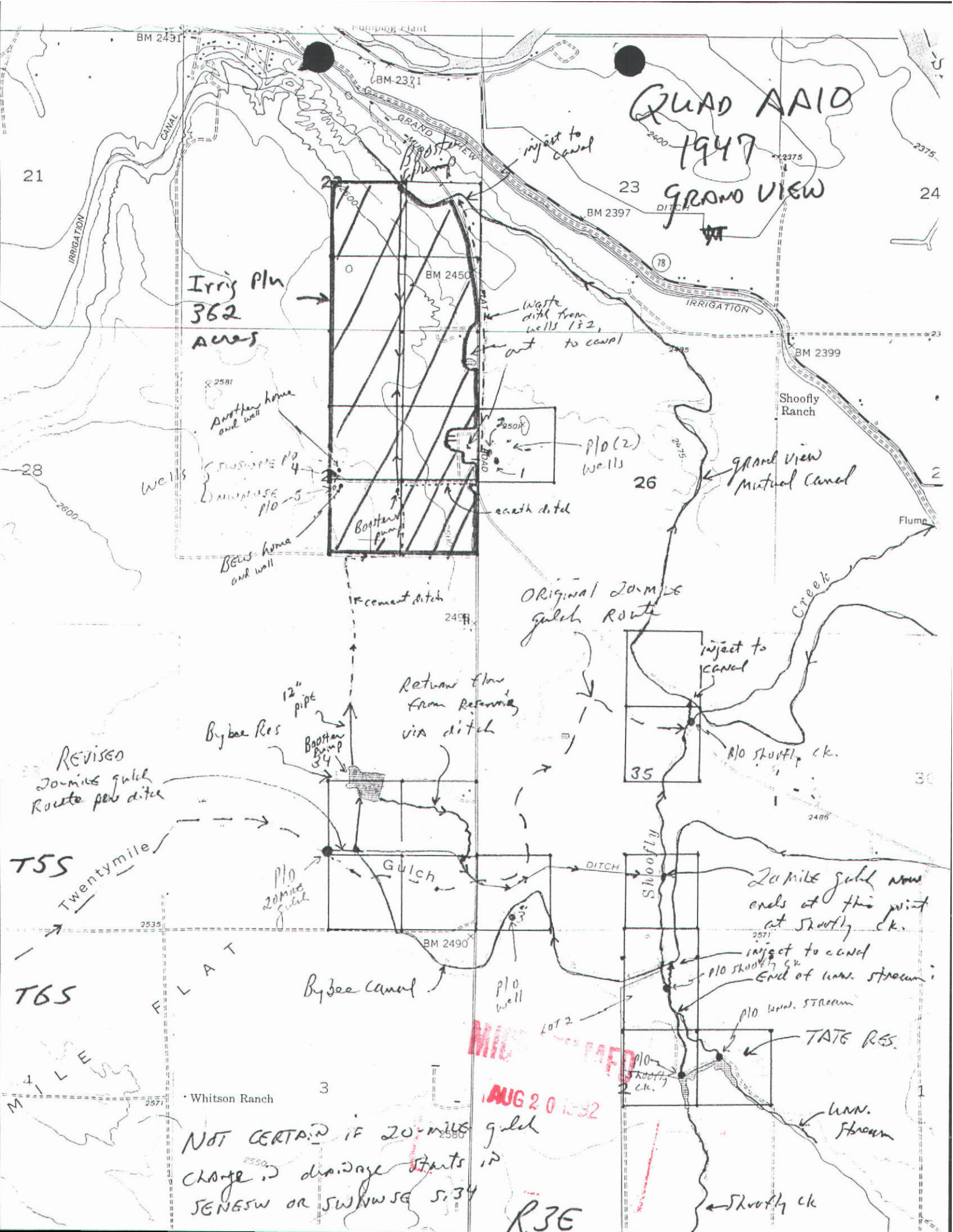
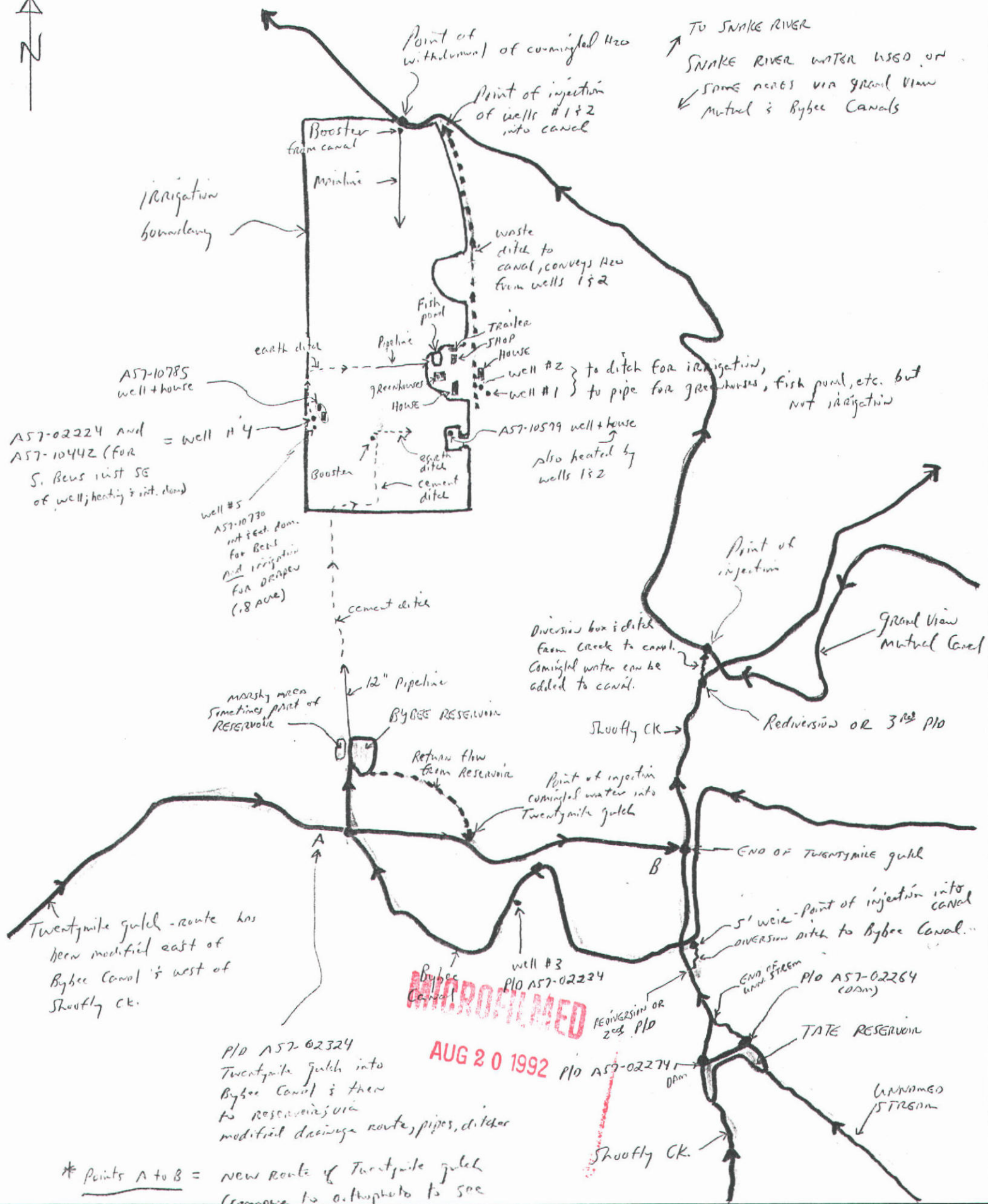




DRAPER SYSTEM diagram AST-02224 et al

SCALE $1'' \approx 2030'$



* Points A to B = new route of Twenty mile gulch
compare to orthophoto to see

BEWS Home road, pasture is NWNWSE S. 27

TOTAL irrig = 8200 Lawn
 3800 Lawn
 4250 garden
 42000 pasture
 57450 ft² = 1.3 ac

/// = TOTAL irrigated
 by BEWS well
 AS7-10730

⊗ = well site

10730 : int + ext dom.

10729 : int. dom.

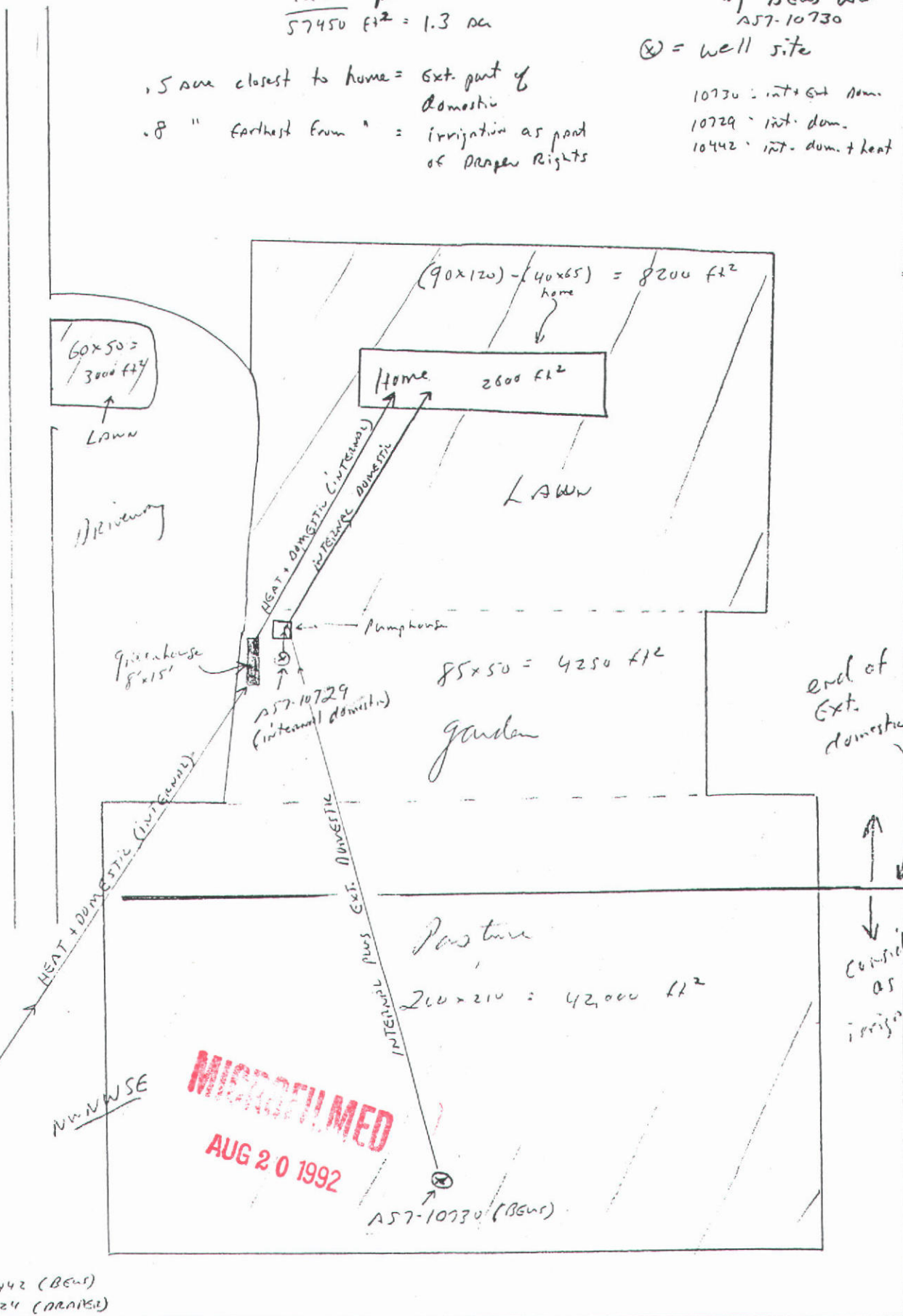
10442 : int. dom. + heat

5 ac closest to home = ext. part of domestic
 8 " farthest from " = irrigation as part of proper rights

TO ↑
 mud flat rd
 ≈ 1/2 mile

42

10730 ft²
 107



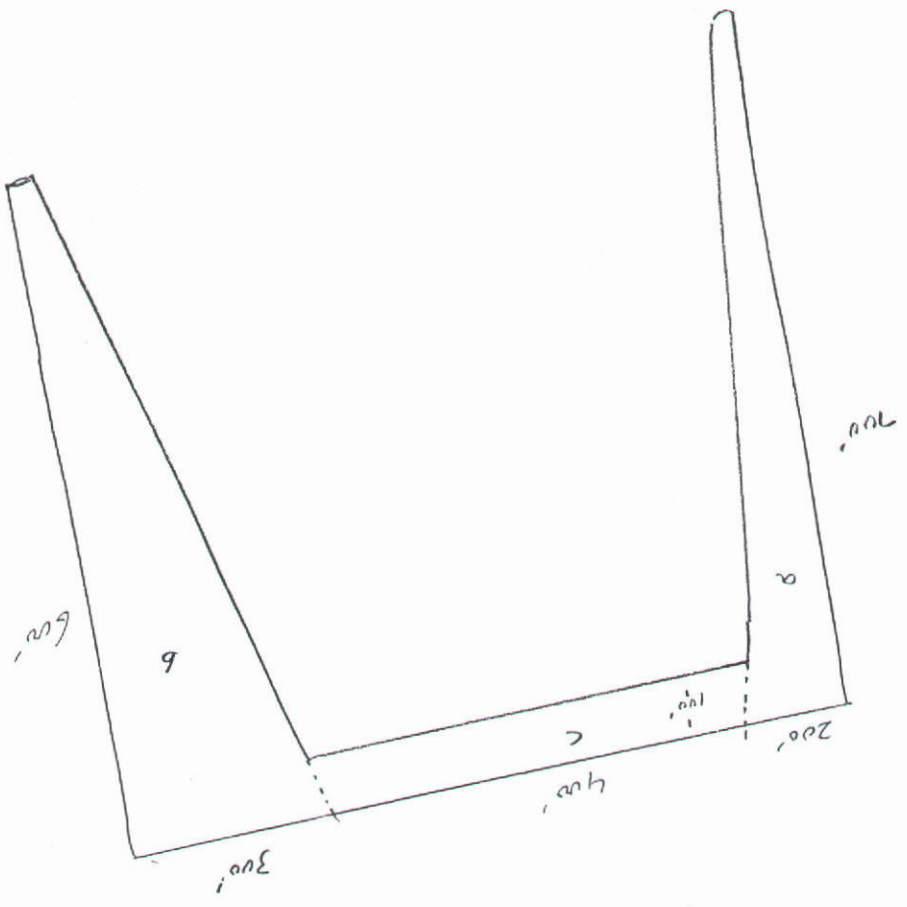
1. 0.24 acre - RESERVE volume

NO DATA FAIRLY INFO AVAILABLE

① TATE RES. is 5 1/2 NE 1/4 S. 2

② Bybee Reserve

Use EXAMINER'S est. of 10 ac. ± 7.5' depth = 75 a.f. for lack of better data.



