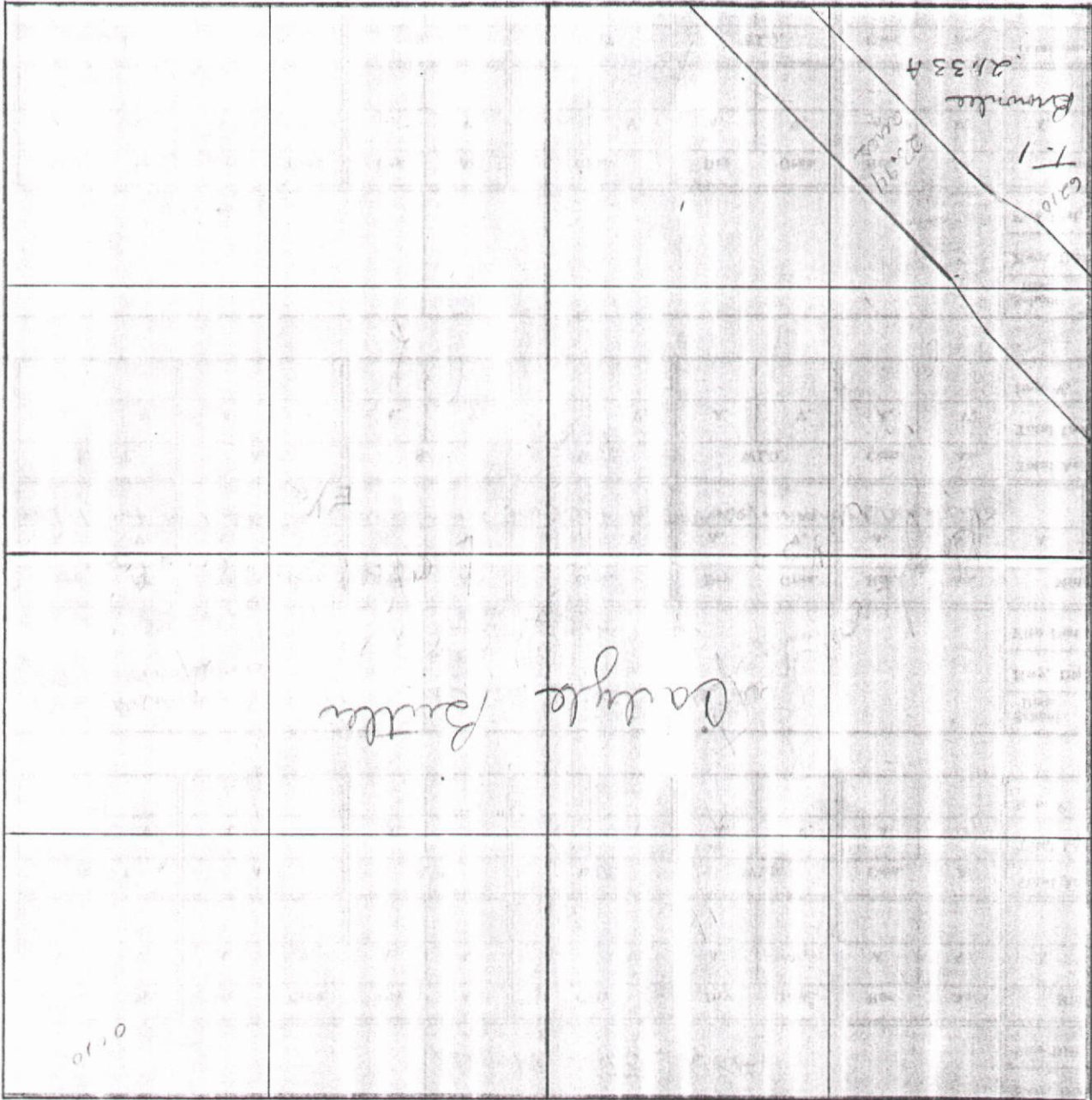


JAN 11 1999
MICROFILMED

Alg Section 16
Road Tax / + Hwy
T. 5 South
R. 8 East



Section 16 Township 5S Range 8E

Section 3, 4, 9, 10, 16
highlighted
in 45-8E

T45

T55

R. 8 E

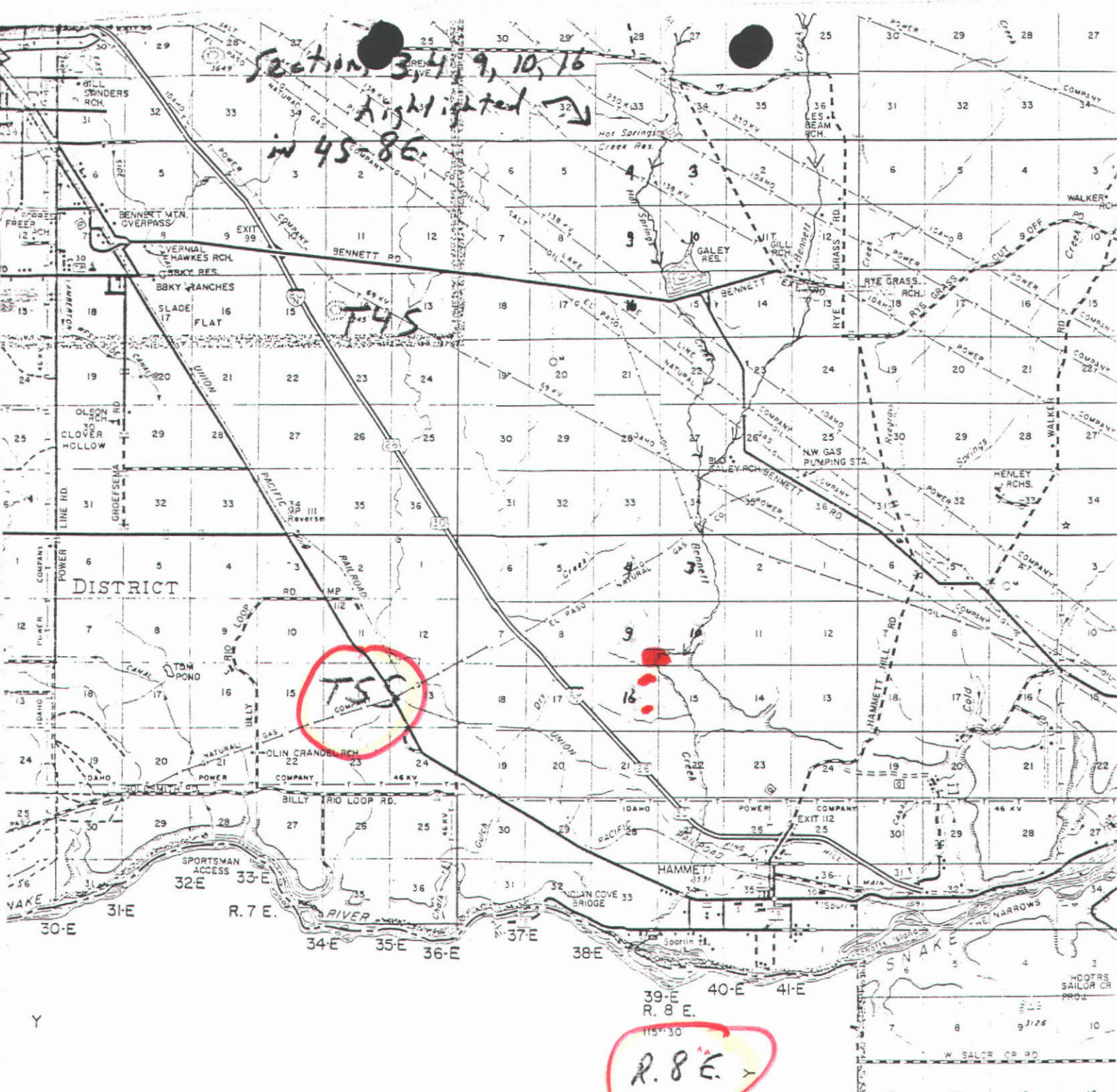
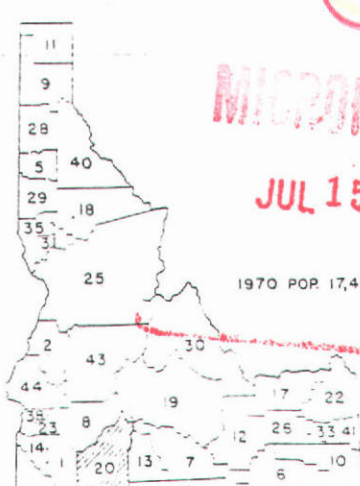
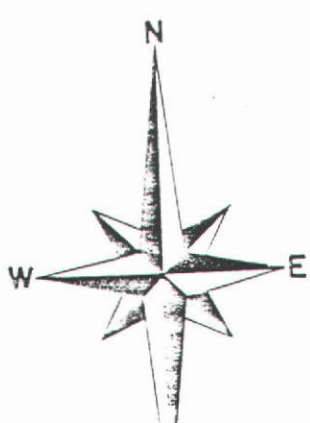
MICROFILMED

JUL 15 1991

1970 POP. 17,479

62-07615

MAP A



AMENDED 3/13/91 SL

P/O = Commercial Springs in
S. 9 SENESE

= Springs in SENESE
S. 10

NO RESERVOIR

P/U = S. 16 NENE Domestic +
Stock

= S. 16 NESE Stock

C.B.
3/16/91

Bennett
Creek

P/O
SPRINGS

~~Wildlife~~ P/U
~~Reservoir~~

~~P/O Dam~~

Domestic
~~Wildlife~~
Stockwater

61-07615

P/U

JUL 15 1991

(Original map with
file 61-07614)

R 8 E

MAP B

Artesian Well

Affidavit of Publication

County of Elmore }
STATE OF IDAHO } ss.

I, Lois Whitney, do solemnly swear that I am the foreman, or publisher of the

Mountain Home News

a weekly newspaper of general circulation, published once a week at MOUNTAIN HOME, IDAHO, that the notice attached hereto and which is a part of publication thereof; was published in said newspaper for

2 consecutive weeks, the first publication having been made on 3rd day of April, 1991, and the last publication having been made on the 10th day of April, 1991; every Wednesday

issue of the paper during the period and time of publication and that the notice was published in the newspaper proper and not in a supplement thereof.

And I further swear that the said MOUNTAIN HOME NEWS has been continuously and uninterruptedly published in said Elmore County during a period of 78 consecutive weeks prior to the first publication of the attached notice.

Lois Whitney

Subscribed and sworn to me this 10th day of

April, 1991

Carol W. Sue
Notary Public

NOTICE OF AMENDED APPLICATION FOR PERMIT NO. 61-07615

Notice is hereby given that application No. 61-07615 in the name of Carlyle Butler of Jerome, Idaho was filed on 11/17/1989 for the diversion of .45 cfs and 400 a.f. from Bennett Creek, Commerford Springs, and Unnamed Springs with a point of diversion within the T5S R8E S9 SE NESE, SESE; S10 SENWSW, SWSW to be used for diversion to storage, wildlife storage, wildlife, and stockwater purposes from 1/1 to 12/31 within portions of T5S R8E S9 E1/2SE1/4, S10 W1/2SW1/4, S16 NENE and NESE.

The applicant now proposes to amend the application by changing the nature of use and deleting sources, reservoir, place of use, and amount of water for a revised application as follows: .09 cfs from Commerford Springs and Unnamed Springs in T5S R8E S9 SE NESE, S10 SENWSW for stockwater and domestic use from 1/1 to 12/31 within portions of T5S R8E S16 NENE and NESE.

Any protest against the approval of the proposed amendment must be filed with the Department of Water Resources, Western Region, 2735 Airport Way, Boise, Idaho 83705 on or before April 22, 1991.

R. Keith Higginson, Director
Published in the Mountain Home News on 4/3 and 4/10/1991.

RECEIVED

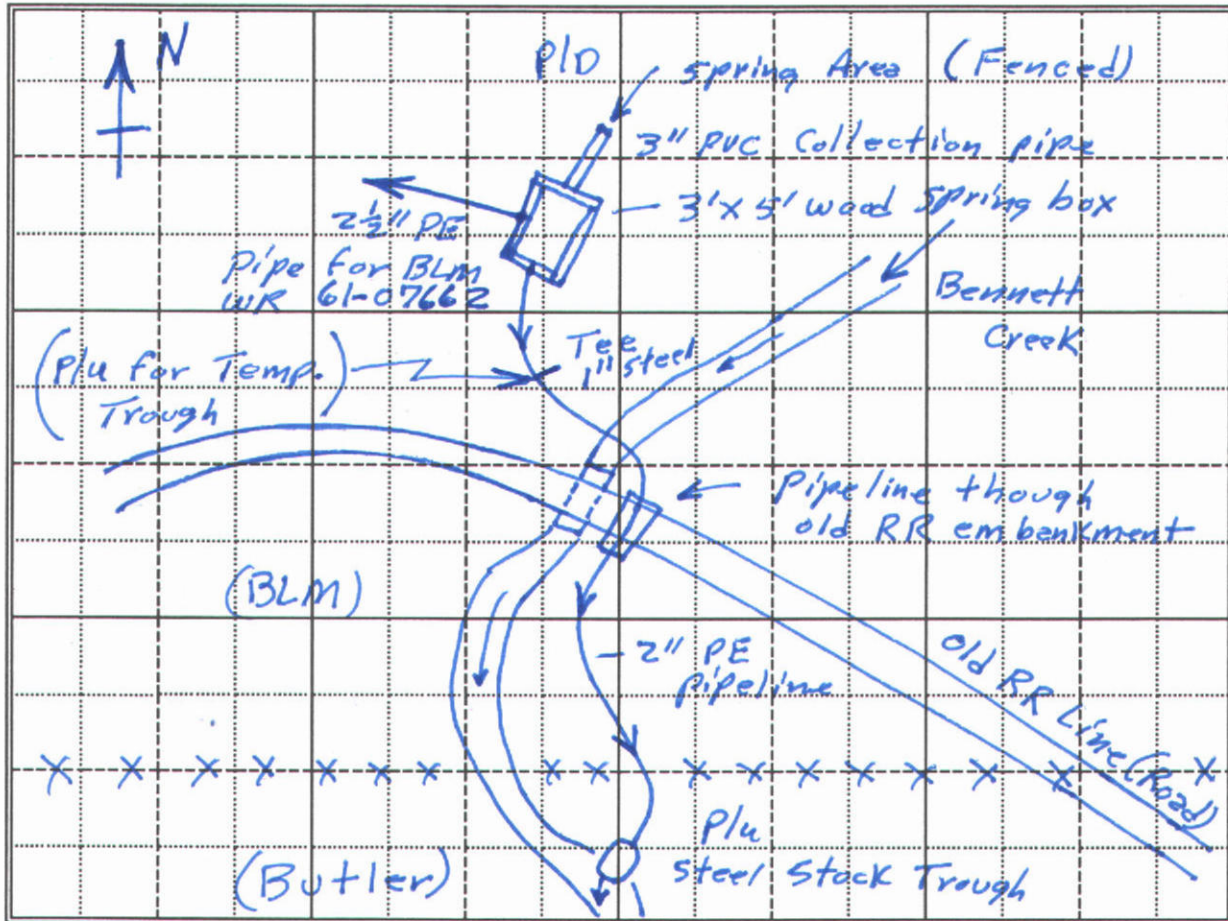
APR 11 1991

Department of Water Resources
Western Regional Office

REPROFILMED

JUL 15 1991

3. **Delivery System Diagram:** Indicate all major components and distances between components. Indicate weir size/ditch size/pipe i.d. as applicable.



