

IDAHO DEPARTMENT OF WATER RESOURCES 12/07/2001
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

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

SOURCE: UNNAMED STREAM TRIBUTARY: MARSH CREEK

QUANTITY: 0.80 CFS

PRIORITY DATE: 06/01/1909

POINT OF DIVERSION:
T12S R37E S12 SESE 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	0.800 CFS

PLACE OF USE: IRRIGATION Within BANNOCK County

T12S R37E S12	SWSE	28.0	T12S R37E S12	SESE	5.0
T12S R37E S13	NWNE	22.0			

55 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

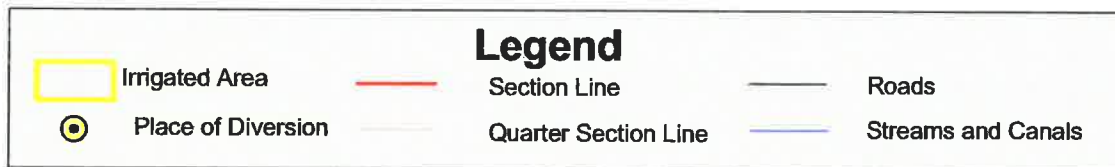
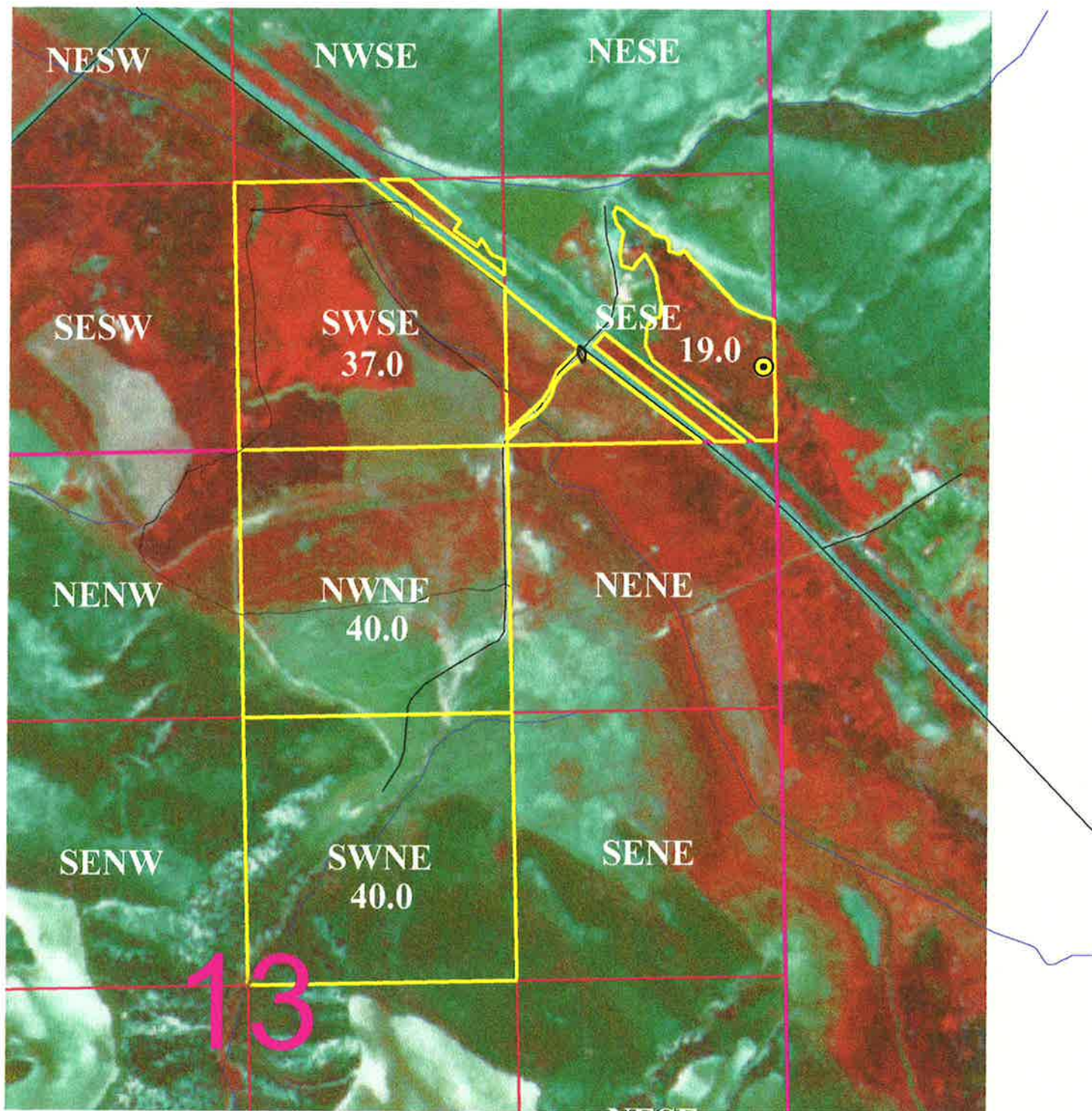
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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.

