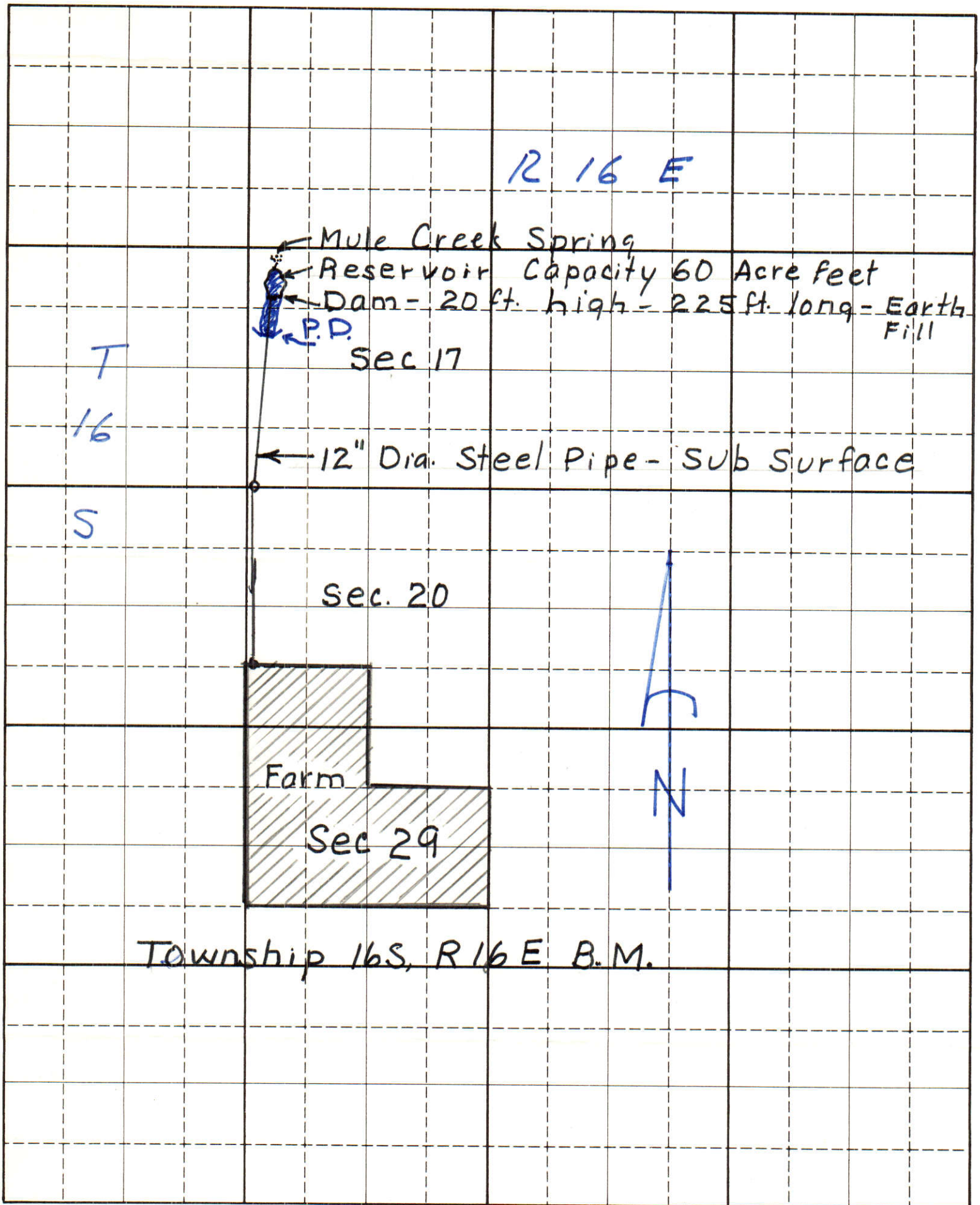


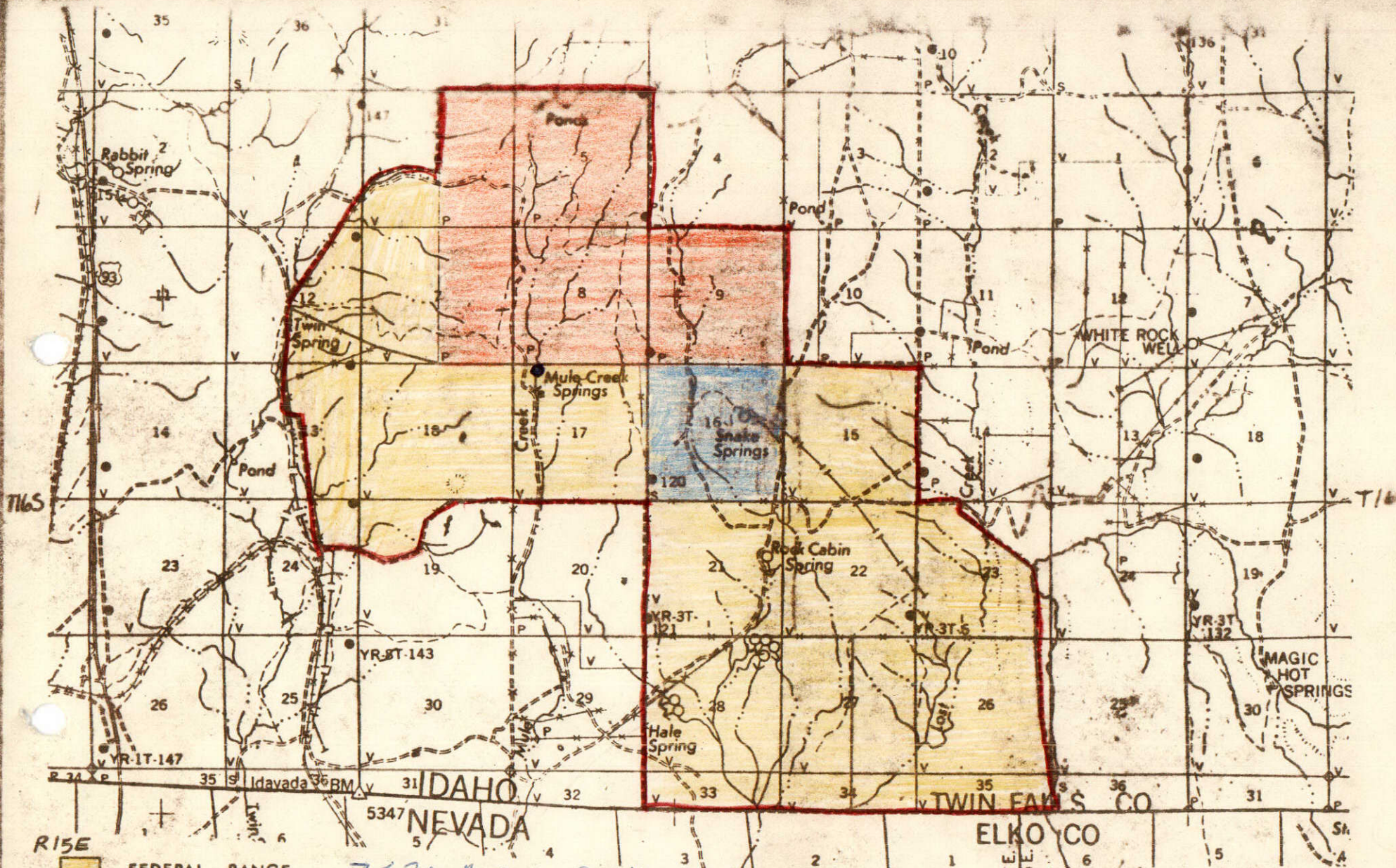
11. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



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.

Thomas Leno (Tom)
(Applicant) Tom Leno



R15E
 FEDERAL RANGE
 PRIVATE RANGE
 STATE RANGE

7570 Acres PUBLIC LAND R15E
 3200 " PRIVATE LAND

300 HEAD 15 MAY TO 30 SEPT

MULE CREEK
 ALLOTMENT MAP

MICROFILMED

STATE OF IDAHO

DEPARTMENT OF WATER ADMINISTRATION

NEW CONSTRUCTION INFORMATION FOR SMALL DAMS

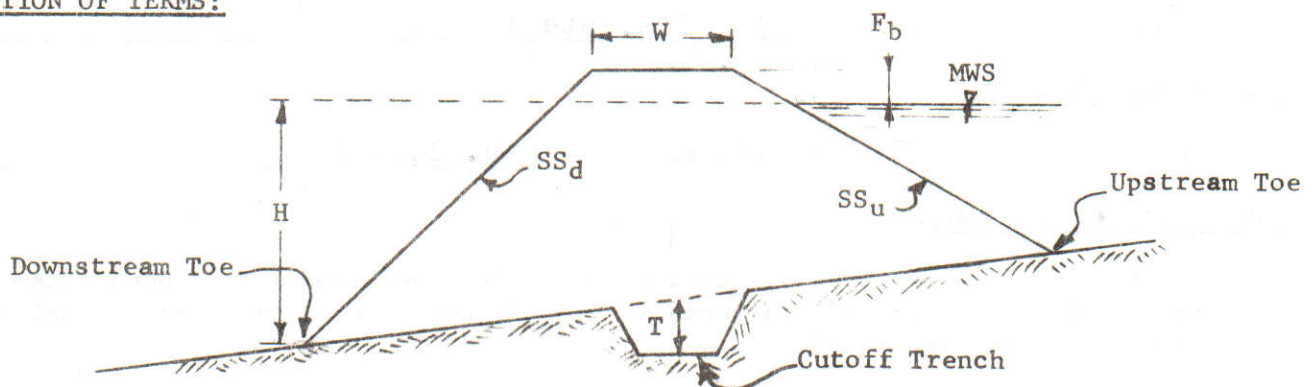
The following information is to be submitted prior to construction to enable the Department of Water Administration to administer the provisions of the Idaho Code relating to safety of dams. This information is required for all dams that are, or will be, 20 feet or less in height and store less than 100 acre-feet. Dams which will be greater than 20 feet or store 100 acre-feet or more must have plans and specifications prepared by a registered professional engineer and approved by the department prior to construction. Application for construction at these larger dams must be made on a different form available from the department.

All dimensions given below must conform to minimum requirements of the department. Minimum design criteria is available, upon request, from any district office of the Department of Water Administration or write to Statehouse - Annex 2, Boise, Idaho 83707.

NAME OF OWNER (print or type): Mr. Tom Leno

POST OFFICE ADDRESS: Box 802 Twin Falls, Idaho 83301

Briefly describe the nature of the proposed work (new dam, raise existing dam, etc.).
New dam, 20 ft. high 225 ft. long.

DESCRIPTION OF TERMS:

H = Height of dam - - - - - 16 feet

W = Crest width - - - - - 24 "

MWS = Maximum water surface - - - - - 5.6 Acres

F_b = Freeboard - - - - - 4 feet

SS_d = Side slope of downstream face of dam - - - - - 2 to 1

SS_u = Side slope of upstream face of dam - - - - - 3 to 1

T = Depth of cutoff-trench - - - - - 4 feet

RESERVOIR:

Storage Capacity 60 ac. ft. Surface Area 5.6 acres

Source of water (Stream) Mule creek springs Offstream Storage, Yes ☐ No ☒

DETAILS OF DAM:

Location: Section 17 Township 16S Range 16 E B.M.

Crest width (W) 24 ft.

Freeboard (F_b) 4.0 ft.

Height of dam (H) 16 ft.

Downstream side slope (SS_d) 2 to 1

UNRECORDED

Affidavit of Publication

STATE OF IDAHO, }
COUNTY OF TWIN FALLS }

ss.

RECEIVED
N^o 3441

NOV 25 1974

I, Kay Mabey being first duly sworn upon
oath, depose and say that I am Princ. Clerk of the TIMES-NEWS,
published daily, except Saturday, 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 Thursdays, commencing with the issue dated

November 14, 1974, and ending with the issue dated
November 21, 1974.

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 con-
tinuously 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, 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 published weekly, will be
published; and that at the head of the editorial column of said combined newspapers, and
in each issue thereof, Thursday is announced as the day on which said legal notices will
be published.

Kay Mabey
Subscribed and sworn to before me on this 22nd day of
November, 1974.

Maureen L. Clark
Notary Public in and for the County of Twin Falls,
State of Idaho, residing at Twin Falls, Idaho

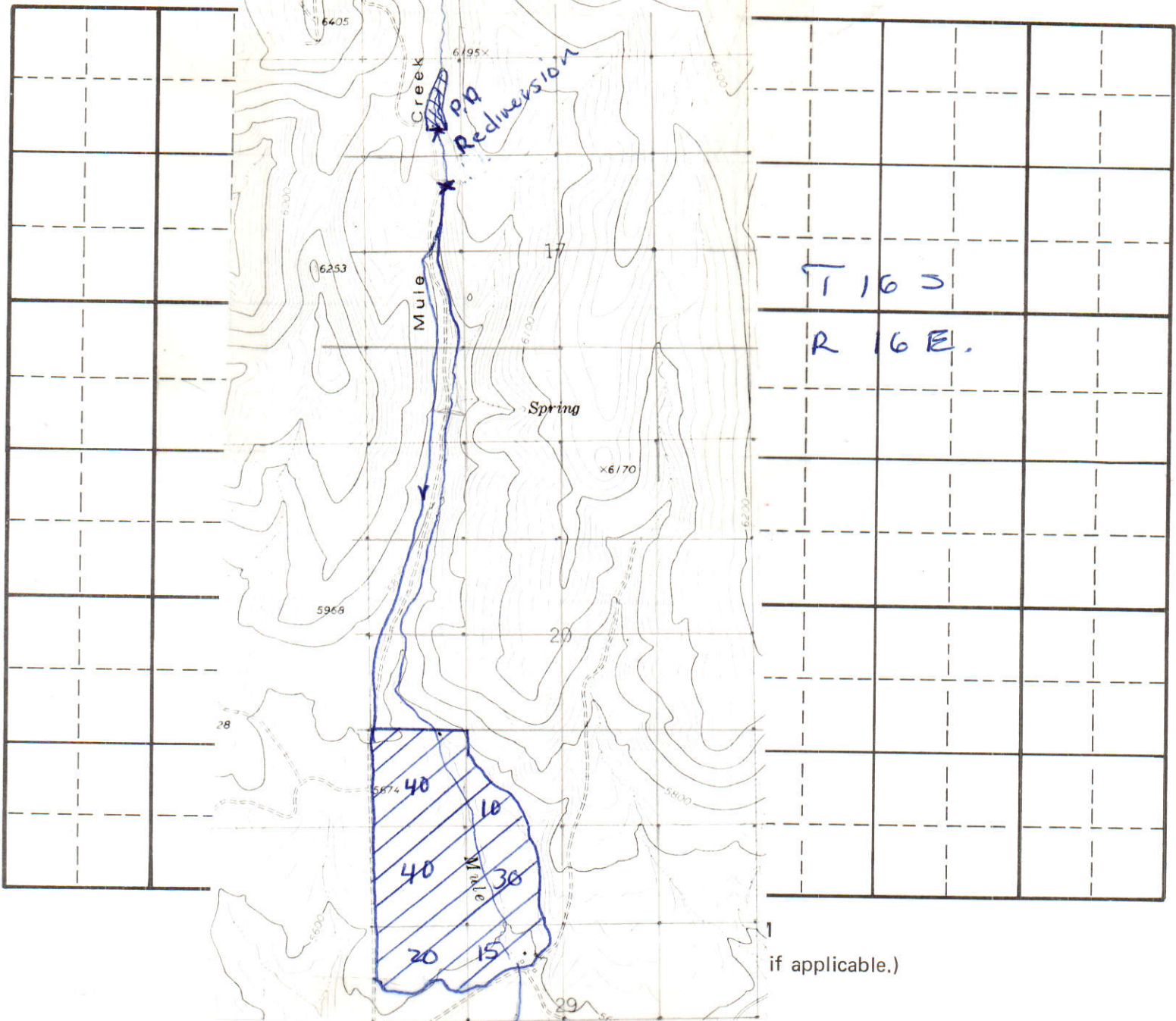
NOTICE OF APPLICATION FOR WATER PERMIT

Notice is hereby given that Tom
Leno P. O. Box 802, c/o Dale Aslett,
Twin Falls, Idaho 83301 has on 11-4-
74 submitted Application No. 47-7287
for a permit to appropriate 60 acre
feet per annum of water from Mule
Creek Springs, tributary of
Shoshone Creek by means of Earth
filled reservoir within the SW $\frac{1}{4}$ N-
W $\frac{1}{4}$, Sec. 17, T. 16S, R. 16E, B.M.,
Twin Falls County, to be used from
June 1 to September 1, for irrigation
of 480 acres, within the S $\frac{1}{2}$ SW $\frac{1}{4}$,
Sec. 20, S $\frac{1}{2}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$, N $\frac{1}{2}$ S $\frac{1}{2}$,
Sec. 29, T. 16S, R. 16E, 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,
1041 Blue Lakes Blvd., North, Twin
Falls, Idaho, 83301 on or before
December 2, 1974.

R. KEITH HIGGINSON
Director
PUBLISH: Nov. 14 & 21, 1974

O. K. cc
11-25-74

MICROFILMED



Point(s) of diversion: NW 1/4 NW 1/4 Sec. 17 T. 16 S. R. 16 E.
REDIVERSION SW 1/4 NW 1/4 Sec 17 Twp 16 S Rge 16 E

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	
16S	16E	20											40	10					50
		29					30	40	20	15									105

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

Examiner's Signature

Checked by

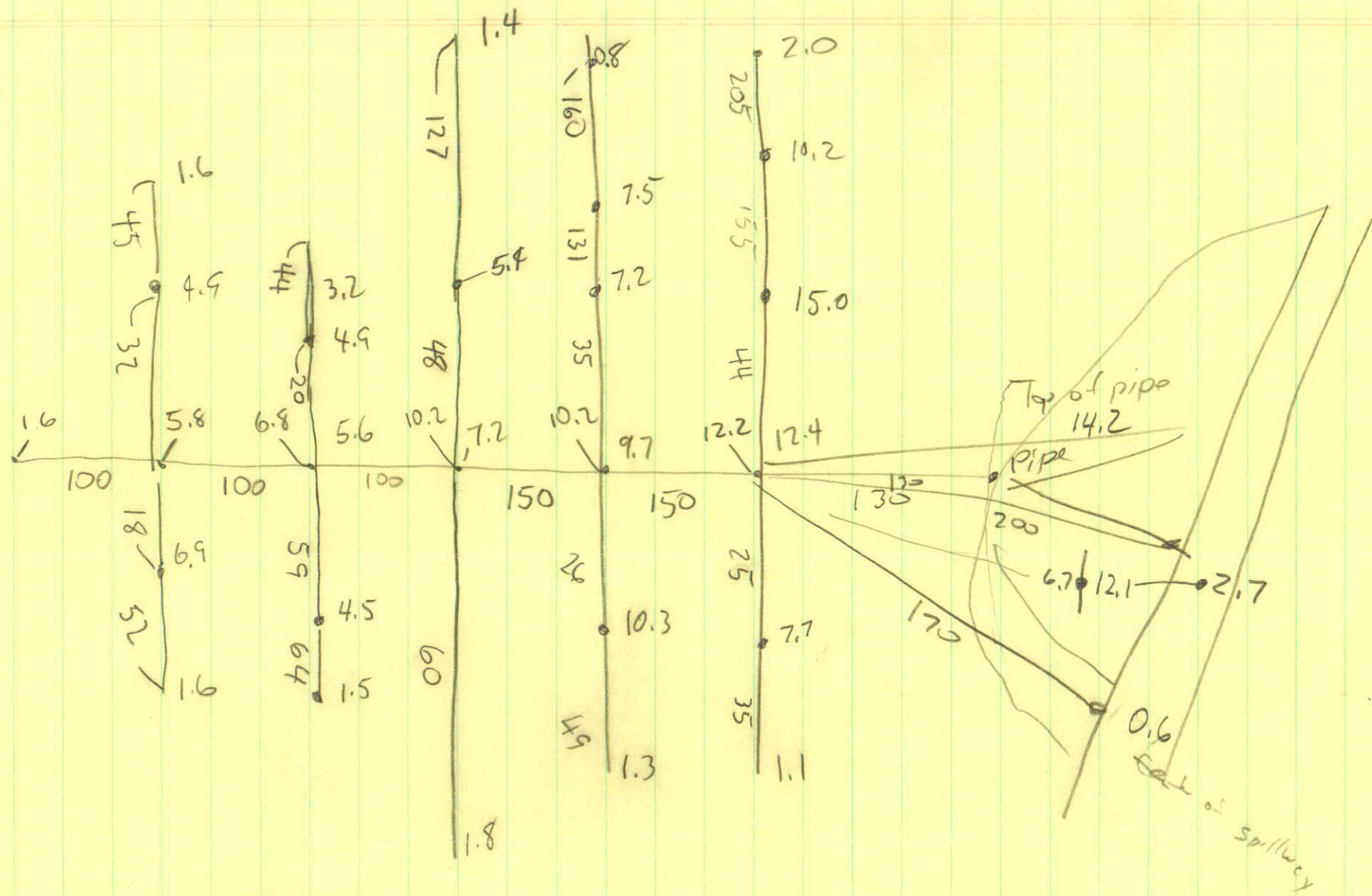
Approved by

Date

Date

Date

MAR 10 1988



State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 47-7287

Priority: November 4, 1974 Amount: 24.8 AFA

This is to certify, that TOM LENO

RT. 1 BOX 62

FILER, ID 83328

has complied with the terms and conditions of the permit issued pursuant to Application for Permit dated November 4, 1974, and has submitted proof to the Department of Water Resources on May 24, 1982, that water has been applied to a beneficial use; an examination by the Department indicates that the works have a storage capacity of 24.80 af of water from;

MULE CREEK SPRINGS

tributary to SHOSHONE CREEK

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 storage	01/01 to 12/31		24.8 afa
Irrigation from storage	03/15 to 11/15		24.8 afa
Totals			24.8 AFA

LOCATION OF POINT OF DIVERSION(S):

NWNW , Sec. 17, Township 16S, Range 16E
SWNW , Sec. 17

Twin Falls 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>TOTAL</u>
16S	16E	20	SWSW 40	SESW 10			50
		29	NENW 30	NWNW 40	SWNW 20	SENW 15	105
Total number of acres irrigated:							155

PLACE OF USE: Irrigation storage, same as Irrigation use

PLACE OF USE: Irrigation from storage, same as Irrigation use

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.