Scale: 1" = No Scale

☒ Copy of USGS Quadrangle Attached Showing location(s) of point(s) of diversion and place(s) of use (required).

☐ Aerial Photo Attached (required for irrigation of 10+ acres)

☒ Photo of Diversion and System Attached

4.

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size

*Code to correspond with No. on map and aerial photo

D. FLOW MEASUREMENTS

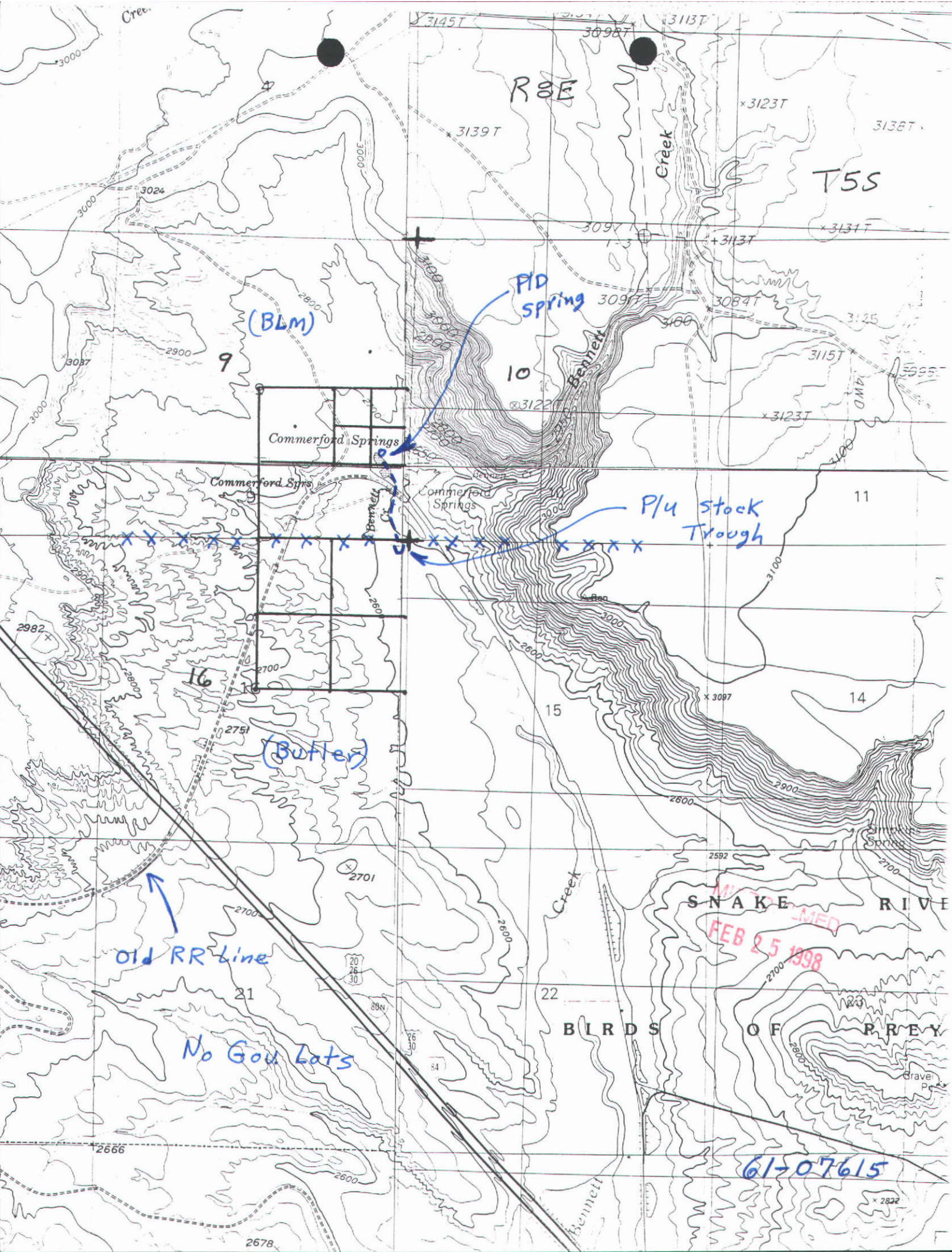
1.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date

2. Measurements: Measured at stock Trough with 5 Gal. Bucket - Q = 2.5 GPM.

MICROFILMED

FEB 25 1998





PlD
Spring Box
in Spring
Area

View
Looking
West



PlD
Spring Box
Left pipe
is 2½" PE
to BLM
WR 61-07662.

2" PE pipe
on right
is for this
permit.

MICROFILMED
FEB 25 1991-07615

2 of 2



View looking
North west
with Plo
- Spring
Area, in
background.
(Tree Area)
Bucket is
next to 1"
steel pipe
where
Temp.
Stock
Trough
was
located.

(BLM Land)



P/u
Stock
Trough in
Bennett
Creek
stream bed.
Place of
flow
measurement.
View
Looking
Northeast.

MICROFILMED
FEB 25 1998

61-07615



MICROFILMED
FEB 25 1998

STATE OF IDAHO
IDAHO DEPARTMENT OF WATER RESOURCES

NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

RECEIVED

OCT 23 1998

WATER RESOURCES
WESTERN REGION

Please print or type. Attach pages with additional information. Instructions are on the back of this page.

Incomplete forms will be returned.

RECEIVED

NOV 09 1998

RECEIVED

OCT 26 1998

Department of Water Resources

DEPARTMENT OF WATER RESOURCES

1. Water Right Number(s) 61-07615

Adjudication Claim Number(s) _____

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) CARLYLE BUTLER AND FRONY M. BUTLER705 East MAIN, JEROME, ID 833384. New Owner/Claimant(s) JACK D. ANDERSON AND KATHY K. ANDERSON

Name connector (Check one): [] AND, [] OR, [] AND/OR

New Mailing Address RTE 1 BOX 24City, State and ZIP Code GLENN'S FERRY ID 83623New Telephone Number (208) 366-22455. Date you acquired the property 10/16/98

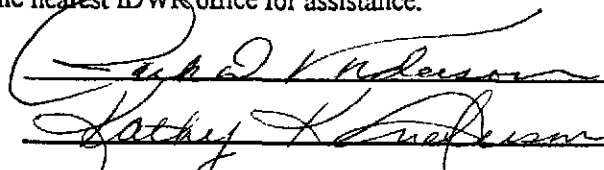
6. If you have acquired only a portion of the former owner's property, IDWR may need to split the water right(s) or adjudication claim(s). If this applies, describe in detail your portion of each water right or adjudication claim in the spaces below. If necessary, attach additional pages.

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)

Date 10-16-98Date 10-16-98

(Corporations or other organizations must submit a list of directors/officers demonstrating authority to sign form.)

8. 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.

INSTRUCTIONS

This form has been prepared to assist new owners of property to comply with the requirements of Sections 42-248 and 42-1409(6), Idaho Code. Section 42-248 requires certain property holders to notify the Department of Water Resources (IDWR) of any change in mailing address or ownership of all or part of a water right record on file with IDWR. Section 42-1409(6) provides that new property owners must notify IDWR of any change in ownership of a water right during an adjudication of water rights, and, if a required claim for the water right has not been filed, to file the needed claim.

Separate brochures are available from IDWR describing the adjudication of water rights and the requirement to notify IDWR of changes in ownership. If you would like any of these brochures, or if you have questions about completing this form, please contact your nearest IDWR office or call 1-800-451-4129.

If you need additional space to describe or explain any of the items on the form, please attach additional sheets to the form as you may require.

1. If there are water rights associated with the property, the seller should be able to provide you with the water right or adjudication claim number(s). Please enter these number(s) at Item 1. If you or the seller believe there are water rights for the property but the numbers are unknown, you may wish to call IDWR or come into an office of IDWR for assistance in identifying the water rights for the property in question. If claims for the rights are required, and have not been filed, IDWR will so advise you.
2. The information described at Item 2 is required, since IDWR cannot process the requested change without documentation of ownership. The preferred types of documentation are shown; contact IDWR if you have difficulty obtaining this information. Do not obtain a new survey for purposes of this form before contacting IDWR.
3. Please provide the name and address of the former owner of the water right and/or adjudication claim at Item 3.
4. The name, mailing address, and telephone number of the new owner(s) is entered at Item 4. Please indicate the relationship between multiple owners by using the connector "and", "or" or "and/or". If an "and" is used, all parties must sign this form. If an "and/or" or "or" is used, all parties may sign, however only one of the named parties is required to sign.
5. At Item 5, please provide the date the property in question was acquired. This may be the date of "closing" in the case of a real estate transaction or the date of court order for other types of ownership changes.
6. If the property you have purchased is only a portion of the property owned by the former owner/seller, you may be purchasing only a portion of the total water right held by the seller. This means the water right held by the seller may be "split" to provide your share of the right in question. Be sure to include a description of the portion of the water right you have purchased at Item 6.

Please provide as much detail as possible concerning your water right: include the number of homes, irrigated acreage if more than 1/2 acre is irrigated, type and number of stock if your right is for stockwater, etc. In the absence of information to the contrary, IDWR will assume the intent is to split the rights *proportionately*.

7. The new owner(s) must sign the form in the space(s) provided at Item 7. Corporations and other organizations must submit a list of directors or officers demonstrating the authority of the director or officer to sign the form.
8. There is no filing fee. When complete, you should retain a copy and return the original of the form to the IDWR office nearest you:

IDWR Western Region, 2735 Airport Way, Boise, ID 83705-5082 (208) 334-2190

IDWR Southern Region, 222 Shoshone St. E., Twin Falls, ID 83301-6105 (208) 736-3033

IDWR Northern Region, 1910 Northwest Blvd., Suite 210, Coeur d'Alene, ID 83814-2615 (208) 769-1450

IDWR Eastern Region, 900 N Skyline Dr., Suite A, Idaho Falls, ID 83402-1718 (208) 525-7161

JAN 1 1999

WARRANTY DEED

FOR VALUE RECEIVED

Carlyle Butler and Frony M. Butler aka Fromy M. Butler, husband and wife

GRANTOR(S), does(do) hereby GRANT, BARGAIN, SELL and CONVEY unto
Jack D. Anderson and Kathy K. Anderson, husband and wife

GRANTEE(S), whose current address is: RT 1 BOX 124 GLENN'S FERRY, IDAHO 83647
the following described real property in Elmore County, State of Idaho,
more particularly described as follows, to wit

Township 5 South, Range 8 East, Boise Meridian, Elmore County, Idaho

All that portion of Section 16, Township 5 South, Range 8 East, Boise Meridian, lying northeasterly of the northeasterly right of way boundary of Interstate 80N, as described in that certain Warranty Deed dated July 16, 1971, recorded November 29, 1971, in Book 4 of Deeds to Public Highways at Page 67, as Instrument No 147322, records of Elmore County, Idaho

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee(s), and Grantee(s) heirs and assigns forever. And the said Grantor(s) does(do) hereby covenant to and with the said Grantee(s), that Grantor(s) is/are the owner(s) in fee simple of said premises, that said premises are free from all encumbrances, EXCEPT those to which this conveyance is expressly made subject and those made, suffered or done by the Grantee(s); and subject to reservations, restrictions, dedications, easements, rights of way and agreements, (if any) of record, and general taxes and assessments, (including irrigation and utility assessments, if any) for the current year, which are not yet due and payable, and that Grantor(s) will warrant and defend the same from all lawful claims whatsoever, except those of record

Dated: October 16, 1998

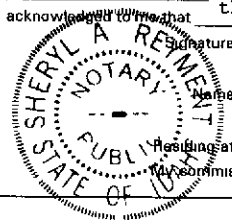
Carlyle Butler
Carlyle Butler

Frony M. Butler
Frony M Butler

STATE OF Idaho, County of Elmore, ss
On this 16th day of October
in the year of 1998, before me, the undersigned, a Notary
Public in and for said State, personally appeared
Carlyle Butler, Frony M Butler

known or identified to me to be the person^s whose name
are subscribed to the within instrument, and
acknowledged to me that they executed the same

Signature Sheryl A Reymont
Name Sheryl A Reymont
(type or print)
Residing at Mountain Home
My commission expires 12/27/99



311044

ELMORE COUNTY, IDAHO ss
Request of
GUARANTY TITLE, INC.

