

Show 40-acre subdivisions, townships, ranges and ditches.

27

T.S.S.

R. 3E, Bm.

Signed at Boise, this 29 day of Dec., 1978.
Boise Idaho Bob Lee

(Signature)

_____, 19 79 .
L. Glen Saxton
 Chief, Operations Bureau

57-2234

APPLICATION FOR PERMIT To Appropriate the Subterranean Waters of The State of Idaho

Application No. G- 36199
Permit No. G- 28239
District No.

1. Name of Applicant: V. A. & Ellen M. Roberts
Postoffice address: 4912 Roberts Rd., Boise County: Ada State: Idaho
2. Quantity of water claimed: 1120
(a) Rate of withdrawal in cubic feet per second 22.4 or Idaho
Miners' inches or gallons per minute
(b) Annual withdrawal in acre feet per annum
3. Source of water supply: 3 drilled wells #1-SW NW 26
#2-SW NW 26
#3-SW SW 35
4. Location of point of diversion or well is in the #3-SW 1/4 of the SW 1/4 of Section 35
Twp. 5 S , Rge. 3 E , B.M., County of Owyhee
5. Water is to be used for: Irrigation
6. If for municipal, industrial or recreational purposes, give:
(a) Point of use of water is in the 1/4 of the 1/4 of Section , Twp.
Rge. , B.M.
(b) Waste water or sewage effluent is to be returned to
at a point in the 1/4 of the 1/4 of Section , Twp. , Rge. , B.M.
7. Kind of works: 3 drilled wells, ditches and cooling pond
8. Estimated cost of works: \$15,000
9. (a) Is reservoir to be used? No
(b) Capacity of reservoir:
10. The time required for the completion of such work and complete application of the water to the proposed use is 5 years.
11. If applicant is a corporation, give:
I. (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) Bonds to be issued:
(d) Other resources:
12. The land to be irrigated is described in the following tabulation:
13. Existing water rights and/or valid permits appurtenant to the lands to be irrigated are: 27111, 27110, also Grandview Mutual Canal Co. water
(a) 22.4 (cubic feet per second, inches or gallons per minute) of the water herein applied for is to be supplemental to the existing water rights.
(b) (cubic feet per second, inches or gallons per minute) is for new lands.

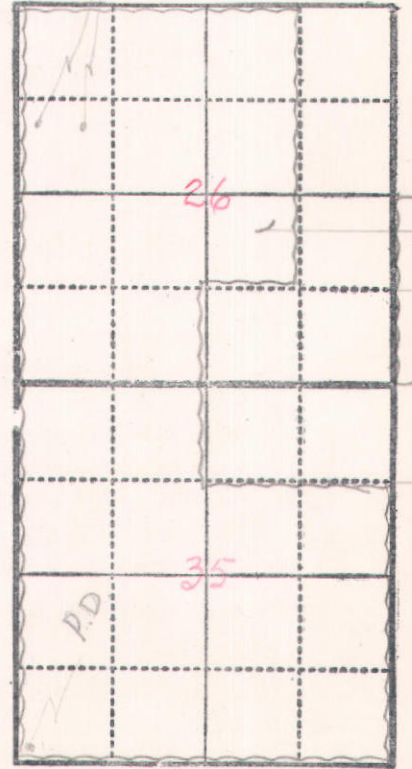


EXHIBIT "A"

A tract of land in the southeast quarter of Section 22 and the NW¼ of Section 27, Township 5 South, Range 3 East, B.M. more particularly described as follows:

Beginning at the northwest corner of the NW¼SE¼ of Section 22, a brass cap, being the center quarter corner of Section 22, the true point of beginning;

Thence North 89° 56' east along the north boundary line of the NW¼SE¼ of Section 22 a distance of 1228.7 feet to an iron pin;

Thence South 37° 10' east a distance of 267.5 feet to an iron pin;

Thence South 58° 15' east a distance of 407.2 feet to an iron pin;

Thence North 66° 45' east a distance of 305.8 feet, more or less, to the westerly right-of-way line of State Highway 45;

Thence southeasterly along said right-of-way on a 01° 30' curve to the right, having a central angle of 49° 15' and a radius of 3,819.72 feet a distance of 2,040 feet, more or less, to a right-of-way monument;

Thence South 0° 52' east along the west right-of-way line of State Highway 45 a distance of 325 feet, more or less, to an iron pin on the north boundary line of the Mountain Home Redi-Mix tract, said point being North 0° 52' west a distance of 67 feet and North 89° 08' west a distance of 100 feet from the section corner of Sections 22, 23, 27, and 26;

Thence North 89° 08' west a distance of 660 feet to an iron pin on the northwest corner of the Mountain Home Redi-Mix tract;

Thence South 0° 52' east a distance of 630 feet to an iron pin;

Thence North 89° 08' west a distance of 1,880 feet, more or less, to an iron pin on the west boundary line of the NW¼NE¼ of Section 27;

Thence North 0° 52' west a distance of 563 feet, more or less, to the north quarter corner of Section 27;

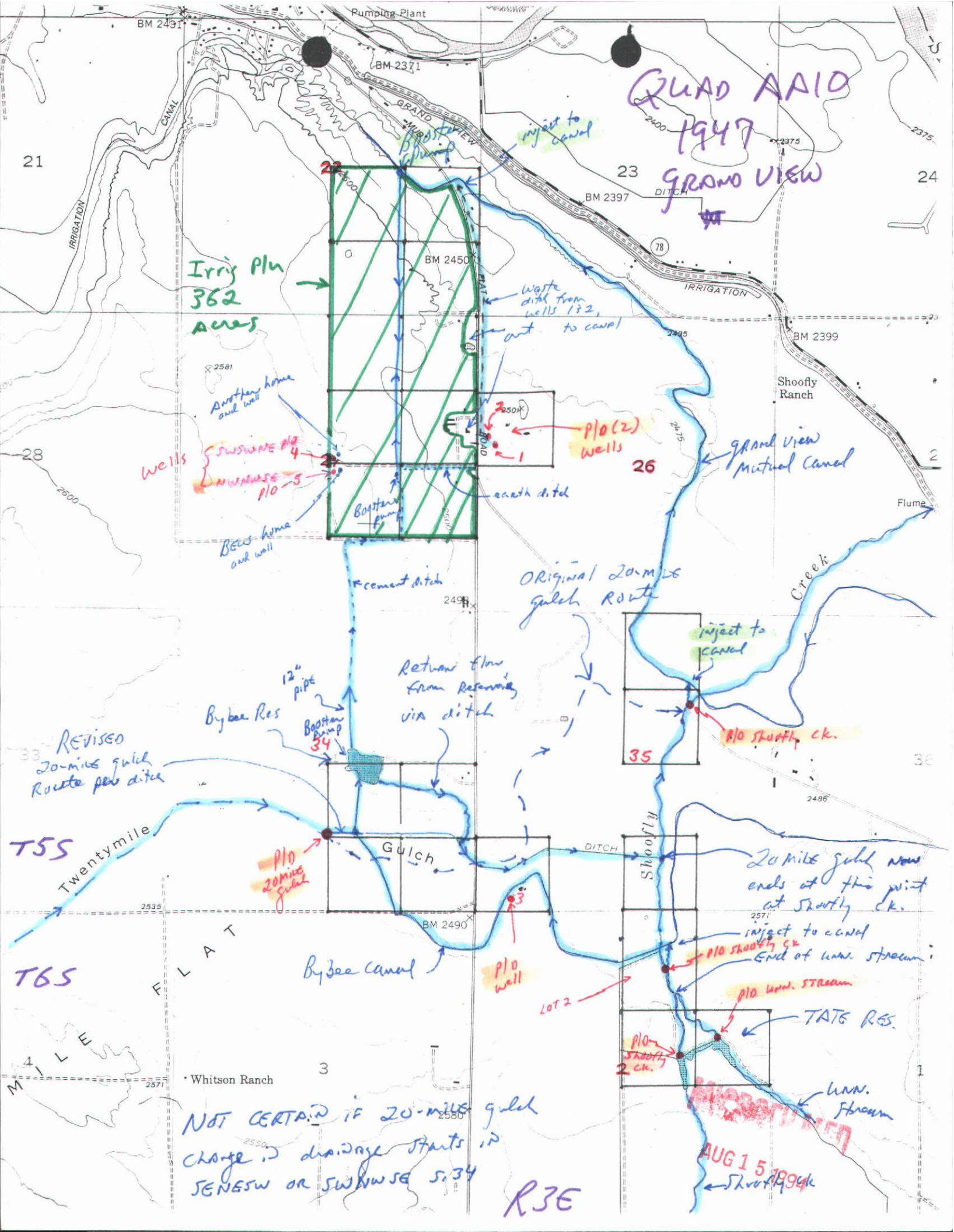
Thence North 0° 52' west along the west boundary line of the southeast quarter of Section 22 a distance of 2640 feet, more or less, to the point of beginning.

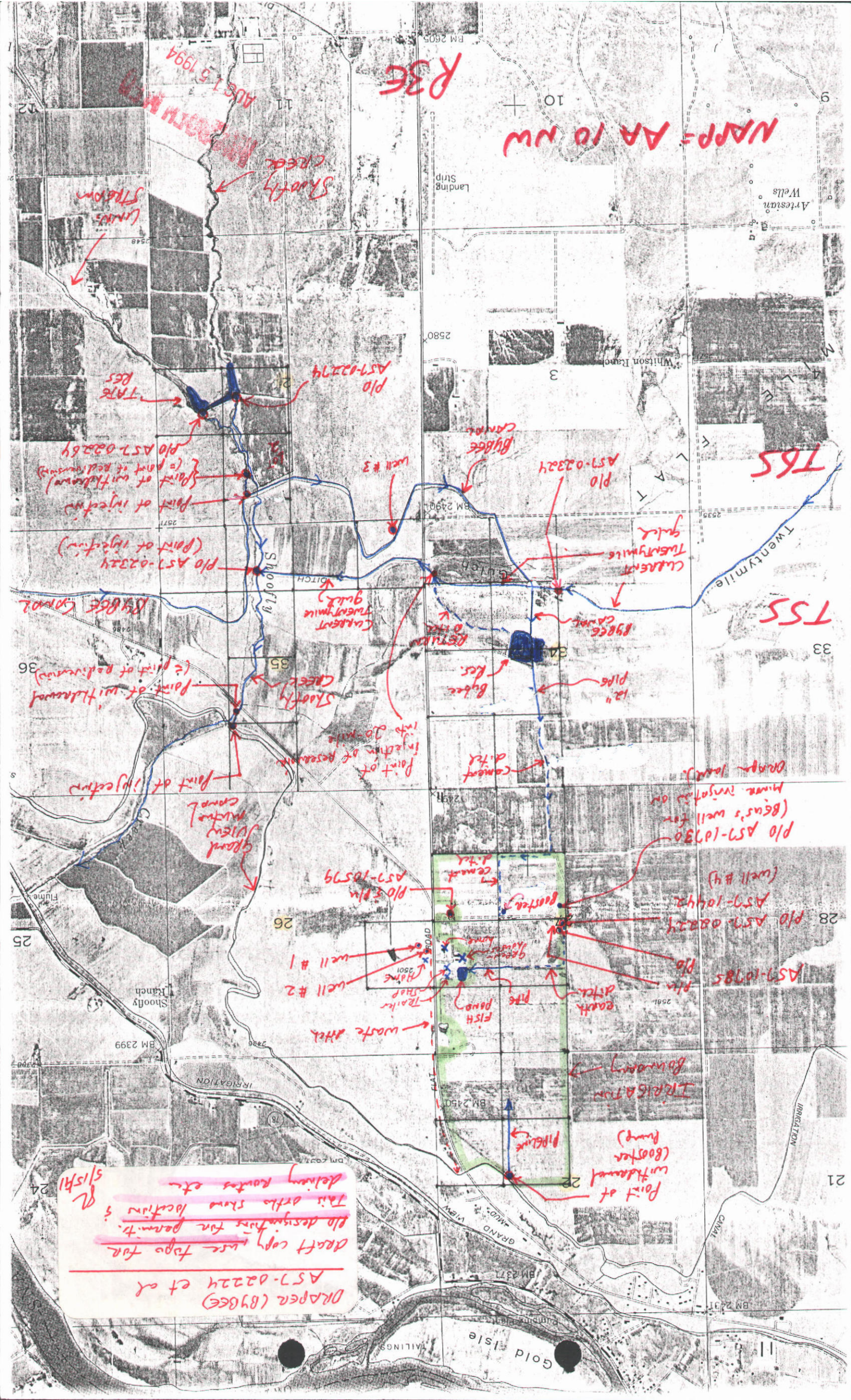
Containing a total of 160.58 acres, more or less.

EXHIBIT "A"

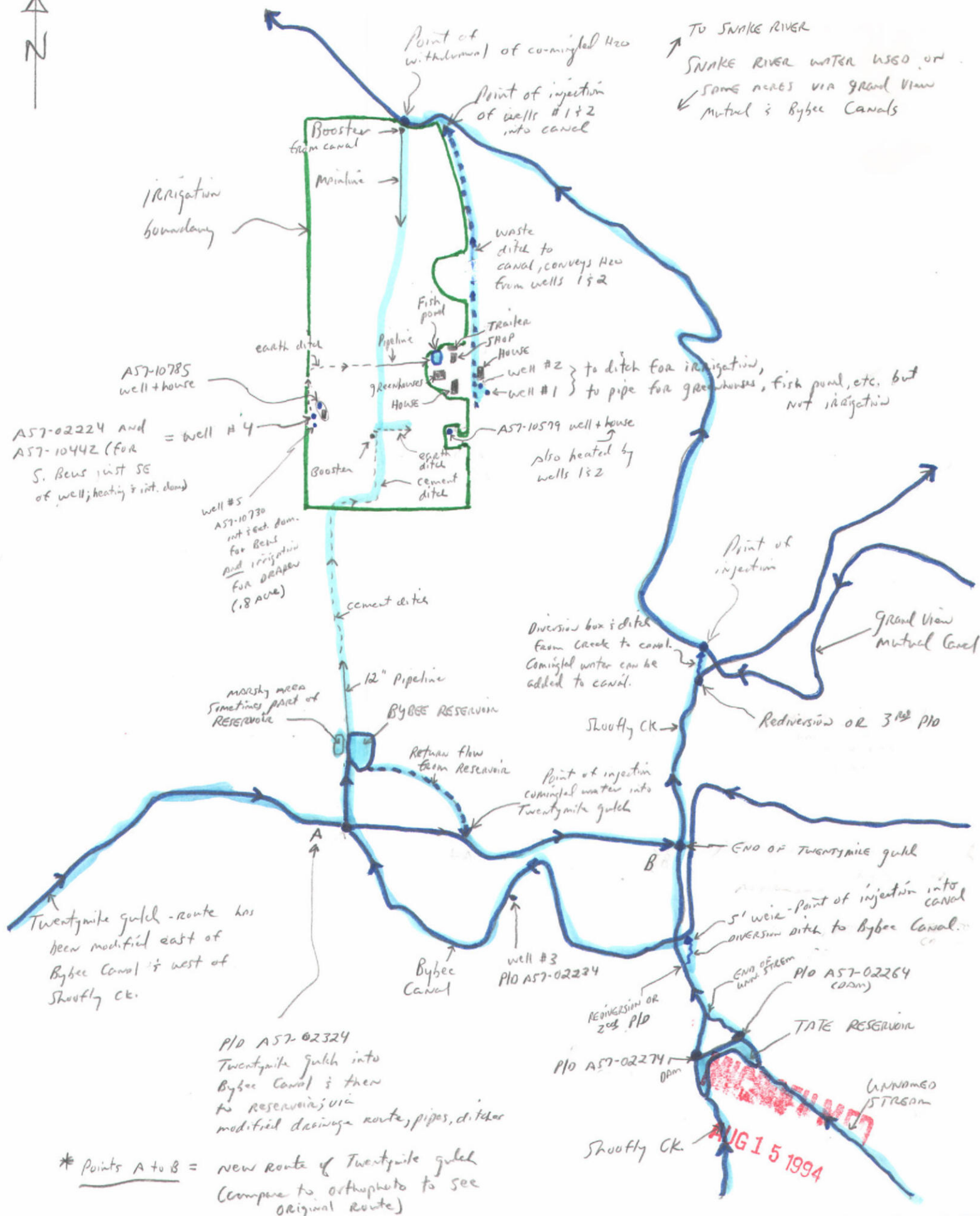
RECORDED
AUG 15 1994

5 19





SCALE $1'' \approx 2030'$



BEWS Home, yard, pasture is NWNWSE 5.27

TOTAL irrig = 8200 Lawn
 3000 Lawn
 4250 garden
 42000 pasture
 57450 ft² = 1.3 ac

/// = TOTAL irrigated
 by BEWS well
 A57-10730

⊗ = well site

10730 = int + ext dom.

10729 = int. dom.

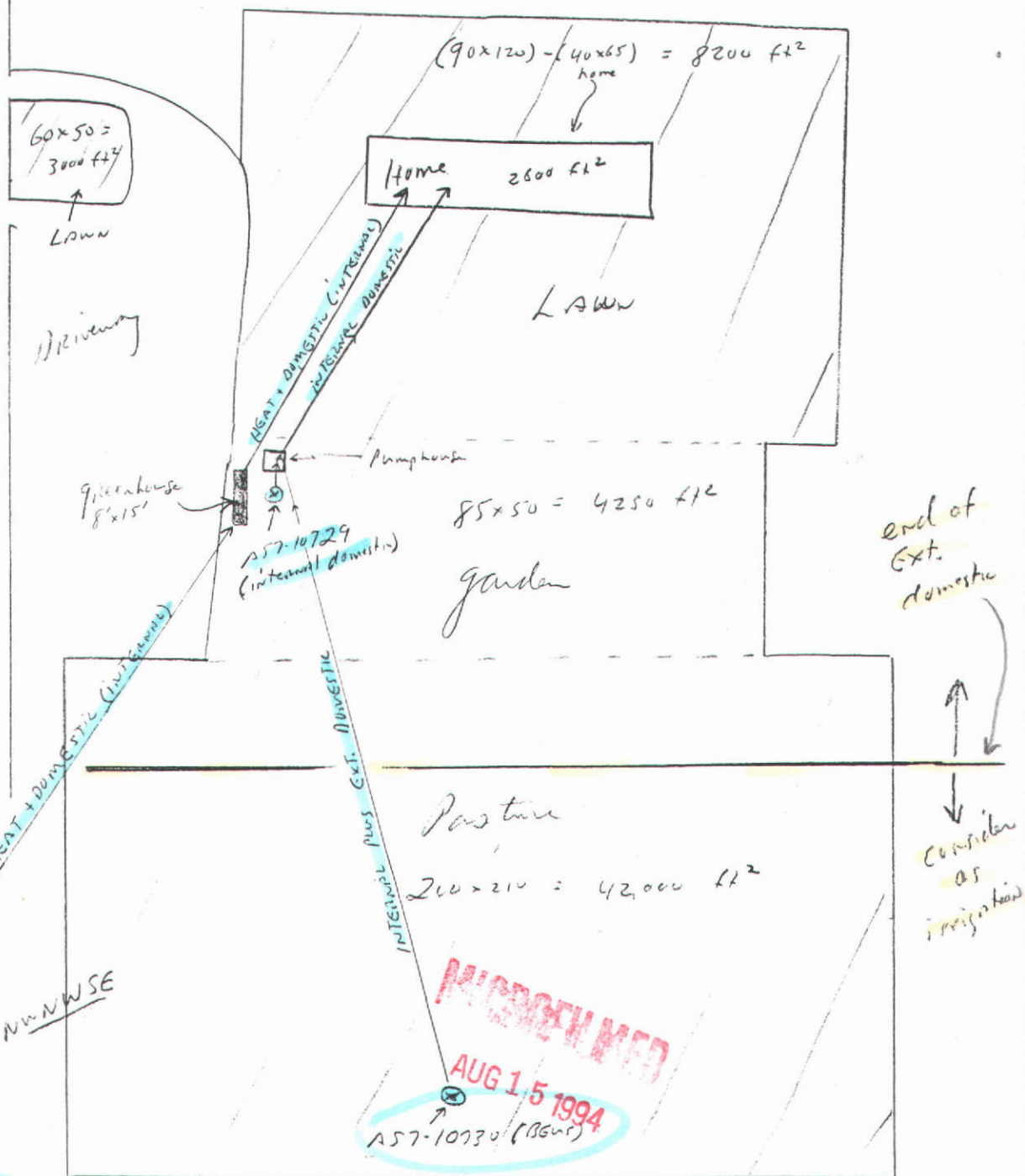
10442 = int. dom. + heat

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

TO ↑
 MUD FLAT Rd
 ≈ 1/2 mile

42

6320 ac
 157

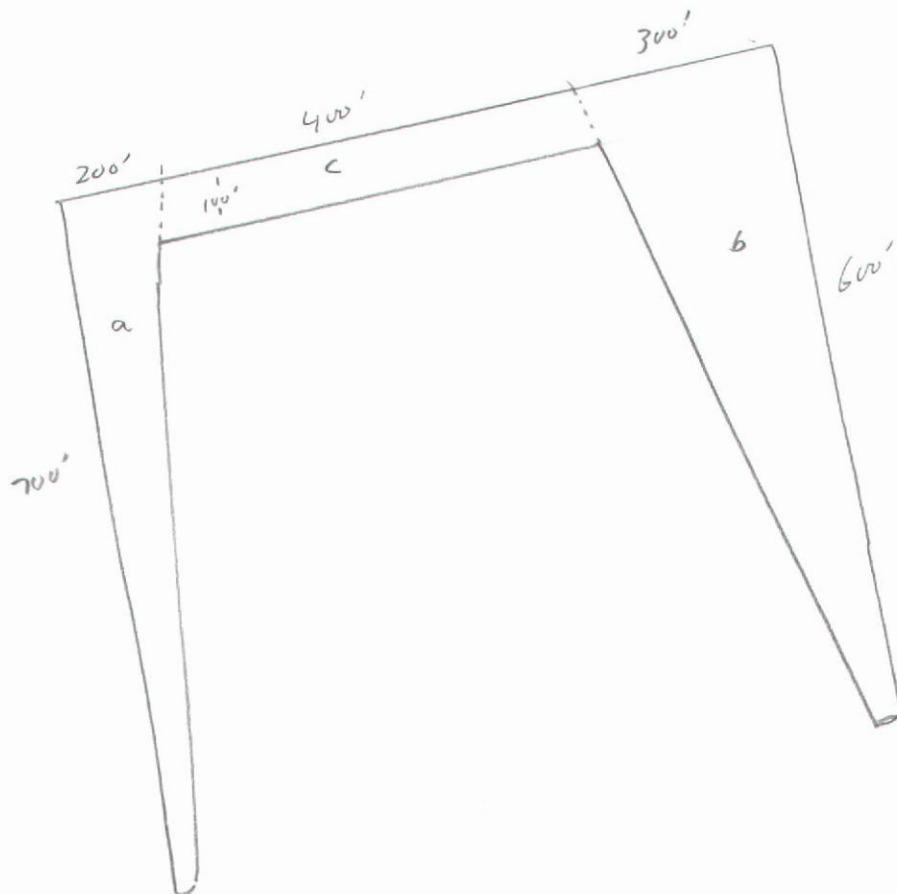


Hot well
 A57-10442 (BEWS)
 A57-02224 (DRAPER)

DRAPER - RESERVOIR VOLUME

NO DPM SAFETY INFO AVAILABLE

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



② Bybee Reservoir

use Examiner's est.
of 10 AC. is 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

$\bar{x}$ Depth estimated at 5'

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

LICENSE RECOMMENDATION

$$\begin{aligned} 57-02264 &= 4 \text{ cfs} \\ 57-02274 &= 6 \text{ cfs} \end{aligned}$$

} 10 cfs yields 19.8 a.f./24 hrs

AUG 15 1994

1615

1514

2122

2223

C 46

C52
1606

636
T724

GRAND VIEW
mutual
CANAL

A 53
T609

A 53
T611

B 49

B 49

DRAPER (BYBEE) PLU

1" ≈ 684'

TSS R3E S. 22, 26, 27

Plu is hot wells (1 & 2) plus
cold well (5)

C53

out

inlet to
canal

C444
2806
T816

Booster
pump
for
mainline

B 5.4

Beans

A 40.0

C 49.6

IRRIGATION
Boundary
TOTAL area
irrigated = 362

ACTUAL
SECTION con.
per orthophoto

mainline

D 42.7

E 5.5

C389
806
T762

TOTAL
irrigated
plu
boundary

2223
2726

gravel pit
pond but
not used

waste ditch
Basin here

NOTE
Beans home is Draper
home N. of Beans
about 4/10
mile from Hwy.
Need to
re-map Beans
home data

Well #4 - not irrigation
any more although
could be backup
well if needed.

