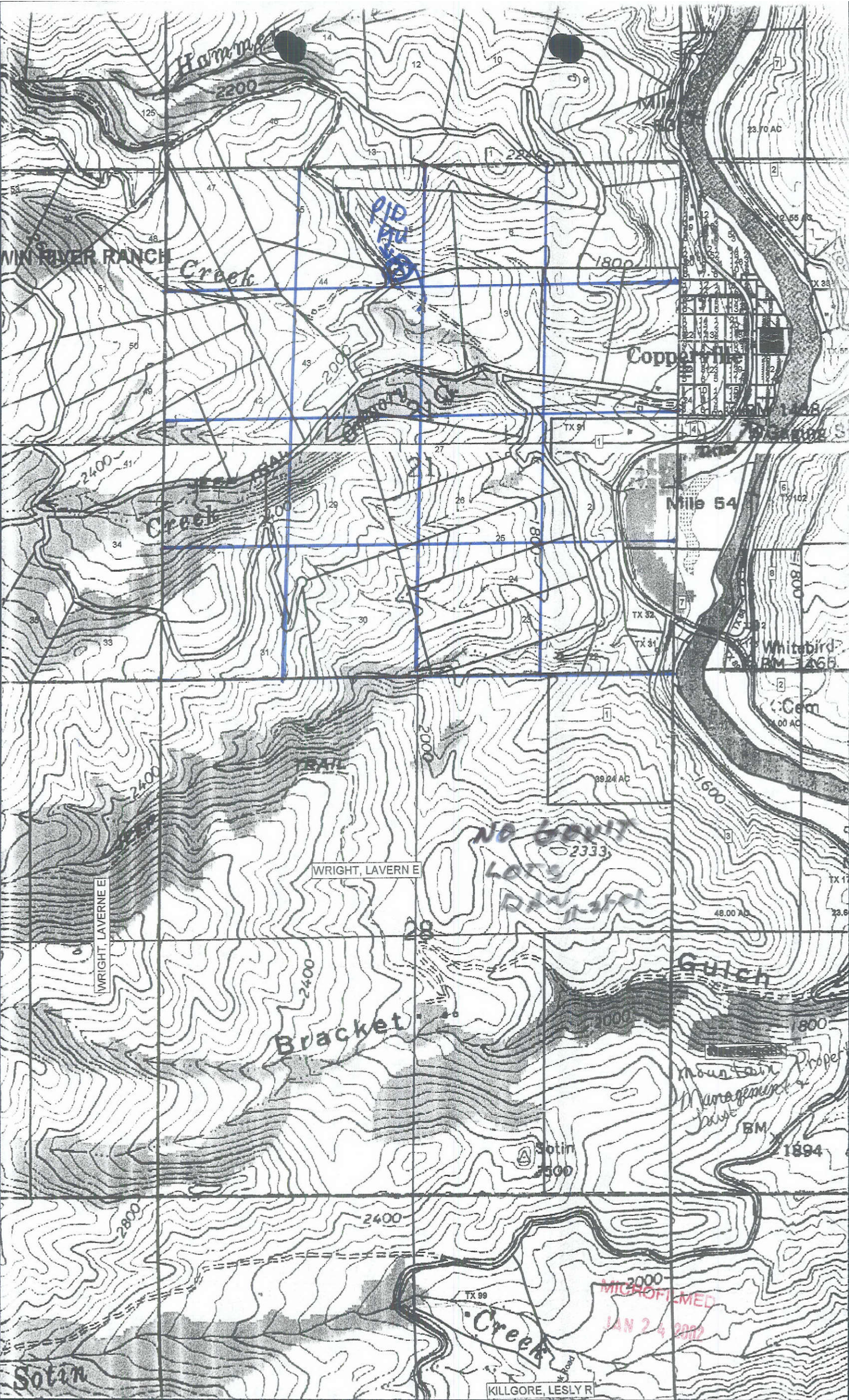




WIN RIVER RANCH

Creek

PID
PU
13

Copperville

Creek

TRAIL

WRIGHT, LAVERNE E

WRIGHT, LAVERNE E

No. 60017
LOTS
D-1-1-1-1

Bracket

Gulch

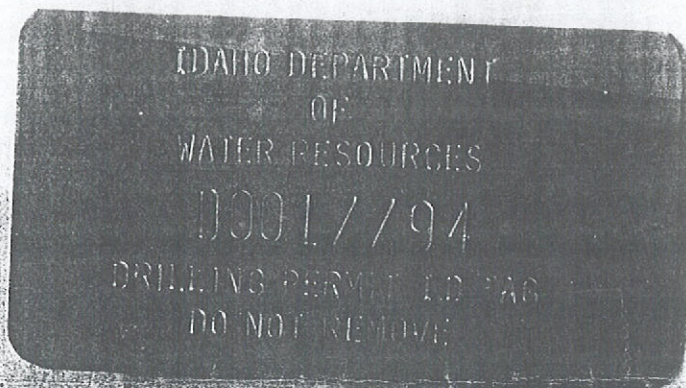
Mountain
Management
Dist

Satin

TX 99

KILLGORE, LESLY R

MICROFILMED
JAN 24 2002



Form 235-2, 1/97

Back of Card is Pre Addressed

Idaho Department of Water Resources
1301 North Orchard Boise ID 83706-2237

Write Tag Number Here

D0017794

Start Card/Permit for a Domestic Well

(Cold Water 85 degrees or less)

Press Hard

(Not Valid Without Tag Number)

