

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 47-17100

Priority: September 10, 2003

Maximum Diversion Rate: 0.06 CFS

This is to certify, that E JR MC LEROY And LU ALICE MC LEROY
1325 E 4252 N
BUHL ID 83316

have applied for a permit to appropriate water from:

Source: CLEAR CREEK **Tributary:** MUD CREEK
GROUND WATER

and a permit is APPROVED for development of water as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>
IRRIGATION	03/15 to 11/15	0.06 CFS

LOCATION OF POINTS OF DIVERSION:

CLEAR CREEK	NW¼NE¼SW¼	Sec. 26, Twp 09S, Rge 14E, B.M., TWIN FALLS County
GROUND WATER	NW¼NW¼SW¼	Sec. 26, Twp 09S, Rge 14E, B.M., TWIN FALLS County

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
09S 14E 26																	.7
Total Acres: 0.7																	

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **March 01, 2004**.
2. Subject to all prior water rights.
3. This right does not authorize the irrigation of land not previously irrigated.
4. This right when combined with all other rights shall provide no more than 0.06 cfs nor more than 2.8 afa at the field headgate for irrigation of the land described above.
5. This right does not grant any right-of-way or easement across the land of another.
6. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
7. Any license issued by IDWR pursuant to the right or portion thereof for the use of trust water is subject to a term review of 20 years after the date of this approval to determine availability of water for the use and to re-evaluate the public interest at the end of the term.

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Department of Water Resources
Permit to Appropriate Water

NO. 47-17100

8. The right holder shall make full beneficial use of all surface water rights available to the right holder for irrigation of the lands authorized to be irrigated under this right. The right holder shall limit the diversion of ground water under this right to those times when the surface water supply is not available or the surface water supply is not reasonably sufficient to irrigate the place of use authorized under this right.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of the Director, affixed at Boise, this 15th day of December, 2003.


KARL J DREHER, Director

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DEC - 8 2003

Department of Water Resources

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Ident. No. 47-17100

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

CORRECTED APPLICATION FOR PERMIT

To appropriate the public water of the State of Idaho

1. Name: E JR MCLEROY
1325 E4252 N
BUHL ID 83316
(208)534-5830

AND

LU ALICE MCLEROY
1325 E 4252 N
BUHL ID 83316
(208)543-5830

2. Source: CLEAR CREEK Tributary to: MUD CREEK
GROUND WATER

3. Location of Point of Diversion:

#1 CLEAR CREEK
TWIN FALLS County

NW1/4NE1/4SW1/4

Sec. 26, Twp 09S, Rge 14E, B.M.

#2 GROUND WATER
TWIN FALLS County

NW1/4NW1/4SW1/4

Sec. 26, Twp 09S, Rge 14E, B.M.

4. Water will be used for the following purposes:

<u>Purpose</u>	<u>From</u>	<u>To</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	03/15	to 11/15	0.06 CFS	

5. Total quantity to be appropriated is:

0.06 CFS

6. Proposed diverting works:

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

To appropriate the public water of the State of Idaho

POINT OF DIVERSION #1

a. Type and size of devices used to divert water from the source: CHECK DAM & HEADGATE TO DITCH; PUMP IN DITCH TO SPRINKLERS

- b. Height of storage dam _____ feet;
 Active reservoir capacity _____ acre-feet;
 Total reservoir capacity _____ acre-feet;
 c. Proposed well diameter is _____ inches;
 Proposed depth of well is _____ feet.
 d. Is ground water with a temperature of greater than 85F being sought?
 e. If well is already drilled, when? _____;
 Drilling Firm _____;
 Drilling Permit No. _____.

POINT OF DIVERSION #2

a. Type and size of devices used to divert water from the source: WELL, MOTOR, PUMP TO SPRINKLERS

- b. Height of storage dam _____ feet;
 Active reservoir capacity _____ acre-feet;
 Total reservoir capacity _____ acre-feet;
 c. Proposed well diameter is _____ inches;
 Proposed depth of well is _____ feet.
 d. Is ground water with a temperature of greater than 85F being sought?
 e. If well is already drilled, when? _____;
 Drilling Firm _____;
 Drilling Permit No. _____.

7. Time required for the completion of the works and application of the water to the proposed beneficial use is 1 year(s).

8.

PLACE OF USE: IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
09S	14E	26	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	.7

Total Acres: 0.7

9a. Who owns the property at the point of diversion? If other than applicant, describe the arrangement enabling the applicant to make this filing.

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

To appropriate the public water of the State of Idaho

Point of Diversion #1: THOMAS E LYON - Verbal agreement

9b. Who owns the land to be irrigated or place of use? If other than applicant, describe the arrangement enabling the applicant to make this filing.

APPLICANT

10. Remarks:

The diversion ditch is owned by Tom Lyon, who uses it to irrigate land north of me. When I developed my property in 1980, Lyon gave me permission to pump out of his ditch. I use about 40 sprinklers to irrigate 1 acre all at once to save labor, so have requested that an excess flow rate be allowed. The ditch is dry for a couple weeks each summer while Mr. Lyon is cutting hay, so I use my well during this time. The well also serves my home. I request that this application be processed as a pre-1987 development.

