

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: A71-02056
Date Received: 12/27/1989
Receipt No: S011035
Received By: lu

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: VIOLA WEIDMAN EVANS 415-863-6137
Address: AKA VIOLA C. EVANS
FOX PLAZA, APT. 2028
1390 MARKET STREET
SAN FRANCISCO, CA 94102

2. Date of Priority: JAN 01, 1931

3. Source: STANELY CREEK Trib. to: VALLEY CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
11N	13E	9	NW	SE			CUSTER

5. Description of diverting works:
HEADGATE, DITCHES

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
MINING	01/01	12/31	2.000		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
X/PLACER MINING

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
11N	13E	14	SW	NW		MINING	

A71-02056

Page 1

Date: 01/22/90

MICROFILMED

MAR 17 1993

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: A71-02056
Date Received: 12/27/1989
Receipt No: _____
Received By: _____

RECEIVED

JAN 22 1990

Department of Water Resources
Southern Region Office

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: VIOLA WEIDMAN EVANS
Address: AKA VIOLA C. EVANS
FOX PLAZA, APT. 2028
1390 MARKET STREET
SAN FRANCISCO, CA 94102
415-863-6137

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4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
11N	13E	9	NW	SE			CUSTER

5. Description of diverting works:
HEADGATE, DITCHES

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
MINING	01/01	12/31	6.000	2.000	VEE

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

A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
X/PLACER MINING

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
11N	13E	14	SW	NW		MINING	

A71-02056

Page

1

Date: 12/27/89

MICROFILMED

MAR 17 1993

10. Place of Use: Continued

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
11N	13E	14	NW		SW		MINING	
		15	SE		NE		MINING	
			SE		SW		MINING	
			NE		SE		MINING	
			NW		SE		MINING	
			SW		SE		MINING	
			SE		SE		MINING	
		22	NW		NE		MINING	
			NE		NW		MINING	
			SE		NW		MINING	

11. Place of use in counties: CUSTER

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:
A72-02074, A71-04054

14. Remarks:
SEE ATTACHED MAP FOR ORIGINAL P/U.

15. Basis of Claim: LICENSE

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/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): Viola C. Evans Date: 1-17-90
Viola C. Evans, aka Viola Weidman Evans
Date: _____

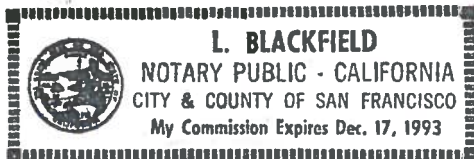
State of CALIFORNIA)
City and _____) SS.
County of SAN FRANCISCO)

Subscribed and sworn (or affirmed) before me this 17 day

of January 19 90

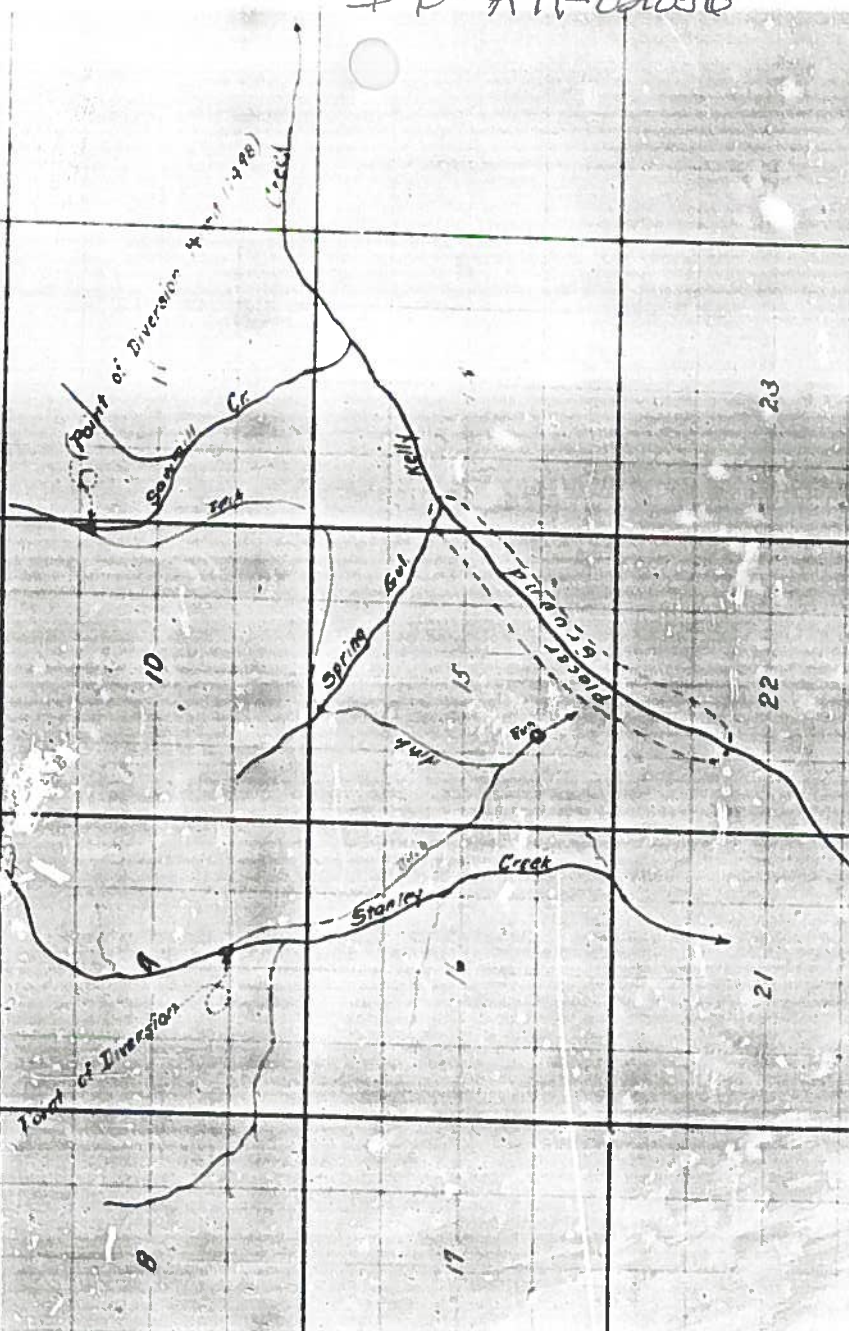
L. Blackfield
Notary Public

Seal



Residing at San Francisco CA
My Commission Expires 12/17/93

+ D A71-02056



SCALE: 2 INCHES EQUALS 1 MILE. DRAW MAP IN INK

17404

MICROFILMED

MAR 17 1983

Fo Plaza, Apt. 2028
1390 Market Street
San Francisco, CA 94102

Phone: (415) 863-6137

January 17, 1990

CERTIFIED MAIL (Receipt Card Return) P 558 385 693

Dept. of Water Resources
Attention: Miss Lori White
2148 - 4th Avenue, East
Twin Falls, Idaho 83301

Dear Lori,

In accordance with our telephone conversation of January 16th, I am enclosing three claims, which have been notarized, and I hope they are in proper order.

The claims have been changed in regard to the number of CFS required, as it is not estimated that in some areas there might not be that much flows and also that more is not required. The structure breaks down as follows:

	<u>Filing Fee</u>	<u>(\$100 per CFS)</u>	<u>Total</u>
A71-02056	\$50	\$200	\$250
A71-04054	50	100	150
A72-02074	50	200	<u>250</u>

Balance Due: \$650

My check (#279) is enclosed in the amount of six hundred fifty dollars (\$650.00) - payment of fees and water rights.

Thank you kindly for your assistance, which is very much appreciated. Also for the booklets of information.

Sincerely yours,

Viola C. Evans
Viola C. Evans

*T.S. C. 17 title Receipts
9/26/89 letter per earlier
conversation?*

Enclosures - 3 Adjudication Claims and
1 check for \$650 (#279)

MICROFILMED

MAR 17 1993

Copy 7" were made
Per conversation with Evans - 1-17-90
Ringert, Clark, Harrington, Reid, Christenson & Kaufman

CHARTERED
LAWYERS

WILLIAM F. RINGERT
D. BLAIR CLARK
ANDREW M. HARRINGTON
JAMES G. REID
JEFFREY R. CHRISTENSON
JAMES P. KAUFMAN
MICHAEL J. GAFFNEY
SAMUEL KAUFMAN (1921-1986)

599 WEST BANNOCK STREET
P.O. BOX 2773
BOISE, IDAHO 83701
TELEPHONE (208) 342-4591

September 26, 1986

Mrs. Viola C. Evans
Fox Plaza, Apt. 2028
1390 Market Street
San Francisco, CA 94102

Re: Martin Pollock Application for Water Permit

Dear Viola:

I have received your letter of September 23, 1986, and I thank you for the additional material, which I believe will be helpful, particularly with regard to use of your water during the five-year period immediately preceding the filing of Mr. Pollock's application for a water permit.

