

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT
To appropriate the public waters of the State of Idaho

Ident. No.

74-16242
RECEIVED
JUL 17 2020
Department of Water Resources
Eastern Region

1. Name of applicant(s) Rockwell D Smith, Beverly A Smith Phone 208-756-6413
 Name connector (check one): ☐ and ☐ or ☒ and/or
 Mailing address 400 Withington Creek Rd City Salmon
 State ID ZIP 83467 Email rockwelldsmith@gmail.com
2. Name of representative, if any _____ Phone _____
 Mailing address _____ City _____
 State _____ ZIP _____ Email _____
- a. ☐ Send all correspondence for this application to the representative and not to the applicant OR
☐ Send original correspondence to the applicant and copies to the representative.
- b. ☐ The representative may submit information for the applicant but is not authorized to sign for the applicant OR
☐ The representative is authorized to sign for the applicant. Attach a Power of Attorney or other documentation.
3. Source of water supply Spring which is a tributary of Withington Creek

4. Location of point(s) of diversion:

Twp	Rge	Sec	Govt Lot	1/4	1/4	1/4	County	Source	Local name or tag #
20N	23E	19			SE	NE	Lemhi	spring	

5. Water will be used for the following purposes:

Amount 0.04 for Domestic purposes from 01/01 to 12/31 (both dates inclusive)
 (cfs or acre-feet per year)

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

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

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

6. Total quantity to be appropriated is (a) 0.04 cubic feet per second (cfs) and/or (b) _____ acre-feet per year (af).

7. Proposed diverting works:

- a. Describe type and size of devices used to divert water from the source. developed spring, 2 inch polyline reduced to 1 inch to place of use
- b. Height of storage dam _____ feet; active reservoir capacity _____ acre-feet; total reservoir capacity _____ acre-feet. If the reservoir will be filled more than once each year, describe the refill plan in item 12. For dams 10 feet or more in height AND having a storage capacity of 50 acre-feet or more, submit a separate [Application for Construction or Enlargement of a New or Existing Dam](#). Application required? ☐ Yes ☐ No
- c. Proposed well diameter is _____ inches; proposed depth of well is _____ feet.
- d. Is ground water with a temperature of greater than 85°F being sought? ☐ Yes ☐ No
- e. If well is already drilled, when? _____; drilling firm _____;
 well was drilled for (well owner) _____; Drilling Permit No. _____

For Department Use

Received by _____ Date _____ Time _____ Preliminary check by _____
 Fee \$ 100.00 Received by Cash Receipt No. E046120 Date 7/20/2020

74-16242


8. Description of proposed uses (if irrigation only, go to item 9):
- Hydropower; show total feet of head and proposed capacity in kW. _____
 - Stockwatering; list number and kind of livestock. _____
 - Municipal; must complete and attach the [Municipal Water Right Application Checklist](#).
 - Domestic; show number of households 1 camp trailer and 1 drinking fountain
 - Other; describe fully. _____
9. Description of place of use:
- If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
 - If water is used for other purposes, place a symbol of the use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.


TWP	RGE	SEC	NE				NW				SW				SE				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
20N	23E	19				D													
20N	23E	20						D											

