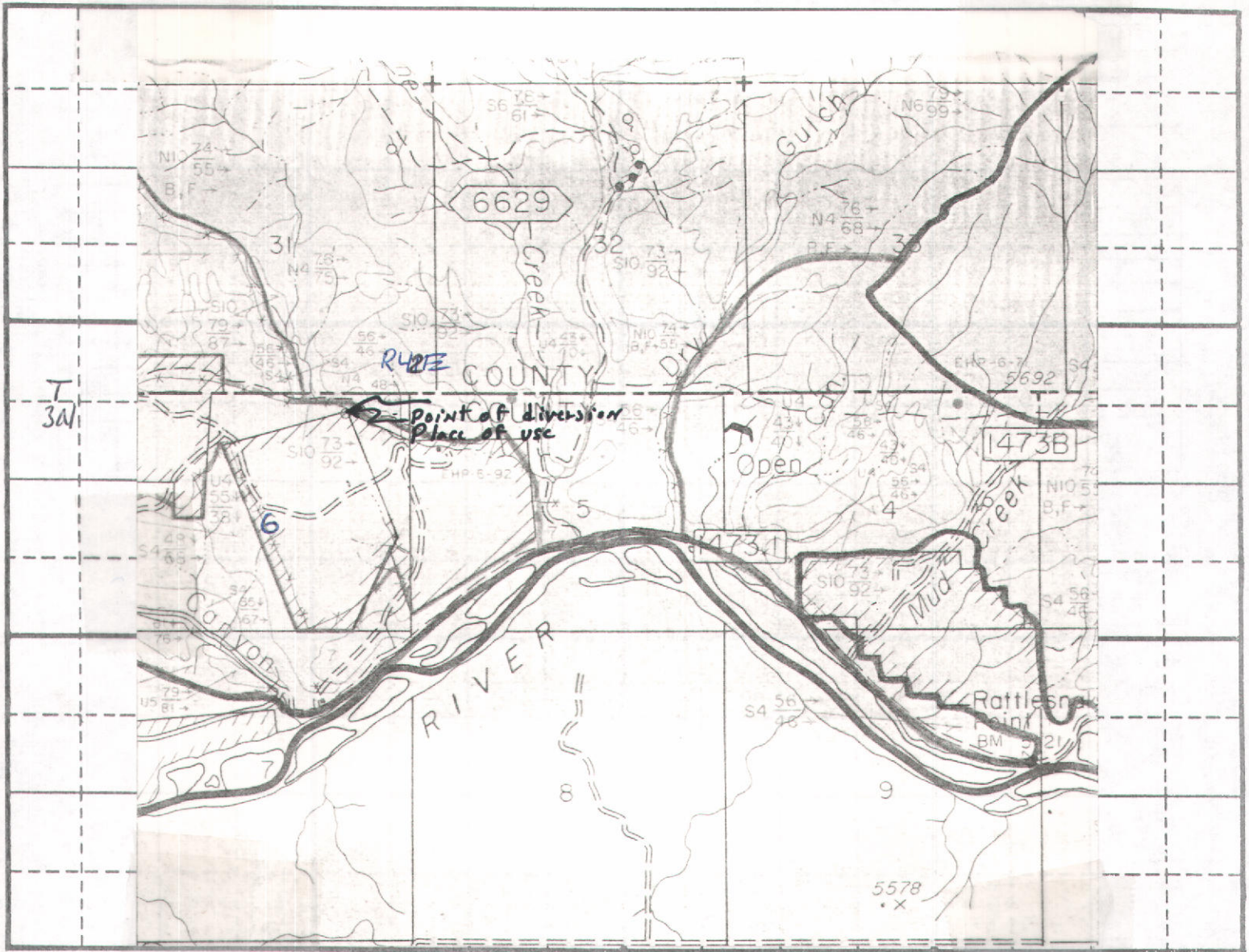


(8) Remarks _____



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 Bonneville) 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 31st day of October, 1983.

