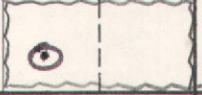


Twp 7N 25
Rge. 35E B4



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

+ Mrs. Ron R. Byrnes
(Applicant)

31 7042

CONSERVATION PLAN MAP

Prepared by UNITED STATES DEPARTMENT OF AGRICULTURE * SOIL CONSERVATION SERVICE
cooperating with



Don R. Bybee

Person

Idaho

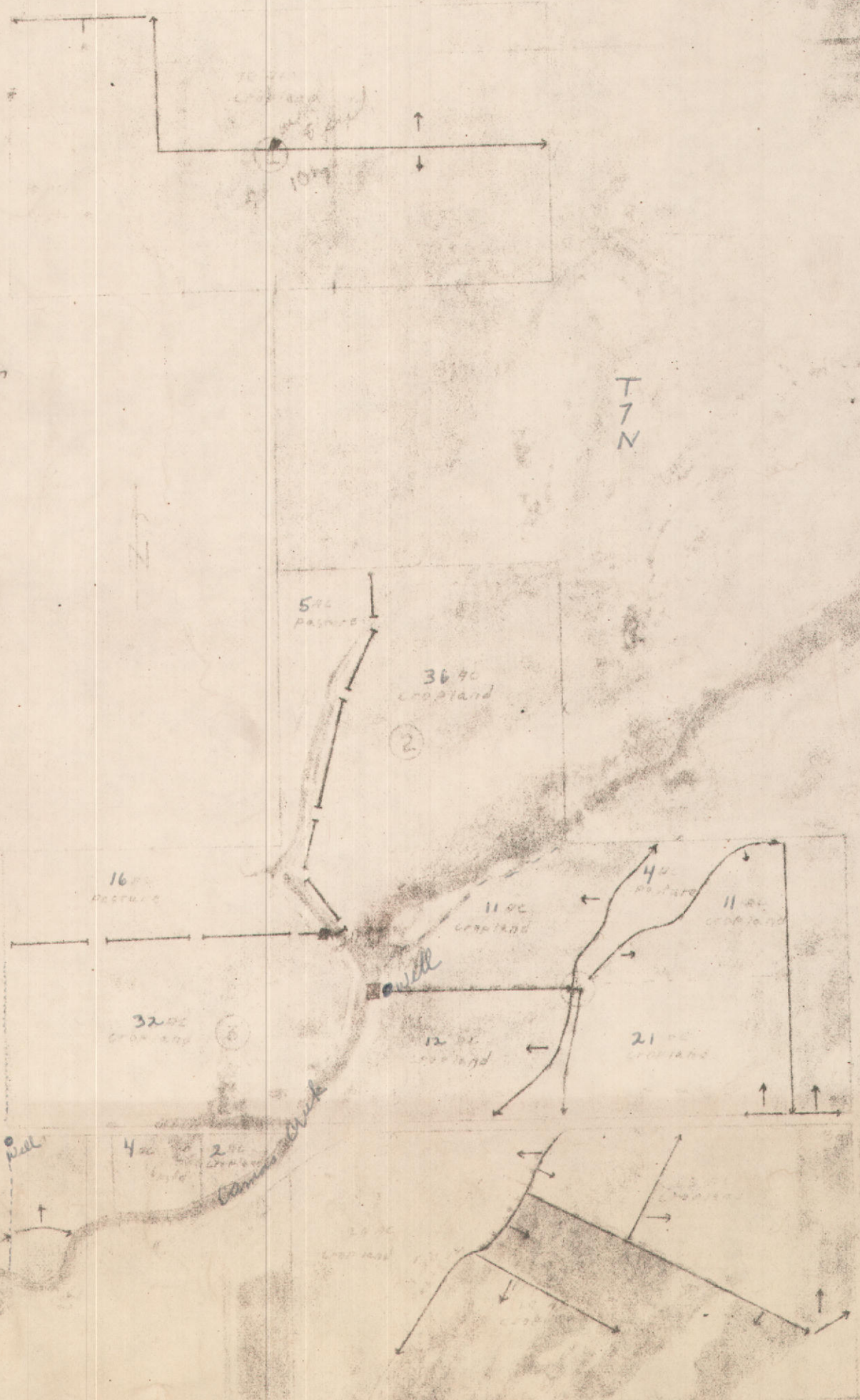
FARM NO. _____

SCALE 1" = 660 ACRES

PHOTO NO. _____

igation system

T
7
N



31 7042

Affidavit of Publication
THE RIGBY STAR

RECEIVED

DEC 4 1970

Department of Water Administration

STATE OF IDAHO }
County of Jefferson } ss.

I, Hope B. Jones, do solemnly swear that I am the printer of THE RIGBY STAR, a weekly newspaper as defined by Idaho Codes annotated section 58-106 as amended, and that said newspaper is a weekly newspaper, printed and published at Rigby, Jefferson County, Idaho, having a general circulation in said county, and that said newspaper has been printed and published as a weekly newspaper, in said county for more than 78 consecutive weeks prior to the first publication of the attached notice.

And affiant further says that said attached notice, advertisement or publication as per clipping attached, was published in said newspaper in the regular and entire issue thereof, and not in any supplement issue thereof, for

Two Consecutive issues thereof; first publication having been made on the

26th day of *November*, 19*70*

and the last publication on the

3rd day of *December*, 19*70*

And affiant further says that at the times herein mentioned said newspaper was made up of at least four pages of at least five columns each printed from type matter of at least seventeen and three-fourths inches depth; and that there are at least two hundred bona fide subscribers in Jefferson County.

Hope B Jones

Subscribed in my presence and sworn to before me this *3rd*

day of *Dec*, 19*70*
(SEAL)

R H Hamman
Notary Public for the State of Idaho,
Residence and P. O. Address, Rigby, Idaho.

My commission expires _____, 19____

Publication Fee: \$_____

MY COMMISSION EXPIRES JULY 15, 1973

31 7042

**NOTICE OF APPLICATION FOR
PERMIT TO APPROPRIATE THE
PUBLIC WATERS OF THE
STATE OF IDAHO**

Notice is hereby given that Mrs. Don R. Bybee, Hamer, Idaho has on November 12, 1970 submitted Application No. 31-7042 to appropriate the public waters of a groundwater source..

The application proposes a maximum diversion and appropriation of 3.0 cubic feet per second of water to be diverted by well pump, motor, and pipe within the SW 1/4 SE 1/4, Sec. 25 T. 7 N, R. 35 E, B.M., Jefferson County and is to be used within the S 1/2 SE 1/4 Sec. 25, T. 7 N, R. 35 E, B.M.' for the irrigation of 60 acres from April 1 to October 1.

Any permit issued pursuant to this application will be subject to ALL PRIOR WATER RIGHTS and subject to the CONTROL OF A STATE WATERMASTER. Any protest against this application must be filed with the Idaho Department of Water Administration Statehouse, Boise, Idaho, on or before December 14, 1970.

R. KEITH HIGGINSON,
Director.

Published in The Rigby Star, Rigby, Idaho on November 26 and December 3, 1970.

