

RECEIVED

AFFIDAVIT OF PUBLICATION

AUG 20 1973

NOTICE OF APPLICATION FOR WATER PERMIT

Notice is hereby given that James M. Smith, Box 906, Bonners Ferry, Idaho has on July 30, 1973 submitted Application No. 98-7080 for a permit to appropriate 2.45 cubic feet per second of water from Fisher Creek by means of headgate, ditch, pump, pipeline, and sprinklers within the SW1/4NW1/4, Sec. 23, T. 64N, R. 1W, B.M., Boundary County to be used from Jan. 1 to Dec. 31 for domestic (0.03 cfs) and stockwatering purposes (0.02 cfs); and from June 1 to Sept. 15 for the irrigation of 130 acres (2.40 cfs) within the NE1/4SE1/4 (domestic & stockwater), W1/4NE1/4, SE1/4NE1/4, N1/4SE1/4, Sec. 23, T. 64N, R. 1W,

B.M., (irrigation).

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, 401 Front Ave., Coeur d'Alene, Idaho, 83814 on or before August 27, 1973.

R. KEITH HIGGINSON
Direcor

Published in the Bonners Ferry Herald, Bonners Ferry, Idaho on August 9 and August 16, 1973.

STATE OF IDAHO }
County of Boundary } ss.

W. H. Chubb

first duly sworn upon his oath, deposes and says that he is the publisher (or foreman),

publisher Northern District Office

of The Bonners Ferry Herald, a newspaper of general circulation, published weekly at Bonners Ferry, Boundary County, State of Idaho; that the said Bonners Ferry Herald has been continuously and uninterruptedly published in said Boundary County during a period of 18 months or 78 weeks prior to the first publication of the hereto attached notice; that

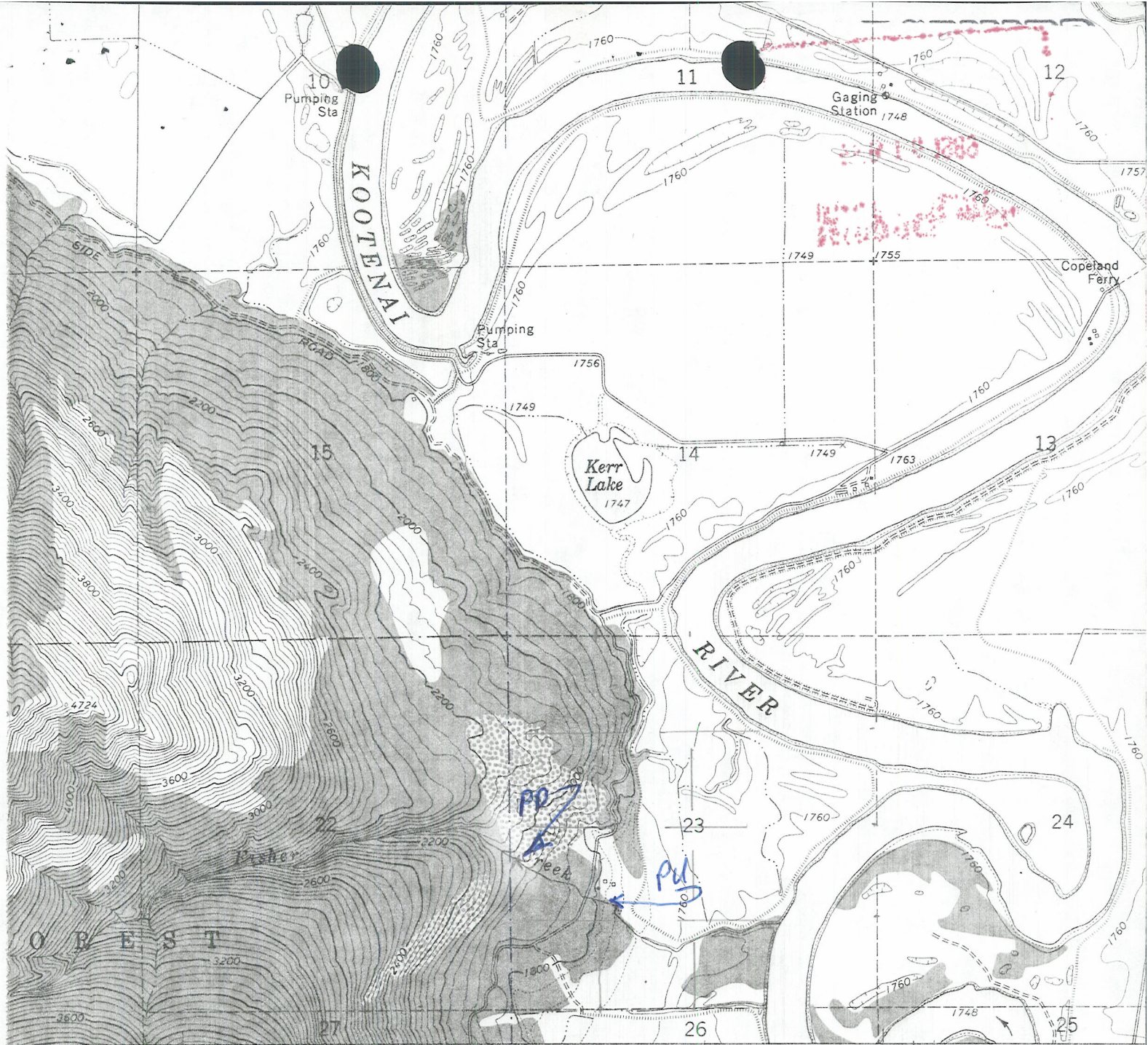
the advertisement of Idaho Dept. of Water Admn.

a Notice of Application for Water permit No. 98-7080/J. Smith

Notice for Publication, a printed copy of which is attached hereto was published in said newspaper and not in a supplement thereof for 2 consecutive issues, commencing with the issue dated Aug. 9, 1973, and ending with the issue dated Aug. 16, 1973

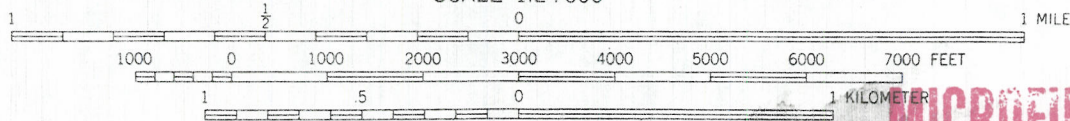
Subscribed and sworn to before me this 17 day of Aug, 1973

Notary Public in and for the County of Boundary, State of Idaho, residing at Bonners Ferry, Idaho

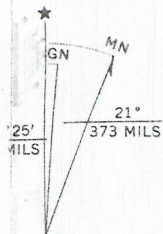


539 27'30" 540 MORAVIA 19 MI. (FARNHAM PEAK) 2781 IV SW 542 25' 543

SCALE 1:24 000



CONTOUR INTERVAL 40 FEET
DOTTED LINES REPRESENT 10-FOOT CONTOURS
DATUM IS MEAN SEA LEVEL



1965 MAGNETIC NORTH
AT CENTER OF SHEET

MICROFILMED

FEB 10 1989



QUADRANGLE LOCATION

THIS MAP COMPLIES WITH NATIONAL MAP ACCURACY STANDARDS

TWP. 64N RGE. 1W SEC. 23 MAP # 4-7 MAP SCALE 7 1/2
DATE OF FIELD EXAM _____ FIELD REPORT MAP PERMIT # 98-7086



STATE OF IDAHO DEPARTMENT OF WATER RESOURCES

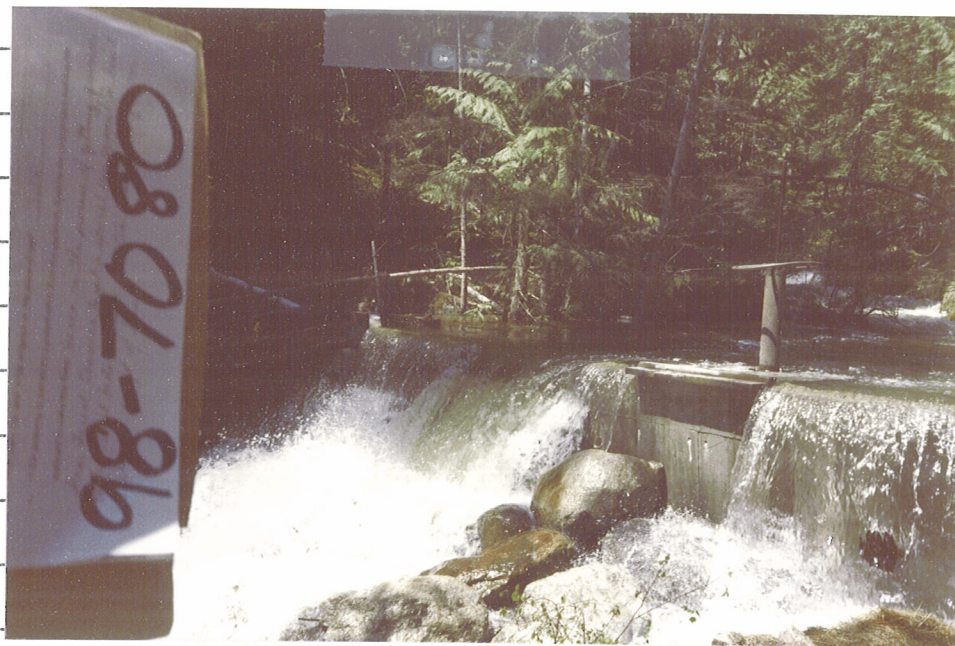
NORTHERN REGION

REMARKS / PHOTOS

PERMIT # 98-7080

DATE

INITIALS



DAM ON FISHER CR.



RECORDED
FEB 10 1989



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

NORTHERN REGION

REMARKS / PHOTOS

PERMIT # 98-7080

DATE

INITIALS



GENERATOR

MICROFILMED

FEB 10 1989

L

STATEMENT

BONNERS FERRY HERALD

Complete Newspaper Coverage of Boundary County

P. O. Box 539

BONNERS FERRY, IDAHO — 83805

RECEIVED
AUG 20 1973
Department of Water Administration
Northern District Office

Idaho Dept. of Water Administration
401 Front Ave.
Coeur d'Alene, Idaho 83814

1973

Aug. 9 Notice of Application for water permit-
No. 98-7080/J.Smith-34 lines 2 times \$ 13.26

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.

98 7080

SIGNED: **Bonnerr Ferry Herald**

BY:

Ruth Hagan

bookkeeper

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 98-07080

Priority: July 30, 1973 Amount: 1.16 CFS 839.8 AFA

This is to certify, that JAMES M. SMITH
HCR 60 BOX 260
BONNERS FERRY, ID 83805

has complied with the terms and conditions of the permit issued pursuant to Application for Permit dated July 30, 1973, and has submitted proof to the Department of Water Resources on September 27, 1984, that water has been applied to a beneficial use; an examination by the Department indicates that the works have a diversion capacity of 1.160 cfs of water from:

FISHER CREEK tributary to KOOTENAI RIVER

source and that a water right has been established as follow:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>VOLUME</u>
STOCKWATER	01/01 to 12/31	0.02 CFS	1.4 AFA
POWER	01/01 to 12/31	1.16 CFS	839.8 AFA
DOMESTIC	01/01 to 12/31	0.03 CFS	1.2 AFA
	Totals	1.16 CFS	839.8 AFA

LOCATION OF POINT OF DIVERSION(S):

NWSW , Sec. 23, Township 64N, Range 01W
BOUNDARY County

PLACE OF USE: STOCKWATER

TWN RGE SEC

64N 01W 23 NESW

PLACE OF USE: POWER, same as STOCKWATER use

PLACE OF USE: DOMESTIC, same as STOCKWATER use

CONDITIONS/REMARKS:

1. The right to the use of 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.

MICROFILMED

FEB 10 1989

State of Idaho
Department of Water Resources**WATER RIGHT LICENSE**

WATER RIGHT NO. 98-07080

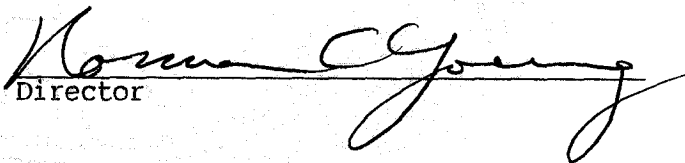
CONDITIONS/REMARKS:

4. A measuring device of a type approved by this Department shall be maintained as a part of the diverting works.
5. Return flow if discharged to a surface water system shall meet Idaho Water Quality Standards.
6. The diversion and use of water under this license is subject to review by the Director 35 years from the date of issuance. Upon appropriate findings relative to the interest of the public, the Director may cancel all or any part of the use authorized herein and may revise, delete or add conditions under which the right may be exercised.
7. The water right confirmed in this license for hydropower purposes shall be junior and subordinate to all rights to the use of water, other than hydropower, within the State of Idaho that are initiated later in time than the priority of this license and shall not give rise to any right or claim against any future rights to the use of water, other than hydropower, within the State of Idaho initiated later in time than the priority of this license.
8. Feet of head = 219. Horsepower = 23.

