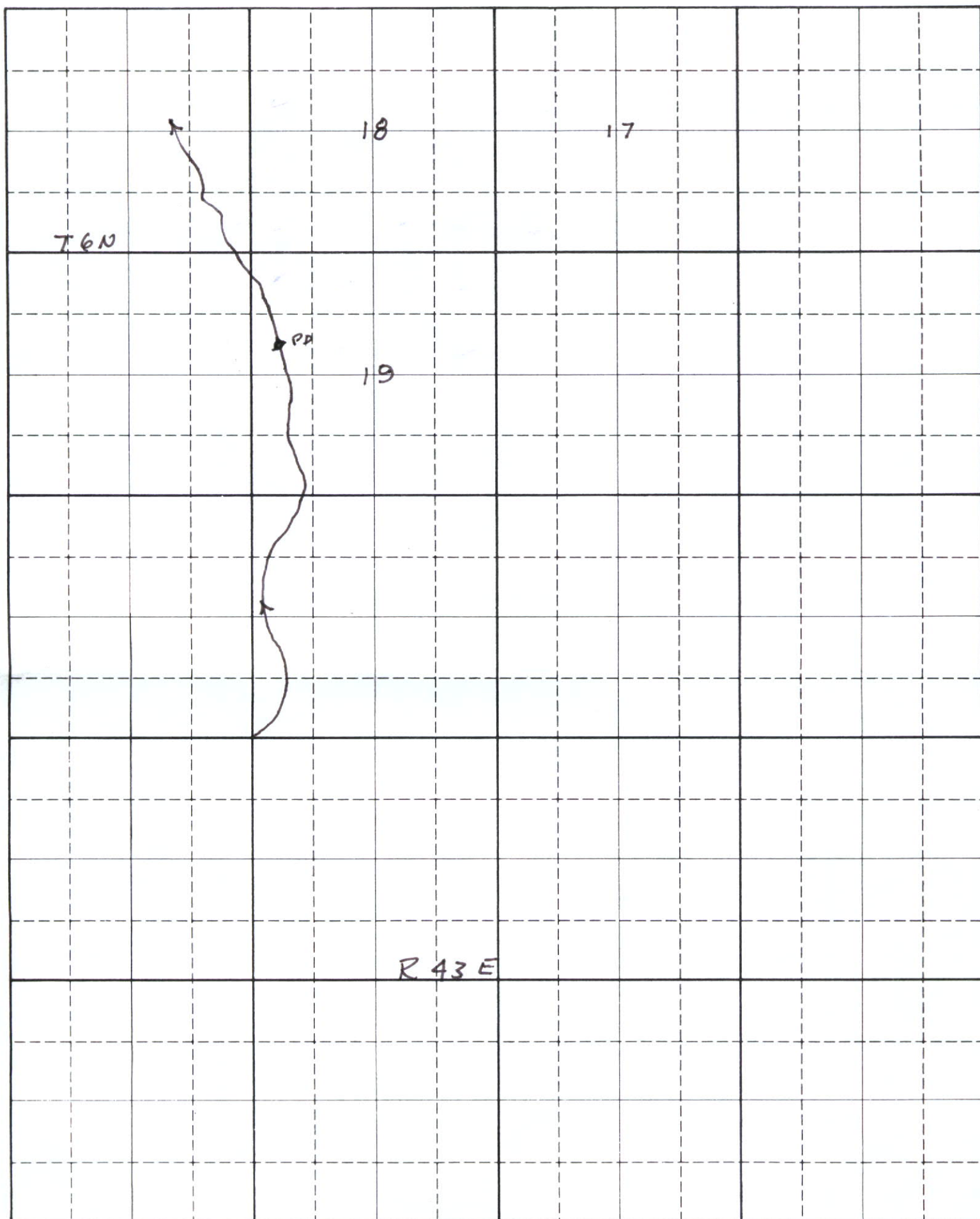


11. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



Scale: 2 inches equal 1 mile

BE IT KNOWN that the undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.

O. J. Neely Ranch Inc
(Applicant)
by Owen J. Neely Pres.

The REXBURG STANDARD and
The REXBURG JOURNAL
REXBURG, IDAHO

RECEIVED
DEC 23 1974

Department of Water Resources
Eastern District Office

Affidavit of Publication

STATE OF IDAHO }
County of Madison } ss.

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

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

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

any supplement issue thereof for two
consecutive issues, the first publication hav-
ing been made on December 12, 1974
and the last publication having been made
on December 19, 1974

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

John A. Porter

Subscribed to and sworn to before me
this December 20, 1974

Boyd A. Tate
Notary Public.
(SEAL)

My commission expires 8-5-77

NOTICE OF APPLICATION
FOR WATER PERMIT

Notice is hereby given that O. J. Neeley Ranch, Inc., P.O. Box 425, Rexburg, Idaho has on December 5, 1974 submitted Application No. 22-7118 for a permit to appropriate 8.0 cubic feet per second of water from Canyon Creek tributary of Teton River by means of pump and pipeline within the SW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 19, T. 6N, R. 43E, B.M., Madison County; to be used from May 1 to July 1 for the irrigation of 746 acres within the NE $\frac{1}{4}$, N $\frac{1}{2}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 19, SW $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$, Sec. 18, SW $\frac{1}{4}$, Sec. 17, T. 6N, R. 43E, B.M.

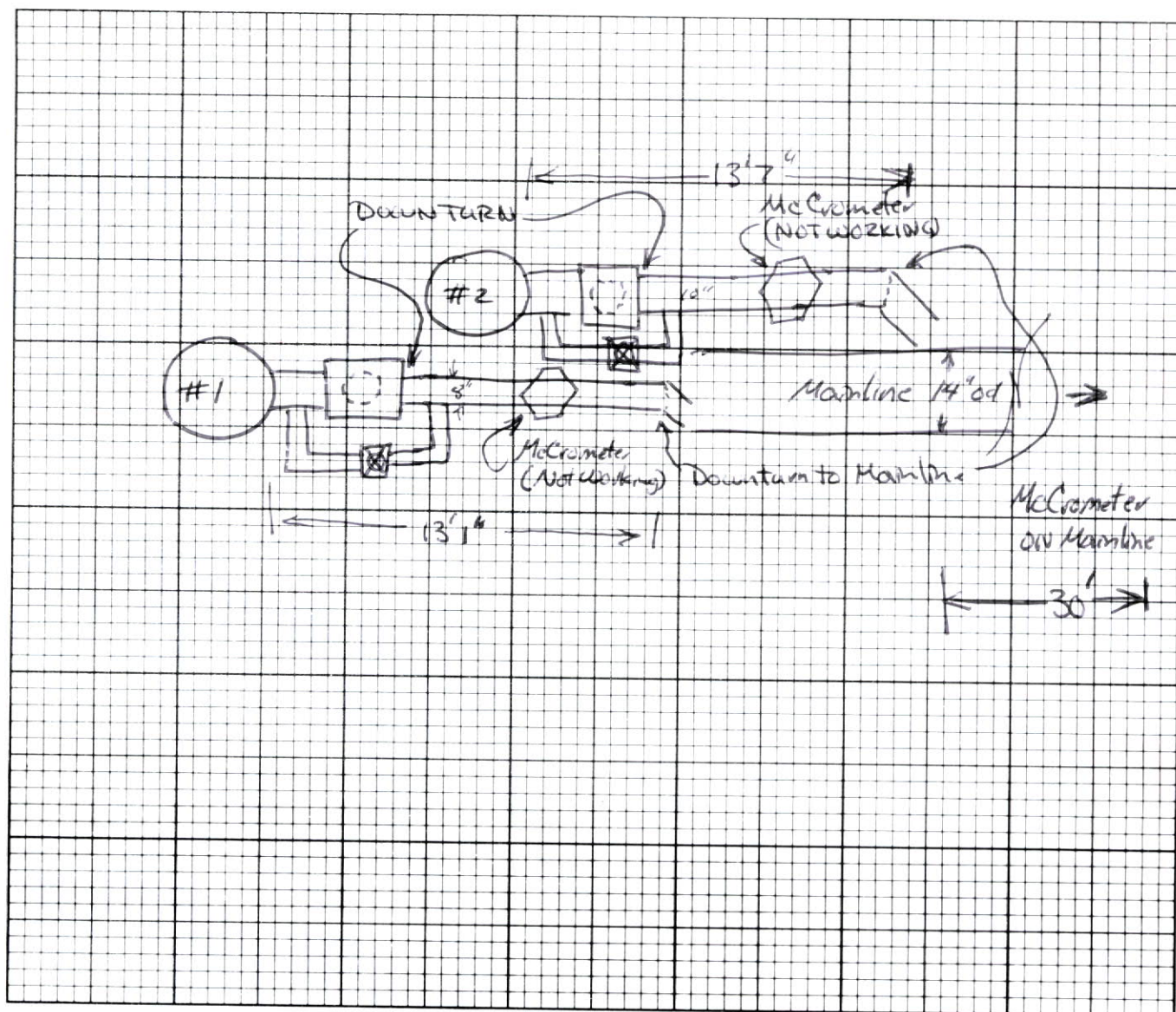
If issued, this permit will be subject to all prior water rights. Protests against the granting of the permit must be filed with the Idaho Department of Water Resources, 1515 Lincoln Road, Idaho Falls, Idaho, 83401 on or before December 30, 1974.

R. KEITH HIGGINSON
Director

Published in the Rexburg Journal,
Rexburg, Idaho on December 12 and
December 19, 1974.

MICROFILMED

10. Other water rights on these lands 22-0630
11. Other water right diverted from same p.d. N/A
12. **Diversion and Delivery System Diagram:** Indicate all major components and distances between components. Indicate ditch size/pipe i.d. as applicable. Indicate on systems with measurement port the distance between the port and the nearest component/pipe bend/restriction both upstream and downstream, and the inside pipe diameter at the measurement port. On multiple diversion systems indicate how diversion systems are connected.



