

RECEIVED

DEC 09 2015

WATER RESOURCES
WESTERN REGION

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

Ident. No. 63-34152

1. Name of applicant(s) Scott Smith Phone 937-901-2620
 Name connector (check one): ☐ and ☐ or ☐ and/or
 Mailing address 6390 Foothill Road City Star
 State ID Zip 83669 Email boosmith_98@yahoo.com
2. Source of water supply Well which is a tributary of N/A
3. Location of point(s) of diversion:

TWP	RGE	SEC	Govt Lot	1/4	1/4	1/4	County	Source	Local name or tag #
4N	2W	1		NW	NE		Canyon	Underground Water	

4. Water will be used for the following purposes:
- Amount 0.04 for Domestic purposes from 1/01 to 12/31 (both dates inclusive)
 (cfs or acre-feet per year)
- Amount 0.2 for Irrigation purposes from 3/1 to 11/31 (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)
5. Total quantity to be appropriated is (a) 0.24 cubic feet per second (cfs) and/or (b) _____ acre feet per year (af).
6. Proposed diverting works:
- a. Describe type and size of devices used to divert water from the source. Existing well
- 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 11. For dams 10 feet or more in height OR reservoirs with a total 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? September 1991; drilling firm Dennis Phipps;
 well was drilled for (well owner) Orig: Paul Bromley (now Scott Smith); Drilling Permit No. 63-91-W-229
7. Description of proposed uses (if irrigation only, go to item 8):
- a. Hydropower; show total feet of head and proposed capacity in kW. _____
- b. Stockwatering; list number and kind of livestock. _____
- c. Municipal; complete and attach the Municipal Water Right Application Checklist.
- d. Domestic; show number of households 1 household
- e. Other; describe fully. _____

8. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

b. 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	
04N	02W	1		9.5															9.5
				~~ME~~															
04N	2W	1		0.5															0.5
				D															

Total number of acres to be irrigated: 10

9. 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?

Place of use is located within the service area of Farmers Union Ditch CO LTD. We have no shares with this irrigation company.

10. a. Who owns the property at the point of diversion? Scott Smith

b. Who owns the land to be irrigated or place of use? Scott Smith

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

11. Describe your proposal in narrative form, and provide additional explanation for any of the items above. Attach additional pages if necessary.

We desire to operate a vineyard within the existing boundaries using the existing water capacity of our well.

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

13. MAP OF PROPOSED PROJECT REQUIRED - Attach an 8½" x 11" map clearly identifying the proposed point of diversion, place of use, section #, township & range. A photocopy of a USGS 7.5 minute topographic quadrangle map is preferred.

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

Scott E. Smith

Print Name (and title, if applicable)

Signature of Applicant

Print Name (and title, if applicable)

For Department Use:

Received by CJ Date 04/15/15 Time 2:00 Preliminary check by RT

Fee \$ 100.00* Received by CJ Receipt No. W043535 Date 04/25/15

* received with original application

W043735 received 12/1/15 by BS
150.00 additional fee
165.00 well upgrade fee

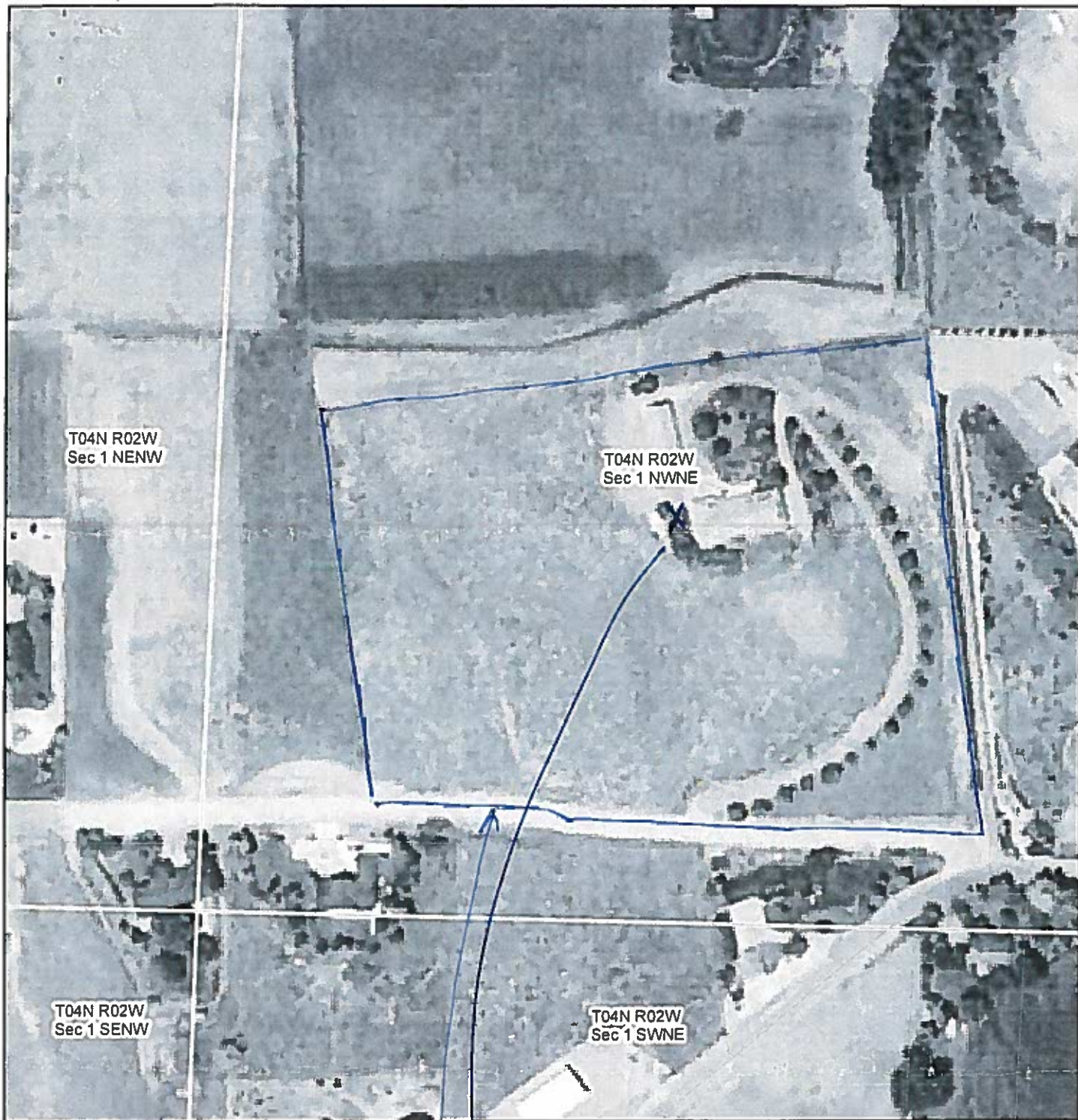
Legend

- ☐ ESPA
- ☐ GCDB Township/Range
- ☐ GCDB Section
- ☐ GCDB Quarter-Quarter
- ☐ Counties



0 195 390 780 1,170 1,560 Feet





T04N R02W
Sec 1 NENW

T04N R02W
Sec 1 NWNE

T04N R02W
Sec 1 SENW

T04N R02W
Sec 1 SWNE

0 85 170 340 510 680 Feet

Well location

Property Boundary

RECEIVED

SEP 25 2015

WATER RESOURCES
WESTERN REGION

ORIGINAL

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

Ident. No. 63-34152

1. Name of applicant(s) Scott Smith Phone 937-901-2620
 Name connector (check one): ☐ and ☐ or ☐ and/or
 Mailing address 6390 Foothill Road City Star
 State IDAHO Zip 83669 Email boosmith_98@yahoo.com