Plu #4
AS9-10442
AS9-02224

Plu #5
AS9-10730

Beans
Also
several
Draper's
system

Beans
IRRS
Boundary

AS9-10329
well

Home

1000
Pond

AST-1000
earth ditch

Cement
ditch

mainline
house
(Draper)

ACTUAL
SECTION
con. per
orthophoto

old
ditch line
convert ditch
to booster
ditch

TSS R3E

X26

3435

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

Form 219
6/86

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

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

RECEIVED

APR 06 1988

Department of Water Resources

A. GENERAL INFORMATION

Permit No. 57-2234

1. Owner: D. O. Bybee

Phone No. 834-2737

Current Address: HC 85, Box 321, Grandview, ID 83624

2. Accompanied by: Raymond Draper

EXAM. DATE: 3/14/88

Address: HC 85, Box 321, Grandview, ID

Phone No. 834-2245

Relationship to Permit Holder: _____

3. Source: Ground water tributary to _____

B. OVERLAP REVIEW

1. Other water rights with same place of use: 57-2324; 57-2264; 57-2274

☐ Copies Attached

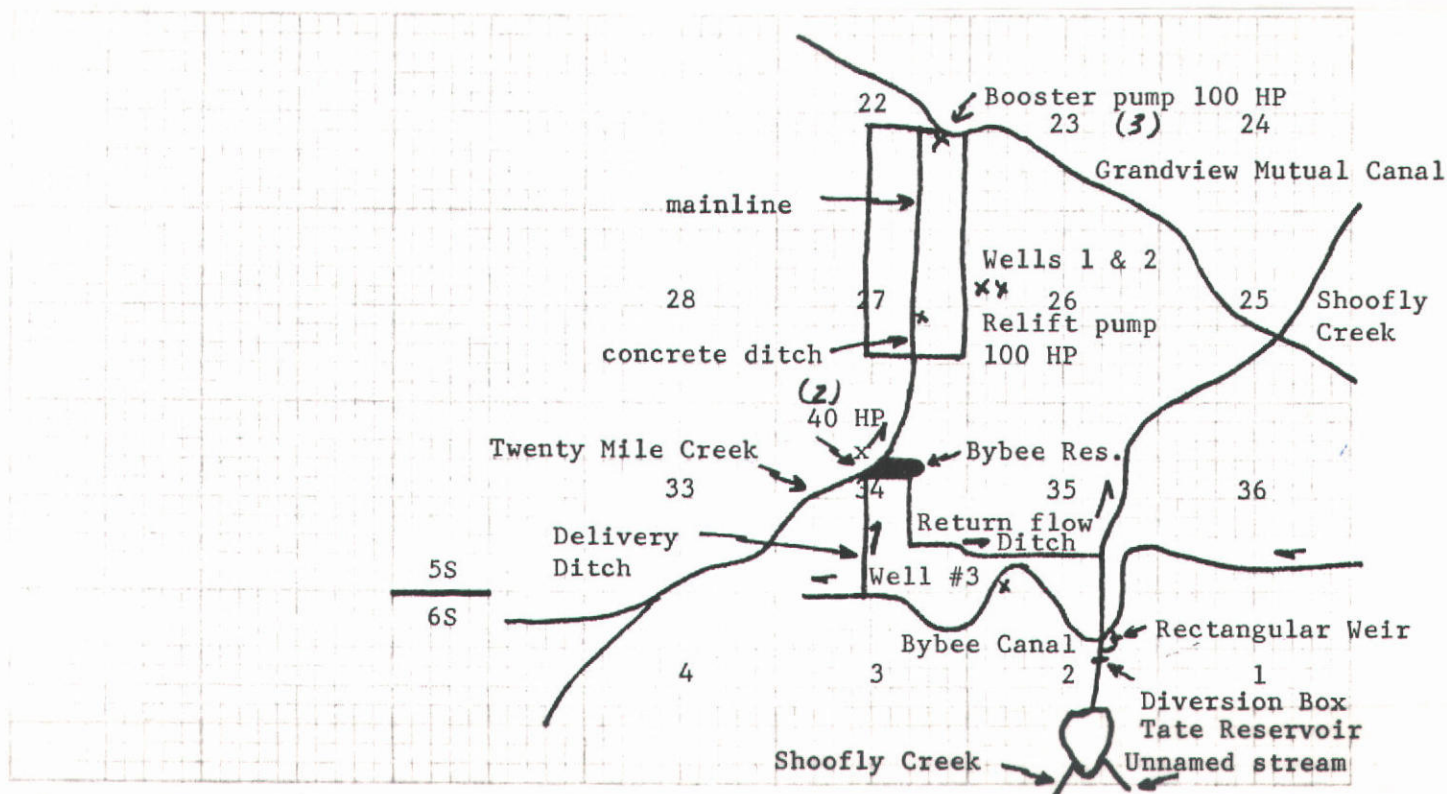
2. Other water rights with same point of diversion: 57-2324; 57-2264; 57-2274

☐ 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).

MAINTAINED

AUG 15 1994

C53

C444

2806

T816

40

B

5.4

900 Beans 23

40.0

40

C 496

37.5

gravel pits 2.5 acres
2 mi

22/23
27/26

427

E 5.5

C389

800

T762

40

B 39

A

38

E 24

Booster pump

38

F 29.6

G 41.0

32

FF 10.4

EE31

682

White Horse Ranch

1615

1514

21 22

22 23

C52
1606

C 46

636
T724

GRAND VIEW
mutual
CANAL

A 53
T7609

A 53

B 49

DRAPER (BYBEE) PLU

1" ≈ 684'

T55 R3E S. 22, 26, 27

Plu i hot wells (1+2) plus
cold well (5)

C53

out

inlet to
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Booster
pump
for
mainline

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Beans

IRRIGATION
Boundary
TOTAL acre
irrigated = 362

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C 49.6

TOTAL
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ACTUAL
SECTION con.
per orthophoto

mainline

D 42.7

E 5.5

C389
806
T762

gravel pit
pond but
not used

waste ditch
beside highway

NOTE
Beans home is Draper
home N. of Beans
about 4/10
mile from Hwy.
Need to
renew Beans
home data

Well #4 - not irrigation
any more although
could be backup
well if needed.

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A57-10442
A57-02224

Plu #5
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Also
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Beans
IRRS
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Home

A57-10329
well

F 29.6

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Home

1000
Pond

ASTM
earth data

cement
ditch

mainline
house
(Draper)

Actual
SECTION
con. per
orthophoto

old
ditch line
convert ditch
to booster
ditch

T55 R3E

X26

34 35



- Permit #57-2234 Well #1 -



- Permit #57-2234 Well #2 -

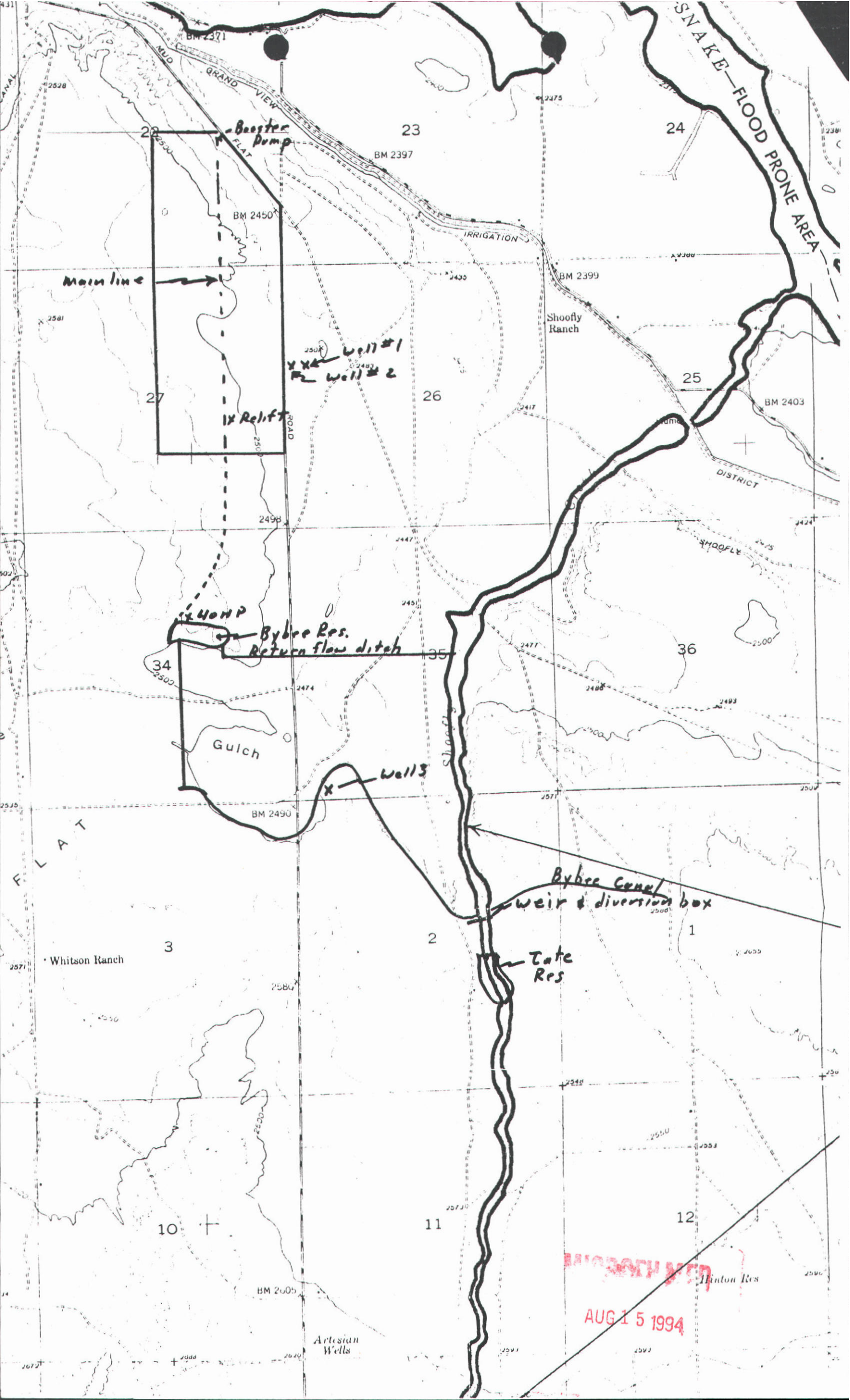
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AUG 15 1994



Permit #57-2234

Well #3

RECEIVED
AUG 15 1994



Snake - Flood Prone Area

Booster Pump

Main line

Well #1
Well #2

Relift

Bybee Res.
Return flow ditch

Gulch

Well #3

Bybee Canal
Weir & diversion box

Tate Res

Whitson Ranch

Hinton Res

AUG 15 1994

Artesian Wells

GEO. N. CARTER

As Approved NOV 6 1959

Permit Map No. 28239

Sec. 35

Sec. 26

Sec. 23

T 5 S	- 1 3	E. B. M.
-------	-------	----------

Sec. 25

NAME OF APPLICANT & ELLEN M. ROBERTS

PROOF OF PUBLICATION

STATE OF IDAHO }
County of Owyhee } ss.

RECEIVED
DEC 22 1964

Department of Reclamation

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 4 consecutive weeks, the first publication being on the 22 day of Oct, 1964, and the last publication being on the 12 day of Nov, 1964;

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 2nd day of

Nov, 1964.

Leona S. Hawes

NOTARY PUBLIC

My commission expires 9-10-68

(SEAL)

RECEIVED

DEC 21 1964

Department of Reclamation

NOTICE OF PROOF OF COMPLETION OF WORKS AND

APPLICATION OF WATER TO BENEFICIAL USE

Notice is hereby given that at 10:00 A. M., on the 30th day of November, 1964, at Boise, County of Ada, State of Idaho, before Harley M. McDowell, Notary Public, at (address) 224 Idaho Building, proof will be submitted of the completion of works for the diversion of 22.4 cubic feet per second of underground water from a well, and of the application to beneficial use of said water, in accordance with the terms and conditions of Permit No. G-28239, heretofore issued by the Department of Reclamation of the State of Idaho.

1. The name and postoffice address of the person or corporation holding said permit is The Idaho First National Bank of Boise, N. A. as Executor of the Estate of V. A. ROBERTS, Deceased, and ELLEN M. ROBERTS, 205 North 10th Street, Boise, Idaho.

2. Said works of diversion will be fully completed on the date set for such completion, and the amount of water which said works are capable of conveying to the place of use is 22.4 cubic feet per second.

3. The use to which said water has been applied is irrigation purposes, and the amount applied to beneficial use is 22.4 cubic feet per second.

4. The point of diversion of said water is SW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 26; SW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 26; SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 35, Township 5 South - Range 3 East, B. M.

5. The place where said water is used is S $\frac{1}{2}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 25; W $\frac{1}{2}$ NE $\frac{1}{4}$, W $\frac{1}{2}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 26; S $\frac{1}{2}$ NE $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 35, Township 5 South - Range 3 East, B. M.

6. The date of priority which said user is prepared to establish is October 26, 1959.

CARL E. TAPPAN,
State Reclamation Engineer
(Oct. 22 - Nov. 12)

28239

June 22, 1965

RE: Permit Nos. 28394, 28395, 28396,
C-28239, 29544

Owyhee County Abstract Company
Murphy, Idaho

Gentlemen:

Enclosed are photo copies of the above numbered permits which
you requested by phone.

The fee for making the copies is \$9.00 which you may remit
to this office.

Very truly yours,

CARL E. TAPPAN
State Reclamation Engineer
By

(Mrs.) Edna P. Rule
Chief Clerk

EPR:mr

Enc. copies of permits 5

28239

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 11 day of January, 1979, and the last publication being on the 18 day of January, 1979;

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 18 day of Jan., 1979.

Lorna Shaw
NOTARY PUBLIC

My commission expires 9-11-80

(SEAL)

NOTICE OF PROPOSED AMENDING OF WATER PERMIT

Notice is hereby given that Permit No. 57 - 2234 in the name of D. O. BYBEE was issued for the diversion of 3.04 cubic feet per second of water from groundwater with the point of diversion within the SW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 26, SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 35, Twp. 5S, Rge. 3E, B. M. for irrigation within the portions of Sec. 25, 26, 35, Twp. 5S, Rge. 3E, B. M.

The permit holder now proposes to amend Permit No. 57-2234 by changing the place of use to E $\frac{1}{2}$, Sec. 27, Twp. 5S, Rge. 3E, B. M.

Any protests to this proposed amending of the permit must be filed with the Director of the Idaho Department of Water Resources, 92 S. Cole Road, Boise, Idaho 83705 on or before January 29, 1979.

C. STEPHEN ALLRED,
Director

Published in the Owyhee Nugget, Marsing, Owyhee County, Idaho on 1/11 and 1/18/79.

01C-121
-29-79
RECEIVED

JAN 29

Department of Water Resources
Western Regional Office

MICROFILMED

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE
WATER RIGHT NO. 57-02234

Priority: October 29, 1959

Maximum Diversion Rate:

2.42 CFS

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 October 26, 1959; and has submitted Proof of Beneficial Use on November 30, 1964. An examination indicates that the works have a diversion capacity of 3.350 cfs of water from a GROUNDWATER 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	2.42 CFS	

LOCATION OF POINT(S) OF DIVERSION:

SWNW , Sec. 26, Township 05S, Range 03E
NWSE , Sec. 27, Township 05S, Range 03E
SWSW , Sec. 35, Township 05S, Range 03E
OWYHEE County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
05S	03E	22	NESE 18	SWSE 40	SESE 32		90
		27	NENE 35	NWNE 40	SWNE 18		
			SENE 3	NESE 37	NWSE 39		172

Total number of acres irrigated: 262

CONDITIONS/REMARKS:

1. This water right is appurtenant to the described place of use.
2. This right is subject to all prior water rights and may be forfeited by five years of non-use.
3. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
4. The right holder shall fully use all surface water rights appurtenant to the lands identified above prior to using water under this right.
5. This right when combined with Right 57-02224 shall not exceed a diversion rate of 3.35 cfs nor provide more than 4.5 afa per acre for the lands above.
6. Two points of diversion are located within SWNW, S26, T05S, R03E.

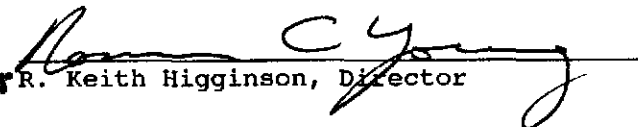
APR 15 1994

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 57-02234

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 July, 1994.

Acting for  R. Keith Higginson, Director

AUG 15 1994

APPROVED

State of Idaho
Department of Water Resources

APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 57-02234

Date of Priority: October 29, 1959

Maximum Diversion Rate: 2.42 CFS
Maximum Diversion Volume:¹ 1180.8 AF

Comes now D. O. BYBEE
RT. B BOX 322
GRAND VIEW ID 83624

and represents to the Director of the

Idaho Department of Water Resources:

That he is the owner and holder of Permit to Appropriate the Public Waters of the State of Idaho No. 57-02234, and requests that the permit be changed as follows:

Source: GROUNDWATER

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	03/15 to 11/15	2.42 CFS	1180.8 AF

LOCATION OF POINT(S) OF DIVERSION:

SWNW , Sec. 26, Township 05S, Range 03E
SWSW , Sec. 35, Township 05S, Range 03E
NWSE , Sec. 27, Township 05S, Range 03E
OWYHEE County

PLACE OF USE: IRRIGATION
TWN RGE SEC

	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
05S 03E 22	NESE 18	SWSE 40	SESE 32	90
27	NENE 35	NWNE 40	SWNE 18	
	SENE 3	NESE 37	NWSE 39	172

Total number of acres irrigated: 262

Permit holder asserts that no one will be injured by such change and that such change will be made at permit holder's own risk.

Signed at Boise, this 27 day of January, 1992.

Charles Raymond Draper
(Signature)

RECEIVED

AUG 15 1994

State of Idaho
Department of Water Resources

APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 57-02234

FOR DEPARTMENT USE ONLY

Preliminary check by SC Fee = \$200 Received by SC #0023054 Date 1/27/92 ✓

ACTION OF THE DEPARTMENT OF WATER RESOURCES

I, R. Keith Higginson, of the Department of Water Resources hereby approve the above Application for Amendment for Permit No. 57-02234 with the following;

CONDITIONS/REMARKS:

1. This water right is appurtenant to the described place of use.
2. This right is subject to all prior water rights and may be forfeited by five years of non-use.
3. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
4. The right holder shall fully use all surface water rights appurtenant to the lands identified above prior to using water under this right.
5. This right when combined with Right 57-02224 shall not exceed a diversion rate of 3.35 cfs nor provide more than 4.5 afa per acre for the lands above.
6. Two points of diversion are located within SWNW, S26, T05S, R03E.

Witness my hand this 29TH day of July, 1994.

Acting for R. Keith Higginson, Director

AUG 15 1994

RECEIVED RECEIVED
APR 06 1988 APR 11 1988

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
Western 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. 57-2234

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

Post Office Address: HC 85, Box 321, Grandview, ID 83624

Telephone No. 834-2737

Source of Water: Ground water

Extent of Use:

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

Irrigation 270 (acres) Other/Remark _____

Total rate and/or volume for which proof is submitted 3.04 cfs 1,215 acre-feet

Show the date water was first diverted and beneficially used under this permit: 1978

Measuring Device: Required? ☐ Yes ☒ No
Installed? ☐ Yes ☒ No

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

Flow Measurement Port: Required? ☒ Yes ☐ No
Installed? ☒ Yes ☐ No

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

(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 15 1994

3/28/88

Date

Celia C. Graper
Nani C. Bybee
Signature of Permit Holder (and title, if appropriate)

4/86

RECEIVED

JUL 01 1987

For Office Use Only
Fee Received _____
Date _____
Receipt # _____
Receipt by _____
Sent to S.O. _____

STATE OF IDAHO Department of Water Resources

DEPARTMENT OF WATER RESOURCES

EXAMINATION FEE INFORMATION

1. Permit No. 57-2234

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: Ground water

5. Extent of Use:

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

Irrigation 110 (acres) Other/Remark _____

6. Total rate &/or volume for which proof is submitted 3.04 cfs _____ acre-feet

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

1960

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)

AUG 15 1994

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.

INTER-DEPARTMENT MEMO — 1

FROM Jim

DATE

TO File

SUBJECT

Note! computer record is in
ERROR. - No split of this right
has occurred.

In re doing

this Jim suggested considering the amend-
ment as ~~now~~ ^{now} the permit reads now. *JK*

Corrected
1/23/84

SIGNATURE

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR AMENDMENT OF A PERMIT

To change the point of diversion and/or the place of use.

See agreement between Bybee & Roberts
in file pertaining to ownership.

Comes now D. O. BYBEE

of (address) Route B, Box 318 Grandview, ID , and represents to the
Director of the Idaho Department of Water Resources:

That he is the owner and holder of Permit to appropriate the Public Waters of the State of Idaho
No. 57-2234 , and requests that the permit and permit map be changed as follows:

1. NO CHANGE
Point of diversion: 1/4 1/4, Section , Township , Range , B.M.,
County of . Other points of diversion:

2. Period and nature of use: (irrigation, domestic, stockwatering, industrial, etc.)

Amount 3.04 for Irrigation purposes from to (both dates inclusive)
(cfs or acre feet per annum)
Amount for purposes from to (both dates inclusive)
(cfs or acre feet per annum)
Amount for purposes from to (both dates inclusive)
(cfs or acre feet per annum)
Amount for purposes from to (both dates inclusive)
(cfs or acre feet per annum)

3. Place of use or land to be irrigated:

TWP	RGE	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	
5S	3E	27	40	40	20	10									40	40	40	40	270

270

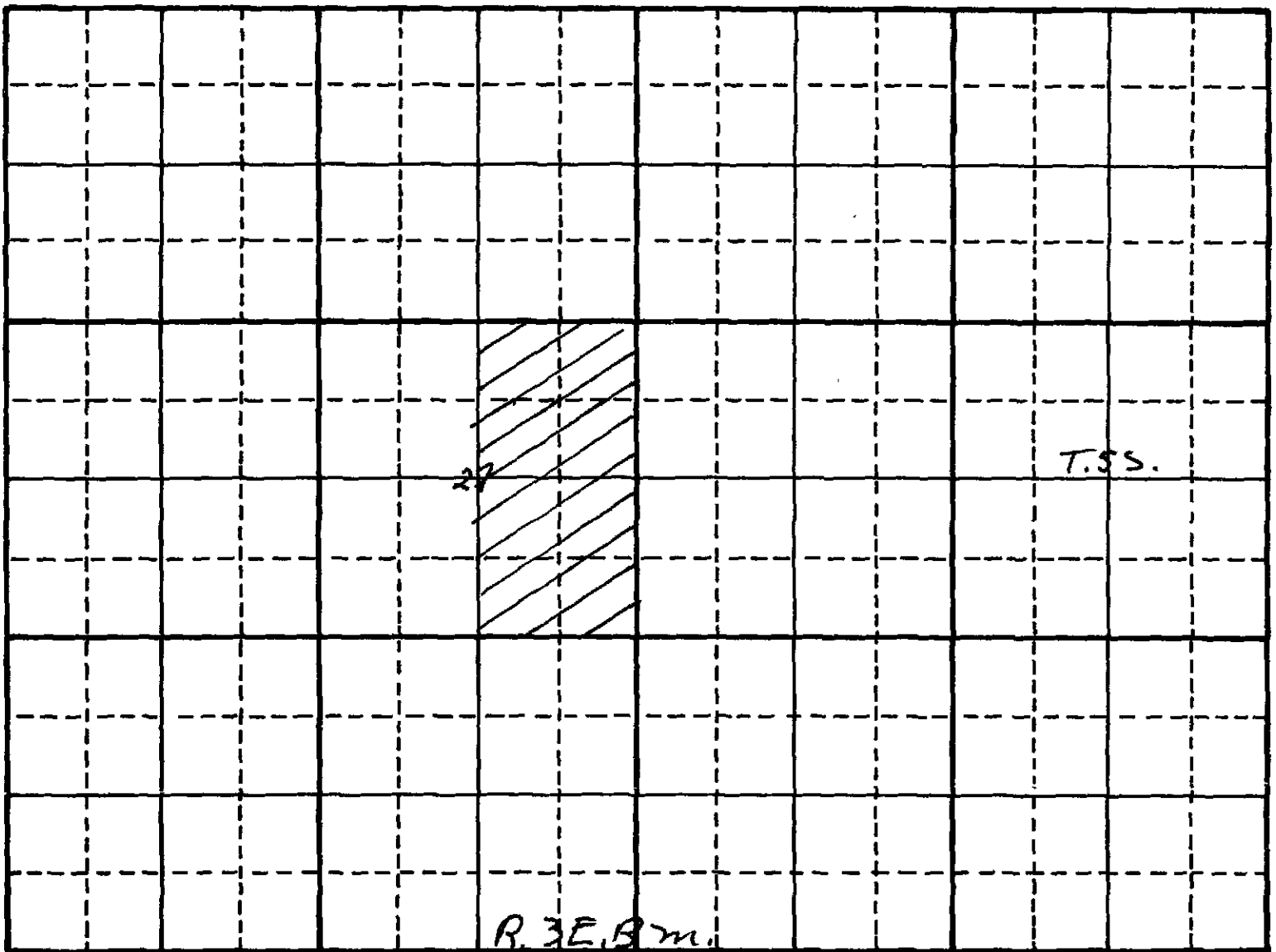
Total number of acres to be irrigated =
Owyhee Grazing Wells No. 1 & 2
Reg Meaker Well No. 3

4. a. Who owns the property at the point of diversion?
b. Who owns the land to be irrigated or the place of use? D. O. Bybee
c. If the property is owned by a person other than the applicant, describe the arrangement enabling the
applicant to make this filing: see attached agreement

MICROFILMED

Complete the following map by showing land and point of diversion as proposed by this amendment.

