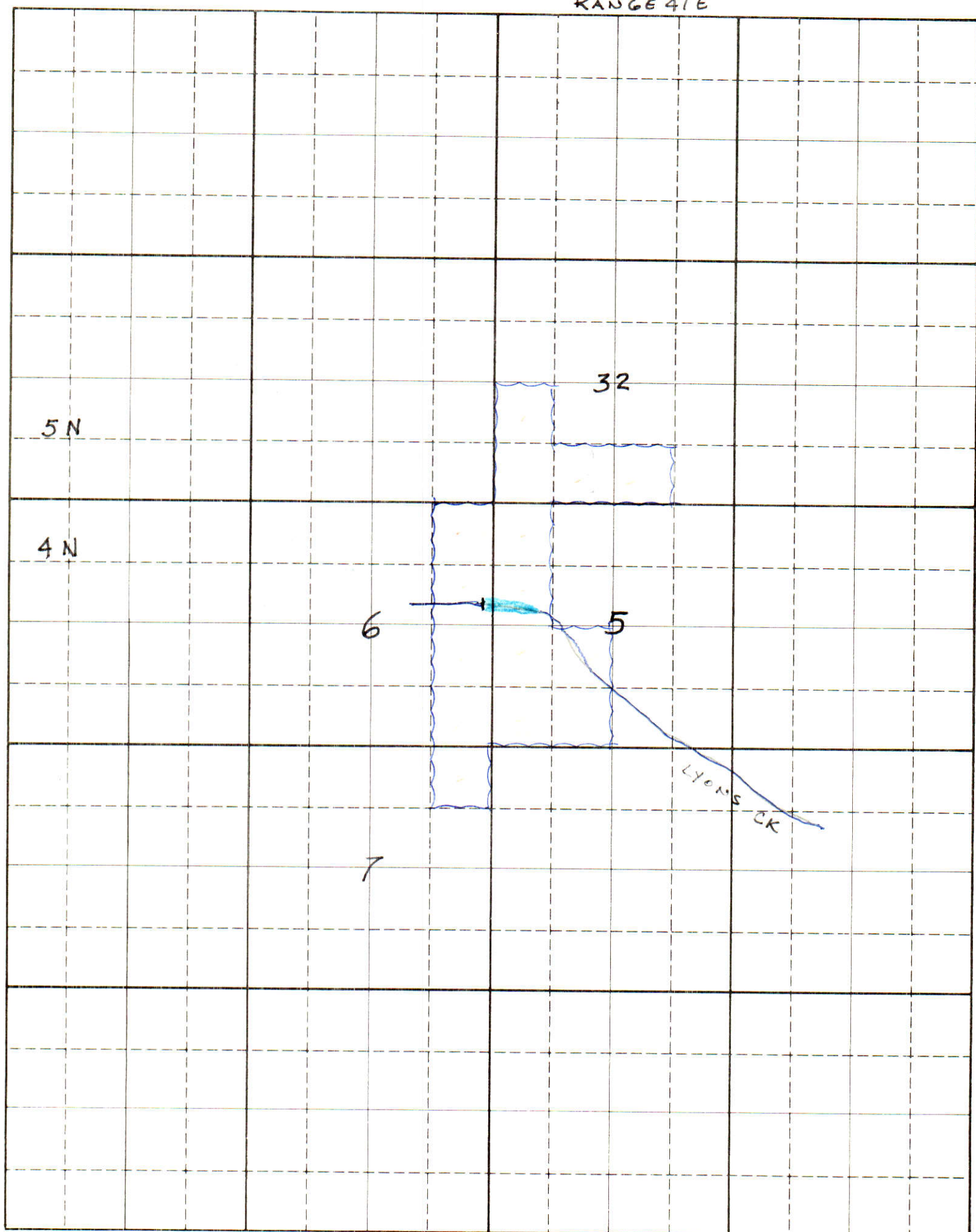


11. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.

RANGE 41E



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)

RECEIVED

DEC 18 1974

Department of Water Resources
Eastern District Office

The REXBURG STANDARD and
The REXBURG JOURNAL
REXBURG, IDAHO



Affidavit of Publication

STATE OF IDAHO }
County of Madison } ss.

I, John A. Porter
being first duly sworn, depose and say,
that I am the printer of THE REXBURG

Journal, a newspaper printed and
published weekly at Rexburg, Madison
County, Idaho; and I do solemnly swear
that the

water permit application

a copy of which notice appears attached
hereto, was published in the regular and
entire issue of said newspaper, and not in

any supplement issue thereof for two
consecutive issues, the first publication hav-

ing been made on December 5, 1974
and the last publication having been made

on December 12, 1974.

Further, that said newspaper is one of
general circulation in said county; that it
is a legal newspaper, conforming to legal
specifications under the Idaho Statutes; that
it has at least two hundred bona fide sub-
scribers living within the county of publica-
tion; and that it has been continuously and
uninterruptedly published in said county dur-
ing a period of seventy-eight consecutive weeks
prior to the first publication of the said not-
ice.

