

State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 29-07803

Proposed Priority: September 4, 1985 Maximum Diversion Rate: 0.16 CFS

This is to certify, that **JIMMY KAY BOWMAN**
5779 S. MARSH CREEK
MC CAMMON, ID 83250

has applied for a permit to appropriate water from: **GROUNDWATER**
and a permit is **APPROVED** for development of water as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>
IRRIGATION	03/15 to 11/15	0.16 CFS

LOCATION OF POINT(S) OF DIVERSION: NWSW Sec. 34, Township 08S, Range 36E
BANNOCK County

PLACE OF USE: IRRIGATION

<u>TWN RGE SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
08S 36E 34	NWSW 4	SWSW 4		8

Total number of acres irrigated: 8

CONDITIONS/REMARKS:

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before **January 1, 1991**.
2. Subject to all prior water rights.
3. The right to the use of water acquired under this permit shall not give rise to any right or claim against the holder of a senior right based upon the theories of forfeiture, abandonment, adverse possession, waiver, equitable estoppel, estoppel by laches or customary preference.
4. The Director retains jurisdiction of the permit and any license subsequently issued to incorporate the use into a water district, require streamflow augmentation or other action needed to protect prior surface water and groundwater rights.
5. Permit holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
6. The rate of diversion of water for irrigation under this permit and all other water rights on the same land shall not exceed 0.02 cubic feet per second for each acre of land.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code.
Witness the seal and signature of the Director, affixed at Boise, this

19th day of *December*, 19 *89*

RECORDED

DEC 18 1989

R. Keith Higginson
R. Keith Higginson, Director

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name of applicant JIMMY KAY BOWMAN Phone 254-3109
Post office address 5779 S. Marsh Creek, McCammon, ID 83250
2. Source of water supply groundwater which is a tributary of _____
3. Location of point of diversion is NW 4 $\frac{1}{4}$ of SW 4 $\frac{1}{4}$ of _____ $\frac{1}{4}$, Govt. Lot _____
Sec. 34 Township 8S Range 36E B.M. Bannock County; additional
points of diversion if any: _____
4. Water will be used for the following purposes:
Amount 0.16 for Irrigation purposes from 3-15 to 11-15 (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
5. Total quantity to be appropriated is (a) 0.16 and/or (b) _____
cubic feet per second acre feet per annum
6. Proposed diverting works:
 - a. Description of ditches, flumes, pumps, headgates, etc. Pump to handline
 - b. Height of storage dam _____ feet; active reservoir capacity _____ acre-feet; total
reservoir capacity _____ acre-feet; period of year when water will be diverted to storage:
_____ to _____ inclusive.
 - c. Proposed well diameter is 8 inches; proposed depth of well is 165 feet.
 - d. Is ground water with a temperature of greater than 90°F being sought? _____
7. Time required for the completion of the works and application of the water to the proposed beneficial use is
1 years (minimum 1 year).

MICROFILMED

DEC 18 1989

8. Description of proposed uses (if irrigation only, go to item 9):

- a. Hydropower; show total feet of head and proposed capacity in KW. _____
- b. Stockwatering; list number and kind of livestock. _____
- c. Municipal; show name of municipality. _____
- d. Domestic; show number of households. _____
- e. Other; describe fully. _____

9. 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 the use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
8S	36E	34										4	4						8

