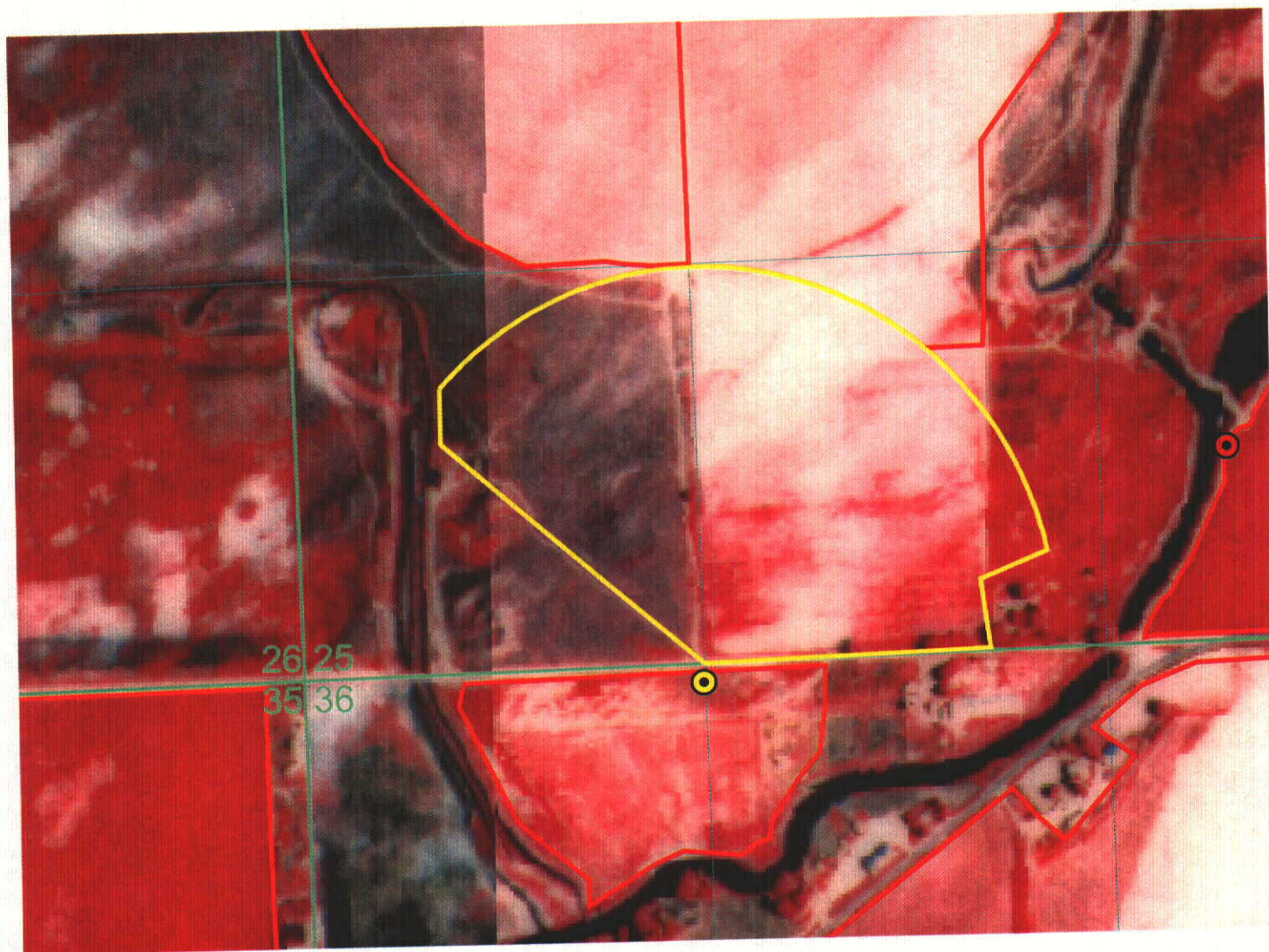


Idaho Department of Water Resources

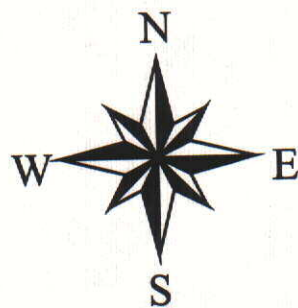
Water Right 31-7043, 31-11461

Township 7N Range 35E Section 25



0 1320 Feet

-  Point of Diversion
-  Point of Diversion - Other Rights
-  Place of Use
-  Place of Use - Other Rights
-  Quarter-quarter Sections
-  Section Lines



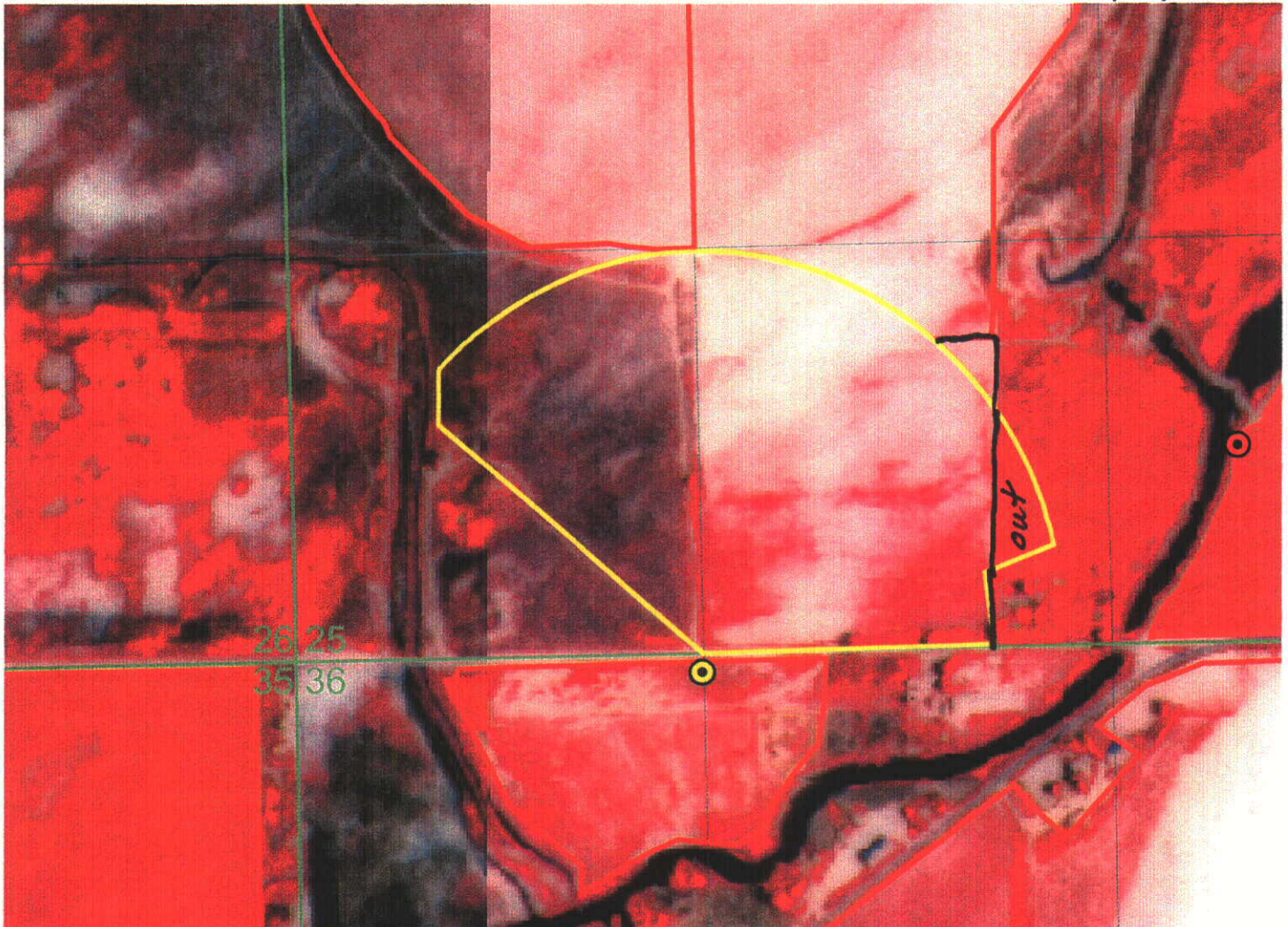
GIS Illustration prepared from 1987/1988 NAPP photography by B. Contor 11/2000

Idaho Department of Water Resources

Water Right 31-7043, 31-11461

Township 7N Range 35E Section 25

*The yellow
line is wrong
and I have
drawn in black
where the line
goes.
Robert Sykes*



0 1320 Feet

-  Point of Diversion
-  Point of Diversion - Other Rights
-  Place of Use
-  Place of Use - Other Rights
-  Quarter-quarter Sections
-  Section Lines



GIS Illustration prepared from 1987/1988 NAPP photography by B. Contor 11/2000

IDAHO DEPARTMENT OF WATER RESOURCES

7043
Water Right 31-02454C

Township 7 North Range 35 East Section 36



- Point(s) of Diversion, This WR
- Other Points of Diversion
- Place of Use Per Note in Pivot Panel
- Licensed/Recommended
- Other Places of Use
- Section Lines
- Quarter-quarter Sections

0 400 Feet



Prepared by Bryce A. Contor from 1987/1988 NAPP Photography, 4/2000

04/16/2001

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

RIGHT NUMBER: 31-7043B

NAME AND ADDRESS: ROBERT B BYBEE
2014 E 1800 N
TERRETON, ID 83450

SOURCE: GROUND WATER

QUANTITY: 0.62 CFS
108.5 AFY

PRIORITY DATE: 11/12/1970

POINT OF DIVERSION: T07N R35e S36 NENWNW Within JEFFERSON County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	04-01 10-31	0.62 CFS 108.50 AFY

PLACE OF USE:

<u>IRRIGATION within JEFFERSON County</u>			
T07N R35E S25	SWSW	18.6	T07N R35E S25 SESW 23.4

42 ACRES TOTAL

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 31 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

USE OF THIS RIGHT WITH RIGHT NO. 31-11461 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 42 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 - License

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: **A31-07043**
Date Received: 10/21/1988
Receipt No: E003391
Received By: _____

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

AMENDED

1. Name: ROBERT BYBEE
Address: 21 HC 69
BOX 2165
HAMER ID

83425

2. Date of Priority: NOV 12, 1970

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
07N	35E	36	NE	NW	NW		JEFFERSON

5. Description of diverting works:
WELL, PUMP, PIPELINES & SPRINKLERS.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	10/01	0.620		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
07N	35E	25	SE	SW		IRR	25.0
			SW	SE		IRR	6.0

10. Place of Use: Continued

Section Acres 31.0

Total Acres 31.0

11. Place of use in counties: JEFFERSON

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

13. Other Water Rights Used:

14. Remarks:

CHANGED OWNERSHIP 12-23-96/JT/EC

CHANGED NAME & ADDRESS PER REQUEST/JH/6-29-99

CHANGED OWNERSHIP PER REQUEST/CV/8-12-99

15. Basis of Claim: LICENSE

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 X 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): Robert B. Byrue Date: 2/24/00

Date: _____

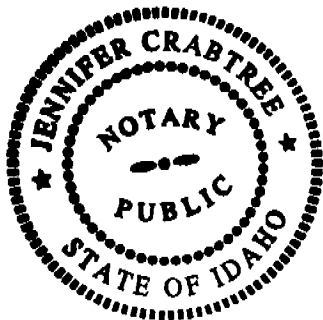
State of Idaho)
County of Bonneville) SS.

Subscribed and sworn (or affirmed) before me this 24th day

of February 20 00

Jennifer Crabtree
Notary Public

Seal



Residing at Idaho Falls Id.

My Commission Expires 9/23/03

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT
(REGIONAL)

DATE _____
PAGE _____

Water Source: GROUNDWATER

Tributary to:

Stage: LICENSE

Point(s) of Diversion: T07N R35E S36 NENWNW

JEFFERSON County

Place of use Legal Description for: IRRIGATION

			NE				NW				SW				SE					
T	R	S	NENE	NWNE	SUNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWESE	SESE		
---	---	---	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac
07N	35E	25																		
											25				14 06					
			TOTAL ACRES																	

POU County: JEFFERSON

Non-Irrigation Uses: NONE

Other Rights: A31-07199

Remarks: GEN CHANGED OWNERSHIP 12-23-96/JT/EC
CHANGED NAME & ADDRESS PER REQUEST/JH/6-29-99
CHANGED OWNERSHIP PER REQUEST/CV/8-12-99

Dates: **Exam Made Date:** **Verified Date:** **Objection Filed Date:**

Misc:	Water District Number:	Field Inspection Flag:
		Presumption Flag:

00-XXX
 AJ5802N2
 SELECTION FILE: JH-DWSLEY

IDAHO DEPARTMENT OF WATER RESOURCES
 ADJUDICATION NAME INDEX

CLAIMANT	C C	WATER RIGHT NUMBER	STG STA	PRIORITY DATE	SOURCES OF WATER	TR
MUD LAKE WATER USERS INC	C	A31-00327	D/	11/16/1931	GROUNDWATER	MUD LAKE
MUD LAKE WATER USERS INC	C	A31-00328	D/	09/05/1912	MUD LAKE	SINKS
MUD LAKE WATER USERS INC	C	A31-00329	D/	01/08/1932	GROUNDWATER	MUD LAKE
MUD LAKE WATER USERS INC	C	A31-00330	D/	06/26/1936	GROUNDWATER	MUD LAKE
MUD LAKE WATER USERS INC	C	A31-00336B	D/	04/27/1932	GROUNDWATER	
MUD LAKE WATER USERS INC	C	A31-00337B	D/	12/15/1932	GROUNDWATER	
MUD LAKE WATER USERS INC	C	A31-00363	D/	08/28/1926	MUD LAKE	SINKS
MUD LAKE WATER USERS INC	C	A31-02239	L/	01/25/1930	GROUNDWATER	
MUD LAKE WATER USERS INC	C	A31-02265	L/	05/22/1940	GROUNDWATER	
MUD LAKE WATER USERS INC	C	A31-02276	D/	01/17/1969	MUD LAKE	SINKS
MUD LAKE WATER USERS INC	C	A31-02341	L/	09/03/1954	GROUNDWATER	
MUD LAKE WATER USERS INC	C	A31-02342	L/	09/03/1954	GROUNDWATER	
MUD LAKE WATER USERS INC	C	A31-02343	L/	09/03/1954	GROUNDWATER	
MUD LAKE WATER USERS INC	C	A31-02344	L/	09/03/1954	GROUNDWATER	
MUD LAKE WATER USERS INC	C	A31-02345	L/	09/03/1954	GROUNDWATER	
MUD LAKE WATER USERS INC	C	A31-07005	D/	12/04/1967	MUD LAKE	SINKS
MUD LAKE WATER USERS INC	C	A31-07043	L/	11/12/1970	GROUNDWATER	
MUD LAKE WATER USERS INC	C	A31-07199A	L/	05/14/1976	GROUNDWATER	
MUD LAKE WATER USERS INC	C	A31-10626	J/	04/01/1920	GROUNDWATER	
MUD LAKE WATER USERS INC	C	A31-10627	J/	04/01/1920	GROUNDWATER	MUD LAKE

JD-XXX
 A15802NP
 SELECTION FILE: JH-OWSLEY

IDAHO DEPARTMENT OF WATER RESOURCES
 ADJUDICATION NAME INDEX

CLAIMANT	D C	WATER RIGHT NUMBER	STG STA	PRIORITY DATE	SOURCES OF WATER	TR
MUD LAKE WATER USERS INC	C	A31-00006	D/	12/10/1917	MUD LAKE	SINKS
MUD LAKE WATER USERS INC	C	A31-00034	D/	05/01/1920	MUD LAKE	SINKS
MUD LAKE WATER USERS INC	C	A31-00035	D/	05/01/1921	MUD LAKE	SINKS
MUD LAKE WATER USERS INC	C	A31-00036	D/	05/01/1922	MUD LAKE	SINKS
MUD LAKE WATER USERS INC	C	A31-00037	D/	05/01/1923	MUD LAKE	SINKS
MUD LAKE WATER USERS INC	C	A31-00038	D/	08/28/1924	MUD LAKE	SINKS
MUD LAKE WATER USERS INC	C	A31-00052	D/	09/06/1913	MUD LAKE	SINKS
MUD LAKE WATER USERS INC	C	A31-00065	D/	10/03/1910	MUD LAKE	SINKS
MUD LAKE WATER USERS INC	C	A31-00104	D/	10/18/1913	MUD LAKE	SINKS
MUD LAKE WATER USERS INC	C	A31-00105	D/	12/15/1913	MUD LAKE	SINKS
MUD LAKE WATER USERS INC	C	A31-00147A	D/	07/21/1913	MUD LAKE	SINKS
MUD LAKE WATER USERS INC	C	A31-00159	D/	06/24/1916	MUD LAKE	SINKS
MUD LAKE WATER USERS INC	C	A31-00162	D/	06/01/1916	MUD LAKE	SINKS
MUD LAKE WATER USERS INC	C	A31-00163	D/	12/03/1916	MUD LAKE	SINKS
MUD LAKE WATER USERS INC	C	A31-00166	D/	09/05/1912	MUD LAKE	SINKS
MUD LAKE WATER USERS INC	C	A31-00168	D/	10/03/1910	MUD LAKE	SINKS
MUD LAKE WATER USERS INC	C	A31-00169	D/	12/10/1917	MUD LAKE	SINKS
MUD LAKE WATER USERS INC	C	A31-00184	D/	04/15/1912	MUD LAKE	SINKS
MUD LAKE WATER USERS INC	C	A31-00185	D/	12/02/1916	MUD LAKE	SINKS
MUD LAKE WATER USERS INC	C	A31-00185Z5	D/	12/02/1916	MUD LAKE	SINKS
MUD LAKE WATER USERS INC	C	A31-00186	D/	08/11/1924	MUD LAKE	SINKS
MUD LAKE WATER USERS INC	C	A31-00187	D/	05/01/1921	MUD LAKE	SINKS
MUD LAKE WATER USERS INC	C	A31-00188	D/	03/09/1911	MUD LAKE	SINKS
MUD LAKE WATER USERS INC	C	A31-00232	D/	05/01/1923	MUD LAKE	SINKS
MUD LAKE WATER USERS INC	C	A31-00237	D/	11/28/1919	MUD LAKE	SINKS
MUD LAKE WATER USERS INC	C	A31-00263	D/	10/14/1912	MUD LAKE	SINKS

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: **A31-07043**
Date Received: 10/21/1988
Receipt No: E003391
Received By: _____

**COPY FOR
YOUR FILES**

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

**COPY FOR
YOUR FILES**

1. Name: OWSLEY CANAL COMPANY
Address: TERRETON ID

208-663-4359

83450

2. Date of Priority: NOV 12, 1970

3. Source: GROUNDWATER

Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
07N	35E	36	NE	NW	NW		JEFFERSON

5. Description of diverting works:
WELL, PUMP, PIPELINES & SPRINKLERS.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	10/01	0.900		

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

A.F.A.

