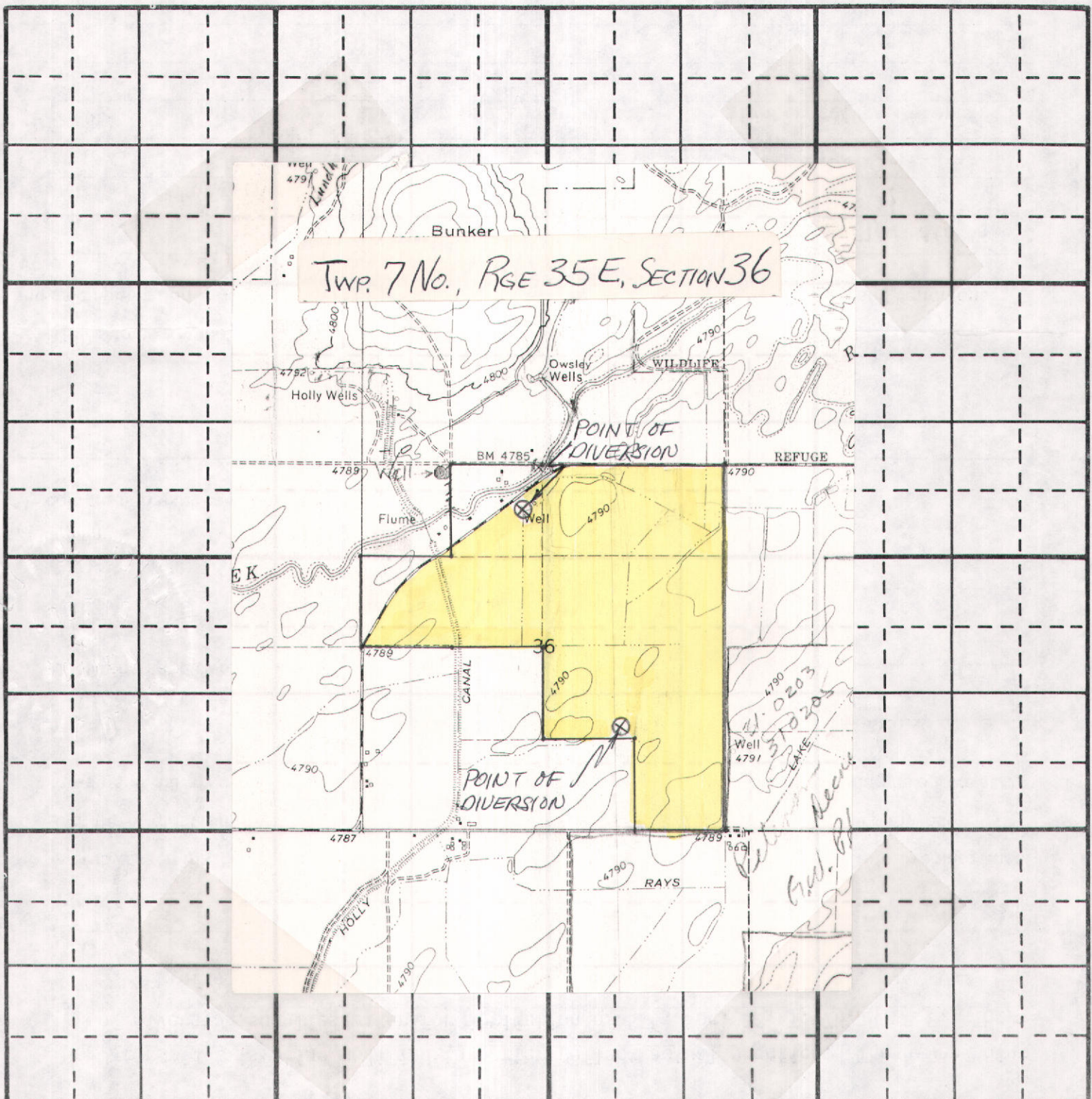


c. Describe the lands or place of use to which the right will be transferred:

TWP.	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
7N	35E	36	35	35	40	40	10		20	40					40	40		30	330

Total number of acres to be irrigated 330

4. Describe any other water rights used for the same purpose as described above. License 31-2304
5. Draw a map indicating the new point(s) of diversion and/or the new land to be irrigated. Show clearly the land involved by section, township and range number.



SCALE: 2 inches equal 1 mile. Draw plan in ink.

MICROFILMED

THE JEFFERSON STAR

RIGBY, IDAHO

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO }
County of Jefferson } ss

I, Terry Weatherston,
being first duly sworn, depose and say, that I am
the printer of THE JEFFERSON STAR, a weekly
newspaper printed and published weekly at
Rigby, Jefferson County, Idaho; and I do
solemnly swear that the

Notice Of Proposed Change Of Water Right

a copy of which notice appears attached here-
to, was published in the regular and entire issue
of said newspaper, and not in any

supplement issue thereof for 2
consecutive issues, the first publication hav-

ing been made on April 3, 1985
and the last publication having been made
on April 10, 1985.

Further, that said newspaper is one of general
circulation in said county; that it is a legal
newspaper, conforming to legal specifications
under the Idaho Statutes; that it has at least two
hundred bona fide subscribers living within the
county of publication; and that it has been
continuously and uninterruptedly published in said
county during a period of seventy-eight con-
secutive weeks prior to the first publication of the
said notice.