J. R. Byrne
(Claimant)

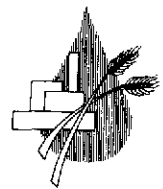
Calvin Wray
Notary Public
Residing at Idaho Falls

My commission expires 6-15-85

Received by CW Date 10-31-83 FOR DEPARTMENT USE ONLY
Prelim. check by HCW Date 6-29-83 Exception filed by: _____ Date _____
\$30.00 fee received by CW Date 10-31-83
Published in Post Register #25651
Dates 11/10 & 11/17/83

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

CLAIM TO A WATER RIGHT



Under the provisions of Section 42-243, Idaho Code, any person using or claiming rights to the public waters of Idaho established by diversion and application to a beneficial use must file a claim with the Department of Water Resources on or before June 30, 1983. Exempted from this filing are single family domestic uses as defined in Section 42-230(d), Idaho Code. Also exempted are rights represented by a permit, license, decree, adjudicated right, or a previously filed claim.

The filing of this claim does not confirm the water right claimed but failure to file may result in forfeiture of a water right.

Notice is hereby given that J. R. Byrne and the Estate of B.R. Adams
Rt. #3, Box 227, Rexburg, ID 83440 (Name of Claimant) Telephone No. 356-6176
(Mailing Address) (Zip Code)

claims a right to the diversion and beneficial use of the surface or ground water. The extent and nature of said claim is as follows:

(1) Date of priority: (When was the water first applied to a beneficial use) May, 1904

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 is that a claim may be filed on single family domestic use from a ground water source.

(2) Describe the source of water: (Name of stream, lake, spring, etc., or ground water) Spring tributary to sinks

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

Quantity	(cfs, af)	Use	(Domestic, Irrigation, Stock, Etc.)	Period of Use From	(Mo., Day)	To	(Mo., Day)
Quantity	<u>0.06 cfs</u>	Use	<u>stockwater</u>	Period of Use From	<u>5/1</u>	To	<u>12/31</u>
Quantity		Use		Period of Use From		To	
Quantity		Use		Period of Use From		To	
Quantity		Use		Period of Use From		To	
Quantity		Use		Period of Use From		To	

(4) 0.06 cfs TOTAL QUANTITY USED.
(cfs, af)

(5) A) Point of diversion: (Location of point where water is diverted from its source)
Lot 1 NE 1/4 NE 1/4, Sec. 6 Twp. 3N Rge. 42E B.M., County of Bonneville
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. Describe any changes in the system and give the date of the change. Small pipeline from spring to trough

(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 1/4				NW 1/4				SW 1/4				SE 1/4				TOTAL
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
			L. 1																
3N	42E	6	X																

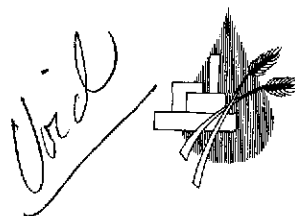
No. of acres

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

NOTE: Include here the type and number of stock watered: 400 head range cattle

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

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
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(Name of Claimant)

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(Mailing Address)

Telephone No. 356-6176

(Zip Code)

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spring tributary to sink

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

	(cfs, af)	(Domestic, Irrigation, Stock, Etc.)	(Both dates inclusive)	
			(Mo., Day)	(Mo., Day)
Quantity	<u>0.06 cfs</u>	Use <u>stockwater</u>	Period of Use From <u>5/1</u>	To <u>12/31</u>
Quantity	_____	Use _____	Period of Use From _____	To _____
Quantity	_____	Use _____	Period of Use From _____	To _____
Quantity	_____	Use _____	Period of Use From _____	To _____
Quantity	_____	Use _____	Period of Use From _____	To _____

(4) 0.06 cfs TOTAL QUANTITY USED.
(cfs, af)

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

NE ¼ NE ¼, Sec. 6 Twp. 3N Rge. 41E B.M., County of Bonneville

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. Describe any changes in the system and give the date of the change.

small pipeline from spring to trough

(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.	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
3N	41E	6	X																

No. of acres _____

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

NOTE: Include here the type and number of stock watered: 400 head range cattle

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

Proof of Publication The Post-Register

RECEIVED
NOV 30 1983

State of Idaho,
County of Bonneville } ss.

Department of Water Resources
Eastern District Office

I, J. Robb Brady, first being duly sworn, depose and say: That I am the Principal Clerk of The Post Company, a corporation of Idaho Falls, Bonneville County, Idaho, publishers of The Post-Register, a newspaper of general circulation, published daily, except Saturday, at Idaho Falls, Idaho; said Post-Register being a consolidation of the Idaho Falls Times, established in the year 1890, The Idaho Register, established in the year 1880 and the Idaho Falls Post, established in 1903, such consolidation being made on the 1st day of November, 1931, and each of said newspapers having been published continuously and uninterruptedly, prior to consolidation, for more than seventy-eighty (78) weeks and said Post-Register having been published continuously and uninterruptedly from the date of such consolidation, up to and including the last publication of notice hereinafter referred to.

