

12/02/2006

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

RIGHT NUMBER: 22-2213
NAME AND ADDRESS: JEANINE S CUSHMAN
691 HOLLADAY RD
PASADENA CA 91106-4112
JOHN C CUSHMAN III
691 HOLLADAY RD
PASADENA CA 91106-4112

SOURCE: GROUND WATER TRIBUTARY:
QUANTITY: 1.700 CFS
616.00 AFY
PRIORITY DATE: 08/08/1961
POINT OF DIVERSION: T05N R44E S35 NESWSW Within TETON County
PURPOSE AND PERIOD OF USE:

	<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
	IRRIGATION	04/15 10/15	1.700 CFS 616.00 AFY
PLACE OF USE:	<u>IRRIGATION in TETON County</u>		
	T04N R44E S02 Lot 2 NWNE	38.00	T04N R44E S02 Lot 3 NENW 36.00
	T04N R44E S02 Lot 4 NWNW	29.00	T05N R44E S35 NWNE 40.00
	T05N R44E S35 SWNE	40.00	T05N R44E S35 NESW 38.00
	T05N R44E S35 NWSW	39.00	T05N R44E S35 SWSW 35.00
	T05N R44E S35 SESW	36.00	T05N R44E S35 NWSE 40.00
	T05N R44E S35 SWSE	28.00	
	399 ACRES TOTAL		

The rights listed below are limited to the irrigation of a combined total of 407 acres in a single irrigation season. Combined Right Nos.: 22-28, 22-2139, and 22-2213.

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: BASIS OF CLAIM - License



Idaho Department of Water Resources

SRBA Recommendation:

22-2213

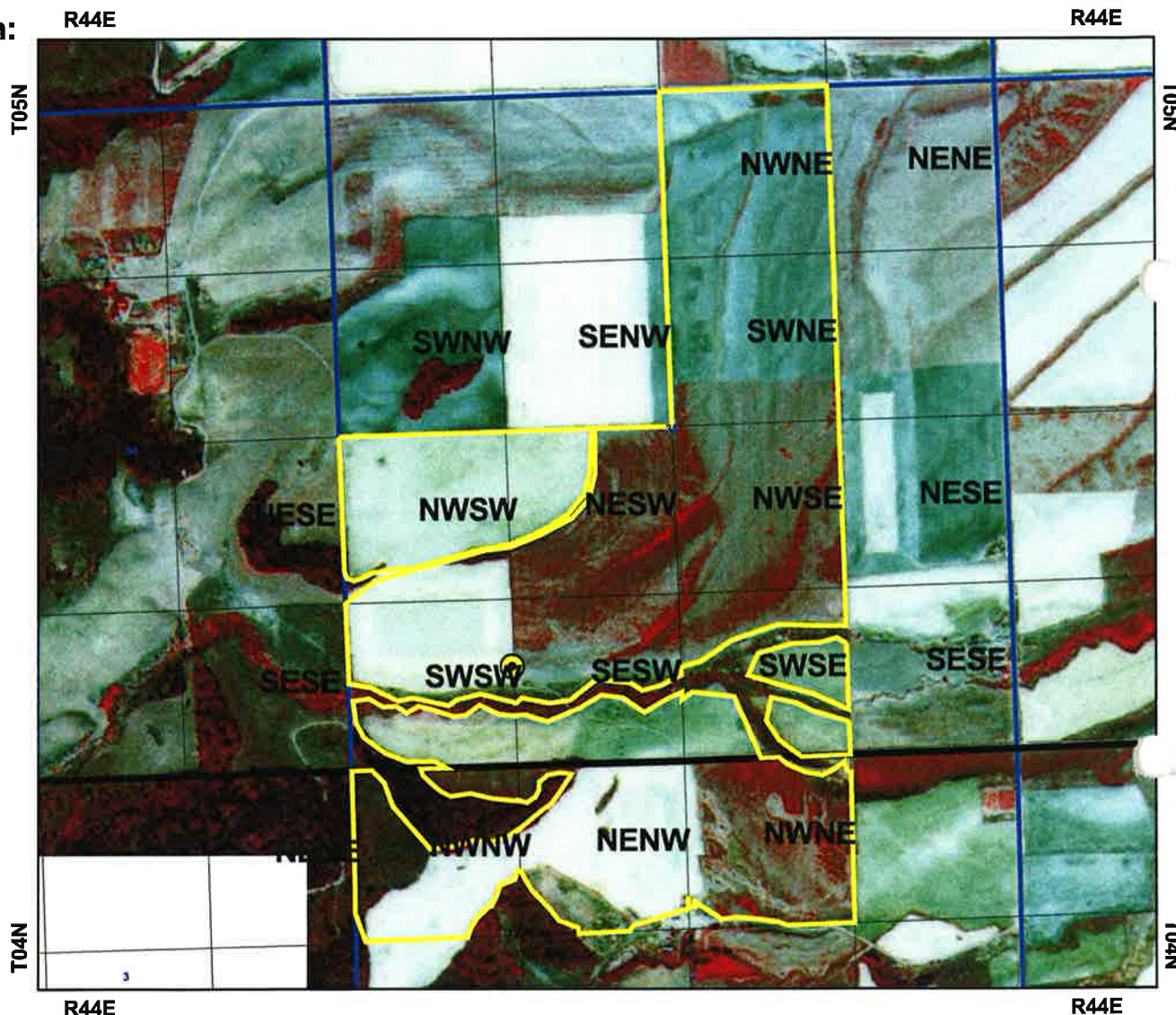
(Irrigation)

