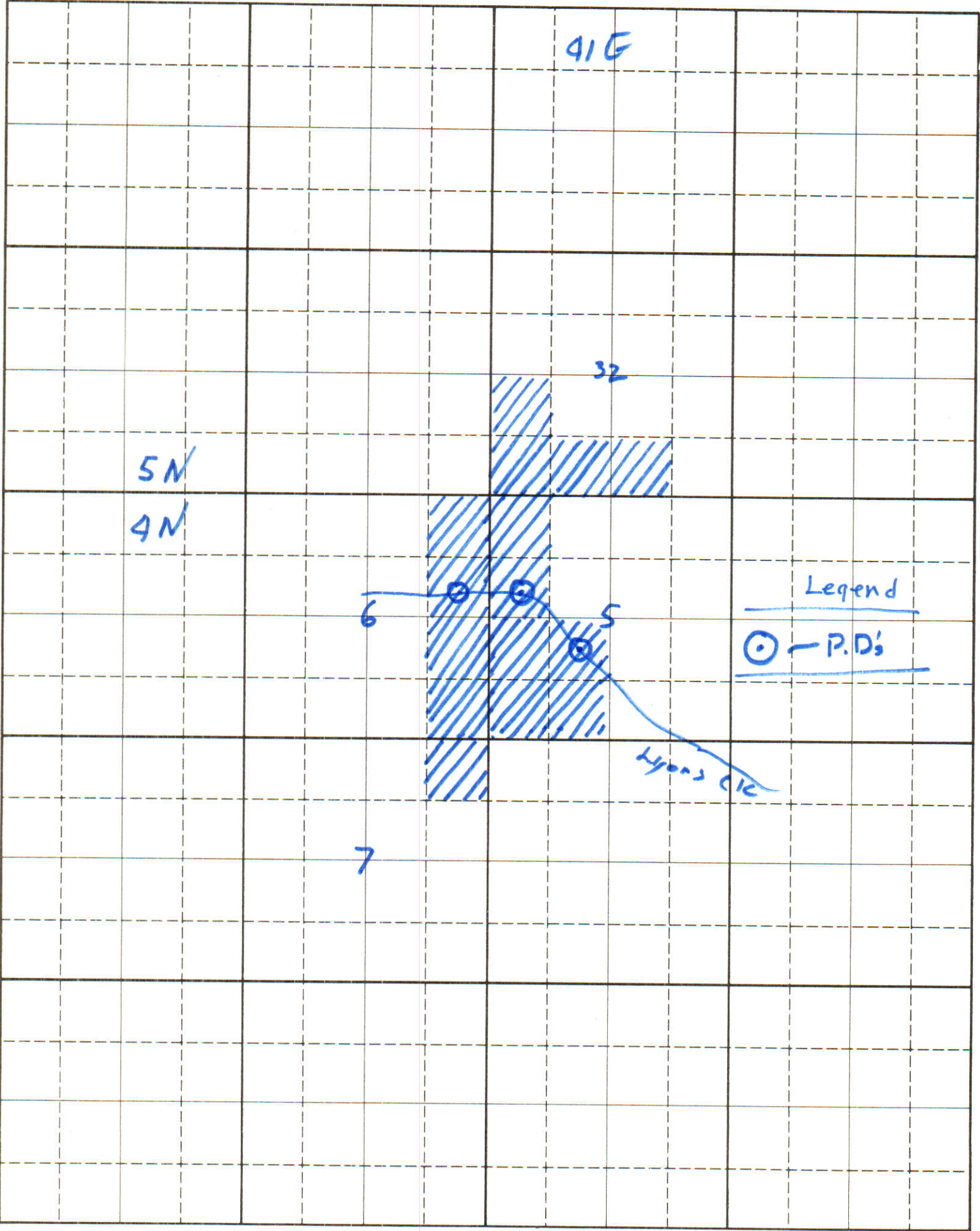


11. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



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.

