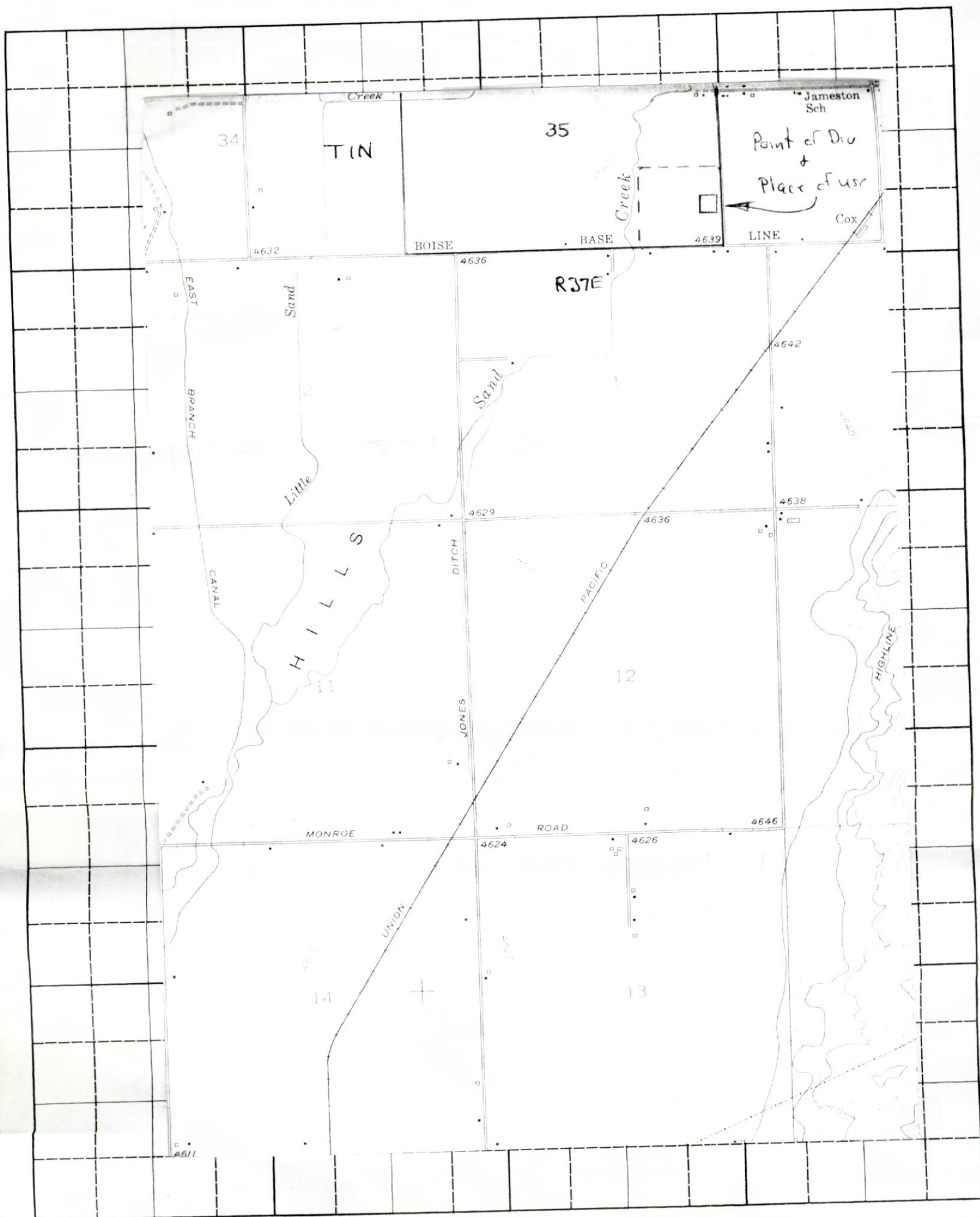


11. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



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.

Ray Byrme
(Applicant) by *Verla Byrme*

MACTOFILMED

JAN 4 1983

**NOTICE OF APPLICATION
FOR WATER RIGHT**

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

27-7332

BYRNE, Ray
FRENCH, Terry
MASINO, Thomas
SOUTH, Barry
Rt. 1, Box 106
Shelley, Id. 83274
Source: GROUNDWATER
Date Filed: 12/14/1982
Amount: 0.14 CFS
Diversion Point: SESE, Sec. 35, T. 01N, R. 37E, Bingham Co.
Use: IRRIGATION (0.04 CFS) from 04/01 to 11/01
DOMESTIC (0.10 CFS) from 01/01 to 12/31.
Place of Use: SESE, Sec. 35, T. 01N, R. 37E, for 2 ACRES.
Diversion Means: WELL, PUMP, LINES & SPRINKLERS.

35-8069

SPRINGFIELD WATER
AND SEWER DISTRICT
General Delivery
Springfield, Id. 83277
Source: GROUNDWATER
Date Filed: 12/13/1982
Amount: 0.70 CFS
Diversion Point: NENW, Sec. 14, T. 04S, R. 32E, Bingham Co.
Place of Use is within the city limits of Springfield.
USE: MUNICIPAL (0.70 CFS) from 01/01 to 12/31.
Diversion Means: PUMP & DISTRIBUTION SYSTEM.

The permit(s) will be subject to all prior water rights. Protests must be filed with the Director, Dept. of Water Resources, 150 Shoup Ave., Suite 15, Idaho Falls, Idaho, 83402, on or before JANUARY 10, 1982.

KEN DUNN
Director

(7579)
Pub.: 12-23, 30

AFFIDAVIT of PUBLICATION

County of Bingham

State of Idaho

David Mark Brown

I, _____
solemnly

Publisher

swear that I am the _____ of
The Morning News which is a daily newspaper of general
circulation published each day except Sunday at
Blackfoot, Bingham County, Idaho, said newspaper hav-
ing been so published at Blackfoot, aforesaid for more
than one year past; that said newspaper heretofore com-
plied with all the provisions of Chapter 154 of the Ses-
sions Laws of Idaho of 1933, approved March 11, 1933,
and duly designated, pursuant to law, a particular day of
the week as the day on which legal notices required by
law or by the order of any Court of competent jurisdiction
within the State of Idaho shall be published to-wit: Thursday
of each week; that the notice attached hereto and which
is a part of this affidavit and part of the proof of
publication was published in said issue or said
newspaper 2 consecutive weeks

the first publication having been made on the
24th day of December, 19 82,

and the last publication having been made on the
30th day of December, 19 82;
that said notice was published in the regular and entire
issue of every number of the paper as aforesaid during
the period and time of publication, and that notice was
published in the newspaper and not in a supplement.

