

RECEIVED

MAR 24 2016

DEPARTMENT OF
WATER RESOURCES

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA

Subcase

29-14177

(Insert water right number)

Case No. 39576

MOTION FOR DETERMINATION OF
DEFERRED *DE MINIMIS* DOMESTIC OR
STOCK WATER USE

Please fill in the following information:

NAME AND ADDRESS OF WATER RIGHT CLAIMANT.

Name: Jerre Evans or Monte Evans
Address: 5050 Bailey Road
Arbon ID 18322
Daytime Phone: 208 335 2168

Name & Address of Attorney, if any:

Jerry Rigby
25 N 2nd E
Rexburg ID 83440

I HAVE ATTACHED:

- ☒ A fully completed Notice of Claim (available from IDWR).
- ☒ A claim filing fee for a domestic and stock water use pursuant to I.C. § 42-1414. I have enclosed a check payable to: State of Idaho Department of Water Resources in the amount of \$ 25.00.

I HAVE READ AND REVIEWED THE FOLLOWING:

- ☒ The procedures governing the filing and prosecution of this Motion as set forth in the Court's *Order Governing Procedures in the SRBA for Adjudication of Deferred De Minimis Domestic and Stock Water Claims*, entered in SRBA Case No. 39576 on June 28, 2012.
- ☒ The *Order Granting State of Idaho's Motion for Interim Order Implementing the Order Governing Procedures of Adjudication of Deferred De Minimis Domestic and Stock Water Claims*, entered in SRBA Case No. 39576 on December 18, 2013.

INSTRUCTIONS REGARDING THE HEARING ON THIS MOTION: A hearing on your Motion will be scheduled by the Court after you file an *Affidavit of Publication* in the above-captioned matter evidencing that you have caused to be published a notice of the pendency and purpose of your Motion once a week for not less than three (3) weeks in a newspaper of general circulation in the county in which the point of diversion is located or as otherwise required by this Court in accordance with paragraph B.1. of the *Order Governing Procedures in the SRBA for Adjudication of Deferred De Minimis Domestic and Stock Water Claims*.

Signed: _____

John Evan

Dated: _____

3-19-16

CERTIFICATE OF MAILING

I certify that on March 21, 2016, I mailed original and copies of this form, including all attachments, via certified mail and addressed as follows to the following persons:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Ave. North
P.O. Box 2707
Twin Falls, ID 83303-2707