Terry Weatherston

~~~~~

Subscribed to and sworn to before me  
this April 11, 1985

*Jeri Garner*  
Notary Public.

(SEAL)

My commission expires life

RECEIVED

MAY 9 1985

Department of Water Resources  
Eastern District Office

### NOTICE OF PROPOSED CHANGE OF WATER RIGHT 31-2318

Notice is hereby given that David O. Kesler  
&/or Helen D. Kesler, Hamer, ID, have ap-  
plied to the Department of Water Resources  
for a change in the point of diversion of the  
waters of a groundwater source. The right  
sought to be changed is evidenced by  
License 31-2318 and is recorded as  
follows:

AMOUNT: 1.60 cfs

PRIORITY: 3-13-1953

POINT OF DIVERSION: NE $\frac{1}{4}$ NW $\frac{1}{4}$ , Sec.  
36, T. 7N, R. 35E, B.M., Jefferson County.  
The water is used to irrigate 330 acres  
within the NE $\frac{1}{4}$ , NE $\frac{1}{4}$ NW $\frac{1}{4}$ , S $\frac{1}{4}$ NW $\frac{1}{4}$ ,  
N $\frac{1}{4}$ SE $\frac{1}{4}$ , SE $\frac{1}{4}$ SE $\frac{1}{4}$ , Sec. 36, T. 7N, R. 35E,  
B.M.

#### TO BE CHANGED AS FOLLOWS

The water will be diverted within the  
NE $\frac{1}{4}$ NW $\frac{1}{4}$ , NW $\frac{1}{4}$ SE $\frac{1}{4}$ , Sec. 36, T. 7N, R.  
35E, B.M.

Any protest against approval of the above  
proposed change of water right must be filed  
with the Idaho Department of Water  
Resources, 150 Shoup, Suite, 15, Idaho  
Falls, Idaho, 83402 on or before April 22,  
1985.

A. KENNETH DUNN  
Director

Publ. April 3 and 10, 1985RS

MICROFILMED

# State of Idaho

## License and Certificate of Water Right

NOTE: John Hanson Jr.

Water License No. G-23924

Amount 1.6 c.f.s.

Water District No. \_\_\_\_\_

Priority March 13, 1953

THIS IS TO CERTIFY that **BERT L. BYBEE**  
of **Hamer, Idaho**, made application for a permit to appropriate the  
public waters of the State of Idaho, dated **March 13**, 19 **53**; that Permit No. **G-23924**  
was issued under said application; that Certificate of Completion of works, with a carrying capacity of  
**1.6** second feet, was issued thereunder on **October 23**, 19 **58**, showing that said works  
were completed on the **16th** day of **May**, 19 **58**; and that on the **16th**  
day of **May**, 19 **58**, **BERT L. BYBEE**

of **Hamer**, State of **Idaho**, made proof to the satisfaction of the  
State Reclamation Engineer of Idaho, of the right to use the waters of a well  
, a tributary of **subterranean**, for the purpose of **Irrigation**  
, under Use Permit No. **G-23924** of the **Department of Reclamation**  
and that said right to the use of said waters has been perfected in accordance with the laws of Idaho,  
and is hereby confirmed by the State Reclamation Engineer of Idaho and entered of record in Volume  
**10** of Licenses at page **6478**, on the **23<sup>rd</sup>** day of **October**, 19 **58**;  
The right hereby confirmed dates from **March 13**, 19 **53**;

The Point of Diversion is located  
in the **NE 1/4 NW 1/4, Sec. 36, Tp. 7 N., R. 35 E., B. M.** **County Jefferson**

That the amount of water to which such right is entitled and hereby confirmed, for the purposes  
aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall  
not exceed **1.6** cubic feet per second.

Description and location of use:

| Twp.                                  | Range | Sec. | Forty-acre Tract | No. Acres<br>Described in Permit | No. Acres<br>Actually Irrigated |
|---------------------------------------|-------|------|------------------|----------------------------------|---------------------------------|
| 7 N.                                  | 35 E. | 36   | NE 1/4 NE 1/4    | --                               | 35                              |
|                                       |       |      | NW 1/4 NE 1/4    | --                               | 35                              |
|                                       |       |      | SW 1/4 NE 1/4    | --                               | 40                              |
|                                       |       |      | SE 1/4 NE 1/4    | --                               | 40                              |
|                                       |       |      | NE 1/4 NW 1/4    | --                               | 10                              |
|                                       |       |      | SW 1/4 NW 1/4    | --                               | 20                              |
|                                       |       |      | SE 1/4 NW 1/4    | --                               | 40                              |
|                                       |       |      | NE 1/4 SE 1/4    | --                               | 40                              |
|                                       |       |      | SE 1/4 SE 1/4    | --                               | 30                              |
|                                       |       |      | NW 1/4 SE 1/4    | --                               | <u>40</u>                       |
| Total number of acres irrigated - - - |       |      |                  |                                  | 330                             |

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

WITNESS the seal and signature of the State Reclamation Engineer, affixed at Boise, Idaho, this

**23rd** day of **October**, 19 **58**.

/s/ **Geo. N. Carter**  
State Reclamation Engineer.

(SEAL)

R-35E.

P.D.

35

36

40

T.  
7  
N.

35

TO TERRITON

Subdivisions = 2

Area = 75 acres

Q = 75"

= 1.5 cfs

See 6-22391

5.76 cfs thru Sparling

4.00

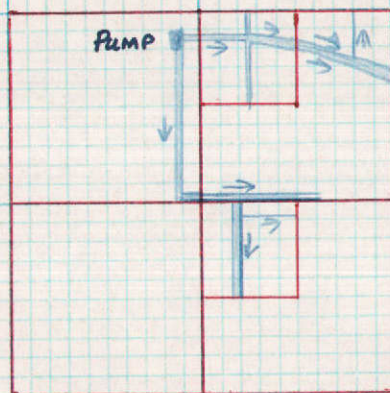
1.76 cfs left for

this permit.

raise to 1.6 cfs. Oct 6-58  
see letter of D. Sec.  
to atty H. Sec.

PERMIT # G-23924 FOR NW $\frac{1}{4}$ NE $\frac{1}{4}$ ; NW $\frac{1}{4}$ SE $\frac{1}{4}$  SECTION 36, TOWNSHIP 7, RANGE 35  
BERT L. ByBEE  
EAST, BOISE MERIDIAN

Diagram of IRRIGATION SYSTEM - FLOW OF WATER - LATERALS & SPRINKLERS



G 23924

**Affidavit of Publication  
THE RIGBY STAR**

**RECEIVED**  
JUN 6 1958

**Department of Reclamation**

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

*Four* consecutive issues thereof; first publication having been made on the

*17th* day of *April*, 19*58*

and the last publication on the

*8th* day of *May*, 19*58*

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 *16th*

day of *May*, 19*58*

(SEAL)

*T. Hambley*

Notary Public for the State of Idaho,  
Residence and P. O. Address, Rigby, Idaho.  
My commission expires *3-26*, 19*62*

Publication Fee: \$-----

*L 23924*

**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 16th day of May, 1958, at Rigby, County of Jefferson, State of Idaho, before T. Harold Lee, Notary Public, proof will be submitted of the completion of works for the diversion of 1.6 cubic feet per second of underground waters from a well, and of the application to beneficial use of said water, in accordance with the terms and conditions of Permit No. G-23924 heretofore issued by the Department of Reclamation of the State of Idaho.

1. The name and postoffice address of the person holding said permit are Bert L. Bybee, Hamer, 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 1.6 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 1.6 cubic feet per second.

4. The point of diversion of said water is NE $\frac{1}{4}$ NW $\frac{1}{4}$  of Section 36, Township 7 North, Range 35 E.B.M.

5. The place where said water is used is NW $\frac{1}{4}$ NE $\frac{1}{4}$  and the NW $\frac{1}{4}$ SE $\frac{1}{4}$  of Section 36, Township 7 North, Range 35 E.B. M.

6. The date of priority which said user is prepared to establish is March 13, 1953.

MARK R. KULP,  
State Reclamation Engineer  
(Publish: April 17, 24, May 1, 8, 1958)

April 11, 1958

RE: Permit No. G-23924

Mr. Bert L. Bybee  
Hamer, Idaho

Dear Mr. Bybee:

This acknowledges receipt of the Notice of Proof of Completion of Works and Application of Water to Beneficial Use under Permit No. G-23924, to be made at Rigby, Idaho, at 10:00 A.M. on the 16th day of May, before Mr. T. Harold Lee, Notary Public.

As of this date we have mailed the Notice to The Rigby Star with instructions to publish it once a week for four consecutive weeks prior to the date set for final proof and then to mail the Affidavit of Publication and statement of costs to you.

It is important that the enclosed depositions be executed by you and two disinterested witnesses, who are familiar with the terms of the Permit and the work done thereunder. The information especially required (using the data published in the Notice as your guide) is:

The time, the date, the place, and before the Notary named in the Publication.

The signatures of the Holder and Witnesses and the Notary's seal are essential.

It is also very necessary that each question be answered in detail.

In returning all the depositions (Holder's and two Witnesses) to this office, please be sure to enclose the Affidavit of Publication.

Very truly yours,

MARK R. KULP  
State Reclamation Engineer  
By

(Mrs.) Edna P. Rutledge  
Chief Clerk

EPR:vm  
Enclosures 3  
cc T. Harold Lee

23924

STATE OF IDAHO  
DEPARTMENT OF RECLAMATION  
BOISE, IDAHO

RE: Permit No. G-23924  
Bert L. Bybee

*First Public April 17<sup>th</sup>*  
Date: April 11, 1958

The Rigby Star  
Rigby, Idaho

Gentlemen:

Enclosed you will find notice for publication once a week for four consecutive weeks prior to **May 16th, 1958** the date set for proof; the expense of the publication is to be paid by the applicant,

**Bert L. Bybee** of **Hamer, 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 of the first publication.

Very truly yours,

MARK R. KULP  
State Reclamation Engineer  
By

(Mrs) Edna P. Rutledge  
Chief Clerk

EPR:vm  
Enclosure 1

*23924*

*ack. received April 14<sup>th</sup>*

October 16, 1956

RE: Permits Nos. G-22282, G-22391, G-23924

Mr. T. Harold Lee  
Attorney at Law  
Rigby, Idaho

Dear Mr. Lee:

This is in reply to your letter of October 15, 1956, regarding the above numbered Permits.

I do not know the relationship of Mr. Sanders' and Mr. Bybee's interests in the well each to the other but feel that it should be possible to work out something that is satisfactory to each and will protect the interests of each.

If you proceed immediately to make proofs under Permit No. G-22282, with the desired amendment as to increased land coverage as indicated in your letter, I see no reason why same cannot be done and they will be accepted in this office providing there is no objection filed in connection with the published hearing to be held and providing, of course, that an injury is not being done to someother water right by this action.

Enclosed find the necessary forms and a form for amendment.

Yours truly,

MARK R. KULP  
State Reclamation Engineer  
By

E. N. Humphrey  
Deputy State Reclamation Engineer

H:hll  
Enc.

cc - Mr. Jay L. Sanders  
Hamer, Idaho

Mr. Bert L. Bybee  
Dubois, Idaho

Mr. J. W. Jones, County Supervisor  
Farmers Home Administration  
Box 127  
Rigby, Idaho

*L 23924*

May 27, 1953

RE: Permit Nos. C-22282, C-23924, C-22391

Mr. Jay L. Sanders  
Hamer, Idaho

Dear Mr. Sanders:

We have your letter of May 25, 1953, requesting six months extension for completion of works on the above numbered permits.

Since these proofs are not due on C-22282 until July 31, 1956, on Permit No. C-22391 until February 28, 1956, and on Permit No. C-23924 until March 27, 1958, it is not necessary to apply for an extension at this time.

Very truly yours,

MARK R. KULP  
State Reclamation Engineer  
By

Chief Clerk

A:ep

23924

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
APPLICATION FOR TRANSFER OF WATER RIGHT  
To Change the Point of Diversion and/or the Place of Use

APPROVED

Name of applicant DAVID O. KESLER or HELEN D. KESLER Phone 662-5468Post Office address HC 69 Box 2081, Hamer, ID 83425

## A. DESCRIPTION OF RIGHT AS RECORDED

## 1. Right evidenced by:

- a. Decree No. \_\_\_\_\_ Decreed to \_\_\_\_\_ (Name)  
in case of \_\_\_\_\_ vs \_\_\_\_\_  
dated in \_\_\_\_\_ in \_\_\_\_\_ county of \_\_\_\_\_  
(Name of court)
- b. License No. 31-2318 issued by the Idaho Department of Water Resources
- c. Claim No. \_\_\_\_\_ on file with the Idaho Department of Water Resources

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant. If the applicant is not the original holder of the water right, explain how it was acquired Applicant acquired water right through purchase of land. See attached copy of print out from Jefferson County Assessors office dated 3/18/85

3. Source of water Groundwater tributary to \_\_\_\_\_

4. Date of priority March 13, 1953

## 5. Water is used for the following purposes:

amount 1.60cfs for Irrigation purposes from \_\_\_\_\_ to \_\_\_\_\_  
amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
(month/day — both dates inclusive)

6. Total amount of water under right: a. 1.60 cubic feet per second  
&/or  
b. \_\_\_\_\_ acre feet per annum

7. Location of original point of diversion is NE  $\frac{1}{4}$  of NW  $\frac{1}{4}$  of Section 36  
Township 7N Range 35E, B.M., in Jefferson County  
Additional points of diversion, if any \_\_\_\_\_

## 8. Lands irrigated or place of use:

| TWP. | RANGE | SEC. | NE $\frac{1}{4}$ |                  |                  |                  | NW $\frac{1}{4}$ |                  |                  |                  | SW $\frac{1}{4}$ |                  |                  |                  | SE $\frac{1}{4}$ |                  |                  |                  | TOTALS |
|------|-------|------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|--------|
|      |       |      | NE $\frac{1}{4}$ | NW $\frac{1}{4}$ | SW $\frac{1}{4}$ | SE $\frac{1}{4}$ | NE $\frac{1}{4}$ | NW $\frac{1}{4}$ | SW $\frac{1}{4}$ | SE $\frac{1}{4}$ | NE $\frac{1}{4}$ | NW $\frac{1}{4}$ | SW $\frac{1}{4}$ | SE $\frac{1}{4}$ | NE $\frac{1}{4}$ | NW $\frac{1}{4}$ | SW $\frac{1}{4}$ | SE $\frac{1}{4}$ |        |
| 7N   | 35E   | 36   | 35               | 35               | 40               | 40               | 10               |                  | 20               | 40               |                  |                  |                  |                  | 40               | 40               |                  | 30               | 330    |
|      |       |      |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |        |
|      |       |      |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |        |
|      |       |      |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |        |
|      |       |      |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |        |

Total number of acres to be irrigated 330

9. Describe any other water rights used for the same purpose as described above License 31-2304

MICROFILMED

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of nonuse? NO If yes, describe in item D, REMARKS.

B. DESCRIPTION OF PORTION OF RIGHT OWNED BY APPLICANT (If the entire right is owned by the applicant, omit part B).

MICROFILMED

1. Amount of water: a. \_\_\_\_\_ cubic feet per second  
&/or  
b. \_\_\_\_\_ acre feet per annum
2. Point of diversion \_\_\_\_\_ ¼ \_\_\_\_\_ ¼, Section \_\_\_\_\_ Township \_\_\_\_\_  
Range \_\_\_\_\_, B.M., \_\_\_\_\_ County  
Additional points \_\_\_\_\_
3. Place of use:

| TWP. | RANGE | SEC. | NE¼ |     |     |     | NW¼ |     |     |     | SW¼ |     |     |     | SE¼ |     |     |     | TOTALS |
|------|-------|------|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|--------|
|      |       |      | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ |        |
|      |       |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |        |
|      |       |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |        |
|      |       |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |        |
|      |       |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |        |
|      |       |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |        |
|      |       |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |        |
|      |       |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |        |

Total number of acres to be irrigated \_\_\_\_\_

C. DESCRIPTION OF RIGHT OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

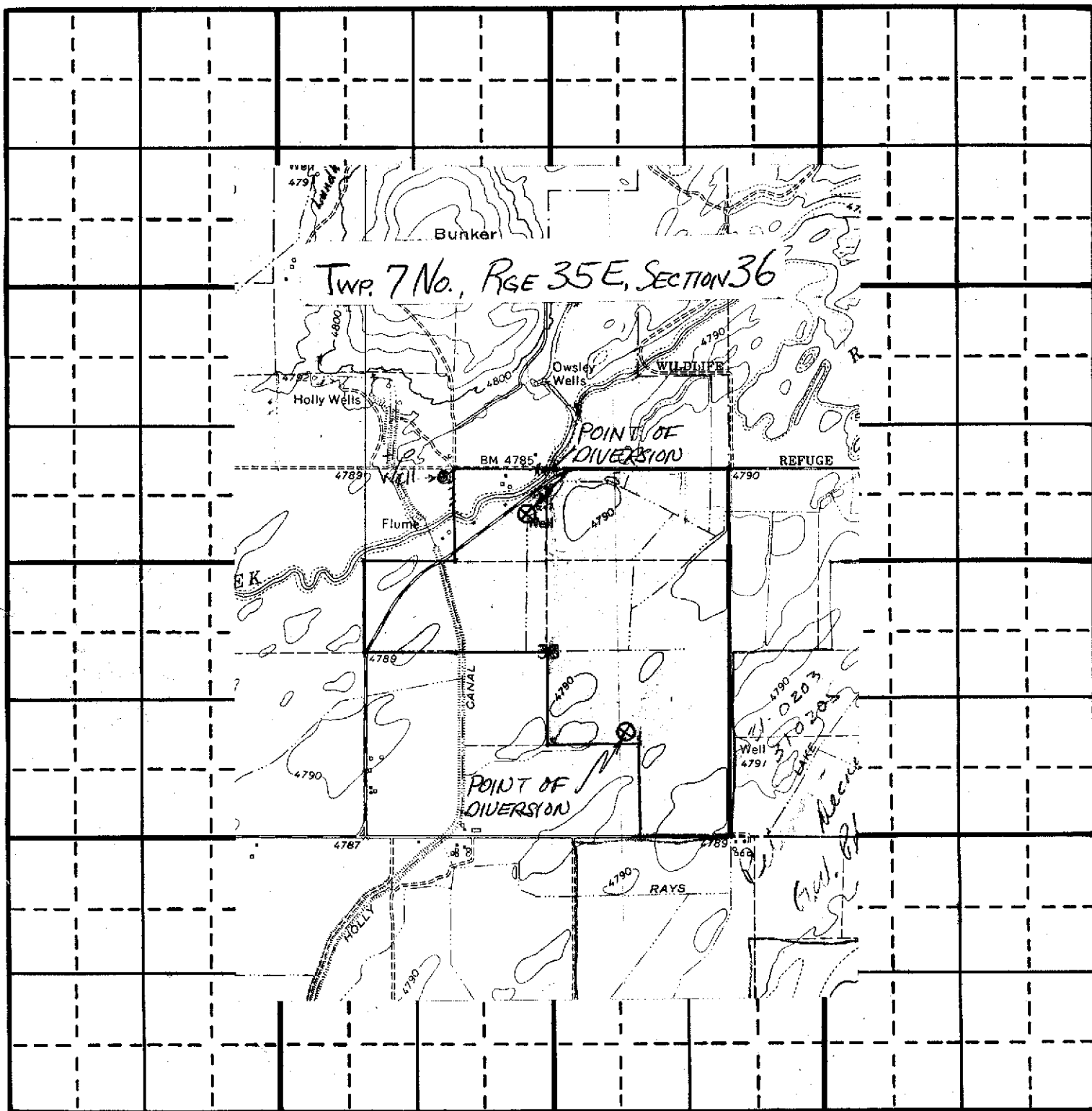
1. General Information
- a. Amount of water to be diverted 1.6 c.f.s. &/or \_\_\_\_\_ acre feet
- b. Description of diverting works Two wells, electric pumps, gravity flow ditches  
for flood irrigation and center pivot for sprinkler irrigation.
- c. Describe the reasons for the proposed changes A portion of the place of use is now  
irrigated by a low pressure center pivot. The pivot receives water from a  
well at the newer point of diversion.
2. Change in point of diversion
- Point of diversion NE ¼ NW ¼, Section 36 Township 7N  
Range 35E, B.M., Jefferson County  
Additional points NW¼SE¼, Sec. 36, T. 7N. R. 35E.
3. Change in place of use
- a. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? \_\_\_\_\_ Yes X No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed change.
- b. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer  
No change in the place of use.

c. Describe the lands or place of use to which the right will be transferred:

| TWP. | RANGE | SEC. | NE¼ |     |     |     | NW¼ |     |     |     | SW¼ |     |     |     | SE¼ |     |     |     | TOTALS |
|------|-------|------|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|--------|
|      |       |      | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ |        |
| 7N   | 35E   | 36   | 35  | 35  | 40  | 40  | 10  |     | 20  | 40  |     |     |     |     | 40  | 40  |     | 30  | 330    |
|      |       |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |        |
|      |       |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |        |
|      |       |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |        |
|      |       |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |        |
|      |       |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |        |

Total number of acres to be irrigated 330

4. Describe any other water rights used for the same purpose as described above. License 31-2304
5. Draw a map indicating the new point(s) of diversion and/or the new land to be irrigated. Show clearly the land involved by section, township and range number.



SCALE: 2 inches equal 1 mile. Draw plan in ink.

**MICROFILMED**

**MICROFILMED**

D. REMARKS

Water right is being modified to better reflect actual practice. The newer point of diversion supplies water for irrigation of SE $\frac{1}{4}$ , Sec. 36, T. 7N, R. 35E. The SW $\frac{1}{4}$ SE $\frac{1}{4}$  of said section is covered by a transfer of License 31-2454.

I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge.

I understand that any willfull misrepresentations made in this application may result in voiding its approval.

David O Kessler  
(Signature of Applicant)

Subscribed and sworn to before me this 18 day of March, 19 85

Cheryl Rump  
(Notary Public)

My commission expires March 20, 1988

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. 31-2318 and said application is hereby APPROVED, subject to the following limitations and conditions:

Witness my hand this 13 day of August, 19 85

J. Glen Saxon  
Chief, Operations Bureau

FOR DEPARTMENT USE ONLY

|                                                    |                                        |                        |
|----------------------------------------------------|----------------------------------------|------------------------|
| Received by <u>EMC</u>                             | Date <u>3-18-85</u>                    | Protest filed by _____ |
| Prelim. check by <u>HWS</u>                        | Fee <u>\$50.00</u> <u>33228</u>        | _____                  |
| Receipted by <u>CN</u>                             | Date <u>3-18-85</u>                    | _____                  |
| Published in <u>R. G. by Star</u>                  | Copies of protest forwarded by _____   |                        |
| Pub. dates <u>4/24 &amp; 4/11/85</u>               | Hearing held by _____ Date _____       |                        |
| Watermaster recommendation requested on <u>N/A</u> | Recommended for <u>approval</u> denial |                        |
| _____ rec'd. _____                                 | by <u>Rpc Jim</u>                      |                        |

MICROFILMED

\*\*\*\*\*  
\*\*  
\*\* PRINT KEY FROM-TI BY USER-LEDA 03/18/85 10.19.50 \*\*  
\*\*  
\*\*\*\*\*

PARCEL MASTER INQUIRY

PARCEL RP [REDACTED] A CAT QUANTITY UNIT VALUE  
EFFECTIVE DATE 000000 EXPIRE DATE 000000 1 66000 AC 17790  
5 12000 AC 357  
19 2000 AC  
NAME AND KESLER, DAVID & HELEN  
ADDRESS P.O. BOX 6  
PHILIPSBURG, MONTANA 59858

LEGAL N1/2NE1/4; SEC 36  
TWP 7 N RGE 35 EBM

0000 \*\*\* 18147

TAX CODE AREA 02900 CMD 7=EDJ CMD 12=NEXT PAGE  
PREVIOUS PARCEL # CMD 10=ENT CMD 13=NAME  
COMMENTS CMD 11=UPD CMD 14=ADDRESS  
REVIEW YEAR 00 -ENTER COMMAND OR PARCEL #  
PROPERTY ADDRESS PARCEL--> RP A

FILED

\*\*\*\*\*  
\*\*  
\*\* PRINT KEY FROM-T1 BY USER-LEDA 03/18/85 10.20.35 \*\*  
\*\*  
\*\*\*\*\*

CMD 13= NAME SEARCH TAX MASTER INQUIRY

PARCEL KEY RP [REDACTED] A TAX YEAR 84 CODE AREA 02900 BANK CODE

NAME KESLER, DAVID & HELEN MARKET VALUE 18.147

ADDRESS P.O. BOX 6 HARDSHIP

PHILIPSBURG, MONTANA 59858 HOME OWNER

NET MARKET VALUE 18.147

TAX AMOUNT 183.16

LESS: CIRCUIT

LEGAL N1/2NE1/4; SEC 36

ADD : SPECIAL

TWP 7 N RGE 35 EBM

SPECIAL

SPECIAL

SPECIAL

SPECIAL

SPECIAL

SPECIAL

TAX PAYMENT [REDACTED] 91.58

SECOND HALF

NET TAX BILLED [REDACTED]

TAX CANCELLED

BILLING NUMBER 6519

PENALTY

PAYMENT CODE H

PENALTY CANCELLED

PAID UNDER PROTEST

1ST HALF 16 MARGARET

INTEREST

2ND HALF

DATE PAID 12/17/84

0/00/00

DELINQUENTS

DATE CANCELLED 0/00/00

0/00/00

NEXT PARCEL RP

A

MICROFILMED