Subscribed and sworn to before me this 30th

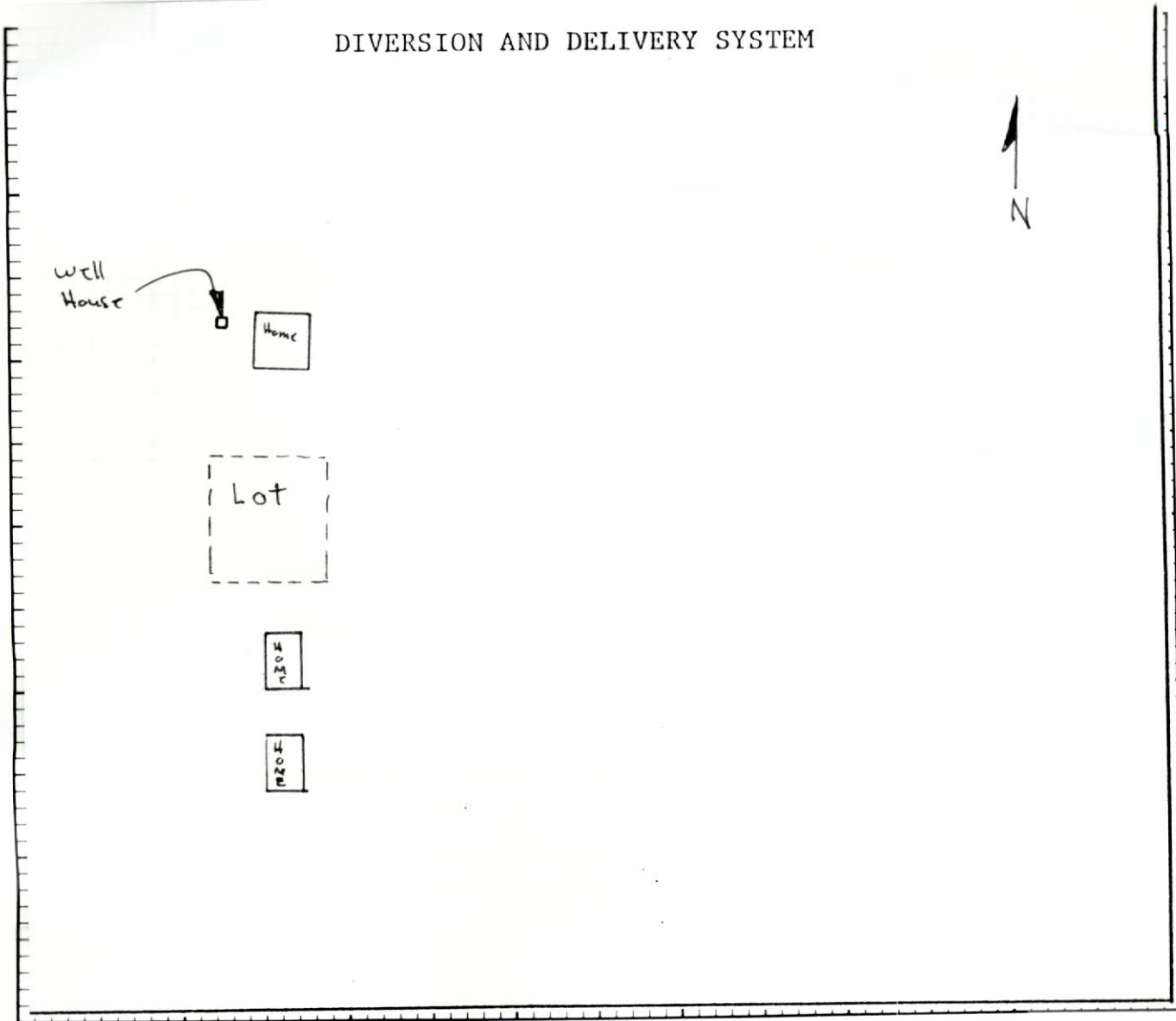
day of December, 19 82.

Patricia A. Johnson
Notary Public for the State of Idaho,
Residing at Blackfoot, Idaho
My commission expires
Oct. 20, 1984

MICROFILMED

10. Other water rights on these lands Progressive Canal share
11. Other water right diverted from same p.d. N.A.

12. **Diversion and Delivery System Diagram:** Indicate all major components and distances between components. Indicate ditch size/pipe i.d. as applicable. Indicate on systems with measurement port the distance between the port and the nearest component/pipe bend/restriction both upstream and downstream, and the inside pipe diameter at the measurement port. On multiple diversion systems indicate how diversion systems are connected.



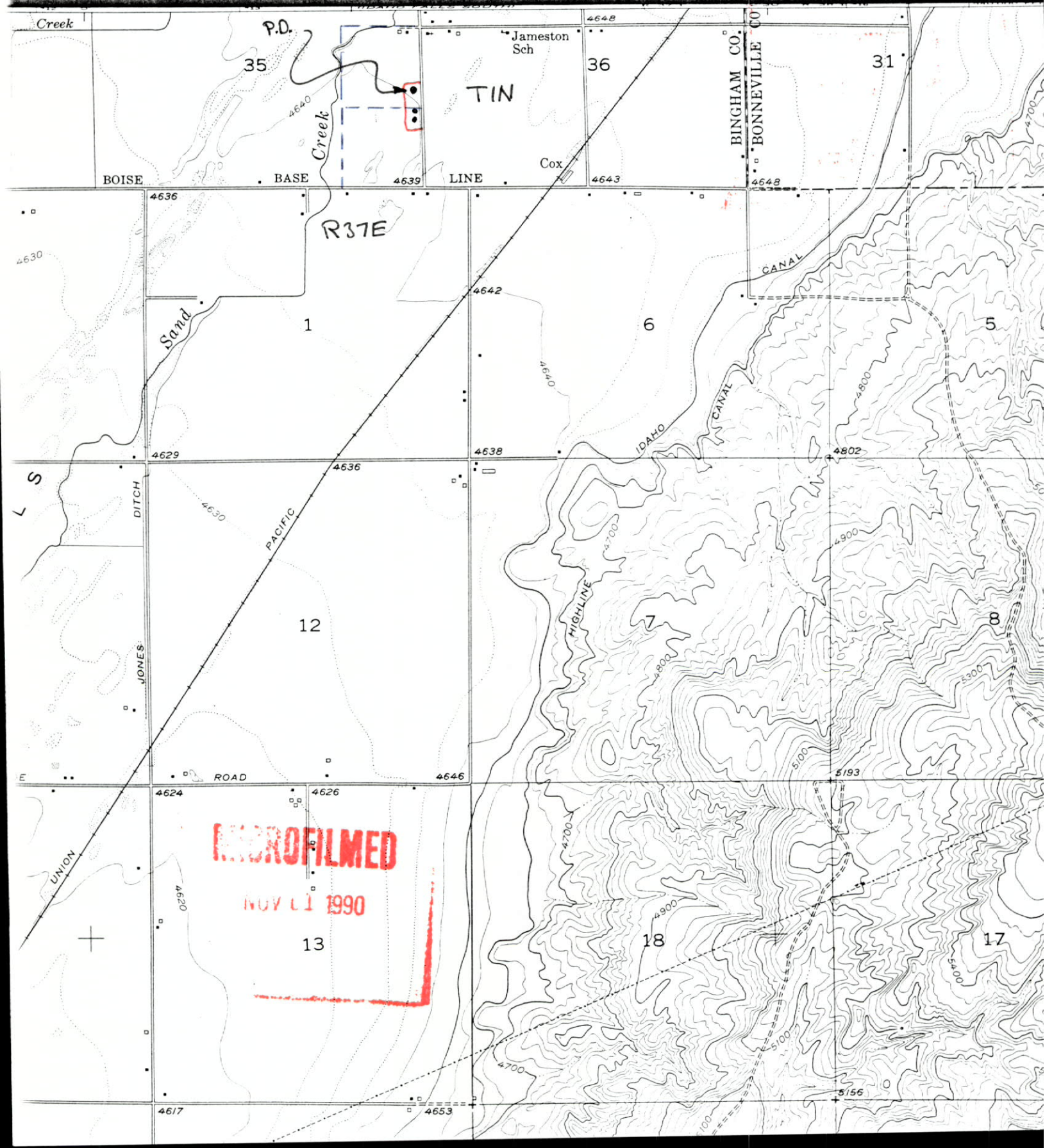
13. ☐ Photo of Diversion & System Attached ☒ Aerial Photo of Place of Use Attached or Map of Irrigated Acreage Attached

