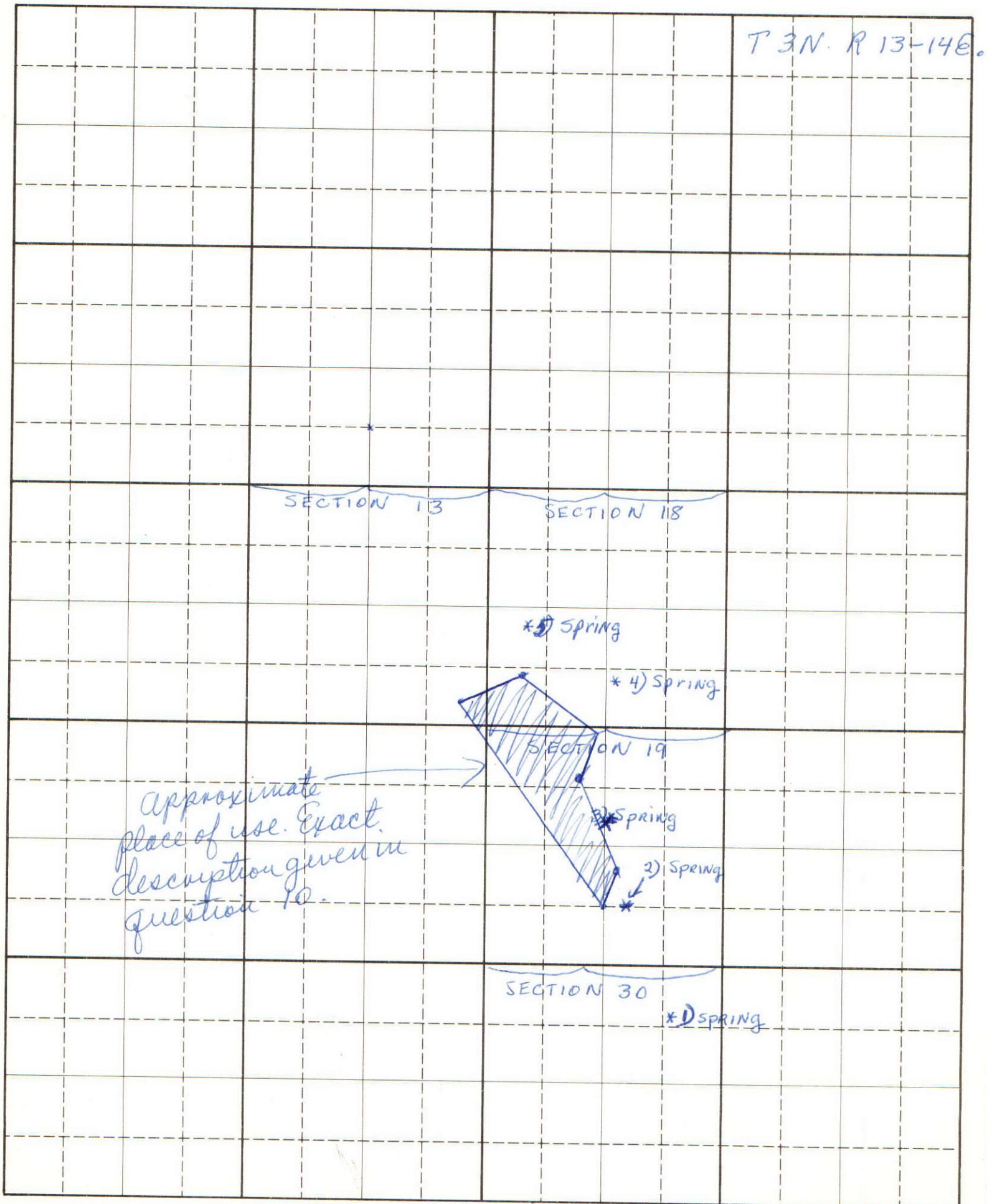


11. Map of proposed project:



Scale: 2 inches equal 1 mile

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

H.C. Bryan
(Applicant)

63-7242

STATEMENT RENDERED EVERY THIRTY DAYS

GOODING COUNTY LEADER

AND GOODING INDEPENDENT COMBINED

P. O. BOX 56

One Newspaper • One Coverage • One Cost

Account of

Gooding, Idaho, 9-2, 1969

Dept. of Reclamation

Previous Balance

Ticket No.	Credits	Charges	Date	Balance
22864		6.96	8-7	6.96

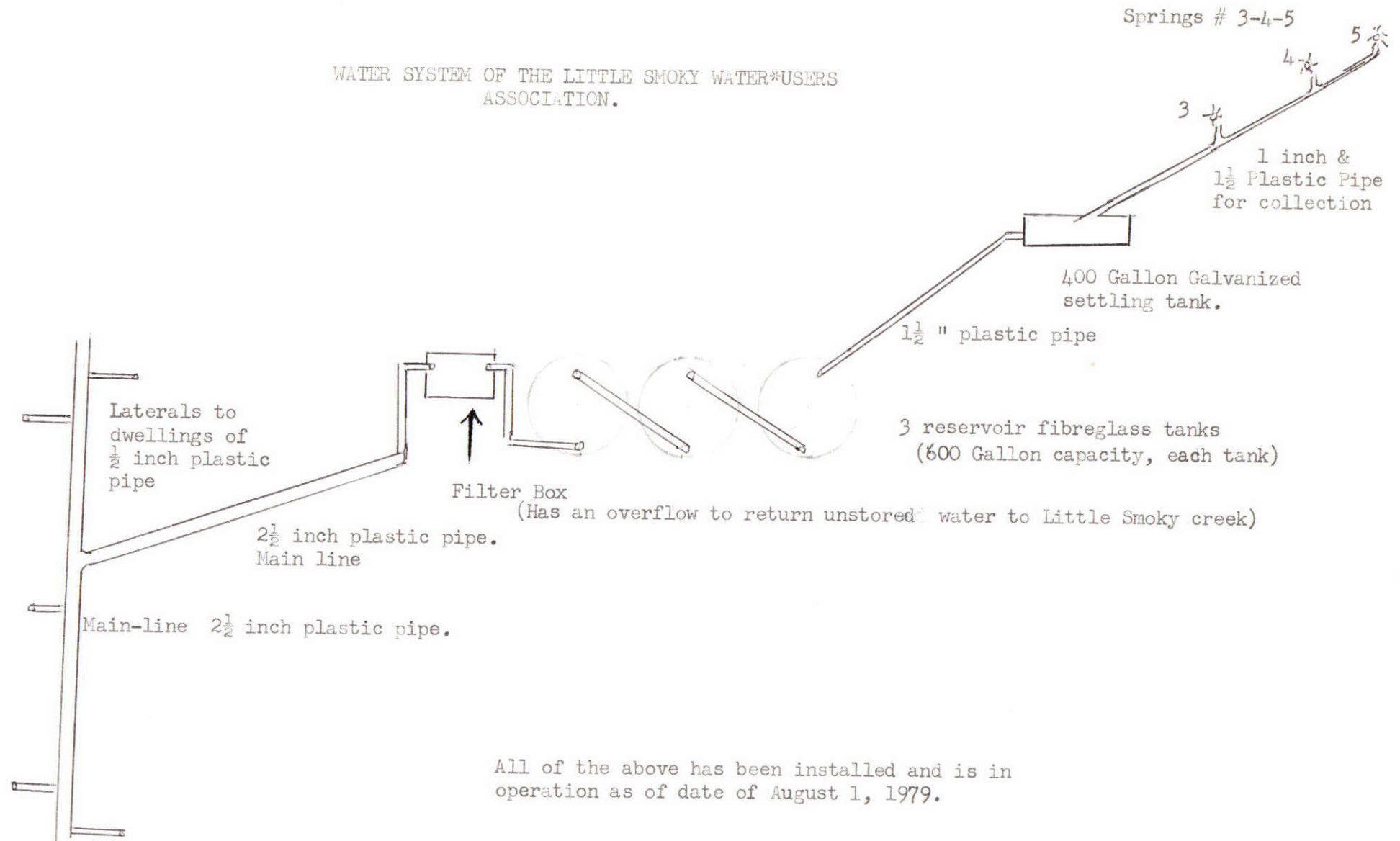
affidavit # 561

" I HEREBY CERTIFY THAT THE ABOVE ACCOUNT IS CORRECT AND JUST, THAT THE SUPPLIES WERE ACTUALLY FURNISHED AND/OR THE SERVICES WERE ACTUALLY RENDERED AS CHARGED, AND THAT I/HIS NOT RECEIVED PAYMENT THEREFOR."

SIGNED Gooding Co Leader
BY Andra Henry

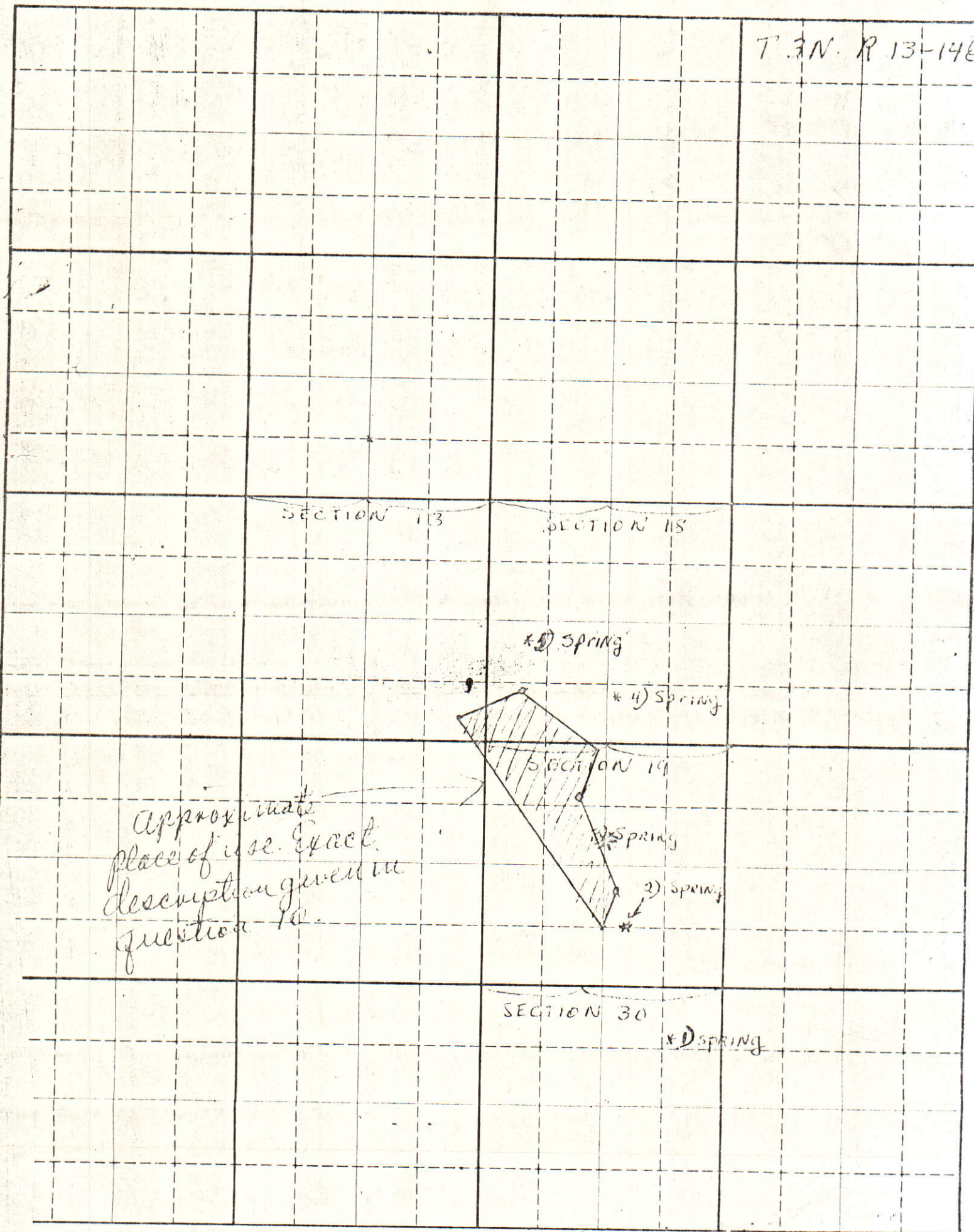
62-7242

WATER SYSTEM OF THE LITTLE SMOKY WATER*USERS
ASSOCIATION.



All of the above has been installed and is in operation as of date of August 1, 1979.

11. Map of proposed project:



Scale: 2 inches equal 1 mile

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

H.C. Bryan
(Applicant)

WATER RIGHT LICENSE

0. 
Director

STATE OF IDAHO

RECEIVED

JUN 27 1980

APPLICATION FOR AMENDMENT OF A PERMIT

LICENSE AMENDMENT

Department of Water Resources

To change the point of diversion and/or the place of use.

Comes now Little Smoky Water Users Assn. Phone of (address) % M. V. Klingler, M.D. Box 237, Gooding, ID. 83330 , and represents to the Director of the Idaho Department of Water Resources:

That he is the owner and holder of Permit to appropriate the Public Waters of the State of Idaho No. 63-7242 , and requests that the permit and permit map be changed as follows:

1. Point of diversion: SW ¼ SE ¼, Section 18 , Township 3N , Range 14E , B.M., County of Camas . Other points of diversion: SE¼SE¼, Sec. 18, Twp. 3N, Rge. 14E.