MAR 10 1988

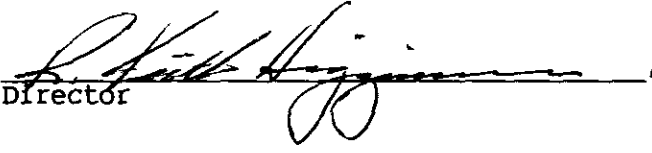
State of Idaho
Department of Water Resources

PAGE 2

WATER RIGHT LICENSE

WATER RIGHT NO. 47-7287

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 21st day
of October, 19 87.


Director

RECEIVED

MAR 10 1988

RECEIVED

JUL 1 1987

Department of Water Resources
Southern Region Office

STATE OF IDAHO

LICENSING

RECEIVED

JUL 07 1987

47-7287

APPLICATION FOR AMENDMENT OF A PERMIT

To change the point of diversion and/or the place of use.

APPROVED

Comes now Tom Leno Phone _____

of (address) Rt. 1 Box 62, Filer, ID 83328, and represents to the

Director of the Idaho Department of Water Resources:

That he is the owner and holder of Permit to Appropriate the Public Waters of the State of Idaho No. 47-7287, and requests that the permit and permit map be changed as follows:

1. Point of diversion: NW 1/4 NW 1/4, Section 17, Township 16S, Range 16E, B.M.,
County of Twin Falls. Other points of diversion: _____

Point of Rediversion: SW 1/4 NW 1/4 Sec. 20 T. 16S R. 16E

Source: Mule Creek

2. Period and nature of use: (irrigation, domestic, stockwatering, industrial, etc.)

Storage for
Amount 24.8 AFA for Irrigation purposes from Jan 1 to Dec 31 (both dates inclusive)
(cfs or acre feet per annum) Irrigation from

Amount 24.8 AFA for Storage purposes from Mar 15 to Nov 15 (both dates inclusive)
(cfs or acre feet per annum)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre feet per annum)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre feet per annum)

3. Place of use or land to be irrigated:

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	
16S	16E	20											40	10					50
		29					30	40	20	15									105

Total number of acres to be irrigated = 155

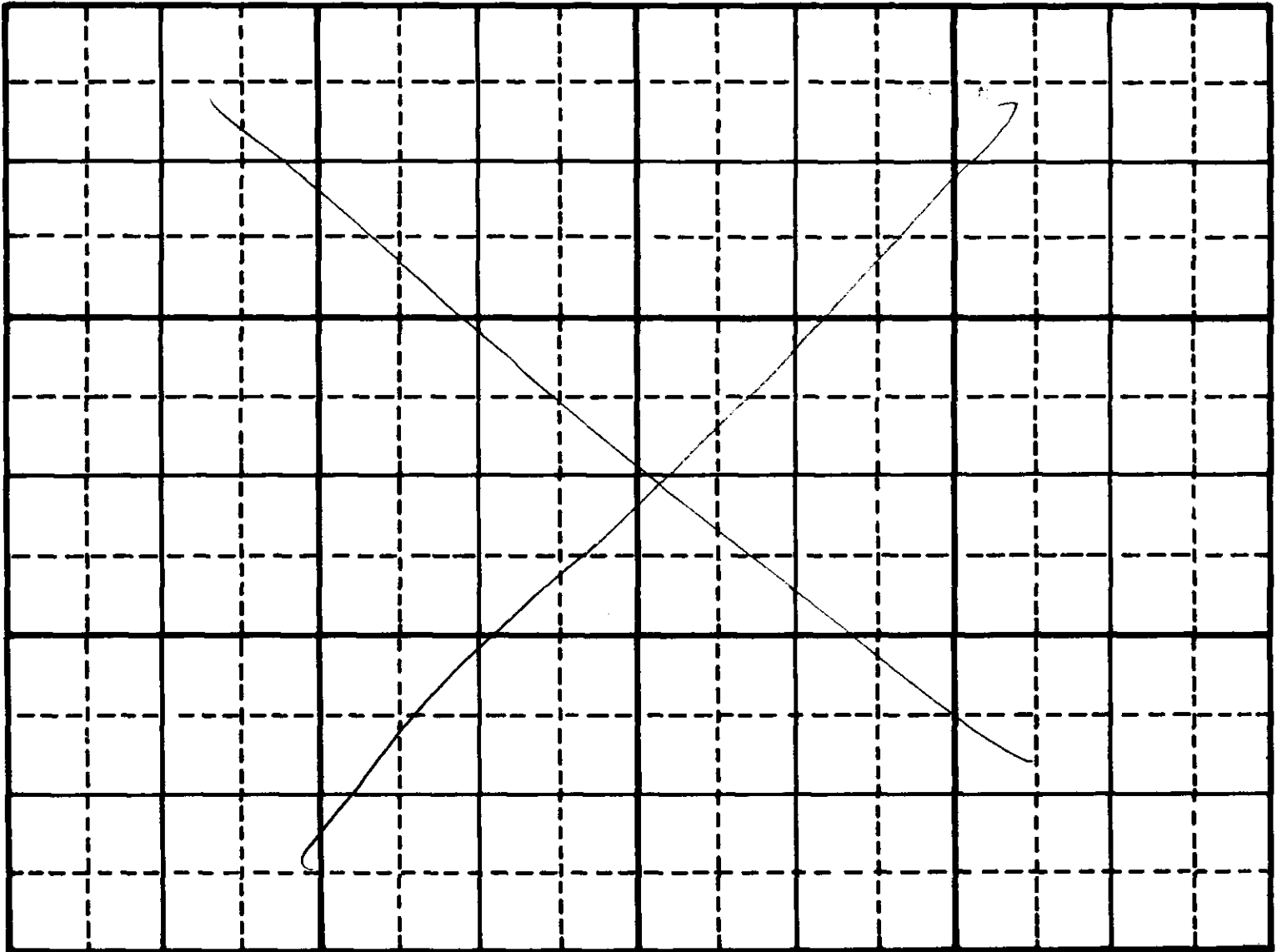
4. a. Who owns the property at the point of diversion? BLM
b. Who owns the land to be irrigated or the place of use? Applicant
c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: _____

RECEIVED

MAR 10 1988

Complete the following map by showing land and point of diversion as proposed by this amendment.

Show 40-acre subdivisions, townships, ranges and ditches. *Not needed*



Scale: 2 inches equal 1 mile.

That no one will be injured by such change, and that such change will be made at permit holder's own risk.

Signed at Linn Falls, this 1 day of July, 19 87.

X Thomas G. Reno
(Signature)

FOR DEPARTMENT USE ONLY

Preliminary check by _____ Fee = \$20.00

Received by MB Date 7/1/87

Publication prepared by _____ Date _____

Published in _____

Publication dates _____

ACTION OF THE DEPARTMENT OF WATER RESOURCES

I, R. KEITH HIGGINSON, of the Department of Water Resources hereby

Approve the above Application for Amendment for Permit No. 47-7287.

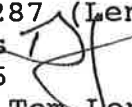
Witness my hand this 21st day of October, 19 87.

NOT FILMED

MAR 10 1988

R. Keith Higginson
Director

MEMORANDUM

TO: John Homan & Dam Safety Section
CC: Files D47-07287 (Leno Dam), A47-07287
FROM: Douglas Jones 
DATE: March 5, 1996
RE: Meeting with Tom Leno, Jr

Tom Leno, the dam owner's son, came to the office today to discuss the problems at the dam. During the conversation we talked about the present condition of the dam, the Department's position with regard to maintenance, alternatives to meet concerns, validity of the water right.

Mr Leno reviewed the file to look over department observations of the present condition of the dam and he requested copies of a memo to the file (12/14/95 by Corey) and a mail message to D.Shaw (3/1/96 by me). The Skinner memo reiterates problems at the dam and mentions the forfeiture issue. My mail message to Dave Shaw requests an opinion regarding forfeiture when the structure has not been maintained to a level sufficient to authorize storage, regardless of the availability of water.

I explained that no response was received to repeated attempts by the department to maintain the dam. He explained that his father had a medical problem in the past and that his father basically hoped the problem would go away if ignored. Mr Leno's parents were alarmed by the consequences specified in the letter under the Attorney General's letterhead and he said they asked him to work with the department. Mr Leno indicated that he would be pursuing an alternative to meet IDWR conditions for the structure. I outlined the alternatives: 1) breach the dam; 2) render it incapable of storing water; 3) repair the structure.

For economic considerations Mr Leno said that they could not afford to repair the dam or to breach it themselves (and especially could not afford to pay for an IDWR-contracted dam breach). Furthermore, he indicated that the dam acts as a flash flood peak flow attenuation structure and would not like to see it breached. The remaining solution then is to render the dam incapable of storing water. Mr Leno said that he would like to lock the gate open. I pointed out that the chain or lock could be cut. He responded that he had intended that the securing system would be similar to the USFS guarded lock arrangement - protected in a steel cylinder. I expressed the preference that the slide gate be removed, but that IDWR will not dictate what methods must be used. IDWR needs a proposal and timeframe in writing for review and will comment on the acceptability and/or suggest refinements. I further explained that an advantage of his visit is that more alternatives could be put down for his consideration. At this point we digressed some and talked about the eventual solution being effective and

page 2
March 5, 1996
Leno memo

practical (constructible, economic and maintainable).

In addition to removal of the gate or locking it open, IDWR expects that a trash rack will be installed to prevent obstruction of the intake by debris. I suggested two possible configurations: 1) A rectangular arrangement of parallel rebars oriented to facilitate raking the debris while standing on the upstream slope of the dam; 2) A conical arrangement which would allow debris to float toward the peak. I encouraged him to seek other alternatives and to provide sketches and complete descriptions, including how the rack would be secured in place. One suggestion for securing it was to sink steel posts into the reservoir sediment and welding the rack to them. Another possibility discussed was to embed legs of the rack into concrete pads/anchors set beneath the ground surface.

In the event of a high volume, short duration runoff, which surcharges the reservoir, the velocity of water through the outlet will continue to present a serious erosional problem below the dam. I recommended that he consider rehabilitating the scour below the outlet or providing an alternative system to reduce the erosive activity. I suggested that he could embed a barrel into the existing scour and extend the outlet pipe into it. He would need to back fill around the barrel and provide rock armoring around the lip and down the stream channel some distance. Mr Leno rightly expressed concern that the barrel life could be limited due to abrasion by suspended particles. One solution would be to use heavy steel pipe instead of a barrel and tacking a plate on the bottom or securing it in concrete. In either case a drain hole would need to be provided. Another solution would be to install a heavy gauge deflector plate in the barrel/pipe to absorb the brunt of the discharge velocity.

Mr Leno said that the dead storage will keep the area too wet to do any work until late summer. I told him that late summer would probably not be acceptable and that water could be lowered using a pump so that work could be done by mid-spring.

I have requested some indication from SRBA administrative staff whether forfeiture of water right could be asserted based on lack of maintenance/storage authorization during drought conditions. Mr Leno wants to leave the dam in place so that they could resume use of it. I expressed my opinion that forfeiture of irrigation storage will be recommended in the adjudication based on the information available in the dam safety file. Later I deduced that the small volume of dead storage could possibly be recommended as stockwater storage under this right. The basis of this conclusion is that storage ceased prior to 11/19/1987 and therefore may be an accomplished transfer of nature of use. This would provide a rationale to justify leaving the structure in place.

page 3
March 5, 1996
Leno Memo

It is my opinion that Mr Leno left the office reassured that IDWR will continue to work with him to reach a workable solution, but that a plan and timeframe must be submitted. He said that he will have the plan to us within the next 4 weeks (before 30 days). I gave him both my card and Corey's card and encouraged him to contact us before then if he has any questions. He said that since he lives in Twin Falls he would like to work with this office. I told him that we will accept the plan and forward it to the State Office for final review and approval.

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF AMENDING THE EXTENSION OF THE)
PROOF DUE DATE IN CONNECTION WITH PERMIT NO.)
47-7287 IN THE NAME OF TOM LENO)

ORDER

WHEREAS, on November 4, 1974, Tom Leno filed with the Department of Water Resources an application for permit to appropriate 60 acre feet of water from Mule Creek Springs, tributary to Shoshone Creek, to be diverted within the SW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 17, Twp. 16S, Rge. 16E B.M., Twin Falls County, to be used for irrigation purposes; and,

WHEREAS, on May 17, 1976, the Department approved said application and issued Permit No. 47-7287 with the condition that proof of construction of works and application of water to beneficial use be submitted to the Department on or before June 1, 1977; and,

WHEREAS, on May 5, 1977, the permit holder submitted a request for an extension of time due to the fact that there would not be enough water for compaction during the year as it was a drought year; and,

WHEREAS, on May 17, 1977, the Department inadvertently extended the time within which to submit proof of beneficial use for one year only which was not a sufficient amount of time considering it was a drought year; and,

WHEREAS, the Department now amends the Order granting the extension of time;

IT IS, THEREFORE, HEREBY ORDERED that the time within which to submit proof of beneficial use of water under Permit No. 47-7287 be extended to June 1, 1982.

Dated this 14th day of June, 1978.

L. Glen Saxton
L. GLEN SAXTON

Chief, Operations Bureau

MICROFILMED

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF EXTENDING THE PROOF DUE)
DATE IN CONNECTION WITH PERMIT NO. 47-7287) ORDER
IN THE NAME OF TOM LENO)

WHEREAS, on November 4, 1974, Tom Leno filed with the Department of Water Resources an application for permit to appropriate 60 acre feet of water from Mule Creek Springs, tributary to Shoshone Creek, to be diverted within the SW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 17, Twp. 16S, Rge. 16E, B.M., Twin Falls County, to be used for irrigation purposes; and,

WHEREAS, on May 17, 1976, the Department approved said application and issued Permit No. 47-7287 with the condition that proof of construction of works and application of water to beneficial use be submitted to the Department on or before June 1, 1977; and,

WHEREAS, on May 5, 1977, the permit holder submitted a request for an extension of time; and,

WHEREAS, it appears that under the circumstances, the permit holder has been proceeding with reasonable diligence and has given good cause for delay;

IT IS, THEREFORE, HEREBY ORDERED that the time within which to submit proof of beneficial use of water under Permit No. 47-7287 be extended to June 1, 1978.

Dated this 17 day of May, 1977.


BOBBY D. FLEENOR
Chief, Operations Bureau

MICROFILMED

BEFORE THE DIRECTOR OF THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR PERMIT)
)
NO. 47-7287 IN THE NAME OF TOM LENO)
)

MEMORANDUM DECISION
AND ORDER

On November 4, 1974, Tom Leno filed with the Department of Water Resources an application for permit to appropriate 60 acre feet of water from Mule Creek Springs, tributary to Shoshone Creek, at a dam located in the SW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 17, Twp. 16S, Rge. 16E, B.M., Twin Falls County, for the irrigation of 80 acres of land, located in the S $\frac{1}{2}$ SW $\frac{1}{4}$, Sec. 20, and 400 acres of land located within the S $\frac{1}{2}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 29, Twp. 16S, Rge. 16E, Twin Falls County, Idaho.

The Department caused notice of the application to be published in the Times News at Twin Falls, Idaho, on November 14, and November 21, 1974. On November 25, 1974, a protest against the approval of this application was received from Pleasant Valley Grazing Association and on November 27, 1974, a protest was received from the Salmon River Canal Company, Ltd.

As a result of these protests, a hearing was held on February 26, 1976, at Twin Falls, Idaho. During the pre-hearing conference, it was determined that the issues were:

1. Interference with the existing water rights of the Salmon River Canal Company on Salmon Falls Creek by the storage of 60 acre feet of water per year.
2. Pleasant Valley Grazing Association was concerned that their right to stockwater would be injured by the fencing of Mule Creek Springs and the reservoirs.
3. That the flow of the springs could be injured by ponding the reservoir waters over the spring area.

After reviewing the evidence and information presented at the conference, the Director of the Idaho Department of Water Resources makes the following Findings of Fact, Conclusions of Law, and Order:

FINDINGS OF FACT

1. The applicant and protestants agreed by stipulation dated March 11, 1976, that (a) the reservoir would not be fenced to restrict the access to the water by livestock, (b) That the reservoir will be constructed so as to not pond on or flood Mule Creek Springs, (c) That the applicant may fence the dam itself.
2. That the applicant presently holds water right licenses no. 47-2048 and 47-2118 for the diversion of 0.80 cubic feet per second of water from this same source.
3. A field examination indicated that water from Mule Creek has not reached

Shoshone Creek for the past several years and that no channel exists in the lower reaches of Mule Creek.

CONCLUSIONS OF LAW

1. That the protest of the Pleasant Valley Grazing Association has been satisfied by the March 11, 1976, stipulated agreement.

2. That Mule Creek is not tributary to Shoshone Creek and thence Salmon Falls Creek.

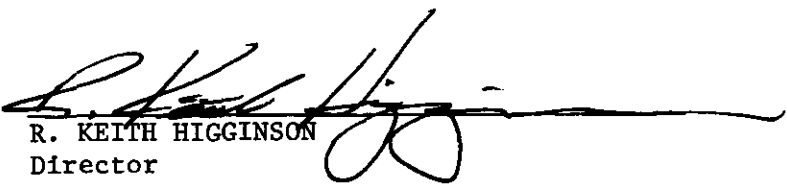
3. That there is water available for appropriation without causing injury to prior water rights.

ORDER

IT IS, THEREFORE, HEREBY ORDERED and Application for Permit No. 47-7287 is APPROVED subject to the following limitations and conditions:

1. That said permit is subject to all prior water rights.
2. That access to the reservoir be maintained for stockwatering purposes.
3. The reservoir shall be constructed so as to not cover or flood Mule Creek Springs.
4. Proof of construction of works and application of water to beneficial use shall be submitted to the Department on or before June 1, 1977.
5. Measuring devices of a type approved by the Department shall be permanently installed and maintained as part of the diverting works.

Dated this 17 day of May, 1976.


R. KEITH HIGGINSON
Director

25 00

Identification No. _____

Application No. 47-7287

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION

APPLICATION FOR PERMIT

APPROVED

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

1. Name of applicant Mr. Tom Leno
post office address P.O. Box 802, c/o Dale Aslett, Twin Falls, Ida. 83301
2. Source of water supply Mule Creek Springs which is a tributary of Shoshone Creek
3. a. Location of point of diversion is SW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 17 Township 16S
Range 16E B.M. Twin Falls County; additional points of diversion if any: _____

b. If water is not consumed, it will be discharged into all consumed at a point in _____ $\frac{1}{4}$
of _____ $\frac{1}{4}$ of Section 20 & 21 Township 16S Range 16E B.M. _____

4. Water will be used for the following purposes:
Amount 60A.ft. Irrigation purpose from June 1 to Sept. 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. _____ cubic feet per second and/or
b. 60 acre feet per annum.

6. Proposed diverting works:
a. Description of ditches, flumes, pumps, headgates, etc. Earth filled Reservoir, drained by
12" steel pipe about 1 1/4 miles long.

b. Height of storage dam 20 feet, active reservoir capacity 60 acre feet; total reservoir
capacity 60 acre feet, materials used in storage dam: Earth and rock
Period of year during which storage will occur Jan. 1 to Dec. 31 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 one years.
b. Estimated construction cost is \$ 50,000.00.

8. Description of proposed uses:
a. If water is **not** for irrigation: Water is 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: _____

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	
16S	16E	20											40	40					80 Acres
16S	16E	29			40	40	40	40	40	40	40	40			40	40			400 "
16S	16E	29																	

Total number of acres to be irrigated 480

c. Describe any other water rights used for the same purposes as described above. The applicant, Mr. Tom Leno already has an established water right to the flow from Mule Creek Springs License No.'s 47-2048 & 47-2118.

