

02/01/2006

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

RIGHT NUMBER: 22-4168
NAME AND ADDRESS: WILMA BEVAN
198 N 400 W
TETONIA ID 83452

J LYNN BEVAN
198 N 400 W
TETONIA ID 83452

SOURCE: SWAMP CREEK TRIBUTARY: TETON RIVER
QUANTITY: 0.340 CFS
PRIORITY DATE: 04/15/1958
POINT OF DIVERSION:

T05N R45E S21 NENWNE 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	0.290 CFS
STOCKWATER	01/01 12/31	0.050 CFS

PLACE OF USE: IRRIGATION Within TETON County
T05N R45E S17 NESW 11.00
STOCKWATER same as IRRIGATION
11 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.

This right is subject to regulation by the watermaster of Water District 01.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

Right No. 22-169B is also diverted through point of diversion described above.

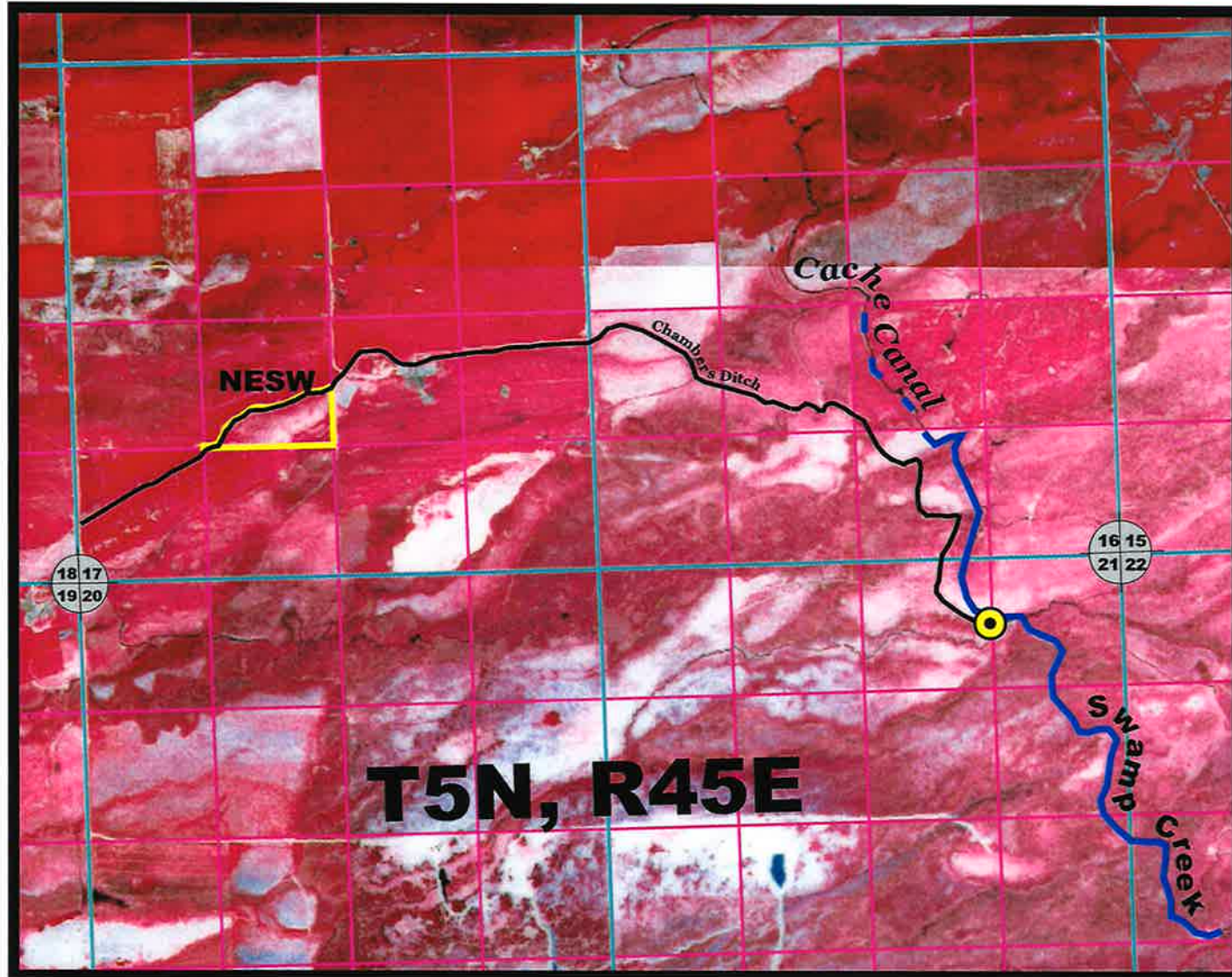
Water is delivered through Chambers Ditch.



