

11/02/2005

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

RIGHT NUMBER: 78-4173
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: 0.610 CFS
PRIORITY DATE: 03/05/1892
POINT OF DIVERSION:

T24N R01W S36 SWSWSW Within IDAHO County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
STOCKWATER	01/01 12/31	0.010 CFS
IRRIGATION	03/01 11/15	0.600 CFS

PLACE OF USE: IRRIGATION Within IDAHO County

T23N R01W S01 Lot 3 NENW	15.0	T23N R01W S01 Lot 4 NWNW	5.0
T23N R01W S01 SWNW	1.0	T23N R01W S01 SENW	8.0
T24N R01W S36 SWSW	1.0		

STOCKWATER Within IDAHO County

T24N R01W S36 SWSW

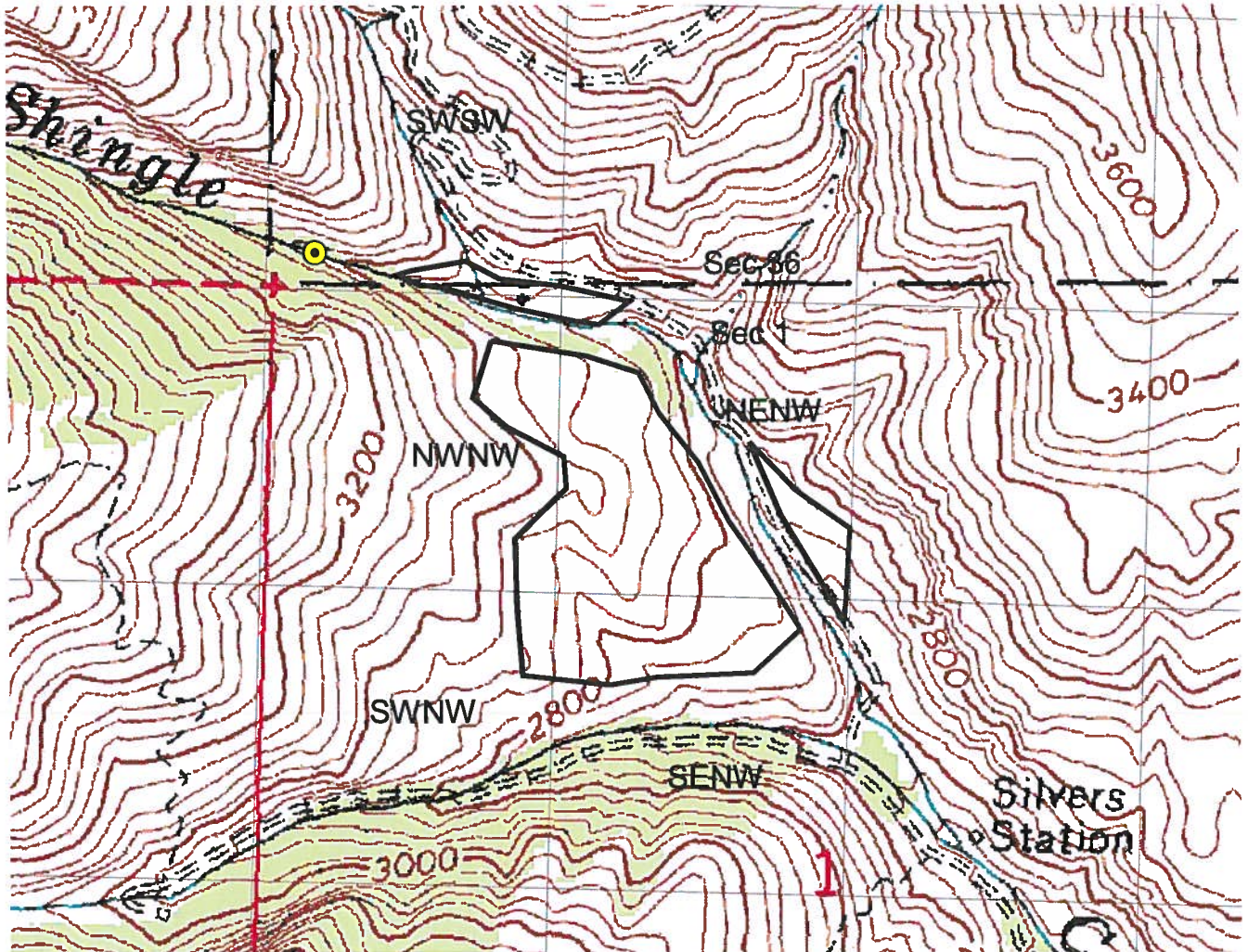
30 ACRES TOTAL

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 - Beneficial Use

78-4173



0 500 1000 Feet

Section 1
T23N R1W
Section 36
T24N R1W



● Point of Diversion

□ Place of Use

Map prepared on November 1, 2005
By Kenneth Knoblock
Idaho Department of Water Resources

Shingle Creek Ranch

P.O. Box 1160
Riggins, ID 83549

ph: (208) 628 3462
fax: (208) 628 3462

RECEIVED

AUG 18 2005

Department of Water Resources

August 15, 2005

Department of Water Resources
attn: Carter Fritschle
322 East Front Street
PO Box 83720
Boise, Idaho 83720-0098

Dear Mr. Fritschle:

As requested in your letter of June 6, 2005 (copy included) proof of beneficial use is being submitted for claim no. 78-4173.

Mr. Zimmerman has completed the field examination of this water use.

Sincerely,



Betty G. DeVeney and
Willis D. DeVeney

enclosures

Notice of Location of Water
Affidavits
William Egbert
L.R. Damon
George E. Boodry
John H. Carrey
North Boundary Survey T24N, R1W

SCANNED

AUG 18 2005



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street, P.O. Box 83720, Boise, Idaho 83720-0098

Phone: (208) 287-4800 FAX: (208) 287-6700 www.idwr.idaho.gov

RECEIVED
AUG 18 2005

Department of Water Resources

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

June 6, 2005

78-4173
BETTY G DE VENY
PO BOX 1160
RIGGINS ID 83549

Re: Field Examination and Evidence of Priority Date

Dear Claimant:

The Notice of Claim to a Water Right (claim) identified with the number shown above your name has been filed in the Snake River Basin Adjudication (SRBA). The claim indicates your water usage is based on "Beneficial Use" or a "Statutory Claim." Water rights of this type are established by the historic use of water, dating back to when water was first used for the purpose claimed, and are termed beneficial use rights.

The elements of beneficial use rights need to be verified by an examiner for the Idaho Department of Water Resources (IDWR) before the claim can be recommended to the SRBA Court. The examination of claims in your area will take place during the summer of 2005. An examiner will be contacting you to schedule a time to visit your property to verify your use of the water right claimed.