24
26/25



C 14.9

B 11.5

A 12.9

A136
A228

D 10.1

E 13.2

A135
A226

A128
A229

A228

18.3

9.7

26/25
35/36

A136
A230

Point of
Division

stock
yard

Parad county road

Ditch system

5.0

15.6

3.5

4.4

ARK 8/8/77

31-7042

RECEIVED

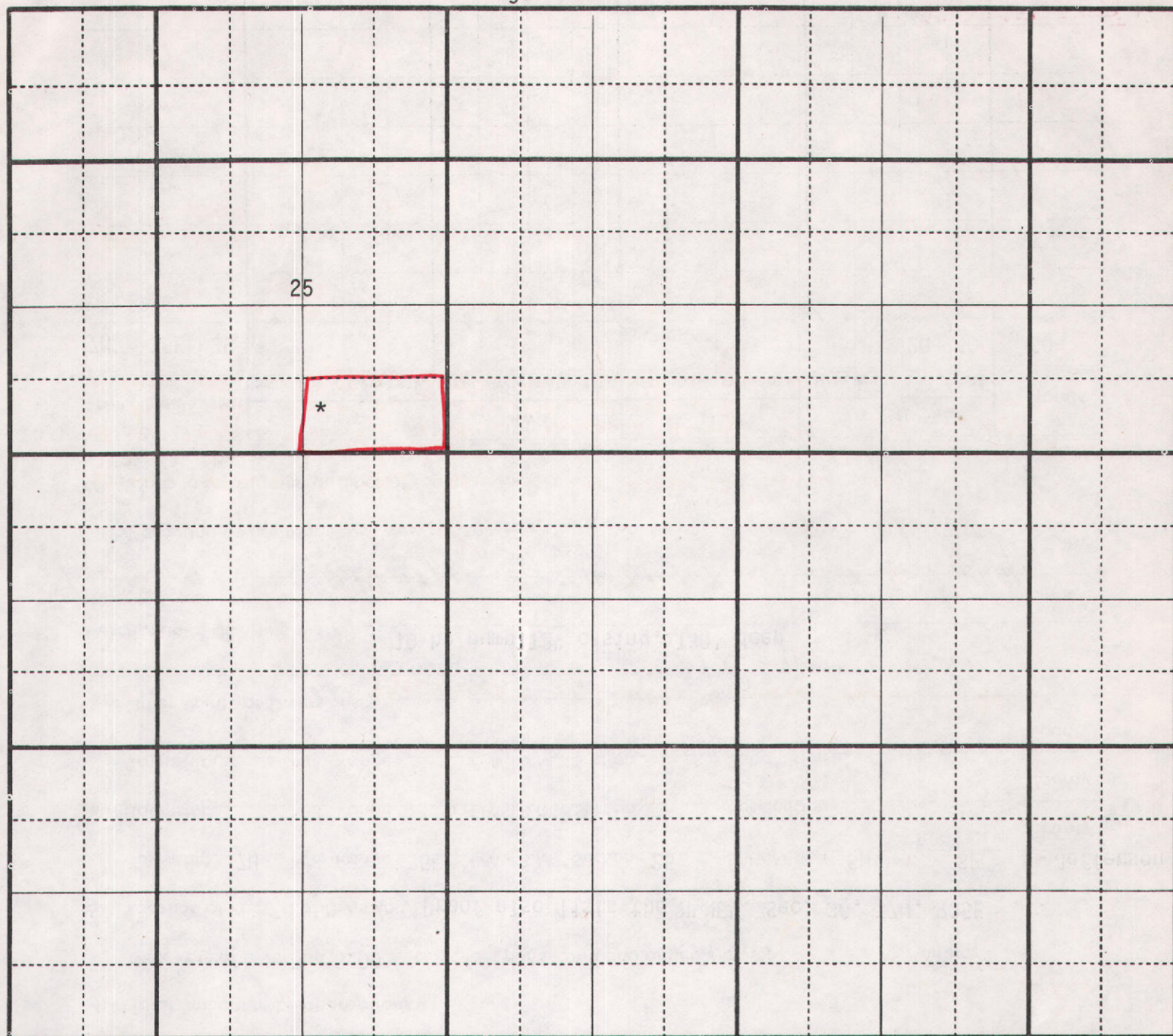
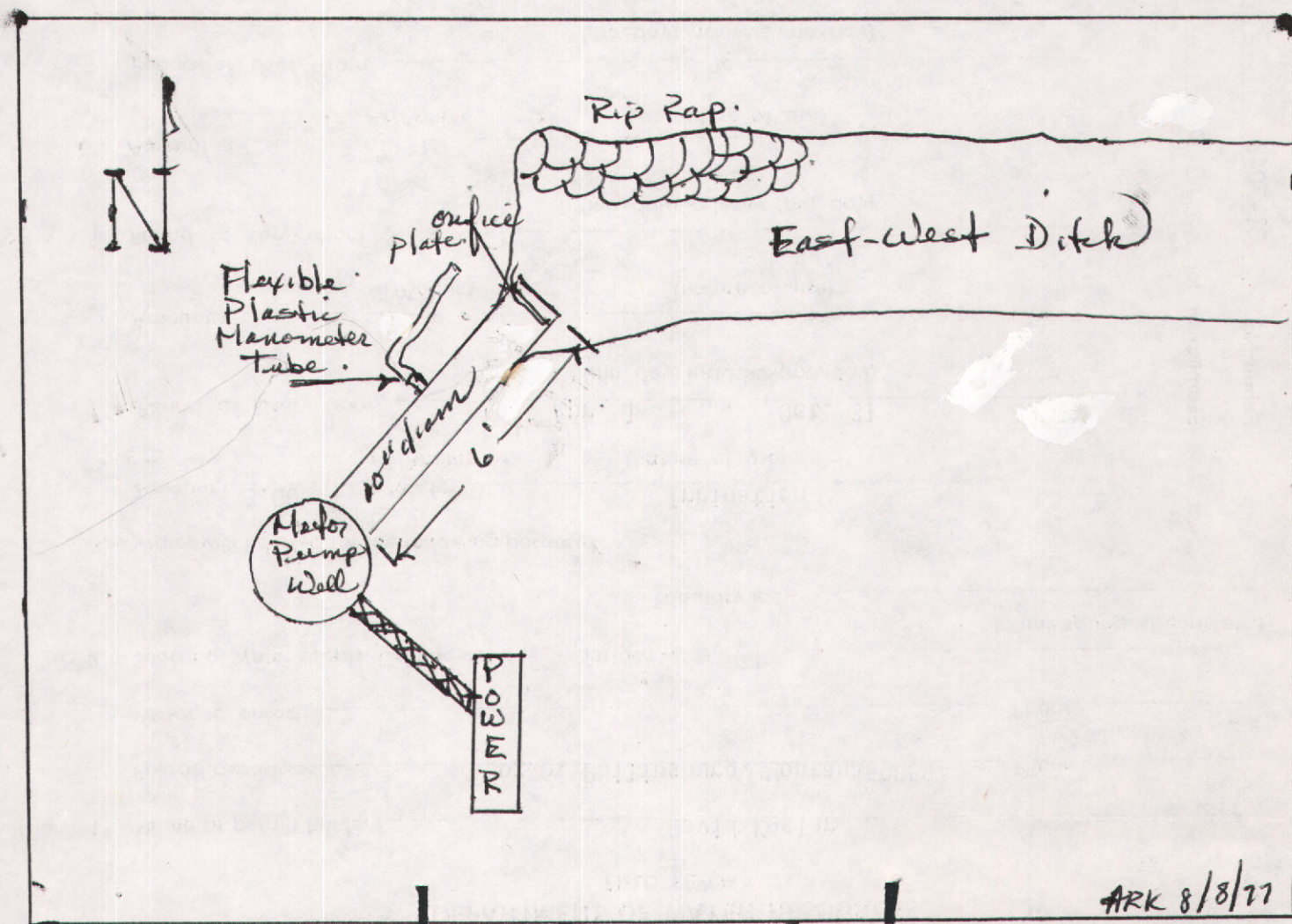


Diagram of System



State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

(late proof)
License of Water Right No. 31-7042 Priority January 13, 1971 Amount 2.5 cfs

THIS IS TO CERTIFY, that DAVID KESLER
of Phillipsburg, Montana, has complied with the terms and conditions of Permit
No. 31-7042 issued pursuant to Application for Permit dated November 12, 1970,
and has submitted proof to the Department of Water Resources on May 2, 1977,
that he has applied water to a beneficial use; an examination by the Department indicates that the works have a
capacity for the diversion of 3.72 cfs of water from a groundwater source,
tributary to _____, and that the permit holder has applied to a beneficial use and
established a right to use water as follows:

Beneficial Use	Period of Use	Rate of Diversion	Annual Volume
Irrigation	from <u>April 1</u> to <u>October 1</u>	at <u>2.5</u> cfs and	<u>150</u> acre feet
	from _____ to _____	at _____ cfs and	_____
	from _____ to _____	at _____ cfs and	_____
(both dates inclusive)			

Subject, however, to the condition that no more than 2.5 cfs of water be diverted at any one time, and
that the amount of water so diverted and to which such right is entitled and confirmed is for the purpose
aforementioned and is limited to the amount which can actually be beneficially used and shall not exceed
150 acre feet per year, said waters to be diverted within the SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 25, Twp. 7N,
Rge. 35E, B.M. in the County of Jefferson

Description and location of place of use:

Twp.	Range	Sec.													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		
7N	35E	25												20	30	50

Total number of acres irrigated 50

NOTE: Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho Law. This right may be forfeited by five years of non-use.

The right to the use of the water hereby confirmed is restricted and appurtenant to the lands or place of use herein described, as provided by the laws of Idaho.

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 14 day of
June, 19 79.