State of Idaho

Department of Water Resources

Eastern Region



750 0 750 1500 2250 3000 3750 4500 5250 6000 6750 7500 8250 9000 Feet

Water Right(s):
22-4168

Point(s) of Diversion:
T5N, R45E
Sec. 21 NENWNE

Place of Use: (part of)
T5N, R45E
Sec. 17 NESW

LEGEND



Point of Diversion



SESE

Place of Use



Section



Quarter-Quarter



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

02/22/2006

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: 22-4168

WILMA BEVAN

198 N 400 W

TETONIA ID 83452

Telephone Number: (208)456-2823

J LYNN 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):
2. Describe the changes you wish to make in the proposed recommendation:
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,

Priority Date Data Entry Form

Claim Number: _____

Water Right Priority Date: _____ Water Right Basis: _____

Claimed Priority Date: Oct 26, 1902 Claimed Basis: StatuteRecommended Priority Date: 4/15/1958 Recommended Basis: BU

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

Claims Oct 26, 1902 which predates FORBES vs TETON DECISION
1910. THEN EVIDENCE IS STATEMENT DISCUSSING PURCHASE OF A PUMP
AND IRRIG PIPES "to USE ON A HILL IN A 40ACRE PARCEL IN SEC. 17"
IN 1958.

Recommend Priority as start irrig season-1958, only on
lands on Hill w/ AC X 0.02 = 113 AC X .02 = 0.23 ac
used w/ 22-169B

Reviewer: _____

Date: _____

18/04/05

I Ted Michelson do agree that Lynn Berman
has run sprinkler lines on his 40 acres in
Sec. 17 that joins me on the East of my 40.

Ted Michelson

STATEMENT

I Richard Wallace Bevan sold to J. Clifton Bevan 1- 5 horse Power Pump Craftsman Briggs and Stratton Engine Irrigation System in 1958. With about 300 foot of irrigation pipe. It was put to use on a hill in a 40 acre parcel in Section 17, owned by Clifton Bevan.

Richard W. Bevan
Richard Wallace Bevan

He purchased additional pipe to reach across the hill in June of 1958.