8. Total consumptive use is 112.5 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
07N	35E	25	SE	SW		IRR	25.0
			NW	SE		IRR	14.0
			SW	SE		IRR	6.0

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					Section Acres	45.0
					Total Acres	45.0

11. Place of use in counties: JEFFERSON

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

13. Other Water Rights Used:
A31-07199

14. Remarks:
CHANGED OWNERSHIP 12-23-96/JT/EC

15. Basis of Claim: LICENSE

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: A31-07043
Date Received: 10/21/1988
Receipt No: E003391
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: ROBERT BYBEE 208-662-5526
Address: 21 HC 69 BOX 2165
HAMER, ID 83425

2. Date of Priority: NOV 12, 1970

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
07N	35E	36	NE	NW	NW		JEFFERSON

5. Description of diverting works:
WELL, PUMP, PIPELINES & SPRINKLERS.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	10/01	0.900		

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

8. Total consumptive use is 112.5 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
07N	35E	25	SE	SW		IRR	25.0
			NW	SE		IRR	14.0
			SW	SE		IRR	6.0

Section Acres 45.0

A31-07043

Page 1

Date: 10/21/88

MICROFILMED
NOV 17 1992

A3107043



10. Place of Use: Continued

Total Acres 45.0

11. Place of use in counties: JEFFERSON

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

13. Other Water Rights Used:
A31-07199

14. Remarks:

15. Basis of Claim: LICENSE

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): Robert B. Bybee Date: 10/21/88

Date: _____

State of Idaho)
County of Bannock) SS.

Subscribed and sworn (or affirmed) before me this 21th day
of Oct 19 88

Betty J. Thompson
Notary Public

Seal

Residing at Idaho Falls
My Commission Expires 6-94

A31-07043

Page 2

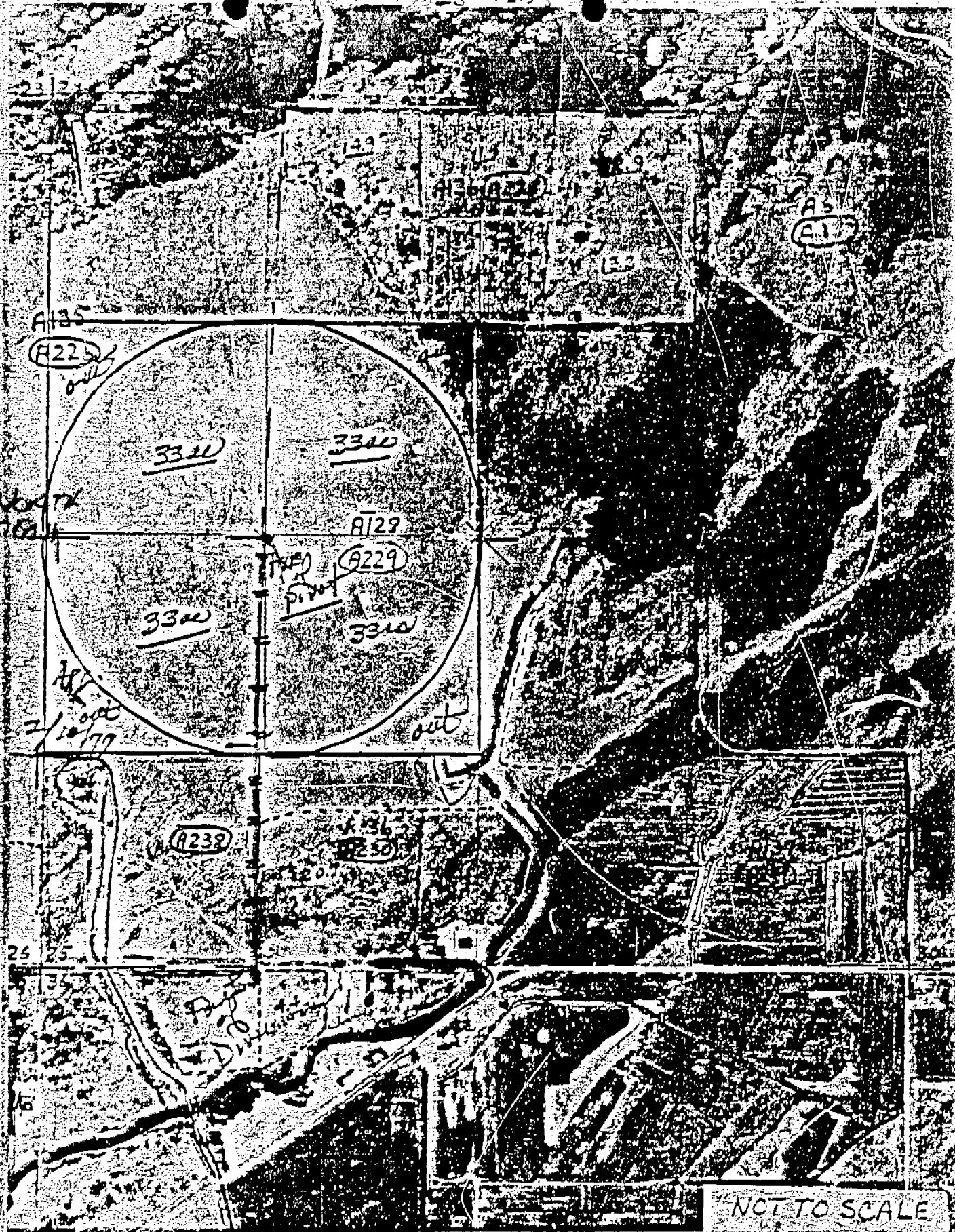
Date: 10/21/88

MICROFILMED

NOV 17 1992

Base 8-7130

T. North
R 3500



NOT TO SCALE

3501-07045

Idaho Department of Water Resources

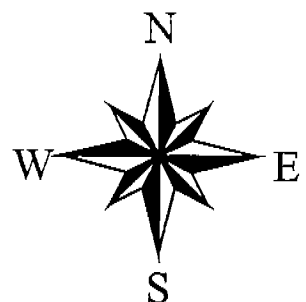
Water Right 31-7043, 31-11461

Township 7N Range 35E Section 25



0 1320 Feet

- ⊙ Point of Diversion
- ⊙ Point of Diversion - Other Rights
- Place of Use
- Place of Use - Other Rights
- Quarter-quarter Sections
- Section Lines



GIS Illustration prepared from 1987/1988 NAPP photography by B. Contor 11/2000

MEMORANDUM

To: 31-7043, 31-11461

Fr: Bryce Contor

Date: 7/12/01

Re: Incorrect Shape

The tabular page on these recommendations is correct, but Mr. Bybee indicates that the shape I drew is incorrect.

We discussed the possibility of filing an objection to correct the shape, but my opinion is that the tabular data describes the right, the map is for information purposes only.

Mr. Bybee has notified us of what is correct.

A copy of the layout edited by Mr. Bybee is included in file 31-7043 w/ this memo

Bryce A. Contor

Idaho Department of Water Resources

Water Right 31-7043, 31-11461

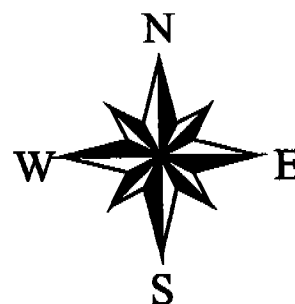
Township 7N Range 35E Section 25

*The yellow
line is wrong
and I have
drawn in black
where the line
goes.
Robert John*



0 1320 Feet

- ⊙ Point of Diversion
- Point of Diversion - Other Rights
- Place of Use
- Place of Use - Other Rights
- Quarter-quarter Sections
- Section Lines



GIS Illustration prepared from 1987/1988 NAPP photography by B. Contor 11/2000

04/16/2001

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

WATER RIGHT NO. 31-7043B

Owner Type Name and Address
Current Owner ROBERT BYBEE
2014 E 1800 N
TERRETON, ID 83450
(208)662-5526

Original Owner MRS DON R BYBEE
HAMER, ID 83425

Priority Date: 11/12/1970
Basis: License
Status: Active

Source
GROUND WATER

Tributary to

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	4/01	10/31	0.62 CFS	108.5 AFA	
Total Diversion			0.62 CFS	108.5 AFA	

Location of Point(s) of Diversion:

GROUND WATER NWNW Sec. 36 Township 07N Range 35E JEFFERSON County

Place(s) of use:

Place of Use Legal Description: IRRIGATION JEFFERSON County

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
07N	35E	25		SWSW	18.6		SESW	23.4						

Total Acres: 42

Conditions of Approval:

- 046 Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
- 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.
- 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.
- 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 the water right(s) in the ongoing Snake River Basin Adjudication.

Remarks:

- General This right is limited to the irrigation of 31 acres within the place of use described above in a single irrigation season.

Comments:

Water Right 31-7043B

<u>Author</u>	<u>Date</u>	<u>Subject</u>	<u>Comment</u>
SCOX	3/22/00	TRANSFER NO. 5693	I WANT TO MAKE THE ACRES FIT A WIPER PIVOT I HAVE ON THE PLACE OF USE DESCRIBED.

Dates:

Licensed Date: 05/07/1979
 Decreed Date:
 Enlargement Use Priority Date:
 Enlargement Statute Priority Date:
 Application Received Date:
 Protest Deadline Date:
 Number of Protests: 0

Other Information:

Receipt Number(s):
 State or Federal:
 Owner Name Connector:
 Water District Number:
 Generic Max Rate per Acre:
 Generic Max Volume per Acre:
 Civil Case Number:
 Old Case Number:
 Decree Plaintiff:
 Decree Defendant:
 Swan Falls Trust or Nontrust:
 Swan Falls Dismissed:
 DLE Act Number:
 Cary Act Number:
 Mitigation Plan: False

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

11/15/2000

RIGHT NUMBER: 31-7043
NAME AND ADDRESS: ROBERT BYBEE
21 HC 69
BOX 2165
HAMER, ID 83425

SOURCE: GROUND WATER

QUANTITY: 0.62 CFS
108.5 AFY

PRIORITY DATE: 11/12/1970

POINT OF DIVERSION: T07N R35E S25

Within JEFFERSON County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE
IRRIGATION

PERIOD OF USE
04-01 10-01

QUANTITY
0.62 CFS
108.5 AFY

PLACE OF USE:

IRRIGATION Within JEFFERSON
County

T07N R35E S25

SWSW

18

T07N R35E S25

SESW

23

41 ACRES TOTAL

USE OF THIS RIGHT WITH RIGHT NO. 31-11461 IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 42 ACRES IN A SINGLE
IRRIGATION SEASON.

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 31 ACRES WITHIN
THE PLACE OF USE DESCRIBED ABOVE 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.

SEE NO. 31-07043B.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

11/01/2000

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommended Right Report

WATER RIGHT NO. 31-7043

Owner Type Name and Address
Current Owner ROBERT BYBEE
 21 HC 69
 BOX 2165
 HAMER, ID 83425

Original Owner MUD LAKE WATER USERS INC
 1400 E 1500 N
 PO BOX 68
 TERRETON, ID 83450
 (208)663-4359

Priority Date: 11/12/1970
Basis: License
Status:

Source Tributary to
GROUND WATER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	04/01	10/01	0.62 CFS	108.5 AFA	
Total Diversion			0.62 CFS	108.5 AFA	

Point(s) of Diversion:

Township	Range	Section	1/4 of 1/4 of	Lot	County
07N	35E	36	NE NW NW	0	JEFFERSON

IRRIGATION Use:
Acre Limit: 31

Place(s) of use:

Place of Use Legal Description: IRRIGATION JEFFERSON County

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
07N	35E	25		SWSW	18		SESW	23						

Total Acres: 41

Conditions of Approval:

- C18 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.

Remarks:

31-11461

- Place of Use - Irrigation USE OF THIS RIGHT WITH RIGHT NO. ~~31-024546~~ IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 42 ACRES IN A SINGLE IRRIGATION SEASON.
- Place of Use - Irrigation THIS RIGHT IS LIMITED TO THE IRRIGATION OF 31 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

3. General

SEE NO. 31-07043B.

Comments:

<u>Author</u>	<u>Date</u>	<u>Subject</u>
bcontor	11/1/00	Versions
bcontor	11/1/00	Recommendation
bcontor	11/1/00	Place-holder
bcontor	11/1/00	WR numbering

Comment

Version 1 was created on VAX at request of Harold Jones to facilitate transfer processing. Version 1 left intact to preserve record. Version 2 created via eCVR to reflect approved transfer for Directors Report. Recommended per post-1987 formal transfer 5693. WR 31-02454C in the combined use limitation remark is a placeholder. When computer system allows splitting of that recommendation and claim, the new number must be used. The AJ claim will be the one associated with WR split 31-2454F. This recommendation corresponds to WR database numbering 31-07043B.

Dates:

Licensed Date: 05/25/1982
Claim Received Date: 10/21/1988
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
Decreed Date:
Date Filed with Court:
Objection Filed Date:
SF5 Filed:
Special Master Recom Signed Date:

Element Reviewed/Verified Dates: No dates found

Other Information:

Receipt Number(s):
State or Federal: S
Owner Name Connector:
Overall Max Diversion Rate: 0.62
Overall Max Diversion Volume: 108.5
Generic Max Rate per Acre:
Generic Max Volume per Acre:
Civil Case Number:
Old Case Number:
Decree Plaintiff:
Decree Defendant:
PresumptionFlag:
Notice of Error Flag:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Cary Act Number:
Mitigation Plan: False

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log Text</u>
POD	11/1/00 5:02:53 PM	bcontor	Edited point location

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

22:45:51
03/18/93

PAGE: 1
GENERAL INFORMATION

CLAIM NUMBER: A31-97043

LAST: DYBEE
ADDRESS: 21 MC 69 BOX 2165
CITY: HANER
PHONE NUMBER: 208-662-5526

FIRST: ROBERT
STATE: ID ZIP: 83425

OWNER CODE: C

FIELD EXAM REQUIRED?

VERIFICATION REQUIRED DUE TO REMARKS?

DATABASE
N

FIELD
EXAMINER

NO REMARKS IN CLAIM

FIELD EXAMINATION INFORMATION

CONTACT PERSON: _____

PHONE NUMBER: () -

DATE OF FIELD EXAM: __/__/

APPOINTMENT MADE: V() N()

TIME: __: __ A() P()

ACCOMPANIED BY: _____

PHONE NUMBER: () -

RELATIONSHIP TO CLAIMANT: _____

DIRECTIONS TO PROPERTY / NOTES:

Desktop Review 5/8/00 using GIS
2 NWMD GPS.

PAGE: 2
PRIORITY DATE REVIEW PAGE

CLAIM NUMBER: A31-07043

A. AJ CLAIM: # A31-07043 PRIORITY DATE: 11-12-1970 ✓ STAGE: L
B. WR RECORD: # 31-07043 PRIORITY DATE: 11-12-1970 ✓ STAGE: L

C. FIELD EXAM REQUIRED?
DUE TO PRIORITY DATE DISCREPANCY? (Y/N) DATABASE FIELD
H EXAMINER
N

ARE THERE OBVIOUS REASONS TO QUESTION THE PRIORITY DATE CLAIMED? Y() N(✓)
IF YES EXPLAIN.