Show 40-acre subdivisions, townships, ranges and ditches.



Scale: 2 inches equal 1 mile.

That no one will be injured by such change, and that such change will be made at permit holder's own risk.

Signed at D. Pyle, this 29 day of Dec., 1978.
Boise Idaho D. Pyle
(Signature)

FOR DEPARTMENT USE ONLY

Preliminary check by R.W.H. Fee = \$20.00
Publication prepared by _____ Date _____
Publication dates 11/14 1/18
Received by KW Date 12-29-78 #12529
Published in Owyhee Nugget

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

I, L. GLEN SAXTON, Chief, Operations Bureau, XXXXXX of the Department of Water Resources hereby

APPROVE THIS APPLICATION FOR AMENDMENT ON PERMIT NO. 57-72234.

THE ISSUANCE OF THE AMENDMENT IN NO WAY GRANTS ANY RIGHT-OF-WAY OR EASEMENT ACROSS THE LAND OF ANOTHER.

Witness my hand this 8th day of February, 19 79

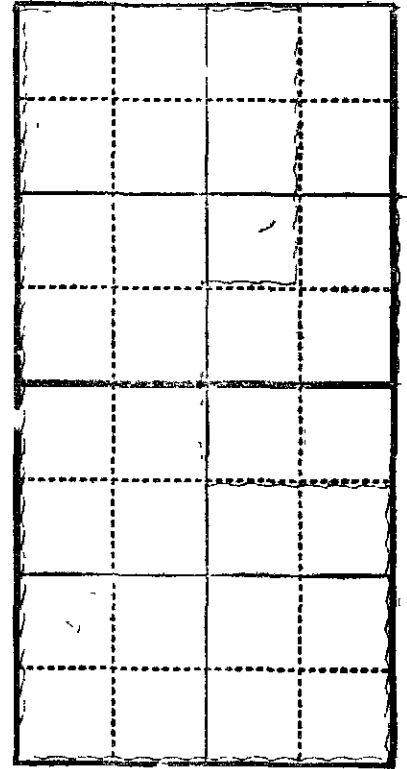
L. Glen Saxton
Chief, Operations Bureau

57-

APPLICATION FOR PERMIT To Appropriate the Subterranean Waters of The State of Idaho

Application No. G- 36199
Permit No. G- 28239
District No.

1. Name of Applicant: V. A. & Ellen M. Roberts
Postoffice address: 4912 Roberts Rd., Boise County: Ada State: Idaho
2. Quantity of water claimed: 1120
(a) Rate of withdrawal in cubic feet per second 22.4 or Idaho
Miners' inches or gallons per minute
(b) Annual withdrawal in acre feet per annum
3. Source of water supply: 3 drilled wells #1-SW NW 26
#2-SW NW 26
#3-SW 1/4 of the SW 1/4 of Section 35
4. Location of point of diversion or well is in the Twp. 5 S , Rge. 3 E , B.M., County of Owyhee
5. Water is to be used for: Irrigation
6. If for municipal, industrial or recreational purposes, give:
(a) Point of use of water is in the 1/4 of the 1/4 of Section , Twp.
Rge. , B.M.
(b) Waste water or sewage effluent is to be returned to
at a point in the 1/4 of the 1/4 of Section , Twp , Rge , B.M.
7. Kind of works: 3 drilled wells, ditches and cooling pond
8. Estimated cost of works: \$15,000
9. (a) Is reservoir to be used? No
(b) Capacity of reservoir:
10. The time required for the completion of such work and complete application of the water to the proposed use is 5 years.
11. If applicant is a corporation, give:
I. (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) Bonds to be issued:
(d) Other resources:
12. The land to be irrigated is described in the following tabulation:
13. Existing water rights and/or valid permits appurtenant to the lands to be irrigated are: 27111, 27110, also Grandview Mutual Canal Co. water
(a) 22.4 (cubic feet per second, ~~inches or gallons per minute~~) of the water herein applied for is to be supplemental to the existing water rights.
(b) (cubic feet per second, inches or gallons per minute) is for new lands.



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	
5 S	3 E	25										40	40	40					120
		26		40	40		40	40	40	40	40	40	40	40		40			440
		35			40	40	40	40	40	40	40	40	40	40	40	40	40	40	560
																			1120



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

July 29, 1994

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

RE: WATER RIGHT NO. 57-02234

Dear Water Right Holder(s):

Enclosed herewith is a copy of the Water Right License issued on the above referenced permit along with a copy of your approved Application for Amendment.

Should you have any questions regarding these documents, please feel free to contact this office.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jim Johnson', with a horizontal line extending to the right.

JIM JOHNSON, Manager
Water Right Permits Section

JJ:dc

Enclosure

AUG 15 1994

WR0749NP
No. L57-02234

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 07/18/94
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY	WATER USE	USE PERIOD		DIVERSION RATE	DIVERSION VOLUME
		DATE		FROM	TO		
C	CHARLES RAYMOND DRAPER	10/29/1959	IRRIGATION	03-15	11-15	2.42 CFS	
C	CELIA C DRAPER						
	HC 85 BOX 321						
	GRAND VIEW ID 83624						
	(208) 834-2245						
TOTAL DIVERSION:						2.42 CFS	

Water Source: GROUNDWATER

Tributary to:

Stage: LICENSE

Point(s) of Diversion Capacity: 3.35 CFS

Point(s) of Diversion:	T05S R03E S26	S27	S35	SWNW	NWSE	SWSW	OWYHEE County
							OWYHEE County
							OWYHEE County

Place of use Legal Description for: IRRIGATION

NE												NW				SW				SE															
			NENE		NWNE		SWNE		SENE		NENW		NWNW		SWNW		SENW		NESW		NWSW		SWSW		SESW		NESE		NWSE		SWSE		SESE		
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	Lt	Ac	:	SUM	
05S	03E	22	:									:							:							:								:	
05S	03E	27	:									:							:							:	18			40		32	:	90.0	
			:	35		40		18		03		:							:	37		39				:			TOTAL ACRES				:	262.0	

Pou County: OWYHEE

Other Water Rights with Same Point(s) of Diversion and Source:
57-02234 57-04108 57-07225 57-07403 57-07420 57-07469

Other Water Rights Listing Overlapping Place(s) of use:
02-07032 57-02224 57-02234 57-02264 57-02274 57-07072 57-07198 57-07259

Remarks: The right holder shall fully use all surface water rights appurtenant to the lands identified above prior to using water under this right.
This right when combined with Right 57-02224 shall not exceed a diversion rate of 3.35 cfs nor provide more than 4.5 afa per acre for the lands above.
Two points of diversion are located within SWNW, S26, T05S, R03E.

Dates:	App. Received: 10/26/1959	Priority Date: 10/29/1959	(Priority Date Advanced.)
	Proof Due Date: 11/06/1964	Proof Made Date: 11/30/1964	(Proof Received Late.)
	Exam Made Date: 03/14/1988	Exam Sent to S.O.: 04/06/1988	
	Licensed Date:		

Misc: Water District Number: Field Exam Fee:

Audit: 10/07/88 CURTIS 10/12/88 JOHNSON 09/10/90 CURTIS 08/27/91 CURTIS
02/14/92 CURTIS 07/18/94 BCHAPMAN

(WATER RIGHT NUMBERS THAT BEGIN WITH AN '*' ARE ADJUDICATION CLAIMS)

WR-NUMBER	SOURCE	NE				NW				SW				SE				SUM
		Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	
L5702234	T05S R03E S22 GROUNDWATER																	
	:																	
A0200029	SNAKE RIVE : 01-15 02-15																	
A0200203	SNAKE RIVE : 01-15 02-15																	
0202034	SNAKE RIVE : 01-18 *23																	
A0202034	SNAKE RIVE : 01-15 02-15																	
0202161	SNAKE RIVE : 03-01																	
A0202161	SNAKE RIVE : 03-01																	
0202241	SNAKE RIVE :																	
A0202241	SNAKE RIVE :																	
0207032	SNAKE RIVE :																	
A0207032A	SNAKE RIVE :																	
0207212A	SNAKE RIVE :																	
A0207212A	SNAKE RIVE :																	
0207336	SNAKE RIVE :																	
A0207336	SNAKE RIVE :																	
0207399	SNAKE RIVE :																	
5702224	GROUNDWATE :																	
*5702224	GROUNDWATE :																	
A5702224	GROUNDWATE :																	
A5702234	GROUNDWATE :																	
5702264	UNNAMED ST :																	
*5702264	UNNAMED ST :																	
A5702264	UNNAMED ST :																	
5702274	SHOOFLY CR :																	
*5702274	SHOOFLY CR :																	
A5702274	SHOOFLY CR :																	
5702324	TWENTYMILE :																	
*5702324	TWENTYMILE :																	
A5702324	TWENTY MIL :																	
5704096	GROUNDWATE :																	
*5704096	GROUNDWATE :																	
A5704096	GROUNDWATE :																	
5707072	SHOOFLY CR :																	
5707198	SHOOFLY CR :																	
*5707198	SHOOFLY CR :																	
A5707198	SHOOFLY CR :																	

L5702234	T05S R03E S27 GROUNDWATER																	
	:																	
A0200063	SNAKE RIVE : 03 01																	
0202241	SNAKE RIVE :																	
A0202241	SNAKE RIVE :																	
A0202271	SNAKE RIVE :																	
0207032	SNAKE RIVE : 23 39 29 28																	
A0207032A	SNAKE RIVE : 03 15																	

POU COMPARISON

(WATER RIGHT NUMBERS THAT BEGIN WITH AN '*' ARE ADJUDICATION CLAIMS)

WR-NUMBER	SOURCE	NE				NW				SW				SE				SUM
		Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	
A0207032B	SNAKE RIVE :	22	24	29	28	:				:								103
~~5702224~~	~~GROUNDWATE :~~			~~20~~	~~30~~	:				:								~~50~~
*5702224	GROUNDWATE :			20	30	:				:								50
~~A5702224~~	~~GROUNDWATE :~~			~~20~~	~~30~~	:				:								~~50~~
5702234	GROUNDWATE :	40	40	20	10	:				:				40	40	40	40	270
~~*5702234~~	~~GROUNDWATE :~~	~~40~~	~~40~~	~~20~~	~~10~~	:				:				~~40~~	~~40~~	~~40~~	~~40~~	~~270~~
A5702234	GROUNDWATE :	37	40	38	33	:				:				38	39			225
5702264	UNNAMED ST :	35	40	38	33	:				:				37	39			222
*5702264	UNNAMED ST :	35	40	38	33	:				:				37	39			222
A5702264	UNNAMED ST :	37	40	38	33	:				:				38	39			225
5702274	SHOOFLY CR :	35	40	38	33	:				:				37	39			222
*5702274	SHOOFLY CR :	35	40	38	33	:				:				37	39			222
A5702274	SHOOFLY CR :	37	40	38	33	:				:				38	39			225
5702324	TWENTYMILE :	35	40	38	33	:				:				37	39			222
*5702324	TWENTYMILE :	35	40	38	33	:				:				37	39			222
A5702324	TWENTY MIL :	35	40	38	33	:				:								146
5707259	SHOOFLY CR :					:				:				03				3

As recommended to court

DATE: 07/18/94
PAGE: 2

- CLAIM -

AJ5809NP
No. A57-02234

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 07/18/94
PAGE: 3

=====

Dates:	Exam Made Date:	Verified Date:
Misc:	Water District Number:	Field Inspection Flag:
		Presumption Flag: E
Audit:	04/12/89 HARRIS	

WR0749NP
No. 57-02224

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 07/18/94
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	D. O. BYBEE GRAND VIEW ID 83624	04/17/1958	IRRIGATION	00-00 00-00	2.00 CFS	
TOTAL DIVERSION:					2.00 CFS	

Water Source: GROUNDWATER

Tributary to:

Stage: LICENSE

Point(s) of Diversion: T05S R03E S27 SWNE OWYHEE County

Place of use Legal Description for: IRRIGATION

				NE				NW				SW				SE					
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	SUM
05S	03E	22	:																	:	50.0
05S	03E	27	:			20		30												:	50.0
TOTAL ACRES																				100.0	

Pou County: OWYHEE

Other Water Rights Listing Overlapping Place(s) of use:

02-07032 57-02234 57-02264 57-02274 57-07072 57-07198 L57-02234

Dates:	App. Received:	Priority Date:	04/17/1958
	Proof Due Date:	Proof Made Date:	
	Exam Made Date:	Exam Sent to S.O.:	
	Licensed Date:		06/07/1979

Misc: Water District Number: Field Exam Fee:

Audit: 02/26/85 05/01/88 CONVERT

OVERLAPPING LICENSE

LICENSE REVIEW CHECKLIST

PERMIT NO. 57-2234 DATE 7-18-94



NAME Charles R. Draper is owner. Or Address Change? Yes
 PRIORITY DATE Advanced to: Order to reinstate needed? Incorrect fee for rate recommended?
 SOURCE Changes or just clarification of originally intended source? Notice of Intent to Void necessary?
 POINT OF DIV Amendment needed? Overlaps? 57-02224 @ 2.0 CFS for 100 acres.
 PLACE OF USE Amendment needed? Overlaps? 57-02224 Done
 DIV RATE Measurement Q = 3.35 Theoretical Q =
(all wells) FOR 362 acres / .00925 PER ACRE
262 X RATE = 2.42 CFS
Capacity: 3.35 Combined rates exceed capacity Yes
Permit/fee limits: 22.4 Allowable: 2.42 CONDITION
 ANNUAL VOLUME Season of use: D/4.5 3/15 to 11/15
Calculations: 362 x 4.5 = 1629 @ current rate
262 x 4.5 = 1179
Flow limit: cfs x x 1.9835 =
Combined volumes exceed capacity/allowable DONT LIST
USES Change in Nature of Use or additional uses? CONDITION
Amendment necessary?

REMARKS Multiple p/d(s) in 1/4 1/4? Already there
Other Adjust to current rate of volume;
Shanderien Mutual Canal Co Water

CONDITIONS Measuring/Locking Devices
Watermaster control - District
Irrigation Overlap
Water Quality
Other

COMMENTS: Only change made is adjustments to the current
volume per acre rate and change several conditions
to reflect that change in rate. Also added surface water condition.

RECOMMENDED	CFS	VOLUME	LICENSE
<u>Irrigation</u>	<u>2.42</u>	<u>(1129)</u>	<u>1ST AMENDMENT LETTER</u> <u>Already signed</u>
			<u>FINAL AMENDMENT LETTER</u>

* Second review - First by Shale (Amendment returned in 1992.)

MEMORANDUM

RECEIVED

JUL 06 1994

Department of Environmental Protection

To: Brenda Chapman

From: Rob Whitney *RW*

RE: Repair of wells owned by Raymond Draper (57-02234)

Date: 7-5-1994

The purpose of this memo is to document repair of the above referenced wells. The three wells owned by Mr. Draper have been repaired as required by the the Department. I have inspected the wells and aside from some small leaks around some valves (a few gallons per day) the wells look good.

RBW

AUG 15 1994

MEMORANDUM

TO: Rob Whitney
FROM: Brenda Chapman
DATE: June 20, 1994
RE: Information Request for Permit 57-02234

=====

Rob,

I am working on some of our older exams and the above referenced file had a memo from Sharla in it that addresses an area you can possibly assist me with.

In the enclosed copy, item 4 mentions problems with some leaking wells and that Mark would be providing us with a memo on his findings (which is not in the file). It was suggested that I contact you to see if you had been involved with this project and could shed some light on it.

I am enclosing a copy of the profile report for the p/d locations for your reference.

Thanks for any help you can give.

RECEIVED
AUG 15 1994

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.

AUG 15 1994

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.

MS 6/3/72

AUG 15 1934

See Exhibit A

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantees, their heirs and assigns forever. And the said Grantors do hereby covenant to and with the said Grantees, that they are owners in fee simple of said premises; that they are free from all incumbrances

and that they will warrant and defend the same from all lawful claims whatsoever.

Dated: November 22, 1976

D. O. Bybee
Thelma C. Bybee

STATE OF IDAHO, COUNTY OF ADA
On this 22 day of November 1976,
before me, a notary public in and for said State, personally
appeared

D. O. BYBEE and
THELMA C. BYBEE,
husband and wife,

known to me to be the persons whose names are
subscribed to the within instrument, and acknowledged to
me that they executed the same.

[Signature]
Notary Public
Residing at Boise, Idaho
Comm. Expires

STATE OF IDAHO, COUNTY OF Owyhee
I hereby certify that this instrument was filed for record at
the request of Martin, Chapman, Martin, Hyde
at 40 minutes past 10 o'clock a.m.,
this 26 day of Nov
1976, in my office, and duly recorded in Book
of Deeds at page

BARBARA JAYO
Ex-Officio Recorder

By [Signature] Deputy.
Fees \$ 2.00
Mail to:

INSTRUMENT NO. L-191-15

AUG 15 1977

STATE OF IDAHO } ss.
County of Owyhee }

I hereby certify that the foregoing
instrument is a true and correct copy of the
original as it appears Instrument

149145

Record of Owyhee County.

Dated January 30, 1992

BARBARA JAYO by: G. Shenderson

Title

deputy

RECORDED

AUG 15 1994

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 15 1994

Thence North 66° 45' east a distance of 305.8 feet,
more or less, to the westerly right-of-way line
of State Highway 45;
Thence southeasterly along said right-of-way on
a 01° 30' curve to the right, having a central
angle of 49° 15' and a radius of 3,819.72 feet
a distance of 2,040 feet, more or less, to a
right-of-way monument;

Thence South 0° 52' east along the west right-of-
way line of State Highway 45 a distance of 325 feet,
more or less, to an iron pin on the north boundary
line of the Mountain Home Redi-Mix tract, said
point being North 0° 52' west a distance of 67
feet and North 89° 08' west a distance of 100
feet from the section corner of Sections 22, 23,
27, and 26;

Thence North 89° 08' west a distance of 660 feet
to an iron pin on the northwest corner of the
Mountain Home Redi-Mix tract;

Thence South 0° 52' east a distance of 630 feet
to an iron pin;

Thence North 89° 08' west a distance of 1,880
feet, more or less, to an iron pin on the west
boundary line of the NW¼NE¼ of Section 27;

Thence North 0° 52' west a distance of 563 feet,
more or less, to the north quarter corner of
Section 27;

Thence North 0° 52' west along the west boundary
line of the southeast quarter of Section 22 a
distance of 2640 feet, more or less, to the
point of beginning.

Containing a total of 160.58 acres, more or
less.

RECORDED
AUG 15 1934

RECEIVED
JAN 31 1992

WARRANTY DEED

Department of Water Resources

FOR VALUE RECEIVED, D. O. FYBEE and THELMA C. BYBEE, husband and wife, of the City of Grand View, County of Owyhee, State of Idaho, the Grantors, do hereby grant, bargain, sell and convey unto CHARLES RAYMOND DRAPER and CELIA C. DRAPER, husband and wife, the Grantees, whose current address is: Route B, Box 321, Grand View, Idaho 83624, the following described premises, in Owyhee County, State of Idaho, to-wit:

Please see Exhibit "A" attached hereto, referred to and by reference made a part hereof.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantees, their heirs and assigns forever. And the said Grantors do hereby covenant to and with the said Grantees, that they are the owners in fee simple of said premises, and that they are free from all encumbrances, and that they will warrant and defend the same from all lawful claims whatsoever.

DATED: This 17th day of October, 1980.

D. O. Bybee
D. O. BYBEE

Thelma C. Bybee
THELMA C. BYBEE

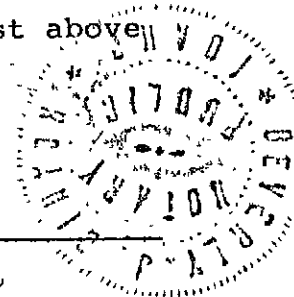
RECEIVED
AUG 15 1994

STATE OF IDAHO)
 : ss.
County of Owyhee)

On this 17th day of October, 1980, before me, a Notary Public in and for said State, personally appeared D. O. BYBEE and THELMA C. BYBEE, husband and wife, known to me to be the persons whose names are subscribed to the foregoing instrument, and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

Beverly J. Benison
Notary Public for Idaho
Residing at: *Grand View*



206915

FILED-RECORDED

'92 JAN 30 AM 10 57

BARBARA JAYO
OWYHEE COUNTY RECORDER
BY *C. J. Shoben*
DEPUTY

REQUEST OF *Celia Draper*
FEE *9.00*

INDEXED

MICROFILMED

AUG 15 1994

EXHIBIT "A"

A 36.0 acre tract of land in NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 27, T. 5 S., R. 3 E. B.M., Owyhee County, Idaho, described as follows:

All of the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 27, T. 5 S., R. 3 E. B.M., EXCEPT a 4.0 acre tract in Northeast corner being beginning at the Northeast corner of NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 27, T. 5 S., R. 3 E. B.M.;

Thence West along north boundary 420.0 feet;

Thence South 420.0 feet;

Thence East 420.0 feet to East boundary line of NE $\frac{1}{4}$ SE $\frac{1}{4}$;

Thence North 420.0 feet along east boundary of NE $\frac{1}{4}$ SE $\frac{1}{4}$ to point of beginning;

Together with a 12-foot right-of-way for a concrete ditch easement along the south side of NW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 27, T. 5 S., R. 3 E. B.M.

A tract of land in the Southeast quarter of the Northeast quarter of Section 27, T. 5 S., R. 3 E. B.M., Owyhee County, Idaho, particularly described as follows:

Beginning at the east quarter corner of Section 27, T. 5 S., R. 3 E. B.M.;

Thence N. 0°04' E. along the east section line of Section 27-751.0 feet to a point on centerline of Bruneau-Grandview Highway;

Thence N. 89°56' W. 100 feet to the true point of beginning, being the west right-of-way line of said Highway;

Thence N. 89°56' W. 682.0 feet to a point;

Thence N. 0°04' E. 288.0 feet to a point;

Thence S. 89°56' E. 682.0 feet to a point on west right-of-way line of Highway;

Thence S. 0°04' W. 35.3 feet along west right-of-way of highway to a point;

Thence N. 89°56' W. 208.7 feet to a point;

Thence S. 0°04' W. 208.7 feet to a point;

Thence S. 89°56' E. 208.7 feet to a point on west right-of-way line of highway;

Thence S. 0°04' W. 44.0 feet along west right-of-way line of highway to point of beginning.

Containing 3.51 acres.

DEED OF DISTRIBUTION
BY PERSONAL REPRESENTATIVE

THIS DEED, made by CELIA C. DRAPER and NANI BEUS, as personal representatives of the estate of DART OTTO BYBEE and THELMA CAROLINE BYBEE, husband and wife, deceased, Grantors, to C. NANNETTE HOLLADAY, Grantee, whose address is 19062 Rocky Road, Santa Ana, California 92705.

WHEREAS, Grantors are the qualified personal representatives of said estate, filed as Probate Number 6-007 in Owyhee County, Idaho; and

WHEREAS, Grantee is entitled to distribution of the hereinafter described real property;

THEREFORE, for valuable consideration received, Grantor conveys and releases to Grantee the following described real property in Owyhee County, Idaho:

IN TOWNSHIP 5 SOUTH, RANGE 3 EAST, B.M., OWYHEE COUNTY,
IDAHO - SECTION 27: SW~~X~~NE~~X~~

with all appurtenances.

EXECUTED THIS 15 day of December, 1988.


CELIA C. DRAPER
Personal Representative


NANI C. BEUS
Personal Representative

AUG 15 1994

State of Idaho)
County of Owyhee) ss.

On the 15 day of December, 1988, before me,

_____, a notary public, personally appeared CELIA C. DRAPER and NANI BEUS, known to me to be the persons whose names are subscribed to the within instrument, as personal representatives of the estate of DART OTTO BYBEE and THELMA CAROLINE, husband and wife, deceased, and acknowledged to me that they executed the same as such personal representatives.

