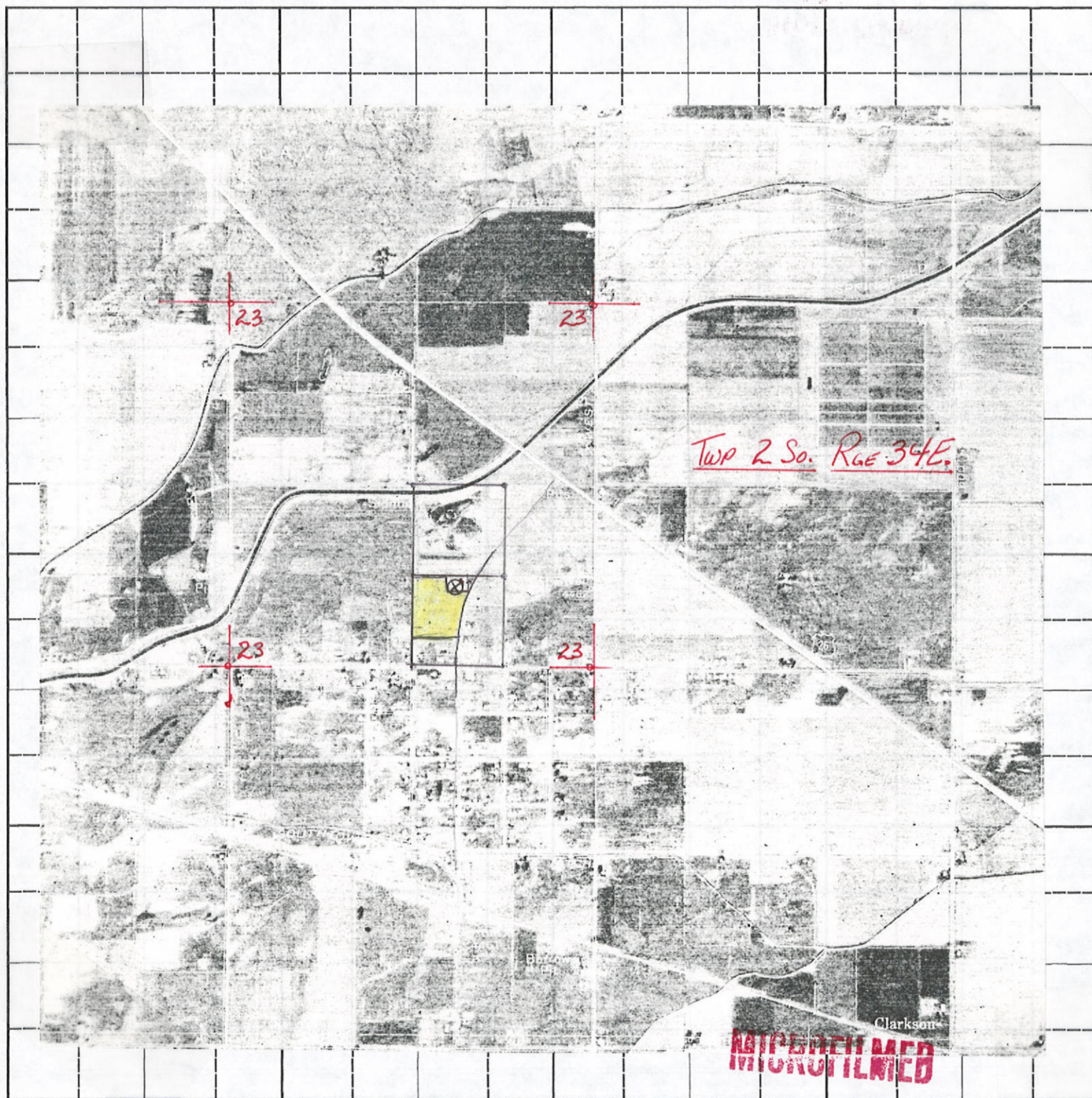


13. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



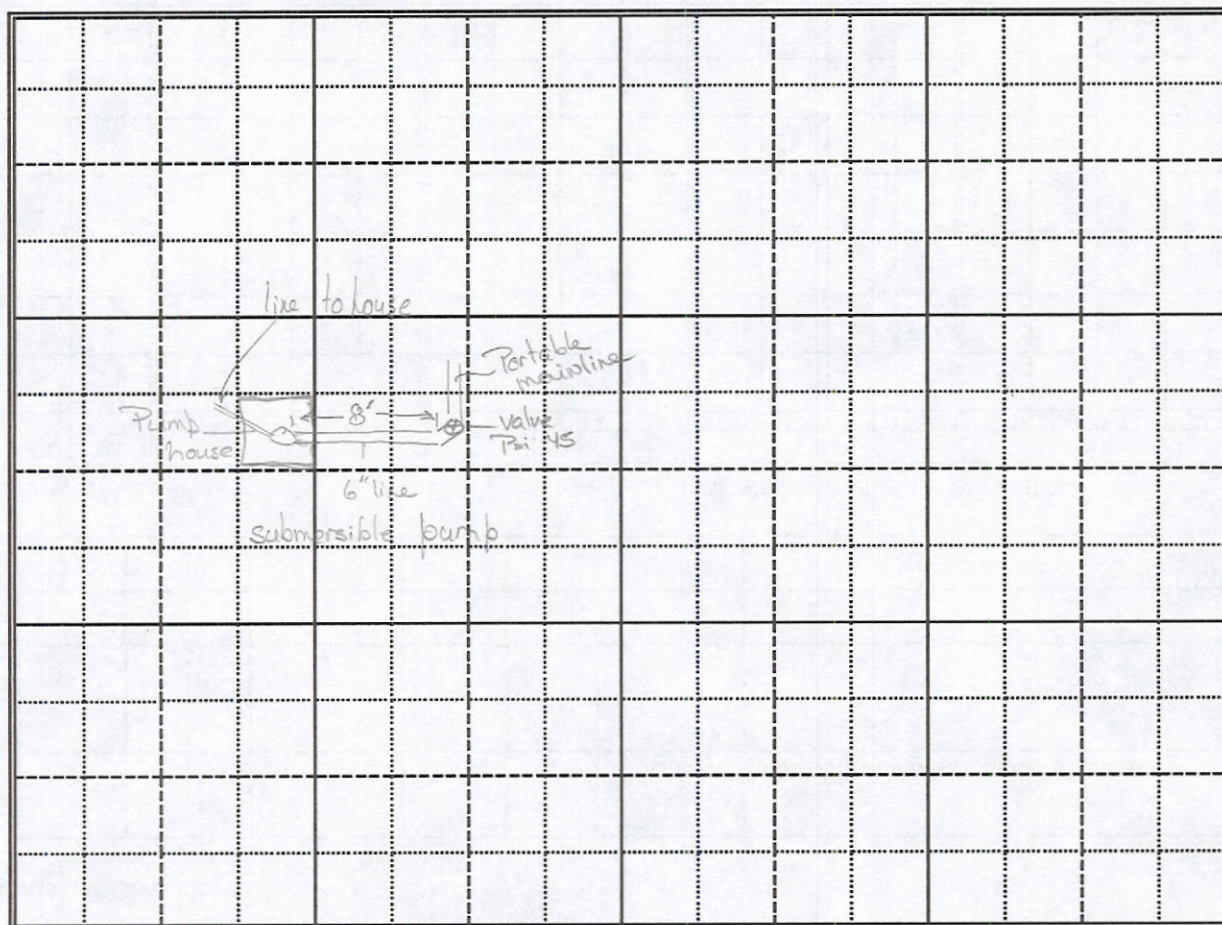
Scale: 2 inches equal 1 mile.