2. Source of water supply Well which is a tributary of N/A

3. Location of point(s) of diversion:

TWP	RGE	SEC	Govt Lot	1/4	1/4	1/4	County	Source	Local name or tag #
<u>4N</u>	<u>2W</u>	<u>1</u>		<u>NW</u>	<u>NE</u>		<u>CANYON</u>	<u>UNDERGROUND WATER</u>	

4. Water will be used for the following purposes:

Amount 0.03 cfs for DOMESTIC purposes from 1/01 to 12/31 (both dates inclusive)
 (cfs or acre-feet per year)

Amount 0.08 cfs for IRRIGATION purposes from 3/15 to 10/31 (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)

5. Total quantity to be appropriated is (a) 0.11 cubic feet per second (cfs) and/or (b) 79.6 acre feet per year (af).

6. Proposed diverting works:

a. Describe type and size of devices used to divert water from the source. Existing Well

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 11. For dams 10 feet or more in height OR reservoirs with a total 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? SEPT 1991; drilling firm DENNIS PHIPPS;
 well was drilled for (well owner) PAUL BRONLEY (NOW SCOTT SMITH); Drilling Permit No. 63-91-W-229.

7. Description of proposed uses (if irrigation only, go to item 8):

a. Hydropower; show total feet of head and proposed capacity in kW. _____

b. Stockwatering; list number and kind of livestock. _____

c. Municipal; complete and attach the Municipal Water Right Application Checklist.

d. Domestic; show number of households 4 people

e. Other; describe fully. _____

superseded by amended application received 12/09/15

8. Description of place of use:

- a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- b. 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	
4N	2W	1					9.5												
							C												
4N	2W	1					0.5												
							D												

Total number of acres to be irrigated: 10

9. 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

10. a. Who owns the property at the point of diversion? SCOTT SMITH (WELL OWNER)
- b. Who owns the land to be irrigated or place of use? SCOTT SMITH (WELL OWNER)
- c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing:

N/A

11. Describe your proposal in narrative form, and provide additional explanation for any of the items above. Attach additional pages if necessary.

We desire to operate a 5-acre vineyard within the existing boundaries using the existing water capacity of our well. This initial 5-acres would expand to a maximum of 9-acres provided environment and economic viability.

12. Time required for completion of works and application of water to proposed beneficial use is 1 years (minimum 1 year).

13. MAP OF PROPOSED PROJECT REQUIRED - Attach an 8½" x 11" map clearly identifying the proposed point of diversion, place of use, section #, township & range. A photocopy of a USGS 7.5 minute topographic quadrangle map is preferred.

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

SCOTT E. SMITH

Print Name (and title, if applicable)

