

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 37-8252
Date Received: 11/16/88
Receipt No: S003837
Received By:

**NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW**

1. Name of Claimant(s)

DANA L DOWERS Phone: (949)553-5678
2560 RIVIERA DR
LAGUNA BEACH CA 92651

ETHEL LYNN DOWERS Phone: (949)553-5678
2560 RIVIERA DR
LAGUNA BEACH CA 92651

2. Date of Priority: 01/06/1986

3. Source: WOOD RIVER EAST FORK Trib. to: BIG WOOD RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
04N	18E	35	NE NW SE	BLAINE	

5. Description of diverting works:

CANAL, HEADGATE

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
AESTHETIC	01/01	12/31	2	1448

7. Total Quantity Appropriated is:
2 C.F.S. and/or 1448 A.F.A.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
04N	18E	35	NW	SE	AESTHETIC	

11. Place of use in counties: BLAINE

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

13. Other Water Rights Used:

14. Remarks:

A measuring device and lockable controlling works of a type acceptable to the Department shall be permanently installed and maintained as part of the diverting works.

5/17/01 tf; ownership changed Dale to Dowers per 1409(6) and warranty and quitclaim deeds received 4/13/01. Claim also amended to conform to license issued 2/26/01.

1. Use of water under this right shall be non-consumptive.
2. Use of water under this water right will be regulated by the watermaster of State Water District No. 37.
3. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.
4. Right 37-00387B is also diverted through the point of diversion described above.
5. Rights 37-00387B and 37-8252 when combined shall not exceed a total diversion rate of 2.0 cfs.
6. Point of diversion and place of use are located within Lots 4 and 5A, Thunder Meadows Subdivision.

15. Basis of Claim: License



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

SOUTHERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

May 17, 2001

DANA L DOWERS
ETHEL LYNN DOWERS
2560 RIVIERA DR
LAGUNA BEACH CA 92651

RE: SRBA Claim(s) 37-387B, 37-8252
Decreed Water Right 37-12122

Dear Mr. and Mrs. Dowers:

Pursuant to the change in ownership request that has been submitted to the Department, we have changed the record of current ownership to you. Please find the enclosed copies of the computer record of the claim(s) and water right noting the change in claimant. Review these records and if there is an error, or you have any questions, please contact this office.

At this time the ownership of claim A37-387A is disputed and as such no owner changes will be processed pending resolution of the disagreements. A copy of the ownership change documents you submitted will be added to this file.

The Idaho legislature has determined no fees can be charged to change ownership on claims in any active adjudication; consequently, I am returning your check number 3695 in the amount of \$175.00. Again, should you have any questions, please feel free to contact this office.

Sincerely,

Trish Fawcett
Technical Records Specialist

enc.

RECEIVED

APR 13 2001

Department of Water Resources
Southern Region

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

Please print or type. Attach pages with additional information. Instructions are included at the end of this form.
Incomplete forms will be returned.

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided (under the "split" heading), if the change in ownership is limited to a portion of a water right in which case division of the existing water right or adjudication claim record will be required.

Water Right No(s)	Adjudication Claim No(s)	Split	Water Right No(s)	Adjudication Claim No(s)	Split
# 37-8252					
# 37-0387					
# 37-00387B					
# 37-00387A					
# A 37-00387A					
# A 37-00387B					
# 37-12122					

2. The following **REQUIRED** information must be submitted with this form:

- A. The appropriate **FILING FEE**. See instructions for fee amounts. $7 \times \$25.00 = \$175.00$
- B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.
- C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
PLAT OF PROPERTY or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).

OR

If your water right(s) and/or adjudication claim(s) is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY** or **SURVEY MAP**.

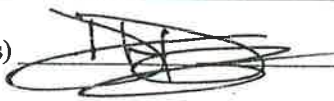
3. Name and Address of Former Owner/Claimant(s) Ted Dale
210 Meadowbrook Rd.
4. New Owner/Claimant(s) Hailey, Id. 83333
Name Connector (Check one): ☐ and, ☐ or, ☐ and/or
DANA Powers
New Mailing Address 2560 Riviera Dr.
City, State and ZIP Code Laguna Bch, Ca.
New Telephone Number HM: (949) 464-1222 WK (949) 553-5678
5. Date you acquired the property MARCH 13, 2001

6. If the change in ownership affects the entire water right for each water right or adjudication claim number listed in item 1, THEN SKIP THIS ITEM AND GO TO ITEM 7. If the change in ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (one water right per box, you may copy this page as necessary). If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

N/A		
DESCRIPTION OF YOUR PORTION OF WATER RIGHT		
(If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

N/A		
DESCRIPTION OF YOUR PORTION OF WATER RIGHT		
(If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

7. Signature of New Owner(s) or Claimant(s)
(include title if applicable)


OWNER

For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him/her for all matters related to your claims.