MAY 23 1990

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.

[Signature]
(Applicant)

3. **Delivery System Diagram:** Indicate all major components and distances between components. Indicate weir size/ditch size/pipe i.d. as applicable.



Scale: 1" = _____.

____ Copy of USGS Quadrangle Attached Showing location(s) of point(s) of diversion and place(s) of use (required).

____ Aerial Photo Attached (required for irrigation of 10+ acres)

____ Photo of Diversion and System Attached

4.

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
		7.5			6"

*Code to correspond with No. on map and aerial photo

D. FLOW MEASUREMENTS

1.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date

2. **Measurements:** 1. Depth to water = 17' Pump discharge pressure = 45 psi

DEC 08 2001

APR 25 1995

R34 E

R11

35-08783

T2S R34E

T737
978

T73C
922

13.7

R34E

T2S

Jacobsen Ln 250N

Aberdeen Springfield Canal

+25493
3245

54.4

T749
511

2
4.5

2
11.9

Jacobsen Ln 750W

Moreland Rd

POINT OF DIVERSION

PLACE OF USE

PU

23 24

26 25

35-08783

Moreland

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 35-08783

Priority: May 8, 1989

Maximum Diversion Rate:

0.29 CFS

Maximum Diversion Volume:

54.6 AF

This is to certify, that DENNIS LEAVITT
KENE A LEAVITT

220 N 740 W
BLACKFOOT ID 83221

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated May 8, 1989; and has submitted Proof of Beneficial Use on April 22, 1991. An examination indicates that the works have a diversion capacity of 0.350 cfs of water from a GROUNDWATER source, and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	04/01 to 10/31	0.27 CFS	54.0 AF
DOMESTIC	01/01 to 12/31	0.02 CFS	0.6 AF
	Totals	0.29 CFS	54.6 AF

LOCATION OF POINT(S) OF DIVERSION:

SWSE , Sec. 23, Township 02S, Range 34E
BINGHAM County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
02S	34E	23	SWSE	13.5		13.5

Total number of acres irrigated: 13.5

PLACE OF USE:

DOMESTIC, same as IRRIGATION use

CONDITIONS/REMARKS:

1. The maximum diversion volume is defined as the maximum allowable volume of water that may be diverted annually from the source under this right. The use of water confirmed by this right is limited to the amount that can actually be beneficially used. The maximum diversion volume may be adjusted to more accurately describe the beneficial use or to implement accepted standards of diversion and use efficiency.
2. This water right is appurtenant to the described place of use.
3. This right is subject to all prior water rights and may be forfeited by five years of non-use.
4. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
5. The use of water under this right shall not give rise to any claim against the holder of a senior water right based upon the theories of forfeiture, abandonment, adverse possession, waiver, equitable estoppel, estoppel by laches or customary preference.

APR 25 1995

State of Idaho
Department of Water Resources**WATER RIGHT LICENSE**

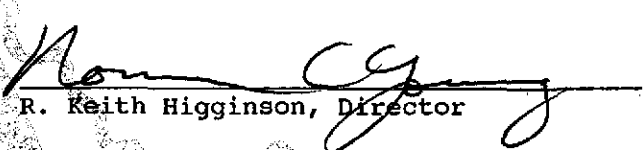
WATER RIGHT NO. 35-08783

CONDITIONS/REMARKS:

6. The Director retains jurisdiction of the right to incorporate the use into a water district, require streamflow augmentation or other action needed to protect prior surface water and groundwater rights.
7. This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 4.0 afa per acre for the lands above.
8. Domestic use is for 1 home.
9. Domestic use does not include lawn, garden, landscape, or other types of irrigation.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. Witness the seal and signature of the Director, affixed at Boise, this 20TH day of April, 1995.

Acting for


R. Keith Higginson, Director

APR 25 1995

RECEIVED

APR 22 1991

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

PROOF OF BENEFICIAL USE

For Office Use Only
Amt. of Fee \$ 106.00
Date 4-22-91
Receipt No. 6026272
Received by AK

Department of Water Resources

The Idaho Department of Water Resources will consider this form as a statement that the permit holder(s) has/have completed all development that will occur under this permit and that water has been applied according to the provisions of the permit for the beneficial use(s) described below. This form must be accompanied by a license examination fee or a completed field examination report prepared by a certified water right examiner who has been appointed by the department.

Permit No. 35-08783 Telephone No. 684-4842

Name(s) of Permit Holder(s): Dennis & Kenea Leavitt

Post Office Address: 220 N 740 W Blackfoot, Idaho 83221

Source of Water: Groundwater

If ground water, well driller's name: _____ Date drilled: _____

Extent of Use:
Domestic 1 (No. of households) Irrigation 13 (No. of acres)

Stockwater _____ (No. and type of stock) Remarks Domestic/same as

irrigation

Total rate and/or volume for which proof is submitted .30 cfs _____ acre/feet

Show date water was first diverted and beneficially used under this permit: _____

One of the following may be a condition of approval of your permit:

Measuring device: Required? Yes ☒ No Installed? Yes ☒ No

OR

Flow Measurement Port: Required? Yes ☒ No Installed? Yes ☒ No

Fee Enclosed: \$ 100.00 (See License Examination Fee Schedule)

Person to contact to accompany the Department representative during the field examination:

See Above
Name Telephone No.

