

RECEIVED
SEP 22 1961
Department of Reclamation

Proof of Publication

State of Idaho, }
County of Bonneville } ss.

I, Edwin F. McDermott, first being duly sworn, deposes and says: That I am the Principal Clerk of The Post Company, a corporation of Idaho Falls, Bonneville County, Idaho, publishers of The Post-Register, a newspaper of general circulation, published daily, except Saturday, at Idaho Falls, Idaho; said Post-Register being a consolidation of the Idaho Falls Times, established in the year 1890, The Idaho Register, established in the year 1880 and the Idaho Falls Post, established in 1903, such consolidation being made on the 1st day of November, 1931, and each of said newspapers having been published continuously and uninterruptedly, prior to consolidation, for more than seventy-eight (78) weeks and said Post-Register having been published continuously and uninterruptedly from the date of such consolidation, up to and including the last publication of notice hereinafter referred to.

That the notice, of which a copy is hereto attached and made a part of this affidavit, was published in said Post-Register for two consecutive weeks, first publication having been made on the 26th day of April, 19 61, last publication having been made on the 3rd day of May, 19 61, and that the said notice was published in the regular and entire issue of said paper on the respective dates of publication, and that such notice was published in the newspaper and not in a supplement.

Subscribed and sworn to before me, this 21st day of September, 19 61

Karl B. Hale
Notary Public

My commission expires April 5, 19 63

B10, 1M, 2-57

NOTICE OF PROPOSED TRANSFER
OF WATER RIGHT

Notice is hereby given that Paul L. Byrd of Palisades, Idaho has applied to the State Reclamation Engineer of the State of Idaho for a certificate authorizing him to change the point of diversion of the waters of Sheep Creek as follows: Amount: 3.5 cubic feet per second; Priority: December 9, 1912. Point of diversion: SE $\frac{1}{4}$, Section 5, Township 1 S., Range 45 E., B.M. Place of Use: NW $\frac{1}{4}$, SW $\frac{1}{4}$, SE $\frac{1}{4}$, Sec. 5, Lots 7 and 12, NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Sec. 6; Lot 1, Sec. 7, Lot 1, Sec. 8, Twp. 1 S., Rge. 45 E.B.M.

To Be Transferred To

Points of diversion: SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 6, Township 1 S., Range 45 E., B.M. by pumping directly out of Snake River.

And that on the 16 day of May, 1961 at 10:00 o'clock A.M., at Room 107, Statehouse, Boise, Idaho before the State Reclamation Engineer, or his authorized agent, the opportunity will be given to any and all persons to appear and present, for his consideration any reason or reasons why a certificate should not be issued authorizing such transfer.

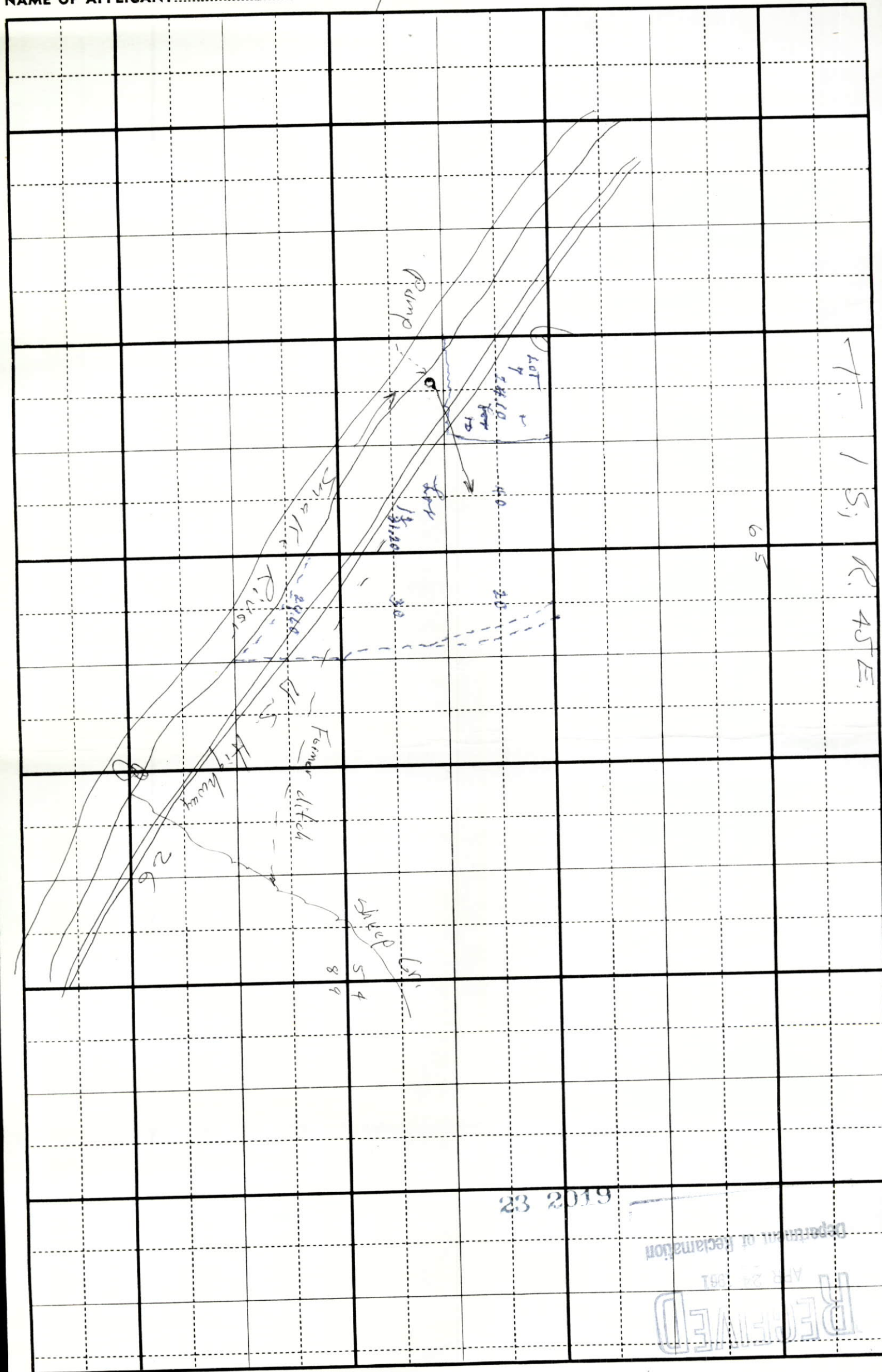
GEO. N. CARTER
State Reclamation Engineer
Pub: Apr 26, May 3, 1961

