



State of Idaho

DEPARTMENT OF WATER RESOURCES

Northern Region, 7600 N. Mineral Drive, Suite 100 • Coeur d'Alene, Idaho 83815

Phone: (208) 762-2800 • Fax: (208) 762-2819 • Web Site: www.idwr.idaho.gov

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

April 27, 2009

Leibold Living Trust
1029 Vale Rd
Harvard, ID 83834

RE: Instream Stock Diversion No's 87-10066, 87-10067 and 87-10068
Notice of Diversion for Instream Stockwater Use

Dear Applicant:

The Department of Water Resources acknowledges receipt of the water right notice you submitted under Section 42-113(3), Idaho Code. Please refer to the above referenced number in all future correspondence regarding this notice.

If exceptions to the notice are filed you will be sent a copy of the exceptions(s).

The filing of the notice does not confirm the validity of the water right. It will serve to record and preserve the information, including any exceptions, regarding the notice.

Please note that the diversion described in your notice may occur only if the following conditions are met.

- The water is diverted from a surface water source to a trough or tank through an enclosed water delivery system.
- The water delivery system is equipped with an automatic shutoff or flow control mechanism or includes a means for returning unused water to the surface water source through an enclosed delivery system, and the system is designed and constructed to allow the rate of diversion to be measured.
- The diversion is from a surface water source to which the livestock would otherwise have access and the watering tank or trough is located on land from which the livestock would have access to the surface water source from which the diversion is made.
- The diversion of water out of the stream in this manner does not injure other water rights.
- The use of the water diverted is for watering livestock.
- The bed and banks of the source shall not be altered as that term is defined in section 42-3802, Idaho Code, except that an inlet conduit may be placed into the source in a manner that does not require excavation or obstruction of the stream channel, unless additional work is approved by the Director of the Department of Water Resources.

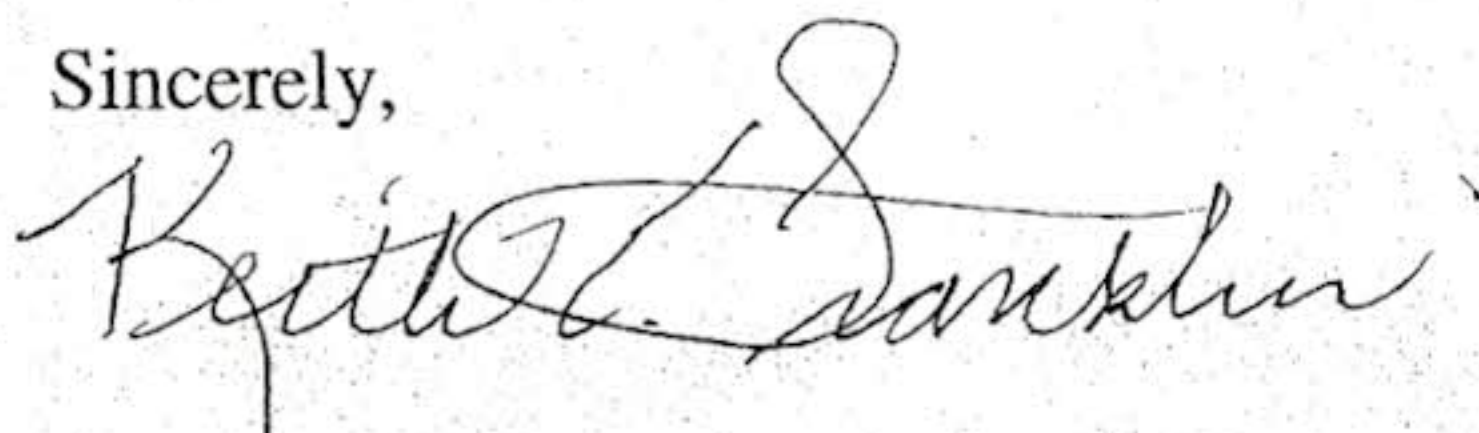
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- Each right when combined with the other two cannot exceed 90 head of mixed stock.
- The amount of water diverted for watering of livestock shall not exceed thirteen thousand (13,000) gallons per day.

