

01/29/2004

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

RIGHT NUMBER: 22-13266

NAME AND ADDRESS: WALTER L BYBEE
11477 S SNAKE RIVER RD
REXBURG ID 83440

ZELLA S BYBEE
11477 S SNAKE RIVER RD
REXBURG ID 83440

SOURCE: UNNAMED STREAM

TRIBUTARY: SNAKE RIVER

QUANTITY: 0.910 CFS

USE OF THIS RIGHT WITH RIGHT NO. 23-11230 IS LIMITED TO A TOTAL
COMBINED DIVERSION RATE OF 1.03 CFS.

THIS RIGHT WHEN COMBINED WITH RIGHT NO. 23-11230 SHALL PROVIDE NO
MORE THAN .02 CFS PER ACRE.

PRIORITY DATE: 05/01/1884

POINT OF DIVERSION:

T04N R40E S23 NESENW Within MADISON County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

04/15 10/31

0.910 CFS

PLACE OF USE:

IRRIGATION Within MADISON County

T04N R40E S22	NENE	0.5	T04N R40E S22	NWNE	28.0
T04N R40E S22 Lot 2	SWNE	7.0	T04N R40E S22 Lot 1	SENE	4.0

39.5 ACRES TOTAL

USE OF THIS RIGHT WITH RIGHT NO. 23-11230 IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 39.5 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: Decreed

THE ORIGINAL DECREED SOURCE UNDER THIS RIGHT IS ELKHORN SPRING.

RIGHT INCLUDES ACCOMPLISHED CHANGE IN SOURCE PURSUANT TO
SECTION 42-1425, IDAHO CODE.

RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT
TO SECTION 42-1425, IDAHO CODE.

WATER IS DELIVERED THROUGH SUNNYDELL CANAL.

THIS RIGHT IS A SPLIT FROM FORMER RIGHT 23-10010. ALSO SEE
23-11230.



FEB 15 2005

SCANNER

PROTECTED

State of Idaho

Department of Water Resources

Eastern Region



750 0 750 1500 2250 3000 3750 4500 5250 6000 6750 7500 8250 9000 9750 10500 11250 Feet

Water Right(s):
23-11230, 22-13266

Place of Use: T4N, R40E
Sec. 22 (parts of) NE

Point(s) of Diversion: T4N, R40E
Sec. 23 NESESW (Elkhorn Sp)
Sec. 25 SWSWNW (Hawley Sp)



LEGEND

-  **Point of Diversion**
-  **SESE** **Place of Use**
-  **Section**
-  **Quarter-Quarter**

GIS Place of Use Illustration
1987/1988 NAPP Photography
Prepared by: A. Ruberry
Date: March 2003



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State of Idaho

Department of Water Resources

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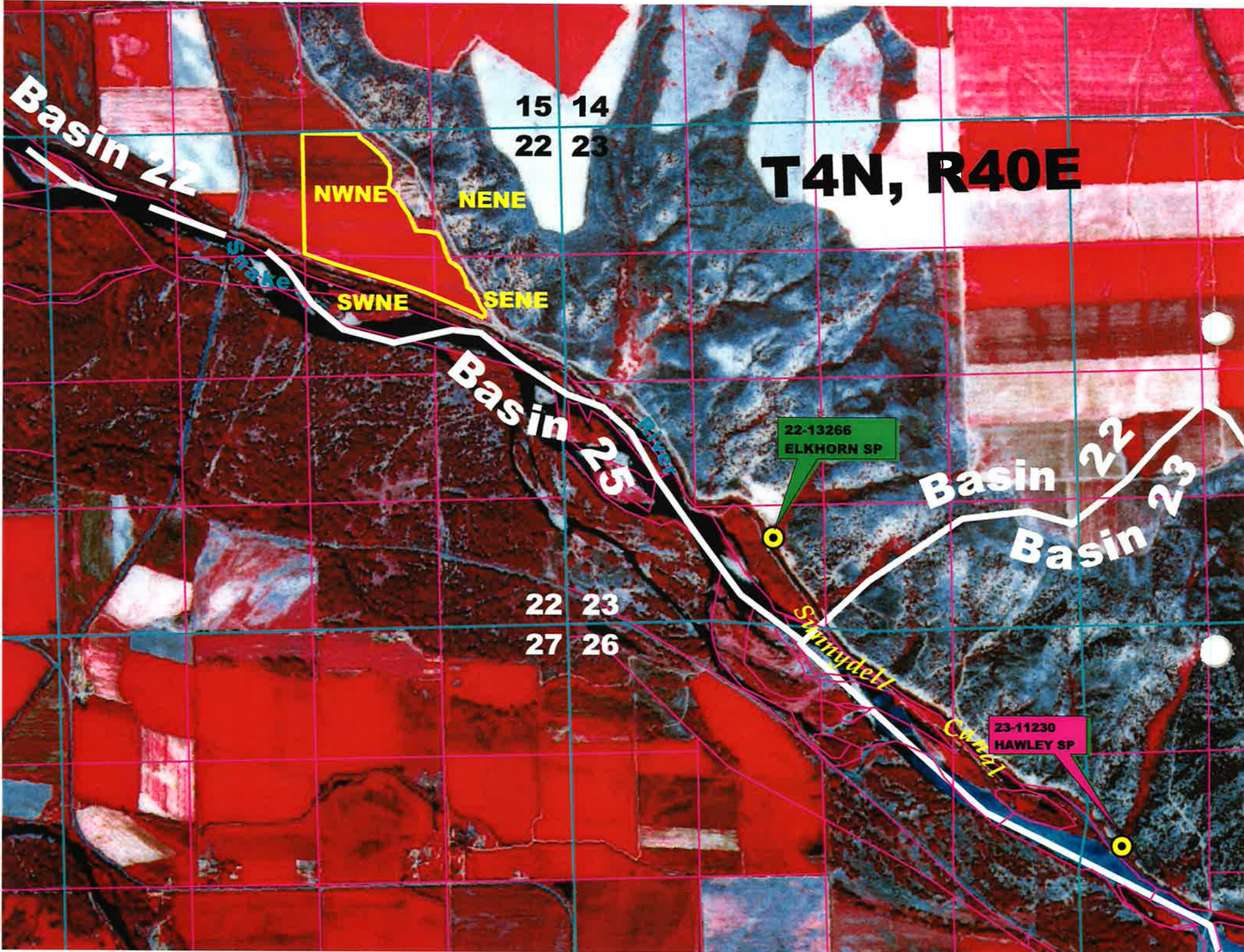