Time 3:27 P M
Date October 19, 1998
Book _____ Page _____

DOLORES ROBISON

Recorder

By [Signature] Deputy
Fee 7.50

MICRO FILMED

OCT 19 1998

Section

16

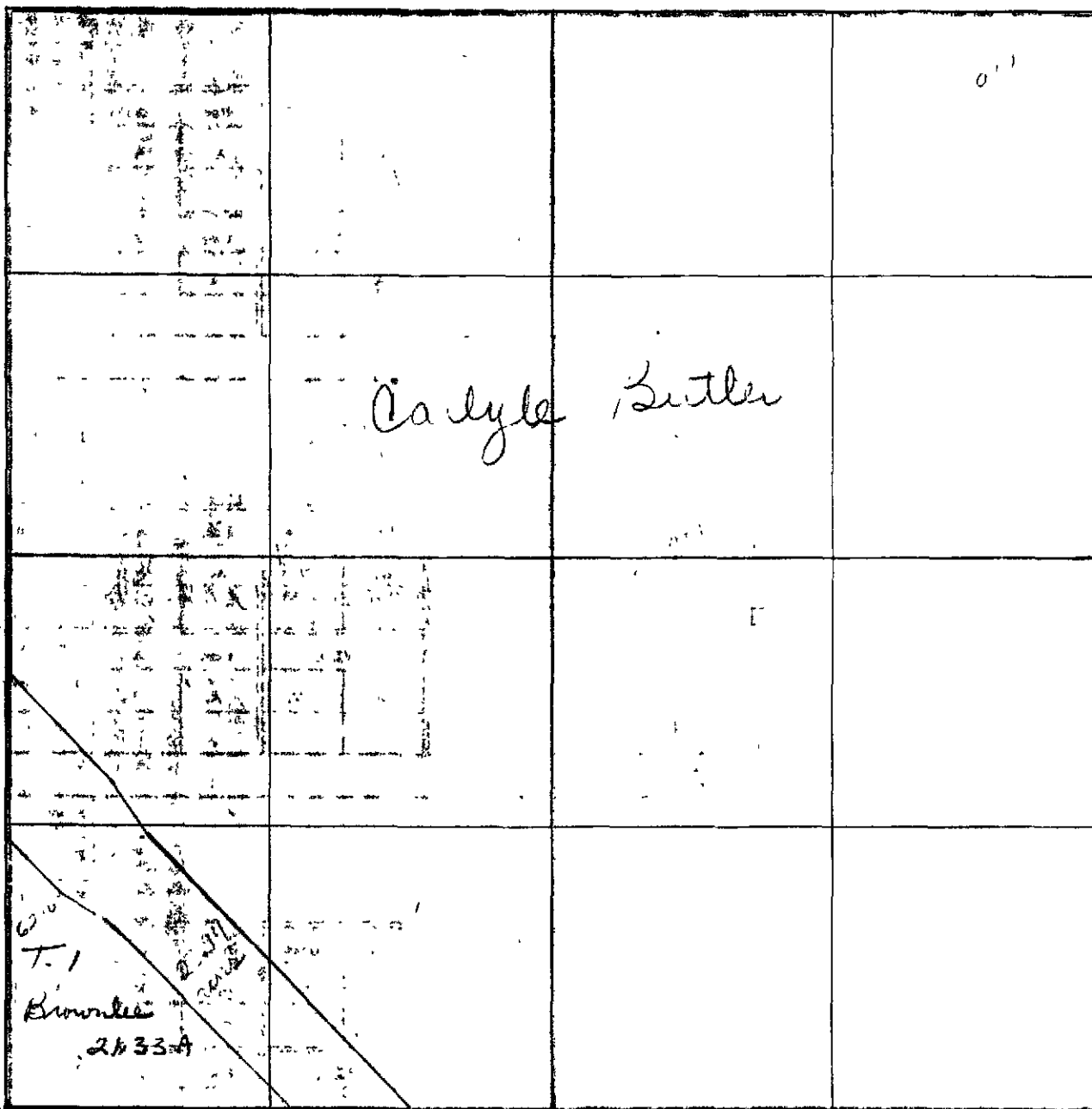
Township

55

Range

8

E



All of Section 16
less Tax / & Hwy
T. 5 South
R. 8 East

MICROFILMED

JAN 11 1999

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 61-07615

Priority: December 23, 1989

Maximum Diversion Rate:

0.03 CFS

Maximum Diversion Volume:

0.3 AF

This is to certify, that CARLYLE BUTLER

705 E MAIN

JEROME ID 83338

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated November 17, 1989; and has submitted Proof of Beneficial Use on June 15, 1995. An examination indicates that the works have a diversion capacity of 0.030 cfs of water from:

COMMERFORD SPRINGS

tributary to BENNETT CREEK

source, and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
STOCKWATER	01/01 to 12/31	0.03 CFS	0.3 AF

LOCATION OF POINT(S) OF DIVERSION:

SENESE , Sec. 9, Township 05S, Range 08E
ELMORE County

PLACE OF USE: STOCKWATER

TWN RGE SEC

05S 08E 16

NENE

CONDITIONS OF APPROVAL AND REMARKS

1. The maximum diversion volume is defined as the maximum allowable volume of water that may be diverted annually from the source under this right. The use of water confirmed by this right is limited to the amount which can actually be beneficially used. The maximum diversion volume may be adjusted to more accurately describe the beneficial use or to implement accepted standards of diversion and use efficiency.
2. This water right is appurtenant to the described place of use.
3. This right is subject to all prior water rights and may be forfeited by five years of non-use.
4. Modifications to or variance from this license shall be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
5. Use of water under this water right will be regulated by the watermaster of State Water District No. 61C.

RECORDED

APR 15 1998

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 61-07615

This license is issued pursuant to the provisions of Section 42-219, Idaho Code.
Witness the seal and signature of the Director, affixed at Boise, this 29th
day of JANUARY, 1998.


Acting for KARL J. DREHER, Director

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF PERMIT NO. 61-07615)
)
IN THE NAME OF CARLYLE BUTLER) **ORDER OF**
) **REINSTATEMENT**
)

WHEREAS, the Department issued the above-captioned permit with the condition that proof of construction of works and application of water to beneficial use (proof of beneficial use) be submitted on or before June 1, 1995; and,

WHEREAS, the Department notified the permit holder on March 31, 1995, by certified mail that proof was due and instructed the permit holder of the steps to be taken to submit the proof of beneficial use; and,

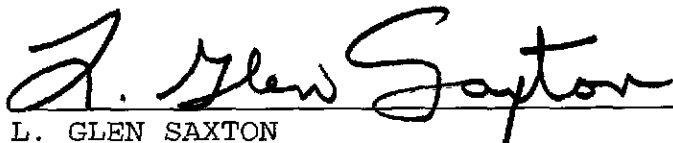
WHEREAS, the Department notified the permit holder on June 12, 1995, that the permit had lapsed for failure of the permit holder to submit an acceptable proof of beneficial use or extension of time; and,

WHEREAS, Section 42-218a, Idaho Code, provides that a permit may be reinstated upon a showing of reasonable cause within sixty days of the date of the notice of lapsing; and,

WHEREAS, the permit holder has provided a reasonable showing why the permit should be reinstated by submitting an acceptable proof of beneficial use on June 15, 1995;

IT IS, THEREFORE, HEREBY ORDERED that Permit No. 61-07615 be **REINSTATED** with an advance in priority to December 23, 1989.

Dated this 28th Day of June, 1995.


L. GLEN SAXTON
Chief, Water Allocation Bureau

RECEIVED
JUN 29 1995

RECEIVED

JUN 15 1995

WATER RESOURCES
WESTERN REGION

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

JUN 19 1995

PROOF OF BENEFICIAL USE

The Idaho Department of Water Resources considers this form a statement that the permit holder(s) has/have completed all development that will occur under this permit and that water has been applied according to the provisions of the permit for the beneficial use(s) described below. This form must be accompanied by a license examination fee, when necessary, or be accompanied by a completed field examination report prepared by a certified water right examiner who has been appointed by the department.

1. Permit No. 61-07615 Telephone No. 208-324-8046
2. Name(s) of Permit Holder(s): Carlyle and Fromy M Butler
3. Mailing Address: 705 East Main Jerome, Idaho
4. Source of Water: Commerford Sp. GROUNDWATER (well), Date Drilled: mo. — / yr. —

a. Well Driller: — Drilling Permit Number: —

b. **OPTIONAL:**
Pump Horsepower: — Pressure (psi): — Dynamic pumping level (ft): —

5. Use(s) (as authorized by the water right permit): 18+ calves
Domestic (No. of households): 1 Stockwater (No. and type of stock): 30 Cows 1 B
Irrigation (No. of acres): — Other: 19 feeder Steer

6. Total rate of diversion and/or volume for which proof is submitted: 0.09 cfs OR — acre feet

7. Measuring Device Requirement: (refer to the approval conditions on your permit and respond accordingly)
(This question is **not optional**. Please check either yes or no. Proofs returned not checked accordingly, will be considered incomplete)

Measuring Device: Is a measuring device required? Over Yes — or No —
Has the measuring device been installed? Yes — or No —

Flow Measurement Port: Is a flow measurement port required? Yes — or No —
Has the measurement port been installed? Yes — or No —

8. Fee Enclosed: \$ 50.00 (See Fee Schedule on back of the instructions for filing proof of beneficial use)

9. Person to contact to accompany the Department representative during field examination of the water system.

Name: Carlyle Butler Telephone Number: 208-324-8046
Address: 705 East Main St., Jerome, Id 83338

10. The information given on this form is my true statement of the extent to which the above numbered permit has been developed and I relinquish any undeveloped portion of the permit to the State of Idaho.

Signature of permit holder: Carlyle Butler JUN 14 1995
(include your title, if on behalf of company or organization)

JUN 29 1995

RECORDED
JUN 29 1995

There is a diversion box place at
Commerford spring to divert the
Gulinary and stock water to the point
of use at the N.E. corner of Section
16 T14N. R55 E of Boise M.
The water is transported by a 13" plastic buried pipe from the spring to the point of use.
I will be happy to come to the subject property at your convenience to answer any question you may have regarding the installation of the diversion box or pipe line.
The pipe line was installed by the Roy Timstrom of Glenmsferry, Id.

RECEIVED
JUN 25 1993
Department of Water Resources

For Office Use Only
\$15 Fee Received by 82
Date 6-23-93
Receipt No WD16433

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

REQUEST FOR EXTENSION OF TIME

TO PROVIDE ADDITIONAL TIME IN WHICH TO SUBMIT PROOF OF
BENEFICIAL USE FOR A WATER RIGHT PERMIT

The Idaho Department of Water Resources will consider this form as a request that the permit holder(s) be granted an additional period of time in which to complete development of water right under the provisions of Section 42-204, Idaho Code.

Permit No. 61-07615

Name(s) of Permit Holder: Carlyle Butler

Mailing Address: 705 E. Main Jerome ID 83338

Date Proof is Due 6-1-1993 Telephone No. 324-8046

Describe what work has been completed toward the development of this water right:
(This must be filled out! If no work has been completed, show "none".)

Initial survey to establish route from
spring to possible home site and corral site.

Costing \$ 100⁰⁰ +

The permit holder(s) has been unable to complete the remainder of the work for the following reasons.

Lack of time and complete replacement
of left knee.

Permit holder(s) request an extension to October 1, 19 93 ⁹⁵

FEE: \$15.00

Carlyle Butler
(Signature)*

*If other than permit holder, Power of Attorney must be supplied.

ACTION OF THE DEPARTMENT OF WATER RESOURCES

IT IS HEREBY ORDERED that the above request for extension of time be APPROVED and the time within which to submit proof of beneficial use is extended to June 1, 1995. IT IS FURTHER ORDERED that this permit REINSTATED and the priority date advanced to December 9, 1989.

Signed this 28th day June, 19 93

J. Blum Saylor
Chief, Water Allocation Bureau

State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 61-07615

Proposed Priority: November 17, 1989 Maximum Diversion Rate: 0.09 CFS
This is to certify, that **CARLYLE BUTLER**

705 E. MAIN
JEROME, ID 83338

has applied for a permit to appropriate water from:

COMMERFORD SPRINGS
SPRINGS

tributary of **BENNETT CREEK**
tributary of **BENNETT CREEK**

and a permit is **APPROVED** for development of water as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>
STOCKWATER	01/01 to 12/31	0.05 CFS
DOMESTIC	01/01 to 12/31	0.04 CFS
	Totals	0.09 CFS

LOCATION OF POINT(S) OF DIVERSION:

SENESE Sec. 9, Township 05S, Range 08E
SENSW Sec. 10, Township 05S, Range 08E
ELMORE County

PLACE OF USE: STOCKWATER
TWN RGE SEC

05S 08E 16 NENE NESE

PLACE OF USE: DOMESTIC
TWN RGE SEC

05S 08E 16 NENE

CONDITIONS/REMARKS:

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before June 1, 1993.
2. Subject to all prior water rights.
3. Project construction shall commence within one year from the date of permit issuance and shall proceed diligently to completion unless it can be shown to the satisfaction of the Director of the Department of Water Resources that delays were due to circumstances over which permit holder had no control.
4. Use of water under this permit is subject to control by the watermaster of State Water District No. 61C.
5. Irrigation use under this permit is authorized only in connection with a domestic use.
6. The issuance of this permit in no way grants any right-of-way or easement across the land of another.

RECEIVED

JUN 15 1991

State of Idaho
Department of Water Resources

Permit To Appropriate Water

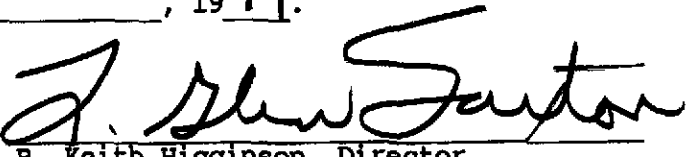
NO. 61-07615

CONDITIONS/REMARKS:

7. Stockwater use is for 200 range cattle.
8. Domestic use is for 1 home.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code.
Witness the seal and signature of the Director, affixed at Boise, this

20 th day of June, 1991.

for 
R. Keith Higginson, Director

JUL 15 1991

MAR 11 1991

STATE OF IDAHO

Ident No. 61-07615

DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

APPLICANT
APPROVES
AMENDMENT
3/13/91

C.B.
initials
3/14/91
DATE

To appropriate the public waters of the State of Idaho of

* AMENDED

- 1 Name of applicant Carlyle Butler Phone 324-8046
Post office address 705 East Main Terrebonne, ID. 83338
2 Source of water supply Commercial Springs which is a tributary of Bennett Creek
Spring Bennett Creek
3 Location of point of diversion is 1/4 of SE 1/4 of SE 1/4, Govt Lot
Sec. 9 Township 5S Range 8E B.M. Elmore County, additional
points of diversion if any: SENESE S. 9; SENWSW S. 10, all in T5S, R8E.

4. Water will be used for the following purposes:

- Amount .40 for Diversion to storage purposes from 1/1 to 12/31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount .05 for Stockwater purposes from 1/1 to 12/31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount .05 for Domestic purposes from 1/1 to 12/31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount 400 for Wildlife Storage purposes from 1/1 to 12/31 (both dates inclusive)
(cfs or acre-feet per annum)

- 5 Total quantity to be appropriated is (a) .45 .09 and/or (b) 400
cubic feet per second acre feet per annum

6 Proposed diverting works.

a. Description of ditches, flumes, pumps, headgates, etc. Dam, pump, pipelines to
troughs

b Height of storage dam 34 feet; active reservoir capacity 400 acre-feet; total
reservoir capacity 400 acre-feet; period of year when water will be diverted to storage
1/1 to 12/31 inclusive.

c Proposed well diameter is _____ inches; proposed depth of well is _____ feet

d. Is ground water with a temperature of greater than 90°F being sought? _____

- 7 Time required for the completion of the works and application of the water to the proposed beneficial use is
5 years (minimum 1 year).

JUL 15 1991 C.B. 3/16/91

* REVISIONS in items 2, 3, 4, 5, 6 per applicant's 3/13/91 office visit.