John A. Porter
~~~~~

Subscribed to and sworn to before me

this December 13, 1974

(SEAL)

*[Signature]*  
Notary Public.

My commission expires 8-5-77

**NOTICE OF APPLICATION  
FOR WATER PERMIT**

Notice is hereby given that Spence  
W. Leatham, 113 West First South,  
Rexburg, Idaho has on 11-27-74 sub-  
mitted Application No. 22-7115 for a  
permit to appropriate 100 acre feet per  
annum of water from Lyons Creek  
tributary of South Fork Snake River by  
means of a dam within the SE $\frac{1}{4}$ NE $\frac{1}{4}$ ,  
Sec. 6, T. 4N, R. 41E, B.M., Madison  
County; to be used from Jan. 1 to Dec.  
31 for storage to irrigate 600 acres  
within the W $\frac{1}{2}$ NW $\frac{1}{4}$ , SW $\frac{1}{4}$ , Sec. 5,  
E $\frac{1}{2}$ NE $\frac{1}{4}$ , E $\frac{1}{2}$ SE $\frac{1}{4}$ , Sec. 6, NE $\frac{1}{4}$ NE $\frac{1}{4}$ ,  
Sec. 7, T. 4N, R. 41E; W $\frac{1}{2}$ SW $\frac{1}{4}$ ,  
SE $\frac{1}{4}$ SW $\frac{1}{4}$ , SW $\frac{1}{4}$ SE $\frac{1}{4}$ , Sec. 32, T. 5N,  
R. 41E, B.M.

If issued, this permit will be subject  
to all prior water rights. Protests  
against the granting of the permit must  
be filed with the Idaho Department of  
Water Resources, 1515 Lincoln Road,  
Idaho Falls, Idaho, 83401 on or before  
December 23, 1974.

R. KEITH HIGGINSON  
Director

Published in the Rexburg Journal,  
Rexburg, Idaho on December 5 and  
December 12, 1974.

*aw*

**MICROFILMED**

SEE MAP 16

31 32

E-105  
1-3

B  
44.9

C  
255.1

D  
5.1

K  
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A  
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L  
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A  
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Set of file  
1971

31 32  
6 5

ENCLOSURE



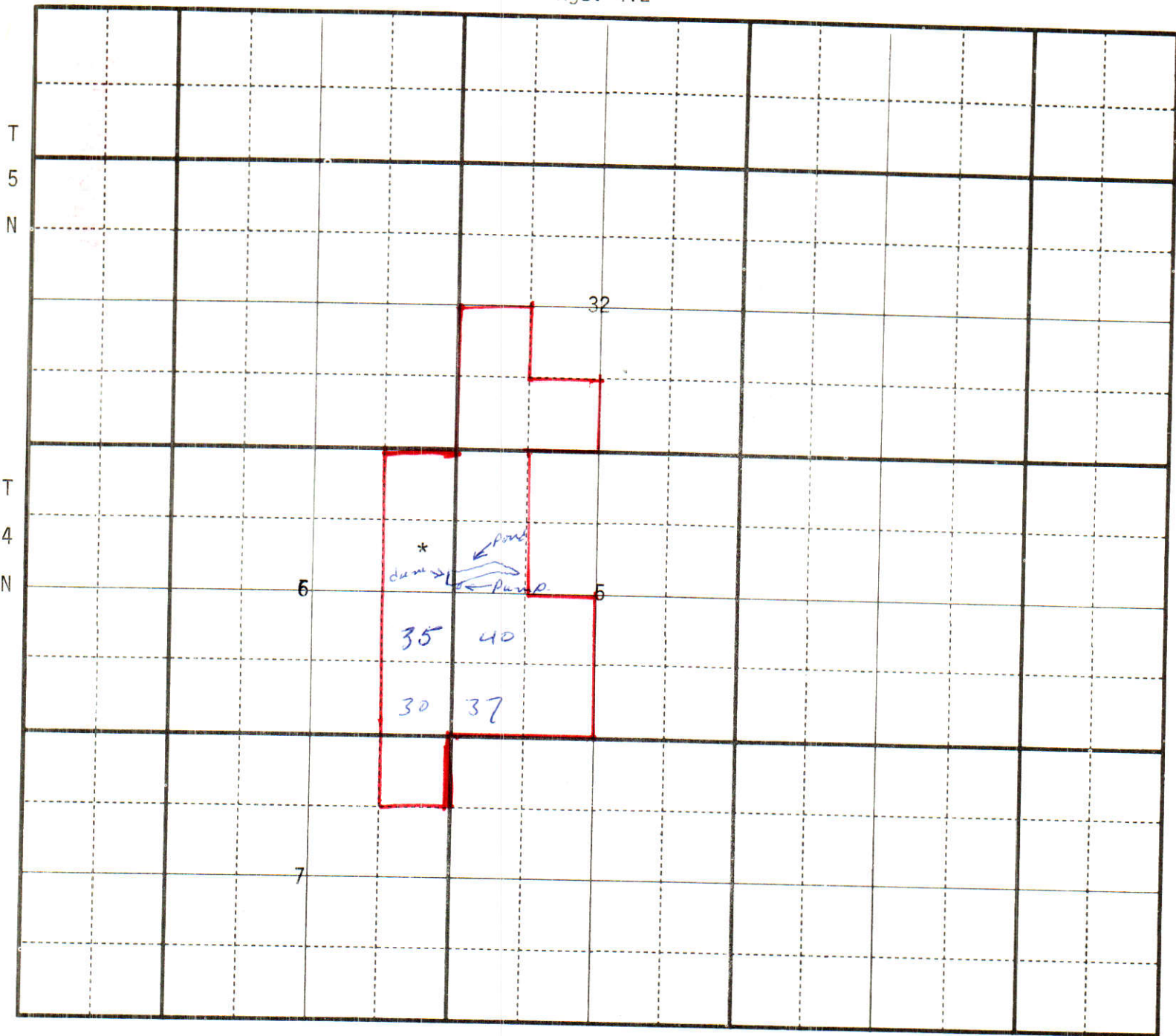


Diagram of System

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~~ <sup>storage</sup> 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~~ <sup>stored</sup> at any one time, and  
that the amount of water so ~~diverted~~ <sup>stored</sup> 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)

REMOVED

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 storage 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)  
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. | NE1/4 |       |       |       | NW1/4 |       |       |       | SW1/4 |       |       |       | SE1/4 |       |       |       | TOTALS |
|------|-------|------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|--------|
|      |       |      | NE1/4 | NW1/4 | SW1/4 | SE1/4 | NE1/4 | NW1/4 | SW1/4 | SE1/4 | NE1/4 | NW1/4 | SW1/4 | SE1/4 | NE1/4 | NW1/4 | SW1/4 | SE1/4 |        |
| 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

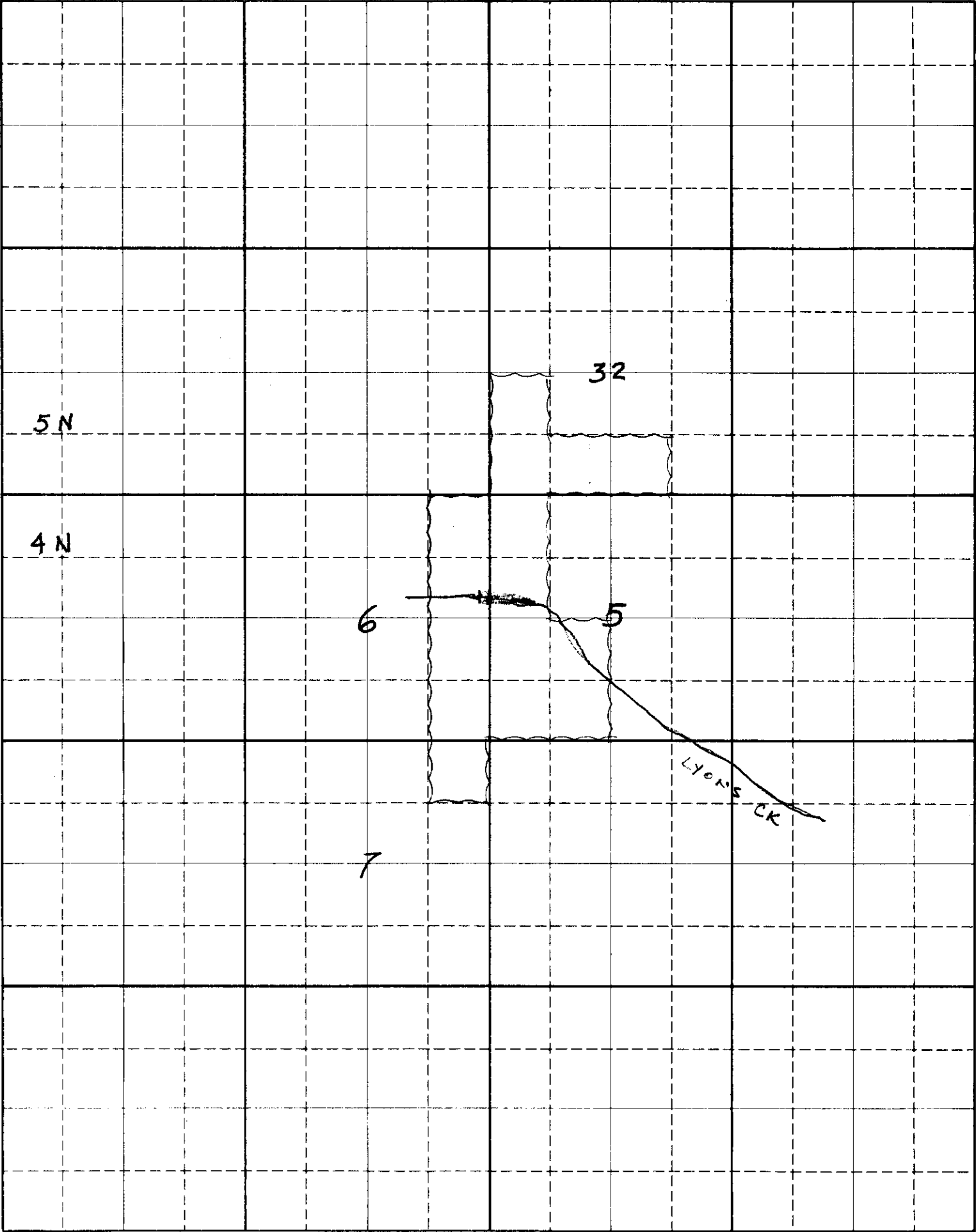
b. Who owns the land to be irrigated or place of use Applicant

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.

RANGE 41E



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. Heathorn  
(Applicant)

Proposed Priority 11-27-1974

Received by MB Date 11-27-74 Time 3:50 p  
Preliminary check by DC Fee \$ 25.00  
Received by MB Date 11-27-74 # 13170  
Publication prepared by MB Date 11-29-74  
Published in Idaho Journal  
Publication dates Dec. 5 & 12, 1974  
Publication approved CW Date 12-18-74  
Priority reduced to \_\_\_\_\_ Reason \_\_\_\_\_

Protests filed by: Grant + Blau Livingston

Copies of protests forwarded by CW  
Hearing held by \_\_\_\_\_ Date \_\_\_\_\_  
Recommended for approval denial by DC 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. Karl Higgs  
Director

DEPARTMENT OF WATER RESOURCES  
- STAFF ANALYSIS -

Item Initial Date

Application No. 22-7115 Leatham

- ☒ Source  
☒ Point of Diversion  
☒ County  
☒ Quantity of Water and Period of Use  
☒ Description of Diverting Works  
☒ Time required for B/U of water  
☒ Place of Use or Acres Irrigated  
☒ Map  
☒ Signature  
☒ Fee

(1) WR 11-29

In form to receipt

(2) WR 11-29

Send Copies to:

- ☐ Idaho State Health Department  
☒ Idaho Fish and Game Department  
☐ Bureau of Land Management  
ART CARSON  
☐ Request Special Use Permit from U.S.F.S.  
☐ Request Easement from B.L.M.  
☐ Request Information from Applicant

(3) " "

(4) " "

In form for advertising

(5) " "

Platted on Map No. N.A.

(6) " "

Located within Water District No. 01

(7) " "

Critical groundwater area: yes ☐ no ☒

(8) " "

Groundwater levels: N.A.

☐ Declining, ☐ Stable, ☐ Increasing

(comment) \_\_\_\_\_

(9) " "

Other rights on the same place of use OK.

(10) \_\_\_\_\_

Comments: \_\_\_\_\_

(11) MB 12-18-74

Affidavit of Publication received(date) Dec. 18, 1974

(12) MB 12-23-74

Final date for protests December 23, 1974  
Protests received: yes ☒ no ☐

(13) RDC 12/16/75

All requested information received from agencies or applicant: yes ☐ no ☐

(14) " "

Action recommended:

☒ Approve ☐ Deny

11/27/75 proposed Priority

Reason for Reduction \_\_\_\_\_

☒ Measuring device required

☒ See attached sheet for other conditions of approval (CONFERENCE HELD)

☐ No special conditions for approval

(15) District E

By RDC Date 1/16/75

MICROFILMED

RECEIVED

DEC 18 1974