2. Period and nature of use: (irrigation, domestic, stockwatering, industrial, etc.)

Amount .22 for Domestic purposes from January 1 to Dec. 31 (both dates inclusive) (cfs or acre feet per annum)

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

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

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

3. Place of use or land to be irrigated:

TWP	RGE	SEC	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
3N	14E	18											X	X					
		19					X	X											

Total number of acres to be irrigated =

4. a. Who owns the property at the point of diversion? U. S. Forest Service
- b. Who owns the land to be irrigated or the place of use? Little Smokey Water User's Assn.
- c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: Collectively the lot owners of the Little Smokey Water users operate the water system, and the applicant is Marion V. Klingler, M. D. acting as agent or president of the association for the benefit of all.

RECEIVED

State of Idaho
Department of Water Resources
ASSIGNMENT OF PERMIT

Rec'd
8/3/79
ot:6

I, Marion V. Klingler, M. D., hereby assign to Little Smoky Water Users Assn.
c/o M. V. Klingler, M. D.
of Box 237 Gooding, Idaho 83330
Address

CHECK ONE

☒ All my right, title, and interest in and to Permit No. 63-7242
to appropriate the public waters of the State of Idaho.

☐ The following described portion of my right, title, and interest in and to Permit
No. _____ to appropriate the public waters of the State of Idaho.

(Describe that portion of the permit being assigned by listing the acreage within
each 40 acre subdivision, the point of diversion and the amount of water in cubic
feet per second for direct diversion, or acre feet for storage)

All

Made this First day of August, 19 1979.

Marion V. Klingler M.D.
Permit Holder

Patricia S. Klingler
Spouse of Permit Holder

State of Idaho)
County of Gooding) ss.

On this 1st day of August, 19 79, personally
appeared before me the signer(s) of the above instrument, who duly acknowledged to me
that he (she) (they) executed the same.

seal

Andrew James
Notary Public residing at
Gooding Idaho

My commission expires:

Nov 1 1982
MICROFILMED

✓

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF REMOVAL OF THE MEASURING)
DEVICE REQUIREMENT FOR PERMIT NO. 63-7242) ORDER
IN THE NAME OF LITTLE SMOKY WATERUSERS ASSN.)

WHEREAS, on June 2, 1969, H. C. (Jack) Byram applied to the Department of Water Resources for a permit to appropriate 2.00 cubic feet per second of water from five unnamed springs to be diverted within the NE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 30, SW $\frac{1}{4}$ SE $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 18, SE $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 19, Twp. 3N, Rge. 14E B.M., Camas County, to be used for domestic and irrigation purposes; and,

WHEREAS, on September 25, 1969, the Department approved said application and issued Permit No. 63-7242 with the condition that proof of construction of works and application of water to beneficial use be submitted to the Department on or before September 1, 1974, and that a measuring device of a type approved by the Department be permanently installed and maintained as part of the diverting works; and,

WHEREAS, on August 22, 1974 the permit holder submitted a request for extension of time and the time within which to submit proof of beneficial use of water was extended to September 1, 1979; and,

WHEREAS, on June 22, 1977, the permit holder assigned all right, title and interest to Permit No. 63-7242 to Marion V. Klingler, Frank Orlander, Eloise Babington, Frances E. Byram, Donald B. Peterson, Gustav A. Eklund and Ray Hendrix; and,

WHEREAS, on August 3, 1979, the permit was assigned to Little Smoky Water Users Association and a request was made for the removal of the measuring device; and,

WHEREAS, it has been determined by the Department that a measuring device is not required at this time for a determination of the quantity of water appropriated under said permit;

IT IS, THEREFORE, HEREBY ORDERED that the condition of approval that a measuring device of a type approved by the Department be permanently installed and maintained as part of the diverting works, be and is, REMOVED from Permit No. 63-7242.

Dated this 21 day of August, 1979.




DAVID R. TUTHILL, JR.
Acting Chief, Operations Bureau

63-7242

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED
JUN 22 1977

ASSIGNMENT OF PERMIT

Department of Water Resources
Western Regional Office

The undersigned, GARY BYRAM, a single man, and ERLE BYRAM, a single man, hereby assign to the persons named on Exhibit "A" hereto, whose addresses are as shown on Exhibit "A" hereto,

The following described portion of our right, title and interest in and to Permit No. 63-7242 to appropriate the public waters of the State of Idaho.

Our right, title and interest under the above referenced Permit to appropriate all of the waters from Springs Numbered 3, 4 and 5, as shown on the map attached to said Permit (the undersigned retaining unto themselves, their successors and assigns, their right, title and interest under said Permit to appropriate all of the waters from Springs Numbered 1 and 2 as shown on the map attached to said Permit).

The amount of water for diversion from said Springs Numbered 3, 4 and 5 is one (1) cubic foot per second for domestic purposes from January 1 to December 31, inclusive, and one (1) cubic foot per second for irrigation purposes from January 1 to December 31, inclusive, a total quantity of two (2) cubic feet per second. The exact description of the real property on which this water right assigned hereunder is to be used is as described on Exhibit "B" hereto.

MICROFILMED

MADE this 10 day of March, 1978.

PERMIT HOLDERS

Gary B. Byram 2-28-77
GARY BYRAM

Erle B. Byram
ERLE BYRAM

STATE OF IDAHO)
) ss
COUNTY OF Ada)

On this 10 day of March, 1978, personally
appeared before me the signers of the above instrument,
who duly acknowledged to me that they executed the same.

Allan Sutton
NOTARY PUBLIC OF IDAHO
Residence: Boise, Idaho

EXHIBIT A

<u>NAME</u>	<u>ADDRESS</u>
Marion V. Klingler	P. O. Box 237, Gooding, Idaho
Frank Olander	RFD, Gooding, Idaho
Eloise Babington	Fairfield, Idaho
Frances E. Byram	215-13th Ave East Seattle Washington
Donald B. Peterson	Hagerman Idaho
Gustav A. Eklund	2220 Hill Crest Drive, Twin Falls Idaho
Ray Hendrix	Picabo, Idaho

EXHIBIT B

Lots 7, 17, 18, 19, 21, 23, 25, 1, 3 and 6 of Byram's
Little Smoky Cabin Site Subdivision, located in Camas County,
Idaho, according to the plat thereof, filed as Instrument No.
39593, Records of Camas County, Idaho, which owners are listed
on Exhibit A hereto, and hereinafter referred to as Grantees.

44106

Filed for Record at the Request of

John Varin

STATE OF IDAHO }
County of Camas, }

I hereby certify that this Instrument
was filed for record in my office at

Five P.M. o'clock

June 1, 1977, and

duly recorded in Book 2 of

Assignments Page 136

George Bell
County Recorder

By _____ Deputy.

Fee 4.00

EXHIBIT C

GARY AND ERLE BYRAM

Remainder of Lots

44105
Filed for Record at the Request of
John V. Vixen

STATE OF IDAHO }
County of Camas, }

I hereby certify that this Instrument
was filed for record in my office at
2:10 PM o'clock
June 1, 1977, and
duly recorded in Book 4 of
Miss Page 119
Burg Hill
County Recorder

By _____ Deputy.
Fees \$18.00

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

AUG 22 1974

APPLICATION FOR EXTENSION OF TIME

Department of Water Resources

State of Idaho)
County of Ada)

Permit No. 63-7242

Gary &/or Erle Byram

of Gooding, Idaho

(name)

(address)

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

That he is the holder, or the duly authorized agent of the holder *, of Permit to Appropriate the Public Waters of the State of Idaho No. 63-7242.

That under the terms and conditions of said permit, work thereunder was required to be completed on or before September 1, 19 74.

That he has heretofore performed the following work described under said permit:

The water system has been established, water lines have been layed and tanks constructed.

Costing \$ 3,000.00

That he is unable to complete the remainder of the work within the required time for the following reasons, to-wit: Permit holders recently acquired this project from

the Estate of H.C. Byram and need additional time to complete entire project.

An assignment from the Administrix of the Estate will be submitted to the Department as soon as possible.

Wherefore, he asks that the Department of Water Resources extend the time for the completion of obligations under said permit to September 1, 19 79.

Erle B. Byram
(signature) *

Subscribed and sworn before me this 22nd day of August, 19 74.

seal

Richard H. Higin
Notary Public residing at
Boise, Idaho

My commission expires 5/14/78

ACTION OF THE DEPARTMENT OF WATER RESOURCES

Operations Division

I, A. KENNETH DUNN, Administrator of the Idaho Department of Water Resources, hereby approve the above application for extension of time for Permit No. 63-7242 to September 1, 1979.

Witness my hand this 3rd day of September, 19 74.

A. Kenneth Dunn
Director, Administrator, Operations Division

* IF OTHER THAN HOLDER, Power of Attorney must be supplied. Forms are available through the Department of Water Resources, State Capitol, Boise, Idaho 83720.

MICROFILMED

Identification No.

Application No.

63-7242

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

APPLICATION FOR PERMIT

ASSIGNED TO: GARY &/OR ERLE BYRAM
8/30/74 625 Colorado St.
Gooding, ID 83330

ASSIGNED TO:

Little Smoky Water
Users Association
c/o M. V. Klingler
Box 237, Gooding, ID 83330

To Appropriate the Public Waters of the State of Idaho
(TYPE OR PRINT IN INK)

APPROVED

Name of Applicant H. C. (Jack) Byram
post office address Fairfield, Idaho 23327

2. Source of water supply 5 unnamed springs which is are tributaries of Little Smoke Creek

3. a. Location of point of diversion is (1) NE 1/4 of NE 1/4 of Section 30 Township 3N
Range 14E. B.M. Camas County County; additional points of diversion if any: Also (2) NW 1/4 SE 1/4 of
Section 19, (3) SE 1/4 NW 1/4 of Section 19, (4) SW 1/4 SE 1/4 of Section 18, and (5) NW 1/4 SW 1/4
of Section 18, all being in Township 3N, Range 14 E. B.M., Camas County, Idaho.

b. If water is not consumed, it will be discharged into ground. ~~at point of~~
~~of Section Township Range B.M.~~

4. Water will be used for the following purposes:

Amount 1.80 for Domestic purpose from Jan. 1 to Dec. 31 (both dates inclusive)
(cfs or acre-feet per annum)

Amount 1.2 for Irrigation purpose from Jan. 1 to Dec. 31 (both dates inclusive)
(cfs or acre-feet per annum)

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

5. Total quantity to be appropriated:

a. 2 cubic feet per second and/or

b. _____ acre feet per annum.

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. Pipe from springs to place of use.

b. Height of storage dam _____ feet, active reservoir capacity _____ acre feet; total reservoir
capacity _____ acre feet, materials used in storage dam: _____

Period of year during which storage will occur _____ to _____ inclusive.
(Mo. Day) (Mo. Day)

c. Proposed well diameter is _____ inches; proposed depth of well is _____ feet.

7. a. Time required for the completion of the works and application of the water to the proposed beneficial use
is 5 years.

b. Estimated construction cost is \$ 2400.00.

8. Description of proposed uses:

a. If water is **not** for irrigation: (Applicable to non-irrigation portion.)

(1) Give the place of use of water: S 1/2 1/4 of SW 1/4 of Section 18 Township 3N
Range 14 E. B.M. Also W 1/2 and NW 1/4 SE 1/4 of Section 19, T. 3N, R. 14 E. B. M. Also
SE 1/4 of SE 1/4 of Section 13, T. 3N, Range 13 E. B. M.

(2) Amount of power to be generated: _____ hp under _____ feet of head.

(3) List number of each kind of livestock to be watered _____

(4) Name of municipality to be served _____, or number of families to be
supplied with domestic water 40.

(5) If water is to be used for other purposes describe: _____

63-7242

b. If water is for irrigation, indicate acreage in each subdivision in the tabulation below:

TWP.	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
3N	14E	18											X	X					80
3N	14E	19					X	X	X	X	X	X	X	X		X			360
3N	13E	13																X	40

Total number of acres to be irrigated 480

c. Describe any other water rights used for the same purposes NONE

9. a. Who owns the property at the point of diversion U. S. Forest Service

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

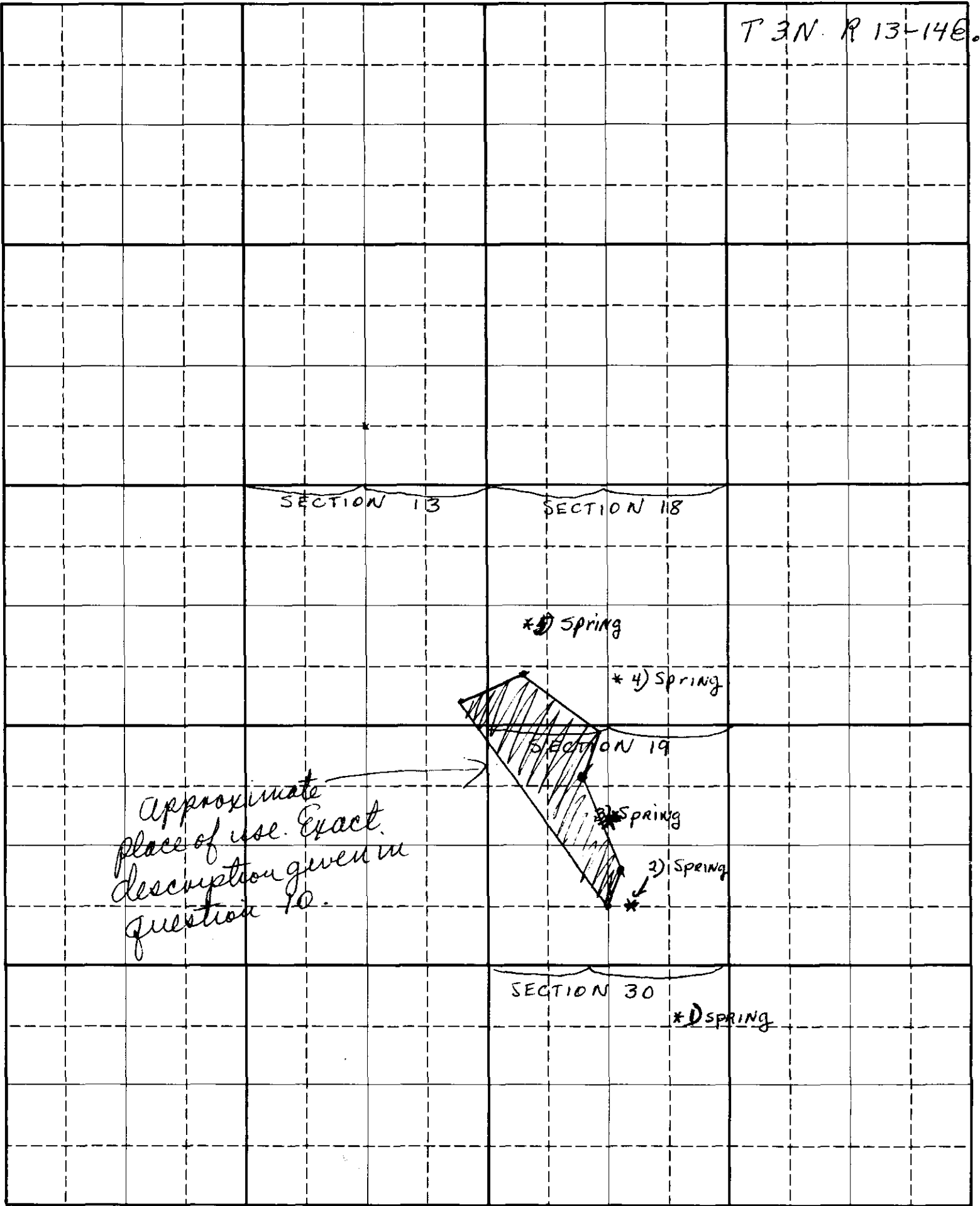
c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing Use Permits from U. S. Forest Service

