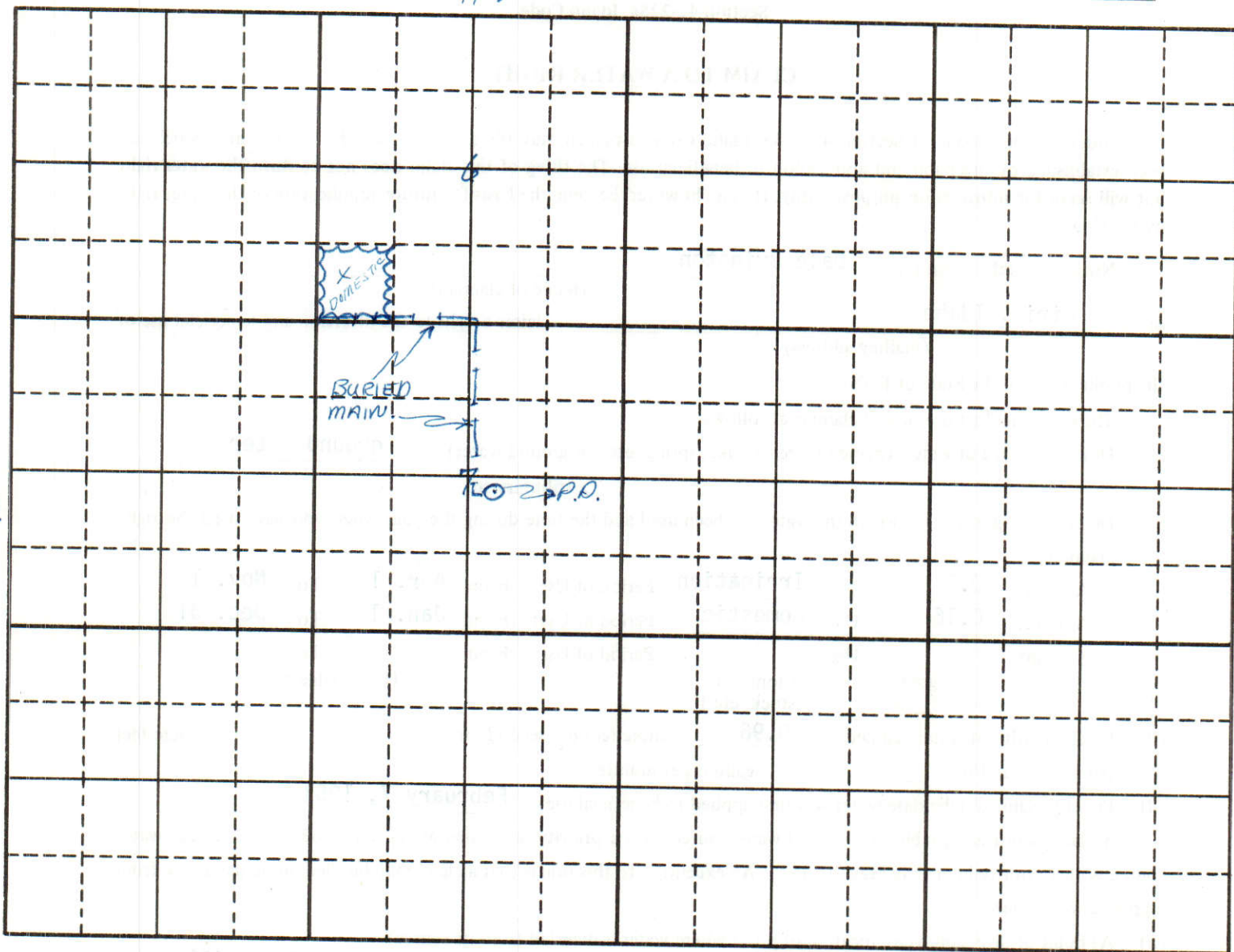


(8) Remarks Lands under this claim are adjacent to lands licensed by #G-26754  
and are irrigated by the same system.

41 E



Scale: 2 inches equal 1 mile.

Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

State of Idaho )  
County of Bonneville ) ss.

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiants knowledge.

Sworn to before me this 2 day of Dec.

Dale Byington  
(Claimant)

, 19 76.

Jose Trumelling  
Notary Public

Residing at Idaho Falls, Idaho

My commission expires 10-1-77

For Department Use Only

|                                       |                     |                     |              |      |
|---------------------------------------|---------------------|---------------------|--------------|------|
| Received by <u>LD</u>                 | Date <u>12/2/76</u> | Exception filed by: | Forwarded to | Date |
| Prelim. check by <u>EMC</u>           | Date <u>12/2/76</u> |                     | claimant by: |      |
| \$10.00 fee received by <u>LD</u>     | Date <u>12/2/76</u> |                     |              |      |
| Approved for publication by <u>LD</u> | Date <u>12/2/76</u> |                     |              |      |
| Published in <u>East Register</u>     |                     |                     |              |      |
| Dates <u>Dec. 9 &amp; 16, 1976</u>    |                     |                     |              |      |

RECEIVED  
DEC 21 1976  
Department of Water Resources  
Eastern District Office

# Proof of Publication

## The Post-Register

State of Idaho, }  
County of Bonneville } ss.

I, E. F. McDermott, first being duly sworn, depose and say: 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-eighty (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 9th day of December, 1976, last publication having been made on the 16th day of December, 1976, 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 16th day of December, 1976

Karevstale  
Notary Public

My commission expires April 5, 1979

B10, 1M

aw  
NOTICE OF CLAIM  
TO A WATER RIGHT  
NO. 25-4022  
Notice is hereby given that Dale Byington, Ririe, Idaho has filed a claim to a water right established by diversion and application to beneficial use of 0.96 cubic feet per second of water from a ground-water source with point of diversion in the NW1/4SE1/4, Sec. 7, T. 3N, R. 41E, E.M., Bonneville County.  
The water is claimed to be used from Jan. 1 to Dec. 31 for domestic purposes for 8 families, and from Apr. 1 to Nov. 1 for the irrigation of 40 acres, with a priority of Feb. 7, 1957; the place of use is within the SW1/4SW1/4, Sec. 6, T. 3N, R. 41E, B.M.  
Any exception to this claim of water right may be filed with the Idaho Department of Water Resources, 1515 Lincoln Road, Idaho Falls, Idaho, 83401.  
R. KEITH HIGGINSON  
Director  
Pub.: Dec. 9 and 16, 1976  
ne

MICROFILMED

## STATE OF IDAHO

## DEPARTMENT OF WATER RESOURCES

**Section 42-225a, Idaho Code**

## CLAIM TO A WATER RIGHT

Under the provisions of Section 42-225a, Idaho Code, a person may file a claim to a right to use water which has been established by diversion and application to beneficial use. **The filing of this claim does not confirm the water right but will serve for information purposes only.** It may, however, become the basis for future adjudication of the water right by the Court.

Notice is hereby given that Dale Byington  
(name of claimant)  
of Ririe, Idaho  
(mailing address), claims a right to the diversion and beneficial use of  
the public water of the State of Idaho

The extent and nature of said claim is as follows:

- (1) Describe source of water: (name of stream, lake, spring, etc., or ground water) ground water  
\_\_\_\_\_, tributary to, \_\_\_\_\_
- (2) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:
- |        |                      |     |                               |                |      |               |    |                        |
|--------|----------------------|-----|-------------------------------|----------------|------|---------------|----|------------------------|
| Amount | <u>0.8</u>           | Use | <u>Irrigation</u>             | Period of Use: | From | <u>Apr. 1</u> | To | <u>Nov. 1</u>          |
| Amount | <u>0.16</u>          | Use | <u>Domestic</u>               | Period of Use: | From | <u>Jan. 1</u> | To | <u>Dec. 31</u>         |
| Amount | _____                | Use | _____                         | Period of Use: | From | _____         | To | _____                  |
|        | (cfs, gpm<br>or a/f) |     | (dom., irri.,<br>stock, etc.) |                |      |               |    | (both dates inclusive) |
- (3) Total quantity of water claimed: 0.96 cubic feet per second, or \_\_\_\_\_ acre feet per annum, and/or \_\_\_\_\_ gallons per minute.
- (4) Priority claimed: (the date water was first applied to beneficial use) February 7, 1957

A claim is not acceptable on a ground-water source with a priority later than March 25, 1963 or on a surface-water source with a priority later than May 20, 1971. An exception to this rule is that a claim may be filed on domestic use from a ground-water source.

