

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: A22-07115
Date Received: 6/08/1988
Receipt No: E000357
Received By: Sm.

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: K. MERLE JEPPESEN 208-356-3638
Address: 434 MORGAN DRIVE
REXBURG, ID 83440
2. Date of Priority: NOV 27, 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	6	SE	NE			MADISON

5. Description of diverting works:
DAM.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION STORAGE	01/01	12/31			55.00
IRRIGATION FROM STORAGE	04/01	11/01			55.00

7. Total Quantity Appropriated is:
C.F.S. (and/or) 55.00 A.F.A.

8. Total consumptive use is 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 FS	40.0
			SW	SW		IRR FS	37.0

Section Acres 77.0

A22-07115

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Date: 06/08/88

00729 112



10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
04N	41E	6	NE	SE		IRR FS	35.0
			SE	SE		IRR FS	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:
A22-07091.

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: _____

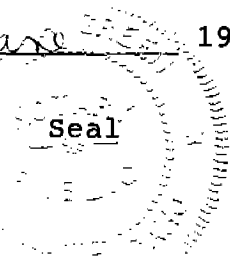
For Individuals:

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

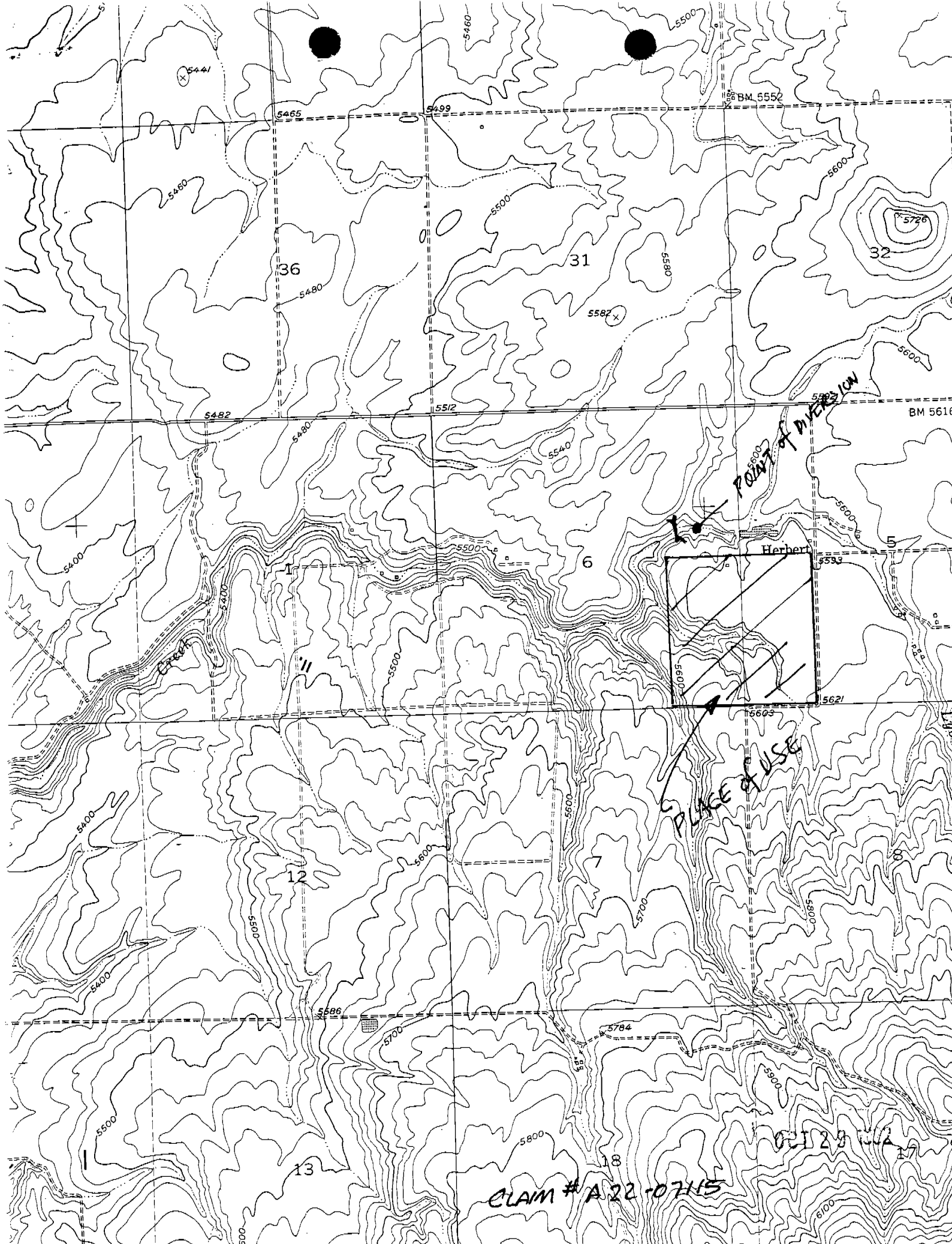
Signature of Claimant(s): Merle Jeppesen Date: 6-8-88
Date: _____

State of Idaho)
County of Bonnerille) SS.