10. Remarks Applicant desires to appropriate all water from these 5 unnamed springs, and use this water, for domestic and lawn irrigation purposes, on cabin and building lots owned by him. These springs are located on real property owned by the United States of America. The exact description of the land owned by taxpayer on which this water is to be used, is as follows, to-wit:

156.83 acres of land in the Little Smokey in Camas County, Idaho, more particularly described as follows: The H. E. Survey No. 496, embracing a portion of approximately Sections Thirteen (13) and Twenty-four (24) in Township Three (3) North of Range Thirteen (13) East of the Boise Meridian, and Sections Eighteen (18) and Nineteen (19) in Township Three (3) North of Range Fourteen (14) East of the Boise Meridian, more particularly bounded and described as follows:

BEGINNING at Corner No. 1, from which the U. S. Location Monument No. 496 bears south 47°21' West 11.16 chains distant; thence South 51°59' East 34.88 chains to corner No. 2; thence South 42°35' West 16.81 chains to corner No. 3; thence South 28°11' East 41.10 chains to corner No. 4; thence South 43°41' West 10.61 chains to corner No. 5; thence North 35°56' West 80.63 chains to corner No. 6; thence North 57°20' east 22.89 chains to corner No. 1, the place of beginning, containing 156.83 acres more or less, according to the Official Plat of the Survey of the said land, returned to the General Land Office by the Surveyor-General; SUBJECT to all existing easements for rights of way and subject also to all reservations contained in PATENTS OR DEEDS from the United State or the State of Idaho.

11. Map of proposed project:



Scale: 2 inches equal 1 mile

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

H.C. Bryan
(Applicant)

63-7242

Received by ef Date 6-2-69 Time P.M.
Preliminary check by R Fee \$ 25.00
Received by ef Date 6-10-69
Publication prepared by tg Date 7-10-69
Published in Idaho B. Courier
Publication dates 7-17-24-69
Publication approved du Date Caution (8-7-14-69)
Priority reduced to _____ Reason _____

Protests filed by: None
Copies of protests forwarded by _____
Hearing held by _____ Date _____
Recommended for approval denial by du/pmc R.H.

APPROVED

ACTION OF STATE RECLAMATION ENGINEER

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. 63-7242, and said application is hereby APPROVED.

1. Approval of said application is subject to the following limitations and conditions:
 - a. SUBJECT TO ALL PRIOR WATER RIGHTS.
 - b. Proof of construction of works and application of water to beneficial use shall be submitted on or before September 1, 19 74.
 - c. Other: The applicant shall permanently install and maintain a measuring device of a type approved by the department as part of the diverting works. Subject to control by the watermaster of State Water District 12A, Boise River.
2. Denial of said application is for the following reasons: _____

Witness my hand this 25th day of September 19 69.

R. Keith Higgins
State Reclamation Engineer

RECEIVED

ASSIGNMENT OF PERMIT

I, Pauline R. Byram, hereby assign to Gary &/or Erle Byram
of 625 Colorado Street, Gooding, Idaho 83330 P.O. Box 1716
Address Boise ID

CHECK ONE

☒ All my right, title, and interest in and to Permit No. 63-7242
to appropriate the public waters of the State of Idaho.

 The following described portion of my right, title, and interest in and to Permit No. 6 to appropriate the public waters of the State of Idaho.

(Describe that portion of the permit being assigned by listing the acreage within each 40 acre subdivision, the point of diversion and the amount of water in cubic feet per second for direct diversion, or acre feet for storage)

Made this 28 day of Aug, 19 74.

Pauline A. Byram
Permit Holder
Administratrix of Estate of H.C. Byram

Spouse of Permit Holder

State of Idaho)
County of Goodwin) ss.

On this 28th day of August, 1974, personally appeared before me the signer(s) of the above instrument, who duly acknowledged to me that ~~he~~ (she) (they) executed the same.

s e a l

Mary Zbarguen
Notary Public residing at
Garding, Alaska. 93330

My commission expires: Dec 27-1977

MICROFILMED

DON SAMUELSON
GOVERNOR



STATE OF IDAHO

DEPARTMENT OF RECLAMATION
STATEHOUSE — ANNEX 2
BOISE, IDAHO 83707

June 2, 1969

R. KEITH HIGGINSON
State Reclamation Engineer

RECEIVED
JUN 10 1969
Department of Reclamation

Robert G. Newhouse
Attorney-At-Law
Fairfield, Idaho 83327

Dear Mr. Newhouse:

We are returning your check of \$20.00 which is not the correct filing fee. The amount needed is \$25.00.

Upon receipt of the proper filing fee, we will be able to process your permit. We are holding your application until this time.

Very truly yours,

Gary L. Page

Gary L. Page
Survey Examiner

GLP:sc
Enclosure

63-7242

June 2, 1969

C
O
P
Y

Robert G. Newhouse
Attorney-At-Law
Fairfield, Idaho 83327

Dear Mr. Newhouse:

We are returning your check of \$20.00 which is not the correct filing fee. The amount needed is \$25.00.

Upon receipt of the proper filing fee, we will be able to process your permit. We are holding your application until this time.

Very truly yours,

Gary L. Page
Survey Examiner

GLP:sc
Enclosure

63-7242

ROBERT G. NEWHOUSE

ATTORNEY-AT-LAW
FAIRFIELD, IDAHO 83327

May 27, 1969

RECEIVED
JUN 2 1969
Department of Reclamation

Department of Reclamation
State of Idaho
Boise, Idaho

Re: Application for Permit

Dear Sirs:

Enclosed with this letter are the following documents, to-wit:

1. Application for Permit to Appropriate the Public Waters of the State of Idaho. By this permit my client is claiming the water rights on certain springs therein described.
2. My check in the sum of \$20.00 which my client understands is the proper filing fee. If it is not, please notify this office and we will send you any additional sums. Should it be too much, please remit to me the difference.

After examining this application for permit, if you have any questions, please do not hesitate to let this office know.

Sincerely yours


Robert G. Newhouse
Attorney-At-Law

RCN/gp

encl

cc H. C. Byram

62-7242

Affidavit of Publication

State of Idaho,
County of Gooding

ss.

Thomas D. Miller

, being first duly sworn, deposes and says that he is the printer (publisher) of the Gooding County Leader, a newspaper published every week in Gooding, County of Gooding, State of Idaho; that said newspaper has been continuously and uninterruptedly published for a period of seventy-eight consecutive weeks prior to the first publication of the annexed notice and is a newspaper qualified to publish legal notices as provided by act of the 1919 session of the legislature of the State of Idaho, known as House Bill 145; that the annexed advertisement

was published once each week for 2 consecutive issues in said newspaper proper and not in a supplement; that the date of the first publication of said advertisement was on the 7 day of August, 1969, and the date of the last publication was on the 14 day of August, 1969.

Thomas D. Miller

Subscribed and sworn to before me this 21

day of August, 1969
(SEAL)

Audrey C. Belcher
NOTARY PUBLIC

GOODING COUNTY LEADER

Gooding, Idaho

COST OF PUBLICATION

Number of Lines in Notice 29

Number of Insertions 2

29 Lines at 14c 406

29 Lines at 10c 290

TOTAL COST 696

Bill submitted
9-5-69

COPY OF NOTICE

Title of Notice

Correction of
Water Permit

Title of Notice

Plaintiff Attorney

H. C. (Jack) Byram

Defendant

Plaintiff

Bill to

State of Idaho
Department of
Reclamation
Statehouse annex 2
Boise, Idaho
83707

PUBLICATION RATES:

(Idaho Code, (Rev. Statutes) 1956	
7 pt. per line, straight	14c
7 pt. per line, tabular	20c
7 pt. per line, successive	
insertions	10c
6 pt. per line, straight	15c
6 pt. per line, tabular	20c
6 pt. per line, successive	
insertion	10c

No 561

63-7242

STATEMENT RENDERED EVERY THIRTY DAYS

GOODING COUNTY LEADER

AND GOODING INDEPENDENT COMBINED

P. O. BOX 56

One Newspaper ● One Coverage ● One Cost

Account of Gooding, Idaho, _____, 19____

Previous Balance

Ticket No.	Credits	Charges	Date	Balance
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63-7242

NOTICE OF CORRECTION

Notice is hereby given that application for permit no. 63-7242 in the name of H. C. (Jack) Byram was advertised incorrectly. The point of diversion was advertised as being within the NE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 30; NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 19; SE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 19; SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 18; NW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 18, T. 3 N, R. 14 E, B.M., Camas County; WHEREAS, the actual point of diversion is within the NE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 30; NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 19; SE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 19; SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 18, NW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 18, T. 3 N, R. 14 E, B.M. Camas County.

Any protest of the above corrections must be received by the Department of Reclamation within 10 days from the last date of publication of this notice.

R. Keith Higginson
State Reclamation
Engineer

8-743tc

**NOTICE OF
APPLICATION FOR WATER**

Notice is hereby given that
H. C. (Jack) Byram, Fair-
field, Idaho has on June 2,
1969 applied for permit under
application No. 63-7242 to
divert 2.0 cubic feet per sec-
ond of water from five un-
named springs. Water will be
diverted by pipe from spring
within the NE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec.
30; NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 19;
SE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 19; SW $\frac{1}{4}$

SE $\frac{1}{4}$ Sec. 18; NW $\frac{1}{4}$ SW $\frac{1}{4}$,
Sec. 18, T. 3 N. R. 14
E, B. M., Camas County and
is to be used from January 1
to December 31 for irrigation
and domestic purposes in the
S $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 18; W $\frac{1}{4}$, NW-
 $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 19, T. 3 N, R.
14 E, B.M. and SE $\frac{1}{4}$ SE $\frac{1}{4}$,
Sec. 13, T. 3 N, R. 13 E, B.M.
Any protest against this ap-
plication must be filed with
the Department of Reclama-
tion within ten days from the
last date of this notice.

R. Keith Higginson
State Reclamation
Engineer 7-17-2tc

Affidavit of Publication

State of Idaho, }
County of Gooding } SS.

Thomas D. Miller, being first duly sworn, deposes and says that he is the printer (publisher) of the Gooding County Leader, a newspaper published every week in Gooding, County of Gooding, State of Idaho; that said newspaper has been continuously and uninterruptedly published for a period of seventy-eight consecutive weeks prior to the first publication of the annexed notice and is a newspaper qualified to publish legal notices as provided by act of the 1919 session of the legislature of the State of Idaho, known as House Bill 145; that the annexed advertisement

was published once each week for 2 consecutive issues in said newspaper proper and not in a supplement; that the date of the first publication of said advertisement was on the 17 day of July, 1969, and the date of the last publication was on the 24 day of July, 1969.

Thomas D. Miller

Subscribed and sworn to before me this 8

day of August, 1969.
(SEAL)

Audrey C. Belcher
NOTARY PUBLIC

GOODING COUNTY LEADER

Gooding, Idaho

COST OF PUBLICATION

Number of Lines in Notice.....

Number of Insertions.....

Lines at 14c.....

Lines at 10c.....

TOTAL COST.....

