

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A29-07582
Date Received: 8/24/1989
Receipt No: E009961
Received By: JMD

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: GERALD LEAVITT 208-254-3101
Address: 6429 S. ASLETT ROAD
MC CAMMON, ID 83250
OR
Name: MERLENE LEAVITT 208-254-3108
Address: 6429 S. ASLETT ROAD
MC CAMMON, ID 83250



2. Date of Priority: MAR 23, 1981

3. Source: SPRINGS Trib. to: SINKS

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
09S	36E	3	NE	SE			BANNOCK

5. Description of diverting works:
PUMP & PIPELINE.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.050		8.80

7. Total Quantity Appropriated is:
0.050 C.F.S. (and/or) 8.80 A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:

A29-07582

Page 1

Date: 08/24/89

MICROFILMED
NOV 13 1992

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
09S	36E	3	SE	NE		IRR	2.0
			NE	SE		IRR	1.0
						Section Acres	3.0
						Total Acres	3.0

11. Place of use in counties: BANNOCK

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:

14. Remarks:

AC. IRR. = 2.5.

15. Basis of Claim: LICENSE

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): *Frank Smith* Date: 8-24-89

Date: _____

State of Idaho)
County of Bonneville) SS.

Subscribed and sworn (or affirmed) before me this 24th day

of Aug 19 89

William Wray
Notary Public

Seal

Residing at *Idaho Falls*

My Commission Expires 5/29/99

RIGHT NUMBER: 29-7582
NAME AND ADDRESS: GERALD LEAVITT
6429 S ASLETT RD
MC CAMMON ID 83250

MERLENE LEAVITT
6429 S ASLETT RD
MC CAMMON ID 83250

SOURCE: SPRINGS TRIBUTARY: SINKS
QUANTITY: 0.05 CFS
8.8 AFY
PRIORITY DATE: 03/23/1981
POINT OF DIVERSION:

T09S R36E S3 NESE Lot 3 Within BANNOCK County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/15 11/15	0.050 CFS 8.80 AFY

PLACE OF USE:

IRRIGATION Within BANNOCK County
T09S R36E S03 Lot 2 SENE 1.5 T09S R36E S03 Lot 3 NESE 1.0

2.5 ACRES TOTAL

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT
ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY
DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE
ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.

EXPLANATORY MATERIAL: License

A. AJ CLAIM POINT OF DIVERSION AND SOURCE:

RIGHT	TWP. RGE.	SEC.	1/4	1/4	1/4	LOT	POD FLAG	COUNTY	DIVERSION NAME	DIVERSION NUMBER
A29-07582	09S 36E	3		NE	SE			BANNOCK		

OTHER AJ CLAIMS WITH SAME AJ POD
A PREFIX R PREFIX
A29-10088 29-10088

WR RECORDS IN SAME 40 ACRE TRACT
29-04024

SOURCE: SPRINGS

TRIB: SINKS

B. WR POINT OF DIVERSION AND SOURCE:

RIGHT	TWP. RGE.	SEC.	1/4	1/4	1/4	LOT	POD FLAG	COUNTY	DIVERSION NAME	DIVERSION NUMBER
29-07582	09S 36E	3		NE	SE			BANNOCK		

OTHER WR RECORDS WITH SAME WR POD

AJ CLAIMS IN SAME 40 ACRE TRACT
A PREFIX R PREFIX

29-04024

A29-10088 29-10088

SOURCE: SPRINGS

TRIB: SINKS

C. IS THE CLAIMED POD WITHIN THE SAME 40 ACRE TRACT THAT IS DESCRIBED IN THE WATER RIGHT FILE? N/A() Y() N()

* IF NO, AND IF THE CHANGE IS VERIFIED AS AN ACCOMPLISHED CHANGE IN POD, DESCRIBE THE INJURY
ANALYSIS PERFORMED AND ENTER FLAG "C" WITH THE APPROPRIATE EXPLANATORY CODE.

