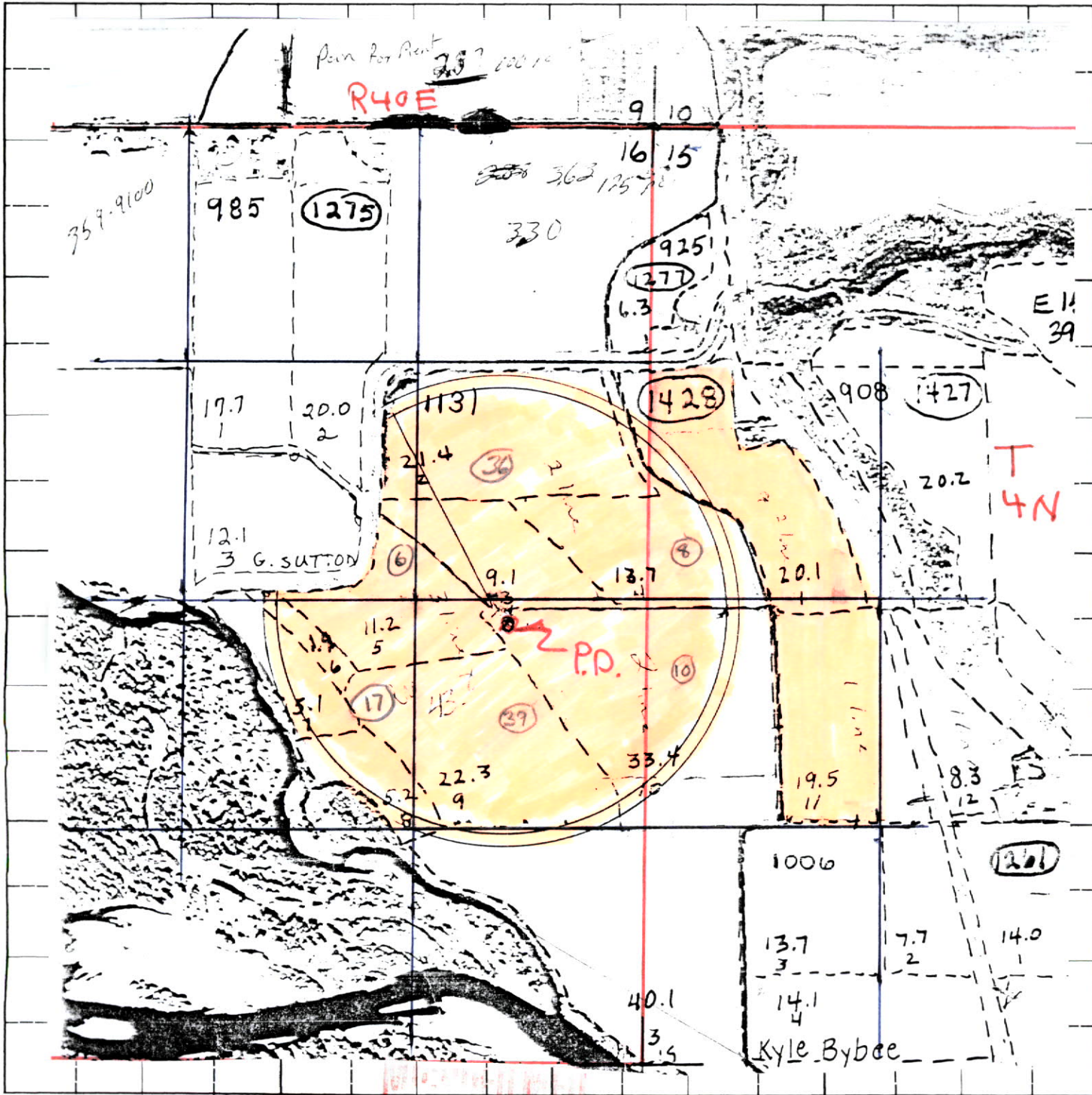


13. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



Scale: 2 inches equal 1 mile.

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.

Kyle Bybee
(Applicant)

THE STANDARD-JOURNAL
Rexburg, Idaho
AFFIDAVIT OF PUBLICATION

STATE OF IDAHO
County of Madison

I, 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,
was 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.

Lyndell J. J. J.
Notary Public for Idaho

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

RECEIVED
MAY 13 1991

Department of Water Resources

NOTICE OF APPLICATION
FOR TRUST WATER RIGHT

22-07699

BYBEE, KYLE
11477 S. SNAKE RIVER RD.
REXBURG, ID 83440

Source: GROUNDWATER
Diversion Pt: NESE Sec 16 T 04N R
40E

Use: IRRIGATION (3.000 CFS) Total
Diversion: (3.000 CFS)

Date Filed: 3/20/1991

In: T04N R40E S15 SWNW NWSW S16
SWNE SENE NESE NWSE 150.0 ACRES
TOTAL

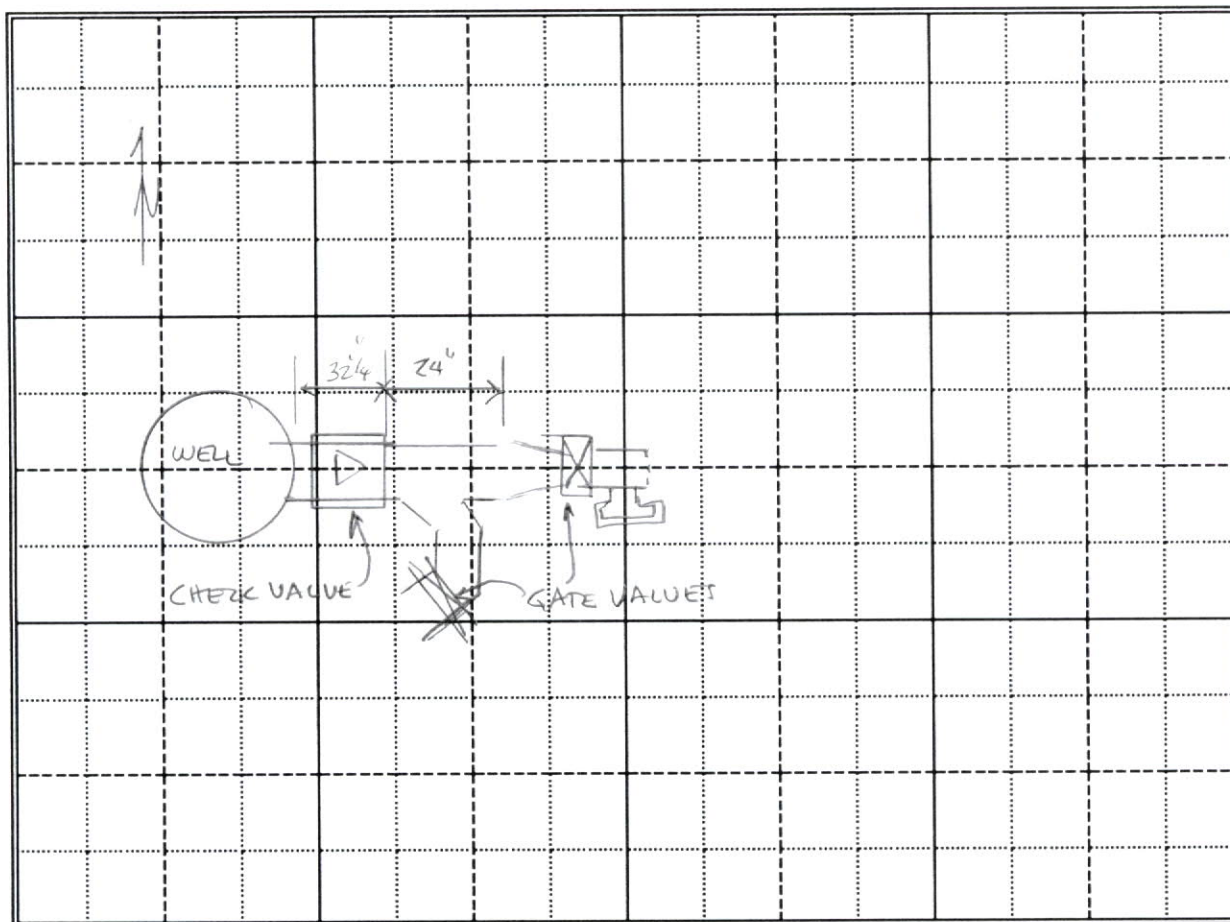
The permit(s) will be subject to all prior
water rights. Protests may be submitted
based on the criteria of Sec. 42-203A,
Idaho Code and/or the new public interest
criteria of Sec. 42-203C, Idaho Code. Pro-
tests must be filed with the Director, Dept.
of Water Resources, Statehouse Mail,
Boise, Idaho 83720 on or before May 6,
1991.

R. KEITH HIGGINSON
Director

Publ. April 18 and 25, 1991J.

RECEIVED
MAY 30 1991

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
	GE	160	NYJ131135	Peerless	F20827

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

D. FLOW MEASUREMENTS

1.

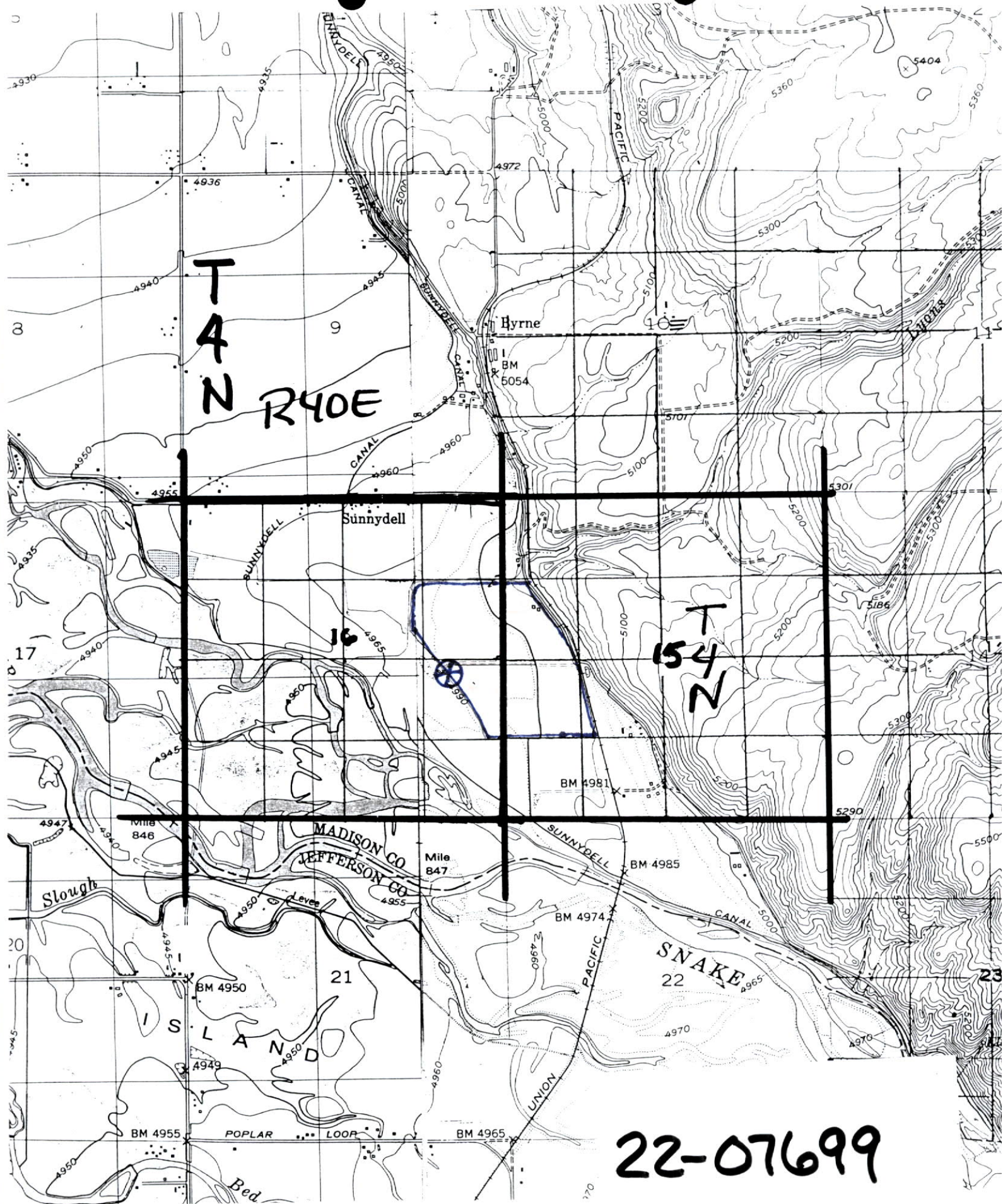
Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date

2. Measurements: THEORETICAL

T
4
N R40E

T
154
N

22-07699



35.0
1

4.0
2

9 10
16 15

1786
T-1275
T
4
N
R40E

1394
T-1232

PLACE OF USE

35.0
1

81.3
2

37.7
1

1879
T-1128

21.4
2

4.0
6.1
3

13.7
4

any
extra
acres
place
on this
field

9.9
4

37.6
3

40.1
10

16 15

22-07699

POINT OF DIVERSION

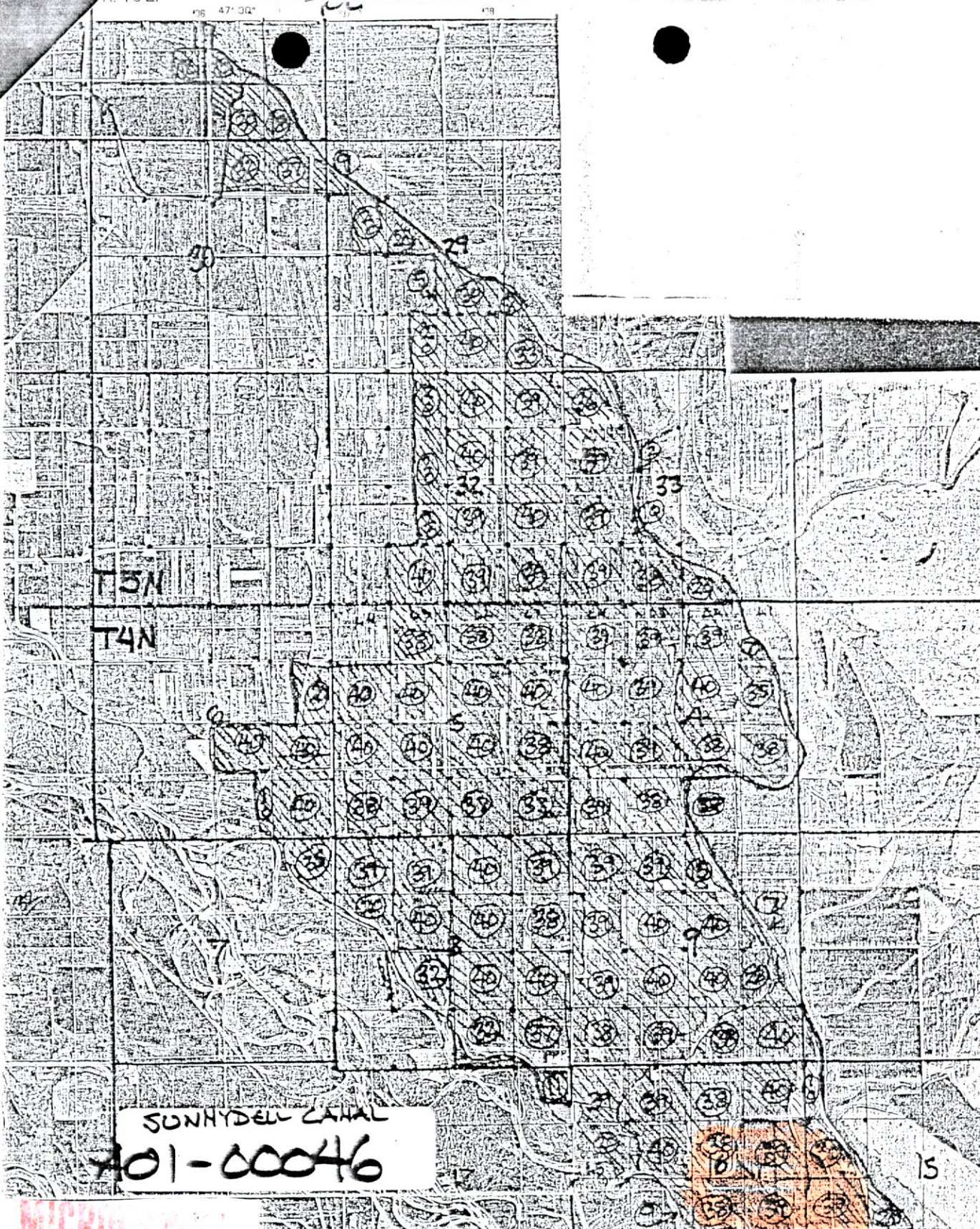
[illegible][illegible][illegible]



TO PORTABLE MAINLINE

POINT OF DIVERSION

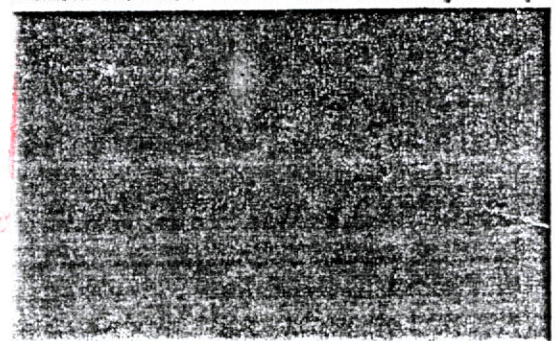
22-07699



MICROFILMED

MAY 30 1991

POOR QUALITY



40'

22

Form 217
11/91
RECEIVED
MAR 10 1993

RECEIVED
APR 28 1993

RECEIVED
MAR 12 1993

OFFICE USE ONLY
Amt. of Fee \$ 150.00
Date 10 MAR 93
Receipt No. EO18346
Receipt by KCW

Department of Water Resources
Eastern District Office

Department of Water Resources
STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

PROOF OF BENEFICIAL USE

The Idaho Department of Water Resources considers this form 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, when necessary, or a completed field examination report prepared by a certified water right examiner who has been appointed by the department.

1. Permit No. 22-7699 Telephone No. 356-7879
2. Name(s) of Permit Holder(s): Kyle Bybee
3. Mailing Address: 11477 S. Snake River Rd Rexburg Id 83440
4. Source of Water: Groundwater

If **GROUNDWATER**, Well Driller's Name: Intermtn Drilling Date Drilled: 4/8/91

OPTIONAL:

Pump horsepower: 100 Pressure (psi): 75 Dynamic pumping level (ft.): 100'

5. Extent of Use (as authorized by the permit):

Domestic _____ (No. of households) Stockwater _____ (No. and type of stock)
Irrigation 150 (No. of acres) Other _____

6. Total rate and/or volume for which proof is submitted 3.0 cfs OR _____ 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: \$ 150.00 (See License Fee Schedule on back of Instruction Sheet)

9. Person to contact to accompany the Department representative during field examination of the water system.

Name Kyle Bybee Telephone No. 356-7879
Address 12096 S. Snake River Rd Rexburg Id 83440

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.

10 Mar 93 Kyle Bybee
Date Signature (and title, if on behalf of a company or organization)

MAY 25 1993

State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 22-07699

Proposed Priority: March 20, 1991 Maximum Diversion Rate: 3.00 CFS
This is to certify, that **KYLE BYBEE**

11477 S. SNAKE RIVER RD.
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	3.00 CFS
------------	----------------	----------

LOCATION OF POINT(S) OF DIVERSION: NESE Sec. 16, 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	15	SWNW 23	NWSW 29		52
		16	SWNE 6	SENE 36	NESE 39	98
			NWSE 17			

Total number of acres irrigated: 150

CONDITIONS/REMARKS:

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before **May 3, 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. Any license issued by IDWR pursuant to the permit or portion thereof for the use of trust water is subject to a term review of 20 years after the date of this approval to determine availability of water for the use and to re-evaluate the public interest at the end of the term.
6. Diversion and use of water under this permit is subject to an annual use fee if rules are subsequently promulgated which provide for the submittal of the fee.
7. The Director retains jurisdiction of the permit and/or subsequent license issued to change, add or remove any requirement as determined to be appropriate.

MAY 30 1991

State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 22-07699

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

15th day of May, 1991.

R. Keith Higginson
for R. Keith Higginson, Director

MAY 30 1991

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name: KYLE BYBEE
Address: 11477'S. SNAKE RIVER RD.
REXBURG, ID 83440 208-356-6156
2. Source: GROUNDWATER Trib. to:
3. Location of Point of Diversion: NESE Sec. 16, Township 04N, Range 40E
MADISON County
4. Water will be used for the following purposes:

Purpose	From	To	CFS	(or)	AF
IRRIGATION	04/01	11/01	3.000		
5. Total quantity to be appropriated is:
3.000 CFS (and/or) AF
6. Proposed diverting works:
 - a. Description of ditches, flumes, pumps, headgates, etc.
WELL
 - 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 100 feet.
 - d. Is groundwater with a temperature greater than 90F being sought? NO
7. Time required for the completion of the works and application of
the water to the proposed beneficial use is 50 years.
8. Description of proposed uses:
IRRIGATION 150 ACRES
9. Place of Use: IRRIGATION

REPRODUCED

MAY 30 1991

TWN	RGE	SEC	ACRES	ACRES	ACRES	TOTAL
04N	40E	15	SWNW 23	NWSW 29		52
		16	SWNE 6	SENE 36	NESE 39	98
			NWSE 17			

Total number of acres irrigated: 150

10. Describe any other water rights used for the same purposes.
SHARES IN SUNNYDELL IRR DIST.

11. a. Who owns the property at the point of diversion?
APPLICANT

b. Who owns the land to be irrigated or place of use?
APPLICANT

c. If the property is owned by a person other than the applicant,
describe the arrangement enabling the applicant to make this filing.

12. Remarks:

THIS APPLICATION PROPOSES DIVERSION OF TRUSTWATER.

13. Map of proposed point of diversion and place of use attached? []

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.

Applicant

Received by _____ Date _____ Time _____ Preliminary check by _____

Fee \$ _____ Receipted by _____ # _____ Date _____

Publication prepared by _____ Date _____ Published in _____

Publication approved _____ Date _____

RECEIVED

MAY 30 1991

\$ 85 Fee

22 7699

RECEIVED

MAR 28 1991

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

Ident. No. _____

Department of Water Resources To appropriate the public waters of the State of Idaho

1. Name of applicant Kyle Bybee Phone 356-6156

Post office address 11477 S. Snake River Rd., Rexburg, ID 83440

2. Source of water supply Groundwater which is a tributary of _____

3. Location of point of diversion is _____ 1/4 of NE 1/4 of SE 1/4, Govt. Lot _____

Sec. 16 Township 4N Range 40E B.M. Madison County; additional

points of diversion if any: _____

4. Water will be used for the following purposes:

Amount ^{3.00}~~2.32~~ cfs 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) 3.00 cubic feet per second and/or (b) _____ acre feet per annum

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. Well & pivot to pivot

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 100 feet.

d. Is ground water with a temperature of greater than 90°F being sought? N

7. Time required for the completion of the works and application of the water to the proposed beneficial use is

5 years (minimum 1 year).

MAY 30 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	15							23			29							52
									8			10							18
		16			6	36									39	17			98

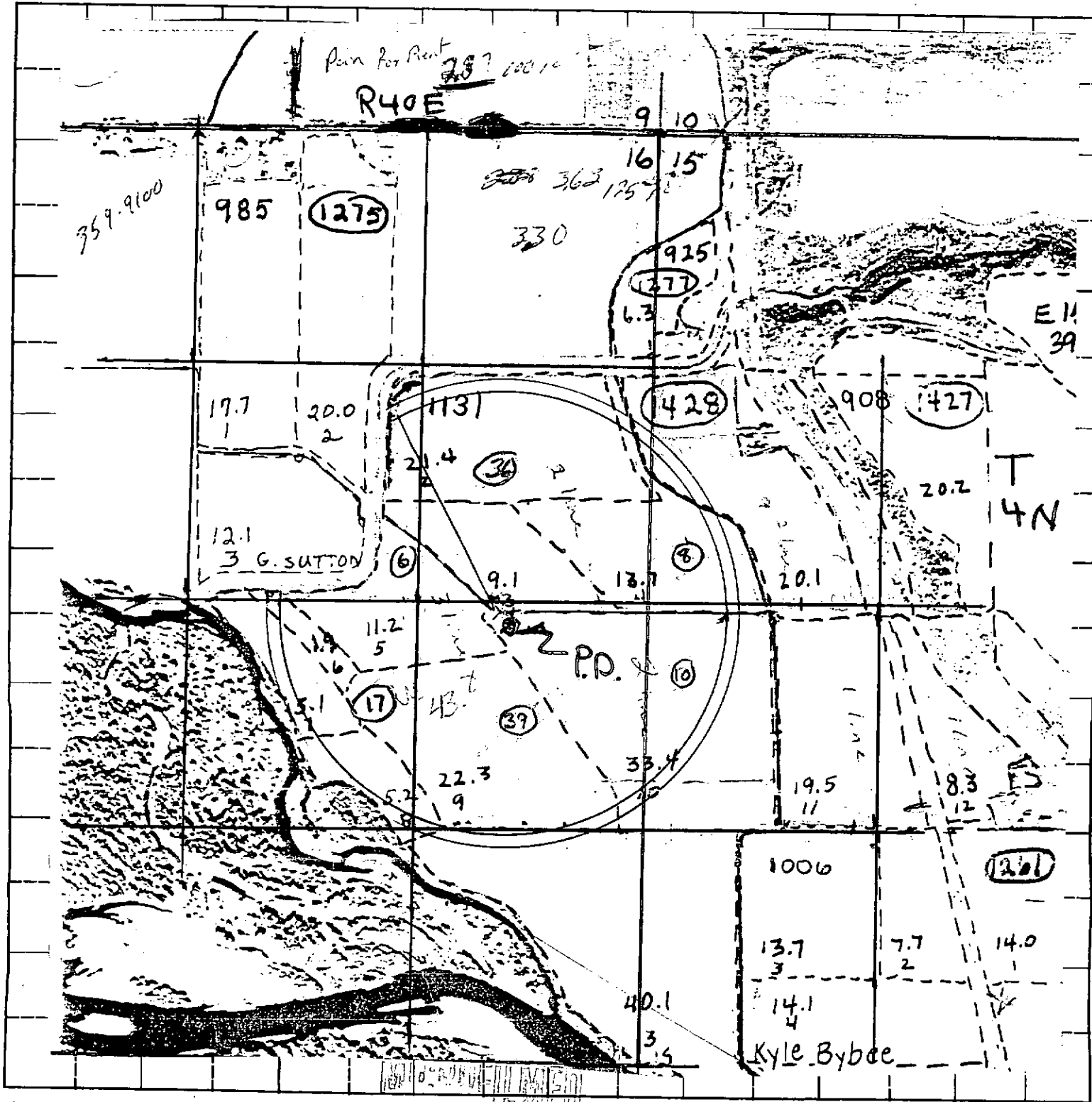
150
Total number of acres to be irrigated ~~116~~

- Describe any other water rights used for the same purposes as described above. Shares in Sunnydell Irrigation District For all ground
- 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: _____

MAY 30 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.

MAY 30 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.

Kyle Bybee
(Applicant)

Received by AWJ Date 3-20-91 Time 3:47 Preliminary check by _____

Fee \$ 85⁰⁰ Received by AWJ # E015840 Date 3-20-91

Publication prepared by BLM Date 4-9-91 Published in REXBURG-STANDARD JOURNAL

Publication approved _____ Date _____

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:

MAY 30 1991

THE STANDARD-JOURNAL
Rexburg, Idaho
AFFIDAVIT OF PUBLICATION

STATE OF IDAHO
County of Madison

I, 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, was 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.

Joseph H. [Signature]
Notary Public for Idaho

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

RECEIVED
MAY 13 1991

Department of Water Resources

NOTICE OF APPLICATION
FOR TRUST WATER RIGHT

22-07699

BYBEE, KYLE
11477 S. SNAKE RIVER RD.
REXBURG, ID 83440
Source: GROUNDWATER
Diversión Pt: NESE Sec 16 T 04N R 40E
Use: IRRIGATION (3.000 CFS) Total
Diversión: (3.000 CFS)
Date Filed: 3/20/1991
In: T04N R40E S15 SWNW NWSW S16
SWNE SENE NESE NWSE 150.0 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, Statehouse Mail, Boise, Idaho 83720 on or before May 6, 1991.

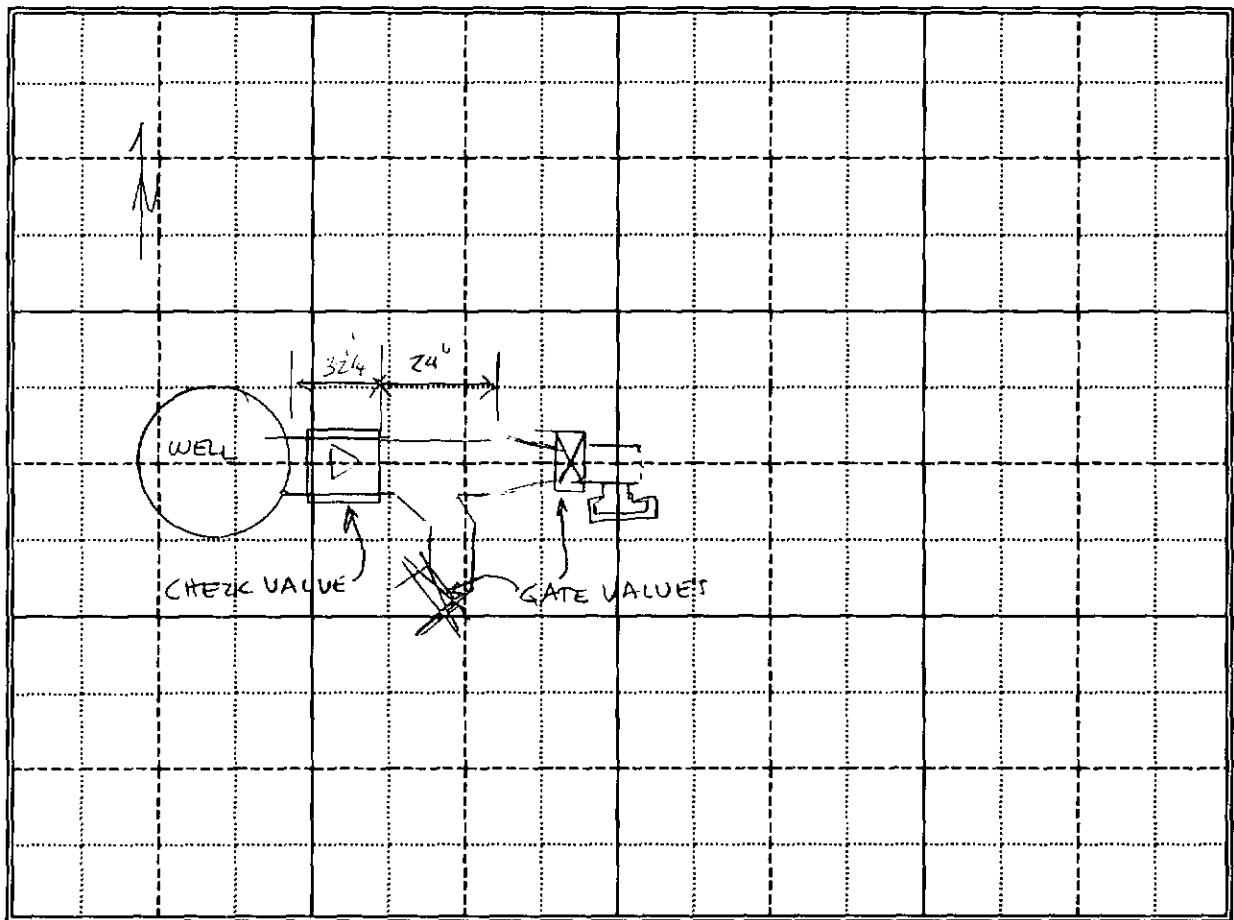
R. KEITH HIGGINSON
Director

Publ. April 18 and 25, 1991J.

MAY 30 1991

[illegible]

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
	GE	160	NYJ131135	Peerless	F-20827

*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

2. Measurements: THEORETICAL

THEORETICAL PUMP FLOW CALCULATIONS

Formula:

$$Q_{cfs} = [(Hp)(8.814)(Eff)] \div [Lift + (psi \times 2.308)]$$

$$Hp = \text{Horsepower} = \underline{100}$$

$$Eff = \text{Efficiency} = \underline{70\%} \quad (\text{Usually } 70\%)$$

$$\text{Lift: } (\text{Static Level} + \text{Assumed Draw down})$$

$$\text{Static Water Level} = \underline{32} \text{ ft.}$$

$$\text{Assumed Draw down} = + \underline{23} \text{ ft.}$$

$$\text{Lift} = \underline{55}$$

OR

$$\text{Measured Dynamic Water Level} = \underline{\hspace{2cm}} \text{ ft.}$$

$$\text{psi} = \text{Operating Pressure} = \overset{\text{ASSUMED}}{\underline{65}} \text{ psi}$$

$$Q_{cfs} = \left[\frac{100}{Hp} \times 8.814 \times \frac{0.7}{eff} \right] \div \left[\frac{55}{Lift} + \left(\frac{65}{psi} \times 2.308 \right) \right]$$

$$Q_{cfs} = \left[\underline{616.98} \right] \div \left[\underline{205.02} \right]$$

$$Q_{cfs} = \underline{3.01} \text{ cfs}$$

PERMIT NO. 22-7699

35.0
1

1786
T-1275

T
4
N

R40E

1394

1232

PLACE OF USE

81.3
2

37.7
1

8.1
3

any
extra
acres
place
on this
field

9.9
4

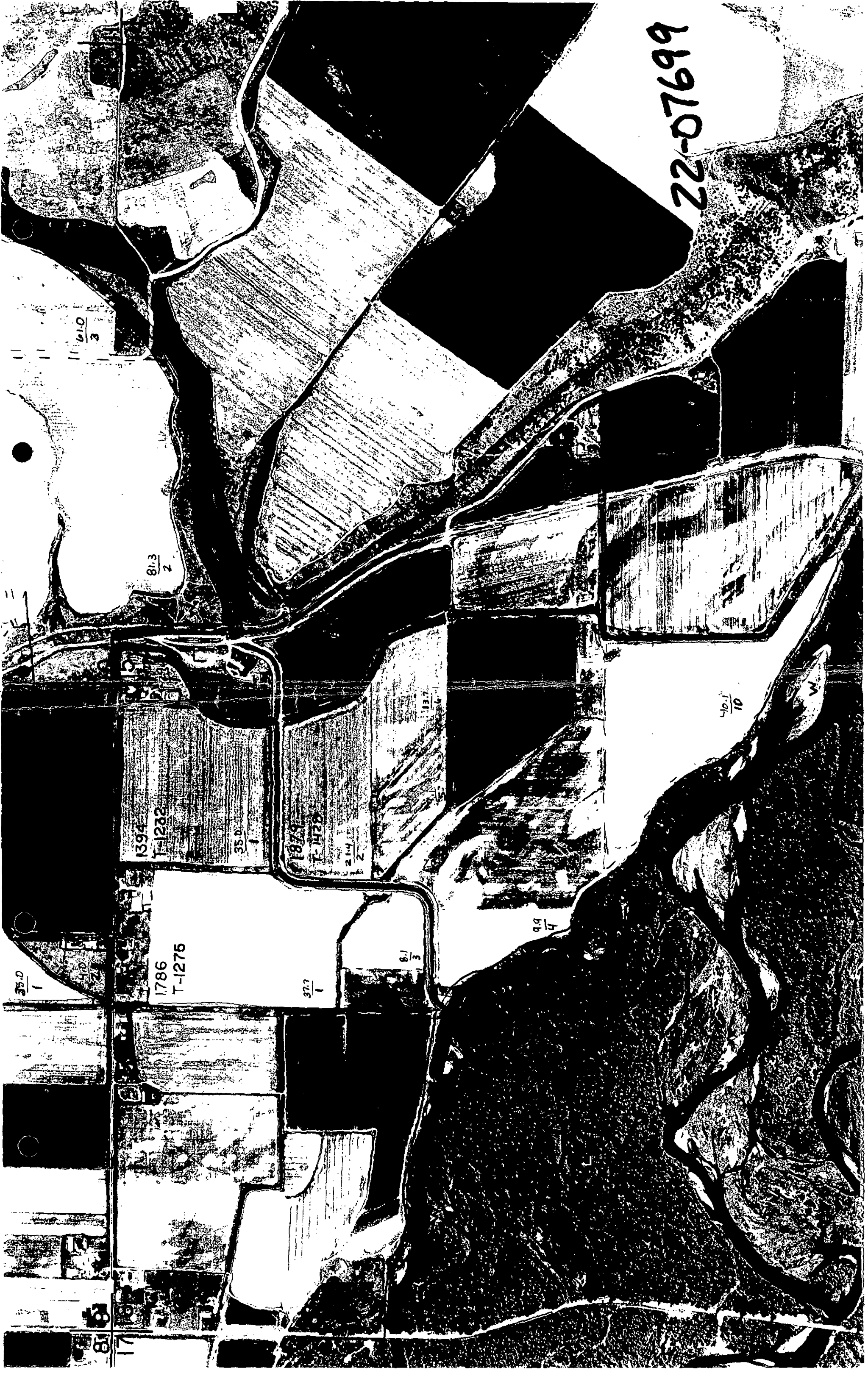
POINT OF DIVERSION

40.1
10

16 15

22-07699

22-07699





POINT OF DIVERSION



TO PORTABLE MAINLINE

22-07699

State law requires that this report be filed with the Director, Department of Water Resources within 30 days after the completion or abandonment of the well.

1. WELL OWNER
Name Kyle Rybee
Address 11477 S Snake River Rd Rexburg ID
Drilling Permit No. 22-91-F-022
Water Right Permit No. _____

7. WATER LEVEL
Static water level 32 feet below land surface.
Flowing? ☐ Yes ☒ No G.P.M. flow _____
Artesian closed-in pressure _____ p.s.i.
Controlled by: ☐ Valve ☐ Cap ☐ Plug
Temperature 60 °F. Quality _____
Describe artesian or temperature zones below.

2. NATURE OF WORK
☒ New well ☐ Deepened ☐ Replacement
☐ Well diameter increase
☐ Abandoned (describe abandonment procedures such as materials, plug depths, etc. in lithologic log)

3. PROPOSED USE
☐ Domestic ☒ Irrigation ☐ Test ☐ Municipal
☐ Industrial ☐ Stock ☐ Waste Disposal or Injection
☐ Other _____ (specify type)

4. METHOD DRILLED
☐ Rotary ☐ Air ☐ Hydraulic ☐ Reverse rotary
☒ Cable ☐ Dug ☐ Other _____

5. WELL CONSTRUCTION
Casing schedule: ☒ Steel ☐ Concrete ☐ Other _____

Thickness	Diameter	From	To
<u>250</u> inches	<u>16</u> inches	<u>1</u> feet	<u>130</u> feet
_____ inches	_____ inches	_____ feet	_____ feet
_____ inches	_____ inches	_____ feet	_____ feet
_____ inches	_____ inches	_____ feet	_____ feet

Was casing drive shoe used? ☒ Yes ☐ No
Was a packer or seal used? ☐ Yes ☒ No
Perforated? ☒ Yes ☐ No
How perforated? ☐ Factory ☒ Knife ☐ Torch ☐ Gun
Size of perforation 8 inches by 34 inches

Number	From	To
<u>204</u> perforations	<u>5.3</u> feet	<u>43</u> feet
_____ perforations	_____ feet	_____ feet
_____ perforations	_____ feet	_____ feet

Well screen installed? ☐ Yes ☒ No
Manufacturer's name _____
Type _____ Model No. _____
Diameter _____ Slot size _____ Set from _____ feet to _____ feet
Diameter _____ Slot size _____ Set from _____ feet to _____ feet
Gravel packed? ☐ Yes ☒ No ☐ Size of gravel _____
Placed from _____ feet to _____ feet
Surface seal depth 18 Material used in seal: ☐ Cement grout
☐ Bentonite ☒ Puddling clay ☐ _____
Sealing procedure used: ☐ Slurry pit ☐ Temp. surface casing
☐ Overbore to seal depth
Method of joining casing: ☐ Threaded ☒ Welded ☐ Solvent Weld
☐ Cemented between strata
Describe access port 2" nut & bolt

6. LOCATION OF WELL
Sketch map location must agree with written location.

N

W

E

S

Subdivision Name

Lot No. _____ Block No. _____

County MADISON
NE 1/4 SE 1/4 Sec. 16, T. 4 S. R. 40 W. ☒

8. WELL TEST DATA

Discharge G.P.M.	Pumping Level	Hours Pumped

☐ Pump ☐ Bailor ☐ Air ☐ Other _____

9. LITHOLOGIC LOG

Bore Diam.	Depth		Material	Water Yes N
	From	To		
<u>16"</u>	<u>0</u>	<u>38</u>	<u>BROWN MGDdy GLAUCL</u>	<u>X</u>
	<u>38</u>	<u>104</u>	<u>LATG GLAUCL + SAND</u>	<u>X</u>
	<u>104</u>	<u>123</u>	<u>BROWN CLAY</u>	<u>X</u>
	<u>123</u>	<u>131</u>	<u>BROWN GRAY CLAY + GLAUCL</u>	<u>X</u>

RECEIVED

MAY 29 1991

Department of Water Resources

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MAY 31 1991

Department of Water Resources
Eastern District Office

10. Work started 3-20-91 finished 4-8-91

11. DRILLERS CERTIFICATION
We certify that all minimum well construction standards were complied with at the time the rig was removed.
Firm Name Charles M. Funder Firm No. 106
Address LAVA KID Date 4-9-91
Signed by (Firm Official) Charles Funder
and (Operator) SLW Funder

USE ADDITIONAL SHEETS IF NECESSARY - FORWARD THE WHITE COPY TO THE DEPARTMENT

E. NARRATIVE/REMARKS/COMMENTS

Well drilled for emergency only, usually uses his surface rights
UNTIL THEY ARE TURNED OFF

Operates @ ≈ 60 psi according to owner

* CONDITION #4 FLOW MEASUREMENT PORT INSTALLED ON MAINLINE
(SEE PHOTO OF POINT OF DIVERSION) WOULD NOT GIVE VERY ACCURATE
READINGS IF A READING COULD BE MADE

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

F. FLOW CALCULATIONS

_____ Additional Computation Sheets Attached

Measured Method:

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

 $V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) =$ _____ $V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 =$ _____ $V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} =$ _____

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		
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
Totals:			_____	_____

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 KETH C WILSON Date 8-13-1997

Reviewer _____ Date _____

SEAL

April 30, 1993

KYLE BYBEE
11477 S. SNAKE RIVER RD.
REXBURG ID 83440

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 22-07699

Dear Permit Holder:

The department acknowledges receipt of the proof of beneficial use form submitted for the above referenced permit. 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.

I note that the permit issued to you by the department requires the installation of a flow measurement port to allow the department to determine the rate of diversion. The proof which you submitted does not show that you have installed this equipment.

The installation of the flow measurement port must be complete by the time the department representative conducts the examination of your system unless the department has rescinded the requirement prior to the field examination. In some cases, the equipment requirement can be rescinded because the equipment cannot be physically installed, is not appropriate or can be accommodated with other measuring methods.

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

Sincerely,

Karen L. Gustafson
Secretary/Records Manager

c: IDWR - Region

MAILED
MAY 25 1993

ANALYSIS SHEET
FOR
PROOF OF BENEFICIAL USE

Permit No. 22-07699

Reviewed by Klg

Date 3/12/93

GENERAL CONSIDERATIONS

TYPES OF USE

yes Name same as permit?
yes Address same as permit?
yes Proof timely received?
If not, complete calculation below.

irrigator-150
yes Correct Uses?

SOURCE OF WATER

yes Surface water source

yes Ground water source

yes Drilling permit required?

yes Copy in the file? Drilling Permit No. 22-91-E-0000 000

200 Amount paid for permit yes Correct?

yes Well log in the file?

LICENSE EXAMINATION FEE

MEASURING DEVICE

yes Required?

yes Required?

150 Amount Submitted

no Installed?

yes Correct?

no Waiver requested?

PRIORITY CALCULATION

Date proof received NA

Date proof due -

No. of days late =

Priority Date +

New Priority Date ✓

DEFICIENCIES OR ACTION ITEMS

reed well drilling info
drilling permit cannot be located @ either
the State or Regional Office - however -
Eastern Region is positive it has been receipted
proof acceptable

DATA ENTRY

New Address _____

Proof Made 4/28/93
4/30/93 Klg

WELL DRILLER'S REPORT

State law requires that this report be filed with the Director, Department of Water Resources within 30 days after the completion or abandonment of the well.

[illegible]



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

March 15, 1992

Kyle Bybee
11477 S Snake River Rd
Rexburg, ID 83440

RE: Permit No. 22-07699

Returned is your Proof of Beneficial Use submitted in connection with the above referenced permit. Before we can complete processing, additional information is required.

A drilling permit is required for all wells drilled, deepened or enlarged after July 1, 1987 (Section 42-235, Idaho Code). You have indicated neither the well driller or the date the well was drilled. If the well was drilled prior to July 1, 1987, simply indicate this on the form and return it to me.

If your well was drilled after July 1, 1987, please submit a copy of the drilling permit. The well log should have been submitted by the driller within 30 days of the completion of the well. If you have a copy of the well log, please submit that as well. If you do not, please contact your driller and ask that he submit a copy.

Please return the requested information, and resubmit the returned proof of beneficial use within 30 days of the date of this mailing.

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

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MAY 25 1993

February 28, 1993

KYLE BYBEE
11477 S. SNAKE RIVER RD.
REXBURG ID 83440

PROOF DUE NOTICE

RE: PERMIT NO. 22-07699

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 May 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.

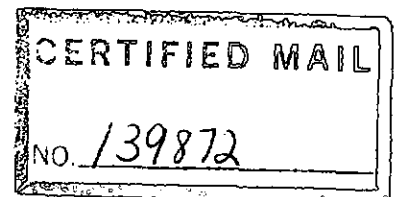
If you have not fully completed your project, and you or a previous owner of this permit have not received a prior extension of time, you may request an extension of time if the delay is for reasonable cause as provided in Section 42-204, Idaho Code. If you have been prevented from proceeding by a governmental 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



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MAY 25 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 20, 1991

KYLE BYBEE
11477 S. SNAKE RIVER RD.
REXBURG, ID 83440

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 22-07699

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 measuring device options.

This permit authorizes the appropriation of trust water. Trust water is defined as that portion of a particular hydropower water right which exceeds certain minimum stream flows established by state action, and is held in trust by the State of

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Idaho for the use and benefit of the people within the state.
Conditions pertaining to a term review, annual use fee and
jurisdiction of the permit are trust water conditions.

Sincerely,

JIM JOHNSON
Water Rights Supervisor

JJ:blm

Enclosures

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APPLICATION FOR PERMIT REVIEW

Application #: 22-7699
Date: 5-8-91

Reviewer: Pam Skaggs *CS*

- ✓ Existing:
 - ✓ No - 26A-P17
 - Complete in 1 year - P16
 - Yes
 - Proof not submitted - P16
 - Proof submitted - N/A
- ✓ Groundwater:
 - ✓ GT. 0.7 cfs - 01G-P03, 01C-P03 (existing well)
 - LT. 0.7 cfs - N/A
- ✓ Drilling Permit:
 - Approved w/permit - P99
 - Not included *already approved* - 046-P23 (All GW, even existing wells)
- ✓ Location:
 - Water Districts - WD No. 01
 - Surface water - 005, 005-01H-P01 (LT.7 w/pump)
005-01J-P08 (GT.7)
 - ✓ Groundwater *existing* - P05
 - Irrigation Districts - 023
 - Canal Co. Areas - 023
 - Drainage Districts - 024
 - Boise Front (63) - 058 (Groundwater)
 - ✓ Swan Falls Flag - 7 (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
- Minimum Stream Flow:
 - Overlapping uses - 029-P20
- ✓ Beneficial Use Due Date: - 05-03-1993
- Other Conditions Recommended *No Adversityment Affidavit*

5-15-91

MAY 30 1991

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
State Office
1301 North Orchard St.

Statehouse Mail
Boise, Idaho 83720
(208) 327-7900

APRIL 9, 1991

The Rexburg Standard-Journal
Box 10
Rexburg, ID 83440

Dear Legal Dept.:

Enclosed you will find legal notices 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,

BRENDA L. MILLER
Clerical Specialist

Encl.

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NOTICE OF APPLICATION FOR TRUST WATER RIGHT

22-07699

BYBEE, KYLE
11477 S. SNAKE RIVER RD.
REXBURG, ID 83440

Source: GROUNDWATER

Diversion Pt: NESE Sec 16 T 04N R 40E

Use: IRRIGATION (3.000 CFS)
 Total Diversion: (3.000 CFS)

Date Filed: 3/20/ 1991

In: T04N R40E S15	SWNW	NWSW		
S16	SWNE	SENE	NESE	NWSE

150.0 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, Statehouse Mail, Boise, Idaho 83720 on or before MAY 6, 1991.

Published 4/18/1991 & 4/25/1991

R. Keith Higginson, Director

MAY 30 1991

MEMORANDUM

TO: FILE

FROM: TIM LUKE

RE: APP. NO. 22-7699/Trust Water Processing & Expedited
Approval

DATE: 4-2-91

The above application is a trust water filing which has been forwarded to the state office for expedited processing. The applicants have requested expedited approval due to the current drought conditions. The applicant proposes development of a groundwater source to provide adequate supply of water on lands which have previously been irrigated with surface water. The applicant does not anticipate having an adequate surface water supply this season.

On this date I reviewed a 1974 black and white aerial photo which clearly showed that the land under this filing was irrigated at that time. Evidence of prior irrigation in the file includes a photocopy of an undated ASCS aerial photo with irrigated tracts and acreage delineated.

I recommend immediate processing of this trust water filing. None of the acreage under this application will count as trust acreage since this is a supplemental filing and all of the land has been irrigated with surface water.

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MAY 30 1991

State of Idaho
Department of Water Resources

Expedited

APPLICATION FOR DRILLING PERMIT

Expedited

1. Applicant (please print) Kyle Bybee
2. Mailing Address 11477 S. Snake River Rd Reynolds, ID
Telephone 356-6156
☒ Well Owner () Well Operator () Other, specify _____
3. Proposed well location NE 1/4 SE 1/4, or Gov't Lot No. _____
Sec. 16, Twp. 4N, Rge. 40E, County Madison
Street Address of Well Site _____
Lot, block and subdivision _____
4. Proposed use of well:
() Domestic: The use of water for homes, organization camps, public campgrounds, livestock and for any other purpose in connection therewith, including irrigation of up to 1/2 acre of land; if the total use is not in excess of 13,000 gpd; or any other uses, if the total use does not exceed a diversion rate of 0.04 cfs and a diversion volume of 2500 gpd.
Domestic does not include water for multiple ownership subdivisions, mobile home parks, commercial or business establishments, unless the use does not exceed a diversion rate of 0.04 cfs and a diversion volume of 2500 gpd.
☒ Non-Domestic: Any beneficial use not included within the definition of domestic.
() Injection
() Monitoring - A well bore schematic and map is required for each well.
No. of proposed wells: _____
5. Well construction information:
A. ☒ New well () Deepen () Replace - See Condition 9
B. Proposed Surface Diameter 16" Proposed Maximum Depth 100'
C. Anticipated bottom hole temperature:
(☒ 85°F or less (Cold water well)
() 85°F to 212°F (Low temp. geothermal well)
() 212° or more (Geothermal well)
6. Construction Start Date 3-21-91
7. Anticipated Well Driller Intermountain Drilling
NOTE: The actual well driller must be identified prior to drilling.
8. Applicant's signature Kyle Bybee Date 3-20-91
Title Partner
(Owner, Firm Representative, Other)

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ACTION OF THE DEPARTMENT OF WATER RESOURCES

This Permit is Approved

Date 3-20-91

If approved, this permit authorizes the construction or modification of a well subject to the following conditions. READ CAREFULLY!

GENERAL CONDITIONS:

1. The well must be constructed in compliance with the applicable statutes, specific conditions of approval shown on the water right permit, injection well permit, transfer or amendment and the rules and regulations of the Department for water appropriation, injection wells and well construction standards.
2. This drilling permit is valid for two (2) months from the above approval date for the start of construction and is valid for one (1) year from the approval date for completion of the well unless an extension has been granted.
3. This permit does not constitute an approval of the District Health Department or the Idaho Department of Health and Welfare which may be required before construction of this well.
4. The well shall be constructed by a driller currently licensed in the State of Idaho who must maintain a copy of the drilling permit at the drilling site.
5. Approval of this drilling permit does not authorize trespass on the land of another party.
6. This permit does not constitute other local, county, state or federal approvals which may be required for construction of a well.
7. This drilling permit does not represent a right to divert and use the water of the State of Idaho.
8. If a bottom hole temperature of 85° or greater is encountered, well construction shall cease and the well driller and the well owner shall contact the Department immediately.
9. If this permit is for a replacement well, the well being replaced must be abandoned in accordance with Department Rules and Regulations.

SPECIFIC CONDITIONS:

See attached sheet

J. W. Jones For Ron Carlson
Signature of Authorized Department Representative

Eastern Reg. Mgr
Title

Receipt No. E 015840 Received by NWS Fee 200.00 Date 3-20-91

EXTENSION OF DRILLING PERMIT

MAY 30 1991

Extension approved by _____ Approval Date _____

This extension is good for 60 days beyond the above extension approval date.

ADDENDUM TO DRILLING PERMIT

1. APPLICATIONS, AS NECESSARY, ARE ON FILE SEEKING AUTHORIZATION TO USE THE WELL FOR THE PURPOSE FOR WHICH IT IS BEING DRILLED.
2. THERE ARE NO APPARENT REASONS THAT THE PENDING APPLICATIONS WILL NOT BE APPROVED AUTHORIZING USE OF THE WELL.
3. THE APPLICANT HAS REQUESTED BY LETTER THROUGH HIS AGENT THAT EXPEDITED APPROVAL IS NEEDED FOR IMMEDIATE CONSTRUCTION.
4. THE DRILLING PERMIT IS CONDITIONED TO SHOW THAT THERE IS NO AUTHORIZATION FOR DIVERSION AND USE OF WATER UNTIL THE WATER RIGHT APPLICATION IS APPROVED.
5. THE APPLICANT BY ACCEPTING THIS DRILLING PERMIT AND COMMENCES CONSTRUCTION ACKNOWLEDGES THAT HE ACCEPTS ALL RISK THAT THE WELL MAY NOT BE APPROVED FOR USE.

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MAY 30 1991

SD-33

LAST NAME: SUNNYDELL

STATE

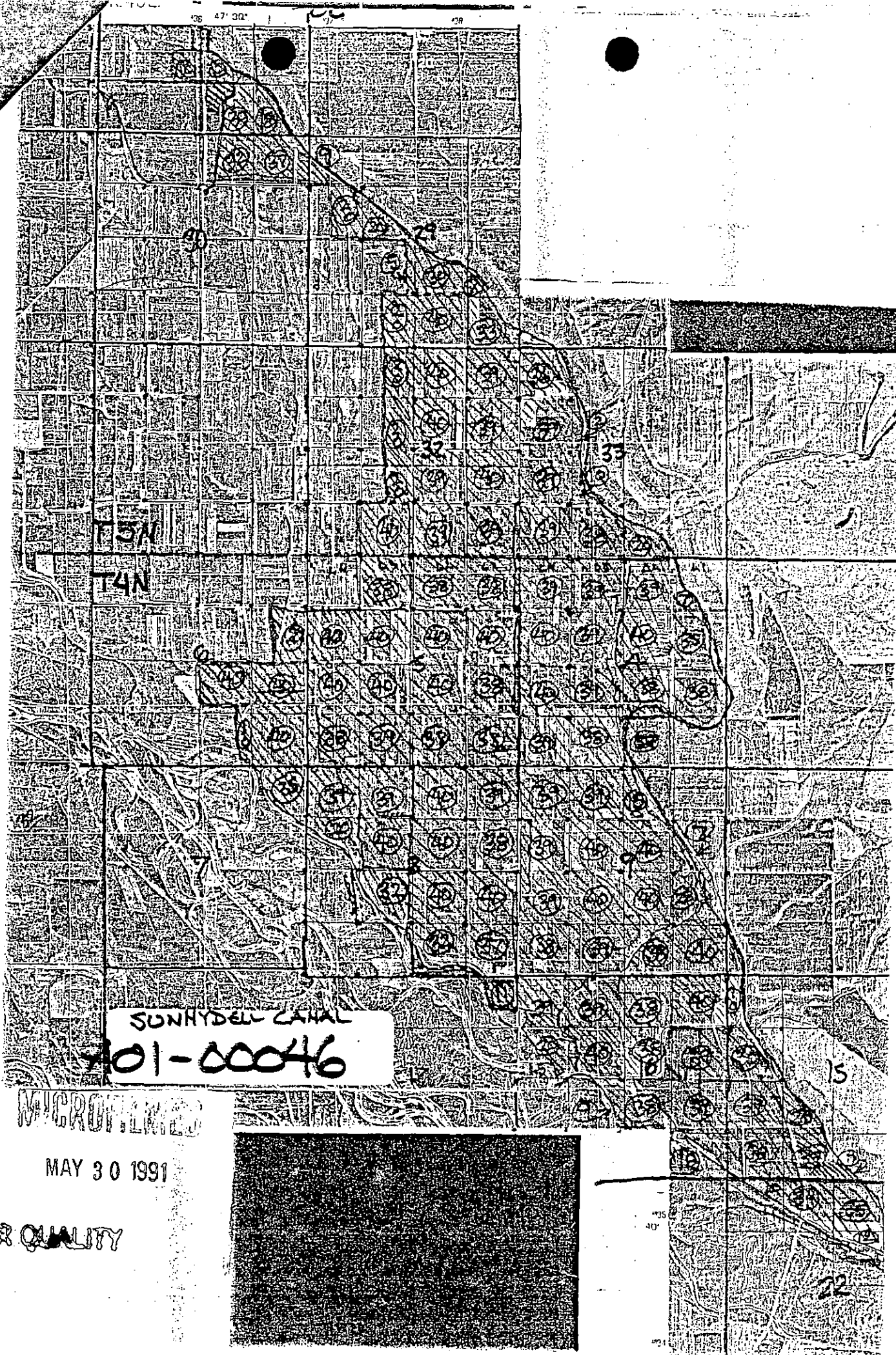
S E L	FIRST NAME	O W N	WATER RIGHT NO.	PRIORITY DATE	SOURCE	TOTAL DIVERSION	USE CODE	DESC
SUNNYDELL IRRIGATION DISTRICT								
		C	A01-00046	04/14/1902	SNAKE RIVER	140.000	01	IRR
		C	A01-00083A	06/01/1891	SNAKE RIVER	30.000	01	IRR
		C	A01-00094A	06/01/1888	SNAKE RIVER	16.400	01	IRR
		C	A01-00116B	06/01/1887	SNAKE RIVER	1.030	01	IRR
		C	A01-00121	06/01/1889	SNAKE RIVER	44.000	01	IRR
		C	A01-00195A	06/01/1885	SNAKE RIVER	2.175	01	IRR
		C	A01-10013	07/01/1882	SNAKE RIVER	1.000	01	IRR
		C	A01-00115A	06/01/1886	SNAKE RIVER	0.713	01	IRR

(ENTER=CONTINUE)

(GOLD 7=THIS QUERY)

(MENU _____)

REFILMED
MAY 30 1991



MICROFILMED

MAY 30 1991

POOR QUALITY