23 2019

NAME OF APPLICANT

Paul Byrd

Form No. 0



23 2019

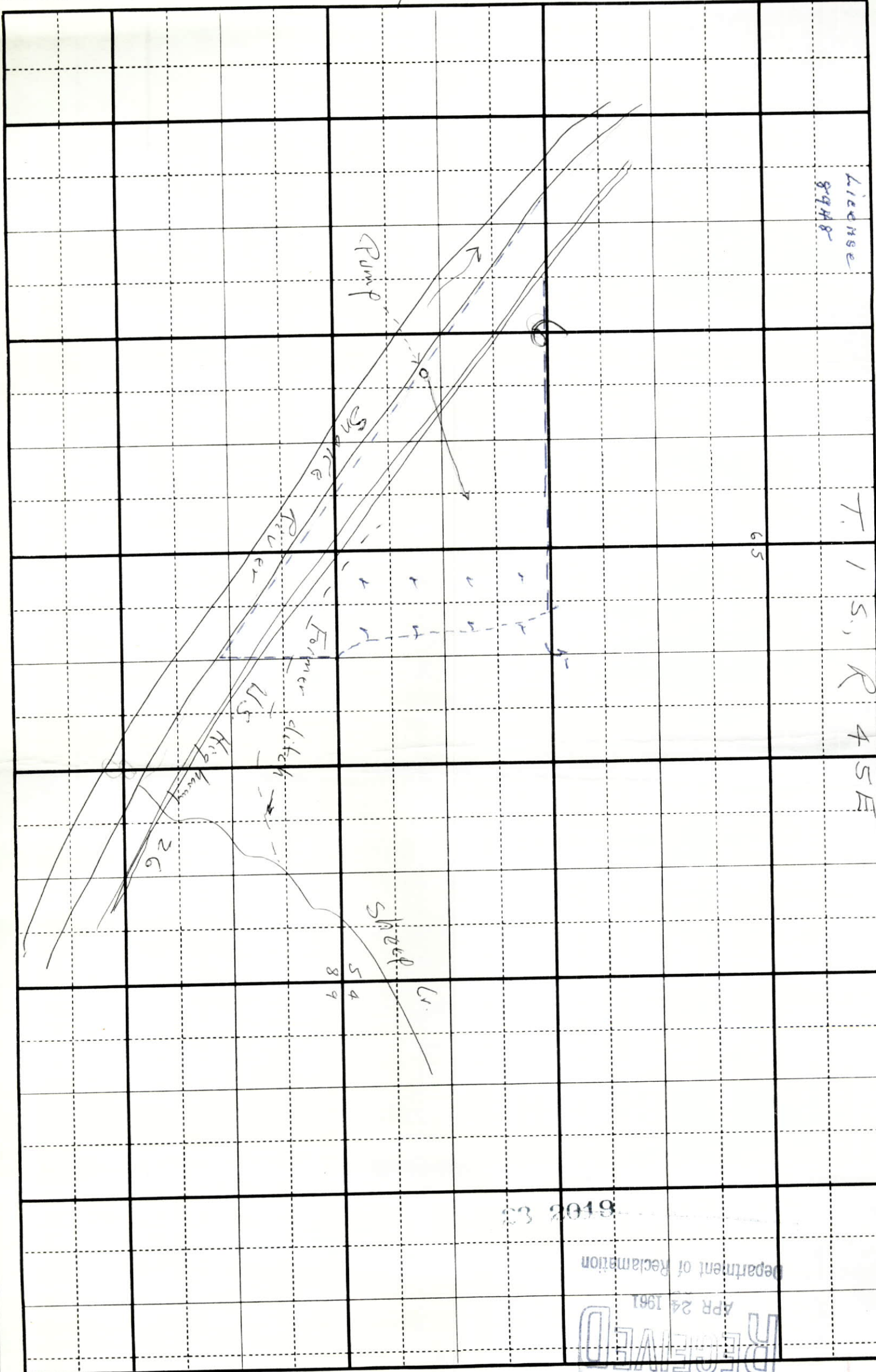
RECEIVED
APR 24 1961
Department of Reclamation

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

NAME OF APPLICANT

Paul Byrd

Form No. 0



33 2019

RECEIVED
APR 24 1961
Department of Reclamation

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

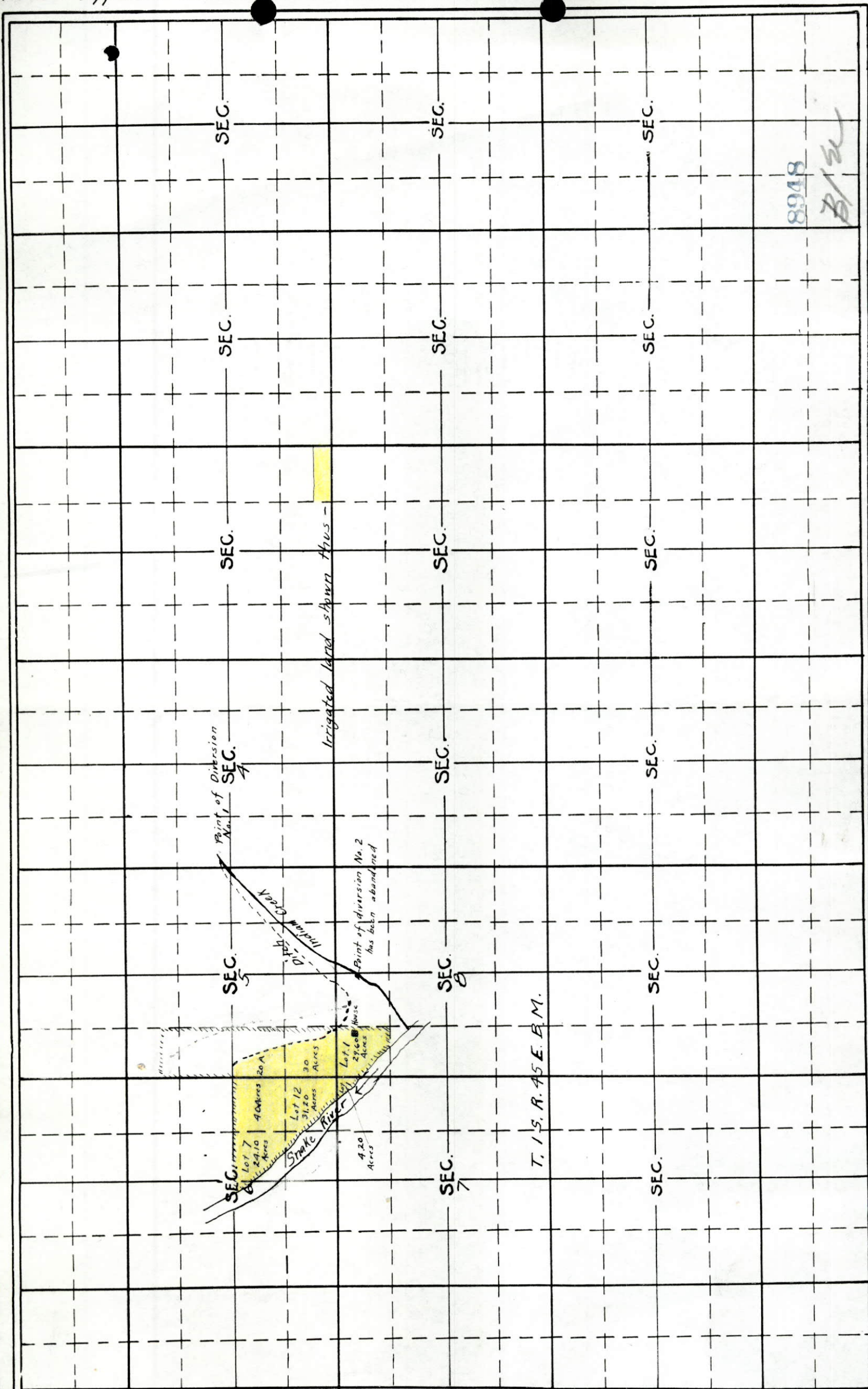


T.S. RASE BM.

22 2019

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

Name of Applicant Mabel Tolman - Permit 8948



22/8

SCALE: 2 INCHES = 1 MILE DRAW PLAN IN INK

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

In the Matter of the Application of)

PAUL L. BYRD
of
Palisades, Idaho)

ORDER GRANTING CHANGE
OF POINT OF DIVERSION
NO. 253

For a Change of Point of Diversion
from Sheep Creek to Snake River,
Bonneville County, Idaho.)