Legend

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



Teton County
IDWR Basin 22



Prepared by A. Golart
On Saturday, December 2, 2006
1987/88 Aerial Photography

22-2139

P.O.D. - see license

P.O.U. should be close to 216 AC, see license in file.

E51 - 22-28 0.58 c/s.

E55 - 22-28 216 AC.

E56 - 22-2139, 22-28 & 22-2(3)3 407 AC.

22-28 -

Same P.O.U. as 22-2139

Q = 0.58 c/s.

E51 - 22-2139 0.58 c/s.

E55 - 22-2139 216 AC

K06 - 40 AC

E56 - 22-2139, 22-28 & 22-2(3)3 407 AC.
C03 & C05

22-2213.

- shape file is same as licensed.

- E56 - 22-2139, 22-28, & 22-2(3)3 407 AC.

Water Right No(s). A2202213



GPS DATA:

Tag # A0009560 Location: MAIN LINE

Diversion Data:

Source: Cedar and Water Trib to: _____

MOTOR

Make: GENERAL ELECTRIC Model: 5K6258XW1A Hp: 75
SN: _____

PUMP

Make: THOMSON Model: _____ Disch: 12"
SN: F65618483

NOTES:

HAS 2 WELLS @ THE WELL APPROX 100 YD
EAST. NOT BEING USED; NEED AN ENLARG. AND CLAIM
FOR NWNE SEC 35 DIDNT HAVE ENOUGH WATER
IN FIRST WELL DUG 2ND WELL 2ND WELL HAD LESS
THAN 1ST WELL SO THEY DONT USE 2ND WELL

