

1 of 11

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

Applicant ROBERT OR Donna Bybee Phone 208-662-5526
Address 2014 E 1800 N Terreton, ID 83450

PURPOSE OF TRANSFER

- ☒ 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 intends to move 27 acres from present place of use to lands associated with right 31-7014.

DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

Right Number	Priority	Amount (cfs/ac-ft)	Nature of Use	Period of Use
<u>31-11443</u>	<u>5/14/1976</u>	<u>0.54 cfs</u>	<u>Irrigation</u>	<u>4/01 to 11/01</u>
<u>31-7014</u>	<u>10/21/1968</u>	<u>4.88 cfs</u>	<u>Irrigation</u>	<u>4/01 to 11/01</u>

Total amount of water being transferred 5.42 cubic feet per second and/or 1016 acre-feet per annum.

Source of water Groundwater tributary to 998

Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec	Tw	Rge	County	Local name for diversion
	<u>NW</u>	<u>NW</u>	<u>NE</u>	<u>7</u>	<u>7N</u>	<u>37E</u>	<u>Jefferson</u>	

Lands irrigated or place of use:

Twp	Rge	Sec	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
<u>7N</u>	<u>37E</u>	<u>7</u>	<u>38</u>	<u>38</u>	<u>39</u>	<u>37</u>	<u>38</u>	<u>30</u>	<u>30</u>	<u>39</u>									<u>289</u>
								<u>L-1</u>	<u>L-2</u>										

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Total Acres 289

JUL 31 2003

THIN-7

PART 1

General Information:

a. Description of diversion system **Single well to pipeline system to two center pivots for irrigation.**

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:
Water right 31-07104 is limited to the irrigation of 262.0 acres within the place of use described above in a single irrigation season.
Water right 31-11443 "A" is limited to the irrigation of 27.0 acres within the place of use described above in a single irrigation season.
Use of the rights listed below is limited to a combined total of 125 acres in a single irrigation season. Combined right nos.: 31-11443B, 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

SCANNED
JUL 31 2003

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

Current Water Right No. 31-7014

Priority Date: 10/21/1968
Origin: Water Right
Basis: Decreed
Status: Active

Source: GROUND WATER

Tributary to:

Beneficial Use	From	To	Diversion Rate	Volume	Subuse Code
IRRIGATION	4/01	11/01	4.88 CFS	917.0 AFA	
Total Diversion			4.88 CFS	917.0 AFA	

Source and Point(s) of Diversion:

GROUND WATER NWNWNE 07N 37E 7 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	37E	7	33.0	38.0	32.0	33.0	38.0	25.0	25.0	38.0									262.0
								L 1	L 2										

Total Acres: 262

Conditions/Remarks:

1. RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
2. 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.

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T70627

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Page 2

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

Transfer No. 70627
Receipt No. _____

Current Water Right No. 31-7014

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?

N.A.

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

unknown - this is not my property

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

No

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JUL 31 2003

T70627

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:

Beneficial Use	From To	Diversion Rate	Volume	Subuse Code
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						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.

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JUL 31 2003

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Page 2

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

Transfer No. 70627
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?

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70627

PART 2

0. 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 _____

1. **DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED – 31-11443 “A”**
(If the entire right is to be changed by the applicant, omit part B and C.)

1. amount **0.54 cfs / 81.00 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										27							27

Total Acres 27

2. **DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change) – 31-11443 “B”**

