

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 37-21520
Date Received: 8/25/2005
Receipt No:
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

PATRICK A BOYLE Phone: (208)788-6123
PO BOX 3248
HAILEY ID 83333

SHARON BOYLE Phone: (208)788-6123
PO BOX 3248
HAILEY ID 83333

2. Date of Priority: 03/24/1883

3. Source: BIG WOOD RIVER Trib. to: MALAD RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
02N	18E	36	NE SW NW	BLAINE	

5. Description of diverting works:

VIA DISTRICT CANAL TO DITCHES TO LANDS IRRIGATED.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/01	11/01	0.08	

7. Total Quantity Appropriated is:
0.08 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
01N	19E	7	SE	SW	IRRIGATION	5
Section Acres						5
Total Acres						5

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:

THIS RIGHT IS A SPLIT FROM FORMER RIGHT 37-20759.

This right is a split from former right 37-20870.

This right is a split from former right 37-11924A.

Property is also known as Lot 10, Blk 4, Bellevue Farms Subdivision.

15. Basis of Claim: Decreed



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

November 10, 2005

KARL J. DREHER
Director

PATRICK BOYLE
SHARON BOYLE
PO BOX 3248
HAILEY ID 83333

RE: SRBA Claim(s) 37-20867, 37-20870, 37-20872,
37-20874, 37-20876, 37-20878
Bellevue Farms Landowners Assn.

Dear Claimants:

Pursuant to the notification that you purchased a portion of the property to which the above referenced adjudication claims are appurtenant, the department has split the original claims. Your portions have been numbered 37-21508, 37-21520, 37-21531, 37-21542, 37-21553 and 37-21564.

Enclosed please find your copies of the computer-generated claims. Review these documents and should you have any questions or corrections, please contact this office.

Sincerely,

Trish Fawcett
Technical Records Specialist

enc.

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
	37-20867			37-20878	Y
	-20870				
	-20872				
	-20874				
	-20876				

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) 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)

Belleuve Farms Landowner Assn
PO Box 774, Belleuve, ID 83316

4. New Owner/Claimant(s)

Pat + Sharon Boyle

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

New Mailing Address

Box 3248

City, State and ZIP Code

Hailey, ID 83333

New Telephone Number

208 788-6123

5. Date you acquired the property

6/1/2004

RECEIVED
 JUL 30 2004
 Department of Water Resources
 Southern Region

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 <u>37-20867</u>		
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	<u>split all rights</u>	
Total	<u>proportionately by acres</u>	

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 <u>37-20870</u>		
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)

David A. Boyle
Stuart Boyle

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 _____

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 Department of Water Resources
 Southern Region

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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 <u>37-20876</u>		
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	_____	_____

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 <u>37-20878</u>		
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) _____

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

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 Receipted by _____ Date _____ Receipt No. _____
 Processed by AJ Date _____ WR _____ Date _____

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 Southern Region

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 <u>37-20872</u>		
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	_____	_____

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 <u>37-20874</u>		
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) _____

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 _____

RECEIVED
 JUL 30 2004
 Department of Water Resources
 Southern Region

RECORDING REQUESTED BY AND
WHEN RECORDED MAIL TO:
Fritz X. Haemmerle
HAEMMERLE & HAEMMERLE, P.L.L.C.
P.O. Box 1800
Hailey, ID 83333

RECEIVED
JUL 30 2004
Department of Water Resources
Southern Region

(space above line for Recorder's use)

QUITCLAIM DEED

INSTRUMENT No. _____

FOR VALUE RECEIVED, Bellevue Farms Landowners Association, Inc. (Grantor), does hereby convey, release, remise and forever quit claim unto Patrick and Sharon Boyle, husband and wife, (Grantee), all right, title and interest in and to any water rights appurtenant to the following real property:

Lot 10, Block 4, Bellevue Farms Subdivision, according to the official plat of record of Blaine County, State of Idaho.

DATED this 30 day of June, 2004.

BELLEVUE FARMS LANDOWNERS ASSOICATION, INC.

Matthew Henning
By: Matthew Henning, President

STATE OF IDAHO,)
) ss.
County of Blaine.)

On this 30 day of June, 2004, before me, a Notary Public in and for said State, personally appeared Matthew Henning, President, Bellevue Farms Landowners Association, Inc., Grantor, known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that she executed the same.

