

- (8) Remarks THIS WELL WAS COMPLETED NOVEMBER 1954, TESTED 1500 gal/min, [81-2]
114' depth, 26' 8" TAPLE, 2" DRAWDOWN, 18" CASING; THE PUMP IS OVER 100 HP,
RUNS 8 LATERALS @ 1200', ABOUT 65 PSI, LARGE ORIFICES (10 gal per min), 40' SPACING X
50' VALVES. THE 9" STEEL PIPELINE EXTENSION WAS BEFORE 1959. SEE ALSO
APPL# G-30817, PERMIT # G-23061 (9-19-52) + Permit # G-25079 (7-24-54)

EVEN WHEN IRRIGATING THESE 400 ACRES IN THE DRIEST, HOTTEST MONTHS,
THE SYSTEM HAS NEVER RUN 80% OF THE TIME.

TOWNSHIP 8 S. R. 41 E. B.M.

SECTION 2

SECTION 1

PERMIT G-25079 7-24-54

SECTION 11

SECTION 12

PERMIT G-23061

THIS CLAIM, 80 A.

Scale: 2 inches equal 1 mile.

Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

State of Idaho

County of Oneida SS.

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiants knowledge.

Andrew R. Barber
 (Claimant)

Sworn to before me this 20 day of Feb., 1974.

Robert J. Sweet
 Notary Public

Residing at in alod Idaho

My commission expires 2/21/77

For Department Use Only

Received by MB Date 2-21-74 Exception filed by: _____ Forwarded to _____ Date _____
 Prelim. check by RDC Date 2/21/74 claimant by: _____
 \$10.00 fee received by MB Date 2-21-74
 Approved for publication by OB 2/25/74 Receipt # 12751
 Published in Caribou County News, Soda Springs
 Dates 3/14/74 3/21/74

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION

Section 42-225a, Idaho Code

CLAIM TO A WATER RIGHT

Under the provisions of Section 42-225a, Idaho Code, a person may file a claim to a right to use water which has been established by diversion and application to beneficial use. **The filing of this claim does not confirm the water right but will serve for information purposes only.** It may, however, become the basis for future adjudication of the water right by the Court.

Notice is hereby given that ANDREW R. BYBEE (name of claimant)

of Soda Springs, Idaho (mailing address), claims a right to the diversion and beneficial use of

ground water ~~XXXXXX surface water XXXXX~~ XXXXXX;

The extent and nature of said claim is as follows:

(1) Describe source of water: (name of stream, lake, spring, etc., or ground water) Ground Water

(2) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:

Amount	<u>199 A-f</u>	Use	<u>alfalfa</u>	Period of Use:	From	<u>May 1</u>	To	<u>Sept. 1</u>
Amount	<u>1 A-f</u>	Use	<u>Stock water</u>	Period of Use:	From	<u>May 1</u>	To	<u>Sept. 30</u>
Amount	_____	Use	_____	Period of Use:	From	_____	To	_____
	(cfs, gpm or a/f)		(dom., irri., stock, etc.)					(both dates inclusive)

(3) Total quantity of water claimed: _____ cubic feet per second, or 200 acre feet per annum, and/or _____ gallons per minute.

(4) Priority claimed: (the date water was first applied to beneficial use) July 1, 1960

A claim is not acceptable on a ground-water source with a priority later than March 25, 1963 or on a surface-water source with a priority later than May 20, 1971. An exception to this rule is that a claim may be filed on domestic use from a ground-water source.

(5) A) Point of diversion: (give location of point where water is diverted from its source)

NW ¼ NE ¼, Sec. 12 Twp. 8S Rge. 41 E B.M. County of Caribou
Additional points of diversion: _____

B) Describe means of diversion of water: (pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.) Give sizes and capacities; be as specific as possible. A well, pump, and pipelines. see remarks

(6) A) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is not for irrigation, place an "X" in appropriate box to show location.

T	R	SEC.	NE ¼				NW ¼				SW ¼				SE ¼				TOTAL
			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	
8S	41E	11	40			40													80