Department of Water Resources  
Eastern District Office

The REXBURG STANDARD and  
The REXBURG JOURNAL  
REXBURG, IDAHO

§

**Affidavit of Publication**

STATE OF IDAHO }  
County of Madison } ss.

I, John A. Porter,  
being first duly sworn, depose and say,  
that I am the printer of THE REXBURG

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that the

water permit application

a copy of which notice appears attached  
hereto, was published in the regular and  
entire issue of said newspaper, and not in

any supplement issue thereof for two  
consecutive issues, the first publication hav-

ing been made on December 5, 1974  
and the last publication having been made

on December 12, 1974.

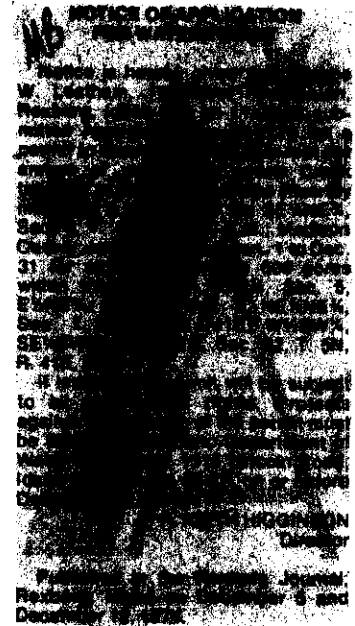
Further, that said newspaper is one of  
general circulation in said county; that it  
is a legal newspaper, conforming to legal  
specifications under the Idaho Statutes; that  
it has at least two hundred bona fide sub-  
scribers living within the county of publica-  
tion; and that it has been continuously and  
uninterruptedly published in said county dur-  
a period of seventy-eight consecutive weeks  
prior to the first publication of the said not-  
ice.

*John A. Porter*

Subscribed to and sworn to before me

- this December 13, 1974  
*Notary Public*  
(SEAL)

My commission expires 8-5-77



*cu*

**MICROFILMED**

March 2, 1978

Re: Permit No. 22-7115

Spence W. Leatham  
Rexburg,  
Idaho 83440

Dear Mr. Leatham:

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

Sincerely,

JAN GROVER  
Water Rights Supervisor

JG/kw  
Enclosure

February 6, 1978

Re: Permit No. 22-7115

Spence W. Leatham  
Rexburg, ID 83440

Dear Mr. Leatham:

A representative of this Department has made an examination of the works covered by your Permit No. 22-7115 and has found the following:

Amount of water that can be recognized as beneficially used under Idaho law: 55 acre feet

Point of diversion: SE $\frac{1}{4}$ NE $\frac{1}{4}$ , Sec. 6, Twp. 4N, Rge. 41E, B. M.,  
Madison County

Beneficial Use: Storage for irrigation of 142 acres within the NW $\frac{1}{4}$ SW $\frac{1}{4}$ ,  
(40 acres), SW $\frac{1}{4}$ SW $\frac{1}{4}$  (37), Sec. 5; NE $\frac{1}{4}$ SE $\frac{1}{4}$  (35), SE $\frac{1}{4}$ SE $\frac{1}{4}$   
(30), Sec. 6, Twp. 4N, Rge. 41E, B. M., Madison County.

Priority date established: November 27, 1974

If you do not concur with these findings please contact us within 10 days, otherwise a water license will be issued as set forth above.

Sincerely,

BOBBY D. FLEENOR  
Chief, Water Rights

BDF:jg

MICROFILMED

SEE MAP I 6

31 32

E-105  
7-3

8

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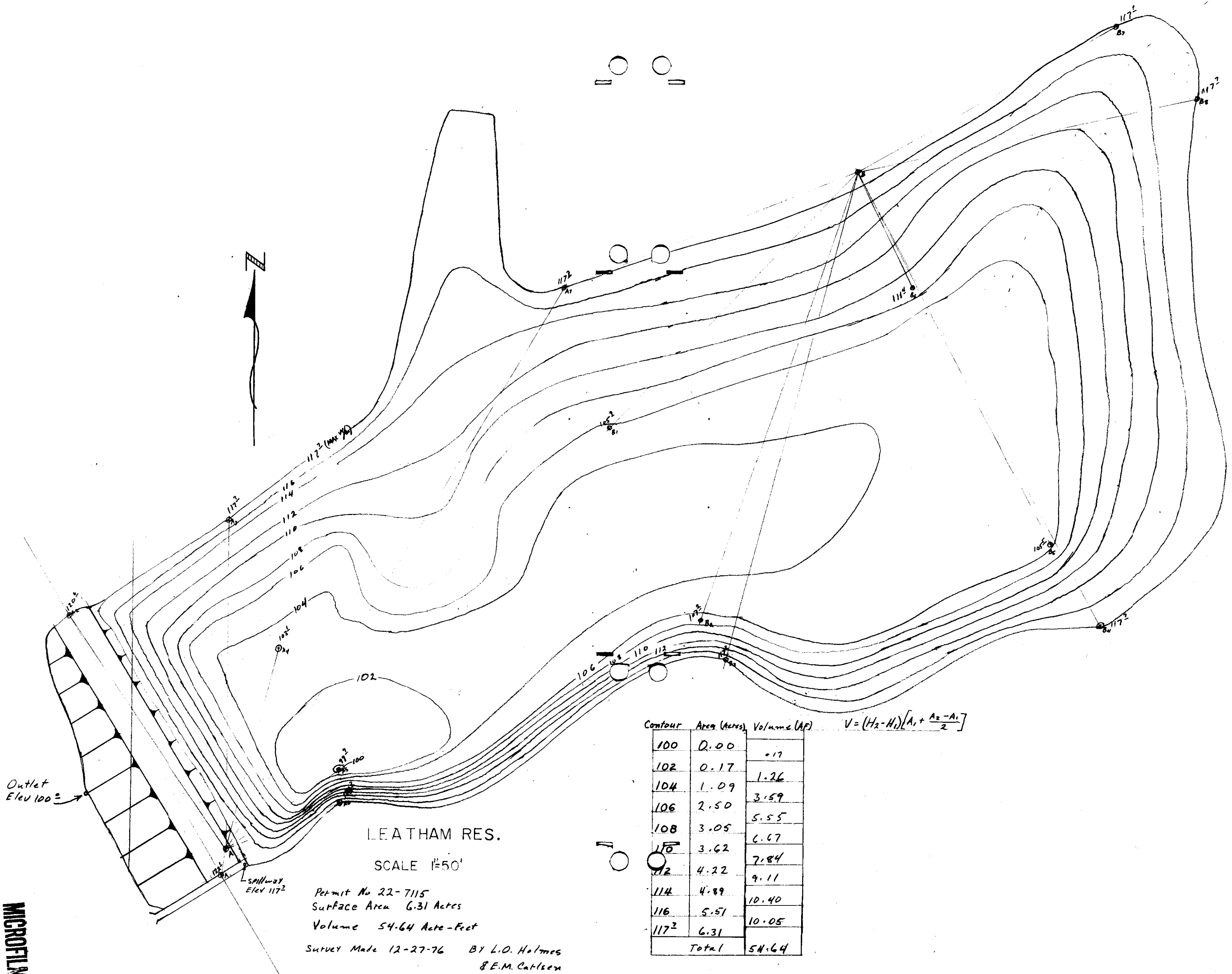
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119

31 32

65





DEPARTMENT OF WATER ADMINISTRATION  
FIELD REPORT

1. Name of permit holder Spence Leatham  
Post office address 113 West First South, Rexburg, Idaho 83440 Phone 356-5985  
Person to contact \_\_\_\_\_ Phone \_\_\_\_\_

2. Source of water supply: Groundwater ☐ Surface water ☒ Lyons Cr.  
Tributary to So. Fk. Snake (same spring stream) SEP 11 1978

3. Water will be used for the following purposes:

Amount 100 AF c.f.s. for Storage for irrigation  
\_\_\_\_\_ AF/Annum (nature of use)

Period of Use: from Jan. 1 to Dec. 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: \_\_\_\_\_

Permit No. 22-7115  
Examination for b/u

4. Total amount to be appropriated:

Max Rate of Diversion \_\_\_\_\_ cubic feet per second and annual volume 100 AF/Annum.

5. Location of Point(s) of Diversion:

Township 4N N/S, Range 41E E/W, B.M., Section 6, Subdivision SE  $\frac{1}{4}$  NE  $\frac{1}{4}$ , Madison County  
Township \_\_\_\_\_ N/S, Range \_\_\_\_\_ E/W, B.M., Section \_\_\_\_\_, Subdivision  $\frac{1}{4}$   $\frac{1}{4}$ , \_\_\_\_\_ County  
Township \_\_\_\_\_ N/S, Range \_\_\_\_\_ E/W, B.M., Section \_\_\_\_\_, Subdivision  $\frac{1}{4}$   $\frac{1}{4}$ , \_\_\_\_\_ County

Other Points of Diversions: \_\_\_\_\_

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

Measuring device required: yes ☒ no ☐

6. Lands to be irrigated or 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               | 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

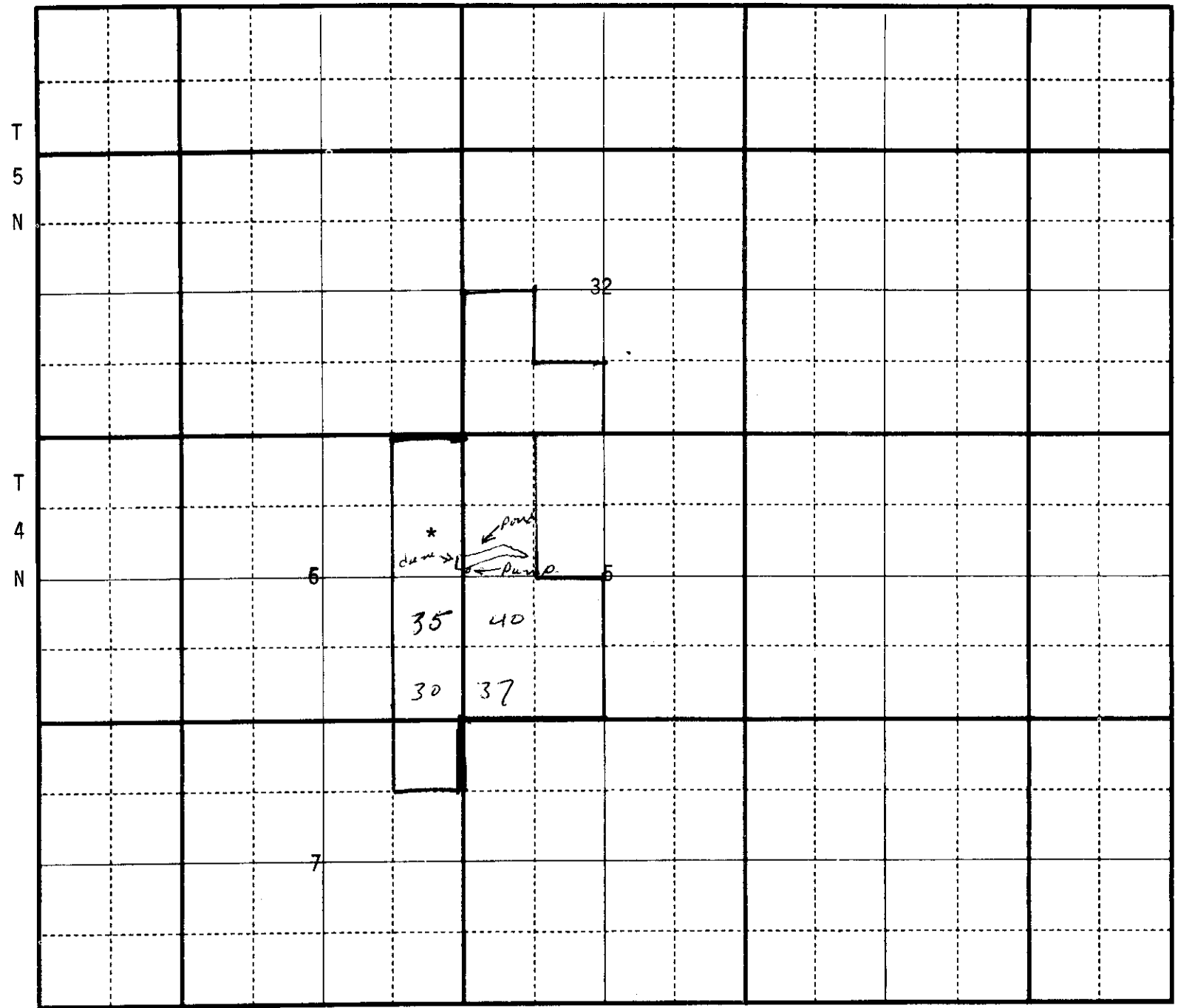


Diagram of System

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 ☒ 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 Halverson Date Jan 4, 1977

Checked by Ernest M. Carlson Date Jan 11, 1977

Approved by \_\_\_\_\_ Date \_\_\_\_\_

September 15, 1976

Re: Permit No. 22-7117 & 22-7091

Spence Leatham  
113 West First South  
Rexburg, Idaho 83440

Dear Mr. Leatham:

We acknowledge receipt of the affidavit submitted as proof of beneficial use for the above referenced permit.

Before a license can be issued, a field examination must be made by a representative of this Department. We cannot tell during which part of the irrigation season this examination will be made, however, our examiner will try to contact you at the time he makes the exam so that you may show him the system.

