

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

License of Water Right No. 29-7128 Priority May 15, 1973 Amount 0.10 cfs

THIS IS TO CERTIFY, that GALE B. NEVILLE
of American Falls, Idaho, has complied with the terms and conditions of Permit
No. 29-7128 issued pursuant to Application for Permit dated May 15, 1973,
and has submitted proof to the Department of Water Resources on June 25, 1976,
that he has applied water to a beneficial use; an examination by the Department indicates that the works have a
capacity for the diversion of 0.10 cfs of water from Cedar Lake Creek,
tributary to Cedar Lake, and that the permit holder has applied to a beneficial use and
established a right to use water as follows:

Beneficial Use	Period of Use	Rate of Diversion	Annual Volume
<u>Irrigation</u>	from <u>April 1</u> to <u>November 1</u>	at <u>0.10</u> cfs and <u>7 acre feet</u>	
	from _____ to _____	at _____ cfs and _____	
	from _____ to _____	at _____ cfs and _____	

(both dates inclusive)

Subject, however, to the condition that no more than 0.10 cfs of water be diverted at any one time, and
that the amount of water so diverted and to which such right is entitled and confirmed is for the purpose
aforementioned and is limited to the amount which can actually be beneficially used and shall not exceed
7 acre feet per year, said waters to be diverted within the NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 12, Twp. 7S,
Rge. 34E, B. M. in the County of Bannock

Description and location of place of use:

Twp.	Range	Sec.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				Totals
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
7S	34E	12													2				2

Total number of acres irrigated 2

NOTE: 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.

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

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 20 day of
February, 19 79.

Director

MICROFILMED

29 7128

Identification No. _____

Application No. _____

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 Gale B. Neville,
 post office address American Falls, Idaho 83211
2. Source of water supply Cedar Lake Creek which is a tributary of Cedar Lake
3. a. Location of point of diversion is Lot # 7, Block # 1, Cedar Lake Subdivision
Bannock County, Idaho (in NW 1/4 Sec. 12 T7S, R34E.B.M.)
 Range _____ B.M. _____ County; additional points of diversion if any: _____
None
- b. If water is not consumed, it will be discharged into Cedar Lake Creek at a point in NW 1/4 1/4
 of SE 1/4 of Section 12 Township 7S Range 34E B.M. _____
4. Water will be used for the following purposes:
 Amount 0.2 cfs for irrigation purpose from Apr 1 to Nov 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. 0.2 cubic feet per second and/or
 b. omit acre feet per annum.
6. Proposed diverting works:
 a. Description of ditches, flumes, pumps, headgates, etc. Headgate and ditch in north-
westerly corner of Lot # 7 in Block # 1 of the Cedar Lake Subdivision
- b. Height of storage dam _____ feet, active reservoir capacity _____ acre feet; total reservoir
 capacity _____ acre feet, materials used in storage dam: _____
 Period of year during which storage will occur _____ to _____ inclusive.
(Mo. Day) (Mo. Day)
- c. Proposed well diameter is _____ inches; proposed depth of well is _____ feet.
7. a. Time required for the completion of the works and application of the water to the proposed beneficial use
 is 3 years.
 b. Estimated construction cost is \$ 100.00.
8. Description of proposed uses:
 a. If water is **not** for irrigation:
 (1) Give the place of use of water: _____ 1/4 of _____ 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: _____

29 7128

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	
7S	34E	12	see attached subdivision plat, attached hereto																2.0 acres

Total number of acres to be irrigated 2.0

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

9. a. Who owns the property at the point of diversion Applicant

b. Who owns the land to be irrigated or place of use Applicant

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

10. Remarks Applicant desires to use the a portion of the waters of Cedar Lake Creek which flow through his land to irrigate his lawn, garden and pasture. The waters of this creek have been so applied to this property for a number of years but applicant desires by this filing to protect this water right, since the former owner has now died.

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

SEE ATTACHED PLAT ATTACHED HERETO

R 34 E

T 7 S 12

*  Point of diversion
AND PLACE OF USE

PCY
5/17/73

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.

Gale B. Neville
(Applicant)

29 7128

Received by ha Date 5/17/73 Time 10:30 A
 Preliminary check by NCY Fee \$ 10.00
 Receipted by ha Date 5/17/73 Receipt # 7197
 Publication prepared by ha Date 5/10/73
 Published in Idaho State Journal, Pocatello
 Publication dates 5-24+31-73
 Publication approved NCY Date 6/11/73
 Priority ~~reduced to~~ 5/15/73 Reason ---

Protests filed by: _____

Copies of protests forwarded by _____

Hearing held by _____ Date _____

Recommended for approval denial by NCY pgs

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. 29-7128, 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 August 1, 1976.
- c. Other: The volume of water diverted under this permit shall not exceed 3.5 acre feet per acre or 7 acre feet per year.

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

Witness my hand this 6th day of July, 19 73.

