

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: A22-07091
Date Received: 6/08/1988
Receipt No: E000357
Received By: S.M.

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: K. MERLE JEPPESEN
Address: 434 MORGAN DRIVE
REXBURG, ID 83440

208-356-3638

2. Date of Priority: APR 18, 1974

3. Source: LYONS CREEK

Trib. to: SNAKE RIVER, SOUTH FORK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
04N	41E	5	SW	NW			MADISON

5. Description of diverting works:
PUMP AND MAINLINE TO SPRINKLER SYSTEM.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	2.000		

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

8. Total consumptive use is 355.0 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE.

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
04N	41E	5	NW	SW		IRR	40.0
			SW	SW		IRR	37.0

Section Acres 77.0

A22-07091

Page 1

Date: 06/08/88

OCT 29 1992

A2207091



10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
04N	41E	6	NE	SE		IRR	35.0
			SE	SE		IRR	30.0
						Section Acres	65.0
						Total Acres	142.0

11. Place of use in counties: MADISON

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

13. Other Water Rights Used:
A22-07115.

14. Remarks:

15. Basis of Claim: LICENSE
Water Right Number:

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: _____

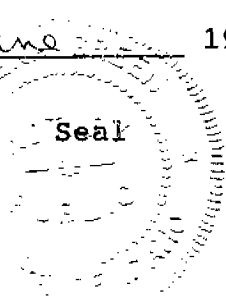
For Individuals:

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

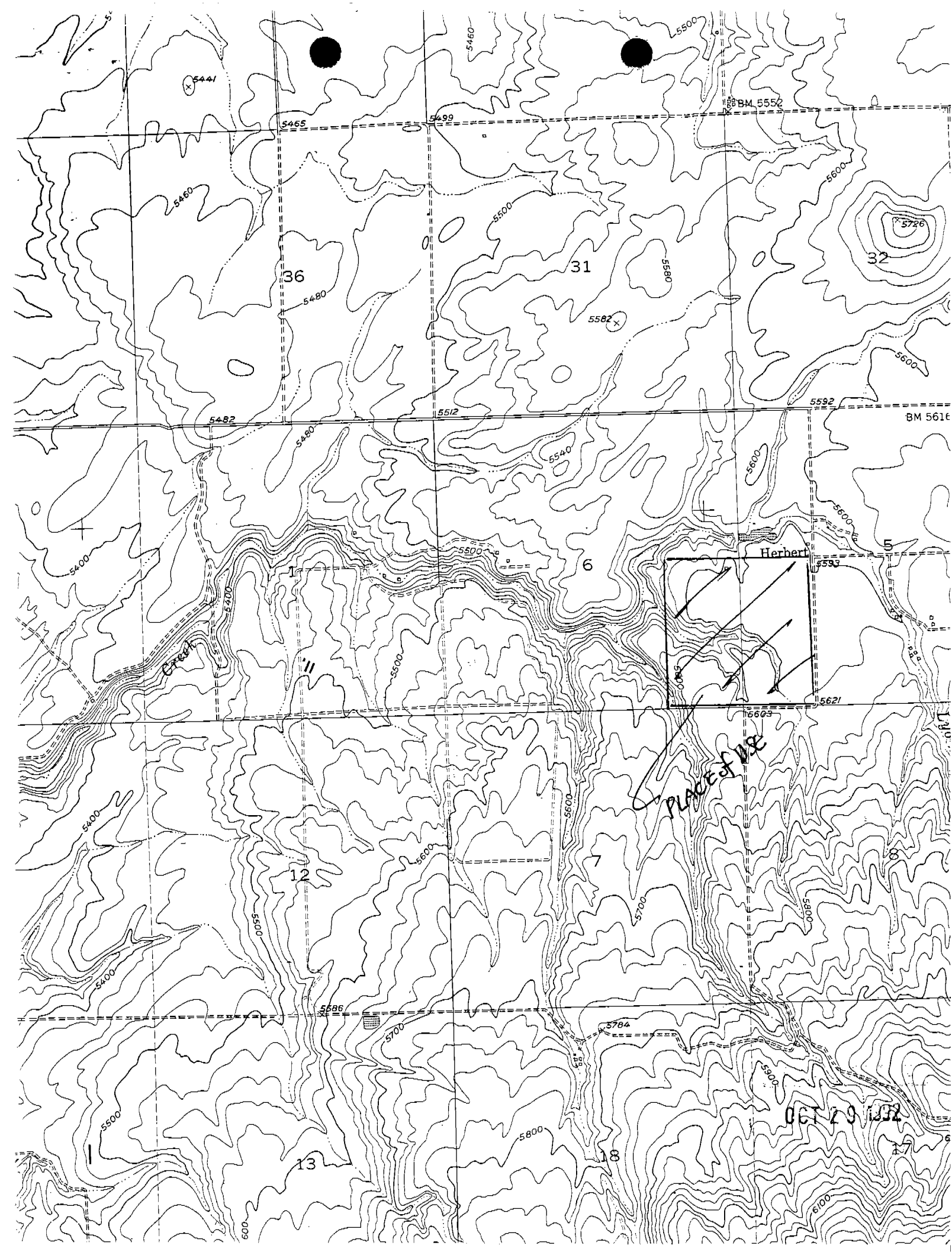
Signature of Claimant(s): Merle J. Jensen Date: 6-8-88
Date: _____