NOTES:

RECOMMENDED PRIORITY DATE:
11-12-1970

REVIEWED BY: *Buc*

DATE: 5/8/00

A. AJ CLAIM POINT OF DIVERSION AND SOURCE:

RIGHT	TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	CNTY
A31-07043	07N	35E	36	NE	NW	NW		JEFFERSON

OTHER AJ CLAIMS WITH SAME AJ POD
A PREFIX R PREFIX
A31-07199 NONE

WR RECORDS IN SAME 40 ACRE TRACT

31-00331
31-00332
31-00342
31-00343
31-00344
31-00345
31-00346
31-00347
31-00348
31-00349
31-00350
31-00351
31-00352
31-00353
31-00354
31-00355
31-00356
31-00357
31-00358
31-00359
31-00360
31-00361
31-00362
31-00371
31-02099A
31-02099B
31-02099C
31-02117
31-02118
31-02203
31-07199
31-07460

SOURCE: GROUNDWATER

TRIB:

B. WR POINT OF DIVERSION AND SOURCE:

RIGHT	TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	CNTY
31-07043	07N	35E	36		NW	NW		JEFFERSON

OTHER WR RECORDS WITH SAME WR POD

AJ CLAIMS IN SAME 40 ACRE TRACT
A PREFIX R PREFIX

31-00332

A31-00354 NONE

31-00342
31-00343
31-00344
31-00345
31-00346
31-00347
31-00348
31-00349
31-00350
31-00351
31-00352
31-00353
31-00354
31-00355
31-00356
31-00357
31-00358
31-00359
31-00360
31-00361
31-00362
31-02099A
31-02099B
31-02099C
31-02117
31-02118
31-02205
31-07199

A31-00361
A31-00371
A31-07199
A31-10117

SOURCE: GROUNDWATER

TRID:

C. FIELD EXAM REQUIRED?

DUE TO POD DISCREPANCY? (Y/N)
DUE TO SOURCE DISCREPANCY? (Y/N)

DATABASE
Y
N

FIELD
EXAMINER
N
N

NOTES:

~~POD data was found by MWD GPS. Change was
made to the data. Not original. Please only sp~~

PAGE: 5
POINT OF DIVERSION REVIEW SHEET CONTINUED

CLAIM NUMBER: A31-97043

RECOMMENDED POINT(S) OF DIVERSION AND SOURCE:

TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	COUNTY	DIVERSION NAME
7N	3SE	36	NE	NW	NW			Buena Hill Well

SOURCE: GROUNDWATER

TRIB:

REVIEWED BY:

BAC

DATE:

5/8/00

SYSTEM DESCRIPTION:

IDAHO DEPARTMENT OF WATER RESOURCES
T-R-S PLACE OF USE 1/4 1/4 COMPARISON REPORT

(WATER RIGHT NUMBERS THAT BEGIN WITH AN '*' ARE ADJUDICATION CLAIMS)
(QUARTER-QUARTERS WITH A '?' HAVE DIFFERENT ACREAGE AMOUNTS--CHECK THE DATA BASE RECORDS)

[illegible]

A. ROOT WATER RIGHT NUMBERS: A31-07043

B. POU LISTING

TWP	RNG	SEC	1/4	1/4	LOT	NAME	AJ #/ACRES	WR #/ACRES	LANDSAT DATA	FIELD EXAM.
07N	35E	25	SE	SW		BYBEE, ROBERT	A31-07043 /25.0	31-07043 /25.0	39.0	
			SE	SW		OWSLEY CANAL COMPANY & HOLDEN,	A31-10626 /	- /		
			SE	SW		SKODA, O. A.		31-00234 /		
07N	35E	25	NW	SE		BYBEE, ROBERT	A31-07043 /14.0	- /	11.0	
07N	35E	25	SW	SE		BYBEE, ROBERT	A31-07043 / 6.0	31-07043 / 6.0	42.0	
			SW	SE		KESLER, DAVID O.	A31-07042 /20.0	31-07042 /20.0		
			SW	SE		KESLER, DAVID O.	A31-10306 / 5.0	- /		
			SW	SE		SKODA, O. A.		31-00234 /		
TOTAL ACRES							A31-07043	45.00	31.00	92.00

ARE IRRIGATED ACRES FOUND IN TRACTS OTHER THAN INDICATED ABOVE, Y() N()
IF YES SEE ATTACHED SHEET:

C. FIELD EXAM REQUIRED?

DUE TO POU DISCREPANCY? (Y/N)

DATABASE
Y

FIELD
EXAMINER

POU COUNTY: JEFFERSON

PRESUMPTION FLAG:

NOTES:

A31-10626 D/S partially decreed. 31-00234 not claimed
A31-07042 in same 2Q but no overlap. A31-10306 e
of A31-07042, no overlap. Licensed & originally claimed
acres, amended claim 2/24/00. 31 acres. POU in Sec
Sold w/o water right per documentation in file. Per
no new claims since then

RECOMMENDATIONS:

TOTAL ACRES:

31

REVIEWED BY:

BAC

DATE:

5/9/00

A. AJ CLAIMED USES:

PURPOSES	MONTH/DAY	DIVERSION QUANTITY
A31-07043 IRRIGATION	FROM 04-01 TO 10-01	.900 CFS
TOTAL DIVERSION RATE/VOLUME CLAIMED		.900 CFS

B. WR RECORDED USES:

PURPOSES	MONTH/DAY	DIVERSION QUANTITY
31-07043 IRRIGATION	FROM 04-01 TO 10-01	.900 CFS 135.00 AF/A
TOTAL DIVERSION RATE/VOLUME CLAIMED		.900 CFS 135.00 AF/A

PRESUMPTION FLAG:

C. FIELD EXAM REQUIRED?

	DATABASE	FIELD EXAMINER
DUE TO WATER-USE DISCREPANCY? (Y/N)	N	<u>N</u>
DUE TO DIVERSION RATE DISCREPANCY? (Y/N)	N	<u>N</u>
DUE TO PERIOD FROM/TO DISCREPANCY? (Y/N)	N	<u>N</u>

D. PERIOD OF USE:

RECOMMEND AS CLAIMED?

Y(☒) N(☐)

RECOMMEND TO WR STANDARDS OR OTHER?

Y(☐) N(☒) EXPLAIN IN NOTES, BELOW.

NOTES:

Recommend as licensed w/ should be remove

A. DOES DIVERSION RATE CLAIMED AGREE WITH EXISTING RECORDS?

Y() N(☒)

AJ TOTAL CLAIMED DIVERSION RATE: 0.900 CFS
MR ROOT RIGHT TOTAL DIVERSION RATE: 0.900 CFS

*** IF NO OR IF STATUTORY CLAIM OR BENEFICIAL USE THEN FLOW MEASUREMENT REQUIRED. ***
** IF AN AMOUNT SMALLER THAN THE ORIGINAL DIVERSION RATE IS **
** CLAIMED AND AN EXAM IS NOT REQUIRED, EXPLAIN IN NOTES. **

*Amended
reduced*

FLOW MEASUREMENT REQUIRED?

DUE TO STAGE OR DIVERSION RATE DISCREPANCY? (Y/N)

FIELD
DATABASE EXAMINER
Y N

B. FLOW MEASUREMENT

MEASUREMENT METHOD _____, SEE ATTACHED CALCULATIONS.

C. ARE OTHER WATER RIGHTS USED? Y() N() IF YES COMPLETE OVERLAP REVIEW.

See p 5 of CUR

OTHER RIGHTS LISTED IN CLAIM: A31-07199

LIST ALL RIGHTS WITH A SAME POU AND IRRIGATION USAGE:

CLAIM NO.	SOURCE	NAME	DIV. RATE	DIV. RATE/ACRE	DIV. VOL.	DIV. VOL./
A31-07043	GROUNDWATER	BYDIE, ROBERT	0.900	0.020		
A31-07042	GROUNDWATER	KESLER, DAVID O.	2.500	0.050	150.00	
A31-10836	GROUNDWATER	KESLER, DAVID O.	0.750	0.050		

LIST ALL RIGHTS WITH SAME POU BUT NOT USED FOR IRRIGATION.

CLAIM NO.	PURPOSES	NAME	MONTH/DAY	RATE	VOLUME
A31-10626	DOMESTIC	OWSLEY CANAL COMPANY & HOLDEN, FROM	01-01 TO 12-31	0.020 CFS	

D. RATE/VOLUME CALCULATIONS: (IRRIGATION)

1A. IRRIGATION RATE
ACRES 31 X 0.02 CFS/ACRE = 0.62 CFS
(TAKEN FROM P/U REVIEW)

1B. CALCULATIONS

DOES AMOUNT CLAIMED EXCEED 0.02 CFS/ACRE? Y() N(/)

*** IF YES ADDITIONAL WATER USE FORM FILED AND ATTACHED? Y() N() ***

2. IRRIGATION CONSUMPTIVE USE

CLAIMED CONSUMPTIVE USE = 112.5 AF/A
ACRES 31 X CONSUMPTIVE VOL. AF/A FOR AREA 3.5 = 108.5
TOTAL CONSUMPTIVE USE _____ AF/A

3. IRRIGATION DIVERSION VOLUME

CLAIMED DIVERSION VOLUME = _____ AF/A
ACRES 31 X DIVERSION VOL. AF/A FOR AREA 3.5 = 108.5
TOTAL DIVERSION VOLUME 93 AF/A *per original volume/acre*

$\frac{135}{45} \times 31$

4. CALCULATIONS FOR USES OTHER THAN IRRIGATION:

SEE ATTACHED SHEET? Y() N()
REINSTATED 2-17-1976

NOTES: (INCLUDE LIMITATIONS ON CONSUMPTIVE USE FOR COMBINED RIGHTS.)

WR is proposed to be split to A & B, with A purpose to commercial
A. Therefore volume on this claim calculated as a 70%
original licensed volume.

RECOMMENDATIONS:

REC. PURPOSES	REC. PERIOD FROM TO	REC. DIV RATE CFS	REC. DIV VOL. AF/A	REC. CONS. USE
IRRIGATION	04-01 10-01	DATABASE EXAMINER 0.990 0.62	DATABASE EXAMINER 93.0	DATABASE EXAMINER 112.5
TOTAL FOR THIS RIGHT		0.990		112.5
REVIEWED BY: <i>Bac</i>		DATE: 5/9/00		

SD-0611-2 Basin: 31 Starting Water Right: 07043

S	Water	Name	O	Priority	STG/	Use	S
L	Right No.	Last, First	N	Date	STS	Source	Desc
-	31-07043	BYBEE, MRS DON R.	C	11/12/1970	L/	GROUNDWATER	IRR WR
-	T31-07043A	HALL DAIRY LLC	C	11/12/1970	L/	GROUNDWATER	COMMER WR
-	T31-07043B	BYBEE, ROBERT	C	11/12/1970	L/	GROUNDWATER	IRR WR
-	A31-07043	BYBEE, ROBERT	C	11/12/1970	L/	GROUNDWATER	IRR AJ

* Decreed copied to Water Right Database (G6=Print Profile Rpt) (G8=Cancel)
(Enter=Continue) (G1=Print Screen Query) (G7=This Query) (Menu _____)

PAGE: 11
BASIS OF CLAIM REVIEW SHEET

CLAIM NUMBER: A51-07043

A. CHECK ONLY THE FOLLOWING THAT APPLY:

OWNERSHIP _____
FORFEIT/ABANDON _____
ADDITIONAL DIV. AMOUNT _____

ACCEPTED
AS CLAIMED { }
NEEDS
REVIEW { }
N/A

B. SPLIT WATER RIGHT REVIEW

ROOT WATER RIGHT NUMBER: 31-07043

DATABASE
0.900

EXAMINER

CFS

SPLITS:

OLD RIGHT NUMBERS	CURRENT CLAIM NUMBERS	DIVERSION RATE	CURRENT "R" CLAIM NUM.	"R" DIV. RATE	WR RIGHT NUMBERS	DIVERSION RATE
-	A51-07043	0.900	-		31-07043	0.900
	TOTAL CFS	0.900				0.900

DIVERSION RATE REVIEW

DO THE SUM CFS RATE OF THE SPLITS EQUAL THE ROOT RIGHT CFS RATE? (Y/N)
IF NO, IS THE WRITTEN REVIEW SHEET ATTACHED? (Y/N)

DATABASE
Y

FIELD
EXAMINER

NOTES:

Proposed split by transfer is compatible w/ right & recommended.

AUTHENTICATION:

SIGNATURE:

BAC

DATE:

5/9/00

NAME OF FIELD EXAMINER:

Byron A. Conder

TITLE:

SWA

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

22:45:51
03/13/93

PAGE: 12
QUICKLOOK INFORMATION

CLAIM NUMBER: A31-97043

WR ELEMENT	FIELD EXAM Y/N	CORRESPONDENCE SENT/RECEIVED BY WHOM/DATE	FIELD EXAM BY WHOM/DATE	CHANGE CLAIM Y/N	VERIFIED BY CODE	COMPLETED REVIEW WHOM/DATE	COMPLETED DATA ENTRY WHOM/DATE	VERIFIED DATE WHOM
PRIORITY DATE					BAC			
POINT OF DIV	Y				CUR			
SOURCE					5/9/00			
PLACE OF USE	Y							
DIV. AMOUNT CFS/VOLUME								
CONSUMPTIVE USE	-							
PURPOSES								
PERIOD OF USE								
BASIS OF CLAIM								
REMARKS								

"VERIFIED BY" CODES

TOPO MAP/ORTHO-PQ = 1
RSCS MAP = 2
WATERMASTER RECORDS = 3
NAIP PHOTOS = 4
FIELD EXAM = 5
OTHER (SEE REMARKS) = 6

THESE CODES ARE USED TO INDICATE HOW THE FIELD EXAMINER VERIFIED THE INFORMATION
USED FOR THIS FIELD EXAMINATION. INDICATED ARE ALL CODES WHICH APPLY.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

06:18:55
03/11/98

PAGE: 13
PROFILE REPORT

CLAIM NUMBER: A31-07043

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	ROBERT BYBEE 21 MC 69 BOX 2165 HAWER ID 83425 (208) 662-5526	11/12/1970	IRRIGATION	04-01 10-01	0.90 CFS	
					TOTAL DIVERSION: CONSUMPTIVE USE:	0.90 CFS 0.62

WATER SOURCE: GROUNDWATER

TRIBUTARY TO:

STAGE: LICENSE

POINT(S) OF DIVERSION: T07N R35E S36

~~NENWN~~ NENWNW Barber Hill well JEFFERSON COUNTY

POINT OF USE LEGAL DESCRIPTION FOR: IRRIGATION

NE				NW				SW				SE			
NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE
LT	AC	LT	AC	LT	AC	LT	AC	LT	AC	LT	AC	LT	AC	LT	AC
T	R	S	:	LT	AC	LT	AC	LT	AC	LT	AC	LT	AC	LT	AC
07N	35E	25	:												

TOTAL ACRES

POU COUNTY: JEFFERSON

NON-IRRIGATION USES: NONE

OTHER RIGHTS: A31-07199

DATES: EXAM MADE DATE:

VERIFIED DATE: 04/23/1985

MISC: WATER DISTRICT NUMBER:

FIELD INSPECTION FLAG:
PRESUMPTION FLAG:

Pre-transferred

Superceded

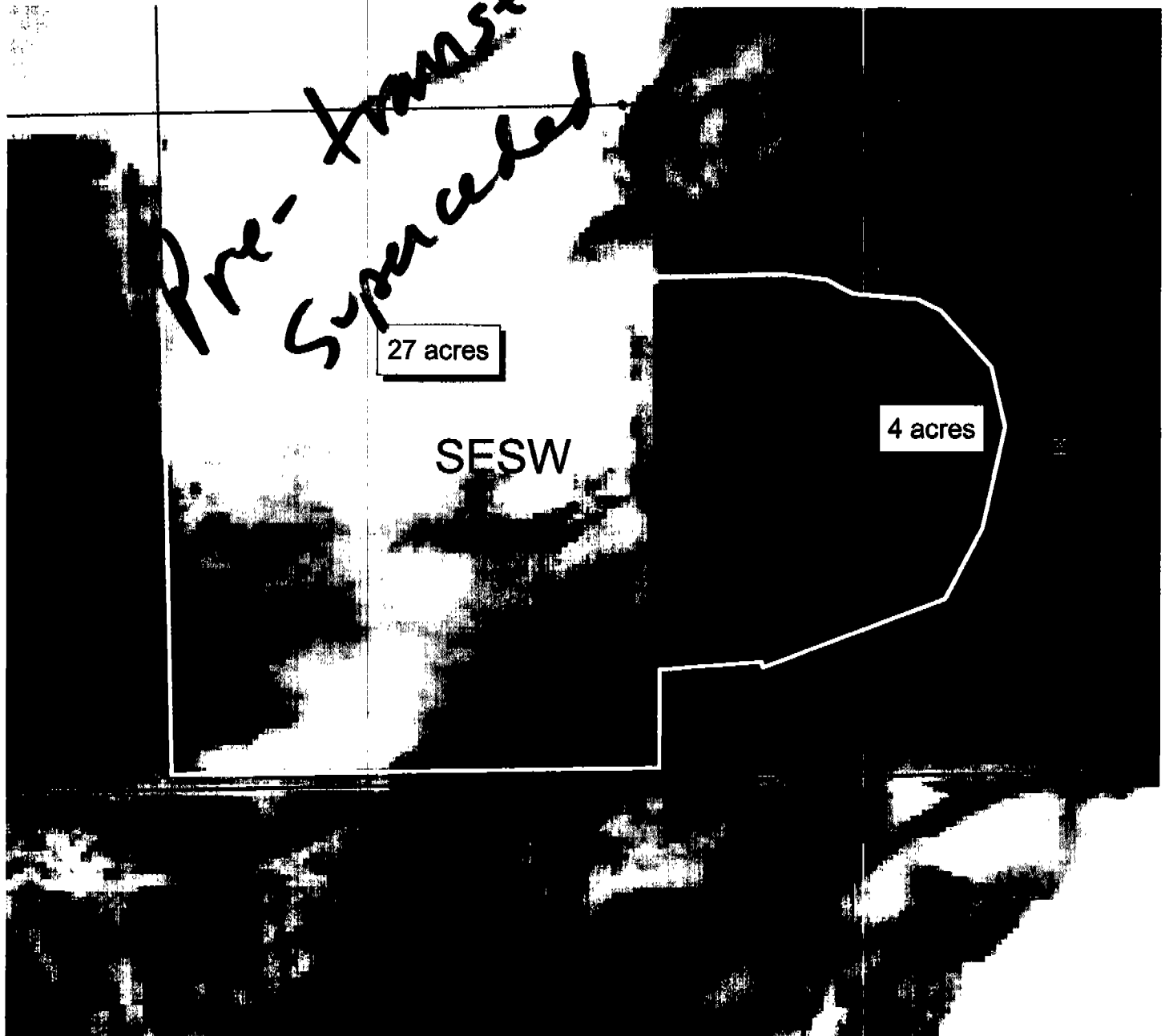
Use 502

POD ID 58
POU ID 57

IDAHO DEPARTMENT OF WATER RESOURCES

7043
Water Right 31-02454C

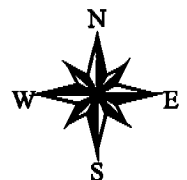
Township 7 North Range 35 East Section 36



- ⊙ Point(s) of Diversion, This WR
- Other Points of Diversion
- Place of Use Per Note in Pivot Panel
- Other Places of Use
- Section Lines
- Quarter-quarter Sections

Licensed/Recommended

0 400 Feet



Prepared by Bryce A. Contor from 1987/1988 NAPP Photography, 4/2000

WR5809NP
No. 31-07043B

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE
C	ROBERT BYBEE	11/12/1970	IRRIGATION	04/01 10/31	0.620 CFS
TOTAL DIVERSION:					0.620 CFS

Water Source: GROUND WATER

Tributary to:

Stage: LIO

Point(s) of Diversion:

T07N R35E S36

NWNW

JEFFERS

Place of use Legal Description for: IRRIGATION

				NE				NW				SW				SE						
T	R	S	:	NENE	NWNE	SWNE	SENE	:	NENW	NWNW	SWNW	SENW	:	NESW	NWSW	SWSW	SESW	:	NESE	NWSE	SWSE	SESE
			:	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac
07N	35E	25	:					:					:					:				
												18	23	:								

TOTAL ACRES

Pou County: JEFFERSON

Conditions of Approval:

- 046 - Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
- 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.
- 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.
- 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 the water right(s) in the ongoing Snake River Basin Adjudication.