13. ☒ Photo of Diversion & System Attached ☐ Aerial Photo of Place of Use Attached or Map of Irrigated Acreage Attached

14. Remarks Approximately 650 acres watered

15. 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 |

16. Examiner's/Consultant's Signature Keith C. Wilson Date 2 July 1984

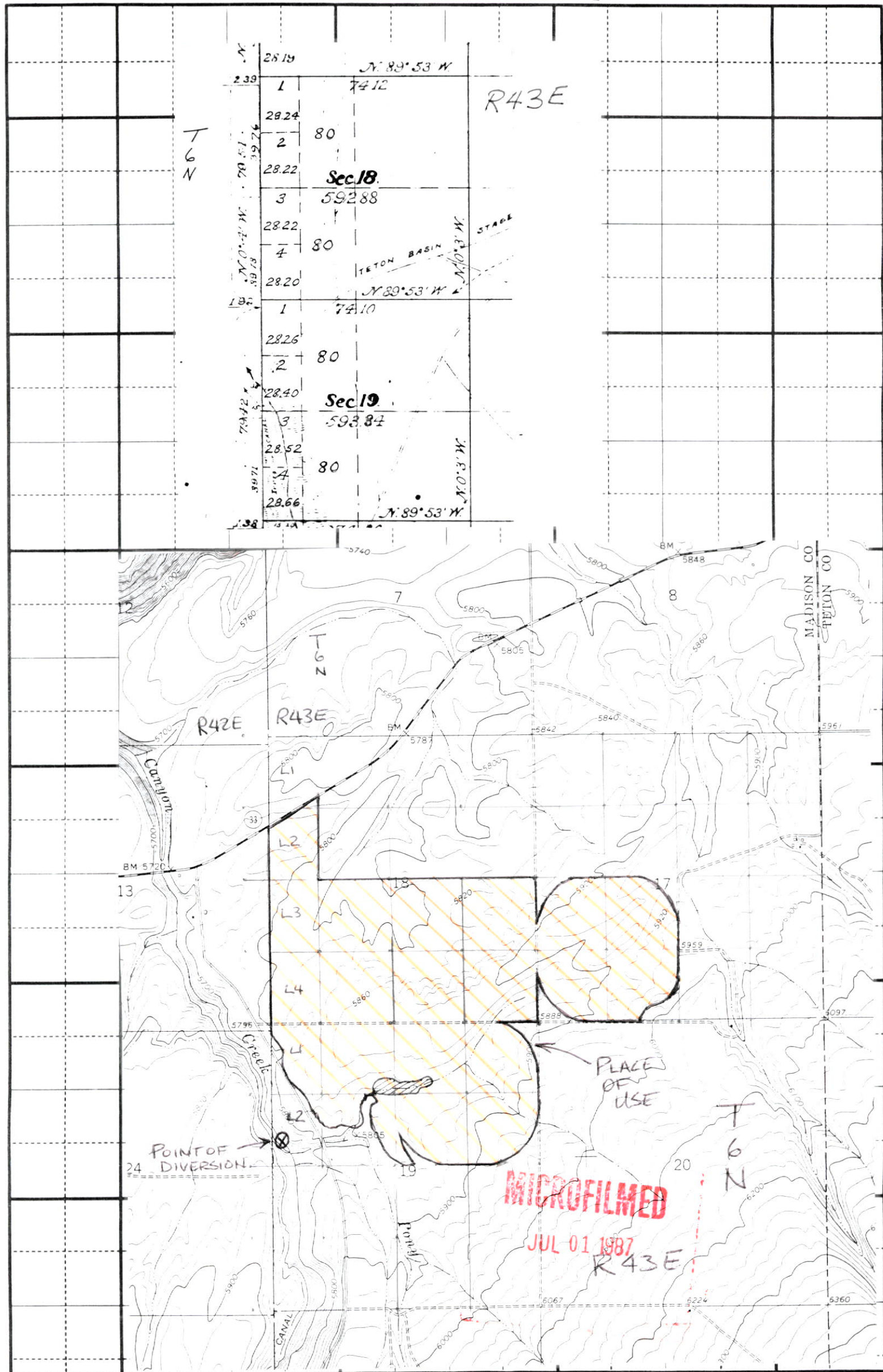
Consultant's License Number _____

IDWR Director's Authorization to Conduct

Beneficial Use Examination _____

Date

CONSULTANT SEAL





STATE OF IDAHO

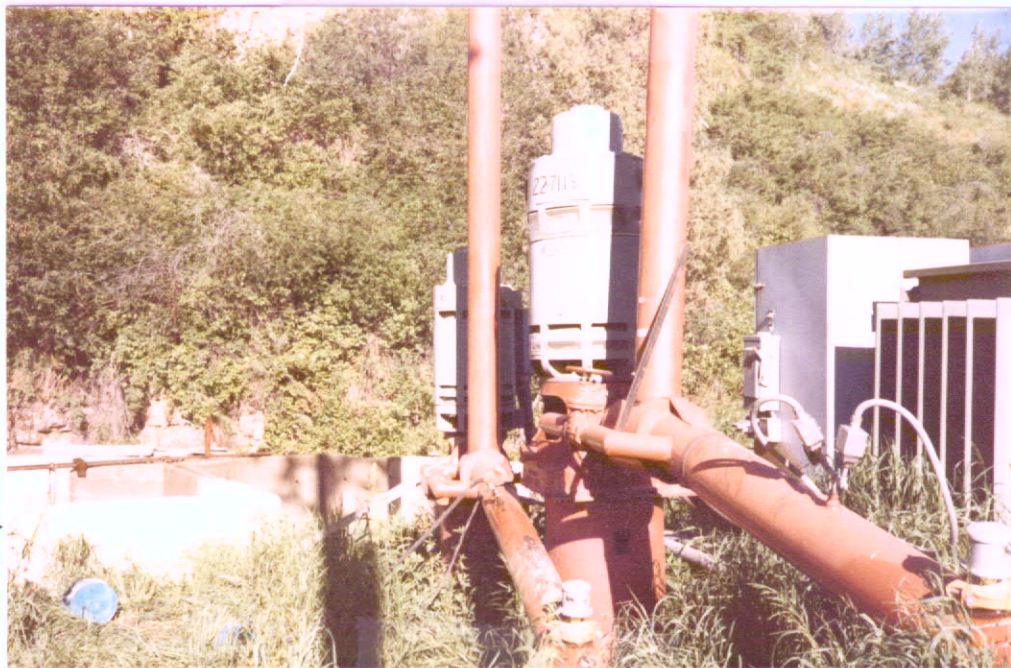
DEPARTMENT OF WATER RESOURCES
EASTERN REGION

John V. Evans
Governor

A. Kenneth Dunn
Director

22-7118
150 Shoup
Idaho Falls, Idaho 83401
(208) 525-7161

Headgate



Headgate 2 →

MICROFILMED

JUL 01 1987

22-7118



STATE OF IDAHO

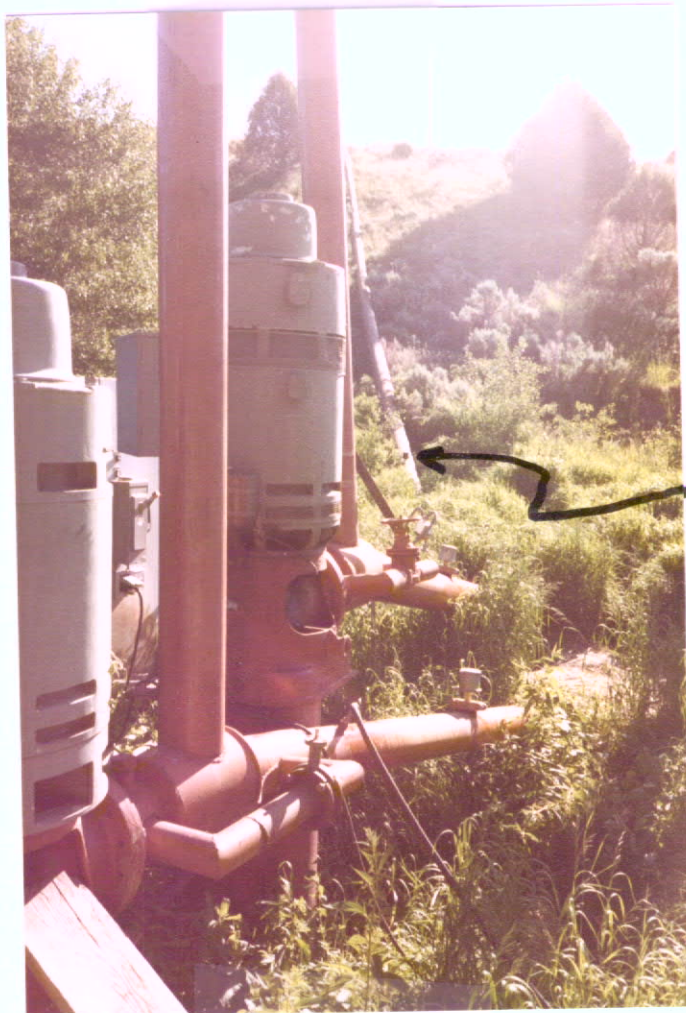
DEPARTMENT OF WATER RESOURCES

EASTERN REGION

John V. Evans
Governor

A. Kenneth Dunn
Director

150 Shoup
Idaho Falls, Idaho 83401
(208) 525-7161



Pumps showing
Mainline and
McCrometer

MICROFILMED

JUL 01 1981

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 22-7118

Priority: December 5, 1974 Amount: 6.88 CFS 832.4 AFA

This is to certify, that O. J. NEELY RANCH INC.
P.O. BOX 425

REXBURG, ID 83440 has complied with the terms and conditions
of the permit issued pursuant to Application for Permit dated May 12, 1974, and
has submitted proof to the Department of Water Resources on October 22, 1976, that
water has been applied to a beneficial use; an examination by the Department indicates
that the works have a diversion capacity of 6.88 cfs of water from;

CANYON CREEK

tributary to TETON RIVER

and that a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>VOLUME</u>
Irrigation	05/01 to 07/01	6.88 cfs	832.4 afa

LOCATION OF POINT OF DIVERSION(S): LOT 2(SWNW), Sec. 19, Township 6N, Range 43E
Madison County

PLACE OF USE: Irrigation

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
6N	43E	17	NESW 34	NWSW 34	SWSW 35	SESW 29		132
		18	LOT 2(SWNW)23	NESW 40	LOT 3(NWSW)28	LOT 4(SWSW)28		
			SESW 40	NESE 40	NWSE 40	SWSE 40		
			SESE 40					319
		19	NENE 35	NWNE 37	SWNE 37	SENE 33		
			NENW 37	LOT 1(NWNW)22	SENE 19			220

Total number of acres irrigated: 671

CONDITIONS/REMARKS:

1. The right to the use of the water hereby confirmed is limited to the amount which can actually be beneficially used and is restricted and appurtenant to the lands or place of use and to the purpose herein described, as provided by the laws of Idaho.
2. This right is subject to all prior water rights and may be forfeited by five years of non-use.
3. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
4. A totalizing measuring device of a type approved by this department shall be maintained as a part of the diverting works.
5. This right when combined with all other rights shall provide more than .02 cfs per acre nor more than 3.5 afa per acre for the lands above.
6. Use of water under this license is subject to control by the watermaster of State Water District No. 01 .