82

8. Description of proposed uses (if irrigation only, go to item 9)

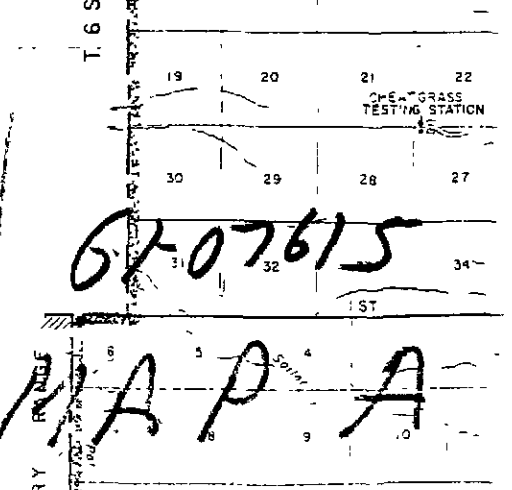
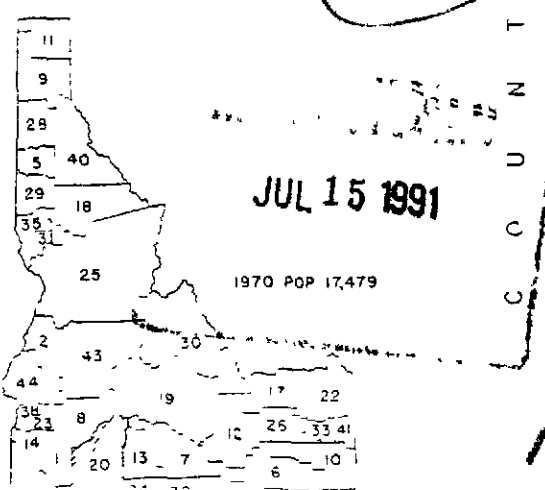
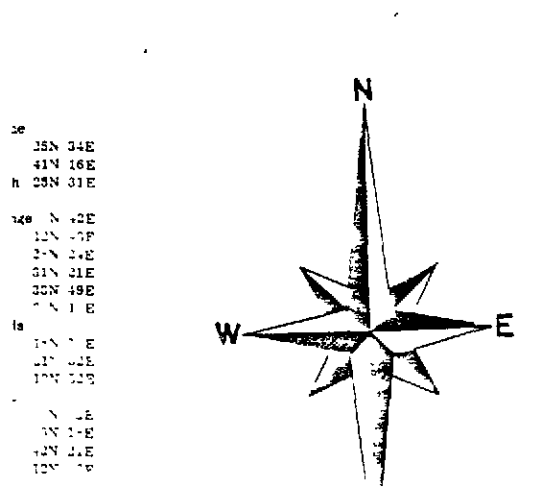
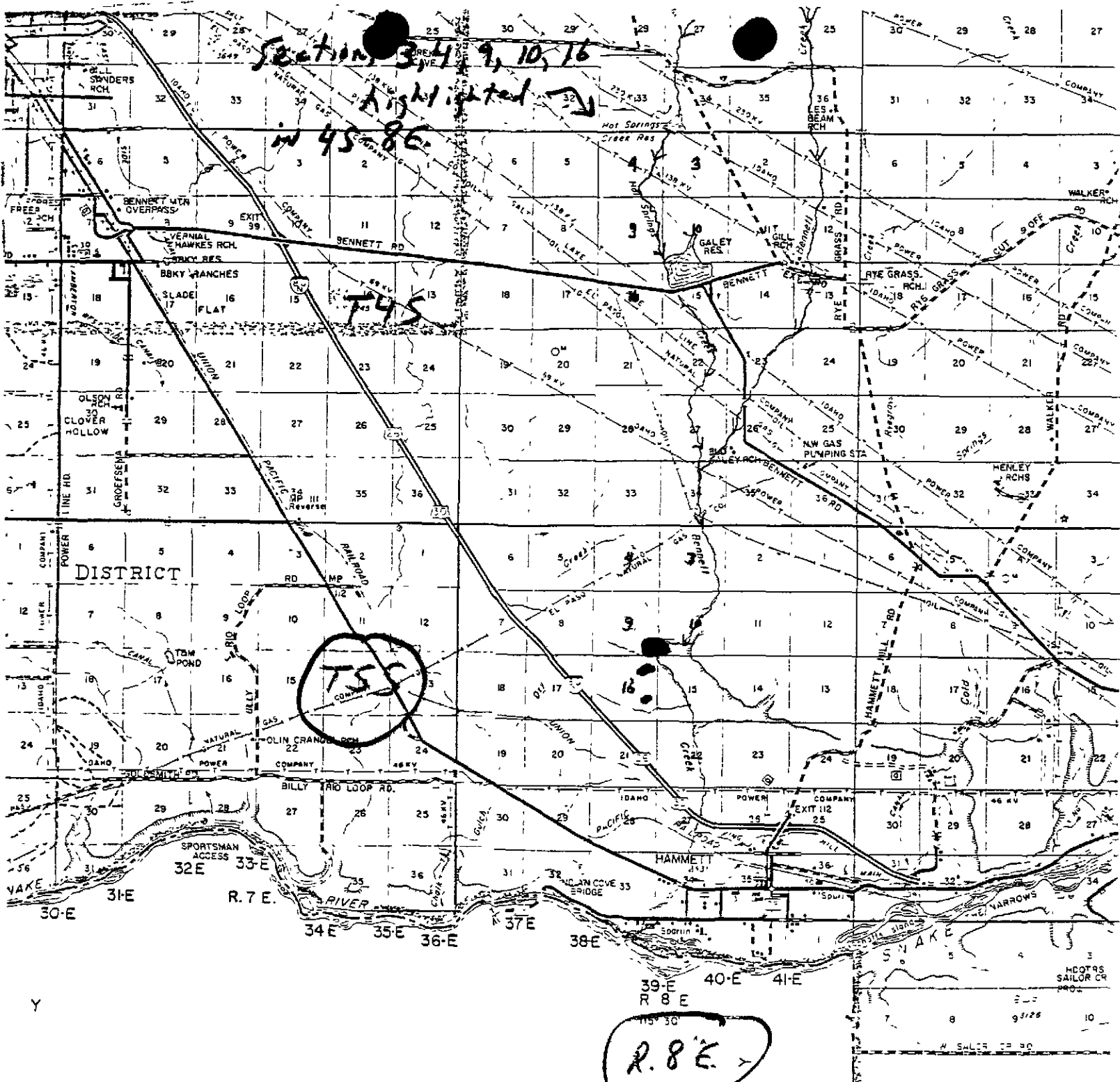
- * 9 Description of place of use. *p/u now = 516 NENE S i D, NESE S*

- Total number of acres to be irrigated _____

11. a. Who owns the property at the point of diversion? USOI BLM
b. Who owns the land to be irrigated or place of use? Applicant

- This Application is filed to allow processing exempt from Transfer issues.

* REVISIONS PER APPLICANT'S 3/13/91 office visit. JZ



AMENDED 3/13/91

SL

P10 = Commercial Springs in
S. 9 SENESE

= Springs in SENESE
S. 10

C.B.

3/16/91

NO RESERVOIR

P10 = S. 16 NENE Domestic +
Stock

= S. 16 NESE Stock

Bennett
Creek

P10
SPRINGS

Wichita River
Reservoir

P10 Dam

Domestic

Stockwater 61-07615

P10

15 1991

(Original map with
File 61-07614)

RSE

MAY 1991

Artesian Well

See attached props.

JL

11/17/89

ENCLOSURE

MAR 15 1991

Carlyle Butler
(Applicant)

AMENDED 3/13/91 \$20 fee, SEE REFUND MEMO OF 3/13/91 FOR FEE INFO - 82 3/14/91

Received by SL Date 11/17/89 Time 10:00 a.m. Preliminary check by SL C.B.
Fee \$ 105.00 Receipted by SL # W006723 Date 11-17-89 3/14/91
Publication prepared by GG Date 11-29-89 Published in Mountain Home News
Publication approved st Date 4-29-91 12/7 & 12/14/89

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. _____, and said application is hereby _____.

1 Approval of said application is subject to the following limitations and conditions.

a. SUBJECT TO ALL PRIOR WATER RIGHTS

b. Proof of construction of works and application of water to beneficial use shall be submitted on or before _____, 19 ____.

c. The rate of diversion, if water is to be used for irrigation under this permit, when combined with all other water rights for the same land shall not exceed 0.02 cubic feet per second for each acre of land.

d. The water right acquired under this permit if for hydropower purposes shall be junior and subordinate to all rights to the use of water, other than hydropower, within the State of Idaho that are initiated later in time than the priority of this permit and shall not give rise to any right or claim against any future rights to the use of water, other than hydropower, within the State of Idaho initiated later in time than the priority of this permit.

e. Other

JUL 15 1991

Original
first pg, file with 61-07614 &
61-07615

Form 202
SEP 27 1989

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

Ident No _____

Department of Water Resources
Western Regional Office
To appropriate the public waters of the State of Idaho

1. Name of applicant Carlyle Butler Phone (208) 324-8046

Post office address 705 East Main, Jerome, Idaho 83338

Bennett Cr.
Summer Farm Springs
Run off water Sec. 3-4-9-10, and run off water from T4S, R8E, Boise Meridian which is a tributary of Bennett Creek

3. Location of point of diversion is SE $\frac{1}{4}$ of SE $\frac{1}{4}$ of _____ $\frac{1}{4}$, Govt. Lot _____
Sec 9 Township 4 S Range 8 E B M Elmore County, additional
points of diversion if any _____

4. Water will be used for the following purposes: Jan 1 Dec 31
.40 cfs 0.2 to storage
Amount 400 for irrigation from storage purposes from March 15 to Nov 15 (both dates inclusive)
(cfs or acre-feet per annum)
Amount 150 for irrigation storage purposes from Jan 1 to Dec 31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount 150 for water fowl purposes from Jan 1 to Dec 31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount 150 for wildlife storage purposes from Jan 1 to Dec 31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount .05 for stockwater purposes from JAN 1 to Dec 31 (both dates inclusive)
(cfs or acre-feet per annum)
3.96 irrigation March 15 Nov 15

5. Total quantity to be appropriated is (a) 3.96 and/or (b) 150
cubic feet per second acre feet per annum 400
4.00

6. Proposed diverting works:
a. Description of ditches, flumes, pumps, headgates, etc. _____

b. Height of storage dam 34 feet, active reservoir capacity 150 400 acre-feet; total
reservoir capacity 200 400 acre-feet; period of year when water will be diverted to storage
Jan 1 to Dec 31 inclusive

c. Proposed well diameter is _____ inches, proposed depth of well is _____ feet.

d. Is ground water with a temperature of greater than 90°F being sought? _____

7. Time required for the completion of the works and application of the water to the proposed beneficial use is

5 years years (minimum 1 year).

Per office visit by Applicant 11/17/89.

See remarks →

*ORIGINAL Appl.
of 9/7/89, split into
2 Appl 11/17/89 SL*

8 Description of proposed uses (if irrigation only, go to item 9).

- a Hydropower, show total feet of head and proposed capacity in KW _____
- b. Stockwatering; list number and kind of livestock. 200 head cattle
- c. Municipal, show name of municipality. _____
- d. Domestic; show number of households. _____
- e Other; describe fully misc. wildlife use & Reservoir

9. Description of place of use

- a If water is for irrigation, indicate acreage in each subdivision in the tabulation below
- b. If water is used for other purposes, place a symbol of the use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RANGE	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			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	
4S	8E	16	36	10	10	40									36	10	10	36	188
4S	8E	16				S									S				~~188~~

Total number of acres to be irrigated 198 188

10. Describe any other water rights used for the same purposes as described above. _____

11. a. Who owns the property at the point of diversion? US Dept of Interior - BLM
- b Who owns the land to be irrigated or place of use? Carlyle Butler
- c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing _____

12. Remarks: Carlyle Butler and the BLM-Dept of Interior are active in acquiring the OSLR right of way for a dam site and diversion site.

This original appl split into 2 applications, 1 for irrigation & 1 for stockwater & wildlife. Stockwater use of reservoir not anticipated; water will be delivered to JENSE & NENE S. 16 for stock. Wildlife stray at reservoir for water fowl, fishery etc. Split occurs to allow nonconsumptive use to be processed but irrigation to be delayed due to TRANSFERRED concerns.

11/17/89

Affidavit of Publication

County of Elmore }
STATE OF IDAHO } ss.

I, Lois Whitney, do solemnly swear that I am the
foreman, or publisher of the

**NOTICE OF AMENDED
APPLICATION FOR PERMIT
NO. 61-07615**

Notice is hereby given that applica-
tion No. 61-07615 in the name of Car-
lyle Butler of Jerome, Idaho was filed
on 11/17/1989 for the diversion of 45
cfs and 400 a.f. from Bennett Creek,
Commerford Springs, and Unnamed
Springs with a point of diversion with-
in the T5S R8E S9 SE/4, SESE;
S10 SENWSW, SWSW to be used for
diversion to storage, wildlife storage,
wildlife, and stockwater purposes from
1/1 to 12/31 within portions of T5S R8E
S9 E1/2SE1/4, S10 W1/2SW1/4, S16
NENE and NESE.

The applicant now proposes to
amend the application by changing the
nature of use and deleting sources, res-
ervoir, place of use, and amount of wa-
ter for a revised application as follows:
.09 cfs from Commerford Springs and
Unnamed Springs in T5S R8E S9 SE-
NESE, S10 SENWSW for stockwater
and domestic use from 1/1 to 12/31
within portions of T5S R8E S16 NENE
and NESE.

Any protest against the approval of
the proposed amendment must be filed
with the Department of Water Resourc-
es, Western Region, 2735 Airport Way,
Boise, Idaho 83705 on or before April
22, 1991.

R. Keith Higginson, Director
Published in the Mountain Home News
on 4/3 and 4/10/1991.

Mountain Home News

a weekly newspaper of general circulation, pub-
lished once a week at MOUNTAIN HOME, IDAHO,
that the notice attached hereto and which is a part
of publication thereof; was published in said news-
paper for

2 consecutive weeks, the first publi-
cation having been made on 3rd day of
April, 1991, and the last publi-
cation having been made on the 10th day of
April, 1991; every Wednesday

issue of the paper during the period and time of
publication and that the notice was published in the
newspaper proper and not in a supplement thereof.

And I further swear that the said MOUNTAIN
HOME NEWS has been continuously and uninter-
ruptedly published in said Elmore County during a
period of 78 consecutive weeks prior to the first
publication of the attached notice.