- (5) A) Point of diversion: (give location of point where water is diverted from its source)  
NW  $\frac{1}{4}$  SE  $\frac{1}{4}$ , Sec. 7 Twp. 3N Rge. 41E B. M. County of Bonneville  
 Additional points of diversion: \_\_\_\_\_

B) Describe means of diversion of water: (pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.) Give sizes and capacities; be as specific as possible. 2 wells, two 200 Hp. motors and pumps, buried main tapers from 16" to 8", one & half 1/4 mile hand lines with 33, 5/32" nozzels per line

- (6) A) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is not for irrigation, place an "X" in appropriate box to show location.

[illegible]

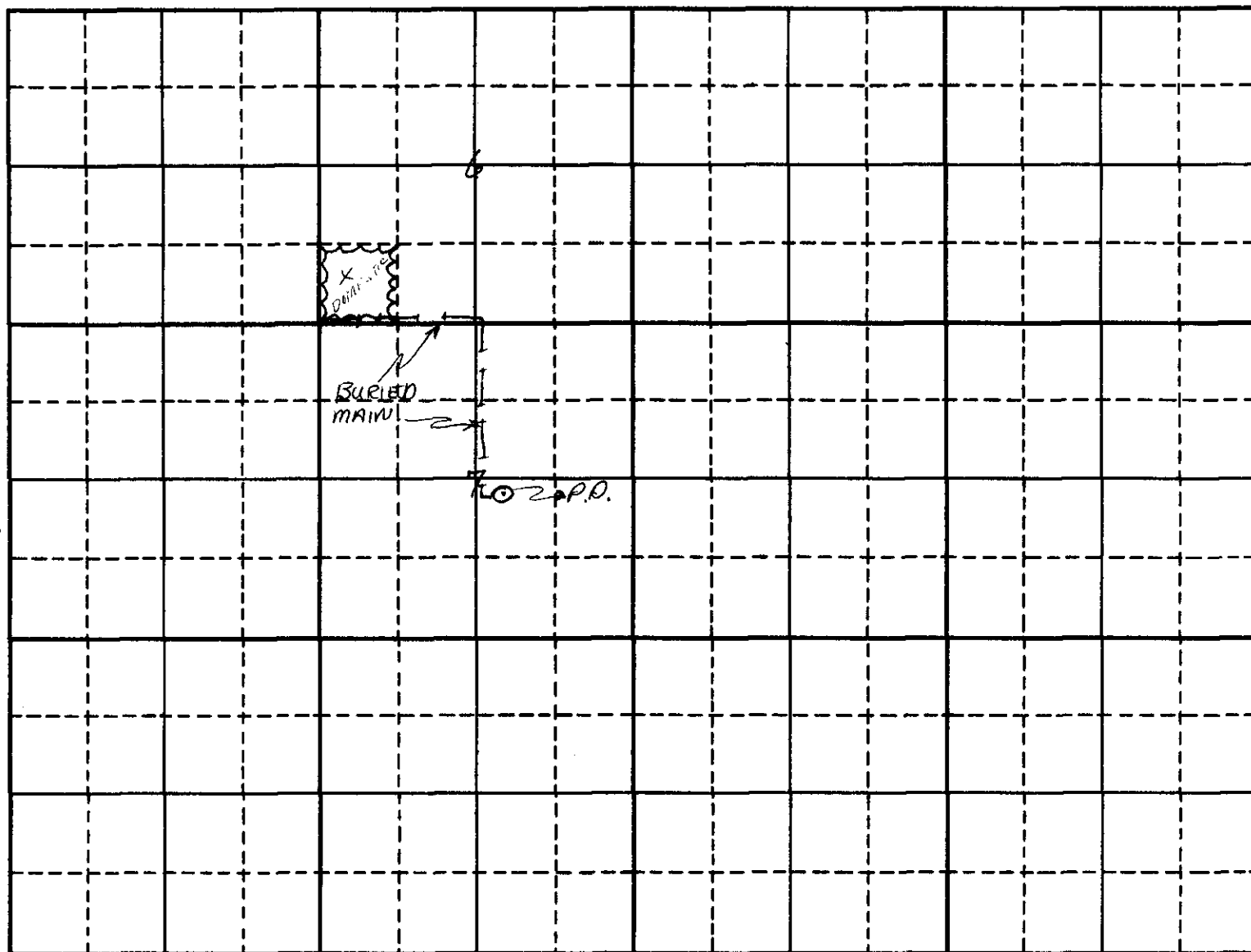
Total No. of acres 40

- B) If the water is used for other than irrigation, fully describe that use, being as specific as possible: \_\_\_\_\_  
Water is also piped to eight household for domestic use from these two wells

- (7) If you are claiming water as a member of an organization, list name of organization: \_\_\_\_\_

- (8) Remarks Lands under this claim are adjacent to lands licensed by #G-26754  
and are irrigated by the same system.

41 E



Scale: 2 inches equal 1 mile.

Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

State of Idaho )  
 ) ss.  
County of Bonner )

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiants knowledge.

Dale Byington  
(Claimant)

Sworn to before me this 2 day of Dec, 19 76.

Jack Trumling  
Notary Public  
Residing at Idaho Falls, Idaho

My commission expires 10-1-77

For Department Use Only

|                                                    |                     |                     |              |      |
|----------------------------------------------------|---------------------|---------------------|--------------|------|