MICROFILMED

JUL 01 1987

State of Idaho
Department of Water Resources

PAGE 2

WATER RIGHT LICENSE

WATER RIGHT NO. 22-7118

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 28th day
of MAY, 1987.

Acting for the

Director

Norman C. Young

MICROFILMED

JUL 01 1987

BEFORE THE DIRECTOR OF THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR PERMIT NO.)
22-7118 in the name of O. J. NEELEY RANCH, INC.)

MEMORANDUM DECISION
AND ORDER

On December 5, 1974, Owen J. Neeley, President of Owen J. Neeley Ranch, Inc., filed with the Department of Water Resources an application to appropriate 8.0 cubic feet per second of the waters of Canyon Creek, a tributary of the Teton River. On December 27, 1974, the Department received a protest against approval of said application from J. Wayne Stevens. On December 30, 1974, the Department received an additional protest from Canyon Creek Canal Company and Mary Smith, Attorney at Law, on behalf of Fremont-Madison Irrigation District. The Department held a hearing on the matter on January 28, 1975, in St. Anthony, Idaho.

Owen J. Neeley, President of Owen J. Neeley Ranch, Inc., was present and represented by Blair Grover, Attorney at Law. The protestant, J. Wayne Stevens, was present and represented by Ray Rigby, Attorney at Law. The protestant, Canyon Creek Canal Company, was represented by Clair Robinson, Secretary. The protestant, Fremont-Madison Irrigation District, was represented by Willis Walker, Chairman of the Board of Directors, and Mary Smith, Attorney at Law.

The Director of the Department of Water Resources, having reviewed all testimonies and evidence offered for each of the parties, and all pertinent information in the Department's official files, and based upon his understanding of the law, the Director of the Department of Water Resources makes the following Findings of Fact, Conclusions of Law, and Order:

Findings of Fact

(1) The protestant, J. Wayne Stevens, is the holder of approved Permit No. 22-7069, in the amount of 2.0 cfs; No. 22-7103, in the amount of 8.0 cfs; and Application for Permit No. 22-7114 in the amount of 20 cfs, all for the diversion of water from Canyon Creek.

(2) The protestant, Mr. J. Wayne Stevens, irrigated 55 acres during 1974 with water appropriated from Canyon Creek under the authority of existing approved permits.

(3) The applicant has filed with the Department of Water Resources, Application for Transfer No. 22-0610B requesting a change in the point of diversion and place

MICROFILMED

of use of his decreed right on Pony Creek. The new point of diversion requested in this transfer is the same as requested under the application for permit being considered here.

(4) The applicant proposes to use the waters of Canyon Creek beneficially prior to the time that the Canyon Creek Canal begins diverting under its right.

(5) The applicant's priority for the use of Canyon Creek water is later in time than any of those held by the protestant, J. Wayne Stevens and Canyon Creek Canal Company.

Conclusions of Law

(1) The applicant, Owen J. Neeley, is entitled to a permit from the Department of Water Resources since, at the present level of development, there is water available.

(2) The protestant, Mr. J. Wayne Stevens, has prior permits to appropriate 10.0 cfs, and a prior application to appropriate 20 cfs of the waters of Canyon Creek. If the projects under these permits and application are fully developed, they will use the entire flow of Canyon Creek.

Order

IT IS, THEREFORE, ORDERED and Application for Permit No. 22-7118 is hereby APPROVED subject to the following conditions:

1. This right will be subject to all prior water rights.
2. The applicant shall install and maintain a totalizing measuring device of a type approved by the Department.
3. This right will be under the control of the watermaster.
4. Proof of construction of works and application of water to beneficial use must be submitted to the Department of Water Resources on or before February 1, 1980.

Dated this 25 day of February, 1975.


R. KEITH HIGGINSON
Director

RDC/BDF:jg

MICROFILMED

22 7118

Identification No. _____

Application No. _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

APPROVED

To Appropriate the Public Waters of the State of Idaho
 (TYPE OR PRINT IN INK)

1. Name of applicant O.J. Neeley Ranch, Inc. Phone: _____
 post office address P.O. Box 425, Rexburg, Idaho
2. Source of water supply Canyon Creek which is a tributary of Teton River
3. a. Location of point of diversion is SW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 19 Township 6 N
 Range 43 E B.M. Madison County; additional points of diversion if any: _____

- b. If water is not consumed, it will be discharged into _____ at a point in _____ $\frac{1}{4}$
 of _____ $\frac{1}{4}$ of Section _____ Township _____ Range _____ B.M. _____
4. Water will be used for the following purposes:
 Amount 8.0 for Irrigation purpose from May 1 to July 1 (both dates inclusive)
(cfs or acre-feet per annum)
 Amount _____ for _____ purpose from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
 Amount _____ for _____ purpose from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
5. Total quantity to be appropriated:
 a. 8.0 cubic feet per second and/or
 b. _____ acre feet per annum.
6. Proposed diverting works:
 a. Description of ditches, flumes, pumps, headgates, etc. 600 hp motor & pump to 3 center pivots

- b. Height of storage dam _____ feet, active reservoir capacity _____ acre feet; total reservoir capacity _____ acre feet, materials used in storage dam: _____
 Period of year during which storage will occur _____ to _____ inclusive.
(Mo. Day) (Mo. Day)
- c. Proposed well diameter is _____ inches; proposed depth of well is _____ feet.
7. a. Time required for the completion of the works and application of the water to the proposed beneficial use is 5 years.
 b. Estimated construction cost is \$ 230,000.
8. Description of proposed uses:
 a. If water is **not** for irrigation:
 (1) Give the place of use of water: _____ $\frac{1}{4}$ of _____ $\frac{1}{4}$ of Section _____ Township _____
 Range _____ B.M. _____
 (2) Amount of power to be generated: _____ hp under _____ feet of head.
 (3) List number of each kind of livestock to be watered _____

 (4) Name of municipality to be served _____, or number of families to be supplied with domestic water _____
 (5) If water is to be used for other purposes describe: _____

MICROFILMED

b. If water is for irrigation, indicate acreage in each subdivision in the tabulation below:

TWP.	RANGE	SEC	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
6 N	43 E	19	40	40	40	40	40	28		34									262
		18							28		40	28	28	40	40	40	40	40	324
		17									40	40	40	40					160

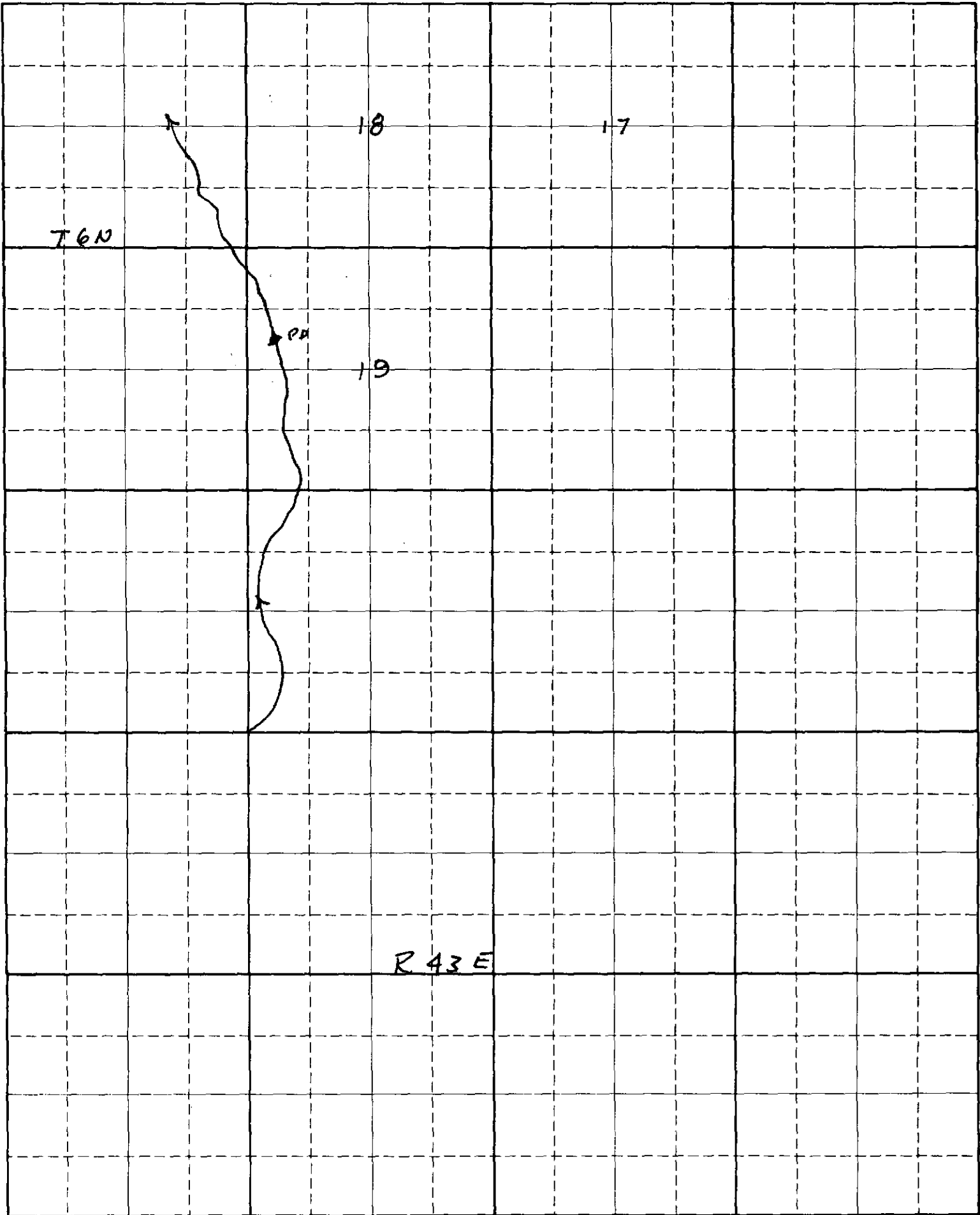
Total number of acres to be irrigated 746

c. Describe any other water rights used for the same purposes as described above.
 Decreed right for 8.7 cfs on Pony Creek (if transfer is approved)

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

10. Remarks

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



Scale: 2 inches equal 1 mile

BE IT KNOWN that the undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.

