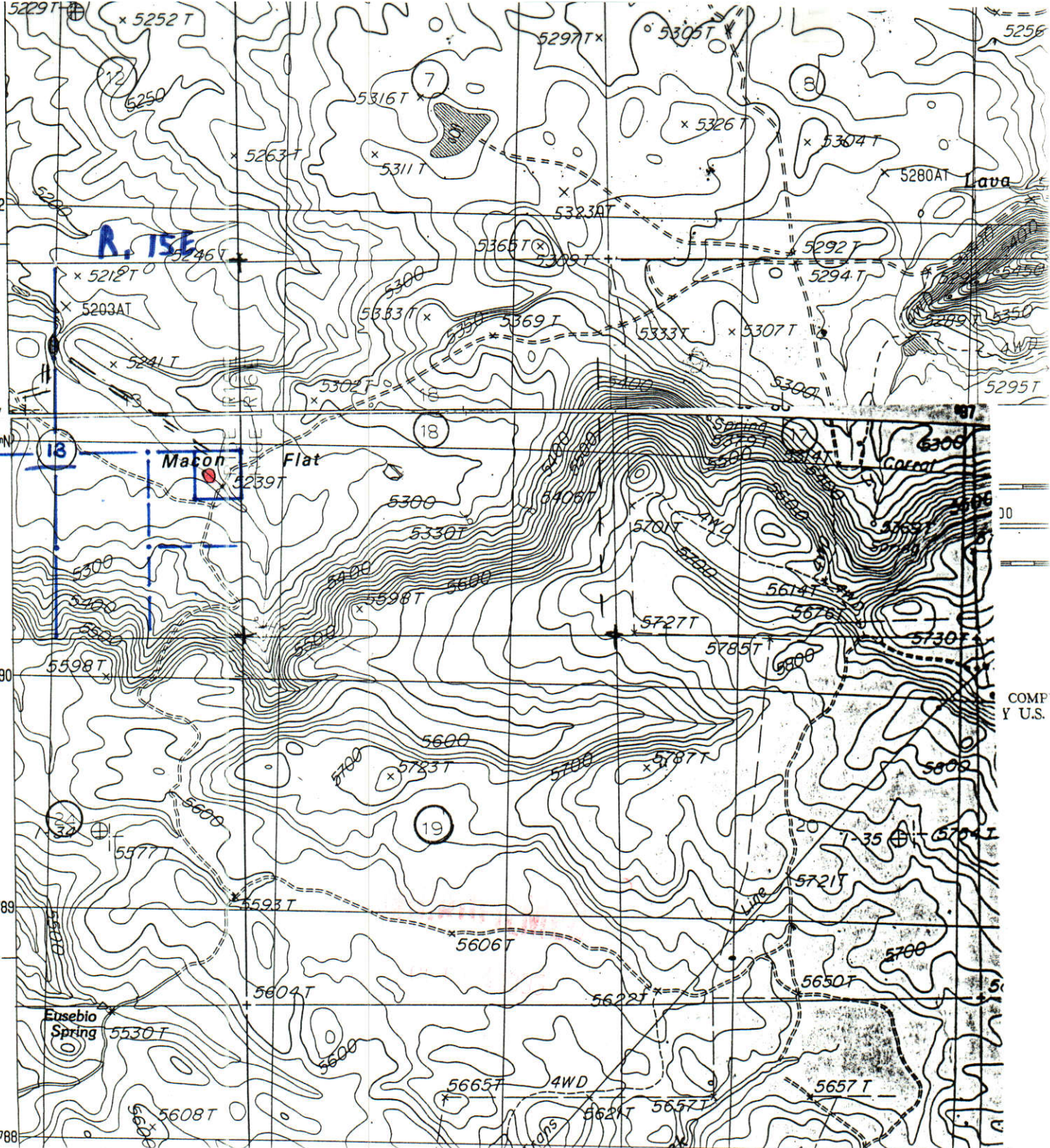
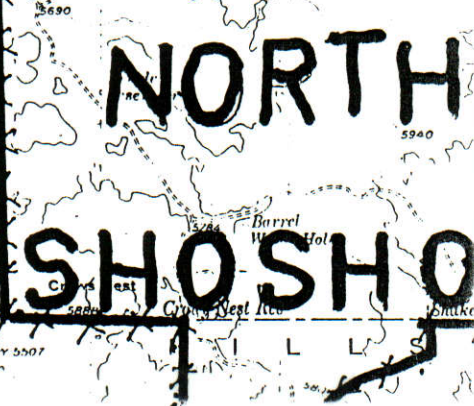




COMP
Y U.S.

[illegible]

Application for permit to appropriate the public waters of
Orie S. Leavell
 (Applicant) OCT 04 1995

(Applicant)

OCT 04 1995

State of Idaho
Department of Water Resources
Permit To Appropriate Water

NO. 37-08781

Proposed Priority: January 21, 1992

Maximum Storage Volume:

1.0 AF

This is to certify, that **ALONZO B LEA VELL**

ORIE S LEA VELL

PO BOX 54

GOODING ID 83330-0054

has applied for a permit to appropriate water from:

UNNAMED STREAM

tributary of **SPRING CREEK**

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>	<u>ANNUAL VOLUME</u>
STOCKWATER STORAGE	01/01 to 12/31		1.0 AF
STOCKWATER FROM STORAGE	04/01 to 12/01		1.0 AF
	Totals		1.0 AF

LOCATION OF POINT(S) OF DIVERSION:

NENESE , Sec. 13, Township 02S, Range 15E
CAMAS County

PLACE OF USE: STOCKWATER STORAGE

TWN RGE SEC

02S 15E 13

NESE

PLACE OF USE: STOCKWATER FROM STORAGE, same as STOCKWATER STORAGE use

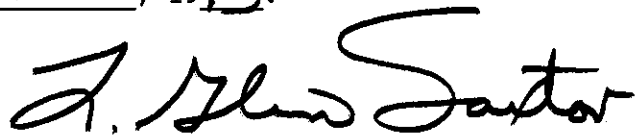
CONDITIONS OF APPROVAL AND REMARKS

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before **October 1, 1996**.
2. Subject to all prior water rights.
3. Use of water under this right is subject to control by the watermaster of State Water District No. 37.
4. Stockwater from storage use is for 1000 range cattle and horses.
5. This permit authorizes an annual volume of water to fill the pond and the amount required to replace losses through evaporation.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code.

Witness the signature of the Director, affixed at Boise, this

29th day of September, 1995.



Karl J. Dreher, Director

for

001 84 055

Form 202
6/85
RECEIVED

JAN 21 1992

RECEIVED
SEP 25 1995

Ident. No. 37-08781

STATE OF IDAHO
Department of Water Resources
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

Department of Water Resources To appropriate the public waters of the State of Idaho
Southern Region Office

1. Name of applicant Orie S. ^{ADD} or Alonzo B. Leavell Phone 934 8598

Post office address P.O. Box 54 Gooding, Idaho 83330

2. Source of water supply Unnamed ~~Spring~~ Stream ^W which is a tributary of Spring Creek

3. Location of point of diversion is NE ¼ of NE ¼ of SE ¼, Govt. Lot

Sec. 13 Township 2 S Range 15 E B.M. Camas County; additional

points of diversion if any: _____

4. Water will be used for the following purposes:

Amount 1AF for Storage for Stockwater purposes from 4/1 to 12/31 (both dates inclusive)
(cfs or acre-feet per annum)

Amount 1AF for Stockwater From Storage purposes from 4-1 to 12-1 (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) _____ and/or (b) 1AF
cubic feet per second acre feet per annum

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. 4-6 ft Dam with spillway into
natural waterway

b. Height of storage dam 4-6 ft. feet; active reservoir capacity 1 acre-feet; total
reservoir capacity 1-2 acre-feet; period of year when water will be diverted to storage:
1/1 to 12/31 inclusive.

c. Proposed well diameter is _____ inches; proposed depth of well is _____ 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 year years (minimum 1 year).

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. 1000 head beef cattle and horses
- Municipal; show name of municipality. _____
- Domestic; show number of households. _____
- Other; describe fully. _____

9. Description of place of use:

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

TWP	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
2S	~~16E~~	13	~~S~~	~~S~~	~~S~~	~~S~~	~~S~~	~~S~~							SR	~~S~~			~~320~~
																			Plus adjoining
																			B.L.M.