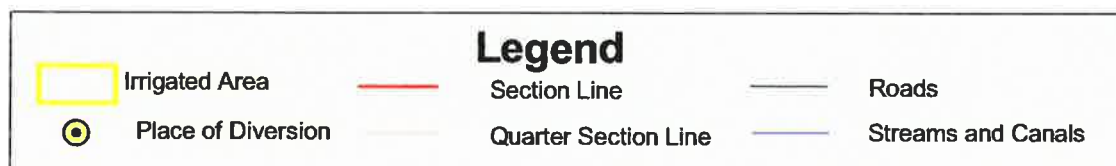
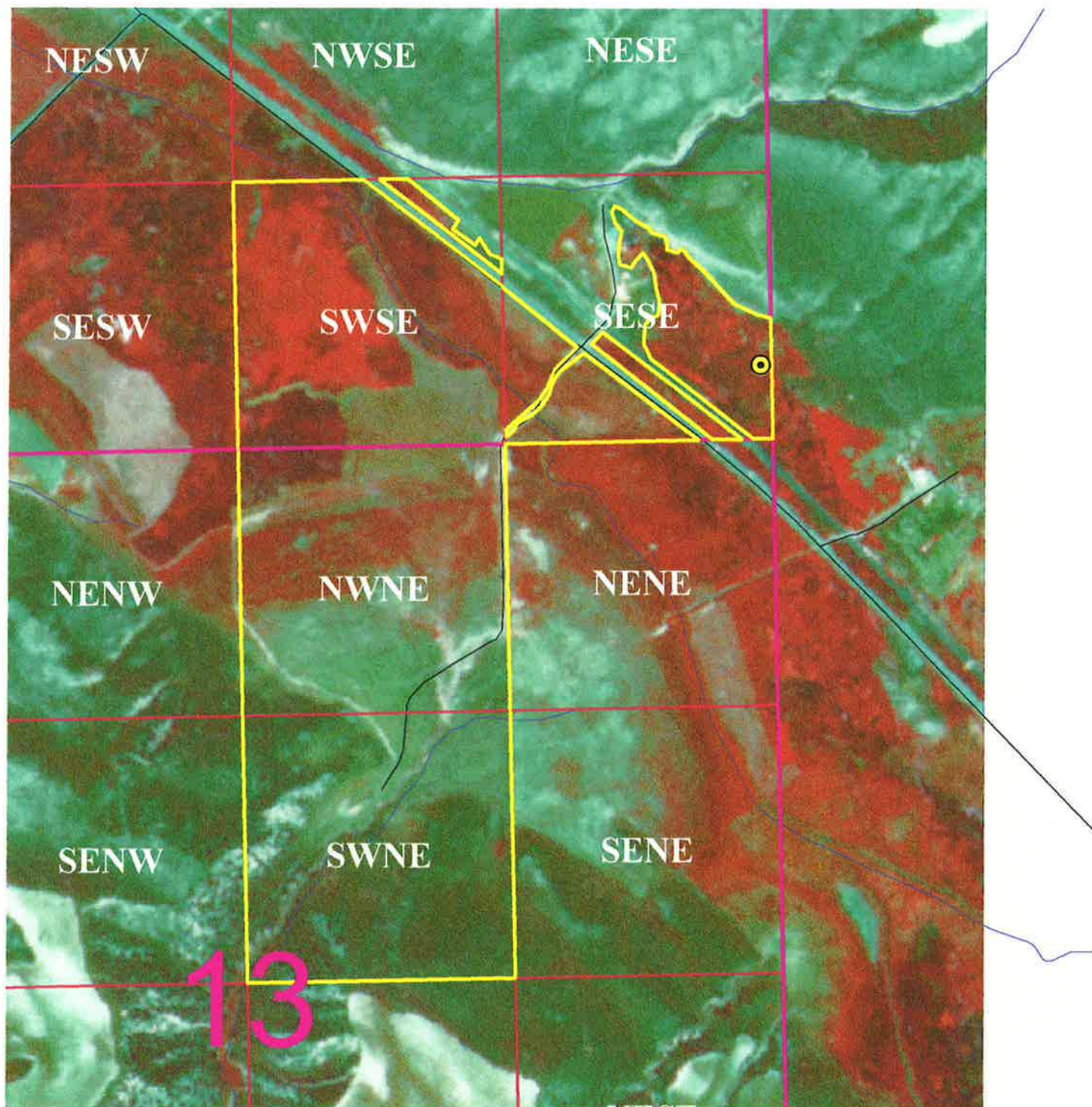
EXPLANATORY MATERIAL: Beneficial Use

SOURCE IS ALSO KNOWN AS BYINGTON SPRING.