Total No. of acres 80

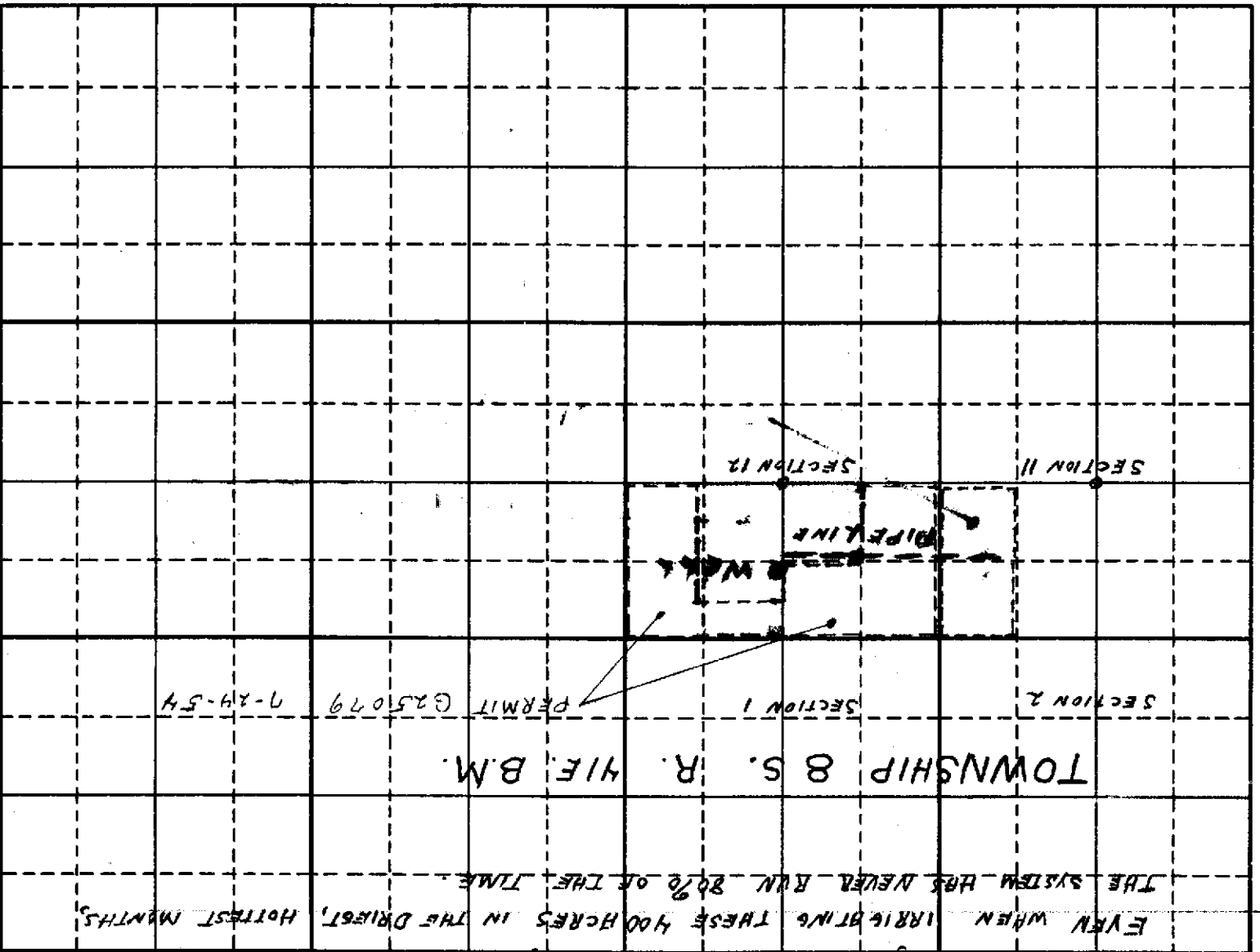
B) If the water is used for other than irrigation, fully describe that use, being as specific as possible: _____

Stock water for 200 head cattle, 1000 head sheep

(7) If you are claiming water as a member of an organization, list name of organization: _____

11 4007

(8) Remarks THIS WELL WAS COMPLETED NOVEMBER 1954, TESTED 1500 gal/min, 114' depth, 26" TROLE, 2" DOWNHOLE, 18" CASTING; THE PUMP IS OVER 100 HP, RUNS 8 LATERALS @ 1200', ABOUT 65 PSI, LARGE ORIFICES (10 gal per min), 40' SPACING 50' VALVES. THE 9" STEEL PIPELINE EXTENSION WAS DONE 1959. SEE ALSO APP# 6-30812, PERMIT # 623061 (9-18-52) + PERMIT # 625079 (7-24-54)



Scale: 2 inches equal 1 mile.

Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

State of Idaho
County of Good
ss.

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiant's knowledge.

Sworn to before me this 20 day of Feb., 1974.
(Claimant) Robert J. Jones
Notary Public Robert J. Jones
Residing at in and about Idaho
My commission expires 2/21/77

For Department Use Only

Received by MR Date 8-21-74 Exception filed by: Forwarded to: Date
Prelim. check by MR Date 8/21/74 claimant by: Date
Approved for publication by MR Date 8-21-74 # 12751
Published in Goodland County, Idaho
Dates 3/14/74 to 3/17/74

Affidavit of Publication

County of Caribou } ss.
State of Idaho }

V. E. Lansberry

being first duly sworn on his
oath, states:

That he is publisher
of the Caribou County Sun, a
newspaper of general circula-
tion in Caribou County, Idaho,
published weekly at Soda
Springs in said County, that said
newspaper has been pub-
lished in said County uninterru-
ptedly and continuously for
over seventy-eight consecutive
weeks, prior to the first publi-
cation of the annexed notice or
advertisement;

That the annexed notice was
published as per clipping at-
tached in the regular and entire
edition of said newspaper and
not in any supplement thereof

for two successive weekly
issues thereof, the date of the
first publication being the

14th day of
March, 1974

The date of the last publication
being the 21st day of

March, 1974

V. E. Lansberry
Subscribed and sworn to be-
fore me this 22nd day

of March, 1974

Elaine S. Johnson
Notary Public, residing
at Soda Springs, Idaho
(SEAL)

My Commission expires the
1st day of November

1974

NOTICE OF CLAIM TO A WATER RIGHT No. 11-4037

Notice is hereby given that
Andrew R. Bybee, Soda Springs,
Idaho has filed a claim to a
water right established by di-
version and application to bene-
ficial use of 200 acre feet per
annum of water from a ground-
water source with point of di-
version in the NW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec.
12, T. 8S, R. 41E, B.M., Caribou
County.