SS = Stock Storage, SR = Stockwater From Storage

Total number of acres to be irrigated None

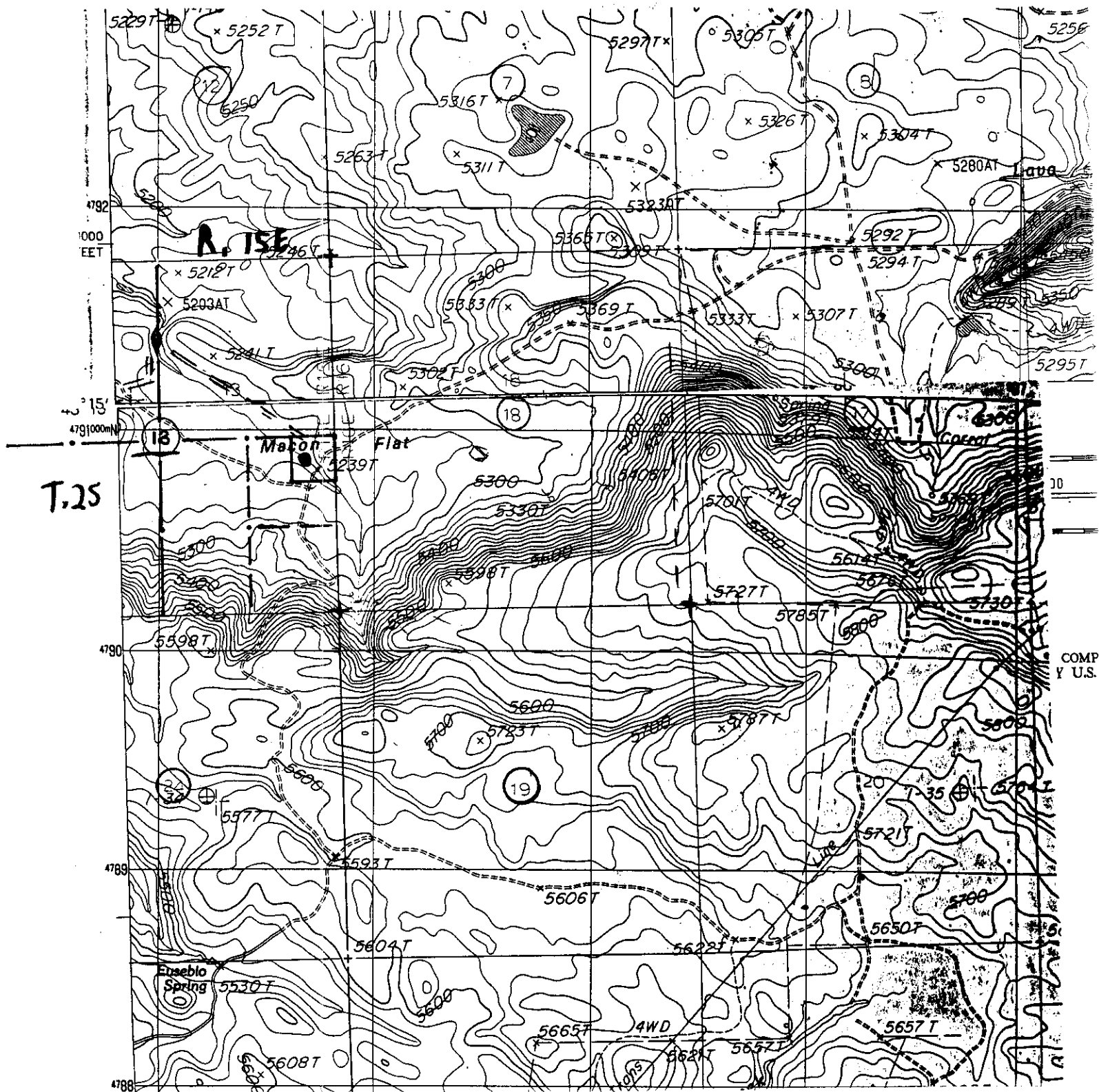
10. Describe any other water rights used for the same purposes as described above. _____

11. a. Who owns the property at the point of diversion? Orie S. & Alonzo B. Leavell

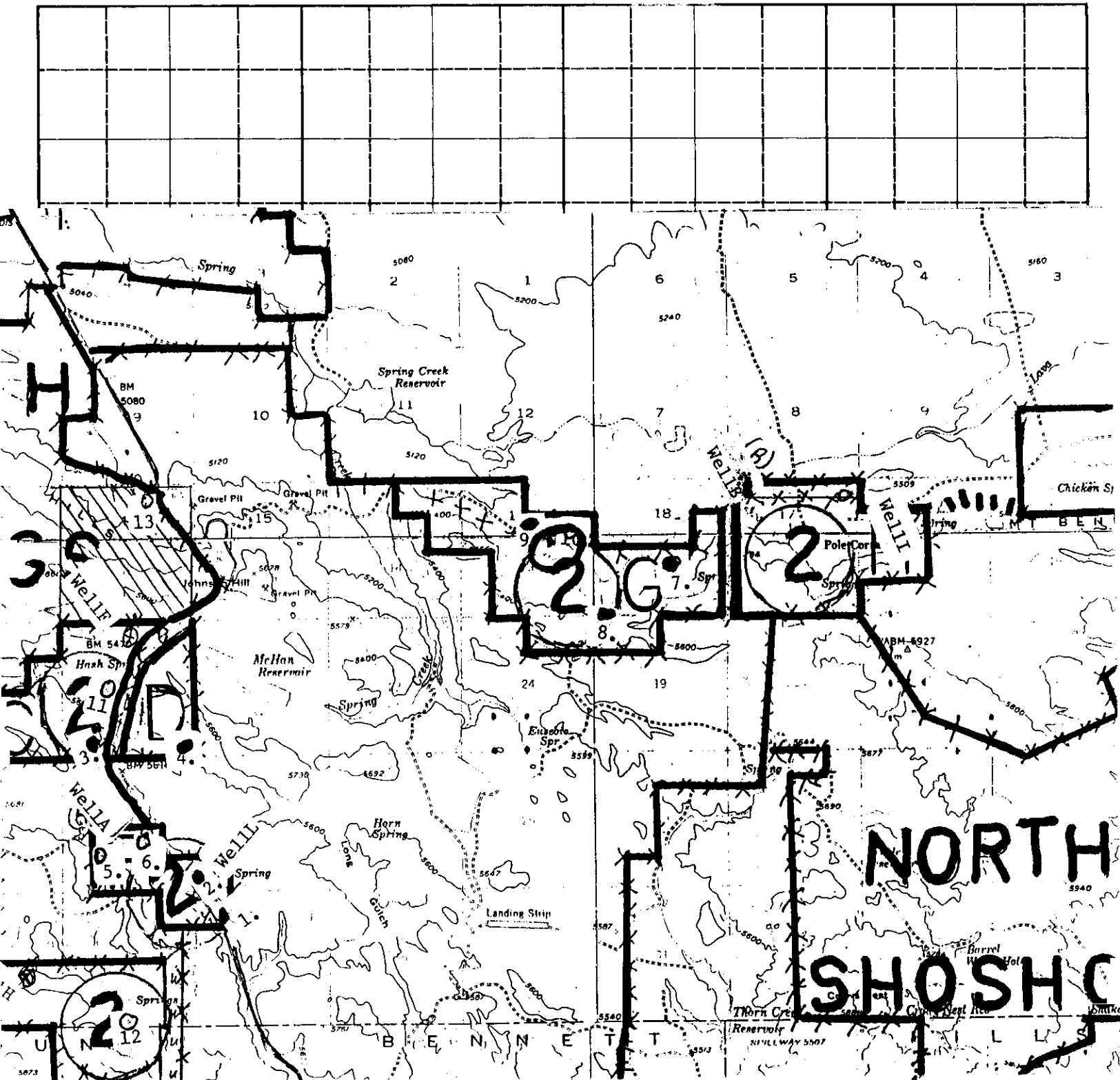
b. Who owns the land to be irrigated or place of use? Orie S. & Alonzo B. Leavell

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing. N/A

12. Remarks Subject property and adjoining Range rights have been acquired by applicants in recent years. Up to 3000 head of cattle has been seasonally grazed in the area of subject water for the past 50 plus years. The total animal unit grazing (Stock water consumption) is not being changed; however the period of use is shortened, thus a larger number of cattle utilizes the same grazing (Stock water) for a shorter period of time which necessitates more accessible stock water for the shorter grazing period.



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



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.

Orie S. Leavell

Orie S. Leavell

(Applicant)

OCT 04 1900

Received by RF Date 1-21-92 Time 1:15 Preliminary check by JF Stanton
Fee \$ 30 Receipted by DJ # 5014081 Date 1/21/92
Publication prepared by MB Date 2-19-92 Published in The Snowshoe
Publication approved MBaldwin Date 1-13-92

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:

OCT 04 1992

THE SNOWSHOE



STATE OF IDAHO
DEPT. OF WATER RESOURCES
222 SHOSHONE ST E
TWIN FALLS, ID 83301
ADV.