Spencer W. Leatham
(Applicant)

The REXBURG STANDARD and
The REXBURG JOURNAL
REXBURG, IDAHO

RECEIVED

MAY 8 1974
MB

Department of Water Administration
Eastern District Office

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

application for water permit
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 April 25, 1974
and the last publication having been made

on May 2, 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 May 3, 1974

(SEAL)

For - [Signature]
Notary Public.

My commission expires 8-5-77

MB NOTICE OF APPLICATION
FOR WATER PERMIT
Notice is hereby given that Spence
W. Leatham, 113 West 1st South, Rex-
burg, Idaho has on April 18, 1974
submitted Application No. 22-7091 for
a permit to appropriate 2.0 cubic feet
per second of water from Lyons Creek
tributary of South Fork, Snake River by
means of pump and sprinkler system
within the NE $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec.
5, SE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 6, T. 4N, R. 41E,
B.M. Madison County; to be used from
Apr. 1 to Nov. 1 for the irrigation of 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 Administration, 1515 Lincoln
Road, Idaho Falls, Idaho, 83401 on or
before May 13, 1974.
R. KEITH HIGGINSON
Director
Published in the Rexburg Journal,
Rexburg, Idaho on April 25 and May 2,
1974. *CB.*

22 7091

Rge. 41E

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O.P.D.

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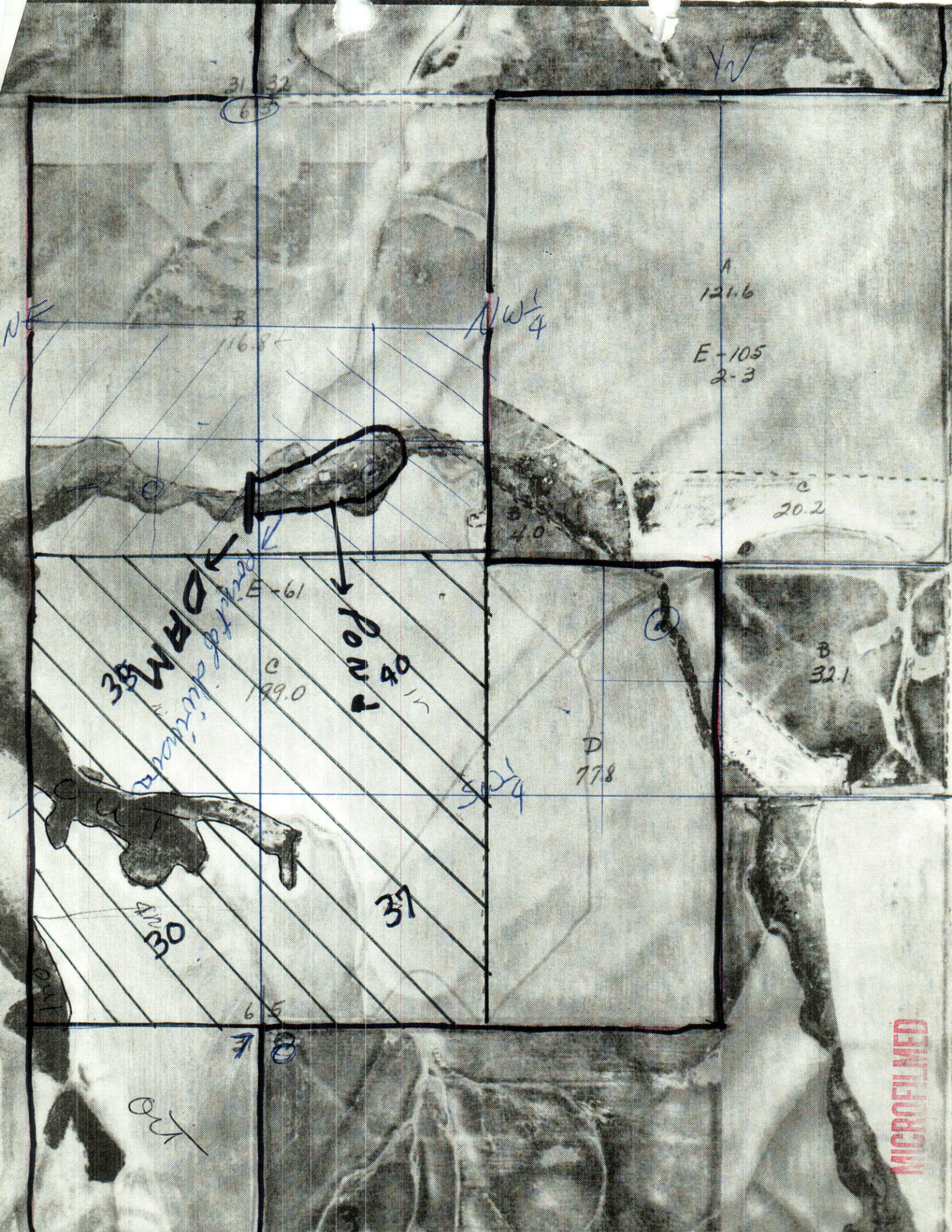
*