Lois Whitney

Subscribed and sworn to me this 10th day of

April, 1991

Carol W. Sue
Notary Public

JUL 15 1991



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

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

January 7, 1999

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

JACK D ANDERSON
KATHY K ANDERSON
RT 1 BOX 24
GLENN'S FERRY ID 83623

RE: WATER RIGHT 61-07615

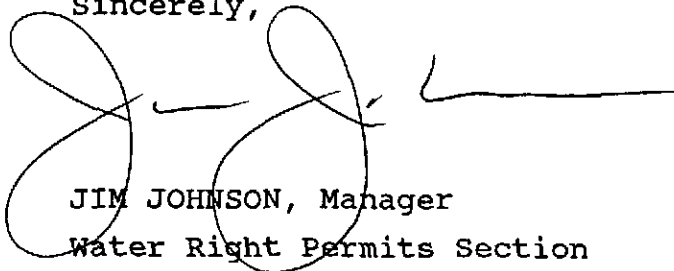
Dear Mr. & Mrs. Anderson:

The Department is in receipt of the correspondence changing ownership of the above referenced water right to you. We have modified our records to reflect this change in ownership and a computer generated report is enclosed.

Just a reminder, because of a law that went into effect July 1, 1996, all water right owners are required to report change of address or ownership to the department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee to the water right owner. If you have other water rights that haven't had the ownership updated please contact the department as soon as possible.

If you have any questions regarding this matter, please feel free to contact me at (208) 327-7947.

Sincerely,



JIM JOHNSON, Manager
Water Right Permits Section

JJ:klt
Enclosure

RECEIVED
JAN 11 1999



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

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

October 29, 1998

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

JACK D ANDERSON
KATHY K ANDERSON
RT 1 BOX 124
GLENNS FERRY ID 83647

RE: Change of Ownership for Water Right 61-07615

Dear Mr. & Mrs. Anderson:

The Notice of Change of Water Right Ownership form and attached warranty deed that you sent to our Western Regional office has been forwarded to me for handling.

I am returning a copy of the ownership change form to you and ask that you complete the areas highlighted in *blue*. Also, please furnish the information that is highlighted in *green*.

We will be happy to complete the processing of your ownership change request upon receipt of the above referenced information.

If you have any questions regarding this matter, please call me at 208-327-7941.

Sincerely,

Kari Lynn Townsend
Secretary

/k

Enclosure

NOT RECORDED
OCT 31 1998



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. BOX 83720, Boise, Idaho 83720-0098

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

January 30, 1998

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

CARLYLE BUTLER
705 E MAIN
JEROME ID 83338

RE: WATER RIGHT NO. 61-07615

Dear Water Right Holder(s):

The Department of Water Resources (the Department) has issued the enclosed license confirming that a water right has been established in accordance with the permit referenced above. The license is a preliminary order issued by the Department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action of the Department unless a party petitions for reconsideration or files an exception and/or brief as further described below:

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the Department within fourteen (14) days of the service date of this order. The Department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See section 67-5243(3), Idaho Code.

EXCEPTIONS AND BRIEFS

Within twenty-one (21) days after (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding. Otherwise, this preliminary order will become a final order of the Department.

If any party appeals or takes exceptions to this preliminary order, opposing parties shall have twenty-one (21) days to respond to any party's appeal. Written briefs in support of or taking exceptions to the preliminary order shall be filed with the Department. The Department retains the right to review the preliminary order on its own motion.

RECEIVED
FEB 2 1998

ORAL ARGUMENT

If the Department grants a petition to review the preliminary order, the Department shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Department will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Department orders otherwise, all oral arguments will be heard in Boise, Idaho.

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Department in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with Rules of Procedure 302 and 303.

FINAL ORDER

The Department will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Department may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The Department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its issuance if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) the petition for reconsideration is disposed of; or
- (b) the petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

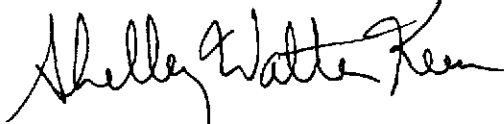
Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

If you have any questions, please call me at 208-327-7946.

Sincerely,

A handwritten signature in cursive script, reading "Shelley W. Keen".

Shelley W. Keen
Water Rights Supervisor

SK:klt

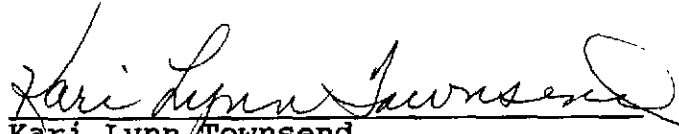
Enclosure

CERTIFICATE OF MAILING

I hereby certify that on the 30th day of January, 1998, I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Approved License) to the person(s) listed below:

Water Right No. 61-07615

CARLYLE BUTLER
705 E MAIN
JEROME ID 83338


Kari Lynn Townsend
Secretary

LICENSE REVIEW CHECKLIST

PERMIT NO 61-07615

DATE 1/20/98

REVIEWER: SHARLA

NAME	Change <u>—</u>	OK <u>✓</u>	Address Change <u>No</u>
SOURCE	<u>—</u>	<u>✓</u>	Is change clarification of originally intended source? <u>—</u>
POINT OF DIV	<u>—</u>	<u>✓</u>	If not, prepare Notice of Intent to Void <u>—</u>
PLACE OF USE	<u>—</u>	<u>✓</u>	Amendment required <u>No</u>

Does map agree with written description? ✓ yes — no

OVERLAPS — P/D — P/U
Overlap file pulled & reviewed —

RATE OF DIV

Permitted Rate	<u>.09</u> cfs	
Fee limit	<u>.20</u> cfs	<u>\$5000</u>
Measured	<u>.01</u> cfs	
Theoretical	<u>.11</u> cfs	<u>2" pipe @ 5 fpm = .11</u>

Recommended Total Div Rate .03 cfs

ANNUAL VOLUME/ NATURE OF USES	Use	cfs	Volume Calc
<u>✓</u>	<u>stock</u>	<u>.03</u>	<u>.3</u> af
<u>120 days</u>	<u>—</u>	<u>—</u>	<u>—</u> af
<u>—</u>	<u>—</u>	<u>—</u>	<u>—</u> af
<u>—</u>	<u>—</u>	<u>—</u>	<u>—</u> af
	SUBTOTAL	<u>—</u>	<u>—</u> af

Flow rate .03 cfs X 120 days X 198 = 7.1 af
Total volume recommended .3 af
(SUBTOTAL or Flow Rate, whichever is less)

REMARKS

CONDITIONS R04 Watermaster Control WD# 610
— GW Measurement/Measuring Device
— Overlap
— Use-specific conditions

Advancement of Priority Date Required — yes ✓ no

SRBA Claim Filed NA
Adjustment Memo —

1st Amend Letter NA
2nd Amend Letter —

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

RECEIVED
DEC 19 1997
Department of Water Resources

A. GENERAL INFORMATION

Permit No. 61-07615

1. Owner: Carlisle Butler Phone No. (208) 324-8046

Current Address: 705 E. Main, Jerome, ID 83338

2. Accompanied by: Corey Arellano EXAM DATE: 5-14-97

Address: Hammett, ID Phone No. _____

Relationship to Permit Holder: Adjacent Land owner Provided access along old RR line.

3. Source: Commerford Springs tributary to Bennett Creek

B. OVERLAP REVIEW

1. Other water rights with the same place of use: None

2. Other water rights with the same point of diversion: 61-07662 (BLM stockwater + wildlife)

C. DIVERSION AND DELIVERY SYSTEM

1. Point(s) of Diversion:

Ident No.	Gov't Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Method of Determination/Remarks
		SE	NE	SE	9	5S	8E	Elmore	Site visit, map

2. Place(s) of Use:

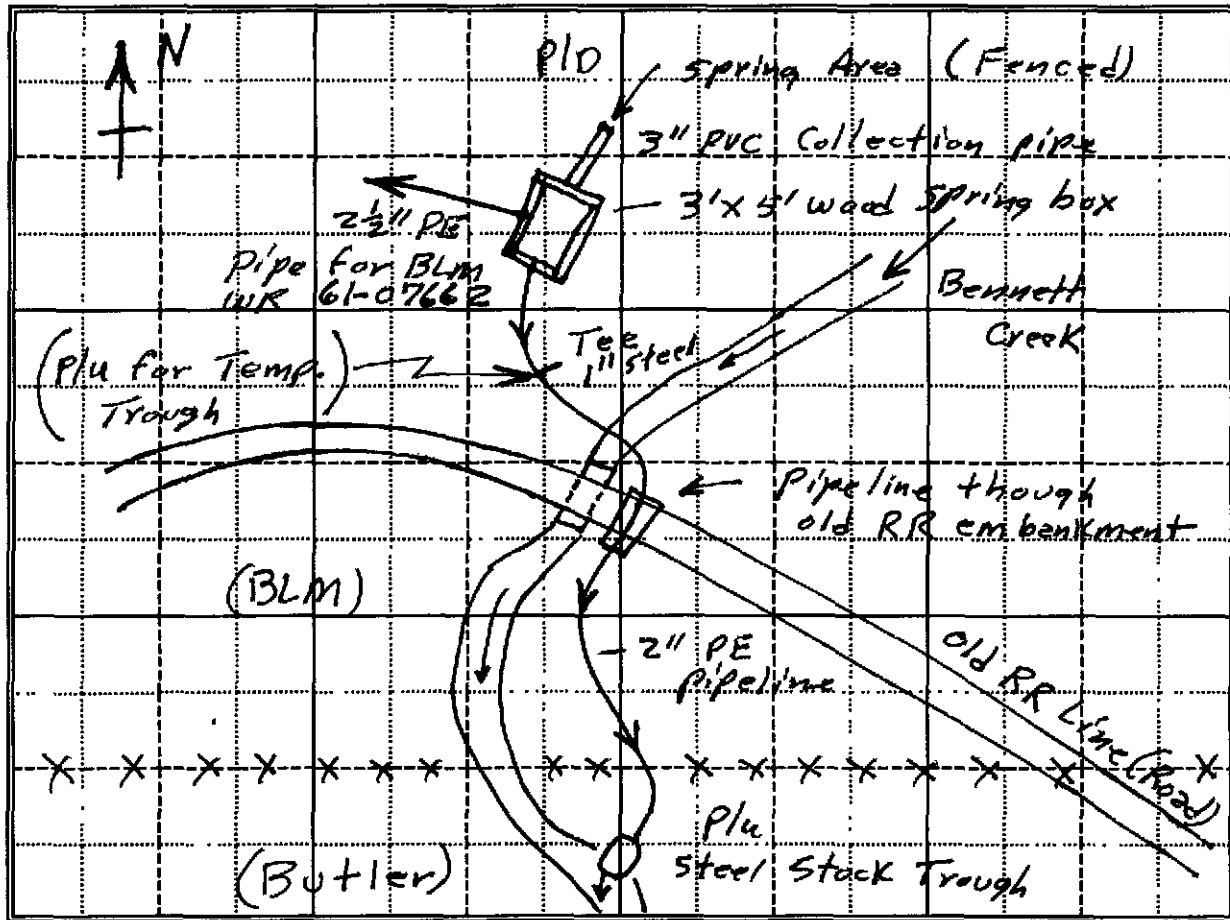
Indicate Method of Determination Site Visit, Map

TWP	RGE	SEC	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
55	8E	16	5																

61-07615

5-14-97

3. **Delivery System Diagram:** Indicate all major components and distances between components. Indicate weir size/ditch size/pipe i.d. as applicable.



Scale: $T =$ No Scale

☒ Copy of USGS Quadrangle Attached Showing location(s) of point(s) of diversion and place(s) of use (required).

☐ Aerial Photo Attached (required for irrigation of 10+ acres)

☒ Photo of Diversion and System Attached

4.

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size

*Code to correspond with No. on map and aerial photo

D. FLOW MEASUREMENTS

1.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date

2. Measurements: Measured at Stock Trough with 5 Gal. Bucket - $Q = 2.5$ GPM.

01/20/10

02/07/10

E. NARRATIVE/REMARKS/COMMENTS

1. The water system consists of a spring development with a 3" PVC collection pipe to a 3'x5' wood spring box, a 2" PE buried pipeline, and one metal stock trough. Another 2½" PE pipe from the same wood spring box provides water to BLM WR# 61-09662, for Stockwater and Wildlife. The overflow from this stock trough returns (this permit) to Bennett Creek.
2. The spring, P/D, and most of the pipeline is on BLM property. The pipeline serves one stock trough just south of the property line for Butler. The P/U is on Butler's property. The BLM granted a Right-of-way to Butler for construction and maintenance of his pipeline. (IDE-27038)
The Right-of-way Agreement includes a stipulation that the BLM has superior rights to the first 0.04 cfs of water from the Spring. The agreement also required that Butler place a temporary stock watering trough on BLM land until the BLM could develop their water system. The stock trough was placed just North of the old RR embankment, and has since been removed. The location is shown on the drawing where the Tee and 1" steel pipe is on the 2" PE pipeline.
3. There was no domestic development for this permit.
4. 58 Range Cattle use the water, for about 4 months/year.

Have conditions of permit approval been met? ☒ yes ☐ no

Except: 1) only one P/D
2) only one P/U
3) No Domestic Use
4) only 58 cattle.

Additional Computation Sheets Attached

However, spring could produce more than that: Max Q of pipeline:

$$Z''PE \quad Z_{000}' \quad \dot{H} = 120'$$
$$H = H_f + H_o + H_v$$

friction $\text{Mise. Vel.} \left(\frac{V_2}{2g} \right)$
 $= 10\% \text{ Hf}$

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

<u>Assume G</u>	<u>Head Loss</u>	<u>Head Avail.</u>
0.05 cfs	23'	120'
0.30 cfs	680'	120'
0.10 cfs	82'	120'
0.15 cfs	188'	120'

The pipe can produce at least 0.10 cfs

$$V_{IR} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) =$$
$$V_{DR} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 =$$
$$V = \text{Smaller of } V_{IB} \text{ and } V_{DB} =$$

Allow 0.03 cfs for
58 cattle
as shown
on Prof.

