

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 37-20413
Date Received:
Receipt No:
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

BRUCE L BOWERS Phone: (208)788-6285
303 LOLLYPOP LANE
BELLEVUE ID 83313

SHARON F BOWERS Phone: (208)788-6285
303 LOLLYPOP LANE
BELLEVUE ID 83313

2. Date of Priority: 10/22/1959

3. Source: GROUND WATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
01S	19E	10	NE SE NE	BLAINE	

5. Description of diverting works:

New well to be drilled, motor & pump, mainline to sprinklers

6. Water is used for the following purposes:

Purpose	From To	C.F.S.	(or) A.F.A
IRRIGATION	04/15 10/31	0.4	70

7. Total Quantity Appropriated is:

0.4 C.F.S. and/or 70 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
01S	19E	10	NE	NE	IRRIGATION	0.3
			SE	NE	IRRIGATION	13.2
			NE	SE	IRRIGATION	6.5
Section Acres						20
Total Acres						20

11. Place of use in counties: BLAINE

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

13. Other Water Rights Used:

14. Remarks:

Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.

The right holder shall measure and annually report diversions of water and/or other pertinent hydrologic and system information as required by Section 42-701, Idaho Code.

This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.

The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.

Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

Approval of this transfer does not preclude the opportunity for review of the validity of this water right in the ongoing Snake River Basin Adjudication.

Point of diversion and place of use are located within Lot 4A, Block 1, Byington Acres Subdivision.

15. Basis of Claim:

STATE OF IDAHO
IDAHO DEPARTMENT OF WATER RESOURCES
NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

RECEIVED
MAY 16 2001
Department of Water Resources
Southern Region

Please print or type. Attach pages with additional information. Instructions are on the back of this page.
Incomplete forms will be returned.

Water Right Number(s) Twenty inches of Water Right # A-37-02624

Adjudication Claim Number(s) _____

The following REQUIRED information must be submitted with this form.

- A. A copy of the most recent DEED, TITLE POLICY, CONTRACT OF SALE, or other legal document indicating your ownership of the property and water rights or claims in question, WITH ATTACHED LEGAL DESCRIPTION.
AND
B. PLAT OF PROPERTY or SURVEY MAP for parcel of ten acres or less. (These are usually on file with the county.)
OR
C. For water rights or adjudication claims involving ten or more irrigated acres, a USDA Farm Service Agency (formerly ASCS) AERIAL PHOTO with irrigated acres outlined and point(s) of diversion clearly marked.

Name and Address of Former Owner/Claimant(s) Vernile J. Byington and Mary Byington

118 1st Ave S, Gannett Road, Bellevue ID 83313

New Owner/Claimant(s) Bruce Bowers and Sharon Bowers

Name connector (Check one): (☐ AND, (☐ OR, (☐ AND/OR

New Mailing Address PO Box 638, Hailey ID 83333

City, State and ZIP Code _____

New Telephone Number (208) 788 - 6285

Date you acquired the property May 11, 2001

If you have acquired only a portion of the former owner's property, IDWR may need to split the water right(s) or adjudication claim(s). If this applies, describe in detail your portion of each water right or adjudication claim in the spaces below. If necessary, attach additional pages.

Number of acres actually irrigated _____ Number and type of stock _____

Diversion rate in CFS _____ Number of homes _____ Other uses _____
cubic feet per second

If a water right or adjudication claim is being split and you are not sure how to identify your portion of the original right or claim, please contact the nearest IDWR office for assistance.

Signature of New Owner/Claimant(s) Bruce L. Bowers Date 5/11/01

Sharon J. Bowers Date 5/11/01

(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 communicate directly with your attorney for all matters related to your claims, please attach a Notice of Appearance completed by your attorney.