Approximately 2 triangles: 1 rectangle (c)

Surface Area

$$A_a = \frac{(1/2)(200)(700)}{43560} = 1.61$$

$$A_b = \frac{(1/2)(300)(600)}{43560} = 2.07$$

$$A_c = \frac{(400)(100)}{43560} = .92$$

$$\text{Total area} = 1.61 + 2.07 + .92 = 4.6 \text{ acres}$$

Volume x depth estimated at 5'

$$V = (A)(d) = (4.6)(5) = 23 \text{ a.f.}$$

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LICENSE RECORDS SECTION 57-02264 = 4 cfs } 10 cfs yields 19.8 a.f./24 hrs

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APR 06 1988

Form 219
6/86

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Department of **BENEFICIAL USE FIELD REPORT**

Should questions arise during
the processing of this applica-
tion please contact:

SHERL L. CHAPMAN
410 S. Orchard, Suite 144
Boise, ID 83705
344-6690

A. GENERAL INFORMATION

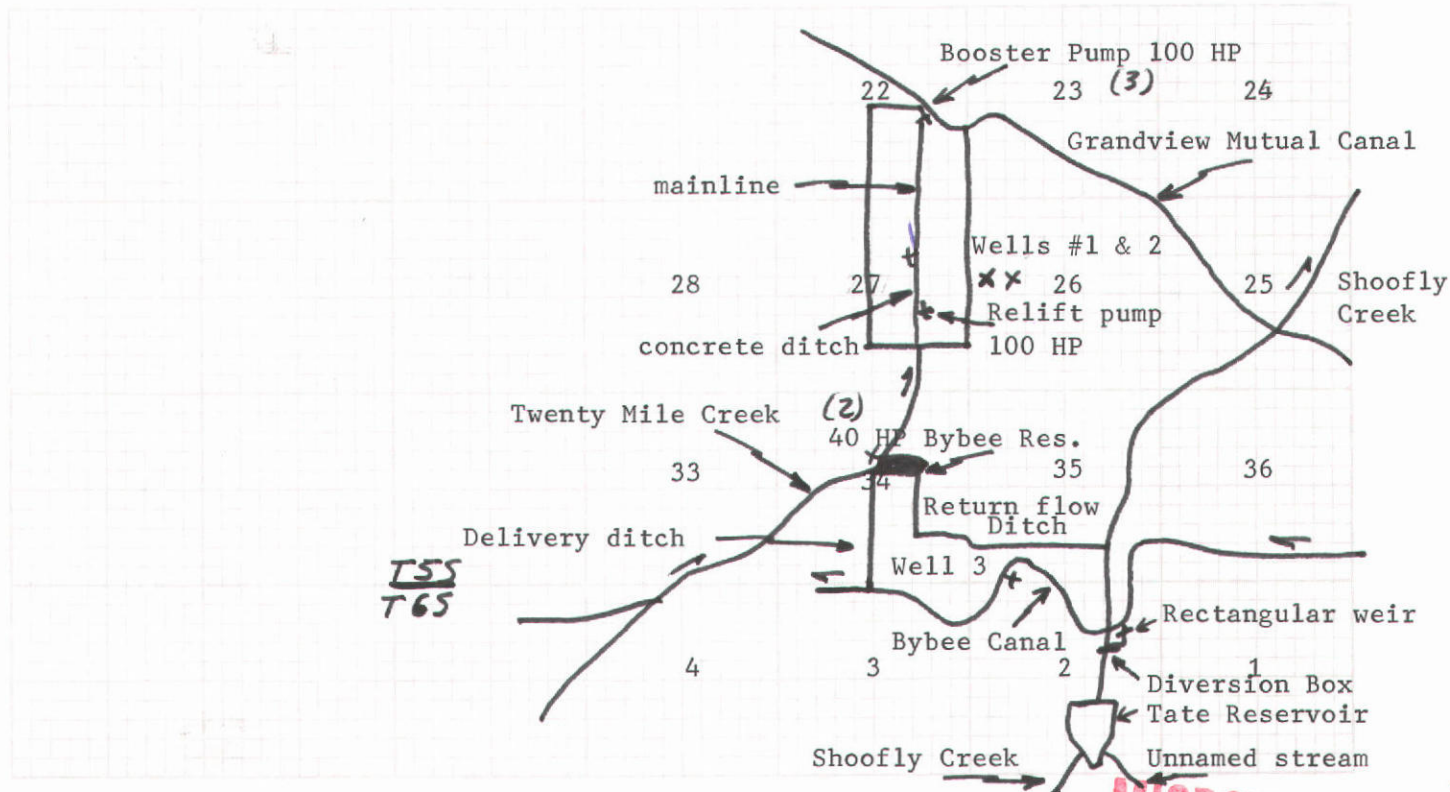
1. Owner: D. O. Bybee Permit No. 57-2274
Current Address: Route B, Box 322, Grandview, ID 83624 Phone No. 834-2737
2. Accompanied by: D. O. Bybee EXAM. DATE: 6/4/87
Address: same Phone No. _____
Relationship to Permit Holder: Owner
3. Source: Shoofly Creek tributary to Snake River

B. OVERLAP REVIEW

1. Other water rights with same place of use: 57-2324; 57-2264
_____ ☐ Copies Attached
2. Other water rights with same point of diversion: 57-2324; 57-2234; 57-2264
_____ ☐ Copies Attached ☐ Copies of Field Exam's Attached

C. SYSTEM DESCRIPTION

1. **Diversion System Diagram:** Indicate all major components and distances between components. Indicate weir size/ditch size/pipe i.d. as applicable. ☐ Alternative diagram attached



Scale: 1" = _____

2. ☐ Copy of U.S.G.S. Quadrangle Attached
Showing location(s) of point(s) of diversion and
place(s) of use (required).

☒ Photo of Diversion and System Attached

(required for all but single household domestic groundwater, and stockwater.

☒ Aerial Photo Attached
(required for irrigation of 10 acres or more)

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C444
2806
T816

40

A
40.0

40

C
496

37.5

gravel pits
1 mile 1/2 acres

22/23
27/26

D
42.7

E
5.5

C339
80.6
T.762

40

A

B
39

38

E
24

F
296

G
41.0

38

16.8

EE31
682

White Glove
Ranch

32
FF
104

NOTE - ← SL 5/1/91
S. 22
NENWSE - 1/2 ACRES
ON NE side of
canal is outside
of P/L.
50' NWSG = 39.5 ACRES

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- Mainline from Bybee Reservoir -



- 100 HP Booster Pump From Canal -

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- Bybee Relift Pump - 100 HP -



- Bybee Reservoir

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- 40 HP Pump at Bybee Reservoir -



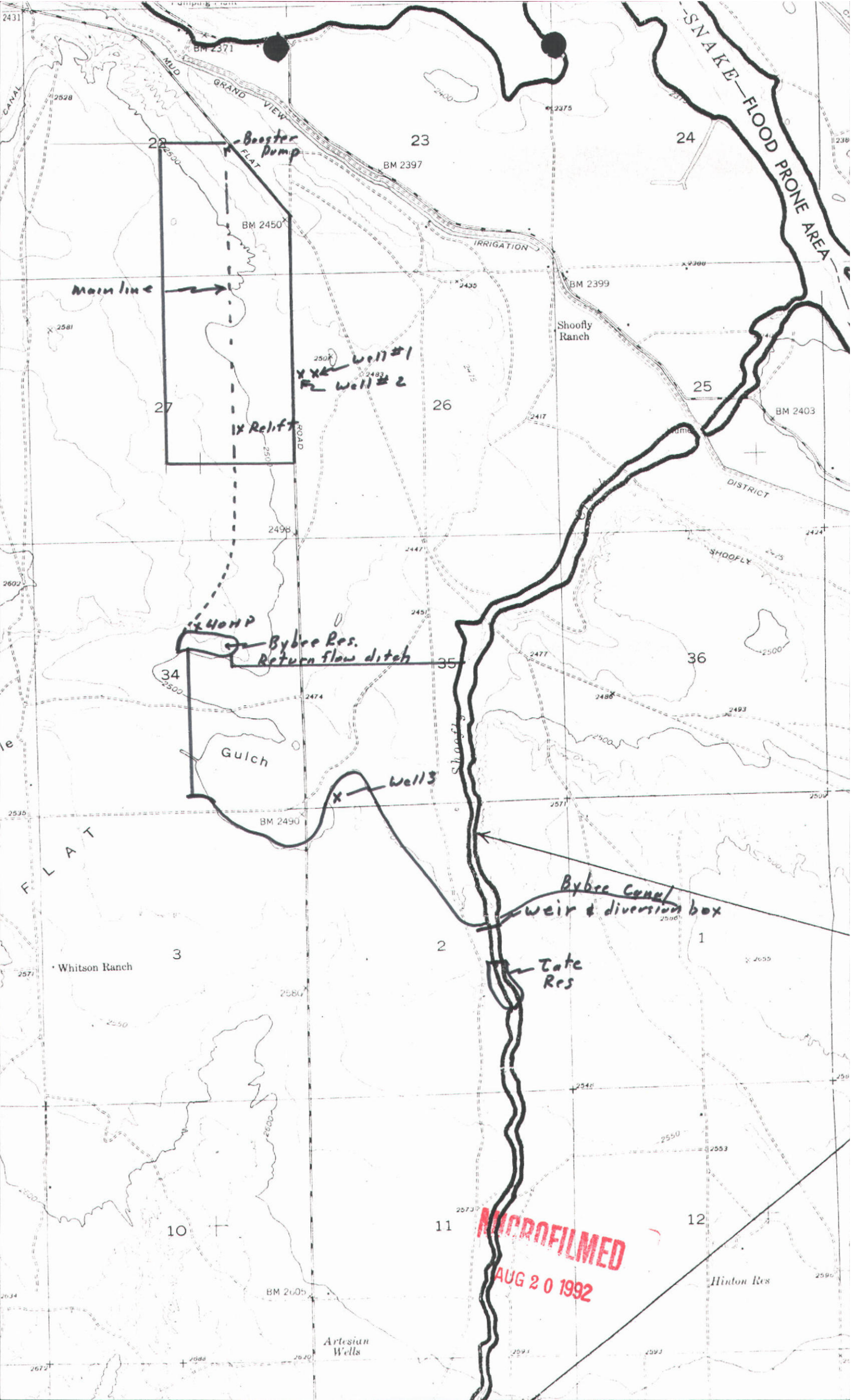
- Rectangular Weir Below Tate Reservoir -

REFILMED
AUG 20 1992



- Ditch to 100 HP Relift Pump -

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AUG 20 1992



Snake—FLOOD PRONE AREA

BM 2371

23

BM 2397

24

Booster Pump

BM 2450

IRRIGATION

BM 2399

Shoofly Ranch

25

BM 2403

Main line

Well #1
Well #2

Relift

26

DISTRICT

SHOOFLY

40HP

Bybee Res.
Return flow ditch

35

Gulch

Well 3

BM 2490

Bybee Canal
Weir & diversion box

Tate Res

Whitson Ranch

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AUG 20 1992

Hinton Res

Artesian Wells

PROOF OF PUBLICATION

STATE OF IDAHO }
County of Owyhee } s.s.

I, RODNEY A. HAWES, being first duly sworn, on oath says that he is the Publisher of the OWYHEE NUGGET, a newspaper of general circulation, published weekly by Rodney A. Hawes, publisher and printer thereof, at Marsing, County of Owyhee, State of Idaho;

That the annexed notice was published in said newspaper once each week and every week for 2 consecutive weeks, the first publication being on the 3 day of April, 1969, and the last publication being on the 10 day of April, 1969;

That the said newspaper has been published continuously and uninterruptedly in said county during a period of more than seventy-eight consecutive weeks prior to the first publication of the attached notice.

Rodney A. Hawes
PUBLISHER

Subscribed and sworn to before me this 10 day of April, 1969.