Director

MICROFILMED

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF PERMIT NO. 31-7042

IN THE NAME OF DAVID KESLER

ORDER OF REINSTATEMENT

WHEREAS, on November 12, 1970, Mrs. Don R. Bybee filed with the Department of Water Resources (formerly the Department of Water Administration) for a permit to appropriate 3.00 cubic feet per second of groundwater to be diverted within the SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 25, Twp. 7N, Rge. 35E, B.M., Jefferson County, to be used for irrigation purposes; and,

WHEREAS, on March 18, 1971, the Department approved said application and issued Permit No. 31-7042 with the condition that proof of construction of works and application of water to beneficial use be submitted to the Department on or before March 1, 1976; and,

WHEREAS, on March 15, 1976, the Department extended the time within which to submit proof of beneficial use of water to March 1, 1977; and,

WHEREAS, on March 1, 1976, the permit holder assigned the permit to David Kesler; and,

WHEREAS, on December 31, 1976, the Department notified the permit holder by certified mail that proof of beneficial use of water was due and instructed the permit holder as to the steps to be taken to make said proof; and,

WHEREAS, on March 4, 1977, the Department notified the permit holder that Permit No. 31-7042 had lapsed for failure to submit the required proof of beneficial use of water; and,

WHEREAS, on May 2, 1977, the Department received the required proof of beneficial use of water; and,

WHEREAS, Section 42-218a of the Idaho Code provides that a permit may be reinstated upon a showing of reasonable cause within 60 days from the date of the notice of lapsing; and,

WHEREAS, the permit holder has provided a reasonable showing as to why said permit should be reinstated;

MICROFILMED

IT IS, THEREFORE, HEREBY ORDERED that Permit No. 31-7042 be
REINSTATED and the priority advanced to January 13, 1971.

Dated this 12 day of May, 1977.


BOBBY D. FLEENOR
Chief, Operations Bureau

MICROFILMED

State of Idaho
Department of Water Resources
ASSIGNMENT OF PERMIT

RECEIVED

MAR 1 1976

Department of Water Resources
Eastern District Office

I, Mrs. Don R. Bybee, hereby assign to David Kesler
of Phillipsburg, Montana
Address

CHECK ONE

☒ All my right, title, and interest in and to Permit No. 31-7042
to appropriate the public waters of the State of Idaho.

☐ The following described portion of my right, title, and interest in and to Permit
No. _____ to appropriate the public waters of the State of Idaho.

(Describe that portion of the permit being assigned by listing the acreage within
each 40 acre subdivision, the point of diversion and the amount of water in cubic
feet per second for direct diversion, or acre feet for storage)

Made this 1st day of March, 19 76.

Mrs. Don R. Bybee
Permit Holder

Don Bybee
Spouse of Permit Holder

State of Idaho)
County of BONNEVILLE) ss.

On this 1st day of MARCH, 19 76, personally
appeared before me the signer(s) of the above instrument, who duly acknowledged to me
that he (she) (they) executed the same.

seal

Ronald D. Carson
Notary Public residing at

IDAHO FALLS, IDAHO

My commission expires:

2/14/78

Microfilm

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

MAR 1 1976

APPLICATION FOR EXTENSION OF TIME

Department of Water Resources
Eastern District Office

State of Idaho)
County of Bonneville)

Permit No. 31-7042

Mrs. Don R. Bybee of Hamer, Idaho 83425
(name) (address)

State of Idaho, being first duly sworn, upon his oath deposes and says:

That he is the holder, or the duly authorized agent of the holder *, of Permit to
Appropriate the Public Waters of the State of Idaho No. 31-7042.

That under the terms and conditions of said permit, work thereunder was required
to be completed on or before March 1, 19 76.

That he has heretofore performed the following work described under said permit:
Well has been drilled and has been used since 1970.

Costing \$ 4,000.00

That he is unable to complete the remainder of the work within the required time for
the following reasons, to-wit: Measuring device has not been installed.

Wherefore, he asks that the Department of Water Resources extend the time for the
completion of obligations under said permit to March 1, 19 81.

Mrs. Don R. Bybee
(signature) *

Subscribed and sworn before me this 1st day of March, 19 76.

seal

Ronald D. Carlson
Notary Public residing at

IDAHO FALLS, IDAHO

My commission expires 2/14/78

ACTION OF THE DIRECTOR OF THE DEPARTMENT OF WATER RESOURCES

IT IS HEREBY ORDERED that the above application for extension of time be APPROVED
and the time within which to submit proof of beneficial use of water under Permit
No. 31-7042 be extended to March 1, 1977.

Witness my hand this 15 day of March, 19 76.

A. Kenneth Dunn
A. KENNETH DUNN, Administrator
Operations Division

* IF OTHER THAN HOLDER, Power of Attorney must be supplied. Forms are available
through the Department of Water Resources, Statehouse, Boise, Idaho 83720.

RECEIVED

hdb

ASSIGNED TO: DAVID KESLER
3-1-76 j Phillipsburg, MONTANA

Identification No. 31-7042
Application No. _____

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION
APPLICATION FOR PERMIT

APPROVED

To Appropriate the Public Waters of the State of Idaho
(TYPE OR PRINT IN INK)

- Mrs.
1. Name of applicant Don R. Bybee
post office address Hamer, Idaho 83425
 2. Source of water supply groundwater which is a tributary of _____
 3. a. Location of point of diversion is SW $\frac{1}{4}$ $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 25 Township 7N
Range 35E B.M. Jefferson County; additional points of diversion if any: _____

b. If water is not consumed, it will be discharged into _____ at a point in _____ $\frac{1}{4}$
of _____ $\frac{1}{4}$ of Section _____ Township _____ Range _____ B.M. _____
 4. Water will be used for the following purposes:
Amount 3.0 for irrigation purpose from 4-1 to 10-1 (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purpose from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purpose from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
 5. Total quantity to be appropriated:
a. 3.0 cubic feet per second and/or
b. _____ acre feet per annum.
 6. Proposed diverting works:
a. Description of ditches, flumes, pumps, headgates, etc. drilled well, pump, motor, and pipe

b. Height of storage dam _____ feet, active reservoir capacity _____ acre feet; total reservoir
capacity _____ acre feet, materials used in storage dam: _____
Period of year during which storage will occur _____ to _____ inclusive.
(Mo. Day) (Mo. Day)
c. Proposed well diameter is 16 inches; proposed depth of well is 40 feet.
 7. a. Time required for the completion of the works and application of the water to the proposed beneficial use
is 5 years.
b. Estimated construction cost is \$ 1,500.00.
 8. Description of proposed uses:
a. If water is **not** for irrigation:
(1) Give the place of use of water: _____ $\frac{1}{4}$ of _____ $\frac{1}{4}$ of Section _____ Township _____
Range _____ B.M. _____
(2) Amount of power to be generated: _____ hp under _____ feet of head.
(3) List number of each kind of livestock to be watered _____

(4) Name of municipality to be served _____, or number of families to be
supplied with domestic water _____.
(5) If water is to be used for other purposes describe: _____

31 7042

Dear -
Please -
new amt.
on the one
before I send
letter than
OK my dear

~~Mr. J. E. Jones~~
~~Chicago, Ill.~~
~~1-26-71~~

~~SECRET 25 26 27 28 29 30 31 32 33 34 35 36 37 38 39 40 41 42 43 44 45 46 47 48 49 50 51 52 53 54 55 56 57 58 59 60 61 62 63 64 65 66 67 68 69 70 71 72 73 74 75 76 77 78 79 80 81 82 83 84 85 86 87 88 89 90 91 92 93 94 95 96 97 98 99 100~~

~~It is proposed to construct an expansion of the existing 100,000 gpm water line. The expansion will be installed in two phases. The first phase will be installed in the mainline of the line, and the second phase will be installed at a point in the mainline of the line.~~

10. Remarks We are requesting three c.i.s. for 60 acres in as much as we are gravely irrigating land that has a good slope and is extremely coarse with sand and gravel.

applicant to make this filing—

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the

b. Who owns the land to be irrigated or place of use _____ self

a. Who owns the property at the point of diversion. self

to be transferred to Owsley Canal Co.

