

WATER RIGHT LICENSE

Total number of acres irrigated 2.5

CONDITIONS OF APPROVAL

a. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho Law. This right may be forfeited by five years of non-use.

b. The right to the use of the water hereby confirmed is restricted and appurtenant to lands or place of use herein described, and is subject to all prior water rights, as provided by the laws of Idaho.

c. Any water right confirmed in this license for hydropower purposes shall be junior and subordinate to all rights to the use of water, other than hydropower, within the State of Idaho that are initiated later in time than the priority of this license and shall not give rise to any right or claim against any future rights to the use of water other than hydropower, within the State of Idaho initiated later in time than the priority of this license.

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 28TH day of AUGUST, 19 86.

Acting for the Director

Norman O. Young

RECORDED

Ident. No.

STATE OF IDAHO

APPLICATION FOR AMENDMENT
(For Licensing Purposes)**RECEIVED**

AUG 8 1986

APPROVED

Department of Water Resources

Comes now Gerald Leavitt Phone _____
 of (address) Rt. 1 McCammon, ID 83250, 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. 29-7582, and requests that the permit be changed as follows:

1a. Point of diversion: NE 1/4 SE 1/4, Section 3, Township 9S, Range 36E,
 B.M., County of Bannock. Other points of diversion: _____

1b. Source: springs tributary to sinks

2a. Period and nature of use:

Amount 0.05 for Irrigation purposes from 3/15 to 11/15 (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)
 Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
 (cfs or acre feet per annum)

2b. The maximum quantity diverted shall not exceed 0.05 cfs or 8.8 acre feet
 per year.

3. Place of use or land to be irrigated:

TWP	RGE	SEC	NE				NW				SW				SE				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	
9S	36E	3				1.5									1				2.5

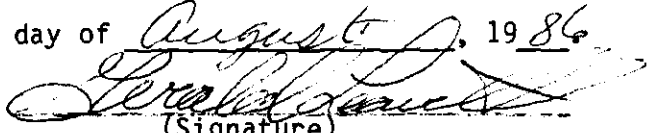
Total number of acres to be irrigated = 2.5

4. Date of priority: March 23, 1981

MICROFILMED

5. Conditions (if any):

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

Signed at _____, this 6 day of August, 1986.

(Signature)

FOR DEPARTMENT USE ONLY

Preliminary check by kw Fee = \$20.00 ✓ Received by cew Date 8-8-86 #38907

ACTION OF THE DEPARTMENT OF WATER RESOURCES

I, A. KENNETH DUNN, of the Department of Water Resources hereby Approve the above Application for Amendment for Permit No. 29-7582.

Witness my hand this 28th day of August, 1986.

Acting for the  Director

MICROFILMED

OK
Jim

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

APPROVED

To appropriate the public waters of the State of Idaho

1. Name of applicant GERALD LEAVITT Phone 254-3108

Post office address Rt. #4, McCammon, Idaho

2. Source of water supply Springs which is a tributary of Sinks

3. Location of point of diversion is NE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 3 Township 9S

Range 36E B.M. Bannock County, additional points of diversion if any: _____

4. Water will be used for the following purposes:

Amount .05 cfs for Irrigation purposes from 4/1 to 11/1 (both dates inclusive)
(cfs or acre-feet per annum)

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

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

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

5. Total quantity to be appropriated:

a. .05 cfs cubic feet per second and/or b. _____ acre-feet per annum.

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. Pump and sprinkler lines

b. Height of storage dam _____ feet, active reservoir capacity _____ acre-feet; total reservoir capacity _____ acre-feet, materials used in storage dam: _____

Period of year when water will be diverted to storage _____ to _____ inclusive.
(Month/Day) (Month/Day)

c. Proposed well diameter is _____ inches; proposed depth of well is _____ feet.

7. Time required for the completion of the works and application of the water to the proposed beneficial use is 5 years (minimum 1 year — maximum 5 years).

8. Description of proposed uses:

a. If water is not for irrigation:

(1) Give the place of use of water: _____ $\frac{1}{4}$ of _____ $\frac{1}{4}$ of Section _____ Township _____

Range _____ B.M. _____

(2) Amount of power to be generated: _____ horsepower under _____ feet of head.

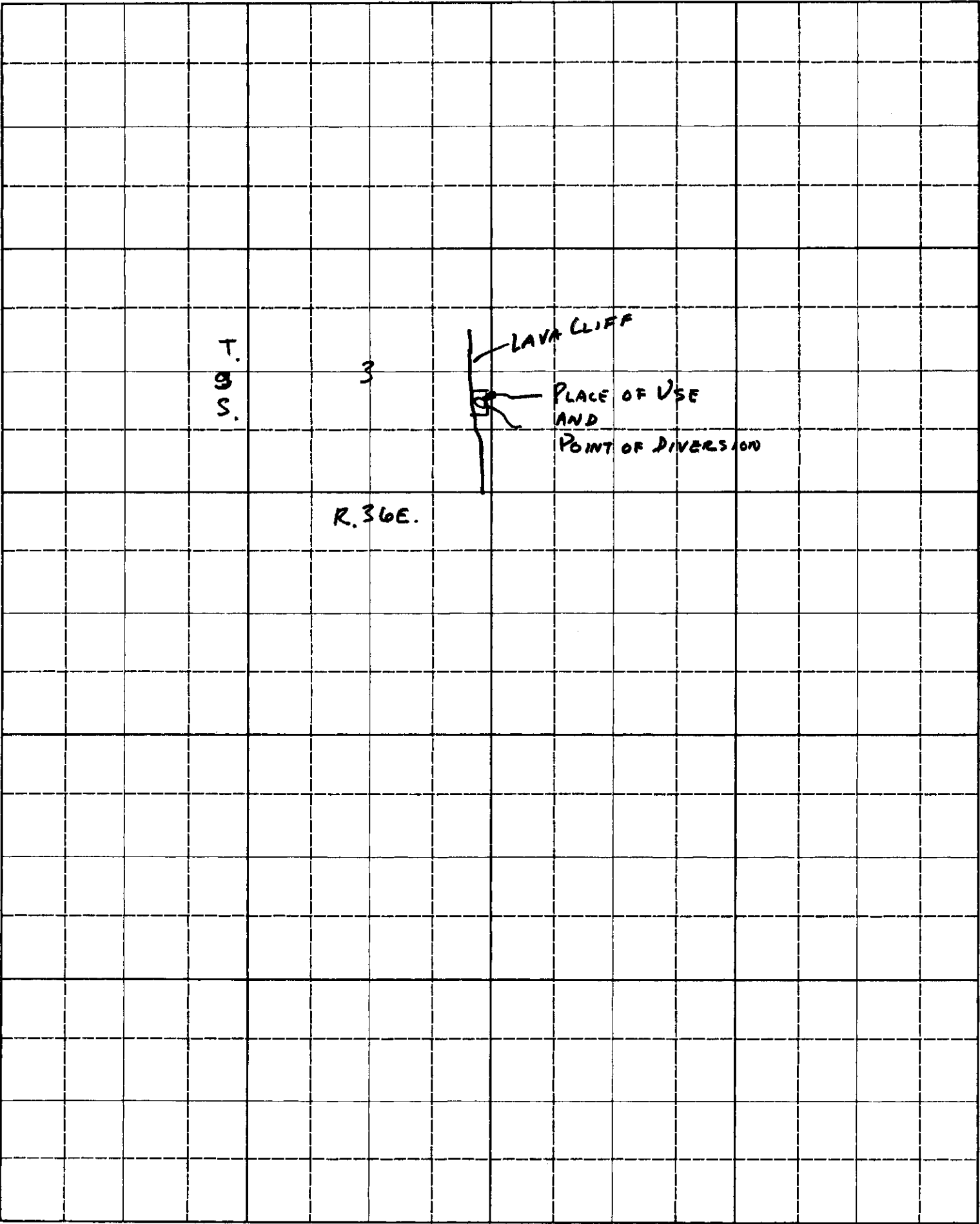
(3) List number of each kind of livestock to be watered _____

(4) Name of municipality to be served _____, or number of families to be supplied with domestic water _____.

