

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

Ident. No. 74-16241
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 Withington Creek which is a tributary of Lemhi River

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	Withington Ck	pump

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 0.20 for Fire Protection 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)

6. Total quantity to be appropriated is (a) 0.20 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. 2 pumps set in parallel to a common distribution system. Smaller pump for domestic irrigation, larger or both pumps for fire protection.
- 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 Cx H Receipt No. E046119 Date 7/17/2020

74-16241

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
 - Other; describe fully. fire protection
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									D				
20N	23E	19				F									F				
20N	23E	20							F										

Total number of acres to be irrigated: 0.35

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? domestic well used for home and some lawn irrigation, no water right recorded
11. 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: _____
12. Describe your proposal in narrative form, and provide additional explanation for any of the items above. Attach additional pages if necessary. Pump from creek will be used in conjunction with domestic well to water no more than 1/2 acre of lawn, garden and meadow associated with a single family residence. Auxiliary pump will only be used for fire protection but will use the same pipelines. **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 3 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.

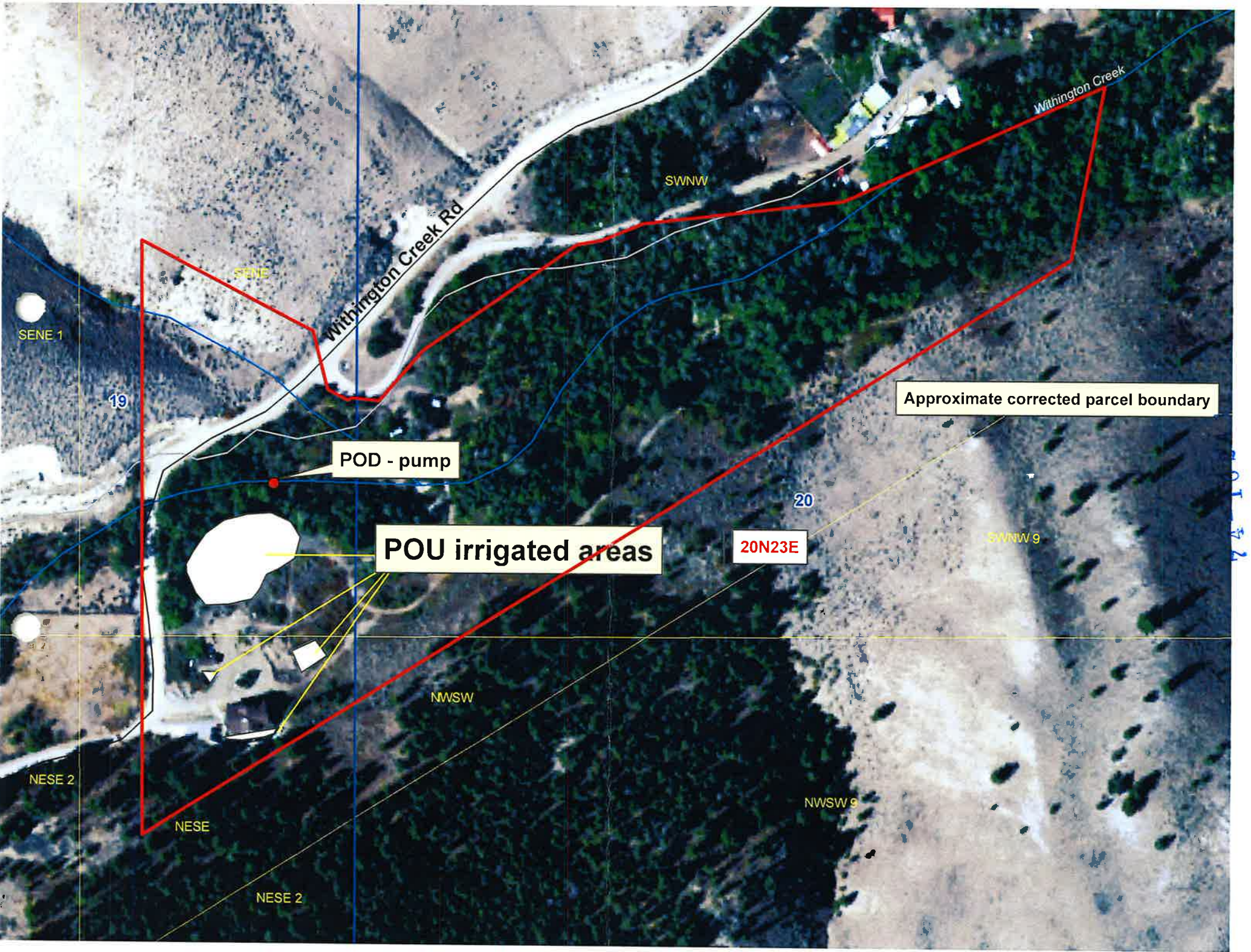
The information contained in this application is true to the best of my knowledge. I understand that any willful misrepresentations made in this application may result in rejection of the application or cancellation of an approval.