The water is claimed to be
used from May 1 to Sept. 30
for stockwatering purposes for
200 head of cattle and 1000 head
of sheep, and from May 1 to
Sept. 1 for the irrigation of 80
acres with a priority of July 1,
1960; the place of use is within
the E $\frac{1}{2}$ NE $\frac{1}{4}$, Sec. 11, T. 8S, R.
41E, B.M.

Any exception to this claim
of water right may be filed with
the Idaho Department of Water
Administration, 1515 Lincoln
Road, Idaho Falls, Idaho 83276.

R. KEITH HIGGINSON,
Director

Published in the Caribou Coun-
ty Sun, Soda Springs, Idaho, on
March 14 and March 21, 1974.

11 4037

01 WATER RIGHT NUMBER - 11-4037 02 OLD (CD) NUMBER -

03001 - BYBEE ✓ LAST NAME 04001 - ANDREW R. ✓ FIRST NAME 05001 - C ORIG. OWNER

06 ADD LINE 1 - RT. 1 BOX 228A ✓ 07 ADD LINE 2 -

08 ADD LINE 3 - 09 CITY - MALAD ✓ 10 STATE - ID 11 ZIP - 83252

12 STAGE - S STATUTORY CLAIM ✓ 13 STATUS -

SOURCE 14001 - GROUNDWATER ✓ 15001 - TRIBUTARY OF

16 DIVERSION MEANS - 17 COUNTY - 29 CARIBOU

18 DIVERSION CAPACITY - .000 19 TOTAL DIVERSION RATE - 1.600 ✓ 20 TOTAL DIVERSION VOLUME - 200.00 ✓

21 WATER DISTRICT -

TRACT SEC TWN RNG LOT DIVERSION POINTS S T R E A M I N D E X F I E L D S

22001 - NWNE 23001 - 12 ✓ 24001 - 08S 25001 - 41E ✓ 26001 - 27001 - 0 0.0 0.0 0.0 0.0 0.0 0.0

29 NON-IRRIGATION USE - S/200 RANGE, 1000 SHEEP.

USE CODE / USE TWN RNG PLACE OF USE SEC TRACT ACRES LOT

30001 - 01 IRRIGATION ✓ 31001 - 08S ✓ 32001 - 41E ✓ 33001 - 11 ✓ 34001 - NENE ✓ 35001 - 40 ✓ 36001 - 30002 - 01 IRRIGATION ✓ 31002 - 08S 32002 - 41E 33002 - 11 ✓ 34002 - SENE ✓ 35002 - 40 ✓ 36002 -

TOTAL ACRES: 80

PERIOD FROM PERIOD TO USE CODE / USE WATER USE DIVERSION RATE DIVERSION VOLUME

37001 - 0501 ✓ 38001 - 0901 ✓ 39001 - 01 IRRIGATION ✓ 40001 - 1.600 ✓ 41001 - 199.00 ✓ 37002 - 0501 ✓ 38002 - 0930 ✓ 39002 - 04 STOCKWATER ✓ 40002 - 0.120 ✓ 41002 - 1.00 ✓

42 DECREE PLAINTIFF NAME - 43 DECREE DEFENDANT NAME -

REMARKS

44001 -

APPROVAL CONDITIONS: 45001 -

46 OTHER RIGHTS FOR SAME USE -

47 PRIORITY - D A T E S - 1-JUL-1960 ✓ 55 LICENSE - D A T E S - 63 TRANSFER/AMENDED - 48 PROOF DUE - 56 APPL RECEIVED - 64 DLE/CAREY ACT - 49 PROOF MADE - 57 FIELD EXAM MADE - 65 FLAG_1 - 50 APPROVE/DENIED - 58 DECREE - 66 FLAG_2 - 51 PROTESTED - 59 START WORK - 67 FLAG_3 - 52 HEARING - 60 ORDER SHOW CAUSE -

WRR100
11-4037

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHTS PROOF READING REPORT

PAGE 2
16-DEC-1985 10:39:24

53 VERIFIED
54 LAST UPDATE - 10-DEC-1979

61 DATE_1
62 DATE_2

D A T E S

D A T E S

F L A G S

98/11/15
VERIFIED JKN

IDENT. NO. 11-4037

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

WATER RIGHT
DATA ENTRY LOG

[illegible]

WATER RIGHT ANALYSIS FORM

- DATA ENTRY -

Identification No. _____

OTd No. _____

New No. _____

111-4037

Record

1. Original Owner: Andrew R. Bybee

Present Owner: _____

2. Address: Rt. 1 Box 228A3. City: ~~Soda Springs~~ Malad State: ID Zip: 832524. A. Source of Water: GW

B. Tributary of: _____

5. A. Stage (A,P,L,D,S,J): S

B. Status (D,L,R,C,A,I,F - leave blank if valid): _____

C. Priority Date: 7-1-1960D. County: 29E. Total Diversion Rate: 1.6F. Total Diversion Volume: 206

G. Transfer/Amendment (P,T of A or blank): _____

H. Water District: _____

I. DLE/Carey Act (D,C or blank): _____

J. Right Basis (for adjudication claims A,B,C only): _____

	Tract	Sec.	Twp.	Rge.	Gov't Lot	Rediv.
6. A. Point of Diversion	<u>NWNE</u>	<u>12</u>	<u>88</u>	<u>41E</u>	_____	_____
	_____	_____	_____	_____	_____	_____
	_____	_____	_____	_____	_____	_____
	_____	_____	_____	_____	_____	_____
	_____	_____	_____	_____	_____	_____