Lona S. Hawes
NOTARY PUBLIC

My commission expires 9-10-72

(SEAL)

RECEIVED
APR 22 1969
Department of Reclamation

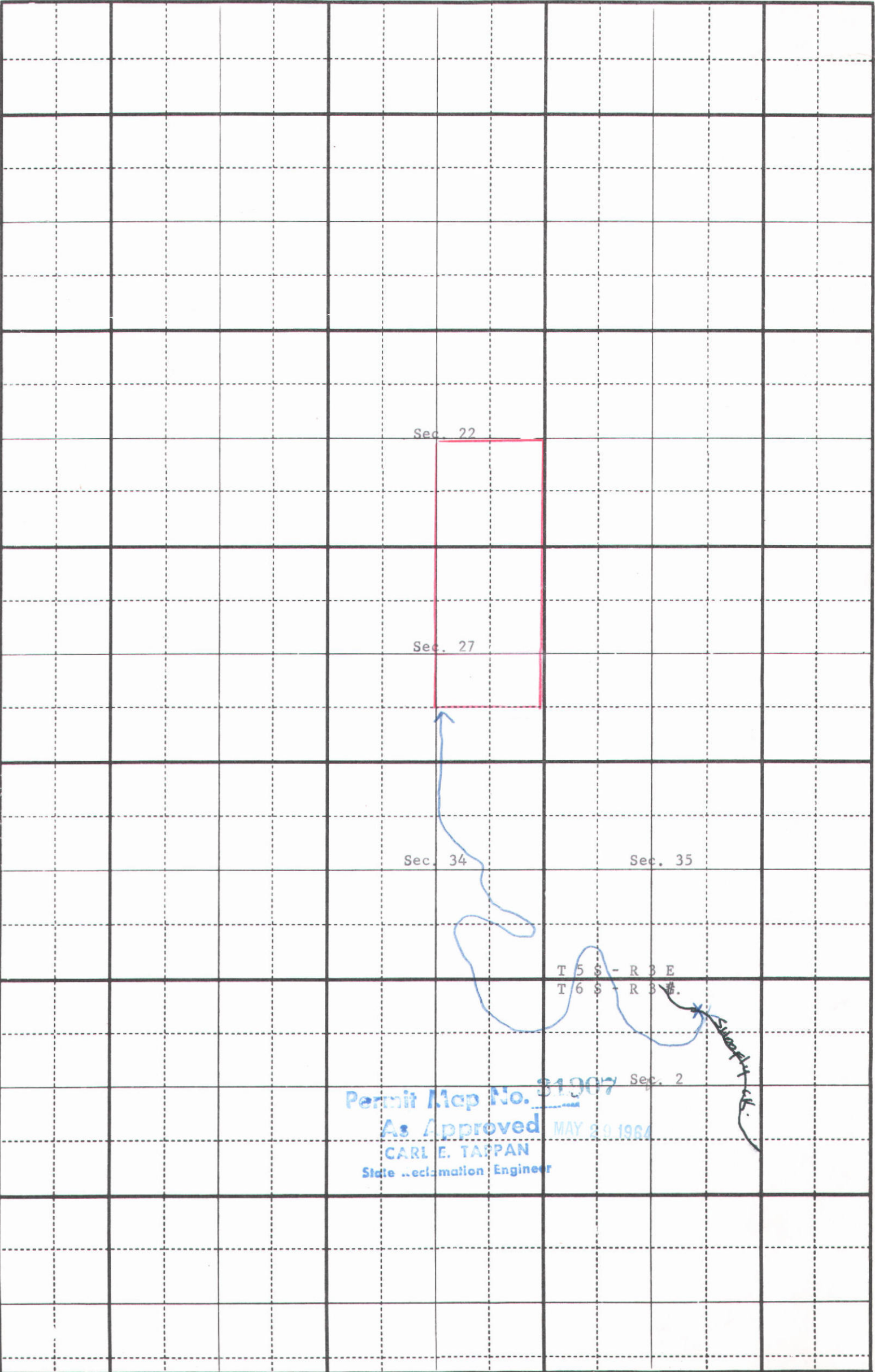
NOTICE OF APPROVED APPLICATION FOR WATER

Notice is hereby given that D. O. Bybee, Grand View, Idaho has received an approved permit No. 31907 to divert 6 cubic feet per second of water from Shoo-fly Creek tributary of Snake River. The priority to be established under this permit is May 26, 1964. Water will be diverted by diversion dam and ditch within the Lot 2 (NW 1/4-NE 1/4), Sec. 2, T. 6 S., R. 3 E., B. M., Owyhee County and is to be used for irrigation in the SE 1/4, Sec. 22, NE 1/4, N 1/2 SE 1/4, Sec. 27, T. 5 S., R. 3 E., B. M.

Any protests against the intent of the permit must be filed with the Department of Reclamation within ten days from the last date of publication of this notice.

R. KEITH HIGGINSON,
State Reclamation Engineer
Published in the Owyhee Nugget, Marsing, Idaho on April 3 and April 10, 1969.

31907



State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 57-02274

Priority: May 29, 1964

Maximum Diversion Rate: 6.00 CFS
Maximum Diversion Volume: 1810.0 AF

This is to certify, that CHARLES RAYMOND DRAPER
CELIA C DRAPER

HC 85 BOX 321

GRAND VIEW ID 83624

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated May 26, 1964; and has submitted Proof of Beneficial Use on April 28, 1975. An examination indicates that the works have a diversion capacity of 16.500 cfs of water from:

SHOOFLY CREEK

tributary to SNAKE RIVER

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>
IRRIGATION	03/15 to 11/15	6.00 CFS	1810.0 AF

LOCATION OF POINT(S) OF DIVERSION: Lot 2(NWNE), Sec. 2, Township 06S, Range 03E
OWYHEE County

<u>PLACE OF USE:</u>	<u>IRRIGATION</u>					
<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
05S	03E	22	NESE 23	NWSE 39.5	SWSE 40	
			SESE 37.5			140
		27	NENE 35	NWNE 40	SWNE 38	
			SENE 33	NESE 37	NWSE 39	222

Total number of acres irrigated: 362

CONDITIONS/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 that 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 must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.

RECORDED

AUG 20 1992

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE
WATER RIGHT NO. 57-02274

CONDITIONS/REMARKS:

5. This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 5.0 afa per acre for the lands above.

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 10TH day of AUGUST, 1992.

Acting for R. Keith Higginson, Director

NOT RECORDED

AUG 20 1992

57-2274

Application For Permit
To Appropriate the Public Waters of the State of Idaho

APPLICATION No. 40034
PERMIT No. 31907
DISTRICT No.

1. Name of Applicant **D. O. Bybee**

Postoffice address: **Box 72, Grandview**

County: **Owyhee**

State: **Idaho**

I. If applicant is a corporation, give:

(a) Date and place of incorporation:

(b) Amount of capital stock:

(c) Amount paid in:

(d) Names and addresses of directors:

II. The financial resources of the applicant are:

(a) Cash on hand:

(b) Treasury stock:

(c) Bond to be issued:

(d) Other resources:

2. Quantity of water claimed: **6**

cubic feet per second.

3. Source of water supply: **Shoofly Ck.**

which is a tributary of **Snake River**

4. Location of point of diversion:

feet distant from the

corner of Section , T. , R. , B.M., and is in the **Lot 2 (NW $\frac{1}{4}$ NE $\frac{1}{4}$)**

of section **2** , T. **6 S** , R. **3 E** , B. M., County of **Owyhee**

5. Water is to be used for **Irrigation**

6. If for mining, milling, power or manufacturing purposes, give:

(a) Point of use of water: feet distant from corner of Section

T. , R. , B.M., in the of Section of , T. , R. , B.M.

(b) Amount of power generated: H.P., under feet head.

(c) Water is to be returned to at a point feet

distant from the corner of Section , T. , R. , B.M., in the
of Section , T. , R. , B.M.

7. Estimated cost of works: \$ **3,000**

8. Kind of works: **Diversion dam and ditch**

9. Height of dam **8** feet; length of dam at top **50** feet; length of dam at bottom **20**

feet; material used in dam: **clay and rock**

10. Size of headgate: Width **2** feet; height **2** feet.

11. Ditch: Width at bottom **3** feet; width at water line **4** feet; depth of water **2** feet;
dimensions of flume:

Diameter of pipe inches; length of conduit **2 $\frac{1}{2}$** miles.

Average grade per mile **5** feet.

12. The time required for the completion of such work is **5** years.

13. The time required for the complete application of the water to the proposed use is **6** additional years.

14. The land to be irrigated is described in the following tabulation: See remarks.

15. Existing water rights and/or valid permits appurtenant to the lands to be irrigated are:

30263, which will be relinquished and R-1185

16. (a) Is reservoir to be used? **no** If so, fill in (b) and (c) below:
 (b) Name of Reservoir and number of Storage Permit:
 (c) Date of filing of Application for Storage Permit and Name of Applicant:

BE IT KNOWN THAT The undersigned hereby makes application for permit to appropriate the public water of the State of Idaho as herein set forth.

D. O. Bybee

Applicant.

By s/ Harley M. McDowell

Agent.

Date of first receipt at Department of Reclamation: 8:00 A.M. May 26, 1964

Returned to applicant for correction:

Corrected application received:

Approval of State Reclamation Engineer

The number of this permit is **31907**

Recorded in Book 112 Page 31907 Approved May 29, 1964

Recorded in Book --- Page 31907 Approved May 29, 1964
This is to certify that I have examined the within application for a permit to appropriate the public waters of the State of Idaho, and hereby approve the same, subject to the following limitations and conditions:

Bond in the sum of \$ _____ to be filed on or before _____

Work to begin on or before **July 29, 1964** and to continue diligently and uninterruptedly to completion, unless temporarily interrupted by circumstances over which permit holder has no control.

One-fifth of the work above specified to be completed on or before **November 29, 1966**

The whole of said work to be completed on or before **May 29, 1969**

The whole of said work to be completed on or before **May 29, 1967**
Beneficial use of water appropriated in accordance herewith, to be made on or before **May 29, 1975**

See condition under Remarks

WITNESS My hand this 29th day of May, 1964

s/ **CARL E. TAPPAN**
State Reclamation Engineer.

IN TESTIMONY WHEREOF, WE,.....**ROBERT E. SMYLIE**....., Governor of the State of Idaho,
and**ARNOLD WILLIAMS**....., Secretary of State of the State of Idaho, have caused this instrument to

be executed in the name of the State of Idaho, and caused the Great Seal of the State of Idaho to be hereunto affixed, this.....**29th**.....

day of May, 1964
Countersigned:

STATE OF IDAHO

(SEAL) By s/ ARNOLD WILLIAMS
Secretary of State.

By s/ ROBERT E. SMYLLIE
Governor.

REMARKS: All lands to be irrigated under this permit are deeded lands.
Water shall not be diverted for irrigation of described lands at rate of over 1 CFS per 50 acres of land.

14.

Twp.	Range	Sec.	NE1/4				NW1/4				SW1/4				SE1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
5 S	3 E	22 27	40	40	40	40								40	40	40	40	160 240	
Total Number of Acres to be Irrigated																		400	
Permit No. 31907 + CERTIFICATE OF COMPLETION OF WORKS <i>nr</i>																			
TO ALL WHOM IT MAY CONCERN:																			
This is to certify that D. O. BYBEE of Grand View, County of Owyhee, and State of Idaho, the holder of Permit No. 31907, issued upon Application No. 40034, bearing date of priority of May 26, 1964, authorizing the diversion of 6.0 second feet of waters of Shoofly Creek, tributary of the Snake River, County of Owyhee, State of Idaho, for irrigation purposes, has fully complied with the provisions of the laws of the State of Idaho relating to the proof of completion of the works of diversion set out and described in said Permit; that said works are adequate for diverting and conveying to the place of intended use <u>6.0</u> second feet of the waters of Shoofly Creek, tributary of the Snake River; that the point of diversion of said waters is in <u>Lot 2 (NW1/4 NE1/4)</u> , Sec. <u>2</u> , T. <u>6 S</u> , R. <u>3 E</u> , B.M. and that the lands proposed to be irrigated by the use or place of use of said water are described as follows, to-wit: SE1/4, Sec. 22; NE1/4, N1/2 SE1/4, Sec. 27, T. 5 S, R. 3 E, B.M.																			
Proof of Completion of Works Made: May 17, 1967.																			
Witness my hand this 19th day of May, A. D. 1967.																			
s/ R. KEITH HIGGINSON State Reclamation Engineer																			

August 13, 1992

CHARLES RAYMOND DRAPER
CELIA C DRAPER
HC 85 BOX 321
GRAND VIEW ID 83624

RE: WATER RIGHT NO. 57-02274

Dear Water Right Holder(s):

Enclosed herewith is a copy of the Water Right License issued on the above referenced permit.

Sincerely,

PAMELA SKAGGS
Water Resource Agent

PS:cz

Enclosure

RECEIVED
AUG 20 1992

MEMORANDUM

TO: Files 57-2234/2264/2274/2324

FROM: Sharla

DATE: June 16, 1992

RE: Questions and Concerns Regarding License Issuance

Norm raised some questions and concerns during his review of these rights. The following is a summary of those concerns and actions taken to resolve them.

1) The reservoir was recommended to be licensed for 75 acre feet; this would place the right under Dam Safety jurisdiction. The file was routed to Mike Stubblefield. His comments are attached and will be made part of the file. The large discrepancy in volume was discussed with Steve Lester; he stated that he had not personally made any calculations for volume but had wondered why there were no Dam Safety records if the reservoir indeed stored 75 acre feet as listed by Sherl Chapman. He felt comfortable with Mike's assessment. Subsequently, the permit holder will be notified that the amendment and license will be changed to reflect this reduction and will be allowed a response period to object.

2) Concern was raised over possible earlier water rights for Grand View Irrigation District or Grand View Mutual Canal Co. They have no rights filed on Shoofly Creek or any of the other sources listed in these rights. All of their rights are directly out of the Snake River, therefore, a question of junior vs. senior right does not come into play here.

3) The point of diversion under Right 57-02264 (unnamed stream) was originally proposed as the dam site (Tate Reservoir). Since this is a live flow right, the site of the dam was not the correct point of diversion to be listed. In the discussion with Steve Lester, he explained that the unnamed stream flows next to the reservoir on the east side just as Shoofly Creek flows next to the west side of the reservoir; they both then continue past the dam. As Steve comments in his memo of 5/15/91, the stream empties into Shoofly Creek in the NW $\frac{1}{4}$ NE $\frac{1}{4}$, S2, and is rediverted into a ditch 500' downstream from the confluence of the streams. He also states that withdrawal also occurs within this legal. It seems appropriate then to list the point of diversion from the unnamed stream as the NW $\frac{1}{4}$ NE $\frac{1}{4}$, (Lot 2), Sec. 2, list point of injection into Shoofly Creek within the same legal, and point of rediversion within the SW $\frac{1}{4}$ NE $\frac{1}{4}$, S35.

4) Examiner photos show leaking wells. I spoke with Mark Slifka and he stated that he was aware of two of the four wells leaking.

UNRECORDED
AUG 20 1992

Page 2

He took the legal descriptions and made an on-site inspection on 6/15. Well #1 is leaking a small amount. Well #'s 2 and 3 are leaking profusely. Mark will be writing up his findings and recommendations for bringing the wells up to the standards; a copy will be included in the water right file. A license should not be issued for the right until the modifications are made. Mark indicated that the cost of these modifications could be as high as \$20,000 and projected a time frame of a year for completion. The Adjudication Bureau will be notified that the license is being held for this reason. The right will then have to be recommended as a permit.

SHARLA

I LOOKED AT THIS DAM QUITE SOME -
TIME AGO. THE DAM IS LESS THAN 10 FEET
IN HEIGHT & THE RESV AREA IS APPROX.
7 ACRES. FROM MY ESTIMATION, THE
STORAGE CAPACITY IS APPROX .4 (8) (7)
OR ± 22 AC-FT WHICH IS TOO SMALL FOR
OUR JURISDICTION.

