

12/18/2006

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

RIGHT NUMBER: 22-4167
NAME AND ADDRESS: J LYNN BEVAN
198 N 400 W
TETONIA ID 83452

WILMA BEVAN
198 N 400 W
TETONIA ID 83452

SOURCE: UNNAMED STREAM TRIBUTARY: TETON RIVER

QUANTITY: 3.050 CFS

The quantity of water under this right for stockwater use shall not exceed 13,000 gallons per day.

Right Nos. 22-4167 and 22-13656 are limited to a total combined diversion rate of 3.0 cfs.

PRIORITY DATE: 10/13/1905

POINT OF DIVERSION:

T05N R45E S20 SWNWNW Within TETON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/15 10/31	3.050 CFS
STOCKWATER	01/01 12/31	0.050 CFS

PLACE OF USE: IRRIGATION in TETON County

T05N R45E S19	NENE	33.00	T05N R45E S19	NWNE	40.00
T05N R45E S19	SWNE	15.00	T05N R45E S19	SENE	0.20
T05N R45E S19	NENW	40.00	T05N R45E S19	SENW	24.00

STOCKWATER same as IRRIGATION

152.2 ACRES TOTAL

Right Nos. 22-4167 and 22-13656 are limited to the irrigation of a combined total of 152.2 acres in a single irrigation season.

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.

The quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial use.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

GIS Place of Use Illustration
1987/1988 NAPP Photography
Prepared by: A. Ruberry
Date: February 2006

NOTICE OF ERROR
REPLY

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS:

Water right number: 22-4167

J LYNN BEVAN
198 N 400 W
TETONIA ID 83452
Telephone Number: (208)456-2823

WILMA BEVAN
198 N 400 W
TETONIA ID 83452
Telephone Number: (208)456-2823

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

Incorrect priority date, a portion of this property uses water from right #22-169B

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

Change priority date to June 8, 1915 and recognize water from other right

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

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

DATE: 12-8-06

SIGNATURE:

J Lynn Bevan Wilma Bevan

Please print your name:

J Lynn Bevan Wilma Bevan

IDWR Regional Office,

Ernie talked to Candice who said to get a Desert land entry irrigation had to be taking place and we can use DLE application as Evidence of priority. This application is dated 6/13/06. At 1" per acre recommend should be 3.05 cfs.

12-18-06 VB



Idaho Department of Water Resources

SRBA Recommendation:

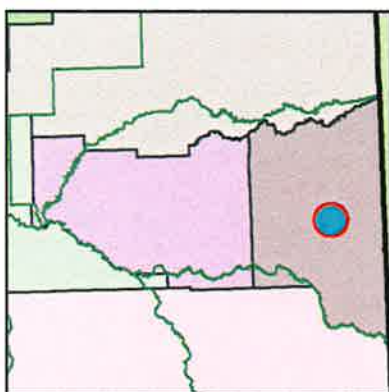
22-4167

22-13656

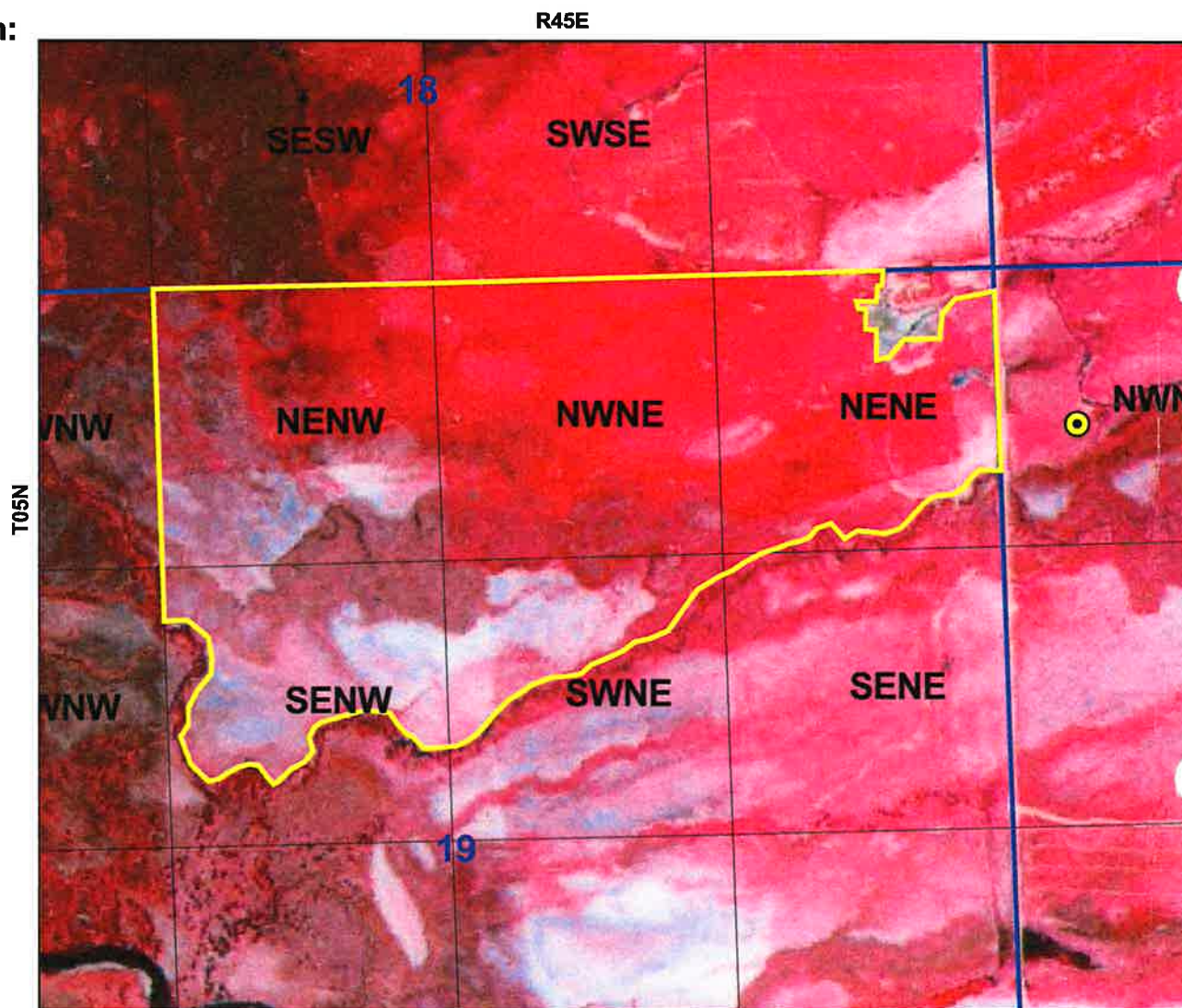
(Irrigation)

Legend

-  Point of Diversion
-  Place of Use
-  Townships
-  PLS Sections
-  Quarter Quarters