Total number of acres to be irrigated 8

10. Describe any other water rights used for the same purposes as described above. _____

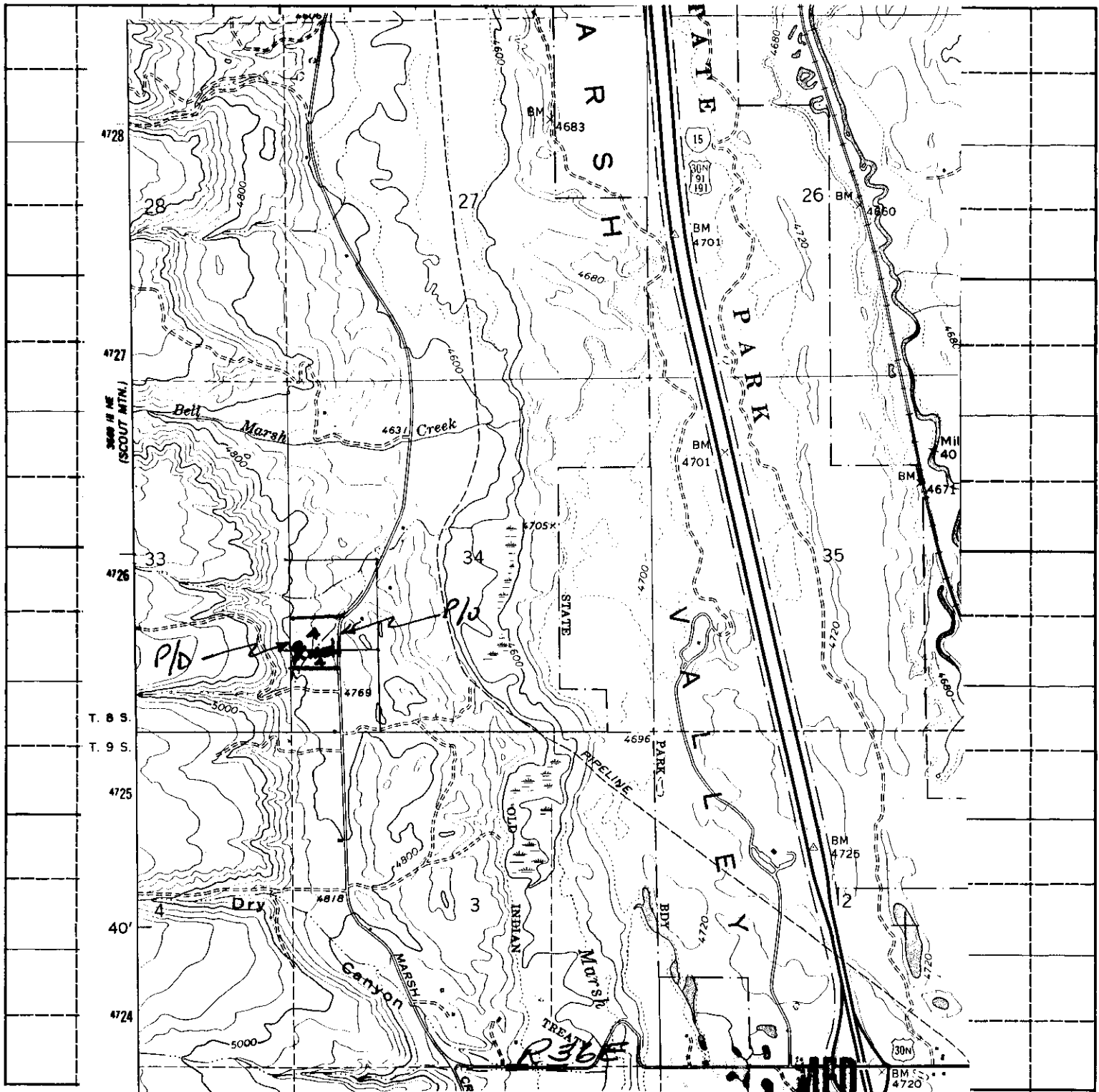
11. a. Who owns the property at the point of diversion? Applicant
- b. Who owns the land to be irrigated or place of use? Applicant
- c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing. _____

12. Remarks: _____

RECORDED

DEC 18 1989

13. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



Scale: 2 inches equal 1 mile.

BE IT KNOWN that the undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.

Jimmy Ray Bowman
(Applicant)

Received by OW Date 9-4-85 Time 2:00 Preliminary check by AYR.
Fee \$ 30.00 Received by OW # 35489 Date 9-05-85
Publication prepared by AB Date 10-19-85 Published in PD State-Trial
Publication approved OW Date 11-06-89

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. _____, and said application is hereby _____.