Address

The above information is my true statement of the extent to which the above numbered permit has been developed and I relinquish any undeveloped portion of the permit to the state of Idaho.

MAY 31 1991

4-12-91 Kenea Leavitt
Date Signature (and title if on behalf of a company or organization)

State of Idaho
Department of Water Resources
Permit To Appropriate Water

NO. 35-08783

Proposed Priority: May 8, 1989

Maximum Diversion Rate:

0.30 CFS

This is to certify, that **KENEA LEAVITT**
DENNIS LEAVITT
220 N. 740 W.
BLACKFOOT, ID 83221

has applied for a permit to appropriate water from: **GROUNDWATER**
and a permit is **APPROVED** for development of water as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>
IRRIGATION	04/01 to 11/01	0.26 CFS
DOMESTIC	01/01 to 12/31	0.04 CFS
	Totals	0.30 CFS

LOCATION OF POINT(S) OF DIVERSION:

SWSE Sec. 23, Township 02S, Range 34E
BINGHAM County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
02S	34E	23	SWSE	13		13

Total number of acres irrigated: 13

PLACE OF USE: DOMESTIC, same as IRRIGATION use

CONDITIONS/REMARKS:

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before **May 1, 1991**.
2. Subject to all prior water rights.
3. Permit holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
4. The right to the use of water acquired under this permit shall not give rise to any right or claim against the holder of a senior right based upon the theories of forfeiture, abandonment, adverse possession, waiver, equitable estoppel, estoppel by laches or customary preference.
5. The Director retains jurisdiction of the permit and any license subsequently issued to incorporate the use into a water district, require streamflow augmentation or other action needed to protect prior surface water and groundwater rights.
6. The rate of diversion of water for irrigation under this permit and all other water rights on the same land shall not exceed 0.02 cubic feet per second for each acre of land.

MICROFILMED

MAY 23 1990

State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 35-08783

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code.
Witness the seal and signature of the Director, affixed at Boise, this

1st day of May, 19 90.

for J. Glen Saylor
R. Keith Higginson, Director

RECORDED

MAY 23 1990

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name of applicant Dennis Leavitt or Kenea Leavitt Phone 684-4842
Post office address 220 W. 740 W. Blackfoot, ID 83221
2. Source of water supply groundwater which is a tributary of _____
3. Location of point of diversion is _____ $\frac{1}{4}$ of SW $\frac{1}{4}$ of SE $\frac{1}{4}$, Govt. Lot _____
Sec. 23 Township 2 S. Range 34E B.M. Bingham County; additional
points of diversion if any: _____
4. Water will be used for the following purposes:
Amount 0.26 for Irrigation purposes from April 1 to Nov 1 (both dates inclusive)
(cfs or acre-feet per annum)
Amount 0.04 for Domestic purposes from Jan 1 to Dec 31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
5. Total quantity to be appropriated is (a) 0.30 and/or (b) _____
cubic feet per second acre feet per annum
6. Proposed diverting works:
a. Description of ditches, flumes, pumps, headgates, etc. well with two pumps, which supply water for one home & the irrigation with a sprinkler system.
b. Height of storage dam _____ feet; active reservoir capacity _____ acre-feet; total
reservoir capacity _____ acre-feet; period of year when water will be diverted to storage:
_____ to _____ inclusive.
c. ~~Proposed~~ ^{Existing} well diameter is 12 inches; proposed depth of well is 100 feet.
d. Is ground water with a temperature of greater than 90°F being sought? _____
7. Time required for the completion of the works and application of the water to the proposed beneficial use is
1 years (minimum 1 year).

MICROFILMED

MAY 23 1990

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. _____
- Municipal; show name of municipality. _____
- Domestic; show number of households. one.
- 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	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
25	34E	23															13		13

Total number of acres to be irrigated 13

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

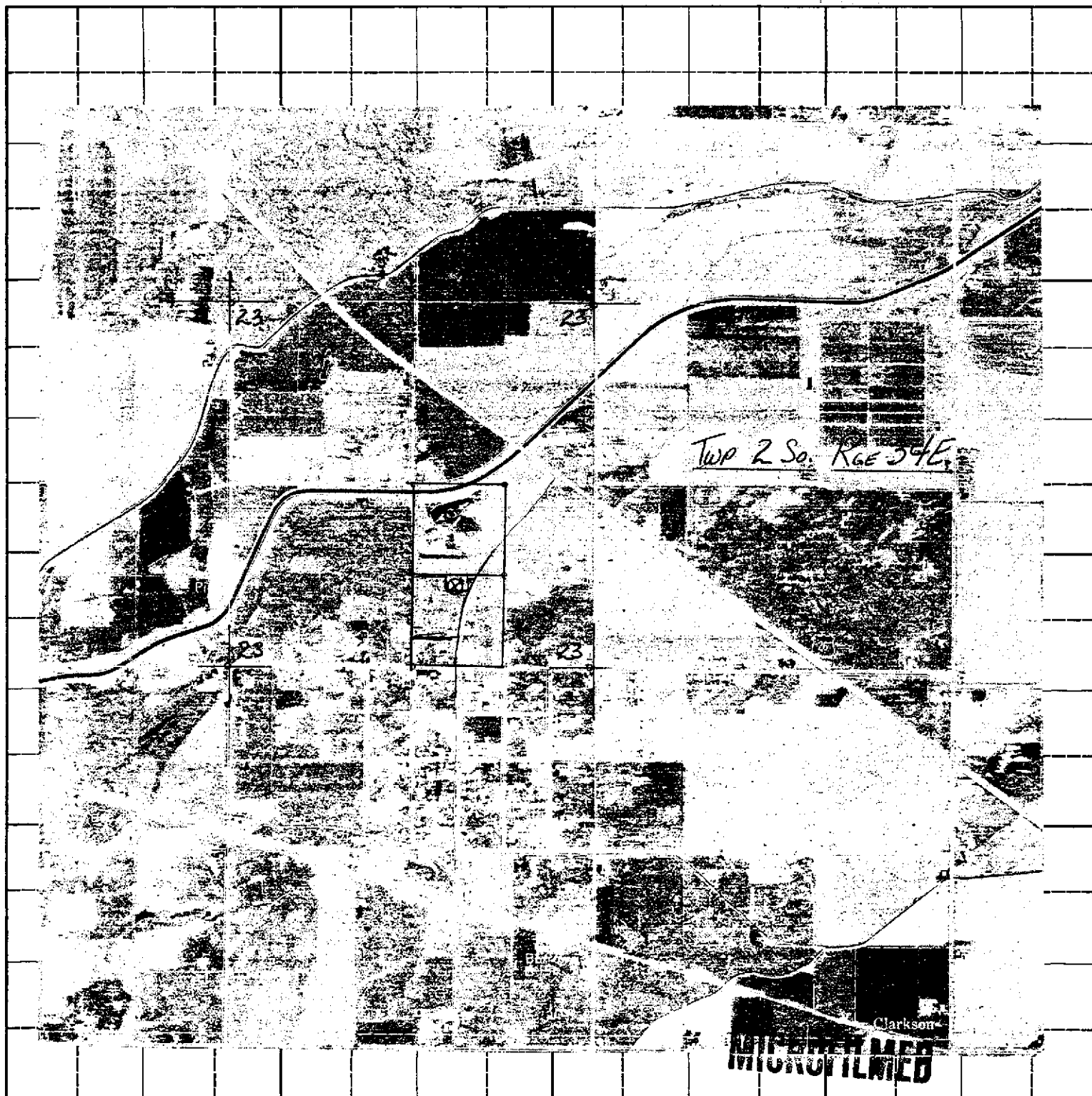
- Who owns the property at the point of diversion? Applicant
- Who owns the land to be irrigated or place of use? Applicant.
- If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing. _____