Bill submitted 8-15-69 dr (Need correction affidavit)

COPY OF NOTICE

Title of Notice

Application for water
Title of Notice

H.C. (Jack) Byron
Plaintiff Attorney

Defendant

Plaintiff

Bill to dr

Department of
Reclamation
Statehouse Annex 2
Boise, Idaho
83707

PUBLICATION RATES:

(Idaho Code, (Rev. Statutes) 1956	
7 pt. per line, straight	14c
7 pt. per line, tabular	20c
7 pt. per line, successive	
insertions	10c
6 pt. per line, straight	15c
6 pt. per line, tabular	20c
6 pt. per line, successive	
insertion	10c

No 546

63-1242

STATEMENT RENDERED EVERY FORTY DAYS

GOODING COUNTY LEADER

AND GOODING INDEPENDENT COMBINED

P. O. BOX 56

One Newspaper ● One Coverage ● One Cost

Account of Gooding, Idaho, _____, 19____

Previous Balance

Ticket No.	Credits	Charges	Date	Balance
------------	---------	---------	------	---------

63-7248

WATER RIGHT NUMBER 63-7242

OWNER LAST NAME - BYRAM FIRST NAME - H. C. ORIG OWNER - 0
 OWNER LAST NAME - LITTLE SMOKY WATER USERS ASSN. FIRST NAME - ORIG OWNER -
 ADDRESS LINE 1 - C/O M. V. KLINGLER ADDRESS LINE 2 - P.O. BOX 237
 ADDRESS LINE 3 - CITY - GOODING STATE - ID ZIP CODE - 83330
 SOURCE - SPRINGS TRIBUTARY OF - LITTLE SMOKY CREEK
 STAGE - LICENSE STATUS - PRIORITY - 06-10-1969 COUNTY - CAMAS TOTAL DIV. RATE - .2200 -CFS
 TOTAL DIV. VOLUME - 12.00 AFA TRFR/AMEND - A WATER DIST. - DLE/CAREY ACT - RIGHT BASIS -
 DIVERSION POINT - SESE 18 03N 14E LOT REDIV - 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0
 SWSE 18 03N 14E LOT REDIV - 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0
 FROM - TO - USE - USE DIV. RATE - .0000 CFS USE DIV. VOLUME - .00 AFA
 FROM - 01-01 TO - 12-31 USE - DOMESTIC USE DIV. RATE - .2200 CFS USE DIV. VOLUME - 12.00 AFA
 USE - DOMESTIC PLACE OF USE - TWN 03N RNG 14E SEC 19 TRACT NENW LOT AC TRACT NWNW LOT AC
 USE - DOMESTIC PLACE OF USE - TWN 03N RNG 14E SEC 18 TRACT SWSW LOT AC TRACT SESW LOT AC
 DECREE NAME - DATE - TOTAL ACRES 0
 REMARKS - LOTS 1, 3, 6, 7, 17, 18, 19, 21, 23, 25 BYRAM'S LITTLE SMOKY
 CABIN SITE SUBDIVISION.
 NON IRRIG USE -
 OTHER RIGHTS FOR SAME USE -
 PROOF DUE - 09-01-1979 PERMIT/DENIED - 09-25-1969 PROTESTED - HEARING - OLD NO. -
 PROOF MADE - FLD EXAM - COND. OF APPROVAL -
 DIVERSION MEANS - PIPELINE.

WATER RIGHT ANALYSIS FORM

- DATA ENTRY -

Identification No. 1 637242
 Old No. New No.

Record

1. Original Owner: H.C. Lyeam

Present Owner: Little Smoky Water Users Assn.

2. Address: % M.V. Klingler, P.O. Box 237

3. City: Gooding State: 10 Zip: 83330

4. A. Source of Water: springs

B. Tributary of: Little Smoky Creek

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

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

C. Priority Date: 6-10-1969

D. County: 25

E. Total Diversion Rate: 2.

F. Total Diversion Volume:

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

H. Water District:

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

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

	Tract	Sec.	Twp.	Rge.	Gov't Lot	Rediv.
6. A. Point of Diversion	<u>NENE</u>	<u>30</u>	<u>3N</u>	<u>14E</u>		
	<u>NWSE</u>	<u>19</u>	<u>3N</u>	<u>14E</u>		
	<u>SE NW</u>	<u>19</u>	<u>3N</u>	<u>14E</u>		
	<u>SWSE</u>	<u>18</u>	<u>3N</u>	<u>14E</u>		
	<u>NWSW</u>	<u>18</u>	<u>3N</u>	<u>14E</u>		

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

from 1-1 to 12-31 for A purposes. Amount 1.2
 (cfs or AC-Ft/yr)

from 1-1 to 12-31 for D purposes. Amount .8

from to for purposes. Amount

from to for purposes. Amount

from to for purposes. Amount

from to for purposes. Amount

from to for purposes. Amount

NO 82879

8. Use Code: *A*

TWP.	RANGE	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
<i>3N</i>	<i>14E</i>	<i>18</i>											<i>40</i>	<i>40</i>					<i>80</i>
		<i>19</i>					<i>40</i>	<i>40</i>	<i>40</i>	<i>40</i>	<i>40</i>	<i>40</i>	<i>40</i>		<i>40</i>				<i>360</i>
		<i>13</i>															<i>40</i>		<i>40</i>
~~<i>3N 14E</i>~~		~~<i>18</i>~~											~~<i>80</i>~~						

9. A. Decree Name:

B. Decree Date:

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

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

12. Other Rights for Same Use:

13. A. Proof Due Date: *9-1-1979*

B. Date Permit Approved or Denied: *9-25-1969*

C. Protested Date:

D. Hearing Date:

E. Old Number:

F. Proof Made (P or blank):

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

H. Conditions of Approval: _____

14. Diversion Means (brief narrative): *pipeline*



State of Idaho

DEPARTMENT OF WATER RESOURCES

STATE OFFICE, 373 W. Franklin Street, Boise, Idaho

JOHN V. EVANS
Governor

C. STEPHEN ALLRED
Director

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

Little Smoky Water Users Association
% M. V. Klingler, M.D.
Box 237
Gooding, Idaho 83330

Dear Dr. Klingler,

RE: License No. 63-7242

Enclosed herewith is a copy of the Water Right License issued on the above referenced permit.

Also enclosed is a copy of the approved Application for Amendment along with Receipt No. 16148 in the amount of \$ 20.00 .

Sincerely,

JAN GROVER
Water Rights Supervisor

JG/kw
Enclosure

M. V. KLINGLER, M.D.
P. O. BOX 237
GOODING, IDAHO 83330

RECEIVED

June 15, 1980

JUN 17 1980

Department of Water Resources

Mr. Jim Johnson
Water Rights Supervisor
Department of Water Resources
450 W. State St.
Boise, Idaho, 83707

Re: Permit #63-7242

Dear Mr. Johnson:

Enclosed is a check in the amount of \$20.00 in payment of the changes that had to be made referable to permit # 637242, following the examination of the water system of the Little Smokey Water User's Assn, on Oct. 3, 1979, which required some changes.

It appeared to me that in the permit (application for Amendment) that you office had made the necessary corrections, and I did not see any reason to change the insertions made in paragraphs 1, 2, and 3.

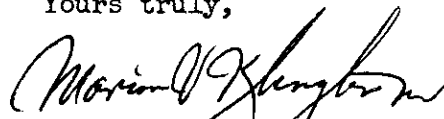
In paragraph #4, I trust that the proper insertion here is that of "U.S. Forest Service", as all the springs are on forest service land, and the property in my estimation does not belong to the individual members or collectively to the Little Smokey Water User's association.

With regard to sub-questions a and b, I have enclosed, if necessary the members of the association who are entitled to use of the water for which this application applies.

If the questions are not answered correctly or adequately in your estimation, please let me know by return mail. I will be out of town until about June 28, so you cannot contact me by phone.

Thank your for your consideration in this matter.

Yours truly,


Marion V. Klingler, M. D.

MAILED 10
JUN 17 1980

M. V. KLINGLER, M.D.
P. O. BOX 237
GOODING, IDAHO 83330

MEMBERS OF THE LITTLE SMOKEY WATER USER'S ASSN.

Dr. and Mrs. M. V. Klingler, Box 237 Gooding, Idaho 83330

Mr. and Mrs. Frank Olander RFD 2 Gooding, Idaho 83330

Mr. and Mrs. Stanley Babbington, Fairfield, Idaho, 83327

Mr. and Mrs. Donald Peterson, Hage man, Idaho 83332

Mr. and Mrs. Gustav Eklung 2027 Hill Crest Drive, Twin Falls, Idaho 83301

Mr. Ray Hendrix, Burle, Idaho 83318

MICROFILMED



State of Idaho
DEPARTMENT OF WATER RESOURCES
STATE OFFICE, 450 W. State Street, Boise, Idaho

JOHN V. EVANS
Governor

C. STEPHEN ALLRED
Director

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 334-4440

June 11, 1980

Little Smoky Water Users Assn.
% M. V. Klingler, M.D.
Box 237
Booding, Idaho 83330

Dear Dr. Klingler,

A representative of this Department made an examination of the works covered by your Permit No. 63-7242 on October 3, 1979, and has found the following:

Amount of water that can be recognized as beneficially used under
Idaho law: .22 cfs Source: Springs

The maximum quantity diverted shall not exceed 12.0 acre feet
per year.

Point of diversion: SW $\frac{1}{4}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 18, Twp. 3N, Rge. 14E, B.M.

Beneficial use: Domestic use within the SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 18, and NW $\frac{1}{4}$, Sec. 19,
Twp. 3N, Rge. 14E.

Priority date established: June 2, 1969.

In order for the Department to issue the above license, it will be necessary for you to amend the permit to correspond with the findings of the field examiner. We are enclosing a partially completed amendment form for your use in this matter.

Please sign the amendment application and return it to this office along with a \$20.00 filing fee within 30 days in order that we might issue your license as set forth above. If you do not concur with these findings or have any questions, please contact us within the 30-day period.

Sincerely,

JAN GROVER
Water Rights Supervisor

JG:j
Enclosure

MICROFILMED

M. V. KLINGLER, M.D.
P. O. BOX 237
GOODING, IDAHO 83330

September 16, 1979

State of Idaho
Department of Water Resources
Western Region
92 South Cole Road,
Boise, Idaho

Attention: Ms Kay Walker

According to your correspondence with me as of August 28, 1979, an inspection of the springs that was filed on and is due for a field inspection on October 3, 1979 at 11: A.M., for permit No. 63-7342, I would like to state that I will be available, as will Mr. Frank Olander. Both of us will be at our cabins on the above date.

Please Note →
Also Mr. Olander would like to know if his inspection for a private springs on his land could be inspected at this time also? It is permit # 63-8961, and his project on this springs is completed.

I doubt that the inspector will have any difficulty in finding the location, but in case he does, I might be of help in locating the area to be inspected. In coming in from Fairfield, over Couch Summit, there is a very old small log-cabin at the south end of a large meadow. To the north of this cabin about $\frac{1}{2}$ mile is the Byram's Little Smoky Sub-division, and there is a sign designating this on the east side of the road, which he should take. Four cabins are located here, and ours is the more northern one, and Mr. Olanders is the one next to ours.

→ Since this is an out-of-the way location, tell the inspector that being it is 11:00 o'clock, that we will be very happy to supply him his lunch.

Yours truly,

Marion V. Klingler
Marion V. Klingler, M. D.

RECEIVED
SEP 19 1979
Department of Water Resources
Western Regional Office

DEPARTMENT OF WATER RESOURCES
FIELD REPORT

1. Name of permit holder Little Smoky Water Users Assn.
 Post office address Box 237, Hooding Phone _____
 Person to contact _____ Phone _____

2. Source of water supply: Groundwater ☐ Surface water ☒ springs
 (name spring, stream, etc.)
 Tributary to _____

3. Water will be used for the following purposes:

Amount 0.7 c.f.s. for domestic (40)
 AF/Annum (nature of use)

Period of Use: from 1-1 to 12-31
 (mo.-day) inclusive (mo.-day)

Amount _____ c.f.s. for _____
 AF/Annum (nature of use)

Period of Use: from _____ to _____
 (mo.-day) inclusive (mo.-day)

Amount _____ c.f.s. for _____
 AF/Annum (nature of use)

Period of Use: from _____ to _____
 (mo.-day) inclusive (mo.-day)

Other uses: _____

4. Total amount to be appropriated:

Max Rate of Diversion 0.7 cubic feet per second and annual volume _____ AF/Annum.

5. Location of Point(s) of Diversion:

- ① Township 3N N/S, Range 14E E/W, B.M. ^{No}, Section 30, Subdivision NE 1/4 NE 1/4 Camas County
 ② Township _____ N/S, Range _____ E/W, B.M. ^{No}, Section 19, Subdivision NW 1/4 SE 1/4 _____ County
 ③ Township _____ N/S, Range _____ E/W, B.M. ^{No}, Section 19, Subdivision SE 1/4 NW 1/4 _____ County

Other Points of Diversions: ^{Yes} ④ SWSE - 18, ^{No} ⑤ NWSW - 18 - 3N-18E

Description of diverting works: see attached diagram

Measuring device required: yes ☐ no ☒

6. Lands to be irrigated or place of use.

TWP.	RANGE	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
<u>3N</u>	<u>14E</u>	<u>18</u>											^{Yes} X	^{Yes} X					
		<u>19</u>					^{Yes} X	^{Yes} X	^{No} X	^{No} X	^{No} X	^{No} X	^{No} X	^{No} X					
		<u>13</u>																^{No} X	

