

05/25/2006

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

RIGHT NUMBER: 1-10481

NAME AND ADDRESS: JOAN BYBEE
120965 S SNAKE RIVER RD
REXBURG ID 83440

KYLE BYBEE
12096 S SNAKE RIVER RD
REXBURG ID 83440

SOURCE: SNAKE RIVER

TRIBUTARY: COLUMBIA RIVER

QUANTITY: 0.360 CFS

PRIORITY DATE: 07/01/1882

POINT OF DIVERSION:

T04N R40E S25 SWSWNW Within JEFFERSON County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

04/01 10/31

0.360 CFS

PLACE OF USE: IRRIGATION Within MADISON County

T04N R40E S16 Lot 1 SESE 20.00

20 ACRES TOTAL

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

This right is a split from former right 23-113B.

Water is delivered through Sunnydell Canal.

Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.

Right includes accomplished change in point of diversion pursuant to Section 42-1425, Idaho Code.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 1-10481

WATER RIGHT NUMBER: 1-10481

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	JOAN BYBEE 120965 S SNAKE RIVER RD REXBURG, ID 83440 (208)356-7879
Current Owner	KYLE BYBEE 11477 S SNAKE RIVER RD REXBURG, ID 83440 (208)356-6156

Priority Date: 07/01/1882

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
SNAKE RIVER	COLUMBIA RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	04/01 to 10/31	0.360 CFS	
	<u>Total Diversion:</u>	0.360 CFS	

Location of Point(s) of Diversion

SNAKE RIVER	SW1/4NE1/4NE1/4	Sec. 26, Twp 04N, Rge 40E, B.M.
JEFFERSON County		

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04N	40E	16																	20.0
																			20.0

Conditions of Approval:

- This claim was renumbered from 22-579C. 22-579 was renumbered on the water right data base to 23-113. Because of T655 the water right was moved from Burns Creek to the Snake River and historically has been administered by WD1 as a Snake River water right.

Remarks:Comments:

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

—

C	KYLE BYBEE	07/01/1982	IRRIGATION	04-01	11-01	0.36 CFS
C	JOAN BYBEE					-----
	120965 S SNAKE RIVER RD			TOTAL DIVERSION:		0.36 CFS
	REXBURG ID 83440					
	(208) 356-7879					

Point(s) of Diversion:	TD4N R40E S26	SHWENE	JEFFERSON County
------------------------	---------------	--------	------------------

HE

MM

54

SM

[illegible]

Other Rights: NONE.

Verified Date:

Field Inspection Flag:
Presumption Flag:

[illegible]

05/25/2006

**NOTICE OF ERROR
REPLY**

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS:

Water right number: 1-10481

JOAN BYBEE
120965 S SNAKE RIVER RD
REXBURG ID 83440
Telephone Number: (208)356-7879

KYLE BYBEE
12096 S SNAKE RIVER RD
REXBURG ID 83440
Telephone Number: (208)356-6156

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):

2. Describe the changes you wish to make in the proposed recommendation:

3. Give a brief explanation as to why you disagree with these portions:

 I AGREE with this proposed recommendation: no changes need to be made.

DATE: 12-13-06 SIGNATURE: Kyle Bybee
Please print your name: KYLE BYBEE

IDWR Regional Office, 900 N Skyline Dr Ste A, Idaho Falls, ID 83402, 2085257161



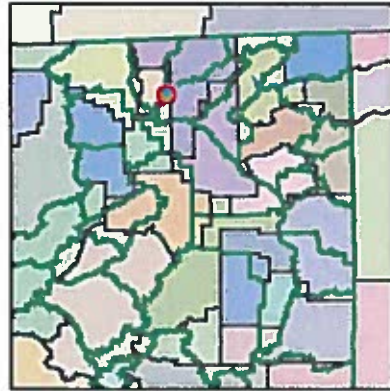
Idaho Department of Water Resources

SRBA Recommendation:

1-10481

Legend

- Point of Diversion
- Place of Use
- Townships
- PLS Sections
- Quarter Quarters