12. Remarks: Well was drilled in 1965 and put in use in 1966. It has been used continuously since then

MICROFILMED

MAY 23 1990

13. 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.

MAY 23 1990

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.

[Signature]
(Applicant)

Received by EMC Date 8 May 89 Time _____ Preliminary check by _____
Fee \$ 45.00 Receipted by EMC # E007244 Date 8 May 89
Publication prepared by AB Date 3-15-90 Published in Morning News
Publication approved aw Date 3-30-90

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. _____, and said application is hereby _____.

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 _____, 19 ____.
- c. The rate of diversion, if water is to be used for irrigation under this permit, when combined with all other water rights for the same land shall not exceed 0.02 cubic feet per second for each acre of land.
- d. The water right acquired under this permit if for hydropower purposes shall be junior and subordinate to all rights to the use of water, other than hydropower, within the State of Idaho that are initiated later in time than the priority of this permit and shall not give rise to any right or claim against any future rights to the use of water, other than hydropower, within the State of Idaho initiated later in time than the priority of this permit.
- e. Other:

Microfilm

MAY 23 1990



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

Phone: (208) 327-7900 FAX: (208) 327-7866

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

April 20, 1995

DENNIS LEAVITT
KENEAL LEAVITT
220 N 740 W
BLACKFOOT ID 83221

RE: WATER RIGHT NO. 35-08783

Dear Water Right Holder(s):

Enclosed is a copy of the Water Right License issued on the above referenced permit. If you have any questions, please contact me within 10 days of receipt of this license.

Sincerely,

A handwritten signature in cursive script that reads "Shelley W. Keen".

Shelley W. Keen
Water Rights Supervisor

SK:rl

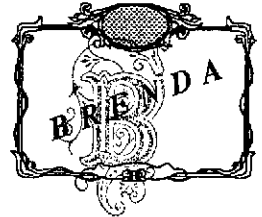
Enclosure

MICROFILMED

APR 25 1995

LICENSE REVIEW CHECKLIST

PERMIT NO. 35-08783 DATE 4-14-95



NAME Change OK ☒ Or Address Change? ☐

PRIORITY DATE Advance? ☒ Advanced to: Order to reinstate needed? Incorrect fee for rate recommended? NO

SOURCE Changes or just clarification of originally intended source? Notice of Intent to Void necessary? ☐

POINT OF DIV Amendment needed? Overlaps? ☐

PLACE OF USE Amendment needed? Overlaps? ☐

DIV RATE Permit/fee limits: .30 CFS
FROM SPRINKLER PUMP ONLY Meas Q = .23 Theo Q = .35 Recommend: .29
Note: DOMESTIC PUMP OUTPUT NOT MEASURED (THEORETICAL ADJUSTED/PL @ 27')
13.5 x .27 CFS DOM reduced to .02
Combined rates exceed capacity

ANNUAL VOLUME Volume Limit: Season: C/4.0 (4-1 to 10-31) NEW
Calculations: 13.5 acres x 4.0 = 54 gF
1 DOM/INTERNAL USE = .6 gF
Flow limit: cfs x x 1.9835 =
Combined volumes exceed capacity/allowable

USES Change in Nature of Use or additional uses? Amendment necessary? ☐

NEW REMARKS NO Multiple p/d(s) in 1/4 1/4?
(EDIT) WB5 Other WB3/WB8/WB7 (edit)

NEW CONDITIONS NO Watermaster control - District NO
NO Measuring/Locking Devices
OK B31 Irrigation Overlap -COVERED IN REMARKS
NO Other KEEP NON TRUST 048 + 049
NO Water Quality Heat/Cool/Fish verified

COMMENTS: Combination IRRIGATION/DOMESTIC SCENARIO: C/50 POU
COMPARISON REPORT SHOWS PEOPLE'S CANAL CO SHARED ON
THE FULL 40 ACRE TRACT. CONTACT OWNER. ✓ DONE/SEE MEMO

RECOMMENDATION	CFS	VOLUME	SRBA Claim Filed	NO
<u>Irrigation</u>	<u>.27</u>	<u>(54.0)</u>	<u>Adjustment Memo Needed</u>	<u>YES</u>
<u>Domestic</u>	<u>.02</u>	<u>.6</u>	<u>LICENSE</u>	<u>✓</u>
<u>Totals</u>	<u>.29</u>	<u>54.6</u>	<u>1ST AMEND LETTER</u>	
			<u>2ND AMEND LETTER</u>	