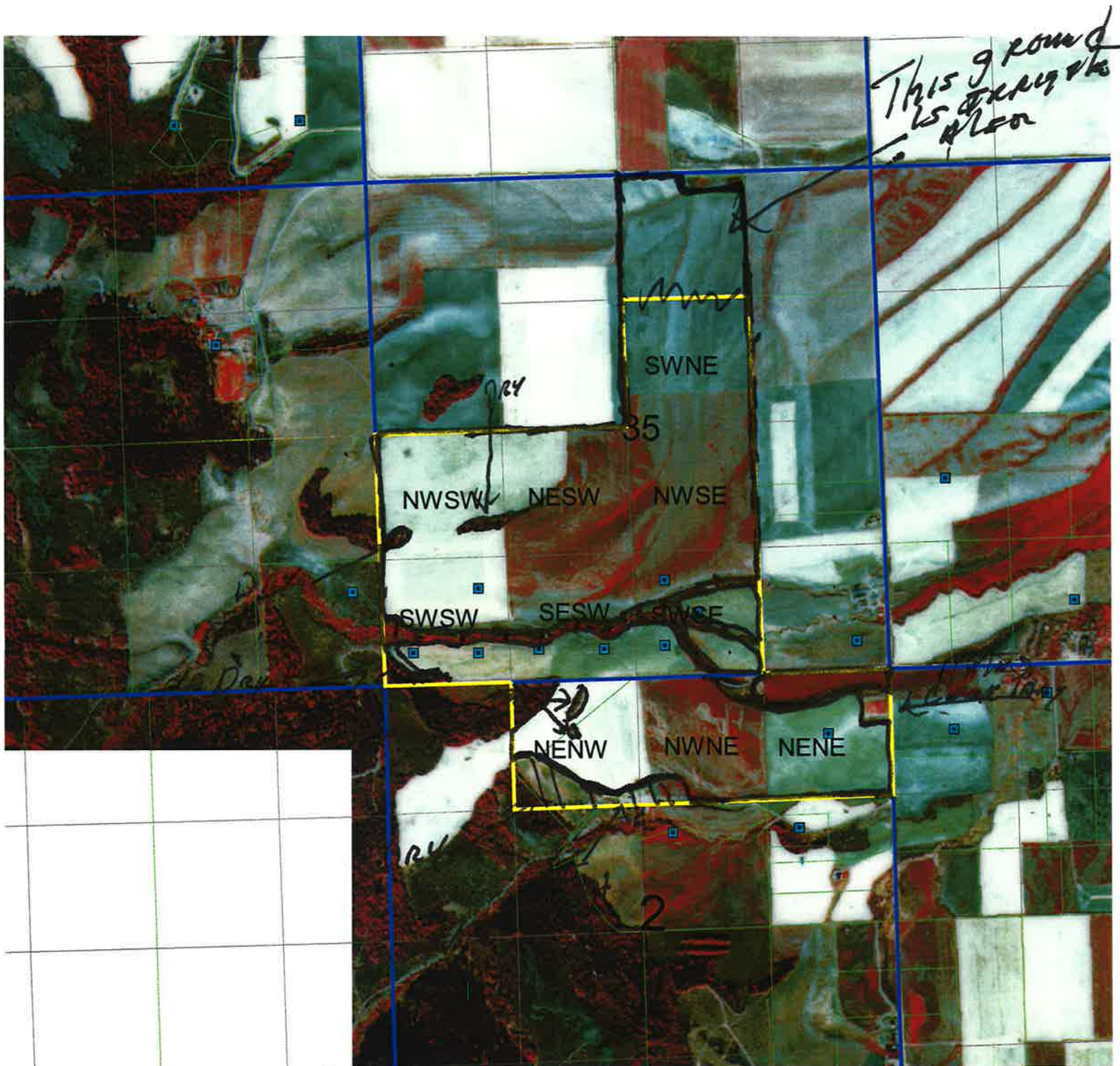
Field Exam Date: 11-19-04 Agent: NICK OLSON

WELL TO MAIN LINE TO WHEEL & HAND LINES

PROFILED

SCANNED
JAN 10 2006

22-2213
4N, 5N 44E



DO NOT
11/10/2006

SCANNED
JAN 10 2006



State of Idaho
DEPARTMENT OF WATER RESOURCES
Eastern Region

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

Mailing Address:
150 Shoup Ave., Suite 15
Idaho Falls, Idaho 83402
(208) 525-7161

June 17, 1988

Mr. Milo D. Bowen
639 West 125 South
Driggs, Idaho 83422

RE: Adjudication Claims

Dear Mr. Bowen:

Thank you for returning the adjudication claims I compiled for you last week. After reviewing the claims, I have found an error in the fee I worked up for you. The correct fee as indicated on the attached sheet is \$615 rather than the \$515 we initially worked out. I am returning your check No. 6766 in the amount of \$515. Please re-submit a new check for the proper amount.

I apologize for any inconvenience this creates. If you have any questions, please feel free to contact me.

Sincerely,

Eric S. Verner

Eric S. Verner
Sr. Resource Agent

ESV/dg
Enclosure

RECEIVED

JUN 24 1988

Department of Water Resources
Eastern District Office

PROFILED

SCANNED
JAN 10 2008

MICROFILMED
OCT 29 1992



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Idaho Falls, Idaho 83402-1718 - (208) 525-7161 - Fax (208) 525-7177

EASTERN REGION

MAY 23, 1997

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

JOHN C CUSHMAN III
691 HOLLADAY RD
PASADENA CA 91106-4112

RE: CHANGE IN OWNERSHIP FOR A22-07341, -00045, -00015, -
-02213, -00028, -02139

Dear Mr. Cushman:

The request for Change in Ownership concerning the Notice(s) of Claim in the above reference has been processed and the Notice(s) modified to reflect you as the new owner.