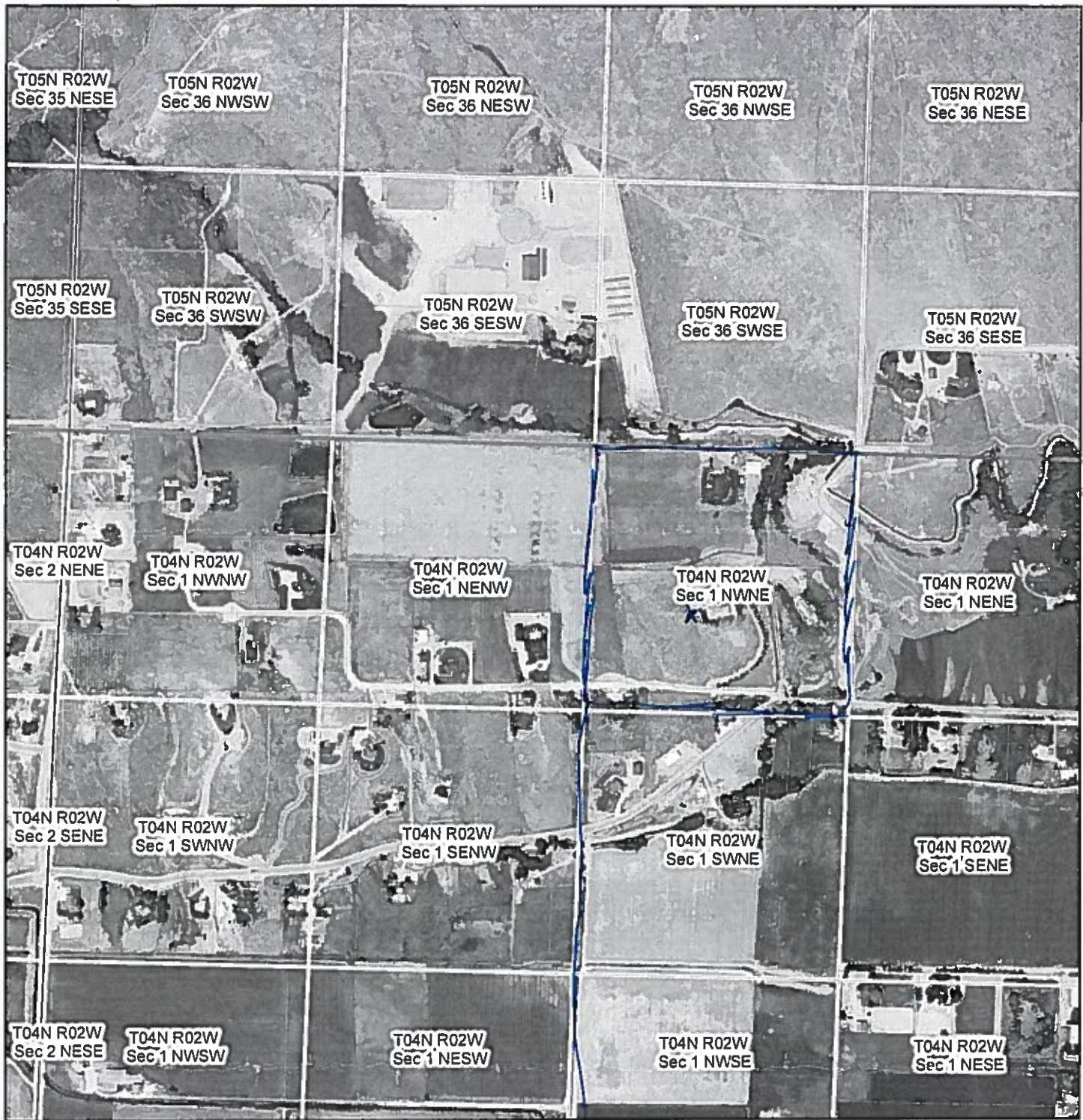
Signature of Applicant

Print Name (and title, if applicable)

Received by ad Date 9/25/15 Time 2:00 Preliminary check by PH
 Fee \$ 100⁰⁰ Received by ad Receipt No. WM43535 Date 9/25/15