```

*****
**                                     **
** PRINT KEY FROM-T1                BY USER-LEDA      03/18/85    10.19.21 **
**                                     **
*****

```

PARCEL MASTER INQUIRY

| PARCEL RP                      | A                  | CAT | QUANTITY | UNIT | VALUE |
|--------------------------------|--------------------|-----|----------|------|-------|
| EFFECTIVE DATE 000000          | EXPIRE DATE 000000 | 1   | 243750   | AC   | 65813 |
|                                |                    | 5   | 72000    | AC   | 2160  |
| NAME AND KESLER, DAVID & HELEN |                    | 10  | 1000     | AC   | 5119  |
| ADDRESS P.O. BOX 6             |                    | 19  | 7250     | AC   |       |
| PHILIPSBURG, MONTANA 59858     |                    | 31  |          |      | 58881 |
|                                |                    | 32  |          |      | 23444 |

LEGAL E2SE4; NW4SE4; SW4SE4; S2NE4;  
 THAT PORTION OF NE4NW4  
 & S2NW4 LYING S & E OF  
 HAMER TERRETON ROAD; SEC 36.  
 TWP 7 NORTH R6E 35 EBM

-----  
 000 \*\*\* 155417

|                     |                                           |                  |
|---------------------|-------------------------------------------|------------------|
| TAX CODE AREA 02900 | CMD 7=EOJ                                 | CMD 12=NEXT PAGE |
| PREVIOUS PARCEL #   | CMD 10=ENT                                | CMD 13=NAME      |
| COMMENTS            | CMD 11=UPD                                | CMD 14=ADDRESS   |
| PROPERTY ADDRESS    | REVIEW YEAR 00 -ENTER COMMAND OR PARCEL # |                  |
|                     | PARCEL--> RP                              | A                |

MICROFILMED

PRINT KEY FROM-T1

BY USER-LEDA

03/18/85

10.20.52

CMD 13= NAME SEARCH

TAX MASTER INQUIRY

PARCEL KEY RP [REDACTED] A TAX YEAR 84 CODE AREA 02900 BANK CODE

NAME KESLER, DAVID &amp; HELEN

MARKET VALUE

123.521

ADDRESS P.O. BOX 6

HARDSHIP

PHILIPSBURG, MONTANA 59858

HOMEOWNER

NET MARKET VALUE

123.521

TAX AMOUNT

1,246.48

LESS: CIRCUIT

LEGAL E2SE4; NW4SE4; SW4SE4; S2NE4;

ADD : SPECIAL 94

25.00

THAT PORTION OF NE4NW4

SPECIAL

&amp; S2NW4 LYING S &amp; E OF

SPECIAL

HAMER TERRETON ROAD, SEC 36.

SPECIAL

TWP 7 NORTH RGE 35 EBM

SPECIAL

SPECIAL

SPECIAL

TAX PAYMENT

[REDACTED] 635.74

SECOND HALF

NET TAX BILLED

BILLING NUMBER

[REDACTED] 6525

TAX CANCELLED

PAYMENT CODE

H

PENALTY

PAID UNDER PROTEST

PENALTY CANCELLED

1ST HALF

16 MARGARET

INTEREST

2ND HALF

DATE PAID

12/17/84

0/00/00

DELINQUENTS

DATE CANCELLED

0/00/00

0/00/00

NEXT PARCEL RP

A

# THE JEFFERSON STAR

RIGBY, IDAHO

## AFFIDAVIT OF PUBLICATION

STATE OF IDAHO }  
County of Jefferson } ss

I, Terry Weatherston,  
being first duly sworn, depose and say, that I am  
the printer of THE JEFFERSON STAR, a weekly  
newspaper printed and published weekly at  
Rigby, Jefferson County, Idaho; and I do  
solemnly swear that the

### Notice Of Proposed Change Of Water Right

a copy of which notice appears attached here-  
to, was published in the regular and entire issue  
of said newspaper, and not in any

supplement issue thereof for 2  
consecutive issues, the first publication hav-

ing been made on April 3, 1985  
and the last publication having been made  
on April 10, 1985.

Further, that said newspaper is one of general  
circulation in said county; that it is a legal  
newspaper, conforming to legal specifications  
under the Idaho Statutes; that it has at least two  
hundred bona fide subscribers living within the  
county of publication; and that it has been  
continuously and uninterruptedly published in said  
county during a period of seventy-eight con-  
secutive weeks prior to the first publication of the  
said notice.

*Terry Weatherston*

~~~~~

Subscribed to and sworn to before me
this April 11, 1985

Jeri Garner
Notary Public.
(SEAL)

My commission expires life

MAY

Department of Water Resources
Eastern District Office

NOTICE OF PROPOSED CHANGE OF WATER RIGHT 31-2318

Notice is hereby given that David O. Keeler
and/or Helen D. Keeler, Hamer, ID, have ap-
plied to the Department of Water Resources
for a change in the point of diversion of the
waters of a groundwater source. The right
sought to be changed is evidenced by
License 31-2318 and is recorded as
follows:

AMOUNT: 1:60 cfs

PRIORITY: 3-13-1953

POINT OF DIVERSION: NE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec.
36, T. 7N, R. 35E, B.M., Jefferson County.
The water is used to irrigate 330 acres
within the NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{4}$ NW $\frac{1}{4}$,
N $\frac{1}{4}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 36, T. 7N, R. 35E,
B.M.

TO BE CHANGED AS FOLLOWS:

The water will be diverted within the
NE $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 36, T. 7N, R.
35E, B.M.

Any protest against approval of the above
proposed change of water right must be filed
with the Idaho Department of Water
Resources, 150 Shoup, Suite 15, Idaho
Falls, Idaho, 83402 on or before April 22,
1985.

A. KENNETH DUAN
Director

Publ. April 3 and 10, 1985RS

MICROFILMED

State of Idaho

License and Certificate of Water Right

Water License No. G-23924Amount 1.6 c.f.s.

