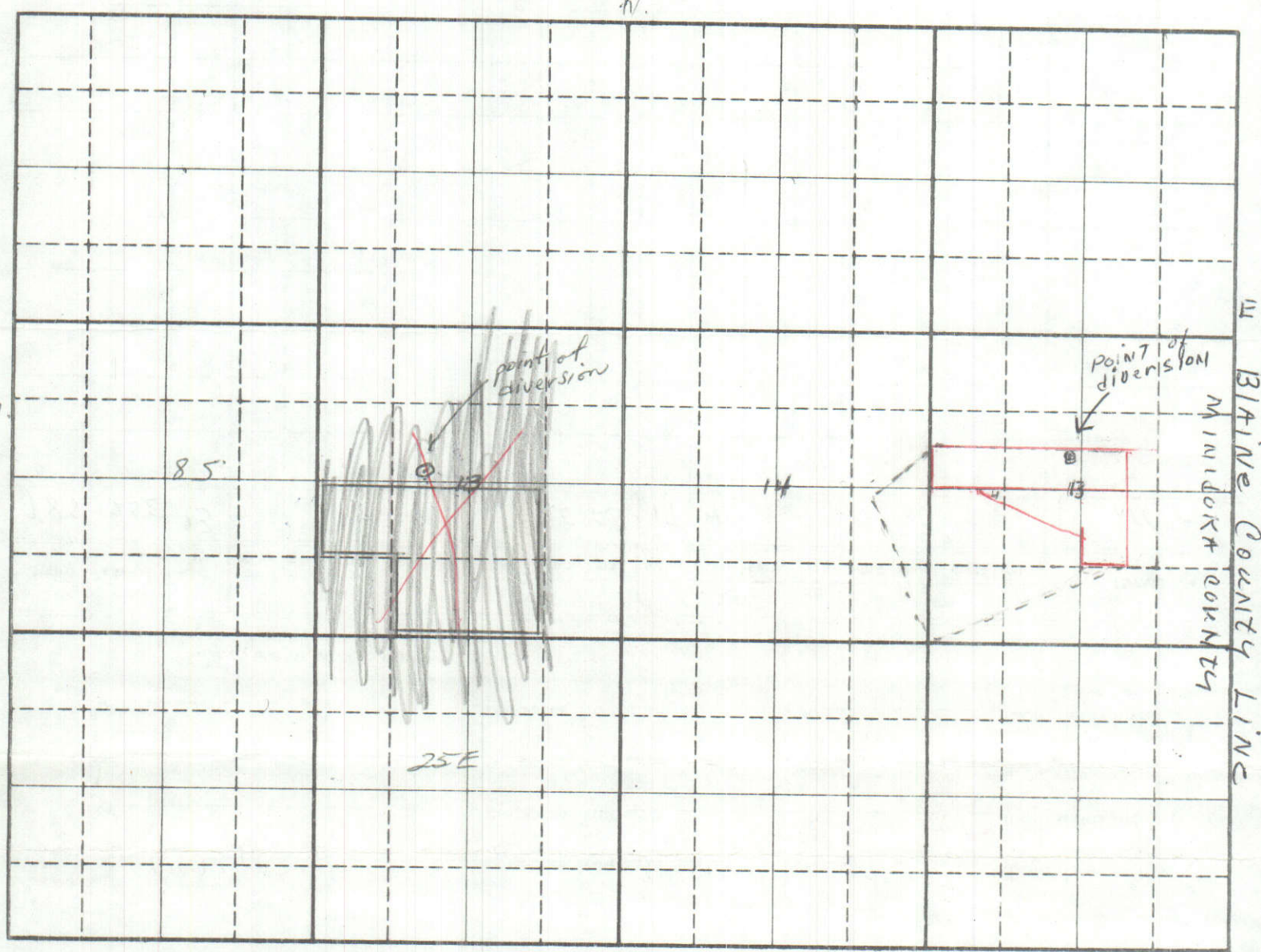


Complete the following map by showing land and point of diversion as proposed by this amendment. Show 40 acre subdivisions, sections, townships, ranges, and ditches.



Scale: 2 inches equal 1 mile

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

Signed at Rupert Idaho, this 8th day of March, 1972
James M. Byers
(signature)

ACTION OF STATE RECLAMATION ENGINEER

I, C. STEPHEN ALLRED, Deputy Director, Dept. of Water Admin., State Reclamation Engineer of the State of Idaho,

hereby approve the above application for amendment for Permit No. 31334/36-2576.

Witness my hand this 10th day of March, 1972
C. Stephen Allred
State Reclamation Engineer
Deputy Director

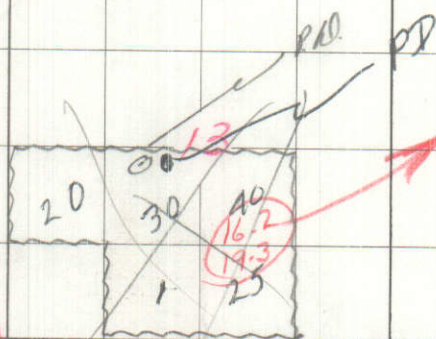
*Mimulaka

R 25 E

T

8

5



under G 30933

90

26

116

area - 116 A

subd - 5

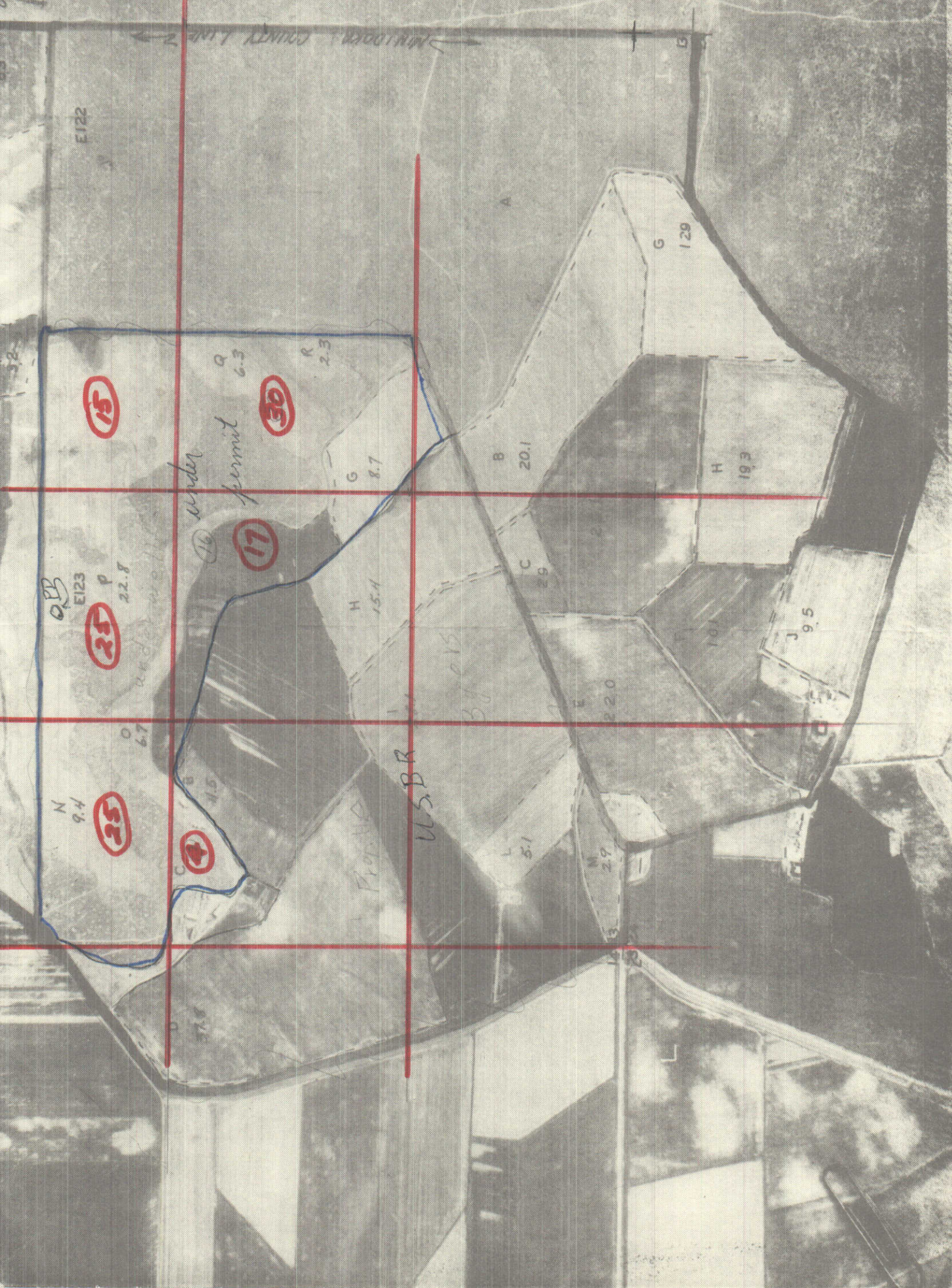
1.85

Q = 1.85/6 cfs

25 25 15
4 17 30
(13)

36 2576

36 2576



RECEIVED
FEB 1 1966

The Minidoka County News Department of Reclamation

RUPERT, IDAHO

AFFIDAVIT OF PUBLICATION

County of Minidoka,)
STATE OF IDAHO,) ss.

Ruth DeThomas

, being first
duly sworn, deposes and says that she is the
Editor of The Minidoka County
News, a weekly newspaper published at Rupert,
Idaho, in the county aforesaid, and that the paper
is of general circulation therein. Deponent further
states that the printed notice attached hereto was
duly published according to law in the regular
weekly editions of The Minidoka County News

for four consecutive weeks, commencing
with the issue dated Nov 25, 1965 and
ending with the issue dated Dec 16, 1965

Ruth DeThomas

Subscribed and sworn to before me this
24th day of Jan, 1966

And G. Hunter Notary Public

Cost of Publication _____

Notary Fee _____

Total Cost _____

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

Notice is hereby given that
at 10 A. M., on the 10th day of
January, 1966, at Rupert, Coun-
ty of Minidoka, State of Idaho
before Lynn N. Bradshaw, No-
tary Public, at 300 West 150
South, Rupert, proof will be
submitted of the completion
of works for the diversion of
2.0 cubic feet per second of
underground water from a
well, and of the application to
beneficial use of said water, in
accordance with the terms and
conditions of Permit No.
G31334 heretofore issued by
the Department of Reclama-
tion of the State of Idaho.

1. The name and postoffice
address of the person or cor-
poration holding said permit is
Horace M. Byers, Rt. No. 4,
Rupert, Idaho.

2. Said works of diversion
will be fully completed on the
date for such completion, and
the amount of water which
said works are capable of con-
veying to the place of use is 2.0
cubic feet per second.

3. The use to which said wa-
ter has been applied is Irriga-
tion purposes, and the amount
applied to beneficial is 2.0 cu-
bic feet per second.

4. The point of diversion of
said water is NE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec-
tion 13, Township 8 S., Range
25, E.B.M.

5. The place where said wa-
ter is used is N $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$
SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$, all in Sec. 13,
Twp. 8 S., Rge. 25 E.B.M.

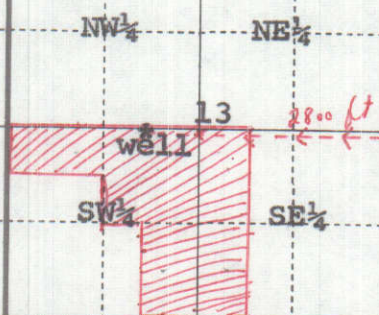
6. The date of priority which
said user is prepared to estab-
lish is August 14, 1963.

CARL E. TAPPAN
State Reclamation
Engineer

No. 520 Nov. 25 - Dec. 16

31334

Section 13, Township 8 South, Range 25 E., B.M.
Minidoka County, Idaho



Hermit Map No. 31334
As Approved AUG 16 1953
Carl E. Tappan
State Reclamation Engineer

State of Idaho
Department of Water Administration
LICENSE OF WATER RIGHT

License of Water Right No. 31334/36-2576 Priority August 14, 1963 Amount 1.85 cfs

THIS IS TO CERTIFY, that DANNY SMITH
of Rupert, Idaho, has complied with the terms and conditions of Permit
No. 31334/36-2576 issued pursuant to Application for Permit dated August 14, 1963,
and has submitted proof to the Department of Water Administration on January 10, 1966,
that he has applied water to a beneficial use; an examination by the Department indicates that the
works have a capacity of 1.85 cfs, and that the water has in fact been applied to a
beneficial use; a right to the use of water from a ground water source
tributary of _____, is hereby confirmed in the following amounts:
Amount 1.85 cfs for Irrigation from March 15 to Nov. 15 (both dates inclusive)
Amount _____ for _____ from _____ to _____ (both dates inclusive)
Amount _____ for _____ from _____ to _____ (both dates inclusive)
Subject, however, to the condition that no more than 1.85 cfs of water be diverted at
any one time, said waters to be diverted within the _____

SE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 13, Twp. 8 S, Rge. 25 E, B. M.

in the county of Minidoka; and that the amount of water so diverted and to which such
right is entitled and confirmed is for the purposes aforesaid and is limited to the amount which can
actually be beneficially used and shall not exceed 464 acre feet per year or _____
4.0 acre feet per acre.

Description and location of place of use:

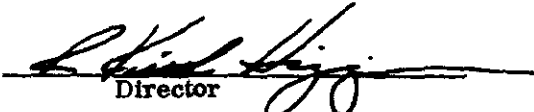
TWP.	RANGE	SEC.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTALS
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
8 S	25 E	13			15				25	25	17	4					30		116

Total number of acres irrigated 116

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

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 19 day of

April, 19 72.


Director

36 2576

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
APPLICATION FOR AMENDMENT

APPROVED

Permit No. 36-2576

Comes now Horace M. Byers of (address) _____

Rt # 4 Rupert, Idaho, 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. 36-2576, and requests that the permit and permit map be changed as follows:

1. Point of diversion: SE 1/4 NW 1/4, Sec. 13, T. 8S, R. 25E, B.M. Other points of diversion _____

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

mo. - day mo. - day

For IRRIGATION purposes from April 1 to Oct 15 (both dates incl.)

For _____ purposes from _____ to _____ (both dates incl.)

For _____ purposes from _____ to _____ (both dates incl.)

For _____ purposes from _____ to _____ (both dates incl.)

3. Place of use or land to be irrigated:

TWP.	RANGE	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
<u>T8S</u>	<u>25E</u>	<u>13</u>			<u>15</u>				<u>25</u>	<u>25</u>	<u>17</u>	<u>4</u>					<u>30</u>		<u>116 A.</u>

Total number of acres to be irrigated 116

Complete the following map by showing land and point of diversion as proposed by this amendment. Show 40 acre subdivisions, sections, townships, ranges, and ditches.



Scale: 2 inches equal 1 mile

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

Signed at Boise Idaho, this 8th day of March, 1972
Horace M. Byers
(signature)

ACTION OF STATE RECLAMATION ENGINEER

Dept. of Water Admin.

I, C. STEPHEN ALLRED, Deputy Director, ~~State Reclamation Engineer~~ of the State of Idaho,

hereby approve the above application for amendment for Permit No. 31334/36-2576.

Witness my hand this 10th day of

March 1972

C. Stephen Allred
~~State Reclamation Engineer~~
Deputy Director

State of Idaho

Department of Water Administration

ASSIGNMENT OF PERMIT

Department of Water Administration

I, Horace M. Byers, hereby assign to Danny Smith
of Route 4, Rupert, Idaho
Address

☒ All my right, title, and interest, in and to Permit No. 36-2576
to appropriate the public waters of the State of Idaho.

☐ The following described portion of my right, title, and interest in and
to Permit No. _____ to appropriate the public waters of the State
of Idaho. (Describe that portion of the permit being assigned by list-
ing the acreage within each 40-acre subdivision, the point of diversion
and the amount of water in cubic feet per second for direct diversion,
or acre feet for storage.)

Made this 27th day of March, 19 72.

Horace M. Byers

Permit Holder

Edna LeRoy Byers

Spouse of Permit Holder

State of Idaho)
County of Minidoka) ss.

On this 27th day of March, 19 72, personally
appeared before me the signer(s) of the above instrument, who duly acknowledged
to me that he (she) (they) executed the same.

Ollie Belle Foster

Notary Public residing at

Rupert, Idaho

My commission expires: 9/14/74

36 2576

APPLICATION FOR PERMIT 36 - 2576

To Appropriate the Subterranean Waters of The State of Idaho

Application No. G- 39438
 Permit No. G- 31334
 District No.

ASSIGNED TO:
 Danny Smith
 Route # 4
 Rupert, Idaho

1. Name of Applicant: Horace M. Byers
 Postoffice address: Rt. 4, Rupert County: Minidoka State: Idaho - 83350
2. Quantity of water claimed: 2.0 Cubic Feet per second
 - (a) Rate of withdrawal in cubic feet per second or Idaho
 Miners' inches or gallons per minute
 - (b) Annual withdrawal in acre feet per annum
3. Source of water supply: Subterranean
4. Location of point of diversion or well is in the NE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 13
 Twp. 8 S , Rge. 25 E , B.M., County of Minidoka
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 $\frac{1}{4}$ of the $\frac{1}{4}$ of Section , Twp.
 Rge. , B.M.
 - (b) Waste water or sewage effluent is to be returned to
 at a point in the $\frac{1}{4}$ of the $\frac{1}{4}$ of Section , Twp. , Rge. , B.M.
7. Kind of works: Pump & well
8. Estimated cost of works: \$10,000.00
9. (a) Is reservoir to be used? No
 (b) Capacity of reservoir:
10. The time required for the completion of such work and complete application of the water to the proposed use is 5 years.
11. If applicant is a corporation, give:
 - I. (a) Date and place of incorporation:
 (b) Amount of capital stock: \$ (c) Amount paid in: \$
 (d) Names and addresses of directors:
 - II. The financial resources of the applicant are (a) Cash on hand: \$
 (b) Treasury stock: (c) Bonds to be issued:
 (d) Other resources:
12. The land to be irrigated is described in the following tabulation:
13. Existing water rights and/or valid permits appurtenant to the lands to be irrigated are:
 - (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) 2.0 (cubic feet per second, inches or gallons per minute) is for new lands.

LICENSE ISSUED FOR 115 SEC. FT.
 LICENSE PAGE NO.

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE

REPORT OF EXAMINER

PERMIT NO. G-31334

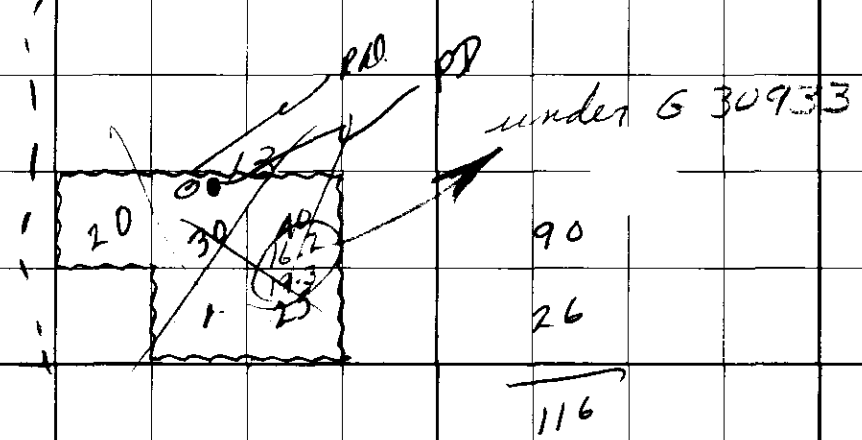
REPORT ON PROOF OF Completion of Works & Beneficial Use

30933

36 2570

**Minkus*

B 25 E



area - 116 A
 subd - 5
 1.85
 Q = ~~1.85~~ *1.85*

25 25 15
 4 17 30
 (13)

30 2576

WATER RIGHT NUMBER 36-2576

OWNER LAST NAME - BYERS
OWNER LAST NAME - SMITH

ADDRESS LINE 1 -
ADDRESS LINE 3 -

FIRST NAME - HORACE M.
FIRST NAME - NANNY
ADDRESS LINE 2 -
CITY - RUPT
STATE - ID ZIP CODE -

SOURCE - GROUNDWATER

STAGE - LICENSE

STATUS -

TRIBUTARY OF -

PRIORITY - 08-14-1963

COUNTY - MINIDOKA

TOTAL DIV. RATE -

1.8500-CFS

TOTAL DIV. VOLUME -

464.00 AFA TRFR/AMEND -

WATER DIST. -

DLE/CARFY ACT -

RIGHT BASIS -

464.00 AFA

DIVERSION POINT - SENW 13 08S 25E LOT

USE DIV. RATE -

1.8500-CFS

USE DIV. VOLUME -

464.00 AFA

FROM - 03-15-TO - 11-15-USE - IRRIGATION

PLACE OF USE - TWN 08S-RNG 25E-SEC 13

TRACT SWNE LOT

TRACT SENW LOT

TRACT NWSW LOT

AC 15-TRACT SWNE LOT

USE - IRRIGATION

TRACT SENW LOT

TRACT NWSW LOT

AC 25-TRACT NWSW LOT

AC 04-TRACT NWSW LOT

AC 17-TRACT NWSW LOT

DATE -

TOTAL ACRES

116

DEGREE NAME -

REMARKS -

NON IRRIG USE -

OTHER RIGHTS FOR SAME USE -

PROOF DUE -

PERMIT/DENIED -

PROTESTED -

HEARING -

OLD NO. - 31334

PROOF MADE -

FLD EXAM -

COND. OF APPROVAL -

PROTESTED -

HEARING -

OLD NO. - 31334

DIVERSION MEANS -

IDENT. NO. 36-2576

I D A H O D E P A R T M E N T O F W A T E R R E S O U R C E S

WATER RIGHT DATA ENTRY LOG

[illegible]

April 20, 1972

Re: Permit No. 31234/36-2576

**Mr. Danny Smith
Route # 4
Expert, Idaho 83350**

Dear Mr. Smith:

Enclosed herewith is your Water License issued on the above referenced permit.

Very truly yours,

**BOBBY D. FLEENOR
Assistant Director**

**BDF:DR
Enc: License**

cc: Kester Realty

36 2576

March 31, 1972

Mr. Danny Smith
Route # 4
Rupert, Idaho 83350

Re: Permit No. 31334/36-2576

Dear Mr. Smith:

We acknowledge receipt of the assignment in connection with the above referenced permit. The assignment has been recorded and the Department's records changes accordingly; we are enclosing a copy of the assignment for your files.

Please be advised that the Department is prepared to issue a Water License on this permit as follows:

Quantity of water diverted: 1.85 cfs

Amount of water that can be recognized as beneficially used under Idaho law: 1.85 cfs

The maximum quantity diverted shall not exceed 464 acre feet per year.

Beneficial use: Irrigation of 116 acres within the SW $\frac{1}{4}$ NE $\frac{1}{4}$ (15), S $\frac{1}{4}$ NW $\frac{1}{4}$ (30), N $\frac{1}{4}$ SW $\frac{1}{4}$ (21), NW $\frac{1}{4}$ SE $\frac{1}{4}$ (30), Sec. 13, Twp. 8S, Rge. 25E, B.M.

Point of diversion: SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Sec. 13

The priority date established: August 14, 1963

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

Sincerely,

BOBBY D. FLEENOR
Assistant Director

BDF:DR
Enc: Copy of assignment
cc: Kester Reaky
Box 676, Rupert, Idaho
Enc: Copy of assignment
Receipt #6231 for \$15.00
licensing fee

36 2576

March 13, 1972

Re: Permit No. G-31334/36-2576 - Horace M. Byers

Horace M. Byers
Route #4
Rupert, Idaho

Dear Mr. Byers:

Enclosed please find a copy of the APPROVED application for amendment in connection with the above referenced permit.

If we may be of further assistance, do not hesitate to contact us.

Very truly yours,

Donald W. McEldowney
Appropriation Supervisor

DWM/BL
Enclosures

cc: Kester Realty
P. O. Box 676
Rupert, Idaho
Enc: Copy of Amendment

36 2576

March 10, 1972

C
Mr. Donald L. Kester
KESTER REALTY
Box 676
Rupert, Idaho 83350

Re: Permit No. 36-2576 - Horace M. Byers

Dear Mr. Kester:

We have on this date received the application for amendment submitted in connection with the above referenced permit. Enclosed please find departmental receipt No. 8156 in the amount of \$10.00 covering the amendment filing fee.

Very truly yours,

BOBBY D. FLEENOR
Assistant Director

BDF:DR

Enc: Receipt #8156

36 2576

* FARM AND
RANCH LOANS

* SALES

* APPRAISALS



KESTER REALTY

723 3rd ST. SOUTH

PHONE 436-4657

D. L. KESTER
DRILLING CO.

Free Estimates On
Pumps And Wells

Member
Idaho Association Realtors

Box 676

Rupert, Idaho 83350

Member
National Association Realtors

March 8, 1972

State of Idaho
Dept. of Water Administration
Statehouse Annex #2
Boise, Idaho 83707

Gentlemen:

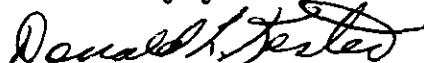
Enclosed please find application for amendment on point of Divers-
ion on Permit No. 36-2576 - Horace M. Byers owner.

I would like a letter of Acknowledgement that this amendment has
been filed with the Idaho Department of Water Administration as we
will need this information varified before a loan can be closed on
a pending sale of this property. We can use this acknowledgement
at the earlist possible date.

Please mail to HORACE M. BYERS % KESTER REALTY P. O. Box 676
Rupert, Idaho.

Thanking you.

Sincerely yours,


Donald L. Kester
KESTER REALTY

Encl. Application for amendment
Check for \$10.00

36 2576

February 28, 1972

Mr. Horace M. Byers
Route #4
Rupert, Idaho 83350

Re: Permit No. 36-2576

Dear Mr. Byers:

Enclosed, please find this Department's assignment form and amendment form, which you requested in our telephone conversation.

We have partially completed the amendment form. Please review all items, make any necessary corrections and sign it. There will be a \$10.00 amendment fee required before we can process the amendment. We would appreciate any information you could supply that would verify your point of diversion.

Possibly, depending on this information, there will not have to be another examination made by our Department to determine the point of diversion. By completing the assignment form, we will be able to issue the license in the name of the person who you are assigning the permit to. There will also be a \$15.00 statutory fee required before we can issue the license.

If we can be of any further assistance, please feel free to contact this Department.

Very truly yours,

Fred Eisenbarth
Appropriation Examiner

FE:cs

Enc: assignment form
amendment form

36 2576

February 14, 1972

C Re: Permit No. G-31334/36-2576 - Horace M. Byers

Dave McKinley
Route #2
Hansen, Idaho

O Dear Dave:

Pursuant to our telephone conversation, please find enclosed a copy of the fee letter in connection with the above referenced permit and also a copy of the permit.

P If you should need further assistance, do not hesitate to contact us.

Very truly yours,

Y Dorian Clay
Appropriation Examiner

DC/BB

Enclosures

36 2576



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

Permit No. G-31334

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

1. Name of applicant Horace M. Byers

2. Source of water supply: Subterranean

3. Location of point of diversion: Is in the NW 1/4 of Section 13

T. 8 S R. 25 E.B.M. County of Minidoka

4. Describe works as they exist, giving dimensions and capacities of same:

75 HP. U.S. Motor # 3635395

Layne pump # 44104 8" discharge to mainline

5. Water is used for: Irrigation

6. State whether or not water has been turned into works of diversion:

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 1/4, SE 1/4, W 1/4 Sec. 13., Twp. 8 S., Rge. 25 E.B.M.

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

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

153 5/32 inches @ 60 psi

$Q = 153 (5.44) / 148.8 = 1.85 cfs$

.80" / ft

This examination was made on the 24th day of May, 1966

(Signed)

Don Walter

Examiner.

36 2576

31334

Horace M. Byars
Route #4
Rupert, Idaho
Permit No. G-31334

Examination for Completion of Works & Beneficial Use

County Minidoka

Sec. 13 T. 88 R. 25 EBM

Quantity: 2.0 cfs.

Source: Subterranean

P.D.: NE 1/4 Section 13

Twp 8 S. Rge. 25 E. BM

Use:

Irrigation

Extension:

Protest:

Completion of Works:

Other Rights: None

Filed: August 14, 1963

Due: August 18, 1968

Made Jan 10, 1966

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.

36 2576

31334

* Field exam is in error; therefore this letter is in error. See aerial photo for correct location of the lands. The ~~amendment~~ has been filed, changing P.D. and Land List. *TE. 3/10/72*

RE: Permit No. G-31334

June 6, 1966

Horace M. Byers
Rt 4
Rupert, Idaho

Dear Mr. Byers:

Our field examiner's report on his inspection of proof of completion of works and application of water to beneficial use under the terms of Permit No. G-31334 shows the well ~~(is)~~ is ~~(able)~~ capable of conveying 92.5 miner's inches, or 1.85 c.f.s. However, due to the limitations of your permit, we can only allow the amount of water originally requested, the amount of water actually used beneficially, or 1 (one) miner's inch per irrigated acre.

Upon receipt of the statutory fees, totaling \$ 15.00, we will issue the Certificate of Completion of Works for 1.85 c.f.s. and the License and Certificate of Water Right for 1.85 c.f.s. confirming the right, with priority of August 14, 1963, to the use of subterranean water with the point of diversion in the NE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 13, for irrigation in the N $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 13, T. 8 S., R. 25 E., B.M.

Very truly yours,

M. Russell Bosch
Office Manager

MRB:mr

31334

February 1, 1966

Re: Permit No. G-31334

Horace M. Byers
Route #4
Rupert, Idaho

Dear Mr. Byers:

We acknowledge receipt of the depositions of holder and two witnesses, also affidavit of publication in the MINIDOKA COUNTY NEWS, all submitted in proof of completion of works and beneficial use on Permit No. G-31334.

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,

CARL E. TAPPAN
State Reclamation Engineer

By:

(Mrs.) Edna P. Rule
Chief Clerk

EPR: We are enclosing your statement of cost for your file.

Encl. statement of cost

31334

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

Boise, Idaho

Permit No. G-31334

RECEIVED
JUN 13 1965

DEPARTMENT OF RECLAMATION

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: _____

HERMAN M. BYERS Rt 4 Rupert Idaho FARMER -

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

Ques. 3. State number, approval date of permit, and date of priority: G-31334

Date Aug. 14, 1963 ~~Jan 21, 1961~~

Ques. 4. State source of water supply: DEEP WELL

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

NE 1/4 SW 1/4 Section 13 Township 8S. Range 25

Ques. 5. Describe your works of diversion: Deep Irrigation Well with

Sprinkling System; state amount of water they are capable of conveying from point of diversion to place of use: 2.0 C.F.S.; Give name of canal or ditch

or other works by which water is conducted to such place of use: NONE

_____ ; if a well, state depth of well 340'; depth and size of

casing 16"; depth to water 195; if pump is used,

state discharge of pump: 2.0 C.F.S.; tell how it was measured or determined

Owner Opinion; if sprinkler irrigation, give number and size

of nozzles and operating pressure: 165 5/32 Nozzles at 60 lbs Pressure

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

(If for irrigation, name each subdivision in which used and number of acres in each subdivision that have actually been irrigated with said water:

In Section 13 Township 8S. Range 25 E 1/4

SW 1/4		SE 1/4	
NE 1/4	NW 1/4	SE 1/4	NW 1/4
SW 1/4	SW 1/4	SW 1/4	SW 1/4
20 A	20 A	20 A	20 A

31334

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

Developed 100 Acres of Crop Land.

Ques. 6-a: If this is a ground water permit, give name and address of person that drilled the well: Ray Commons. Rupert Idaho.

Ques. 7. If for other than irrigation purposes, show full legal description of place of use and state purpose for which water is used:

Ques. 8: 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:

Quest. 9: State when and in what amount the water diverted under above mentioned permit has been first used: 1964 - Time used since first use:

Two Crop Seasons - 1964 and 1965

Ques. 10. Describe all other water rights appurtenant to same place of use: None.

(sign) Horace M. Byers

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

Rupert Idaho, County of Minidoka
State of Idaho, on this 10 day of January, A. D. 1966

My commission expires: 1-15-69

John M. Broadwell

31334

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

Boise, Idaho

Permit No. G-21334

RECEIVED
JAN 12 1966
Department of Reclamation

PROOF OF APPLICATION OF WATER TO BENEFICIAL USE
and Completion of Works

DEPOSITION OF WITNESS

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

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

Charles R. Frost age 41 Rupert Idaho
Address Rt #4 Rupert Idaho

Ques. 2 Are you acquainted with Horace M. Byers, the holder of Permit No. G31334 How long have you known him and where does he reside?

8 years Friends at Rt #4 Rupert Idaho

Ques. 3. Have you read or heard said Permit No. G31334 read, and are you familiar with its provisions and conditions: Yes X No.

Ques. 4. State source of water supply: Deep Well

Give location of place of diversion, showing subdivision, section, township and range
NE 1/4 SW 1/4 Sec. 13 Township 2S. Range 25E

Describe works for conveying water to place of use: Deep Well located on farm. Sprinkler Pipe used to convey water to land

Ques. 5. How many second feet of water do you estimate said works will safely conduct to place of use: 2.0 Cubic Feet Per Second How much water have you seen being so conveyed? 2.0 Cubic Feet Per Second

Ques. 6 If for irrigation, show number of acres irrigated in each subdivision, giving full legal description: In Section 13 Township 2S. Range 25 E

SW 1/4			SE 1/4	
NE 1/4	NW 1/4	SE 1/4	NW 1/4	SW 1/4
20 A	20 A	20 A	20 A	20 A

31334

Ques. 7. If for other than irrigation purposes, show full legal description of place of use, and state purpose for which water is used.

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

Sandy loam soil - One Inch PER Acre.

Ques. 9. Have you any ownership interest in the works, water or lands above mentioned?

If so, in what way and to what extent?

None ✓

Ques. 10. When did you first see this water used?

July 1964

Other times you have seen such use:

During Irrigation Seasons of 1964 and 1965

(Signed):

Charles R. Frost

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 ~~the County of~~

Butte, County of Minidoka, State of Idaho, on

this 10 day of January, A. D. 1966

L. M. Brunsell

Notary Public for the State of Idaho

Residing

Butte Idaho

My commission expires

1/15/69

31334

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
Boise, Idaho

RECEIVED
JAN 12 1966

Permit No. G 31334 Department of Reclamation

PROOF OF APPLICATION OF WATER TO BENEFICIAL USE
and Completion of Works

DEPOSITION OF WITNESS

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

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

DEM Woody age 45 Rupert Idaho. Address Rt#
4 Rupert Idaho

Ques. 2 Are you acquainted with HORACE M BYERS., the holder of
Permit No. G-31334? How long have you known him and where does he reside?

8 years Resides at Rt# 4 Rupert Idaho

Ques. 3. Have you read or heard said Permit No. G31334 read, and are you familiar
with its provisions and conditions: Yes X No.

Ques. 4. State source of water supply: DEEP WELL.

Give location of place of diversion, showing subdivision, section, township and range

NE 1/4 SW 1/4 Sec. 13. township 8S. Range 25E.

Describe works for conveying water to place of use: DEEP WELL LOCATED
ON FARM. SPRINKLER PIPE USED TO CONVEY WATER TO LAND

Ques. 5. How many second feet of water do you estimate said works will safely conduct
to place of use: 2.0 Cubic Feet PER Second. How much water have you seen being so
conveyed? 2.0 Cubic Feet PER Second.

Ques. 6 If for irrigation, show number of acres irrigated in each subdivision, giving
full legal description: In Sec. 13 township 8S Range 25E

SW 1/4			SE 1/4		
NE 1/4	NW 1/4	SE 1/4	NW 1/4	SW 1/4	
20 A	20 A	20 A	20 A	20 A	

31334

Ques. 7. If for other than irrigation purposes, show full legal description of place of use, and state purpose for which water is used.

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

Sandy loam Soil - one Inch PER Acre.

Ques. 9. Have you any ownership interest in the works, water or lands above mentioned? If so, in what way and to what extent? NONE

Ques. 10. When did you first see this water used? July 1964

Other times you have seen such use: DURING Irrigation Season
of 1964 & 1965

(Signed):

Dem Hoody

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 _____

Reupert, County of Minidoka, State of Idaho, on
this 10 day of January, A. D. 19 66

Edna Brinded
Notary Public for the State of Idaho
Residing Reupert Idaho

My commission expires 1-15-69

31334

RECEIVED
FEB 1 1966

The Minidoka County Department of Reclamation

RUPERT, IDAHO

AFFIDAVIT OF PUBLICATION

County of Minidoka,)
STATE OF IDAHO.) ss.

Ruth DeThomas, being first
duly sworn, deposes and says that She is the
Editor of The Minidoka County
News, a weekly newspaper published at Rupert,
Idaho, in the county aforesaid, and that the paper
is of general circulation therein. Deponent further
states that the printed notice attached hereto was
duly published according to law in the regular
weekly editions of The Minidoka County News

for four consecutive weeks, commencing
with the issue dated Nov 25, 1965 and
ending with the issue dated Dec 16, 1965

Ruth DeThomas

Subscribed and sworn to before me this

24th day of Jan, 1966

Mr. G. J. Ginter Notary Public

Cost of Publication

Notary Fee

Total Cost

APPLICATION OF WATER

Notice is hereby given that
at 10 A. M. on the 1st day of
January, 1966, at Rupert, County
of Minidoka, State of Idaho
before Lynn H. [unclear], Notary
Public, at his West 1st
South, Rupert, place will be
submitted of the completion
of works for the diversion of
2.0 cubic feet per second of
underground water from a
well, and of the application to
beneficial use of said water, in
accordance with the terms and
conditions of Permit No.
G31334 heretofore issued by
the Department of Reclamation
of the State of Idaho.

1. The name and postoffice
address of the person or corporation holding said permit is
Horace M. Byers, Rt. No. 4,
Rupert, Idaho.

2. Said works of diversion
will be fully completed on the
date for such completion, and
the amount of water which
said works are capable of conveying
to the place of use is 2.0
cubic feet per second.

3. The use to which said water
has been applied is Irrigation
purposes, and the amount
applied to beneficial is 2.0 cubic
feet per second.

4. The point of diversion of
said water is NE $\frac{1}{4}$ SW $\frac{1}{4}$, Section
13, Township 8 S., Range
25, E $\frac{1}{2}$ S. 1.

5. The place where said water
is used is NE $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$
SW $\frac{1}{4}$, W $\frac{1}{2}$ SW $\frac{1}{4}$, all in Sec. 13,
Twp. 8 S., Rge. 25 E $\frac{1}{2}$ S. 1.

6. The date of [unclear]

31334

January 12, 1966

RE: Permit No. G-31334

Mr. Horace M. Byers
Route #4
Rupert, Idaho

Dear Mr. Byers:

Receipt is hereby acknowledged for the depositions for the above referenced permit. However, further action on your permit will be delayed until we are in receipt of the required Affidavit of Publication. This affidavit may be obtained from the Minidoka County News, Rupert, Idaho.

Very truly yours,

M. RUSSELL BOSCH
Office Manager

MRB:efw

31334

November 19, 1965

Re: Permit No. **G-31334**

Mr. Horace M. Byers,
Rt. 4,
Rupert, Idaho.

Dear Mr. Byers:

This acknowledges the Notice of Proof of Completion of Works and Application of water to Beneficial Use under Permit No. **G-31334**. The proofs are to be made at **10:00** o'clock **A.M.** on the **10th** day of **January**, 19 **65**, before **Lynn M. Bradshaw, 300 West 150 South, Rupert, Idaho** Notary Public.

As of this date, we have mailed the Notice to the **Minidoka County News** **Rupert, Idaho**, with instructions to publish it once a week for four consecutive weeks prior to the date set for final proof then 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, at the place, on the date, and at the time and before the Notary, as advertised. It is very important and necessary that each question be answered in detail.

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

Very truly yours,

CARL E. TAPPAN
State Reclamation Engineer
By

(MRS.) EDNA P. RULE
Chief Clerk

Encl.
EPR:pmk
cc: Notary

31334

Re: Permit No. G-31334
Horace M. Byers

Date: Nov. 19, 1965

**Minidoka County News,
Rupert, Idaho.**

Gentlemen:

Enclosed you will find Notice for Publication, once a week
for four consecutive weeks prior to January 10, 1966
the date set for proof; the expense of the publication is to be paid
by the applicant Horace M. Byers
of 300 West 150 South, Rupert, Idaho to whom you should
furnish proof of publication on or prior to the date set for proof.

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

Very truly yours,

Carl E. Tappan
CARL E. TAPPAN
State Reclamation Engineer

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

31334

1/65

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

Notice is hereby given that at 10:15 M., on the 10 day of JANUARY, 1966, at Rupert, County of Minidoka, State of Idaho before LYNN N. BRADSHAW, Notary Public, at (address) Rupert Idaho, proof will be submitted of the completion of works for the diversion of 2.0 cubic feet per second of underground water from a well, and of the application to beneficial use of said water, in accordance with the terms and conditions of Permit No. G-31334, heretofore issued by the Department of Reclamation of the State of Idaho.

1. The name and postoffice address of the person or corporation holding said permit is HORACE M. BYERS, Rt # 4 RUPERT Idaho.

2. Said works of diversion will be fully completed on the date for such completion, and the amount of water which said works are capable of conveying to the place of use is 2.0 cubic feet per second.

3. The use to which said water has been applied is IRRIGATION PURPOSES., purposes and the amount applied to beneficial use is 2.0 cubic feet per second.

4. The point of diversion of said water is NE 1/4 SW 1/4 SECTION 13 Township 8 S. Range 25 E BM.

5. The place where said water is used is NE 1/4, NW 1/4, SE 1/4 of the SW 1/4 and NW 1/4, SW 1/4 of the SE 1/4, all in Section 13 Twp. 8 S. Range 25 E BM.

6. The date of priority which said user is prepared to establish is AUGUST 16, 1963

State Reclamation Engineer

31334

NOTICE TO ACCOMPANY THIS LETTER MUST BE MADE IN DUPLICATE

(Date) Nov. 12, 1965

(P. O.) Burgett 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 Mandala County News of
Burgett Idaho Published in
the county in which the works are situated.

Howard M. Byers

(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

31334

November 8, 1965

RE: Permit No. G-31334

Horace M. Byers
Rt 4
Rupert, Idaho

Dear Mr. Byers:

Enclosed are Forms 36 and 11 with instructions.

You will note these forms are for proof of completion of works and beneficial use of the water. Both proofs are made at the same time as outlined in the Ground Water Statutes.

You should be using the water beneficially on all the land you intend to irrigate before making the proofs.

Very truly yours,

RALPH W. THOMAS
Deputy State Reclamation Engineer

RWT:mr

Enc. Forms 36, 11, Instructions

31334

RECEIVED
NOV 8 1965

Department of Reclamation

Route 4
Rupert, Idaho

November 4, 1965

Mr. Carl E. Tappan
Department of Reclamation
107 State House
Boise, Idaho

Re: Permit No. G-31334
Horace M. Byers

Dear Mr. Tappan:

Please send me the necessary papers for my Certificate of
Completion of Works on my well.

Thank you kindly.

Sincerely,

Horace M. Byers

Horace M. Byers

31334

December 12, 1963

Re: Permit No. G-31334
Horace L. Byers

Lynn N. Bradshaw
County Supervisor
Farmers Home Adm.
Rupert, Idaho

Dear Mr. Bradshaw:

We acknowledge your advice about the mortgage
you hold covering water rights under the above noted permit.

We have noted this information on our
records in this office.

Very truly yours,

CARL E. TAPPAN
State Reclamation Engineer

By:

(Mrs.) Edna P. Rule
Chief Clerk

EPR:ew

31334

UNITED STATES DEPARTMENT OF AGRICULTURE

FARMERS HOME ADMINISTRATION

Eupert, Idaho

RECEIVED
DEC 11 1963

Department of Reclamation

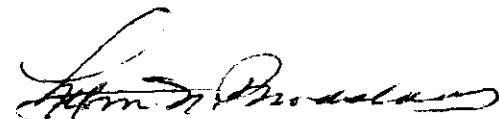
December 10, 1963

Idaho State Reclamation Engineer
Boise, Idaho

Dear Sir:

This is to advise you that the government holds a mortgage covering the water rights under Permit #G-31334 issued to Horace L. Byers.

Sincerely,



Lynn N. Bradshaw
County Supervisor

31334



Growth Through Agricultural Progress

August 23, 1963

Re: Permit No. G-31334
Horace M. Byers

Mr. Horace M. Byers,
Route #4,
Rupert, Idaho -83350

Dear Mr. Byers:

We enclose Permit No. G-31334 in which we direct your attention to the limitations and conditions as given on the fourth page under approval of the State Reclamation Engineer.

We also enclose Departmental Receipt No. G-8178 which was issued covering payment in the amount of \$5.25 for the filing fee of the above mentioned permit, together with a .25¢ refund.

Very truly yours,

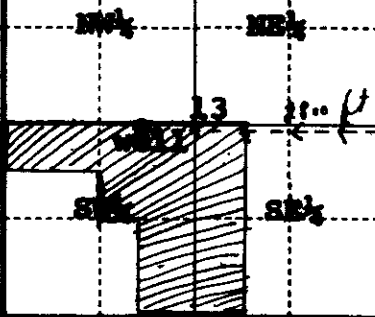
CARL E. TAPPAN
State Reclamation Engineer
By

(Mrs.) Edna P. Rule
Chief Clerk

Encl. - Permit
Receipt
EPR:pmk

31334

Section 13, Township 8 South, Range 25 E., B.M.
Minidoka County, Idaho



Hermit Map No. 31334
As Approved AUG 16 1962
Carl E. Tappan
State Reclamation Engineer

CREASON & CREASON
ATTORNEYS AT LAW
RUPERT, IDAHO

H. V. CREASON
C. H. CREASON

BOX 335
436-4131

August 13, 1963

RECEIVED
AUG 14 1963

Department of Reclamation

State of Idaho
Department of Reclamation
Boise, Idaho

Re: Horace M. Byers

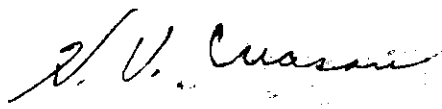
Gentlemen:

Enclosed herewith please find application for Permit to appropriate the subterranean waters of the State of Idaho, as submitted by Horace M. Byers, together with Map in duplicate and his check in the sum of \$5.50.

Trusting you will find this in order.

Yours very truly

CREASON & CREASON


H. V. Creason

HVC:hc

Encl.

31334

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

Notice is hereby given that at 10 A. M., on the 10 day of January 1966, at Rupert, County of Minidoka, State of Idaho before Lynn N. Bradshaw, Notary Public, at 300 West 150 South, Rupert, proof will be submitted of the completion of works for the diversion of 2.0 cubic feet per second of underground water from a well, and of the application to beneficial use of said water, in accordance with the terms and conditions of Permit No. G31334, heretofore issued by the Department of Reclamation of the State of Idaho.

1. The name and postoffice address of the person or corporation holding said permit is HGrace M. Byers, Rt. No. 4, Rupert, Idaho.

2. Said works of diversion will be fully completed on the date for such completion, and the amount of water which said works are capable of conveying to the place of use is 2.0 cubic feet per second.

3. The use to which said water has been applied is Irrigation purposes, and the amount applied to beneficial is 2.0 cubic feet per second.

4. The point of diversion of said water is NE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 13, Township 8 S., Range 25, E.B.M.

5. The place where said water is used is N $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$, all in Sec. 13, Twp. 8 S., Rge. 25 E.B.M.

6. The date of priority which said user is prepared to establish is August 14, 1963.

CARL E. TAPPAN
State Reclamation
Engineer

No. 520 Nov. 25 - Dec. 16