Total number of acres to be irrigated: _____

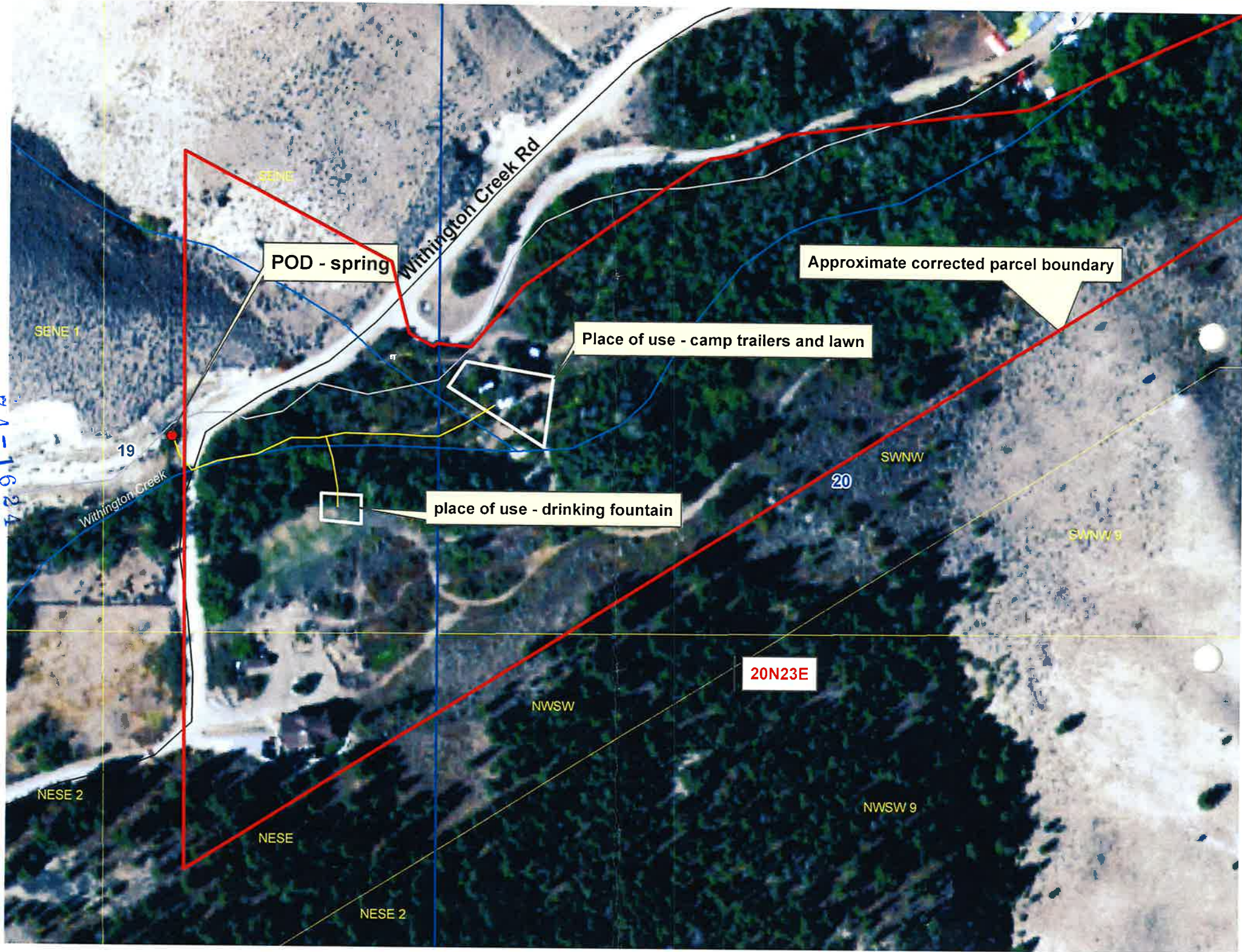
10. Describe any other water rights used for the same purposes as described above. Include water delivered by a municipality, canal company, or irrigation district. If this application is for domestic purposes, do you intend to use this water, water from another source, or both, to irrigate your lawn, garden, and/or landscaping? none
11. a. Who owns the property at the point of diversion? C Lynn Thomas
- 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: consent agreement
12. Describe your proposal in narrative form, and provide additional explanation for any of the items above. Attach additional pages if necessary. Developed spring to camp trailer site and drinking fountain. Line runs under road in the creek culvert. **NOTE** county parcel layer is incorrect. Parcel layer shown correctly on map and recent survey attached.
13. Time required for completion of works and application of water to proposed beneficial use is 1 years (minimum 1 year).
14. **MAP OF PROPOSED PROJECT REQUIRED** - Attach an 8½" x 11" map or maps clearly identifying the proposed point of diversion, place of use, section #, township & range. The map scale shall not be less than two (2) inches equal to one (1) mile.

The information contained in this application is true to the best of my knowledge. I understand that any willful misrepresentations made in this application may result in rejection of the application or cancellation of an approval.


