

Identification No. 13 7057
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 Rufus R. Smith
post office address Grace, ID Phone: 425-3303
2. Source of water supply Trout Creek which is a tributary of Bear River
3. a. Location of point of diversion is SE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 1 Township 12S
Range 40E B.M. Franklin County; additional points of diversion if any: _____
SW $\frac{1}{4}$ SW $\frac{1}{4}$ (Lot 4), Sec. 31, T. 11S, R. 41E, B.M.
- b. If water is not consumed, it will be discharged into Trout Creek at a point in SE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 1 Township 12S Range 40E B.M.
4. Water will be used for the following purposes:
Amount 3.0 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. 3.0 cubic feet per second ~~average~~
b. _____ acre feet per annum.
6. Proposed diverting works:
a. Description of ditches, flumes, pumps, headgates, etc. Pump and sump from creek surface
irrigation
- 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 5 years.
b. Estimated construction cost is \$ 15,000.00
8. Description of proposed uses. N. A.
a. If water is not for irrigation:
(1) Give the place of use of water: _____ $\frac{1}{4}$ of _____ $\frac{1}{4}$ 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: _____

13 7057

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

TWP.	RANGE	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
11S	41E	31											L4 40						40
12S	40E	1	L1 30			40													70
12S	41E	6	L1 40	L2 40			L4 40	L5 30											150

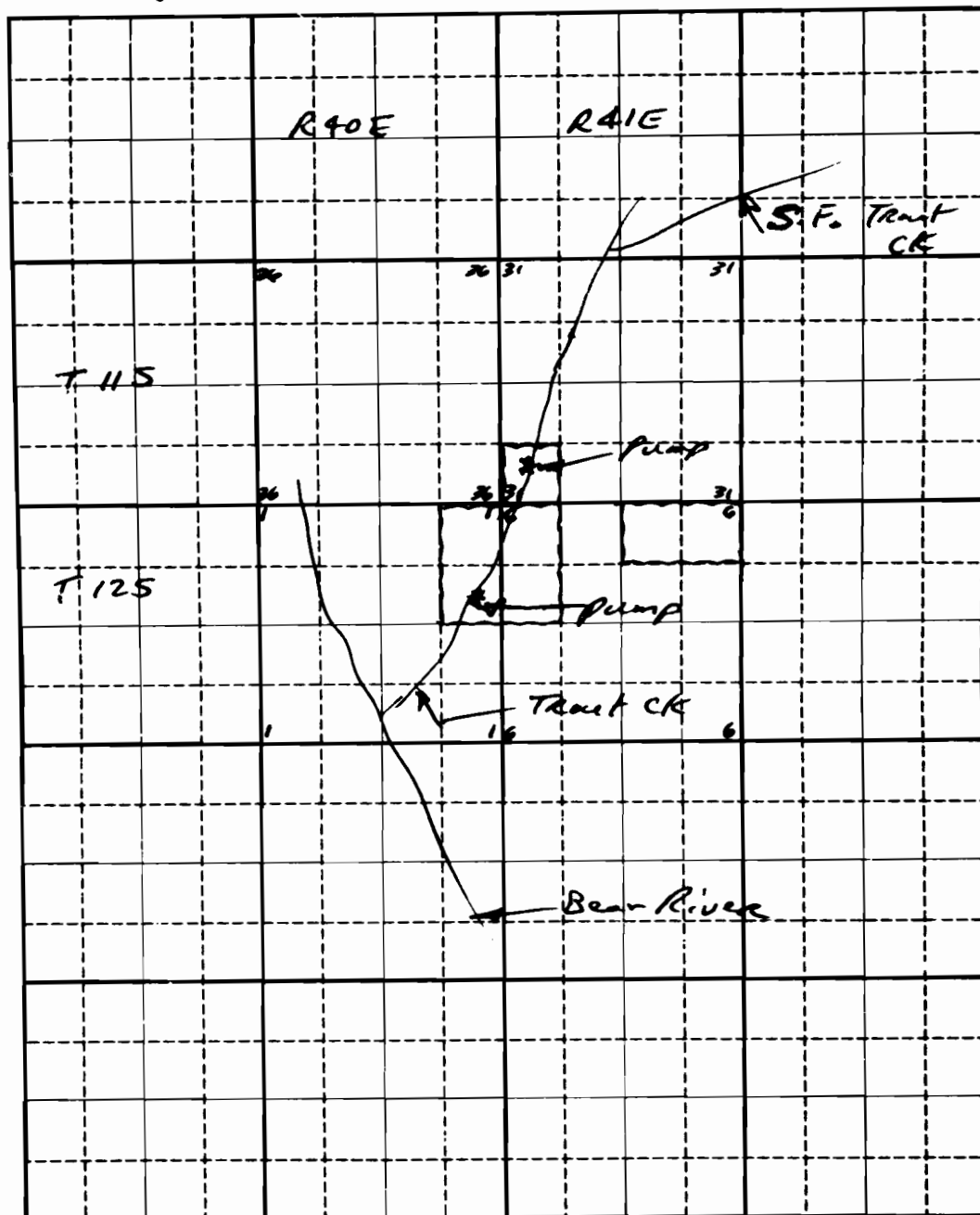
Total number of acres to be irrigated 260

c. Describe any other water rights used for the same purposes as described above. S. F. Trout Creek and
11-0726 (0.4 c.f.s.) 11-0727 (0.4 c.f.s.) 11-0732 (2.2 c.f.s.)

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 I believe that more than 1" per acre is required for my soil, crops, and
irrigation system. A letter of justification substantiating this will be filed.

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



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.

Refused R. Smith
(Applicant)

13 7057

Received by WML Date 8-23-73 Time 3:45p
 Preliminary check by WML Fee \$ 45.00
 Received by WML Date 8-23-73 # 11316
 Publication prepared by WML Date 8-23-73
 Published in Kootenai Pioneer
 Publication dates Aug 30 - Sept 4, 1973
 Publication approved WML Date 8/23/73
 Priority reduced to _____ Reason _____

Protests filed by: _____

Copies of protests forwarded by _____

Hearing held by _____ Date _____

Recommended for approval denial by RDC #144

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. 13-7057, 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 September 1, 19 78.
- c. Other: A measuring device of a type approved by this department shall be permanently installed and maintained as part of the diverting works. Use of water under this permit is subject to control by the watermaster of State Water District No. 11, Trout Creek.

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

Witness my hand this 28th day of September, 19 73.