(5) If water is to be used for other purposes describe: _____

MICROFILMED

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.

Serald Leavitt
(Applicant)

RECEIVED

Proposed Priority

3/23/81

Received by S.M. Date 3/23/81 Time 3:15

Preliminary check by KWibor Fee \$ 30⁰⁰

Receipted by S.M. Date 3/23/81 # 17120

Publication prepared by KW Date 3/27/81

Published in Idaho State Journal

Publication dates 4/02 & 4/09/81

Publication approved KW Date 4/20/81

Protests filed by: Rick Pierson

Protest withdrawn pursuant to stipulation & agreement signed June 11, 1981.

Copies of protests forwarded by _____

Hearing held by Norm & Ron. Date June 11, 1981

Recommended for approval denial by EMC. R

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. 29-7582, 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 July 1, 19 86.
- c. The rate of diversion, if water is to be used for irrigation under this permit, when combined with all other water rights for the same land shall not exceed 0.02 cubic feet per second for each acre of land.
- d. Other:

Use of water under this permit may be affected by an agreement between the protestant and the applicant.

Witness my hand this 16th day of July, 1981.

Norman C Young
Administrator, Resources Admin. Div.

RECEIVED

PROOF OF PUBLICATION

STATE OF IDAHO
County of Bannock

ss.

Rosalie Olmstead

being first duly sworn on oath deposes and says: That she
was at all times herein mentioned a citizen of the United States of America, more than 21 years of age, and the Principal Clerk of THE IDAHO STATE JOURNAL, a daily newspaper, printed and published at Pocatello, Bannock County, Idaho, and having a general circulation therein.

That the document or notice, a true copy of which is attached, was published in the said IDAHO STATE JOURNAL, on the following dates, to-wit:

April 2, 1981 _____, 19____
April 9, 1981 _____, 19____
_____, 19____, 19____
_____, 19____, 19____
_____, 19____, 19____

That said paper has been continuously and uninterruptedly published in said County for a period of seventy-eight weeks prior to the publication of said notice or advertisement and is a newspaper within the meaning of the laws of Idaho.

Rosalie Olmstead

Subscribed and sworn to before me this 15th

day of April, 1981

[Signature]

Notary Public, State of Idaho
Residence: Pocatello, Idaho

RECEIVED

APR 16 1981

Department of Water Resources
Eastern District Office

MICROFILMED

PROOF OF PUBLICATION

STATE OF IDAHO
County of Bannock

SS.

NOTICE OF APPLICATION FOR
WATER RIGHT
Notice is hereby given that the
following application(s) have
been submitted for permit to ap-
propriate the public waters of the
State of Idaho:

29-7582
LEAVITT, GERALD
RT. 4, MC CAMMON, ID 83250
Source: SPRINGS tributary to
SINKS

Date Filed: 03-23-1981
Amount: 0.05 CFS
Diversion Point: NESE Sec 03 T
09S R 36E, BANNOCK Co.
Use: IRRIGATION (0.05 CFS)
from 04-01 to 11-01
Place of Use: NESE Sec 03 T 09S
R 36E FOR 3 ACRES
Diversion Means: PUMP &
PIPELINE.

29-7583
ROYAL HOTEL DINING CLUB
P.O. BOX 277, LAVA HOT
SPRINGS, ID 83246
Source: GROUNDWATER
Date Filed: 03-23-1981
Amount: 0.34 CFS
Diversion Point: SWSE Sec 21 T
09S 38E, BANNOCK Co.
Use: HEATING (0.34 CFS) from
01-01 to 12-31
Place of Use: SWSE Sec 21 T 09S
R 38E
Diversion Means: PIPELINE

29-7584
BABBITT, FLOYD L. & or
EUNICE
720 WAYNE, POCATELLO, ID
83201
Source: GROUNDWATER
Date Filed: 03-24-1981
Amount: 0.24 CFS
Diversion Point: SWSE Sec 08 T
11S R 37E, BANNOCK Co.
Use: IRRIGATION (0.18 CFS)
from 04-01 to 11-01
STOCKWATER (0.02 CFS) from
01-01 to 12-31
DOMESTIC (0.04 CFS) from 01-01
to 12-31
Place of Use: SWSE Sec 08 T 11S
R 37E FOR 10 ACRES
Diversion Means: WELL, PUMP
& PIPELINES.

If issued, the permit(s) will be
subject to all prior water rights.
Protests against the granting of
any permit must be filed with the
Director of the Idaho Department
of Water Resources, 150 Shoup
Ave., Idaho Falls, Idaho 83401 on
or before APRIL 20, 1981.
S/C Stephen Allred
Director
April 2, 9, 1981
No. 590

being first duly sworn on oath deposes and says: That _____
was at all times herein mentioned a citizen of the United States of Ameri-
ca, more than 21 years of age, and the Principal Clerk of THE IDAHO
STATE JOURNAL, a daily newspaper, printed and published at Pocatello,
Bannock County, Idaho, and having a general circulation therein.

That the document or notice, a true copy of which is attached, was
published in the said IDAHO STATE JOURNAL, on the following dates,
to-wit:

_____, 19_____, 19_____
_____, 19_____, 19_____
_____, 19_____, 19_____
_____, 19_____, 19_____
_____, 19_____, 19_____

That said paper has been continuously and uninterruptedly published
in said County for a period of seventy-eight weeks prior to the publication
of said notice or advertisement and is a newspaper within the meaning
of the laws of Idaho.

Reuben Oberstad

Subscribed and sworn to before me this _____

day of _____, 19____

[Signature]

Notary Public, State of Idaho

Residence: Pocatello, Idaho

RECEIVED

APR 16 1981

Department of Water Resources
Eastern District Office



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

July 22, 1986

RE: Permit No. 29-7582

Gerald Leavitt
Rt. 1
McCammon, ID 83250

Dear Permit Holder(s):

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

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

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

Sincerely,

JIM JOHNSON
Water Rights Supervisor

JJ:sc

Enclosure

MICROFILMED

September 4, 1986

RE: Permit No. 29-7582

Gerald Leavitt
Rt. 1
McCammon, ID 83250

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. Also enclosed is Departmental Receipt No. 38907 in the amount of \$20.00.

