

11/29/2006

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

RIGHT NUMBER: 37-21906

NAME AND ADDRESS: BARBARA L BOYER  
PO BOX 405  
BELLEVUE ID 83313

RICHARD J BOYER  
PO BOX 405  
BELLEVUE ID 83313

SOURCE: BIG WOOD RIVER

TRIBUTARY: MALAD RIVER

QUANTITY: 0.005 CFS

PRIORITY DATE: 06/12/1886

POINT OF DIVERSION:

T02N R18E S36 NESWNW Within BLAINE County

PURPOSE AND  
PERIOD OF USE:

| <u>PURPOSE OF USE</u> | <u>PERIOD OF USE</u> | <u>QUANTITY</u> |
|-----------------------|----------------------|-----------------|
| IRRIGATION            | 04/15 10/31          | 0.005 CFS       |

PLACE OF USE: IRRIGATION in BLAINE County

|                          |      |                          |      |
|--------------------------|------|--------------------------|------|
| T01N R19E S07 Lot 2 SWNW | 4.00 | T01N R19E S07 Lot 3 NWSW | 1.40 |
|--------------------------|------|--------------------------|------|

5.4 ACRES TOTAL

Right Nos. 37-21855, 37-21872, 37-21889, 37-21906 and 37-21923 are limited to the irrigation of a combined total of 5.4 acres in a single irrigation season.

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 - Decreed

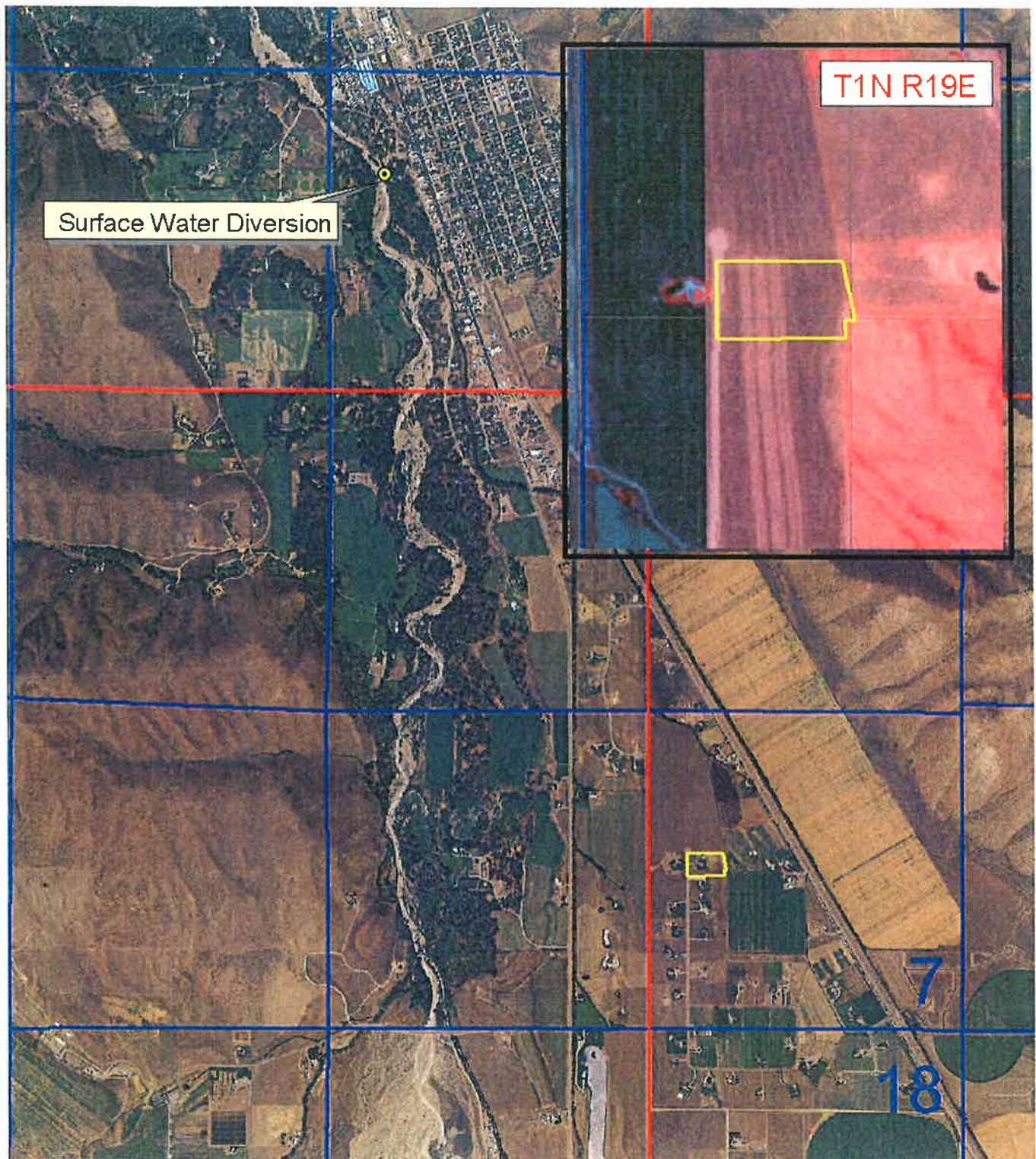
Property is also known as Lot 1, Blk 4, Bellevue Farms Subdivision.

