

12/14/2006

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

RIGHT NUMBER: 22-4169

NAME AND ADDRESS: WILMA BEVAN
198 N 400 W
TETONIA ID 83452

J LYNN BEVAN
198 N 400 W
TETONIA ID 83452

SOURCE: UNNAMED STREAM

TRIBUTARY: TETON RIVER

QUANTITY: 2.200 CFS

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

PRIORITY DATE: 04/01/1933

POINT OF DIVERSION:

T05N R45E S20 SESWSW Within TETON County

T05N R45E S20 SESWSW Within TETON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	05/01 10/31	2.200 CFS
STOCKWATER	01/01 12/31	0.040 CFS

PLACE OF USE: IRRIGATION in TETON County

T05N R45E S19	NENE	1.10	T05N R45E S19	SWNE	20.00
T05N R45E S19	SENE	34.00	T05N R45E S19	SENW	7.00
T05N R45E S19	NESW	25.00	T05N R45E S19	SESW	5.80
T05N R45E S19	SWSE	17.00			

STOCKWATER same as IRRIGATION

109.9 ACRES TOTAL

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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

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.

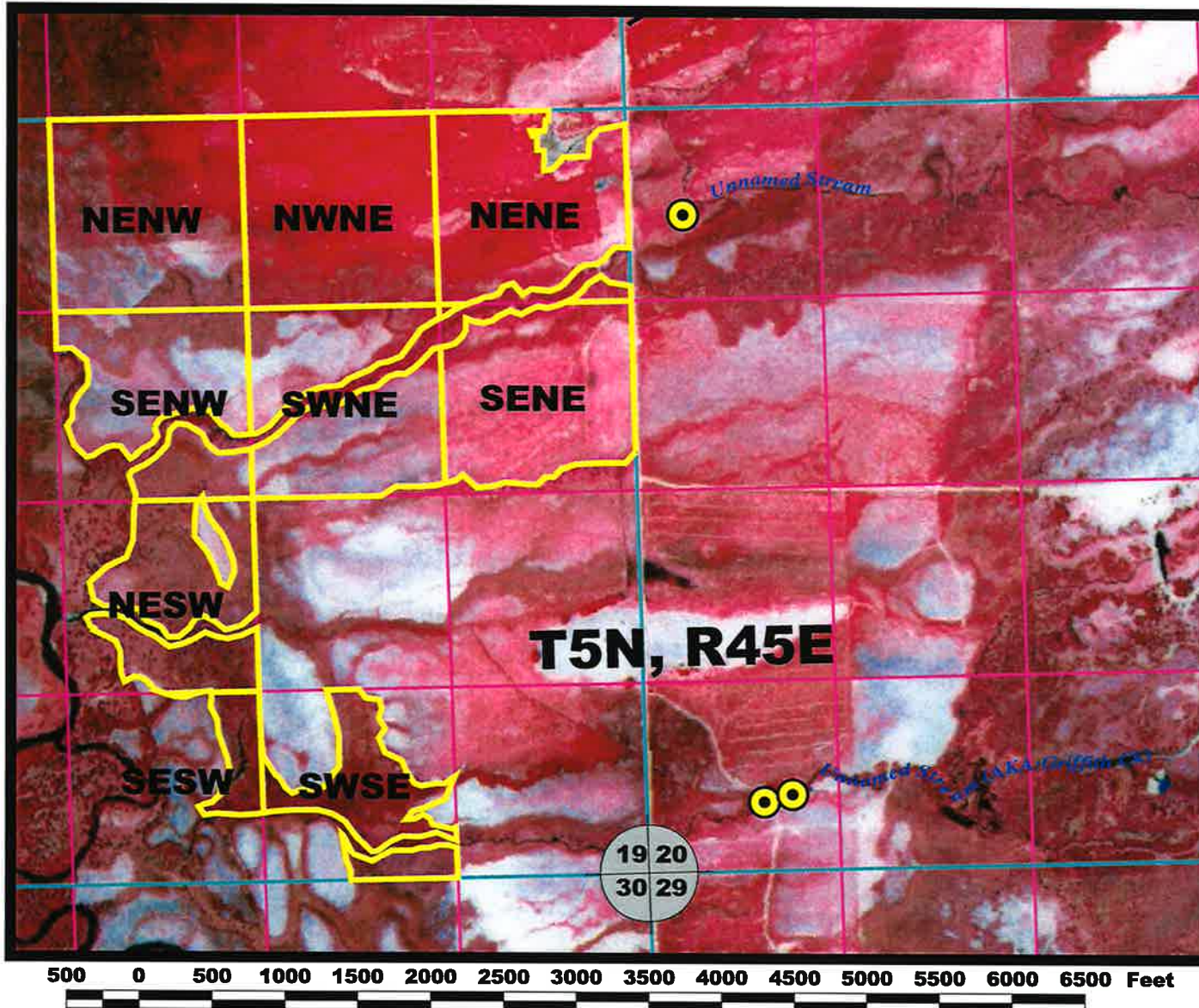
EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use
Source is also known as Griffith Creek.