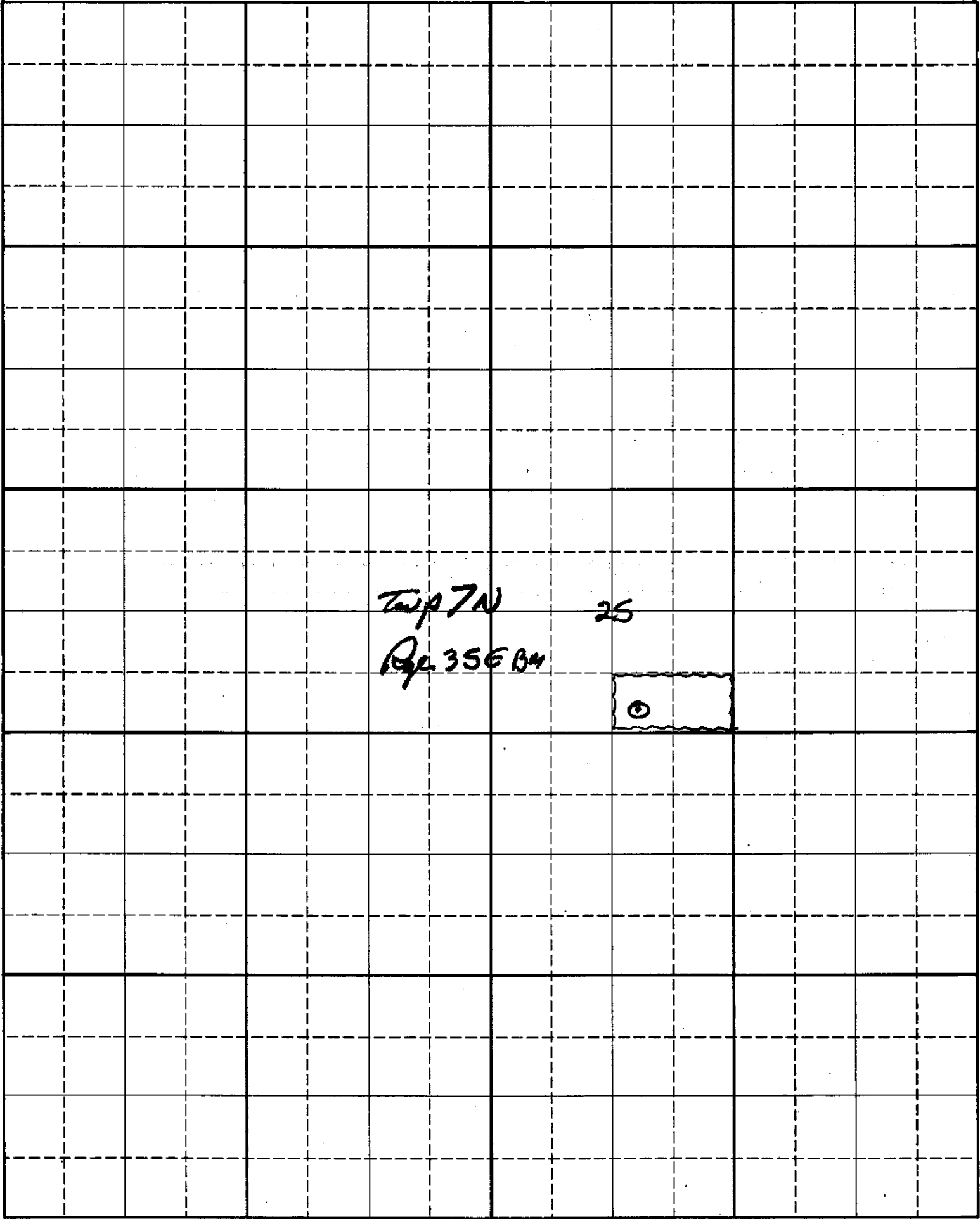
c. Describe any other water rights used for the same purposes as described above. Camas Creek rights

~~Total number of acres to be irrigated~~

[illegible]

c. If water is for irrigation, indicate acreage in each subdivision in the tabulation below:

11. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



Scale: 2 inches equal 1 mile

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

+ Don R. Byrnes
(Applicant)

Proposed priority: 11-12-70

Received by DM Date 11-12-70 Time 4:04

Preliminary check by DM Fee \$ 30.

Received by DM Date 11-12-70 h.h.h. # 5316

Publication prepared by dg Date 11-17-70

Published in Bigby Star

Publication dates 11-26-70 & 12-3-70

Publication approved dg Date 12-9-70

Priority reduced to _____ Reason _____

Protests filed by: _____

Copies of protests forwarded by _____

Hearing held by _____ Date _____

Recommended for approval denial by DM 5316

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER ADMINISTRATION

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. 31-7042, and said application is hereby APPROVED.

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

a. SUBJECT TO ALL PRIOR WATER RIGHTS.

b. Proof of construction of works and application of water to beneficial use shall be submitted on or before March 1, 19 76.

c. Other: The permit holder shall permanently install and maintain as part of the diverting works a measuring device of a type approved by the Department.

2. Denial of said application is for the following reasons: _____

Witness my hand this 18th day of March, 19 71.

Deputy Director

31 7042

DEPARTMENT OF WATER ADMINISTRATION

STAFF ANALYSIS

Application No. 31-7042 Name Mrs. Don R. Bybee

Source groundwater

Point of Diversion SW 1/4 Sec. 25, T. 7 N. R. 35 E. B.M., Jefferson County

Quantity 3.0 Use irrigation Period 4-1 thru 10-1

Quantity Use Period

Quantity Use Period

Well Size Diameter 16" Proposed Depth 40 Feet

Use 60 acres (irrigation)

Date Forwarded 11-13-70 Date Returned 11-17-70 Received by dg

COMMENTS: Appropriation of water in excess of 0.02 cfs/acre appears to be justified by the coarse textured soils. Camas CK. appears to gain in this reach at least during spring months (W.B. #7). A well near the creek may not intercept water that is independent of Camas creek.

RECOMMENDED:

Applied: Qty. <u>3.0</u>	Use <u>irrig.</u>	Period <u>4-1 to 10-1</u>	AF/A <u>3.5</u>	AF <u>210</u>
Qty. <u> </u>	Use <u> </u>	Period <u> </u>	AF/A <u> </u>	AF <u> </u>
Qty. <u> </u>	Use <u> </u>	Period <u> </u>	AF/A <u> </u>	AF <u> </u>
Maximum: Qty. <u>—</u>	Use <u>—</u>	Period <u>—</u>	AF/A <u>—</u>	AF <u>—</u>
Qty. <u> </u>	Use <u> </u>	Period <u> </u>	AF/A <u> </u>	AF <u> </u>
Qty. <u> </u>	Use <u> </u>	Period <u> </u>	AF/A <u> </u>	AF <u> </u>

ACTION: Approved X Denied

Conditions of approval or reason for denial: Subject to prior rights on Camas CK unless water above a confining layer is cased from the well.

INVESTIGATION By Norman C. Young Title Water Resources Engr.

Date November 16, 1970

CONSERVATION PLAN MAP

Prepared by UNITED STATES DEPARTMENT OF AGRICULTURE • SOIL CONSERVATION SERVICE
cooperating with

1. DISTRICT

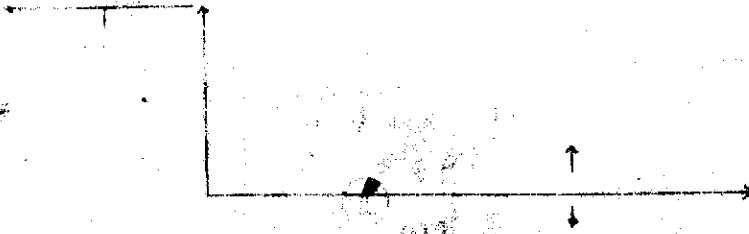
FARM NO.

SCALE 1" = 660' ALPKS.

PHOTO NO.