7. Period of Use, Use, Diversion Rate/Volume:

from 5-1 to 9-1 for A purposes. Amount 1.6 / 199
(cfs or AC-FT/yr)from 5-1 to 9-30 for S purposes. Amount .12 / 1

from _____ to _____ for _____ purposes. Amount _____

from _____ to _____ for _____ purposes. Amount _____

from _____ to _____ for _____ purposes. Amount _____

from _____ to _____ for _____ purposes. Amount _____

from _____ to _____ for _____ purposes. Amount _____

8. Use code: *A*

[illegible]

B. Decree Date:

10. Remarks: A.
B.
C.
D.
E.

11. Other Uses (Non-irrigation explanatory information):
8/200 acre, 1000 sheep.

12. Other Rights for Same Use:

13. A. Proof Due Date:

B. Date Permit Approved or Denied:

C. Protested Date:

D. Hearing Date:

E. Old Number:

F. Proof Made (P or blank):

G. Field Exam Made (P, R, F or blank):

H. Conditions of Approval:

14. Diversion Means (brief narrative):

11-4037

July 6, 1978

RE: Application for Permit - BYBEE

Andrew R. Bybee
Route 1, Box 228 A
Malad, Idaho 83252

Dear Mr. Bybee:

The Department is returning your application for permit and check No. 425 for \$25.00 as the application was not in form to receipt. Also enclosed you will find several application and permit forms and a Water User's Handbook which contains instructions for completing an application.

In reviewing your proposal you indicate two sources of water will be developed. Please note that only one source can be listed on an application; therefore, you will need two or more applications.

If you have any questions please feel free to contact or visit our office at which time we will be glad to assist you.

Respectfully submitted,

ERNEST CARLSEN
Water Resource Agent

EC:bp

Enclosures: Forms

STATE OF IDAHO

DEPARTMENT OF WATER ADMINISTRATION

EASTERN DISTRICT OFFICE



Cecil D. Andrus
Governor
R. Keith Higginson
Director

1515 Lincoln Road
Idaho Falls, Idaho 83401
(208) 523-7186

Water Rights Administration
Water Resource Investigations
Dam and Reservoir Safety
Water Well Drilling
Waste Disposal Wells
Stream Channel Protection
Geothermal Resources

March 25, 1974

Re: Claim to a Water Right No. 11-4037

Mr. Andrew R. Bybee
Soda Springs
Idaho 83467

Dear Mr. Bybee:

Enclosed please find a copy of an exception filed against the above referenced claim together with a copy of a letter in reply to the exception filed.

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

Very truly yours,

RONALD D. CARLSON
Assto to the District Engineer

RDC:MB

Enclosures

Soda Springs, Idaho 83276
March 22, 1974

3DF
RECEIVED

Idaho Department of Water Association
1515 Lincoln Road
Idaho Falls, Idaho 83401

MAR 25 1974

Department of Water Administration
Eastern District Office

Gentlemen:

We wish hereby to make a matter of record our objections and exceptions to the Notice of Claim To A Water Right, No. 11-4037, first published in the Caribou County Sun on March 14, 1974.

Said claim appears to encompass water from a well on which water Licenses No. G-23061, dated September 10, 1956, and No. G-25079, dated September 10, 1956, have been issued for a total of 4.72 c.f.s. of water for irrigation of 320 acres of land.

We deny that the claimant, Mr. Andrew Bybee, has ever beneficially irrigated the ~~EAST~~ ^{EAST} of Section 11, Township 8 South, Range 41 East of the Boise Meridian, as alleged in his notice.

Mr. Bybee has, on occasions, attempted to water livestock; and we have had to take periodic action to terminate such improper use when it adversely affected our own irrigation operations. To the best of our knowledge and belief, Mr. Bybee has never owned nor managed anywhere near 200 head of cattle, nor 1000 head of sheep.

Mr. Bybee has failed, for several years, to adequately maintain his part of the main line, and has frequently permitted water to run to waste, to the detriment of the undersigned. This has caused unnecessary extra expense to us, having resulted in extra pumping cost and more wear and tear on the pump and motor. As a result, we have problems properly irrigating our own lands, even without any attempt on the part of Mr. Bybee to extend his use.