2. Volume Calculations for Other Uses:

$$\text{Ann. Vol.} = \left(\frac{12 \text{ Gal}}{\text{Day-Heed}} \right) \left(\frac{58 \text{ Heed}}{1} \right) \left(\frac{120 \text{ Days}}{\text{Ann.}} \right) \left(\frac{\text{AF}}{325,850 \text{ Gal.}} \right) = 0.26$$

$$= 0.3 \text{ AFA}$$

1. Recommended Amounts

Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (afa)
	From	To		
<u>Stockwater</u>	<u>01/01</u>	<u>12/31</u>	<u>0.03</u>	<u>0.30</u>
Totals:			<u>0.03</u>	<u>0.30</u>

↙ Change P.D as reflected above

Add P.D. as reflected above

None

✓ Change P.U. as reflected above

Add P.U. as reflected above

☒ Other

I. AUTHENTICATION

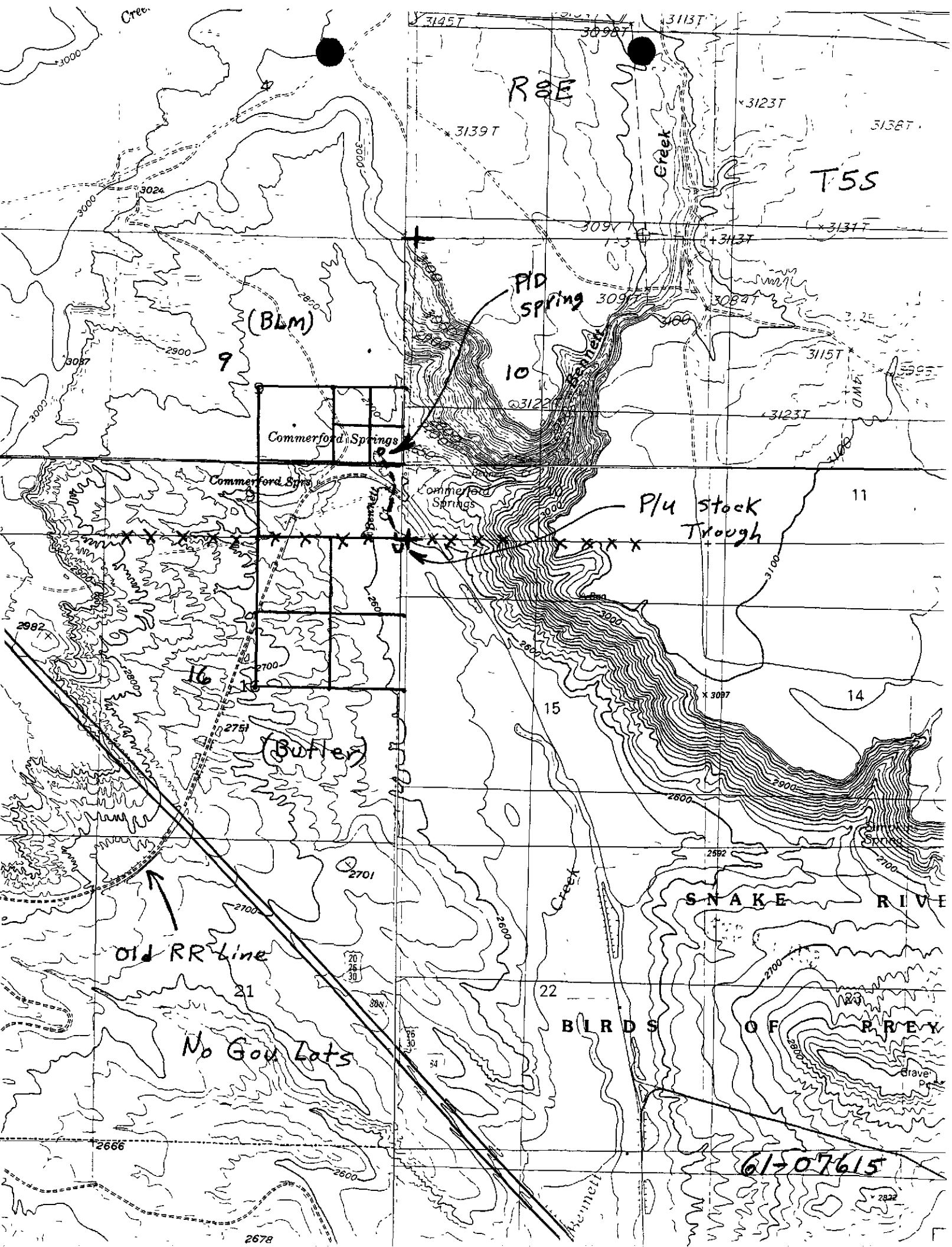
Field Examiner's Name

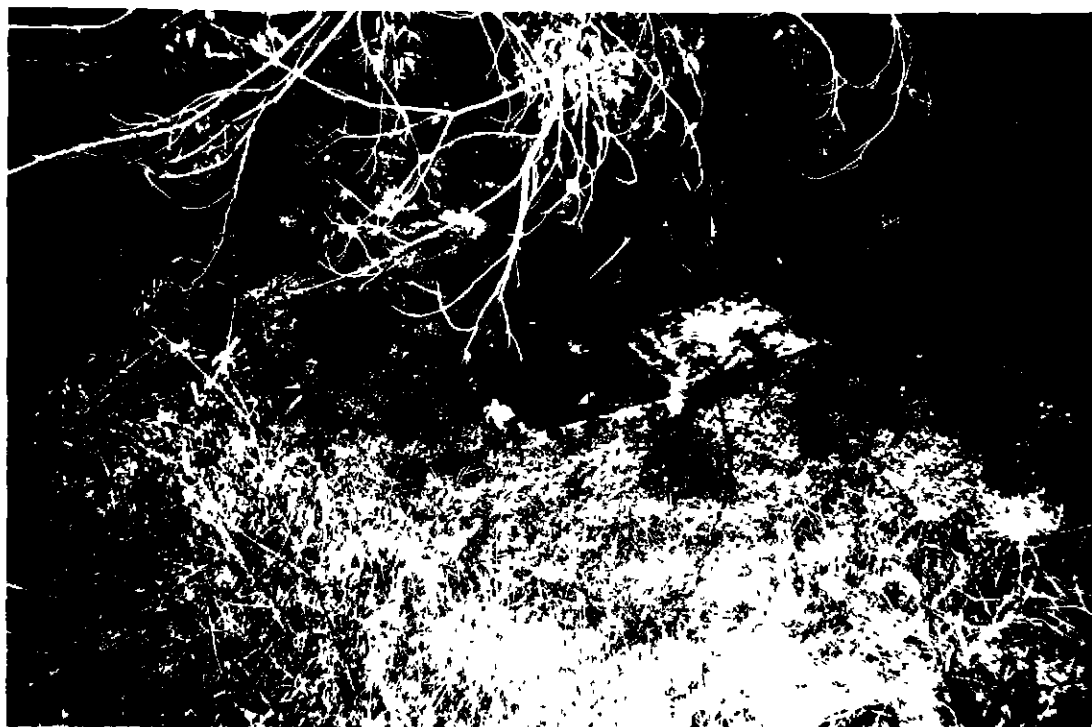
Date 12-12-92

Reviewer

Date _____

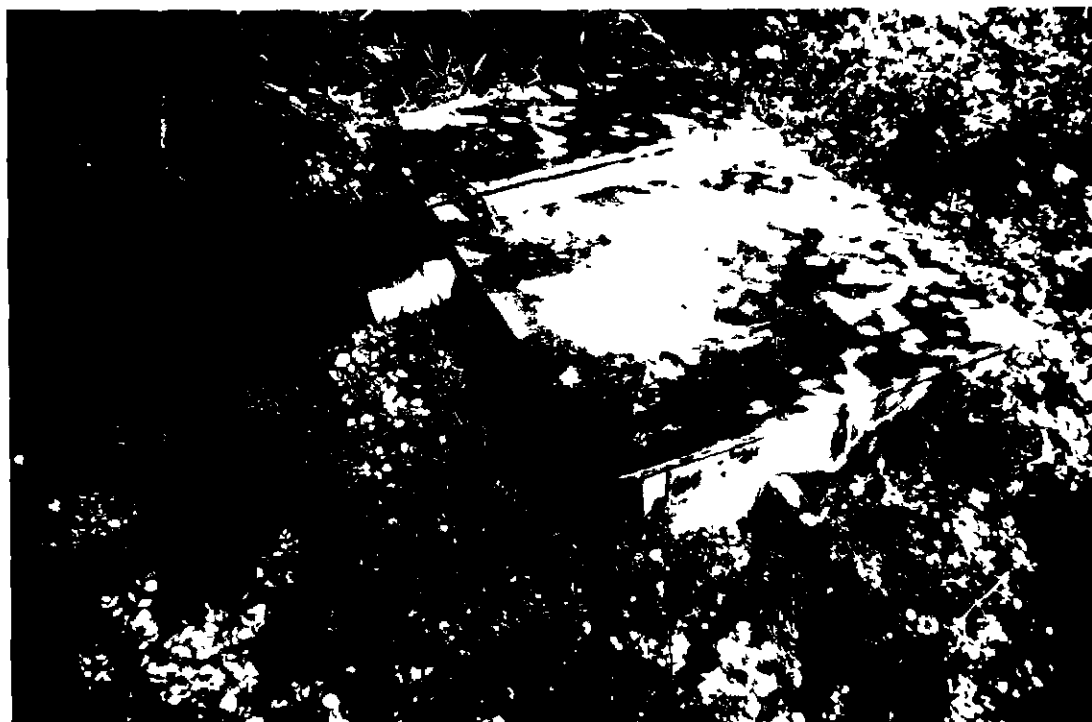
- 1) Drop Domestic use.
- 2) Drop P/D in
SE NWSW, Sec. 10
- 3) Drop Plu in
NESE, Sec. 16
- 4) Allow only 0.03 cts
SEAL
for 58 cattle 25
shown on Proof.





P/D
Spring Box
in Spring
Area

View
Looking
West



P/D
Spring Box
Left pipe
is 2½" PE
to BLM
WR 61-07662.

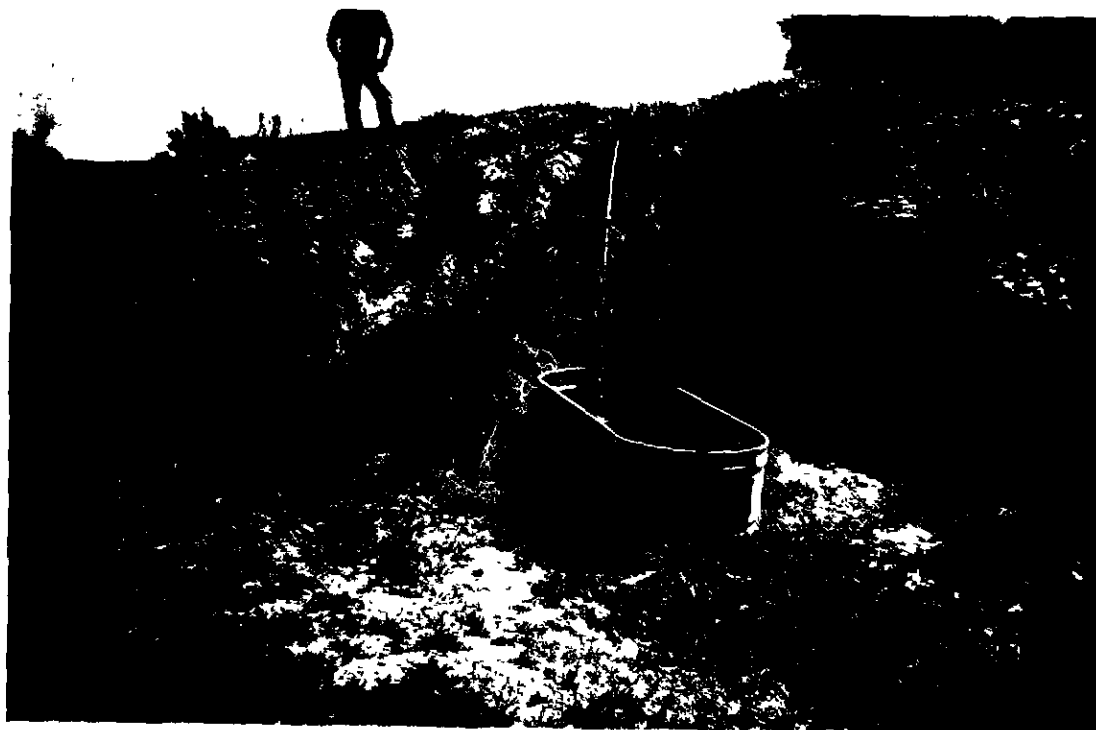
2" PE pipe
on right
is for this
permit.

2 of 2



View looking
Northwest
with P10
- Spring
Area, in
background.
(Tree Area)
Bucket is
next to 1"
steel pipe
where
Temp.
Stock
Trough
was
located.

(BLM Land)



P10
Stock
Trough in
Bennett
Creek
Stream bed.
Place of
flow
measurement.
View
looking
Northeast.

61-07615



**ANALYSIS SHEET
FOR
PROOF OF BENEFICIAL USE**

Permit No. 61-071615 Reviewed by [Signature] Date 6-27-95

GENERAL CONSIDERATIONS

yes Name same as permit?
yes Address same as permit?
no Proof timely received?
If not, complete calculation below.

TYPES OF USE

Dom, Stock

Correct Uses? yes

SOURCE OF WATER

☒ Surface water source

☐ Ground water source

☐ Drilling permit required?

☐ Copy in the file? Drilling Permit No. _____

☐ Amount paid for permit

☐ Correct?

☐ Well log in the file?

LICENSE EXAMINATION FEE

yes Required?

50.00 Amount Submitted

yes Correct?

MEASURING DEVICE

no Required?

☐ Installed?

☐ Waiver requested?

PRIORITY CALCULATION

Date proof received 6-15-95

Date proof due 6-1-95 - _____

No. of days late 14 = 14

Priority Date 12-9-89 + 343

New Priority Date 12-23-89 357

7/12/23/89

DEFICIENCIES OR ACTION ITEMS

Revisit & advance priority, to Dec 23, 1989
Proof acceptable

DATA ENTRY

New Address X

Proof Made 6-15-95



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
June 27, 1995

CARLYLE BUTLER
705 E MAIN
JEROME ID 83338

PROOF ACKNOWLEDGEMENT LETTER

RE: PERMIT NO. 61-07615

Dear Permit Holder:

The department acknowledges receipt of the proof of beneficial use form submitted for the above referenced permit.

Enclosed is an order reinstating your permit since proof of beneficial use was received after the proof due date. Please note that the priority date has been advanced to December 23, 1989.

The next step in the process of developing a water right is for the department to conduct a field examination to determine and confirm the use being made of the water.

If you have questions concerning the field examination, please feel free to contact the WESTERN Regional Office in Boise, at (208) 334-2190.

Sincerely,

JULIE L. YARBROUGH
Senior Secretary

Enclosure

c: IDWR - Region

RECORDED

JUN 29 1995

WARNING

CANCELLED OR LAPSED

This permit has been officially CANCELLED or LAPSED.

Ninety days following the date of official action this file will be DESTROYED.

June 12, 1995

CARLYLE BUTLER
705 E. MAIN
JEROME ID 83338

LAPSE NOTICE

RE: PERMIT NO. 61-07615

Dear Permit Holder:

You are hereby notified that under the provisions of Section 42-218A, Idaho Code, the above referenced permit has lapsed and is of no further force nor effect. The department provided the proper forms to you in our proof due notice dated March 31, 1995. No further construction or additional development is authorized under this permit unless it is reinstated.