RECEIVED

MAR 05 1992

Department of Water Resources
Southern Region Office

SCHOOL EDITION

\$.20 Volume 16 No. 9 Box 370, Fairfield, ID 83327

March 3, 1992

\$.20 Volume 16 No. 10 Box 370, Fairfield, ID 83327

March 10, 1992

AFFIDAVIT OF PUBLICATION

RECEIVED

APR 01 1992

STATE OF IDAHO)
ss.)
County of Camas)

Department of Water Resources
Southern Region Office

Mark Williamson, being first duly sworn, deposes and says that he/she is the designated agent for publisher of the Snowshoe, a newspaper published every week in Fairfield, County of Camas, State of Idaho, that said newspaper has been continuously and uninterruptedly published for a period of seventy-eight consecutive weeks prior to the first publication of the annexed notice, and is a newspaper qualified to publish legal notices as provided by act of the 1919 session of the legislature of the State of Idaho, known as House Bill 145; that the annexed advertisement, a copy of which is hereto attached, was published once each week for 2 consecutive issues in said newspaper proper and not in a supplement; that the date of the first publication of said advertisement was on the 34 day of March, 19 92, and the date of the last publication was on the 10 day of March, 19 92.

Mark Williamson

Subscribed and Sworn to before me this 30 day of

Mar, 19 92.

Flora
Notary Public in and for
The State of Idaho.
Residing at Fairfield.

THE SNOWSHOE
Fairfield, Idaho
Cost of Publication

Number of lines in notice 278
Number of insertions 2
Cost for advertisement 336.38

Please pay
mb
4/10/92

OCT 04 1995

Legal Notice

NOTICE OF APPLICATION FOR WATER RIGHT

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

LEA VELL, ORIE S
LEA VELL, ALONZO B
PO BOX 54
GOODING, ID 83330

Source: SPRING CREEK
Tributary: CANAL CREEK
Diversion Pt: SEE SEC 11 T 22S R 15E IN CANAL COUNTY.

Use: STOCKWATER STORAGE
STOCKWATER FROM STORAGE
Total Diversion: (1.00 AFS)
(1.00 AFS)
(1.00 AFS)

Date Filed: 1/21/1992
In: CANAL County
TOWN RISE 513

37-08771

LEA VELL, ORIE S
LEA VELL, ALONZO B
PO BOX 54
GOODING, ID 83330

Source: UNNAMED STREAM
Tributary: SPRING CREEK
Diversion Pt: SEE SEC 11 T 22S R 15E IN CANAL COUNTY.

Use: STOCKWATER STORAGE
STOCKWATER FROM STORAGE
Total Diversion: (1.00 AFS)
(1.00 AFS)
(1.00 AFS)

Date Filed: 1/21/1992
In: CANAL County
TOWN RISE 513

37-08772

LEA VELL, ORIE S
LEA VELL, ALONZO B
PO BOX 54
GOODING, ID 83330

Source: THORN CREEK
Tributary: RYO WOOD RIVER
Diversion Pt: SEE SEC 14 T 22S R 15E IN CANAL COUNTY.
SEE SEC 14 T 22S R 15E IN CANAL COUNTY.

Use: STOCKWATER STORAGE
STOCKWATER FROM STORAGE
Total Diversion: (.20 AFS)
(.20 AFS)
(.20 AFS)

Date Filed: 1/21/1992
In: CANAL County
TOWN RISE 514

37-08773

LEA VELL, ORIE S
LEA VELL, ALONZO B
PO BOX 54
GOODING, ID 83330

Source: RYO WOOD RIVER
Tributary: THORN CREEK
Diversion Pt: SEE SEC 17 T 22S R 15E IN CANAL COUNTY.

Use: STOCKWATER STORAGE
STOCKWATER FROM STORAGE
Total Diversion: (.20 AFS)
(.20 AFS)
(.20 AFS)

Date Filed: 1/21/1992
In: CANAL County
TOWN RISE 513

37-08774

LEA VELL, ORIE S
LEA VELL, ALONZO B
PO BOX 54
GOODING, ID 83330

Source: SPRING CREEK
Tributary: SPRING CREEK
Diversion Pt: SEE SEC 11 T 22S R 15E IN CANAL COUNTY.

Use: STOCKWATER STORAGE
STOCKWATER FROM STORAGE
Total Diversion: (.20 AFS)
(.20 AFS)
(.20 AFS)

Date Filed: 1/21/1992
In: CANAL County
TOWN RISE 512

37-08775

Legal Notice

37-08776

ORIE S
ALONZO B
GOODING, ID 83330

Source: UNNAMED STREAM
Tributary: SPRING CREEK
Diversion Pt: SEE SEC 11 T 22S R 15E IN CANAL COUNTY.

Use: STOCKWATER STORAGE
STOCKWATER FROM STORAGE
Total Diversion: (1.00 AFS)
(1.00 AFS)
(1.00 AFS)

Date Filed: 1/21/1992
In: CANAL County
TOWN RISE 513

37-08776

LEA VELL, ORIE S
LEA VELL, ALONZO B
PO BOX 54
GOODING, ID 83330

Source: UNNAMED STREAM
Tributary: SPRING CREEK
Diversion Pt: SEE SEC 11 T 22S R 15E IN CANAL COUNTY.

Use: STOCKWATER STORAGE
STOCKWATER FROM STORAGE
Total Diversion: (.20 AFS)
(.20 AFS)
(.20 AFS)

Date Filed: 1/21/1992
In: CANAL County
TOWN RISE 511

37-08777

LEA VELL, ORIE S
LEA VELL, ALONZO B
PO BOX 54
GOODING, ID 83330

Source: UNNAMED STREAM
Tributary: THORN CREEK
Diversion Pt: SEE SEC 14 T 22S R 15E IN CANAL COUNTY.

Use: STOCKWATER STORAGE
STOCKWATER FROM STORAGE
Total Diversion: (.20 AFS)
(.20 AFS)
(.20 AFS)

Date Filed: 1/21/1992
In: CANAL County
TOWN RISE 514

37-08778

LEA VELL, ORIE S
LEA VELL, ALONZO B
PO BOX 54
GOODING, ID 83330

Source: UNNAMED STREAM
Tributary: SPRING CREEK
Diversion Pt: SEE SEC 13 T 22S R 15E IN CANAL COUNTY.

Use: STOCKWATER STORAGE
STOCKWATER FROM STORAGE
Total Diversion: (1.00 AFS)
(1.00 AFS)
(1.00 AFS)

Date Filed: 1/21/1992
In: CANAL County
TOWN RISE 512

37-08779

LEA VELL, ORIE S
LEA VELL, ALONZO B
PO BOX 54
GOODING, ID 83330

Source: UNNAMED STREAM
Tributary: SPRING CREEK
Diversion Pt: SEE SEC 10 T 22S R 15E IN CANAL COUNTY.

Use: STOCKWATER STORAGE
STOCKWATER FROM STORAGE
Total Diversion: (10.00 AFS)
(10.00 AFS)
(10.00 AFS)

Date Filed: 1/21/1992
In: CANAL County
TOWN RISE 514

37-08780

LEA VELL, ORIE S
LEA VELL, ALONZO B
PO BOX 54
GOODING, ID 83330

Source: UNNAMED STREAM
Tributary: SPRING CREEK
Diversion Pt: SEE SEC 13 T 22S R 15E IN CANAL COUNTY.

Use: STOCKWATER STORAGE
STOCKWATER FROM STORAGE
Total Diversion: (1.00 AFS)
(1.00 AFS)
(1.00 AFS)

Date Filed: 1/21/1992
In: CANAL County
TOWN RISE 513

37-08781

Legal Notice

37-08781

LEA VELL, ORIE S
LEA VELL, ALONZO B
PO BOX 54
GOODING, ID 83330

Source: UNNAMED STREAM
Tributary: SPRING CREEK
Diversion Pt: NENESE Sec 13 T 22S R 15E IN CANAL COUNTY.

Use: STOCKWATER STORAGE (1.00 AFS)
STOCKWATER FROM STORAGE (1.00 AFS)
Total Diversion: (1.00 AFS)

Date Filed: 1/21/1992

In: CANAL County
TOWN RISE 513 NENESE

37-08782

WILMOTH, BOYD
1601 2ND AVE E
TWIN FALLS, ID 83301

Source: BEAVER CREEK
Tributary: WILLOW CREEK
Diversion Pt: LOT 3 (NENW) Sec 3 T 01N R 16E IN CANAL COUNTY.

Use: INDUSTRIAL (.100 CFS)
Total Diversion: (.100 CFS)

Date Filed: 2/6/1992

In: CANAL County
TOWN RISE 534 NMSW

The permit(s) will be subject to all prior water rights.

Protesters must be filed with the Director, Dept. of Water
Resources, Southern Region, 222 Shoshone Street East,
Twin Falls, ID 83301 on or before MARCH 23, 1992

R. KEITH HIGGINSON, Director

Published 3/4 1992 & 3/11/1992

OCT 04 1995

**ANALYSIS SHEET
FOR
PROOF OF BENEFICIAL USE**

Permit No. 31-8808-781 Reviewed by [Signature] Date 10-31-96

GENERAL CONSIDERATIONS

yes Name same as permit?
yes Address same as permit?
yes Proof timely received?
If not, complete calculation below.