WHEREAS, on May 16, 1961, in the Department of Reclamation of the State of Idaho, at Boise, Idaho, this application of Paul L. Byrd of Palisades, Idaho, for a change of point of diversion from Sheep Creek to Snake River, came on regularly for hearing, pursuant to the published notice, in due and statutory form; and,

WHEREAS, no protest has been filed against the application, and the evidence filed by the applicant, with the application, shows that the ditch or canal belonging to the applicant has been destroyed by construction in connection with the Palisades Dam, and that a more economical use of the water will be obtained by such change, and that no other water user will be injured thereby;

NOW, THEREFORE, IT IS HEREBY ORDERED, that the said application be, and the same is HEREBY GRANTED, and that a Certificate of Change of Point of Diversion be issued to the applicant herein, as provided by the laws of the State of Idaho.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the official seal of the Department of Reclamation of the State of Idaho, to be hereunto affixed at Boise, Idaho, this 18th day of September, 1961.

RALPH W. THOMAS
Deputy State Reclamation Engineer

~~2019~~

01-2079

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

CERTIFICATE NO. 253 OF AUTHORIZED CHANGE IN POINT OF DIVERSION OF
LICENSED WATER RIGHT

THIS IS TO CERTIFY That Paul L. Byrd of Palisades, Idaho, is the owner of 3.6 cubic feet per second of the waters of Sheep Creek Bonneville County, Idaho, said water right being by virtue of License No. 8948 issued to Mabel Tolman, said license bearing date of February 11, 1918, with priority of December 9, 1912, and being appurtenant to the following described lands, to-wit:

NW $\frac{1}{4}$ SW $\frac{1}{4}$, 20 acres; SW $\frac{1}{4}$ SW $\frac{1}{4}$, 30 acres;
Section 5; Lot 7, 24.10 acres;
Lot 12, 31.20 acres; NE $\frac{1}{4}$ SE $\frac{1}{4}$, 40 acres;
Section 6; Lot 1, 4.80 acres, Section 7; Lot 1, 29.60 acres, Section 8, all in Township 1 South, Range 45 E. B. M.,

That said license has been entered in the records of the Department of Reclamation of the State of Idaho in Volume 5 of Licenses at Page 2259, thereof;

That the said Paul L. Byrd of Palisades, Idaho, has become the owner of said water right by mesne conveyance, and by virtue of said License No. 8948;

And that now, upon the application of Paul L. Byrd, of Palisades, Idaho, for Certificate of Change of Point of Diversion of 3.6 cubic feet per second of the waters of Sheep Creek made before the State Reclamation Engineer of the State of Idaho, and said application having been granted, the right to change said point of diversion is HEREBY GRANTED;

That said change of point of diversion will not modify in effect said water right or place of use;

Said water is to be limited at any given time to an amount actually needed and beneficially used, and shall not exceed the following amount, to-wit:

3.6 cubic feet per second with priority
of December 9, 1912;

That said water right is appurtenant to the following described lands:

NW $\frac{1}{4}$ SW $\frac{1}{4}$, 20 acres; SW $\frac{1}{4}$ SW $\frac{1}{4}$, 30 acres,
Section 5; Lot 7, 24.10 acres,
Lot 12, 31.20 acres; NE $\frac{1}{4}$ SE $\frac{1}{4}$, 40 acres,
Section 6; Lot 1, 4.80 acres, Section 7; Lot 1, 29.60 acres, Section 8, all in Township 1 South, Range 45 E.B.M.,

That the water right hereby described has heretofore been diverted from Sheep Creek with point of diversion $N44^{\circ}41'18''$ East, 4418' from the SW corner of the $SE\frac{1}{4}$, Section 5, Township 1 South, Range 45 E. B. M.,

That the water right hereby described will hereafter be diverted from Snake River in the $SE\frac{1}{4}$ of Section 6, Township 1 South, Range 45 E. B. M., by pumping direct from Snake River.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the official seal of the Department of Reclamation of the State of Idaho to be hereunto affixed at Boise, Idaho, this 18th day of September, 1961.

RALPH W. THOMAS
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WHEREAS, no protest has been filed against the application, and the evidence filed by the applicant, with the application, shows that the ditch or canal belonging to the applicant has been destroyed by construction in connection with the Palisades Dam, and that a more economical use of the water will be obtained by such change, and that no other water user will be injured thereby;

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Lot 12, 31.20 acres; NE $\frac{1}{4}$ SE $\frac{1}{4}$, 40 acres;
Section 6; Lot 1, 4.80 acres, Section 7; Lot 1, 29.60 acres, Section 8, all in Township 1 South, Range 45 E. B. M.,

That said license has been entered in the records of the Department of Reclamation of the State of Idaho in Volume 5 of Licenses at Page 2250, thereof;

That the said Paul L. Byrd of Palisades, Idaho, has become the owner of said water right by mesne conveyance, and by virtue of said License No. 8948;

And that now, upon the application of Paul L. Byrd, of Palisades, Idaho, for Certificate of Change of Point of Diversion of 3.6 cubic feet per second of the waters of Sheep Creek made before the State Reclamation Engineer of the State of Idaho, and said application having been granted, the right to change said point of diversion is HEREBY GRANTED;

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Deputy State Reclamation Engineer

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RALPH W. THOMAS
Deputy State Reclamation Engineer

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Department of Reclamation

Proof of Publication

State of Idaho, }
County of Bonneville } ss.

I, Edwin F. McDermott, first being duly sworn, deposes and says: That I am the Principal Clerk of The Post Company, a corporation of Idaho Falls, Bonneville County, Idaho, publishers of The Post-Register, a newspaper of general circulation, published daily, except Saturday, at Idaho Falls, Idaho; said Post-Register being a consolidation of the Idaho Falls Times, established in the year 1890, The Idaho Register, established in the year 1880 and the Idaho Falls Post, established in 1903, such consolidation being made on the 1st day of November, 1931, and each of said newspapers having been published continuously and uninterruptedly, prior to consolidation, for more than seventy-eight (78) weeks and said Post-Register having been published continuously and uninterruptedly from the date of such consolidation, up to and including the last publication of notice hereinafter referred to.

That the notice, of which a copy is hereto attached and made a part of this affidavit, was published in said Post-Register for two consecutive weeks, first publication having been made on the 26th day of April, 19 61, last publication having been made on the 3rd day of May, 19 61, and that the said notice was published in the regular and entire issue of said paper on the respective dates of publication, and that such notice was published in the newspaper and not in a supplement.

Subscribed and sworn to before me, this 21st day of September, 19 61

Karl S. Hale
Notary Public

My commission expires April 5, 19 63

B10, 1M, 2-57

NOTICE OF PROPOSED TRANSFER
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Notice is hereby given that Paul L. Byrd of Palisades, Idaho has applied to the State Reclamation Engineer of the State of Idaho for a certificate authorizing him to change the point of diversion of the waters of Sheep Creek as follows: Amount: 3.5 cubic feet per second; Priority: December 9, 1912. Point of diversion: SE $\frac{1}{4}$ Section 5, Township 1 S., Range 45 E., B.M. Place of Use: NW $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 5, Lots 7 and 12, NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Sec. 6; Lot 1, Sec. 7, Lot 1, Sec. 8, Twp. 1 S., Rge. 45 E. B.M.

To Be Transferred To

Points of diversion: SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 6, Township 1 S., Range 45 E., B.M. by pumping directly out of Snake River.

And that on the 16 day of May, 1961, at 10:00 o'clock A.M., at Room 107, Statehouse, Boise, Idaho before the State Reclamation Engineer, or his authorized agent, the opportunity will be given to any and all persons to appear and present, for his consideration any reason or reasons why a certificate should not be issued authorizing such transfer.

GEO. N. CARTER
State Reclamation Engineer
Pub: Apr 26, May 3, 1961

23 2019

Mr. Carter:

We show this decree
in our mimeographed
book.