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 21st
day of DECEMBER, 1988.

Acting for the

Director

**MICROFILMED**

FEB 10 1989

State of Idaho
Department of Water Resources

APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 98-7080

RECEIVED

JUN - 2 1988

no \$ incl. *JP*
Department of Water Resources

Date of Priority: July 30, 1973

Comes now JAMES M. SMITH
HCR 60 BOX 260
BONNERS FERRY, ID 83805

APPROVED

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. 98-7080 , and requests that the permit be changed as follows:

Source: FISHER CREEK

tributary to: KOOTENAI RIVER

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>VOLUME</u>
Stockwater	01/01 to 12/31	.02 cfs	1.4 afa
Power	01/01 to 12/31	1.16 cfs	839.8 afa
Domestic	01/01 to 12/31	.03 cfs	1.2 afa
	Totals	1.16 CFS	839.8 AFA

LOCATION OF POINT OF DIVERSION(S):

NWSW , Sec. 23, Township 64N, Range 1W
Boundary County

PLACE OF USE: Stockwater

TWN RGE SEC

64N 1W 23 NESW

PLACE OF USE: Power, same as Stockwater use

PLACE OF USE: Domestic, same as Stockwater use

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 Bonnerr Ferry this 14 day of May, 1988.

MICROFILMED

FEB 10 1989

James M. Smith
(Signature)

State of Idaho
Department of Water Resources

APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 98-7080

FOR DEPARTMENT USE ONLY

Preliminary check by Jim Fee = \$20.00 Received by CP Date 7-19-88

ACTION OF THE DEPARTMENT OF WATER RESOURCES

I, R. Keith Higginson, of the Department of Water Resources hereby approve the above Application for Amendment for Permit No. 98-7080 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. The water right confirmed in this license for hydropower purposes shall be junior and subordinate to all rights to the use of water, other than hydropower, within the State of Idaho that are initiated later in time than the priority of this license and shall not give rise to any right or claim against any future rights to the use of water, other than hydropower, within the State of Idaho initiated later in time than the priority of this license.
5. A measuring device of a type approved by this Department shall be maintained as a part of the diverting works.
6. Return flow if discharged to a surface water system shall meet Idaho water quality standards.
7. The diversion and use of water under this license is subject to review by the Director 35 years from the date of issuance. Upon appropriate findings relative to the interest of the public, the Director may cancel all or any part of the use authorized herein and may revise, delete or add conditions under which the right may be exercised.
8. Feet of head = 219. Horsepower = 23.

Witness my hand this 21st day of DECEMBER, 1988

MICROFILMED

FEB 10 1989

R. Keith Higginson
(Director)

Jim

For Office Use Only	
Fee Received	15.00
Date	11-24-82
Receipt #	25294

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

REQUEST FOR EXTENSION OF TIME

To provide additional time in which to submit
proof of beneficial use on a water right permit

James M. Smith of Star Rt 1 Box 142 Bonners Ferry
(Name) (Address)

State of Idaho, deposes and says:

That he is the holder, or the duly authorized agent of the holder*, of Permit to Appropriate the Public Water of
the State of Idaho No. 98-7080.

That under the terms and conditions of said permit, work thereunder was required to be completed on or before
12-1, 19 82.

That he has heretofore performed the following work described under said permit: Providing
water to a domestic household and watering
150 beef cattle.
(This must be filled out! If no work has been completed put none.)

Costing \$ 5,000

That he is unable to complete the remainder of the work within the required time for the following reasons, to-wit:
Could not get easement from Forest
Service, so now we are redesigning
our project to use less head, also the economy
has not been good.

Wherefore, he asks that the Department of Water Resources extend the time for the completion of obligations
under said permit to 10-1, 19 86
(1 yr. minimum, 5 yrs. maximum)

NOTE
AS OF JULY 1, 1980,
THERE IS A \$15.00
CHARGE FOR REQUESTS
FOR EXTENSION OF
TIME.

James M. Smith
(Signature)*
*IF OTHER THAN HOLDER, Power of Attorney must be supplied.

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

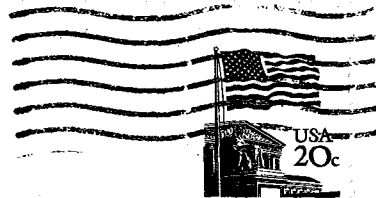
IT IS HEREBY ORDERED that the above application for extension of time be APPROVED and the time within
which to submit the statement of beneficial use is extended to November 1, 1984.

Signature this 17th day of January, 19 83.

A. Glen Saxton
Chief, Operations Bureau

FLYING "S" RANCH, INC.

STAR ROUTE 1, BOX 142
BONNERS FERRY, IDAHO 83805



DEPT. OF WATER RESOURCES

*State of Idaho
Department of Water Resources
Boise, Idaho*

838 83720

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
REQUEST FOR EXTENSION OF TIME

RECEIVED

APR 3 1981

To provide additional time in which to submit
proof of beneficial use on a water right permit Department of Water Resources

James M. Smith of Box 142, Star Route 1, Bonners Ferry,
(Name) (Address)

State of Idaho, deposes and says:

That he is the holder, or the duly authorized agent of the holder*, of Permit to appropriate the Public
Waters of the State of Idaho No. 98-7080.

That under the terms and conditions of said permit, work thereunder was required to be completed on or
before October 1, 1980.

That he has heretofore performed the following work described under said permit: Providing water
to a domestic household and watering 150 beef cattle

continued
works

Costing \$ 5,000

That he is unable to complete the remainder of the work within the required time for the following
reasons, to-wit: I'm waiting to receive a permit from the Forest Service for an easement
on their land.

Wherefore, he asks that the Department of Water Resources extend the time for the completion of
obligations under said permit to October 1, 1986.

James M. Smith
(Signature)*

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

IT IS HEREBY ORDERED that the above application for extension of time be APPROVED and the time
within which to submit the statement of beneficial use is extended to December 1, 1982.

Signed this 1st day of June, 1981.

J. Glen Saxton
Chief, Operations Bureau

* IF OTHER THAN HOLDER, Power of Attorney must be supplied.

Received by 5-29-81 #19272 \$15.00

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

APPLICATION FOR AMENDMENT OF A PERMIT

OCT 6 1978

Department of Water Resources

To change the point of diversion and/or the place of use.

RECEIVED

OCT 5 1978

Comes now James M. Smith

Department of Water Resources

of (address) Box 906, Bonners Ferry, ID 83805

, 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. 98-7080, and requests that the permit and permit map be changed as follows:

1. NO CHANGE
Point of diversion: $\frac{1}{4}$ $\frac{1}{4}$, Section _____, Township _____, Range _____, B.M.,
County of _____. Other points of diversion: _____

2. Period and nature of use: (irrigation, domestic, stockwatering, industrial, etc.)

Amount 2.40 for Power purposes from Jan. 1 to Dec. 31 (both dates inclusive)
(cfs or acre feet per annum)

Amount 0.03 for Domestic purposes from Jan. 1 to Dec. 31 (both dates inclusive)
(cfs or acre feet per annum)

Amount 0.02 for Stockwater purposes from Jan. 1 to Dec. 31 (both dates inclusive)
(cfs or acre feet per annum)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre feet per annum)

3. Place of use or land to be irrigated:

TWP	RGE	SEC	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTALS
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
64N	1W	23									X								

Total number of acres to be irrigated = _____

4. a. Who owns the property at the point of diversion? Self

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

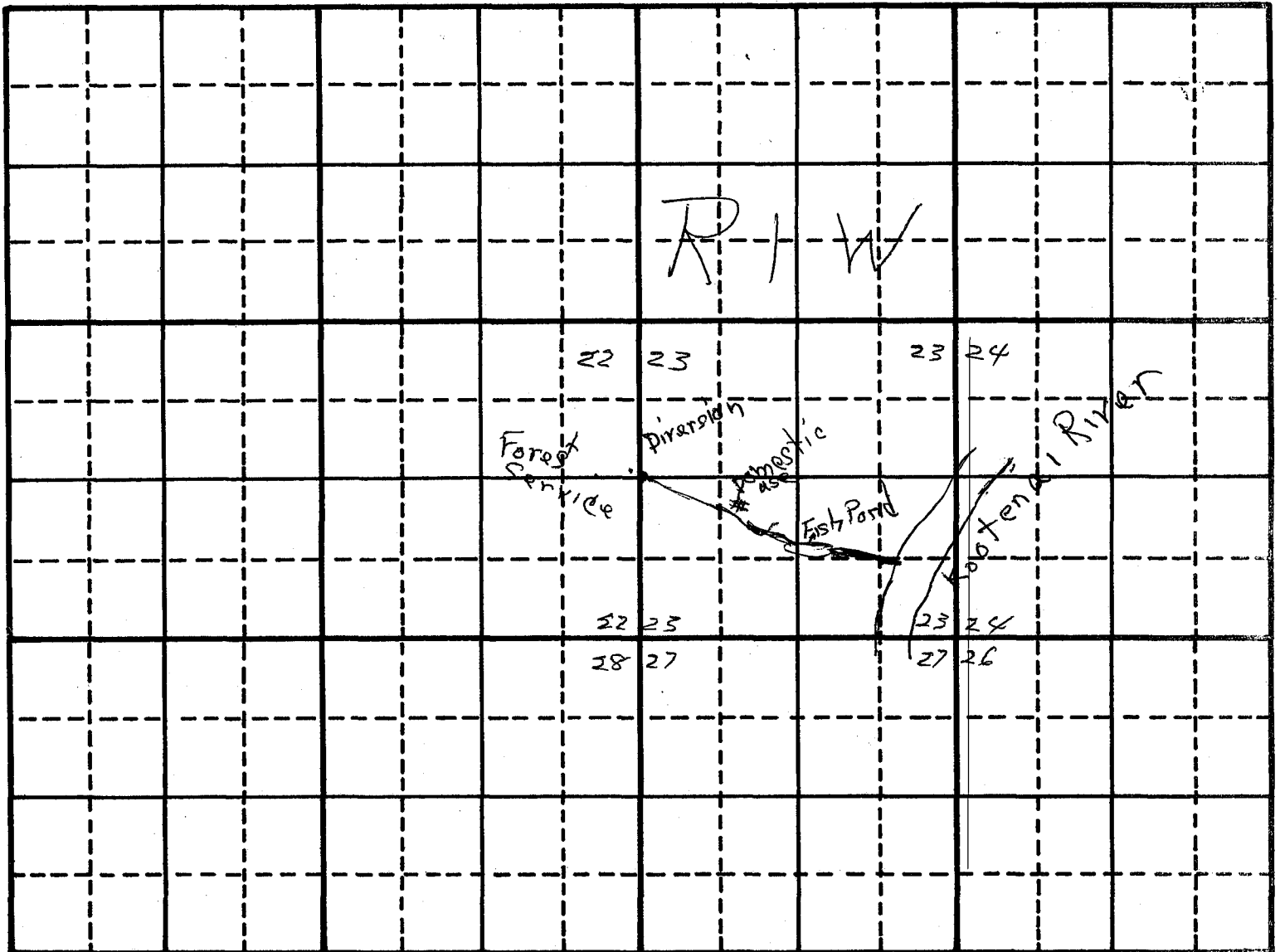
c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: We are in the process of getting permission

from Forest Service to get a special use permit to divert
water 260 ft distance into sec. 22. This will give
additional 40 ft of head.

MICROFILMED

Complete the following map by showing land and point of diversion as proposed by this amendment.

Show 40-acre subdivisions, townships, ranges and ditches.



Scale: 2 inches equal 1 mile.

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

Signed at Bonnets Ferry, this 4 day of October, 19 78.
James McSwain
(Signature)

FOR DEPARTMENT USE ONLY

Preliminary check by AM Fee = \$20.00 - 92-95 Received by ig Date 10-6-78 #12341
Publication prepared by _____ Date _____ Published in _____
Publication dates _____

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

I, David R. Tuthill, Acting Operations Bureau Chief, of the Department of Water Resources hereby
APPROVE this application for amendment filed on Permit No. 98-7080.

Witness my hand this _____ day of _____, 19 78.

David R. Tuthill
Acting Operations Bureau Chief

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
REQUEST FOR EXTENSION OF TIME

RECEIVED

SEP 18 1978

To provide additional time in which to submit
proof of beneficial use on a water right permit

Department of Water Resources

James M Smith of Box 906 Bonanza Ferry, Idaho
(Name) (Address)

State of _____, deposes and says:

That he is the holder, or the duly authorized agent of the holder*, of Permit to Appropriate the Public Waters of the State of Idaho No. 98-7080.

That under the terms and conditions of said permit, work thereunder was required to be completed on or before Sept 1, 1978.

That he has heretofore performed the following work described under said permit: Established a point of diversion and installed a 4 inch steel pipe line to house and barn.