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

We are enclosing a copy of the notice for your records. Please feel free to contact this office if you have any questions.

Sincerely,



Keith E. Franklin
Senior Water Resources Agent

Enclosure

CC: Steven Spencer
United States Forest Service
161 E Mallard Dr #110
Boise ID 83706

Fred Price
USDI, BLM Idaho State Office
1387 S Vinnell Way
Boise ID 83709-1657

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Ident No. 81-10048STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

NOTICE OF DIVERSION FOR INSTREAM STOCKWATER USE

(To provide notice of intent to divert surface water from a stream or riparian area to troughs or tanks for the watering of livestock)

1. Name of Right Holder Leibold Living Trust Phone 208 875-8844
Mailing address 1029 Vale Rd Harvard ID 83834
2. Source of water supply Palouse river tributary to Snake River
3. Point of diversion is in Gov't. Lot 1/4 NW 1/4 SW 1/4, Section 10, Township 41N Range 3W, B.M., Latah County County.
4. Description of diversion and delivery system:

- a) Describe the type of diversion: withdrawal of water from river with pump and pipeline to be put in storage tank and delivered to troughs
- b) Describe the delivery system: pump with 2" discharge going to 8000 gal storage tank, water will then feed to troughs
- c) Describe the number, type and total capacity of troughs or tanks 1 steel or plastic 8000 gal tank, 2 troughs 350 gal ea
- d) Describe the automatic shutoff or flow control mechanism or means of Returning unused water to the source: float valves on troughs from tank, gate valve on tank
- e) Describe how the system is designed to allow measurement of the rate of diversion: no specific measuring device will be used. The maximum rate of withdrawal will be 8000 gal over a 2 to 4 hr period. No more than the needed amount will be used
5. Describe the place of use by placing an X in the appropriate 40-acre tract(s) below:

TWP	RGE	SEC	NE				NW				SW				SE			
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE
41N	3W	10							X		X	X						
41N	3W	9													X			

6. Priority date claimed or established: 1900
7. Rate of diversion: 0.25 cfs no more than 0.25 cfs during withdrawal 2 to 4 hr period throughout the season

Y900

8. Season of use: From beg May to end October
9. a) Who owns the property at the point of diversion? Leibold Living Trust
b) Who owns the property at the place of use? Leibold Living Trust
10. When will construction occur? when pumping needs to be done
11. Comments: I would like this to be somewhat
portable to move as the cattle move

I hereby assert the following:

- a) Diversion is from a surface water source to which the livestock would otherwise have access. The land where the watering tanks or troughs will be located is land from which the livestock had access to the source of water from which diversion is being made.
- b) The diversion of water out of the stream as described in this notice is for watering livestock and will not injure other water rights.
- c) I will not alter the bed and banks of the source as the term is defined in section 42-3802, Idaho Code. I understand that I may place an inlet conduit into the source in a manner that does not require excavation or obstruction of the stream channel, unless the director of the department of water resources approves a stream channel alteration permit for additional work.
- d) I understand that upon determination of interference with other water rights, the Director may order curtailment of diversion or use of water under this notice or may require the diversion and delivery system to be modified to prevent injury.
- e) I will not divert more than 13,000 gallons per day for livestock watering from this diversion, and I will not use more than one point of diversion under this notice.
- f) I am authorized to make the changes described in this notice and that if the notice involves a federal grazing allotment, the permittee consents to the changes described in this notice.
- g) I understand that any willful misrepresentation on this notice will void any right to divert water for livestock under this notice.

Dated this 9th day of April, 2009

Bruce Leibold trustee
Right Holder or Authorized Representative

FOR DEPARTMENT USE

Received by cm Date 4-13-09 Preliminary check by _____
Fee: \$ 25.00 Receipted by cm Receipt No. NO 20287 Date 4-13-09
Water District No. _____ Entered into data base _____ By _____