For Office Use Only

Received by <u><i>[Signature]</i></u>	Date <u>4/13/01</u>	Fee _____
Receipted by _____	Date _____	Receipt No. _____
Processed by <u><i>[Signature]</i></u> AJ	Date <u>5/17/01</u>	WR _____ Date _____

SVTC Order No. 01-16324

Instr. # 448882
HAILE, IDAHO
2001-03-13 04:01:00 No. of Pages: 1
Recorded for: SUN VALLEY TITLE
MARSHA RIEMANN Fee: 3.00
Ex-Officio Recorder Deputy
Index to: WTY/GC/CORP DEED

WARRANTY DEED

FOR VALUE RECEIVED, and as consideration as part of an IRC § 1031 tax-deferred exchange,

Edward Roberts Dale, Jr. Trustee of The Dale Family Trust dated April 29, 1988

the grantor, does hereby grant, bargain, sell and convey unto

Dana L. Dowers and Ethel Lynn Dowers, Trustees of the Dowers Family Trust established March 6, 1990 as amended and restated April 24, 1999

the grantees, whose current address is **2560 Riviera Dr.
Laguna Beach, CA 92651**

the following described premises, in **Blaine County, Idaho**, to wit:

Lot 4 of THUNDER MEADOWS SUBDIVISION, BLAINE COUNTY, IDAHO, according to the official plat thereof, recorded November 27, 1978, as Instrument No. 188954; Amendment of plat recorded September 14, 1992, as Instrument No. 344825, records of Blaine County, Idaho.

Lot 5A of THUNDER MEADOWS SUBDIVISION, REPLAT OF LOTS 5 AND 6A, recorded January 2, 1996, as Instrument No. 385716, records of Blaine County, Idaho.

This transaction is a 1031 Exchange for the benefit of Dana L. Dowers and Ethel Lynn Dowers, Trustees of the Dowers Family Trust Established March 6, 1990 as amended and restated April 24, 1999, as replacement property.

SUBJECT TO: Taxes, easements, restrictions, reservations, assessments and encumbrances as shown of record, if any.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee(s) and their heirs and assigns forever. And the said Grantor(s) do(es) hereby covenant to and with the said Grantee(s), that it is the owner in fee simple of said premises; that said premises are free from all encumbrances

and that he/she/they will warrant and defend the same from all lawful claims whatsoever.

Dated: March 8, 2001

Edward Roberts Dale, Jr., Trustee
Edward Roberts Dale, Jr., Trustee

State of: Idaho

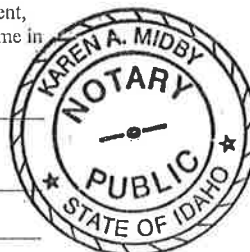
County of: Blaine

On this 8th day of March, 2001, Before me a Notary Public in and for said State, personally appeared **Edward Roberts Dale, JR.**, Trustee of The Dale Family Trust Dated April 29, 1988 known or identified to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same in his capacity as Trustee.

Karen A. Midby
Notary Public

Residing at: Hailey, ID.

Comm. Expires: 04/03/06



SVTC Order No. 01-16324

QUITCLAIM DEED

For Value Received **Edward Roberts Dale, Jr., Trustee of The Dale Family Trust Dated April 29, 1988**

Do hereby convey, release, remise and forever quitclaim unto

Dana L. Dowers and Ethel Lynn Dowers, Trustees of The Dowers Family Trust Established March 6, 1990 as Amended and Restated April 24, 1999

Whose current address is 2560 Riviera Dr.
Laguna Beach, CA 92651

the following described premises, to-wit:

TOGETHER WITH ANY AND ALL WATER RIGHTS INCLUDING BUT NOT LIMITED TO:

0.387 cfs of the East Fork of the Big Wood River with a June 1, 1888 priority date pursuant to Idaho Water Right No. 37-00387A and Claim No. A37-00387A in **IN RE the General Adjudication of Rights to the Use of Water From the Snake River Basin Water System**, Twin Falls District Court Case No. 39576, used for the irrigation of 11.93 acres within portions of the S ½ of Section 35, Township 4 North, Range 18 East, B.M., Blaine County, Idaho, known as Thunder Meadows Subdivision.

And

6.34 inches of surface water State ID # 37-0387 priority date June 1, 1888 and
100 inches of non-consumptive State ID # 37-8252 priority June 6, 1986

Located at Lots 4 and 5A Thunder Meadows Subdivision

Together with their appurtenances.

Dated: March 6, 2001

Edward Roberts Dale, Jr., Trustee
Edward Roberts Dale, JR., Trustee

State of: Idaho

County of: Blaine

On this 6th day of March 2001, before me, a Notary Public in and for said State, personally appeared **Edward Roberts Dale, JR.**, Trustee of The Dale Family Trust Dated April 29, 1988 known or identified to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.

Carolyn Baird
Notary Public

Residing at: Hailey

Comm. Expires: 3-14-2003

RECEIVED
APR 13 2001

Department of Water Resources
Southern Region



APR 13 2001

SVTC Order No. 01-16324

Department of Water Resources
Southern Region

QUITCLAIM DEED

For Value Received Edward Roberts Dale, Jr., Trustee of The Dale Family Trust Dated April 29, 1988

Do hereby convey, release, remise and forever quitclaim unto

Dana L. Dowers and Ethel Lynn Dowers, Trustees of The Dowers Family Trust Established March 6, 1990 as Amended and Restated April 24, 1999

Whose current address is 2560 Riviera Dr.
Laguna Beach, CA 92651

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And

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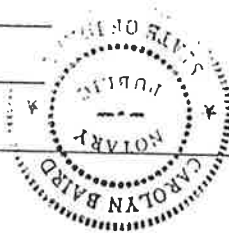
Located at Lots 4 and 5A Thunder Meadows Subdivision

Together with their appurtenances.