This right is a split from former right 37-666.

Point of diversion described above is the headgate for District 45 canal.

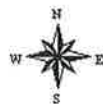
# IDAHO DEPARTMENT OF WATER RESOURCES

Surface Water Rights: 37-21855, 37-21872, 37-21889,  
37-21906, 37-21923



- Section Lines
- Quarter/Quarter Lines
- Place of Use
- Point(s) of Diversion

1320 0 1320 Feet



GIS PLACE OF USE PRESENTATION  
PHOTOGRAPHY: 1987 NAPP  
DATA ENTRY: 11/28/2008  
TARA D BAKER

12/11/2006

NOTICE OF ERROR  
REPLY

RECEIVED

DEC 26 2006

DEPARTMENT OF  
WATER RESOURCES

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: 01/05/2007

Water right number: 37-21906

BARBARA L BOYER  
PO BOX 405  
BELLEVUE ID 83313  
Telephone Number: (208)788-4352

RICHARD J BOYER  
PO BOX 405  
BELLEVUE ID 83313  
Telephone Number: (208)788-4352

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:

12/19/06

SIGNATURE:

*Richard J. Boyer*  
RICHARD J. BOYER  
*Barbara L Boyer*

Please print your name:

IDWR Regional Office, 322 E Front St  
PO Box 83720, Boise, ID 83720-0098, 2082874800

Barbara L. Boyer

PHONE (208) 788-4352

RECEIVED  
JAN 03 2007  
DEPT. OF WATER RESOURCES  
SOUTHERN REGION

SCANNED

DEC 27 2006

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

RECEIVED  
 APR 05 2006  
 DEPT. OF WATER RESOURCES  
 SOUTHERN REGION

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, 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<br>Right No(s) | Adjudication<br>Claim No(s) | Split | Water<br>Right No(s) | Adjudication<br>Claim No(s) | Split |
|----------------------|-----------------------------|-------|----------------------|-----------------------------|-------|
|                      | 37-21678                    | ✓     |                      |                             |       |
|                      | 21687                       | ✓     |                      |                             |       |
|                      | 21696                       | ✓     |                      |                             |       |
|                      | 21705                       | ✓     |                      |                             |       |
|                      | 21714                       | ✓     |                      |                             |       |

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

- A. The appropriate **FILING FEE**. See instructions for fee amounts.
- 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) are 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)

Bellevue Farms Landowners Assn  
PO Box 774, Bellevue, ID 83313

4. New Owner/Claimant(s)

RICHARD J. & BARBARA L. BOYER

Name Connector (Check one): ☐ and, ☐ or, ☐ and/or

New Mailing Address

P.O. BOX 405

City, State and ZIP Code

BELLEVUE, IDAHO 83313

New Telephone Number

208) 788-4352

5. Date you acquired the property

JANUARY 5, 2004

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.