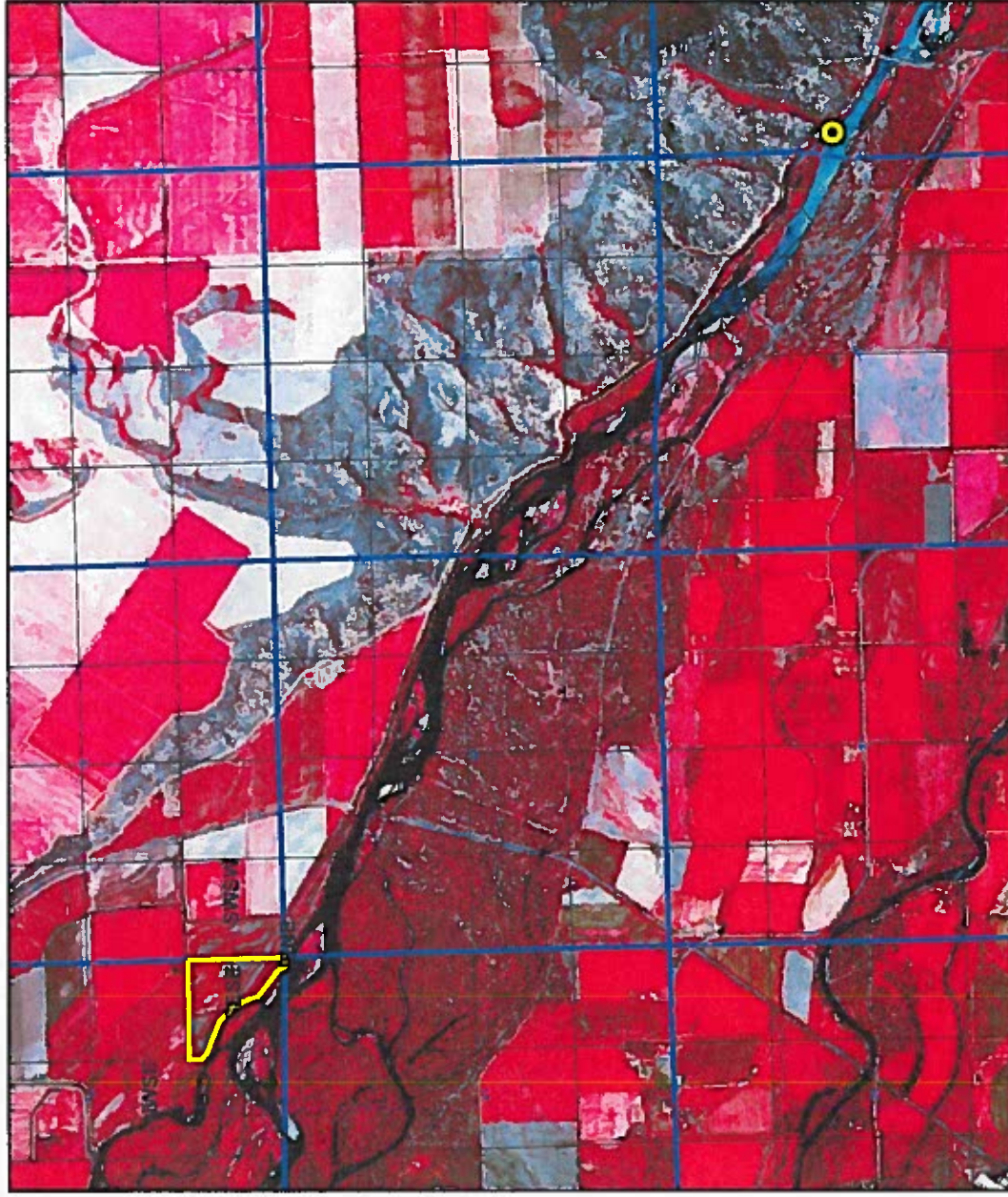


Jefferson, Madison Counties
IDWR Basin 1



R40E

T04N



0 1 2 Miles

Prepared by M. Holliday
On Thursday, May 25, 2006
1987/88 Aerial Photography

1-10481



22 0579

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
Certificate of Water Right
Transferred Water Right No. 455

THIS IS TO CERTIFY THAT CARL BUCKLAND, of Chukcherry, Idaho, is the owner of and using a certain water right, bearing date of priority of July 1, 1882, for Two (2) cubic feet per second of the waters of Burns Creek, a tributary of Snake River, County of Bonneville, State of Idaho, decreed to CHARLES WILSON, by decree of Judge J. M. Stevens, of the District Court of the Sixth Judicial District of the State of Idaho in and for the County of Fremont, bearing date of December 18, 1910, in the case of

HEXBERG IRRIGATION COMPANY,

Plaintiff,

VS.

TETON IRRIGATION CANAL COMPANY,

Defendant

being appurtenant to the following described lands, situate, lying and being in District No. 36, in the County of Bonneville, State of Idaho, to-wit:

Tax Lots 2, 4, and NE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 11,
Township 3 North, Range 4E East, R. M.

located at the mouth of Burns Creek, being H. E. Survey No. 537

That the said decree has been entered in the records of the Department of Reclamation of the State of Idaho, in Volume 3 of Decrees, at Page 450,

That said CARL BUCKLAND has become the owner thereof by deed and inheritance, as per abstract of title of water right filed with said application.

That now, upon the application of CARL BUCKLAND, of Chukcherry, Idaho, for a Certificate of Transfer of "Water Right," made before the State Reclamation Engineer of the State of Idaho, and the said application having been granted, the right to the use of one (1) cubic foot per second of the waters of Burns Creek, a tributary of Snake River, upon the lands above described is HEREBY ABANDONED, and the lands to be irrigated under such right, and to which the water right HEREBY CONFIRMED shall be made appurtenant, by this Certificate, for the reason that the lands are more productive and a higher duty of water is made possible to the lands lying and being in the County of Madison, and State of Idaho, described as follows, to-wit:

SW $\frac{1}{4}$ SE $\frac{1}{4}$ (less R.R. Right-of-way) and SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 15;
Lot 4 and NE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 22;
All in Township 4 North, Range 40 East, R. M.

