

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
1301 North Orchard Street, P.O. Box 83720
Boise, Idaho 83720-0098

RETURN SERVICE REQUESTED

DATA ENTRY DONE
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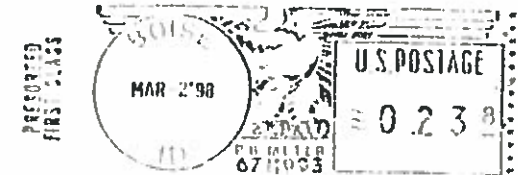
3/10/98 AM

IMPORTANT WATER RIGHT INFORMATION

557 South 150 East

45-11810

STEPHEN A BYWATER
JANE M BYWATER
RT 3 BOX 3688
BURLEY ID 83318



RECEIVED

MAR 06 1998

Department of Water Resources

45-11810

83318+3373



AJ5856NP

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

DATE: SEP-9-1997

PAGE: A-1297

RIGHT NUMBER: 45-11810

NAME & ADDRESS: STEPHEN A BYWATER
JANE M BYWATER
RT 3 BOX 3688
BURLEY ID 83318

SOURCE: GROUNDWATER

QUANTITY: 0.08 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000
GALLONS PER DAY.

PRIORITY DATE: 03/01/1920

POINT OF DIVERSION: T11S R23E S22 NWSW Within CASSIA County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	STOCKWATER	01-01 12-31	0.04 CFS
	DOMESTIC 1 HOME	01-01 12-31	0.04 CFS

PLACE OF USE:	STOCKWATER	Within CASSIA County
	T11S R23E S22	NWSW
	DOMESTIC	Within CASSIA County
	T11S R23E S22	NWSW

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

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A
DETERMINATION OF HISTORICAL BENEFICIAL USE.

EXPLANATORY MATERIAL: BASIS OF CLAIM - BENEFICIAL USE
PARCEL NO. 11S23E22S575
STOCKWATER, 10 CATTLE, 10 SHEEP, & POULTRY

Claim proofread by: CM
Date: 9-29

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: A45-11810
Date Received: 6/07/1989
Receipt No: 5008457
Received By: [Signature]

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: STEPHEN A. BYWATER 208-678-0945
Address: RT. 3, BOX 3688
BURLEY, ID 83318

AND
Name: JANE M. BYWATER 208-678-0945
Address: RT. 3, BOX 3688
BURLEY, ID 83318

2. Date of Priority: MAR 01, 1920

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
11S	23E	22	NW	SW			CASSIA

5. Description of diverting works:
12" X 360' WELL & 4' DIA. X 150' WELL - 2 HP PUMP.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
DOMESTIC	01/01	12/31	0.040		
STOCKWATER	01/01	12/31	0.040		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
D/1 HOUSE, S/10 CATTLE, 10 SHEEP, & POULTRY.

A45-11810

Page 1

Date: 07/06/89

MICROFILMED

MAR 10 1993

10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
11S	23E	22	NW	SW	DOMEST	
			NW	SW	STOCK	

11. Place of use in counties: CASSIA

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

13. Other Water Rights Used:
NONE

14. Remarks:
IRRIG. WATER FROM THE BURLEY IRRIG. DIST.

15. Basis of Claim: BENEFICIAL USE

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): _____ Date: _____
_____ Date: _____

State of Idaho)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this _____ day
of _____ 19 _____

Notary Public

Seal

Residing at _____
My Commission Expires _____

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

Identification No. A45-11810
Date Received 6-7-89
Receipt Number 5008457

RECEIVED NOTICE OF CLAIM
TO A
WATER RIGHT

JUN 7 1989
Department of Water Resources
Southern Region Office

ACQUIRED UNDER STATE LAW
For Domestic and/or Stockwater Purposes
Where Daily Use is less than 13,000 gallons per day.

