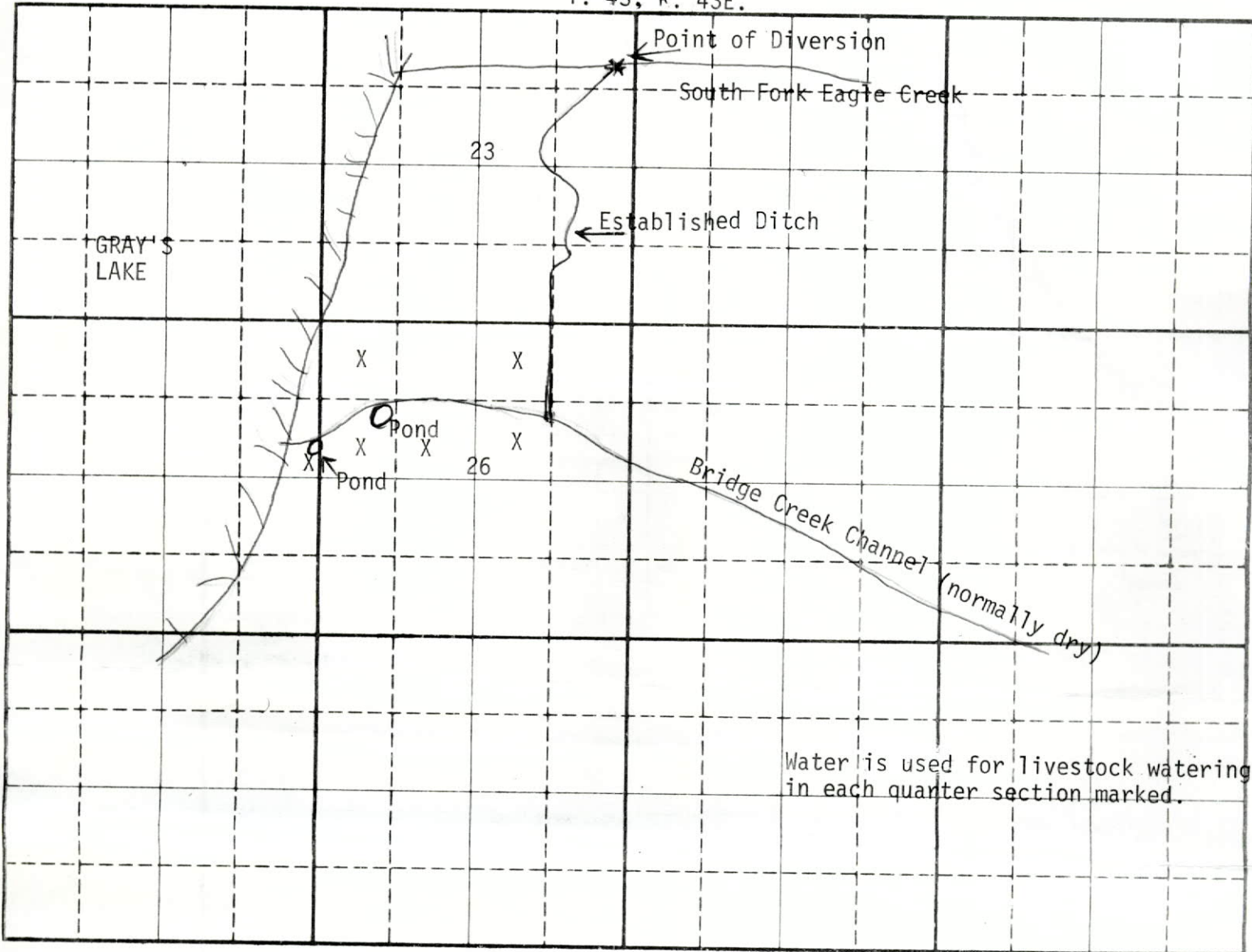


Complete the following map by showing land and point of diversion as proposed by this amendment. Show 40 acre subdivisions, sections, townships, ranges, and ditches.

T. 4S, R. 43E.



Scale: 2 inches equal 1 mile

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

Signed at Soda Spring Idaho, this 14th day of September, 19 71.
Cecil Sebbett
 (signature)

ACTION OF STATE RECLAMATION ENGINEER

Dept. of Water Admin.

I, R. KEITH HIGGINSON, Director

~~State Reclamation Engineer~~ of the State of Idaho,

hereby approve the above application for amendment for Permit No. 33393/25-2152.

Witness my hand this 8 day of December, 19 71

R. Keith Higginson
 State Reclamation Engineer

RECEIVED

OCT 18 1971

Department of Water Administration

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 7th day of October, 1971, last publication having been made on the 14th day of October, 1971, 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 15th day of October, 1971

Kares Dale
Notary Public

My commission expires April 5, 1975

B10, 1M

NOTICE OF AMENDMENT TO WATER PERMIT

Notice is hereby given that Permit No. 33393/~~25-2152~~ in the name of Cecil Sibbett was issued for the appropriation of 1.2 cubic feet per second of water from South Fork Eagle Creek (Bridge Creek Channel), tributary to Blackfoot River, from a point within the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Sec. 26, T. 4 S, R. 43 E, B.M., Bonneville County, to be used for irrigation and stock watering within the NW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 26, T. 4 S, R. 43 E, B.M.

The permit holder now proposes to amend the above numbered permit for the appropriation of 0.4 cubic feet per second of water from South Fork Eagle Creek from a point within the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Sec. 23, T. 4 S, R. 43 E, B.M. to be used for stock watering purposes within the W $\frac{1}{2}$ NE $\frac{1}{4}$, W $\frac{1}{2}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 26 and SE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 27, T. 4 S, R. 43 E, B.M.

Any protest to the amending of this permit must be filed with the Idaho Dept. of Water Administration, 240 South Holmes, Idaho Falls, Idaho, within ten days from the last date of publication of this notice.

R. KEITH HIGGINSON
Director

Pub: Oct 7, 14, 1971

5 2152

RECEIVED
MAR 2 1970
Department of Reclamation

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 12th day of February, 1970, last publication having been made on the 19th day of February, 1970, 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.

E. F. McDermott

Subscribed and sworn to before me, this 20th day of February, 1970

Karl S. Dale
Notary Public

My commission expires April 5, 1971

B10, 1M

NOTICE OF EXISTING WATER PERMIT

Notice is hereby given that Cecil Shbett, Wayan, Idaho, has received an approved permit No. 3393/25-7153 issued by the Idaho State Reclamation Department authorizing the diversion of 0.4 cubic feet per second of water from the South Fork Eagle Creek, tributary of the Blackfoot River, subject to all prior rights. The priority to be established under this permit is November 1, 1966 and the permit was approved January 10, 1967.

Water is to be diverted by ditch from a point within the NW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 26, T. 4 S. R. 43 E. B. M., Bonneville County, to be used for stock watering purposes in the NW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 26, T. 4 S. R. 43 E. B. M.

Proof of the application of the water to beneficial use is to be submitted to the department on or before January 10, 1972. Any protests against the issuance of a license for the above referenced permit should be filed with the Department of Reclamation within ten (10) days of the last date of publication of this notice or prior to the licensing of the permit. Licensing may commence prior to the date beneficial use proof is due without further notice.

R. KEITH HIGGINSON
State Reclamation Engineer
Pub. Feb 12, 19, 1970

Affidavit of Publication
The Post - Register

RECEIVED
MAR 2 1970
Department of Reclamation

STATE OF IDAHO }
County of Bonneville } ss.

I, E. F. McDermott, being first duly sworn, depose and say: That I am the Principal Clerk of the Post Company, a corporation of Idaho Falls, Bonneville County, Idaho, publisher of The Post-Register, a newspaper of general circulation, published daily, except Saturday, at Idaho Falls, in Bonneville County, Idaho, and that said newspaper has been published continuously and uninterruptedly for more than four (4) years up to and including the last publication of the notice hereinafter referred to.

Affiant further says that the said newspaper, prior to the date of the first publication of said notice, as hereinafter stated, did designate a particular day of the week as the day on which legal notices, required by law or by order of any Court of competent jurisdiction within the State to be published weekly, would be published, and that since prior to the date of the first publication of said notice, as hereinafter stated, said newspaper has at the head of the editorial column of said paper and in each issue thereof announced the day of the week on which such legal notices required by law or by order of any Court of competent jurisdiction to be published weekly would be published, and that such day so designated was and is the Sunday issue or edition of said newspaper of each week.

Affiant further says that the notice, of which a copy is hereto attached and made a part of this affidavit, was published in said The Post-Register in the Sunday edition or issue of said newspaper for two consecutive weeks, the first publication having been made in the Sunday issue of said newspaper on the 12th day of February, 1970, and that said notice was thereafter published in each Sunday issue of said newspaper as follows:

On Sunday the 19th day of February, 19 70.
and on Sunday the _____ day of _____, 19 ____.
and on Sunday the _____ day of _____, 19 ____.
and on Sunday the _____ day of _____, 19 ____.
and on Sunday the _____ day of _____, 19 ____.
and on Sunday the _____ day of _____, 19 ____.
and that said notice was published in the regular and entire issue of said newspaper on the said respective dates of publication, and that such notice was published in the newspaper and not in any supplement issue thereof.

E. F. McDermott

Subscribed in my presence and sworn to before me this 20th day of February, 19 70.

Karel Hale

Notary Public

Residence: Idaho Falls, Idaho

My commission expires April 5, 19 71.

NOTICE OF EXISTING WATER PERMIT
Notice is hereby given that Cecil Sibbett, Wayan, Idaho, has received an approved permit No. 33393/25-2152 issued by the Idaho State Reclamation Department authorizing the diversion of 0.4 cubic feet per second of water from the South Fork Eagle Creek, tributary of the Blackfoot River, subject to all prior rights. The priority to be established under this permit is November 1, 1966 and the permit was approved January 10, 1967.

Water is to be diverted by ditch from a point within the NW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 26, T. 4 S., R. 43 E., B. M., Bonneville County, to be used for stock watering purposes in the NW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 26, T. 4 S., R. 43 E., B. M.
Proof of the application of the water to beneficial use is to be submitted to the department on or before January 10, 1972. Any protests against the issuance of a license for the above referenced permit should be filed with the Department of Reclamation within ten (10) days of the last date of publication of this notice or prior to the licensing of the permit. Licensing may commence prior to the date beneficial use proof is due without further notice.

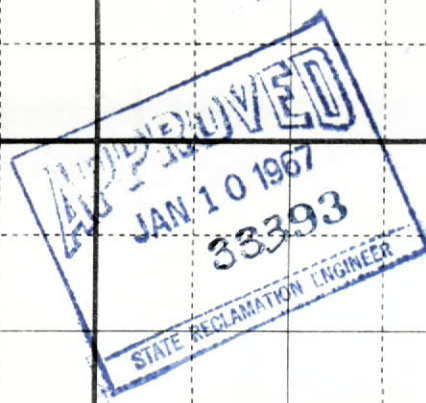
R. KEITH HIGGINSON
State Reclamation Engineer
Pub. Feb 12, 19, 1970

B-11

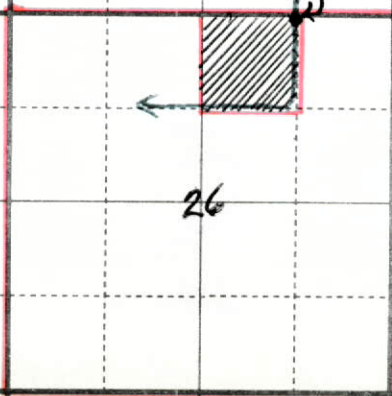
25 2152

NAME OF APPLICANT Cecil Sibbert

Form No. 0



SEC. 26
T4S, R43E
B.m. 13-45-57ch



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

33393

R
43
E

GRAYS
LAKE

SEC. 26

Road

Q measured _____

Q recommended 0.20 cfs

Volume 5 A-F 1/4 R

Acreage -

Found —

recommended —

Subdv. _____

Amendments

☐ None

☒ P. D.

☒ Place of use

☐ Letter sent advising applicant
of need.