Said water to be limited at any time to an amount actually needed and beneficially used for such purposes, and shall not exceed the following amount, to-wit:

One (1) cubic foot per second of the waters
of Burns Creek, a tributary of Snake River,
with date of priority of July 1, 1882

-1-

That the water right hereby transferred has been conducted to the first above described lands through the Buckland Ditch from Burns Creek, with point of diversion in the Southeast Quarter of Section 11, Township 5 North, Range 42 East, S. M.

That the water right hereby transferred will hereafter be conducted to the last above described lands through the Sunnydell Ditch from Snake River, with point of diversion in the Northwest Quarter of Section 22, Township 4 North, Range 40 East, S. M.

That the right to the use of the water aforesaid, hereby confirmed, is restricted to the lands or place of use last above described, as provided by the laws of the State of Idaho.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the Department of Reclamation of the State of Idaho to be affixed, at Boise, Idaho, this 20th day of December, A. D. 1943.

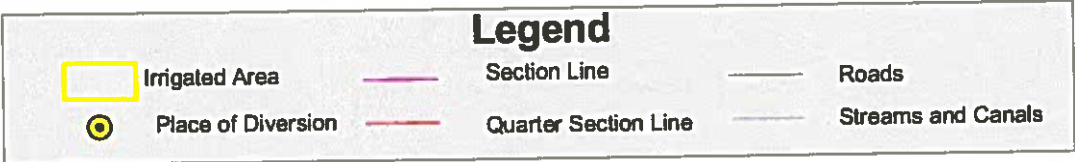
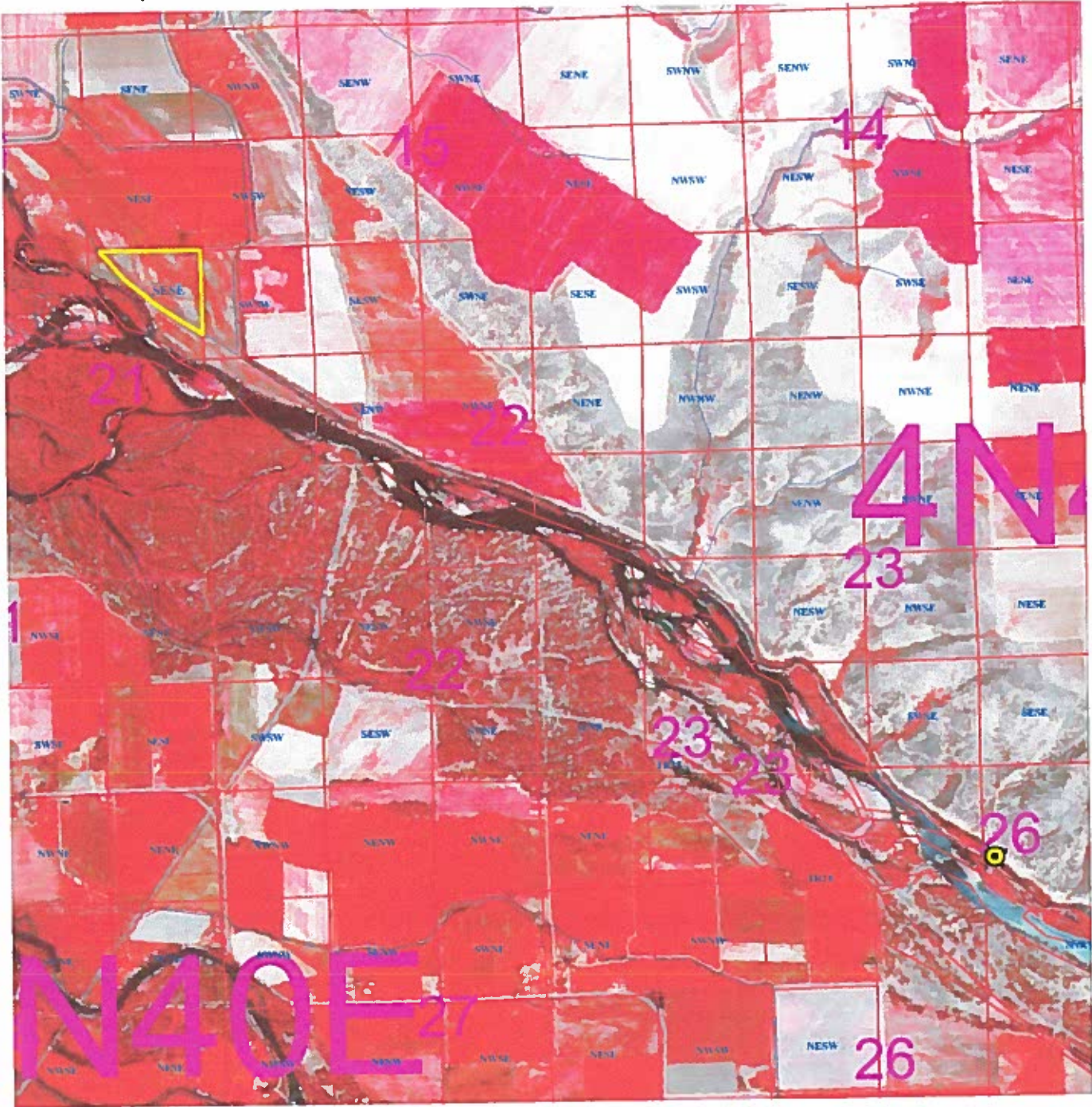
JAMES SPOFFORD
State Reclamation Engineer