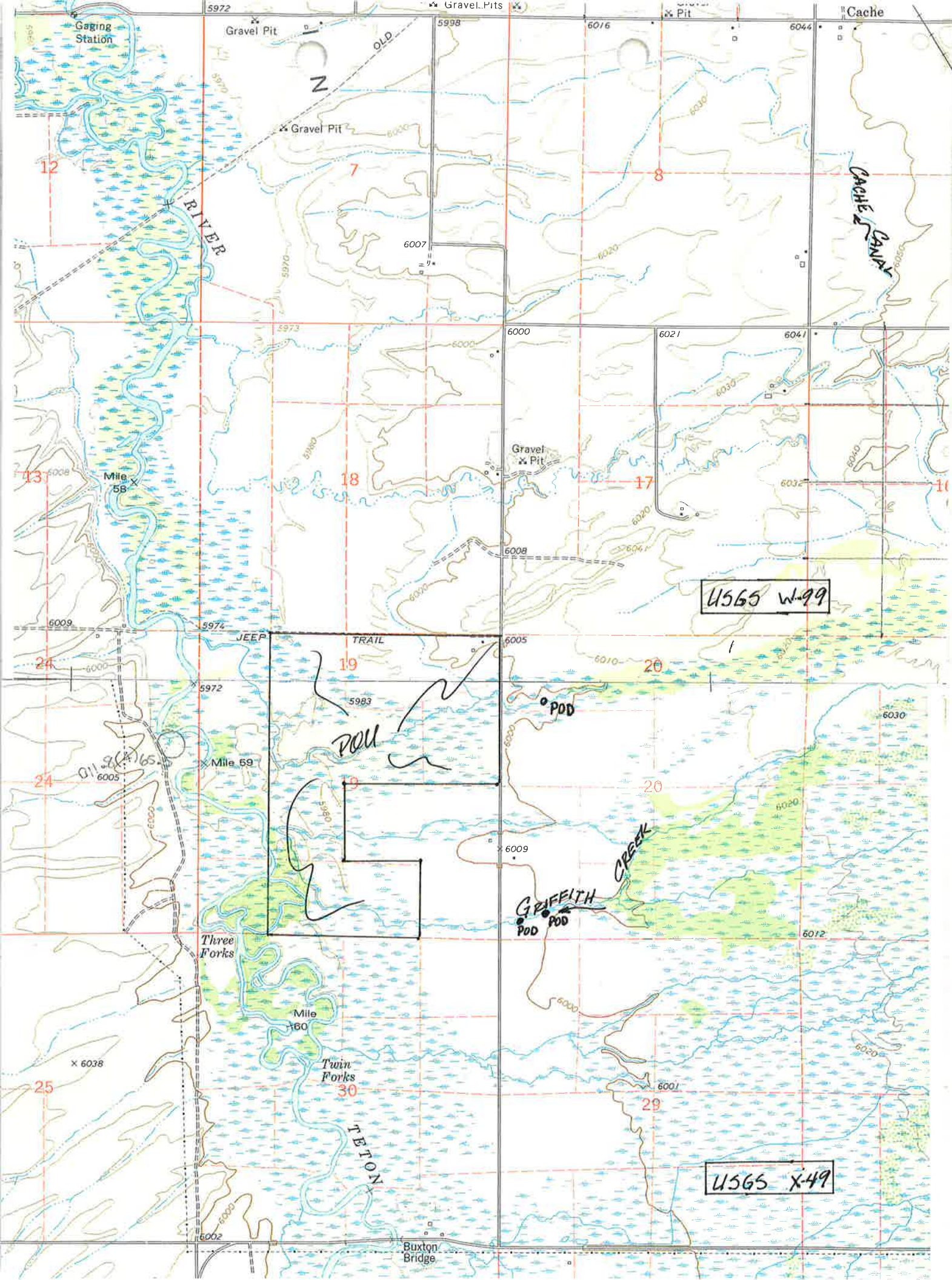


Teton County
IDWR Basin 22



0 0.3 0.6 Miles

Prepared by T. Galbraith
On Thursday, December 14, 2006
1987/88 Aerial Photography



Claim No. 22-4167

Document Checklist

- ☐ Copy License/Decree _____
- ☐ Copy Transfer _____
- ☐ Copy Licensing Field Exam _____
- ☐ Check if Ownership/Address Change is Required _____
- ☒ Generate, mail and file "Evidence of Priority" letter
- ☒ Generate Arcview Map

*Please refer to A22-4169 and
to A22-4168 for PDD information
and for maps of PDD.*

Contacts Data Entry Form

22-4167
22-4169

Claim Number: _____

Owner Type	Full Name	Address	City	State	Zip
Current Owner:	J. L. Berman				
Current Owner:					
Current Owner:					

Phone No.: _____

Phone No.: _____

Phone No.: _____

Name connector: and _____, or _____, and/or _____.

Representing Attorney: _____ Phone No.: _____

Accompanied By: _____ Phone No.: _____

Relationship to Claimant: _____ Date of Field Exam: _____

Discussion of right origin and split history. Questions and problems.

CLAIMED AS A STAT CLAIM UNDER 42-2252 OR 42-243/PC
THIS CLAIM PROPOSES A PRIORITY DATE OF 10/13/1900.

THERE ARE SEVERAL DECREES THAT ADDRESS THE WATERS OF
TETON CREEK AND DARBY CREEK. BOTH MAJOR CONTRIBUTORS TO
THE HYDROLOGIC RECHARGE OF THE GENERAL AREA. IN ADDITION, A
DECREE (22-W) CACHA CANAL VS L. CRANDALL, 5/28/1948 ADDRESSES
THE WATERS OF THE 'SWAMP'.