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

Sincerely,

JIM JOHNSON
Water Rights Supervisor

JJ:sc
Enclosures

MICROFILMED

RECEIVED

SEP 21 1984

State of Idaho
DEPARTMENT OF WATER RESOURCES
WATER RIGHT BENEFICIAL USE FIELD REPORT

29-7582

Department of Water Resources

Permit No.

CONTACT WITH PERMIT HOLDER

DATE

INITIALS

REMARKS

☐ Appointment letter mailed:☐ Telephone call made

(List Telephone No. used)

☐ Appointment scheduled for:

(Date, time, location)

EXAMINATION

Date 7-19-83 Accompanied by Gerald Leavitt Total Q measured 0.12 cfs ✓Source Springs Tributary to Sinks Supp. annubar measurement sheet used? _____

If source is surface water, estimate total flow of source _____

Methods of measurement Pitot Gauge Meets permit requirements? _____Measurement calculations: Double nozzle 3/16" x 1/8", 7 birds, 25 psi AV. = 7.4 gpm x 7 birds
Total 51.8 gpm or 0.12 cfs ✓
(see rain bird chart) attached2 1/2 acres x 0.02 cfs = 0.05 cfs ✓V = 2 1/2 acres x 3.5 cfs = 8.75 afa ✓

WELL/DIV. NO.	HP	MOTOR MAKE	MOTOR SERIAL NO.	PUMP MAKE	PUMP SERIAL NO.	MEASURING DEVICE TYPE	CONDITION OF MEAS. DEVICE	REMARKS
	1 1/2	Sta-rite	C48L2PB19	Sta-rite	DHF-51-3	Pitot gauge		

System Description Electric motor/pump at pond (approx 1 1/2 surface acres) with
mainline to sprinkler (one line with 7 double nozzle birds)

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

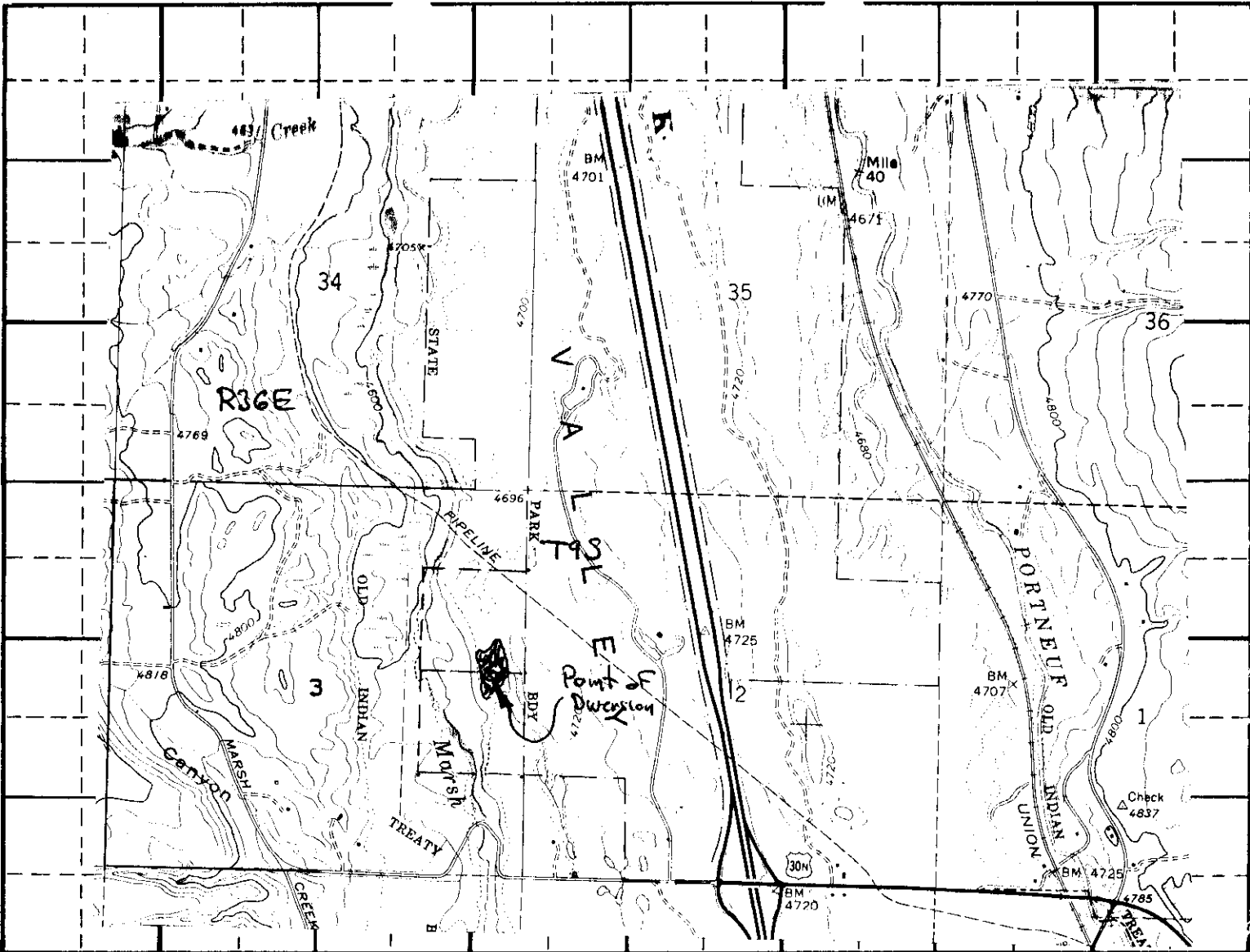
RECOMMENDED AMOUNTS

USE
Irrigation ✓Irrigation requirement = 3.5 ✓ AFA/AcreQ (cfs) ✓
0.05 ✓V (afa) ✓
8.8 ✓FROM TO
4/15 11/15
per rules
& regs.Total 0.05 cfs 8.8 AF

Remarks

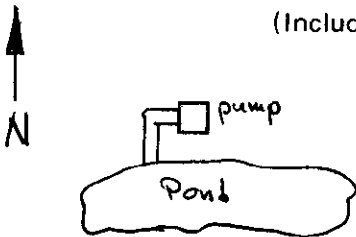
no overlap review done due to small
size of system -

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SCHEMATIC DIAGRAM OF SYSTEM

(Include distance from pump to measuring device, if applicable.)