That the notice, of which a copy is hereto attached and made a part of this affidavit, was published in said Post-Register for two consecutive weeks, first publication having been made on the 10th day of November, 1983, last publication having been made on the 17th day of November, 1983, and that the said notice was published in the regular and entire issue of said paper on the respective dates of publication, and that such notice was published in the newspaper and not in a supplement.

Subscribed and sworn to before me, this 29th day of November, 1983.

Deon K. Papen
Notary Public

My commission expires September 30, 1984.

B10, 1M,

NOTICE OF CLAIMS TO WATER RIGHTS

The following claim(s) have been filed on water right(s) created by diversion and beneficial use:

JENKINS, WILLIAM KENT
RT. 8, BOX 333, IDAHO FALLS, ID 83401
Source: GROUNDWATER
Priority Date: 04/01/1933
Diversion Pt. NWNE Sec 18 T 03N R 39E
Use: STOCKWATER (0.13 CFS); DOMESTIC (0.04 CFS)
In: NWNE Sec 18 T 03N R 39E
25-4291

HILL, DOYLE GLEN
RT. 8, BOX 262, IDAHO FALLS, ID 83401
Source: GROUNDWATER
Priority Date: 10/01/1941
Diversion Pt. SESE Sec 08 T 03N R 39E
Use: STOCKWATER (0.02 CFS); DOMESTIC (0.11 CFS)
In: SESE Sec 08 T 03N R 39E
25-4289

VAN TRESS, VERA B.
RT. 1, BOX 90, IDAHO FALLS, ID 83401
Source: GROUNDWATER
Priority Date 08/12/1947
Diversion Pt. NWNE Sec 25 T 02N R 38E
Use: DOMESTIC (0.10 CFS)
In: NWNE Sec 25 T 02N R 38E
23-4071

BITTON, DENNIS &/or JUANITA
BOX 115, SWAN VALLEY, ID 83449

Source: GROUNDWATER
Priority Date: 01/01/1939
Diversion Pt. SWSE Sec 36 T 02N R 43E
Use: IRRIGATION (0.04 CFS); DOMESTIC (0.04 CFS)
In: SWSE Sec 36 T 02N R 43E FOR 3 ACRES
23-4070

HAMMER, GARY
820 BERGESON DR., IDAHO FALLS, ID 83401
Source: SPRINGS TRIB. to MUD CREEK
Priority Date: 05/01/1917
Diversion Pt. NWSE Sec 04 T 03N R 42E
Use: IRRIGATION (0.02 CFS); STOCKWATER (0.02 CFS); DOMESTIC (0.08 CFS)
In: NWSE Sec 04 T 03N R 42E FOR 1 ACRES
23-4069

BYRNE, J.R.
RT. 3, BOX 227, REXBURG, ID 83440
Source: SPRING trib. to SINKS
Priority Date: 05/01/1904
Diversion Pt. LOT 01 (NENE) Sec 06 T 03N R 42E
Use: STOCKWATER (0.06 CFS)
In: LOT 01 (NENE) Sec 06 T 03N R 42E
35-4243

SCHUETZ, DALE M. &/or MARLYS
RT. 5, BOX 354 C, IDAHO FALLS, ID 83401
Source: GROUNDWATER
Priority Date: 06/01/1941
Diversion Pt. SESW Sec 11 T 03N R 37E
Use: STOCKWATER (0.03 CFS); DOMESTIC (0.04 CFS)
In: SESW Sec 11 T 03N R 37E

Exceptions to a claim may be filed with the Director, Dept. of Water Resources, 150 Shoup Ave., Suite 15, Idaho Falls, Idaho 83402.

KEN DUNN
Director

Published: November 10, 17, 1983

MICROFILMED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Eastern Region

150 Shoup Ave., Suite 15
Idaho Falls, Idaho 83402
(208) 525-7151

NOVEMBER 28, 1983

J.R. BYRNE
RT. 3, BOX 227
REXBURG

ID 83440

RE: Claim No. 23-4069

Dear Claimant:

The Department of Water Resources has completed the advertising of your claim to a water right, and no further action is authorized under Section 42-243 and 42-244, IDAHO CODE. Your claim will be retained in our files and will be available at any time for use by you or the court.