1. Well Owner (please print): Terry & Linda Smith
2. Owner's Address: 3236 East Grand Ave,
City Laramie State WY (staying @) Phone (208) 839-2265
3. Well Location: Twp: 28N Rge: 01E Sec: 21 1/4 NW 1/4 SE 1/4
Gov't Lot No. County Idaho Lat Long
Street Address of Well Site Twin River Ranch Sub Division; 2 miles
City WHITEBIRD Lot 5 Block Sub.
4. Well Construction Information:
[☒] New Construction, [☐] Deepen, [☐] Modify, [☐] Replace Existing Well (Previous #)
5. Construction Start Date: 13SEP2001 6. Well Driller BURNS W.D. License # 103
7. Signature of Driller or Owner: A.R. Burns Date 9/13/01
Submit White Copy to Department of Water Resources

Applicant agrees to comply with the Underground Facilities Damage Prevention Act I.C. 55-2201 et seq. and contact the locator service telephone number Digline 1-800-342-1585 prior to commencing excavation.

MICROFILMED

JAN 24 2002

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

PROOF OF BENEFICIAL USE

DEC 24 2003

Department of Water Resources

The Idaho Department of Water Resources considers this form a statement that the permit holder(s) has/have completed all development that will occur under this permit and that water has been applied according to the provisions of the permit for the beneficial use(s) described below. This form must be accompanied by a license examination fee, when necessary, or be accompanied by a completed field examination report prepared by a certified water right examiner.

1. Permit No. 79-13997 Telephone No. 775-750-9350 or 949-933-6096

2. Name of Permit Holder(s): TERRY J. & LINDA R. SMITH

3. Mailing Address: 3236 GRAND AVE; PMB 423; LARAMIE, WY 82070

City LARAMIE State WY Zip 82070

4. Source of Water: GROUNDWATER If GROUNDWATER (well), Date Drilled: mo. 9 / yr. 01

Well Driller: BURNS WELL DRILLING Drilling Permit Number: 771045

5. Use(s) (as authorized by the water right permit):

Domestic (No. of households): 1 Stockwater (No. and type of stock): _____

Irrigation (No. of acres): _____ Other: _____

6. Total rate of diversion and/or volume for which proof is submitted: 0.04 cfs OR _____ acre-feet

7. Measuring Device Requirement: (refer to the approval conditions on your permit and respond accordingly)
(This question is **not optional**. Please check either yes or no. Proofs returned not checked accordingly, will be considered incomplete)

Measuring Device: Is a measuring device required?
Has the measuring device been installed?

Yes _____ or No ✓
Yes _____ or No ✓

8. Fee Enclosed: \$ 50.00 (See Fee Schedule on back of the instructions for filing proof of beneficial use)

9. Person to contact to accompany the Department representative during field examination of the water system.

Name: TERRY SMITH Telephone Number: 775-750-9350

Address: NOTE: WHEN THE LINES WERE LAID FROM DRILL SITE TO BUILDING SITE - A STATE INSPECTOR WAS PRESENT

10. The information given on this form is my true statement of the extent to which the above numbered permit has been developed and water has been diverted. I agree to relinquish any undeveloped portion of the permit to the State of Idaho.

Signature of permit holder: Linda R. Smith Date: 12/17/03
(include your title, if on behalf of company or organization)

MICROFILMED
JUN 16 2004

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 79-13997

Priority: 09/20/2001

Maximum Diversion Rate: 0.04 CFS

This is to certify, that TERRY J SMITH
3236 E GRAND AVE
PMB 423
LARAMIE WY 82070

And

LINDA R SMITH
3236 E GRAND AVE
PMB 423
LARAMIE WY 82070

has applied for a permit to appropriate water from:

Source: GROUND WATER

and a permit is APPROVED for development of water as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>
DOMESTIC	01/01 to 12/31	0.04 CFS

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER NE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 21, Twp 28N, Rge 01E, B.M. IDAHO County

PLACE OF USE: DOMESTIC

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
28N	01E	21					X												

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **February 1, 2004**.
2. Subject to all prior water rights.
3. Project construction shall commence within one year from the date of permit issuance and shall proceed diligently to completion unless it can be shown to the satisfaction of the Director of the Department of Water Resources that delays were due to circumstances over which permit holder had no control.
4. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
5. Domestic use is for 1 home.
6. Point of diversion and place of use are located within Lot 5, Twin River Ranch Subdivision.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of the Director, affixed at Boise, this 25 day of January, 2002.

MICROFILMED
JAN 24 2002


for
KARL J DREHER, Director

ORM 202

96

RECEIVED

OCT 09 2001

WATER RESOURCES
WESTERN REGIONSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

RECEIVED

JAN 18 2002

Ident. No.