1. Approval of said application is subject to the following limitations and conditions:

a. SUBJECT TO ALL PRIOR WATER RIGHTS.

b. Proof of construction of works and application of water to beneficial use shall be submitted on or before _____, 19 ____.

c. The rate of diversion, if water is to be used for irrigation under this permit, when combined with all other water rights for the same land shall not exceed 0.02 cubic feet per second for each acre of land.

d. The water right acquired under this permit if for hydropower purposes shall be junior and subordinate to all rights to the use of water, other than hydropower, within the State of Idaho that are initiated later in time than the priority of this permit and shall not give rise to any right or claim against any future rights to the use of water, other than hydropower, within the State of Idaho initiated later in time than the priority of this permit.

e. Other:

RECORDED

DEC 18 1989

PROOF OF PUBLICATION

STATE OF IDAHO
County of Bannock

ss.

NOV 1 1989

Department of Water Resources
Eastern District Office

Sandra K. Wann

NOTICE OF APPLICATION FOR WATER RIGHT

The Following application(s) have
been filed to appropriate the public
waters of the State of Idaho:

29-07792

BURKS, RICHARD
BURKS, KAREN
145 SOUTH HAYES
POCATELLO, ID 83204
Source: PORTNEUF RIVER
Tributary: SNAKE RIVER
Diversion Pt:
SESW Sec 2 T 08S R 36E
NENW Sec 11 T 08S R 36E
SESW Sec 11 T 08S R 36E
Use: IRRIGATION (.300 CFS)
Date Filed: 5-14-1985
In: T08S R36E S02 SESW
S11 NENW SENW
15.0 ACRES TOTAL

29-07800

CALL, CHARLES F.
CALL, LAURA
P.O. BOX 2636
POCATELLO, ID 83201
Source: UNNAMED STREAM
Tributary: MARSH CREEK
Diversion Pt:
NWSW Sec 27 T 08S R 36E
Use: IRRIGATION (.150 CFS)
STOCKWATER (.020 CFS)
Date Filed: 7-01-1985
In: T08S R36E S27 NWSW
5.0 ACRES TOTAL

29-07803

BOWMAN, JIMMY KAY
5779 S. MARSH CREEK
MC CAMMON, ID 83250
Source: GROUNDWATER
Diversion Pt:
NWSW Sec 34 T 08S R 36E
Use: IRRIGATION (.160 CFS)
Date Filed: 9-04-1985
In: T08S R36E S34 NWSW SWSW
8.0 ACRES TOTAL

29-07869

KATSILOMETES, GEORGE
WILLIAM
5 PORTNEUF AVE.
LAVA HOT SPRINGS, ID 83246
Source: GROUNDWATER
Diversion Pt:

NWSESE Sec 21 T 09S R 38E
Use: COMMERCIAL (.500 CFS)
Date Filed: 8-25-1989
In: T09S R38E S21 SESE

The permit(s) will be subject to all
prior water rights. Protests may be
submitted based on the criteria of
Sec. 42-203A, Idaho Code and/or the
new public interest criteria of Sec.
42-203C, Idaho Code. Protests must
be filed with the Director, Dept.
of Water Resources, 150 Shoup Ave.,
Suite 15, Idaho Falls, Idaho 83402 on
or before NOVEMBER 6, 1989.
S/R. Keith Higginson, Director
October 19, 27, 1989
No. 678

being first duly sworn on oath deposes and says: That she
was at all times herein mentioned a citizen of the United States of Ameri-
ca, more than 21 years of age, and the Principal Clerk of THE IDAHO
STATE JOURNAL, a daily newspaper, printed and published at Pocatello,
Bannock County, Idaho, and having a general circulation therein.

That the document or notice, a true copy of which is attached, was
published in the said IDAHO STATE JOURNAL, on the following dates,
to-wit:

<u>19 October</u>	<u>19 89</u>	<u>19</u>
<u>27 October</u>	<u>19 89</u>	<u>19</u>
<u> </u>	<u>19</u>	<u>19</u>
<u> </u>	<u>19</u>	<u>19</u>
<u> </u>	<u>19</u>	<u>19</u>

That said paper has been continuously and uninterruptedly published
in said County for a period of seventy-eight weeks prior to the publication
of said notice or advertisement and is a newspaper within the meaning
of the laws of Idaho.

STATE OF IDAHO

COUNTY OF Bannock.