J. Lynn Bevan

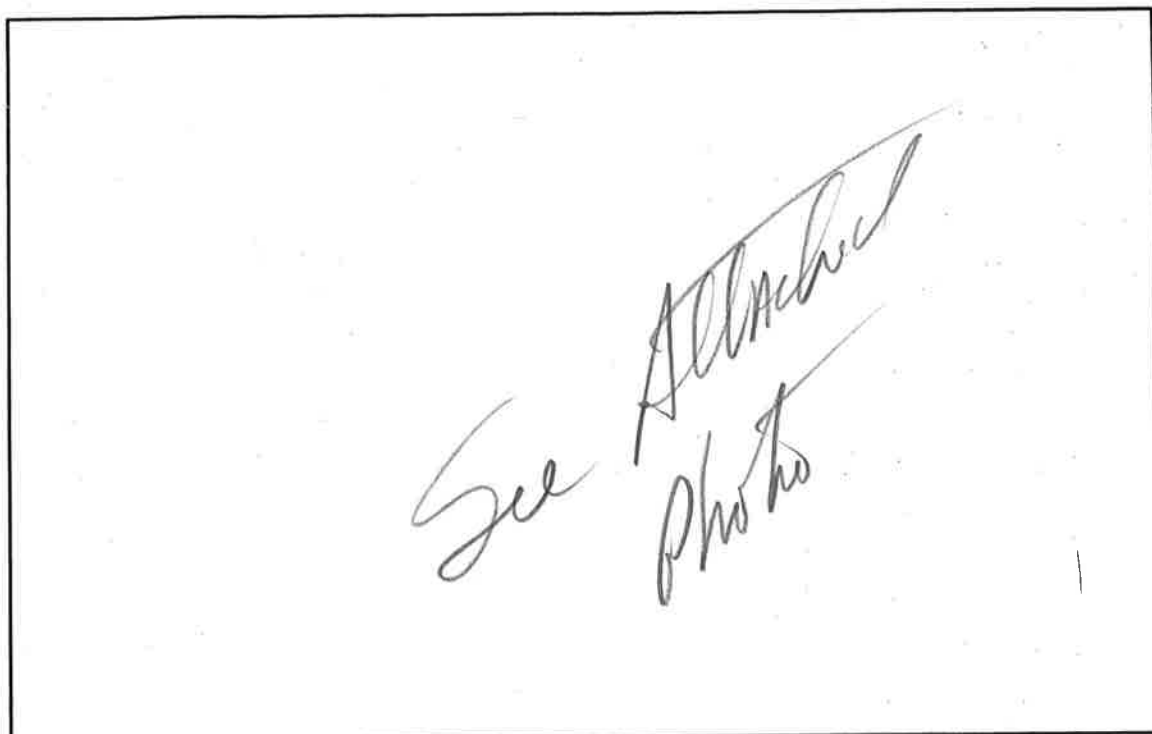
Claim A22-4168
of Lynn Bowen



10/8/85 Photo shows headgate for Cache Canal,
Mickelson (Chamber) Ditch and Swamp
Ditch
Bivans take their water through the
Mickelson ditch.

Swamp Creek

Water Right No(s). _____



GPS DATA:

Tag # 40013832 Location: On north side of headgate wall

Diversion Data:

Source: Swamp Ditch (creek land) Trib to: Teton River

MOTOR

Make: _____ Model: _____ Hp: _____
SN: _____

PUMP

Make: _____ Model: _____ Disch: _____
SN: _____

NOTES:

Field Exam Date: 10/8/05 Agent: DO

Point of Diversion and Source Data Entry Form

Claim Number: _____

Water Right Point(s) of diversion and Source.

Water Right Point of Diversion: T _____, R _____, Sec. _____, _____, _____, _____, County: _____

Source: _____ Tributary to: _____

Water Right Point of Diversion: T _____, R _____, Sec. _____, _____, _____, _____, County: _____

Source: _____ Tributary to: _____

Claimed Point(s) of Diversion and Source.

Twp	Rge	Sec	Gov Lot	QQQ of QQ of Q	County	Source	Tributary to

Recommended Point(s) of Diversion and Source.