Costing \$ 5,000

That he is unable to complete the remainder of the work within the required time for the following reasons, to-wit: We want to change the permit to include power production and eliminate 130 A of irrigation. We also want to install a 6 inch pipe line to parallel the 4 inch for power. We also want to get another 40 ft of head by going onto forest service land.

Wherefore, he asks that the Department of Water Resources extend the time for the completion of obligations under said permit to 10-1, 1980.

(Signature)*

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

IT IS HEREBY ORDERED that the above application for extension of time be APPROVED and the time within which to submit proof of beneficial use of water is extended to October 1, 1980.

Signed this 21st day of September, 19 78.

J. Glen Saxton
Chief, Operations Bureau

MICROFILMED

Identification No. 98-7080

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)

- 267-3234
1. Name of applicant JAMES M. SMITH
 post office address Box 906 Bonners Ferry
 2. Source of water supply Fisher Creek which is a tributary of Kootenai River
 3. a. Location of point of diversion is SW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 23 Township 64N
 Range 1W B.M. Boundary County; additional points of diversion if any: _____
 - b. If water is not consumed, it will be discharged into Kootenai River at a point in NW $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 23 Township 64N Range 1W B.M. Boundary.
 4. Water will be used for the following purposes:
 Amount 2.40 for irrigation purpose from June 1 to Sept. 15 (both dates inclusive)
(cfs or acre-feet per annum)
 Amount .03 for Domestic purpose from Jan. 1 to Dec. 31 (both dates inclusive)
(cfs or acre-feet per annum)
 Amount .02 for Stockwater purpose from Jan. 1 to Dec. 31 (both dates inclusive)
(cfs or acre-feet per annum)
 5. Total quantity to be appropriated:
 a. 2.45 cubic feet per second and/or
 b. _____ acre feet per annum.
 6. Proposed diverting works:
 a. Description of ditches, flumes, pumps, headgates, etc. Headgate - ditch - pump - pipeline -
Sprinkler

 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 \$ 10,000.00.
 8. Description of proposed uses:
 a. If water is **not** for irrigation:
 (1) Give the place of use of water: NE $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 23 Township 64N
 Range 1W 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 100 hd beef

 (4) Name of municipality to be served _____, or number of families to be supplied with domestic water 1.
 (5) If water is to be used for other purposes describe: _____

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	
44N	1W	23		6	38	35									15	36			130

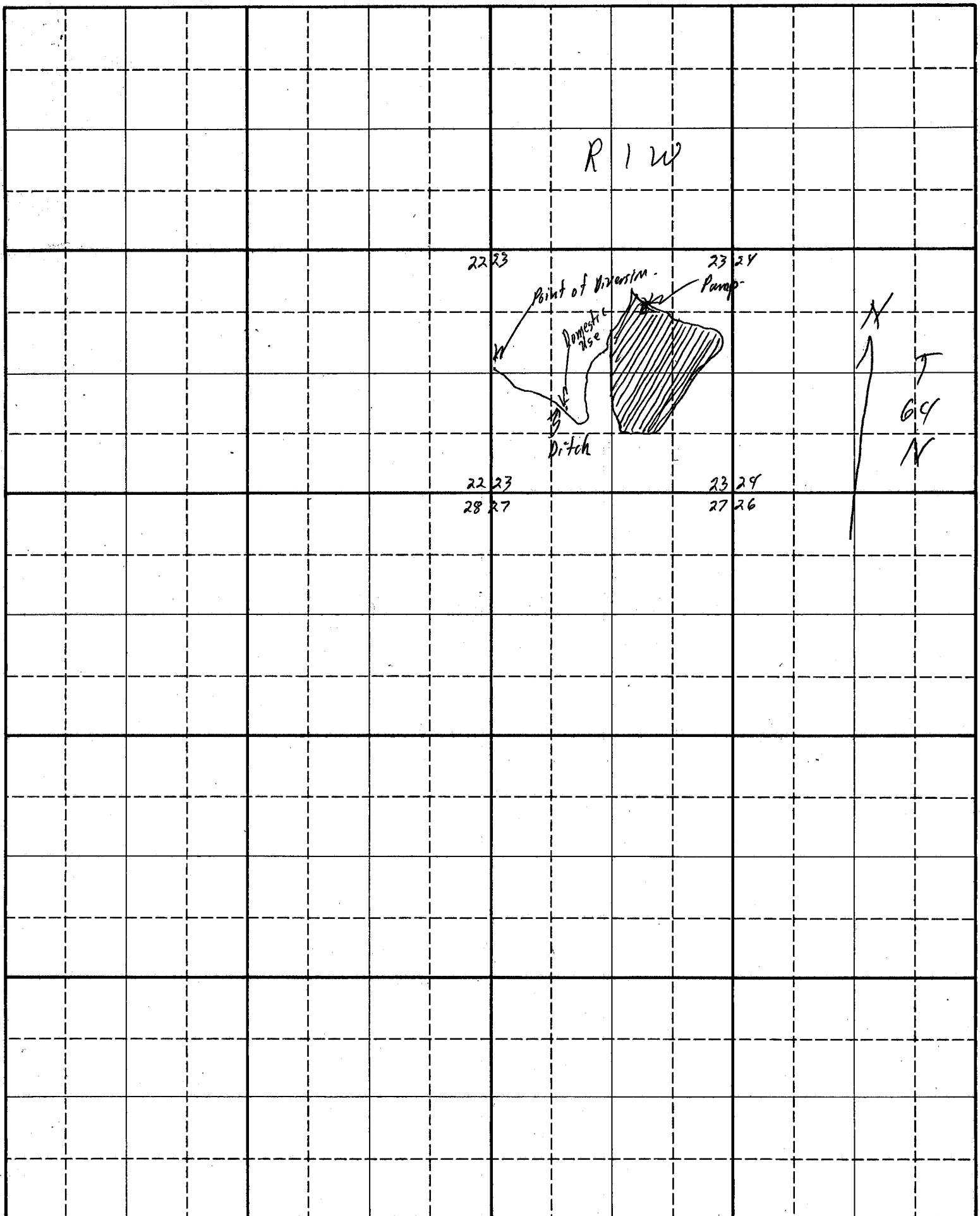
Total number of acres to be irrigated 130

c. Describe any other water rights used for the same purposes as described above.

9. a. Who owns the property at the point of diversion Self
 b. Who owns the land to be irrigated or place of use Self
 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

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.

James M. Smith
(Applicant)

98 7080

98 7080

cl 7-31-73 1:00 P
Received by if Date 7-30-73 Time 8:00 A
Preliminary check by LLS Fee \$ 45.00
Receipted by if Date 7-30-73 Lit # 11429
Publication prepared by cl Date 8-3-73
Published in BONNERS FERRY HERALD
Publication dates 8-9 & 8-16-73
Publication approved cl Date 8-21-73
Priority ~~reduced~~ 7-30-73 Reason _____

Protests filed by: _____

Copies of protests forwarded by _____
Hearing held by _____ Date _____
Recommended for approval denial by cl BDF

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. 98-7080, 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.

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

Witness my hand this 7 day of September, 19 73.

L. Keith King
Director

DEPARTMENT OF WATER ADMINISTRATION
- STAFF ANALYSIS -

Item	Initial	Date	
(1)	<u>FE</u>	<u>7/31/73</u>	Application No. <u>98-7080</u>
(2)			☒ Source ☒ Point of Diversion ☒ County ☒ Quantity of Water and Period of Use ☒ Description of Diverting Works ☒ Time required for B/U of water ☒ Place of Use or Acres Irrigated ☒ Map ☒ Signature ☒ Fee
(3)	<u>FE</u>	<u>7/31/73</u>	In form to receipt Send Copies to: ☐ Idaho State Health Department ☐ Idaho Fish and Game Department ☐ Bureau of Land Management
(4)			☐ Request Special Use Permit from U.S.F.S. ☐ Request Easement from B.L.M. ☐ Request Information from Applicant
(5)	<u>FE</u>	<u>7/31/73</u>	In form for advertising
(6)			Located within Water District No. _____
(7)			Critical groundwater area: yes _____ no _____
(8)			Groundwater levels: ____ Decline (comment) _____ ____ Stable (comment) _____ ____ Increasing (comment) _____
(9)			Comments: _____
(10)	<u>CL</u>	<u>8-27-73</u>	Affidavit of Publication received (date) <u>August 20, 1973</u>
(11)	<u>CL</u>	<u>8-6-73</u>	Final date for protests <u>August 27, 1973</u> Protests received: yes _____ no ☒
(12)			Date and Place of hearing _____ Decision reached at hearing _____
(13)	<u>FE</u>	<u>8/27/73</u>	All requested information received from agencies or applicant yes ☒ no _____
(14)	<u>FE</u>	<u>8/27/73</u>	Action recommended: ☒ Approve Priority <u>7/30/73</u> ☐ Deny Reason for Reduction _____ ☒ Measuring device required ☐ See attached sheet for additional conditions of approval ☐ No additional conditions for approval
(15)	District <u>North</u>	By <u>[Signature]</u>	Date <u>8/26/73</u>

98 7080

RECEIVED AFFIDAVIT OF PUBLICATION

AUG 20 1973
a

NOTICE OF APPLICATION FOR WATER PERMIT

Notice is hereby given that James M. Smith, Box 906, Bonners Ferry, Idaho has on July 30, 1973 submitted Application No. 98-7080 for a permit to appropriate 2.45 cubic feet per second of water from Fisher Creek by means of headgate, ditch, pump, pipeline, and sprinklers within the SW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 23, T. 64N, R. 1W, B.M., Boundary County to be used from Jan. 1 to Dec. 31 for domestic (0.03 cfs) and stockwatering purposes (0.02 cfs); and from June 1 to Sept. 15 for the irrigation of 130 acres (2.40 cfs) within the NE $\frac{1}{4}$ SE $\frac{1}{4}$ (domestic & stockwater), W $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 23, T. 64N, R. 1W,

B.M., (irrigation).

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, 401 Front Ave., Coeur d'Alene, Idaho, 83814 on or before August 27, 1973.

R. KEITH HIGGINSON
Direcor

Published in the Bonners Ferry Herald, Bonners Ferry, Idaho on August 9 and August 16, 1973.

STATE OF IDAHO }
County of Boundary } ss.

W. H. Chubb

being first duly sworn upon his oath, deposes and says that he is the publisher (or foreman),

publisher Bonners Ferry Herald

of The Bonners Ferry Herald, a newspaper of general circulation, published weekly at Bonners Ferry, Boundary County, State of Idaho; that the said Bonners Ferry Herald has been continuously and uninterruptedly published in said Boundary County during a period of 18 months or 78 weeks prior to the first publication of the hereto attached notice; that

the advertisement of Idaho Dept. of Water Admn.

a Notice of Application for Water permit No. 98-7080/J.Smith

Notice for Publication, a printed copy of which is attached hereto was published in said newspaper and not in a supplement thereof for 2 consecutive issues, commencing with the issue dated Aug. 9, 1973, ~~197x~~, and ending with the issue dated Aug. 16, 1973, ~~197x~~.

Ruth M. Haglan, bookkeeper

Subscribed and sworn to before me this 17 day of Aug., 1973

Notary Public in and for the County of Boundary, State of Idaho,
residing at Bonners Ferry, Idaho 98-7080

December 28, 1988

JAMES M. SMITH
HCR 60 BOX 260
BONNERS FERRY, ID 83805

RE: PERMIT NO. 98-07080

Dear Permit Holder(s):

Enclosed herewith is a copy of the 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

MICROFILMED

FEB 10 1989

EVANS, KEANE, KOONTZ, BOYD, SIMKO & RIPLEY

A PARTNERSHIP INCLUDING A PROFESSIONAL CORPORATION

COEUR D'ALENE OFFICE:

JAMES P. KEANE
STEVEN C. WETZEL
ROBERT J. FASNACHT

KELLOGG OFFICE:

WILLIAM F. BOYD
FRED M. GIBLER
CHARLES L. A. COX

111 MAIN STREET
P. O. BOX 659
KELLOGG, IDAHO 83837-0659
(208) 784-1105
TELECOPY (208) 783-7601

ATTORNEYS AT LAW

FIRST INTERSTATE PLAZA, SUITE 301

505 FRONT AVENUE

COEUR D'ALENE, IDAHO 83814

(208) 664-9287

BOISE OFFICE:

BLAINE F. EVANS
ROBERT J. KOONTZ
JOHN S. SIMKO
LARRY D. RIPLEY
REX BLACKBURN
BRUCE C. JONES
BARTON L. KLINE
JED W. MANWARING
JAMES D. HOVREN
C. NICHOLAS KREMA
BRETT T. DELANGE
BETTY H. RICHARDSON
DAVID W. GRATTON

OF COUNSEL
KARL JEPPESEN

Department of Water Resources

701, IDAHO FIRST PLAZA
101 S. CAPITOL BLVD.
P. O. BOX 959
BOISE, IDAHO 83701-0959
(208) 384-1800
FACSIMILE (208) 345-3514

Mr. Jim Johnson
Water Rights Supervisor
State of Idaho
Department of Water Resources
1301 North Orchard
Boise, ID 83706

RE: Smith/Elk Mountain Farms, Inc.
Assignment of Water Rights-Permit Nos. 98-7280 & 98-7080

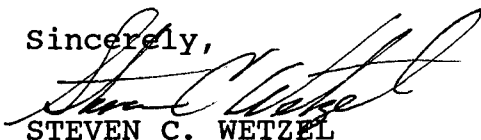
Dear Jim:

Thank you for the information concerning water permits of James M. Smith (Flying S. Ranch, Inc.). By copy of this letter I am informing Mike Richter that apparently Permit No. 98-7290, which dealt with irrigation from the Kootenai River, lapsed in 1987. Permit No. 98-7080, which originally was a permit for stock irrigation and domestic was amended to include stock and power production. If Anheuser-Busch desires to protect the power production use, then I am sure that Mike Richter will be in touch with your office in the near future.