By

Roy H. Thompson
Supervisor of Water Distribution

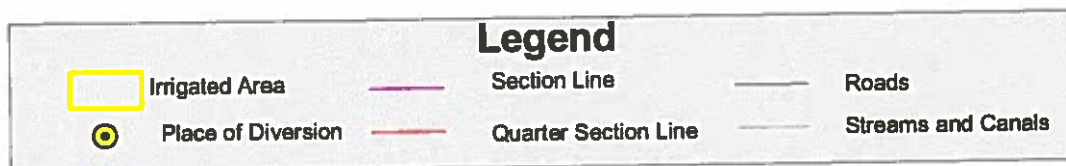
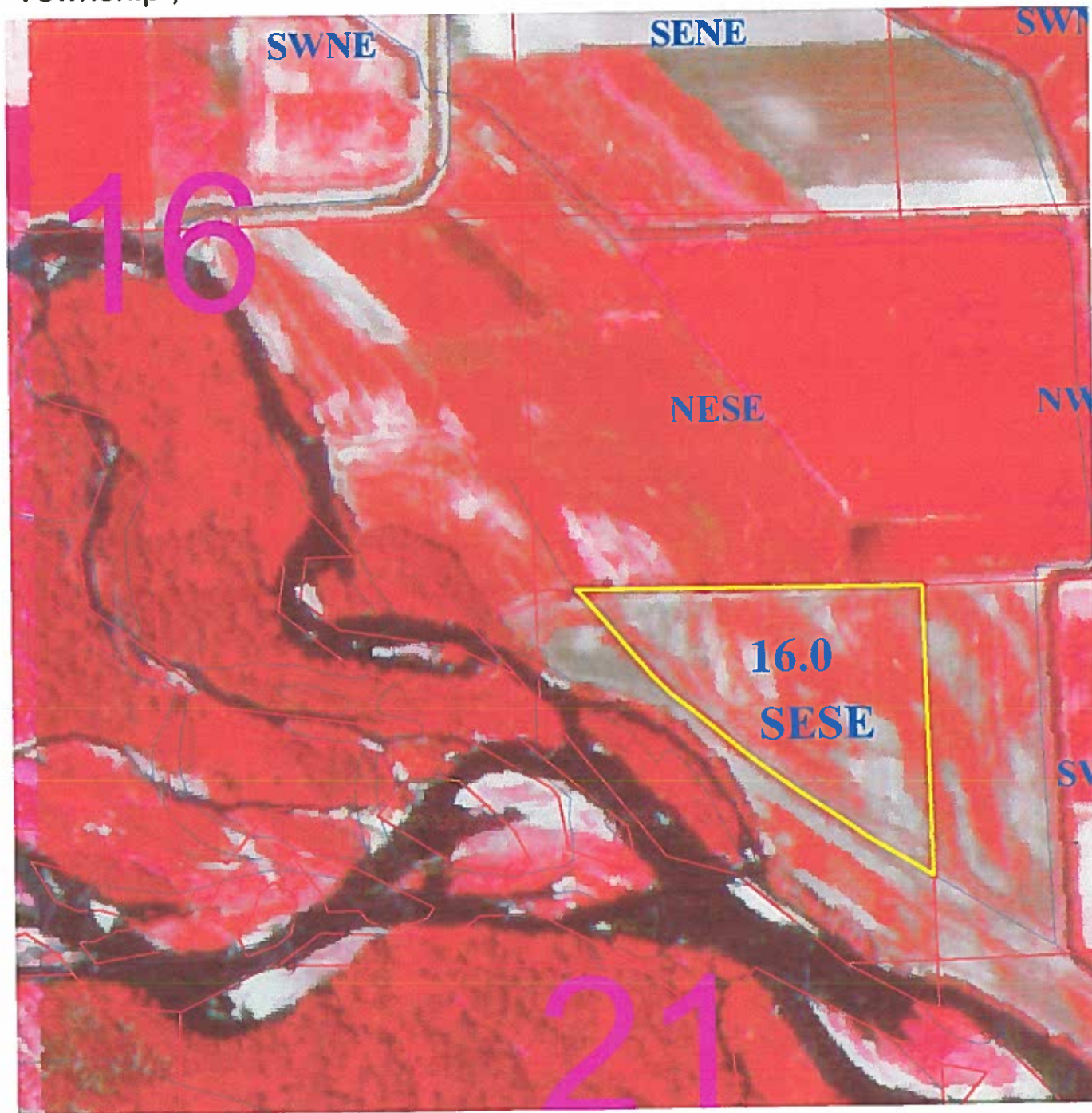
Water Right Claim Number 22-00579C
Township , 4N40E

