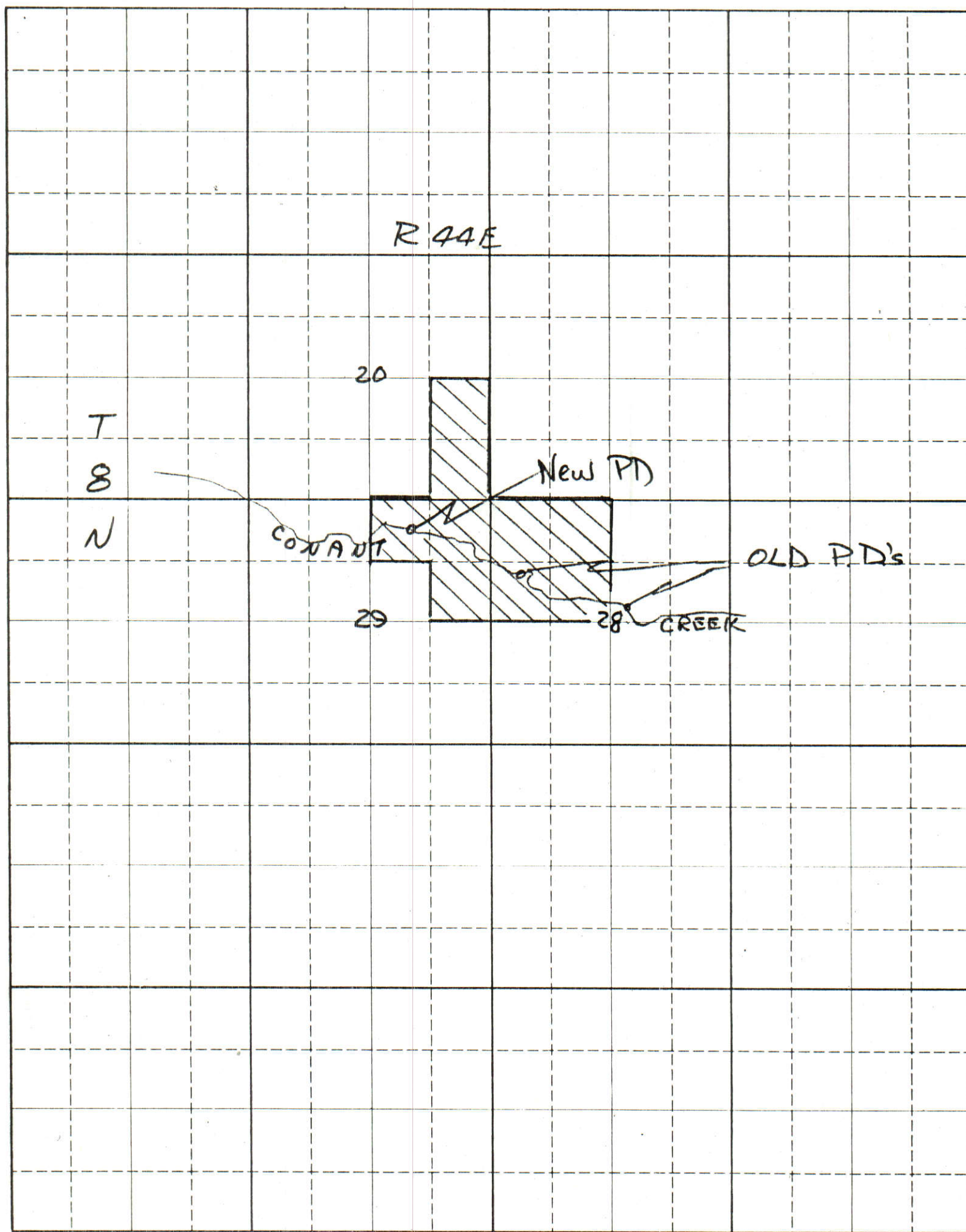


- b. Draw a map indicating the new point(s) of diversion and/or the new land to be irrigated. Show clearly the land involved by section, township and range number.



SCALE: 2 inches equal 1 mile. Draw plan in ink.