Remarks: GEN This right is limited to the irrigation of 31 acres within the place of use described above in a single irrigation season.

Dates: App. Received: 11/12/1970 Priority Date: 11/12/1970
Proof Due Date: 02/01/1981 Proof Made Date: 11/03/1976
Exam Made Date: 07/06/1977 Exam Sent to S.O.:
Licensed Date: 05/07/1979

Misc: Water District Number: Field Exam Fee:

Transferred portion of 31-07043
Corresponds to AT 31-7043

WR5809NP
No. 31-07043B

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

Comments: Date: 03/22/2000 User-ID: SCOX Subject: TRANSFER NO. 5693
I WANT TO MAKE THE ACRES FIT A WIPER PIVOT I HAVE ON THE PLACE OF
USE DESCRIBED.

Audit: 03/22/00 SCOX 07/05/00 SCURTIS

Eastern

COPY

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

TRANSFER NO. 5693
WATER RIGHT NO(S). 31-02454F/31-07043B

RECEIVED

JUL 17 2000

Department of Water Resources
Eastern Region

This is to certify that: ROBERT BYBEE
2014 E 1800 N
TERRETON ID 83450

has requested a change to the above captioned water right(s). This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code, provided the conditions listed below are met.

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
Right No. 31-02454F : IRRIGATION Priority: 09/02/1961	04/01 to 10/31	0.28 CFS	38.5 AF
Right No. 31-07043B : IRRIGATION Priority: 11/12/1970	04/01 to 10/31	0.62 CFS	108.5 AF
TOTAL:		0.90 CFS	147.0 AF

SOURCE

GROUND WATER

LOCATION OF POINT(S) OF DIVERSION:

NWNW, Sec. 36, Township 07N, Range 35E
JEFFERSON County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
07N	35E	25	SWSW 18.6	SESW 23.4		42
Total number of acres irrigated:						42 *

CONDITIONS OF APPROVAL AND REMARKS

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.

TRANSFER NO. 5693
WATER RIGHT NO(S). 31-02454F/31-07043B

CONDITIONS OF APPROVAL AND REMARKS

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.
6. Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.
- * 7. Right 31-02454D is limited to the irrigation of 11 acres within the place of use described above in a single irrigation season.
- * 8. Right 31-07043B is limited to the irrigation of 31 acres within the place of use described above in a single irrigation season.

Dated this 10th day of

July

, 2000



Chief, Water Allocation Bureau

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 5693

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

Name of Applicant Robert B. Bybee Phone 208-662-5526

Post Office address 2014 E. 1800 N. Teton, ID 83450

A. PURPOSE OF TRANSFER

1. ☒ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use
☐ Change nature of use ☐ Change period of use ☐ Other _____

2. Describe the reason for the proposed changes I want to make the acres fit a
wiper pivot I have on the place of use described.

B. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

1. Right Number	Priority	Amount (cfs/ac-ft)	Nature of Use	Period of Use
'A' 31-07043B	11/12/1970	0.62 cfs	Irrigation	4/01 to 10/31
"B" 31-02454F	9/2/1961	0.28	" "	" " to "

2. Total amount of water being transferred 0.90 cubic feet per second and/or _____ acre-feet per annum.

3. Source of water Groundwater tributary to _____

4. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec	Twp	Rge	County	Local name for diversion
				36	7N	35E	Jefferson	

5. Lands irrigated or place of use:

Twp	Rge	Sec	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
'A'	7N	35E	25										7.6	23.4					31
'B'	7N	35E	25										11						11

Total Acres 42

6. General Information:

a. Description of diversion system

deep well

b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts?

X Yes _____ No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes.

c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer:

It will no longer be irrigated and corrals will probably be built on the land

d. Remarks:

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. _____

And the said application is hereby _____, subject to the following conditions:

Witness my hand this _____ day of _____, 20 _____

For the Director

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

**APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2**

(Attach one copy for each right)

Split Right

A. DESCRIPTION OF RIGHT AS RECORDED
1. Right as evidenced by:

- a. Decree No. _____ Decreed to _____
in case of _____ vs. _____
dated _____ in _____ county of _____
- b. License No. _____ issued by the Idaho Department of Water Resources.
- c. Claim No. _____ on file with the Idaho Department of Water Resources.
- d. Transfer No. 3123/31-02454 C (B) which produced this right.

2. Attach copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:

☒ Tax Notice ☐ Warranty Deed ☐ Other _____

3. Source of water Groundwater tributary to _____

4. Date or priority Sept 2, 1961

5. Water is used for the following purposes:

amount 1.00 cfs for Irrigation purposes from 4-1 to 10-31
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

6. Total amount of water under right 1.00 cubic feet per second and/or _____ acre-feet per annum.

7. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec	Twp	Rge	County	Local name for diversion
				<u>36</u>	<u>7N</u>	<u>3SE</u>	<u>Jefferson</u>	

8. Lands irrigated or place of use:

Twp	Rge	Sec	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
<u>7N</u>	<u>3SE</u>	<u>36</u>												<u>40</u>					<u>40</u>

Total Acres 40

9. Describe any other water rights used for the same purpose as described above

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?

NO

If yes, describe _____

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

(If the entire right is to be changed by the applicant, omit part B and C.)

" F "

1. amount 0.28 cfs for Irrigation purposes from 4/01 to 10/31
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec	Twp	Rge	County	Local name for diversion
			<u>SW</u>	<u>SE 36</u>	<u>7N</u>	<u>3SE</u>	<u>Jefferson</u>	

3. Lands irrigated or place of use:

Twp	Rge	Sec	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
<u>7N</u>	<u>3SE</u>	<u>36</u>												<u>11</u>					<u>11</u>

Total Acres 11

C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)

1. amount 0.72 cfs for Irrigation purposes from 4/01 to 10/31
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

" E "

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec	Twp	Rge	County	Local name for diversion
			<u>SW</u>	<u>SE 36</u>	<u>7N</u>	<u>3SE</u>	<u>Jefferson</u>	

3. Lands irrigated or place of use:

Twp	Rge	Sec	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
<u>7N</u>	<u>3SE</u>	<u>36</u>												<u>29</u>					<u>29</u>

Total Acres 29

A. DESCRIPTION OF RIGHT AS RECORDED:

Water Right No. 31-07043

Split Right

STAGE: LICENSE

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	04/01 to 10/01	0.90 CFS	135.0 AF

SOURCE

GROUNDWATER

Priority: 11/12/1970

LOCATION OF POINT(S) OF DIVERSION:NWNW , Sec. 36, Township 07N, Range 35E
JEFFERSON CountyPLACE OF USE:

IRRIGATION

NE				NW				SW				SE																				
NENE		NWNE		SWNE		SENE		NENW		NWNW		SWNW		SENW		NESW		NWSW		SWSW		SESW		NESE		NWSE		SWSE		SESE		
T	R	S	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	SUM	
07N	35E	25	:		:		:		:		:		:		:		25	:		:		:		:		:		:		:	31.0	
07N	35E	36	:		:		:		:	05	:	09	:		:		:		:		:		:		:		:		:		14.0	
																												TOTAL ACRES	45.0			

CONDITIONS/REMARKS:

1. REINSTATED 2-17-1976.

Describe any other water rights used for the same purpose as described above:

To your knowledge has any portion of this water right undergone a period of five or more consecutive years of non-use? NO If yes, describe:

Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:



Tax Notice



Warranty Deed



Other

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?

N/O

If yes, describe _____

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

(If the entire right is to be changed by the applicant, omit part B and C.)

1. amount 0.62 cfs for Irrigation purposes from 4/01 to 10/01
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec	Twp	Rge	County	Local name for diversion
		NW	NW	36	7N	3SE	Jefferson	

3. Lands irrigated or place of use:

Twp	Rge	Sec	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
7N	3SE	25												25			6		31

Total Acres 31

C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)

1. amount 0.28 cfs for Irrigation purposes from 4/01 to 10/01
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec	Twp	Rge	County	Local name for diversion
		NW	NW	36	7N	3SE	Jefferson	

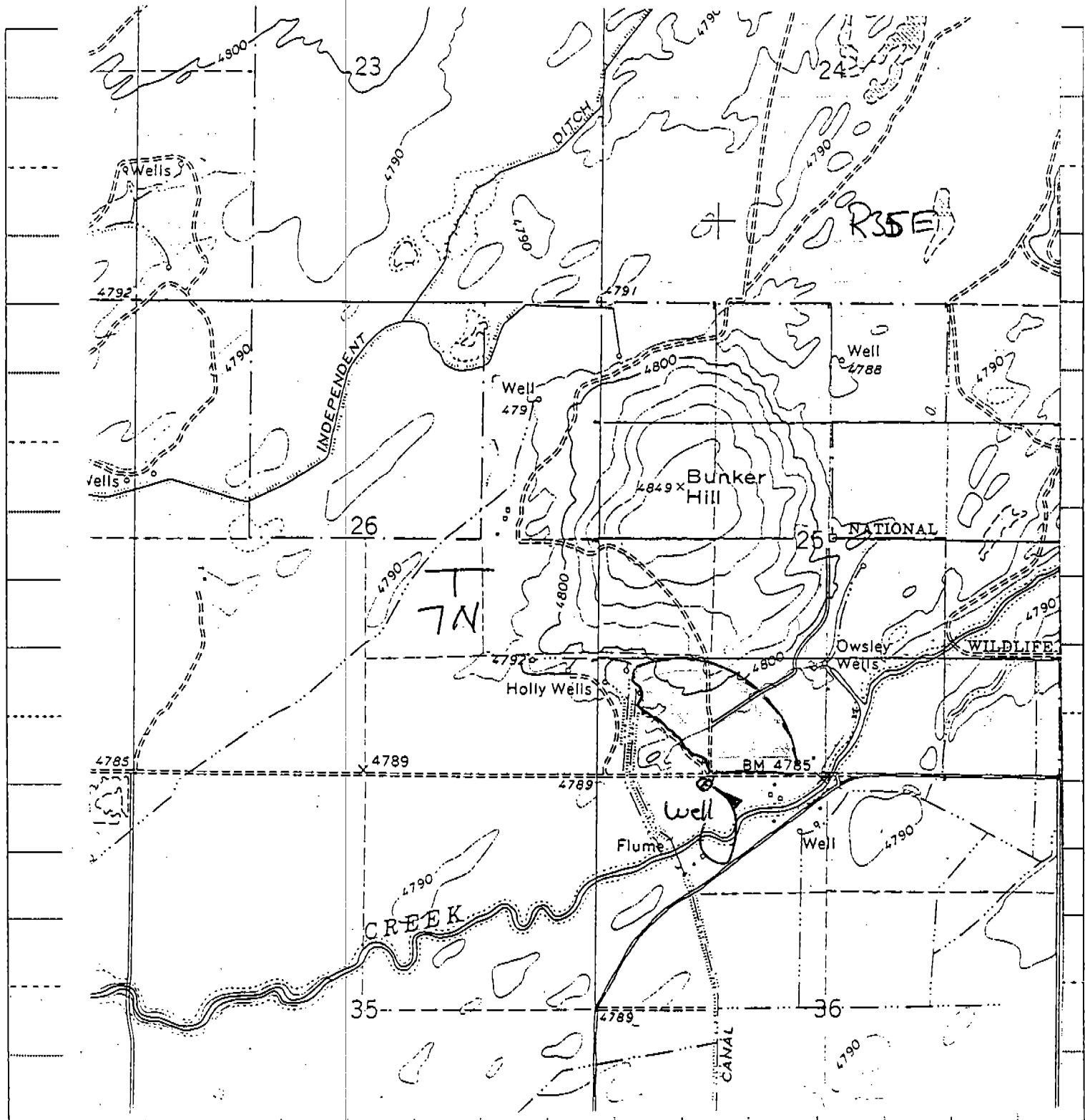
3. Lands irrigated or place of use:

Twp	Rge	Sec	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
7N	3SE	36					5	9											14

Total Acres 14

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESAPPLICATION FOR TRANSFER OF WATER RIGHT
PART 3

- A. Draw a map or attach a USGS map indicating the new point(s) of diversion and/or the new place of use for the rights described in part 1. Clearly depict the land by section, township and range number.



Scale: 2 inches equal 1 mile. Draw plan in ink.

PART 3

B. CHANGES IN NATURE OF USE

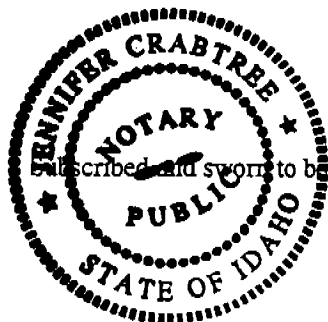
1.

<u>New Nature of Use</u>	<u>Amount(cfs/af-ft)</u>	<u>Hours/days/year</u>	<u>Period of Use</u>
_____	_____	_____	_____ to _____
_____	_____	_____	_____ to _____
2. Quantity and quality of return flows and location of discharge:

3. Describe effects on other water uses resulting from the proposed change:

I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge.

I understand that any willful misrepresentations made in this application may result in voiding its approval.



Robert B. Byrne
 (Signature of Applicant)

Subscribed and sworn to before me this 17th day of March, 2000

Jennifer Crabtree
 (Notary Public)

My commission expires 9/23/03

FOR DEPARTMENT USE ONLY

Transfer contains 8 pages and 0 attachments

Received by HWT Date 3-17-2000

Protest filed by _____

Prelim. Check by _____ Fee \$100.00

Received by HWT #E025675 Date 3-17-2000

Published in Jefferson Star

Copies of protest forwarded by _____

Pub. Dates March 29 and April 5, 2000.

Hearing held by _____ Date _____

Watermaster recommendations requested on _____

Recommended for ☐ approval ☐ denial

_____ received _____ by _____

Copy of transfer sent to lien holder _____

INCORRECT

RECEIVED

AUG 22 1985

Department of Water Resources
Eastern District Office

31-2454
5.40 cfs
587 ac

31-2454A
3.40 cfs
269.6 ac

Tr. 3655

31-2454B
2.0 cfs
80 ac

(137 ac)
(Dried up)

73123

31-2454C
1.0 cfs
40 ac

Pd
change

31-2454D
1 cfs
40 ac

T

R

A

E

E

S

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

License of Water Right No. 31-7043 Priority November 12, 1970 Amount 0.90 cfs

THIS IS TO CERTIFY, that MRS. DON R. BYBEE
of Hamer, Idaho, has complied with the terms and conditions of Permit
No. 31-7043 issued pursuant to Application for Permit dated November 12, 1970,
and has submitted proof to the Department of Water Resources on November 2, 1976,
that he has applied water to a beneficial use; an examination by the Department indicates that the works have a
capacity for the diversion of 3.57 cfs of water from a groundwater source,
tributary to _____, and that the permit holder has applied to a beneficial use and
established a right to use water as follows:

Beneficial Use	Period of Use	Rate of Diversion	Annual Volume
<u>Irrigation</u>	from <u>April 1</u> to <u>October 1</u>	at <u>0.90</u> cfs and	<u>135 acre feet</u>
	from _____ to _____	at _____ cfs and	
	from _____ to _____	at _____ cfs and	

(both dates inclusive)

Subject, however, to the condition that no more than 0.90 cfs of water be diverted at any one time, and
that the amount of water so diverted and to which such right is entitled and confirmed is for the purpose
aforementioned and is limited to the amount which can actually be beneficially used and shall not exceed
135 acre feet per year, said waters to be diverted within the NW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 36, Twp. 7N,
Rge. 35E, B. M. in the County of Jefferson

Description and location of place of use:

Twp.	Range	Sec.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				Totals
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
7N	35E	25												25			6		31
		36					5	9											14

Total number of acres irrigated 45

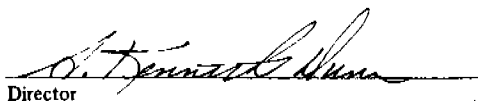
NOTE: Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho Law. This right may be forfeited by five years of non-use.

The right to the use of the water hereby confirmed is restricted and appurtenant to the lands or place of use herein described, as provided by the laws of Idaho.

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 7 day of

May, 19 79.

Deputy Director





State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

Phone: (208) 327-7900 FAX: (208) 327-7866

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

April 25, 1997

Blaine Larsen
P.O. Box 188
Hamer, ID 83425

RE: Transfer No. 4948

Dear Water Right Holder:

The Department acknowledges the withdrawal of the above referenced Transfer.

If you have any questions regarding this matter, please contact me directly at 327-7943.

Sincerely,

A handwritten signature in cursive script that reads 'Pamela Skaggs'.