11. Map of proposed point of diversion and place of use attached? ☐

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.

Applicant

Received by _____ Date _____ Time _____ Preliminary check by _____
Publication prepared by _____ Date _____ Published in _____
Publication approved _____ Date _____

Receipt No. S026108

Date: _____

Receipted by: _____

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

To appropriate the public water of the State of Idaho

1. Name: E JR MCLEROY
1325 E4252 N
BUHL ID 83316
(208)534-5830

AND

Lu ALICE MCLEROY
1325 E 4252 N
BUHL ID 83316
(208)543-5830

2. Source: CLEAR CREEK Tributary to: MUD CREEK
GROUND WATER

3. Location of Point of Diversion:

#1 CLEAR CREEK	NW1/4NE1/4SW1/4	Sec. 26, Twp 09S, Rge 14E, B.M.
TWIN FALLS County		
#2 GROUND WATER	NW1/4NW1/4SW1/4	Sec. 26, Twp 09S, Rge 14E, B.M.
TWIN FALLS County		

4. Water will be used for the following purposes:

<u>Purpose</u>	<u>From</u> <u>To</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	03/15 to 11/15	0.13 CFS	

5. Total quantity to be appropriated is: 0.13 CFS

6. Proposed diverting works:

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

To appropriate the public water of the State of Idaho

POINT OF DIVERSION #1

a. Type and size of devices used to divert water from the source: CHECK DAM & HEADGATE TO DITCH; PUMP IN DITCH TO SPRINKLERS

- b. Height of storage dam _____ feet;
 Active reservoir capacity _____ acre-feet;
 Total reservoir capacity _____ acre-feet;
 c. Proposed well diameter is _____ inches;
 Proposed depth of well is _____ feet.
 d. Is ground water with a temperature of greater than 85F being sought?
 e. If well is already drilled, when? _____;
 Drilling Firm _____;
 Drilling Permit No. _____.

POINT OF DIVERSION #2

a. Type and size of devices used to divert water from the source: WELL, MOTOR, PUMP TO SPRINKLERS

- b. Height of storage dam _____ feet;
 Active reservoir capacity _____ acre-feet;
 Total reservoir capacity _____ acre-feet;
 c. Proposed well diameter is 6 inches;
 Proposed depth of well is 130 feet.
 d. Is ground water with a temperature of greater than 85F being sought? No
 e. If well is already drilled, when? _____;
 Drilling Firm _____;
 Drilling Permit No. _____.

7. Time required for the completion of the works and application of the water to the proposed beneficial use is 1 year(s).

8.

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
09S 14E 26										<u>1.0</u>							<u>1.0</u>

9a. Who owns the property at the point of diversion? If other than applicant, describe the arrangement enabling the applicant to make this filing.

Point of Diversion #1: THOMAS E LYON - Verbal agreement

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

To appropriate the public water of the State of Idaho

9b. Who owns the land to be irrigated or place of use? If other than applicant, describe the arrangement enabling the applicant to make this filing.

APPLICANT

10. Remarks:

The diversion ditch is owned by Tom Lyons, who uses it to irrigate land north of me. When I developed my property in 1975, Lyons gave me permission to pump out of his ditch. I use about 40 sprinklers to irrigate 1 acre all at once to save labor, so have requested that an excess flow rate be allowed. The ditch is dry for a couple weeks each summer while Mr. Lyons is cutting hay, so I use my well during this time. The well also serves my home. I request that this application be processed as a pre-1987 development.

11. Map of proposed point of diversion and place of use attached? ☐

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.


Applicant

Received by JS Date 9/11/03 Time _____ Preliminary check by JS
Publication prepared by MB Date 10/23/03 Published in Times News
Publication approved MB Date 11/19/03

Receipt No. S026108

Date: 9-10-03Receipted by: JS

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SEP 12 2003

Department of Water Resources
Southern Region

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Ident. No. 47-17100

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

To appropriate the public water of the State of Idaho

9b. Who owns the land to be irrigated or place of use? If other than applicant, describe the arrangement enabling the applicant to make this filing.

APPLICANT

10. Remarks:

The diversion ditch is owned by Tom Lyons, who uses it to irrigate land north of me. When I developed my property in 1975, Lyons gave me permission to pump out of his ditch. I use about 40 sprinklers to irrigate 1 acre all at once to save labor, so have requested that an excess flow rate be allowed. The ditch is dry for a couple weeks each summer while Mr. Lyons is cutting hay, so I use my well during this time. The well also serves my home. I request that this application be processed as a pre-1987 development.

11. Map of proposed point of diversion and place of use attached? ☐

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.