In response to your question concerning the right to do business in the State of Idaho of Anheuser-Busch Company, Inc. Anheuser-Busch through its wholly owned subsidiary, Consolidated Farms, Inc., is qualified to do business in Idaho as Elk Mountain Farms, Inc. I have, on September 10th, 1987, forwarded the information to you proving that right. You will find the information in Water Permit File No. 98-7632. I am sure the Secretary of State's office will verify that Elk Mountain Farms, Inc. continues to operate in good standing in the State of Idaho.

Thank you for your continuing assistance.

Sincerely,


STEVEN C. WETZEL

SCW/sc

cc: Anheuser-Busch Companies, Inc.
Elk Mountain Farms, Inc.

MICROFILMED

FEB 10 1989

James M. Smith
HQP60, Box 260
Bonners Ferry, Id.
83805

Re: Permit no 98-7080

Jim Johnson Water Rights Sup.
Inclosed please find \$20.⁰⁰ ~~xx~~ fee
for Licensing Amendment for
water permit no. 98-7080.

Sincerely,
James M. Smith

MICROFILMED

FEB 10 1989



State of Idaho
DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 - (208) 334-7900

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

July 8, 1988

RE: Permit No. 98-7080

James M. Smith
HCR 60, Box 260
Bonners Ferry, ID 83805

Dear Permit Holder:

Thank you for returning the licensing Amendment, however you did not include the \$20.00 filing fee.

I will hold the amendment form here for twenty (20) days without further action. Please return the \$20.00 filing fee for the amendment by July 28, 1988.

If you have any questions, please contact me at 334-7947.

Sincerely,

JIM JOHNSON
Water Rights Supervisor

JJ:sc

MICROFILMED

FEB 10 1989

April 15, 1988

JAMES M. SMITH
HCR 60 BOX 260
BONNERS FERRY, ID 83805

RE: Permit No. 98-7080

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

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FEB 10 1989

~~30 day~~
~~P/D~~

- MICROFILMED**

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
LICENSING REPORT

RECEIVED
SEP 28 1987

98-7080
Permit No.

1. Measurement Calculations

Department of Water Resources

a) Field Measurement Calculations (Include theoretical capacities and system capacity)

FIELD MEASUREMENT MADE W/ COX HALL METER 6-12 NO NUMBER - MANOMETER
BY T. KING SR. WATER RESOURCE AGENT ON 5-14-87

$$10.5 \frac{\text{in}}{15 \frac{\text{in}}{5}} = \frac{250 \text{ gpm}}{448.8} = .56 \text{ cfs}$$

← ERROR

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SEE ATTACHED
SUPPLEMENT

$$e = \frac{(20 \text{ kW})(11.8)}{(0.56 \text{ cfs})(219 \text{ ft})} = \frac{2}{5.7} \% \text{ EFF.}$$

JK

THESE CALCULATIONS WERE BASED

ON INFORMATION DERIVED FROM

VELOCITY TO QUANTITY SLIDE RULE

FURNISHED BY C.W. COX - FLOW METERS

THESE SLIDE RULES HAVE BEEN FOUND

TO BE IN EXTREME ERROR JK

← ERROR EXISTS WHEN USED WITH
IDWR MANOMETERS

$$e = \frac{(20 \text{ kW})(11.8)}{(1.16 \text{ cfs})(219 \text{ ft})} = 93\% \checkmark$$

JK

* PELTON WHEEL IS PUMP RUN IN REVERSE

b) Volume Calculations for Irrigation:

$$V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) =$$

$$V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 =$$

$$V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} =$$

c) Volume Calculations for Other Uses:

$$0.56 (365) (1.9835) = 405 \text{ AF, SYSTEM MAY}$$

$$\text{ONE HOME} = 1.2 \text{ AF}$$

← ERROR

$$1.16 (365) (1.9835) = 839.8 \text{ AF}$$

$$\checkmark 100 \text{ HD MIXED} = 1.4 \text{ AF} - \text{per Admin. memo \#3 (4/7/75)}$$

2. Overlap Review

a) Other water rights with same place of use:

None ✓ KW

b) Other water rights with same point of diversion:

None (✓ per VAX) KW

c) Analysis:

System produces at 80% eff. 17.22 kW
HP = 17.22 / .74 = 23 HP

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OCT 19 1987

$$E = \frac{P(11.8)}{QH} = \frac{(20 \text{ kW})(11.8)}{1.16 \times 219} = 93\% \text{ eff.} \leftarrow \text{high}$$

$$P = \frac{QHe}{11.8} = \frac{1.16 \times 219 \times .80}{11.8} = 17.22 \text{ kW (at 80\% eff)}$$

$$Q = \frac{P(11.8)}{He} = \frac{20 (11.8)}{219 \times .80} = 1.35 \text{ cfs} \leftarrow \text{HIGH}$$

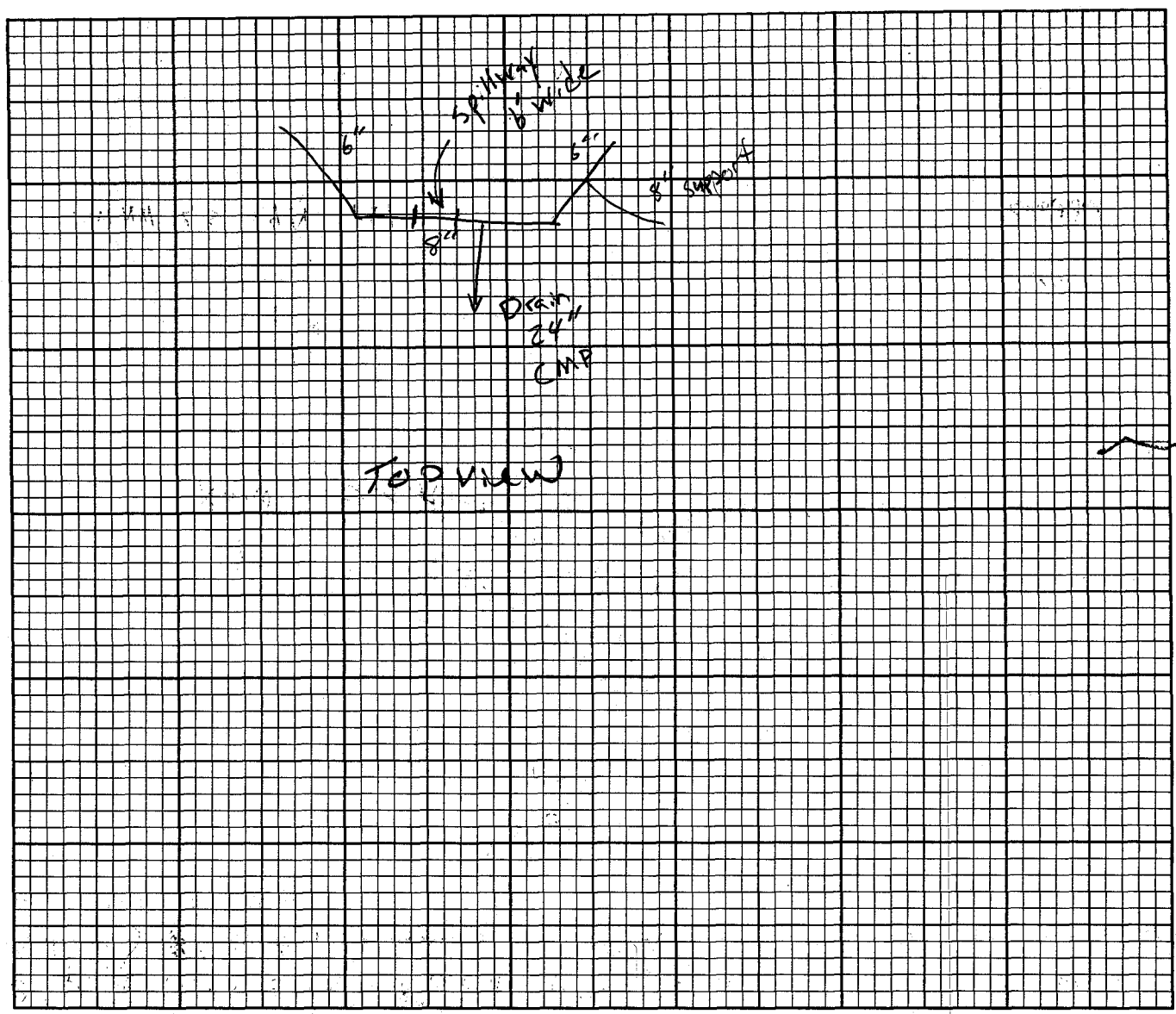
$$Q = \frac{17 (11.8)}{219 \times .80} = 1.14 \text{ cfs} \leftarrow \text{OK}$$

Phone No. 264-3594

- [illegible]

10. Other water rights on these lands None
11. Other water right diverted from same p.d. None

12. **Diversion and Delivery System Diagram:** Indicate all major components and distances between components. Indicate ditch size/pipe i.d. as applicable. Indicate on systems with measurement port the distance between the port and the nearest component/pipe bend/restriction both upstream and downstream, and the inside pipe diameter at the measurement port. On multiple diversion systems indicate how diversion systems are connected.



13. ☒ Photo of Diversion & System Attached ☒ Aerial Photo of Place of Use Attached or Map of Irrigated Acreage Attached

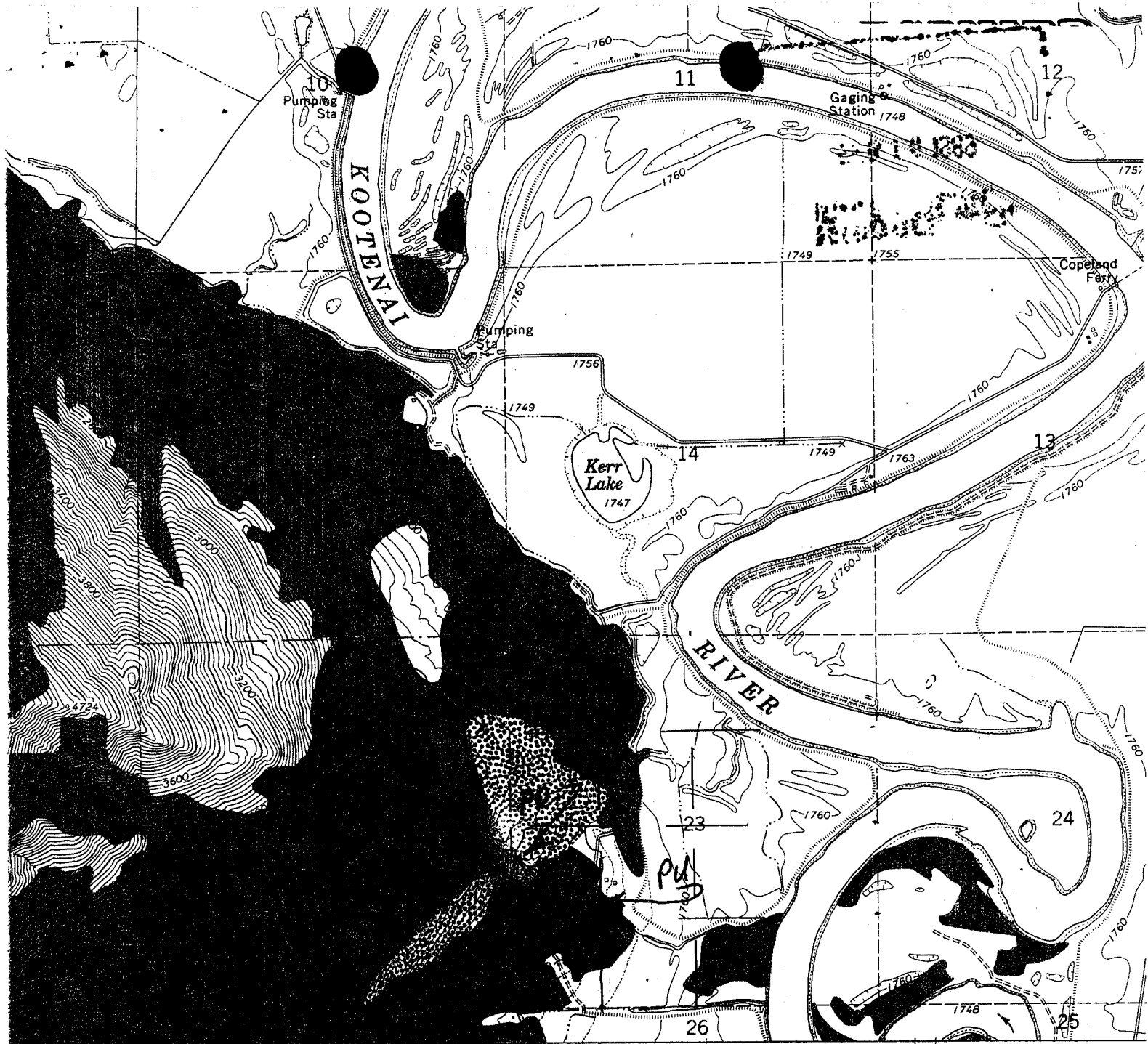
14. Remarks _____

15. Recommended Amendments
☒ Change P.D. as reflected above ☐ Add P.D. as reflected above ☒ None *JK*
☐ Change P.U. as reflected above ☐ Add P.U. as reflected above ☐ Other