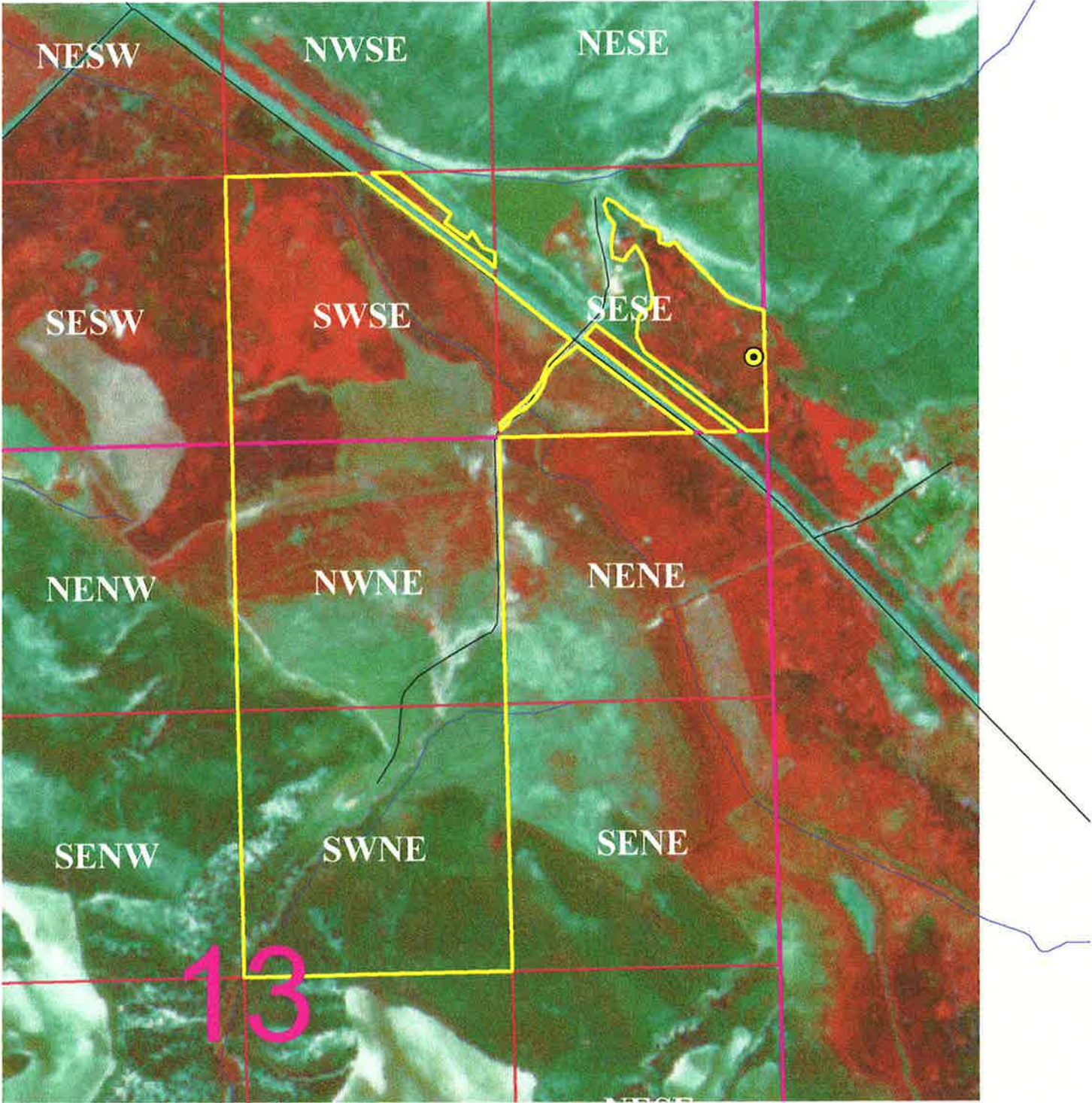
Townships , 12S38E, 12S37E



Townships , 12S38E, 12S37E



Townships , 12S38E, 12S37E



 Irrigated Area

 Section Line

 Roads

 Place of Diversion

 Quarter Section Line

 Streams and Canals

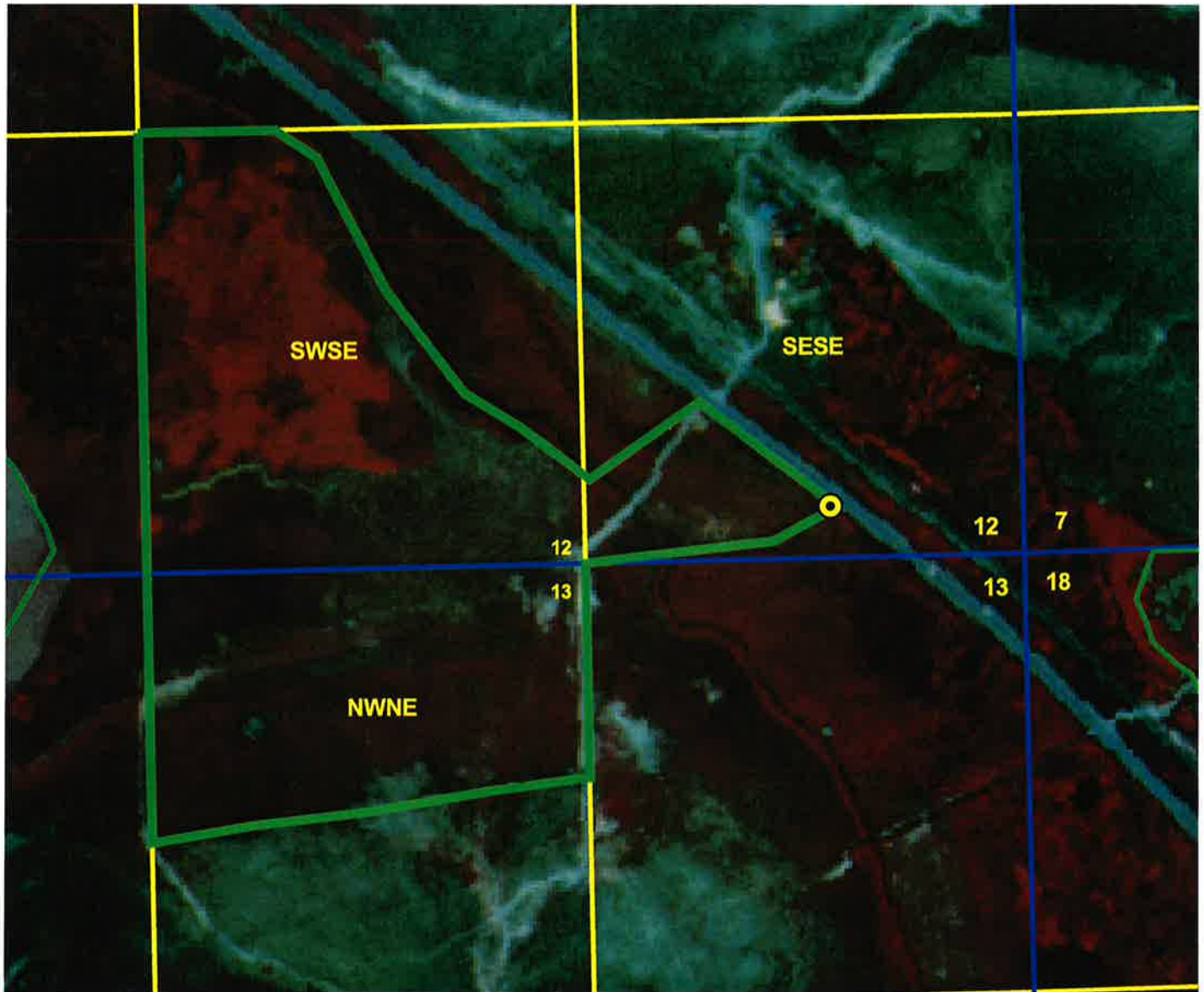
Legend



IDAHO DEPARTMENT OF WATER RESOURCES

29-04062

T12S, R37E SEC. 12,13



PROFILE

ACRES IRRIGATED- 55

MAR 02 2006

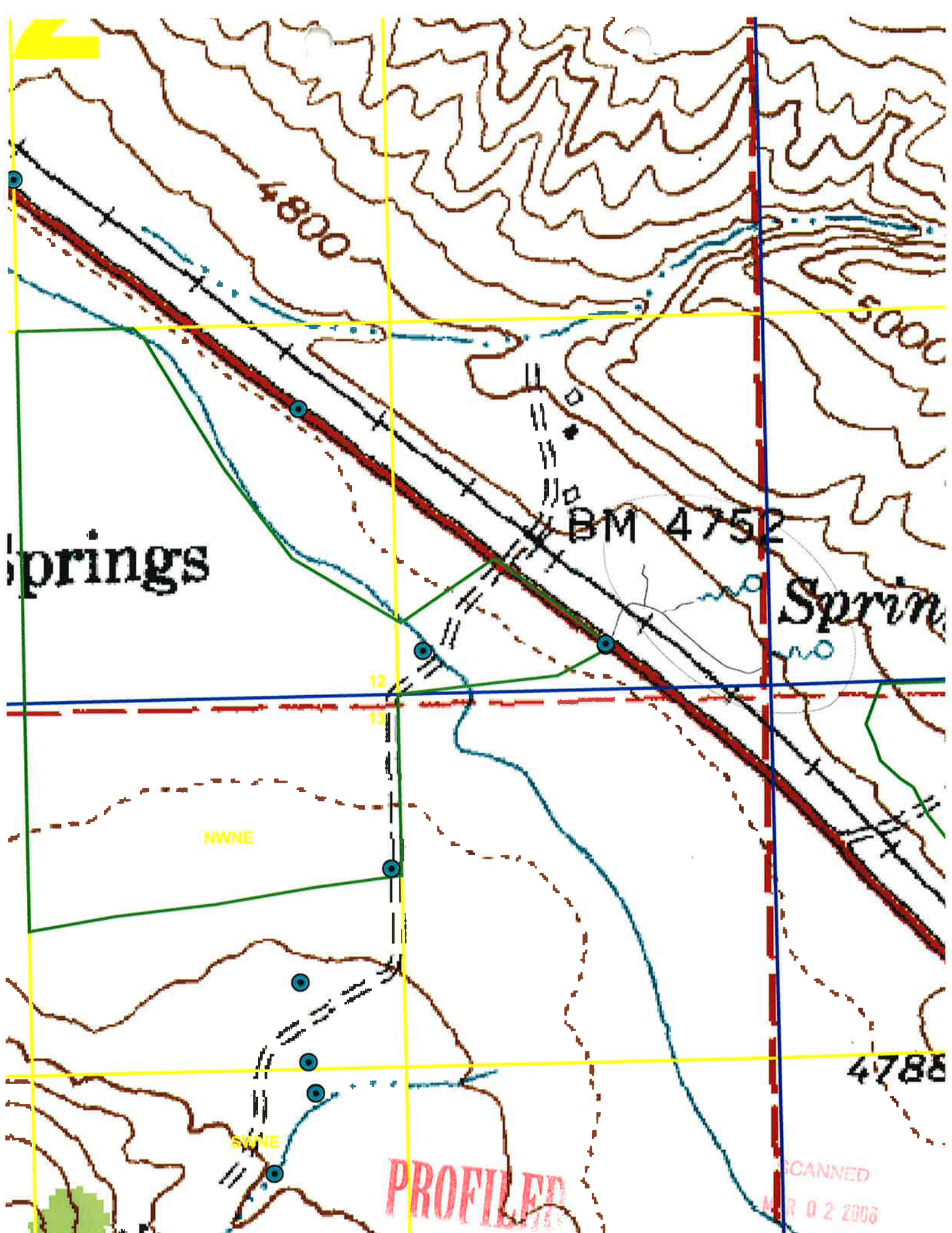


POINT OF DIVERSION



PLACE OF USE

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





IDAHO DEPARTMENT OF WATER RESOURCES

SNAKE RIVER BASIN ADJUDICATION - BASIN 29



RIGHT ID
POD ID
Quad
Claim Type
Easting
Northing
GPSID

Diversion Description

PUMP AND SPRINKLER SYSTEM.

Assumptions

