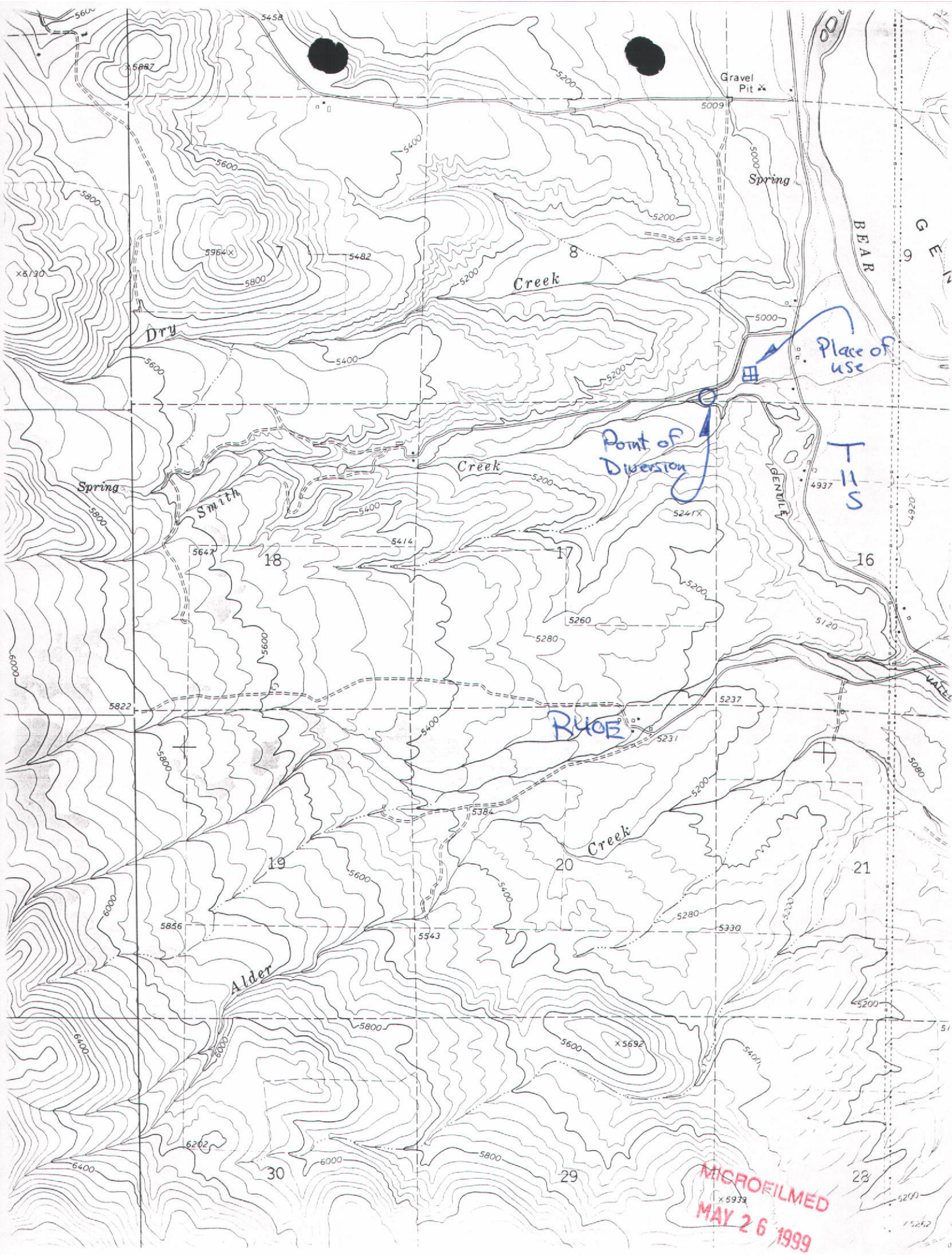
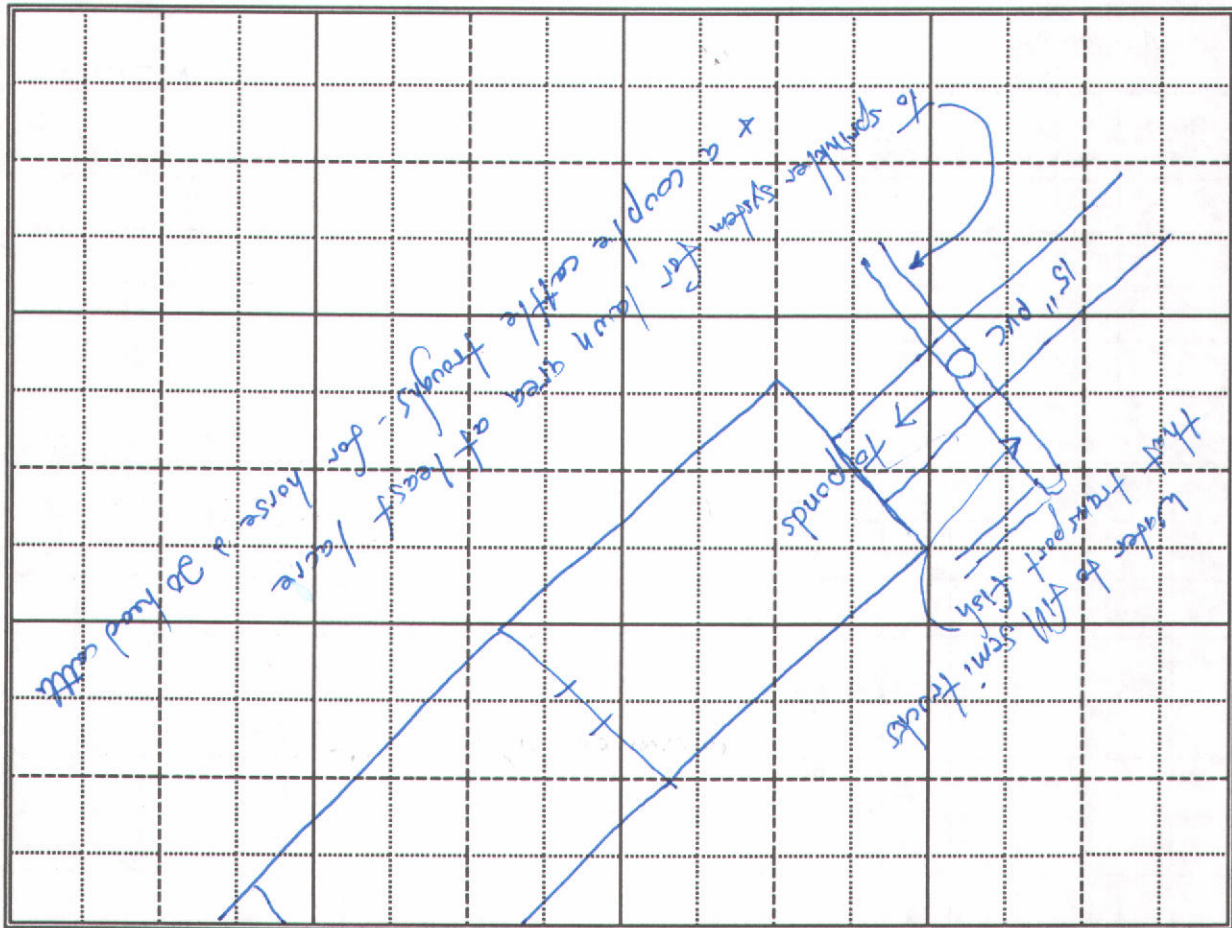




3. Delivery System Diagram: Indicate all major components and distances between components. Indicate weir size/ditch size/pipe i.d. as applicable.



Scale: 1" = _____
 _____ Copy of USGS Quadrangle Attached Showing location(s) of point(s) of diversion and place(s) of use (required).
 _____ Aerial Photo Attached (required for irrigation of 10+ acres)
 _____ Photo of Diversion and System Attached

4.

Well or Diversion Identification No. *	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size

*Code to correspond with No. on map and aerial photo

D. FLOW MEASUREMENTS

1.