Filing Fee \$25

Please type or print clearly

1. Name of Claimant (s) Stephen A & Jane M Bywater Phone (208) 678-0945
Mailing Address Rt. 3 Box 3688 Burley ID Zip 83318

2. Date of Priority (Only one per claim) 3/1/20 Month/Day/Year

3. Source of water supply (Check one) ☒ Groundwater or Other () (a) _____
which is tributary to (b) _____ Name or kind of source

4. Location of point of diversion is: Township 11 So. Range 23
Section 22, NW 1/4 of SW 1/4 of _____ 1/4, Govt. Lot _____, BM.,
County of Cassia

Additional points of diversion if any: _____

5. Description of existing diversion works (Ditches, Wells, Pumps, Pipelines, Headgate Etc.), including the dates of any changes or enlargements in use, the dimensions of the diversion works as constructed and as enlarged and the depth of each well. 12" Cased well, 360' in depth; 4' diameter open well, approx 150' in depth; electric submersible pump 3 hp piped to house & outbuilding

6. Water is claimed for the following: (limited to Domestic and/or Stockwater only. See Instructions.)

For <u>Domestic</u> purposes from	Month/Day <u>1/1</u> to	Month/Day <u>12/31</u>	amount <u>.08 cfs</u>
(Both dates are inclusive)			
For <u>Stockwater</u> purposes from	Month/Day <u>1/1</u> to	Month/Day <u>12/31</u>	amount <u>.04 cfs</u>

7. Total quantity claimed .12 (cfs)

8. Total consumptive use claimed is de minimus

9. Non-irrigation uses. Describe fully. (Domestic: give number of households served if single ownership; Stockwater: Type and Number of livestock) 1 Household, 1/2 acre pasture, 6 head sheep, misc. poultry. **MICROFILMED** JAB

MAR 10 1993

10. Place of use is: Township: 11 So. Range 23 E.B.M.

Section 22, NW 1/4 of SW 1/4, Govt Lot B.M.,

County of Cassia for (Circle One) Domestic Stock Domestic and Stock

Additional places of use, if any none

11. In which county (ies) are lands listed above as place of use located? Cassia

12. Do you own the property listed above as place of use? Yes X No

If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above.

Barley Irrigation District water is used on pasture also

14. Remarks: none

15. Basis of Claim (Circle One) Beneficial Use Posted Notice License Permit Decree

Court Decree Date Plaintiff vs Defendant

If applicable provide IDWR Water Right Number

16. Signature (s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understood 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 0

For Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant (s) Stephen A Bywater Date 6/4/89

Jane M Bywater Date 6/4/89

For Organizations: I do solemnly swear or affirm that I am

of , that I have signed the foregoing

document in the space below as of

and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent Date

Title and Organization

State of Idaho/or)

County of) SS.

Subscribed and sworn (or affirmed) before me this 4 day of June 1989

SEAL

Notary Public Kathleen M. Barker

Residing at Albion

My Commission Expires 9/11/93

Last Name Ident No.

Copies: White-State, Yellow- **MICROFILMED** **MAR 10 1993**



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 2148 4th Ave. East, Twin Falls, Idaho 83301 (208) 734-3578

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

June 23, 1989

RECEIVED

JUL - 5 1989

Department of Water Resources
Southern Region Office

Stephen A. &/or Jane M. Bywater
Rt. 3 Box 3688
Burley, ID 83318

RE: SRBA Claim

Dear Claimant:

Please find enclosed your claim and your check # 1149 for \$ 25.00 which you submitted to our office. I am returning these pursuant to Rule 10,4 of the Department's Adjudications Rules and Regulations. In checking your claim it appears that the following items need clarification:

- [] Item #2 Priority
- [] Item #4 Point of Diversion Legal Description
- [] Item #6 Uses descriptions
- [✓] Item #9 Description of Non-irrigation Uses - *see remarks*
- [] Item #10 Place of Use Legal Description
- [] Item #16 Signature & Notorization
- [] Improper fee (THE CORRECT FEE IS \$ _____)
- [✓] Other or Remarks *Item 9 indicates you may irrigate up to 3 acres from this well. A domestic/stockwater claim only permits irrigating up to 1/2 acre of property from the well. If you irrigate more than 1/2 acre you must file for a permit or file the "Long Form" for adjudication claims.*

If you wish to continue to press your claim please find enclosed instructions and another claim form to use. If you will make the necessary corrections and return your claim with the correct fee and a copy of this letter within 30 DAYS of the date of this letter, your filing will be considered timely and will not be assessed an additional late fee of \$ 50.00.

BEFORE RETURNING THE CLAIM PLEASE READ THE ENCLOSED DRAFT TEXT FOR D&S BROCHURE. Due to recent rulings by the court you may defer filing the claim if you so desire but it is recommended by the Department that you continue to press your claim. If you have any questions contact our office.