06/22/2001



Water Right Claim Number 22-00579C
Township , 4N40E

06/22/2001



 SPATIAL
DYNAMICS



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

April 2, 1998

KYLE & JOAN BYBEE
120965 S SNAKE RIVER RD
REXBURG ID 83440

RE: CHANGE IN OWNERSHIP FOR A22-00579C

Dear Mr. and Mrs. 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,

Jennifer Hoagland
Technical Records Specialist

Enclosure: Notice(s) of Claim

DELOG
JH 3/2/98

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

RECEIVED

MAR 02 1998

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) A22-00579C ^{OK} HS
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) _____
4. New Owner/Claimant(s) Kyle Bybee and/or JOAN Bybee
 Name connector (Check one): ☐ AND, ☐ OR, ☐ AND/OR
 New Mailing Address 120965 Snake River Blvd.
 City, State and ZIP Code Rexburg Ida. 83440
 New Telephone Number (208) 356-7879
5. Date you acquired the property MAY 1990
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) Kyle Bybee Date 3/24/97
 _____ Date _____
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.

Walter Marie B. Hoopes

EXHIBIT "A"

Beginning at the Northwest corner of the Southwest Quarter of the Northwest Quarter of Section 15, Township 4 North, Range 40 East, Boise Meridain, Madison County, Idaho and running thence East 30 rods, more or less to the West right of way line of the Oregon Short Line Railroad, thence Southeasterly along the West line of said right of way 96 rods, more or less to a point that is 85 rods South and 76 rods East of the Northwest corner of the Southwest Quarter of the Northwest Quarter of Section 15; thence East 38 rods; thence North 5 rods; thence Southeasterly 58 rods, more or less, to a point on the East line of the Northeast Quarter of the Southwest Quarter; thence South 37 rods to the Southeast corner of the Northeast Quarter of the Southwest Quarter; thence West 2180 feet, more or less, to the East bank of the Sunnydell canal; thence Southerly along the East bank of said canal 1320 feet, more or less, to the South section line of Section 15; thence Southeasterly along the North bank of said canal 1620 feet, more or less, to the West right of way line of the Oregon Short Line Railroad; thence Southerly along the said right of way to the South line of the Northeast Quarter of the Northwest Quarter of Section 22, Township 4 North, Range 40 East, Boise Meridain; thence West 450 feet, more or less, to the Southwest corner of the Northeast Quarter of the Northwest Quarter of Section 22; thence Northwesterly along the South Boundary of lot 4 Section 22 to the West boundary of Section 22; thence North 145 feet, more or less, to the Northwest corner of Section 22; thence North 3960 feet, more or less, to the Point of Beginning.

ALSO:

Beginning at the Northeast corner of the Southeast Quarter of the Northeast quarter of Section 16, Township 4 North, Range 40 East, Boise Meridian, Madison County, Idaho, and running thence South 3960 feet, more or less, to the southeast corner of Section 16; thence Northwesterly along the South boundary of Lot 1, Lot 2 and Lot 3, which border the South Fork of the Snake River, to the Northwest corner of Lot 3, which is 32 rods West, more or less, to the center of Section 16; thence East 32 rods, more or less, to the center of Section 16; thence east 975 feet; thence North 1320 feet; thence East 1665 feet to the point of beginning.

LESS: Railroad right of way and County Road right of Way.

TOGETHER with appurtenance water rights in the Sunnydell irrigation District, & 18" of water in Burns Creek.

SUBJECT TO a reservation in the State of Idaho wherein the State has reserved all coal, oil, oil shale, gas, phosphate, sodium, asbestor, gold, silver, lead, zinc, copper, antimony and all minerals or deposits, including geothermal resources, and associated by products, sand, gravel, and pumice.

SUBJECT TO any differences in the mean high water line of the South Fork of the Snake River and the meander line as may be shown by the original government survey.

Handwritten initials

cc.

235859
235814

STATE OF IDAHO
County of Madison

On this 12th day of November, 1990,
and for said State, personally appeared

, before me a Notary Public,
Keith Clements and Opal Clements,

known to me to be the persons
and acknowledged to me that

whose names are subscribed to the within instrument,
they executed the same.

NOTARY
PUBLIC
NOTARY PUBLIC

Residing at Rexburg

Comm. Expires 5/25/94

MICROFILMED

State of Idaho
County of Madison,

SS 235859

I hereby certify that the within instrument was
filed _____

19____ at 12:05 P.M. and

recorded on Film 235859

Fee 9.00

by MARIE B. HOOPEL, Recorder

M. B. Hoopes

Deputy

At the request of _____

First American Title Company

MICROFILMED

State of Idaho
County of Madison,

SS 235814

I hereby certify that the within instrument was
filed _____

19____ at 4:39 P.M. and

recorded on Film 235814

Fee 9.00

by MARIE B. HOOPEL, Recorder

R. Smith

Deputy

At the request of _____

First American Title Company

TOGETHER With all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, the reversion and reversions, remainder and remainders, rents, issues and profits thereof.

TO HAVE AND TO HOLD, All and singular the said premises, together with the appurtenances, unto the part y of the second part, and to his heirs and assigns forever.

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

SIGNED, SEALED AND DELIVERED IN PRESENCE OF

W. D. Cook
Lulu May Cook

[Seal]

[Seal]

[Seal]

[Seal]

STATE OF IDAHO,

County of Madison.