IT IS NOTED AS TETON AND DARBY CREEKS CONTRIBUTE SIGNIFICANTLY TO
THE RECHARGE OF THE SWAMP, AND THAT THE SWAMP AND ITS MANY
SPRINGS AND UNNAMED STREAMS ARE THE SOURCE FOR CACHA CANAL
AND OTHER PRIVATE RIGHTS DOWN GRADIENT. IT IS CONSIDERED THE
WATERS CLAIMED UNDER THIS RIGHT TO BE SENIOR TO THE WATERS
ADDRESSED IN THE FOREGOING DECREES, ESPECIALLY CACHA CANAL VS
L. CRANDALL, 5/24/1948, SPECIFICALLY ADDRESSING THE 'SWAMP'.

THEREFORE, THIS RECOMMENDATION ADVANCES THE PRIORITY DATE TO 5/25/1948;
ONE DAY AFTER CACHA CANAL VS CRANDALL WAS SIGNED
SOURCE: UNNAMED STREAM TRIBUT. TO: TETON RIVER
THERE IS NO REFERENCE TO SPRINGS AS SOURCE FROM FIELD EXAM

Reviewer: _____ Date: _____

524443
B
CDEPARTMENT OF THE INTERIOR
GENERAL LAND OFFICE
Washington

June 8, 1915

RECEIVED
JUN 16 2004Department of Water Resources
Eastern Region

I hereby certify that the annexed copy of patent is a true and literal exemplification from the record which is in my custody in this office.

IN TESTIMONY WHEREOF I have hereunto subscribed my name and caused the seal of this office to be affixed at the city of Washington on the day and year above written

John O'Connell, Acting Recorder of the General Land Office

(SEAL)

\$1.10 Internal Revenue cancelled.

THE UNITED STATES OF AMERICA

TO ALL TO WHOM THESE PRESENTS SHALL COME GREETING

Desert Lands Certificate No 1350

WHEREAS Joseph A Tyler of Fremont County Idaho has deposited in the General Land office of the United States a certificate of the Register of the Land Office at Blackfoot Idaho whereby it appears that full payment has been made by the said Joseph A Tyler according to the provisions of the Act of Congress of the 24th of April 1820 entitled "An act making further provision for the sale of the Public Lands" and the acts supplemental thereto for

The southeast quarter of the south west quarter of section eighteen and the north half of the northeast quarter the southwest quarter of the northeast quarter the east half of the northwest quarter and the northeast quarter of the southwest quarter of section nineteen in township five North of Range fortyfive East of Boise Meridian in Idaho containing two hundred and eighty acres, according to the official plat of the survey of the said lands returned to the General Land Office by the Surveyor General which said tract has been purchased by the said Joseph A Tyler

NOW KNOW Y that the United States of America in consideration of the premises and in conformity with the several acts of Congress in such case made and provided have given and granted and by these presents do give and grant unto the said Joseph A Tyler and to his heirs the said Tract above described TO HAVE AND TO HOLD the same together with all the rights privileges immunities and appurtenances of whatsoever nature thereunto belonging unto the said Joseph A Tyler and to his heirs and assigns forever subject to any vested and accrued water rights for mining agricultural manufacturing or other purposes and rights to ditches and reservoirs used in connection with such water rights as may be recognized and acknowledged by the local customs laws and decisions of courts and also subject to the right of the proprietor of a vein or lode to extract and remove his ore therefrom should the same be found to penetrate or intersect the premises hereby granted as provided by law AND there is reserved from the lands hereby granted a right of way thereon for ditches or canals constructed by the authority of the United States

IN TESTIMONY WHEREOF I Theodore Roosevelt, President of the United States of America have caused these letters to be made Patent and the seal of the General Land Office to be hereunto affixed.

GIVEN under my hand at the City of Washington the thirteenth day of October in the year of our Lord one thousand nine hundred and five and of the Independence of the United States the one hundred and thirtieth

By the President T Roosevelt

(SEAL)

By F M McKean, Secretary

C H Brush Recorder of the General Land Office

524443

Filed for record request W R Patton July 7th 1915 at 10:10 A.M.

Fees \$1.20

W F Robertson Recorder

5N45E

13 Oct 1905

No 2021 Desert Land Act of March 3, 1877. Receiver's Binal Receipt No 1350, Declaration No 2867.
Land Office at Blackfoot, Idaho, December 15, 1903.