SVTC Order No. 01-16584

QUITCLAIM DEED

For Value Received Vernile J. Byington and Mary Byington, husband and wife

Do hereby convey, release, remise and forever quitclaim unto

Bruce Bowers and Sharon Bowers, husband and wife

Whose current address is PO Box 638
Hailey, ID 83333

the following described premises, to-wit:

Twenty (20) inches of water right number A-37-02624 on the property located at Lot 4A Block 1 of REPLAT OF LOTS 2, 3, 4 & 5, BLOCK 1 of BYINGTON ACRES SUBDIVISION, BLAINE COUNTY, IDAHO, as shown on the official plat thereof, recorded December 16, 1999, as Instrument No. 434482, records of Blaine County, Idaho.

COPY

Together with their appurtenances.

Dated: May 9, 2001

Vernile J. Byington
Vernile J. Byington

Mary E. Byington
Mary Byington

State of: Idaho

County of: Blaine

On this 10th day of May 2001, before me, a Notary Public in and for said State, personally appeared Vernile J. Byington and Mary Byington known or identified to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

Carolyn Baird
Notary Public
Residing at: Hailey

Comm. Expires: 3/14/2003



May 11, 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: 01-16584
Vernile J. Byington
Bruce Bowers
Lot 4A, Block 1 Byington Acres Sub.

RECEIVED
MAY 16 2001
Department of Water Resource
Southern Region

Regarding the above, I have enclosed the following:

- Quitclaim Deed
- Water Transfer Form

Sincerely,

Carolyn Baird
Escrow Closing Agent

Dept. of Water Resources
Adjudication Bureau
P. O. Box 83720
Boise, ID 83720-0098

ADDRESS SERVICE
REQUESTED

FIRST CLASS



UNITED STATES POSTAL SERVICE
\$ 00.870
02 1A
0004389393 NOV 24 2008
MAILED FROM ZIP CODE 83702

ATTEMPTED,
NOT KNOWN

ATTEMPTED,
NOT KNOWN

RECEIVED

DEC 04 2008

DEPARTMENT OF
WATER RESOURCES

37-20413

BRUCE L BOWERS

SHARON F BOWERS
303 LOLLYPOP LN
BELLEVUE ID 83735

8-21

12/15/2006

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

RIGHT NUMBER: 37-20413

NAME AND ADDRESS: BRUCE L BOWERS
303 LOLLYPOP LN
BELLEVUE ID 83313

SHARON F BOWERS
303 LOLLYPOP LN
BELLEVUE ID 83313

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.400 CFS
70.000 AFY

This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.

PRIORITY DATE: 10/22/1959

POINT OF DIVERSION:

T01S R19E S10 NESENE Within BLAINE County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE
IRRIGATION

PERIOD OF USE
04/15 10/31

QUANTITY
0.400 CFS
70.00 AFY

PLACE OF USE:

IRRIGATION in BLAINE County

T01S R19E S10 NENE 0.30
T01S R19E S10 NESE 6.50

T01S R19E S10 SENE 13.20

20 ACRES TOTAL

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

The right holder shall accomplish the change authorized by Transfer No. 69255 within one (1) year of the date of its approval.