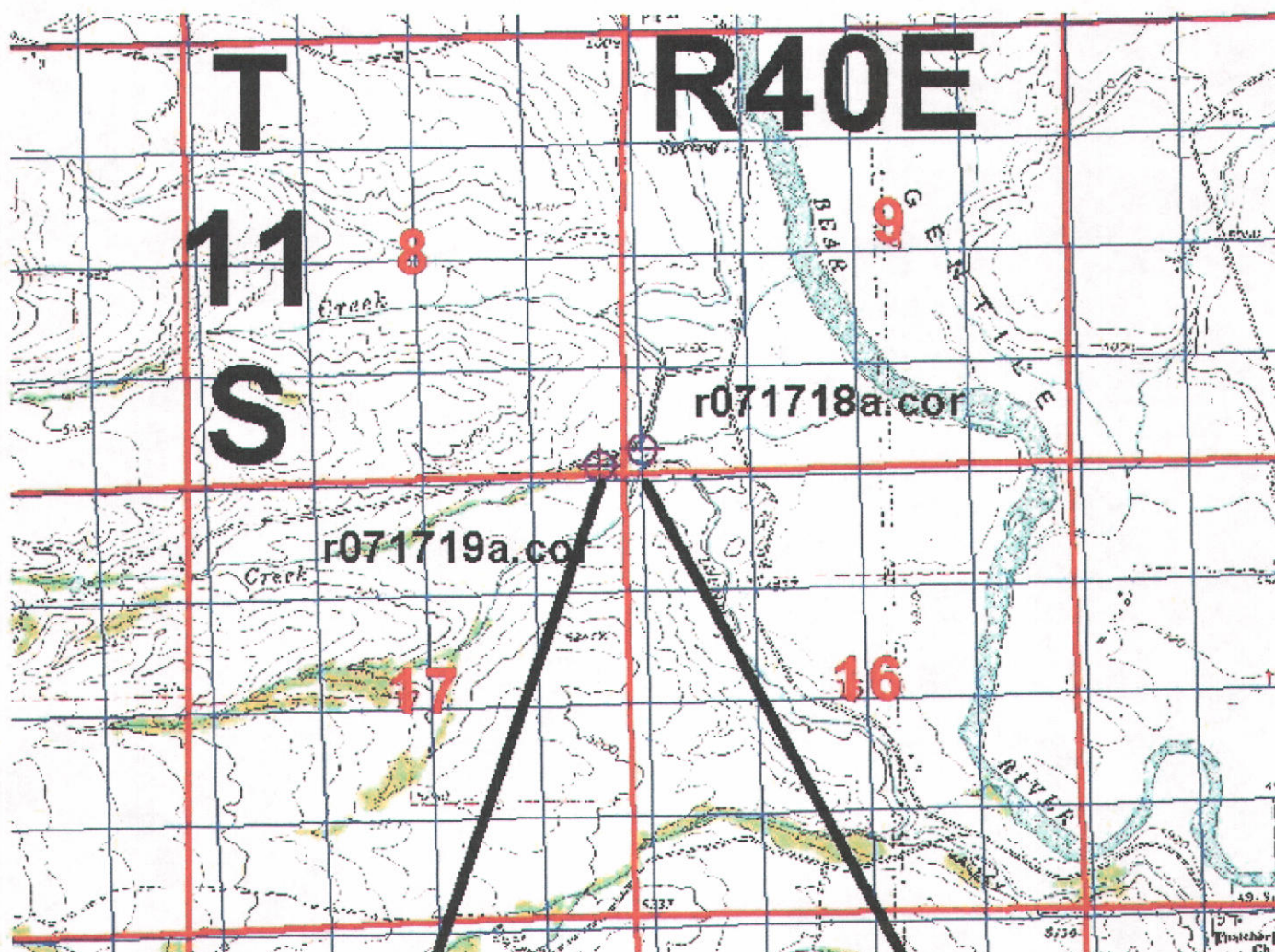
Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date

2. Measurements:

dia 15.3
 thickness .387

Observed 1150 gpm on Fuji - flows down due to drought.

13-7561/1978



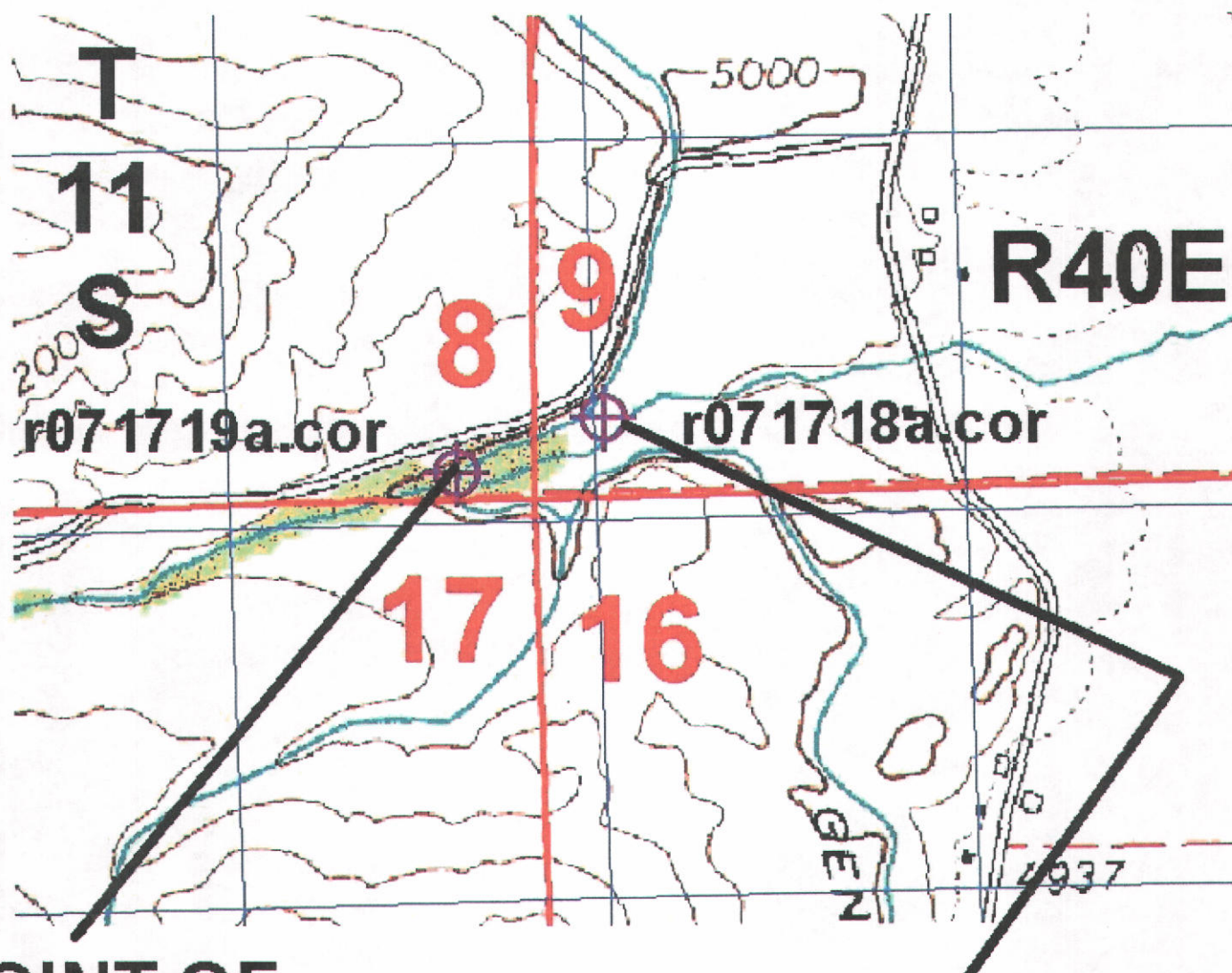
-  T11s40e.shp
-  Posnpnt.shp
-  Sections.shp

**POINT OF
DIVERSION**

PLACE OF USE

13-7561

13-7578



**POINT OF
DIVERSION**

PLACE OF USE

- T11s40e.shp
- ⊕ Posnpnt.shp
- Sections.shp

13-7561

13-7578



POD pipe leads down to fish ponds below GPS unit.



Spring pond #13-7561

13-7561



Pipe from spring. Small pipe to fill tanker trucks
To irrigation of pasture below
Large pipe goes to fish tanks



13-7561

13-7561/~~7578~~



Fish tanks #1 2 + 3 GPS unit marking POU at top tank



13-7561 Weir between tanks

13-7561



Picture
taken
at top
of top
tank.
13-7561



13-7561 Lower 3 tanks # 45 + 6

13-7561



Water
coming
from
tank 3
above
to tank
4 in
lower
photo



13-7561 Water entering tank 4

13-7561



13-7561 Two settling ponds



13-7561 Flow entering Smith Creek.

13-7561

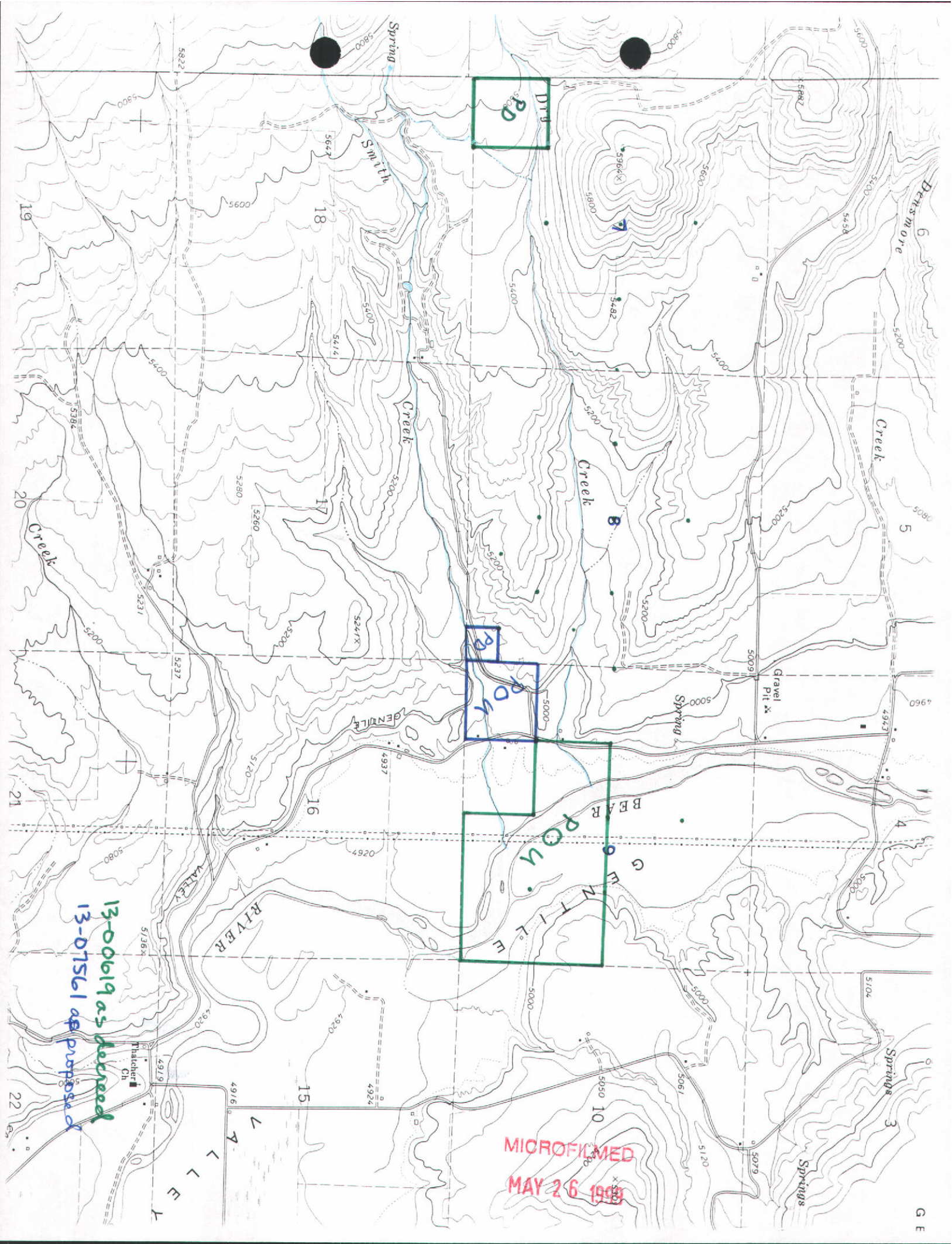


13-7561 Photo doesn't show it well, but water line in pipe is a good inch lower than it has been earlier in the year. Flow shown coming into tank #4



13-7561 Water level in system is clearly down due to drought.