Received from Joseph A Tyler, of Triggs, Fremont County, State of Idaho, the sum of 280 dollars and n... cents, being final payment of one dollar per acre for the SE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec 18, N $\frac{1}{2}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$ E $\frac{1}{2}$ NE $\frac{1}{4}$ and NE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec 19, T 5 N R 45 E B. M. containing 280 acres, at one dollar and twenty five cents per acre, the sum of twenty five cents per acre having been heretofore paid, as per Original Receipt No 2867.

\$280.00

George A. Robethan Receiver.

Recorded this December 18, 1903, at 1:05 o'clock P. M. at request of L. M. Earl, Victor Hegsted, Recorder. Transcribed from Book A of deeds page 638, Fremont County Records. Transcribed from Book 15 of deeds page 177, Madison County Records.

No 2064 Final Receiver's Receipt No 4253 Homestead. Application No 6455.

Receiver's office Blackfoot, Idaho October 14 1903.

Received of Joseph S. Beenley the sum of Six dollars, ...cents, being the balance of payment required by law for the entry of S $\frac{1}{4}$ SW $\frac{1}{4}$ Sec 55, T 5 N, Lot 1, Sec 3, Lot 4 of section 2, in township 4 N of range 45 E. containing 160.79 acres, under section 2291 of the Revised Statutes of the United States.

\$6.00

George A. Robethan Receiver.

\$1.10 testimony fee received, number of written words, 490, rate of 100 words 22 $\frac{1}{2}$ cents.

Recorded this December 22, 1903 at 9:00 o'clock A. M. at request of Guy E. Bowerman.

Victor Hegsted, Recorder.

Ernest Bramwell, Deputy. Transcribed from Book A of deeds page 639, Fremont County Records. Transcribed from Book 15 of deeds page 178, Madison County Records.

No 2160 Final Receiver's Receipt No 4324. Homestead. Application No 6119.

Receiver's office, Blackfoot, Idaho December 17, 1903.

Received of Rudolph H. Hochstetser the sum of six dollars,.... cents being the balance of payment required by law for the entry of NE $\frac{1}{4}$ of section 29, in township 6 N, of range 45 E. containing 160 acres, under section 2291 of the Revised Statutes of the United States.

\$6.00

George A. Robethan Receiver.

\$1.10 testimony fee received, number of written words, 490, Rate per 100 words, 22 $\frac{1}{2}$ cents.

Recorded this December 30, 1903, at 12:10 o'clock P. M. at request of E. S. Jackson. Victor Hegsted Recorder. Ernest Bramwell, Deputy. Transcribed from Book A of deeds page 640, Fremont County Records. Transcribed from Book 15 of deeds page 178, Madison County Records.

No 2873 Final Receiver's Receipt No 4818. Homestead. Application No 6188.

Receiver's office Blackfoot, Idaho August 12, 1905.

Received of John A. Terry the sum of Six Dollars no cents, being the balance of payment required by law for the entry of NE $\frac{1}{4}$ NE $\frac{1}{4}$; NE $\frac{1}{4}$ NE $\frac{1}{4}$; NE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec 11 T 4 N R 45 E. of section in township of range containing 160 acres, under section 2291 of the Revised Statutes of the United States.

\$6.00

George A. Robethan Receiver.

\$1.25 testimony fee received number of written words 555, rate per 100 words 22 $\frac{1}{2}$ cents.

Filed for record Sept 5, 1905, at 9:45 A. M. Victor Hegsted, Recorder.

Transcribed from Book 1 of deeds page 378, Fremont County Records.

Transcribed from Book 15 of deeds page 178, Madison County Records.