Very truly yours,

Albert C. Butterfield

Harold Hopkins

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION
EASTERN DISTRICT OFFICE



Cecil D. Andrus
Governor
R. Keith Higginson
Director

1515 Lincoln Road
Idaho Falls, Idaho 83401
(208) 523-7186

Water Rights Administration
Water Resource Investigations
Dam and Reservoir Safety
Water Well Drilling
Waste Disposal Wells
Stream Channel Protection
Geothermal Resources

March 25, 1974

Re: Claim to a Water Right No. 11-4037 ANDREW R. BYBEE

Mr. Albert O. Butterfield
Mr. Vernal Hopkins
c/o Albert O. Butterfield
P. O. Box 444
Soda Springs, Idaho 83276

Gentlemen:

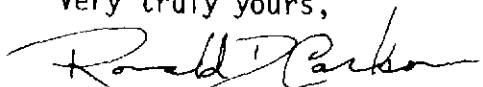
This office is in receipt of your letter of March 22, 1974, noting your exception to the above referenced claim to a water right. However, it is unlikely that the court would consider your exception unless it is filed in affidavit form with your signatures notarized. Although your letter will be included in the file in its present form, I would recommend that you follow the procedures as set forth in Section 42-225 of the Idaho Code:

42-225b. Recording of claims by department-----Corrections.-----

.....
At any time after filing a claim under the provisions of this section, any person who disagrees that a right has been established as set forth in said claim may file an exception thereto in duplicate, in affidavit form, accompanied by such proof as said person deems appropriate. An exception filed shall be made a part of the file of the claim in the department of reclamation (renamed department of water administration, July 1, 1970) and shall be considered the same as other evidence in said file. A copy of an exception filed shall be forwarded to the claimant by the department of water administration. Such claims may be corrected by the claimant only by filing of an amended claim in the same form as the original and for which no additional filing fee shall be required.

Only the above action has been contemplated by the Idaho Legislature and we are not authorized to hold hearings or evaluate for conformation or final censorship of the described rights.

Very truly yours,


RONALD D. CARLSON
Asst. to the District Engineer
RDC:mb

JDF

Soda Springs, Idaho 83276
April 25, 1974

Idaho Department of Water Association
1515 Lincoln Road
Idaho Falls, Idaho 83401

Gentlemen:

Enclosed herewith is our exception to Claim To A Water Right, No. 11-4037, in affidavit form with our signatures notarized, as you recommended in your letter of March 25, 1974.

Please include this affidavit in the file of the claim.

Very truly yours,


ALBERT O. BUTTERFIELD


VERNAL HOPKINS

11-4037

A F F I D A V I T

STATE OF IDAHO)
 : ss.
County of Caribou)

Albert O. Butterfield and Vernal Hopkins, being each duly sworn, deposes and says:

That affiants wish to make a matter of record our objections and exceptions to the Notice of Claim To A Water Right, No. 11-4037, first published in the Caribou County Sun on March 14, 1974.

Said claim appears to encompass water from a well on which water Licenses No. G-23061, dated September 10, 1956, and No. G-25079, dated September 10, 1956, have been issued for a total of 4.72 C.F.S. of water for irrigation of 320 acres of land.

We deny that the claimant, Mr. Andrew Bybee has ever beneficially irrigated the E~~NE~~^{1/4} of Section 11, Township 8 South, Range 41 East of the Boise Meridian, as alleged in his notice.

Mr. Bybee has, on occasions, attempted to water livestock; and we have had to take periodic action to terminate such improper use when it adversely affected our own irrigation operations. To the best of our knowledge and belief, Mr. Bybee has never owned nor managed anywhere near 200 head of cattle, nor 1000 head of sheep.

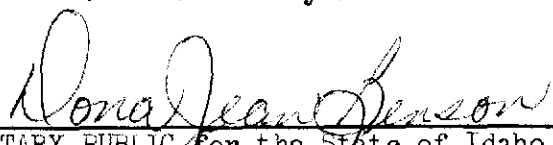
Mr. Bybee has failed, for several years, to adequately maintain his part of the main line, and has frequently permitted water to run to waste, to the detriment of the undersigned. This has caused unnecessary extra expense to us, having resulted in extra pumping cost and more wear and tear on the pump and motor. As a result, we have problems properly irrigating our own lands, even without any attempt on the part of Mr. Bybee to extend his use.

Further affiants sayeth not.


ALBERT O. BUTTERFIELD


VERNAL HOPKINS

SUBSCRIBED AND SWORN to before me this 17th day of May, 1974.


NOTARY PUBLIC for the State of Idaho.
Residing at Soda Springs, Idaho.
My commission expires August 14, 1977.

11-4037

May 22, 1974

Re: Claim to a Water Right No. 11-4037

Mr. Andrew R. Bybee
Soda Springs
Idaho 83276

Dear Mr. Bybee:

Enclosed please find a copy of the exception filed by Vernal Hopkins and Albert O. Butterfield in connection with your Claim No. 11-4037. The following is a quote from the provisions of the Idaho Code under which this claim has been filed:

42-225b. Recording of claims by department-----Corrections.-----

.....
At any time after filing a claim under the provisions of this section, any person who disagrees that a right has been established as set forth in said claim may file an exception thereto in duplicate, in affidavit form, accompanied by such proof as said person deems appropriate. An exception filed shall be made a part of the file of the claim in the department of reclamation (renamed department of water administration, July 1, 1970) and shall be considered the same as other evidence in said file. A copy of an exception filed shall be forwarded to the claimant by the department of water administration. Such claims may be corrected by the claimant only by filing of an amended claim in the same form as the original which shall be recorded and numbered by the department the same as the original and for which no additional filing fee shall be required.

Only the above action has been contemplated by the Idaho Legislature and we are not authorized to hold hearings or evaluate for conformation or final censorship of the described rights.

