

FEB 27 2020

FORM 202 Rev. 09/16

WATER RESOURCES
WESTERN REGIONSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCESIdent. No. 63-34863**APPLICATION FOR PERMIT**

To appropriate the public waters of the State of Idaho

1. Name of applicant(s) GARY AND THEO LEVELL Phone 208-880-3350
 Name connector (check one): ☒ and ☐ or ☒ and/or
 Mailing address 7140 W DICKMAN RD City MELBA
 State ID ZIP 83641 Email GWLEAVELL@GMAIL.COM
2. Name of representative, if any _____ Phone _____
 Mailing address _____ City _____
 State _____ ZIP _____ Email _____
- a. ☐ Send all correspondence for this application to the representative and not to the applicant OR
☐ Send original correspondence to the applicant and copies to the representative.
- b. ☐ The representative may submit information for the applicant but is not authorized to sign for the applicant OR
☐ The representative is authorized to sign for the applicant. Attach a Power of Attorney or other documentation.
3. Source of water supply GROUND WATER which is a tributary of _____
4. Location of point(s) of diversion:

Twp	Rge	Sec	Govt Lot	1/4	1/4	1/4	County	Source	Local name or tag #
01N	01W	19			SW	NE	ADA	GROUND WATER	

5. Water will be used for the following purposes:
- Amount 0.08 cfs for IRRIGATION purposes from 03/01 to 11/15 (both dates inclusive)
 (cfs or acre-feet per year)
- Amount 0.02 CFS for STOCKWATER purposes from 01/01 to 12/31 (both dates inclusive)
 (cfs or acre-feet per year)
- Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
 (cfs or acre-feet per year)
- Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
 (cfs or acre-feet per year)
6. Total quantity to be appropriated is (a) 0.10 cubic feet per second (cfs) and/or (b) _____ acre-feet per year (af).
7. Proposed diverting works:
- a. Describe type and size of devices used to divert water from the source. EXISTING WELL WITH PUMP AND SPRINKLERS
- b. Height of storage dam _____ feet; active reservoir capacity _____ acre-feet; total reservoir capacity _____ acre-feet. If the reservoir will be filled more than once each year, describe the refill plan in item 12. For dams 10 feet or more in height AND having a storage capacity of 50 acre-feet or more, submit a separate [Application for Construction or Enlargement of a New or Existing Dam](#). Application required? ☐ Yes ☐ No
- c. Proposed well diameter is 6 inches; proposed depth of well is 268 feet.
- d. Is ground water with a temperature of greater than 85°F being sought? ☐ Yes ☒ No
- e. If well is already drilled, when? 09/2012; drilling firm HIDDLESTON;
 well was drilled for (well owner) APPLICANT; Drilling Permit No. D0064017

For Department Use

Received by LE Date 02/27/2020 Time 4:45pm Preliminary check by SN
 Fee \$ 100 Received by LE Receipt No. W048082 Date 02/27/2020

8. Description of proposed uses (if irrigation only, go to item 9):
- Hydropower; show total feet of head and proposed capacity in kW. _____
 - Stockwatering; list number and kind of livestock. 12 HEAD OF RANGE CATTLE (STEERS)
 - Municipal; must complete and attach the Municipal Water Right Application Checklist.
 - Domestic; show number of households _____
 - Other; describe fully. _____

9. Description of place of use:
- If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
 - If water is used for other purposes, place a symbol of the use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RGE	SEC	NE				NW				SW				SE				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
01N	01W	19			0.7					3.1									3.8