Linda R. Smircil
Notary Public
Residing at: Mt Home, Id
My commission expires: 4-18-94

201257

FILED-RECORDED

DEC 8 2 05 PM '88

BARBARA JAYO
OWYHEE COUNTY RECORDER
BY C. J. Holladay
DEPUTY

REQUEST OF

OCT

FEE 6.00

INDEXED

MICROFILMED



WARRANTY DEED

FOR VALUE RECEIVED, C. NANNETTE HOLLADAY, a divorced woman dealing with her sole and separate property, of the City of Santa, State of California, the Grantor, does hereby grant, bargain, sell and convey unto CHARLES RAYMOND DRAPER and CELIA C. DRAPER, husband and wife, whose current address is: HC 85, Box 321, Grand View, Idaho 83624, the following described premises, in Owyhee County, State of Idaho, to-wit:

The SW1/4, NE1/4 of Section 27, in Township Five South, Range Three East, B.M., Owyhee County, Idaho, including the hot springs thereon.

together with all and singular the tenements, hereditaments, and appurtenances thereunto belonging or in anywise appertaining, including the hot water well, swimming pool and motel.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantees, their heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that she is the owner in fee simple of said premises, and that they are free from all encumbrances, and that she will warrant and defend the same from all lawful claims whatsoever.

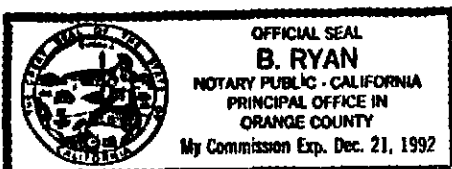
DATED: This 26th day of December, 1989.

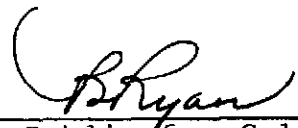

C. NANNETTE HOLLADAY

STATE OF CALIFORNIA)
 : ss.
County of ORANGE)

On this 26th day of December, 1989, before me, a Notary Public in and for said State, personally appeared C. NANNETTE HOLLADAY, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.




Notary Public for California
Residing at Tustin, California
My Commission Expires: 12/21/92

201477

FILED-RECORDED

JAN 8 10 46 AM '90

BARBARA JAYO
OWYHEE COUNTY RECORDER
BY C. Sherburne
DEPUTY

OCT
3.00

MICROFILM

AUG 15 1994

DEED OF DISTRIBUTION
BY PERSONAL REPRESENTATIVE

THIS DEED, made by CELIA C. DRAPER and NANI BEUS, as personal representatives of the estate of DART OTTO BYBEE and THELMA CAROLINE BYBEE, husband and wife, deceased, Grantors, to CELIA C. DRAPER, Grantee, whose address is HC 85, Box 321, Grand View, Idaho, 83624.

WHEREAS, Grantors are the qualified personal representatives of said estate, filed as Probate Number 6-007 in Owyhee County, Idaho; and

WHEREAS, Grantee is entitled to distribution of the hereinafter described real property;

THEREFORE, for valuable consideration received, Grantor conveys and releases to Grantee the following described real property in Owyhee County, Idaho:

IN TOWNSHIP 5 SOUTH, RANGE 3 EAST, B.M., OWYHEE COUNTY, IDAHO

SECTION 27: N~~W~~NE~~W~~ and the SE~~W~~NE~~W~~ LESS the following described parcels:

A tract of land in the SE~~W~~NE~~W~~, Sec.27, T5S, R3E, B.M., described as follows: Beginning at the East quarter corner of Sec. 27, T5S, R3E, B.M.; thence North 0 degrees 4 minutes East along the East section line of Sec. 27, a distance of 751 feet to a point; thence North 89 degrees 56 minutes West a distance of 362 feet to the TRUE POINT OF BEGINNING; thence North 89 degrees 56 minutes West a distance of 420 feet to a point; thence South 0 degrees 4 minutes West 222 feet to a point; thence South 89 degrees 56 minutes East a distance of 420 feet to a point; thence North 0 degrees 4 minutes East 222 feet to the TRUE POINT OF BEGINNING.

ALSO EXCEPT: A tract of land in the SE~~X~~NE~~X~~, Sec. 27, T5S, R3E, B.M., described as follows: Beginning at the East quarter corner of Sec. 27, T5S, R3E, B.M., thence North 0 degrees 4 minutes East along the East section line of Sec. 27, T5S, R3E, 751 feet to a point on the centerline of Bruneau-Grand View Highway; thence North 89 degrees 56 minutes West 100 feet to the TRUE POINT OF BEGINNING, being the West right-of-way line of said Highway; thence North 89 degrees 56 minutes West 682 feet to a point; thence North 0 degrees 4 minutes East 288 feet to a point; thence South 89 degrees 56 minutes East 682 feet to a point on the West right-of-way line of said Highway; thence South 0 degrees 4 minutes West a distance of 288 feet to the TRUE POINT OF BEGINNING.

ALSO EXCEPT: A tract of land in the SE~~X~~SE~~X~~ of Sec. 22 and the NE~~X~~NE~~X~~ of Sec. 27, T5S, R3E, B.M., described as follows: Beginning at the section corner common to Sections 22, 23, 26 and 27, T5S, R3E, B.M.; thence South 20 degrees 38 minutes West a distance of 281.1 feet to an iron pin in the West boundary line of the Bruneau-Grand View Highway, the TRUE POINT OF BEGINNING; thence North 0 degrees 52 minutes West along the West boundary line of said Highway a distance of 330 feet to an iron pin; thence North 89 degrees 8 minutes West a distance of 660 feet to an iron pin; thence South 0 degrees 52 minutes East a distance of 330 feet to an iron pin; thence South 89 degrees 8 minutes East a distance of 660 feet to the TRUE POINT OF BEGINNING.

ALSO EXCEPT: A tract of land in the SE~~X~~ of Sec. 22 and the N~~X~~NE~~X~~ of Sec. 27, T5S, R3E, B.M., described as follows: Beginning at the Northwest corner of the NW~~X~~SE~~X~~, Sec. 22, a brass cap, being the center quarter corner of Sec. 22, the TRUE POINT OF BEGINNING; thence North 89 degrees 56 minutes East along the North boundary line of the NW~~X~~SE~~X~~, Sec. 22 a distance of 1,228.7 feet to an iron pin; thence South 37 degrees 10 minutes East a distance of 267.5 feet to an iron pin; thence South 58 degrees 15 minutes East a distance of 407.2 feet to an iron pin; thence North 66 degrees 45 minutes East a distance of 305.8 feet, more or less, to the Westerly right-of-way line of State Highway 78; thence Southeasterly along said right-of-way on a 01 degree 30 minute curve to the right, having a central angle of 49 degrees 15 minutes and a radius of 1,819.72 feet.

AUG 15 1994

feet, a distance of 2040 feet, more or less to a right-of-way monument; thence South 0 degrees 52 minutes East along the West right-of-way boundary line of said highway a distance of 325 feet, more or less, to an iron pin on the North boundary line of the Mountain Home Redi-Mix tract, said point being North 0 degrees 52 minutes West a distance of 67 feet and North 89 degrees 9 minutes West a distance of 100 feet from the section corner of Sections 22, 23, 26 and 27; thence North 89 degrees 8 minutes West a distance of 660 feet to an iron pin on the Northwest corner of the Mountain Home Redi-Mix tract; thence South 0 degrees 52 minutes East a distance of 630 feet to an iron pin; thence North 89 degrees 8 minutes West a distance of 1,880 feet, more or less, to an iron pin on the West boundary line of the NW~~X~~NE~~X~~ of Sec. 27; thence North 0 degrees 52 minutes West a distance of 563 feet, more or less, to the North quarter corner of Sec. 27; thence North 0 degrees 52 minutes West along the West boundary line of the Southeast quarter of Sec. 22 a distance of 2,640 feet, more or less to the TRUE POINT OF BEGINNING.

ALSO EXCEPT: A tract of land in the SE~~X~~NE~~X~~ Sec. 27, T5S, R3E, B.M., described as follows: Beginning at the East quarter corner of Sec. 27, T5S, R3E, B.M.; thence North 0 degrees 4 minutes East along the East section line, a distance of 659 to a point; thence North 89 degrees 56 minutes West a distance of 100 feet to the TRUE POINT OF BEGINNING; being on the West right-of-way line of the Bruneau-Grand View Highway; thence North 89 degrees 56 minutes West a distance of 238 feet to an iron pin; thence South 0 degrees 4 minutes West a distance of 416 feet to an iron pin; thence South 89 degrees 56 minutes East a distance of 238 feet to an iron pin; thence North 0 degrees 4 minutes East a distance of 416 feet to the TRUE POINT OF BEGINNING.

with all appurtenances.

EXECUTED THIS 15 day of December, 1988.


CELIA G. DRAPER
Personal Representative

AUG 15 1994

Nani C. Beus
NANI C. BEUS
Personal Representative

State of Idaho)
County of anyhee) ss.

On the 15 day of December, 1988, before me,
_____, a notary public, personally
appeared CELIA C. DRAPER and NANI BEUS, known to me to be the
persons whose names are subscribed to the within instrument, as
personal representatives of the estate of DART OTTO BYBEE and
THELMA CAROLINE, husband and wife, deceased, and acknowledged to
me that they executed the same as such personal representatives.

Linda R. Smuck
Notary Public
Residing at: Mt Home, Id
My commission expires: 4-18-94

201235

FILED-RECORDED

DEC 6 1 36 PM '89

BARBARA J. VO
OWYHEE COUNTY RECORDER
BY C. J. Draper
DEPUTY

REQUEST OF
Celia Draper
FEE 12.00

INDEXED

MICROFILMED



AUG 15 1994



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

January 15, 1992

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

D.O. Bybee
Rt B Box 322
Grand View, ID 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

MAILED 11/15/94

AUG 15 1994

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).

AUG 15 1994

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).

AUG 15 1994

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 nows 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 use.

CC: Regional Files - JZ

AUG 15 1994

DRAPER/BYRGE ACREAGE WORKSHEET

SECTION 22	1987-88 EXAMS By CONSULTANT	TOTAL ACRES RECOMMENDED (OLD + NEW)	1990 EXAM EDWIN		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 ✓	added 1/2 ac. to old right to balance
subtotal	140.5	140.0	50	90	1/2 ac. removal from old right in NWSE

SECTION 27

NENE	37.5	35	-	35 ✓	-2.5 ac., Roads & non-irrigated area
NWNE	40	40	-	40 ✓	
SWNE	38	38	20	18 ✓	
SENE	33	33	30	3 ✓	
NESE	38	37	-	37 ✓	-3 ac., Roads & non-irrigated area
NWSE	39	39	-	39 ✓	includes .8 ac. from BSW 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 P1/4 &
1 1/2 lane gravel road runs west along border S 1/2 NE & N 1/2 SE S. 27.

1/ Field work, ASES photos, NAPI photos, orthophoto, topo.

OLD = Lic 57-02224

NEW = 57-02234

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

WELL	CFR	Gravel from infiltration near	Titler for wells 1-3 & 5
1	1.20		
2	.76		
3	1.32		
4	2.51		
5	.07		
	3.35		

a)

6) 362 acres. 100 w/ 57.02224 Lit., wells 1-3

262 w/ 57.02234 feet, wells 1-3, 5

c)

246 days/season, 5.0 ac/ac requirement

d)

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

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

$$(3.35)(246)(1.4835) = 1634.6 = \text{system capacity well 1, 2, 3, 5}$$

e)

Monthly, Lit 57.02224 100 ac, 2 cfs, in total 500 ac

OLD RATE AC.

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

f)

OLD RATE - current rate for 100 ac. So don't need

add'l water right convey for 100 ac. Also the 100 ac.

Receiver may allow cfs & AFA.

g)

NEW RATES

$$(262)(.00925) = 2.42 \text{ cfs} = 1310 \text{ ac}$$

$$(2.42)(246)(1.4835) = 1180.8 \text{ AFA}$$

$$\left(\text{Lit. RSC'd } 57.02234 \text{ } 2.42 \text{ cfs } \pm 1180.8 \text{ AFA} \right)$$

- Confirmed -

AUG 15 1994

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

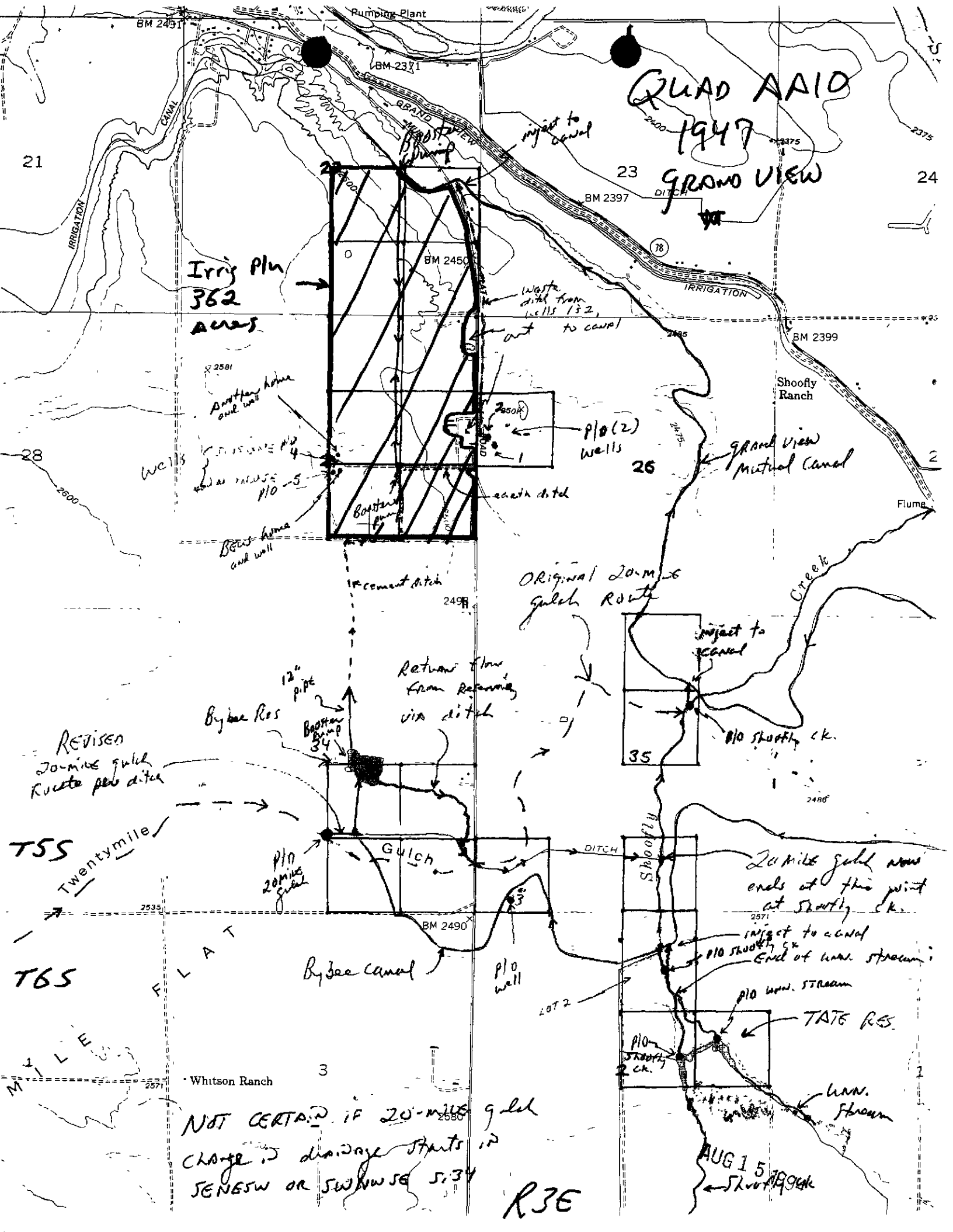
R17: $57.02234 + 57.02224 = 3.35$ cfs

combined div. volume both rights 1634.6 acf

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

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QUAD AA10
1947
GROW VIEW

Irrig Plan
362
Acres

Another home
and well
Wells
DISTANCE #10-4
WELL #10-5
Bett's home
and well

Original 20-mile
gulch route

REVISED
20-mile gulch
route per ditch

T5S
Twenty mile

T6S

F L A T

Whitson Ranch

NOT CERTAIN IF 20-MILE gulch
change is drainage starts in
SENESE or SWNWSE 5.34

R3E

AUG 15 1994

Gold Isle

DRAPER (BYBEE)
A57-02224 et al

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

5/15/91

Point of
withdrewal 2
(Booster
Pump)

Waste Area

well #2
well #1

P/O P/O
A57-10579

P/O A57-10734
(BEAR'S well)
MINE IRRIGATION

canal ditch

Point of
injection of
into

Point of injection

Point of withdrawal
(= point of redirection)

TSS

T65

Current
Twenty-mile
gully

P/O
A57-02324

Bybee
canal

Current
Twenty-mile
gully

P/O A57-02324
(Point of injection)

Point of injection
Point of withdrawal
(= point of redirection)
P/O A57-02324

P/O
A57-02324

TAP
RES

Artesian
Wells

Landing
Strip

NAPP- AA 10 NW

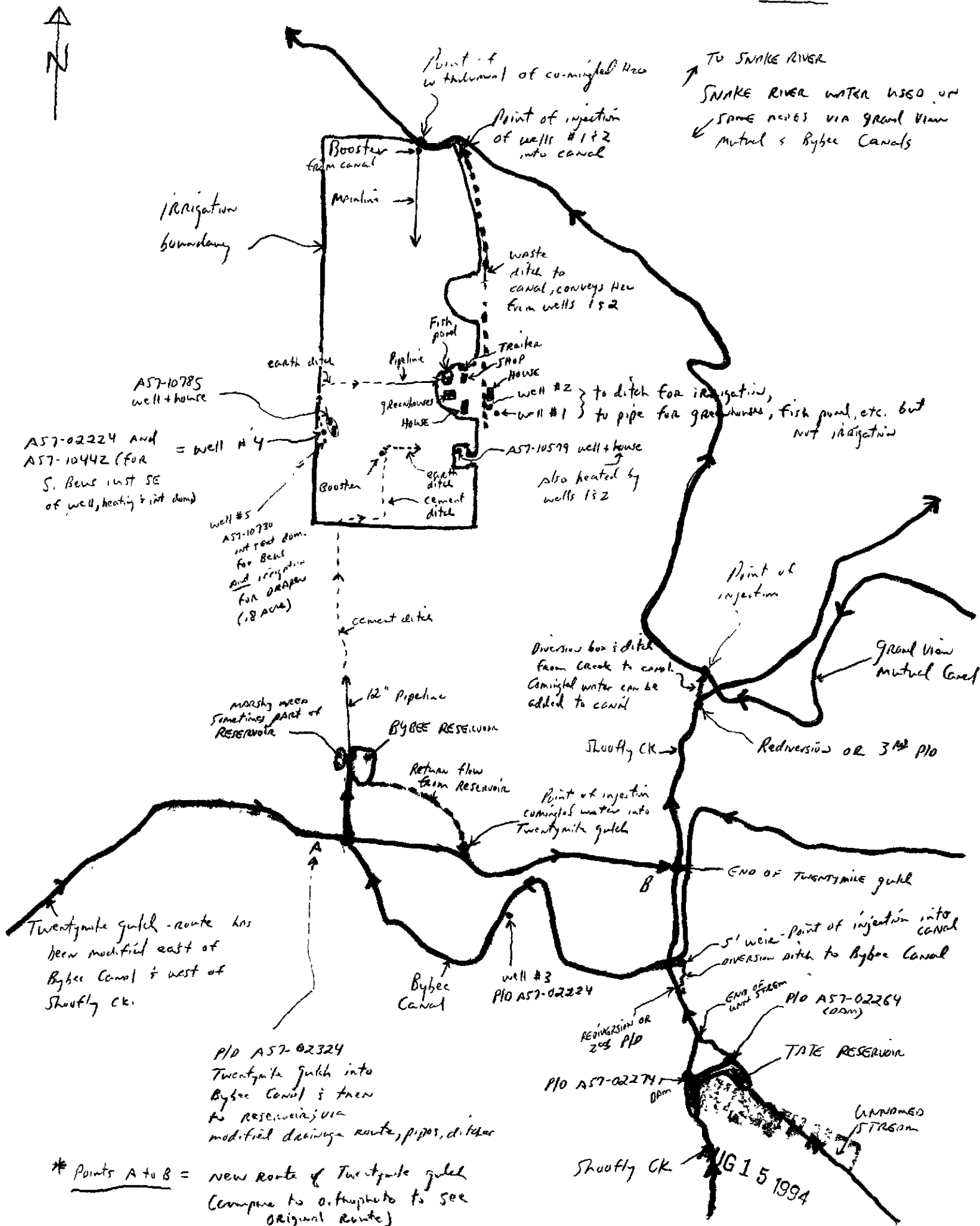
R3E

15 1994

BM 2605

DRAPER SYSTEM Diagram AS7-02224 et al

SCALE 1" ≈ 2030'



Bews Home, yard, pasture NW/WSW 5.27

TOTAL IRRIG = 8200 Lawn
 3000 Lawn
 4250 garden
 42000 pasture
 57450 ft² = 1.3 ac

/// = TOTAL IRRIGATED
 by BEWS well
 A57-10730

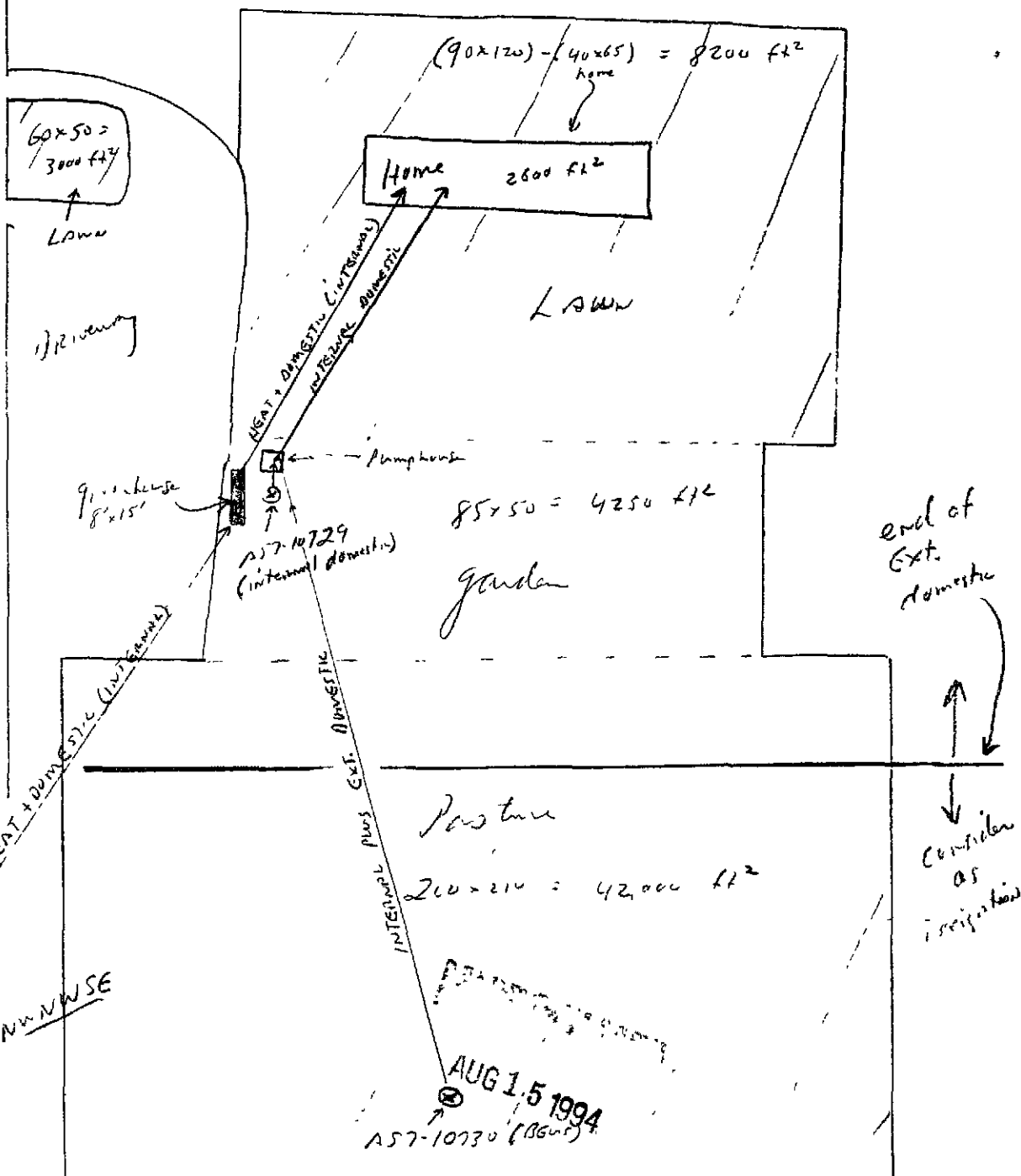
⊗ = well site

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 Draper Rights

TO ↑
 MUD FLAT Rd
 ≈ 1/2 mile

← 2

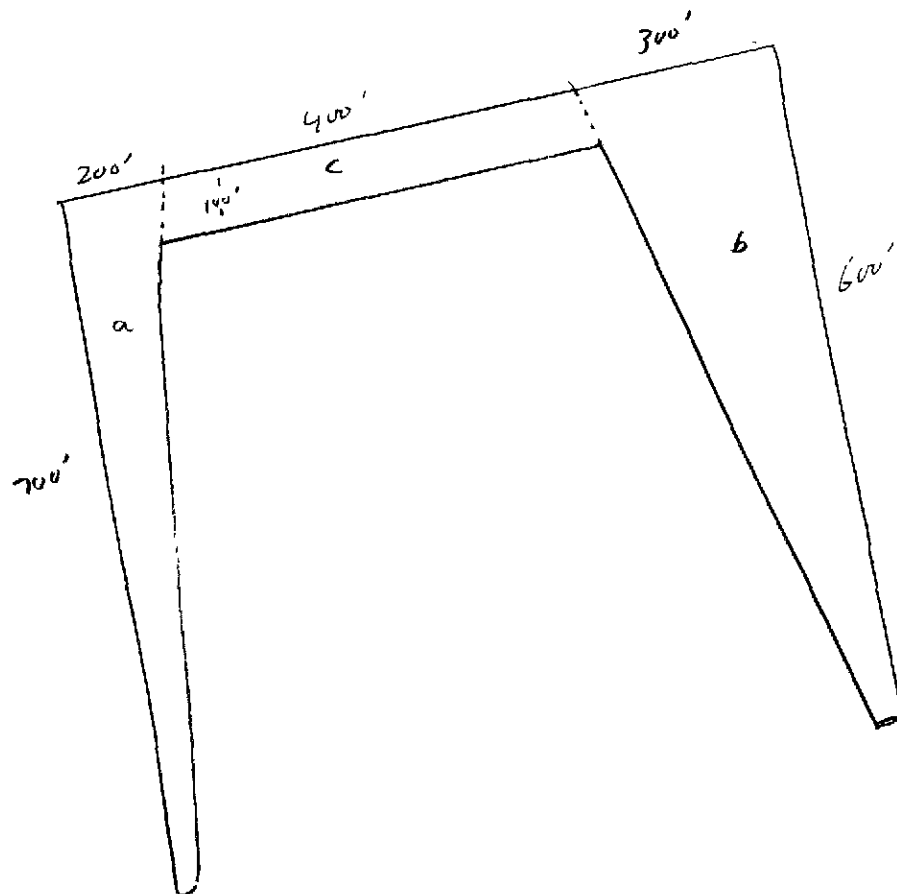


JUNE ⊗ HOT well
 A57-10442 (BEWS)
 A57-02224 (DRAPER)

DRAPER - RESERVOIR VOLUME

NO DPM SAFETY INFO AVAILABLE

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



② Bybee Reservoir

use Examiner's est.
of 10 AC. $\pm$ 7.5'
depth = 75 A.F.
for lack of better
data.