 Signature of Applicant
Rockwell D. Smith
 Print Name (and title, if applicable)


 Signature of Applicant
Beverly A. Smith
 Print Name (and title, if applicable)

24-1624



Charles Lynn and Heather S. Thomas
Box 215
Salmon, Idaho 83467
208-756-2841

June 28, 2020

We hereby grant Rockwell D. Smith access to his developed spring that originates on our property, with access through the gate to the country road, for the purpose of maintenance of said spring.

Charles Lynn Thomas
Heather S. Thomas

74-10242

RECORD OF SURVEY

LOCATED IN HES 138, SECTIONS 19 AND 20, T. 20 N., R. 23 E.,
BOISE MERIDIAN, LEMHI COUNTY, IDAHO

PARCEL "A" BINNING'S PROPERTY

A parcel of land located in H.E.S. 138, Sections 19 and 20, T. 20 N., R. 23 E., Boise Meridian, Lemhi County, Idaho, more particularly described as follows:

Beginning at Corner 7 of H.E.S. 138 from which Corner 6 of said H.E.S. bears S 00°09'04" E 1430.05 ft., the Basis Of Bearing of this description, run thence N 58°03'01" E along the line between Corners 7 and 6 of said H.E.S. a distance of 1148.68 ft. to a point on an existing fence;

Thence S 23°50'01" E a distance of 1030.55 ft. to a point at a fence intersection;
Thence the following courses and distances along an existing fence:
S 65°09'41" W 417.23 ft.; S 80°53'05" W 259.26 ft.;
S 81°45'52" W 31.58 ft.; S 67°55'10" W 65.09 ft.;
S 80°09'56" W 35.69 ft.; S 55°03'15" W 268.96 ft.;
S 40°35'58" W 97.79 ft.; S 84°29'27" W 39.93 ft.;
S 56°51'05" W 6.06 ft.; N 61°50'11" W 33.04 ft.;

Thence N 14°24'06" W a distance of 87.64 ft.;
Thence N 63°19'33" W a distance of 276.81 ft. to a point on the line between Corner 6 and 7 of said H.E.S.;
Thence N 00°09'04" W along said line a distance of 569.48 ft. to the POINT OF BEGINNING.

PARCEL CONTAINS 26.16 ACRES

SUBJECT TO and TOGETHER WITH: A 30 ft. wide easement for ingress and egress along the following described centerline:

Commencing at Corner 7 of said H.E.S. 138, run thence S 23°45'13" E a distance of 865.20 ft. to a point on the centerline of an existing drive on the boundary between Binning and Smith properties and the POINT OF BEGINNING;

Thence the following courses and distances along said centerline:
N 76°08'27" W 61.36 ft.; N 49°58'09" W 45.11 ft. to a point on the centerline of Whittington Creek Road and the point of terminus.

PARCEL "B" SMITH'S PROPERTY

A parcel of land located in H.E.S. 138, Sections 19 and 20, T. 20 N., R. 23 E., Boise Meridian, Lemhi County, Idaho, more particularly described as follows:

Commencing at Corner 7 of H.E.S. 138 from which Corner 6 of said H.E.S. bears S 00°09'04" E 1430.05 ft., the Basis Of Bearing of this description, run thence S 00°09'04" E along the line between Corners 7 and 6 of said H.E.S. a distance of 569.48 ft. to the POINT OF BEGINNING;

Thence S 62°19'33" E a distance of 276.81 ft.;
Thence S 14°24'06" E a distance of 87.64 ft. to a point on an existing fence;
Thence the following courses and distances along said existing fence:
S 61°50'11" E 33.04 ft.; N 56°51'05" E 6.06 ft.;
S 84°29'27" E 39.93 ft.; N 40°35'58" E 97.79 ft.;
N 55°03'15" W 268.96 ft.; N 80°09'56" E 35.69 ft.;
N 67°55'10" W 65.09 ft.; N 81°45'52" E 31.58 ft.;
N 83°53'05" E 259.26 ft.;

Thence S 11°21'31" W a distance of 268.43 ft. to Corner 5 of said H.E.S.;
Thence S 58°03'20" W on the line between Corners 5 and 6 of said H.E.S. a distance of 1373.61 ft. to Corner 6 of said H.E.S.;
Thence N 00°09'04" W on the line between Corners 6 and 7 of said H.E.S. a distance of 869.57 ft. to the POINT OF BEGINNING.

