

MEMORANDUM

Date: August 24, 2009
To: Water Right File 47-7723
From: shemenway
Re: Licensing 47-7723

Application for Permit submitted 4/3/1981 (Priority Date), and was approved on 6/23/1981 with condition of proof being submitted by 6/1/1986, and for permit when combined with all other water rights for the same land not to exceed 0.02 cfs/acre. Proof of Beneficial Use was submitted 9/30/1985. Examination Fees for \$50 were submitted 5/7/1986 (0 - 0.20 cfs, and 0 - 20.0 af limit).

May 1, 1981, Twin Falls Canal Company submitted a letter stating that after researching the filed water right permit, they concluded that the water sought to be appropriated was waste water, which would accrue below the Company's last delivery. They advised that many others hold prior rights to this waste water and of course the holder has a right to cease wasting water. That the Canal Company would continue to make deliveries to their shareholders, but would make no effort to put additional water in the ditches to insure that waste water would be available for permits such as this one.

A partially completed Beneficial Use Field Report was conducted on 10/21/1986, with diagrams of the existing system developed from the springs (collection tank, and 1 inch discharge), information about the type of pump (Red Jacket), measurement from the waste water via a 90 degree V-Notch weir (0.403 cfs), and pictures. This information is a good representation of the system as it was developed originally and used at the time of filing for the permit, and was utilized in confirming the capacity of the system. Measurements from waste water discharge taken during the 6/17/2009 Field Exam (0.14 cfs) was not representative of the system when the applicant filed for a permit. For this reason, I am recommending to use the 10/21/1986 field exam measurement for waste water of 0.403 cfs.

An Assignment of Permit was received by IDWR 1/27/1997 (signed 11/22/1996), with the sale of the property to Philip A. and Margaret J. Smith Jr.

An Amendment to the License was sent to Philip A. Smith on 8/5/2009, due to locations for the Point of Diversion, Place of Use, and Season of Use for Stockwater being different than that shown on the Application of Permit. The locations for the PODs were confirmed via GPS/Garmin during a 6/17/2009 Field Exam accompanied by Philip A. Smith.

The 6/17/2009 Field Exam indicated that the spring source collection tank was being reconstructed, which did not enable a physical measurement to be obtained. For this reason, and since historically this system had been shown to be using the same system, the measurement accepted for the spring source was the maximum capacity of a 1 inch pipe (0.03 cfs). The spring source is utilized to water 2 gardens, the greenhouse, flowerbeds surrounding the south side of the house, and the yard. The springs system is no longer used for Domestic Internal Use, since a well was drilled in 1991 due to health issues that involved the Health District. The rate recommended for Domestic/1 is 0.03 cfs and 1.2 af (due to the limiting factor of the 1 inch pipe).

After reviewing the condition on the Permit with management, it was determined that this was a data entry error, and it is being Recommended at 0.03 cubic feet per second for each acre of land, since the standard for 5 acres or less is 0.03 cfs for each acre of land.

Idaho Department of Water Resources Receipt

Receipt ID: C089187

Payment Amount \$50.00 Date Received 8/20/09 12:03 Region STATE
Payment Type Check Check Number 3733
Payer SMITH, MARGARET J. / PHILIP A.

Comments Water Right #47-07723 for Margaret Smith and Philip A. Smith Jr.

Fee Details

Amount	Description	Fund	Fund Detail	PCA	Subobject
\$50.00	AMENDMENTS	0229	21	56105	1155

SR7

Signature Line (Department Representative)