Dated: March 6, 2001

Edward Roberts Dale, Jr., Trustee
Edward Roberts Dale, JR., Trustee

COPY

State of: IdahoCounty of: BlaineOn this 6th day of March 2001, before me, a Notary Public in and for said State, personally appeared **Edward Roberts Dale, JR.**, Trustee of The Dale Family Trust Dated April 29, 1988 known or identified to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.Carolyn Baird
Notary Public
Residing at: HaileyComm. Expires: 3-14-2003

March 13, 2001

SUN VALLEY
TITLE
C O M P A N Y



Idaho Department of Water Resources
1341 Filmore
Suite 200
Twin Falls ID 83301

RE: Our Order No. 01-16324
Dowers/Dale

RECEIVED
APR 13 2001
Department of Water Resources
Southern Region

Enclosed please find the following:

Quitclaim Deed
Notice of Change of Water Right Ownership
Letter from Seller
Letter from James E. Stanton

Sincerely,

Carolyn Baird

Department of Water Resources
Southern Region

(Corporations or other organizations must submit a list of directors/officers demonstrating authority to sign form.)
For Snake River Basin Adjudication Claims: If you are represented by an attorney and you want IDWR to correspond directly with your attorney for all matters related to your claims, please attach a Notice of Appearance completed by your attorney.

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: A37-08252
Date Received: 11/16/1988
Receipt No: S003837
Received By: SCC

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: EDWARD DALE 213-613-3360
Address: 21455 CALLE DEL BARCO
MALIBU, CA 90265

2. Date of Priority: NOV 25, 1985

3. Source: BIG WOOD RIVER, EAST FORK Trib. to: BIG WOOD RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
04N	18E	35	NW	SE			BLAINE

5. Description of diverting works:
CANAL, HEADGATE

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
RECREATION	01/01	12/31	2.000		
AESTHETIC	01/01	12/31	2.000		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
04N	18E	35	NW	SE		AES	
			NW	SE		REC	

11. Place of use in counties: BLAINE

A37-08252

Page 1

Date: 11/16/88

MICROFILMED

FEB 24 1993

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

13. Other Water Rights Used:
NONE

14. Remarks:

THE MAX. RATE OF DIV. FOR AESTHETIC & RECREATION PURPOSES
UNDER THIS PERMIT SHALL NOT EXCEED 2.0 CFS.
ORIGINAL P/D INCORRECTLY LISTED, THIS CLAIM SHOWS CORRECT P/D.

15. Basis of Claim: PERMIT

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
Ident. Number A37-08252
Date Received _____
Receipt Number 5003837 *see*

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

RECEIVED

OCT 26 1988

Department of Water Resources
Southern Region Office

Please type or print clearly

1. Name of Claimant (s) EDWARD R. DALE Phone (213) 613-3360
Mailing Address 21455 CALLE DEL BARCO, MALIBU CA Zip 90265

2. Date of Priority (Only one (1) per claim) 11-25-85

3. Source of water supply (a) BIG WOOD RIVER, EAST FORK
which is tributary to (b) BIG WOOD

4. a. Location of existing point of diversion is: Township 4N Range 18E Section 35,
1/4 of NW 1/4 of SE 1/4, Govt. Lot, B.M., County of BLAINE

Additional points of diversion if any: _____

b. If instream flow, beginning point of claimed instream flow is:

Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4,

Govt. Lot _____ B.M., County of _____

ending point is: Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____

_____ 1/4, Govt. Lot _____ B.M., County of _____

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, 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.

HEADGATE AND CANAL

COPY

MICROFILMED

FEB 24 1993

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For AESTHETIC purposes from 01-01 to 12-31 amount 2 or _____
For RECREATION purposes from 01-01 to 12-31 amount 2 or _____
For _____ purposes from _____ to _____ amount _____ or _____
For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 2 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is N/A acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) _____

10. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
4N	18E	35														J/R			

Total number of acres irrigated N/A

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

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

or None (✓)

14. Remarks:

ORIGINAL POD INCORRECTLY LISTED -- CLAIM POD IS ACCURATE. LOCAL OFFICE SUGGESTS CHANGE TO CORRECT INFORMATION AT TIME OF FIELD EXAM. LETTER TO SUPERVISOR WILL ACKNOWLEDGE CONFLICT FOR FILE. COPY ENCLOSED.

Last Name DALE

Ident No.

A37-08252

COPY MICROFILMED
FEB 24 1993

Copies of the State, 1993-Claimant

15. Basis of Claim (check one) Beneficial Use _____ Posted Notice _____ License _____ Permit XXX
Decree _____
If applicable provide IDWR Water Right Number 37-08252
Court _____ Case Number _____ Decree Date _____
Plaintiff vs Defendant _____

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

Signature of Claimant (s) *Dan Clement*

Date 10/25/88

POWER OF ATTORNEY FOR DALE

Date _____

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

Title

of _____, that I have signed the foregoing

Organization

document in the space below as _____ of _____

Title

Organization

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

Signature of Authorized Agent _____

Title and Organization _____

Date _____

State of Idaho/or _____)
County of BLAINE) SS.