State of Idaho

Department of Water Resources

Eastern Region



Water Right(s):

**22-4167,
22-4169**

Point(s) of Diversion:

**T5N, R45E Sec. 20
SWNWNW, SESWSW, SESWSW**

Place of Use: (parts of)

**T5N, R45E Sec.19
NE, E2W2, SWSE**

LEGEND



Point of Diversion



Place of Use



Section



Quarter-Quarter



GIS Place of Use Illustration
1987/1988 NAFF 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: 22-4169

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,



Idaho Department of Water Resources

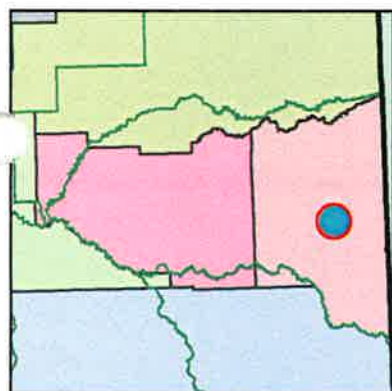
SRBA Recommendation:

22-4169

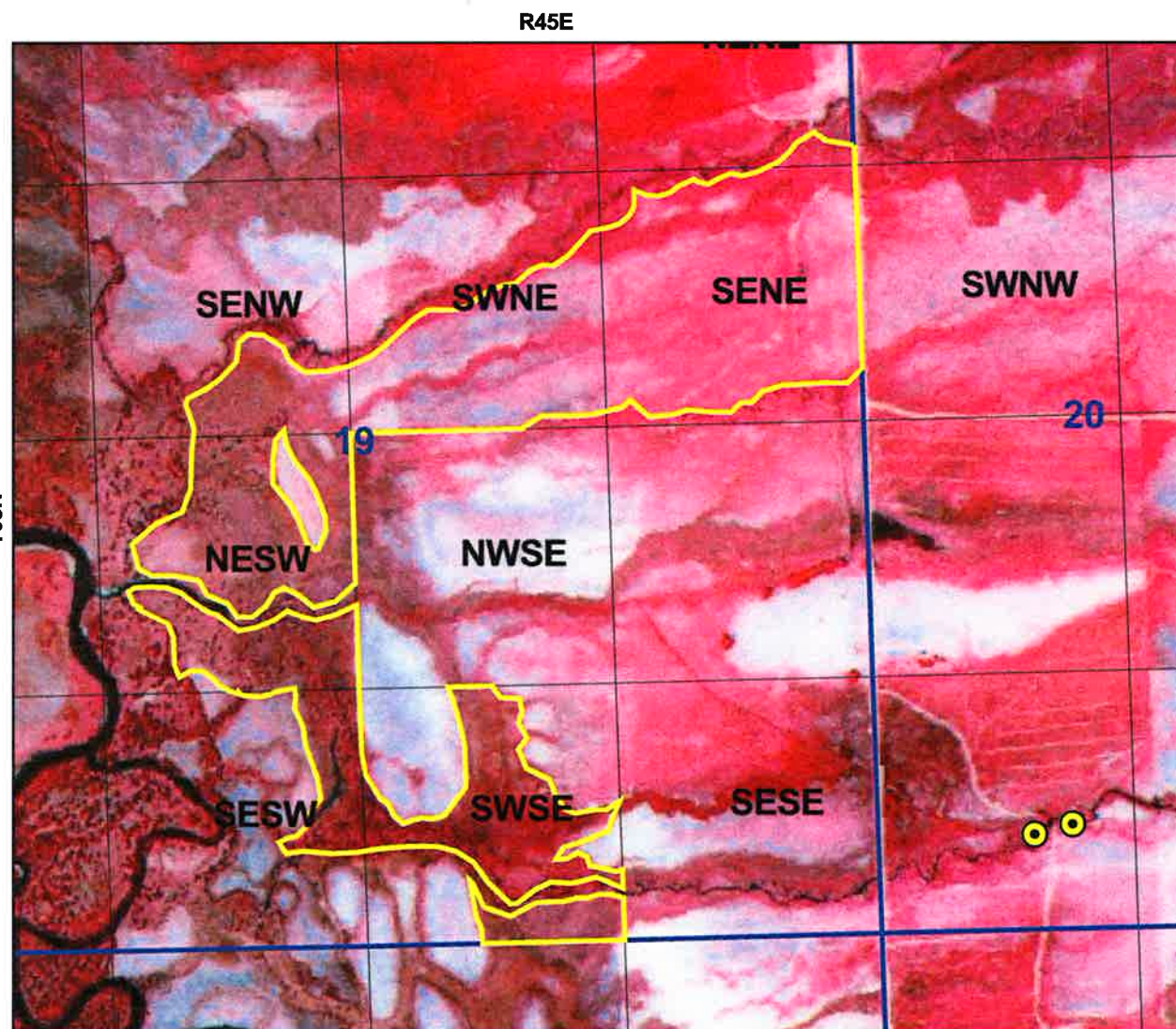
(Irrigation)

Legend

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



Teton County
IDWR Basin 22



0 0.4 0.8 Miles

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

Contacts Data Entry Form

22-4167
22-4169

Claim Number: _____

Owner Type	Full Name	Address	City	State	Zip