Water District No. _____

Priority March 13, 1953

THIS IS TO CERTIFY that **BERT L. BYBEE**
 of **Hamer, Idaho**, made application for a permit to appropriate the
 public waters of the State of Idaho, dated **March 13**, 19 **53**; that Permit No. **G-23924**
 was issued under said application; that Certificate of Completion of works, with a carrying capacity of
1.6 second feet, was issued thereunder on **October 23**, 19 **58**, showing that said works
 were completed on the **16th** day of **May**, 19 **58**; and that on the **16th**
 day of **May**, 19 **58**, **BERT L. BYBEE**

of **Hamer**, State of **Idaho**, made proof to the satisfaction of the
 State Reclamation Engineer of Idaho, of the right to use the waters of a well
 a tributary of **subterranean**, for the purpose of **Irrigation**
 under Use Permit No. **G-23924** of the Department of Reclamation
 and that said right to the use of said waters has been perfected in accordance with the laws of Idaho,
 and is hereby confirmed by the State Reclamation Engineer of Idaho and entered of record in Volume
10 of Licenses at page **6478**, on the **23rd** day of **October**, 19 **58**;
 The right hereby confirmed dates from **March 13**, 19 **53**;

The Point of Diversion is located
 in the **NE 1/4 NW 1/4, Sec. 36, Tp. 7 N., R. 35 E., B. M.** County **Jefferson**
 That the amount of water to which such right is entitled and hereby confirmed, for the purposes
 aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall
 not exceed **1.6** cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
7 N.	35 E.	36	NE NE	--	35
			NW NE	--	35
			SW NE	--	40
			SE NE	--	40
			NE NW	--	10
			SW NW	--	20
			SE NW	--	40
			NE SE	--	40
			SE SE	--	30
			NW SE	--	40
			Total number of acres irrigated	--	330

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

WITNESS the seal and signature of the State Reclamation Engineer, affixed at Boise, Idaho, this
23rd day of **October**, 19 **58**.

/s/ Geo. N. Carter
 State Reclamation Engineer.

(SEAL)

31-2318

APPLICATION FOR PERMIT

To Appropriate the Subterranean Waters of The State of Idaho

Application No. G- 31704
Permit No. G- 23924
District No.

1. Name of Applicant: BERT L. BYBEE
Postoffice address: Hamer County: Jefferson State: Idaho
2. Quantity of water claimed: 80 Miners Inches
(a) Rate of withdrawal in cubic feet per second. 1.6 or Idaho
Miners' inches 80 or gallons per minute.
(b) Annual withdrawal in acre feet per annum
3. Source of water supply: Deep well
4. Location of point of diversion or well is in the NE 1/4 of the NW 1/4 of Section 36
Twp. 7 N , Rge. 35 E , B.M., County of Jefferson
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: Deep well pump and canal
8. Estimated cost of works: \$ 3500
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 (five) 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: \$ 500
(b) Treasury stock: (c) Bonds to be issued:
(d) Other resources: Income from farm
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: None
(a) (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.

Remarks: Take necessary fees for amendment for point of diversion and change of lands to be irrigated and permit on additional water now applied for by Bert L. Bybee from my blank check now held in your office. /s/ Jay L. Sanders

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.

BERT L. BYBEE

Applicant.

By

Agent.

Date of first receipt at Department of Reclamation: 9:00 a.m. March 13, 1953

Returned to applicant for correction:

Corrected application received:

Approval of State Reclamation Engineer

The number of this permit is G-23924

Recorded in Book 85 Page 23924 Approved March 27, 1953

This is to certify that I have examined the within application for a permit to appropriate the public waters of the State of Idaho, and hereby approve the same, subject to the following limitations and conditions:

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

Work to begin on or before May 27, 1953

and to continue diligently and uninterruptedly to completion,

unless temporarily interrupted by circumstances over which the permit holder has no control.

One-fifth of the work above specified to be completed on or before September 27, 1955

The whole of said work to be completed and beneficial use of water appropriated in accordance herewith, to be made on or before March 27, 1958

Witness my hand this 27th day of March, 1953

MARK R. KULP

State Reclamation Engineer.

IN TESTIMONY WHEREOF, We, LEN JORDAN, Governor of the State of Idaho, and IRA H. MASTERS, Secretary of State of the State of Idaho, have caused this instrument to be executed in the name of the State of Idaho, and caused the Great Seal of the State of Idaho to be hereunto affixed, this 27th day of March, 1953.

Countersigned:

STATE OF IDAHO

(SEAL)

By IRA H. MASTERS

Secretary of State.

By LEN JORDAN

Governor

12.

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	
7 N	35 E	36	40	40							80
Total Number of Acres to be Irrigated											80
APPLICATION FOR AMENDMENT TO PERMIT TO APPROPRIATE THE PUBLIC WATERS OF THE STATE OF IDAHO, NO. G-23924											
Comes now Bert L. Bybee, and represents to the State Reclamation Engineer of the State of Idaho.											
That he is the owner and holder of Permit to appropriate the Public Waters of the State of Idaho, No. G-23924, and requests that the list of lands to be irrigated, as described in said permit, be changed to read as follows: NW ¹ / ₄ NE ¹ / ₄ and NW ¹ / ₄ SE ¹ / ₄ Section 36, Twp. 7 North, Range 35 East, E.M. making a total of 80 acres.											
That an additional amount of water is not asked for, and that the rights of others will not be adversely affected by such change.											
Signed at Pomer, Idaho this 25 day of July, 1953.											BERT L. BYBEE
Date of receipt at Office of Department of Reclamation July 20, 1953.											
APPROVAL OF STATE RECLAMATION ENGINEER											
I, Mark R. Kulp, State Reclamation Engineer of the State of Idaho, hereby approve the above and foregoing application for amendment to Permit to appropriate the Public Waters of the State of Idaho, No. G-23924. This approval constitutes a new permit and is issued as an amendment to the original permit, to which it refers, and of which it becomes a part, and said application is approved only insofar as the rights of others will not be adversely affected thereby.											
											Mark R. Kulp State Reclamation Engineer

See letter in file 22391 - re tentative assignment to NSA (7/16)

Application for Amendment
To Permit to appropriate the Public Waters
of The State of Idaho, No. G-23924 ✓

Comes now B.L. Bybee, and represents to the State Reclamation Engineer of the State of Idaho. That he is the owner and holder of Permit to appropriate the Public Waters of the State of Idaho, No. G-23924, and requests that the list of lands to be irrigated, as described in said permit, be changed to read as follows: NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 36 Twp. 7 N., Rge. 35 E.B.M., making a total of 400 acres. That an additional amount of water is not asked for, and that the rights of others will not be adversely affected by such change.

Signed at Rigby, this 17th day of October, 1958

/s/ Bert L. Bybee

Date of receipt at office of Department of Reclamation
October 22, 1958

APPROVAL OF STATE RECLAMATION ENGINEER

I, GEO. N. CARTER, State Reclamation Engineer of the State of Idaho, hereby approve the above and foregoing application for amendment to Permit to appropriate the Public Waters of the State of Idaho, No. G-23924. This approval constitutes a new permit and is issued as an amendment to the original permit, to which it refers, and of which it becomes a part, and said application is approved only insofar as the rights of others will not be adversely affected thereby.

/s/ Geo. N. Carter
State Reclamation Engineer

Recorded: October 22, 1958.

Permit No. G-23924

Certificate of Completion of Works ✓

✓
TO ALL WHOM IT MAY CONCERN:

This is to certify that BERT L. BYBEE of Hamer, County of Jefferson, and State of Idaho, the holder of Permit No. G-23924, issued upon Application No. G-31704 bearing date of priority of March 13, 1953, authorizing the diversion of 1.6 second feet of waters of subterranean flow (Deep Well) County of Jefferson, State of Idaho, for Irrigation purposes, has fully complied with the provisions of the laws of the State of Idaho relating to the proof of completion of the works of diversion set out and described in said Permit; that said works are adequate for diverting and conveying to the place of intended use 1.6 second feet of the waters of subterranean flow from a well that the point of diversion of said waters NE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 36, Township 7 North, Range 35 East, B.M. and that the lands proposed to be irrigated by the use of said water are described as follows, to-wit: 400 acres in the NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 36, Township 7 North, Range 35 East, B.M. Proof of Completion of Works made: May 16, 1958

Witness my hand this 23rd day of October, A.D. 1958

/s/ Geo. N. Carter
State Reclamation Engineer

Proof of Completion of Works made: May 16, 1958
Certificate of Completion of Works issued: October 23, 1958.

PERMIT ISSUED FOR 1.6 SEC. FT.
Page 6478

August 15, 1985

RE: Transfer of Water Right No. 31-2318

David & Helen Kesler
HC 69, Box 2081
Hamer, ID 83425

Dear Mr. and Mrs. Kesler:

Enclosed is a copy of your approved Application for Transfer of the
above referenced water right (Transfer No. 3122).

Sincerely,

JIM JOHNSON
Water Rights Supervisor

JJ:sc

Enclosure

MICROFILMED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER ANALYSIS SHEET

INITIAL REVIEW BY: HWT

1. Right number 31-2318 Applicant David Kestler
2. Type of right: ☐ Decree ☒ License ☐ Claim
3. Purpose of transfer: ☐ Change point of diversion ☒ Add diversion point(s) ☐ Change place of use
☐ Other _____
4. Check:
- OK { a. ☒ Source ☐ Priority ☒ Amount ☒ Purpose ☒ Period of use
b. ☒ Description of original point of diversion.
c. ☒ Description of original place of use.
5. Amount of land &/or water transferred:
- OK ☒ All of right.
- N/A. ☒ Part of right (NOTE! Part B should be filled in only if part of the right is owned by the applicant).
- OK ☒ Check description of point(s) of diversion.
- NO CHANGE ☒ Check description of place of use.
- OK ☒ Check map (shows p.d. and p.u. after transfer).
- OK ☒ Check for correct signature, notarization, and fee.
- N/A. ☒ Check proof of ownership of right &/or land from which water is transferred.
- NO AC ☒ Check for expansion in use of right. Comments _____
- OK ☒ Check for existing water rights from same source, on land water is being transferred to.
Right number(s) 31-2304
- OK ☒ Is use within a Watermaster District? ☐ Yes ☒ No
If yes, what district? _____

FINAL PROCESSING REVIEW BY: _____

1. Watermaster recommendation requested on NA Received on _____
2. Is transfer published correctly? ☒ Yes ☐ No
3. Protest received? ☐ Yes ☒ No

RECOMMENDED ACTION

- ① ☒ Approve
2. ☐ Deny
3. Conditions* _____

MICROFILMED

RECEIVED

MAY 21 1985

4. By JRC Date 5/20/85

Department of Water Resources

Jim 8-5-85

* All uses within Watermaster Districts require special conditions.



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
EASTERN REGION

John V. Evans
Governor

A. Kenneth Dunn
Director

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

April 30, 1985

Jefferson Star
P.O. Box 37
Rigby, ID 83442

RE: Applications for Permit Nos. 25-7390 & 31-7407.
Applications for Transfer Nos. 31-2304, 31-2318 & 31-2454B.

Gentlemen:

Would you please submit an affidavit of publication and certified bill in connection with the above referenced applications. The legal notice was to have been published in your paper on April 4 and 11, 1985.

Your cooperation in this matter is greatly appreciated.

Very truly yours,

CHERYL ZEMP
Secretary

MICROFILMED

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

31-2318

Notice is hereby given that David O. Kesler &/or Helen D. Kesler, Hamer, ID, have applied to the Department of Water Resources for a change in the point of diversion of the waters of a ground-water source. The right sought to be changed is evidenced by License 31-2318 and is recorded as follows:

AMOUNT: 1.60 cfs PRIORITY: March 13, 1953

POINT OF DIVERSION: NE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 36, T. 7N, R. 35E, B.M.

Jefferson County;

The water is used to irrigate 330 acres within the NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 36, T. 7N, R. 35E, B.M.

TO BE CHANGED AS FOLLOWS

The water will be diverted within the NE $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 36, T. 7N, R. 35E, B.M.

Any protest against approval of the above proposed change of water right must be filed with the Idaho Department of Water Resources, 150 Shoup, Suite 15, Idaho Falls, ID 83402 on or before April 22, 1985.

A.KENNETH DUNN

Director

Published in the Jefferson Star, 4/4 & 4/11/85.

MICROFILMED

**NOTICE OF PROPOSED CHANGE
OF WATER RIGHT
31-2318**

Notice is hereby given that David O. Kesler &/or Helen D. Kesler, Hamer, ID, have applied to the Department of Water Resources for a change in the point of diversion of the waters of a groundwater source. The right sought to be changed is evidenced by License 31-2318 and is recorded as follows:

AMOUNT: 1.60 cfs

PRIORITY: 3-13-1953

POINT OF DIVERSION: NE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 36, T. 7N, R. 35E, B.M., Jefferson County.

The water is used to irrigate 330 acres within the NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, N $\frac{1}{4}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 36, T. 7N, R. 35E, B.M.

TO BE CHANGED AS FOLLOWS

The water will be diverted within the NE $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 36, T. 7N, R. 35E, B.M.

Any protest against approval of the above proposed change of water right must be filed with the Idaho Department of Water Resources, 150 Shoup, Suite, 15, Idaho Falls, Idaho, 83402 on or before April 22, 1985.