I haven't found just
when it was decreed

J. B. Gayb
4/18/61

70 fee
RECEIVED

APR 24 1961

Department of Reclamation

Affidavit for Change of Point of Diversion of Decreed Water Right Licensed

STATE OF IDAHO,

County of Bonneville

ss.

Paul L. Byrd, being first duly sworn, deposes and says: That his postoffice address is Palisades, Idaho; That he is the owner of and using a certain water right, bearing date of priority of Dec. 9, 1912, 19 , for 3.6 cubic feet per second of the waters of Sheep Creek County of Bonneville, State of Idaho, decreed to Mabel Tollman (Lillie Wheat) by decree of Judge , of the Sixth Judicial District of the State of Idaho, in and for the County of Bonneville, in the case of Licensed Right vs. said decree bearing date of 8.9.48, for the purpose of irrigating the following described lands, situate, lying and being in Water Dist. No. 36, in the County of Bonneville, and State of Idaho, to-wit: NE 1/4 NE 1/4 Sec. 6, T. 5, R. 45E.
NE 1/4 NE 1/4 Sec. 5, T. 7, R. 10, S. 45E. Lots 1 & 2
NE 1/4 NE 1/4 Sec. 6, T. 5, R. 45E. Lot 1
NE 1/4 NE 1/4 Sec. 7, T. 5, R. 45E. Lot 1
That he is the person (or representative of the corporation) to whom such right was issued, (or has become the owner thereof in the following manner: transferred by deed

That said waters are now diverted from said stream in the SE corner SE 1/4 of Sec. 6, Twp. 15, Range 45E, and conducted to the above described lands through the private ditch, as per map filed herewith and of this affidavit made a part;

That affiant desires to change the point of diversion of said water from the point above described to a point located in 1/4 of SE 1/4, Sec. 6, Twp. 15, Range 45E, and thereafter conduct same to the above described land through the by pumping from Snake River ditch, as per map above referred to;

That his reasons for desiring to make such change are as follows: Canal has been destroyed by construction in connection with Palisades dam. Pump installation will eliminate need for ditch; will eliminate ditch loss and up keep.
Will also pump stored water each year when available

That no one will be injured by such change and that such change will be made at affiant's own risk.

Paul L. Byrd
Affiant.

Subscribed and sworn to before me this 20th day of April, 1961

Paul L. Gerard

PAUL L. GERARD
NOTARY PUBLIC
STATE OF IDAHO
PALISADES, IDAHO
MY COMM. EXPIRES 8-8-61

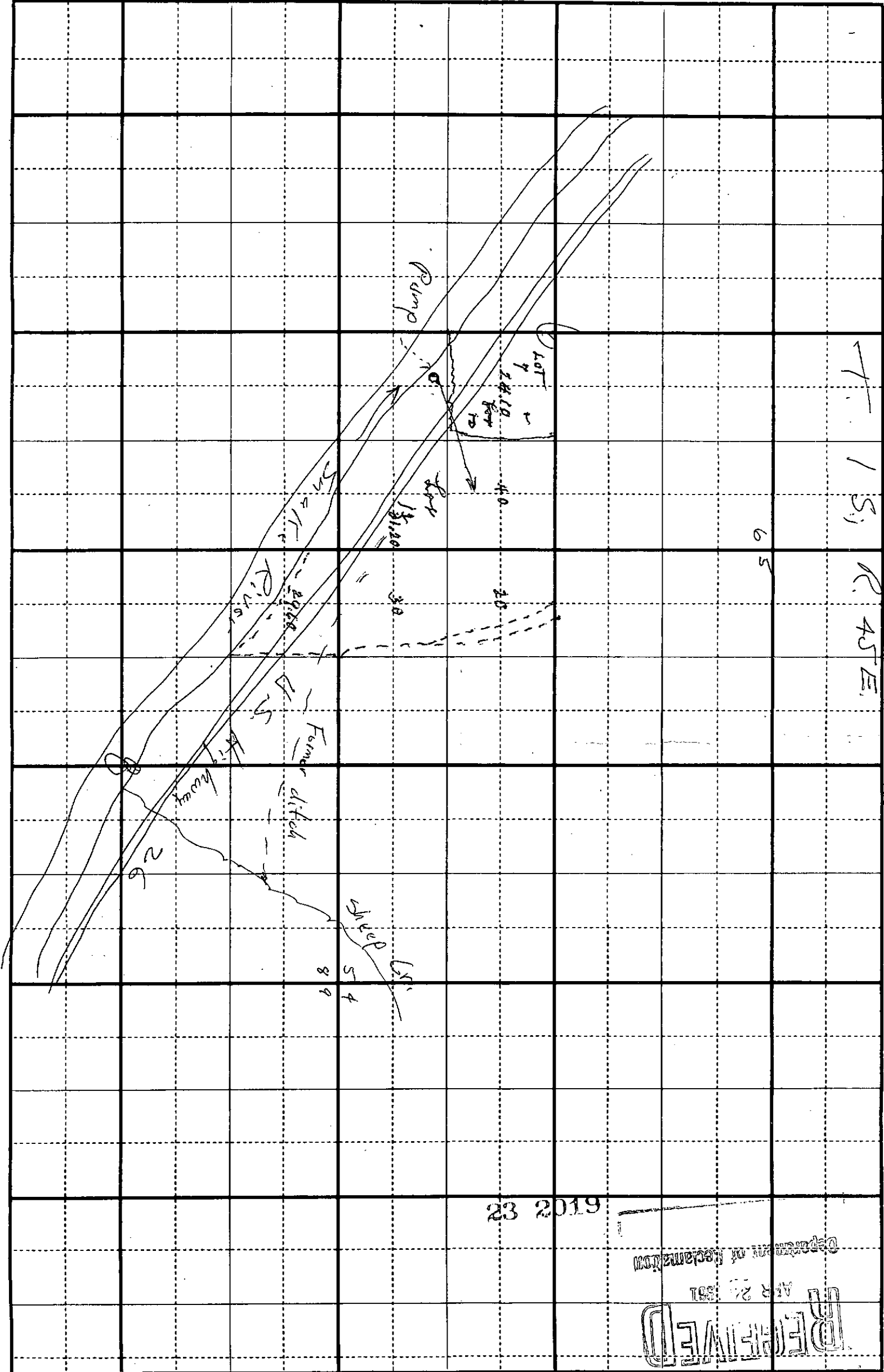
NOTE: If this water right has heretofore been carried jointly in a ditch with other water, affiant should secure written consent of other owners or users to removal from its original carrier and file such consent with this affidavit.