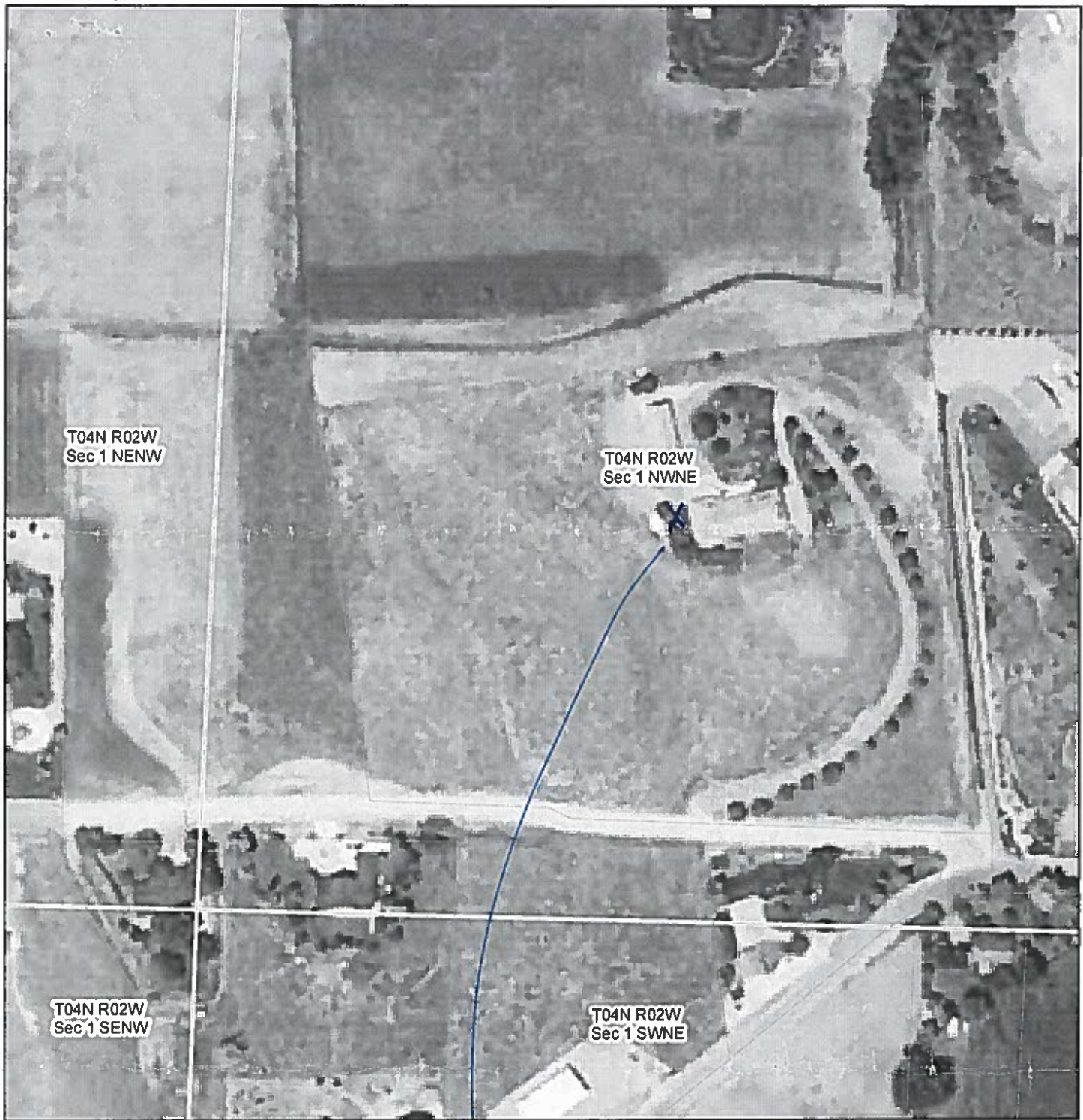


0 650 1,300 2,600 3,900 5,200
Feet



0 345 690 1,380 2,070 2,760 Feet

Lot + Well location



Well location



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way • Boise, Idaho 83705-5082

Phone: (208) 334-2190 • Fax: (208) 334-2348 • Web Site: www.idwr.idaho.gov

January 28, 2016

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

SCOTT SMITH
6390 FOOTHILL RD
STAR, ID 83669

Application for Permit No. 63-34152

Dear Applicant(s):

The Department of Water Resources has received your water right application. Please refer to the number referenced above in all future correspondence regarding this application.

A legal notice of the application has been prepared and is scheduled for publication in the PRESS TRIBUNE on 2/4/2016 and 2/11/2016. Protests to this application may be submitted for a period ending ten (10) days after the second publication.

If the application is 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 application.

Sincerely,

A handwritten signature in black ink, appearing to read 'Rachel Neely', is written over a horizontal line.