| 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                       | Description                                   |
|                                                                           | (cubic feet per second or acre-feet per annum) | (acres, number and type of stock, homes, etc) |
| Irrigation                                                                | _____                                          | _____                                         |
| Stock                                                                     | _____                                          | _____                                         |
| Domestic                                                                  | _____                                          | _____                                         |
| Other _____                                                               | _____                                          | _____                                         |
| <b>Total</b>                                                              | _____                                          | _____                                         |

| 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                       | Description                                   |
|                                                                           | (cubic feet per second or acre-feet per annum) | (acres, number and type of stock, homes, etc) |
| Irrigation                                                                | _____                                          | _____                                         |
| Stock                                                                     | _____                                          | _____                                         |
| Domestic                                                                  | _____                                          | _____                                         |
| Other _____                                                               | _____                                          | _____                                         |
| <b>Total</b>                                                              | _____                                          | _____                                         |

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

*Richard Boyer*  
*Barbara L Boyer*

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 \_\_\_\_\_ Date \_\_\_\_\_ Fee \_\_\_\_\_  
 Receipted by \_\_\_\_\_ Date \_\_\_\_\_ Receipt No. \_\_\_\_\_  
 Processed by \_\_\_\_\_ AJ Date \_\_\_\_\_ WR \_\_\_\_\_ Date \_\_\_\_\_

Instrument # 497551

HAILEY, BLAINE, IDAHO

2004-01-06

03:25:00 No. of Pages: 1

Recorded for : SUN VALLEY TITLE

MARSHA RIEMANN

Fee: 3.00

Ex-Officio Recorder Deputy

Index to: WTY/QC/CORP DEED

WARRANTY DEED

FOR VALUE RECEIVED

**Michael E. Boyle and Brenda Bennehoff Boyle, husband and wife**

the grantors, do hereby grant, bargain, sell and convey unto

**Richard J. Boyer and Barbara L. Boyer, husband and wife**

the grantees, whose current address is **PO Box 405**  
**Bellevue ID 83313**

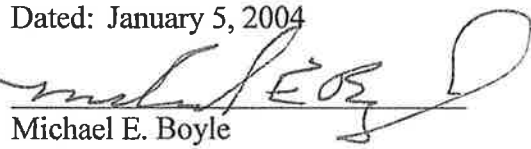
the following described premises, in **BLAINE COUNTY, IDAHO**, to wit:

**Lot 1, Block 4 of BELLEVUE FARMS SUBDIVISION, BLAINE COUNTY, IDAHO,**  
**according to the official plat thereof, recorded August 25, 1980, as Instrument No. 206106,**  
**records of Blaine County, Idaho.**

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 Grantees and their heirs and assigns forever. And the said Grantors do hereby covenant to and with the said Grantees, that they are the owners in fee simple of said premises; that said premises are free from all encumbrances and that they will warrant and defend the same from all lawful claims whatsoever.

Dated: January 5, 2004

  
Michael E. Boyle

  
Brenda Bennehoff Boyle

State of: Idaho

County of: Blaine

On this 6th day of January, 2004, Before me a Notary Public in and for said State,

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantees and their heirs and assigns forever. And the said Grantors do hereby covenant to and with the said Grantees, that they are the owners in fee simple of said premises; that said premises are free from all encumbrances and that they will warrant and defend the same from all lawful claims whatsoever.