23 2019

NAME OF APPLICANT

Pav Byrd

Form No. 0



23 2019

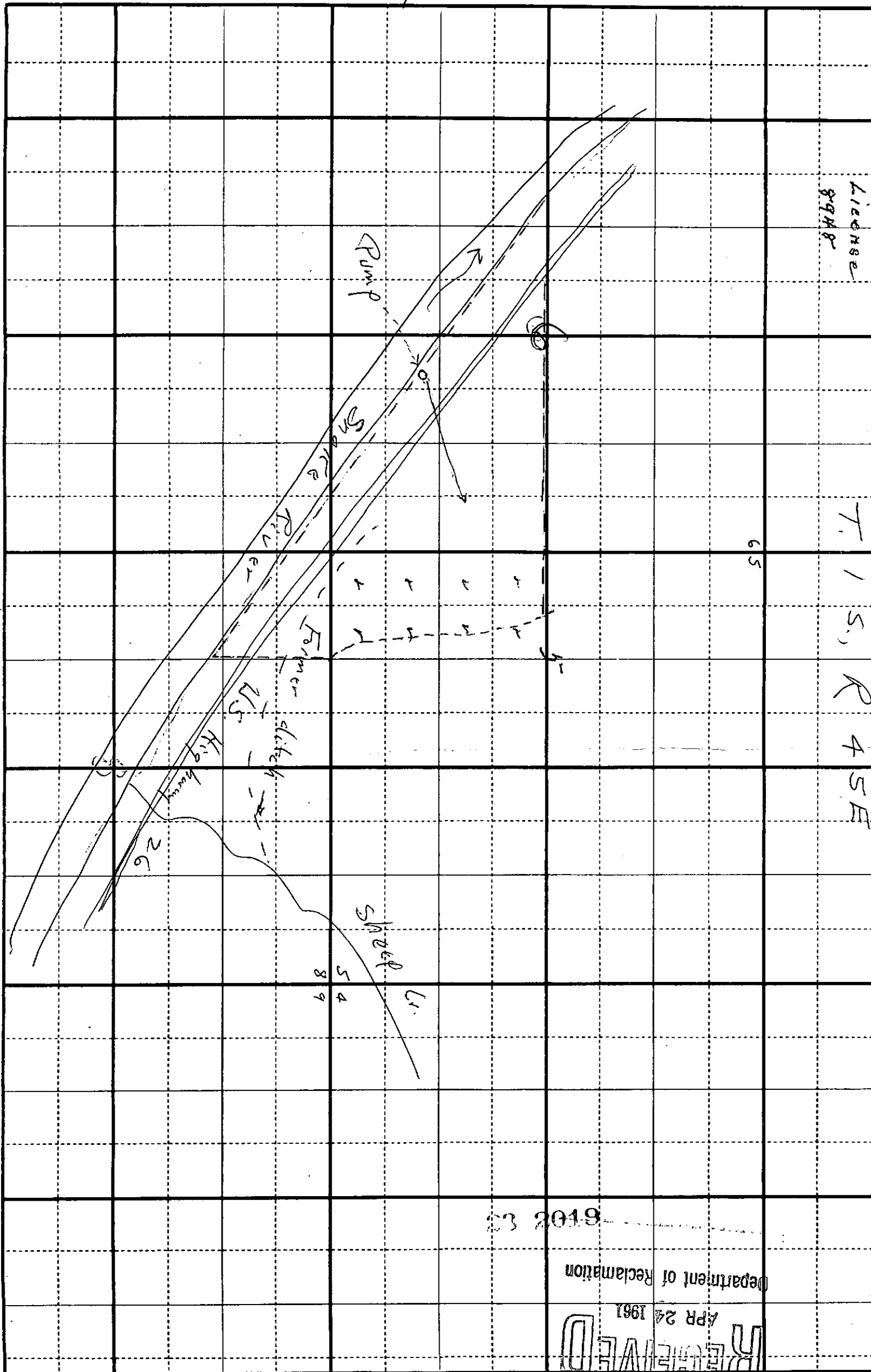
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Department of Reclamation

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

NAME OF APPLICANT

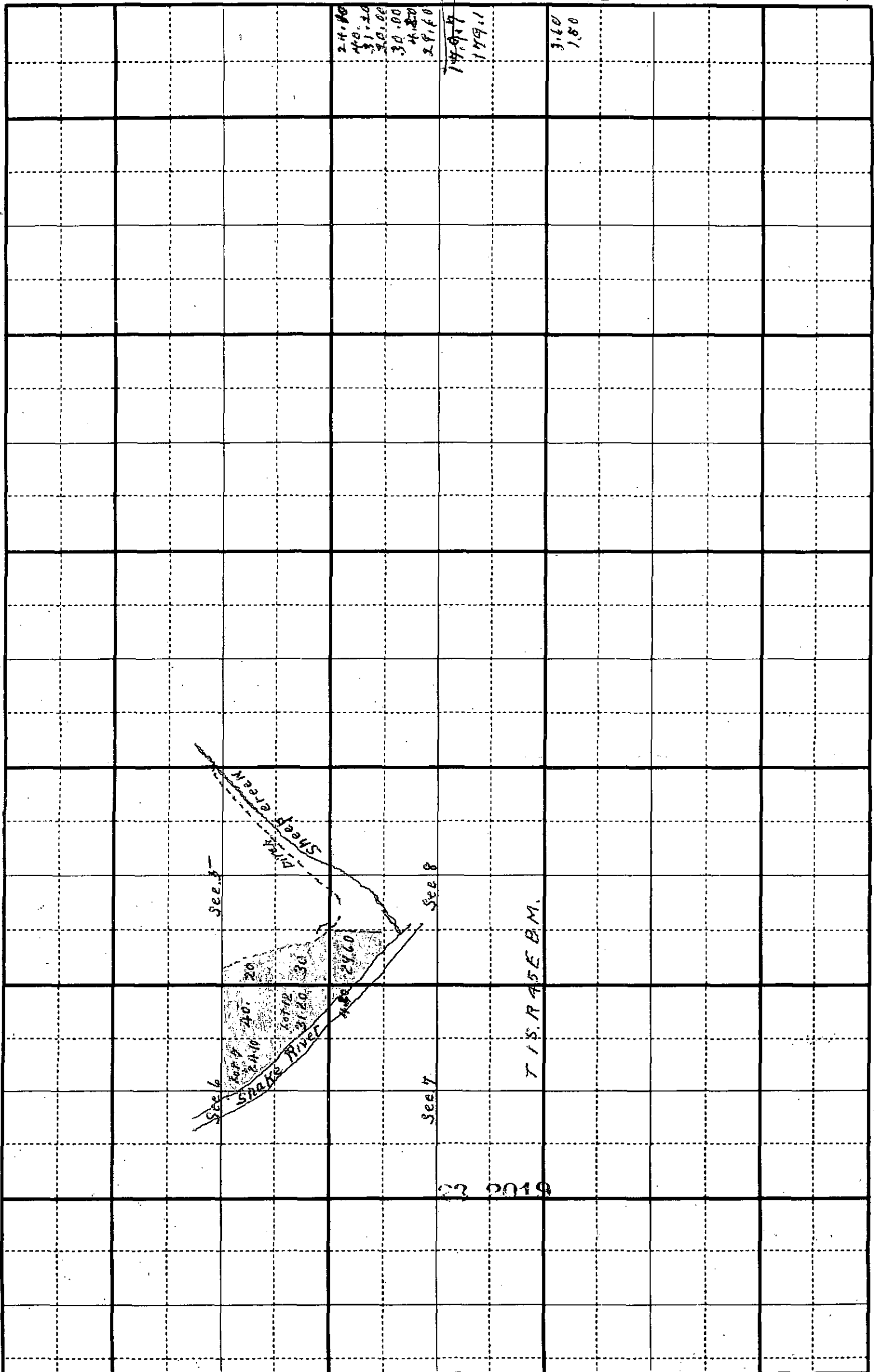
Paul Byrd

Form No. 0



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

NAME OF APPLICANT.....

Form No. 0

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

County: Bonneville.
Stream: Sheep Creek,
Amount: 3.6 sec. ft.
Use: Irrigation.
Priority: 12-9-12.
District No. 36-F.

STATE OF IDAHO

Water License No. 8948.
Water District No. 36-F.