NY 11/3/71

H-51

D.I.E.C.
from Eagle CR.
PE PT DIV
IN NENE 23

22 23
27 26

23 24
26 25

H-52

H-45

24" x 16"
CULVERT

4' x 1' channel

POND
25' x 50' x 5'

LIVESTOCK
watering from
ditches

BRIDGE

H-53

H-54

27 26
34 35

26 25
35 36

H-57

H-58

8/31/71
NCI

25 2152

H-43

State of Idaho
Department of Water Administration

LICENSE OF WATER RIGHT

License of Water Right No. 33393/25-2152 Priority Nov. 1, 1966 Amount 0.20 cfs

THIS IS TO CERTIFY, that CECIL SIBBETT
of Wayan, Idaho, has complied with the terms and conditions of Permit
No. 33393/25-2152 issued pursuant to Application for Permit dated November 1, 1966,
and has submitted proof to the Department of Water Administration on December 5, 1969,
that he has applied water to a beneficial use; an examination by the Department indicates that the
works have a capacity of 0.20 cfs, and that the water has in fact been applied to a
beneficial use; a right to the use of water from South Fork Eagle Creek
tributary of Grays Lake the Blackfoot River, is hereby confirmed in the following amounts:

Amount 0.20 cfs for stockwater from Jan. 1 to Dec. 31 (both dates inclusive)

Amount _____ for _____ from _____ to _____ (both dates inclusive)

Amount _____ for _____ from _____ to _____ (both dates inclusive)

Subject, however, to the condition that no more than 0.20 cfs of water be diverted at
any one time, said waters to be diverted within the _____

NE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 23, Twp. 4 S, Rge. 43 E, B.M.

in the county of Bonneville; and that the amount of water so diverted and to which such
right is entitled and confirmed is for the purposes aforesaid and is limited to the amount which can
actually be beneficially used and shall not exceed 5.0 acre feet per year ~~or~~

~~XXXXXX XXXXXX~~
Description and location of place of use:

TWP.	RANGE	SEC.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTALS
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
4S	43E	26		X	X			X	X	X									
		27				X													

Total number of acres irrigated _____

The right to the use of the water hereby confirmed is restricted and appurtenant to the lands
or place of use herein described, as provided by the laws of Idaho.

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 8 day of
December, 19 71.


Director

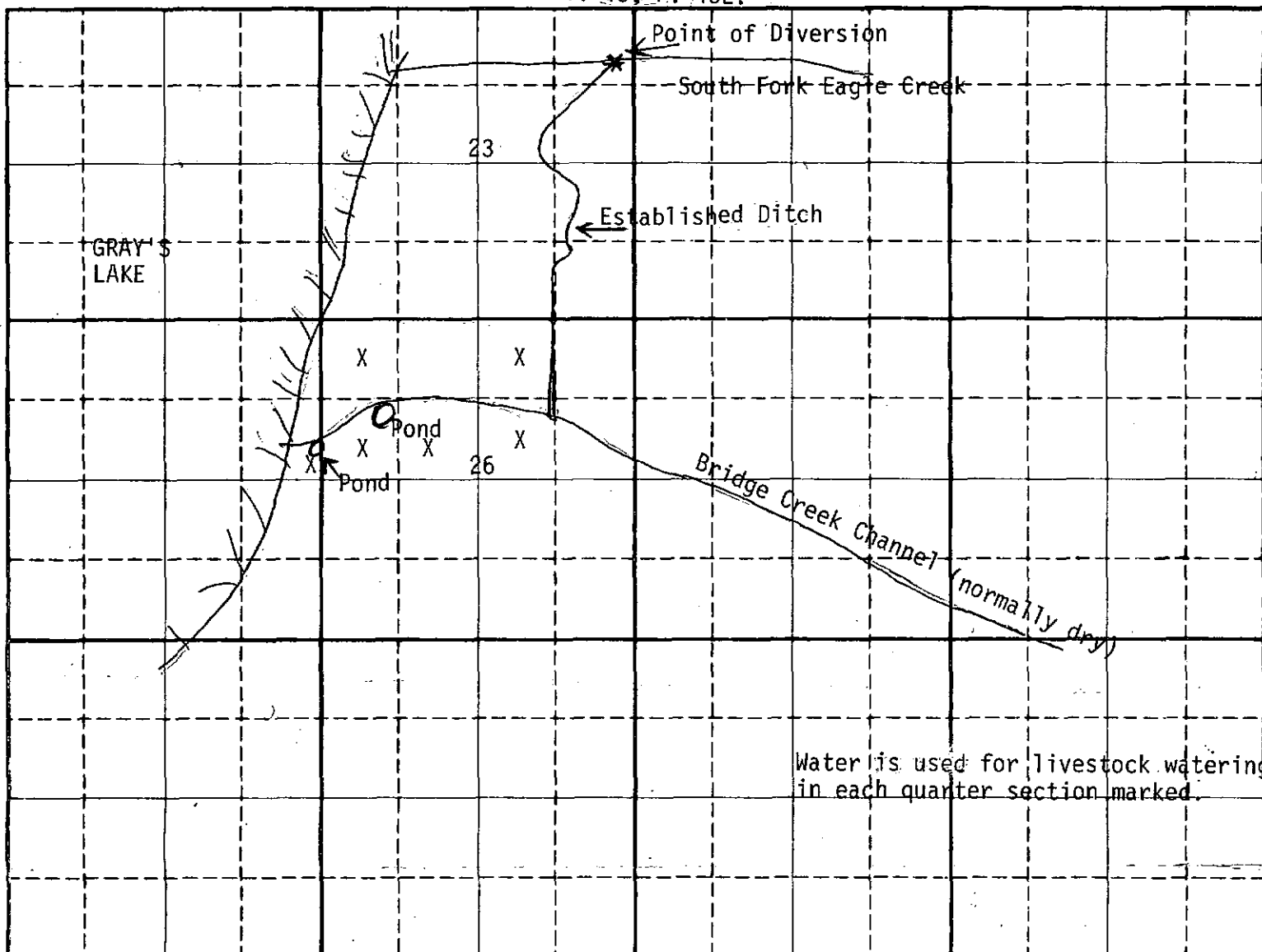
25-2152

25 2152

25-2152

Complete the following map by showing land and point of diversion as proposed by this amendment. Show 40 acre subdivisions, sections, townships, ranges, and ditches.

T. 4S, R. 43E.



Scale: 2 inches equal 1 mile

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

Signed at Soda Springs Idaho, this 14th day of September, 19 71.

Cecil Sebbett
(signature)

ACTION OF STATE RECLAMATION ENGINEER

Dept. of Water Admin.

I, R. KEITH HIGGINSON, Director

~~State Reclamation Engineer~~ of the State of Idaho,

hereby approve the above application for amendment for Permit No. 33393/25-2152.

Witness my hand this 8 day of December, 19 71

R. Keith Higgins
State Reclamation Engineer

RECEIVED

OCT 18 1971

Department of Water Administration

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 7th day of October, 1971, last publication having been made on the 14th day of October, 1971, 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 15th day of October, 1971

Kare S. Hale
Notary Public

My commission expires April 5, 1975

B10, 1M

NOTICE OF AMENDMENT TO WATER PERMIT

Notice is hereby given that Permit No. 33393/25-2152 in the name of Cecil Sibbett was issued for the appropriation of 1.2 cubic feet per second of water from South Fork Eagle Creek (Bridge Creek Channel), tributary to Blackfoot River, from a point within the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Sec. 26, T. 4 S, R. 43 E, B.M., Bonneville County, to be used for irrigation and stock watering within the NW $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 26, T. 4 S, R. 43 E, B.M.

The permit holder now proposes to amend the above numbered permit for the appropriation of 0.4 cubic feet per second of water from South Fork Eagle Creek from a point within the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Sec. 23, T. 4 S, R. 43 E, B.M. to be used for stock watering purposes within the W $\frac{1}{2}$ NE $\frac{1}{4}$, W $\frac{1}{2}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 26 and SE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 27, T. 4 S, R. 43 E, B.M.

Any protest to the amending of this permit must be filed with the Idaho Dept. of Water Administration, 240 South Holmes, Idaho Falls, Idaho, within ten days from the last date of publication of this notice.

R. KEITH HIGGINSON
Director

Pub: Oct. 7, 14, 1971

25 2152

RECEIVED
FEB 21 1970
DEPARTMENT OF RECLAMATION

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 12th day of February, 1970, last publication having been made on the 19th day of February, 1970, 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.

E. F. McDermott

Subscribed and sworn to before me, this 20th day of February, 1970

Karl S. Dale
Notary Public

My commission expires April 5, 1971

B10, 1M

NOTICE OF EXISTING WATER PERMIT
Notice is hereby given that Carl Sibbett, Wayan, Idaho, has received an approved permit No. 33393/25-153 issued by the Idaho State Reclamation Department authorizing the diversion of 0.4 cubic feet per second of water from the South Fork Eagle Creek, tributary of the Blackfoot River, subject to all prior rights. The priority to be established under this permit is November 1, 1966 and the permit was approved January 10, 1970.

Water is to be diverted by ditch from a point within the NW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 26, T. 4 S. R. 43 E. B. M., Bonneville County, to be used for stock watering purposes in the NW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 26, T. 4 S. R. 43 E. B. M.

Proof of the application of the water to beneficial use is to be submitted to the department on or before January 10, 1972. Any protests against the issuance of a license for the above referenced permit should be filed with the Department of Reclamation within ten (10) days of the last date of publication of this notice or prior to the licensing of the permit. Licensing may commence prior to the date beneficial use proof is due without further notice.

R. KEITH HIGGINSON
State Reclamation Engineer
Pub. Feb 12, 1970

Affidavit of Publication The Post - Register

STATE OF IDAHO }
County of Bonneville } ss.

I, E. F. McDermott, being first duly sworn, depose and say: That I am the Principal Clerk of the Post Company, a corporation of Idaho Falls, Bonneville County, Idaho, publisher of The Post-Register, a newspaper of general circulation, published daily, except Saturday, at Idaho Falls, in Bonneville County, Idaho, and that said newspaper has been published continuously and-uninterruptedly for more than four (4) years up to and including the last publication of the notice hereinafter referred to.

Affiant further says that the said newspaper, prior to the date of the first publication of said notice, as hereinafter stated, did designate a particular day of the week as the day on which legal notices, required by law or by order of any Court of competent jurisdiction within the State to be published weekly, would be published, and that since prior to the date of the first publication of said notice, as hereinafter stated, said newspaper has at the head of the editorial column of said paper and in each issue thereof announced the day of the week on which such legal notices required by law or by order of any Court of competent jurisdiction to be published weekly would be published, and that such day so designated was and is the Sunday issue or edition of said newspaper of each week.

Affiant further says that the notice, of which a copy is hereto attached and made a part of this affidavit, was published in said The Post-Register in the Sunday edition or issue of said newspaper for two consecutive weeks, the first publication having been made in the Sunday issue of said newspaper on the 12th day of February, 1970, and that said notice was thereafter published in each Sunday issue of said newspaper as follows:

On Sunday the 19th day of February, 19 70.
and on Sunday the _____ day of _____, 19 ____.
and on Sunday the _____ day of _____, 19 ____.
and on Sunday the _____ day of _____, 19 ____.
and on Sunday the _____ day of _____, 19 ____.
and on Sunday the _____ day of _____, 19 ____.
and that said notice was published in the regular and entire issue of said newspaper on the said respective dates of publication, and that such notice was published in the newspaper and not in any supplement issue thereof.

E. F. McDermott

Subscribed in my presence and sworn to before me this 20th day of February, 19 70.

Karl S. Hale

Notary Public

Residence: Idaho Falls, Idaho

My commission expires April 5, 19 71.

NOTICE OF EXISTING WATER PERMIT
Notice is hereby given that Cecil Sibbett, Wayan, Idaho, has received an approved permit No. 43883/25-2152 issued by the Idaho State Reclamation Department authorizing the diversion of 0.4 cubic feet per second of water from the South Fork Magic Creek, tributary of the Blackfoot River, subject to all prior rights. (This permit was established under this permit in November 1, 1966 and the permit was approved January 10, 1969.)
Water is to be diverted by ditch from a point within the NW 1/4 NE 1/4, Sec. 26, T. 4 S., R. 43 E., B. M., Bonneville County, to be used for stock watering purposes in the NW 1/4 NE 1/4, Sec. 26, T. 4 S., R. 43 E., B. M.
Proof of the application of the water to beneficial use is to be submitted to the department on or before January 10, 1972. Any protests against the issuance of a license for the above referenced permit should be filed with the Department of Reclamation within ten (10) days of the last date of publication of this notice or prior to the licensing of the permit. Licensing may commence prior to the date beneficial use proof is due without further notice.
R. KEITH HIGGINSON
State Reclamation Engineer
Pub. Feb 12, 19 1970

B-11

M E M O

Re: Permit No. 33393

A protest has been filed against the issuance of this license. As soon as the Proof of Beneficial Use has been made, a hearing should be set and this protest resolved.