On this 27th day of May in the year 1965, before me
the undersigned, a Notary Public

in and for said State, personally appeared W. D. Cook and Lulu May Cook, his
wfe,

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.

Shea Sullivan

Notary Public for the State of Idaho,
Residing at Rexburg, Idaho.

COPIED

No. 127933

QUITCLAIM DEED

W. D. Cook et al

-TO-

Keith Clement

Dated May 27, 1965

STATE OF IDAHO,
County of Madison, ss.

I hereby certify that this instrument was filed
for record at request of Keith Clement

at 30 minutes past 11
o'clock a.m., this 12 day
of November, A. D. 1965

in my office, and duly recorded in Book
127933

Myra R. Bateman
Ex Officio Recorder.

By Denise Jensen
Deputy.
Fees \$1.25

Mail to

CASEY PRINTERS, CALDWELL, IDAHO

A22-00529C

QUITCLAIM DEED

THIS INDENTURE, Made this 27th day of May
in the year of our Lord one thousand nine hundred and sixty-five, between
W. D. COOK and LULU MAY COOK, his wife,
of County of Madison,
State of Idaho, the parties of the first part, and
KEITH CLEMENTS, a married man,
of County of Madison
State of Idaho, the party of the second part.

WITNESSETH, That the said parties of the first part, for and in consideration of the sum of
One Dollar and Other Valuable Consideration-----DOLLARS,
lawful money of the United States of America, to them in hand paid by the said party of
the second part, the receipt whereof is hereby acknowledged, do by these presents remise, release
and forever QUITCLAIM, unto the said party of the second part, and to his heirs and
assigns, all that certain lot, piece or parcel of land, situate, lying and being in
, County of Madison, State of Idaho, bounded and particularly
described as follows, to-wit:

22-0579/
1665 Eighteen (18) inches of the waters from Burns
Creek with a priority date of July 1, 1882,
which was filed on by Charles Wheaton.

A2200579C

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

Renumbered to:
01-10481

Ident. Number: ~~A22-00579C~~

Date Received: 8/03/1988

Receipt No: E001040

Received By: S.M.

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: KEITH CLEMENTS 208-356-0559
Address: 10977 SOUTH SNAKE RIVER ROAD
REXBURG, ID 83440
AND/OR
Name: OPAL W. CLEMENTS 208-356-0559
Address: 10977 SOUTH SNAKE RIVER ROAD
REXBURG, ID 83440

A2200579C



2. Date of Priority: JUL 01, 1882

3. Source: BURNS CREEK Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
04N	40E	26	SW	NE	NE		JEFFERSON

5. Description of diverting works:
SUNNYDELL CANAL HEADGATE.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	0.360		

7. Total Quantity Appropriated is:
0.360 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	Lot	Use	Acres
04N	40E	16	SE	SE		IRR	20.0
Section Acres							20.0
Total Acres							20.0

11. Place of use in counties: MADISON

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

13. Other Water Rights Used:
NONE.

14. Remarks:

15. Basis of Claim: DECREED
Case Number:
Court : FIFTH
Decree date: 12/16/1910

REXBURG IRRIGATION CO., ETAL
Decree Plaintiff

vs

TETON IRRIGATION CANAL CO., ET
Decree Defendant

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: -1-

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): Hill Clement Date: 8-3-88

