

IDAHO DEPARTMENT OF WATER RESOURCES 11/07/2001
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

NAME AND ADDRESS: WILLIAM T EVANS
25976 S HWY 91
DOWNEY ID 83234

SOURCE: COALPIT CREEK TRIBUTARY: MARSH CREEK

QUANTITY: 0.40 CFS

PRIORITY DATE: 06/03/1911

POINT OF DIVERSION:

T12S R37E S13 SWNE Within BANNOCK County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/31	0.400 CFS

PLACE OF USE: IRRIGATION Within BANNOCK County

T12S R37E S13	NWNE	19.0	T12S R37E S13	SWNE	1.0
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20 ACRES TOTAL

USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 65 ACRES IN A SINGLE IRRIGATION
SEASON. COMBINED RIGHT NOS.: 29-02123, 29-04062

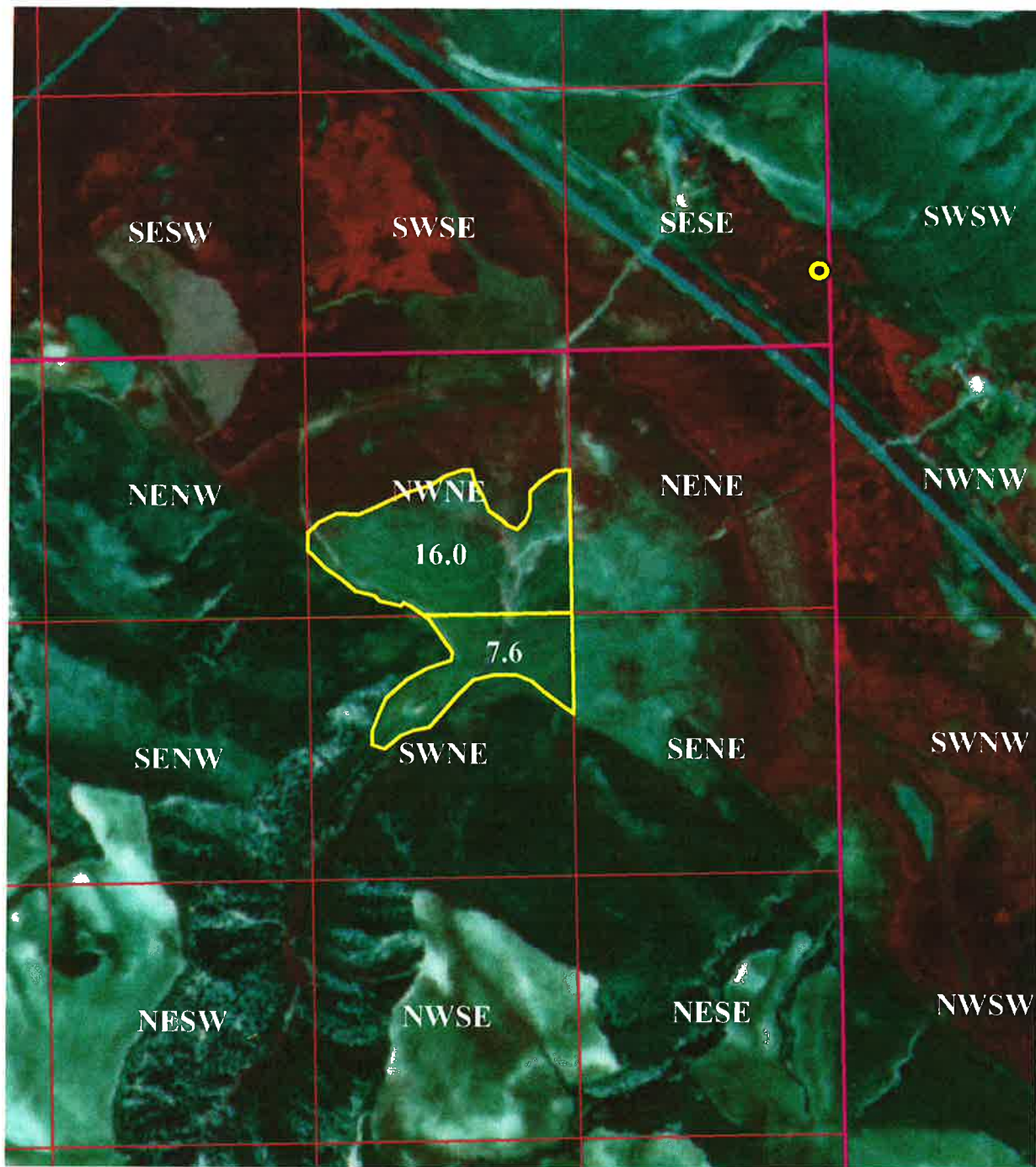
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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.

