

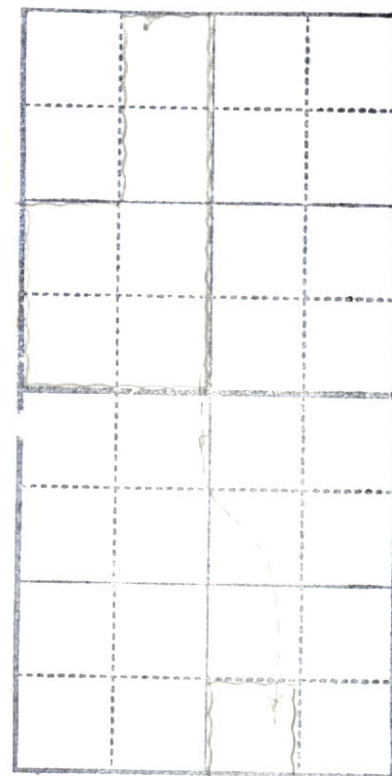
37-2658

APPLICATION FOR PERMIT

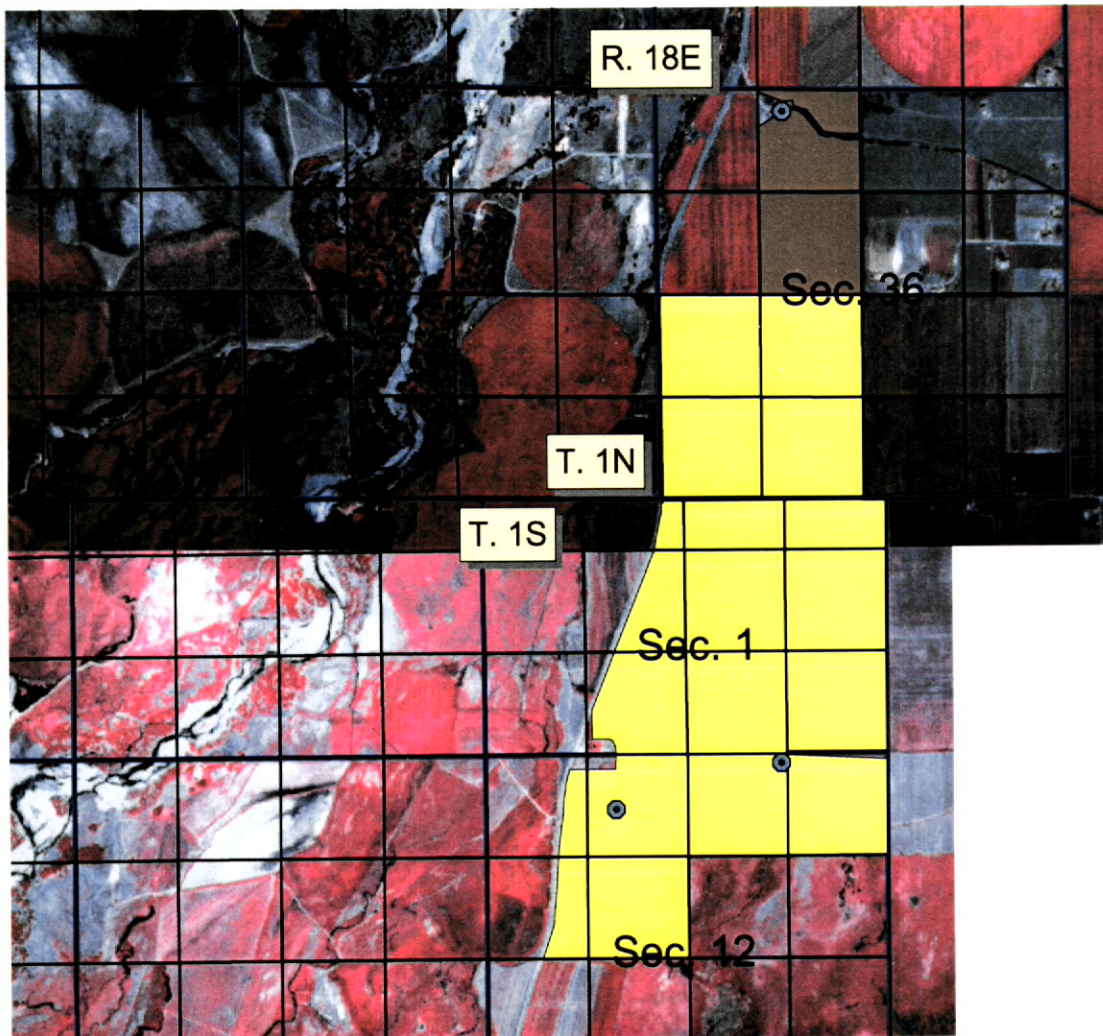
To Appropriate the Subterranean Waters of The State of Idaho

Application No. G- 37696
Permit No. G- 29686
District No.

1. Name of Applicant: Vernile J. Eyrington
Postoffice address: Gannett County: Blaine State: Idaho
2. Quantity of water claimed:
 - (a) Rate of withdrawal in cubic feet per second 7.0 or Idaho
Miners' inches 350 or gallons per minute
 - (b) Annual withdrawal in acre feet per annum
3. Source of water supply: Subterranean Well
4. Location of point of diversion or well is in the NE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 36
Twp. 1 N , Rge. 18 E. , B.M., County of Blaine
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, Motor and cased well and ditches
8. Estimated cost of works: \$ 8,000.00
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 onhand: \$
(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: 3-24-1883 55 Inches;
5-15-1885 160 In; 5-31-1887 80 Inches; 6-15-1891 40 Inches; 5-15-1892 80 Inches;
5-15-1892 80 Inches.
 - (a) 325 Inches (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) 25 Inches (cubic feet per second, inches or gallons per minute) is for new lands.



APP. FOR TRANSFER - A. W. MOLYNEUX (GROUNDWATER)



● Points of Diversion For Pressure Sprinklers

■ Land Water Is Being Removed From

■ Proposed PPU/Remaining PU

Prepared By J E Stanton
9-27-1999





29686



F
12.0

E
13.5

D
41.2

B
21.6

C
18.4

G
16.8

18.9

E
12.4

J
20.1

E
26.9

3536

I
28.2

H
48.0

G
63.0

F
19.1

E
17.9

E
5.4

D
7.0

B
9.0

3.40

J
12.0

F
5.6

H
24.3

G
21.3

I
4.6

I
46

K
15.9

L
27.6

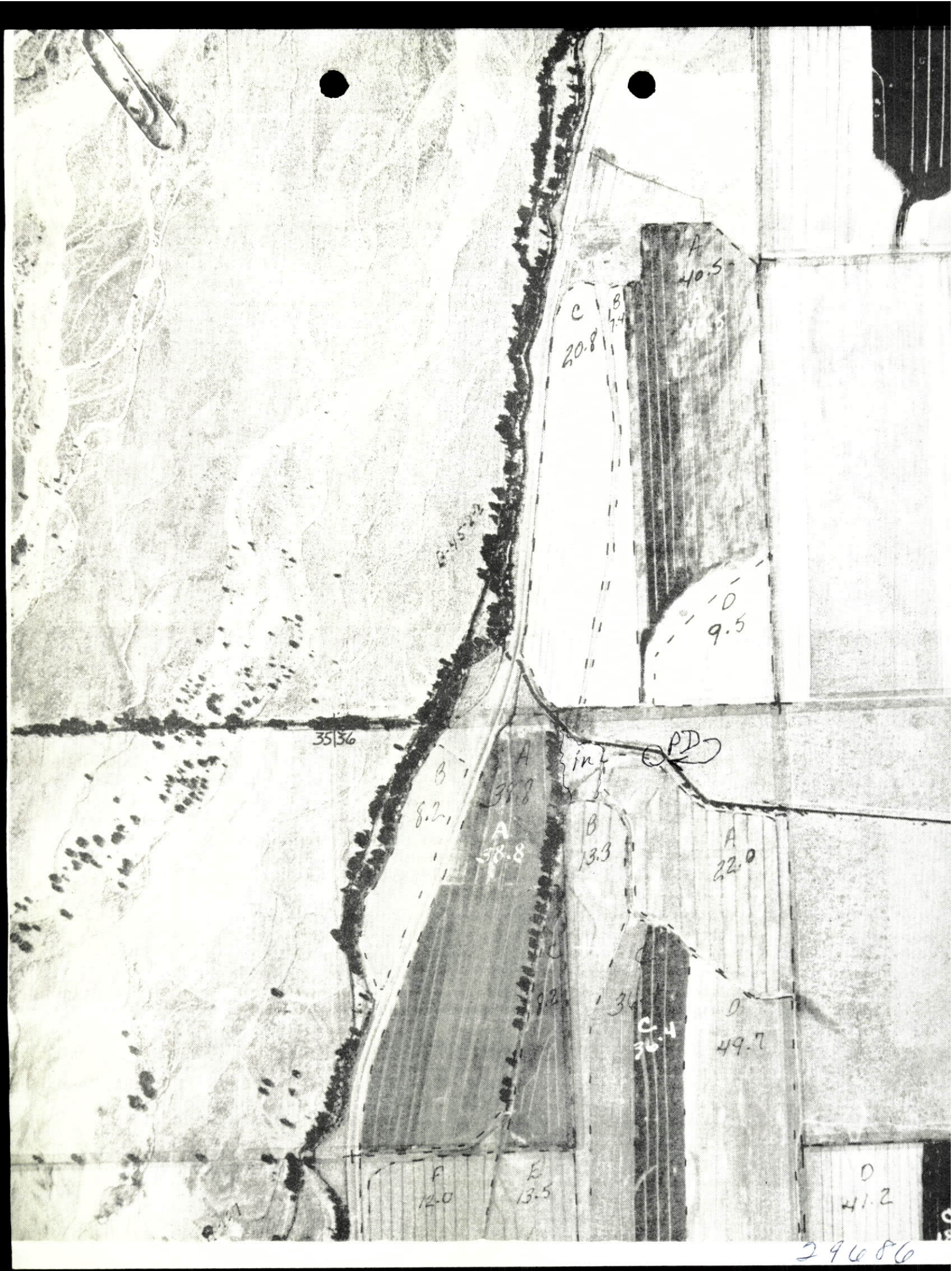
K
37.4

14
12

Irrigated Pasture

REE-90

29686



29686

RECEIVED
APR 12 1966
2:30 P.M.
Department of Reclamation

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

Notice is hereby given that on the 8 day of April 1966, at Hailey, County of Blaine, State of Idaho before V. K. Jeppesen, Notary Public, at Hailey Idaho, proof will be submitted of the completion of works for the diversion of 7.0 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-29686, 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 Vernile J. Byington, Gannett, 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 7.0 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 7.0 cubic feet per second.

4. The point of diversion of said water is NE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 36, T. 1 N. R. 18 E. B. M., County of Blaine.

5. The place where said water is used is NE $\frac{1}{4}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$ all in Section 36, T. 1 N., R. 18 E. SW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 1 T. 1 S. R. 18 E., NE $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 12 T. 1 S. R.

6. The date of priority which said user is prepared to establish is May 3, 1961.

CARL E. TAPPAN
State Reclamation Engineer
Pub. March 3-10-24

Affidavit of Publication

STATE OF IDAHO, } ss.
County of Blaine,

BERWYN BURKE, being first duly sworn deposes and says that he is now and at all times herein mentioned has been the publisher of The Hailey Times, which is now, and at all times herein mentioned has been a newspaper as defined in Section 58-106 of the Idaho Code Annotated as amended by Chapter 38 of the Laws of 1939, and printed, regularly issued and published weekly at Hailey, in Blaine County, Idaho, and having a general circulation in said county, and not less than 200 bona fide subscribers living within said county, and that said newspaper has been continuously and uninterruptedly so printed and published as a weekly newspaper in said county during the period of 78 consecutive weeks prior to the first publication of the annexed true copy and at all times since, and that said annexed true copy was so published in the regular edition of said newspaper, The Hailey

Times, and not in any supplement thereof, for four consecutive weeks commencing with the first publication thereof on the

third day of March, 1966
and ending with the last publication thereof on the

twenty-fourth day of March, 1966

Cost of this publication is \$23.32

Berwyn Burke
BERWYN BURKE, Publisher.