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

RECEIVED
DEC 08 1994
Department of Water Resources

A. GENERAL INFORMATION

Permit No. 35-08783

1. Owner: Dennis & or Kenea Leavitt

Phone No. 684-4842

Current Address: 220 N 740 W Blackfoot Idaho 83221

2. Accompanied by: Owner

EXAM DATE: 3 August 1994

Address: _____

Phone No. _____

Relationship to Permit Holder: _____

3. Source: Groundwater

tributary to _____

B. OVERLAP REVIEW

1. Other water rights with the same place of use: None

2. Other water rights with the same point of diversion: None

C. DIVERSION AND DELIVERY SYSTEM

1. Point(s) of Diversion:

Ident No.	Gov't Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Method of Determination/Remarks
			SW	SE	23	23	34E	Bingham	On site visit / Air Photo / USGS Topo

2. Place(s) of Use:

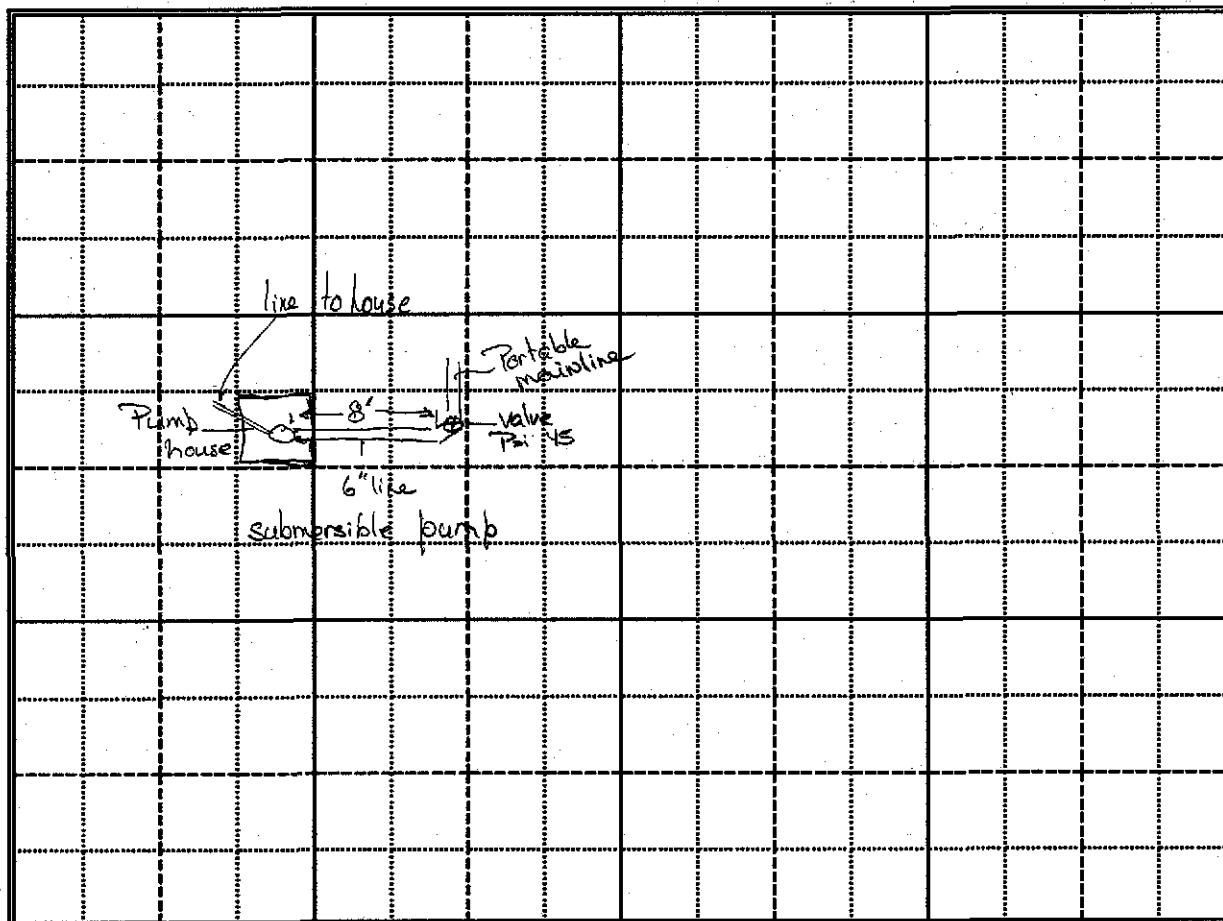
Indicate Method of Determination

TWP	RGE	SEC	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
* 2S	34E	23												13					
														Δ					

APR 25 1995

* See attached memo. *BL*

3. **Delivery System Diagram:** Indicate all major components and distances between components. Indicate weir size/ditch size/pipe i.d. as applicable.



Scale: 1" = _____

____ Copy of USGS Quadrangle Attached Showing location(s) of point(s) of diversion and place(s) of use (required).

____ Aerial Photo Attached (required for irrigation of 10+ acres)

____ Photo of Diversion and System Attached

4.

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
		7.5			6"

*Code to correspond with No. on map and aerial photo

D. FLOW MEASUREMENTS

1.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date

2. Measurements: 1. Depth to water = 17' Pump discharge pressure = 45 psi

DEC 8 2001

APR 25 1995

E. NARRATIVE/REMARKS/COMMENTS

1. Well line 23 Nozzels at 5/32"

1st Nozzel @ 38 psi

last Nozzel @ 38 psi - 2 readings for confirmation

2. The well has two pumps. One supplies the house the other supplies the irrigation system.

Have conditions of permit approval been met? ☒ yes ☐ no

Michael W. W.