C. STEPHEN ALLRED
Assistant State Reclamation Engineer

33393

WILLIAM S. HOLDEN
ROBERT B. HOLDEN
R. VERN KIDWELL
FRED J. HAHN
TERRY L. CRAPO
C. TIMOTHY HOPKINS
OF COUNSEL
ARTHUR W. HOLDEN

PROTEST
LAW OFFICES
HOLDEN, HOLDEN & KIDWELL

IDAHO FIRST NATIONAL BANK BUILDING

P. O. BOX 129

IDAHO FALLS, IDAHO 83401

TELEPHONE 523-0620
AREA CODE 208

REED A. WILLIAMS (1923-1962)
HOWARD R. STINSON (1905-1957)

RECEIVED

OCT 7 1968

October 4, 1968

Department of Reclamation

Mr. C. Stephen Allred, Assistant
State Reclamation Engineer
Department of Reclamation
107 State House
Boise, Idaho 83701

83393
Re: South Fork of Eagle Creek —
Permit of Cecil Sibbett to
divert 1.2 c.f.s.

Dear Steve:

We wrote to you on March 22, 1968, explaining that we represent Mr. Raymond Ostler and Mr. H. L. Muir, both of whom are users of the waters of the South Fork of Eagle Creek, who wish to interpose an objection to the issuance of a license on the permit as mentioned above.

We write to you again with respect to this matter because of the Department's recently adopted policy for the making of proof of application to beneficial use in accordance with the new statutory procedure even though a permit was issued prior to May 31, 1967, the effective date of that new legislation. In order that Mr. Ostler and Mr. Muir may properly raise their objections, we ask that we be given notice at such time as Mr. Sibbett submits his proof of application to beneficial use to the Department. We make this special request for the reason that the location of Eagle Creek and the residences of the parties involved are such that legal notice duly published in a newspaper of circulation in Bonneville County very probably might not come to the attention of our clients.

33293

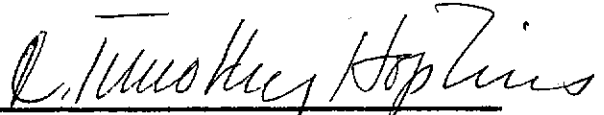
Mr. C. Stephen Allred
October 4, 1968
Page 2

We shall appreciate your help with this request in order that objection can be properly raised by our clients upon application for license being made in this matter.

Very truly yours,

HOLDEN, HOLDEN & KIDWELL

By


C. Timothy Hopkins

CTH:zlm

cc: Mr. Raymond Ostler
Mr. H. L. Muir

33393

Application For Permit
To Appropriate the Public Waters of the State of Idaho

APPLICATION NO. 41594
PERMIT NO. 33393
DISTRICT NO.

Partner of attorney
Wallace M. Transtrum, Attorney
159 South Main, Soda Springs, Ida.

1. Name of Applicant: Cecil Sibbett

Postoffice address: Wayan

County: Caribou

State: Idaho

I. If applicant is a corporation, give:

- (a) Date and place of incorporation:
- (b) Amount of capital stock:
- (c) 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) Bond to be issued:
- (d) Other resources:

2. Quantity of water claimed: 1.2 cubic feet per second.
(40 inches (4/5 c.f.s.) irrigation and 20 inches (2/5/ c.f.s.) stock water.

3. Source of water supply: South Fork Eagle Creek which is a tributary of Blackfoot River.

4. Location of point of diversion: 50 feet distant from the NE $\frac{1}{4}$ of the NW $\frac{1}{4}$ NE $\frac{1}{4}$ corner of Section 26, T. 4 S, R. 43 E, B.M., and is in the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of section 26, T. 4 S, R. 43 E, B. M., County of Bonneville

5. Water is to be used for irrigation and stock watering.

6. If for mining, milling, power or manufacturing purposes, give:

(a) Point of use of water: feet distant from corner of Section
T. , R. , B.M., in the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section of 26, T. 4 S, R. 43 E, B.M.

(b) Amount of power generated: H.P., under feet head.

(c) Water is to be returned to at a point feet
distant from the corner of Section, T. , R. , B.M., in the
of Section, T. , R. , B.M.

7. Estimated cost of works: \$ 100.00

8. Kind of works: ditch

9. Height of dam feet; length of dam at top feet; length of dam at bottom
feet; material used in dam:

10. Size of headgate: Width none feet; height feet.

11. Ditch: Width at bottom 5 feet; width at water line 5 feet; depth of water 1 $\frac{1}{2}$ feet;
dimensions of flume:

Diameter of pipe inches; length of conduit miles.

Average grade per mile feet.

12. The time required for the completion of such work is 5 years.

13. The time required for the complete application of the water to the proposed use is -0- additional years.

14. The land to be irrigated is described in the following tabulation: See remarks.

15. Existing water rights and/or valid permits appurtenant to the lands to be irrigated are:

16. (a) Is reservoir to be used? If so, fill in (b) and (c) below:
 (b) Name of Reservoir and number of Storage Permit:
 (c) Date of filing of Application for Storage Permit and Name of Applicant:

BE IT KNOWN THAT The undersigned hereby makes application for permit to appropriate the public water of the State of Idaho as herein set forth.

Cecil Sibbett

Applicant.

By /s/ WALLACE M. TRANSTRUM

Agent.

Date of first receipt at Department of Reclamation: November 1, 1966 9:00 A.M.

Returned to applicant for correction:

Corrected application received: December 12, 1966 8:00 A.M.

Approval of State Reclamation Engineer

The number of this permit is 33393

Recorded in Book 116 Page 33393 Approved January 10, 1967

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 March 10, 1967 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 July 10, 1969

The whole of said work to be completed on or before January 10, 1972

Beneficial use of water appropriated in accordance herewith, to be made on or before January 10, 1972

WITNESS My hand this 10th day of January, 1967.

/s/ R. KEITH HIGGINSON
State Reclamation Engineer.

IN TESTIMONY WHEREOF, We, DON W. SAMUELSON, Governor of the State of Idaho,
and EDSON H. DEAL, Secretary of State of the State of Idaho, have caused this instrument to

be executed in the name of the State of Idaho, and caused the Great Seal of the State of Idaho to be hereunto affixed, this 10th

day of January, 1967.
Countersigned:

STATE OF IDAHO

(SEAL)

By /s/ EDSON H. DEAL
Secretary of State.

By /s/ DON SAMUELSON
Governor.

REMARKS: 40 inches to be used for irrigation during irrigation season. 20 inches are to be used for stock watering on year around basis.

14.

Twp.	Range	Sec.	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	Totals
			NE $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$	NE $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$	NE $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$	NE $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$	
4 S	43 E	26	40				40

Don:

I think the source of
Water and drainage should
be checked. This is
tributary to Gray's lake. This
stream appears to empty
into Gray's lake. During
low water it might
hit Eagle Creek.

RH

25' 2152
32393

Note -

BW proof has not
checked or acknowledged
Read this letter

33393

↓
25-2-52 pr

the permit will be published at the
two weekly issues in the official
which the point of diversion lies.

of 21st June

Inform Mr C. Timothy Hopkins
when advertising is
commenced.

33293
25-2152

Rec. Mo. 3354 Given #5
Address all communications to
Wallace M. Transtrum, Attorney
P.O. 159 South Main, Soda Springs, Idaho

APPLICATION FOR PERMIT TO APPROPRIATE THE PUBLIC WATERS OF THE STATE OF IDAHO

Application No. 41594

Permit No. 33393

District No.

RECEIVED
NOV 1 1966
9:00 AM
Department of Reclamation

1. Name of Applicant: Cecil Sibbett
Post Office address: Wayan County: Caribou State: Idaho

If applicant is a corporation, give:

(a) Date and place of incorporation:

(b) Amount of Capital stock: \$ (c) Amount paid in: \$

(d) Names and addresses of directors:

The financial resources of the applicant are: (a) Cash on hand: \$

(b) Treasury stock: (c) Bonds to be issued:

(d) Other resources:

2. Quantity of water claimed: 1.244 40 inches (4/5 C.F.S.) irrigation and 20 inches (2/5 c.f.s) cubic feet per second water

3. Source of water supply: South Fork Eagle Creek
which is tributary of Blackfoot River

4. Location of point of diversion: 50 feet distant from the NE of the N corner of Section 26, Twp. 4 S, Rge. 43 E, B. M., and is in the NW 1/4 NE 1/4 of Section 26, Twp. 4 S, Rge. 43 E B.M., County of Bonneville

5. Water is to be used for: irrigation and stock watering

6. If for any non-irrigation purpose, give:

(a) Point of use of water: 50 feet distant from NE corner of Section 26, Twp. 4 S, Rge. 43 E, B. M., in the NW 1/4 NE 1/4 of Section 26, Twp. 4 S, Rge. 43 E, B. M.

(b) Amount of power generated: H. P., under feet head.

(c) Water is to be returned to at a point feet distant from the corner of Section, Twp., Rge., B. M., in the of Section, Twp., Rge., B. M.

7. Estimated cost of works: \$ 100.00

8. Kind of works: ditch (Reservoir, dam, ditch, flume, pipe, etc.)

9. Height of dam feet; length of dam at top feet; length of dam at bottom feet; material used in dam (If height of dam will exceed 10 feet or will store more than 100 acre feet of water, send to Department of Reclamation for Regulations.)

10. Size of headgate: Width none feet; Height feet

11. Ditch: Width at bottom 5 feet; Width at water line 5 feet; Depth of water 1 1/2 feet;

Dimensions of flume; Diameter of pipe inches;

Length of conduit miles. Average grade per mile feet.

33393

16. (a) Is reservoir to be used? (If so, fill in (b) and (c) below.)
(b) Name of reservoir and number of Storage Permit:
(c) Date of filing of Application for Storage Permit and Name of Applicant:

Remarks: 40 inches to be used for irrigation during irrigation season.
20 inches are to be used for stock watering on a year around basis.

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.

Cecil Sibbett

Applicant.

By

Wallace M. Transtrum

Agent

Affidavit of Permission to File on Springs

(Not to be used when spring is situated on lands owned by applicant.)

I, ..., of, County of, State of, do hereby certify that I am the owner of the land on which the spring mentioned in the application of is located, to-wit:

and that I do hereby grant unto the said permission to file on the said spring as set forth in the foregoing application.

STATE OF IDAHO

County of

ss.

On this day of, 19....., before me, a Notary Public for the State of Idaho, residing at, personally appeared known to me to be the person... whose name... subscribed to the foregoing certificate, and acknowledged to me that... he... executed the same.

Witness my hand and seal, the day and year in this certificate first above written.

My commission expires

Notary Public.

3339B

Approval of State Reclamation Engineer

The number of this permit is 33393
Recorded in Book 116 Page 33393 Approved JAN 10 1967
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 before.....
Work to begin on or before March 10, 1967, and to continue diligently and uninterruptedly to completion, unless temporarily interrupted by circumstances over which the permit holder has no control.
One-fifth of the work above specified to be completed on or before July 10, 1969
The whole of said work to be completed on or before January 10, 1972
Beneficial use of water appropriated in accordance herewith, to be made on or before January 10, 1972
Witness my hand this 10th day of January, 1967

R. Keith Higgins
State Reclamation Engineer.

IN TESTIMONY WHEREOF, We, DON W. SAMUELSON, Governor of the State of Idaho and EDSON H. DEAL, Secretary of State of the State of Idaho, have caused this instrument to be executed in the name of the State of Idaho, and caused the Great Seal of the State of Idaho to be hereunto affixed, this 10th day of January, 1967.

Countersigned
By *Edson H. Deal*
Secretary of State.

STATE OF IDAHO
By *Don Samuelson*
Governor.

No. 33393

PERMIT

Date of first receipt at office of State
Reclamation Engineer

November 1, 1966 9:00 A.M.

Returned to applicant for correction

December 12, 1966 8:00 A.M.