Also, even though most of the elements of your claim can be verified by the field exam, the date of first use, or priority date can only be verified by documentation of the historic use. If you have not supplied documentation for the priority date and historical beneficial use of the water, please submit your evidence by August 31, 2005. Enclosed you will find a pamphlet entitled "Evidence of Priority." The pamphlet describes the types of evidence required and suggests which documents will fulfill this requirement.

PLEASE NOTE: IDWR will recommend the SRBA Court decree the claim disallowed if the priority date and the historic use cannot be documented. It will be to your advantage to provide clear and convincing evidence. If you choose to submit statements from individuals as evidence, the statement should be in the form of a notarized affidavit.

If you have questions not covered by this letter or the enclosed pamphlet, please contact this office. Our toll free number is 1-800-451-4129.

Sincerely,

Carter Fritschle
Water Rights Supervisor
Adjudication Bureau

Enclosure:

Evidence of Priority Date pamphlet

Additional claimant(s) and/or claim(s):

78-4173
WILLIS D DE VENY
PO BOX 1160
RIGGINS ID 83549

SCANNED

AUG 18 2005

Notice of Location of Water for Irrigation purposes

Notice is hereby given that I the undersigned
have this 5th day of March located the
water of this the Saw Mill Gulch for Irriga-
purposes and intend to use the same as
provided by the laws of Idaho County Ida
governing the same the water to be
taken from the Stream at this point of
Location
March 5 1892 E. C. Clark

Filed for Record March 18th 1892 at 3 O'clock
P M J. P. Roads
County Recorder

Notice of Location of Water for Irrigation
Notice is hereby given that I the undersigned
have this 5th day of March located 150 inches
of water from Shingle Creek to be used
for Irrigation purposes and intend to
be the same as provided by the Laws
of Idaho County Idaho governing
the same the water to be taken from
this Location

March 5 1892 Wm Clark

Filed for Record March 18th 1892
at 11 O'clock A M

This is probably Raymond's
ditch.

J. P. Roads
County Recorder

SCANNED

AUG 18 2005

I, William Egbert, certify that from my personal observation water from Shingle Creek has been in use on the Shingle Creek ranch for irrigation purposes since 1905.

Shingle creek ranch is the name commonly used to refer to that land located on and near Shingle Creek, a tributary of Rapid River, near Riggins, Idaho.

I, the undersigned, have been present on or near said ranch since 1905 and believe said information true to the best of my knowledge.

William A Egbert

Riggins Idaho

Walt Schleicher
Notary Public
Riggins Idaho

My Commission expires Dec 16, 1911

I, L. R. Damon, certify that to my knowledge and belief that water from Shingle Creek was in use on the Shingle Creek Ranch as far back as 1906, to my personal observation.

Shingle Creek ranch is the common use name for the land described as follows:

Lots 3 and 4 and the South Half of the Northwest Quarter of Section 1; lot 1 and the Southeast Quarter of the Northeast Quarter of Section 2, all in township 23 North, Range 1 W. B. M. and the South Half of the Southwest Quarter and that part of the Northeast Quarter of the Southwest Quarter of Section 36 lying and being Southeast of a line running from the NE corner of said NE $\frac{1}{4}$ SW $\frac{1}{4}$ to the SW corner of said NE $\frac{1}{4}$ SW $\frac{1}{4}$, all in Section 36 in Township 24 North, Range 1 W. B. M.

I, the undersigned, have been on or near said ranch since 1906 and believe said information true to the best of my knowledge.

L R Damon

Piggins Idaho

Watt. Schleicher
Notary Public

Piggins Idaho

My commission expires Dec 14.

SCANNED

AUG 19 2005

I, George E. Boody, certify that to my best knowledge and belief that water from Shingle creek, was used on Shingle creek ranch since the year 1919, to my personal observation.

Shingle creek ranch is common name use for that land located on and near shingle creek, a tributary of Rapid river, near Riggins, Idaho.

I, the undersign, have been present or near said ranch since 1919 and believe said information true to the best of my knowledge.

George E Boody
Riggins Idaho

STATE OF IDAHO

ss

County of Idaho

On this 22nd day of May in the year 1954, before me, Allen A Blair, a Notary Public in and for said state, personally appeared George E Boody known to me to be the person whose name subscribed to the within instrument, and acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my Official Seal the day and year in this certificate first above written.

Allen A Blair
Notary Public for the State of Idaho
Residing at Riggins, Idaho

SCANNED

AUG 12 2005

Statement Concerning Claim to Water Right on Shingle Creek

From information from Bill Howard who was a friend of and wintered with Eddy's, the irrigation ditch was put on the place in 1886 on Shingle Creek. The original ditch was built by James Eddy, Sr. They resided on the property until 1899 when the property was acquired by Jack Morrison and his sister, Emma Shelby. Both Eddy's and Morrison used water for agricultural irrigation and stock water. In 1916 Chester Irwin sold the place to Charlie Clay and it was the headquarters for a large sheep operation. Irwin had purchased the place about 1913 or 1914. My dad, Tom Carrey moved on the place about 1940 and continued to farm the place. I moved to the place in 1943 and continued the farming, irrigation and stock raising. In 1949, I sold the place to Clyde and Bill DeVeney and to my personal knowledge they have continued to irrigate for farming and to use water for domestic livestock.

I knew Bill Howard personally as well as all others who lived on the place except for James Eddy, Sr., so can personally state that Shingle Creek has been used for irrigation and stock water steadily from 1886 to the present time.

Signed this 8th day of December, 1981.

Signed:

Witness:

Tom H Carrey
Pearl E. Carrey

SCANNED

AUG 19 2005

SOUTH BOUNDARY TOWNSHIP 24 NORTH, RANGE 1 WEST.

V.S.

From the cor. to Tps. 23 and 24 N., Rs. 1 N. and 1 W.,
established by me July 13, I run
West bet. secs. 1 and 36.

Ascend over mountainous land.

20.00 Top of ridge 250 ft. above Tp. cor. bears NW. and SE.
Descend 300 ft. to

33.00 Dry bed of creek course S. Thence over hilly land
sloping S.

40.00 Set a basalt stone 16x9x7 ins. 11 ins. in ground for
 $\frac{1}{4}$ sec. cor. marked $\frac{1}{4}$ on N. face and raised a mound
of stone 2 ft. base, $1\frac{1}{2}$ ft. high N. of cor. No pits.