14. Remarks _____

15. 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

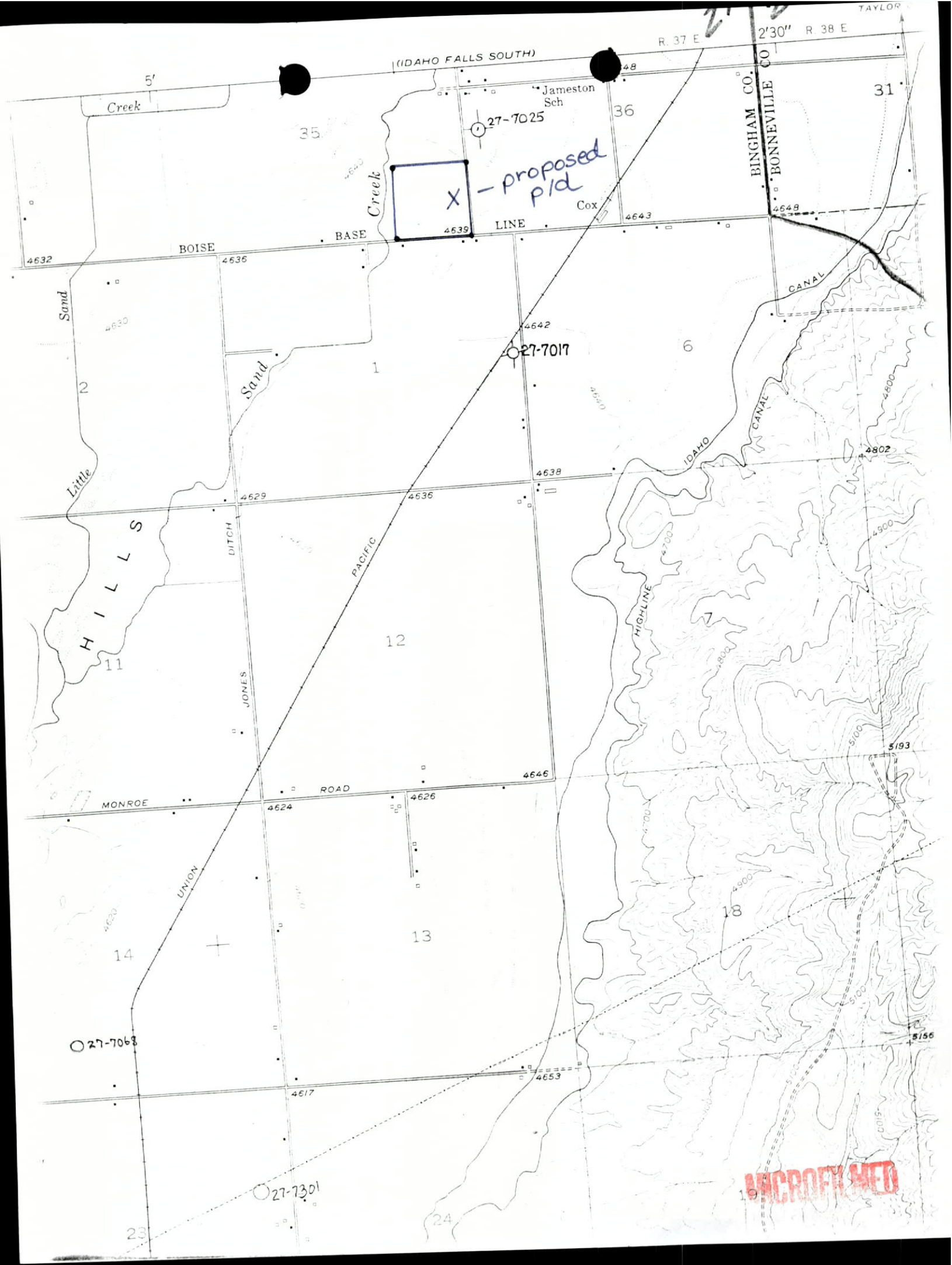
16. Examiner's/Consultant's Signature R. W. Jones Date 2-06-86
Consultant's License Number _____
IDWR Director's Authorization to Conduct
Beneficial Use Examination _____

Date _____
MICROFILMED
NOV 01 1990
CONSULTANT SEAL



27-7352





MICROFILMED

27-7332

BYRNE, RAY
FRENCH, TERRY
MASINO, THOMAS
SOUTH, BARRY

RT. 1, BOX 106, SHELLEY, ID 83274

Source: GROUNDWATER

Date Filed: 12/14/1982

Amount: 0.14 CFS

Diversion Point: SESE Sec 35 T 01N R 37E, BINGHAM Co.

Use: IRRIGATION (0.04 CFS) from 04/01 to 11/01
DOMESTIC (0.10 CFS) from 01/01 to 12/31

Place of Use: SESE Sec 35 T 01N R 37E FOR 2 ACRES

Diversion Means: WELL, PUMP, LINES & SPRINKLERS

Legals for pat and kent — Jackie

**NOTICE OF APPLICATION
FOR WATER RIGHT**

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

27-7332

BYRNE, Ray
FRENCH, Terry
MASINO, Thomas
SOUTH, Barry
Rt. 1, Box 106
Shelley, Id. 83274
Source: GROUNDWATER
Date Filed: 12/14/1982
Amount: 0.14 CFS
Diversion Point: SESE, Sec. 35, T.
01N, R. 37E, Bingham Co.
Use: IRRIGATION (0.04 CFS) from
04/01 to 11/01
DOMESTIC (0.10 CFS) from 01/01
to 12/31.
Place of Use: SESE, Sec. 35, T.
01N, R. 37E, for 2 ACRES.
Diversion Means: WELL, PUMP,
LINES & SPRINKLERS.

UNRECORDED

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 27-07332

Priority: December 14, 1982

Maximum Diversion Rate:
Maximum Diversion Volume:¹

0.12 CFS
9.4 AF

This is to certify, that RAY BYRNE
THOMAS MASINO
TERRY FRENCH
BARRY SOUTH

1224 N. 1100 E.
SHELLEY, ID 83274

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated December 14, 1982; and has submitted Proof of Beneficial Use on February 25, 1985. An examination indicates that the works have a diversion capacity of .120 cfs of water from a GROUNDWATER source, and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	04/01 to 11/01	0.04 CFS	7.0 AF
DOMESTIC	01/01 to 12/31	0.10 CFS	2.4 AF
	Totals	0.12 CFS	9.4 AF

LOCATION OF POINT(S) OF DIVERSION:

NESE , Sec. 35, Township 01N, Range 37E
BINGHAM 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>
01N	37E	35	NESE 1	SESE 1		2
Total number of acres irrigated:						2

PLACE OF USE: DOMESTIC, same as IRRIGATION use

CONDITIONS/REMARKS:

1. The maximum diversion volume is defined as the maximum allowable volume of water that may be diverted annually from the source under this right. The use of water confirmed by this right is limited to the amount which can actually be beneficially used. The maximum diversion volume may be adjusted to more accurately describe the beneficial use or to implement accepted standards of diversion and use efficiency.
2. This water right is appurtenant to the described place of use.
3. This right is subject to all prior water rights and may be forfeited by five years of non-use.

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NOV 11 1990

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

WATER RIGHT NO. 27-07332

CONDITIONS/REMARKS:

4. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
5. This right when combined with all other rights shall provide no more than .03 cfs per acre nor more than 3.5 afa per acre for the lands above.
6. Domestic use is for 4 homes.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. Witness the seal and signature of the Director, affixed at Boise, this 22nd day of OCTOBER, 1990.

Acting for

R. Keith Higginson, Director

MICROFILMED

NOV 01 1990

State of Idaho
Department of Water Resources

APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 27-07332

APPROVED

Date of Priority: December 14, 1982

Maximum Diversion Rate:
Maximum Diversion Volume:¹

0.12 CFS
9.4 AF

Comes now

RAY BYRNE
THOMAS MASINO
TERRY FRENCH
BARRY SOUTH

1224 N. 1100 E.
SHELLEY, ID 83274

and represents to the Director of the

Idaho Department of Water Resources:

That he is the owner and holder of Permit to appropriate the Public Waters of the State of Idaho No. 27-07332, and requests that the permit be changed as follows:

Source: GROUNDWATER

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	04/01 to 11/01	0.04 CFS	7.0 AF
DOMESTIC	01/01 to 12/31	0.10 CFS	2.4 AF
Totals		0.12 CFS	9.4 AF

LOCATION OF POINT(S) OF DIVERSION:

NESE , Sec. 35, Township 01N, Range 37E
BINGHAM County

PLACE OF USE: IRRIGATION

<u>TWN RGE SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
01N 37E 35	NESE 1	SESE 1		2
Total number of acres irrigated:				2

PLACE OF USE: DOMESTIC, same as IRRIGATION use

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

Signed at Idaho Falls, Idaho, this 5 day of October, 1990.

MICROFILMED

NOV 01 1990

Terry K. French
(Signature)

State of Idaho
Department of Water Resources

APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 27-07332

FOR DEPARTMENT USE ONLY

Preliminary check by SC Fee = \$20.00 Received by KCW Date 10-5-90
E 015307

ACTION OF THE DEPARTMENT OF WATER RESOURCES

I, R. Keith Higginson, of the Department of Water Resources hereby approve the above Application for Amendment for Permit No. 27-07332 with the following;

CONDITIONS/REMARKS:

1. The maximum diversion volume is defined as the maximum allowable volume of water that may be diverted annually from the source under this right. The use of water confirmed by this right is limited to the amount which can actually be beneficially used. The maximum diversion volume may be adjusted to more accurately describe the beneficial use or to implement accepted standards of diversion and use efficiency.
2. This water right is appurtenant to the described place of use.
3. This right is subject to all prior water rights and may be forfeited by five years of non-use.
4. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
5. This right when combined with all other rights shall provide no more than .03 cfs per acre nor more than 3.5 afa per acre for the lands above.
6. Domestic use is for 4 homes.