Signature of Applicant

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

Signature of Applicant

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



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 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°09'01" E 1430.03 ft., the Basis Of Bearing of this description, run thence N 50°09'01" E along the line between Corners 7 and 8 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 line intersection;
 Thence the following courses and distances along an existing fence:
 S 65°39'44" W 417.23 ft.; S 83°35'05" W 259.26 ft.; S 81°45'52" W 31.36 ft.; S 47°33'10" W 63.09 ft.; S 80°03'56" W 35.69 ft.; S 93°00'55" W 268.96 ft.; S 40°35'58" W 97.79 ft.; N 84°29'27" W 39.93 ft.; S 56°51'05" W 6.06 ft.; N 61°59'11" W 33.04 ft.

Thence N 14°24'06" W a distance of 87.64 ft.;
 Thence N 62°19'33" W a distance of 276.81 ft. to a point on the line between Corners 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 easement:

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" SMITHS 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°09'01" E 1430.03 ft., the Basis Of Bearing of this description, run thence S 00°09'01" E along the line between Corners 7 and 8 of said H.E.S. a distance of 569.48 ft. to the POINT OF BEGINNING;
 Thence S 63°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 64°50'11" E 33.04 ft.; S 64°29'27" E 39.93 ft.; S 55°03'15" E 268.96 ft.; N 67°55'10" E 63.09 ft.; N 83°35'05" E 259.26 ft.; N 56°51'05" E 6.06 ft.; N 40°35'58" E 97.79 ft.; N 84°29'27" E 31.36 ft.; N 61°59'11" 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 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 easement:

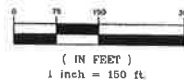
Commencing at Corner 7 of said H.E.S. 138, run thence S 23°45'13" E a distance of 865.20 ft. to a point on the centerline of an existing drive on the boundary between Binning and Smith properties and the POINT OF BEGINNING;