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Current Owner: J. L. Berman Phone No.: _____

Current Owner: _____ Phone No.: _____

Current Owner: _____ 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
TOTON CREEK AND DARBY CREEK. BOTH MAJOR CONTRIBUTIONS TO
THE HYDROLOGIC RECHARGE OF THE GENERAL AREA - IN ADDITION, A
DEGREE (22-W) CACHO CANAL VS L. CRANDALL, 5/28/1948 ADDRESSES
THE WATERS OF THE 'SWAMP'.

IT IS MUCH AS TOTON AND DARBY CREEKS CONTRIBUTE SIGNIFICANTLY TO
THE RECHARGE OF THE SWAMP, AND, THAT THE SWAMP AND ITS MANY
SPRINGS AND UPPANAMOD STREAMS ARE THE SOURCE FOR CACHO 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 CACHO CANAL VS
L. CRANDALL, 5/24/1948, SPECIFICALLY ADDRESSING THE 'SWAMP'.

THEFORE, THIS RECOMMENDATION ADVANCES THE PRIORITY DATE TO 5/25/1948;
ONE DAY AFTER CACHO CANAL VS CRANDALL WAS SIGNED
SOURCE: UPPANAMOD STREAM (AKA: GRIFFITH CR) TRIB TO: TOTON RIVER

Reviewer: _____ Date: _____

RECEIVED

JUN 16 2004

Instrument No. 12927

4--1003

Blackfoot 033032.