16. Examiner's/Consultant's Signature Jennifer Arguies Date 6/2/86

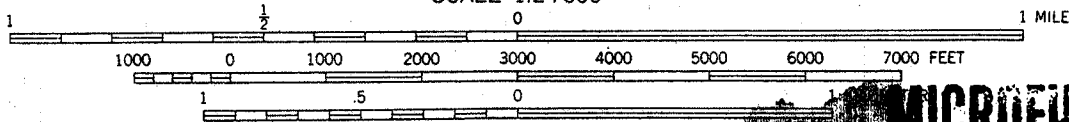
Consultant's License Number _____
IDWR Director's Authorization to Conduct
Beneficial Use Examination _____
Date _____

CONSULTANT SEAL
MICROFILMED
FEB 10 1989



539 27'30" 540 MORAVIA 19 MI. (FARNHAM PEAK) 2781 IV SW 542 25' 543

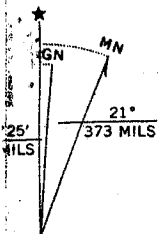
SCALE 1:24 000



CONTOUR INTERVAL 40 FEET
 DOTTED LINES REPRESENT 10-FOOT CONTOURS
 DATUM IS MEAN SEA LEVEL

MICROFILMED

FEB 10 1989



1965 MAGNETIC NORTH
 AT CENTER OF SHEET



QUADRANGLE LOCATION

THIS MAP COMPLIES WITH NATIONAL STANDARDS

TWP. 64N RGE. 1W SEC. 23 MAP # A-7 MAP SCALE 7 1/2
 DATE OF FIELD EXAM _____ FIELD REPORT MAP PERMIT # 98-7080

7/87

State of Idaho
DEPARTMENT OF WATER RESOURCES
SUPPLEMENTAL FIELD REPORT FOR COX/HALL MEASUREMENT

Measured by: Sam KingDate 5-14-87Owner: James M. SmithPermit No. 98-7080

Description of well &/or measuring site

- Include any clarifications of the sketch

- Include legal description if more than one p.d. is described in the Field Report

ACCESS PORT LOCATED SIX LFDOWNSTREAM OF DAM (9 PIPE DIAMETERS)MEASURED INSIDE PIPE RADIUS IN INCHES 8" (IR)

CIR = Pipe Circumference in Inches = _____

T = Pipe Thickness in Inches = _____

IR = [(0.1592 X CIR) - T] = ... 8"DIFFERENTIAL PRESSURE READING IN INCHES OF H₂O (H)High Reading = 15.5Low Reading = 10.5High - Low = H = ... 5COX/HALL DESCRIPTION & FACTOR DETERMINATION (H#)State ID No. NONESize of tip used 8"Number of holes in
meter taped or blocked 0

To determine Cox/Hall Factor (H#) use table to the right.
Using the Differential Pressure Reading (H) find appropriate
Row and Column to determine (H#).
(example: H = 12.4 then H# = 17.0)

Determine (H#) and enter here: 10.4CALCULATION OF DISCHARGE IN CFS (Q)

$$Q = \frac{(3.1416) (IR)^2 (H\#)}{(448.8)}$$

$$Q = \frac{(3.1416) (4)^2 (10.4)}{(448.8)} = 1.16 \text{ CFS}$$

SKETCH (If not shown on Field Report)

	.0	.1	.2	.3	.4	.5	.6	.7	.8	.9
0	0.0	0.8	1.3	1.8	2.2	2.5	2.9	3.3	3.7	4.0
1	4.3	4.5	4.8	5.0	5.2	5.4	5.6	5.8	6.0	6.2
2	6.3	6.5	6.7	6.9	7.0	7.2	7.3	7.5	7.6	7.7
3	7.9	8.0	8.2	8.3	8.5	8.6	8.7	8.8	9.0	9.1
4	9.3	9.4	9.5	9.6	9.7	9.8	10.0	10.1	10.2	10.3
5	10.4	10.5	10.6	10.7	10.9	11.0	11.1	11.2	11.3	11.4
6	11.5	11.6	11.7	11.8	11.9	12.0	12.1	12.2	12.3	12.4
7	12.5	12.6	12.7	12.8	12.9	13.0	13.1	13.2	13.3	13.4
8	13.5	13.5	13.6	13.7	13.8	13.9	14.0	14.0	14.1	14.2
9	14.3	14.4	14.5	14.5	14.6	14.7	14.8	14.9	15.0	15.0
10	15.1	15.2	15.3	15.4	15.5	15.5	15.6	15.7	15.8	15.9
11	15.9	16.0	16.1	16.2	16.3	16.3	16.4	16.5	16.5	16.6
12	16.7	16.7	16.8	16.9	17.0	17.0	17.1	17.2	17.3	17.3
13	17.4	17.5	17.5	17.6	17.7	17.8	17.8	17.9	18.0	18.1
14	18.1	18.2	18.3	18.3	18.4	18.5	18.5	18.6	18.7	18.7
15	18.8	18.9	18.9	19.0	19.1	19.1	19.2	19.3	19.3	19.4
16	19.5	19.5	19.6	19.6	19.7	19.7	19.8	19.9	19.9	20.0
17	20.1	20.1	20.2	20.2	20.3	20.4	20.4	20.5	20.5	20.6
18	20.7	20.7	20.8	20.9	20.9	21.0	21.0	21.1	21.2	21.2
19	21.3	21.3	21.4	21.4	21.5	21.6	21.6	21.7	21.7	21.8
20	21.9	21.9	22.0	22.0	22.1	22.2	22.2	22.3	22.3	22.4
21	22.4	22.5	22.5	22.6	22.6	22.7	22.7	22.8	22.9	22.9
22	23.0	23.0	23.1	23.1	23.2	23.2	23.3	23.4	23.4	23.5
23	23.5	23.6	23.6	23.7	23.7	23.8	23.8	23.9	23.9	24.0
24	24.0	24.1	24.2	24.2	24.3	24.3	24.4	24.4	24.5	24.5
25	24.6	24.6	24.7	24.7	24.8	24.8	24.9	24.9	25.0	25.0
26	25.1	25.1	25.2	25.2	25.3	25.3	25.4	25.4	25.5	25.5
27	25.6	25.6	25.7	25.7	25.8	25.8	25.9	25.9	26.0	26.0
28	26.1	26.1	26.2	26.2	26.3	26.3	26.4	26.4	26.5	26.5
29	26.6	26.6	26.7	26.7	26.8	26.8	26.9	26.9	27.0	27.0
30	27.0	27.1	27.1	27.2	27.2	27.3	27.3	27.4	27.4	27.5
31	27.5	27.5	27.6	27.6	27.7	27.7	27.8	27.8	27.9	27.9
32	28.0	28.0	28.0	28.1	28.1	28.2	28.2	28.3	28.3	28.4
33	28.4	28.5	28.5	28.5	28.6	28.6	28.7	28.7	28.8	28.8
34	28.9	28.9	29.0	29.0	29.0	29.1	29.1	29.1	29.2	29.2
35	29.3	29.3	29.3	29.4	29.4	29.5	29.5	29.5	29.6	29.6
36	29.7	29.7	29.8	29.8	29.9	29.9	30.0	30.0	30.0	30.1
37	30.1	30.2	30.2	30.3	30.3	30.4	30.4	30.5	30.5	30.5
38	30.6	30.6	30.7	30.7	30.8	30.8	30.8	30.9	30.9	31.0
39	31.0	31.0	31.1	31.1	31.2	31.2	31.2	31.3	31.3	31.4
40	31.4	31.5	31.5	31.5	31.6	31.6	31.7	31.7	31.7	31.8
41	31.8	31.9	31.9	31.9	32.0	32.0	32.1	32.1	32.2	32.2
42	32.2	32.3	32.3	32.3	32.4	32.4	32.4	32.5	32.5	32.5
43	32.6	32.6	32.7	32.7	32.7	32.8	32.8	32.9	32.9	33.0
44	33.0	33.0	33.1	33.1	33.2	33.2	33.2	33.3	33.3	33.4
45	33.4	33.5	33.5	33.5	33.6	33.6	33.7	33.7	33.7	33.8
46	33.8	33.9	33.9	33.9	34.0	34.0	34.0	34.1	34.1	34.1
47	34.2	34.2	34.2	34.3	34.3	34.4	34.4	34.4	34.5	34.5
48	34.6	34.6	34.6	34.7	34.7	34.8	34.8	34.8	34.9	34.9

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FEB 10 1989



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

NORTHERN REGION

REMARKS / PHOTOS

PERMIT # 98-7080

DATE

INITIALS

5/30/86 CONDUCTED EXAM~ NO MEAS. DEV. TO CALL K

5/13/87 267-3594 IN FIELD; I WILL STOP BY TOMORROW

RECEIVED
FEB 10 1989



STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

NORTHERN REGION

REMARKS / PHOTOS

PERMIT # 98-7080

DATE

INITIALS



DAM ON FISHER CR.



REPRODUCED
FEB 10 1989



STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

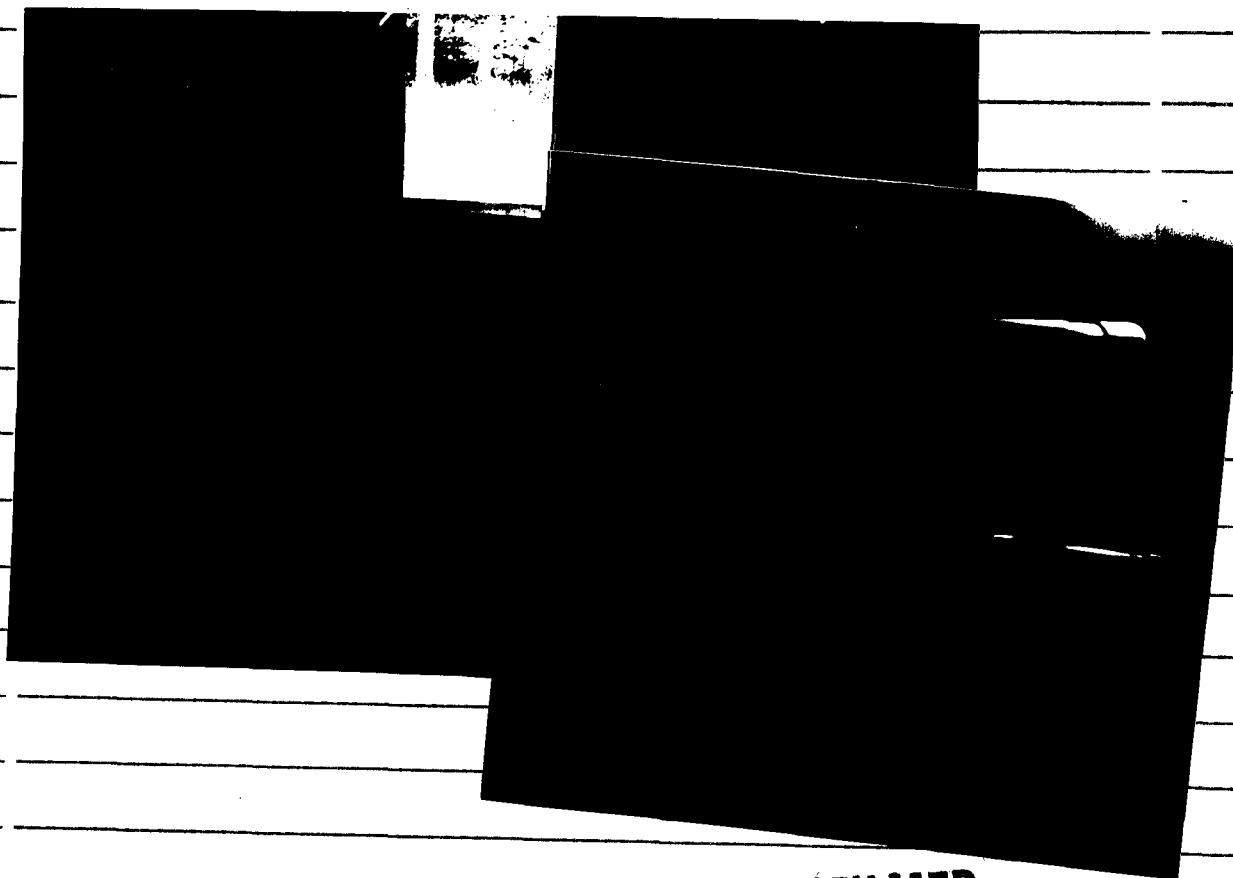
NORTHERN REGION

REMARKS / PHOTOS

PERMIT # 98-7080

DATE

INITIALS



GENERATOR

MICROFILMED

FEB 10 1989

[Handwritten mark]

MEMORANDUM

TO: Bob Haynes
FROM: Jim Johnson *Jim*
DATE: October 5, 1987
RE: Field Exam

RECEIVED
OCT 6 1987
Department of Water Resources
Northern District Office

Bob, I hate having to return this exam but there still remains a problem with the description of the point of diversion.