State of Idaho)
County of Bonneville) SS.

Subscribed and sworn (or affirmed) before me this 8th day
of June 19 88 Diana Green
Notary Public



Residing at Highway
My Commission Expires 4-22-1994



Log for claim 22-07091

Spatial Dynamics LTD

7/5/01

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
04n41e	5	NWSW	40	40	
04n41e	5	SWSW	37	38	
04n41e	6	NESE	35	34	
04n41e	6	SESE	30	27	
Totals:			142	139	

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

License of Water Right No. 22-7091 Priority April 18, 1974 Amount 2.00 cfs

THIS IS TO CERTIFY, that Spence W. Leatham

of Rexburg, Idaho, has complied with the terms and conditions of Permit No. 22-7091 issued pursuant to Application for Permit dated April 18, 1974 and has submitted proof to the Department of Water Resources on September 1, 1976, that he has applied water to a beneficial use; an examination by the Department indicates that the works have a capacity for the diversion of 2.78 cfs of water from Lyons Creek, tributary to South Fork, Snake River, and that the permit holder has applied to a beneficial use and established a right to use water as follows:

Beneficial Use	Period of Use	Rate of Diversion	Annual Volume
<u>Irrigation</u>	from <u>April 1</u> to <u>Nov. 1</u>	at <u>2.00</u> cfs and	<u>497</u> acre feet
	from _____ to _____	at _____ cfs and	_____
	from _____ to _____	at _____ cfs and	_____

(both dates inclusive)

Subject, however, to the condition that no more than 2.00 cfs of water be diverted at any one time, and that the amount of water so diverted and to which such right is entitled and confirmed is for the purpose aforementioned and is limited to the amount which can actually be beneficially used and shall not exceed 497 acre feet per year, said waters to be diverted within the SW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 5, Twp. 4N,
Rge. 41E, B.M. in the County of Madison

Description and location of place of use:

Twp.	Range	Sec.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				Totals
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
4N	41E	5									40	37							77
		6													35			30	65

Total number of acres irrigated 142

A measuring device of a type approved by this Department shall be maintained as part of the diverting works.

NOTE: 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.

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

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 21 day of October, 1977.

Director

Identification No. 22 7091

Application No. _____

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION

APPLICATION FOR PERMIT

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

1. Name of applicant Spence W. Leatham
post office address: 113 West First South, Rexburg, Idaho PH: 356-5985
2. Source of water supply Lyons Creek which is a tributary of South Fork, Snake River
3. a. Location of point of diversion is NE $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 5 Township 4N
Range 41E B.M. Madison County; additional points of diversion if any: _____
SW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 5, T. 4N, R. 41E; SE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 6, T. 4N, R. 41E, B.M.

b. If water is not consumed, it will be discharged into _____ at a point in _____ $\frac{1}{4}$
of _____ $\frac{1}{4}$ of Section _____ Township _____ Range _____ B.M. _____
4. Water will be used for the following purposes:
Amount 2.0 for Irrigation purpose from Apr. 1 to Nov. 1 (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purpose from _____ to _____ (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. 2.0 cubic feet per second and/or
b. _____ acre feet per annum.
6. Proposed diverting works:
a. Description of ditches, flumes, pumps, headgates, etc. Portable pump and sprinkler system.