On this 27th day of October in the year of 1989, before me,
a Notary Public, personally appeared Sandra K. Wann,
known or identified to me to be the person whose name subscribed to the within instrument,
and being by me first duly sworn, declared that the statements therein are true, and
acknowledged to me that he executed the same.

John L. Jensen
Notary Public for Idaho

Residing at Pocatello

My commission expires: July, 1991

MICROFILMED

DEC 18 1989

December 28, 1990

JIMMY KAY BOWMAN
5779 S. MARSH CREEK
MC CAMMON, ID 83250

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 29-07803

Dear Permit Holder:

The department acknowledges receipt of the proof of beneficial use form submitted for the above referenced permit. The next step in the process of developing a water right is for the department to conduct a field examination to determine and confirm the use being made of the water.

If you have questions concerning this matter, please feel free to contact the EASTERN Regional Office in Idaho Falls at (208)525-7161.

Sincerely,

Rita Fleck
Secretary/Records Manager

c: IDWR - Region

MICROFILMED

JAN 28 1991

ANALYSIS SHEET
for
PROOF OF BENEFICIAL USE

Permit No. 29-7803

Date 12-27-90

GENERAL CONSIDERATIONS

Y Name same as permit?
Y Address same as permit? If no, prepare data entry form.
Y Proof timely received? If no, complete priority advancement below.

SOURCE OF WATER

✓ Surface water source
✓ Ground water source
N Drill permit req'd? Drill permit no. N/A
 Copy in file?
 Well log in file?
 Amt paid for drilling permit? Correct?

LICENSE EXAMINATION FEE

X Required?
150 Amount submitted?
Y Correct amount?

MEASURING DEVICE

N Measuring device or access port required?
 Installed?
 Waiver requested or needed?

DEFICIENCIES OR ACTION ITEMS

proof acceptable

PRIORITY CALCULATION

LB
Date proof received
Date proof due -
No. of days late =
Priority date +
NEW PRIORITY DATE =

RECEIVED

DEC 21 1990

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

Department of Water Resources

PROOF OF BENEFICIAL USE

The Idaho Department of Water Resources will consider this form as a statement that the permit holder(s) has/have completed all development that will occur under this permit and that water has been applied according to the provisions of the permit for the beneficial use(s) described below. This form must be accompanied by a license examination fee or a completed field examination report prepared by a certified water right examiner who has been appointed by the department.

1. Permit No. P29-07803 Telephone No. 254-31092. Name(s) of Permit Holder(s): Jimmy + Martha Bowman3. Post Office Address: 5779 South Marsh Creek Road McCammon Idaho 832504. Source of Water: ground watera. If ground water, well driller's name: Landstrom Well Drilling Date drilled: July 1979b. Pump horsepower: 5hp Pressure (psi): 60psi Dynamic pumping level (ft.): 88

5. Extent of Use:

Domestic 1 (No. of households)Irrigation 8 (No. of acres)Stockwater 25 (No. and type of stock)
Beef Cattle + Horses

Other _____

6. Total rate and/or volume for which proof is submitted 0.16 cfs 16 acre/feet

7. Refer to the approval conditions on your permit and respond accordingly:

Measuring device: Required? Yes ☒ No ☐ Installed? Yes ☐ No ☐OR
Flow Measurement Port: Required? Yes ☒ No ☐ Installed? Yes ☐ No ☐8. Fee Enclosed: \$ 50.00 (See License Examination Fee Schedule)

9. Person to contact to accompany the Department representative during the field examination:

Jimmy Kay Bowman 254-3109
Name Telephone No.5779 S. Marsh Creek Rd McCammon Idaho 83250
Address

10. The above information is my true statement of the extent to which the above numbered permit has been developed and I relinquish any undeveloped portion of the permit to the state of Idaho.

MICROFILMED

JAN 28 1991

12-20-90
DateJimmy Kay Bowman
Signature (and title if on behalf of a company or organization)

138577
October 31, 1990

JIMMY KAY BOWMAN
5779 S. MARSH CREEK
MC CAMMON, ID 83250

PROOF DUE NOTICE

RE: PERMIT NO. 29-07803

Dear Permit Holder:

One of the conditions of approval of the above referenced water permit was that proof of the extent of your beneficial use must be submitted to this office on or before January 1, 1991. (See last page of your approved permit or your last approved extension request.) Enclosed is a form which when accompanied by the license examination fee or a complete field examination report prepared by a certified water right examiner may be used to submit the required proof.