By the way, the first time we returned this exam the question was concerning the determination of the rate of flow, so I can see how the p/d description was not addressed.

The question is this: the p/d location is described as SWNW, Sec. 23, however, in reviewing the USGS map attached to the exam, the source (Fisher Creek) does not flow thru the SWNW.

One suggestion: many of the examiners are using the USGS map by drawing the location of the p/d & p/u on the map. I believe your examiners have been doing this most of the time also. I think this exam illustrates the advantage of doing this. It would have eliminated the reason for this return.

Also, (and this is a small point) the exam shows that the output of the generator was 20kw, however, item 4 still shows the generator as 2.5.

It appears that Tom had started to do a backup calculation by determining efficiency of the system by using the horsepower formular, but then stopped??? I think that what he started to do was a good idea and is in compliance with what has been requested in the Field Examiners's Handbook, p. III-9, paragraph 6.

RECEIVED
OCT 19 1987

Department of Water Resources

MICROFILMED

FEB 10 1989

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Staff Analysis Sheet
for
Beneficial Use Field Report

88-1080
Permit No.

RECEIVED
JUN 08 1987

A. Prior to Conducting the Exam, the File Contains:

- ☒ Blank Field Report Form
- ☒ Copy of Permit
- ☒ Copies of any Amendments/Orders with conditions of approval **Department of Water Resources**
- ☒ Computer Data Proof Report
- ☒ Copy of U.S.G.S. Quad
- ☒ Check for Government Lots. If so, make a copy of Government Plat

Check of P/D index R 12/22/86 (Initial and date)

Overlap? ☐ yes ☐ no If yes: ☐ copy of exam(s) attached?

Type of Overlap? ☐ Add acres or uses to existing system

☐ Increase rate of flow or volume

☐ Other: _____

Check of P/U index R 12/22/86 (Initial and date)

Overlap? ☐ yes ☐ no If yes: ☐ copy of water right(s) attached?

Type of Overlap? ☐ Increase rate of flow or volume

☐ Add P/D's

☐ Increase number of acres within tracts

☐ Other: _____

Aerial Photo

Required? ☐ yes ☒ no If yes: ☐ copy attached?

Scheduling Letter sent? _____ (Initial and date)

☐ Appointment made and telephone conversation memo attached

B. After Conducting the Exam, the File Contains:

- ☐ Fully completed and signed Field Report Form
- ☐ Photographs of Point of Diversion and Place of Use
- ☐ Corrected Computer Data Proof Report with recommended license information, and date and signature of examiner. **Department of Water Resources**

RECEIVED
OCT 19 1987

C. Review and Processing:

Exam Completed W/H 6/3/87 (Signature of examiner and date)

Exam Reviewed by Senior Water Resource Agent R 6/3/87 (Initial and date)

Exam Reviewed by Manager of Regional Office RA 6/4/87 (Initial and date)

Exam Date Entered in Computer RA 6/4/87 (Initial and date)

Exam sent to State Office RA 6/4/87 (Initial and date)

Copy of Staff Analysis Sheet sent to Manager of Regional Office and Original
Refiled in White File _____ (Initial and date)

June 25, 1986

Mr. James M. Smith
HCR 60 Box 260
Bonners Ferry, Id. 83805

Re: 98-7080

Dear Mr. Smith:

Enclosed are the instructions for installing the measuring port we discussed on May 30, 1986.

The ten-inch line coming out of the dam would be an ideal location for the port.

If you have any questions, please contact me at this office.

Sincerely,

JOM D. KING
Senior Water Resource Agent

IDK/pms

Enc. - Instructions

MICROFILMED
MICK
FEB 10 1989
FBI

4/86
RECEIVED

MAY 20 1986

Department of Water Resources
Northern District Office

RECEIVED

MAY 22 1986

Department of Water Resources
STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

EXAMINATION FEE INFORMATION

For Office Use Only
Fee Received
Date 5/19/86
Receipt # 32070
Receipt by
Sent to S.O. 5/20/86

1. Permit No. 98-7080

ONE OF THE FOLLOWING BOXES SHOULD BE MARKED TO DESIGNATE YOUR CHOICE:

☒ I choose to have the department make the field examination of this permit; attached is the examination fee. (If this box is marked, complete items 1 thru 8.)

2. Permit Holder: James M. Smith Flying "S" Ranch

3. Post Office Address: HCR 60 Box 260 Bonners Ferry, Idaho
Telephone No. 267-3594

4. Source of Water: Fisher Creek, tributary of Kootenai River

5. Extent of Use:

Domestic 1 (No. of households) Stockwater 50 B.O.A. (No. and type of stock)

Irrigation (acres) Other/Remark Hydro Generation

6. Total rate &/or volume for which proof is submitted 2.5 cfs acre-feet

7. Show the date water was first diverted and beneficially used under this permit:

10-1-80

8. Person to contact to accompany the department representative during the field examination:

James M. Smith
(Name)

MICROFILMED

HCR 60 Box 260 Bonners Ferry
(Address)

FEB 10 1989

267-3594
(Telephone Number)

☐ I choose to have the field examination conducted by a certified water right examiner. Attached is a statement from the certified examiner I have selected verifying that he has been retained to conduct the examination. (If this box is marked, complete items 1 thru 7.)

5-14-86
Date

James M. Smith Pre
Signature of Permit Holder (and title, if appropriate)

260



State of Idaho

DEPARTMENT OF WATER RESOURCES

STATE OFFICE, 450 W. State Street, Boise, Idaho

JOHN V. EVANS

Governor

A. KENNETH DUNN

Director

Mailing address:

Statehouse

Boise, Idaho 83720

98-7080
SMITH, JAMES M.
FLYING S RANCH INC.
HCR 60, BOX 260
BONNERS FERRY, ID 83805

138201

April 30, 1986

CERTIFIED MAIL

EXAMINATION FEE NOTICE

Dear Permit Holder:

Department records show that proof of beneficial use has been submitted for the above-referenced permit, but that a field examination has not yet been conducted to determine the extent of beneficial use of the water for licensing purposes.

House Bill 671 (effective April 4, 1986) enacted by the 1986 Idaho Legislature requires the payment of a fee before this department can conduct the field examination needed to issue a license confirming use of water under the permit. This letter is notification that the license examination fee is due within sixty (60) days of the date of this letter. The examination fee information sheet (enclosed) must be returned with the fee.

As an alternative to submitting the fee, the department will accept a field examination report completed by a certified water right examiner from the private sector. If you choose to have the examination done by a certified water right examiner, you need not submit the license examination fee to the department, but you must within sixty (60) days of the date of this letter return to the department, the examination fee information sheet showing appropriate information together with a statement from the certified examiner to verify that you have retained a certified examiner to conduct the field examination. If you choose this alternative, a completed field examination report must be submitted within one year of the date of this letter. You cannot later change your decision to use this alternative and submit the fee needed for the department to conduct the field examination, but you may change to another certified examiner.

Certified water right examiners are licensed engineers, geologists, or land surveyors certified by the department to conduct water right examinations. The procedure for certifying examiners results from the recently enacted HB 671 and is being developed at this time. A listing

of certified water right examiners will be available from this department when examiners have been certified.

If your permitted use, in fact, has already been examined by the department and you have not asked to have the examination repeated, the fee requirement is not applicable to your permit. If you believe this is the case, please contact the department.

The license examination fee is to be based on the amount of water you indicate you have developed, as listed in item 6 on the examination fee information sheet. The amount of water on which the examination fee is based can be less than the permitted amount, if less water has been diverted and beneficially used. The licensed amount of water, however, will not exceed the amount you claim on the examination fee information sheet. The enclosed license examination fee schedule shows a listing of applicable fees.

FAILURE TO SUBMIT WITHIN THE SIXTY (60) DAY PERIOD, THE FEE OR THE STATEMENT THAT A CERTIFIED EXAMINER HAS BEEN RETAINED TO MAKE THE FIELD EXAMINATION, WILL BE CAUSE TO ADVANCE THE PRIORITY OF THE PERMIT ONE DAY FOR EACH DAY THAT THE FEE SUBMITTAL IS LATE.

FAILURE TO SUBMIT THE FEE OR THE COMPLETED FIELD EXAMINATION REPORT WITHIN A YEAR WILL BE CAUSE TO CONSIDER THE PROOF OF BENEFICIAL USE TO BE INCOMPLETE AND TO LAPSE THE PERMIT.

The attached examination fee information sheet and the fee may be submitted to the following department offices.

Northern Region

Idaho Dept. of Water Resources
4055 Government Way
Coeur d'Alene, ID 83814
Phone: 765-4639

Eastern Region

Idaho Dept. of Water Resources
150 Shoup Ave., Suite 15
Idaho Falls, ID 83401
Phone: 525-7161

Southern Region

Idaho Dept. of Water Resources
1041 Blue Lakes Blvd. North
Twin Falls, ID 83301
Phone: 734-3578

Western Region

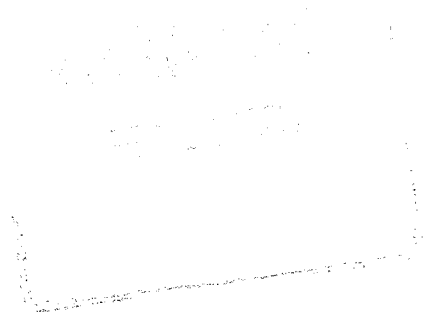
Idaho Dept. of Water Resources
450 W. State St., (Third Floor)
Boise, ID 83720
Phone: 334-2190

Sincerely,



L. GLEN SAXTON
Chief, Operations Bureau

Enclosures



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Northern Region

JOHN V. EVANS
Governor
A. KENNETH DUNN
Director

4055 Government Way
Coeur d'Alene, ID 83814
(208) 667-6484

NOVEMBER 14, 1984

JAMES M. SMITH
FLYING S RANCH
HCR 60 BOX 260
BONNERS FERRY ID 83805

RE: Permit No. 98-7080

Dear Permit Holder:

We acknowledge receipt of your statement submitted as proof of beneficial use for the above referenced permit.

Before a Water Right License can be issued, a field examination must be made by a representative of this department.

A condition of approval of your original permit required the installation of a measuring device which, according to the proof card submitted by you, has not been installed. A measuring device must be installed and operating at the time the field examination is made. If a measuring device is not installed your permit may be subject to cancellation.

A condition of approval of your original permit required the installation of an access port which, according to the proof card submitted by you, has not been installed. An access port must be installed prior to the time a field examination is made.

A field examiner will contact you to arrange to examine your system.

If you have any questions regarding the field examination, please contact this office by phone at 765-4639 or in person at our office.

Sincerely,

/S/
TOM D. KING
Senior Water Resource Agent

cc: IDWR - State Office

MICROFILMED

FEB 10 1989

DEPARTMENT OF WATER RESOURCES

The Idaho Department of Water Resources will consider this card as a statement that the permit holder(s) has completed development to the extent shown below of Permit No. 98-7080

Name(s) of Permit Holder: James M. Smith - Flying S Ranch Inc

Post Office Address: HCR 60 Box 260

Bonnets Ferry Id. SC, Tel. No. 267-3594

Source of Water: Fisher Creek

Extent of Use:

☒ Domestic	<u>2</u>	(number of households)
☒ Stockwater	<u>150</u>	(number and type of stock)
☐ Irrigation	<u>150</u>	(acres)
☐ Other	<u>Small Hydro</u>	

Measuring Device:	Required?	☒ Yes	☐ No	Installed?	☐ Yes	☐ No
Access Port:	Required?	☐ Yes	☒ No	Installed?	☒ Yes	☐ No

The above information is a true statement of the extent to which the above numbered permit has been developed.