D. CAN THE CLAIMED POD BE VERIFIED USING THE WATER RIGHT FILE OR GPS DATA? N/A() Y() N()

E. SHOULD THE CLAIMED POD BE VERIFIED BY FIELD EXAM? Y() N()

F. IS THE CLAIMED SOURCE THE SAME AS DESCRIBED IN THE WATER RIGHT FILE? N/A() Y() N()

* IF NO, AND IF THE CHANGE IS VERIFIED AS AN ACCOMPLISHED CHANGE IN SOURCE, DESCRIBE THE INJURY
ANALYSIS PERFORMED AND ENTER FLAG "C" WITH THE APPROPRIATE EXPLANATORY CODE.

G. CAN THE CLAIMED SOURCE BE VERIFIED USING THE WATER RIGHT FILE? Y() N()

H. SHOULD THE CLAIMED SOURCE BE VERIFIED BY FIELD EXAM? Y() N()

I. HOW WAS THE POD AND SOURCE VERIFIED?

LICENSING FIELD EXAM (DATE OF FIELD EXAM) Y() N()

AJ FIELD EXAM (DATE OF FIELD EXAM) NAME OF EXAMINER) Y() N()

OTHER (DESCRIBE IN NOTES BELOW)

A. ROOT WATER RIGHT NUMBERS: A29-07582

B. POU LISTING

TWP	RNG	SEC	1/4	1/4	LOT	NAME	AJ #/ACRES	WR #/ACRES	LANDSAT DATA	FIELD EXAM.	RECOMM. ACRES
09S	36E	3	SE	NE		LEAVITT, GERALD	A29-07582 /	2.0	29-07582 /		2.0
09S	36E	3	NE	SE		LEAVITT, GERALD	A29-07582 /	1.0	29-07582 /		1.0
			NE	SE		LEAVITT, GERALD	A29-10088 /	-	/		
			NE	SE		LEAVITT, GERALD	29-10088 /	-	/		
			NE	SE		GIBSON, ROSS W.		29-04024 /			20.0

ADDITIONAL POU FOUND

TOTAL ACRES A29-07582 3.00 3.00

POU COUNTY: BANNOCK

C. IS WATER USAGE FOUND IN TRACTS OTHER THAN THOSE CLAIMED?

Y() N()

* IF YES, ARE THESE TRACTS LISTED ABOVE (), OR ARE THEY LISTED ON AN ATTACHED SHEET ()

LIST OF ALL RIGHTS WITH A SAME POU AND IRRIGATION USAGE

NO CLAIMS FOUND WITH SAME POU AND IRRIGATION USAGE

LIST ALL RIGHTS WITH SAME POU BUT NOT USED FOR IRRIGATION.

CLAIM NO.	PURPOSES	NAME	MONTH/DAY	RATE	VOLUME
A29-10088	DOMESTIC	LEAVITT, GERALD	FROM 01-01 TO 12-31	0.040 CFS	
A29-10088	STOCKWATER	LEAVITT, GERALD	FROM 11-01 TO 04-15	0.030 CFS	
29-10088	DOMESTIC	LEAVITT, GERALD	FROM 01-01 TO 12-31	0.040 CFS	
29-10088	STOCKWATER	LEAVITT, GERALD	FROM 11-01 TO 04-15	0.030 CFS	

D. ARE OTHER WATER RIGHTS USED FOR THE SAME PURPOSE?

Y() N()

* IF YES, COMPLETE OVERLAP REVIEW:

OTHER RIGHTS LISTED IN CLAIM:

Log for claim A29-07582

Spatial Dynamics LTD

7/13/00

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
09s36e	3	SENE	2	5.3	Indiscernible
09s36e	3	NESE	1	4.3	Indiscernible
Totals:			3	9.6	

AJ5809NP
No. A29-07582

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 04/27/00
PAGE: 193

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	GERALD LEAVITT	03/23/1981	IRRIGATION	03-15 11-15	0.050 CFS	8.80 AFA
C	MERLENE LEAVITT					
	6429 S ASLETT RD					
	MC CAMMON ID 83250			TOTAL DIVERSION:	0.050 CFS	8.80 AFA
	(208) 254-3108					

Water Source: SPRINGS

Tributary to: SINKS

Stage: LICENSE

Point(s) of Diversion: T09S R36E S03 NESE

BANNOCK County

Place of use Legal Description for: IRRIGATION

				NE				NW				SW				SE					
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	SUM
09S	36E	3	:					02	:									01	:		3.0
																				TOTAL ACRES	3.0

POU County: BANNOCK

Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):
29-10088 A29-10088

Remarks: GEN AC. IRR. = 2.5.

