

of _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 70904

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

243-5526 - Cell

Phone 208-662-5526

of Applicant ROBERT OR DONNA BYBEE

Office address 2014 E 1800 N Terreton, ID 83450

RECEIVED

NOV 19 2003

Department of Water Resources

☒ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use

☒ Change nature of use ☐ Change period of use ☐ Other

Describe the reason for the proposed changes Applicant will dry up 6 acres of irrigation
& used that water, minus mitigation, to create a pond of 3.75
surface acres. This pond will be fed from an adjacent well.

DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE
1. The right to use the name "The [redacted] Company" in connection with the business of [redacted] in the state of [redacted].

<u>Right Number</u>	<u>Priority</u>	<u>Amount (cfs/ac-ft)</u>	<u>Nature of Use</u>	<u>Period of Use</u>
31-11443	5/14/1976	0.04 cfs	Recreation	4/01 to 11/01
				to
				to
				to
				to

Total amount of water being transferred 0.04 cfs cubic feet per second and/or 13.04 acre-feet per annum.

Source of water Groundwater tributary to

Point(s) of Diversion:

Point(s) or Diversion:							
Lot	¼	¼	¼	Sec	Twp	Rge	County Local name for diversion
		SW SW		24	13N	42E	Fremont

5. Lands irrigated or place of use:

[illegible]

Total Acres _____

PART 1

6. General Information:

- a. Description of diversion system Well and pump with pipeline to 3.75 acre pond for recreational use.

- b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts?
_____ Yes _____ No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes.

- c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer:

Land will no longer be irrigated.

- d. Remarks:

Use of the rights listed below is limited to a combined total of 146 acres in a single irrigation season. Combined right nos.: 31-11443A, 31-11604, 31-11688 and 31-11689.

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. _____

And the said application is hereby _____, subject to the following conditions:

Witness my hand this _____ day of _____, 20 _____.

For the Director

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2**

Current Water Right No. 31-11443

Priority Date: 05/14/1976

Origin: Water Right

Basis: Decreed

Status: Active

Source: GROUND WATER**Tributary to:**

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	04/01 11/01	0.66 CFS	99.0 AFA	
	Total Diversion	0.66 CFS	99.0 AFA	

Source and Point(s) of Diversion:

GROUND WATER NENWNW 07N 35E 36 JEFFERSON

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
07N 35E 25																	33.0

Total Acres: 33

Conditions/Remarks:

- USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 152 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 31-11443, 31-11604, 31-11688, 31-11689. IF RIGHT 31-11443 IS CHANGED THROUGH THE STATUTORY TRANSFER PROCEDURE SO THAT IT IS NO LONGER APPURTENANT TO THE NWSW, SEC. 25, T7N, R35E, THEN THE NUMBER OF ACRES IRRIGATED UNDER 31-11604, 31-11688 AND 31-11689 SHALL BE REDUCED BY UP TO 33 ACRES TO COMPLY WITH THE 152 ACRE LIMIT DESCRIBED ABOVE.
- THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2**

Transfer No. _____

Receipt No. _____

Current Water Right No. 31-11443

Documentation of Ownership of the Current Place of Use

Is this property subject to any liens, deeds of trust, mortgages, or contracts or other encumbrances?

Describe the affect on the current place of use for this water right if the place of use is changed pursuant to this transfer

To your knowledge, has any portion of the water right undergone a period of five(5) or more consecutive years of non-use?

PART 2

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use? **NO**

If yes, describe _____

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED – 31-11443 "B"

(If the entire right is to be changed by the applicant, omit part B and C.)