Laurie Thompson
NOTARY PUBLIC for
Residing at Bellevue
Commission expires 11/17/2008

LAURIE THOMPSON
NOTARY
PUBLIC
STATE OF IDAHO

Doug Jones

HAEMMERLE & HAEMMERLE, P.L.L.C.

Attorneys & Counselors at Law

Fritz X. Haemmerle
Jennifer L. K. Haemmerle

P. O. Box 1800
Hailey, ID 83333

www, idwr.state.id.us
1) go to Forms, rules
2) SRBA
Notice of change
400 South Main Street, Suite 102
Tel: (208) 578-0520
Fax: (208) 578-0564

June 30, 2004

CERTIFIED MAIL

Bellevue Farms Homeowner
Patrick A. and Sharon L. Boyle
P. O. Box 3248
Hailey, ID 83333

Re: *Conveyance of Water Rights*

Dear Bellevue Farms Homeowner:

RECEIVED
JUL 30 2004
Department of Water Resources
Southern Region

This firm represents the Bellevue Farms Landowners Association, Inc. ("Association"). The Association's Board members have elected to relinquish any water rights it may own on land owned by each individual lot owner in the Association. To accomplish this purpose, please find enclosed a quitclaim deed ("deed") conveying any and all water rights claimed and/or owned by the Association for your lot, Lot 10, Block 4.

If the ownership interest listed on the deed is not correct, please advise. The ownership on the water right does not have to match the ownership of the underlying land interest. However, it is preferable that the interests match. The Association will delay recording the deed for three weeks from the mailing of this letter. If you wish that the ownership interest on the deed be changed, it will be necessary that you contact the Association within the three-week time period, or the deed will be recorded "as is."

In the 1980's, the State of Idaho commenced a general stream adjudication (lawsuit) named the Snake River Basin Water Adjudication ("SRBA"). The SRBA is a lawsuit to determine and inventory all water rights in the Snake River Drainage, a drainage that includes all but three of Idaho's counties. Since 1987, the State has been decreeing water rights located in individual water basins. The water rights claimed by the Association are all located in Basin 37. The Idaho Department of Water Resources ("IDWR") is currently investigating claims made in Basin 37.

In 1987, the Association claimed all known water rights appurtenant (located on) real property currently encompassing the Bellevue Farms Subdivision. The Association claimed the water rights as an accommodation to protect whatever water right(s) the individual lot owners might have in the SRBA.

THE ASSOCIATION HAS NOT CONDUCTED ANY INVESTIGATION OF ITS OWN TO DETERMINE WHAT WATER RIGHTS ARE ACTUALLY APPURTENANT

*quit claim
map
property description*

(LOCATED ON OR WITHIN) ANY GIVEN LOT WITHIN THE ASSOCIATION. IT IS THE DUTY OF EACH INDIVIDUAL PROPERTY OWNER TO DETERMINE WHAT WATER RIGHT, AND HOW MUCH OF THAT WATER RIGHT, IS APPURTENANT TO HIS OR HER LOT. FUTHERMORE, BY FILING THE CLAIMS, THE ASSOICATION DOES NOT WARRANT OR REPRESENT THAT ANY WATER RIGHT(S) IS/ARE APPURTENANT TO YOUR PROPERTY.

The Association has decided not to defend, pursue or pTECT any water rights associated with individually owned lots. Accordingly, it is your responsibility to protect whatever water rights you believe you may own. The procedures and your responsibilities to protect your water rights, if any, in the SRBA ae as follows:

1. Determine Water Rights Appurtenant to Your Lot Enclosed herein is a list of the claims made by the Association in 1987. Each claim contains a description of land for the particular claim. To determine what water right, if any, is appurtenant to your parcel, you will need to review each claim to determine if your lot is covered by the claim. Your next step is to determine the current and/or historical water usage and irrigation (i.e. how many lots are or have been historically irrigated for your lot) to determine how much of any given claim belongs to you.
2. File Amended Claim with IDWR and SRBA - Asserting Claims. Once it is determined what, if any, water right may be appurtenant to your land, it will be necessary for you to file an amended claim for any water right you believe exists on your lot. You may need to contact IDWR for information on filling an amended claim. If you need assistance with this process, you may contact the South Central Office (Twin Falls) of IDWR. The Office is located at 1341 Fillmore St., Suite 200, Twin Falls, Idaho, telephone number (208) 736-3033. Ask for an "adjudication agent" for assistance. You will have to complete and file an Amended Notice of Claim with IDWR (copy of Amended Claim form enclosed). Depending on the nature of the claim, you may have to file an Amended Notice of Claim with the SRBA Court, using Standard Form 4. Both of these forms are enclosed for your convenience.
3. Defending Claims. After the claim is properly filed, you will need to monitor your claim within the SRBA. In approximately December, 2005, the Director for IDWR will be filing a document called a Director's Report for Basin 37, Phase 3. The Director's Report contains IDWR's recommendation for the water rights claimed by you, if any. If you disagree with the recommendation made in the Director's Report, then you are obligated to file a written objection to the recommendation. If you do not object, then your claim will be decreed as recommended in the Director's Report. If you do file an objection, then the SRBA court will assign a case for your right, and the case will be litigated. If you choose to object to the recommendation made in the Director's Report, you have the burden of proof in showing that therecommendation is not correct, and that the water right should be decreed as claimed. You will be provided significantly more information about this process once a Director's Report is filed for this basin.

4. Association Has No Duty to Claim, Assert or Defend Your Water Rights.
Having conveyed the water to each individual lot owner, the Association advises each owner that **THE ASSOCIATION WILL NOT TAKE ANY ACTION IN THE SRBA TO CLAIM, ASSERT OR DEFEND ANY WATER RIGHTS IN THE SRBA. IT IS THE SOLE RESPONSIBILITY OF EACH INDIVIDUAL LOT OWNER TO CLAIM, ASSERT AND/OR DEFEND THEIR OWN WATER RIGHTS IN THE SRBA. THE FAILURE TO CLAIM, ASSERT AND/OR DEFEND WATER RIGHTS WILL RESULT IN EACH LOT OWNER LOSING A WATER RIGHT THAT MAY BE APPURTENANT TO HIS/HER LOT. THE ASSOCIATION EMPHASIZES THAT IT IS THE DUTY OF EACH INDIVIDUAL LANDOWNER TO TAKE ANY ACTION NECESSARY TO FILE OR DEFEND ANY CLAIM TO A WATER RIGHT. YOU ARE ADVISED TO SEEK INDEPENDENT LEGAL COUNSEL TO GUIDE YOU THROUGH THE CLAIMS PROCESS, BOTH WITH IDWR AND WITHIN THE SRBA. UPON QUITCLAIMING ITS INTEREST IN WATER RIGHTS, THE ASSOCIATION WILL TAKE NO FURTHER ACTION TO MONITOR OR DEFEND THE WATER RIGHTS ORIGINALLY CLAIMED BY THE ASSOCIATION.**

Finally, the Association has paid its water dues through 2004. Beginning in 2005, it will be the duty of each individual member to pay his/her own individual water dues.

The Association wishes you the best in successfully asserting your claims. Thank you.

Sincerely,

HAEMMERLE & HAEMMERLE, P.L.L.C.



Fritz X. Haemmerle

FXH: fxh
Encl.
cc: client

NOTICE OF ERROR
REPLY

12/21/2006
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: 37-21520

PATRICK A BOYLE
PO BOX 3248
HAILEY ID 83333
Telephone Number: (208)788-6123

SHARON BOYLE
PO BOX 3248
HAILEY ID 83333
Telephone Number: (208)788-6123

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: 12/20/06 SIGNATURE: *Pat Boyle*
Please print your name: Pat Boyle

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

RECEIVED
JAN 03 2007
DEPT. OF WATER RESOURCES
SOUTHERN REGION

SCANNED
DEC 27 2006

11/28/2006

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

RIGHT NUMBER: 37-21520

NAME AND ADDRESS: PATRICK A BOYLE
PO BOX 3248
HAILEY ID 83333

SHARON BOYLE
PO BOX 3248
HAILEY ID 83333

SOURCE: BIG WOOD RIVER

TRIBUTARY: MALAD RIVER

QUANTITY: 0.080 CFS

PRIORITY DATE: 03/24/1883

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	0.080 CFS

PLACE OF USE: IRRIGATION in BLAINE County

T01N R19E S07 SESW 5.00

5 ACRES TOTAL

Right Nos. 37-21508, 37-21520, 37-21531, 37-21542, 37-21553 and 37-21564 are limited to the irrigation of a combined total of 5.0 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 10, Blk 4, Bellevue Farms Subdivision.