PARCEL CONTAINS 13.64 ACRES

SUBJECT TO and TOGETHER WITH: A 30 ft. wide easement for ingress and egress along the following described centerline:

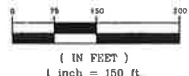
Commencing at Corner 7 of said H.E.S. 138, run thence S 23°45'13" E a distance of 865.20 ft. to a point on the centerline of an existing drive on the boundary between Binning and Smith properties and the POINT OF BEGINNING;

Thence the following courses and distances along said centerline:
N 76°08'27" W 61.36 ft.; N 49°58'09" W 45.11 ft. to a point on the centerline of Whittington Creek Road and the point of terminus.

APPROVED

JUL 30

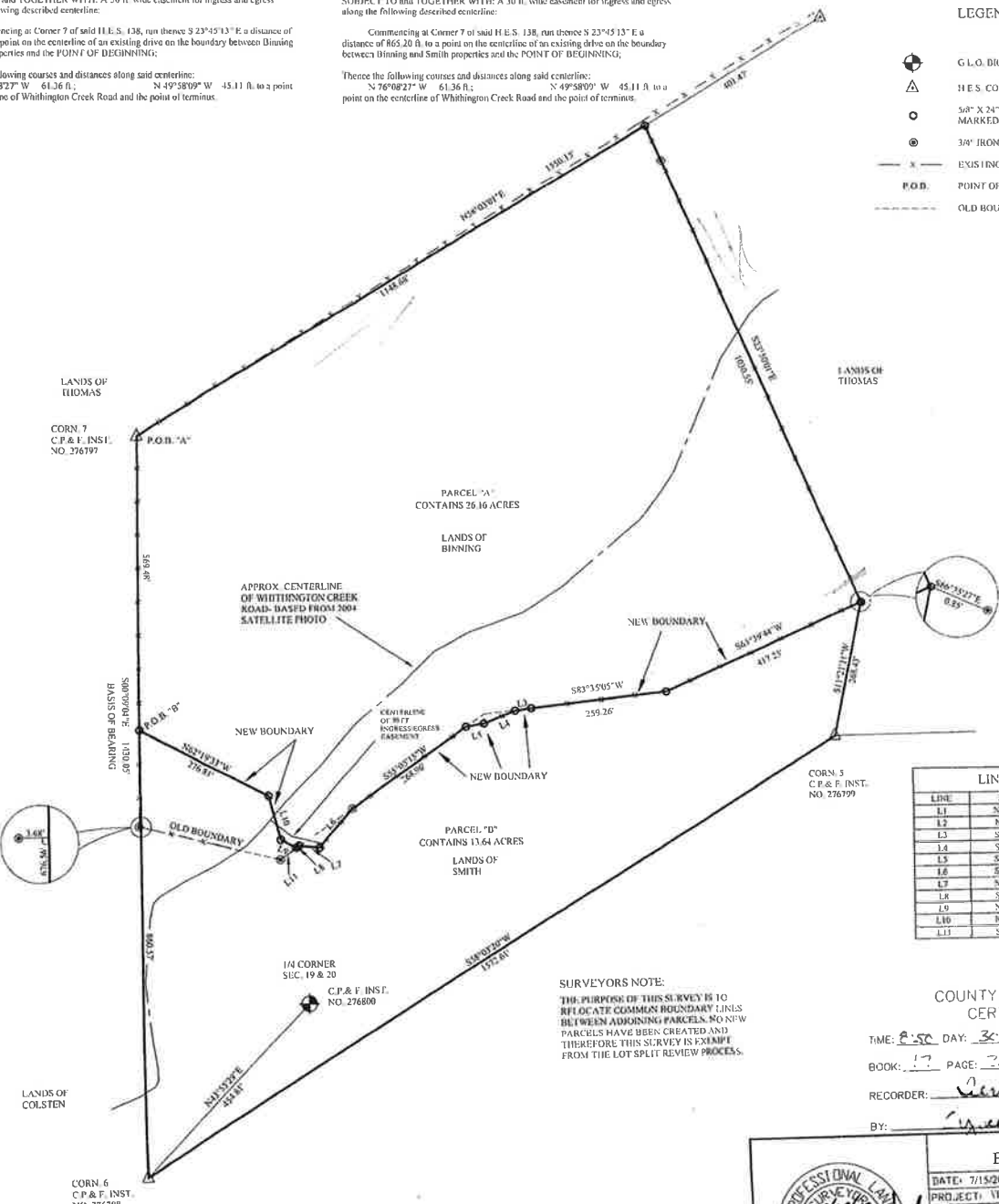
GRAPHIC SCALE



CORN. 8
C.P. & F. INST.
NO. 276750

LEGEND

- G.L.O. BRASS CAP MONUMENT
- H.E.S. CORNER STONE
-
-
- EXISTING FENCE
- POINT OF BEGINNING
- OLD BOUNDARY



LINE TABLE		
LINE	BEARING	DISTANCE
L1	N 41°18'27\"/>	42.61
L2	N 06°29'50\"/>	1.55
L3	S 81°45'53\"/>	31.58
L4	S 80°09'56\"/>	35.69
L5	S 84°29'27\"/>	39.93
L6	S 40°35'58\"/>	97.79
L7	S 81°45'52\"/>	31.58
L8	S 56°51'05\"/>	6.06
L9	N 61°50'11\"/>	33.04
L10	N 83°53'05\"/>	259.26
L11	S 52°46'14\"/>	27.68

SURVEYORS NOTE:

THE PURPOSE OF THIS SURVEY IS TO RELOCATE COMMON BOUNDARY LINES BETWEEN ADJOINING PARCELS. NO NEW PARCELS HAVE BEEN CREATED AND THEREFORE THIS SURVEY IS EXEMPT FROM THE LOT SPLIT REVIEW PROCESS.

COUNTY RECORDER'S CERTIFICATE

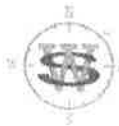
TIME: 8:50 DAY: 30 MONTH: July 2008
BOOK: 17 PAGE: 25 INST. NO.: 276919
RECORDER: [Signature]
BY: [Signature]

FOR BINNING & SMITH	
DATE: 7/15/2008	DRAWN/CHK BY: RM/LJW
PROJECT: 1720NR21DSMITH, ROCKWELL DR	
DWG. NAME: BINNING, GORDON.DWG	
SURVEY: BINNING ZAK & SMITH, ROCKWELL	
LEGAL DESCR: BINNING & SMITH.DOC	
WADE SURVEYING GLOBAL POSITIONING SERVICE LAND SURVEYING & PLANNING 402 VAN DUREN ST. SALMON, IDAHO 83402 208-755-5075	

1/4	SEC	T	R
<input checked="" type="checkbox"/>	19	20N	23E
<input checked="" type="checkbox"/>	20		

74-16242

RK 17 Pg 25



WADE SURVEYING

Global Positioning Service

Land Surveying and Planning

402 Van Dreff St.

Salmon, Idaho 83467



Phone: (208)-756-3070

July 18, 2008

Parcel "B" SMITH'S PROPERTY

A parcel of land located in H.E.S. 138, Sections 19 and 20, T. 20 N., R. 23 E., Boise Meridian, Lemhi County, Idaho, more particularly described as follows.