Point(s) of diversion: NE 1/4 SE 1/4 Sect. 3 T9S R36E

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%	
9S	36E	3				1.5									1				2.5 ✓

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 Ray Jones
 Checked by Keith Walker
 Approved by Ray Walker

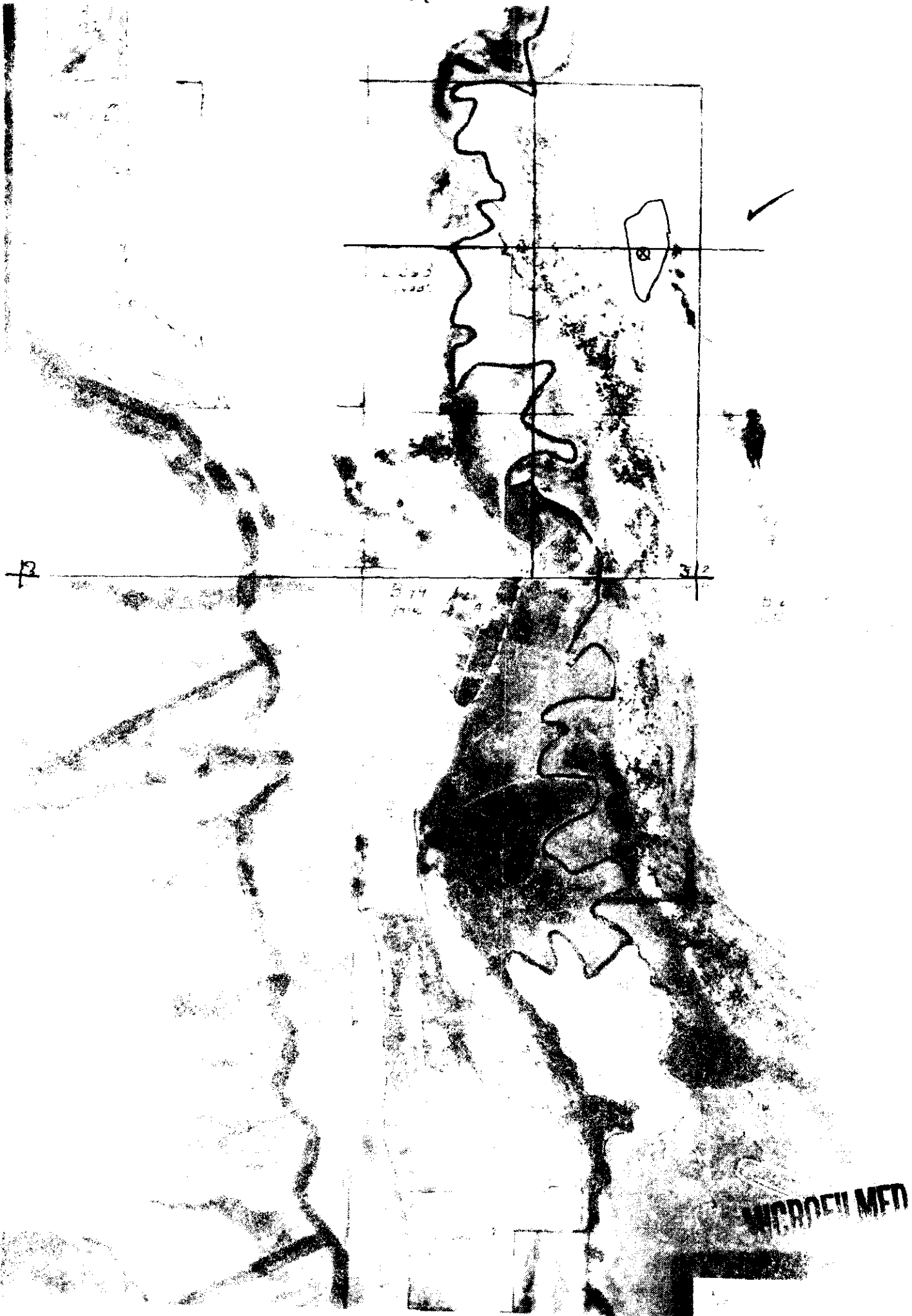
Date 4-30-84
 Date 19 Sept 1984
 Date 7-8-1986