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



Residing at Rigby
My Commission Expires 4-22-1994



CLAIM # A22-07115

02129 11/2

Log for claim 22-07115

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. 22-7115 Priority November 27, 1974 Amount 55 ac ft

THIS IS TO CERTIFY, that SPENCE W. LEATHAM
of Rexburg, Idaho, has complied with the terms and conditions of Permit
No. 22-7115 issued pursuant to Application for Permit dated November 27, 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~~ ^{storage} of 55 ac ft 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
Storage for Irrigation	from Jan. 1 to Dec. 31	at _____ cfs and	<u>55 ac ft</u>
Irrigation	from Apr. 1 to Nov. 1	at _____ cfs and	<u>55 ac ft</u>
	from _____ to _____	at _____ cfs and	_____

(both dates inclusive)

Subject, however, to the condition that no more than 55 ac ft of water be ~~diverted~~ ^{stored} at any one time, and
that the amount of water so ~~diverted~~ ^{stored} 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
55 acre feet per year, said waters to be diverted within the SE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 6, 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
4N	41E	6												35				30	65

Total number of acres irrigated 142

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 23 day of

FEBRUARY, 19 78.


Director

Identification No. 22 7115

Application No. _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
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 Phone: 356-5985
post office address 113 West First South, Rexburg, Idaho
2. Source of water supply Lyons Creek which is a tributary of South Fork Snake River
3. a. Location of point of diversion is SE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 6 Township 4N
Range 41E B.M. Madison County; additional points of diversion if any: _____

- b. If water is not consumed, it will be discharged into Lyons Creek at a point in SE $\frac{1}{4}$
of NE $\frac{1}{4}$ of Section 6 Township 4N Range 41E B.M. _____
4. Water will be used for the following purposes:
Amount 100 for storage for irrigation purpose from Jan. 1 to Dec. 31 (both dates inclusive)
~~xxx~~ 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. _____ cubic feet per second and/or
b. 100 acre feet per annum.
6. Proposed diverting works:
a. Description of ditches, flumes, pumps, headgates, etc. Dam on Lyons Creek

- b. Height of storage dam 18 feet, active reservoir capacity _____ acre feet; total reservoir
capacity 100 acre feet, materials used in storage dam: Earth
Period of year during which storage will occur Jan. 1 to Dec. 31 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: _____

MICROFILMED

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

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 number of acres to be irrigated 600