If you have any questions concerning the field exam, please contact our District Office in Idaho Falls.

Sincerely,

D. Darlene Reich  
Water Rights Supervisor

DDR:JG

RECEIVED

SEP 1 1976

Department of Water Resources  
Eastern District Office

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

Identification No. 227091

Permit No. 227115

PROOF OF APPLICATION OF WATER TO BENEFICIAL USE

1. a) Name of Permit Holder Spencer W. Leatham  
b) Post Office Address 113 W. 12<sup>th</sup> St - Reftung, Idaho Ph. 356-5985
2. Permit Number \_\_\_\_\_
3. Date of Priority that you are prepared to establish 1-29-1975
4. a) Source from which water was appropriated Lyon's Creek  
b) Location of the point of diversion: SE 1/4 NE 1/4, Section 6  
Township 4N, Range 41E Boise Meridian, Other points of diversion: \_\_\_\_\_
5. a) The amount of water and use to which the water has been applied:  
Amount 2.0 for irrigation purposes from April 1 to June 1 incl.  
(cfs and/or acre-feet per annum) (Month-Day) (Month-Day)  
Amount 35 for storage for purposes from \_\_\_\_\_ to \_\_\_\_\_ incl.  
(cfs and/or acre-feet per annum) (Month-Day) (Month-Day)  
Amount 35 for irrigation purposes from Jan 1 to Dec 31 incl.  
(cfs and/or acre-feet per annum) (Month-Day) (Month-Day)  
b) Total amount appropriated 2 cfs for pumping & 35 cfs for storage 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: pumping rate is by a micrometer  
storage was made by John R. Remington of the H.S. Co. office
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:  
\_\_\_\_\_  
b) Describe the agreement or understanding by which you take water from the works: \_\_\_\_\_
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) Dam + pond - 125 horsepower motor & springling system  
b) Describe the type and size of measuring device which you have installed at your point of diversion: a micrometer  
c) Give well driller's name and address and the date the well was completed: \_\_\_\_\_
8. If for other than irrigation, describe the beneficial use to which you have applied the water and the place of use: \_\_\_\_\_

Exam typed

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 |       |
| 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 irrigated 600

10. Remarks: \_\_\_\_\_

The above information is a true statement of the extent to which the above numbered permit has been developed.

8-31-76  
(Date)

Spencer W. Leatham  
(Signature)

State of Idaho )  
County of Madison ) ss.

On this 31<sup>st</sup> day of August, 19 76, personally appeared before me the signer(s) of the above instrument, who duly acknowledged to me that he (she) (they) executed the same.

Helmer S. Dunn  
Notary Public residing at Elkridge  
Idaho

My commission expires 11-20-78

January 30, 1975

Re: Permit No. 22-7115

Mr. Spence Leatham  
113 West First South  
Rexburg, Idaho 83440

Dear Mr. Leatham:

Enclosed is a copy of your approved Application for Permit No. 22-7115 . We direct your attention to the conditions of approval as listed on the fourth page.

Be sure to note that a special condition requiring you to install and maintain a measuring device at your point of diversion has been placed upon your permit. We are enclosing a letter describing different types of measuring devices accepted by this office.

Sincerely,

BOBBY D. FLEENOR  
Chief, Water Rights

BDF:jfr

Enclosures

cc: Art Larsen, Watermaster  
Box 1099  
Idaho Falls, ID 83401

**MICROFILMED**

C O N F E R E N C E   M E M O R A N D U M

RE: Application for Permit No. 22-7115

On November 27, 1974, Spence W. Leatham filed with the Department of Water Resources Application No. 22-7115 to appropriate 100 acre feet of water for storage from Lyon's Creek, a tributary of the South Fork of the Snake River, for the irrigation of 600 acres of land. On December 18, 1975, a protest against the approval of said application was received from Brent and Blair Covington.

The Department conducted a conference concerning the matters of protest on January 16, 1975, in the Community Room of the Valley Bank, St. Anthony, Idaho.

The issues involved were:

(1) Spence W. Leatham has approved Permit No. 22-7091 with a priority of April 18, 1974, for the appropriation of 2.0 c.f.s. from Lyon's Creek for the irrigation of 600 acres of land.

(2) Brent and Blair Covington, dba Covington Bros., have Permit No. 22-7113 with a priority of November 12, 1974, for the appropriation of 16.0 c.f.s. from Lyon's Creek.

(3) Spence W. Leatham has filed Application No. 22-7115 to appropriate 100 acre feet for storage for the irrigation of 600 acres of land.

At the conference Mr. Leatham agreed that any water entering his reservoir above the 2.0 c.f.s. to be appropriated under Permit No. 22-7091 will be released to Covington Bros. from April 1 to November 1. Covington Bros. decided that under these conditions their rights would be protected and withdrew their protest.

Therefore, I recommend this application be approved under the following conditions:

(1) Measuring device of a type approved by this Department shall be installed and maintained above the reservoir point and immediately below the outlet works of the dam.