| Received by <u>LAD</u>                             | Date <u>12/2/76</u> | Exception filed by: | Forwarded to | Date |
| Prelim. check by <u>EDC</u>                        | Date <u>12/3/76</u> |                     | claimant by: |      |
| \$10.00 fee received by <u>LAD</u>                 | Date <u>12/2/76</u> |                     |              |      |
| Approved for publication by <u>MR. W. J. 21-76</u> | <u>4450</u>         |                     |              |      |
| Published in <u>East Register</u>                  |                     |                     |              |      |
| Dates <u>Dec. 9 &amp; 16, 1976</u>                 |                     |                     |              |      |

RECEIVED

DEC 21 1976

Department of State  
Eastern District Office

# Proof of Publication The Post-Register

State of Idaho, }  
County of Bonneville } ss.

I, E. F. McDermott, first being duly sworn, depose and say: 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-eighty (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 9th day of December, 19 76, last publication having been made on the 16th day of December, 19 76, 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 16th day of December, 19 76

*E. F. McDermott*

*Karl Stale*  
Notary Public

My commission expires April 5, 19 79

B10, 1M



NOTARY PUBLIC

ACT  
ION

N OWNER LAST NAME - BYINGTON

FIRST NAME - DALE

N

CITY - RIRIE

STATE - ID ZIP CODE - 83443

N SOURCE - GROUNDWATER

N STAGE - STATUTORY CLAIM

PRIORITY - 02-07-1957 COUNTY - BONNEVILLE TOTAL DIV. RATE -

.9600CFS

N DIVERSION POINT - NWSE 07 03N 41E

N FROM - 04-01 TO - 11-01 USE - IRRIGATION

USE DIV. RATE - .8000CFS

N FROM - 01-01 TO - 12-31 USE - DOMESTIC

USE DIV. RATE - .1600CFS

N USE - IRRIGATION

PLACE OF USE - TWN 03N RNG 41E SEC 06 TRACT SWSW

AC 40

N NON IRRIG USE - D/8 HOMES.



- DATA ENTRY -

Old No.

New No.

