IDAHO DEPARTMENT OF WATER RESOURCES Proof Report

Water Right 71-4054

Owner Type
Current OwnerName and Address
VIOLA WEIDMAN EVANS
AKA VIOLA C EVANS
FOX PLAZA APT 2028
1390 MARKET ST
SAN FRANCISCO, CA 94102
(415) 863-6137

Priority Date: 9/23/1942 Basis: Decreed Status: Disallowed

STANLEY CREEK

Tributary

VALLEY CREEK

Beneficial Use	<u>From</u>	<u>To</u>	Diversion Rate	<u>Volume</u>
MINING	1/01	12/31	1.000 CFS	
	<u>Total Di</u>	version	1.000 CFS	

Source and Point(s) of Diversion

STANLEY CREEK

SENE

Sec. 16, Twp 11N, Rge 13E, CUSTER County

Place Of Use

MINING within CUSTER County

			NE			NW				SW			SE						
Twp	Rng	Sec	NE	NW	SW	SE	Totals												
11N	13E	14							х	х		х							
11N	13E	15												х	х	х	х	х	
11N	13E	16				х									х			х	
11N	13E	21	х	х	х		х			x									
11N	13E	22		х			х	х	х	х		X							

Conditions of Approval:

RECOMMENDED AS RIGHT NO. 71-02056.

2. P16 RECOMMENDED AS RIGHT NO. _____: This is included for a claim that is PROPOSED to be disallowed because the right claimed is recommended pursuant to another right. The remark indicates the water right number of the OTHER right that is proposed to be recommended. If you are not mailed a notice of the recommendation of the OTHER right, then the OTHER right is recommended in another claimants name.

Comments:

1.

1.MERRITT7/8/1993COPIED FROM REMARKSP/U IN S11, 14, 15, 16, 21, & 22 T11N R13E. SEE ATTACHED MAP. THIS CLAIMREPLACES CLAIM 72-4039. REDUCED TH ORIGINAL 3.0 CFS TO 1.0 CFS.IDWR NOTE: CORRECTED TRIB TO VALLEY CREEK11/03/92ADM FIELD REVIEW ON



7/2/2020

IDAHO DEPARTMENT OF WATER RESOURCES Proof Report

6/28/93 I VISITED THE SITE AND FOUND THAT OLD DITCHES FROM STANLEY CREEK AND A TRIB TO STANLEY CREEK HAD BEEN USED IN THE PAST FOR HYDROLIC MINING OF THE AREA. IT WAS EVIDENT THAT THIS USE WAS A LONG TIME IN THE PAST AND IT WAS OBSERVED THAT THE DITCHES WERE WASHED OUT AND NOT MAINTAINED. ON 7/8/93 A LETTER WAS WRITTEN TO MS EVANS TO SEE IF SHE COULD DOCUMENT THE USE OF THE WATER OVER THE LAST 10 YEARS. ON THE DAY OF THE FIELD REVIEW I TALKED TO MIKE MCGOWEN, A LOCAL. HE WAS DOING SOME HIKING, ECT IN THE AREA AND I ASKED IF HE KNEW OF ANY USE OF THE WATER FOR MINING IN THE AREA. HE INDICATED THAT HE HAD LIVE IN THE AREA FOR THIRTY YEARS AND SAID THAT DURING THAT PERIOD TO HIS KNOWLEDGE THE WATER HAD NOT BEEN USED. ON 6/29/93 I TALKED WITH PIERO PIVA, A LOCAL RANCHER AND HE SAID THAT THE OLD MINING CLAIMS HAD NOT BEEN ACTIVE IN THE STANLEY CREEK AND KELLY CREEK DRAINAGES FOR AT LEAST 30 YEARS. ON 7/6/93 ON RETURN TO THE OFFICE I TALKED WITH RAY NEIWERT OF THE SNRA AND HE INDICATED THAT ACTIVE MINING OF THE CLAIMS HAD NOT OCCURED IN THE LAST 2 YEARS BUT HE ASKED THAT I CONTACT JEFF JONES, RETIRED SNRA. I PHONED MR. JONES AND HE INDICATED BASED ON HIS OBSERVATIONS THAT THE MINING AND USE OF THE WATER HAD NOT BEEN ACTIVE FOR AT LEAST 30 YEARS. HE INDICATED THAT MAYBE OCCASIONALLY THERE MAY BE SOME PANNING FOR ASSESSMENT WORK BUT NO SUBSTANCIAL USE OF WATER HAS OCCURED.

2.	MERRITT	11/8/1993	RE-EVALUATION
SEE	MEMO DATED	11/8/93 BY ADM.	

3. mciscell 5/12/2010 POD Bulk Generate Shape From PLS

Dates and Other Information

Decreed Date: 3/15/1999 Civil Case Number: 39576 Judicial District: FIFTH State or Federal: S Water District Number: TBD Mitigation Plan: False

Combined Use Limits

<u>SubCase:</u> N/A

Water Supply Bank: N/A

Contraction of the second

- sevel work rebro 00 enineeH se 58 Decree 59 Strees 62 48.9.9 betsetory is -beined\evonqqA 08 ebeM mexa bisia 78 - sbeM loord - bevieses iqqA ac 67 anŭ îcori SA esnesid cc 47 Prioity - 23-Sep-1942 S I I V U - - - -- sel smee rol stdeix radf0 - 6% - 1003% sanaitibno0 levorqqA "HEIN NILL 22 % "IZ "91 "GI "DI "ILS NI N/d - 10000 NEQUEK C 43 Decret - emeN îlijnielî eerceû SA SNINIM ET - 006E - 1831 - 1800E - 1002E esu / eboù esu ol boired mort boired 31001 - 31001 - 33001 -30001 === 648 085 Part (p) - ERACE OF USE - PLACE OF USE əs∩ ∕ əpoj əsn 29 NUNIM XEORIGY — 980 NOTJERIATION 82 33001 - 28ME 33001 - 10 34001 - 11M 32001 - 13E 30001 - 32001 -ST J.M. 6 u s 4.07 un I o e e 9. J & J J — Jointeid modew IS 000.0 – staž noizrevių letol (1 000. – ytiseqeð noisteviú 81 - anceM noiarevid ol IN NOWINS - TOOST TRIBUTA 14001 - SIANLEY CREEK SOMMOS. - snaeas et MIAJO YAOTUTAIS 2 — 96092 SI SE MAS - VIIO 20 Add Line 3 - 1390 MARKET PLACE 80 - S entl bbA YO SNAVE .D AJOIV ANA - I Shil bbA 9.0 04001 - AIDLA WEI 0300I - EAVA MAAN TSAL - redanny (I) bio 20 - AOS4 - redanny JACiX refew io