O. J. Healey Ranch Inc
(Applicant)
by Owen J. Healey Pres.

Proposed Priority 12-05-1974

Received by RDC Date 12/5/74 Time 5:00 PM
Preliminary check by RDC Fee \$ 95.00
Receipted by RDC Date 12/5/74 # 4002
Publication prepared by MB Date 12-6-74
Published in The Pocatello Journal
Publication dates Dec 12 & 19, 1974
Publication approved MB Date 12-23-74
Priority reduced to _____ Reason _____

Protests filed by: J. Wayne Stevens
Wayne Steel Canal Co, Fremont
Madison Irrigation Dist.
Copies of protests forwarded by MB
Hearing held by _____ Date _____
Recommended for approval denial by RDC

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. 22-7118, and said application is hereby APPROVED.

1. Approval of said application is subject to the following limitations and conditions:

- a. SUBJECT TO ALL PRIOR WATER RIGHTS.
- b. Proof of construction of works and application of water to beneficial use shall be submitted on or before February 1, 19 80.
- c. Other: Pursuant to the Memorandum Decision & Order of February 25, 1975.

Witness my hand this 25 day of February, 19 75.

R. Karl Higin
Director

DEPARTMENT OF WATER RESOURCES
- STAFF ANALYSIS -

Item Initial Date

Application No. 22 7118 J. Neely

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

(1) LN 12-6-74

In form to receipt Yes

(2) " "

Send Copies to:

☐ Idaho State Health Department
☒ Idaho Fish and Game Department
☐ Bureau of Land Management
☒ Att. Latson

(3) " "

NA

☐ Request Special Use Permit from U.S.F.S.
☐ Request Easement from B.L.M.
☐ Request Information from Applicant

(4) " "

In form for advertising Yes

(5) " "

Platted on Map No. "

(6) " "

Located within Water District No. 01

(7) " "

NA Critical groundwater area: yes " no "

(8) " "

NA Groundwater levels:

" Declining, " Stable, " Increasing
(comment) "

(9) " "

Other rights on the same place of use NO

(10) " "

Comments: No other surface rights

(11) OW 12-23-74

Affidavit of Publication received (date) Dec. 23, 1974

(12) " "

Final date for protests December 30, 1974

Protests received: yes " no "

(13) RC 2/13/75

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

(14) " "

Action recommended:

☒ Approve ☐ Deny

12/5/74 Proposed Priority

" Reason for Reduction "

☒ Measuring device required

☒ See attached sheet for other conditions of approval MEMORANDUM DECISION

" No special conditions for approval

(15) District E

By RC

Date 2/13/75

MICROFILMED

Copy RC

The REXBURG STANDARD and
The REXBURG JOURNAL
REXBURG, IDAHO

RECEIVED
DEC 23 1974

Department of Water Resources
Eastern District Office

Affidavit of Publication

STATE OF IDAHO }
County of Madison } ss.

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

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

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

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

ing been made on December 12, 1974
and the last publication having been made

on December 19, 1974

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

John A. Porter

Subscribed to and sworn to before me

this December 20, 1974

Boyd A. Latta
Notary Public.

(SEAL)

My commission expires 8-5-77

NOTICE OF APPLICATION
FOR WATER PERMIT

Notice is hereby given that O. J. Neeley Ranch, Inc., P.O. Box 425, Rexburg, Idaho has on December 5, 1974 submitted Application No. 22-7118 for a permit to appropriate 8.0 cubic feet per second of water from Canyon Creek tributary of Teton River by means of pump and pipeline within the SW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 19, T.6N, R. 43E, B.M., Madison County; to be used from May 1 to July 1 for the irrigation of 746 acres within the NE $\frac{1}{4}$, N $\frac{1}{2}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 19, SW $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$, Sec. 18, SW $\frac{1}{4}$, Sec. 17, T. 6N, R. 43E, B.M.

If issued, this permit will be subject to all prior water rights. Protests against the granting of the permit must be filed with the Idaho Department of Water Resources, 1515 Lincoln Road, Idaho Falls, Idaho, 83401 on or before December 30, 1974.

R. KEITH HIGGINSON

Director

Published in the Rexburg Journal, Rexburg, Idaho on December 12 and December 19, 1974.

MICROFILMED

March 31, 1987

O. J. NEELY RANCH INC.
P.O. BOX 425
REXBURG, ID 83440

RE: Permit No. 22-7118

Dear Permit Holder(s):

We previously forwarded to you an Amendment for Water Permit so that you could amend your permit to correspond with the findings of the Department's field examiner.

As of this date, we have not received this amendment. If we do not receive the amendment within fifteen (15) days, we will issue a Water Right License which reduces the amount that could have been allowable to you. Enclosed for your convenience is another amendment form in the event the first one was misplaced.

Since the license will be a permanent water right your prompt attention to this matter will be appreciated.

If you have any questions, please contact us as soon as possible.

Sincerely,

JIM JOHNSON
Water Rights Supervisor

JJ:sc

Enclosure

MICROFILMED

JUL 01 1987



State of Idaho
DEPARTMENT OF WATER RESOURCES
STATE OFFICE, 450 W. State Street, Boise, Idaho

CECIL D. ANDRUS
Governor

A. KENNETH DUNN
Director

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 334-4440

February 20, 1987

O. J. NEELY RANCH INC.
P.O. BOX 425
REXBURG, ID 83440

RE: Permit No. 22-7118

Dear Permit Holder(s):

The above referenced water right is in the process of being licensed. However, before a license can be issued, your permit must be amended to correspond with the findings of the Department's field examiner.

The enclosed application for amendment contains information that will be included on the license when it is issued. Please review carefully and if you concur, sign the amendment and return with the \$20.00 filing fee within 30 days.

If you do not concur with these findings or if you have any questions, please contact us within the 30-day period.

Sincerely,

JIM JOHNSON
Water Rights Supervisor

JJ:sc

Enclosure

MICROFILMED
JUL 01 1987

May 29, 1987

O. J. NEELY RANCH INC.
P.O. BOX 425
REXBURG, ID 83440

RE: Permit No. 22-7118

Dear Permit Holder(s):

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

Sincerely,

JIM JOHNSON
Water Rights Supervisor

JJ:sc

Enclosure

MICROFILMED

JUL 01 1987

"old" exam -

RECOMMENDED AMOUNTS

Reduced License
due to no amendments

3.	Permit No.	Priority	Amount	App. Date	Date Proof Submitted	System Capacity
	22-7118	12-5-1974	6.88 cfs	12-5-1974	10-22-1976	6.88 cfs

4. Permit Holder: O. J. Neeky Ranch, Inc.

Address: P.O. Box 425, Rexburg, ID 83440

5. Source: Canyon Creek tributary to Teton River

6. Beneficial Use	Period of Use From To	Rate of Diversion Q (cfs)	Annual Volume V (afa)
<u>Irrig.</u>	<u>5-1 7-1</u>	<u>6.88 cfs</u>	<u>832.4 AFA</u>

Allowable Maximums: 6.88 cfs 832.4 AFA

7. Point(s) of Diversion:

No.	Govt. Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County
	<u>2</u>		<u>SW</u>	<u>NW</u>	<u>19</u>	<u>6N</u>	<u>43E</u>	<u>Madison</u>

8. Place(s) of Use

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
<u>6N</u>	<u>43E</u>	<u>17</u>									<u>34</u>	<u>34</u>	<u>35</u>	<u>29</u>					<u>132</u>
									<u>62</u>			<u>62</u>	<u>64</u>						
		<u>18</u>							<u>23</u>		<u>40</u>	<u>28</u>	<u>28</u>	<u>40</u>	<u>40</u>	<u>40</u>	<u>40</u>	<u>40</u>	<u>319</u>
		<u>19</u>						<u>64</u>											
			<u>35</u>	<u>37</u>	<u>37</u>	<u>33</u>	<u>37</u>	<u>22</u>		<u>19</u>									<u>220</u>
Total Acres <u>671</u>																			

9. Recommended Conditions/Remarks:

R04(01)
R19
R22 R30

MICROFILMED

JUL 01 1987

10. 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

11. Examiner's Signature _____ Date _____

Checked in Regional Office by _____ Date _____

Approved in State Office by K. Walker Date 4/20/87

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
LICENSING REPORT

Permit No. _____

1. Measurement Calculations

a) Field Measurement Calculations (Include theoretical capacities and system capacity)

b) Volume Calculations for Irrigation:

$V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = \text{SEE. } 2348.5 \text{ AFA}$
 $V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 = 61 \times 6.88 \times 1.9835 = 832.4$
 $V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} =$ _____

c) Volume Calculations for Other Uses:

$5/1 \rightarrow 7/1 = 61 \text{ days}$

2. Overlap Review

a) Other water rights with same place of use: _____

b) Other water rights with same point of diversion: _____

c) Analysis:

MICROFILMED
JUL 01 1981

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
LICENSING REPORT

RECEIVED
OCT 9 1986

22-7118
Permit No.

Department of Water Resources

1. Measurement Calculations

a) Field Measurement Calculations (Include theoretical capacities and system capacity)

McCrometer Meter located on mainline where all flow from diversion passes:

$$0.01 \frac{af}{63.27 \text{ sec}} \times \frac{43560 \text{ ft}^2}{\text{acre}} = 6.88 \text{ cfs.}$$

$$.02 \times 675.4 \text{ ac.} = 13.51 \text{ cfs}$$

Recommend licensing for 6.88 cfs

b) Volume Calculations for Irrigation:

$$\begin{aligned} V_{I.R.} &= (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = 675.4 \times 3.5 = 2,363.9 \text{ afa} \\ V_{D.R.} &= [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 = 6.88 \times 214 \times 1.9835 = 2920 \\ V &= \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} = 2,363.9 \text{ afa} \end{aligned}$$

c) Volume Calculations for Other Uses:

2. Overlap Review

a) Other water rights with same place of use: 22-0630 22-7354 —

b) Other water rights with same point of diversion: N/A — ✓

c) Analysis: R 29, —

MICROFILMED
JUL 01 1981

RECOMMENDED AMOUNTS

3.	Permit No.	Priority	Amount	App. Date	Date Proof Submitted	System Capacity
	22-7118					

4. Permit Holder: _____

Address: _____

5. Source: Canyon Creek tributary to Teton River

6. Beneficial Use	Period of Use From To	Rate of Diversion Q (cfs)	Annual Volume V (afa)
<u>IRRIGATION</u>	<u>4/1</u> <u>11/1</u>	<u>6.88 cfs</u>	<u>2,383 afa</u>

Allowable Maximums: 6.88 cfs 2,383 afa

7. Point(s) of Diversion:

No.	Govt. Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County
	2		SW	NW	19	6N	43E	Madison ✓

8. Place(s) of Use

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
6N	43E	19	35	37	37	33	37	L1	L2										223 ✓
		18						L1	L2		L1	L2							
								1	23		40	282	282	40	40	40	40	40	320.4
		17									34	34	35	29					132.0
Total Acres _____																			

9. Recommended Conditions/Remarks: R29

MICROFILMED

JUL 01 1987

10. 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 _____

11. Examiner's Signature Keith C Wilson

Date 28 Feb 1986

Checked in Regional Office by Jim

Date 2 Oct 1986

Approved in State Office by Jim

Date 1-9-87

OCT 9 1986

Department of Water Resources
Permit No. 22-7118

Phone No.