1. amount **0.12 cfs / 18.00 afa** for **Irrigation** purposes from **04/01** to **11/1**
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	¼	¼	¼	Sec	Twp	Rge	County	Local name for diversion
	NE	NW	NW	36	07N	35E	Jefferson	

3. Lands irrigated or place of use:

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
07N	35E	25										6							6

Total Acres **6**

C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change) – 31-11443 "A"

1. amount **0.54 cfs / 81.00 afa** for **Irrigation** purposes from **04/01** to **10/31**
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	¼	¼	¼	Sec	Twp	Rge	County	Local name for diversion
	NE	NW	NW	36	07N	35E	Jefferson	

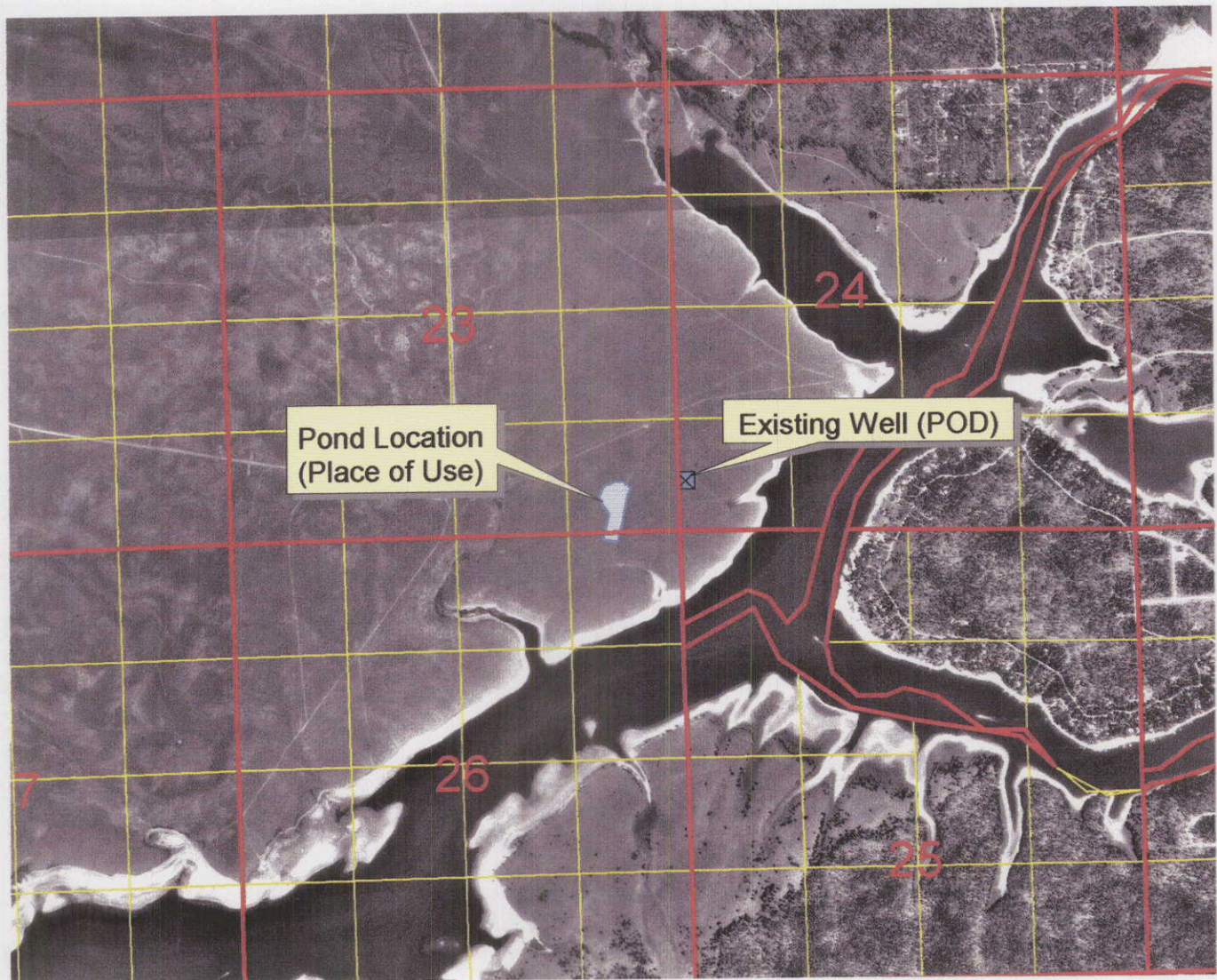
3. Lands irrigated or place of use:

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
07N	35E	25										27							27

Total Acres **27**

Relocated Portion of 31-11443 ("A" Portion)

Township 07 North, Range 35 East B.M.