TOTAL ACREAGE _____

Permit No. 63-7242
 Examination for 6/2 10/3/79 @ 11:00

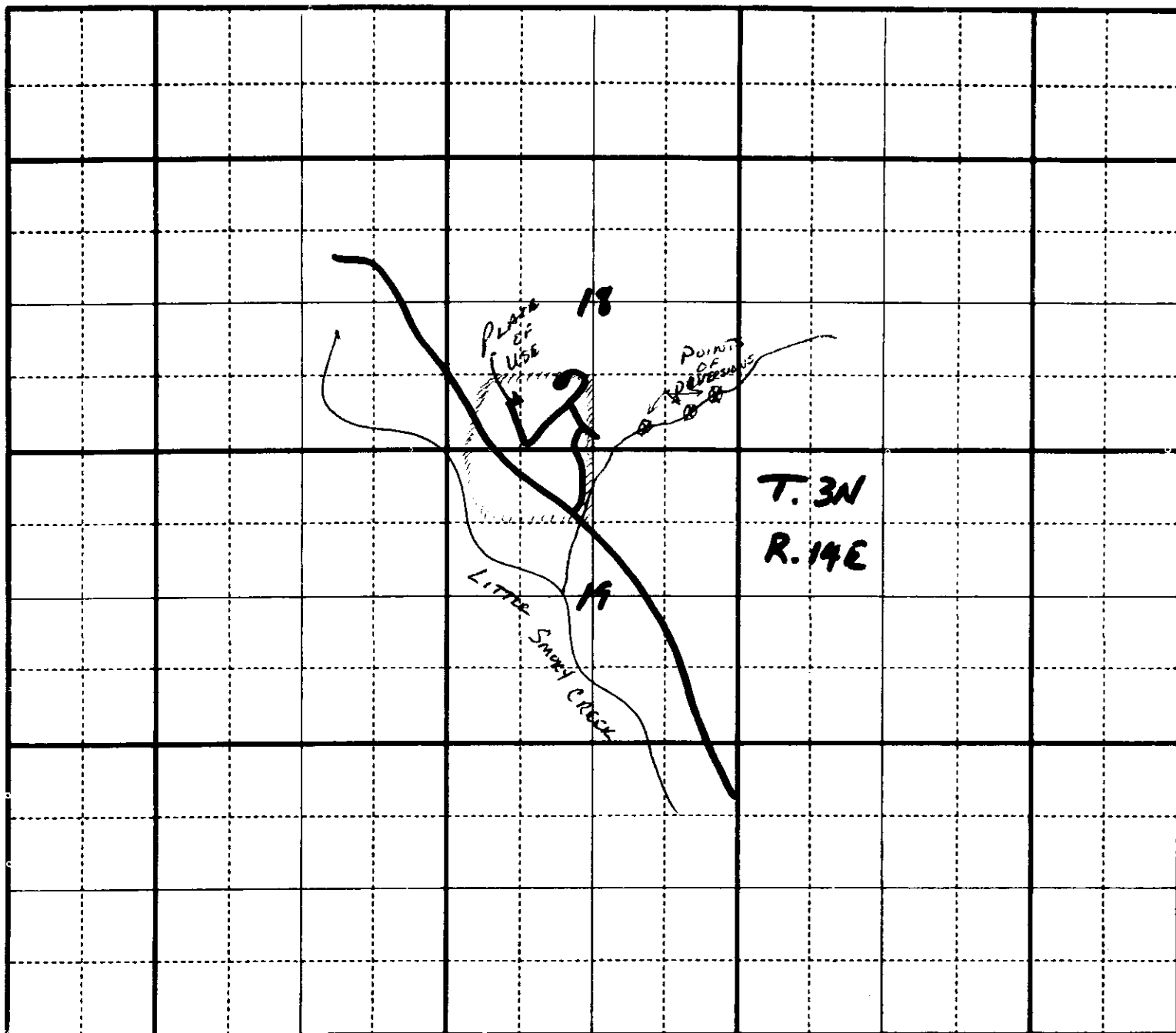


Diagram of System

SEE DIAGRAM ATTACHED

DATE OF EXAM 10/03/79

ACREAGE

Found _____
Recommended _____

Irrigation Requirement _____ Ac Ft/Ac

USE

Irrigation Q = _____ c.f.s. V = _____ AF/Ann. from _____ to _____
Domestic Q = 0.22 c.f.s. V = 12.0 AF/Ann. from 1/1 to 12/31
Livestock Q = _____ c.f.s. V = _____ AF/Ann. from _____ to _____

Is water co-mingled? yes _____ no ✓

Name source: _____
twp. _____ N/S, Rge _____ E/W, B.M., Sec. _____, Sub. _____ 1/4 _____ 1/4 _____
County _____

Exchange? yes _____ no ✓

Name source exchanged with: _____
twp. _____ N/S, Rge _____ E/W, B.M., Sec. _____, Sub. _____ 1/4 _____ 1/4 _____
County _____

Point of injection: _____
twp. _____ N/S, Rge _____ E/W, B.M., Sec. _____, Sub. _____ 1/4 _____ 1/4 _____
County _____

Point of exchange: _____
twp. _____ N/S, Rge _____ E/W, B.M., Sec. _____, Sub. _____ 1/4 _____ 1/4 _____
County _____

Total Q measured 0.22 cfs Method of measurement TIMED FLOW/ESTIMATION

Total Q recommended 0.22 cfs ✓ Meter No. _____ Type _____ Condition _____

Total V recommended 12.0 AF/Ann

Recommended Amendments: (TWO POINTS)

P.D. SE 1/4 SE 1/4 Sec 18, T 3N, R 14E ALSO
Place of Use _____
Other _____
None _____

MEASUREMENT CALCULATION:

$$Q = 100 \text{ gpm} (1.002228) = 0.22 \text{ cfs}$$

$$V = .22 \text{ cfs} (1.98) (365 \text{ days/yr}) = 158.99 \text{ AF/Ann}$$

$$V = 10 \text{ DOM. UNITS} (1.2 \text{ AF/Ann}) = 12.0 \text{ AF/Ann} \checkmark$$

SYSTEM DESCRIPTION:

10 DOMESTIC UNITS OR LOTS WATER IS PIPED TO.

100 gpm MAX AT PEAK OF FLOW DURING ~~WET~~ SPRING/EARLY SUMMER.

REMARKS:

WATER SYSTEM DESCRIPTION ATTACHED. NO IRRIGATION USE OTHER THAN THAT ASSOCIATED WITH DOMESTIC USE.
DR. M.V. KLINGLER DEMONSTRATED SYSTEM.

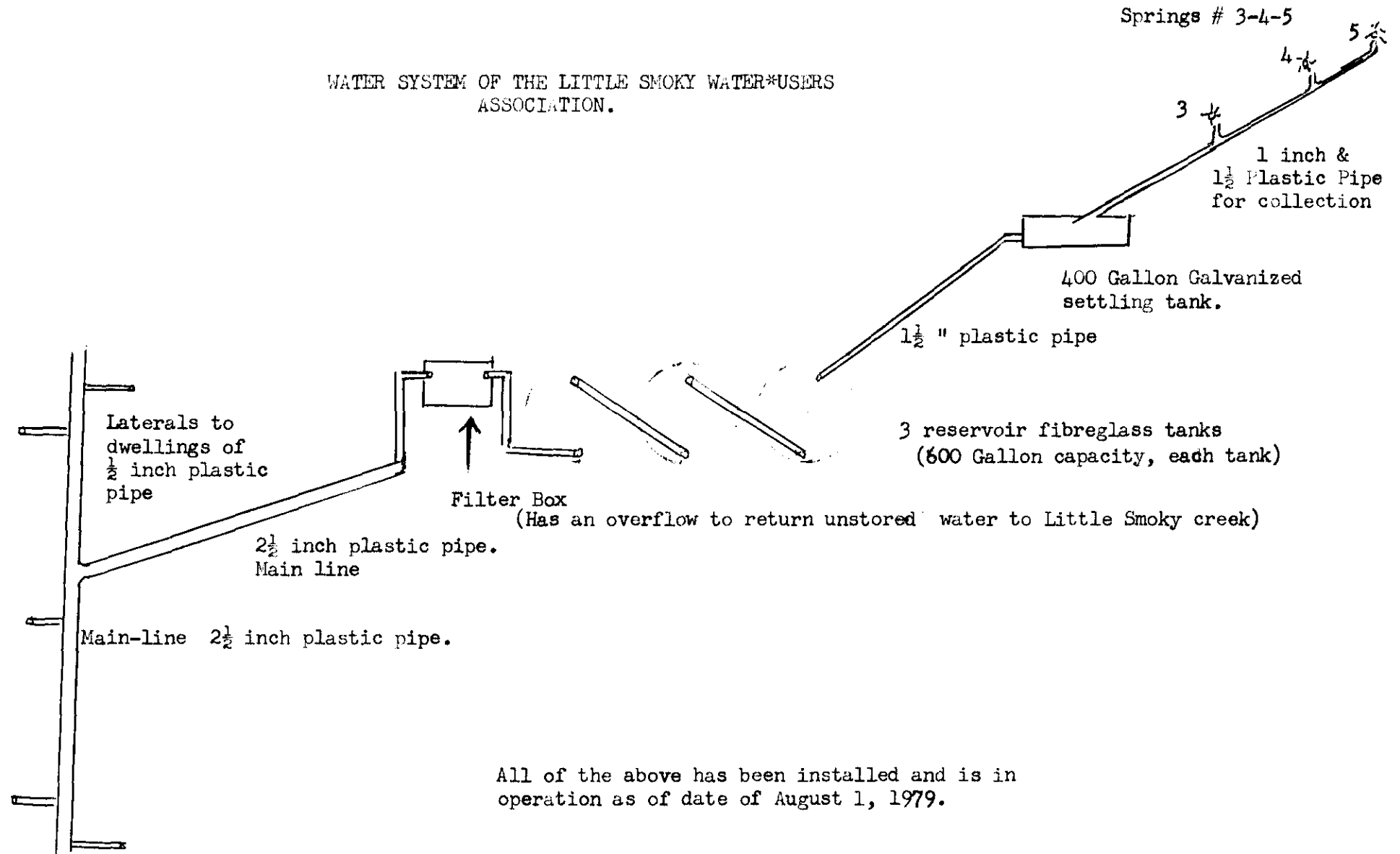
TWO POINTS OF DIVERSION: SW 1/4 SE 1/4, SE 1/4, Sec 18, T. 3N, R. 14E.

Examiner's Signature Charles W. Bryan Jr. Date 12/20/79

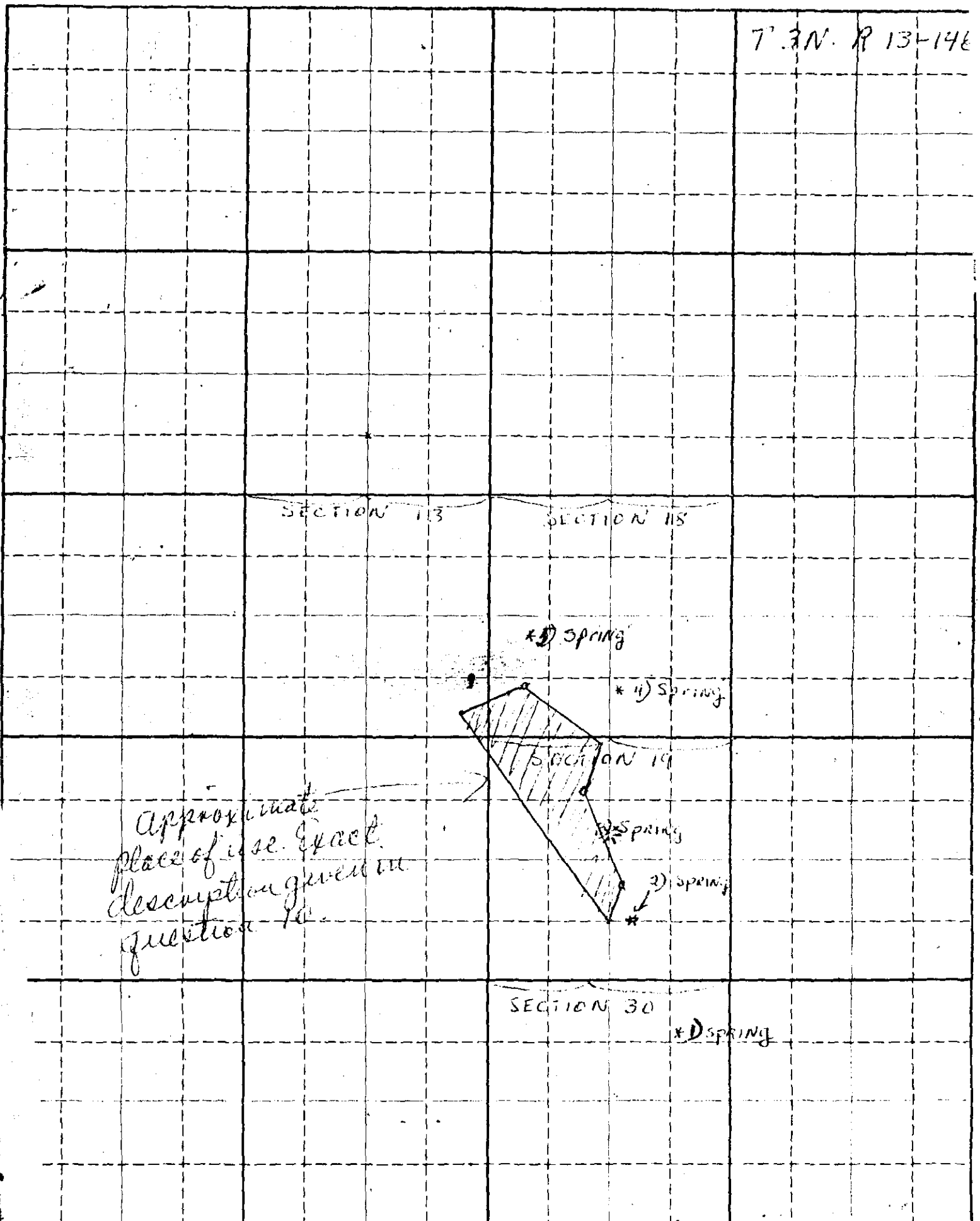
Checked by DBS Date 12/21/79

Approved by _____ Date _____

WATER SYSTEM OF THE LITTLE SMOKY WATER*USERS
ASSOCIATION.