P. Kirk Higin
 Director

DEPARTMENT OF WATER ADMINISTRATION
- STAFF ANALYSIS -

Item	Initial	Date	
(1)	NCY	5/12/73	Application No. <u>29-7128</u> Name <u>Neville</u>
(2)	"	"	Check: ☒ Signature ☒ Point of Diversion ☒ Quantity of Water and Period of Use - <u>Per. > 0.08 cfs</u> ☒ Description of Diverting Works ☒ Time required for C/W and application of water to B/U ☒ Place of Use ☒ Map ☒ Fee ☒ <u>County</u>
(3)	"	"	Send copies to: ☐ Idaho State Health Department ☒ <u>N.A.</u> Idaho Fish and Game Department ☐ Bureau of Land Management
(4)	"	"	☐ Request Special Use Permit from U.S.F.S. ☒ <u>N.A.</u> Request Easement from B.L.M.
(5)	"	"	In form for advertising <u>Yes</u>
(6)	BA	6-01-73	Affidavit of Publication received <u>6-01-73</u>
(7)			Final date for protests <u>6-11-73</u> Protests received: yes _____ no <u>X</u>
(8)			Date and Place of hearing <u>N.A.</u> Decision reached at hearing <u>N.A.</u>
(9)	NCY	5/12/73	Located within Water District No. <u>N.A.</u>
(10)	"	"	Critical groundwater area: yes _____ no <u>N.A.</u>
(11)	"	"	Groundwater levels: ☐ Decline (comment) _____ ☐ Stable (comment) <u>N.A.</u> ☐ Increasing (comment) _____
(12)	"	"	Comments: <u>Pocatello 15' QUAD DOES NOT show Cedar Lake. Cedar Lake maybe manmade AND Cedar Lake CR may not be subject to approp.</u>
(13)	NCY	7/3/73	Suggest prepermit exam. Action recommended: ☒ Approve ☐ Deny Priority <u>5/15/73</u> Reason for Reduction _____ ☒ See attached sheet for conditions of approval ☐ No conditions for approval
(14)			District <u>E</u> By <u>NCY</u> Date <u>7/3/73</u> Title <u>D.</u>

RECEIVED

JUL 5 1973

RECOMMENDED

CONDITIONS OF APPROVAL

- ☐ A measuring device of a type approved by this Department shall be permanently installed and maintained as part of the diverting works.
- ☐ Measuring devices of a type approved by this Department shall be permanently installed and maintained at the point of diversion and the point of effluent discharge.
- ☐ Use of water under this permit is supplemental to all existing water rights with the same purpose and place of use.
- ☐ Maximum rate of diversion shall not exceed _____ c.f.s.
- ☐ Settling ponds shall be installed which are capable of reducing the silt load in the return water to such a level that the quality of the waters of _____ Creek will not be impaired for other beneficial uses.
- ☐ Return water shall be treated to insure that the effluent meets (interstate) (intrastate) stream water quality standards.
- ☐ Use of water under this permit is subject to control by the watermaster of State Water District No. _____, _____ River.
- ☐ The proposed well shall not be drilled within _____ feet of another well.
- ☐ The issuance of this permit in no way grants any right-of-way or easement across the land of another person.
- ☐ The permit shall not be assigned or sold without first securing the written approval of the Department of Water Administration.
- ☐ This permit cannot be assigned, mortgaged, or conveyed without complying with Section 42-208, Idaho Code.
- ☒ Other: The volume of water diverted under this permit shall not exceed 3.5 acre-feet/acre or 7 acre-feet per year.

PROOF OF PUBLICATION

RECEIVED

JUN 1 1973

STATE OF IDAHO
County of Bannock

ss.

Department of Water Administration
Eastern District Office

Arleen Turner

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:

May 21	, 19.73	, 19.....
May 31	, 19.73	, 19.....
.....	, 19.....	, 19.....
.....	, 19.....	, 19.....
.....	, 19.....	, 19.....

That said paper has been continuously and uninterruptedly pub-
lished 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.

Arleen Turner

Subscribed and sworn to before me this.....31st.....

day of.....May....., 19.73

Della L. Sanford

Notary Public, State of Idaho
Residence: Pocatello, Idaho

May 21
No. 2

PROOF OF PUBLICATION

STATE OF IDAHO
County of Bannock

ss.

NOTICE OF APPLICATION FOR WATER PERMIT

Notice is hereby given that Gale B. Neville, American Falls, Idaho has on 5-15-73 submitted Application No. 29-7128 for a permit to appropriate 0.2 cubic feet per second of water from Cedar Lake Creek, tributary of Cedar Lake by means of head-gate and ditch within the NW 1/4 SE 1/4, Sec. 12, T. 7S, R. 34E, B.M., Bannock County; to be used from Apr. 1 to Nov. 1 for the irrigation of 2 acres within the NW 1/4 SE 1/4, Sec. 12, T. 7S, R. 34E, 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 Administration, 240 South Holmes, Idaho Falls, Idaho, 83401 on or before June 11, 1973.

R. KEITH HIGGINSON
Director
May 24, 31, 1973
No. 289

Arden Turner

being first duly sworn on oath deposes and says: That one 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:

May 21, 1973 19.....
May 31, 1973 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.

Arden Turner

Subscribed and sworn to before me this 31st day of May, 1973

Notary Public, State of Idaho
Residence: Pocatello, Idaho

PROOF OF PUBLICATION

RECEIVED

STATE OF IDAHO
County of Bannock

ss.

JUN 1 1973

Department of Water Administration
Eastern District Office

Arleer Turner

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
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therein.

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to-wit:

May 21, 1973, 19

May 31, 1973, 19

, 19, 19

, 19, 19

, 19, 19

That said paper has been continuously and uninterruptedly pub-
lished 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.

Arleer Turner

Subscribed and sworn to before me this 31st

day of May, 1973

William L. Gifford

Notary Public, State of Idaho
Residence: Pocatello, Idaho

PROOF OF PUBLICATION

STATE OF IDAHO
County of Bannock

ss.

NOTICE OF APPLICATION FOR WATER PERMIT

Notice is hereby given that Gale B. Neville, American Falls, Idaho has on 5-15-73 submitted Application No. 29-7128 for a permit to appropriate 0.2 cubic feet per second of water from Cedar Lake Creek, tributary of Cedar Lake by means of head-gate and ditch within the NW 1/4 SE 1/4, Sec. 12, T. 78, R. 34E, B.M., Bannock County; to be used from Apr. 1 to Nov. 1 for the irrigation of 2 acres within the NW 1/4 SE 1/4, Sec. 12, T. 78, R. 34E, 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 Administration, 240 South Holmes, Idaho Falls, Idaho, 83401 on or before June 11, 1973.