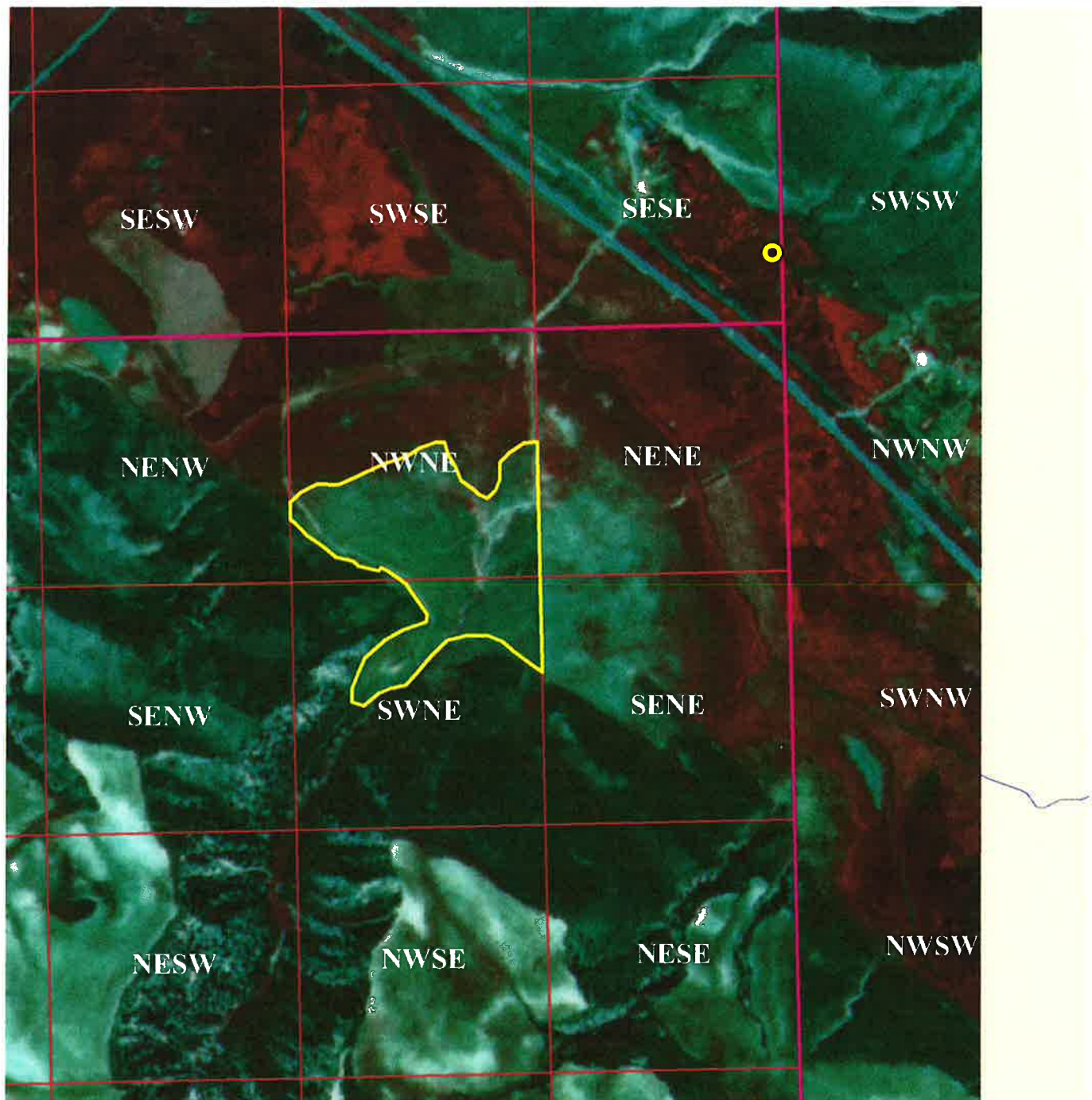
EXPLANATORY MATERIAL: License

RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT
TO SECTION 42-1425, IDAHO CODE.
STOCKWATER, 220 CATTLE

Township , 12S37E