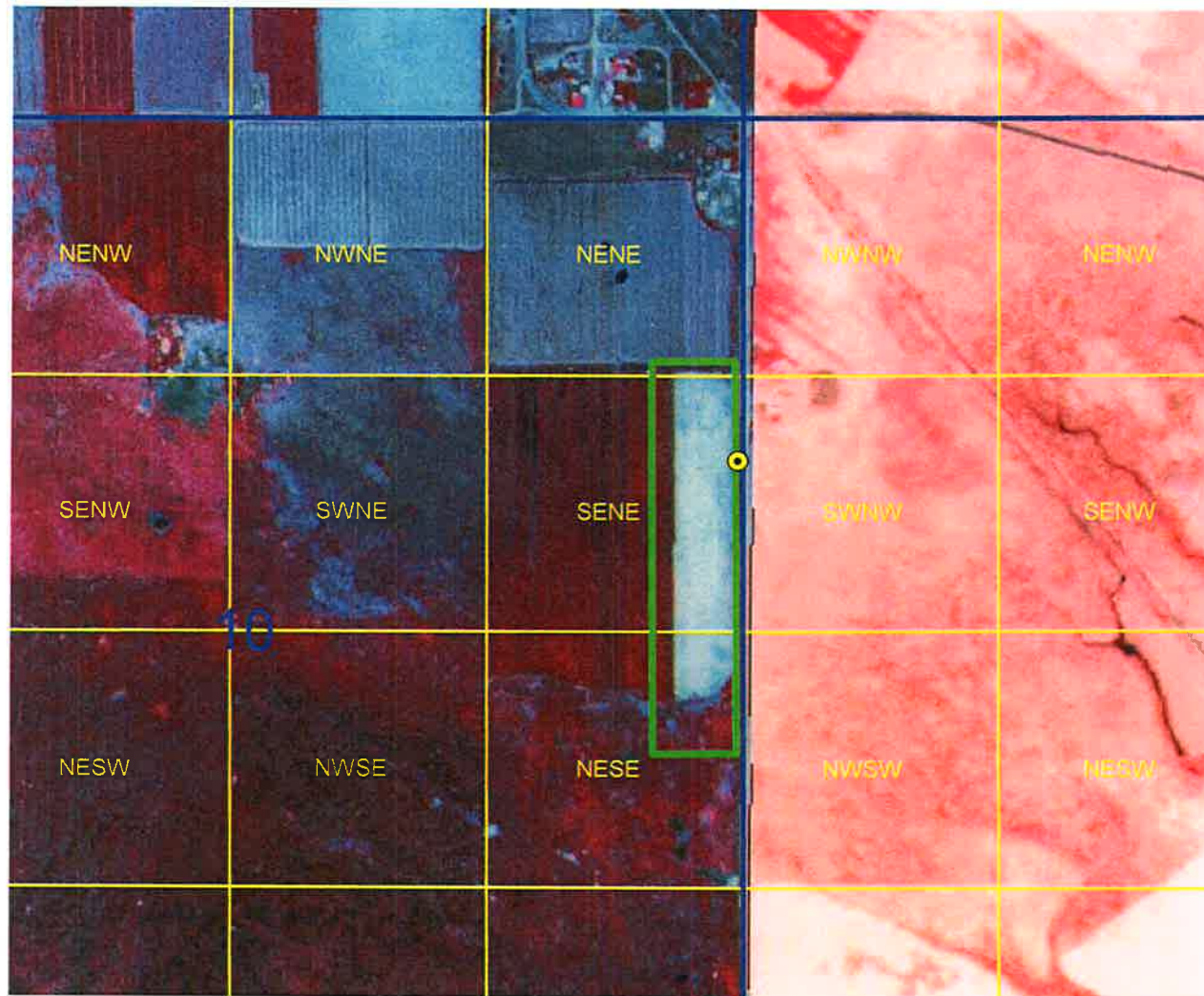
Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.

Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

The right holder shall measure and annually report diversions of water and/or other pertinent hydrologic and system information as required by Section 42-701, Idaho Code.

Point of diversion and place of use are located within Lot 4A, Block 1, Byington Acres Subdivision.