Witness my hand this 27TH day of OCTOBER, 1990.

Acting for R. Keith Higginson Director

MICROFILMED

NOV 01 1990

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

APPROVED

To appropriate the public waters of the State of Idaho

1. Name of applicant Ray Byrne or Terry French or
Thomas Masino or Barry South Phone 357-5402

Post office address Rt. 1, Box 106, Shelley, ID 83274

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

3. Location of point of diversion is SE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 35 Township 1N
Range 37E B.M. Bingham County, additional points of diversion if any: _____

4. Water will be used for the following purposes:

Amount 0.10 for Domestic purposes from 1-1 to 12-31 (both dates inclusive)
(cfs or acre-feet per annum)

Amount 0.04 for Irrigation purposes from 4-1 to 11-1 (both dates inclusive)
(cfs or acre-feet per annum)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

5. Total quantity to be appropriated:

a. 0.14 cubic feet per second and/or b. _____ acre-feet per annum.

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. 3 hp pump/well with lines to 4
homes and sprinklers - static water level at 96'

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 240 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: SE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 35 Township 1N
Range 37E 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 4.

(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	
1N	37E	35																2	2

Total number of acres to be irrigated 2

c. Describe any other water rights used for the same purposes as described above. One share in
Progressive Canal Co. for each lot

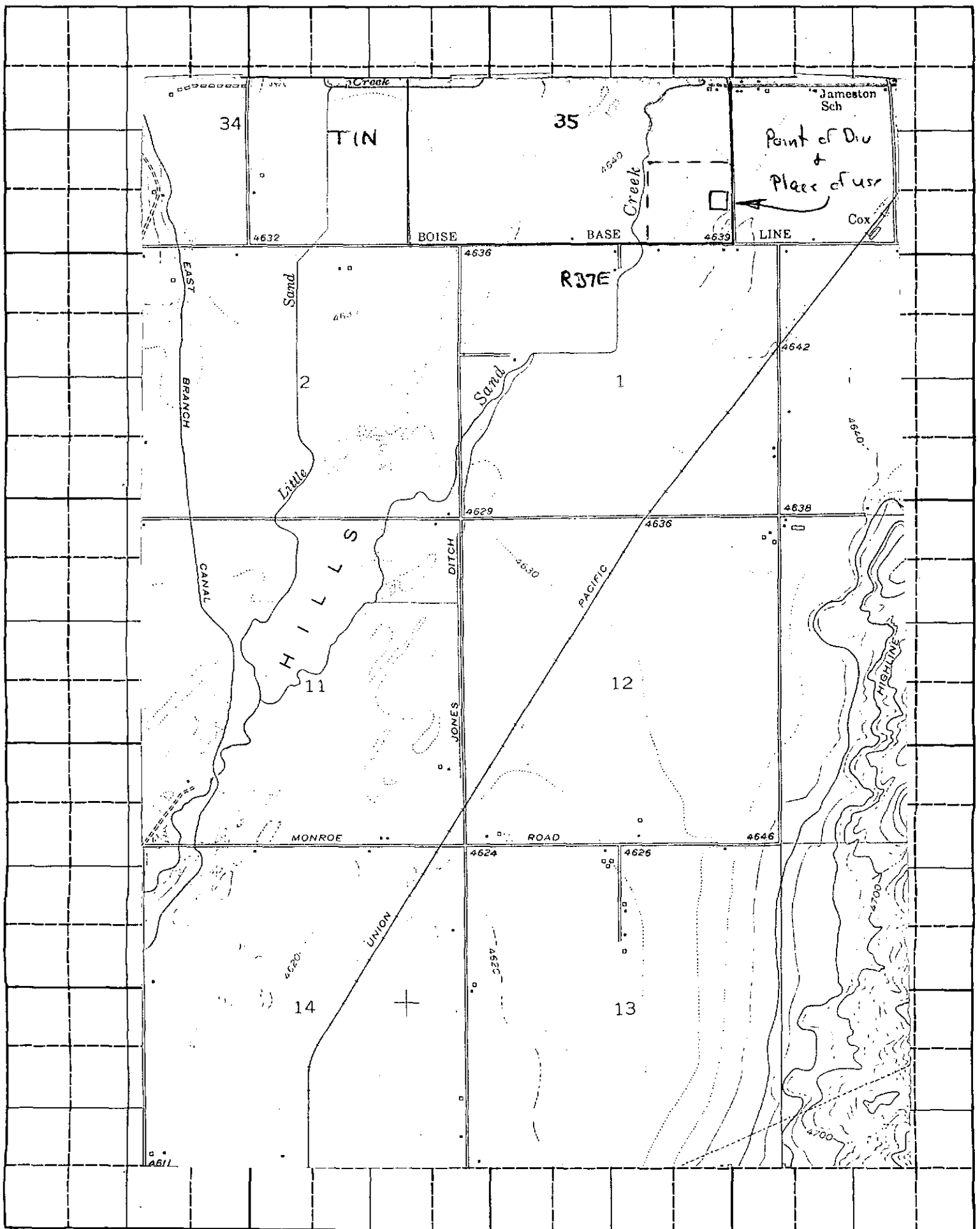
9. a. Who owns the property at the point of diversion Thomas Masino

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

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

10. Remarks

11. 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.

MICROFILMED

x Ray Byrme
(Applicant) by Verla Byrme

Proposed filing 12/14/82

MICROFILMED

Received by HWT Date 12-14-82 Time 2:59 pm

Preliminary check by sm Fee \$ 30.00

Received by BP Date 12/14/82 # 23237

Publication prepared by BP Date 12-15-82

Published in Blackfoot news

Publication dates 12-23 & 12-30-82

Publication approved BP Date 1/4/83

Protests filed by: none

Copies of protests forwarded by _____

Hearing held by _____ Date _____

Recommended for approval denial by EMC kw

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. 27-7332, and said application is hereby APPROVED.

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 February 1, 19 86.
- 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: The issuance of this permit in no way grants any right-of-way or easement across the land of another.

Witness my hand this 3rd day of January, 1985.

J. Glen Saxton
Chief, Operations Bureau

Well Agreement

The well involved is located on the piece of property located in Bingham County and described as follows:

Beginning at a point on the West line of a county road that is N 00° 05' 19" E along the section line 1005.22 feet and N 89° 17' 39" W 19.11 feet and N 01° 09' 05" and W 625.10 feet from the S. E. corner of Section 35, T. 1 N., R. 37 E. B. M., and running thence S 86° 16' 09" W 234.00 feet, and thence N 01° 09' 51" W 186.15 feet; thence N 86° 16' 09" E 234.00 feet to the West line of said county road; thence S 01° 09' 51" E along said West line 186.15 feet to the point of beginning. Parcel contains 1.0 acres

For the purpose of this agreement it shall be known as house Number (# 1) one and presently occupied by Thomas J. Masino and Susan A. Masino.

Beginning at a point on the West line of a county road that is N 00° 05' 19" E along the section line 1005.22 feet and N 89° 17' 39" W 19.11 feet and N 01° 09' 05" W 438.95 feet from the S. E. corner of Section 35, T. 1 N., R. 37 E. B. M. and running thence S 86° 16' 09" W 234.00 feet thence N 01° 09' 51" W 186.15 feet; thence N 86° 16' 09" E 234.00 feet to the West line of said county road; thence S 01° 09' 51" E along said West line 186.15 feet to the point of beginning. Parcel contains 1.0 acres.

For the purpose of this agreement it shall be known as house Number (# 2) two and presently owned by Barry South and Elinor South.

Beginning at a point on the West line of county road that is N 00° 05' 19" E along the section line 1005.22 feet and N 89° 17' 39" W 19.11 feet and N 01° 09' 05" W 252.80 feet from the S. E. corner of Section 35, T. 1 N., R. 37 E. B. M. and running thence S 86° 16' 09" W 234.00 feet; thence N 01° 09' 51" W 186.15 feet; thence N 86° 16' 09" E 234.00 feet to the West line of said county road; thence S 01° 09' 51" E along said West line 186.15 feet to the point of beginning. Parcel contains 1.0 acre.

For the purpose of this agreement it shall be known as house Number (# 3) three and presently occupied by Terry K. French and Ebony French.