TYPES OF USE

STOCK STORAGE

Correct Uses? yes

SOURCE OF WATER

 Surface water source

 Ground water source

 Drilling permit required?

 Copy in the file? Drilling Permit No.

 Amount paid for permit

 Well log in the file?

 Correct?

LICENSE EXAMINATION FEE

yes Required?
50- Amount Submitted
yes Correct?

MEASURING DEVICE

no Required?
 Installed?
 Waiver requested?

PRIORITY CALCULATION

Date proof received	<u> </u>	<u> </u>
Date proof due	<u> </u>	<u> </u>
No. of days late	<u> </u>	<u> </u>
Priority Date	<u> </u>	<u> </u>
New Priority Date	<u> </u>	<u> </u>

DEFICIENCIES OR ACTION ITEMS

Proof Acceptable

DATA ENTRY

New Address [Signature] Proof Made 10-1-96

November 1, 1996

ALONZO B LEA VELL
ORIE S LEA VELL
PO BOX 54
GOODING ID 833300054

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 37-08781

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 SOUTHERN Regional Office in Twin Falls at (208) 736-3033.

Sincerely,

JULIE L. YARBROUGH
Senior Secretary

c: IDWR - Region

MICROFILMED
NOV 05 1996

LEAVELL CATTLE

Lonnie LeaVell
RES (208) 934-8190

P.O. Box 54
GOODING, IDAHO 83330

RECEIVED

OCT 01 1996

Department of Water Resources

(208) 934-8543

FAX (208) 934-8879

September 30, 1996

Julie Yarbrough
Dept. of Water Resources
1301 N. Orchard St.
Statehouse Mail
Boise, Idaho 83720-9000

Re: Proof on Permits 37-08778, 79, 80 & 81

Dear Ms Yarbrough:

Find enclosed, Proof of Beneficial Use on the four permits listed above. Please note the original application for permit was in the name of Orie S. LeaVell and/or Alonzo B. LeaVell. Orie S. LeaVell, my father, passed away in January 1993 and I have acquired the Estate interest in the land which these permits effect.

Very truly yours,


Alonzo B. LeaVell

enc: Proof of Beneficial Use (4)
Check for \$200

MICROFILMED
NOV 05 1996

July 31, 1996

ALONZO B LEA VELL
ORIE S LEA VELL
PO BOX 54
GOODING ID 833300054

PROOF DUE NOTICE

RE: PERMIT NO. 37-08781

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 October 1, 1996.

(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.

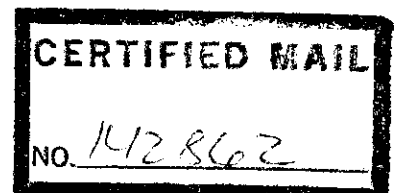
SINCERELY,

JULIE L. YARBROUGH
Senior Secretary

Enclosures

MICROFILMED

NOV 05 1996





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

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

September 29, 1995

ORIE S LEA VELL
ALONZO B LEA VELL
PO BOX 54
GOODING ID 83330-0054

PERMIT APPROVAL NOTICE

RE: PERMIT NOS. 37-08778/37-08779/37-08780/37-08781

Dear Permit Holder:

Enclosed is a copy of your approved application for permit. Please be sure to thoroughly review the "CONDITIONS/REMARKS:" listing on the permit.

Enclosed is 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 is a form entitled "Proof of Beneficial Use". If your project is already completed you should complete and submit this form immediately.

Please note that a separate stream channel alteration permit must be obtained from the IDWR prior to any activity in the stream channel other than construction or maintenance of the diversion structure for your water right(s). Applications for stream channel alteration permits must be filed at least sixty days prior to the commencement of work in the stream.

Sincerely,

Shelley W. Keen
Water Rights Supervisor

SK:rl

Enclosures

RECEIVED
OCT 04 1995

WRO749NP
No. P37-08781

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 09/28/95
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	ALONZO B LEA VELL	01/21/1992	STOCKWATER STORAGE	01-01 12-31		1.00 AFA
C	ORIE S LEA VELL		STOCKWATER FROM STORAGE	04-01 12-01		1.00 AFA
	PO BOX 54					
	GOODING ID 83330-0054					
	(208) 934-8598					
				TOTAL DIVERSION:		1.00 AFA

Water Source: UNNAMED STREAM

Tributary to: SPRING CREEK

Stage: PERMIT

Point(s) of Diversion: T02S R15E S13 NENESE CAMAS County

Place of use Legal Description for: STOCKWATER STORAGE

				NE				NW				SW				SE				
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:
02S	15E	13	:																	:
			:																	:

Place of use location for STOCKWATER FROM STORAGE is the same location as described for: STOCKWATER STORAGE

Pou County: CAMAS

Other Water Rights Listing Overlapping Place(s) of use:
37-02182

Conditions of Approval:

- 005 - Use of water under this right is subject to control by the watermaster of State Water District No. 37.

Remarks: Stockwater from storage use is for 1000 range cattle and horses. This permit authorizes an annual volume of water to fill the pond and the amount required to replace losses through evaporation.

Dates: App. Received: 01/21/1992 Priority Date: 01/21/1992
Proof Due Date: 10/01/1996 Proof Made Date:
Exam Made Date: Exam Sent to S.O.:
Licensed Date:

Misc: Water District Number: 37 Field Exam Fee:

Audit: 09/28/95 CZIMMERM

APPLICATION FOR PERMIT
STATE OFFICE REVIEW
by Cindy Zimmerman

No.: 37-8781 Name: ReaVell Date: 9/28/95 Ad OK? ✓
Correct Fee? ✓ Receipt #: 5014081 Priority: 1/21/92 ✓ Gvmt Lts: ✓

AREA OF CONCERN? ^{surface water}~~stockwater~~ No/Yes ESRP Mor Big Wood GWMA Trust/Non-trust
PROTESTED: w/D - 020(Protest Agr) or W19(See Final/Prelim Order)
SYSTEM COMPLETED:

Yes/proof filed - NA
1 year/no proof - P16
+1 year - 26A-P17

GROUNDWATER: <✓ FLO-CH>

+ 0.2 cfs - 01M
=/- 0.2 cfs - No MD
=/+ 5 a. - 01M, 065(if GW use SW 1st)

Drilling Permit:

Existing well - NA (pre 7/1/87)
Included w/permit - Permit No. _____, P99
No WD permit? - 046-46B-P23 (post 7/1/87)
irr. in WD - P05 (new well)

SURFACE WATER <✓ FLO-CH> (Surface water that doesn't sink is regulated):

Water District(~~dem~~) - 05 (req) WD # 37 <SEE MAP & LISTING>
+ 0.2 cfs - 028(may report)-01J(meas dev)-P08
=/- 0.2 cfs - 028(may report)-01H(lock dev)-P01 or No MD
=/+ 5 a. irr. - 028(may report)
~~In WD~~ + 0.2 cfs - 01M or No MD (in-stream)
- 0.2 cfs - No MD
=/+ 5 a. irr. - 01M

RIVER BASINS (*Surface water):

Snake R (01) - 11A-P04, NA
(02/03) - 007-P07 (w/remark WB9), NA
Boise R (63) - 05A (if WD), 11E (not 42-111 use), NA
Payette R (65) - 064(regulated uses), 047-P04(Payette Lake), NA

USE:

Domestic (surface) - 021(Boise R ↑ L Peak); 27A(Payette R); NA
Fish Propagation - 07A-042(rq)-010/06A/09E(WQ)-P10; 044(N 1000 Spr)
Irr <POU> =/- 5 a - 057 (0.03 cfs/A)
+ 5 a - 03A (0.02 cfs/A)
Mining - 054 (req) & 06A/010/09E-P10
Power - 08A-17K-025-027-01M-01F(P19)-09E(P10);
+25 cfs-P18; 17G(FERC) or 17M(FERC); 18B-P09
Storage(✓ 3 compo.) - 18A(multi MD in WD), 18B-P09 (+10' dam), NA

LOCATION:

Boise Front LoGeo - 058 (-85° GW temp only)
In-stream dev. - P52 (stream channel alteration)
Irr Dist/Canal Co. - 023 (Twin Falls area)
Swan Falls Flag - 3 <SEE CODE CHART>
Trust - 051-052-053-P74 (Consumptive Uses), NA
Non-Trust <1> - 048-049 (Consumptive Uses), NA

OWNERSHIP: Non-land owner

- 004 (PD/PU)

OTHER CONDITIONS:

STANDARD REMARKS:

- ① w02/1000 RC
- ② w07

BENEFICIAL USE DUE:

- 10-1-1996

COMMENTS:

55
CRM NO 202A
REVISED 6-6-91

RECEIVED
SEP 25 1995
Department of Water Resources

STATE OF IDAHO *Leavell, Orie +/o Alonzo*
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT ANALYSIS SHEET