Enclosed are copies of the Notice(s) of Claim, with your name shown as the current owner. Review the forms and if there are other corrections or questions, feel free to contact this office.

If there are no questions or corrections, please keep these Notices for your records.

Respectfully submitted,

Jo Thompson
Adjudication Secretary

Enclosure: Notices of Claim

SCANNED

JAN 10 2006

PROFILED



NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type
(see instructions on back of page)

SB

1-30-97

5/22/97

DATE OF CLOSING: 12/31/86 and 3/13/92

LEGAL DESCRIPTION OF PROPERTY: Township _____ Range See 2 Deeds Attached
 Section _____, 1/4 of _____ 1/4 of _____ 1/4, Govt. Lot _____, BM.
 Lot _____, Block _____, Subdivision/Townsite _____
 If you have additional legal descriptions, please attach separate sheet.

RECEIVED

JAN 30 1997

Department of Water Resources
Eastern Region

NO - R -

PERM

- [] Served Only by a Public Service Water Supply (all water is received from a city or company who maintains water supply system, owns the water right, and bills the customer on a regular basis) NO - R -
- [] Water Right Number(s) Assigned by IDWR: A22-07341, A22-00045, A22-00015
A22-02213, A22-00028, A22-02237
- [] Name and Address of Former Owner/Claimant(s)(Seller): Milo D. or Evelyn Bowen
639 W 125 S
Driggs, ID 83422
- [] New Owner/Claimant (Purchaser): John C Cushman III and Jeanine S. Cushman
- [] New Mailing Address: 691 Holladay Road
Pasadena, CA 91106-4112
- [] New Telephone Number: (818) 449-2319
- [] Does the change in ownership result in a splitting of the water right owned/claimed? yes X no
 If yes, then describe the portion of the water right that is now owned/claimed by the new owner:

- [] Attach proof of ownership, describe proof attached: 2 Warranty Deeds

(proof of ownership must describe either the property conveyed or include the claim number. Proof of ownership is not required if this form is signed by the former owner/claimant.)

- [] Signature of New Owner/Claimant(s) X John C Cushman III Date 1-27-97
X Jeanine S. Cushman Date 1-27-97
- [] Signature of Former Owner/Claimant(s): _____ Date _____
 _____ Date _____

(Signature of former claimant(s) is not required if proof of ownership is attached.)

FOR IDWR USE ONLY:

Initial Review and Data-Entry

Date: _____ By: _____

Further Action Needed:

Further Action Taken

Date: _____ By: _____

Final Review and Data-Entry

Date: _____ By: _____

Claim Numbers of Split, if any:

Original to be mailed to Idaho Department of Water Resources
 Copies to Former Owner and New Owner

JAN 10 2006

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State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

License of Water Right No. 29891/22-2213 Priority August 8, 1961 Amount 1.70 cfs

THIS IS TO CERTIFY, that MILO BOWEN
of Driggs, Idaho, has complied with the terms and conditions of Permit
No. 29891/22-2213 issued pursuant to Application for Permit dated June 29, 1961,
and has submitted proof to the Department of Water Resources on August 12, 1966 (late proof),
that he has applied water to a beneficial use; an examination by the Department indicates that the works have a
capacity for the diversion of 1.70 cfs of water from a ground water source,
tributary to _____, and that the permit holder has applied to a beneficial use and
established a right to use water as follows:

Beneficial Use	Period of Use	Rate of Diversion	Annual Volume
<u>Irrigation</u>	from <u>April 15</u> to <u>Oct. 15</u>	at <u>1.70</u> cfs and	<u>616 acre feet or</u>
	from _____ to _____	at _____ cfs and	<u>3.0 af per acre</u>
	from _____ to _____	at _____ cfs and	

(both dates inclusive)

Subject, however, to the condition that no more than 1.70 cfs of water be diverted at any one time, and
that the amount of water so diverted and to which such right is entitled and confirmed is for the purpose
aforementioned and is limited to the amount which can actually be beneficially used and shall not exceed
616 acre feet per year, said waters to be diverted within the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Sec. 35,
Twp. 5 N, Rge. 44 E, B. M. in the County of Teton

Description and location of place of use:

Twp.	Range	Sec.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				Totals
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
5 N	44 E	35		40	40						38	39	35	36		40	28		296
4 N	44 E	2		L. 2 38			L. 3 36	L. 4 29											103

Total number of acres irrigated 399

NOTE: Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho Law. This right may be forfeited by five years of non-use.