MATER RIGHTS PROOF READ: TETAM FO TNEMTAARE OHAGI

-7

71-4054

53	Veri								22		8 ⁷⁶ 61.1 29
54	1.551								1124		z ^m era og
	2.6 204 402 37								***		T [*] 6eta go
									1999		JoA Yere0/Aut Ad
									89) 1		bebhen653easnea? Co
		111	57		inn:	1111	##1	CHE.	 -	8×40 (- 3 5 4 1 3

- oneM thebroite 00°0 - 10010 - 10000 - 10000 empiov noistevit ets ets noistevit ----0 teach feact - 10098 - 10058 - 1007 joj geroñ joerl 0°0 0 0 0°0 0°0 0°6 0°999 SIBERWINDEX EIELDS and and and and and and ----00. — emulov noistevid ledol OS 7% conurA = 3% cnsIEX JE. SOIAC - GIX II AO - etste Ol 0081 SOGI "Ide "ezend 1 O2001 - C DAVE OZIC' OMNES REAMON THOLE RETAW DRADNATS Incitelenest Cell. $(1,1)\in \mathcal{D}$ ZZ:SS:11 8861-902-6

T SDVA

SEPORT SOURCES



Claim No. 72-4039 AMENDED

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

(Reference: Prior Water Permit No. 19346, dated 9/29/42)

Section 42-225a, Idaho Code

CLAIM TO A WATER RIGHT

Under the provisions of Section 42-225a, Idaho Code, a person may file a claim to a right to use water which has been established by diversion and application to beneficial use. The filing of this claim does not confirm the water right but will serve for information purposes only. It may, however, become the basis for future adjudication of the water right by the Court.