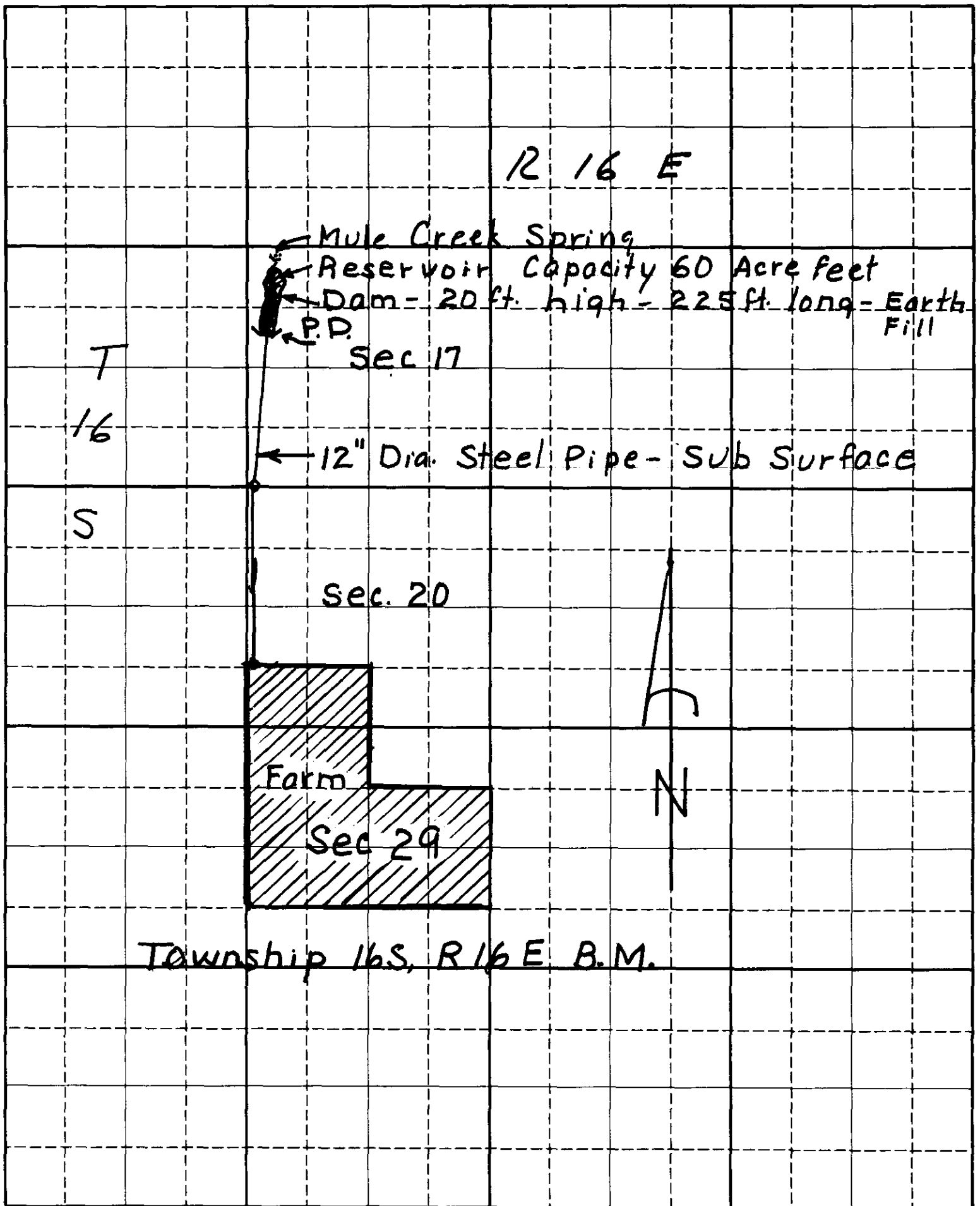
9. a. Who owns the property at the point of diversion Federal Government

b. Who owns the land to be irrigated or place of use Mr. Tom Leno

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

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.

Tom Leno (Tom Leno)
(Applicant) Tom Leno

Proposed Priority 11-04-1974

Received by CLF Date 11-4-74 Time 11:00

Preliminary check by KDF Fee \$ 25.00

Received by CL Date 11-4-74

KDF Publication prepared by cc Date 11-5-74

Published in Times News

Publication dates 11-14 & 11-21-74

Publication approved CL Date 11-25-74

Priority reduced to _____ Reason _____

Protests filed by: _____

Copies of protests forwarded by _____

Hearing held by _____ Date _____

Recommended for approval denial by _____

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER ADMINISTRATION

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. 47-7287, and said application is hereby APPROVED.

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

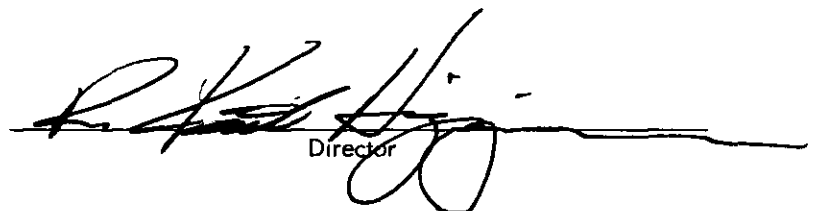
a. SUBJECT TO ALL PRIOR WATER RIGHTS.

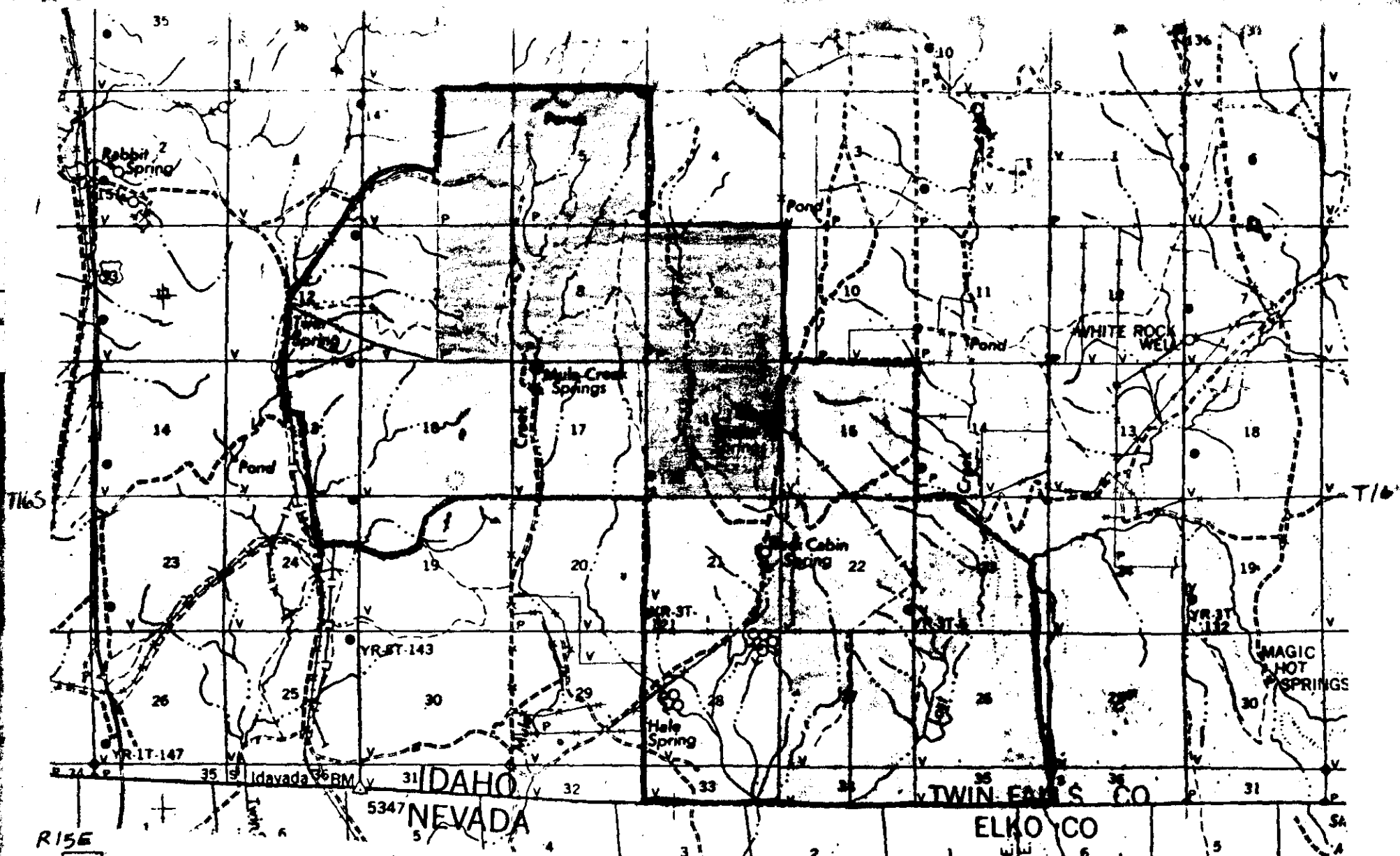
b. Proof of construction of works and application of water to beneficial use shall be submitted on or before June 1, 19 77.

c. Other: Pursuant to Memorandum Decision and Order dated
May 17, 1976.

2. Denial of said application is for the following reasons: _____

Witness my hand this 17 day of May, 19 76.


Director



R15E

- FEDERAL RANGE
- PRIVATE RANGE
- STATE RANGE

7570 ACRES PUBLIC LAND R16E
 3200 " PRIVATE LAND

200 HEAD '5 MAY TO 30 SEPT

**MULE CREEK
 ALLOTMENT MAP**

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION
NEW CONSTRUCTION INFORMATION FOR SMALL DAMS

The following information is to be submitted prior to construction to enable the Department of Water Administration to administer the provisions of the Idaho Code relating to safety of dams. This information is required for all dams that are, or will be, 20 feet or less in height and store less than 100 acre-feet. Dams which will be greater than 20 feet or store 100 acre-feet or more must have plans and specifications prepared by a registered professional engineer and approved by the department prior to construction. Application for construction at these larger dams must be made on a different form available from the department.

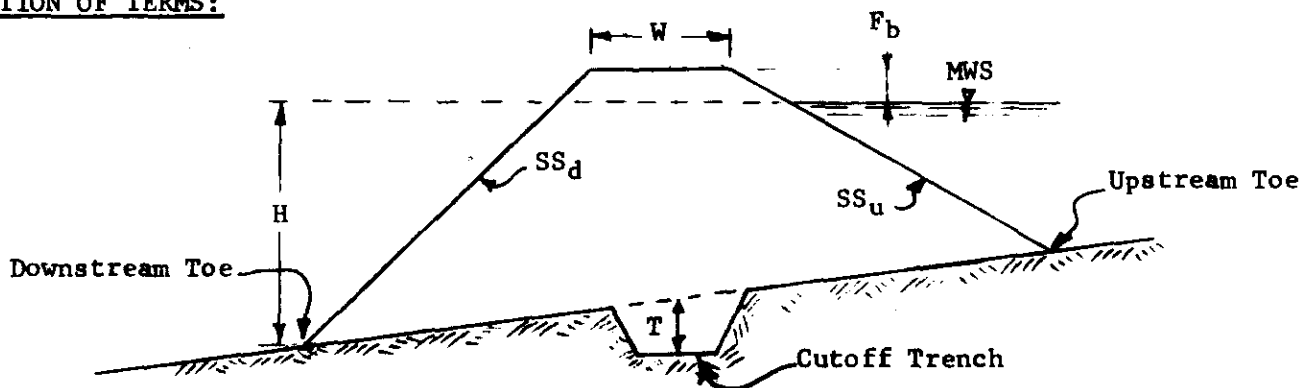
All dimensions given below must conform to minimum requirements of the department. Minimum design criteria is available, upon request, from any district office of the Department of Water Administration or write to Statehouse - Annex 2, Boise, Idaho 83707.

NAME OF OWNER (print or type): Mr. Tom Leno

POST OFFICE ADDRESS: Box 802 Twin Falls, Idaho 83301

Briefly describe the nature of the proposed work (new dam, raise existing dam, etc.).
New dam, 20 ft. high 225 ft. long.

DESCRIPTION OF TERMS:



H = Height of dam - - - - - 16 feet

W = Crest width - - - - - 24 "

MWS = Maximum water surface - - - - - 5.6 Acres

F_b = Freeboard - - - - - 4 feet

SS_d = Side slope of downstream face of dam - - - - - 2 to 1

SS_u = Side slope of upstream face of dam - - - - - 3 to 1

T = Depth of cutoff-trench - - - - - 4 feet

RESERVOIR:

Storage Capacity 60 ac. ft. Surface Area 5.6 acres

Source of water (Stream) Mule creek springs Offstream Storage, Yes ☐ No ☒

DETAILS OF DAM:

Location: Section 17 Township 16S Range 16 E B.M.

Crest width (W) 24 ft.

Freeboard (F_b) 4.0 ft.

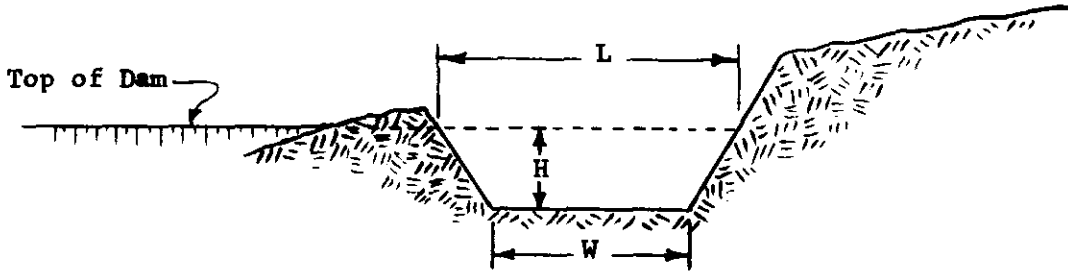
Height of dam (H) 16 ft.

Downstream side slope (SS_d) 2 to 1

Upstream side slope (SS_u) 3 to 1

Cutoff-Trench depth (T) 4 ft.

SPILLWAY:



Distance between top of dam and bottom of spillway at the upper end. (H) 4 ft.

Do you plan to use a gate or flashboards in the spillway. Yes___ No X

Approximate drainage area above dam _____ acres.

Bottom width of spillway (W) 6 ft. Reinforced Concrete

Top width of spillway (L) 6 ft. by 5ft. deep

OUTLET:

Size and type of outlet conduit through base of dam which will allow free passage of natural flow of stream. 12" dia. steel pipe

CONSTRUCTION SCHEDULE:

Proposed date for start of construction Jan. 1, 1975

DEVELOPMENT 'DOWNSTREAM':

Briefly describe the type of development or land use immediately downstream from the dam. Indicate estimated distances to significant area of improvement that could be damaged if the dam failed:

Land on downstream of dam is desert, sagebrush and some range.

INSPECTION AND APPROVAL:

All construction at dams is subject to approval by the Department of Water Administration which reserves the right to make inspection of such work as often as it deems necessary. In those situations where the department feels inspections are warranted, they are normally made at the following times:

1. After clearing and excavation of foundation, and prior to placing fill material.
2. After installation of outlet conduit, and before placing any backfill material around conduit.
3. After construction is complete and before any water is stored in reservoir.
4. At such other times as determined necessary by the Department of Water Administration.

Date Nov 20- 17

Lom Lend
Signature

Owner _____ Title _____

Affidavit of Publication

STATE OF IDAHO, }
COUNTY OF TWIN FALLS } ss.

RECEIVED
No 3441

NOV 25 1974

I, Kay Mabey being first duly sworn upon
oath, depose and say that I am Princ. Clerk of the TIMES-NEWS,
published daily, except Saturday, 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 Thursdays, commencing with the issue dated

November 14, 1974, and ending with the issue dated
November 21, 1974.

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, 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 published weekly, will be published; and that at the head of the editorial column of said combined newspapers, and in each issue thereof, Thursday is announced as the day on which said legal notices will be published.

Subscribed and sworn to before me on this 22nd day of
November, 1974.

Maureen L. Clark
Notary Public in and for the County of Twin Falls,
State of Idaho, residing at Twin Falls, Idaho

NOTICE APPLICATION
FOR PERMIT
To publish a newspaper
under the name of
Twin Falls News
and to be published
at Twin Falls, Idaho
on or about
November 14 & 21, 1974
The undersigned
R. K. K. K.
11-25-74

October 21, 1987

TOM LENO
RT. 1 BOX 62
FILER, ID 83328

RE: Permit No. 47-7287

Dear Permit Holder(s):

Enclosed herewith is a copy of your Water Right License issued on the above referenced permit along with a copy of your approved application for amendment.

Should you have any questions regarding these documents, please feel free to contact our office.

Sincerely,

JIM JOHNSON
Water Rights Supervisor

JJ:sc

Enclosure

RECEIVED

MAR 10 1988

RECEIVED

INTER-DEPARTMENT MEMO — 1

FROM Allen Merritt

JUN 18 1987

DATE 6/16/87

TO Gary Speckman

Department of Water Resources

Notice

SUBJECT

Review of Pending Cancellation of 47-7287

It appears that the notice was sent to the address of record in the file but Don Selety is presently corresponding with Mr. Leno at the following address:

Tom Leno
Rt. 1 BX. 62
Filer, Idaho 83328

I think the notice should also be sent to the Filer address.

ADM

SIGNATURE



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

June 11, 1987

Tom Leno
P.O. Box 306
Jackpot, NV 98925

Re: Permit No. 47-7287

NOTICE OF PENDING PERMIT CANCELLATION

Dear Mr. Leno:

The development proposed in Permit to Appropriate Water No. 47-7287 was examined in 1983 by Department of Water Resource personnel. At the time of the examination, the Department personnel discovered that the actual point of diversion differed from the point of diversion proposed in the permit.

Alan Merritt, of the Southern Region of the Department, attempted on several occasions to persuade you to file an application for amendment of Permit No. 47-7287 with the Department of Water Resources. To date, the application for amendment of the permit has not been filed with the Department.

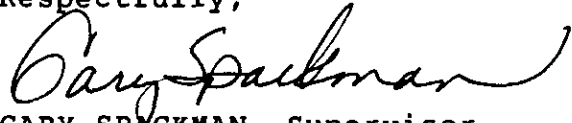
Enclosed is a completed application for amendment of your permit which reflects the correct point of diversion. You should sign the application for amendment, and return it to the State Office of the Department accompanied by a \$20 filing fee within thirty (30) days of the date of this letter.

Should you fail or refuse to submit the application for amendment for Permit No. 47-7287 within thirty (30) days, the Department will initiate administrative action to void your permit. The grounds for voiding the permit are set forth in Idaho Code § 42-219 where it states that if the Department finds "that the applicant has not fully complied with the law and the conditions of the permit . . . [it] may refuse issuance of a license and void the permit." One of the conditions of the

MAR 10 1988

permit was that the point of diversion would be located as indicated on the permit. Failure to file the enclosed amendment is a violation of a condition of the permit, and will result in full voiding of the permit and refusal to issue a license thereon.

Respectfully,



GARY SPACKMAN, Supervisor
Water Allocation Section

GS:jf

Enclosure

CC: Southern Region

RECORDED

MAR 10 1988



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
SOUTHERN REGION

John V. Evans
Governor

A. Kenneth Dunn
Director

1041 Blue Lakes Blvd. North
Twin Falls, Idaho 83301
(208) 734-3578

47-7287
LENO, TOM
P.O. BOX 306
JACKPOT, NV 89225

138121

August 12, 1986

CERTIFIED MAIL

EXAMINATION FEE NOTICE

Dear Permit Holder:

Department records show that proof of beneficial use has been submitted for the above-referenced permit, but that a field examination has not yet been conducted to determine the extent of beneficial use of the water for licensing purposes.

House Bill 671 (effective April 4, 1986) enacted by the 1986 Idaho Legislature requires the payment of a fee before this department can conduct the field examination needed to issue a license confirming use of water under the permit. This letter is notification that the license examination fee is due within sixty (60) days of the date of this letter. The examination fee information sheet (enclosed) must be returned with the fee.

As an alternative to submitting the fee, the department will accept a field examination report completed by a certified water right examiner from the private sector. If you choose to have the examination done by a certified water right examiner, you need not submit the license examination fee to the department, but you must within sixty (60) days of the date of this letter return to the department, the examination fee information sheet showing appropriate information together with a statement from the certified examiner to verify that you have retained a certified examiner to conduct the field examination. If you choose this alternative, a completed field examination report must be submitted within one year of the date of this letter. You cannot later change your decision to use this alternative and submit the fee needed for the department to conduct the field examination, but you may change to another certified examiner.

Certified water right examiners are licensed engineers or geologists certified by the department to conduct water right examinations. The procedure for certifying examiners results from the recently enacted HB 671 and is being developed at this time. Listing of certified water

INDEXED
MICROFILMED

MAR 10 1988

right examiners will be available from this department when examiners have been certified.

If your permitted use, in fact, has already been examined by the department and you have not asked to have the examination repeated, the fee requirement is not applicable to your permit. If you believe this is the case, please contact the department.

The license examination fee is to be based on the amount of water you indicate you have developed, as listed in item 6 on the examination fee information sheet. The amount of water on which the examination fee is based can be less than the permitted amount, if less water has been diverted and beneficially used. The licensed amount of water, however, will not exceed the amount you claim on the examination fee information sheet. The enclosed license examination fee schedule shows a listing of applicable fees.

FAILURE TO SUBMIT WITHIN THE SIXTY (60) DAY PERIOD, THE FEE OR THE STATEMENT THAT A CERTIFIED EXAMINER HAS BEEN RETAINED TO MAKE THE FIELD EXAMINATION, WILL BE CAUSE TO ADVANCE THE PRIORITY OF THE PERMIT ONE DAY FOR EACH DAY THAT THE FEE SUBMITTAL IS LATE.