41.50 Top of sp r bears S. Descend 200 ft. over mountainous
land.

48.50 Ravine course S7. Thence over hilly land sloping S.

50.35 Road bears NW. and SE.

58.20 Fence bears N. 70°W. and S. 70°E.

59.50 Enter alfalfa field.

63.75 House bears N. 3.00 chs. dist.

66.00 Shingle Creek 30 lks. wide flows S. 60°E.
Enter scattering timber and dense undergrowth and
Ascend.

70.00 Ditch 2 lks. wide flows SE.

80.00 A point 250 ft. above creek,

Set a granite stone 18x6x6 ins. 12 ins. in ground for
cor. of secs. 1, 2, 35 and 36, marked with 5 notches
on W. and 1 notch on E. edges, from which

A fir 7 ins. dia. bears N. 86 $\frac{1}{2}$ °E. 203 lks. dist.,
marked T 24 N R 1 W S 36 B T

A pine 24 ins. dia. bears S. 67 $\frac{1}{2}$ °E. 128 lks. dist.,
marked T 23 N R 1 W S 1 R T

A pine 22 ins. dia. bears S. 75 $\frac{1}{2}$ °W. 205 lks. dist.,
marked T 23 N R 1 W S 2 R T

A fir 8 ins. dia. bears N. 63-3/4°W. 57 lks. dist.,
marked T 24 N R 1 W S 35 B T

SCANNED

AUG 19 2005

SOUTH BOUNDARY TOWNSHIP 24 NORTH, RANGE 1 WEST.

chs.

Land hilly and mountainous,
Soil sandy loam and stony, 2nd and 4th rate,
Timber, pine, fir and tamarack,
Mountainous land or covered with dense undergrowth
54.00 chs.

chs.

West bot. secs. 2 and 35,

Ascend over mountainous land through scattering timber
and dense undergrowth.

23.50 Top of spur 460 ft. above sec. cor. bears N.
Descend 100 ft.

29.50 Ravine, course N. 20° E. Ascend.

40.00 Set a granite stone 16x9x5 ins. 11 ins. in ground
for $\frac{1}{2}$ sec. cor. marked $\frac{1}{2}$ on N. face, from which
A fir 8 ins. dia. bears N. 78° W. 69 lks. dist.,
marked $\frac{1}{2}$ S 35 B T
A fir 8 ins. dia. bears S. 81° W. 54 lks. dist.,
marked $\frac{1}{2}$ S 2 B T

Latitude at this cor. is 45° 22'.

50.00 Leave scattering and enter heavy timber bears N. and S.

75.00 Leave heavy and enter scattering timber bears N. and S.

80.00 A point 850 ft. above ravine,

Set a granite stone 21x9x3 ins. 15 ins. in ground for
cor. of secs. 2, 3, 34 and 35, marked with 4 notches
on W. and 2 notches on E. edges, from which

A pine 5 ins. dia. bears N. 44° E. 44 lks. dist.,
marked T 24 N R 1 W S 35 B T

A pine 4 ins. dia. bears S. 22° E. 70 lks. dist.,
marked T 23 N R 1 W S 2 B T

A pine 5 ins. dia. bears S. 34° W. 34 lks. dist.,
marked T 23 N R 1 W S 3 B T

A pine 5 ins. dia. bears N. 40° W. 41 lks. dist.,
marked T 24 N R 1 W S 34 B T

Land mountainous,
Soil stony, 3rd rate,
Timber, pine, fir and tamarack,
Mountainous or heavily timbered land or covered with
dense undergrowth 80.00 chs.

August 17, 1902.

SCANNED

Aug 12 2005

78 -4173

Notes
Lewy to

6-14-05 (4:00)

Willis & Betty DeVey

628-3462

Directions

Go up Rapid River Rd to Hatchery

Old Sign "Shingle Creek"

Go up Road.

1 1/2 miles up creek is a gate - Go through

Go to end of Road

Power to S plant put in 1980

Same POD 78-7158

78-7277

POD $45^{\circ} 22' 10.3''$ $116^{\circ} 24' 46.4''$ $3090 \text{ ft.} \pm 24'$ Photo # 18 ^{North} up Shingle Creek

#19 Looking down North Shingle Creek 6" PUC

#20 Riser @ A

#21 Riser @ B

Lower Riser $45^{\circ} 21' 59.1''$ $116^{\circ} 24' 26.8''$ 2920 ± 20

#22 East

~~No~~ livestock, Cattle on Prop Nov. 1 → June 1 (creek?)

Sprinkler Measurements

$$377 \div 5 = 75.4 \text{ sec/head}$$

$$5 \div 1.25 = 4$$

Pasture Behind Side of House

Post. Behind house

Lawn

1:21 (5)

1:24 (5)

1:00 (5)

20 gpm

1:32 (5)

1:00 (5)

Upper Field all (10 gal) All Sprinklers have measured

1:30.3

:37

:58

1:01

1:16

1:25

:58

1:02

:54

1:16

1:06

1:05

1:06

:59

-

1:08

1:01

1:23

1:17

1:07

1:03

-

1:05

1:06

1:04

1:18

-

1:04

-

See 10901

Lower Field, all (10 gal)

1 - 1:03

11 - 1:16

21 - 1:14

3 - 1:22

13 - 1:33

23 - 1:13

5 - 1:20

15 - 1:29

7 - 1:31

17 - 1:06

8 - 1:24

19 - 1:13

23 Sprinklers

large Concrete Box @ 100 Piped & goes to Field
(Buried)

Also line from box to River Plant.

78-4173

35 36

North Fork
Shingle Creek

POU

35 36

2

2

1

A

POU

B

NW NW

SW NW

see.

36

2

POU

POU

S Fork Shingle Creek

Power
Plant

**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

A78-04173

Date Received

7-21-1988

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) 1886 (month and day not known)

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. In 1983 the headbox was changed to a 4' x 9' long by 8' deep concrete screened settling box. In 1987 the ditch was replaced with 2000 ft. of buried 6" plastic PVC pipe with riser valves for above ground sprinkler pipes. The previous system was an open ditch 1680 ft. with average cross section of 24" wide by 8" deep and 300 ft. of pipe with diversion boxes at 1108 ft. and at 1980 ft. Concrete headboxes replaced mud and dam canvas headgates. The method of irrigation was changed from flood to gravity sprinklers in 1955.