APR 25 1995

F. FLOW CALCULATIONS

____ Additional Computation Sheets Attached

Measured Method:

$$1. (23 \text{ } 5/32 \text{ nozzles at } 38 \text{ psi}) \left(\frac{4.49 \text{ gallons}}{\text{min nozzle}} \right) \left(\frac{1 \text{ cfs}}{1.488 \text{ gpm}} \right) = .23 \text{ cfs}$$

$$* 2. Q = 7.5 \cdot 8.814 \cdot .7 / 17 + 45 \cdot 2.308 = \frac{46.274}{120.860} = .38 \text{ cfs.}$$

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$$V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = (13 \text{ acres} \times 4.0 \text{ Af}) = 52 \text{ Af}$$

$$* V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 = (.26 \times 214) \times (1.9835) = 110.36$$

$$V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} = 52 \text{ Af}$$

2. Volume Calculations for Other Uses:

$$Vol_{DOM} = 1.2 \text{ af}$$

H. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (afa)
	From	To		
Irrigation	1 April	1 Nov	.26 cfs	52 af
Domestic	1 Jan	31 Dec	.04 cfs	1.2 af
Totals:			.30 cfs	53.2

2. Recommended Amendments

☐ Change P.D. as reflected above ☐ Add P.D. as reflected above ☒ None
☐ Change P.U. as reflected above ☐ Add P.U. as reflected above ☐ Other

I. AUTHENTICATION

Field Examiner's Name Dennis M Dunn Date 4 August 1994

Reviewer Kathy C Wilson Date 2 Dec 94

SEAL

* See attached adjustment explanation memo. @

APR 25 1995

MEMORANDUM

TO: File 35-08783 / Dennis Leavitt
FROM: Brenda Chapman
DATE: April 14, 1995
RE: Recommendation Adjustment(s)
Telephone Conversation
=====

Per telephone conversation today with Dennis Leavitt, this permit will not be recommended as a supplemental groundwater right. Dennis stated that there has not been any surface water used on that land for at least 20 years.

He also explained that the house lawn, landscaping and garden irrigation was in addition to and separate from the 13 acres. Therefore, the recommendation will be for the irrigation of 13.5 acres and internal domestic use. This conforms the recommendation to the current guidelines for processing combination domestic and irrigation rights.

The final licensing recommendations are as follows:

C. DIVERSION AND DELIVERY SYSTEM

2. Place of Use: The place of use on both exam maps is in the SWSE $\frac{1}{4}$ of Section 23, which also coincides with the permit location. Since the examiner has not recommended amending the place of use location, it appears that the SESW $\frac{1}{4}$ was marked accidentally.

F. FLOW CALCULATIONS

The recommended capacity has been reduced based on an adjustment to the theoretical calculation. The pumping level has been increased to 27' rather than using the static water level of 17'. The theoretical result has been chosen for the system capacity because only one of the two pumps on the system, the irrigation one, had an output estimation from the sprinklers.

$$\frac{8.8 \times .7 \times 7.5 \text{ hp}}{27' + (2.31 \times 45 \text{ psi})} = .35 \text{ cfs}$$

- continued -

APR 25 1995

H. RECOMMENDATIONS

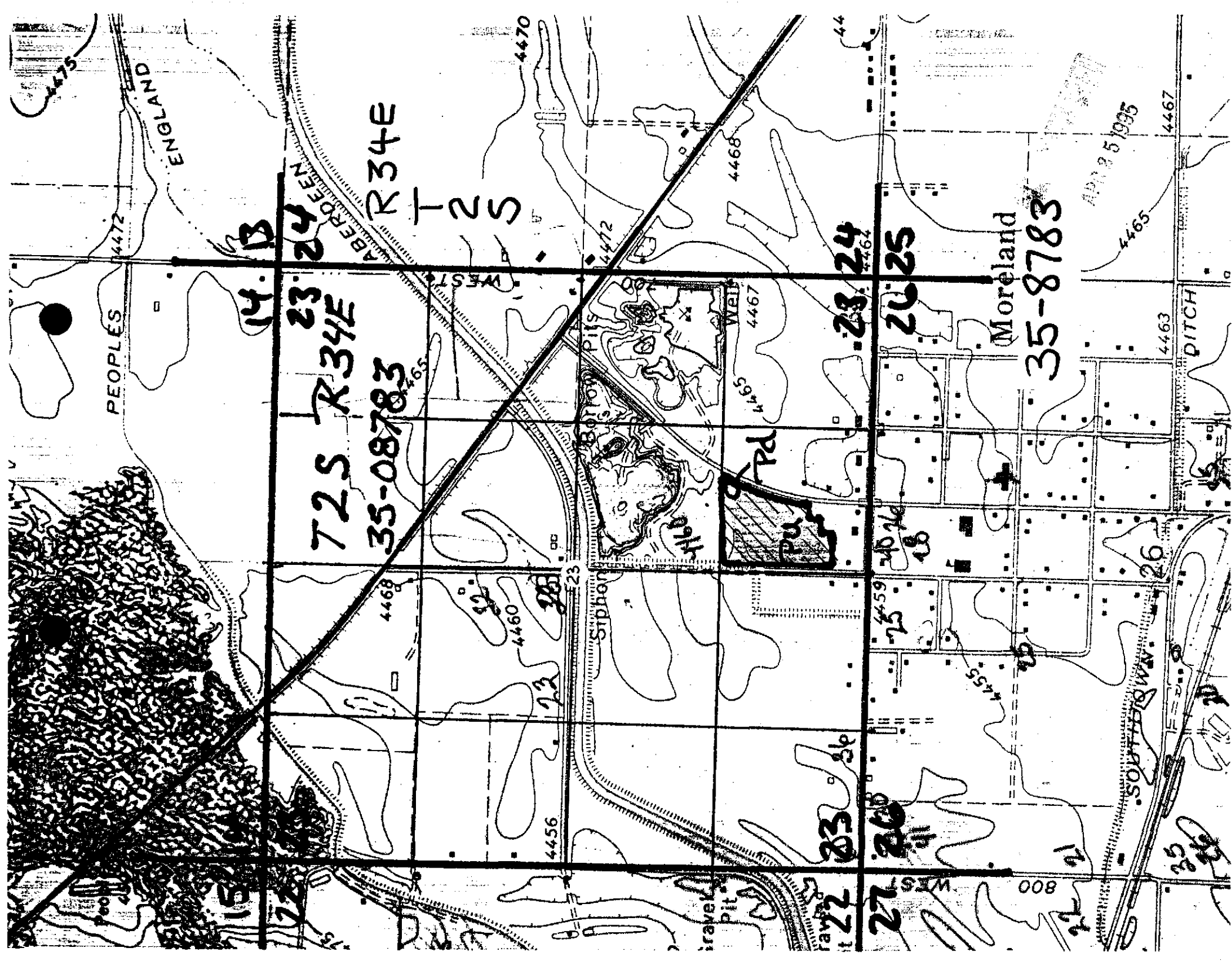
1. Recommended Amounts

Beneficial Use	Period of Use	Rate of Div	Annual Vol
Irrigation	4-01 to 10-31	.27	54.0
Domestic	1-01 to 12-31	.02	.6

See items F & G.