The filing and advertising of the claim does not confirm the water right claimed, but will serve to record and preserve 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 with the claim, you may have that information or evidence added at any time. Please refer to the claim identification number when corresponding with this office.

We are enclosing a copy of your claim for your records. If you have questions, or if this office may be of further assistance, please feel free to contact us.

Yours truly,

RONALD D. CARLSON
Eastern Region Supervisor

Enclosure

MICROFILMED



STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES EASTERN REGION

John V. Evans
Governor

A. Kenneth Dunn
Director

150 Shoup — Suite 15
Idaho Falls, Idaho 83402
(208) 525-7161

November 29, 1983

RE: Claim to a Water Right No. 35-4243 SCHUETZ
25-4289 VAN TRESS
25-4290 HILL
25-4291 JENKINS
23-4069 BYRNE
23-4071 BITTON
Application for Transfer No. 25-2163/etc. RICKS

Post Register
P.O. Box 1800
Idaho Falls, ID 83401

Gentlemen:

Would you please submit an affidavit of publication and certified bill in connection with the above referenced application(s). The legal notice was to have been published in your paper on November 10 and 17, 1983.

Your cooperation in this matter is greatly appreciated.

Very truly yours,

COLLEEN WRAY
Adm. Secretary

MICROFILMED

State of Idaho
Department of Water Resources

CLAIM ANALYSIS SHEET

INITIAL REVIEW BY: HWT

Right Number 23 4069 Applicant J.R. Byrne

NOTE: IF ANY OF THE ITEMS BELOW ARE MISSING, THE CLAIM IS INCOMPLETE AND MUST BE RETURNED IMMEDIATELY TO THE CLAIMANT ALONG WITH THE APPROPRIATE COVER LETTER.

CHECK:

- ☒ Name and address.
- ☒ Date of priority. (Check for a date past the mandatory filing dates.) (One date only.)
- ☒ Source.
- ☒ Quantity, use, period.
- ☒ Point(s) of diversion.
- ☒ Location of use.
- ☒ Signature/notarization/fee.

FINAL REGIONAL PROCESSING REVIEW:

- ☒ Affidavit of publication received.
- ☒ Claim published correctly.
- ☒ Exceptions processed.

By Ernest Carlson Date Dec 7, 1983

Nov 28, 1983

STATE OFFICE PROCESSING:

- ☒ Claim review complete.

By DC Date 12-13-83

MICROFILMED

Department of Water Resources
DC

WATER RIGHT
DATA ENTRY LOG

[illegible]

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Eastern Region

150 Shoup Ave., Suite 15
Idaho Falls, Idaho 83402
(208) 525-7161

NOVEMBER 2, 1983

The Post Register
P. O. Box 1800
Idaho Falls, Idaho 83401

Gentlemen:

Enclosed you will find a legal notice which we wish to have published on the dates indicated (once a week for two consecutive weekly issues) in your newspaper. We have allowed ample time for you to submit a galley proof to this office for review before the first publication date. 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. Your cooperation is appreciated.

Please send the affidavit of publication and publication billings to this office before NOVEMBER 28, 1983.

Yours truly,

RONALD D. CARLSON
Supervisor
Eastern Region

Encl.

MICROFILMED

NOTICE OF CLAIMS TO WATER RIGHTS

The following claim(s) have been filed on water right(s) created by diversion and beneficial use:

Exceptions to a claim may be filed with the Director, Dept. of Water Resources, 150 Shoup Ave., Suite 15, Idaho Falls, Idaho 83402.

KEN DUNN, Dir.

Published 11/10 & 11/17/83.

MICROFILMED

23-4069

BYRNE, J.R.

RT. 3. BOX 227. REXBURG. ID 83440

Source. SPRING trib. to SINKS

Priority Date. 05/01/1904

Diversion Pt. LOT 01 (NENE) Sec 06 T 03N R 42E

Use. STOCKWATER (0.06 CFS)

In. LOT 01 (NENE) Sec 06 T 03N R 42E

*Processed
11-08-83*

MICROFILMED