Dated: January 5, 2004

Michael E. Boyle  
Michael E. Boyle

Brenda Bennehoff Boyle  
Brenda Bennehoff Boyle

State of: Idaho

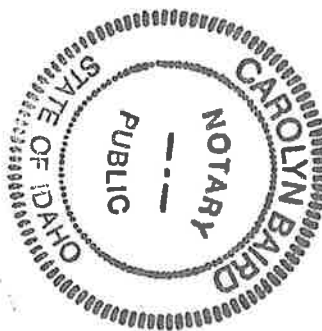
County of: Blaine

On this 6<sup>th</sup> day of January, <sup>2004</sup>2003, Before me a Notary Public in and for said State, personally appeared **MICHAEL E. BOYLE AND BRENDA BENNEHOFF BOYLE** 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 1/23/2009





# PLAT SHOWING

## BELLEVUE FARMS SUBDIVISION

LOCATED WITHIN SECTIONS 7 AND 18 T1N R19E, BM.

BLAINE COUNTY, IDAHO

### LEGEND

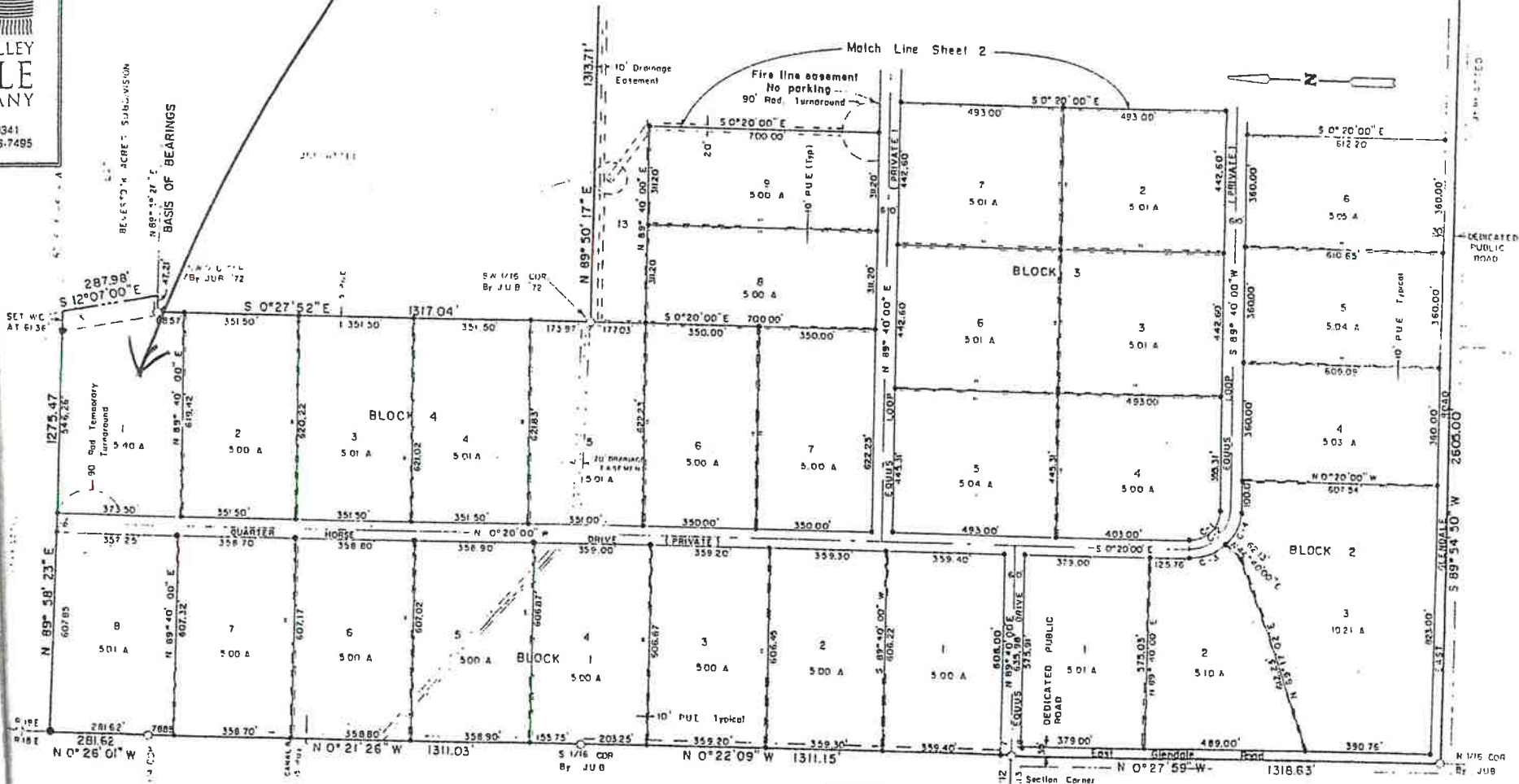
- Found 5/8" Bar
- Set 1/2" Bar with cap No 3621
- Set 5/8" Bar with cap No 3621
- Found Brass Cap
- Public Utility Easement (width as shown)
- B Irrigation Easement