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

APPROVED

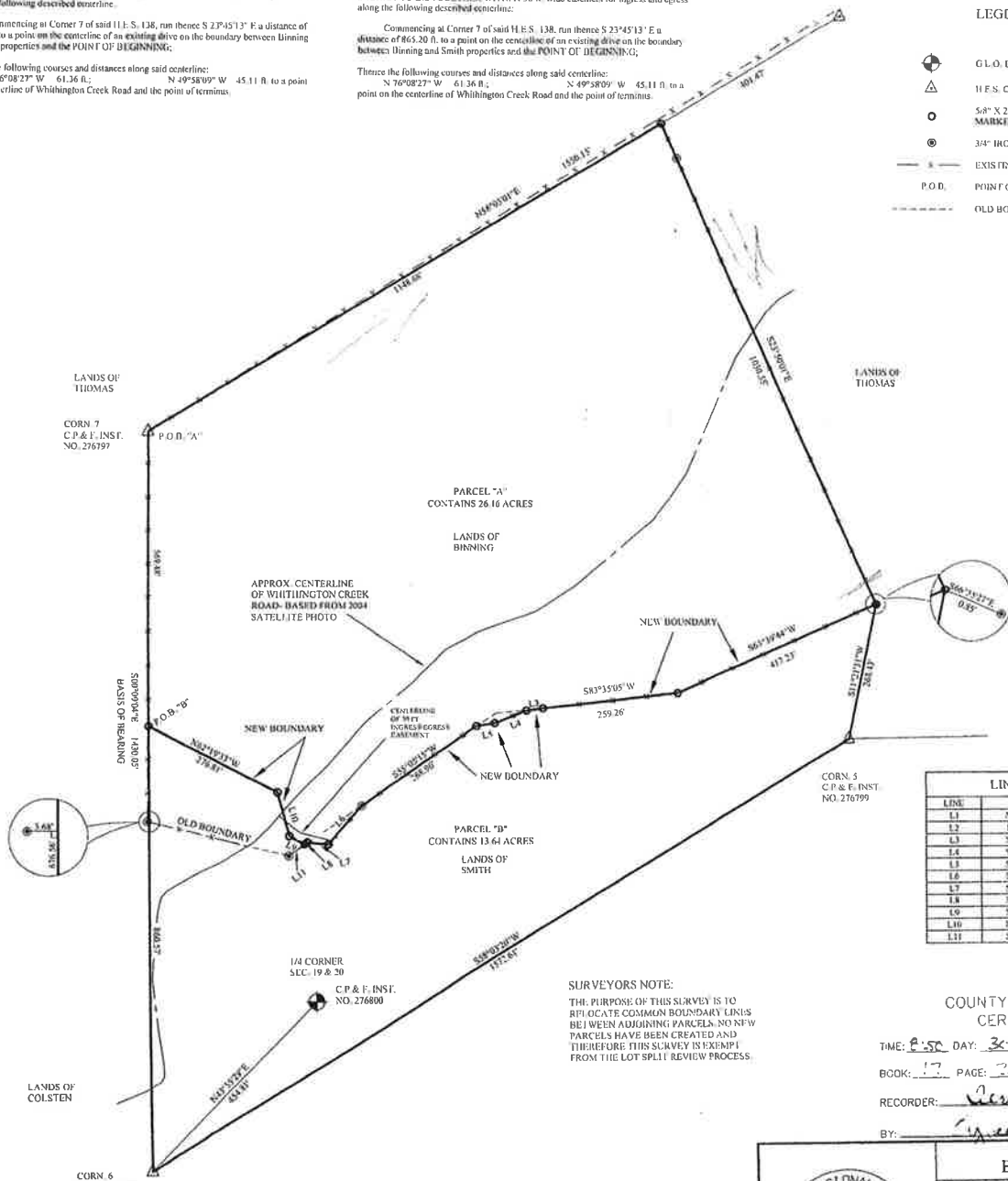
JUL 30

GRAPHIC SCALE



LEGEND

- G.L.O. BRASS CAP MONUMENT
- H.E.S. CORNER STONE
- 5/8" X 24" REBAR WITH PLASTIC CAP MARKED "WADE, PLS. NOB"
- 3/4" IRON PIPE
- EXISTING FENCE
- P.O.B.
- OLD BOUNDARY



LINE TABLE		
LINE	BEARING	DISTANCE
1.1	N44°18'22\" W	42.63
1.2	N36°29'50\" E	1.35
1.3	S81°45'32\" W	31.38
1.4	S67°39'16\" W	85.09
1.5	S46°05'54\" W	33.69
1.6	S40°35'58\" W	97.79
1.7	S84°29'27\" W	39.93
1.8	S56°51'05\" W	6.06
1.9	N61°59'11\" W	33.04
1.10	N14°24'06\" W	87.64
1.11	S62°19'33\" W	276.81

SURVEYORS NOTE:

THE PURPOSE OF THIS SURVEY IS TO REPLICATE 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

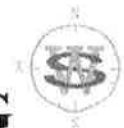
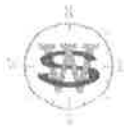
TIME: 8:50 DAY: 30 MONTH: July 2008
 BOOK: 17 PAGE: 25 INST. NO.: 2149-19
 RECORDER: [Signature]
 BY: [Signature]

FOR BINNING & SMITH	
DATE: 7/15/2008	DRAWN/CHK BY: RML/JW
PROJECT: VT20NR23E/SMITH, ROCKWELL D.	
DWG NAME: BINNING, GORDON DWG	
SURVEY: BINNING, ZAK & SMITH, ROCKWELL	
LEGAL DESCR: BINNING & SMITH, DOC	
WADE SURVEYING GLOBAL POSITIONING SERVICE LAND SURVEYING & PLANNING 107 VAN DEUSEN ST. SALT LAKE, UTAH 84143 208-754-3100 FAX	

1/4	SEC	T	R
X	19	20N	23E
X	20		

74-16241

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.

74-16241



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,

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/WRAApplicationResults/>.

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