N/	otice											_	_								
Fo	ox I	21878	. Ap	t. 1	905.	13	90 M	arke	t St	ree	t (name	of cla	iman	t)						
Sa	an F	ranc	isco	, Ca	lifc	ornia	a 94	102				, cla	ims a	right	to the	e diver	sion a	and b	enefici	al use (of
	1.				-		C33)														
-		ater of																			
		tent a													S	Stan:	lev	Cree	•k		
) De	escri	be sour																			-
_									1		,	tribut	tary to	o,		Salmo	on R	ive	c		
	escri aime		purpo	se for	whic	h the	water	has b	een u	sed a	nd the	e time	durir	ng the	e year	when	i you	have	used t	he righ	ıt
	Am	ount	3.0	cu.	ft.	Use	mi	ning		Per	iod of	Use:	Fro	m j	Jan.	1 -	То	Dec	. 31	-	
						-															
			(cfs or a	, gpm (f)			(dor stoc	n., irr k, etc	i., .)	- •••					(Ł	oth d	ates in	nclusi	ive)		
То	tal q	uantity								cubic	feet p	oer sec	cond,	or						icre fee	et
		num, ai									-		Ň								
Pri	iority	v claim	ed: (t	he da	te wat	ter wa	as first	t appli	ed to	bene	ficial	use)			Se	pter	nber	23,	1942	2)	
																			a surfac		er i
											-	-							nestic u		
		er sour	-			20,	1771.		teepti		5 (1115)		that i	i ciuii		0011	100 01	I don	103110 0	.30 1101	
				. (,		× _					. 1	£	•••							12
														ite eni	IITCe I						
							of po											"	07		
S	E	_¼	NE	_¼, S	Sec	_16	1	ſwp	11N		Rge.	1 3E	I	3. M.	Coun						
S	E		NE	_¼, S	Sec	_16	1	ſwp	11N		Rge.	1 3E	I	3. M.	Coun						-
S	E	_¼	NE	_¼, S	Sec	_16	1	ſwp	11N		Rge.	1 3E	I	3. M.	Coun						
$\frac{S}{Ad}$	E lditio Des	¼ onal po cribe n	NE ints o neans	_¼, S f dive of div	Sec rsion: ersion	16 1 of w	vater:	Гwр (pumj	11N p and	pipe	Rge.	13E vell, di	I	3. M.	Coun	ervoir	, leng	th of	ditch a		
Ad B) etc	E Iditic Dese :.) Gi	¼ onal po cribe n	NE ints o heans s and	_¼, S f dive of div capac	Sec rsion: ersion ities;	16 	vater:	Гwp (pumj fic as p	11N p and possib	pipe le. <u>H</u>	Rge. line, w leads	13E vell, di	iversic	3. M. on dai e of	Coun m, res	ervoir vita	, lengi	th of	ditch a ditch	les a	lrea
Ad B) etc	E Iditic Dese :.) Gi nst	¼ onal po cribe n ive size ructe	NE ints o neans s and ed.	_4, S f dive of div capac	Sec rsion: ersion ities; sup;	16 	vater: specif	Fwp (pump fic as p s wat	11N p and possib	pipe le. I righ	Rge. line, w leads	13E vell, di cate:	iversic vs: vs: vs: vs:	3. M. on dan e of y fi	Coun m, res gra	ervoir vita on a	, leng tior	th of nal live	ditch a ditch rted	ies a fart	lrea her
Ad B) etc	E Iditic Dese :.) Gi nst	¼ onal po cribe n ive size ructe	NE ints o neans s and ed.	_4, S f dive of div capac	Sec rsion: ersion ities; sup;	16 	vater: specif	Fwp (pump fic as p s wat	11N p and possib	pipe le. I righ	Rge. line, w leads	13E vell, di cate:	iversic vs: vs: vs: vs:	3. M. on dan e of y fi	Coun m, res gra	ervoir vita on a	, leng tior	th of nal live	ditch a ditch rted	ies a fart	lrea her
Ad B) etc	E Iditic Dese :.) Gi nst	¼ onal po cribe n ive size ructe	NE ints o neans s and ed.	_4, S f dive of div capac	Sec rsion: ersion ities; sup;	16 	vater: specif	Fwp (pump fic as p s wat	11N p and possib	pipe le. I righ	Rge. line, w leads	13E vell, di cate:	iversic vs: vs: vs: vs:	3. M. on dan e of y fi	Coun m, res gra	ervoir vita on a	, leng tior	th of nal live	ditch a ditch rted	ies a fart	lrea her
Ad Ad B) etc co: thin A	E Iditio Desc .) Gi nst e s Desc	nal po cribe n ive size ructe tream high ty di	NE ints o neans s and ed. J	_4, S f dive of div capac Chis	ersion: ersion: ities; sup ican braine clise oy	16 o of w be as plen t as ke	vater: specificents iks f rater alcong num	(pump (pump fic as p s wat for z out	11N o and oossib er igh of itan of irri	pipe le. <u>I</u> righ t ur Sta gated	Rge. line, w lead it pr ider pley Cree lacres	13E vell, di cate crevic this Cre withi	iversion vse busl; sfi eek a lere in eac	3. M. on dan <u>e of</u> y fi Ling ot t clas h 40-4	Coun m, res gra led bis ims acre tr	ervoir vita on s orid dive are act in	, lengt tior ing rsic loca appro	th of hal dive wat	ditch a ditch rted er is nd us te box.	ies a fart	lrea her
Ad Ad B) etc co: thi X	E Iditio Desc .) Gi nst e s Desc	¼ onal po cribe n ive size ructe	NE ints o neans s and ed. J	_4, S f dive of div capac Chis	ersion: ersion: ities; sup ican braine clise oy	16 o of w be as plen t as ke	vater: specificents iks f rater alcong num	(pump (pump fic as p s wat for z out	11N o and oossib er igh of itan of irri	pipe le. <u>I</u> righ t ur Sta gated	Rge. line, w lead it pr ider pley Cree lacres	13E vell, di cate crevic this Cre withi	iversion vse busl; sfi eek a lere in eac	3. M. on dan <u>e of</u> y fi Ling ot t clas h 40-4	Coun m, res gra	ervoir vita on s orid dive are act in	, lengt tior ing rsic loca appro	th of hal dive wat	ditch a ditch rted er is nd us te box.	ies a fart	lrea her
Ad B) etc co: thin AS	E Iditic Desu nst c.) Gi nst o Desu t for R	_ ¹ ⁄ ₄ onal po cribe n ive size ructe trean trean trean trean trean trean trean trean trean trean trean trean	NE ints o heans s and ed. J	4, S f dive of div capac This ppl: ont c ont c ace an	Sec rsion: ersion ities; sup ican c ican c ise by n "X"	16 n of w be as plen t as ke 'in ap	vater: specifinents iks f ater aler ng num	(pump (pump fic as p s wat cor r mber o riate b	11N o and oossib er i gh i can of irri	pipe le. <u>I</u> righ t ur Sta Jey gateo	Rge. line, w leadent pr offer offer lacres w loca	13E vell, di cate revic this Crevic this tion.	iversic vs ousl ek here n eac Pl	3. M. on dan <u>e of</u> y fi Ling ot t clas h 40-a	Coun m, res gra led bis ims acre tr r mi:	ervoir vita on a orid dive are act in ning se	, lengt tior ing rsic loca appro pur	th of nal dive wat opria	ditch a ditch rted er is nd us te box.	ies a fart	lrea her