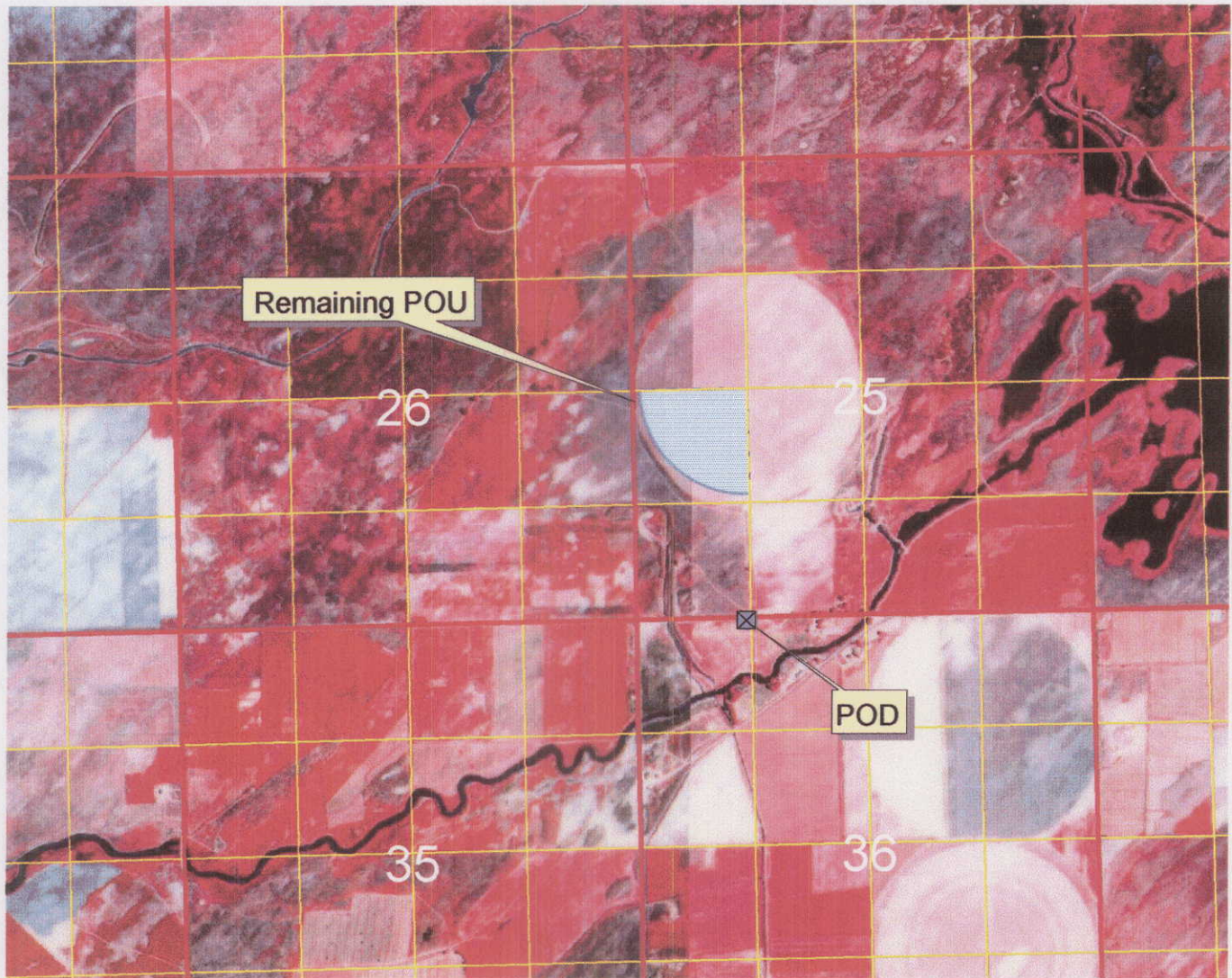


-  Point(s) of Diversion
-  Section Lines
-  Quarter-Quarters
-  Place of Use



Remaining Place of Use: 31-11443 "A"

Township 07 North, Range 35 East B.M.