Lu Alice M Leroy
Applicant

Received by JS Date 9/11/03 Time _____ Preliminary check by JS
Publication prepared by MB Date 10/23/03 Published in Times News
Publication approved _____ Date _____

Receipt No. S026108

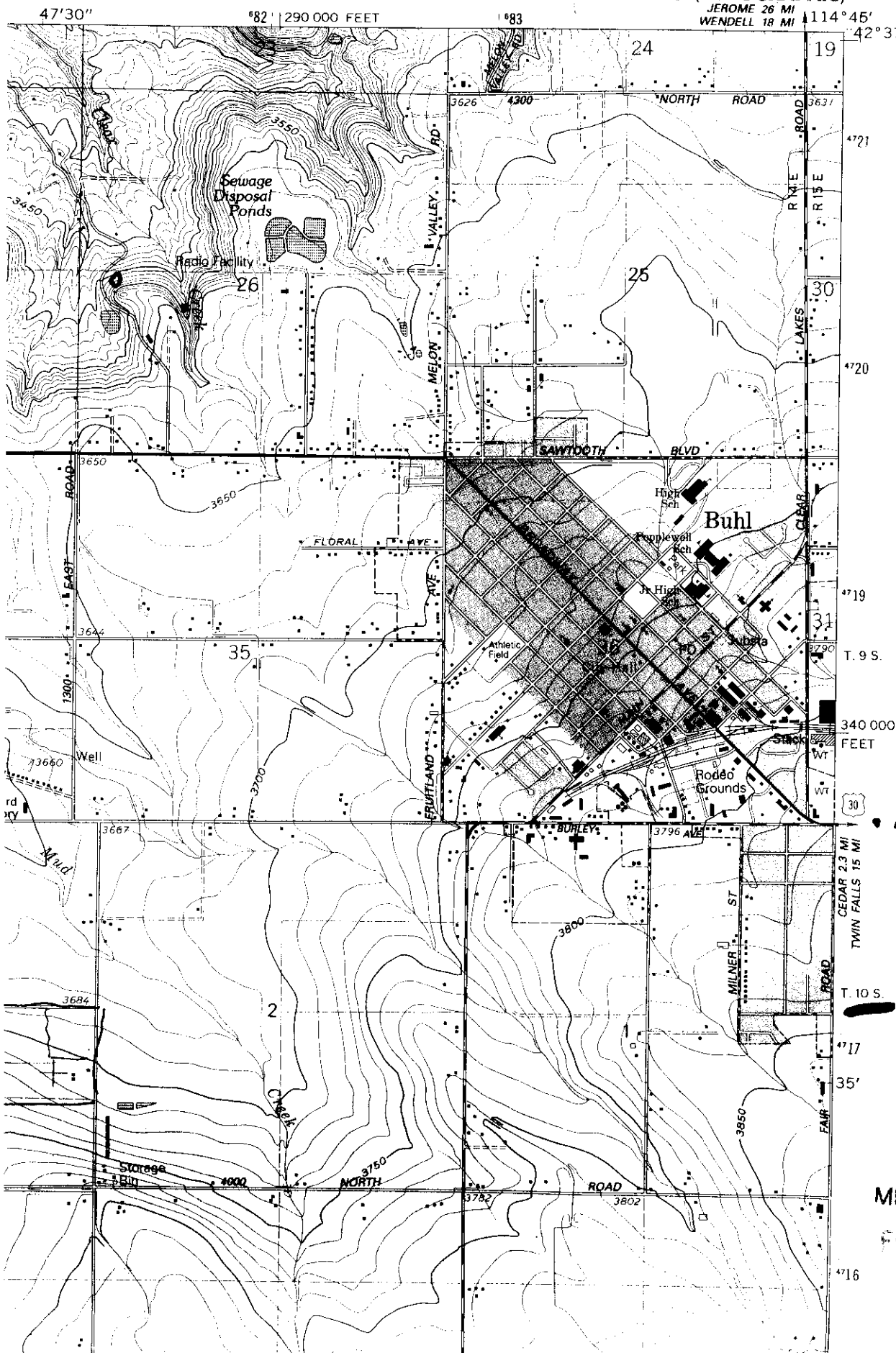
Date: 9-10-03

Received by: JS

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FEB 24 2004

BUHL QUADRANGLE IDAHO-TWIN FALLS CO. 7.5 MINUTE SERIES (TOPOGRAPHIC)

(NIAGARA SPRINGS)



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FEB 24 2004



MICRONIA
FEB 24 2004



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

December 22, 2003

E JR MC LEROY
LU ALICE MC LEROY
1325 E 4252 N
BUHL ID 83316

RE: Permit No. 47-17100

Permit Approval Notice

Dear Permit Holder:

The Department of Water Resources has issued the enclosed permit authorizing you to establish a new water right. Please be sure to thoroughly review the conditions of approval and remarks listed on your permit.

The permit is a PRELIMINARY ORDER issued by the Department pursuant to Section 67-5243, Idaho Code. It can and will become a final order without further action by the Department unless a party petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the service date as described in the enclosed information sheet.

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 into a licensed water right. Also enclosed is a form entitled 'Proof of Beneficial Use.' If your project is already completed, you should complete and submit this form immediately.