PAMELA SKAGGS
Sr. Water Resource Agent



Blaine Larsen Farms

P.O. Box 188 Hamer, ID 83425 (208) 662-5501

RECEIVED

APR 25 1997

Department of Water Resources

RECEIVED

Department of Water Resources
Eastern Region

April 8, 1997

I Blaine Larsen do hereby withdraw Transfer #4948. This transfer involves the water rights 31-07199 & 31-07043; As of January 1, 1997, our option to purchase these rights was terminated.

Please accept this letter as my written testimony to withdraw the above mentioned transfer. If you have any questions or comments, please call Craig Kantack at (208) 662-5501.

Sincerely,

A handwritten signature in cursive script that reads 'Blaine Larsen'.

Blaine Larsen
President, Larsen Farms

APR 25 1997

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 4948

APR 25 1997

APPLICATION FOR TRANSFER OF WATER RIGHT

Name of applicant Blaine Larsen Phone (208) 662-5501

Post Office address P.O. Box 188, Hamer, ID 83425

A. PURPOSE OF TRANSFER

1. ☒ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use
☐ Change nature of use ☐ Change period of use ☐ Other _____

2. Describe the reason for the proposed changes The ground being transferred to, currently has no water rights. This transfer will allow for a center pivot to irrigate the ground and produce a viable crop.

* CHARGE OF DEER CONFINEMENT WITH CAR-KONTAK

B. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

1. Right Number	Priority	Amount (cfs/ac-ft)	Nature of Use	Period of Use
~~31-07043 B~~	~~11/12/70~~	~~.40 cfs~~	~~Irrigation~~	~~04/01 to 10/01~~
31-07199 A	05/14/76	.66 cfs	Irrigation	04/01 to 11/01
2. Total amount of water being transferred		~~1.06 cfs~~	cubic feet per second and/or	~~159 AF~~ acre-feet per annum
3. Source of water	Groundwater	~~0.66 cfs~~ *	tributary to	
4. Point(s) of Diversion:				

[illegible]

5. Lands irrigated or place of use:

[illegible]

Total acres

-53-

21

PART 1

6. General Information:

a. Description of diversion system Groundwater well to a center pivot.

b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? _____ Yes X. _____ No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes.

c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer:
It will be dried up, no longer irrigated.

d. Remarks:

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. _____
And said application is hereby _____, subject to the following limitations and conditions:

Witness my hand this _____ day of _____, 19 _____

RECEIVED
FEB 11 1967

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2

(Attach one copy for each right) Proof of water rights

31-07043 & 31-07199

are being attached.

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

a. Decree No. _____ Decreed to _____

in case of _____ vs. _____

dated _____ in _____ county of _____

b. License No. _____ issued by the Idaho Department of Water Resources.

c. Claim No. _____ on file with the Idaho Department of Water Resources.

d. Transfer No. _____ which produced this right.

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:

☐ Tax Notice

☐ Warranty Deed

☐ Other _____

3. Source of water _____ tributary to _____

4. Date or priority _____

5. Water is used for the following purpose:

amount _____ for _____ purposes from _____ to _____

(cfs/ac-ft) amount _____ for _____ purposes from _____ to _____

(cfs/ac-ft) amount _____ for _____ purposes from _____ to _____

amount _____ for _____ purposes from _____ to _____

(cfs/ac-ft) amount _____ for _____ purposes from _____ to _____

6. Total amount of water under right _____ cubic feet per second and/or _____ acre-feet per annum.

7. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion

8. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	

Total acres _____

9. Describe any other water rights used for the same purpose as described above _____

Water Right Number - 31-07043

Prefix Translation: WATER RIGHT

Old (D) Number -

+ - - - - Last Name - - - - + + - First Name - - + + - - - - - Address - - - - - +

*** C - CURRENT OWNER ***

BYBEE

MRS DON R.

1 -

2 -

3 -

City- HAMER

State- ID Zip- 83425

Phone -

+ - - Priority Date - - + + - - Region - - - + + - - Stage - - - + + - - Status - - - +
11/12/1970 15 EASTERN L - LICENSE

+ - - - - Source - - - - + + - - - - - Tributary - - - - - +
GROUNDWATER

+ - - - - Point of Diversion - - - - - +
TwN Rng Sec Tract Lot RFlg County Diversion Name Diversion Rate Diversion No.

07N 35E 36 NW NW (51) JEFFERSON

+ - - - - Water Use - - - - - +
Code Description Period From Period To Diversion Rate Diversion Volume

01 - IRRIGATION 04/01 10/01 0.900 135.00

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Div. Capacity - +
0.900 135.00

+ - - - - Place of Use - - - - - +
TwN Rng Sec Tract Lot Acres Code Description County

07N	35E	25	SE SW	25.0	01	IRRIGATION	(51) JEFFERSON
07N	35E	25	SW SE	6.0	01	IRRIGATION	(51) JEFFERSON
07N	35E	36	NE NW	5.0	01	IRRIGATION	(51) JEFFERSON
07N	35E	36	NW NW	9.0	01	IRRIGATION	(51) JEFFERSON

Total Acres: 45.0

+ - - Diversion Means -

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use -

+ - - - - Remarks - - - - - +
REINSTATED 2-17-1976.

+ - - - - Old Water Right Numbers - - - - - +
No Old Water Right Numbers found.

+ - - - - Conditions of Approval - - - - - +
No Conditions of Approval found.

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?
 Yes. _____ If yes, describe A feedlot is on the place of use. The owner visited IDWR (in the hopes of moving the water) given the impression that the water was moved to another place of use when in fact it was never moved.

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED 31-7043

(If the entire right is to be changed by the applicant, omit part B and C.)

1. amount .40cfs for Irrigation purposes from 04/01 to 10/01
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
		NW	NW	36	7N	35E	Jefferson	Bybee F.L.

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
7N	35E	25															6		6
7N	35E	36							5	9									14

Total acres 20 6

C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change) 31-07043

1. amount .50cfs for Irrigation purposes from 04/01 to 10/01
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
		NW	NW	36	7N	35E	Jefferson	Bybee F.L.

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
7N	35E	25												25					25

Total acres 25

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?

No. _____ If yes, describe _____

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED 31-07199

(If the entire right is to be changed by the applicant, omit part B and C.)

1. amount .66cfs for Irrigation purposes from 04/01 to 11/01
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
		NW	NW	36	7N	35E	Jefferson	Bybee Pivot

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
7N	35E	25										33							33

Total acres 33

C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change) 31-07199

1. amount 1.98cfs for Irrigation purposes from 04/01 to 11/01
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
		NW	NW	36	7N	35E	Jefferson	Bybee Pivot

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
7N	35E	25							33	33	33								99

Total acres 99

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3

- A. Draw a map or attach a USGS map indicating the new point(s) of diversion and/or the new place of use for rights described in part 1. Clearly depict the land by section, township and range number.



PART 3**B. CHANGES IN NATURE OF USE**

1	New Nature of Use	Amount (cfs/ac-ft)	Hours/days/year	Period of Use
				to
				to

2. Quantity and quality of return flows and location of discharge:

3. Describe effects on other water uses resulting from the proposed change:

I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge.

I understand that any willful misrepresentations made in this application may result in voiding its approval.

Blaine Lorse

(Signature of Applicant)

Subscribed and sworn to before me this

31st

day of

July

, 19

96

Mike Campbell

(Notary Public)

My commission expires

4-17-2002**FOR DEPARTMENT USE ONLY**

Transfer contains _____ pages and _____ attachments

Received by

KCW

Date

5/17/96

Protest filed by

Prelim. check by

KCW

Fee

100⁰⁰ #E022176

Receipted by

KCW

Date

5/17/96

Published in

Jefferson Star

Copies of protest forwarded by

Pub. dates

November 7 & 14, 1996

Hearing held by

Date

Watermaster recommendation requested on

Recommended for

☐

approval

☐

denial

rec'd.

by

Copy of transfer sent to lien holder

PURCHASE OF WATER RIGHT

1. PARTIES

Seller: Robert Bybee

Buyer: Blaine Larsen

2. DESCRIPTION

The Water Licenses (portions of) being purchased are:

License #:	31-07043.
Priority date:	November 11, 1970.
Diversion amount and volume:	.90cfs and 135af.
Source:	Groundwater
Legal Description:	T7N R35E S25 SW4 SE4 = 6 acres. T7N R35E S36 NE4 NW4 = 5 acres. T7N R35E S36 NW4 NW4 = 9 acres.
Total Irrigated acres:	20 acres.

License #:	31-07199.
Priority date:	May 14, 1976.
Diversion amount and volume:	2.64cfs.
Source:	Groundwater
Legal Description:	T7N R35E S25 NW4 SW4 = 33 acres.
Total Irrigated acres:	33 acres.

3. PURCHASE PRICE

The agreed upon purchase price is seven hundred fifty dollars (\$750.00) per irrigated acre, with a total purchase price of thirty nine thousand seven hundred fifty dollars (\$39,750.00).

4. OWNERSHIP AND VALIDITY OF WATER RIGHTS

Seller covenants and represents that he is the true and lawful owner of these water rights and that the rights have not lapsed or been abandoned or forfeited either in whole or in part, and otherwise are currently not the subject of challenge or dispute by the Idaho Department of Water Resources or any other person.

5. CONDITIONS

The Seller is fully aware of the Buyer's intentions to transfer the above mentioned portions of Water Licenses 31-07043 and 31-07199 to accommodating locations of the Buyer's choice. At the

time of implementation of this agreement, Buyer agrees to begin the transfer process by filing the necessary documents with the Idaho Department of Water Resources. Buyer further agrees to use all their resources in facilitating these transfers and agrees to pay all costs associated with the transfers without recourse to the Seller.

The Seller understands that there is a possibility the transfers of Water Licenses 31-07043 and 31-07199 will be protested by a third party and/or denied by the Idaho Department of Water Resources. In the event any or all parts of the transfers are denied, the denied portions, in reference to this purchase agreement, are automatically constituted as null and void.

6. TERMS

Upon approval of the transfers involving Water Licenses 31-07043 and 31-07199 by the Idaho Department of Water Resources, Buyer will pay the Seller \$750.00 for each licensed acre transferred, with a maximum payment of thirty nine thousand seven hundred fifty dollars (\$39,750.00). This agreement is good until January 1, 1997.

7. SIGNATURES

Date of Sellers' signature 3/28, 1996.

By 
Robert Bybee

Date of Buyer's signature 03/28, 1996

By 
Blaine Larsen

TO: TRANSFER FILE 31-07043 & 31-07199

DATE: 10/16/1996

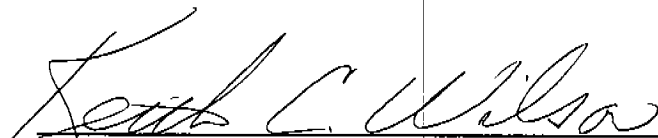
FROM: KEITH C. WILSON

RE: OWNERSHIP N1/2NW1/4, SEC 36, T07N, R35E

TALKED WITH MR BYBEE ABOUT OWNERSHIP OF N1/2NW1/4, SEC 36, T07N, R35E COVERED BY 31-07043. I INFORMED HIM THAT THIS OFFICE NEEDS A DISCLAIMER FROM CURRENT OWNER (TED VADNIS) STATING THAT THE N1/2NW1/4 WAS PURCHASED WITH OUT WATER AND THAT THE WATER RIGHT (31-07043) WAS RETAINED BY MR BYBEE.

I ALSO TALKED WITH CRAIG KANTACK AND INFORMED HIM ABOUT THIS.

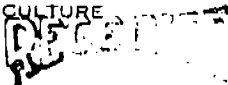
ONCE THIS IS DONE THE REST OF THE TRANSFER IS O.K. & READY TO PROCESS!



KEITH C. WILSON

UNITED STATES DEPARTMENT OF AGRICULTURE
FARMERS HOME ADMINISTRATION

Rigby, Idaho
Box 126



JAN 14 1977

January 12, 1977
Eastern District Office

Department of Water Resources
Eastern District Office
1515 Lincoln Road
Idaho Falls, Idaho 83401

Dear Sirs:

On December 2, 1976 Don R. Bybee and Maurine T. Bybee gave us a mortgage on Water Permit #31-7199, Claim to Water Right No. 31-4016, and Water License #31-7043.

Please let us know if and when any changes are proposed in regard to these Permits and License.

Sincerely yours,

R. Craig Thurgood
County Supervisor

Microfilm No. 156190

24 Day 4 1970

11:30 O'clock 2 M.

Jefferson Co Recorder

300 Deputy

Recorded At Request of

Sharp, Anderson & Bush

REVISION AND EXTENSION AGREEMENT

THIS AGREEMENT made this 12 day of October, 1970, by and between DON R. BYBEE and MAURINE BYBEE, husband and wife, of Hamer, Jefferson County, Idaho, hereinafter referred to as the Mortgagors, as Parties of the First Part, and BONNEVILLE INVESTORS, INC., an Idaho corporation, doing business at Idaho Falls, Idaho, hereinafter referred to as the Mortgagee, as Party of the Second Part;

WITNESSETH:

WHEREAS, the Mortgagee is the holder and owner of a certain promissory note, secured by mortgage upon certain real estate hereinafter described of the Mortgagors, which note and mortgage are dated November 1, 1965, and which note was for the principal sum of \$11,000.00, with a maturity date and installments of November 1, 1966, November 1, 1967 and November 1, 1968; and

WHEREAS, the Mortgagors, as security for said obligation to the Mortgagee executed and delivered a mortgage dated November 1, 1965, and which recited therein a maturity date of November 1, 1968, and which was recorded in the records of Jefferson County, Idaho, on the 5th day of November, 1965, in Book 182 of Mortgages, at Page 495, as Instrument Number 139650, and which mortgaged the following described property under the security of said mortgage situated in the County of Jefferson, State of Idaho, to-wit:

The North Half of the Northeast Quarter of Section 36, Township 7 North, Range 35, East of Boise Meridian; and, The Northeast Quarter of the Northwest Quarter of Section 36, Township 7 North Range 35, East of Boise Meridian, less and except, however, that portion of said premises lying South and West of Camas Creek. Together with all improvements, easements thereunto appertaining.

The Southeast Quarter of the Southwest Quarter, less and excepting therefrom tax parcel no. 1; lot 4; the West Half of the Southeast Quarter, less and excepting therefrom tax parcel no. 1; the Northeast Quarter of the Northwest Quarter; the Northwest Quarter of the Northeast Quarter; the West 50 feet of the Southeast Quarter of the Northwest Quarter and the West 50 feet of the Northeast Quarter of the Southwest

PLATTED BY
VEARL C. CRYSTAL, Assessor

By OK Deputy

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MICROFILM SYSTEM

Quarter, all in Section 25, Township 7 North, Range 35, East of the Boise Meridian. Together with all pumps, sprinklers, irrigation equipment and irrigation devices now upon said premises.

Together with all water, water rights and appurtenances upon all of the above-described premises.

WHEREAS, the said principal balance of \$11,000.00, is due, owing and unpaid and no payments have been made upon said mortgage and that the said principal balance of \$11,000.00, together with interest thereon at the rate of eight per cent (8%) per annum from November 1, 1965, is now due, owing and unpaid; and

WHEREAS, the parties desire to modify and amend the payment terms of said mortgage to have partial payment and to extend the due date of said promissory note and of said mortgage.

NOW, THEREFORE, for a good and valuable consideration, the receipt whereof is hereby acknowledged, it is hereby agreed by and between the parties as follows:

1. That the said principal balance due upon the obligation of the Mortgagors, Don R. Bybee and Maurine Bybee, to the Mortgagee, Bonnevill. Investors, Inc., is the sum of \$11,000.00 and that the accrued interest to the date hereof, of September 1, 1970, is the sum of \$4,253.30.

2. That the Mortgagors shall pay concurrently herewith the sum of \$3750.00, which shall be applied first to the accrued interest and thereafter to the balance of principal.

3. That the remaining principal balance due shall be paid with an installment of \$1,200.00 payable March 1, 1972; and an installment of \$1,200.00 payable March 1, 1973; and an installment of \$1,200.00 payable March 1, 1974 and the entire principal balance, together with accrued interest thereon becoming due and payable on March 1, 1975. The interest as accrued shall be paid with and in addition to principal.

4. The Mortgagors shall have the privilege and option of pre-paying any amount upon the balance due at any time in multiples of \$100.00 and interest shall accrue on the amounts paid

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5. That the obligation of the principal amount remaining shall accrue interest at the rate of eight per cent (8%) per annum from September 1, 1970, and interest shall be payable with and in addition to principal as aforesaid.

6. That the mortgage herein described shall be and hereby is extended and shall be and remain as security for the balance due under said obligation and for the performance of the terms and conditions and the covenants of the Mortgagors made in said mortgage and that in all other respects the said mortgage of November 1, 1965, shall remain in full force and effect.

7. That this agreement shall be binding upon the parties, their representatives, heirs, successors and assigns.

IN WITNESS WHEREOF, the parties have hereunto set their hands and seals the day and year first above written.

Don R. Bybee

Maurine Bybee
Mortgagors

BONNEVILLE INVESTORS, INC.

BY: Stanley E. Hagon



STATE OF IDAHO)

County of Booneville)

ss.

On this 12 day of September, 1970, before me the undersigned, a Notary Public in and for the State of Idaho, personally appeared DON R. BYBEE and MAURINE BYBEE, husband and wife, known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

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

Notary Public for Idaho
Residing at Booneville, Idaho

WARRANTY DEED

THIS INDENTURE, Made this 24th day of December, 1985
 between Don Bybee & Maureen Bybee
 of Logan State of Utah
 referred to as the Grantor, and Ted Vadnis and Clysta Vadnis
HC 69, Box 2170, Hamer, Idaho 83425
 of Jefferson County State of Idaho referred to as the Grantee.

WITNESSETH, For and in consideration of the sum of Ten Dollars (\$10.00) lawful money of the United States of America, and other good and valuable considerations, Grantor has granted, bargained, sold, and by these presents, does hereby grant, bargain, sell, convey and confirm unto the said Grantee and Grantee's heirs and assigns forever, all of the following described real estate situated in the State of Idaho, to wit:

See Attached Exhibit A.