Corrected application received

Fees, \$ 5.25

FILING FEES FOR USE PERMIT:

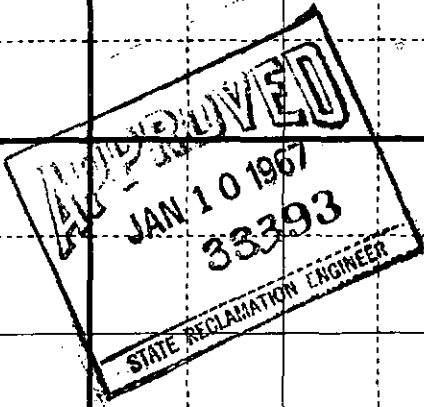
For the first Sec. Ft. \$5.00

For each additional Sec. Ft. or Fraction

Thereof .25

NAME OF APPLICANT Cecil Sibbett

Form No. 0



SEC. 26
T4S, R43E
B.m. 15 of 27 ch



26

Identification No. _____

Permit No. _____

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

PROOF OF APPLICATION OF WATER TO BENEFICIAL USE

RECEIVED

DEC 5 1966

Department of Reclamation

1. a) Name of Permit Holder Cecil Sibbett
b) Post Office Address Wayan, Idaho
2. Permit Number 33393
3. Date of Priority that you are prepared to establish November 1, 1966
4. a) Source from which water was appropriated South Fork Eagle Creek
b) Location of the point of diversion: NW 1/4 NE 1/4, Section 26
Township 4 South, Range 43 East, Boise Meridian, Other points of diversion: _____
5. a) The amount of water and use to which the water has been applied:
amount .4 cfs. for stock watering purposes from January 1 to December 31 incl.
(cfs and/or acre feet per annum) (Month-Day) (Month-Day)
amount _____ for _____ purposes from _____ to _____ incl.
(cfs and/or acre feet per annum) (Month-Day) (Month-Day)
amount _____ for _____ purposes from _____ to _____ incl.
(cfs and/or acre feet per annum) (Month-Day) (Month-Day)
b) Total amount appropriated .4 cfs and/or acre feet per annum
c) Describe how and by whom measurement of rate of flow or amount of storage was made and the qualifications of the person making the measurement: _____
6. If the means of diversion and conveyance are owned by someone other than the Permit Holder:
a) Give the name or description of the canal, ditch or other works by which the water is conducted to the place of use: Points of diversion located on applicant's property. Means of conveyance is a ditch passing through property of Hazen Muir and Ray Ostler
b) Describe the agreement or understanding by which you take water from the works: Water converted through this ditch for some 29 years
7. a) Briefly describe the works for diverting and conveying the water to the place of use, (If from a subterranean source, give the pump size, motor size, size of well casing, depth of well; if from surface water, give brief description of diversion structure and/or canal or ditch) Ditch approximately three feet wide at the bottom and fourteen to fifteen inches deep
b) Describe the type and size of measuring device which you have installed at your point of diversion: None
c) Give well drillers name and address and date the well was completed None

exam typed
5-5-70
dg

25-2152
33393

8. If for other than irrigation, describe the beneficial use to which you have applied the water and the place of use Stock watering NW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 26, Township 4 South, Range 43 East, B.M.

9. Irrigation uses: Describe the lands irrigated by giving the acreages irrigated within each 40 acre subdivision:

TWP.	RANGE	SEC.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTALS
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
40	40	26																	

Total number of acres irrigated

10. Remarks:

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

November 17, 1969
(Date)

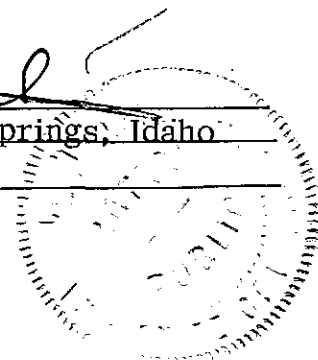
Beverly Schubert
(Signature)

State of Idaho)
County of Caribou) ss.

On this 17th day of November, 1969, personally appeared before me the signer(s) of the above instrument, who duly acknowledged to me that he ~~(she)~~(they) executed the same.

William J. Smith
Notary Public residing at Soda Springs, Idaho

My commission expires 8-28-73



WATER RIGHT NUMBER 25-2152

OWNER LAST NAME - SIBBETT

FIRST NAME - CECIL

ORIG OWNER -

ADDRESS LINE 1 -

ADDRESS LINE 2 -

ADDRESS LINE 3 -

CITY - MAYAN

STATE - ID ZIP CODE - 83235

VERIFIED LGS

SOURCE - EAGLE CREEK, SOUTH FORK

TRIBUTARY OF - GRAYS LAKE

STAGE - LICENSE

STATUS -

PRIORITY - 11-01-1966

COUNTY - BONNEVILLE

TOTAL DIV. RATE -

.2000 -CFS

TOTAL DIV. VOLUME -

5.00 AFA

TRFR/AMEND -

WATER DIST. - 01

DLE/CAREY ACT -

RIGHT BASIS - C

DIVERSION POINT - NWNE 26 04S 43E LOT 00 REDIV -

0.0 0.0

0.0

0.0

0.0

0.0

0.0

0.0

0.0

0.0

0.0

NENE 23 04S 43E LOT 00 REDIV -

0.0 0.0

0.0

0.0

0.0

0.0

0.0

0.0

0.0

0.0

0.0

NENE 23 04S 43E LOT REDIV -

272.0 478.0

1.0

7.0

21.0

0.0

0.0

0.0

0.0

0.0

4.5

FROM - 01-01 TO - 12-31 USE - STOCKWATER

USE DIV. RATE -

.2000 CFS

USE DIV. VOLUME -

5.00 AFA

USE - STOCKWATER

PLACE OF USE - TWN 04S RNG 43E SEC 26

TRACT NWNE LOT

AC

TRACT SWNE LOT

AC

TRACT NWNW LOT

AC

TRACT SWNW LOT

AC

TRACT SENW LOT

AC

USE - STOCKWATER

PLACE OF USE - TWN 04S RNG 43E SEC 27

TRACT SENE LOT

AC

DECREE NAME -

DATE -

TOTAL ACRES

0

REMARKS -

NON IRRIG USE -

OTHER RIGHTS FOR SAME USE -

PROOF DUE -

PERMIT/DENIED -

PROTESTED -

HEARING -

OLD NO. - 33393

PROOF MADE -

FLD EXAM -

COND. OF APPROVAL -

DIVERSION MEANS -

July 01, 1975

RE: Water License No. 25-2152

Fish and Wildlife Service
P. O. Box 3737
Portland, Oregon 97208
ATTN: Mrs. Virginia Murphy

Dear Mrs. Murphy:

Enclosed is a copy of the above referenced water license we discussed
per telephone conversation.

If we can be of further assistance to you please feel free to contact
us.

Very truly yours,

(Mrs.) ELEANOR J. WOODS
Records Supervisor

BJW:e

Enclosure

December 9, 1971

Re: Permit No. 33393/25-2152

Mr. Cecil Sibbett
Wayan,
Idaho 83285

Dear Mr. Sibbett:

Enclosed herewith is your Water License issued on the above referenced permit.

Also enclosed is a copy of the approved application for amendment in connection with this permit.

Sincerely,

BOBBY D. FLEENOR
Assistant Director

BDF:DR

Enc: License

Copy of amendment

cc: C. Timothy Hopkins, Attny.

bc: Idaho Falls District Office

25 2152

STATE OF IDAHO

DEPARTMENT OF WATER ADMINISTRATION

Statehouse — Annex 2

Boise, Idaho 83707

(208) 384-2215



R. Keith Higginson
Director

Water Rights Administration
Water Resource Investigations
Dam and Reservoir Safety
Water Well Drilling
Flood Plain Management
Irrigation and
Flood Control Districts

November 26, 1971

Mr. Cecil Sibbett
Wayan,
Idaho 83285

Dear Mr. Sibbett:

Please be advised that the protest against the licensing of your Permit No. 33393/25-2152 has been withdrawn.

A representative of this Department has made an examination of the works covered by the above mentioned permit and has found the following:

Quantity of water diverted: 0.20 c.f.s.

Amount of water that can be recognized as beneficially used under Idaho law: 0.20 c.f.s.

The maximum quantity diverted shall not exceed 5.0 acre feet per season.

Beneficial use: Stockwater purposes within the $W\frac{1}{2}NE\frac{1}{4}$, $W\frac{1}{2}NW\frac{1}{4}$, $SE\frac{1}{4}NW\frac{1}{4}$, Sec. 26; $SE\frac{1}{4}NE\frac{1}{4}$, Sec. 27; Twp. 4S, Rge. 43E, B.M.

Point of diversion: $NE\frac{1}{4}NE\frac{1}{4}$ Sec. 23, Twp. 4S, Rge. 43E, B.M.

The priority date established is: November 1, 1966

If you do not concur with these findings, please advise us within 10 days; otherwise, a license will be issued as set forth in this letter.

Sincerely,

BOBBY D. FLEENOR
Assistant Director

BDF:DR
cc: Eastern Dist. Office
Dept. of Water Admin.

25 2152

JOHN D. HANSEN
C. TIMOTHY HOPKINS

HANSEN & HOPKINS
LAWYERS

FIRST SECURITY BANK BUILDING
POST OFFICE BOX 96
IDAHO FALLS, IDAHO 83401
TELEPHONE [208] 523-5171

November 23, 1971

RECEIVED

Nov 24 1971

Department of Water Administration

BDF

Mr. Bobby D. Fleenor, Assistant Director
State of Idaho Department of Water Administration
Statehouse - Annex 2
Boise, Idaho 83707

Re: Permit No. 33393/25-2152- Cecil Sibbett -
Raymond Ostler and H. L. Muir

Dear Mr. Fleenor:

We have been authorized by Mr. Ostler and the assignee of Mr. Muir to inform you that they will withdraw their protest to issuance of a water license to Cecil Sibbett based on the permit as noted above, provided that Mr. Sibbett's application is amended to make his permit correspond with the findings of the examiners as set out in your letter addressed to us and dated November 5, 1971.

If there is any further need for clarification as to the position of Mr. Ostler and Mr. Muir in this matter, you may contact this office. Thank you for your cooperation.

Very truly yours,

HANSEN & HOPKINS


C. Timothy Hopkins

CTH/cc

25 2152

JOHN D. HANSEN
C. TIMOTHY HOPKINS

HANSEN & HOPKINS
LAWYERS

FIRST SECURITY BANK BUILDING
POST OFFICE BOX 96
IDAHO FALLS, IDAHO 83401
TELEPHONE (208) 523-5171

RECEIVED

NOV 19 1971

Department of Water Administration

November 17, 1971

BDF

Mr. Bobby D. Fleenor, Assistant Director
State of Idaho Department of Water Administration
Statehouse - Annex 2
Boise, Idaho 83707

Re: Permit No. 33393/25-2152 - Cecil Sibbett -
Raymond Ostler and H. L. Muir

Dear Mr. Fleenor:

Thank you for your letter of November 5, 1971, concerning the above permit. We have contacted our clients in this matter and they are proceeding to make a judgment as to whether they will continue or withdraw their protests. For the reason that their determinations will take some additional time, we respectfully request that we be given a period of approximately two weeks within which to further reply to your letter as noted above.

Thank you for your cooperation in this matter.

Very truly yours,

HANSEN & HOPKINS

C. Timothy Hopkins
C. Timothy Hopkins

CTH/cc

25 2152

November 5, 1971

Re: Permit No. 33393/25-2152 - Cecil Sibbett

Mr. C. Timothy Hopkins
Holden, Holden & Kidwell
P.O. Box 129
Idaho Falls, Idaho 83401

Dear Mr. Hopkins:

In connection with the protest you filed in behalf of Mr. Raymond Ostler and Mr. H. L. Muir against the licensing of the above referenced permit, we wish to advise you that the Department has made an examination of Mr. Sibbett's project and has found the water being used as follows:

Amount: 0.20 c.f.s.

Source: South Fork Eagle Creek

Purposes: stockwater

Point of diversion: NE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 23,
T. 4S, R. 43 E, B.M.

Place of use: W $\frac{1}{2}$ NE $\frac{1}{4}$, W $\frac{1}{2}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 26;
SE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 27; T. 4S, R. 43 E, B.M.

Mr. Sibbett has submitted an application for amendment to make his permit correspond with the findings of the examiner. As soon as the amendment is approved, a license could be issued in accordance with the above information.

If your clients still object to the issuance of a license based upon the examiner's findings, please advise this office by return mail so we may set the protest for conference and/or hearing. If there is no objection to this license, please submit a withdrawal of the protest. If you have any questions regarding this matter, please contact us.