The right to drill a well is not a part of this permit to appropriate water. Beginning in July of 1987, a statute was enacted which requires a drilling permit for new well construction and deepening of existing wells. If the well(s) proposed for use under this water right permit were drilled or deepened after July 1, 1987, a separate drilling permit must be obtained from this Department. Please contact the Ground Water Protection Section located here at this office or our regional office nearest you.

Please note that a separate stream channel alteration permit must be obtained from the Department 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 a least sixty days prior to the commencement of work in the stream.

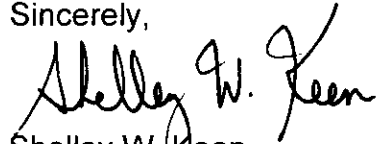
MICHAEL WED

DEC 22 2003

Also, please note that water right owners are required to report any change of water right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact any office of the Department or visit the Department's homepage on the Internet to obtain the proper forms and instructions.

If you have any questions, please contact me at 208-327-7946.

Sincerely,

A handwritten signature in black ink that reads "Shelley W. Keen". The signature is written in a cursive, flowing style.

Shelley W. Keen

Water Rights Supervisor

SWK:klt

Enclosure(s)

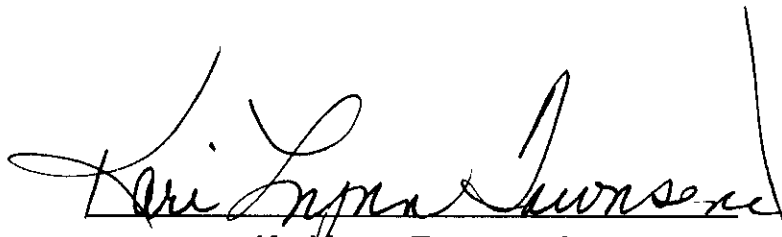
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FEB 24 2004

CERTIFICATE OF SERVICE

I hereby certify that on December 22, 2003 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER(Approved Permit) to the person(s) listed below:

RE: WATER RIGHT NO. 47-17100

E JR MC LEROY
LU ALICE MC LEROY
1325 E 4252 N
BUHL ID 83316



Karl Lynn Townsend
Secretary

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FEB 24 2004

**EXPLANATORY INFORMATION
TO ACCOMPANY A
PRELIMINARY ORDER**

The accompanying order or approved document is a "**Preliminary Order**" issued by the department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action of the Department of Water Resources (department) unless a party petitions for reconsideration, files an exception and brief, or requests a hearing as further described below:

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the department within fourteen (14) days of the service date of this order. The department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See Section 67-5243(3) Idaho Code.

EXCEPTIONS AND BRIEFS

Within fourteen (14) days after (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding with the Director. Otherwise, this preliminary order will become a final order of the agency.

REQUEST FOR HEARING

Unless a right to a hearing before the department or the Idaho Water Resource Board (Board) is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

ORAL ARGUMENT

If the Director grants a petition to review the preliminary order, the Director shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director orders otherwise, all oral arguments will be heard in Boise, Idaho.

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

FINAL ORDER

The Director will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Director may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its issuance if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) the petition for reconsideration is disposed of; or
- (b) the petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

Comment Report

47-17100

1. jstanton 9/16/2003 2:42:32 PM Additional Information Supporting Application
Comment: Residency affidavit for hydropower development: N/A
Additional hydropower project information: N/A
Additional fish propagation project information: N/A
Appropriation Rule 40.05.c information: N/A
Mitigation Plan or acceptance form: N/A
Evidence of Pre-1987 development: Attached

2. jstanton 9/16/2003 Comment/Analysis

Comment: Today I met with the applicant on his property. I GPSd the pods and other related points, and took photos. SDE was updated based on my visit. A rock check dam on Clear Creek feeds water into a ditch that is 1-2 feet wide and mostly less than a foot deep. There is no headgate or other controlling works except for a convas that is probably used to block up the ditch when water is not needed. The ditch is overgrown with vegetation and moss, but apparently provides enough water for the Mcleroy pump and gravity irrigation on the Lyon property. About half way down the ditch is a divider with a slide gate that feeds water to a smaller ditch that the applicant pumps out of for the lawn around his house and for trees along the west side of his driveway.

A Flotec 2 hp motor & pump Model FP5182-08 pumps water via a 2" line uphill about 30 feet (according to the applicant) to a buried sprinkler system with various heads. The system he described to me during filing of the application should pump about 0.13 cfs, but the pump curve that he showed me indicated that it should only pump about 0.06 cfs at 35 psi and 30 feet of lift. He was doing some yard work during my visit, so the system was off. His ditch is quite small, so I doubt that the amount of water applied for is even available. He originally said that everything was watered at once, but today he said that only runs half the system at a time. The system is apparently poorly designed, as he said that the pump keeps heating up if he waters for too long. But he has a nice lawn, which probably covers less than an acre (it is probably 1/2-2/3 acre), so obviously the system works. He is already watering all the flat ground that is practical to water, as the rest of the property is steep and rough or in driveway/parking area. He supplied a written description of his system in order to justify the excess flow rate.