Total number of acres to be irrigated: 3.8

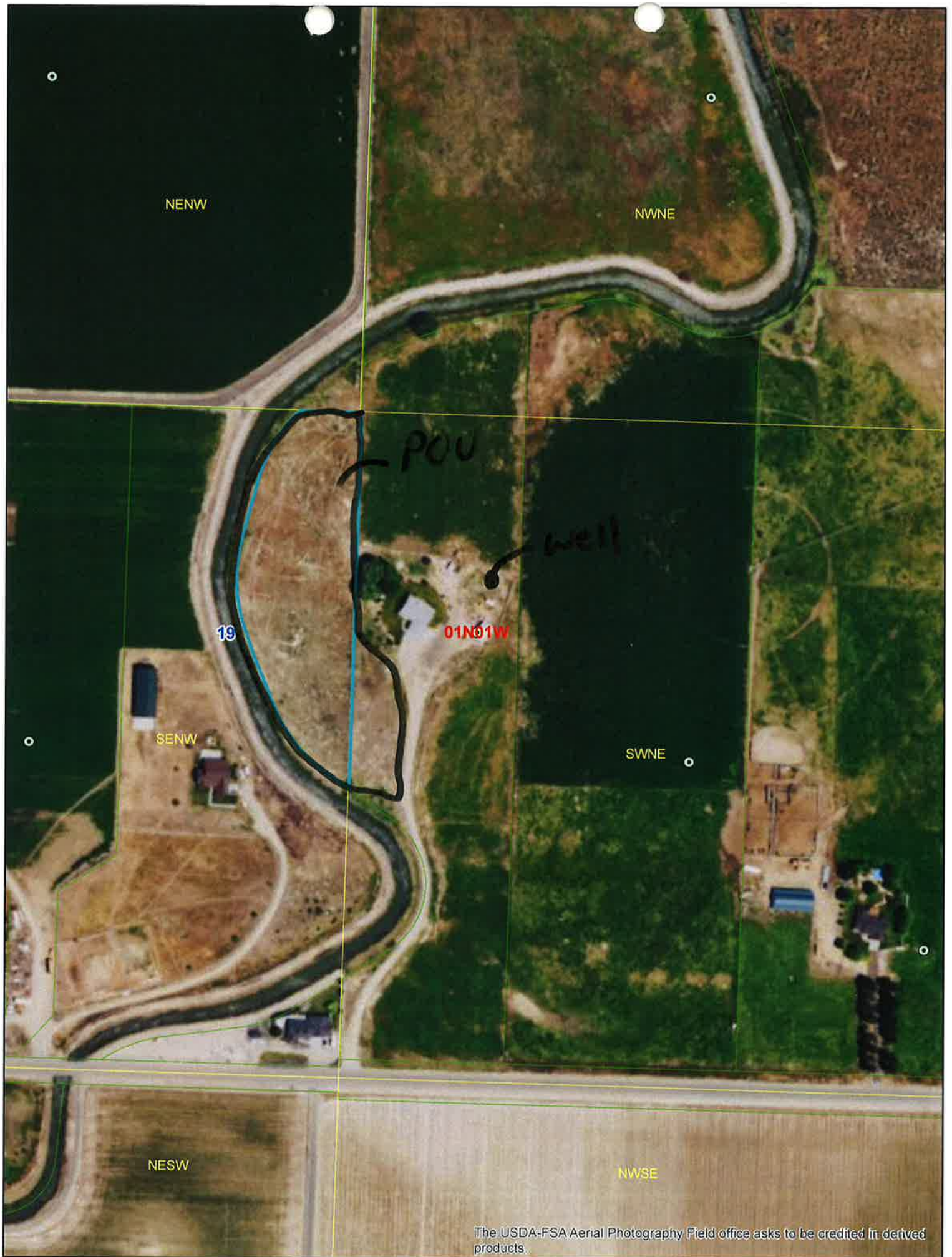
10. Describe any other water rights used for the same purposes as described above. Include water delivered by a municipality, canal company, or irrigation district. If this application is for domestic purposes, do you intend to use this water, water from another source, or both, to irrigate your lawn, garden, and/or landscaping? NONE - NO SHARES IN ADJACENT CANAL.
11. 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: _____
12. Describe your proposal in narrative form, and provide additional explanation for any of the items above. Attach additional pages if necessary. Recently purchased this parcel adjacent to existing parcel and will extend irrigation system and fill in areas on existing parcel that were not licensed under 63-12241
13. Time required for completion of works and application of water to proposed beneficial use is 5 years (minimum 1 year).
14. **MAP OF PROPOSED PROJECT REQUIRED** - Attach an 8½" x 11" map or maps clearly identifying the proposed point of diversion, place of use, section #, township & range. The map scale shall not be less than two (2) inches equal to one (1) mile.

The information contained in this application is true to the best of my knowledge. I understand that any willful misrepresentations made in this application may result in rejection of the application or cancellation of an approval.

[Signature]
Signature of Applicant
Gary Leavelle
Print Name (and title, if applicable)

Signature of Applicant

Print Name (and title, if applicable)





State of Idaho

DEPARTMENT OF WATER RESOURCES

WESTERN Region • 2735 W AIRPORT WAY • BOISE, ID 83705-5082

Phone: (208)334-2190 • Fax: (208)334-2348 • Website: www.idwr.idaho.gov

Brad Little
Governor

Gary Spackman
Director

March 25, 2020

THEO LEAVELL
GARY W LEAVELL
7140 W DICKMAN RD
MELBA, ID 83641-6000

RE: Application for Permit No. 63-34863

Dear Applicant(s):

The Department of Water Resources has received your water right application. Please refer to the number referenced above in all future correspondence regarding this application.