11. Map of proposed project:

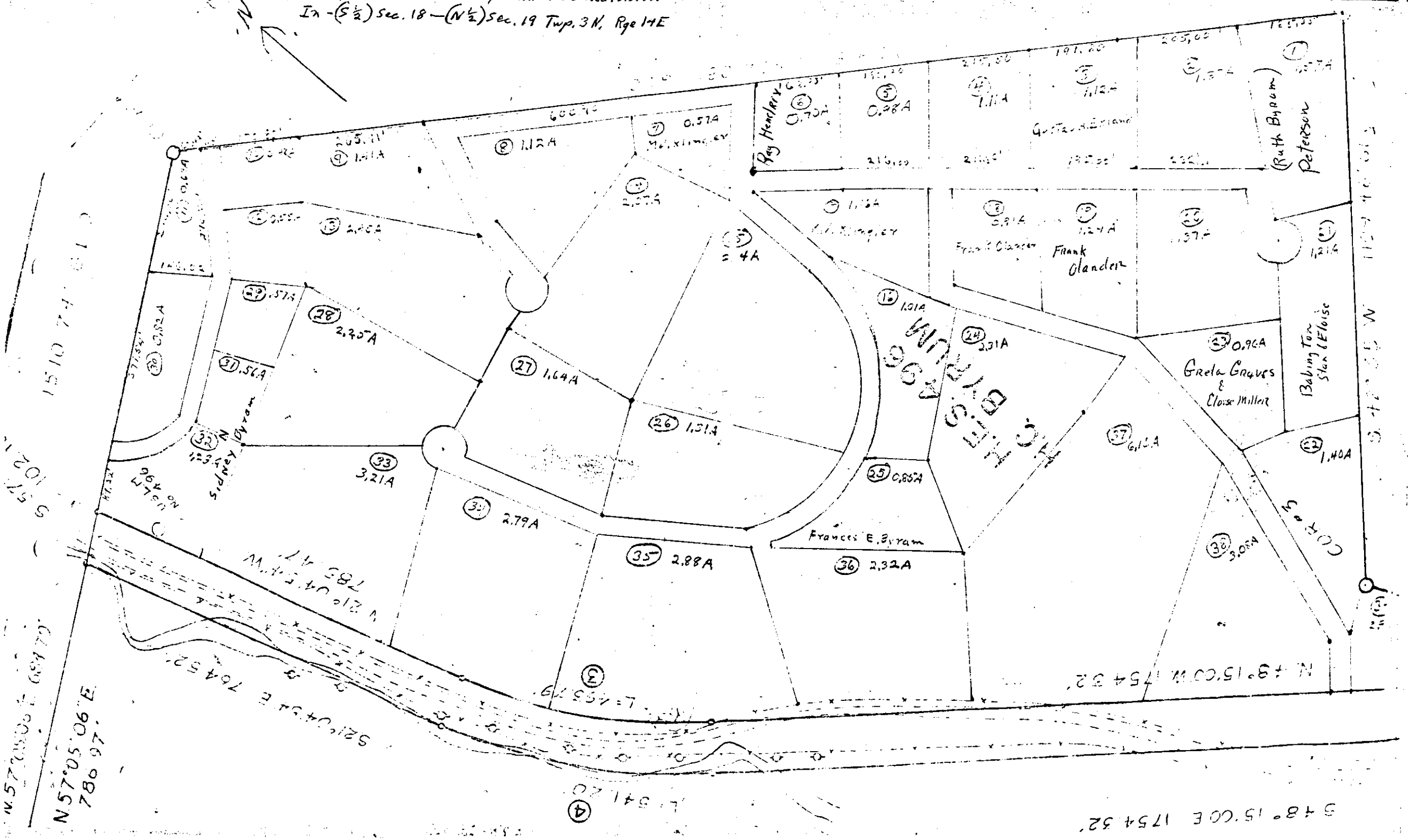


Scale: 2 inches equal 1 mile

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

H. C. Bryan
(Applicant)

$I_n - S$



August 22, 1979

Little Smoky Water User Assn.
c/o M. V. Klingler
Box 237
Gooding, ID 83330

Gentlemen:

Re: Permit No. 63-7242

This office acknowledges receipt of the assignment conveying the above referenced permit to Little Smoky Water Users Assn. The assignment has been entered into the Department's records.

Also, this office acknowledges receipt of the affidavit submitted as proof of beneficial use. Before a license can be issued, a field examination must 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 you have any questions regarding the field examination, please contact our regional office in Boise (384-2190).

Sincerely,

RITA FLECK
Sr. Secretary

P. S. Enclosed is a copy of the order removing the measuring device requirement.

ENCLOSURE

Identification No. _____

Permit No. _____

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

RECEIVED

AUG 3 1979

PROOF OF APPLICATION OF WATER TO BENEFICIAL USE

Department of Water Resources

1. a) Name of Permit Holder Byram's Little Smoky Water Users Association

b) Post Office Address Box 237 Gooding, Idaho 83330

2. Permit Number 63-7242

3. Date of Priority that you are prepared to establish _____

4. a) Source from which water was appropriated Springs on Little Smoky Creek (Camas County)

b) Location of the point of diversion: 1 NE 1/4 N. E. 1/4, Section 30

Township 3 N, Range 14 E Boise Meridian, Other points of diversion: _____

Also (2) NW 1/4 SE 1/4 of Section 19, (3) S. E. 1/4 N. W. 1/4 of Section 19, (4) S. W. 1/4 S/ E 1/4 of Section 18, and (5) N W. 1/4 SW 1/4 of Section 18, all being in Township 3N, Range 18, EBM Camas County, Idaho

5. a) The amount of water and use to which the water has been applied:

Amount .40 for Domestic purposes from Jan 1 to Dec. 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 Cu Feet 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: Measurements made by M. V. Klingler, M. D. Estimate that the amount of water used would be much less than the .8 cu ft. per second.

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:

Water is collected at the springs through or by 1" plastic pipe up to 1 1/2 inch plastic pipe, to a 300 Gallon settling tank, piped further down hill to three 600 Gallon reservoir tanks (fibre-glass), thru a filter box, then down hill thru 2 1/2 inch main plastic pipe to be distributed to individual dwellings.

b) Describe the agreement or understanding by which you take water from the works:

Permit # 63-7242 by State of Idaho Department of Water Resources, and by State of Idaho Department of water Resources, Assignment of permit, as filed by instrument no 39593, Records of Camas County, Idaho

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) As in 6 A. Above.

b) Describe the type and size of measuring device which you have installed at your point of diversion: _____

The amount of water is too small for establishment of a weir. All waters not collected and used are returned by overflow to little Smoky Creek

c) Give well driller's name and address and the date the well was completed: None

8. If for other than irrigation, describe the beneficial use to which you have applied the water and the place of use: _____

For culinary use, and for Toilet and Bathing facilities only. NO irrigation as the source of supply does not permit due to insufficient supply of water.

MICROFILMED

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

T	R	SEC.	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	

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.

8-1-79 (Date) Marvin V. Klinger MD (Signature)

State of Idaho)
 County of Gordening) ss.

On this 1st day of August, 1979, personally appeared before me the signer(s) of the above instrument, who duly acknowledged to me that he (she) (they) executed the same.

Andrew James
 Notary Public residing at Gordening
Idaho

My commission expires Nov 1, 1982

PLACE
TEN CEN.
STAMP
HERE

RECEIVED

AUG 3 1970



Department of Water Resources

IDAHO DEPARTMENT OF WATER RESOURCES
STATEHOUSE
BOISE, IDAHO 83720

M. V. KLINGLER, M.D.
P. O. BOX 237
GOODING, IDAHO 83330

Department of Water Resources

AUG 3 1979

August 1, 1979

Ms Rita Fleck
State of Idaho
Department of Water Resources
State Office, 373 W. Franklin Street
Boise, Idaho,

Dear Ms. Fleck:

Enclosed are a number of papers relative to Proof of Application of Water to Beneficial Use on Permit Number 63-7242. Enclosed also is the card which you enclosed in your letter under date of June 29, 1979.

With this card was enclosed a paragraph stating that a permanent measuring device of a type approved by the department of resources be installed and maintained as part of the diverting works. This is, I feel an impossibility, since these springs produce a varying amount of water. In the spring there is, what I would estimate about thirty inches of water, but which, as the spring and summer come and go is reduced to a trickle - so to speak. At the present time, all of the springs produce enough water to fill a one gallon jug at the reservoir tanks in five minutes and 15 seconds. The property owners use only a fraction of the water during the early part of the season, yet this present flow, as of August 1, 1979, will still supply us with enough water for culinary or domestic use (No irrigation or springling on this tiny flow). Is it possible for this permit to be granted in view of the above remarks? (without a measuring device).

I stopped in the Twin Falls office yesterday of the Department of Water Resources and talked to them about it, and they felt it to be rather impractical, but they could not help me further with this because Camas County is outside their district.

Also enclosed is an assignment of permit from me in favor of the Little Saok Water Users Assn., of which I am president. The reason for this request is that the Water Association will live long after I am gone and the permit will be perpetuated as a result. The names and addresses of the members of the association are enclosed on the following page.

Yours truly,

Marion V. Klingler
Marion V. Klingler, M. D.

MICROFILMED

M. V. KLINGLER, M.D.
P. O. BOX 237
GOODING, IDAHO 83330

Members of the Little Smoky Water Users Assn.

Dr. and Mrs. M. V. Klingler, Box 237 Gooding, Idaho 83330
Mr. and Mrs. Frank Olander, RFD 2, Gooding, Idaho, 83330
Mr. and Mrs. Stanley Babbington, Fairfield, Idaho, 83327
Mr. and Mrs. Donald Peterson, Hagerman, Idaho, 83332
Mr. and Mrs. Gustav A. Eklund, 2027 Hill Crest Drive, Twin Falls,
Idaho 83301
Mr. Ray Hendrix Burley, Idaho, 83318



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

JOHN V. EVANS
Governor

C. STEPHEN ALLRED
Director

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

101087

June 29, 1979

Marion V. Klingler
P. O. Box 237
Gooding, ID 83330

Dear Mr. Klingler:

One of the conditions of approval of your water Permit No. 62-7242 was that evidence of the extent of development must be submitted to this office on or before September 1, 1979. (See last page of your approved permit). Enclosed is a post card which may be used to submit the required proof of beneficial use.

If you have not fully completed your project, and you have not previously received an extension of time, you may request an extension of time provided the delay is for reasonable cause as indicated in Section 42-204, Idaho Code, amended. If you have been prevented from proceeding by a governmental agency or by litigation, more than one extension of time can be granted.

Either the beneficial use post card or a request for an extension of time must be received by this Department on or before the above mentioned date, otherwise, the permit will lapse and be of no further force or effect within 60 days.

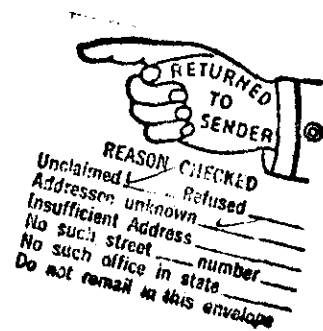
Sincerely,

RITA FLECK
Sr. Secretary

Enc: 1

MICROFILMED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
House
Idaho 83720



Ray Hendrix
Picabo, ID 83348

MICROFILMED



STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

John V. Evans
Governor

C. Stephen Allred
Director

Statehouse
Boise, Idaho 83720
(208) 384-2215

June 27, 1977

Re: Permit No. 63-7242 - Marion Klingler, Frank Olander, Eloise Babington,
Frances E. Byram, Donald B. Peterson, Gustav A. Eklund, & Ray Hendrix

We acknowledge receipt of the assignment conveying the above referenced permit to you. The assignment has been entered into the Department's records.

Sincerely,

JAN GROVER
Supervisor, Water Rights

JG:JFR

cc: All assignees

MICROFILMED

AGREEMENT OF SALE OF WATER SYSTEM

THIS AGREEMENT OF SALE OF WATER SYSTEM, made this ____ day of _____, 1976, and executed by each of the undersigned parties hereto, the day, month and year written by their respective signatures hereto, by and between PAULINE R. BYRAM, a widow, of Gooding, Gooding County, Idaho, and GARY B. BYRAM of Gooding, Gooding County, Idaho, and ERLE B. BYRAM of Boise, Ada County, Idaho, hereinafter referred to as "Grantors", and the owners of certain lots of Byram's Little Smoky Cabin Site Subdivision (hereinafter referred to as "Subdivision"), located in Camas County, Idaho, according to the Plat thereof, filed as Instrument No. 39593, Records of Camas County, Idaho, which owners are listed on Exhibit "A" hereto, and hereinafter referred to as "Grantees";

WITNESSETH:

WHEREAS, Grantors are the owners of the existing water system serving those certain lots of BYRAM'S LITTLE SMOKY CABIN SITE SUBDIVISION, as listed and described on Exhibit "A" hereto, which water system consists of the water rights from Springs Numbered 3, 4 and 5 as described in State of Idaho Department of Reclamation, Permit to Appropriate the Public Water of the State of Idaho, No. 63-7242, tanks, main lines and feeder lines associated therewith; and

WHEREAS, Grantors desire to grant, transfer and assign said existing water system to Grantees, on the terms and conditions of this Agreement, as hereinafter

MICROFILMED

set forth and Grantees desire to acquire and receive the same and assume all the obligations of operating, maintaining, repairing and improving said water system, as hereinafter in this Agreement set forth;

NOW, THEREFORE, FOR GOOD AND SUFFICIENT CONSIDERATION, IT IS AGREED:

SECTION 1. PROPERTY

The Grantors hereby grant, transfer and assign to Grantees, the following described property (collectively hereinafter referred to as the "existing water system"):

(1) All of Grantor's right, title and interest under State of Idaho Department of Reclamation Permit to Appropriate the Public Waters of the State of Idaho No. 63-7242, to all the waters from Springs Numbered 3, 4 and 5 as shown on the map attached to said Permit (it being understood and agreed that Grantors are retaining unto themselves their right, title and interest under the above described Permit, to all the waters from Springs Numbered 1 and 2, as shown on the map attached to said Permit).

(2) The existing tanks, main lines and feeder lines now associated with the appropriation and application of the water rights hereinabove transferred to Grantees for the use and benefit of the lots in the Subdivision, as listed and described on Exhibit "A" hereto.