1. Owner: _____ Phone No. _____
Current Address: _____
2. Accompanied by: Ryan Crapo EXAM. DATE: 2 July 1984
Address: Box 182, Parker Id 83438 Phone No. 624-3542
Relationship to Permit Holder: _____
3. Source: Canyon Creek tributary to Teton River

Well/Diversion* No.	Motor Make	HP	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
#1	GE	250	MKJ1218124	Aurora	V74-04509
#2	GE	350	HKJ821011	Aurora	V74-04510

*Code with points of diversion, system diagram & photos on reverse side. Disregard if only one.

5. System Description (As operating at time of measurement. Indicate pressure, number of sprinklers, etc.)

Diversion dam to two pumps to mainline with 3 center pivots and laterals with hand lines and sprinklers. (One center pivot waters $5\frac{1}{2}$ of Sec 18. Pivot is moved from crop to crop as needed in $5\frac{1}{2}$ of Sec 18)

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date
McCrometer				83-14-126	13.73" id	4/1/16

7. Measurements *0.01 of in 63.27 sec = 6.88 cfs* ☐ Additional data/computation sheets attached

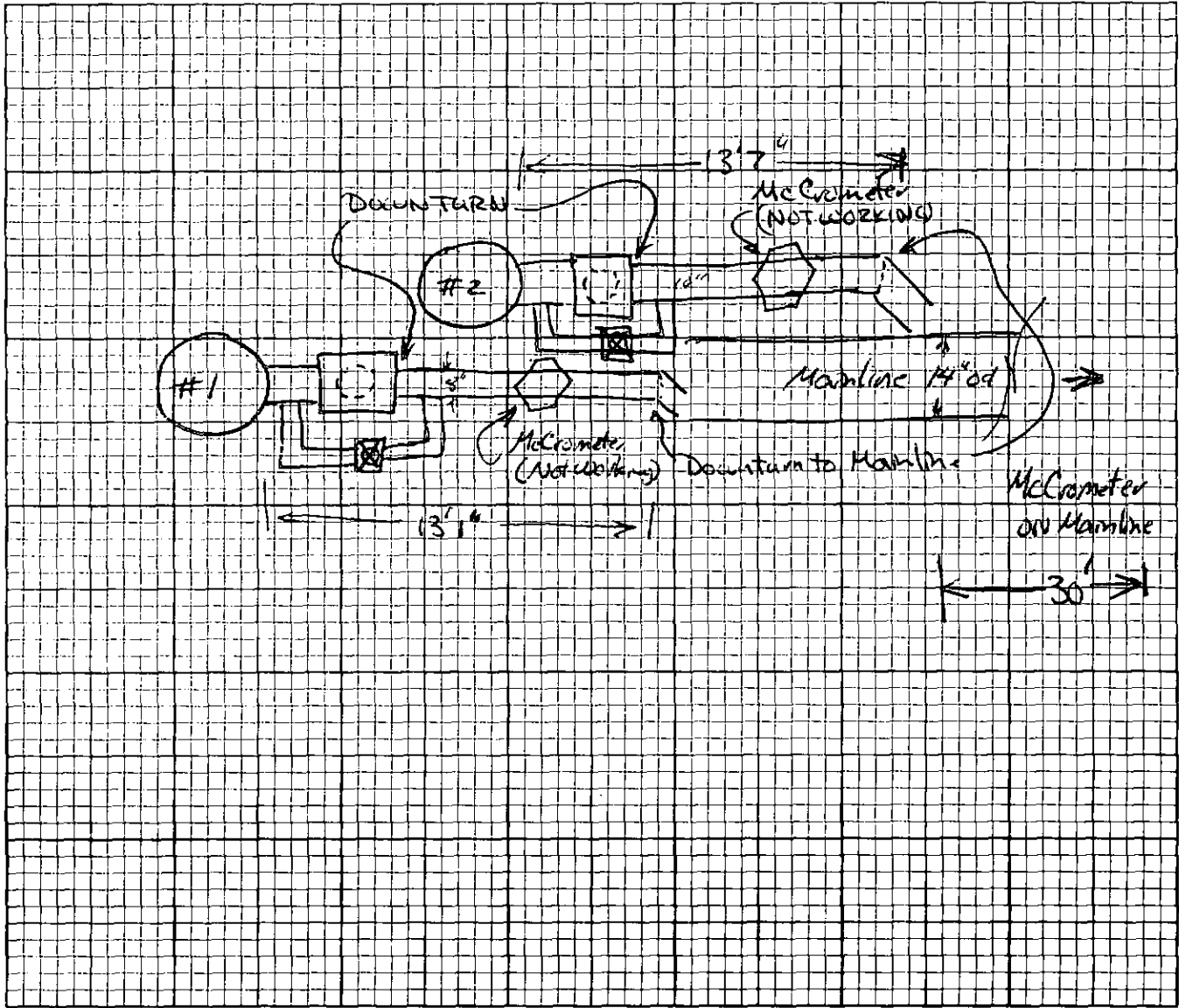
- | 8. Point(s) of Diversion: | Indicate Method of Determination |
|---------------------------|----------------------------------|
|---------------------------|----------------------------------|

[illegible]

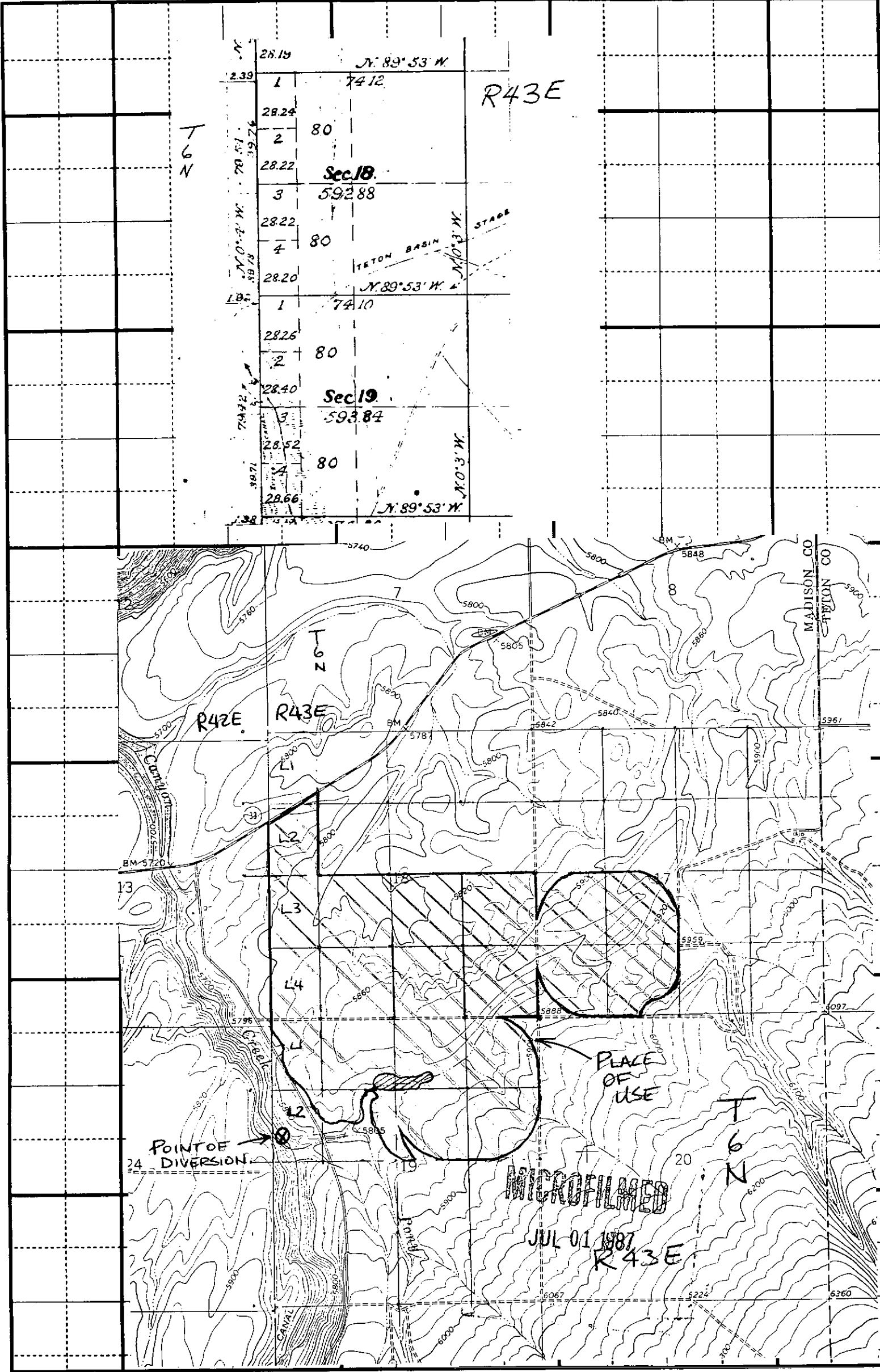
- | | | |
|----|------------------|---|
| 9. | Place(s) of Use: | Irrigation - give acres served by system at time of exam.
Indicate Method of Determination |
|----|------------------|---|