FAILURE TO SUBMIT THE FEE OR THE COMPLETED FIELD EXAMINATION REPORT WITHIN A YEAR WILL BE CAUSE TO CONSIDER THE PROOF OF BENEFICIAL USE TO BE INCOMPLETE AND TO LAPSE THE PERMIT.

The attached examination fee information sheet and the fee may be submitted to the following department office.

Southern Region
Idaho Dept. of Water Resources
1041 Blue Lakes Blvd. North
Twin Falls, ID 83301
Phone: 734-3578

Sincerely,


LOREN HOLMES
Southern Regional Manager

Enclosures



MAY 10 1977

FROM Allen Merritt

DATE 10/9/86

TO Dave Hollingshead

SUBJECT Leno Dam D47-7287

Pursuant to our phone conversation today please find attached copies of memos, letters, ect. in our water rights file. In your pending correspondence with Mr. Leno, Sr. please mention his son's Aug. 13th visit to our office in which his son was given a copy of a rough draft licensing amendment for ~~Mr.~~ Mr. Leno to review. Our office is awaiting finalization of this amendment. (He needs to come in and sign it and pay the fee.)

Thanks !!


SIGNATURE

an amendment of your water right permit so that a license can be issued.

At the close of our meeting you indicated that you would come into our office to complete or see about the amendment.

Please come into our office as soon as possible so that we might take care of this matter.

Sincerely,

Allen D. Merritt, P.E.
Water Resource Engineer

AM:MB

RECORDED
INDEXED

MAR 10 1988

INTER-DEPARTMENT MEMO — 1

FROM Allen

DATE 8/13/86

TO 47-7287

SUBJECT Amendment Application

Tom Leno, Jr. was in and I gave him copy of draft licensing amendment for his dad to look over. They will bring it back in and finalize the paperwork. Tom indicated that dam not yet fixed. Other water rights exist on Mule Creek for natural flow of stream.

47-2048
47-2114

RECORDED

MAR 10 1988

APM

SIGNATURE



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
SOUTHERN REGION

John V. Evans
Governor

A. Kenneth Dunn
Director

1041 Blue Lakes Blvd. North
Twin Falls, Idaho 83301
(208) 734-3578

July 7, 1986

Tom Leno
Rt. 1, Box 62
Filer, ID 83328

RE: Licensing Amendment 47-7287

Dear Mr. Leno:

As you may recall, last April I met you in your pasture near your ranch at Jackpot and briefly discussed with you the condition of your dam.

At that time I also informed you of the need for you to complete an amendment of your water right permit so that a license can be issued.

At the close of our meeting you indicated that you would come into our office to complete or see about the amendment.

Please come into our office as soon as possible so that we might take care of this matter.

Sincerely,

Allen D. Merritt, P.E.
Water Resource Engineer

AM:MB

RECEIVED

MAR 10 1988



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
SOUTHERN REGION

John V. Evans
Governor

C. Stephen Allred
Director

1041 Blue Lakes Blvd. North
Twin Falls, Idaho 83301
(208) 734-2578

December 6, 1983

Tom Leno, Jr.
P. O. Box 306
Jackpot, Nevada, 89825

Dear Tom:

As you may recall after I talked with you on September 28, 1983 you were going to let me know what address we should send our correspondence.

I need to arrange for either you or your father to review the licensing amendment for the water right on the dam so I can turn it into our state office.

Please contact me - Office 734-3578, - Home - 734-2832

Very truly yours,

Allen D. Merritt
Sr. Water Resource Analyst

LOH:ADM:marya

RECEIVED

MAR 10 1988



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
SOUTHERN REGION

John V. Evans
Governor

C. Stephen Allred
Director

1041 Blue Lakes Blvd. North
Twin Falls, Idaho 83301
(208) 734-3578

Donna McCormick

July 6, 1983

Tom Leno
P. O. Box 306
Jackpot, Nevada 89825

Dear Tom:

As you may recall we were going to try to get together and take care of the amending of your permit to license the water right from your reservoir.

Also, I need to review the condition of the dam. I would like to get this done this month if possible.

Please let me know when it would be best for you to meet with me.

Office: 734-3578
Home: 734-2832

Very truly yours,

Allen D. Merritt
Sr. Water Resource Analyst

LOH:ADM:marya

FILED

MAR 10 1988

TO: File 47-7287
FROM: Robyn

4-20-83

Today, I called Allen in Southern in regards to this file. He said that the recent bad weather has kept him from doing a reexam. At the time he does the reexam he will get an amendment from Mr. Leno.

Therefore the licensing of this file will be delay until the reexam is complete

MAINTAINED

MAR 10 1988

INTER-DEPARTMENT MEMO — 1

FROM Jim

DATE 3-7-83

TO File

SUBJECT

The Permit holder called - he will be sending in the amendment.

3-8-83

Alan Merritt called - he has found an error in the point of diversion location. Mr. Reno will be meeting w/ him and they will make the necessary corrections.

MAR 10 1988

SIGNATURE

3-14 put on
more days call
up RC

February 24, 1983

RE: Permit No. 47-7287

Tom Leno
Box 306
Jackpot, NV 98925

Dear Mr. Leno:

On January 14, 1983, we forwarded an amendment to you to be completed to amend this permit to correspond with the findings of the field examiner so that we could issue this license.

As of this date, we have not received this amendment. If we do not receive it within fifteen (15) days, we will assume you no longer have any interest in this permit and cancellation proceedings will begin.

If you have any questions, please contact us.

Sincerely,

JIM JOHNSON
Water Distribution Supervisor

JJ:kw

RECEIVED

MAR 10 1988



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

JOHN V. EVANS
Governor

A. KENNETH DUNN
Director

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

January 14, 1983

RE: Permit No. 47-7287

Tom Leno
Box 306
Jackpot, NV 98925

Dear Mr. Leno:

A representative of this Department made an examination of the works covered by your Permit No. 47-7287 and has found the following:

Amount of water that can be recognized as beneficially used under Idaho law: **24.8 acre feet** Source: **Mule Creek Springs**

The maximum quantity diverted shall not exceed **24.8** acre feet per year.

Point of diversion: ~~NE 1/4~~ NW 1/4, Sec. 17, Twp. 16S, Rge. 16E, Twin Falls County

Beneficial use: Storage for irrigation and irrigation from storage within the ~~SE 1/4~~ SW 1/4, Sec. 20; NW 1/4, Sec. 29; Twp. 16S, Rge. 16E (irrigation of 155 acres)

Priority date established: **November 4, 1974**

In order for the Department to issue the above license, it will be necessary for you to amend the permit to correspond with the findings of the field examiner. We are enclosing a partially completed amendment form for your use in this matter.

Please sign the amendment application and return it to this office along with a \$20.00 filing fee within 30 days in order that we might issue your license as set forth above. If you do not concur with these findings or have any questions, please contact us within the 30-day period.

Sincerely,

JIM JOHNSON
Water Distribution Supervisor

JJ:kw
Enclosure

RECEIVED

MAR 10 1988

State of Idaho
DEPARTMENT OF WATER RESOURCES
FIELD REPORT

47-7287

Permit No.

CONTACT WITH PERMIT HOLDER

	DATE	INITIALS	REMARKS
☐ Appointment letter mailed:	4-8-1982	HT	
☐ Telephone call made: (List Telephone No. used)			
☐ Appointment scheduled for: (Date, time, location)			

EXAMINATION 2:00 PM.

Date 8-10-1982 Accompanied by Thomas Leach Total Q measured 24,82 AFA
If source is surface water, estimate total flow of source ✓
Methods of measurement Surveyed Reservoir Meets Permit requirements? yes

Measurement calculations: See Survey of Reservoir.
Volume $(4.0 \text{ cfs} / \text{AFA} / 180 \text{ Acres}) = 720.0 \text{ AFA}$

WELL/DIVERSION* NO.	HP	MOTOR MAKE	MOTOR SERIAL NO.	PUMP MAKE	PUMP SERIAL NO.	MEASURING DEVICE TYPE	CONDITION OF MEAS. DEV.	REMARKS

System Description Reservoir stores this water, then diverts it to the ground being IRRIGATED.

*Code with map on reverse side. Disregard code if only one.

RECOMMENDED AMOUNTS

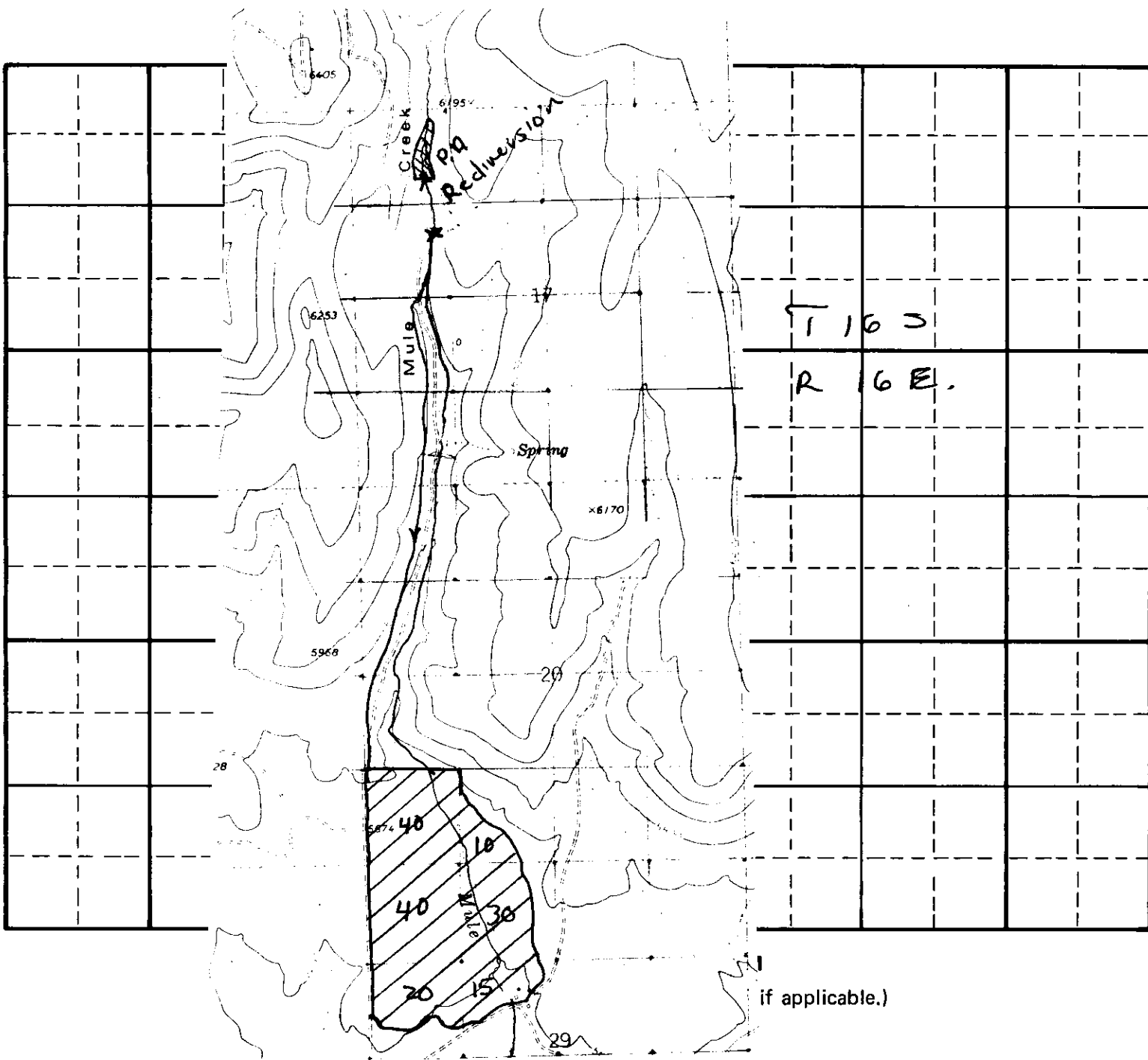
USE	Irrigation requirement =	Q (cfs)	V (afa)	FROM	TO
IRRIGATION	4.0				
~~IRRIGATION~~					
(~~STORAGE~~)					
STORAGE FOR IRRIGATION		24,82 AF	720 AFA	April 1	Nov 1
From storage		24,82 AF	24,82 AFA	Jan 1	Dec 31
		24,82 AF	24,82 AFA	April 1	Nov 1

Remarks Mr. Allen Merritt Employee of this Dept and I went out and surveyed the storage capacity of this Reservoir.

MAINTAINED

MAR 10 1988

Jan 17-83



Point(s) of diversion: NW 1/4 NW 1/4 Sec. 17 T. 16 S. R. 16 E.
REDIVERSION SW 1/4 NW 1/4 Sec 17 Twp 16 S Rge 16 E

Place(s) of Use

TWP.	RGE.	SEC.	NE%				NW%				SW%				SE%				TOTALS
			NE%	NW%	SW%	SE%	NE%	NW%	SW%	SE%	NE%	NW%	SW%	SE%	NE%	NW%	SW%	SE%	
16S	16E	20											40	10					50
		29					30	40	20	15									105

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

Examiner's Signature

Checked by

Approved by

Gay Funderburg

Date

Date

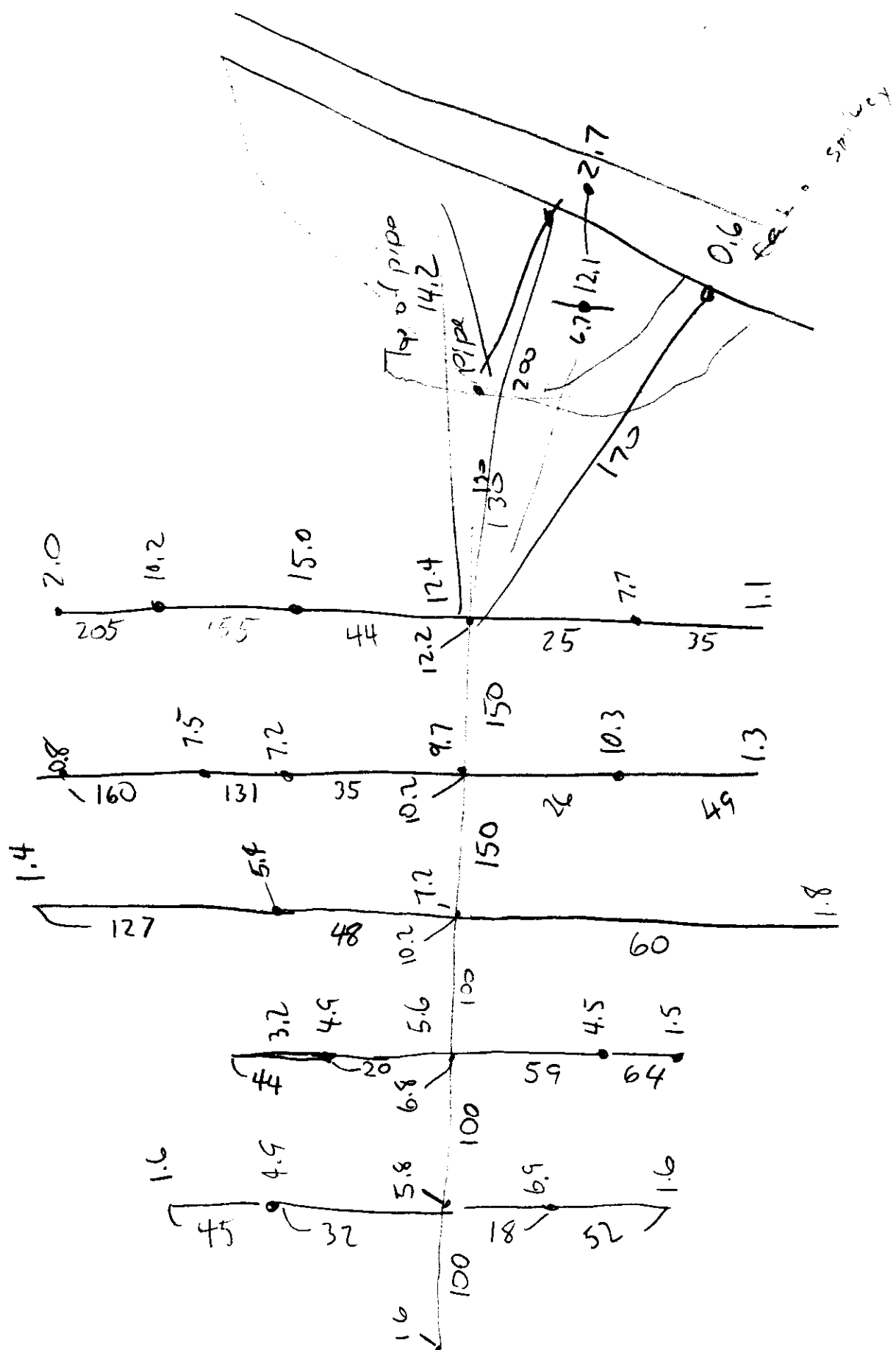
Date

11/18/1983

1-11-83

FILED

MAR 10 1983



Leno Del

Vol.

4 In.

Elev.	Area	Area (ft ²)	Cum Vol (cubic ft.)
77	2.02	808	808
78	5.60	2240	3048
79	13.89	5556	8604
80	22.48	8992	17596
81	29.99	11996	29592
82	37.87	15148	44740
83	48.45	19380	64120
84	65.10	26040	90160
85	84.33	33732	123892
86	106.37	42548	166440
87	128.01	51204	217644
88	151.28	60512	278156
89	171.10	68440	346596
90	191.34	76536	423132
91	216.27	86508	509640
92	242.27	96908	606548
93	265.12	42.79 + 222.33	712596
94	280.74	53.75 + 226.99	824892
95	306.64	71.61 + 235.03	947548
96	333.94	90.98 + 242.96	1081124

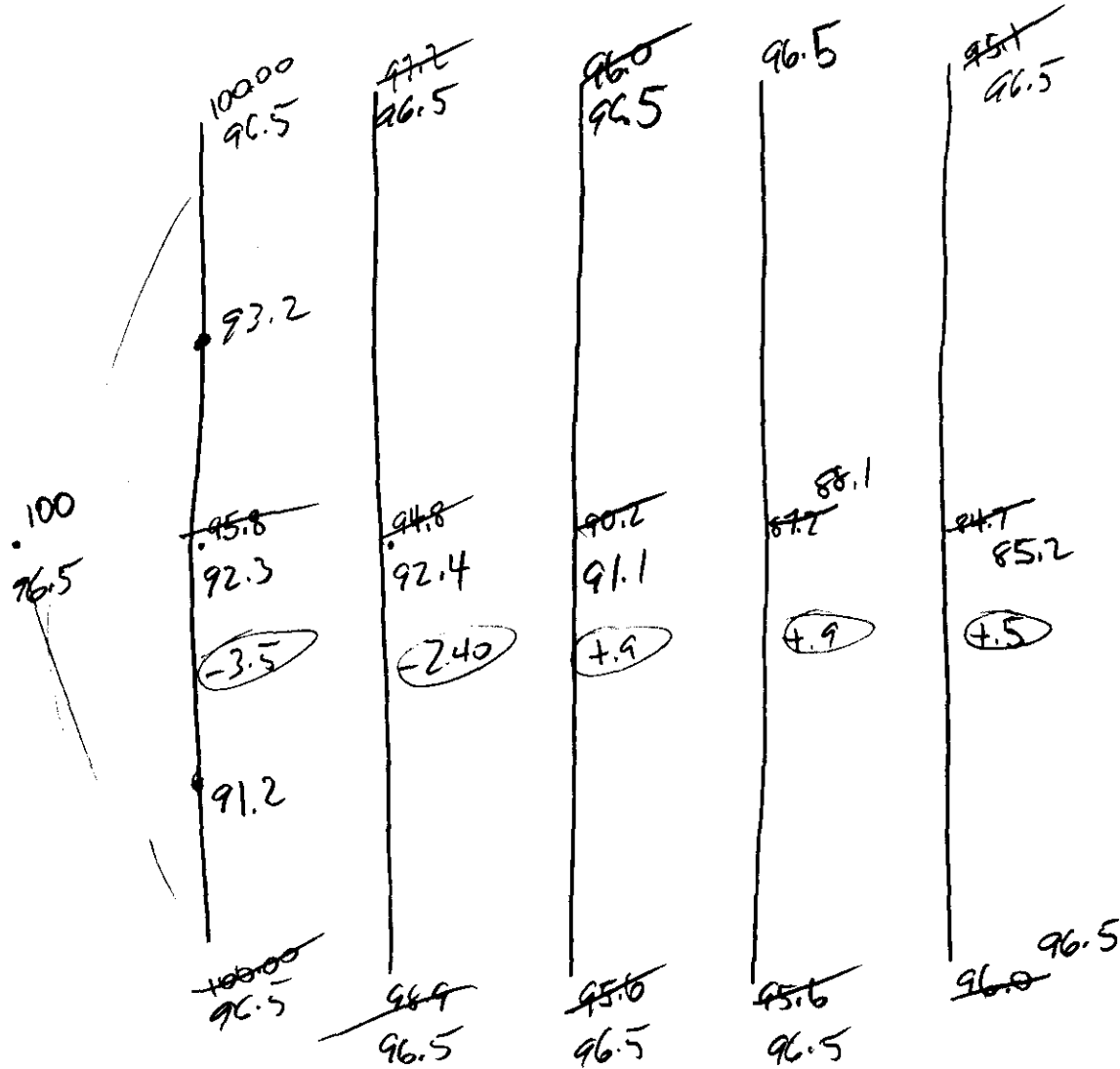
Dead
Storage

Live
Storage

Total Storage 24.82 A.F.