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	

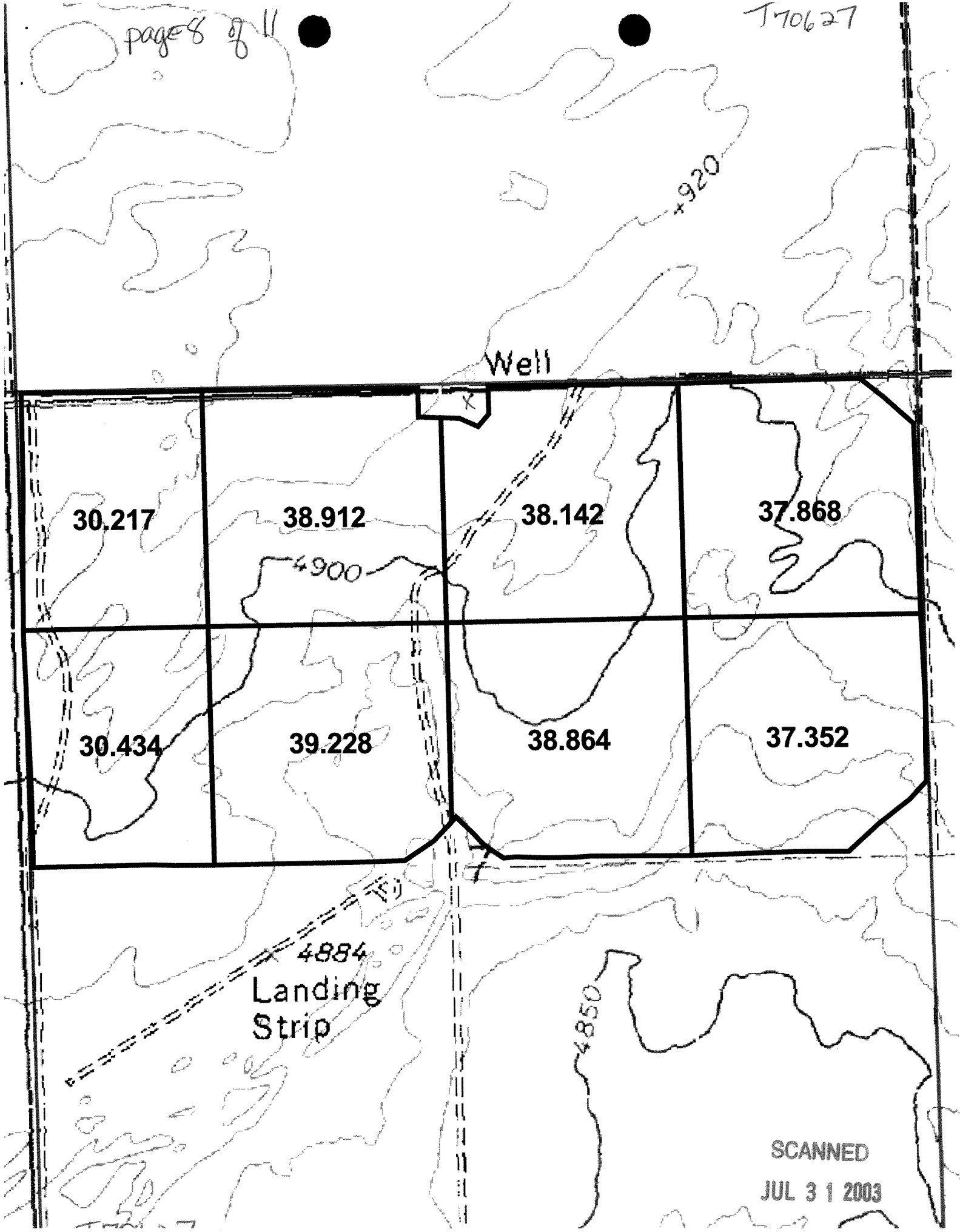
3. Lands irrigated or place of use:

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

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JUL 31 2003

Total Acres 6

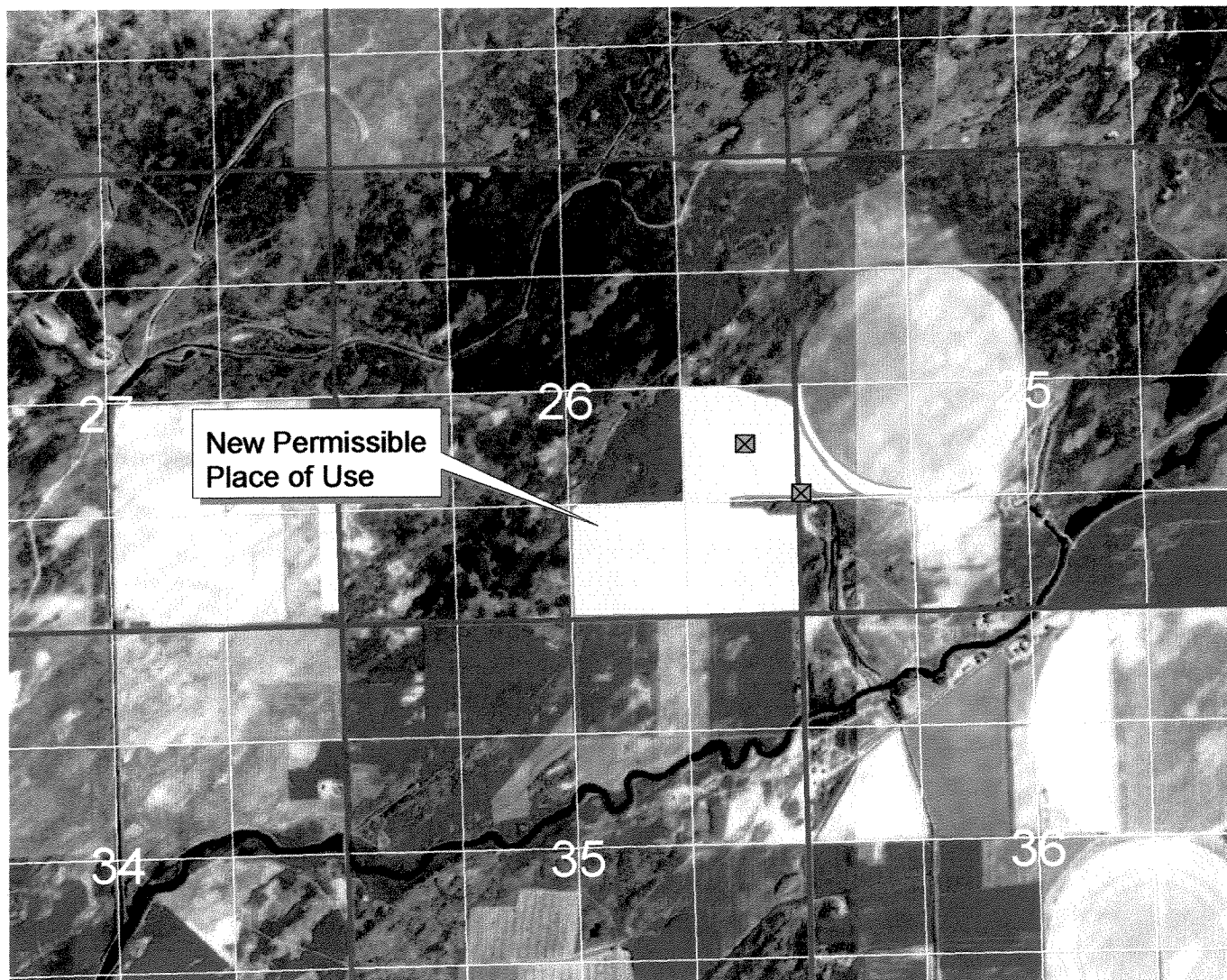


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JUL 31 2003

New Permissible Place of Use for 31-11604, 31-11688, 31-11689

Township 07 North, Range 35 East B.M.



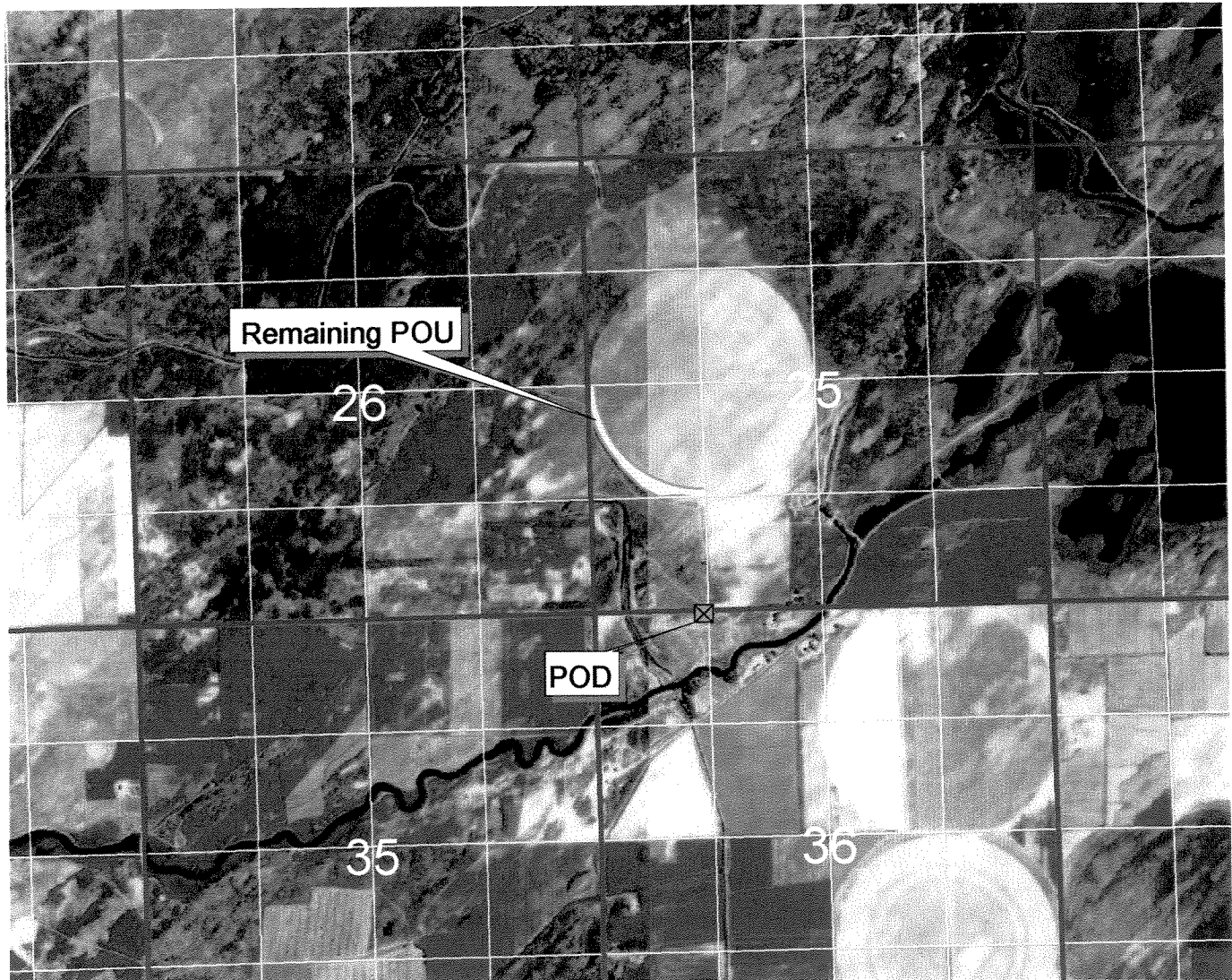
- ⊗ Point(s) of Diversion
- ▭ Section Lines
- ▭ Quarter-Quarters
- ▭ Place of Use



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JUL 31 2003

Remaining Portion of 31-11443

Township 07 North, Range 35 East B.M.



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

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JUL 31 2003



New Nature of Use	Amount(cfs/af-ft)	Hours/days/year	Period of Use
			to
			to

Quantity and quality of return flows and location of discharge:

Describe effects on other water uses resulting from the proposed change:

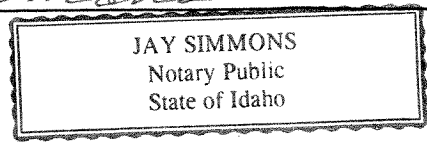
I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge.
I understand that any willful misrepresentations made in this application may result in voiding its approval.

Robert B. Byline
(Signature of Applicant)

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

Jay Simmons
(Notary Public)

My commission expires June 9, 2007
Jefferson County, Id.



FOR DEPARTMENT USE ONLY

Transfer contains 11 pages and 2 attachments

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

Prelim. Check by _____ Fee \$450.00

Receipted by HWS #E028802 Date 5-22-03

Published in Jefferson Star 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.

SCANNED

JUL 31 2003

ATTACHMENT T 70627
1 OF 2

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
Paul Gunderson

[Seal]

[Seal]

[Seal]

[Seal]

Don R. Byrge
Don R. Byrge

STATE OF IDAHO,

ss.

County of *Jefferson*

On this the undersigned day of March *7th* in the year 19⁷⁶, 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.

Joe J. [Signature]
Notary Public for the State of Idaho,
Residing at *Terraten*, Idaho.

No.

LEASE

-TO-

Dated

, 19

STATE OF IDAHO,

ss.

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

Fees, \$

Deputy.

Mail to

207
ST. YORK COMPANY, BOISE

SCANNED
JUL 31 2003

ATTACHMENT

T

70627
2 OF 2

Jacobs
Silver "K" Farms

Kirk M. Jacobs
PO Box 119
2576 E. 2600 N.
Hamer, Idaho 83425
Phone # (208) 662-5415
Fax # (208) 662-5711

To: J D W R c/o Dave Carlson

From: Kirk Jacobs

RE: Bybee - Ball Transfer

Fax Number: 208-525-7177

Date: 8/4/03

Pages: 1 including the cover page

Comments: I.M. Family Limited Partnership
1600 Huntley Cove,
Collierville, TN 38017-7318
c/o Steven Ball



Idaho Secretary of State Viewing Business Entity

[[New Search](#)] [[Back to Summary](#)]

[[Get a certificate of existence for I.M. FAMILY LIMITED PARTNERSHIP](#)]

I.M. FAMILY LIMITED PARTNERSHIP

26 N MAPLE AVE
SUGAR CITY, ID 83448

Type of Business: LIMITED PARTNERSHIP

Status: CURRENT 19 Sep 1994

State of Origin: IDAHO

Date of 19 Sep 1994

Origination/Authorization:

Current Registered Agent: HARLOW J MCNAMARA
2105 CORONADO ST.
IDAHO FALLS, ID 83404

File Number: L2533

Date of Last Annual Report: N/A

Amendments:

Amendment 0 filed 19 Sep 1994 CERTIFICATE OF LP

[View Document Online](#)
[Download \(TIFF format\)](#)

Amendment 1 filed 29 Jun 1998 AMENDED & RESTATED

[View Document Online](#)
[Download \(TIFF format\)](#)

[Idaho Secretary of State's Main Page](#)

[State of Idaho Home Page](#)

Comments, questions or suggestions can be emailed to: sosinfo@idsos.state.id.us

523 -5171

WARRANTY DEED

FOR VALUABLE CONSIDERATION RECEIVED, IRVIN L. BALL and MARGARITE G. BALL, husband and wife (hereafter "Grantors"), do hereby grant, bargain, sell, and convey unto the I.M. FAMILY LIMITED PARTNERSHIP, whose current address is P.O. Box 67, Sugar City, Idaho 83448, the following described real estate situated in Jefferson County, Idaho, to-wit:

Lots 1 and 2 and the E $\frac{1}{2}$ of the NW $\frac{1}{4}$ and the NE $\frac{1}{4}$ of Section 7, Township 7 North, Range 37 East of the Boise Meridian, subject to stock drive right-of-way 200 feet wide along the west side of the property.

EXCEPTING THEREFROM: That portion deeded to the **County** of Jefferson, Microfilmed as Instrument No. 179545 for a County Road right-of-way along the East side of the above property.

Together with all oil, gas and mineral rights presently owned by the grantors.

TOGETHER WITH all water, water rights, irrigation rights, ditches, ditch rights, easements, hereditaments, and appurtenances, thereunto belonging or in anywise pertaining.

TO HAVE AND TO HOLD the said premises, with its appurtenances, unto the said Grantee, their heirs and assigns forever. Grantors do hereby covenant to and with the said Grantee, that they are the owners in fee simple of said premises; that it is free from all encumbrances, EXCEPT AS SET FORTH HEREINABOVE; and that they will warrant and defend the same from all lawful claims whatsoever.

In construing this Deed and where the context so requires, the singular includes the plural, and masculine, the feminine and neuter.

DATED this the 1st day of September, 1994.

523-5171

Microfilm No. 274066
At 16 Day September 19 94
At 7:20 O'Clock PM
CONNIE M. KELLER
Jefferson Co. Recorder
For \$ 36.00 Deputy
Recorded at Request of Margaret G. Ball

IRVIN L. BALL

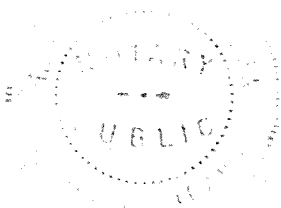
MARGARITE G. BALL

STATE OF IDAHO)

County of Bonneville)

On this 13th day of September, 1994, before me, the undersigned, a Notary Public in and for the State of Idaho, personally appeared IRVIN L. BALL, known to me to be the person whose name is 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.



Harold J. McManis

Notary Public for Idaho

Residing in Idaho Falls, Id.

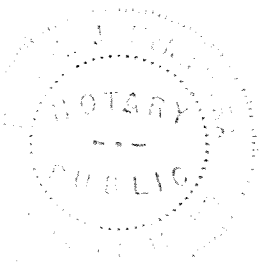
My commission expires: 3/26/99

STATE OF IDAHO)

County of Bonneville)

On this 13th day of September, 1994, before me, the undersigned, a Notary Public in and for the State of Idaho, personally appeared MARGARITE G. BALL, known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that she executed the same.

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



Harold J. McManis

Notary Public for Idaho

Residing in Idaho Falls, Id.