If you have not fully completed your project, and you or a previous owner of this permit have not received a prior extension of time, you may request an extension of time if the delay is for reasonable cause as provided in Section 42-204, Idaho Code. If you have been prevented from proceeding by a governmental agency or by litigation which might bring title to the water in question, more than one extension of time can be granted. An extension of time request form is enclosed for your convenience.

Either an acceptable proof of beneficial use submittal or an acceptable request for an extension of time must be received by this department on or before the above described proof due date. If neither is received, the department will send you a lapse notice. Within sixty (60) days of the mailing of the lapse notice, the permit will no longer be of any force nor effect.

SINCERELY,

Rita Fleck
Secretary/Records Manager

Enclosures

MICROFILMED

JAN 23 1991

S T A T E O F I D A H O
D E P A R T M E N T O F W A T E R R E S O U R C E S

Statehouse
Boise, Idaho 83720
(208) 327-7900
December 15, 1989

JIMMY KAY BOWMAN
5779 S. MARSH CREEK
MC CAMMON, ID 83250

P E R M I T A P P R O V A L N O T I C E

RE: PERMIT NO. P29-07803

Dear Permit Holder:

Enclosed is a copy of your approved application for permit. We direct your attention to the conditions of approval on the final page.

You should be aware that the groundwater you propose to divert is located within a drainage basin where surface waters are regulated during the months of low flow. It is possible that diversion of groundwater may have an adverse impact on these surface water flows. Information available to us at this time does not warrant refusing to issue permits in your area, but we do caution that diversions of groundwater are not allowed to deplete flows available for surface water users with earlier priority dates. Siting your well as far from surface sources as possible and casing out upper water producing zones may reduce the potential of interference.

Section 42-235, Idaho Code, requires that a "drilling permit" must be obtained from the department for all wells constructed after July 1, 1987. A drilling permit is a separate permit that must be issued in addition to your permit to appropriate water. Commencement of well construction or diversion of water under your permit to appropriate water is prohibited unless a drilling permit is obtained.

We have enclosed a form entitled "Instructions for Proof of Beneficial Use". Please read the instructions carefully since you must take further action to develop this permit. Also enclosed for your convenience is a form entitled "Proof of

MICROFILMED

DEC 18 1989

Beneficial Use" that must be submitted to the Department when your project is completed. If development is complete, you may submit proof of beneficial use immediately.

Sincerely,

GARY SPACKMAN, Supervisor
Water Right Permits Section

GS: SC
Enclosures

MICROFILMED

DEC 18 1989

1

State of Idaho
Department of Water Resources

APPLICATION FOR PERMIT ANALYSIS SHEET

29~7803

INITIAL REVIEW BY: G. F. RAMSEY

APPLICATION NUMBER: _____

CHECK: SEP 5 1985

- ☒ Source.
☒ Point of diversion.
☒ County.
☒ Quantity of water and period of use.
☒ Description of diverting works.
☒ Time required for beneficial use of water.
☒ Place of use or acres irrigated.
☒ Map.
☒ Signature.
☒ Fee.

Field check by: _____

Date: _____

Comments: _____

☐ Yes ☒ No Field check required.

☐ Yes ☒ No Critical groundwater area.

☐ Yes ☒ No Request dam safety information. Sent by: _____ Date: _____

☒ Yes ☐ No* In form to receipt.

*REQUEST THE FOLLOWING ADDITIONAL INFORMATION FROM THE APPLICANT: _____

SEND COPIES TO:

- ☐ Idaho State Health Department.
☐ Idaho Fish and Game Department.
☐ Idaho Department of Lands.
☐ U.S. Bureau of Land Management.
☐ U.S. Forest Service.
☐ Other _____

Copies sent by: _____ Date: _____

PROCESSING:

☐ Yes ☒ No Platted by: _____ Map No. _____

☐ Yes ☒ No Other rights on same place of use. _____

☒ Yes ☐ No* In form for advertising.