29-7582



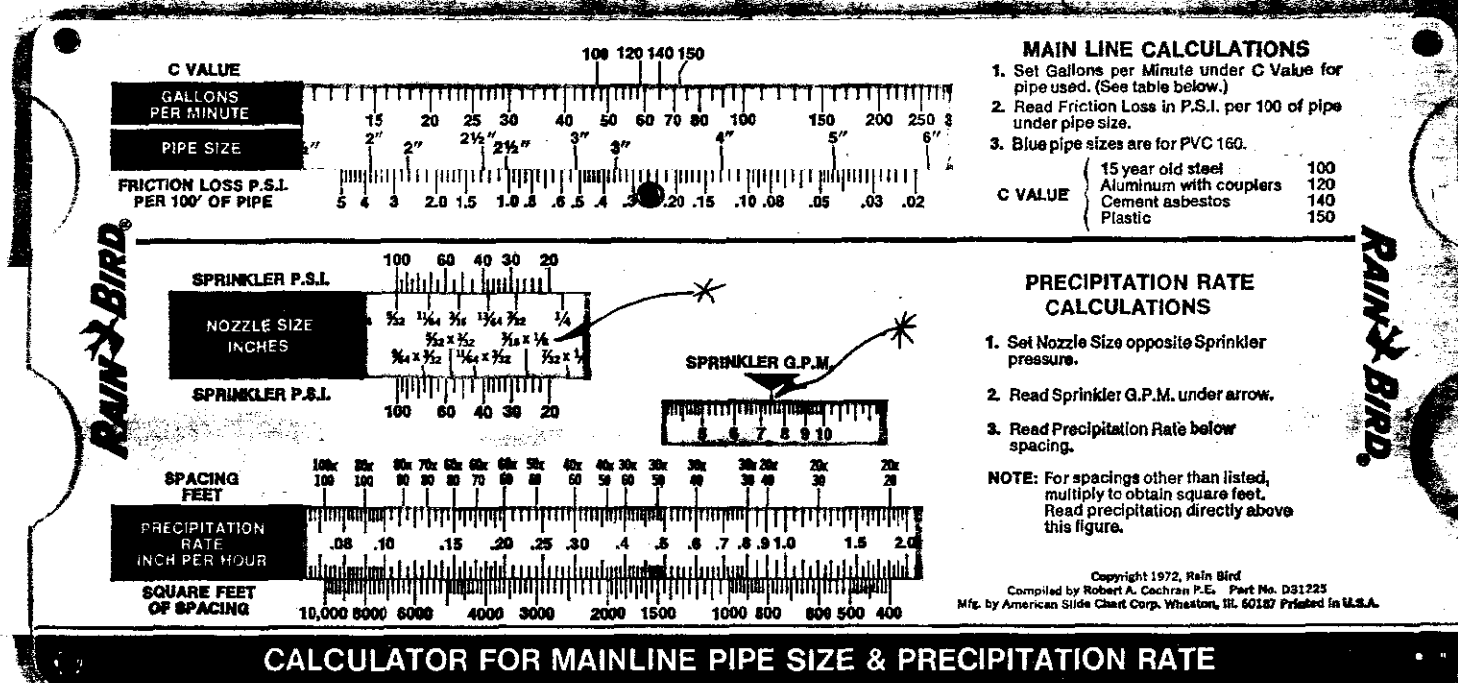
Not to scale

29-7582



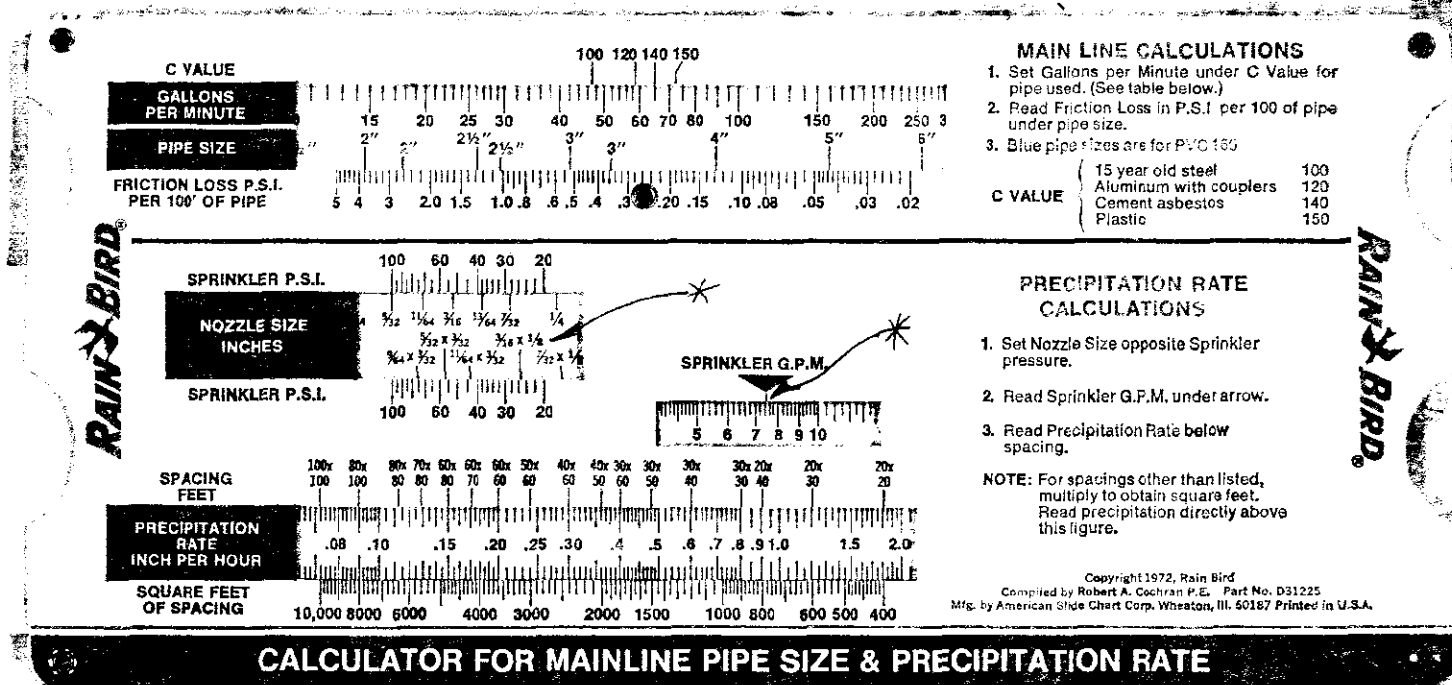
MEI
ROTH
#

#29-7582



MAILED

#29-7582



PERMIT

29-7582

Leavitt

(Name)

EXAMINATION: DATE: 7-19-83

Accompanied by: G. G. Leavitt

Motor Make	HP	Motor Serial No.	Pump Make	Pump Serial No.
Sta-Rite (Electric)	1 1/2	C48 L27B19	Sta-Rite	04F-51-3

Measuring Device Type: Pitot Gauge

Meter #

Annubar #

Size #

Remarks: Place of use 1 1/2 acres SENE

1 acre N1/2 SE

Measurement calculations:

2" 1/2

with 7 birds

3/16 N X 1/8 N

30 psi

20 psi

20 psi

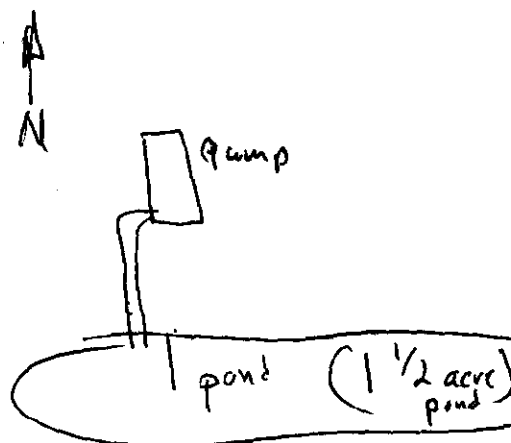
22 psi

Double Nozzle
Birds

SCHEMATIC DIAGRAM OF SYSTEM

Mainline Diameter

Length



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TWP.



**WELDING EQUIPMENT -
AND SUPPLIES**

SHEEHAN'S Pocatello Inc.

GARY LEAVITT
Co-Owner - General Manager
Stores: Burley, Pocatello & Soda Springs
(Wholesale Welding Gases)
Gas House Inc. - Idaho Falls

5th Ave. & Clark
Office Phone 232-7910

P.O. Box 4993
Pocatello, Idaho 83201

RECOMMENDED AMENTMENTS:

☐ Change P/D

☐ Change P/U

☐ ADD P/D

☐ ADD P/U

☐ NONE

☐ Other _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

STATEHOUSE
BOISE, IDAHO 83720
(208) 334-4440

LEAVITT, GERALD
RT. 4
MC CAMMON, ID 83250

JULY 29, 1981

RE: PERMIT NO. 29-7582

DEAR PERMIT HOLDER:

ENCLOSED IS A COPY OF YOUR APPROVED APPLICATION FOR PERMIT. WE DIRECT YOUR ATTENTION TO THE CONDITIONS OF APPROVAL ON THE FOURTH PAGE.

WE HAVE ENCLOSED A FORM ENTITLED "MAKING PROOF OF BENEFICIAL USE". PLEASE READ THE INSTRUCTIONS CAREFULLY SINCE YOU MUST TAKE FURTHER ACTION TO DEVELOP THIS PERMIT INTO A LICENSE.

SINCERELY,

DAVID R. TUTHILL, JR., P.E.
SUPERVISOR, WATER ALLOCATION SECTION

ENCLOSURE

MICROFILMED



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
EASTERN REGION

John V. Evans
Governor

A. Kenneth Dunn
Director

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

September 27, 1982

Gerald Leavitt
Rt. #1
McCammon, Idaho 83250

RE: Permit No. 29-7582

Dear Mr. Leavitt:

We acknowledge receipt of your statement 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.

☐ A field examination of your system has been scheduled for _____.

If this time and date is not convenient for you, please contact this office as soon as possible.

☒ A field examiner will contact you to arrange to examine your system.

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

Sincerely,

COLLEEN WRAY
Adm. Secretary

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 Perm 29-7582

Name(s) of Permit Holder: GERALD LEAVITT

Post Office Address: RT 1 MCCAMMON IDA.

Tel. No. 254-3108

Source of Water: SPRINGS AND SINKS

Extent of Use: ☐ Domestic _____ (number of households)
☐ Stockwater _____ (number and type of stock)
☒ Irrigation 12 _____ (acres)
☐ Other _____

Measuring Device: Required? ☐ Yes ☐ No Installed? ☐ Yes ☐ No

Access Port: 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.

7-8-82
Date

Gerald Leavitt
Signature of Permit Holder

RECORDED

RECEIVED

JUL 9 1982

Department of Water Resources



IDAHO DEPARTMENT OF WATER RESOURCES
STATEHOUSE
BOISE, IDAHO 83720

PLACE
TEN CENT
STAMP
HERE

State of Idaho
Department of Water Resources

APPLICATION FOR PERMIT ANALYSIS SHEET

29 7582

INITIAL REVIEW BY: KC Wilson

APPLICATION NUMBER: Leavitt

CHECK:

- ☒ Source.
☒ Point of diversion.
☒ County.
☒ Quantity of water and period of use.
☒ Description of diverting works.
☒ Time required for beneficial use of water.
☒ Place of use or acres irrigated.
☒ Map.
☒ Signature.