Ad B) etc co: th in AS	E Iditic Desc 2.) Gi nst e s to Desc to t	_ ¹ ⁄ ₄ onal po cribe n ive size ructe trean trean trean trean trean trean trean trean trean trean trean trean	NE ints o neans s and ed. J	4, S f dive of div capac This ppl: ont c ont c ace an	Sec rsion: ersion ities; sup ican c ican c ise by n "X"	16 n of w be as plen t as ke 'in ap	vater: specifinents iks f ater aler ng num	(pump (pump fic as p s wat cor r mber o riate b	11N o and oossib er i gh i can of irri	pipe le. <u>I</u> righ t ur Sta Jey gateo	Rge. line, w lead it pr ider pley Cree lacres	13E vell, di cate revic this Crevic this tion.	iversic vs ousl ek here n eac Pl	3. M. on dan <u>e of</u> y fi Ling ot t clas h 40-a	Coun m, res gra led bis ims acre tr r mi:	ervoir vita on e orid dive are act in ning	, lengt tior ing rsic loca appro pur	th of nal dive wat opria	ditch a ditch rted er is nd us te box.	nes a fært not se it Ifuse	lrea her
Ad B) etc co: thin A) not	E Iditic Desu nst c.) Gi nst o Desu t for R	_ ¹ ⁄ ₄ onal po cribe n ive size ructe trean trean trean trean trean trean trean trean trean trean trean trean	NE ints o heans s and ed. J	4, S f dive of div capac This ppl: ont c ont c ace an	Sec rsion: ersion ities; sup ican c ican c ise by n "X"	16 n of w be as plen t as ke 'in ap	vater: specifinents iks f ater aler ng num	(pump (pump fic as p s wat cor r mber o riate b	11N o and oossib er i gh i can of irri	pipe le. <u>I</u> righ t ur Sta Jey gateo	Rge. line, w leadent pr offer offer lacres w loca	13E vell, di cate revic this Crevic this tion.	iversic vs ousl ek here n eac Pl	3. M. on dan <u>e of</u> y fi Ling ot t clas h 40-a	Coun m, res gra led bis ims acre tr r mi:	ervoir vita on a orid dive are act in ning se	, lengt tior ing rsic loca appro pur	th of nal dive wat opria	ditch a ditch rted er is nd us te box.	nes a fært not se it Ifuse	lrea her
Ad B) etc co: th in AS	E Iditic Desu nst c.) Gi nst o Desu t for R	_ ¹ ⁄ ₄ onal po cribe n ive size ructe trean trean trean trean trean trean trean trean trean trean trean trean	NE ints o heans s and ed. J	4, S f dive of div capac This ppl: ont c ont c ace an	Sec rsion: ersion ities; sup ican c ican c ise by n "X"	16 n of w be as plen t as ke 'in ap	vater: specifinents iks f ater aler ng num	(pump (pump fic as p s wat cor r mber o riate b	11N o and oossib er i gh i can of irri	pipe le. <u>I</u> righ t ur Sta Jey gateo	Rge. line, w leadent pr offer offer lacres w loca	13E vell, di cate revic this Crevic this tion.	iversic vs ousl ek here n eac Pl	3. M. on dan <u>e of</u> y fi Ling ot t clas h 40-a	Coun m, res gra led bis ims acre tr r mi:	ervoir vita on a orid dive are act in ning se	, lengt tior ing rsic loca appro pur	th of nal dive wat opria	ditch a ditch rted er is nd us te box.	nes a fært not se it Ifuse	lrea her
Ad B) etc co: th in AS	E Iditic Desu nst c.) Gi nst o Desu t for R	_ ¹ ⁄ ₄ onal po cribe n ive size ructe trean trean trean trean trean trean trean trean trean trean trean trean	NE ints o heans s and ed. J	4, S f dive of div capac This ppl: ont c ont c ace an	Sec rsion: ersion ities; sup ican c ican c ise by n "X"	16 o of w be as plen t as ke ' in ap	vater: specifinents iks f ater aler ng num	(pump (pump fic as p s wat cor r mber o riate b	11N o and oossib er i gh i can of irri	pipe le. <u>I</u> righ t ur Sta Jey gateo	Rge. line, w leadent pr offer offer lacres w loca	13E vell, di cate revic this Crevic this tion.	iversic vs ousl ek here n eac Pl	3. M. on dan <u>e of</u> y fi Ling ot t clas h 40-a	Coun m, res gra led bis ims acre tr r mi:	ervoir vita on a orid dive are act in ning se	, lengt tior ing rsic loca appro pur	th of nal dive wat opria	ditch a ditch rted er is nd us te box.	nes a fært not se it Ifuse	lrea her
Ad B) etc co: thin not	E Iditio Dess nst to Dess to SE R R R SE	- ¹ ⁄ ₄ onal po cribe n ive size ructe trean high ty di cribe in irrigati sEC. 16	NE ints o heans s and ed. J ditc tch ocatio ion, p	14, S f dive of div capac This ppl: h to ont of lace an NW ⁴ be	Sec rsion: ersion: ities; sup ican; cl seby n "X" = ¹⁴	16 of w be as plen t as alms 'in ap seu alo	vater: specificents iss f ater alcong num oproph	(pump fic as p s wat or r mber nate b	11N o and oossib er igh of itan, of itan, of irri oox to w ^{1/4} sw ^{1/4}	pipe. le. I righ Ste galec show	Rge. line, w leadent pr offer acres w loca	13E vell, di cate: revic this Cre withi tion.	I version vers	3. M. on dan <u>e of</u> y fi ling at t h 40- ace:	Count m, res gra led , pr his ims acre tr r mi:	ervoir vita on e orid dive are act in ning se NW44	, lengt tior ing rsic loca appro pur ¹ / ₄	th of hal live wat pose pose seva	ditch a ditch rted er is nd us ie box. es:	nes a fart not e it If use TAL	lrea her thr is