WHEREAS, On the 9th day of December, A. D. 1912, Mabel Tolman,

of Irwin, County of Bonneville, State of Idaho, duly made application (No. 13504) to me for a permit to use 5.94 cubic feet per second of the waters of Sheep Creek in Water District No. 36-F, County of Bonneville, State of Idaho, for irrigation and domestic purposes, and,

WHEREAS, On the 21st day of December, A. D. 1912, Permit No. 8948 was issued to said applicant for the diversion of said water and providing for the completion of the works of diversion therein described on or before the 21st day of December, A. D. 1914, and for the application to beneficial use of said water on or before the 21st day of December, A. D. 1915, and,

WHEREAS, On the 26th day of October, A. D. 1914, Mabel Tolman,

the holder of said permit, duly made proof of the completion of adequate works for the diversion of 5.94 cubic feet per second of said waters, as evidenced by my Certificate No. 8948 dated November 18, 1914, confirming the completion of works of sufficient capacity for diverting and conveying to the place of intended use 5.94 cubic feet per second of said water, with date of priority of December 9, 1912, and

WHEREAS, On the 25th day of October, A. D. 1915, the time for beneficial use of water under said permit was extended to the 21st day of December, A. D. 1916, and,

WHEREAS, On the 2d day of January, A. D. 1917, the time for beneficial use of water under said permit was extended to the 1st day of August, A. D. 1917, and,

WHEREAS, On the 1st day of July, A. D. 1917, Mabel Tolman,

the holder of said permit, duly made proof of the application to beneficial use of 3.6 cubic feet per second of said water:

NOW, THEREFORE, By virtue of authority vested in me by the laws of the State of Idaho, I hereby grant and confirm to Mabel Tolman,

of Irwin, County of Bonneville, State of Idaho, the holder and owner of said Permit No. 8948, a perpetual right, dating from December 9, 1912 to the use of 3.6 cubic feet per second of the waters of Sheep Creek,

in the County of Bonneville and State of Idaho, or so much thereof as may be necessary for the purposes hereinbelow mentioned, to be diverted at a point N. 44° E. 4418' from the S. W. Cor of the SE $\frac{1}{4}$ of Sec. 5, T. 1 S., R. 45 E., B. M.,

and conducted to and upon 179 acres, divided as follows: 20 acres in the NW $\frac{1}{2}$ of SW $\frac{1}{2}$, and 30 acres in SW $\frac{1}{2}$ of SW $\frac{1}{2}$, Sec. 5; 24.10 acres in Lot 7, 31.20 acres in Lot 12, and 40 acres in NE $\frac{1}{4}$ of SE $\frac{1}{4}$, Sec. 6; 4.20 acres in Lot 1, Sec. 7, and 29.60 acres in Lot 1, Sec. 8, all in T. 1 S., R. 45 E., B. M.,

for the purpose of irrigation and domestic use, subject, however, to the laws of the State of Idaho, applicable to a license for the use of the waters of the State, and subject, also, to the local or community customs, rules and regulations which have been or may be adopted from time to time by a majority of the users from a common source of supply, canal or lateral from which such water may be taken, when such rules and regulations have for their object the economical use of such water.

WITNESS My hand and the seal of my office at Boise, Idaho, this 11th day of February, A. D. nineteen hundred and eighteen.

(Seal) J. H. Smith,
State Engineer.

23-2019

No. 13504

APPLICATION FOR PERMIT

To Appropriate the Public Waters of the State of Idaho

1. Name of applicant: Mabel Tolman

Postoffice address: Irwin

County: Bonneville

State: Idaho

I. If applicant is a corporation, give

(a) Date and place of incorporation:

(b) The amount of capital stock:

(c) The amount paid in:

(d) Names and addresses of directors:

II. The financial resources of the applicant are: (a) Cash on hand:

(b) Treasury stock:

(c) Bonds to be issued:

(d) Other resources:

2. The quantity of water claimed is 5.94 (#1, 2 28/50; #2, 3 19/50) cubic feet per second.

3. Source of water supply: Sheep Creek.

4. Location of point of diversion: No. 1: N. 44° E. 4418 ft. and No. 2: S. 10° W. 330 ft.
from S.W. Cor. of SE4 of Sec. 5, T. 1 S. R. 45 E. B. M.

County of Bonneville.

5. To be used for: Irrigation and stock.

- I. Irrigation and domestic use: (a) Amount of land to be irrigated: 297.10 acres.
 (b) In the following legal subdivisions: Lot 7, 2410 acres and Lot 12, 3120 acres and
 SW4 NE4, 40 acres, and NE4 SE4, 40 acres, all of Sec. 6, Lot 1, 4.20 acres,
 of Sec. 7 & Lot 1, 29660 acres of Sec. 8, also SW4 SW4, 40 A., NW4 SW4,
 40 A. 38 acres in SW4 NW4 & 10 Acres in Lot 4, all of Sec. 5, All in Tp. 1
 S. R. 45 E. B. M.

II. Mining, milling, power, manufacturing, transportation or other purposes:

[a] At what point:

[b] Amount of power to be generated:

H. P. under

ft. head

[c] Is water to be returned to any stream?
return:

(d) If so, name stream and locate point of

6. Estimated cost of works: \$350.00

7. Description of works for diversion:

I. Kind of works: Ditches

II. Dimensions of works:

[a] Height of dam

feet, length of dam at top

feet,

length of dam at bottom

feet. Material used in construction:

[b] Capacity of reservoir

acre feet.

[c] Size of headgate, width

feet,

Height

feet.

(d) Conduit

ditches

width at bottom

5

feet,

width at water line

6

feet, depth of water

1

feet; diameter of pipe

inches; average grade per mile is

6

feet.

Length of conduit is

3

miles,

and it crosses the following quarter sections: Upper ditch - SW4 NW4, Sec. 4; NE4 SE4, NW4
 SE4, SW4 SE4, SE4 SW4, Sec. 5, NE4 NW4 Sec. 8, SE4 SW4, NE4 SW4, SE4 NW4, SW4
 NW4, and Lot 4, Sec. 5, Lower ditch - NE4 NW4 Sec. 8, & NW4 NW4 Sec. 8, SW4 SW4
 Sec. 5 & Lot 12 & NE4 SE4 Sec. 6, T. 1 S. R. 45 E.

8. The time required for the completion of the construction of such work is 2 years.

9. Time required for the complete application of the water to the proposed use is 1 additional years.

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

Mabel Tolman..... Applicant.

By

Agent.

Date of first receipt at office of State Engineer 9.00 a.m. December 9, 1912.

Returned to applicant for correction

Corrected application received

APPROVAL OF STATE ENGINEER.

The number of this permit is 8948

Recorded in Book 29 Page 8948 Approved December 21, 1912.

This is to certify that I have examined the within application for a permit to appropriate the public waters of the State of Idaho, and hereby approve the same, subject to the following limitations and conditions.

Bond in the sum of to be filed on or before

Work to begin on or before February 19, 1913, and to continue diligently and uninterruptedly to completion, unless temporarily interrupted by circumstances over which permit holder has no control.

One-fifth of the work above specified to be completed on or before December 21, 1913.

The whole of said work to be completed on or before December 21, 1914.

Beneficial use of water appropriated in accordance herewith, to be made on or before December 21, 1915.

Witness my hand this 21st day of December, 1912.

A. E. Robinson,
State Engineer.

Remarks:

Proof of Completion of Works made October 26, 1914.

Certificate of Completion of Works issued November 18, 1914.

PERMIT NO. 8948

CERTIFICATE OF COMPLETION OF WORKS

To All Whom It May Concern:

This is to certify that Mabel Tolman of Irwin, County of Bonneville, and State of Idaho, the holder of Permit No. 8948, issued upon Application No. 13504 bearing date of priority of December 9, 1912, authorizing the diversion of 5.94 second feet of the waters of Sheep Creek, County of Bonneville, State of Idaho, for irrigation and stock purposes, has fully complied with the provisions of the laws of the State of Idaho relating to the proof of completion of the works of diversion set out and described in said Permit; that said works are adequate for diverting and conveying to the place of intended use 5.94 second-feet of the waters of Sheep Creek; that the point of diversion of said waters is as follows: No. 1, N. 44° E. 4418 ft. and No. 2, S. 10° W. 330 ft. from S.W. Cor. of SE $\frac{1}{4}$ of Sec. 5, Tp. 1 S. R. 45 E.B.M., and that the lands proposed to be irrigated by the use of said water are described as follows, to-wit: Lots 7 and 12; SW $\frac{1}{4}$ NE $\frac{1}{4}$; NE $\frac{1}{4}$ SE $\frac{1}{4}$; Sec. 6, Lot 1, Sec. 7 Lot 1 Sec. 8, SW $\frac{1}{4}$ SW $\frac{1}{4}$; NW $\frac{1}{4}$ SW $\frac{1}{4}$; SW $\frac{1}{4}$ NW $\frac{1}{4}$; Lot 4, Sec. 5, all in Tp. 1 S. R. 45 E.B.M., containing 297.10 acres.