Sept 22-1984 **MICROFILMED** [Signature]
 Date Signature of Permit Holder



RECEIVED



SEP 27 1984 IDAHO DEPARTMENT OF WATER RESOURCES
STATEHOUSE

BOISE, IDAHO 83720
Department of Water Resources

MICROFILMED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

STATEHOUSE
BOISE, IDAHO 83720
(208) 334-4440
CERTIFIED MAIL

138239

SMITH, JAMES M.
BOX 142, STAR ROUTE 1
BONNERS FERRY, ID 83805

PROOF DUE NOTICE

AUGUST 31, 1984

DEAR PERMIT HOLDER:

ONE OF THE CONDITIONS OF APPROVAL OF YOUR WATER PERMIT NO. 98-7080 WAS THAT PROOF OF THE EXTENT OF YOUR BENEFICIAL USE MUST BE SUBMITTED TO THIS OFFICE ON OR BEFORE NOVEMBER 01, 1984. (SEE LAST PAGE OF YOUR APPROVED PERMIT OR YOUR LAST APPROVED EXTENSION REQUEST). ENCLOSED IS A POSTCARD WHICH 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, MORE THAN ONE EXTENSION OF TIME CAN BE GRANTED. AN EXTENSION OF TIME REQUEST FORM IS ENCLOSED FOR YOUR CONVENIENCE.

EITHER THE BENEFICIAL USE POSTCARD OR A 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,

RITA FLECK
SECRETARY/RECORDS MANAGER

MICROFILMED

ENCLOSURES

January 19, 1983

James M. Smith
Star Rt. 1, Box 142
Bonners Ferry, ID 83805

Dear Mr. Smith:

Re: Permit No. 98-7050

Enclosed is a copy of the approved request for extension of time. The time within which to submit the statement of beneficial use is extended to November 1, 1984.

Sincerely,

RITA I. FLECK
Sr. Secretary

Enclosure

11-11-83

MEMO

TO: File 98-7080

FROM: Jim Johnson

RE: Extension of Time dated 11/24/1982

This is the third request for extension of time on submitting proof to beneficial use under this permit. The most recent request is based upon, in part, delay in development caused by lack of approval from the Forest Service for right-of-way easement to locate the point of diversion.

The permit holder has supplied the Department a copy of a letter showing that the Forest Service found evidence of property ownership and recommended that the permit holder make improvements on their own property.

This letter is evidence that the permit holder has been waiting confirmation from the Forest Service on property ownership if a right-of-way easement was required.

The period between the easement request date and the September 21, 1982 letter is four years, one month (8/1/1978 to 9/21/1982).

The second extension request received on April 3, 1981, allowed an extension of two years and two months because of the right-of-way approval delay.

Therefore, one year, eleven months still remains available for extension time.

11/24/82



State of Idaho

DEPARTMENT OF WATER RESOURCES

STATE OFFICE, 450 W. State Street, Boise, Idaho

RECEIVED

DEC 16 1982

Department of Water Resources

JOHN V. EVANS
Governor

A. KENNETH DUNN
Director

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 334-4440

December 2, 1982

RE: Permit No. 98-7080

James M. Smith
Star Route 1, Box 142
Bonners Ferry, ID 83805

Dear Mr. Smith:

We are in receipt of your request for extension of time in which to submit proof to beneficial use of water under Permit No. 98-7080. You may recall that on May 1, 1981, I corresponded with you concerning the request for extension of time you had filed on April 3, 1981. In that correspondence I requested a copy of your request from the U.S. Forest Service for an easement. On May 8, 1981, you provided the copy and on June 1, 1981, we approved your extension request for the period that you had been prevented from developing your water right.

Before we can approve your latest extension request we must have evidence that the Forest Service had prevented development of your permit from May 8, 1981 to the date they denied your application for special use permit.

Please provide this information on or before December 31, 1982. If you have any questions, please let me know.

Sincerely,

A handwritten signature in cursive script that reads "Jim Johnson".

JIM JOHNSON
Water Distribution Supervisor

JJ:kw

*See attached copy —
Mrs. James M. Smith*

UNITED STATES DEPARTMENT OF AGRICULTURE
FOREST SERVICE

Bonnerr's Ferry Ranger District
Route 1, Box 390, Bonners Ferry, Idaho 83805

REPLY TO: 2720 Special Uses

September 21, 1982

SUBJECT: Water Transmission

TO: James M. Smith
Box 906
Bonners Ferry, ID 83805



This is to document the message called to you by Virginia Sanborn on September 13.

We spent a considerable amount of time searching for the quarter corner but could not find it. We did find old blazes that we took to be evidence of the property line. If you wish, Larry Smith can come out to show you these blazes.

We recommend you make sure that all of your improvements are on your own property. This should not change your head of water enough to hurt you, and would certainly save you a lot of paperwork and an annual fee.

It is our understanding also that you need to work through the Federal Energy Regulatory Commission, even when the entire project is on private land. We suggest you get in touch with them. Their address is as follows:

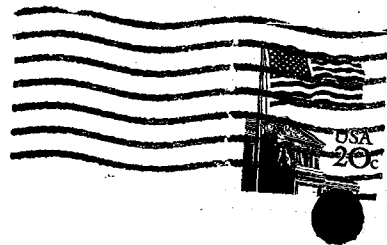
Kenneth F. Plumb, Secretary
Federal Energy Regulatory Commission
825 North Capitol Street, NE
Washington, D.C. 20426

If you have any questions, please feel free to contact Larry Smith at this office.


for JERRY STERN
District Ranger

FLYING "S" RANCH, INC.
STAR ROUTE 1, BOX 142
BONNERS FERRY, IDAHO 83805

ORIGINAL



State of Idaho
Dept. of Water Resources
Statehouse
Boise, Ida. 83720

December 2, 1982

RE: Permit No. 98-7080

James M. Smith
Star Route 1, Box 142
Bonners Ferry, ID 83805

Dear Mr. Smith:

We are in receipt of your request for extension of time in which to submit proof to beneficial use of water under Permit No. 9807080. You may recall that on May 1, 1981, I corresponded with you concerning the request for extension of time you had filed on April 3, 1981. On that correspondence I requested a copy of your request from the U.S. Forest Service for an easement. On May 8, 1981, you provided the copy and on June 1, 1981, we approved your extension request for the period that you had been prevented from developing your water right.

Before we can approve your latest extension request we must have evidence that the Forest Service had prevented development of your permit from May 8, 1981 to the date they denied your application for special use permit.

Please provide this information on or before December 31, 1982. If you have any questions, please let me know.

Sincerely,

JIM JOHNSON
Water Distribution Supervisor

JJ:Kw

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

STATEHOUSE
BOISE, IDAHO 83720
(208) 334-4440
CERTIFIED MAIL

138781

SMITH, JAMES M.
BOX 142, STAR ROUTE 1
BONNERS FERRY, ID 83805

SEPTEMBER 30, 1982

DEAR PERMIT HOLDER:

ONE OF THE CONDITIONS OF APPROVAL OF YOUR WATER PERMIT NO. 98-7080 WAS THAT EVIDENCE OF THE EXTENT OF DEVELOPMENT MUST BE SUBMITTED TO THIS OFFICE ON OR BEFORE DECEMBER 01, 1982. (SEE LAST PAGE OF YOUR APPROVED PERMIT). ENCLOSED IS A POST CARD WHICH MAY 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 POST CARD 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 WITHIN 60 DAYS.

SINCERELY,

RITA FLECK
SR. SECRETARY

ENC: 1



June 2, 1981

James M. Smith
Box 142, Star Route 1
Bonners Ferry, ID 83805

Dear Mr. Smith:

Re: Permit No. 98-7080

Enclosed is a copy of the approved request for extension of time. The time within which to submit the statement of beneficial use is extended to December 1, 1982.

Also enclosed is receipt No. 19272 in the amount of \$15.00.

Sincerely,

RITA I. FLECK
Sr. Secretary

Enclosures

INTER-DEPARTMENT MEMO — 1

FROM Jim

DATE 5/28/81

TO File

SUBJECT Extension REQUEST

The permit holder provided proof that permit development delay was caused by lack of right of way approval from the U.S. FOREST SERVICE.

REQUEST for right of way was made in July 1978

Proof was due on October 1, 1980.

Time delayed is from Aug 1, 1978 TO OCTOBER 1, 1980
WHICH IS 2 yr 2 mos.

Proof to Beneficial use date should be extended to
DECEMBER 1, 1982.

SIGNATURE

RECEIVED

MAY 11 1981

Department of Water Resources

May 8, 1981

Dear Mr. Johnson,

RE: permit # 98-7080

Please find enclosed copies from
the Forest Department concerning
your letter of May 4, 1981 -
Hope this will be satisfactory -

Sincerely yours -

Wm. J. Smith
Star Rt. 1, Box 142
Banner Ferry, Ida.
83805

2710
July 31, 1978

James M. Smith
Box 906
Bonners Ferry, ID 83805

Dear Mr. Smith:

We have received your application for a Special Use Permit, dated 7-27-78, for a water transmission line.

We will work on your application at our earliest opportunity. If you have any questions please contact Larry Smith at this office.

Sincerely,

ROBERT L. GRAHAM
District Ranger

cc: SO

LOSmith:ja

*This permit has not yet been
processed; through no fault
of the applicant.
R. Smith
Ranger* 5/8/81

United States Department of Agriculture
Forest ServiceSPECIAL USE
APPLICATION AND REPORT

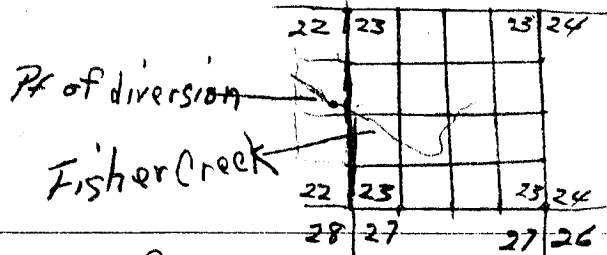
Ref: FSM 2712

FOREST SERVICE USE ONLY	a. Record no. (1-2)	b. Region (3-4)	c. Forest (5-6)
	d. District (7-8)	e. User number (9-12)	f. Kind of use (13-15)
	g. State (16-17)	h. County (18-20)	k. Card No. (21)

PART I - APPLICATION (To be completed by applicant)

Application is hereby made for a permit to use National Forest land as indicated below:

1. Description of land: (Attach MAP or PLAT)



2. Purpose of use.

Direct water from Fisher creek for electric power
Production.

3. Land Area applied for (For Rights-of-Way show length and width and convert to acres; for other uses show acres)

Length in: 260' (Miles) or (Feet) × Width 5 or 6" al pipe (Feet) (Acres)

4. Improvements

a. Description

b. Plans attached ☐ Yes ☐ No. If "NO" show date plans will be furnished

c. Estimated cost

\$10,000 for entire project

d. Construction will begin within

12

(Months)

e. Construction will be completed within

24

(Months)

Date of application

Applicant's name and signature

Applicant's address

Box 906 Bonners Ferry
Ida. 83805

(ZIP Code)

(OVER)

2700-3 (7/71)



State of Idaho

DEPARTMENT OF WATER RESOURCES

STATE OFFICE, 450 W. State Street, Boise, Idaho

JOHN V. EVANS

Governor

A. KENNETH DUNN

~~XXXXXXXXXX~~

Director

Mailing address:

Statehouse

Boise, Idaho 83720

(208) 334-4440

May 4, 1981

James M. Smith
Box 142, Star Rt. 1
Bonners Ferry, Idaho 83805

Dear Mr. Smith,

Thank you for sending us your Extension of Time request for water permit 98-7080.

Upon review of your permit file I found that the Department had already approved a Request for Extension of Time in September of 1978.

Section 42-204, Idaho Code limits the Department to approving only one extension of time request unless delay in permit development is caused by litigation or lack of approval by the Federal Government for right of way. If the permit holder is delayed by one or both of these reasons then documents must be provided to show the period of delay.

In your situation the U.S. Forest Service has prevented easement on their land. Before we can approve your extension we must have a copy of the request, to them for this easement.

If for some reason this is not possible then some other acceptable record showing when the request was first made will be satisfactory.

Please respond to this as soon as possible.

If we have not heard from you by May 30, 1981, we will deny your request and accept your proof to beneficial use card without the power use.

If you have any questions on this, please let me know. My phone number is 334-4162.

Sincerely,

JIM JOHNSON
Water Distribution Supervisor

MEMORANDUM

TO: File 98-7080

April 21, 1981

FROM: Rita Fleck

On July 31, 1980, I sent the proof due notice for the above-referenced permit and in response, I received the statement of beneficial use on September 2, 1980. Because the permit holder indicated the domestic power was not completed, I set the file aside for further correspondence.

My first attempt at resolving the question on this file was on March 23, 1981 when I contacted the permit holder by phone and found that the permit holder was waiting for an easement to complete the power use. Based on this, I suggested to him that he submit an extension of time form, which I partially completed and sent him, and that upon receipt of that, we would void the statement of beneficial use postcard.