R. Kirk Hiji
 Director

DEPARTMENT OF WATER ADMINISTRATION
- STAFF ANALYSIS -

Item	Initial	Date	
(1)	<u>MEY</u>	<u>8/23/73</u>	Application No. <u>13-7057</u>
(2)			☒ Source ☒ Point of Diversion ☒ County ☒ Quantity of Water and Period of Use <i>Get. Applicant is aware, but send letter anyway</i> ☒ Description of Diverting Works ☒ Time required for B/U of water ☒ Place of Use or Acres Irrigated ☒ Map ☒ Signature ☒ Fee
(3)	<u>"</u>	<u>"</u>	In form to receipt <u>Yes</u>
	<u>"</u>	<u>"</u>	Send Copies to: ☐ Idaho State Health Department ☐ Idaho Fish and Game Department ☐ Bureau of Land Management
(4)	<u>"</u>	<u>"</u>	☐ Request Special Use Permit from U.S.F.S. ☐ Request Easement from B.L.M. ☒ Request Information from Applicant <i>Yes</i>
(5)	<u>"</u>	<u>"</u>	In form for advertising <u>Yes</u>
(6)	<u>"</u>	<u>"</u>	Located within Water District No. <u>13</u> <u>TRIBUT CK</u>
(7)	<u>"</u>	<u>"</u>	Critical groundwater area: yes <u>no</u> <u>N.A.</u>
(8)	<u>"</u>	<u>"</u>	Groundwater levels: <u>Decline (comment)</u> <u>Stable (comment)</u> <u>N.A.</u> <u>Increasing (comment)</u>
(9)			Comments: <u>P.D. is near mouth of Tribut CK, would appear to have more effect on base lines right than Tribut CK users. (over)</u>
(10)	<u>me</u>	<u>9/14/73</u>	Affidavit of Publication received (date) <u>9-13-73</u>
(11)	<u>me</u>	<u>9/17/73</u>	Final date for protests <u>September 17, 1973</u> Protests received: yes <u>no</u> <u>X</u>
(12)	<u>"</u>	<u>"</u>	Date and Place of hearing <u>N.A.</u> Decision reached at hearing <u>N.A.</u>
(13)	<u>RDC</u>	<u>9/17/73</u>	All requested information received from agencies or applicant yes <u>X</u> no <u>no</u>
(14)	<u>"</u>	<u>"</u>	Action recommended: ☒ Approve <u>Priority 8-22-73</u> ☐ Deny <u>Reason for Reduction</u> ☒ Measuring device required ☐ See attached sheet for additional conditions of approval ☐ No additional conditions for approval
(15)	District <u>E</u>	By <u>RDC</u>	Date <u>9/17/73</u>

SEP 24 1973

13 7057

(9) "Continued"

$$\textcircled{2} Q_{\text{flow}} = 260 \times 0.02 = 5.20 \text{ cfs}$$

$$Q_{\text{draw}} = 2.2 \text{ cfs} - 11.0732 \text{ (S.F. Trout CK)}$$

$$\frac{(80 \text{ acres})}{2000 \text{ acres}} \times 1.0 = 0.4 \text{ cfs} \quad 11.0726$$

$$4 \times 1.0 = 0.4 \text{ cfs} \quad 11.0727$$

$$Q_{\text{draw}} (\text{Total}) = 2.2 + 0.4 + 0.4 = 3.0 \text{ cfs}$$

S.F. Trout CK should be considered some source as Trout CK, main stem.

$$\text{Additional } Q \text{ without justification} = 5.2 - 3.0 = \underline{2.2 \text{ cfs}}$$

- The filing exceeds the allowable and will
- require justification.

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. 211, TROUT CREEK ~~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: _____

ACKNOWLEDGEMENT

Date: Aug 23, 1973
Re: Application No. 13-7657
Transfer No. _____
Claim No. _____
Amendment No. _____

I hereby acknowledge that, even though I was assisted by employees of the Idaho State Department of Water Administration in the preparation of the above referenced instrument, all responsibility with regard to the accuracy and completeness of the information contained therein rests with me.

13 7057

Signed: Barbara P. Smith

Nº 2444

RECEIVED

SEP 13 1973

Department of Water Administration
Eastern District Office

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO,

County of Franklin

ss.

John H. Allen Ross

being duly sworn,

deposes and says:

That he is the Co-publisher of THE PRESTON CITIZEN, a weekly newspaper published at Preston, in the County of Franklin and State of Idaho; that said paper has been and is in general circulation in the county aforesaid, and in the vicinity of Preston; that the advertisement, a copy of which is attached hereto, was published in said newspaper once a week for two consecutive weeks in the regular and entire issue of said paper during the period and time of publication, and was published in the newspaper proper and not a supplement; that said paper has been established and regularly published for more than seventy-eight consecutive weeks prior to the date of first publication of said advertisement.

Such notice was published in the issue beginning with

August 30, 19 73, and ending with the issue of September 6, 19 73

Fees, \$ 12.21

Subscribed and sworn to before me this 11 day of September, 19 73.

Richard D. Giddens

Notary Public, Residing at Preston, Idaho

My Commission Expires March, 19 74

13 7057

AFFIDAVIT OF PUBLICATION

SEP 13 1973
 DEPARTMENT OF WATER ADMINISTRATION
 Eastern District Office

STATE OF IDAHO,
 County of Franklin

ss.

being duly sworn,

deposes and says:

That he is the owner of THE PRESTON CITIZEN, a weekly newspaper published at Preston, in the County of Franklin and State of Idaho: that said paper has been and is in general circulation in the county aforesaid, and in the vicinity of Preston; that the advertisement, a copy of which is attached hereto, was published in said newspaper once a week for seven consecutive weeks in the regular and entire issue of said paper during the period and time of publication, and was published in the newspaper proper and not a supplement; that said paper has been established and regularly published for more than seventy-eight consecutive weeks prior to the date of first publication of said advertisement.

Such notice was published in the issue beginning with

August 20, 19 73, and ending with the issue of September 6, 19 73.

Fees, \$ 12.51

Subscribed and sworn to before me this 11 day of September, 19 73.

Notary Public, Residing at Preston, Idaho

My Commission Expires March, 19 74

NOTICE OF APPLICATION FOR WATER PERMIT

Notice is hereby given that Rufus R. Smith, Grace, Idaho has on 8-22-73 submitted Application No. 13-7057 for a permit to appropriate 3.0 cubic feet per second of water from Trout Creek tributary of Bear River by means of pump and sump within the SE 1/4 NE 1/4, Sec. 1, T. 12S, R. 40E, B.M.; Lot 4, Sec. 31, T. 11S, R. 41E, B.M. Franklin County; to be used from Apr. 1 to Nov. 1 for the irrigation of 200 acres within Lot 4, Sec. 31, T. 11S, R. 41E, B.M.; Lot 1, SE 1/4 NE 1/4, Sec. 1, T. 12S, R. 40E; Lots 1, 2, 4, & 5, Sec. 6, T. 12S, R. 41E, 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, 1515 Lincoln Road, Idaho Falls, Idaho, 83401 on or before September 17, 1973.

R. KEITH HIGGINSON
 Director

Published in the Preston Citizen, Preston, Idaho on August 30 and September 6, 1973.
 Legal No. 2444 — Pub.
 Aug. 30, Sept. 6, 1973.

13 7057

NOTICE OF APPLICATION FOR WATER PERMIT

Notice is hereby given that Rufus R. Smith,
Grace, Idaho
has on 8/22/73 submitted Application No. 13-7057
for a permit to appropriate 3.0 cubic feet per second ~~acre feet per annum~~
of water from Trout Creek tributary of Bear River
by means of pump and sump
within the SE 1/4, Sec. 1, T. 12S, R. 40E, B.M.; Lot 4, Sec. 31, T. 11S,
R. 41E, B.M. Franklin County;
to be used from Apr. 1 to Nov. 1
for the irrigation of 260 acres
within ~~the~~ Lot 4, Sec. 31, T. 11S, R. 41E, B.M.; Lot 1, SE 1/4, Sec. 1, T. 12S,
R. 40E; Lots 1, 2, 4, & 5, Sec. 6, T. 12S, R. 41E, 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, 1515 Lincoln Road, Idaho Falls, Idaho, 83401 on or before
September 17, 1973.