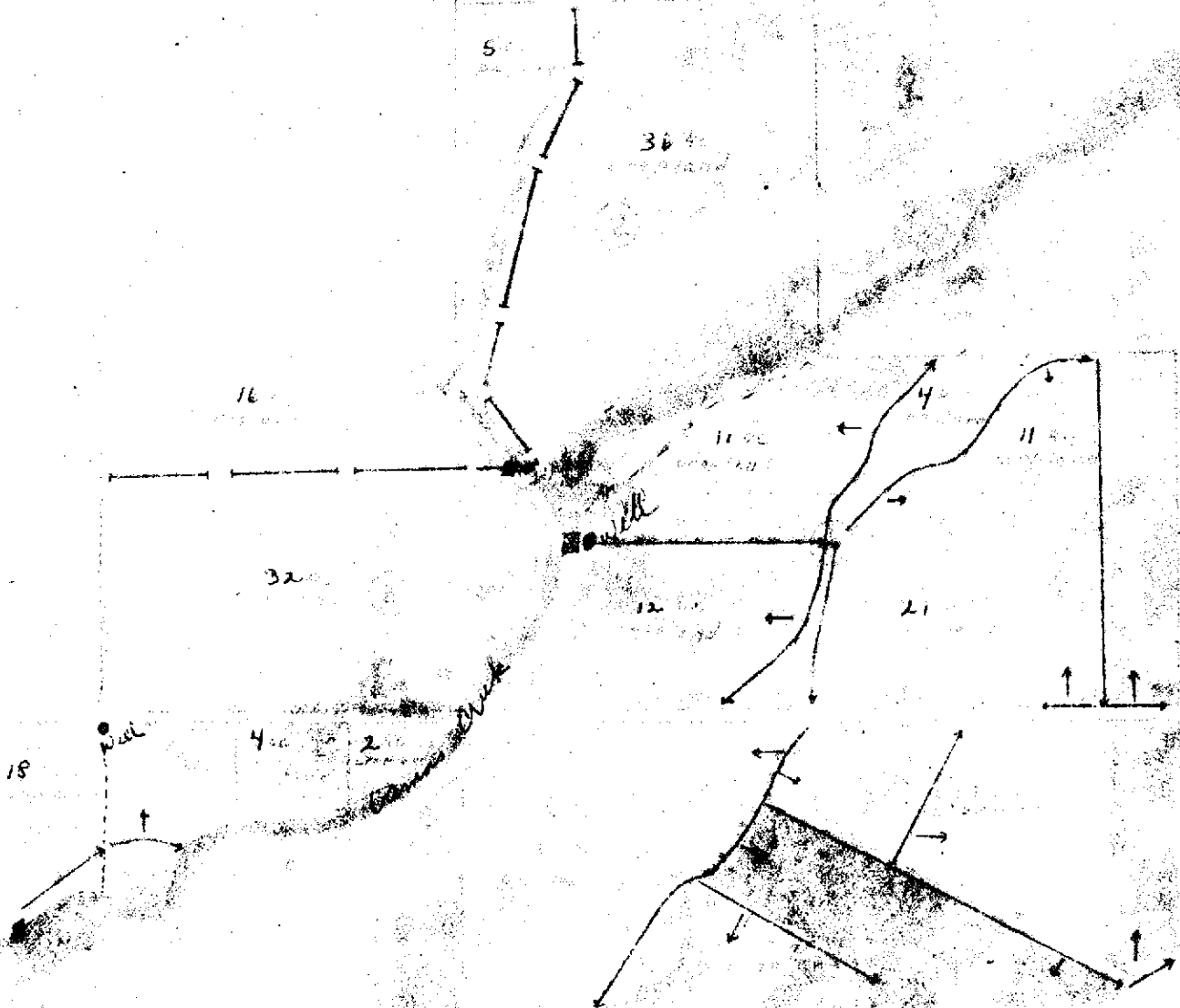
Donk Byace

Plans



ation system

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7
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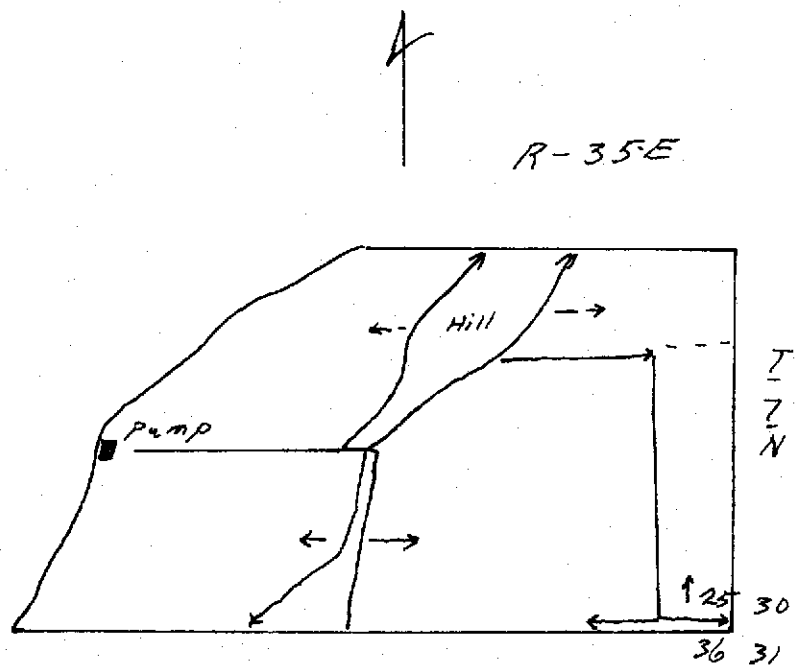


Don Bybee

Irrigation System

Scale 8" = 1 Mile APPROX.

11-13-70



31 7042

Affidavit of Publication
THE RIGBY STAR

STATE OF IDAHO }
County of Jefferson } ss.

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Two Consecutive issues thereof; first publication having been made on the

26th day of *November*, 19*70*

and the last publication on the

3rd day of *December*, 19*70*

And affiant further says that at the times herein mentioned said newspaper was made up of at least four pages of at least five columns each printed from type matter of at least seventeen and three-fourths inches depth; and that there are at least two hundred bona fide subscribers in Jefferson County.

Hope B Jones

Subscribed in my presence and sworn to before me this *3rd*

day of *Dec*, 19*70*
(SEAL)

[Signature]
Notary Public for the State of Idaho,
Residence and P. O. Address, Rigby, Idaho.

My commission expires _____, 19____

Publication Fee: \$_____

MY COMMISSION EXPIRES JULY 15, 1976

**NOTICE OF APPLICATION FOR
PERMIT TO APPROPRIATE THE
PUBLIC WATERS OF THE
STATE OF IDAHO**

Notice is hereby given that Mrs. Don R. Bybee, Hamer, Idaho has on November 12, 1970 submitted Application No. 31-7042 to appropriate the public waters of a groundwater source.

The application proposes a maximum diversion and appropriation of 3.0 cubic feet per second of water to be diverted by well pump, motor, and pipe within the SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 25 T. 7 N, R. 35 E, B.M., Jefferson County and is to be used within the S $\frac{1}{2}$ SE $\frac{1}{4}$ Sec. 25, T. 7 N, R. 35 E, B.M. for the irrigation of 60 acres from April 1 to October 1.

Any permit issued pursuant to this application will be subject to ALL PRIOR WATER RIGHTS and subject to the CONTROL OF A STATE WATERMASTER. Any protest against this application must be filed with the Idaho Department of Water Administration, Statehouse, Boise, Idaho, on or before December 14, 1970.

R. KEITH HIGGINSON,
Director.

Published in The Rigby Star, Rigby, Idaho on November 26 and December 3, 1970.

31 7042



State of Idaho

DEPARTMENT OF WATER RESOURCES

STATE OFFICE, 373 W. Franklin Street, Boise, Idaho

JOHN V. EVANS
Governor

C. STEPHEN ALLRED
Director

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 384-2215

June 18, 1979

Re: Permit No. 31-7042

David Kesler
Box 6
Phillipsburg, Montana, 59858

Dear Mr. Kesler:

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

Sincerely,

Jan Grover
JAN GROVER
Water Rights Supervisor

JG:lr

Enclosure

MICROFILMED



STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

John V. Evans
Governor

C. Stephen Allred
Director

Statehouse
Boise, Idaho 83720
(208) 384-2215

May 21, 1979

RE: Permit No. 31-7042

David Kesler
Box 6
Phillipsburg, Montana 59858

Dear Mr. Kesler:

A representative of this Department made an examination of the works covered by your Permit No. 31-7042 on August 8, 1977, and has found the following:

Amount of water that can be recognized as beneficially used under
Idaho law: 2.5 cfs Source: a groundwater source

The maximum quantity diverted shall not exceed 150 acre feet per
year.

Point of diversion: SW₄SE₄, Sec. 25, Twp. 7N, Rge. 35E, B.M.

Beneficial use: Irrigation of 50 acres within the SW₄SE₄, Sec. 25, Twp. 7N,
Rge. 35E, B.M.

Priority date established: January 13, 1971

If you do not concur with these findings please contact us within 10 days, otherwise a
water license will be issued as set forth above.