Ad B) etc co: the in A) not	E Idition Desc inst e s inst e s inst t for R 3E	_ ¹ ⁄ ₄ onal po cribe n ive size ructe trean hich ty di cribe n irrigati sEC. <u>16</u>	NE ints o heans s and ed. 7 ditc tch bcatio ion, p NE ^{1/4}	_14, S f dive of div capac This ont to ont to n of t lace an NU NW14 be 1 f ci	Sec rsion: ersion: ities; sup ican; can; can; can; sup ican; can; sup ican; sup ican; sup ican; sup ican; seby n "X"	16 of w be as plen t as aims in ap se ¹⁴ alo for	vater: specificents sks f ater alcong nu opropu	(pump (pump fic as p s wat for z out out not not not h ista	11N o and oossib er igh of igh of igh of igh of igh of igh of igh of igh of igh of igh of igh of side side side side side side side side	pipe. le. I righ t.ur Ste gatec o show	Rge. line, w leadent pr nder nlev Cree acres w loca	13E vell, di sate: vevic this Cree k withition. NW ¹ /4 liv ox	I swith Cr. B OG	3. M. on dan e of y fi ling et t ace: _ace: 	Count m, res gra led pr his acre tr r mi: NE ^{1/4}	ervoir vita on a ovid dive are act in ning se NW44	, lengt tior ing rsic loca appro pur '4 sw:/4 sw:/4	th of hal wat pose seva rox wa	ditch a ditch rted er is nd us ie box. es: To	nes a fart not e it If use TAL -1/20 o be	lrea her thr is
Ad B) etc co: thin not 1 1: 0 E: e or n c	E Idition Desc inst e s to Desc to r Desc t for R R R R R R R R R R R R R R R R R R R	_ ¼ onal po cribe n ive size ructe trean high ty di irrigati sec. 16 Vater he he ns lo	NE ints o neans s and ed. 7 ditc tch ocatio ion, pi NE ^{1/4}	_14, S f dive of div capac This ont c n of t ace an NU ace an NU ace an NU be t f ch d in	Sec rsion: ersion: ities; sup ican; ican; ican; ican; ican; ican; ise by n "X" =¼ sw¼ sed eek Se	16 of w be as plen t as a liss in ap seu alo for tio	vater: specificents ks f ater alcong nu opropu	(pump (pump fic as p s wat for z out out not riate b NW iste 11.1	11N o and possib er igh of igh of igh of igh of side nce 4	pipe. le. I right t.ur Ste ley gated o show ste o show stor o show stor sto	Rge. line, w leads it pr ider pley Cree acres w loca	13E vell, di sate: vevic this Cree k withition. NW ¹ /4 liv ox- 21.	I solution of the second secon	3. M. on dan e of y fi ling ot t clash 40-3 lace: seva fr 00 - 11N	Count m, res gra led pr his ims acre tr r mi: NEV4 om p 10 R 1	ervoir vita on a orid dive are act in ning se NW44	leng tior ind c ing rsic loca appro pur '4 swi4 swi4 swi4 swi4 swi4 swi4 swi4 swi	th of hal wat pose sev rox wa	ditch a ditch rted er is nd us ie box. es: 1 TO	nes a fart not e it If use TAL -1/2t o be to 1	lrea her thr is
Ad B) etc co: thin in A) not	E Idition Desc S.) Ginst e s to Desc t for R R R R R R R R R R R R R R R R R R R	- ¹ ⁄ ₄ onal po cribe n ive size ructe trean high tribe h irrigati sEC. 16 Vater he he ns lo	NE ints o neans s and ed. 7 ditc tch ocatio ion, p NE ^{1/4}	_14, S f dive of div capac Chis in ft ace an NW lace an NW lace an NW lace an NW lace an NW lace an NW	Sec rsion: ersion: ities; sup ican c_tal can c_tal can c_tal can c_tal can c_tal can c_tal can c_tal can c_tal can c_tal can can cesion se by n "X" swu sed ceek Sec ceek	16 of w be as plen t as ke also in ap seu alco for tio at	vater: specificents ks f alcong nu opropro NE1/4 ng h a c ns vari	(pump (pump fic as p s wat for r out not not not ste 11 ous	11N o and possib er ight of inn of i inn of i i i i i i i i i i i i i i i i i i	pipe le. <u>I</u> right ster gated show	Rge. line, w leads it pr ider pley Cree lacres w loca	13E vell, di sate: vevic this Cree k wh withition. NW1/4 NW1/4 Lly ox. 21. 2 Ke	PI W ^{1/4} Cr. B OC	3. M. on dan e of y fi ling ot t clas h 40-3 lace: seva fr 00 - 11N	Count m, res gra led pr his ims acre tr r mi: NEV4 om p 10 R 1	ervoir vita on a orid dive are act in ning se NW44	leng tior ind c ing rsic loca appro pur '4 swi4 swi4 swi4 swi4 swi4 swi4 swi4 swi	th of hal wat pose sev rox wa	ditch a ditch rted er is nd us ie box. es: To	nes a fart not e it If use TAL -1/2t o be to 1	lrea her thr is
Ad B) etc co: thin A) not	E Idition Desc S.) Ginst e s to Desc t for R R R R R R R R R R R R R R R R R R R	_ ¼ onal po cribe n ive size ructe trean high ty di irrigati sec. 16 Vater he he ns lo	NE ints o neans s and ed. 7 ditc tch ocatio ion, p NE ^{1/4}	_14, S f dive of div capac Chis in ft ace an NW lace an NW lace an NW lace an NW lace an NW lace an NW	Sec rsion: ersion: ities; sup ican c_tal can c_tal can c_tal can c_tal can c_tal can c_tal can c_tal can c_tal can c_tal can can cesion se by n "X" swu sed ceek Sec ceek	16 of w be as plen t as ke alor for tio at	vater: specificents ks f alcong nu opropro NE1/4 ng h a c ns vari	(pump (pump fic as p s wat for r out not not not ste 11 ous	11N o and possib er ight of inn of i inn of i i i i i i i i i i i i i i i i i i	pipe le. <u>I</u> right ster gated show	Rge. line, w leads it pr ider pley Cree lacres w loca	13E vell, di sate: vevic this Cree k wh withition. NW1/4 NW1/4 Lly ox. 21. 2 Ke	PI W ^{1/4} Cr. B OC	3. M. on dan e of y fi ling ot t clas h 40-3 lace: seva fr 00 - 11N	Count m, res gra led pr his ims acre tr r mi: NEV4 om p 10 R 1	ervoir vita on a ovid dive are act in ning se NW4 bint 000 3E .cor	, lengt tior ing rsic loca appro pur '4 sw/4 sw/4 apr ft B.M. ding	th of hal live wat opria pose seva rox wat rox	ditch a ditch rted er is nd us ie box. es: 1 TO 1/4 ter t plac	nes a fart not e it If use TAL -1/20 o be to 1 e of	lrea her thr is