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 \$ 10,000.00.
8. Description of proposed uses:
a. If water is **not** for irrigation: N.A.
(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: _____ 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 _____.
(5) If water is to be used for other purposes describe: _____

22 7091

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

TWP.	RANGE	SEC.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTALS
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
4N	41E	5					40	40			40	40	40	40					240
"	"	6	40			40									40			40	160
"	"	7	40																40
5N	41E	32										40	40	40			40		160

Total number of acres to be irrigated 600

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

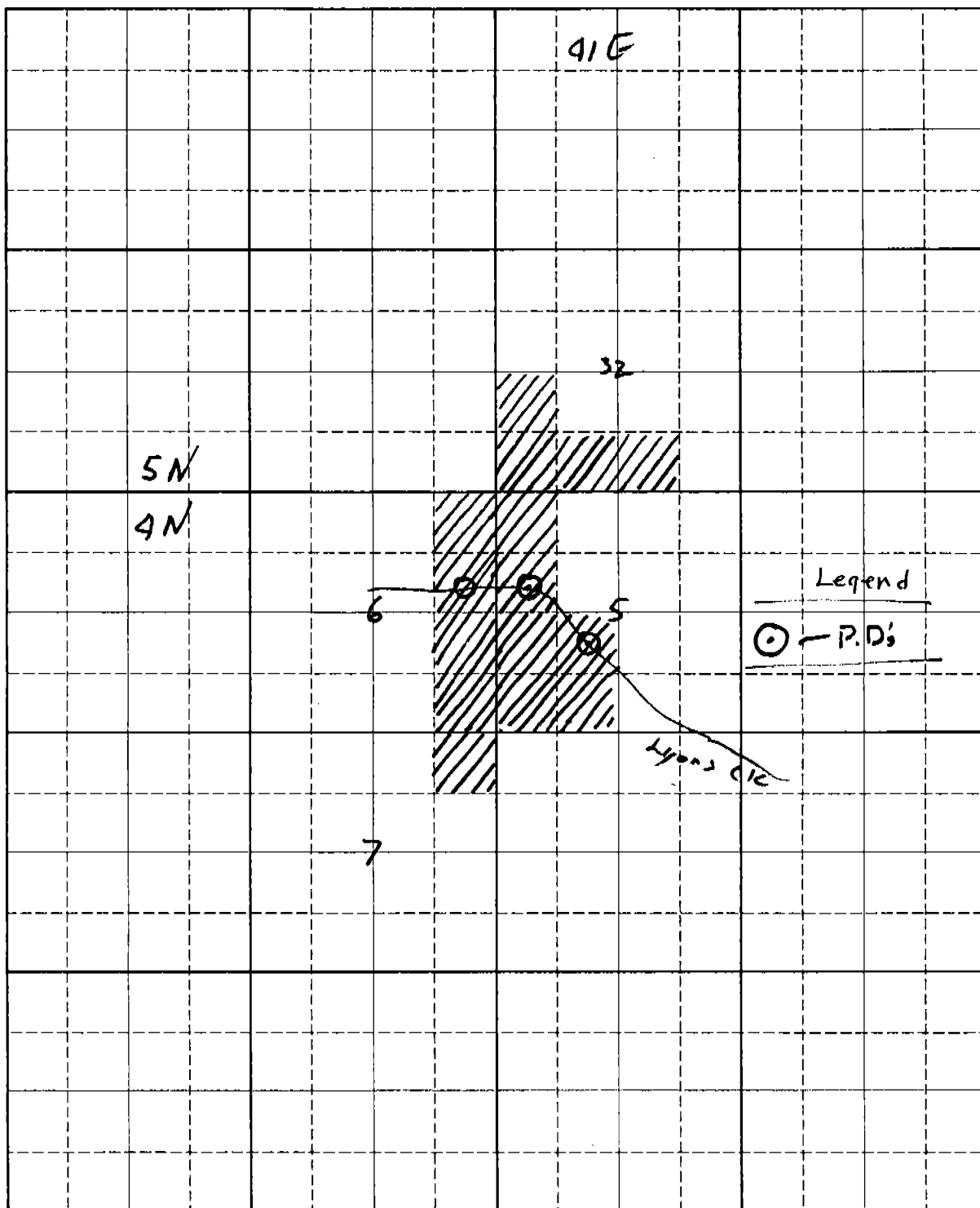
9. a. Who owns the property at the point of diversion Applicant

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.