Rachel Neely
Administrative Assistant

Neely, Rachel

From: Neely, Rachel
Sent: Thursday, January 28, 2016 9:05 AM
To: 'legals@idahopress.com'
Subject: Canyon Legal Ad
Attachments: Canyon Cover Letter.docx; Canyon Legal Ad.docx

Good Morning Legal Clerk,

Please see the attached ad for publication on 2/4/16 & 2/11/16.

Please confirm these are okay to publish as shown.

Thank you,

Rachel Neely

Administrative Assistant I
IDWR-Western Region
2735 Airport Way Boise, ID 83705
Rachel.Neely@idwr.idaho.gov

January 28, 2016

LEGAL NOTICE DEPARTMENT
PRESS TRIBUNE
PO BOX 9399
NAMPA, ID 83652

RE: Application for Permit No. 63-34152

Dear Legal Notice Department:

Please publish the enclosed 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 2/22/2016. Your cooperation is appreciated.

Sincerely,

Rachel Neely
Administrative Assistant

Enclosure(s)

The following application has been filed to appropriate the public waters of the State of Idaho:

63-34152

SCOTT SMITH

6390 FOOTHILL RD

STAR, ID 83669

Point of Diversion L2(NWNE) S1 T04N R02W CANYON County Source GROUND WATER

Use: DOMESTIC 01/01 to 12/31 0.04 CFS

Use: IRRIGATION 03/01 to 11/15 0.2 CFS

Total Diversion: 0.24 CFS

Date Filed: 9/25/2015

Places of Use: DOMESTIC, IRRIGATION

T04N R02W S1 L2(NWNE)

Total Acres: 10

Water bearing zone to be appropriated is from 250 to 285 feet.

Permits will be subject to all prior water rights. For additional information concerning the property location, contact Western Region office at (208) 334-2190; or for a full description of the right(s), please see www.idwr.idaho.gov/WaterManagement/WaterRights. Protests may be submitted based on the criteria of Idaho Code § 42-203A. Any protest against the approval of the application(s) must be filed with the Director, Dept. of Water Resources, Western Region, 2735 Airport Way, Boise ID 83705 together with a protest fee of \$25.00 for each application on or before 2/22/2016. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on 2/4/2016 and 2/11/2016



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region • 2735 Airport Way • Boise, Idaho 83705-5082

Phone: (208) 334-2190 • Fax: (208) 334-2348 • Website: www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

11/18/2015

COPY

SCOTT SMITH
6390 FOOTHILL RD
STAR ID 83669

Re: Water Right Permit Application No. 63-34152

Dear Applicant:

Your recent application for permit proposing the use of water for irrigation and domestic use is being processed. The application has been assigned a priority date but cannot be processed further until the following items are clarified:

- 4 - Proposed Use was not provided correctly.
 - 4b – Domestic Use.
The department has established a standard rate of 0.04 cfs for domestic use, we recommend applicants use this amount on their water right applications. You may apply for a lesser amount but this may limit the amount of water available to you when the water right is licensed.
 - 4b – Irrigation Use.
The department has established a standard rate of 0.02 cfs per acre for irrigation use. Using this rate on 10 acres will allow you to divert up to a total of 0.2 cfs. You may apply for a lesser amount but this may limit the amount of water available to you when the water right is licensed.
 - 4c- Irrigation Season of Use.
The standard irrigation season at the proposed place of use is 3/1 – 11/31. Please amend the application to reflect this season of use.
- 5 - Total Quantity was not provided correctly.
Only applications that propose storage as a beneficial use need to provide amounts in terms of volume (acre feet). Please remove the 79.6 acre feet per year and change the total quantity to be appropriated to reflect any changes you have made to section 4. However it should be noted that increasing the total amount to be appropriated will change your priority date to the date of the amended application and may change the application processing fee (see the attached fee schedule).
- 7 - Description of Proposed Use was not provided correctly.
Please indicate the number of households that will be supplied water from the proposed well.
- 8 - Place of Use or acres irrigated was not provided correctly.
Based on the map provided with the application, the proposed place of use is located in the NW ¼ NE ¼ of section 1, Twn 04N, Rge 02W.
- 9 - Other Water Rights.
The place of use is located within the service area of Farmers Union Ditch CO LTD. Please indicate whether or not you have or use shares with this irrigation company.