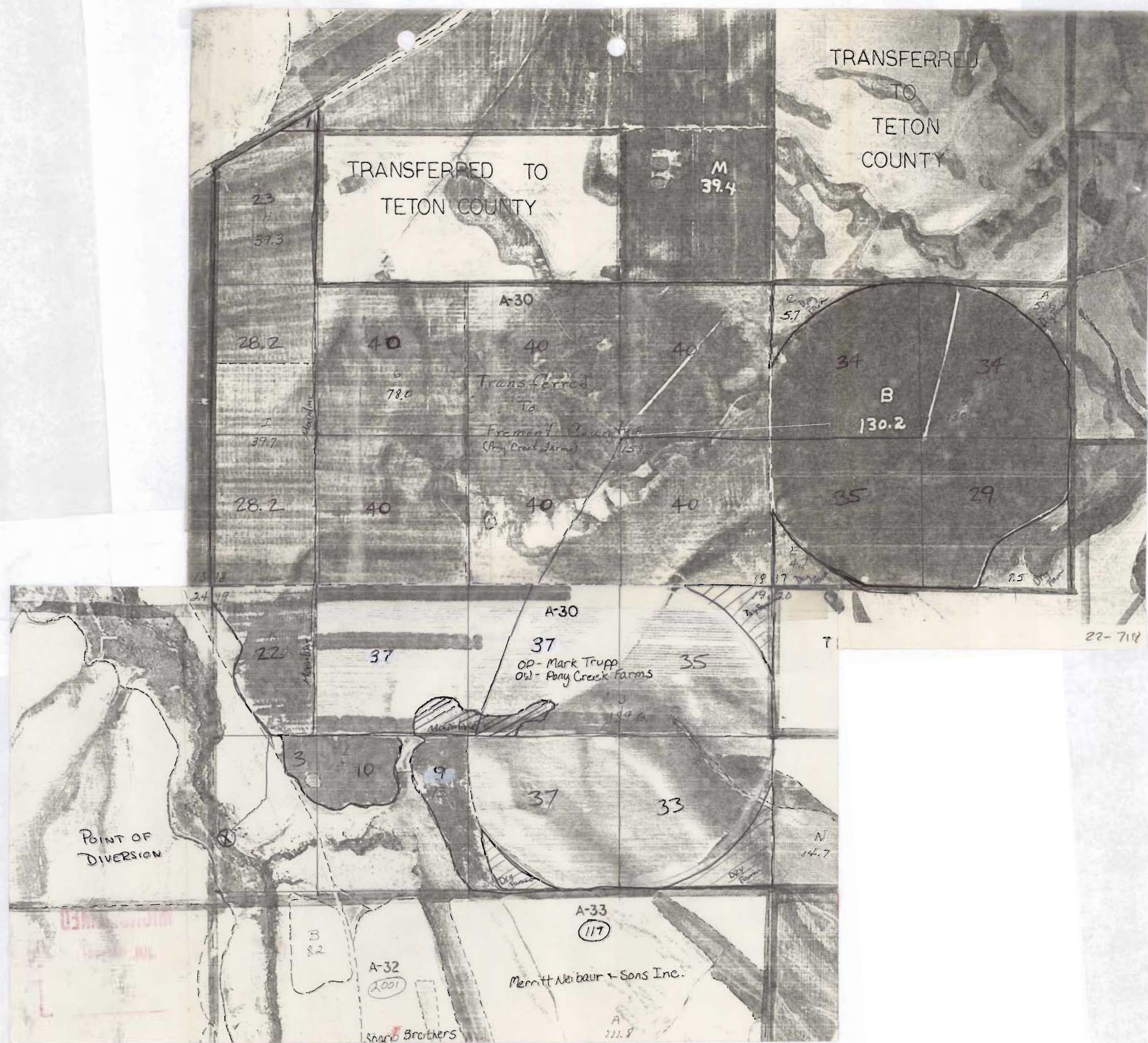
[illegible]

10. Other water rights on these lands 22-0630
11. Other water right diverted from same p.d. N/A
12. **Diversion and Delivery System Diagram:** Indicate all major components and distances between components. Indicate ditch size/pipe i.d. as applicable. Indicate on systems with measurement port the distance between the port and the nearest component/pipe bend/restriction both upstream and downstream, and the inside pipe diameter at the measurement port. On multiple diversion systems indicate how diversion systems are connected.



13. ☒ Photo of Diversion & System Attached ☐ Aerial Photo of Place of Use Attached or Map of Irrigated Acreage Attached
14. Remarks Approximately 650 acres with tree
15. 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 |
16. Examiner's/Consultant's Signature Keith C Wilson Date 2 July 1984
- Consultant's License Number _____
- IDWR Director's Authorization to Conduct Beneficial Use Examination _____
- Date _____
- CONSULTANT SEAL _____







22-7118

STATE OF IDAHO

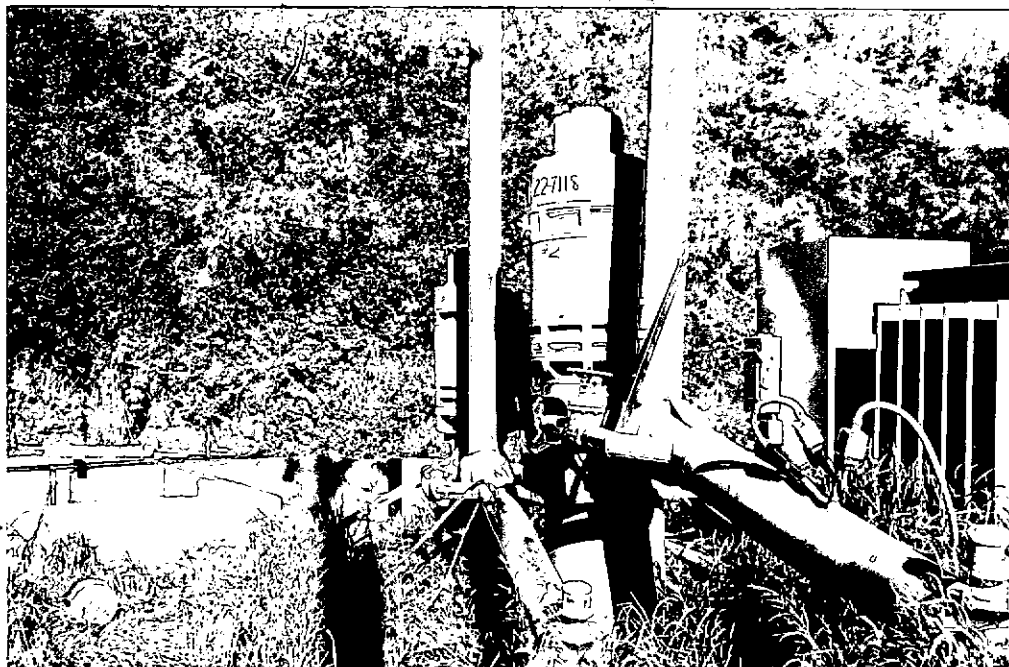
DEPARTMENT OF WATER RESOURCES
EASTERN REGION

John V. Evans
Governor

150 Shoup
Idaho Falls, Idaho 83401
(208) 525-7161

A. Kenneth Dunn
Director

Headgate



Headgate 2 →

MICROFILMED

JUL 01 1987

22-7118



STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES
EASTERN REGION

John V. Evans
Governor

A. Kenneth Dunn
Director

150 Shoup
Idaho Falls, Idaho 83401
(208) 525-7161



Pumps showing
Manline and
McCrometer

MICROFILMED

JUL 01 1981

MEMO TO FILE

DATE: June 21, 1979

SUBJ: Permit 22-7118

458-4168

Upon visiting O. J. Neeley's ranch to complete the field exam.
for Permit 22-7118, Mrs. Neeley explained they are unable to
pay the previous year's power bill of \$17,000. Consequently,
they will not be operating the system this year unless they
sell the property and the new owners pay the bill.

John Carlson
JOHN CARLSON
Water Resource Agent

JC:dh

*System will be operating
this season 2/1/80
JC*

MICROFILMED

JUL 01 1981

Fremont

Proof sent in Oct 25, 1976
HWS

Bellevue Ranch has New Owner
a Mr. Crapo. HWS

* Valley View Ranch - George Crapo

George Crapo

Rt 2 St. Anthony 83445

Ryan Crapo

Box 182

Parker Id 83438

MICROFILMED

JUL 01 1981

October 28, 1976

Re: Permit No. 22-7118

O. J. Neeley Ranch, Inc.
Box 425
Rexburg, Idaho 83440

Gentlemen:

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

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

If you have any questions regarding the field examination, please contact our Regional Office in Idaho Falls.

Sincerely,

JANICE RENK
Water Rights Bureau

/jr

RECEIVED
OCT 29 1976
WATER RIGHTS BUREAU
IDAHO FALLS

RECEIVED

OCT 22 1976

Department of Water Resources
Eastern District Office

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

Identification No. _____

Permit No. 22-7118

RECEIVED

OCT 25 1976

Department of Water Resources

PROOF OF APPLICATION OF WATER TO BENEFICIAL USE

1. a) Name of Permit Holder O. J. Neeley Ranches Inc.
b) Post Office Address P. O. Box 425 Rexburg, ID 83440
2. Permit Number 22-7118
3. Date of Priority that you are prepared to establish 12-5-74
4. a) Source from which water was appropriated Canyon Creek
b) Location of the point of diversion: SW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 19
Township 6N, Range 43E Boise Meridian, Other points of diversion: _____
5. a) The amount of water and use to which the water has been applied:
Amount 8.0 CFS for Irrigation purposes from May 1 to July 1 incl.
(cfs and/or acre-feet per annum) (Month-Day) (Month-Day)
Amount _____ for _____ purposes from _____ to _____ incl.
(cfs and/or acre-feet per annum) (Month-Day) (Month-Day)
Amount _____ for _____ purposes from _____ to _____ incl.
(cfs and/or acre-feet per annum) (Month-Day) (Month-Day)
b) Total amount appropriated 8 cfs and/or acre-feet per annum
c) Describe how and by whom measurement of rate of flow or amount of storage was made and the qualifications of the person making the measurement: _____
6. If the means of diversion and conveyance are owned by someone other than the Permit Holder:
a) Give the name or description of the canal, ditch or other works by which the water is conducted to the place of use: _____
b) Describe the agreement or understanding by which you take water from the works: _____
7. a) Briefly describe the works for diverting and conveying the water to the place of use, (if from a subterranean source, give the pump size, motor size, size of well casing, depth of well; if from surface water, give brief description of diversion structure and/or canal or ditch) 350 HP Electric Motor & Turbine Pump to 3 circular systems - Buried steel Mainline. Also a 250 HP Electric Motor & Turbine Pump
b) Describe the type and size of measuring device which you have installed at your point of diversion: Standard Flow Meter
c) Give well driller's name and address and the date the well was completed: N/A
8. If for other than irrigation, describe the beneficial use to which you have applied the water and the place of use: N/A

Exam typed 10/28/76 by J

9. Irrigation uses: describe the lands irrigated by giving the acreages irrigated within each 40 acre subdivision:

T	R	SEC.	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
6N	43E	19	40	40	40	40	40	28		34									262
"	"	18						28			40	28	28	40	40	40	40	40	324
"	"	17									40	40	40	40					160

Total number of acres irrigated 746

10. Remarks:

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

(Date) Owen J. Keely (Signature)

State of Idaho)
County of Madison) ss.

On this 19th day of October, 1976, personally appeared before me the signer(s) of the above instrument, who duly acknowledged to me that he (she) (they) executed the same.