Final date for protests: 11-6-89

☐ Yes ☒ No Protests received. If yes, record information on 4th page of application.

FINAL REGIONAL PROCESSING REVIEW:

☒ Affidavit of publication received. Date: 11-01-89

☒ Application published correctly. If not, record action taken: _____

☒ Fee amount, receipt date & number, recorded on application.

☒ Publication dates and paper, recorded on application.

☒ Protests, dates, withdrawal, etc., recorded on application.

☒ Recommendation & initial, recorded on application.

☐ Yes ☒ No Measuring device required.

☐ Yes ☒ No Access port required.

☒ Yes ☒ No Will water be delivered by watermaster? If yes, what district? 29-P05

9-4-85 Date of priority recommended.

Special conditions of approval or cover letter. _____

App. in NON-TRUST area -

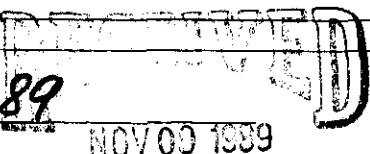
By: HWS Date: 11-7-89

STATE OFFICE REVIEW:

P05, P23 P16 48 49 46

☐ See attached sheet for more information.

By: KW Date: 12-4-89



27-Sep-1989

Jimmy Kay Bowman
5779 S. Marsh Creek
McCammon, ID 83250

RE: Application for Permit No. 29-7803

Dear Water Right Applicant:

The Department of Water Resources acknowledges receipt of your water right permit. This office is currently in the process of advertising the application in the Idaho State Journal. The advertisement will be published for two consecutive weeks, and a period of ten days following the second publication will be allowed for the submittal of protests.

If the application is protested, you will be sent a copy of the protest. The protest must be resolved before the application is approved or denied. If the protest is not resolved voluntarily, this Department will conduct a conference and/or hearing on the matter.

If the application is not protested, it will be forwarded to our state office in about five weeks. State office personnel will conduct a complete review prior to final processing of the application and will notify you of the outcome of this review. When a permit is issued, you will be sent a copy. A typical processing time for an unprotested application is about eight weeks.

Please feel free to contact this office if you have any questions regarding this procedure.

Sincerely,

HAROLD W. JONES
Water Rights Supervisor

HWJ/rb

RECEIVED
DEC 18 1989

29-07803

BOWMAN, JIMMY KAY
5779 S. MARSH CREEK
MC CAMMON, ID 83250

Source: GROUNDWATER

Diversion Pt: NWSW Sec 34 T 08S R 36E

Use: IRRIGATION (.160 CFS)

Date Filed: 9/04/1985

In: T08S R36E S34 NWSW SWSW

8.0 ACRES TOTAL

MICROFILMED

DEC 18 1989

29-2803-

BOWMAN, JIMMY KAY

5779 S. MARSH CREEK, MC CAMMON, ID 83250

Source: GROUNDWATER

Date Filed: 09/04/1985

Diversion Pt: NWSN Sec 34 T 08S R 36E

Use: IRRIGATION (0.16 CFS)

In: NWSN SWSN Sec 34 T 08S R 36E FOR 8 ACRES

MICROFILMED

DEC 18 1989

August 22, 1985

J. K. Bowman
5779 S. Marsh Creek
McCammon, ID 83250

Dear Mr. Bowman:

Per the telecon with Mrs. Bowman on 8/22/85 I am returning your application for permit and your check. Please indicate the point of diversion and place of use on the map provided in the typed application and indicate the 1/4 1/4 and section number of the well location in item #3. Using the map fill in the missing land description in item #9 (include acres by 1/4 1/4 and section #)

If you have any questions please call 525-7161 or come to the Idaho Falls office. Your original application has your well in section 36 and your land in T 6N (Jefferson County) Return your completed form with a check for \$30.00 to cover the filing fee.

Sincerely,

GERALD F. RAMSEY
Radiologic Specialist

GFR/ct

Enclosures

Attachment: 92-284 Check for \$45.00.

MICROFILMED

DEC 18 1989