1. Original Owner: Dale Byington

Present Owner: \_\_\_\_\_

3. City: Greene State: ID Zip: 83443

State: ID

Zip: 83443

4. A. Source of Water: *grw*

B. Tributary of:

5. A. Stage (A,P,L,D,S,J): S

B. Status (D,L,R,C,A,I,F - leave blank if valid):

C. Priority Date: 2-7-1957

D. County: 19

E. Total Diversion Rate: .96

F. Total Diversion Volume:

G. Transfer/Amendment (P,T of A or blank):

H. Water District:

I. DLE/Carey Act (D,C or blank):

J. Right Basis (for adjudication claims A,B,C only):

|                          | <u>Tract</u> | <u>Sec.</u> | <u>Twp.</u> | <u>Rge.</u> | <u>Gov't Lot</u> | <u>Rediv.</u> |
|--------------------------|--------------|-------------|-------------|-------------|------------------|---------------|
| 6. A. Point of Diversion | NWSE         | 7           | 3N          | 41E         |                  |               |
|                          |              |             |             |             |                  |               |
|                          |              |             |             |             |                  |               |
|                          |              |             |             |             |                  |               |

7. Period of Use, Use, Diversion Rate/Volume:

[illegible]

72479

[illegible]

9. A. Decree Name:

B. Decree Date:

10. Remarks: A.  
B.  
C.  
D.  
E.

11. Other Uses (Non-irrigation explanatory information):

D/8 home

12. Other Rights for Same Use:

13. A. Proof Due Date:

B. Date Permit Approved or Denied:

C. Protested Date:

D. Hearing Date:

E. Old Number:

F. Proof Made (P or blank):

G. Field Exam Made (P,R,F or blank):

H. Conditions of Approval: \_\_\_\_\_

14. Diversion Means (brief narrative):

December 27, 1976

RE: Claim to a Water Right No. 25-4022

Mr. Dale Byington  
Ririe,  
Idaho 83443

Dear Mr. Byington:

The Department of Water Resources has completed the processing of your claim to a water right and no further action is authorized under Section 42-225a and 42-225b, Idaho Code. Your claim will be retained in our files and will be available at any time for use by you or the court.

As you are aware, the filing of your claim does not, in itself, guarantee you a water right; it only records and preserves the information and the evidence which you included in your claim.

If, at a later date, you find that you have additional information or supporting evidence that you would like to have included in your claim file, you may have that information or evidence added at any time. Please refer to your claim number when corresponding with this office.

We are enclosing, for your records, a copy of your claim. If you have any questions or if we can be of further assistance, please feel free to call upon us.

Very truly yours,

RONALD D. CARLSON  
Supervisor,  
Eastern Region

RDC: CW

Enc: Copy of Claim

December 3, 1976

RE: Claim to a Water Right No. 25-4022  
Application for Permit No. 25-7102 BYINGTON

Post Register  
P.O. Box 1800  
Idaho Falls, Idaho 83401

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

RDC:CW

Enc: Legal N

Bill submitted 12-21-76 by CW

NOTICE OF CLAIM TO A WATER RIGHT

NO. 25-4022

Notice is hereby given that Dale Byington,

Ririe, Idaho

has filed a claim to a water right established by diversion and application  
to beneficial use of 0.96 cubic feet per second ~~XXXXXXXXXXXXXXXXXXXX~~  
of water from a ground-water source

with point of diversion in the NW $\frac{1}{4}$ SE $\frac{1}{4}$ , Sec. 7, T. 3N, R. 41E, B.M.,  
Bonneville County

The water is claimed to be used from Jan. 1 to Dec. 31 for domestic  
purposes for 8 families, and from Apr. 1 to Nov. 1 for the irrigation of  
40 acres,  
with a priority of Feb. 7, 1957;  
the place of use is within the SW $\frac{1}{4}$ SW $\frac{1}{4}$ , Sec. 6, T. 3N, R. 41E, B.M.

Any exception to this claim of water right may be filed with the Idaho  
Department of Water Resources, 1515 Lincoln Road, Idaho Falls, Idaho, 83401.

R. KEITH HIGGINSON

Director

Published in the Post Register, Idaho Falls, Idaho

on December 9 and December 16, 1976

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the  
R.