Notary Public residing at Madison County, Rexburg, Idaho

My commission expires August 18, 1979

C
February 26, 1975

O
Re: Permit No. 22-7118

O
O. J. Neeley Ranch, Inc.
Box 425
Rexburg, Idaho 83440

P
Gentlemen:

P
Enclosed is a copy of your approved Application for Permit No. 22-7118. We direct your attention to the conditions of approval as listed on the Memorandum Decision and Order.

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

Sincerely,

BOBBY D. FLEENOR
Chief, Water Rights

BDF:jfr

Enclosures

cc: Art Larsen

Encl: Copy of Permit &
Memo. Dec. & Order

cc: Protestants and attorneys
Encl: Memo. Dec. & Order

MICROFILMED

We the undersigned hereby agree to allow the Department of Water Resources to reach a decision based upon the information obtained at the hearing held on transfer no. 22-0610 B, ^{on 11-22-74} the information obtained at the conference on 1-28-75 and the information contained in the records of the Department, and the hearing held on Permit no. 22-7114 on 1-28-75

J. Wayne Stevens

Fremont-Madison By Revell's Coal & Lumber

Wallace Little - Canyon Creek Canal Co.

Owen J. Neely - O. J. Neely Ranch Inc.

MICROFILMED

22-7118 - O. J. Neeley Ranch, Inc.

22-7114 - J. Wayne Stevens

Community Room, Valley Bank, St. Anthony, Idaho

January 16, 1975 - 1:00 p.m.

ROSTER OF ATTENDANCE

Name	Address	Representing
Wallace Little	Meredale - Ida.	
Blair Houser	Highway, Idaho	Canyon Creek Cabal Co. applicant - O. J. Neeley Farms
Owen J. Neeley	Newdale, Idaho	Neeley Ranch
O. J. Neeley	" "	" "
Myrtle Neeley	Newdale, Ida.	" "
Sara Neeley	Newdale, Idaho	" "
J. Leigh Chantrell	Newdale, Idaho	" "
Art Larson	Idaho Falls	
J. Max Mortensen	Boysburg	Fremont Madison
Clair Robinson	Newdale, Idaho	Sec. Can. you could ex. 2 (6)
Norman Hillman	Ashton, Idaho	Fremont Madison
J. Wayne Stevens	Teton, Idaho	Self
Phil J. Stevens	" "	Self
H. E. Davis	St. Anthony	Fremont Madison
J. C. Henderson	Teton	✓
C. M. Bennett	Idaho Falls	WD - !

MICROFILMED

January 14, 1975

Valley Bank
39 West Main
St. Anthony, ID 83445

Gentlemen:

This is to confirm the use of your Community Room for conferences and/or hearings to be held by this office on Tuesday, January 28, 1975, at 9:00 a.m.

Thank you for your cooperation in this matter.

Very truly yours,

RONALD D. CARLSON
Acting District Engineer

RDC:MB

MICROFILMED

DEPARTMENT OF WATER RESOURCES

EASTERN DISTRICT OFFICE
1515 LINCOLN ROAD
IDAHO FALLS, IDAHO 83401

Indicate type of mail:
☐ Registered
☒ Registered
☐ Registered
O.O.D.

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

NAME AND ADDRESS OF SENDER	NUMBER OF ARTICLE	NAME OF ADDRESSEE, STREET, AND POST OFFICE ADDRESS	POSTAGE	FEE	R. R. FEE	POST. FEE	ACTUAL VALUE	SURCHARGE	REMARKS
	1	541	10	30	15				21.25418
	2	542	10	30	15				"
	3	543	10	30	15				"
	4	544	10	30	15				20.744
	5	545	10	30	15				"
	6	546	10	30	15				20.744
	7	547	10	30	15				20.744
	8	548	10	30	15				20.744
	9	549	10	30	15				"
	10	550	10	30	15				"
	11								
	12								
	13								
	14								
	15								
	16								
	17								
	18								
	19								
	20								

TOTAL NO. OF PIECES LISTED BY SENDER: 11
TOTAL NO. OF PIECES RECD AT P. O.:
POSTMASTER, PER (Name of receiving employee):
"Show under 'Remarks' class postage paid if other than first or if international"

POD FORM 3877, Nov. 1968
APPLICATION FOR REGISTRATION OR CERTIFICATION
(Surcharges are not required on international registered mail)

MICROFILMED

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

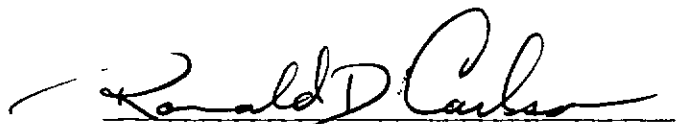
In the Matter of Protests Against Approval)
of Application for Permit No. 22-7118)
in the name of O. J. NEELEY RANCH, INC.)
and Application for Permit No. 22-7114)
in the name of J. WAYNE STEVENS)
_____)

NOTICE OF CONFERENCE AND/OR
HEARING DATE CHANGE

Notice is hereby given that the Department of Water Resources has delayed the conference and/or hearing concerning the above permits at the request of Ray W. Rigby, Attorney at Law.

The Department has rescheduled the conference and/or hearing for January 28, 1975, at 1:00 p.m., in the Community Room of the Valley Bank, St. Anthony, Idaho. This conference and/or hearing will be held in accordance with the Rules and Regulations of the Idaho Code and adopted Rules of Practice and Procedure of the Department of Water Resources as previously indicated in the notice dated January 3, 1975.

Dated this 10th day of January, 1975.



RONALD D. CARLSON

Acting District Engineer

MICROFILMED

DEPARTMENT OF WATER RESOURCES

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

Indicate type of mail:
☐ Registered C.O.D.
☒ Certified

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

NUMBER OF ARTICLE	NAME OF ADDRESSEE, STREET, AND POST OFFICE ADDRESS	POSTAGE	FEES	R. R. FEES	REG. FEE	ACTUAL VALUE	SURCHARGE	REMARKS
1	528 Great & Blue Lewisdale, Rt. Box 132, Pullman, Idaho	10	30	15	✓			22-7115
2	529 Avenue A, Stateland, 113 A. 1st St., Pullman, Idaho	10	30	15	✓			"
3	Mrs. Bennett, 401 Stevens, Pullman, Idaho							22-7115 21-7041
4	530 Canyon Blvd, Lindale, Teton, Idaho	10	30	15	✓			22-7115 21-7041
5	531 P.O. Pullman, Box 425, Pullman, Idaho	10	30	15	✓			22-7115 21-7041
6	532 Jackson Avenue, Box 101, Shreveport, Idaho	10	30	15	✓			22-7115 21-7041
7	533 Main Street, 11th, 308 2nd St., Pullman, Idaho	10	30	15	✓			22-7115 21-7041
8	534 1st St., Pullman, 1st Street, Pullman, Idaho	10	30	15	✓			22-7115 21-7041
9	535 1st St., Pullman, 1st Street, Pullman, Idaho	10	30	15	✓			22-7115 21-7041
10	536 1st St., Pullman, 1st Street, Pullman, Idaho	10	30	15	✓			22-7115 21-7041
11	537 1st St., Pullman, 1st Street, Pullman, Idaho	10	30	15	✓			22-7115 21-7041
12	538 1st St., Pullman, 1st Street, Pullman, Idaho	10	30	15	✓			22-7115 21-7041
13	539 1st St., Pullman, 1st Street, Pullman, Idaho	10	30	15	✓			22-7115 21-7041
14								
15								
16								
17								
18								
19								
20								
TOTAL NO. OF PIECES LISTED BY SENDER 13		TOTAL NO. OF PIECES RECD. AT P. O.		POSTMASTER, PER (Name of receiving employee)		*Show under "Remarks" class postage paid if other than first or if international		

FD-307 (Rev. 1-15-63) APPLICATION FOR REGISTRATION OR CERTIFICATION (Surcharges are not required on international registered mail)

MICROFILMED

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

In the Matter of Protests Against Approval)
of Application for Permit No. 22-7118) NOTICE OF CONFERENCE
in the name of O. J. NEELEY RANCH, INC.) AND/OR HEARING

On December 5, 1974, Owen J. Neeley, President of O. J. Neeley Ranch, Inc., filed with the Department of Water Resources an application to appropriate the public waters of the State of Idaho. On December 27, 1974, the Department received a protest against approval of said application from J. Wayne Stevens. On December 30, 1974, the Department received additional protests from Canyon Creek Canal Company and Mary Smith on behalf of Fremont-Madison Irrigation District.

The Department has set the matter of protests for conference and/or hearing for Thursday, January 16, 1975, at 1:00 p.m., in the Community Room of the Valley Bank, St. Anthony, Idaho. Any hearing will be held in accordance with the Rules and Regulations of the Idaho Code and adopted Rules of Practice and Procedure of the Department of Water Resources. Opportunity shall be afforded all parties to respond and present evidence and argument on all issues involved. Because of the similarity of the issues involved in the protests to Application No. 22-7114 - J. Wayne Stevens and Application No. 22-7118 - O. J. Neeley Ranch, Inc., the Department proposes to consolidate the conferences and hearings as provided in rule 9.7 of the Department's Rules of Practice and Procedure.

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

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

Dated this 3rd day of January, 1975.

MICROFILMED


RONALD D. CARLSON
Acting District Engineer

January 2, 1975

C

Valley Bank
30 West Main
St. Anthony, ID 83445

Gentlemen:

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

Thank you for your cooperation in this matter.

Very truly yours,

Y
RONALD D. CARLSON
Acting District Engineer

RDC:MB

MICROFILMED

December 31, 1974

RE: Application for Permit No. 22-7118

O. J. Neeley Ranch, Inc.
P.O. Box 425
Rexburg, Idaho 83440

Gentlemen:

Enclosed please find additional protests submitted by Fremont-Madison Irrigation District and the Canyon Creek Canal Company.

If you have any questions concerning this matter, please do not hesitate to contact this office.