MICROFILMED**AUG 08 1994**

Copies: White-State, Yellow-Claimant

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 .60 or 90

For stockwater purposes from Jan. 1 to Dec. 31 amount .01 or 7.5

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) .61 (cfs) and/or (b) 97.5 (acre feet)

8. Total consumptive use claimed is 90 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 cows, 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					12	8	5	5									30
24N	1W	36											S						

Total number of acres irrigated 30

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:

MICROFILMED

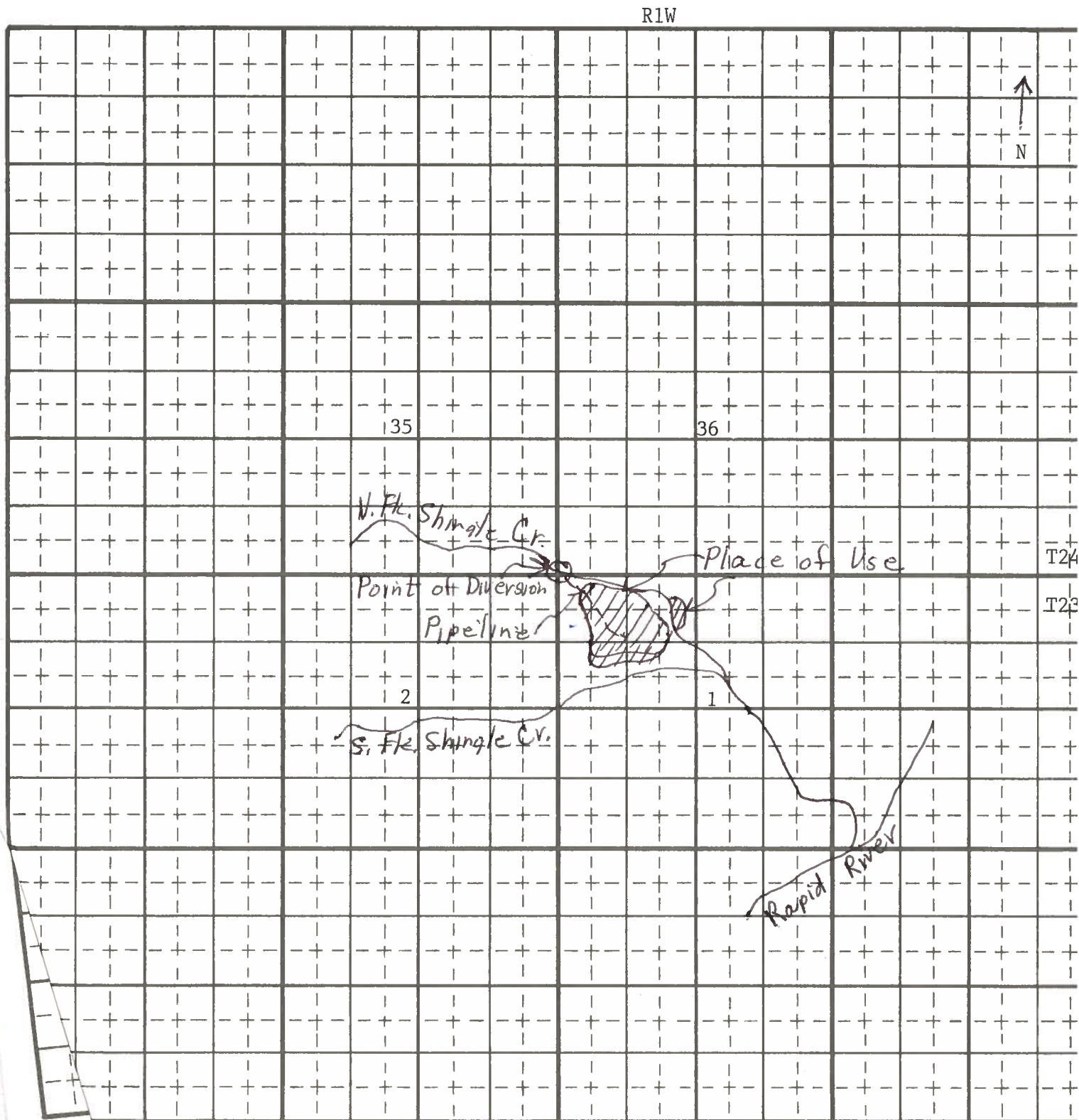
AUG 08 1994

Last Name DeVeny 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



MICROFILMED

AUG 08 1994

La DeVeney

Ident No.

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 78-4173
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 ☒ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments _____ We currently subscribe to the 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) Mellie 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

78-4173



Photo 1: POD. Looking up stream on North Fork Shingle Creek.



Photo 2: POD. Looking down stream on North Fork Shingle Creek.

78-4173



Photo 3: Riser at point 'A' on Photo-Quad Map.



Photo 4: Riser at point 'B' on Photo Quad Map.