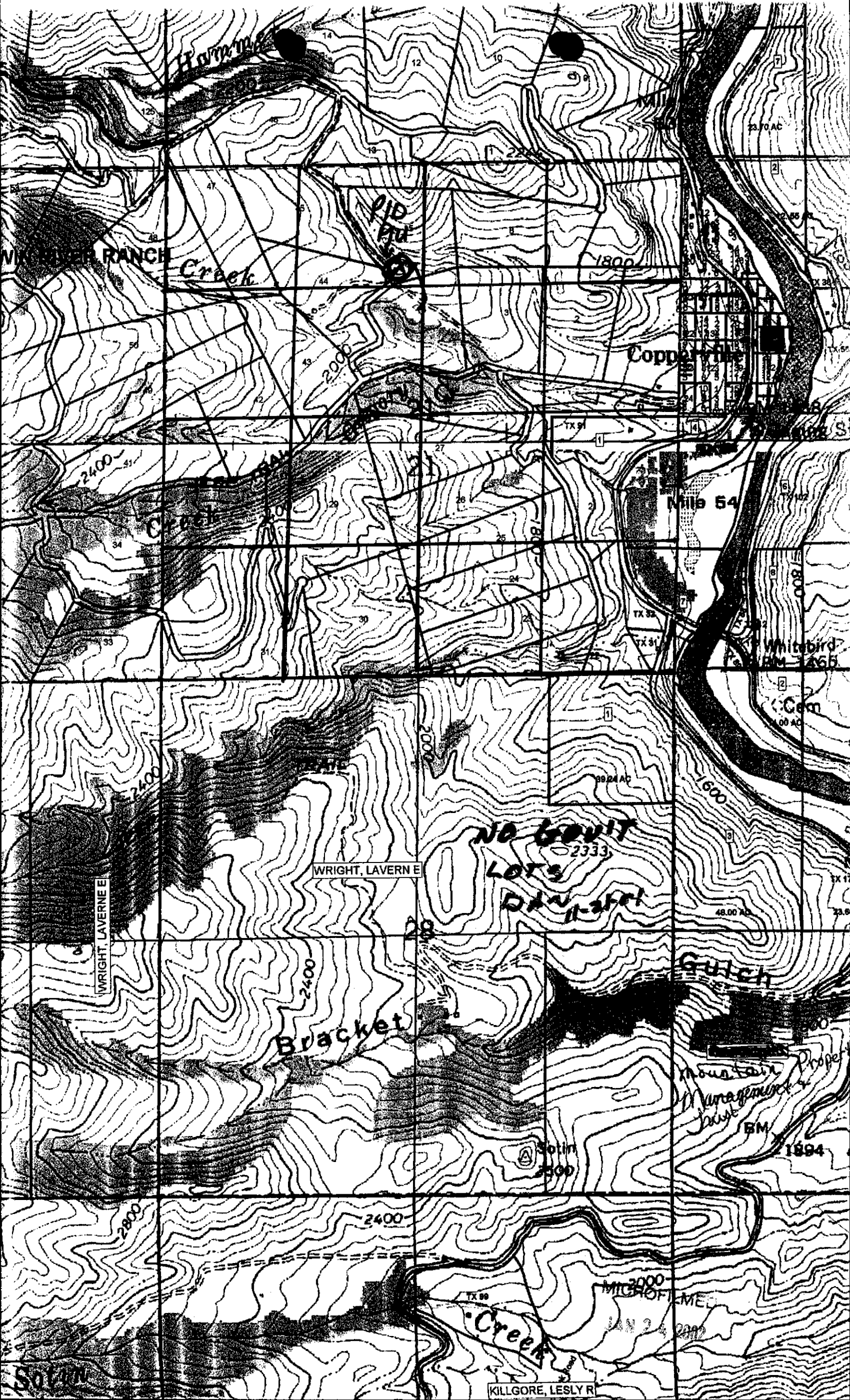
9-20-01
79-13997

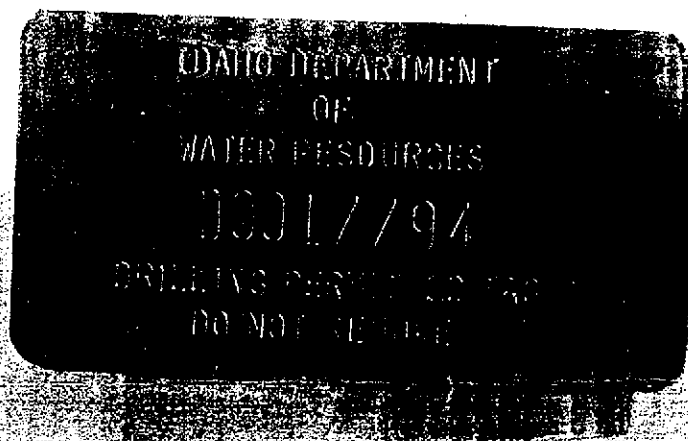
Department of Water Resources

1. Name of Applicant TERRY J. AND LINDA R. SMITH Cell 775-750-9350
Phone 775-750-9350
- Mailing address 3236 E. GRAND AVE. PMB 433 LARAMIE WY 82070
2. Source of water supply GROUNDWATER which is a tributary of SALMON RIVER
3. Location of point of diversion is Township 28N Range 1E Sec. 21 in the NE 1/4, of the
NW 1/4, Govt. Lot 5, B.M., IDAHO County:
additional points of diversion if any: _____
4. Water will be used for the following purposes:
- | | | |
|---------------------------------------|--|------------------------|
| Amount <u>.04</u> for <u>DOMESTIC</u> | purposes from <u>1/1</u> to <u>12/31</u> | (both dates inclusive) |
| (cfs or acre-feet per annum) | | |
| Amount _____ for _____ | purposes from _____ to _____ | (both dates inclusive) |
| (cfs or acre-feet per annum) | | |
| Amount _____ for _____ | purposes from _____ to _____ | (both dates inclusive) |
| (cfs or acre-feet per annum) | | |
| Amount _____ for _____ | purposes from _____ to _____ | (both dates inclusive) |
| (cfs or acre-feet per annum) | | |
| Amount _____ for _____ | purposes from _____ to _____ | (both dates inclusive) |
| (cfs or acre-feet per annum) | | |
| Amount _____ for _____ | purposes from _____ to _____ | (both dates inclusive) |
| (cfs or acre-feet per annum) | | |
5. Total quantity to be appropriated is (a) .04 and/or (b) _____
cubic feet per second acre feet per annum
6. Proposed diverting works:
- a. Describe type and size of devices used to divert water from the source well pump & pipeline
- b. Height of storage dam N/A feet; active reservoir capacity N/A acre-feet; total
reservoir capacity N/A acre-feet
- c. Proposed well diameter is 6 inches; proposed depth of well is 453 feet
- d. Is ground water with a temperature of greater than 85°F being sought? NO
- e. If well is already drilled, when? 9/11-14/01; Drilling firm BURNS WELL DRILLING
Well was drilled for (well owner) TERRY AND LINDA SMITH; Drilling Permit No. D0017794
7. Time required for completion of works and application of water to proposed beneficial use is 2 years (minimum 1 year)
8. Description of proposed uses (if irrigation only, go to item 9):
- a. Hydropower; show total feet of head and proposed capacity in KW. _____
- b. Stockwatering; list number and kind of livestock. _____
- c. Municipal; show name of municipality. _____
- d. Domestic; show number of households. 1
- e. Other; describe fully. _____

MICROFILMED

JAN 24 2002





Form 235-2, 1/97

Back of Card is Pre Addressed