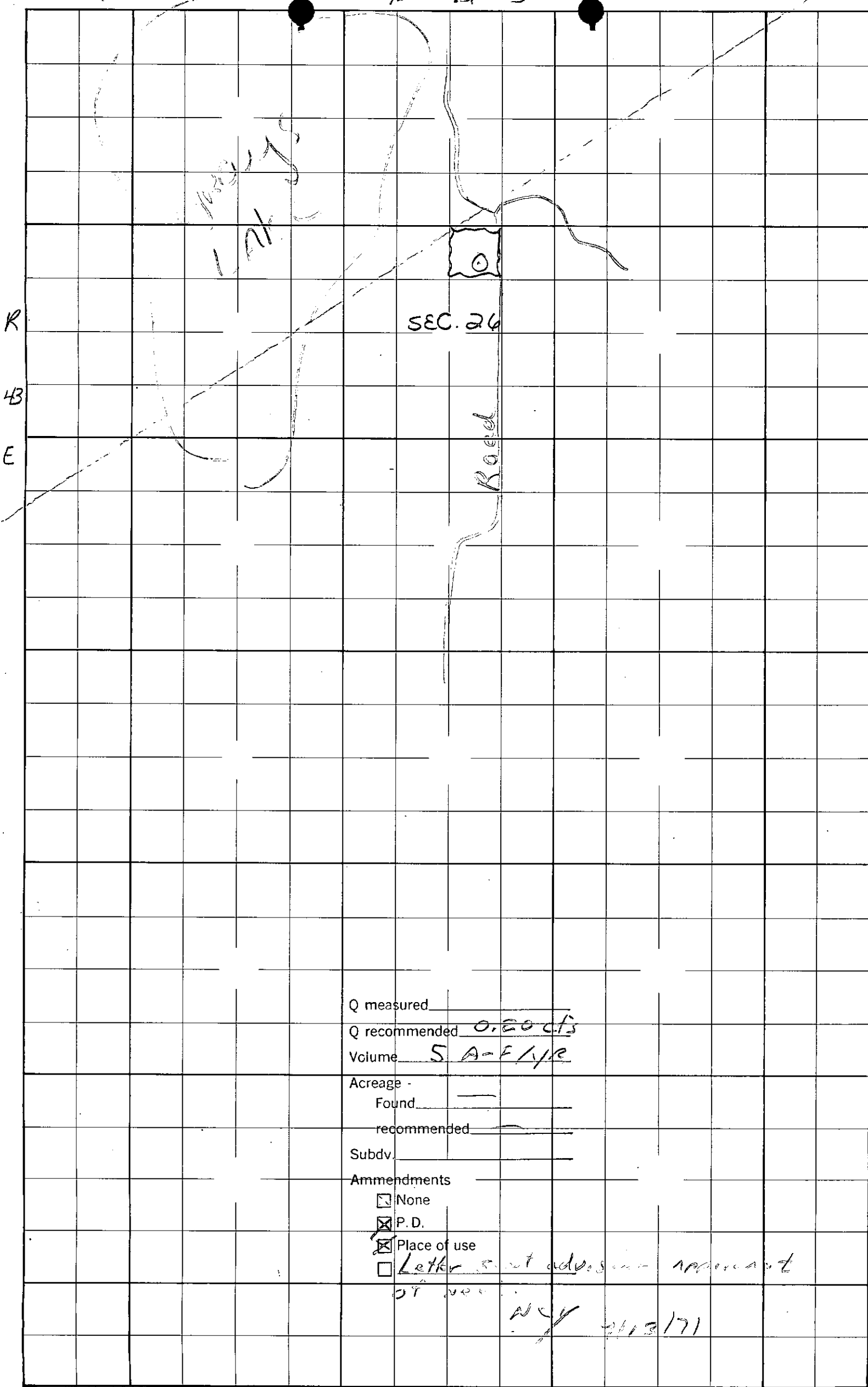
Sincerely,

BOBBY D. FLEENOR
Assistant Director

BDF:DR
cc: Wallace M. Transtrum
Eastern Dist. Office-Dept. of Water Adm.

25 2152

T. 4 S. R. 43 E.



Q measured

Q recommended 0.20 cfs

Volume 5 A-F 1/2

Acreage -

Found

recommended

Subdv.

Ammendments

☐ None

☒ P. D.

☒ Place of use

☐ Letter sent advising applicant

of sec.

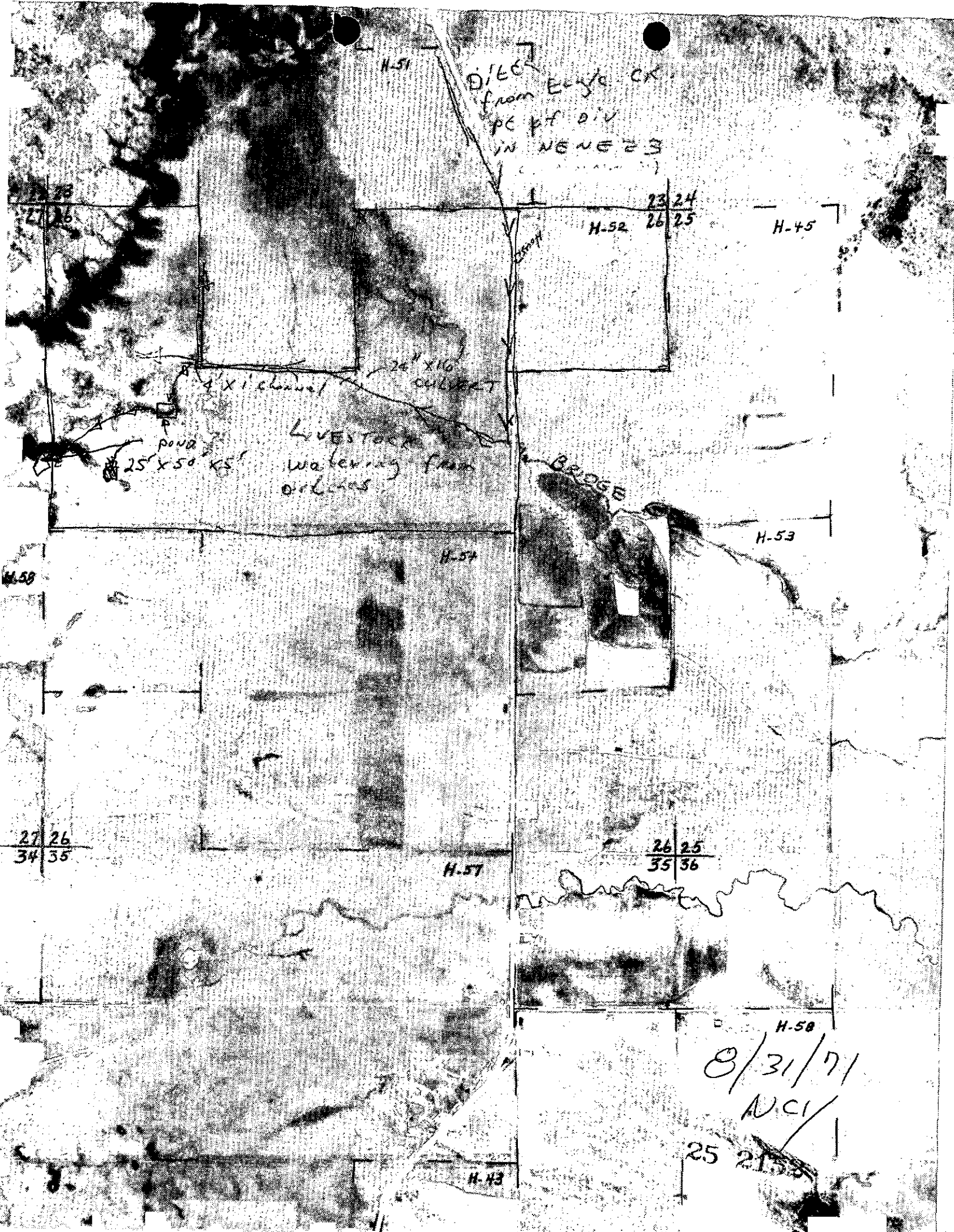
WY 2/13/71

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE

REPORT OF EXAMINER

PERMIT NO. 33383/25-2152

REPORT ON PROOF OF B/U - Cecil Sibbett



D/EC
from Elye CK.
PC PT DIV
IN NENEES

23 24
26 25
H-52

H-45

24" x 16"
culvert

POND
25' x 50' x 5''

LIVESTOCK
watering from
orches

BRIDGE

H-53

H-54

H-57

26 25
35 36

H-58

8/31/71
N.C.I.

25 2153

H-43

27 26
34 35

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO
REPORT OF EXAMINER

Permit No. 33393/25-2152

This proof is for b/u In Water District No.

- Name of applicant Cecil Sibbett, Wayan, Idaho
- Source of water supply: South Fork Eagle Creek, trib. of Blackfoot River
- Location of point of diversion: Is in the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 26
T. 4 S R. 43 E County of Bonneville
- Describe works as they exist, giving dimensions and capacities of same: ditch approx. 3' wide,
at bottom and 14" to 15" deep
- Water is used for: irrigation and stockwater
- State whether or not water has been turned into works of diversion:

- List legal subdivisions of lands to be irrigated. If proof is for beneficial use, give exact number of acres under cultivation in each forty-acre tract. (Describe manner and place of use if other than irrigation):

T. 4 S, R. 43 E, Sec. 26 NW $\frac{1}{4}$ NE $\frac{1}{4}$ 40 acres

No irrigation has been made using this water. Point of diversion is from an old ditch (not S.F. Eagle Cr.) possibly built when homesteaded in 1883.

100 head cattle total

WATER WAS NOT FLOWING IN DITCH. DITCH CROSS-SECTION VARIES but probably is 368 ft² at minimum. FLAT GRADIENT but flow should exceed requirements of 100 head. (Submit map on attached plat, showing location and details of above description.)

- What large stream would the water here appropriated finally reach?
547-3944
Remarks: contact Wallace M. Transtrum, Attorney, 35 West Center, Soda Springs, Idaho.

check use of water ----- hearing to be set after examination is made
15 gpd / head x 100 head = 1500 gpd This quantity could be supplied in 2 hrs with a diversion rate of 0.03 cfs. A diversion rate of at least 0.20 cfs would be required to Eagle Cr to deliver 0.03 cfs to the place of use.

$$Q = 0.20 \text{ cfs} \quad V = 5 \text{ A-F/YR}$$

Mr. Cecil Sibbett REPRESENTED HIMSELF ON THE EXAM

This examination was made on the 31ST day of August, 1971

(Signed)

Norman E. Young
Examiner.

25 2152

ASCS : Idaho Falls
SCS : Idaho Falls

Permit No. 33393/25-2152

Examination for b/u - Cecil Sibbett

574-2194

County Bonneville

Quantity: (permit) 1.2 cfs (proof) .4 cfs
Sec. 26 T. 4S R. 43E

Source: South Fork Eagle Cr., trib. of Blackfoot River

P.D.: NW $\frac{1}{4}$ NE $\frac{1}{4}$

Use: irrigation and stockwater

Extension:

Protest: is being protested

Completion of Works:

Other Rights:

Filed: November 1, 1966 MADE: December 5, 1969

Due: January 10, 1972 PRIORITY: November 1, 1966

INSTRUCTIONS TO EXAMINERS

1. Always carefully note the location of the point of diversion and accurately plat same.
2. When proof is for beneficial use, carefully check up the number of acres actually irrigated in each forty and accurately plat same.
3. Make a map showing the correct location of streams and ditches, and the irrigated lands, and any adjacent permanent landmarks, such as towns, lakes, large streams and public roads.
4. If any unusual conditions are discovered, make plain statement of them under remarks.
5. Always see the holder, if possible, and go over the whole ground with him and make your report only upon actual existing facts and conditions.
6. Give general characteristics of soils, topography, and crops raised.

25 2152

STATE OF IDAHO

DEPARTMENT OF WATER ADMINISTRATION

Statehouse - Annex 2

Boise, Idaho 83707

(208) 384-2215



RECEIVED

AUG 28 1971

Department of Water Administration
Eastern District Office

R. Keith Higginson
Director

Water Rights Administration
Water Resource Investigations
Dam and Reservoir Safety
Water Well Drilling
Flood Plain Management
Irrigation and
Flood Control Districts

August 19, 1971

Mr. Norman Young
District Engineer
Department of Water
Administration
240 South Holmes
Idaho Falls, Idaho 83401

Dear Norm,

Enclosed is a letter from Mr. Cecil Sibbett. Mr. Sibbett has written several times regarding the examination for Permit No. 25-2152. Whenever you or Loy are in that area, would you try to complete this examination for him.

Sincerely,

A. KENNETH DUNN
Assistant Director

AKD:mjl

Enclosure

25 2152

Wayan, Idaho 83285

Aug 10. 1971

REC-100
100-100-100

Department Of Water Administration.

Dear Sir:

As of your letter September 10th last year you said you would be in this area last fall or this spring to examine this water on Permit No. 25-2152 so far I haven't saw no one I wish you would let me know when you are coming so I can meet with you.

Thank you

Yours Truly

Cecil Sibbett.

25 2152

November 25, 1970

Re: Permit No. 33393/25-2152, Cecil Sibbett

Mr. Wallace M. Transtrum
Attorney-at-Law
35 W. Center
Soda Springs, Idaho 83276

Dear Mr. Transtrum:

Thank you for your letter dated November 17, 1970.

A field examination will be completed on the above-mentioned permit some time during the spring or summer of 1971.