Pressure head.

Invoice #

Phase-0 (No Attention)
Phase-I (Ready to Go to Field)
Phase-II (Site Visit - Data Missin
Phase-III (Complete w/issues)
Phase-IV (Total Complete)

Linked

Photos

EPE (ft)

Date (M/D/Y)

Time

Flow Rate (CFS)

Open Channel Flow

☐ Complete one box from both Area and Calculation sections

Cross Sectional Area

☐ Circular Channel

- ☐ Less than half full
☐ Half full
☐ More than half full
☐ Full

Diameter

Depth

☐ Rectangular Channel

Width

Depth

Flow Calculation

☐ Continuity

Velocity

☐ Orifice

(Use only for head over a pipe flowing full with free discharge)

Depth of Water above orifice centerline

☐ Weir

(Use only for water flowing freely over weir)

Height of water above nappe

Width of weir

☐ Manning (If used, include photo of representative channel section)

Channel Slope

Channel Description

Concrete lined	.016
Smooth earth	.025
Earth	.033
Rough bed, weeds on sides	.04
Smooth natural stream	.033
Rough natural stream	.1

Pumped System ☒

HP

Pressure Head (psi)

Elevation Head (ft)

Motor Mfg

Motor Serial #

Pump Type

Pump Mfg

Pump Serial#

New Contact Information ☐

New Contact Comments

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SCANNED

JUN 04 2005

Log for claim A29-04062

Spatial Dynamics TWB

5/24/00

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
12s37e	12	SWSE	34	37	
12s37e	12	SESE	7	19	Indiscernible
12s37e	13	NWNE	34	40	
12s37e	13	SWNE	6	40	Permissible place of use?
Totals:			81	136	

Berkley pump
15hp?

