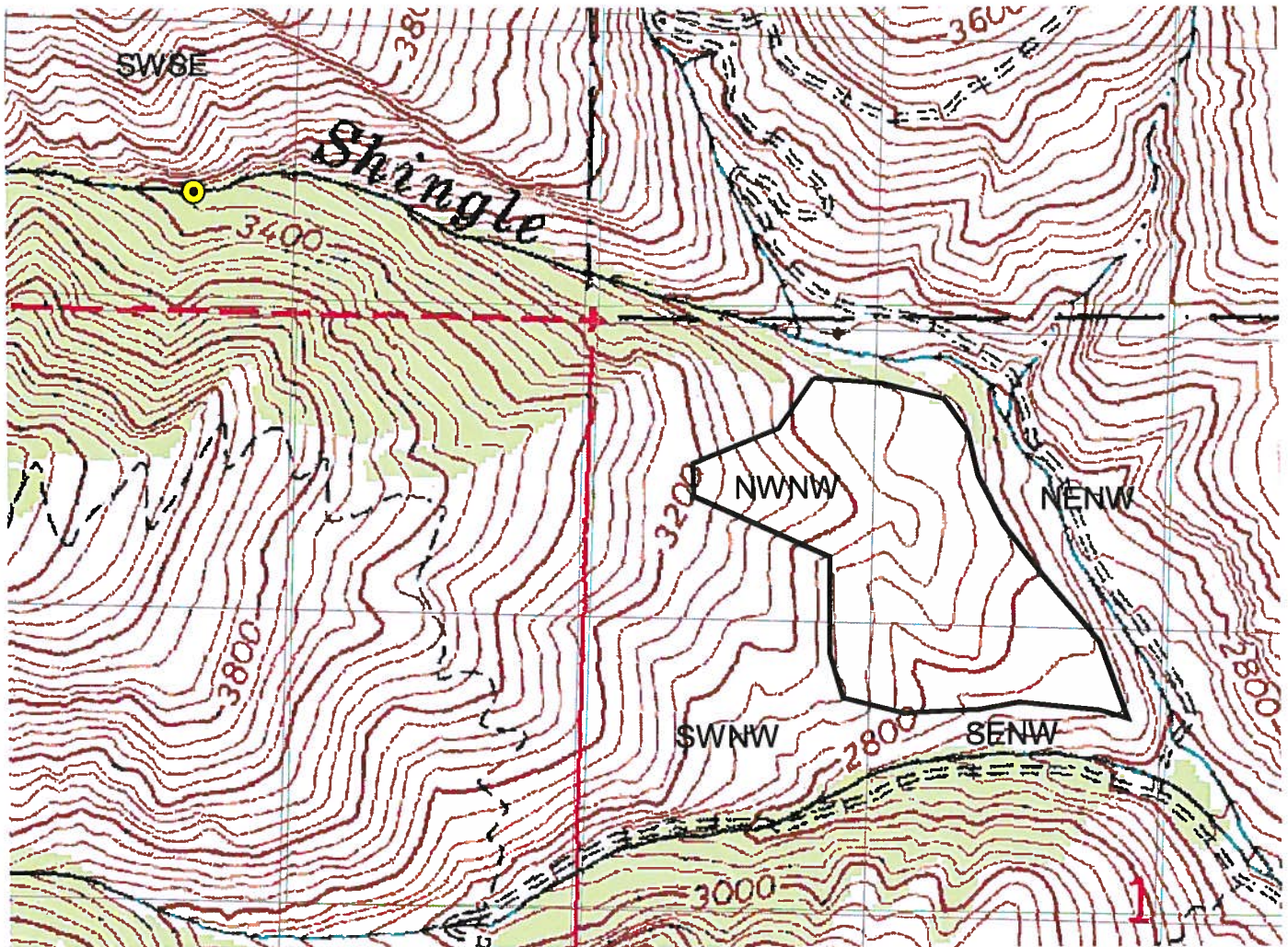
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.

78-2070



0 600 1200 Feet

Section 1
T23N R1W
Section 35
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

File in A78-02070

WATER RIGHT LICENSE

WATER RIGHT NO. 78-02070

Priority: October 10, 1963

Maximum Diversion Rate: 0.74 CFS
Maximum Diversion Volume: 148.0 AF

This is to certify, that WILLIS D DE VENY
PO BOX 1160

RIGGINS ID 83549 has complied with the terms and conditions
of the permit, issued pursuant to Application for Permit dated September 18, 1963; and
has submitted Proof of Beneficial Use on July 23, 1979. An examination indicates
that the works have a diversion capacity of .740 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>
IRRIGATION	05/01 to 10/01	0.74 CFS	148.0 AF

LOCATION OF POINT(S) OF DIVERSION: SWSE , Sec. 35, Township 24N, Range 01W
IDAHO County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
23N	01W	1	NWNW 21	SWNW 13	SENW 3	37

Total number of acres irrigated: 37

CONDITIONS/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 that 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.

MICROFILM

OCT 22 1990

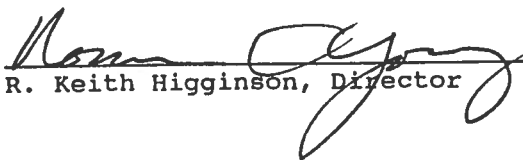
State of Idaho
Department of Water Resources

WATER RIGHT LICENSE
WATER RIGHT NO. 78-02070

CONDITIONS/REMARKS:

5. This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 4.0 afa per acre for the lands above.

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 15TH
day of July, 1994.