30

37

7

Diagram of System



DELETED

SEE MAP I 6

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1-3

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Set of 100
1971

31 32
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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
Irrigation	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, 19 77.

Director

RECORDED

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)

APPROVED

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.	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

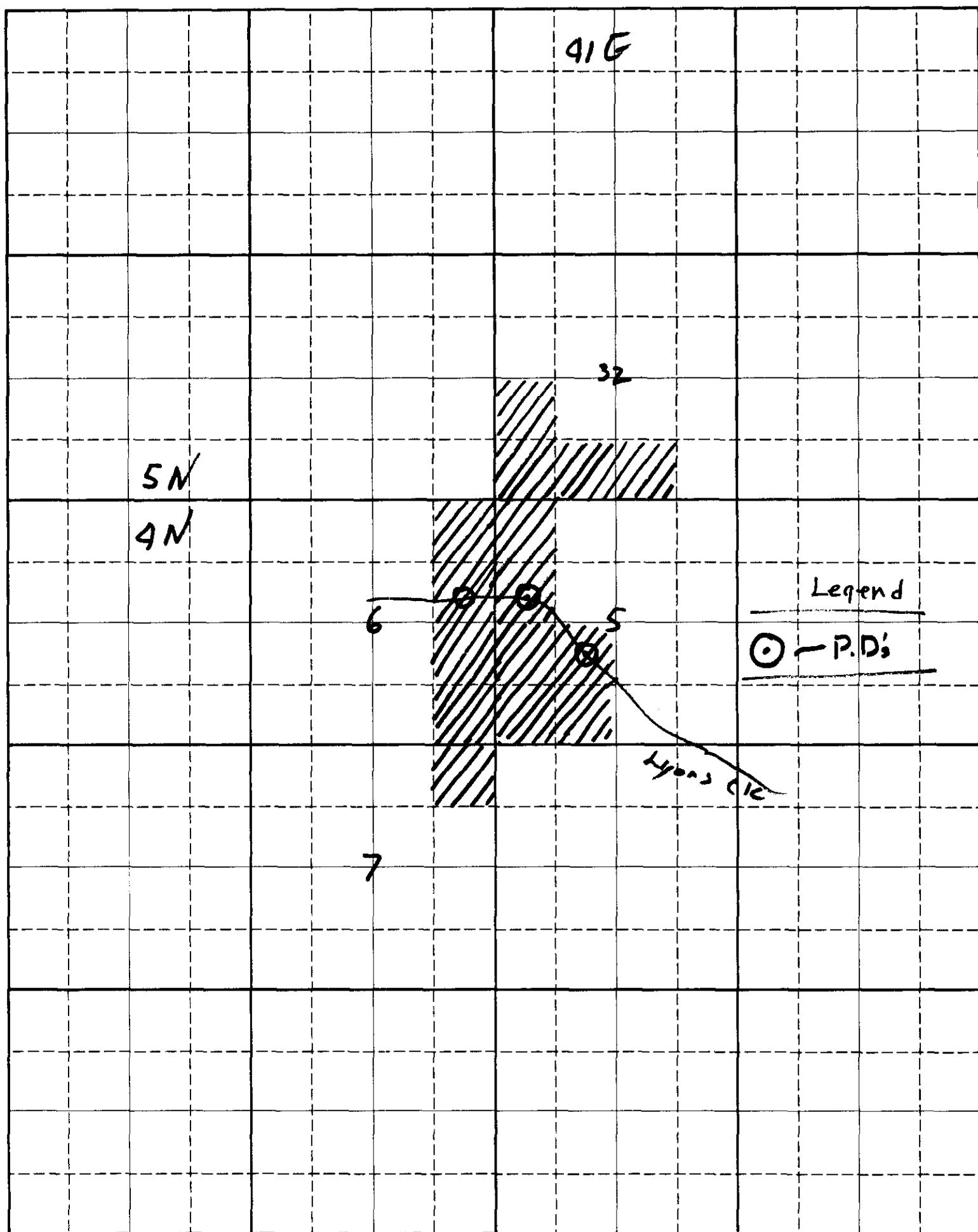
Total number of acres to be irrigated 600