2. Copies to:

Director of IDWR
PO Box 83720
Boise, ID 83720-0098

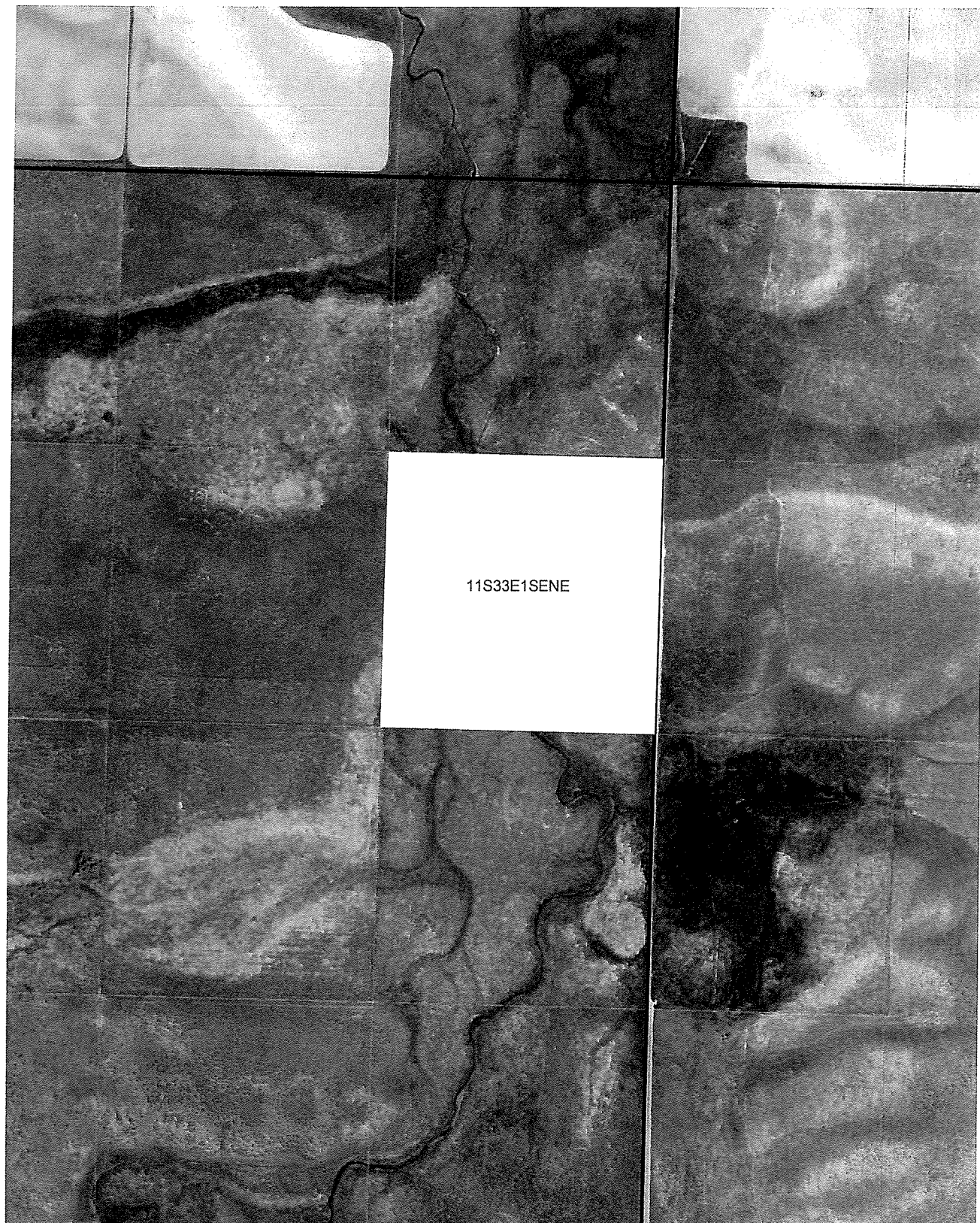
United States Department of Justice
Environment & Nat'l Resources Div.
550 W Fort Street, MSC 033
Boise, ID 83724

U.S. Attorney's Office
800 Park Blvd., Ste. 600
Boise, ID 83712

Chief, Natural Resources Division
Office of Attorney General
State of Idaho
PO Box 83720
Boise, ID 83720-0010

U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530-0001

Bryce A. Connor, Roddy Mtn. Educ. Assoc. Inc.
Signature of person or attorney mailing the form



11S33E1SENE

1320 0 1320 2640 Feet



Rocky Mountain
ENVIRONMENTAL
ASSOCIATES, INC.

482 Constitution Way, Idaho Falls, ID 83402
208-524-2353

Evans Deferred Stockwater Claim #2

- POU / POD
Township
QQ

Project 15-0034

Bannock Valley

LAURIE WARD

COPYRIGHT
LAURIE WARD
1982

Printed by

Keith W. Watkins and Sons, Inc.
PROVIDENCE, UTAH 84332



cultivation of the land.

Due Keds \$7.50

Activation—Cultivation of the land for a period of at least 5 years was required and this must generally consist of breaking of the soil, followed planting, sowing and tillage for a crop other than native grasses. Habitable House—The homestead entryman or those claiming to his rights had to have a habitable house upon the land entered at the time of submitting final proof. Submission of Proof—Final proof could be made at any time when it could be shown that there was a habitable house upon the land and that residence and cultivation requirements had been met. Proof had to be submitted within 3 years from the date of allowance of the entry. When a claimant was ready to submit proof, the land office should be notified. Upon receipt of such notice full instructions were given regarding the procedure which had to be followed. Payment of \$25 final proof was required when final proof testimony was submitted. The fee was not returnable.

The laws provided for the commutation of a homestead entry before the completion of the three years period of residence, after 14 months continuous residence, and by the payment of \$1.25 per acre or, where the land was within the limits of certain railroad grant, \$2.50 per acres, and upon the proof the substantial improvements and cultivation of not less than one-sixteenth of the acre.

EARLY CLAIMS

Before Bannock Valley was opened for homesteading, many settlers came out and set up squatters rights. Also they could file a Possessory Claim on the land they wanted to settle on. Following are some of the earliest claims.