A. KENNETH DUNN
Director

Publ. April 3 and 10, 1985RS

WATER RIGHT NUMBER 31-2318

OWNER LAST NAME - BYBEE

FIRST NAME - BERT L.

ORIG OWNER -

ADDRESS LINE 1 -

ADDRESS LINE 2 -

ADDRESS LINE 3 -

CITY - HAMER

STATE - ID ZIP CODE - 83425

SOURCE - GROUNDWATER

TRIBUTARY OF -

STAGE - LICENSE

STATUS -

PRIORITY - 03-13-1953 COUNTY - JEFFERSON

TOTAL DIV. RATE - 1.6000 -CFS

TOTAL DIV. VOLUME -

.00 AFA

TRFR/AMEND -

WATER DIST. -

OLE/CAREY ACT -

RIGHT BASIS -

DIVERSION POINT - NENW 36 07N 35E LOT

REDIV -

0.0

0.0

0.0

0.0

0.0

0.0

0.0

0.0

0.0

0.0

0.0

FROM - TO -

USE - IRRIGATION

USE DIV. RATE -

1.6000 CFS

USE DIV. VOLUME -

.00 AFA

USE - IRRIGATION

PLACE OF USE - TWN 07N RNG 35E SEC 36

TRACT NENE 1/4

AC 35

TRACT NWNE 1/4

AC 35

TRACT SWNE 1/4

AC 40

TRACT SENE 1/4

AC 40

TRACT NENW 1/4

AC 10

TRACT SWNW 1/4

AC 20

TRACT SENW 1/4

AC 40

TRACT NESE 1/4

AC 40

TRACT SESE 1/4

AC 30

TRACT NWSE 1/4

AC 40

DATE -

TOTAL ACRES

330

DECREE NAME -

REMARKS -

NON IRRIG USE -

OTHER RIGHTS FOR SAME USE -

PROOF DUE -

PERMIT/DENIED -

PROTESTED -

HEARING -

OLD NO. - 23924

VERIFIED JDC

PROOF MADE -

FLD EXAM -

COND. OF APPROVAL -

DIVERSION MEANS -

IDENT. NO. 31-2318

WATER RIGHT
DATA ENTRY LOG

[illegible]

WATER RIGHT ANALYSIS FORM

- DATA ENTRY -

Identification No. 23924 / 31-2318
Old No. New No.

Record

1, 2 & 3 Original Owner: Bert L. Bybee

Address: Hamer, 10

Present Owner:

Address:

4. A. Source of Water groundwater

B. Tributary of:

5. A. Stage (A,P,L,D,S,J): L

B. Status (D,L,R,C,A,I,F - leave blank if valid):

C. Priority Date: 3-13-1953

D. County: 51

E. Total Diversion Rate: 1.6

F. Total Diversion Volume:

G. Transfer/Amendment (P,T of A or blank):

H. Water District:

I. DLE/Carey Act (D,C or blank):

J. Right Basis (for adjudication claims A,B,C only):

Tract Sec. Twp. Rge. Gov't Lot Rediv.

6. A. Point of Diversion NENW 36 7N 35E

7. Period of Use, Use, Diversion Rate/Volume:

from _____ to _____ for A purposes. Amount 1.6
(cfs or AC-Ft/yr)

from _____ to _____ for _____ purposes. Amount _____

from _____ to _____ for _____ purposes. Amount _____

from _____ to _____ for _____ purposes. Amount _____

from _____ to _____ for _____ purposes. Amount _____

8. Use Code: *A*

TWP	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼			
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SE¼	SW¼
<i>7N</i>	<i>35E</i>	<i>36</i>	<i>35</i>	<i>35</i>	<i>40</i>	<i>40</i>	<i>10</i>		<i>20</i>	<i>40</i>					<i>40</i>	<i>40</i>		<i>30</i>

9. A. Decree Name:

B. Decree Date:

10. Remarks:

11. Other Uses (Non-irrigation explanatory information):

12. Other Rights for Same Use:

13. A. Proof Due Date:

B. Date Permit Approved or Denied:

C. Protested Date:

D. Hearing Date:

E. Old Number: *23924*

F. Proof Made (P or blank):

G. Field Exam Made (P,R,F or blank):

H. Conditions of Approval:

14. Diversion Means (brief narrative):

AKO 3-20-79

January 26, 1967

Re: Permit G-22391 - 6479
G-23924 - 6478 ✓
Mr. Bert L. Bybee

Mr. Robert St. Clair
Box 29
Idaho Falls, Idaho

Dear Mr. St. Clair:

Pursuant to our telephone conversation of January 24, 1967, we are trying to clarify license G-22391 - 6479. Apparently the original license contained an error in the land list. You will find the SE1/4NE1/4, Sec. 36 listed twice, once as containing 40 acres, and the other time containing 30 acres. The 40 acre description is correct for the SE1/4NE1/4, Sec. 36. The other 30 acres should have been listed as the SE1/4SE1/4, Sec. 36, T. 7 N, R. 35 E, B.M. Please return the original license for permit G-22391 and we will issue a corrected license.

As to your questions in regards to lands licensed under permits G-22391 and G-23924, we are enclosing maps showing the lands covered and total acres irrigated under each permit. Should you desire coverage of lands in addition to those already covered by permits G-22391 and G-23924, we suggest a new permit be formed covering any discrepancies in your present plans. Forms and instructions for filing are enclosing.

Please contact us if we may be of further assistance.

Very truly yours,

Donald W. McEldowney
Field Examiner

DWM:nw

23924

October 23, 1958

Re: Permit No. G-23924
Bert L. Bybee

Mr. T. Harold Lee
Lee & Bates
Attorneys At Law
Rigby, Idaho

Dear Mr. Lee:

We enclose the following:

1. Application for Amendment to Permit No. G-23924 as approved by the State Reclamation Engineer and recorded in the Department of Reclamation in Book 85 of Permits at Page 23924 amending the list of land as described on record to read as follows: "NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 36, Township 7 North, Range 35 East, B.M., making a total of 400 acres." This amendment should now be attached to the original permit to which it refers and of which it becomes a part.
- 2-3. Certificate of Completion of Works and the License and Certificate of Water Right issued under Permit No. G-23924 confirming the right with priority of March 13, 1953, to the use of 1.6 second foot of subterranean water, with point of diversion in the NE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 36, for irrigation of 330 acres in the NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 36, Township 7 North, Range 35 East, B.M.
4. Departmental receipt #G-3644 for \$9.00, issued as receipt of the five dollar fee for the Certificate of Completion of Works and four dollars license fee.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer
By

Chief Clerk

EPR:nls
Enclosures (4)

23924

RT

LEE & BATES

ATTORNEYS AT LAW

RIGBY, IDAHO

OCTOBER 21, 1958

RECEIVED
OCT. 22 1958
Department of Reclamation

T. HAROLD LEE
JAY F. BATES

DEPARTMENT OF RECLAMATION
STATE OF IDAHO
STATE HOUSE
BOISE, IDAHO

ATTENTION: E. N. HUMPHREY

GENTLEMEN:

REFERENCE IS MADE TO YOUR LETTER UNDER DATE OF OCTOBER 6,
1958 TO THIS OFFICE IN REGARD TO PERMITS NO. G-22391 AND
G-23924.

IN ACCORD WITH THAT LETTER I ENCLOSE YOUR EXECUTED FORM 12
AND A CHECK DRAWN PAYABLE TO YOUR ORDER IN THE AMOUNT OF \$30.00.

THANKING YOU FOR YOUR CONSIDERATION OF THIS OFFICE IN THIS
MATTER, I REMAIN

VERY TRULY YOURS

LEE AND BATES



BY: T. HAROLD LEE

THL: 2

23924

Application for Amendment
To Permit to appropriate the Public Waters
of the State of Idaho, No. G-23924

Department of Reclamation

Comes now B. L. Bybee, and represents to the State Reclamation Engineer of the State of Idaho.

That he is the owner and holder of Permit to appropriate the Public Waters of the State of Idaho, No. G-23924, and requests that the list of lands to be irrigated, as described in said permit, be changed to read as follows:

N¹ E¹ NW¹ S¹ NW¹ N¹ SE¹ S¹ SE¹ Sec. 36 Twp. 7 N., Rge. 35 E. RM.

making a total of 400 acres.

That an additional amount of water is not asked for, and that the rights of others will not be adversely affected by such change.

Signed at Idaho, this 17th day of October, 1958

Date of receipt at office of Department of Reclamation October 22, 1958

APPROVAL OF STATE RECLAMATION ENGINEER

I, GEO. N. CARTER, State Reclamation Engineer of the State of Idaho, hereby approve the above and foregoing application for amendment to Permit to appropriate the Public Waters of the State of Idaho, No. G-23924. This approval constitutes a new permit and is issued as an amendment to the original permit, to which it refers, and of which it becomes a part, and said application is approved only insofar as the rights of others will not be adversely affected thereby.

Recorded: October 22, 1958
in Book 85 of Permits at Page 23924
OF RECLAMATION

Geo. N. Carter
State Reclamation Engineer

October 6, 1958

Re: Permit No. G-22391
Permit No. G-23924

Lee and Bates
Attorneys At Law
Rigby, Idaho

Attention: T. Harold Lee

Dear Mr. Lee:

This is in reply to your letter of October 2nd regarding above numbered permits.

Enclosed find copies of letters written to Mr. R. L. Bybee regarding each permit and a proposed amendment of land list for Permit No. G-23924. Since you were handling this for Mr. Bybee, I am sorry letters were not sent to you instead of direct to Mr. Bybee.

Under Permit No. G-22391 the full amount of 4 cubic feet per second asked for will be granted which is all that could be done.

Under Permit No. G-23924 the filing covered only two additional forties and the report turned in recommended an inch per acre on all irrigated, or 75 acres.

The well did not produce the amount given in your letter but rather only 288 inches.

In looking at both permits as one unit, the best method would be to simply amend Permit No. G-23924 to cover all lands irrigated, and then Permit No. G-23924 could be licensed for 1.6 cubic feet per second, making the total licensed from the well 5.6 cubic feet per second or quantity of water requested in permits.

See letter in file # 22391

23924

Mr. T. Harold Lee

-2-

October 6, 1958

There would not be any change in the fees due this office. The actual land licensed under Permit No. G-23924 would be 330 acres, being 255 acres listed under G-22391 and the 75 acres listed before amendment.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer
By

E. N. HUMPHREY
Deputy State Reclamation Engineer

ENH:lw
Enclosures

23924

GEO. N. CARTER

August 26, 1958

Re: Permit No. G-23924

Mr. Bert L. Bybee
Hamer
Idaho

Dear Mr. Bybee:

Our field engineer's report on his inspection of the completion of works and beneficial use of the water under the terms of Permit No. G-23924 shows that the well is capable of conveying 75 miners' inches (1.5 c.f.s.) of water for irrigation of 75 acres.