May 28, 2004

**J LYNN OR WILMA BEVAN
198 N 400 W
RT 1 PO BOX 1170
TETONIA ID 83452**

RE: EVIDENCE OF PRIORITY FOR SRBA WATER RIGHT CLAIM 22-4167

Dear Claimant (s):

The Idaho Department of Water Resources is nearing the end of water rights review in Basin 22, the Teton River drainage. The Notice(s) of Claim identified with the number shown above has been filed in the Snake River Basin Adjudication (SRBA). The Notice of Claim indicates water usage is based on "Beneficial Use". Water rights of this type are established by the historical use of water, dating back to when water was first used for the purpose claimed, at or on the place of use identified on the Claim. The date the water was first put to beneficial use, known as the priority date, has not been confirmed by License, Decree, or Permit. For this reason, proof must be provided supporting the priority date. **As the claimant, you are responsible for submitting the necessary proof to support the priority date.**

Your claim, as referenced above, claims a Priority Date of OCT 13 1900, from UNNAMED STREAM, SPRINGS

It is important that each element of the Notice of Claim be verified. For instance, regarding claims for irrigation, the evidence should tend to show that diversion works were in place, that they were capable of diverting the claimed diversion rate, and that the diverted water was beneficially used on the entire claimed place of use on or before the claimed priority date.

For your reference, I have provided a printout of your Notice of Claim and the pamphlet entitled "**Evidence of Priority**". The pamphlet describes the types of evidence which are acceptable and suggests which documents will fulfill this requirement. While I encourage you to read the entire pamphlet, I direct your attention to the two sections entitled "**What Kind of Evidence is Required**" and "**Some Examples of Documents Which May Be Evidence of the Priority Date**". **PLEASE READ THE ENCLOSED PAMPHLET.**

It is our goal to recommend historical water rights within the Snake River Basin as accurately as possible. Field exams to verify other elements of the Notice of Claim have been or soon will be conducted by Department personnel.

.....
The Department will not recommend the Notice of Claim be decreed by the court if evidence of a priority date is not submitted. The Notice of Claim will be disallowed.
.....

Please submit documentation supporting the priority date within 30 days of the date of this letter, referencing all documents with the corresponding claim number. If you have any questions not covered by this letter or the enclosed pamphlet, please feel free to contact this office.

Respectfully submitted,



Allen B. Ruberry
Sr. Water Resource Agent
Adjudication Bureau

cc: File

Enclosure: Brochure on "Evidence of Priority"