Dates: Exam Made Date:

Verified Date:

Objection Filed Date:

Misc: Water District Number:

Field Inspection Flag:
Presumption Flag:

Audit: 08/24/89 DUNN 07/28/94 THOMPSON 03/29/95 POST-STD

Total number of acres irrigated 2.5

CONDITIONS OF APPROVAL

a. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho Law. This right may be forfeited by five years of non-use.

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

c. Any water right confirmed in this license for hydropower purposes shall be junior and subordinate to all rights to the use of water, other than hydropower, within the State of Idaho that are initiated later in time than the priority of this license and shall not give rise to any right or claim against any future rights to the use of water other than hydropower, within the State of Idaho initiated later in time than the priority of this license.

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 28TH day of AUGUST, 19 86.

Acting for the Director

Norman C. Young

RECEIVED

Ident. No.

STATE OF IDAHO

APPLICATION FOR AMENDMENT
(For Licensing Purposes)

RECEIVED

AUG 8 1988

APPROVED

Department of Water Resources

Comes now Gerald Leavitt Phone _____
 of (address) Rt. 1 McCammon, ID 83250, 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. 29-7582, and requests that the permit be changed as follows:

1a. Point of diversion: NE 1/4 SE 1/4, Section 3, Township 9S, Range 36E,
 B.M., County of Bannock. Other points of diversion: _____

1b. Source: springs tributary to sinks

2a. Period and nature of use:

Amount 0.05 for Irrigation purposes from 3/15 to 11/15 (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)

2b. The maximum quantity diverted shall not exceed 0.05 cfs or 8.8 acre feet
 per year.

3. Place of use or land to be irrigated:

TWP	RGE	SEC	NE				NW				SW				SE				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	
9S	36E	3				1.5									1				2.5

Total number of acres to be irrigated = 2.5

4. Date of priority: March 23, 1981

RECORDED

5. Conditions (if any):

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

Signed at _____, this 6 day of August, 1986

[Signature]
(Signature)

FOR DEPARTMENT USE ONLY

Preliminary check by kw Fee = \$20.00 ✓ Received by cew Date 8-8-86 #38907

ACTION OF THE DEPARTMENT OF WATER RESOURCES

I, A. KENNETH DUNN, of the Department of Water Resources hereby Approve the above Application for Amendment for Permit No. 29-7582.

Witness my hand this 28th day of August, 1986.

Acting for the

Director

[Signature]

OK
Sim

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

APPROVED

To appropriate the public waters of the State of Idaho

1. Name of applicant GERALD LEAVITT Phone 254-3108

Post office address Rt. #4, McCammon, Idaho

2. Source of water supply Springs which is a tributary of Sinks

3. Location of point of diversion is NE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 3 Township 9S

Range 36E B.M. Bannock County, additional points of diversion if any: _____

4. Water will be used for the following purposes:

Amount .05 cfs for Irrigation purposes from 7/1 to 11/1 (both dates inclusive)
(cfs or acre-feet per annum)

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

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

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

5. Total quantity to be appropriated:

a. .05 cfs cubic feet per second and/or b. _____ acre-feet per annum.

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. Pump and sprinkler lines

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

Period of year when water will be diverted to storage _____ to _____ inclusive.
(Month/Day) (Month/Day)

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

7. Time required for the completion of the works and application of the water to the proposed beneficial

use is 5 years (minimum 1 year — maximum 5 years).

8. Description of proposed uses:

a. If water is not for irrigation:

(1) Give the place of use of water: _____ $\frac{1}{4}$ of _____ $\frac{1}{4}$ of Section _____ Township _____

Range _____ B.M.