Subscribed and sworn (or affirmed) before me this 25 day of OCTOBER 19 88

SEAL

Notary Public *Deborah Williams*

Residing at SUNVALLEY, IDAHO

My Commission Expires MARCH 23, 1994

Please Print Name

17. Notice of Appearance:

Notice is hereby given that I, GARY D. SLETTE will be acting as attorney at law on behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature *Gary D. Slette*

Address P.O. BOX 1906, TWIN FALLS ID 83303-1906

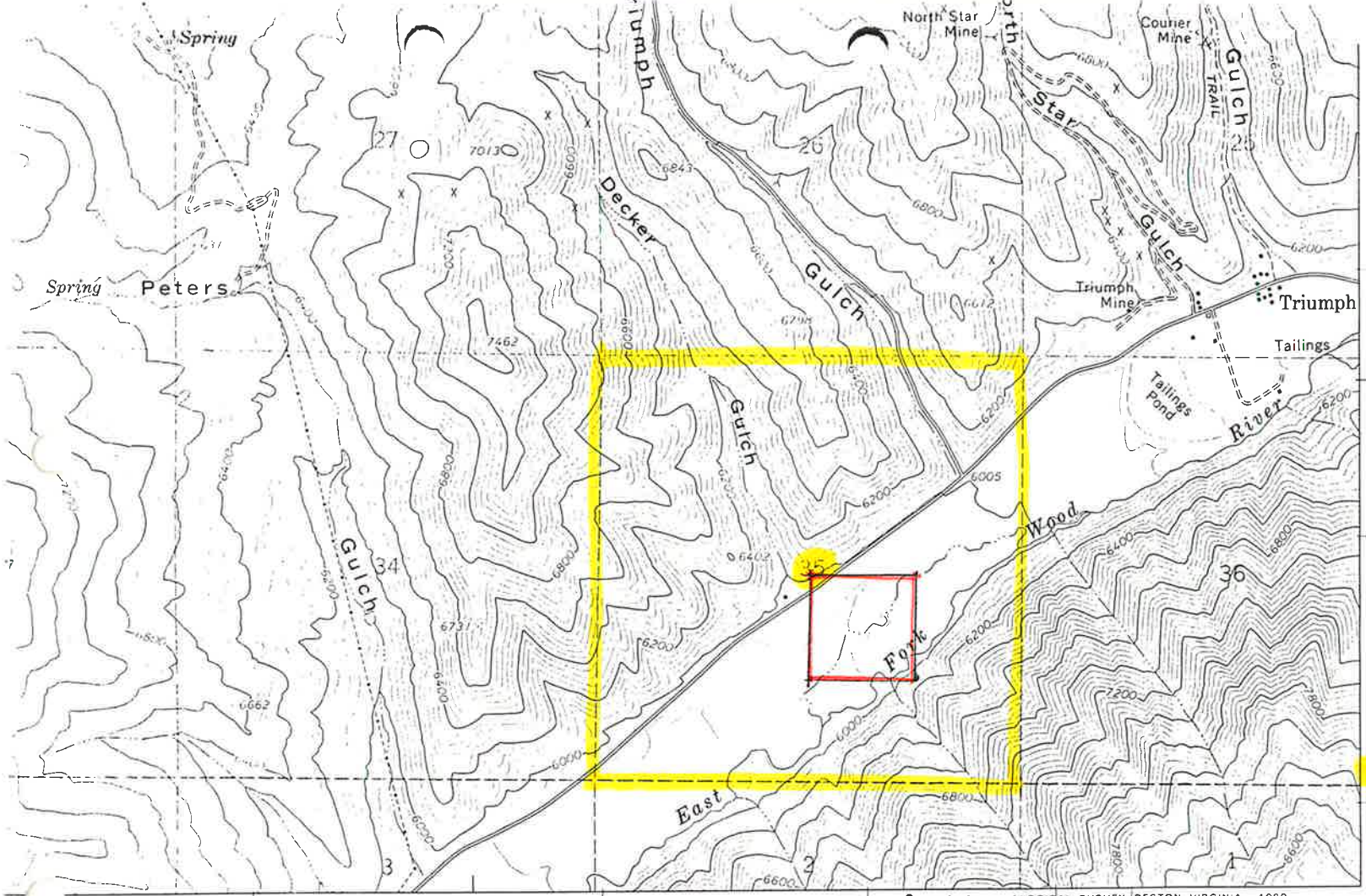
Date 10-26-88

COPY

Last Name DALE Ident. Number A37-08252

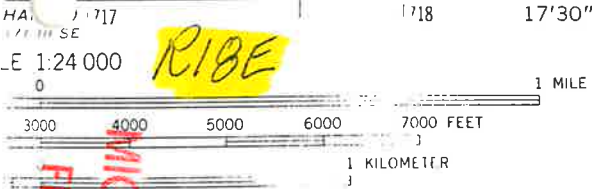
MICROFILMED

FEB 24 1993



Where 39-8252
needs to be for
Correct - source
POD
POU

CORRECT
listing
4N 18E 35
NW SE



INTERVAL 40 FEET
PRESENT 20 FOOT CONTOURS
VERTICAL DATUM OF 1929
NATIONAL MAP ACCURACY STANDARDS
DENVER, COLORADO 80225, OR RESTON, VIRGINIA 22092
MAPS AND SYMBOLS IS AVAILABLE ON REQUEST



ROAD CLASSIFICATION
Heavy-duty ————— Light-duty —————
Medium-duty ————— Unimproved dirt =====
○ U.S. Route ○ State Route

SUN VALLEY, IDAHO
N4337.5—W11415/7.5

1967
DMA 3171 III NE—SERIES V893

BAUGH CREEK SW
3171 SW

39-8252

DATA

05/26/2005

**NOTICE OF ERROR
REPLY**

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS:

Water right number: 37-8252

DANA L DOWERS
2560 RIVIERA DR
LAGUNA BEACH CA 92651
Telephone Number: (949)553-5678

ETHEL LYNN DOWERS
2560 RIVIERA DR
LAGUNA BEACH CA 92651
Telephone Number: (949)553-5678

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):

2. Describe the changes you wish to make in the proposed recommendation:

3. Give a brief explanation as to why you disagree with these portions:

 I AGREE with this proposed recommendation: no changes need to be made.