- 10 - Ownership.

Our tax lot data (as of 3/5/15) shows that the property at the location of the well labeled on the map is owned by the Paul Bromley and Wilma J Trust but you indicated that you are the owner of the well. Confirm that you own the property at the point of diversion by providing a copy of the deed or any documents of sale. Additionally, the map indicates the land to be irrigated lies across multiple properties. You need to provide statements from those property owners that show they are aware of this filing, that you are authorized to file this application, and that you are authorized to irrigate their lands. If you do not intend to irrigate on land you do not own, please amend the map to clearly indicate that the place of diversion and place of use are located one property and provide proof of ownership of that property.

- 12 - Period of Time.

The department recommends applicants use the maximum time allowed to complete the project and submit proof of beneficial use, which is five (5) years.

- 13 - The Map was not provided correctly.

The circled area label "lot & well location" includes multiple properties owned by multiple parties. If this is an accurate boundary for the place of use then submit authorization statements from the property owners. If this is an inaccurate boundary then clearly label the place of use on the maps and provide proof of ownership of that property.

- The Fee.

If you have made any changes to the rate for irrigation or domestic use or the total quantity to be appropriated, the processing fee may have changed, see the enclosed fee schedule for details. Additionally, a well upgrade fee is required to use any well drilled for domestic purposes for any other beneficial use. See the enclosed Well Drilling Fee letter for more details.

Please submit the requested information and the appropriate fees within the next thirty (30) days for the application to be processed. You may seek additional time to provide the information by making a written request to interrupt processing for up to six months. The application will be voided without a timely written reply within the next thirty (30) days. Refunds are not issued for voided applications.

IDWR forms and other information are available on the Internet at www.idwr.idaho.gov. Please contact me at 208-334-2190 if you need more information. Thank you for your attention to these matters.

Sincerely,

Phill Hummer
Water Resource Agent
Idaho Department of Water Resources
Phone: (208) 334-2190
Fax: (208) 334-2348
Email: phill.hummer@idwr.idaho.gov

Enclosure: Copy of Permit Application No. 63-34152
Fee Schedule
Well Drilling Fee Letter



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region • 2735 Airport Way • Boise, Idaho 83705-5082

Phone: (208) 334-2190 • Fax: (208) 334-2348 • Website: www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

11/18/2015

COPY

SCOTT SMITH
6390 FOOTHILL RD
STAR ID 83669

Re: Water Right Application 63-34152 and Well Drilling Fee Upgrade

Dear Applicant:

Your recent water right application proposes ground water use from a well. All wells drilled in Idaho after June 30, 1987, require well drilling permits. A well might need a water right along with the drilling permit, depending on the intended use of the well.

According to the records of Idaho Department of Water Resources (IDWR), your well was drilled in 1991 under a \$35 domestic well drilling permit. A \$35 drilling permit covers a well that does not require water right approval from IDWR. This is typically a single-family domestic well.

Proposed use from your well does require water right approval, and your water right application seeks that approval. The well drilling fee for a well requiring a water right is \$200 instead of \$35. Per Well Construction Standards Rules (IDAPA 37.03.09.045.05.b), IDWR must collect the unpaid balance of \$165 for a well drilled under those circumstances.

Please remit \$165 to upgrade your well drilling permit within the next thirty days to facilitate processing of your water right application.

IDWR forms and other information are available on the Internet at www.idwr.idaho.gov. Please contact me at 208-334-2190 if you have any questions. Thank you for your attention to this matter.

Sincerely,

Phill Hummer
Water Resource Agent
Idaho Department of Water Resources
Phone: (208) 334-2190
Fax: (208) 334-2348
Email: phill.hummer@idwr.idaho.gov