Upon receipt of the statutory fees, totaling \$9.00, we will issue the Certificate of Completion of Works (for which the fee is five dollars) and the License and Certificate of Water Right (four dollars) confirming the right with priority of March 13, 1953, to the use of 1.5 second feet of subterranean water, with the point of diversion in the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 36, for irrigation of 75 acres in the NW $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 36, Township 7 North, Range 35 East, B.M.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer
By

Chief Clerk

EPR:nls

23924

WATER RIGHT NUMBER 31-2318

OWNER LAST NAME - BYBEE ✓
OWNER LAST NAME - KESLER ✓
OWNER LAST NAME - KESLER ✓

ADDRESS LINE 1 - HC 69 BOX 13

ADDRESS LINE 3 -

SOURCE - GROUNDWATER

STAGE - LICENSE

TOTAL DIV. VOLUME -

DIVERSION POINT - NENW 36 07N 35E LOT REDIV - 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0
NWSE 36 07N 35E LOT REDIV - 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0

FROM - TO -

USE - IRRIGATION

DECREE NAME -

REMARKS - TRANS. 3122. ✓

NON IRRIG USE -

OTHER RIGHTS FOR SAME USE -

PROOF DUE -

PROOF MADE - FLD EXAM - COND. OF APPROVAL -

DIVERSION MEANS -

FIRST NAME - BERT L. ✓

FIRST NAME - DAVID D. ✓

FIRST NAME - HELEN D. ✓

ORIG OWNER - D ✓

ORIG OWNER -

ORIG OWNER -

ADDRESS LINE 2 -

CITY - ASHTON

STATE - ID ZIP CODE - 83420 ✓

TRIBUTARY OF -

STATUS -

PRIORITY - 03-13-1955

COUNTY - JEFFERSON

TOTAL DIV. RATE -

1.6000 -CFS

TOTAL DIV. VOLUME - .00 AFA TRFR/AMEND - T WATER DIST. - DLE/CAREY ACT - RIGHT BASIS -

DIVERSION POINT - NENW 36 07N 35E LOT REDIV - 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0
NWSE 36 07N 35E LOT REDIV - 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0

FROM - TO -

USE - IRRIGATION

USE - IRRIGATION

USE DIV. RATE -

1.6000 CFS

USE DIV. VOLUME -

.00 AFA

PLACE OF USE - TWN 07N RNG 35E SEC 36

TRACT NENE LOT

AC 35 TRACT

NWNE LOT

AC 35

TRACT SWNE LOT

AC 40 TRACT

SENE LOT

AC 40

TRACT NENW LOT

AC 10 TRACT

SWNW LOT

AC 20

TRACT SENW LOT

AC 40 TRACT

NESE LOT

AC 40

TRACT SESE LOT

AC 30 TRACT

NWSE LOT

AC 40

DATE -

TOTAL ACRES

330 ✓

PROTESTED -

HEARING -

OLD NO. - 23924 ✓

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO
REPORT OF ENGINEER

Permit No. G-23924This proof is for Completion of Works & Beneficial Use In Water District No. _____

1. Name of applicant: Bert L. Bybee
2. Source of water supply: Subterranean flow from a well
3. Location of point of diversion: Is in the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 36
T. 7 N., R. 35 E.B.M. County of Jefferson
4. Describe works as they exist, giving dimensions and capacities of same: Well 14" x 160'
12" x 35' column 12" discharge 1 bowl 14" diameter lift: 14'
H: 12' U.S. motor 2.5 Hp 220 V # 949377 Peerless pump
159357 Monogram controls head housed in 8' x 8'
wood frame house. Dumps into 3' x 6' concrete head tank
to fields by gravity Q: 75'
5. Water is used for: Irrigation
6. State whether or not water has been turned into works of diversion: yes

7. List legal subdivisions of lands to be irrigated. If proof is for beneficial use, give exact number of acres under cultivation in each forty-acre tract. (Describe manner and place of use if other than irrigation):

NW $\frac{1}{4}$ NE $\frac{1}{4}$ and NW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 36, Township 7 North, Range 35 East, E. M.

(Submit map on attached plat, showing location and details of above description.)

8. What large stream would the water here appropriated finally reach?

Remarks: _____

Crops are Hay grain & row crops

This examination was made on the 16 day of July, 19 58

(Signed) _____

Carroll R. Stevenson

Examiner.

23924

INSTRUCTIONS TO EXAMINERS

1. Always carefully note the location of the point of diversion and accurately plat same.
2. When proof is for beneficial use, carefully check up the number of acres actually irrigated in each forty and accurately plat same.
3. Make a map showing the correct location of streams and ditches, and the irrigated lands, and any adjacent permanent landmarks, such as towns, lakes, large streams and public roads.
4. If any unusual conditions are discovered, make plain statement of them under remarks.
5. Always see the holder, if possible, and go over the whole ground with him and make your report only upon actual existing facts and conditions.
6. Give general characteristics of soils, topography, and crops raised.

RECEIVED
AUG 19 1958
Department of Reclamation

North 25 430 Bert L. Bybee
Hamer, Idaho

Permit No. G-23924

Examination for Completion of Works &
Beneficial Use Proof

County Jefferson

36-7N.-35E.

Q2 1.6 c.f.s.

S2 Well

P.D. = NE.NW., Sec. 36, T. 7N.-R. 35E.

P.D. not checked

Use = Irrigation

and discharge at
well, if possible.

Show ground irrigated
by sprinkler system from
the gravity line.

Filed = March 13, 1953

Due = March 27, 1958

Give info. on
Pump, power unit, and
number of sprinklers
and size used at one
time

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE

REPORT OF ENGINEER

PERMIT NO. G-23924

REPORT ON PROOF OF Completion of Works & Beneficial Use

Bert L. Bybee
Hamer, Idaho

R-35E.

T.
7
N.

TO TERRITORY

Subdivisions = 2
Area = 75 acres
Q = 75"
= 1.5 cfs

See 6-22391

5.76 cfs thru spalling

4.00

1.76 cfs left for

this permit.

raise to 1.6 cfs
see letter to atty
to atty H. Sec
Oct 6-51

June 11, 1958

Re: Permit No. G-23924

Mr. Bert L. Bybee
Hammer, Idaho

Dear Mr. Bybee:

We acknowledge receipt of the Deposition of Holder and two witnesses, also affidavit of publication in the High Star, all submitted in Proof of Completion of Works and Application of Water to Beneficial Use, on Permit No. G-23924.

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,

E. N. HUM HREY
Acting State Reclamation Engineer
By

Mrs. Edna P. Rutledge
Chief Clerk

EPH:lw

23924

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

RECEIVED
JUN 6 1958
Department of Reclamation

✓
Permit No. G-23924

Proof of Application of Water to Beneficial Use
and Completion of Works
Deposition of Holder

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

Ans. ✓ BERT L. BYBEE, HAMER, IDAHO, FARMER, HAMER, 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.

Ans. _____

Ques. 3. State number and date of permit, and date of priority you propose to establish under the permit. 3-27-53 3-13-53

Ans. G-23924, SEPTEMBER 28, 1951, MARCH 5, 1952

Ques. 4. State source of water supply and give exact location of point of diversion.

Ans. UNDERGROUND WATER SUPPLY AND THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER (NE $\frac{1}{4}$ NW $\frac{1}{4}$) OF SECTION THIRTY-SIX (36), TOWNSHIP 7-NORTH, RANGE 35-

EAST, BOISE MERIDIAN.

Ques. 5. Describe your works of diversion, and state amount of water they are capable of conveying from point of diversion to place of use, and give name of canal or ditch or other works by which water is conducted to such place of use. If a well, state depth of well, depth and size of casing and depth to water. If pump is used, state discharge of pump and tell how it was measured or determined.

Ans. A WELL 18" IN DIAMETER 165' DEEP, CASSED THE DEPTH OF THE WELL WITH 18" CASING. THE WATER IS 165' FEET, BUT THE PRESSURE OF THE WATER

BRINGS THE WATER TO WITHIN 20' OF THE SURFACE. THE MAXIMUM DRAW DOWN AT LOW WATER TIME OF THE YEAR IS NOT LOWER THAN 20' FROM SURFACE. THERE IS INSTALLED IN THIS WELL A PEERLESS PUMP, TURBINE TYPE, 25 HP MOTOR WITH SWITCH PANELS AND APPURTENANCES WITH A THIRTY FOOT COLUMN EXTENDING INTO THE WELL. THE PUMP WILL DISCHARGE IN EXCESS OF 4 CUBIC FEET PER SECOND, OR 200 INCHES OF WATER. THE LAST READING TAKEN SHOWS DISCHARGE OF 333 MINER'S INCHES OF WATER DISCHARGE. MEASUREMENT BY WATERMASTER, DISTRICT 66. THIS WATER IS DISCHARGED INTO LATERAL DITCHES AND PARTIALLY THROUGH SPRINKLING SYSTEMS.

Ques. 6. State for what purpose water is used and describe place of use. (If for irrigation, name each subdivision in which used, and number of acres in each subdivision that have actually been irrigated with said water.) State whether cultivated or natural meadow land and the nature of all improvements which have been made as a direct result of said use.

Ans. THE WATER IS USED FOR IRRIGATION PURPOSES AND HAS BEEN AND IS NOW BEING APPLIED TO THE FOLLOWING DESCRIBED LANDS WITH THE NUMBER OF ACRES IN EACH SUBDIVISION WHICH HAVE ACTUALLY BEEN IRRIGATED WITH SAID WATER, TO-WIT: NW $\frac{1}{4}$ NE $\frac{1}{4}$ - 40 ACRES; NW $\frac{1}{4}$ SE $\frac{1}{4}$ - 40 ACRES, ALL IN SECTION 36, TOWNSHIP 7-NORTH, RANGE 35-EAST, BOISE MERIDIAN. THE LAND IS CULTIVATED AND THERE HAS BEEN A LATERAL DITCH SYSTEM FROM THE WELL TO THE LANDS AND ALSO A SPRINKLING SYSTEM. THE WATER FOR THIS PERMIT IS FROM THE SAME WELL AND SYSTEM AS FOR PERMIT NO. G-22391.

23924

Ques. 7. If for other than irrigation purposes; state how applied, amount of horse power generated, etc.

Ans. _____

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

Ans. TWO HUNDRED (200) MINER'S INCHES.

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.

Ans. _____

Ques. 10. State when, how, in what amount and to what extent the water diverted under above mentioned permit has been used.

Ans. EIGHTY MINERS' INCHES OF WATER HAS BEEN DIVERTED AND APPLIED GRADUALLY IN AN EVER INCREASING AMOUNT TO THE AFORE-DESCRIBED LANDS EACH YEAR, UNTIL THE WHOLE THEREOF HAS BEEN USED SINCE BEFORE THE 10TH DAY OF MARCH, 1958.

Ques. 11. State when, how, in what amount and to what extent waters other than those diverted under the above mentioned permit have been diverted and applied to beneficial use upon the lands herein described. Give full particulars regarding such other appropriations and rights claimed thereunder.

Ans. RENTED WATERS MAY HAVE IRRIGATED A PORTION OF THESE LANDS.

(Sign) _____

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 RIGBY, County of JEFFERSON, State of Idaho, on this 10TH day of MAY, A. D. 19 58,

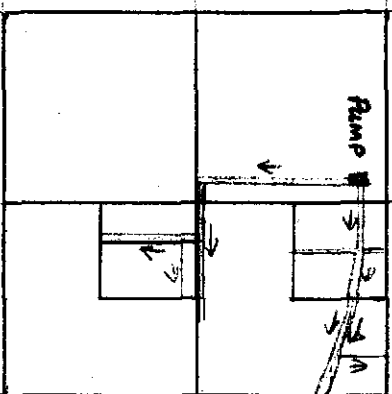
T. Harold Lu
NOTARY PUBLIC IN AND FOR THE STATE OF IDAHO, RESIDING AT RIGBY, IDAHO

My commission expires 7-6-60

23924

PERMIT # G 23924 FOR NW 1/4 NE 1/4, NW 1/4 SE 1/4, SECTION 36, TOWNSHIP 7, RANGE 35
BERT L. BYBEE EAST, 130th MERIDIAN

Diagram of Irrigation System - Flow of Water - Laterals & Sprinklers



G 23924

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

RECEIVED
JUN 6 1958

Department of Reclamation

Permit No. G-23924

Proof of Application of Water to Beneficial Use

Deposition of Witness and Completion of Works

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.

Ans. 2

Ques. 2. Are you acquainted with BERT L. BYBEE, the holder of Permit No. G-23924? How long have you known him and where does he reside?

Ans. YES. ALL THE LIFETIME OF THE APPLICANT. HE RESIDES AT HAMER, IDAHO.

Ques. 3. Have you read or heard read said Permit No. G-23924, and are you familiar with its provisions and conditions?

Ans. YES

Ques. 4. State source of water supply, place of diversion, and describe works for conveying water from point of diversion to place of use.

Ans. UNDERGROUND WATERS DIVERTED FROM THE NE $\frac{1}{4}$ NW $\frac{1}{4}$ OF SECTION 36 TOWNSHIP 7 NORTH, RANGE 35 EAST, BOISE MERIDIAN. (DESCRIPTION OF WORKS ATTACHED.)

Ques. 5. How many second feet of water do you estimate said works will safely conduct to place of use, and how much water have you seen being so conveyed?

Ans. 200 MINER'S INCHES - 4 CUBIC FEET PER SECOND, ALL OF WHICH HAS BEEN SAFELY CONDUCTED TO THE PLACE OF USE ACCORDING TO MY PERSONAL KNOWLEDGE.

Ques. 6. (Pumps) How much water in cubic feet per second, miner's inches, or gallons per minute have you seen the pump deliver, and how did you measure or estimate the amount?

Ans. I HAVE PERSONALLY SEEN IN EXCESS OF 300 INCHES (MINER'S) OF WATER DELIVERED FROM THIS PUMP. I ESTIMATED THIS AMOUNT FROM MY EXPERIENCE IN IRRIGATING WITH WHEEL AND PUMP.

23924

Ques. 7. State for what purpose water is used and at what place. (If for irrigation, give each subdivision in which water has been used and number of acres irrigated in each subdivision.) State whether cultivated or natural meadow land and the nature of all improvements which have been made as a direct result of said use.