MA 6/31/92

UNRECORDED

AUG 20 1992

MEMORANDUM

TO: Files 57-2234/2264/2274/2324

FROM: Sharla

DATE: February 14, 1992

RE: Name Change

The above referenced rights are currently in the name of D.O. Bybee. Mr. Bybee is now deceased. Charles R. Draper is the current owner of the property. This fact is substantiated by the fact that the adjudication claims for these rights were filed by the Draper's. Steve Lester also references ownership in Draper's name in his memo of 5/15/91.

Mr. Draper came into the office on 1/27 to file the amendment forms. He paid the filing fees and signed the forms; he stated that he would send copies of Warranty Deeds so that the licenses could be issued in his name. The deeds, while confirming land ownership, do not specifically state that water rights were transferred (except for hot springs and a hot water well).

Since a direct assignment from the owner of record is impossible and since the adjudication claims reflect current ownership by Draper, the amendments will be accepted with his signature. Further, the records will be changed to issue the licenses in Mr. Draper's name.

SEE FILE 57-2234 FOR COPIES OF THE WARRANTY DEEDS SUBMITTED BY MR. DRAPER.

AUG 20 1992



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

January 15, 1992

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

RE: Permit Nos. 57-2234/2264/2324/2274

D.O. Bybee
Rt B Box 322
Grand View, DI 83624

Dear Mr. Bybee:

The above referenced files are currently being reviewed for license issuance.

Before licenses can be issued for Permits 57-2234, 57-2264 and 57-2324, the permits must be amended to correspond with the findings of the field examiner at the time of his inspection. Enclosed are the Applications for Amendment for these permits. Please review them and if you concur, sign and return the forms to us along with the filing fees (\$20.00 for each amendment - total = \$60.00) within 15 days.

Also enclosed is a draft copy of the license we propose to issue for Permit No. 57-2274. This permit does not need to be amended in order for us to issue the license.

The amendments and the draft reflect the Snake River Adjudication Claims as they likely will be recommended to the court.

If you have any questions, feel free to give me a call.

Sincerely,

A handwritten signature in cursive script that reads "Sharla Curtis".

SHARLA CURTIS
Water Resource Agent

Enclosures

cc: Sherl Chapman

...HUN...

AUG 20

MEMORANDUM

TO: JIM JOHNSON
FROM: STEVE LESTER
DATE: MAY 15, 1991
SUBJECT: FIELD EXAMS 57-02234 -02264 -02274 -02324

The b.u. exams were conducted by Sherl Chapman on 6/4/87 and 3/14/88. On 10/11/90 I conducted the SRBA verification field work for the Draper claims which include claims for the above permits (permits in name of Bybee, now deceased). As we previously arranged, an evaluation of Sherl's exams would be provided prior to licensing to deal with any complications related to adjudication recommendations. This memo summarizes my findings and includes attached maps, diagrams, ASCS photo, and worksheets. Photographs from 1990 field work are available if needed (filed with A57-02224, which I have).

The permits involve wells, three streams, and two reservoirs. No IDWR dam safety information is available for either reservoir. Sherl found 366 acres but 362 acres were identified from the 1990 field work and use of ASCS photos, orthophotos, and NAPP photos (see acreage worksheet). In reality, all of the acres are irrigated with co-mingled water from various sources. However, SRBA claims were filed for particular acres for particular rights and will be recommended in that fashion (v. one common P/U). This method also agrees with the manner in which permits were issued.

Permit 57-02234 3 hot wells properly located in preliminary license. 262 acres recommended per acreage worksheet (note 100 acres via license 57-02224). See P/U in Appl. for Amendment. Hot well in SWSWNE S.27 (well #4 on maps and diagram) used to be but no longer is used for irrigation. Well #4 now used for other uses per A57-04108 (Draper) and A57-10442 (Beus) (details in claim recommendations). Recommend adding well identified in A57-10730 (claim by S. Beus also examined by me) that contributes to irrigation of .8 acre in NWNWSE S.27 west of Beus' home & yard and just east of Draper P/U border. This is well #5 in diagram. Also see Beus Home & Yard diagram. This cold water well irrigates 1.3 ac. and supplies water to Beus' home. Beus claims cover internal & external domestic and heating for 1 home. Only 1/2 acre irrigation may occur with Beus claims. The remaining .8 ac. requires an irrigation right but none of the Beus priority dates allow b.u. claim for irrigation. The .8 ac. within pasture but excluded from domestic definition falls within the Draper P/U and can be included in this permit, especially since this parcel was originally developed under this permit.

This scenario adds a P/D to an existing irrigation right instead of deleting .8 ac. from Draper and requiring Beus to file appl. for permit for .8 ac. irrigation in GWMA. Additionally, the pasture is bordered on south, west, and north by Draper crop land and is a small piece of cropland area recently converted to pasture by agreement between Draper and Beus. Although well #5 is not tied into common mainline for other wells, it can be included just as well #3 was permitted in 57-02234 (although #3 well is not physically tied into wells #1 and 2).

MICROFILMED
AUG 20 1992

After this license is issued, Draper and Beus will be contacted to accomplish a split of claim A57-02234 to show well #5 for .8 ac. for Beus and wells 1-3 for 261.2 ac. for Draper. This seems like a clearer way to deal with inclusion of the pasture and cold well rather than assigning a part of permit to Beus prior to licensing. That alternative would be complicated by tracking down the current owner of Bybee's permit and completing an assignment.

See the Rate of Flow Worksheet concerning the cfs and afa values associated with the permit and license 57-02224.

Permit 57-02264 Unnamed stream for 240 ac. slightly rearranged as shown on Appl. for Amendment. Volume is limited to 1200 afa ($5 \times 240 = 1200$). A dam straddling the unnamed stream and Shoofly Creek (57-02274) stores about 23 af of onstream storage (see reservoir volume worksheet for estimate) in Tate Reservoir. The dam is in SENE S.2 for unnamed stream. The stream empties into Shoofly Creek in south half of L.2 NWNE S.2, and a diversion ditch for reservoir water and/or live flow from Shoofly Creek is located 500' downstream from the confluence of the streams. A second diversion ditch from Shoofly Creek is located in SWNE S. 35. I would consider the P/D as the dam in SENE with a comment that water from the unnamed stream can be injected into and then withdrawn from Shoofly Creek via the ditches, where injection occurs in L.2 NWNE S. 2 and withdrawal occurs in same legal plus SWNE S. 35. There is no P/D in L.2 for the unnamed stream. See 57-02274 for more information. See topo map. The 10 cfs flow rate for rights involving Tate Reservoir, or this permit and 57-02274, provides about 20 af/24 hr., which is close enough to reservoir estimate that storage can be considered a detail of the system.

Because the unnamed stream has considerably less flow than Shoofly Creek, the dam is relatively more important for this lesser source. This is an additional reason to treat the dam as the P/D.

Permit 57-02274 Shoofly Creek for 362 ac. slightly modified as shown in Appl. for Amendment. Reduce div. volume to 1810 af ($5 \times 362 = 1810$). This right is the other portion of the Tate Reservoir system. The dam is found in SWNE S. 2 (continued dam from unnamed stream). Stored and/or live flow water can be injected into the Bybee Canal via the ditch in L.2 NWNE S. 2 and flows into Bybee Reservoir in S. 34, from which pumping delivers water to P/U. Also, stored and/or live flow can continue down the creek to be diverted in SWNE S. 35 via a ditch that routes water into the Grand View Mutual Canal at a point in NWNE S. 35. Water is withdrawn from the G.V.M. Canal with a booster pump in NWSE S. 22 and used throughout the entire P/U.

The point of diversion can be defined as the dam with two points of redirection on the creek and occurring at the two ditches below the dam. Alternately, three points of diversion could be shown, 1 at the dam and two for the ditches. A third suggestion, one that I favor, identifies the P/D as the two ditch sites that divert live flow and/or stored water from the creek. Storage would be a detail of the system not requiring the dam to be included as a P/D. However, it is not adequate to simply identify the P/D as L.2 in S. 2 (the upstream diversion ditch).

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Permit 57-02324 Twentymile Gulch (not creek and not north fork) tributary to Shoofly Creek per topo/orthophoto for 360 ac. modified as shown in Appl. for Amendment. No P/D's found in S. 2 or 22. The natural drainage was altered via ditch work. The alteration starts on/near QQ line of NESW-NWSE S. 34. Downstream from this point, the gulch now flows as a ditch running almost due east. The ditch can deliver water into Bybee Canal in NWSE S. 34 (point of injection into canal) and thence to Bybee Reservoir in SWNE and NWSE S. 34. Water is pumped north from the reservoir through a 12" pipe and cement ditch to P/U. Water from the rerouted drainage can also cross Bybee Canal via 2 pipes and continue in the ditch (=gulch) to be injected into Shoofly Creek at a point in SWSE S. 35. Water is then withdrawn from Shoofly Creek via the previously discussed injection ditch for the Grand View Mutual Canal and thence to booster pump from canal in NWSE S. 22. Note that co-mingled reservoir water can return to Twentymile Gulch via ditch leaving SE corner of reservoir.

Thus, it is possible for storage water to be delivered to fields via Shoofly Creek and G.V.M. Canal. Since the permit is a storage right, the injection/withdrawal information refers to stored water routed from the reservoir through a ditch leaving reservoir at SE end and emptying into the gulch and from there into the creek (v. live flow injection via pipes across the canal and then to creek).

Therefore, the P/D is single point on NESW-NWSE line in S. 34 where alteration of the natural drainage begins. Water is conveyed to reservoir via Bybee Canal. Water is stored in Bybee Reservoir.

Sherl estimated the reservoir as a 10 acre pond about 7.5' deep. This seems a little large compared to what I saw, but I do not have any data to dispute his estimate and find it acceptable. However, shouldn't the preliminary license show irrig. storage/irrig. from storage of 75 af rather than 80 af to agree with the total shown?

Misc. Info Per water right and SRBA files, consultant's exams, my exams, and Draper's information:

<u>well no.</u>	<u>casing</u>	<u>depth</u>	<u>temp.</u>	<u>pipeline</u>	<u>cfs</u>	<u>comments *</u>
1	8"	2600- 3000	184	8"	1.20	combines w/ #2 to waste ditch to canal, then booster pump
2	12"	"	172	8"	.76	
3	12"	"	160	12"	1.32	open discharge into canal
4	12"	1700	135	-	2.51	1962 exam meas. **
5	6"	140	cold	1.5- 2"	.07	1990 sprinkler meas.

* no well logs found.

** 1962 gravity flow, then pumped, now gravity flow 4" pipe to Beus home 12" open discharge to ditch/pipeline for heating/fish prop but no irrigation

CC: Regional files - JZ

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AUG 20 1992

DRAPER/BYBEE ACREAGE WORKSHEET

SECTION 22	1987-88 Exam By consultant	TOTAL ACRES RECOMMENDED (OLD + NEW)	1990 EXAM TOUR ^{1/}		DIFFERENCE & REMARKS
			OLD RIGHT	NEW RIGHT	
NESE	23	23	5	18 ✓	
NWSE	40	39.5	39.5	- ✓	- 1/2 ac, canal & land NE of canal
SWSE	40	40	-	40 ✓	
SESE	37.5	37.5	5.5	32 ✓	add 1/2 ac. to old right to balance
subtotal	140.5	140.0	50	90	1/2 ac. removed from old right in NWSE
SECTION 27					
NENE	37.5	35	-	35 ✓	- 2.5 ac., roads & non-manipulated area
NWNE	40	40	-	40 ✓	
SWNE	38	38	20	18 ✓	
SENE	33	33	30	3 ✓	
NESE	38	37	-	37 ✓	- 3 ac., roads & non-manipulated area
NWSE	39	39	-	39 ✓	includes .8 ac. from B&W well in
subtotal	225.5	222	50	172	A 57-10730 for pasture that formerly was part of cropland field
TOTAL	366	362	100	262	

Lic 57-02224
 Permit 57-02234

Rec'd to nearest 1/2 ac. to be consistent with consultant.

Roads - minus 1 ac. per 1/4 mile, long borders east side Plu &
 1 1/2 lane gravel road runs west along border S 1/2 NE & N 1/2 SE S. 27

^{1/} Field work, aces photos, NAIP photos, orthophoto, topo.

OLD = Lic. 57-02224

NEW = 57-02234

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DRAPER/BYBEE - RATE OF FLOW / VOLUME WORKSHEET (2 pgs)

a)

<u>WELL</u>	<u>CFS</u>	
1	1.20	
2	.76	
3	1.32	
4	2.51	<u>Excluded</u> from irrigation now
5	.07	
	<u>3.35</u>	<u>Titls for wells 1-3 & 5</u>

b) 362 acres 100 w/ 57.02224 Lic., wells 1-3
 262 w/ 57.02234 Permit, wells 1-3, 5

c) 246 days/season, 5.0 AFA/ac requirement

d) $\text{CURRENT RATE/AC.} = \frac{\text{total cfs}}{\text{total acres}} = \frac{3.35}{362} = .00925$

$(362)(5) = 1810 = \text{irrigation requirement}$

$(3.35)(246)(1.9835) = 1634.6 = \text{system capacity wells 1,2,3,5}$

e) Previously, Lic 57.02224 100 ac., 2 cfs, imphal 500 AF.