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750 0 750 1500 2250 3000 3750 4500 5250 6000 6750 7500 8250 9000 9750 10500 11250 Feet

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Contacts Data Entry Form

Water Right No. 23-10010

Owner Type	Full Name	Address	City	State	Zip	Phone
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Current Owner: WALTER BYBEE

Name connector: and _____, or _____, and/or _____

Current Owner: _____

Current Owner: _____

Representing Attorney: _____ Phone Number: _____

Accompanied By: _____ Phone Number: _____

Relationship to Claimant: _____

Date of Field Exam: _____ Time: _____

Directions to Property (if different from above) and/or update owner information:

DECREED UNDER ROXBURG TRAIL VS TETON TRAIL, 1910
AS # 17, up TO 210 INCHES (4.2 cfs). TO C.B. HAWLEY
"3/5 OF THE FLOW OF ELKHORN AND HAWLEY SPRINGS..."

* 23-10010 IS SPLIT INTO 23-11230 AND 23-11231.
DONE TO PUT SEPARATE SOURCES INTO PROPER
Basin. CONDITIONS AND REMARKS TIE THE TWO CLAIMS
TOGETHER.
23-11231 WAS RENUMBERED TO 22-13266 TO
ACCOMPLISH THE ABOVE

Reviewer: _____

Date: _____

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Priority Date Data Entry Form

Claim Number: _____

Water Right Priority Date: _____ Water Right Basis: _____

Claimed Priority Date: 5/1/1884 Claimed Basis: DECREERecommended Priority Date: 5/1/1884 Recommended Basis: DECREE☐ Use Claimed Priority Date and Basis as Recommended Priority Date and Basis

Document the evidence submitted/reviewed for the priority date claimed, include your analysis of the evidence:

MATCHES DECREE

Reviewer: _____

Date: _____

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Point of Diversion and Source Data Entry Form

Claim Number: _____

Water Right Point of Diversion: T____, R____, Sec.____,____,____,____. County: _____

Source: _____ Tributary: _____

Claimed Point of Diversion: T____, R____, Sec.____,____,____,____. County: _____

Source: _____ Tributary: _____

Recommended Point of Diversion: T____, R____, Sec.____,____,____,____. County: _____

Source: _____ Tributary: _____

____ Use Claimed POD and Source as Recommended POD and Source

Twp	Rge	Sec	Gov Lot	QQQ of QQ of Q	County	Source
4N	40E	23		NESESW	MADISON	UNNAMED STREAM

GPS Coordinates: _____

GPS Coordinates: _____

GPS Coordinates: _____

GPS Coordinates: _____

GPS Coordinates: _____

GPS Coordinates: _____

GPS Coordinates: _____

GPS Coordinates: _____

GPS Coordinates: _____

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GPS Coordinates: _____

GPS Coordinates: _____

GPS Coordinates: _____

GPS Coordinates: _____

GPS Coordinates: _____

GPS Coordinates: _____

GPS Coordinates: _____

Remark
AKA: ELKHORN
WARM SP.
TRIB. TO: SNAKE

Remark
AKA: HAWLEY WARM
SP.
TRIB. TO: SNAKE R

Other rights from this POD? _____

Document how the POD and Source were verified and/or Pump and Motor data:

PROBLEM HERE: THIS RIGHT AS DECREASED DISCUSSES SOURCES AS ELKHORN SPRING AND HAWLEY SPRING. THE PROBLEM IS THAT ELKHORN SPRING IS IN BASIN 22 WHILE HAWLEY SP. IS IN BASIN 23. SUGGEST SPLITTING RIGHT TO BASIN 22 (ELKHORN SP) AND BASIN 23 (HAWLEY SP.). QUESTION THEN BECOMES HOW MUCH FLOW IS CONTRIBUTED BY EACH-

Transfers Changing POD _____

Reviewer: _____

Date: _____

SCANNED SOLUTION: SPLIT RIGHT TO BASIN 22 AND BASIN 23.