The right to the use of the water hereby confirmed is restricted and appurtenant to the lands or place of use herein described, as provided by the laws of Idaho.

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 5 day of
February, 19 75.

MICROFILMED

Director

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO
REPORT OF EXAMINER

Permit No. G-29891/22-2213

This proof is for Completion of Works & Beneficial Use Water District No. _____

1. Name of applicant Fred Bowen, Driggs, Idaho

2. Source of water supply: subterranean

3. Location of point of diversion: Is in the SW¹/₄SW¹/₄ of Section 35

T. 5 N R. 44 E. County of Teton

4. Describe works as they exist, giving dimensions and capacities of same: _____

100 HP E. G. Motor # PWJ317131 with Byron Jackson pump
serial 380897 8" discharge to buried main east

5. Water is used for: irrigation

6. State whether or not water has been turned into works of diversion: yes

7. List legal subdivisions of lands to be irrigated. If proof is for beneficial use, give exact number of acres under cultivation in each forty-acre tract. (Describe manner and place of use if other than irrigation):

NW¹/₄NE¹/₄, NW¹/₄SW¹/₄, Sec. 2; T. 4 N., R. 44 E.; W¹/₂NE¹/₄, SW¹/₄, W¹/₂SE¹/₄, Sec. 35,
T. 5 N., R. 44 E., B. M.

(Submit map on attached plat, showing location and details of above description.)

8. What large stream would the water here appropriated finally reach? _____

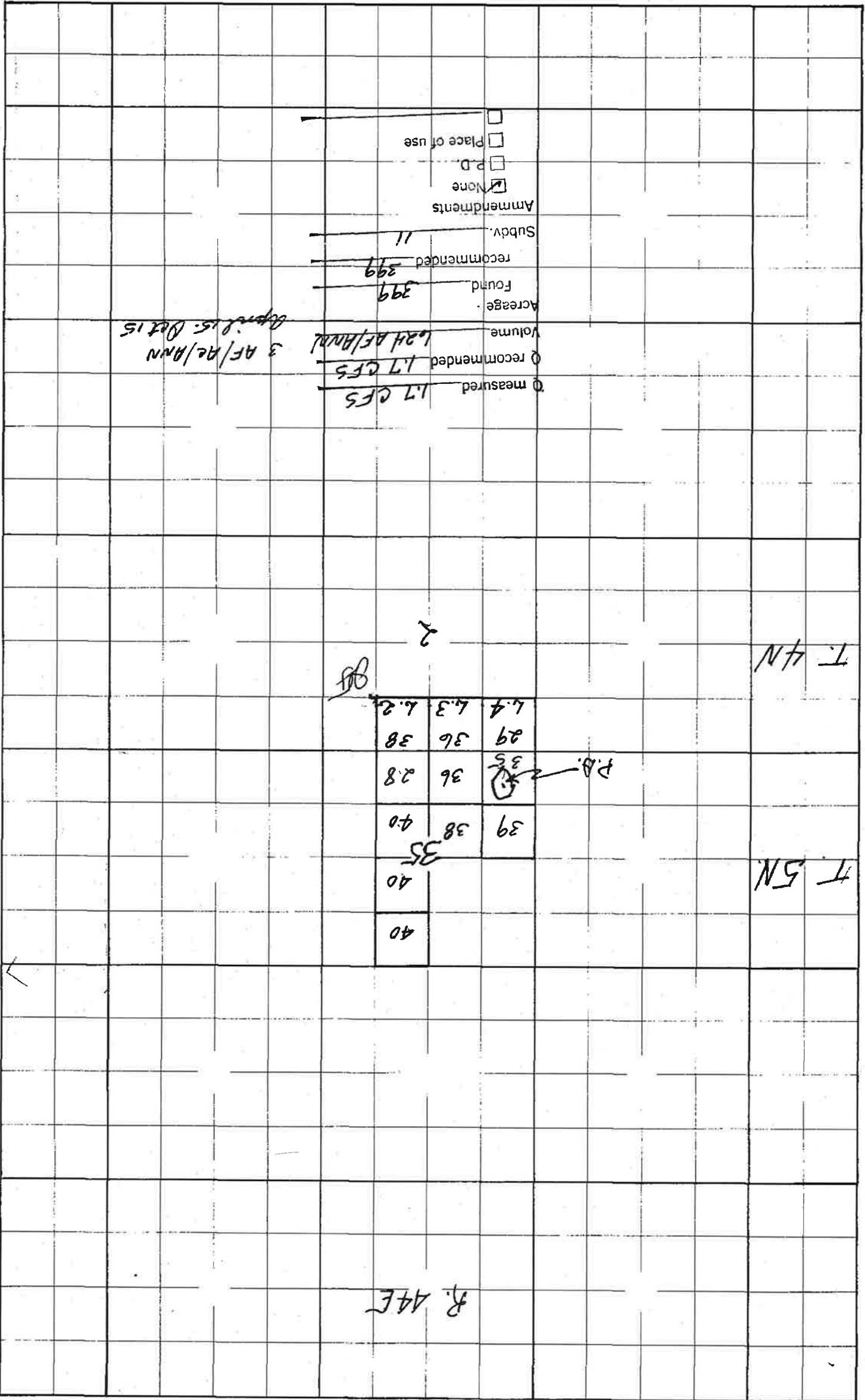
Remarks: System shown by Milo Bowen who is purchasing
lands irrigated under this permit from his father
Fred Bowen