13-7561



MICROFILMED
MAY 26 1980

13-00619 as decreed
13-07561 as proposed

RECEIVED

MAY 8 - 2000

Department of Water Resources

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

PROOF OF BENEFICIAL USE

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. 13-07561 Telephone No. (208) 427-6376

2. Name of Permit Holder(s): Edwin P. Smith & Willadene H. Smith

3. Mailing Address: 405 River Rd.

City Grace State ID Zip 83241

4. Source of Water: Spring If **GROUNDWATER** (well), Date Drilled: mo. _____ / yr. _____

Well Driller: _____ Drilling Permit Number: _____ - _____ - _____ - _____

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

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

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

6. Total rate of diversion and/or volume for which proof is submitted: 1.80 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? Yes _____ or No X
Has the measuring device been installed? Yes _____ or No _____

8. Fee Enclosed: \$ 125.00 (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: Edwin P. Smith Telephone Number: (208) 427-6376

Address: 405 River Rd. Grace, Idaho 83241

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: Edwin P. Smith - Willadene Smith Date: May 3, 2000
(include your title, if on behalf of company or organization)

MICROFILMED

JUN 14 2000

State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 13-07561

Proposed Priority: March 18, 1999

Maximum Diversion Rate:

1.80 CFS

This is to certify, that **EDWIN P SMITH**
405 RIVER RD
GRACE ID 83241

has applied for a permit to appropriate water from:

SPRING tributary of **SMITH CREEK**

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>	<u>ANNUAL VOLUME</u>
FISH PROPAGATION	01/01 to 12/31	0.10 CFS	
FISH PROP. STORAGE	01/01 to 12/31		0.1 AF
DIVERSION TO STORAGE	04/15 to 10/15	1.80 CFS	
DIVERSION TO STORAGE	10/16 to 04/14	0.10 CFS	
	Totals	1.80 CFS	

LOCATION OF POINT(S) OF DIVERSION:

SESESE , Sec. 8, Township 11S, Range 40E
CARIBOU County

PLACE OF USE: FISH PROPAGATION

TWN RGE SEC

11S 40E 9

SWSW

CONDITIONS OF APPROVAL AND REMARKS

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before June 1, 2000.
2. Subject to all prior water rights.
3. Use of water under this water right will be regulated by the watermaster of State Water District No. 11.
4. Prior to diversion of water under this right, the right holder shall install and maintain a measuring device and lockable controlling works of a type acceptable to the Department as part of the diverting works.
5. The right holder shall not assign or sell the permit without first securing the written approval of the Department of Water Resources.
6. The right holder shall provide the Department, upon request, information showing volume changes per hour necessary to maintain an adequate environment for the fish propagation facility. Volume changes per hour shall be based upon actual fish production.
7. Use of water under this approval shall comply with applicable water quality standards of the Division of Environmental Quality of the Idaho Department of Health and Welfare.

MICROFILMED

MAY 26 1999

State of Idaho
Department of Water Resources

Permit To Appropriate Water

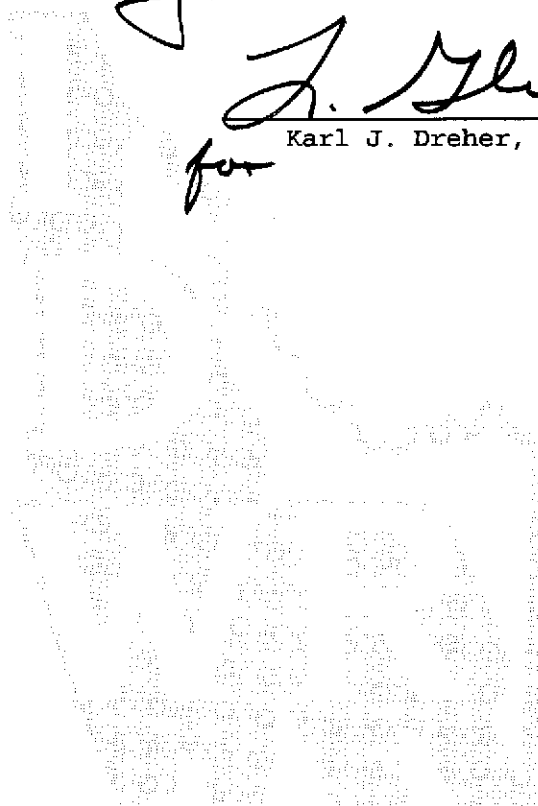
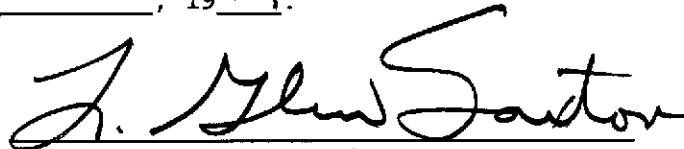
NO. 13-07561

CONDITIONS OF APPROVAL AND REMARKS

8. The right holder shall comply with all fish screening requirements of the Idaho Department of Fish and Game.
9. Water shall not be diverted under this right when the water level of Bear Lake is below the established minimum lake level.

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

25th day of May, 1999.



for Karl J. Dreher, Director

MICROFILMED
MAY 26 1999

Ident. No. 13-07561

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

RECEIVED
MAY 17 1999

To appropriate the public waters of the State of Idaho

Department of Water Resources

1. Name of Applicant Edwin P. Smith Phone (208) 421-6376
Mailing address 405 River Rd Grace, ID 83241
2. Source of water supply Spring which is a tributary of Smith Creek
3. Location of point of diversion is Township 11S Range 40E Sec. 8, in the SE 1/4, SE 1/4, SE 1/4, Govt. Lot , B.M., Caribou County;
additional points of diversion if any:

4. Water will be used for the following purposes:

- Amount 1.80 cfs for Div. to Fish Propagation purposes from 1-1 to 12-31 (both dates inclusive)
(cfs or acre-feet per annum)
- Amount 0.1 af for Fish Propagation storage purposes from 1-1 to 12-31 (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) 1.80 cfs and/or (b) 0.1 af
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 I will divert my irrigation right # 13-00619 thru 4 concrete ponds (12'x40'x3'deep) & back to the Creek.
- b. Height of storage dam feet; active reservoir capacity acre-feet; total reservoir capacity acre-feet
- c. Proposed well diameter is inches; proposed depth of well is feet
- d. Is ground water with a temperature of greater than 85°F being sought?
- e. If well is already drilled, when? ; Drilling firm
Well was drilled for (well owner) ; Drilling Permit No.

7. Time required for completion of works and application of water to proposed beneficial use is 1 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.
- e. Other; describe fully. Fish propagation - probably Tilapia

FILED
MAY 26 1999

b. If water is used for other purposes, place a symbol of the use (example: *D* for *Domestic*) in the corresponding place of use below. See instructions for standard symbols.

[illegible]

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

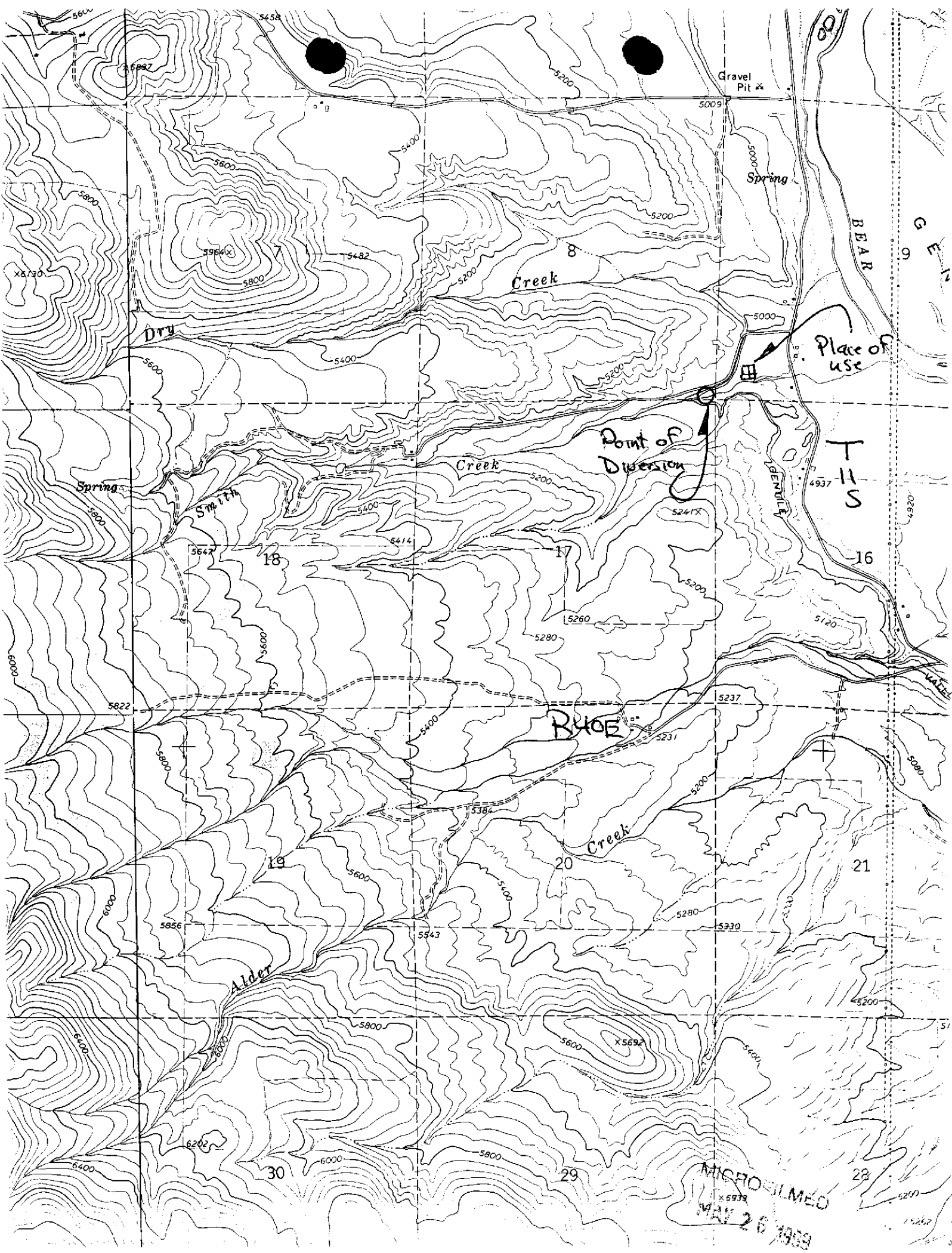
c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make