(3) An easement and right-of-way, for the purposes, and limited to the purposes of, maintenance, repair, inspection, operation, replacement, enlargement or removal of the tanks and main lines of

said existing water system, from said Springs described in subparagraph 1 of this Section 1, to said Subdivision, upon and across the real property, owned by the United States of America, Department of Agriculture, Forest Service Division, possession of which is in Grantors by virtue of Special Use Permit dated November 22, 1968, File Code Number 2720, and located in Camas County, Idaho, adjacent to the Subdivision, such easement being ten feet (10') wide, from the Springs described in subsection 1 hereof to the Subdivision, the center line of which easement is the existing main line from said Springs to said Subdivision, and including an easement on the real property upon which the existing tanks are now located for access and egress thereto for the same purposes.

SECTION 2. CONDITION, NO WARRANTIES AND
COSTS OF MAINTENANCE OF SYSTEM

The Grantees are fully familiar with the condition of the existing water system and hereby accept the Grantors transfer of the same as described in Section 1 hereof, in its present condition. Grantees understand and agree that the transfer of said water system by Grantors is without any express warranties of Grantors, and without any implied warranties by Grantors of fitness of the water system for any particular purpose or of merchantability of the water system.

The Grantees agree that the cost and expense of any and all repairs, maintenance, replacement, service, inspection, operation, enlargement and removal of all or any part of said water system made necessary by the

MICROFILMED

present condition thereof, by the service needs of the water users and/or by any governmental entity concerned with the water system and rates and assessments, including (without limitation) those federal, state and municipal agencies concerned with the quality of water and the environment, or otherwise shall be at their sole cost and expense.

SECTION 3. REPAIR OF EASEMENT

The Grantees agree that any repairs, maintenance, replacement, service, operation, inspection, enlargement, or removal of the tanks and feeder lines located on the easement and rights-of-way described in Section 1, Subsection 3 of this Agreement, shall not unreasonably disturb the surface of the real property of such easement, and in the event of a disturbance thereto, the Grantees, at their sole cost and expense, shall immediately restore the surface of the real property to its present condition.

SECTION 4. INDEMNIFICATION

Grantees agree that from and after the date of this Agreement, the Grantors shall not be liable for injury to or death of any person whomsoever or loss or damage to any property whatsoever arising directly or indirectly out of or incident to the existence, use, maintenance or condition of the water system transferred and easement granted to Grantees hereunder, and Grantees agree from and after the date of this Agreement, to protect, indemnify and save harmless Grantors from and against all liability, loss, cost, damage, claims and expense (including Grantor's reasonable attorneys' fees

UNRECORDED

incurred in defending the same and/or enforcing the provisions of this Section 4) of every kind and character due to injury to or death of any person or persons whomsoever or loss of or damage to any property whatsoever, caused by or arising out of the existence, use, maintenance or condition from and after the date of this Agreement, of said water system transferred and easement granted to Grantees hereunder.

SECTION 5. RIGHT OF OTHER LOT OWNERS TO
WATER FOR SYSTEM

Grantees understand that the owners of the lots in said Subdivision as listed and described on Exhibit "B" hereto are not now receiving water from the existing water system herein granted, assigned and transferred to Grantees herein. Grantees hereby agree that the owners of the lots as listed and described in Exhibit "B" hereto, and their heirs, assigns and successors in interest to ownership of the lots listed on Exhibit "B" hereto, shall have the right, at any time in the future, to be served by and receive water from the water system herein granted, assigned and transferred to Grantees herein, upon the assumption by the owners of lots listed on Exhibit "B" hereto of the same obligations and responsibilities as assumed under this Agreement by Grantees; provided, that the parties hereto understand and agree that this entitlement to water from the existing water system of the lot owners and lots listed on Exhibit "B" hereto shall be further subject to their agreement to pay their proportionate share of assessed charges and water use rates in connection with the operation, repair, maintenance, replacement and enlargement of said water system as shall be

SECTION 6. NEW WATER SYSTEM; LIMITED SERVICE AREAS; EASEMENTS

AGREEMENT OF SALE OF WATER SYSTEM - 6

PRODUCTIVITY

The Grantees and their successors and assigns to ownership of the existing water system, and the Grantors and their successors and assigns to ownership of any new water system developed and constructed by them shall have easements for water lines under, or over, any lot or parcel of the Subdivision, as deemed reasonably necessary by the then owners of each water system to serve their respective service areas, so long as the placement of said water lines does not interfere with the reasonable use of the lot or parcel by the then owner thereof.

SECTION 7. BINDING EFFECT

Each and every term and provision of this Agreement shall be binding upon and inure to the benefit of the heirs, assigns and successors in interest of the parties respective ownership interests in the lots in said Subdivision, listed and described on Exhibit "A" hereto, and the parties interests in the easement property adjacent thereto as described hereinabove, and as such shall be appurtenant to said Subdivision lots and covenants running with the Subdivision lots hereinabove described.

IN WITNESS WHEREOF, the undersigned have hereunto affixed their hands and seals the day and year written following their respective signatures.

GRANTORS:

PAULINE R. BYRAM

GARY B. BYRAM

ERLE B. BYRAM

WITNESSES

GRANTEES:

OWNERS OF LOT NO. _____

Date of Execution: _____

OWNERS OF LOT NO. _____

Date of Execution: _____

OWNERS OF LOT NO. _____

Date of Execution: _____

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Date of Execution: _____

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Date of Execution: _____

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Date of Execution: _____

AMENDMENT TO DECLARATION, etc.

Page _____

MICROFILMED

OWNERS OF LOT NO. _____

Date of Execution:

OWNERS OF LOT NO. _____

Date of Execution:

OWNERS OF LOT NO. _____

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OWNERS OF LOT NO. _____

Date of Execution:

OWNERS OF LOT NO. _____

Date of Execution:

MICROFILMED

AMENDMENT TO DECLARATION, etc.

Page _____

STATE OF IDAHO)
) ss
COUNTY OF)

On this ____ day of _____, 1976, before me, a Notary Public, in and for said State, personally appeared PAULINE R. BYRAM, a widow, known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that she executed the same, and that she is a person over the age of twenty-one years and a citizen of the United States of America.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official notarial seal the day and year first in this certificate written.

NOTARY PUBLIC FOR IDAHO
Residence:

STATE OF IDAHO)
) ss
COUNTY OF)

On this ____ day of _____, 1976, before me, a Notary Public, in and for the said State, personally appeared GARY B. BYRAM, known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same, and that he is a person over the age of twenty-one years and a citizen of the United States of America.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official notarial seal the day and year first in this certificate written.

NOTARY PUBLIC FOR IDAHO
Residence:

STATE OF IDAHO)
) ss
COUNTY OF)

On this ____ day of _____, 1976, before me, a Notary Public, in and for the said State, personally appeared ERLE B. BYRAM, known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same, and that he is a person over the age of twenty-one years and a citizen of the United States of America.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official notarial seal the day and year first in this certificate written.

NOTARY PUBLIC FOR IDAHO
Residence:

MIC

AGREEMENT OF SALE OF WATER SYSTEM -

STATE OF IDAHO)
) ss
COUNTY OF)

On this _____ day of _____, 1976, before me, a
Notary Public, in and for said State, personally appeared

known to me to be the persons whose names are subscribed to
the within instrument, and acknowledged to me that they
executed the same, and that they were persons over the age
of twenty-one years and citizens of the United States of
America.

IN WITNESS WHEREOF, I have hereunto set my hand and
affixed my official notarial seal the day and year first
above in this certificate written.

NOTARY PUBLIC FOR IDAHO
Residence:

STATE OF IDAHO)
) ss
COUNTY OF)

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STATE OF IDAHO)
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COUNTY OF)

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Residence:

STATE OF IDAHO)
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COUNTY OF)

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Residence:

STATE OF IDAHO)
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COUNTY OF)

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STATE OF IDAHO)
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NOTARY PUBLIC FOR IDAHO
Residence:

MICROFILMED

STATE OF IDAHO)
) ss
COUNTY OF)

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NOTARY PUBLIC FOR IDAHO
Residence:..

STATE OF IDAHO)
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COUNTY OF)

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NOTARY PUBLIC FOR IDAHO
Residence:

STATE OF IDAHO)
) ss
COUNTY OF)

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NOTARY PUBLIC FOR IDAHO
Residence:

STATE OF IDAHO)
) ss
COUNTY OF)

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Residence:

STATE OF IDAHO)
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COUNTY OF)

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Residence:

STATE OF IDAHO)
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COUNTY OF)

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NOTARY PUBLIC FOR IDAHO
Residence:

MICROFILMED

STATE OF IDAHO)
) ss
COUNTY OF)

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Notary Public, in and for said State, personally appeared

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the within instrument, and acknowledged to me that they
executed the same, and that they were persons over the age
of twenty-one years and citizens of the United States of
America.

IN WITNESS WHEREOF, I have hereunto set my hand and
affixed my official notarial seal the day and year first
above in this certificate written.

NOTARY PUBLIC FOR IDAHO
Residence:

RECORDED

AMENDMENT TO DECLARATION OF ESTABLISHMENT
OF RESTRICTIONS AFFECTING
BYRAM'S LITTLE SMOKY CABIN SITE SUBDIVISION

THIS AMENDMENT TO DECLARATION OF ESTABLISHMENT OF RESTRICTIONS AFFECTING BYRAM'S LITTLE SMOKY CABIN SITE SUBDIVISION, made this ___ day of _____, 1976, and executed the day month and year written by their respective signatures hereto, by and among the undersigned persons, who constitute all of the owners of all of the Lots in Byram's Little Smoky Cabin Site Subdivision;

WITNESSETH:

WHEREAS, on August 26, 1969, H. C. BYRAM and PAULINE BYRAM, husband and wife, and at that time the owners of the Byram's Little Smoky Cabin Site Subdivision, made and executed a Declaration of Establishment of Restrictions Affecting Byram's Little Smoky Cabin Site Subdivision, which Declaration was recorded in the Book of Plats, as Instrument No. 39593, Records of Camas County, Idaho; and

WHEREAS, Byram's Little Smoky Cabin Site Subdivision is more particularly described in the Plat thereof filed as Instrument No. 39593, Records of Camas County, Idaho, and located in the South Half (S-1/2) of Section Eighteen (18) and the North Half (N-1/2) of Section Nineteen (19) Township 3, North, Range 14 East, Boise Meridian, Camas County, Idaho; and

WHEREAS, the undersigned have acquired Lots in said Byram's Little Smoky Cabin Site Subdivision, and collectively constitute all of the owners of all of the Lots of Byram's Little Smoky Cabin Site Subdivision; and

MICROFILMED

WHEREAS, the undersigned desire to amend the above described Declaration of Establishment of Restrictions Affecting Byram's Little Smoky Cabin Site Subdivision, as hereinafter more particularly described;

NOW, THEREFORE, IT IS AGREED:

SECTION 1.

Paragraph 6 of said Declaration is hereby deleted and the following new Paragraph 6 substituted therefor:

"6. The existing water system on Byram's Little Smoky Cabin Site Subdivision, including the water supply rights from Springs Number 3, 4 and 5, as described in State of Idaho Department of Reclamation Permit to Appropriate the Public Waters of the State of Idaho, No. 63-7242, tanks, mainlines and feeder lines (hereinafter referred to as "existing water system"), has been conveyed, by Agreement of Sale of Water System of even date with this Amendment, to those owners of the lots in said Subdivision as listed and described on Exhibit "A" hereto and their successors and assigns to ownership of said Lots.

Under the terms and provisions of said Agreement of Sale, the owners of those Lots listed and described in Exhibit "B" hereto, and their successors and assigns to ownership of the lots therein described, are not at the date of this Amendment receiving water from said water system, but have the right at any time in the future to be served by the water system so conveyed to the lot owners described in Exhibit "A" hereto, upon the assumption by the then owner of a lot described on Exhibit "B" hereto of the same obligations and responsibilities as assumed under said Agreement by the lot owners listed on Exhibit "A" hereto, now served by such existing water system, including (without limitation) their agreement to pay their proportionate share of assessed charges in connection with the operation, repair, maintenance and expansion of such existing water system, as in force and effect at the time of their request for water service from the existing system through a Water User's Association for the existing system formed by the Lot owners named on Exhibit "A" hereto.

IT IS UNDERSTOOD AND AGREED that the owners of the balance of the Lots in such Subdivision, as listed and described on Exhibit "C" hereto, and their successors and assigns to ownership of

said Lots in the Subdivision, have no right to water service now or in the future from the existing water system, nor have they, nor their successors and assigns to ownership of said Lots listed and described on Exhibit "C" hereto, any obligation to pay any costs, charges or assessments associated now or at any time in the future, with said existing water system, or imposed by the Water User's Association formed by the owners thereof named on Exhibit "A" hereto.

IT IS FURTHER UNDERSTOOD AND AGREED that the service area of the existing water system owned by the owners named on Exhibit "A" shall include only that portion of, and be limited to, the Lots of said Subdivision as listed and described on Exhibit "A" and Exhibit "B" hereto.

IT IS FURTHER UNDERSTOOD AND AGREED that the owners of the Lots of Byram's Little Smoky Cabin Site Subdivision as listed and described on Exhibit "C" hereto, and their successors and assigns to each and every lot, or parcel, listed and described on Exhibit "C" hereto, must connect with the new municipal water system to be hereinafter established for the benefit of those lots, and pay all charges assessed by the owners of that new water system for development, construction, improvement, repair and maintenance thereof, on such terms and conditions as may be provided in the Articles of the Association to be formed, and rate structure to be established, in connection with such new water system to be constructed by the owners of the Lots listed and described on Exhibit "C" hereto.

IT IS FURTHER UNDERSTOOD AND AGREED that the owners of the existing water system and the owners of the new water system shall have easements for water lines under, or over, any lot or parcel of the Byram's Little Smoky Cabin Site Subdivision, as deemed reasonably necessary by the then owners of each system to serve their respective service areas. (For purposes of this Amendment and the above referenced Agreement, the service area for the existing water system consists of the Lots listed and described on Exhibits "A" and "B" hereto, and the service area for the new water system consists of the Lots listed and described on Exhibit "C" hereto), so long as the placement of said water lines does not interfere with the reasonable use of the lot or parcel, by the then owner thereof."