TRANSFER NO.	NAME	AMOUNT C.F.S.	BALANCE C.F.S.	RIGHT NO.
2157	Keith F. Nyborg	0.80	0	21-0085

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NOTED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
To Change the Point of Diversion and/or the Place of Use

APPROVED

Name of applicant Keith F. Nyborg Phone 652-3584
Post office address Rt. #2, Ashton, Idaho 83420

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree to T. C. Smith 21-0107; S. O. Peterson 21-0084, 21-0085
in case of Rexburg Irrigation Co., et al ^(Name) vs Teton Irrigation Canal Co. et al
dated 12-16-1910 in 6th Dist. county of Fremont
^(Name of court)
b. License No. _____ issued by the Idaho Department of Water Resources
c. Claim No. _____ on file with the Idaho Department of Water Resources

2. If applicant is not the original holder of this right, explain how it was acquired and attach a copy of the deed or other evidence of ownership of the land to which the right is appurtenant _____
Purchased deed attached

3. Source of water Conant Creek tributary to Falls River - Snake River

4. Date of priority 21-0107 - 6-01-93; 21-0084 - 6-01-93; 21-0085 - 6-01-99

5. Water is used for the following purposes:

21-0107 amount 2.00 for Irrigation purposes from Apr. 1 to Nov. 1
21-0084 amount 2.40 for " purposes from " to "
21-0085 amount 0.80 for " purposes from " to "
(month/day - both dates inclusive)

6. Total amount of water under right: a. 5.20 cubic feet per second
b. _____ &/or
acre feet per annum

7. Location of original point of diversion is SW $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 28
Township 8N Range 44E, B.M., in Fremont County
Additional points of diversion, if any SW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 28, T. 8N, R. 44E

8. Lands irrigated or place of use:

TWP.	RANGE	SEC.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTALS
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
21-0107	8N	44E	28				40	40	40	40									160
21-0084 & 21-0085	8N	44E	20												40			40	80
			29	40	40		40												120

Total number of acres to be irrigated 360

B. DESCRIPTION OF PORTION OF RIGHT FOR WHICH THE CHANGE IS REQUESTED (If the entire right is requested changed, omit part B)

1. Amount of water: a. _____ cubic feet per second
&/or
b. _____ acre feet per annum
2. Point of diversion _____ ¼ _____ ¼, Section _____ Township _____
Range _____, B.M., _____ County _____
Additional points _____
3. Place of use:

TWP.	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	

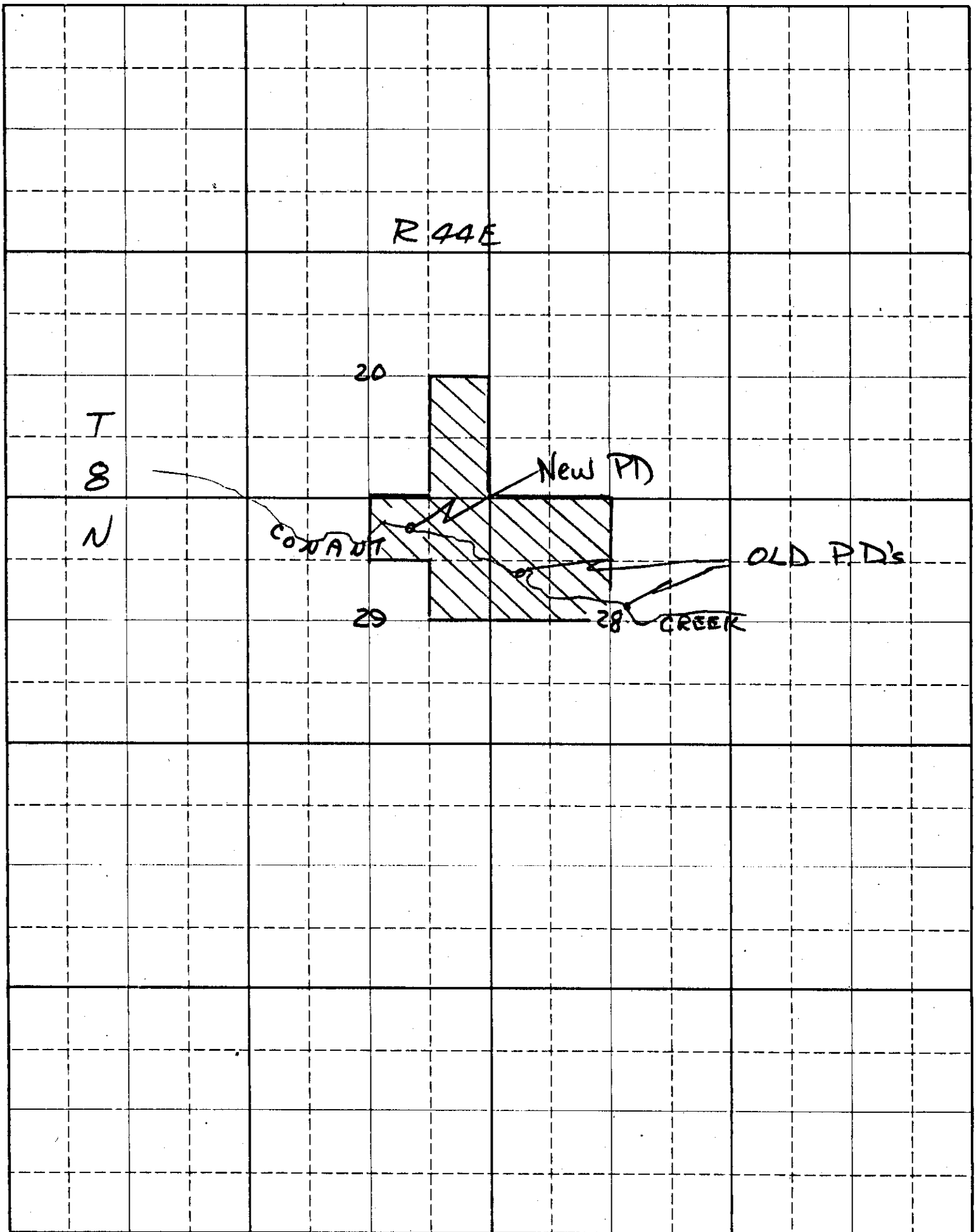
C. DESCRIPTION OF RIGHT OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