The irrigation season dates are adjusted to the currently used Field Headgate Requirement and Season of Use chart standards.

APR 25 1995



R34E

R11

T73C
922

R34E

T25

35-08783

T25 R34E

R

POINT OF DIVERSION

PLACE OF USE

23 24

26 25

35-08783

May 3, 1991

KENEA LEAVITT
DENNIS LEAVITT
220 N. 740 W.
BLACKFOOT, ID 83221

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 35-08783

Dear Permit Holder:

The department acknowledges receipt of the proof of beneficial use form submitted for the above referenced permit. The next step in the process of developing a water right is for the department to conduct a field examination to determine and confirm the use being made of the water.

If you have questions concerning this matter, please feel free to contact the EASTERN Regional Office in Idaho Falls at (208)525-7161.

Sincerely,

Rita Fleck
Secretary/Records Manager

c: IDWR - Region

RECORDED

MAY 31 1991

138127
February 28, 1991

KENEA LEAVITT
DENNIS LEAVITT
220 N. 740 W.
BLACKFOOT, ID 83221

PROOF DUE NOTICE

RE: PERMIT NO. 35-08783

Dear Permit Holder:

One of the conditions of approval of the above referenced water permit was that proof of the extent of your beneficial use must be submitted to this office on or before May 1, 1991. (See last page of your approved permit or your last approved extension request.) Enclosed is a form which when accompanied by the license examination fee or a complete field examination report prepared by a certified water right examiner may be used to submit the required proof.

If you have not fully completed your project, and you or a previous owner of this permit have not received a prior extension of time, you may request an extension of time if the delay is for reasonable cause as provided in Section 42-204, Idaho Code. If you have been prevented from proceeding by a governmental agency or by litigation which might bring title to the water in question, more than one extension of time can be granted. An extension of time request form is enclosed for your convenience.

Either an acceptable proof of beneficial use submittal or an acceptable request for an extension of time must be received by this department on or before the above described proof due date. If neither is received, the department will send you a lapse notice. Within sixty (60) days of the mailing of the lapse notice, the permit will no longer be of any force nor effect.

SINCERELY,

Rita Fleck
Secretary/Records Manager

Enclosures

MAY 31 1991

S T A T E O F I D A H O
DEPARTMENT OF WATER RESOURCES

Statehouse
Boise, Idaho 83720
(208) 327-7900
May 1, 1990

KENEA LEAVITT
DENNIS LEAVITT
220 N. 740 W.
BLACKFOOT, ID 83221

PERMIT APPROVAL NOTICE

RE: PERMIT NO. P35-08783

Dear Permit Holder:

Enclosed is a copy of your approved application for permit. We direct your attention to the conditions of approval on the final page.

You should be aware that the groundwater you propose to divert is located within a drainage basin where surface waters are regulated during the months of low flow. It is possible that diversion of groundwater may have an adverse impact on these surface water flows. Information available to us at this time does not warrant refusing to issue permits in your area, but we do caution that diversions of groundwater are not allowed to deplete flows available for surface water users with earlier priority dates. Siting your well as far from surface sources as possible and casing out upper water producing zones may reduce the potential of interference.

Section 42-235, Idaho Code, requires that a "drilling permit" must be obtained from the department for all wells constructed after July 1, 1987. A drilling permit is a separate permit that must be issued in addition to your permit to appropriate water. Commencement of well construction or diversion of water under your permit to appropriate water is prohibited unless a drilling permit is obtained.

We have enclosed a form entitled "Instructions for Proof of Beneficial Use". Please read the instructions carefully since you must take further action to develop this permit. Also enclosed for your convenience is a form entitled "Proof of

MAY 23 1990

Beneficial Use" that must be submitted to the Department when your project is completed. If development is complete, you may submit proof of beneficial use immediately.

Sincerely,

GARY SPACKMAN, Supervisor
Water Right Permits Section

GS: SC
Enclosures

RECORDED
INDEXED

MAY 23 1990

DEPT. OF WATER RESOURCES
150 Shoup Ave., Suite 15
Idaho Falls, Idaho 83402

NOTICE OF APPLICATION
FOR WATER RIGHT

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

27-07457

SITZMANN, David R.
213 E. 200 N.
Blackfoot, Idaho 83221
Source: GROUNDWATER
Diversion Pt: NWNW, Sec. 28, T. 02S, R.
36E.
Use: IRRIGATION (.100 CFS).
DOMESTIC (.040 CFS).
Total Diversion: (.140 CFS).
Date Filed: 3/15/1989.
In: T02S, R36E, S28, NWNW.
5.0 ACRES TOTAL.

27-07458

HUGIE, Vaughn
HUGIE, Yonula
107 E. 200 N.
Blackfoot, Idaho 83221
Source: GROUNDWATER
Diversion Pt: NWNWNW, Sec. 29, T. 02S/
R. 36E.
Use: IRRIGATION (.200 CFS).
STOCKWATER (.040 CFS).
Total Diversion: (.200 CFS).
Date Filed: 3/13/1989.
In: T02S, R36E, S29, NWNW.
10.0 ACRES TOTAL.

35-08783

LEAVITT, Kenea
LEAVITT, Dennis
220 N. 740 W.
Blackfoot, Id. 83221
Source: GROUNDWATER
Diversion Pt: SWSE, Sec. 23, T. 02S, R.
34E.
Use: IRRIGATION (.260 CFS).
DOMESTIC (.040 CFS).
Total Diversion: (.300 CFS).
Date Filed: 5/08/1989.
In: T02S, R34E, S23, SWSE.
13.0 ACRES TOTAL.

35-08784

THOMAS, Victor J.
909 W. Highway 26
Blackfoot, Idaho 83221
Source: GROUNDWATER
Diversion Pt: NESESE, Sec. 9, T. 02S, R.
34E.
Use: IRRIGATION (.100 CFS).
STOCKWATER (.020 CFS).
DOMESTIC (.020 CFS).
Total Diversion: (.140 CFS).
Date Filed: 5/02/1989.
In: T02S, R34E, S09, NESE, SESE.
5.0 ACRES TOTAL.

35-08785

MATTHEWS, Samuel Murray
1420 W. 800 S.
Pingree, Id. 83262
Source: GROUNDWATER
Diversion Pt: NESWSE, Sec. 10, T. 04S, R.
33E.
Use: IRRIGATION (.440 CFS).
Total Diversion: (.440 CFS).
Date Filed: 6/23/1989.
In: T04S, R33E, S10, SWSE, SESE.
22.0 ACRES TOTAL.