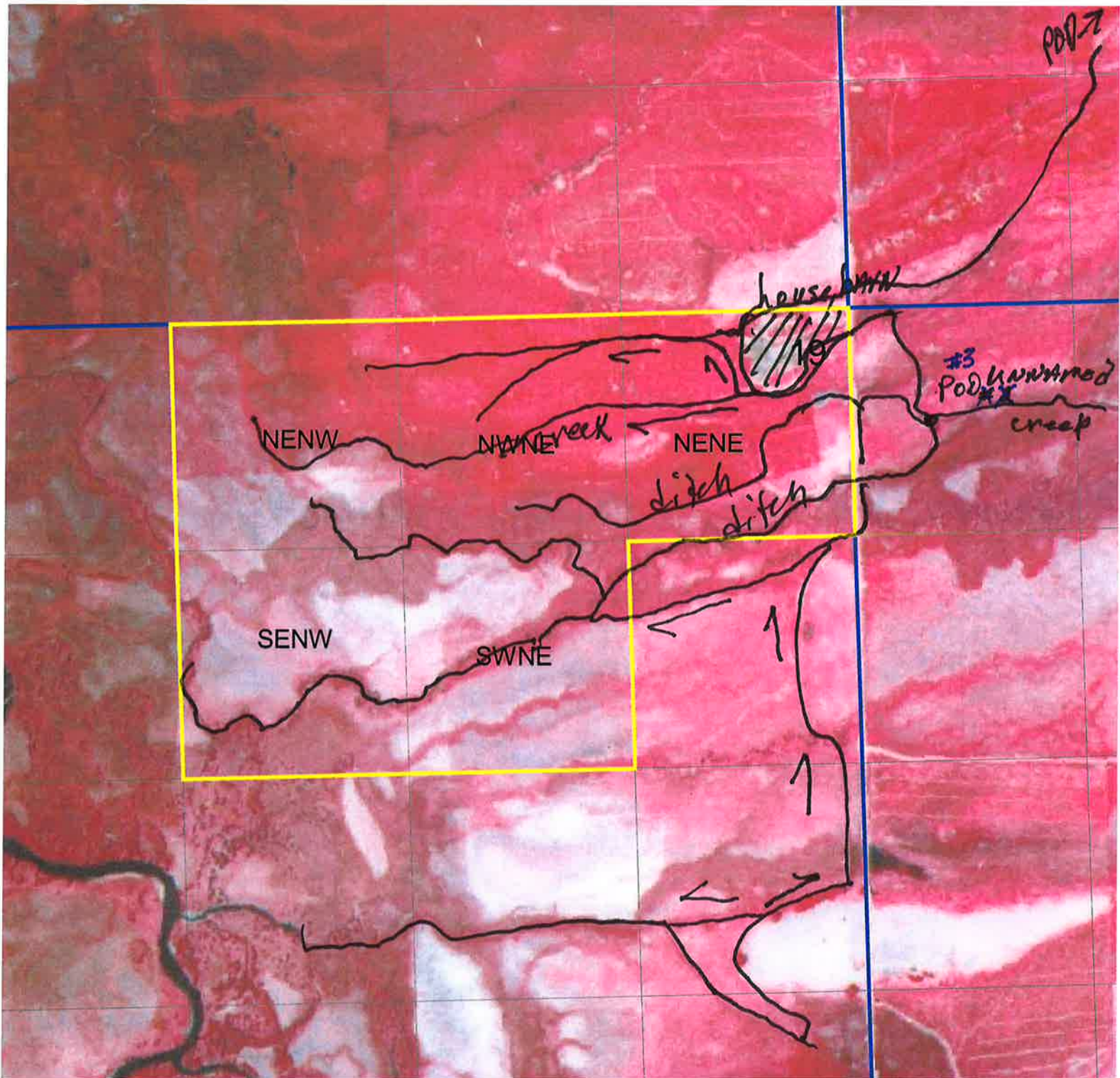


10/8/05
DD Photo shows culvert used to divert
unnamed stream in NWWW of Sec. 20

POD#3

22-4167

10/11/08
DD



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: A22-04167
Date Received: 9/29/1988
Receipt No: 11001423
Received By: g re

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: J. LYNN BEVAN
Address: 198 N. 400 W.
RT. 1 BOX 1170
TETONIA, ID 83452 208-456-2823

AND/OR

Name: WILMA BEVAN
Address: 198 N. 400 W.
RT. 1 BOX 1170
TETONIA, ID 83452 208-456-2823

2. Date of Priority: OCT 13, 1900

3. Source: UNNAMED STREAM
SPRINGS Trib. to: TETON RIVER
TETON RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
05N	45E	20	NE	NE	NW		TETON

5. Description of diverting works:
DITCH & HEADGATE

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/15	10/15	4.800		
STOCKWATER	01/01	12/31	0.007		

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

8. Total consumptive use is 310.0 Acre Feet Per Annum.

9. Non-irrigation uses:
S/250 RANGE.

A22-04167

Page 1

Date: 09/29/88

A2204167



MICROFILMED

OCT 29 1992

10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
05N	45E	19	NE		NE		IRR	40.0
			NW		NE		IRR	40.0
			SW		NE		IRR	15.0
			NE		NW		IRR	40.0
			SE		NW		IRR	20.0

Section Acres 155.0

Total Acres 155.0

11. Place of use in counties: TETON

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

13. Other Water Rights Used:
NONE.

14. Remarks:

15. Basis of Claim: STATUTORY CLAIM

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): J. Lynn Beran Date: Sept 29, 1988
Date: _____

State of Idaho)
County of Blaine) SS.

Subscribed and sworn (or affirmed) before me this 29 day

of Sept. 19 88

John Dale Carlson
Notary Public

Seal

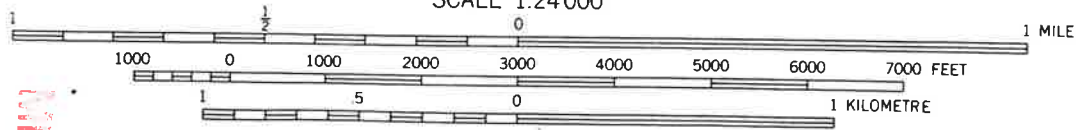
Residing at Boise Id

My Commission Expires 9/2/91



FEET

SCALE 1:24 000



NORTH

OCT 29 1992

MICROFILMED

P.D.

TSN
B45E

48900

Copies Of These Maps Can Be Obtained
At Bonneville Blue Print Boise Idaho

TR
N434

ADV

MICROFILMED
OCT 29 1992

R44E

T5N

R45E

770 000