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Q WOULD BE LISTED AS 4.2 CFS ON EACH WITH REMARKS COMBINING USE TOGETHER NOT TO EXCEED 11.7 A.F.

RECEIVED

22-13266

23-11230

Place Of Use Data Entry Form

Claim Number: _____

_____ Use Claimed POU as Recommended POU

Claimed Place of Use

Twp	Rge	Sec	QQ	Q	County	Lot Num	Acres	Purpose of Use
4N	40E	22	NE		JEFFERSON		395	Panig.

Total Acres _____

Recommended Place of Use

Twp	Rge	Sec	QQ	Q	County	Lot Num	Acres	Purpose of Use
4N	40E	22	NENE		MADISON		0.5	Panig
			NWNE		"		20.0	"
			SWNE		"		7.0	"
			SENE		"		4.0	"

Total Acres 395

Document how the POU was verified:

POU claimed lies totally w/ MADISON County and BASIN 22
 This is not a problem in that sources are split: 1 in BASIN 22
 and 1 in BASIN 23. Both reference same POU. Limiting combined
 use remarks.

Transfers Changing POU _____

Reviewer: _____

Date: _____

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PRO

Period of Use and Quantity Data Entry Form

Claim Number: _____

☐ Use Claimed Period of Use and Quantity as Recommended Period of Use and Quantity

Water Right Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume

Overall Diversion Rate _____ Overall Diversion Volume _____

Claimed Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
Spring	4/1	11/1	4.2	

Overall Diversion Rate _____ Overall Diversion Volume _____

Recommended Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
Spring	4/15	10/31	4.2	

Overall Diversion Rate _____ Overall Diversion Volume _____

Document how the Period of Use and/or Diversion Rate were verified:

DACROS DOES NO DRAINAGE SEASON OF USE. USOD DIRT.
STD SOL AS 4/15 TO 10/31.

COMBINED USE (Limiting) REMARKS FOR BOTH:
23-11230 AND 22-13266. Limits Q AND AC.

REMARKS

Reviewer: _____

Date: _____

SCANNE

FEB 15 2005

PROFILED

Idaho Falls, Idaho

July 20, 1959

Mr. Kenneth Hacking, Secretary
Sunnydell Irrigation District
Route 1
Thornton, Idaho

Dear Mr. Hacking:

Mr. Walter Bybee was in the office today to discuss his water right in Elkhorn and Hawley springs. Both he and Mr. Clay have decreed rights in these springs but have been drawing their water thru the Sunnydell Canal.

For the past few years we have credited the Sunnydell Canal with a continuous flow of 1.0 second-feet from the above springs. We are doing the same this year.

It is reported that developments at the Heise resort may result in a decreased inflow from Elkhorn and Hawley springs. We will obtain measurements in the near future but in any case, will continue to credit the Sunnydell with the full 1.0 second-feet. If there is a reduction in the spring inflow it will be charged against those obtaining the water.

Very truly yours,

H. C. Eagle
Watermaster

cc: Walter Bybee,
Rt. 1, Thornton

SCANNED

FEB 15 2005

PROFILED

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 22-13266
Date Received: 4/1/2003
Receipt No:
Received By:

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

1. Name of Claimant(s)

WALTER L BYBEE Phone: (208)356-6156
11477 S SNAKE RIVER RD
REXBURG ID USA 83440

ZELLA S BYBEE Phone: (208)356-6156
11477 S SNAKE RIVER RD
REXBURG ID USA 83440

2. Date of Priority: 05/01/1884

3. Source: UNNAMED STREAM Trib. to: SNAKE RIVER

4. Point of Diversion:
Township Range Section 1/4 of 1/4 of 1/4 Lot County Type
04N 40E 23 NE SE NW MADISON

5. Description of diverting works:

SOURCE ORIGIN IS ELKHORN SPRING WHICH FLOW TO RIVER (CANAL).

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/15	10/31	4.2	

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

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
04N	40E	22	NE	NE	IRRIGATION	0.5
			NW	NE	IRRIGATION	28
			SW	NE	IRRIGATION	7
			SE	NE	IRRIGATION	4

Section Acres 39.5
Total Acres 39.5

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:

14. Remarks:

THIS RIGHT ORIGINATED AS PART OF 23-10010 WHICH WAS SPLIT TO PLACE SEPARATE SOURCES INTO PROPER BASINS. ALSO SEE 23-11230.

15. Basis of Claim: Decreed

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): _____ Date: _____

_____ Date:

State of Idaho)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this

of _____ 20__

Notary Public

Residing at _____

My commission Expires _____