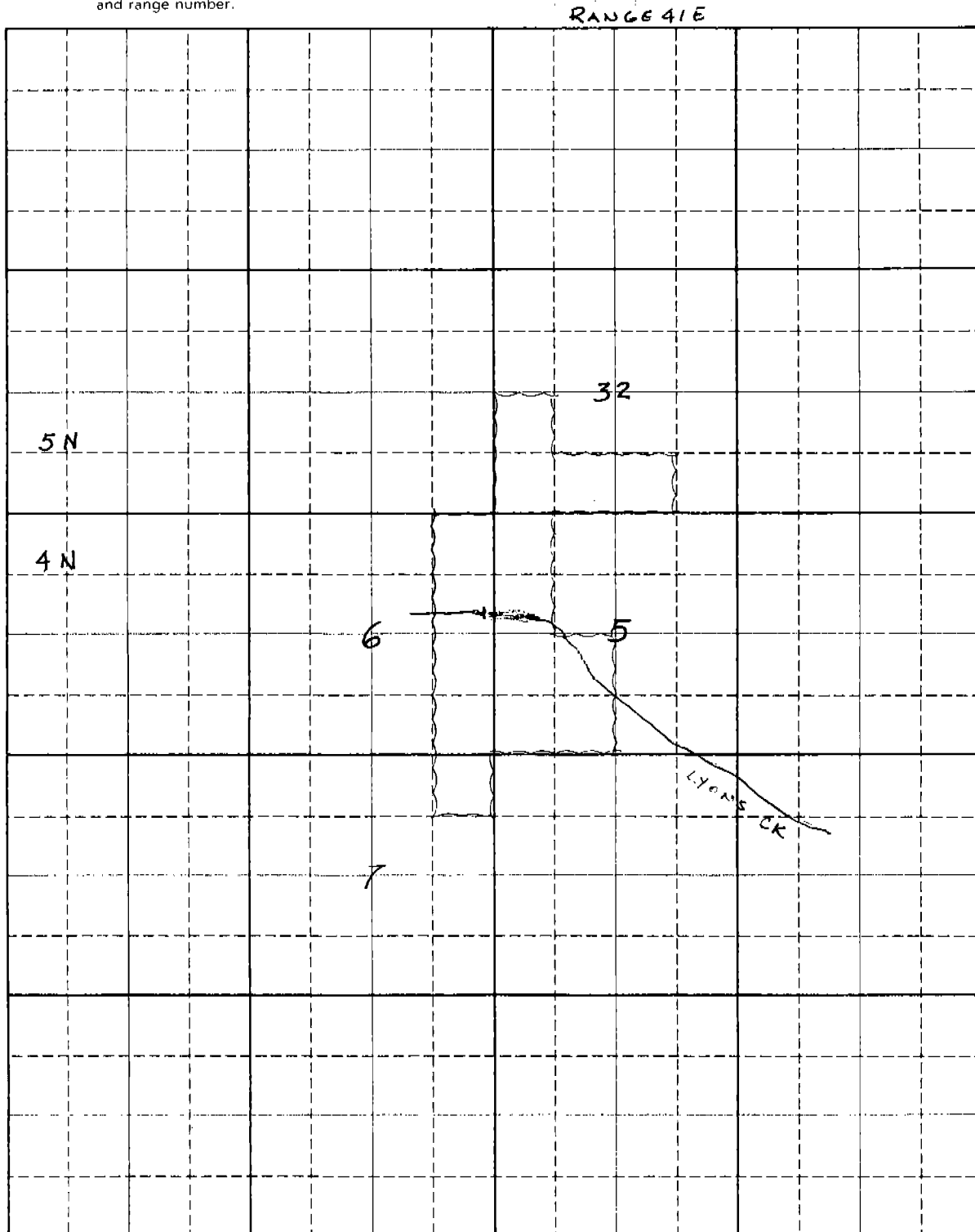
c. Describe any other water rights used for the same purposes as described above.

Permit No. 22-7091

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 This application was filed in conjunction with Permit No. 22-7091. The applicant wishes to hold water early in the year to use later in the year pursuant to Permit No. 22-7091.

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)

Proposed Priority 11-27-1974

Received by MB Date 11-27-74 Time 3:50 P
Preliminary check by OC Fee \$ 25.00
Received by MB Date 11-27-74 # 13120
Publication prepared by MB Date 11-29-74
Published in Liberty Journal
Publication dates Nov. 5 & 12, 1974
Publication approved lw Date 12-18-74
Priority reduced to _____ Reason _____

Protests filed by: David + Susan Harrington

Copies of protests forwarded by lw

Hearing held by _____ Date _____

Recommended for approval denial by OC BDF

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. 22-7115, 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 January 1, 19 80.
- c. Other: A measuring device of a type approved by this Department shall be permanently installed and maintained as part of the diverting works, above the reservoir point and immediately below the outlet works of the dam. Diversions from the reservoir will be under the authority of Permit No. 22-7091 and will not exceed 1,800 acre feet per year. Use of water under this permit is subject to control by the watermaster of State Water District No. 01, Snake River.

Witness my hand this 29 day of January 19 75.

R. Keith Higgins
Director

Spence Leatham

2. Source of water supply: Groundwater ☐ Surface water ☒ _____
Tributary to _____ So. Fk. Snake (name spring or stream) _____

Other uses: _____

Permit No. 22-7115
Examination for b/u

Other Points of Diversions: _____

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

6. Lands to be irrigated or place of use.

[illegible]