R. KEITH HIGGINSON
Director

May 24, 31, 1973
No. 289

Arlean Turner

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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:

May 21, 1973, 19
May 31, 1973, 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.

Arlean Turner

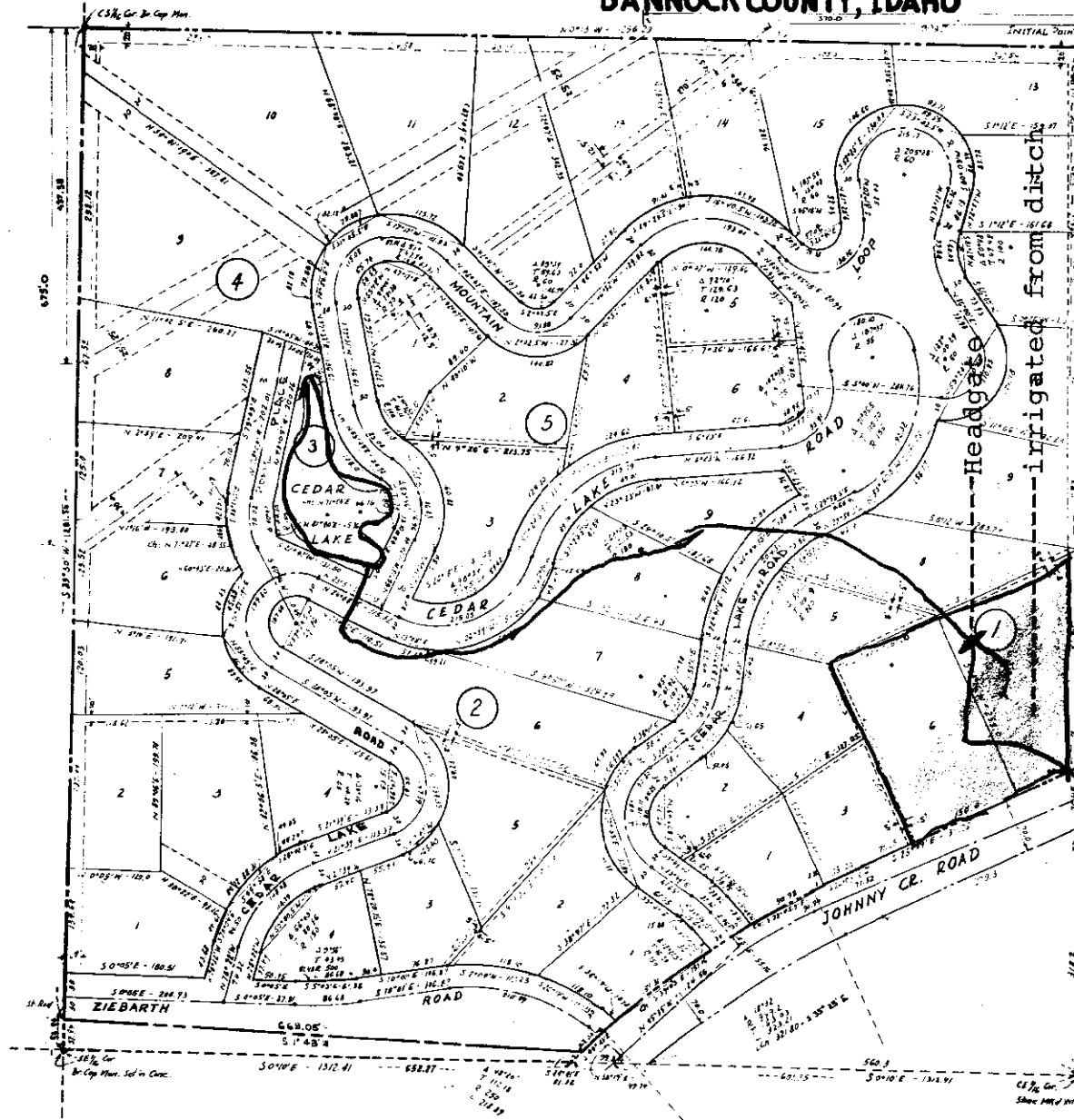
Subscribed and sworn to before me this 31st day of May, 1973.

Notary Public, State of Idaho
Residence: Pocatello, Idaho

CEDAR LAKE SUBDIVISION

A SUBDIVISION IN NW 1/4 SE 1/4 SEC. 12, T7S, R. 34E, BM.

BANNOCK COUNTY, IDAHO



LEGEND: ———— PROPERTY LINE
 - - - - - EASEMENT LINE
 --- 1/4" x 3/4" STEEL PIN

ALL LOT CORNERS MARKED WITH 1/4" x 3/4" STEEL PINS

FILED
 INSTRUMENT NO. 443039
 TIME 10:55 A.M. DATE DECEMBER 22, 1965
 BOOK X PAGE 13
 RECORDS OF BANNOCK COUNTY, IDAHO

SARAH DEVANEY
 COUNTY RECORDER

FEB 5-68 BY CLARICE K. MITCHELL
 AT REQUEST OF FARRELL J. JONES DEPUTY

BANNOCK COUNTY

I, L. LYSTRAUP, CHAIRMAN OF THE BOARD OF COMMISSIONERS OF BANNOCK COUNTY, IDAHO, DO HEREBY CERTIFY THAT THE ACCOMPANYING PLAT OF CEDAR LAKE SUBDIVISION WAS ACCEPTED AND APPROVED BY RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF BANNOCK COUNTY, IDAHO, ON THIS 22 DAY OF DECEMBER, 1965.