His original domestic well dried up, so he drilled a replacement that I did not get pump data for. The surface pump is the primary water provider, so seems to be the controlling factor with regard to the diversion rate.

I recommend that the application be approved for 0.06 cfs and 0.7 acres, as the present usage does not appear to exceed these amounts. The applicant has agreed to reduce the flow rate to 0.06 cfs, which I have done.

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FEB 2 2004

With regard to proof of pre-1987 development, Mr. McLeroy said that Tom Lyon personally gave him permission to use the diversion ditch when he bought his 2 acres. Lyon signed a letter stating that the use began in 1980. So there does not appear to be any problem with processing this application as an exemption from the moratorium.

3. jstanton 9/16/2003 Legal Notice Remarks

Comment: This application proposes to legalize an irrigation system that has been operating since 1980 to water more than 1/2 acre of land. The primary water source is Clear Creek, which is diverted via a small ditch starting 7/16 mile north of Hwy. 30 & about 3/4 mile NW of Buhl. A pump in the ditch water land around the McLeroy home on the east side of the 1325 East Rd about 1/2 mile north of Hwy. 30. Their domestic well supplements the ditch pump as needed.

4. amerritt 12/4/2003 recommendation

Comment: I recommend approval of permit as drafted 12/4/03. I have updated permit sde layer. For the PD locations I used the spartial data from well drilling and claim of Lyons for Clear Creek. I also added a few more conditions to that of Stanton first draft.

5. kwalker 12/8/2003 Permit Review

Comment: Recommend approval as region recommended. Allowed only 90 days for submittal of beneficial use due to this being a pre-87 development.

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FEB 24 2004

NOTICE OF APPLICATION

The following application has been filed to appropriate the public waters of the State of Idaho, Twin Falls County:

47-17100

E. JR & LU ALICE

MCLEROY

1325 E 4252 N

BUHL ID 83316

Point(s) of Diversion:

NWNESW & S26, T09S,

R14E

Source CLEAR CREEK

Tributary To MUD CREEK

Point(s) of Diversion:

NWNWSW, S26, T09S,

R14E

Source: GROUND WATER

Use: 03/15 To 11/15

IRRIGATION (0.06 CFS)

Total Diversion: 0.06 CFS

Date Filed: 09/10/2003

Place of Use: 0.7 Acres

within NWSW, S26, T09S,

R14E

Remark: This application

proposes to legalize an irri-

gation system that has

been operating since 1980

to water more than 1/2 acre

of land. The primary water

source is Clear Creek,

which is diverted via a small

ditch starting 7/16 mile

north of Hwy. 30 & about

3/4 mile NW of Buhl. A

pump in the ditch water

land around the McLeroy

home on the east side of

the 1325 East Rd about 1/2

mile north of Hwy. 30.

Their domestic well supple-

ments the ditch pump as

needed. For specific

details regarding the appli-

cation, please contact

IDWR Southern Regional

Office at 208-736-3033 or

visit www.idwr.state.id.us

with detail provided

under —New Water Right

Applications—. Protests

may be submitted based

on the criteria of Sec 42-

203A, Idaho Code. Pro-

tests against approval must

be filed with IDWR, South-

ern Region, 1341 Fillmore

St.-Suite 200; Twin Falls,

ID 83301 with a protest fee

of \$25.00 for each applica-

tion on or before November

24, 2003. The protestant

must also send a copy of

the protest to the applicant.

KARL J. DREHER, Director

PUBLISH: November 6 and

13, 2003

RECEIVED

NOV 19 2003

46010

Affidavit of Publication

STATE OF IDAHO

COUNTY OF TWIN FALLS } SS.

Department of Water Resources
Southern Region

I, Ruby Aufderheide being first duly sworn upon oath, depose

and say that I am principal clerk of the TIMES-NEWS, published daily at,

Twin Falls, Idaho, and do solemnly swear that a copy of the notice of advertisement, as per clipping

attached, was published in the regular and entire issue of said newspaper, and not in any supplement

thereof, for two consecutive weeks,

commencing with the issue dated November 6, 2003,

and ending with the issue dated November 13, 2003.

And I do further certify that said newspaper is a consolidation, effective February 16, 1942, of the Idaho Evening Times, published theretofore daily except Sunday, and the Twin Falls News, published theretofore daily except Monday, both of which newspapers prior to consolidation had been published under said names in said city and county continuously and uninterruptedly during a period of more than twelve consecutive months, and said TIMES-NEWS, since such consolidation, has been published as a daily newspaper except Saturday, until July 31, 1978, at which time said newspaper began daily publication under said name in said city and county continuously and uninterruptedly.

And I further certify that pursuant to Section 60-108 Idaho Code, Thursday of each week has been designated as the day on which legal notice by law or by order of any court of competent jurisdiction within the state of Idaho to be issue thereof, Thursday is announced as the day on which said legal notices will be published.