Township , 12S37E



 Irrigated Area

 Place of Diversion

 Section Line

 Quarter Section Line

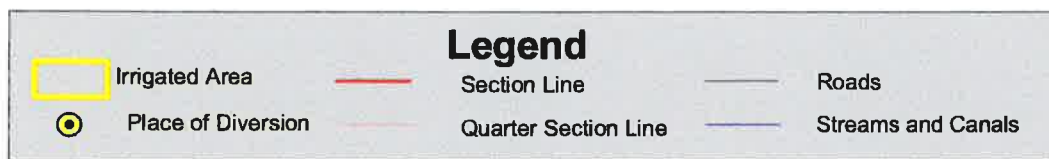
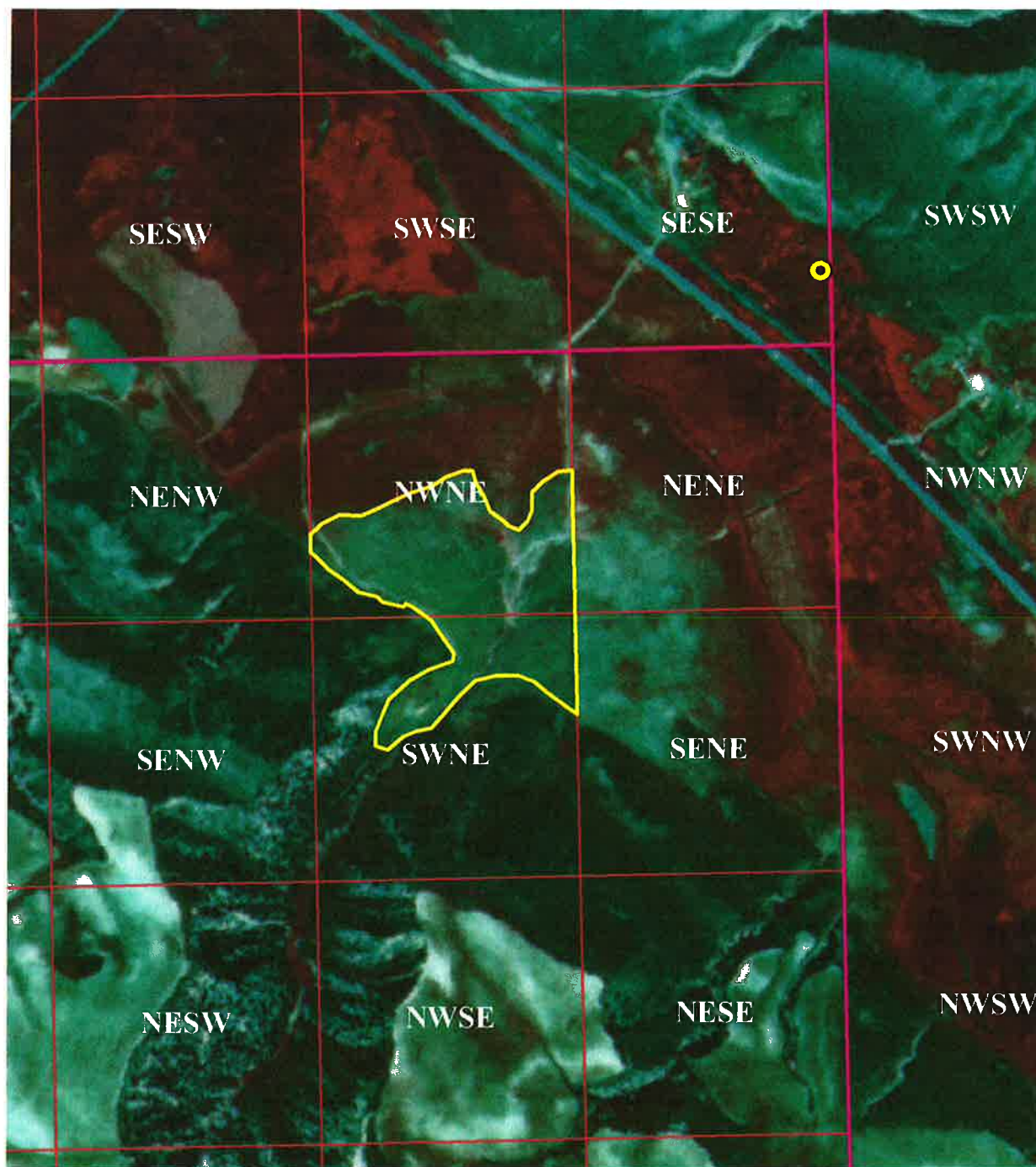
 Roads