THE WATER IS USED FOR IRRIGATION PURPOSES AND HAS BEEN AND IS NOW BEING APPLIED

Ans. TO THE FOLLOWING DESCRIBED LANDS WITH THE NUMBER OF ACRES IN EACH SUBDIVISION, TO-WIT: NW $\frac{1}{4}$ NE $\frac{1}{4}$ - 40 ACRES; NW $\frac{1}{4}$ SE $\frac{1}{4}$ - 40 ACRES, ALL IN SECTION 36, TOWNSHIP 7 NORTH, RANGE 35 EAST, BOISE MERIDIAN. THE LAND IS CULTIVATED AND THERE IS AND HAS BEEN A LATERAL DITCH SYSTEM FROM THE WELL TO THE LAND, ALSO A SPRINKLER SYSTEM. THE WATER FOR THIS PERMIT IS FROM THE SAME WELL AND SYSTEM AS FOR PERMIT NO. G-22391.

Ques. 8. If for power or other purposes than irrigation, state how water has been applied and to what extent.

Ans. _____

Ques. 9. (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.

Ans. THE LAND IS SANDY-LOAM IN CHARACTER, AND REQUIRES APPROXIMATELY ONE (1) MINER'S INCH OF WATER PER ACRE.

Ques. 10. Have you any interest in the works, water or lands above mentioned? If so, in what way and to what extent?

Ans. NONE

Ques. 11. State when, how, in what amount and to what extent you have witnessed the application to beneficial use of water diverted under said permit.

THE AFORE-MENTIONED WATER HAS BEEN DIVERTED AND APPLIED GRADUALLY IN AN EVER

Ans. INCREASING AMOUNT TO THE AFORE-DESCRIBED LANDS EACH YEAR UNTIL THE THE WHOLE THEREOF HAS BEEN USED AND BENEFICIALLY APPLIED TO THESE LANDS. THE WHOLE OF THE LANDS AND THE COMPLETED WORKS HAS BEEN BENEFICIALLY IRRIGATED SINCE ON AND BEFORE THE 12TH DAY OF MARCH, 1958.

(Signed)

Harry E. Meek

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 _____ RIGBY _____, County of JEFFERSON _____, State of Idaho, on this 14TH day of MAY _____, A. D. 19 58.

T. H. H. H.

Notary Public.

FOR IDAHO, RESIDING AT RIGBY, IDAHO

My commission expires 7-6-60

823924

QUESTION 4. SUPPLEMENTAL ANSWER

DESCRIPTION OF WORKS:

A WELL 18" IN DIAMETER 165' DEEP, CASED THE DEPTH OF THE WELL WITH 18" CASING. THE WATER IS 165' DEEP, BUT THE PRESSURE OF THE WATER BRINGS THE WATER TO WITHIN 20' OF THE SURFACE. THE MAXIMUM DRAW DOWN AT LOW WATER TIME OF THE YEAR IS NOT LOWER THAN 20' FROM SURFACE. THERE IS INSTALLED IN THIS WELL A PEERLESS PUMP, TURBINE TYPE, 25 HP MOTOR WITH SWITCH PANELS AND APPURTENANCES WITH A THIRTY FOOT COLUM EXTENDING INTO THE WELL. THE PUMP WILL DISCHARGE IN EXCESS OF 4 CUBIC FEET OR 200 INCHES OF WATER. THE LAST READING TAKEN SHOWS DISCHARGE OF 333 MINER'S INCHES OF WATER DISCHARGE. MEASUREMENT WAS BY WATERMASTER, DISTRICT No. 66.

THE WATER IS CONVEYED FROM THE PUMP ON THE AFORE-DESCRIBED LANDS TO THE SYSTEM BY LATERAL DITCHES WHICH HAVE BEEN CONSTRUCTED, SUPPLEMENTED BY A SPRINKLING SYSTEM.

23924

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

RECEIVED
JUN 6 1958
Department of Reclamation

Permit No. G-23924

Proof of Application of Water to Beneficial Use

Deposition of Witness and Completion of Works

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.

Ans. BE RK GALLOWAY, 29 YEARS OLD, FARMER, HAMER, IDAHO.

Ques. 2. Are you acquainted with BERT L. BYBEE, the holder of Permit No. G-23924? How long have you known him and where does he reside?

Ans. YES. ALL THE LIFETIME OF THE APPLICANT. HE RESIDES AT HAMER, IDAHO

Ques. 3. Have you read or heard read said Permit No. G-23924, and are you familiar with its provisions and conditions?

Ans. YES

Ques. 4. State source of water supply, place of diversion, and describe works for conveying water from point of diversion to place of use.

Ans. UNDERGROUND WATERS DIVERTED FROM THE NE $\frac{1}{4}$ NW $\frac{1}{4}$ OF SECTION 36, TOWNSHIP 7 NORTH, RANGE 35 EAST, BOISE MERIDIAN. (DESCRIPTION OF WORKS ATTACHED.)

Ques. 5. How many second feet of water do you estimate said works will safely conduct to place of use, and how much water have you seen being so conveyed?

Ans. 200 MINER'S INCHES - 4 CUBIC FEET PER SECOND, ALL OF WHICH HAS BEEN SAFELY CONDUCTED TO THE PLACE OF USE ACCORDING TO MY PERSONAL KNOWLEDGE.

Ques. 6. (Pumps) How much water in cubic feet per second, miner's inches, or gallons per minute have you seen the pump deliver, and how did you measure or estimate the amount?

Ans. I HAVE PERSONALLY SEEN IN EXCESS OF 300 INCHES (MINER'S) OF WATER DELIVERED FROM THIS PUMP. I ESTIMATED THIS AMOUNT FROM MY EXPERIENCE IN IRRIGATION WITH WELL AND PUMP.

P23924

Ques. 7. State for what purpose water is used and at what place. (If for irrigation, give each subdivision in which water has been used and number of acres irrigated in each subdivision.) State whether cultivated or natural meadow land and the nature of all improvements which have been made as a direct result of said use.

THE WATER IS USED FOR IRRIGATION PURPOSES AND HAS BEEN AND IS NOW BEING
Ans. APPLIED TO THE FOLLOWING DESCRIBED LANDS WITH THE NUMBER OF ACRES IN EACH SUBDIVISION, TO-WIT: NW $\frac{1}{4}$ NE $\frac{1}{4}$ - 40 ACRES; NW $\frac{1}{4}$ SE $\frac{1}{4}$ - 40 ACRES, ALL IN SECTION 36, TOWNSHIP 7 NORTH, RANGE 35 EAST, BOISE MERIDIAN. THE LAND IS CULTIVATED AND THERE HAS BEEN A LATERAL DITCH SYSTEM FROM THE WELL TO THE LANDS AND ALSO A SPRINKLING SYSTEM, AND THERE IS SUCH AT THE PRESENT TIME. THE WATER FOR THIS PERMIT IS FROM THE SAME WELL AND SYSTEM AS FOR PERMIT NO. G-22991.

Ques. 8. If for power or other purposes than irrigation, state how water has been applied and to what extent.

Ans. U

Ques. 9. (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.

Ans. THE LAND IS SANDY-LOAM IN CHARACTER, AND REQUIRES APPROXIMATELY ONE (1) MINER'S INCH OF WATER PER ACRE.

Ques. 10. Have you any interest in the works, water or lands above mentioned? If so, in what way and to what extent?

Ans. NONE

Ques. 11. State when, how, in what amount and to what extent you have witnessed the application to beneficial use of water diverted under said permit.

THE AFORE-MENTIONED WATER HAS BEEN DIVERTED AND APPLIED GRADUALLY IN AN EVER INCREASING AMOUNT TO THE AFORE-DESCRIBED LANDS EACH YEAR UNTIL THE WHOLE THEREOF HAS BEEN USED AND BENEFICIALLY APPLIED TO THESE LANDS. THE WHOLE OF THESE LANDS AND THE COMPLETED WORKS HAS BEEN BENEFICIALLY IRRIGATED SINCE ON AND BEFORE THE 15TH DAY OF MARCH, 1958.

(Signed) Berk J. Galloway

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 RIGBY, County of JEFFERSON, State of Idaho, on this 16TH day of MAY, A. D. 1958.

T. Harold Lee
Notary Public.
FOR IDAHO, RESIDING AT RIGBY, IDAHO

My commission expires 7-6-60

23924

QUESTION 4. SUPPLEMENTAL ANSWER

DESCRIPTION OF WORKS:

A WELL 18" IN DIAMTER 165' DEEP, CASED THE DEPTH OF THE WELL WITH 18" CASING. THE WATER IS 165' DEEP, BUT THE PRESSURE OF THE WATER BRINGS THE WATER TO WITHIN 20' OF THE SURFACE. THE MAXIMUM DRAW DOWN AT LOW WATER TIME OF THE YEAR IS NOT LOWER THAN 20' FROM SURFACE. THERE IS INSTALLED IN THIS WELL A PEERLESS PUMP, TURBINE TYPE, 25 HP MOTOR WITH SWITCH PANELS AND APPURTENANCES WITH A THIRTY FOOT COLUM EXTENDING INTO THE WELL. THE PUMP WILL DISCHARGE IN EXCESS OF 4 CUBIC FEET OR 200 INCHES OF WATER. THE LAST READING TAKEN SHOWS DISCHARGE OF 333 MINER'S INCHES OF WATER DISCHARGE. MEASUREMENT WAS BY WATERMASTER, DISTRICT No. 66.

THE WATER IS CONVEYED FROM THE PUMP ON THE AFORE-DESCRIBED LANDS TO THE SYSTEM BY LATERAL DITCHES WHICH HAVE BEEN CONSTRUCTED, SUPPLEMENTED BY A SPRINKLING SYSTEM.

§ 23924

Affidavit of Publication
THE RIGBY STAR

RECEIVED
JUN 6 1958

Department of Reclamation

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

Four consecutive issues thereof; first publication having been made on the

17th day of *April*, 1958

and the last publication on the

8th day of *May*, 1958

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 *16th*

day of *May*, 1958.

(SEAL)

I. H. H. H.

Notary Public for the State of Idaho,
Residence and P. O. Address, Rigby, Idaho.
My commission expires *3-26*, 19*62*

Publication Fee: \$-----

L 23924

NOTICE OF PROOF OF COMPLETION OF WORKS AND APPLICATION OF WATER TO BENEFICIAL USE
Notice is hereby given that at 10:30 a. m., on the 16th day of May, 1958, at Rigby, County of Jefferson, State of Idaho, before F. Harold Lee, Notary Public, there will be submitted of the completion of works for the diversion of 1.6 cubic feet per second of underground waters from a well, and of the application to beneficial use of said water, in accordance with the terms and conditions of Permit No. 41-2000 heretofore issued by the Department of Reclamation of the State of Idaho.
1. The name and postoffice address of the person holding said permit are Bert L. Rybee, Hamer, 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 1.6 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 1.6 cubic feet per second.
4. The point of diversion of said water is NW1/4NW1/4 of Section 36, Township 7 North, Range 35 N.E.M.
5. The place where said water is used is NW1/4NW1/4 and the NW1/4SE1/4 of Section 36, Township 7 North, Range 35 N.E.M.
6. The date of priority which said user is prepared to establish is March 13, 1953.
MARK R. KULP,
State Reclamation Engineer
(Publish: April 17, 24, May 1, 8, 1958)

April 11, 1958

RE: Permit No. G-23924

Mr. Bert L. Bybee
Hammer, Idaho

Dear Mr. Bybee:

This acknowledges receipt of the Notice of Proof of Completion of Works and Application of Water to Beneficial Use under Permit No. G-23924, to be made at Rigby, Idaho, at 10:00 A.M. on the 16th day of May, before Mr. T. Harold Lee, Notary Public.

As of this date we have mailed the Notice to The Rigby Star with instructions to publish it once a week for four consecutive weeks prior to the date set for final proof and then to mail the Affidavit of Publication and statement of costs to you.

It is important that the enclosed depositions be executed by you and two disinterested witnesses, who are familiar with the terms of the Permit and the work done thereunder. The information especially required (using the data published in the Notice as your guide) is:

The time, the date, the place, and before the Notary named in the Publication.

The signatures of the Holder and Witnesses and the Notary's seal are essential.

It is also very necessary that each question be answered in detail.