*BOYER*

While this map is a photographic reproduction of that on file in either the recorder's or surveyor's office, the company assumes no liability for variation, if any, with another or re-survey.

| CURVE | R      | A         | L      | Ch     | CA Bearing           |
|-------|--------|-----------|--------|--------|----------------------|
| C-1   | 90.00  | 90°00'00" | 90.00  | 141.37 | 127.28 S 45°20'00" E |
| C-2   | 120.00 | "         | 120.00 | 188.50 | "                    |
| C-3   | 150.00 | 45°00'00" | 62.13  | 117.61 | 114.81 S 22°50'00" E |
| C-4   | "      | "         | "      | "      | S 67°50'00" E        |
| C-5   | 90.00  | 90°00'00" | 90.00  | 141.37 | 127.28 N 44°40'00" E |
| C-6   | 120.00 | 90°00'00" | 120.00 | 188.50 | "                    |
| C-7   | 150.00 | 45°57'07" | 63.60  | 112.30 | 117.10 N 66°41'27" E |
| C-8   | 150.00 | 44°02'53" | 60.68  | 115.32 | 112.50 N 21°41'27" E |
| C-9   | 90.00  | 90°00'00" | 90.00  | 141.37 | 127.28 N 45°20'00" W |
| C-10  | 120.00 | "         | 120.00 | 188.50 | "                    |
| C-11  | 120.00 | 30°13'28" | 40.98  | 80.00  | 79.06 S 75°03'16" E  |
| C-12  | 150.00 | 55°28'37" | 85.63  | 155.62 | 146.73 S 30°03'16" E |
| C-13  | 420.00 | 30°50'00" | 115.82 | 226.02 | 223.30 N 74°15'00" E |
| C-14  | 450.00 | "         | "      | 24.03  | 242.16 S 39°25'00" E |
| C-15  | 480.00 | "         | "      | 332.36 | 258.31 S 55°20'00" E |

ALLEY  
FILE  
PANY  
S-9341  
126-7495



# PLAT SHOWING BELLEVUE FARMS SUBDIVISION

LOCATED WITHIN SECTIONS 7 AND 18 T.19E., R.19E., B.M.