 Streams and Canals

Legend



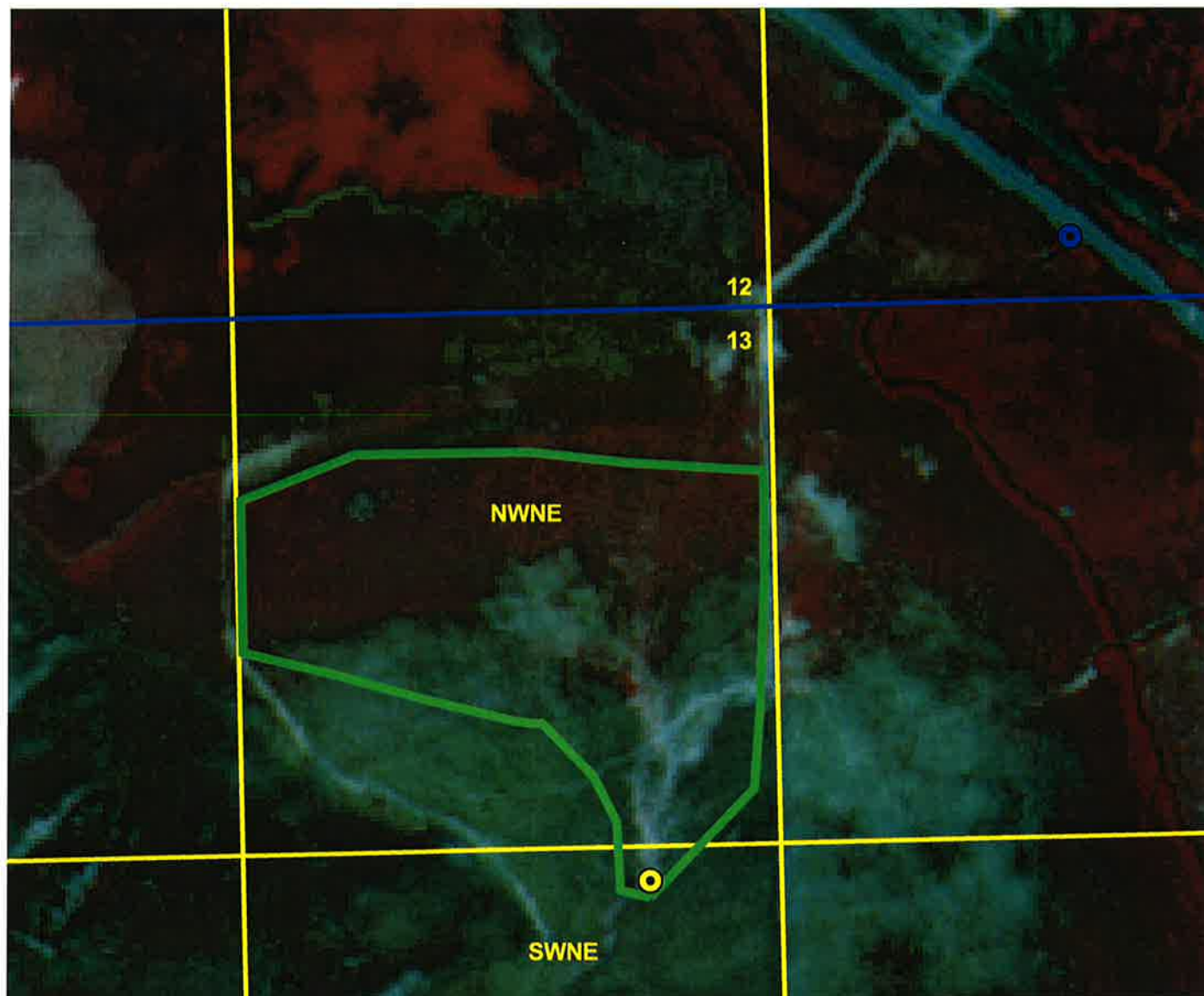
Township , 12S37E



IDAHO DEPARTMENT OF WATER RESOURCES

29-02123

T12S, R37E SEC 13



ACRES IRRIGATED- 20



POINT OF DIVERSION



PLACE OF USE

PROFILED

SCANNED

DEC 28 2005

**GIS: PLACE OF USE
POINT OF DIVERSION
1987/1988 NAPP PHOTOS
DAVE CARLSON**

SCANNED

JUN 04 2001

Log for claim A29-02123

Spatial Dynamics TWB

5/15/00

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
12s37e	12	SESE	0	0	POD placement? / Indiscernible
12s37e	13	NWNE	10	16	
12s37e	13	SWNE	10	7.6	
Totals:			20	23.6	