If we can be of further assistance, please contact us.

Very truly yours,

RONALD D. CARLSON
Asst. to District Engineer

RDC:MB

Enclosure

11 4037

May 22, 1974

Re: Claim to a Water Right No. 11-4037 Andrew R. Bybee

Mr. Vernal Hopkins
Soda Springs
Idaho 83276

Dear Mr. Hopkins:

We have received the exception dated May 17, 1974, filed against the above referenced claim to a water right. The following is a quote from the provisions of the Idaho Code under which this claim has been filed:

42-225b. Recording of claims by department-----Corrections.-----

.....
At any time after filing a claim under the provisions of this section, any person who disagrees that a right has been established as set forth in said claim may file an exception thereto in duplicate, in affidavit form, accompanied by such proof as said person deems appropriate. An exception filed shall be made a part of the file of the claim in the department of reclamation (renamed department of water administration, July 1, 1970) and shall be considered the same as other evidence in said file. A copy of an exception filed shall be forwarded to the claimant by the department of water administration. Such claims may be corrected by the claimant only by filing of an amended claim in the same form as the original which shall be recorded and numbered by the Department the same as the original and for which no additional filing fee shall be required.

Only the above action has been contemplated by the Idaho Legislature and we are not authorized to hold hearings or evaluate for conformation or final censorship of the described rights.

If you have any questions regarding this matter, please contact us.

Very truly yours,

RONALD D. CARLSON
Asst. to District Engineer

11 4037

RDC:MB

May 22, 1974

Re: Claim to a Water Right No. 11-4037 ANDREW R. BYBEE

Mr. Albert O. Butterfield
Soda Springs
Idaho 83276

Dear Mr. Butterfield:

We have received the exception dated May 17, 1974, filed against the above referenced claim to a water right. The following is a quote from the provisions of the Idaho Code under which this claim has been filed:

42-225b. Recording of claims by department-----Corrections.-----

.....
At any time after filing a claim under the provisions of this section, any person who disagrees that a right has been established as set forth in said claim may file an exception thereto in duplicate, in affidavit form, accompanied by such proof as said person deems appropriate. An exception filed shall be made a part of the file of the claim in the department of reclamation (renamed department of water administration, July 1, 1970) and shall be considered the same as other evidence in said file. A copy of an exception filed shall be forwarded to the claimant by the department of water administration. Such claims may be corrected by the claimant only by filing of an amended claim in the same form as the original which shall be recorded and numbered by the department the same as the original and for which no additional filing fee shall be required.

Only the above action has been contemplated by the Idaho Legislature and we are not authorized to hold hearings or evaluate for conformation or final censorship of the described rights.

If you have any questions regarding this matter, please contact us.

Very truly yours,

11 4037

RONALD D. CARLSON
Asst. to District Engineer

RDC:MB

April 2, 1974

Re: Claim to a Water Right No. 11-4037

Mr. Rao J. Sorenson, Pres.
Farmers Land & Irrigation Co., Inc.
Bancroft, Idaho 83217

Dear Mr. Sorenson:

This office is in receipt of your letter of March 28, 1974, noting your exception to the above referenced claim to a water right. Your exception is unclear because it does not indicate how the pumping of the well claimed by Mr. Bybee will interfere with the flow of Soda Creek. Also, it is unlikely that the court would consider your exception unless it is filed in affidavit form with the signatures notarized. Although your letter will be included in the file in its present form, I would recommend that you follow the procedures as set forth in Section 42-225 of the Idaho Code:

42-225b. Recording of claims be department-----Corrections.-----

.....
At any time after filing a claim under the provisions of this section, any person who disagrees that a right has been established as set forth in said claim may file an exception thereto in duplicate, in affidavit form, accompanied by such proof as said person deems appropriate. An exception filed shall be made a part of the file of the claim in the department of reclamation (renamed department of water administration, July 1, 1970) and shall be considered the same as other evidence in said file. A copy of an exception filed shall be forwarded to the claimant by the department of water administration. Such claims may be corrected by the claimant only by filing of an amended claim in the same form as the original and for which no additional filing fee shall be required.

Only the above action has been contemplated by the Idaho Legislature and we are not authorized to hold hearings or evaluate for conformation or final censorship of the described rights.

Very truly yours,

11 4037

RONALD D. CARLSON
Asst. to the District Engineer
RDC:mb
cc: Andrew R. Bybee, Wallace M. Transtrum

LAW OFFICES
WALLACE M. TRANSTRUM
ATTORNEY AT LAW
PHONE 547-3944

159 SOUTH MAIN
SODA SPRINGS, IDAHO 83276

March 25, 1974

State of Idaho
Department of Water Administration
1515 Lincoln Road
Idaho Falls, Idaho 83401

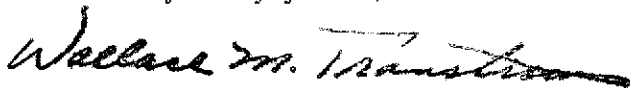
Re: Claim of Water Rights 11-4037 - Andrew R. Bybee

Gentlemen:

Enclosed is an "Exception to Water Right" and a duplicate excepting to the claims of Andrew R. Bybee in the above-referenced Claim of Water Right.