TOTAL ACREAGE 600

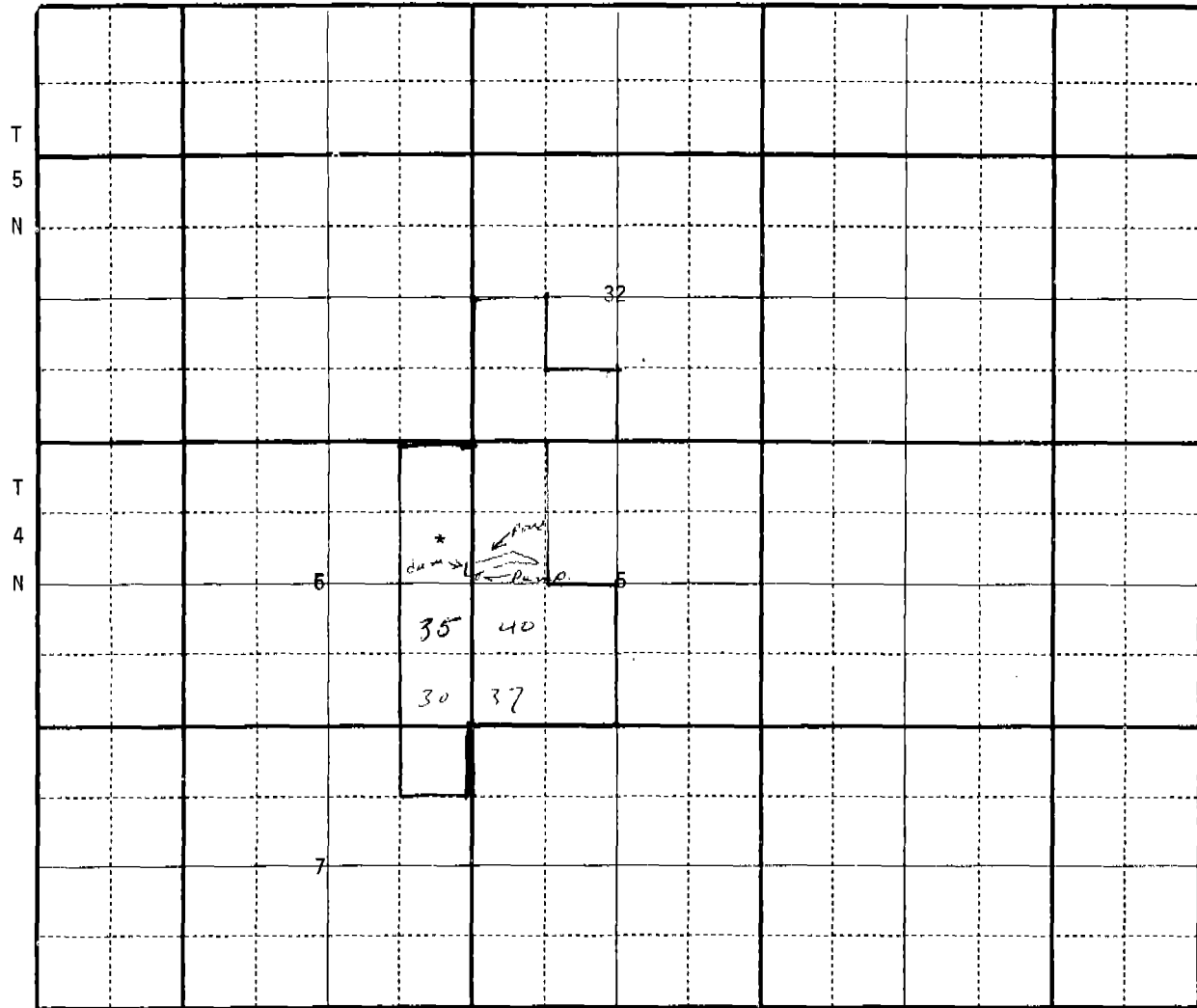


Diagram of System

DATE OF EXAM Sept 14, 1976
Reservoir Survey 12-27-76

ACREAGE
Found 142
Recommended 142

Irrigation Requirement 3.5 Ac Ft/Ac

USE
Irrigation Q= _____ c.f.s. V= _____ AF/Ann. from _____ to _____
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:
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 ^V measured 54.64 Ac-ft Method of measurement Survey

Total Q recommended _____ Meter No. _____ Type _____ Condition _____

Total V recommended 54.64

Recommended Amendments:

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

MEASUREMENT CALCULATION:

See Attached Contour Map

SYSTEM DESCRIPTION:

Earth Dam 17.7 feet high (spillway height)
125 HP Electric Pump set in Reservoir Delivers water
to sprinkler system
Water is Diverted under Permit 22-7091

REMARKS:

This Permit Covers storage only.

Examiner's Signature Loren O. Harline Date Jan 4, 1977

Checked by Ernest M. Wilson Date Jan 4, 1977

Approved by _____ Date _____