Ad Ad B) etc co: thin A) not T L1 13 VO E: or co: co: co: co: co: co: co: co:	E Idition Desc S.) Ginst e s to Desc t for R R R R R R R R R R R R R R R R R R R	- ¹ ⁄ ₄ onal po cribe n ive size ructe trean high tribe h irrigati sEC. 16 Vater he he ns lo	NE ints o neans s and ed. 7 ditc tch ocatio ion, p NE ^{1/4}	_14, S f dive of div capac Chis in ft ace an NW lace an NW lace an NW lace an NW lace an NW lace an NW	Sec rsion: ersion: ities; sup ican c_tal can c_tal can c_tal can c_tal can c_tal can c_tal can c_tal can c_tal can c_tal can can cesion se by n "X" swu sed ceek Sec ceek	16 of w be as plen t as ke alor for tio at	vater: specificents ks f ater alcong nu opropro NE1/4 ng h a c ns vari	(pump (pump fic as p s wat for r out not not not ste 11 ous	11N o and possib er ight of inn of i inn of i i i i i i i i i i i i i i i i i i	pipe le. <u>I</u> right ster gated show	Rge. line, w leads it pr ider pley Cree lacres w loca	13E vell, di sate: vevic this Cree k wh withition. NW1/4 NW1/4 Lly ox. 21. 2 Ke	PI W ^{1/4} Cr. B OC	3. M. on dan e of y fi ling ot t clas h 40-3 lace: seva fr 00 - 11N	Count m, res gra led pr his ims acre tr r mi: NEV4 om p 10 R 1	ervoir vita on a ovid dive are act in ning se NW4 bint 000 3E .cor	, lengt tior ing rsic loca appro pur '4 sw/4 sw/4 apr ft B.M. ding	th of hal live wat opria pose seva rox wat rox	ditch a ditch rted er is nd us ie box. es: 1 TO	nes a fart not e it If use TAL -1/20 o be to 1 e of	lrea her thr is
Ad Ad B) etc co: the in: A) no! T I I: Deformed Co: co: the in: Deformed Co: the in: Ad Ad Ad Ad Ad Ad Ad Ad Ad Ad	E Iditional Desconst escientes to maying Desconst to aving Desconst t to aving Desconst t to aving Desconst to aving Desconst to aving Desconst to aving Desconst to aving Desconst to aving Desconst to aving Desconst to aving Desconst to aving Desconst to aving Desconst to aving Desconst to aving Desconst to to to to to to to to to t to to t to to	- ¹ ⁄ ₄ onal po cribe n ive size ructe trean high ty di cribe k irrigati sEC. 16 Vater he he ns lo d to ht of e water	NE ints o heans s and d. 7 ditc tch bcatio ion, pi l NE ^{1/4} to ad c cate Kell div	_14, S f dive of div capac Chis ont (n of t lace an NU lace an NU lace an NU lace an NU lace an NU lace an La	Sec rsion: ersion: ities; sup ican; b tal can; b tal can; can; can; can; can; can; can; can;	16 of w be as plen t as plen t as plen t as plen t as in ap se ¹ / ₄	vater: specificents sks frater alcong nu opropu	(pump fic as p s wat or r mber nate b NW/4 oth ists 11.1 ous ctic	11N o and oossib er igh of igh of igh of igh of side not side not igh of side not igh of igh of igh of side not igh of igh igh of igh igh of igh igh of igh igh of igh igh of igh igh of igh igh of igh igh of igh igh igh igh of igh igh of igh igh of igh igh igh of igh igh of igh igh of igh igh igh of igh igh igh igh igh igh igh igh igh igh	pipe. le. I right stev gatec o show	Rge. line, w leads it pi ider pley Cree i acres w loca	13E vell, di sate: revic this Crevic tion. NW ^{1/4} lly ox. 21. α Ke f NE	PI W ^{1/4} Cr. B OC IIV	3. M. on dan e of y fi ling et f ace: sew fr 0 - lin Cre	Count m, res gra led pr his ims acre tr r mi: NE ^{1/4} om p 10 R I	ervoir vita on e orid dive are act in ning se ning bint 000 se con	, lengt tior ing rsic loca appro pur ^{1/4} sw ^{1/4} sw ^{1/4} sw ^{1/4} apr ft B.M. dinc	th of hal live wat opria pose seva rox wat rox	ditch a ditch rted er is nd us ie box. es: 1 TO 1/4 ter t plac	$\frac{1000}{1000} \frac{1000}{1000} $	lrea her thr is
Ad B) etc co: thin not T I I I I I I I I I I I I I	E Iditional Desconst escientes to maying Desconst to aving Desconst t to aving Desconst t to aving Desconst to aving Desconst to aving Desconst to aving Desconst to aving Desconst to aving Desconst to aving Desconst to aving Desconst to aving Desconst to aving Desconst to aving Desconst to aving Desconst to to to to to to to to to t to to t to to	- ¹ ⁄ ₄ onal po cribe n ive size ructe trean high ty di cribe n irrigati sEC. 16 Vater he he ns lo d to ht of e water	NE ints o heans s and ed. 7 ditc tch bcatio ion, p NE ^{1/4} to ad d cate Kell div	_14, S f dive of div capac Chis ont (n of t lace an NU lace an NU lace an NU lace an NU lace an NU lace an La	Sec rsion: ersion: ities; sup ican; b tal can; b tal can; can; can; can; can; can; can; can;	16 of w be as plen t as plen t as plen t as plen t as in ap se ¹ / ₄	vater: specificents sks frater alcong nu opropu	(pump fic as p s wat or r mber nate b NW/4 oth ists 11.1 ous ctic	11N o and oossib er igh of igh of igh of igh of side not side not igh of side not igh of igh of igh of side not igh of igh igh of igh igh of igh igh of igh igh of igh igh of igh igh of igh igh of igh igh of igh igh igh igh of igh igh of igh igh of igh igh igh of igh igh of igh igh of igh igh igh of igh igh igh igh igh igh igh igh igh igh	pipe. le. I right stev gatec o show	Rge. line, w leads it pi ider pley Cree i acres w loca	13E vell, di sate: revic this Crevic tion. NW ^{1/4} lly ox. 21. α Ke f NE	PI W ^{1/4} Cr. B OC IIV	3. M. on dan e of y fi ling et f ace: sew fr 0 - lin Cre	Count m, res gra led pr his ims acre tr r mi: NE ^{1/4} om p 10 R I	ervoir vita on e orid dive are act in ning se ning bint 000 se con	, lengt tior ing rsic loca appro pur ^{1/4} sw ^{1/4} sw ^{1/4} sw ^{1/4} apr ft B.M. dinc	th of hal live wat opria pose seva rox wat rox	ditch a ditch rted er is nd us ie box. es: 1 To 1/4 ter t vater plac	$\frac{1000}{1000} \frac{1000}{1000} $	lrea her thr is