Department of Water Resources
INITIAL REVIEW BY J. E. Stanton DATE 1-22, 1992
APPLICATION NO. 37-08781

REQUIRED INFORMATION

- ☒ Name (If applicant is a corporation or partnership, names must be provided for the director, officers, & other partners.)
 - ☒ Address
 - ☒ Source (see USGS quad for names of water sources)
 - ☒ Point of diversion (10 Acres for spring, lot & block descriptions for subdivisions, local name, flow &/or volume.)
 - ☒ County
 - ☒ Quantity (flow &/or volume)
 - ☒ Period of use
 - ☒ Nature of proposed use (include description of use)
 - ☒ Description of diverting works.
 - ☒ Time required for beneficial use of water.
 - ☒ Place of use or acres irrigated.
 - ☒ Map
 - ☒ Signature (If applicant is corp., partnership, or municipality, title of signator is required)
 - ☒ Fee
 - ☒ Yes ☐ No* In form to receipt
- ++++PROPOSED PRIORITY DATE
1-21 1992

ADDITIONAL INFORMATION

- ☐ Overlapping place of use(Describe source & relationship to present application on the back.
- ☐ Overlapping point of diversion.
- ☐ Yes ☒ No Field check required
- ☐ Field check by _____
- ☐ Yes ☐ No Field report attached
- ☐ Yes ☒ No Critical Ground water area
- ☒ Yes ☒ No Groundwater management area
- ☐ Yes ☒ No Send Dam safety information
- ☐ Yes ☒ No Send power requirement letter
- ☐ Yes ☒ No Send fish farm requirement letter
- ☐ Yes ☒ No Power residency affidavit.
- ☐ Yes ☒ No Power efficiency form
- ☒ Yes ☐ No Within trustwater boundary(If yes, attach trustwater supplementary analysis sheet.
- ☐ Yes ☒ No Diversion greater than 5 cfs or 500 acre ft. (If yes, attach large diversion supplementary analysis sheet.

See reverse side for additional information.

* REQUEST THE FOLLOWING ADDITIONAL INFORMATION FROM THE APPLICANT: _____

Date Requested _____, 19____

PROCESSING ☒ Yes ☐ No
☐ Yes ☒ No
☒ Yes ☐ No

In form for Advertising
No Statewide Advertising
Fee amount, receipt date & No. recorded on app

SEND COPIES TO: ☐ Idaho Dept of Health & Welfare
☐ Idaho Dept of Fish & Game
☐ Idaho Dept of Lands
☐ Adjudication Bureau Unit

☐ USDI BLM
☐ USFS
☒ Water Dist. 37
☐ Other

FINAL REGIONAL PROCESSING REVIEW

☒ Yes ☐ No Affidavit of publication received.
☒ Yes ☐ No Application published correctly. If not, record action taken.

☒ Yes ☐ No Publication dates and paper recorded on App.
☒ Yes ☐ No Protests received FTG & Kurner
Final date for Protest

☐ Yes ☒ No Protests, dates, resolution of protest, recorded on app.

☐ Yes ☒ No Recommendations attached

☐ Yes ☒ No Measuring device required

☐ Yes ☒ No Access port required

☒ Yes ☐ No Will water be delivered by watermaster? If yes, what dist. 37

☒ Yes ☐ No Special conditions of approval or cover letter below.

026, 05

See below for additional information

Date of priority recommended 1/21, 19 92

By Adm Date 9/22, 19 95

STATE OFFICE REVIEW

See below for additional information

By _____ Date _____, 19 ____

ADDITIONAL INFORMATION:

* Water will probably not be delivered by W.M. but located within his 242 for dispute resolution.

LOCAL PUBLIC INTEREST

Comments recieved from:

_____ City	_____ Idaho Fish & Game	_____ Irrigation Dist
_____ County	_____ Idaho Health & welfare	_____ Canal Company
_____ Reservations	_____ Div. of Enviromental Quality	_____ Other _____

PROJECT IMPACTS/IMPLICATIONS REPORT

COMMENTS:

_____ DATE _____, 19____

I, Jim Kramer & Marianne Kramer
withdraw ^{our} ~~my~~ protest against
permit applications No.
37-08778, 37-08779, 37-08780
and 37-08781,

Jimmy D Kramer
Marianne Kramer

Sept. 19, 1995
Sept. 19, 1995

MICROFILMED

OCT 04 1995

FROM: Allen Merritt *ADM*

DATE: September 20, 1995

TO: FILES 37-08770 THRU 08772, 08775, 08776, 08778 THRU 08781

SUBJECT: PRE-HEARING CONFERENCE

On 9/19/95 I conducted a pre-hearing conference regarding the above described applications. All were protested by Mr. & Mrs. Jim Kramer except 08772 which is protested by BLM. The applications are in the name of LeVell or Gould. Lonnie LeVell, Kip Gould, and Mr. & Mrs. Kramer were at the conference. BLM did not show up for the conference.

The Kramer issue was interference with his irrigation rights in McHan Reservoir which he owns and operates. Early in the discussion it was determined that applications 37-08778 thru 08781 would not affect McHan Reservoir so the Kramers withdrew their protests for these applications. The remainder of the conference dealt with 37-08770, 08771, 08775 & 08776 which are located above McHan Reservoir and could in theory interfere with the storage rights. The Kramer position was that they wished to protect their water rights but were open to "leasing" the applicant water. I told them that to lease water it may involve the need for a transfer and change of the Kramer water right. They didn't seem to like that. I told them maybe it would more correctly be an agreement or a settlement that could be made where Kramer's would agree not to make a call on draining junior water rights. Gould's position was that the number of cattle above the reservoir was not going to be increased and they are presently drinking water in the streams now so there would not be an increased burden on the system so Kramer's rights would not be injured. I told them that to add storage to natural flow rights could in some years injure the senior reservoir right and then in other years probably not cause an injury if the reservoir filled and spilled water or if the stock ponds filled from water that would not normally get to McHan Reservoir. They discussed the type of lease Kramer had in mind and he indicated that \$50/year might be reasonable but money was not the issue. Gould didn't like the idea of paying money which might set a precedent. They then discussed possibility of agreement to allow access thru Gould property for Kramer.

I told them that if an agreement of sorts could not be worked out we needed to discuss setting a hearing. Kramer thought that they could work something out and didn't want to go to hearing. I instructed that they continue to negotiate and come up with something by Oct. 15th or I would set a hearing.

We discussed the matter of assignment of 37-08773 & 08774 from LeVell to Gould. The form has been filed but fees (\$50 total) had not been paid. Mr. Gould indicated that he paid a \$50 fee for amending and re-advertising 37-08772. It was determined that re-advertising was not necessary since the amendment was reducing the p/d & p/u and other changes kept the elements in the

NOT RECORDED

OCT 04 1995

tracts that was originally advertised. Since no advertising was done we discussed applying the re-advertising fee to the assignments.

After the conference I stopped at BLM to inquire why they didn't attend the conference. They were in the middle of an office move and the guy assigned forgot. I left a copy of the amended application that supposed to change the location off of BLM which may allow them to withdraw their protest.

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OCT 04 1995

Conference

9/19/95

Allen Mervitt
Conf. Officer.

Attendance Sheet.

Name

Representing

Lonnie Zuercher
Jim Kramer
Mary Kramer
K. J. Dale

Self
Self
Self
Self

MICROFILMED
OCT 04 1995

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF APPLICATION)
FOR PERMITS 37-08770 THRU 37-08772,)
37-08775, 37-08776 & 37-08778 THRU)
37-08781)

NOTICE OF
PRE-HEARING CONFERENCE

ORIE AND/OR ALONZO LEA VELL,
Applicants

KIP AND ANNA GOULD,
Assignee in part

JIM KRAMER,
BUREAU OF LAND MANAGEMENT,
Protestants

On January 21, 1992, Orie &/or Alonzo Lea Vell, applicant, filed with the Department of Water Resources applications 37-08770 thru 37-08781 to appropriate the public waters of the State of Idaho. Idaho Dept. of Fish and Game protested all applications but later withdrew all protests. Jim Kramer protested 37-08770, 37-08771, 37-08775, 37-08776, 37-08778 thru 37-08781. BLM protested 37-08772. Applications 37-08770 thru 37-08772 and 37-08775 thru 37-08777 have been assigned to Kip and Anna Gould. Applications 37-08773 and 37-08774 are pending assignment to Kip and Anna Gould.

The Department has set the matter of protests for a joint conference to be held on **Tuesday, September 19th, 1995, at 10:00 am in the Gooding City Hall multipurpose room at 308 5th Ave. W., Gooding, ID.**

The purpose of the conference is to formulate and simplify the issues, obtain admissions of fact and of documents which will avoid unnecessary proof, arrange for the exchange of proposed exhibits or prepared expert testimony prior to the hearing, limit the number of witnesses, consolidate the examination of witnesses, and advise the parties of the procedure which will be followed at any subsequent hearing.