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

Spencer W. Leatham
(Applicant)

12 7C91

Proposed Priority 4-18-1974

22-7091

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

Preliminary check by WR Fee \$ 35.00

Receipted by MB Date 4-18-74 # 12843

Publication prepared by MB Date 4-19-74

Published in The Rexburg 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 RDC ~~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.

R. Karl
Director

The REXBURG STANDARD and
The REXBURG JOURNAL
REXBURG, IDAHO

RECEIVED

MAY 8 1974
MB

Department of Water Administration
Eastern District Office

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

application for water permit
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 April 25, 1974
and the last publication having been made

on May 2, 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 May 3, 1974

(SEAL)

Roy - [Signature]
Notary Public.

My commission expires 8-5-77

22 7091

DEPARTMENT OF WATER ADMINISTRATION
- STAFF ANALYSIS -

Item	Initial	Date	
(1)	<u>RDC</u>	<u>4/18/74</u>	Application No. <u>Leathan</u>
(2)			☒ 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
(3)	<u>11</u>	<u>4</u>	In form to receipt <u>YES</u>
	<u>11</u>	<u>11</u>	Send Copies to: ☒ Idaho State Health Department ☒ Idaho Fish and Game Department ☒ Bureau of Land Management ☒ <u>Art Larson</u> <u>W.D. # 21</u> ☐ Request Special Use Permit from U.S.F.S. ☒ Request Easement from B.L.M. ☐ Request Information from Applicant
(4)	<u>11</u>	<u>11</u>	
(5)	<u>11</u>	<u>11</u>	In form for advertising <u>YES</u>
(6)			Located within Water District No. <u>22</u>
(7)	<u>11</u>	<u>11</u>	<u>NA</u> Critical groundwater area: yes <u>no</u>
(8)	<u>11</u>	<u>11</u>	Groundwater levels: <u>Decline (comment)</u> <u>NA</u> Stable (comment) <u>Increasing (comment)</u>
(9)			Comments: <u>SEND COPY TO ART LARSON</u>
(10)	<u>MB</u>	<u>5/8/74</u>	Affidavit of Publication received (date) <u>May 8, 1974</u>
(11)	<u>"</u>	<u>5/13/74</u>	Final date for protests <u>May 13, 1974</u> Protests received: yes <u>no</u> <u>x</u>
(12)	<u>"</u>	<u>"</u>	Date and Place of hearing <u>NA</u> Decision reached at hearing <u>NA</u>
(13)	<u>RDC</u>	<u>5/13/74</u>	All requested information received from agencies or applicant yes <u>no</u> <u>✓</u> <u>NO COMMENT FROM ART</u>
(14)	<u>11</u>	<u>11</u>	Action recommended: ☒ Approve Priority <u>4/18/74</u> ☐ Deny Reason for Reduction ☒ Measuring device required ☒ See attached sheet for additional conditions of approval <u>TO BE UNDER CONTROL OF WATER MASTER</u> ☐ No additional conditions for approval
(15)	District <u>E</u>	By <u>RDC</u>	Date <u>5/7/74</u>