DATE: _____ SIGNATURE: _____

Please print your name: _____

IDWR Regional Office,

05/26/2005

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

RIGHT NUMBER: 37-8252

NAME AND ADDRESS: DANA L DOWERS
2560 RIVIERA DR
LAGUNA BEACH CA 92651

ETHEL LYNN DOWERS
2560 RIVIERA DR
LAGUNA BEACH CA 92651

SOURCE: EAST FORK WOOD RIVER

TRIBUTARY: BIG WOOD RIVER

QUANTITY: 2.000 CFS
1,448.00 AFY

This right combined with right nos. 37-387B shall not exceed a total diversion rate of 2.0 cfs.

PRIORITY DATE: 01/06/1986

POINT OF DIVERSION:

T04N R18E S35 NENWSE Within BLAINE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
AESTHETIC	01/01 12/31	2.000 CFS 1,448.00 AFY
Use of water under this right shall be non-consumptive.		

PLACE OF USE: AESTHETIC Within BLAINE County

T04N R18E S35 NWSE

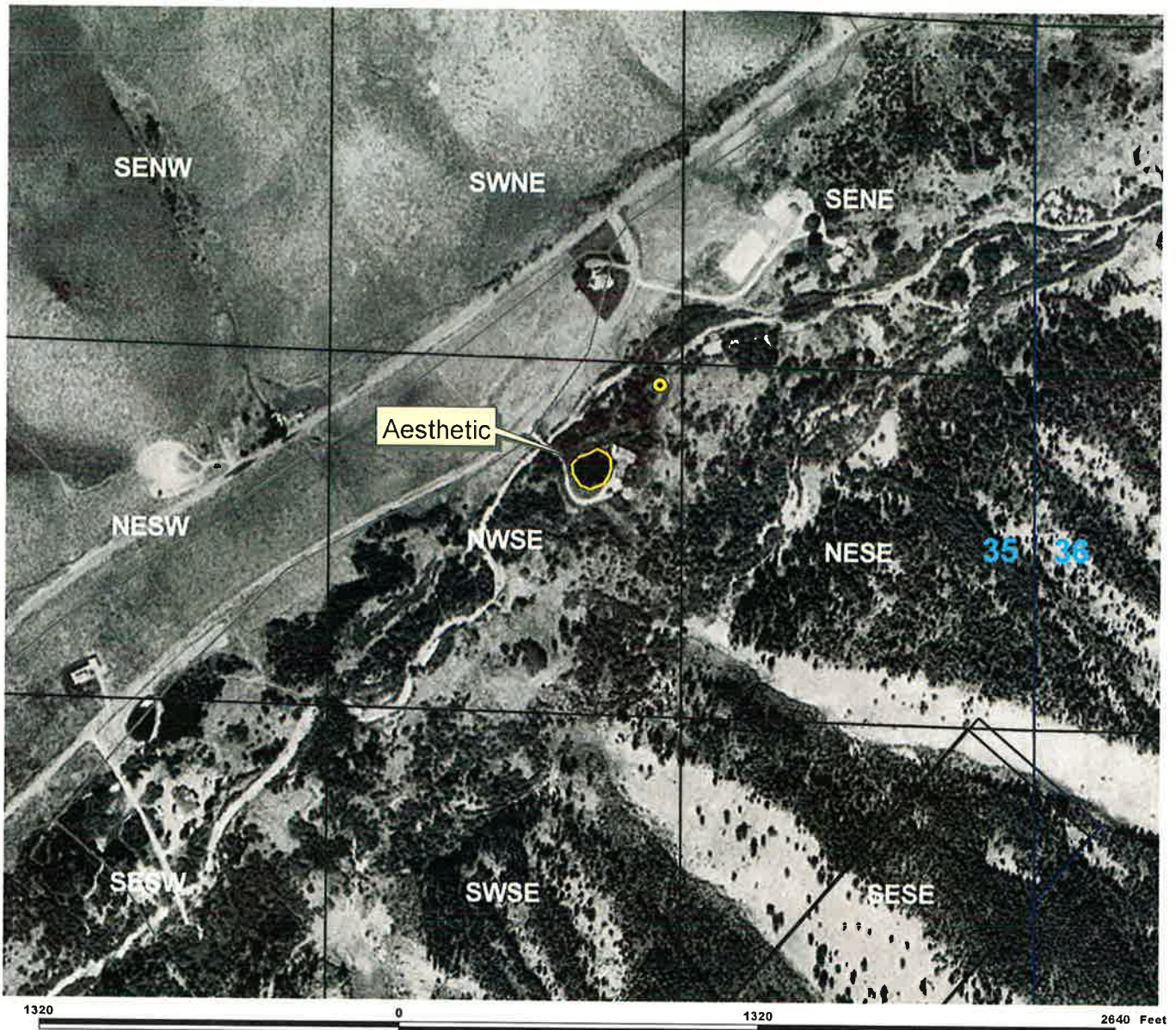
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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

Right No. 37-387B is also diverted through point of diversion described above.