Since I feel it is our obligation to make sure the permit holder submits the proper form given the information on the beneficial use postcard, and since the postcard was received in this office in a timely ^{manner} ~~manner~~ and with ample time for us to respond to him before the proof due date, therefore, I feel that the permit holder should not be penalized with an advance in priority because this matter was not taken care of within that time frame.

RECEIVED
APR 22 1981

March 25, 1981

James M. Smith
Box 142
Star Route 1
Bonners Ferry, ID 83805

Dear Mr. Smith:

Re: Permit No. 98-7080

Pursuant to our telephone conversation of Monday, March 23, 1981, enclosed is the request for extension of time form. Please review it, sign it, and return it with the \$15.00 filing fee.

Upon receipt of this form, we will void the statement of beneficial use postcard you submitted in September and notify you again within sixty days of the beneficial use due date.

If you have any questions or wish to discuss the extension request further, please feel free to call me at 334-4290.

Sincerely,

RITA I. FLECK
Sr. Secretary

Enclosure

DEPARTMENT OF WATER RESOURCES

The Idaho Department of Water Resources will consider this card as a statement that the permit holder(s) has completed development to the extent shown below of Permit No. 98-7080

Name(s) of Permit Holder: James M. Smith, Flying S Ranch Inc.

Post Office Address: Box 142 Star Route 1

Tel. No. 267-3594

Source of Water: Fisher Creek

Extent of Use: ☒ Domestic 2 (number of households)

☒ Stockwater 150-Beef (number and type of stock)

☐ Irrigation (acres)

☐ Other Domestic Rubber (not complete)

Measuring Device: Required? ☒ Yes ☐ No Installed? ☐ Yes ☐ No

Access Port: Required? ☐ Yes ☐ No Installed? ☐ Yes ☐ No

The above information is a true statement of the extent to which the above numbered permit has been developed.

8-27-80

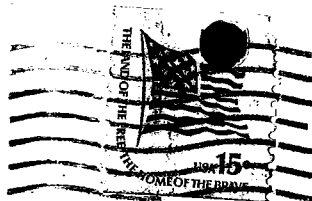
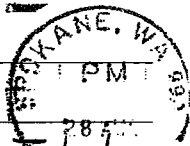
Date

James M. Smith
Signature of Permit Holder

J. M. Smith

Box 142 Star R. 1

Bonniers Ferry, Idaho



IDAHO DEPARTMENT OF WATER RESOURCES
STATEHOUSE
BOISE, IDAHO 83720

RECEIVED

MURPHY

SEP 2 1980

Department of Water Resources

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

STATEHOUSE
BOISE, IDAHO 83720
(208) 334-4440
CERTIFIED MAIL

SMITH, JAMES M.
P.O. BOX 906
BONNERS FERRY, ID 83805

1.8415

JULY 31, 1980

DEAR PERMIT HOLDER:

ONE OF THE CONDITIONS OF APPROVAL OF YOUR WATER PERMIT NO. 98-7080 WAS THAT EVIDENCE OF THE EXTENT OF DEVELOPMENT MUST BE SUBMITTED TO THIS OFFICE ON OR BEFORE OCTOBER 01, 1980. (SEE LAST PAGE OF YOUR APPROVED PERMIT). ENCLOSED IS A POST CARD WHICH MAY 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. A REQUEST FOR EXTENSION OF TIME FORM IS ENCLOSED FOR YOUR CONVENIENCE. PLEASE NOTE THAT A FEE OF \$15.00 MUST BE SUBMITTED WITH THIS FORM.

EITHER THE BENEFICIAL USE POST CARD 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 WITHIN 60 DAYS.

SINCERELY,

RITA FLECK
SR. SECRETARY

ENCLOSURES

October 17, 1978

James M. Smith
Box 906
Bonners Ferry, ID 83805

Dear Mr. Smith:

Re: Permit No. 98-7080

Enclosed is a copy of the approved application for amendment submitted on Permit No. 98-7080.

Also enclosed is the receipt (#12341) in the amount of \$20.00 for the above referenced amendment.

Sincerely,

JAN GROVER
Water Rights Supervisor

JG:rf

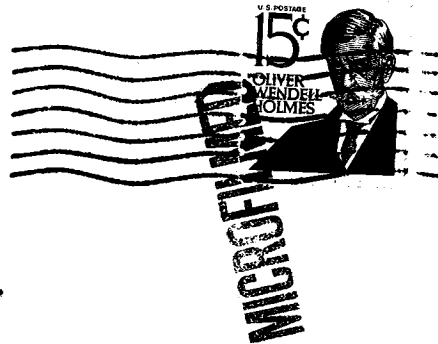
Enc: 1

RECEIVED
OCT 18 1978
JAN GROVER

James M. Smith, D.M.D.

BOX 906

BONNERS FERRY, IDAHO — 83805



State of Idaho
Dept. of Water Resources
State House
Boise, Id. 83720

September 28, 1978

Re: Permit No. 98-7080

James M. Smith
Box 906
Bonnars Ferry, ID 83805

Dear Mr. Smith:

Enclosed is a copy of the approved request for extension of time for the above referenced permit. Please note that the time within which to submit proof of beneficial use of water has been extended to October 1, 1980.

Also enclosed is a partially completed amendment form for your use in changing this permit to cover power production rather than irrigation purposes on this permit. Please complete the amendment, making all necessary changes, and return it to this office with the \$20.00 filing fee at your earliest convenience.

If you have any questions, please contact us.

Sincerely,

JAN GROVER
Water Rights Supervisor

JG/kw
Enclosure

RECEIVED
OCT 1 1978

nan
RECEIVED

SEP 18 1978

9-15-78

Department of Water Resources

Jan Groner
Water Rights Supervisor.

Dear Mr Groner:

I called your office a ~~was~~ few weeks ago and was advised, under the circumstances, to proceed as we have, letting permit no 98-7080 lapse and stay with license no 18442 or 98-2053.

The reason for this being we want to change permit no 98-7080 to include power production, 2.40 cfs power, .03 domestic, .02 stockwater & garden irrigation - a total of 2.45 cfs.

We have applied for water from the Kootenai river for irrigation of 130 acres by sprinkler at your Coeur D'Alene office the 1st of Sept.

we do need an extension of time however because the forest ~~service~~ ^{up} service is holding a special use permit of 260 ft because it may become a part of Rare II.

Please advise if this change can be made without filing for a new permit.

Sincerely James M. Smith

MICROFILMED

September 12, 1978

Re: Permit No. 98-7080

James M. Smith
Box 906
Bonners Ferry, ID 83805

Dear Mr. Smith:

Your License No. 18442 (New No. 98-2053) is for 2.0 cfs for power purposes and 0.005 cfs for domestic and irrigation use. In order to legally use this water it must be put to these beneficial uses.

On your Permit No. 98-7080 you list 130 acres for irrigation. None of these acreages are covered under License No. 98-2053, and neither is the stockwater use. Therefore, if Permit No. 98-7080 were to lapse, the only water right left would cover power purposes (2.0 cfs or 900 gpm) and a small amount for domestic and irrigation (0.005 cfs or 2.25 gallons per minute).

If you do not want this permit to lapse please submit either the proof of beneficial use affidavit enclosed (if the project is completed), or the application for extension of time (if the project is started but not completed). One of these forms must be submitted as soon as possible in order for this permit to remain in good standing.

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

Sincerely,

JAN GROVER
Water Rights Supervisor

JG/kw
Enclosures

RECEIVED
SEP 14 1978



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

CERTIFIED MAIL

June 30, 1978

Re: Permit No. 98-7080

RECEIVED

SEP 1 1978

Mr. James M. Smith

Box 906

Bonniers Ferry, ID 83805

Department of Water Resources

Dear Mr. Smith:

One of the conditions of approval of your water Permit No. 98-7080 (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

We would like to discontinue this permit no. 98-7080, and continue with our original license no 18442. If there are any details we are leaving out please advise.

James M. Smith
Box 906
Bonniers Ferry, ID 83805



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

CERTIFIED MAIL

June 30, 1978

Re: Permit No. 98-7080

122806

Mr. James M. Smith
Box 906
Bonners Ferry, ID 83805

Dear Mr. Smith:

One of the conditions of approval of your water Permit No. 98-7080 (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

September 10, 1973

Re: Permit No. 98-7080

Mr. James M. Smith
Box 906
Bonners Ferry, ID 83805

Dear Mr. Smith:

Enclosed is a copy of your approved Application for Permit No. 98-7080. 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

98 7080
MICROFILMED

STATEMENT

BONNERS FERRY HERALD

Complete Newspaper Coverage of Boundary County

P. O. Box 539

BONNERS FERRY, IDAHO — 83805

Idaho Dept. of Water Administration
401 Front Ave.
Coeur d'Alene, Idaho 83814

1973

Aug. 9 Notice of Application for water permit-
No. 98-7080/J.Smith-34 lines 2 times \$ 13.26

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.

98 7080

Bonnerr Ferry Herald

SENT:

BY:

Ruth H. H. H.

bookkeeper

August 3, 1973

Re: Application No. 98-7080 - James M. Smith
" " 98-7081 - Max O. &/or Beverly A. May
Claim No. 98-4020 - Francis C. & Glea J. Mead
" " 98-4021 - " " " " " "

Bonnors Ferry Herald
P.O. Box 539
Bonnors Ferry, ID 83805

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,

Fred Eisenbarth
Northern District Manager

Bill submitted 8-27-73 by af

FE:CR

Enc: Legal Notices (4)

98 7080

NOTICE OF APPLICATION FOR WATER PERMIT

Notice is hereby given that James M. Smith,

Box 906, Bonners Ferry, Idaho

has on July 30, 1973 submitted Application No. 98-7080

for a permit to appropriate 2.45 cubic feet per second ~~acre feet per annum~~

of water from Fisher Creek

by means of headgate, ditch, pump, pipeline, and sprinklers

within the SW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 23, T. 64N, R. 1W, B.M., Boundary County

to be used from Jan. 1 to Dec. 31 for domestic (0.03 cfs) and stockwatering
~~xxxx~~ purposes (0.02 cfs); and from June 1 to Sept. 15 for the irrigation of 130
~~for~~ acres (2.40 cfs)

within the NE $\frac{1}{4}$ SE $\frac{1}{4}$ (domestic & stockwater), W $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 23,
T. 64N, R. 1W, B.M. (irrigation)

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, 401 Front Ave., Coeur d'Alene, Idaho, 83814 on or before August 27, 1973.

R. KEITH HIGGINSON

Director

Published in the Bonners Ferry Herald, Bonners Ferry, Idaho

on August 9 and August 16, 1973

98 7080

**NOTICE OF APPLICATION FOR
WATER PERMIT**

Notice is hereby given that James M. Smith, Box 906, Bonners Ferry, Idaho has on July 30, 1973 submitted Application No. 98-7080 for a permit to appropriate 2.45 cubic feet per second of water from Fisher Creek by means of headgate, ditch, pump, pipeline, and sprinklers within the SW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 23, T. 64N, R. 1W, B.M., Boundary County to be used from Jan. 1 to Dec. 31 for domestic (0.03 cfs) and stockwatering purposes (0.02 cfs); and from June 1 to Sept. 15 for the irrigation of 130 acres (2.40 cfs) within the NE $\frac{1}{4}$ SE $\frac{1}{4}$ (domestic & stockwater), W $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 23, T. 64N, R. 1W, B.M., (irrigation).

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, 401 Front Ave., Coeur d'Alene, Idaho, 83814 on or before August 27, 1973.

R. KEITH HIGGINSON
Director

Published in the Bonners Ferry Herald, Bonners Ferry, Idaho on August 9 and August 16, 1973.

98 7080

OK
8-7-73
d

August 3, 1973

Re: Application for Permit No. 98-7080

James M. Smith
Box 906
Bonners Ferry, ID 83805

Dear Mr. Smith:

Attached is your receipt No. 11429 in the amount of \$45 for the filing fee on the above referenced application which was received in this office.

Very truly yours,

Fred Eisenbarth
Northern District Manager

FE:CR

Enclosure

98 7080

ROBERT E. SMYLIE
Governor



CARL E. TAPPAN
State Reclamation Engineer

STATE OF IDAHO

DEPARTMENT OF RECLAMATION
107 STATE HOUSE
BOISE, IDAHO 83701

RECEIVED

January 19, 1965

JUL 31 1973

Department of Water Administration
Northern District Office

RE: Permit No. 18442/98-2053

James M. Smith
Flying S Ranch
Star Route 1
Copeland, Idaho 83822

Dear Mr. Smith:

Enclosed is the License and Certificate of Water Right on
the above numbered permit.

Also enclosed is departmental receipt No. 32593 in the
amount of \$5.50 covering the fee for the license and for
recording the assignment.

Very truly yours,

CARL E. TAPPAN
State Reclamation Engineer
By

Edna P. Rule
(Mrs.) Edna P. Rule
Chief Clerk

EPR:mr

Enc. license
receipt

Idaho Dept. of Water Administration
Cover B alone

98 7080

1-667-6484
120 A - 300 A

7-3340