12. Remarks:

of the State of Idaho as herein set forth.

Publication prepared by
Publication approved

Public waters 1049



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

RECEIVED

NOV - 2 2001

Central Water Resources

13-07561

A. GENERAL INFORMATION

Permit No. 13-7561/13-7578

1. Owner: Edwin P Smith Phone No. (208) 427-6376

Current Address: 405 River Road, Grace, ID 83241

2. Accompanied by: Edwin Smith EXAM DATE: 7-17-01

Address: Same Phone No. _____

Relationship to Permit Holder: Same

3. Source: Smith Spring tributary to Smith Creek

B. OVERLAP REVIEW

1. Other water rights with the same place of use: No

2. Other water rights with the same point of diversion: Spring water is used for irrigation after exiting fish tanks by Mr. Smith & Rulon Shaw.

C. DIVERSION AND DELIVERY SYSTEM

1. Point(s) of Diversion:

R071719A

Ident No.	Gov't Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Method of Determination/Remarks
		SE	SE	SE	8	11S	40E	Caribou	GPS locator

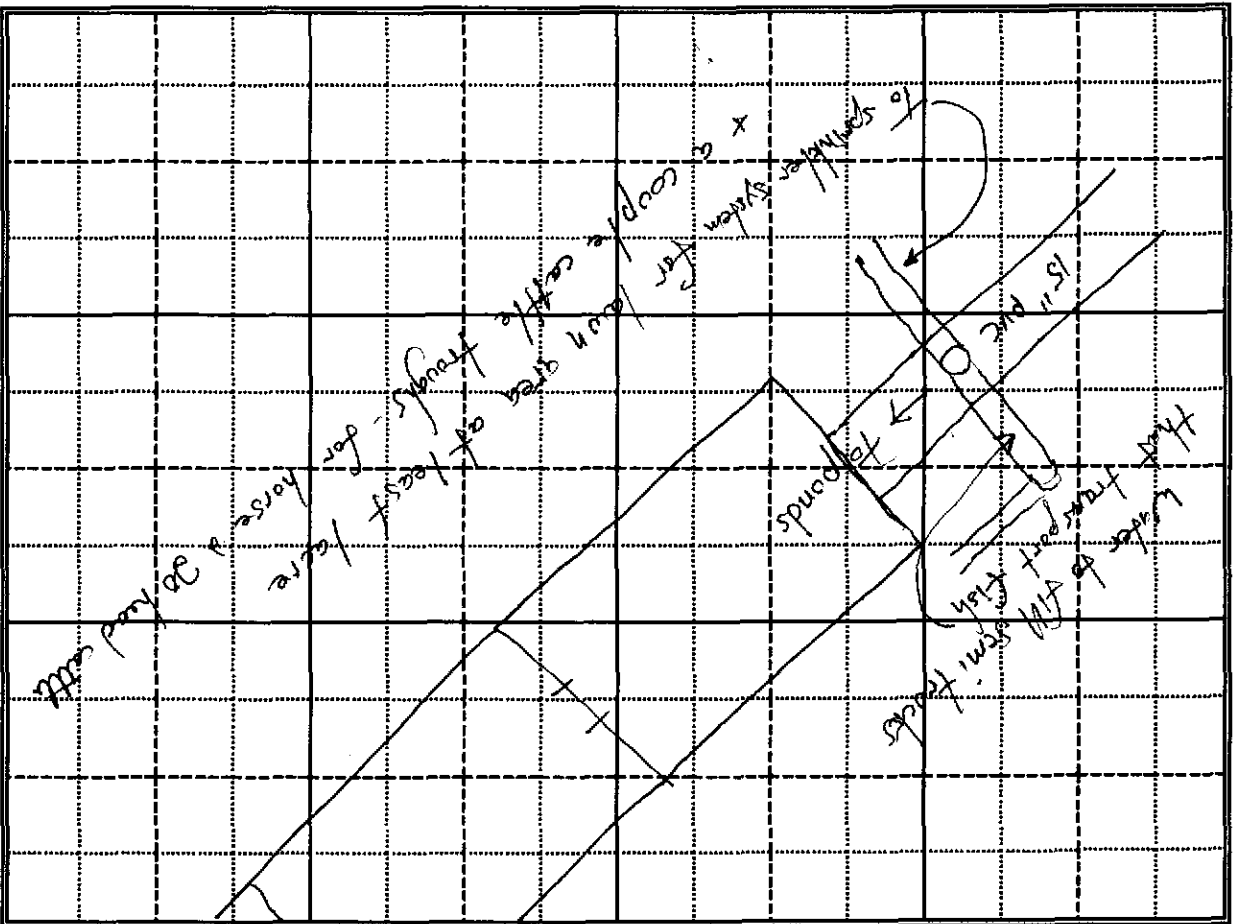
2. Place(s) of Use:

Indicate Method of Determination GPS R071718A

TWP	RGE	SEC	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
11S	40E	9											H						

13-7561

3. Delivery System Diagram: Indicate all major components and distances between components. Indicate well size/ditch size/pipe l.d. as applicable.



Scale: 1" =

Copy of USGS Quadrangle Attached Showing location(s) of point(s) of diversion and place(s) of use (required).
Aerial Photo Attached of (required for irrigation of 10+ acres)
Photo of Diversion and System Attached

4.

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size

*Code to correspond with No. on map and aerial photo

D. FLOW MEASUREMENTS

1.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date

2. Measurements:

dia 15.3
thickness .387

Observed 1150 gpm on 15" - flows down due to drought.

13-7561

LOG NAME: **13-07561**
13-07578

START:07-17-2001 13:50
END:07-17-2001 13:55
INTERVAL: 00:01:00

07-17-2001 13:50:00
+2.092E+0 ft/s
+1.098E+3 gal/m
+2.447E+0 ft3/s
+TOTAL 0000000 gal
-TOTAL 0000000 gal
NORMAL

07-17 13:51:00
+2.112E+0 ft/s
+1.109E+3 gal/m
+2.471E+0 ft3/s
+TOTAL 0001107 gal
-TOTAL 0000000 gal
NORMAL

07-17 13:52:00
+2.146E+0 ft/s
+1.127E+3 gal/m
+2.511E+0 ft3/s
+TOTAL 0002232 gal
-TOTAL 0000000 gal
NORMAL

07-17 13:53:00
+2.157E+0 ft/s
+1.133E+3 gal/m
+2.524E+0 ft3/s
+TOTAL 0003359 gal
-TOTAL 0000000 gal
NORMAL

07-17 13:54:00
+2.101E+0 ft/s
+1.103E+3 gal/m
+2.458E+0 ft3/s
+TOTAL 0004478 gal
-TOTAL 0000000 gal
NORMAL

07-17 13:55:00
+2.172E+0 ft/s
+1.140E+3 gal/m
+2.542E+0 ft3/s
+TOTAL 0005598 gal
-TOTAL 0000000 gal
NORMAL

MAX FLOW = 2.54 CFS

13-07561
~~13-07578~~

MEMORANDUM

TO: File 13-07561

FROM: KETH C. WILSON

DATE: 10/24/2001

RE: Annual Volume for Fish Propagation Use

Per a memo dated 1/15/88, volume is calculated this way:

1. Calculate changes per hour:
total flow into facility x 3600/facility volume(cf) = changes

2. Calculate annual volume:
facility volume(AF) x changes x 8760 = AFA

3. Calculate volume given by permitted flow:
flow rate(cfs) x 1.98 x 365 days = AFA

$$V_{OL} = (17' \times 70' \times 3.5') \times 6 = 24990 \text{ ft}^3$$
$$V_{OL} = \left[\frac{(17 \times 70)}{43560} \right] \times 3.5 \times 6 = 0.5736 \text{ af}$$

4. Recommend lower figure

1. 1.80 cfs x 3600/ 24990 cf = 0.2593

2. 0.573 AF x 6.2593 x 8760 = 1303.14 AFA

3. 1.80 cfs x 1.98 x 365 days = 1303.16 AFA

RECOMMENDATION: 1303.1 AFA

13-7561



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, Idaho 83402-1718 - (208) 525-7161- Fax (208) 525-7177

EASTERN REGION

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

TO: EXAM FILES 13-07561 & 13-07578

October 24, 2001

FROM: Keith C. Wilson – Eastern Regional Office

RE: Capacity of System

Measured 2.54 cfs under drought conditions

This system could handle the total of both permits for a total of 3.60 cfs.