R. KEITH HIGGINSON
Director

Published in the Preston Citizen, Preston, Idaho
on August 30 and September 6, 1973.

*Del-L
NW-22
NW-14*

13 7057

1515 Lincoln Road

August 23, 1973

Re: Applications for Permit No. 13-7056 George I. Aston
No. 13-7057 Rufus R. Smith

Preston Citizen
Box 472
Preston, ID 83263

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 9-14-73 by ML

NCY:mb
Enc: Legal Notices (2)

13 7057

**NOTICE OF APPLICATION
✓ FOR WATER PERMIT**

Notice is hereby given that
Rufus R. Smith, Grace, Idaho
has on 8-22-73 submitted Appli-
cation No. 13-7057 for a permit
to appropriate 3.0 cubic feet per
second of water from Trout
Creek tributary of Bear River
by means of pump and sump
within the SE¹/4 (NE¹/4), Sec. 1, T.
12S, R. 40E, B.M., Lot 4, Sec. 31,
T. 11S, R. 41E, B.M., Franklin
County, to be used from Apr. 1
to Nov. 1 for the irrigation of 260
acres within Lot 4, Sec. 31, T.
11S, R. 41E, B.M., Lot 1,
SE¹/4 (NE¹/4), Sec. 1, T. 12S, R.
40E, Lots 1, 2, 4, & 5, Sec. 6, T.
12S, R. 41E, 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, 1515 Lincoln
Road, Idaho Falls, Idaho, 83401
on or before September 17, 1973.

R. KEITH HIGGINSON
Director

Published in the Preston Citi-
zen, Preston, Idaho on August
30 and September 6, 1973.

Legal No. 2444 - Pub.
Aug. 30, Sept. 6, 1973

13-7057

August 23, 1973

Re: Application for Permit No. 13-7057

C
Mr. Rufus R. Smith
Grace,
Idaho 83241

C
Dear Mr. Smith:

C
This office has commenced processing your application for permit to appropriate water from Trout Creek. As indicated to you at the time of your visit to this office, it will be necessary for you to provide written justification for the amount of water you have filed on.

P
Y
Our records indicate that the 260 acres of land upon which you have made the filing already has decreed rights in the amount of 3.0 c.f.s. from a tributary of Trout Creek. The Idaho Code, Section 42-202, limits the rate of diversion for irrigation purposes to .02 c.f.s. per acre unless a higher rate can be justified by unusual soils or irrigation methods. Thus the maximum water right holding appurtenant to this land without justification is 5.2 c.f.s. We accept as adequate justification statements from the Soil Conservation Service or other soil experts that the higher diversion rate is actually needed. It should include a statement indicating the maximum rate of diversion that is justified. Please furnish this office with such a letter or evidence that you are in the process of obtaining it within 30 days from the date of this letter, or we will reduce the rate of diversion on the above referenced application to 2.2 c.f.s.

If you have any questions, please do not hesitate to contact this office.

Very truly yours,

NORMAN C. YOUNG
District Engineer

NCY:mb

13 7057

UNITED STATES DEPARTMENT OF AGRICULTURE
SOIL CONSERVATION SERVICE

SUBJECT: SOILS - Water Holding Capacity

DATE: August 30, 1973

SEP 6 1973

TO: Mr. Dick Smith
Grace, Idaho

Department of Water Administration
Eastern District Office

As per my field visit to your ranch at Thatcher on August 30, 1973, the following were my findings:

1. 60% of the area is a soils called LOGAN SILTY CLAY LOAM; 0-8% slopes; 40 inches plus in depth; with a water holding capacity of 6 inches.
2. 30% of the area is a soils called TRENTON SILTY CLAY LOAM; 2-4% slopes; 40 inches plus in depth; with a water holding capacity of 7 inches.
3. 10% other soils.

This information on water holding capacity comes from Soil Conservation Service technical guide material, revised 4-70.

As a normal good loam irrigated soil will hold 10 inches of water in the profile, these soils will need an additional 4 & 3 inches of water to irrigate a crop properly.

L. LaMon Baird

L. LaMon Baird, District Conservationist
Soil Conservation Service
Preston, Idaho



STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION
EASTERN DISTRICT OFFICE



Cecil D. Andrus
Governor
R. Keith Haggins
Director

240 South Holmes Avenue
Idaho Falls, Idaho 83401
(208) 523-7186

Water Rights Administration
Water Resource Investigations
Dam and Reservoir Safety
Water Well Drilling
Waste Disposal Wells
Stream Channel Protection
Geothermal Resources

IDAHO DEPARTMENT OF WATER ADMINISTRATION
EASTERN DISTRICT OFFICE
2 LINCOLN RD
IDAHO FALLS, IDAHO 83401

August 23, 1973

Re: Application for Permit No. 13-7057

RECEIVED

SEP 6 1973

Mr. Rufus R. Smith
Grace,
Idaho 83241

Department of Water Administration
Eastern District Office

Dear Mr. Smith:

This office has commenced processing your application for permit to appropriate water from Trout Creek. As indicated to you at the time of your visit to this office, it will be necessary for you to provide written justification for the amount of water you have filed on.

Our records indicate that the 260 acres of land upon which you have made the filing already has decreed rights in the amount of 3.0 c.f.s. from a tributary of Trout Creek. The Idaho Code, Section 42-202, limits the rate of diversion for irrigation purposes to .02 c.f.s. per acre unless a higher rate can be justified by unusual soils or irrigation methods. Thus the maximum water right holding appurtenant to this land without justification is 5.2 c.f.s. We accept as adequate justification statements from the Soil Conservation Service or other soil experts that the higher diversion rate is actually needed. It should include a statement indicating the maximum rate of diversion that is justified. Please furnish this office with such a letter or evidence that you are in the process of obtaining it within 30 days from the date of this letter, or we will reduce the rate of diversion on the above referenced application to 2.2 c.f.s.

If you have any questions, please do not hesitate to contact this office.

Very truly yours,

Norman C. Young

NORMAN C. YOUNG
District Engineer

NCY:mb

I'm mailing you a copy of the letter from W.D.C. at Pocatello showing you my need for additional water. I was unable to get there to look at the site sooner.

Yours truly,
Prof. R. Smith, General

13 7057

October 2, 1973

Re: Permit No. 13-7057

Mr. Rufus R. Smith
Grace,
Idaho 83241

Dear Mr. Smith:

Enclosed is a copy of your approved Application for Permit No. 13-7057. We direct your attention to the conditions of approval as listed on the fourth page.

Be sure to note that a special condition requiring you to install and maintain a measuring device at your point of diversion has been placed upon your permit. We are enclosing a letter describing different types of measuring devices accepted by this office.