Sincerely,

FRED EISENBARTH, JR.
Field Examiner

FE:mjl

25 2152

LAW OFFICES
WALLACE M. TRANSTRUM
ATTORNEY AT LAW
PHONE 547-3944

35 WEST CENTER
SODA SPRINGS, IDAHO 83276

November 17, 1970

RECEIVED

NOV 19 1970

Idaho Department of Water Administration
Statehouse - Annex 2
Boise, Idaho 83707

Department of Water Administration

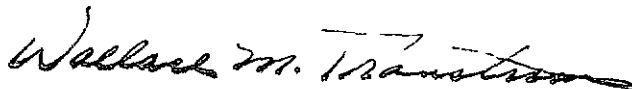
Gentlemen:

Re: Permit No. 33393/25-2152 - Cecil Sibbett

Could you advise me whether or not your department was able to examine Mr. Sibbett's system for compliance with his application for water license.

Thank you for your help.

Very truly yours,



Wallace M. Transtrum

WMT/jl

25 2152

September 10, 1970

Re: Permit No. 25-2152

Mr. Cecil Sibbett
Wayan, Idaho 83285

Dear Mr. Sibbett:

Thank you for your letter dated August 29, 1970.

We share your concern regarding Permit No. 25-2152. It is possible that one of our field examiners will be in your area this fall; however, if not, then it will probably be some time next spring before an examination is made on the above mentioned permit.

Thank you for your cooperation in this matter.

Sincerely,

A. KENNETH DUNN
Assistant Director

AKD:mjl

25 2152

Wayan Idaho.

Aug 29. 1970.

Department of Reclamation.

Dear Sir.

I wish you would send
someone up here to look this
water over (Permit no. 25-2152)

I would like to make final
proof as soon as possible.

Waiting your Reply.

Yours Truly
Herb Libbett

Wayan, Idaho. 83288

RECEIVED

AUG 31 1970

Department of Water Administration

25 2152

September 29, 1971

Re: Permit No. 33393/25-2152 - Cecil Sibbett

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 ample time for you to submit us a galley proof for our 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 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. In order to receive payment, the following certification must appear on the bill:

"I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid."

(signature of claimant)

Very truly yours,

Donald W. McEldowney
Appropriation Supervisor

DWM:cr

Enc: Legal Notice

Bill submitted 10-30-71 By CR

25 2152

NOTICE OF AMENDMENT TO WATER PERMIT

Notice is hereby given that Permit No. 33393/25-2152 in the name of Cecil Sibbett was issued for the appropriation of 1.2 cubic feet per second of water (Bridge Creek Channel), from South Fork Eagle Creek/ tributary to Blackfoot River, from a point within the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Sec. 26, T. 4 S, R. 43 E, B.M., Bonneville County, to be used for irrigation and stock watering within the NW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 26, T. 4 S, R. 43 E, B.M.

The permit holder now proposes to amend the above numbered permit for the appropriation of 0.4 cubic feet per second of water from South Fork Eagle Creek from a point within the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Sec. 23, T. 4 S, R. 43 E, B.M. to be used for stock watering purposes within the W $\frac{1}{2}$ NE $\frac{1}{4}$, W $\frac{1}{2}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 26 and SE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 27, T. 4 S, R. 43 E, B.M.

Any protest to the amending of this permit must be filed with the Idaho Dept. of Water Administration, 240 South Holmes, Idaho Falls, Idaho, ~~on~~ within ten days from the last date of publication of this notice.

R. KEITH HIGGINSON

Director

Published in the Post Register, Idaho Falls, Idaho, on October 7 and October 14, 1971.

RECEIVED

SEP 22 1971

Department of Water Administration

TO: Bob Fleenor

FROM: Norm Young

BDF

SUBJECT: Amendment to Cecil Sibbett Permit No. 33393/25-2152

DATE: September 21, 1971

This application for amendment is the result of my visiting the permit holder's ranch to examine the water use for proof of beneficial use.

The permit holder is using the water for stockwatering only. The point of diversion was originally listed on the permit as being the point at which an old established ditch entered the permit holder's field. However, the permit indicates that the source of water is S.F. Eagle Creek from which this ditch does head about one mile to the north. The amendment is necessary so that the source of water and point of diversion agree.

The permit holder has had problems with the landowners upstream on the ditch. The permit holder is not allowed to convey water through the ditch when hay is being harvested because the ditch is leaky.

It should be recognized that the landowners upstream from the ditch will undoubtedly protest when this amendment is published, as it should be.

NCY

NCY:bj

NOTE: THIS AMENDMENT HAS NOT BEEN ADVERTISED BY THIS OFFICE.
GJ.

25 2152

September 20, 1971

Re: Application for Amendment No. 25-2152

Mr. Cecil Sibbett
Wayan,
Idaho 83285

Dear Mr. Sibbett:

Attached herewith is your Receipt No. 7225 in the amount of \$10.00 for your application for amendment which was received in this office.

Very truly yours,

Norman C. Young
District Engineer

NCY:BJ

Attachment

25 2152

LAW OFFICES
WALLACE M. TRANSTRUM
ATTORNEY AT LAW
PHONE 547-3944

35 WEST CENTER
SODA SPRINGS, IDAHO 83276

September 3, 1971

RECEIVED

SEP 7 1971

Mr. Norman Young
Department of Water Administration
240 South Holmes
Idaho Falls, Idaho 83401

Department of Water Administration
Eastern District Office

Dear Mr. Young:

I discussed with Mr. Sibbett the questions you had. The long ditch going through several sections of land is, in fact, a ditch, and not a tributary of Eagle Creek; however, Mr. Sibbett has used this ditch himself since 1940 and his predecessor in interest used the ditch possibly since around 1890. There is to my knowledge no easement of record for this ditch although it is possible there is one. If you are acquainted at all with old records, you will find that many old roads and ditches existed for many years without ever being surveyed or public record being made of the fact. If this has any bearing whatsoever on the issuance of Mr. Sibbett's license, would you please advise me. I am aware of the fact that if you attempt to appropriate water on the lands of another, you must obtain a right of way; however, where these rights and ditches have been in use for many years, it would seem a useless gesture to obtain a public record now particularly in view of the laws of Idaho pertaining to adverse or prescriptive use.

Thank you very kindly for your consideration in this matter and as I said, if the fact of the character of Mr. Sibbett's ditch right becomes an issue in whether or not the license will be granted, I will appreciate being advised immediately.

Very truly yours,

Wallace M. Transtrum

Wallace M. Transtrum

WMT

WMT/jl

25 2152

September 1, 1971

NOTES on EXAMINATION - Permit No. 21-2152

The point of diversion should probably be listed at the point at which the ditch heads on Eagle Creek, in the NE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 23, T. 4S, R. 43E, Bonneville County. The listed point of diversion in the NW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 26, T. 4S, R. 43E, would be from a ditch rather than a natural stream. Amendments should also be filed, changing the place of use. Irrigation usage is not claimed, but stockwatering occurs in the W $\frac{1}{2}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 26, T. 4S, R. 43E. Ownership of the ditch in which water is conveyed from Eagle Creek, a distance of approximately one mile, is in question.

Mr. Sibbett may need an ^{easement} ~~examination~~ to use this ditch. Any amendment should be readvertised prior to approval.

Norman C. Young

May 5, 1970

Re: Permit No. 33393/25-2152 - Cecil Sibbett

Mr. Wallace M. Transtrum
35 West Center
Soda Springs, Idaho 83276

Dear Mr. Transtrum:

In response to your letter of May 4, 1970, please be advised that evidence of beneficial use, received December 5, 1969 for permit no. 33393/25-2152, appears to be acceptable, and the Department has scheduled a field examination.

An acknowledgement of the affidavit of beneficial use was mailed to Mr. Sibbett on March 2, 1970. In response to the March 2, 1970 acknowledgement, Mr. Sibbett, on April 7, 1970, sent a letter to the Department requesting a beneficial use form. Forms were mailed pursuant to his request. However, no additional proof is required at this time under the above referenced permit.

As to the protest and hearing pending on this permit, we will schedule a conference and/or hearing following an examination of the system. We will advise you as to the date and time.

We hope that you have not been caused an inconvenience from this matter.

Very truly yours,

Donald W. McEldowney
Appropriation Supervisor

DWM/DG

25 2152

LAW OFFICES
WALLACE M. TRANSTRUM
ATTORNEY AT LAW
PHONE 547-3944

35 WEST CENTER
SODA SPRINGS, IDAHO 83276

May 4, 1970

RECEIVED

MAY 5 1970

Department of Reclamation

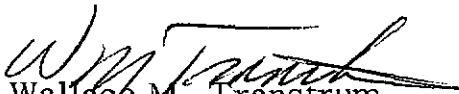
State of Idaho
Department of Reclamation
Statehouse - Annex 2
Boise, Idaho 83707

Dear Mr. McEldowney:

Re: Permit No. 25-2152 - Cecil Sibbett

November 17, 1969, Mr. Sibbett submitted his document of Proof of Application of water to Beneficial Use along with notice for publication. Subsequent to that, we exchanged two or three pieces of correspondence which I understand included your approval to proceed on the papers submitted. On April 9, 1970, your office forwarded directly to Mr. Sibbett another form entitled Proof of Application of Water to Beneficial Use indicating that it was sent at his request. He has forwarded this to me requesting that I complete it and send it on to you. Would you advise me what status the proof of November, 1969, is in so that I can tell Mr. Sibbett whether he needs to submit this proof.

Very truly yours,


Wallace M. Transtrum

WMT/jl

25 2152

April 9, 1970

Re: Permit No. 33393/25-2152

Mr. Cecil Sibbett
Wayan,
Idaho 83285

Dear Mr. Sibbett:

Please find enclosed a beneficial use form per your request
of April 9, 1970.

If we may be of further assistance, please contact this
office.

Very truly yours,

Donald W. McEldowany
Appropriation Supervisor

DWM/DG
Enclosure

25 2152

DON SAMUELSON
GOVERNOR



R. KEITH HIGGINSON
State Reclamation Engineer

STATE OF IDAHO

DEPARTMENT OF RECLAMATION
STATEHOUSE - ANNEX 2
BOISE, IDAHO 83707

RECEIVED

APR 9 1970

Department of Reclamation

March 2, 1970

Re: 33303/25-2152

Cecil Sibbett
Wayan, Idaho 83285

Dear Sir:

We acknowledge receipt of the affidavit of publication submitted in connection with the above referenced permit. Since proof of beneficial use of the water is not required until January 10, 1972, the Department will notify you sixty days in advance of this date as to further requirements. We wish to advise you, however, that if you have fulfilled the requirements under the permit you may submit proof anytime prior to the above date.

Done

Very truly yours,

A handwritten signature in cursive script, reading "Donald W. McEldowney".

Donald W. McEldowney
Appropriation Examiner

DWM/DG

Wayan, Idaho
April 7. 1970

Dear Sir.

I would like to submit proof on this water this June of this year as I have had my work done for two years.

Yours Truly,

A handwritten signature in cursive script, reading "Cecil Sibbett".

25 2152

March 2, 1970

Re: 33303/25-2152

Cecil Sibbett
Wayan, Idaho 83285

Dear Sir:

We acknowledge receipt of the affidavit of publication submitted in connection with the above referenced permit. Since proof of beneficial use of the water is not required until January 10, 1972, the Department will notify you sixty days in advance of this date as to further requirements. We wish to advise you, however, that if you have fulfilled the requirements under the permit you may submit proof anytime prior to the above date.

Very truly yours,

Donald W. McEldowney
Appropriation Examiner

DWM/DG

25 2152

February 4, 1970

Re: Permit No. 33393/25-2152

Cecil Sibbett
Wayan, Idaho 83285

Dear Mr. Sibbett:

We acknowledge receipt of your affidavit submitted as proof of beneficial use for permit 33393/25-2152.

Before a license can be issued you must submit an affidavit of publication to this department. The affidavit of publication may be obtained from the Post Register, Idaho Falls, Idaho (after February 19) upon payment of the bill of publication.

Prior to the issuance of the license a field examination must also be made by a representative of this department. We cannot tell just when this examination will be made, but our examiner will try to contact you at the time he makes the examination so that you may show him the system. If someone other than yourself should be contacted by the examiner, please advise.

Very truly yours,

Donald W. McEldowney
Appropriation Examiner

DWM:JMB

cc. Wallace Transtrum
LAW OFFICES
35 West Center
Soda Springs, Idaho 83276

25 2152

February 4, 1970

Re: Permit No. 33393/25-2152 - Cecil Sibbett

Post Register
333 Northgate Mile
Idaho Falls, Idaho 83401

Gentlemen:

Enclosed is a legal notice which we wish to have published for two consecutive weekly issues of your newspaper. We have inserted the publication dates allowing ample time for you to submit us a galley proof for our 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 date. If you cannot publish the notice on the proposed dates, please contact the Department of Reclamation immediately.

The expense of the publication is to be paid by Cecil Sibbett,
Wayan, Idaho 83285
to whom you should furnish an affidavit of publication.