78-4173

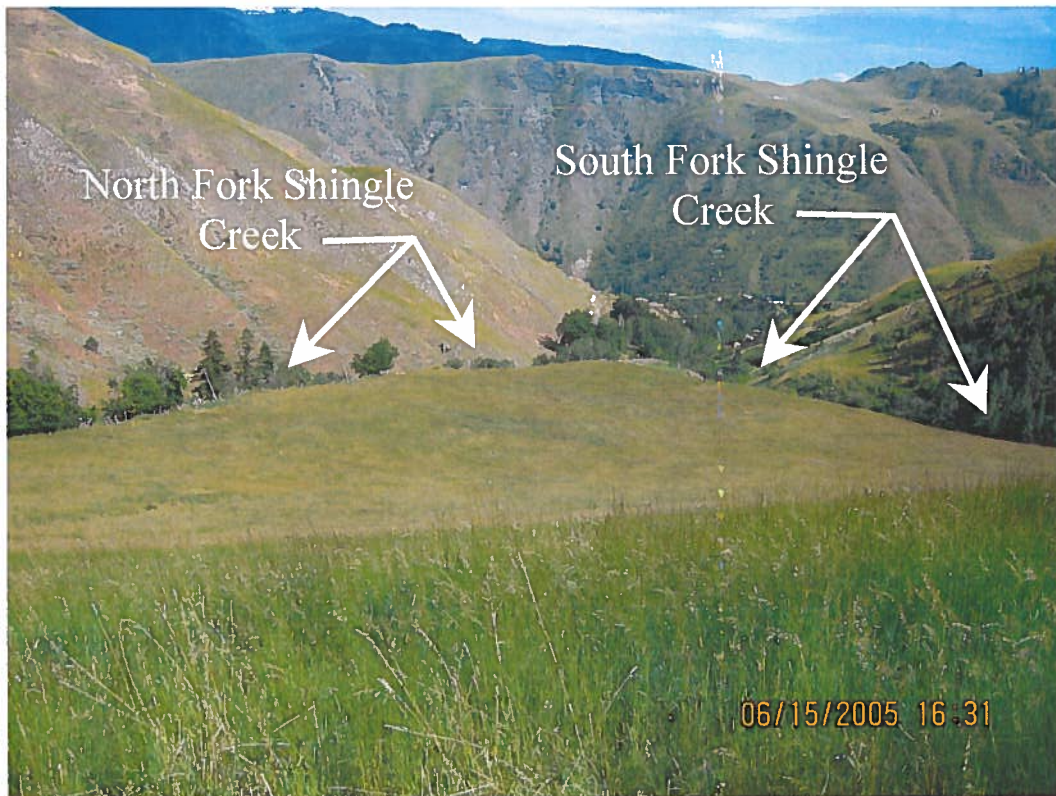
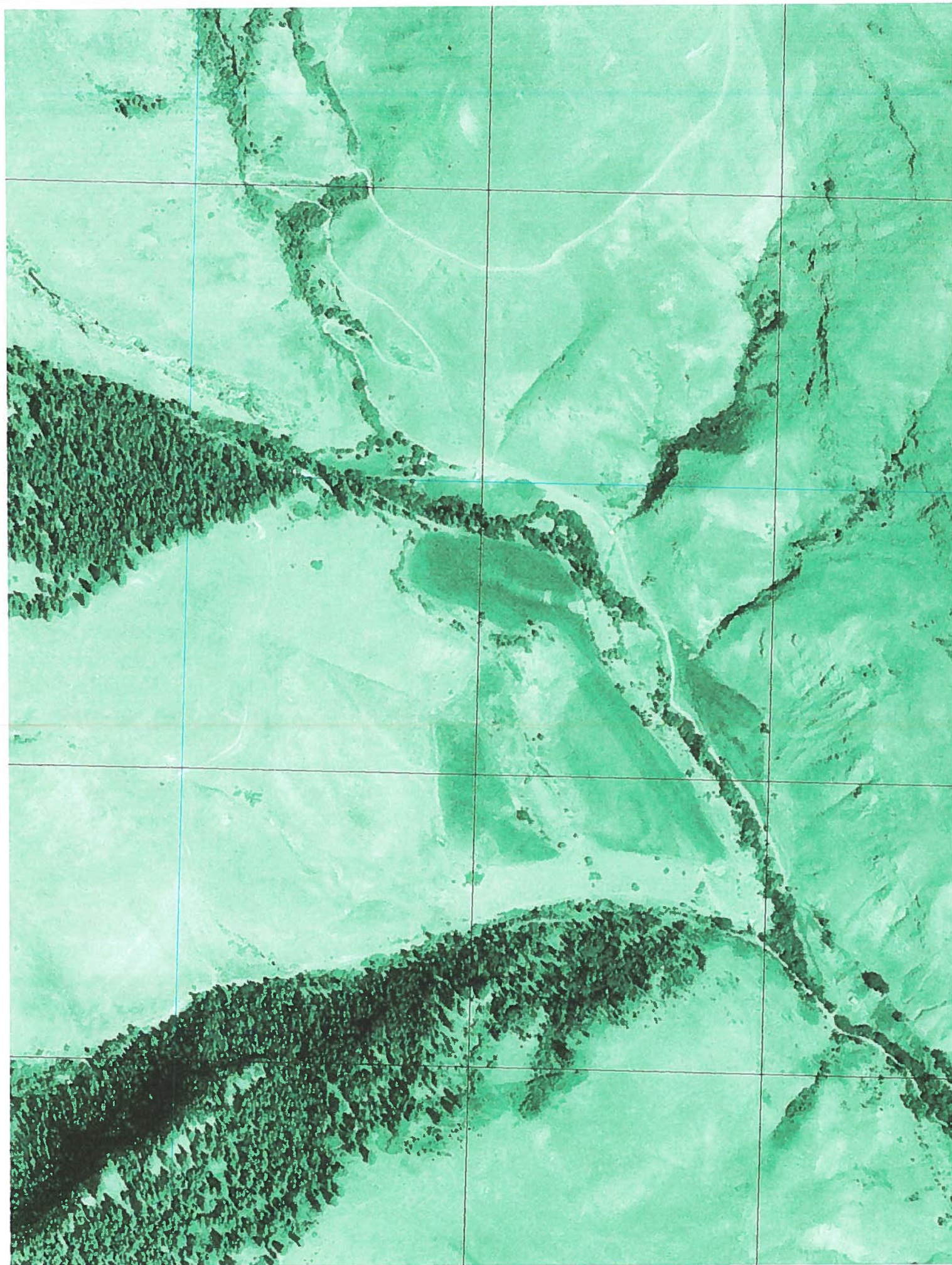


Photo 5: POU. Looking southeast.



Claim Number 78-4173

Claimed Basis: Beneficial Use

 Use Claimed Priority Date and Basis as Recommended Priority Date and Basis

Water Right Basis: Statutory Claim

Recommended Priority Date _____ Recommended Basis _____

Document the evidence submitted/reviewed for the priority date claimed, include your analysis of the evidence:

[illegible]

Date: _____

Point of Diversion and Source Data Entry Form

Claim Number 78-4173

Claimed Point of Diversion and Source

T24N R01W S36 SWSWSW Within IDAHO County Source: SHINGLE CREEK RAPID RIVER

☐ Use Claimed POD and Source as Recommended POD and Source

Water Right Point of Diversion and Source

T24N R01W S36 SWSW Within IDAHO County

Recommended Point of Diversion and Source

Source Information

Source

Tributary To

North Fork Shingle Creek Shingle Creek to Rapid River to
Little Salmon

Twp	Rge	Sec	Gov Lot	QQQ of QQ of Q	County	Source
24N	1W	36		SW SW SW	Idaho	N. Fork Shingle Creek

Other rights from this POD? 78-7158 / 78-7277

Document how the POD and Source were verified:

Reviewer: _____

Date: _____

Place Of Use Data Entry Form

Claim Number 78-4173

Claimed Place Of Use

T24N R01W S36 SWSW *stock 9?*
 T23N R01W S01 NENW 12.0 T23N R01W S01 NWNW 8.0
 T23N R01W S01 SWNW 5.0 T23N R01W S01 SENW 5.0
 Total Acres 30

___ Use Claimed POU as Recommended POU

Water Right Place Of Use

T23N R01W S01 NENW 12.0 T23N R01W S01 NWNW 8.0
 T23N R01W S01 SWNW 5.0 T23N R01W S01 SENW 5.0
 T24N R01W S36 SWSW
 Total Acres 30

Recommended Place of Use

___ See corrections to claimed POU above

Twp	Rge	Sec	QQ	Q	County	Lot Num	Acres	Purpose of Use
24N	1W	36	SW	SW	Idaho			Irr
23N	1W	01	NE	NW	Idaho			Irr
23N	1W	1	SW	NW	Idaho			Irr
23N	1W	1	NW	NW	Idaho			Irr
23N	1W	1	SE	NW	Idaho			Irr

Total Acres ___

Document how the POU was verified:

On Site Exam / Claimant Verification / 7 1/2 min USGS Topo Map.