Live Storage 23.79 A.F.

Dead Storage 1.03 A.F.



18.2
Pipe 8290

17.9

Top

99.80

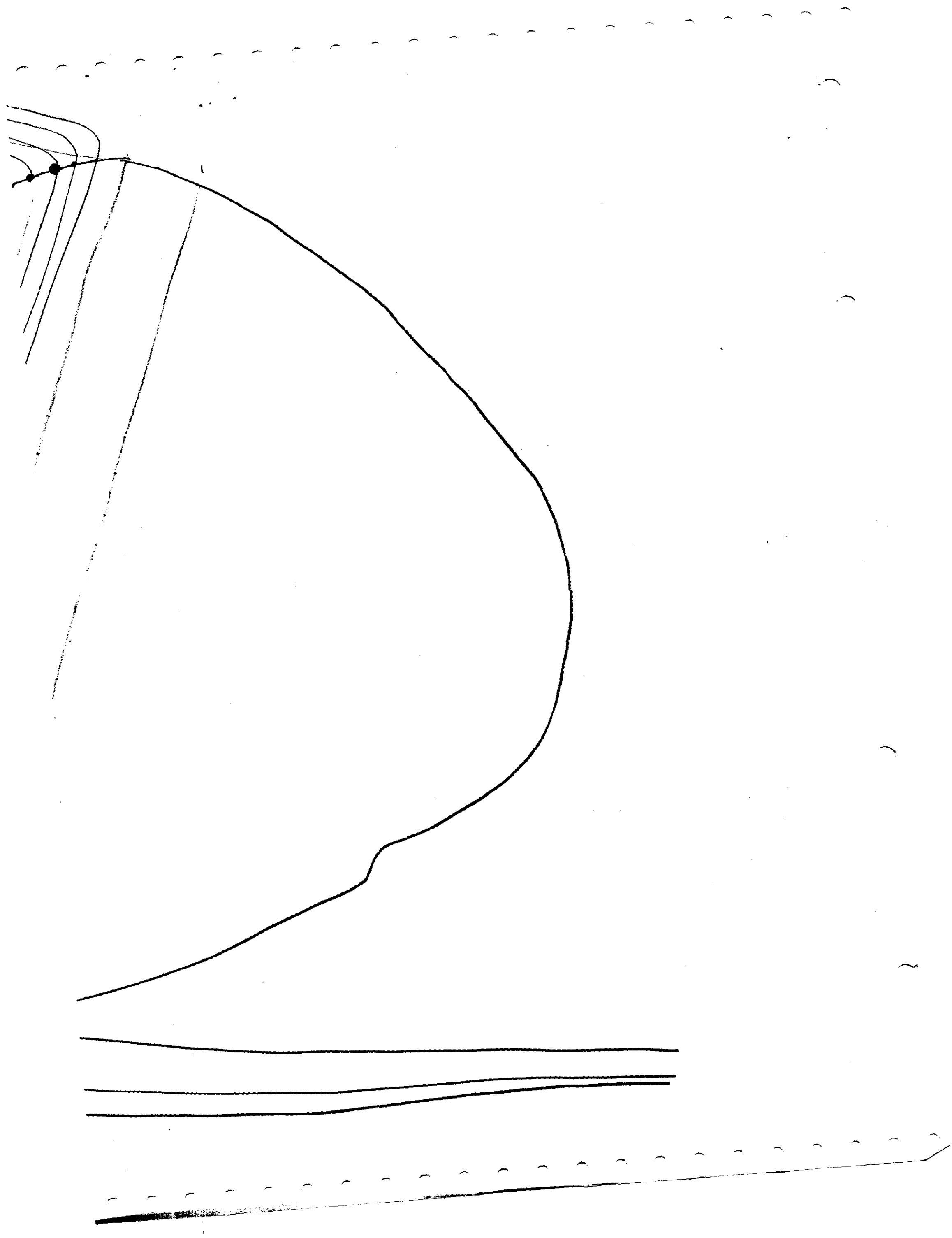
15.2

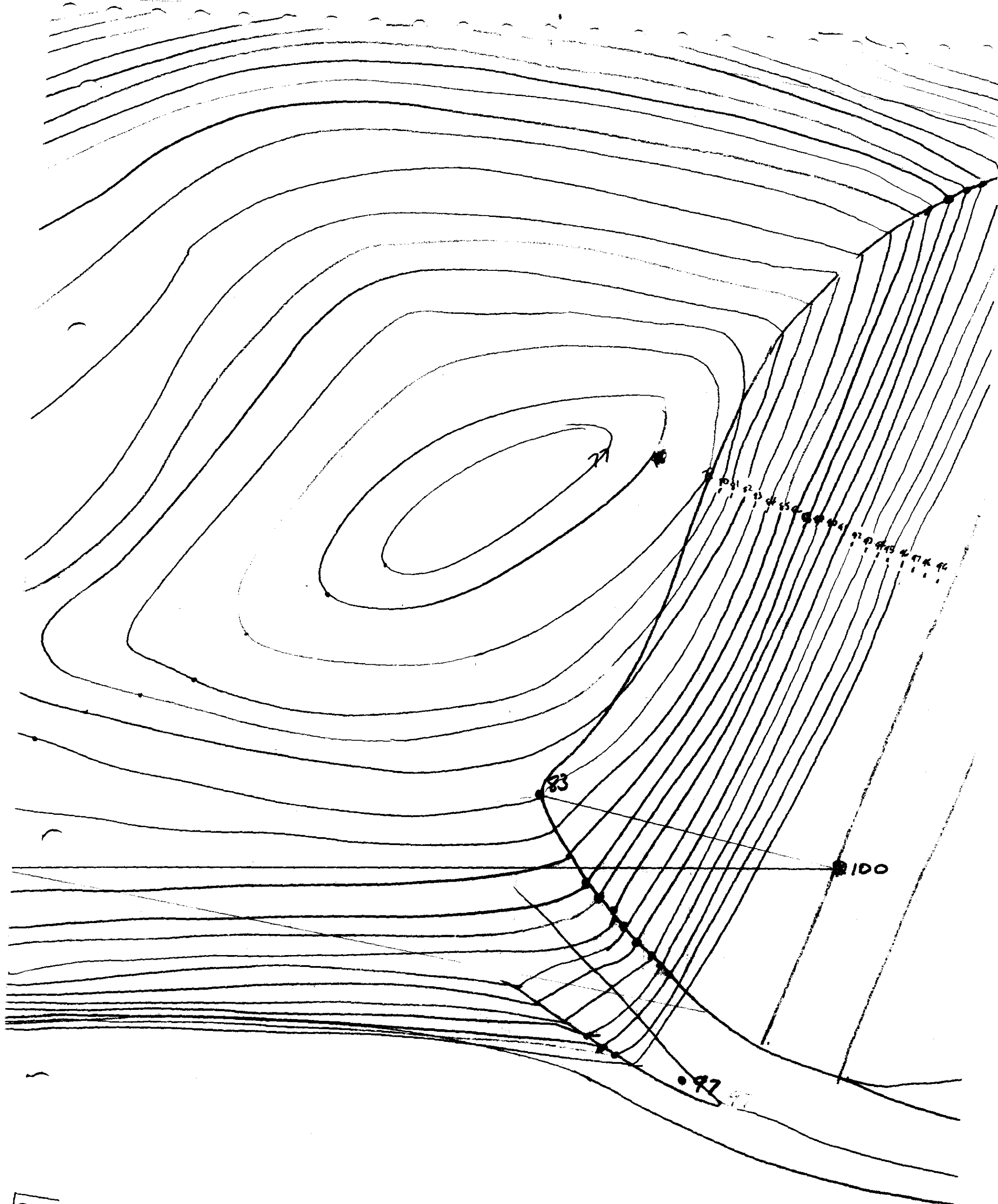
96.5
Spillway

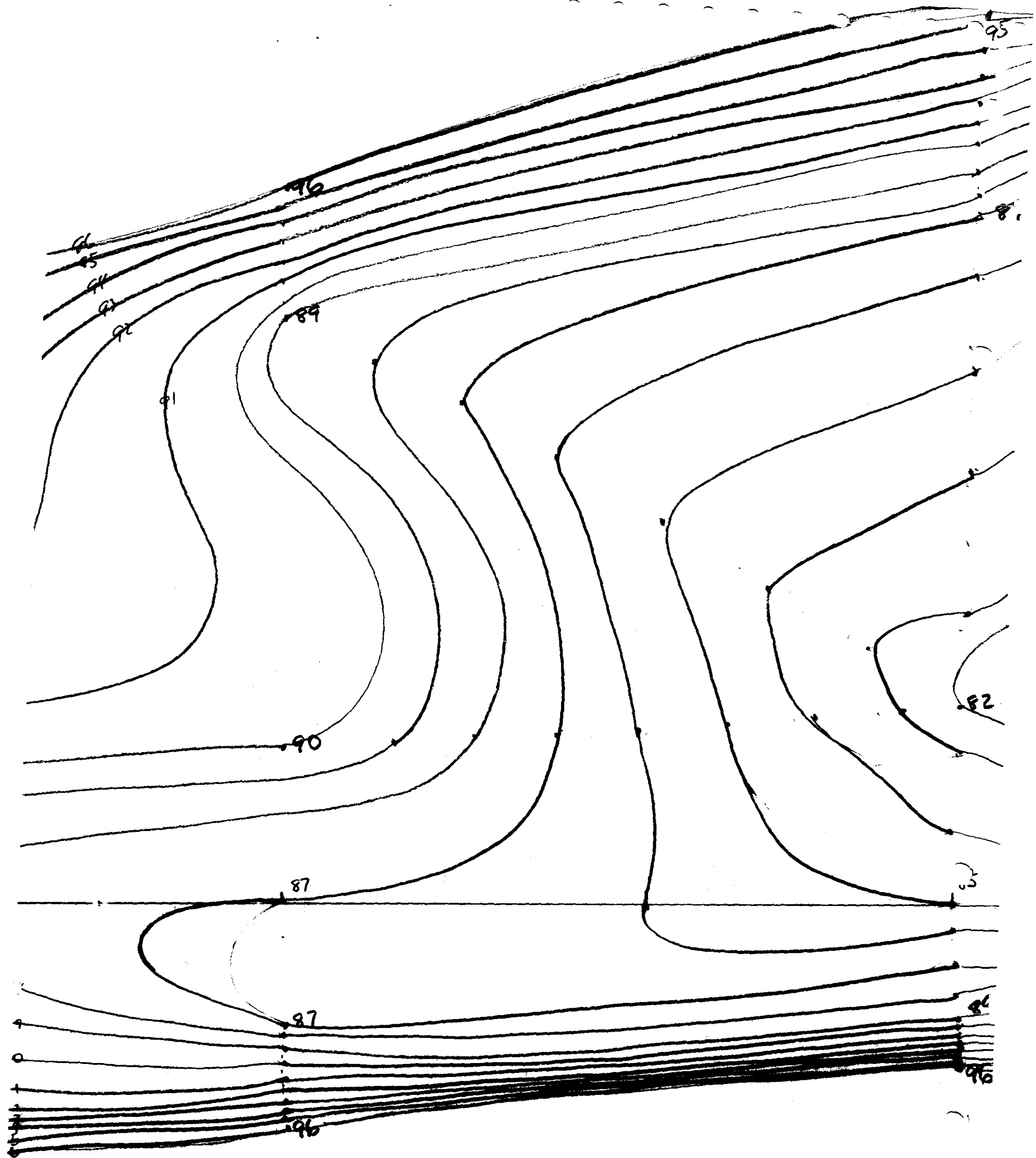
DIVERSION NO.	DIVERSION NAME	DISTRICT PRIORITY	PRESENT OWNER	STATE ID NO.	DECREED TO	PRIORITY	INCHES OF	OWNER CFS	CANAL CFS
29-	H POORMAN	48A1	MARVIN PIERSON	37-0175	JOHN DEASY SR.	5- 1-1897	30.00	.60	1.25 30.03
29-	H POORMAN	53A1	MARVIN PIERSON	37-0673	JAMES E. WALTER	5-20-1897	74.00	1.48	2.73 31.51
29-	H POORMAN	105A	MARVIN PIERSON	37-0174	W. J. DEASY	5- 1-1905	9.00	.18	2.91 31.69
29-	Z POORMAN	500AFSW	MARVIN PIERSON		AMERICAN FALLS	- -AFSW	92.13	1.84	
29-	H POORMAN	62A2	RICHARD FLYNN	37-0133	SALEM CARPENTER	5-15-1899	120.00	2.40	2.40 34.09
29-	Z POORMAN	500AFSW	RICHARD FLYNN		AMERICAN FALLS	- -AFSW	51.26	1.03	
29-	H POORMAN	48A2	TIMOTHY DEASY	37-0175	JOHN DEASY SR.	5- 1-1897	40.00	.80	.80 34.89
29-	Z POORMAN	500AFSW	TIMOTHY DEASY		AMERICAN FALLS	- -AFSW	25.00	.50	
30-	H DEASY	106A	JERRY MERRICK	37-0174	W. J. DEASY	5- 1-1905	20.00	.40	.40 .40
30-	Z DEASY	500AFSW	JERRY MERRICK		AMERICAN FALLS	- -AFSW	15.60	.31	
31-P	H SILK	4A2	TIMM SPAGNOLETTI	37-0238	S. C. FROST	4-15-1883	40.00	.80	.80 .80
31-P	Y SILK	300CAW	TIMM SPAGNOLETTI		BIG WOOD CANAL CO	- -CAW	23.80	.48	1.28 1.28
32-P	H SILK-GOOD	20A1	LAWRENCE SEVERE	37-0607	MARTIN SILK	8-15-1886	7.00	.14	.14 .14
32-P	H SILK GOOD	21A1	LAWRENCE SEVERE	37-0608	MARTIN SILK	4-15-1887	4.90	.10	.10 .10

DIVERSION NO.	DIVERSION NAME	DISTRICT PRIORITY	PRESENT OWNER	STATE ID NO.	DECREED TO	PRIORITY	INCHES	CFS	OWNER CFS	CANAL CFS
32-P2	H SILK GOOD	10A2	LOREN DIETRICH	37-0287	WALTER GOODING	6- 1-1884	125.50	2.51	2.51	2.61
32-P2	Z SILK GOOD	500AFSW	LOREN DIETRICH		AMERICAN FALLS	- -AFSW	62.00	1.24		
32-P3	Y SILK GOOD	300CAW	TIMOTHY TERRY		BIG WOOD CANAL CO	- -CAW	8.00	.16	.16	2.77
33-	H WALTERS	14A1	STEVE BOESIGER	37-0072	D.B. BLISS	4- 1-1885	110.00	2.20	2.20	2.20
33-	H WALTERS	142A	STEVE BOESIGER	37-1165	A.J. MCKENZIE	11- 1-1913	320.00	6.40	8.60	8.60
33-	Z WALTERS	500AFSW	STEVE BOESIGER		AMERICAN FALLS	- -AFSW	67.31	1.35		
33-P	Y REMROSE	300CAW	G.L. REMROSE		BIG WOOD CANAL CO	- -CAW	.50	.01	.01	.01
34-	Y HASH	300CAW	RALPH LABEE		BIG WOOD CANAL CO	- -CAW	12.50	.25	.25	.25
35-	H JONES	14A2	DONALD GAY	37-0072	D.B. BLISS	4- 1-1885	22.00	.44	.44	.44
35-	Z JONES	500AFSW	DONALD GAY		AMERICAN FALLS	- -AFSW	10.30	.21		
35-P1	H JONES	11A3	ELLA STEWART	37-0359	C.A. JONES	6- 1-1884	56.10	1.12	1.12	1.56
35-P1	H JONES	128A3	ELLA STEWART	37-1164	KATIE JONES	4-20-1907	44.50	.89	2.01	2.45
35-P1	Z JONES	500AFSW	ELLA STEWART		AMERICAN FALLS	- -AFSW	27.50	.55		

DIVERSION NO.	DIVERSION NAME	DISTRICT PRIORITY	PRESENT OWNER	STATE ID NO.	DECREED TO	PRIORITY	INCHES	CFS	OWNER CFS	CANAL CFS
35-P2	H JONES	128A4	GAIL WINTERS	37-1164	KATIE JONES	4-20-1907	3.00	.06	.06	2.51
35-P2	Z JONES	500AFSW	GAIL WINTERS		AMERICAN FALLS	- -AFSW	2.99	.06		
35-P2	H JONES	11A4	GARY OSBORNE	37-0359	C.A. JONES	6- 1-1884	53.90	1.08	1.08	3.59
35-P2	H JONES	128A5	GARY OSBORNE	37-1164	KATIE JONES	4-20-1907	50.50	1.01	2.09	4.60
35-P2	Z JONES	500AFSW	GARY OSBORNE		AMERICAN FALLS	- -AFSW	51.60	1.03		
35-P3	H JONES	104A1	L. JAMES KOUTNIK	37-0499	JAMES MONROE	5- 1-1905	75.00	1.50	1.50	6.10
35-P3	Z JONES	500AFSW	L. JAMES KOUTNIK		AMERICAN FALLS	- -AFSW	34.10	.68		
36--37	H Y-Z CANAL	28A	NORTHSIDE CANAL CO	37-0598	MULLINS CANAL CO	6-15-1890	750.00	15.00	15.00	15.00
38-	H UP-FROST	4A1	JOE SAVAGE	37-0238	S.C. FROST	4-15-1883	100.00	2.00	2.00	2.00
38-	H UP-FROST	13A1	JOE SAVAGE	37-0239	S.C. FROST	8-29-1884	86.00	1.72	1.72	1.72
38-	H UP-FROST	37A1	JOE SAVAGE	37-0240	S.C. FROST	6- 1-1895	46.00	.92	2.64	2.64
38-	Z UP-FROST	500AFSW	JOE SAVAGE		AMERICAN FALLS	- -AFSW	58.80	1.18		
39-	H LO-FROST	13A2	JIM REED	37-0239	S.C. FROST	8-29-1884	34.00	.68	.68	.68







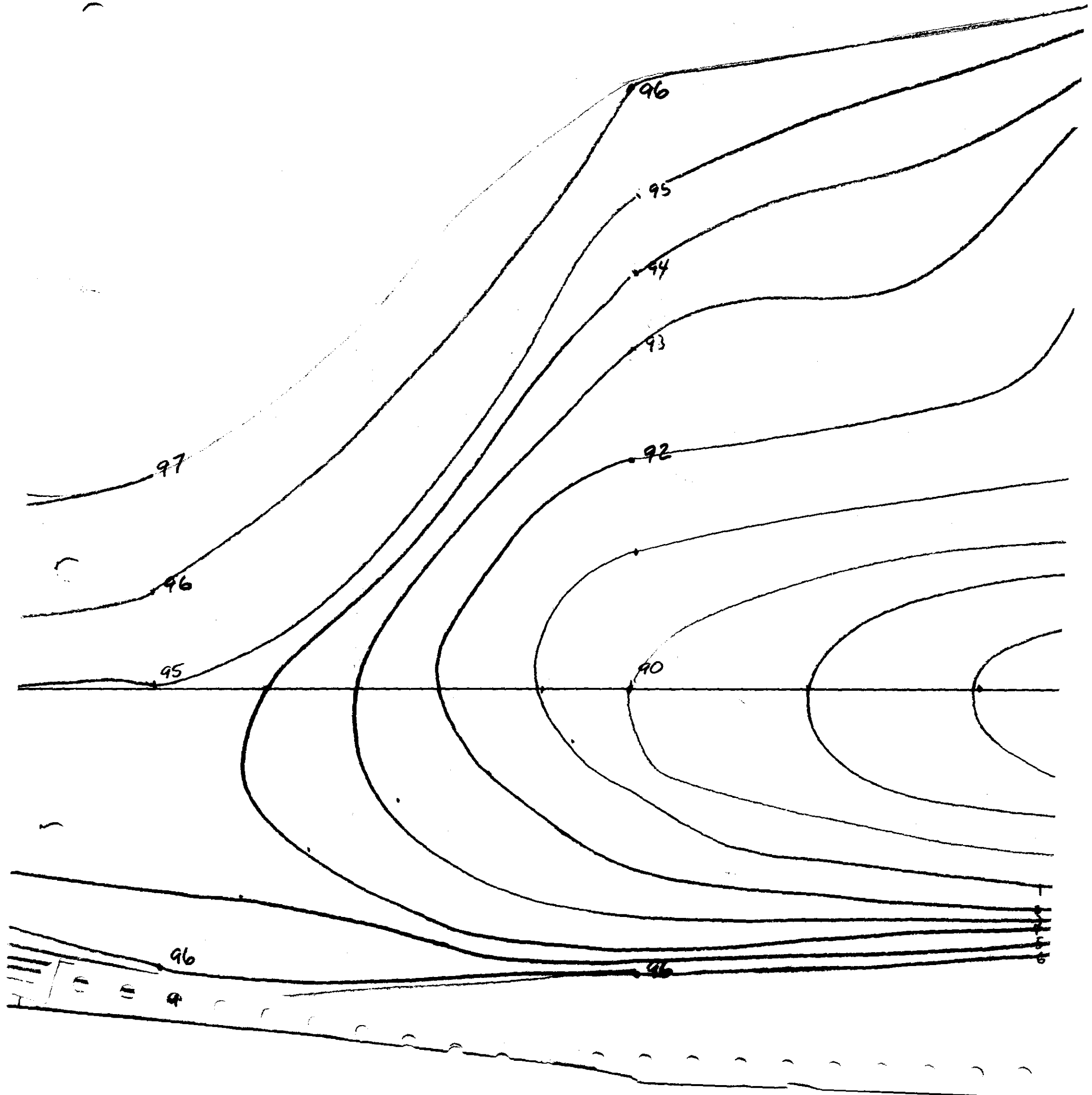
DIVERSION NO.	DIVERSION NAME	DISTRICT PRIORITY	PRESENT OWNER	STATE ID NO.	DECREED TO	PRIORITY	INCHES	CFS	OWNER CFS	CANAL CFS
39-	H LO-FROST	20A4	JIM REED	37-0607	MARTIN SILK	8-15-1886	60.63	1.21	1.89	1.89
39-	H LO-FROST	21A4	JIM REED	37-0608	MARTIN SILK	4-15-1887	19.83	.40	2.29	2.29
39-	H LO-FROST	37A2	JIM REED	37-0240	S.C.FROST	6- 1-1895	46.00	.92	3.21	3.21
39-	Z LO-FROST	500AFSW	JIM REED		AMERICAN FALLS	- -AFSW	55.30	1.11		
39-	X LO-FROST	20A4L	LOST TO RIVER	37-0607	MARTIN SILK	8-15-1886	3.87	.08		
					3.87" LOST TO RIVER BY TRANSFER					
39-	X LO-FROST	21A4L	LOST TO RIVER	37-0608	MARTIN SILK	4-15-1887	1.27	.03		
					1.27" LOST TO RIVER BY TRANSFER					
40-	H THORPE	26A2	FRED ZELLER	37-0447	MARTIN THORPE	7- 1-1889	200.00	4.00	4.00	4.00
40-	Y THORPE	400AFW	FRED ZELLER		AMERICAN FALLS 100	- -AFW	23.30	.47	4.47	4.47
40-	Z THORPE	500AFSW	FRED ZELLER		AMERICAN FALLS	- -AFSW	108.25	2.17		
40-	H THORPE	26A1	RICHARD DALTON	37-0447	MARTIN THORPE	7- 1-1889	280.00	5.60	5.60	10.87
40-	Z THORPE	500AFSW	RICHARD DALTON		AMERICAN FALLS	- -AFSW	107.20	2.14		
40-	H THORPE	26A3	S.A. FARMS	37-0447	MARTIN THORPE	7- 1-1889	40.00	.80	.80	10.87
40-	Y THORPE	400AFW	S.A. FARMS		AMERICAN FALLS 100	- -AFW	13.70	.27	1.07	11.14
40-	Z THORPE	500AFSW	S.A. FARMS		AMERICAN FALLS	- -AFSW	25.00	.50		