OLD RATE ac. = $\frac{2.0}{100} = .02 \text{ cfs}$

f) OLD RATE $\rightarrow$ current rate for 100 ac. so don't need add'l water right coverage for 100 ac. Also, the 100 ac. receives max allowable cfs + AFA.

g) NEW ACRES $\rightarrow (262)(.00925) = \underline{2.42} \text{ cfs}$

$(262)(5) = 1310 \text{ AFA}$

$(2.42)(246)(1.9835) = \underline{1180.8 \text{ AFA}}$

(LIC. RES'ID 57.02234 2.42 cfs $\pm$ 1180.8 AFA)

- continued -

FILED

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RATE OF FLOW/VOLUME WORKSHEET PG. 2

h) total flow rates

$$\begin{array}{r} 2.0 \\ 2.42 \\ \hline 4.42 \end{array}$$

system capacity = 3.35 cfs

i) total volume

$$\begin{array}{r} 500 \\ 1180.8 \\ \hline 1680.8 \end{array}$$

volume limit per item d = 1634.6 acf

j) items h & i require lic. conditions for permit 57-02234

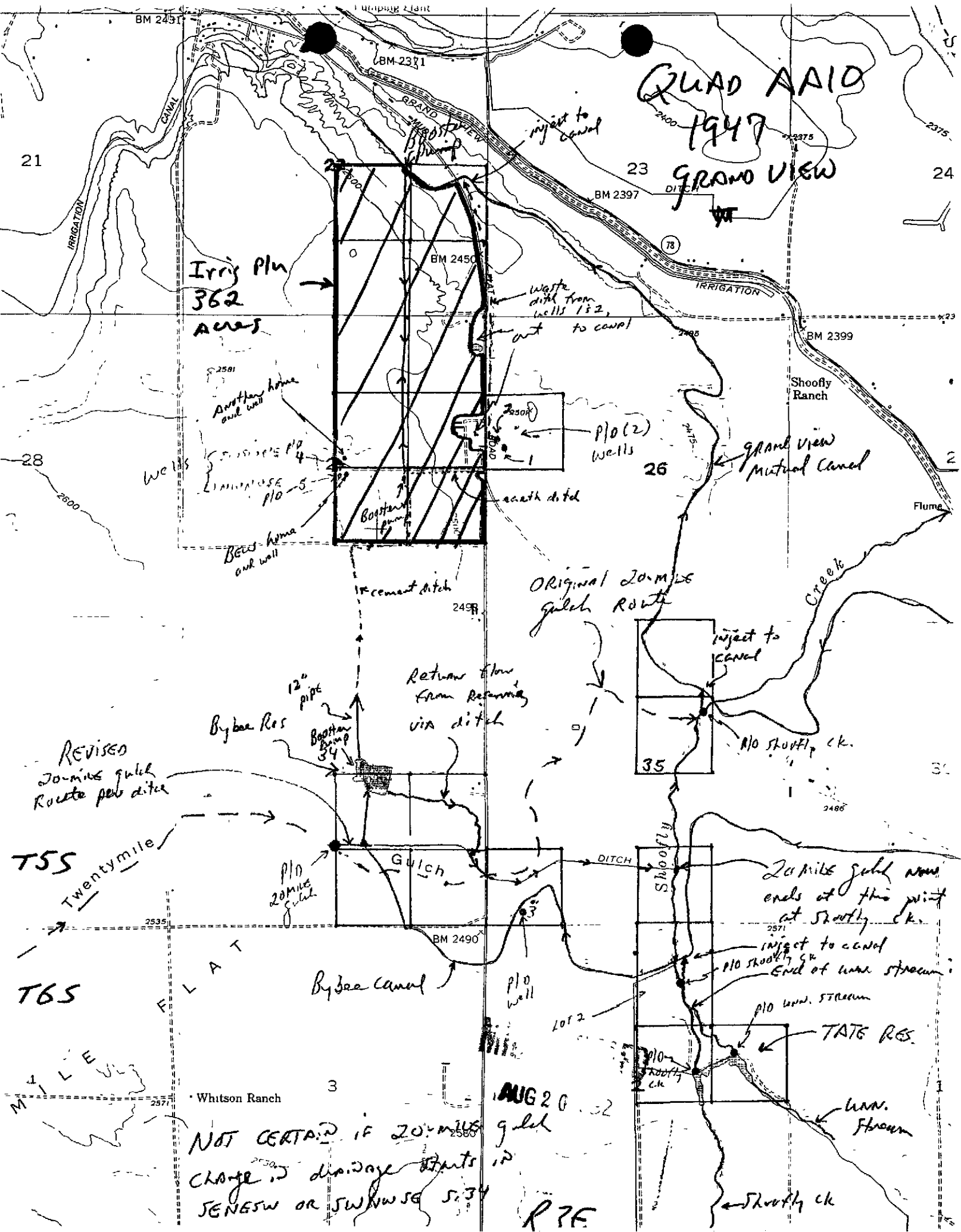
R17: $57.02234 + 57.02224 = 3.35$ cfs

combined div. volume both rights 1634.6 acf

Since wells are supplemental, shortfall in cfs & acf is not a problem for irrigated land.

MAINTAINED

AUG 20 1992



DRAPER (BYBEE)
A57-02224 et al

draft copy use topo for
the designations for permits.
This ortho shows locations &
delivery routes etc

5/15/11

Point of
withdrawal
(Booster
pump)

PIPELINE

waste ditch

FISH
POND

Trailer
SHOP

well #2

well #1

Shoofly
Ranch

P/O A57-10579
(BGS's well)
MUNN DRAINAGE

garage

cement
ditch

P/O A57-10579

Grand
VIEW
canal

Point of
injection of
reservoir
into 20

Point of injection

Point of withdrawal
(= point of rediversion)

T55

T65

Twentymile

CURRENT
TWENTYMILE
gully

12" PIPE

BYBEE
CANAL

Bybee
res.

Shoofly
canal

CURRENT
TWENTYMILE
gully

well #3

P/O A57-02324

Bybee
canal

P/O A57-02324
(Point of injection)

Point of injection
(= point of withdrawal)

P/O A57-02269

P/O A57-02274

TARO
RES

Artesian
Wells

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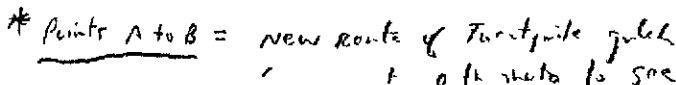
Landing
Strip

NAPP- AA 10 NW

R3E

RM 2605

SCALE 1" $\approx$ 2030'



BEWS Home and, pasture in NWNWSE 5.27

TOTAL irrig = 8200 Lawn
 3100 Lawn
 4250 garden
 42000 pasture
 57450 ft² = 1.3 ac

/// = TOTAL irrigated
 by BEWS well
 AS7-10730

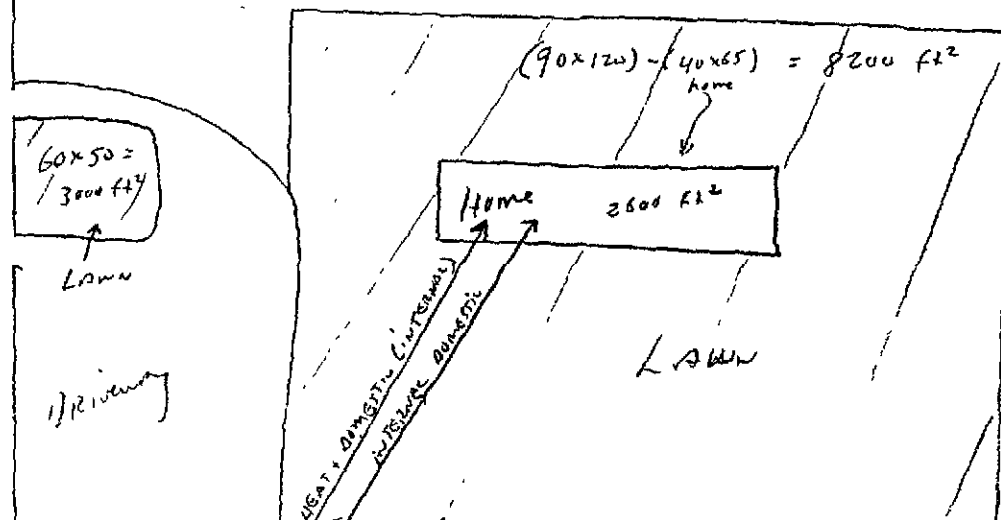
⊗ = well site

10730 - int + ext dom.
 10729 - int. dom.
 10442 - int. dom. + heat

TO ↑
 mud flat rd
 ≈ 1/2 mile

.5 acre closest to home = ext. part of
 domestic
 .8 " farthest from " = irrigation as part
 of Draper Rights

42



end of
 Ext.
 domestic

↑
 ↓
 consid
 as
 irrig

NWNWSE

MEET MED
 AUG 20 1992

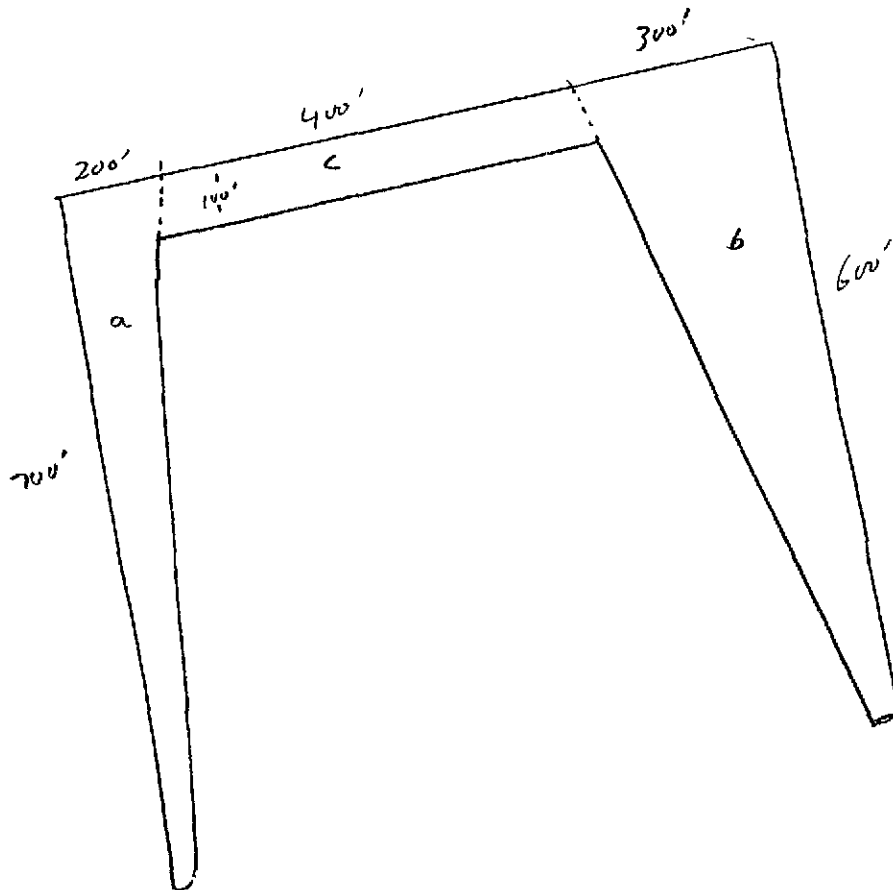
AS7-10730 (BEWS)

HOT well
 AS7-10442 (BEWS)
 AS7-02224 (DRAPER)

DRAPER - RESERVOIR VOLUME

NO DPM SAFETY INFO AVAILABLE

① TATE RES. in $5\frac{1}{2}$ NE $\frac{1}{4}$ S. 2



② Bybee Reservoir

use Examiner's est.
of 10 AC. & 7.5'
depth = 75 a.f.
for lack of better
data.

APPROXIMATELY 2 triangles & 1 Rectangle
(a, b) (c)

Surface
Area
in
acres

$$A_a = \frac{(\frac{1}{2})(200)(700)}{43560} = 1.61$$

$$A_b = \frac{(\frac{1}{2})(300)(600)}{43560} = 2.07$$

$$A_c = \frac{(400)(100)}{43560} = .92$$

$$\text{TOTAL AREA} = 1.61 + 2.07 + .92 = 4.6 \text{ acres}$$

VOLUME

& Depth estimated at 5'

$$V = (A)(d) = (4.6)(5) = 23 \text{ a.f.}$$

LICENSE RECOMMENDATION

$57.02264 = 4 \text{ cfs} \left. \vphantom{57.02264} \right\} 10 \text{ cfs yields } 19.8 \text{ a.f. / 24 hrs}$

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6/86

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Department of **BENEFICIAL USE FIELD REPORT**

Should questions arise during
the processing of this applica-
tion please contact:

SHERL L. CHAPMAN
410 S. Orchard, Suite 144
Boise, ID 83705
344-6690

A. GENERAL INFORMATION

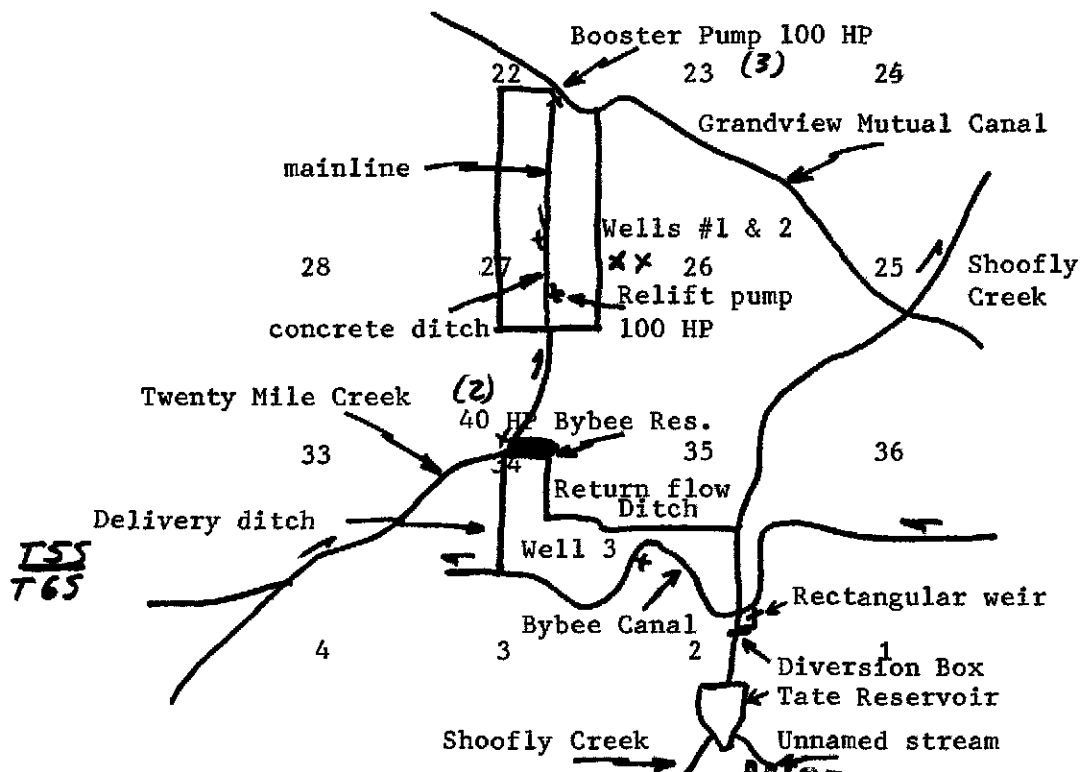
1. Owner D. O. Bybee Permit No. 57-2274
Phone No. 834-2737
Current Address Route B, Box 322, Grandview, ID 83624
2. Accompanied by D. O. Bybee EXAM. DATE 6/4/87
Address same Phone No. _____
Relationship to Permit Holder: Owner
3 Source: Shoofly Creek tributary to Snake River

B. OVERLAP REVIEW

1. Other water rights with same place of use 57-2324; 57-2264
_____ ☐ Copies Attached
2 Other water rights with same point of diversion 57-2324; 57-2234; 57-2264
_____ ☐ Copies Attached ☐ Copies of Field Exam's Attached

C. SYSTEM DESCRIPTION

1. **Diversion System Diagram:** Indicate all major components and distances between components. Indicate weir size/ditch size/pipe i. d. as applicable. ☐ Alternative diagram attached



Scale: 1" = _____

2. ☐ Copy of U.S G S Quadrangle Attached
Showing location(s) of point(s) of diversion and
place(s) of use (required).