(2) Diversions from the reservoir will be under the authority of Permit No. 22-7091 and will not exceed 1,800 acre feet per year.

(3) Use of water under this permit is subject to control by the watermaster of State Water District No. 01, Snake River.

(4) Proof of application of water to beneficial use must be submitted to the Department on or before January 1, 1980.

**MICROFILMED**

BEFORE THE DEPARTMENT OF WATER RESOURCES  
OF THE  
STATE OF IDAHO

In the Matter of Protest(s) Against Approval )  
of Application for Permit No. 22-7115 )  
in the name of SPENCE W LEATHAN )  
\_\_\_\_\_ )

WITHDRAWAL OF PROTEST(S)

Based upon the information presented at the conference held on JAN 16, 1975  
/ve agree that the granting of Permit No. 22 7115 does not appear to be a threat  
to my/our prior water rights and /we hereby withdraw /our protest ) against the  
approval of this application.

Signed at Brent Livingston  
E. Blair Livingston, this 16<sup>th</sup> day of JANUARY, 1974.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

MODIFIED

22-7115 - Spence W. Leatham

Community Room, Valley Bank, St. Anthony, Idaho

January 16, 1975 - 3:00 p.m.

ROSTER OF ATTENDANCE

| Name                | Address                                         | Representing    |
|---------------------|-------------------------------------------------|-----------------|
| Brent Covington     | 324 E. 2 <sup>nd</sup> S. - Rexburg, Ida. 83440 | Covington Bros. |
| C. Blair Cunningham | 221 S. 3 <sup>rd</sup> Est. Rexburg, Idaho      |                 |
| Spence Leatham      | 113 W. 1 <sup>st</sup> S. Rexburg, Idaho        |                 |

MICROFILMED

January 10, 1975

RE: Application for Permit No. 22-7115

Mr. Spence W. Leatham  
113 West First South  
Rexburg, ID 33440

Dear Mr. Leatham:

This is to inform you that we have changed the conference and/or hearing time on January 16, 1975, from 3:00 p.m. to 1:00 p.m., in the Community Room of the Valley Bank, St. Anthony, Idaho.

If you have any questions, please contact us immediately.

Very truly yours,

RONALD D. CARLSON  
Acting District Engineer

RDC:mb

**MICROFILMED**

January 10, 1975

RE: Application for Permit No. 22-7115 SPENCE W. LEATHAM

Mr. Brent Covington  
Mr. Blair Covington  
Covington Brothers  
P.O. Box 132  
Rexburg, Idaho 83440

Gentlemen:

This is to inform you that we have changed the conference and/or hearing time on January 16, 1975, from 3:00 p.m. to 1:00 p.m., in the Community Room of the Valley Bank, St. Anthony, Idaho.

If you have any questions, please contact us immediately.

Very truly yours,

RONALD D. CARLSON  
Acting District Engineer

RDC:mb

**MICROFILMED**

UNITED STATES POSTAL SERVICE

OFFICIAL BUSINESS

**SENDER INSTRUCTIONS**

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

- Complete items 1 and 2 on reverse side.
- Moisten gummed ends and attach to back of article.

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



**RETURN  
TO**

UNRECORDED

DEPARTMENT OF WATER RESOURCES

EASTERN DISTRICT OFFICE

1515 LINCOLN ROAD

IDAHO FALLS, IDAHO 83401

**RECEIVED**

JAN 8 1975

Department of Water Resources  
Eastern District Office

PS Form 3811, Nov. 1973

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

● SENDER: Complete items 1 and 2.  
Add your address in the "RETURN TO" space on reverse.

1. The following service is requested (check one).

- ☒ Show to whom and date delivered..... 15¢  
☐ Show to whom, date, & address of delivery..... 35¢  
☐ DELIVER ONLY TO ADDRESSEE and show to whom and date delivered..... 65¢  
☐ DELIVER ONLY TO ADDRESSEE and show to whom, date, and address of delivery ..... 85¢

2. ARTICLE ADDRESSED TO:

3. ARTICLE DESCRIPTION:

REGISTERED NO. | CERTIFIED NO. | INSURED NO.

529

(Always obtain signature of addressee or agent)

I have received the article described above.

SIGNATURE

4. DATE OF DELIVERY

POSTMARK

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE:

CLERK'S INITIALS

UNITED STATES POSTAL SERVICE

OFFICIAL BUSINESS

SENDER INSTRUCTIONS

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

- Complete items 1 and 2 on reverse side.
- Moisten gummed ends and attach to back of article.

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



RETURN  
TO

DEPARTMENT OF WATER

EASTERN DISTRICT OFFICE

1515 LINCOLN ROAD

IDAHO FALLS, IDAHO 83401

JAN 8 1976

Department of Water Resources  
Eastern District Office

PS Form 3811, Nov. 1973

● SENDER: Complete items 1 and 2.  
Add your address in the "RETURN TO" space  
reverse.

1. The following service is requested (check one).
- ☒ Show to whom and date delivered..... 15¢
- ☐ Show to whom, date, & address of delivery.. 35¢
- ☐ DELIVER ONLY TO ADDRESSEE and  
show to whom and date delivered..... 65¢
- ☐ DELIVER ONLY TO ADDRESSEE and  
show to whom, date, and address of  
delivery ..... 85¢

2. ARTICLE ADDRESSED TO:

3. ARTICLE DESCRIPTION:

| REGISTERED NO. | CERTIFIED NO. | INSURED NO. |
|----------------|---------------|-------------|
|                | 528           |             |

(Always obtain signature of addressee or agent)

I have received the article described above.  