The conference will be held in accordance with Chapter 2, Title 42, of the Idaho Code and the adopted Rules of Practice and Procedure of the Department of Water Resources. Opportunity shall be afforded to all parties to respond and present evidence and argument on all issues involved.

The conference will be conducted in a facility with the

RECEIVED

OCT 04 1995

CERTIFICATE OF MAILING

I hereby certify that on the 28th day of August, 1995, a true and correct copy of the Notice of Pre-hearing Conference was forwarded with all required charges prepared, by the method(s) indicated below, to the parties listed:

Mary G. Baldwin
Secretary

ALONZO B. LEA VELL
PO BOX 54
GOODING ID 83330

Hand delivered _____
U.S. Mail-Regular ✓
U.S. Mail-Certified _____
Fax _____

KIP &/OR ANNA GOULD
4373 W 1900 E
BUHL ID 83316

Hand delivered _____
U.S. Mail-Regular ✓
U.S. Mail-Certified _____
Fax _____

JIM & MARIANNE KRAMER
RT 1 BOX 1065
FAIRFIELD ID 83327

Hand delivered _____
U.S. Mail-Regular ✓
U.S. Mail-Certified _____
Fax _____

ROBERT D. CORDELL AREA MGR
USDI-BUREAU OF LAND MGT
PO BOX 2B
SHOSHONE ID 83352

Hand delivered _____
U.S. Mail-Regular ✓
U.S. Mail-Certified _____
Fax _____

MICROFILMED

OCT 04 1995

CONFERENCE AND HEARING PROCEDURE

APPLICATION FOR PERMIT ISSUES

Section 42-203A, Idaho Code, requires the department to consider the following issues in connection with an application for permit:

1. Will the proposed appropriation injure other water rights?
2. Is the water supply sufficient for the purpose for which it is sought to be appropriated?
3. Was the application made in good faith or for delay or speculative purposes?
4. Does the applicant have sufficient financial resources with which to complete the proposed project?
5. Is the proposed appropriation in the local public interest, which is defined as the affairs of the people in the area directly affected by the proposed use?
6. Is the proposed use contrary to conservation of water resources within the state of Idaho?

BURDEN OF PROOF

The applicant has the initial burden of proof for issues 1, 2, 3, 4, and 6 above and must provide evidence for the department to evaluate these criteria. The initial burden of proof on issue 5 above lies with both the applicant and protestant as to factors of which they are most knowledgeable and cognizant. The applicant has the ultimate burden of persuasion, however, for this issue.

PROCEDURE

The department generally conducts an informal conference with the parties to determine the issues and to try to settle a protested matter before a hearing is scheduled. If a hearing is held the department will issue a written decision based on the hearing record.

CONFERENCE

The purpose of a pre-hearing conference is to provide the opportunity for the parties and the department to familiarize themselves with a contested matter and to attempt to resolve the matter. At the conference, the department may also formulate and simplify the issues, identify documents to avoid unnecessary proof, exchange proposed exhibits or prepared testimony, limit witnesses, discuss settlement or make settlement offers, schedule hearings, establish procedure at hearing and address other matters that may expedite orderly conduct and disposition of the proceeding or its settlement. The department may issue a "pre-conference statement order" which requires response to the inquiries.

HEARING

The department will tape record the hearing. Copies of a hearing tape are available upon request and the payment of the cost of reproducing the tape. The hearing likely will be conducted by a hearing officer appointed by the Director rather than by the Director himself. If so, the hearing officer will prepare a recommended order for the Director's consideration. Parties can file exceptions to a recommended order, briefs in support of the exceptions or may request oral argument. Parties may seek judicial review of any final order issued by the Director. Parties may by written stipulation waive the right to a recommended order, particularly when a shortened decision process is desirable or necessary. Such a waiver does not eliminate any rights of the parties in connection with the final order of the Director and judicial review of the order.

EXHIBITS

A party who plans to offer an exhibit as part of the hearing record must provide a copy of the proposed exhibit to the parties and to the hearing officer. As part of the conference a date may be set by which exchange of exhibits and witness lists must occur.

EFFECT OF FAILURE TO APPEAR AT A CONFERENCE OR HEARING

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

AMERICANS WITH DISABILITIES ACT

Any hearing scheduled will be conducted in a facility which meets the accessibility requirements of the Americans with Disabilities Act. If you require special accommodations in order to attend, participate in or understand the hearing, please advise the department within (10) days prior to the hearing.

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OCT 04 1995



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301 (208) 736-3033

~~AGGREGATED AND PWS~~
Governor PHIL BATT

May 10, 1995

R. KEITH HIGGINSON
Director

CARL H NELLIS SUPERVISOR
IDAHO DEPT OF FISH & GAME
PO BOX 428
JEROME ID 83338

RE: Applications for Permit Nos. 37-08770 thru 37-08781 (Lea Vell)

Dear Mr. Nellis:

This office acknowledges receipt of the withdrawal of your protest against the above referenced application.

Since there were multiple protestants, the concerns of the other protestants will need to be addressed by the Department before final processing of the application can be completed.

The Department will continue review of the application without further contact with you unless information is requested.

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

Very truly yours,

Allen D. Merritt, P.E.
Southern Region Manager

AM:MB

MICROFILMED
OCT 04 1995



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301 (208) 736-3033

~~CECIL D. ANDRUS~~
Governor PHIL BATT

May 10, 1995

R. KEITH HIGGINSON
Director

ALONZO B LEA VELL
PO BOX 54
GOODING ID 83330

Re: Applications for Permit No. 37-08770 thru 37-08781

Dear Mr. LeaVell:

We have received a withdrawal of the protest filed by the Idaho Dept. of Fish & Game against the above referenced applications.

Please be advised as of this date, no Assignments of the applications to convey ownership to Mr. Gould are on file with this Department. Until we receive the Assignments, you are considered the owner of record for these applications.

Very truly yours,

Allen D. Merritt, P.E.
Regional Manager

AM:MB

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OCT 04 1995



IDAHO FISH & GAME

Magic Valley Region
868 East Main • P.O. Box 428
Jerome, Idaho 83338
(208) 324-4350
Fax (208) 324-1160

Phil Batt / Governor

Jerry M. Conley / Director

May 2, 1995

RECEIVED

MAY 02 1995

Department of Water Resources
Southern Region

Mr. Allen Merritt
Idaho Dept. Of Water Resources
222 Shoshone St. East
Twin Falls, Idaho 83301

RE: Water Rights Applications 37-08770 thru 37-08781 (Lea Vell)

Dear Allen,

After receiving information from Mr. Kip Gould, who now owns the property on which water rights 37-08770 thru 37-08777 are applied, we have concluded that continuing our protest of the above referenced applications will have little benefit to fish and wildlife. Therefore, we withdraw our protest of water right applications 37-08770 thru 37-08781.

We would, however, like to request a condition be included on the approval of these permits which states, "flow from the identified spring sources will not be restricted or regulated in any way as to reduce the availability of water to wildlife".

Thanks for your cooperation in resolving this matter.

Sincerely,

Carl H. Nellis
Magic Valley Regional Supervisor

cc: NRPB (Robertson)
IDFG-Legal (Goddard)
Lea Vell
Gould

MICROFILMED

OCT 04 1995

LEAVELL CATTLE

Lonnie Leavell
RES (208) 934-8190

P.O. Box 54
GOODING, IDAHO 83330

(208) 934-8543
FAX (208) 934-8879

February 6, 1995

RECEIVED
FEB 08 1995
Department of Water Resources

L. Glen Saxton, Chief
Water Allocation Bureau
State of Idaho
Department of Water Resources
1301 North Orchard Street, Statehouse Mail
Boise, Idaho 83720-9000
(208) 327-7900 FAX (208) 327-7866

RE: PROTESTED APPLICATIONS FOR PERMIT NOS. 37-08770 THROUGH 37-08781.

Dear Mr. Saxton,

With regards to the foregoing, part of the property has been sold to Kip Gould of Buhl, Idaho. I had executed assignments at time of closing and assumed he was receiving related correspondence to same. I discovered last week the assignment had been misplaced, so I executed another set for Mr. Gould.

I am requesting another 60 days to work through the protests.

Very truly yours,


Alonzo B. Leavell

cc: file

RECEIVED
FEB 10 1995
Department of Water Resources
Southern Region

MICROFILMED
OCT 04 1995

MEMORANDUM

To: Protested Application File Nos. 37-08770 thru 37-08781
From: L. Glen Saxton *WJ*
RE: STATUS OF FILES
Date: February 1, 1995

Southern Regional office advised me yesterday that the above described permits are being assigned to another party by Lonnie LeaVell.

Hence, I am returning the original files to the region in order to schedule any needed hearings after the new owner has attempted to resolve the protests.