☒ Photo of Diversion and System Attached
(required for all but single household domestic groundwater, and stockwater.

☒ Aerial Photo Attached
(required for irrigation of 10 acres or more)

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System Description (continued)

3. **Narrative:** Description (As operating at time of measurement. Indicate pressure, number of sprinklers, etc)

Water is stored by common agreement in reservoir on adjacent neighbors land.

Diversion is through release of water down Shoofly Creek channel to concrete diversion structure then through rectangular weir. Water then flows to Bybee Canal and eventually to the Bybee Reservoir in the SW/4 NE/4, Sec. 34, T5S, R3E. Water is then pumped to cropland using 40 HP pump from reservoir.

☐ See Remarks on page 4 for continuation

4.

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
1	None	None	None	None	None
2	GE	40	5K6247XH4A	Layne Bowler	14444
3	Holloshaft	100	R2017763	Layne Bowler	8"

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

5. **Point(s) of Diversion:**

Ident. No.	Gov't. Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Method of Determination/Remarks
1			NW	NE	2	6S	3E	Owyhee	Field/map
2			SW	NE	34	5S	3E	OwyHee	Field/map
3			NW	NW	22	5S	3E	Owyhee	Field/map

6. **Place(s) of Use:**

Indicate Method of Determination

Twp.	Rge.	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	
5S	3E	22													23	40	40	37.5	140.5
5S	3E	27	37.5	40	38	33									38	39			225.5
																			366

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Do not use this space

Do not use this space

D. FLOW MEASUREMENTS

☐ Additional Data Sheets Attached

1.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date
Rectangular weir	Wood	Constr.	---	---	5'	---

2. Measurements:

Rectangular weir producing 5.77 cfs at 0.5' stage on 6/4/87. High water mark on weir was at about .9' which would be 16.5 cfs.

E. FLOW CALCULATIONS

☐ Additional Computation Sheets Attached

1. Measured Method

2. Alternate Method for Checking Purposes

F. PUMP EFFICIENCY DATA (Optional)

Discharge Pressure: _____ psi x 2.31 = _____ ft (1), Dynamic pumping level: _____ ft (2)

Total Head: (1) + (2) = _____ (3), Flow rate: _____ cfs (4)

Water HP: (3) x (4) ÷ 8.8 = _____ (5)

Meter Input KW 3.6 x _____ KH x _____ CTR or _____ MULT x _____ PTR x _____ N/ _____ T = _____ (6)

Meter Input HP: (6) x 1.34 = _____ (7)

Panel Input KW _____ Ave PF x _____ Ave Volts x _____ Ave Amps x .001732 = _____ (6)

Panel Input HP: (6) x 1.34 = _____ (7) Efficiency: (5)/(7) x 100 = _____ %

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation

$V_{IR} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = 366 \times 4.5 = 1647$

$V_{DR} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 = 6.0 \times 1.9835 \times 244 = 2904$

$V = \text{Smaller of } V_{IR} \text{ and } V_{DR} = 1647$

2. Volume Calculations for Other Uses

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H. REMARKS AND OVERLAP REVIEW ANALYSIS

Water will, after diversion, end up in the Bybee Reservoir where it is pumped to the land irrigated with a 40 HP GE pump. Capacity of the Bybee Reservoir is 75 ac/ft. The water may also be relifted using a 100 HP booster at mid field and can also be dropped into the Grandview Mutual Canal where it would be reddiverted by pumping in the NW/4 NW/4, Sec. 22, T5S, R3E.

I. RECOMMENDATIONS

1 Recommended Amounts

Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (afa)
	From	To		
Irrigation	3/15	11/15	6.0	1647
Totals:			6.0	1647

2. Recommended Amendments

☒ 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

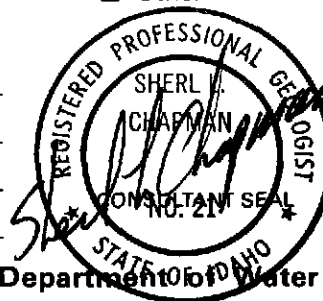
J. AUTHENTICATION

Field Examiner's Name Sherl L. Chapman

Signature Sherl L. Chapman

Certification Date 5/5/87

Field Report Preparation Date 6/24/87



K. Licensing recommendation shall be prepared by an Idaho Department of Water Resources employee on a computer printout attached hereto.

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C444
2806

T816

40

B
5.4

23

37.5

C
496

Gravel
pits
25

22 23

21 26

ED
427

E
55

C330
806
T762

40

B
39

E
24

F
296

G
41.0

38

32

FF
104

EE31

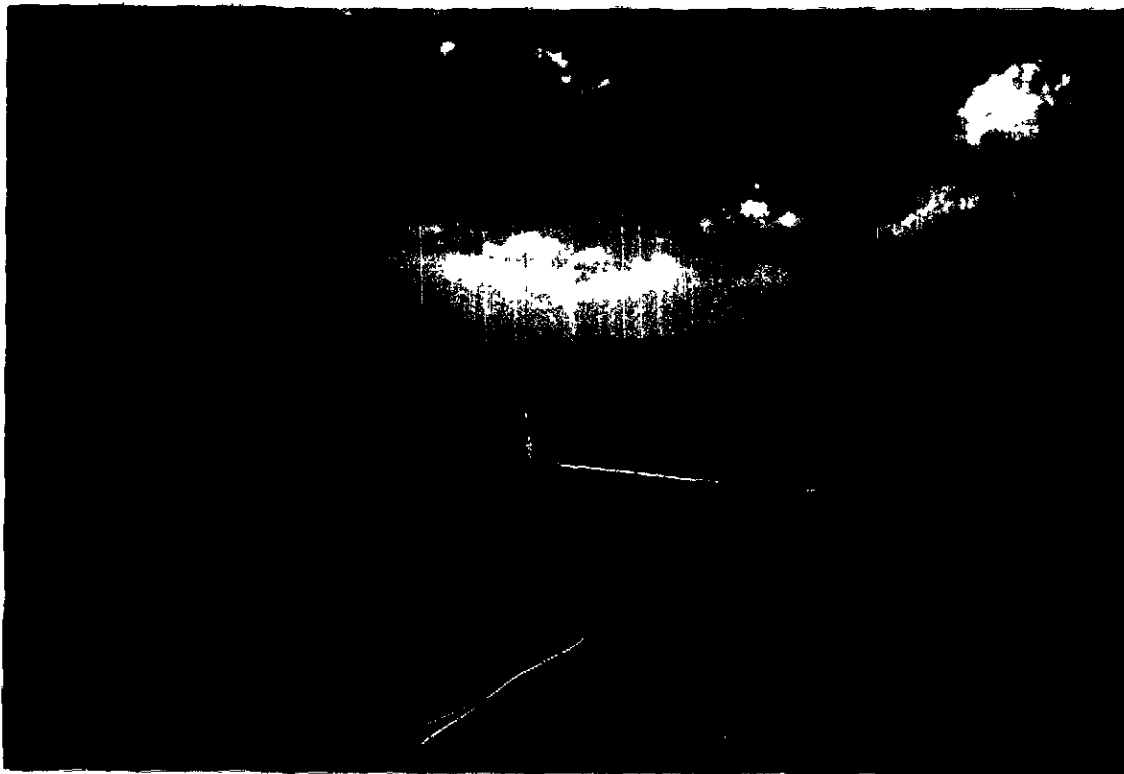
682

White
Lunch

NOTE: $\frac{1}{2}$ sec
S. 22
NENWSE - $\frac{1}{2}$ sec
ON NE side of
canal is outside
of P/L.
SO: NWSE = 39.5 sec

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AUG 20 1992



- Mainline from Bybee Reservoir -



- 100 HP Booster Pump From Canal -

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- Bybee Relift Pump - 100 HP -

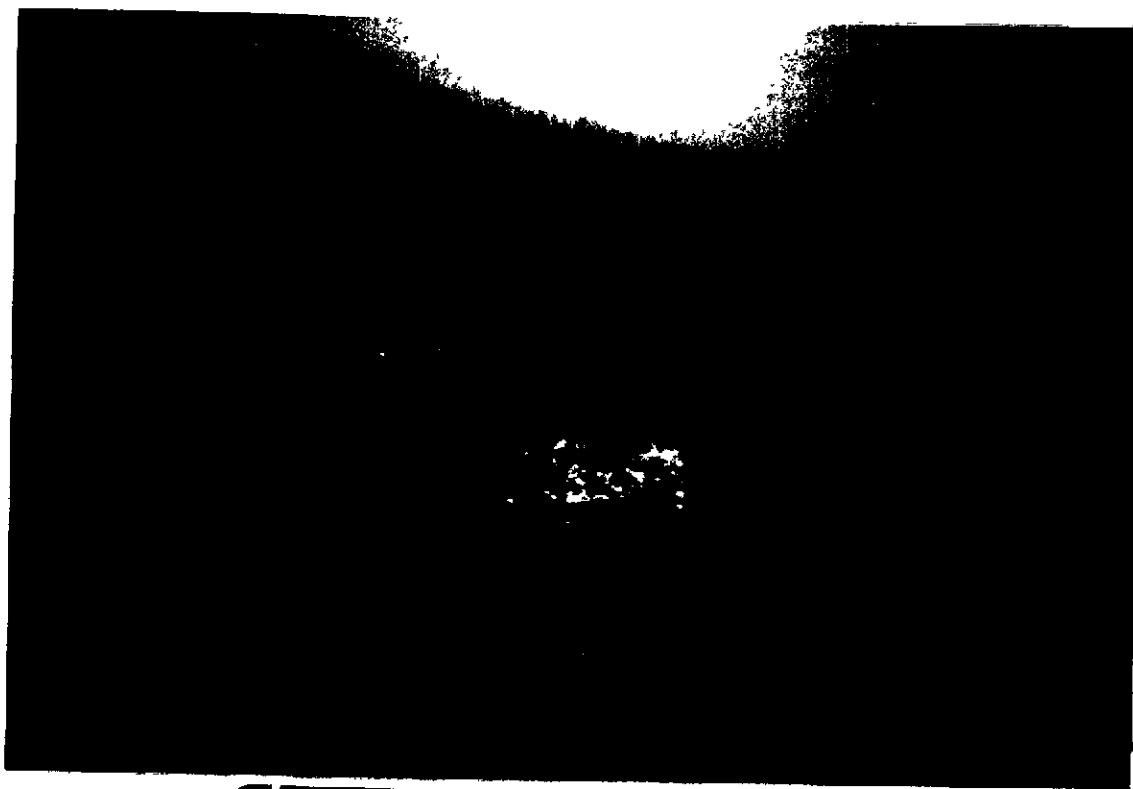


- Bybee Reservoir -

AUG 20 1992



- 40 HP Pump at Bybee Reservoir -



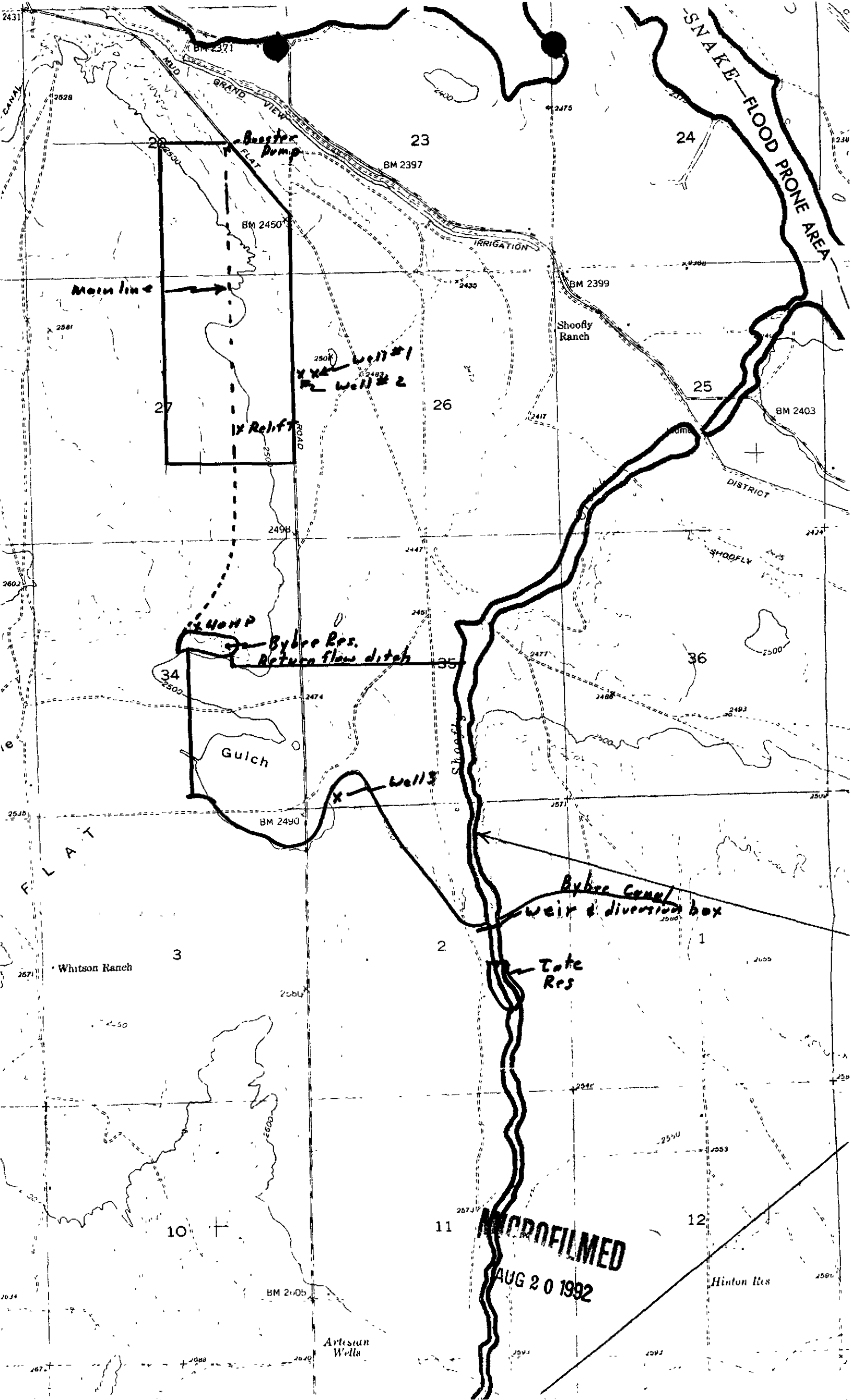
- Rectangular Weir Below Tate Reservoir -