RECEIVED
MAY 20 1974

Department of Water Administration

October 24, 1977

Re: Permit No. 22-7091

Spence W. Leatham
113 West First South
Rexburg, ID 83440

Dear Mr. Leatham:

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

Sincerely,

JAN GROVER
Water Rights Supervisor

JG/kaw
Enclosure

Re: Permit No. 22-7091

Dear Mr. Leatham:

Amount of water that can be recognized as beneficially used under Idaho law: 2.0 cfs Source: Lyons Creek

The maximum quantity diverted shall not exceed 497 acre feet per year.

Point of diversion: SW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 5, Twp. 4N, Rge. 41E, B.M.

Beneficial use: Irrigation of 142 acres within the W $\frac{1}{2}$ SW $\frac{1}{4}$, Sec. 5; E $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 6, Twp. 4N, Rge. 41E, B.M.

Priority date established: April 18, 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, Operations Bureau

BDF/cah

1. The first step is to identify the problem or question that needs to be answered. This involves understanding the context and the specific requirements of the task.

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 _____



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
 Township " N/S, Range " E/W, B.M., Section 6, Subdivision SE 1/4 NE 1/4, _____
 ✓ 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

QUALITY CONTROL

A 10x10 grid with a 3x3 subgrid highlighted. The subgrid contains the numbers 30, 35, 37, 40, and 45, along with an asterisk and the text 'O.P.P.'. The grid is labeled with numbers 1-10 on the top and left edges.

1	2	3	4	5	6	7	8	9	10
1	2	3	30	35	40	45	50	55	60
2	3	4	37	*	O.P.P.	*	32	34	36
3	4	5	32	34	36	38	40	42	44
4	5	6	34	36	38	40	42	44	46
5	6	7	36	38	40	42	44	46	48
6	7	8	38	40	42	44	46	48	50
7	8	9	40	42	44	46	48	50	52
8	9	10	42	44	46	48	50	52	54
9	10	11	44	46	48	50	52	54	56
10	11	12	46	48	50	52	54	56	58

Diagram of System

DATE OF EXAM Sept 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.A
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 cts Method of measurement In Line Meter

Total Q recommended 2.00 cts Meter No. 24-10-2057 Type McCorm Condition OK

Total V recommended 497 AF/Ann

Recommended Amendments:

P.D.
Place of Use
Other
None ☒

MEASUREMENT CALCULATION:

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

SYSTEM DESCRIPTION:

G.E. motor 125 Hp. Ser # FBJ608185
Aurora Pump Ser # 37521813
8 1/2 mi laterals 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 22-711-S

Examiner's Signature Bill Rhoads Date Oct 25, 1976

Checked by Ernest M. Carlson Date Dec 20, 1976

Approved by Date

22-7091

1-16

E-105
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State of Idaho
Department of Water Administration