Very truly yours,

RONALD D. CARLSON
Acting District Engineer

RDC: CW

Enclosures

cc: IDWR - State Office

MICROFILMED



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
EASTERN DISTRICT

Cecil D. Andrus
Governor

R. Keith Higginson
Director

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

December 31, 1974

Ms. Mary Smith
Attorney at Law
30 South 2nd West
Rexburg, Idaho 83440

RE: Application for Permit No. 22-7118

Dear Ms. Smith:

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

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

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

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

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

Very truly yours,

RONALD D. CARLSON
Acting District Engineer

MICROFILMED

RDC:CW

cc: IDWR - State Office
Fremont-Madison Irrigation District

RECEIVED
DEC 30 1974

SMITH & HANCOCK

Attorneys at Law

MARY SMITH
J. D. HANCOCK
W. LLOYD ADAMS (1885-1969)

Department of Water Resources
Eastern District Office
30 SOUTH 2ND WEST
REXBURG, IDAHO 83440
PHONE: 208-356-5493

December 27, 1974

Mr. Ronald D. Carlson
Acting District Engineer
Department of Water Resources
1515 Lincoln Road
Idaho Falls, Idaho 83401

Dear Mr. Carlson:

I am enclosing herewith Protest of the Fremont-Madison Irrigation District to the application of O. J. Neeley Ranch, Inc., No. 22-7118.

Yours very truly,

Mary Smith

Mary Smith

fo

enclosure

MICROFILMED

RECEIVED

DEC 30 1974

BEFORE THE DIRECTOR OF THE IDAHO DEPARTMENT OF
Department of Water Resources
WATER ADMINISTRATION
Eastern District Office

IN THE MATTER OF THE APPLICATION OF :
O. J. NEELEY RANCH, INC., NUMBER : PROTEST OF THE FREMONT-
22-7118 for permit to appropriate : MADISON IRRIGATION
8.0 cfs from Canyon Creek. : DISTRICT.
:

Comes now the Fremont-Madison Irrigation District, a quasi-municipal corporation of the State of Idaho, with its office and post office address at St. Anthony, Idaho, and in response to notice given that O. J. Neeley Ranch, Inc., made application No. 22-7118 for a permit to appropriate 8.0 cubic feet per second of water from Canyon Creek tributary of Teton River by means of pump and pipeline within the SW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 19, T. 6N, R. 43E, B.M., Madison County, to be used from May 1 to July 1 for the irrigation of 746 acres with the NE $\frac{1}{4}$, N $\frac{1}{2}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 19, SW $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$, Sec. 18, SW $\frac{1}{4}$, Sec. 17, T. 6N, R. 43E, B.M., and makes the following Protest against the approval of such application:

1. That the supply of water in Canyon Creek tributary of Teton River is not sufficient to warrant appropriation from May 1 to July 1 for irrigation purposes.

2. That the anticipation of the applicant to appropriate the waters of the Canyon Creek tributary is speculative because of the lack of water in Canyon Creek and any such attempt will reduce the quantity of water under existing water rights.

3. That the property is not within the boundaries of the Fremont-Madison Irrigation District, and any storage water cannot be delivered outside the boundaries of the District.

R. Willis Walker
R. Willis Walker, Chairman of
the Board of Directors of the
Fremont-Madison Irrigation
District.

MICROFILMED

STATE OF IDAHO,)
) SS.
County of Madison.)

R. WILLIS WALKER, being first duly sworn, says that he is the Chairman of the Board of Directors of the Fremont-Madison Irrigation District and he makes this verification for and on behalf of said District; that affiant has read the foregoing Protest and knows the contents thereof and as to the matters and things therein alleged, affiant believes the same to be true.

R. Willis Walker

Subscribed and sworn to before me this 27th day of December, 1974.

Mary Smith
Notary Public, residing at
Rexburg, Idaho. My commission
expires: 6-25-75.

(Seal)



STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

EASTERN DISTRICT

Cecil D. Andrus
Governor

R. Keith Higginson
Director

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

December 31, 1974

RE: Application for Permit No. 22-7118

Mr. Grant L. Klinger
Canyon Creek Canal Company
Newdale, Idaho 83436

Dear Mr. Klinger:

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

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

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

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

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

Very truly yours,

RONALD D. CARLSON
Acting District Engineer

RDC: CW

cc: IDWR - State Office

MICROFILMED



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
EASTERN DISTRICT

Cecil D. Andrus
Governor

R. Keith Higginson
Director

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

December 31, 1974

RE: Application for Permit No. 22-7118

Mr. Wallace Little
Canyon Creek Canal Company
Newdale, Idaho 83436

Dear Mr. Little:

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

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

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

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

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

Very truly yours,

RONALD D. CARLSON
Acting District Engineer

RDC:CW

cc: IDWR - State Office

MICROFILMED

Dec 23, 1974

State of Idaho Water Administration
Idaho Falls, Idaho

RECEIVED

DEC 30 1974

Department of Water Resources
Eastern District Office

Directors acting for Canyon Creek Canal Company

Gentlemen:

We, the directors of the Canyon Creek Canal Company, protest the issuing of a permit allowing Judd Neely to pump water from Canyon Creek.

- 1- There is not sufficient water, except during the flood stage, to justify issuing this permit.
- 2- Pumping from Canyon Creek will interfere with the flow of water now used by one of the stockholders on the Canyon Creek Canal Company.
- 3- We, as shareholders in the Teton Dam, feel that any surplus water should go to fill the Teton Reservoir.

x r/yallan Little
Frank H. Klingler

MICROFILMED



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
EASTERN DISTRICT

Cecil D. Andrus
Governor

December 27, 1974

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

R. Keith Higginson
Director

RE: Application for Permit No. 22-7118

Mr. Owen J. Neeley
P.O. Box 425
Rexburg, ID 83440

Dear Mr. Neeley:

We have enclosed a copy of the protest filed against the issuance of a permit pursuant to your Application No. 22-7118. You should be aware that the following are the principle items we can consider at a conference and/or hearing in either approving or denying an application for permit (Section 42-203, Idaho Code):

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

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

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

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

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

Very truly yours,

RONALD D. CARLSON
Acting District Engineer

RDC: MB

Enc: Copy of Protest(s)

MICROFILMED



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
EASTERN DISTRICT

Cecil D. Andrus
Governor

R. Keith Higginson
Director

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

December 27, 1974

RE: Application for Permit No. 22-7118 O.J. Neeley Ranch, Inc.

Mr. J. Wayne Stevens
P.O. Box 158
Tetonia, ID 83452

Dear Mr. Stevens:

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

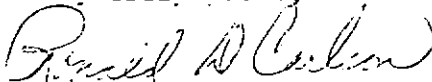
1. Will the proposed use reduce the quantity of water under existing water rights?
2. Is the proposed water supply insufficient for the purposes intended?
3. Is the application made in good faith or for delay or speculative purposes?
4. Has the applicant sufficient financial resources with which to complete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

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

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

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

Very truly yours,


RONALD D. CARLSON
Acting District Engineer

MICROFILMED

RDC:MB

RECEIVED

DEC 27 1974

Department of Water Resources
Eastern District Office

J. Wayne Stevens protest the application
for permit 227118 on Canyon Creek

as the it will effect my water
right by cause of trash effect and also
by necessity need part of my water due
to fluctuating water in the streams
involved.

J. Wayne Stevens

MICROFILMED

JOSEPH C. GREENLEY
Director

IDAHO FISH AND GAME DEPARTMENT

Region VI
1515 Lincoln Road
Idaho Falls, Idaho
83401

December 9, 1974

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

RECEIVED

DEC 9 1974

Department of Water Resources
Eastern District Office

Dear Sirs:

RE: Application No. 22-7118 (to pump 8 cfs of water for irrigation from Canyon Creek one mile upstream from State 33 bridge)

Fish and Game Department personnel have reviewed and approve the above referenced application with the following provisions:

I am not objecting to this application because upstream diversion results in Canyon Creek being intermittent at this location. This stream is reported to have been an important spawning stream for fish from Teton River. Without provision for a minimum flow, there is no legal basis for me to object.

Sincerely,

IDAHO FISH AND GAME DEPARTMENT

Paul Jeppson
Paul Jeppson
Regional Fishery Manager

cc: Fisheries Division
District Conservation Officer

MICROFILMED

December 9, 1974

RE: Application for Permit No. 22-7118 Neeley

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

Dear Mr. Jeppson:

We are enclosing a copy of an application that may be of interest to your agency. Please review the application and if you have any comments, please submit them to our Department as soon as possible. The last date of protest is December 30, 1974, and we are required to take final action shortly thereafter.

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

Very truly yours,

RONALD D. CARLSON
Acting District Engineer

RDC:MB

Enclosure

MICROFILMED

December 9, 1974

RE: Application for Permit No. 21-7062 Lenz
" " " No. 22-7118 Neeley

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

Dear Mr. Larson:

We are enclosing copies of applications that may be of interest to your water district. Please review the applications and if you have any comments, please submit them to our Department as soon as possible. The last date of protest is December 30, 1974, and we are required to take final action shortly thereafter.

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

Very truly yours,

RONALD D. CARLSON
Acting District Engineer

RDC:MB

Enclosures

MICROFILMED

XXXXXXXXXXXXXXXXXXXX

December 6, 1974

RE: Application for Permit No. 22-7118 Neeley

The Rexburg Journal
23 South First West
Rexburg, ID 83440

Gentlemen:

Enclosed you will find a legal notice which we wish to have published once a week for two consecutive weekly issues of your newspaper. We have inserted the publication dates allowing time for you to submit us a galley proof for review before publication.

After sending us a galley proof, proceed with the publication on the dates we have inserted, assuming the notice is correct. If we have any corrections, we will notify you before the first publication. If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill.

Very truly yours,

RONALD D. CARLSON
Acting District Engineer

RDC:MB

Enc: Legal Notice (1)

Bill submitted 12-23-74 - Cal

MICROFILMED

NOTICE OF APPLICATION FOR WATER PERMIT

Notice is hereby given that O. J. Neeley Ranch, Inc.
P.O. Box 425, Rexburg, Idaho
has on 12-5-74 submitted Application No. 22-7118
for a permit to appropriate 8.0 cubic feet per second ~~acre feet per annum~~
of water from Canyon Creek tributary of Teton River
by means of pump and pipeline
within the SW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 19, T. 6N, R. 43E, B.M., Madison County;

to be used from May 1 to July 1
for the irrigation of 746 acres

within the NE $\frac{1}{4}$, N $\frac{1}{2}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 19, SW $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$, Sec. 18, SW $\frac{1}{4}$, Sec. 17,
T. 6N, R. 43E, B.M.

If issued, this permit will be subject to all prior water rights. Protests
against the granting of the permit must be filed with the Idaho Department of
Water Resources, 1515 Lincoln Road, Idaho Falls, Idaho, 83401 on or before _____
December 30, 1974.

R. KEITH HIGGINSON

Director

Published in the Rexburg Journal, Rexburg, Idaho
on December 12 and December 19, 1974

MICROFILMED

aw-sh
aw-A

IDENT. NO. 22-7118

IDAHO DEPARTMENT OF WATER RESOURCES

WATER RIGHT
DATA ENTRY LOG

[illegible]