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- Ditch to 100 HP Relift Pump -

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Snake - Flood Prone Area

23

24

25

26

27

36

3

2

1

10

11

12

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Hinton Res

Artisan Wells

Whitson Ranch

Bybee Canal
Weir & diversion box

Take Res

Bybee Res.
Return flow ditch

Gulch

Well #1
Well #2

1x Relift

Boosting Pump

Main line

F L A T

MEMORANDUM

TO: FILE

FROM: JIM JOHNSON

RE: REVIEW OF CERTIFIED EXAM ON RIGHT 57-2274

DATE: 10-12-88

=====

ADJUSTMENTS TO THE EXAMINERS RECOMMENDATIONS

The Beneficial Use Field Report showed in item H.1 volume to be 1,647 acre feet. This is incorrect. The correct volume is 1,830 acre feet.
(5.0 acre feet/acre * 366 acres = 1,830)

PRIORITY ADVANCE REVIEW:

A. PERMIT

Permit Priority Date:	05-18-1967
Proof Due Date:	05-29-1975
Proof Received Date:	04-28-1975

(No Priority Advance Required)

B. EXAM FEE NOTICE

Exam Fee Notice Sent Date:	04-03-1987
Exam Fee Due Date or Examination Information Sheet Due Date:	06-03-1987
Examination Information Sheet Received Date:	05-29-1987

(No Priority Advance Required)

C. CERTIFIED EXAMINER

Exam By Certified Examiner Due Date:	04-03-1988
Exam Received From Examiner Date:	04-06-1988

PRIORITY ADVANCE REQUIRED! 3 DAYS

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AUG 20 1992

D. LAPSE NOTICE

Permit Lapse Notice Sent Date:
Permit Lapse Date:

N/A

(No Priority Advance Required)

E. CALCULATE NEW PRIORITY DATE

Priority Date of Permit:
Plus Number of Days Late:
(Sum of Items A,B,C,D)
NEW PRIORITY DATE

05-18-1967
3 DAYS

05-21-1967
=====

OVERLAP REVIEW:

PERMITS: 57-2234, 57-2264, 57-2274, 57-2324

The above four(4) water rights overlap the same place of use. Each water right has a different source and each source can be comingled to irrigate the lands identified under each right.

There is no source overlap on any of the points of diversion listed under each right.

The beneficial use report listed 3 points of diversion. Only one point is used from the source and the 2 others are rediversion points. The only point of diversion included on the license is the point of diversion location diverting water from the source which is LOT 2 (NWNE) SEC 2 T06S, R03E.

CONDITIONS OF LICENSE:

Each right will require the condition as follows:

<<R33>> This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 5.0 afa per acre for the lands above.

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Form 217
03/86

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For Office Use Only
Fee Received _____
Date _____
Receipt # _____
Receipt by _____
Reviewed by _____
Sent to region _____

Should questions arise during
the processing of this applica-
tion please contact:

SHERL L. CHAPMAN
410 S. Orchard, Suite 144
Boise, ID 83705
344-6690

Department of Water Resources
Department of Water Resources of Idaho Northern Regional Office

DEPARTMENT OF WATER RESOURCES

PROOF OF BENEFICIAL USE

The Idaho Department of Water Resources will consider this form as a statement that the permit holder(s) has 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 or a completed field examination report prepared by a certified water right examiner who has been appointed by the department.

Permit No. 57-2274

Name(s) of Permit Holder: D. O. Bybee

Post Office Address: Route B, Box 322, Grandview, ID 83624

Telephone No. 834-2737

Source of Water: Shoofly Creek

Extent of Use:

Domestic _____ (number of households) Stockwater _____ (number and type of stock)

Irrigation 366 (acres) Other/Remark _____

Total rate and/or volume for which proof is submitted 6.0 cfs 1647 acre-feet

Show the date water was first diverted and beneficially used under this permit: 1965

Measuring Device: Required? Yes X No
Installed? Yes X No

Fee enclosed \$ _____
(See License Examination Fee Schedule)

Flow Measurement Port: Required? Yes X No
Installed? Yes X No

Person to contact to accompany the Department representative during the field examination:

N/A

(Name)

(Telephone Number)

(Address)

The above information 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.

AUG 20 1992

6/25/87

Date

[Signature]
Signature of Permit Holder (and title, if appropriate)

4/86

RECEIVED

MAY 29 1987

RECEIVED

JUL 01 1987

For Office Use Only

Fee Received _____

Date _____

Receipt # _____

Receipt by _____

Sent to S.O. _____

Department of Water Resources
Western Regional Office

STATE OF IDAHO

Department of Water Resources
DEPARTMENT OF WATER RESOURCES

EXAMINATION FEE INFORMATION

1. Permit No. 57-2274

ONE OF THE FOLLOWING BOXES SHOULD BE MARKED TO DESIGNATE YOUR CHOICE:

☐ I choose to have the department make the field examination of this permit; attached is the examination fee. (If this box is marked, complete items 1 thru 8.)

2. Permit Holder: D. O. Bybee

3. Post Office Address: Route B, Box 322, Grandview, Idaho

Telephone No. 834-2737

4. Source of Water: Surface water - Shoofly Creek

5. Extent of Use:

Domestic _____ (No. of households) Stockwater _____ (No. and type of stock)

Irrigation 400 (acres) Other/Remark _____

6. Total rate &/or volume for which proof is submitted 6.0 cfs _____ acre-feet

7. Show the date water was first diverted and beneficially used under this permit:

1965

8. Person to contact to accompany the department representative during the field examination:

N/A

(Name)

(Address)

(Telephone Number)

☒ I choose to have the field examination conducted by a certified water right examiner. Attached is a statement from the certified examiner I have selected verifying that he has been retained to conduct the examination. (If this box is marked, complete items 1 thru 7.)

6/3/87
Date

D. O. Bybee
Signature of Permit Holder (and title, if appropriate)

State of Idaho
Department of Water Resources

LICENSE EXAMINATION FEE SCHEDULE

(c.f.s. = cubic feet per second
AF = acre feet)

cfs	AF	Fee
0 - 0.04	0 - 4	\$ 0
.05 - 0.20	5 - 20	50.00
.21 - 1.0	21 - 100	100.00
1.01 - 2.0	101 - 200	125.00
2.01 - 3.0	201 - 300	150.00
3.01 - 4.0	301 - 400	175.00
4.01 - 5.0	401 - 500	200.00
5.01 - 6.0	501 - 600	225.00
6.01 - 7.0	601 - 700	250.00
7.01 - 8.0	701 - 800	275.00
8.01 - 9.0	801 - 900	300.00
9.01 - 10.0	901 - 1000	325.00
10.01 - 11.0	1001 - 1100	350.00
11.01 - 12.0	1101 - 1200	375.00
12.01 - 13.0	1201 - 1300	400.00
13.01 - 14.0	1301 - 1400	425.00
14.01 - 15.0	1401 - 1500	450.00
15.01 - 16.0	1501 - 1600	475.00
16.01 - 17.0	1601 - 1700	500.00
17.01 - 18.0	1701 - 1800	525.00
18.01 - 19.0	1801 - 1900	550.00
19.01 - 20.0	1901 - 2000	575.00
20.01 & over	2001 & over	600.00

Checks should be made payable to the
Department of Water Resources

No fee is required for single family
domestic use or stockwater use.

Sherl L. Chapman

CONSULTANT

410 S ORCHARD / SUITE 144 / BOISE, IDAHO 83705 / PHONE 344-6690

Mr. A. Kenneth Dunn, Director
Idaho Department of Water Resources
Statehouse
Boise, Idaho 83720

Dear Mr. Dunn:

I hereby verify that I have been retained to conduct the water
57-2324; 57-2264; 57-2274
right examination for water right permit # 57-2234 in accordance
with the laws and regulations of the State of Idaho.


Sherl L. Chapman

Dated: 6/3/87

RECEIVED
JUL 01 1987

Department of Water Resources

RECEIVED
AUG 20 1992

RECEIVED
AUG 11 1987

Department of Water Resources
Western Regional Office

SPECIALIST IN
GROUND-WATER HYDROLOGY / WATER RIGHTS / WATER WELL DESIGN / GEOTHERMAL RESOURCES



State of Idaho
DEPARTMENT OF WATER RESOURCES
Western Region

Cecil D. Andrus
Governor

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

57-2274
RYBEE, D. O.
RT. 8 BOX 318
GRANDVIEW, ID 83624

138064

April 3, 1987

CERTIFIED MAIL

EXAMINATION FEE NOTICE

Dear Permit Holder:

Department records show that proof of beneficial use has been submitted for the above-referenced permit, but that a field examination has not yet been conducted to determine the extent of beneficial use of the water for licensing purposes.

House Bill 671 (effective April 4, 1986) enacted by the 1986 Idaho Legislature requires the payment of a fee before this department can conduct the field examination needed to issue a license confirming use of water under the permit. This letter is notification that the license examination fee is due within sixty (60) days of the date of this letter. The examination fee information sheet (enclosed) must be returned with the fee.

As an alternative to submitting the fee, the department will accept a field examination report completed by a certified water right examiner from the private sector. If you choose to have the examination done by a certified water right examiner, you need not submit the license examination fee to the department, but you must within sixty (60) days of the date of this letter return to the department, the examination fee information set showing appropriate information together with a statement from the certified examiner to verify that you have retained a certified examiner to conduct the field examination. If you choose this alternative, a completed field examination report must be submitted within one year of the date of this letter. You cannot later change your decision to use this alternative and submit the fee needed for the department to conduct the field examination, but you may change to another certified examiner.

MICROFILMED

AUG 20 1992

May 1, 1975

Re: Permit No.'s 57-2274 & 57-2324

D. O. Bybee
Route B, Box 318
Grand View, ID 83624

Dear Mr. Bybee:

We acknowledge receipt of the affidavits submitted as proof of beneficial use for Permit No.'s 57-2274 and 57-2324.

However, before a field examination can be scheduled and water licenses issued, it will be required that notice of Permit No. 57-2324 be published for two consecutive weeks, at your expense, in a newspaper as prescribed by the Department. If you will sign and return the enclosed advertising authorization, we will cause the notice to be published.

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

Sincerely,

D. Darlene Reich
Water Rights Supervisor

DDR:JG
Enc: Advertising authorization
w/instructions

cc: Idaho Land & Appraisal

RECEIVED

AUG 20 1992

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

PROOF OF APPLICATION OF WATER TO BENEFICIAL USE

RECEIVED
APR 28 1965
Department of Water Resources

1. a) Name of Permit Holder D. O. Bybee
b) Post Office Address Route B, Box 318, Grand View, ID 83624
2. Permit Number 31907/57-2274
3. Date of Priority that you are prepared to establish 5/26/64
4. a) Source from which water was appropriated Shoofly Creek
b) Location of the point of diversion: NW 1/4 NE (Lot 2) 1/4, Section 2
Township 6S, Range 3E Boise Meridian, Other points of diversion: _____
5. a) The amount of water and use to which the water has been applied:
amount 6 cfs for irrigation purposes from April 1 to Oct. 31 incl.
(cfs and/or acre feet per annum) (Month-Day) (Month-Day)
amount _____ for _____ purposes from _____ to _____ incl.
(cfs and/or acre feet per annum) (Month-Day) (Month-Day)
amount _____ for _____ purposes from _____ to _____ incl.
(cfs and/or acre feet per annum) (Month-Day) (Month-Day)
b) Total amount appropriated 6 cfs cfs and/or acre feet per annum
c) Describe how and by whom measurement of rate of flow or amount of storage was made and the qualifications of the person making the measurement: estimate
6. If the means of diversion and conveyance are owned by someone other than the Permit Holder:
a) Give the name or description of the canal, ditch or other works by which the water is conducted to the place of use: na
b) Describe the agreement or understanding by which you take water from the works: na
7. a) Briefly describe the works for diverting and conveying the water to the place of use, (If from a subterranean source, give the pump size, motor size, size of well casing, depth of well; if from surface water, give brief description of diversion structure and/or canal or ditch) dam and ditch
b) Describe the type and size of measuring device which you have installed at your point of diversion: none - not required
c) Give well drillers name and address and date the well was completed _____

Exam typed 7/30/85 by js

MICROFILMED

AUG 20 1992

8. If for other than irrigation, describe the beneficial use to which you have applied the water and the place of use _____

9. Irrigation uses: Describe the lands irrigated by giving the acreages irrigated within each 40 acre subdivision: _____

TWP	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
5S	3E	22													40	40	40	40	160
		27	40	40	40	40									40	40			240

Total number of acres irrigated 400

10. Remarks: _____

The above information is a true statement of the extent to which the above numbered permit has been developed.

4/28/75
(Date)

Michael Christensen
Attorney-in-Fact (Power of Attorney filed with original application)

State of Idaho ss.
County of Ada

On this 28 day of April, 19 75, personally appeared before me the signer(s) of the above instrument, who duly acknowledged to me that he (she) (they) executed the same.

Laura Spangler
Notary Public residing at Boise, ID

My commission expires 8/12/78

MICROFILMED

AUG 20 1992

SENDER

Complete items 1 and 2

Add your address in the "RETURN TO" space on reverse.