Approximately 2 triangles $\pm$ 1 Rectangle
(a, b) (c)

Surface
Area
in
acres

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

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

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

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

Volume

$\bar{x}$ Depth estimated at 5'

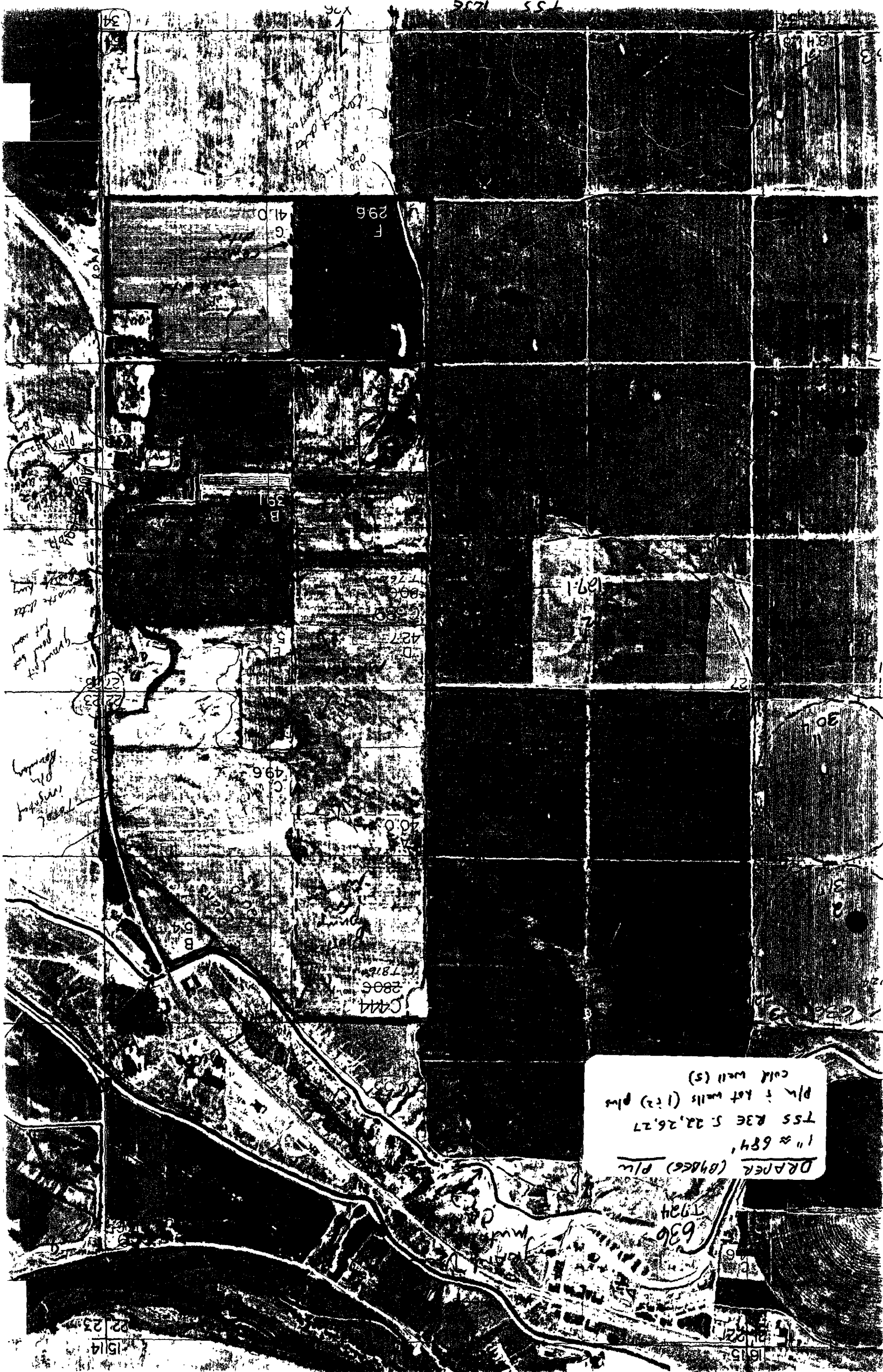
$$V = (A)(d) = (4.6)(5) = 23 \text{ A.F.}$$

LICENSE RECOMMENDATION

$$\begin{aligned} 57-02264 &= 4 \text{ cfs} \\ 57-02274 &= 6 \text{ cfs} \end{aligned}$$

} 10 cfs yields 19.8 A.F./24 hrs

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DRAPER (89066) PLN
1" ≈ 684'
TSS R3E S. 22, 26, 27
PLN: 5 hot wells (122) plus
cold well (5)

Should questions arise during the processing of this application please contact:

Form 219
6/86

SHERL L. CHAPMAN

410 S. Orchard, Suite 144

Boise, ID 83705

344-6690

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

Department of Water Resources

APR 06 1988

A. GENERAL INFORMATION

Permit No 57-2234

1 Owner D. O. Bybee

Phone No 834-2737

Current Address: HC 85, Box 321, Grandview, ID 83624

2 Accompanied by: Raymond Draper

EXAM. DATE: 3/14/88

Address HC 85, Box 321, Grandview, ID

Phone No. 834-2245

Relationship to Permit Holder: _____

3 Source Ground water tributary to _____

B. OVERLAP REVIEW

1. Other water rights with same place of use: 57-2324; 57-2264; 57-2274

☐ Copies Attached

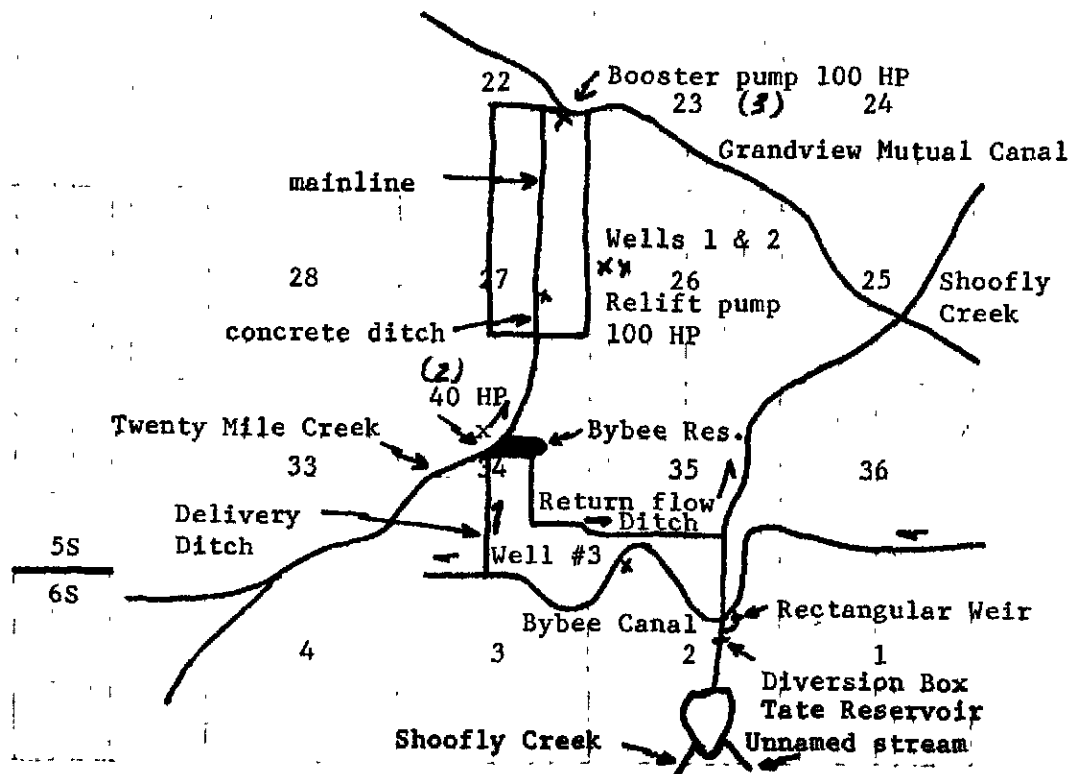
2. Other water rights with same point of diversion: 57-2324; 57-2264; 57-2274

☐ 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.)

☐ 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				8"
2	None				8"
3	None				12"

*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
			SW	NW	26	5S	3E	Owyhee	Field/map
			SW	NW	26	5S	3E	Owyhee	Field/map
			SW	SW	35	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															40	4.5	44.5
5S	3E	27	37 1/2	40	38	33									38	39			225.5

Do not use this space

AUG 15 1994

Do not use this space

D. FLOW MEASUREMENTS

☐ Additional Data Sheets Attached

1.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date
Monometer	air/water	Collins	36"	None	---	1985

2. Measurements:

Well #3 was measured using a 55 gal drum and stopwatch - no opportunity for attachment of equipment due to construction and water temperature. Flow:

Well #1 = 1.2 cfs; Well #2 = .76 cfs; Well #3 = 1.32 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

$V_{IR} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = 270 \times 4.5 = 1,215$

$V_{DR} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 = 1,471$

$V = \text{Smaller of } V_{IR} \text{ and } V_{DR} = 1,215$

2. Volume Calculations for Other Uses

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H. REMARKS AND OVERLAP REVIEW ANALYSIS

Water from wells #1 and #2 is discharged into greenhouses or ponds for aquaculture or directly into a ditch/pipeline system for irrigation. Water from well #3 is discharged into the Bybee canal and relifted out of the canal for application on cropland.

I. RECOMMENDATIONS

1. Recommended Amounts

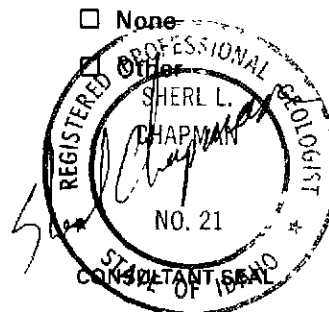
Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (afa)
	From	To		
Irrigation	3/15/	11/15	3.04	1,215
Totals:			3.04	1,215

2. Recommended Amendments

- ☐ Change P.D. as reflected above ☐ Add P.D. as reflected above
☒ Change P.U. as reflected above ☐ Add P.U. as reflected above

J. AUTHENTICATION

Field Examiner's Name Sheri L. Chapman
Signature *Sheri L. Chapman*
Certification Date 5/5/87
Field Report Preparation Date 3/15/88



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

COLLINS TUBE MEASUREMENT

DATE: 3/14/88 Pennant 57-2234

OWNER: Bybee / Dwyer well #1

CIRCUMFERENCE: _____ OUTSIDE R: .68 (34)

PIPE THICKNESS: .188 INSIDE R: .66 (33)

FACTOR	Mr (IR Factor)	Mp	Velocity
0.949		.97	3.55
0.837		.94	3.50
0.707		.89	3.45
0.547		.84	3.40
0.316		.76	3.30
0.316		.76	3.80 3.70
0.547		.84	3.45
0.707		.89	3.50
0.837		.94	3.52
0.949		.97	3.55

$$\bar{V} = 3.52$$

Mp = P + Mr - O.R. where P is chosen reference point
on collins tube

$$r^2 = .1089$$

$$Q = \bar{V} \pi (IR)^2 = 1.2 \text{ cfs}$$

Pumping level flowing Pump Type None

Time Operating 24 hrs RPM _____

Pressure at discharge open Rated Flow _____

Pump motor type _____ GPM _____

Serial No. _____ Head _____

Horsepower _____ Access Port _____

RPM _____ Yes _____

Meter Constants _____ No _____

K = _____ Location _____

Kh = _____

Revolutions _____

Time (seconds) _____

Voltage _____

Amperage _____

L1 _____ L2 _____ L3 _____

184°f
@ 3000' deep t

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Well # 2
(west)

COLLINS TUBE MEASUREMENT

DATE: 3/14/88 ; Permit # 57-2234

OWNER: Ryder / Draper

CIRCUMFERENCE: _____ OUTSIDE R: .34

PIPE THICKNESS: .188 INSIDE R: .33

FACTOR	Mr (IR Factor)	Mp	Velocity
0.949	.31	.97	2.40
0.837			
0.707	.23	.89	2.30
0.547			
0.316	.10	.76	1.92
0.316			
0.547			
0.707	.23	.89	2.22
0.837			
0.949	.31	.97	2.28

$\bar{V} = 2.22$

$M_p = P + M_r - O.R.$ where P is chosen reference point
on collins tube

$Q = \bar{V} \pi (IR)^2 = .76 \text{ cfs}$

Pumping level <u>Flowing</u>	Pump Type <u>None</u>
Time Operating <u>24 hrs</u>	RPM _____
Pressure at discharge <u>Open</u>	Rated Flow _____
Pump motor type <u>None</u>	GPM _____
Serial No. _____	Head _____
Horsepower _____	Access Port _____
RPM _____	Yes <u>yes</u>
	No _____
Meter Constants	Location _____
K = _____	
Kh = _____	
Revolutions _____	<u>12" well @ 3000' deep</u>
Time (seconds) _____	<u>temperature 184° F</u>
Voltage _____	
Amperage	
L1 _____ L2 _____ L3 _____	

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C444
2806

7816

40

B
5.4

500 Beans
23

40.0

40

C
49

37.5

22123
2126

D
427

E
5.5

6589

40

806

7.762

B
39

E
24

F
296

G
41.0

38

32
FF
104

EE31

682

White
Lunch

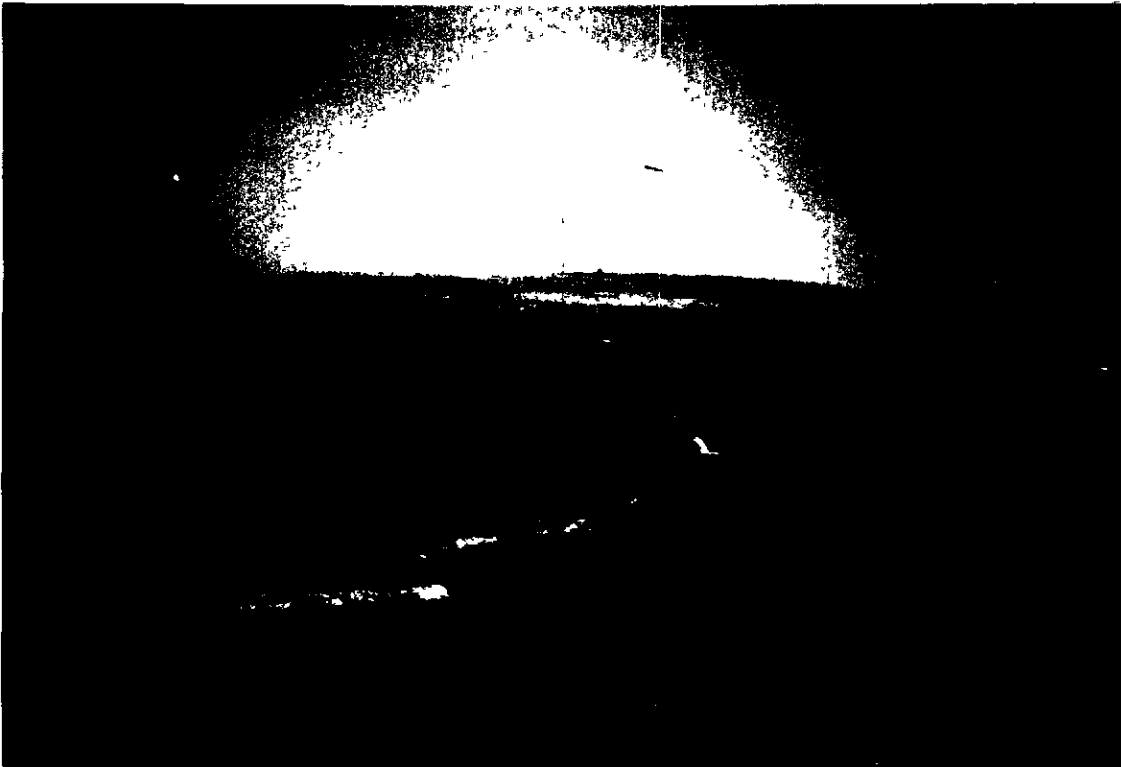


- Permit #57-2234 Well #1 -



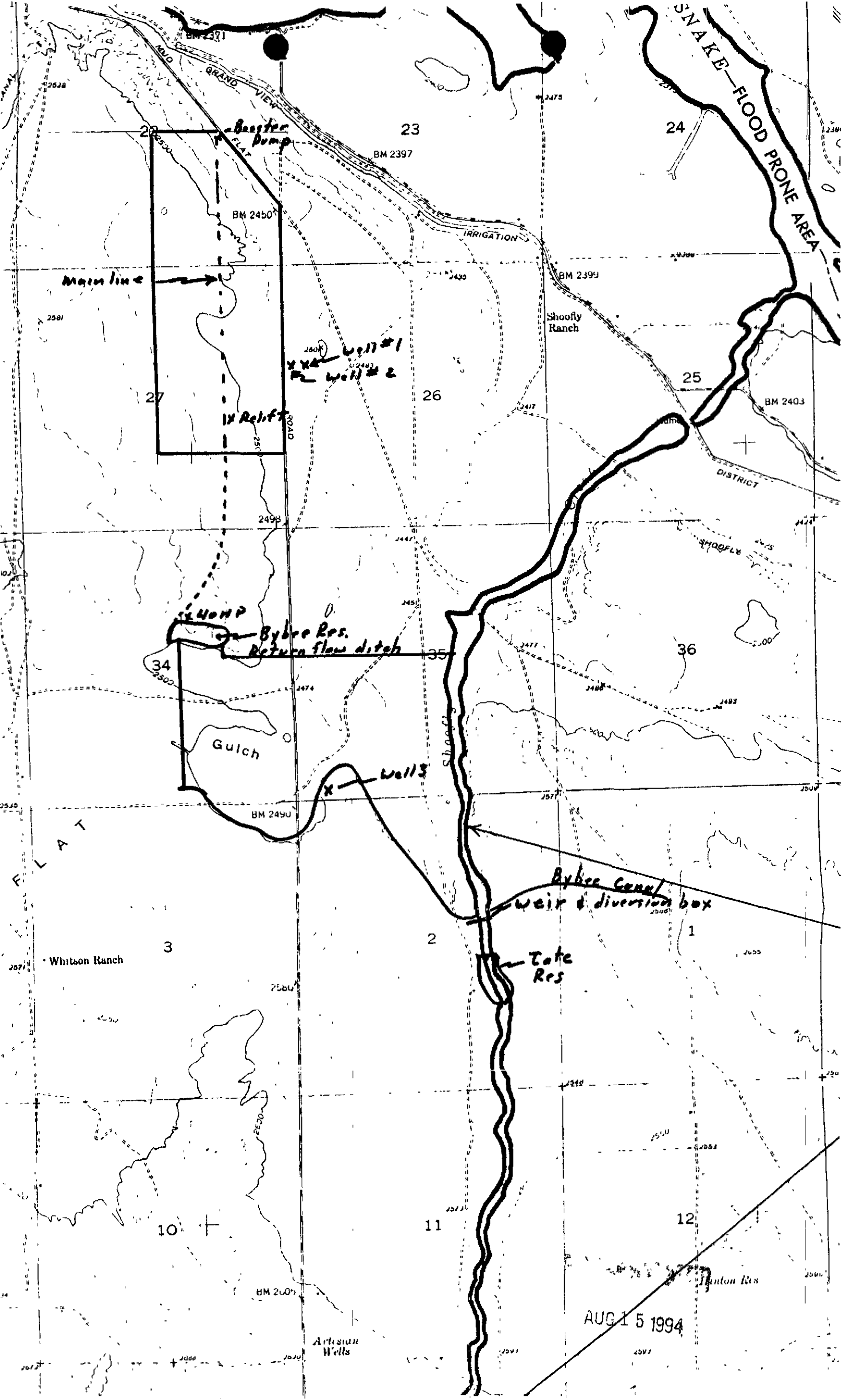
- Permit #57-2234 Well #2 -

AUG 15 1994



- Permit #57-2234 Well #3 -

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AUG 15 1994



MEMORANDUM

TO: FILE

FROM: JIM JOHNSON

RE: REVIEW OF CERTIFIED EXAM ON RIGHT 57-2234

DATE: 10-11-88

=====

ADJUSTMENTS TO THE EXAMINERS RECOMMENDATIONS

The Beneficial Use Field Report showed in item H.1
volume to be 1,215 acre feet. This is incorrect.

The correct volume is 1,350 acre feet.

(5.0 acre feet/acre * 270 acres = 1,350)

PRIORITY ADVANCE REVIEW:

A. PERMIT

Permit Priority Date: 10-26-1959

Proof Due Date:

Proof Received Date:

(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

RECEIVED

APR 15 1994

D. LAPSE NOTICE

Permit Lapse Notice Sent Date:

N/A

Permit Lapse Date:

(No Priority Advance Required)

E. CALCULATE NEW PRIORITY DATE

Priority Date of Permit:

10-26-1959

Plus Number of Days Late:

3 DAYS

(Sum of Items A,B,C,D)

NEW PRIORITY DATE

10-29-1959

=====

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 overlap on any of the points of diversion listed under each right.

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.

AUG 15 1994

Sherl L. Chapman

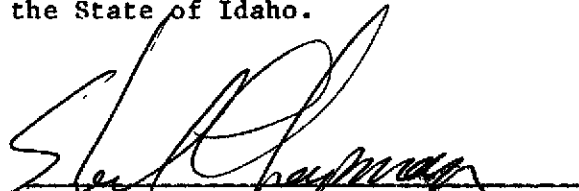
CONSULTANT

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

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JUL 01 1987

Department of Water Resources

RECEIVED

MAY 29 1987

Department of Water Resources
Western Regional Office

AUG 15 1994

SPECIALIST IN

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



Cecil D. Andrus
Governor

State of Idaho
DEPARTMENT OF WATER RESOURCES
Western Region

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

57-2234
HYBEE, D. O.
FT. H, BOX 318
GRAND VIEW, ID 83624

138062

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.