MICROFILMED

Beginning at a point on the West line of a county road that is N 00° 05' 19" E along the section line 1005.22 feet and N 89° 17' 39" W 19.11 feet from the S. E. corner of Section 35, T. 1 N., R. 37 E.B.M. and running thence N 89° 17' 39" W 233.80 feet, thence N 01° 09' 51" W 234.64 feet, thence N 86° 16' 09" E 234.00 feet to the West line of said county road; thence S 01° 09' 51" E along said West line 252.80 feet to the point of beginning. Parcel contains 1.3 acres.

For the purpose of this agreement it shall be known as house Number (# 4) four and presently occupied by Ray E. Byrne and Verla M. Byrne

Each person on the above described well has equal rights of ownership and or use. Costs of use and maintainence shall also be equal.

Article I

The water shall be used for culinary purpose at any time. It may be used as a supplement for the ditch water on a rotation basis. House No. 1 and House No. 3 to sprinkle on Monday, Wednesday, and Friday and $\frac{1}{2}$ day on Sunday. House No. 2 and House No. 4 on Tuesday, Thursday, Saturday and $\frac{1}{2}$ on Sunday. This can be changed by a vote of the four houses (or people) on the first Monday of April each year. Each user shall not water over $\frac{1}{3}$ of his lot, or acreage, in any given year from this well.

Article II

A secretary treasurer shall be elected to collect and pay the power bill. An additional ten dollars (\$10) per month shall be levied against each owner for an emergency fund for maintainence and purchase of new equiptment in case of any failure of the equiptment. The amount of this fund shall be decided by the owners each year on the first Monday in April. A separate bank account shall be set up requiring the signature of the secretary and one other owner for the withdrawal of these funds.

MICROFILMED

Article III

In the event that one or more lot or acreage is not being used the remaining people will pay the power bills. In the event that a new pump is required each owner shall pay $\frac{1}{2}$ of the cost and installation.

Article IV

Access shall be provided to the pump for maintenance or repairs at any or all times.

Article V

In the event we have to file an article of a non-profit corporation, each owner shall share costs.

Article VI

This agreement shall be binding upon heirs and assigns of the respective parties. It is understood and agreed that this agreement shall continue until mutually terminated by the parties. It is further agreed that this agreement shall not be terminated until consent is given by the mortgagee or beneficiary of the mortgage or deed of Trust upon the respective properties above described..

IN WITNESS WHEREOF, the parties have hereunto set their hands this 24 day of Sept. Aug. 1981.

Thomas J. Masino

THOMAS J. MASINO

Susan A. Masino

SUSAN A. MASINO

Susan A. Masino

RAY BYRNE

Ray Byrne

VERLA BYRNE

Verla Byrne

Barry South

BARRY SOUTH

Elinor M. South

ELINOR M. SOUTH

Terry K. French

TERRY K. FRENCH

Ebony French

EBONY FRENCH

MICROFILMED

JAN 4 1983

**NOTICE OF APPLICATION
FOR WATER RIGHT**

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

27-7332

BYRNE, Ray
FRENCH, Terry
MASINO, Thomas
SOUTH, Barry
Rt. 1, Box 106
Shelley, Id. 83274
Source: GROUNDWATER
Date Filed: 12/14/1982
Amount: 0.14 CFS
Diversion Point: SESE, Sec. 35, T.
01N, R. 37E, Bingham Co.
Use: IRRIGATION (0.04 CFS) from
04/01 to 11/01
DOMESTIC (0.10 CFS) from 01/01
to 12/31.
Place of Use: SESE, Sec. 35, T.
01N, R. 37E, for 2 ACRES.
Diversion Means: WELL, PUMP,
LINES & SPRINKLERS.

35-8069

SPRINGFIELD WATER
AND SEWER DISTRICT
General Delivery
Springfield, Id. 83277
Source: GROUNDWATER
Date Filed: 12/13/1982
Amount: 0.70 CFS
Diversion Point: NENW, Sec. 14,
T. 04S, R. 32E, Bingham Co.
Place of Use is within the city limits
of Springfield.
USE: MUNICIPAL (0.70 CFS) from
01/01 to 12/31.
Diversion Means: PUMP &
DISTRIBUTION SYSTEM.

The permit(s) will be subject to all
prior water rights. Protests must be
filed with the Director, Dept. of Water
Resources, 150 Shoup Ave., Suite
15, Idaho Falls, Idaho, 83402, on or
before JANUARY 10, 1982.

KEN DUNN
Director

see to:
(7579)
Pub.: 12-23, 30

AFFIDAVIT of PUBLICATION

County of Bingham

State of Idaho

David Ma rk Brown

solemnly

Publisher

swear that I am the _____ of
The Morning News which is a daily newspaper of general
circulation published each day except Sunday at
Blackfoot, Bingham County, Idaho, said newspaper hav-
ing been so published at Blackfoot, aforesaid for more
than one year past; that said newspaper heretofore com-
plied with all the provisions of Chapter 154 of the Ses-
sions Laws of Idaho of 1933, approved March 11, 1933,
and duly designated, pursuant to law, a particular day of
the week as the day on which legal notices required by
law or by the order of any Court of competent jurisdiction
within the State of Idaho shall be published to-wit: Thursday
of each week; that the notice attached hereto and which
is a part of this affidavit and part of the proof of
publication was published in said issue or said
newspaper 2 consecutive weeks

the first publication having been made on the

24th day of December, 19 82.

and the last publication having been made on the

30th day of December, 19 82;

that said notice was published in the regular and entire
issue of every number of the paper as aforesaid during
the period and time of publication, and that notice was
published in the newspaper and not in a supplement.

Subscribed and sworn to before me this 30th

day of December, 19 82.

Patricia A. Johnson

Notary Public for the State of Idaho,
Residing at Blackfoot, Idaho
My commission expires
Oct. 20, 1984

RECORDED

October 31, 1990

RAY BYRNE
THOMAS MASINO
TERRY FRENCH
BARRY SOUTH
1224 N. 1100 E.
SHELLEY, ID 83274

RE: WATER RIGHT NO. 27-07332

Dear Water Right Holder(s):

Enclosed herewith is a copy of the Water Right License issued on the above referenced permit along with a copy of your approved application for amendment.

Should you have any questions regarding these documents, please feel free to contact our office.

Sincerely,

JIM JOHNSON
Water Rights Supervisor

JJ:blm

Enclosure

MICROFILMED

NOV 01 1990

September 12, 1990

Ray Byrne
Thoms Masino
Terry French
Barry South
1224 N. 1100 E.
Shelley ID 83274

RE: Permit No. 27-07332

NOTICE OF PENDING ORDER VOIDING PERMIT

Dear Permit Holder(s):

The development proposed in Permit to Appropriate Water No. 27-07332 was examined in 1985 by Department of Water Resources personnel. At the time of the examination, the Department personnel discovered that the actual place of use &/or point of diversion differed from the place of use &/or point of diversion proposed in the permit.

We have attempted on several occasions to persuade you to file an application for amendment of Permit No. 27-07332 with the Department. To date, the application for amendment of the permit has not been filed with the Department.

Enclosed is a completed application for amendment of your permit which reflects the correct point of diversion and place of use. You should sign the application for amendment, and return it to this Department accompanied by a \$20 filing fee within thirty (30) days of the date of this letter.

Should you fail or refuse to submit the application for amendment within thirty (30) days, the Department will act to void your permit. The grounds for voiding the permit are set forth in Section 42-219, Idaho Code, where it states that if the Department finds "that the applicant has not fully complied with the law and the conditions of the permit . . . [it] may refuse issuance of a license and void the permit." One of the conditions of the permit was that the point of diversion would be located as indicated on the permit.

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NOV 01 1990

Page 2

Sincerely,

Gary Spackman

GARY SPACKMAN, Supervisor
Water Right Permits Section

GS:blm

Enclosure

cc: Eastern Region

I hereby certify that on this 13th day of September, 1990, I sent the original copy of this letter, postage prepaid, to the person and address listed above.

Brenda L. Miller

MICROFILMED

NOV 01 1990

March 23, 1990

RAY BYRNE
THOMAS MASINO
TERRY FRENCH
BARRY SOUTH
1224 N. 1100 E.
SHELLEY, ID 83274

RE: PERMIT NO. 27-07332

Dear Permit Holder(s):

We previously forwarded an amendment to you to be completed to amend this permit to correspond with the findings of the field examiner so that we could issue the license.