Witness my hand this 18th day of November, A. D. 1914.

Herbert Wing.

License issued for 3.6 second feet Acting State Engineer of the State of Idaho.
P-2250

Upon proper request of the holders of the above numbered permit, I have this 25th day of October, 1915, extended the time for the making of proof of beneficial use thereunder, to December 21st, 1916.

J.H. Smith,

State Engineer.

Recorded by *CVB*
Checked by *CVB*

APPLICATION FOR AMENDMENT
TO PERMIT TO APPROPRIATE THE PUBLIC WATERS OF
THE STATE OF IDAHO, NO. 8948.

Comes now Mabel Tolman, and represents to the State Engineer of the State of Idaho,

That she is the owner and holder of Permit to appropriate the Public Waters of the State of Idaho, No. 8948, and requests that the list of lands to be irrigated, as described in said permit, be changed to read as follows:

Lots 7 and 12 Section 6, Lot 1, Section 7; Lot 1 Section 8: SW $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{2}$ NE $\frac{1}{4}$ Sec. 6, SW $\frac{1}{4}$ NW $\frac{1}{4}$ W $\frac{1}{2}$ SW $\frac{1}{4}$ Sec. 5, all in Township 1 South, Range 45 East, Boise Meridian, making a total of 329.10 acres.

That an additional amount of water is not asked for, and that the rights of others will not be adversely affected by such change.

Signed at Blackfoot, Idaho, this 14th day of October, 1916.

Mabel Tolman,

By Lorenzo R. Thomas, Agent.

Date of receipt at Office of State Engineer October 16, 1916.

APPROVAL OF STATE ENGINEER.

I, J.H. Smith, State Engineer of the State of Idaho, hereby approve the above and foregoing application for amendment to Permit to appropriate the Public Waters of the State of Idaho, No. 8948. This approval constitutes a new permit and is issued as an amendment to the original permit, to which it refers and of which it becomes a part, and said application is approved only insofar as the rights of others will not be adversely affected thereby.

Witness my hand this 16th day of October, 1916.

J.H. Smith,
State Engineer.

EXTENSION OF TIME.

Upon proper request of Mabel Tolman, holder of Permit No. 8948, I have, this 2nd day of January, 1917, extended the time for beneficial use of water thereunder to the 1st day of August, 1917.

J. H. Smith,
State Engineer.

September 22, 1961

Re: Transfer of Water Right
Change in Point of Diversion
No. 253

Mr. Paul L. Byrd,
Palisades, Idaho.

Dear Mr. Byrd:

We are enclosing Certificate No. 253 Change in Point of Diversion, together with Departmental Receipt No. 30774, which was issued covering payment in the amount of \$1.00 for the recording fee of the above mentioned transfer.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer
By

ROY W. THOMPSON
Supervisor of Water Distribution

Encl.

RWT:pmk

cc: H. C. Eagle, Watermaster
Water District No. 36
Box 697
Idaho Falls, Idaho

23 2019

Lucina 8918

3.6 cfs. 12-9-17

Wright's Tobacco

Shoop Co.

Signed - 2-11-1918

James A. Linn

44° East 44-16' from Sta

Left Linn on 11-15-18

Dec. 3-12 115-6.

W.C. - 3- pag. 22-5-0

September 18, 1961

Re: Affidavit of Publication
Paul L. Byrd

Post Register,
Idaho Falls, Idaho.

Attention: Myrna Taylor, Secretary

Gentlemen:

We are sorry that our letter of September 13, 1961, in regard to transfer of water right change of point of diversion which was published in your paper, was not clarified as to dates, etc.

For your guidance, we are enclosing a Notice of Proposed Transfer of Water Right in the name of Paul L. Byrd.

Mr. Byrd has furnished this office a bill for said publication amounting to \$7.75, which is marked "Paid by Ck. #697".

We will appreciate your forwarding the Affidavit of Publication as early as possible.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer
By

ROY W. THOMPSON
Supervisor of Water Distribution

Encl.
RWT:pmk

The Post-Register

MORNING, EVENING, SUNDAY

IDAHO FALLS, IDAHO

September 14, 1961

SEP 18 1961

Mr. Roy W. Thompson
Supervisor of Water Distribution
Department of Reclamation
Boise, Idaho

Department of Reclamation

Dear Mr. Thompson:

We have been unable to find any record of the legal notice on the Transfer of Water Right-Change of Point of Diversion for Mr. Paul L. Byrde, for which you requested us to send our Proof of Publication.

We would appreciate it if you could tell us the dates on which the legal was , or should have been, published. Also, if there was an attorney involved in the matter we would like to know his name as it may have been billed to him. Any other information which you think might be of help would be appreciated.

We will forward the Affidavit of Publication as early as possible after hearing from you.

Cordially,

THE POST-REGISTER

Myrna Taylor

Myrna Taylor
Secretary

23 2019

September 13, 1961

Re: Transfer of Water Right
Change of Point of Diversion
Paul L. Byrd

Post Register,
Idaho Falls, Idaho.

Gentlemen:

In order that we may issue the above named applicant a Certificate of Transfer of Water Right-Change of Point of Diversion, we must have your Affidavit of Publication in connection with the above matter.

Kindly supply this office with this Affidavit as soon as possible.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer
By

ROY W. THOMPSON
Supervisor of Water Distribution

RWT:pmk

C
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Y

23 2019

September 13, 1961

Re: Transfer of Water Right
Change of Point of Diversion
Paul L. Byrd

Post Register,
Idaho Falls, Idaho.

Gentlemen:

In order that we may issue the above named applicant a Certificate of Transfer of Water Right-Change of Point of Diversion, we must have your Affidavit of Publication in connection with the above matter.

Kindly supply this office with this Affidavit as soon as possible.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer
By

ROY W. THOMPSON
Supervisor of Water Distribution

RWT:pmk

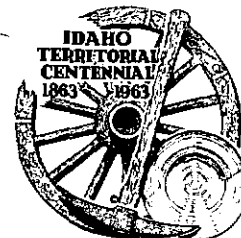
23 2019



ROBERT E. SMYLLIE
Governor

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
GEO. N. CARTER, STATE RECLAMATION ENGINEER
BOISE

August 25, 1961



Re: Change in Point of Diversion

RECEIVED
SEP 11 1961

Department of Reclamation

Mr. Paul L. Byrd,
Palisades, Idaho.

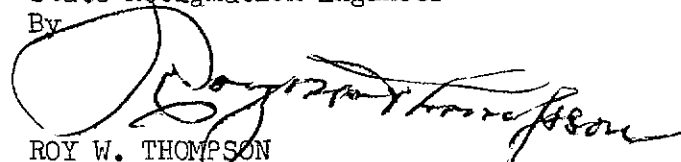
Dear Mr. Byrd:

In regard to your Application for Change in Point of Diversion from the waters of Sheep Creek to pumping directly out of Snake River.