Idaho Department of Water Resources



**T1S, R19E,
SEC 10**

Claim No: 67-20413

Prepared By: Kimberly Brown

Date: December 15 2006



Place of Use



Section Lines

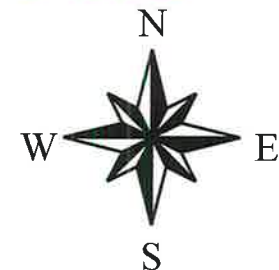


1/4 1/4



Point of Diversion

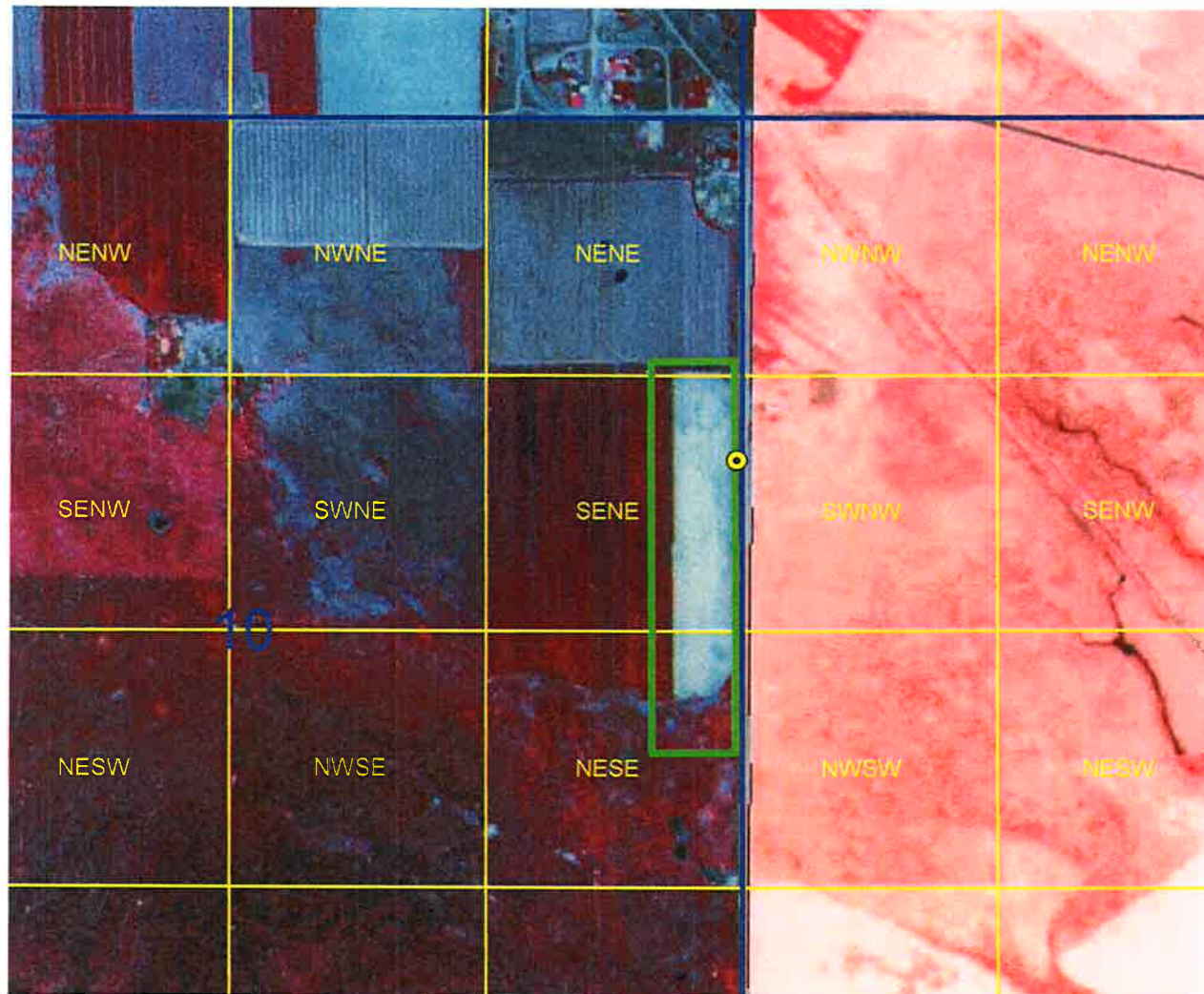
Irrigated Acres = 20



0.1 0 0.1 0.2 Miles

1987 NAPP

Idaho Department of Water Resources



**T1S, R19E,
SEC 10**

Claim No: 67-20413

Prepared By: Kimberly Brown

Date: December 15 2006



Place of Use



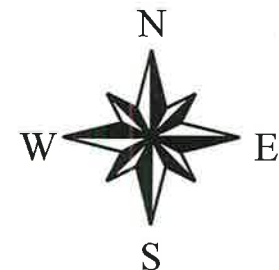
Section Lines



1/4 1/4



Point of Diversion



0.1 0 0.1 0.2 Miles

1987 NAPP

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 37-20413

WATER RIGHT NUMBER: 37-20413 ✓

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	BRUCE L BOWERS ✓ 303 LOLLYPOP LN BELLEVUE, ID 83313 (208)788-6285
Current Owner	SHARON F BOWERS ✓ 303 LOLLYPOP LN BELLEVUE, ID 83313 (208)788-6285