STATE OF IDAHO

COUNTY OF TWIN FALLS

On this 18th day of November in the year 2003, before me,

a Notary Public, personally appeared Ruby Aufderheide,

known or identified to me to be the person whose name subscribed to the within instrument, and being by me first

duly sworn, declared that the statements therein are true, and acknowledged to me that he executed the same.

Donna Capp McSweeney
Notary Public for Idaho

Residing at Twin Falls, Idaho.

My commission expires: 5-19-07

MICRO. LENSES

NOT.
ST.

ACQUIRE
PUBLIC
IDAHO

IDAHO DEPARTMENT OF WATER RESOURCES
1341 FILLMORE STREET-STE# 200
TWIN FALLS ID 83301
Phone: 736-3033
Fax: 736-3037

October 24, 2003

ATTN RUBY AUFDERHEIDE
LEGALS DEPARTMENT
TIMES NEWS
PO BOX 548
TWIN FALLS ID 83303-0548

Dear Ruby:

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 required publication dates. If you cannot publish the notice on the proposed dates, please contact us immediately.

In order to receive payment, an affidavit of publication must be submitted to the Department along with the publication bill.

Very truly yours,



Mary Baldwin

Administrative Assistant

Enclosure

MICROFILMED
FEB 24 2004

SCANNED
OCT 24 2003

Notice of Application

The following application has been filed to appropriate the public waters of the State of Idaho, Twin Falls County:

47-17100

E. JR & LU ALICE MCLEROY

1325 E 4252 N

BUHL ID 83316

Point(s) of Diversion: NWNESW, S26, T09S, R14E

Source CLEAR CREEK Tributary To MUD CREEK

Point(s) of Diversion: NWNWSW, S26, T09S, R14E

Source: GROUND WATER

Use: 03/15 To 11/15

IRRIGATION (0.06 CFS)

Total Diversion: 0.06 CFS

Date Filed: 09/10/2003

Place of Use: 0.7 Acres within NWSW, S26, T09S, R14E

Remark: This application proposes to legalize an irrigation system that has been operating since 1980 to water more than 1/2 acre of land. The primary water source is Clear Creek, which is diverted via a small ditch starting 7/16 mile north of Hwy. 30 & about 3/4 mile NW of Buhl. A pump in the ditch water land around the McLeroy home on the east side of the 1325 East Rd about 1/2 mile north of Hwy. 30. Their domestic well supplements the ditch pump as needed. For specific details regarding the application, please contact IDWR Southern Regional Office at 208-736-3033 or visit www.idwr.state.id.us with detail provided under "New Water Right Applications". Protests may be submitted based on the criteria of Sec 42-203A, Idaho Code. Protests against approval must be filed with IDWR, Southern Region, 1341 Fillmore St.- Suite 200; Twin Falls, ID 83301 with a protest fee of \$25.00 for each application on or before November 24, 2003. The protestant must also send a copy of the protest to the applicant.

KARL J. DREHER, Director

Published in the Times News on 11/6 & 11/13/03.

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State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

SOUTHERN REGION

October 23, 2003

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

E. JR & LU ALICE MCLEROY
1325 E 4252 N
BUHL ID 83316

RE: Application for Permit No. 47-17100

Dear Applicant(s):

The Department of Water Resources acknowledges receipt of your water right application. Please refer to the above referenced number in all future correspondence regarding this application.

A legal notice of the application has been prepared for publication in the **Times News on 11/6 & 11/13/03**. Submittal of protests to the application will be allowed for a period ending ten days after the second publication. **(November 24, 2003)**

If an application is protested you will be sent a copy of the protest(s). All protests must be resolved before the application can be considered for approval. If the protest(s) cannot be resolved voluntarily, the 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 Boise for final processing. The State Office will notify you of any action taken on the application and will send you a copy of the permit if approved. A typical processing time for an un-protested application is about eight weeks.

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

Sincerely,

Mary A. Baldwin
Administrative Assistant I

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OCT 03 2003

Department of Water Resources
Southern Region

10-2-03

JR. McLEROY HAS BEEN USING
THE WATER OUT OF MY DITCH THAT
RUNS THROUGH HIS PROPERTY SINCE
1980

<u>Tom Lyons</u>	<u>Tom Lyons</u>
<u>Helen Lyons</u>	<u>Helen Lyons</u>

RECEIVED
FEB 24 2004

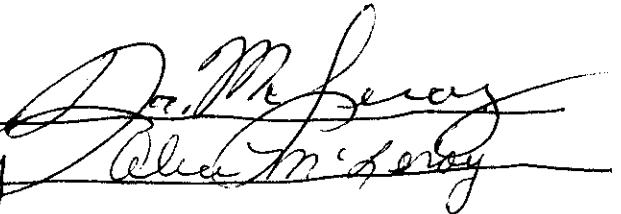
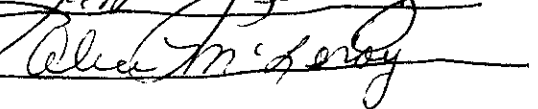
RECEIVED

OCT 03 2003

Department of Water Resources
Southern Region

10-2-03

I PLAN TO USE THE WATER OUT
OF TOM LYONS DITCH THAT RUNS ACROSS
MY PROPERTY TO SPRINKLE MY LAWN
AND FLOWERS. I HAVE 42 SPRINKLERS,
12 RAINBIRDS & 30 POP UP SPRINKLERS
OF WHICH 22 ARE IN THE FRONT AND
20 ARE IN THE BACK.