Notice of Publication has been published in the Post Register, Idaho Falls, Idaho, with date of hearing as of May 16, 1961. There has been no protest received against said application by this department, and upon receipt of the Affidavit of Publication which the newspaper was to furnish you, and the fee of \$1.00 for recording purposes, a change in point of diversion will be granted you.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer
By


ROY W. THOMPSON
Supervisor of Water Distribution

RWT:pmk

23 2019

The Post - Register

ESTABLISHED 1880
IDAHO FALLS, IDAHO

RECEIVED
SEP 11 1961

Department of Reclamation

Department of Reclamation
Paul L. Byrd
Palisades, Idaho

TEAR OFF THIS SLIP AND ENCLOSE WITH CHECK TO ASSURE PROPER CREDIT BEING GIVEN.
YOUR CANCELLED CHECK WHEN RETURNED BY YOUR BANK IS A VALID RECEIPT.

\$ _____

DATE	INCHES - LINES	WORDS	DAYS	CHARGES	✓	CREDITS	BALANCE
				BALANCE FORWARD			
Apr 26 '61	Legal,			7.75			7.75
Paid May 17, 1961							
"I hereby certify that the above account is correct and just, that the supplies were actually furnished and/or the services were actually rendered as charged, and that I/we have not received payment therefor." The Post-Register <i>Betty Ann Walker</i> Betty Ann Walker Bookkeeper <i>pd ch no 197</i> 02 2019							

The Post - Register

MOORE DEALER - EASTERN IDAHO FARMER, IDAHO FALLS, IDAHO

August 25, 1961

Re: Change in Point of Diversion

Mr. Paul L. Byrd,
Palisades, Idaho.

Dear Mr. Byrd:

In regard to your Application for Change in Point of Diversion from the waters of Sheep Creek to pumping directly out of Snake River.

Notice of Publication has been published in the Post Register, Idaho Falls, Idaho, with date of hearing as of May 16, 1961. There has been no protest received against said application by this department, and upon receipt of the Affidavit of Publication which the newspaper was to furnish you, and the fee of \$1.00 for recording purposes, a change in point of diversion will be granted you.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer
By

ROY W. THOMPSON
Supervisor of Water Distribution

RWT:pmk

23 2019

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

Boise, Idaho

April 24, 1961

Re: Transfer of Water Right
Point of Diversion
Paul L. Byrd

Post Register,
Idaho Falls, Idaho.

Gentlemen:

Enclosed you will find notice for publication, once a week for two consecutive weeks prior to **May 16, 1961** the date set for hearing; the expense of the publication is to be paid by the applicant **Paul L. Byrd** of **Palisades, Idaho** to whom you should furnish proof of publication on or prior to the date set for hearing.

Please acknowledge receipt of this notice and furnish this office with a copy or tear-sheet of the first publication.**

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer
By

ROY W. THOMPSON
Supervisor of Water Distribution

**If the first copy is not received in this office for checking purposes and errors appear in subsequent issues, it is possible that re-publication of corrected copy will be at your own expense.

Encl.
RWT:pmk

23 2019

NOTICE OF PROPOSED TRANSFER OF WATER RIGHT

Notice is hereby given that Paul L. Byrd of
Palisades, Idaho has applied to the State Reclamation Engineer of the
State of Idaho for a certificate authorizing him to change the point of diversion
~~and/or place of use~~ of the waters of Sheep Creek as follows:
Amount: 3.6 cubic feet per second. Priority: December 9, 1912
Point of diversion: SE $\frac{1}{4}$ Section 5, Township 1 S., Range 15 E., B. M.
Place of Use: NW $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 5, Lots 7 and 12, NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Sec. 6;
Lot 1, Sec. 7; Lot 1, Sec. 8, Twp. 1 S., Rge. 15 E.B.M.

To Be Transferred To

Point of diversion: SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 6, Township 1 S., Range 15 E., B. M.
~~Place of Use:~~ by pumping directly out of Snake River.

And that on the 16 day of May, 19 51, at 10:00 o'clock A. M.,
at Room 107, Statehouse, Boise, Idaho before the State Reclamation Engineer, or
his authorized agent, the opportunity will be given to any and all persons to
appear and present, for his consideration any reason or reasons why a certificate
should not be issued authorizing such transfer.

GEO. N. CARTER
State Reclamation Engineer

SEC. 7

SEC. 8

SEC. 9

SEC. 10

SEC. 11

SEC. 12

SEC. 13

SEC. 14

SEC. 15

SEC. 16

SEC. 17

SEC. 18

SEC. 19

SEC. 20

SEC. 21

SEC. 22

SEC. 23

SEC. 24

SEC. 25

SEC. 26

SEC. 27

SEC. 28

SEC. 29

SEC. 30

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SEC. 32

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SEC. 89

SEC. 90

SEC. 91

SEC. 92

SEC. 93

SEC. 94

SEC. 95

SEC. 96

SEC. 97

SEC. 98

SEC. 99

SEC. 100

Snake River

Point of diversion No. 1

Point of diversion No. 2 has been abandoned

Irrigated land shown thus -

Lot 1 29.60 Acres

Lot 2 29.60 Acres

Lot 3 29.60 Acres

Lot 4 29.60 Acres

Lot 5 29.60 Acres

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Lot 100 29.60 Acres

T. 1 S. R. 45 E. B. M.

8948

B/E

SCALE: 2 INCHES = 1 MILE. DRAW PLAN IN INK

REPORT OF ENGINEER

1. State name of applicant and number of permit: Mabel Tolman- Permit 8948
2. State source of water supply: Sheep Creek
3. Location of point of diversion: No. 1 N. 44° E. 4418' - No. 2 S. 10° W. 330 ft. from S.W. Cor. of S.E. 1/4 Sec. 5, T.1 S., R.45 E.
4. State whether or not the works of diversion are fully completed and in accordance with terms of permit: _____
5. Describe works as they exist, giving dimensions and capacities of same: _____

Diversion dam in Sheep Creek of plank, rock, and earth - 10' long, 3' high. Open ditch without headgate. Ditch 2' wide on bottom; 3' wide on top; 8" deep; grade 10' per mile; capacity 4.0 second feet.

Diversion No. 2 has been constructed but has been abandoned and land is all watered from diversion No. 1.

6. State whether or not water has been turned into works of diversion: Yes.

7. Give exact location of lands to be irrigated. Give exact number of acres under cultivation in each forty-acre tract. (Describe manner and place of use if for other than irrigation): (See remarks).

In Sec. 5, T.1 S. R.45 E. B.M.

SW 1/4 NW 1/4 - 20.00 Acres

SW 1/4 SW 1/4 - 30.00 Acres

In Sec. 6, T.1 S. R.45 E. B.M. - Lot 7 - 24.10 Acres

Lot 12 - 31.20 Acres

NE 1/4 SE 1/4 - 40.00 Acres

In Sec. 7, T.1 S. R.45 E. B.M. Lot 1 - 4.20 Acres

In Sec. 8, T.1 S. R.45 E. B.M. Lot 1 - 29.60 Acres

Total 179.10

8. Submit map on enclosed plat, showing location and details of above description.

Remarks: In SW 1/4 NW 1/4 Sec. 5, T.1 S. R.45 E. is about 15 acres land in grain that is susceptible of irrigation from this ditch but has not been irrigated.

This examination was made on the 20th day of October 1917.

(Signed) Samuel E. Vance, Jr. Examiner.

(This report must be sworn to when not made by an attache of the State Engineer's office)

STATE OF IDAHO

County of _____ } ss.

_____, being first duly sworn, deposes and says that the statements contained in the within report are correct to the best of his knowledge and belief.

Subscribed and sworn to before me this _____ day of _____ 191_____

My Commission Expires _____

Notary Public.

DIST. No. 36

Mabel Tolman- Irwin