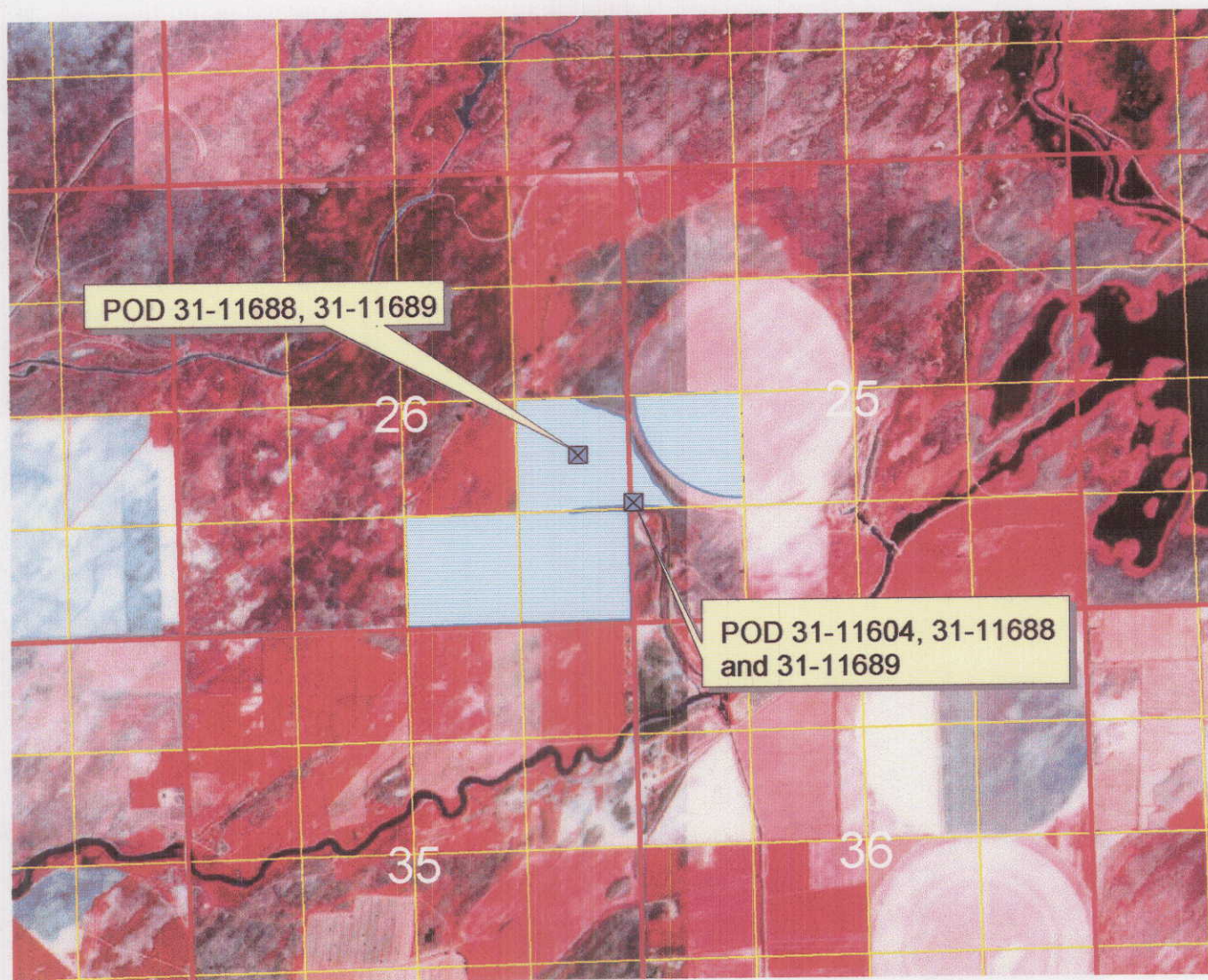


- ⊗ Point(s) of Diversion
- ▭ Section Lines
- ▭ Quarter-Quarters
- ▭ Place of Use



Remaining Permissible Place of Use: 31-11604, 31-11688, 31-11689

Township 07 North, Range 35 East B.M.