Field check by: _____

Date: _____

Comments: _____

- ☒ Yes ☒ No
☐ Yes ☒ No
☐ Yes ☒ No
☒ Yes ☒ No

Field check required.

Critical groundwater area.

Request dam safety information. Sent by: _____ Date: _____

In form to receipt.

*REQUEST THE FOLLOWING ADDITIONAL INFORMATION FROM THE APPLICANT: _____

OK Period of use 3/15 to 4/15

Place of use and P/O shown in T4S R36E not T3S or in 86)

SEND COPIES TO:

- ☐ Idaho State Health Department.
☐ Idaho Fish and Game Department.
☐ Idaho Department of Lands.
☐ U.S. Bureau of Land Management.
☐ U.S. Forest Service.
☐ Other _____

Copies sent by: _____ Date: _____

PROCESSING:

- ☐ Yes ☒ No
☒ Yes ☐ No
☒ Yes ☐ No
☒ Yes ☐ No

Platted by: _____ Map No. _____

Other rights on same place of use. 29-4024 ~~29-4024~~

In form for advertising.

Final date for protests: April 20 ✓

Protests received. If yes, record information on 4th page of application.

FINAL REGIONAL PROCESSING REVIEW:

- ☒ Affidavit of publication received. Date: April 16, 1981 ✓
☒ Application published correctly. If not, record action taken: _____
☒ Fee amount, receipt date & number, recorded on application.
☒ Publication dates and paper, recorded on application.
☒ Protests, dates, withdrawal, etc., recorded on application.

☒ Recommendation & initial, recorded on application.

☐ Yes ☒ No Measuring device required.

☐ Yes ☒ No Access port required.

☐ Yes ☒ No Will water be delivered by watermaster? If yes, what district? _____

3/23/81 Date of priority recommended.

Special conditions of approval or cover letter. _____

Code 20.

By: Ernest Carlson

Date: June 15, 1981

STATE OFFICE REVIEW:

5210 cord

20

☐ See attached sheet for more information.

By: Rosen

Date: 6/30/81

UNRECORDED

150 Shoup

XXXXXXXXXXXXXX

June 18, 1981

RE: Application for Permit No. 29-7582

Mr. Dick Gibson
Gibson Ranch
McCammon, Idaho 83250

Dear Mr. Gibson:

Gerald Leavitt Rt. #4 McCammon, Idaho 83250

Dear Mr. Leavitt:

Enclosed please find a copy of the Stipulation and Agreement signed at the conference held on June 11, 1981 in Pocatello. Based upon this Stipulation and Agreement, the Eastern Regional Office has forwarded the above application to our State Office for final action.

Respectfully submitted,

ERNEST CARLSEN
Sr. Resource Analyst

EC:cw

Enclosure

RECEIVED
JUN 22 1981
FBI - IDAHO

150 Shoup

XXXXXXXXXXXXXXXX

June 18, 1981

RE: Application for Permit No. 29-7582

Gerald Leavitt
Rt. #4
McCammon, Idaho 83250

Dear Mr. Leavitt:

Enclosed please find a copy of the Stipulation and Agreement signed at the conference held on June 11, 1981 in Pocatello. Based upon this Stipulation and Agreement, the Eastern Regional Office has forwarded the above application to our State Office for final action.

Respectfully submitted,

ERNEST CARLSEN
Sr. Resource Analyst

EC:cw

Enclosure

ENCLOSURE

INTER-DEPARTMENT MEMO — 1

FROM NORM

DATE 6/12/61

TO 29-7582

SUBJECT Conference Held 6/11/61

Protestant & applicant reached agreement
allow protest to be withdrawn. Eastern
will continue processing.

MICROFILMED

SIGNATURE

IN THE MATTER OF)
APPLICATION FOR)
PERMIT NO. 29-7582)
IN THE NAME OF)
GERALD LEAVITT)

STIPULATION
AND
AGREEMENT

we understand that in Idaho the first in time is the first in right. We agree that Dick Gibson has a right evidenced by claim to a water right No. 29-4024 which is prior in time to the right Gerald Leavitt is seeking under application for permit 29-7582, and that all parties involved do hereby agree to recognize Dick Gibson's earlier priority. With this understanding Dick Gibson agrees to withdraw his objection to the Department's approval of Permit 29-7582. Gerald Leavitt agrees to hereafter recognize Dick Gibson's earlier priority and will take no action that will interfere with Dick Gibson's water right.

signed at Pocatello, Idaho this
11th day of June 1980.

Dick Gibson
Gerald Leavitt
Gerald Leavitt
Gerald Leavitt

RECORDED

CONFERENCE

APPLICATION FOR PERMIT 29-7582

APPLICANT GERALD LEAVITT

DATE: JUNE 11, 1981

9:30 AM

APPLICANT REPRESENTED BY Gerald Leavitt
PROTESTANT " " Dick Gibson

Applicant - needs to water some
horse pasture & some trees
will irrigate 2.5 acres

water sinks below applicants'
Property and spring flow picks
up above protestant property

Send Copies of agreement to
Parties

MINUTEN

29-7582 - Gerald Leavitt

CONFERENCE ROOM, POCA TELLO MUNICIPAL AIRPORT, POCA TELLO, IDAHO

Thursday, June 11, 1981 (9:30 a.m.)

ROSTER OF ATTENDANCE

Hearing Officer Norm Young

Name R Carlson Address _____ Representing _____

Gerald Leavitt
Marilyn Leavitt
Rick Nelson
Karen Fur Gibson

RECEIVED
JUN 11 1981
MED

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR)
PERMIT NO.29-7582 IN THE NAME OF)
Gerald Leavitt) STIPULATION & AGREEMENT
)

BY THIS STIPULATION, the undersigned parties to the above-captioned case waive compliance with the requirements of Idaho Code, Section 67-5211, including the right to a proposed decision, to file exceptions to a proposed decision and to present briefs and oral arguments to the Director of the Department of Water Resources and agree that the Director may render a final decision in this case without first submitting a proposed decision.

Dated this _____ day _____, 19____.

RECEIVED

PS Form 3811, Jan. 1979

SENDER: Complete items 1, 2, and 3.
Add your address in the "RETURN TO" space on reverse.

1. The following service is requested (check one.)
☒ Show to whom and date delivered.....
☐ Show to whom, date and address of delivery.....
☐ RESTRICTED DELIVERY
 Show to whom and date delivered.....
☐ RESTRICTED DELIVERY.
 Show to whom, date, and address of delivery \$ ____

(CONSULT POSTMASTER FOR FEES)

2. ARTICLE ADDRESSED TO:
Gerald Hewitt
Route # 4
McCammon, Idaho 83250

3. ARTICLE DESCRIPTION:
 REGISTERED NO. CERTIFIED NO. INSURED NO.
 _____ *17188* _____
 (Always obtain signature of addressee or agent)

I have received the article described above.
 SIGNATURE ☐ Addressee ☐ Authorized agent
Gerald Hewitt

DATE OF DELIVERY
5-29-81

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE:

#29-7582

★GPO : 1979-300-459

PS Form 3811, Jan. 1979

SENDER: Complete items 1, 2, and 3.
Add your address in the "RETURN TO" space on reverse.