Reviewer: _____

Date: _____

Purpose of Use Data Entry Form

Claim Number 78-4173

Claimed Purpose of Use

Water Use	Number of Homes	Number of Stock	Acre Limit
STOCKWATER			
IRRIGATION			

☐ Use Claimed Purpose of Use as Recommended Purpose of Use

Water Right Purpose of Use

Water Use	Number of Homes	Number of Stock	Acre Limit
IRRIGATION			
STOCKWATER			

Recommended Purpose of Use

Water Use	Number of Homes	Number of Stock	Acre Limit	Number of Other
Irrigation				

Document how the Purpose of Use was verified:

On Site Exam / Claimant Verification

Reviewer: _____

Date: _____

Period of Use and Quantity Data Entry Form

Claim Number 78-4173

Claimed Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
IRRIGATION	3/01	12/01	0.6	
STOCKWATER	1/01	12/31	0.01	

Overall Diversion Rate 0.61

Overall Diversion Volume

Use Claimed Period of Use and Quantity as Recommended Period of Use and Quantity

Water Right Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
IRRIGATION	3/01	12/01	0.6	
STOCKWATER	1/01	12/31	0.01	

Overall Diversion Rate 0.61

Overall Diversion Volume

Recommended Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

Overall Diversion Rate _____

Overall Diversion Volume _____

Document how the Period of Use and/or Diversion Rate were verified:

Reviewer: _____

Date: _____

Contacts Data Entry Form

Claim Number: 78-4173

Owner Type	Full Name	Address	City	State	Zip	Phone
Current Owner	WILLIS D DE VENY	PO BOX 1160	RIGGINS	ID	83549	(208)628-3462
Current Owner	BETTY G DE VENY	PO BOX 1160	RIGGINS	ID	83549	(208)628-3462

Date of Field Exam: 6-15-05 Time: 3:00 pmAccompanied By: Willis DeVeny Phone Number: 628-3462Relationship to Claimant: Co-Claimant

Directions to Property (if different from above) and/or update owner information:

Take Rapid River Road to just before Fish Hatchery.
Take Shingle Creek Road. Got through Gate
House is at end of road