Commencing at Corner 7 of H.E.S. 138 from which Corner 6 of said H.E.S. bears S 00°09'04" E 1430.05 ft., the Basis Of Bearing of this description, run thence S 00°09'04" E along the line between Corners 7 and 6 of said H.E.S. a distance of 569.48 ft. to the POINT OF BEGINNING;

Thence S 62°19'33" E a distance of 276.81 ft.;

Thence S 14°24'06" E a distance of 87.64 ft. to a point on an existing fence;

Thence the following courses and distances along said existing fence:

S 61°50'11" E	33.04 ft.;	N 56°51'05" E	6.06 ft.;
S 84°29'27" E	39.93 ft.;	N 40°35'58" E	97.79 ft.;
N 55°05'15" E	268.96 ft.;	N 80°05'56" E	35.69 ft.;
N 67°55'10" E	65.09 ft.;	N 81°45'52" E	31.58 ft.;
N 83°35'05" E	259.26 ft.;	N 65°39'44" E	417.23 ft.;

Thence S 11°21'31" W a distance of 268.43 ft. to Corner 5 of said H.E.S.;

Thence S 58°03'20" W on the line between Corners 5 and 6 of said H.E.S. a distance of 1572.61 ft. to Corner 6 of said H.E.S.;

Thence N 00°09'04" W on the line between Corners 6 and 7 of said H.E.S. a distance of 860.57 ft. to the POINT OF BEGINNING.

PARCEL CONTAINS 13.64 ACRES

SUBJECT TO and TOGETHER WITH: A 30 ft. wide easement for ingress and egress along the following described centerline:

Commencing at Corner 7 of said H.E.S. 138, run thence S 23°45'13" E a distance of 865.20 ft. to a point on the centerline of an existing drive on the boundary between Binning and Smith properties and the POINT OF BEGINNING;

Thence the following courses and distances along said centerline:

N 76°08'27" W 61.36 ft.;

N 49°58'09" W 45.11 ft. to a point on the centerline of Whithington Creek Road and the point of terminus.

74-16242



State of Idaho

DEPARTMENT OF WATER RESOURCES

EASTERN Region • 900 N SKYLINE DR STE A • IDAHO FALLS, ID 83402-1718

Phone: (208)525-7161 • Fax: (208)525-7177 • Website: www.idwr.idaho.gov

Brad Little
Governor

Gary Spackman
Director

August 13, 2020

ROCKWELL D SMITH
BEVERLY A SMITH
400 WITHINGTON CREEK RD
SALMON, ID 83467-5291

RE: Application for Permit Nos. 74-16241, 74-16242

Dear Applicants:

The Department of Water Resources has received your water right applications. Please refer to the numbers referenced above in all future correspondence regarding these applications.

A legal notice of the applications has been prepared and is scheduled for publication in the RECORDER HERALD on 8/20/2020 and 8/27/2020. Protests to these applications may be submitted for a period ending ten (10) days after the second publication.

If the applications are protested, you will be sent a copy of each protest. All protests must be resolved before the application can be considered for approval. If the protest(s) cannot be resolved voluntarily, the Department will conduct a conference and/or hearing on the matter.

If the application is not protested, the Department will process your application and notify you of any action taken on the application. If your application is approved, the Department will send you a copy of the permit.

Please contact this office if you have any questions regarding the applications.

Sincerely,

A handwritten signature in black ink, appearing to read 'CH' followed by a stylized flourish.

Christina Henman
Administrative Assistant

Henman, Christina

From: Henman, Christina
Sent: Thursday, August 13, 2020 10:14 AM
To: RECORDER HERALD (Rhlegals@custertel.net)
Subject: Legal Ads for Recorder Herald
Attachments: 74-16241, 74-16242 Recorder Herald.docx

Dear Legal Notice Department:

Please publish the attached legal notice on the dates indicated (once a week for two consecutive weekly issues). 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. Please send the affidavit and bill to this office before 9/8/2020. Your cooperation is appreciated.