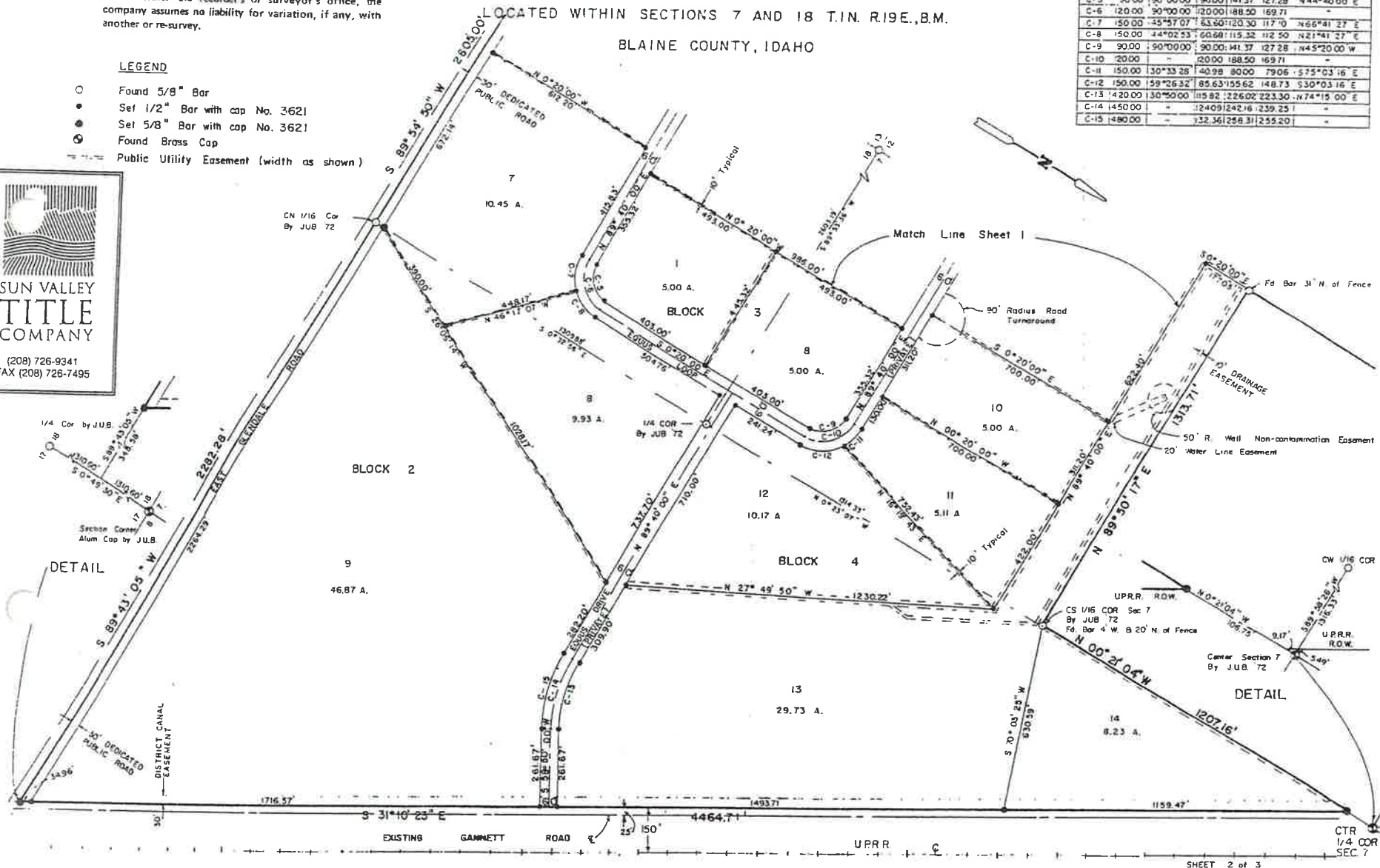
BLAINE COUNTY, IDAHO

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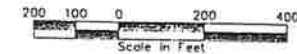
## LEGEND

- Found 5/8" Bar
- Set 1/2" Bar with cap No. 3621
- Set 5/8" Bar with cap No. 3621
- Found Brass Cap
- Public Utility Easement (width as shown)