A legal notice of the application has been prepared and is scheduled for publication in the IDAHO STATESMAN on 4/2/2020 and 4/9/2020. Protests to this application may be submitted for a period ending ten (10) days after the second publication.

If the application is protested, you will be sent a copy of each protest. All protests must be resolved before the application can be considered for approval. If the protest(s) cannot be resolved voluntarily, the Department will conduct a conference and/or hearing on the matter.

If the application is not protested, the Department will process your application and notify you of any action taken on the application. If your application is approved, the Department will send you a copy of the permit.

Please contact this office if you have any questions regarding the application.

Sincerely,

Kensie Thorneycroft
Administrative Assistant

Thorneycroft, Kensie

From: Thorneycroft, Kensie
Sent: Wednesday, March 25, 2020 11:16 AM
To: 'BOI Legals'
Subject: Ada Legal Notices
Attachments: CoverLetter.docx; LegalNotice.docx

Good Morning Legal Clerk,

I am sending you the new legal notices, please send confirmation to my email.

Please see the attached ad for publication on 04/02/2020 and 04/09/2020.

Please confirm these are okay to publish as shown.

Kensie Thorneycroft
Administrative Assistant 1
Idaho Dept. of Water Resources
208-334-2190



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Brad Little
Governor

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March 25, 2020

LEGAL NOTICE DEPARTMENT
IDAHO STATESMAN
PO BOX 40
BOISE, ID 83707

RE: Application for Permit No. 63-34860, 63-34863, 63-34869

Dear Legal Notice Department:

Please publish the enclosed legal notice on the dates indicated (once a week for two consecutive weekly issues). If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to this office before 4/20/2020. Your cooperation is appreciated.

Sincerely,

Kensie Thorneycroft
Administrative Assistant

Enclosure(s)

The following application(s) have been filed to appropriate the public waters of the State of Idaho:

63-34860

EAST RIDGE MASTER COMMON AREA ASSOCIATION, INC.
C/O DEVELOPMENT SERVICES
9601 W STATE ST
BOISE, ID 83714-4009

Point of Diversion SWSE S32 T03N R01E ADA County Source GROUND WATER

Use: AESTHETIC STORAGE 01/01 to 12/31 11.7 AF

Use: IRRIGATION STORAGE 01/01 to 12/31 160 AF

Use: IRRIGATION FROM STORAGE 03/01 to 11/15 160 AF

Use: DIVERSION TO STORAGE 01/01 to 12/31 1 CFS

Total Diversion: 1 CFS, 160 AF

Date Filed: 02-26-2020

Place Of Use: AESTHETIC STORAGE, DIVERSION TO STORAGE, IRRIGATION FROM STORAGE, IRRIGATION STORAGE
T03N R01E S32 SWSE

Total Acres: 32

Water bearing zone to be appropriated is from 180 to 248 feet.

63-34863

THEO LEAVELL

GARY W LEAVELL

7140 W DICKMAN RD

MELBA, ID 83641-6000

Point of Diversion SWNE S19 T01N R01W ADA County Source GROUND WATER

Use: STOCKWATER 01/01 to 12/31 0.02 CFS

Use: IRRIGATION 03/01 to 11/15 0.08 CFS

Total Diversion: 0.1 CFS

Date Filed: 02-27-2020

Place Of Use: IRRIGATION, STOCKWATER

T01N R01W S19 SWNE, SENW

Total Acres: 3.8

Water bearing zone to be appropriated is from 155 to 268 feet.

63-34869

LINDA L YANKE

PO BOX 5405

BOISE, ID 83705-0405

Point of Diversion L4(SWNW) S19 T04N R01E ADA County Source GROUND WATER

Use: IRRIGATION 03/01 to 11/15 0.05 CFS

Total Diversion: 0.05 CFS

Date Filed: 03-13-2020

Place Of Use: IRRIGATION

T04N R01E S19 L4(SWNW)

Total Acres: 4

Water bearing zone to be appropriated is from 114 to 129 feet

Mitigation is proposed for consumptive use.