The permit can only be reinstated if you submit an acceptable proof of beneficial use or an acceptable request for extension of time to the department within sixty (60) days of the mailing of this lapse notice. An acceptable proof of beneficial use submittal must include the examination fee or a completed field examination report. A request for extension of time must be accompanied by a fifty dollar (\$50.00) fee.

Enclosed again for your use are a proof of beneficial use form and a request for extension of time form. Please note that only one extension of time can be granted unless the project has not been completed because of lack of a necessary approval by a government agency or by litigation which may bring title to the water in question.

L. GLEN SAXTON
Chief, Water Allocation Bureau

Enclosures

Enclosures

IMPROVED
JUN 15 1995

CERTIFICATION OF MAILING

I hereby certify that on 6-12-95
a copy/an original of this document was
deposited in the United States mail
postage prepaid addressed to
individual(s) named above.

[Signature]

March 31, 1995

CARLYLE BUTLER
705 E. MAIN
JEROME ID 83338

PROOF DUE NOTICE

RE: PERMIT NO. 61-07615

Dear Permit Holder:

One of the conditions of approval of the above referenced water permit was that proof of the extent of your beneficial use must be submitted to this office on or before June 1, 1995.

(See last page of your approved permit or your last approved extension request.) Enclosed is a form which when accompanied by the license examination fee or a complete field examination report prepared by a certified water right examiner may be used to submit the required proof.

If you have not fully completed your project, and you or a previous owner of this permit have not received a prior extension of time, you may request an extension of time if the delay is for reasonable cause as provided in Section 42-204, Idaho Code. If you have been prevented from proceeding by a governmental agency or by litigation which might bring title to the water in question, more than one extension of time can be granted. An extension of time request form is enclosed for your convenience.

Either an acceptable proof of beneficial use submittal or an acceptable request for an extension of time must be received by this department on or before the above described proof due date. If neither is received, the department will send you a lapse notice. Within sixty (60) days of the mailing of the lapse notice, the permit will no longer be of any force nor effect.

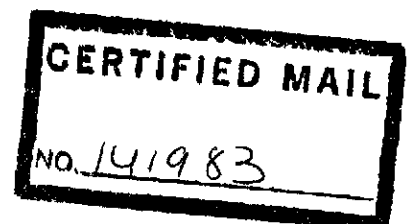
SINCERELY,

JULIE L. YARBROUGH
Senior Secretary

Enclosures

RECEIVED

JUN 29 1995





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

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

June 28, 1993

Carlyle Butler
705 E Main
Jermoe, ID 83338

Re: Permit No. 61-07615

Dear Permit Holder:

Enclosed is a copy of the approved request for extension of time. The time within which to submit proof of beneficial use is extended to June 1, 1995. However, since the extension was received after the proof of beneficial use date, it was necessary for the department to reinstate your permit and advance your priority date to December 9, 1989.

Please note that the department has granted this extension based on due diligence. It is important that you work diligently toward the completion of this project during the construction period allowed. The department will not be able to grant additional requests based on due diligence.

If you have any questions or if I can be of any further assistance, please feel free to contact me.

Sincerely,

Karen L. Gustafson
Karen L. Gustafson
Secretary/Records Manager

c: IDWR - Regional Office

RECEIVED

JUN 30 1993

**ANALYSIS SHEET
FOR
EXTENSION OF TIME**

Permit No. 61-07615 Reviewed by Klg Date 6/25/93

BASIC INFORMATION

6/23/93 Date stamp received
no ~~yes~~ Extension received timely
yes Fee received and receipted
yes Name and signature same as permit
no Address Change

BASIS FOR EXTENSION REQUEST

yes Has adequate work been completed to demonstrate due diligence?
Has the permit been involved in litigation?
Is supporting documentation needed to complete the file? Requested?
Is delay by a government agency?
Is supporting documentation needed to complete the file? Requested?
Is the project more than 25,000 acre feet for irrigation or 10,000 acre feet for a reservoir?

ACTION TAKEN

Recommend for approval Based on due diligence Extend to 6/1/95

PRIORITY CALCULATION

Date extension received	<u>6/23/93</u>	=	<u>174</u>
Proof due date	<u>6/1/93</u>	=	<u>152</u>
Number of days late		=	<u>22</u>
Priority date	<u>11/17/89</u>	=	<u>321</u>
New Priority Date	<u>12/9/89</u>	=	<u>343</u>

DATA ENTRY

New Address _____
Change Proof Due Date 6/29/93 Klg
Change Priority Date _____

June 8, 1993

CARLYLE BUTLER
705 E. MAIN
JEROME ID 83338

LAPSE NOTICE

RE: PERMIT NO. 61-07615

Dear Permit Holder:

You are hereby notified that under the provisions of Section 42-218A, Idaho Code, the above referenced permit has lapsed and is of no further force nor effect. The department provided the proper forms to you in our proof due notice dated March 31, 1993. No further construction or additional development is authorized under this permit unless it is reinstated.

The permit can only be reinstated if you submit an acceptable proof of beneficial use or an acceptable request for extension of time to the department within sixty (60) days of the mailing of this lapse notice. An acceptable proof of beneficial use submittal must include the examination fee or a completed field examination report. A request for extension of time must be accompanied by a fifteen dollar (\$15) fee.

Enclosed again for your use are a proof of beneficial use form and a request for extension of time form. Please note that only one extension of time can be granted unless the project has not been completed because of lack of a necessary approval by a government agency or by litigation which may bring title to the water in question.

L. GLEN SAXTON
Chief, Water Allocation Bureau

Enclosures

CERTIFICATION OF MAILING

I hereby certify that on 6/8/93
a copy/an original of this document was
deposited in the United States mail,
postage prepaid addressed to the
individual(s) named above.

JUN 30 1993

March 31, 1993

CARLYLE BUTLER
705 E. MAIN
JEROME ID 83338

PROOF DUE NOTICE

RE: PERMIT NO. 61-07615

Dear Permit Holder:

One of the conditions of approval of the above referenced water permit was that proof of the extent of your beneficial use must be submitted to this office on or before June 1, 1993. (See last page of your approved permit or your last approved extension request.) Enclosed is a form which when accompanied by the license examination fee or a complete field examination report prepared by a certified water right examiner may be used to submit the required proof.

If you have not fully completed your project, and you or a previous owner of this permit have not received a prior extension of time, you may request an extension of time if the delay is for reasonable cause as provided in Section 42-204, Idaho Code. If you have been prevented from proceeding by a governmental agency or by litigation which might bring title to the water in question, more than one extension of time can be granted. An extension of time request form is enclosed for your convenience.

Either an acceptable proof of beneficial use submittal or an acceptable request for an extension of time must be received by this department on or before the above described proof due date. If neither is received, the department will send you a lapse notice. Within sixty (60) days of the mailing of the lapse notice, the permit will no longer be of any force nor effect.

SINCERELY,

Karen L. Gustafson
Secretary/Records Manager

Enclosures

CERTIFIED MAIL

NO. 140010



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

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

June 27, 1991

CARLYLE BUTLER
705 E. MAIN
JEROME, ID 83338

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 61-07615

Dear Permit Holder:

Enclosed is a copy of your approved application for permit. We direct your attention to the conditions of approval on the final page.

As a permit owner you must commence the excavation or construction of the diverting works within one year of the date the permit was issued, and you must proceed diligently until the project is completed. The date shown under condition no. 1 is the date when the project must be completed. You will receive a "Proof Due Notice" from this Department approximately 60 days prior to the completion date requiring you to file either a Proof of Beneficial Use form stating that the project has been completed or file a Request for an Extension of Time in which to file the proof statement.

Sincerely,

JIM JOHNSON
Water Rights Supervisor

JJ:blm

Enclosures

JUL 15 1991

APPLICATION FOR PERMIT REVIEW

Application #: 61-7615
Date: 6-14-91

Reviewer: Pam Skaggs *CS*

✓ Existing:

✓ No

Complete in 1 year - 26A-P17
P16

Yes

Proof not submitted - P16

Proof submitted - N/A

Groundwater:

GT. 0.2 cfs - 01G-P03, 01C-P03 (existing well)

LT. 0.2 cfs - N/A

Drilling Permit:

Approved w/permit - P99

Not included - 046-P23 (All GW, even existing wells)

✓ Location:

✓ Water Districts

✓ Surface water - WD No. 61C
005, 005-01H-P01 (LT.2 w/pump)
005-01J-P08 (GT.2)

Groundwater - P05

Irrigation Districts - 023

Canal Co. Areas - 023

Drainage Districts - 024

Boise Front (63) - 058 (Groundwater)

✓ Swan Falls Flag - SC (1, Blank or Other)

✓ Trust NO - 051-052-053-P74 (Cons.), 041 DDMI, w/Irr
Non Trust - 048-049 or Irr & Dom)

River Basins:

(Surface Water) Water District Control Condition &....

Boise (63) - 05A & 11E

Payette (65) - 047-P04, 059-P71

SNAKE (01, 02 & 03) - 11A-P04 (01), 061-P07 (02/03 No W.D. Cond.)

Use:

Fish Propagation - 06A, 09E-P10 & 010 (WQ/Choose One),
042 (req.), 002-P06 (MD), 07A (Spec.),
044 (Policy 5G)

Power - Use Power Review

Mining - 06A or 010, 09E-P10 & 054 (req.)

Storage - 18A-for multiple measuring devices (In WD),
18B-P09 (Size)

Rec. & Aesthetic - 027 (Non-Consumptive)

Domestic - 021 (restricted areas)

✓ Ownership:

✓ Non land owner

- 004

Protested:

Agreement - 020

✓ Beneficial Use Due Date: - 06-01-1993
Other Conditions Recommended

Routed thru Jim for Trust Conditions ✓

JUL 15 1991

Form No. 202a.
3/89

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPROPRIATION APPLICATION ANALYSIS SHEET

INITIAL REVIEW BY: SL DATE: 11/17/89 APPLICATION: 61-07615

REQUIRED INFORMATION

Name: (If applicant is a corporation or partnership, names and addresses for the director, officers, and other partners must be included.)
Address:
Source: (See USGS Quad for names of water sources)
Point of Diversion: (10 acres for spring, lot & block descriptions for Subdivisions, local name)
County:
Quantity: (flow and/or volume)
Period of use:
Nature of proposed use: (Include description of use)
Description of diverting works:
Time required for beneficial use of water:
Place of use or acres irrigated:
Map:
Signature: (If applicant is corp., partnership, or municipality, title of signatory is required)
Fee:
Yes ☐ No* ☐ In form to receipt:

Gov't. Lots:
N P/D
N P/U

ADDITIONAL INFORMATION

YES NO

☒ ☐ Overlapping place of use: (Describe source & relationship to present application on the back.)
☒ ☐ Overlapping point of diversion:
☐ ☐ Field check required: Field check by: _____
☐ ☐ Field report attached:
☒ ☐ Critical groundwater area:
☒ ☐ Groundwater management area:
☒ ☐ Diversion within interim protected river area
☒ ☐ Send dam safety information: *Same reservoir as in Appl. 61-07614*
☒ ☐ Send power requirement letter:
☒ ☐ Send fish farm requirement letter:
☒ ☐ Power residency affidavit:
☒ ☐ Power efficiency form:
☒ ☐ Within trust water boundary: (If yes, attach Trust Water Supplementary Analysis Sheet.) *But nonconsumptive & stockwater was exempt from*
☐ ☒ Diversion greater than 5 cfs or 500 af: (If yes, attach Large Diversion supplementary analysis sheet.) *delay.*
☐ ☒ *REQUEST ADDITIONAL INFORMATION FROM THE APPLICANT

DATE REQUESTED:

☒ ☐ Additional information on reverse side:

RECEIVED
MAY 29 1991

Department of Water Resources

PROCESSING

APPLICATION NO. 61-07615

YES NO

☒ ☐
☐ ☒
☒ ☐

In form for advertising:

Statewide advertising:

Fee amount, receipt number and date recorded on application:

SEND COPIES TO

YES NO

☐ ☒
☐ ☒
☐ ☒
☐ ☒

I.D. Health and Welfare

I.D. Fish and Game

I.D. Lands

Adjudication Bureau

YES NO

☒ ☐
☐ ☒
☐ ☒
☐ ☒

U.S. BLM

U.S. Forest Svc.

Water Dist. # _____

Other _____

← Also send copy of
61-07614 at
same time

FINAL REGIONAL PROCESSING REVIEW

YES NO

☒ ☐
☒ ☐

Affidavit of publication received:

Application published correctly: If not, record action taken.

Publication dates and paper recorded on application:

Protests received. Final date for protest December 26, 1989

Protest dates, resolution of protest recorded on application:

Recommendations attached: Approve, OIR

Measuring device required:

Measuring port required:

Water delivered by water master? District # _____

Special conditions of approval or cover letter: _____

(LWR)

26A (2 yrs)

See below for additional information

Recommended Date or Priority 11/17/1989

Recommended by: DA Date 5/22/91

STATE OFFICE REVIEW

See below for additional information. By _____ Date _____

ADDITIONAL INFORMATION

Overlap

PLR 61-07614 Conservation Appl. for same system but for
irrigation & irrig. storage
61-02011 Bennett Cr., different diversion.

PLR 61-07614 as in PLR - same PLR in 5.9 & 5.10 but
irrigation storage for same reservoir.

NOTE

61-07614 will be delayed by Transwater processing.

NOTICE OF AMENDED APPLICATION FOR PERMIT

NO. 61-07615

Notice is hereby given that application No. 61-07615 in the name of Carlyle Butler of Jerome, Idaho was filed on 11/17/1989 for the diversion of .45 cfs and 400 a.f. from Bennett Creek, Commerford Springs, and Unnamed Springs with a point of diversion within the T5S R8E S9 SENESE, SESE; S10 SENWSW, SWSW to be used for diversion to storage, wildlife storage, wildlife, and stockwater purposes from 1/1 to 12/31 within portions of T5S R8E S9 E1/2SE1/4, S10 W1/2SW1/4, S16 NENE and NESE.

The applicant now proposes to amend the application by changing the nature of use and deleting sources, reservoir, place of use, and amount of water for a revised application as follows: .09 cfs from Commerford Springs and Unnamed Springs in T5S R8E S9 SENESE, S10 SENWSW for stockwater and domestic use from 1/1 to 12/31 within portions of T5S R8E S16 NENE and NESE.

Any protest against the approval of the proposed amendment must be filed with the Department of Water Resources, Western Region, 2735 Airport Way, Boise, Idaho 83705 on or before April 22, 1991.

R. Keith Higginson
Director

Published in the Mountain Home News on 4/3 and 4/10/1991.