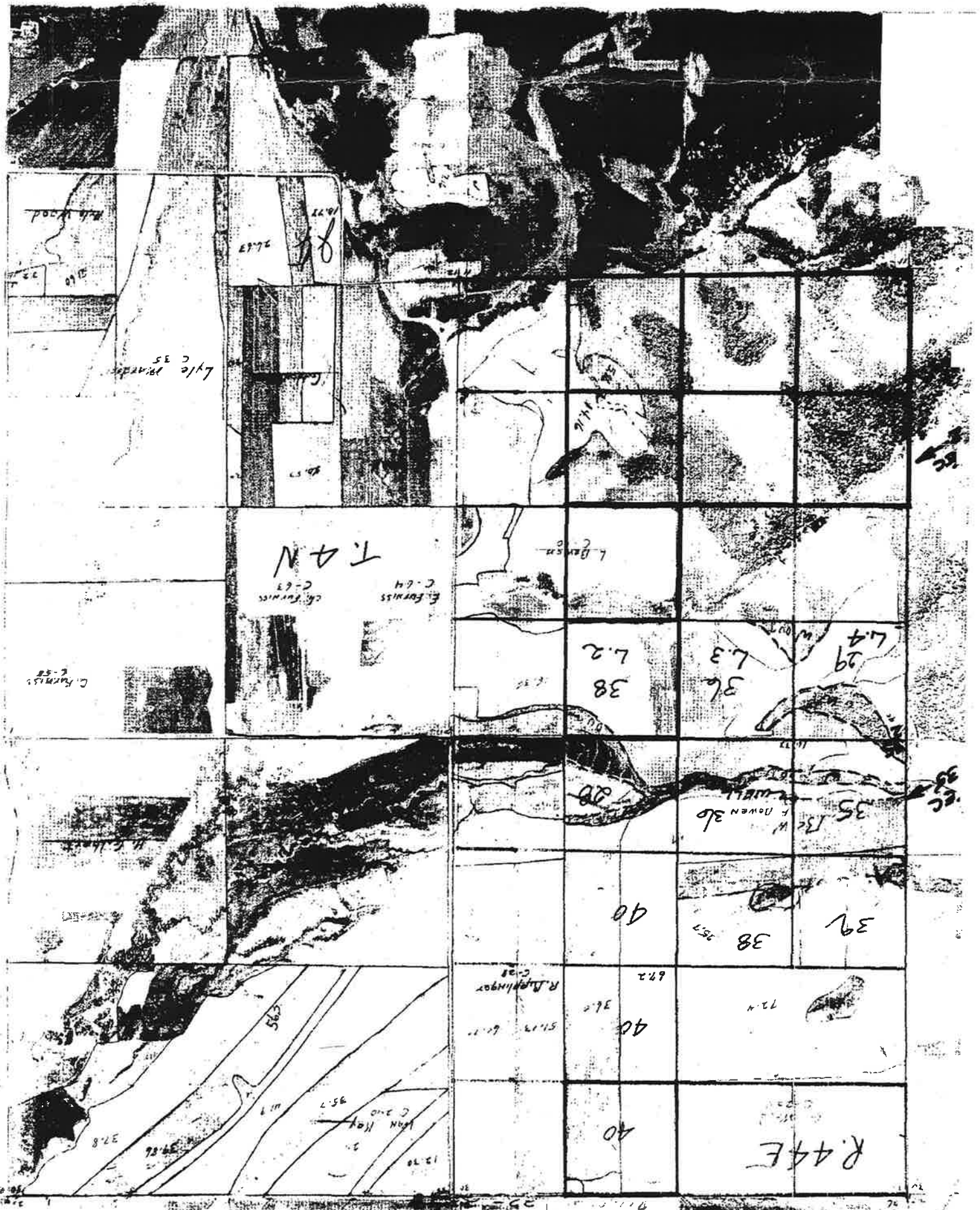
Measurement: 70# at three system 2 lines @ 32 nozzles/line
Model 30 5/32" D Rainbird heads x 5.93 gal/min/head = 380 gal/min
+ 1 line @ 32 nozzles/line Model 30 1/4" D Rainbird heads x 7.08 gal/min
/head = 227 gal/min + 1 line @ 32 nozzles/line Model 30 9/16" D heads x 4.8
gal/min/head = 154 gal/min Total Q = 761 gal/min ÷ 448.8 = 1.7 CFS
V = (399)(3) = 1197 > (1.7)(1.9835)(185) = 624