pump in creek
N42 23 14.4
W112 04 23.7

fence corner

UN I CLOSED MOTOR
US Electrical Motor
15hp

N42 23 6.7
W112 04 34.0 4833

6" pipeline

(2) N42 23 14.3 4784
W112 04 32.3

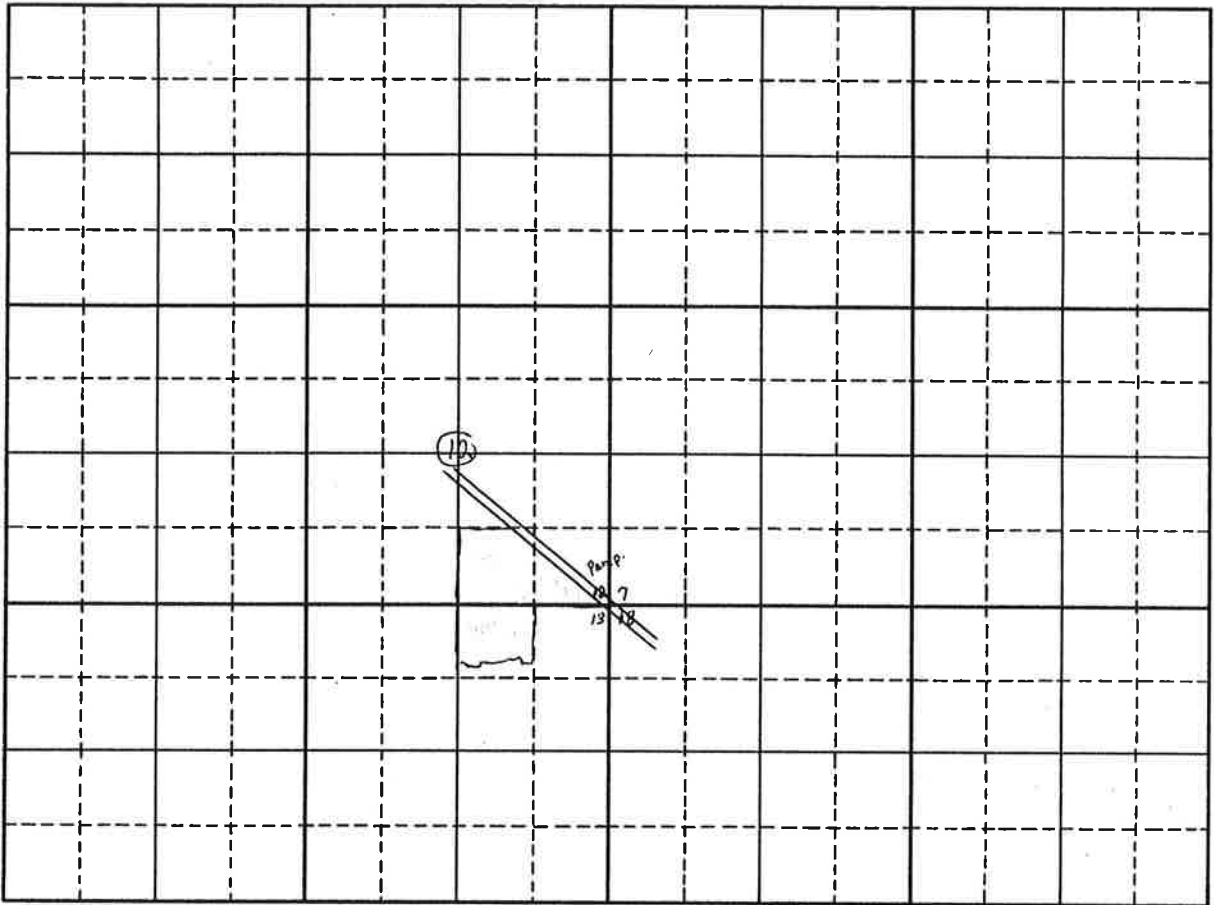
N42 23 22.9
W112 04 37.9 4790

N42 23 31.0
W112 05 1.3

N42 23 31.2
W112 04 51.1 4781

4 775

check creek or



Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiants knowledge.

William R. Evans
(Claimant)

Residing at Preston, Idaho

Received by me Date 1-25-76 Exception filed by: _____ Forwarded to _____ Date _____
Prelim. check by RDC Date _____ claimant by: _____
\$10.00 fee received by me Date 1-26-76 # 15583
Approved for publication by me 2-19-76 _____
Published in The Idaho State Bureau _____
Dates Feb 1 - 2 Feb 13, 1976 _____

AJ5809NP
No. A29-04062

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 04/24/00
PAGE: 96

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	WILLIAM T EVANS 25976 S HWY 91 DOWNEY ID 83234 (208) 897-5734	06/01/1909	IRRIGATION	04-01 11-01	1.500 CFS	
TOTAL DIVERSION:					1.500 CFS	
CONSUMPTIVE USE:						203.00 AFA

Water Source: BYINGTON SPRINGS

Tributary to: MARSH CREEK

Stage: STATUTORY CLAIM

Point(s) of Diversion: T12S R37E S12 SESE

BANNOCK County

Place of use Legal Description for: IRRIGATION

				NE				NW				SW				SE					
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	SUM
12S	37E	12	:															34	07	:	41.0
12S	37E	13	:			34	06													:	40.0
TOTAL ACRES																				:	81.0

POU County: BANNOCK

Non-Irrigation Uses: STOCKWATER, 220 CATTLE YEAR ROUND

Other Rights: NONE

Other Water Rights Listing Overlapping Place(s) of Use:
A29-02123

Dates:	Exam Made Date:	Verified Date:	Objection Filed Date:
Misc:	Water District Number:	Field Inspection Flag:	
		Presumption Flag:	
Audit:	05/08/90 DUNN	07/19/94 THOMPSON	03/29/95 POST-STD

POOR ORIGINAL

Stephen E. Byington and wife,
Maud E. Byington,

to

Cache Valley Banking Company,
corporation of Logan, Utah.