TO HAVE AND TO HOLD the said premises, together with all and singular the tenements, hereditaments, easements and appurtenances thereunto belonging or in anywise appertaining; and the reversions, remainders, rents, issues, and profits thereof, and all Grantor's estate, right, title and interest in and to said premises, in law as well as in equity.

Grantor shall, and by these presents, does hereby warrant and agree to forever defend the Grantee, his successors and assigns, in the quiet and peaceable possession of said premises and from and against all and every person lawfully claiming an interest therein

In construing this Deed and where the context so requires, the singular includes the plural, and the masculine includes the feminine and neuter.

IN WITNESS WHEREOF, the Grantor hereunto has set his hand and seal the day and year first above written.

Robert D. Bybee by Robert D. Bybee attorney for & Maureen Bybee
Royce Lee by power of attorney for Don & Maureen Bybee

State of Idaho }
 County of Bonneville
 On this 24th day of December, 1985
 before me the undersigned, a Notary Public in and for said State, personally appeared Robert D. Bybee & Royce Lee
 known to
 me to be the persons whose names are subscribed to the within instrument and acknowledged to me that he, she, executed the same for the purposes and consideration therein expressed.
 IN WITNESS WHEREOF, I have hereunto set my hand and official seal the day and year first above written.
James E. Jones
 Notary Public for the State of Idaho
 Residing at Bonneville, Idaho
 Seal

RECORDING DATA

236273
14 January 1986
4:27 P.M.
Robert D. Bybee
 Jefferson Co. Recorder
4.00 \$ Deputy

Rigby Title
Bybee as Principal
& their own names
as attorney in fact,

Bonneville Land & Title Co.

PLATTED BY
 EDWARD HUNGHORN, AGENT

EXHIBIT A

Township 7 North, Range 35 East of the Boise Meridian,
Jefferson County, Idaho

Section 36: Northeast 1/4 Northwest 1/4. EXCEPTING
THEREFROM: that portion lying South of Camas Creek.

Section 36: North 1/2 Northwest 1/4 Northwest 1/4,
lying East of the Holley Canal.

Culinary Well Easement Included:

And also a permanent easement for use of a culinary well with access for maintenance of such well and well water lines and pipes, which is located and described as follows:

Commencing at the Southwest corner of Section 25, Township 7 North, Range 35 East of the Boise Meridian, thence East 2387 feet more or less and 100 feet North more or less, to the location of said well and proceeding from such well south to the south boundary of Section 25, such easement to include 20 feet on each side of the existing water lines and pipes for access and maintenance thereof.

Said easement running to the land described as Section 36, Township 7 North, Range 35 East of the Boise Meridian, Northeast 1/4, Northwest 1/4, which is north of Camas Creek.

Irrigation Well Easement Excluded:

But subject to a permanent easement reserved by Grantors for an irrigation well with access for maintenance of such well and well water lines and pipes which is located and described as follows:

Commencing at the Northwest corner of the Northeast 1/4, Northwest 1/4 of Section 36, Township 7 North, Range 35 East of the Boise Meridian and running thence South 40 feet more or less and East 25 feet, more or less, to the location of such well, said easement including a strip of land 50 feet in width proceeding from the location of such well northerly with the west boundary of such 50 foot strip being located at the west boundary of such Section 36, for the purpose of maintenance of water lines and pipes.

WISLEY

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Libby Libby

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Ed. Valmiera
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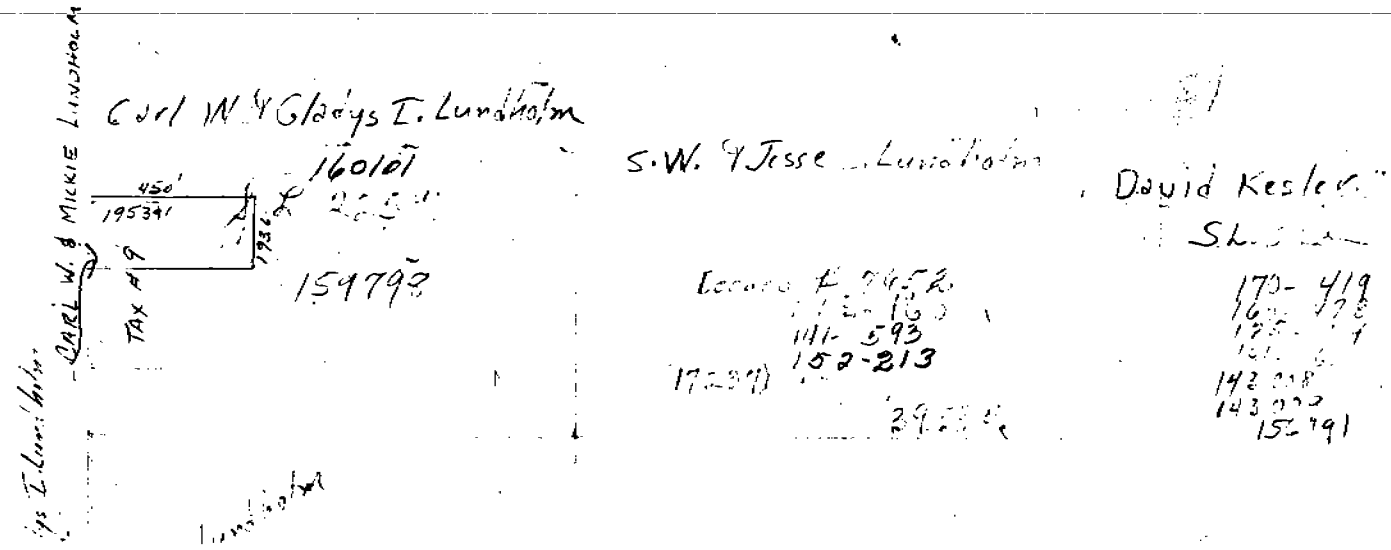
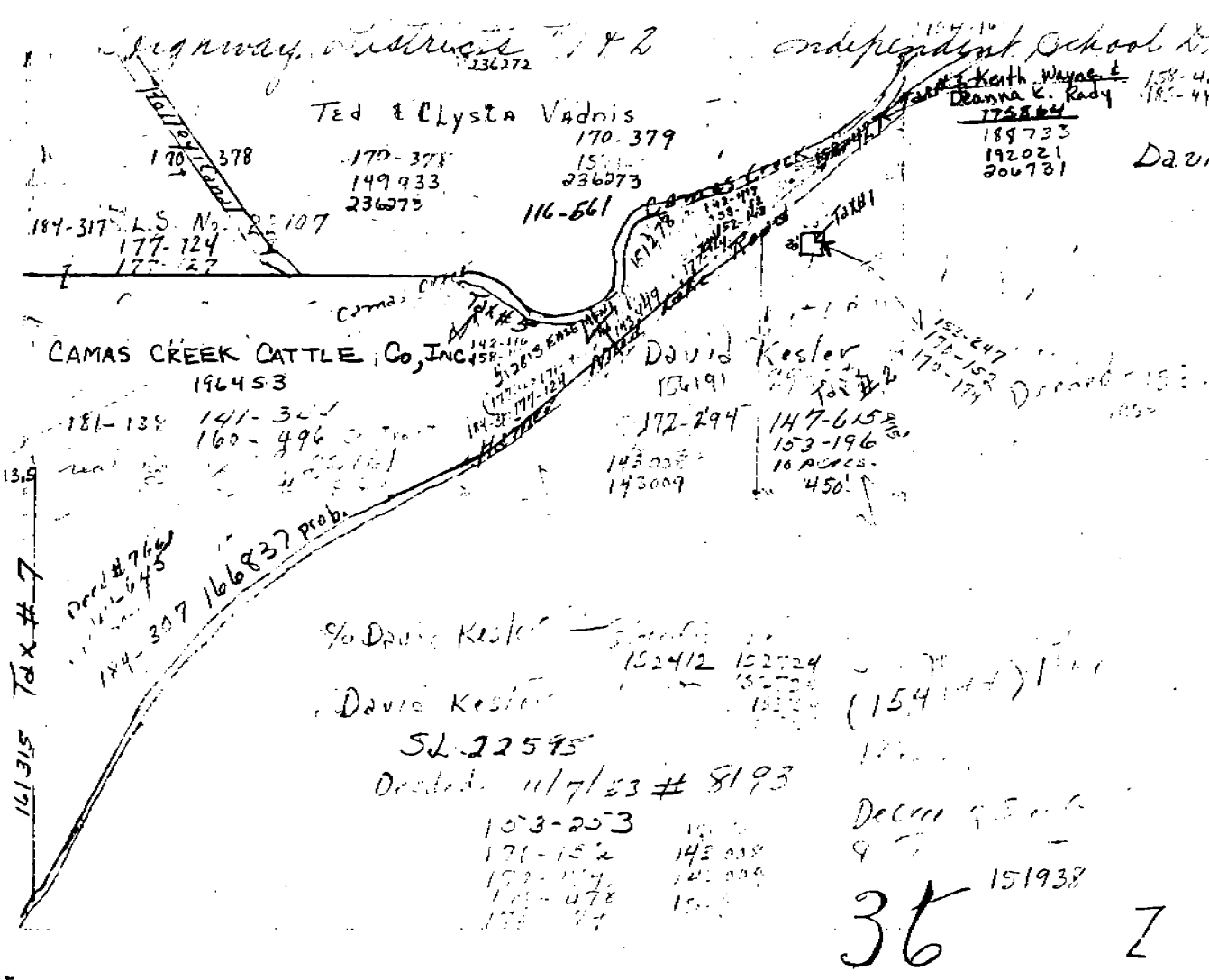
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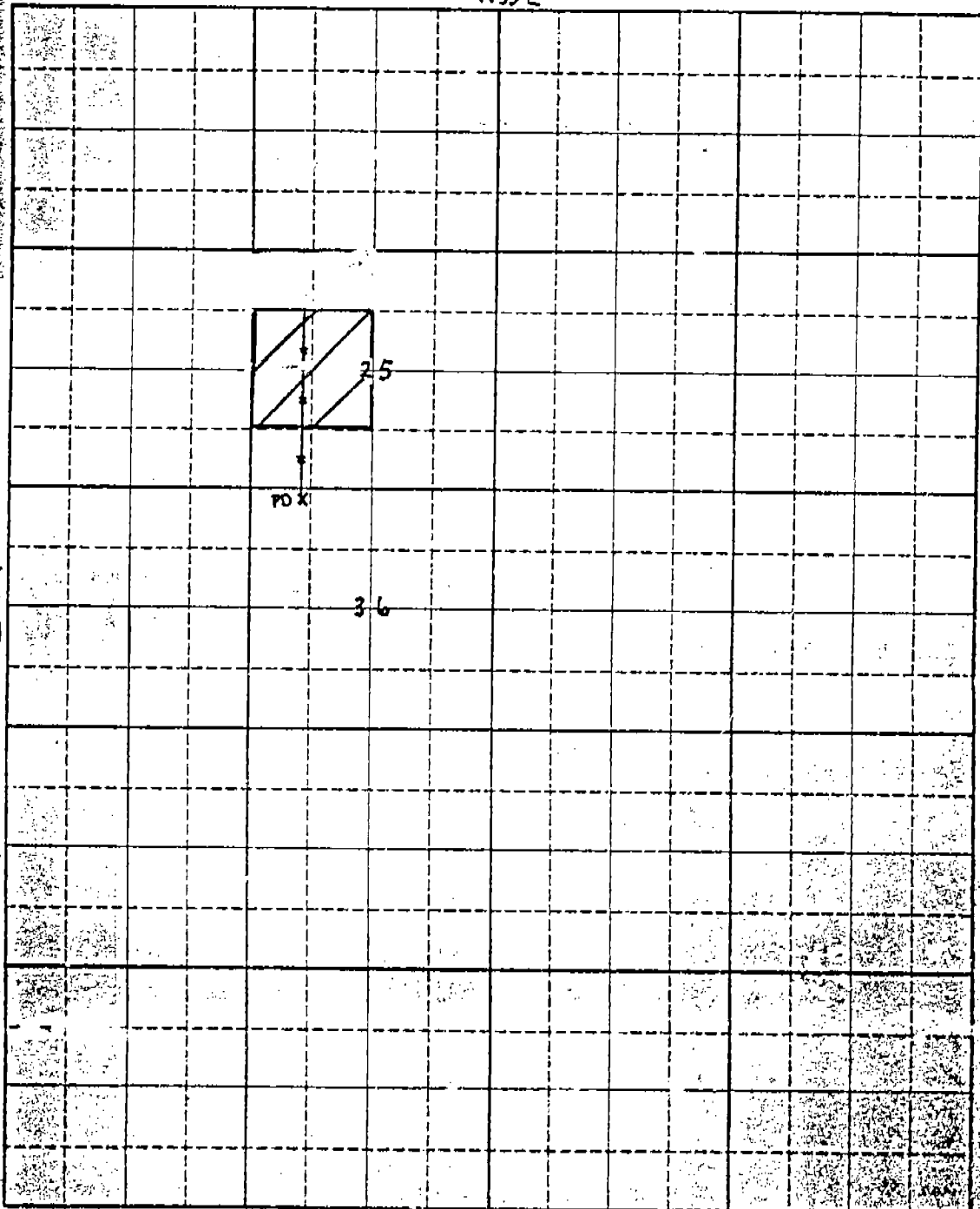
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NOT TO SCALE

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

R35E



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.

Don A. Byler
(Applicant)

RECEIVED

NOV 15 1976

Department of Water Resources
Eastern District Office

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

Identification No. _____

Permit No. 31-7199

RECEIVED

NOV 17 1976

PROOF OF APPLICATION OF WATER TO BENEFICIAL USE

Department of Water Resources

1. a) Name of Permit Holder Don R. Bybee
b) Post Office Address Hamer, Idaho 83425
2. Permit Number 31-7199
3. Date of Priority that you are prepared to establish 5-14-76
4. a) Source from which water was appropriated ground water
b) Location of the point of diversion: NW 1/4 NW 1/4, Section 36
Township 7N, Range 35E Boise Meridian, Other points of diversion:
5. a) The amount of water and use to which the water has been applied:
Amount 3.20 for Irrigation purposes from Apr. 1 to Nov. 1 Incl.
(cfs and/or acre-feet per annum) (Month-Day) (Month-Day)
Amount _____ for _____ purposes from _____ to _____ Incl.
(cfs and/or acre-feet per annum) (Month-Day) (Month-Day)
Amount _____ for _____ purposes from _____ to _____ Incl.
(cfs and/or acre-feet per annum) (Month-Day) (Month-Day)
b) Total amount appropriated 3.20 cfs and/or acre-feet per annum
c) Describe how and by whom measurement of rate of flow or amount of storage was made and the qualifications of the person making the measurement: Hansen Irrigation
6. If the means of diversion and conveyance are owned by someone other than the Permit Holder:
a) Give the name or description of the canal, ditch or other works by which the water is conducted to the place of use:
b) Describe the agreement or understanding by which you take water from the works:
7. a) Briefly describe the works for diverting and conveying the water to the place of use, (if from a subterranean source, give the pump size, motor size, size of well casing, depth of well; if from surface water, give brief description of diversion structure and/or canal or ditch) 12" well depth 137 ft., 150 Hp. turbine pump, sprinkler system
b) Describe the type and size of measuring device which you have installed at your point of diversion: 12" McCrometer
c) Give well driller's name and address and the date the well was completed: R. P. Cope, Idaho Falls, Idaho, completed March, 1971.
8. If for other than irrigation, describe the beneficial use to which you have applied the water and the place of use:

Exam by: Blickhoff

RECEIVED

TOTAL ACREAGE _____ 160

[illegible]

10. Remarks:

Nov 15, 1976
(Date)

Don R. Byler
(Signature)

State of Idaho)
) ss.
County of Bonneville)

Notary Public residing at Idaho Falls, Id.

My commission expires Mar. 26, 1979

THIR 3 INDENTURE, Made this 25th

day of March

, 1976

Between Alice G. Harrop and Ruth Harrop

of Rigby, Idaho

and Don R. Bybee

hereinafter called the party of the first part,

of Hamer, Idaho

hereinafter called the party of the second part;

WITNESSETH, That the said party of the first part has leased and demised, and by these presents does lease and demise, unto the said party of the second part the SW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Sec 25 Township 7 North 35 E. B.M.

THIS IS COPIED
TO THE COUNTY CLERK
OF THE COUNTY OF
IDAHO

with the appurtenances, for the term of ten years from March 25, 1976, at the for exchange of use of property of equal size to be larger to feed cattle through winter months until April 15, property to have access to open water. rent or sum of DOLLARS

payable in lawful money of the United States of America.

1. Party of the second part agrees to replace fence as is at end of lease.
2. Parties of the first part agree that any water rights would revert back to property owned by party of the second part.
3. Party of the second part would have first refusal option if property is sold.
4. Party of the second part agrees to assume all responsibility and expense of moving the fence by July 1, 1976.

AND IT IS HEREBY AGREED, That if any rents shall be due and unpaid, or if default shall be made in any of the covenants herein contained, then it shall be lawful for the said party of the first part to re-enter said premises and to remove the persons therefrom. And the said party of the second part does hereby covenant, promise and agree to pay the said party of the first part, the said rent in the manner hereinbefore specified.

THIS INDENTURE, Made this 25th day of March, 1976

Between Paul Gunderson

of Terreton, Idaho

hereinafter called the party of the first part,

and Don R. Bybee

of Hamer, Idaho

hereinafter called the party of the second part;

WITNESSETH, That the said party of the first part has leased and demised, and by these presents does lease and demise, unto the said party of the second part the NW $\frac{1}{4}$ of SW $\frac{1}{4}$ Sec 25 Township 7N 35 E.B.M.

with the appurtenances, for the term of 5 years

from March 25

, 1976

at the use for

exchange of/property listed item one below

rent or sum of

DOLLARS

payable in lawful money of the United States of America.