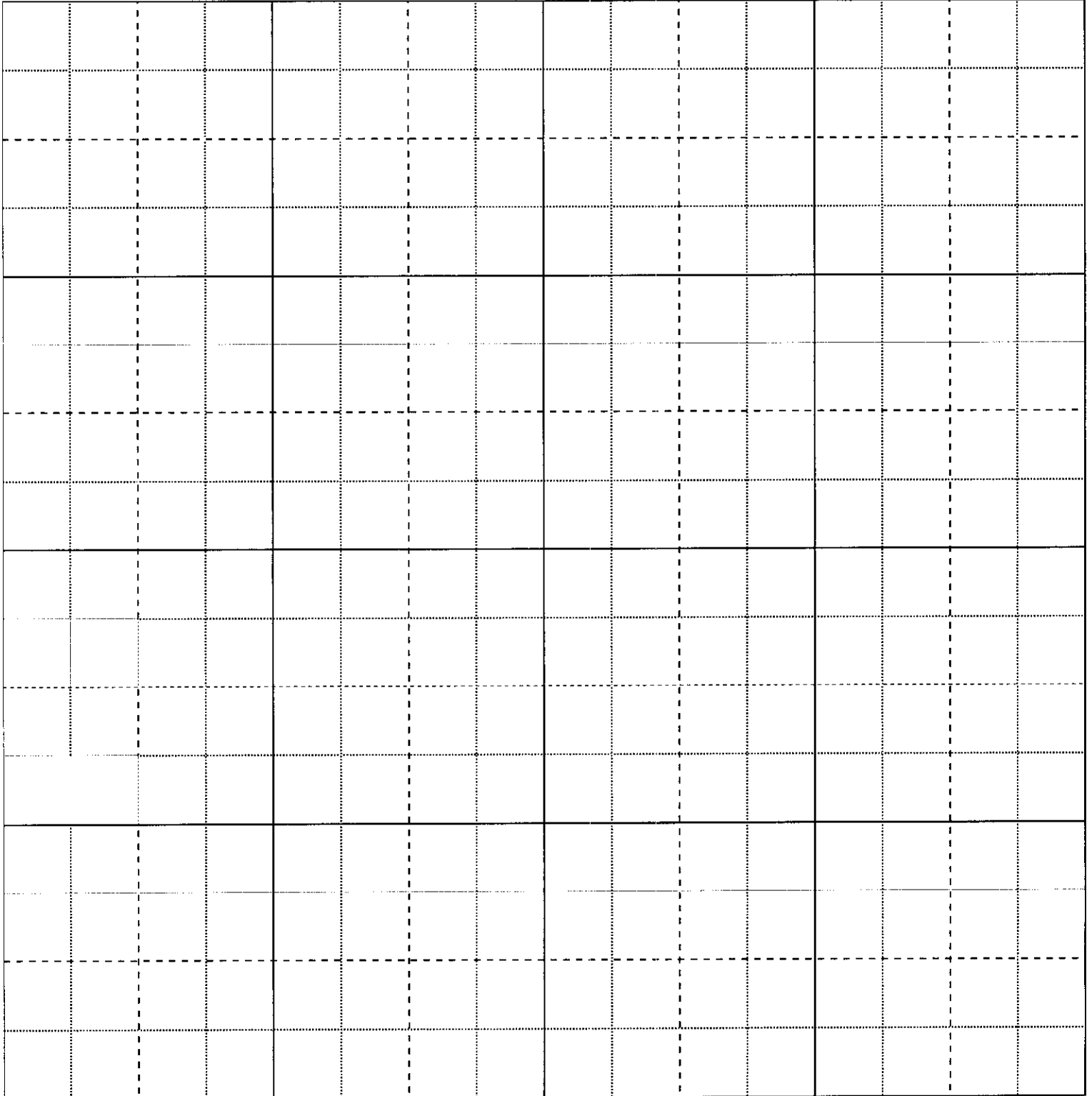


- ☒ Point(s) of Diversion
- ▭ Section Lines
- ▭ Quarter-Quarters
- ▭ Place of Use



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3**

- A. Draw a map or attach a USGS map indicating the new point(s) of diversion and/or the new place of use for the rights described in part 1. Clearly depict the land by section, township and range number.**



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

PART 3**B. CHANGES IN NATURE OF USE**

1.