IN WITNESS WHEREOF I HAVE SET MY HAND AND OFFICIAL SEAL THIS 22 DAY OF DECEMBER, 1965.

ATTEST: SARAH DEVANEY L. LYSTRAUP
 COUNTY CLERK CHAIRMAN
 BY CLARICE K. MITCHELL BOARD OF COUNTY COMMISSIONERS
 DEPUTY

ENGINEER

I, JAMES A. HIGGINS, A REGISTERED PROFESSIONAL ENGINEER OF THE STATE OF IDAHO, DO HEREBY CERTIFY THAT A SURVEY WAS MADE UNDER MY DIRECTION OF THE PREMISES DESCRIBED IN THE OWNERS' CERTIFICATE. I FURTHER CERTIFY THAT THE PLAT UPON WHICH THIS CERTIFICATE APPEARS WAS MADE UNDER MY DIRECTION AND THAT SAID PLAT SHOWS THE WHOLE OF THE DESCRIBED LAND, THE SAME NOW KNOWN AS CEDAR LAKE SUBDIVISION IN BANNOCK COUNTY, IDAHO, AND THAT SAID PLAT CORRECTLY REPRESENTS THE LOTS AND BLOCKS AS MARKED UPON THE GROUND AND THAT THE PERTINENT PROVISIONS OF THE STATUTES OF THE STATE OF IDAHO HAVE BEEN COMPLIED WITH.

JAMES A. HIGGINS
 JAMES A. HIGGINS, IDAHO LICENSE #456

STATE OF IDAHO COUNTY OF BANNOCK

ON THE 2ND DAY OF AUGUST 1965, BEFORE ME, A NOTARY PUBLIC IN AND FOR THE STATE OF IDAHO, PERSONALLY APPEARED JAMES A. HIGGINS, KNOWN TO ME TO BE THE PERSON THAT EXECUTED THE CERTIFICATE HEREON AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME. IN WITNESS WHEREOF I HAVE HEREUNTO SET MY HAND AND OFFICIAL SEAL THIS 2ND DAY OF AUGUST 1965.

MY COMMISSION EXPIRES: 15/JANUARY 1970
 MARCH 18, 1969 NOTARY PUBLIC - RESIDING AT
 POCATELLO, IDAHO

SEAL

CEDAR LAKE SUBDIVISION
IN NW 1/4 SE 1/4 SEC. 12, T7S, R. 34E, BM.
BANNOCK COUNTY, IDAHO
JAMES A. HIGGINS, ENGINEER
SCALE: 1" = 100' DATE: 6-27-65

While this is a scale reproduction of the recorded plat, this company assumes no liability for variations, if any, with a re-survey.
THE POCATELLO TITLE CO., INC.
 Serving all of Bannock County

29 7128

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Statehouse
Idaho 83720

Department of Water Resources

FEB 26 1980

RECEIVED

3

MOVED, LEFT NO ADDRESS

Gale B. Neville
Rt. 3, Box 365
Johnny Cr. Rd.
Pocatello, ID 83201

*Can't find address
current address*



State of Idaho
DEPARTMENT OF WATER RESOURCES
STATE OFFICE, 373 W. Franklin Street, Boise, Idaho

JOHN V. EVANS
Governor

C. STEPHEN ALLRED
Director

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 384-2215

February 21, 1979

Re: Permit No. 29-7123

Gale B. Neville
Rt. 3, Box 365
Johnny Cr. Rd.
Pocatello, ID 83201

Dear Mr. Neville:

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

Sincerely,

JAN GROVER
Water Rights Supervisor

JG/kw
Enclosure

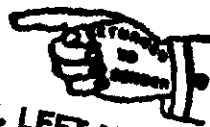
STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Statehouse
Boise, Idaho 83720

Department of Water Resources

FEB 7 1979

RECEIVED

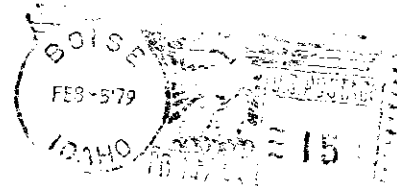
3



MOVED, LEFT NO ADDRESS

Gale B. Neville
Rt. 3, Box 365
Johnny Cr. Rd.
Pocatello, ID 83201

*assessors office has
same address*





STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

John V. Evans
Governor

C. Stephen Allred
Director

Statehouse
Boise, Idaho 83720
(208) 384-2215

January 19, 1979

Re: 29-7128

Gale B. Neville
American Falls
Idaho 83211

Re-sent 2-5-79

Dear Mr. Neville:

A representative of this Department made an examination of the works covered by your Permit No. 29-7128 on July 22, 1976, and has found the following:

Amount of water that can be recognized as beneficially used under
Idaho law: 0.10 cfs Source: Cedar Lake Creek

The maximum quantity diverted shall not exceed 7 acre feet per
year.

Point of diversion: NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 12, Twp. 7S, Rge. 34E, B. M.

Beneficial use: Irrigation of 2 acres within the NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 12,
Twp. 7S, Rge. 34E, B. M.

Priority date established: May 15, 1973

If you do not concur with these findings please contact us within 10 days, otherwise a water license will be issued as set forth above.