Sincerely,

JAN GROVER
Water Rights Supervisor

JG/kw

MICROFILMED



C 14.9
11.5
12.9
D 10.1
E 13.2

A136
A228

A128
A229

A228

18.3
9.7

Point of
Division
A136
A230

10.1
5.0
15.6
3.5
4.4

26/25
85/36

Pand county road

APR 8/8/77

21 1042

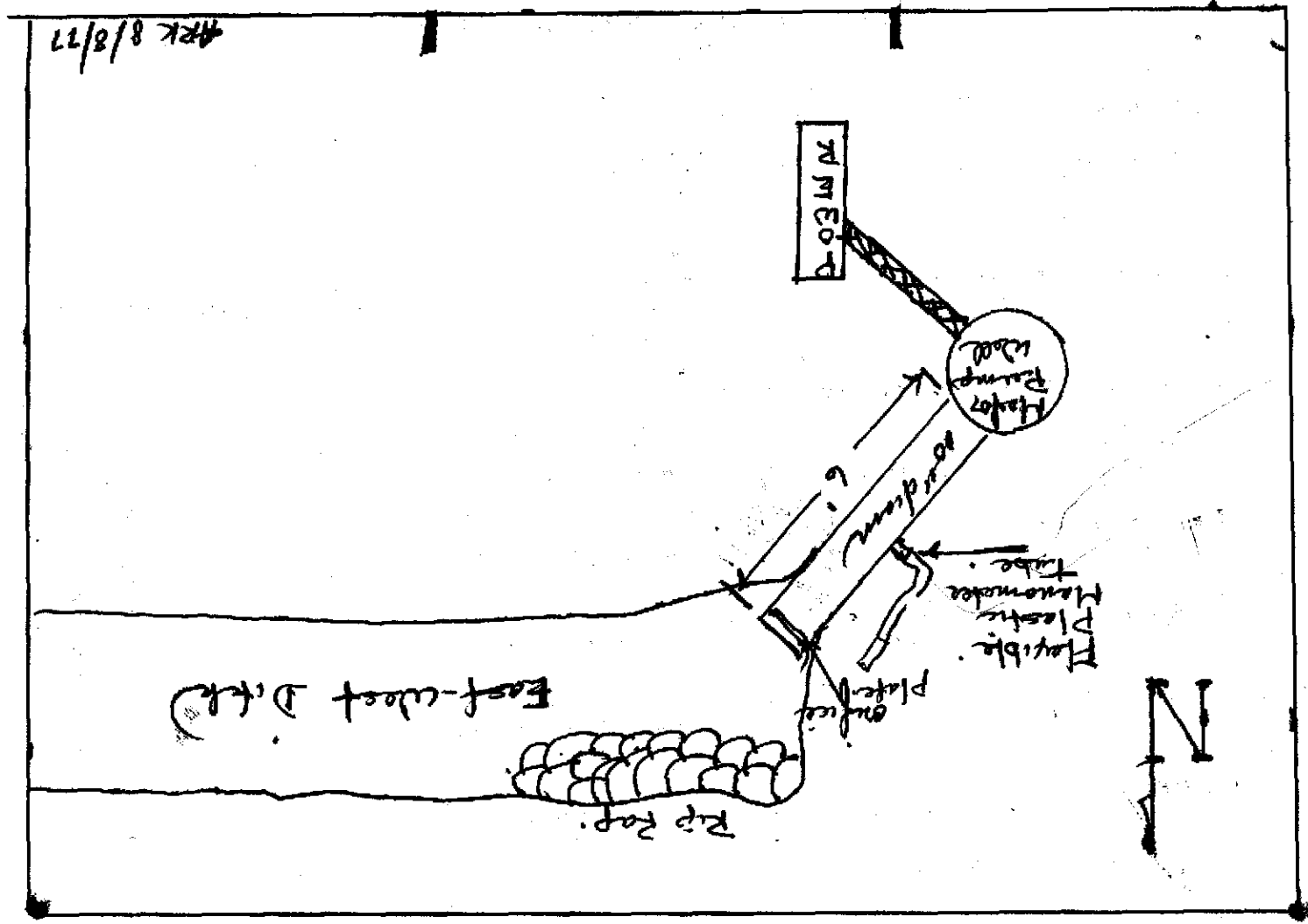
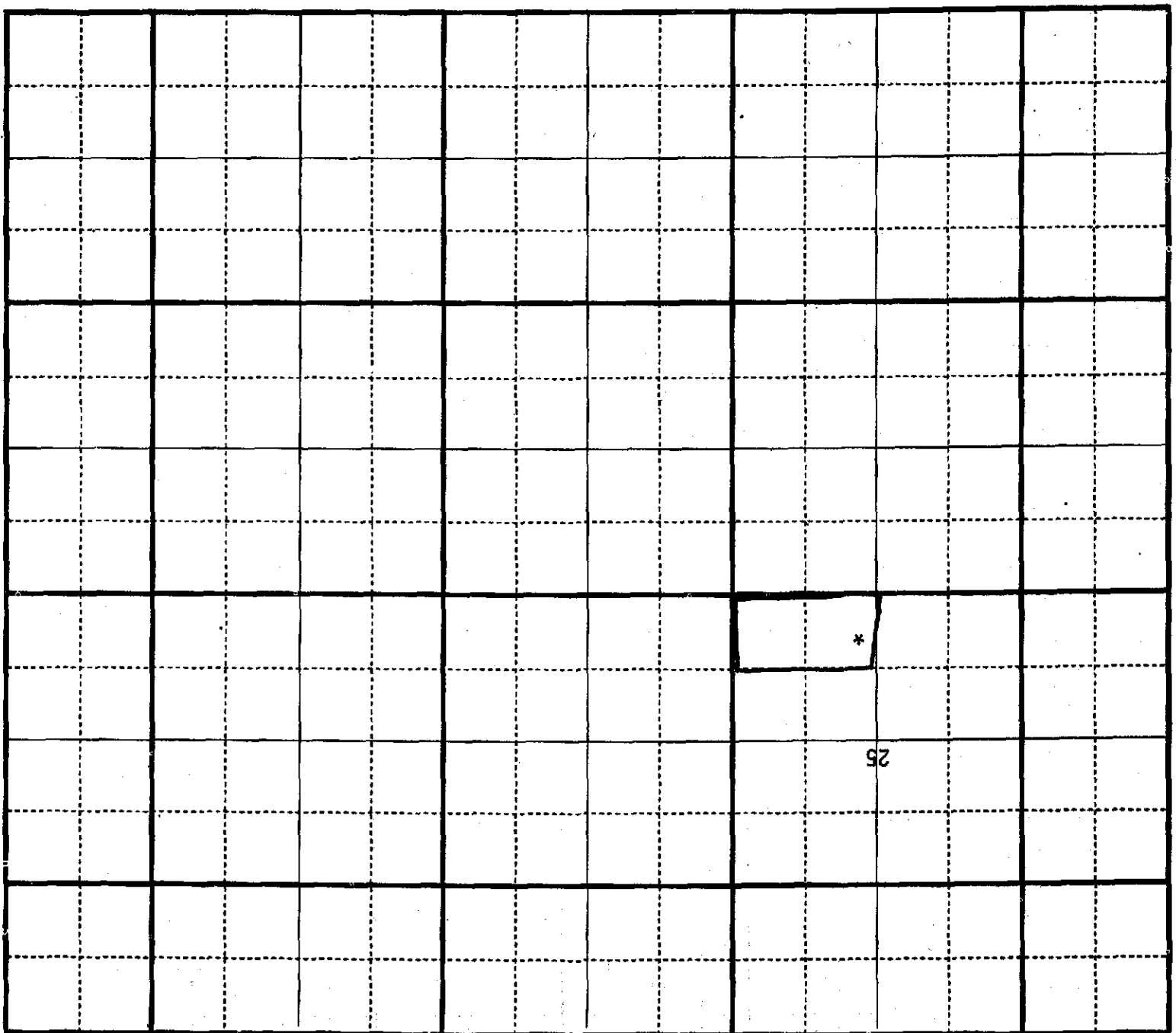


Diagram of System



ARK 8/8/77

DATE OF EXAM 8/8/77

ACREAGE
Found 50
Recommended 50

Irrigation Requirement 3.0 Ac Ft/Ac

USE
Irrigation Q = 1.06 c.f.s. V = 150 AF/Ann. from April 1 to Oct 31
Domestic Q = 2.5 c.f.s. V = 150 AF/Ann. from April 1 to Oct 31
Livestock Q = 2.5 c.f.s. V = 150 AF/Ann. from April 1 to Oct 31

Permit originally issued for
0.05 cfs per acre (see remarks on
permit) therefore 50 ac x 0.05 = 2.5 cfs
allowable.

Is water co-mingled? yes no X

Name source: n/a
twp. N/S, Rge E/W, B.M., Sec. 1/4, Sub. 1/4 County

Exchange? yes no X

Name source exchanged with: n/a
twp. N/S, Rge E/W, B.M., Sec. 1/4, Sub. 1/4 County

Point of injection: n/a
twp. N/S, Rge E/W, B.M., Sec. 1/4, Sub. 1/4 County

Point of exchange: n/a
twp. N/S, Rge E/W, B.M., Sec. 1/4, Sub. 1/4 County

Total Q measured 3.72 cfs Method of measurement Orifice plate
Total Q recommended 1.00 cfs Meter No. n/a Type 8" diam plate Condition good
Total V recommended 150 AF/yr (10" pipe)

Recommended Amendments:

P.D. None
Place of Use None
Other None

MEASUREMENT CALCULATION: Measured 29" Height. from manometer.
Measured 1669 gpm. $\therefore 1 \text{ cfs} = 448.8 \text{ gpm}$. $1669 \div 448.8$
 $= 3.72 \text{ cfs}$
 $3.0 \times 50 = 150 \text{ AF/yr} < 2.15 \times 1.935 \times 1.00 = 426.75 \text{ AF/yr}$

ARK 8/8/77

SYSTEM DESCRIPTION:
Groundwater is diverted from a 130' deep 12" diam well by a
10 H.P., 3 ph, General Electric motor w/n 5K326XH3A, 3/4" VHT-6878490
& a Layne & Bowler vertical turbine pump 3/4" - 1870. Water
is discharged into an irrigation ditch which runs East-West
across the acreage. Crops are flood irrigated.