As of this date, we have not received the amendment. If we do not receive it within fifteen (15) days, we will assume you no longer have any interest in the permit and cancellation proceedings will begin. Enclosed for your convenience is another amendment form in the event the first one was misplaced.

If you have any questions, please contact us.

Sincerely,

JIM JOHNSON
Water Rights Supervisor

JJ:sc

Enclosure

MICROFILMED

NOV 01 1990

September 27, 1989

RAY BYRNE
THOMAS MASINO
TERRY FRENCH
BARRY SOUTH
1224 N. 1100 E.
SHELLEY, ID 83274

RE: PERMIT NO. 27-07332

Dear Permit Holder(s):

The above referenced water right is in the process of being licensed. However, before a license can be issued, your permit must be amended to correspond with the findings of the Department's field examiner.

The enclosed application for amendment contains information that will be included on the license when it is issued. Please review carefully and if you concur, sign the amendment and return with the \$20.00 filing fee within 30 days.

If you do not concur with these findings or if you have any questions, please contact us within the 30-day period.

Sincerely,

JIM JOHNSON
Water Rights Supervisor

JJ:sc

Enclosure

MICROFILMED

NOV 01 1990

POINT OF DIVERSION OVERLAP REVIEW

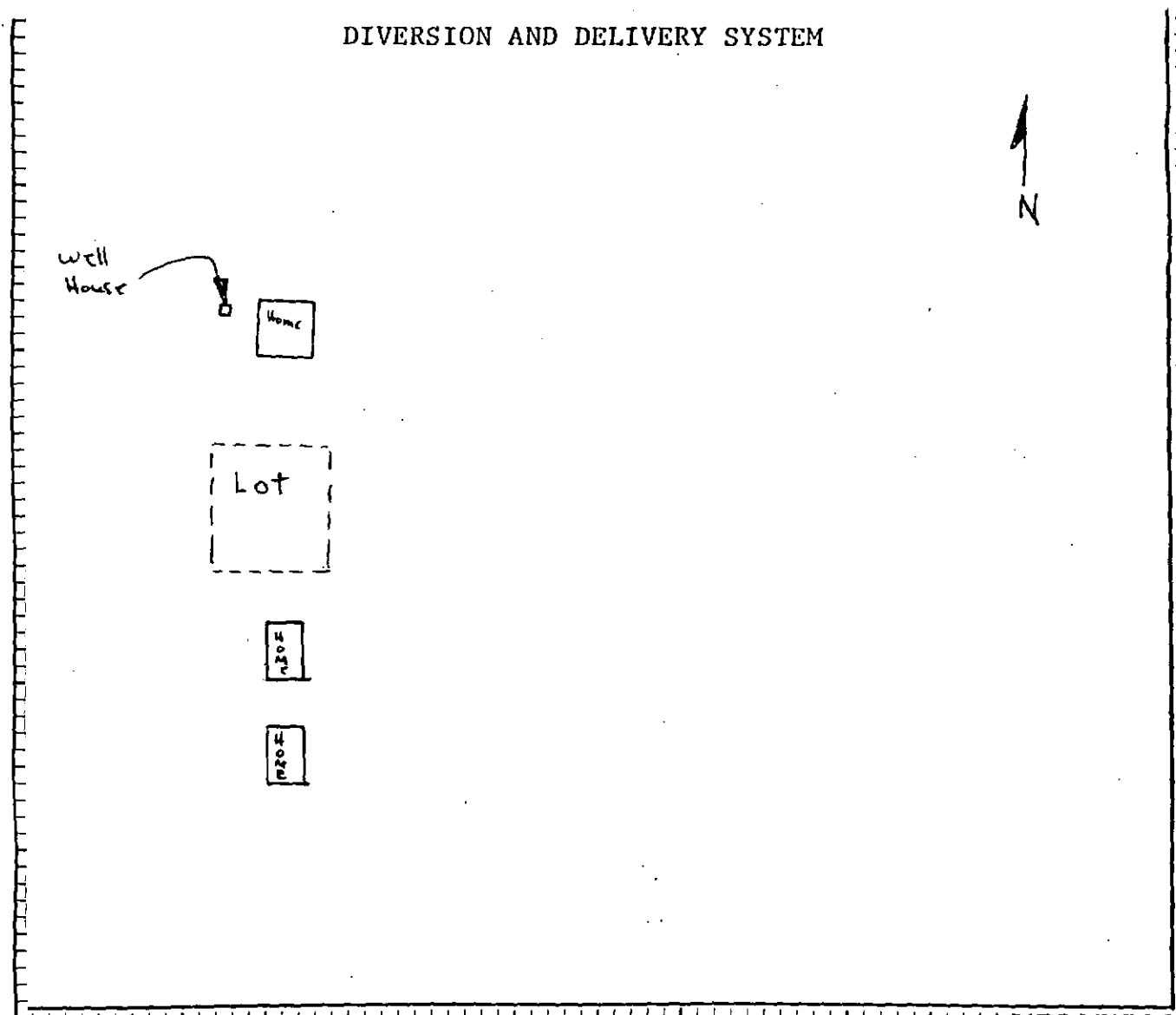
WR-NUMBER	TWP	RNG	SC	TRACT	LT	#SOURCE	#NAME
				1\4 1\4 1\4			
2707332	01N	37E	35	SE SE		GROUNDWATER	BYRNE, RAY

MICROFILMED

NOV 01 1970

[illegible]

10. Other water rights on these lands Progressive Canal share
11. Other water right diverted from same p.d. N.A.
12. **Diversion and Delivery System Diagram:** Indicate all major components and distances between components. Indicate ditch size/pipe i.d. as applicable. Indicate on systems with measurement port the distance between the port and the nearest component/pipe bend/restriction both upstream and downstream, and the inside pipe diameter at the measurement port. On multiple diversion systems indicate how diversion systems are connected.



13. ☒ Photo of Diversion & System Attached

☒ Aerial Photo of Place of Use Attached
or Map of Irrigated Acreage Attached

14. Remarks _____

15. 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 |

16. Examiner's/Consultant's Signature H.W. Jones Date 2-06-86

Consultant's License Number _____

IDWR Director's Authorization to Conduct

Beneficial Use Examination _____

Date

MICROFILMED

CONSULTANT SEAL

NOV 01 1990

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
LICENSING REPORT

RECEIVED

FEB 20 1988

7-7332
Permit No.

1. Measurement Calculations

a) Field Measurement Calculations (Include theoretical capacities and system capacity)

$$Q = \frac{3hp (8.814) (80\%)}{96'_{11ft} + (2.308 \times 35psi)}$$

$$Q = \frac{21.153}{176.78} = 0.12 cfs \text{ theoretical capacity}$$

a/ allow 0.10 cfs for 2 existing homes & stubbed-in lot for Domestic use

b/ allow 0.04 cfs for irrigation of 2 acres

Non-additive total
0.12 cfs
(limited by theoretical capacity)

b) Volume Calculations for Irrigation:

$$V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = 2 \text{ acres} \times 3.5 \text{ af/a} = 7.0 \text{ af}$$

$$V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 = 0.04 \text{ cfs} \times 214 \times 1.9835 = 16.9$$

$$V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} = 7.0 \text{ af}$$

c) Volume Calculations for Other Uses:

$$4 \text{ domestic uses; } 4 \times 0.6 \text{ af} = 2.4 \text{ af}$$

(in-House)

2. Overlap Review

a) Other water rights with same place of use: Progressive Canal share

b) Other water rights with same point of diversion: _____

c) Analysis: RIS (3.5)

MICROFILMED

NOV 01 1990

RECOMMENDED AMOUNTS

3.	Permit No.	Priority	Amount	App. Date	Date Proof Submitted	System Capacity

4. Permit Holder: _____

Address: _____

5. Source: _____ tributary to _____

6. Beneficial Use	Period of Use		Rate of Diversion	Annual Volume
	From	To	Q (cfs)	V (afa)
Irrigation	4-1	11-1	0.04	7.0
Domestic (4 backups)	17	12-31	0.10	2.4

Allowable Maximums: 0.12 cfs 9.4 afy

7. Point(s) of Diversion:

[illegible]

8. Place(s) of Use

[illegible]