Priority Date: 10/22/1959 ✓

Basis: license

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER ✓	

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION ✓	04/15 to 10/31 ✓	0.400 CFS ✓	70.00 AF ✓
	<u>Total Diversion:</u>	0.400 CFS ✓	70.00 AF ✓

Location of Point(s) of Diversion

GROUND WATER	NE1/4SE1/4NE1/4 ✓	Sec. 10, Twp 01S, Rge 19E, B.M. ✓
BLAINE County ✓		

Place of Use

IRRIGATION ✓

Twp	Rge	Sec	NE	NW	SW	SE	Totals
01S	19E	10	.3	13.2	6.5	20.0	

Total Acres: 20 ✓

Conditions of Approval:

- ✓ R63 This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
- ~~067~~ The right holder shall measure and annually report diversions of water and/or other pertinent hydrologic and system information as required by Section 42-701, Idaho Code. *No. 69255*
- ✓ T07 The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
- ✓ T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
- ~~T09~~ Approval of this transfer does not preclude the opportunity for review of the validity of this water right in the ongoing Snake River Basin Adjudication.

-K. Brown
Western Region

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 37-20413

6.  Point of diversion and place of use are located within Lot 4A, Block 1, Byington Acres Subdivision.
7. ~~046~~ Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.

Remarks:

Comments:

1. pskaggs 1/17/2002 7:38:52 AM Transferred Right
Comment: This is now an approved transfer, transfer number = 69255

Water Supply Bank:



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

April 15, 2005

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

BRUCE BOWERS
PO BOX 638
HAILEY ID 83333

COPY

RE: Water Right Requirements for Fire Suppression

Dear Mr. Bowers,

You recently contacted our office regarding the need for a water right for fire protection from your irrigation well during the non-irrigation season. You indicated you owned Lot 4A, Block 1, Byington Acres Subdivision located at 200 Byington Lane in Gannett. This property is covered by irrigation water right 37-20413. §42-201 IDAHO CODE states:

42-201. WATER RIGHTS ACQUIRED UNDER CHAPTER -- ILLEGAL
APPLICATION OF WATER.

(1) All rights to divert and use the waters of this state for beneficial purposes shall hereafter be acquired and confirmed under the provisions of this chapter and not otherwise. And after the passage of this title all the waters of this state shall be controlled and administered in the manner herein provided. Such appropriation shall be perfected only by means of the application, permit and license procedure as provided in this title; provided, however, that in the event an appropriation has been commenced by diversion and application to beneficial use prior to the effective date of this act it may be perfected under such method of appropriation.

(2) No person shall use the public waters of the state of Idaho except in accordance with the laws of the state of Idaho. No person shall divert any water from a natural watercourse or apply water to land without having obtained a valid water right to do so, or apply it to purposes for which no valid water right exists.

(3) Notwithstanding the provisions of subsection (2) of this section, water may be used at any time, with or without a water right, to extinguish an existing fire on private or public lands, structures, or equipment, or to prevent an existing fire from spreading to private or public lands, structures, or equipment endangered by an existing fire.

As per subsection 3, you are not required to have a water right from your irrigation well during the non-irrigation season to fight an existing fire.

If you need further assistance, please feel free to call the office.

Sincerely,


Jeanie Robertson
Sr. Water Resource Agent

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 69255

Southern
RECEIVED

JAN 22 2002

Department of Water Resources
Southern Region

This is to certify that: SHARON F BOWERS And/Or
BRUCE L BOWERS
303 LOLLYPOP LANE
BELLEVUE ID 83313
(208)788-6285

has requested a change to the water right(s) listed below. This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code. The authorized change for each affected water right, including conditions of approval, is shown on the following pages of this document.