RECOMMEND LICENSING FOR A COMBINED FLOW RATE OF 3.60 CFS

A handwritten signature in black ink that reads "Keith C. Wilson". The signature is written in a cursive style and is positioned above a horizontal line.

Keith C. Wilson
Senior Resource Agent

13-7561



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, Idaho 83402-1718 - (208) 525-7161- Fax (208) 525-7177

EASTERN REGION

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

10/24/2001

TO: Shelley Keen – ALLOCATIONS

FROM: Keith C. Wilson – Eastern Regional Office

RE: ILLEGAL DIVERSION

Edwin P. Smith
405 River Road
Grace, ID 83241
(208) 427-6376

During the field examination for permits 13-07561 & 13-07578, the field examiner noted on the field exam that water was being diverted for irrigation of at least 1 acre and stock water for a couple of cattle troughs (Horse & 20 head cattle.) See attached page from the field exam report.

It would appear that this is an illegal diversion from a spring located within the SE¼SE¼SE¼ Sec 8, T11S, R40E.

A handwritten signature in cursive script, reading 'Keith C. Wilson', written over a horizontal line.

Keith C. Wilson
Senior Resource Agent

13-7561

WRIGHTS RAINBOWS



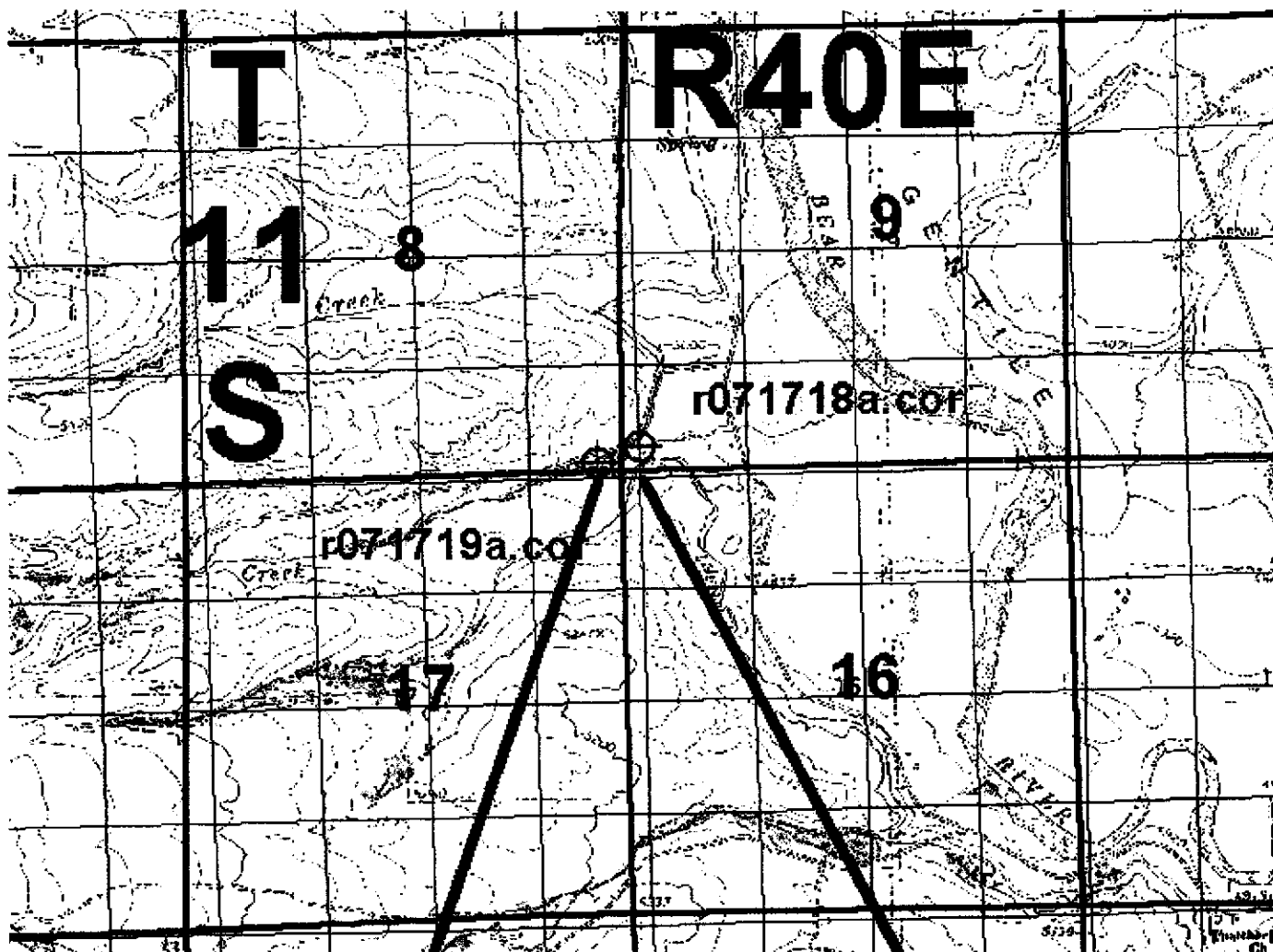
WR

PROCESSED FISH

SHERM WRIGHT
Grower / Broker

16019 North Highway 34
Thatcher, ID 83283
(208) 427-6623

13-7561



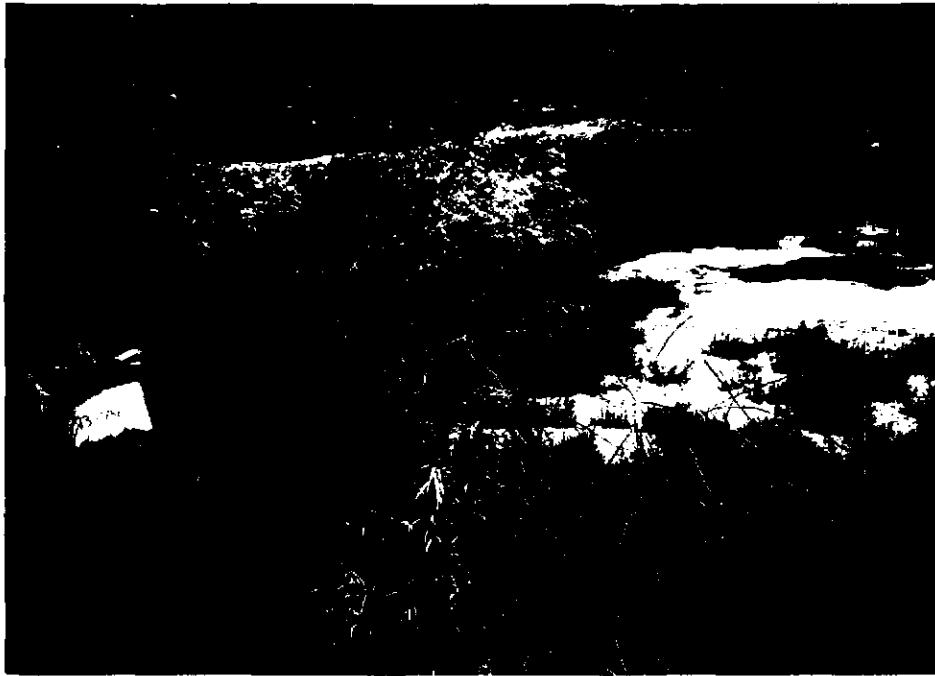
- ☐ T11s40e.shp
- ☒ Posnpnt.shp
- ☐ Sections.shp

**POINT OF
DIVERSION**

PLACE OF USE

13-7561

13-7578

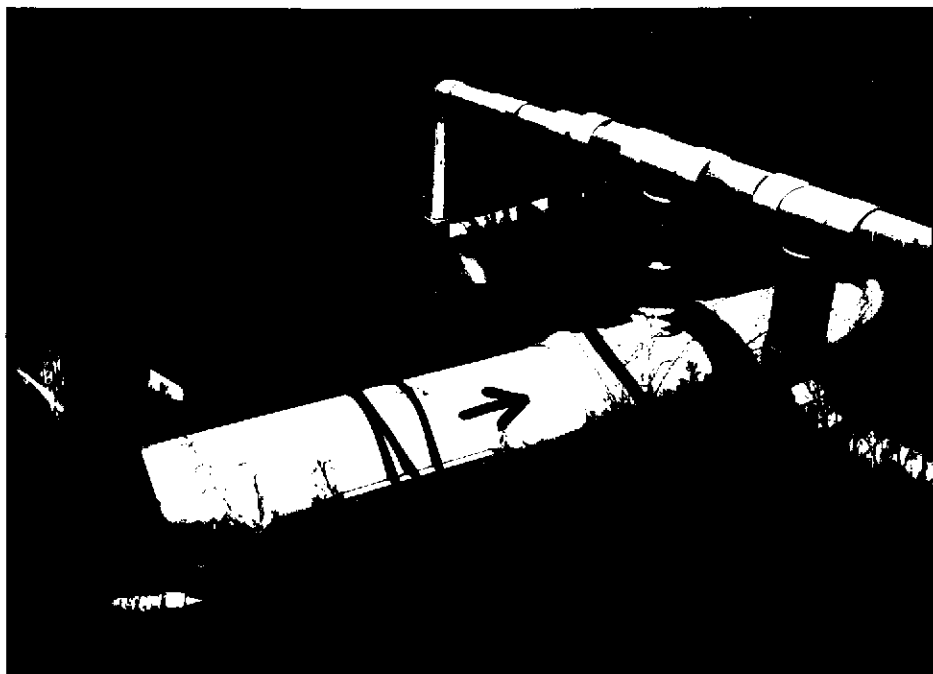


POD pipe leads down to fish ponds below GPS unit.