Idaho Department of Water Resources
1301 North Orchard Boise ID 83706-2237

Write Tag Number Here

D0017794

Start Card/Permit for a Domestic Well

(Cold Water 85 degrees or less)

Press Hard

(Not Valid Without Tag Number)

1. Well Owner (please print): Terry & Linda Smith
2. Owner's Address: 3236 East Grand Ave,
City Laramie State WY (Staying @) Phone (208) 839-2265
3. Well Location: Twp 28N Rge: 01E Sec: 21 1/4 NW 1/4 SE 1/4
Gov't Lot No. County Idaho Lat : : Long : :
Street Address of Well Site Twin River Ranch Sub Division; 2 miles
City WHITEBIRD Lot 5 Block Sub.
4. Well Construction Information:
[☒] New Construction, [☐] Deepen, [☐] Modify, [☐] Replace Existing Well (Previous #)
5. Construction Start Date: 13SEP2001 6. Well Driller BURNS W.D. License # 103
7. Signature of Driller or Owner: A.R. Burns Date 9/13/01
Submit White Copy to Department of Water Resources

Applicant agrees to comply with the Underground Facilities Damage Prevention Act I.C. 55-2201 et seq. and contact the locator service telephone number Digline 1-800-342-1585 prior to commencing excavation.

BURNS WELL DRILLING

Rt. 2, Box 615
Grangeville, Idaho 83530

OFFICE 208-983-2464

Idaho State Lic. 103
Wash. State Lic. 0047

1700 17 794

OWNER <u>TERRY & LINDA SMITH</u>		ADDRESS <u>3236 EAST GRAND AVE</u> <u>LAUREL WY.</u>		FORMATIONS LOG	
DEPTH OF WELL <u>453'</u>		GALLONS PER MINUTE <u>20</u>		MATERIALS	DEPTH
STATIC LEVEL <u>195'</u>		TEMP. <u>51°</u>		<u>SOIL</u>	<u>0/1</u>
CASING—SIZE & AMT. USED <u>204 8"</u>		START — <u>SEPT 11-01</u> FINISH — <u>SEPT 14-01</u>		<u>CLAY & BASALT</u>	<u>1/15</u>
DRILLED BY OPERATOR <u>Nick</u>				<u>BASALT</u>	<u>15</u>
ADDITIONAL INFORMATION		STATEMENT		<u>6224</u>	<u>140</u>
<u>Thank You</u> <u>Nick</u>		<u>SEPT 14 19 2001</u>		<u>BASALT</u>	<u>160</u>
		TOTALS		<u>BASALT</u>	<u>160</u>
		6" HOLE @ ——— PER FOOT			
		<u>453</u> 8" HOLE @ <u>15⁰⁰</u> PER FOOT	<u>6795⁰⁰</u>		
		10" HOLE @ ——— PER FOOT			
		REAMING @ ——— PER FOOT			
		4" LINER @ ——— PER FOOT			
		<u>440</u> 6" LINER @ <u>7⁵⁰</u> PER FOOT	<u>3300⁰⁰</u>		
		8" LINER @ ——— PER FOOT			
		10" STEEL PIPE @ ——— PER FOOT			
		<u>20</u> 8" PIPE @ <u>9²⁰</u> PER FOOT	<u>180⁰⁰</u>		
		6" PIPE @ ——— PER FOOT			
		DRILL MACHINE HIRE @ ——— PER HR			
		<u>1</u> BENTONITE SEAL	<u>100⁰⁰</u>		
		DRILL MACHINE SET UP @ ———			
		<u>1</u> DRIVE SHOE <u>8"</u>	<u>125⁰⁰</u>		
		<u>1</u> Permit	<u>75⁰⁰</u>		
		MICROFILMED			
TERMS & CONDITIONS <u>PAID IN FULL</u> <u>CHECK #125</u>		JAN 26 2002 TOTAL AMOUNT DUE		<u>\$10585⁰⁰</u>	

Due when completed unless other arrangements are made in advance. Current bank interest will be charged.