Subscribed and sworn to before me, this 25th day
of March, 1966

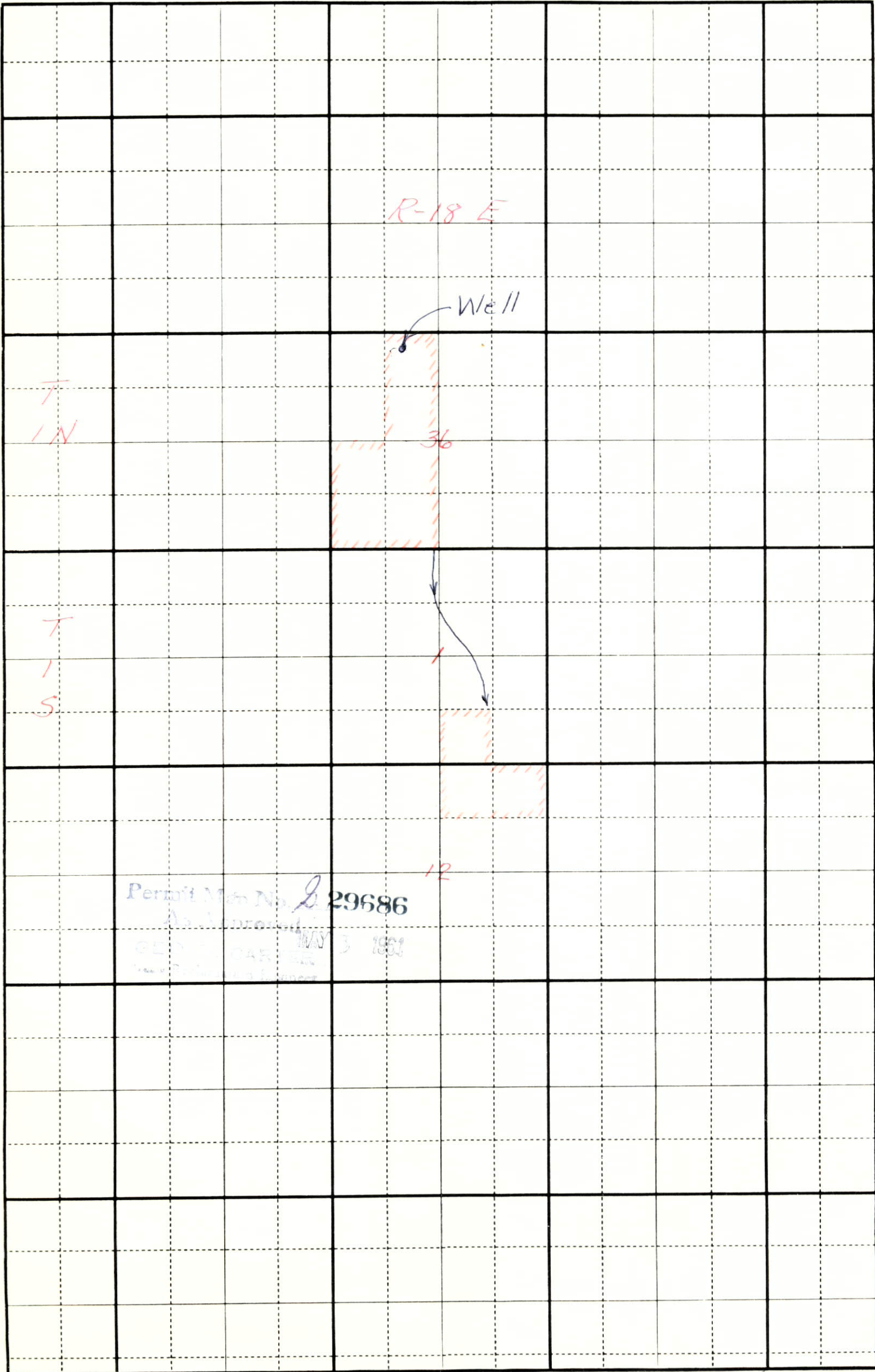
J. W. Haines
Notary Public for Idaho
Residing at Hailey,
Blaine County, Idaho.

29686

NAME OF APPLICANT

Vernie J. Byington

Form No. 0



SCALE: 2 Inches Equal 1 Mile. Draw Plan In Ink.

29686

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

Notice is hereby given that on the 8 day of April 1966, at Hailey, County of Blaine, State of Idaho before V. K. Jeppesen, Notary Public, at Hailey Idaho, proof will be submitted of the completion of works for the diversion of 7.0 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-29686, 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 Vernile J. Byington, Gannett, 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 7.0 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 7.0 cubic feet per second.

4. The point of diversion of said water is NE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 36 T. 1 N. R. 18 E. B. M., County of Blaine.

5. The place where said water is used is NE $\frac{1}{4}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$ all in Section 36, T. 1 N., R. 18 E. SW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 1 T. 1 S. R. 18 E., NE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 12 T. 1 S. R. 18 E.

6. The date of priority which said user is prepared to establish is May 3, 1961.

CARL E. TAPPAN
State Reclamation Engineer
Pub. March 3-10-17-24

NOTICE OF TRUSTEE'S SALE

State of Idaho

WATER LICENSE

Water License No. G-29686 Priority May 3, 1961 Amount 6.71 c.f.s.

THIS IS TO CERTIFY, that VERNILE J. BYINGTON
of Gannett, Idaho, made application for a permit to appropriate the public waters of
the State of Idaho, dated May 3, 1961; that Permit G-29686 was issued pursuant
to said application; that the proposed works were completed on or about July 15, 1961,
with a storage for carrying capacity of 6.71 c.f.s., said works consisting of well, pump,
and motor; and that on April 8, 1968
proof was made to the satisfaction of the State Reclamation Engineer, of the beneficial use of 1053
acre feet per season, with a maximum rate of diversion of 6.71 cubic feet per second of the waters
of a well, tributary of subterranean flow,
for the purpose of irrigation from April 1st to November 1st;
and for _____ from _____ to _____; and for
_____ from _____ to _____; and that the use
of said waters has been made in accordance with the laws of Idaho, and is hereby confirmed by the State Recla-
mation Engineer and entered in the records of the Idaho Department of Reclamation: the point of diversion is
located in NE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 36, T. 1 N., R. 18 E., B.M., and
other additional points _____, in the County of
Blaine; and that the amount of water to which such right is
entitled and which is hereby confirmed, for the purposes aforesaid, is limited to an amount actually beneficially
used for said purposes and shall not exceed 1053 acre feet per year.

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 $\frac{1}{4}$	
1 N	18 E	36					31			40	40	40	40	40					231
1 S	18 E	1															40		40
		12	40	40															80

Total number of acres irrigated 351

The right to the use of the water 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

9th day of September, 1968.

Jack A. Bennett
Deputy State Reclamation Engineer

079686

APPLICATION FOR PERMIT

To Appropriate the Subterranean Waters of The State of Idaho

Application No. G- 37696
Permit No. G- 29686
District No.

1. Name of Applicant: Vernile J. Byington
Postoffice address: Gannett County: Blaine State: Idaho

2. Quantity of water claimed:
(a) Rate of withdrawal in cubic feet per second 7.0 or Idaho
Miners' inches 350 or gallons per minute
(b) Annual withdrawal in acre feet per annum

3. Source of water supply: Subterranean Well

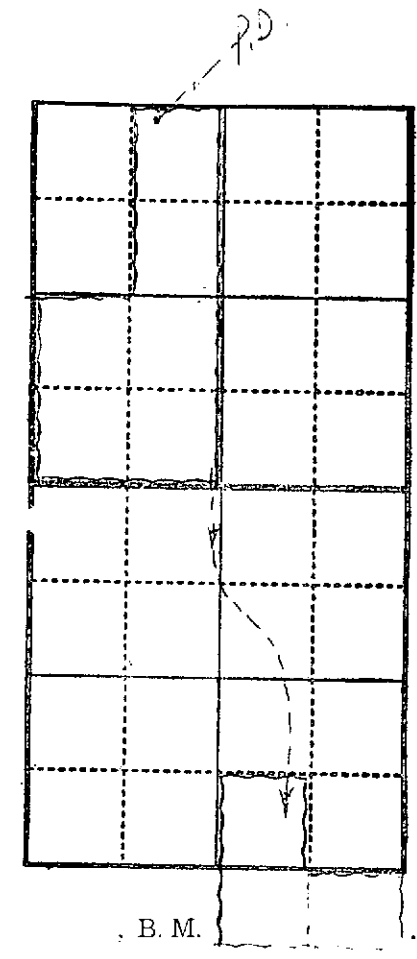
4. Location of point of diversion or well is in the NE 1/4 of the NW 1/4 of Section 36
Twp. 1 N , Rge. 18 E. , B.M., County of Blaine

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: Pump, Motor and cased well and ditches

8. Estimated cost of works: \$ 8,000.00

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 onhand: \$

(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: 3-24-1883 55 Inches;
5-15-1885 160 In; 5-31-1887 80 Inches; 6-15-1891 40 Inches; 5-15-1892 80 Inches;
5-15-1892 80 Inches.

(a) 325 Inches (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) 25 Inches (cubic feet per second, inches or gallons per minute) is for new lands.

BE IT KNOWN THAT The undersigned hereby makes appli cation for permit to appropriate the public waters of the State of Idaho as herein set forth.

/S/ Vernile J. Byington Applicant.

By _____ *Agent.*

Date of first receipt at Department of Reclamation: 10:00 A. M. May 3, 1961

Returned to applicant for correction:

Corrected application received:

Approval of State Reclamation Engineer

The number of this permit is G— 29686

Recorded in Book 104 Page 29686 Approved May 3, 1961

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 _____ 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 November 3, 1963

The whole of said work to be completed and beneficial use of water appropriated in accordance herewith, to be made and proofs offered on or before May 3, 1966

Witness my hand this 3rd day of May, 1961

/s/ GEO. N. CARTER
STATE RECLAMATION ENGINEER.

IN TESTIMONY WHEREOF, We, ROBERT E. SMYLLIE, Governor of the State of Idaho,
and ARNOLD WILLIAMS, 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 3rd
day of May, 19 61.

Countersigned:

STATE OF IDAHO

(SEAL)

By /s/.....ARNOLD WILLIAMS.....
Secretary of State.

By S/ ROBERT E. SMYTHE
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	NE ¹ / ₄	NW ¹ / ₄	SW ¹ / ₄	SE ¹ / ₄	NE ¹ / ₄	NW ¹ / ₄	SW ¹ / ₄	SE ¹ / ₄		
1 N 1 S	18 E 18 E	36 1 12					32	40				40	40	40	40	40				232 40 80
Total Number of acres to be irrigated																	352			
LICENSE ISSUED FOR <u>6.71</u> SEC. 8. LICENSE PAGE NO. <u>29686</u>																				

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

TRANSFER NO. 5563
WATER RIGHT NO(S). 37-02658/37-04421B/37-07651/37-11430

This is to certify that: **A W MOLYNEUX**
1174 GANNETT PICABO RD
BELLEVUE ID 83313

has requested a change to the above captioned water right(s). This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code, provided the conditions listed below are met.

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
Right No. 37-02658 :			
IRRIGATION	04/01 to 11/01	6.71 CFS	1228.5 AF
Priority: 05/03/1961			
Right No. 37-04421B :			
IRRIGATION	04/01 to 11/01	0.48 CFS	204.3 AF
Priority: 01/01/1955			
Right No. 37-07651 :			
IRRIGATION	04/01 to 11/01	2.05 CFS	420.0 AF
Priority: 08/02/1977			
Right No. 37-11430 :			
IRRIGATION	04/01 to 11/01	3.62 CFS	633.5 AF
Priority: 05/01/1982			
	TOTAL:	9.24 CFS *	2068.5 AF *

SOURCE

GROUNDWATER

LOCATION OF POINT(S) OF DIVERSION:

NWNENW , Sec. 36, Township 01N, Range 18E
NENWNE , Sec. 12, Township 01S, Range 18E
SWNENW , Sec. 12, Township 01S, Range 18E
BLAINE County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
01N	18E	36	NESW 40	NWSW 40	SWSW 38	157
			SESW 39			
01S	18E	1	Lot 2 (SWNE) 19	Lot 1 (SENE) 19	Lot 3 (SENW) 5	
			NESW 20	SESW 35	NESE 40	
			NWSE 40	SWSE 40	SESE 39	257
		12	NENE 38	NWNE 40	NENW 38	
			NWNW 8	SWNW 13	SENW 40	177
				Total number of acres irrigated:		591 */**

MICROFILMED

1984 11 12 2000

TRANSFER NO. 5563
WATER RIGHT NO(S). 37-02658/37-04421B/37-07651/37-11430

CONDITIONS OF APPROVAL AND REMARKS

1. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
2. The right holder shall use the full allotment of appurtenant surface water rights in conjunction with groundwater diverted under this right and shall only divert groundwater under this right when water from the appurtenant surface water rights cannot be delivered to the right holder.
3. If the surface water right(s) appurtenant to the place of use is sold, transferred, leased or used on any other place of use, this right to divert groundwater shall not be used without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.
4. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
5. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
6. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
7. Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.
8. After specific notification by the department, the right holder shall measure the diversion or shall enter into an agreement with the department to determine the amount of water diverted from power records and shall annually report the information to the department.
- * 9. The total instantaneous diversion of water from all points of diversion under Transfer 5563 shall not exceed 9.24 cfs, nor total combined annual volume of 2068.5 af for the irrigation of 591 acres.
- ** 10. Right 37-02648 is limited to the irrigation of 351 acres within the place of use described above in a single irrigation season.
- ** 11. Right 37-07651 is limited to the irrigation of 120 acres within the place of use described above in a single irrigation season.
- ** 12. Right 37-04421B is limited to the irrigation of 138 acres within the place of use described above in a single irrigation season.
- ** 13. Right 37-11430 is limited to the irrigation of 181 acres within the place of use described above in a single irrigation season.

MICROFILMED

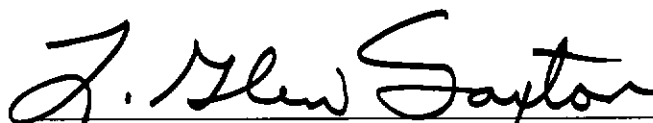
NOV 08 2000

TRANSFER NO. 5563
WATER RIGHT NO(S). 37-02658/37-04421B/37-07651/37-11430

CONDITIONS OF APPROVAL AND REMARKS

14. Approval of Transfer 5563 does not confirm Claimed Rights 37-04421B and A37-11430.

Dated this 19th day of June, 2000.


Chief, Water Allocation Bureau

MICROFILMED

NOV 08 2000

Page 1 of 9

STATE OF IDAHO

Transfer No. 5563

RECEIVED

DEPARTMENT OF WATER RESOURCES

RECEIVED

SEP 02 1999

PART 1

Department of Water Resources

**Department of Water Resources
Southern Region**

name of applicant A. W. Molyneux

Phone 788-2552

Post Office address 1174 Gannett-Picabo Rd, Bellevue, ID 83313

4. PURPOSE OF TRANSFER

1. ☐ Change point of diversion ☒ Add diversion point(s) ☒ Change place of use
☐ Change nature of use ☐ Change period of use ☒ Other Create PPU

2. Describe the reason for the proposed changes. A portion of the land covered by Lic. 37-02658 is being sold without groundwater rights. The water from this land is being moved to land covered by an expansion claim in the SRRA, & the existing PPU is being described here as it has existed since 1984. additional present/y-irrigated land is

1. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE *also being added,*

1. Right Number	Priority	Amount (cfs/ac-ft)	Nature of Use	Period of Use
<u>37-02658</u>	<u>5-3-1961</u>	<u>6.71/1228.5</u>	<u>Irrig.</u>	<u>4-15</u> to <u>10-15</u>
<u>37-07651</u>	<u>8-2-1977</u>	<u>2.05/420.0</u>	<u>"</u>	<u>"</u> to <u>"</u>
<u>A37-11430</u>	<u>5-1-1982</u>	<u>3.62/633.5</u>	<u>"</u>	<u>"</u> to <u>"</u>
<u>A37-04421B</u>	<u>1-1-1955</u>	<u>0.48/175.2</u>	<u>"</u>	<u>"</u> to <u>"</u>

2. Total amount of water being transferred 9.24 cubic feet per second and/or 2068.5 acre-feet per annum.

3. Source of water Groundwater tributary to _____

4. Point(s) of Diversion:

[illegible]

5. Lands irrigated or place of use: Permissible Plce of Use

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
1N	18E	36									40	40	38	39					157
1S	18E	1			19	19				5	20			35	40	40	40	39	259
					172	171				173									
		12	40	40			38	8	13	40									172
			38																
																			591

PART 1

6. General Information:

- a. Description of diversion system Two wells & pumps, connecting mainline, sprinklers. Two new pivots will replace existing wheel lines on part of ground.
- 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 continue to b irrigated as before. The NW 1/4 of Sec. 12 is being added, it has sufficient surface rights in most years, but could benefit from groundwater use in dry years. No new land will be irrigated due to this transfer.
- d. Remarks:
The wells under Claim A37-04421 serve 2 separate systems on small areas of this farm. They have limited flow or pumping capacity, and would remain separate under normal conditions. So this claim is not included in this transfer. Permit 37-08207 also covers the west well on this claim.

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

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

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

Witness my hand this _____ day of _____, 19 _____.

MICROFILMED

NOV 03 2000

A. DESCRIPTION OF RIGHT AS RECORDED:

Water Right No. 37-02658

STAGE: LICENSE

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	04/01 to 11/01	6.71 CFS	1053.0 AF

SOURCE

GROUNDWATER

Priority: 05/03/1961

LOCATION OF POINT(S) OF DIVERSION:NENW , Sec. 36, Township 01N, Range 18E
BLAINE CountyPLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
01N	18E	36	NENW 31	SENW 40	NESW 40	
			NWSW 40	SWSW 40	SESW 40	231
01S	18E	1	SWSE 40			40
		12	NENE 40	NWNE 40		80
Total number of acres irrigated:						351

CONDITIONS/REMARKS:MICROFILMED
NOV 08 2000

A. DESCRIPTION OF RIGHT AS RECORDED:

Claim No. A37-04421

STAGE: STATUTORY CLAIM

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>
IRRIGATION	04/01 to 11/01	3.46 CFS

SOURCE

GROUNDWATER

Priority: 01/01/1955

LOCATION OF POINT(S) OF DIVERSION:SESESE , Sec. 1, Township 01S, Range 18E
SWNENW , Sec. 12, Township 01S, Range 18E
BLAINE CountyPLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
01S	18E	1	SESW 35			35
		12	NENE 37	NENW 40	NWNW 10	
			SWNW 15	SENW 39		141
				Total number of acres irrigated:		176

CONDITIONS/REMARKS:MICROFILMED
NOV 08 2000

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?
Yes If yes, describe Present diversion rate is less than what was claimed

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

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

1. amount 0.48 cfs for Irrig. purposes from 4-1 to 11-1
 (cfs/ac-ft)
 amount 175.2 AFA for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
	SW	NE	NW	12	1S	18E	Blaine	Pumped well, sprinklers

3. Lands irrigated or place of use:

Twp.	Rge.	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	
1S	18E	1												35					35
		12					40	10	13	39									194

Total acres 196 139

C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)

1. amount 2.98 cfs for Irrig. purposes from 4-1 to 11-1
 (cfs/ac-ft)
 amount 129.5 AFA for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
	SE	SE	SE	1	1S	18E	Blaine	Flowing well, ditches

3. Lands irrigated or place of use:

Twp.	Rge.	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	
1S	18E	12	37																37

Total acres 37

PART 2

TRANS NO. 5563

A. DESCRIPTION OF RIGHT AS RECORDED:

Water Right No. 37-07651

STAGE: LICENSE

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	04/01 to 11/01	2.05 CFS	300.0 AF

SOURCE

GROUNDWATER

Priority: 08/02/1977

LOCATION OF POINT(S) OF DIVERSION:NWNE , Sec. 12, Township 01S, Range 18E
BLAINE CountyPLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
01S	18E	1	SWSE 40			40
		12	NENE 40	NWNE 40		80
Total number of acres irrigated:						120

CONDITIONS/REMARKS:MICROFILMED
NOV 08 2000

PART 2

TRANS NO. 5563

A. DESCRIPTION OF RIGHT AS RECORDED:

Claim No. A37-11430

STAGE: BENEFICIAL USE

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>
IRRIGATION	04/01 to 11/01	3.62 CFS

SOURCE

GROUNDWATER

Priority: 05/01/1982

LOCATION OF POINT(S) OF DIVERSION:NWNENW , Sec. 36, Township 01N, Range 18E
NENWNE , Sec. 12, Township 01S, Range 18E
BLAINE CountyPLACE OF USE: IRRIGATION

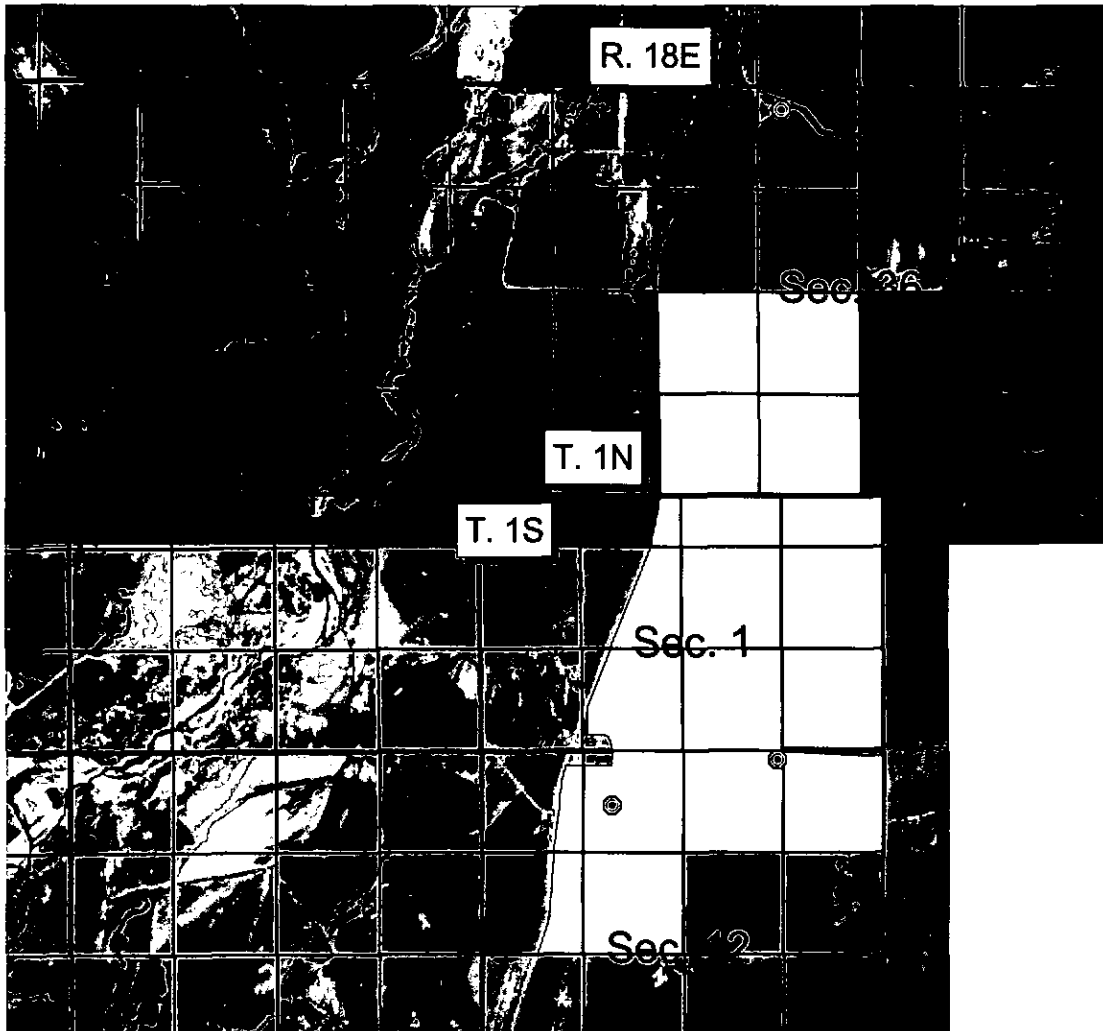
<u>TWN</u>	<u>RGE</u>	<u>SEC</u>		<u>ACRES</u>		<u>ACRES</u>		<u>ACRES</u>	<u>TOTAL</u>
01S	18E	1	Lot 2 (SWNE)	20	Lot 1 (SENE)	19	Lot 3 (SENE)	6	
			NESW	16	NESE	40	NWSE	40	
			SESE	40					181
					Total number of acres irrigated:				181

CONDITIONS/REMARKS:

1. THIS CLAIM IS FOR THE EXPANDED USE FROM LICENSED RIGHTS
37-02658 & 37-07651.

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APP. FOR TRANSFER - A. W. MOLYNEUX (GROUNDWATER)



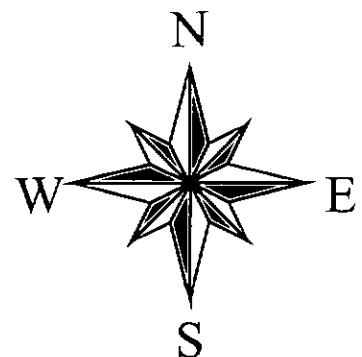
● Points of Diversion For Pressure Sprinklers

■ Land Water Is Being Removed From

□ Proposed PPU/Remaining PU

Prepared By J. E. Stanton
9-27-1999

RECORDED
NOV 03 2000



PART 3

B. CHANGES IN NATURE OF USE

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

2. Quantity and quality of return flows and location of discharge:

3. 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.

Subscribed and sworn to before me this 2nd day of September, 19 99.

A.W. Holyne
(Signature of Applicant)

J.F. Stanton
(Notary Public)

My commission expires 10-25-2000

FOR DEPARTMENT USE ONLY

Transfer contains 9 pages and 0 attachments

Received by J.F. Stanton Date 9-2-99 Protest filed by None

Prelim. check by JS Fee \$100.00 22515

Receipted by JS Date 1-2-99

Published in Wood River Journal Copies of protest forwarded by _____

Pub. dates 10/27 & 11/3/99 Hearing held by _____ Date _____

Watermaster recommendation requested on N/A Recommended for ☒ approval ☐ denial

_____ rec'd. WWR/JS by AD

Copy of transfer sent to lien holder _____

RECORDED
NOV 08 2000



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

Phone: (208) 327-7900 FAX: (208) 327-7866

June 19, 2000

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

A W MOLYNEUX
1174 GANNETT PICABO RD
BELLEVUE ID 83313

RE: TRANSFER OF WATER RIGHTS 37-02658/37-04421B/37-07651/37-11430
(Transfer 5563)

Dear Water Right Holder(s):

Enclosed is the copy of your approved Transfer of Water Rights for the above referenced water rights (Transfer 5563). Please be sure to thoroughly read the Conditions and Remarks listed on the transfer. Also, please be advised that the accompanying transfer approval should be considered and treated as a **preliminary order** of the department issued pursuant to section 67-5243, Idaho Code. Enclosed are instructions for responding to **Preliminary Orders** if you are in disagreement with the approved transfer.

Please note that as of July 1, 1996, water right owners are required to report any change of water right ownership and any change of mailing address of the owner of a water right to the department. Notice of the change must be provided to the department within 120 days of the change. Change reporting forms are available from any office of the department.

Please feel free to contact the department if you have questions.

Sincerely,

Shauna Curtis

for Jeff Peppersack, Manager
Water Right Permits Section

JP:klt

Enclosures

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CERTIFICATE OF MAILING

I hereby certify that on the 19th day of **June**, 2000 I mailed a true and correct copy, postage prepaid, of the foregoing **TRANSFER APPROVAL** to the person(s) listed below:

RE: TRANSFER OF WATER RIGHTS 37-02658/37-04421B/37-07651/37-11430
(Transfer 5563)

A W MOLYNEUX
1174 GANNETT PICABO RD
BELLEVUE ID 83313


Kari Lynn Townsend
Secretary

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**EXPLANATORY INFORMATION
TO ACCOMPANY A
PRELIMINARY ORDER**

The accompanying order or approved document is a "**Preliminary Order**" issued by the department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action of the Department of Water Resources (department) unless a party petitions for reconsideration, files an exception and brief, or requests a hearing as further described below:

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the department within fourteen (14) days of the service date of this order. The department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See Section 67-5243(3) Idaho Code.

EXCEPTIONS AND BRIEFS

Within fourteen (14) days after (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding with the Director. Otherwise, this preliminary order will become a final order of the agency.

REQUEST FOR HEARING

Unless a right to a hearing before the department or the Idaho Water Resource Board (Board) is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

ORAL ARGUMENT

If the Director grants a petition to review the preliminary order, the Director shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director orders otherwise, all oral arguments will be heard in Boise, Idaho.

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

FINAL ORDER

The Director will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Director may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its issuance if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) the petition for reconsideration is disposed of; or
- (b) the petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

TRANSFER OF WATER RIGHT ANALYSIS

Reviewed by Sharla Curtis on _____

Trans # 5563 WR No(s) 37-02658 07651 11430 04421B
Resulting Splits N/A 1 A/B

Name: Molyneux Correct Fee Pd ☒ Ad ok ☒

AREA OF CONCERN: No/Yes _____ Moratorium _____ XFER TYPE: B - Change p/d F - Change use period
C - Add p/d G - Other
D - Change p/u H - Change p/d & add p/d
E - Change use I - Change p/d & p/u
J - Add p/d & change p/u

GROUNDWATER:

DRILLING PERMIT

All wells - 046
Basin 34 - 085
WMD - North/East/West
≤ 0.24 cfs/5 acres - No MD
> 0.24 cfs/5 acres - 067

WMD

Supp irr (irr = only use) - 065-104
Supp irr (+ other uses) - 100-105
≤ 0.24 cfs/5 acres - No MD
> 0.24 cfs/5 acres - 01M

SURFACE WATER:

WD - B04 (WD# _____)
≤ 0.20 cfs/others - R02, 01P or No MD
> 0.20 cfs - R43

WD, SPRINGS/SINK, INACTIVE WD & REST OF STATE
≤ 0.24 cfs/5 acres - No MD
> 0.24 cfs/5 acres - 01M or 01Q

LOCATION:

Boise Front LoGeo - 058 (<85 GW)
Mitigation - 121
~~Trust~~ - 051 (consumptive uses)
Non-Trust - 048-049 (cons uses or non-cons. > 1.0 cfs)

USES:

~~STORAGE~~ - 18A-R02-01P-18B-NA
IRR ≤ 5 ac - R66/R67/R68/R69 (0.03 cfs/ac)
> 5 ac - R62/R63/R64/R65 (0.02 cfs/ac)
STOCKWATER - R37 (BLM/USFS)
MINING - 054-081
FISH PROP - 029(70'S only)-007-042-081
HEAT/COOL - R07(injection well)
FIRE/PROT. - 077

USES:

POWER - 17H-17K (+uses)-025--081
MUNICIPAL
Restricted area - 022,075
Irr., GW supp to SW - 102
DOMESTIC
Surface water - WB5 (Big Wood or Boise above Star Bridge)
27A (Payette R)
> 1 in restricted area - 070-071-075(no parks/common areas, etc)
Irr use listed separate - WB5

MISC CONDITIONS/REMARKS:

T07 - 1 yr to develop
T08 - comply or rescind
T09 - on-going Snake River Basin Adjudication
T17 - measure all p/d's (used with WB4)

Protested - 020-W19
Multiple pd's per 1/4 - W32
Non-consumptive - 027
Water Quality - 081-R07
Subd lot desc (pd) - W59
Subd lot desc (pu) - W60
Use definitions - W02 example - S/50 range
Single p/d intended - 076
Zoning ord. (dairys only) - 082

W51 - 2+ yrs to develop
W54 - forfeited ac/rate (used rarely)
W56 - (transfer shrinks total water to less ac)
W57 - no right-of-way
W58 - pending claim (statutory or AJ b/u claim)
W59 - measure p/d's (source changed to original trib)
WB4 - + p/ds, cfs & afa (used with T17)
WB5 - remaining right (only if specifically requested, i.e. protest)
WD6 - measure & report "
WD7 - irr ac removed "

Special T17 & R43 combined - multiple pds in WD
01Q - used instead of 01M when there is another meas. Condition
(i.e. T17 & 01M)

IRRIGATION SEASON 4/15 - 10/31 (Per updated map) IRRIGATION VOLUME/AC 3.5

OTHER CONDITIONS/REMARKS

COMMENTS Region wrote up trans. based on AS record for 37-04421, there is
only an A prefix
T files created/updated ☒ Approval form printed ☒ Transfer Memo ☒
Post approval update ☒ drop 1's except 11430 (make X on AS)
Record, should be
based on well side

RECEIVED

MEMO

JAN 12 2000

FROM: Allen Merritt

 Department of Water Resources

DATE: January 7, 2000

Transfer File No.	5551	5553	5563
Water Right(s):	37-00105C	37-00182A	37-02658
	37-00106E	37-00334E	37-07651
	37-00704G	37-30011A	37-11430
	37-00883A		37-04421
	37-30000J		

In the Name of: A.W. Molyneux

SUBJECT: Review and Recommendation

These transfers deal with further splitting up of the Molyneux property. The much larger, ranch was initially split by earlier transfers 5137, 5138 & 5139. These three new transfers deal with the land and water system essentially described by approved transfer T5137. These lands are served by waters diverted from the Big Wood River through the Bypass Canal and then re-diverted into the Baseline Canal and the Dittoe Canal or Ditch. The land is also served by four wells which supplement the decrees from the river. An excess flow analysis was made at the time of T5137 and is made part of this recommendation (A copy will be placed in T5551.).

The purpose of these three new transfers is to prepare the remaining Molyneux land for further splitting up. T5551 deals only with the Baseline Canal water. It consolidates the Baseline water on a PPU of 396 acres. It is understood that the E $\frac{1}{2}$ NW $\frac{1}{4}$ of Sec 36 is what is now intended to be sold which is a part of this PPU created by T5551. Transfer T5553 consolidates the Dittoe water on another portion of the ranch in a 396 acre PPU. Transfer T5563 deals with the well water and removes groundwater from the lands intended to be sold and consolidates the groundwater on the lands intended to be retained. This transfer also splits right 37-04421 into A & B. The B part and all the other rights are placed into a 591 acre PPU which will be served by sprinklers out of three existing wells. The A part will be diverted from the artesian well in SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Sec 1 and will be at times used for flood irrigation of the lands within NE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec 12. *** Note that this same tract is within the 591 acre PPU to be served out of the other three wells through a sprinkler system. This seems somewhat peculiar but apparently that is how the system can work. Note that part A lists 37 acres on the application but the 591 acre PPU list 38 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec 12. The acreage should be consistent and I recommend that part a also be 38 acres.

The applications were processed without protest. Forfeiture does not appear to be an issue. Excess flow is an issue.

Analysis

Prior excess flow analysis found that 0.024 cfs/acre was justified for sprinklers at the field headgate. Analysis also found that 0.063 cfs/acre was justified for flood irrigation at the field headgate. The

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analysis also estimated conveyance loss to be 6.24 cfs. In the situation of the NE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec 12 the applicant proposes two application methods. This situation could be allowed if appropriate conditions are imposed and the flood irrigation rate from the artesian well is limited to 0.063 cfs/acre for the 38 acres (37-04421A – 2.39 cfs).

Doug has reviewed the files for AJ and wanted a more definitive analysis of right 37-04421. We discussed this in length and I requested Jim Stanton to contact the owner and possibly measure the wells described on this claim. Jim contacted the owner (see memo 1/7 enclosed). Since it appears that the measurement of the one well is not possible at this time and may not be for sometime we discussed with Jeff Peppersack what conditions may be appropriate. It was decided to proceed with processing and not hold transfers but to condition use of well to historical limits (See below).

RECOMMENDATION

I recommend that these transfers be approved subject to the following conditions:

- Big Wood decrees under control of watermaster for district 37.
- All groundwater rights are supplemental and only to be used when appurtenant surface water is utilized to the fullest extent.
- Subject to further SRBA review and possible further limitation.
- Right 37-04421A is to be allowed for irrigation of 38 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec 12 and limited to 2.39 cfs from well within SE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec 1. Use of this right may only be used for flood irrigation of lands and when this right is combined with other rights the total use on this tract is limited to 2.39 cfs at the field headgate. The use of the well is restricted to historical practice of use of natural artesian flow. This well shall not be modified by installation of pump or other means until review by SRBA is complete to determine extent of beneficial use and a reasonable sustainable diversion rate consistent with the historical flow capacity from the well.
- Other similar and appropriate conditions as stated in T5137.

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MEMO

TO: File

DATE: 1/7/2000

FROM: J E STANTON

SUBJECT: App. for Transfer #5563, A W Molyneux (Groundwater)

Today I discussed this transfer with Bill Molyneux. He called to check on the progress of this application and of the two related surface-water transfers. I told him that we were holding all three together until the 2 wells covered by Claim A37-04421 could be measured. I had previously measured the west well at 0.48 cfs, so that is the amount requested to be transferred. Although the east well is not part of this transfer, it covers 40 acres that is part of the transfer via a separate but overlapping system. Bill told me that the east well flows for 6-8 week starting in late June or early July. He said that it has flowed for the last 4 years, but sometimes doesn't flow at all in dry years. He leaves the well open all the time. The well flows directly into a small ditch that also carries river water, so trying to read the high-water mark in the ditch would not give a clue as to the flow rate from the well. Bill said the well had never been measured, and doesn't know how much it flows.

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IDWR TRANSFER ANALYSIS SHEET

APPLICANT

A. M. Molyneux

TRANSFER NO.

5563

1. Right number(s)

37-02658-37-07651-A37-11430, A37-04421

2. Type of right

☒ Decree ☒ License ☐ Statutory Claim
☒ SRBA Beneficial Use Claim

3. Purpose of transfer

☐ Change P/D ☒ Add P/D ☒ Change P/U
☐ Change N/U ☐ Change Source ☒ Split Right
☐ Other: _____

4. Check Existing
Right:

☒ Source ☒ Priority ☒ Amount ☒ Purpose
☒ Period ☒ SRBA Claim
☒ Description of original point(s) of diversion
☒ Description of original place of use
☒ Overlapping rights on original place of use

Comments: _____

5. Check Proposed Right for amount of land &/or water transferred:

☒ Also see attached memo for more analysis information

- a. ☒ All of right
- b. ☒ Part of right (NOTE: Part B should be filled in only if part of right is owned by the applicant)
- c. ☒ Description of point(s) of diversion
- d. ☒ Description of place of use
- e. ☒ Map showing P/D & P/U after transfer
- f. ☒ Correct notarized signature and \$100 fee
- g. ☒ Proof of ownership of right &/or land from which water is transferred See previous transfers
- h. ☒ Expansion in use of right - Comments: None requested

i. ☒ Existing rights from same source, on land water is being transferred to; right number(s): _____

all in transfer

j. ☒ SRBA claim(s) - Comments (NOTE! Approved transfer amends SRBA claim; differences between existing water right and SRBA claim? any ownership or other outstanding issues? Explain) _____

k. ☒ Comment letters ☒ Yes ☐ No
If yes ☒ Water District # _____
☒ Lienholder, others, see #2 below for name and address

INITIAL ALLOCATION REVIEW BY J. Stanton
SRBA SUPERVISOR REVIEW BY _____
PUBLICATION REVIEW BY _____

DATE 9-28-99
DATE _____
DATE _____

1. Legal Notice electronically sent to DWRO3::VAULT ☐ Yes

2. COMMENT LETTERS Copy of Pg 1 to AJ ☐ Yes

Watermaster recommendation requested on _____, Received on _____

Other comments letters - send to the following name(s) & address(es): _____

3. Transfer published correctly? ☒ Yes ☐ No

4. Affidavit of publication received? ☒ Yes ☐ No

5. Protests received? ☐ Yes ☒ No; Acknowledgement sent? ☐ Yes

6. Copies made for Region file (see attached supplemental page)? ☐ Yes

RECOMMENDED ACTION

1. ☒ Approve

2. ☐ Deny due to _____

3. Conditions (special conditions in Water Districts) _____

☒ Also see attached memo for recommendation dated: 10/4/00 1/7/00

4. By AS

Date 10/4/00 1/7/00

RECEIVED

NOV 12 1999

Department of Water Resources
Southern Region

APPLICATION FOR TRANSFER
NO. 37-5563

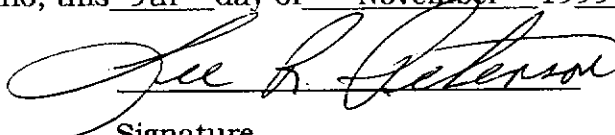
RECOMMENDATION OF WATERMASTER

I, Lee R. Peterson, watermaster of Big Wood River,
of Water District No 37, County of Blaine, State of Idaho,
whose address is P O Box T, Shoshone, Idaho 83352,
have read the attached copy of the application for transfer in the name of
A W Molyneux, and to the best of my knowledge believe the
application to be true.

A. I hereby endorse the above numbered Application for Transfer and recommend
that the director of the Department of Water Resources approve the transfer
subject to the following conditions: That control gates and measuring devices be
intsalled for the Baseline Canal Company.

B. I do not endorse approval of the above numbered Application for Transfer as re-
quested for the following reasons: _____

Dated at Shoshone, Idaho, this 9th day of November 1999.


Signature

Please use reverse side if needed.

MICROFILMED

NOV 08 2000

37-02658 *
 A37-04421
 37-07651 *
 A37-11430 * Express

○ PPU
 591 2005
 □ - 37 Acres
 put D

	31		
	40		
		*	
40 (40)	40 (40)		
40 (38)	40 (39)		
	6 (5)	20 (19)	19 (19)
	16 (20)	40 (40)	40 (40)
	35 (35)	40 40 (40)	40 (39)
10 (8)	40 (38)	40 40 (40)	40 37 (37)
15 (13)	35 (40)		

31

40

80

80

45

96

115

130

54

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MEMO

TO: File

DATE: 9-29-99

FROM: J E STANTON

SUBJECT: App. For Transfer, Bill Molyneux (Groundwater)

I recently visited this property to verify certain facts concerning Claim A37-04421. This claim covers two wells. The well in the SE corner of Sec. 1 is a small artesian well that flows for about 30 days each spring (according to Bill). It runs into a ditch that also brings his Baseline Canal rights to the NE/NE Sec. 12 for gravity irrigation of this tract. The ditch runs along the east side of the tract, eventually turning southwesterly near the SE corner of the tract. The water barely makes it to the west side of the 40, which is pasture.

The well in Sec. 12 was measured in 1993 by me under Licensing Exam 37-08207. This well is pumped into sprinklers for use on land north and south of the well. It has no connection to the artesian well even though both wells are covered by the same claim. So the east well is not involved in this transfer.

Bill's other two pumping wells are connected via a common mainline, which will be extended to tie into the mainline from the west well should the need arise in a dry year. The N ½ NE ¼ Sec. 12 is sprinkled from the two main wells. So the NE/NE Sec. 12 is sprinkled with one system and gravity irrigated with another system, depending on what is most efficient at the time. Since the artesian well has not been measured as far as I know, I just left the remainder of the claimed flow for this well; the well undoubtedly produces much less than 3 cfs.

For annual volume, the application shows the new standard of 3.5 AFA/acre for the two licenses and the expansion claim. The volume shown for 4421B is the measured flow rate for 184 days.

This application appears reasonable and should be approved. The land will continue to be irrigated as before except for the north 80 from which groundwater is being removed. The buyers of the 80 only want surface rights, which will remain as the primary water supply for this tract. That tract will be sold with only its proportional share of river rights.

MICROFILMED

NOV 08 2000

T # 5563



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

SOUTHERN REGION

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

October 18, 1999

LEE PETERSON WATERMASTER
WATER DISTRICT #37
PO BOX T
SHOSHONE ID 83352

Re: Application for Transfer of Water Right Nos. 5551, 5553, 5563-A. W. MOLYNEUX

Dear Mr. Peterson:

Enclosed are copies of three Applications for Transfer of a Water Right within your District, and Watermaster's Recommendation Form(s).

Section 42-222 of the IDAHO CODE requires that the watermaster must be advised of proposed changes in water rights in the water district and must notify the Department of his recommendation on the application.

Please complete the enclosed recommendation form(s) and return to this office.

Regional review of an unprotected application can be completed as soon as the final protest period is past; therefore, your prompt response to this request is appreciated.

If you have any questions about an application, please contact this office or the applicant.

Very truly yours,

James E. Stanton
Sr. Water Resource Agent

Enclosures

MICROFILMED

NOV 08 2000

T #5563

AFFIDAVIT of PUBLICATION

RECEIVED

NOV 08 1999

Department of Water Resources

State of Idaho, }
County of Blaine } SS.

On this 3rd day of November in the year 1999, before me a Notary Public of said State, personally appeared _____, known or identified to me to be the person whose name is subscribed to be the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that he executed the same. As the publisher of the Wood River Journal, he/she attests that said newspaper has been continuously and and uninterruptedly published for a period of seventy-eight consecutive weeks prior to the first publication of the annexed notice, and is a newspaper qualified to publish legal notices as provided by act of the 1919 session of the legislature of the State of Idaho, known as House Bill 145; that the annexed advertisement was published once each week for 2 consecutive issues in said newspaper proper and not in a supplement; that the date of the first publication of said advertisement was on the 27th day of October 1999 and the date of the last publication was on the 3rd day of November 1999

Subscribed and sworn to before me this 4 day of November 1999
(SEAL)

KELLI L. YOUNG
NOTARY PUBLIC
STATE OF IDAHO

#11533
WOOD RIVER JOURNAL
Hailey, Idaho

COST OF PUBLICATION

Number of Picas per Line 36
Number of Lines in Notice 86.667
Number of Insertions 2
21.667 Lines tabular at 54.60 7¢/Pica
65.000 Lines straight at 140.40 6¢/Pica
86.667 Subsequent lines at 156.00 5¢/Pica
TOTAL COST 356.00

COPY OF NOTICE
(Paste Here)

Notice of proposed Change of
TITLE OF NOTICE Water Rights

PLAINTIFF ATTORNEY

DEFENDANT

PLAINTIFF

State of Id. Dept of water
BILL TO resources
1341 Fillmore St. suite
Twin Falls, ID 83301

Notice of Proposed Change of Water Rights

Notice is hereby given that four applications have been filed with the Department of Water Resources for changes to water rights as described below

Transfer No. 5528 by Mary Ann Knight, PO BOX 217; BELLEVUE ID 83313 has purchased a portion (0.59 cfs) of Right No. 37-00004D with a priority date of 03/24/1883 recorded with a diversion point within SENE, S19, T03N, R18E for irrigation of three acres within SWSE, S04, T02N, R18E; (near the northeast corner of the Hailey city limits) Blaine County and is requesting to divert from the Big Wood River tributary to Malad River via the District 45 Canal within SENE, S13, T01N, R18E for irrigation of three acres within SWNE, S13, T01N, R18E; Blaine County (approximately three miles South of Bellevue city limits).

Three transfer applications have been filed by A. W. Molyneux, 1174 Gannett-Picabo Rd.; BELLEVUE ID 83313. The first two transfers below deal with splitting up an existing 674 acre farm. The rights associated with this farm have recorded diversions from the Big Wood River tributary to Malad River within SESW, S12; SENW, & SWSW, S25, all T01N, R18E for irrigation of 674 acres within S36, T01N, R18E and Sections 1 & 12, T01S, R18E; Blaine County.

Transfer No. 5551:

Right No.	Priority	Recorded Flow (cfs)	Transfer Flow Rate (cfs)
37-00105C	05/31/1887	1.53	1.537
37-00106E	05/15/1892	4.59	4.611
37-00704G	05/15/1891	0.77	0.768
37-00883A	05/15/1885	3.07	3.072
37-30000J	03/24/1883	1.06	1.056

Transfer No. 5551 proposes to divert a combined total of 11,044 cfs within SESW, S12 via Headgate & Bypass Canal and also within SENW, S25 via Baseline Canal from Bypass Canal, both T01N, R18E for irrigation of a 271 acre permissible place of use within S36, T01N, R18E and within S12, T01S, R18E; all Blaine County using the rights' transfer flow listed immediately above.

Transfer No. 5553:

Right No.	Priority	Recorded Flow (cfs)	Transfer Flow Rate (cfs)
37-00182A	05/31/1887	9.60	9.601
37-00334E	06/30/1884	3.36	3.36
37-30011A	03/24/1883	6.85	6.845 ("6.509")

Transfer No. 5553 proposes to divert a combined total of 19,806 cfs ("19.47 cfs after conveyance loss) within SESW, S12 via Headgate & Bypass Canal and also within SWSW, S25 via Dittoe diversion from Bypass Canal, both T01N, R18E for irrigation of a 398 acre permissible place of use within Sections 1 and 12, T01S, R18E; all Blaine County using the rights' transfer flow listed immediately above.

Transfer No. 5563:

Rights have recorded diversions from groundwater within NENW, S36, T01N, R18E; SESE, S01 & NENW, S12, both T01S, R18E for irrigation of 671 acres within S36, T01N, R18E and within Sections 1 & 12, T01S, R18E; all Blaine County.

Right No.	Priority	Recorded Flow (cfs)	Transfer Flow Rate (cfs)
37-02658	05/03/1961	6.71	6.71
A37-04421	01/01/1955	3.46	0.48 (Part B)
37-07851	08/02/1977	2.05	2.05
A37-11430	05/01/1982	3.62	3.62

Transfer No. 5563 proposes to remove water from 80 acres within the NENW, S36, T01N, R18E which is being sold without groundwater rights and use water elsewhere, divert a combined total of 9.24 cfs from existing wells within NENW, S36, T01N, R18E and within NWN & NENW, S12, T01S, R18E for irrigation of a 591 acre permissible place of use within S36, T01N, R18E and within S1 & 12, T01S, R18E; Blaine County. The remainder of Designated Right No. A37-04421A (2.88 cfs) is made appurtenant to 37 irrigated acres within NENE, S12, T01S, R18E which will be diverted from the existing well within SESE, S01, T01S, R18E. Any protest against the proposed changes must be filed with the Department of Water Resources, Southern Region, 1341 Fillmore St., Suite #200; Twin Falls ID 83301 together with a protest fee of \$25.00 on or before November 15, 1999 to be considered by the Department in its decision to grant or deny any part of the proposed change. (Each transfer requires a separate protest.) The protestant must also send a copy of the protest to the applicant.

Karl J. Dreher, Director

Publish: Wood River Journal -- October 27 and November 3, 1999.

MICROFILMED

NOV 08 2000

T#5563



State of Idaho
DEPARTMENT OF WATER RESOURCES
1341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380
Phone: (208) 736-3033 FAX: (208) 736-3037

SOUTHERN REGION

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

October 19, 1999

ATTN LEGALS DEPT
WOOD RIVER JOURNAL
PO BOX 988
HAILEY ID 83333

Ladies and Gentlemen:

Enclosed you will find a legal notice which we wish to have published once a week for two consecutive weekly issues of your newspaper.

We have inserted the required publication dates. If you cannot publish the notice on the proposed dates, please contact us immediately.

In order to receive payment, an affidavit of publication must be submitted to the Department along with the publication bill.

Very truly yours,

Mary Baldwin
Administrative Assistant

Enclosure

MICROFILMED

NOV 08 2000

NOTICE OF PROPOSED CHANGE OF WATER RIGHTS

Notice is hereby given that four applications have been filed with the Department of Water Resources for changes to water rights as described below

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37-30000J	03/24/1883	1.06	1.056

Transfer No. 5551 proposes to divert a combined total of 11.044 cfs within SESW, S12 via Headgate & Bypass Canal and also within SENW, S25 via Baseline Canal from Bypass Canal, both T01N, R18E for irrigation of a 271 acre permissible place of use within S36, T01N, R18E and within S12, T01S, R18E; all Blaine County using the rights' transfer flow listed immediately above.

Transfer No. 5553:

Right No.	Priority	Recorded Flow (cfs)	Transfer Flow Rate (cfs)
37-00182A	05/31/1887	9.60	9.601
37-00334E	06/30/1884	3.36	3.36
37-30011A	03/24/1883	6.85	6.845 (*6.509)

Transfer No. 5553 proposes to divert a combined total of 19.806 cfs (*19.47 cfs after conveyance loss) within SESW, S12 via Headgate & Bypass Canal and also within SWSW, S25 via Dittoe diversion from Bypass Canal, both T01N, R18E for irrigation of a 396 acre permissible place of use within Sections 1 and 12, T01S, R18E; all Blaine County using the rights' transfer flow listed immediately above.

Transfer No. 5563:

Rights have recorded diversions from groundwater within NENW, S36, T01N, R18E; SESE, S01 & NENW, S12, both T01S, R18E for irrigation of 671 acres within S36, T01N, R18E and within Sections 1 & 12, T01S, R18E; all Blaine County:

Right No.	Priority	Recorded Flow (cfs)	Transfer Flow Rate (cfs)
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TR # 5528, 5551, 5553, 5563

MICROFILMED

Page 1

NOV 08 2000

OK
AD-

irrigated acres within NENE, S12, T01S, R18E which will be diverted from the existing well within SESE, S01, T01S, R18E. Any protest against the proposed changes must be filed with the Department of Water Resources, Southern Region, 1341 Fillmore St., Suite #200; Twin Falls ID 83301 together with a protest fee of \$25.00 on or before November 15, 1999 to be considered by the Department in its decision to grant or deny any part of the proposed change. **(Each transfer requires a separate protest.)** The protestant must also send a copy of the protest to the applicant.

Karl J. Dreher, Director

Published in the Wood River Journal on 10/27 & 11/03/99.

November 30, 1972

Re: G29686/37-2658

Mary Byington
Bellevue,
Idaho 83313

Dear Mrs. Byington:

We are returning your personal check No. 136 in the amount of \$23.00. On September 9, 1968, the Department's receipt No. 2020 in the amount of \$23.00 was sent to Vernile J. Byington, along with a copy of the Water License. Since this fee has previously been paid we have no need of an additional \$23.00.

We are enclosing a copy of the License and our September 9, 1968 correspondence.

Very truly yours,

Donald W. McEldowney
Water Rights Administrator

DWM/cd

Enc: License
September 1968 correspondence

37 2658

GANNETT, Idaho
Nov. 27, 1972

Dear Sir,

In looking over my files, I have not been able to find my my Certificate of Completion of Works for my well. It is Permit No. G-29686. Would you please send the above and the License.

Enclosed find a check for \$23.00. If this is not enough let me know.

Yours truly,

37 2658

September 9, 1968

Re: Permit No. G-29686

Vernile J. Byington
Gannett,
Idaho 83329

Dear Mr. Byington:

Enclosed herewith is your Water License on the above numbered permit.

Also enclosed is departmental receipt No. 2020 in the amount of \$23.00 covering the fees.

Very truly yours,

C. Stephen Allred, Assistant
State Reclamation Engineer

CSA:kh

Enclosures

29686

Permit # 2020
dated 9-5-68
\$23.00

August 28, 1968

Re: Permit No. G-29686

Vernile J. Byington
Gannett,
Idaho

Dear Mr. Byington:

Enclosed is a copy of our letter of September 29, 1966. In this letter we requested licensing fees for the above referenced permit. The fee, totalling \$23.00 must be received within 30 days from the date of this letter in order that we can issue you the Certificate of Completion of Works and the License and Certificate of Water Right as described.

Very truly yours,

Donald W. McEldowney
Appropriation Examiner

DWM:ks
enclosure: copy of fee letter

29686

Aug 21, 1968
Gannett, Ida.

Dear Sir,

Enclosed is \$23 for the licensing
fee for Vernile J. Byington for
Application No. 34696 & Permit No. 29686.

Yours truly
Vernile J. Byington

RECEIVED
AUG 23 1968
Department of Reclamation

REPORT OF WELL DRILLER
State of Idaho

RECEIVED
JUN 21 1967

Department of Reclamation

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

WELL OWNER:

Name V. J. Byington

Address Connell, Idaho

Owner's Permit No. 629686

NATURE OF WORK (check): Replacement well ☐

New well ☒ Deepened ☐ Abandoned ☐

Water is to be used for: stock

METHOD OF CONSTRUCTION: Rotary ☐ Cable ☒
Dug ☐ Other ☐

(explain)

CASING SCHEDULE: Threaded ☐ Welded ☒

6 3/8" Diam. from 1' above ground ft. to 168 ft.

"Diam. from ft. to ft.

"Diam. from ft. to ft.

"Diam. from ft. to ft.

Thickness of casing: 1/2" Material:

Steel ☒ concrete ☐ wood ☐ other ☐

(explain)

PERFORATED? Yes ☐ No ☒ Type of
perforator used:

Size of perforations: " by "

perforations from ft. to ft.

perforations from ft. to ft.

perforations from ft. to ft.

perforations from ft. to ft.

WAS SCREEN INSTALLED? Yes ☐ No ☒

Manufacturer's name

Type Model No.

Diam. Slot size Set from ft. to ft.

Diam. Slot size Set from ft. to ft.

CONSTRUCTION: Well gravel packed? Yes ☐

No. ☒ size of gravel Gravel

placed from ft. to ft. Surface seal

provided? Yes ☒ No ☐ To what depth?

 ft. Material used in seal: Cement

Did any strata contain unusable water? Yes ☐

No. ☐ Type of water:

Depth of strata ft. Method of sealing

strata off:

Surface casing used? Yes ☒ No. ☐

Cemented in place? Yes ☒ No ☐

Locate well in section

Sec.

LOCATION OF WELL: County Blaine

NE NE Sec. 1-2 T. 1 N/S R. 15 E/W

Size of drilled hole: 6" Total
depth of well: 168 Standing water

level below ground: 6" Temp.

Fahr. ° Test delivery: gpm

or cfs Pump? ☐ Bail ☒

Size of pump and motor used to make test:

Length of time of test: Hrs. 30 Min.

Drawdown: NO ft. Artesian pressure: ft.

above land surface Give flow cfs

or gpm. Shutoff pressure:

Controlled by: Valve ☒ Cap ☒ Plug ☐

No control ☐ Does well leak around casing?

Yes ☐ No ☒

DEPTH		MATERIAL	WATER YES OR NO
FROM	TO		
FEET	FEET		

0	26	Sand & Gravel	No
26	38	Sand some Gravel	-
38	48	Sand	-
48	126	Clay & Sand	-
126	137	Clay	-
137	168	Clay & Gravel	yes

Work started: Aug 29 1966

Work finished: Sept 12 1966

Well Driller's Statement: This well was
drilled under my supervision and this report
is true to the best of my knowledge.

Name:

Address:

Signed by: Harry Bolton

License No. Date June 10 1967

Use other side for additional remarks

29686

September 29, 1966

RE: Permit No. G-29686

29686

Vernile J. Byington
Gannett, Idaho

Dear Mr. Byington:

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-29686 shows the well(s) is (are) capable of conveying 335.5 miner's inches, or 6.71 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 \$ 23.00 , we will issue the Certificate of Completion of Works for 6.71 c.f.s. and the License and Certificate of Water Right for 6.71 c.f.s. confirming the right, with priority of May 3, 1961 , to the use of subterranean water with the point of diversion in NE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 36, T. 1 N, R. 18 E, B.M. for irrigation of 351 acres in E $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$, Sec. 36, T. 1 N; SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 1; N $\frac{1}{2}$ NE $\frac{1}{4}$, Sec. 12, T. 1 S, R. 18 E, B.M.

Very truly yours,

M. Russell Bosch
Office Manager

MRB:nw

29686

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE

REPORT OF ENGINEER

PERMIT NO. G-29686

REPORT ON PROOF OF Completion of Works & Beneficial Use

Rge 18 E BM
 ↑ Bullvine

Twp 1 N.

← Rge 06 W 1/4 mile

Twp 1 S.

Correction line

12

Area - 351 A

Subd - 9

Q = 6.71

31

40

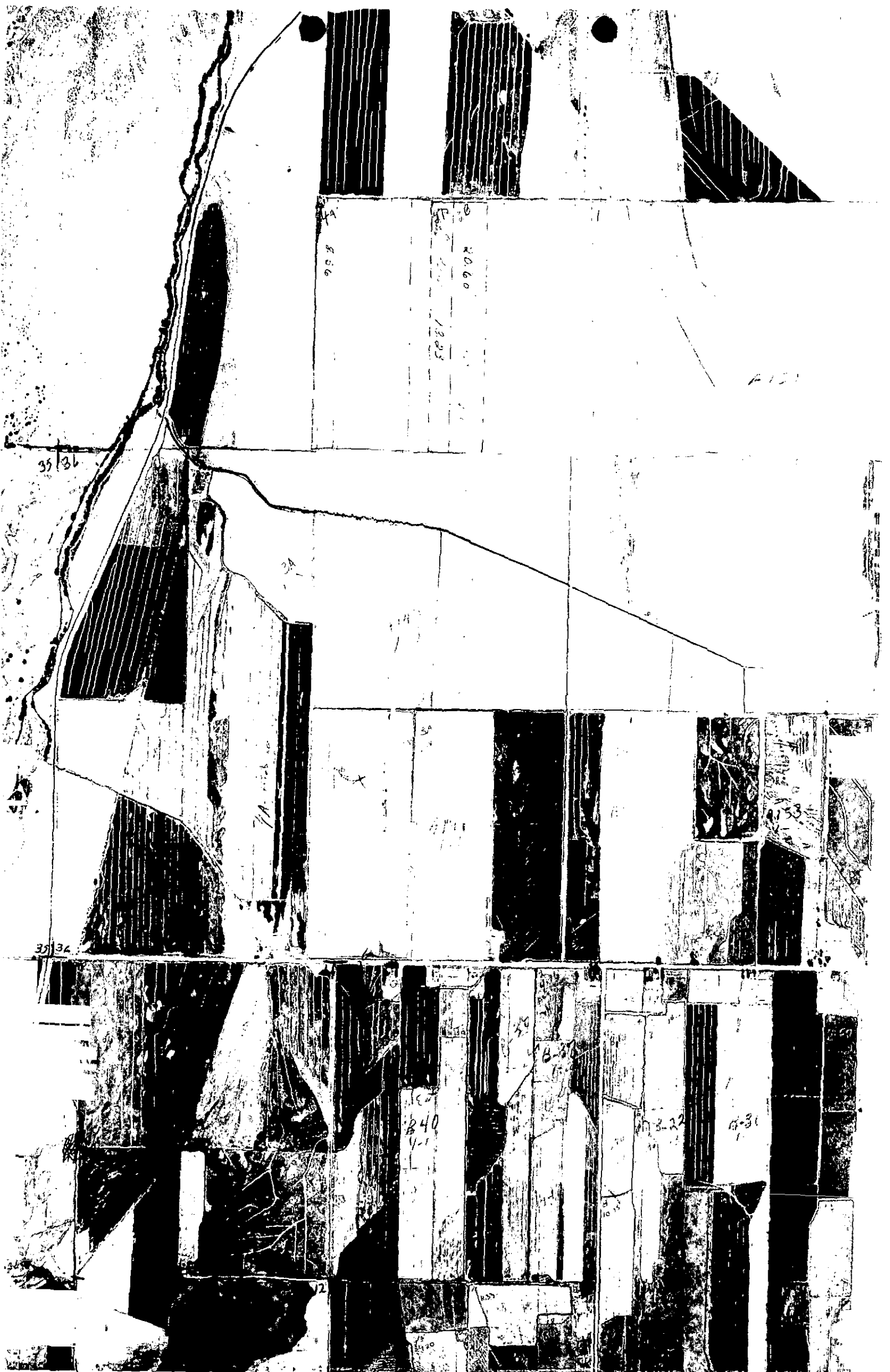
80

80

40

80

351



29686

April 12, 1966

Re: Permit No. G-29686

Vernile J. Byington
Gannett, Idaho

Dear Mr. Byington:

We acknowledge receipt of the depositions of holder and two witnesses, also affidavit of publication in the Hailey Times, all submitted in proof of completion of works and beneficial use on Permit No. G-29686.

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

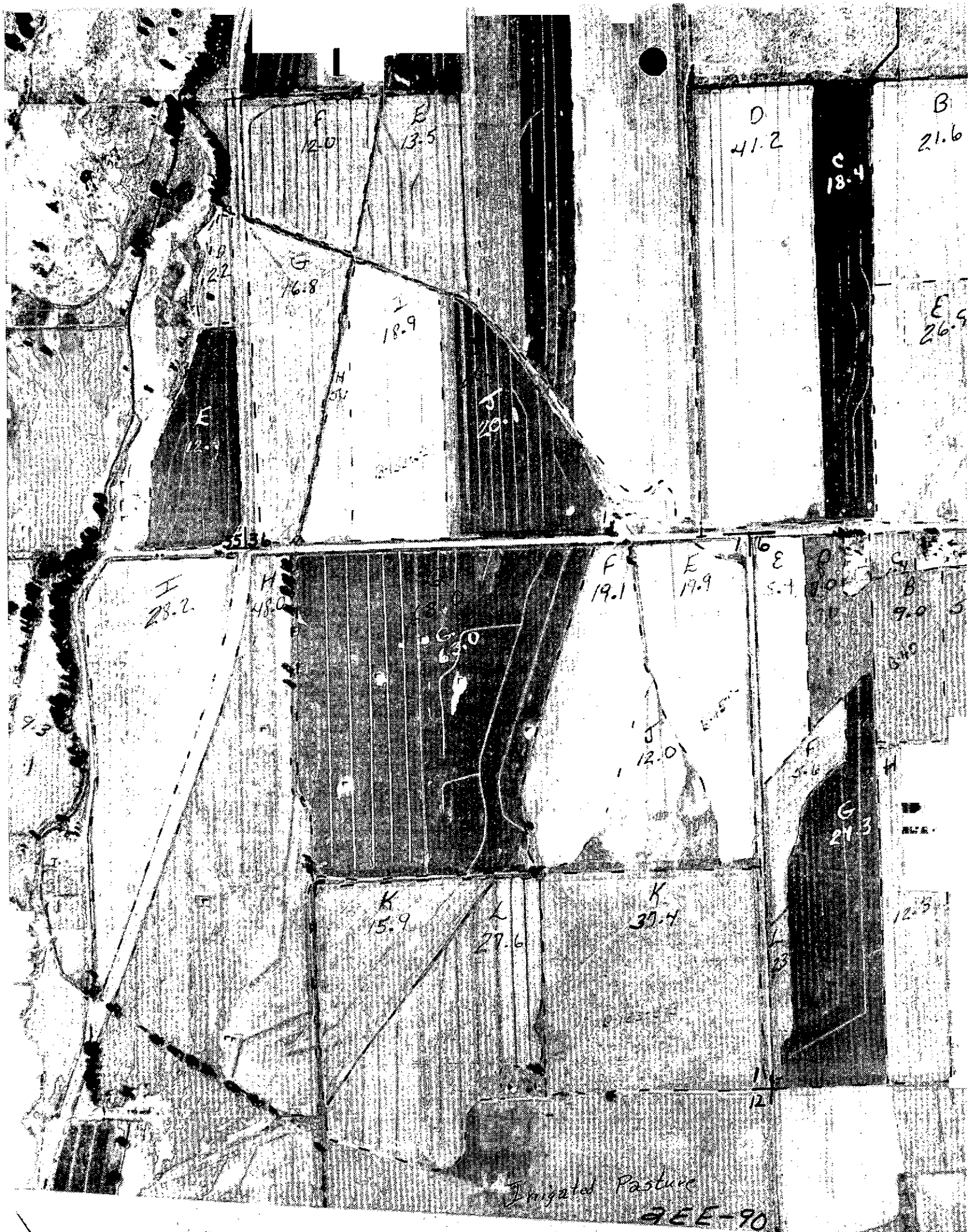
By:

(Mrs.) Edna P. Rule
Chief Clerk
XXXXXXXXXXXXXXXXXXXX

M. Russell Bosch
Office Manager

XXXXX
EPP
MRB:mr

29686



Irrigated Pasture
9EE-90

29086



STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

REPORT OF ENGINEER

Permit No. G-29686

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

1. Name of applicant Vernile J. Byington

2. Source of water supply: Subterranean

3. Location of point of diversion: Is in the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 36

T. 1 N R. 18 E., B.M. County of Blaine

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

75 H.P. 21/2 Motor # 1252596

Western Pump # 14177 12" discharge to ditch

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):

E $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$, Sec. 36, T. 1 N., R. 18 E., B.M.; SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 1; N $\frac{1}{2}$ NE $\frac{1}{4}$,

Sec. 12, T. 1 S., R. 18 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?

Remarks:

12 1/8" id

12" @ 23 1/2"

6" @ 17 3/4"

8.37 (.802) 6.71

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

(Signed)

Don Watts

Examiner.

29686

U. S. Gannett, Idaho

Permit No. G-29686

Examination for ~~Completion of Works &~~ Beneficial Use

County Blaine

Sec. 36 T. 1 N. R. 18 E., B.M.

Quantity: 7.0 c.f.s.

Source: Subterranean

P.D.: NE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 36, T. 1 N., R. 18 E., B.M.

Use: Irrigation

Filed: 5/3/61

Due: 5/3/66

Made: 4-8-66
Extension: Priority: 5-3-61

Protest:

Completion of Works:

Other Rights: 3/24/1883, 55"; 5/15/1885, 160"; 5/31/1887, 80";
6/15/1891, 40"; 5/15/1892, 80"; 5/15/1892, 80"

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
JUN 28 1966

Department of Reclamation

29686

RECEIVED
APR 12 1966
2:30 P.M.
Department of Reclamation

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

Notice is hereby given that on the 8 day of April 1966, at Hailey County of Blaine, State of Idaho before V. K. Jeppesen, Notary Public, at Hailey Idaho, proof will be submitted of the completion of works for the diversion of 7.0 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-29688 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 Vernile J. Byington, Gannett, 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 7.0 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 7.0 cubic feet per second.

4. The point of diversion of said water is NE 1/4 NW 1/4 Sec. 36, T. 1 N., R. 18 E. B. M., County of Blaine.

5. The place where said water is used is NE 1/4 NW 1/4, SE 1/4 NW 1/4, NE 1/4 SW 1/4, NW 1/4 SW 1/4, SW 1/4 SE 1/4 SW 1/4 all in Section 36, T. 1 N., R. 18 E. SW 1/4 SE 1/4 Sec. 18, T. 1 S., R. 18 E., NE 1/4 NW 1/4 Sec. 12, T. 1 S., R. 18 E.

6. The date of priority which said user is prepared to establish is May 3, 1961.

CARL E. TAPPAN
State Reclamation Engineer
Pub. No. 3-24

Affidavit of Publication

STATE OF IDAHO, } ss.
County of Blaine,
BERWYN BURKE, being first duly sworn deposes and says that he is now and at all times herein mentioned has been the publisher of The Hailey Times, which is now, and at all times herein mentioned has been a newspaper as defined in Section 58-106 of the Idaho Code Annotated as amended by Chapter 38 of the Laws of 1939, and printed, regularly issued and published weekly at Hailey, in Blaine County, Idaho, and having a general circulation in said county, and not less than 200 bona fide subscribers living within said county, and that said newspaper has been continuously and uninterruptedly so printed and published as a weekly newspaper in said county during the period of 78 consecutive weeks prior to the first publication of the annexed true copy and at all times since, and that said annexed true copy was so published in the regular edition of said newspaper, The Hailey Times, and not in any supplement thereof, for four consecutive weeks commencing with the first publication thereof on the third day of March, 1966 and ending with the last publication thereof on the twenty-fourth day of March, 1966

Cost of this publication is \$23.32

Berwyn Burke
BERWYN BURKE, Publisher.

Subscribed and sworn to before me, this 25th day of March, 1966

J. W. Plummer
Notary Public for Idaho
Residing at Hailey,
Blaine County, Idaho.

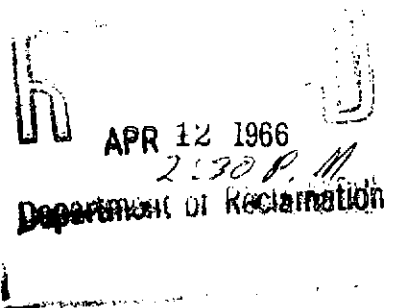
29686

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

Boise, Idaho

Permit No. G-29686 ✓

..*.*.*



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: VERNILE J. BYINGTON, Gannett, Idaho, farmer, Gannett, Idaho.

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:

not applicable

Ques. 3. State number, approval date of permit, and date of priority: _____

G-29686, May 3, 1961 ✓

Ques. 4. State source of water supply: subterranean ✓

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

NE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 36, Twp. 1 N. R. 18 E., B.M.

Ques. 5. Describe your works of diversion: surface ditch

_____ ; state amount of water they are capable of conveying from point of diversion to place of use: 400 inches ; 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 164 feet ; depth and size of casing 164 feet 16 inch casing ; depth to water 40 feet ; if pump is used, state discharge of pump: 12 inches ; tell how it was measured or determined gauge on test well and a weir ; if sprinkler irrigation, give number and size of nozzles and operating 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:

T. 1 N., R. 18 E. Sec. 36: NE $\frac{1}{4}$ NW $\frac{1}{4}$, 32 acres ; SE $\frac{1}{4}$ NW $\frac{1}{4}$ 40 acres NE $\frac{1}{4}$ SW $\frac{1}{4}$ 40 acres; NW $\frac{1}{4}$ SW $\frac{1}{4}$ 40 acres; SW $\frac{1}{4}$ SW $\frac{1}{4}$ 40 acres; SE $\frac{1}{4}$ SW $\frac{1}{4}$ 40 acres; E 1 s. R. 18 E. Section 1: SW $\frac{1}{4}$ SE $\frac{1}{4}$ 40 acres & S., R. 18 E., Sec. 12, NE $\frac{1}{4}$ NE $\frac{1}{4}$ 40 acres; NW $\frac{1}{4}$ NE $\frac{1}{4}$ 40 acres.

Log in

29686

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

Ques. 6-a: If this is a ground water permit, give name and address of person that drilled the well: Gene Walker, Twin Falls, 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:
not applicable

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:
not applicabel

Quest. 9: State when and in what amount the water diverted under above mentioned permit has been first used: JULY 15, 1961 - Time used since first use:
since July 1961 until the present time.

Ques. 10. Describe all other water rights appurtenant to same place of use: 495 inches decreed water

(sign) *Herold J. Byington*

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

Hailey, County of Blaine

State of Idaho, on this 8th day of April, A. D. 1966.

[Signature]
Notary Public for Idaho.

My commission expires: August 10, 1967.

29686

RECEIVED
APR 12 1966
2:30 P. M.
Department of Reclamation

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

Boise, Idaho

Permit No. G-29686

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:

BOB G. SHAFFER, 33years, Gannett, Idaho, Electronics Engineer,
Gannett, Idaho

Ques. 2 Are you acquainted with Vernile J. Byington, the holder of
Permit No. G-29686? How long have you known him and where does he reside?

20 years, Gannett, Idaho

Ques. 3. Have you read or heard said Permit No. G-29686 read, and are you familiar
with its provisions and conditions: Yes X No.

Ques. 4. State source of water supply: subterranean

Give location of place of diversion, showing subdivision, section, township and range
NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 36, Twp. 1 N., R. 18 E., B.M.

Describe works for conveying water to place of use: surface irrigation ditch

Ques. 5. How many second feet of water do you estimate said works will safely conduct
to place of use: 7 second feet How much water have you seen being so
conveyed? 7 second feet

Ques. 6 If for irrigation, show number of acres irrigated in each subdivision, giving
full legal description:

T. 1 N., R. 18 E. Sec 36: NE $\frac{1}{4}$ NW $\frac{1}{4}$, 32 acres; SE $\frac{1}{4}$ NW $\frac{1}{4}$ 40 acres; NE $\frac{1}{4}$ SW $\frac{1}{4}$
40 acres; NW $\frac{1}{4}$ SW $\frac{1}{4}$, 40 acres; SW $\frac{1}{4}$ SW $\frac{1}{4}$, 40 acres; SE $\frac{1}{4}$ SW $\frac{1}{4}$ 40 acres; 1 S.
R. 18 E. Section 1: SW $\frac{1}{4}$ SE $\frac{1}{4}$, 40 acres; E 1 S., R. 18 E., Sec. 12;
NE $\frac{1}{4}$ NE $\frac{1}{4}$ 40 acres; NW $\frac{1}{4}$ NE $\frac{1}{4}$ 40 acres

29686

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.

gravelly loam requiring 3 inches per acre (decreed water usually available only short period)

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? June 1962

Other times you have seen such use: June 1962, and each year thereafter until the present time.

(Signed):

Bob G. Steffen

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

Hailey, County of Blaine, State of Idaho, on this 8th day of April, A. D. 1966.

[Signature]

Notary Public for the State of Idaho
Residing Hailey, Idaho

My commission expires August 10, 1967.

29680

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

Boise, Idaho

Permit No. G-29686

* * * * *

APR 12 1966
2:30 P.M.
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:

A. L. Montgomery, 81 years of age, Gannett, Idaho, farmer.

Ques. 2 Are you acquainted with VERNILE J. BYINGTON, the holder of Permit No. G-29686? How long have you known him and where does he reside?

24 years, Gannett, Idaho

Ques. 3. Have you read or heard said Permit No. G-29686 read, and are you familiar with its provisions and conditions: Yes yes No. _____

Ques. 4. State source of water supply: subterranean

Give location of place of diversion, showing subdivision, section, township and range
NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 36, Twp. 1 N., R. 18 E., B.M.