Would you please cause the same to be filed in protest of Mr. Bybee's claim as provided by statute and regulation.

Very truly yours,



Wallace M. Transtrum

WMT:db

11-4037

EXCEPTION TO CLAIM OF WATER RIGHT

COMES NOW, Farmers Land and Irrigation Company, an Idaho corporation and protests and files its exception to the claim of water right of Andrew R. Bybee, filed as No. 11-4037 with the State of Idaho Department of Water Administration for the use of 200 acres per annum of water for stock watering and irrigation.

Exception is made for the reason and upon the grounds that the claim is inconsistent with and contrary to adjudicated water rights of Soda Creek, to which the claimed waters are tributary, that at all times to which said claim refers there were insufficient waters of Soda Creek upon which the claimant could be asserting his claim of use and ownership and that any such claim necessarily interferes with and interrupts prior existing water rights.

The Farmers Land and Irrigation Company owns adjudicated water rights on Soda Creek and other waters tributary to Soda Creek which supplement Soda Creek and any such claim as made herein in unsupported and intended to interfere with such rights.

DATED this 28 day of March, 1974.

Attest: Lee J. Banks
Secretary

FARMERS LAND AND IRRIGATION CO., INC.
By: RAO J. SORENSON
President

11 4037

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DATED this 28 day of March, 1974.

FARMERS LAND AND IRRIGATION CO., INC.

Attest: Lee J. Banks
Secretary

By: Rao J. Sorenson
RAO J. SORENSON
President

11 4037

April 1, 1974

Re: Claim to a Water Right No. 11-4037 BYBEE

Mr. Andrew R. Bybee
Soda Springs
Idaho 83276

Dear Mr. Bybee:

The Department of Water Administration has completed the processing of your claim to a water right and no further action is authorized under Sections 42-225a and 42-225b, Idaho Code. Your claim will be retained in our files and will be available at any time for use by you or the court.

As you are aware, the filing of your claim does not, in itself, guarantee you a water right; it only records and preserves the information and the evidence which you included in your claim.

If, at a later date, you find that you have additional information or supporting evidence that you would like to have included in your claim file, you may have that information or evidence added at any time. Please refer to your claim number when corresponding with this office.

We are enclosing, for your records, a copy of your claim. If you have any questions or if we can be of further assistance, please feel free to call upon us.

Very truly yours,

RONALD D. CARLSON
Asst. to the District Engineer

RDC:MB
Enc: Copy of claim

11 4037

March 25, 1974

Re: Claim to a Water Right No. 11-4037

Mr. Andrew R. Bybee
Soda Springs
Idaho 83467

Dear Mr. Bybee:

Enclosed please find a copy of an exception filed against the above referenced claim together with a copy of a letter in reply to the exception filed.

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

Very truly yours,

RONALD D. CARLSON
Assto to the District Engineer

RDC:MB

Enclosures

Cc: B.F.

11 4037

March 25, 1974

Re: Claim to a Water Right No. 11-4037 ANDREW R. BYBEE

Mr. Albert O. Butterfield
Mr. Vernal Hopkins
c/o Albert O. Butterfield
P. O. Box 444
Soda Springs, Idaho 83276

Gentlemen:

This office is in receipt of your letter of March 22, 1974, noting your exception to the above referenced claim to a water right. However, it is unlikely that the court would consider your exception unless it is filed in affidavit form with your signatures notarized. Although your letter will be included in the file in its present form, I would recommend that you follow the procedures as set forth in Section 42-225 of the Idaho Code:

42-225b. Recording of claims by department-----Corrections.-----

.....
At any time after filing a claim under the provisions of this section, any person who disagrees that a right has been established as set forth in said claim may file an exception thereto in duplicate, in affidavit form, accompanied by such proof as said person deems appropriate. An exception filed shall be made a part of the file of the claim in the department of reclamation (renamed department of water administration, July 1, 1970) and shall be considered the same as other evidence in said file. A copy of an exception filed shall be forwarded to the claimant by the department of water administration. Such claims may be corrected by the claimant only by filing of an amended claim in the same form as the original and for which no additional filing fee shall be required.

Only the above action has been contemplated by the Idaho Legislature and we are not authorized to hold hearings or evaluate for conformation or final censorship of the described rights.

Very truly yours,

11 4037

RONALD D. CARLSON
Asst. to the District Engineer
RDC:mb

Soda Springs, Idaho 83276
March 22, 1974

Idaho Department of Water Association
1515 Lincoln Road
Idaho Falls, Idaho 83401

Gentlemen:

We wish hereby to make a matter of record our objections and exceptions to the Notice of Claim To A Water Right, No. 11-4037, first published in the Caribou County Sun on March 14, 1974.

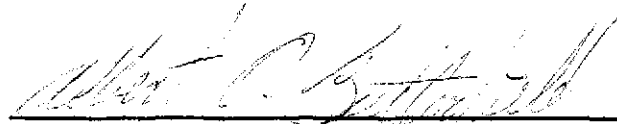
Said claim appears to encompass water from a well on which water Licenses No. G-23061, dated September 10, 1956, and No. G-25079, dated September 10, 1956, have been issued for a total of 4.72 c.f.s. of water for irrigation of 320 acres of land.