Sincerely,

BOBBY D. FLEENOR
Assistant Director

BDF:cd

Enclosures

13 7057

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE
STATE OF IDAHO

IN THE MATTER OF PERMIT NO. 13-7057
IN THE NAME OF RUFUS R. SMITH

ORDER OF REINSTATEMENT

WHEREAS, on August 22, 1973, Rufus R. Smith filed with the Department of Water Resources for an application for permit to appropriate 3.00 cubic feet per second of water from Trout Creek tributary of Bear River to be diverted within the SE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 1, Twp. 12S, Rge. 40E and Government Lot 4 (SW $\frac{1}{4}$ SW $\frac{1}{4}$), Sec. 31, Twp. 11S, Rge. 41E B.M., Franklin County, to be used for irrigation purposes; and,

WHEREAS, on September 28, 1973, the Department approved said application and issued Permit No. 13-7057 with the condition that proof of construction of works and application of water to beneficial use be submitted to the Department on or before September 1, 1978; and,

WHEREAS, on June 30, 1978, the Department notified the permit holder by certified mail that proof of beneficial use was due and instructed the permit holder as to the steps to be taken to make said proof; and,

WHEREAS, on September 1, 1978, Permit No. 13-7057 automatically lapsed for failure to the permit holder to submit proof of beneficial use of water; and,

WHEREAS, Section 42-218a of the Idaho Code provides that a permit may be reinstated upon a showing of reasonable cause within 60 days from the date of lapsing; and,

WHEREAS, the permit holder has provided a reasonable showing as to why said permit should be reinstated by submitting proof of beneficial use on September 5, 1978.

IT IS, THEREFORE, HEREBY ORDERED that Permit No. 13-7057 be REINSTATED and the priority advanced to August 27, 1973.

Dated this 19th day of September, 1978.

L. Glen Saxton
L. GLEN SAXTON

Chief, Operations Bureau

RECEIVED



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

JOHN V. EVANS
Governor

C. STEPHEN ALLRED
Director

June 30, 1978

CERTIFIED MAIL

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

Re: Permit No. 13-7057

138734

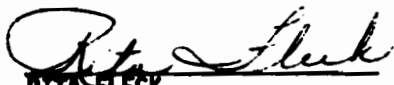
Mr. Rufus R. Smith
Grace,
Idaho 83241

Dear Mr. Smith:

One of the conditions of approval of your water Permit No. 13-7057 (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 September 1, 1978. 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.


RITA FLECK
Water Rights

Encl: Proof affidavit

MICROFILMED

Identification No. 13-7057

Permit No. _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

SEP 5 1978

Department of Water Resources

PROOF OF APPLICATION OF WATER TO BENEFICIAL USE

1. a) Name of Permit Holder Rufus R. Smith - Dora Smith (Personal Representative)
b) Post Office Address Grace, Idaho 83241
2. Permit Number 13 7057
3. Date of Priority that you are prepared to establish August 22, 1973
4. a) Source from which water was appropriated Trout Creek - a tributary of Bear River
b) Location of the point of diversion: SE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 1
Township 12 South, Range 40 East Boise Meridian, Other points of diversion: _____
5. a) The amount of water and use to which the water has been applied:
Amount 3.0 cfs for Irrigation purposes from April 1 to November 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 3.0 cfs 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: _____
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:
Trout Creek - Pumped directly from creek
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) 30 hp Berkeley electric pump - Pumped directly from creek.
b) Describe the type and size of measuring device which you have installed at your point of diversion:
6" Micro Meter water meter
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: _____

RECEIVED

Examined
by WJ
9/15/78



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

September 19, 1978

Rufus R. Smith
Grace,
Idaho 83241

Re: Permit No. 13-7057

Enclosed is a copy of the Order reinstating your permit and advancing your priority to August 27, 1973.

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 just when this examination will be made, but our examiner will try to contact you at the time he makes the examination so that you may show him the system.

If you have any questions regarding the field examination, please contact our regional office in Idaho Falls.

Sincerely,

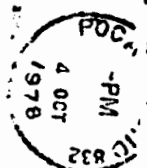
RITA FLECK
Water Rights

MICROFILMED

CLYDE G. NELSON
ATTORNEY AT LAW
P. O. BOX 767
SODA SPRINGS, IDAHO 83276

Attention: Mr. L. Glen Saxton
Chief, Operations Bureau

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



TELEPHONE (208) 847-6125

CLYDE G. NELSON

ATTORNEY AND COUNSELOR AT LAW

189 SOUTH MAIN STREET
SODA SPRINGS, IDAHO 83276

P. O. BOX 787

October 3, 1978

RECEIVED

OCT 6 1978

Department of Water Resources

State of Idaho Department of Water Resources
Statehouse
Boise, Idaho 83720

Attention: Mr. L. Glen Saxton, Chief, Operations Bureau

Re: In the Matter of Permit No. 13-7057, in the name of
Rufus R. Smith

Dear Mr. Saxton:

On September 19, 1978, you forwarded an Order of Reinstatement on Permit No. 13-7057 and advanced the priority date to August 27, 1973. It is my understanding that Mrs. Smith had until September 1, 1978, to submit the proof of application to beneficial use. The form for proof of application to beneficial use was mailed to you on August 31, 1978. Mail delivery between Boise and Soda Springs, Idaho, is normally one day. I would venture to guess that form showing proof of application to beneficial use was received by your office on September 1, 1978, that being within the required period of time in which to submit the necessary proof. In any case, it was submitted to your office prior to September 1, 1978, and I believe that the envelope containing the same will show that.

It would appear that the proof needed was filed with your office within the required period of time. It may be that your office was unable to file the same until September 5, 1978. However, Mrs. Smith should not be penalized by the Labor Day holiday weekend during which your office was not open and therefore could not receive mail nor could it file the same. Again, Mrs. Smith should not be penalized by the fact that your office is not open on Saturday, Sunday, or the Labor Day holiday.

We would request that the priority time be revised to August 22, 1973, or at the very latest, August 23, 1973, upon this information that is being submitted to you. Thank you for your consideration and attention to this matter.

Sincerely,


Clyde G. Nelson

CGN:lmn

cc: Dora Smith

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 13-7057

Priority: August 27, 1973 Amount: 1.43 CFS 429.0 AFA

This is to certify, that NUFUS R. SMITH
GRACE, ID 83241 has complied with the terms and conditions
of the permit issued pursuant to Application for Permit dated August 22, 1973, and
has submitted proof to the Department of Water Resources on September 5, 1978, that
water has been applied to a beneficial use; an examination by the Department indicates
that the works have a diversion capacity of 1.43 cfs of water from;

TROUT CREEK tributary to BEAR RIVER

and that a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DATE OF DIVERSION</u>	<u>VOLUME</u>
Irrigation	04/01 to 11/01	1.43 cfs	429.0 afa

LOCATION OF POINT OF DIVERSION(S): SENE, Sec. 1, Township 12S, Range 40E
Franklin County

PLACE OF USE: Irrigation

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
11S	41E	31	LOT 4(SNW)39				39
12S	40E	1	LOT 1(NENE)10	SENE 4	SENE 30	NESE 2	46
12S	41E	6	LOT 1(NENE)19	LOT 2(NENE) 2	LOT 4(NNW)35	LOT 5(SNW) 2	58

Total number of acres irrigated: 143

CONDITIONS/REMARKS:

1. The right to the use of the water hereby confirmed is limited to the amount which can actually be beneficially used and is restricted and appurtenant to the lands or place of use and to the purpose herein described, as provided by the laws of Idaho.
2. This right is subject to all prior water rights and may be forfeited by five years of non-use.
3. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
4. A measuring device of a type approved by this Department shall be maintained as a part of the diverting works.
5. Use of water under this license is subject to control by the watermaster of State Water District No. 11.
6. This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 3.0 afa per acre for the lands above.