Twp	Rge	Sec	Gov Lot	QQQ of QQ of Q	County	Source	Tributary to

Other rights from this POD? Cap 5. Tag #

Transfers Pending or approved: _____

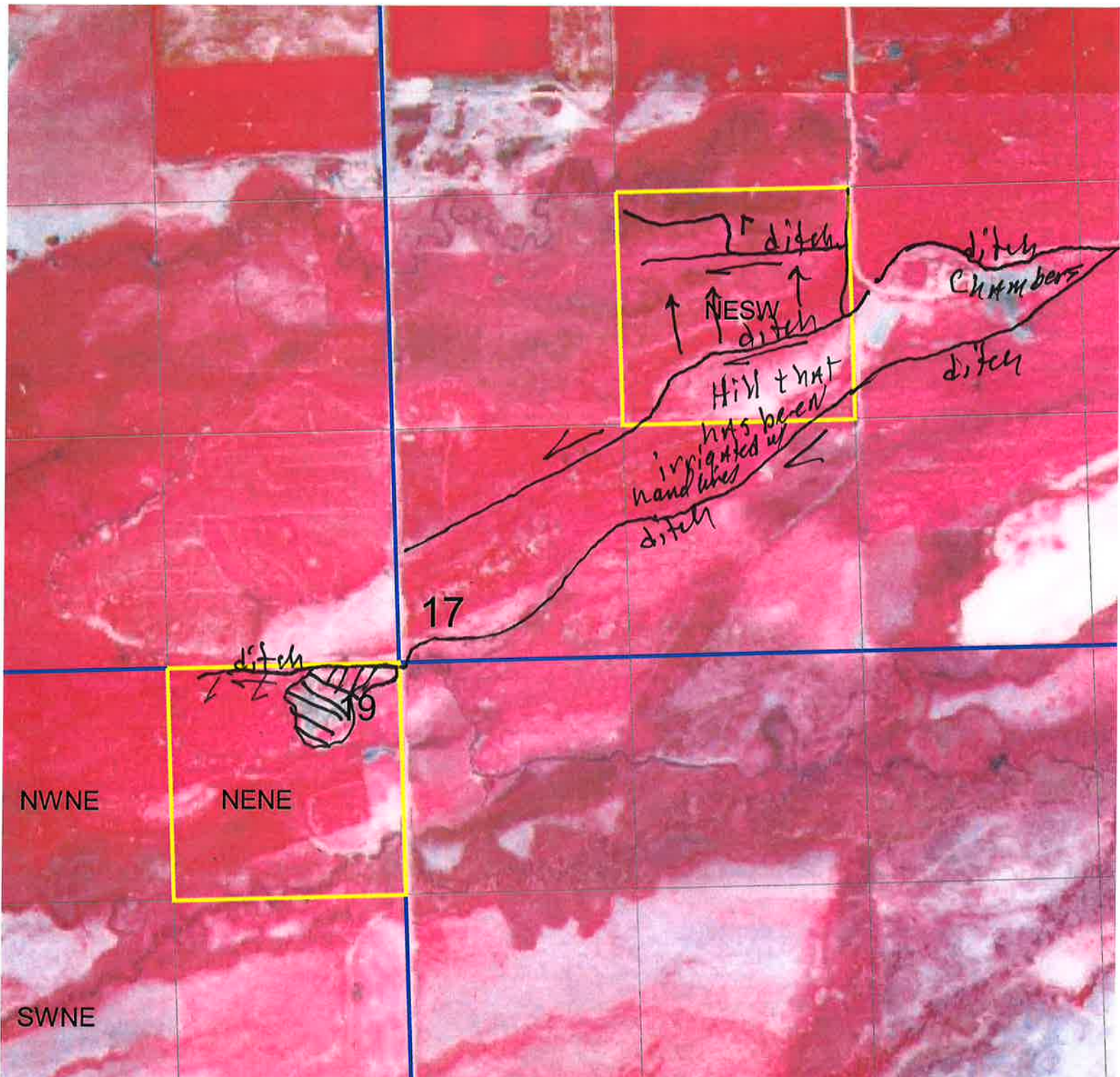
Document how the POD and Source were verified:

10/8/05
 DO
 POD is on the Swamp Ditch. The ditch is often referred as the Chambers ditch. The actual POD is in section 21 and not section 17.

Reviewer: _____ Date: _____

22-4168

10/8/05
00



Place Of Use Data Entry Form

Claim Number: _____

Claimed Place Of Use

Twp	Rge	Sec	QQ	Q	County	Lot Num	Acres	Purpose of Use

Total acres _____

Recommended Place of Use

Twp	Rge	Sec	QQ	Q	County	Lot Num	Acres	Purpose of Use

Total acres _____

Pending or approved Transfers: _____

Overlapping rights: _____

Document how the POU was verified:

10/8/05
DO Field exam showed that approx. 30 acres in the northern part of Sec. 17, NE SW is irrigated with a series of ditches. The southern part of NE SW has historically been irrigated with gas powered portable pump and hand lines. During the years I was watermaster 1978 to 2000 that was a common practice for the Bevans. The ditch that runs to the W of Sec 19 is used to irrigate 10 acres west of the Bevans home.