RECEIVED

FEB 06 1995

Department of Water Resources
Southern Region

MICROFILMED

OCT 04 1995



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

PHILIP E. BATT
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

January 18, 1995

Alonzo B. Leavell
P.O. Box 54
Gooding, ID 83330

RE: PROTESTED APPLICATIONS FOR PERMIT NOS. 37-08770 THROUGH 37-08781

Dear Mr Leavell:

On October 6, 1994, I wrote you concerning the status of the above referenced twelve (12) applications which propose the storage of small amounts of surface water for stockwatering purposes in Camas County.

On November 3, 1994, you responded to my letter advising that you have contacted the protestants and wanted another sixty (60) days to try to work out an agreement.

Since sixty (60) days have passed, please advise me within twenty (20) days of the status of the protested applications.

Sincerely,

L. GLEN SAXTON, Chief
Water Allocation Bureau

c: IDWR - S. Region

MICROFILMED

OCT 04 1995

LEAVELL CATTLE

Lonnie Leavell
RES (208) 934-8190

P.O. Box 54
GOODING, IDAHO 83330

November 3, 1994

(208) 934-8543
FAX (208) 934-8879

RECEIVED
NOV 7 1994

Department of Water Resources

Dept. of Water Resources
L. Glen Saxton, Chief
Water Allocation Bureau
Statehouse Mail
Boise, Idaho 83720-9000

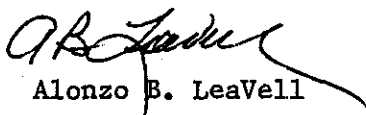
Dear Mr. Saxton:

Following up your letter of October 6, 1994 addressed to Orie and myself, regarding protests on water applications we filed.

Orie, my father, passed away in January 1993 and the estate worked out about April of 1994.

Following up your letter I have contacted the protestants and would like another 60 days to try and work out an agreement.

Very truly yours,


Alonzo B. Leavell

MICROFILMED

OCT 04 1995



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

October 6, 1994

Orie S. and Alonzo B. LeaVelle
P.O. Box 54
Gooding, ID 83330

RE: PROTESTED APPLICATIONS FOR PERMIT NOS. 37-08770 through 37-08781

Gentlemen:

The department of Water Resources has recently reviewed protested applications which are pending in department files to determine what further action is appropriate in connection with the applications.

Our files show that on January 21, 1992, you filed the above referenced twelve (12) applications proposing the storage of small amounts of surface water for stockwatering purposes in Camas County, Idaho. The applications were subsequently protested by other water users in the area.

The last correspondence in the files is dated April 13, 1992 and asks that you contact the protestants to determine the nature of the protests and attempt to resolve them.

The purpose of this letter is to inquire of the status of the applications, of your efforts to work out the protests and to determine the need of a conference or hearing in connection with the applications.

Please provide a written update of the status of the applications to the department within thirty (30) days. The department will then attempt to determine further action which is appropriate.

Sincerely,

A handwritten signature in dark ink, appearing to read 'L. Glen Saxton', is written over the typed name.
L. GLEN SAXTON, Chief
Water Allocation Bureau

c: IDWR - S. Region

RECORDED
OCT 04 1995



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301 (208) 736-3033

CECIL D. ANDRUS
Governor

13-Apr-1992

R. KEITH HIGGINSON
Director

ORIE S &/OR ALONZO B LEA VELL
PO BOX 54
GOODING ID 83330

RE: APPLICATIONS FOR PERMIT NOS. 37-08770-08781 (inclusive)

Gentlemen:

Enclosed are copies of protests filed against the above referenced applications.

The Department suggests you contact the protestant(s) directly to determine the exact nature of the protest(s) and, if possible, to resolve the matter without action by the Department.

Correspondence in our file indicates that you have received and reviewed copies of protests filed against the approval of the above referenced application. To date our Department has not received a written withdrawal of the protest; therefore, it appears that action by the Department is necessary to resolve the matter.

The attachment to this letter describes the issues which the Department must consider in taking action on an application. It also gives a brief description of the conference and hearing procedure followed by the Department in resolving protested applications.

If you have any questions or if this office can be of further assistance, please feel free to contact us.

Very truly yours,

Loren O. Holmes, P.E.
Southern Region Manager

LH:MB
Enclosure(s)

MICROFILMED

OCT 04 1995

Attachment to letter dated 13-Apr-1992

To all parties in the matter of
Applications for permit Nos. 37-08770-08781 (inclusive)
in the name of ORIE S. &/OR ALONZO B. LEA VELL

PROTESTED APPLICATION FOR PERMIT:
ISSUES CONSIDERED, CONFERENCE PROCEDURE

In processing all applications for permit, the department must consider the following issues, which are specified in Section 42-203A of the IDAHO CODE:

- 1) Will the proposed use reduce the quantity of water under existing 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 proposed project?
- 5) Will the proposed use conflict with the local public interest?
- 6) Is the proposed use contrary to conservation of water resources within the state of Idaho?

When an application is protested, the statute requires the department to conduct a hearing to create a record of the evidence considered in approving or denying the application.

Normally, an informal pre-hearing conference is held prior to the actual hearing. The objectives of the informal conference are as follows:

- 1) To familiarize all parties with the application and the issues being raised.
- 2) To provide a forum for discussion and possible resolution of the matter among the parties.
- 3) To provide information to the parties about the department's hearing procedure in deciding protested applications.
- 4) To discuss scheduling of the matter for hearing.

Notices setting the time and place for the conference will be sent by certified mail to all parties at least 10 days prior to the conference. This is the same procedure specified by law for serving notice of hearings.

Conferences are conducted under Rules for Practice and Procedure adopted under the Idaho Administrative Procedures Act.

MICROFILMED

OCT 04 1995



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301 (208) 736-3033

13-Apr-1992

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

ATTN CARL H NELLIS SUPERVISOR
IDAHO FISH & GAME - REGION 4
PO BOX 428
JEROME ID 83338

RE: APPLICATIONS FOR PERMIT NOS. 37-08770-08781 (Inclusive)
Lea Vell

Dear Mr. Nellis:

Your protest against the approval of the above referenced applications has been received and a copy has been sent to the applicant with the suggestion that he contact you directly to determine the exact nature of the protest and, if possible, to resolve the matter without action by the Department.

The attachment to this letter describes the issues which the Department must consider in taking action on an application. It also gives a brief description of the conference and hearing procedure followed by the Department in resolving protested applications.

If you have any questions or if this office can be of further assistance, please feel free to contact us.

Very truly yours,

Loren O. Holmes, P.E.
Southern Region Manager

LH:MB
Enclosure(s)

MICROFILMED

OCT 04 1995



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301 (208) 736-3033

13-Apr-1992

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

JIMMY D &/OR MARIANNE KRAMER
RT 1 BOX 1065
FAIRFIELD ID 83327

RE: APPLICATIONS FOR PERMIT NOS. 37-08770, 37-08771,
37-08775, 37-08776, 37-08778, 37-08779, 37-08780, 37-08781
(Lea Vell)

Dear Mr. & Mrs. Kramer:

Your protest against the approval of the above referenced applications has been received and a copy has been sent to the applicant with the suggestion that he contact you directly to determine the exact nature of the protest and, if possible, to resolve the matter without action by the Department.

The attachment to this letter describes the issues which the Department must consider in taking action on an application. It also gives a brief description of the conference and hearing procedure followed by the Department in resolving protested applications.

If you have any questions or if this office can be of further assistance, please feel free to contact us.

Very truly yours,

Loren O. Holmes, P.E.
Southern Region Manager

LH:MB
Enclosure(s)

MICROFILMED
OCT 04 1995



IDAHO FISH & GAME

REGION 4
868 East Main Street
Jerome, ID 83338
(208) 324-4350

March 18, 1992

RECEIVED

MAR 20 1992

Idaho Department of Water Resources
Regional Office

Idaho Department of Water Resources
Attn: Loren Holmes
222 Shoshone St. East
Twin Falls, ID 83301

RE: Application #'s 37-08770-81, Orie S. Lea Vell and Alonzo B. Lea Vell

Dear Loren:

We are concerned these applications for stream and spring water diversions would affect surface flows into Spring Creek Reservoir, Mchan Reservoir and Schooler Creek and negatively affect wildlife values in this area. For this reason, we are protesting the applications. If further review of the full application and additional information supplied by the applicant demonstrates that these diversions of water will not be detrimental to wildlife values, we will withdraw our protest.

We would also appreciate it if you would send us a copy of these applications.

Thank you for the opportunity to comment.

Sincerely,

Carl H. Nellis
Supervisor, Region 4

Cecil D. Andrus / Governor
Jerry M. Conley / Director



Working for wildlife - since 1938

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Department of Water Resources
Southern Region Office

March 6, 1992

Dear Department of Water Resources,

We are writing this letter of protest as required by law concerning Legal Notice Numbers, 37-08770, 37-08771, 37-08775, 37-08776, 37-08778, 37-08779, 37-08780, and 37-08781 for diversion of water from unnamed streams and water from Hash Springs for stock water. This spring formerly was called West Spring which runs directly into McHan Reservoir which is used for irrigation and recorded under License # 37-02251.