Acting for R. Keith Higginson, Director

MICROFILMED
OCT 22 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: **A78-02070**
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: SEP 20, 1963

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	35		SE	SE		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.
IRRIGATION	03/01	12/01	0.720		
STOCKWATER	01/01	12/31	0.020		

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

8. Total consumptive use is 111.0 Acre Feet Per Annum.

9. Non-irrigation uses:
S/50 HEAD CATTLE, 100 HEAD SHEEP, 6 HEAD HORSES & MULES

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OCT 22 1996

10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
23N	01W	1	NW		NW		IRR	21.0
			SW		NW		IRR	13.0
			SE		NW		IRR	3.0
							Section Acres	37.0
							Total Acres	37.0

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:
NONE

14. Remarks:

EXISTING DIVERSION WORKS DESCRIPTION: CONCRETE HEADGATE BUILT 1973, 3' X 9 1/2' X 22 1/2" DEEP. SETTLING BOX ADDED IN 1985 8' X 4' X 3' DEEP CONNECTED TO HEADGATE BY INLET 8' X 22 1/2" X 30" DEEP. OPEN DITCH 1 MILE LONG BY 1 FT. WIDE AT BOTTOM AND 1.5 FT. WIDE AT WATERLINE. DITCH IS BEING REPLACED BY 6 IN. PLASTIC PVC PIPE BURIED IN EXISTING DITCH.

REMARKS: THE POINT OF DIVERSION IS ON LAND OWNED BY FEDERAL GOVERNMENT (NEZ PERCE NATIONAL FOREST). USE IS AUTHORIZED BY PERMANENT EASEMENT FROM BUREAU OF LAND MANAGEMENT GRANT I-4743 DATED OCT. 12, 1972, INCLUDING DIVERSION AND 1083.8 FT. AS LENGTH OF DITCH ON FEDERAL LAND.

PERMIT PRIORITY DATE DOES NOT MATCH CLAIM PRIORITY DATE.

15. Basis of Claim: PERMIT

Water Right Number: 31389

CHANGE IN ADDRESS OF NOTICE OF CLAIM

[] Water Right Number (s): A78-02070/04173/07157/10328
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: RMF

Further Action Needed: D

Further Action Taken

Date: By:

Final Review and Data-Entry

Date: 8-1-95 By: RMF

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 22 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: A78-02070
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: SEP 20, 1963

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	35	SE	SE			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.
IRRIGATION	03/01	12/01	0.720		
STOCKWATER	01/01	12/31	0.020		

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

8. Total consumptive use is 111.0 Acre Feet Per Annum.

9. Non-irrigation uses:
S/50 HEAD CATTLE, 100 HEAD SHEEP, 6 HEAD HORSES & MULES

10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
23N	01W	1	NW		NW		IRR	21.0
			SW		NW		IRR	13.0
			SE		NW		IRR	3.0
							Section Acres	37.0
							Total Acres	37.0

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:
NONE

14. Remarks:

EXISTING DIVERSION WORKS DESCRIPTION: CONCRETE HEADGATE BUILT 1973, 3' X 9 1/2' X 22 1/2" DEEP. SETTLING BOX ADDED IN 1985 8' X 4' X 3' DEEP CONNECTED TO HEADGATE BY INLET 8' X 22 1/2" X 30" DEEP. OPEN DITCH 1 MILE LONG BY 1 FT. WIDE AT BOTTOM AND 1.5 FT. WIDE AT WATERLINE. DITCH IS BEING REPLACED BY 6 IN. PLASTIC PVC PIPE BURIED IN EXISTING DITCH.

REMARKS: THE POINT OF DIVERSION IS ON LAND OWNED BY FEDERAL GOVERNMENT(NEZ PERCE NATIONAL FOREST). USE IS AUTHORIZED BY PERMANENT EASEMENT FROM BUREAU OF LAND MANAGEMENT GRANT I-4743 DATED OCT. 12, 1972, INCLUDING DIVERSION AND 1083.8 FT. AS LENGTH OF DITCH ON FEDERAL LAND.
PERMIT PRIORITY DATE DOES NOT MATCH CLAIM PRIORITY DATE.

15. Basis of Claim: PERMIT
Water Right Number: 31389

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

A78-02070

7-21-88

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) 628-3462Mailing Address Box 239, Riggins, ID Zip 835492. Date of Priority (Only one (1) per claim) September 20, 19633. 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 35,
SE 1/4 of SE 1/4 of SE 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. Concrete headgate built 1973, 3' x 9½' x 22½"
deep. Settling box added in 1985 8' x 4' x 3' deep connected to headgate by inlet
8' x 22½" x 30" deep. Open ditch 1 mile long by 1 ft. wide at bottom and 1.5 ft. wide
at waterline. Ditch is being replaced by 6 inch plastic PVC pipe buried in existing
ditch.

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6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For irrigation purposes from Mar. 1 to Dec. 1 amount .72 or 111

For stock water purposes from Jan. 1 to Dec. 31 amount .02 or 14.5

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) .74 (cfs) and/or (b) 125.5 (acre feet)

8. Total consumptive use claimed is 111 acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) 50 head cattle, 100 head sheep, 6 head horses and mules

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					21	13	3										37

Total number of acres irrigated 37

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.

or None (X)

14. Remarks:

The point of diversion is on land owned by federal government (Nez Perce National Forest). Use is authorized by permanent easement from Bureau of Land Management Grant I-4743 dated Oct. 12, 1972 including diversion and 1083.8 ft. as length of ditch on federal land.

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Last Name DeVeney Ident No. _____

Copies: White -State, Yellow-Claimant

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



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AUG 08 1994

Last Name DeVeny Ident No. _____

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 31389/78-2070
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 currently subscribe 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) Nellie D. DeVeney Date 7/13/88
Betty G.D. Perry 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 Street 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