Spring pond #13-7561

13-7561



Pipe from spring. Small pipe to fill tanker trucks
 To irrigation of pasture below
 Large pipe goes to fish tanks



13-7561

13-7561/~~7578~~

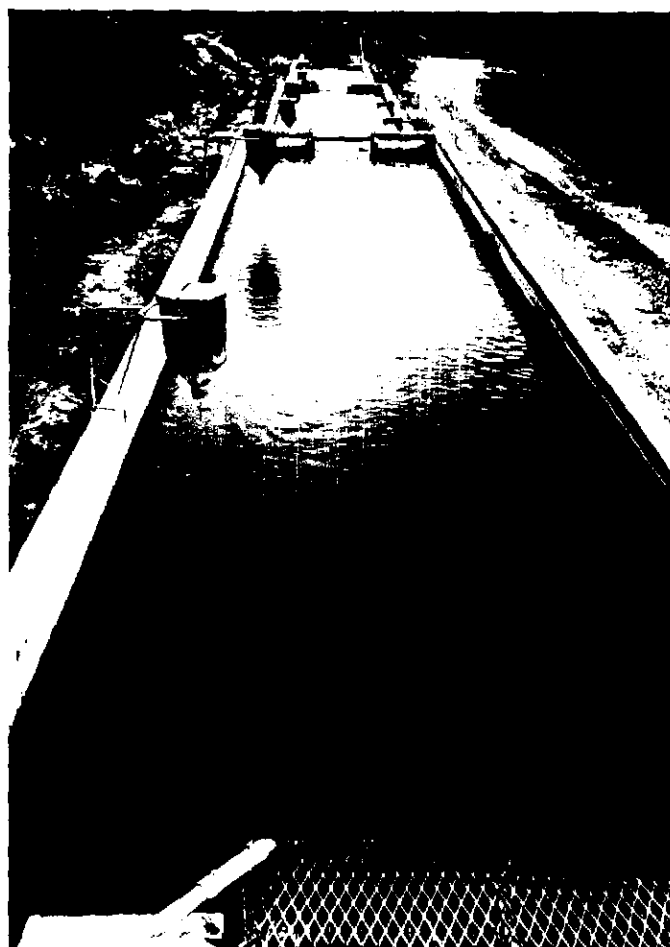


Fish tanks #1 2 & 3 GPS unit marking POV at top tank



13-7561 Weir between tanks

13-7561



Picture
taken
at top
of top
tank.
13-7561



13-7561 Lower 3 tanks # 4506

13-7561



Water
coming
from
tank 3
above
to tank
4 in
lower
photo

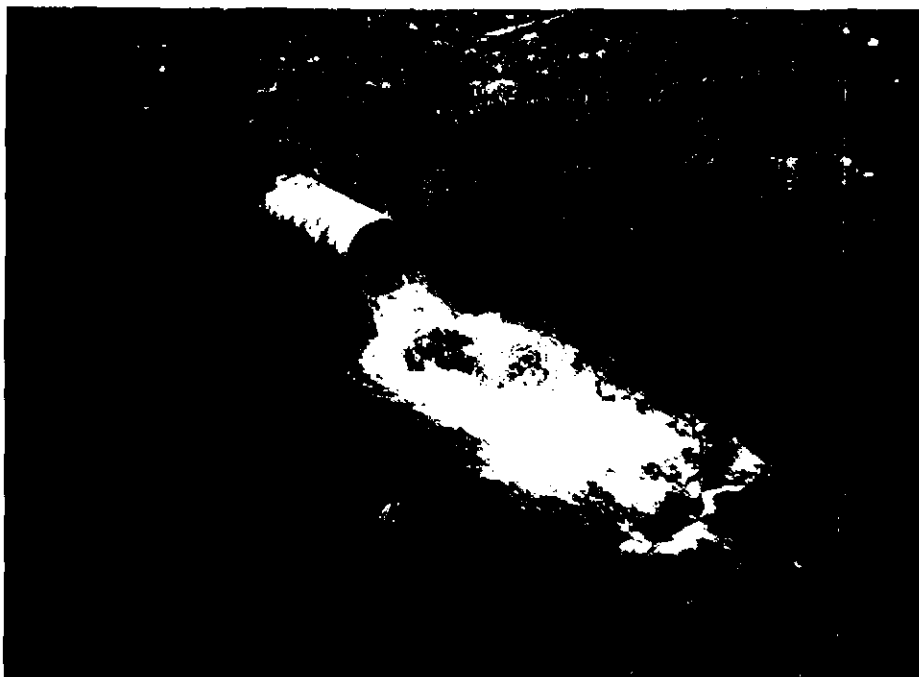


13-7561 Water entering tank 4

13-7561



13-7561 Two settling ponds



13-7561 Flow entering Smith Creek.

13-7561



13-7561 Photo doesn't show it well, but water line in pipe is a good inch lower than it has been earlier in the year. Flow shown coming into tank #4



13-7561 Water level in system is clearly down due to drought.

13-7561

E. NARRATIVE/REMARKS/COMMENTS

There is no lockable supply. The full spring flow runs through the system. The spring is located on Edwin Smith's property.

John Lambert - runs system. He would know production numbers. Sherm Wright came during the exam and said flows were down & gave the production volumes below. See attached business card.

Width of spill gate 41 1/2 inches wide - rectangular weir
Depth of water coming over spillway 3.0' at back edge of 2x4
2.7' at front edge of 2x4

I took a reading with the Fijl. It measured both fish flow & side flow to Smith's yard. Flow to Smith's pond can be turned off allowing all flow to go through fish tanks.
Production Volume has been 90,000 fish per year. (Goal) This year will probably be lower.

Flows are off considerably according to operator. Depth in ponds have fallen at least 1 inch in the last couple weeks without having changed the spillways to and in between the ponds.

Ponds (17' x 70' x 3.5') → 6 fish vaults
(24' x 70' x 3') → 2 settling ponds

Water from system empties back into Smith Creek after going through the 6 fish tanks and the settling ponds.

no measuring device.

GPS R071718A POU Top fish tank

GPS R071719A POD at spring

Recommend license 13-7561 & 13-7578 at 3.2 cfs. Measurement @ 2.54 cfs in a drought year would indicate system capable of 3.6 cfs

Have conditions of permit approval been met? ☐ yes ☒ no

13-07561

F. FLOW CALCULATIONS

Measured Method: $\frac{13-7561 + 13-7578 + 1.8\text{cf} + 1.8\text{cf}}{2} = 3.60\text{cf}$
 Recommended Method: $\frac{13-7561 + 13-7578 + 1.8\text{cf} + 1.8\text{cf}}{2} = 3.60\text{cf}$
 Additional Computation Sheets Attached

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$$V_{IR} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) =$$

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

$$V = \text{Smaller of } V_{IR} \text{ and } V_{DR} =$$

* See attached page * Vol. = 1303.1cf

FISH VALVES

$$[(17 \times 70) \div 43560] \times 3.5' = 0.5737\text{af}$$

$$0.66\text{cf} = 0.7\text{af}$$

Settling ponds = $[(24 \times 70) \div 43560] \times 3' \times 2 \times 0.4 = 0.09\text{af}$

LIMITED TO = 0.1af (vol. 13-7561, 13-7578) or 0.2af (13-7561)

H. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	From	To	Period of Use	Rate of Diversion	Annual Volume
FISH PROPAGATION	1/1	12/31	12/31	0.10cf	0.1af
FISH PROP STORAGE	1/1	12/31	12/31	0.10cf	0.1af
Diversion to STORAGE	4/15	10/15	10/15	1.80cfs	
Diversion to STORAGE	10/16	4/14	4/14	0.10cfs	
Totals:				1.80cfs	0.1af

2. Recommended Amendments

Change P.D. as reflected above ☐ Add P.D. as reflected above ☐
 Change P.U. as reflected above ☐ Add P.U. as reflected above ☐
 None ☒ Other Remove Measuring Device Condition

I. AUTHENTICATION

Field Examiner's Name Keith C Wilson Date 7-17-01

10/24/2001

SEAL 13-67561



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

May 16, 2000

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

EDWIN P SMITH
WILLADENE H SMITH
405 RIVER RD
GRACE ID 83241

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 13-07561

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 conduct a field examination to determine and confirm the use being made meets the permitted beneficial use.

Be advised that Section 42-248, Idaho Code, requires you or the owner of this water right 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.

If you have questions concerning the field examination, please contact the Eastern Regional Office of the department in Idaho Falls at (208) 525-7161.

Sincerely,

Deborah Drew-Ellis
Administrative Assistant
Water Allocation Bureau

Encl.

c: IDWR - Regional Office

MICROFILMED

JUN 14 2000

ANALYSIS SHEET
FOR
PROOF OF BENEFICIAL USE

Permit No. 13-07561

Reviewed by D. Ellis Date 5/16/00

GENERAL CONSIDERATIONS

Yes Name same as permit?

Yes Address same as permit?

Yes Proof timely received?

If not, complete calculation below.

TYPES OF USE

Fish Propagation

Correct Uses? Yes

SOURCE OF WATER

Yes Surface water source

No Ground water source

/ Drilling permit required?

/ Copy in the file? Drilling Permit No. /

/ Amount paid for permit

/ Well log in the file?

/ Correct?

LICENSE EXAMINATION FEE

Yes Required?

\$425 Amount Submitted

Yes Correct?

MEASURING DEVICE

/ Required?

/ Installed?

/ Waiver requested?

PRIORITY CALCULATION

Date proof received 5/8/00

Date proof due 6/1/00 - /

No. of days late / = /

Priority Date / + /

New Priority Date /

DEFICIENCIES OR ACTION ITEMS

Acknowledge proof.

DATA ENTRY

New Address Add/Check on Willadene Proof Made 5/8/00

H. Smith on names.

RECEIPT
For Monies Paid
to the
Idaho Department of Water Resources

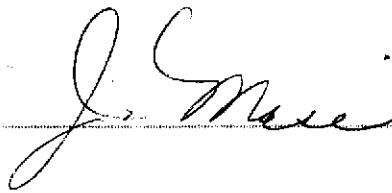
Receipt No: 0049075

Date: 5/17/2006
Time: 09:28:04

Received
From: SMITH EDWIN P OR WILLADEN

Type of Payment	Program A cct	Amount
BENEFICIAL USE # 13-07561	56104 229 21 1155	125.00
CHECK 2422		
	Total	\$ 125.00

Region: STATE

Signature: 

MICROFILMED
JUN 14 2006

March 31, 2000

EDWIN P SMITH
405 RIVER RD
GRACE ID 83241.