REMARKS:
System shown & described by David Kesler's son
who operates the farm during the summer.
gpm were obtained from table 1 in "Water Measurement"
handbook.

Examiner's Signature Anthony R. Kozlowski Date 8/8/77

Checked by Ernest M. Carlson Date 1-11-78

Approved by _____ Date _____

May 13, 1977

Re: Permit No. 31-7042

David O. Kesler
Box 6
Phillipsburg, Montana 59858

Dear Mr. Kesler:

Enclosed is an Order of Reinstatement; please note that the priority has been advanced to January 13, 1971.

We acknowledge receipt of the affidavit submitted as proof of beneficial use for the above referenced permit.

Before a license can be issued, a field examination must be made by a representative of this Department. We cannot tell during which part of the irrigation season this examination will be made, but our examiner will try to contact you at the time he makes the exam so that you may show him the system.

If you have any questions regarding the field examination, please contact our Regional Office in Idaho Falls.

Sincerely,

JANICE RENK
Water Rights Bureau

/jr

UNRECORDED

RECEIVED
MAY 2 1977
Department of Water Resources

Identification No. _____

Permit No. 31-7042

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

PROOF OF APPLICATION OF WATER TO BENEFICIAL USE

1. a) Name of Permit Holder David O. Kesler
b) Post Office Address Box 6 Philipsburg, Montana
2. Permit Number 31-7042
3. Date of Priority that you are prepared to establish April-1-1971
4. a) Source from which water was appropriated Pump Well
b) Location of the point of diversion: note airtel photo SE 1/4, Section 25
Township 7 N., Range 35 E.B.M. Boise Meridian, Other points of diversion: The north half of the N.E. 1/4 of Section 36, Township 7 North, Range 35, East of the Boise Meridian.
5. a) The amount of water and use to which the water has been applied: Depending on year
Amount 150 inches for Irrigation purposes from April 12 to Oct 1st incl.
(cfs and/or acre-feet per annum) (Month-Day) (Month-Day)
Amount _____ for _____ purposes from _____ to _____ incl.
(cfs and/or acre-feet per annum) (Month-Day) (Month-Day)
Amount _____ for _____ purposes from _____ to _____ incl.
(cfs and/or acre-feet per annum) (Month-Day) (Month-Day)
b) Total amount appropriated _____ cfs and/or acre-feet per annum
c) Describe how and by whom measurement of rate of flow or amount of storage was made and the qualifications of the person making the measurement: We understood your department would do this when you make a field examination
6. If the means of diversion and conveyance are owned by someone other than the Permit Holder: None
a) Give the name or description of the canal, ditch or other works by which the water is conducted to the place of use: None
b) Describe the agreement or understanding by which you take water from the works: None
7. a) Briefly describe the works for diverting and conveying the water to the place of use, (if from a subterranean source, give the pump size, motor size, size of well casing, depth of well; if from surface water, give brief description of diversion structure and/or canal or ditch) 10 horse power pump, 12 in. well casing, and 130 feet in depth.
b) Describe the type and size of measuring device which you have installed at your point of diversion: Wired meter and installed and recommended by the Soil Conservation office. The measuring device is a pressure device installed on the end of the pipe.
c) Give well driller's name and address and the date the well was completed: R.P. Coze
Well Drillers
Idaho Falls, Idaho
8. If for other than irrigation, describe the beneficial use to which you have applied the water and the place of use: N/A

MICROFILMED

Exam typed 5/10/77 f

If you are irrigating 15 or more acres, please submit an aerial photo of the property with this affidavit.

9. Irrigation uses: describe the lands irrigated by giving the acreages irrigated within each 40-acre block.

T	R	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTAL
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
7N	35E	25													5 1/2	SE 1/4			56 a.
7N	35E	36	N 1/2				NE 1/4												80 a.

Total number of acres irrigated 136

10. Remarks:

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

April 29, 1977
(Date)

Helen D. Kesler
David O. Kesler
(Signature)

State of Montana)

County of Granite) ss.

On this 29th day of April, 1977, personally appeared before me the signer(s) of the above instrument, who duly acknowledged to me that he (she) (they) executed the same.

Sarah M. Puyear
Notary Public residing at

My commission expires Nov. 1980

SARAH M. PUYEAR
Clerk of District Court

March 9, 1977

Re: Permit No. 31-7042

David O. Kesler
Box 6
Philipsburg, Montana 59858

Dear Mr. Kesler:

We received your recent letter requesting additional time to install the measuring device on your Permit No. 31-7042.

We cannot grant an additional extension of time since one extension has been granted previously and Idaho Code 42-204 provides that only one extension of time can be granted.

We would suggest that to avoid the loss of your permit that you complete the proof of beneficial use form and indicate that a measuring device will be installed prior to the coming irrigation season and identify the type of device you intend to install. If that device is not installed when a field examination is made for this project, then your permit will automatically lapse.

This proof of beneficial use must be received by us no later than May 3, 1977 otherwise this permit cannot be reinstated and it will be necessary for you to file a new application. If you have any questions, please let us know.

Sincerely,

BOBBY D. FLEENOR
Chief, Water Rights

BDF:jfr

Philipsburg, Montana
February, 24, 1977

State of Idaho
Dept. of Water Resources
Statehouse
Boise, Idaho 83720

RECEIVED
FEB 28 1977
Department of Water Resources

Dear Sirs,

In regards to a permanent measuring device for permit no. 31-7042.

I would like to request a extension of time on this, which I haven't done previously.

We have a measuring device made for the well, but haven't had the chance to get down and install it. We have the place leased out until April 1st, 1977. Could you please give me a 60 day extension on it, to get it installed.

I have tried to comply with this, but for health reasons haven't been able to. I did make

a trip to Idaho see what a
permanent measuring device
consisted of and look into
securing one.

Thank you very much
for this consideration and also
of keeping me informed.

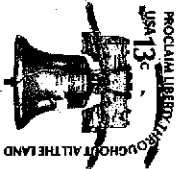
MICKUFILMED

Respectfully
David O. Heeler
Box 6
Philpsburg, Mont.
59858

David O. Keeler
Box 6
Pulpoalung, Mt.
59888

MICROFILMED

State of Idaho
Department of Water Resources
Stethouse
Boise, Idaho
83720





STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

Cecil D. Andrus
Governor

R. Keith Higginson
Director

Statehouse
Boise, Idaho 83720
(208) 384-2215

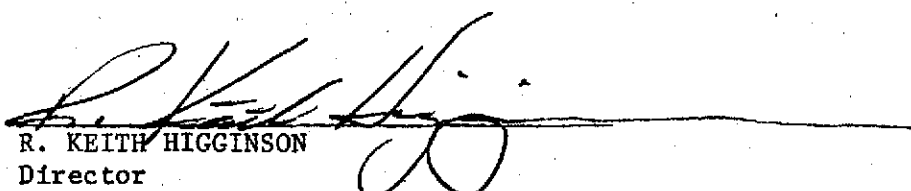
March 4, 1977

David Kesler
Box 6
Phillipsburg, Montana 59858

Dear Mr. Kesler:

You are hereby notified that under the provisions of Section 42-218a of the Idaho Code, Permit No. 31-7042 has lapsed.

You are further advised that the Department cannot reinstate the permit except upon a showing of reasonable cause within 60 days from the date of this notice of lapsing.


R. KEITH HIGGINSON
Director

RKH:jg

MICROFILMED

WATER RESOURCE BOARD:

John F. Streiff
Chairman

Franklin Jones
Member

George L. Yost
Vice-Chairman

M. Reed Hansen
Member

Donald R. Kramer
Secretary

Scott W. Reed
Member

Edwin C. Schlender
Member

Joseph H. Nettleton
Member

December 31, 1976

CERTIFIED MAIL

138150

Re: Permit No. 31-7042

David Kesler
Box 6
Phillipsburg, MT 59858

Dear Mr. Kesler:

One of the conditions of approval of your water Permit No. 31-7042 (see last page of your approved permit) was that evidence of the extent of development be submitted as proof of application of water to beneficial use to this office on or before March 1, 1977. Enclosed is an affidavit form which must be used to submit the required proof of beneficial use.

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

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



R. KEITH HIGGINSON
Director

RKH:jg
Enc: Proof affidavit

MICROFILMED

August 4, 1976

Re: Permit No. 31-7042

David O. Kessler
Box 6
Phillipsburg, MT 59858

Dear Mr. Kessler:

Enclosed is a proof of beneficial use form with instructions which you need to complete in order to make proof of beneficial use.

Please note that the form must be signed by you as you are the permit holder.