1. The following service is requested (check one).

- ☐ Show to whom and date delivered..... 15¢
- ☐ Show to whom, date, & address of delivery.. 35¢
- ☐ DELIVER ONLY TO ADDRESSEE and show to whom and date delivered..... 65¢
- ☐ DELIVER ONLY TO ADDRESSEE and show to whom, date, and address of delivery 85¢

2. ARTICLE ADDRESSED TO

3. ARTICLE DESCRIPTION:

REGISTERED NO. CERTIFIED NO. INSURED NO.

26536

(Always obtain signature of addressee or agent)

I have received the article described above.

SIGNATURE

D. A. Bytner

4.

DATE OF DELIVERY

3-1-75

5. ADDRESS (Complete only if requested)

AUG 20 1975

POSTMARK

MAR 1 1975

U.S. AIR MAIL

6. UNABLE TO DELIVER BECAUSE:

CLERK'S INITIALS

KJH

UNITED STATES POSTAL SERVICE
OFFICIAL BUSINESS

SENDER INSTRUCTIONS

Print your name, address, and ZIP Code in the space below

- Complete items 1 and 2 on reverse side.
- Moistened gummed ends and attach to back of article

RETURN
TO



DEPARTMENT OF WATER RESOURCES
STATEHOUSE
BOISE, IDAHO 83720

MAR 1 1992

PENALTY FOR PREPAYMENT
USE TO AVOID POSTAGE \$300



RECEIVED

AUG 20 1992

February 28, 1975

CERTIFIED MAIL

#26536

Re: Permit No. 31907 (New #5702274)

D. O. Bybee
Route B, Box 318
Grandview, ID 83624

Dear Mr. Bybee:

One of the conditions of approval of your water Permit No. 31907/57-2274 (see last page of your approved permit) was that evidence of the extent of development be submitted as proof of application of water to beneficial use to this office on or before May 29, 1975. Enclosed is an affidavit form which must be used to submit the required proof of beneficial use.

If you have not fully completed your project, and you have not previously received an extension of time, you may request an extension of time provided the delay is for reasonable cause as indicated in Section 42-204, Idaho Code, amended. If you have been prevented from proceeding by a governmental agency or by litigation, more than one extension of time can be granted.

Either the beneficial use affidavit or a request for an extension of time must be received by this Department on or before the above mentioned date, otherwise the permit will lapse and be of no further force or effect.



R. KEITH HIGGINSON
Director

MICROFILMED

AUG 20 1992

RKH:jg
Enc: Proof affidavit

April 29, 1969

Re: Permit No. 31907

D. O. Bybee
Route B, Box 318
Grandview, Idaho

Dear Mr. Bybee:

We acknowledge receipt of the affidavit of publication submitted in connection with the above referenced permit. Since proof of beneficial use of the water is not required until May 29, 1975 the Department will notify you sixty days in advance of this date as to further requirements. We wish to advise you, however, that if you have fulfilled the requirements under the permit you may submit proof anytime prior to the above date.

Very truly yours,

Donald W. McEldowney
Appropriation Examiner

DWM:DR

31907

PROOF OF PUBLICATION

STATE OF IDAHO }
County of Owyhee } s.s.

I, RODNEY A. HAWES, being first duly sworn, on oath says that he is the Publisher of the OWYHEE NUGGET, a newspaper of general circulation, published weekly by Rodney A. Hawes, publisher and printer thereof, at Marsing, County of Owyhee, State of Idaho;

That the annexed notice was published in said newspaper once each week and every week for 2 consecutive weeks, the first publication being on the 3 day of April, 1969, and the last publication being on the 10 day of April, 1969;

That the said newspaper has been published continuously and uninterruptedly in said county during a period of more than seventy-eight consecutive weeks prior to the first publication of the attached notice.

Rodney A. Hawes
PUBLISHER

Subscribed and sworn to before me this 10 day of April, 1969.

Lena S. Hawes
NOTARY PUBLIC

My commission expires 9-10-72

(SEAL)

NOTICE OF APPROVED APPLICATION FOR WATER

Notice is hereby given that D. O. Bybee, Grand View, Idaho has received an approved permit No. 31907 to divert 6 cubic feet per second of water from Shoshone Creek tributary of Snake River. The priority to be established under this permit is May 26, 1964. Water will be diverted by diversion dam and ditch within the Lot 2 (NW 1/4, NE 1/4), Sec. 2, T. 6 S., R. 3 E., B. M., Owyhee County and is to be used for irrigation in the SE 1/4, Sec. 22, NE 1/4, NW 1/4, SE 1/4, Sec. 27, T. 6 S., R. 3 E., B. M.

Any protests against the intent of the permit must be filed with the Department of Reclamation within ten days from the last date of publication of this notice.

R. KEITH HIGGINSON,
State Reclamation Engineer
Published in the Owyhee Nugget, Marsing, Idaho on April 3 and April 10, 1969.

31907

March 27, 1969

Re: Permit No. 31907-D. O. Bybee

Owyhee Nugget
Marsing, Idaho

Gentlemen:

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

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

D. O. Bybee,

The expense of the publication is to be paid by _____
Grandview, Idaho

to whom you should furnish an affidavit of publication.

Very truly yours,

Donald W. McEldowney
Appropriation Examiner

DWM:tg

Enc: legal notice

cc: D. O. Bybee

NOTE: The permit holder is required to obtain an affidavit of publication from the above referenced newspaper and to submit it to the Department at once.

31907

RECEIVED

MAR 17 1969

NOTICE OF APPROVED APPLICATION FOR WATER

Department of Reclamation

Notice is hereby given that D. O. Bybee, Grandview, Idaho

has received an approved permit No. 31907 to divert ~~store/~~
6 cubic feet per second ~~acre/foot~~ of water from
Shoofly Creek tributary of Snake River

_____ . The priority to be established
under this permit is May 26, 1964

Water will be diverted by diversion dam and ditch
_____ within the Lot 2 (NW¹/₄),
Sec. 2, T. 6 S., R. 3 E., B. M., Owyhee County

and is to be used for irrigation
in the SE¹/₄, Sec. 22; NE¹/₄, N¹/₂SE¹/₄, Sec. 27, T. 5 S, R. 3 E, B. M.

Any protests against the intent of the permit must be filed with the Department of Reclamation within ten days from the last date of publication of this notice.

R. KEITH HIGGINSON
State Reclamation Engineer

Published in the Owyhee Nugget, Marsing, Idaho
on April 3 and April 10, 1969

State Reclamation Engineer:

Permit No. 31907

You are hereby authorized to have the attached notice published at my expense
in the Owyhee Nugget of Marsing, Idaho;
published in the county in which the works are situated.

(signature)

(address)

(date)

RTB-BOX 318 Grand View
(address) *Blair*
(date) 12 mar 1968 31967

March 3, 1969

Re: Permit No. 31907

D. O. Bybee
Grandview, Idaho

Dear Mr. Bybee:

During the 1967 session of the Idaho Legislature, certain amendments were made in the law pertaining to the procedures for making proof of beneficial use of water. In order for the Department to comply with these changes, Rules of Practice and Procedure were adopted on August 1, 1968. Generally, these procedures and the amended law make it simpler for a person to make proof and relieve the permit holder from making separate proofs of completion of works and beneficial use of water.

The enclosed order modifies your permit to comply with these rules and regulations. As a part of the new procedure, you will be required to publish a notice at your expense for two consecutive weeks in a paper as prescribed by the Department, stating that you have been issued a permit ~~and are now permitted to construct the project.~~ Previously, a permit holder had to publish a notice for four weeks when he submitted proof under his permit.

If you will complete the enclosed forms, we will cause the notice to be published. Should you require additional forms or information, we will be glad to supply it upon request at any time.

Very truly yours,

Donald W. McEldowney
Appropriation Examiner

DWM:tg
Enc: order
advertising package

31907

BEFORE THE STATE RECLAMATION ENGINEER

OF THE

STATE OF IDAHO

IN THE MATTER OF PERMIT NO. 31907)

in the name of D. O. Rybe)

Grandview, Idaho)

ORDER MODIFYING REQUIREMENTS
FOR COMPLETION OF PERMIT TO
APPROPRIATE WATER

WHEREAS, the Idaho Legislature made certain amendments to the Idaho Water Law; and,

WHEREAS, these changes raised questions as to the procedures to be followed by holders of permits issued prior to the effective date of the amendments, May 31, 1967; and,

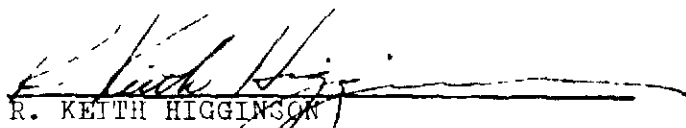
WHEREAS, on August 1, 1968, the Department of Reclamation adopted Rules of Practice and Procedures for the processing of such permits issued prior to May 31, 1967; and,

WHEREAS, Permit No. 31907 was issued previous to that date;

NOW THEREFORE, the requirements for completion of the above-numbered permit are hereby modified to conform to the adopted Rules of Practice and Procedures as follows:

1. The above-numbered permit will be completed under the terms of Title 42, Chapter 2, Idaho Code, as amended by the 39th Idaho Legislature.
2. The conditions of the above-numbered permit are modified as follows:
 - a. Notice of the issuance of the permit will be published at the permit holders expense for two weekly issues in the official newspaper of the county in which the point of diversion lies.

Dated this 28th day of February, 1969.


R. KEITH HIGGINSON
State Reclamation Engineer

31907

Permit No. 31907.....

**Certificate of Completion
of Work**

Dated May 19....., 1967.....

Stream Shoofly Creek.....

County Owyhee.....

Amount 6.0 c.f.s.....

Date of Priority May 26, 1964.....

Recorded in Book 112.....

of Permits....., page 31907.

31907

Certificate of Completion of Works

TO ALL WHOM IT MAY CONCERN:

This is to certify that D. O. BYBEE
 of Grand View, County of Owyhee, and State of
 Idaho, the holder of Permit No. 31907, issued upon
 Application No. 40034 bearing date of priority of May 26, 1964, authorizing the
 diversion of 6.0 second feet of waters of Shoofly Creek,
 tributary of the Snake River,

County of Owyhee, State of Idaho, for irrigation
 purposes, has fully complied with the provisions of the laws of the State of Idaho
 relating to the proof of completion of the works of diversion set out and described in said
 Permit; that said works are adequate for diverting and conveying to the place of intended
 use 6.0 second feet of the waters of Shoofly Creek, tributary
 of the Snake River;

that the point of diversion of said waters is in Lot 2 (NW $\frac{1}{4}$ NE $\frac{1}{4}$), Sec. 2, T. 6 S.,
 R. 3 E., B.M.

and that the lands proposed to be irrigated by the use or place of use of said water are
 described as follows, to-wit: SE $\frac{1}{4}$, Sec. 22; NE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 27, T. 5 S., R. 3 E., B.M.

Proof of Completion of Works Made: May 17, 1967.

Witness my hand this 19th day of May, A. D. 1967.

R. Keith Higgins
 State Reclamation Engineer

31907

May 19, 1967

Re: Permit No. 31907

D. O. Bybee
Box 72
Grandview, Idaho 83624

Dear Mr. Bybee:

Enclosed is the Certificate of Completion of Works on the above numbered permit.

Until we can be of further assistance to you in regards to this permit, we remain,

Yours very truly,

Donald W. McEldowney
Water Rights Clerk

DWM:dfj

Enclosures: Certificate

31907

Permit No. 31907STATE OF IDAHO
Department of ReclamationRECEIVED
MAY 18 1967

Proof of Completion of Works

Department of Reclamation

AFFIDAVIT OF HOLDER

STATE OF IDAHO

County of Ada

ss.

D. O. Bybee, being first duly sworn, upon his oath deposes and says:First: That he is the holder and owner of Permit to appropriate the Public Waters of the State of Idaho, No. 31907, and that his postoffice address is Box 72, Grand View State of IdahoSecond: That the name of the stream from which said water is to be diverted is Shoofly CreekThird: That the point of diversion of said water is Lot 2 (NW $\frac{1}{4}$ NE $\frac{1}{4}$), Section 2, T6S-R3EFourth: That under the terms and conditions of said permit, construction thereunder was required to be completed by May 29, 1969Fifth: That the use for which said water is intended is irrigationSixth: That on the date above mentioned, the works constructed under said permit were (or ~~were not~~) fully completed and consisted of the following:I. Kind of Works: dam and ditch

(RESERVOIR, DAM, DITCH, FLUME, PIPE OR OTHERWISE)

II. Dimensions of work: _____

(a) Height of dam 8 feet, length of dam at top 50 feet, length of dam at bottom 20 feet. Material used in construction clay and rock

(STATE WHETHER WOOD, EARTH STONE OR CONCRETE)

(b) Capacity of reservoir -- acre feet.(c) Size of headgate: Width 2 feet, height 2 feet.(d) Conduit ditch width at bottom 3 feet, width at water line 4

(STATE WHETHER DITCH, FLUME OR PIPE)

feet, depth of water 2 feet; diameter of pipe _____ inches, average grade per mile is 5 feet. Length of conduit is 2 $\frac{1}{2}$ miles.Seventh: That said works are capable of conducting to the place of intended use 6 second feet of water.Eighth: That water appropriated under said permit is available for 400 acres of land described as follows: T5S-R3E, B.M. Sec. 22 - SE $\frac{1}{4}$; Sec. 27 - NE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$ Ninth: Remarks:—That permit 30263 was appurtenant to the same lands as described above but I relinquished that permit in 1964.D. O. Bybee
(SIGN HERE)Subscribed and sworn to before me this 17th day of May, 1967Laura J. Henderson
NOTARY PUBLICMy commission expires 8/12/70

631907

June 10, 1964

Re: Permit No. 31907
D. O. Bybee

Mr. Harley M. McDowell,
Idaho Land and Appraisal Service,
Box 2161,
Boise, Idaho.

Dear Mr. McDowell:

We enclose Permit No. 31907 in which we direct your attention to the limitations and conditions as given on the fourth page under approval of the State Reclamation Engineer.

We also enclose Departmental Receipt No. 32258 which was issued covering payment in the amount of \$ 6.25 for the filing fee of the above mentioned permit.

Very truly yours,

CARL E. TAPPAN
State Reclamation Engineer
By

(MRS.) EDNA P. RULE
Chief Clerk

Encl.

EPR:pmk

cc: D.O.Bybee
Box 72
Grandview, Idaho

31907