A2 4039-71-4054

(8) Remarks

Map attached. below.

(

			2	
	ř		Township 11N, Range 13 E -	Custer Co.
	1			
	-++		10	11
		nley		
1	2	Direc		8
			15 15	
_	1 7 Point of D	ivergion 16	15	Cree 11/4
			Kelli	
1			13 alacen scound	
		50/1		
	ê õ	21	22	23
		Cr.		
		Kells		

Scale: 2 inches equal 1 mile.

\$10.00 fee received by _

Dates

Approved for publication by Published in ustu (t)

KTU

Date

3,

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.

State of Idaho - California OFFICIAL SEAL) RUBY L. DAVIS) ss. NOTARY PUBLIC -NOTARY PUBLIC - CALIFORNIA SAN FRANCISCO COUNTY My comm. expires AUG 13, 1978 County of San Francisco)

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.

Sworn to before me this 3	rd day of	y Julie Notary Public	(Claimant) , 19	<u>78</u> ;
My commission expires	st 13, 1978	Residing at 13	<u>40 Girandesco, ca</u>	51 94102
	For Departm	nent Use Only	j	
Received by <u><u><u></u><u></u><u><u></u><u></u><u></u><u></u><u></u><u></u><u></u><u></u><u></u><u></u><u></u><u></u><u></u><u></u><u></u><u></u></u></u></u>	Date $\frac{2-10-78?}{2}$	Exception filed by:	Forwarded to claimant by:	Date

#9270

UNITED STATES DEPARTMENT OF AGRICULTURE FOREST SERVICE 324 25th Street Ogden, Utah 84401

JUN

Department of Water Resources Southern District Office

2540

June 7, 1978



C. Stephen Allred, Director Idaho Department of Water Resources 1041 Blue Lakes Boulevard N Twin Falls, Idaho 83301

Dear Mr. Allred:

^

L

We are filing an exception to <u>Notice of Amended Claim to Water Right</u> <u>No. 72-4039</u> involving a claim by Viola Weidman Evans. The enclosed exception is filed in duplicate in affidavit form and is accompanied by supporting evidence that we feel is sufficient proof to request denial of the amended claim.

Sincerely,

alton

/ VERN HAMRE Regional Forester

Enclosures

IN THE MATTER OF:

State of Idaho

County of

Exception to Notice of Amended Claim to Water Right No. 724039 -Viola Weidman Evans

Custer

AFFIDAVIT

I, Vern Hamre, being first duly sworn. deposes and says: _____ The reasons for this exception are: The water would be transported from the Stanley Creek drainage to Kelly 1. Creek via an old abandoned ditch. This ditch hasn't been used for many years and has vegetation, including trees in excess of four feet in height, growing in and on the embankments. This ditch has numerous "blowouts" along its length and, in one area, is crossed by a road built in the mid-1960's in which no culvert was installed. Apparently, no water has been transferred through this ditch since 1963.

Transferring water from one drainage and placing it into another would 2. cause severe channel erosion, as Kelly Creek is a small drainage. This fact has been well studied and documented in past years.

3. The entire Stanley Creek drainage near the point of diversion does not contain 3 second-feet of water except possibly during periods of snowmelt.

4. Taking all or a significant portion of water from Stanley Creek, via a tributary, would have a detrimental effect on the excellent Eastern Brook Trout population present.

5. Sluice mining operations in Kelly Creek would cause severe erosion and place silt into Basin Creek which is a very important Salmon spawning stream. Any silt deposit on spawning beds prevents oxygenation of the eggs and they die.

udul (signature) VERN HAMRE, Regional Forester

1978

Subscribed and sworn to before me this

Notary Public

day of

the post

Residing at My commission expires



STATE OF IDAHO

DEPARTMENT OF SOUTHERN REGION

WATER RESOURC

1041 Blue Lakes Blvd. North Twin Falls, Idaho 63301 (208) 734-3576

John V. Evans Governor

C. Stephen Allred Director

June 16, 1978

Ms. Viola Weidman Evans Fox Plaza, Apt. #1905 1390 Market Street San Francisco, CA 94102

Re: Claim to a Water Right No. 72-4039

Dear Ms. Evans:

We are enclosing a copy of an affidavit in opposition to your Claim to a Water Right, submitted by U. S. Dept. of Agriculture, Forest Service. The following is a quote from the provisions under which this Claim has been filed (Section 42-225b, of the Idaho Code):

42-225b. RECORDING OF CLAIMS BY DEPARTMENT --- CORRECTIONS ---At any time after filing a claim under the provisions of this section, any person who disagrees that a right has been established as set forth in said claim may file an exception thereto in duplicate, in affidavit form, accompanied by such proof as said person deems appropriate. An exception filed shall be made a part of the file of the claim in the Department of Water Resources and shall be considered the same as other evidence in said file. A copy of an exception filed shall be forwarded to the claimant by the Department of Water Resources. Such claims may be corrected by the claimant only by filing of an amended claim in the same form as the original which shall be recorded and numbered by the Department the same as the original and for which no additional filing fee shall be required.

Only the above action has been delegated by the Idaho Legislature and we are not authorized to hold hearing or evaluate for confirmation or final censorship of the described rights.

Any action to determine the status of your water right must be initiated by the judicial system. Ms. Viola Weidman Evans June 16, 1978 Pg. 2

If you have any questions regarding this matter, please contact us.