1. Change in point of diversion
- a. Amount of water to be diverted 5.20 c.f.s. &/or _____ acre feet
- b. Point(s) of diversion NW ¼ NE ¼, Section 29 Township 8N
Range 44E, B.M., Fremont County
Additional points _____
- c. Description of diverting works 200 Hp. motor and 10" Johnson pump sprinkler system
- d. Describe the reasons for applying for a change in the point(s) of diversion _____
2. Change in place of use NO CHANGE
- a. Describe the lands or place of use to which the right will be transferred:

TWP.	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	

Total number of acres to be irrigated _____

- b. Draw a map indicating the new point(s) of diversion and/or the new land to be irrigated. Show clearly the land involved by section, township and range number.



SCALE: 2 inches equal 1 mile. Draw plan in ink.

3. Remarks _____

I hereby assert that no one will be injured by such change and the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge.

Keith F. Nyberg
(Signature of applicant)

Subscribed and sworn to before me this 22nd day of August, 19 77

William Wray
(Notary public)

My commission expires 6/15/81

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. 21-0107/21-0084/21-0085 and said application is hereby APPROVED.

1. Approval of said application is subject to the following limitations and conditions:
 1. A totalizing measuring device of a type approved by this Department shall be permanently installed and maintained as part of the diverting works.
 2. Use of this water is subject to the control by the watermaster of State Water District No. 01, Snake River and Tributaries.

Witness my hand this 17TH day of May, 19 78

Norman C. Young
Administrator

FOR DEPARTMENT USE ONLY

Received by CW Date 8-22-77

Protest filed by _____

Prelim. check by JW Fee 30.00

Receipted by CW Date 8-22-77 #8355

Copies of protest forwarded by _____

Published in Agitation Herald

Pub. dates Sept 1 + 8-1977

Hearing held by _____ Date _____

Watermaster recommendation requested on 8-24-77

Recommended for approval denial

Art Nelson rec'd. 9-20-77

by Ernest Carlson J.S.