MORTGAGE

Dated: November 16, 1926
Filed: December 29, 1926
at 2:30 P. M.
Instrument No.: 128214
Recorded: Book 51 Mortgage
Record Page 340
Consideration: \$1200.00

Grant, bargain, sell and convey real property in Bannock County,
Idaho:

West half of Northeast quarter of Section thirteen, and South
Half of Southeast quarter of Section twelve, Township twelve
South of Range thirty-seven East of Boise Meridian, containing
one hundred sixty acres.

Together with all water rights belonging or in anywise apper-
taining to any of above described land and especially including
all springs arising thereon.

Grant intended as mortgage to secure payment of promissory note of
even date by said first parties to said second party for \$1200.00, due
October 1st, 1927, with interest at eight per cent per annum from date.
This mortgage is further given to secure any other indebtedness mortgagors
now owe or shall later owe to said mortgagee.

One Witness

Stephen E. Byington (Seal)
Maud E. Byington (Seal)

Acknowledged: Cache County, Utah, November 16, 1926; by Stephen E.
Byington and wife, Maud E. Byington, before Leo M. Squires, Notary Public
in and for said State. Residing at Logan, Utah. (Notarial Seal) Commis-
sion expires Jan. 10, 1928.

BANNOCK TITLE-ABSTRACT COMPANY
PAGE NUMBER

110143 1830

127-04062

AFFIDAVIT

We, the undersigned, having been residents of Marsh Valley for the past forty years, hereby state that we are acquainted with that property known as the Hyrum E. Byington place, and legally described as follows:

The South half of the Southeast Quarter of Section 12, and the West half of the Northeast Quarter of Section 13, all being located in Township 12 South, Range 37 East of the Boise Meridian in Idaho.

We further state that we are acquainted with the springs rising on said property and water from Marsh Creek that has been used to irrigate said property, and we hereby certify that said water from springs and Marsh creek has been used on this property for the past 40 years.

Signed and sealed this 27 day of March 1949.

WITNESSES

[Signature]

[Signature]

H C Brown

The Marshall

[Signature]

[Signature]

State of Idaho

County of Bannock

Subscribed and sworn to before me this 27 day of March in the year 1949.

Notary Public Residing at Downey, Idaho
My Commission Expires Sept. 16, 1952

[Signature]
Notary Public residing at Downey, Idaho

RECORDED
INDEXED
MAR 30 1949
FBI - BOISE

SCANNED

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: A29-04062
Date Received: 5/07/1990
Receipt No: E014219
Received By: DMB

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 01, 1909

3. Source: BYINGTON SPRINGS Trib. to: MARSH CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
12S	37E	12		SE	SE		BANNOCK

5. Description of diverting works:
PUMP AND SPRINKLER SYSTEM.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	1.500		

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

8. Total consumptive use is 203.0 Acre Feet Per Annum.

9. Non-irrigation uses:
STOCKWATER, 220 CATTLE YEAR ROUND

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
12S	37E	12	SW	SE		IRR	34.0
			SE	SE		IRR	7.0

A2904062



MICROFILMED

NOV 13 1992

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
						Section Acres	41.0
		13	NW	NE		IRR	34.0
			SW	NE		IRR	6.0
						Section Acres	40.0
						Total Acres	81.0

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:
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 / 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): William A. Evans Date: 5/7/90
Date:

MICROFILMED

NOV 13 1992

State of Idaho)
County of Bonneville) SS.

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

of May 19 90

Seal

Betty J. Thompson
Notary Public

Residing at BETTY J. THOMPSON, NOTARY PUBLIC

RESIDING AT IDAHO FALLS, IDAHO

My Commission Expires MY COMMISSION EXPIRES: 6-30-94

A. AJ CLAIM POINT OF DIVERSION AND SOURCE:

RIGHT	TWP. RGE.	SEC.	1/4	1/4	1/4	LOT	POD FLAG	COUNTY	DIVERSION NAME	DIVERSION NUMBER
A29-04062	12S 37E	12		SE	SE			BANNOCK		
OTHER AJ CLAIMS WITH SAME AJ POD			WR RECORDS IN SAME 40 ACRE TRACT							
A PREFIX			R PREFIX							
NONE			NONE			NONE				

SOURCE: BYINGTON SPRINGS

TRIB: MARSH CREEK

B. WR POINT OF DIVERSION AND SOURCE:

RIGHT	TWP. RGE.	SEC.	1/4	1/4	1/4	LOT	POD FLAG	COUNTY	DIVERSION NAME	DIVERSION NUMBER
29-04062	12S 37E	12		SE	SE			BANNOCK		
OTHER WR RECORDS WITH SAME WR POD			AJ CLAIMS IN SAME 40 ACRE TRACT							
						A PREFIX		R PREFIX		
NONE						NONE		NONE		