Permits will be subject to all prior water rights. For additional information concerning the property location, contact the Western office at (208)334-2190; or for a full description of the right(s), please see <https://idwr.idaho.gov/apps/ExtSearch/WRAApplicationResults/>. Protests may be submitted based on the criteria of Idaho Code § 42-203A. Any protest against the approval of this application must be filed with the Director, Dept. of Water Resources, Western Region, 2735 W AIRPORT WAY, BOISE ID 83705-5082 together with a protest fee of \$25.00 for each application on or before 4/20/2020. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on 4/2/2020 and 4/9/2020

MEMORANDUM

TO: Application for Permit 63-34863

FROM: Shilynn Novak

DATE: March 13, 2020

RE: Communication with Applicant

Applicant called the Western Office March 13, 2020 to clarify the letter sent out March 9, 2020 and water right agent Anna Kaiser took the call. The applicant expressed he would like for IDWR to continue processing the application.

This application will continue to be processed, as requested by the applicant.



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region • 2735 Airport Way • Boise, Idaho 83705-5082

Phone: (208) 334-2190 • Fax: (208) 334-2348 • Website: www.idwr.idaho.gov

BRAD LITTLE
Governor

GARY SPACKMAN
Director

March 9, 2020

GARY AND/OR THEO LEAVELL
7140 W DICKMAN RD
MELBA, ID 83641

COPY

RE: Application for Permit No. 63-34863 in South Ada County Ground Water Area

Dear Applicant:

The Idaho Department of Water Resources (IDWR) received your application for permit requesting a new ground water right in South Ada County. IDWR is concerned about the effect new appropriations may have on the ground water resource in this area. The purpose of this letter is to inform you of potential impacts this concern may have regarding your permit application and notify you of conditions and obligations you may have associated with any permit approval that may occur pursuant to your application. This letter provides information on the basis of this concern, conditions any permit approval might have, and some of your options moving forward.

Ground Water Aquifer

Since the 1960's, ground water levels of the cold water aquifer in the area have declined an average of 0.3 to 0.4 feet per year. It appears the aquifer could be in overdraft because water levels in this area have yet to stabilize to the current demand level.

Low temperature geothermal water (exceeding 85° F.) may be encountered at depths of approximately 400 feet in this area. As cold water levels decline, an increase in ground water temperatures may occur due to increased communication with the hotter water. State law requires low temperature geothermal ground water to be used primarily for its heat value first and subsequently for other uses such as irrigation.

IDWR has a limited understanding of the hydrogeology and aquifer characteristics of this area. Additional data and information will continue to be compiled to help determine how these ground water resources should be managed and if new water rights should be approved. However, this is likely to be a long process as uses are developed and the aquifer responds to those uses.

New Water Right Applications

Idaho Code § 42-203A (5)(a-g) along with IDWR's Water Appropriation Rules ¹ require IDWR to consider certain criteria in processing new water right applications. On a case-specific basis, the applicant must provide IDWR with sufficient evidence to address some or all of the following criteria:

1. Will the new appropriation injure existing water rights?
2. Is the water supply sufficient for the purpose for which it is sought?
3. Is the application made in good faith or for delay or speculation?

¹ Idaho administrative procedures act (IDAPA) 37.03.08.040.05c-g

4. Does the applicant have sufficient financial resources to complete the project?
5. Will the proposed use be contrary to the conservation of water resources within the State of Idaho or conflict with the local public interest?

Based on information from other wells in the area, the aquifer appears to be capable of producing a sufficient short term water supply, but long term supply is uncertain considering the observed declines in water levels. Additionally, low temperature geothermal water may be encountered. To better understand the long term supply and interaction with the geothermal aquifer, IDWR may require monitoring of new appropriations.

Any approval pursuant to your application would include the following condition intended to address the concerns outlined above.

"Any well used as a point of diversion for this water right shall contain a dedicated sounding tube extending from above ground level to near the top of the pump bowls to facilitate measurement of ground water levels. Unless specifically notified by the Director to do so, the right holder is not responsible for measuring water levels but shall allow access to the well(s) by the Idaho Department of Water Resources or its representative to collect data as needed."

Options for Consideration

The next processing step for your application is publication in the local newspaper. If you have concerns regarding the proposed condition, you may withdraw your application and request a refund of the filing fee using the enclosed form or provide comments within thirty (30) days. If comments and/or a withdrawal request is not received within thirty (30) days, IDWR will assume you do not object to the condition and proceed with processing of your application. Once published, a refund will not be issued for a withdrawn application. If you do not object to the condition and would like IDWR to proceed with processing before thirty (30) days, please contact IDWR accordingly.

IDWR forms and other information are available online at www.idwr.idaho.gov. Please call me at 208-334-2190 if you have any questions. Thank you for your attention to this matter.

Sincerely,



Shilynn Novak
Water Resource Agent

Enclosures: boundary map
permit application withdrawal form