| CURVE | R       | Δ          | T      | L      | CN     | CN BEARING      |
|-------|---------|------------|--------|--------|--------|-----------------|
| C-1   | 90.00   | 90°00'00"  | 90.00  | 141.37 | 127.28 | S 45° 20' 00" E |
| C-2   | 120.00  | "          | 120.00 | 188.50 | 169.71 | "               |
| C-3   | 150.00  | 45°00'00"  | 62.13  | 117.81 | 114.81 | S 22° 50' 00" E |
| C-4   | "       | "          | "      | "      | "      | S 67° 50' 00" E |
| C-5   | 90.00   | 90°00'00"  | 90.00  | 141.37 | 127.28 | N 44° 40' 00" E |
| C-6   | 120.00  | 90°00'00"  | 120.00 | 188.50 | 169.71 | "               |
| C-7   | 150.00  | 45°57'07"  | 63.60  | 120.30 | 117.70 | N 66° 41' 27" E |
| C-8   | 150.00  | 44°02'53"  | 60.68  | 115.32 | 112.50 | N 82° 41' 27" E |
| C-9   | 90.00   | 90°00'00"  | 90.00  | 141.37 | 127.28 | N 45° 20' 00" W |
| C-10  | 20.00   | "          | 20.00  | 188.50 | 169.71 | "               |
| C-11  | 150.00  | 30°33'28"  | 40.98  | 80.00  | 79.06  | S 75° 03' 16" E |
| C-12  | 150.00  | 59°26'32"  | 85.63  | 155.62 | 148.73 | S 30° 03' 16" E |
| C-13  | 1420.00 | 130°50'00" | 115.82 | 226.02 | 223.30 | N 74° 15' 00" E |
| C-14  | 1450.00 | "          | 124.09 | 242.16 | 239.25 | "               |
| C-15  | 1480.00 | "          | 132.36 | 258.31 | 255.20 | "               |



Replat of  
**Lot 13, Block 4 of BELLEVUE FARMS SUBDIVISION**  
 Located in Section 7, T.1N., R.19E., B.M.  
 Blaine County, Idaho  
 1994



**LEGEND**

- ⊕ Set Aluminum Cap
- ⊙ Found Brass Cap
- Found 1 1/2" Rebar
- Found 5/8" Rebar
- Set 1/2" Rebar
- Set 5/8" Rebar
- ( ) Record and Reconfirmed Data
- Property Boundary
- - - Easement (Public Utility)

**NOTES**

- 1) The purpose of Lot 13B is an equestrian training area and no residential dwelling shall be constructed on said Lot 13B.
- 2) Fire protection including but not limited to adequate access and water supply required by the Blaine County fire protection ordinance and Wood River Rural Fire District shall be met prior to issuance of building permit.
- 3) Access to Lot 13B may not be adequate for residential or other development due to width and limitation as to use.
- 4) Access to the lots in this resubdivision is from private roadways: Equus Drive and/or Equus Loop.
- 5) Lot owners are responsible for control of noxious weeds.
- 6) Water rights will be allocated by the owner according to the formula: 2% of the total Bellevue Farms water per each 5 acres of land on Bellevue Farms.
- 7) West Equus Drive shall be secondary access.

**CURVE DATA**

| CURVE | DELTA       | RADIUS  | ARC     | TAN.    | CH.     | CH. BEARING   |
|-------|-------------|---------|---------|---------|---------|---------------|
| (C13) | 30° 50' 00" | 420.00' | 226.02' | 115.82' | 223.30' | N 74°15'00" E |



**SAWTOOTH ENGINEERING**  
 Civil Engineers and Land Surveyors

Hailey

(208) 788-9060

Idaho

7267.DWG 8-29-94

**DETAIL 1**  
 NO SCALE

**REAL POINT OF BEGINNING**  
 CS 1/16 Cor. Sec. 7  
 By JUB '72  
 Fd. Bar 4" W &  
 20' N of Fence

**Lot 13B**  
 5.36 Ac.

**Lot 13A**  
 24.37 Ac.

**HEALTH CERTIFICATE**

Sanitary restrictions as required by Idaho Code Title 50, Chapter 13, have been satisfied. Sanitary restrictions may be reimposed, in accordance with Idaho Code Title 50, Chapter 13, Section 50-1326, by the issuance of a certificate of disapproval.

Date: 12-15-94

*Robert W. Enkel*  
 South Central District Health Dept., EH3

S 1/4 Cor.  
 Sec. 7, JUB '72

EQUUS DRIVE

EQUUS LOOP

Lot 8

Lot 10

Lot 11

Lot 12

Lot 14

BLOCK 4

BLOCK 4

BLOCK 4

BLOCK 4

BLOCK 4

BLOCK 4

BLOCK 4

BLOCK 4

BLOCK 4

BLOCK 4

BLOCK 4

BLOCK 4