creek

N42 22 56.1

W112 04 39.8

N42 22 58.9

4845

W112 04 37.8

4836 N42 23 00.0

W112 04 38.1

N42 23 2.8

W112 04 38.4

4826

Bannock County *
Coal Pit Creek *
4/10ths second-foot *
Irrigation *
Priority 6/5/1911 *

29-02123

2

S T A T E O F I D A H O

Water License No. 7440

WHEREAS, On the 3rd day of June, A.D. 1911, STEPHEN E. BYINGTON, of Downey, County of Bannock, State of Idaho, duly made application (No. 10850) to me for a permit to use 4/10ths of one cubic foot per second of the waters of COAL PIT CREEK, County of Bannock, State of Idaho, for irrigation and domestic purposes, and,

WHEREAS, On the 17th day of June, A.D. 1911, Permit No. 7440 was issued to said applicant for the diversion of said water, and providing for the completion of the works of diversion therein described on or before the 17th day of June, A.D. 1912, and for the application to beneficial use of said water on or before the 17th day of June, A.D. 1912, and,

WHEREAS, On the 17th day of June, A.D. 1912, STEPHEN E. BYINGTON, the holder of said permit, duly made proof of the completion of adequate works for the diversion of 4/10ths of one cubic foot per second of said waters, as evidenced by my Certificate No. 7440, dated June 25th, 1912, confirming the completion of works of sufficient capacity for diverting and conveying to the place of intended use 4/10ths of one cubic foot per second of water, with date of priority of June 3rd, 1911, and,

WHEREAS, On the 17th day of June, A.D. 1912, STEPHEN E. BYINGTON, the holder of said permit, duly made proof of the application to beneficial use of 4/10ths of one cubic foot per second of said water:

NOW, THEREFORE, By virtue of authority vested in me by the laws of the State of Idaho, I hereby grant and confirm to STEPHEN E. BYINGTON, of Downey, County of Bannock, State of Idaho, the holder and owner of said Permit No. 7440, a perpetual right, dating from June 3rd, 1911, to the use of 4/10ths of one cubic foot per second of the waters of COAL PIT CREEK, in the County of Bannock and State of Idaho, or so much thereof as may be necessary for the purposes hereinbefore mentioned, to be diverted at a point near the Southwest Corner of the Southwest quarter of the Northeast quarter (SW $\frac{1}{4}$ NE $\frac{1}{4}$), Section 13, Township 12 South, Range 37, East of the Boise Meridian, and conducted to and upon (20 acres, divided as follows: 10 acres in the Southwest quarter of the Northeast quarter (SW $\frac{1}{4}$ NE $\frac{1}{4}$), and 10 acres in the Northwest quarter of the Northeast quarter (NW $\frac{1}{4}$ NE $\frac{1}{4}$), Section 13, Township 12 South, Range 37, East of the Boise Meridian, for the purpose of irrigation and domestic use, subject, however, to the laws of the State of Idaho applicable to a license for the use of the waters of the State, and subject, also, to the local or community customs, rules and regulations which have been or may be adopted from time to time by a majority of the users from a common source of supply, canal or lateral from which such water may be taken, when such rules and regulations have for their object the economical use of such water.

WITNESS, My hand and the seal of my office at Boise, Idaho, this 25th day of June, A.D. Nineteen hundred and twelve.

... of the water from a common source of supply, canal or lateral from which
such water may be taken, when such rules and regulations have for th object the economical
use of such water.

WITNESS, My hand and the seal of my office at Boise, Idaho, this 25th day of June,
A.D. Nineteen hundred and twelve.

(SEAL)

A. H. Robinson.

State Engineer.

25 1113

No. 10850.

APPLICATION FOR PERMIT
To Appropriate the Public Waters of the State of Idaho

1. Name of Applicant: Stephen E. Byington

Postoffice address: Downey

County: Bannock State: Idaho

2. The quantity of water claimed is four-tenths of one (1) cubic foot persecond.

3. Source of water supply: Coal Pit Creek

4. Location of point of diversion: Near the Southwest corner of the Southwest quarter of the Northeast quarter of Section 13, Tp. 12 So., R. 37 E. B. M.