West Spring Creek is filed under State of Idaho License and Certificate for Water Rights # 8804 for 5 cfs water. Priority date April 13, 1914 from West Spring Creek. This was all claimed September 25, 1989 under the General Adjudication of Rights to the use of water from the Snake River Basin Water System Identification # A37-02251. These unnamed streams and Hash Springs all drain into West Spring Creek and into McHan Reservoir which is based on claim 37-02251 and 37-02209. It also records the storage developed by the construction of McHan Reservoir under license # 37-02251 and is referenced in the original permit and file.

The reason for this letter of protest is that this water has been filed on and has been in use for irrigation purposes since 1914 and we would not want to relinquish our rights for this useage.

Sincerely,

Jimmy D. Kramer
Jimmy D. Kramer

Marianne Kramer
Marianne Kramer

RECORDED
OCT 04 1995

Jim Hansen
Rt. 1 Box 1065
Fairfield, Idaho
83327
(208) 764-2378

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Department of Water Resources
Southern Region Office

Director
Department of Water Resources
Southern Region
222 Shoshone Street East
Twin Falls, Idaho 83301



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Per t/c with Mrs. Meg Kevan, Journalism teacher at Camas County High School in Fairfield, ID the Snowshoe was sent to 303 Printing in Gooding, ID for printing on 3/4/92; however, the date on the paper is 3/3/92. Mrs. Kevan indicated that there has been numerous problems with achieving printing on the dates that are scheduled but the desired publication on Wednesdays is still valid.

See note below

[illegible]

LEA VELL, ORIE S PO BOX 54 COCONINO, ID 83316	37-08775 ✓	Timeline: SPRING CREEK
Source: UNPAID STREAM		
Division Pt:		
Use: STOCKWATER FROM STORAGE		
Stock Diversion:		
Date Filed: 1/21/1993		
Int: CANAL COUNTY		
Int: TOSR RISE 211	37-08776 ✓	
Source: UNPAID STREAM		
Division Pt:		
Use: STOCKWATER FROM STORAGE		
Stock Diversion:		
Date Filed: 1/21/1993		
Int: CANAL COUNTY		
Int: TOSR RISE 211	37-08777 ✓	
Source: UNPAID STREAM		
Division Pt:		
Use: STOCKWATER FROM STORAGE		
Stock Diversion:		
Date Filed: 1/21/1993		
Int: CANAL COUNTY		
Int: TOSR RISE 211	37-08778 ✓	
Source: UNPAID STREAM		
Division Pt:		
Use: STOCKWATER FROM STORAGE		
Stock Diversion:		
Date Filed: 1/21/1993		
Int: CANAL COUNTY		
Int: TOSR RISE 211	37-08779 ✓	
Source: UNPAID STREAM		
Division Pt:		
Use: STOCKWATER FROM STORAGE		
Stock Diversion:		
Date Filed: 1/21/1993		
Int: CANAL COUNTY		
Int: TOSR RISE 211	37-08780 ✓	
Source: UNPAID STREAM		
Division Pt:		
Use: STOCKWATER FROM STORAGE		
Stock Diversion:		
Date Filed: 1/21/1993		
Int: CANAL COUNTY		
Int: TOSR RISE 211	37-08781 ✓	
Source: UNPAID STREAM		
Division Pt:		
Use: STOCKWATER FROM STORAGE		
Stock Diversion:		
Date Filed: 1/21/1993		
Int: CANAL COUNTY		
Int: TOSR RISE 211	37-08782 ✓	
Source: UNPAID STREAM		
Division Pt:		
Use: STOCKWATER FROM STORAGE		
Stock Diversion:		
Date Filed: 1/21/1993		
Int: CANAL COUNTY		
Int: TOSR RISE 211	37-08783 ✓	
Source: UNPAID STREAM		
Division Pt:		
Use: STOCKWATER FROM STORAGE		
Stock Diversion:		
Date Filed: 1/21/1993		
Int: CANAL COUNTY		
Int: TOSR RISE 211	37-08784 ✓	
Source: UNPAID STREAM		
Division Pt:		
Use: STOCKWATER FROM STORAGE		
Stock Diversion:		
Date Filed: 1/21/1993		
Int: CANAL COUNTY		
Int: TOSR RISE 211	37-08785 ✓	
Source: UNPAID STREAM		
Division Pt:		
Use: STOCKWATER FROM STORAGE		
Stock Diversion:		
Date Filed: 1/21/1993		
Int: CANAL COUNTY		
Int: TOSR RISE 211	37-08786 ✓	
Source: UNPAID STREAM		
Division Pt:		
Use: STOCKWATER FROM STORAGE		
Stock Diversion:		
Date Filed: 1/21/1993		
Int: CANAL COUNTY		
Int: TOSR RISE 211	37-08787 ✓	
Source: UNPAID STREAM		
Division Pt:		
Use: STOCKWATER FROM STORAGE		
Stock Diversion:		
Date Filed: 1/21/1993		
Int: CANAL COUNTY		
Int: TOSR RISE 211	37-08788 ✓	
Source: UNPAID STREAM		
Division Pt:		
Use: STOCKWATER FROM STORAGE		
Stock Diversion:		
Date Filed: 1/21/1993		
Int: CANAL COUNTY		
Int: TOSR RISE 211	37-08789 ✓	
Source: UNPAID STREAM		
Division Pt:		
Use: STOCKWATER FROM STORAGE		
Stock Diversion:		
Date Filed: 1/21/1993		
Int: CANAL COUNTY		
Int: TOSR RISE 211	37-08790 ✓	
Source: UNPAID STREAM		
Division Pt:		
Use: STOCKWATER FROM STORAGE		
Stock Diversion:		
Date Filed: 1/21/1993		
Int: CANAL COUNTY		
Int: TOSR RISE 211	37-08791 ✓	
Source: UNPAID STREAM		
Division Pt:		
Use: STOCKWATER FROM STORAGE		
Stock Diversion:		
Date Filed: 1/21/1993		
Int: CANAL COUNTY		
Int: TOSR RISE 211	37-08792 ✓	
Source: UNPAID STREAM		
Division Pt:		
Use: STOCKWATER FROM STORAGE		
Stock Diversion:		
Date Filed: 1/21/1993		
Int: CANAL COUNTY		
Int: TOSR RISE 211	37-08793 ✓	
Source: UNPAID STREAM		
Division Pt:		
Use: STOCKWATER FROM STORAGE		

per t/c with Mrs. Kevan of the Snowshoe who clarified question of publication dates. She verified that printing is done on Tuesdays & mailings occur on Wednesdays so I will change info on computers.

M. Baldwin

[illegible]



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301 (208) 736-3033

20-Feb-1992

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

ORIE &/OR ALONZO LEA VELL
PO BOX 54
GOODING ID 83330

Re: Applications for Permit Nos. 37-08770 thru 37-08781, inclusive
Gentlemen:

The Department of Water Resources acknowledges receipt of your water right applications for permit. The applications have been assigned the above referenced identification numbers. Please refer to these numbers in all further correspondence, copies of the applications are enclosed for your information.

This office will be advertising the applications in the Snowshoe on 3/4 & 3/11/92. A period of ten days following the second publication will be allowed for the submittal of protests.

If an 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 an 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.

Very truly yours,

James E. Stanton
Sr. Water Resource Agent

JS:MB

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OCT 04 1995

NOTICE OF APPLICATION FOR WATER RIGHT

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

37-08781

LEA VELL, ORIE S
LEA VELL, ALONZO B
PO BOX 54
GOODING, ID 83330

Source: UNNAMED STREAM

Tributary: SPRING CREEK

Diversion Pt: NENESE Sec 13 T 02S R 15E in CAMAS County.

Use: STOCKWATER STORAGE	(1.00 AF)
STOCKWATER FROM STORAGE	(1.00 AF)
Total Diversion:	(1.00 AF)

Date Filed: 1/21/1992

In: CAMAS County
T02S R15E S13 NESE

The permit(s) will be subject to all prior water rights. Protests must be filed with the Director, Dept. of Water Resources, Southern Region, 222 Shoshone Street East, Twin Falls, ID 83301 on or before MARCH 23, 1992.

R. KEITH HIGGINSON, Director

Published: 3/ 4/¹⁹⁹²9920 & 3/11/1992

Microfilm

OCT 04 1995

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Southern Region
222 Shoshone Street East
Twin Falls, ID 83301
(208)736-3033

FEBRUARY 19, 1992

THE SNOWSHOE
BOX 360
FAIRFIELD, ID 83327

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 MARCH 23, 1992.

Yours truly,

Mary Baldwin
Secretary/Office Coordinator

Enclosure

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