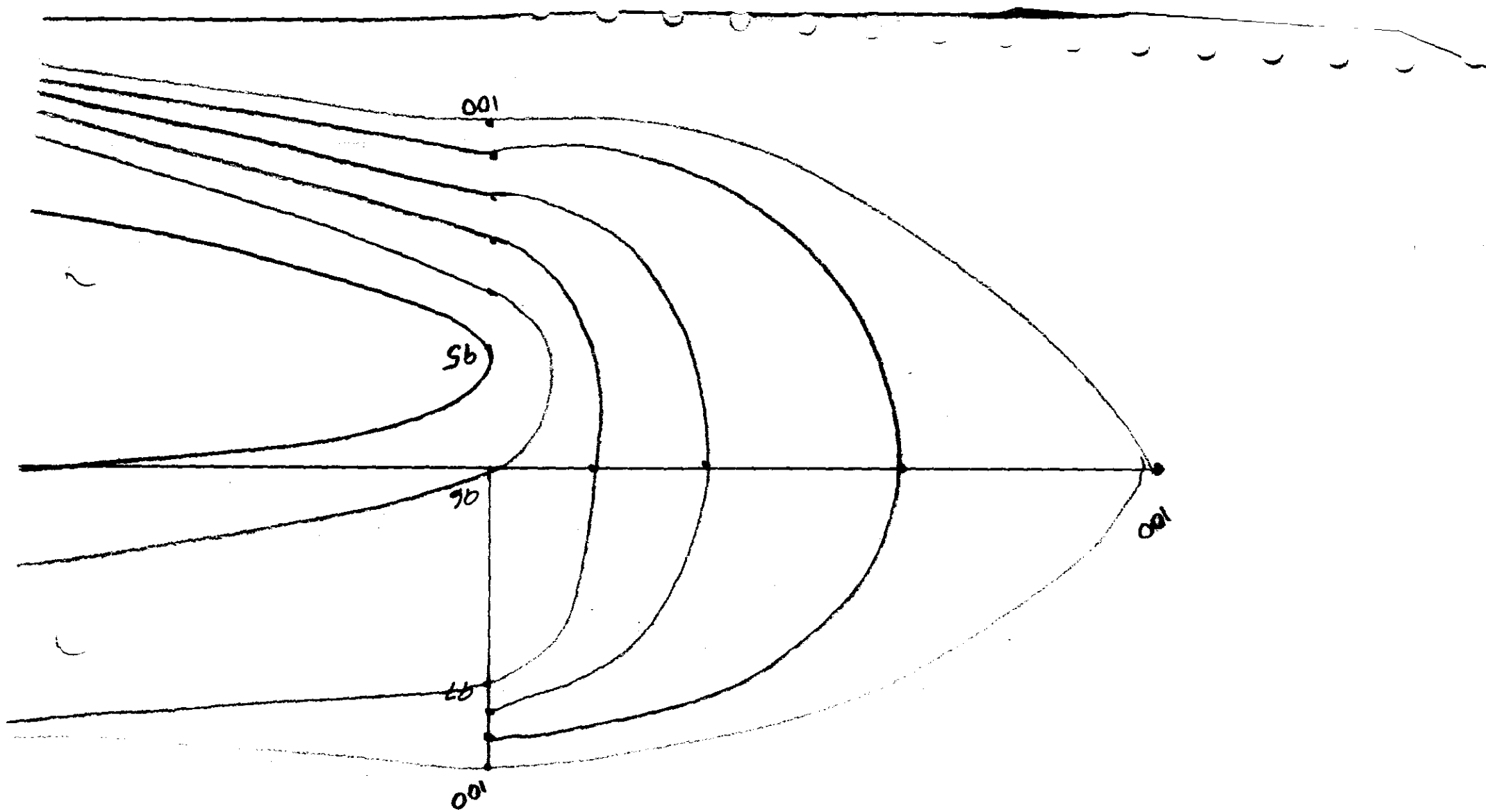
WATER DISTRICT 37

BIG WOOD RIVER BELOW MAGIC

COMPILED 09/27/1982

DIVERSION NO.	DIVERSION NAME	DISTRICT PRIORITY	PRESENT OWNER	STATE ID NO.	DECREED TO	PRIORITY	INCHES	CFS	OWNER CFS	CANAL CFS
41-	H JUSTICE	68A1	FLOYD MARSH	37-1160	WILLIAM JUSTICE	5-31-1900	69.00	1.38	1.38	1.38
41-	Z JUSTICE	500AFSW	FLOYD MARSH		AMERICAN FALLS	- -AFSW	43.13	.86		
41-	H JUSTICE	67A	IDA. DEPT. OF PARKS	37-1175	WILLIAM WOODY	5-31-1900	167.00	3.34	3.34	4.72
41-	H JUSTICE	68A5	IDA. DEPT. OF PARKS	37-1160	WILLIAM JUSTICE	5-31-1900	11.00	.22	3.56	4.94
41-	Z JUSTICE	500AFSW	IDA. DEPT. OF PARKS		AMERICAN FALLS	- -AFSW	111.25	2.23		
41-	H JUSTICE	68A4	LYONS WOODY	37-1160	WILLIAM JUSTICE	5-31-1900	40.00	.80	.80	5.74
41-	Z JUSTICE	500AFSW	LYONS WOODY		AMERICAN FALLS	- -AFSW	12.50	.25		
41-	H JUSTICE	68A2	R.K. BENDORF	37-1160	WILLIAM JUSTICE	5-31-1900	40.00	.80	.80	6.54
41-	Z JUSTICE	500AFSW	R.K. BENDORF		AMERICAN FALLS	- -AFSW	25.00	.50		
41-	H Justice	68A3 ~~68A2~~	T.E. Anderson	37-1160	William Justice	5-31-1900	40.00	.80	.80	7.34
41	Z Justice	500AFSW	T.E. Anderson		American Falls	- AFWS	25.00	.50		







STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
SOUTHERN REGION

John V. Evans
Governor

C. Stephen Allred
Director

1041 Blue Lakes Blvd. North
Twin Falls, Idaho 83301
(208) 734-3578

Jul 13, 1982

Thomas Leno
Box 300
Jackpot, NV

Re: Permit No. 47-7287

Dear Mr. Leno:

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 just when this examination will be made, but our examiner will try to contact you at the time he makes the examination so that you may show him the system.

Field examinations must be done while the system is in operation. For this reason we concentrate on irrigation permits during the summer months and do examinations on permits for other uses during the non-irrigating months.

If you have any questions regarding the field examination, please contact our office.

Sincerely,

Gary L. Funderburg
Sr. Water Resource Agent

LHM:GLF:marya

MICROFILMED

DEPARTMENT OF WATER RESOURCES

The Idaho Department of Water Resources will consider this card as a statement that the permit holder(s) has completed development to the extent shown below of Permit No. 47-7287.

Name(s) of Permit Holder:

Thomas Leno

Post Office Address:

Box 306

Jackpot, Nev.

Tel. No. 702-752-3407

Source of Water:

mule creek

Extended Use:

- ☐ Domestic (number of households)
☐ Stockwater (number and type of stock)
☒ Irrigation 60 (acres)
☐ Other will install when pipeline is
completed this fall

Measuring Device:

Required? ☒ Yes ☐ No Installed? ☐ Yes ☒ No

Access:

Required? ☐ Yes ☐ No Installed? ☐ Yes ☐ No

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

05/24/82
Date

Thomas Leno
Signature of Permit Holder

MICROFILMED

RECEIVED

PLACE
TEN CENT
STAMP
HERE

RECEIVED

MAY 27 1982



Department of Water Resources

MAY 24 1982

IDAHO DEPARTMENT OF WATER RESOURCES

Department of Water Resources STATEHOUSE

Southern District Office BOISE, IDAHO 83720

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

STATEHOUSE
BOISE, IDAHO 83720
(208) 334-4440
CERTIFIED MAIL

138577

THOMAS LENO
P.O. BOX 306
JACKPOT, NV 89225

MARCH 31, 1982

DEAR PERMIT HOLDER:

ONE OF THE CONDITIONS OF APPROVAL OF YOUR WATER PERMIT NO. 47-7287 WAS THAT EVIDENCE OF THE EXTENT OF DEVELOPMENT MUST BE SUBMITTED TO THIS OFFICE ON OR BEFORE JUNE 01, 1982. (SEE LAST PAGE OF YOUR APPROVED PERMIT). ENCLOSED IS A POST CARD WHICH MAY BE USED TO SUBMIT THE REQUIRED PROOF OF BENEFICIAL USE.

IF YOU HAVE NOT FULLY COMPLETED YOUR PROJECT, AND YOU HAVE NOT PREVIOUSLY RECEIVED AN EXTENSION OF TIME, YOU MAY REQUEST AN EXTENSION OF TIME PROVIDED THE DELAY IS FOR REASONABLE CAUSE AS INDICATED IN SECTION 42-204, IDAHO CODE, AMENDED. IF YOU HAVE BEEN PREVENTED FROM PROCEEDING BY A GOVERNMENTAL AGENCY OR BY LITIGATION, MORE THAN ONE EXTENSION OF TIME CAN BE GRANTED.

EITHER THE BENEFICIAL USE POST CARD OR A REQUEST FOR AN EXTENSION OF TIME MUST BE RECEIVED BY THIS DEPARTMENT ON OR BEFORE THE ABOVE MENTIONED DATE, OTHERWISE, THE PERMIT WILL LAPSE AND BE OF NO FURTHER FORCE OR EFFECT WITHIN 60 DAYS.

SINCERELY,

RITA FLECK
SR. SECRETARY

ENC: 1

MICROFILMED

June 14, 1978

Re: Permit NO. 48-7287

Thomas Leno
Post Office Box 306
Jackpot, NV 89825

Dear Mr. Leno:

Enclosed is a copy of the approved application for extension of time in connection with the above referenced permit.

The time within which to submit proof of beneficial use of water has been extended to June 1, 1982.

Sincerely,

Jan Grover
Water Rights Supervisor

MICROFILMED

RECEIVED

JUN 1 1978

Department of Water Resources

Thomas Leno
Post Office Box 306
Jackpot, Nevada 89825

May 26, 1978

Re: permit No. 47-7287

State Of Idaho
Department Of Water Resources
Statehouse
Boisa, Idaho 83720

Norman C. Young, Administrator

Dear Sir,

May we request an extention of time. Do to drought conditions
in this area there was no water available for compaction of the fill

We hope to complete the project this fall.

Sincerely,

Thomas Leno

RECEIVED



STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

Cecil D. Andrus
Governor

R. Keith Higginson
Director

Statehouse
Boise, Idaho 83720
(208) 384-2215

March 31, 1978

CERTIFIED MAIL

138609

Re: Permit No. 47-7287

Tom Leno
Box 306
Jackpot, Nevada 89825

Dear Mr. Leno:

One of the conditions of approval of your water Permit No. 47-7287 (see last page of your approved permit) was that evidence of the extent of development be submitted as proof of application of water to beneficial use to this office on or before June 1, 1978. Enclosed is an affidavit form which must be used to submit the required proof of beneficial use.

If you have not fully completed your project, and you have not previously received an extension of time, you may request an extension of time provided the delay is for reasonable cause as indicated in Section 42-204, Idaho Code, amended. If you have been prevented from proceeding by a governmental agency or by litigation, more than one extension of time can be granted.

Either the beneficial use affidavit or a request for an extension of time must be received by this Department on or before the above mentioned date, otherwise the permit will lapse and be of no further force or effect.

Norman C. Young
NORMAN C. YOUNG
Administrator,
Resources Administration Division

NCY:jfr

Encl: Proof affidavit

RECEIVED
MAY 1 1978
IDAHO DEPT. OF WATER RESOURCES

May 18, 1977

Re: Permit No. 47-7287

Tom Leno
Bx. 306
Jackpot, NV 89825

Dear Mr. Leno:

Enclosed is a copy of the approved application for extension of time in connection with the above referenced permit.

The time within which to submit proof of beneficial use of water has been extended to June 1, 1978.

Sincerely,

Jan Grover
Water Rights Supervisor

MICROFILMED

RECEIVED
 May 1 1977
 (14) 16
 Department of Water Resources

Thomas G. Leno
 Post Office Box 306
 Jackpot, Nevada 89825

May 1, 1977

RE: Permit No. 47-7287

Department Of Water Resources
 Statehouse
 Boise, Idaho 83720

C. Stephen Allred, Director

Dear Sir,

May I request an extension of time? I just received the Grant, from the Bureau Of Land Management the last part of April 1977. The new Organic Act is the reason for the delay.

I do not know if there will be enough water for compaction this year due to the drought we are having.

Please send all of our future correspondence to the above address.

Sincerely yours,

Thomas G. Leno
 Thomas G. Leno

DIRECTOR	
DEPUTY DIR.	
ASST. DIR.	
SEC. AD.	
PLANNING	
TECH. SERV.	
ADMIN. SERV.	
FIN.	
PERSONNEL	
FILES	

MICROFILMED

April 1, 1977

CERTIFIED MAIL 138498

Re: Permit No. 47-7287

Tom Leno
Box 882, c/o Dale Aslett
Twin Falls, Idaho 83301

Dear Mr. Leno:

One of the conditions of approval of your water Permit No. 47-7287 (see last page of your approved permit) was that evidence of the extent of development be submitted as proof of application of water to beneficial use to this office on or before June 1, 1977. Enclosed is an affidavit form which must be used to submit the required proof of beneficial use.

If you have not fully completed your project, and you have not previously received an extension of time, you may request an extension of time provided the delay is for reasonable cause as indicated in Section 42-204, Idaho Code, amended. If you have been prevented from proceeding by a governmental agency or by litigation, more than one extension of time can be granted.

Either the beneficial use affidavit or a request for an extension of time must be received by this Department on or before the above mentioned date, otherwise the permit will lapse and be of no further force or effect.



C. STEPHEN ALLRED
Director

CSA:jfr

Enc: Proof affidavit

cc: Kevin Trainor
WALKER & KENNEDY
Box 23, Twin Falls, ID

MICROFILMED

June 14, 1976

Re: Permit No. 47-7287 - Tom Leno
292-32-76

Lloyd J. Webb
Box 33, Bank of Idaho Bldg.
Twin Falls, Idaho 83301

Dear Mr. Webb:

You are correct in your letter of June 8, that our Memorandum Decision did not state as a conclusion that the permit could only be used for agricultural purposes.

This we do not believe is a problem since the application for permit was filed and the permit was issued only for irrigation purposes. The Memorandum Decision does in the first paragraph state that the application was only for the irrigation of 80 acres of land and no other purpose is given. Therefore, we do not feel that it is necessary to issue an amended Memorandum Decision.

Sincerely,

BOBBY D. FLEENOR
Chief, Water Rights

BDF:jfr

MICROFILMED

RECEIVED

Webb, Burton, Carlson & Pedersen

LLOYD J. WEBB
J. RILEY BURTON
MONTE B. CARLSON
KENNETH L. PEDERSEN

ATTORNEYS AT LAW
P. O. BOX 33
BANK OF IDAHO BUILDING
TWIN FALLS, IDAHO 83301

JUN 10 1976

TELEPHONE
Department of Water Resources
AREA CODE 208
794-4180

June 8, 1976

Department of Water Resources
State of Idaho
Statehouse
Boise, Idaho 83720

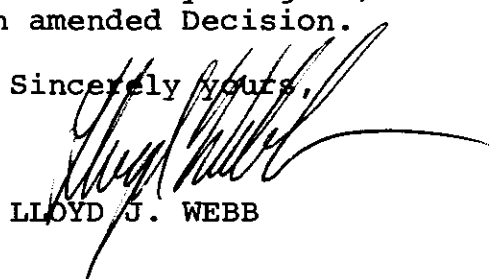
Re: Application for Permit No.
47-7287 - Tom Leno;
Our File No. 292-32-76.

Gentlemen:

We note that in the Decision in this matter, there is no specification that the waters be used for agricultural purposes. We understood that this was to be a part of any decision in this matter and we believe that the Decision should be thusly clarified.

If you disagree with us, will you please advise, so that we can make the appropriate procedural moves to achieve this clarification. If you agree, we would appreciate the issuance of an amended Decision.

Sincerely yours,


LLOYD J. WEBB

LJW:mh

RECEIVED
JUN 10 1976
794-4180

Webb, Burton, Carlson & Pedersen
Attorneys at Law
Bank of Idaho Building
P. O. Box 33
Twin Falls, Idaho 83301



Department of Water Resources
State of Idaho
Statehouse
Boise, Idaho 83720

MICROFILMED

May 18, 1976

Re: Permit No. 47-7287

Tom Leno
c/o Dale Aslett
P.O. Box 802
Twin Falls, ID 83301

Dear Mr. Leno:

Enclosed is a copy of your approved Application for Permit No. 47-7287 along with a copy of the Memorandum Decision and Order. We direct your attention to the conditions of approval as set forth in the Order.

Any person that does not agree with the decision of the Director may request a rehearing before the Director with 20 days, or may appeal directly to the District Court within 60 days of the date of the decision.

Sincerely,

BOBBY D. FLEENOR
Chief, Water Rights

BDF:mef

Enc: Copy of permit w/
Mem Dec & Order

cc: Protestants
Enc: Copy of Mem
Dec & Order

ED

10 1976

Department of Water Resources

KETCHUM-SUN VALLEY OFFICE
GIACOBBI SQUARE
POST OFFICE BOX 437-A
KETCHUM, IDAHO 83340
TELEPHONE (208) 726-5861

WALKER & KENNEDY
ATTORNEYS AND COUNSELORS AT LAW
BANK OF IDAHO BUILDING
POST OFFICE BOX 23
TWIN FALLS, IDAHO 83301
TELEPHONE (208) 733-3083

LLOYD J. WALKER
JAMES L. KENNEDY, JR.
CLINTON E. JACOB
KEVIN F. TRAINOR
R. MICHAEL REDMAN

Twin Falls Office
May 7, 1976

Mr. Robert Fleener
Department of Water Resources
373 West Franklin Street
Boise, Idaho 83702

Re: Application No. 47-7287
of Tom Leno

Dear Mr. Fleener:

I am writing on behalf of Tom Leno, the applicant for the above permit number. The hearing was held in this matter on February 26, 1976, at the Department of Water Resources Office in Twin Falls, Idaho. The hearing officer indicated at the close of the hearing that they would be making recommendations to the Department of Water Resources regarding Mr. Leno's application. It has been two and one-half months since the hearing and we have heard nothing from the Department of Water Resources.