1. The following service is requested (check one.)
☒ Show to whom and date delivered.....
☐ Show to whom, date and address of delivery.....
☐ RESTRICTED DELIVERY
 Show to whom and date delivered.....
☐ RESTRICTED DELIVERY.
 Show to whom, date, and address of delivery \$ ____

(CONSULT POSTMASTER FOR FEES)

2. ARTICLE ADDRESSED TO:
Dick Gibson
Gibson Ranch
McCammon, Idaho 83250

3. ARTICLE DESCRIPTION:
 REGISTERED NO. CERTIFIED NO. INSURED NO.
 _____ *17189* _____
 (Always obtain signature of addressee or agent)

I have received the article described above.
 SIGNATURE ☐ Addressee ☐ Authorized agent
Dick Gibson

DATE OF DELIVERY
5-30-81

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE:

#29-7582

★GPO : 1979-300-459

UNITED STATES POSTAL SERVICE

OFFICIAL BUSINESS

SENDER INSTRUCTIONS

- Print your name, address, and ZIP Code in the space below.
- Complete items 1, 2, and 3 on the reverse.
 - Attach to front of article if space permits, otherwise affix to back of article.
 - Endorse article "Return Receipt Requested" adjacent to number.

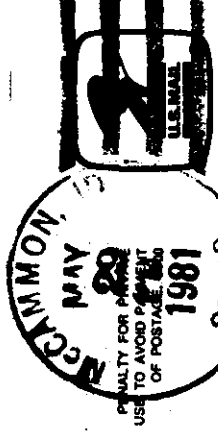
RETURN TO



Department of Water Resources
Eastern District Office

JUN 1 1981

RECEIVED



DEPARTMENT OF WATER RESOURCES
EASTERN DISTRICT OFFICE
150 SHOUP AVE.
IDAHO FALLS, IDAHO 83401

(Name of Sender)

(Street or P.O. Box)

(City, State, and ZIP Code)

UNITED STATES POSTAL SERVICE

OFFICIAL BUSINESS

SENDER INSTRUCTIONS

- Print your name, address, and ZIP Code in the space below.
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RETURN TO



Department of Water Resources
Eastern District Office

JUN 1 1981

RECEIVED



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EASTERN DISTRICT OFFICE
150 SHOUP AVE.
IDAHO FALLS, IDAHO 83401

(Name of Sender)

(Street or P.O. Box)

(City, State, and ZIP Code)

PS Form 3877, Sept. 1979

ACCEPTANCE OF REGISTERED, INSURED, C.O.D. AND CERTIFIED MAIL

NAME AND ADDRESS OF SENDER		DEPARTMENT OF WATER RESOURCES EASTERN DISTRICT OFFICE 150 SHOUP AVE. IDAHO FALLS, IDAHO 83401		Indicate type of mail ☐ Registered ☐ Insured ☐ COD ☐ Certified		I certify that we have ☐ Commercial Insurance ☐ A deductible clause of \$		Affix stamp here if issued as certificate of mailing or for additional copies of this bill. POSTMARK AND DATE OF RECEIPT						
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
NUMBER OF ARTICLE	NAME OF ADDRESSEE, STREET, AND POST-OFFICE ADDRESS	POSTAGE	FEE	Handling Charge	Actual Value (If Registered)	DUE SENDER IF C.O.D.	R. R. FEE	S.D. FEE	S. H. FEE	REST. DEL. FEE	REMARKS			
1	17176 Cheida School District #351 Malad Id.	18	75							60				15-7067
2	17177 Reed M. Smith, Malad Id.	18												"
3	17178 U.S. Forest Service 324 25th St. Garden, Utah	18												15-7071 13-7283
4	17179 Gurth Thomas Route #1 Malad Id.	18												15-7071
5	17180 David Deschamps Route #1 Malad Id.													"
6	17181 Edward L. Scott 44 Main Street Malad Id.													"
7	17182 Malad Valley Irrigation Co. 4000 S. Dredge Malad Id.													15-7075
8	17183 Jerry Conley P.O. Box 25 Boise, Ida													"
9	17184 Bill Davidson 636 Pershing Bonanza, Idaho													"
10	17185 Michael R. Smith for Reed Smith P.O. Box 183 Malad Id.													17-7075
11	17186 Kent Smith Holbrook Route Malad, Id.													"
12	17187 Steve Reel Stone, Id.													"
13	17188 Gerald Lealitt Route #4 McCammon, Idaho												✓	29-7552
14	17189 Dick Gibson Gibson Ranch McCammon Idaho												✓	"
15	17190 Don W. Gilbert P.O. Box 257 Grace, Idaho													13-7301
TOTAL NUMBER OF PIECES LISTED BY SENDER 15		TOTAL NUMBER OF PIECES RECEIVED AT POST OFFICE 15		POSTMASTER, PER (Name of receiving employee) <i>[Signature]</i>		The full declaration of value is required on all domestic and international registered mail. Commercial Insurance—Payment of the full registry fee is required on articles valued up to \$1,000 or the full amount of the deductible if the deductible exceeds \$1,000. The maximum indemnity payable is \$25,000 for registered mail, \$400 for COD and \$400 for insured mail. Special handling charges apply only to third- and fourth-class parcels. Special delivery service also includes special handling service.								

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

IN THE MATTER OF APPLICATION FOR)
PERMIT NO. 29-7582 IN THE NAME)
OF GERALD LEAVITT)

NOTICE OF HEARING
&/OR CONFERENCE

On March 23, 1981, Gerald Leavitt filed with the Department of Water Resources an application to appropriate the public waters of the State of Idaho. On April 7, 1981, the Department received a protest against approval of said application from Dick Gibson.

The Department has set the matter of protest for hearing for Thursday, June 11, 1981, at 9:30 a.m. in the Conference Room of the Pocatello Municipal Airport, Pocatello, Idaho. The hearing will be held in accordance with provisions of Chapters 2 and 17, Title 42, and Chapter 52, Title 67, 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. A pre-hearing conference may be held beginning at the above set time and prior to the hearing.

In accordance with Idaho Code, Section 42-203, the following issues are involved in the consideration of the application and protest(s):

1. Will the proposed use reduce the quantity of water under existing water rights?
2. Is the proposed water supply insufficient for the purpose 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?
5. Will the proposed use conflict with the local public interest?

NOTIFIED

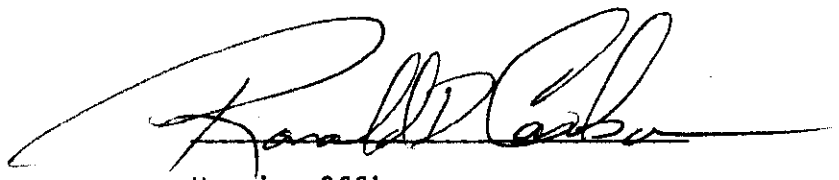
Any party may request in writing five (5) days before any hearing that the oral proceedings thereof be taken in the form of stenographic notes at the expense of the requesting party. Any party may have such stenographic notes of the oral proceedings, or part thereof, transcribed at his own expense. A taped record of the proceedings will be maintained for the appeal period.