SIGNATURE

DATE OF DELIVERY

JAN 6 1974

POSTMARK

4. ADDRESS (Complete only if requested)

5. UNABLE TO DELIVER BECAUSE:

CLERK'S  
INITIALS

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
Eastern District Office  
1515 Lincoln Road • Idaho Falls, Idaho  
83401

*Returned Certified Cards*

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

|                                           |   |                      |
|-------------------------------------------|---|----------------------|
| In the Matter of Protest Against Approval | ) |                      |
|                                           | ) |                      |
| of Application for Permit No. 22-7115     | ) | NOTICE OF CONFERENCE |
|                                           | ) |                      |
| in the name of SPENCE W. LEATHAM          | ) | AND/OR HEARING       |
|                                           | ) |                      |
| _____                                     | ) |                      |

On November 27, 1974, Spence W. Leatham filed with the Department of Water Resources an application to appropriate the public waters of the State of Idaho. On December 20, 1974, the Department received a protest against approval of said application from Brent and Blair Covington.

The Department has set the matter of protest for conference and/or hearing for Thursday, January 16, 1975, at 3:00 p.m., in the Community Room of the Valley Bank, St. Anthony, Idaho. Any hearing will be held in accordance with the Rules and Regulations of the Idaho Code and adopted Rules of Practice and Procedure of the Department of Water Resources. Opportunity shall be afforded all parties to respond and present evidence and argument on all issues involved.

Any party may request in writing five (5) days before any hearing that the oral proceedings thereof be taken in the form of stenographic notes. Any party may have such stenographic notes of the oral proceedings, or part thereof, transcribed at his own expense. A taped record of the proceedings will be maintained for the appeal period.

Failure to appear at the time and place set for hearing by the applicant or protestant may allow the Department without prejudice to dismiss the protest or the application. Any and all cost incurred by reason of such non-appearance may be assessed against such non-appearing parties.

Dated this 3<sup>rd</sup> day of January, 1975.



RONALD D. CARLSON

Acting District Engineer

RDC:mb

WR-2011-112

# DEPARTMENT OF WATER RESOURCES

NAME AND ADDRESS OF SENDER  
 EASTERN DISTRICT OFFICE  
 1515 LINCOLN ROAD  
 IDAHO FALLS, IDAHO 83401

Indicate type of mail:  
☐ REGISTERED  
☐ REGISTERED C.O.D.  
☒ CERTIFIED

Affix stamp here if issued as certificate of mailing or for additional copies of this bill.  
 POSTMARK AND DATE OF RECEIPT

| NUMBER OF ARTICLE | NAME OF ADDRESSEE, STREET, AND POST OFFICE ADDRESS     | POSTAGE | FEES | R. R. FEES | REG. FEE | ACTUAL VALUE | SURCHARGE | REMARKS         |
|-------------------|--------------------------------------------------------|---------|------|------------|----------|--------------|-----------|-----------------|
| 1                 | 528 Grant & Blaw (Lumber), Rt. Box 132, Picking, Idaho | 10      | 30   | 15         | ✓        |              |           | 22-7115         |
| 2                 | 529 James A. Stoddard, 1132 1st St., Picking, Idaho    | 10      | 30   | 15         | ✓        |              |           | "               |
| 3                 | Mr. Leonard, 1st Street                                |         |      |            |          |              |           | 22-7115 21-7115 |
| 4                 | 530 James Lund (Lumber), 1st Street, Idaho             | 10      | 30   | 15         | ✓        |              |           | 22-7115 21-7115 |
| 5                 | 531 100 Valley, Box 425, Picking, Idaho                | 10      | 30   | 15         | ✓        |              |           | 22-7115 21-7115 |
| 6                 | 532 James (Lumber), Box 151, Picking, Idaho            | 10      | 30   | 15         | ✓        |              |           | 22-7115 21-7115 |
| 7                 | 533 1st Street, Rt. 308 2nd St., Picking, Idaho        | 10      | 30   | 15         | ✓        |              |           | 22-7115 21-7115 |
| 8                 | 534 1st Street, James & Madson, Picking, Idaho         | 10      | 30   | 15         | ✓        |              |           | 22-7115 21-7115 |
| 9                 | 535 1st Street, Idaho                                  | 10      | 30   | 15         | ✓        |              |           | 22-7115 21-7115 |
| 10                | 536 1st Street, Idaho                                  | 10      | 30   | 15         | ✓        |              |           | 22-7115 21-7115 |
| 11                | 537 1st Street, Idaho                                  | 10      | 30   | 15         | ✓        |              |           | 22-7115 21-7115 |
| 12                | 538 1st Street, Idaho                                  | 10      | 30   | 15         | ✓        |              |           | 22-7115 21-7115 |