I would appreciate it if you would advise me as to when you feel you will be making a decision in this matter so I may advise my client.

Sincerely yours,

WALKER & KENNEDY

Kevin F. Trainor
Kevin F. Trainor *AS*

KFT/ss

cc: Mr. Tom Leno

WALKER & KENNEDY

ATTORNEYS AND COUNSELORS AT LAW

BANK OF IDAHO BUILDING

POST OFFICE BOX 23

TWIN FALLS, IDAHO 83301

Mr. Robert Fleener
Department of Water Resources
373 West Franklin Street
Boise, Idaho 83702

PARRY, ROBERTSON, DALY & LARSON
LAWYERS

THE IDAHO FIRST NATIONAL BANK BUILDING

P.O. BOX 525

TWIN FALLS, IDAHO 83301

R. P. PARRY
T. M. ROBERTSON
JOHN H. DALY (1913-1968)
BERT LARSON
C. G. MCINTYRE
JOHN R. COLEMAN
THOMAS G. NELSON
JOHN A. ROSHOLT
FRED D. DECKER
ROBERT C. PAINE

TELEPHONE
(208) 733-3722

OUR FILE NUMBER

1-7352

March 17, 1976

RECEIVED

MAR 17 1976

Mr. Mike Steele
Department of Water Administration
1041 Blue Lakes Blvd. North
Twin Falls, Idaho 83301

Department of Water Resources
Southern District Office

Re: Application No. 47-7287, Tom Leno

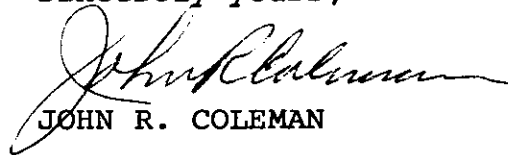
Dear Mike:

With regard to the above application, enclosed is the signed stipulation which we have signed concerning the withdrawal of the protest of Pleasant Valley Grazing Association, Inc.

You are authorized to enter this stipulation on the condition that any permit to appropriate and any water license contain the language of this stipulation.

If you have any questions concerning this matter or desire to discuss it, please feel free to call me.

Sincerely yours,


JOHN R. COLEMAN

JRC:sh

Enc.

RECEIVED

MAR 17 1976

IN THE DEPARTMENT OF WATER RESOURCES OF THE ^{Department of Water Resources} ~~STATE OF IDAHO~~ ^{Southern District Office}
IN THE MATTER OF THE APPLICATION OF)
TOM LENO, APPLICATION NO. 47-7287) STIPULATION

* * * * *

COMES NOW Tom Leno, applicant, by and through his attorneys of record in this matter and Pleasant Valley Grazing Association, Inc., an Idaho corporation, protestant in the above matter, by and through its attorneys of record and hereby stipulates as follows:

(1) That the protest of the protestant, Pleasant Valley Grazing Association, Inc., shall be withdrawn upon the following terms and conditions:

(a) Any permit granted to applicant to appropriate water from Mule Creek Spring and Mule Creek in accordance with applicant's application shall be issued with a restriction that the reservoir so constructed shall not be constructed in any manner to allow water to pond in such a manner that it will flood upon the Mule Creek Springs.

(b) That any reservoir constructed by applicant and/or his successors in interest shall not be fenced in any manner to restrict access to the water collected in such reservoir for livestock watering purposes by any livestock grazed by the protestant or its successors in interest on the lands involved.

(c) Applicant and his successors in interest shall have the right to fence off any dam constructed pursuant to said permit so that cattle may not cross upon said dam.

(d) This stipulation may be used as authority to withdraw protestant's protest upon the issuance of such permit and/or license containing the above restrictions.

DATED This 11th day of ^{March} ~~February~~, 1976.

WALKER & KENNEDY
Attorneys for the Applicant
Tom Leno

By John R. Coleman

PARRY, ROBERTSON, DALY & LARSON
Attorneys for Protestant
Pleasant Valley Grazing Association,
Inc.

By John R. Coleman
JOHN R. COLEMAN

WALKER & KENNEDY
Attorneys at Law
Bank of Idaho Building
Post Office Box 23
Twin Falls, Idaho 83301
Telephone: 733-3083

IN THE DEPARTMENT OF WATER RESOURCES OF THE STATE OF IDAHO

In the Matter of	)	
	)	
Application No. 47-7287	)	INTERROGATORIES
of Tom Leno.	)	AND ANSWERS
	)	

The applicant, Tom Leno, hereby requests that RUEBEN JONES answer in writing directly beneath each interrogatory the following interrogatories:

INTERROGATORY NO. 1. What is your full name?

ANSWER. Rueben Moses Jones

INTERROGATORY NO. 2. What is your current address?

ANSWER. Route #4, Box 216 E, Fort Smith, Arkansas

INTERROGATORY NO. 3. How long have you lived at this address?

ANSWER. 5 years

INTERROGATORY NO. 4. Have you ever lived in Idaho?

ANSWER. Yes

INTERROGATORY NO. 5. How long did you live in Idaho?

74 years

INTERROGATORY NO. 6. Have you ever lived in Twin Falls County in Idaho?

ANSWER. Yes

INTERROGATORY NO. 7. If so, for how long?

ANSWER. 74 years

INTERROGATORY NO. 8. Have you ever owned a tract of real property in Twin Falls County, Idaho, described as follows:

South Half of the Southwest Quarter of Section Twenty (20), Township Sixteen (16) South, Range Sixteen (16) East of the Boise Meridian.

Northwest Quarter, South Half of the Northeast Quarter, North Half of the Southwest Quarter, North Half of the Southeast Quarter, Section Twenty-Nine (29), Township Sixteen (16) South, Range Sixteen (16) East of the Boise Meridian.

Both located in Twin Falls County, Idaho.

ANSWER. Yes

INTERROGATORY NO. 9. If so, when did you purchase this property?

ANSWER. My father originally purchased the property and my mother deed the property to me, I am unsure of the exact date.

INTERROGATORY NO. 10. What dates did you live on this property?

ANSWER. 1915-1971

INTERROGATORY NO. 11. Did you ranch or farm this property while living there?

ANSWER. Yes

INTERROGATORY NO. 12. If so, give the dates on which you farmed or ranched this property?

ANSWER. 1915-1971

INTERROGATORY NO. 13. Did you ever appropriate water for a beneficial use upon that property?

ANSWER. Yes

INTERROGATORY NO. 14. For what use did you appropriate the water?

ANSWER. Irrigation, for farming, live stock and small garden

INTERROGATORY NO. 15. What means did you use to appropriate this water?

ANSWER. Gravity flow irrigation

INTERROGATORY NO. 16. What was the name of the stream or creek from which you appropriated the water?

ANSWER. Mule Creek

INTERROGATORY NO. 17. Did Mule Creek flow all year long, or did it only flow for a portion of the year?

ANSWER. Only a portion of the year

INTERROGATORY NO. 18. For which portion of the year did Mule Creek flow?

ANSWER. Spring to approximately July 1

INTERROGATORY NO. 19. What was the date of your original diversion and appropriation to a beneficial use?

ANSWER. 1915

INTERROGATORY NO. 20. For how many years did you use the waters of Mule Creek?

ANSWER. 56

INTERROGATORY NO. 21. How many acres did you irrigate with this water?

ANSWER. 70

INTERROGATORY NO. 22. How many inches or cubic feet of water did you divert for this irrigation, and for how many years?

ANSWER. The only estimate I can give you, is that the creek was approximately two feet wide and six inches deep, when it was flowing

INTERROGATORY NO. 23. Did you ever use more water than the 8/10 cubic feet contained in license numbers 5706 and 12189 which were granted to Rhoda Scott and Harold A. Jones on this property? How much more, if any, did you use, and describe in detail how you used it?

ANSWER. No

INTERROGATORY NO. 24. When did you begin to use this amount and for how long did you use it and on what property did you use it?

ANSWER. 1915-1971, 56 years, on 70 acres

INTERROGATORY NO. 25. Was there ever a period during which the water was not beneficially used which last for more than five (5) years?

ANSWER. No

INTERROGATORY NO. 26. Describe your diverting works for this water, and conveying works, if any.

ANSWER. Ditches were dug to divert the creek, and the natural flow filled the laterals in the irrigation rows

INTERROGATORY NO. 27. Was the water ever used for watering stock?

ANSWER. Yes

INTERROGATORY NO. 28. If so, give the number and type of stock.

ANSWER. 135 head of cattle

INTERROGATORY NO. 29. Please explain any details to your claim to a water right in addition to the two decreed rights

which you feel need clarification or additional explanation.

ANSWER. None

INTERROGATORY NO. 30. Does the water from Mule Springs Creek ever leave your property?

ANSWER. Yes

INTERROGATORY NO. 31. If it does, where does it go?

ANSWER. During the spring when the flow is heavy, it overflows into a stock pond, half of which is on my property and the other half is on leased land. There is a fence erected across the center of the pond indicating the property line.

INTERROGATORY NO. 32. How often is the flow of Mule Springs Creek high enough to cause it to run off of your property?

ANSWER. once a year, early spring

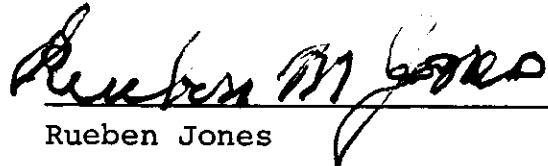
INTERROGATORY NO. 33. Does the water from Mule Springs Creek ever flow into Shoshone Creek?

ANSWER. Not to my knowledge

INTERROGATORY NO. 34. How often does it flow into Shoshone Creek each year?

ANSWER. Never, to my knowledge

Dated this 19 day of February, 1976.


Rueben Jones

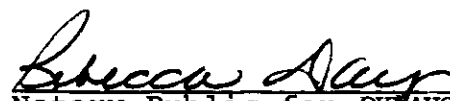
STATE OF OKLAHOMA)
) ss.
COUNTY OF LEFLORE)

RUEBEN JONES, Being first duly sworn on oath deposes
and says:

That he is the person to whom the above interrogatories
have been directed, and that he has read the foregoing answers
to said interrogatories and that the same are true to the best
of his knowledge, except as to matters therein stated to be
alleged as information and belief, and as to those matters he now
has no reason to believe they are untrue.


Rueben Jones

Subscribed and sworn to before me this 19 day of
February, 1976.

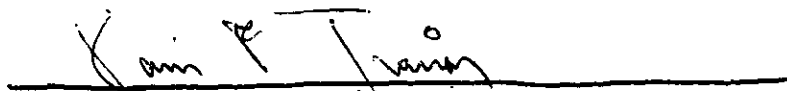

Notary Public for OKLAHOMA
Residing at Poteau, LeFlore County, Okla.
Commission Expires August 28, 1976

Application 47-7287

We the undersigned hereby allow the Dept. of Water Resources to reach a decision based upon the information ~~obtained~~ at the conference held in Twin Falls on February 26, 1976.

Signed at Twin Falls Idaho on Feb 26, 1976.


Attorney for Salmon River Canal Co.


Attorney for applicant Tom Leno

Feb, 26, 1976

to: File.

from: R. J. Newby.

Re: Application No 47-7287 Tom Leno.

John R. Coleman - Attorney for Pleasant Valley
Grazing Association. Stated He would draw
up an Agreement to Withdrawal Protest
of Pleasant Valley Grazing Association within
10 days of this date.

Reed J. Newby
Feb 26, 1976

47-7287

Tom Leno

DEPARTMENT OF WATER RESOURCES -
Twin Falls -1041 Blue Lakes Blvd. North
Idaho

February 26, 1976

3:00 p.m.

ROSTER OF ATTENDANCE

Name	Address	Representing
Larri Ragai	R #1	Salmon River canal co
Elmer Parrott	R 1	Salmon " "
FRANK TIEGEL	JACKPOT NEV.	
Kenneth Pedersen	Box 33 Twin Falls	Att. Salmon River
Lester M. Bryan	Rt 1 Twin Falls	Canal Co.
Harley W. Nelson	Rt 2 Twin Falls	Salmon River canal Co.
Ralph Wadd	Rt 1 Twin Falls	Salmon Canal Co.
Kevin Trainor	Box 23 T.F.	Salmon Canal Co
Tom Leno	Las Vegas	Tom Leno
Mr. Lanting	Rt. 1 T.F.	SRC Co.
John R. Coleman	Box 525 T.F.	Pleasant Valley Grazing Association
Mervin C. Taylor	Rt 2 T.F.	Pleasant Valley Grazing Association
Ben L. Leno	Oakley Id.	
Jeff Leno	Reupert. Idaho	Rt 4
David R. Tuttle	Boise	Id. Dept of Water Res.



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
SOUTHERN DISTRICT

Cecil D. Andrus
Governor

R. Keith Higginson
Director

1041 Blue Lakes Blvd. North
Twin Falls, Idaho 83301
(208) 734-3578

February 3, 1976

RE: Notice of Conference and/or Hearing Permit No. 47-7287 Mr. Tom Leno

Please be advised of the time change for conference and/or hearing in regards to above mention permit. The Conference and/or Hearing will be at 3:00 pm Feb. 26, 1976 at the Department of Water Resources Office, 1041 Blue Lakes Blvd. Twin Falls, Idaho.

Sincerely

Michael L. Steele
Southern Region Supervisor

MLS:rjn

cc: Kevin Trainor (Walker & Kennedy) *PK*
Salmon River Canal Co.
Mr. Lloyd Webb
Marvin E. Taylor
Mr. John Coleman
Mr. Bob Fleenor

RECEIVED

JAN 29 1976

Department of Water Resources
Southern District Office

LLOYD J. WALKER
JAMES L. KENNEDY, JR.
CLINTON E. JACOB
KEVIN F. TRAINOR
R. MICHAEL REDMAN

WALKER & KENNEDY
ATTORNEYS AND COUNSELORS AT LAW
BANK OF IDAHO BUILDING
POST OFFICE BOX 23
TWIN FALLS, IDAHO 83301
TELEPHONE (208) 733-3083

KETCHUM-SUN VALLEY OFFICE
GIACOBBI SQUARE
POST OFFICE BOX 437-A
KETCHUM, IDAHO 83340
TELEPHONE (208) 726-5861

Twin Falls Office
January 28, 1976

Mr. Mike Steele
Southern District Engineer
Department of Water Resources
1041 Blue Lakes Blvd. North
Twin Falls, Idaho 83301

RE: Application for permit
#47-7287 - Mr. Tom Leno

Dear Mike:

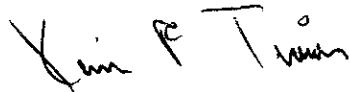
As you know we are appearing for Mr. Tom Leno for his application for the above permit. Our file in this matter is rather sparse, and I would appreciate it if you would send to me copies of all of the pleadings, briefs or memoranda which the Department of Water Resources has in its official file in this matter.

I also would appreciate it if you would send to me a copy of the instruments through which the two protesters in this application, Pleasant Valley Grazing Association, Inc., and the Salmon River Canal Company, Ltd., claim water rights in Mule Creek, which is the source of water for Mr. Leno's proposed small dam.

I would really appreciate your prompt action in sending me copies of all the pleadings in this matter, because I am not certain whether or not we have filed a notice of appearance and I want to be sure that we receive copies of all correspondence in this matter.

Sincerely yours,

WALKER & KENNEDY


Kevin F. Trainor

KFT:dc

January 30, 1976

RE: Application for permit # 47-7287 - Mr. Tom Leno

Walker & Kennedy
P.O. Box 23
Twin Falls, Idaho 83301

Dear Mr. Trainor;

As per your letter of January 28, 1976 , enclosed find copies of correspondence in regard to the above mentioned application for permit.

Sincerely;

Michael L. Steele
Southern Region Supervisor

MLS:rjn

26 Jo. 1976

Dear Sir:

This note is in reply
to your request for assignment
of attorney.

I, Marvin E. Taylor, President
of Pleasant Valley Grazing Assoc.
do hereby assign Mr. John
Coleman, attorney, as our
attorney in the upcoming
hearing on water application
no 47-7287 in the name
of Tora Leno.

Sincerely
Marvin E. Taylor
Pres. Pleasant Valley Grazing Assoc.

WALKER & KENNEDY
Attorneys at Law
Bank of Idaho Building
Post Office Box 23
Twin Falls, Idaho 83301
Telephone: 733-3083

Department of Water Resources

IN THE DEPARTMENT OF WATER RESOURCES OF THE STATE OF IDAHO

In the Matter of)
Application No. 47-7287) NOTICE OF APPEARANCE
of Tom Leno.)
_____)

COMES NOW the law firm of WALKER & KENNEDY of Twin Falls, Idaho, and hereby appears as counsel for the applicant, Tom Leno.

Dated this 28th day of January, 1976.

WALKER & KENNEDY

By Kevin F. Trainor
Kevin F. Trainor

CERTIFICATE OF MAILING

I hereby certify that a copy of the foregoing NOTICE OF APPEARANCE was served on the parties who have filed protests in the above matter by mailing the same to:

Salmon River Canal Company, Ltd.
c/o Lloyd J. Webb
Attorney at Law
Post Office Box 33
Twin Falls, Idaho 83301
AND
Pleasant Valley Grazing Association, Inc.
1112 Main Street
Buhl, Idaho 83316

on this 28th day of January, 1976.

Kevin F. Trainor
Kevin F. Trainor

WALKER & KENNEDY
ATTORNEYS AT LAW
POST OFFICE BOX 23
BANK OF IDAHO BLDG.
TWIN FALLS, IDAHO 83301

NOTICE OF APPEARANCE

PS Form 3811, Nov. 1973

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2. ARTICLE ADDRESSED TO: <i>Salmon River Canal Co,</i> <i>Hollister, Idaho, 83301</i>								
3. ARTICLE DESCRIPTION: <table border="1"> <tr> <td>REGISTERED NO.</td> <td>CERTIFIED NO.</td> <td>INSURED NO.</td> </tr> <tr> <td></td> <td><i>008</i></td> <td></td> </tr> </table>			REGISTERED NO.	CERTIFIED NO.	INSURED NO.		<i>008</i>	
REGISTERED NO.	CERTIFIED NO.	INSURED NO.						
	<i>008</i>							
(Always obtain signature of addressee or agent)								
I have received the article described above. SIGNATURE <i>Harrie E. Ragan</i> <i>Salmon River Canal Co.</i>								
4. DATE OF DELIVERY		POSTMARK <i>9/27</i> <i>1973</i>						
5. ADDRESS (Complete only if requested)								
6. UNABLE TO DELIVER BECAUSE:		CLERK'S INITIALS						

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JAN 27 1997



Department of Water Resources
Southern District Office

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2. ARTICLE ADDRESSED TO: <i>Salmon River Canal Co.</i> <i>Attn: Lloyd J. Webb.</i> <i>Box 33, Twin Falls, Idaho, 83301</i>								
3. ARTICLE DESCRIPTION: <table border="1"> <tr> <td>REGISTERED NO.</td> <td>CERTIFIED NO.</td> <td>INSURED NO.</td> </tr> <tr> <td></td> <td><i>009</i></td> <td></td> </tr> </table> (Always obtain signature of addressee or agent)			REGISTERED NO.	CERTIFIED NO.	INSURED NO.		<i>009</i>	
REGISTERED NO.	CERTIFIED NO.	INSURED NO.						
	<i>009</i>							
I have received the article described above. SIGNATURE <i>Salmon River Canal</i>								
4. DATE OF DELIVERY		POSTMARK <i>JAN 28 1978</i>						
5. ADDRESS (Complete only if requested)								
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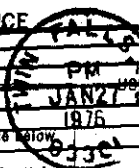
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☐ Show to whom, date, & address of delivery.. 35¢
☐ DELIVER ONLY TO ADDRESSEE and show to whom and date delivered..... 65¢
☐ DELIVER ONLY TO ADDRESSEE and show to whom, date, and address of delivery 85¢

2. ARTICLE ADDRESSED TO:

Pleasant Valley Grazing Assoc. Inc.
Marvin E. Taylor
Route # 2
Therm Falls, Idaho, 83301

3. ARTICLE DESCRIPTION:

REGISTERED NO. CERTIFIED NO. INSURED NO.

010

(Always obtain signature of addressee or agent)

I have received the article described above.

SIGNATURE

Marvin E. Taylor

4. DATE OF DELIVERY

12-24-76

POSTMARK

5. ADDRESS: (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE:

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m.p.

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Southern District Office

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By: [illegible]

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☐ DELIVER ONLY TO ADDRESSEE and show to whom and date delivered..... 65¢
☐ DELIVER ONLY TO ADDRESSEE and show to whom, date, and address of delivery 85¢

2. ARTICLE ADDRESSED TO:

Tom Leno 96 Dale Aslett
P.O. Box 802
Twin Falls, Idaho, 83301

3. ARTICLE DESCRIPTION:

REGISTERED NO. CERTIFIED NO. INSURED NO.