Very truly yours,

Donald W. McEldowney
Appropriation Examiner

DWM:JMB

Enc. Legal Notice (1)

25 2152

February 4, 1970

Re: Permit No. 25-2152 - Cecil Sibbett

Wallace M. Transtrum
LAW OFFICES
35 West Center
Soda Springs, Idaho 83276

Dear Mr. Transtrum:

Please be advised that after reviewing your letter of January 22, 1970, the department can proceed with the proof of beneficial use of 0.4 cfs for stockwater, to be used in the NW¹/₄NE¹/₄, Sec. 26, T. 4 S, R. 43 E, B. M. An amendment will not be required at this time.

We wish to thank you for your assistance in this matter.

Very truly yours,

Donald W. McEldowney
Appropriation Examiner

DWM:jmb

25 2152

C
O
P
Y

LAW OFFICES
WALLACE M. TRANSTRUM
ATTORNEY AT LAW
PHONE 547-3944

35 WEST CENTER
SODA SPRINGS, IDAHO 83276

January 22, 1970

RECEIVED
X
Cecil Sibbett

Department of Reclamation

State of Idaho
Department of Reclamation
Statehouse - Annex 2
Boise, Idaho 83707

Gentlemen:

Re: Permit No. 25-2152 - Cecil Sibbett

Enclosed with my letter of November 25 were the necessary papers for going ahead with Mr. Sibbett's application based, however, on .4 cfs. for stock watering only. Unless you have further requirements concerning it, would you proceed on the basis of the proof and notice. These, of course, were submitted pursuant to your letter of November 6, 1969, and the only change is that he is deleting the .8 cfs. for irrigation and proving up only on the .4 cfs. for stock watering per my letter of November 4. The application for amendment forms sent to me on January 12 would have to be modified somewhat to provide such an amendment since it appears to apply only to the change in point of diversion, a change in the period and nature of use or change in the land to be irrigated. Your cooperation is greatly appreciated in this and I would be pleased to hear from you whether or not you still require the application for amendment or if you can proceed on the papers already returned to you.

Very truly yours,

Wallace M. Transtrum

Wallace M. Transtrum

WMT/jl

25 2152

January 13, 1970

Re: Permit No. 25-2152 - Cecil Sibbett

Mr. Wallace M. Transtrum
Attorney-at-Law
35 West Center
Soda Springs, Idaho 83276

Dear Mr. Transtrum:

This is in answer to your letter of December 29, 1969. Enclosed please find a copy of the protest received by the Department on October 7, 1968, in connection with the above referenced permit.

If we may be of further assistance, please advise.

Very truly yours,

Donald W. McEldowney
Appropriation Examiner

DWM:DR
Enclosure

25 2152

January 12, 1970

Re: Permit No. 25-2152 - Cecil Sibbett

Mr. Wallace M. Transtrum
Attorney-at-Law
35 West Center
Soda Springs, Idaho 83276

Dear Mr. Transtrum:

We are in receipt of your letter of January 9, 1970. Enclosed please find a copy of your letter of November 25, 1969, and our answer to that letter dated December 12, 1969.

We are enclosing another Amendment form for your use in this matter. Upon receipt of the application for amendment, we will be able to process the previously submitted proof of beneficial affidavit and set a date for hearing regarding the protest filed against issuance of a license.

If you have any questions regarding the above, please contact me.

Very truly yours,

Donald W. McEldowney
Appropriation Examiner

DWM:DR
Enclosures (3)

25 2152

LAW OFFICES
WALLACE M. TRANSTRUM
ATTORNEY AT LAW
PHONE 347-3944

January 9, 1970

35 WEST CENTER
SODA SPRINGS, IDAHO 83276
RECEIVED
JAN 12 1970
Department of Reclamation

State of Idaho
Department of Reclamation
Statehouse - Annex 2
Boise, Idaho 83707

Attention: Donald W. McEldowney

Dear Mr. McEldowney:

Re: Permit No. 25-2152 - Cecil Sibbett

Mr. Sibbett has instructed me to proceed with proving up on the above-referenced permit as indicated by the notice of existing water permit and proof of application of water to beneficial use, to-wit: .4cfs. for stock watering on the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 26, Township 4 South, Range 43 East B. M.

I inquired earlier about the protest that you had indicated was filed in this matter and would appreciate hearing from you concerning that.

Very truly yours,

Wallace M. Transtrum

Wallace M. Transtrum

gZ

WMT/jl

25 2152

LAW OFFICES
WALLACE M. TRANSTRUM
ATTORNEY AT LAW
PHONE 547-3944

35 WEST CENTER
SODA SPRINGS, IDAHO 83276

RECEIVED

DEC 30 1969

Department of Reclamation

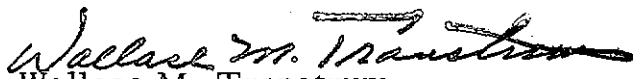
Mr. R. Keith Higginson
State Reclamation Engineer
Statehouse - Annex 2
Boise, Idaho 83707

Dear Mr. Higginson:

Re: Permit No. 25-2152 - Cecil Sibbett

Thank you for your letter of December 12 concerning Mr. Sibbett's license. I have asked him to come in to see me about the amendment and should have that ready to send in a few days. In the meantime, could you advise me concerning the nature of the protest filed in this case.

Very truly yours,


Wallace M. Transtrum

WMT/jl

25 2152

December 12, 1969

Re: Permit No. 25-2152 - Cecil Sibbett

Mr. Wallace M. Transtrum
35 West Center
Soda Springs, Idaho 83276

Dear Mr. Transtrum:

On December 5, 1969, we received your letter dated November 25, 1969, concerning the above referenced permit. We also received the proof of beneficial use affidavit and advertising authorization filed in connection with this permit.

We shall hold taking official action on the proof form or advertising the permit until the question you have raised concerning livestock pasture has been answered. Please be advised that if Mr. Sibbett proposes to enlarge the area of the stockwatering use beyond that listed in the permit, he would have to apply for this enlargement by means of an Application for Amendment. The amendment should be processed prior to officially receiving the proof of beneficial use affidavit and advertising the notice of existing permit. We would like to point out that as long as another right was not injured by the increased area of stockwatering and as long as the right was not expanded by the proposed amendment, then possibly the amendment could be approved.

However, as you are aware, at present there is an outstanding protest filed against this permit. We would recommend that if an amendment is to be filed, that it be done within 30 days of the date of this letter so that we may clearly evaluate it and take action, thereby not delaying Mr. Sibbett's proof of beneficial use.

We are enclosing an Application for Amendment form, please be advised that there is a \$5.00 filing fee that must be submitted with the amendment. We will wait 30 days, as indicated, before taking action in connection with the proof of beneficial use or advertising. Please contact us, if we can be of further assistance.

Very truly yours,

DWM:DR
Enc: Amendment form

Donald W. McEldowney
Appropriation Examiner

25-2152
33393

LAW OFFICES
WALLACE M. TRANSTRUM
ATTORNEY AT LAW
PHONE 547-3944

35 WEST CENTER
SODA SPRINGS, IDAHO 83276

November 25, 1969

RECEIVED

DEC 5 1969

Department of Reclamation

State of Idaho
Department of Reclamation
Statehouse - Annex 2
Boise, Idaho 83707

Dear Mr. McEldowney:

Re: Cecil Sibbett - Permit No. 33393 / 25-2152

Enclosed are Notice of Existing Water Permit and Proof of Application of Water to Beneficial Use.

Mr. Sibbett now advises me that he allows his livestock to pasture over an area greater than the 40 acres originally inserted in his application and permit. Do you have any recommendations for him concerning the appropriate time to make an amendment concerning that?

Very truly yours,

Wallace M. Transtrum

Wallace M. Transtrum

WMT/jl

Enc.

33393
25-2152

RECEIVED

FEB 5 1970

NOTICE OF EXISTING WATER PERMIT

Department of Reclamation

Notice is hereby given that Cecil Sibbett, Wayan, Idaho,

has received an approved permit No.

33393

issued by the Idaho State Reclamation Department authorizing the

diversion 1/2 cubic foot of .4 cubic feet per second 1/2 cubic foot

of water from the South Fork Eagle Creek, tributary of the Blackfoot River

subject to all prior rights. The priority to be established under this permit is

November 1, 1966

and the permit was approved January 10, 1967

Water is to be diverted by ditch

from a point within the NW 1/4, Sec. 26, T. 4 S., R. 43 E., B. M.,

Bonneville County

to be used for stock watering purposes

in the NW 1/4, Sec. 26, T. 4 S., R. 43 E., B. M.,

Proof of the application of the water to beneficial use is to be submitted to the department on or before January 10, 1972. Any protests against the issuance of a license for the above referenced permit should be filed with the Department of Reclamation within ten (10) days of the last date of publication of this notice or prior to the licensing of the permit. Licensing may commence prior to the date beneficial use proof is due without further notice.

R. KEITH HIGGINSON
State Reclamation Engineer

Published in the Post Register, Idaho Falls, Idaho, on

Feb. 12

and

Feb. 19-1970

State Reclamation Engineer:

Permit No. 33393

You are hereby authorized to have the attached notice published at my expense in

the Post Register of Idaho Falls, Idaho;

published in the county in which the works are situated.

Cecil Sibbett
(Signature) Cecil Sibbett

Wayan, Idaho
(Address)

November 17, 1969
(Date)

33393
25-2152

November 6, 1969

Re: Permit No. 33393/25-2152

Cecil Sibbett
Wayan, Idaho 83285

Dear Mr. Sibbett:

During the 1967 session of the Idaho Legislature, certain amendments were made in the law pertaining to the procedures for making proof of beneficial use of water. In order for the Department to comply with these changes, Rules of Practice and Procedure were adopted on August 1, 1968. Generally, these procedures and the amended law make it simpler for a person to make proof and relieve the permit holder from making separate proofs of completion of works and beneficial use of water.

The enclosed order modifies your permit to comply with these rules and regulations. As a part of the new procedure, you will be required to publish a notice at your expense for two consecutive weeks in a paper as prescribed by the Department, stating that you have been issued a permit and are now submitting proof of beneficial use. Previously, a permit holder had to publish a notice for four weeks when he submitted proof under his permit.

If you will complete the enclosed forms, we will cause the notice to be published. Should you require additional forms or information, we will be glad to supply it upon request at any time.

Very truly yours,

Donald W. McEldowney
Appropriation Examiner

DWM:JMB

Enc. Order
Advertising package
Proof package

cc. Wallace M. Transtrum, Attorney

33393
25-2152

BEFORE THE STATE RECLAMATION ENGINEER

OF THE

STATE OF IDAHO

IN THE MATTER OF PERMIT NO. 33393)

in the name of Cecil Sibbett, Wayan,)

Idaho)

ORDER MODIFYING REQUIREMENTS
FOR COMPLETION OF PERMIT TO
APPROPRIATE WATER

WHEREAS, the 39th Idaho Legislature made certain amendments to the Idaho Water Law;
and,

WHEREAS, these changes raised questions as to the procedures to be followed by
holders of permits issued prior to the effective date of the amendments, May 31, 1967;
and,

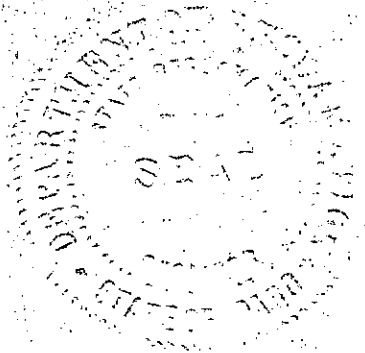
WHEREAS, on August 1, 1968, the Department of Reclamation adopted Rules of Practice
and Procedures for the processing of such permits issued prior to May 31, 1967; and,

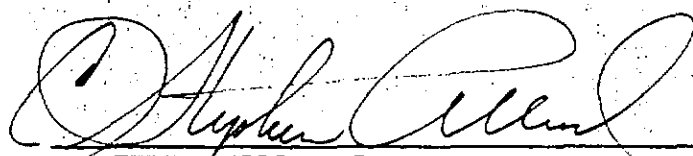
WHEREAS, Permit No. 33393 was issued previous to that date;

NOW THEREFORE, the requirements for completion of the above-numbered permit are
hereby modified to conform to the adopted Rules of Practice and Procedures as follows:

1. The above-numbered permit will be completed under the terms of Title 42,
Chapter 2, Idaho Code, as amended by the 39th Idaho Legislature.
2. The conditions of the above-numbered permit are modified as follows:
 - a. Notice of the issuance of the permit will be published at the permit
holders expense for two weekly issues in the official newspaper of
the county in which the point of diversion lies.
 - b. The permittee will not be required to submit proof of completion of
works as originally specified, but will be required to submit proof
to the Department of Reclamation of the application of the water to
beneficial use on or before January 10, 1972. The permit holder should
be aware that failure to complete one-fifth (1/5) of the works within
one-half (1/2) of the time originally set for Completion of Works may
be grounds for cancellation at the instance of the department.