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

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

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

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

[illegible]

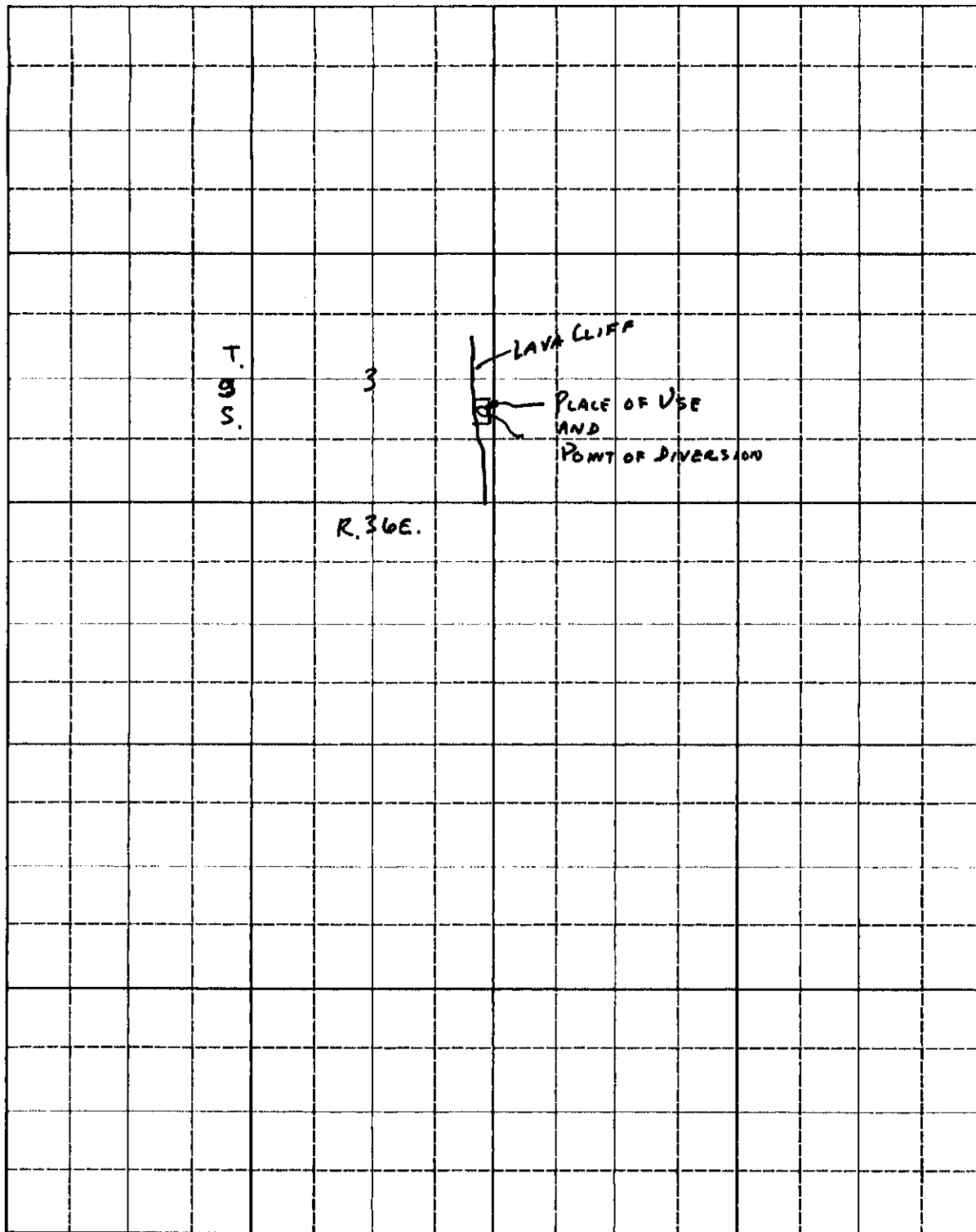
c. Describe any other water rights used for the same purposes as described above. None

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

10. Remarks _____

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



Scale: 2 inches equal 1 mile.

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

Gerald Leavitt
(Applicant)

Proposed Priority

3/23/81

Received by S.M. Date 3/23/81 Time 3:15

Preliminary check by Kewlin Fee \$ 30⁰⁰

Receipted by S.M. Date 3/23/81 # 17120

Publication prepared by kw Date 3/27/81

Published in Idaho State Journal

Publication dates 4/02 & 4/09/81

Publication approved kw Date 4/20/81

Protests filed by: Dick Peterson

Protest withdrawn pursuant to stipulation & agreement

signed June 14, 1981.