<u>New Nature of Use</u>	<u>Amount(cfs/af-ft)</u>	<u>Hours/days/year</u>	<u>Period of Use</u>
<u>Recreation</u>	<u>0.04 cfs / 13.04 afa</u>	<u>210 days / year</u>	<u>01/01 to 12/31</u>
_____ to _____			

2. Quantity and quality of return flows and location of discharge: Return flow into Island Park Reservoir in NE ¼ of the NE ¼, Section 26, T13N, R42E.

3. Describe effects on other water uses resulting from the proposed change:
See attached analysis and calculations.

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 willful misrepresentations made in this application may result in voiding its approval.

Robert B. Byrue
(Signature of Applicant)

Subscribed and sworn to before me this 19 day of May, 20 03.

Jay Simmons
(Notary Public)

JAY SIMMONS
Notary Public
State of Idaho

My commission expires June 9, 2007

Jefferson County, Id.

FOR DEPARTMENT USE ONLY

Transfer contains _____ pages and _____ attachments

Received by HWT Date 5-22-03 Protest filed by _____

Prelim. Check by _____ Fee \$100^{xx}

Received by HWT #E028802 Date 5-22-03

Published in _____ Copies of protest forwarded by _____

Pub. Dates _____ Hearing held by _____ Date _____

Watermaster recommendations requested on _____ Recommended for ☐ approval ☐ denial

_____ received _____ by _____

Copy of transfer sent to lien holder _____

THIS INDENTURE, Made this 25th day of March, 1976

Between Paul Gunderson

of Terretton, Idaho

hereinafter called the party of the first part,

and Don R. Bybee

of Hamer, Idaho

hereinafter called the party of the second part;

WITNESSETH, That the said party of the first part has leased and demised, and by these presents

does lease and demise, unto the said party of the second part the NW $\frac{1}{4}$ of SW $\frac{1}{4}$ Sec 25 Township 7N 35 E.B.M.

with the appurtenances, for the term of 5 years from March 25, 1976,
at the use for rent or sum of
exchange of/property listed item one below
DOLLARS

payable in lawful money of the United States of America.

1. That portion of the SW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Sec 25 Township 7 North 35 E.B.M. lying North West of Camas Creek and North East of Owsley Wells and trench. And that portion of NW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Sec 25 Township 7 North 35 E.B.M. lying North and East of Owsley Wells and trench.
2. Party of the second part agrees to replace fences as is at end of lease.
3. Both parties agree that any water used on NW $\frac{1}{4}$ of SW $\frac{1}{4}$ Sec 25 Township 7 North 35 E.B.M. would revert back to party of second part and his property at end of lease.

This lease will expire March 1981.

AND IT IS HEREBY AGREED, That if any rents shall be due and unpaid, or if default shall be made in any of the covenants herein contained, then it shall be lawful for the said party of the first part to re-enter said premises and to remove all persons therefrom.

And the said party of the second part does hereby covenant, promise and agree to pay the said party of the first part, the said rent in the manner hereinbefore specified.

And that at the expiration of the said term the said party of the second part will quit and surrender the said premises in as good state and condition as reasonable use and wear thereof will permit (damage by the elements excepted)

IN WITNESS WHEREOF, The said parties have hereunto set their hands and seals the day and year first above written.

SIGNED, SEALED AND DELIVERED IN PRESENCE OF

Paul Gunderson [Seal]
Paul Gunderson

[Seal]
[Seal]
Don R. Bybee [Seal]
Don R. Bybee

STATE OF IDAHO, }
County of *Jefferson* } ss.

On this the undersigned day of March *7th* in the year 19*76*, before me
, a Notary Public

in and for said State, personally appeared

known to me to be the person whose name subscribed to the within instrument, and acknowledged to me that he executed the same.

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

Jess J. Shaw
Notary Public for the State of Idaho,
Residing at *Terreton*, Idaho.

No.

LEASE

-TO-

Dated, 19

STATE OF IDAHO,

County of

I hereby certify that this instrument was filed for record at request of

at minutes past
o'clock M., this day
of, A. D. 19
in my office, and duly recorded in Book
of at page

Ex-Officio Recorder.

By Deputy.
Fees, \$

Mail to

STATE-TOAR COMPANY, Boise

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