Date: _____

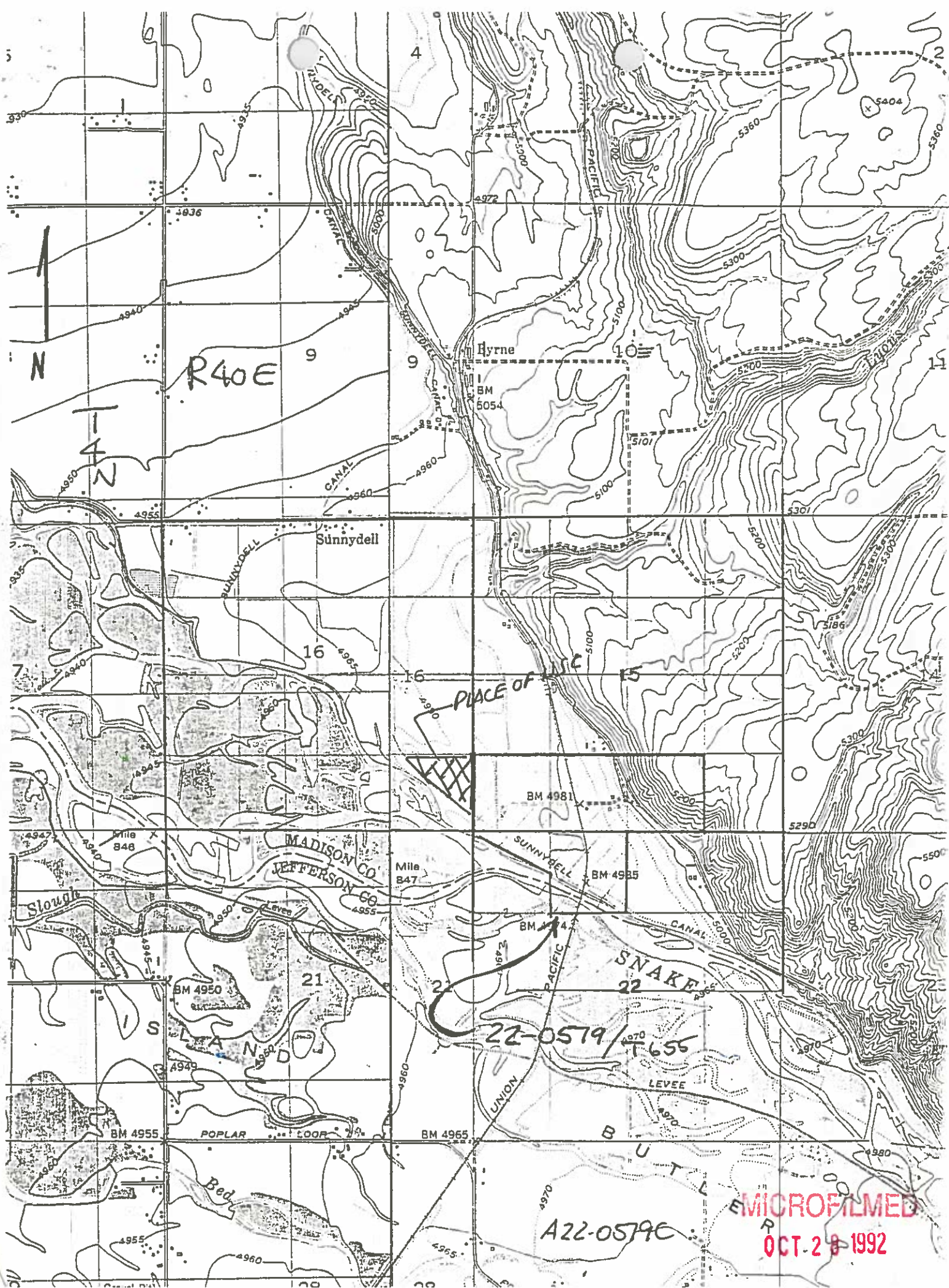
State of Idaho)
County of Boonneville) SS.

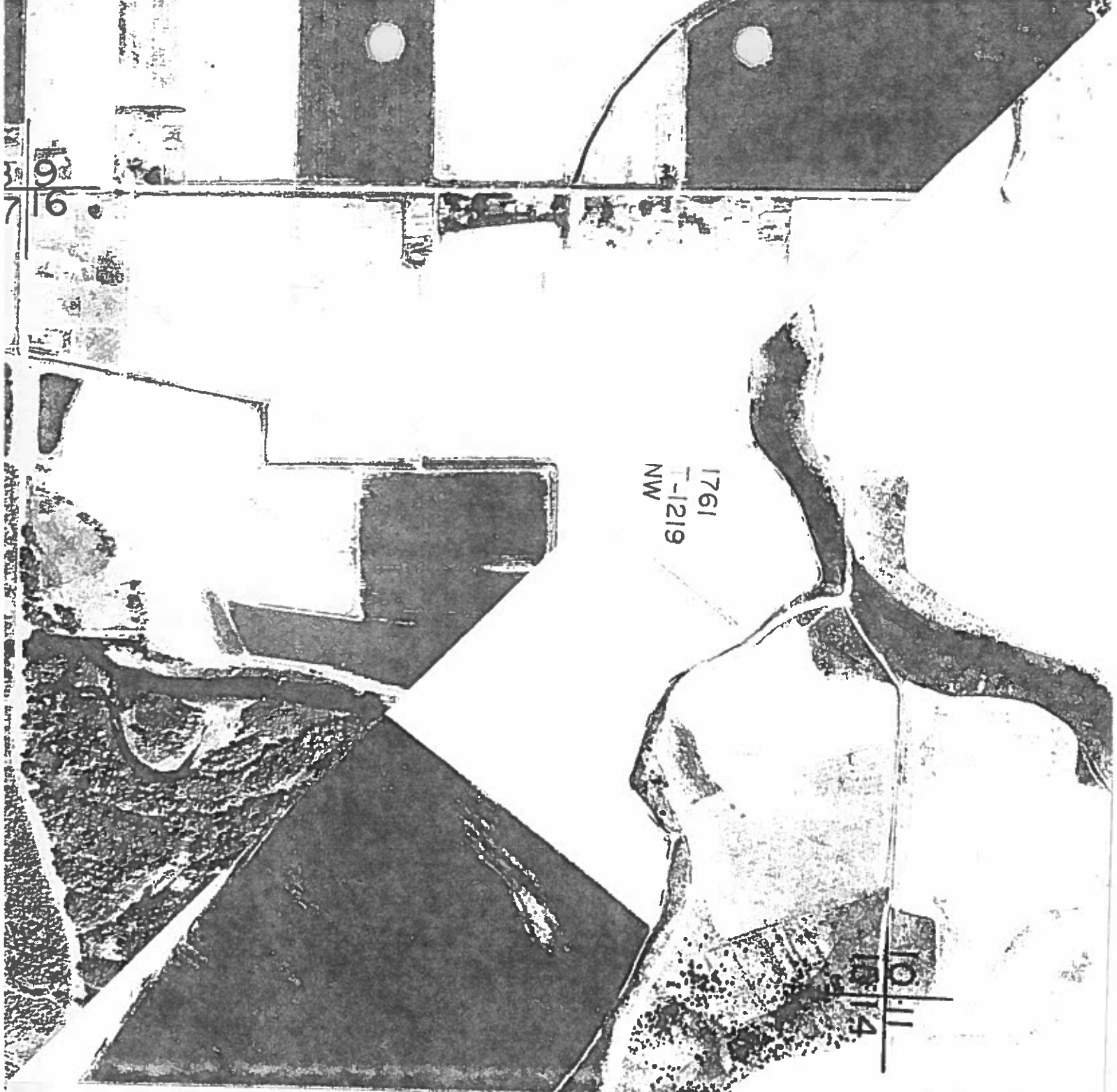
Subscribed and sworn (or affirmed) before me this 3rd day
of August 19 88 Betty J. Thompson
Notary Public