| 13                | 539 1st Street, Idaho                                  | 10      | 30   | 15         | ✓        |              |           | 22-7115 21-7115 |
| 14                |                                                        |         |      |            |          |              |           |                 |
| 15                |                                                        |         |      |            |          |              |           |                 |
| 16                |                                                        |         |      |            |          |              |           |                 |
| 17                |                                                        |         |      |            |          |              |           |                 |
| 18                |                                                        |         |      |            |          |              |           |                 |
| 19                |                                                        |         |      |            |          |              |           |                 |
| 20                |                                                        |         |      |            |          |              |           |                 |

TOTAL NO. OF PIECES LISTED BY SENDER: 12  
 TOTAL NO. OF PIECES RECEIVED AT P. O.:  
 POSTMASTER, PER (Name of receiving employee):  
 APPLICATION FOR REGISTRATION OR CERTIFICATION  
 (Surcharges are not required on international registered mail)

MICROFILMED

January 2, 1975

C  
Valley Bank  
50 West Main  
St. Anthony, ID 83445

Gentlemen:

This is to confirm the use of your Community Room for conferences and/or hearings to be held by this office on Thursday, January 16, 1975, at 9:00 a.m.

P  
Thank you for your cooperation in this matter.

Very truly yours,

Y  
ROYALD D. CARLSON  
Acting District Engineer

RDC:MB

RECEIVED MFD



# STATE OF IDAHO

## DEPARTMENT OF WATER RESOURCES

EASTERN DISTRICT

Cecil D. Andrus  
Governor

R. Keith Higginson  
Director

1515 Lincoln Road  
Idaho Falls, Idaho 83401  
(208) 523-7186

December 23, 1974

RE: Application for Permit No. 22-7115

Brent & Blair Covington  
Covington Bros.  
P.O. Box 132  
Rexburg, Idaho 83440

Gentlemen:

This is to acknowledge receipt of your protest to issuance of a permit pursuant to the above referenced application. The following are the principle items we can consider at a conference and/or hearing in either approving or denying an application for permit (Section 42-203, Idaho Code):

1. Will the proposed use reduce the quantity of water under existing water rights?
2. Is the proposed water supply insufficient for the purposes intended?
3. Is the application made in good faith or for delay or speculative purposes?
4. Has the applicant sufficient financial resources with which to complete the project?

The Department may reject an application and refuse issuance of a permit, partially approve the permit, approve the permit for a quantity of water less than applied for, or approve the permit subject to special conditions.

A permit issued by this office is subject to all prior water rights and does not in any way convey or establish a right-of-way over private or governmental lands. Any right-of-way or easement must be obtained by the individuals concerned through action outside of the water right proceedings.

You will be notified at a later date as to the time and place set for conference and/or hearing to discuss the matters of protest. If we may be of further assistance, please contact us.

Very truly yours,

RONALD D. CARLSON  
Acting District Engineer

RDC:CW

cc: IDWR - State Office

**MICROFILMED**



STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
EASTERN DISTRICT

Cecil D. Andrus  
Governor

December 23, 1974

1515 Lincoln Road  
Idaho Falls, Idaho 83401  
(208) 523-7186

R. Keith Higginson  
Director

Mr. Spence W. Leatham  
113 West First South  
Rexburg, Idaho 83440

RE: APPLICATION NO. 22-7115

Dear Mr. Leatham:

We have enclosed a copy of the protest filed against the issuance of a permit pursuant to your Application No. 22-7115. You should be aware that the following are the principle items we can consider at a conference and/or hearing in either approving or denying an application for permit (Section 42-203, Idaho Code):

1. Will the proposed use reduce the quantity of water under existing water rights?
2. Is the proposed water supply insufficient for the purposes intended?
3. Is the application made in good faith or for delay or speculative purposes?
4. Has the applicant sufficient financial resources with which to complete the project?

The Department cannot allow a permit for irrigation purposes which would entail the use of more than a continuous flow of 0.02 cubic feet per second of water for each acre of land, or an annual amount of 5 acre feet for each acre of land, unless the applicant can show that more is required. (Section 42-202, Idaho Code)