If the hearing is conducted by a hearing officer appointed by the Director, rather than the Director himself, a proposed decision will be submitted to the parties and the parties may be afforded an opportunity to file exceptions to the proposed decision and present briefs and oral arguments to the Director prior to the issuance of a final decision by the Director. This procedure is required by Idaho Code, Section 42-1701A.

The parties by written stipulation may waive their right to a proposed decision, however, the failure of either party to waive a proposed decision will not prejudice the Director's review of a party's evidence and arguments. However, such a waiver will shorten the decision-making process and may expedite substantially the issuance of a final decision. Whether compliance with Section 42-1701A is waived will not affect a party's right to petition for a rehearing of the final decision pursuant to Rule 11 of the Department's Rules of Practice and Procedure or affect a party's right to appeal the final decision to the district court.

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

Dated this 28th day of May, 1981.


Hearing Officer

MICROFILMED

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

IN THE MATTER OF APPLICATION FOR)
PERMIT NO. 29-7582 IN THE NAME)
OF GERALD LEAVITT)

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MICROFILMED

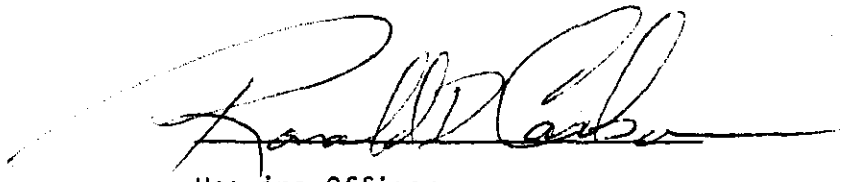
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Dated this 28th day of May, 1981.


Hearing Officer

RECORDED



Protest - Dick Gibson - water has been used on Gibson Ranch &
Gibson Ranch was filed on by Ross Gibson.
McCommon, Idaho

NOTE: Claim 29-4024 - filed by Ross Gibson with a
priority of 5-1-1949 for 2 cfs from unnamed stream.
P.O.D. the same as Heavitt application.

MICROFILMED

April 13, 1981

Gerald Leavitt
Rt. #4
McCammon, Idaho 83250

Dear Mr. Leavitt:

Enclosed is a copy of a protest filed against the issuance of a permit pursuant to your Application No. 29-7582. The Department suggests you contact the protestant directly in an effort to determine the nature of the protest and to attempt to resolve the protest.

If you do not advise us within twenty (20) days that the protest has been resolved, the matter will be scheduled for conference and/or hearing. At such a conference and/or hearing, the following are the principle items the Department can consider in either approving or denying the 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 purpose 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?
5. Will the proposed use under this permit conflict with the local public interest?

If this office can be of further assistance, please contact us.

Very truly yours,

RONALD D. CARLSON
Eastern Regional Supervisor

RDC:cw:kw

Enclosure

cc: IDWR - State Office

RECEIVED
APR 14 1981

April 13, 1981

Gerald Leavitt
Rt. #4
McCammon, Idaho 83250

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Very truly yours,

RONALD D. CARLSON
Eastern Regional Supervisor

RDC:cw:kw

Enclosure

cc: IDWR - State Office

April 13, 1981

RE: Application for Permit No. 29-7582 LEAVITT

Dick Gibson
Gibson Ranch
McCammon, Idaho 83250

Dear Mr. Gibson

Your protest against the approval of the above referenced application has been received and a copy has been sent to the applicant. The Department suggests you contact the applicant directly in an effort to determine what is proposed by the application and to attempt to resolve the protest.

If you do not advise us within twenty (20) days that the protest has been resolved, the matter will be scheduled for conference and/or hearing. At such a conference and/or hearing, the following are the principle items the Department can consider in either approving or denying an application for permit (Section 42-203, Idaho Code):

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Very truly yours,

RONALD D. CARLSON
Eastern Regional Supervisor

RDC:cw:kw

cc: IDWR - State Office

April 13, 1981

RE: Application for Permit No. 29-7582 LEAVITT

Dick Gibson
Gibson Ranch
McCammon, Idaho 83250

Dear Mr. Gibson:

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If this office can be of further assistance, please contact us.

Very truly yours,

RONALD D. CARLSON
Eastern Regional Supervisor

RDC:cw:kw

cc: IDWR - State Office

RECEIVED

RECEIVED

APR 7 1981

Department of Water Resources
Eastern District Office

McCammom

Idaho

April 3-1981

Dear Sir

We want to ~~protest~~^{protest}
water permit 29-9582

We have used this
water ~~for~~ years to
water part of our
Meadow.

IN 1973 or 1974
Ross Gibson Filed on
that water I don't
know if it was ever
Approved or not

But that water
has been used on
our ground since in
the 1940's

RECEIVED

Dick Gibson
Gibson Ranch
McCammom Id

that pond is on
ground that we
owned then sold
to Don Astlet But
Retained the water
on it

MICROFILMED

that pond is on
ground that we
cleared then sold
to Don Astlet But
Retained the water
on it

RECEIVED

APR 7 1981

Department of Water Resources
Eastern District Office

McCammom

Idaho

April 3 1981

Dear Sir

We want to ~~protect~~^{protest}
water permit 29-9589
We have used this
water for years to
water part of our
Meadow.

IN 1973 or 1974
Ross Gibson Filed on
that water I don't
know if it was ever
Approved or not

But that water
has been used on
our ground since in
the 1940's

Rick Gibson
Gibson Ranch

MICROFILMED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Eastern Region

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

MARCH 27, 1981

Idaho State Journal
P. O. Box 431
Pocatello, Idaho 83201

Gentlemen:

Enclosed you will find a legal notice which we wish to have published on the dates indicated (once a week for two consecutive weekly issues) in your newspaper. We have allowed ample time for you to submit a galley proof to this office for review before the first publication date. If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Your cooperation is appreciated.

Please send the affidavit of publication and publication billing to this office before APRIL 20, 1981.

Yours truly,

RONALD D. CARLSON
Supervisor
Eastern Region

Encl.

MICROFILMED

NOTICE OF APPLICATION FOR WATER RIGHT

Notice is hereby given that the following application(s) have been submitted for permit to appropriate the public waters of the State of Idaho:

MICROFILMED

If issued, the permit(s) will be subject to all prior water rights. Protests against the granting of any permit must be filed with the Director of the Idaho Department of Water Resources, 150 Shoup Ave., Idaho Falls, Idaho 83401 on or before APRIL 20, 1981.

C. STEPHEN ALLRED

Director

Published 4/02 & 4/09/81.

29-2582-

LEAVITT, GERALD

RT. 4, MC CAMMON, ID 83250

Source: SPRINGS tributary to SINKS

Date Filed: 03/23/1981

Amount: 0.05 CFS

Diversion Point: NESE Sec 03 T 09S R 36E, BANNOCK Co.

Use: IRRIGATION (0.05 CFS) from 04/01 to 11/01

Place of Use: NESE Sec 03 T 09S R 36E FOR 3 ACRES

Diversion Means: PUMP & PIPELINE.

MICROFILMED