W.D. #01

Revised
April 11, 1967
at request of Fred A. Nyberg

No. 310099

WARRANTY DEED

Dated 19

STATE OF IDAHO

County of
I hereby certify that this instrument
was filed for record at request of
at minutes past
o'clock M., this day of
1967, in my
office and duly entered in Book
of page

Ex-Officio Recorder

By Deputy

Fee, \$

Mailed to

Not Public - Idaho

100-1-1-1-1

My commission expires: 1-26-71

Notary Public for the State of Idaho,
Residing at Rexburg, Idaho.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal
the day and year in this certificate first above written
known to me to be the person - whose name, J.B. subscribed to the within instrument, and acknowledged
to me that s/he executed the same.
On this 5th day of April, 1967, before me
the undersigned
RHODA NYBERG,
a Notary Public in and for said State, personally appeared
County of MADISON,
STATE OF IDAHO,

RECEIVED

AUG 24 1977

Department of Water Resources

BOOK 79 PAGE 31

WARRANTY DEED

THIS INDENTURE made this 5th day of April, 1967, between RHODA NYBORG, a widow,

of Ashton, County of Fremont, State of Idaho, the party of the first part and KEITH NYBORG and RAJJA-LEENA NYBORG, his wife,

County of Ashton, State of Idaho, the parties of the second part,

WITNESSETH that the said party of the first part, for and in consideration of the sum of --- Ten and 00/100 --- Dollars lawful money of the United States of America and other valuable considerations to her, in here paid by the parties of the second part, the receipt whereof is hereby acknowledged, has granted, bargained, sold, and by these presents, do grant, bargain, sell and convey and confirm unto the said parties of the second part, and to their heirs and assigns, forever, all the following described real estate, situated in the County of Fremont, State of Idaho, to-wit:

S&SE& of Sec. 20, Twp. 8 N., R. 44, E.B.M. Also, E&NW&, NW&NE& and S&NE&, less the South 15 rods of Sec. 21, all in Twp. 8 N., R. 44, E.B.M.

Also, NW& of Sec. 28, Twp. 8 N., R. 44, E.B.M. Also, E&Y, S&NW& and N&SW& of Sec. 29, Twp. 8 N., R. 44, E.B.M.

Together with all water rights.



TOGETHER with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, and the reversion and reversions, remainder and remainders, and rents, issues and profits thereof, and all estate, right, title and interest in and to the said property, as well in law as in equity of the said parties of the first part.

TO HAVE AND TO HOLD, all and singular the above mentioned and described premises together with the appurtenances unto the parties of the second part, and to their heirs and assigns forever. And the said party of the first part, and her heirs, the said premises in the quiet and peaceable possession of the said parties of the second part, their heirs and assigns, against the said party of the first part, and her heirs, and against all and every person and persons whomsoever, lawfully claiming or to claim the same shall and will warrant and by these presents forever defend.

IN WITNESS WHEREOF, the said party of the first part has hereunto set her hand and seal the day and year first above written.

Executed and Delivered in the Presence of

[SEAL]

[SEAL]

[SEAL]

[SEAL]

AFFIDAVIT OF
PUBLICATION

State of Idaho

County of Fremont

ss.

being first duly sworn, upon his
oath, deposes and says:

That she is the *editor*.....
of The Ashton Herald, a newspaper
as defined by Idaho Codes Anno-
tated, section 58-106, as amended,
and that said newspaper is a
weekly newspaper printed and
published at St. Anthony, in Fre-
mont County, Idaho, having a
general circulation in said county,
and that said newspaper has been
printed and published as a weekly
newspaper in said county for more
than 78 consecutive weeks prior to
the first publication of the attached
notice, advertisement or publica-
tion of *Proposed Change*.....
of Water Right.....
(Nyborg).....

And affiant further says that said
notice, advertisement of publica-
tion, as per clipping attached, was
published in said newspaper, in the
regular and entire issue thereof,
and not in any supplement issue
thereof, for *2*..... consecutive
issues thereof; first publication

having been made on the *1*.....
day of *September*, 19*77*,
and the last publication on the
8..... day of *September*
19*77*.

And affiant further says that at the
times herein mentioned said news-
paper was made up of at least four
pages of at least five columns each,
printed from type matter, of at
least seventeen and three-fourths
inches deep.

Subscribed in my presence (and
sworn to before me this *13*.....
day of *September*,
19*77*..

James E. Holcomb

Notary Public for the
[SEAL] State of Idaho, residence
and post office address:
St. Anthony, Idaho.