James W. Leatham
(Applicant)

7091

Proposed Priority 4-18-1974

22-7091

Received by MB Date 4-18-74 Time 2:45 p.m.

Preliminary check by UR Fee \$ 35.00

Receipted by MB Date 4-18-74 # 12843

Publication prepared by MB Date 4-19-74

Published in The Lewiston Journal

Publication dates April 25 - May 2, 1974

Publication approved CB Date 5/09/74

Priority reduced to _____ Reason _____

Protests filed by: _____

Copies of protests forwarded by _____

Hearing held by _____ Date _____

Recommended for approval denial by RC ~~DR~~

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER ADMINISTRATION

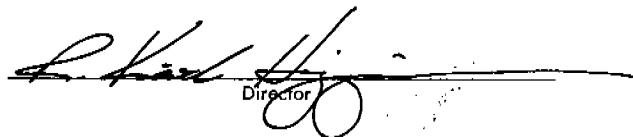
This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. 22-7091, and said application is hereby APPROVED.

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 May 1, 19 79.
- c. Other: (1) A measuring device of a type approved by this Department shall be permanently installed and maintained as part of the diverting works. (2) Use of water under this permit is subject to control by the watermaster of State Water District No. 01, Snake River.

2. Denial of said application is for the following reasons: _____

Witness my hand this 28 day of May 19 74.


Director

DATE OF EXAM Sep 14, 1976

ACREAGE
Found 142
Recommended 142

Irrigation Requirement 3.5 Ac Ft/Ac

USE
Irrigation Q = 200 c.f.s. V = 497 AF/Ann. from Apr 1 to Nov 1
Domestic Q = _____ c.f.s. V = _____ AF/Ann. from _____ to _____
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: N.P.
twp. _____ N/S, Rge _____ E/W, B.M., Sec. _____, Sub. _____ 1/4 _____ 1/4 _____
County _____

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

Total Q measured 2.78 cfs Method of measurement In line meter

Total Q recommended 2.00 cfs Meter No. 24-10-207 type McLaren Condition OK

Total V recommended 497 AF/Ann

Recommended Amendments:

P.D. _____
Place of Use _____
Other _____
None ☒

MEASUREMENT CALCULATION:

$$Q = 1250 \text{ gpm} / 448.8 = 2.78 \text{ cfs}$$
$$V = 142 \text{ Ac} \times 3.5 = 497 \text{ AF/Ann} \quad 2.0 \text{ cfs} \times 1.9835 \times 214 = 848.9$$

SYSTEM DESCRIPTION:

G.E. motor 125 Hp. Ser # FB5608185
AURORA Pump Ser # 37521813
8 ft. dia. lateral w/ 5/32" Noz.
N-S Buried main from pump.

REMARKS:

Water is pumped from Dam & Pond. on Lyons Ck.
Storage water is covered under Permit 22-7115

Examiner's Signature Bill Choads Date Oct 25, 1976

Checked by Ernest M. Chislow Date Dec 20, 1976

Approved by _____ Date _____

DEPARTMENT OF WATER ADMINISTRATION

FIELD REPORT

Spence W. Leatham

1. Name of permit holder _____
 Post office address 113 W. 1st So., Rexburg, ID 83440 Phone 356-5985
 Person to contact _____ Phone _____



2. Source of water supply: Groundwater ☐ Surface water ☒ Lyons Cr.
 Tributary to So. Fk. Snake (name spring, stream, etc.)
 Department of Water Resources
 Eastern District Office

3. Water will be used for the following purposes:

Amount 2.00 c.f.s. for Irrigation
 AF/Annum (nature of use)

Period of Use: from April 1 to Nov. 1
 (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: _____

Permit No. 22-7091
 Examination for b/u

4. Total amount to be appropriated:

Max Rate of Diversion 2.00 cubic feet per second and annual volume _____ AF/Annum.