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

Sincerely,

JANICE RENK
Secretary, Water Rights

jfr

Enclosures

MICROFILMED

RECEIVED
AUG 2 1976

Phillipsburg, mt
July 27, 1976

Department of Water Resources

Dear Sirs:

We would like to inform you we are ready to prove up on irrigation well permit no. 31-7042 near Hamer, Idaho.

Contact Ron Torgenson at Hamer Idaho who is doing the farming under this well. He lives there on the farm $\frac{1}{4}$ mile from the well. His phone no. is 662-5438.

Thank you for the extension of time that was given on this well. It has been in constant use for farming purposes but we weren't aware it wasn't proved up on.

Could you please let us now when this is accomplished.

Thank for the notice you sent regarding this. Sincerely,
David C. Kessler

MICROFILMED



STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

Cecil D. Andrus
Governor

R. Keith Higginson
Director

Statehouse
Boise, Idaho 83720
(208) 384-2215

March 15, 1976

Re: Permit No. 31-7042

Mr. David Kesler
Phillipsburg,
Montana

Dear Mr. Kesler:

We acknowledge receipt of the assignment conveying the above referenced permit to you. The assignment has been recorded and the Department's records have been changed.

We have also enclosed a copy of the approved application for extension of time for this permit. The time within which to submit proof of beneficial use of water has been extended to March 1, 1977.

Sincerely,

D. DARLENE REICH
Water Rights Supervisor

DDR:JFR

Enclosure

SENDER:

1. 2. 3. 4.

Addressed to: 138182

RN TO" space on

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

- ☐ Show to whom and date delivered..... 15¢
- ☐ Show to whom, date, & address of delivery.. 35¢
- ☐ RESTRICTED DELIVERY.
Show to whom and date delivered..... 65¢
- ☐ RESTRICTED DELIVERY.
Show to whom, date, and address of delivery 85¢

2. ARTICLE ADDRESSED TO:

Addressed to: *138182*

3. ARTICLE DESCRIPTION:

REGISTERED NO.

CERTIFIED NO.

INSURED NO.

138182

(Always obtain signature of addressee or agent)

I have received the article described above.

SIGNATURE

☐ Addressee☐ Authorized agent

X 111. B. Wood

4. DATE OF DELIVERY

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE:

CLERK'S
INITIALS

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

UNITED STATES POSTAL SERVICE

OFFICIAL BUSINESS

SENDER INSTRUCTIONS

Print your name, address, and ZIP Code in the space below.
• Complete items 1, 2, and 3 on reverse side.
• Moistten gummed ends and attach to back of article.

**RETURN
TO**



DEPARTMENT OF WATER RESOURCES
STATEHOUSE
BOISE, IDAHO 83720

December 31, 1975

CERTIFIED MAIL

138182

Re: Permit No. 31-7042

Mrs. Don R. Bybee
Hamer,
Idaho 83425

Dear Mrs. Bybee:

One of the conditions of approval of your water Permit No. 31-7042 (see last page of your approved permit) was that evidence of the extent of development be submitted as proof of application of water to beneficial use to this office on or before March 1, 1976. Enclosed is an affidavit form which must be used to submit the required proof of beneficial use.

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

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

R. Keith Higginson

R. KEITH HIGGINSON
Director

RKH:jg
Enc: Proof affidavit

RECEIVED

RECEIVED

State law requires that this report be filed with the State Reclamation Engineer within 30 days after completion or abandonment of the well.

7 1971

Owner's Permit No. 31-7042

☐ Abandoned (describe method of abandoning)☐ Municipal ☐ Industrial ☐ Stock☒ Cable ☐ Rotory ☐ Dug ☐ Other

Material used in seal ☐ Cement grout ☒ Puddling clay

31 7042

SW SE 25 7 35
 1/4 1/4 Sec. T. N/S. R. E/W

Controlled by ☐ Valve ☐ Cap ☐ Plug

Discharge G.P.M.	Draw Down	Hours Pumped
------------------	-----------	--------------

[illegible]

Work started February 22 71 finished March 10, 1971

Signed By Rhea Cope

4/5/71
Date

FORWARD THE WHITE, BLUE, AND PINK COPIES TO THE DEPARTMENT

March 19, 1971

Mrs. Don R. Bybee
Hamer,
Idaho 83425

Dear Mrs. Bybee:

Enclosed is a copy of your approved Application for Permit No. 31-7042. We direct your attention to the conditions of approval as listed on the fourth page.

Be sure to note that a special condition requiring you to install and maintain a measuring device at your point of diversion has been placed upon your permit. We are enclosing a letter describing different types of measuring devices accepted by this office.

Very truly yours,

BOBBY D. FLEENOR
Assistant Director

BDF:kh

Enclosures (5)

31 7042

January 26, 1971

Re: Permit Nos. 31-7042 & 31-7043

Mr. Don Shenton, Watermaster
Post Office Box # 331
Dubois, Idaho 83423

Dear Don:

We appreciate your telephone inquiry concerning Application for Permit Nos. 31-7042 and 31-7043. You were correct in that when we prepared the applications for Mrs. Bybee, we inadvertently placed the exchange paragraph on the wrong application.

We have deleted this paragraph and placed it on the proper application. Fortunately, the original intent was carried through, and all of the advertising and other required work has been properly completed on the correct application.

Your immediate response to our previous inquiries is appreciated.

Very truly yours,

Donald W. McEldowney
Appropriation Supervisor

DWM:cm

31 7042

January 14, 1971

Re: Application Nos. 31-7042 - Mrs. Don R. Bybee
31-7043

Mr. Don Shenton, Watermaster
E.O. Box 331
Dubois, Idaho 83423

Dear Mr. Shenton:

Please find enclosed copies of application for permit nos. 31-7042 and 31-7043.

We would appreciate receiving comments from you on the proposed exchange of water and the amount of water in this area.

Also enclosed please find six application for permit forms and instructions, six transfer forms and instructions, and six exchange forms.

Your assistance in this matter is greatly appreciated.

Very truly yours,

Donald W. McEldowney
Appropriation Supervisor

DWM/DG

Enc: six application forms and instructions
six transfer forms and instructions
six exchange forms
copies of application nos. 31-7042 and 31-7043

31 7042

November 17, 1970

Re: Application No. 31-7042 - Mrs. Don R. Bybee

The Rigby Star
P.O. Box 37
Rigby, Idaho 83442

Gentlemen:

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

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

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

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

(signature of claimant)

Very truly yours,

Donald W. McEldowney
Appropriation Supervisor

DWM/DG

Enc: legal notice

Bill submitted 12-9-70 By ds

31 7042

NOTICE OF APPLICATION FOR PERMIT

TO APPROPRIATE THE PUBLIC WATERS OF THE STATE OF IDAHO

Notice is hereby given that Mrs. Don R. Bybee, Hammer, Idaho

has on November 12, 1970

submitted Application No. 31-7042 to appropriate the public waters of
a groundwater source.

~~The/proposed/uses/are~~ _____

The application proposes a maximum diversion and appropriation of 3.0

cubic feet per second ~~acre/feet~~ of water to be diverted by well, pump, motor,
and pipe within the SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 25, T.

7 N, R. 35 E, B. M., Jefferson County

and is to be used within the S $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 25, T. 7 N, R. 35 E, B. M., for the
irrigation of 60 acres from April 1 to October 1.

Any permit issued pursuant to this application will be subject to ALL PRIOR
WATER RIGHTS and subject to the CONTROL OF A STATE WATERMASTER. Any protest
against this application must be filed with the Idaho Department of Water Adminis-
tration¹⁴ on or before December 21, 1970.
Statehouse, Boise, Idaho

R. KEITH HIGGINSON
Director

Published in the Rigby Star, Rigby, Idaho

on November 26 and December 3, 1970.

31 7042

State Department of Reclamation

Boise Idaho

This is a statment of conditions regarding soils topography and crops on lands lying in the SE $\frac{1}{4}$ Section 25 T 7 N , R 35 EBM .

More specifically those lands lying east of Camas creek in the fore mentioned unit.

These are sands and sandy loam soils 0-2 % slopes. Most all having been leveled to slopes of less than 0.5% .

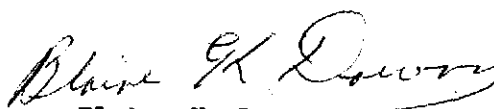
Frequent irrigations are required to maintain adequate surface moisture.

Under border type irrigation such as is presently being used, it is necessary to use large unit streams of water, 3 to 4 CFS. per border to push water effectively through the required lengths of run.

Soils intake rates are high and require frequent irrigations.

Total water use is not as much a factor as having a large head available to prevent total water loss & decrease efficiency of water managment.

This information was requested by Mr. Don Bybee and is taken from his farm plan with the Mud Lake Soil & Water Conservation District


Blaine K. Downs
Conservation Technician

31 7042