LICENSE OF WATER RIGHT

License of Water Right No. 22-7091 Priority _____ Amount 2.00 cfs

THIS IS TO CERTIFY, that Spence W. Leatham
of Rexburg, has complied with the terms and conditions of Permit
No. 22-7091 issued pursuant to Application for Permit dated _____,
and has submitted proof to the Department of Water Administration on _____,
that he has applied water to a beneficial use; an examination by the Department indicates that the
works have a capacity of 2.78 cfs, and that the water has in fact been applied to a
beneficial use; a right to the use of water from Lyons Ck.
tributary of So Fork Snake is hereby confirmed in the following amounts:
Amount 2.00 for Tr from Apr to Nov (both dates inclusive)
Amount _____ for _____ from _____ to _____ (both dates inclusive)
Amount _____ for _____ from _____ to _____ (both dates inclusive)
Subject, however, to the condition that no more than 2.00 cfs of water be diverted at
any one time, said waters to be diverted within the SW 1/4 NW 1/4 Sec 5
T4N R4E
in the county of MADISON; and that the amount of water so diverted and to which such
right is entitled and confirmed is for the purposes aforesaid and is limited to the amount which can
actually be beneficially used and shall not exceed 97 acre feet per year or _____
3.5 acre feet per acre.

Description and location of 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	4E	5										40	37						77
		6													35			30	65

Total number of acres irrigated 142

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 _____ day of

_____, 19____.

Director

MICROFILMED

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.

Permit No.

22 7091
22 7115

PROOF OF APPLICATION OF WATER TO BENEFICIAL USE

1. a) Name of Permit Holder Spencer W. Leatham
b) Post Office Address 113 W. 1st St. - Reuburg, 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 Lyons 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 Nov 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 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 Tom Remington of the ASCE 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:

9/15/76 f

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) [Signature] (Signature)

State of Idaho)
County of Madison) ss.

On this 31st day of August, 1976, personally appeared before me the signer(s) of the above instrument, who duly acknowledged to me that he (she) (they) executed the same.

[Signature]
Notary Public residing at [Address]

My commission expires 11-20-78

May 28, 1974

Re: Permit No. 22-7091

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

Dear Mr. Leatham:

Enclosed is a copy of your approved Application for Permit No. 22-7091 . 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
Assistant Director

BDF/bjg

Enclosures

22 7091

CONVERSATION MEMORANDUM

DATE May 8, 1974

FILE No. 22-7091

NAME OF PARTY Jess Sutton, Archer, Idaho

EMPLOYEE Norman C. Young

RE: Application for Permit No. 22-7091

Mr. Sutton visited this office in response to our publication concerning
the above referenced application. Mr. Sutton indicated that he shares a decreed
right on this stream with a neighbor and he believes that his right could be
injured by Mr. Leatham using the water up stream.

I explained the protest procedures to Mr. Sutton and he indicated that he
would be filing a protest in writing before the end of the protest period.

22 7091

XXXXXXXXXXXXXXXXXXXX

1515 Lincoln Road

April 22, 1974

RE: Application for Permit No. 22-7091

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

Dear Mr. Larson:

We are enclosing a copy of an application that may be of interest to your 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 May 13, 1974, and we are required to take final action shortly thereafter.

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

Very truly yours,

RONALD E. CARLSON
Asst. to the District Engineer

RDC:MB

Enclosure

22 7091

April 19, 1974

Re: Application for Permit No. 22-7091 LEATHAM

The Rexburg Journal
23 South 1st 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,

NORMAN C. YOUNG
District Engineer

Bill submitted 5-8-74 by MB

NCY:MB
Enc: Legal Notice (1)

22 7091

NOTICE OF APPLICATION FOR WATER PERMIT

Notice is hereby given that Spence W. Leatham,

113 West 1st South, Rexburg, Idaho

has on 4-18-74 submitted Application No. 22-7091

for a permit to appropriate 2.0 cubic feet per second ~~acre feet per annum~~

of water from Lyons Creek tributary of South Fork, Snake River

by means of pump and sprinkler system

within the NE $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 5, SE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 6, T. 4N, R. 41E, B.M.,

Madison County;

to be used from Apr. 1 to Nov. 1

for the irrigation of 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 Administration, 1515 Lincoln Road, Idaho Falls, Idaho, 83401 on or before May 13, 1974.

R. KEITH HIGGINSON

Director

Published in the Rexburg Journal, Rexburg, Idaho

on April 25 and May 2, 1974.

22 7091

ABH
ABH