RECOMMENDED PLACE OF USE FOR 37-8252



PLACE OF USE
TWP 04N, RNG 18E, SEC 35
Data entry on May 26, 2006

-  **RECOMMENDED POINT OF DIVERSION**
-  **RECOMMENDED PLACE OF USE**
-  **TOWNSHIP LINES**
-  **SECTION LINES**
-  **QUARTER/QUARTER LINES**

 **LOCATION IN BASIN**

GIS PLACE OF USE PRESENTATION
1987/1988 NAPP AERIAL PHOTOGRAPHY
DATA ENTRY BY NICK TREASURE



05/26/2005

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

RIGHT NUMBER: 37-8252

NAME AND ADDRESS: DANA L DOWERS
2560 RIVIERA DR
LAGUNA BEACH CA 92651

ETHEL LYNN DOWERS
2560 RIVIERA DR
LAGUNA BEACH CA 92651

VERIFIED BY NT

SOURCE: EAST FORK WOOD RIVER

TRIBUTARY: BIG WOOD RIVER

QUANTITY: 2.000 CFS
1,448.000 AFY

This right combined with right nos. 37-387B shall not exceed a total diversion rate of 2.0 cfs.

PRIORITY DATE: 01/06/1986

POINT OF DIVERSION:

T04N R18E S35 NENWSE Within BLAINE County

PURPOSE AND

PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

AESTHETIC

01/01 12/31

2.000 CFS

1,448.00 AFY

Use of water under this right shall be non-consumptive.

PLACE OF USE: AESTHETIC Within BLAINE County

T04N R18E S35

NWSE

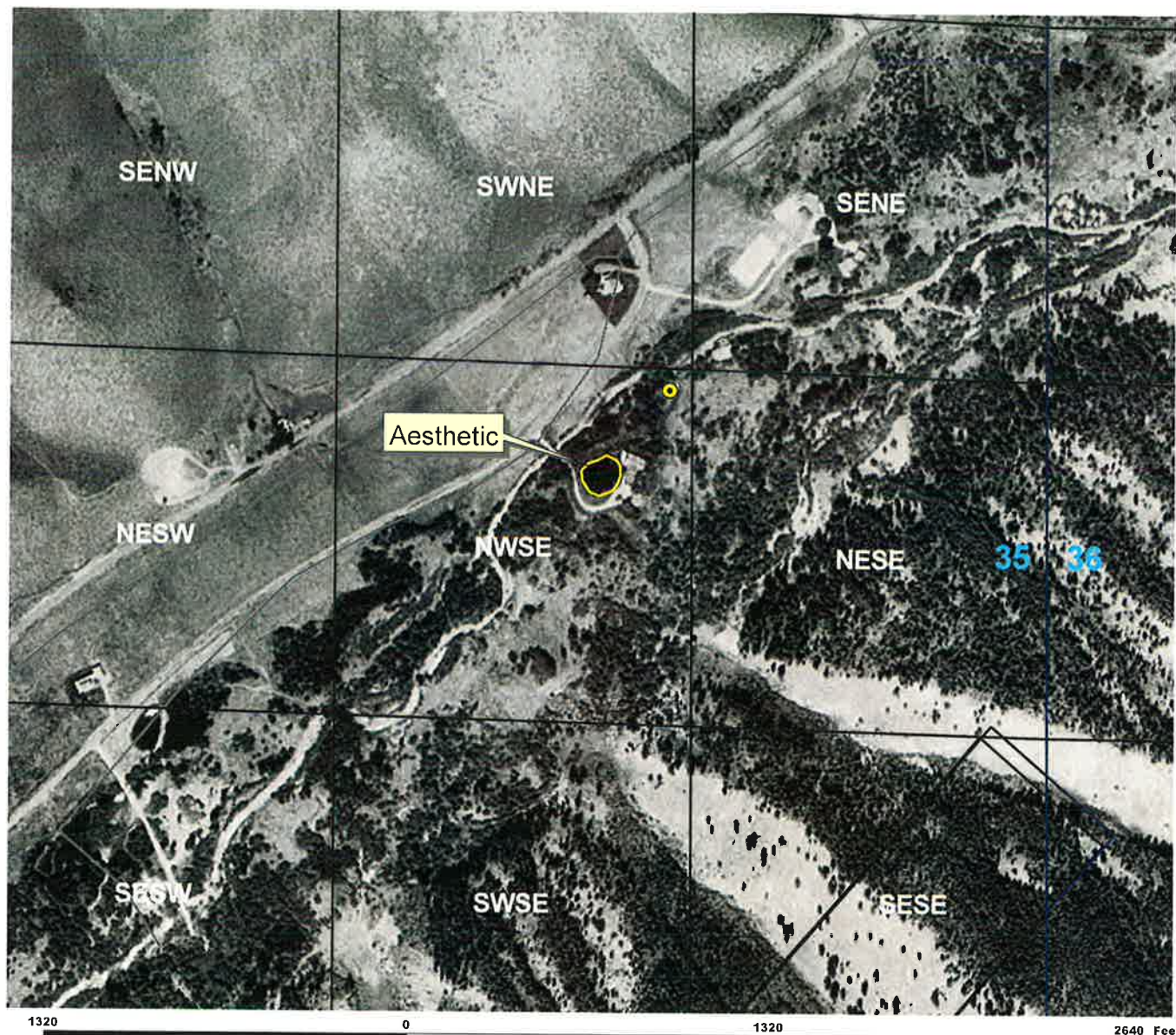
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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 No. 37-387B is also diverted through point of diversion described above.