Possessory Claims

1884	William E. Jones	Bannock Valley
1885	Thomas Sparks	Bull Canyon
1885	Charles Herman	Bull Canyon
1889	Joseph Smith	Rock Spring, Bannock Valley
1889	William D. Thews	Rock Springs, Bannock Valley
1889	R.W. Caldwell	Bannock Valley
1889	David M. Daniels	Big Meadows
1889	Noah Reese	Rock Springs, Bannock Valley
1889	John W. Lusk Jr.	Big Meadows
1889	Henry Bolingbroke	Big Meadows
1889	Lehi Wright	Rock Springs, Bannock Valley
1891	Hugh McGalton	Bannock Valley
1893	Joseph W. Ward	Lake Canyon, Bannock Valley
1893	Michael Murphy	3 miles north of Bull Canyon

Water Rights

1889	Lehi Wright	West Fork of Bannock R.
1889	S.D. Rawson	West Fork of Bannock R.
1889	C.W. Richards	West Fork of Bannock R.
1889	Joseph Smith	West Fork of Bannock R.
1889	Wm. B. Thews	West Fork of Bannock R.
1889	Wm. R. Caldwell	West Fork of Bannock R.
1889	Hannah Caldwell	West Fork of Bannock R.
1889	John W. Lusk Jr.	South Fork of Rattle Snake
1889	Henry Bolingbroke	South Fork of Rattle Snake
1889	D.M. Daniels	South Fork of Rattle Snake
1889	Thomas Price	South Fork of Rattle Snake
1889	Joseph Smith	Rock Springs
1892	N.L. Hughes	Bannock Creek

1892	P.L. Hughes	Rattle Snake Creek
1892	S.D. Davis	Crow Creek
1892	Edmond Wright	Head of Bannock Creek
1893	Michael Murphy	Lake Canyon
1893	N.E. Jenkins	Sheep Creek
1893	Ester Jenkins	Sheep Creek
1893	Daniel E. Jenkins	Sheep Creek
1893	Edmond J. Wright	Wrights Canyon
1893	Joseph W. Ward	Lake Creek
1893	John H. Williams	Knox Canyon
1893	D.T. Davis	Knox Canyon
1893	H.E. Davis	Knox Canyon
1893	John Bowen	Knox Canyon
1893	M.D. Davis	Knox Canyon
1893	Chars. Bowen	Spring No. 2 S. from Knox
1893	Lewis Bowen	Spring No. 2 S. from Knox
1894	T.B. Evans	Meadow Springs
1894	Lorenzo B. Evans	Meadow Springs
1894	Susannah Evans	Meadow Springs
1894	George W. Jacobs	Meadow Springs
1894	Lorenzo B. Evans	Locomotive Springs
1894	T.B. Evans	Locomotive Springs
1894	Susannah Evans	Locomotive Springs
1894	George W. Jacobs	Locomotive Springs
1894	T.E. Price	West Fork
1894	D.W.K. Keeney	West Fork

Bannock Valley was surveyed in 1899 by Oscar Sonnenkalb. The earliest homestead entry in Bannock Valley occurred on April 1, 1901, but was later cancelled in 1904. The earliest patented Homestead Entry in Township 11 South Range 33 East was in Section 1, Lot 1. It was 39.97 acres and that was dated June 2, 1904. The last homestead patent was dated in 1931. The last Stock-raising Homestead Entry was dated in 1943.

*Donham Daniels, sometime between 1887 and 1889 attempted to settle in the Arbon area of the valley on the upper meadows along Bannock Creek. He and a partner cut cedar posts from the hills east of where the Evans' settled a few years later. Their lives were threatened by cowboys of the Sparks cattle outfit if they built any fences so they gave up and went back to Pauline-West Fork area. Some of these cut cedar posts were found by D.J. Bowen in the early 1890's when he settled in the valley at the foot of Bowen's mountain.

ARTICLES OF INCORPORATION

Three different companies could be found pertaining to Bannock Valley in the early days. Two of these were Irrigation companies. One the Bannock Valley Irrigation Company filed on May 18, 1895 and the other the Arbon Irrigation Company filed December 17, 1910. The third company was the Bannock Valley Coal Company.

*(Sent in by Dean Price)