Dated this 7 day of November, 1969.




C. STEPHEN ALLRED, Deputy
State Reclamation Engineer

33393
05-21-62

RECEIVED
NOV 10 1966

Department of Reclamation

**NOTICE OF PROOF OF COMPLETION OF WORKS AND
APPLICATION OF WATER TO BENEFICIAL USE**

Notice is hereby given that on _____ at Soda Springs,
County of Caribou, State of Idaho, before notary public (name & address) _____
Wallace M. Transtrum, 35 West Center, Soda Springs, Idaho, proof will be
(total)
submitted of the completion of works for the diversion of .4 / _____ c.f.s. of the waters
of South Fork Eagle Creek, and the application to beneficial use of said water,
in accordance with the terms and conditions of permit 33393, heretofore issued by
the Department of Reclamation of the State of Idaho.

1. The name and address of permit holder is Cecil Sibbett, Wayan, Idaho

2. Said works of diversion will be fully completed on the date for such completion,
and the amount of water which said works are capable of conveying to the place of use is
.4 cubic feet per second.

3. The use to which said water has been applied is ~~irrigation (4/5 c.f.s.) and~~
stock water (2/5 c.f.s.) purposes, and the amount applied to beneficial
(total)
use is .4 / _____ c.f.s.

4. The point of diversion of said water is NW1/4NE1/4, Sec. 26, T. 4 S, R. 43 E,
B.M., Bonneville County

5. The place where said water is used is NW1/4NE1/4, Sec. 26, T. 4 S, R. 43 E, B.M.

6. The date of priority which said user is prepared to establish is _____

November 1, 1966

State Reclamation Engineer

33393
25-2152

RECEIVED

9/5/69
Department of Reclamation

(This completed form authorizes the Department of Reclamation to publish the required notice at your expense.)

State Reclamation Engineer:

You are hereby authorized to have the attached notice published at my expense in the Post-Register of Idaho Falls, Idaho 83401; published in the county in which the works are situated.

CECIL SIBBETT

By: Wallace M. Transtrum
(signature) Wallace M. Transtrum, His Attorney
35 West Center

Soda Springs, Idaho
(address)

November 4, 1969
(date)

In case of canals or other works designed to divert and carry more than 50 cubic feet of water per second, the following certificate must be signed by a well known and competent engineer when proof is for completion of works.

I hereby certify that the facts set forth in the attached notice are true.

Engineer

33393
252152

LAW OFFICES
WALLACE M. TRANSTRUM
ATTORNEY AT LAW
PHONE 547-3944

35 WEST CENTER
SODA SPRINGS, IDAHO 83276

November 4, 1969

State of Idaho
Department of Reclamation
107 State House
Boise, Idaho 83701

RECEIVED
Nov 5 1969
Department of Reclamation

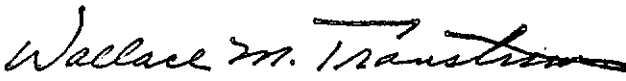
Dear Mr. Higginson:

Re: Cecil Sibbett - Permit No. 33393

Enclosed is an authorization for publication and notice of proof. Mr. Sibbett does not desire to prove up on the .8 cfs. for irrigation but only on the .4 cfs. for stock water.

Thank you for your cooperation.

Very truly yours,


Wallace M. Transtrum

WMT/jl

Enc.

25-2152
33393

July 1, 1968

Re: Permit No. 33393

Cecil Sibbett
Wayan, Idaho 83285

Dear Mr. Sibbett:

Thank you for your letter of June 19, 1968. Please be advised that if you have installed the diverting works indicated in your application and have diverted and have beneficially used the water for irrigation and stock watering as indicated in your application, you may then at any time prior to January 10, 1972, submit proof of beneficial use and initiate the advertising and licensing procedure required under your permit.

We are enclosing forms for your use in this matter. Please contact us if we can be of further assistance.

Very truly yours,

Donald W. McEldowney
Appropriation Examiner

DWM:dj

Enc: Forms 36A, 36 & 11

33393

Wayan, Idaho 83285

June 19. 1968

RECEIVED

JUN 20 1968

Department of Reclamation

Mr Keith Higginson.

State Reclamation Engineer.

Dear Sir:

I am writing you in regard to a application No. 41594 and permit No.33393 to file on 60 inches of water in the south fork of Eagle Creek Since this time I have done more then a \$100.00 worth of work. None of this work was done on the Muir property or the Ostler property As they refused to let me work on the ditch in their fields although they agreed to keep the ditch in good repair. I have a letter from Mr Muir and just a verbal agreement with Mr Ostler I have notified my Attorney Mr Transtrum of this work long ago. It is very important for me to be able to prove up on this water as their is no other water for my livestock after the spring run off. Would you please advise me what steps to take next to prove up on this water.

Yours Truly,

Cecil Sibbett.

33393

33393

WILLIAM S. HOLDEN
ROBERT S. HOLDEN
R. VERN KIDWELL
FRED J. HAHN
TERRY L. CRAPO
C. TIMOTHY HOPKINS
OF COUNSEL
ARTHUR W. HOLDEN

LAW OFFICES
HOLDEN, HOLDEN & KIDWELL
IDAHO FIRST NATIONAL BANK BUILDING
P. O. BOX 129
IDAHO FALLS, IDAHO 83401
TELEPHONE 523-0620
AREA CODE 208

REED A. WILLIAMS (1923-1962)
HOWARD R. STINSON (1905-1957)

RECEIVED

March 22, 1968

MAR 25 1968

Department of Reclamation

Mr. C. Stephen Allred, Assistant
State Reclamation Engineer
Department of Reclamation
107 State House
Boise, Idaho 83701

Re: South Fork of Eagle Creek
Water Rights

Dear Steve:

We represent Mr. Raymond Ostler and Mr. H. L. Muir who own lands in the vicinity of the South Fork of Eagle Creek which have been irrigated with the waters of that stream for many years. Both of these parties trace their appropriative rights to a Notice of Water Location dated January 28, 1886, filed by Mr. James Sibbett. Our clients believe that they are entitled to divert and use all the waters of the South Fork of Eagle Creek, and they are therefore concerned about a recent Permit issued by your office to a Mr. Cecil Sibbett for diversion and use of 1.2 c.f.s. of the waters of the South Fork of Eagle Creek.

Because of the apparent conflict of interest in the waters of the South Fork of Eagle Creek between the Messrs. Ostler and Muir and Mr. Cecil Sibbett, we ask that you give us notice of the date for making final proof under that Permit once such date has been established.

Thank you for your help with this request.

Very truly yours,

HOLDEN, HOLDEN & KIDWELL

By C. Timothy Hopkins
C. Timothy Hopkins

33393

CTH:zlm

33393

January 19, 1967

Re: Permit No. 33393
Cecil Sibbett

Wallace M. Transtrum
Attorney at Law
159 South Main
Soda Springs, Idaho

We enclose Permit No. 33393 in which we direct your attention to the limitations and conditions as given on the fourth page under approval of the State Reclamation Engineer.

XXXXXXXXXXXXXXXXXXXX
We also enclose Departmental Receipt No. 33547 which was issued covering payment in the amount of \$ 5.25 for the filing fee of the above mentioned permit. was given to you at the time you were in our office.

Very truly yours,

Enc.
permit
MRBtejw

M. RUSSELL BOSCH
Office Manager

33393

LAW OFFICES
WALLACE M. TRANSTRUM

ATTORNEY AT LAW

Phone 547-3944

December 19, 1966

159 SO. MAIN
SODA SPRINGS, IDAHO

33393

State of Idaho
Department of Reclamation
107 State House
Boise, Idaho 83701

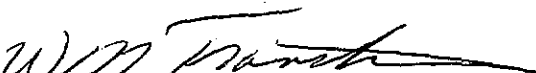
RECEIVED
DEC 20 1966
Department of Reclamation

Gentlemen:

Re: Cecil Sibbett, Wayan, Idaho, Permit No. 41594

Enclosed is the Power of Attorney requested by your office on the above referenced together with the Application which you had returned to my office.

Very truly yours,


WALLACE M. TRANSTRUM

WMT/jm
Enclosures 2
Power of Attorney
Application

33393

RECEIVED
DEC 20 1966

STATE OF IDAHO
OFFICE OF STATE RECLAMATION ENGINEER
POWER OF ATTORNEY

33393

The undersigned owner (s) of Permit (Application) No. 41594
of the State Reclamation Engineer of the State of Idaho hereby nominates
and appoints Wallace M. Transtrum, Attorney, whose address is
159 South Main, Soda Springs, Idaho, as attorney-in-fact, with full author-
ity to act for and on behalf of the undersigned in all matters pertaining
to Application or Permit. Such acts shall include, but not be limited
to the filing of applications, receiving of all notices, the signing and
filing of applications for extension of time and for amendment of said
Permit, and the submission of proofs of completion of works and beneficial
use of water.

Dated this 15th day of December, 1966.

_____ x Cecil L. Lippitt

STATE OF IDAHO)
County Caribou) ss

On this 15th day of December, 1966, personally
appeared before me the signer (s) of the above instrument, who duly
acknowledged to me that he (she) (they) executed the same.

Kenneth M. Fowler Clerk of District Court

Notary Public

Lynne L. Lippitt
Deputy.

My Commission expires: _____

33393

General

33393

December 12, 1966

Re: Applications No. G41589 and 41594

Wallace M. Transtrum, Attorney
159 South Main
Soda Springs, Idaho 83276

Dear Mr. Transtrum:

This department has been advised by an opinion of the Attorney General's Office that in cases where an application for permit is signed by a person other than the applicant, a power of attorney should be submitted showing that the person signing the permit has the authorization of the permit applicant to act in the applicant's behalf.

The necessary power of attorney forms are enclosed for your convenience along with the permit applications. Please complete the forms and return them together with the applications at your earliest convenience.

Very truly yours,

Donald J. Watts
Engineer

DJW:nw

Enclosure: Power of Atty. form
Apps. for Permit

33393

LAW OFFICES
WALLACE M. TRANSTRUM
ATTORNEY AT LAW
PHONE 547-3944

159 SOUTH MAIN
SODA SPRINGS, IDAHO 83276

December 9, 1966

33393
RECEIVED
DEC 20 1966

Department of Reclamation

RECEIVED
DEC 12 1966

Department of Reclamation

State of Idaho
Department of Reclamation
107 State House
Boise, Idaho 83701

33393

Gentlemen:

Re: Water Permit application - Cecil Sibbett, Bonneville County, Idaho

In compliance with your letter of November 1, 1966, I have corrected Mr. Sibbett's application by showing the point of diversion to be 50 feet distance from the NE corner of the NW 1/4 NE 1/4 of Section 26, T4S, R43E, B.M., and have caused the application to be signed by myself as Mr. Sibbett's attorney.

Your cooperation in pointing out this discrepancy is appreciated.

Very truly yours,


WALLACE M. TRANSTRUM

WMT/jm

33393

November 1, 1966 33393

RE: Application for Permit
Cecil Sibbett

Wallace M. Transtrum
Attorney at Law
159 South Main
Soda Springs, Idaho

Dear Mr. Transtrum:

Returned herewith is the application for permit for Cecil Sibbett. In checking the application we find on the map where you failed to identify the point of diversion and on the application you state it is 50 feet from the NE $\frac{1}{4}$ Corner of Section 26. If this is true then it cannot be in the NW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 26, it would have to be in the NE $\frac{1}{4}$ NE $\frac{1}{4}$, however, from the map it seems that you have the point listed correctly except the 50 feet should be approximately 1390'. Also, Mr. Sibbett failed to sign the application.

Please make the necessary corrections and have the application signed and return to our office, along with the filing fee.

Very truly yours,

M. RUSSELL BOSCH
Office Manager

MRB:ejw

Encl: Application
Check #318

33393

LAW OFFICES

WALLACE M. TRANSTRUM

ATTORNEY AT LAW

Phone 547-3944

October 31, 1966

RECEIVED
NOV 1 1966

Department of Reclamation

159 SO. MAIN
SODA SPRINGS, IDAHO

33393

State of Idaho
Department of Reclamation
107 State House
Boise, Idaho 83701

Gentlemen:

Enclosed is an application for Permit to appropriate the public waters of the State of Idaho for Cecil Sibbett of Wayan, Idaho. Also enclosed is my check number 318 for \$5.25 filling fee.

Very truly yours,


WALLACE M. TRANSTRUM

WMT/jm

Enclosures 2
Form No. 1
check No. 318

33393