This examination was made on the 19th day of June, 1974

(Signed) John Ferber Examiner.

Checked by L O Palmer Sept 6, 1974





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: A22-02213
Date Received: 6/10/1988
Receipt No: E000523
Received By: Ed

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: MILO D. BOWEN 208-354-2434
Address: 639 W. 125 S.
DRIGGS, ID 83422
AND/OR
Name: EVELYN BOWEN 208-354-2434
Address: 639 W. 125 S.
DRIGGS, ID 83422

2. Date of Priority: AUG 08, 1961

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
05N	44E	35	NE	SW	SW		TETON

5. Description of diverting works:
315' WELL W/ 100 HP MOTOR TO MAINLINE/SPRINKLER SYSTEM

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/15	10/15	1.700		

7. Total Quantity Appropriated is:
1.700 C.F.S. (and/or) 616.00 A.F.A.

8. Total consumptive use is 536.0 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

A2202213



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OCT 29 1992

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
04N	44E	2	NE	NE	1	IRR	25.0 ⁻
			NW	NE	2	IRR	36.0 ⁻
			NE	NW	3	IRR	20.0 ⁻
						Section Acres	81.0
05N	44E	35	SW	NE		IRR	10.0 ⁻
			NE	SW		IRR	28.0 ⁻
			NW	SW		IRR	9.0 ⁻
			SW	SW		IRR	35.0 ⁻
			SE	SW		IRR	34.0 ⁻
			NW	SE		IRR	40.0 ⁻
			SW	SE		IRR	31.0 ⁻
						Section Acres	187.0
						Total Acres	268.0

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:
22-00028,02139

14. Remarks:

THIS CLAIM REFLECTS HOW WATER IS CURRENTLY USED AND HOW IT HAS BEEN USED FOR PAST 25 YEARS.

15. Basis of Claim: LICENSE
Water Right Number: 29891

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): Mik D Bowen Date: June 13, 1988
Evelyn G. Bowen Date: June 13, 1988

State of Idaho)
County of Teton) SS.