Seal

Residing at Idaho Falls
My Commission Expires 6-94

MICROFILMED
OCT 28 1992

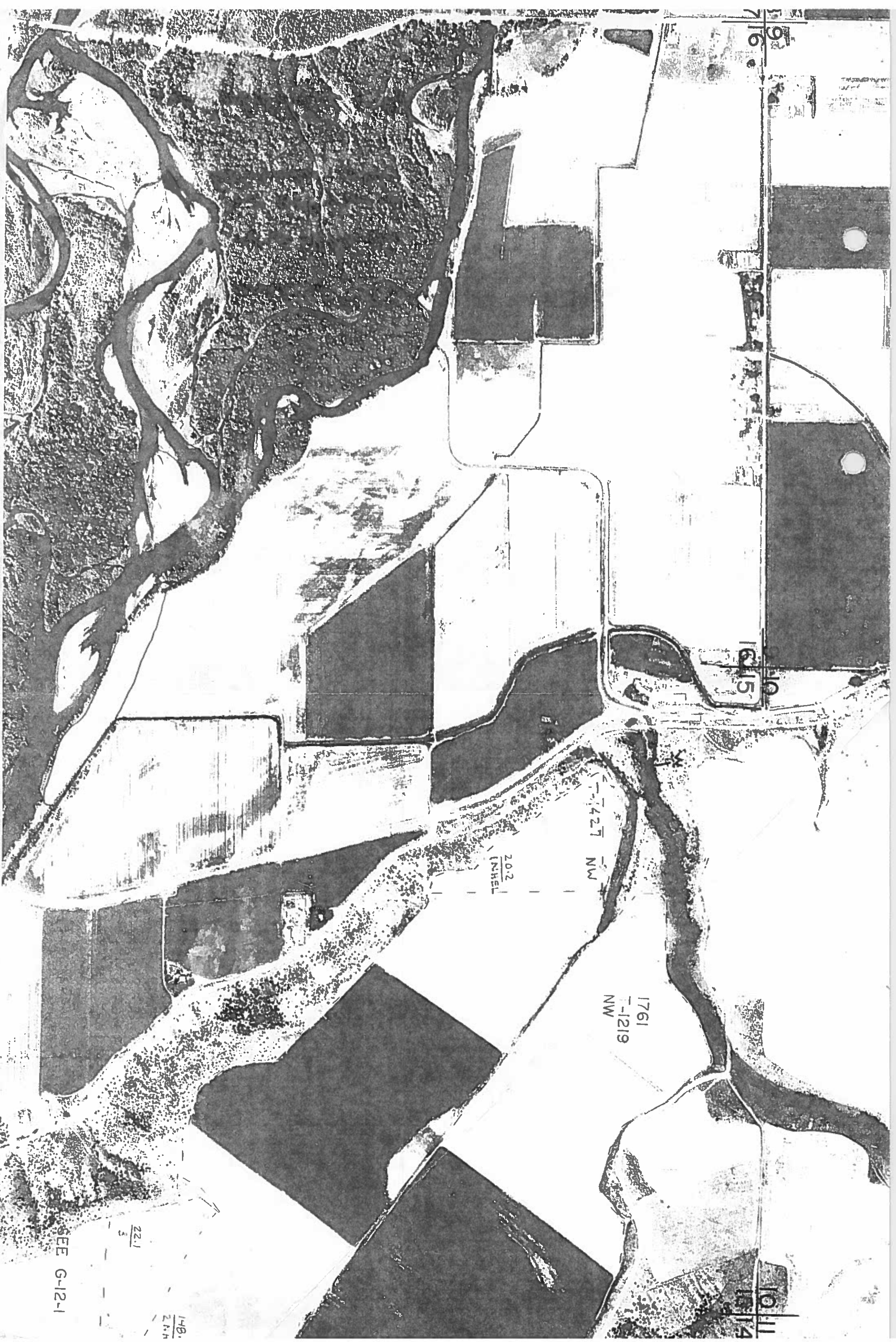




1761
T-1219
NW

10.11
10.14

9
16



1615

1615

1761 T-1219 NW

202 INHSL

1761 T-1219 NW

1615

SEE G-12-1

22.1

148.2