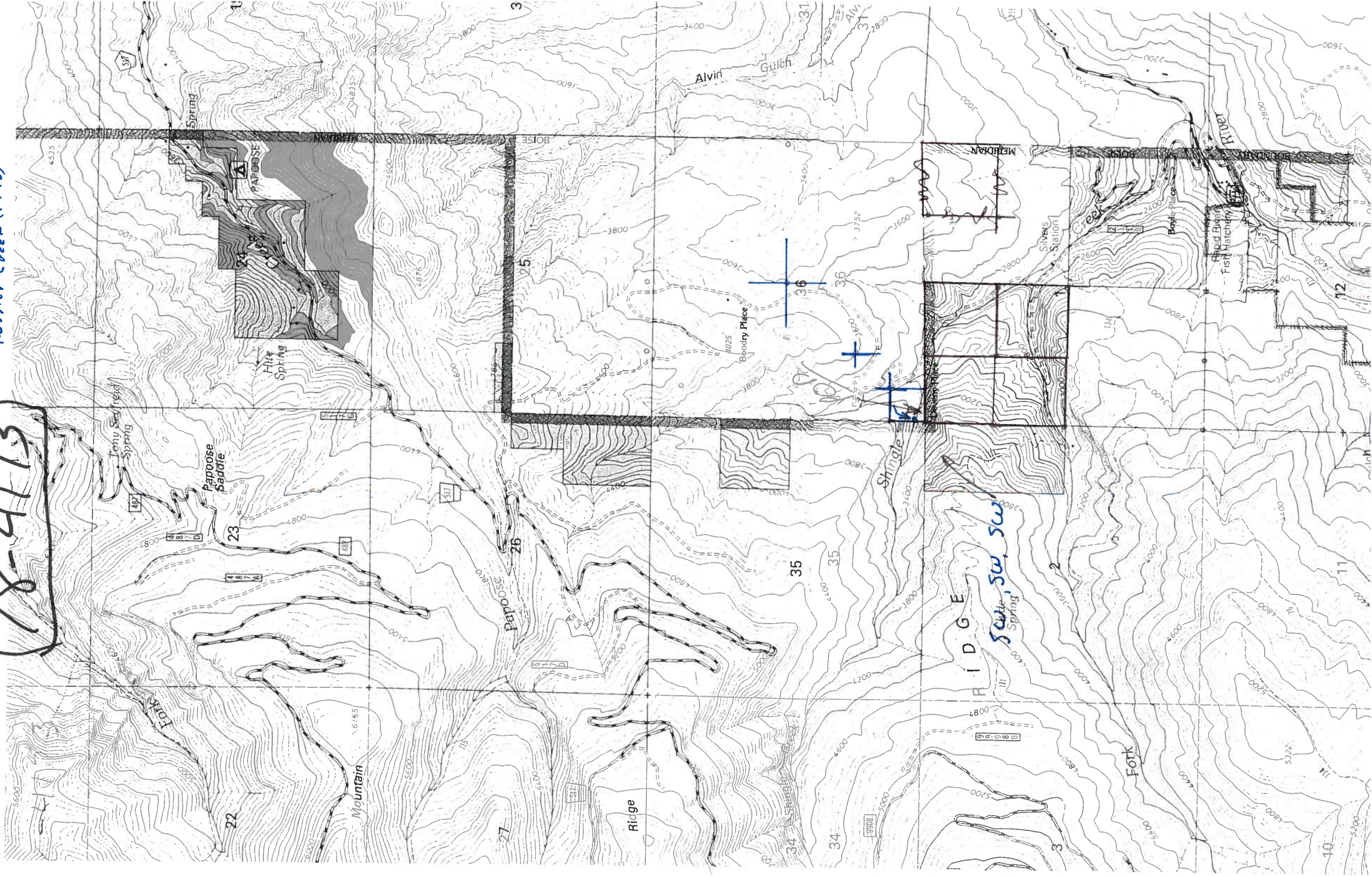
Reviewer: _____

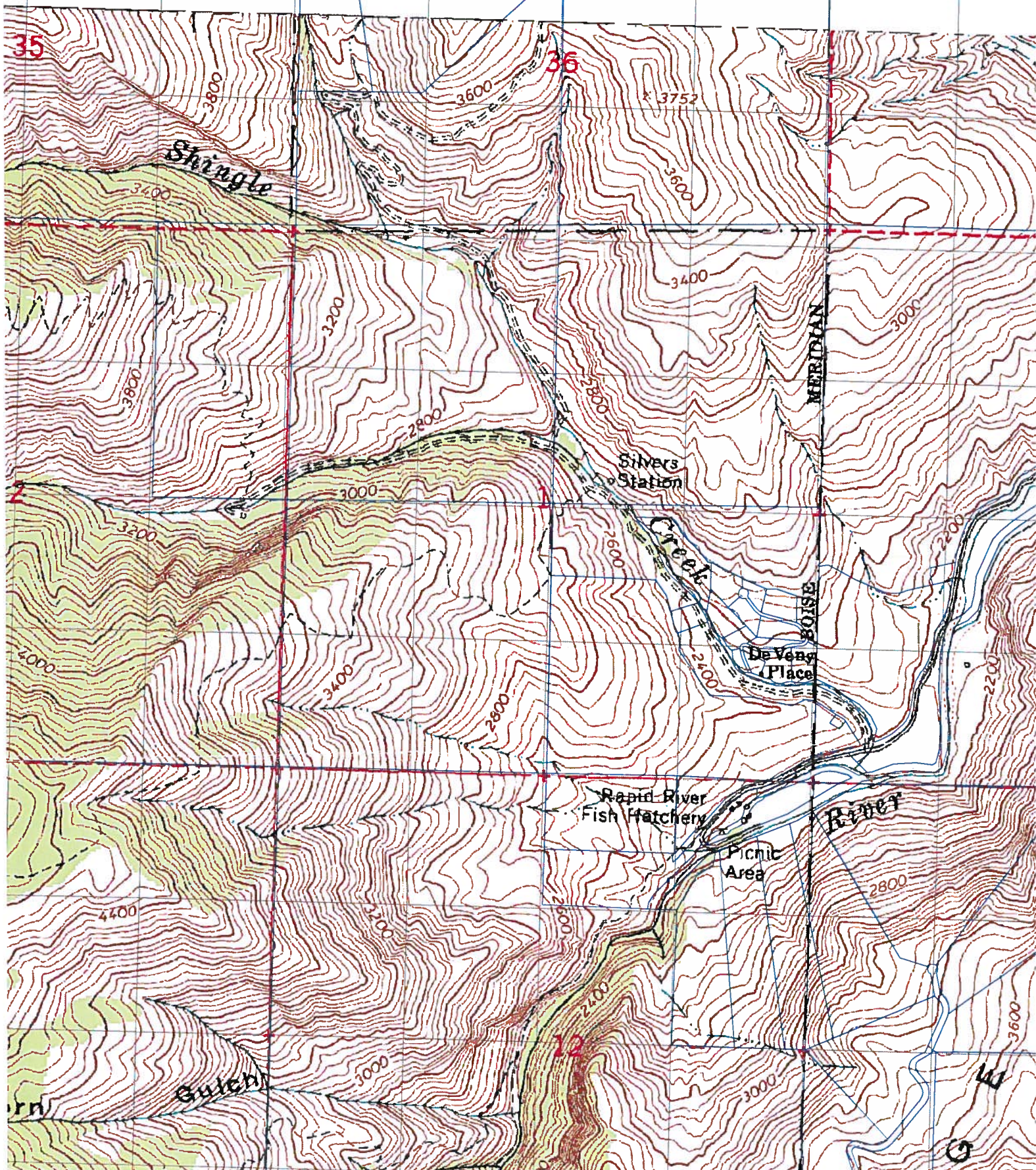
Date: _____

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Heaven's Gate (1995)
Kessler Creek (1995)

78-4173





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

A78-04173

7-21-1988

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) 1886 (month and day not known)

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. In 1983 the headbox was changed to a 4' x 9' long by 8' deep concrete screened settling box. In 1987 the ditch was replaced with 2000 ft. of buried 6" plastic PVC pipe with riser valves for above ground sprinkler pipes. The previous system was an open ditch 1680 ft. with average cross section of 24" wide by 8" deep and 300 ft. of pipe with diversion boxes at 1108 ft. and at 1980 ft. Concrete headboxes replaced mud and dam canvas headgates. The method of irrigation was changed from flood to gravity sprinklers in 1954.

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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 irrigation purposes from Mar. 1 to Dec. 1 amount .60 or 90

For stockwater purposes from Jan. 1 to Dec. 31 amount .01 or 7.5

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) .61 (cfs) and/or (b) 97.5 (acre feet)

8. Total consumptive use claimed is 90 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 cows, 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					12	8	5	5									30
24N	1W	36											S						

Total number of acres irrigated 30

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:

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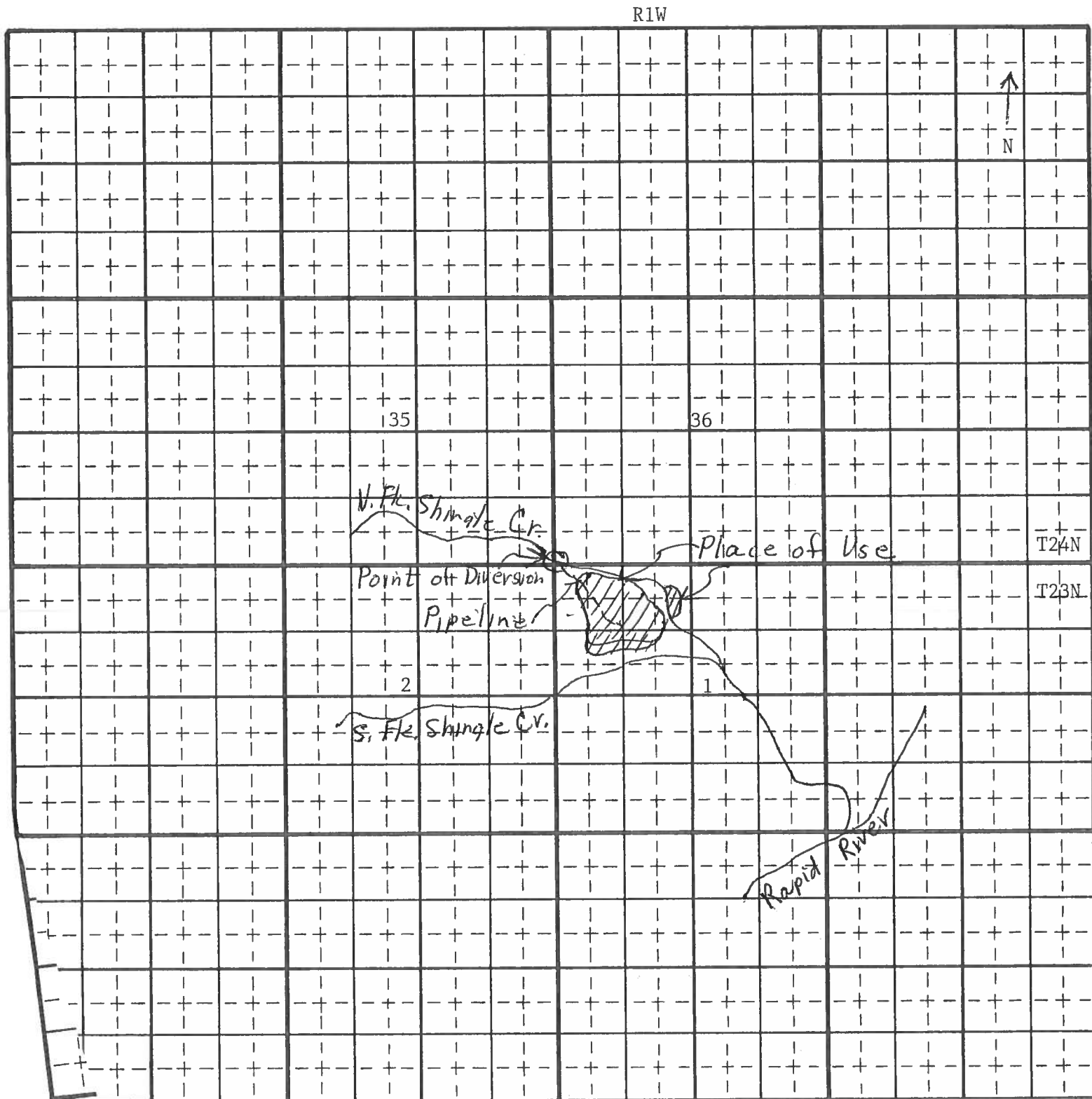
AUG 08 1994

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



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La_{re} DeVeney

Ident No. _____

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 78-4173
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 ☒
wish to receive and pay a small annual fee for monthly copies of the docket sheet.
Number of attachments _____ We currently subscribe to the 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. 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 Sherell L. Chapman

Residing at 410 Orchard Suite 144 Boise ID
83705

My Commission Expires June 14, 1994

Please Print Name Sherell 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 _____

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AUG 08 1994

Last Name DeVeney Ident. Number _____

Copies White-State, Yellow-Claimant

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: **A78-04173**
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: DEC 31, 1886

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:
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	0.600		
STOCKWATER	01/01	12/31	0.010		

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

8. Total consumptive use is 90.0 Acre Feet Per Annum.

9. Non-irrigation uses:
S/50 HEAD COWS, 100 HEAD SHEEP, 6 HEAD HORSES AND 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	NE		NW		IRR	12.0
			NW		NW		IRR	8.0
			SW		NW		IRR	5.0
			SE		NW		IRR	5.0
							Section Acres	30.0
24N	01W	36	SW		SW		STOCK	
							Total Acres	30.0

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: IN 1983 THE HEADBOX WAS CHANGED TO A 4' X 9' LONG BY 8' DEEP CONCRETE SCREENED SETTLING BOX. IN 1987 THE DITCH WAS REPLACED WITH 2000 FT. OF BURIED 6" PLASTIC PVC PIPE WITH RISER VALVES FOR ABOVE GROUND SPRINKLER PIPES. THE PREVIOUS SYSTEM WAS AN OPEN DITCH 1680 FT. WITH AVERAGE CROSS SECTION OF 24" WIDE BY 8" DEEP AND 300 FT. OF PIPE WITH DIVERSION BOXES AT 1108 FT. CONCRETE HEADBOXES REPLACED MUD AND DAM CANVAS HEADGATES. THE METHOD OF IRRIGATION WAS CHANGED FROM FLOOD TO GRAVITY SPRINKLERS IN 1955.

15. Basis of Claim: BENEFICIAL USE

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

Please print or type. Attach pages with additional information. Instructions are included at the end of this form.
Incomplete forms will be returned.

- I. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided, if the change in ownership is limited to a portion of a water right in which case division of the existing water right or adjudication claim record will be required.

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____

The following **REQUIRED** information must be submitted with this form:

~~A. The appropriate **FILING FEE**. See instructions for fee amounts.~~

B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.

C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
PLAT OF PROPERTY or SURVEY MAP clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).

OR

If your water right(s) and/or adjudication claim(s) are for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the PLAT OF PROPERTY or SURVEY MAP.

Name and Address of Former
Owner/Claimant(s)

New Owner/Claimant(s)

Name Connector (Check one): ☐ and, ☐ or, ☐ and/or

New Mailing Address

City, State and ZIP Code

New Telephone Number

() _____

Signature of New Owner(s) or Claimant(s)
(include title if applicable)

For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him/her for all matters related to your claims.

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: A78-04173
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: 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: DEC 31, 1886

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:
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	0.600		
STOCKWATER	01/01	12/31	0.010		

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

8. Total consumptive use is 90.0 Acre Feet Per Annum.

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

A78-04173

Page 1

Date: 08/19/88

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AUG 08 1994

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 _____

10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
23N	01W	1	NE		NW		IRR	12.0
			NW		NW		IRR	8.0
			SW		NW		IRR	5.0
			SE		NW		IRR	5.0
							Section Acres	30.0
24N	01W	36	SW		SW		STOCK	
							Total Acres	30.0

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: IN 1983 THE HEADBOX WAS CHANGED TO A 4' X 9' LONG BY 8' DEEP CONCRETE SCREENED SETTLING BOX. IN 1987 THE DITCH WAS REPLACED WITH 2000 FT. OF BURIED 6" PLASTIC PVC PIPE WITH RISER VALVES FOR ABOVE GROUND SPRINKLER PIPES. THE PREVIOUS SYSTEM WAS AN OPEN DITCH 1680 FT. WITH AVERAGE CROSS SECTION OF 24" WIDE BY 8" DEEP AND 300 FT. OF PIPE WITH DIVERSION BOXES AT 1108 FT. CONCRETE HEADBOXES REPLACED MUD AND DAM CANVAS HEADGATES. THE METHOD OF IRRIGATION WAS CHANGED FROM FLOOD TO GRAVITY SPRINKLERS IN 1955.

15. Basis of Claim: BENEFICIAL USE

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 J. DeVery
Date: 8/1/95

FOR IDWR USE ONLY:

Initial Review and Data-Entry

Date: 8-1-95 By: RMF

Further Action Needed: 0

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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