Department of Water Resources
Eastern Region

THE UNITED STATES OF AMERICA
To all to whom these presents shall come, Greeting:

WHEREAS, a Certificate of the Register of the Land Office at Blackfoot, Idaho has been deposited in the General Land Office, whereby it appears that, pursuant to the Act of Congress of May 20, 1862, "To Secure Homesteads to Actual Settlers on the Public Domain," and the acts supplemental thereto, the claim of Cleo Redford Clark, formerly Cleo Redford, R.F.D Tetonia, Idaho has been established and duly consummated, in conformity to law, for the Southwest quarter of the Southeast quarter of Section Nineteen in Township Five north of Range forty-five East of the Boise Meridian, Idaho, containing forty acres, according to the Official Plat of the Survey of the said Land, returned to the GENERAL LAND OFFICE by the Surveyor-General:

NOW KNOW YE, That there is, therefore, granted by the United States unto the said claimant the tract of land above described; TO HAVE AND TO HOLD the said tract of land, with the appurtenances thereof, unto the said claimant and to the heirs and assigns of the said claimant, 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 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, Warren G. Harding, 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 First day of August in the year of our Lord One thousand nine hundred and twenty-three and of the Independence of the United States the one hundred and forty-eighth.

By the President: Warren G. Harding

By Viola B. Pugh Secretary
M. P. LeRoy
Recorder of the General
Land Office.

(SEAL)

Recorded: Patent Number 913546

6-6020

Filed for record at the request of G. H. Clark Sept. 1st, 1923 at 10:35 A.M.

Vern Thomas

Recorder

5N45E

1 Aug 1923

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 22-4169

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.

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.

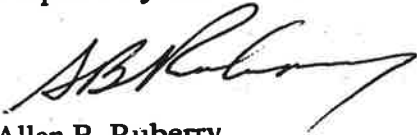
For your reference, I have provided a printout of your Notice of Claim and the pamphlet entitled **"Evidence of Priority"**. The pamphlet describes the types of evidence which are acceptable and suggests which documents will fulfill this requirement. While I encourage you to read the entire pamphlet,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