NOTICE OF PROPOSED
CHANGE OF
WATER RIGHT

Notice is hereby given that Keith F.
Nyborg, Ashton, Idaho, has applied to
the Department of Water Resources for
a change in the points of diversion of the
waters of Conant Creek tributary to Falls
River. The rights sought to be changed
are evidenced by decree to T. C. Smith;
S. O. Peterson, in case of Rexburg
Irrigation Co. et al -vs- Teton Irrigation
Canal Co. et al, dated 12-16-1910 in
Sixth District, County of Fremont and
are recorded as follows:

21-0107 AMOUNT: 2.00 cfs PRIORITY;
6-01-93

PLACE OF USE: 160 acres within the
NW¼, Sec. 28, T. 8N, R. 44E, B.M.

21-0084 AMOUNT: 2.40 cf-
\$ PRIORITY: 6-01-93

21-0085 AMOUNT: 0.80 cf-
\$ PRIORITY: 6-01-99

PLACE OF USE: 200 acres within the
E½SE¼, Sec. 20, N½NE¼,
SE¼NE¼, Sec. 29, T. 8N, R. 44E, B.M.

The decreed points of diversion are
SW¼NE¼, SW¼NW¼, Sec. 28, T.
8N, R. 44E, B.M., Fremont County.

TO BE CHANGED
AS FOLLOWS

The water will be diverted within the
NW¼NE¼, Sec. 29, T. 8N, R. 44E,
B.M., Fremont County.

Any protest against approval of the
above proposed change of water right
must be filed with the Idaho Department
of Water Resources, 1515 Lincoln Road,
Idaho Falls, Idaho, 83401, on or before
September 19, 1977.

C. STEPHEN ALLRED
Director

Published in the Ashton Herald, Ashton,
Idaho, on September 1 and September
8, 1977.

RECEIVED

SEP 14 1977

Department of Water Resources
Eastern District Office

MICROFILMED

RECEIVED
FEB 27 1911
OFFICE OF STATE ENGINEER

IN THE DISTRICT COURT OF THE SIXTH JUDICIAL DISTRICT
OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF FREMONT.

file 205-10

Rexburg Irrigation Company, et al.,

PLAINTIFFS,

DECREE.

-VS-

Teton Irrigation Canal Company, et al.,

DEFENDANTS.

This cause coming on to be heard this 11th day of

1910, upon the report of F. J. Cowen, Referee heretofore appointed for the purpose of taking the testimony and making recommendations as to Findings of Fact, Conclusions of Law and Decree, to be entered herein, and the said F. J. Cowen, having filed his report of the testimony taken, and his recommendations as to Findings of Fact and Conclusions of Law, which have heretofore been adopted, and the respective plaintiffs and defendants and cross-complainants appearing herein by their respective counsel, and the Court being fully informed and advised in the premises, and having ordered that judgment be entered in accordance with the report and recommendations of the said Referee, and in reason of the law and the Report and Findings of Fact and Conclusions of Law aforesaid,

It is ordered, Adjudged and Decreed, that the several parties plaintiffs and defendants herein named, do have judgment respectively a right to use, for irrigation and other purposes, the following number of inches of water, each fifty inches thereof to be equivalent to a flow of one cubic foot per second, as prescribed by the law.