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AUG 15 1994

Field's name
Farm and Ranch/
Recreational Properties Division

call on 97-2234

WRIGHT-LEASE COMPANY
Realtors/Commercial and Investment Real Estate

BILL FIELD

Home Phone 922-5991

Mobile Phone 385-7134

Idaho First Plaza, Suite 1701, 101 S. Capitol Blvd.
Boise, Idaho 83702 - Phone (208) 345-1842

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

Boise, Idaho

Re: Permit No. G- 28239

Oct. 1, 1964

V. A. & Ellen Roberts
4912 Roberts Road
Boise, Idaho

Dear Mr. & Mrs. Roberts:

The date for proofs of Completion of Works and Application of water to beneficial use, as set out under terms of Permit No. G-28239 are due not later than Nov. 6, 1964.

Before these proofs can be made, the statutory requirement is that a notice of your intention of proof be published once a week for four consecutive weeks in a newspaper within the county in which the land is located. In completing the Notice of proof for publication, the information should be taken from your Permit, including any amendments made in connection with a change of point of diversion or land list, which has been recorded in this department. If changes have been made and no amendments are on record, we advise you request a form for this purpose before your Notice is published.

We enclose Form 36, in duplicate, which is to be filled out and returned to this department at least FORTY (40) DAYS BEFORE THE MENTIONED DATE, (allowing for four weeks publication). Please give the name of the town, the address of the place where the depositions will be executed, and, the name of the notary public before whom you will appear to make the depositions of proof (this may be at any place convenient for you and your two witnesses), the quantity of water filed; for what purpose it is used; the point, or points, of diversion; and the location of use or the lands which are irrigated -- all by legal land description.

Enclosed also is Form 11, which is the authorization for us to have the notice published in the designated county newspaper at your expense. This is to be returned with two Forms 36.

At the time we send the notice to the newspaper we will send to you the forms for the depositions of holder and two disinterested witnesses. It is important that the depositions be executed at the time, on the date set, at the place named, and before the notary public, as advertised in the publication notice.

Very truly yours,

CARL E. TAPPAN

State Reclamation Engineer

Enclosures Forms 36 and 11

28239

November 13, 1959

Re: Permit No. G-28239
V. A. & Ellen M. Roberts

Mr. Harley M. McDowell,
Idaho Land & Map Service,
Box 2161,
Boise, Idaho.

Dear Mr. McDowell:

We enclose Permit No. G-28239 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. G-4411 which was issued covering payment in the amount of \$10.50 for the filing fee of the above mentioned permit.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer
By

(Mrs.) Edna P. Rutledge
Chief Clerk

Encl.
EPR:pmk
cc; V. A. & Ellen M. Roberts

28239

W. A. & ELLEN M. ROBERTS

Form No. 0

T 5 S	- r 3	E., B. M.
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Sec. 23

Sec. 26

Sec. 25

Sec. 35

Q -

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SCALE: 2 Inches Equal 1

Pen In Ink.

2525 ✓

Re: Permit No. G-28239
Idaho First National Bank, Executor
Est. of V. A. Roberts, and Ellen M. Roberts

October 16, 1964

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

Dear Mr. McDowell:

This acknowledges the Notice of Proof of Completion of Works and Application of Water to Beneficial Use under Permit No. G-28239, in the name of Idaho First National Bank, Executor, Est. of V. A. Roberts, and Ellen M. Roberts, 205 N. 10th St., Boise. Final Proof is to be made before you, as Notary on the 30th day of November, 1964, at 10:00 o'clock A.M., at 224 Idaho Building, Boise, Idaho.

As of this date, we have mailed the Notice to the Owyhee Nugget Marsing, Idaho, with instructions to publish it once a week for 10 consecutive weeks prior to the date set for final proof and then mail the Affidavit of Publication and statement of costs to you.

It is important that the enclosed depositions be executed by the permit holder and two disinterested witnesses who are familiar with the terms of the permit and the work done thereunder, at the time, on the date and before you, as Notary, as stated in the publication notice. It is very important and necessary that each question be answered in detail.

In returning the depositions to this office, be sure that all copies have been signed, that your Notary's seal has been placed on each and that all depositions, (holder and two witnesses) are being returned. Also be sure to enclose the AFFIDAVIT OF PUBLICATION.

Very truly yours,

CARL E. TAPPAN
State Reclamation Engineer
By

(MRS.) EDNA P. RULE
Chief Clerk

Encl.
E R:mrt
cc: Applicant

28239

Re: Permit No. G-28239
Idaho First National Bank, Executor
Est. of V.A.Roberts, and Ellen M. Roberts

Date: Oct. 16, 1964

Owyhee Nugget,
Marsing, Idaho.

Gentlemen:

Enclosed you will find Notice for Publication, once a week
for four consecutive weeks prior to November 30, 1964
the date set for proof; the expense of the publication is to be paid
by the applicant Idaho First National Bank, Executor, Estate of V.A.Roberts,
and Ellen M. Roberts
of 205 North 10th St., Boise, Idaho to whom you should
furnish proof of publication on or prior to the date set for proof.

Please acknowledge receipt of this notice and furnish this
office with a copy or tear sheet of the first publication. **

Very truly yours,

Carl E. Tappan

CARL E. TAPPAN
State Reclamation Engineer

** If the first copy is not received in this office for checking
purposes and errors appear in subsequent issues, it is possible
that re-publication of corrected copy will be at your own expense

NOTICE OF PROOF OF COMPLETION OF WORKS
and
APPLICATION OF WATER TO BENEFICIAL USE

Notice is hereby given that at 10:00 A. M., on the 30th day of November 19 64, at Boise, County of Ada, State of Idaho, before Harley M. McDowell, Notary Public, at (address) 224 Idaho Building, Boise, Idaho, proof will be submitted of the completion of works for the diversion of 22.4 cubic feet per second of under round water from a well, and of the application to beneficial use of said water, in accordance with the terms and conditions of Permit No G-28239, heretofore issued by the Department of Reclamation of the State of Idaho.

1. The name and postoffice address of the person or corporation holding said permit The Idaho First National Bank of Boise, N.A. as Executor of the Estate of V.A. ROBERTS, is Deceased, and ELLEN M. ROBERTS, 205 North 10th Street, Boise, Idaho.

2. Said works of diversion will be fully completed on the date set for such completion, and the amount of water which said works are capable of conveying to the place of use is 22.4 cubic feet per second.

3. The use to which said water has been applied is irrigation purposes, and the amount applied to beneficial use is 22.4 cubic feet per second.

4. The point of diversion of said water is SW1/4, Sec. 26; SW1/4, Sec. 26; SW1/4, Sec. 35, Township 5 South - Range 3 East, E.M.

5. The place where said water is used is S1/4, NW1/4, Sec. 25; W1/4, NW1/4, Sec. 26; S1/4, W1/4, SE1/4, Sec. 35, Township 5 South - Range 3 East, E.M.

6. The date of priority which said user is prepared to establish is October 26, 1959

CARL E. TAPPAN

State Reclamation Engineer

NOTICE TO ACCOMPANY THIS LETTER MUST BE MADE IN DUPLICATE

(Date) October 14, 1964

(P. O.) Box 2161, Boise, Idaho

TO THE STATE RECLAMATION ENGINEER:

Boise, Idaho

Dear Sir:

You are hereby authorized to have the attached notice published at my expense in the

The Owyhee Nuggett

of Marsing, Idaho

published in

Please send statement of charges and affidavit of publication
the county in which the works are situated / to Idaho Land & Appraisal Service, P. O. Box 2161, Boise, Ida.

The Idaho First National Bank of Boise, N.A. as
Executor of the Estate of V.A. ROBERTS, Deceased,
and ELLEN M. ROBERTS, 205 North 10th Street, Boise,
Idaho.

BY

E. H. Anderson, Their Attorney

(In case of canals or other works designed to divert and carry more than 50 cubic feet of water per
second, the following certificate must be signed by a well known and competent engineer.)

I hereby certify that the facts set forth in the attached notice are true.

Engineer

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

BOISE, IDAHO

Permit No. G-28239

* * * * *

PROOF OF APPLICATION OF WATER TO BENEFICIAL USE

DEPOSITION OF WITNESS

The deposition of two witnesses on this form, taken separately, required in each case

Ques. 1. State your name, age, residence, occupation and postoffice address:

Carl Fredenhagen, 51, 3402 Hillcrest, Boise, Idaho, Farmer, 3402 Hillcrest,
Boise, Idaho

Ques. 2. Are you acquainted with Ellen M. Roberts & C. E. Ivey acting on/ behalf of IFNB, the holder of
Permit No. G028239 ? How long have you known him and where does he reside:
I have known Mrs. Roberts 17 yrs & know she resides at 4912 Roberts Road, Boise,
& Mr. Ivey about 3 yrs. knowing he is employed by IFNB on 10th Street, Boise.

Ques. 3. Have you read or heard said Permit No. G-28239 read, and are you familiar
with its provisions and conditions: Yes: xxx No:

Ques. 4. State source of water supply: 3 drilled wells

State place of diversion: 2 wells in the SW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 26, T5S-R3E, B.M. & 1 well in the
SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 35, T5S-R3E, B.M.

Describe works for conveying water to place of use: Artesian wells & ditches

Ques. 5. How many second feet of water do you estimate said works will safely conduct
#1 - .7 cfs, #2-1.02 cfs.

to place of use: #3 - 1.32 cfs. How much water have you seen being so

conveyed: All of the water above mentioned.

Ques. 6. If for irrigation, show number of acres irrigated in each subdivision, giving
full legal description:

T5S-R3E, B.M., Sec. 35 - SE $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$; Sec. 26 - NE $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ NW $\frac{1}{4}$,
SW $\frac{1}{4}$ NW $\frac{1}{4}$; Sec. 23 - SW $\frac{1}{4}$ SW $\frac{1}{4}$ - 40 acres each. Sec. 23 - NW $\frac{1}{4}$ SW $\frac{1}{4}$ - 10 ac; SE $\frac{1}{4}$ SW $\frac{1}{4}$ - 25 ac.

Section 26 - NW $\frac{1}{4}$ NE $\frac{1}{4}$ - 5 ac; SE $\frac{1}{4}$ NW $\frac{1}{4}$ - 10 ac. Sec. 35 - NE $\frac{1}{4}$ NW $\frac{1}{4}$ - 25 ac; SW $\frac{1}{4}$ NW $\frac{1}{4}$ - 10 ac;
SW $\frac{1}{4}$ NE $\frac{1}{4}$ - 35 ac; SW $\frac{1}{4}$ SW $\frac{1}{4}$ - 20 ac; NW $\frac{1}{4}$ SE $\frac{1}{4}$ - 25 ac; SW $\frac{1}{4}$ SE $\frac{1}{4}$ - 25 ac.

Ques. 7. If for power or other purposes than irrigation, state how water has been used:

Irrigation only.

Ques. 8. (If for irrigation) state character of land that has been reclaimed, and give your estimate of the amount of water required for its profitable cultivation:

The soil is Bandy Loam and all of the water used is necessary for productive profitable cultivation of the soil.

Ques. 9. Have you any interest in the works, water or lands above mentioned? If so, in what way and to what extent: No interest.

Ques. 10. When did you first see this water used: All of the wells were used in 1959.

Other times you have seen such use: I have seen the water from all 3 wells used nearly every week since.

(Signed)

Earl Fredenborg

I hereby certify that the foregoing testimony was read to the above subscriber before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me in Boise

County of Ada, State of Idaho, on this 30th day of November,

A. D., 1962 1964.

Harley C. C. Donnell

Notary Public for State of Idaho

Residing: Boise, Idaho

My commission expires: 11/1/67

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO
Permit No. G-28239

PROOF OF APPLICATION OF WATER TO BENEFICIAL USE

DEPOSITION OF WITNESS

The deposition of two witnesses on this form, taken separately, required in each case

Ques. 1. State your name, age, residence, occupation and postoffice address:

Mervin J. Christensen, 51, 1803 Larch Street, Surveyor-appraiser, 1803 Larch
Street, Boise, Idaho.

Ques. 2. Are you acquainted with Ellen M. Roberts & C. E. Ivey on behalf of IFNB, Executors
of the Estate of V. A. Roberts.
Permit No. G-28239 ? How long have you known him and where does he reside:

I have been acquainted with the Roberts Family for over 10 years and know Mrs. Roberts
lives on Roberts Road.

Ques. 3. Have you read or heard said Permit No. G-28239 read, and are you familiar
with its provisions and conditions: Yes: xxx No:

Ques. 4. State source of water supply: 3 drilled wells
#1 - east well in SW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 26; #2 - west well in SW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 26;
State place of diversion: #3 - SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 35; all in T5S - R3E, B.M.

Describe works for conveying water to place of use: artesian wells & ditches.

Ques. 5. How many second feet of water do you estimate said works will safely conduct
#1 - 35"; #2 - 51"; #3 - 66"
to place of use: How much water have you seen being so
conveyed: From #1 - 35"; #2 - 51"; #3 - 66"

Ques. 6. If for irrigation, show number of acres irrigated in each subdivision, giving
full legal description:

T5S-R3E, B.M. - Sec. 23 - SW $\frac{1}{4}$ SW $\frac{1}{4}$ - 40 ac; NW $\frac{1}{4}$ SW $\frac{1}{4}$ - 10 ac; SE $\frac{1}{4}$ SW $\frac{1}{4}$ - 25 ac; Sec. 26 -
NW $\frac{1}{4}$ NE $\frac{1}{4}$ - 5 ac; NE $\frac{1}{4}$ NW $\frac{1}{4}$ - 40 ac; NW $\frac{1}{4}$ NW $\frac{1}{4}$ - 40 ac; SW $\frac{1}{4}$ NW $\frac{1}{4}$ - 40 ac; SE $\frac{1}{4}$ NW $\frac{1}{4}$ - 10 ac;
Sec. 35 - NE $\frac{1}{4}$ NW $\frac{1}{4}$ - 25 ac; SW $\frac{1}{4}$ NW $\frac{1}{4}$ - 10 ac; SE $\frac{1}{4}$ NW $\frac{1}{4}$ - 40 ac; SW $\frac{1}{4}$ NE $\frac{1}{4}$ - 35 ac; NE $\frac{1}{4}$ SW $\frac{1}{4}$ -
40 ac; NW $\frac{1}{4}$ SW $\frac{1}{4}$ - 40 ac; SW $\frac{1}{4}$ SW $\frac{1}{4}$ - 20 ac; SE $\frac{1}{4}$ SW $\frac{1}{4}$ - 40 ac; NW $\frac{1}{4}$ SE $\frac{1}{4}$ - 25 ac; SW $\frac{1}{4}$ SE $\frac{1}{4}$ -
25 ac.

28239

Ques. 7. If for power or other purposes than irrigation, state how water has been used:

Irrigation only

Ques. 8. (If for irrigation) state character of land that has been reclaimed, and give your estimate of the amount of water required for its profitable cultivation:

Land is Sandy Loam & all this water is used to make the cultivation of the
a profitable endeavor.

Ques. 9. Have you any interest in the works, water or lands above mentioned? If so, in what way and to what extent: I have no interest whatsoever.

Ques. 10. When did you first see this water used: Early 1960, although it was evident the
water had been used some in 1959.
Other times you have seen such use: Throughout every irrigation season since.

(Signed)

Marvin Chudman

I hereby certify that the foregoing testimony was read to the above subscriber before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me in Boise

 , County of Ada, State of Idaho, on this 30th day of November,

A. D., ~~1962~~ 1964

Harley W. C. Donnell

Notary Public for State of Idaho

Residing: Boise, Idaho

My commission expires: 11/1/67

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

Permit No. G-28239

* * * *

PROOF OF APPLICATION OF WATER TO BENEFICIAL USE

* * * * *

DEPOSITION OF HOLDER

Ques. 1. State your name, residence, occupation and postoffice address: C.E. Ivey, Trust Officer, Idaho First National Bank, Executors of Estate of V. A. Roberts, 2120 Sunrise Rim Road, Boise, Idaho, Vice President & Trust Officer, c/o IFNB, 205 N. 10th Street, Boise, Idaho and Ellen M. Roberts, 4912 Roberts Road, homemaker, 4912 Roberts Road, Boise, Idaho.

Ques. 2. If acting in behalf of corporation, state its name, principal place of business (if a foreign corporation, give name of postoffice of statutory agent), your position with reference to same, and your authority for appearing in its behalf:

Acting on the behalf of individuals, and the Idaho First National Bank, a national banking association as executor, by C. E. Ivey, Vice President & Trust Officer.

Ques. 3. State number, approval date of permit, and date of priority you propose to establish under the permit; No. G-28239; Approval Date 11/6/59; Priority Date 10/26/59

Ques. 4. State source of water supply: 3 drilled wells

Give location of point of diversion, showing subdivision, section, township and range:

#1 - SW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 26, T5S-R3E, B.M.; #2 - SW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 26, T5S-R3E, B.M.; #3 - SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 35, T5S-R3E, B.M.

Ques. 5. Describe your works of diversion: #1, 2 & 3 - artesian wells and ditches from each to lands to be irrigated; state amount of water they are capable of conveying from point of diversion to place of use #1 - 35"; #2 - 51"; #3 - 66"; Give name of canal or ditch or other works by which water is conducted to such place of use: Private ditches

#1 & 2 - 2980'

All wells cased with 10" casing for the; if a well, state depth of well #3 - 2570'; depth and size of casing: full depth; depth to water Artesian; if pump is used,

state discharge of pump: ---; tell how it was measured or determined: Water flow measured by weir method; if sprinkler irrigation, give number and size of nozzles and operating pressure: Gravity Irrigation

Ques. 6. State for what purpose water is used: Irrigation

If for irrigation, name each subdivision in which used and number of acres in each subdivision that have actually been irrigated with said water Section 23 - SW $\frac{1}{4}$ SW $\frac{1}{4}$ - 40 ac; NW $\frac{1}{4}$ SW $\frac{1}{4}$ - 10 ac; SE $\frac{1}{4}$ SW $\frac{1}{4}$ - 25 ac; Section 26 - NW $\frac{1}{4}$ NE $\frac{1}{4}$ - 5 ac; NE $\frac{1}{4}$ NW $\frac{1}{4}$ - 40 ac; NW $\frac{1}{4}$ NW $\frac{1}{4}$ - 40 ac; SW $\frac{1}{4}$ NW $\frac{1}{4}$ - 40 ac; SE $\frac{1}{4}$ NW $\frac{1}{4}$ - 10 ac; Section 35 - NE $\frac{1}{4}$ NW $\frac{1}{4}$ - 25 ac; SW $\frac{1}{4}$ NW $\frac{1}{4}$ - 10 ac; SE $\frac{1}{4}$ NW $\frac{1}{4}$ - 40 ac; SW $\frac{1}{4}$ NE $\frac{1}{4}$ - 35 ac; NE $\frac{1}{4}$ SW $\frac{1}{4}$ - 40 ac; NW $\frac{1}{4}$ SW $\frac{1}{4}$ - 40 ac; SW $\frac{1}{4}$ SW $\frac{1}{4}$ - 20 ac; SE $\frac{1}{4}$ SW $\frac{1}{4}$ - 40 ac; NW $\frac{1}{4}$ SE $\frac{1}{4}$ - 25 ac; SW $\frac{1}{4}$ SE $\frac{1}{4}$ - 25 ac. Township 5 South - Range 3 East, B.M. (⁴³⁵~~510~~ acres)

State nature of all improvements which have been made as a direct result of said use:

All improvements are a direct result of the use of irrigation water on this land.

Ques. 6-a: If this is a ground water permit, give name and address of person that drilled
Well # 1 & 2 was drilled by Harold Steiner, Oreana, Idaho
the well: Well # 3 was drilled by Core Drillers, Inc., Texas, USA

Ques. 7. If for other than irrigation purposes, state purpose and how used:

Used for irrigation only.

Ques. 8. What is the minimum amount of water required for the purpose specified above:

All of the water used is needed and more will be needed.

Ques. 9. If you are not the person or representative of the corporation to whom above mentioned permit was originally issued, please state how ownership was acquired by present holder:

Ellen M. Roberts, original applicant.

The IFNB, Executor by C. E. Ivey, Vice President & Trust Officer, for the Estate of V. A. Roberts, original applicant.

Ques. 10. State when and in what amount the water diverted under above mentioned permit has been first used: Fall of 1959 Time used since first use:

Used for irrigation season of 1960, 1961, 1962 and 1963 and 1964.

Ques. 11. Describe all other water rights appurtenant to same place of use:

Water right from Grandview Mutual Canal Co., Permits # ~~28394~~ 28394, 28395 and 28396. For supplemental only, plus 472" from Grandview Mutual Canal Co. This water and well water irrigates a total of 671 acres.

THE IDAHO FIRST NATIONAL BANK EXECUTOR

UNDER THE WILL OF V. A. ROBERTS,
DECEASED.

(sign) Ellen M. Roberts

C. E. IVEY, VICE PRESIDENT & TRUST OFFICER

I hereby certify that the foregoing testimony was read to the above subscribed, before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me, at my office in

Boise, County of Ada

State of Idaho, on this 30th day of November, A.D. 1964.

Harley L. L. G. Howell

My Commission expires: 11/1/67

DEC 23 1964

Department of Reclamation

RECEIVED

DEC 21 1964

Department of Reclamation

IN THE PROBATE COURT OF THE COUNTY OF ADA, STATE OF IDAHO.

IN THE MATTER OF THE ESTATE OF
VERLIN A. ROBERTS, DECEASED.

LETTERS TESTAMENTARY

STATE OF IDAHO, }
COUNTY OF ADA, } ss.

The Last Will and Testament of Verlin A. Roberts, deceased, a copy of which is annexed hereto, having been proved and recorded in the Probate Court of the County of Ada, State of Idaho, The Idaho First National Bank of Boise, National Association, who is named therein, is hereby appointed executor of said Will.

WITNESS, W. E. Smith, Clerk of the Probate Court of the County of Ada, with the seal of the court affixed, the 19th day of December, 1961.

By Order of the court.

(COURT SEAL)

W. E. Smith

Clerk

STATE OF IDAHO, }
COUNTY OF ADA, } ss

I, William Buskett, the Trust Officer of The Idaho First National Bank of Boise, National Association, DO SOLEMNLY SWEAR that The Idaho First National Bank of Boise, National Association, will perform, according to law, the duties of executor of the Last Will and Testament of Verlin A. Roberts, deceased.

William Buskett

William Buskett

Subscribed and sworn to before me, in open court, this 19th day of December, 1961.

W. E. Smith

Probate Judge

(COURT SEAL)

PROBATE COURT ADA COUNTY, IDAHO
RECORDED IN BOOK PAGE

FILED DEC 19 1961 NO.

PROBATE JUDGE & EX OFFICIO CLERK
By MARION E. PETERSEN
DEPUTY CLERK

State of Idaho }
County of Ada } ss

I hereby certify that the foregoing instrument is a true and correct copy of the original on file in this office.

Dated DEC 19 1964

Probate Judge and Ex-Officio Clerk

By MARION E. PETERSEN
Deputy Clerk

28239

INSTRUCTIONS TO DELIVERING EMPLOYEE



Deliver *ONLY* to
addressee



Show address where
delivered

(Additional charges required for these services)

RECEIPT

Received the numbered article described on other side.

SIGNATURE OR NAME OF ADDRESSEE (*must always be filled in*)

Karold L. Shuff

SIGNATURE OF ADDRESSEE'S AGENT, IF ANY

DATE DELIVERED

SHOW WHERE DELIVERED (*only if requested*)

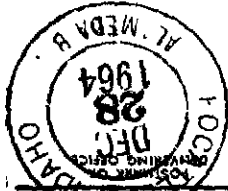
12 28 64

57-22234
CBS-16-71548-5-F GPO

28729

POST OFFICE DEPARTMENT
OFFICIAL BUSINESS

PENALTY FOR PRIVATE USE TO AVOID
PAYMENT OF POSTAGE, \$3.00



RETURN
TO

INSTRUCTIONS: Fill in items below and complete instructions on other side, if applicable. Moistened gummed ends, attach and hold firmly to back of article. Print on front of article RETURN RECEIPT REQUESTED

REGISTERED NO

NAME OF SENDER

Department of Reclamation

CERTIFIED NO

STREET AND NO OR P O BOX

Room 107 Statehouse

INSURED NO

CITY, ZONE AND STATE

Boise, Idaho 83701

CSG-146 11568-5-5
2-5-64

1908
IDAHO

INSTRUCTIONS TO DELIVERING EMPLOYEE



Deliver *ONLY* to
addressee



Show address where
delivered

(Additional charges required for these services)

RECEIPT

Received the numbered article described on other side.