9. Recommended Conditions/Remarks: _____

REF FILMED

~~NOV 01 1990~~

10. 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

11. Examiner's Signature A. O. Jones

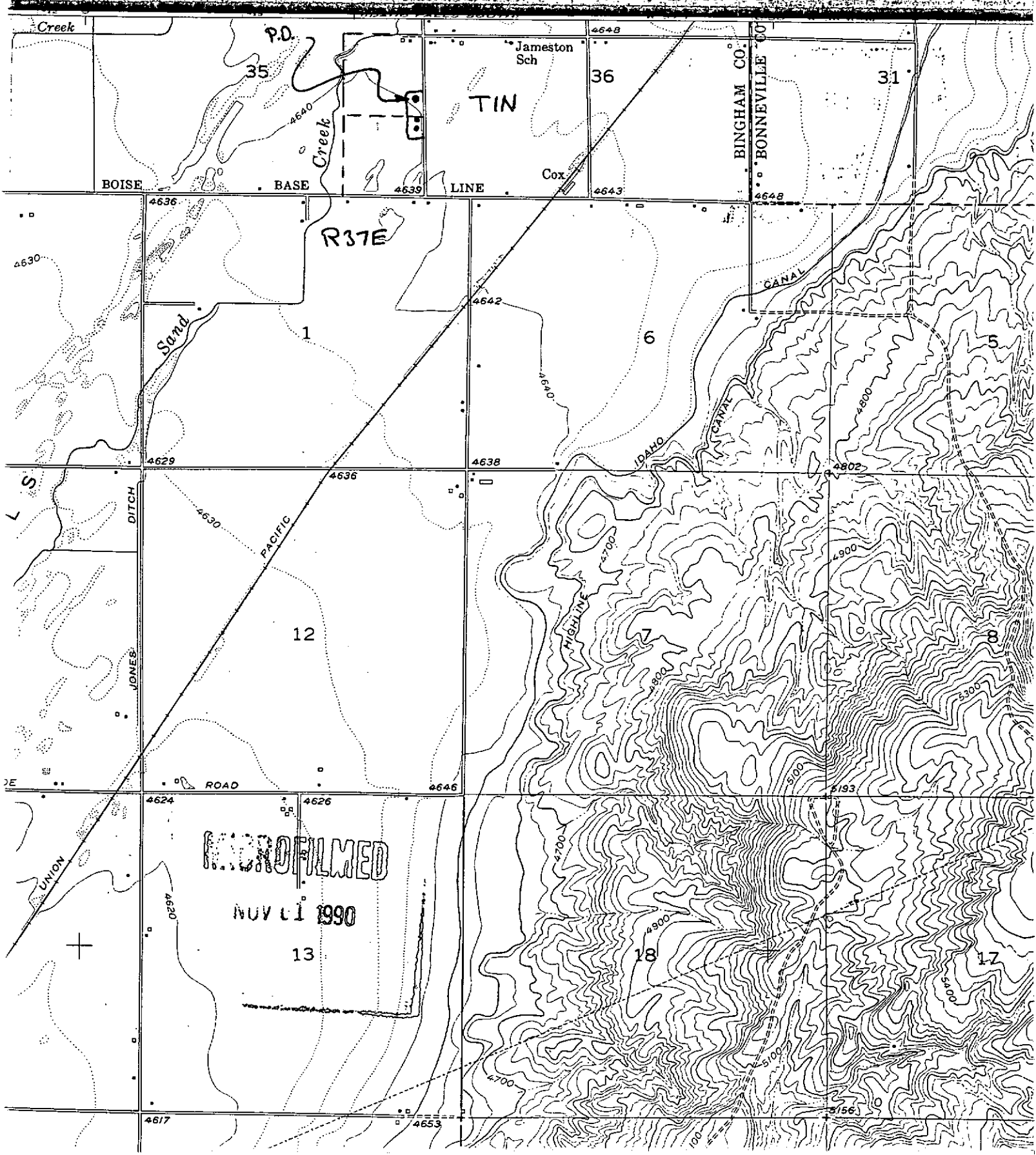
Checked in Regional Office by Gary Packman

Approved in State Office by _____

Date 2-06-86

Date 2-18-86

Date 4/24/89



27-7332

A-333
101A
T-188

Point
of
Division

B.
20.7

B.
11.9

A
21.4

MICROFILMED

NOV 11 1990

19.4

707

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Eastern Region

150 Shoup, Suite 15
Idaho Falls, Idaho 83402
(208) 525-7161

JULY 22, 1985

RAY BYRNE
1224 N 1100 E
SHELLEY

ID 83274

RE: Permit No. 27-7332

Dear Permit Holder:

We acknowledge receipt of your statement submitted as proof of beneficial use for the above referenced permit.

Before a license can be issued, a field examination must be made by a representative of this department.

A field examiner will contact you to arrange to examine your system.

If you have any questions regarding the field examination, please contact this office by phone at 525-7161 or in person in the third floor State Office Building, 150 Shoup, Idaho Falls, Idaho.

Sincerely,
s/HAROLD W. JONES
Sr. Resource Agent

MICROFILMED

NOV 01 1990

DEPARTMENT OF WATER RESOURCES

The Idaho Department of Water Resources will consider this card as a statement that the permit holder(s) has completed development to the extent shown below of Permit No. 27-7332

Name(s) of Permit Holder: Ray Byrne or Terry French or Thomas Masino or Barry South

Post Office Address: 1224 N 1100 E

Shelley ID 83274 Tel. No. 357-5402

Source of Water: Groundwater

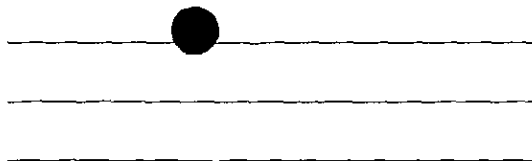
Extent of Use: ☒ Domestic 4 (number of households)
☐ Stockwater (number and type of stock)
☒ Irrigation 2 (acres)
☐ Other

Department of Water Resources

Measuring Device: Required? ☐ Yes ☒ No Installed? ☐ Yes ☒ No
 Access Port: Required? ☐ Yes ☒ No Installed? ☐ Yes ☒ No

The above information is a true statement of the extent to which the above numbered permit has been developed.

25 Feb 1985 **MICROFILMED** Ray Byrne
 Date Signature of Permit Holder



PLACE
13 CENT
STAMP
HERE

RECEIVED

FEB 27 1985



IDAHO DEPARTMENT OF WATER RESOURCES
STATEHOUSE
BOISE, IDAHO 83720

Department of Water Resources

MICROFILMED

January 13, 1985

RE: Permit No. 27-7332

Ray Byrne or Terry French or
Thomas Masino or Barry South
Rt. 1, Box 106
Shelley, ID 83274

Dear Permit Holder:

Enclosed is a copy of your approved Application for Permit. We direct your attention to the conditions of approval on the fourth 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.