I am returning your check for signature.

I believe I have your mining claims fairly well sorted out now, and I have prepared an exhibit for the Department of Water Resources which superimposes your Faith Claims Nos. 2, 3 and 4 over Mr. Pollock's Kelly Claims Nos. 1 and 2, which I hope will be useful in showing the Department why Mr. Pollock is not entitled to possession of the land at his major point of diversion and on a considerable portion of his proposed place of use for the water. Mr. James J. Jones' report of May 11, 1983 is very helpful in explaining the location and history of your mining claims, and also it is important because it recognizes to some considerable degree that the discovery for your Faith Claims 1 and 2 (and others) is valid. I intend to submit a copy of the report to the Department of Water Resources.

Other evidence will be submitted, and my failure to identify it specifically in this letter should not be taken as an indication that I do not intend to use any particular item of evidence.

These are points on which I intend to rely at the conference and any hearing that might be held following the conference as follows:

1. You have the prior water rights to the waters of Stanley Creek (diverted by ditch from Stanley Creek into the Kelly Creek drainage), Sawmill Creek and Spring Creek, and also the main channel of Kelly Creek within the portion of the Kelly Creek drainage shown as the place of use on your Claim to a Water Right.

MICROFILMED

MAR 17 1993

Mrs. Viola C. Evans
September 26, 1986
Page Two

As I review your Claim to a Water Right, it appears to me that you should file an additional claim, showing Sawmill Creek, Spring Creek and Kelly Creek as source of water. My field examination indicated that water was carried from Sawmill Creek to Spring Creek by the ditch, and that the waters of both Sawmill Creek and Spring Creek were diverted into the reservoir and stored for use later in the mining season.

I will assert that your mining properties require the entire flow of Stanley Creek, Sawmill Creek, Spring Creek, and the upper portion of Kelly Creek, and that the entire storage capacities of the Stanley Creek, Sawmill Creek and Spring Creek reservoirs is required to meet your water requirements.

2. You own all the diversion, storage and transmission facilities, including:

- a. The dam and gate on Sawmill Creek;
- b. The check dam below the reservoir on Sawmill Creek and the ditch from Sawmill Creek to Spring Creek;
- c. The reservoir on Spring Creek, including the dam, gate, and outlet pipe.

3. You have valid, unpatented placer mining claims at the points where Mr. Pollock intends to build his pond and pump from Kelly Creek and where he claims to have located at least two of the lode claims shown as part of his place of use in the application.

4. Under the federal mining law you are entitled to possession of the surface estate as to all parties except the United States Government and you have the limited right of possession of the surface estate for mining purposes as against the United States. As Mr. Pollock is not entitled to the possession of the land surface at some of his proposed points of diversion and at some of his proposed places of use, the application has been initiated in trespass as to those places, and under Idaho law a water right cannot be initiated in trespass.

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MAR 17 1993

Mrs. Viola C. Evans
September 26, 1986
Page Three

5. As stated in his letter to you of May 30, 1985, Mr. Pollock's avowed purpose is to force you to make a deal with him, and I will assert that this shows a lack of good faith on his part. Applications which are not made in good faith do not have to be approved by the Department of Water Resources.

6. Without storage facilities the water supply is insufficient for the use proposed by Mr. Pollock. Mr. Pollock has no storage facilities and his application does not include storage of the water. Sufficiency of the water supply is another ground for rejection of an application for a water permit.

7. The design plan submitted by Mr. Pollock is insufficient to permit us to make a proper evaluation of his proposed project in order that we may fully understand it and be able to analyze it for the purpose of making all available objections. Insufficiency of the design plan is another reason for rejecting an application.

8. Although I am not certain, I do not believe that water is required for lode mining on this type of property, and I intend to assert that use of the water for lode mining is not a beneficial use, and therefore is not one that is authorized by Idaho law.

I would prefer to submit a minimum of evidence on a preliminary basis and ask the Department to consider some of the legal issues to see whether the Department is in agreement with the theories I intend to present. I think it would be less expensive for you, and less time consuming to resolve the protest on legal grounds, if that can be done.

I hope this adequately explains to you my intended course of action for the conference/hearing on October 1, 1986. I will send you a brief report when I return from the hearing.

Yours very truly,



W. F. Ringert

WFR:am
Enclosure

MICROFILMED

MAR 17 1993



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 2148 4th Ave. East, Twin Falls, Idaho 83301 (208) 734-3578

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

.Jan. 26, 1990

Re: A71-02056
A71-04054
A72-02074

VIOLA WEIDMAN EVANS
.AKA VIOLA C EVANS
.FOX PLAZA APT 2028
.1390 MARKET STREET
SAN FRANCISCO CA 94102
Dear Claimant(s):

Please find enclosed your receipt and a copy of a computer generated claim based on the information from your original claim(s) which has been entered in our computer records.

Please review the computer generated claim for accuracy. In a few instances clarifications may have been added by the Department at the time of data entry. If you have any questions or objections regarding the computer record of you claim(s), please contact this office.

Yours truly,

A handwritten signature in cursive script, appearing to read 'Judy'.

Judy Givens
Adjudication Secretary

/jg

Enclosures:

MICROFILMED

MAR 17 1993

State of Idaho

License and Certificate of Water Right

Water License No. 17404

Amount 6.0 sec. ft.

Water District No.

Priority January 1, 1931

THIS IS TO CERTIFY that JOHN WEIDMAN of Stanley, Idaho, made application for a permit to appropriate the public waters of the State of Idaho, dated December 1, 1930; that Permit No. 17404 was issued under said application; that Certificate of Completion of works, with a carrying capacity of 6.0 second feet, was issued thereunder on November 30, 1935, showing that said works were completed on the 21st day of November, 1935; and that on the 13th day of January, 1936,

JOHN WEIDMAN

of Stanley, State of Idaho, made proof to the satisfaction of the Commissioner of Reclamation of Idaho, of the right to use the waters of Stanley Creek, a tributary of Salmon River, for the purpose of placer mining, under Use Permit No. 17404 of the Commissioner of Reclamation and that said right to the use of said waters has been perfected in accordance with the laws of Idaho, and is hereby confirmed by the Commissioner of Reclamation of Idaho and entered of record in Volume 7 of Licenses, at page 3884, on the 10th day of February, 1937; The right hereby confirmed dates from January 1, 1931;

The Point of Diversion is located in the NW 1/4 SE 1/4, Sec. 9, Tp. 11 N., R. 13 E., B. M. Custer County

That the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall not exceed 6.0 cubic feet per second.

Water is used on applicant's placer claims as set out in Permit No. 17404

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated

The right to the use of the water aforesaid hereby confirmed is restricted to the lands or place of use herein described, as provided by the laws of Idaho.

WITNESS the seal and signature of the Commissioner of Reclamation, affixed at Boise, Idaho, this 10th day of February, 1937

R. W. FARIS

Commissioner of Reclamation

(SEAL)

Water Right Number - 71-02056 Adj. Flag Translation: Standard Water Right Number Old (D) Number - 17404

Last Name - + First Name - + Address - +
*** C - CURRENT OWNER ***
WEIDMAN JOHN
1 -
2 -
3 -
City- STANLEY State- ID Zip-
Phone -

Priority Date - + 17 Region - + L - License - + Status - +
01/01/1931

Source - +
STANLEY CREEK

Twn Rng Sec Tract Lot Rflg County Point of Diversion - +
11N 13E 9 NW SE (37) CUSTER

Code Description Period From Period To Water Use Diversion Rate Diversion Volume

13 - MINING 6.000

Total Div. Rate - + Total Div. Volume - + Total Div. Capacity - +
6.000

Twn	Rng	Sec	Tract	Lot	Acres	Place of Use	Code	Description	County
11N	13E	15				13 MINING			(37) CUSTER
11N	13E	22				13 MINING			(37) CUSTER

Total Acres:

Diversion Means -

Non-Irrigation Use - X/PLACER MINING.