MICROFILMED

MAY 07 1987

State of Idaho
Department of Water Resources

PAGE 2

WATER RIGHT LICENSE

WATER RIGHT NO. 13-7057

This license is issued pursuant to the provisions of Section 42-219, Idaho Code.
Witness the seal and signature of the Director, affixed at Boise, this 22nd day
of April, 1982.

Acting for the Director

Norman Young

MICROFILMED

MAY 07 1987

State of Idaho
Department of Water Resources

RECEIVED
MAR 20 1987

APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 13-7057

Department of Water Resources

APPROVED

Date of Priority: August 27, 1973

Comes now RUFUS R. SMITH
GRACE, ID 83241

and represents to the Director of the

Idaho Department of Water Resources:

That he is the owner and holder of Permit to appropriate the Public Waters of the State of Idaho No. 13-7057, and requests that the permit be changed as follows:

Source: TROUT CREEK

tributary to: BEAR RIVER

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DATE OF DIVERSION</u>	<u>VOLUME</u>
Irrigation	04/01 to 11/01	1.43 cfs	429.0 af

LOCATION OF POINT OF DIVERSION(S): SENE, Sec. 1, Township 12S, Range 40E
Franklin County

PLACE OF USE: Irrigation

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
11S	41E	31	LOT 4 (SESW) 39				39
12S	40E	1	LOT 1(NENE)10	SENE 4	SENE 30	NESE 2	46
12S	41E	6	LOT 1(NENE)19	LOT 2(NWNE) 2	LOT 4(NWNE)35	LOT 5(SWNE) 2	58

Total number of acres irrigated: 143

Permit holder asserts that no one will be injured by such change and that such change will be made at permit holder's own risk.

Signed at Grace, Idaho, this 18 day of March, 1987.

MICROFILMED

MAY 07 1987

Rufus R. Smith
(Signature)

PAGE 2

State of Idaho
Department of Water Resources

APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 13-7057

FOR DEPARTMENT USE ONLY

Preliminary check by fw Fee = \$20.00 ✓ Received by CCW Date 3-20-87 #4586

ACTION OF THE DEPARTMENT OF WATER RESOURCES

I, A. Kenneth Dunn, of the Department of Water Resources hereby approve the above
Application for Amendment for Permit No. 13-7057 with the following;

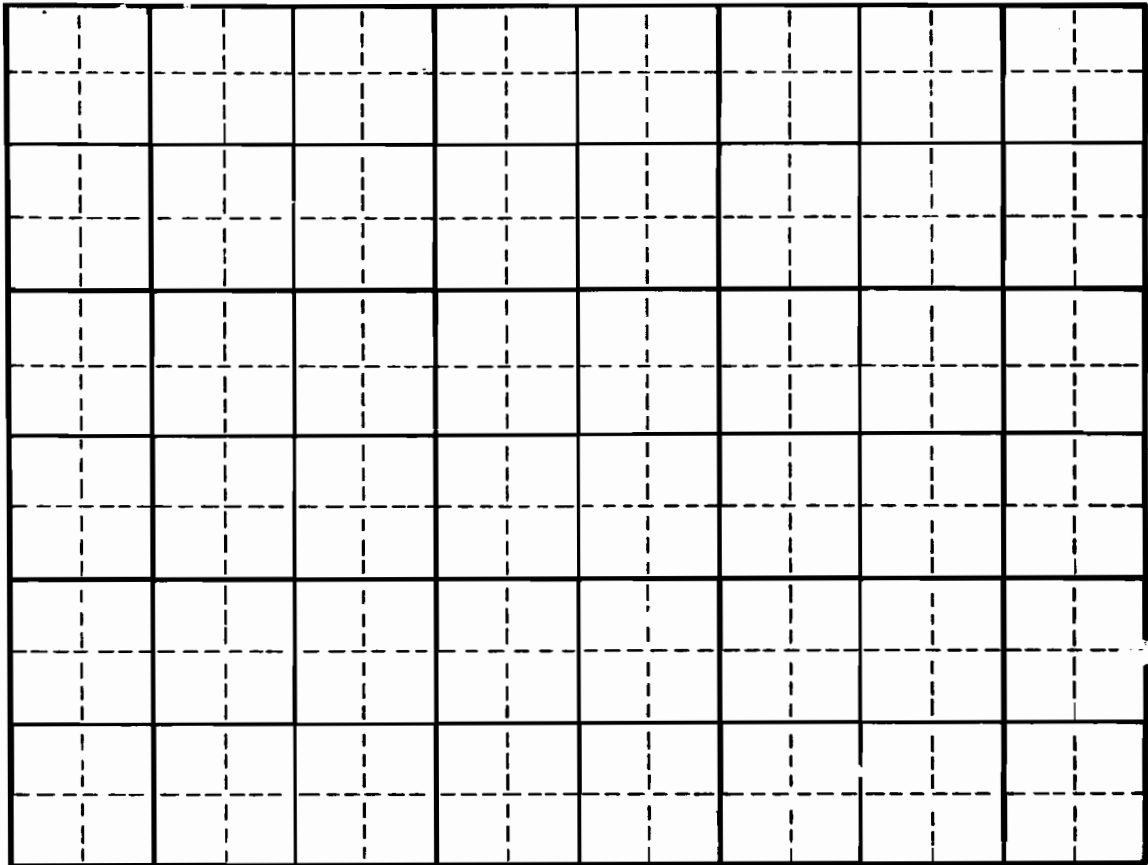
CONDITIONS/REMARKS:

1. The right to the use of the water hereby confirmed is limited to the amount which can actually be beneficially used and is restricted and appurtenant to the lands or place of use and to the purpose herein described, as provided by the laws of Idaho.
2. This right is subject to all prior water rights and may be forfeited by five years of non-use.
3. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
4. A measuring device of a type approved by this Department shall be maintained as a part of the diverting works.
5. Use of water under this license is subject to control by the watermaster of State Water District No. 11.
6. This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 3.0 afa per acre for the lands above.

Witness my hand this 22ND day of APRIL, 1987

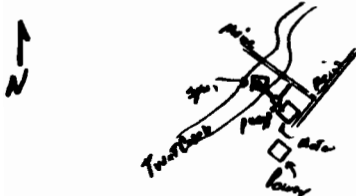
A. Kenneth Dunn
(Director)

MAP (Attach Aerial Photo)



SCHEMATIC DIAGRAM OF SYSTEM

(Include distance from pump to measuring device, if applicable.)



JDC

40E

Point(s) of diversion: SE 1/4 NE 1/4 Sec 1 T12S R4E2M.