5. Location of Point(s) of Diversion:

Township 4N N/S, Range 41E E/W, B.M., Section 5, Subdivision NE 1/4 SW 1/4 Madison County
 Township " N/S, Range " E/W, B.M., Section 6, Subdivision SE 1/4 NE 1/4 County
 ✓ Township " N/S, Range " E/W, B.M., Section 5, Subdivision SW 1/4 NW 1/4 County

Other Points of Diversions: _____

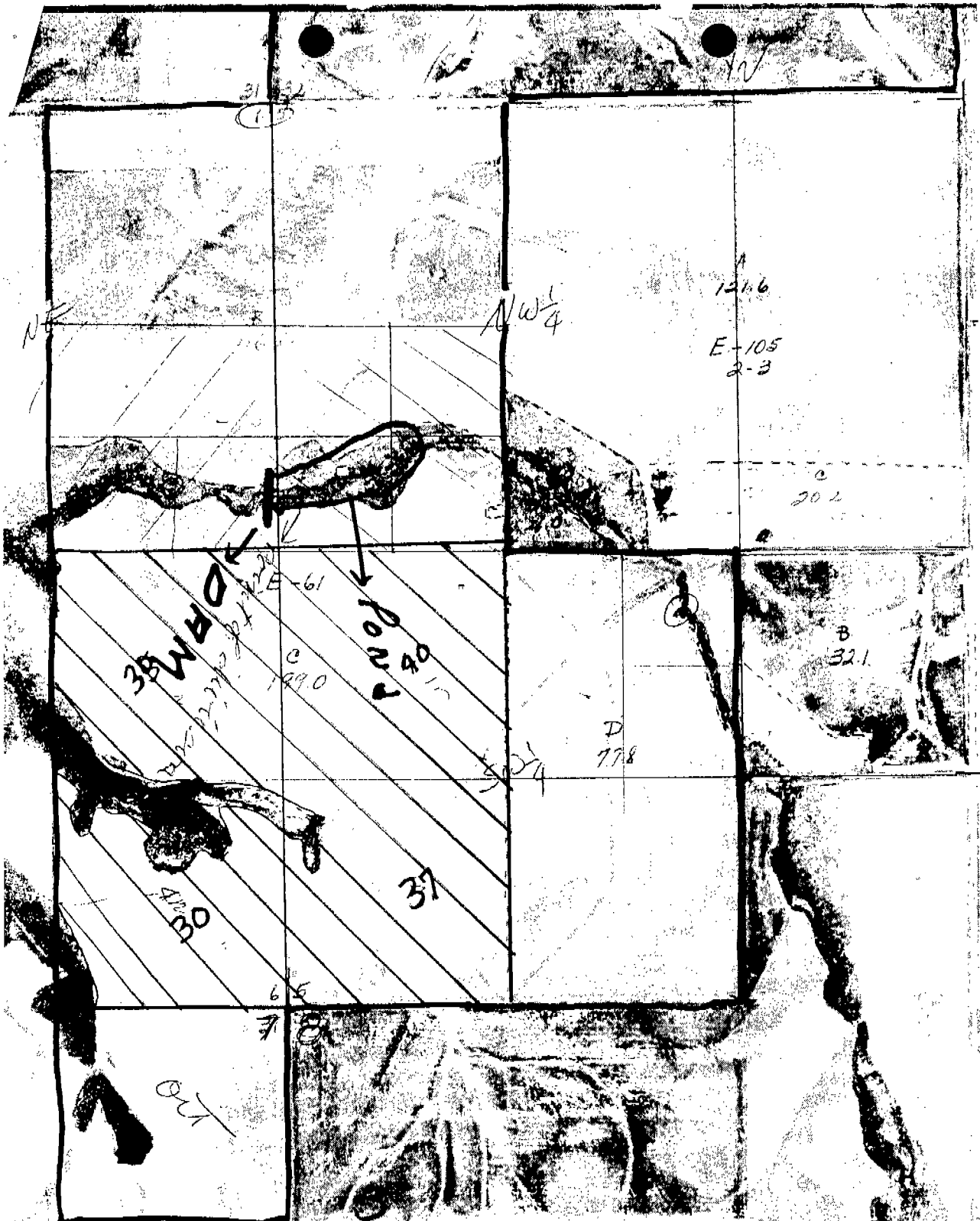
Description of diverting works: dam & pond, 125 hp motor and sprinkling system

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	
4N	41E	5						40	40		40	40	40	40					240
		6	40			40									40			40	160
		7	40																40
5N	41E	32									40	40	40				40		160

TOTAL ACREAGE 600



SEE MAP I 6

E-105
1-3

3
44.9

256.1

D
5.1

K
72.5

L
70

A
155.2

31 32
6.5

SEE MAP I 6

31 32

E-105
1-3

8
14.8

C
2551

D
5.1

K
72.5

L
7.0

A
15.7

A
155.2

1771

31 32
6.5