My commission expires: 3/26/99

F:\CLIENTS\BALL,IRV\WARRJEPT.DOC

WARRANTY DEED

PAGE 2

WARRANTY DEED

For Value Received D. REED SANDERS and SHIRLEY SANDERS, his wife,

the grantor^s, do hereby grant, bargain, sell and convey unto

IRVIN L. BALL and MARGARITE C. BALL, his wife,

whose current address is Sugar City, Idaho

PLATTED BY
DAVID KINGHORN, ASSESSOR

BY DK

the grantee^s, the following described premises, in Jefferson County Idaho, to wit:

Lots 1 and 2 and the E $\frac{1}{2}$ of the NW $\frac{1}{4}$ and the NE $\frac{1}{4}$ of Section 7, Township 7 North, Range 37 East of the Boise Meridian, subject to stock drive right-of-way 200 feet wide along the west side of the property.

EXCEPTING THEREFROM: That portion deeded to the County of Jefferson, Microfilmed as Instrument No. 179545 for a County Road right-of-way along the East side of the above property.

Together with all oil, gas and mineral rights presently owned by the grantors.

Subject to that certain Mortgage given to John Hancock Mutual Life Insurance Company, dated May 11, 1972, and recorded May 22, 1972, as Instrument No. 162018, records of Jefferson County, Idaho.

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

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

Dated: May 9, 1980

D. Reed Sanders

Shirley Sanders

STATE OF IDAHO, COUNTY OF MADISON
On this 12 day of May, 19 80,
before me, a notary public in and for said State, personally
appeared D. REED SANDERS and
SHIRLEY SANDERS, his wife,

known to me to be the person^s whose name^s are
subscribed to the within instrument, and acknowledged to
me that they executed the same.

Clifford C. Robinson

Notary Public

Residing at Pexburg, Idaho
Comm. Expires Sept

203875
Microfilm No. 12 Day May 19 80
At 4:50 Cliff C. Robinson
Robert J. Burns
FEB 2 1981
Recorded at OK Jones

PHONE 208-745-9215
JOYCE BRIGGS, JEFF COUN ASSR
P.O. BOX 538
RIGBY, IDAHO 83442

2002

THIS IS NOT A BILL.
DO NOT PAY.

ASSESSMENT NOTICE

& ESTIMATE OF TAX

PARCEL DESCRIPTION:

LOT 1 & 2; E1/2NW1/4;
NE1/4; SEC 7
TWP 7 N RGE 37 EBM

For any questions, please notify the Assessor's Office immediately.

Assessor's Telephone Number: (208) 745-9215

PARCEL ADDRESS:

2744 E 2300 N 83425

I.M. FAMILY LTD PARTNERSHIP
% BALL
8006 BENT OAK LN
SPRING TX 77379-4574

Appeals of your property value must be filed in
writing, on a form provided by the County, by:

JUNE 24, 2002

Tax Code Area: 37-00

Parcel Number: RP 07N37E070001 A

ASSESSED VALUE OF YOUR PROPERTY

CURRENT CATEGORY AND DESCRIPTION	LOTS/ACRES	LAST YEAR'S VALUE	CURRENT YEAR'S VALUE
1 IRRGTD AG	297.430 AC	125,456	125,456
10 RURAL HOMESITE	1.000 AC	7,500	10,000
19 WASTE	3.640 AC		
31 RURAL RES BLDG		54,733	54,733
32 RURAL IMP ON AG		55,162	55,162
SUBTOTAL:	302.070	242,851	245,351
LESS HOMEOWNERS EXEMPTION:			
NET TAXABLE PROPERTY VALUE:		242,851	245,351

These values may not include personal property values. Taxes are based on the values shown on this Notice and on the Budgets of the taxing districts.

ESTIMATED PROPERTY TAXES

TAXING DISTRICTS	LAST YEAR'S TAXES	CURRENT YEAR'S ESTIMATED TAXES	PHONE NUMBER	DATE OF PUBLIC BUDGET HEARING
COUNTY	927.06	936.60	745-9222	09/03/2002
SCH DIST 253	1,669.62	1,686.82	663-4542	06/13/2002
ROAD/BRIDGE	27.56	27.84		NO RESPONSE
WT JEFF CEM	24.48	24.72	663-4545	09/02/2002
HAMER FIRE DI	193.48	195.48	662-5440	08/22/2002
LIBRARY DIST	97.80	98.82	754-9988	08/27/2002
W. JEFF AMB	39.66	40.08	663-4635	08/12/2002
SUBTOTAL:	2,979.66	3,010.36		
FEES:	45.00	45.00		
TOTAL PROPERTY TAXES & FEES:	3,024.66	3,055.36		

THIS IS NOT A BILL. DO NOT PAY.

See the back of this Notice for details.