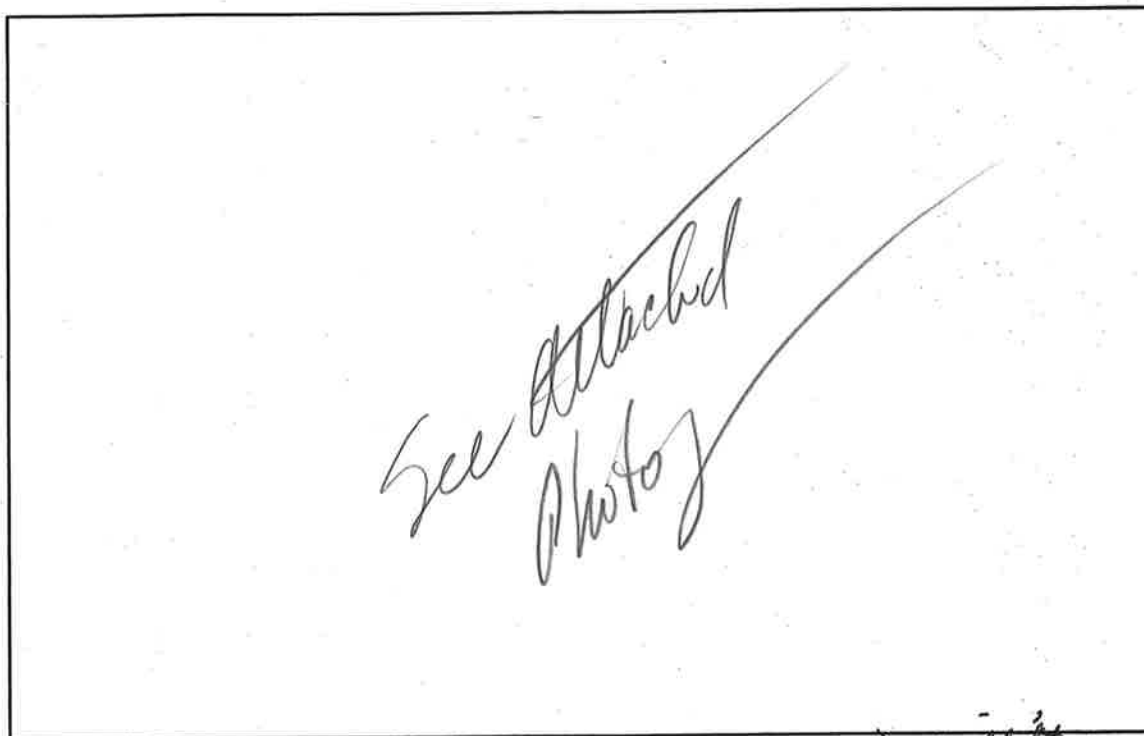


Allen B. Ruberry
Sr. Water Resource Agent
Adjudication Bureau

cc: File

Enclosure: Brochure on "Evidence of Priority"

Water Right No(s). _____



GPS DATA: PDD #3 A0016006 on tree near dam in Griffith Creek by ditch

Tag # A0016023 Location: On culvert - west end of headgate
PDD #2 A0016005 on concrete headgate on Griffith Creek.

Diversion Data:

Source: Unnamed Creek & Springs Trib to: Teton River
Source for PDD #3 Griffith Creek Teton River

MOTOR

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

PUMP

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

NOTES:

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



10/11/05
 Photo shows new roadgate on
 Griffith Creek that divides water from
 SWSN of sec. 20 to PDV.
 This is PBD#2 on the field map.

Claim A22 - 4169
 J. Lynn Burton

Claim A22-4169

J. Lynn Bevan



Griffith
Creek

Diversion
ditch

10/11/05
DV

Photo shows pond and diversion #3
on Griffith Creek.

Claim #22-4169
J. Lynn Burton



Photo shows pond formed by dam
made of plywood. Diversion ditch
carried water to pool.

10/11/05
BO

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? C.P.S. Tag #

Transfers Pending or approved: _____

Document how the POD and Source were verified:

10/11/05
DO Field exam showed that there are 3 POD's for this claim.
POD #1 is in the NWNW of Sec 20. It is a culvert headgate placed on an unnamed creek.
POD #2 is in the SWSW of Sec 20. It is a concrete headgate on Griffith Creek.
POD #3 is a plastic dam across Griffith Creek that diverts water into a diversion ditch.

Reviewer: _____ Date: _____

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:

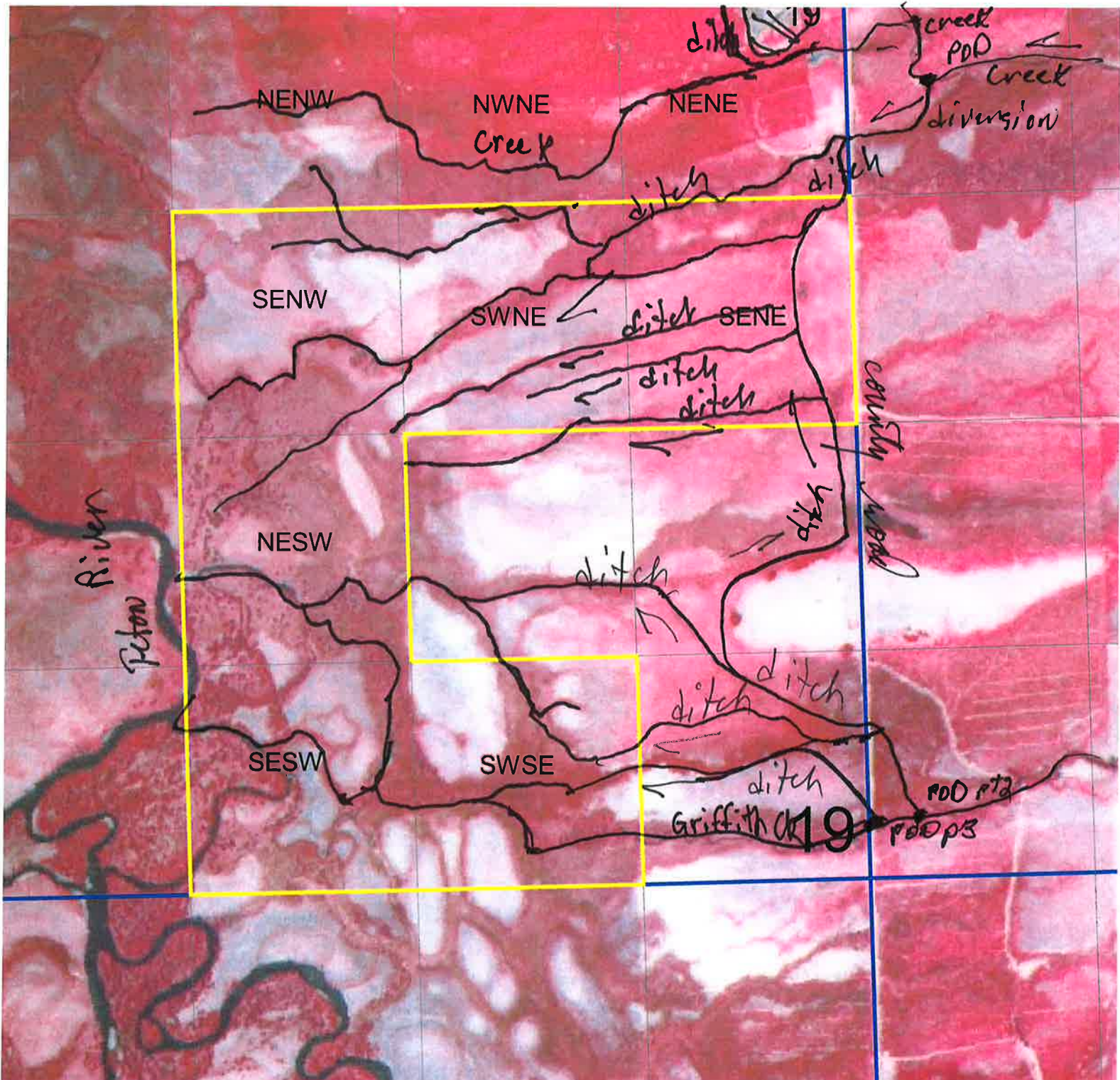
10/11/05
ED
Field exam showed the POU is irrigated with a series of ditches and with sub-irrigation. During the field exam land was quite wet. Acreage seems pretty accurate for acres claimed as irrigated.

Reviewer: _____ Date: _____

22-4169

10/11/05 4
00

10/8/05
00



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: A22-04169
Date Received: 9/29/1988
Receipt No: MO01473
Received By: Joe

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: J. LYNN BEVAN 208-456-2823
Address: 198 N. 400 W.
RTE 1 BOX 1170
TETONIA, ID 83452
AND/OR
Name: WILMA BEVAN 208-456-2823
Address: 198 N. 400 W.
RTE 1 BOX 1170
TETONIA, ID 83452

A2204169



2. Date of Priority: OCT 13, 1900

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

4. Point of Diversion:

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

5. Description of diverting works:
DAM & DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	05/01	11/01	3.400		
STOCKWATER	01/01	12/31	0.004		

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

A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
S/125 RANGE.

A22-04169

Page 1

Date: 09/29/88

MICROFILMED

OCT 29 1992

10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
05N	45E	19	SW		NE		IRR	25.0
			SE		NE		IRR	40.0
			SE		NW		IRR	20.0
			NE		SW		IRR	40.0
			SE		SW		IRR	20.0
			SW		SE		IRR	25.0
Section Acres								170.0
Total Acres								170.0

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:

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 Bevan Date: Sept. 29, 1988
Date: _____

State of Idaho)
County of Teton) 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 6/12/94

MICROFILMED
OCT 29 1992

R44E

T5N
R45E

A22-04169