1. That portion of the SW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Sec 25 Township 7 North 35 E.B.M. lying North West of Camas Creek and North East of Owsley Well; and trench. And that portion of NW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Sec 25 Township 7 North 35 E.B.M. lying North and East of Owsley Wells and trench.
2. Party of the second part agrees to replace fences as is at end of lease.
3. Both parties agree that any water used on NW $\frac{1}{4}$ of SW $\frac{1}{4}$ Sec 25 Township 7 North 35 E.B.M. would revert back to party of second part and his property at end of lease.

This lease will expire March 1981.

AND IT IS HEREBY AGREED, That if any rents shall be due and unpaid, or if default shall be made in any of the covenants herein contained, then it shall be lawful for the said party of the first part to re-enter said premises and to remove all persons therefrom.

And the said party of the second part does hereby covenant, promise and agree to pay the said party of the first part, the said rent in the manner hereinbefore specified.

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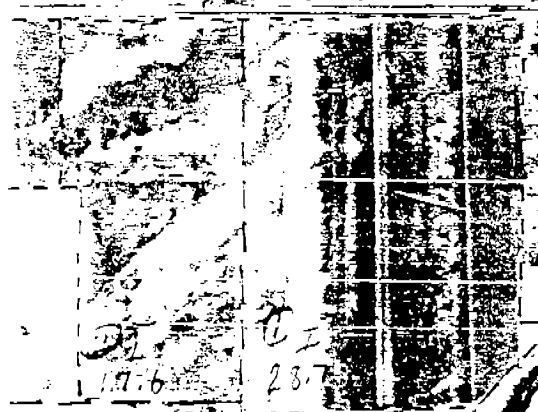
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1062-5220

REGENT

NOV 5 1976

Department of Water Resources
Eastern District Office

-(name spring, stream, etc.)

1. Name of permit holder Mrs. Don Bybee 26 2

Post office address Hamer, ID 83425

Person to contact

2. Source of water supply: Groundwater ☒ Surface water ☐

Tributary to

3. Water will be used for the following purposes:

Amount 1.80 c.f.s. for Irrigation
AF/Annum (nature of use)

Period of Use: 4-

Period of Use: _____

This application proposes an exchange of groundwater will be injected into Camas Creek at a point in the NW $\frac{1}{4}$ NW $\frac{1}{4}$ or NE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 36, and exchange water will be diverted at a point in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ or NW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 25, T. 7N, R. 35E, B.M.

_____ c.f.s. for _____
AF/Annum _____ (nature of use)

(mo.-day) inclu.

Examination fee _____

c.f.s. for _____
AF/Annum (nature of use)

Period of Use: from _____ to _____
(mo.-day) inclusive (mo.-day)

Other uses:

4. Total amount to be appropriated:

Max Rate of Diversion 1.80 cubic feet per second and annual volume _____ AF/Annum.

5. Location of Point(s) of Diversion:

Township 7N N/S, Range 35E E/W, B.M., Section 36, Subdivision NW $\frac{1}{4}$ NW $\frac{1}{4}$, Jefferson

Township _____ N/S, Range _____ E/W, B.M., Section _____, Subdivision _____, County _____

Township _____ N/S, Range _____ E/W, B.M., Section _____, Subdivision _____ 1/4, _____ County _____ 1/4

Other Points of Diversions:

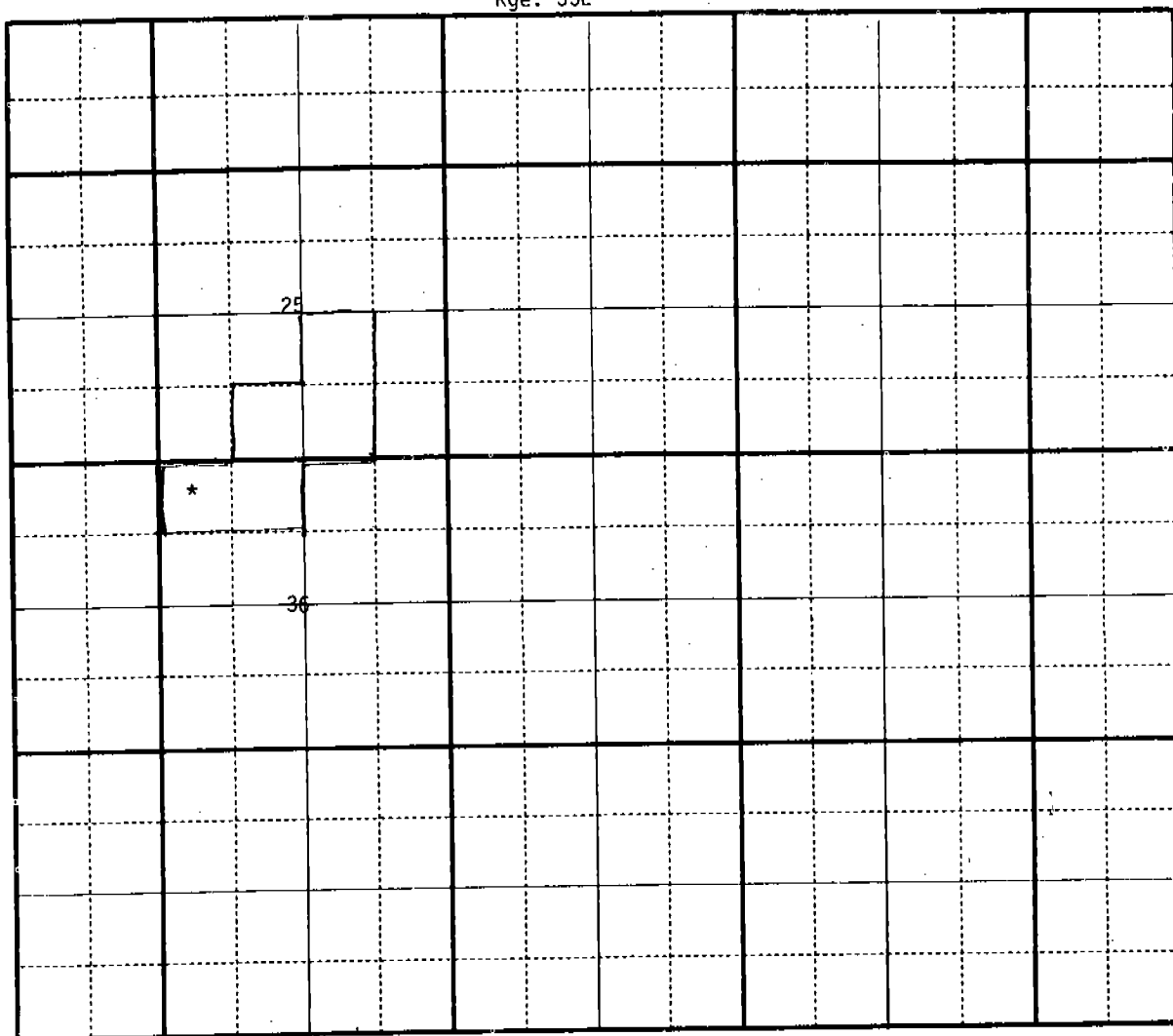
Description of diverting works: well, 150 Ph. turbine pump, sprinkler system

Measuring device required: yes ☒ no ☐

6. Lands to be irrigated or place of use.

[illegible]

TOTAL ACREAGE 116



N

Well Pump Motor

18'

In Line Meter

5

Buried 10" main

Portable surface flow

ARK

DATE OF EXAM 7/14/77

ACREAGE
Found 45 ac
Recommended 45 ac

Irrigation Requirement 3.0 Ac Ft/Ac

USE
Irrigation Q = .90 c.f.s. V = 135 AF/Ann. from April 1 to Oct 1
Domestic Q = _____ c.f.s. V = _____ AF/Ann. from _____ to _____
Livestock Q = _____ c.f.s. V = _____ AF/Ann. from _____ to _____

Is water co-mingled? yes _____ no X

Name source: n/a
twp. _____ N/S, Rge _____ E/W, B.M., Sec. _____ Sub. _____ 1/4 _____ 1/4 _____ County _____

Exchange? yes _____ no X

Name source exchanged with: n/a
twp. _____ N/S, Rge _____ E/W, B.M., Sec. _____ Sub. _____ 1/4 _____ 1/4 _____ County _____

Point of injection: n/a
twp. _____ N/S, Rge _____ E/W, B.M., Sec. _____ Sub. _____ 1/4 _____ 1/4 _____ County _____

Point of exchange: n/a
twp. _____ N/S, Rge _____ E/W, B.M., Sec. _____ Sub. _____ 1/4 _____ 1/4 _____ County _____

Total Q measured 3.57 cfs Method of measurement In Line Meter

Total Q recommended .90 cfs Meter No. 75-10-137 Type no Condition good

Total V recommended 135 AF/Ann

Recommended Amendments:

P.D. _____
Pinne at Use _____
Other _____
None

MEASUREMENT CALCULATION:

Measured .01 AF in 122 sec, .01 AF = 435.6 cft
435.6 cft ÷ 122 sec = 3.57 cfs

$V = 45 \times 3 = 135 \text{ AF/Ann} < 185 \times 1.9835 \times .90 = 330.25 \text{ AF/Ann}$
ARK 7/16/77

SYSTEM DESCRIPTION:

Water is diverted by a 150 H.P. U.S. Motors pump motor, 3 phase, I.D. No. 6603320-812 and by a Johnston pump, no I.D. plate. Acreage is irrigated by portable sprinklers. Relief pump at point of exchange is a 40 H.P. General Electric pump motor and a Berkeley pump.

REMARKS:

System shown & described by Don Bybee
No conflicting rights
A proposal was made to irrigate 20 ac of land in the NE 1/4 sec 25 with Camas Creek water. This water was to be replaced by well water injected back into the creek at a point downstream.

Examiner's Signature Anthony N. Nozawa Date 7/14/77

Checked by J. D. Carlson Date _____

Approved by _____ Date _____

There is no functional point of diversion from Camas Creek and this land has not been irrigated for two seasons. Permit holder has stated that the

23 | 24
26 | 25

14.9

11.5

12.9

A136 (A228)

A6
(A18)

13.2

A135
(A226)

A129
(A227)

12.6 ac
not out
surveyed

(A238)

A136
(A230)

2.500

6.00

A137
(A231)

3.5

4.4

26 | 25
35 | 36

Punt of
Division
9.00

Machine

5.00

25 | 30

36 | 31

ARK 7/6/77

NOT TO SCALE

Blaine Larsen Transfer Analysis - WR database - prefixes omitted.					
Transfer	Affected Rights		Proposed Rights		Status Date
4948	3107043		3107043 A		2/27/97
4948	3107043		3107043 B ✓		2/27/97

No splits on WR or AF
 WR - Mrs. Don Bybee
 AF - Robert Bybee



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, Idaho 83402-1718 - (208) 525-7161- Fax (208) 525-7177

EASTERN REGION

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

August 12, 1999

ROBERT BYBEE
21 HC 69
BOX 2165
HAMER ID 83425

RE: CHANGE IN OWNERSHIP FOR A31-07043

Dear Mr. Bybee:

The request for Change in Ownership concerning the Notice(s) of Claim in the above reference has been processed and the Notice(s) modified to reflect you as the new owner(s).

Enclosed is a copy of the Notice(s) of Claim, with your name shown as the current owner. Review the forms and if there are other corrections or questions, feel free to contact this office.

If there are no questions or corrections, please keep this Notice for your records.

Respectfully submitted,

For - Autumn Jones
Records Clerk

Enclosure: Notice(s) of Claim

A31-07043

8-12-99

Change owner to:

Robert Bybee

21 HC 69

Box 2165

Hamer ID 83425

Ernie,

We need

to change the name

back to Rbt

Bybee.

JENNIFER - PLEASE
MAKE CHANGE.

TNY EWC.



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, Idaho 83402-1718 - (208) 525-7161- Fax (208) 525-7177

EASTERN REGION

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

June 30, 1999

GARTH SODERQUIST
MUD LAKE WTER USERS INC
PO BOX 68
TERRETON ID 83450

RE: NOTICE OF CHANGE OF WATER RIGHT NAME (OWSLEY CANAL -
MUD LAKE WATER USERS INC)

Dear Mr. Soderquist:

The request for Change of Name concerning the attached
list of claims has been processed and the Department's
records updated to reflect you as the new claimant.

I have also notified the water measurement district of
the change.

Please keep this report for your records.

Respectfully yours,

Jennifer Hoagland
Technical Records Specialist

Enclosure

cc: Kent Foster

DELEG EC

6/24/99

STATE OF IDAHO
IDAHO DEPARTMENT OF WATER RESOURCES

NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

JUN 24 1999

Department of Water Resources
Eastern Region

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

1. Water Right Number(s) _____
Adjudication Claim Number(s) see attached list
2. 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.
3. Name and Address of Former Owner/Claimant(s) Ows/22 Cuying/Comdeny
4. New Owner/Claimant(s) Mud Lake Water Users Inc
 Name connector (Check one): ☐ AND, ☐ OR, ☐ AND/OR
 New Mailing Address P.O. Box 68
 City, State and ZIP Code Terreton, Idaho 83450
 New Telephone Number (208) 663-4359
5. Date you acquired the property _____
6. 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.
7. Signature of New Owner/Claimant(s) Mud Lake Water Users Inc Date 6-24-99
South Forker, President Date 6-24-99
8. (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.



ARTICLES OF AMENDMENT (Non-profit)

To the Secretary of State of the State of Idaho

Pursuant to Title 30, Chapter 3, Idaho Code, the undersigned non-profit corporation amends its articles of incorporation as follows:

FILED

MAR 22 AM 10:43
SECRETARY OF STATE
STATE OF IDAHO

1. The name of the corporation is: Owsley Canal Company

2. The text of each amendment is as follows:

Change of name is:
Mud Lake Water Users, Inc.
1400 East 1500 North
P.O. Box 68
Terreton, Idaho 83450

3. The date of adoption of the amendment(s) was: March 17, 1998

4. Manner of adoption (check one):

☐ Each amendment consists exclusively of matters which do not require member approval pursuant to section 30-3-90, Idaho Code, and was, therefore, adopted by the board of directors. (Please fill spaces below)

- a. The number of directors entitled to vote was: _____
b. The number of directors that voted for each amendment was: _____
c. The number of directors that voted against each amendment was: _____

☒ The amendment consists of matters other than those described in section 30-3-90, Idaho Code, and was, therefore adopted by the members. (Please fill spaces below)

a. The number of members entitled to vote was: 127

b. The number of members that voted for each amendment was: 48

c. The number of members that voted against each amendment was: 4

Dated: March 8, 1999

Signed by: Keith S. Sargent

Its President

(Capacity of signer)

Customer Acct #:

(if using pre-paid account)

Secretary of State use only

IDAHO SECRETARY OF STATE

03/22/1999 09:00
CX: 8836 CT: 91790 BH: 199218

1 @ 30.00 = 30.00 NON PROF A # 2

C 9932



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Idaho Falls, Idaho 83402-1718 - (208) 525-7161 - Fax (208) 525-7177

EASTERN REGION

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

GREGORY W MOELLER
PO BOX 250
REXBURG ID 83440

RE: Robert Bybee

Dear Mr. Moeller

I have received your request for transfer of ownership of a water right for water rights # 31-07043 and # 31-07199. Water right # 31-07199 is already in the name of Robert Bybee and therefore there is no need to make any changes. Water right # 31-07043 is listed with the Owsley Canal Company as owner of the water right and owner of the land. This water right is based on a license. I understand that there is currently a dispute between Mr. Bybee and the Owsley Canal Company over ownership of the water right and/or ownership of the land. With the information I currently have, I cannot change ownership of this water right. I will be able to make the appropriate changes as soon as the current legal dispute is settled and I receive documentation to prove legal ownership. As we discussed on the telephone, I have enclosed a copy of the letter from Kent Foster that is attached to this file. Please feel free to contact our office if you have any questions. Thank you.

Sincerely,

Scott D. Van Hoff
Water Resources Agent

Encl : letter as described
Cc/ file

Law Offices

**RIGBY, THATCHER, ANDRUS
RIGBY, KAM & MOELLER, Chartered**

Ray W. Rigby
Gordon S. Thatcher
G. Rich Andrus
Jerry R. Rigby
Michael S. Kam
Gregory W. Moeller

P.O. Box 250
25 North Second East
Rexburg, ID 83440

Telephone: (208) 356-3633
Fax: (208) 356-0768
E-Mail: Rexlaw@srv.net

May 29, 1998

JUN 01 1998

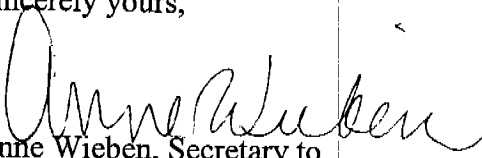
Department of Water Resources
Water District No. 1
900 N. Skyline
Idaho Falls, ID 83402

Department of Water Resources
Eastern District Office

Enclosed for filing please find this **New Property Owner Notice of Change of Water Right Ownership**.

If you have any questions, please do not hesitate to contact me.

Sincerely yours,


Anne Wieben, Secretary to
Gregory W. Moeller

GWM/aw
Enclosures

DELOG SUH 6/2/98

**NEW PROPERTY OWNER
NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP**

Please print or type

DATE OF CLOSING: February 21, 1998

LEGAL DESCRIPTION OF PROPERTY: Township _____ Range _____ Please see Attachment "A"
Section _____ 1/4 of _____ 1/4 of _____ 1/4, Govt. Lot _____, BM.
Lot _____, Block _____, Subdivision/Townsite _____
If you have additional legal descriptions, please attach separate sheet.