RECEIVED
JUL 15 1991

(APPLICATION FOR AMENDMENT)
NOTICE OF (AMENDED APPLICATION FOR PERMIT)

Notice is hereby given that (application) No. 61-07615
(permit)

in the name of Carlyle Butler

was filed on 11-17-89 for the diversion of .45 cfs and
400 a.f. from Bennett Creek, Comerford Springs, & unnamed springs
with a point of diversion within the T5S R8E S. 9 SENESE, SESE ; S. 10
SENWSW, SWSW to be used for diversion to storage, wildlife storage,
wildlife, and stockwater purposes from 1/1
to 12/31 within portions of T5S R8E S. 9 E¹/₂ SE¹/₄,
S. 10 W¹/₂ SW¹/₄, S. 16 NENE & NESE

The (applicant) now proposes to amend the (application)
(permit holder) (permit)

by changing the Nature of use & deleting sources, reservoirs,
place of use, and amount of water for a
Revised application as follows:

.09 cfs from Comerford Springs & unnamed springs in
T5S R8E S. 9 SENESE, S. 10 SENWSW for
stockwater & domestic use from 1/1 to 12/31
within portions of T5S R8E S. 16 NENE & NESE.

Any protest against the approval of the proposed amendment must be filed with
the Department of Water Resources, Statehouse, 450 W. State St., Boise, ID
83720 on or before _____

R. Keith Higginson
Director

Published _____

and _____

15 1991

DELETING: SOURCE, P/D, USES, P/L, RESERVOIR
CHANGING: NATURE of use

State of Idaho
Department of Water Resources

AMENDMENT ANALYSIS SHEET

INITIAL REVIEW BY: SL

Right Number 61-07615 Applicant Carlyle Butler

Purpose of Amendment: ☐ Change point of diversion. ☐ Add diversion point(s).
☐ Increase amount. ☐ Change place of use. ☒ Other NATURE OF USE

CHECK:

- ☒ Description of amended point(s) of diversion. no additions
- ☒ Amount, nature and period of use. If increased, delay date of priority. NO INCREASE
- ☒ Description of amended places of use. If expanded, delay date of priority. no additions
- ☒ Ownership of point of diversion and place of use. P/D - BLM P/L - applicant
(radial use permit in process)
- ☒ Map.
- ☒ Signature (must be permit holder). Applicant initialed the changes
- ☒ Fee. see 3/13/91 memo concerning Refund
- ☒ Existing water rights from the same source, amended place of use. none
- ☐ Right number(s) BLM will file appl. for same p/d's for use on BLM land.
- ☒ Yes ☐ No Should amendment be advertised? RECOMMEND ADVERTISING since appl. will be significantly different after change
- ☐ Yes ☒ No Should date of priority be delayed? If yes, to what date? _____

FINAL REGIONAL PROCESSING REVIEW:

- ☐ Affidavit of publication received.
- ☐ Amendment published correctly.
- ☐ Protests processed.
- ☐ Approve.
- ☐ Deny.

Conditions _____

By _____ Date _____

STATE OFFICE PROCESSING:

- ☐ Amendment correct and complete. By _____ Date _____
- ☐ Approved copy sent to applicant and to Region. By _____ Date _____

POINT OF DIVERSION AND STREAM INDEX INFORMATION

TRACT SEC TWP RGE gov't rediv. REACH
lot (R)

IDAHO STREAM CODE INDEX

TRACT SEC TWP RGE gov't rediv. REACH
lot (R)

IDAHO STREAM CODE INDEX

TRACT SEC TWP RGE gov't rediv. REACH
lot (R)

IDAHO STREAM CODE INDEX

TRACT SEC TWP RGE gov't rediv. REACH
lot (R)

IDAHO STREAM CODE INDEX

TRACT SEC TWP RGE gov't rediv. REACH
lot (R)

IDAHO STREAM CODE INDEX

CONVERSATION MEMORANDUM

DATE 3/13/91

FILE 61-07615 } Appl. for
61-07660 } permit

NAME OF PARTY Carlyle Butler & John Sullivan

EMPLOYEE Steve Lester (BLM)

61-07654 } Appl. for
36-07613 } transfer

RE: RESPONSE PER OFFICE RE: APPL. 61-07660 QUESTIONS:

- ① Relinquished Appl 61-07660, apply \$20 (W013025) to amend & advertise 61-07615. Refund \$10.
- ② 61-07615 Amend the APPL.:
no storage on Bennett Creek
stockwater & domestic (1)
same plan in 5.16; domestic is NGS 5.16
working on special use permit with BLM
- ③ BLM will file its own appl. for permit for same springs for ? hel. stock & wildlife in ? QQ.
After receive appl & give #, go to item 4.
- ④ Draw up agreement for both parties to sign whereby BLM appl. takes priority over 61-07615 due to BLM concern about using H2O on public land before water is diverted to private land.
- ⑤ Appl. 61-07615 contains assignment to BLM (mislabelled as 63-11053) & DRT's 1/17/90 letter of acknowledgement of assignment. There is no basis for an assignment since BLM holds no possessory interest in the land in 5.16. Disregard such assignment. Amend Appl. 61-07615 plus BLM appl. to follow will take care of the concerns that led to assignment.
- ⑥ Transfer appl for 61-07654 of 2-20-91 was in error. 61-07654 is an Appl. for Permit. Meant to file transfer on 36-07613 (recently transferred via T3796 but discovery was not feasible to drill & pump in area of T55 RSE 5.16. Revised transfer appl. prepared.

MEMORANDUM

TO: NANCY HANDZEL

FROM: STEVE LESTER

DATE: MARCH 13, 1991

SUBJ: REFUND FOR APPLICATIONS

Mr. Carlyle Butler submitted the following applications:

1. No. 61-07660 for .07 cfs, 2/20/91, receipt W013025, \$30.
2. Application for Amendment of No. 61-07615, 3/13/91, fee is \$20.

Application 61-07660 was withdrawn today prior to advertising. \$20 of the fee paid for the application should be applied to the amendment fee for 61-07615. The remaining \$10 should be refunded. All receipt codes are 05-20-199 1238 6390. Based on the above, please send a \$10 refund to:

Mr. Carlyle Butler
705 East Main
Jerome, ID. 83338

(telephone 324-8046)

Thanks,



Steve Lester
Sr. Water Resource Agent

RECEIVED

JUL 15 1991

State of Idaho
Department of Water Resources

ASSIGNMENT OF APPLICATION

I, Carlyle Butler, hereby assign to BLM
of Boise Idaho
Address

CHECK ONE

- ☒ All my right, title, and interest in and to Application No. 63-11053
to appropriate the public waters of the State of Idaho.
- ☐ The following described portion of my right, title, and interest in and to Application
No. _____ to appropriate the public waters of the State of Idaho.
(Describe that portion of the permit being assigned by listing the acreage within
each 40 acre subdivision, the point of diversion and the amount of water in cubic
feet per second for direct diversion, or acre feet for storage)

Made this 29th day of December, 19 89.

Carlyle Butler
Application Holder

Spouse of Application Holder

State of Idaho)
County of ADA) ss.

On this 29th day of December, 19 89, personally
appeared before me the signer(s) of the above instrument, who duly acknowledged to me
that he (she) (they) executed the same.

seal

Jan Thurtell
Notary Public residing at

Meridian, ID

My commission expires:

9-14-94

RECORDED

JUL 15 1991

Hammett, Idaho.

1-4-90

Dept. of Western Resources,

Boak, Ariz.

In the "Vit. Home News of Dec. 13th 1989
was an application for a water right
filed by, Butler Carlsyle, 705 E. Main
Jerome, Idaho, on the springs of Bennett
Creek water. The only water lower,
Bennett Creek has is from the springs,
since upper Bennett Creek has been
dammed, and the water stored in 2 or 3
reservoirs.

Stock and Wildlife can use the
water from the springs, above below
the Railroad tracks, without disturbing
it to storage.

I own land, below the ^{15 1991} railroad tracks,
that, I maintain for wildlife, that's
why I object to anyone trying to
take the water.

Please check my Record.

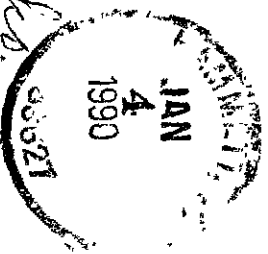
Mrs Neela Q. Allison

Star RT-1309 & 2

Hammett, Idaho, 83627

Walter C. Williams
Star Rt. - Box 62
Hammett,
Idaho,

State of Idaho.



Dept. of Water Resources

450 W. State Street

Boise

Idaho, 83720

MAY 30 90

BUREAU OF LAND MANAGEMENT
BOISE DISTRICT OFFICE

FILE COPY

May 15, 1990

455-47

Mr. Dennis R. Hoyem
Bureau of Land Management
Boise District Office
3948 Development Avenue
Boise, Idaho 83705

Dear Mr. Hoyem:

Letter of Notice of Partial Relinquishment of Rights

I am writing in reference to your letter dated March 15 concerning the relinquishment of a portion of Right-of-Way Grant I-1045 northwest of Hammett, Idaho.

The old line you are referring to was involved in a line change in 1923-24 as depicted by that certain filing map filed September 28, 1922, approved February 19, 1923, and filed in your office as Grant E-026615. As Mr. Jack Nelson, of my staff, told Mr. John Sullivan, of your staff, whenever the Railroad filed a map showing a change of line, it was assumed that the original grant was amended by this filing rather than a new grant being issued, thereby resulting in a relinquishment of the original right-of-way at the time of the new filing.

NEVERTHELESS, please be advised that by this letter and on behalf of the Union Pacific Railroad Company, as successor to the Oregon Short Line Railway Company, I do hereby respectfully request that Right-of-Way Grant I-1045, approved January 14, 1884, acquired in accordance with the Act of Congress, approved March 3, 1875, be amended so as to relinquish all that portion of said Grant extending in a northerly, westerly and southerly direction from a line 100.0 feet distant northeasterly, measured normally, from the centerline of the new main track of said Railroad as depicted on said filing map in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 27, Township 5 South, Range 8 East of the Boise Meridian, to the north-south centerline of Section 20, said Township and Range, as said Grant more particularly pertains to the following legal subdivisions:

RECEIVED
JUL 15 1991

<u>SUBDIVISION</u>	<u>SECTION</u>	<u>TOWNSHIP</u>	<u>RANGE</u>
E $\frac{1}{2}$ E $\frac{1}{2}$	27	5 S.	8 E.
E $\frac{1}{2}$ SE $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$ and NW $\frac{1}{4}$ NE $\frac{1}{4}$	22	5 S.	8 E.
W $\frac{1}{2}$ SE $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$	15	5 S.	8 E.
SW $\frac{1}{4}$ SW $\frac{1}{4}$	10	5 S.	8 E.
S $\frac{1}{2}$ SE $\frac{1}{4}$	9	5 S.	8 E.
W $\frac{1}{2}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ W $\frac{1}{2}$ and SW $\frac{1}{4}$ SW $\frac{1}{4}$	16	5 S.	8 E.
NW $\frac{1}{4}$ NW $\frac{1}{4}$	21	5 S.	8 E.
N $\frac{1}{2}$ NE $\frac{1}{4}$	20	5 S.	8 E.

AND that certain filing map for Station Grounds at Bennett Creek, Idaho, A.K.A. Medbury, filed April 19, 1883, approved June 9, 1883, also acquired in accordance with the Act of Congress, approved March 3, 1875, is hereby relinquished in full, as said Grant more particularly pertains to the E $\frac{1}{2}$ of Section 22, Township 5 South, Range 8 East of the Boise Meridian, and that a decision or letter of acknowledgement to this effect be returned.

I wish to point out, however, the new track construction in Sections 11, 12 and 13, Township 5 South, Range 7 East of the Boise Meridian also shown on Grant B-026615 was for a second main track and not for a line change as noted in the Affidavit shown on the map thereof.

If I can be of further assistance, please feel free to contact Mr. Nelson at (402) 271-2347.

Yours truly,

B. W. Z.

B. W. ZANDBERGEN

General Director - Contracts and Real Estate

J. L. N.

Carb signed Aug.

MAY 16 1990

BCC - P. J. Emanuel - Corp. Tax - Broomfield
S. A. Martin - Prop. Actg. - BBB

b0514n.jln

MAY 15 1991



State of Idaho
DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705 - (208) 334-2190

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

January 17, 1990

Bureau of Land Management
3948 Development Ave.
Boise, ID 83705

Re: Application for Permit #61-07615 in the name of Carlyle Butler

Dear Sir:

This letter is to acknowledge the assignment of the above-referenced water right to you from Carlyle Butler. Enclosed is a copy of the Assignment of Application. We will continue to process this application.

Sincerely,

A handwritten signature in cursive script that reads "David R. Tuthill, Jr.".

DAVID R. TUTHILL, JR., P.E.
Manager, Western Regional Office

DRT:st

CC: Carlyle Butler
705 East Main
Jerome, ID 83338

FILED

JUL 15 1991



State of Idaho
DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705 - (208) 334-2190

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

December 12, 1989

Bureau of Land Management
3948 Development Ave.
Boise, ID 83705

Re: Application for Permit No. 61-07615 in the name of Carlyle Butler

Dear Sir:

Enclosed is a copy(s) of the above-referenced application(s) for permit which may be of interest to your agency. Please review the application(s) and submit any comments you may have.

This office normally completes the processing of an application within a six-week period and is required to take final action shortly thereafter, however, if your agency desires to file a formal protest against the approval of this application(s), your written protest must be received in this office by December 26, 1989.

If you have any questions regarding the application, please contact this office.

Sincerely,

Steve Lester for

DAVID R. TUTHILL, JR., P. E.
Manager, Western Regional Office

DRT:st

Enclosure(s):

JUL 15 1991

61-07615

BUTLER, CARLYLE
705 E. MAIN
JEROME, ID 83338

Source: BENNETT CREEK
COMMERFORD SPRINGS
SPRINGS

Tributary: SNAKE RIVER
BENNETT CREEK
BENNETT CREEK

Diversion Pt:	SENESE	Sec	9	T	05S	R	08E
	SESE	Sec	9	T	05S	R	08E
	SENWSW	Sec	10	T	05S	R	08E
	SWSW	Sec	10	T	05S	R	08E

Use: STOCKWATER	(.050 CFS)	
WILDLIFE	(.050 CFS)	
WILDLIFE STORAGE		(400.00 AF)
DIVERSION TO STORAGE	(.400 CFS)	
Total Diversion:	(.450 CFS)	(400.00 AF)

Date Filed: 11/17/1989

In: T05S R08E S09	NESE	SESE
S10	NWSW	SWSW
S16	NENE	NESE

JUL 15 1991