County of Bannock

5. To be used for: Irrigation and domestic use

I. Irrigation and domestic use:

(a) Amount of land to be irrigated: about twenty (20) acres.

(b) In the following legal subdivisions: Part of the west half of the Northeast quarter of Section 13, Township 12 South, Range 37 East B. M.

6. Estimated cost of works: one hundred & 00/100 (\$100.00) Dollars

7. Description of works for diversion:

I. Kind of works: a ditch

II. Dimensions of works:

(d) Conduit Ditch, width at bottom two feet, width at water line three feet, depth of water one foot. Average grade per mile is five feet. Length of conduit is one-half mile and it crosses the following quarter sections: the West half of the Northeast quarter of Section 13, Township 12 South, Range 37 East B. M., being the land upon which the water is used.

8. The time required for the completion of the construction of such work is one year

9. Time required for the complete application of the water to the proposed use is none additional years.

BE IT KNOWN That the undersigned hereby makes application for a permit to appropriate the public waters of the State of Idaho as herein set forth.

Stephen E. Byington.

T.... Applicant.

APPROVAL OF STATE ENGINEER.

The number of this permit is 7440

Date of first receipt at office of State Engineer 9:00 A.M. June 3, 1911.

Returned to applicant for correction June 3, 1911

Corrected application received June 9, 1911

Recorded in Book 23 Page 7440 Approved June 17, 1911

This is to certify that I have examined the within application for a permit to appropriate the public waters of the State of Idaho and hereby approve the same, subject to the following limitations and conditions:

Work to begin on or before August 16, 1911, and to continue diligently and uninterruptedly to completion, unless temporarily interrupted by circumstances over which permit holder has no control.

One-fifth of the work above specified to be completed on or before December 17, 1911.

The whole of said work to be completed on or before June 17, 1912

Beneficial use of water appropriated in accordance herewith, to be made on or before June 17, 1912.

Witness my hand this 17th day of June, 1911.

A. E. Robinson, .

State Engineer.

Both Notices received April 4th, 1912, fixing June 17, 1912, as date, and Downey, Idaho, as place of proof.

Deposition blanks mailed May 10th, 1912, to Geo. R. Crockett.

Publication Notice mailed the Downey Idahoan on May 10th, 1912.

S. D. Clinton authorized June 3rd, 1912, to make the required examination.

Report of Engineer received June 19th, 1912.

Depositions and affidavit of publication received June 19th, 1912.

Fees received June 22nd, 1912.

Certificate and License issued June 25th, 1912.

License issued for 4/10ths of one second-foot.

Permit No. 7440

CERTIFICATE OF COMPLETION OF WORKS.

To All Whom it May Concern:

This is to certify that STEPHEN E. BYINGTON, of Downey, County of Bannock, and State of Idaho, the holder of Permit No. 7440, issued upon Application No. 10850, bearing date of priority of June 3rd, 1911, authorizing the diversion of 4/10ths of one second foot of the waters of COAL PIT CREEK, County of Bannock, State of Idaho, for irrigation and domestic purposes, has fully complied with the provisions of the laws of the State of Idaho relating to the proof of completion of the works of diversion set out and described in said Permit; that said works are adequate for diverting and conveying to the place of intended use 4/10ths of one second-foot of the waters of Coal Pit Creek, that the point of diversion of said waters is at a point near the Southwest Corner of the Southwest quarter of the Northeast quarter (SW $\frac{1}{4}$ NE $\frac{1}{4}$), Section 13, Township 12 South, Range 37, East of the Boise Meridian, and that the lands proposed to be irrigated by the use of said water are described as follows, to-wit: West half of the Northeast quarter (W $\frac{1}{2}$ NE $\frac{1}{4}$), Section 13, Township 12 South, Range 37, East of the Boise Meridian.

Witness my hand this 25th day of June, A.D. 1912.

A. E. Robinson.

State Engineer.