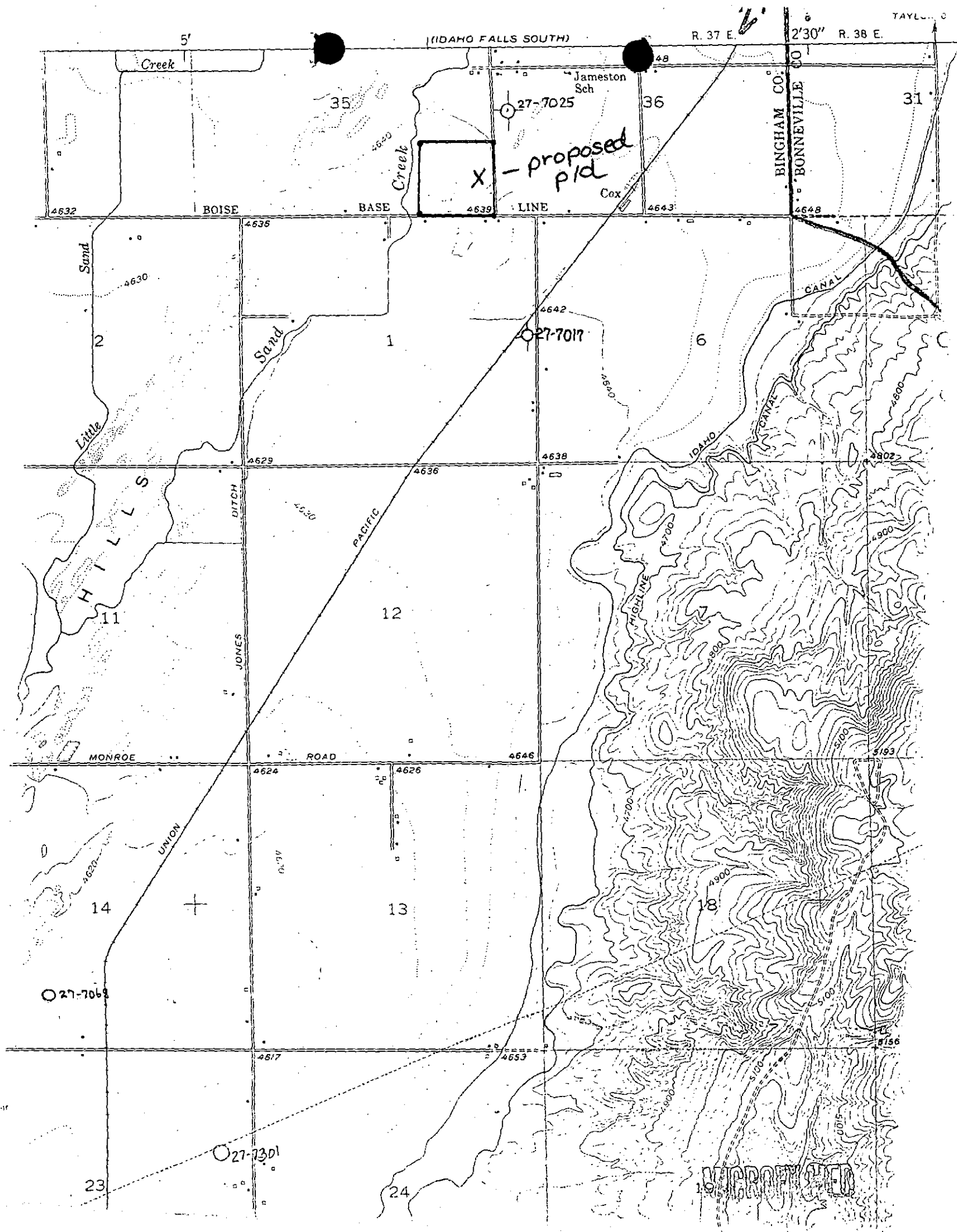
We have enclosed a form entitled "Instructions for Proof of Beneficial Use". Please read the instructions carefully since you must take further action to develop this permit. Also enclosed for your convenience is the statement of beneficial use postcard that must be submitted when your project is completed.

Sincerely,

DAVID R. TUTHILL, JR., P.E.
Supervisor, Water Allocation Section

DRT:sc
Enclosures

MICROFILMED



State of Idaho
Department of Water Resources

APPLICATION FOR PERMIT ANALYSIS SHEET

INITIAL REVIEW BY: Steve McCormick

APPLICATION NUMBER: 27 7332

CHECK:

- ☒ Source.
☒ Point of diversion.
☒ County.
☒ Quantity of water and period of use.
☒ Description of diverting works.
☒ Time required for beneficial use of water.
☒ Place of use or acres irrigated.
☒ Map.
☒ Signature.
☒ Fee.
☐ Yes ☒ No Field check required.
☐ Yes ☒ No Critical groundwater area.
☐ Yes ☒ No Request dam safety information. Sent by: _____ Date: _____
☐ Yes ☒ No* In form to receipt.

Field check by: _____

Date: _____

Comments: _____

*REQUEST THE FOLLOWING ADDITIONAL INFORMATION FROM THE APPLICANT: _____

SEND COPIES TO:

- ☐ Idaho State Health Department.
☐ Idaho Fish and Game Department.
☐ Idaho Department of Lands.
☐ U.S. Bureau of Land Management.
☐ U.S. Forest Service.
☐ Other _____

Copies sent by: _____ Date: _____

PROCESSING:

- ☐ Yes ☒ No Platted by: _____ Map No. _____
☒ Yes ☒ No Other rights on same place of use. Progressive Irrigation Dist.
☒ Yes ☐ No* In form for advertising.
Final date for protests: Jan 10, 1983
☐ Yes ☒ No Protests received. If yes, record information on 4th page of application.

FINAL REGIONAL PROCESSING REVIEW:

- ☒ Affidavit of publication received. Date: 1/4/83
☐ Application published correctly. If not, record action taken: _____
☒ Fee amount, receipt date & number, recorded on application.
☒ Publication dates and paper, recorded on application.
☒ Protests, dates, withdrawal, etc., recorded on application.
☒ Recommendation & initial, recorded on application.
☐ Yes ☒ No Measuring device required.
☐ Yes ☒ No Access port required.
☒ Yes ☒ No Will water be delivered by watermaster? If yes, what district? 01
12-14-82 Date of priority recommended.
Special conditions of approval or cover letter. _____

STATE OFFICE REVIEW:

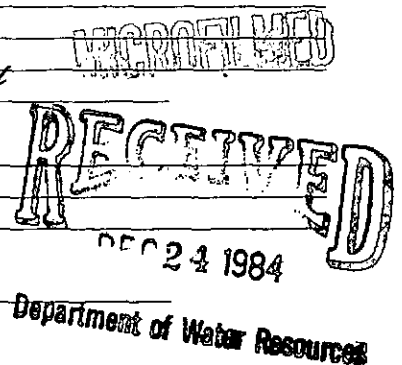
105, 116

04

- ☐ See attached sheet for more information.

By: KW

Date: 12/28/84



POINT OF DIVERSION AND STREAM INDEX INFORMATION

TRACT SEC TWP RGE gov't rediv. REACH
lot (R)

IDAHO STREAM CODE INDEX

TRACT SEC TWP RGE gov't rediv. REACH
lot (R)

IDAHO STREAM CODE INDEX

TRACT SEC TWP RGE gov't rediv. REACH
lot (R)

IDAHO STREAM CODE INDEX

TRACT SEC TWP RGE gov't rediv. REACH
lot (R)

IDAHO STREAM CODE INDEX

TRACT SEC TWP RGE gov't rediv. REACH
lot (R)

IDAHO STREAM CODE INDEX

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

WATER RIGHT
DATA ENTRY LOG

[illegible]

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Eastern Region

150 Shoup Ave., Suite 15
Idaho Falls, Idaho 83402
(208) 525-7161

DECEMBER 15, 1982

The Blackfoot News
P. O. Box 70
Blackfoot, Idaho 83221

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. We have allowed ample time for you to submit a galley proof to this office for review before the first publication date. 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 JANUARY 10, 1983.

Yours truly,

RONALD D. CARLSON
Supervisor
Eastern Region

Encl.

MICROFILMED

NOTICE OF APPLICATION FOR WATER RIGHT

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

The permit(s) will be subject to all prior water rights. Protests must be filed with the Director, Dept. of Water Resources, 150 Shoup Ave., Suite 15, Idaho Falls, Idaho 83402 on or before JANUARY 10, 1983.

KEN DUNN, Dir.

Published 12/23 & 12/30/82.

MICROFILMED

27-7332

BYRNE, RAY
FRENCH, TERRY
MASINO, THOMAS
SOUTH, BARRY

RT. 1, BOX 106, SHELLEY, ID 83274

Source: GROUNDWATER

Date Filed: 12/14/1982

Amount: 0.14 CFS

Diversion Point: SESE Sec 35 T 01N R 37E, BINGHAM Co.

Use: IRRIGATION (0.04 CFS) from 04/01 to 11/01
DOMESTIC (0.10 CFS) from 01/01 to 12/31

Place of Use: SESE Sec 35 T 01N R 37E FOR 2 ACRES

Diversion Means: WELL, PUMP, LINES & SPRINKLERS

Legals for pat and kent — jackie

**NOTICE OF APPLICATION
FOR WATER RIGHT**

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

27-7332

BYRNE, Ray
FRENCH, Terry
MASINO, Thomas
SOUTH, Barry
Rt. 1, Box 106
Shelley, Id. 83274
Source: GROUNDWATER
Date Filed: 12/14/1982
Amount: 0.14 CFS
Diversion Point: SESE, Sec. 35, T.
01N, R. 37E, Bingham Co.
Use: IRRIGATION (0.04 CFS) from
04/01 to 11/01
DOMESTIC (0.10 CFS) from 01/01
to 12/31.
Place of Use: SESE, Sec. 35, T.
01N, R. 37E, for 2 ACRES.
Diversion Means: WELL, PUMP,
LINES & SPRINKLERS.

UNRECORDED