Sincerely,

R.V. Worstell
~~Allan Barrett, P.E.~~
Water Rights ~~Supervisor~~
Agent

Please return the original claim form (which has been date stamped) to show that you filed before the deadline date.

~~ADM:adm~~
Enclosures:

I have amended the claim form to conform to domestic requirements we do not use well to irrigate more than 1/2 acre since we have BID water.

MICROFILMED
MAR 10 1993

BARRUS, BYWATER & SMYER

ATTORNEYS AT LAW

1018 OVERLAND AVENUE

P.O. BOX 487

BURLEY, IDAHO 83318

Idaho Dept of Water Resources
2148 4th Ave East
Twin Falls, Idaho
83301



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 2148 4th Ave. East, Twin Falls, Idaho 83301 (208) 734-3578

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

. Aug. 11, 1989

Re: A45-11810

. STEPHEN BYWATER
. RT 3 BOX 3688
. BURLEY ID 83318

Dear Claimant(s):

Please find enclosed your receipt and a copy of a computer generated claim based on the information from your original claim(s) which has been entered in our computer records.

Please review the computer generated claim for accuracy. In a few instances clarifications may have been added by the Department at the time of data entry. If you have any questions or objections regarding the computer record of your claim(s), please contact this office.

Yours truly,

A handwritten signature in dark ink, appearing to read 'Judy Givens'.

Judy Givens
Adjudication Secretary

/jg

Enclosures:

MICROFILMED

MAR 10 1993

WATER RIGHT NUMBER - A45-11610

PREFIX TRANSLATION: ADJUDICATION CLAIM

OLD (D) NUMBER -

+ - - - - - LAST NAME - - - - - +

+ - FIRST NAME - - +

+ - - - - - ADDRESS - - - - - +

*** C - CURRENT OWNER ***
BYWATER

STEPHEN A.

1 - RT. 3, BOX 3688

2 -

3 -

CITY- BURLEY

STATE- ID ZIP- 83318

PHONE - 208-678-0945

BYWATER

JANE M.

1 - RT. 3, BOX 3688

2 -

3 -

CITY- BURLEY

STATE- ID ZIP- 83318

PHONE - 208-678-0945

+ - - PRIORITY DATE - - +
03/01/1920+ - - - REGION - - - +
17 SOUTHERN+ - - - STAGE - - - +
J - BENEFICIAL USE

+ - - - STATUS - - - +

+ - - - - - SOURCE - - - - - +
GROUNDWATER

+ - - - - - TRIBUTARY - - - - - +

+ - - - - - POINT OF DIVERSION - - - - - +
TWN RNG SEC TRACT LOT RFLG COUNTY STREAM INDEX (BLANK IF NO INDEX CODE)

11S 23E 22 NW SW (31) CASSIA

+ - - - - - WATER USE - - - - - +
CODE DESCRIPTION PERIOD FROM PERIOD TO DIVERSION RATE DIVERSION VOLUME
43 - DOMESTIC 01/01 12/31 0.040
04 - STOCKWATER 01/01 12/31 0.040+ - TOTAL DIV. RATE - + + - TOTAL DIV. VOLUME - + + - TOTAL DIV. CAPACITY - + + - TOTAL CONSUMPTIVE USE - + + - KW USAGE - +
0.080 0.0+ - - - - - PLACE OF USE - - - - - +
TWN RNG SEC TRACT LOT ACRES CODE DESCRIPTION COUNTY
11S 23E 22 NW SW 04 STOCKWATER (31) CASSIA
11S 23E 22 NW SW 43 DOMESTIC (31) CASSIA

+ - - DIVERSION MEANS - 12" X 360' WELL & 4' DIA. X 150' WELL - 2 HP PUMP.

+ - - NON-IRRIGATION USE - D/1 HOUSE, S/10 CATTLE, 10 SHEEP, & POULTRY.

+ - - OTHER RIGHTS FOR SAME USE - NONE

+ - - - - - REMARKS - - - - - +
IRRIG. WATER FROM THE BURLEY IRRIG. DIST.+ - - - - - OLD WATER RIGHT NUMBERS - - - - - +
NO OLD WATER RIGHT NUMBERS FOUND.MICROFILMED
OCT 28 1994

PREFIX TRANSLATION: ADJUDICATION CLAIM

CERTIFIED
DEC 23 1991
WATER EXAMINER