License issued for 4.00 second feet

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REPORT OF ENGINEER.

on Permit #7440

1. State name of applicant and number of permit: *Stephen E. Bjington*
2. State source of water supply: *Coal Pit Creek*
3. Location of point of diversion: *South 2600 feet from north 1/4 corner Sec 13 Township 12 S - Range 37 E B.M.*
4. State whether or not the works of diversion are fully completed and in accordance with the terms of permit: *Yes, practically*
5. Describe works as they exist, giving dimensions of same as follows:
- (a) Width of conduit at bottom: *from 12" to 24"*
 - (b) Width at water line: *from 12" to 26"*
 - (c) Depth of water: *from 1" to 12"*
 - (d) Grade per mile: *100 ft. (average). Some parts upper end 5 ft.*
 - (e) Capacity of ditch: *more than 4/10* second feet.

6. State whether or not water has been turned into works of diversion, and if so, to what extent:

Water has been used for the last 20 years

7. Give exact location of lands to be irrigated. Give exact number of acres under cultivation in each forty-acre tract:

Part of the west half of the west half of the NE 1/4 Sec. 13-12-37. 10 acres in the SW 1/4 and 10 acres in the NW 1/4 of the NE 1/4 Sec. 13 T. 12 S. R. 37 E B.M.

8. Submit map on enclosed plat, showing source of supply, point of diversion, route of ditch or ditches and cross-hatch lands to be irrigated.

Remarks: *In the spring of the year this ditch carries probably 50 inches of water and is used on hay land. Today, I would estimate the flow as 5 inches and it is being used on a garden patch.*

S. D. Clinton
Licensed Surveyor

STATE OF IDAHO,

County of *Bannock* ss.

S. D. Clinton, being first duly sworn, deposes and says that the statements contained in the within report are correct to the best of his knowledge and belief.

Subscribed and sworn to before me this *17th* day of *June*, 191*2*.

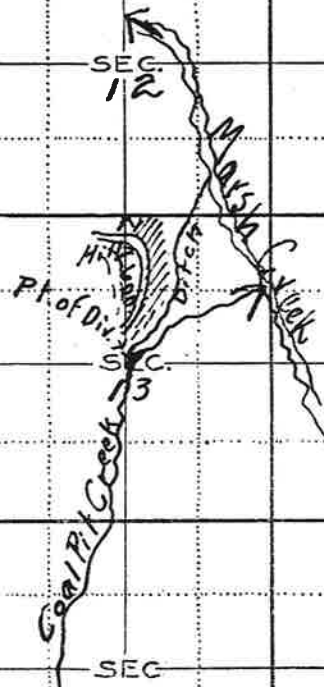
My Commission Expires *Feb 5th 1914*

7440 Notary Public.

B/2

20-2133

T12S-R37E.B.M.



29-2123

7440

R 2

DATE: 04/24/00
PAGE: 40

Dates:	Exam Made Date:	Verified Date:	Objection Filed Date:
Misc:	Water District Number:	Field Inspection Flag: Presumption Flag:	
Audit:	05/08/90 DUNN 06/02/94 COX	03/29/95 POST-STD	

JUN 04 2001

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: A29-02123
Date Received: 3/14/1990
Receipt No: 5014219
Received By: BMD

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: WILLIAM T. EVANS 208-897-5734
Address: 25976 SOUTH HIGHWAY 91
DOWNEY, ID 83234

2. Date of Priority: JUN 03, 1911

3. Source: COALPIT CREEK Trib. to: MARSH CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
12S	37E	13	SW	NE			BANNOCK

5. Description of diverting works:
HEADGATE AND DITCHES, FLOOD IRRIGATION

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	0.400		

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

8. Total consumptive use is 50.0 Acre Feet Per Annum.

9. Non-irrigation uses:
STOCKWATER, 220 CATTLE INSTREAM USE.

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
12S	37E	13	NW	NE		IRR	10.0
			SW	NE		IRR	10.0

A29-02123

Page 1

Date: 05/07/90

MICROFILMED

NOV 13 1992



10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					Section Acres	20.0
					Total Acres	20.0

11. Place of use in counties: BANNOCK

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

13. Other Water Rights Used:
A29-04062

14. Remarks:

15. Basis of Claim: LICENSE

Water Right Number: 7440

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: 1

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): William M. Connor Date: 5/7/90
Date: _____

State of Idaho)
County of Bonneville) SS.

Subscribed and sworn (or affirmed) before me this 7 day

of May 19 90

Seal

Betty J. Thompson
Notary Public

Residing at BETTY J. THOMPSON, NOTARY PUBLIC

My Commission Expires RESIDING AT IDAHO FALLS, IDAHO
MY COMMISSION EXPIRES: 6-30-94