A permit issued by this office is subject to all prior water rights and does not in any way convey or establish a right-of-way over private or governmental lands. Any right-of-way or easement must be obtained by the applicant through action outside of the water right proceedings.

You will be notified at a later date as to the time and place set for a conference and/or hearing to discuss the matters of protest. Legal counsel is not mandatory at any proceeding before the Department, although you may desire to employ an attorney in your behalf.

If we may be of any assistance, please contact us.

Very truly yours,

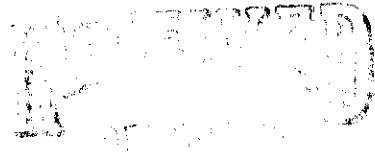
RONALD D. CARLSON  
Acting District Engineer

RDC: CW

Enc: Copy of Protest(s)

CC: IDWR - State Office

**MICROFILMED**



December 18, 1974

Department of Water Resources  
Eastern District Office

Idaho Dept. of Water Resources  
1515 Lincoln Road  
Idaho Falls, Idaho 83401

Gentlemen:

We hereby protest the issuance of a permit upon application  
no. 22-7115, Spence Leatham, on the grounds that such is-  
suance would result in reducing and affecting our prior rights  
to the same water.

Respectfully,

*Brent Covington*  
Brent Covington

*Blair Covington*  
Blair Covington

dba Covington Bros.  
P.O. Box 132  
Rexburg, Idaho 83440

*Blair Covington*  
Blair Covington

RECEIVED

DEC 2 1974

JOSEPH C. GREENLEY  
Director

Department of Water Resources  
Eastern District Office

IDAHO FISH AND GAME DEPARTMENT

Region VI  
1515 Lincoln Road  
Idaho Falls, Idaho  
83401

December 2, 1974

Department of Water Resources  
1515 Lincoln Road  
Idaho Falls, Idaho 83401

Dear Sirs:

RE: Application No. 22-7115 Application for permit to store 100 A.F.  
of irrigation water on Lyons Creek SE4NE4S6, T4N, R41E  
Fish and Game Department personnel have reviewed and approve the above  
referenced application with the following provisions:  
I have no objection to the application.

Sincerely,

IDAHO FISH AND GAME DEPARTMENT

*Paul Jeppson*

Paul Jeppson  
Regional Fishery Manager

cc: Fisheries Division  
District Conservation Officer

MICROFILMED

CECIL D. ANDRUS  
Governor

XXXXXXXXXXXXXXXXXXXXX RESOURCES

November 29, 1974

RE: Application for Permit No. 22-7115 Leatham

Rexburg Journal  
23 South First East  
Rexburg, ID 83440

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 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. 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.

Very truly yours,

RONALD D. CARLSON  
Acting District Engineer

RDC:MB

Bill submitted 12-18-74 by MB

Enc: Legal Notice (1)

**MICROFILMED**

NOTICE OF APPLICATION FOR WATER PERMIT

Notice is hereby given that Spence W. Leatham,

113 West First South, Rexburg, Idaho

has on 11-27-74 submitted Application No. 22-7115

for a permit to appropriate 100 ~~cubic feet per second~~ acre feet per annum

of water from Lyons Creek tributary of South Fork Snake River

by means of a dam

within the SE $\frac{1}{4}$ NE $\frac{1}{4}$ , Sec. 6, T. 4N, R. 41E, B.M., Madison County:

to be used from Jan. 1 to Dec. 31

for storage to irrigate 600 acres

within the W $\frac{1}{2}$ NW $\frac{1}{4}$ , SW $\frac{1}{4}$ , Sec. 5, E $\frac{1}{2}$ NE $\frac{1}{4}$ , E $\frac{1}{2}$ SE $\frac{1}{4}$ , Sec. 6, NE $\frac{1}{4}$ NE $\frac{1}{4}$ , Sec. 7, T. 4N,

R. 41E, W $\frac{1}{2}$ SW $\frac{1}{4}$ , SE $\frac{1}{4}$ SW $\frac{1}{4}$ , SW $\frac{1}{4}$ SE $\frac{1}{4}$ , Sec. 32, T. 5N, R. 41E, B.M.

If issued, this permit will be subject to all prior water rights. Protests against the granting of the permit must be filed with the Idaho Department of Water Resources, 1515 Lincoln Road, Idaho Falls, Idaho, 83401 on or before December 23, 1974.

R. KEITH HIGGINSON

Director

Published in the Rexburg Journal, Rexburg, Idaho

on December 5 and December 12, 1974.

**MICROFILMED**

MB-L  
CW-A

November 29, 1974

RE: Application for Permit No. 22-7115

Mr. Paul Jeppson  
Regional Fishery Biologist  
Idaho Department of Fish & Game  
1515 Lincoln Road  
Idaho Falls, Idaho 83401

Dear Mr. Jeppson:

We are enclosing a copy of an application that may be of interest to your agency. Please review the application and if you have any comments, please submit them to our Department as soon as possible. The last date of protest is December 23, 1974, and we are required to take final action shortly thereafter.

If we may be of further assistance, please feel free to contact us.

Very truly yours,

RONALD D. CARLSON  
Acting District Engineer

RDC:MB

Enclosure

**MICROFILMED**

November 29, 1974

RE: Application for Permit No. 22-7115 Spence W. Leatham

Mr. Art Larson, Watermaster  
Water District No. 01  
Box 1099  
Idaho Falls, ID 83401

Dear Mr. Larson:

We are enclosing a copy of an application that may be of interest to your water district. Please review the application and if you have any comments, please submit them to our Department as soon as possible. The last date of protest is December 23, 1974, and we are required to take final action shortly thereafter.

If we may be of further assistance, please feel free to contact us.

Very truly yours,

RONALD D. CARLSON  
Acting District Engineer

RDC:ME

Enclosure

**MICROFILMED**