In returning all the depositions (Holder's and two Witnesses) to this office, please be sure to enclose the Affidavit of Publication.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

(Mrs.) Edna P. Rutledge
Chief Clerk

EPR:vm
Enclosures 3
cc T. Harold Lee

23924

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

RE: Permit No. G-23924
Bert L. Bybee

First Public April 17th
Date: April 11, 1958

The Rigby Star
Rigby, Idaho

Gentlemen:

Enclosed you will find notice for publication once a week for four consecutive weeks prior to **May 16th, 1958** the date set for proof; the expense of the publication is to be paid by the applicant,

Bert L. Bybee of **Hamer, 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 of the first publication.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

(Mrs) Edna P. Rutledge
Chief Clerk

EPR:vm
*enclosure 1

23924

ack. received April 17th

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

APR 14 1958
Department of Reclamation

RE: Permit No. G-23924

Date: April 11, 1958

The Rigby Star
Rigby, Idaho

Gentlemen:

Enclosed you will find notice for publication once a week for four consecutive weeks prior to May 16th, 1958 the date set for proof; the expense of the publication is to be paid by the applicant,

Bert L. Bybee of Hamer, 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 of the first publication.

Very truly yours,

*Received April 12, 1958
Publication Dates April 17-24-May 1-8
Rigby Star
[Signature]*

MARK R. KULP
State Reclamation Engineer
By

Edna P. Rutledge
(Mrs) Edna P. Rutledge
Chief Clerk

EPR:vm
Enclosure 1

23924

RECEIVED
APR 10 1958
Department of Reclamation

NOTICE TO ACCOMPANY THIS LETTER MUST BE MADE IN DUPLICATE

(Date) April 4, 1958

(P. O.) Hamer, 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

Rigby Star

of Rigby, Idaho

published in

the county in which the works are situated.

Jefferson Co. ✓

But L. Byrnes

(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.

L 23924

RECEIVED
APR 10 1958

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 16TH
day of MAY, 19 58, at RIGBY, County
of JEFFERSON, State of Idaho, before

T. HAROLD LEE, Notary Public proof will be submitted of the completion
of works for the diversion of 1.6 cubic feet per second of underground
waters from a well, and of the application to beneficial use of said water, in
accordance with the terms and conditions of Permit No. 23924 hereto-
fore issued by the Department of Reclamation of the State of Idaho.

1. The name and postoffice address of the person ~~et al~~ holding
said permit are BERT L. BYBEE, HAMER, 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 1.6 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
1.6 cubic feet per second.

4. The point of diversion of said water is NE $\frac{1}{4}$ NW $\frac{1}{4}$ OF SECTION 36,
TOWNSHIP 7 NORTH, RANGE 35 E. B. M.

5. The place where said water is used is NW $\frac{1}{4}$ NE $\frac{1}{4}$ AND THE NW $\frac{1}{4}$ SE $\frac{1}{4}$ OF
SECTION 36, TOWNSHIP 7 NORTH, RANGE 35 E. B. M.

6. The date of priority which said user is prepared to establish is
133
MARCH 14, 1953.

MARK R. KULP
State Reclamation Engineer

23924

RR07

March 27, 1958

Re: Permit No. G-23924

Mr. Bert L. Bybee
Hamer,
Idaho

Dear Mr. Bybee:

We are returning herewith your Proof of Completion of Works affidavit sent in on Form # 6, without fee. We cannot accept this Proof of Completion of Works in connection with Permit No. G-23924 for the following reasons.

The statutes state that on all "G" permits, (filings on underground water) it is necessary to make Completion of Works and Beneficial Use Proofs at the same time, after a notice of publication has been published in the county paper.

On January 1, 1958, this office sent you the wrong form, stating that Proof of Completion of Works was due on March 27, 1958, and furnished you Form # 6 for which we regret this error.

We are, therefore, enclosing the necessary papers to fill out in duplicate, Form No. 36, entitled Notice of Proof of Completion of Works and Application of Water to Beneficial Use, as per the instructions enclosed herewith, for filling out the enclosed publication forms.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Roy W. Thompson
Office Manager

RWT:lw
Encls. Completion of Works - Form # 6
2-26 (2)

23924

State of Idaho
DEPARTMENT OF RECLAMATION
BOISE

January 1, 1958

INSTRUCTIONS
PROOF OF COMPLETION OF WORKS

Boise, Idaho

Mr. Bert L. Bybee
Hamer, Idaho

Dear Sir:-

Under the terms of your permit No. 23924 you are required to complete your diversion works on or before March 27, 1958. I enclose herewith blank affidavit to be filled out, sworn to by you before a Notary Public or a Justice of the Peace, and returned to this office on or before the above date, or within ten days thereafter, for the purpose of making proof of completion under the permit. Upon receipt of this affidavit in this office, provided the same satisfactorily shows the completion of the works substantially in accordance with the terms of the permit, together with a fee of \$5.00, a Certificate of Completion will be issued to you.

The certificate to be issued under this proof will not give a perpetual right to the use of water for which application was made, as it only confirms the completion of works of a capacity to divert and convey to the place of intended use a certain amount of water. The law requires that another proof be submitted when the water has been fully applied to a beneficial use, at which time license is issued for the amount of water actually in use. Information in regard to this last proof will be furnished on request.

Yours truly,

MARK R. KULP
State Reclamation Engineer

23924

October 16, 1956

RE: Permits Nos. G-22282, G-22391, G-23924

Mr. T. Harold Lee
Attorney at Law
Rigby, Idaho

Dear Mr. Lee:

This is in reply to your letter of October 15, 1956, regarding the above numbered Permits.

I do not know the relationship of Mr. Sanders' and Mr. Ryboe's interests in the well each to the other but feel that it should be possible to work out something that is satisfactory to each and will protect the interests of each.

If you proceed immediately to make proofs under Permit No. G-22282, with the desired amendment as to increased land coverage as indicated in your letter, I see no reason why same cannot be done and they will be accepted in this office providing there is no objection filed in connection with the published hearing to be held and providing, of course, that an injury is not being done to another water right by this action.

Enclosed find the necessary forms and a form for amendment.

Yours truly,

MARK A. KULP
State Reclamation Engineer
By

E. N. Humphrey
Deputy State Reclamation Engineer

W:hl1
Enc.

cc - Mr. Jay L. Sanders
Homer, Idaho

Mr. Bert L. Ryboe
Dubois, Idaho

Mr. J. W. Jones, County Supervisor
Farmers Home Administration
Box 127
Rigby, Idaho

23924

October 16, 1956

RE: Permits Nos. G-22282, G-22391, G-23924

Mr. T. Harold Lee
Attorney at Law
Rigby, Idaho

Dear Mr. Lee:

This is in reply to your letter of October 15, 1956, regarding the above numbered Permits.

I do not know the relationship of Mr. Sanders' and Mr. Bybee's interests in the well each to the other but feel that it should be possible to work out something that is satisfactory to each and will protect the interests of each.

If you proceed immediately to make proofs under Permit No. G-22282, with the desired amendment as to increased land coverage as indicated in your letter, I see no reason why same cannot be done and they will be accepted in this office providing there is no objection filed in connection with the published hearing to be held and providing, of course, that an injury is not being done to some other water right by this action.

Enclosed find the necessary forms and a form for amendment.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

E. N. Humphrey
Deputy State Reclamation Engineer

H:hll

Enc.

cc - Mr. Jay L. Sanders
Hamer, Idaho

Mr. Bert L. Bybee
Dubois, Idaho

Mr. J. W. Jones, County Supervisor
Farmers Home Administration
Box 127
Rigby, Idaho

in 22282 jacket
23924

Application for Amendment
POINT OF DIVERSION
Permit No. G-23481

Comes now Bruce L. Hoofnagle
and represents to the State Reclamation Engineer of the State of Idaho:

That he is the owner and holder of Permit to Appropriate the Public Waters of the State of Idaho, No. G-23481.

That the points s of diversion is described in said Permit as being located:

NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Sec. 34., and SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Sec. 35., both in Twp. 2 N., Rge. 3 W., B.M.

That he now requests that the point s of diversion be changed to a point
located: NE $\frac{1}{4}$ SE $\frac{1}{4}$ fo Sec. 34., & NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Sec. 35., both in Twp. 2 N., Rge. 3 W., B.M.

That the reason for desiring to make such change is as follows:

The land is most favorable for the well in this location.

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, Idaho this 26th day of December, 1956
/s/ Bruce L. Hoffnagle

Date of Receipt at Department of Reclamation: December 26, 1956

APPROVAL OF STATE RECLAMATION ENGINEER

I, Mark R. Kulp, State Reclamation Engineer of the State of Idaho, hereby approve the above and foregoing application for amendment to Permit to Appropriate the Public Waters of the State of Idaho, No. G-23481. This approval constitutes a new permit and is issued as an amendment to the original permit, to which it refers and of which it becomes a part, and said application is approved only insofar as the rights of others will not be adversely affected thereby.

~~Recorded in Book~~ of
~~Permits, at Page~~
196

/s/ Mark R. Kulp

State Reclamation Engineer

23481

October 16, 1956

RE: Permit No. G-23924

Mr. T. Harold Lee
Attorney at Law
Rigby, Idaho

Dear Mr. Lee:

Permit No. G-23924 does not have to be proven up on until March 27, 1958 but can be done any time prior to that that they may desire providing full development and irrigation has been completed.

Yours truly,

MARK R. KULP
State Reclamation Engineer
By

E. N. Humphrey
Deputy State Reclamation Engineer

H:hl1
cc - Mr. Jay L. Sanders
Mr. Bert L. Rybes

23924

November 2, 1953

RE: Permits Nos. 22391, 23924, and 22282

Mr. J. W. Jones, County Supervisor
Farmers Home Administration
Box 127
Rigby, Idaho

Dear Mr. Jones:

We acknowledge receipt of your letter of October 28, 1953, enclosing duplicate assignments of the above numbered permits, same being tentative assignments conditioned on repayment of loans furnished the permit holders.

We return the originals of these assignments, properly acknowledged, and have filed the duplicates in the permit files and have also made a notation of same on the permit records.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:fg
Enc.

See file 22391

23924

August 1, 1953

RE: Permit Nos. G-23924 & G-22282

Mr. Bert L. Bybee
Dubois
Idaho

Dear Mr. Bybee:

We return the applications of yourself and Jay L. Sanders for amendment to the land list in the above numbered permits which have been approved by the State Reclamation Engineer and recorded in this Department.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:pj
Enc.

23924

May 27, 1953

RE: Permit Nos. C-22282, C-23924, C-22391

Mr. Jay L. Sanders
Hamer, Idaho

Dear Mr. Sanders:

We have your letter of May 25, 1953, requesting six months extension for completion of works on the above numbered permits.

Since these proofs are not due on C-22282 until July 31, 1956, on Permit No. C-22391 until February 28, 1956, and on Permit No. C-23924 until March 27, 1958, it is not necessary to apply for an extension at this time.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:GP

23924

S T A T E O F I D A H O

D E P A R T M E N T O F R E C L A M A T I O N

B O I S E

Permit No. G-23924

Date April 9, 1953

We enclose herewith the above numbered permit. BE SURE AND
NOTE LIMITATIONS AND CONDITIONS OF SAME as given under approval of the
State Reclamation Engineer, on the fourth page.

Mr. Bert L. Bybee
Hamer
Idaho

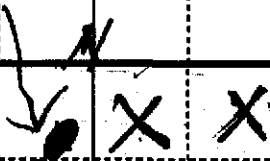
MARK R. KULP
State Reclamation Engineer

Enc. Departmental receipt No. 25689 for \$5.25 filing fee.

23924

Ben L Rybe

POINT OF DIVERSION



S T
Sec 36
Twp 7
Range 35 EDM

Permit Map No. 29924
As Approved
MAR 27 1953
MARK R. KULP
State Reclamation Engineer

March 19, 1953

Mr. Bert L. Bybee
Duhois
Idaho

Dear Mr. Bybee:

We have filed your application for a new permit, and have completed Mr. Jay Sanders' check for the \$5.25 filing fee.

This application will be approved and permit issued shortly.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:fg

23924

**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 16th day of May, 1958, at Rigby, County of Jefferson, State of Idaho, before T. Harold Lee, Notary Public, proof will be submitted of the completion of works for the diversion of 1.6 cubic feet per second of underground waters from a well, and of the application to beneficial use of said water, in accordance with the terms and conditions of Permit No. G-23324 heretofore issued by the Department of Reclamation of the State of Idaho.

1. The name and postoffice address of the person holding said permit are Bert L. Bybee, Hamer, 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 1.6 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 1.6 cubic feet per second.

4. The point of diversion of said water is NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 36, Township 7 North, Range 35 E.B.M.

5. The place where said water is used is NW $\frac{1}{4}$ NE $\frac{1}{4}$ and the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 36, Township 7 North, Range 35 E.B.M.

6. The date of priority which said user is prepared to establish is March 13, 1953.

MARK R. KULP,
State Reclamation Engineer
(Publish: April 17, 24, May 1, 8, 1958)