Describe works for conveying water to place of use: surface irrigation ditch

Ques. 5. How many second feet of water do you estimate said works will safely conduct to place of use: 7 second feet How much water have you seen being so conveyed? 7 second feet

Ques. 6 If for irrigation, show number of acres irrigated in each subdivision, giving full legal description:

T. 1 N R. 18 E. Sec. 36: NE $\frac{1}{4}$ NW $\frac{1}{4}$, 32 acres; SE $\frac{1}{4}$ NW $\frac{1}{4}$, 40 acres; NE $\frac{1}{4}$ SW $\frac{1}{4}$, 40 acres; NW $\frac{1}{4}$ SW $\frac{1}{4}$, 40 acres SW $\frac{1}{4}$ SW $\frac{1}{4}$, 40 acres; SE $\frac{1}{4}$ SW $\frac{1}{4}$, 40 acres; 1 S., R. 18 E. Section 1: SW $\frac{1}{4}$ SE $\frac{1}{4}$, 40 acres; 1 S., R. 18 E. Section 12: NE $\frac{1}{4}$ NE $\frac{1}{4}$, 40 acres; NW $\frac{1}{4}$ NE $\frac{1}{4}$, 40 acres.

29686

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.

gravelly loam requiring 3 inches per acre (decreed water usually
available only short period)

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? June 1962, and each year
Other times you have seen such use: thereafter until the present time

(Signed):

A. L. Montgomery

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

Hailey, County of Blaine, State of Idaho, on
this 8th day of April, A. D. 19 66

[Signature]

Notary Public for the State of Idaho
Residing Hailey, Idaho

My commission expires August 10, 1967.

29686

RECEIVED
FEB 24 1966

Department of Reclamation

NOTICE TO ACCOMPANY THIS LETTER MUST BE MADE IN DUPLICATE

(Date) Feb. 22, 1966
(P. O.) Gannett, 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 Hailey Times of
Hailey, Idaho Published in
the county in which the works are situated.

Vernie E. Bjorklund

(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

29680

February 24, 1966

Re: Permit No. G-29686
Vernile J. Byington

Hailey Times,
Hailey, Idaho.

Gentlemen:

Enclosed you will find a legal notice which we wish to have published for four consecutive weeks prior to April 8, 1966. The expense of the publication is to be paid by Vernile J. Byington of Gannett, Idaho to whom you should furnish proof of publication on or prior to the above date.

Please acknowledge receipt of this notice and furnish this office with a copy or tear sheet of the notice for checking at least one week prior to the first publication.

Very truly yours,

CARL E. TAPPAN
State Reclamation Engineer

29680

RECEIVED
FEB 24 1966

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

Notice is hereby given that at 2:00 P.M., on the 8 day of April
1966, at Hailey, County of Blaine, State of Idaho
before V. K. Jeppesen, Notary Public, at (address) Hailey
Idaho, proof will be submitted of the completion
of works for the diversion of 7.0 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. 29686, 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 Vernice J. Byington - CANNETT - 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 7.0 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
7.0 cubic feet per second.

4. The point of diversion of said water is NE 1/4 of the NW 1/4 of
Section 36 Twp. 1 N, R 18 E, B. M. County of Blaine

5. The place where said water is used is NE 1/4 NW 1/4 - SE 1/4 NW 1/4 - NE 1/4 SW 1/4
NW 1/4 SW 1/4 - SW 1/4 SW 1/4 - SE 1/4 SW 1/4 all in Section 36, T. 1 N., R. 18 E.
SW 1/4 SE 1/4 Sec. 1 T. 1 S. R. 18 E., NE 1/4 NE 1/4 NW 1/4 NE 1/4 Sec. 12 T. 1 S
R 18 E

6. The date of priority which said user is prepared to establish is May 3, 1961

CARL E. TAPPAN

State Reclamation Engineer

29686

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

Boise, Idaho

March 1, 1966

Re: Permit No. G - 29686

Venile J. Byington
Gannett, Idaho

Dear Mr. Byington:

The date for proofs of Completion of Works and Application of water to beneficial use, as set out under terms of Permit No. G- 29686 are due not later than May 3, 1966.

Before these proofs can be made, the statutory requirement is that a notice of your intention of proof be published once a week for four consecutive weeks in a newspaper within the county in which the land is located. In completing the Notice of proof for publication, the information should be taken from your Permit, including any amendments made in connection with a change of point of diversion or land list, which has been recorded in this department. If changes have been made and no amendments are on record, we advise you request a form for this purpose before your Notice is published.

We enclose Form 36, in duplicate, which is to be filled out and returned to this department at least FORTY (40) DAYS BEFORE THE MENTIONED DATE, (allowing for four weeks publication). Please give the name of the town, the address of the place where the depositions will be executed, and, the name of the notary public before whom you will appear to make the depositions of proof (this may be at any place convenient for you and your two witnesses), the quantity of water filed; for what purpose it is used; the point, or points, of diversion; and the location of use or the lands which are irrigated - - all by legal land description.

Enclosed also is Form 11, which is the authorization for us to have the notice published in the designated county newspaper at your expense. This is to be returned with two Forms 36.

At the time we send the notice to the newspaper we will send to you the forms for the depositions of holder and two disinterested witnesses. It is important that the depositions be executed at the time, on the date set, at the place named, and before the notary public, as advertised in the publication notice.

Very truly yours,

CARL E. TAPPEN
Carl E. Tappen
STATE RECLAMATION ENGINEER

Enc. Form 36 and 11

cc:

29686

December 30, 1965

RE: Permit G-29686
Vernile J. Syington

V. K. Jeppesen
Attorney at Law
Hailey, Idaho 83333

Dear Mr. Jeppesen:

Enclosed find the forms requested in your letter of December 29.

We have no record of a measurement being made of the discharge of this well. Perhaps the well driller could help you in this matter.

The depositions require witness of discharge, however, the amount witnessed need not be exact as a measurement will be made by an inspector from this department before a water license is issued.

Very truly yours,

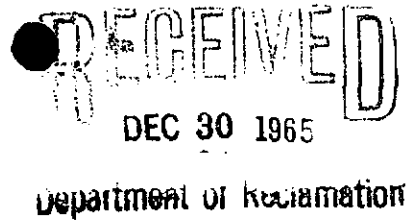
CARL E. TAPPAN
State Reclamation Engineer

Donald J. Watts
Engineer

DJW:ejw
Encl: 36, 11
and instructions

29686

V. K. JEPPESEN
ATTORNEY AT LAW
HAILEY, IDAHO
83333



December 29, 1965

State Reclamation Engineer
Boise, Idaho

Re: Permit No. G 29686

Dear Sir:

Would you please advise whether or not you have a measurement on the production of the well which was drilled pursuant to the above numbered permit. We would like to have the necessary forms to make proof upon this well but do not know whether or not any measurement was made by any technician. If you have record of measurement in your office, perhaps we can satisfy the proof with two lay witnesses.

Please advise.

Very truly yours,

A handwritten signature in dark ink, appearing to be "V. K. Jeppesen", written over a horizontal line.

V. K. JEPPESEN

VKJ: jmb

29686

May 8, 1961

Re: Permit No. G-29686

Vernile J. Byington,
Gannett, Idaho.

Dear Mr. Byington:

We enclose Permit No. G-29686 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-5906 which was issued covering payment in the amount of \$6.50 for the filing fee of the above mentioned permit.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer
By

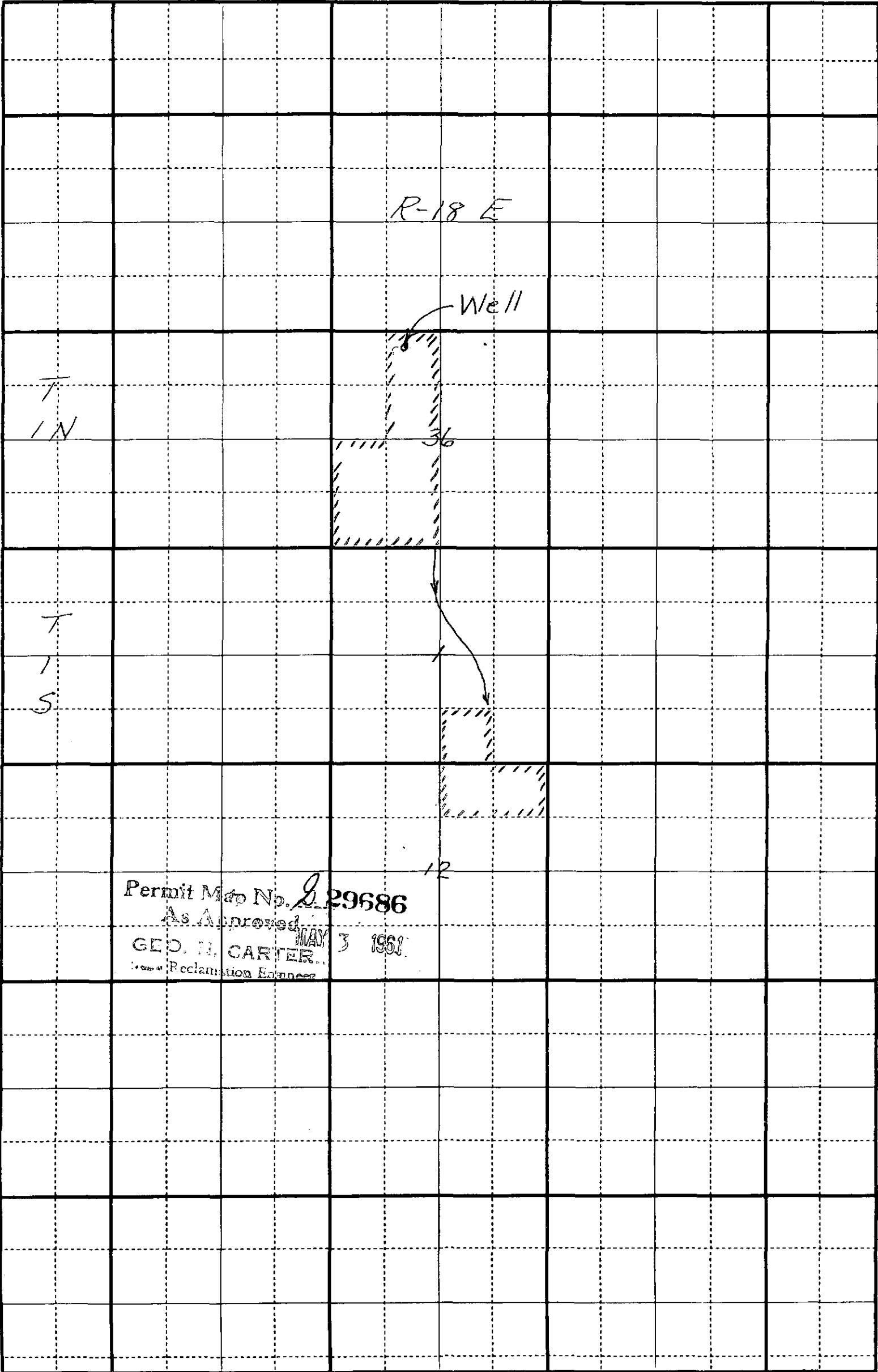
(Mrs.) Edna P. Rule
Chief Clerk

Encl.
EPR:pmk

29686

NAME OF APPLICANT Vernie J. Byington

Form No. 0



SCALE: 2 Inches Equal 1 Mile. Draw Plan In Ink.

29686

LAW OFFICES OF
MURPHY, SCHWARTZ & CUNNINGHAM

JACK M. MURPHY
FRED A. SCHWARTZ
JAMES M. CUNNINGHAM

Twin Falls, Idaho
April 28, 1961

TWIN FALLS, IDAHO
313 SHOSHONE STREET NORTH
REDWOOD 3-4961

SHOSHONE, IDAHO
JOURNAL BUILDING
TUCKER 6-7602

RECEIVED

MAY 1 1961

Department of Reclamation

State of Idaho
Department of Reclamation
Boise, Idaho

Gentlemen:

Please find enclosed Application for Permit of Fred
M. Frazier to appropriate waters of the State of
Idaho, together with a map of the lands on which
the water is to be appropriated.

Also find enclosed our check in the amount of
\$5.50 in payment of the filing fees.

Very truly yours,
MURPHY, SCHWARTZ & CUNNINGHAM

By- *Frederick A. Schwartz*

FAS:m
Encl.

29684

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

Notice is hereby given that on the 8 day of April 1966, at Hailey, County of Blaine, State of Idaho before V. K. Jeppesen, Notary Public, at Hailey Idaho, proof will be submitted of the completion of works for the diversion of 7.0 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-29686, 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 Vernil L. Byington, Gannett, 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 7.0 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 7.0 cubic feet per second.

4. The point of diversion of said water is NE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 36 T. 1 N. R. 18 E. B. M., County of Blaine.

5. The place where said water is used is NE $\frac{1}{4}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$ all in Section 36, T. 1 N., R. 18 E. SW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 1 T. 1 S. R. 18 E., NE $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 12 T. 1 S. R. 18 E.

6. The date of priority which said user is prepared to establish is May 3, 1961.

CARL E. TAPPAN
State Reclamation Engineer
Pub. March 3-70-17-24

NOTICE OF TRUSTEE'S SALE