35-08786

WADDOUPS, Verl J.
44 S. 600 W.
Blackfoot, Idaho 83221
Source: GROUNDWATER
Diversion Pt: SENWSE, Sec. 20, T. 04S, R.
33E.
Use: IRRIGATION (1.780 CFS).
Total Diversion: (1.780 CFS).
Date Filed: 5/15/1989.
In: T04S, R33E, S20, NESE, NWSE, SWSE,
SESE.
160.0 ACRES TOTAL.

35-08787

THOMAS, Dorris L.
Rt. 2, Box 1310
Ketchikan, Al 99901
Source: GROUNDWATER
Diversion Pt: NWSENE, Sec. 2, T. 03S, R.
32E.
Use: IRRIGATION (1.560 CFS).
Total Diversion: (1.560 CFS).
Date Filed: 5/26/1989.
In: T03S, R32E, S02, NENE, NWNE.

RECEIVED

MAR 29 1990

Department of Water Resources
Eastern District Office

AFFIDAVIT of PUBLICATION

County of Bingham)

State of Idaho)

I, Ted Townsend do
solemnly

swear that I am the Publisher of
The Morning News which is a daily newspaper of
general circulation published each day except Sunday
at Blackfoot, Bingham County, Idaho, said newspaper
having been so published at Blackfoot, aforesaid for
more than one year past; that said newspaper
heretofore complied with all the provisions of Chapter
154 of the Sessions Laws of Idaho of 1933, approved
March 11, 1933, and duly designated, pursuant to law,
a particular day of the week as the day on which legal
notices required by law or by the order of any Court of
competent jurisdiction within the State of
Idaho shall be published to-wit: of each week; that the
notice attached hereto and which is a part of this af-
fidavit and part of the proof of publication was
published in said issue or said

newspaper two consecutive weeks,

the first publication having been made on the

15th day of March, 19 90;

and the last publication having been made on the
22nd day of March, 19 90;
that said notice was published in the regular and entire
issue of every number of the paper as aforesaid during
the period and time of publication, and that notice was
published in the newspaper and not in a supplement.

On this 26th day of March, in
the year 1990 before me a Notary Public of said State,
personally appeared

Ted Townsend
known or identified to me to be the person whose
name is subscribed to the within instrument, and being
by me first duly sworn, declared that the statements
therein are true, and acknowledged to me that he ex-
ecuted the same.

Ray Dayton
Notary Public for the State of Idaho,
Residing at Blackfoot, Idaho
My commission expires
November 10, 1994

Affidavit Processing fee..... \$5.00

RECORDED

MAY 23 1990

STATE OF
DEPARTMENT OF WATER RESOURCES
Eastern Region
Shoup Ave., Suite 15

Idaho Falls, Idaho 83402
(208) 525-7161

MARCH 7, 1990

THE MORNING NEWS
P.O. BOX 70
BLACKFOOT, ID 83221

Gentlemen:

Enclosed you will find a legal notice which we wish to have published on the dates indicated (once a week for two consecutive weekly issues) in your newspaper. 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. Your cooperation is appreciated.

Please send the affidavit of publication and publication billing to this office before APRIL 2, 1990.

Yours truly,

Rita Bodell
Secretary

Encl.

MICROFILMED

MAY 23 1990

35-08783

LEAVITT, KENEA
LEAVITT, DENNIS
220 N. 740 W.
BLACKFOOT, ID 83221

Source: GROUNDWATER

Diversion Pt: SWSE Sec 23 T 02S R 34E

Use: IRRIGATION (.260 CFS)
DOMESTIC (.040 CFS)
Total Diversion: (.300 CFS)

Date Filed: 5/08/1989

In: T02S R34E S23 SWSE

13.0 ACRES TOTAL

MICROFILMED

MAY 23 1990

the permit(s) will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec. 42-203B, Idaho Code and/or the new public interest criteria of Sec. 42-203C, Idaho Code. Protests must be filed with the Director, Dept. of Water Resources, 150 Shoup Ave., Suite 15, Idaho Falls, Idaho 83402 on or before APRIL 2, 1990.

R. Keith Higginson, Director

Published 3/15/1990 & 3/22/1990

MICROFILMED

MAY 23 1990

26-Feb-1990

Dennis or Kenea Leavitt
220 N. 740 W.
Blackfoot, ID 83221

RE: Application for Permit No. 35-8783

Dear Water Right Applicant:

The Department of Water Resources acknowledges receipt of your water right permit. This office is currently in the process of advertising the application in the Morning News on March 15 & 22, 1990. The advertisement will be published for two consecutive weeks, and a period of ten days following the second publication will be allowed for the submittal of protests.

If the application is protested, you will be sent a copy of the protest. The protest must be resolved before the application is approved or denied. If the protest is not resolved voluntarily, this Department will conduct a conference and/or hearing on the matter.

If the application is not protested, it will be forwarded to our state office in about five weeks. State office personnel will conduct a complete review prior to final processing of the application and will notify you of the outcome of this review. When a permit is issued, you will be sent a copy. A typical processing time for an unprotested application is about eight weeks.

Please feel free to contact this office if you have any questions regarding this procedure.

Sincerely,

HAROLD W. JONES
Water Rights Supervisor

HWJ/rb

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MAY 23 1990

21-Jul-1989

Dennis or Kenea Leavitt
220 N. 740 W.
Blackfoot, ID 83221

RE: Application for Permit No. 35-8783

Dear Water Right Applicant:

The Department of Water Resources acknowledges receipt of your application for water right permit. The application has been assigned the identification number listed above. Please refer to this number in all future correspondence.

The Department can not proceed with the processing of your application at this time. It seeks the appropriation of water within the area covered by the civil suit of Idaho Power Company vs. Idaho Department of Water Resources, et al., Ada County Civil No. 81375 (Swan Falls Suit). Until there has been a final resolution to this suit and rules and regulations promulgated for considering new appropriations, the processing of applications in this area has been suspended. During the interim, your application will be held in this office.

The staff in our office will be glad to answer any questions you have concerning the above matter.

Respectfully submitted,

Harold W. Jones
Water Rights Supervisor
HWJ/rb

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MAY 23 1990