Place(s) of Use

TWP.	RGE.	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
11S	41E	31											39						39
12S	41E	6																	38
12S	40E	1													2				96
																			1424

Recommended Amendments:

☐ Change P.D. as reflected above

☐ Add P.D. as reflected above

☐ None

☐ Change P.U. as reflected above

☒ Add P.U. as reflected above

☐ Other

Examiner's Signature

Joe Lab Carlin

Checked by

Jim

Approved by

Date

5/14/86

Date

5-15-86

Date

1-8-87

Refus
melt
13-7057



March 2, 1987

RUFUS R. SMITH
GRACE, ID 83241

RE: Permit No. 13-7057

Dear Permit Holder(s):

The above referenced water right is in the process of being licensed. However, before a license can be issued, your permit must be amended to correspond with the findings of the Department's field examiner.

The enclosed application for amendment contains information that will be included on the license when it is issued. Please review carefully and if you concur, sign the amendment and return with the \$20.00 filing fee within 30 days.

If you do not concur with these findings or if you have any questions, please contact us within the 30-day period.

Sincerely,

JIM JOHNSON
Water Rights Supervisor

JJ:sc

Enclosure

INTER-DEPARTMENT MEMO — 1

FROM Kay Walker

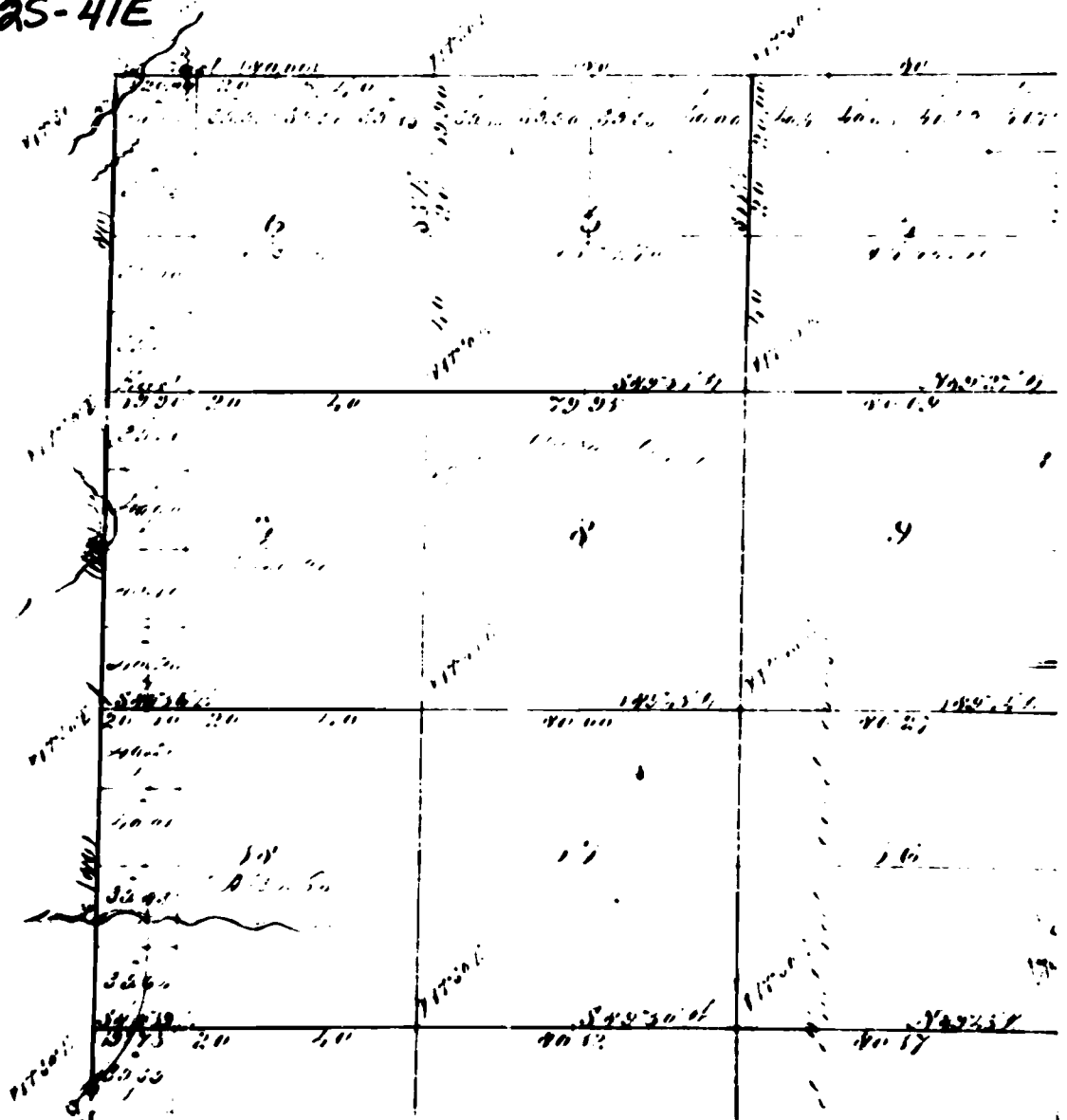
DATE 3/23/87

TO File 13-7057

SUBJECT Signature on license amendment

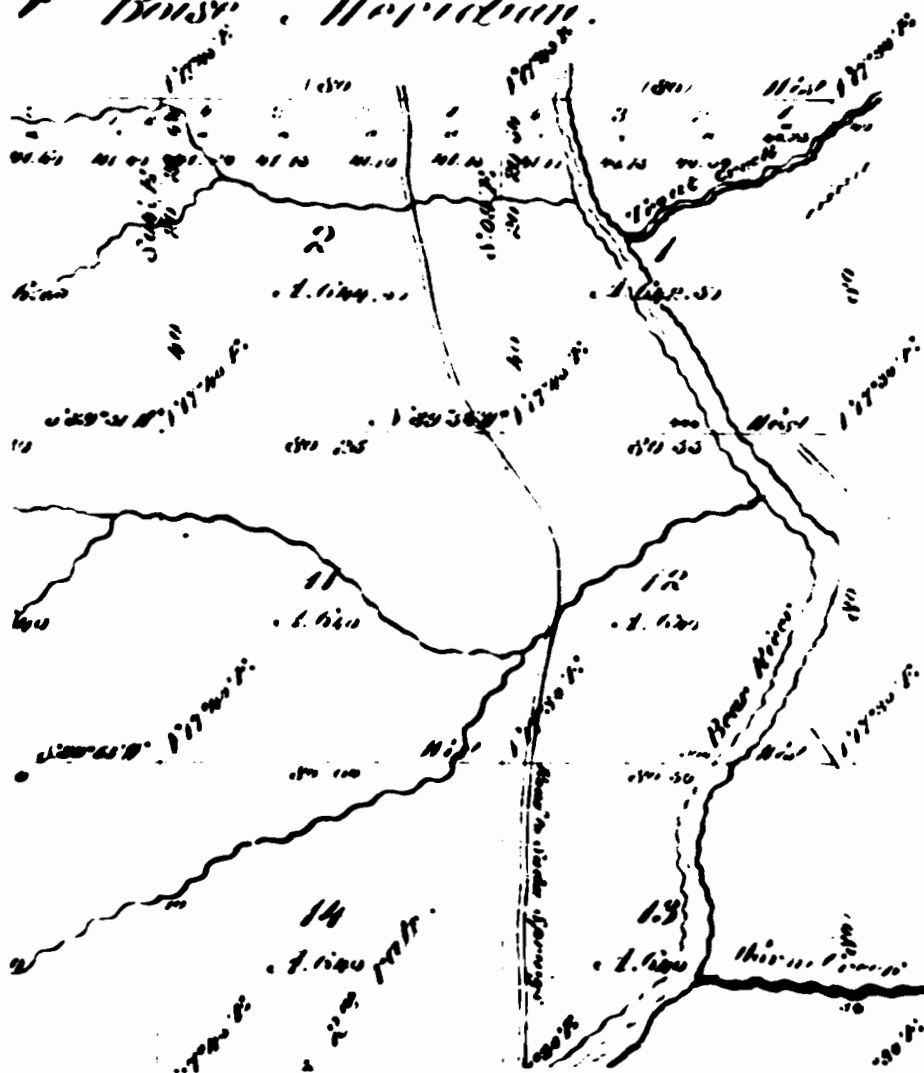
Dora Smith signed the licensing amendment, for Mr. Rufus R. Smith, as his personal representative. Please note that her signature was acceptable for proof of beneficial use so I assume we can accept it for the licensing amendment.