Sincerely,

JAN GROVER
JAN GROVER
Water Rights Supervisor

JG/kw

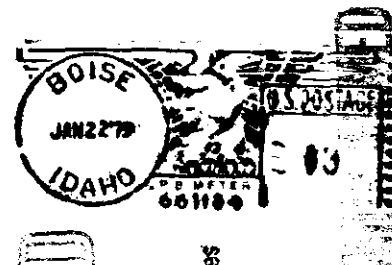
MICROFILMED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Statehouse
Boise, Idaho 83720

**PRESORTED
FIRST-CLASS**

Gale B. Neville
American Falls,
Idaho 83211


**NOT DELIVERABLE
AS ADDRESSEE
UNABLE TO FORWARD**



RECEIVED

JAN 24 1979

Department of Water Resources



STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

John V. Evans
Governor

C. Stephen Allred
Director

Statehouse
Boise, Idaho 83720
(208) 384-2215

January 19, 1979

Re: 29-7128

Gale B. Neville
American Falls
Idaho 83211

*Pt. 3, Box 365
Johnny Cr. Rd.
Pocatello. 83201
2-5-79*

Dear Mr. Neville:

A representative of this Department made an examination of the works covered by your Permit No. 29-7128 on July 22, 1976, and has found the following:

Amount of water that can be recognized as beneficially used under Idaho law: 0.10 cfs Source: Cedar Lake Creek

The maximum quantity diverted shall not exceed 7 acre feet per year.

Point of diversion: NW~~1~~SE~~1~~, Sec. 12, Twp. 7S, Rge. 34E, B. M.

Beneficial use: Irrigation of 2 acres within the NW~~1~~SE~~1~~, Sec. 12, Twp. 7S, Rge. 34E, B. M.

Priority date established: May 15, 1973

If you do not concur with these findings please contact us within 10 days, otherwise a water license will be issued as set forth above.

Sincerely,

JAN GROVER
Water Rights Supervisor

JG/kw

MICROFILMED

DEPARTMENT OF WATER ADMINISTRATION
FIELD REPORT

RECEIVED

1. Name of permit holder Gale B. Neville JUL 16 1976
Post office address Rt. 3, Box 365, Johnny Cr. Rd., Pocatello Department of Water Resources
Eastern District Office
Person to contact _____ Phone _____

2. Source of water supply: Groundwater ☐ Surface water ☒ Cedar Lake Cr.
(name spring, stream, etc.)
Tributary to Cedar Lake

3. Water will be used for the following purposes:

Amount 0.20 c.f.s. for Irrigation
_____ AF/Annum (nature of use)

Period of Use: from April 1 to Nov. 1
(mo.-day) inclusive (mo.-day)

Amount _____ c.f.s. for _____
_____ AF/Annum (nature of use)

Period of Use: from _____ to _____
(mo.-day) inclusive (mo.-day)

Amount _____ c.f.s. for _____
_____ AF/Annum (nature of use)

Period of Use: from _____ to _____
(mo.-day) inclusive (mo.-day)

Other uses: _____

Permit No. 29-7128
Examination for b/u

4. Total amount to be appropriated:

Max Rate of Diversion 0.20 cubic feet per second and annual volume _____ AF/Annum.

5. Location of Point(s) of Diversion:

Township 7S N/S, Range 34E E/W, B.M., Section 12, Subdivision NW $\frac{1}{4}$ SE $\frac{1}{4}$, Bannock County
Township _____ N/S, Range _____ E/W, B.M., Section _____, Subdivision _____ $\frac{1}{4}$ _____ $\frac{1}{4}$, _____ County
Township _____ N/S, Range _____ E/W, B.M., Section _____, Subdivision _____ $\frac{1}{4}$ _____ $\frac{1}{4}$, _____ County

Other Points of Diversions: _____

Description of diverting works: 2 6" headgates in North westerly corner of Lot 7,
Block 1 of the Cedar Lake Subdivision. Ditch

Measuring device required: yes ☐ no ☒

6. Lands to be irrigated or place of use.

TWP.	RANGE	SEC.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTALS
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
7S	34E	12													2				2

TOTAL ACREAGE 2

T
7
S

12
*

Diagram of System

REFER TO ENCLOSED LOT MAP FOR CEDAR LAKE SUBDIVISION, EMC
22 July 1976.

DATE OF EXAM 22 July, 76

ACREAGE
Found 2.0 AC
Recommended 2.0 AC.

Irrigation Requirement 3.5 Ac Ft/Ac

USE
Irrigation Q = 0.10 c.f.s. V = 7.0 AF/Ann. from APRIL 1 to NOV 1
Domestic Q = _____ c.f.s. V = _____ AF/Ann. from _____ to _____
Livestock Q = _____ c.f.s. V = _____ AF/Ann. from _____ to _____

Is water co-mingled? yes _____ no ☒

Name source: _____
twp. _____ N/S, Rge _____ E/W, B.M., Sec. _____, Sub. _____ 1/4 _____ 1/4 _____ County _____

Exchange? yes _____ no ☒

Name source exchanged with: _____
twp. _____ N/S, Rge _____ E/W, B.M., Sec. _____, Sub. _____ 1/4 _____ 1/4 _____ County _____

Point of injection: N/A
twp. _____ N/S, Rge _____ E/W, B.M., Sec. _____, Sub. _____ 1/4 _____ 1/4 _____ County _____

Point of exchange: N/A
twp. _____ N/S, Rge _____ E/W, B.M., Sec. _____, Sub. _____ 1/4 _____ 1/4 _____ County _____

Total Q measured 5.15 cfs. Method of measurement n/a

Total Q recommended 0.10 cfs Meter No. n/a Type n/a Condition n/a

Total V recommended 7.0 AF/Ann.

Recommended Amendments:

P.D. _____
Place of Use _____
Other _____
None ☒

MEASUREMENT CALCULATION:

Filled a 5.45 gal bucket in 7 seconds. $Q = \frac{5.45 \text{ gal}}{7 \text{ sec}} \times \frac{168 \text{ sec}}{1 \text{ min}} = 126.79 \text{ gpm}$
 $126.79 \text{ gpm} \div 448.8 \text{ gpm/cfs} = .10 \text{ cfs}$
 $V = 3.5 \times 2 = 7.0 \text{ AF/Ann.}$ ENC 1/17/77

SYSTEM DESCRIPTION:

APPLICANT RECEIVES WATER FROM CEDAR LAKE VIA A SMALL IRRIGATION DITCH, (SEE DIAGRAM ON PLAT MAP). FLOOD IRRIGATES LAND BUT IS PRESENTLY CONVERTING TO SPRINKLER. RATE OF DIVERSION CAN BE INCREASED BY ADJUSTING SCREW GATE ON DOWN STREAM SIDE OF DAM.