~~1-058~~ 22 0437 Lancaster	160 inches.	June 15, 1896.	Darby Creek.
~~1-058~~ 22 0438 Paul, John	15 inches.	June 1, 1890.	Springs on land.
~~1-058~~ 22 0439 Paul, William H.	60 inches.	June 1, 1890.	Little Springs, and Deep Creek.
~~1-058~~ 35 0023 Payne, S. L.	480 inches.	Apr. 22, 1895.	Boone Creek.
~~1-059~~ 22 0440 Pehrson, Neils	30 inches.	June 1, 1899.	South Leigh Creek.
~~1-059~~ 22 0441 Pehrson, Neils	100 inches.	June 1, 1903.	South Leigh Creek.
~~1-059~~ 22 0442 Pendleton, Abra- ham	80 inches.	June 1, 1897.	North Leigh Creek.
~~1-059~~ 22 0443 Pendleton, Abraham	80 inches.	June 1, 1899.	North Leigh Creek.
~~1-059~~ 22 0444 Penfold, Algeroy	100 inches.	June 1, 1897.	Fox Creek.
~~1-059~~ 22 0445 Penfold, Farley	20 inches.	June 1, 1896.	Fox Creek.
~~1-059~~ 22 0446 Penfold, Farley	100 inches.	June 1, 1897.	Fox Creek.
~~1-059~~ 1 147 Peoples Canal & Irrigation Company, The	20,000 inches.	Aug. 18, 1894.	Snake River.
~~1-059~~ 22 0447 Perry, Jeremiah C.	80 inches.	June 1, 1897.	North Leigh Creek.
~~1-059~~ 21 0083 Perry, M. R. and H. V. Perry	710 inches.	May 1, 1904.	Conant Creek.
~~1-059~~ 21 0083 McBain and William H. Dunlap.			
Peterson, Carl			The Sunnydell Irr- gation Canal Company.
~~1-060~~ 22 0448 Peterson, Chris.	160 inches.	June 1, 1896.	Trail Creek.
Peterson, G. W.			Enterprise Canal Company.
~~1-060~~ 22 0449 Peterson, L. P.	160 inches.	June 1, 1896.	Darby Creek. Trans #635
Peterson, Otto			The Farmers' Friend Canal Company
~~1-060~~ 21 0084 Peterson, S. O.	120 inches.	June 1, 1893.	Conant Creek.
~~1-060~~ 21 0085 Peterson, S. O.	40 inches.	June 1, 1899.	Conant Creek.
~~1-060~~ 22 0450 Phillips, L. A.	20 inches.	Sept. 1, 1901.	Spring Creek.
~~1-060~~ 22 0451 Phillips, L. A.	80 inches.	June 1, 1904.	Badger Creek.
~~1-060~~ 22 0452 Phillips, Thomas A.	160 inches.	June 1, 1902.	Badger Creek.



State of Idaho
DEPARTMENT OF WATER RESOURCES
STATE OFFICE, 373 W. Franklin Street, Boise, Idaho

JOHN V. EVANS
Governor

C. STEPHEN ALLRED
Director

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 384-2215

May 22, 1978

Re: Transfer of Water Right No.'s 21-0107, 21-0084 & 21-0085

Keith F. Nyborg
Route #2
Ashton, ID 83420

Dear Mr. Nyborg:

Enclosed is a copy of the approved Application for Transfer of the above referenced water rights (Transfer No. 2157).

Please be sure to note the conditions of approval as listed on the fourth page.

Sincerely,

L. GLEN SAXTON
Chief, Operations Bureau

LGS:kw
Enclosure

RECEIVED
MAY 24 1978

INTER-DEPARTMENT MEMO — 1

FROM Jim

DATE 4/5/78

TO File

SUBJECT Proof of Ownership ON RIGHTS 21-0084 & 21-0085

The warrenty deed between Rhoda NYBORG AND KEITH NYBORG
~~SHOWS~~ DOES NOT INCLUDE DISCRIPTION OF LAND LOCATED IN NESE, SEC.
20 TBN. R44E. which is irrigated by DECREE Nos. 21-0084 & 21-0085.

Proof of ownership of the NESE, SEC 20 is not necessary in the
transfer No. 2157 BECAUSE there is no change in place of use
requested, HOWEVER, this deficiency should be noted in any further
future transfers.

SIGNATURE

MAY 1978

February 14, 1978

RE: Application for Transfer No. 21-0107/0084/0085 KEITH F. NYBORG

Mr. Homer Jones
Ashton,
Idaho 83420

Dear Mr. Jones:

Our records show that on September 23, 1977, you called and indicated you were attempting to work out a written agreement with Keith Nyborg and requested that the Department take no further action on his application for transfer until we had a copy of this agreement. To date we have received no agreement and, therefore, are proceeding with our processing of this application for transfer. If you are still attempting to work out an agreement, you may submit it at any time and we will include it in our files.

If you have any questions, please feel free to contact me.

Very truly yours,

RONALD D. CARLSON
Supervisor,
Eastern Region

RDC:cw

MICROFILMED

FROM Ron

DATE Sept 23, 1977

TO File

SUBJECT Conversation with Homer Jones

Homer Jones Called and said he was trying to work out a written agreement with Keith Nyborg. I told him we could hold action until we had a copy of the agreement, if it does not take too long

SIGNATURE

MICROFILMED

RECEIVED

APPLICATION FOR TRANSFER OF WATER RIGHT

NO. 21-0107/21-0084/21-0085

SEP 20 1977

Department of Water Resources
Eastern District Office

RECOMMENDATION OF WATERMASTER

I, Arthur L Larson, watermaster of Snake River,
of Water District No. 01, County of Bonneville, Fremont, etc State of Idaho,
whose address is Box 1099, Ida Falls
have read the attached copy of the application for transfer of water right for _____
Keith Nyborg, and to the best of my knowledge believe the
(name)
application to be true.