PROOF DUE NOTICE

RE: PERMIT NO. 13-07561

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 June 1, 2000.

(See last page of your approved permit or your last approved extension request.) Enclosed is a form which when accompanied by the license examination fee or a complete 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.

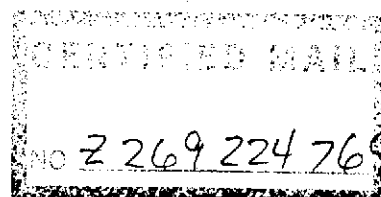
SINCERELY,

Deborah Drew-Ellis
DEBORAH DREW-ELLIS
Administrative Assistant

Enclosures

MICROFILMED

JUN 14 2000





State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

May 25, 1999

DIRK KEMPTHORNE
GOVERNOR

EDWIN P SMITH
405 RIVER RD
GRACE ID 83241

KARL J. DREHER
DIRECTOR

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 13-07561

Dear Permit Holder:

The Department of Water Resources (IDWR) 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 IDWR pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action by IDWR unless a party petitions for reconsideration or files an exception and/or brief as described in the enclosed information sheet.

Enclosed is a form entitled "Instructions for Proof of Beneficial Use". Please read the instructions carefully since you must take further action to develop this permit into a licensed water right. Also enclosed is a form entitled "Proof of Beneficial Use". If your project is already completed, you should complete and submit this form immediately.

Be sure to note the special condition requiring you to install a measuring device and lockable controlling works that will enable the watermaster to control the rate of diversion.

Please be advised that water quality is subject to regulations of the Idaho Department of Health and Welfare. We suggest that you check with them before starting construction.

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

Sincerely,

Shelley W. Keen
Water Rights Supervisor

SK:klt

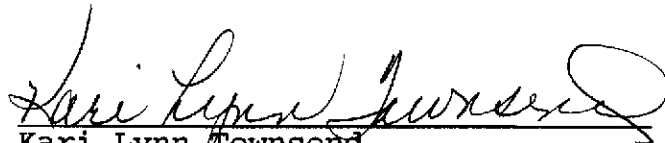
MICROFILMED
MAY 26 1999

CERTIFICATE OF MAILING

I hereby certify that on the 25th day of May, 1999, I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Approved Permit) to the person(s) listed below:

Water Right No. 13-07561

EDWIN P SMITH
405 RIVER RD
GRACE ID 83241


Kari Lynn Townsend
Secretary

MICROFILMED

MAY 26 1999

Responding to Preliminary Orders Issued by the Idaho Department of Water Resources

The Idaho Department of Water Resources (Department) issues water right permits, licenses, and transfers as preliminary orders pursuant to section 67-5243, Idaho Code. A preliminary order can and will become a final order without further action of the department unless a party petitions for reconsideration or files an exception and/or brief 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 the 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 twenty-one (21) 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 a 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. Otherwise, a preliminary order will become a final order of the Department.

If any party appeals or takes exceptions to a preliminary order, opposing parties shall have twenty-one (21) days to respond to any party's appeal. Written briefs in support of or taking exceptions to the preliminary order shall be filed with the Department. The Department retains the right to review the preliminary order on its own motion.

ORAL ARGUMENT

If the Department grants a petition to review a preliminary order, the Department 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 Department will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Department orders otherwise, all oral arguments will be heard in Boise, Idaho.

MICROFILMED

MAY 26 1999

CERTIFICATE OF SERVICE

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

FINAL ORDER

The Department 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 Department 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

by *Cindy J. Jenson*No.: 13-07561 Name: Smith Date: 5/20/99 Ad OK? ☒ ☒ Gvmt Lts: ☒

AREA OF CONCERN: - No/Yes: _____ Mor / _____ GWMA / Trust / Non-trust

PROTESTED: - 020 (Protest Agreement) or *W19 (Order)

SYSTEM COMPLETED:

> 1 year - 26A-P17
≤ 1 year/no proof - P16

GROUNDWATER: (✓ FLO-CH)

DRILLING PERMIT

All wells (✓ WDQ3) - 046-P23
In Basin 347 - 085
Irr. within WD - P05 (new well location)
WMD (✓ MAP) - North / East / West
> 0.24 cfs/5 acres - 067 or No MD (in-stream stock or power)
≤ 0.24 cfs/5 acres - No MD
WMD
Supp irr use only - 065-079 (if GW use SW)-(keep SW)-(GW not primary irr source)
Supp. irr + uses - 100-101
> 0.24 cfs/5 acres - 01M (report when notified)
≤ 0.24 cfs/5 acres - No MD

SURFACE WATER: (✓ FLO-CH) (Surface water that doesn't sink is regulated):

FISH & GAME CONTACTED: - YES / NO; WHEN: 3/30/99 RESPONSE: Needs screening
IN/ABOVE MSF (✓ MAP) - *WB9 Bear Lake
IN-STREAM DEVELOPMENT - P02 (stream channel alteration)
WD (✓ MAP & LISTING) - R04 WD # 1
> 0.20 cfs - 01P08 (MD & LD)
≤ 0.20 cfs - 01P01 (LD), 01P or No MD (in-stream stock)
WMD (✓ MAP)
> 0.24 cfs/5 acres - 067 or No MD (in-stream stock or power)
≤ 0.24 cfs/5 acres - No MD
SPRINGS/SINK, INACTIVE WD & REST OF STATE
> 0.24 cfs/5 acres - 01M or No MD (in-stream stock or power)
≤ 0.24 cfs/5 acres - No MD

RIVER BASINS: (*Surface water):

Snake R (01) - *W22-P04, NA
(02/03-irr) - 007 (w/ remark *WB9 if above Weiser), NA
Payette R(65) - *W22 (regulated uses), 047-P04 (Payette Lake), NA
Salmon R (70's) - 029 (fish screens), NA
Weiser R (67) - 086, 087

USE:

STORAGE (✓3 compo.) - 18A (in & out MD for on-stream storage), 18B-P09 (>10' dam), NA
IRR ≤ 5 acres - R66/R67/R68/R69 (0.03 cfs/acre + 3.0/3.5/4.0/4.5 AF)
> 5 acres - R62/R63/R64/R65 (0.02 cfs/acre + 3.0/3.5/4.0/4.5 AF)
STOCKWATER - R37 (BLM/USFS); NA
MINING - 054(req) - 01P10
FISH PROPAGATION - 029(70's only), 007-022(req)-031 (WQ-P10)
HEATING/COOLING - R07 (injection well)
POWER - 17H/17K(+uses)-08A-025(P18)-01N-028-081(P10)-027 (if no other cons. use);
17G (FERC) or 17M (FERC); 18B-P09; >25 cfs-P18
MUNICIPAL
In restricted area? - 022, 075, 004 (+memo?)
Irr., GW supp. to SW? - 102

DOMESTIC

Surface water - *WB5 (Big Wood R or Boise R ↑ Star Bridge); 27A (Payette River); NA
>1 in rest. area - 071-070

FIRE PROTECTION

- 077

LOCATION:

BOISE FRONT LOGEO - 058 (<85° GW temp only)
MITIGATION - 120
42-248 AREA - P84 (in 20/30/40/50/60/70/80 (87) basin)
SWAN FALLS FLAG (✓Code) -
Trust - 051-052-053-P74 (Consumptive Uses), NA
Non-Trust (1) - 048-049 (Consumptive Uses), NA

OWNERSHIP:

- 004 (PD/PU)

OTHER CONDITIONS:

STANDARD REMARKS:

- 029

BENEFICIAL USE DUE:

- 01/2000

COMMENTS:

MEMORANDUM

DATE: May 21, 1999
TO: File No. 13-07561
FROM: Cindy Zimmerman
SUBJECT: Application Review

This application proposes diverting irrigation water under 13-00619 through a series of four fish propagation ponds then back to the Smith's Creek. The source of this application is springs tributary to Smith Creek.

I reviewed the overlapping right, 13-00619. The point of diversion and source identified on 13-00619 appear to be in a different drainage than this application. I called Skip Jones at Eastern for clarification. Skip said that he had talked with the users on this drainage and the watermaster. They confirmed that the source identified on this application is the source from which 13-00619 is now diverted. Water will be diverted through the ponds to the irrigated place of use under 13-00619. Apparently, an accomplished transfer has occurred. Skip did not believe a transfer would be filed unless the area went into adjudication.

This application is intended to cover raising tilapia in the ponds. The application advertisement identifies:

- 1.80 cfs for diversion to storage from 1/1-12/31
- 0.10 cfs for fish propagation from 1/1-12/31
- 0.1 AF for fish propagation storage from 1/1-12/31

Maximum of: 1.80 cfs.

Idaho Dept. of Fish and Game in their 4/5/99 letter expressed concern that year round diversion may impact Bear River fish habitat. Skip said that Utah Power & Light was also concerned with any additional uses of water in the Bear River drainage. This application was presented to F&G and UP&L as no additional use of water, only the diversion of an existing right through ponds.

The irrigation season for that area is 4/15-10/15. Irrigation water under 13-00619 used for diversion to storage will only occur during the irrigation season. During the non-irrigation season, 0.10 cfs will be diverted for fish propagation. Skip agreed that the flow rate for diversion to storage during the non-irrigation season should be reduced to 0.10 cfs.

I have modified the application and database to reflect the following:

- 1.80 cfs for diversion to storage from 4/15-10/15
- 0.10 cfs for diversion to storage from 10/16-4/14
- 0.10 cfs for fish propagation from 1/1-12/31
- 0.1 AF for fish propagation storage from 1/1-12/31

Maximum of: 1.80 cfs.