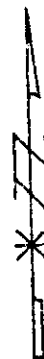
REMARKS:

EXAMINATION WAS CONDUCTED IN THE PRESENCE OF GALE McVICK.
NOTE: APPLICANT WAS GRANTED 0.20 cfs ON FLOOD DUE TO IRRIGATION REQUIREMENTS DETERMINED BY SCS.

Examiner's Signature Ernest M. Carlson Date 1/17/77
Checked by Anthony R. Kizlowski Date 2/16/77
Approved by _____ Date _____

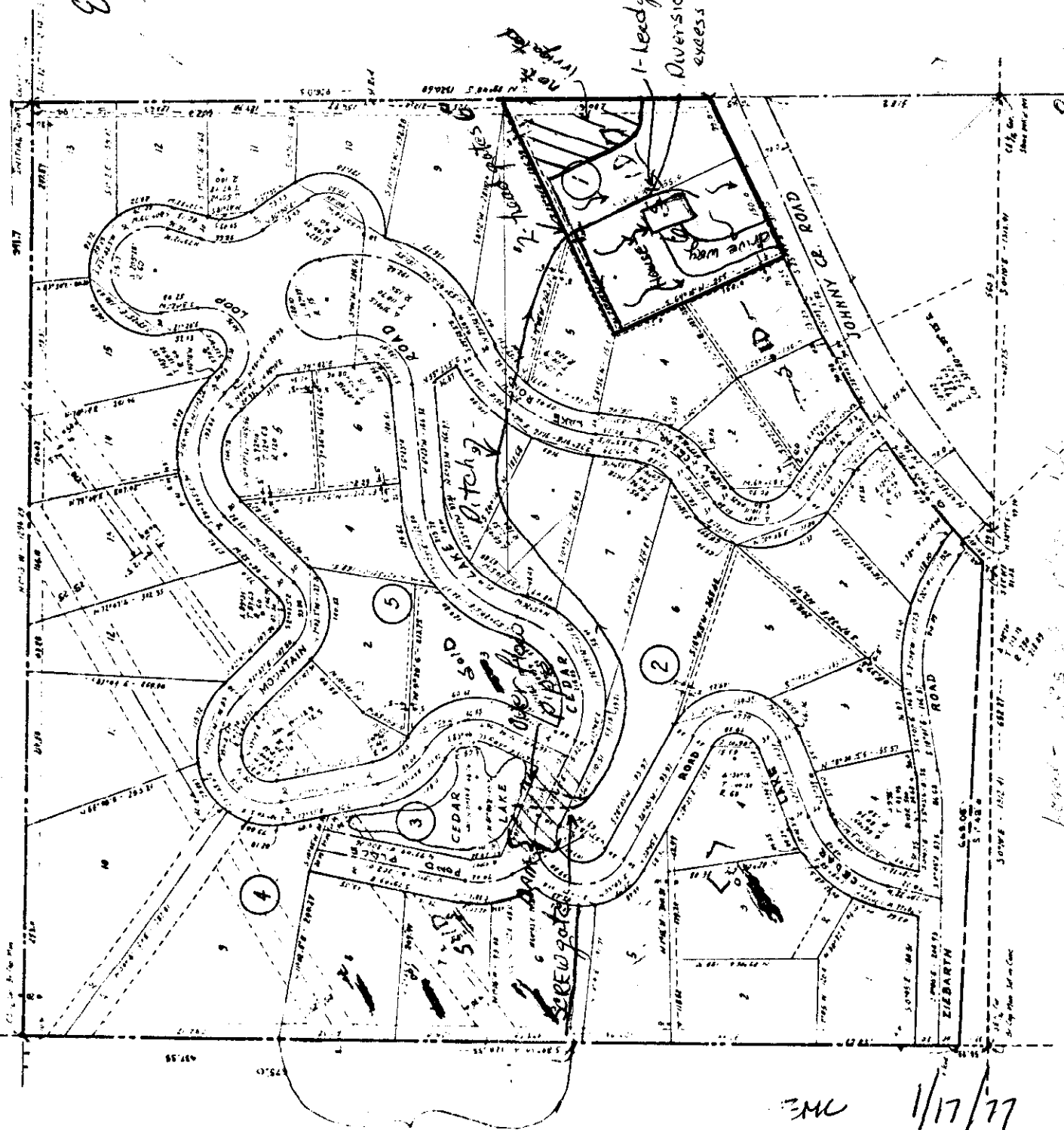
CEDAR LAKE SUBDIVISION **A SUBDIVISION IN NW¼ SE¼ SEC. 12, T7S, R. 34E, B1M.** **BANNOCK COUNTY, IDAHO**

While this map is a photographic reproduction of that on file in either the recorder's or surveyor's office, the Company assumes no liability for variation, if any, with another or re-survey.



EMC 1976
 22 July

1-leadgate. 6"
 Diversion for
 excess water.



EMC

11/17/77

July 14, 1976

Re: Permit No. 29-7128

Gale B. Neville
Route 3, Box 365, Johnny Cr. Rd.
Pocatello, Idaho 83201

Dear Mr. Neville:

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

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

If you have any questions concerning the field exam, please contact our District Office in Idaho Falls.