☐ Served Only by a Public Service Water Supply (all water is received from a city or company who maintains water supply system, owns the water right, and bills the customer on a regular basis)

☐ Water Right Number(s)
Assigned by IDWR: 31-07043, 31-07199

☐ Name and address of Former
Owner/Claimant(s)(Seller): Don R. Bybee and Maurine T. Bybee
18903 W. Hwy 85
Buckeye, AZ 85326

JUN 01 1998

Department of Water Resources
Eastern District Office

☐ New owner/Claimant
(Purchaser): Robert Bybee and Donna Bybee

☐ New Mailing Address: 21 HC 69, Box 2165
Hamer, ID 83425

☐ New Telephone Number: (208) 662-5526

☐ Does the change in ownership result in a splitting of the water right owned /claimed? yes ☒ No
If yes, then describe the portion of the water right that is now owned/claimed by the new owner.

☐ Attach proof of
ownership, describe
proof attached: Grant Deed to Water Right See Attachment "B"
(proof of ownership must describe either the property conveyed or include
the claim number. Proof of ownership is not required if this form is
signed by the former owner/claimant.)

☐ Signature of ~~Former~~ New
Owner/Claimant(s): Don R. Bybee Date 2-21-98
Date _____

☐ Signature of ~~Former~~ New
Owner/Claimant(s): Donna Bybee Date 2-21-98
Robert Bybee Date 3-6-98

(Signature of former claimant(s) is not
required if proof of ownership is attached.)

FOR IDWR USE ONLY:

Initial Review and Data-Entry

Date: _____ By: _____

Further Action Needed:

Further Action Taken

Date: _____ By: _____

Final Review and Data Entry

Date: _____ By: _____

Claim Numbers of Split, if any:

Original to be mailed to Idaho Department of Water Resources
Copies to Former Owner and New Owner

pi:water.for

ATTACHMENT "A"

to

New Property Owner Notice of Change of Water Right Ownership

License #: 31-07043
Priority date: November 11, 1970
Diversion amount and volume: .90 cfs and 135 a.f.
Source: Groundwater
Legal Description: T7N R35E S25 SW1/4 SE1/4 = 6 acres
T7N R35E S36 NE1/4 NW1/4 = 5 acres
T7N R35E S36 NW1/4 NW1/4 = 9 acres
Total Irrigated acres: 20 acres

License #: 31-07199
Priority date: May 14, 1976
Diversion amount and volume: 2.64 cfs
Source: Groundwater
Legal Description: T7N R35E S25 NW1/4 SW1/4 = 33 acres
Total Irrigated acres: 33 acres

ATTACHMENT "B"
to

New Property Owner Notice of Change of Water Right Ownership

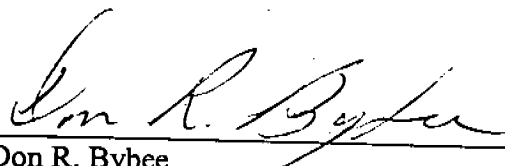
GRANT DEED
TO WATER RIGHT

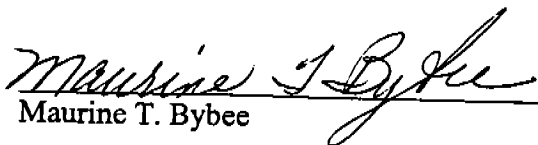
FOR VALUE RECEIVED, DON R. BYBEE and MAURINE T. BYBEE,
husband and wife, of 21 HC 69, Box 2165, Hamer, ID 83425, "Grantors," do hereby grant,
bargain, sell, and convey unto ROBERT BYBEE and DONNA BYBEE, husband and wife, of
21 HC 69, Box 2165, Hamer, ID 83425, "Grantees," the following described water rights:

License #:	31-07043
Priority date:	November 11, 1970
Diversion amount and volume:	.90 cfs and 135 a.f.
Source:	Groundwater
Legal Description:	T7N R35E S25 SW1/4 SE1/4 = 6 acres T7N R35E S36 NE1/4 NW1/4 = 5 acres T7N R35E S36 NW1/4 NW1/4 = 9 acres
Total Irrigated acres:	20 acres

License #:	31-07199
Priority date:	May 14, 1976
Diversion amount and volume:	2.64 cfs
Source:	Groundwater
Legal Description:	T7N R35E S25 W1/4 SW1/4 = 33 acres
Total Irrigated acres:	33 acres

DATED This 21 day of February, 1998.


Don R. Bybee


Maurine T. Bybee

STATE OF ARIZONA,)

ss.)

County of Maricopa.



On this 23rd day of February, 1998, before me, the undersigned, a Notary Public in and for said State, personally appeared DON R. BYBEE and MAURINE T. BYBEE, known to me to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the same.

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

Viola L. Nordgren
Notary Public for Arizona
Residing at Phoenix, Arizona
My Commission Expires: 2/28/98

Law Offices
HOLDEN, KIDWELL, HAHN & CRAPO, P.L.L.C.

FRED J. HAHN
KENT W. FOSTER
ROBERT E. FARNAM
WILLIAM D. FALER
STEPHEN E. MARTIN
CHARLES A. HOMER
GARY L. MEIKLE
GAYLE A. SORENSON, P.A.
DONALD L. HARRIS, P.A.
DALE W. STORER
MARIE T. TYLER
JOHN G. SIMMONS
ROBERT M. FOLLETT
FREDERICK J. HAHN, III
SHAN B. PERRY

U.S. BANK OF IDAHO BUILDING
330 SHOUP AVENUE, THIRD FLOOR
P.O. BOX 50130
IDAHO FALLS, IDAHO 83405

TELEPHONE (208) 523-0620
FACSIMILE (208) 523-9518
E-MAIL HOLDNLAW@SRV.NET

EC OKAY
12-20-96

Arthur W. Holden
(1877-1967)
Robert B. Holden
(1911-1971)
Terry L. Crapo
(1939-1982)
William S. Holden
(1907-1988)

December 19, 1996

Jo Thompson
IDAHO DEPARTMENT
OF WATER RESOURCES
900 N. Skyline
Idaho Falls, Idaho 83402-1718

RECEIVED
DEC 20 1996

Department of Water Resources
Eastern Region

Dear Jo:

We appreciate your inquiry regarding the Notice of Change of Water Right Ownership form we have sent over for filing. We are aware that Robert Bybee had filed the SRBA claims both for Water Right Nos. 31-07199 and 31-07043. Both water rights were developed by Robert Bybee's father, Don Bybee. The relationship between the two water rights and the lands served is a little confusing. Right No. 31-07199 was appropriated by Don Bybee for use on land now irrigated under a pivot, all of which is owned by other parties. Owsley Canal Company owns half of the land, Paul Gunderson owns $\frac{1}{4}$, and some people named Harrop own the other $\frac{1}{4}$. Under the contract for operation of the land, Bybees developed and owned the water right and leased the land for farming purposes. Don Bybee and his wife moved to Utah several years ago and his son Robert has continued the operation under the various contracts.

Water Right Nos. 31-07199 and 31-07043 both come from the same well. Water diverted from the well is transported through a mainline to the center pivot for irrigation of the land under 7199 and on the way water is also taken through a branch of the line for use on the 45 acres served by Right No. 7043. The 45 acres irrigated with water under right 7043 for the past several years has also been operated by the Bybees. In fact, the Bybees originally owned the land now served by Right No. 7043 as well as the land to which it was originally made appurtenant. In 1985, the Bybees sold to the Owsley Canal Company all of the land in section 25 which is now served by Right No. 7043.

Jo Thompson
December 19, 1996
Page 2

Bybees continue to operate the land and so it was natural that the SRBA claims should be filed by Robert Bybee and the matter never really rose to the level where it was given any attention by the Owsley Canal Company.

Now, Bybees are contemplating changing their operation and may no longer be operating the property served by Right No. 7043. As the Owsley Canal Company began to focus on this matter, it realized that land is owned by the Owsley Canal Company and so this Notice of Change of Water Right Ownership for Right No. 7043 was filed. The filing with respect to 7199 is still correct.

I realize this is probably not a model of clarity and if you wish more information, please feel free to call. However, it is certain that Owsley Canal Company owns the land served by Water Right No. 7043 as described in the SRBA claim which was filed years ago. We would very much appreciate it if you would file the notice of change of water right ownership to reflect the correct owner of the land and the water right. Thank you for your kind attention to this matter.

Very truly yours,



Kent W. Foster



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Idaho Falls, Idaho 83402-1718 - (208) 525-7161 - Fax (208) 525-7177

EASTERN REGION

DECEMBER 23, 1996

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

OWSLEY CANAL COMPANY
TERRETON ID 83450

RE: CHANGE IN OWNERSHIP FOR A31-07043

Dear Sirs:

The request for Change in Ownership concerning the Notice(s) of Claim in the above reference has been processed and the Notice(s) modified to reflect you as the new owner.

Enclosed is a copy of the Notice(s) of Claim, with your name shown as the current owner. Review the forms and if there are other corrections or questions, feel free to contact this office.

If there are no questions or corrections, please keep this Notice for your records.

Respectfully submitted,

Jo Thompson
Adjudication Secretary

Enclosure: Notice of Claim

cc: Kent Foster/copy of letter

Law Offices
HOLDEN, KIDWELL, HAHN & CRAPO, P.L.L.C.

FRED J. HAHN
KENT W. FOSTER
ROBERT E. FARNAM
WILLIAM D. FAUER
STEPHEN E. MARTIN
CHARLES A. HOMER
GARY L. MEIKLE
GAYLE A. SORENSON, P.A.
DONALD L. HARRIS, P.A.
DALE W. STORER
MARIE T. TYLER
JOHN G. SIMMONS
ROBERT M. FOLLETT
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IDAHO FALLS, IDAHO 83405

TELEPHONE (208) 523-0620
FACSIMILE (208) 523-9518
E-MAIL HOLDNLAW@SRV.NET

Arthur W. Holden
(1877-1967)
Robert B. Holden
(1911-1971)
Terry L. Crapo
(1939-1982)
William S. Holden
(1907-1988)

December 12, 1996

RECEIVED

DEC 13 1996

Department of Water Resources
Eastern Region

IDAHO DEPARTMENT
OF WATER RESOURCES
900 N. Skyline
Idaho Falls, Idaho 83402-1718

Gentlemen:

We are enclosing for filing a Notice of Change of Water Right Ownership. Thank you for your kind attention to this matter.

Very truly yours,



Kent W. Foster

Enclosure

G:\WPDATA\KWF\1047\IDWR1212.LTR:sjw

EMC OKAY.
23 DEC 96.

NEW PROPERTY OWNER
NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

RECEIVED
DEC 13 1996

Department of Water Resources
Eastern Region

DATE OF CLOSING: November 24, 1985

LEGAL DESCRIPTION OF PROPERTY: Township 7N, Range 35E, Section 25,
NW $\frac{1}{4}$ SE $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$ less exceptions shown in attached Warranty Deed.

☐ Served Only by a Public Service Water Supply (all water is received from a city or company who maintains water supply system, owns the water right, and bills the customer on a regular basis)

☒ Water Rights Number(s)

Assigned by IDWR:

A31-07043

☒ Name and Address of Former
Owner/Claimant(s)(Seller):

Don Bybee and Maureen Bybee

Logan, UT

☒ New Owner/Claimant
(Purchaser):

Owsley Canal Company

☒ New Mailing Address:

Terreton, Idaho 83450

☒ New Telephone Number:

(208) 663-4359

☒ Does the change in ownership result in a splitting of the water right owned/claimed?
_____ yes X no. If yes, then describe the portion of the water right that is
now owned/claimed by the new owner:

☒ Attach proof of ownership,
describe proof attached:

[X] Signature of New
Owner/Claimant(s)

Dated: 12-11-96

Owsley Canal Company

By::

Garth Soderquist
Garth Soderquist, President

[] Signature of Former
Owner/Claimant(s)

_____ Date

_____ Date

(Signature of former claimant(s) is not required if
proof of ownership is attached)

FOR IDWR USE ONLY:

Initial Review and Data-Entry

Date: _____ By: _____

Further Action Needed:

Further Action Taken

Date: _____ By: _____

Final Review and Data-Entry

Date: _____ By: _____

Claim Number of Split, if any:

Original to be mailed to Idaho Department of
Water Resources. Copies to Former Owner and
New Owner

hereby grant, bargain, sell, convey and confirm unto the said Grantee and Grantee's heirs and assigns forever, all of the following described real estate situated in the State of Idaho, to wit:

See Attached Schedule A.

Re-recorded to add notary expiration.

237229

Microfilm No. _____
21 Day March 1986
At 400 O'Clock PM
Robert J. Danks
Jefferson Co. Recorder
Fee \$ 6.00 SK Deputy
Recorded at Request of
Rugby Title & Development

TO HAVE AND TO HOLD the said premises, together with all and singular the tenements, hereditaments, easements and appurtenances thereunto belonging or in anywise appertaining; and the reversions, remainders, rents, issues, and profits thereof; and all Grantor's estate, right, title and interest in and to said premises, in law as well as in equity.

Grantor shall, and by these presents, does hereby warrant and agree to forever defend the Grantee, his successors and assigns, in the quiet and peaceable possession of said premises and from and against all and every person lawfully claiming an interest therein.

In construing this Deed and where the context so requires, the singular includes the plural, and the masculine includes the feminine and neuter.

IN WITNESS WHEREOF, the Grantor hereunto has set his hand and seal the day and year first above written.

Robert B. Bybee by power of Royce Lu by power of attorney
attorney for Don R. Bybee for Don R. Bybee & Maurine Bybee

236271

State of Idaho } ss.
County of Bonneville
On this 29 day of December 1985

before me the undersigned, a Notary Public in and for said State, personally appeared Robert B. Bybee & Royce Lu

, known to

me to be the person(s) whose name(s) all subscribed to the within instrument and acknowledged to me that he executed the same, by subscribing the name of Don Bybee & Maurine Bybee

IN WITNESS WHEREOF, I have hereunto set my hand and af-

fixed my official seal the day and year first above written.

Diana Jean Koppman
Notary Public for the State of Idaho.

Residing at Idaho Falls, Idaho.

Seal My Commission is Lifetime
My term expires 9-1-91

Bonneville Land & Title Co.

Microfilm No. RECORDING DATA
14 Day January 1986
At 422 O'Clock PM
Robert J. Danks
Jefferson Co. Recorder
Fee \$ 6.00 SK Deputy

Rugby Title

as principal & their own names as attorney in fact.

PLATTED BY
DAVID KINGHORN, ACCESSOR

EXHIBIT A

Township 7 North, Range 35 East of the Boise Meridian, Jefferson County, Idaho.

Section 25: Northwest 1/4 Southeast 1/4.

South 1/2 Southeast 1/4.

Southeast 1/4 Southwest 1/4.

EXCEPTING THEREFROM: Commencing at the Southwest Corner of said Section 25 running thence East 1320 feet; thence North 529 feet, to the point on the west line of the Southeast 1/4 Southwest 1/4 of said Section 25, which is the place of beginning; running thence South 84°05' East 452 feet; thence South 85°32' East 320 feet; thence North 48°48' East 694 feet; thence North 47°06' East 90 feet; thence North 17°35' East 266 feet; thence North 15°29' East 364 feet; thence North 37°24' East 272 feet; thence North 44°59' East 597 feet; thence North 21°19' East 440 feet to a point on the North line of the Southeast 1/4 of said Section, which is 956 feet East of the center of said Section 25; thence West 956 feet to the center of said Section; thence South 1320 feet; thence West 1320 feet; thence South 791 feet to the point of beginning.

ALSO EXCEPTING THEREFROM: That part of the South 1/2 Southeast 1/4 of said Section 25, lying South and East of Camas Creek.

ALSO EXCEPTING THEREFROM: Commencing at the Southwest Corner of Section 25, running thence East 1320 feet; thence North 529 feet to a point on the west line of the Southeast 1/4 Southwest 1/4 of said Section, which is the place of beginning; running thence North 791 feet, more or less to the North boundary of the Southeast 1/4 Southwest 1/4 of said Section 25; thence East 50 feet; thence South 791 feet, more or less; thence West 50 feet to the point of beginning.

Subject to an easement in favor of Owsley Canal Company described as follows: Commencing at the Southwest Corner of said Section 25 and running thence East on the Section line 1320 feet; thence North 529 feet to

a point on the West line of the Southeast 1/4 Southwest 1/4 of said Section; thence South 84°05' East 452 feet; thence South 85°32' East 320 feet; thence North 48°48' East 694 feet to a point which is on the North-South Quarter line of said Section and which is the place of beginning; running thence South 36°15' East 140 feet; thence North 89°13' East 226 feet; thence South 68°06' East 150 feet, more or less to the North Bank of Camas Creek, the said right of way, the centerline of which is last hereinbefore described as being 100 feet wide, and is to be used for the purpose of construction of a ditch to carry water which may be developed on the aforesaid premises from wells or ditches thereon to Camas Creek, a public water course.

CULINARY WELL EASEMENT EXCLUDED:

And also subject to an easement reserved by Grantors for use of a culinary well and access for maintenance thereof, which is described as follows:

Commencing at the Southwest Corner of Section 25, Township 7 North, Range 35 East of the Boise Meridian, running thence East 2387 feet more or less and 100 feet North more or less,

Said easement running to the land described as Section 36, Township 7 North, Range 35 East of the Boise Meridian, Northeast 1/4 Northwest 1/4, which is North of Camas Creek.

IRRIGATION LINE EASEMENT EXCLUDED:

And subject to a permanent easement 50 feet wide reserved by Grantors, which is described as follows:

Commencing at the Southwest Corner of Section 25, running thence East 1320 feet to the place of beginning; thence North 529 feet to a point on the West line of the Southeast 1/4 Southwest 1/4 of said section; running thence East 50 feet; thence South 529 feet; thence West 50 feet, to the place of beginning.

Subject to easements, rights-of-way for highways, roads, ditches, canals, pole, power and transmission lines, as they exist,

Together with all water & water rights used upon or appurtenant to said property, however, evidenced.