Other Rights for Same Use -

P/U INCOMPLETE. SEE FILE. Remarks -

Conditions of Approval -
No Conditions of Approval found.

Decree Plaintiff - + Decree Defendant - +
00/00/0000

RECEIVED

NOV 17 1998

RECEIVED

IMPORTANT WATER RIGHT INFORMATION

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
North Orchard Street, P.O. Box 83720
Boise, Idaho 83720-0098

ADDRESS SERVICE
REQUESTED
PRESORTED
FIRST CLASS



STATE OF IDAHO

District Court

Snake River Basin Adjudication

P.O. Box 2707

Twin Falls, ID 83303-2707

950720-11



RECEIVED

JUL 01 1999

Department of Water Resources
Southern Region

NAME AND ADDRESS:

VIOLA WEIDMAN EVANS
AKA VIOLA C EVANS
FOX PLAZA APT 2028
1390 MARKET STREET
SAN FRANCISCO, CA 94102

AJ0749NP
No. R71-D2056

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT
(REGIONAL)

DATE: 06/23/98
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	VIOLA WEIDMAN EVANS AKA VIOLA C EVANS FOX PLAZA APT 2028 1390 MARKET STREET SAN FRANCISCO CA 94102 (415) 863-6137	01/01/1931	DOMESTIC	01-01 12-31	0.04 CFS	
TOTAL DIVERSION:					0.04 CFS	

Water Source: STANLEY CREEK

Tributary to: VALLEY CREEK

Stage: LICENSE

Point(s) of Diversion:	T11N R13E S16 S16 S21	SWNE SESE NENE	NESE NENE	SWSE CUSTER County CUSTER County CUSTER County
------------------------	-----------------------------	----------------------	--------------	---

Place of use Legal Description for: DOMESTIC

	NE	NW	SW	SE
T R S	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac
11N 13E 16	: D	:	:	: D
11N 13E 21	: D	:	:	: D

POU County: CUSTER

Non-Irrigation Uses: MINING CLAIM ASSESSMENT

Other Rights: NONE

Conditions of Approval:

- C03 - RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION
- PURSUANT TO SECTION 42-1425, IDAHO CODE.
- C04 - RIGHT INCLUDES ACCOMPLISHED CHANGE IN PURPOSE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
- C05 - RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
- N11 - THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.
- N06 - THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 2,500 GALLONS PER DAY.

Remarks: EXP PLACE OF USE IS UNPATENTED MINING CLAIMS HELD BY VIOLA EVANS
IN THE STANLEY CREEK DRAINAGE.

Dates: Exam Made Date: 06/28/1993 Verified Date: 06/23/1998 Objection Filed Date:

Misc: Water District Number: Field Inspection Flag: C
Presumption Flag:

Old (D) Number -

State- CA Zip- 94102

Status - - - +

- - Tributary
VALLEY CREEK

Diversión Name

KU Usage - +

County

37) Cu

37) Cu

CU
CU

37) CU
37) CU

2

2000

2006
2.11.2006
Ed. 1

Water right number - R71-02056

Prefix Translation: RESEARCH

+ - - Other Rights for Same Use - NONE

+ - - - - - Remarks - - - - -

GEN PLACE OF USE IS UNPATENTED MINING CLAIMS HELD BY VIOLA EVANS
IN THE STANLEY CREEK DRAINAGE.

+ - - - - - Old Water Right Numbers - - - - -
No Old Water Right Numbers found.

+ - - - - - Conditions of Approval - - - - -
C03 - RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION
PURSUANT TO SECTION 42-1425, IDAHO CODE.

C04 - RIGHT INCLUDES ACCOMPLISHED CHANGE IN PURPOSE OF USE PURSUANT
TO SECTION 42-1425, IDAHO CODE.

C05 - RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO
SECTION 42-1425, IDAHO CODE.

N11 - THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A
DETERMINATION OF HISTORICAL BENEFICIAL USE.

N45 - THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000
GALLONS PER DAY.

+ - - - - Decree Plaintiff - - - + - - - Decree Defendant - - - +

+ - Decree Date - +
00/00/0000

+ - - Audit Fields - 11/06/92 MERRITT 11/14/92 POST-STD 07/08/93 MERRITT 11/08/93 MERRITT 03/30/95 POST-STD
09/14/95 DSMITH 01/13/97 D&S-DSHA

+ - - - - - Comments - - - - -
Date: 07/08/1993 User Id: MERRITT Subject: COPIED FROM REMARKS
SEE ATTACHED MAP FOR ORIGINAL P/U. REDUCED CFS FROM 6.0 TO 2.0.
***** IDMR NOTE: CORRECTED SPELLING OF STANLEY CREEK 11/03/92 ADM

Date: 07/08/1993 User Id: MERRITT Subject: DISALLOWAL
FIELD REVIEW & CONVERSATIONS WITH LOCALS INDICATE WATER NOT
TO SUPPORT USE. RECOMMEND DISALLOWAL UNLESS PERSUASIVE EVIDENCE
SUBMITTED.

Date: 11/08/1993 User Id: MERRITT Subject: RE-EVALUATION. USED FOR 30 YEARS. LETTER SENT THIS DAY REQUESTING EVIDENCE

SEE MEMO DATED 11/8/93 BY ADM.

Date: 09/14/1995 User Id: DSMITH Subject: TPO CORRECTION
ON NON-IRRIGATION USES

+ - - - - - Adjudication Rights Dates and Flags Area - - - - -

Court Report Filing	- 00/00/0000	Field Inspection Made	- 06/28/1993	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	- 01/22/1990	Last Amended Date	- 00/00/0000	Temporary Right	- P
Proof Due Date	- 00/00/0000	Proof Made Date	- 00/00/0000	Water District	-
Licensed Date	- 00/00/0000	Receipt Number	- S011035	Federal/State Indicator	- S
		POU Ownership Flag	- N	Presumption Flag	- C
		Name Connector	-	Notice of Error Flag	-

JUN-28-1995
0408

X

RIGHT NUMBER	NAME & ADDRESS	PRIORITY DATE	PURPOSE OF USE	PERIOD OF USE FROM TO	MAXIMUM QUANTITY	BASIS OF CLAIM
-----------------	----------------	------------------	----------------	--------------------------	---------------------	----------------

71-02056	VIOLA WEIDMAN EVANS AKA VIOLA C EVANS FOX PLAZA APT 2028 1390 MARKET STREET SAN FRANCISCO CA 94102	01/01/1931	DOMESTIC M/M/M	01-01 12-31 01/01 12/31	0.04 2100	CFS CFS LICENCE
----------	--	------------	-------------------	----------------------------	--------------	-----------------------

NON-IRRIGATION USES:
DOMESTIC/ MINING CLAIM ASSESSMENT

X/PLACER MINING

SOURCE: STANLEY CREEK
POINT OF DIVERSION:
T11N R13E S16

TRIBUTARY: VALLEY CREEK

TOTAL QUANTITY:

0.04 CFS
2100 CFS

S21

SNNE
NESE
NWSE
SWSE
SESE
NENE
NNNE
SNNE
NWSE
MWSE

MWSE

711N R13E S09
PLACE OF USE/ DOMESTIC
T11N R13E S16

SNNE
NENE

NESE
NNNE

NWSE
SNNE

SWSE
NWSE

SESE

711N R13E S14
PLACE OF USE/ MINING
S19

SNNE
SESE

NWSE
SESE

NWSE
SESE

MWSE

SESE

REMARKS:

822
RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION
PURSUANT TO IDAHO CODE 42-1416A.
RIGHT INCLUDES ACCOMPLISHED CHANGE IN PURPOSE OF USE PURSUANT
TO IDAHO CODE 42-1416A.
RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO
IDAHO CODE 42-1416A.
PLACE OF USE IS UNPATENTED MINING CLAIMS HELD BY VIOLA EVANS
IN THE STANLEY CREEK DRAINAGE.