125-41E



r. Buisson, Moritzburg.

125-40E



Services Designated	By whom ordered	Date of Contract	Amount of Money		
			Dollars	Cents	Fractions
Funerals 1 time	George H. Winman	July 1 st 1875	123	00	00
Subscriptions			32	20	25
Total. Winberg: \$155.25					

April 23, 1987

RUFUS R. SMITH
GRACE, ID 83241

RE: Permit No. 13-7057

Dear Permit Holder(s):

Enclosed herewith is a copy of your Water Right License issued on the above referenced permit along with a copy of your approved application for amendment.

Should you have any questions regarding these documents, please feel free to contact our office.

Sincerely,

JIM JOHNSON
Water Rights Supervisor

JJ:sc

Enclosure

11:15 a.m. JUL 02 1990 — p.1

WARRANTY DEED

LORRAE E. JOHNSON, RECORDER

By Ruth K. Rawlings Deputy
FRANKLIN COUNTY, IDAHO

THIS INDENTURE, Made this 5th day of June, 1990, between Dora A. Smith, a widow, individually, and as Trustee of the Estate of RUFUS R. SMITH, of Grace, Caribou County, Idaho, the GRANTOR, and Edward J. Halstead and Janine S. Halstead, whose address is P. O. Box 1005, Ely, Nevada 89301, the GRANTEES, -

WITNESSETH: That said GRANTOR, for and in consideration of the sum of FIFTY THOUSAND AND NO/100- - - - -DOLLARS lawful money of the United States of America, to her in hand paid by the GRANTEES, the receipt whereof is hereby acknowledged, does by these presents, Grant, Bargain, Sell and Convey and Confirm unto the said GRANTEES, and to their heirs and assigns forever, all those certain lots, pieces or parcels of land situate, lying and being in Franklin County, Idaho, bounded and more particularly described as follows, to-wit:

Township 11 South, Range 41 East of the Boise Meridian:

Section 31: Lot 4.

Township 12 South, Range 40 East of the Boise Meridian:

Section 1: Lot 1, SE $\frac{1}{4}$ NE $\frac{1}{4}$, EXCEPT THEREFROM the following tracts:

1. Beginning at the Southwest corner of the said SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 1, and running thence East along the South line of said SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 1, 774.00 feet;
thence North 15°03' East 518.6 feet;
thence North 68°46' West 248.5 feet;
thence North 8°39' East 71 feet;
thence North 60°51' West 303 feet;
thence South 12°29' West 446 feet;
thence South 49°19' West 433 feet,
more or less, to the West line of the said SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 1;
thence South along the said West line of the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 1, 91 feet, more or less, to the point of beginning.

2. Beginning at a point on the North line of said Lot 1, Section 1, 168 feet West of the Northeast corner of said Lot 1, Section 1, and running thence West along the said North line of Lot 1, Section 1, 876 feet, to the Easterly right of way line of State Highway No. 34;

181917 2-3

thence South 19°37' West along said Easterly
right of way line of State Highway No. 34,
911 feet;
thence North 78°12' East 734 feet;
thence North 14°47' East 341 feet;
thence North 44°45' East 536 feet, more or less,
to the point of beginning.

Township 12 South, Range 41 East of the Boise Meridian:

Section 6: Lots 4, 5 and 6. Also, beginning at the
Northwest corner of the NE¼NW¼ of said
Section 6, and running
thence South 957 feet;
thence Northeasterly 429 feet;
thence East 99 feet;
thence North 49.5 feet;
thence Westerly 165 feet;
thence Northwesterly 569.25 feet,
to the point of beginning; EXCEPT THEREFROM
the following described tract:

Beginning at the Southeast corner of Lot 6
of said Section 6, and running
thence North 874.5 feet;
thence in a Southwesterly direction to the South
line of said Lot 6 to a point 825 feet West from
the Southeast corner of said Lot 6;
thence East 825 feet to the point of beginning.

TOGETHER WITH 100 inches of the Decreed Water of the South Fork
of Trout Creek from Entry No. 377 of the Final Decree in the case
of Utah Power & Light Company vs. Last Chance Canal Company, et al,
dated July 14, 1920.

TOGETHER WITH all right, title and interest of the Seller in the
State of Idaho Water License for Water Right No. 13-7057 with a
priority of August 27, 1973 for 1.43 C.F.S., 429.0 A.F.A. as more
specifically set forth in such license on file in the Department
of Water Resources for the State of Idaho.

TOGETHER WITH all buildings or improvements thereon.

SUBJECT TO such easements, rights of way, exceptions or reservations
as may be shown by the record, and subject to the taxes for 1990,
which are now an accruing lien, but are not yet due nor payable.

TOGETHER WITH all and singular, the tenements, hereditaments and
appurtenances thereunto belonging or in anywise appertaining, and the
rents, issues and profits thereof.

TO HAVE AND TO HOLD, all and singular, the said premises, together
with the appurtenances and privileges thereunto incident unto the said

GRANTEES and to their heirs and assigns forever. And the said GRANTOR and her heirs the said premises in the quiet and peaceable possession of the said GRANTEES, their heirs and assigns against said GRANTOR and her heirs and against all and every person or persons whomsoever, lawfully claiming or to claim the same, shall and will warrant and by these presents forever defend.

IN WITNESS WHEREOF, GRANTOR has hereunto set her hand, individually and as Trustee of the Estate of RUFUS R. SMITH, the day and year herein first above written.

Dora A. Smith
DORA A. SMITH

ESTATE OF RUFUS R. SMITH

By: *Dora A. Smith*
DORA A. SMITH, Trustee

STATE OF IDAHO)
 : ss.
County of Caribou)

On this 5th day of June, 1990, before me, Leonard O. Kingsford, a NOTARY PUBLIC in and for the State of Idaho, personally appeared Dora A. Smith, known to me to be the person whose name is subscribed to the above and foregoing instrument, and acknowledged to me that she executed the same, in her individual capacity, and as Trustee of the Estate of Rufus R. Smith.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this Certificate first above written.