Sincerely,

D. Darlene Reich
Water Rights Supervisor

DDR:JG

RECEIVED

Identification No. 29-7128

Permit No. RECEIVED

JUN 1973

Department of Water Resources *OKj*

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

PROOF OF APPLICATION OF WATER TO BENEFICIAL USE

1. a) Name of Permit Holder Gale B. Neville
b) Post Office Address RT. #3 - Box 365 - Johnny Creek Rd., Pocatello, Idaho 83211
2. Permit Number _____
3. Date of Priority that you are prepared to establish 5-15-73
4. a) Source from which water was appropriated Cedar Lake Creek Cedar Lake Subdivision
b) Location of the point of diversion: Lot #7 1/4 Block #1 1/4, Section
Township Bannock County, Idaho, Range 1N NW 7 SE 4 Sec. 12 T75 R34 E. B. M. Boise Meridian, Other points of diversion: None
5. a) The amount of water and use to which the water has been applied:
Amount 0.2 cfs for irrigation purposes from Apr. 1 to Nov. 1 incl.
(cfs and/or acre-feet per annum) (Month-Day) (Month-Day)
Amount _____ for _____ purposes from _____ to _____ incl.
(cfs and/or acre-feet per annum) (Month-Day) (Month-Day)
Amount _____ for _____ purposes from _____ to _____ incl.
(cfs and/or acre-feet per annum) (Month-Day) (Month-Day)
b) Total amount appropriated 0.2 cfs and/or acre-feet per annum
c) Describe how and by whom measurement of rate of flow or amount of storage was made and the qualifications of the person making the measurement: MEASUREMENT WAS MADE BY 4" PIPE. THE AMOUNT OF TIME IT TOOK TO FILL 5 GAL. CAN. ASC OFFICE TOLD ME TO DO THIS.
6. If the means of diversion and conveyance are owned by someone other than the Permit Holder:
a) Give the name or description of the canal, ditch or other works by which the water is conducted to the place of use:

b) Describe the agreement or understanding by which you take water from the works:

7. a) Briefly describe the works for diverting and conveying the water to the place of use, (if from a subterranean source, give the pump size, motor size, size of well casing, depth of well; if from surface water, give brief description of diversion structure and/or canal or ditch) _____
b) Describe the type and size of measuring device which you have installed at your point of diversion: I HAVE INSTALLED 2 SIX INCH HEADGATES IN NORTH-WESTERLY CORNER OF LOT #7 IN BLOCK #1 OF THE CEDAR LAKE SUBDIVISION. DONE EXTENSIVE WORK ON DITCH AND MADE NECESSARY REQUIREMENTS.
c) Give well driller's name and address and the date the well was completed: _____
8. If for other than irrigation, describe the beneficial use to which you have applied the water and the place of use: _____

Exam typed 13-73 by J

MICROFILMED

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

T	R	SEC.	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	

Total number of acres irrigated 2

10. Remarks: I desire to use a portion of the
waters of Cedar Lake Creek which flow through
my land to irrigate my lawn, garden and pasture.
The waters of this creek have been so applied
for over 75 years. I filed on this water to protect this
water right. The former owner is now dead.
The above information is a true statement of the extent to which the above numbered permit has been developed.

6-24-75
(Date)

Caleb B. Neville
(Signature)

State of Idaho)
) ss.
County of BANNOCK)

On this 24th day of JUNE, 1976, personally appeared before me
the signer(s) of the above instrument, who duly acknowledged to me that he (she) (they) executed the same.

Larry E. Jensen
Notary Public residing at Pocatello, Idaho

My commission expires February 16, 1980

June 1, 1976

CERTIFIED MAIL

138643

Re: Permit No. 29-7128

Gale B. Neville
American Falls,
Idaho 83211

Dear Mr. Neville:

One of the conditions of approval of your water Permit No. 29-7128 (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 AUGUST 1, 1976. 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.

R. Keith Higginson

R. KEITH HIGGINSON
Director

RKH:jg
Enc: Proof affidavit

RECEIVED

July 6, 1973

Re: Permit No. 29-7128

Mr. Gale B. Neville
American Falls,
Idaho 83211

Dear Mr. Neville:

Enclosed is a copy of your approved Application for Permit No. **29-7128**. We direct your attention to the conditions of approval as listed on the fourth page.

Sincerely,

BOBBY D. FLEENOR
Assistant Director

BDF:cd

Enclosure

29 7128

CONVERSATION MEMORANDUM

DATE 7/3/73FILE 29-7128NAME OF PARTY Oscar Arnstein, SCSEMPLOYEE NCY

RE: I called the SCS to get a clarification on the rate of flow they would recommend because the evaluation by Boyd C. Cook was not specific.

Mr Arnstein indicated that for most efficient irrigation the applicant should be allowed to take the whole stream, measured at about 10 inches, for the necessary time. He went on record as recommending that the permit be issued for 10 inches.

Therefore, I recommend the permit be issued for 0.20 cfs and that the volume per year be limited even on the permit to 3.5 A-F/ACRE or 7A-F/YR.

Schou and Cavaness

ATTORNEYS-AT-LAW
P. O. Box 38
American Falls, Idaho
83211

L. R. SCHOU
BEN CAVANESS

JUL 2 1973

TELEPHONE (208)
226-2562 or 226-2563

June 29, 1973

Mr. Norman C. Young
District Engineer
Dept. of Water Admin.
240 South Holmes Ave.
Idaho Falls, Idaho 83401

Re: Gale Neville Application

Dear Mr. Young:

Enclosed is a statement from Mr. Boyd C. Cook regarding the above referenced application. You may either restrict the permit to .04cfs continuous flow or amend the same to provide .2 cfs on a part time basis.

Very truly yours,

SCHOU & CAVANESS


Ben Cavaness

BC:mh

Encl.