RECOMMENDED PLACE OF USE FOR 37-8252



PLACE OF USE
TWP 04N, RNG 18E, SEC 35
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-  **RECOMMENDED POINT OF DIVERSION**
-  **RECOMMENDED PLACE OF USE**
-  **TOWNSHIP LINES**
-  **SECTION LINES**
-  **QUARTER/QUARTER LINES**

 **LOCATION IN BASIN**

GIS PLACE OF USE PRESENTATION
1987/1988 NAPP AERIAL PHOTOGRAPHY
DATA ENTRY BY NICK TREASURE



TO: Dana Dowers

From: Ted Dale

It has been brought to my attention that there may be additional water rights appurtenant to the land being purchased from me, over and above the 6.4 miners inches of beneficial use water being deeded to you with the property being purchased. It is my intent to convey to you all of the water rights associated with the property without acknowledging or attesting that the additional water rights actually exist.

If I can assist you in claiming or verifying any additional water rights after you have purchased the property from me, I will gladly do so.

Sincerely

Edward Dale



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037 Tim x 227

SOUTHERN REGION

DIRK KEMPTHORNE
GOVERNORKARL J. DREHER
DIRECTOR

March 8, 2001

Suzy King
PO Box 332
Ketchum, ID
83340

RE: Your Inquiry RE Water Rights of Ted Dale

Dear Ms. King;

I have reviewed this situation, and have reached the following conclusions:

David Sheridan (Sheridan Development Co.) bought the land now covered by Thunder Meadows Sub. #1 (formerly Triumph Meadows Sub. #1) in 1972 from a California corporation; the purchase included all 200 inches of water decreed under Rt. 37-387. Based on watermaster records, Transfer #3314 was approved in July of 1987 for 6.34 inches of water (rounded to 0.13 cfs) in the name of Ted Dale for use on Lots 4, 5 & 6 (see attached map). You faxed two 1979 quitclaim deeds from Sheridan Development to Catherine & Patrick Madden; the deeds convey 8.0 inches of 6-1-1888 water to the Madden's for use on Lots 4, 5 & 6. So only 6.34 inches of the water conveyed by deed to the Madden's are recorded as being appurtenant to the Dale property of 6.3 acres. The other 1.66 inches is part of the water transferred by Sheridan in 1988 under Transfer #3361, which added a point of diversion and described the historically-irrigated acres covered by his portion of the 387 right. Either Mr. Dale or the new owner could submit a Change of Ownership form to tie the 1.66 inches to the Dale property (the Sheridan claim, 37-387A, would be split). But the Sheridan water and the Dale water have different diversion points, so the additional 1.66 inches (0.033 cfs) would have had to been diverted from the Dale diversion by November of 1987 for a Change of Ownership to be acceptable. If the change of diversion point occurred after that, a water transfer is required.

There is a data-entry error in our water-rights database, as this property is in the NW/SE Sec. 35, not the NW/SW Sec. 35 as shown on the Water Right Report for 37-387B. I will contact our Boise office to correct this error.

Regards,

NOTE: This letter corrects my letter of yesterday.

James E. Stanton
Sr. Water Resource Agent

2087363037

PAGE. 01

Southern

RECEIVED

MAR 01 2001

Department of Water Resources
Southern Region

State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 37-08252

Priority: January 06, 1986

Maximum Diversion Rate: 2.00 CFS
Maximum Diversion Volume: 1,448.0 AF

It is hereby certified that TED DALE
210 MEADOWBROOK RD
HAILEY ID 83333 has complied with the terms and
conditions of the permit, issued pursuant to Application for Permit dated November 25, 1985; and has
submitted Proof of Beneficial Use on October 13, 1988. An examination indicates that the works have a
diversion capacity of 2 cfs of water from:

SOURCE

EAST FORK WOOD RIVER Tributary: BIG WOOD RIVER

and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL DIVERSION VOLUME</u>
AESTHETIC	01/01 to 12/31	2.00 CFS	1,448.0 AF

LOCATION OF POINT(S) OF DIVERSION:

EAST FORK WOOD RIVER NE $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 35, Twp 04N, Rge 18E, B.M., BLAINE County

PLACE OF USE: AESTHETIC

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04N	18E	35														X			

CONDITIONS OF APPROVAL

1. Use of water under this right shall be non-consumptive.
2. Use of water under this water right will be regulated by the watermaster of State Water District No. 37.
3. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.
4. Right 37-00387B is also diverted through the point of diversion described above.
5. Rights 37-00387B and 37-08252 when combined shall not exceed a total diversion rate of 2.0 cfs.

37-08252

AN

State of Idaho
Department of Water Resources
Water Right License

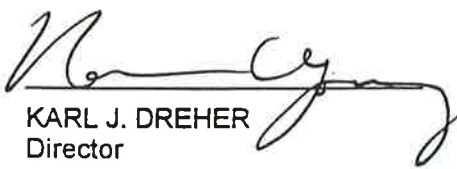
WATER RIGHT NO. 37-08252

6. Point of diversion and place of use are located within Lots 4 and 5a, Thunder Meadows Subdivision.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. The water right confirmed by this license is subject to all prior water rights and shall be used in accordance with Idaho law and applicable rules of the Department of Water Resources.

Signed and sealed this 26TH day of FEBRUARY, 2001.

Acting for


KARL J. DREHER
Director

E. NARRATIVE/REMARKS/COMMENTS

Transverse gation across stream creates head for lockable headgate. Ditch feeds pond ($\approx 90' \times 120' \times 3\frac{1}{2}'$ average depth - owner figures). Surface irrigation water stays in system to cover losses - is not used for irrigation. Domestic well supplies water to buried sprinkler system. Owner plans to file transfer to change PD of irrigation right to his domestic well.