Leonard O. Kingsford
NOTARY PUBLIC for Idaho, residing at
Soda Springs, Idaho. My commission
expires: August 15, 1991.

181917 1-3

Recorded at the request of
Edward J. Halstead

11:15 a.m. JUL 02 1990 —a

WARRANTY DEED

LARAE E. JOHNSON, RECORDER
By Ruth K. Rawlings Deputy
FRANKLIN COUNTY, IDAHO

THIS INDENTURE, Made this 5th day of June, 1990, between Dora A. Smith, a widow, individually, and as Trustee of the Estate of RUFUS R. SMITH, of Grace, Caribou County, Idaho, the GRANTOR, and Edward J. Halstead and Janine S. Halstead, whose address is P. O. Box 1005, Ely, Nevada 89301, the GRANTEES, -

WITNESSETH: That said GRANTOR, for and in consideration of the sum of FIFTY THOUSAND AND NO/100- - - - -DOLLARS lawful money of the United States of America, to her in hand paid by the GRANTEES, the receipt whereof is hereby acknowledged, does by these presents, Grant, Bargain, Sell and Convey and Confirm unto the said GRANTEES, and to their heirs and assigns forever, all those certain lots, pieces or parcels of land situate, lying and being in Franklin County, Idaho, bounded and more particularly described as follows, to-wit:

Township 11 South, Range 41 East of the Boise Meridian:

Section 31: Lot 4.

Township 12 South, Range 40 East of the Boise Meridian:

Section 1: Lot 1, SE $\frac{1}{4}$ NE $\frac{1}{4}$, EXCEPT THEREFROM the following tracts:

1. Beginning at the Southwest corner of the said SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 1, and running thence East along the South line of said SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 1, 774... feet;
thence North 15°03' East 518.6 feet;
thence North 68°46' West 248.5 feet;
thence North 8°39' East 71 feet;
thence North 60°51' West 303 feet;
thence South 12°29' West 446 feet;
thence South 49°19' West 433 feet,
more or less, to the West line of the said SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 1;
thence South along the said West line of the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 1, 91 feet, more or less, to the point of beginning.
2. Beginning at a point on the North line of said Lot 1, Section 1, 168 feet West of the Northeast corner of said Lot 1, Section 1, and running thence West along the said North line of Lot 1, Section 1, 876 feet, to the Easterly right of way line of State Highway No. 34;

181917 2.3

thence South 19°37' West along said Easterly
right of way line of State Highway No. 34,
911 feet;
thence North 78°12' East 734 feet;
thence North 14°47' East 341 feet;
thence North 44°45' East 536 feet, more or less,
to the point of beginning.

Township 12 South, Range 41 East of the Boise Meridian:

Section 6: Lots 4, 5 and 6. Also, beginning at the
Northwest corner of the NE¼NW¼ of said
Section 6, and running
thence South 957 feet;
thence Northeasterly 429 feet;
thence East 99 feet;
thence North 49.5 feet;
thence Westerly 165 feet;
thence Northwesterly 569.25 feet,
to the point of beginning; EXCEPT THEREFROM
the following described tract:

Beginning at the Southeast corner of Lot 6
of said Section 6, and running
thence North 874.5 feet;
thence in a Southwesterly direction to the South
line of said Lot 6 to a point 825 feet West from
the Southeast corner of said Lot 6;
thence East 825 feet to the point of beginning.

TOGETHER WITH 100 inches of the Decreed Water of the South Fork
of Trout Creek from Entry No. 377 of the Final Decree in the case
of Utah Power & Light Company vs. Last Chance Canal Company, et al,
dated July 14, 1920.

TOGETHER WITH all right, title and interest of the Seller in the
State of Idaho Water License for Water Right No. 13-7057 with a
priority of August 27, 1973 for 1.43 C.F.S., 429.0 A.F.A. as more
specifically set forth in such license on file in the Department
of Water Resources for the State of Idaho.

TOGETHER WITH all buildings or improvements thereon.

SUBJECT TO such easements, rights of way, exceptions or reservations
as may be shown by the record, and subject to the taxes for 1990,
which are now an accruing lien, but are not yet due nor payable.

TOGETHER WITH all and singular, the tenements, hereditaments and
appurtenances thereunto belonging or in anywise appertaining, and the
rents, issues and profits thereof.

TO HAVE AND TO HOLD, all and singular, the said premises, together
with the appurtenances and privileges thereunto incident unto the said

181917 3.3

GRANTEES and to their heirs and assigns forever. And the said GRANTOR and her heirs the said premises in the quiet and peaceable possession of the said GRANTEES, their heirs and assigns against said GRANTOR and her heirs and against all and every person or persons whomsoever, lawfully claiming or to claim the same, shall and will defend and by these presents forever defend.

IN WITNESS WHEREOF, GRANTOR has hereunto set her hand, individually and as Trustee of the Estate of RUFUS R. SMITH, the day and year herein first above written.

Dora A. Smith
DORA A. SMITH

ESTATE OF RUFUS R. SMITH

By: Dora A. Smith
DORA A. SMITH, Trustee

STATE OF IDAHO)
 : ss.
County of Caribou)

On this 5th day of June, 1990, before me, Leonard O. Kingsford, a NOTARY PUBLIC in and for the State of Idaho, personally appeared Dora A. Smith, known to me to be the person whose name is subscribed to the above and foregoing instrument, and acknowledged to me that she executed the same, in her individual capacity, and as Trustee of the Estate of Rufus R. Smith.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this Certificate first above written.



Leonard O. Kingsford
NOTARY PUBLIC for Idaho, residing at
Soda Springs, Idaho. My commission
expires: August 15, 1991.

RECEIVED

MAY 13 1936

Department of Water Resources

May 8, 1936
Burley, Id
83318

Mr Jim Johnson, Water Rights Supervisor
State of Idaho
Department of Water Resource
State Office
450 West State Street
Boise, Idaho 83720

Re: SouthFork of Trout Creek Entry No. 377
Water Right No. 13-7057

Please place a copy of the enclosed warranty deeds in the file for the above referenced water rights. The enclosed warranty deeds ~~rights of~~ Rufus R. Smith of Grace, Idaho to Edward J and Janine S. Halstead, whose current address is 565 Terrace Dr., Burley, Idaho 83318.

Please send a copy of each of the above reference water rights

~~rights of Rufus R. Smith of Grace, Idaho to Edward J and Janine S. Halstead, whose current address is 565 Terrace Dr., Burley, Idaho 83318~~

Respectfully

Janine S. Halstead
Janine S. Halstead



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

Phone: (208) 327-7900 FAX: (208) 327-7866

May 15, 1996

PHILIP F. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

ED HALSTEAD
JANINE HALSTEAD
PO BOX 1265
BURLY ID 83318

RE: Water Right No. 13-07057

Dear Water Right Holder(s):

We are in receipt of the correspondence concerning ownership of the above referenced water right.

In Idaho, a licensed water right is considered real property; therefore, proof of owning the land is proof of owning the water right unless specifically excluded in the sale. We have placed your correspondence in the file for future reference.

If you have any questions, please let us know.

Sincerely,

for Shelley Walter
JIM JOHNSON, Manager
Water Permits Section

JJ:rl

BLM:cs