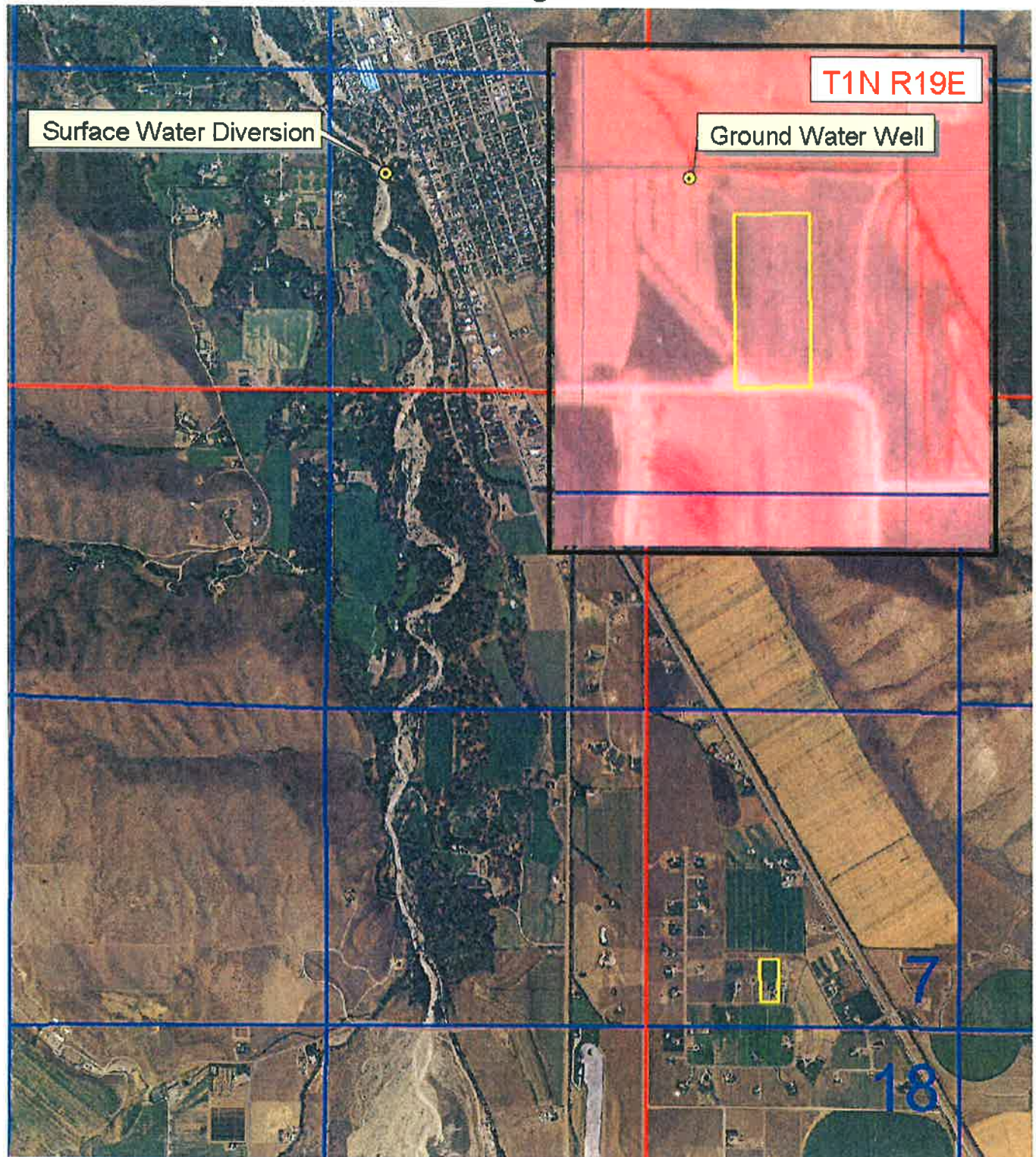
This right is a split from former right 37-577.

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

IDAHO DEPARTMENT OF WATER RESOURCES

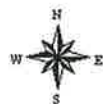
Surface Water Rights: 37-21520, 37-21531, 37-21542,
37-21553, 37-21564

Ground Water Right: 37-21508



- 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