Rt 2 Box 615
Grangeville, ID 83530
(208) 983-2464

Statement

DATE _____

9/17/01

BILL TO:

Terry & Linda Smith
Twin River Ranch

AMOUNT DUE	AMOUNT ENC.
\$0.00	

[illegible]

A SERVICE CHARGE of 1.04% a month (\$2.00 min.) is assessed on APPROVED balances over 30 days. A charge of 1.5% per month is assessed on OVERDUE balances.

balances **REFILMED**

1890 2 4 2002



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098

Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

February 6, 2004

TERRY J SMITH
LINDA R SMITH
3236 GRAND AVE
PMB 423
LARAMIE WY 82070

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 79-13997

Dear Permit Holder:

The department acknowledges receipt of the proof of beneficial use form submitted for the above referenced permit. The next step in the process of developing a water right is for the department to contact you to schedule a field examination to determine and confirm the use being made of the water, and that it meets the permitted beneficial use.

Be advised that Section 42-248, Idaho Code, requires you or the owner of these water rights to maintain current ownership and address records on file with the department. Forms to file a change of ownership of a water right and/or a change in the address of the water right owner are available from any department office, or at the department's website at: www.idwr.state.id.us.

If you have questions, please contact the **Western** Regional Office of the department in Boise (208) 334-2190.

Sincerely,

Deborah J. Gibson
Administrative Assistant
Water Allocation Bureau

Encl.

c: IDWR - Regional Office (w/encl.)

MAIL ROOM
JUN 16 2004

ANALYSIS SHEET FOR PROOF OF BENEFICIAL USE

Permit No.: 79-13997

Reviewed By: dgibson

Date: February 5, 2004

	<u>Yes</u>	<u>No</u>		<u>Yes</u>	<u>No</u>
Proof received timely?	X		Drilling permit required?	X	
License examination fee required?		X	Drilling permit No.:		771045
Appropriate fee submitted?		X	Drilling permit upgrade needed?		
Receipt No.:		N014661, C072076	Well driller's report filed?		X
Additional Amount Due:			Measuring device required?		X
Name and address same as permit?	X		Measuring device installed?		X
Are the water uses correct?	X		Measure device waiver requested?		

Priority Calculation

Date proof received		12/24/2003
Date proof due	-	02/01/2004
Lapse notice sent	-	
No. of days late	=	0
Holiday allowance	+	
Priority date	+	09/20/2001
New priority date	=	09/20/2001

Deficiencies of Actions Items

Acknowledge proof.

BURNS WELL DRILLING

Rt. 2, Box 615
Grangeville, Idaho 83530

OFFICE 208-983-2464
983-2129

Idaho State Lic. 103
Wash. State Lic. 0047

Permit #
771045

D0017794

OWNER <u>TERRY + Linda SMITH</u>	ADDRESS <u>3236 EAST GRAND AVE</u>		FORMATIONS LOG	
DEPTH OF WELL <u>453'</u>	GALLONS PER MINUTE <u>20</u>		MATERIALS	DEPTH
STATIC LEVEL <u>195'</u>	TEMP. <u>51°</u>		<u>SOTL</u>	<u>0/1</u>
CASING—SIZE & AMT. USED <u>2 1/2" 8'</u>	START — <u>SEPT 11-01</u>		<u>CLAY & BASALT</u>	<u>1/15</u>
DRILLED BY OPERATOR <u>Nick</u>	FINISH — <u>SEPT 14-01</u>		<u>15'</u>	<u>15/</u>
ADDITIONAL INFORMATION	STATEMENT		<u>BASALT</u>	<u>110</u>
<u>Thank You</u>	<u>SEPT 14 19 2001</u>		<u>GREY</u>	<u>140</u>
<u>Nick</u>	TOTALS		<u>BASALT</u>	<u>160</u>
	6" HOLE @ ——— PER FOOT		<u>140</u>	<u>140</u>
<u>443</u>	8" HOLE @ <u>15.00</u> PER FOOT	<u>6795.00</u>	<u>BASALT</u>	<u>453</u>
	10" HOLE @ ——— PER FOOT			
	REAMING @ ——— PER FOOT			
	4" LINER @ ——— PER FOOT			
<u>440</u>	6" LINER @ <u>7.50</u> PER FOOT	<u>3300.00</u>		
	8" LINER @ ——— PER FOOT			
	10" STEEL PIPE @ ——— PER FOOT			
<u>20</u>	8" PIPE @ <u>9.00</u> PER FOOT	<u>180.00</u>		
	6" PIPE @ ——— PER FOOT			
	DRILL MACHINE HIRE @ ——— PER HR ———			
<u>1</u>	BENTONITE SEAL	<u>100.00</u>		
	DRILL MACHINE SET UP @ ———			
<u>1</u>	DRIVE SHOE <u>8"</u>	<u>125.00</u>		
<u>1</u>	<u>Permit</u>	<u>75.00</u>		
	TOTAL AMOUNT DUE	<u>10530.00</u>		

TERMS & CONDITIONS

PAID IN FULL
CHECK #125

Due when completed unless other arrangements are made in advance.
Current bank interest will be charged.

JUN 16 2004

November 30, 2003

TERRY SMITH
LINDA R SMITH
3236 E GRAND AVE
PMB 423
LARAMIE, WY 82070

PROOF DUE NOTICE

RE: PERMIT NO. 79-13997

Dear Permit Holder:

One of the conditions of approval of the above referenced water permit was that proof of the extent of your beneficial use must be submitted to this office on or before February 01, 2004. (See last page of your approval permit or your last approved extension request.) Enclosed is a form which when accompanied by the license examination fee or a completed field examination report prepared by a certified water right examiner may be used to submit the required proof.