Thank You,

Christina Henman
Administrative Assistant
Idaho Dept. of Water Resources, Eastern Region
900 N Skyline Ste. A
Idaho Falls, ID 83402
Phone: (208) 497-3793

The following application(s) have been filed to appropriate the public waters of the State of Idaho:

74-16241

ROCKWELL D SMITH
BEVERLY A SMITH
400 WITHINGTON CREEK RD
SALMON, ID 83467-5291
Point of Diversion SENE S19 T20N R23E LEMHI County
Source WITHINGTON CREEK Tributary LEMHI RIVER
Use: FIRE PROTECTION
01/01 to 12/31
0.2 CFS
Use: DOMESTIC
01/01 to 12/31
0.04 CFS
Total Diversion:
0.2 CFS
Date Filed: 07-17-2020
Place Of Use: DOMESTIC, FIRE PROTECTION
T20N R23E S19
NESE, SENE
Place Of Use: FIRE PROTECTION
T20N R23E S20
SWNW

This application proposes the diversion and use of water from Withington Creek, a tributary of the Salmon Wild & Scenic River. The decreed minimum stream flow rights for the federal Wild & Scenic Rivers are subordinate to certain categories of water use and to specific amounts of water use established after the minimum stream flow. The water use proposed in this application will benefit from the subordination provision because it is for domestic purposes.

74-16242

ROCKWELL D SMITH
BEVERLY A SMITH
400 WITHINGTON CREEK RD
SALMON, ID 83467-5291
Point of Diversion SENE S19 T20N R23E LEMHI County
Source SPRING Tributary WITHINGTON CREEK
Use: DOMESTIC
01/01 to 12/31
0.04 CFS
Total Diversion:
0.04 CFS
Date Filed: 07-17-2020
Place Of Use: DOMESTIC
T20N R23E S19
SENE
Place Of Use: DOMESTIC
T20N R23E S20
SWNW

This application proposes the diversion and use of water from a spring tributary to Withington Creek, a tributary of the Salmon Wild & Scenic River. The decreed minimum stream flow rights for the federal Wild & Scenic Rivers are subordinate to certain categories of water use and to specific amounts of water use established after the minimum stream flow. The water use proposed in this application will benefit from the subordination provision because it is for domestic purposes.

Permits will be subject to all prior water rights. For additional information concerning the property location, contact the Eastern office at (208)525-7161; or for a full description of the right(s), please see <https://idwr.idaho.gov/apps/ExtSearch/WVRAApplicationResults/>. Protests may be submitted based on the criteria of Idaho Code § 42-203A. Any protest against the approval of this application must be filed with the Director, Dept. of Water Resources, Eastern Region, 900 N SKYLINE DR STE A, IDAHO FALLS ID 83402-1718 together with a protest fee of \$25.00 for each application on or before 9/8/2020. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on 8/20/2020 and 8/27/2020

Henman, Christina

From: Henman, Christina
Sent: Thursday, August 13, 2020 10:30 AM
To: 'bohocowgirls@gmail.com'; Yenter, Cindy
Subject: Application for Permit of 74-16241, 74-16242
Attachments: RecommendationForm New Appropriation13.docx; RecommendationForm New Appropriation14.docx

Watermasters:

The Idaho Department of Water Resources (IDWR) is seeking written comment and/or recommendations from you regarding the above referenced water right applications. You can find a copy of the applications at: <https://idwr.idaho.gov/apps/ExtSearch/WRAJSearch/WRADJSearch.aspx>. Please review the applications, then complete the enclosed recommendation forms and return them to this office within 14 days of the date of this letter.

If the applications are approved, IDWR will include appropriate standard conditions of approval for a water right located within a water district, such as regulation by the watermaster, lockable controlling works, and/or measuring devices. Any special conditions or other concerns you have related to these applications should be specifically addressed in your recommendation.

IDWR can finish reviewing an unprotested application as soon as the protest period has past. Your prompt response to this request will ensure that your recommendation can be considered. If IDWR has not received your written recommendation within 14 days from the date of this letter, IDWR will presume that you do not oppose approval of the applications and that you have no comments for IDWR to consider.

Please contact this office if you have any questions regarding the applications.