SIGNATURE OR NAME OF ADDRESSEE (must always be filled in)

Ora L. Jensen

SIGNATURE OF ADDRESSEE'S AGENT, IF ANY

DATE DELIVERED

SHOW WHERE DELIVERED (only if requested)

57-2234
CPS-16-71646-E-F GPO

28239

POST OFFICE DEPARTMENT
OFFICIAL BUSINESS

PENALTY FOR PRIVATE USE TO AVOID
PAYMENT OF POSTAGE, \$300

Hand
g-28240



INSTRUCTIONS: Fill in items below and complete instructions on other side, if applicable. Moisten gummed ends, attach and hold firmly to back of article. Print on front of article RETURN RECEIPT REQUESTED

RETURN
TO

REGISTERED NO.	NAME OF SENDER Department of Reclamation
CERTIFIED NO. <i>19384</i>	STREET AND NO OR P O BOX Room 107 Statehouse
INSURED NO.	CITY, ZONE AND STATE Boise, Idaho 83701

1111 JOURNAL — ADVERTISING

**NOTICE OF ROOF
OF COMPLETION OF WORKS
AND
APPLICATION OF WATER
TO BENEFICIAL USE**

Notice is hereby given that at 10:00 A. M., on the 30th day of November, 1964, at Boise, County of Ada, State of Idaho, before Harley M. McDowell, Notary Public, at (address) 224 Idaho Building, proof will be submitted of the completion of works for the diversion of 22.4 cubic feet per second of underground water from a well, and of the application to beneficial use of said water, in accordance with the terms and conditions of Permit No. G-28239, heretofore issued by the Department of Reclamation of the State of Idaho.

1. The name and postoffice address of the person or corporation holding said permit is The Idaho First National Bank of Boise, N. A. as Executor of the Estate of V. A. ROBERTS, Deceased, and ELLEN M. ROBERTS, 205 North 10th Street, Boise, Idaho.

2. Said works of diversion will be fully completed on the date set for such completion, and the amount of water which said works are capable of conveying to the place of use is 22.4 cubic feet per second.

3. The use to which said water has been applied is irrigation purposes, and the amount applied to beneficial use is 22.4 cubic feet per second.

4. The point of diversion of said water is SW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 26; SW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 26; SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 35, Township 5 South - Range 3 East, B. M.

5. The place where said water is used is S $\frac{1}{2}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 25; W $\frac{1}{2}$ NE $\frac{1}{4}$, W $\frac{1}{2}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 26; S $\frac{1}{2}$ NE $\frac{1}{4}$, W $\frac{1}{2}$, SE $\frac{1}{4}$, Sec. 35, Township 5 South - Range 3 East, B. M.

6. The date of priority which said user is prepared to establish is October 26, 1959.

CARL E. TAPPAN,
State Reclamation Engineer
(Oct. 22 — Nov. 12)

28237

RECEIVED

* Collection of Information

SS.

1949-1950

Redey Williams
PUBLISHER.

Nov. 19, 64.

Feb. 19, 1964.
Leona S. Hawes

9-10-68

APPLICATION OF WATER TO BENEFICIAL USE
Notice is hereby given that 10:00 A. M., on the 30th of November, 1904, at Boise County of Ada, State of Idaho, before Harley M. McInnis, notary Public, at (address) 284 Main Building, proof will be taken of the completion of work for the diversion of 22.2 cubic feet per second of underground water from a well, and of application to beneficial use of said water, in accordance with the terms and conditions of Permit No. C-28230, heretofore issued by the Department of Reclamation of the State of Idaho.

1. The name and postoffice address of the person or corporation holding said permit is The Idaho First National Bank of Boise, N. A. as Executor of the Estate of V. A. McInnis, deceased, and E. L. McInnis, ERTS, 205 North 10th Street, Boise, Idaho.
2. Said works of diversion will be fully completed on the date set for such completion, and the amount of water which said works are capable of conveying to this place of use is 22.2 cubic feet per second.
3. The use to which said water has been applied is irrigation purposes, and the amount applied to beneficial use is 22.2 cubic feet per second.
4. The point of diversion of said water is SW 1/4 NW 1/4 Sec. 20, SW 1/4, Sec. 21, Township 5 South, Range 3 East, B. M.
5. The place where said water is used is SW 1/4 NW 1/4, Sec. 21, Township 5 North, Range 3 East, B. M. SW 1/4, Sec. 20, Township 5 North, Range 3 East, B. M.
6. The date of priority of said user is September 1, 1904.

Witness my hand and seal of office this 29th day of November, 1904.

28239

June 25, 1965

RE: Permit Nos. 28394, 28395, 28396,
29544, 27110, 27111,
G-28239

Victor C. Ford, Manager
Owyhee County Abstract Company
Murphy, Idaho

Dear Mr. Ford:

Enclosed is Departmental Receipt No. G-9338 in the amount of \$2.00 and No. 32819 in the amount of \$10.60 covering the fees for photo copies of the above numbered permits.

Copies of Permit Nos. 27110 and 27111 are enclosed. The copies of the others were mailed to you previously.

Very truly yours,

CARL E. TAPPAN
State Reclamation Engineer
By

(Mrs.) Edna P. Rule
Chief Clerk

EPR:mr

Enc. receipts 2
copies of permits 2

June 22, 1965

RE: Permit Nos. 28394, 28395, 28396,
G-28239, 29544

Owyhee County Abstract Company
Murphy, Idaho

Gentlemen:

Enclosed are photo copies of the above numbered permits which
you requested by phone.

The fee for making the copies is \$9.00 which you may remit
to this office.

Very truly yours,

CARL E. TAPIAN
State Registration Engineer
By

(Mrs.) Edna P. Rulis
Chief Clerk

LRT:smr

Enc. copies of permits 5

28239

1M April 1962

January 5, 1965

Re: Permit No. 28239
Ellen M. Roberts
(Estate of V. A. Roberts)

Ellen M. Roberts,
4912 Roberts Road,
Boise, Idaho.

Dear Mrs. Roberts:

We acknowledge receipt of the depositions of holder and two witnesses, also affidavit of publication in the Carys Nugget Marsing, Idaho, all submitted in proof of completion of works and beneficial use on Permit No.

Before final action is taken in the matter, the law requires that a field examination be made by an engineer from this department.

We cannot tell just when this examination will be made, but our field engineer will try and contact you at the time he makes the examination so that arrangements may be made to show him over the grounds.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer

By:

(Mrs.) Edna P. Rule
Chief Clerk

mak
cc: EPR
C. E. Ivey, Trust Officer
Idaho First National Bank
205 N. 10th St.,
Boise, Idaho

28239

ANDERSON, KAUFMAN, ANDERSON AND RINGERT

LAWYERS

IDAHO BUILDING

BOISE, IDAHO 83701

EUGENE H. ANDERSON
SAMUEL KAUFMAN
RICHARD ANDERSON
WILLIAM F. RINGERT

AREA CODE 208
TELEPHONE 342-4591
POST OFFICE BOX 2773

April 14, 1970

Department of Reclamation
State House
Boise, Idaho

Re: Permit No. G-28239

Gentlemen:

Please advise whether a water license has been issued under the above-numbered permit and, if not, what remains to be done in order to complete the appropriation procedure so that a license may be issued.

Yours very truly,

ANDERSON, KAUFMAN, ANDERSON & RINGERT

By

William F. Ringert
William F. Ringert

WFR:av

DON SAMUELSON
GOVERNOR



P. KEITH HIGGINSON
State Reclamation Engineer

STATE OF IDAHO

DEPARTMENT OF RECLAMATION
STATEHOUSE - ANNEX 2
BOISE, IDAHO 83707

April 16, 1970

Re: Permit No. B-28239/57-2234 - V. A. & Ellen M. Roberts

Anderson, Knutson, Anderson, and Ringert
Idaho Building
Boise, Idaho 83701

Gentlemen:

In regard to your letter of April 14, 1970, a water license has not yet been issued for the above referenced permit.

Before a license can be issued, a field examination must be made by a representative from this Department.

We cannot tell just when this examination will be made. However, it will be made sometime in 1970. Our examiner will try to contact Mr. and Mrs. Roberts at the time he makes the examination.

Very truly yours,

Donald W. McEldowney
Appropriation Supervisor

DWM/DG

cc: V. A. & Ellen M. Roberts
4912 Roberts Rd.
Boise, Idaho

5-1-70-24
5-1-70-39

INTER-DEPARTMENT MEMO — 1

FROM

Jan

TO

Bill

SUBJECT

*I sent Lee at Western a
note concerning if they had
the field exam or not.*

DATE

10/24/78

MICROFILMED

Jan

SIGNATURE

INTER-DEPARTMENT MEMO

FROM

TO

DATE

1/22/78

SUBJECT

When amendment comes
+ is approved
in pull app. for Permit

No. 57-7228 from the Hold

Drawer to approve.

Jan MICROFILMED



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
WESTERN REGION

John V. Evans
Governor

92 South Cole Road
Boise, Idaho 83705
(208) 384-2190

January 4, 1979

Owyhee Nugget
Marsing,
Idaho 83639

Gentlemen:

Enclosed you will find a legal notice which we wish to have published on the dates indicated (once a week for two consecutive weekly issues) in your newspaper. If you cannot publish the notice on the proposed dates, please contact us immediately.

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

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

(Signature of Claimant)

Please send the affidavit of publication and publication billing to this office before January 29, 1979.

Sincerely,

RITA FLECK
Secretary

NOTICE OF PROPOSED AMENDING OF WATER PERMIT

Notice is hereby given that Permit No. 57-2234 in the name of D. O. BYBEE was issued for the diversion of 3.04 cubic feet per second of water from groundwater with the point of diversion within the SW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 26, SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 35, Twp. 5S, Rge. 3E, B. M. for irrigation within the portions of Sec. 25, 26, 35, Twp. 5S, Rge. 3E, B. M.

The permit holder now proposes to amend Permit No. 57-2234 by changing the place of use to E $\frac{1}{2}$, Sec. 27, Twp. 5S, Rge. 3E, B. M.

Any protests to this proposed amending of the permit must be filed with the Director of the Idaho Department of Water Resources, 92 S. Cole Road, Boise, Idaho 83705 on or before January 29, 1979.

C. STEPHEN ALLRED

Director

Published in the Owyhee Nugget on 1/11 and 1/18/79.

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 11 day of January, 1979, and the last publication being on the 18 day of January, 1979;

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 16 day of Jan., 1979.

Forrest S. [Signature]
NOTARY PUBLIC

My commission expires 9-16-80

(SEAL)

NOTICE OF PROPOSED AMENDMENT OF WATER PERMIT

Notice is hereby given that Permit No. 2234 in the name of D. O. BYBEE was issued for the diversion of 3.04 cubic feet per second of water from groundwater with the point of diversion within the SW 1/4 NW 1/4, Sec. 26, Twp. 53 N., Rge. 35 E., B. M. for irrigation within the portions of Sec. 25, 26, 35, Twp. 53 N., Rge. 35 E., B. M.

The permit holder now proposes to amend Permit No. 2234 by changing the place of use to E 1/2, Sec. 27, Twp. 53 N., Rge. 35 E., B. M.

Any protests to this proposed amending of the permit must be filed with the Director of the Idaho Department of Water Resources, 92 S. Cole Road, Boise, Idaho 83705 on or before January 29, 1979.

C. STEPHEN ALLRED,

Director
Publisher of the Owyhee
Nugget, Marsing, Owyhee County, Idaho, and 1/18/79.

OK - KKK
- 29-79

Depart
We

DEPARTMENT OF WATER RESOURCES
- STAFF ANALYSIS -

Item Initial Date

Application No. 57-2234

☒ Source
☒ Points of Diversion
☒ County
☒ Quantity of Water and Period of Use
☒ Description of Diverting Works
☒ Time required for B/U of water
☒ Place of Use or Acres Irrigated
☒ Map
☒ Signature
☒ Fee

(1) R.W.H. 12-29-78

In form to receipt

(2) _____

Send Copies to:

_____ Idaho State Health Department
_____ Idaho Fish and Game Department
_____ Bureau of Land Management

(3) _____

_____ Request Special Use Permit from U.S.F.S.
_____ Request Easement from B.L.M.
_____ Request Information from Applicant
_____ Request Dam Safety Information

(4) R.W.H. 12-29-78

In form for advertising

(5) _____

Platted on Map No. _____

(6) _____

Located within Water District No. _____

(7) _____

Critical groundwater area: yes _____ no _____

(8) _____

Groundwater levels:

_____ Declining, _____ Stable, _____ Increasing

(comment) _____

(9) _____

Other rights on the same place of use

(10) _____

Comments: _____

(11) KK OK

Affidavit of Publication received (date) 1-29-79

(12) _____

Final date for protests 1/29/79
Protests received: yes _____ no X

(13) _____

All requested information received from agencies or
applicant: yes _____ no _____

(14) _____

Action recommended:

_____ Approve _____ Deny

_____ Proposed Priority

_____ Reason for Reduction _____

_____ Measuring device required

_____ See attached sheet for other conditions of
approval

_____ No special conditions for approval

(15) District _____ By _____ Date _____

State of Idaho
Department of Water Resources

AMENDMENT ANALYSIS SHEET

INITIAL REVIEW BY: DBS

Right Number 57-2234 Applicant Bybee

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

CHECK:

- NA ☐ Description of amended point(s) of diversion.
☒ Amount, nature and period of use. If increased, delay date of priority.
☒ Description of amended places of use. If expanded, delay date of priority.
☒ Ownership of point of diversion and place of use.
☒ Map.
☒ Signature (must be permit holder).
☒ Fee.
☐ Existing water rights from the same source, amended place of use.
☐ Right number(s) 57-2224 OK
☒ Yes ☐ No Should amendment be advertised?
☐ 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 Right of way clause

By DBS Date 2/5/79

STATE OFFICE PROCESSING:

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

11/15/78

57-2234 +
Amendment to
57-2234 for
E/2 2234, 55, 8E
new bonds
487

A G R E E M E N T

THIS AGREEMENT, made and entered into this 6th day of December, 1966, by and between D. O. BYBEE and THELMA C. BYBEE, husband and wife, parties of the first part, hereinafter referred to as Bybee, FRANK J. PIKE and DAR THEL B. PIKE, husband and wife, parties of the second part, hereinafter referred to as Pike, ROBERTS-BYBEE JOINT ADVENTURE, a joint adventure between V. A. Roberts and D. O. Bybee under Joint Adventure Agreement made the 22nd day of May, 1961, recorded in Book 10 of Agreements, at Page 158, records of Owyhee County, Idaho, on June 5, 1961 (said joint adventure being represented herein by D. O. Bybee, the surviving joint adventurer and by The Idaho First National Bank of Boise, National Association, executor of the estate of Verlin A. Roberts, deceased, and by Ellen M. Roberts, surviving wife of the said Verlin A. Roberts), party of the third part, hereinafter referred to as Roberts-Bybee Joint Adventure, ESTATE OF VERLIN A. ROBERTS, DECEASED, party of the fourth part, hereinafter referred to as the V. A. Roberts Estate, ELLEN M. ROBERTS, a widow, party of the fifth part, and OWYHEE GRAZING ASSOCIATION, INC., an Idaho corporation, party of the sixth part, hereinafter referred to as the Association,

W I T N E S S E T H:

WHEREAS, under the terms and conditions of said Joint Adventure Agreement of the 22nd day of May, 1961, Bybee is entitled to

MICROFILMED

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receive from the Roberts-Bybee Joint Adventure an artesian well located in the Southwest quarter of the Northwest quarter of Section 26, Township 5 South, Range 3 East, Boise Meridian, in Owyhee County, Idaho, together with the flow of said well, rated at 33 1/3 inches but flowing approximately 31 inches, and together with the easements and rights of way therefor and for a ditch from said well to lands of Bybee, and the Roberts-Bybee Joint Adventure is entitled to receive from Bybee, in exchange for said well, water right and easement, 1.0 cubic foot per second of time of the flow of waters in the canal known as the Mutual Canal; and,

WHEREAS, the Association has purchased from the V. A. Roberts Estate, and from Bybee, certain properties of the Roberts-Bybee Joint Adventure located in Owyhee County, Idaho, and in connection with such sale the Association has agreed to transfer to Bybee two artesian wells (in addition to the well hereinbefore mentioned) and the water rights therein, together with rights of way for the use thereof and for the transmission and conveyance of water from said wells to lands of Bybee, and Bybee has agreed to transfer to the Association water rights of Bybee for the use of waters of Snake River in the amount of 250 miners inches, together with an interest in the pumping facilities, penstock, canal and rights of way of Bybee for the transmission and conveyance of such 250 miners inches of water to lands of the Association; and,

WHEREAS, Bybee has participated in the construction of the canal sometimes known as the Keith Johnson Ditch across portions of Section 35, Township 5 South, Range 3 East, Boise Meridian (said parcel being a portion of the land purchased by the Association, as aforesaid), and the parties desire to grant and confirm to Bybee right of way in and for said canal; and,

WHEREAS, the Roberts-Bybee Joint Adventure acquired from the United States of America a right of way for construction and maintenance of a reservoir in Section 34, Township 5 South, Range 3 East, Boise Meridian, which said reservoir right of way was acquired in the name of V. A. Roberts, pursuant to application under Serial No. I-011664, approved by the Department of the Interior, Bureau of Land Management, on July 28, 1960, and Bybee is entitled to an undivided one-half interest in and to said reservoir and the right of way therefor, and the parties desire to grant and confirm such one-half interest to Bybee,

NOW, THEREFORE, in consideration of the premises and of the covenants and grants hereinafter set forth, the parties agree as follows:

In performance of the provision of said Joint Adventure Agreement requiring the Roberts-Bybee Joint Adventure to transfer to Bybee a certain artesian well in exchange for 1.0 cubic foot per second of the flow of waters in the Mutual Canal, the

490

Roberts-Bybee Joint Adventure, The Idaho First National Bank of Boise, National Association, as executor of the V. A. Roberts Estate, Ellen M. Roberts and the Association, hereby grant, transfer and convey unto Bybee that certain artesian well in the Southwest quarter of the Northwest quarter of Section 26, Township 5 South, Range 3 East, Boise Meridian, Owyhee County, Idaho, located approximately 180 feet East of the West boundary line of said Section 26 and approximately 720 feet North of the East-West centerline of said Section 26, together with the water rights in said artesian well and together with an easement for access to and for operation and maintenance of said well and for the construction, operation, maintenance and repair of a ditch or pipeline from said well for the conveyance and transmission of the waters of said well, which said easement is upon, across and through the lands described as follows, to-wit:

.36199/51-2258
3/11/51
C/S

Beginning at the quarter corner common to Section 26 and Section 27, Township 5 South, Range 3 East, Boise Meridian; thence North 0°04' East along the section line a distance of 693.0 feet; thence East a distance of 100 feet to a point which is the TRUE POINT OF BEGINNING; thence East a distance of 130 feet; thence North 0°04' East a distance of 50 feet; thence West a distance of 130 feet; thence South 0°04' West a distance of 50 feet to the point of beginning.

491

In performance of his obligation to exchange 1.0 cubic foot per second of time of the flow of waters in the Mutual Canal for the well, water right and easement last hereinabove granted to Bybee, Bybee has this day granted unto the Association, as successor in interest of the Roberts-Bybee Joint Adventure, 1.0 cubic foot per second of time of the flow of irrigation water in the canal known as the Mutual Canal, said 1.0 cubic foot per second being a portion of the water rights owned by Bybee and retained by him in making said Joint Adventure Agreement; said 1.0 cubic foot per second of water is delivered into the Mutual Canal from the Idaho Power Company Canal, and Bybee therefore hereby assigns ^{SNAKE} _{RIVER} unto the Association the right to have said 1.0 cubic foot per second of water made available by Idaho Power Company for diversion into the Mutual Canal at the terminus of the Idaho Power Company Canal in the South half of the Southwest quarter of Section 33, Township 5 South, Range 4 East, B.M., together with all other rights of Bybee pertaining to said 1.0 cubic foot per second of water as granted in that certain agreement made the 10th day of April, 1952, between Idaho Power Company and others (including Bybee) and recorded in the office of the County Recorder of Owyhee County, Idaho, on June 17, 1952, in Book 8 of Bonds and Agreements, at Page 453; also, Bybee hereby

492.

grants unto the Association an undivided 1/17.4 interest in Bybee's interest in the canal known as the Mutual Canal, the interest of Bybee in said Mutual Canal being as stated in a contract made the 15th day of December, 1956, between Grandview Mutual Canal Company and others (including Bybee) and recorded in the office of the County Recorder of Owyhee County, Idaho, on April 12, 1957, in Book 9 of Bonds and Agreements at Page 409, together with an undivided 1/17.4 interest in and to all other rights and interests of Bybee in and to the said Mutual Canal; said rights with respect to the said Idaho Power Company Canal and said rights with respect to the said Mutual Canal are transferred and assigned to the Association subject to the obligations imposed by the terms and conditions of the said agreement with Idaho Power Company and said contract with Grandview Mutual Canal Company, and the Association agrees to assume and discharge its pro-rata share of those obligations.

The Association agrees to pay its pro-rata share of the costs and expense of operation and maintenance of the said Mutual Canal, attributable to the 1.0 cubic foot per second of flow therein transferred to it by Bybee, as aforesaid.

How did
the association
own the well?
It is one of the
3 wells identified
in permit 57-2234

493

The Association hereby grants, transfers and conveys to Bybee that certain artesian well situate in the Southwest quarter of the Northwest quarter of Section 26, Township 5 South, Range 3 East, Boise Meridian, Owyhee County, Idaho, and located approximately 350 feet East of the West boundary line of said Section 26 and approximately 650 feet North of the East-West centerline of said Section 26, together with the water rights in said well and together with an easement for access to and for operation and maintenance of said well and for the construction, operation, maintenance and repair of a ditch or pipeline from said well for the conveyance and transmission of the waters of said well, which said easement is upon, across and through the lands described as follows, to-wit:

Beginning at the quarter corner common to Section 26 and Section 27, Township 5 South, Range 3 East, Boise Meridian; thence North 0°04' East along the section line, a distance of 693.0 feet; thence East a distance of 100 feet to the TRUE POINT OF BEGINNING; thence East 130 feet; thence South 76°15' East a distance of 278 feet; thence North 13°45' East a distance of 50 feet; thence North 76°33'46" West a distance of 290 feet; thence West a distance of 130 feet; thence South 50 feet of the point of beginning.

76-2234
WRC
JCB
HB

The Association hereby grants, transfers and conveys unto Bybee that certain artesian well (hereinafter referred to for purposes of clarity and convenience as the Bybee South Well) situate in the Southwest quarter of the Southwest quarter of Section 35, Township

This is one
of the 3 wells
identified in
permit 57-2234

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5 South, Range 3 East, Boise Meridian, Owyhee County, Idaho, and located on the rectangular tract of land next hereinafter described, together with the water rights in said well and together with an easement for access to said well and for operation, maintenance and repair of said well and for the construction, operation, maintenance and repair of a ditch or pipeline from said well to the said Keith Johnson Ditch, for the conveyance and transmission of the waters of said well, which said easement is upon, across and through the lands described as follows, to-wit:

Beginning at the Southwest corner of Section 35, Township 5 South, Range 3 East, Boise Meridian; thence North $29^{\circ}51'$ East a distance of 1245 feet to a point which is the TRUE POINT OF BEGINNING; thence North 130 feet; thence East 50 feet; thence South 130 feet; thence West 50 feet to the true point of beginning.

It is understood and agreed that the said Keith Johnson Ditch crosses the parcel of land last hereinbefore described, and it is agreed that the easement granted to Bybee in connection with the said Bybee South Well is subject to the rights of way and easements for the said Keith Johnson Ditch, and it is further agreed that Bybee shall have the right of access to said Bybee South Well over and along the banks and right of way of those portions of the said Keith Johnson Ditch located in said Section 35, and shall have the right to transmit and convey water from said well through the said Keith Johnson Ditch as hereinafter specified.

495

Bybee hereby transfers and conveys unto the Association
a water right for 250 miners inches of the waters of Snake
River appropriated by Bybee under Permit No. 30484, issued by
the Department of Reclamation of the State of Idaho, for the
irrigation of land purchased by the Association as aforesaid.
Bybee also transfers unto the Association an undivided one-half
interest in and to the Johnston Turbine pump and the 100 horsepower
Westinghouse electric motor attached thereto, installed at the
pumping station of Bybee in the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 33, T. 5 S.,
R. 4 E., B.M., at the point where Bybee pumps water from the Idaho
Power Company Canal and Bybee agrees that the Association shall
have priority in the use of said pump and motor to the extent
of the first 250 miners inches of the discharge capacity
thereof, ~~to be measured across a weir to be installed by Bybee~~
~~and the Association (each paying one-half of the expense) at~~
~~the first suitable point downstream from the outlet of the~~
~~penstock,~~ and Bybee shall have the right to use all remaining
capacity of said pump and motor.