Water runs back into East Fork via buried pipeline & open ditch. The East Fork is wider & shallower than the ditch & pond, so may actually lose more water to evaporation than Mr. Dale's system. He also stated that some water comes up in the pond itself. There was no place to measure water flowing out of the pond. Pond is well shaded to minimize evaporation loss. Usage appears to be essentially non consumptive.

This is mainly a "pretty pond" for aesthetic purposes. Although there are trout in the pond, recreation use appears to be minimal. Pond provides habitat for waterfowl & other critters.

System is located on Lots 4, 5 & 6 of Triumph Meadows Subdivision #1. Property is in Twp. 4N, not 3N as stated on permit.

Proof was filed 9 years ago - please license ASAP.

Have conditions of permit approval been met? ☒ yes ☐ no

MICROFILMED

MAR 29 2001

LICENSE REVIEW CHECKLIST

Permit No. 37-08252 Date: 2-14-2001 Reviewer: Kay Walker

Change/OK

Name/Address

change address per exam

Source

Point of Diversion:

of
Change

Does change clarify original intended source? If no, void permit.
Change (P39/P49) Add (P45/P44) Feds (P40)

W32 (multiple in 1/4/1/4)
W36 (overlap)
W59 (subdivision description)

Place of Use

change

Change (P41/P49) Add (P41/P44) Feds (P43)

W60 (subdivision description)
W27 (ppu acre limit)

Overlaps: Right(s): 37-00387B @ POP
File reviewed _____ Profile reports printed ✓

P/D & P/U amend (P37) Feds (P48)

Rate of Diversion:

Permitted rate 2.0 cfs
Fee Limit 2.0 cfs
Measured 2.0 cfs
Theoretical _____ cfs

Recommended Total Diversion Rate 2.0

Water Uses

Change (P46)

Season of Use per new Standards

N/A

Irrigation _____ cfs _____ af
Stockwater _____ cfs _____ af
Domestic 2.0 cfs 1448 af
Aesthetic 2.0 cfs 1448 af
Total 2.0 cfs 1448 af

Irrigation - overlap (R58-R61, R62-R65, R66-R69)
supp. Gw (WB7/065/104)
overlap spec combined rts (W35)
> 1 acre (W31)
Domestic (W01/wb5/070/071/075)
Pumper (W42 or W43/025/027/R22 or R23)
Fish (042)
Fish (077)
Water Quality (081/R07)
Payette - (W22/047/27A)
Stockwater for US (R37)

Volume Determination

2.0 cfs x 1.9835 x 365 days = 1448 af (vs) _____ acres x _____ (FHR) = _____ af

Remarks:

✓ Pond = 90' x 120' x 3.5' = 90' x 120' = 0.2 AF x 3.5' = 0.9 AF
43560

Additional Conditions

yes Watermaster Control 37
yes GW Measurement/Measuring Device
Other _____
Trust 052/R55 - remove 051)
Non-trust (048/049)

GW Dist? 0
Water Msmt. Dist? 0
Crit. GWMA? 0
GWMA? yes - Big Wood River
Government Lots? NO

Advance Priority? yes

If yes, explain why below.

SRBA Claim?

yes - pending

Adjust memo

Amend Letters

P87, S06

Second Amendment Notice

S06

RECEIVED

JAN 23 1992

Department of Water Resources
Southern Region Office

December 10, 1991

Attention: Judy Givens
Idaho Department of Water Resources
222 Shoshone Street East
Twin Falls, Idaho 83301

Re: Amendment of Notice of Appearance

Dear Mrs. Givens:

This will serve as notice to remove the law firm of Rosholt, Robertson & Tucker as acting attorneys on behalf of the undersigned claimant, and that all notices required by law hereafter to be mailed by the director to the undersigned should be mailed to the address of 210 Meadowbrook Rd, Hailey, 83333

DATED this 20 day of Jan, 1992.



Gary D. Slette
ROSHOLT, ROBERTSON & TUCKER
P.O. Box 1906
Twin Falls, ID 83303-1906



EDWARD DALE, Claimant

STATE OF IDAHO)
) ss.
County of Blaine)

On this 20 day of January, 1992, before me, a Notary Public, in and for said County and State, personally appeared EDWARD DALE, known or identified to me to be the individual whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.

MICROFILMED

FEB 24 1993

IN WITNESS WHEREOF, I have hereunto set my hand and
affixed my official seal the day and year in this certificate
first above written.

Boeing K. Anderson
NOTARY PUBLIC FOR IDAHO
Residing at: KETCHUM
My commission expires: 9/1/95

16461

MICROFILMED
FEB 24 1993



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301 (208) 736-3033

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

24-Jan-1992 08:45

GARY D. SLETTE
ROSHOLT ROBERTSON TUCKER
P.O. BOX 1906
TWIN FALLS ID 83303-1906

RE: AMENDMENT OF NOTICE OF APPEARANCE - ADJUDICATION CLAIMS:
A37-00885B, A37-08252 - EDWARD DALE

Dear Mr. Slette:

This letter is in response to your request that your law firm of Rosholt, Robertson & Tucker be removed as acting attorneys on behalf of Edward Dale's adjudication claims. I checked our computer system to see Mr. Dale's claims and found, a copy enclosed, that he had four claims but only on the above-listed numbers, were you signed as the attorney.

Enclosed please find proofs of the adjudication claims showing the claimant as the sole individual whose name is subscribed. Should you have any questions, please call me at 736-3033.

Sincerely,

A handwritten signature in cursive script, appearing to read 'Judy'.

Judy Givens
Adjudication Secretary

/jg

Enclosure

MICROFILMED

FEB 24 1993