Thank You,

Christina Henman
Administrative Assistant
Idaho Dept. of Water Resources, Eastern Region
900 N Skyline Ste. A
Idaho Falls, ID 83402
Phone: (208) 497-3793

Henman, Christina

From: Henman, Christina
Sent: Thursday, August 13, 2020 10:33 AM
To: 'Jeff.richards@idfg.idaho.gov'
Subject: Fish & Game Comment Request: Permits 74-16241 & 74-16242
Attachments: F&G Comment Letter.docx

Hello Jeff,

The Idaho Department of Water Resources (IDWR) is seeking written comment and/or recommendations from your organization regarding the above referenced water right application. You can find a complete copy of the application(s) at: <https://idwr.idaho.gov/apps/ExtSearch/WRAJSearch/WRADJSearch.aspx>. Please review the application, complete the enclosed recommendation form, and submit it to this office within 21 days of the date of this letter.

IDWR can finish reviewing an unprotested application as soon as the protest period has past. Therefore, your prompt response to this request is appreciated. If your organization desires to formally protest the approval of this application, you may do so after the notice is published by filing a written protest along with a \$25.00 filing fee within 10 days after final publication (on or before September 8, 2020).

Please contact this office if you have any questions regarding the application.

Thank You,

Christina Henman
Administrative Assistant
Idaho Dept. of Water Resources, Eastern Region
900 N Skyline Ste. A
Idaho Falls, ID 83402
Phone: (208) 497-3793

Henman, Christina

From: Henman, Christina
Sent: Thursday, August 13, 2020 11:03 AM
To: Chase, Roger (IWRB Member)
Subject: IDWR Comment Request; Salmon Wild & Scenic Permit Applications 74-16241 & 74-16242

The Idaho Department of Water Resources (IDWR) is providing notice to your organization regarding the above referenced water right application. You can find a complete copy of the application(s) at:
<https://idwr.idaho.gov/apps/ExtSearch/WRAJSearch/WRADJSearch.aspx>.

If your organization desires to formally protest the approval of this application, you may do so after the notice is published by filing a written protest along with a \$25.00 filing fee within 10 days after final publication (on or before 8/24/2020).

Please contact this office if you have any questions regarding the application.

Thank You,

Christina Henman
Administrative Assistant
Idaho Dept. of Water Resources, Eastern Region
900 N Skyline Ste. A
Idaho Falls, ID 83402
Phone: (208) 497-3793

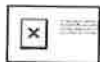
Stosich, Scott

From: Rockwell Smith <rockwelldsmith@gmail.com>
Sent: Thursday, July 30, 2020 5:38 PM
To: Stosich, Scott
Subject: Re: Permit Application for Domestic/Lawn Irrigation

Scott,

Thank you for your attention to this matter. You are correct in that the map shows irrigation, and the form should have reflected that as well. You have my authorization to correct the form to match the map. By design, the spring is kept flowing all the time to keep the pipes flushed, and the excess flow is directed to irrigation.

Thanks again,
-- Rockwell Smith



Virus-free. www.avg.com

On Thu, Jul 30, 2020 at 4:31 PM Stosich, Scott <Scott.Stosich@idwr.idaho.gov> wrote:

Mr. Rockwell Smith,

This email is being sent as per our phone conversation this afternoon regarding your submitted permit application. After reviewing the submitted application for permit for domestic use regarding a camp trailer site and drinking fountain, there are a couple inconsistencies we discussed with the domestic irrigation of lawn indicated on the attached map along with an error in the place of use.

On the map, the place of use indicated is in the SENE quarter-quarter of Section 19 and in the SWNW quarter-quarter of Section 20, but on the application it was indicated to be in the NWSW quarter-quarter of Section 20. The other clarification we discussed is on the application it was indicated that no water would be used for irrigation of a lawn, but on the map the place of use is for "drinking fountain and camp trailers and lawn".

As we discussed, you indicated that the map was correct and that the application should represent what the map shows. Please respond to this email authorizing me to correct the application and submit it for advertising.

Please let me know if you have any questions or concerns.

Thank You,

Scott Stosich

Water Resource Agent

Department of Water Resources-Eastern Region

(208) 525-7161

Scott.Stosich@idwr.idaho.gov

--

Rockwell Smith

Semi-retired Broadcast Engineer

AE7NT Amateur Extra Class

Website: www.engineer-exchange.com