For purposes of transmitting and conveying said 250
miners inches of water from Snake River to the lands of the
Association, Bybee hereby grants or assigns, as the case may be,
to the Association, rights of way as follows:

496

1000000
J.C.B.
WRC

1. Bybee grants and assigns to the Association an undivided 250900ths interest in and to the rights of way granted to Bybee by Idaho Power Company by Permission and Agreement, made the 23rd day of July, 1962, recorded in Book 9 of Agreements, at Page 461, records of Owyhee County, Idaho, on August 6, 1962, under which said Permission and Agreement waters are diverted from Snake River at the C. J. Strike Dam and are conveyed through the Idaho Power Company Canal in Section 33, Township 5 South, Range 4 East, B.M., to the pumping station of Bybee at which the pump and motor hereinbefore identified are installed;

2. Bybee grants to the Association the right to use Bybee's said pumping station on the Idaho Power Company Canal and the right to use the penstock which extends from said pumping station along a centerline which begins at a point in the Southeast quarter of the Southwest quarter of Section 33, Township 5 South, Range 4 East, B.M., from which point the South quarter corner of said Section 33 bears South 36°02' East, 1085 feet and extends from said point South 7°03' East, a distance of 750 feet to the outlet of said penstock at the head end of the Bybee-Pike Canal, which said right of use shall be a first

and prior right for 250 miners inches of water;

3. Bybee and Pike hereby grant unto the Association a right of way in the said Bybee-Pike Canal, which said canal extends from the head end thereof, South 19°05' West to a point on the South boundary of the Southeast quarter of the Southwest quarter of Section 33, Township 5 South, Range 4 East, B.M., and thence across Lot 3 and Lot 4 and SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 4, and Lot 1 in Section 5, Township 6 South, Range 4 East, B.M., to a point in the East boundary line of Section 5, Township 6 South, Range 4 East, B.M., and thence along the following described centerline:

Beginning at the Northeast corner of said Section 5; thence South along the section line, 1484.5 feet to the REAL POINT OF BEGINNING: thence South 55°22' West 272.7 feet; thence South 75°18' West 814.8 feet; thence North 76°00' West 756.6 feet; thence South 66°16' West 544.0 feet; thence North 42°34' West 437.2 feet; thence North 60°37' West 618.3 feet; thence North 89°37' West 1436.6 feet; thence North 57°08' West 966.5 feet; thence North 69°09' West 855.6 feet; thence South 67°11' West 559.4 feet; thence North 75°34' West 551.7 feet; thence North 82°11' West 955.2 feet; thence North 64°38' West 1467.1 feet; thence North 77°40' West 1419.5 feet; thence North 68°10' West 1036.3 feet; thence North 85°47' West 716.3 feet; thence North 34°26' West 587.9 feet; thence North 59°08' West 321.8 feet; thence North 80°22' West 1044.6 feet; thence South 82°28' West 577.8 feet; thence North 86°07' West 1409.9 feet; thence North 37°25' West 153.0 feet to a point on the West boundary line of Section 36, Township 5 South, Range 3 East, B.M., from which point the Southwest corner of said Section 36 bears South along the Section line a distance of 1437.4 feet;

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Such right of way is for the transmission and conveyance of 250 miners inches of water for irrigation purposes under the water right hereinbefore set over to the Association.

Bybee and Pike hereby assign to the Association the right ~~to~~ receive, with respect to a maximum of 250 miners inches of water, the benefits of the agreement of Keith Johnson and Leona K. Johnson, husband and wife, to stand transmission loss from seepage and evaporation occurring in the portion of the Bybee-Pike Canal described

in the Canal Right of Way Agreement made July 1, 1964, between Bybee, Pike and the said Keith Johnson and wife, subject to the terms of said Canal Right of Way Agreement, ~~and subject to the right of Bybee, Pike and Johnson, or their successors, to cancel or amend said agreement.~~

4. Bybee hereby grants and assigns to the Association an undivided 250/400ths interest in and to the right of way granted to Bybee by Barbara J. Tate and John P. Tate, Jr., her husband, by Right of Way Agreement made between Bybee and Triangle Dairy, Inc., and others, on the 19th day of August, 1965, recorded in Book 58 of Deeds, at Page 281, records of Owyhee County, Idaho, on the 23rd day of September, 1965, which said right of way is for the enlargement of an existing ditch (therein referred to as the Johnson Ditch) across Lot 2 in Section 2, Township 6 South, Range 3 East, B.M., along the centerline described as follows, to-wit:

499

Commencing at the North quarter corner of said Section 2; thence North 89°20' East 1036.5 feet along the North line of said Section 2 to the INITIAL POINT; thence South 4°51' East 500.0 feet; thence South 66°02' West, 300.0 feet to a point; thence continuing South 66°02' West 800.0 feet; thence North 77°56' West 54.1 feet, to the END POINT in the West line of said Lot 2, from which the North quarter corner of said Section 2 bears North 1°17' West a distance of 921.9 feet;

5. Bybee hereby grants and assigns to the Association an undivided 250/ 700ths interest in and to the right of way granted to Bybee by Leslie J. Post by Right of Way Agreement made the 5th day of February, 1966, between Bybee and Frank J. Pike and Dar Thel Pike, the parties of the first part, and the said Leslie J. Post, as party of the second part, under which said right of way Bybee has the right to enlarge the existing canal (therein referred to as the Johnson Canal) and to transmit therein irrigation water to the extent of 700 miners inches, and which said right of way is across portions of the West half of Section 2, Township 6 South, Range 3 East, B.M., and is along the centerline described as follows, to-wit:

Commencing at the North quarter corner of said Section 2; thence South 1°17' East, 921.9 feet along the East line of Lot 3 of said Section 2 to the INITIAL POINT; thence North 77°56' West, 845.9 feet; thence North 61°30' West, 300.0 feet; thence North 9°10' West 595.7 feet to the END POINT in the North line of said Section 2, from which the North quarter corner of said Section 2 bears North 89°20' East 1165.2 feet;

Also, along the following described centerline, to-wit:

AR
 JCB
 [Signature]
 [Signature]
 URK

1009
JCB
[Signature]
WRK

14-vb

501

made December 1, 1966, between the said Clinton W. Gingrich and Louise Gingrich, husband and wife, and Bybee, which said right of way is for the construction of a canal and for the conveyance of irrigation water to the extent of 700 miners inches, across portions of the Northwest quarter of the Southeast quarter of Section 34, Township 5 South, Range 3 East, B.M., along the centerline described as follows, to-wit:

Commencing at a point in the South boundary line of the Northwest quarter of the Southeast quarter of said Section 34, from which point the Southeast corner of said Section 34 bears South 56°19' East, 2380 feet; thence North 1°03' East, 1132.0 feet, more or less, to a point in an existing reservoir (which said reservoir is hereinafter more particularly identified and described and designated as the Roberts-Bybee Reservoir);

The acceptance of the rights of way assigned in Paragraphs Nos. 4, 5, 6 and 7, above, so far as the same pertain to live irrigation water, shall be optional with the Association, and the Association shall signify its acceptance or rejection of said assignments, or its acceptance of portions thereof and rejection of portions thereof, by written notice, duly acknowledged, delivered to Bybee on or before December 1, 1967, stating that the Association accepts or rejects said assignments of rights of way or accepts portions thereof and rejects portions

✓ thereof, and stating that the Association stands ready

to reimburse Bybee on demand for 250/700ths of the

expense incurred by Bybee after the signing of this

agreement in enlarging the canal along said right of

way described in subparagraph 7, above, to the last

point at which the Association diverts its water from

the said Keith Johnson Ditch, and upon reimbursement being

made to Bybee as aforesaid, the Association shall be

entitled to 250/700ths of the canal capacity created

by Bybee after the signing of this agreement under

the rights of way described in Paragraphs 4, 5, 6 and 7

above, to such last point of diversion, up to a maximum

of 250 miners inches of such capacity. The Associat

-agrees that if it shall reject any of the assignments

rights of way described in Paragraphs 4, 5, 6 and 7, all

it shall forthwith relinquish all right to transmit and

convey live water for irrigation purposes under the ri

of way with respect to which it has rejected the assign

and in that event, the right of the Association in the

rights of way which the Association rejects shall be o

for the wasting of any waters pumped from Snake River

by the Association and not diverted onto its lands. If

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the Association fails to accept the assignment of an interest in the rights of way described in Paragraphs 6 and 7, above, then, in that event, the Association agrees that it shall forthwith relinquish and transfer to Bybee all its right, title and interest in and to the reservoir in Section 34, Township 5 South, Range 3 East, B.M., herein referred to as the Roberts-Bybee Reservoir.

0019
1993
R
MRC
The Association shall have the right to establish diversion works for its said 250-inch water right at any points on the Keith Johnson Ditch downstream from the point where said Keith Johnson Ditch crosses the East boundary line of Section 35, Township 5 South, Range 3 East, B.M., and may accept the assignment of right of way or rights of way to its last point of diversion and may decline to accept the assignment or assignments of rights of way downstream from that point, in which case, the Association shall establish the location of its last point of diversion by an accurate survey and shall describe the location of its last point of diversion in the said notice to Bybee.

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The Association agrees to pay its pro-rata share of the costs of operation, maintenance and repair of the pump, motor and pumping station with which water is pumped from the Idaho Power Company Canal, and of the penstock through which water is lifted to the Bybee-Pike Canal, and of the Bybee-Pike Canal and of the Keith Johnson Ditch. If the Association constructs a spillway to handle all its waste water, it shall not be responsible for any costs of operation, maintenance and repair downstream from such spillway or downstream from the last point where it diverts live water, whichever is further downstream. In that respect, the Association agrees that in connection with its use of the Bybee-Pike Canal it will comply with the terms and conditions imposed upon users of said canal by the agreement made the 6th day of August, 1965, between Keith A. Johnson and Leona K. Johnson, husband and wife, and others (including Bybee and the Roberts-Bybee Joint Adventure), recorded September 23, 1965, in Book 19 of Miscellaneous Records at Page 27, records of Owyhee County, Idaho. The Association also agrees that it shall observe and comply with and discharge pro-rata, the conditions and obligations imposed upon Bybee in the various instruments

under which he acquired the rights of way hereinbefore assigned to the Association.

The Association hereby grants unto Bybee a right of way to enlarge those portions of the said Keith Johnson Ditch which are located upon Section 35, Township 5 South, Range 3 East, B.M., so as to transmit therein irrigation water to the extent of 450 miners inches additional to the water to be conveyed in said canal by all other persons owning an interest therein or entitled to the use thereof and upon the enlargement of such canal Bybee shall have the right to operate, maintain and repair his interest in said Keith Johnson Ditch and to transmit therein irrigation water to the extent of a flow up to, but not exceeding, the aggregate of 450 miners inches and the flow of said Bybee South Well, which right of way shall be situate in the South half of Section 35, Township 5 South, Range 3 East, B.M., and the centerline of which right of way is described as follows, to-wit:

Commencing at the Southeast corner of said Section 35; thence North $0^{\circ}30'$ West, 1437.4 feet along the East line of said Section 35 to the INITIAL POINT; thence North $42^{\circ}13'$ West, 196.4 feet; thence North $59^{\circ}39'$ West, 99.5 feet; thence North $75^{\circ}50'$ West, 124.6 feet; thence South $86^{\circ}10'$ West, 92.8 feet; thence South $74^{\circ}48'$ West, 161.3 feet; thence North $79^{\circ}53'$ West, 86.4 feet; thence North $65^{\circ}18'$ West, 588.9 feet; thence North $88^{\circ}49'$ West, 81.0 feet; thence South $81^{\circ}22'$ West, 107.8 feet; thence South $65^{\circ}18'$ West, 140.2 feet; thence South $38^{\circ}37'$ West, 125.2 feet;

JCB
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thence South 15°03' West, 71.9 feet; thence South 0°32' West, 583.7 feet to a point; thence South 14°46' West, 369.0 feet; thence South 4°51' East, 717.4 feet to the END POINT in the South line of said Section 35 from which the Southeast corner of said Section 35 bears North 89°20' East, 1670.2 feet.

Commencing at the South quarter corner of said Section 35; thence South 89°20' West 1165.2 feet along the South line of said Section 35 to the INITIAL POINT; thence North 9°10' West, ~~550.0 feet~~ ^{154.3 feet; thence North} ^{1° West, 550.0 feet;} thence South 64°21' West, 500.0 feet; thence South 37°47' West, 200.0 feet; thence South 21°07' West 326.3 feet to the END POINT in the South line of said Section 35 from which the Southwest corner of said Section 35 bears South 89°20' West, 635.9 feet.

Said right of way is also for access to the said Bybee South Well, as hereinbefore specified.

The Association reserves the right to fully utilize the land in said Section 35 upon which such right of way is granted, and Bybee reserves the right to fully utilize the land upon which the rights of way described in Paragraphs 2 and 3, above, are granted, subject only to the rights granted by this agreement.

Bybee agrees to pay his pro-rata share of the cost and expense of operation and maintenance of the said Keith Johnson Ditch, from and after the time of any enlargement thereof by Bybee.

The Association hereby grants unto Bybee an undivided one-half interest in and to the reservoir located near the center of Section 34, Township 5 South, Range 3 East, B.M.,

which was constructed under reservoir right of way granted to V. A. Roberts by the United States of America pursuant to application under Serial No. I-011664, the map of which said reservoir is on file and of record in the Idaho Land Office, Bureau of Land Management, at Boise, Idaho; also, the Association hereby grants unto Bybee an undivided one-half interest in and to the right of way for said reservoir, which said right of way was granted to V. A. Roberts by the United States of America under Serial No. I-011664, as aforesaid.

Bybee and the Association agree that Bybee shall pay one-half, and the Association shall pay one-half, of the costs of operation, maintenance and repair of said reservoir.

The rights of way herein granted shall be, and the same are hereby made, subject to all ditch and canal rights now existing upon and along any such right of way, or any part thereof.

All lands, water rights and other interests in real property or rights to the use thereof, described, identified or referred to in this agreement, are situate in Owyhee County, Idaho.

The parties hereto agree to make, execute and deliver to the proper party any additional instrument of transfer or conveyance which shall be required in order to perfect or complete the transfer of any property right or interest covered

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by this agreement, including, but not limited to, any assignments required by the Department of Reclamation of the State of Idaho in connection with the transfer of water permits.

The covenants herein contained shall bind, and the benefits and advantages hereof shall inure to, the heirs, personal representatives, successors and assigns of the respective parties hereto.

IN WITNESS WHEREOF, the parties have hereunto subscribed their names the day and year herein first above written.

D. O. Bybee
D. O. Bybee

Thelma C. Bybee
Thelma C. Bybee

Frank J. Pike
Frank J. Pike

Dar Thel B. Pike
Dar Thel B. Pike

ROBERTS-BYBEE JOINT ADVENTURE

By D. O. Bybee
D. O. Bybee, the surviving joint adventurer

By THE IDAHO FIRST NATIONAL BANK OF BOISE,
National Association

By William F. Huley
Vice President and Trust Officer

ATTEST: Wallace R. Ennells
Property Manager

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By Ellen M. Roberts
Ellen M. Roberts, surviving wife of
V. A. Roberts

THE IDAHO FIRST NATIONAL BANK OF BOISE,
National Association

By William F. Farley
Vice President and Trust Officer

ATTEST: Wallace R. Connelly
Property Manager
Executor of the Estate of Verlin A.
Roberts, Deceased

Ellen M. Roberts
Ellen M. Roberts

OWYHEE GRAZING ASSOCIATION, INC.

By Gerald J. Cunningham
Gerald J. Cunningham, President

ATTEST:

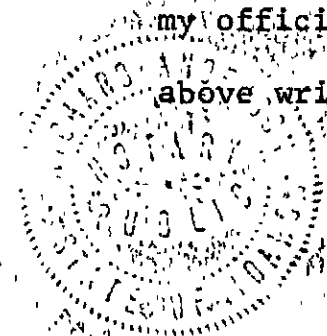
John C. Steiner
John Steiner, Secretary

510

STATE OF IDAHO)
 : ss.
County of Owyhee)

On this 6th day of December, 1966, before me, the undersigned, a Notary Public for the State of Idaho, personally appeared D. O. Bybee and Thelma C. Bybee, husband and wife, known to me to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the same.

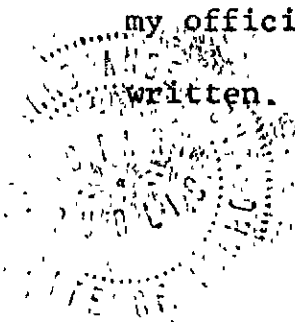
IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.


Richard Anderson
Notary Public for State of Idaho
Residing at ~~Murphy~~, Idaho
Boise

STATE OF IDAHO)
 : ss.
County of Owyhee)

On this 6th day of December, 1966, before me, the undersigned, a Notary Public for the State of Idaho, personally appeared Frank J. Pike and Dar Thel B. Pike, husband and wife, known to me to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

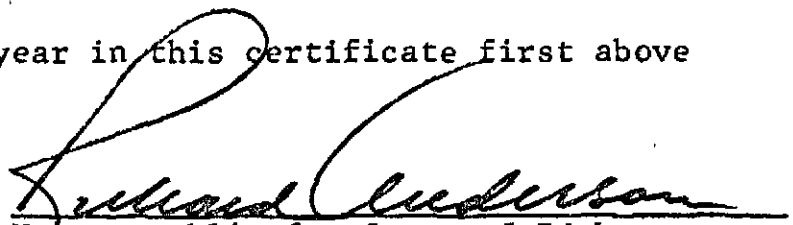

Richard Anderson
Notary Public for State of Idaho
Residing at ~~Murphy~~, Idaho
Boise

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STATE OF IDAHO)
 : ss.
County of Ada)

On this 6th day of December, 1966, before me, the undersigned, a Notary Public for the State of Idaho, personally appeared William F. Farley, known to me to be the vice president and trust officer of The Idaho First National Bank of Boise, National Association, executor of the estate of Verlin A. Roberts, deceased, and Ellen M. Roberts, known to me to be the surviving spouse of V. A. Roberts, deceased, and the persons who subscribed said joint adventure name to the foregoing agreement and severally acknowledged to me that they executed the same in said joint adventure name.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

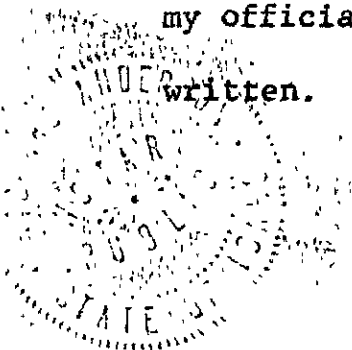

Notary Public for State of Idaho
Residing at Boise, Idaho

STATE OF IDAHO)
 : ss.
County of Owyhee)

On this 6th day of December, 1966, before me, the undersigned, a Notary Public for the State of Idaho, personally appeared D. O. Bybee, known to me to be the surviving joint adventurer in the joint adventure of Roberts-Bybee Joint Adventure, and one of the persons who subscribed said joint adventure name to the foregoing agreement and acknowledged to me that he executed the same in said joint adventure name.

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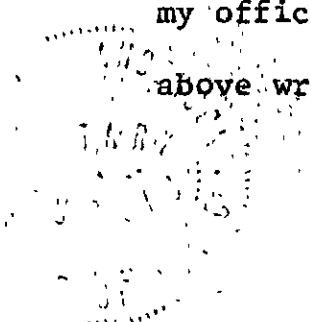
IN WITNESS WHEREOF, I have hereunto set my hand and affixed
my official seal the day and year in this certificate first above
written.


Richard Anderson
Notary Public for State of Idaho
Residing at ~~Murphy~~, Idaho
Boise

STATE OF IDAHO)
: ss.
County of Ada)

On this 6th day of December, 1966, before me, the undersigned,
a Notary Public for the State of Idaho, personally appeared
William F. Farley, known to me to be the vice president
and trust officer of The Idaho First National Bank of Boise,
National Association, that executed the foregoing instrument as
Executor of the estate of Verlin A. Roberts, deceased, and acknow-
ledged to me that such Bank, as such Executor, executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed
my official seal the day and year in this certificate first
above written.

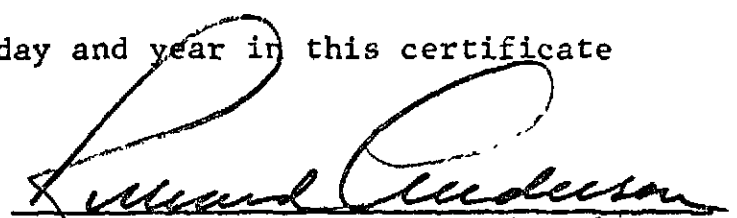

Richard Anderson
Notary Public for State of Idaho
Residing at Boise, Idaho

STATE OF IDAHO)
: ss.
County of Ada)

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On this 6th day of December, 1966, before me, the undersigned, a Notary Public for the State of Idaho, personally appeared Ellen M. Roberts, known to me to be the person whose name is subscribed to the within instrument and acknowledged to me that she executed the same.

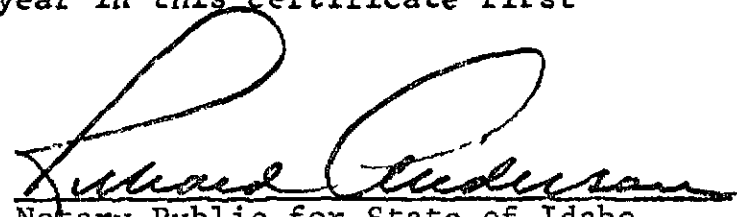
IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.


Notary Public for State of Idaho
Residing at Boise, Idaho

STATE OF IDAHO)
: ss.
County of Butte)

On this 6th day of December, 1966, before me, the undersigned, a Notary Public for the State of Idaho, personally appeared Gerald J. Cunningham and John Steiner, known to me to be the president and secretary, respectively, of the corporation that executed the within instrument and acknowledged to me that such corporation executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.


Notary Public for State of Idaho
Residing at Boise, Idaho

February 14, 1979

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

Dear Mr. Bybee:

Re: Permit No. 57-2234

Enclosed is a copy of the approved application for amendment submitted on Permit No. 57-2234.

Sincerely,

RITA FLECK
Sr. Secretary

Enc: 1

RECEIVED

INTER-DEPARTMENT MEMO — 1

DATE

8/27/79

FROM

Jan

TO

file

SUBJECT

Exam

When the field exam is completed
& a license issued, the computer
sheets should be adjusted accordingly.
The amendment of D.O. Byrne shows
the reduction of acreage as all of the
other lands applied for are not being
irrigated. Jan

SIGNATURE

MICROFILMED

TO: File

FROM: Robyn Carlson *RC*

DATE: May 19, 1981

Files pulled on 5-18-81 while Bill Fields was visiting my office.

Owyhee Grazing Assoc.

57-2327

57-7107 Relinquished

57-4000

57-2304

57-2234B

D O. Bybee

57-2224

02-2176

57-2272 Lapsed

57-2274

57-2279 Lapsed

57-2264

02-7034

57-7253

Grandview Mutual Canal Co.

21295/02-2074 Cancelled

22595/02-2095 Cancelled

Mr. Fields was looking for his groundwater rights and Grandview Mutual Canal Co. surface water rights.

Groundwater rights - 57-2234

no active record for Grandview Mutual Canal Co. found.

I called Don at Western in regards to the Snake River Adj. and these rights. He stated that Grandview has beneficially used the water but has no paper rights. Their attorney asked for an extension of time in filing a claim. He also stated he felt this would be done around October 81, or thereabouts.

MICROFILMED

May 27, 1981

Howard J. Field
Grandview,
Idaho 83634

Dear Mr. Field,

RE: Permit No. 57-2234

We are returning the Assignment of Permit form to you as it appears that Owhyee Grazing Association does not currently have any ownership of this permit.

According to a copy of an agreement contained in the permit file dated December 6, 1966, Owyhee Grazing Association conveyed all their ownership in this permit to D. O. Bybee.

How Owhyee Grazing Association obtained ownership from the original permit holder is not clear.

If you feel that our records are incorrect, please provide us with any evidence that you may have which shows Owhyee Grazing Association ownership.

If you have any questions on this matter, please let me know.

Sincerely,

JIM JOHNSON
Water Distribution Supervisor

Enclosure

MICROFILMED

TO: File

FROM: Jim Johnson

DATE: May 27, 1981

This file was reviewed as a result of a visit from Mr. Bill Field, who is in the process of selling the land that two of the three wells identified in this permit are located in.

Mr. Field was under the impression that the ownership of this right was split and he wanted to get copies of the portion that he owned.

After a review was made of the agreement contained in the file, it appears that no split had ever been intended and that D.O Bybee was sole owner of all three wells. It should be noted that this permit was never mentioned in the agreement.

According to Mr. Field, he now owns the land that the North two wells are located on, and that water from these wells is not used for irrigation as identified on the permit. He reported that Mr. Bybee uses the amount of water that can be conveyed through 1½ in. pipe with 90 PSI at the well head for a greenhouse.

The third well is located next to a canal bank and the water is used to supplement the canal water which has its source mainly from the Snake River.

Mr. Fields estimated that the combined flow of all three wells was not greater than 2.0 cfs. Two wells have been connected to each other and produce about 1.0 cfs. The third well, located on the canal bank also produces about 1.0 cfs.

Based upon the above information it appears that only a portion of the permit has been developed as intended.

The required field exam will determine what portion of this right has been developed.

A careful review of water uses will have to be made of the North two wells to determine if they should be included under this permit.

MICROFILMED