SOURCE: BYINGTON SPRINGS

TRIB: MARSH CREEK

C. IS THE CLAIMED POD WITHIN THE SAME 40 ACRE TRACT THAT IS DESCRIBED IN THE WATER RIGHT FILE? N/A() Y() N()

* IF NO, AND IF THE CHANGE IS VERIFIED AS AN ACCOMPLISHED CHANGE IN POD, DESCRIBE THE INJURY ANALYSIS PERFORMED AND ENTER FLAG "C" WITH THE APPROPRIATE EXPLANATORY CODE.

D. CAN THE CLAIMED POD BE VERIFIED USING THE WATER RIGHT FILE OR GPS DATA? N/A() Y() N()

E. SHOULD THE CLAIMED POD BE VERIFIED BY FIELD EXAM? Y() N()

F. IS THE CLAIMED SOURCE THE SAME AS DESCRIBED IN THE WATER RIGHT FILE? N/A() Y() N()

* IF NO, AND IF THE CHANGE IS VERIFIED AS AN ACCOMPLISHED CHANGE IN SOURCE, DESCRIBE THE INJURY ANALYSIS PERFORMED AND ENTER FLAG "C" WITH THE APPROPRIATE EXPLANATORY CODE.

G. CAN THE CLAIMED SOURCE BE VERIFIED USING THE WATER RIGHT FILE? Y() N()

H. SHOULD THE CLAIMED SOURCE BE VERIFIED BY FIELD EXAM? Y() N()

I. HOW WAS THE POD AND SOURCE VERIFIED?

LICENSING FIELD EXAM (DATE OF FIELD EXAM _____) Y() N()

AJ FIELD EXAM (DATE OF FIELD EXAM _____ NAME OF EXAMINER _____) Y() N()

OTHER (DESCRIBE IN NOTES BELOW)

NOTES: _____

=====

RECOMMENDED POINT(S) OF DIVERSION AND SOURCE: CHECK HERE IF RECOMMENDED AS CLAIMED (___)

TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	POD FLAG	COUNTY	DIVERSION NAME	DIVERSION NBR
12S	37E	12		SE	SE			BANNOCK		
_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____

SOURCE: BYINGTON SPRINGS

TRIB: MARSH CREEK

REVIEWED BY: _____ DATE: _____

=====

SYSTEM DESCRIPTION: DESCRIBED BELOW (___), SEE LICENSE FILE (___), OR SEE ATTACHMENT (___)

A. ROOT WATER RIGHT NUMBERS: A29-04062

B. POU LISTING

TWP	RNG	SEC	1/4	1/4	LOT	NAME	AJ #/ACRES	WR #/ACRES	LANDSAT DATA	FIELD EXAM.	RECOMM. ACRES
12S	37E	12	SW	SE		EVANS, WILLIAM T	A29-04062 / 34.0	29-04062 / 34.0	29.0		
12S	37E	12	SE	SE		EVANS, WILLIAM T	A29-04062 / 7.0	29-04062 / 7.0	19.0		
12S	37E	13	NW	NE		EVANS, WILLIAM T	A29-04062 / 34.0	29-04062 / 34.0	37.0		
			NW	NE		EVANS, WILLIAM T	A29-02123 / 10.0	29-02123 / 10.0			
12S	37E	13	SW	NE		EVANS, WILLIAM T	A29-04062 / 6.0	- /	15.0		
			SW	NE		EVANS, WILLIAM T	A29-02123 / 10.0	29-02123 / 10.0			

ADDITIONAL POU FOUND

TOTAL ACRES	A29-04062	81.00	75.00	100.00
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POU COUNTY: BANNOCK

C. IS WATER USAGE FOUND IN TRACTS OTHER THAN THOSE CLAIMED?

Y() N()

* IF YES, ARE THESE TRACTS LISTED ABOVE (), OR ARE THEY LISTED ON AN ATTACHED SHEET ()

LIST OF ALL RIGHTS WITH A SAME POU AND IRRIGATION USAGE

CLAIM NO.	SOURCE	NAME	DIV. RATE	DIV. RATE/ACRE	DIV. VOL.	DIV. VOL./ACRE
A29-04062	BYINGTON SPRINGS	EVANS, WILLIAM T	1.500	0.018		
A29-02123	COALPIT CREEK	EVANS, WILLIAM T	0.400	0.020		

NO RIGHTS WITH SAME POU BUT NOT USED FOR IRRIGATION

D. ARE OTHER WATER RIGHTS USED FOR THE SAME PURPOSE?

Y() N()

* IF YES, COMPLETE OVERLAP REVIEW:

OTHER RIGHTS LISTED IN CLAIM: NONE



Downata Hot Springs

BM 4740

18

18

CITY OF...