Sincerely,

erry & Blan

Terry G. Blau Acting Southern Region Supervisor

TGB:sm

Enclosure

cc: State Office - Boise



STATE OF IDAHO

DEPARTMENT OF SOUTHERN REGION

WATER RESOURCES

1041 Blue Lakes Divd. North Twin Falls, Idaho 83301 (208) 734-3576

John V. Evans Governor

C. Stephen Allred Director

June 16, 1978

Mr. Vern Hamre, Regional Forester U.S. Department of Agriculture Forest Service 324 25th. Street Ogden, UT 84401

Re: Amended Claim to a Water Right No. 72-4039 - Viola Weidman Evans

Dear Mr. Hamre:

We are in receipt of your exception to the above-referenced Claim. The following excerpt from Section 42-225b of the <u>Idaho Code</u> explains what has been done and what will be done in regards to the exception you have filed.

Section 42-225b. RECORDING OF CLAIMS BY DEPARTMENT --- CORRECTIONS -At any time after the filing of a claim under the previous section, any person who disagrees that a right has been established as set forth in said claim may file an exception thereto in duplicate, in affidavit form, accompanied by such proof as said person deems appropriate. An exception filed shall be made a part of the file of the claim in the Department of Water Resources and shall be considered the same as other evidence in said file. A copy of an exception filed shall be forwarded to the claimant by the Department of Water Resources. Such claims may be corrected by the claimant only by filing of an amended claim in the same form as the original which shall be recorded and numbered by the Department the same as the original and for which no additional filing fee shall be required.

Only the authority to take the above action has been delegated by the Idaho Legislature and we are not authorized to hold hearing or evaluate for confirmation or final censorship of the described rights.

Section 42-222(2) of the <u>Idaho</u> <u>Code</u> outlines the provisions by which a right may be forfeited through non-use. Action to have this right declared abandoned must be initiated through judicial proceedings. The authority to declare claimed rights as abandoned does not rest with the Department of Water Resources.

Mr. Vern Hamre, Regional Forester June 16, 1978 Page 2

If you have further questions, please feel free to contact this office.

Sincerely,

erry & Blan

23. 11. 4

Terry G. Blau Acting Southern Region Supervisor

TGB:sm

June 2, 1978

Mr. Vern Hamre, Regional Forester U.S. Department of Agriculture Forest Service 324 25th. Street Ogden, UT 84401

Re: Amended Claim to a Water Right No. 72-4039 - Viola Weidman Evans

Dear Mr. Hamre:

Enclosed please find the exception you filed to the above-referenced Claim which was received in this office on May 24, 1978.

Section 42-225b of the <u>Idaho Code</u> requires exceptions to claims to be filed in duplicate, in affidavit form, accompanied by such proof as said person deems appropriate.

If you have any questions concerning this matter, please feel free to contact me.

Sincerely,

Terry G. Blau Acting Southern Region Supervisor

TGB:sm

Enclosure

UNITED STATES DEPARTMENT OF AGRICULTURE FOREST SERVICE 324 25th Street Ogden, Utah 84401

2540



C. Stephen Allred, Director Idaho Department of Water Resources 1041 Blue Lakes Boulevard N Twin Falls, Idaho 83301

L

Dear Mr. Allred:

We are filing an exception to Notice of Amended Claim to a Water Right No. 72-1039 involving a claim by Viola Weidman Evans.

The reasons for this exception are:

1. The water would be transported from the Stanley Creek drainage to Kelly Creek via an old abandoned ditch. This ditch hasn't been used for many years and has vegetation, including trees in excess of four feet in height, growing in and on the enbankments. This ditch has numerous "blowouts" along its length and, in one area, is crossed by a road built in the mid-1960's in which no culvert was installed. Apparently, no water has been transferred through this ditch since 1963.

2. Transferring water from one drainage and placing it into another would cause severe channel erosion, as Kelly Creek is a small drainage. This fact has been well studied and documented in past years.

3. The entire Stanley Creek drainage near the point of diversion does not contain 3 second-feet of water except possibly during periods of snowmelt.

4. Taking all or a significant portion of water from Stanley Creek, via a tributary, would have a detrimental effect on the excellent Eastern Brook Trout population present.

5. Sluice mining operations in Kelly Creek would cause severe erosion and place silt into Basin Creek which is a very important Salmon spawning stream. Any silt deposit on spawning beds prevents oxygenation of the eggs and they die.

For these reasons, we request denial of the amended claim.

Sincerely,

- VERN HAMRE Regional Forester

6200-11 (1/69)



STATE OF IDAHO

DEPARTMENT OF SOUTHERN REGION

> 1041 Elue Lakes Blvd. North Twin Falls, Idaho 83301 (208) 734-3578

WATER RESOURCES

John V. Evans Governor

C. Stephen Allred Director

April 27, 1978

Ms. Viola Weidman Evans Fox Plaza, Apt. #1905 1390 Market Street San Francisco, California 94102

Re: Claim to a Water Right No. 72-4039 - Viola Weidman Evans

Dear Ms. Evans:

The Department of Water Resources has completed the processing of your Claim to a Water Right, and no further action is authorized under Sections 42-225a and 42-225b of the Idaho Code. Your claim will be retained in our files and will be available at any time by you or the Court.

As you are aware, the filing of your claim does not, in itself guarantee you a water right; it only records and preserves the information and the evidence which you included in your claim.

If, at a later date, you find that you have additional information or supporting evidence that you would like to have included in your claim file, you may have that information or evidence added at any time. Please refer to your claim number when corresponding with this office.

We are enclosing a copy of the claim for your records. If you have any questions or if we can be of further assistance, please feel free to contact us.

Sincerely,

Blau nn

Terry G. Blau Acting Southern Region Supervisor

TGB:dj

enc: