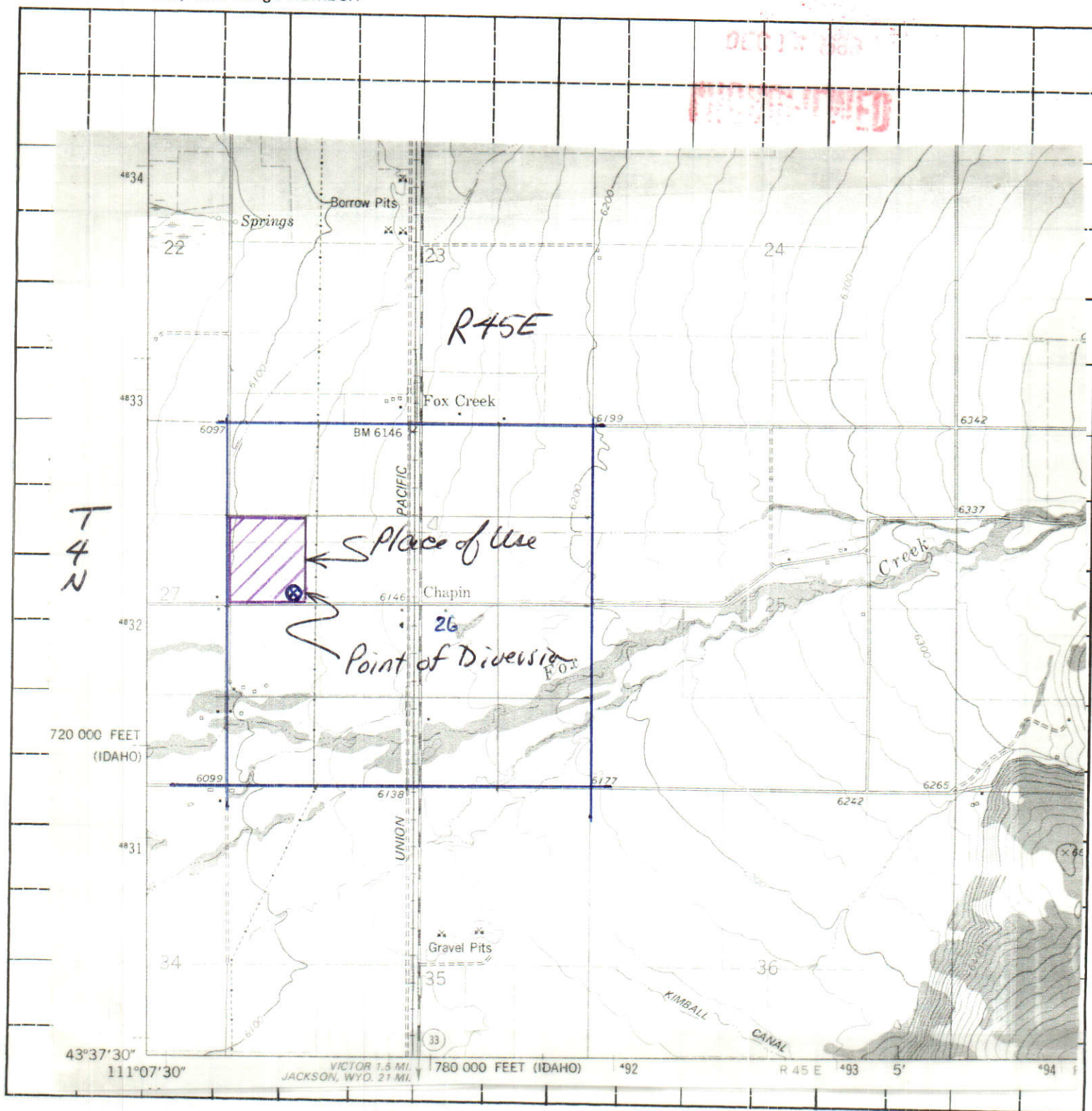


13. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



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. DEC 12 1989

*Robert Lyon*  
(Applicant)

# AFFIDAVIT OF PUBLICATION

State of Idaho )

County of Teton )

I, Nadine Loose,  
being first duly sworn depose and  
say that I am the secretary  
of the Teton Valley News, a  
newspaper as defined by Idaho  
Codes Annotated, Section 58-106,  
as amended, and that said  
newspaper is a weekly newspaper  
printed and published at Driggs, in  
Teton County, Idaho, having a  
general circulation in said county,  
and that said newspaper has been  
printed in said county for more  
than 78 consecutive weeks prior to  
the first publication of the attached  
notice, advertisement or  
publication of

## Notice of Application for Water Right

And affiant further says that  
said attached notice, adver-  
tisement, or publication, as per  
clipping attached, was published in  
said newspaper, in the regular and  
entire issue thereof, and not in any  
supplement issue thereof, for two  
consecutive issues thereof; first  
publication having been made on  
the 7 day of Sept., 1989

And affiant further says that at  
the times herein mentioned said  
newspaper was made up of at least  
eight pages of at least five columns  
each, printed from type matter, of  
at least sixteen inches deep.

Nadine Loose

Subscribed in my presence and  
sworn to before me this ..... day of  
....., 19.....  
(SEAL) Notary Public for the state  
of Idaho, residence and postoffice  
address, Driggs, Idaho.

My Commission expires

Life  
....., 19.....

### NOTICE OF APPLICATION FOR WATER RIGHT

The following application(s)  
have been filed to appropriate the  
public waters of the State of  
Idaho:

22-07420  
LYONS, ROBERT J.  
80 W. 550 S.  
VICTOR, ID 83455

Source: Groundwater  
Diversion Pt: SWNW Sec 26 T  
04N R 45E  
Use: IRRIGATION (.720 CFS)  
Date Filed: 10-11-1988  
In: T04N R45E S26 SWNW  
36.0 ACRES TOTAL

22-07443  
LITTLE, WALLACE  
NEWDALE, ID 83436  
Source: GROUSE CREEK  
Tributary: SINKS  
Diversion Pt: NESE Sec 19 T 06N  
R 46E  
Use: IRRIGATION (1.000 CFS)  
STOCKWATER (.040 CFS)  
Date Filed: 6-13-1983  
In: T06N R46E S19 NESE NWSE  
50.0 ACRES TOTAL

22-07459  
FINLEY, KAY A.  
HONSINGER, ROBERT R.  
RT. 1, BOX 1910  
TETONIA, ID 83452  
Source: GROUNDWATER

Diversion Pt: SESW Sec 35 T 07N  
R 45E  
Use: COMMERCIAL (.020 CFS)  
IRRIGATION (.020 CFS)  
DOMESTIC (.020 CFS)  
Date Filed: 6-23-1983  
In: T07N R45E S35 SESW  
15.0 ACRES TOTAL

22-07467  
THE ASPEN PROPERTY  
OWNERS ASSN.  
P.O. BOX 426  
DRIGGS, ID 83422  
Source: GROUNDWATER  
Diversion Pt: NESE Sec 25 T 05N  
R 45E  
Use: IRRIGATION (.840 CFS)  
DOMESTIC (.400 CFS)  
Date Filed: 7-6-1983  
In: T05N R45E S25 SENE NESE  
SWSE SESE  
42.0 ACRES TOTAL

22-07470  
RICKS, MARK R.  
RIKO, INC.  
259 SOUTH THIRD EAST  
REXBURG, ID 83440  
Source: TETON RIVER  
Tributary: SNAKE RIVER  
Diversion Pt: NENW Sec 15 T  
06N R 44E  
Use: IRRIGATION (3.000 CFS)  
Date Filed: 7-21-1983  
In: T06N R44E S09 SESW SWSE  
SESE  
S10 SWSW  
S15 NENW NWNW SWNW

SENW NWSW  
S16 NENE NWNE SWNE NENW  
460.0 ACRES TOTAL

22-07478  
KUNZ, HOMER  
PATTERSON CREEK  
VICTOR, ID 83455  
Source: GROUNDWATER  
Diversion Pt: NESE Sec 36 T 04N  
R 44E  
Use: IRRIGATION (.150 cfs)  
STOCKWATER (.020 CFS)  
DOMESTIC (.040 CFS)  
Date Filed: 6-6-1984  
In: T04N R44E S36 NESE  
5.0 ACRES TOTAL

22-07479  
BUXTON, JAY DELL  
ROUTE 2 BOX 38  
DRIGGS, ID 83422  
Source: GROUNDWATER  
Diversion Pt: SENE Sec 12 T 04N  
R 44E  
Use: IRRIGATION (.800 CFS)  
Date Filed: 6-26-1984  
In: T04N R45E S07 SESW  
40.0 ACRES TOTAL

22-07488  
ARNOLD, DENNIE K.  
BOX 43  
FELT, ID 83424  
Source: GROUNDWATER  
Diversion Pt: NWNE Sec 27 T  
07N R 44E  
Use: IRRIGATION (5.240 CFS)  
Date Filed: 3-8-1985  
In: T07N R44E S21 SENE  
S22 NENE NWNE SWNE SENE  
SWNW SENW NESW NWSW  
NESE  
262.0 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 SEPTEMBER 25, 1989.

R. Keith Higginson, Director

Published in the Teton Valley  
News September 7 and 14, 1989.

RECEIVED

SEP 19 1989

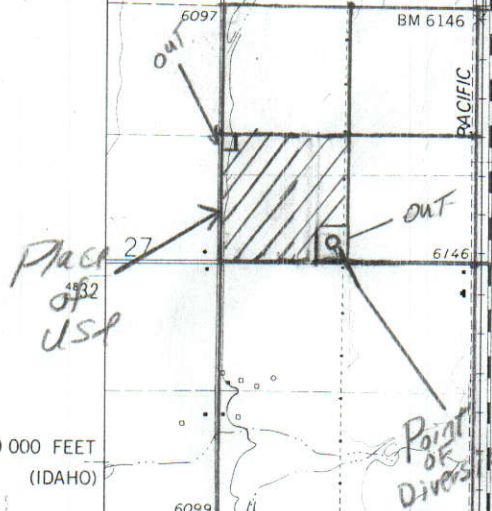
Department of Water Resources  
Eastern District Office

FILED

DEC 12 1989

T4N  
R45E

R45E  
T4N



MICROFILMED  
JAN 08 2003

22-07420

(FOURTH OF JULY PEAK)  
3771 N SW

Mapped, edited, and published by the Geological Survey  
Control by USGS and NOS/NOAA  
Topography by photogrammetric methods from aerial  
photographs taken 1973. Field checked 1974. Map edited 1978  
Projection: Idaho coordinate system, east zone  
(transverse Mercator)



FOX CREEK  
COUNTRY CLUB  
ESTATES

22  
27

23  
26

1 153

NHEL

2 64

3 144

have  
out  
Ditch

Home of  
Jim Th...

PLACE OF USE

THISTLE CREEK  
SUB-DIVISION

T  
4  
N

R45E

SW 1/4 NW 1/4

Point  
of  
Diversion

Home of  
Robert  
Lyons

26

427  
T681

POINT OF DIVERSION

FOX CREEK  
RANCHETTES

MICROFILMED  
JAN 0 8 2003

22-07420

4 7.9  
5 10  
26  
34 35

26  
35



MICROFILMED  
JAN 9 8 2003

22-7420



*Place of Use Looking North*



*Place of Use Looking North*

Jim  
Thomas' →  
House  
(New Permit  
holder)

MICROFILMED  
JAN 08 2003

22-7420



Robert Lyons  
out buildings

Place of Use Looking Northeast



Jim Thomas'  
home.

Place of Use Looking Northwest

MICROFILMED

JAN 08 2003

22-7420



*Mainline and Place of Use Looking West*



*Place of Use Looking Northwest*

MICROFILMED  
JAN 08 2003

22-7420



Robert J. Lyons House  
(original Permit holder)



Pumphouse on Robert J. Lyons property.

MICROFILMED  
JAN 08 2003

22-7420

State of Idaho  
Department of Water Resources  
**Water Right License**

WATER RIGHT NO. 22-07420

Priority: November 28, 1988

Maximum Diversion Rate: 0.47 CFS

It is hereby certified that ROBERT J LYONS  
80 W 550 S

VICTOR ID 83455 has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated October 11, 1988; and has submitted Proof of Beneficial Use on January 18, 1991. An examination indicates that the works have a diversion capacity of 0.47 cfs of water from:

**SOURCE**

GROUND WATER

and a water right has been established as follows:

**BENEFICIAL USE**

IRRIGATION

**PERIOD OF USE**

04/15 to 10/31

**DIVERSION RATE**

0.47 CFS

**LOCATION OF POINT OF DIVERSION:**

GROUND WATER SW $\frac{1}{4}$ NW $\frac{1}{4}$  Sec. 26, Twp 04N, Rge 45E, B.M., TETON County

**PLACE OF USE:** IRRIGATION

|              |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |
|--------------|-----|-----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|--------|
| Twp          | Rge | Sec | NE |    |    |    | NW |    |    |    | SW |    |    |    | SE |    |    |    | Totals |
|              |     |     | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE |        |
| 04N          | 45E | 26  |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    | 34.0   |
| Total Acres: |     |     | 34 |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |

**CONDITIONS OF APPROVAL**

1. The right holder shall use the full allotment of appurtenant surface water rights in conjunction with ground water diverted under this right and shall only divert ground water under this right when water from the appurtenant surface water rights cannot be delivered to the right holder.
2. If the surface water right(s) appurtenant to the place of use is sold, transferred, leased or used on any other place of use, this right to divert groundwater shall not be used without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.
3. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor exceed a combined annual maximum diversion volume of 119.0 af at the field headgate for the lands above.

MICROFILMED

JAN 9 8 2002

State of Idaho  
Department of Water Resources  
**Water Right License**

**WATER RIGHT NO. 22-07420**

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. This right when combined with all other rights shall provide no more than 3.5 afa per acre at the field headgate for irrigation of the lands above.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. The water right confirmed by this license is subject to all prior water rights and shall be used in accordance with Idaho law and applicable rules of the Department of Water Resources.

Signed and sealed this 23<sup>RD</sup> day of DECEMBER, 2002.

Acting for   
KARL J. DREHER  
Director

**MICROFILMED**

**JAN 08 2003**

BEFORE THE DEPARTMENT OF WATER RESOURCES  
OF THE STATE OF IDAHO

IN THE MATTER OF PERMIT NO. 22-7420 IN THE )  
NAME OF ROBERT J. LYONS ) ORDER OF REINSTATEMENT  
\_\_\_\_\_ )

WHEREAS, the Department issued the above-captioned permit with the condition that proof of construction of works and application of water to beneficial use (proof of beneficial use) be submitted on or before December 1, 1990; and,

WHEREAS, the Department notified the permit holder by certified mail that proof was due and instructed the permit holder of the steps to be taken to submit the proof of beneficial use; and,

WHEREAS, the Department notified the permit holder that the permit lapsed for failure of the permit holder to submit the proof of beneficial use; and,

WHEREAS, Section 42-218a of the Idaho Code provides that a permit may be reinstated upon a showing of reasonable cause within sixty days of the date of the notice of lapsing; and,

WHEREAS, the permit holder has provided a reasonable showing why the permit should be reinstated by submitting proof of beneficial use on January 18, 1991;

IT IS, THEREFORE, HEREBY ORDERED that Permit No. 22-7420 be REINSTATED and the priority advanced to November 28, 1988.

Dated this 8<sup>th</sup> day of February, 1991.

*L. Glen Saxton*  
L. GLEN SAXTON, Chief  
Water Allocation Bureau

**MICROFILMED**

MAR 15 1991

RECEIVED  
JAN 18 1991

STATE OF IDAHO

For Office Use Only  
Amt. of Fee \$ 20.00  
Date 1/18/91  
Receipt No. 6012952  
Received by J. Carter

Department of Water Resources

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. 22-07420 Telephone No. None

2. Name(s) of Permit Holder(s): Robert J Lyons

3. Post Office Address: 80 W. 550 S. Victor ID 83455

4. Source of Water: well 100' Ground water

a. If ground water, well driller's name: unknown Date drilled: 1981

b. Pump horsepower: 15 HP Pressure (psi): \_\_\_\_\_ Dynamic pumping level (ft.): \_\_\_\_\_

5. Extent of Use:

Domestic 3 (No. of households)

Irrigation 36 (No. of acres)

Stockwater 7 (No. and type of stock)

Other \_\_\_\_\_

Horses

6. Total rate and/or volume for which proof is submitted 0.122 cfs NA acre/feet

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

Measuring device: Required? Yes XNo Installed? Yes XNo

OR

Flow Measurement Port: Required? XYes No Installed? XYes No

8. Fee Enclosed: \$ 100 (See License Examination Fee Schedule)

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

Robert J Lyons  
Name

None  
Telephone No.

80 W. 550 S. Victor ID 83455  
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.

JAN. 15 1991  
Date

Robert J Lyons  
Signature (and title if on behalf of a company or organization)

MAR 15 1991

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

NO. 22-07420

Proposed Priority: October 11, 1988      Maximum Diversion Rate: 0.72 CFS

This is to certify, that **ROBERT J. LYONS**  
80 W. 550 S.  
VICTOR, ID 83455

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 | 04/15 to 10/15 | 0.72 CFS |
|------------|----------------|----------|

|                                           |      |                                                  |
|-------------------------------------------|------|--------------------------------------------------|
| <u>LOCATION OF POINT(S) OF DIVERSION:</u> | SWNW | Sec. 26, Township 04N, Range 45E<br>TETON 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        | 45E        | 26         |              | SWNW 36      |              | 36           |

Total number of acres irrigated: 36

CONDITIONS/REMARKS:

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before December 1, 1990.
2. Subject to all prior water rights.
3. Permit holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
4. 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.
5. 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.
6. Prior to the diversion of water under this permit a flow measurement port or other device as specified by the Department shall be installed to provide for the installation of measuring equipment and the determination of the rate of diversion by the Department.
7. 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.
8. The maximum rate of diversion under this permit for irrigation purposes shall not exceed 0.72 cfs.

**MICROFILMED**

DEC 12 1989

State of Idaho  
Department of Water Resources

# Permit To Appropriate Water

NO. 22-07420

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

1<sup>st</sup> day of November, 1989.

*for* J. Glen Saxton  
R. Keith Higginson, Director

**MICROFILMED**

DEC 12 1989

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
**APPLICATION FOR PERMIT**

AMENDED

AMENDED

To appropriate the public waters of the State of Idaho

1. Name of applicant ROBERT J. LYONS. Phone 787-2765  
Post office address 80 WEST. 550 SOUTH VICTOR ID. 83455
2. Source of water supply GROUNDWATER which is a tributary of \_\_\_\_\_
3. Location of point of diversion is \_\_\_\_\_ 1/4 of SW \_\_\_\_\_ 1/4 of NW \_\_\_\_\_ 1/4, Govt. Lot \_\_\_\_\_  
Sec. 26 Township 4 NORTH Range 45 EAST B.M. TETON County; additional  
points of diversion if any: \_\_\_\_\_
4. Water will be used for the following purposes:  
Amount 0.72 for IRRIGATION purposes from 4/15 to 10/15 (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) 0.72 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 SPRINKLER SYSTEM.  
\_\_\_\_\_  
\_\_\_\_\_  
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 8 inches; proposed depth of well is 100 feet.  
d. Is ground water with a temperature of greater than 90°F being sought? NO
7. Time required for the completion of the works and application of the water to the proposed beneficial use is  
1 years (minimum 1 year).

**MICROFILMED**

DEC 12 1989

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  | 4SE   | 26   |     |     |     |     |     |     | 36  |     |     |     |     |     |     |     |     |     | 36     |
|     |       |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |        |
|     |       |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |        |
|     |       |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |        |
|     |       |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |        |
|     |       |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |        |
|     |       |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |        |
|     |       |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |        |
|     |       |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |        |
|     |       |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |        |

Total number of acres to be irrigated 36

10. Describe any other water rights used for the same purposes as described above. \_\_\_\_\_

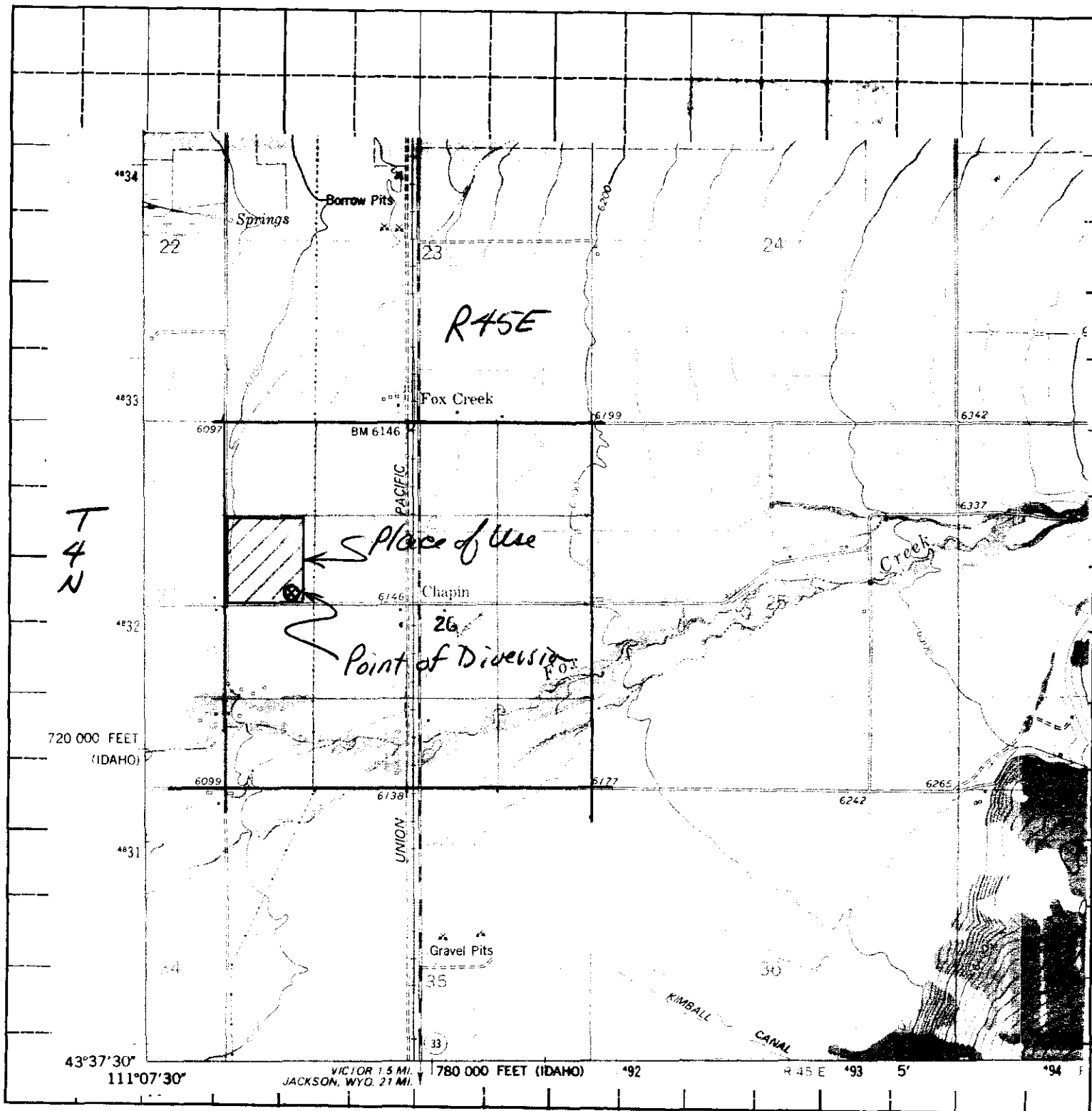
- Who owns the property at the point of diversion? APPLICANT
- Who owns the land to be irrigated or place of use? " "
- If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing. \_\_\_\_\_

12. Remarks: \_\_\_\_\_

**MICROFILMED**

DEC 12 1989

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.

**NOT RECORDED**

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. DEC 12 1989

*Robert Lyman*  
(Applicant)

Received by CW Date 10-11-88 Time \_\_\_\_\_ Preliminary check by HWS  
Fee \$ 15.00 Received by RB # 005521 Date 1-16-89  
Publication prepared by RB Date 9-21-89 Published in Teton Valley News  
Publication approved CW Date 9-22-89

### 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**

DEC 12 1989

RECEIVED

OCT 11 1988

STATE OF IDAHO

Department of Water Resources  
Eastern District Office

Department of Water Resources

ASSIGNMENT OF APPLICATION FOR PERMIT

I, Chloris P. Kay, hereby assign to Robert J. Lyons.  
of 80 West. 550 South, Victor, Id. 83455  
Address

all my right, title, and interest in and to Application for Permit No.  
22-7420 to appropriate the public waters of the State of  
Idaho.

Made this 6th day of October, 19 88.

Chloris P. Kay  
Applicant

\_\_\_\_\_  
Spouse of Applicant

State of Idaho )  
County of Teton ) ss.

On this 6 day of October, 19 88, personally  
appeared before me the signer(s) of the above instrument, who duly  
acknowledged to me that he (she) (they) executed the same.

s e a l

Arnold W. Stetson  
Notary Public residing at  
Victor, Idaho

My commission expires:

6/25/92

MICROFILMED

DEC 12 1989

RECEIVED

OCT 11 1988

Department of Water Resources  
Eastern District Office

CHARTERED

FILED

ID 83402-0  
(208) 523-5111

AT \_\_\_\_\_  
DATE \_\_\_\_\_  
MAGISTRATE, THE DISTRICT COURT  
TETON COUNTY, IDAHO  
BY \_\_\_\_\_  
DEPUTY

Attorneys for Petitioner

IN THE DISTRICT COURT OF THE DISTRICT OF THE  
TETON COUNTY, IDAHO  
MAGISTRATE DIVISION

IN THE MATTER OF THE ESTATE OF \_\_\_\_\_ Case No. 635P

LYLE LEROY KAY,

Decedent.

DECREE VESTING ESTATE  
IN SURVIVING SPOUSE

Upon consideration of the petition for the  
administration of the estate of the decedent, and the  
beneficiary filed therewith, and the report of the  
Court Findings that:

1. The first of the petitioners is \_\_\_\_\_
2. The second of the petitioners is \_\_\_\_\_
3. The decedent died on \_\_\_\_\_ at \_\_\_\_\_  
Teton County, Idaho.

4. Venue is proper.

5. The decedent and \_\_\_\_\_ were lawfully married at  
Idaho Falls, Idaho on December 12, 1946, and remained married  
until the date of decedent's death.

101409

DECREE VESTING ESTATE IN SURVIVING SPOUSE

✓  
JW  
Leanne Hammell  
25 10/22  
Sept. 22, 1987  
E. Wayne Scherer  
Nora Hill

RECEIVED

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DEC 11 1988  
Department of Water Resources  
Eastern District Office

RECEIVED  
DEC 11 1988

Whereas the undersigned, being a duly qualified and licensed  
attorney at law, has been appointed executor of the last will and testament  
of the deceased, and has taken the oath of office and qualification  
according to law;

And whereas the undersigned has taken an inventory of the property  
owned by the decedent, and has filed the same with the court, and  
all of which is the community property of the decedent and his estate;

THEREFORE, IT IS ORDERED, ADJUDGED AND DECREED that

1. Charles R. Kay in the surviving spouse of the  
decedent and in the sole heir at law of the decedent;

2. all property of the decedent, including the  
community property of the decedent and any other property of  
the decedent, be and remain to the surviving spouse and heir at law  
of the decedent, to wit: Charles R. Kay, his heirs and assigns,  
and that no claim or demand of any person or persons claiming  
an interest in the estate of the decedent, in his  
personal or other assets, except as a proper creditor.

3. The surviving spouse shall assume and be liable for  
all claims and demands that might be a claim against the estate  
of the decedent.

4. There shall be no further administration of the  
estate of the decedent.

DATED this 22nd day of September, 1988.

NOTARY PUBLIC  
COUNTY OF LOS ANGELES  
STATE OF CALIFORNIA  
My Comm. Expires 12/31/91

Maricela J. J. J.

DEGREE VESTING IN SURVIVING SPOUSE

SPRINGS  
FLORENCE

John Doe, Jr.  
John Doe, Sr.  
John Doe, Jr.  
John Doe, Sr.  
John Doe, Jr.  
John Doe, Sr.  
John Doe, Jr.  
John Doe, Sr.  
John Doe, Jr.  
John Doe, Sr.  
John Doe, Jr.  
John Doe, Sr.  
John Doe, Jr.  
John Doe, Sr.  
John Doe, Jr.

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DEC 12 1988

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

*Handwritten signature*

1. Name of applicant Lyle L. Kay Phone 787-2785  
Post office address Rt. #1, Box 518, Victor, Idaho 83455

2. Source of water supply groundwater which is a tributary of \_\_\_\_\_

3. Location of point of diversion is SW  $\frac{1}{4}$  of NW  $\frac{1}{4}$  of Section 26 Township 4N  
Range 45E B.M. Teton County, additional points of diversion if any: \_\_\_\_\_

4. Water will be used for the following purposes:

Amount 0.02 <sup>cfs</sup> for Irrigation purposes from 4/15 to 10/15 (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:

a. 0.02 cubic feet per second and/or b. \_\_\_\_\_ acre-feet per annum.

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. well with submersible pump to one handline

b. Height of storage dam \_\_\_\_\_ feet, active reservoir capacity \_\_\_\_\_ acre-feet; total reservoir capacity \_\_\_\_\_ acre-feet, materials used in storage dam: \_\_\_\_\_

Period of year when water will be diverted to storage \_\_\_\_\_ to \_\_\_\_\_ inclusive.  
(Month/Day) (Month/Day)

c. Proposed well diameter is 8 inches; proposed depth of well is 100 feet.

7. Time required for the completion of the works and application of the water to the proposed beneficial use is 1 years (minimum 1 year — maximum 5 years).

8. Description of proposed uses:

a. If water is not for irrigation:

(1) Give the place of use of water: \_\_\_\_\_  $\frac{1}{4}$  of \_\_\_\_\_  $\frac{1}{4}$  of Section \_\_\_\_\_ Township \_\_\_\_\_  
Range \_\_\_\_\_ B.M.

(2) Amount of power to be generated: \_\_\_\_\_ horsepower under \_\_\_\_\_ feet of head.

(3) List number of each kind of livestock to be watered \_\_\_\_\_

(4) Name of municipality to be served \_\_\_\_\_, or number of families to be supplied with domestic water \_\_\_\_\_.

(5) If water is to be used for other purposes describe: \_\_\_\_\_

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b. If water is for irrigation, indicate acreage in each subdivision in the tabulation below:

| 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  | 45E   | 26   |     |     |     |     |     |     | 36  |     |     |     |     |     |     |     |     |     | 36     |
|     |       |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |        |
|     |       |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |        |
|     |       |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |        |
|     |       |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |        |
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|     |       |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |        |
|     |       |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |        |
|     |       |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |        |
|     |       |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |        |

Total number of acres to be irrigated 36

c. Describe any other water rights used for the same purposes as described above. 36 shares in Fox Creek Canal Company

9. 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 \_\_\_\_\_

10. Remarks Property described as west 72 rods of S½NW¼, Sec. 26, T. 4N, R. 45E

RECORDED

DEC 12 1989

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

This image shows a full page of blank graph paper. The grid consists of small squares formed by thin black lines. There are approximately 20 columns and 20 rows visible. At the top center, there is some faint, illegible handwriting or a stamp. The rest of the page is completely empty except for the grid lines.

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.

**MICROFILMED**

DEC 12 1989

(Applicant)

Received by CW Date 1-28-82 Time 11:45A  
Preliminary check by HWT Fee \$ 30.00  
Receipted by CW Date 1-28-82 # 23357  
Publication prepared by \_\_\_\_\_ Date \_\_\_\_\_  
Published in \_\_\_\_\_  
Publication dates \_\_\_\_\_  
Publication approved \_\_\_\_\_ Date \_\_\_\_\_  
Protests filed by: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
Copies of protests forwarded by \_\_\_\_\_  
Hearing held by \_\_\_\_\_ Date \_\_\_\_\_  
Recommended for approval denial by \_\_\_\_\_

**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. Other: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Witness my hand this \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_.

\_\_\_\_\_  
Director

**MICROFILMED**

DEC 12 1989

AFFIDAVIT OF PUBLICATION

State of Idaho )  
 )  
County of Teton )

I, Nadine Soose,  
being first duly sworn depose and  
say that I am the secretary  
of the Teton Valley News, a  
newspaper as defined by Idaho  
Codes Annotated, Section 58-106,  
as amended, and that said  
newspaper is a weekly newspaper  
printed and published at Driggs, in  
Teton County, Idaho, having a  
general circulation in said county,  
and that said newspaper has been  
printed in said county for more  
than 78 consecutive weeks prior to  
the first publication of the attached  
notice, advertisement or  
publication of

Notice of Application  
for Water Right

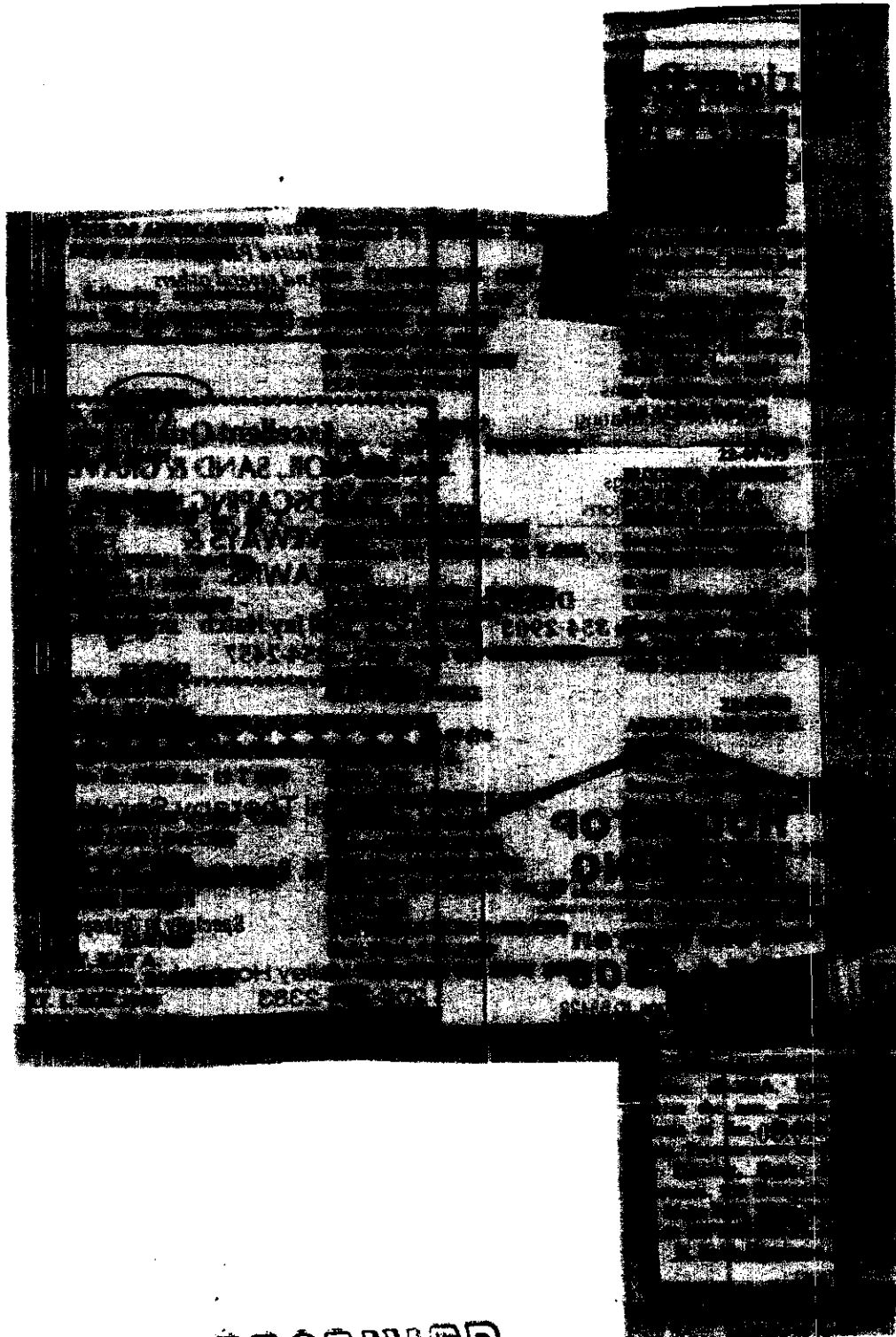
And affiant further says that  
said attached notice, adver-  
tisement, or publication, as per  
clipping attached, was published in  
said newspaper, in the regular and  
entire issue thereof, and not in any  
supplement issue thereof, for two  
consecutive issues thereof; first  
publication having been made on  
the 7 day of Sept., 1989

And affiant further says that at  
the times herein mentioned said  
newspaper was made up of at least  
eight pages of at least five columns  
each, printed from type matter, of  
at least sixteen inches deep.

Nadine Soose

Subscribed in my presence and  
sworn to before me this ..... day of  
....., 19.....  
(SEAL) Notary Public for the state  
of Idaho, residence and postoffice  
address, Driggs, Idaho.

Jim Druce  
My Commission expires  
6.1.90, 19.....



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SEP 13 1989

Department of Water Resources  
Eastern District Office

FILED

DEC 12 1989



State of Idaho

**DEPARTMENT OF WATER RESOURCES**

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098  
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: [www.idwr.state.id.us](http://www.idwr.state.id.us)

DIRK KEMPTHORNE  
Governor

KARL J. DREHER  
Director

December 26, 2002

ROBERT J LYONS  
80 W 550 S  
VICTOR ID 83455

RE: License No. 22-7420 - Issuance of License

Dear Water Right Holder(s):

The Department of Water Resources has issued the enclosed Water Right License confirming that a water right has been established in accordance with your permit. Please be sure to thoroughly review the conditions of approval and remarks listed on your license.

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 by the Department unless a party petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the service date as described in the enclosed information sheet.

Please note that water right owners are required to report any change of water right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact any office of the Department or visit the Department's homepage on the Internet to obtain the proper forms and instructions.

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

Sincerely,

Shelley W. Keen

Water Rights Supervisor

SWK:klt

Enclosure(s)

MICROFILMED  
JAN 08 2003

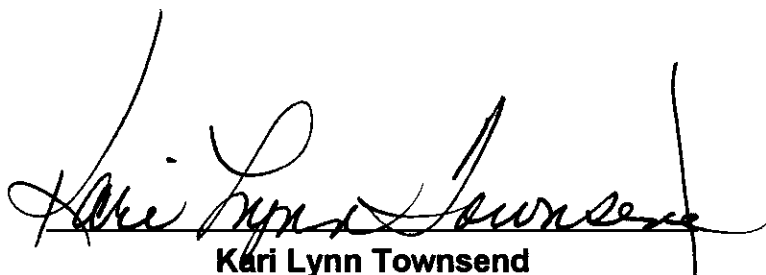
## **CERTIFICATE OF SERVICE**

I hereby certify that on December 26, 2002 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER(Approved License) to the person(s) listed below:

**RE: WATER RIGHT NO.**

**22-7420**

**ROBERT J LYONS  
80 W 550 S  
VICTOR ID 83455**



**Kari Lynn Townsend  
Secretary**

**MICROFILMED  
JAN 08 2003**

**EXPLANATORY INFORMATION  
TO ACCOMPANY A  
PRELIMINARY ORDER**

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

**PETITION FOR RECONSIDERATION**

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

**EXCEPTIONS AND BRIEFS**

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

**REQUEST FOR HEARING**

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

**ORAL ARGUMENT**

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

**CERTIFICATE OF SERVICE**

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

01/08/2003

MICROFILMED  
JAN 08 2003

### **FINAL ORDER**

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

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

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

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

### **APPEAL OF FINAL ORDER TO DISTRICT COURT**

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

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

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

LICENSE REVIEW CHECKLIST

Permit No. 22-7420 Date: 12-19-02 Reviewer: Kay Walker

Change/OK

Name/Address

fix phone #

Source

Point of Diversion:

ok  
ok

Does change clarify original intended source? If no, void permit.  
Change (P39/P49) Add (P45/P44) Feds (P40)

W32 (multiple in 1/4/1/4)  
W36 (overlap)  
W59 (subdivision description)

Place of Use

ok

Change (P41/P49) Add (P41/P44) Feds (P43)

W60 (subdivision description)  
W27 (ppu acre limit)

Overlaps: Right(s): Fox Ck. Canal  
File reviewed \_\_\_\_\_ Profile reports printed \_\_\_\_\_

P/D & P/U amend (P37) Feds (P48)

Rate of Diversion:

Permitted rate 0.72 cfs  
Fee Limit 1.0 cfs  
Measured 0.47 cfs  
Theoretical \_\_\_\_\_ cfs

Recommended Total Diversion Rate 0.47

Water Uses

ok Change (P46)

Season of Use per new Standards

4-15 10-31

Irrigation \_\_\_\_\_ cfs \_\_\_\_\_ af  
Stockwater \_\_\_\_\_ cfs \_\_\_\_\_ af  
Domestic \_\_\_\_\_ cfs \_\_\_\_\_ af  
\_\_\_\_\_ cfs \_\_\_\_\_ af  
\_\_\_\_\_ cfs \_\_\_\_\_ af  
Total \_\_\_\_\_ cfs \_\_\_\_\_ af

Irrigation - overlap (R58-R61, R62-R65, R66-R69)  
supp. Gw (WB7/065/104)  
overlap spec combined rts (W35)  
<1 acre (W31)  
Domestic (W01/wb5/070/071/075)  
Power (W42 or W43/025/027/R22 or R23)  
Fish (042)  
Fire (077)  
Water Quality (106/R07)  
Payette - (W22/047/27A)  
Stockwater for US (R37)

Volume Determination

0.47 cfs x 1.9835 x 200 days = 186.4 af (vs) 34 acres x 3.5 (FHR) = 119.0 af  
2.5 (con)

Remarks:

Additional Conditions \_\_\_\_\_ Watermaster Control  
\_\_\_\_\_ GW Measurement/Measuring Device  
\_\_\_\_\_ Other  
Trust R55 - remove 051)  
Non-trust (048)

GW Dist? \_\_\_\_\_  
Water Mgmt. Dist? \_\_\_\_\_  
Crit. GWMA? \_\_\_\_\_  
GWMA? \_\_\_\_\_  
Government Lots? \_\_\_\_\_

Advance Priority? yes If yes, explain why below.  
no

SRBA Claim?

NO - not req'd

Adjust memo

Amend Letters

P87, S06

Second Amendment Notice

S06

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
**BENEFICIAL USE FIELD REPORT**

**RECEIVED**

JAN 24 2001

Department of Water Resources

**A. GENERAL INFORMATION**

Permit No. 22-7420

1. Owner: Robert J Lyons

Phone No. 787-2254

Current Address: 80W 550 S Victor, ID 83455

2. Accompanied by: Jim Thomas

EXAM DATE: 1 OCT 96

Address: 535 S 100W Victor Ia 83455

Phone No.       

Relationship to Permit Holder:       

3. Source: Groundwater

tributary to       

**B. OVERLAP REVIEW**

1. Other water rights with the same place of use:       

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

**C. DIVERSION AND DELIVERY SYSTEM**

**1. Point(s) of Diversion:**

| Ident No. | Gov't Lot | 1/4 | 1/4 | 1/4 | Sec. | Twp. | Rge. | County | Method of Determination/Remarks |
|-----------|-----------|-----|-----|-----|------|------|------|--------|---------------------------------|
|           |           |     | SW  | NW  | 26   | 04N  | 45E  | Teton  | ON site/USGS                    |
|           |           |     |     |     |      |      |      |        |                                 |
|           |           |     |     |     |      |      |      |        |                                 |
|           |           |     |     |     |      |      |      |        |                                 |

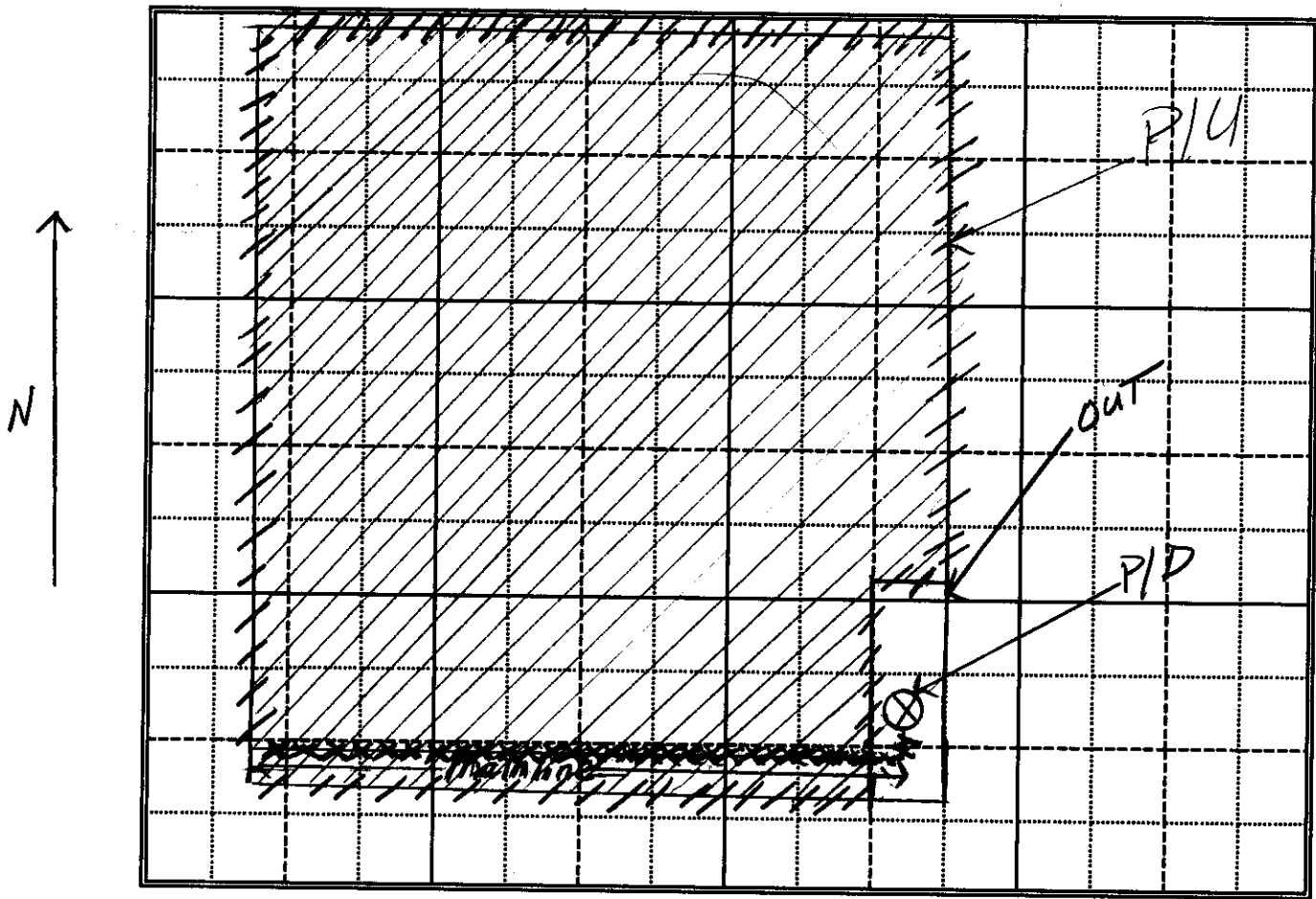
**2. Place(s) of Use:**

Indicate Method of Determination ON SITE

| TWP                          | RGE | SEC | NE |    |    |    | NW |    |    |    | SW |    |    |    | SE |    |    |    | Totals |
|------------------------------|-----|-----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|--------|
|                              |     |     | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE |        |
| 04N                          | 45E | 26  |    |    |    |    |    |    | 34 |    |    |    |    |    |    |    |    |    | 34     |
| <del>Recommended Acres</del> |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |
| 04N                          | 45E | 26  |    |    |    |    |    |    | 26 |    |    |    |    |    |    |    |    |    | 26     |
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JAN 08 2003

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 |
|---------------------------------------|------------|----|------------------|-------------|-----------------------------------|
| —                                     | —          | 15 | —                | Submersible | —                                 |
|                                       |            |    |                  |             |                                   |
|                                       |            |    |                  |             |                                   |

\*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 |
|-----------------------|------|------|-----------|------------|------|-------------|
| Pressure Gauge        |      |      |           |            | 0-60 |             |
| Theoretical           |      |      |           |            |      |             |

2. Measurements:  $Q_{Theor} = 0.52 \text{ CFS}$   
 $Operating = PSI 51 \text{ CFS}$

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E. NARRATIVE/REMARKS/COMMENTS

Note: Original permit holder, Robert J. Lyons, lives in Texas. His son Jim Lyons lives on property where pump is located. Pump serves Lyons home and irrigates of all 36 acres listed on permit.

\* Robert Lyons sold 26 acres of 34 acres for irrigation to Jim Thomas. Note: Jim Thomas is sending the copy of Amendment of Permit to Robert Lyons, in Texas. Amendment is in process. Jim Thomas has 26 acres of irrigable land, pasture/hay.

\* Robert Lyons retains 8 acres irrigated. However, Jim Thomas is irrigating all 34 acres. Jim Thomas and Jim Lyons, both, have horses in irrigated pasture. 4 mile mainline running east/west. (34 sprinklers)

Pressure gauge - 51 PSI or  $\frac{1}{64}$ " nozzles.

Request on Jim Thomas' permit 22-7420 .52 cfs on 26 acres.

Theoretical - 0.52 CFS on 26 acres

Note: Jim Thomas has own domestic well.

Irrigation is done by well on Robert Lyons property. Lyons well serves, one domestic, at 80W 550S Victor, ID. plus irrigation of 36 acres.

\* Jim Thomas also has shares in ditch water off of Fox Creek, 535S 100W Victor, ID 83455

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

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**F. FLOW CALCULATIONS**

Additional Computation Sheets Attached

Measured Method:

$$34 \frac{1}{4} \text{ @ } 51 \text{ psi} = 6.25 \text{ gpm/nozzle (34)} = 212.5 \text{ gpm} \approx 0.47 \text{ cfs}$$
$$Q_{\text{LIMITED BY CAPACITY}} = 0.47 \text{ cfs}$$

**G. VOLUME CALCULATIONS**

## 1. Volume Calculations for Irrigation:

$$V_{\text{I.R.}} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = 36(3.5) = 126 \text{ af}$$
$$V_{\text{D.R.}} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 = 0.47 \text{ cfs (200)} \times 1.9835 = 186.4$$
$$V = \text{Smaller of } V_{\text{I.R.}} \text{ and } V_{\text{D.R.}} = 126 \text{ af}$$

## 2. Volume Calculations for Other Uses:

**H. RECOMMENDATIONS**

## 1. Recommended Amounts

| Beneficial Use | Period of Use |       | Rate of Diversion<br>Q (cfs) | Annual Volume<br>V (afa) |
|----------------|---------------|-------|------------------------------|--------------------------|
|                | From          | To    |                              |                          |
| IRRIGATION     | 4/14          | 10/31 | 0.47 cfs                     | 126.0 af                 |
|                |               |       |                              |                          |
|                |               |       |                              |                          |
|                |               |       |                              |                          |
|                |               |       |                              |                          |
| Totals:        |               |       | 0.47 cfs                     | 126.0 af                 |

## 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. AUTHENTICATION**Field Examiner's Name Keth C. Wilton 9/7/2000 Date 1 OCT 96

Reviewer \_\_\_\_\_ Date \_\_\_\_\_

SEAL

MICROFILMED

JAN 08 2003

## THEORETICAL PUMP FLOW CALCULATIONS

Formula:

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

$$\begin{aligned} Hp &= \text{Horsepower} = \underline{15} \\ Eff &= \text{Efficiency} = \underline{.7} \quad (\text{Usually } 70\%) \\ \text{Lift: } &(\text{Static Level} + \text{Assumed Draw down}) \\ \text{Static Water Level} &= \underline{40} \text{ ft.} \\ \text{Assumed Draw down} &= + \underline{20} \text{ ft.} \\ \text{Lift} &= \underline{60} \end{aligned}$$

OR

Measured Dynamic Water Level = \_\_\_\_\_ ft.

psi = Operating Pressure = 51 psi

$$Q_{cfs} = \left[ \frac{15}{Hp} \times 8.814 \times \frac{.7}{eff} \right] \div \left[ \frac{60}{Lift} + \left( \frac{51}{psi} \times 2.308 \right) \right]$$

$$Q_{cfs} = \left[ \underline{92.547} \right] \div \left[ \underline{177.708} \right]$$

$$Q_{cfs} = \underline{0.52} \text{ cfs}$$

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JAN 08 2003

PERMIT NO. 22-7420

T  
4  
N

R45E

R45E

T  
4  
N

Place  
of  
USP

Point  
of  
Divergence

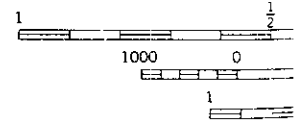
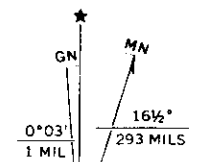
MICROFILMED

JUN 9 8 2003/MBALL

22-07420

(FOURTH OF JULY PEAK)  
377111 SW

Mapped, edited, and published by the Geological Survey  
Control by USGS and NOS/NOAA  
Topography by photogrammetric methods from aerial  
photographs taken 1973. Field checked 1974. Map edited 1978  
Projection: Idaho coordinate system, east zone  
(transverse Mercator)



22 23

27 26

PLACE OF USE

THISTLE  
SUB-DIVISION

T  
4  
N

R45E

SW 1/4 NW 1/4

427

T681

POINT OF DIVERSION

FOX CREEK  
RANCHETTES

MICROFILM

JAN 18 2003

22-07420

4 79

5 10

26

35

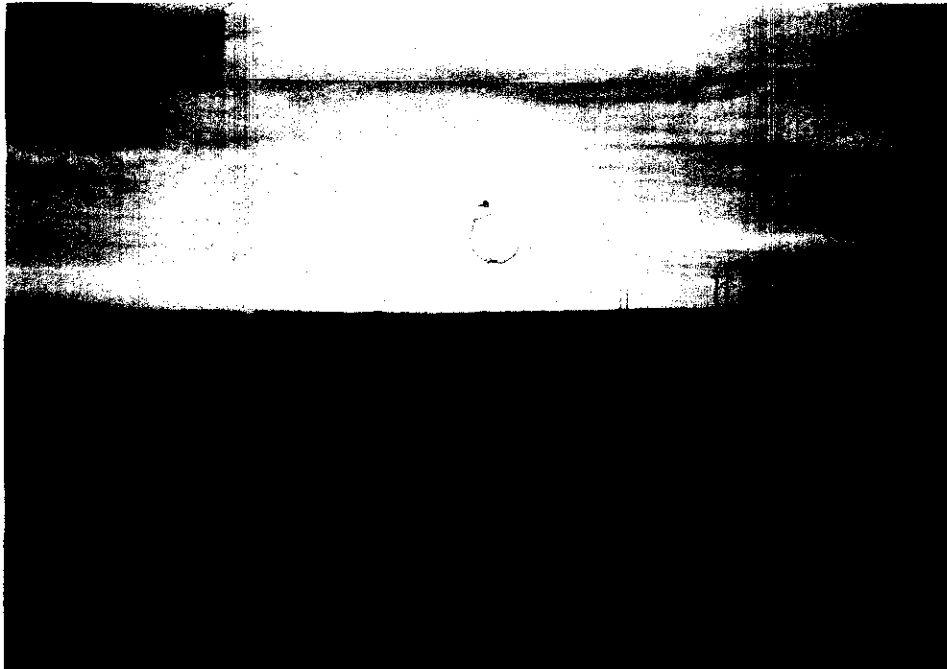
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35



MICROFILMED  
JAN 18 2003

22-7420



*Place of Use Looking North*



Jim  
Thomas' →  
House  
(New Permit  
holder)

*Place of Use Looking North*

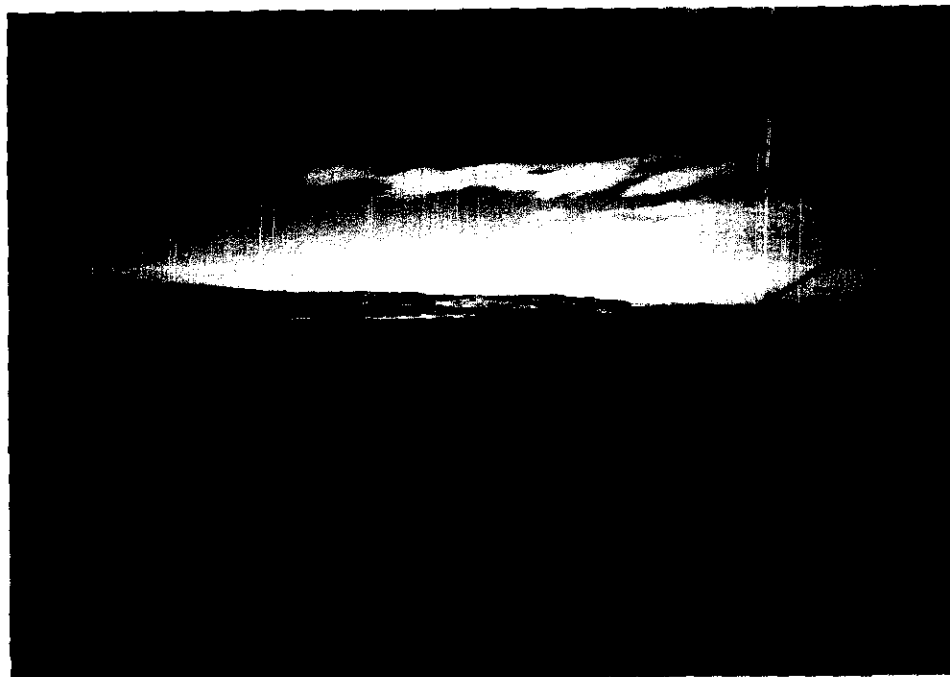
MICROFILMED  
JAN 08 2003

22-7420



Robert Lyons  
out buildings

Place of Use Looking Northeast



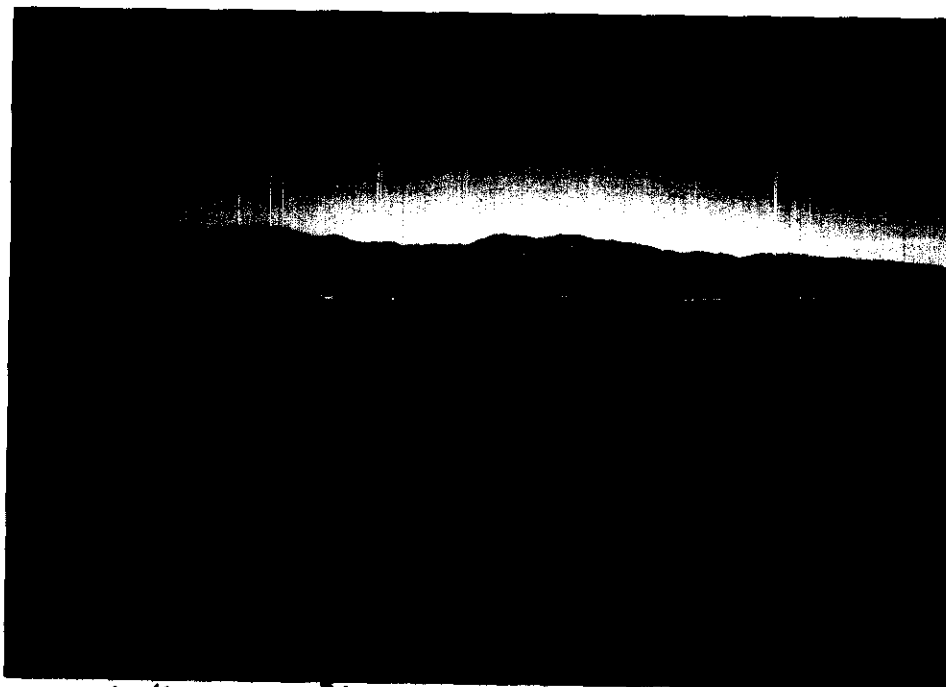
Jim Thomas'  
home.

Place of Use Looking Northwest

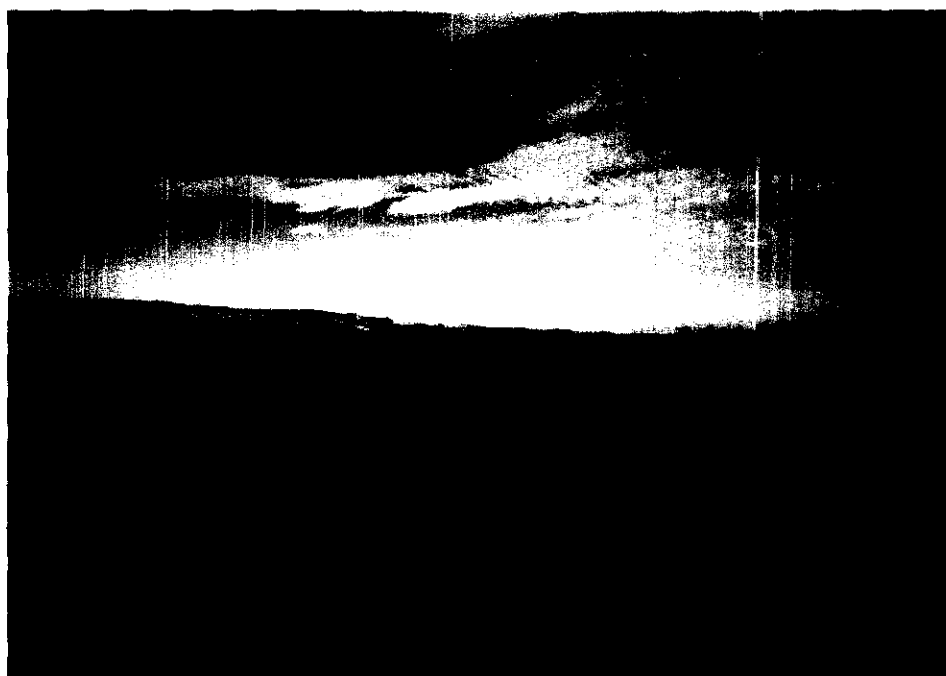
MICROFILMED

JAN 9 8 2003

22-7420



*Mainline and Place of Use Looking West*



*Place of Use Looking Northwest*

MICROFILMED  
JAN 18 2003

22-7420



Robert J. Lyons House  
(original permit holder)



Pumphouse on Robert J. Lyons property.

MICROFILMED  
JAN 08 2003

22-7420

February 26, 1991

ROBERT J. LYONS  
80 W. 550 S.  
VICTOR, ID 83455

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 22-07420

Dear Permit Holder:

The department acknowledges receipt of the proof of beneficial use form submitted for the above referenced permit. Enclosed is an order advancing the priority of the permit since the proof was received after the proof due date. 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,

Rita Fleck  
Secretary/Records Manager

c: IDWR - Region

Enclosure

**RECEIVED**  
MAR 15 1991

ANALYSIS SHEET  
for  
PROOF OF BENEFICIAL USE

Permit No. 22-7420

Date 2-1-91

GENERAL CONSIDERATIONS

✓ Name same as permit?  
✓ Address same as permit? If no, prepare data entry form.  
NO Proof timely received? If no, complete priority advancement below.

SOURCE OF WATER

       Surface water source  
✓ Ground water source  
NO Drill permit req'd?  
       Copy in file? Drill permit no.         
1981 NO Well log in file?  
       Amt paid for drilling permit?        Correct?

LICENSE EXAMINATION FEE

Yes Required?  
1000 Amount submitted?  
Yes Correct amount?

MEASURING DEVICE

Yes Measuring device or access port required?  
Yes Installed?  
       Waiver requested or needed?

DEFICIENCIES OR ACTION ITEMS

*reinstate*  
*prog acceptable*

PRIORITY CALCULATION

|                     |                     |              |
|---------------------|---------------------|--------------|
| Date proof received | <u>Jan 18, 1991</u> | <u>18</u>    |
| Date proof due      | <u>Dec 1, 1990</u>  | <u>- 335</u> |
| No. of days late    |                     | <u>= 48</u>  |
| Priority date       | <u>Oct 11, 1988</u> | <u>+ 284</u> |
| NEW PRIORITY DATE   | <u>Nov 28, 1988</u> | <u>= 332</u> |

365  
18  
383  
335  
48

**NOT FILMED**

MAR 15 1991

*LB*

# 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.

December 5, 1990

ROBERT J. LYONS  
80 W. 550 S.  
VICTOR, ID 83455

LAPSE NOTICE

RE: PERMIT NO. 22-07420

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 September 30, 1990. 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.

**RECEIVED**

MAR 15 1991

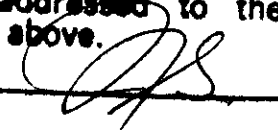
L. GLEN SAXTON  
Chief, Water Allocation Bureau

LGS:rf

Enclosures

**CERTIFICATION OF MAILING**

I hereby certify that on 12-6-90  
a copy/an original of this document was  
deposited in the United States mail,  
postage prepaid addressed to the  
individual(s) named above.



138388

September 30, 1990

ROBERT J. LYONS  
80 W. 550 S.  
VICTOR, ID 83455

PROOF DUE NOTICE

RE: PERMIT NO. 22-07420

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 December 1, 1990. (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,

Rita Fleck  
Secretary/Records Manager

Enclosures

**RECEIVED**

MAR 15 1991

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

-----

Statehouse  
Boise, Idaho 83720  
(208) 327-7900  
November 1, 1989

ROBERT J. LYONS  
80 W. 550 S.  
VICTOR, ID 83455

P E R M I T   A P P R O V A L   N O T I C E

RE: PERMIT NO.      P22-07420

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.

You should be aware that the groundwater you propose to divert is located within a drainage basin where surface waters are regulated during the months of low flow. It is possible that diversion of groundwater may have an adverse impact on these surface water flows. Information available to us at this time does not warrant refusing to issue permits in your area, but we do caution that diversions of groundwater are not allowed to deplete flows available for surface water users with earlier priority dates. Siting your well as far from surface sources as possible and casing out upper water producing zones may reduce the potential of interference.

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

Be sure to note the special condition requiring you to install a measuring device, or a flow measurement port to provide for the installation of measuring equipment by the Department. Enclosed please find a list of measuring device options, and specifications for the installation of the flow measurement port.

**MICROFILMED**

DEC 12 1989

We have enclosed a form entitled "Instructions for Proof of Beneficial Use". Please read the instructions carefully since you must take further action to develop this permit. Also enclosed for your convenience is a form entitled "Proof of Beneficial Use" that must be submitted to the Department when your project is completed. If development is complete, you may submit proof of beneficial use immediately.

Sincerely,

GARY SPACKMAN, Supervisor  
Water Right Permits Section

GS: SC  
Enclosures

**MICROFILMED**

DEC 12 1989

Dist. for staffing HW 10-18-88

Submitted for adv. HW 10-18-88

Form No. 202a  
4/87

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT ANALYSIS SHEET

SWAN FALLS HOLD  
(File exists)  
NON-TRUST

INITIAL REVIEW BY HW DATE 10-18-88 APPLICATION NUMBER 22-7420

REQUIRED 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 (For additional \$5)  
☒ 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 SEP 20 1988

Department of Water Resources

## PROCESSING

☒ Yes☐ No

Form for advertising

☐ Yes☒ No

Statewide advertising

☒ Yes☐ No

Fee amount, receipt date &amp; No. recorded on application

## SEND COPIES TO

☐ Idaho Dept. of Health & Welfare☐ Idaho Dept. of Fish & Game☐ Idaho Dept. of Lands☐ Adjudication Bureau Unit☐ U.S. BLM☐ U.S. Forest Service☐ Water District☐ 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 receivedFinal date for protest 9-25-89☐ 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. 01-P05☒ Yes ☐ No Special conditions of approval or cover letter below.☐ See below for additional informationDate of priority recommended 10-11-1988By H.L. JonesDate 9-25-89(date app. amended & expanded)

## STATE OFFICE REVIEW

P05, P23, P03, P16 01G 46 48 49 28 (irrig., 0.72 cfs)☐ See below for additional informationBy KWDate 10-24-89

## ADDITIONAL INFORMATION

\* Microfilm 10/25 22-00540 from Fox creek on Thu 1/4 of 1/4Condition: < 0.63App. in NON-TRUST area-

30-Aug-1989

Robert J. Lyons  
80 West 550 South  
Victor,, ID 83455

RE: Application for Permit No. 22-7420

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 the Teton Valley News. 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

**RECORDED**

DEC 12 1989

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

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Idaho Falls, Idaho 83402  
(208) 525-7161

AUGUST 29, 1989

TETON VALLEY NEWS  
P.O. BOX 509  
DRIGGS, ID 83422

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 SEPTEMBER 25, 1989.

Yours truly,

Rita Bodell  
Secretary

Encl.

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NOTICE OF APPLICATION FOR WATER RIGHT

The Following app. ation(s) have been filed appropriate the public waters of the State of Idaho:

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DEC 14 1989

22-07420

LYONS, ROBERT J.  
80 W. 550 S.  
VICTOR, ID 83455

Source: GROUNDWATER

Diversion Pt:                      SWNW      Sec 26 T 04N R 45E

Use: IRRIGATION                      ( .720 CFS)

Date Filed: 10/11/1988

In: T04N R45E S26                      SWNW

36.0 ACRES TOTAL

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The permit(s) will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec. 42-3A, 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 SEPTEMBER 25, 1989.

R. Keith Higginson, Director

Published 9/07/1989 & 9/14/1989

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DEC 12 1989



22-7420-

KAY, LYLE L.

RT. 1, BOX 518, VICTOR, ID 83455

Source: GROUNDWATER

Date Filed: 01/28/1983

Diversion Pt: SWNW Sec 26 T 04N R 45E

Use: IRRIGATION (0.02 CFS)

In: SWNW Sec 26 T 04N R 45E FOR 36 ACRES

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DEC 12 1989