A. I hereby endorse the above numbered Application for Transfer and recommend
that the Director of the Department of Water Resources approve the transfer subject to
the following conditions: Adequate measuring device be installed
& maintained. Subject to approval of Board of
Directors of Canal Canal.

OR

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

Dated at Ida Falls, Idaho, this 19 day of Sept 1977.

Arthur L Larson
(signature)

Please use reverse side if needed.

August 26, 1977

RE: Application for Transfer No. 21-0107/etc. NYBORG
21-0141/etc. CONANT CREEK CANAL

Ashton Herald
Box 258
Ashton, Idaho 83420

Gentlemen:

Enclosed you will find a legal notice which we wish to have published once a week for two consecutive weekly issues of your newspaper. We have inserted the publication dates allowing time for you to submit us a galley proof for review before publication.

After sending us a galley proof, proceed with the publication on the dates we have inserted, assuming the notice is correct. If we have any corrections, we will notify you before the first publication. 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.

Very truly yours,

RONALD D. CARLSON
Supervisor,
Eastern Region

Bill submitted 9-14-77 by CW

RDC:CW

Enc: Legal Notice (2)

RECEIVED

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

Notice is hereby given that Keith F. Nyborg, Ashton, Idaho, has applied to the Department of Water Resources for a change in the points of diversion of the waters of Conant Creek tributary to Falls River. The rights sought to be changed are evidenced by decree to T. C. Smith; S. O. Peterson, in case of Rexburg Irrigation Co. et al -vs- Teton Irrigation Canal Co. et al, dated 12-16-1910 in Sixth District, County of Fremont and are recorded as follows:

21-0107 AMOUNT: 2.00 cfs PRIORITY: 6-01-93
PLACE OF USE: 160 acres within the NW¼, Sec. 28, T. 8N,
R. 44E, B.M.

21-0084 AMOUNT: 2.40 cfs PRIORITY: 6-01-93

21-0085 AMOUNT: 0.80 cfs PRIORITY: 6-01-99

PLACE OF USE: 200 acres within the E $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 20,
N $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 29, T. 8N, R. 44E, B.M.

The decreed points of diversion are SW $\frac{1}{4}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 28, T. 8N, R. 44E, B.M., Fremont County.

TO BE CHANGED AS FOLLOWS

The water will be diverted within the NW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 29, T. 8N, R. 44E,
B.M., Fremont County.

Any protest against approval of the above proposed change of water right must be filed with the Idaho Department of Water Resources, 1515 Lincoln Road, Idaho Falls, Idaho, 83401, on or before September 19, 1977.

C. STEPHEN ALLRED

Director

Published in the Ashton Herald, Ashton, Idaho, on September 1 and September 8, 1977

the - 2
the - 1
the - 1

August 24, 1977

RE: Transfer of Water Right No. 21-0107/21-0084/21-0085

Mr. Arthur L. Larson, Watermaster
Water District No. 01
P.O. Box 1099
Idaho Falls, Idaho 83401

Dear Art:

Please find enclosed a copy of the above referenced application for transfer and a watermaster recommendation form. Please review the application and complete the form, returning it to this office on or before September 19, 1977.

Thank you for your cooperation in this matter.

Very truly yours,

RONALD D. CARLSON
Supervisor
Eastern Region

RDC:CD

Enclosures (2)

MICR

TRANSFER ANALYSIS SHEET

Name J. Lybman

Right No. _____

Transfer No. 2157

 Use

c. ✓ Location - Original P. D.

d. ✓ " - Original P. U.

e. / " - New P.D.

f. " - New P.U.

g. ✓ Amount

✓ All

Part

Comment Reviewed

Comment

5. ☒ Map

6. Signature

7. ☒ Fee

8. Watermaster's Comments _____

9. Comments _____

Date 8 23 nr

11. Recommended Action

✓ Approve

Deny

Conditions Measuring twice regulation by 01 watermaster.

Date 3/30/78

[Handwritten signature]