R PROOF

CVR

MAPS

PHOTOS

MISC

MICROFILMED

OCT 27 1994

MEMORANDUM

DATE: 08-Nov-1993

FROM: Allen Merritt *Adm*

TO: A72-02074, A71-04054, A71-02056

SUBJECT: RE-EVALUATION OF CLAIMS AFTER INITIAL RECOMMENDATION
TO DISALLOW CLAIMS

INITIAL FIELD REVIEW OF THE CLAIMS IN THE NAME OF VIOLA EVANS AND PRELIMINARY CONVERSATIONS WITH FOREST SERVICE PERSONNEL AND LOCALS SEEMS TO INDICATE THAT NO USE HAD BEEN MADE OF THE WATER SINCE THE 30'S OR 40'S. BEFORE FINALIZING A RECOMMENDATION OF DISALLOWAL I THOUGHT IT BEST TO CORRESPOND WITH MRS. EVANS AND SEE IF SHE COULD COME UP WITH SOMETHING TO INDICATE WHAT THE HISTORICAL USE OF THE WATER HAS BEEN. I WROTE TWO LETTERS TO MRS. EVANS AND HAD SEVERAL PHONE CONVERSATIONS WITH HER AND ALSO HAD A PHONE CONVERSATION WITH GEORGE CASTLE WHO LAST MINED ON THE PROPERTY IN 1988. EVEN AFTER REVIEWING THE VOLUME OF PAPER WHICH MRS. EVANS HAS PROVIDED AND AFTER CONVERSING WITH MR. CASTLE I STILL MUST CONCLUDE THAT THE MAJORITY OF THE OLD LICENSED WATER RIGHTS HAVE BEEN LOST DUE TO FORFEITURE.

(NOTE: THE ORIGINAL RIGHTS WHERE ISSUED FOR DIVERSION OF WATER FOR HYDRAULIC MINING OF THE CLAIMS. I BELIEVE THIS FORM OF MINING HAS NOT OCCURED SINCE PROBABLY THE 40'S. MR. CASTLE'S LAST EXTENSIVE USE FOR MINING PURPOSES WAS IN 1988 ON THE KELLY CREEK CLAIMS AND 1987 ON THE STANLEY CREEK CLAIMS. HIS USE INVOLVED DIVERSION OF WATER IN MORE OF A CONTAINED GRAVEL WASHING OPERATION AND DID NOT USE THE HIGH RATES OF DIVERSION AS REQUIRED IN THE OLD HISTORICAL HYDRAULICING TYPE OPERATIONS.)

THERE HAS BEEN AS OF THIS DATE A PERIOD OF FIVE YEARS (SINCE OCT. 1988) INWHICH THE WATER HAS NOT BEEN USED FOR MINING PURPOSES. THIS PERIOD IS SUFFICIENT TO ESTABLISH FORFEITURE; HOWEVER, INFORMATION PROVIDED BY MRS. EVANS INDICATES THAT THE CLAIMS ARE STILL VIABLE IN A SENSE THAT SHE CONTINUES TO DO THE REQUIRED ASSESSMENT WORK ON THESE UNPATENTED MINING CLAIMS. SPECIFICALLY SHE PROVIDED A 1991 LETTER OF AUTHORIZATION BY THE FOREST SERVICE TO CONDUCT SUCH WORK. BASED ON MY UNDERSTANDING OF THE SITUATION I HAVE CONCLUDED THAT THE WATER RIGHTS THAT PRESENTLY EXIST FOR THE EVANS' MINING CLAIMS ARE AT THE RATE AND VOLUME NECESSARY TO DO THE NECESSARY ASSESSMENT WORK ON THE CLAIMS. THE HISTORICAL RATE NECESSARY FOR HYDRAULIC MINING HAS BEEN FORFEITED AND THE FOLLOWING RECOMMENDATIONS ARE BASED ON UNRECORDED TRANSFERS MODIFYING THE ORIGINAL USE OF THE WATERS AS FOLLOWS:

I RECOMMEND THAT A72-02074 BE RECOMMENDED WITH A POINT OF DIVERSION ABOVE THE RESERVOIR SITE ON SPRING GULCH AND POINTS OF DIVERSION AND THE PLACES OF USE ON THE EVANS' CLAIMS IN THE KELLY CREEK DRAINAGE. THE SOURCE SHOULD BE SPRING GULCH & KELLY CREEK WITH A RATE OF DIVERSION OF 0.04 CFS. THE SOURCE OF SAWMILL CREEK HAS BEEN FORFEITED. THE USE SHOULD BE DESCRIBED AS DOMESTIC FOR MINING CLAIM ASSESSMENT UNDER DEFINITION PART B FOR DOMESTIC USE.

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OCT 27 1994

MEMORANDUM

DATE: 08-Nov-1993

PAGE 2 MEMO
11/5/93

I RECOMMEND THAT A71-02056 BE RECOMMENDED FOR DOMESTIC PURPOSES ALSO WITH THE POINTS OF DIVERSION AND PLACES OF USE ALONG STANLEY CREEK. THE PLACES OF USE SHOULD BE ON THE EVAN'S CLAIMS IN THE STANLEY CREEK DRAINAGE. THE USE SHOULD BE DESCRIBED AS DOMESTIC FOR MINING CLAIM ASSESSMENT AT A RATE OF 0.04 CFS. THE DIVERSION OF STANLEY CREEK FOR USE IN THE KELLY CREEK AREA HAS BEEN FORFEITED.

THE ATTACHED MAP SHOWS HOW I BELIEVE 72-02074 AND 71-02056 SHOULD BE RECOMMENDED.

I RECOMMEND THAT A71-04054 BE DISALLOWED WITH REMARKS P06 REFERING TO 71-02056.

IF THE INVOLVED CLAIMS ARE TO EVER BE ACTIVELY MINED, NEW WATER RIGHTS FOR MINING PURPOSES WILL HAVE TO BE RE-ESTABLISHED THROUGH THE STATUTORY PERMIT PROCESS AND ALL APPLICABLE CONCERNS ADDRESSED.

IF THE UNPATENTED CLAIMS TO WHICH THE ABOVE RECOMMENDED RIGHTS ARE TO BE APPURTENANT ARE EVER LOST BY MRS. EVANS, HER HEIRS, OR SUBSEQUENT PURCHASERS IT WOULD SEEM APPROPRIATE THAT THE RIGHTS ARE ALSO LOST AND NOT PASSED TO OTHERS WHO MAY HOLD SUBSEQUENTLY FILED OVERLAPING OR COMPETING MINING CLAIMS.

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OCT 27 1994

Water Right Number - R71-02056

Prefix Translation:

RESEARCH

Old (D) Number -

*** C - CURRENT OWNER ***
EVANS

VIOLA WEIDMAN

1 - AKA VIOLA C EVANS
2 - FOX PLAZA APT 2028
3 - 1390 MARKET STREET
City- SAN FRANCISCO
Phone - 415-863-6137

State- CA Zip- 94102

+ - - Priority Date - - +
01/01/1931+ - - Region - - - +
17 SOUTHERN+ - - Stage - - - +
L - LICENSE

+ - - Status - - - +

Source - - - - +
STANLEY CREEK+ - - Tributary - - - - +
VALLEY CREEK

+ - - Point of Diversion - - - - +

Twn	Rng	Sec	Tract	Lot	Rflg	County
11N	13E	16	SW NE	(37)		CUSTER
			NE SE	(37)		CUSTER
			NW SE	(37)		CUSTER
			SW SE	(37)		CUSTER
			SE SE	(37)		CUSTER
			NE NE	(37)		CUSTER
			NW NE	(37)		CUSTER
			SW NE	(37)		CUSTER
			NW SE	(37)		CUSTER

Code	Description	Period From	Period To	Water Use	Diversion Rate	Diversion Volume
43 - DOMESTIC		01/01	12/31		0.040	

+ - Total Div. Rate - +	+ - Total Div. Volume - +	+ - Total Consumptive Use - +	+ - KW Usage - +
0.040		0.0	

Twn	Rng	Sec	Tract	Lot	Acres	Place of Use	Code	Description	County
11N	13E	16	SW NE			43	DOMESTIC		(37) CUSTER
11N	13E	16	NE SE			43	DOMESTIC		(37) CUSTER
11N	13E	16	NW SE			43	DOMESTIC		(37) CUSTER
11N	13E	16	SW SE			43	DOMESTIC		(37) CUSTER
11N	13E	16	SE SE			43	DOMESTIC		(37) CUSTER
11N	13E	16	NE NE			43	DOMESTIC		(37) CUSTER
11N	13E	21	NW NE			43	DOMESTIC		(37) CUSTER
11N	13E	21	SW NE			43	DOMESTIC		(37) CUSTER
11N	13E	21	NW SE			43	DOMESTIC		(37) CUSTER

Total Acres:

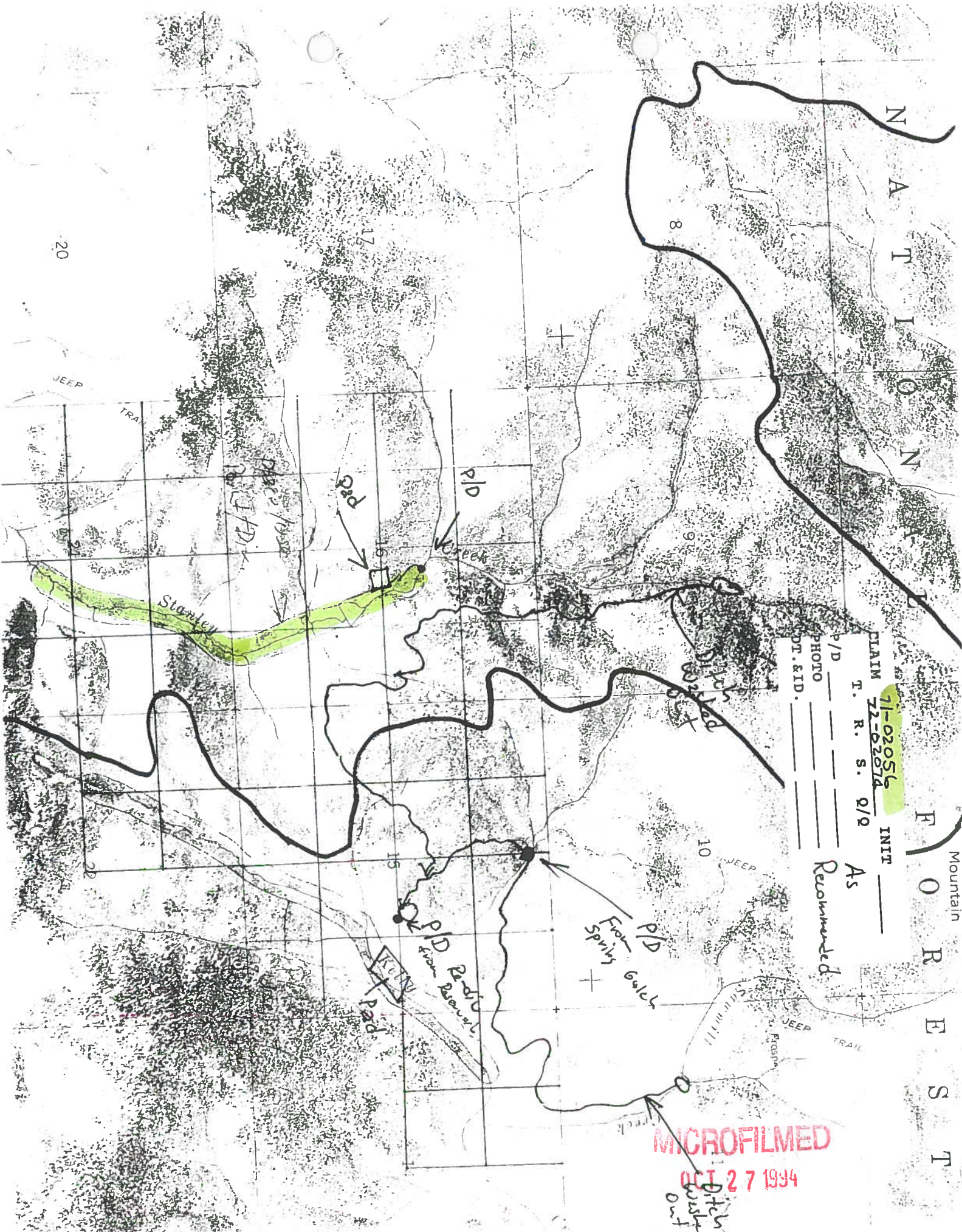
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OCT 27 1994

N A T I O N A L F O R E S T

Mountain

CLAIM 71-02056 INIT
T. R. S. 9/2 AS
p/d _____
PHOTO _____
DT. & ID. _____
Recommended

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OCT 27 1994



○ A71- 02056

A71- 04054

See File A72-02074
for extensive information
provided by Viola Evans about
the historical use at the property.
Included is information about
George Castles' use of water
at mining claims in 1987 & 1988.

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OCT 27 1994

CONVERSATION MEMORANDUM

A72-02074

A71-02056

A71-04054

EMPLOYEE: Allen Mervitt

FILE

RE: Phone Conv. with George Castle regarding his
use of water on Viola Evans' mining claims.DATE 8/30/93

NAME OF PARTY

George Castle

George described his water use for mining purposes.

In 1987 he worked the Stanley CK area. He diverted water from the CK using a 6" pipe that reduced down to 1 1/2". He indicated the P/D from the CK was approx. 400' above the p3d. In 1988 he worked the Kelly CK area. He took water out of the Spring Gulch Reservoir for his operation just downstream along the Kelly CK banks.

George indicated his use of the water was probably the most diverted since the area was mined in the 30's. He estimated his diversions to his operation was in the range of 300 to 400 gallons per minute. He indicated he had a diesel pump with 4" intake & 3" discharge. He indicated he generally worked 8-10 hrs/day and was in operation from May to early October.

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OCT 27 1994



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301 (208) 736-3033

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

22-Jul-1993 13:11

Viola Evans
Fox Plaza, Apt. 2028
1390 Market St.
San Francisco, CA 94102

RE: SRBA Claims A71-04054 Stanley Creek
A71-02056 Stanley Creek
A72-02074 Sawmill Gulch & Spring Gulch

Dear Ms. Evans:

Thank you for your phone call this morning. Since our discussion I have attempted to contact George Castle at the phone number you gave me but nobody answers. (208-888-0857) I will try again but please understand that your burden is still to provide me evidence of the continued water use for the above referenced claims as I have requested in my letter to you dated July 8, 1993. You are requested to do so as soon as you are able given that I must draft my recommendation within the next few months.

As we discussed and as my earlier letter indicates the particular question IDWR has regarding your claims is whether or not the water uses have been forfeited under Idaho State Law. **As you requested please find enclosed Section 42-222 of the IDAHO CODE which describes how a water right can be forfeited.** Based on my field visit and subsequent discussions with those individuals of which we spoke that indicate there may have been extended periods of over five years in which the water has not been used for the purposes you have claimed, I am presently inclined to believe that the rights have been forfeited. However, before I finalize such a recommendation I again would give you the opportunity to provide evidence to persuade IDWR that over the last ten years there has not been a consecutive period of five years in which water was not beneficially used.

Assuming you can provide IDWR evidence that the rights have not been forfeited the next question will be to what extent has the water been used. This will require that you provide evidence so that IDWR can quantify the use. (Diversion amounts, days of operation, ect.) As you know the water is presently not used so IDWR cannot measure what is diverted and observe the extent of the use. IDWR may need to rely on the evidence you provide to make these determinations. It will be to your advantage to provide as clear and convincing evidence as possible so it can stand up in court.

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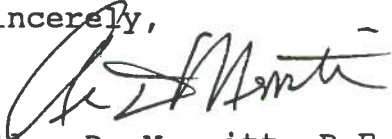
OCT 27 1994

PAGE 2

In our phone conversation you commented that my earlier letter seemed somewhat adversarial. As we discussed the Snake River Basin Adjudication is a court case to determine the water rights in the basin and you are a party in the lawsuit. It is IDWR's responsibility to review the claims you have filed and prepare a recommendation to the court as to the extent of your existing uses. Once IDWR has drafted our recommendation you will have the opportunity to review it and comment in what is known as the "Notice of Error" procedure. This is a process in which clerical errors can be corrected. After that the IDWR files its recommendations with the court in what is known as the "Director's Report". Once it is in the court there can be further objections, trials, etc. Ultimately the court will decree the water right. As can well be expected in some situations this process can be viewed as adversarial. To protect your interests you may wish to consult an attorney. Please find enclosed a brochure and a copy of the court's recent rules of procedure which may be beneficial for you and your attorney to review.

I wish you well in your effort to collect the evidence I have requested. If you have questions please let us know.