JR. McLEROY 
ALICE McLEROY 

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435444/168623 at re-div from main ditch to side ditch feeding pump
435449/168624 ✓

435624/168494 + 621496 pod

Flotec motor 2 hp & pump #FP5182-08

rated 32 gpm at 20' lift & 35 psi. actual lift is about 30'

well 435281 168569 283/564 loses 2 gpm/5' lift
should pump 28 gpm =
0.06 cfs

first driveway past

big green shop - is lay to

main 435348/168630
at line fence

435354 at pump
168616 17' EPE

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FEB 24 2004



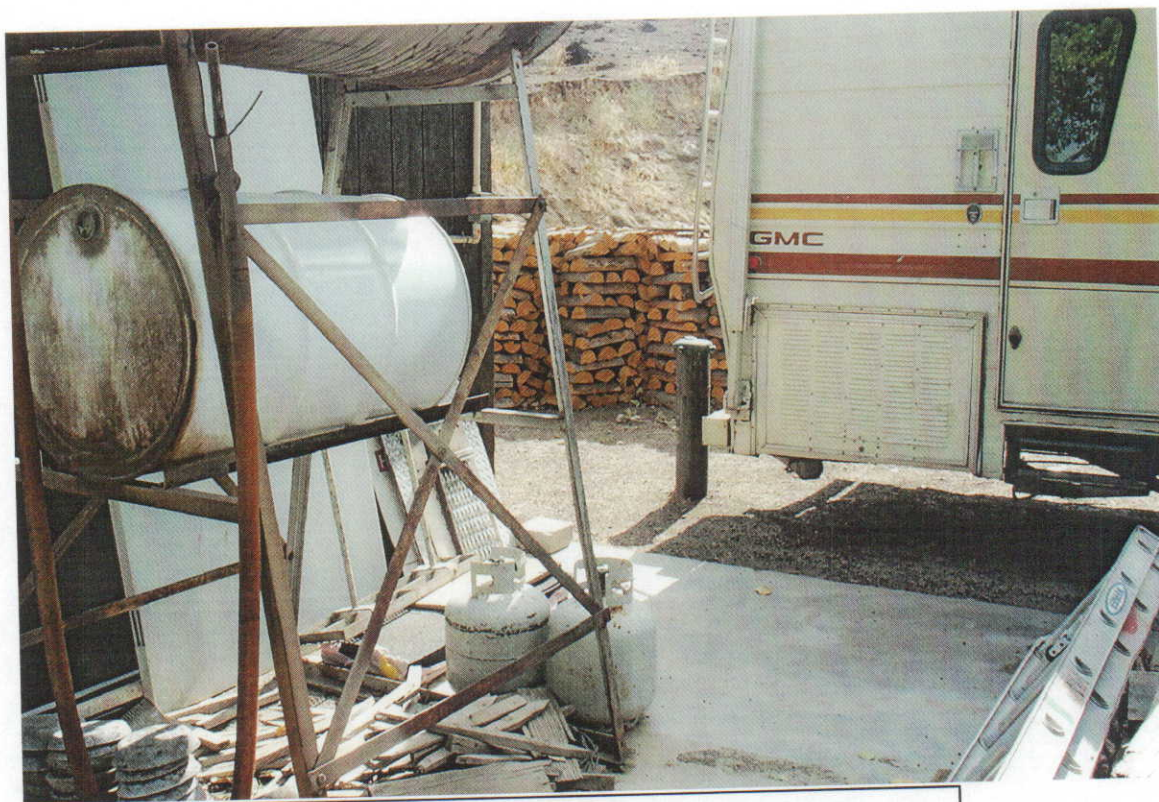
Clear Creek In Canyon Looking Southerly (Upstream)
By J E Stanton 9-9-03 App. 47-17100



Diversion Works On Clear Creek Looking North
(Ditch Starts At Orange Spot & Runs NW Thru Brush)
By J E Stanton 9-9-03 App. 47-17100

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Well SW of McLeroy Home (Backup Irrigation Source)
By J E Stanton 9-9-03 App 47-17100

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McLeroy Pump In Side Ditch Looking North
By J E Stanton 9-9-03 App 47-17100



Pump & Mainline Looking Southwesterly
By J E Stanton 9-9-03 App 47-17100

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Controlling Works To Side Ditch Looking Southwesterly
By J E Stanton 9-9-03 App. 47-17100



McLeroy Pump In Side Ditch Looking Northeasterly
By J E Stanton 9-9-03 App. 47-17100

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Diversion From Main Ditch To Side Ditch Looking Easterly
(Metal Gate Controls Side Ditch)
By J E Stanton 9-9-03 App. 47-17100