Copies of protests forwarded by _____

Hearing held by Norm & Ron Date June 14, 1981

Recommended for approval denial by ENC.

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. 29-7582, and said application is hereby approved.

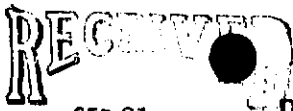
1. Approval of said application is subject to the following limitations and conditions:

- 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 July 1, 19 86.
- c. The rate of diversion, if water is to be used for irrigation under this permit, when combined with all other water rights for the same land shall not exceed 0.02 cubic feet per second for each acre of land.
- d. Other:

Use of water under this permit may be affected by an agreement between the protestant and the applicant.

Witness my hand this 16th day of July, 1981.

Norman C Young
Administrator, Resources Admin. Div.



SEP 21 1984

State of Idaho
DEPARTMENT OF WATER RESOURCES
WATER RIGHT BENEFICIAL USE FIELD REPORT

29-7582

Permit No.

Department of Water Resources

CONTACT WITH PERMIT HOLDER

	DATE	INITIALS	REMARKS
☐ Appointment letter mailed:			
☐ Telephone call made (List Telephone No. used)			
☐ Appointment scheduled for: (Date, time, location)			

EXAMINATION

Date 7-19-83 Accompanied by Gerald Leavitt Total Q measured 0.12 cfs ✓
 Source Springs Tributary to Sinks Supp. annubar measurement sheet used? _____
 If source is surface water, estimate total flow of source _____
 Methods of measurement Pitot Gauge Meets permit requirements? _____

Measurement calculations: Double nozzle 3/16" x 1/8", 7 birds, 25 psi. Av. = 7.4 gpm x 7 birds
Total 51.8 gpm or 0.12 cfs ✓
(See rain bird chart)
attached

$2\frac{1}{2} \text{ acres} \times 0.02 \text{ cfs} = 0.05 \text{ cfs}$ ✓

$V = 2\frac{1}{2} \text{ acres} \times 3.5 \text{ cfs} = 8.75 \text{ af}$ ✓

WELL/DIV. NO.	HP	MOTOR MAKE	MOTOR SERIAL NO.	PUMP MAKE	PUMP SERIAL NO.	MEASURING DEVICE TYPE	CONDITION OF MEAS. DEVICE	REMARKS
	1 1/2	Sta-Rite	C4842PB19	Sta-Rite	DHF-51-J	Pitot gauge		

System Description Electric motor/pump at pond (approx 1 1/2 surface acres) with
mainline to sprinklers (one line with 7 double nozzle birds)

Code with map on reverse side. Disregard code if only one.

RECOMMENDED AMOUNTS

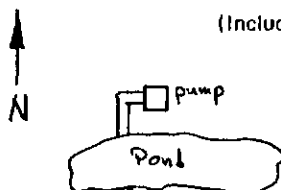
USE Irrigation ✓
 Irrigation requirement = 3.5 ✓ AFA/Acre
 Q (cfs) 0.05 ✓ V (afa) 8.8 ✓
 FROM 4-1 TO 11-15
3/15 11/15
per rules
& regs.
 Total 0.05 cfs 8.8 AF

Remarks

no overlap review done due to small
size of system -

RECEIVED

(Include distance from pump to measuring device, if applicable.)



Point(s) of diversion: NE 1/4 SE 1/4 Sect. 3 T9S R36E

Place(s) of Use

[illegible]

☐ Change P.D. as reflected above

☐ Change P.U. as reflected above

☐ Add P.D. as reflected above
☒ Add P.U. as reflected above

☐ None

☐ Other

Examiner's Signature

Checked by

Approved by

Date 4-30-84

Date 19 Sept 1984

Date 7-8-1986

EXHIBIT 10

27-1082

B263
(1980)

8

B44
(1918)

B6
(1978)

B
13.7

C
12.6

D
43

17

Z
512

UNCLASSIFIED

Not to scale