Sincerely,



Allen D. Merritt, P.E.
Water Rights Supervisor

Encl:

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OCT 27 1994

Water Right Number - R71-02056

Prefix Translation: RESEARCH

Old (D) Number -

*** C - CURRENT OWNER ***
EVANS

VIOLA WEIDMAN

1 - AKA VIOLA C EVANS
2 - FOX PLAZA APT 2028
3 - 1390 MARKET STREET
City- SAN FRANCISCO
Phone - 415-863-6137

State- CA Zip- 94102

*** O - ORIGINAL OWNER ***
WEIDMAN

JOHN

1 -
2 -
3 -
City- STANLEY
Phone - 208-000-0000

State- ID Zip- X

+ - - Priority Date - - +
01/01/1931

+ - - - Region - - - +
17 SOUTHERN

+ - - - Stage - - - +

+ - - - Status - - - +
1 - DISALLOWED

Source - - - - +
STANLEY CREEK

+ - - - Tributary - - - +
VALLEY CREEK

+ - - - - Point of Diversion - - - - +
Twn Rng Sec Tract Lot RFlg County
11N 13E 9 NW SE (37) CUSTER

+ - - - - Water Use - - - - +
Code Description Period From Period To Diversion Rate Diversion Volume
13 - MINING 01/01 12/31 2.000

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Consumptive Use - + + - KW Usage - +
2.000 0.0

Twn	Rng	Sec	Tract	Lot	Acres	Place of Use	Code	Description	County
11N	13E	14	SW NW			13 MINING		(37) CUSTER	
11N	13E	14	NW SW			13 MINING		(37) CUSTER	
11N	13E	15	SE NE			13 MINING		(37) CUSTER	
11N	13E	15	SE SW			13 MINING		(37) CUSTER	
11N	13E	15	NE SE			13 MINING		(37) CUSTER	
11N	13E	15	NW SE			13 MINING		(37) CUSTER	
11N	13E	15	SW SE			13 MINING		(37) CUSTER	
11N	13E	15	SE SE			13 MINING		(37) CUSTER	
11N	13E	22	NW NE			13 MINING		(37) CUSTER	
11N	13E	22	NE NW			13 MINING		(37) CUSTER	
11N	13E	22	SE NW			13 MINING		(37) CUSTER	

Total Acres:

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OCT 27 1994

Water right number - R71-02056

Prefix Translation: RESEARCH

+ - - Diversion Means - HEADGATE, DITCHES

+ - - Non-Irrigation Use - X/PLACER MINING

+ - - Other Rights for Same Use - A72-02074, A71-04054

+ - - FORFEITED/ABANDONED. Remarks

+ - - No Old Water Right Numbers Found Old Water Right Numbers

+ - - P04 - Conditions of Approval - - - - -
- decree or license that is PROPOSED to be disallowed on the basis
- that the water right no longer exists because forfeiture of the
- right by nonuse was confirmed and a defense to forfeiture was not
- confirmed, or because abandonment of the right was confirmed.

+ - - Decree Plaintiff - - - + - - - Decree Defendant - - - + - - - Decree Date - +
00/00/0000

+ - - Date: 07/08/1993 User Id: MERRITT Subject: COPIED FROM REMARKS - - - - - Comments - - - - -
SEE ATTACHED MAP FOR ORIGINAL P/U. REDUCED CFS FROM 6.0 TO 2.0.
***** IDWR NOTE: CORRECTED SPELLING OF STANLEY CREEK 11/03/92 ADM
Date: 07/08/1993 User Id: MERRITT Subject: DISALLOWAL
FIELD REVIEW & CONVERSATIONS WITH LOCALS INDICATE WATER NOT USED FOR 30 YEARS. LETTER SENT THIS DAY REQUESTING EVIDENCE
TO SUPPORT USE. RECOMMEND DISALLOWAL UNLESS PERSUASIVE EVIDENCE SUBMITTED.

+ - - Audit Fields - - +
07/08/93 MERRITT

+ - - Adjudication Rights Dates and Flags Area - - - - -
Court Report Filing - 00/00/0000 Field Inspection Made - 06/28/1993 Civil Case Number - 39576
Objection Filed Date - 00/00/0000 Field Inspection Flag - 07/08/1993 Old Case Number -
Response Filed Date - 00/00/0000 Verified Date - 00/00/0000 Old Judicial District -
Claim Received Date - 01/22/1990 Last Amended Date - 00/00/0000 Temporary Right - P
Receipt Number - S011035 Water District -
POU Ownership Flag - Y Federal/State Indicator - S
Name Connector - Presumption Flag - C
Notice of Error Flag -

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OCT 27 1994



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301 (208) 736-3033

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

08-Jul-1993 12:43

Viola Evans
Fox Plaza, Apt. 2028
1390 Market St.
San Francisco, CA 94102

RE: SRBA Claims A71-04054 Stanley Creek
A71-02056 Stanley Creek
A72-02074 Sawmill Gulch & Spring Gulch

Dear Ms. Evans:

I am responsible for the field review of your above referenced Snake River Basin Adjudication Claims and for the preparation of the Director's Recommendation to the court for these same claims. On June 28, 1993 I was in the Stanley area and had time to field visit the old mining developments in the Stanley Creek and Kelly Creek drainages where your SRBA claims are located.

As part of my review I must evaluate your claims with regard to the issue of forfeiture. As you may know in Idaho to hold a water right one must continue to put the water to beneficial use. If the water is not used for an extended period of time (normally five years) the water right may be lost due to forfeiture. Based on my observations and discussions with individuals who live in the area and who have worked in the area for the Forest Service I have concluded that the water uses you have claimed have not been used for many years.

Before I draft my recommendation that your claims be disallowed I would like to afford you the opportunity to supply me evidence as to the extent of the water use within the last ten years. If you have persuasive evidence of actual use of the water please submit this to my office within the next 30 days. Also, if you feel it would be beneficial, I would be willing to meet with you or your representative at the site of the water diversions to discuss what water has been used over the last ten years. If I do not hear from you or you cannot show that there has been continued beneficial use of the water I will be forced to recommend your claims be disallowed.

If you have questions please feel free to contact this office.

Sincerely,


Allen D. Merritt, P.E.
Water Rights Supervisor

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ON 6/28/93 I VISITED THE SITE AND FOUND THAT OLD DITCHES FROM
PAST FOR HYDROLIC MINING OF THE AREA. IT WAS EVIDENT THAT THIS
DITCHES WERE WASHED OUT AND NOT MAINTAINED. ON 7/8/93 A LETTER
THE WATER OVER THE LAST 10 YEARS. ON THE DAY OF THE FIELD REVIEW
IN THE AREA AND I ASKED IF HE KNEW OF ANY USE OF THE WATER FOR
FOR THIRTY YEARS AND SAID THAT DURING THAT PERIOD TO HIS
PIERO PIVA, A LOCAL RANCHER AND HE SAID THAT THE OLD MINING
DRAINAGES FOR AT LEAST 30 YEARS. ON 7/6/93 ON RETURN TO THE
THAT ACTIVE MINING OF THE CLAIMS HAD NOT OCCURED IN THE LAST 2
I PHONED MR. JONES AND HE INDICATED BASED ON HIS OBSERVATIONS
AT LEAST 30 YEARS. HE INDICATED THAT MAYBE OCCASIONALLY THERE
OF WATER HAS OCCURED.

STANLEY CREEK AND A TRIB TO STANLEY CREEK HAD BEEN USED IN THE
USE WAS A LONG TIME IN THE PAST AND IT WAS OBSERVED THAT THE
WAS WRITTEN TO MS EVANS TO SEE IF SHE COULD DOCUMENT THE USE OF
MINING IN THE AREA. HE INDICATED THAT HE HAD LIVE IN THE AREA
KNOWLEDGE THE WATER HAD NOT BEEN USED. ON 6/29/93 I TALKED WITH
CLAIMS HAD NOT BEEN ACTIVE IN THE STANLEY CREEK AND KELLY CREEK
OFFICE I TALKED WITH RAY NEIWERT OF THE SNRA AND HE INDICATED
YEARS BUT HE ASKED THAT I CONTACT JEFF JONES, RETIRED SNRA.
THAT THE MINING AND USE OF THE WATER HAD NOT BEEN ACTIVE FOR
MAY BE SOME PANNING FOR ASSESSMENT WORK BUT NO SUBSTANCIAL USE

POOR ORIGINAL

A71-04054

A71-02056

A72-02074

See Photos in file A71-04054

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OCT 27 1994

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

PAGE: 13
QUICKLOOK INFORMATION

CLAIM NUMBER: A71-02056

00:00:44
05/28/92

WR ELEMENT	FIELD EXAM Y/N	CORRESPONDENCE SENT/RECEIVED BY WHOM/DATE	FIELD EXAM BY WHOM/DATE	CHANGE CLAIM Y/N	VERIFIED BY CODE	COMPLETED REVIEW WHOM/DATE	COMPLETED DATA ENTRY WHOM/DATE	VERIFIED DATE WHOM/DATE
PRIORITY DATE			ADN 6/28/93				ADN 7/8/93	
POINT OF DIV	Y							
STORAGE	Y							
PLACE OF USE	Y							
DIV. AMOUNT CFS/VOLUME	Y							
CONSUMPTIVE USE	-							
PURPOSES								
PERIOD OF USE	Y							
BASIS OF CLAIM	Y							
REMARKS	Y							

VERIFIED BY CODES

TOPO MAP/ORTHO-PQ = 1
ASCS MAP = 2
WATERMASTER RECORDS = 3
NAPP PHOTOS = 4
FIELD EXAM = 5
OTHER (SEE REMARKS) = 6

THESE CODES ARE USED TO INDICATE HOW THE FIELD EXAMINER VERIFIED THE INFORMATION
USED FOR THIS FIELD EXAMINATION. INDICATED ARE ALL CODES WHICH APPLY.