If you have not fully completed your project, and you or a previous owner of this permit have not received a prior extension of time, you may request an extension of time if the delay is for reasonable cause as provided in Section 42-204, Idaho Code. If you have been prevented from proceeding by a governmental agency or by litigation which might bring title to the water in question, more than one extension of time can be granted. An extension of time request form is enclosed for your convenience.

Either an acceptable proof of beneficial use submittal or an acceptable request for an extension of time must be received by this department on or before the above described proof due date. If neither is received, the department will send you a lapse notice. Within sixty (60) days of the mailing of the lapse notice, the permit will no longer be of any force nor effect.

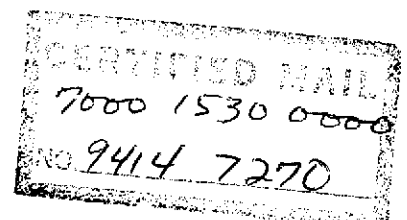
Sincerely,

Deborah J. Gibson, Administrative Assistant
Water Allocation Bureau

Enclosures

MICROFILMED

JUN 16 2004





State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098

Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

January 25, 2002

TERRY J SMITH
LINDA R SMITH
3236 E GRAND AVE
PMB 423
LARAMIE WY 82070

RE: Permit No. 79-13997

Permit Approval Notice

Dear Permit Holder:

The Department of Water Resources has issued the enclosed permit authorizing you to establish a new water right. Please be sure to thoroughly review the conditions of approval and remarks listed on your permit.

The permit is a PRELIMINARY ORDER issued by the Department pursuant to Section 67-5243, Idaho Code. It can and will become a final order without further action by the Department unless a party petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the service date as described in the enclosed information sheet.

As a permit owner you must commence the excavation or construction of the diverting works within one year of the date the permit was issued, and you must proceed diligently until the project is completed. The date shown under condition no. 1 is the date when the project must be completed.

The Department will send you a 'Proof Due Notice' approximately 60 days prior to the above referenced date requesting you to file either a Proof of Beneficial Use form or a Request for Extension of Time form.

The right to drill a well is not a part of this permit to appropriate water. Beginning in July of 1987, a statute was enacted which requires a drilling permit for new well construction and deepening of existing wells. If the well(s) proposed for use under this water right permit were drilled or deepened after July 1, 1987, a separate drilling permit must be obtained from this Department. Please contact the Ground Water Protection Section located here at this office or our regional office nearest you.

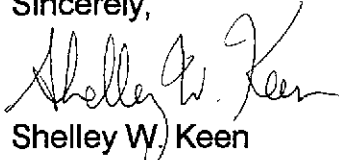
MICROFILMED

JAN 24 2002

Also, please note that water right owners are required to report any change of water right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact any office of the Department or visit the Department's homepage on the Internet to obtain the proper forms and instructions.

If you have any questions, please contact me at 208-327-7946.

Sincerely,



Shelley W. Keen

Water Rights Supervisor

SWK:klt

Enclosure(s)

MICROFILMED

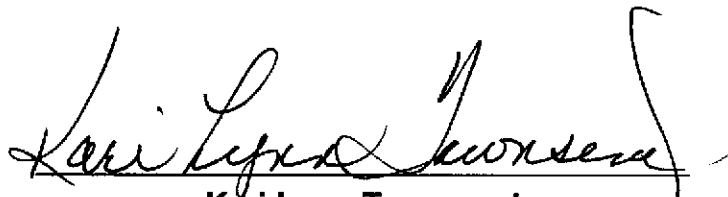
JAN 24 2002

CERTIFICATE OF MAILING

I hereby certify that on January 25, 2002 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER(Approved Permit) to the person(s) listed below:

RE: WATER RIGHT NO. 79-13997

**TERRY J SMITH
LINDA R SMITH
3236 E GRAND AVE
PMB 423
LARAMIE WY 82070**

A handwritten signature in cursive script, reading "Kari Lynn Townsend", written over a horizontal line.

**Kari Lynn Townsend
Secretary**

MICROFILMED

JAN 24 2002

**EXPLANATORY INFORMATION
TO ACCOMPANY A
PRELIMINARY ORDER**

The accompanying order or approved document is a "Preliminary Order" issued by the department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action of the Department of Water Resources (department) unless a party petitions for reconsideration, files an exception and brief, or requests a hearing as further described below:

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the department within fourteen (14) days of the service date of this order. The department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See Section 67-5243(3) Idaho Code.

EXCEPTIONS AND BRIEFS

Within fourteen (14) days after (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding with the Director. Otherwise, this preliminary order will become a final order of the agency.

REQUEST FOR HEARING

Unless a right to a hearing before the department or the Idaho Water Resource Board (Board) is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

ORAL ARGUMENT

If the Director grants a petition to review the preliminary order, the Director shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director orders otherwise, all oral arguments will be heard in Boise, Idaho.

