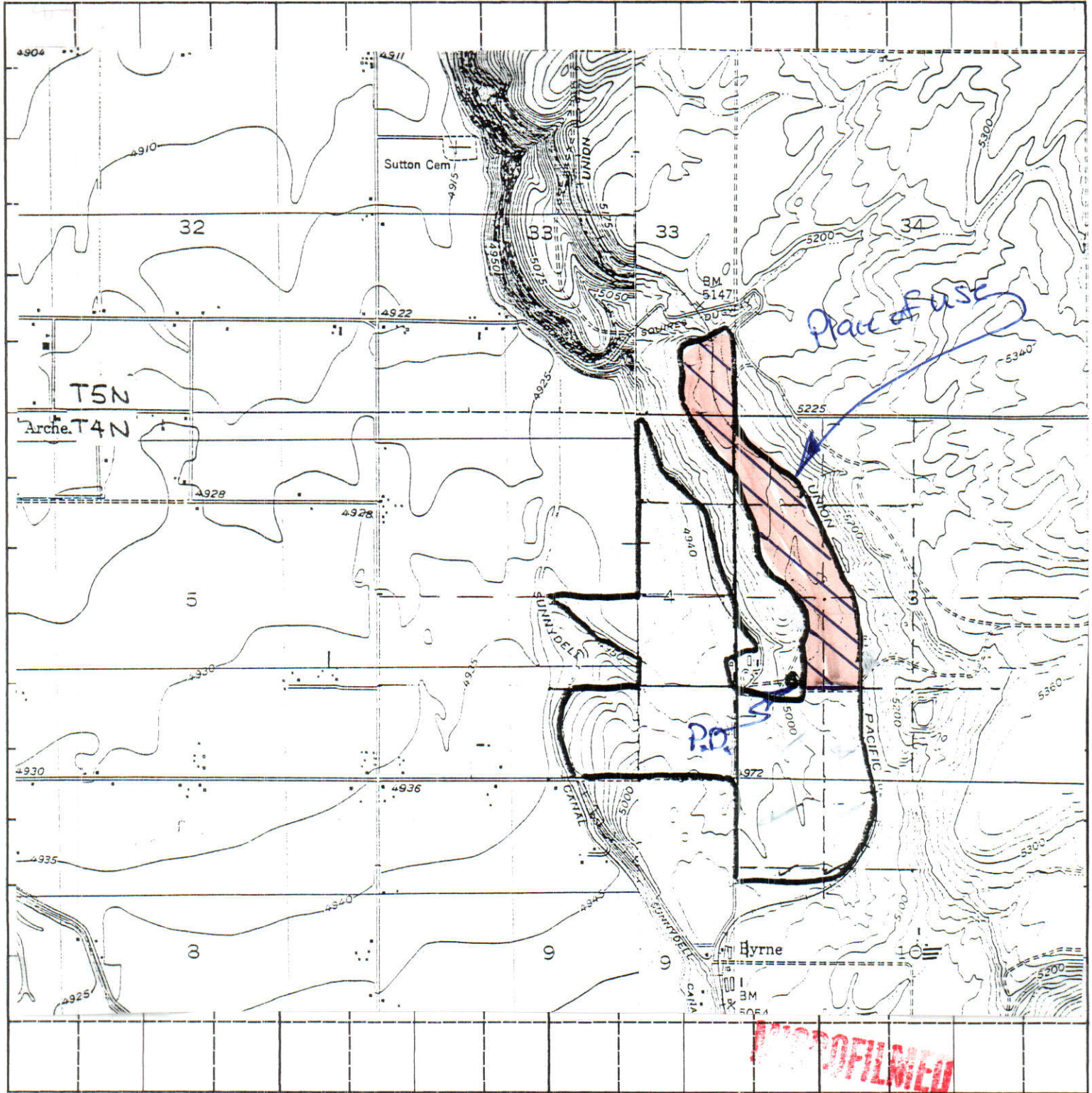


13. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



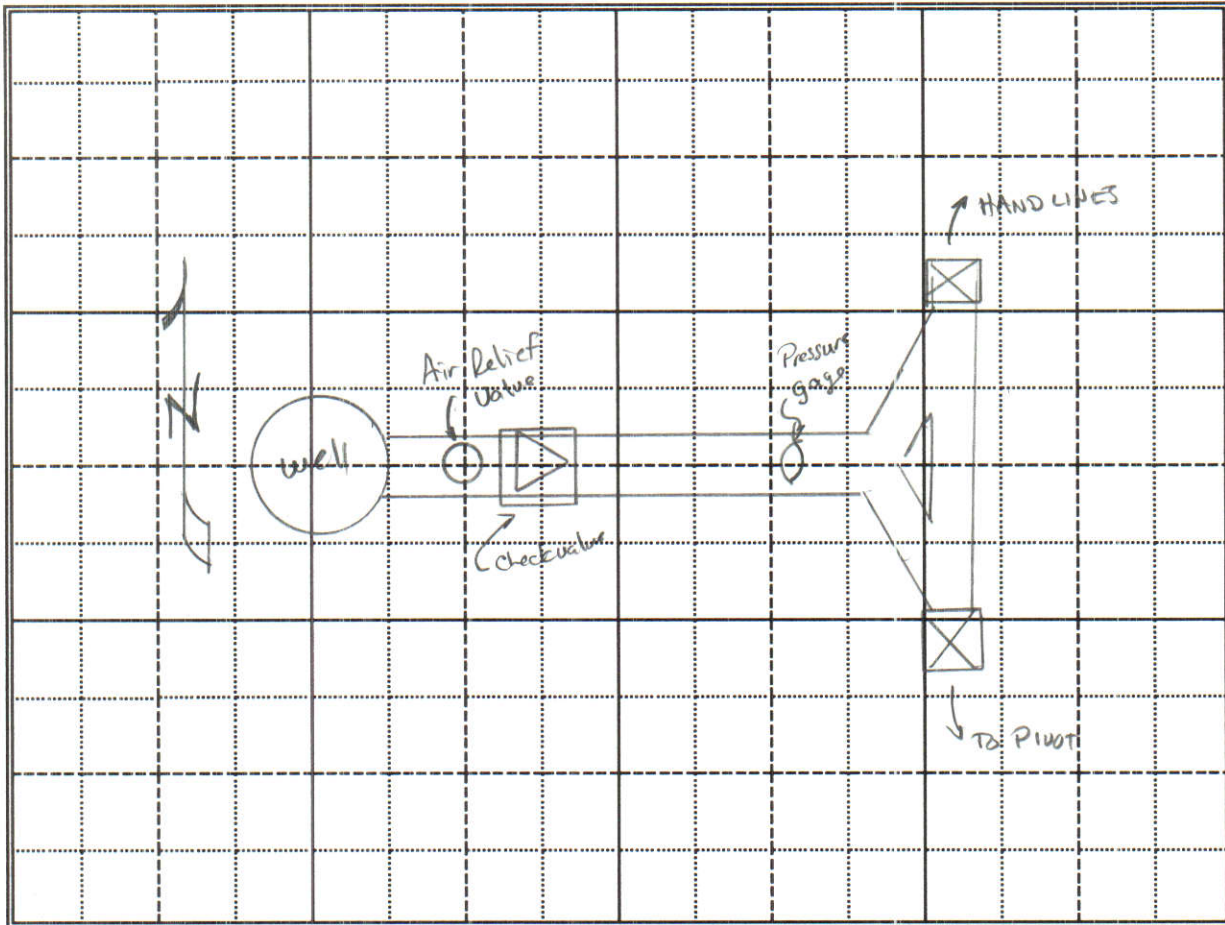
Scale: 2 inches equal 1 mile.

JUL 01 1991

BE IT KNOWN that the undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.

J. R. Byrne
(Applicant)

3. **Delivery System Diagram:** Indicate all major components and distances between components. Indicate weir size/ditch size/pipe i.d. as applicable.



Scale: 1" = _____

____ Copy of USGS Quadrangle Attached Showing location(s) of point(s) of diversion and place(s) of use (required).

____ Aerial Photo Attached (required for irrigation of 10+ acres)

____ Photo of Diversion and System Attached

4.

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
	G.E.	100	MFJ1223118	Peabody Floway	9233159

*Code to correspond with No. on map and aerial photo

D. FLOW MEASUREMENTS

1.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date
Polysonic						
Totalizing Meter		GRANDLAND				

2. Measurements: static H₂O Level 137' from well log

GRANDLAND METER 790 gpm = 1.76 cfs

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JUN 09 1997

[illegible][illegible]

⑧

5N

33 34

⑤

3

⑩

②⑤

25.8

7

4N

40E

AN
7.6

14

34.9

6

⑥

⑪

⑫

62.3

9

48.1

8

700

4

3

4 3
10

9

NW

10

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JUN 09 1997

22-7706

106.1

13

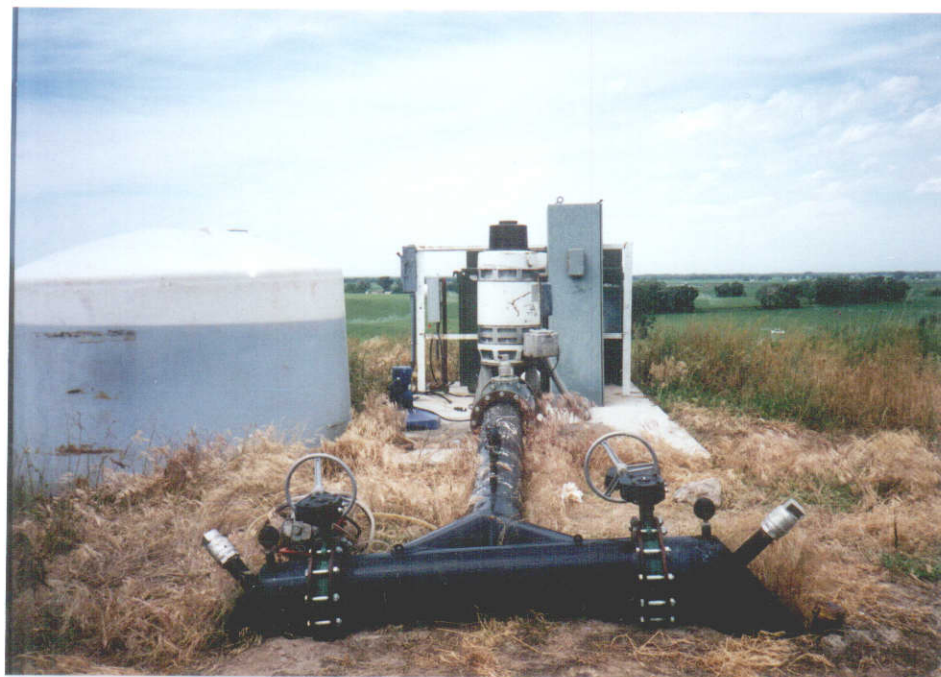
12.6

3

T-2521

NW

Point of diversion



22-7706 / 76 54
MICROFILMED
JUN 09 1997

Flow meter



22-7706/7654

MICROFILMED
JUN 09 1997

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 22-07706

Priority: April 12, 1991

Maximum Diversion Rate:

1.72 CFS

This is to certify, that J R BYRNE
8747 S 1600 E
REXBURG ID 83440

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated March 22, 1991; and has submitted Proof of Beneficial Use on June 22, 1994. An examination indicates that the works have a diversion capacity of 1.760 cfs of water from a GROUNDWATER source, and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	04/15 to 10/15	1.72 CFS	

LOCATION OF POINT(S) OF DIVERSION: SWSW , Sec. 3, Township 04N, Range 40E
MADISON County

<u>PLACE OF USE:</u>	<u>IRRIGATION</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
<u>TWN</u>	<u>RGE</u>	<u>SEC</u>			
04N	40E	3	Lot 4(NWNW)	16	
			NESW	17	
		4	Lot 1(NENE)	5	
		33	SESE	8	

Total number of acres irrigated: 36

CONDITIONS OF APPROVAL AND REMARKS

1. This water right is appurtenant to the described place of use.
2. This right is subject to all prior water rights and may be forfeited by five years of non-use.
3. Modifications to or variations from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
4. The use of water under this right shall not give rise to any claim against the holder of a senior water right based upon the theories of forfeiture, abandonment, adverse possession, waiver, equitable estoppel, estoppel by laches or customary preference.
5. The Director retains jurisdiction of the right to incorporate the use into a water district, require streamflow augmentation or other action needed to protect prior surface water and groundwater rights.
6. This right when combined with all other rights shall provide no more than 3.5 afa per acre for the lands above.

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JUN 09 1997

State of Idaho
Department of Water Resources**WATER RIGHT LICENSE**

WATER RIGHT NO. 22-07706

CONDITIONS OF APPROVAL AND REMARKS

7. 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.
8. This right shall not be used if the surface water right(s) appurtenant to the place of use is sold, transferred, leased or used on any other place of use.
9. Rights 22-07654 and 22-07706 when combined shall not exceed a total diversion rate of 1.76 cfs and a total annual diversion volume of 641.2 af for the irrigation of a total of 200 acres.
10. This right when combined with all other rights shall provide no more than .02 cfs per acre nor exceed a combined annual diversion volume of 301.0 af for the lands above.
11. Right 22-07654 is also diverted through the point(s) of diversion described above.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code,
Witness the seal and signature of the Director, affixed at Boise, this 29th
day of MAY, 1997.


Acting for KARL J. DREES, Director

MICROFILMED

JUN 09 1997

State of Idaho
Department of Water Resources

RECEIVED

MAY 29 1997

Department of Water Resources

APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 22-07706

Date of Priority: April 12, 1991
Comes now J R BYRNE
8747 S 1600 E
REXBURG ID 83440

Maximum Diversion Rate: 1.72 CFS

and represents to the Director of the

Idaho Department of Water Resources:

That he is the owner and holder of Permit to Appropriate the Public Waters of the State of Idaho No. 22-07706, and requests that the permit be changed as follows:

Source: GROUNDWATER

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	04/15 to 10/15	1.72 CFS	

LOCATION OF POINT(S) OF DIVERSION: SWSW , Sec. 3, Township 04N, Range 40E
MADISON 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>
04N	40E	3	Lot 4 (NWNW) 16	SWNW 25	SENW 5	
			NESW 17	NWSW 10		73
		4	Lot 1 (NENE) 5			5
		33	SESE 8			8

Total number of acres irrigated: 86

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

Signed at Rexburg, this 27 day of May, 1997.

J. R. Byrne
(Signature)
MICROFILMED
JUN 09 1997

State of Idaho
Department of Water Resources

APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 22-07706

FOR DEPARTMENT USE ONLY

Preliminary check by GJK Fee = 7.00 Received by AL # 1034003 Date 5/27/91

ACTION OF THE DEPARTMENT OF WATER RESOURCES

I, Karl J. Dreher, of the Department of Water Resources hereby approve the
above Application for Amendment for Permit No. 22-07706 with the following;

CONDITIONS OF APPROVAL AND REMARKS

1. This water right is appurtenant to the described place of use.
2. This right is subject to all prior water rights and may be forfeited by five years of non-use.
3. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
4. The use of water under this right shall not give rise to any claim against the holder of a senior water right based upon the theories of forfeiture, abandonment, adverse possession, waiver, equitable estoppel, estoppel by laches or customary preference.
5. The Director retains jurisdiction of the right to incorporate the use into a water district, require streamflow augmentation or other action needed to protect prior surface water and groundwater rights.
6. This right when combined with all other rights shall provide no more than 3.5 afa per acre for the lands above.
7. 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.
8. This right shall not be used if the surface water right(s) appurtenant to the place of use is sold, transferred, leased or used on any other place of use.
9. Rights 22-07654 and 22-07706 when combined shall not exceed a total diversion rate of 1.76 cfs and a total annual diversion volume of 641.2 af for the irrigation of a total of 200 acres.
10. This right when combined with all other rights shall provide no more than .02 cfs per acre nor exceed a combined annual diversion volume of 301.0 af for the lands above.
11. Right 22-07654 is also diverted through the point(s) of diversion described above.

MICROFILMED
JUN 09 1997

State of Idaho
Department of Water Resources

APPLICATION FOR AMENDMENT

(For Licensing Purposes)

WATER RIGHT NO. 22-07706

Witness my hand this 29th day of MAY, 1977.


Acting for KARL J. DREHER, Director

MICROFILMED
JUN 09 1987

JUN 09 1997

RECEIVED

JUN 22 1994
STATE OF IDAHO
Department of Water Resources

For Office Use Only
Amt. of Fee \$ 125.00
Date 6-16-1994
Receipt No. E019935
Received by HWJ

DEPARTMENT OF WATER RESOURCES

PROOF OF BENEFICIAL USE

The Idaho Department of Water Resources will consider this form as a statement that the permit holder(s) has/have completed all development that will occur under this permit and that water has been applied according to the provisions of the permit for the beneficial use(s) described below. This form must be accompanied by a license examination fee or a completed field examination report prepared by a certified water right examiner who has been appointed by the department.

1. Permit No. 22-07706 Telephone No. 356-6176

2. Name(s) of Permit Holder(s): J.R. Byrne

3. Post Office Address: 8747 S. 1600 E. Rexburg, ID 83440

4. Source of Water: Groundwater

a. If ground water, well driller's name: High Plains Date drilled: 1993

b. Pump horsepower: 200 Pressure (psi): _____ Dynamic pumping level (ft.): _____

5. Extent of Use:

Domestic _____ (No. of households) Irrigation 86 (No. of acres)

Stockwater _____ (No. and type of stock) Other _____

6. Total rate and/or volume for which proof is submitted 1.72 cfs _____ acre/feet

7. Refer to the approval conditions on your permit and respond accordingly:

Measuring device: Required? ☒ Yes ☒ No Installed? ☒ Yes ☐ No

OR

Flow Measurement Port: Required? ☐ Yes ☐ No Installed? ☐ Yes ☐ No

8. Fee Enclosed: \$ 125.00 (See License Examination Fee Schedule)

9. Person to contact to accompany the Department representative during the field examination:

See above
Name Telephone No.

Address

10. The above information is my true statement of the extent to which the above numbered permit has been developed and I relinquish any undeveloped portion of the permit to the state of Idaho.

June 16, 1994
Date

J.R. Byrne
Signature (and title if on behalf of a company or organization)

MICROFILMED

JUN 29 1997

RECEIVED

MAY 28 1993

DEPARTMENT OF WATER RESOURCES

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

For Office Use Only
\$15 Fee Received by Kaw
Date 5-25-93
Receipt No. 5018626

REQUEST FOR EXTENSION OF TIME

TO PROVIDE ADDITIONAL TIME IN WHICH TO SUBMIT PROOF OF BENEFICIAL USE FOR A WATER RIGHT PERMIT

The Idaho Department of Water Resources will consider this form as a request that the permit holder(s) be granted an additional period of time in which to complete development of water right under the provisions of Section 42-204, Idaho Code.

Permit No. 22-7706

Name(s) of Permit Holder: J.R. Byrme

Mailing Address: 8747 S 1600E Rexburg Id 83440

Date Proof is Due June 1 1993 Telephone No. 356 6176

Describe what work has been completed toward the development of this water right:
(This must be filled out! If no work has been completed, show "none".)

Well drilled & pumped, well produced 1100 gpm but capacity reduced to less than half. Well driller is installing a rotary in order to increase capacity of well.

Costing \$36,200⁰⁰

The permit holder(s) has been unable to complete the remainder of the work for the following reasons:

Driller has just set up rotary in order to increase capacity. ~~It~~ Well may need to be redrilled because casing is already at 10" any smaller cannot install pump to deliver necessary capacity.

Permit holder(s) request an extension to June 1, 19 94.

FEE: \$15.00

(Signature)*

*If other than permit holder, Power of Attorney must be supplied.

ACTION OF THE DEPARTMENT OF WATER RESOURCES

IT IS HEREBY ORDERED that the above request for extension of time be APPROVED and the time within which to submit proof of beneficial use is extended to June 1, 1994.

Signed this 2nd day June, 19 93

J. Allen Saylor
Chief, Water Allocation Bureau
JUN 29 1993

State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 22-07706

Proposed Priority: March 22, 1991 Maximum Diversion Rate: 1.72 CFS
This is to certify, that J. R. BYRNE

8747 S. 1600 E.
REXBURG, ID 83440

has applied for a permit to appropriate water from: **GROUNDWATER**
and a permit is **APPROVED** for development of water as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>
IRRIGATION	04/01 to 11/01	1.72 CFS

LOCATION OF POINT(S) OF DIVERSION: NWSW Sec. 3, Township 04N, Range 40E
MADISON County

<u>PLACE OF USE: IRRIGATION</u>						
<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
04N	40E	3	NWNW 13	SWNW 22	SENW 4	
		4	NESW 15	NWSW 8		62
		33	NENE 6			6
			SESE 18			18

Total number of acres irrigated: 86

CONDITIONS/REMARKS:

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before June 1, 1993.
2. Subject to all prior water rights.
3. Project construction shall commence within one year from the date of permit issuance and shall proceed diligently to completion unless it can be shown to the satisfaction of the Director of the Department of Water Resources that delays were due to circumstances over which permit holder had no control.
4. A flow measurement port or other device as specified by the Department shall be installed by the permit holder to provide for the installation of measuring equipment and the determination of the rate of diversion by the Department.
5. Permit holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
6. The right to the use of water acquired under this permit shall not give rise to any right or claim against the holder of a senior right based upon the theories of forfeiture, abandonment, adverse possession, waiver, equitable estoppel, estoppel by laches or customary preference.
7. The Director retains jurisdiction of the permit and any license subsequently issued to incorporate the use into a water district, require streamflow augmentation or other action needed to protect prior surface water and groundwater rights.

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JUL 01 1991

State of Idaho
Department of Water Resources**Permit To Appropriate Water**

NO. 22-07706

CONDITIONS/REMARKS:

8. The rate of diversion of water for irrigation under this permit and all other water rights on the same land shall not exceed 0.02 cubic feet per second for each acre of land.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the seal and signature of the Director, affixed at Boise, this

29 day of May, 1991.

R. Keith Higginson
for
R. Keith Higginson, Director

RECEIVED

JUL 01 1991

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name of applicant J. R. Byrne Phone 356-6176
Post office address 8747 S. 1600 E., Rexburg, ID 83440
2. Source of water supply Groundwater which is a tributary of _____
3. Location of point of diversion is _____ 1/4 of NW 1/4 of SW 1/4, Govt. Lot _____
Sec. 3 Township 4N Range 40E B.M. Madison County; additional
points of diversion if any: _____
4. Water will be used for the following purposes:
Amount 1.72 for Irrigation purposes from 4-1 to 11-1 (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
5. Total quantity to be appropriated is (a) 1.72 and/or (b) _____
cubic feet per second acre feet per annum
6. Proposed diverting works:
a. Description of ditches, flumes, pumps, headgates, etc. Well & pump to sprinklers.
Same p.d. as 22-7654

b. Height of storage dam _____ feet; active reservoir capacity _____ acre-feet; total
reservoir capacity _____ acre-feet; period of year when water will be diverted to storage:
_____ to _____ inclusive.
c. Proposed well diameter is 16 inches; proposed depth of well is 300 feet.
d. Is ground water with a temperature of greater than 90°F being sought? _____
7. Time required for the completion of the works and application of the water for beneficial use is
2 years (minimum 1 year).

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JUL 01 1991

8. Description of proposed uses (if irrigation only, go to item 9):

- Hydropower; show total feet of head and proposed capacity in KW. _____
- Stockwatering; list number and kind of livestock. _____
- Municipal; show name of municipality. _____
- Domestic; show number of households. _____
- Other; describe fully. _____

9. Description of place of use:

- If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- If water is used for other purposes, place a symbol of the use (example: *D* for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
4N	40E	3						13	22	4	15	8							62
		4	6																6
5N	40E	33																18	18

Total number of acres to be irrigated 86

10. Describe any other water rights used for the same purposes as described above. Palisades Shares & Sunnydell Canal shares

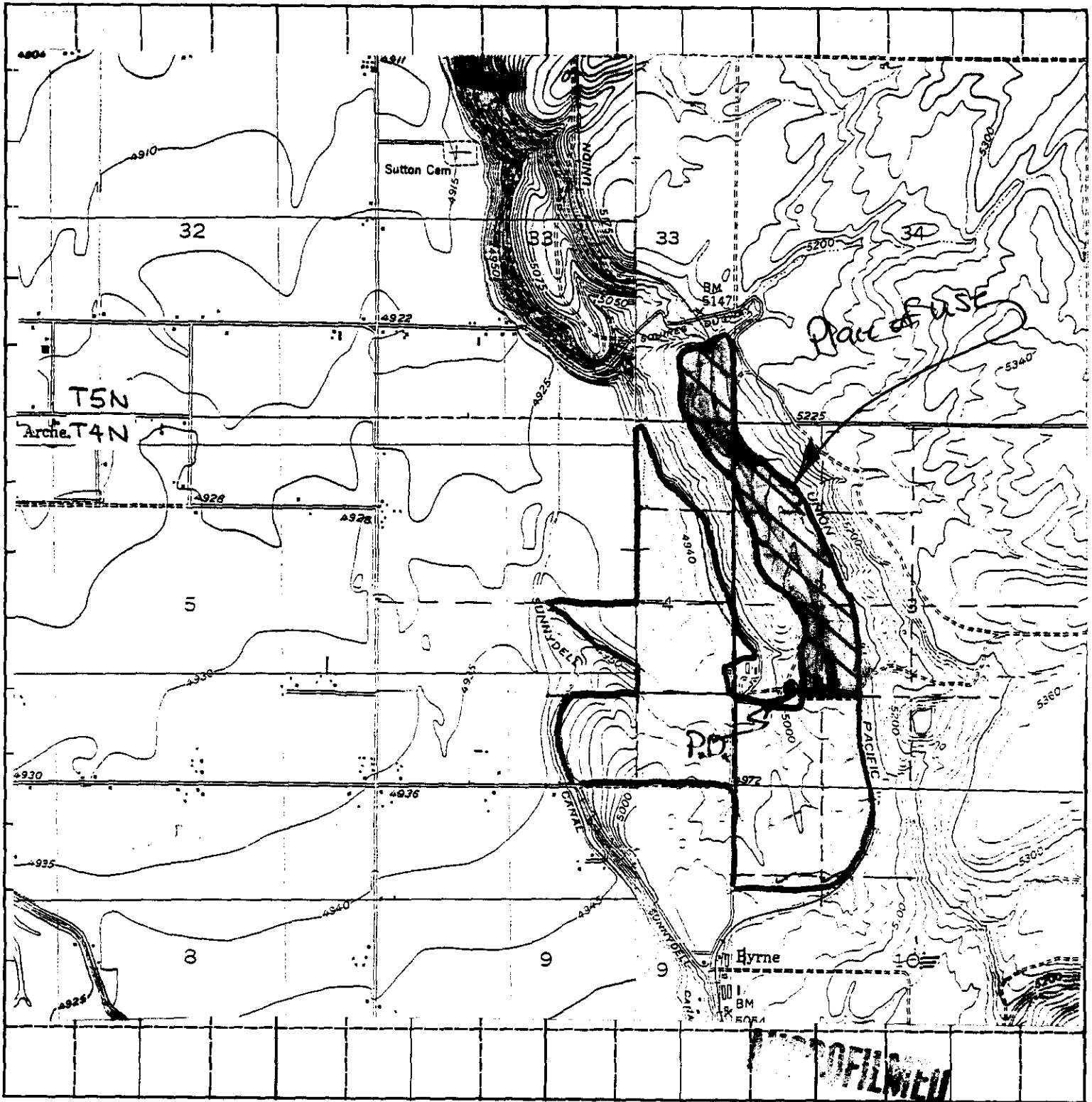
- Who owns the property at the point of diversion? Applicant
- Who owns the land to be irrigated or place of use? Applicant
- If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing. _____

12. Remarks: _____

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JUL 01 1991

13. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



Scale: 2 inches equal 1 mile.

JUL 01 1991

BE IT KNOWN that the undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.

J. R. Boppre

Received by OW Date 3-22-91 Time 11:00A. Preliminary check by _____
Fee \$ 65.00 Receipted by HUJ # E015851 Date 3-25-91
Publication prepared by RB Date 4-18-91 Published in Lexburg Standard-Journal
Publication approved RB Date 5-6-91

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. _____, and said application is hereby _____.

1. Approval of said application is subject to the following limitations and conditions:

- a. SUBJECT TO ALL PRIOR WATER RIGHTS.
- b. Proof of construction of works and application of water to beneficial use shall be submitted on or before _____, 19 ____.
- c. The rate of diversion, if water is to be used for irrigation under this permit, when combined with all other water rights for the same land shall not exceed 0.02 cubic feet per second for each acre of land.
- d. The water right acquired under this permit if for hydropower purposes shall be junior and subordinate to all rights to the use of water, other than hydropower, within the State of Idaho that are initiated later in time than the priority of this permit and shall not give rise to any right or claim against any future rights to the use of water, other than hydropower, within the State of Idaho initiated later in time than the priority of this permit.
- e. Other:

RECORDED

JUL 01 1991

THE STANDARD-JOURNAL
Rexburg, Idaho
AFFIDAVIT OF PUBLICATION

RECEIVED

MAY - 2 1991

NOTICE OF APPLICATION
FOR WATER RIGHT

22-07708

BYRNE, J.R.

8747 S. 1600 E.

REXBURG, ID 83440

Source: GROUNDWATER

Diversion Pt: NWSW Sec 3 T 04N R 40E

Use: IRRIGATION (1.720 CFS) Total

Diversion: (1.720 CFS)

Date Filed: 3/22/1991

In: T04N R40E S03 NWNW SWNW

SENW NESW NWSW S04 NENE T05N

R40E S33 SESE 86.0 ACRES TOTAL

22-07703

SCHWENDIMAN, VAL

SCHWENDIMAN, DIANE

SCHWENDIMAN, DAVID

9633 E. HWY 33

NEWDALE, ID 83436

Source: GROUNDWATER

Diversion Pt: SENE Sec 1 T 06N R 41E

LOT 4 (NWNW) Sec 1 T 06N R 41E

NWSE Sec 12 T 06N R 41E SESE Sec 14

T 06N R 41E

Use: IRRIGATION (6.79 CFS) Total

Diversion (6.79 CFS)

Date Filed: 3/25/1991

In: T06N R41E S01 S½NE, (Lot 3)

NENW, (Lot 4) NWNW, S½ NW, SW,

N½SE, SWSE S03 (Lot 1) NENE, (lot 2)

NWNE, S½NE, (Lot 3) NENW, SENW,

E½SW, SE S11 NE, NENW, E½ SE S12

W½, W½SE S13 NE, S½ T07N R41E

S36 SW 2089.0 ACRES TOTAL

22-07704

SCHWENDIMAN, VAL

SCHWENDIMAN, DIANE

SCHWENDIMAN, DAVID

9633 E. HWY 33

NEWDALE, ID 83436

Source: GROUNDWATER

Diversion Pt: Lot 4 (NWNW) Sec 1 T

06N R 41E NWSW Sec 12 T 06N R 41E

SESE Sec 14 T 06N R 41E SENW Sec 24

T 06N R 41E SESW Sec 24 T 06N R 41E

Use: IRRIGATION (7.680 CFS) Total

Diversion: (7.680 CFS)

Date Filed: 3/25/1991

In: T06N R42E S18 NESW Lot 3

(NWSW) Lot 4 (SWSW) SESW NESE

NWSE SWSE SESE S19 NENE NWNE

SWNE SENE NENW Lot 1 (NWNW) Lot 2

(SWNW) SENW 640.0 ACRES TOTAL

The permit(s) will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec. 42-203A, Idaho Code and/or the new public interest criteria of Sec. 42-203C, Idaho Code. Protests must be filed with the Director, Dept. of Water Resources, 150 Shoup Ave., Suite 15, Idaho Falls, Idaho 83402 on or before May 6, 1991.

R. KEITH HIGGINSON

Director

Publ. April 18 and 25, 1991J

STATE OF IDAHO
County of Madison

TERRY WEATHERSTON being
first duly sworn, depose and say, that I
am the printer of THE STANDARD-JOURNAL,
a semi-weekly newspaper printed and
published semi-weekly at Rexburg,
Madison County, Idaho; and I do solemnly
swear that the

NOTICE OF APPLICATION a copy
of which notice appears attached hereto,
as published in the regular and entire
issue of said newspaper, and not in any
supplement issue thereof for

TWO consecutive issues, the
first publication having been made on
APRIL 18, 1991 and the last
publication having been made on
APRIL 25, 1991

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

Terry Weatherston
STATE OF IDAHO)
COUNTY OF MADISON)

On this 26TH day of APRIL in
the year of 1991, before me, a Notary
Public, personally appeared Terry
Weatherston, known or identified to me
to be the person whose name subscribed
to 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.

[Signature]
Notary Public for Idaho

Residing at Rexburg, Idaho
My commission expires: June 8, 1993.

JUL 01 1991



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

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

May 30, 1997

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

J R BYRNE
8747 S 1600 E
REXBURG ID 83440

RE: WATER RIGHT NO. 22-07706

Dear Water Right Holder(s):

The Department of Water Resources (the Department) has issued the enclosed license confirming that a water right has been established in accordance with the permit referenced above. The license 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 unless a party petitions for reconsideration or files an exception and/or brief 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 twenty-one (21) 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. Otherwise, this preliminary order will become a final order of the Department.

If any party appeals or takes exceptions to this preliminary order, opposing parties shall have twenty-one (21) days to respond to any party's appeal. Written briefs in support of or taking exceptions to the preliminary order shall be filed with the Department. The Department retains the right to review the preliminary order on its own motion.

MICROFILMED
JUN 09 1997

ORAL ARGUMENT

If the Department grants a petition to review the preliminary order, the Department 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 Department will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Department 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 Department in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with Rules of Procedure 302 and 303.

FINAL ORDER

The Department 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 Department 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.

RECEIVED
JUN 9 9 1957

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.

For your records I have also enclosed a copy of your Application for Amendment of Permit, which was approved.

Sincerely,

A handwritten signature in cursive script that reads "Shelley W. Keen". The signature is written in dark ink and is positioned above the printed name and title.

Shelley W. Keen
Water Rights Supervisor

SK:ph

Enclosure

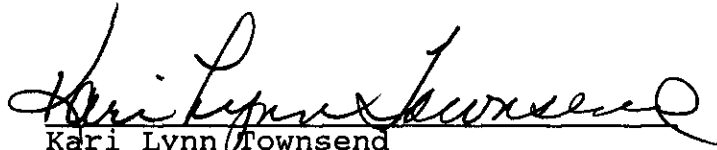
RECEIVED
JUN 29 1987

CERTIFICATE OF MAILING

I hereby certify that on the 30th day of May, 1997, I mailed
a true and correct copy, postage prepaid, of the foregoing
PRELIMINARY ORDER (Approved License) to the person(s) listed below:

Water Right No. 22-07706

J R BYRNE
8747 S 1600 E
REXBURG ID 83440


Kari Lynn Townsend
Secretary

RECEIVED
JUN 18 1997



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

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

May 20, 1997

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

J R BYRNE
8747 S 1600 E
REXBURG ID 83440

RE: Water Right Nos. 22-07654 and 22-07706

Dear Mr. Byrne:

Thank you for calling yesterday to discuss the need for amendments for water right permits 22-07654 and 22-07706. Based on our discussion, I have revised the amendment form for 22-07654 by removing the SW $\frac{1}{4}$ NW $\frac{1}{4}$ and SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 10 from the place of use description. The revised form is enclosed.

I have enclosed a slightly revised amendment form for permit 22-07706 also. When we spoke, you told me that your primary source of irrigation water is the Snake River. However, you also told me that at the end of the irrigation season in 1993 you diverted water from your well and irrigated the place of use for permit 22-07706. To be consistent with the development history, it would be appropriate to license 22-07706 for supplemental irrigation use. The conditions placed on your license will limit your use of ground water to only those times when your Snake River water is not available. Right 22-07654 will carry the same conditions.

Please review the revised amendment forms. If you agree with the information presented, please sign the forms and return them with the \$100 (\$50 each) filing fee.

If you have any questions, please contact me at 208-327-7946.

Respectfully,

Shelley Walter Keen
Water Rights Supervisor

Enclosure

MICROFILMED
JUN 09 1997

MEMORANDUM

DATE: May 19, 1997

TO: Water Right Files 22-07654 and 22-07706

FROM: Shelley W. Keen (SWK)

RE: Call from J. R. Byrne

This morning J. R. Byrne called me to discuss the licensing amendment requests I sent him last week.

He told me that the information on the amendment form for 22-07654 looks accurate, except that he does not own land in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ and SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 10. This afternoon I called the Madison Co. assessor's office and was told that the owner of the land north of the railroad tracks in those tracts is the George Munns Family Trust.

Mr. Byrne told me that the well does not produce enough water to adequately irrigate both 22-07654 and 22-07706. However, at the end of 1993 he did accomplish one irrigation of the place of use for 22-07706 after finishing the irrigation of the place of use for 22-07654.

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JUN 09 1997



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

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

May 12, 1997

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

J R BYRNE
8747 S 1600 E
REXBURG ID 83440

RE: WATER RIGHT NO. 22-07706

Dear Permit Holder(s):

The above referenced water right is in the process of being licensed. However, before a license can be issued, your permit must be amended to depict your water right as it has actually been developed.

The enclosed Application for Amendment contains information that will be included on the license when it is issued. The amendment reflects a change in the location of the point(s) of diversion. Please review carefully and if you concur, sign the amendment and return with the \$50.00 filing fee within 14 days.

The last page of the Application for Amendment form contains a list of Conditions of Approval and Remarks proposed for the license when it is issued. These conditions of approval and remarks may be modified upon further administrative review.

If you do not concur, or if you have any questions about this information, please contact me as soon as possible. My telephone number is (208) 327-7946.

Sincerely,

Shelley W. Keen
Water Rights Supervisor

SK:ph

Enclosure

MAILED
JUN 09 1997

MEMORANDUM

TO: Files 22-07654 and 22-07706

FROM: Sharla Curtis

DATE: May 12, 1997

RE: Recommendation Adjustment(s)

The final license recommendations for Permit Nos. 22-07654 and 22-07706 are based on the following:

H. RECOMMENDATIONS

22-07654:		
Irrigation	4/15 - 10/15	1.76 cfs

22-07706:		
Irrigation	4/15 - 10/15	1.72 cfs

The two rights in combination are limited to the pumping capacity of 1.76 cfs. It appears that pivot and handlines are operated separately; each license will be issued for a full inch/acre with the capacity limitation. The volume recommendations listed in the remarks section reflect full volume rather than limited by the rate of diversion proposed by the examiner

Examiner: Steve Mueller
Exam Date: July 10, 1995

MICHAEL J. HILL
JUN 8 9 1997

LICENSE REVIEW CHECKLIST

PERMIT NO. 22-07706

DATE 5/5/97

REVIEWER: SHARLA

NAME	Change <u>—</u>	OK <u>✓</u>	Address Change <u>NO</u>
SOURCE	Change <u>—</u>	OK <u>✓</u>	Is change/clarification of originally intended source? <u>—</u>
POINT OF DIV	Change <u>✓</u>	OK <u>—</u>	If not, prepare Notice of Intent to Void <u>—</u>
PLACE OF USE	Change <u>—</u>	OK <u>✓</u>	Amendment required <u>yes</u>
			Amendment required <u>NO</u>

Does map agree with written description? ✓ yes — no

OVERLAPS — P/D — P/U

RATE OF DIV

Permitted Rate	<u>1.72</u> cfs
Fee limit	<u>2.0</u> cfs \$125 ⁰⁰
Measured	<u>1.74</u> cfs - 1.76 (grand land meter)
Theoretical	<u>2.32</u> cfs - 2.44

ac. verified w/ grid map

Recommended Total Div Rate 1.72 cfs

ANNUAL VOLUME/ NATURE OF USES

Use	Volume Calculation
<u>Irr.</u>	<u>86 X 3.5 =</u> af
<u>—</u>	<u>—</u> af
<u>—</u>	<u>—</u> af
<u>—</u>	<u>—</u> af
SUBTOTAL	<u>301.0</u> af

ASCS totals 87.5 L
permit ltd. to 86 ac.

Flow rate 1.72 cfs X 184 days X 1.9835 = 626.6 af
Total volume recommended 301.0 af
(SUBTOTAL or Flow Rate, whichever is less)

REMARKS

W35 (22-07654) 1.76 cfs 641.2 af
~~W37 (301.0 af)~~ ok
W36 (22-07654)

CONDITIONS — Watermaster Control WD# —

— GW Measurement/Measuring Device

~~25~~ Overlap R25

— Use-specific conditions 065, 079, 048, 049

Advancement of Priority Date Required — yes ✓ no

SRBA Claim Filed N/A
Adjustment Memo Rate/volume

1st Amend Letter P39 P38
2nd Amend Letter P47

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

RECEIVED
FEB 19 1997

Department of Water Resources

A. GENERAL INFORMATION

Permit No. 22-7706

1. Owner: J. R. Byrne Phone No. (208) 356-6176

Current Address: 8747 S 1600 E Rexburg, ID 83440

2. Accompanied by: J.R. Burne EXAM DATE: 7-10-95

Address: 8747 S 1600 E, Rexburg, ID 83440 Phone No. (208) 356-6176

Relationship to Permit Holder: Applicant

3. Source: Groundwater tributary to Columbia

B. OVERLAP REVIEW

OVERLAP REVIEW

1. Other water rights with the same place of use: Palisades Water Users Summitdale Irrigation District

2. Other water rights with the same point of diversion: 22-7654

C. DIVERSION AND DELIVERY SYSTEM

1. Point(s) of Diversion:

[illegible]

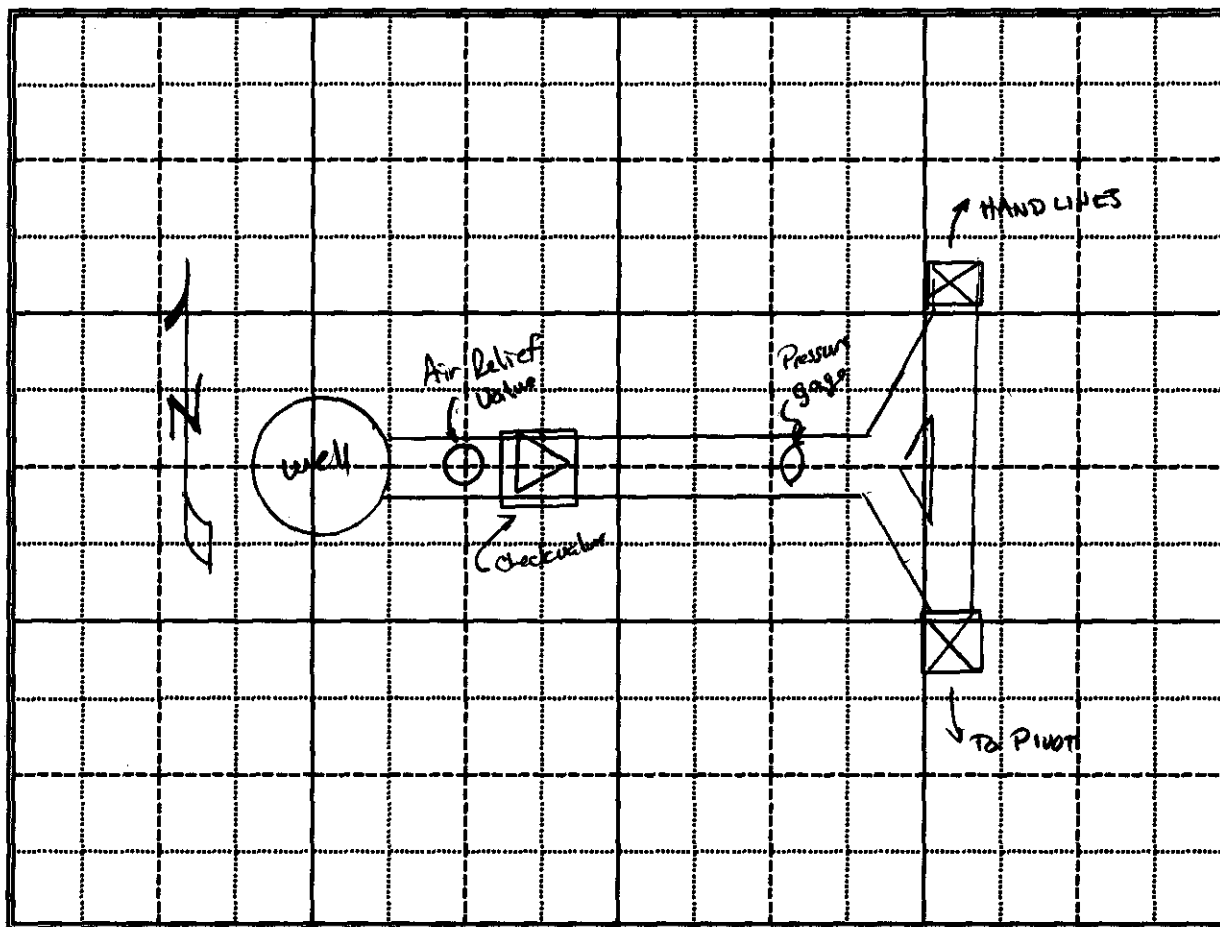
2. Place(s) of Use:

Indicate Method of Determination

[illegible]

JUN 09 1997

3. **Delivery System Diagram:** Indicate all major components and distances between components. Indicate weir size/ditch size/pipe i.d. as applicable.



Scale: 1" = _____

____ Copy of USGS Quadrangle Attached Showing location(s) of point(s) of diversion and place(s) of use (required).

____ Aerial Photo Attached (required for irrigation of 10+ acres)

____ Photo of Diversion and System Attached

4.

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
	G.E.	100	MFJ1223118	Peabody Flowing	9233159

*Code to correspond with No. on map and aerial photo

D. FLOW MEASUREMENTS

1.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date
Polysonic						
Totating Meter		GRANDLAND				

2. Measurements: static H₂O level 137' from well log

GRANDLAND METER 790 gpm = 1.76 cfs

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E. NARRATIVE/REMARKS/COMMENTS

Well pump mainline to low pressure pivot & hand lines
with sprinklers

polysonics = 1.74 cfs

$$\text{cfs} = \frac{100(6.16)}{137 + 2.31(50)} = \frac{616}{252.5} = 2.44 \text{ cfs}$$

Overlap → 22-7706 → 86 AC

22-7654 → 127

213 AC → 1.74 cfs total Q

This permit 86 AC = .70 cfs

22-7654 127 AC = 1.04 cfs
1.74 cfs

Have conditions of permit approval been met? ☒ yes ☐ no

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F. FLOW CALCULATIONS

____ Additional Computation Sheets Attached

Measured Method:

polysonic 1.7 Acs**G. VOLUME CALCULATIONS**

1. Volume Calculations for Irrigation:

$$V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = 86 \times 3.5 = 301$$

$$V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 = .70(1.9835) 184 = 254$$

$$V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} = 254$$

2. Volume Calculations for Other Uses:

H. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (afa)
	From	To		
<u>IRR</u>	<u>4/15</u>	<u>10/15</u>	<u>0.70</u>	<u>254</u>
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
Totals:			<u>0.70</u>	<u>254</u>

2. Recommended Amendments

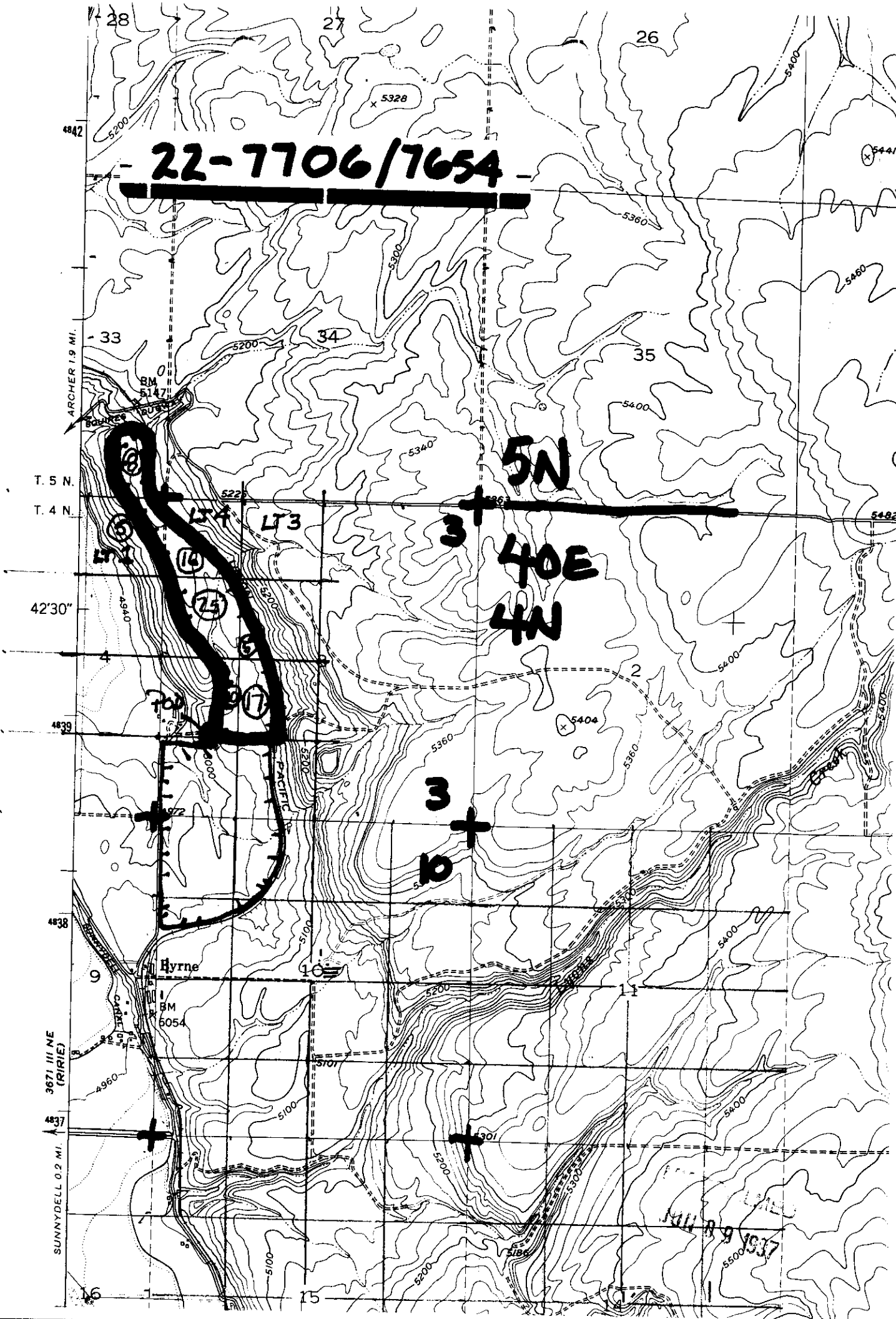
☒ Change P.D. as reflected above ☐ Add P.D. as reflected above ☐ None
☒ Change P.U. as reflected above ☐ Add P.U. as reflected above ☐ Other

I. AUTHENTICATIONField Examiner's Name Steve Mueller Date 7-10-95Reviewer DAVE Carlson Date 7/13/97

SEAL

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22-7706/7654

5N

40E

4W

3

10

16

17

25

3

10

16

17

ARCHER 1.9 MI.

T. 5 N.

T. 4 N.

42'30"

4839

4838

4837

3671 III NE
(RIRIE)

SUNNYDELL 0.2 MI.

Hyrne

BM
5054

5328

5441

5404

5500 937

5N

5

16

25

25.8

7

4N

40E

34.9

6

7.6

62.3

9

17

700

4

3

9

NW

10

22-7706

106.1

13

12.6

3

1-1352

NW

22-7706
22-7654

Block Calibrated

SETUP NO. 1

PIPE O.D 10.070 IN
PIPE WALL THICKNESS 0.097 IN
PIPE I.D 9.876 IN
PIPE MATERIAL CARBON STEEL
PIPE SOUND VELOCITY 10597.129 F/S
LINER MATERIAL NONE
LINER SOUND VELOCITY 0.000 F/S
LINER THICKNESS 0.000 IN
INSIDE ABS ROUGHNESS 0.00015000
FLUID MATERIAL WATER
FLUID SOUND VELOCITY 4863.330 F/S
FLUID VISCOSITY 1.132 cSt
TRANSDUCER TYPE STANDARD
TRANSDUCER MOUNTING U
TRANSDUCER SPACING 7.832 IN

11:53:04 07-10-95

SCALE FACTOR = 0.990
OFFSET(CFS) = 0.000
msec OFFSET = 0.00
usec OFFSET = 0.54
XMT_DET_DLY = 17.50
AERATION FAC. = 1.00
XDUCE: STANDARD/U

	UP	DOWN
WIN_DLY =	369.00	369.00
SE>R =	2.27	1.39
BIAS =	1.37	1.37
AGC =	0.57	0.57
SIG_STG =	9.02	8.86
MISSED =	0	0
TIME(us) =	375.8	376.6
DEL_TIME(ns) =		215.7
DIFF COUNT =		958
P2X =	84	
SPS =	15.49	
AERATION =	0.000	

FLUID (F/S) = 4863.33
REYNOLDS NO. = 228184
PROFILE FACTOR = 0.9423

FLOW: = 1.730 CFS
3.268 F/S

FLOW 768.223 GPM

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JUN 09 1997

Point of diversion



22-7706 / 7654
MICROFILMED
JUN 09 1997

Flow meter



22-7706/7654

MICROFILMED
JUN 09 1967

**ANALYSIS SHEET
FOR
PROOF OF BENEFICIAL USE**

Permit No. 22-7706

Reviewed by [Signature]

Date 7-5-94

GENERAL CONSIDERATIONS

TYPES OF USE

YES Name same as permit?
YES Address same as permit?
NO Proof timely received?
If not, complete calculation below.

Jrr.
Correct Uses? YES

SOURCE OF WATER

Surface water source
✓ Ground water source

YES Drilling permit required?
NO Copy in the file? Drilling Permit No. 22-93-E-0056-001
200.00 Amount paid for permit YES Correct?
NO Well log in the file?

LICENSE EXAMINATION FEE

YES Required?
125.00 Amount Submitted
YES Correct?

MEASURING DEVICE

YES Required?
YES Installed?
Waiver requested?

PRIORITY CALCULATION

Date proof received 6-22-94
Date proof due 6-1-94 -
No. of days late 21 =
Priority Date 3-22-91 +
New Priority Date 4-12-91

DEFICIENCIES OR ACTION ITEMS

Reinstate & advance Priority to April 12, 1991.
Proof acceptable

DATA ENTRY

New Address [Crossed out]

Proof Made 6-22-94

July 5, 1994

J R BYRNE
8747 S 1600 E
REXBURG ID 83440

PROOF ACKNOWLEDGEMENT LETTER

RE: PERMIT NO. 22-07706

Dear Permit Holder:

The department acknowledges receipt of the proof of beneficial use form submitted for the above referenced permit. Enclosed is an order reinstating your permit since the Proof of Beneficial Use form was submitted after the proof due date. Please note that the priority date has been advanced to April 12, 1991.

The next step in the process of developing a water right is for the department to conduct a field examination to determine and confirm the use being made of the water.

If you have questions concerning this matter, please feel free to contact the EASTERN Regional Office in Idaho Falls, at (208)525-7161.

Sincerely,

JULIE L. YARBROUGH
Senior Secretary

Enclosure

c: IDWR - Region

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JUN 09 1997

WARNING

CANCELLED OR LAPSED

This permit has been officially CANCELLED or LAPSED.

Ninety days following the date of official action this file will be DESTROYED.

June 7, 1994

J. R. BYRNE
8747 S. 1600 E.
REXBURG ID 83440

LAPSE NOTICE

RE: PERMIT NO. 22-07706

Dear Permit Holder:

You are hereby notified that under the provisions of Section 42-218A, Idaho Code, the above referenced permit has lapsed and is of no further force nor effect. The department provided the proper forms to you in our proof due notice dated March 31, 1994. No further construction or additional development is authorized under this permit unless it is reinstated.

The permit can only be reinstated if you submit an acceptable proof of beneficial use or an acceptable request for extension of time to the department within sixty (60) days of the mailing of this lapse notice. An acceptable proof of beneficial use submittal must include the examination fee or a completed field examination report. A request for extension of time must be accompanied by a fifteen dollar (\$15) fee.

Enclosed again for your use are a proof of beneficial use form and a request for extension of time form. Please note that only one extension of time can be granted unless the project has not been completed because of lack of a necessary approval by a government agency or by litigation which may bring title to the water in question.

L. GLEN SAXTON
Chief, Water Allocation Bureau

Enclosures

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JUN 09 1997

CERTIFICATION OF MAILING

I hereby certify that on 6-7-94
a copy/an original of this document was
deposited in the United States mail,
postage prepaid addressed to the
individual(s) named above.



MEMORANDUM

To: File 22-07706
From: L. Glen Saxton *WS*
RE: PHONE CALL FROM PERMIT HOLDER
Date: April 11, 1994

Spencer Orr, the son-in-law of the permit holder, J.R. Byrne called today concerning the the proof due notice for permit no. 22-07706.

Mr. Orr had numerous questions about the water right development process and about proof and extensions in particular. Since Byrne apparently filed vaious documents, Orr stated he himself needs to thoroughly review the permits. Hence Orr asked that I send copies of the permits, extensions and proof filed for the permits.

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JUN 09 1997

March 31, 1994

J. R. BYRNE
8747 S. 1600 E.
REXBURG ID 83440

PROOF DUE NOTICE

RE: PERMIT NO. 22-07706

Dear Permit Holder:

One of the conditions of approval of the above referenced water permit was that proof of the extent of your beneficial use must be submitted to this office on or before June 1, 1994. (See last page of your approved permit or your last approved extension request.) Enclosed is a form which when accompanied by the license examination fee or a complete field examination report prepared by a certified water right examiner may be used to submit the required proof.

If you have not fully completed your project, and you or a previous owner of this permit have not received a prior extension of time, you may request an extension of time if the delay is for reasonable cause as provided in Section 42-204, Idaho Code. If you have been prevented from proceeding by a governmental agency or by litigation which might bring title to the water in question, more than one extension of time can be granted. An extension of time request form is enclosed for your convenience.

Either an acceptable proof of beneficial use submittal or an acceptable request for an extension of time must be received by this department on or before the above described proof due date. If neither is received, the department will send you a lapse notice. Within sixty (60) days of the mailing of the lapse notice, the permit will no longer be of any force nor effect.

SINCERELY,

JULIE L. YARBROUGH
Senior Secretary

Enclosures

MICROFILMED
JUN 09 1997





State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

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

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

June 3, 1993

J R Byrne
8747 S 1600 E
Rexburg, ID 83440

Re: Permit No. 22-07706

Dear Permit Holder:

Enclosed is a copy of the approved request for extension of time. The time within which to submit proof of beneficial use is extended to June 1, 1994. Please note that the department has granted this extension based on due diligence. It is important that you work diligently toward the completion of this project during the construction period allowed since the department will not be able to grant additional extensions based on due diligence

If you have any questions or if I can be of any further assistance, please feel free to contact this office.

Sincerely,

Karen L. Gustafson
Secretary/Records Manager

Enclosure

C: IDWR-Regional Office

RECEIVED

JUN 29 1993

**ANALYSIS SHEET
FOR
EXTENSION OF TIME**

Permit No. 22-07706 Reviewed by Klg Date 6/1/93
BASIC INFORMATION

5/28/93 Date stamp received
yes Extension received timely
yes Fee received and receipted
yes Name and signature same as permit
NO Address Change

BASIS FOR EXTENSION REQUEST

yes Has adequate work been completed to demonstrate due diligence?
Has the permit been involved in litigation?
Is supporting documentation needed to complete the file? Requested?
Is delay by a government agency?
Is supporting documentation needed to complete the file? Requested?
Is the project more than 25,000 acre feet for irrigation or 10,000 acre feet for a reservoir?

ACTION TAKEN

*Recommend approval Based on due diligence
Extend to 6/1/94*

PRIORITY CALCULATION

Date extension received	<u>NA</u>	=	_____
Proof due date	<u>/</u>	=	_____
Number of days late	<u>/</u>	=	_____
Priority date	<u>/</u>	=	_____
New Priority Date		=	_____

DATA ENTRY

New Address _____
Change Proof Due Date 6/3/93 Klg
Change Priority Date J

March 31, 1993

J. R. BYRNE
8747 S. 1600 E.
REXBURG ID 83440

PROOF DUE NOTICE

RE: PERMIT NO. 22-07706

Dear Permit Holder:

One of the conditions of approval of the above referenced water permit was that proof of the extent of your beneficial use must be submitted to this office on or before June 1, 1993. (See last page of your approved permit or your last approved extension request.) Enclosed is a form which when accompanied by the license examination fee or a complete field examination report prepared by a certified water right examiner may be used to submit the required proof.

If you have not fully completed your project, and you or a previous owner of this permit have not received a prior extension of time, you may request an extension of time if the delay is for reasonable cause as provided in Section 42-204, Idaho Code. If you have been prevented from proceeding by a governmental agency or by litigation which might bring title to the water in question, more than one extension of time can be granted. An extension of time request form is enclosed for your convenience.

Either an acceptable proof of beneficial use submittal or an acceptable request for an extension of time must be received by this department on or before the above described proof due date. If neither is received, the department will send you a lapse notice. Within sixty (60) days of the mailing of the lapse notice, the permit will no longer be of any force nor effect.

SINCERELY,

Karen L. Gustafson
Secretary/Records Manager

Enclosures

CERTIFIED MAIL

NO. 139970

JUN 29 1993



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

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

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

May 31, 1991

J. R. BYRNE
8747 S. 1600 E.
REXBURG, ID 83440

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 22-07706

Dear Permit Holder:

Enclosed is a copy of your approved application for permit. We direct your attention to the conditions of approval on the final page.

As a permit owner you must commence the excavation or construction of the diverting works within one year of the date the permit was issued, and you must proceed diligently until the project is completed. The date shown under condition no. 1 is the date when the project must be completed. You will receive a "Proof Due Notice" from this Department approximately 60 days prior to the completion date requiring you to file either a Proof of Beneficial Use form stating that the project has been completed or file a Request for an Extension of Time in which to file the proof statement.

Be sure to note the special condition requiring you to install a measuring device. Enclosed, for your reference, is a list of of measuring device options.

Section 42-235, Idaho Code, requires that a "drilling permit" must be obtained from the department for all wells constructed after July 1, 1987. A drilling permit is a separate permit that must be issued in addition to your permit to appropriate water.

MICROFILMED

JUL 01 1991

Commencement of well construction or diversion of water under your permit to appropriate water is prohibited unless a drilling permit is obtained.

Sincerely,

JIM JOHNSON
Water Rights Supervisor

JJ:blm

Enclosures

MICROFILMED
JUL 01 1991

APPLICATION FOR PERMIT REVIEW

Application #: 22-7706
Date: 5-28-91

Reviewer: Pam Skaggs

Existing:

✓ No - 26A-P17
Complete in 1 year - P16

Yes

Proof not submitted - P16

Proof submitted - N/A

Groundwater:

✓ GT. 0.2 cfs - 01G-P03, 01C-P03 (existing well)

LT. 0.2 cfs - N/A

Drilling Permit:

✓ Approved w/permit - P99

Not included - 046-P23 (All GW, even existing wells)

Location:

✓ Water Districts - WD No. 01
Surface water - 005, 005-01H-P01 (LT.2 w/pump)
005-01J-P08 (GT.2)

✓ Groundwater *existing* - P05

Irrigation Districts - 023

Canal Co. Areas - 023

Drainage Districts - 024

Boise Front (63) - 058 (Groundwater)

✓ Swan Falls Flag - 1 (1, Blank or Other)

Trust - 051-052-053-P74 (Cons.), 041 (DCMI, w/Irr
or Irr & Dom)

✓ Non Trust - 048-049

River Basins:

(Surface Water) Water District Control Condition &....

Boise (63) - 05A & 11E

Payette (65) - 047-P04, 059-P71

Snake (01, 02 & 03) - 11A-P04(01), 061-P07(02/03 No W.D.Cond.)

Use:

Fish Propagation - 06A, 09E-P10 & 010 (WQ/Choose One),
042(req.), 002-P06(MD), 07A(Spec.),
044(Policy 5G)

Power - Use Power Review

Mining - 06A or 010, 09E-P10 & 054(req.)

Storage - 18A-for multiple measuring devices(In WD),
18B-P09(Size)

Rec. & Aesthetic - 027(Non-Consumptive)

Domestic - 021(restricted areas)

Ownership:

Non land owner - 004

Protested:

Agreement - 020

✓ Beneficial Use Due Date: - 06-01-1993
Other Conditions Recommended

JUL 01 1991

Form No. 202a
1/87STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT ANALYSIS SHEET

INITIAL REVIEW BY HWT DATE 4-2-91 APPLICATION NUMBER 22 7706
J.R. BYRNEREQUIRED INFORMATION

- ☒ Name (If applicant is a corporation or partnership, names must be provided for the director, officers, & other partners.)
- ☒ Address
- ☒ Source (See USGS Quad for names of water sources)
- ☒ Point of Diversion (10 acres for spring, lot & block descriptions for subdivisions, local name, flow and/or volume)
- ☒ County
- ☒ Quantity (flow and/or volume)
- ☒ Period of Use
- ☒ Nature of proposed use (Include description of use.)
- ☒ Description of diverting works
- ☒ Time required for beneficial use of water
- ☒ Place of use or acres irrigated
- ☒ Map
- ☒ Signature (If applicant is corp. partnership, or municipality, title of signator is required)
- ☒ Fee
- ☒ Yes ☐ No* In form to receipt

ADDITIONAL INFORMATION

- ☐ Overlapping place of use (Describe source & relationship to present application on the back.)
- ☐ Overlapping point of diversion
- ☐ Yes ☒ No Field check required
Field check by _____
- ☐ Yes ☒ No Field report attached
- ☐ Yes ☐ No Critical groundwater area
- ☐ Yes ☐ No Groundwater management area
- ☐ Yes ☐ No Send dam safety information
- ☐ Yes ☐ No Send power requirement letter
- ☐ Yes ☐ No Send fish farm requirement letter
- ☐ Yes ☐ No Power residency affidavit
- ☐ Yes ☐ No Power efficiency form
- ☐ Yes ☐ No Within trustwater boundary (If yes, attach trust water supplementary analysis sheet.)
- ☐ Yes ☒ No Diversion greater than 5 cfs or 500 acre ft. (If yes, attach large diversion supplementary analysis sheet.)
- ☐ See reverse side for additional information

*REQUEST THE FOLLOWING ADDITIONAL INFORMATION FROM THE APPLICANT

Date Requested

MAY 09 1991

Department of Water Resources

RECEIVED

PROCESSING

☒ Yes ☐ No In form for advertising
☐ Yes ☒ No Statewide advertising
☒ Yes ☐ No Fee amount, receipt date & No. recorded on application

END COPIES TO

☐ Idaho Dept. of Health & Welfare ☐ U.S. BLM
☐ Idaho Dept. of Fish & Game ☐ U.S. Forest Service
☐ Idaho Dept. of Lands ☐ Water District
☐ Adjudication Bureau Unit ☐ Other _____

FINAL REGIONAL PROCESSING REVIEW

☒ Yes ☐ No Affidavit of publication received
☒ Yes ☐ No Application published correctly. If not, record action taken.

☒ Yes ☐ No Publication dates & paper, recorded on application
☐ Yes ☒ No Protests received
Final date for protest 5-6-91
☐ Yes ☐ No Protests, dates, resolution of protest, recorded on application
☐ Yes ☒ No Recommendations attached
☐ Yes ☒ No Measuring device required
☒ Yes ☐ No Access port required
☐ Yes ☒ No Will water be delivered by watermaster? If yes, what Dist. _____
☒ Yes ☐ No Special conditions of approval or cover letter below. _____

☐ See below for additional information
Date of priority recommended 3-22-91
By HWT Date 5-6-91

STATE OFFICE REVIEW

☐ See below for additional information
By _____ Date _____

ADDITIONAL INFORMATION

Condition: OIG

LOCAL PUBLIC INTEREST

Comments received from:

- | | | |
|---------------------------------------|---|--|
| ☐ City | ☐ Idaho Fish & Game | ☐ Irrigation District |
| ☐ County | ☐ Idaho Health & Welfare | ☐ Canal Company |
| ☐ Reservations | Division of Environment | ☐ Other _____ |

Project impacts/implications report

COMMENTS

11-Apr-1991

J.R. BYRNE
8747 S. 1600 E.
REXBURG ID 83440

RE: Application No. 22-7706

Dear Water Right Applicant:

The Department of Water Resources acknowledges receipt of your water right permit. This office is currently in the process of advertising the application in REXBURG STANDARD JOURNAL on April 18 & 25, 1991. The advertisement will be published for two consecutive weeks, and a period of ten days following the second publication will be allowed for the submittal of protests.

If the application is protested, you will be sent a copy of the protest. The protest must be resolved before the application is approved or denied. If the protest is not resolved voluntarily, this Department will conduct a conference and/or hearing on the matter.

If the application is not protested, it will be forwarded to our state office in about five weeks. State office personnel will conduct a complete review prior to final processing of the application and will notify you of the outcome of this review. When a permit is issued, you will be sent a copy. A typical processing time for an unprotested application is about eight weeks.

Please feel free to contact this office if you have any questions regarding this procedure.

Sincerely,

HAROLD W. JONES
Water Rights Supervisor

HWJ/rb

MICROFILMED

JUL 01 1991

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Eastern Region
150 Shoup Ave., Suite 15

Idaho Falls, Idaho 83402
(208) 525-7161

APRIL 9, 1991

THE REXBURG STANDARD-JOURNAL
P.O. BOX 10
REXBURG, ID 83440

Gentlemen:

Enclosed you will find a legal notice which we wish to have published on the dates indicated (once a week for two consecutive weekly issues) in your newspaper. If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Your cooperation is appreciated.

Please send the affidavit of publication and publication billing to this office before MAY 6, 1991.

Yours truly,

Rita Bodell
Secretary

Encl.

MICROFILMED

JUL 01 1991

22-0770

BYRNE, J.R.
8747 S. 1600 E.
REXBURG, ID 83440

Source: GROUNDWATER

Diversion Pt: NWSW Sec 3 T 04N R 40E

Use: IRRIGATION (1.720 CFS)
Total Diversion: (1.720 CFS)

Date Filed: 3/22/ 1991

In: T04N R40E S03	NWNW	SWNW	SENW	NESW
	NWSW			
S04	NENE			
T05N R40E S33	SESE			

86.0 ACRES TOTAL

RECORDED

JUL 01 1991