SECTION 2.

Except as hereinabove specifically modified and amended, all the terms, provisions and agreements contained in the above described Declaration of Establishment of

Restrictions Affecting Byram's Little Smoky Cabin Site
Subdivision dated August 26, 1969, shall remain and be
in full force and effect as therein provided.

IN WITNESS WHEREOF, the undersigned have hereunto
affixed their hands and seals the day and year written
following their respective signatures.

OWNER OF LOT NO. _____

Date of Execution: _____

OWNER OF LOT NO. _____

Date of Execution: _____

OWNER OF LOT NO. _____

Date of Execution: _____

OWNER OF LOT NO. _____

Date of Execution: _____

OWNER OF LOT NO. _____

Date of Execution: _____

OWNER OF LOT NO. _____

Date of Execution: _____

RECEIVED
JAN 10 1970
FBI - MEMPHIS

OWNERS OF LOT NO. _____

Date of Execution:

OWNERS OF LOT NO. _____

Date of Execution:

OWNERS OF LOT NO. _____

Date of Execution:

OWNERS OF LOT NO. _____

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OWNERS OF LOT NO. _____

Date of Execution:

AMENDMENT TO DECLARATION, etc.

Page _____

MICROFILMED

STATE OF IDAHO)
) ss
COUNTY OF)

On this _____ day of _____, 1976, before me, a
Notary Public, in and for said State, personally appeared

known to me to be the persons whose names are subscribed to
the within instrument, and acknowledged to me that they
executed the same, and that they were persons over the age
of twenty-one years and citizens of the United States of
America.

IN WITNESS WHEREOF, I have hereunto set my hand and
affixed my official notarial seal the day and year first
above in this certificate written.

NOTARY PUBLIC FOR IDAHO
Residence:

STATE OF IDAHO)
) ss
COUNTY OF)

On this _____ day of _____, 1976, before me, a
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NOTARY PUBLIC FOR IDAHO
Residence:

STATE OF IDAHO)
) ss
COUNTY OF)

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IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official notarial seal the day and year first above in this certificate written.

NOTARY PUBLIC FOR IDAHO
Residence:

STATE OF IDAHO)
) ss
COUNTY OF)

On this _____ day of _____, 1976, before me, a Notary Public, in and for said State, personally appeared

_____ known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same, and that they were persons over the age of twenty-one years and citizens of the United States of America.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official notarial seal the day and year first above in this certificate written.

NOTARY PUBLIC FOR IDAHO
Residence:

STATE OF IDAHO)
) ss
COUNTY OF)

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America.

IN WITNESS WHEREOF, I have hereunto set my hand and
affixed my official notarial seal the day and year first
above in this certificate written.

NOTARY PUBLIC FOR IDAHO
Residence:

RECEIVED

May 16, 1977

Re: Permit No. 63-7242

Erle Byram:
1632 Sherman
Boise, ID 83702

Dear Mr. Byram:

This letter is in reference to your visit to our office.

When you fill out the enclosed application, consider the following:

If the 80 acres you wish to irrigate are within the 156.83 acres on this permit, the amount of water you can apply for is .94 c.f.s. This will bring the total amount up to the maximum amount allowed, which is an inch per acre of water. If the 80 acres is not included in the 156.83 acres, then the maximum you can apply for is 1.6 c.f.s., which is an inch per acre for the whole 80 acres. We are enclosing a copy of this permit so you can determine whether the 80 acres is included in the land description.

If you have any questions concerning this matter, please contact us.

Sincerely,

JAN COOPER
Water Rights Supervisor

JG/AM
Enclosures

MICROFILMED

September 4, 1974

Re: Permit No. 63-7242

Gary &/or Erle Byram
~~625 Colorado~~
~~Gooding, ID~~ 83330

Address Change:
P.O. Box 1716
Boise, ID 83701

Gentlemen:

We acknowledge receipt of the assignment conveying the above referenced permit to you. The assignment has been recorded and the Department's records changed. Enclosed is a copy of the approved application for extension of time submitted for this permit.

The time within which to submit proof of beneficial use of water has been extended to September 1, 1979.

Sincerely,

BOBBY D. FLEENOR
Chief, Water Rights

BDF:JC
Enclosure

MICROFILMED

U.S. POSTAL SERVICE
OFFICIAL BUSINESS

PENALTY FOR PRIVATE
USE TO AVOID PAYMENT
OF POSTAGE, \$300



Postmark of Delivering Office

SENDER INSTRUCTIONS

Print in the space below your name, address, including ZIP Code.



- If special services are desired, check block(s) on other side.
- Moisten gummed ends and attach to back of article.

**RETURN
TO**



PS Form **3811**
June 1973

DEPARTMENT OF WATER ADMINISTRATION
STATEHOUSE ANNEX #2
BOISE, IDAHO 83707

SENDER: Be sure to follow instructions on other side

PLEASE FURNISH SERVICE(S) INDICATED BY CHECKED BLOCK(S)

(Additional charges required for these services)

☐ Show address
where delivered

☐ Deliver ONLY
to addressee

RECEIPT

Received the numbered article described below

REGISTERED NO.

SIGNATURE OR NAME OF ADDRESSEE *(Must always be filled in)*

CERTIFIED NO.

1

INSURED NO.

2

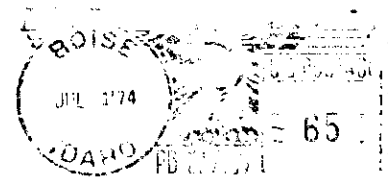
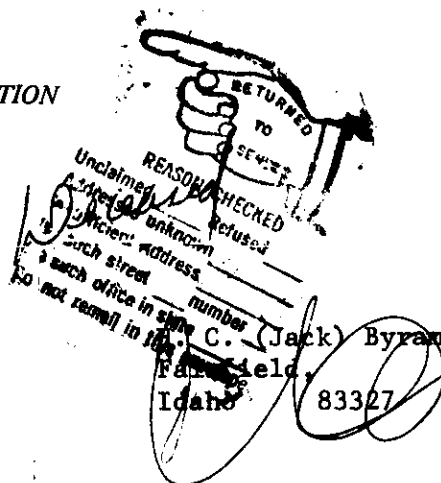
SIGNATURE OF ADDRESSEE'S AGENT, IF ANY

DATE DELIVERED

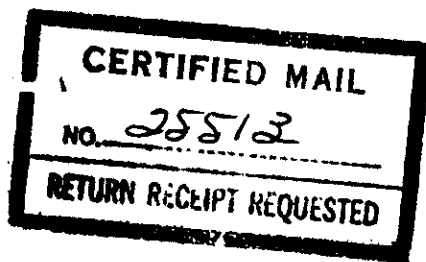
3

SHOW WHERE DELIVERED *(Only if requested, and include ZIP Code)*

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION
Statehouse - Annex 2
Boise, Idaho 83707

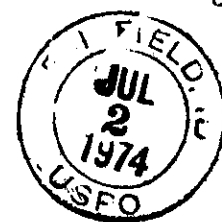


RECEIVED



Not in directory so re-sent by
regular mail to: H. C. Byram
c/o Robert G. Newhouse
Attorney at Law
Fairfield, ID
See letter
from attorney
dated 9/1/68

89



July 1, 1974

CERTIFIED MAIL

#25513

Re: Permit No. 63-7242

H. C. (Jack) Byram
Fairfield,
Idaho 83327

Dear Mr. Byram:

One of the conditions of approval of your water Permit No. 63-7242 (see last page of your approved permit) was that evidence of the extent of development be submitted as proof of application of water to beneficial use to this office on or before September 1, 1974. Enclosed is an affidavit form which must be used to submit the required proof of beneficial use.

If you have not fully completed your project, and you have not previously received an extension of time, you may request an extension of time provided the delay is for reasonable cause as indicated in Section 42-204, Idaho Code, amended. If you have been prevented from proceeding by a governmental agency or by litigation, more than one extension of time can be granted.

Either the beneficial use affidavit or a request for an extension of time must be received by this Department on or before the above mentioned date, otherwise the permit will lapse and be of no further force or effect.



R. KEITH HIGGINSON
Director

Enc: Proof affidavit

MICROFILMED

ROBERT G. NEWHOUSE

ATTORNEY-AT-LAW

FAIRFIELD, IDAHO 83327

September 9, 1969

RECEIVED

SEP 11 1969

63-7242

Department of Reclamation

764-2251

Mr. Gary L. Page, Survey Examiner
State of Idaho
Statehouse Annex 2
Boise, Idaho 83707

Re: Application For Permit -- H. C. Byram

Dear Mr. Page:

On May 27, 1969, on behalf of my client, H. C. Byram of Gooding, Idaho, I filed certain application for permits to appropriate public waters of the State of Idaho. My client was wondering the exact status of this matter.

Sincerely yours

Robert G. Newhouse
Robert G. Newhouse
Attorney-At-Law

Answered
By phone Jdt

RGN/gp

cc H. C. Byram

63-7242

August 27, 1969

Re: Application for Permit No. 63-7242 - H. C. (Jack) Byram

Camas County Courier
Fairfield
Idaho 83327

Gentlemen:

Would you please submit an affidavit of publication and a certified bill in connection with the above referenced. The legal notice was to be published in your paper on August 7th and 14th, 1969.

As the above permit cannot be approved until we are in receipt of the affidavit, please help us to serve our customers.

May we please hear from you by return mail.

Very truly yours,

Donald W. McEldowney
Appropriation Examiner

DWM:sc

63-7242

NOTICE OF CORRECTION

Notice is hereby given that application for permit no. 63-7242 in the name of H. C. (Jack) Byram was advertised incorrectly. The point of diversion was advertised as being within the NE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 30; NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 19; SE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 19; SW $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 18; NW $\frac{1}{4}$ SW $\frac{1}{2}$, Sec. 18, T. 3 N, R. 14 E, B.M., Camas County; WHEREAS, the actual point of diversion is within the NE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 30; NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 19; SE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 19; SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 18, NW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 18, T. 3 N, R. 14 E, B.M. Camas County.

Any protest of the above corrections must be received by the Department of Reclamation within 10 days from the last date of publication of this notice.

R. Keith Higginson
State Reclamation
Engineer

8-7-2tc

July 28, 1969

Re: Application for Permit No. 63-7242 - H.C. (Jack) Byram

Camas County Courier
Fairfield,
Idaho 83327

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 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 of Reclamation, 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 same has been paid.

Signature of claimant

Very truly yours,

Donald W. McEldowney
Appropriation Examiner

DWM:DR
Enc: Correction notice

63-7242

NOTICE OF CORRECTION

Notice is hereby given that application for permit no. 63-7242 in the name of H. C. (Jack) Byram was advertised incorrectly. The point of diversion was advertised as being within the NE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 30; NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 19; SE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 19; SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 18; NW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 18, T. 3 N, R. 14 E, B.M., Camas County; WHEREAS, the actual point of diversion is within the NE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 30; NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 19; SE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 19; SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 18; NW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 18, T. 3 N, R. 14 E, B.M., Camas County.

Any protest of the above corrections must be received by the Department of Reclamation within 10 days from the last date of publication of this notice.

R. KEITH HIGGINSON
State Reclamation Engineer

Published in the Camas County Courier on August 7th and August 14th, 1969.

9

63-7242

**NOTICE OF
APPLICATION FOR WATER**

Notice is hereby given that H. C. (Jack) Byram, Fairfield, Idaho has on June 2, 1969 applied for permit under application No. 63-7242 to divert 2.0 cubic feet per second of water from five unnamed springs. Water will be diverted by pipe from springs within the NE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 30; NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 19; SE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 19; SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 18; NW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 18, T. 3 N. R. 14 E, B. M., Camas County and is to be used from January 1 to December 31 for irrigation and domestic purposes in the S $\frac{1}{2}$ SW $\frac{1}{4}$, Sec. 18; W $\frac{1}{2}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 19, T. 3 N. R. 14 E, B.M. and SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 18, T. 3 N. R. 14 E, B.M. Any protest against this application must be filed with the Department of Reclamation within ten days from the last date of this notice.

R. Keith Higginson
State Reclamation
Engineer

7-17-2tc

July 10, 1969

Re: Application for Permit No. 63-7242-H. C. (Jack) Byram

Camas County Courier
Fairfield, Idaho

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 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 of Reclamation, 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 same has been paid.

Signature of claimant

Very truly yours,

Donald W. McEldowney
Appropriation Examiner

DWM:tg

Enc: Legal Notice (1)

63-7242

NOTICE OF APPLICATION FOR WATER

Notice is hereby given that H. C. (Jack) Byram Fairfield, Idaho

has on June 2, 1969

applied for permit under application No. 63-7242

to divert ~~state~~ 2.0 cubic feet per second ~~land~~ feet

of water from five unnamed springs

Water will be diverted by pipe from springs

within the NE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 30; NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 19; ~~SE $\frac{1}{4}$ NW $\frac{1}{4}$~~ , Sec. 19; ~~SW $\frac{1}{4}$ SE $\frac{1}{4}$~~ , Sec. 18; NW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 18, T. 3 N, R. 14 E, B. M., Camas County

and is to be used from January 1 to December 31 for irrigation and domestic purposes

in the SE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 18; W $\frac{1}{2}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 19, T. 3 N, R. 14 E, B. M. and SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 13, T. 3 N, R. 13 E, B. M.

Any protest against this application must be filed with the Department of Reclamation within ten days from the last date of this notice.

R. KEITH HIGGINSON
State Reclamation Engineer

Published in the Camas County Courier, Fairfield, Idaho,

on July 17 and July 24, 1969.

63-7242