Reviewer: _____ Date: _____

Season of Use and Quantity Data Entry Form

Claim Number: _____

Water Right Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume

Overall Diversion Rate _____

Overall Diversion Volume _____

Claimed Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
Permit	4/15	10/15	2.0	
Stock	1/1	12/31	0.20	

Overall Diversion Rate _____

Overall Diversion Volume _____

Recommended Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
Permit	4/15	10/31	0.29	
Stock	1/1	12/31	0.05	

Overall Diversion Rate 0.34

Overall Diversion Volume _____

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

$$\text{Permit } Q = 11 \text{ AC} \times 0.02 = 0.22 \text{ cfs} + 30\% \text{ CONVN } (600 \text{ cfs} \times 0.05) = 0.286 \rightarrow 0.29$$

$$\text{Stock for 150 cattle is NOT } 0.2 - \text{TABLE shows } 0.05 \text{ cfs}$$

$$Q_{\text{Total}} = 0.29 + 0.05 = 0.34 \text{ cfs}$$

Reviewer: _____

Date: _____

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 22-4168

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.

26

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.

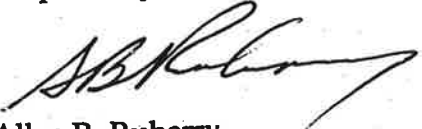
For your reference, I have provided a printout of your Notice of Claim and the pamphlet entitled "**Evidence of Priority**". The pamphlet describes the types of evidence which are acceptable and suggests which documents will fulfill this requirement. While I encourage you to read the entire pamphlet, 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"

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: A22-04168
Date Received: 9/29/1988
Receipt No: MO01473
Received By: JPC

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

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

AND/OR

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

2. Date of Priority: OCT 26, 1902

3. Source: UNNAMED CREEK Trib. to: TETON RIVER
SPRING TETON RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
05N	45E	17	SE	NE	SW		TETON

5. Description of diverting works:
CHANNEL & DITCH WITH FLOOD AND SPRINKLER IRR.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/15	10/15	2.000		
STOCKWATER	01/01	12/31	0.200		

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

8. Total consumptive use is 100.0 Acre Feet Per Annum.

9. Non-irrigation uses:
S/150 RANGE.

A22-04168

Page 1

Date: 09/29/88

(Swamp Canal.)

MICROFILMED

OCT 29 1992

A2204168



10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
05N	45E	17	NE SW		IRR	40.0
					Section Acres	40.0
		19	NE NE		IRR	10.0
					Section Acres	10.0
					Total Acres	50.0

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:
A22-00169B

14. Remarks:
P/D REESE CHAMBERS DITCH, PRIVATE DITCH & PUMP.
P/U ACQUIRED UNDER DESERT LAND PATENT.
THIS RIGHT IS TO BRING THE ORIGINAL DECREED RIGHT UP
TO WHAT IS ACTUALLY BEING USED FROM THE PRIORITY DATE
LISTED.

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 ☒ 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 Tito) SS.

Subscribed and sworn (or affirmed) before me this 29 day
of Sept. 19 88

Joh. Dale Cook
Notary Public

Seal

Residing at Boo Id
My Commission Expires 6/2/94

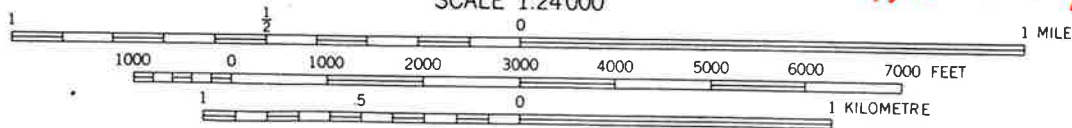


750 000 FEET

MICROFILMED

OCT 29 1992

SCALE 1:24000



A22-0416P