Subscribed and sworn (or affirmed) before me this 13 day
of June 19 88

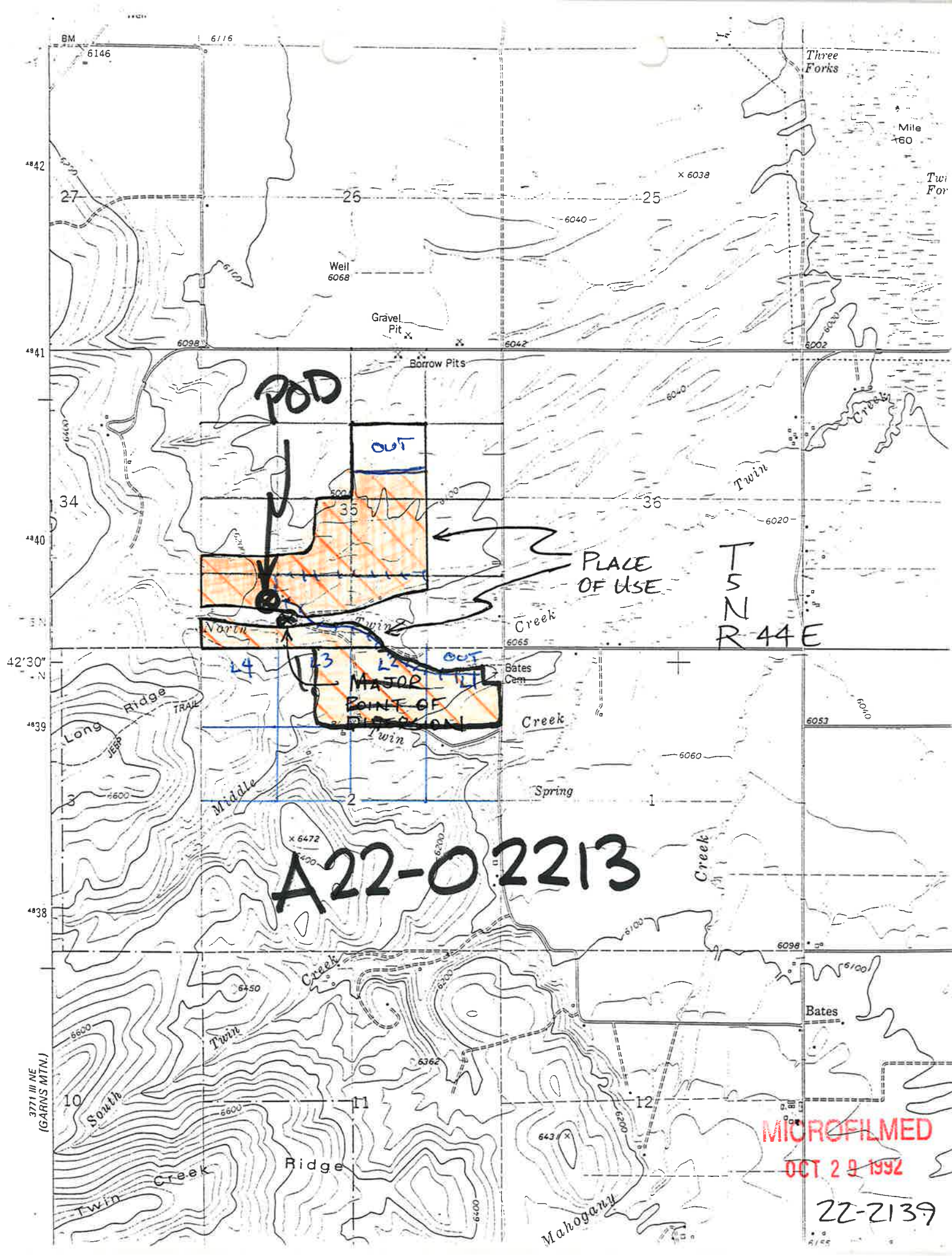
[Signature]
Notary Public

Seal

Residing at Dodge, Idaho 83422

My Commission Expires Life

Bond: 3-16-94



28.3

13.8

66.8

A-202

A-227

A-1

CROSS HATCHED
AREA IS AREA
EXAMINER WOULD
RECOMMEND FOR
LICENSING.

A22-022

POD

A-138

N

A-111

T
5
N

R 44 E

T394

MINOR
POINT OF
DIVERSION
(SURFACE FLOW)

MINOR
POINTS OF
DIVERSION

MINOR
POINT OF
DIVERSION

MINOR
POINT OF
DIVERSION

MINOR
POINT OF
DIVERSION

22-2139

MICROFILMED
OCT 29 1994