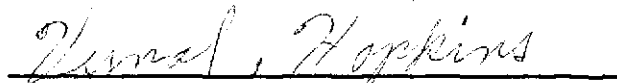
We deny that the claimant, Mr. Andrew Bybee, has ever beneficially irrigated the E $\frac{1}{2}$ NE $\frac{1}{4}$ of Section 11, Township 8 South, Range 41 East of the Boise Meridian, as alleged in his notice.

Mr. Bybee has, on occasions, attempted to water livestock; and we have had to take periodic action to terminate such improper use when it adversely affected our own irrigation operations. To the best of our knowledge and belief, Mr. Bybee has never owned nor managed anywhere near 200 head of cattle, nor 1000 head of sheep.

Mr. Bybee has failed, for several years, to adequately maintain his part of the main line, and has frequently permitted water to run to waste, to the detriment of the undersigned. This has caused unnecessary extra expense to us, having resulted in extra pumping cost and more wear and tear on the pump and motor. As a result, we have problems properly irrigating our own lands, even without any attempt on the part of Mr. Bybee to extend his use.

Very truly yours,





XXXXXXXXXXXXXXXXXXXXX 1515 Lincoln Road

March 8, 1974

RE: Claim to a Water Right No. 11-4037 EYBEE

Caribou County Sun
P. O. Box 815
Soda Springs, ID 83276

Gentlemen:

Enclosed you will find a legal notice which we wish to have published once a week for two consecutive weekly issues of your newspaper. We have inserted the publication dates allowing ample time for you to submit us a galley proof for review before publication.

After sending us a galley proof, proceed with the publication on the dates we have inserted, assuming the notice is correct. If we have any corrections, we will notify you before the first publication. If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. In order to receive payment, the following certification must appear on the bill:

"I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid."

(signature of claimant)

Very truly yours,

NORMAN C. YOUNG
District Engineer

Bill submitted _____ by _____

NCY:MB
Enc: Legal Notice (1)

11 4037

PUBLIC NOTICE

First Time
Published

**NOTICE OF CLAIM
TO A WATER RIGHT**

No. 11-4037

Notice is hereby given that

Andrew R. Bybee, Soda Springs,
Idaho has filed a claim to a
water right established by di-
version and application to bene-
ficial use of 200 acre feet per
annum of water from a ground-
water source with point of div-
ersion in the NW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec.
12, T. 8S, R. 41E, B.M., Caribou
County.

The water is claimed to be
used from May 1 to Sept. 30
for stockwatering purposes for
200 head of cattle and 1000 head
of sheep, and from May 1 to
Sept. 1 for the irrigation of 80
acres with a priority of July 1,
1960; the place of use is within
the E $\frac{1}{2}$ NE $\frac{1}{4}$, Sec. 11, T. 8S, R.
41E, B.M.

Any exception to this claim
of water right may be filed with
the Idaho Department of Water
Administration, 1215 Lincoln
Road, Idaho Falls, Idaho (83276)
R. KEITH HIGGINSON,
Director

Published in the Caribou Coun-
ty Sun, Soda Springs, Idaho, on
March 14 and March 21, 1974.

NOTICE OF CLAIM TO A WATER RIGHT

NO. 11-4037

Notice is hereby given that Andrew R. Bybee,

Soda Springs, Idaho

has filed a claim to a water right established by diversion and application
to beneficial use of 200 ~~cubic feet per second~~ acre feet per annum
of water from a ground-water source

with point of diversion in the NW1/4, Sec. 12, T. 8S, R. 41E, B.M.,
Caribou County.

The water is claimed to be used from May 1 to Sept. 30 for stockwatering
purposes for 200 head of cattle and 1000 head of sheep, and from May 1
to Sept. 1 for the irrigation of 80 acres
with a priority of July 1, 1960;
the place of use is within the E1/2, Sec. 11, T. 8S, R. 41E, B.M.

Any exception to this claim of water right may be filed with the Idaho
Department of Water Administration, 240 South Holmes, Idaho Falls, Idaho,
83401.

R. KEITH HIGGINSON

Director

Published in the Caribou County Sun, Soda Springs, Idaho
on March 14 and March 21, 1974.

11 4037

MB-
AB-
AD-

XXXXXXXXXXXXXXXXXXXX

1515 Lincoln Road

February 21, 1974

RE: Claim to a Water Right No. 11-4037

Mr. Andrew R. Bybee
Soda Springs,
Idaho 83276

Dear Mr. Bybee:

Please find enclosed departmental receipt No. 12751 in the amount of \$10.00 for your claim.

As you are probably aware, a claim to a water right is evidence that water has been appropriated through diversion and beneficial use. However, it is generally, more appropriate, to indicate the rate of diversion, that is flow, in c.f.s., rather than the total volume to be appropriated as you have done on your claim.

If you wish to change these to flow rates, you may claim a maximum irrigation diversion for the 80-acres indicated of 1.6 c.f.s. You have, also, claimed 1 A. F. for stock water and have indicated the water is for 200 head of cattle and 1000 head of sheep. For this number of animals you may appropriate 0.12 c.f.s.

If you wish to make these changes, send us a letter expressing your wish and we will alter your claim accordingly.

Very truly yours,

RONALD D. CARLSON
Assistant to the
District Engineer

RDC:cb

Attachment

11 4037