29 7128

JUL 2 1973

INVENTORY & EVALUATION

* { INDIVIDUAL
GROUP
UNIT-OF-GOVERNMENT

Department of Water Administration
Eastern District Office

REQUESTED BY Gale Neville

LOCATION Pocatello, Idaho

ASSISTED BY Boyd C. Cook

DATE 6-1-73

SITUATION: In reviewing the information you gave Lloyd Bradshaw at our office,
Monday, June 11, I believe the following information is correct. Your water
right is 0.02 cfs/ac which is equal to one inch per acre continuous flow. You
want to know if this is adequate to irrigate your two acres.

SUGGESTED SOLUTION(S): If you used this water to sprinkle your two acres, it
would be adequate. If you flood irrigate, this would not be enough water to
handle efficiently. Two inches of water is a pretty small stream to flood
irrigate with as it is too small of a stream to successfully spread over the
land. It would be more advantageous to have a larger stream and only use it
part of the time.

29 7128

CONVERSATION MEMORANDUM

DATE

6/15/28

FILE

29-7128

NAME OF PARTY

GALE R. Neville

EMPLOYEE

NCY

RE:

Mr. Neville called & asked that
permit not be issued for the reduced
amount. SCS could not get out
immediately to look @ the system
but would do so in the near future.
I agreed to hold off for several
weeks.

Mr. Neville assured me that this
is not a new mode channel.

May 17, 1973

Re: Application No. 29-7128 - Gale B. Neville

Idaho State Journal
Box 431
Pocatello, ID 83201

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.

An affidavit of publication must be submitted to the Department along with the publication bill. In order to receive payment, the following certification must appear on the bill:

"I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid."

(signature of claimant)

Very truly yours,

NORMAN C. YOUNG
District Engineer

Bill submitted 6-01-73 by BA

NCY:BA
Enc: Legal notice

29 7128

mk
**NOTICE OF APPLICATION
FOR WATER PERMIT**

Notice is hereby given that Gale B. Neville, American Falls, Idaho has on 5-15-73 submitted Application No. 29-7128 for a permit to appropriate 0.2 cubic feet per second of water from Cedar Lake Creek, tributary of Cedar Lake by means of headgate and ditch within the NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 12, T. 7S, R. 34E, B.M., Bannock County; to be used from Apr. 1 to Nov. 1 for the irrigation of 2 acres within the NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 12, T. 7S, R. 34E, 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 Administration, 240 South Holmes, Idaho Falls, Idaho, 83401 on or before June 11, 1973.

R. KEITH HIGGINSON

Director

May 24, 31, 1973
No. 289

29 7128

NOTICE OF APPLICATION FOR WATER PERMIT

Notice is hereby given that Gale B. Neville, American Falls, Idaho

has on 5/15/73 submitted Application No. 29-7128
for a permit to appropriate 0.2 cubic feet per second ~~XXXXXX~~
of water from Cedar Lake Creek, tributary of Cedar Lake
by means of headgate and ditch
within the NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 12, T. 7S, R. 34E, B.M., Bannock County;

to be used from Apr. 1 to Nov. 1
for the irrigation of 2 acres

within the NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 12, T. 7S, R. 34E, 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 Administration, 240 South Holmes, Idaho Falls, Idaho, 83401 on or before June 11, 1973.

R. KEITH HIGGINSON

Director

Published in the Idaho State Journal, Pocatello, Idaho
on May 24 and May 31, 1973

29 7128

NCY

May 17, 1973

Mr. Ben Cavaness
Schou & Cavaness
Attorneys-at-Law
P.O. Box 38
American Falls, ID 83211

Dear Mr. Cavaness:

Attached herewith is departmental receipt No. 7197 in the amount of \$10 for the application for permit we received in the name of Gale B. Neville.

The Idaho Code limits the rate of diversion for irrigation purposes to .02 c.f.s. per acre. It is indicated on the application that the applicant will be irrigating two acres; thus, the maximum rate of diversion for this application would be 0.04 c.f.s., unless we are provided with written justification for the higher rate requested. A higher rate of diversion can be justified by unusual soil conditions or irrigation systems. We accept as adequate justification statements to this effect from the Soil Conservation Service or other soil experts.

If we do not hear from you within thirty (30) days of the date of this letter concerning this matter, we will reduce the quantity of water to be appropriated to 0.04 c.f.s.

Very truly yours,

NORMAN C. YOUNG
District Engineer

NCY:BA

29 7128

Attachment

INTER-DEPARTMENT MEMO — 1

FROM Darlene

TO Eastern District

SUBJECT Application for Permit--Gale B. Neville

DATE May 15, 1973
RECEIVED
MAY 17 1973

Department of Water Administration
Eastern District Office

Attached please find the above subject application along with Check #92159 for \$10.00. *in safe*

As the quantity of water requested is questionable, did not want to receipt the fee here.

29 7128

dr

SIGNATURE

L. R. SCHOU
BEN CAVANESS

Schou and Cavaness

ATTORNEYS-AT-LAW
P. O. Box 38
American Falls, Idaho
83211

RECEIVED

TELEPHONE (208)
226-2562 or 226-2563

MAY 15 1973

May 14, 1973

Dr.

Mr. James Booker
Appropriations Examiner
Department of Water Administration
Statehouse Annex #2
Boise, Idaho 83707

Re: Gale B. Neville

Dear Mr. Booker:

Enclosed is a check for \$10.00 and the original of an Application for Permit for .02 cfs from Cedar Lake Creek in Bannock County. Please examine the enclosed and file for record if all is in order.

Very truly yours,

SCHOU & CAVANESS

Ben Cavaness
Ben Cavaness

BC:mh

Encl.

29 MAY 1973