MICROFILMED
OCT 27 1994

LAST: EVANS

FIRST: VIOLA WEIDMAN

ADDRESS: AKA VIOLA C. EVANS
FOX PLAZA, APT. 2028

1390 MARKET STREET

CITY: SAN FRANCISCO

CA

ZIP: 94102

PHONE NUMBER: 415-863-6137

OWNER CODE: C

LAST: WEIDMAN

FIRST: JOHN

ADDRESS:

STANLEY

STATE:

ID

ZIP:

X

PHONE NUMBER: 208-000-0000

OWNER CODE: 0

FIELD EXAM REQUIRED?

DATABASE
Y

FIELD
EXAMINER

VERIFICATION REQUIRED DUE TO REMARKS?

CLAIM REMARKS: SEE ATTACHED MAP FOR ORIGINAL P/U.
REDUCED CFS FROM 6.0 TO 2.0.

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OCT 27 1994

CONTACT PERSON: -----

PHONE NUMBER: () -----

DATE OF FIELD EXAM: 6/28/93

APPOINTMENT MADE: Y() N()

TIME: : A() P()

ACCOMPANIED BY: -----

PHONE NUMBER: () -----

RELATIONSHIP TO CLAIMANT: -----

DIRECTIONS TO PROPERTY / REMARKS:

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OCT 27 1994

A. AJ CLAIM: # A71-02056 PRIORITY DATE: 01-01-1931 STAGE: L
B. WR RECORD: # 71-02056 PRIORITY DATE: 01-01-1931 STAGE: L

C. FIELD EXAM REQUIRED?
DUE TO PRIORITY DATE DISCREPANCY? (Y/N) DATABASE FIELD EXAMINER

ARE THERE OBVIOUS REASONS TO QUESTION THE PRIORITY DATE CLAIMED? Y() N()
IF YES EXPLAIN.

REMARKS:

See memo 7/8/93

DT 521102

RECOMMENDED PRIORITY DATE:

~~01-01-1931~~

REVIEWED BY

AP

DATE

6/28/93

7/8/93

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OCT 27 1994

A. AJ CLAIM POINT OF DIVERSION AND SOURCE:

RIGHT	TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	CNTY
A71-02056	11N	13E	9		NW	SE		CUSTER

OTHER AJ CLAIMS WITH SAME AJ POD
A PREFIX R PREFIX
NONE NONE

WR RECORDS IN SAME 40 ACRE TRACT

SOURCE: STANLEY CREEK

TRIB: VALLEY CREEK

B. WR POINT OF DIVERSION AND SOURCE:

TIGHT	TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	CNTY
71-02056	11N	13E	9		NW	SE		CUSTER

OTHER WR RECORDS WITH SAME WR POD
AJ CLAIMS IN SAME 40 ACRE TRACT
A PREFIX R PREFIX

NONE NONE NONE

SOURCE: STANLEY CREEK

TRIB: VALLEY CREEK

C. FIELD EXAM REQUIRED?

DUE TO POD DISCREPANCY?	(Y/N)	DATABASE	FIELD EXAMINER
DUE TO SOURCE DISCREPANCY?	(Y/N)	Y	---

REMARKS:

Div actually in SWNE Sec 9 but
use appears to be forfeited since
ditch in dis repair and no
use exists.

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RECOMMENDED POINT(S) OF DIVERSION AND SOURCE:	1/4	1/4	LOT	COUNTY
TWP.	RGE.	SEC.		

SOURCE: _____ TRIB: _____
REVIEWED BY: 10 DATE: 7/6/93

MICROFILMED
OCT 27 1994

A. ROOT WATER RIGHT NUMBERS: A71-02056
B. POULISTING

TWP	RNG	SEC	1/4	1/4	LOT	NAME	AJ #/ACRES	WR #/ACRES	LANDSAT DATA	FIELD EXAM.	RECORD ADDRESS
T1N	13E	14	SW	NW		EVANS, VIOLA WEIDMAN	A71-02056 /	-	-	/	
			SW	NW		EVANS, VIOLA WEIDMAN	A71-04054 /	-	-	/	
			SW	NW		EVANS, VIOLA WEIDMAN	A72-02074 /	-	-	/	
T1N	13E	14	NW	SW		EVANS, VIOLA WEIDMAN	A71-02056 /	-	-	/	
			NW	SW		EVANS, VIOLA WEIDMAN	A71-04054 /	-	-	/	
			NW	SW		EVANS, VIOLA WEIDMAN	A72-02074 /	-	-	/	
T1N	13E	15	SE	NE		EVANS, VIOLA WEIDMAN	A71-02056 /	-	-	/	
			SE	SW		EVANS, VIOLA WEIDMAN	A71-02056 /	-	-	/	
			SE	SW		EVANS, VIOLA WEIDMAN	A72-02074 /	-	-	/	
T1N	13E	15	NE	SE		EVANS, VIOLA WEIDMAN	A71-02056 /	-	-	/	
			NE	SE		EVANS, VIOLA WEIDMAN	A71-04054 /	-	-	/	
			NE	SE		EVANS, VIOLA WEIDMAN	A72-02074 /	-	-	/	
T1N	13E	15	NW	SE		EVANS, VIOLA WEIDMAN	A71-02056 /	-	-	/	
			NW	SE		EVANS, VIOLA WEIDMAN	A71-04054 /	-	-	/	
			NW	SE		EVANS, VIOLA WEIDMAN	A72-02074 /	-	-	/	
T1N	13E	15	SW	SE		EVANS, VIOLA WEIDMAN	A71-02056 /	-	-	/	
			SW	SE		EVANS, VIOLA WEIDMAN	A71-04054 /	-	-	/	
			SW	SE		EVANS, VIOLA WEIDMAN	A72-02074 /	-	-	/	
T1N	13E	15	SE	SE		EVANS, VIOLA WEIDMAN	A71-02056 /	-	-	/	
			SE	SE		EVANS, VIOLA WEIDMAN	A71-04054 /	-	-	/	
			SE	SE		EVANS, VIOLA WEIDMAN	A72-02074 /	-	-	/	
T1N	13E	22	NW	NE		EVANS, VIOLA WEIDMAN	A71-02056 /	-	-	/	
			NW	NE		EVANS, VIOLA WEIDMAN	A71-04054 /	-	-	/	
			NW	NE		EVANS, VIOLA WEIDMAN	A72-02074 /	-	-	/	
T1N	13E	22	NE	NW		EVANS, VIOLA WEIDMAN	A71-02056 /	-	-	/	
			NE	NW		EVANS, VIOLA WEIDMAN	A71-04054 /	-	-	/	
			NE	NW		EVANS, VIOLA WEIDMAN	A72-02074 /	-	-	/	

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661 27 1954

TWP	RNG	SEC	1/4	1/4	LOT	NAME	AJ #/ACRES	WR #/ACRES	LANDSAT DATA	FIELD EXAM.	RECOM. ACRES
T1N	13E	22	SE	NW		EVANS, VIOLA WEIDMAN	A71-02056	7			
			SE	NW		EVANS, VIOLA WEIDMAN	A71-04054	/			
			SE	NW		BARNES, WILLIAM P.		72-07411	/		

TOTAL ACRES A71-02056

ARE IRRIGATED ACRES FOUND IN TRACTS OTHER THAN INDICATED ABOVE, (Y) (N)
IF YES SEE ATTACHED SHEET:

C. FIELD EXAM REQUIRED? FIELD EXAMINER FOU COUNTY: CUSTER

DUE TO FOU DISCREPANCY? (Y/N)

DATABASE Y

PRESUMPTION FLAG: C

REMARKS:

Use no longer exists

RECOMMENDATIONS:

TOTAL ACRES:

REVIEWED BY:

DATE:

102 7/8/53

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A. AJ CLAIMED USES:

PURPOSES
A71-02056 MINING

MONTH/DAY
FROM 01-01 TO 12-31

DIVERSION QUANTITY
2.000 CFS

TOTAL DIVERSION RATE/VOLUME CLAIMED

2.000 CFS

B. WR RECORDED USES:

PURPOSES
71-02056 MINING

MONTH/DAY
FROM TO

DIVERSION QUANTITY
6.000 CFS

TOTAL DIVERSION RATE/VOLUME CLAIMED

6.000 CFS

PRESUMPTION FLAG: C

C. FIELD EXAM REQUIRED?

	(Y/N)	DATE	FIELD EXAMINER
DUE TO WATER-USE DISCREPANCY?	(Y/N)		
DUE TO DIVERSION RATE DISCREPANCY?	(Y/N)		
DUE TO PERIOD FROM/TO DISCREPANCY?	(Y/N)		

D. PERIOD OF USE:

RECOMMEND AS CLAIMED?
RECOMMEND TO WR STANDARDS OR OTHER?

Y() N()
Y() N()

Explain in remarks, below.

REMARKS:

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OCT 27 1984

A. DOES DIVERSION RATE CLAIMED AGREE WITH EXISTING RECORDS? Y() N()

AJ TOTAL CLAIMED DIVERSION RATE: 2.000 CFS
WR ROOT RIGHT TOTAL DIVERSION RATE: 6.000 CFS

*** IF NO or IF STATUTORY CLAIM or BENEFICIAL USE then flow measurement required. ***
** If an amount smaller than the original diversion rate is **
** claimed and an exam is NOT required, explain in remarks. **

FLOW MEASUREMENT REQUIRED?

DUE TO STAGE OR DIVERSION RATE DISCREPANCY? (Y/N)

FIELD
DATABASE EXAMINER
Y

B. FLOW MEASUREMENT

MEASUREMENT METHOD _____, SEE ATTACHED CALCULATIONS.

C. ARE OTHER WATER RIGHTS USED? Y() N() IF YES COMPLETE OVERLAP REVIEW.

OTHER RIGHTS LISTED IN CLAIM: A72-02074, A71-04054

NO CLAIMS FOUND WITH SAME POU AND IRRIGATION USAGE

LIST ALL RIGHTS WITH SAME POU BUT NOT USED FOR IRRIGATION.

CLAIM NO.	PURPOSES	NAME	MONTH/DAY	RATE	VOLUME
A71-04054	MINING	EVANS, VIOLA WEIDMAN	FROM 01-01 TO 12-31	1.000 CFS	

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D.

RATE/VOLUME CALCULATIONS: (IRRIGATION)

1a. IRRIGATION RATE

1b. CALCULATIONS

ACRES ----- X 0.02 CFS/ACRE = CFS
(Taken from p/u review)

DOES AMOUNT CLAIMED EXCEED 0.02 CFS/ACRE? Y() N()

*** IF YES ADDITIONAL WATER USE FORM FILED AND ATTACHED? Y() N() ***

2. IRRIGATION CONSUMPTIVE USE

CLAIMED CONSUMPTIVE USE = AF/A

ACRES ----- X CONSUMPTIVE VOL. AF/A FOR AREA ----- =

TOTAL CONSUMPTIVE USE ----- AF/A

3. IRRIGATION DIVERSION VOLUME

CLAIMED DIVERSION VOLUME = AF/A

ACRES ----- X DIVERSION VOL. AF/A FOR AREA ----- =

TOTAL DIVERSION VOLUME ----- AF/A

4. CALCULATIONS FOR USES OTHER THAN IRRIGATION:

SEE ATTACHED SHEET? Y() N()

REMARKS: (Include limitations on CONSUMPTIVE USE for combined rights.)

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RECOMMENDATIONS:

REC.
PURPOSES

REC. PERIOD
FROM TO

REC. DIV
RATE CFS

REC. DIV
VOL. AE/A

REC. CONS.
USE

MINING

01-01 12-31

DATABASE EXAMINER
2.000

DATABASE EXAMINER

DATABASE EXAMINER
0.0

TOTAL FOR THIS RIGHT

2.000

0.0

REVIEWED BY:

DATE:

7/8/93

Disallow

UNRECORDED

0012 / 1994

A. CHECK ONLY THE FOLLOWING THAT APPLY:

OWNERSHIP
FOREIGN/ABANDON
ADDITIONAL DIV. AMOUNT

ACCEPTED
AS CLAIMED
()
()
()
NEEDS
REVIEW
()
()
()

B. SPLIT WATER RIGHT REVIEW

ROOT WATER RIGHT NUMBER: 71-02056
TOTAL DIVERSION RATE OF WR SPLITS

DATABASE
6.000

EXAMINER

CFS

SPLITS:

OLD RIGHT NUMBERS	CURRENT CLAIM NUMBERS	DIVERSION RATE	CURRENT "R" CLAIM NUM.	"R" DIV. RATE	WR RIGHT NUMBERS	DIVERSION RATE
-	A71-02056	2.000	-	-	71-02056	6.000

TOTAL CFS 2.000

6.000

DIVERSION RATE REVIEW

DO THE SUM CFS RATE OF THE SPLITS EQUAL THE ROOT RIGHT CFS RATE? (Y/N)
IF NO, is the written review sheet attached? (Y/N)

FIELD
EXAMINER
N

REMARKS:

Recommend disallow due to forfeiture.

See memo 7/8/93,

Disallow unless evidence submitted by claimant to persuade otherwise.

AUTHENTICATION:

SIGNATURE: *[Signature]*

DATE: 7/8/93

NAME OF FIELD EXAMINER:

TITLE:

MICROFILMED
OCT 27 1994

CLAIM NUMBER: A71-02056

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	VIOLA WEIDMAN EVANS AKA VIOLA C. EVANS FOX PLAZA, APT. 2028 1390 MARKET STREET SAN FRANCISCO CA 94102 (415) 863-6137	01/01/1931	MINING	01-01 12-31	2.00 CFS	
					TOTAL DIVERSION:	2.00 CFS

Water Source: STANELY CREEK

Tributary to: VALLEY CREEK

Stage: LICENSE

11IN R13E S09

NWSE

CUSTER County

Place of use Legal Description for:

MINING

T	R	S	NE	ENE	NENE	SENE	ENEW	NENEW	NW	SW	SESW	NESE	NWSE	SWSE	SESE
11N	13E	14													
11N	13E	15													
11N	13E	22													

POU County: CUSTER

Non-Irrigation Uses: X/PLACER MINING

Other Rights: A72-02074, A71-04054

Non-Irrigation Use: X/PLACER MINING

Remarks: SEE ATTACHED MAP FOR ORIGINAL P/U.
REDUCED CFS FROM 6.0 TO 2.0.

Dates: Exam Made Date: 02/11/1985
Verified Date: 02/11/1985
Misc: Water District Number: Field Inspection Flag: C
Presumption Flag: C

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OCT 27 1994

WRS809NP
No. 71-02056

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 09/05/92
PAGE: 42

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	JOHN WEIDMAN	01/01/1931	MINING	00-00 00-00	6.00 CFS	

TOTAL DIVERSION: 6.00 CFS

Water Source: STANLEY CREEK Tributary to: VALLEY CREEK Stage: LICENSE

Point(s) of Diversion: T11N R13E S09 NW SE

Place of use Legal Description for: MINING

	NE	NW	SW	SE
T R S	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac
11N 13E 15	:	:	:	:
11N 13E 22	:	:	:	:

Pou County: CLUSTER

Non-Irrigation Uses: X/PLACER MINING.

Remarks: P/U INCOMPLETE. SEE FILE.

Dates:	App. Received:	Priority Date:
	Proof Due Date:	01/01/1931
	Exam Made Date:	
	Licensed Date:	07/03/1979
Misc:	Water District Number:	Field Exam Fee:
Audit:	02/11/85 05/28/88 CONVERT	

MICROFILMED
OCT 27 1994