Summary of Water Rights Before the Proposed Change

<u>Right</u>	<u>Origin/Basis</u>	<u>Priority</u>	<u>Rate</u>	<u>Volume</u>	<u>Acres</u>	<u>Total</u>	<u>Source</u>
37-2624A	AJC/	10/22/1959	1.78 cfs	311.5 af	89.0	91.0	GROUND WATER

Purpose of Transfer (Changes Proposed)

<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
37-2624A	YES	YES	NO	NO	NO	NO

Summary of Water Rights After the Approved Change

<u>Existing Right</u>	<u>New No. (changed portion)</u>	<u>Transfer Rate</u>	<u>Transfer Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>New No. (remaining portion)</u>	<u>Remaining Rate</u>	<u>Remaining Volume</u>	<u>Remaining Acre Limit</u>	<u>Remaining Total Acres</u>
37-2624A	37-20413	0.40 cfs	70.0 af	20.0	20.0	37-20412	1.38 cfs	241.5 af	69.0	71.0
TOTALS		0.40 cfs	70.0 af	N/A	20.0		N/A	N/A	N/A	N/A

Detailed Water Right Description(s) attached

Dated this 17th day of January, 2002

J. Shw Saylor
Chief, Water Allocation Bureau

WATER RIGHT NO. 37-20412
As Modified by Transfer No. 69255

In accordance with the approval of Transfer No. 69255, Water Right No. 37-20412 is now described as follows.

Right Holder: VERNILE J BYINGTON And
 MARY E BYINGTON
 118 1ST AVE SOUTH
 GANNETT ROUTE
 BELLEVUE ID 83313

Priority Date: 10/22/1959

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/15 to	10/31	1.38 CFS	241.5 AF
			1.38 CFS	241.5 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER NWNENE Sec. 10 Twp 01S Rge 19E BLAINE County

PLACE OF USE: IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
01S	19E	10	30.3			13.7									27.0				71.0

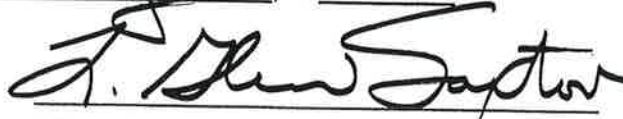
Total Acres: 71

CONDITIONS OF APPROVAL

1. Right 37-20412 is limited to the irrigation of 69.0 acres within the place of use described above in a single irrigation season.
2. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
3. The right holder shall measure and annually report diversions of water and/or other pertinent hydrologic and system information as required by Section 42-701, Idaho Code.
4. Approval of this transfer does not preclude the opportunity for review of the validity of this water right in the ongoing Snake River Basin Adjudication.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 17th day of January, 20 02


 Chief, Water Allocation Bureau

WATER RIGHT NO. 37-20413
As Modified by Transfer No. 69255

In accordance with the approval of Transfer No. 69255, Water Right No. 37-20413 is now described as follows.

Right Holder: BRUCE L BOWERS And
 SHARON F BOWERS
 303 LOLLYPOP LANE
 BELLEVUE ID 83313

Priority Date: 10/22/1959

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/15	10/31	0.40 CFS	70.0 AF
			0.40 CFS	70.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER NESENE Sec. 10 Twp 01S Rge 19E BLAINE County

PLACE OF USE: IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
01S	19E	10	.3			13.2									6.5				20.0

Total Acres: 20

CONDITIONS OF APPROVAL

1. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
2. The right holder shall measure and annually report diversions of water and/or other pertinent hydrologic and system information as required by Section 42-701, Idaho Code.
3. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
4. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
5. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

WATER RIGHT NO. 37-20413
As Modified by Transfer No. 69255

CONDITIONS OF APPROVAL

6. Approval of this transfer does not preclude the opportunity for review of the validity of this water right in the ongoing Snake River Basin Adjudication.
7. Point of diversion and place of use are located within Lot 4A, Block 1, Byington Acres Subdivision.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 17th day of January, 2002


Chief, Water Allocation Bureau