Side Ditch To McLeroy Property Looking Westerly
By J E Stanton 9-9-03 App. 47-17100

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POU On South Side of McLeroy Home Looking Easterly
By J E Stanton 9-9-03 App 47-17100



POU On East Side of McLeroy Home Looking Northwesterly
By J E Stanton 9-9-03 App. 47-17100

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Land East of McLeroy Home Looking Easterly
 (Note Dirt Recently Moved In To Improve Appearance of Lawn)
 By J E Stanton 9-9-03 App 47-17100



Another View Looking More Southeasterly
 By J E Stanton 9-9-03 App 47-17100

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POU North of McLeroy Home Looking Westerly
By J E Stanton 9-9-03 App 47-17100



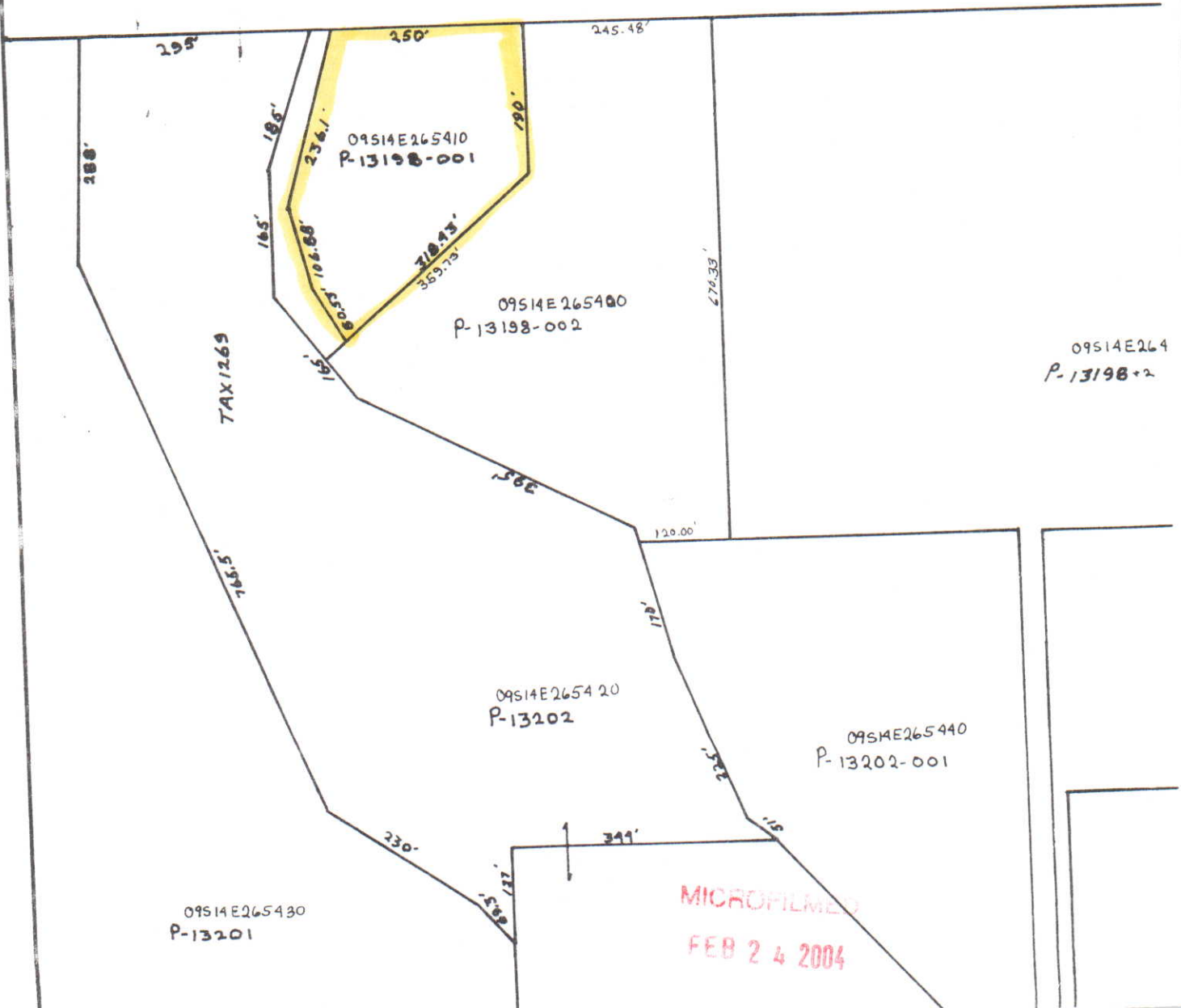
Same Looking Southwesterly
By J E Stanton 9-9-03 App 47-17100

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FEB 24 2004

SEP 16 2003

RECEIVED

"This drawing is to be used for
reference purposes only, and the
county is not responsible for any
inaccuracies herein contained."





Pump

Well

Clear Cr. Div.

McDonnell
FEB 24 2004