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

FINAL ORDER

The Director will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Director may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its issuance if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) the petition for reconsideration is disposed of; or
- (b) the petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

APPLICATION FOR PERMIT
STATE OFFICE ANALYSIS
Reviewed by Sharla Curtis on 1/23/02

No. 79-13997 Name: Smith Corp. Officers N/A Ad ok ☒ Govt Lots

AREA OF CONCERN: No/Yes S/C Moratorium done ok GWMA gw TRUST/NON-TRUST

GROUNDWATER: (✓Flow Chart)

DRILLING PERMIT

All wells - 046
Basin 34 - 084 (if necessary)
WMD - North/East/West
≤ 0.24 cfs/5 acres - No MD
≥ 0.24 cfs/5 acres - 067

WMD

Supp irr (irr = only use) - 065-104
Supp irr (+ other uses) - 100-105
≤ 0.24 cfs/5 acres - No MD
≥ 0.24 cfs/5 acres - 01M

LOCATION:

Boise Front LoGeo - 058 (<85 GW)
Mitigation - 121
Trust - 051 (consumptive uses)
Non-Trust - 048 (consumptive uses or non-cons. > 1.0 cfs)

USES:

STORAGE - 18C-01H-01P-18B-NA
IRR ≤ 5 ac - R66/R67/R68/R69 (0.03 cfs/ac)
> 5 ac - R62/R63/R64/R65 (0.02 cfs/ac)
STOCK WATER - R37 (BLM/FS)-111 (instream stock)
MINING - 054-106
HEAT/COOL - R07 (injection well)
FIRE PROT - 077
COMMERCIAL/
INDUSTRIAL - 106-R07
DAIRY - 082-WD8
POWER - 17H or 17K (+uses)-17G (under FERC)
or 17M (not FERC regulated)
025-027-R22-08A

BENEFICIAL USE DUE: 21 01 2004

MISC CONDITIONS/REMARKS:

Protested - 020-W19
Development Period
> 1 yr - 26A
Ownership - 004
Non-consumptive - 027
Water Quality - 106-R07

SURFACE WATER: (✓Flow Chart)

F&G contacted - Yes/No Response

In/Above MSF - WB9

PLANNING REVIEW/RESPONSE

WD - R04 (WD#)
≤ 0.20 cfs/others - 01H, 01P or No MD
> 0.20 cfs - 01J

SPRINGS/SINK, INACTIVE WD or WD

≤ 0.24 cfs/5 acres - No MD
> 0.24 cfs/5 acres - 01M or No MD

RIVER BASINS: (SW special considerations)

Snake R (01) - W23, N/A
(02,03) - 007 (w/ remark WB9 if above Weiser)
Payette R (65) - W23, 047 (Payette Lake)
Salmon R (70's) - 029 (fish screens)
Weiser R (67) - 086-087

USES:

MUNICIPAL

Restricted area - 022,075
Irr, GW supp to SW - 102
Future needs - 007,109
FISH PROP - 029 (70's only)-007-042-106
DOMESTIC 1001 (1)
Surface water - WB5 (Big Wood/Boise above Star Bridge)
- 27A (Payette R)
> 1 in restricted area - 070-071-075 (no parks/common areas)
Irr separate or none allowed - WB5
GW w/irrigation from SW evident - 065-104
Moratorium approvable - W03 (2500 gpd - meets domestic def
i.e. D/convenience store)

Multiple pd's per ¼¼ - W32
Subd lot desc (pd) - W59
Subd lot desc (pu) - W60
Use definitions - W02 example - S/50 range
Pre-1987 development - 068-074 (allow 120 days for proof due)
Single p/d intended - 076

IRRIGATION SEASON _____ - _____ (Per updated map)

IRR VOLUME/ACRE _____

OTHER CONDITIONS/REMARKS _____

COMMENTS _____

P8, N58

January 2001

JAN 18 2002

IDAHO DEPARTMENT OF WATER RESOURCES
APPROPRIATION APPLICATION ANALYSIS SHEET

Department of Water Resources

INITIAL REVIEW BY: DAN DATE: 11-21-01 APPLICATION: 79-13997REQUIRED INFORMATION

- ☒ Name: (If applicant is a corporation or partnership, names and addresses for the director, officers, and other partners must be included.)
- ☒ Address:
- ☒ Source: (See USGS Quad for names of water sources)
- ☐ Point of Diversion: (10 acres for spring, lot & block descriptions for Subdivisions, local name)
- ☐ County:
- ☒ Quantity: (flow and/or volume)
- ☒ Period of use:
- ☒ Nature of proposed use: (Include description of use)
- ☒ Description of diverting works:
- ☒ Time required for beneficial use of water:
- ☐ Place of use or acres irrigated:
- ☐ Map: (show T, R, S, QQ &/or QQQ)
- N/A Subdivision plat: (for > 1 home in restricted area. $\geq$ 5 homes in non-restricted area)
- ☒ Signature: (If applicant is corp., partnership, or municipality, title of signatory is required)
- ☒ Correct fee paid

Gov't. Lots:

NO P/DNO P/UNO ADVERTISE REMARK(S)

(Reviewer identify which remarks)