011

(Always obtain signature of addressee or agent)

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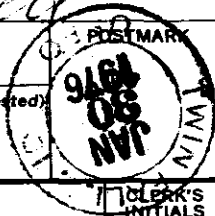
SIGNATURE *Tom Leno*
96 Dale Aslett

4. DATE OF DELIVERY

5. ADDRESS (Complete only if requested)

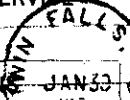
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SOUTHERN DISTRICT OFFICE

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Southern District Office

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☐ DELIVER ONLY TO ADDRESSEE and show to whom and date delivered..... 65¢
☐ DELIVER ONLY TO ADDRESSEE and show to whom, date, District, Office of delivery 85¢

2. ARTICLE ADDRESSED TO:

Tom Leno
 2225 Castleberry Lane
 Las Vegas, Nevada, 89110

3. ARTICLE DESCRIPTION:

REGISTERED NO.	CERTIFIED NO.	INSURED NO.
	012	

(Always obtain signature of addressee or agent)

I have received the article described above.
 SIGNATURE

Tom Leno

4. DATE OF DELIVERY
 1/26/76

POSTMARK

5. ADDRESS (Complete only if requested)

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SOUTHERN DISTRICT OFFICE
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☐ DELIVER ONLY TO ADDRESSEE and
show to whom and date delivered..... 65¢
☐ DELIVER ONLY TO ADDRESSEE and
show to whom, date, and address of
delivery 85¢

2. ARTICLE ADDRESSED TO:

Parry, Robertson, Daly & Larson

P.O. Box 525

Twin Falls, ID, 83301 Attn: John Coleman, 26

3. ARTICLE DESCRIPTION:

REGISTERED NO. CERTIFIED NO. INSURED NO.

013

(Always obtain signature of addressee or agent)

I have received the article described above.

SIGNATURE

Therese C. Coleman

4. DATE OF DELIVERY

1976

POSTMARK

JAN 26 1976

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE:

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INITIALS

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SENDER INSTRUCTIONS

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TO**



**IDAHO DEPARTMENT OF WATER RESOURCES
SOUTHERN DISTRICT OFFICE
1041 BLUE LAKES BLVD. NORTH
TWIN FALLS, IDAHO 83301**

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JAN 27 1976

Department of Water Resources
Southern District Office



RECEIVED

JAN 27 1976

Department of Water Resources
Southern District Office

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

.....
In the Matter of Protest Against Approval)
of Application for permit No. 47-7287 in)
the name of Tom Leno.)
.....)
NOTICE OF CONFERENCE AND/OR HEARING

On November 4, 1974 Mr. Tom Leno filed with the Department of Water Resources an application to appropriate the public waters of the State of Idaho. On November 25, 1974 the Department received a protest against approval of said application from the Pleasant Valley Grazing Association, Inc. an Idaho Corporation, under title of Marvin E. Taylor, President. On November 27, 1974 the Department received a protest against approval of said application from Salmon River Canal Company, Ltd. under signature Lloyd J. Webb, Corporate Counsel.

The Department has set the matter of protest for conference and/or hearing for Thursday, February 26, 1976, at ^{2:00}~~1:00~~ p.m. at the Department of Water Resources office, 1041 Blue Lakes Blvd. North, Twin Falls, 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.

Any party desiring the taking of stenographic notes by a qualified court reporter must request such in writing at least five (5) days before the date set for hearing and must submit to the director the name of a qualified reporter who is available on the date set for hearing. The party requesting the reporter shall bear the expense of the reporter's attendance fees. 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 protestant may allow the Department without prejudice to dismiss the protest or the application. Any and all cost incurred by reason of such non-appearance may be assessed against such non-appearing parties.

Dated this twenty-third day of January, 1976


Michael L. Steele
Southern Region Supervisor

LLOYD J. WEBB
EMIL F. PIKE
J. RILEY BURTON
MONTE B. CARLSON
ROGER S. BURDICK

Webb, Pike, Burton and Carlson

ATTORNEYS AT LAW
P. O. BOX 33
BANK OF IDAHO BUILDING
TWIN FALLS, IDAHO 83301

RECEIVED

JAN 29 1975
TELEPHONE
734-4450

Department of Water Resources
Southern District Office

January 28, 1975

Bob Haynes
Southern District Engineer
State of Idaho
Department of Water Resources
1041 Blue Lakes Blvd. No.
Twin Falls, Idaho

Re: Application of Leno - No. 47-7287
Our File No. 292-2-74.

Dear Bob:

Responding to your letter of November 29 concerning the above Application, we can advise concerning the issues posed by the letter:

1. The proposed use will reduce the quantity of water under existing water rights.
2. If existing water rights are honored, there is an insufficient water supply for the proposed use.
3. We suspect that the Application is made in good faith and not for delay or speculative purposes, although we do not know all the circumstances of the Application.
4. We believe that the applicant probably does have sufficient financial resources with which to complete the project although, again, we do not know all of the circumstances of the applicant's situation.

This letter is, of course, written on behalf of the Salmon River Canal Company. A copy is directed to Lloyd J. Walker, attorney for Mr. Leno.

The Board of Directors requests that I also advise you that we do not believe that a conference will accomplish anything and we would suggest that this matter proceed to hearing, at your convenience.

Sincerely yours,

LLOYD J. WEBB

LJW:mh

cc: Lloyd J. Walker

For Salmon River Canal Co.

47-2048

47-2118

~~License~~

47-2048

(1-27-1910)
, 40 & 5

Use. 20 acres

SESW, 20, 16 S, 16 E

~~License~~

47-2118

2-7-1925

(140 & 5)

P.D. NW SW, 20

Use.

20 acres.

SESW, 20 - 15 Acres

NENW, 29 - 3 acres

RECEIVED

INTER-DEPARTMENT MEMO — 1

JAN 7 1975

DATE January 02, 1974

FROM E. J.

Department of Water Resources
Southern District Office

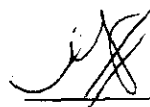
oops! 1975

TO Kenneth Flowerdew

SUBJECT Mule Creek/Mule Creek Springs

47-2048 and 47-2118 are the only two valid rights on Mule Creek, Twin Falls Co.

Soreeee!



SIGNATURE

DEPARTMENT OF WATER RESOURCES
- STAFF ANALYSIS -

Item Initial Date

Application No. 47-7287 Tam Leno

☒ 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) KDF 11-4-74

In form to receipt

(2) _____

Send Copies to:

_____ Idaho State Health Department
_____ Idaho Fish and Game Department
~~_____ Bureau of Land Management~~

(3) KDF 11-4-74

_____ Request Special Use Permit from U.S.F.S.

☒ Request Easement from B.L.M.

☒ Request Information from Applicant *small dam info*

(4) KDF 11-4-74

In form for advertising

(5) _____

Platted on Map No. _____

(6) _____

Located within Water District No. _____

(7) _____

Critical groundwater area: yes _____ no _____

(8) _____

Groundwater levels:

_____ Declining, _____ Stable, _____ Increasing

(comment) _____

(9) _____

Other rights on the same place of use

(10) _____

Comments: _____

(11) _____

Affidavit of Publication received (date) _____

(12) _____

Final date for protests _____

Protests received: yes _____ no _____

(13) _____

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

(14) _____

Action recommended:

_____ Approve _____ Deny

_____ Proposed Priority

_____ Reason for Reduction _____

_____ Measuring device required

_____ See attached sheet for other conditions of approval

_____ No special conditions for approval

(15) District _____ By _____ Date _____

December 20, 1974

Mr. Tom Leno
c/o Dale Aslett
P.O. Box 802
Twin Falls, ID 83301

RE: D47-7287

Dear Mr. Leno:

Regarding construction of your proposed dam, I recently learned that the water right application that was filed for storage of water behind it is being protested. If it is found that the protest is valid and your water right application is rejected, then no water can legally be stored behind your dam; therefore, I suggest that construction of your dam be delayed until this matter is settled.

If you have any questions, please feel free to contact me.

Sincerely,

A. MICHAEL STUBBLEFIELD
E.I.T.

AMS/dk

cc: IDWR-Southern Dist.

December 17, 1974

Mr. Tom Leno
2225 Castleberry Lane
Las Vegas, NV 89110

Dear Mr. Leno:

I am writing with regard to your recent application to construct a dam in Section 17, Township 16 South, Range 16 East, Twin Falls County.

Your application is approved and you may begin work at any time. You should be aware that the Department does not approve the use of steel pipe unless it is completely encased in concrete. Concrete pipe with water-tight joints is permitted; and where soil is not corrosive and the outlet will not carry any abrasive bed material that could wear the pipe, aluminum pipe is sometimes approved for small dams. All pipes should have cutoff collars to prevent seepage along the outside of the pipe. In all cases, the gate should be at the upstream end of the pipe.

Please notify our office at the following times so that we might schedule inspections of your work:

1. After clearing and excavation of foundation, and prior to placing fill material.
2. After installation of outlet conduit, and before placing any backfill material around conduit.
3. After construction is complete, and before any water is stored in the reservoir.

Constructing a dam does not entitle you to store water behind it. A water right is needed. Enclosed is an application form which must be filled out and returned to this Department.

Please contact me if you have any questions.

Sincerely,

A. MICHAEL STUBBLEFIELD
E.I.T.

AMS:ldt

CC: IDWR - Southern District

Enclosure



RECEIVED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

DEC 16 1974

Department of Water Resources

Southern District Office

Statehouse

Boise, Idaho 83720

(208) 384-2215

Cecil D. Andrus
Governor

R. Keith Higginson
Director

December 12, 1974

Mr. Tom Leno
Box 802
Twin Falls, ID 83301

RE: D47-2048

Dear Mr. Leno:

I am writing with regard to your recent application to construct a dam in Section 17, Township 16 South, Range 16 East, Twin Falls County.

Your application is approved and you may begin work at any time. You should be aware that the Department does not approve the use of steel pipe unless it is completely encased in concrete. Concrete pipe with water-tight joints is permitted; and where soil is not corrosive and the outlet will not carry any abrasive bed material that could wear the pipe, aluminum pipe is sometimes approved for small dams. All pipes should have cutoff collars to prevent seepage along the outside of the pipe. In all cases, the gate should be at the upstream end of the pipe.

Please notify our office at the following time so that we might schedule inspections of your work:

1. After clearing and excavation of foundation, and prior to placing fill material.
2. After installation of outlet conduit, and before placing any backfill material around conduit.
3. After construction is complete, and before any water is stored in the reservoir.

Please contact us if you have any questions.

Sincerely,

A. MICHAEL STUBBLEFIELD
E.I.T.

AMS:ldt

CC: IDWR - Southern District

WATER RESOURCE BOARD:

John F. Streiff
Chairman

Franklin Jones
Member

George L. Yost
Vice-Chairman

M. Reed Hansen
Member

Donald R. Kramer
Secretary

Scott W. Reed
Member

Edwin C. Schlender
Member

Joseph H. Nettleton
Member

December 2, 1974

RE: Application For Permit No. 47-7287 - Mr. Tom Leno

Mr. Tom Leno
P. O. Box 802
c/o Dale Aslett
Twin Falls, Idaho 83301

Dear Mr. Leno:

We have enclosed a copy of a protest filed against the issuance of the above referenced permit by Salmon River Canal Company, Ltd. pursuant to your application. We have corresponded with you in the past concerning the original protest filed in connection with this application. Information contained in that letter pertains to this protest also.

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.

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

Sincerely,

Bob Haynes
Southern District Engineer

BH:cc

enc.

November 29, 1974

RE: Application No. 47-7237 - Mr. Tom Leno

WEBB, PIKE, BURTON & CARLSON
Attorneys At Law
Bank of Idaho Building
Box 33
Twin Falls, Idaho 83301

Attn: Lloyd J. Webb

Dear Mr. Webb:

This is to acknowledge receipt of the protest submitted in behalf of Salmon River Canal Company, Ltd., 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,

Bob Haynes
Southern District Engineer

BH:cc

RECEIVED

PROTEST OF APPLICATION FOR WATER PERMIT.

NOV 27 1974

Department of Water Resources
Southern District

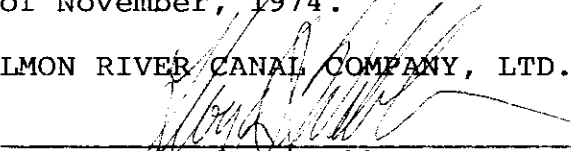
The Salmon River Canal Company, Ltd., by this instrument, protests the Application for Water Permit filed by Tom Leno as Application 47-7287, requesting the appropriation of sixty acre feet per annum of the waters of Mule Creek Springs, a tributary of Shoshone Creek, within the Southwest Quarter of the Northwest Quarter of Section 17, Township 16 South, Range 16 East, Boise Meridian, Twin Falls County, Idaho.

Protest is made because the waters of Shoshone Creek and its tributaries are wholly appropriated and there is no unappropriated water in the said stream and its tributaries.

The protestant prays that the Application be denied and that if hearing is held upon the Application, that Notice of the hearing be given to the Protestant either at the office of the undersigned or at the Company offices at Route One, Twin Falls, Idaho, in order that the protestant may appear and present evidence and argument against the Application.

Dated this 26th day of November, 1974.

SALMON RIVER CANAL COMPANY, LTD.

By 
Lloyd J. Webb
Corporate Counsel

WEBB, PIKE, BURTON AND CARLSON
ATTORNEYS AT LAW
BANK OF IDAHO BUILDING
BOX 33
TWIN FALLS, IDAHO 83301
PHONE 734-4480

November 27, 1974

RE: Application for Permit No. 47-7287 - Mr. Tom Leno

Mr. Tom Leno
P. O. Box 302
c/o Dale Aslett
Twin Falls, Idaho 83301

Dear Mr. Leno:

We have enclosed a copy of the protest filed against the issuance of a permit pursuant to your Application No. 47-7237. 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 .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,

Bob Haynes
Southern District Engineer

enc.

November 27, 1974

RE: Application No. 47-7237 - Mr. Tom Leno

PARRY, ROBERTSON, DALY & LARSON
P. O. Box 525
Twin Falls, Idaho 83301

Attn: John R. Coleman

Dear Mr. Coleman:

This is to acknowledge receipt of the protest submitted in behalf of Pleasant Valley Grazing Association, Inc., 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,

Bob Haynes
Southern District Engineer

BH:cc

RECEIVED

NOV 25 1974

PARRY, ROBERTSON, DALY & LARSON
LAWYERS

THE IDAHO FIRST NATIONAL BANK BUILDING

P. O. BOX 525

TWIN FALLS, IDAHO 83301

Department of Water Resources
Southern District Office

TELEPHONE
(208) 733-3722

OUR FILE NUMBER

1-7352

R. P. PARRY
T. M. ROBERTSON
JOHN H. DALY (1913-1968)
BERT LARSON
C. G. MCINTYRE
JOHN R. COLEMAN
THOMAS G. NELSON
JOHN A. ROEHOLT
FRED D. DECKER
ROBERT C. PAINE

November 22, 1974

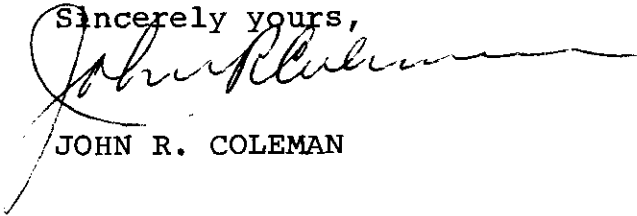
Mr. Ken Flowerdew
Department of Water Administration
1041 Blue Lakes Blvd. North
Twin Falls, Idaho 83301

Dear Ken:

Please find enclosed a Protest for filing in your office against the application of Tom Leno, No. 47-7287. This protest is made by Pleasant Valley Grazing Association, Inc.

If you have any questions, please feel free to call me.

Sincerely yours,


JOHN R. COLEMAN

JRC:sh

Enc.

RECEIVED

NOV 25 1974

Department of Water Resources
Southern District Office

1 IN THE DEPARTMENT OF WATER ADMINISTRATION OF THE STATE OF IDAHO

2 In the Matter of Application)
3 No. 47-7287 of Tom Leno,)
4 c/o Dale Aslett, P. O. Box 802,)
Twin Falls, Idaho)

P R O T E S T

5 * * * * *

6 COMES NOW Pleasant Valley Grazing Association, Inc., an
7 Idaho corporation organized under the laws of the State of Idaho,
8 with its principal place of business at Twin Falls, Idaho, and
9 respectfully alleges:

10 (1) Protestant holds a private grazing allotment from
11 the Bureau of Land Management in Section 17, Township 16 South,
12 Range 16 East, Boise Meridian and other adjoining sections.
13 Protestant and the Bureau of Land Management have developed the
14 springs known as Mule Creek Spring for cattle watering purposes
15 by the cleaning of said springs and piping the water therefrom to
16 watering tanks. Protestant has been using said springs for such
17 purpose since 1967, and was so used for many years prior thereto by
18 the protestant's predecessors. Substantially all of the water from
19 said springs are used by protestant for livestock watering purposes.

20 (2) Any dams placed in said channel as proposed by
21 Mr. Leno would damage said springs and deprive protestant of its
22 developed stock water.

23 (3) Said spring is tributary to Mule Creek. Mule Creek
24 only flows during the high water season and when flowing is a
25 tributary to Shoshone Creek. All the waters of Shoshone Creek are
26 appropriated by prior appropriation for storage for irrigation
27 purposes.

28 NOW, THEREFORE, Pleasant Valley Grazing Association, Inc.,
29 does hereby protest application No. 47-7287 of Tom Leno for the
30 following reasons, to-wit:
31
32

1 (1) The approval of a permit pursuant to application
2 No. 47-7287 will reduce the quantity of water available to the
3 protestants.

4 (2) The supply of water at the proposed point of diversion
5 as set forth in application No. 47-7287 is not sufficient for the
6 purpose intended by the applicant by reason of the fact that there
7 is not sufficient water in said stream to meet protestant's needs and
8 furnish the supply prayed for in the application.

9 (3) The application is speculative in nature.

10 WHEREFORE, Pleasant Valley Grazing Association, Inc.,
11 respectfully prays that application No. 47-7287 of Tom Leno be
12 denied and disallowed.

13 DATED This 22nd day of November, 1974.

14 PLEASANT VALLEY GRAZING ASSOCIATION,
15 INC., an Idaho corporation

16 By Marvin E. Taylor
17 MARVIN E. TAYLOR, President

November 27, 1974

RE: Application No. 47-7287 - Mr. Tom Leno

Bureau of Land Management
Room 334, Federal Building
550 West Fort
Boise, Idaho 83720

Gentlemen:

This is to advise you that the above referenced application for permit has been filed with this Department in connection with a Desert Land Entry. A copy of the application is enclosed for your reference.

If we can be of any further assistance, please contact us.

Very truly yours,

Bob Haynes
Southern District Engineer

BH:cc

enc.

cc: IDWR - Boise

November 7, 1974

Mr. Tom Leno
P. O. Box 302
c/o Dale Aslett
Twin Falls, Idaho 83301

Dear Mr. Leno:

Attached please find our form, New Construction Information For Small Dams, which will have to be completed by you, the applicant, and returned to us; and it will also be necessary to submit a copy of your Easement with the Bureau of Land Management for the diversion of water from their lands.

Please return this information to this office so we may complete processing of your application. Should you have any questions, please don't hesitate to contact this office.

Very truly yours,

Ken Flowerdew
Water Resource Technician II
Southern District

KF:cc

Enc.

RESOURCES
XXXXXXXXXXXXXXXXXXXXXXX

November 5, 1974

RE: Application No. 47-7287 - Tom Leno

Times News
P. O. Box 548
Twin Falls, Idaho 83301

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 ample 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.

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

Sincerely,

Bob Haynes
Southern District Engineer

BH:cc

**NOTICE OF APPLICATION
FOR WATER PERMIT**

Notice is hereby given that Tom Leno P. O. Box 802, c/o Dale Aslett, Twin Falls, Idaho 83301 has on 11-4-74 submitted Application No. 47-7287 for a permit to appropriate 60 acre feet per annum of water from Mule Creek Springs, tributary of Shoshone Creek by means of Earth filled reservoir within the SW $\frac{1}{4}$ N-W $\frac{1}{4}$, Sec. 17, T 16S, R 16E, B.M., Twin Falls County, to be used from June 1 to September 1, for irrigation of 480 acres, within the S $\frac{1}{2}$ SW $\frac{1}{4}$, Sec. 20, S $\frac{1}{2}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$, N $\frac{1}{2}$ S $\frac{1}{2}$, Sec. 29, T 16S, R 16E, 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, 1041 Blue Lakes Blvd., North, Twin Falls, Idaho, 83301 on or before December 2, 1974.

R. KEITH HIGGINSON

Director

PUBLISH: Nov. 14 & 21, 1974

NOTICE OF APPLICATION FOR WATER PERMIT

Notice is hereby given that Tom Leno

P. O. Box 802, c/o Dale Aslett, Twin Falls, Idaho 83301

has on 11-4-74 submitted Application No. 47-7287

for a permit to appropriate 60 ~~xxxxxxx~~ acre feet per annum

of water from Mule Creek Springs, tributary of Shoshone Creek

by means of Earth filled reservoir

within the SW¹/₄ NW¹/₄, Sec. 17, T 16S, R 16E, B.M., Twin Falls County.

to be used from June 1 to September 1.

for irrigation of 480 acres.

within the S¹/₂SW¹/₄, Sec. 20; S¹/₂NE¹/₄, NW¹/₄, ^{N¹/₂S¹/₂} ~~SW¹/₄~~ Sec. 29, T 16S, R 16E, 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, 1041 Blue Lakes Blvd., North, Twin Falls, Idaho, 83301 on or before December 2, 1974.

R. KEITH HIGGINSON

Director

Published in the Times News

on 11-14 and 11-21-74