ADDITIONAL INFORMATION

YES NO

- ☒ ☐ Overlapping place of use: (Describe source & relationship to present application on next page.) NO SIGNIFICANT OVERLAP
- ☐ ☒ Overlapping point of diversion.
- ☐ ☒ Critical groundwater area:
- ☐ ☒ Groundwater management area:
- ☐ ☒ 1992 moratorium: THIS PLACE OF USE IS OUTSIDE THE WILDERNESS MORATORIUM AREA.
- ☐ ☒ Surface water source, IDFG letter needed.
- ☐ ☒ Protected river or minimum flow reach, notify water planning bureau.
- ☐ ☒ E-mail to SCA staff: (perennial stream, non-pump diversion &/or any mining).
- ☐ ☒ E-mail to Dam Safety staff: (for any storage)
- ☐ ☒ Mitigation plan: Check any that apply.
- ☐ ☐ immediate = acceptable plan required and submitted.
- ☐ ☐ future = open areas, acceptance of condition of approval is in file.
- ☐ ☒ Send power requirement letter &/or fish farm requirement letter.
- ☐ ☒ Power residency affidavit:
- ☐ ☒ Diversion greater than 5 cfs or 500 af or irrigation greater than 200 acres: (If yes, attach Large Diversion supplementary analysis sheet.)
- ☐ ☒ *REQUEST ADDITIONAL INFORMATION FROM THE APPLICANT

Date Requested _____ Date Response Received _____

PROCESSING

APP. NO. _____

YES NO

☒ ☐ In form for advertising:
☐ ☒ Statewide advertising: (> 10 cfs &/or 1000 af)
☒ ☐ Fee amount, receipt number and date recorded on application:

SEND COPIES TO: NOTE IF E-MAIL COMMENT LETTER USED.

YES NO

☐ ☒ I.D. Health & Welfare
☐ ☒ I.D. District Health
☐ ☒ I.D. Fish & Game
☐ ☒ I.D. Lands

YES NO

☐ ☒ U.S. BLM
☐ ☒ U.S. Forest Service
☐ ☒ Water Dist. # _____
☐ ☒ Water Planning Bureau
☐ ☒ Other _____

FINAL REGIONAL PROCESSING REVIEW:

YES NO

☒ ☐ Affidavit of publication received:
☒ ☐ Application published correctly: If not, record action taken.

☒ ☐ Publication dates and paper recorded on application:

☒ ☐ Final date for protest 1-7-02

☐ ☒ Protests received.

☐ ☒ Recommendations attached:

☐ ☒ Measuring device required:

☐ ☒ Water delivered by water master? District # _____

☒ ☐ Special conditions of approval or cover letter: STANDARD CONDITIONS

See below for additional information

Recommended Date or Priority _____

Recommended by: _____ Date: _____

ADDITIONAL INFORMATION:

See attached PROFILE REPORT
FOR COMMENTS.

RECEIVED

DEC 31 2001

WATER RESOURCES
WESTERN REGION

AFFIDAVIT OF PUBLICATION

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

79-13997

TERRY J SMITH
3236 E GRAND AVE
PMB 423

LARAMIE WY 82070

LINDA R SMITH

3236 E GRAND AVE

PMB 423

LARAMIE WY 82070

Point(s) of Diversion NENW S21

T28N R01E IDAHO County

Source GROUND WATER

Use: DOMESTIC 01/01 To

12/31 0.04 CFS

Total Diversion: 0.04 CFS

Date Filed: 09/20/2001

Place Of Use: DOMESTIC

T28N R01E S21 NENW

Permits will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec 42-203A, Idaho Code.

Any protest against the approval of this application must be filed with the Director, Dept. of Water Resource, Western Region, 2735 Airport Wy, Boise ID 83705 together with a protest fee of \$25.00 for each application on or before 01/07/2002. The protestant must also send a copy of the protest to the

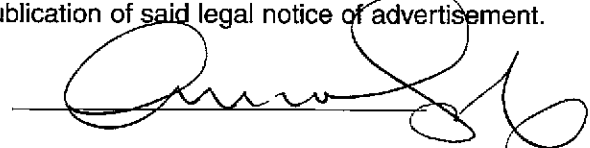
applicant.

KARL J DREHER, Director
Published in the Idaho County Free Press on
December 19 and 26, 2001.

D19-26

STATE OF IDAHO
County of Idaho - ss.

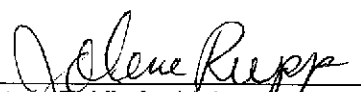
Andrew J. McNab, being first duly sworn, says he is the Publisher of the IDAHO COUNTY FREE PRESS, a weekly newspaper published and issued weekly at Grangeville, Idaho County, State of Idaho, and is of general circulation in said county and state, that the said legal notice, of which the one hereto attached is a true copy, was published, in said paper for two weeks, being published two times, the first publication being on the 19th day of December, 2001; and the last publication on the 26th day of December, 2001; and that the said legal notice was published in the newspaper proper and not a supplement; that said newspaper has been continuously and uninterruptedly published in said county during a period of seventy-eight consecutive weeks prior to the publication of said legal notice of advertisement.



STATE OF IDAHO)
COUNTY OF)

On this 26th day of December in the year of 2001, before me a Notary Public personally appeared Andrew J. McNab, known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that he executed the same.




Notary Public for Idaho
Residing at Grangeville, ID
My commission expires: 1-29-07

MICROFILMED

1997 4 2002

December 12, 2001

Legal Notice Department
IDAHO COUNTY FREE PRESS
PO BOX 690
GRANGEVILLE ID 83530

RE: Application for Permit No. 79-13997

Dear LEGAL NOTICE DEPARTMENT:

Enclosed you will find a legal notice which we wish to have published in your newspaper 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 01/07/2002. Your cooperation is appreciated.

Sincerely

Sue Taylor
Senior Secretary

MICROFILMED

JAN 24 2002

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01/01 To 12/31 0.04 CFS

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KARL J DREHER, Director Published in the Idaho County Free Press on December 19 and 26, 2001.

MICROFILMED

JAN 24 2002