RECORDED
MAY 26 1999

RECEIVED

MAY 17 1999

Department of Water Resources

Dist. for staffing 3-18-99
Submitted for advertising 3-19-99

Form No. 202
4/87

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATIONS FOR PERMIT ANALYSIS PERMIT

Smith
INITIAL REVIEW BY SM DATE 3-18-99 APPLICATION NO. 13-07561

REQUIRED INFORMATION

- ☒ Name (If applicant is a corporation or partnership, names must be provided for the director, officers, & other partners.)
☒ Address
☒ Source (See USGS Quad for names of water sources)
☒ Point of Diversion (10 acres for spring, lot & block descriptions for subdivisions, local name, flow and/or volume)
☒ 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
☒ Signature (If applicant is corp., partnership, or municipality, title of signatory is required)
☒ Fee
☒ Yes ☐ No* In form to receipt

ADDITIONAL INFORMATION

- ☒ Overlapping place of use (Describe source & relationship to present application on the back.) LAST CHANCE AND GENTILE VALLEY IRRIGATION CANAL
☐ Overlapping point of diversion
☐ Yes ☐ No Field check required
Field check by _____
☐ Yes ☐ No Field report attached
☐ Yes ☐ No Critical groundwater area
☒ Yes ☐ No Groundwater management area
☐ Yes ☒ No Send dam safety information
☐ Yes ☒ No Send power requirement letter
☒ Yes ☐ No Send fish farm requirement letter
☐ Yes ☒ No Power residency affidavit
☐ Yes ☒ No Power efficiency form
☐ Yes ☒ No Within trustwater boundary (If yes, attach trust water supplementary analysis sheet.)
☐ Yes ☒ No Diversion greater than 5 cfs or 500 acre ft. (If yes, attach large diversion supplementary analysis sheet.)
See reverse side for additional information

*REQUEST THE FOLLOWING ADDITIONAL INFORMATION FROM THE APPLICANT _____

_____ Date Requested _____

PROCESSING

☒ Yes ☐ No In form for advertising
☐ Yes ☒ No Statewide advertising
☒ Yes ☐ No Fee amount, receipt date & No. recorded on application

SEND COPIES TO

☐ Idaho Dept. of Health & Welfare ☐ U.S. BLM
☒ Idaho Dept. of Fish & Game - *PKY* ☐ U.S. Forest Service
☐ Idaho Dept. of Lands *3/30/99* ☒ Water District 11 *3/30/99*
☐ Adjudication Bureau Unit ☒ Other *OTAWA POWER & LIGHT*

FINAL REGIONAL PROCESSING REVIEW

☐ Yes ☐ No Affidavit of publication received *3/30/99*
☐ Yes ☐ No Application published correctly. If not, record action taken *6/12/99, Lander & Mayall*
☒ Yes ☐ No Publication dates & paper, recorded on application
☐ Yes ☒ No Protests received
☐ Yes ☐ No Final date for protest _____
☐ Yes ☐ No Protests, dates, resolution of protest, recorded on application
☐ Yes ☒ No Recommendations attached
☒ Yes ☐ No Measuring device required
☐ Yes ☒ No Access port required
☒ Yes ☐ No Will water be delivered by watermaster? If yes, what Dist. *11*
☒ Yes ☐ No Special conditions of approval or cover letter below.

Date of priority recommended *3-18-1999*
By: *[Signature]* Date: *4-29-1999*
STATE OFFICE REVIEW

By _____ Date: _____
ADDITIONAL INFORMATION

Condition #1 Intake + outflow must be screened.
#2 Diversion structure must allow for fish passage

LOCAL PUBLIC INTEREST

Comments received from

_____ City	_____ Idaho Fish & Game	_____ Irrigation Dist.
_____ County	_____ Idaho Health & Welfare	_____ Canal Company
_____ Reservations	_____ Div. of Environment	_____ Other _____

Project impacts/implications report

COMMENTS

[illegible]

Affidavit of Publication

County of Caribou }
State of Idaho } ss.

Mark Steele

being first duly sworn on his
oath, states:

That he is Publisher
of the Caribou County Sun, a
newspaper of general circula-
tion in Caribou County, Idaho,
published weekly at Soda
Springs in said County that said
newspaper has been published
in said County uninterruptedly
and continuously for over sev-
enty-eight consecutive weeks,
prior to the first publication of
the annexed notice or advertise-
ment;

That the annexed notice was
published as per clipping at-
tached in the regular and entire
edition of said newspaper and
not in any supplement thereof

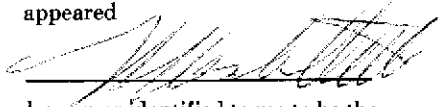
for 2 successive weekly
issues thereof, the date of the
first publication being the

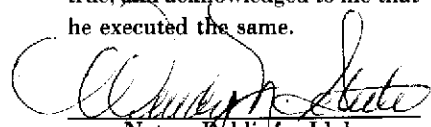
8th day of
April, 1999

The date of the last publication
being the 15th day of
April, 1999

On this 7th day of May

in the year of 1999 before
me, a Notary Public, personally
appeared


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 Soda Springs, Idaho
My commission expires:
March 11, 2000

PUBLIC NOTICE

First Time Published

NOTICE OF APPLICATION FOR WATER RIGHT

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

13-07561

SMITH, EDWIN P.
405 RIVER ROAD
GRACE, ID 83241
Source: SPRINGS

~~Tributary~~ SMITH CREEK

Diversion Point: SESESE Sec. 8
T 11S R 40E in CARIBOU County.

Use: DIVERSION TO STOR-
AGE (1.800 CFS) FISH PROPA-
GATION (0.100 CFS) (0.10AF)

Total Diversion: (1.800 CFS)

Date Filed: 3/18/1999

In: CARIBOU County T11S
R40E S09, SWSW

Any protests against the pro-
posed application must be filed
with the Department of Water
Resources, 900 North Skyline
Drive, Suite A, Idaho Falls, ID
83402, together with a protest fee
of \$25.00 on or before APRIL 26,
1999 to be considered by the
Department in its decision to grant
or deny any part of the proposed
application. The protestant must
also send a copy of the protest to
the applicant.

(s) KARL J. DREHER,
Director

Published April 8 and 15, 1999
in the Caribou County Sun.

MICROFILMED

MAY 26 1999

RECEIVED

MAY 12 1999

Department of Water Resources
Eastern Region



IDAHO FISH & GAME

SOUTHEAST REGION
1345 Barton Road
Pocatello, Idaho 83204-1819

Dirk Kempthorne / Governor

Jerry Mallet / Interim Director

April 5, 1999

Harold Jones
Water Rights Supervisor
Idaho Department of Water Resources
900 North Skyline Drive, Suite A
Idaho Falls, Idaho 83402-1718

RECEIVED

APR 08 1999

Department of Water Resources
Eastern Region

Dear Harold,

Thank you for the opportunity to comment on Mr. Edwin Smith's water appropriation application #13-07561. The applicant would divert 1.8 cfs of water from Smith Creek into 4 concrete ponds then back into Smith Creek. Mr. Smith states that this water is his irrigation right # 13-00619. With the information provided we do not protest the proposed action. Instead some fisheries impacts concerns and fish culture regulatory information is provided for your and Mr. Smith's consideration.

Smith Creek is a tributary of the Bear River. The Bear River drainage supports native populations of Bonneville cutthroat trout. This species has been petitioned and is being reviewed by the US Fish and Wildlife Service for possible listing pursuant to the federal Endangered Species Act. The Department is of the view that Idahoans can best look out for the needs of these fish in Idaho. Our role is to serve Idaho by pointing out those things that can be done to improve conditions for the fish. Actions taken to improve conditions for the cutthroat, provides the Service with substantive reason to preclude listing. Idahoans and their native fish are better off.

Relative to the proposal of Mr. Smith we have concern that the changes may divert the water right from a greater length of the stream and greater portion of the year than with the irrigation right # 13-00619. If so then an additional impact to the stream resource may occur if the application is accepted. We are unable to assess this with the information provided. Some information needed would include:

1. What is the base flow in Smith Creek at the point of diversion for the fishpond?
2. Is this the original point of diversion for water right # 13-00619?
3. If the applied for diversion is upstream from the water right #13-00619 diversion, how many feet or miles upstream is it?

MICROFILMED

MAY 26 1999

Leaving Idaho's Wildlife Legacy Better Than We Found It

4. Is water right #13-006197 a year around water right or seasonal? If only seasonal, what is the season of use for this water right?

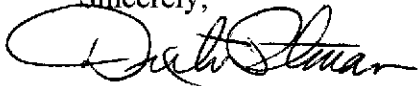
Cutthroat trout need free upstream and downstream passage from the mainstem Bear River and the Smith Creek spawning habitat. We would recommend that the new or existing diversion allow for uninterrupted up- and downstream passage of fish. The diversion should be screened to prevent loss of fish from the stream into the diversion.

Mr. Smith stated that he intends to grow Tilapia in the proposed ponds. Tilapia are tropical to sub-tropical fish that require warm water to survive, probably at least 60 F. They may need temperature considerably warmer than that to grow to harvestable size. Mr. Smith's expectations may not be realized. If these fish escape into Smith Creek and the Bear River they would only survive near thermal springs and thus would not pose a threat of forming exotic populations in conflict with native trout.

The applicant will need to apply for a private pond permit from the Idaho Department of Fish and Game if the pond is for recreation use or from the State Department of Agriculture if for commercial purposes. These agencies also issue permits to transport live fish from the supplier to the fishponds. In either case, the inlet and outlet of the ponds must be properly screened to keep native species out of the ponds and the pond owner's fish out of the creek.

Thank you for making us aware of this application. I hope our input is helpful to you. Feel free to provide a copy of our response to Mr. Smith if you choose.

Sincerely,



Dexter Pitman
Regional Supervisor

Cc: Jerome Hansen
NRPB
Wes Cannon

MICROFILMED
MAY 26 1989



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, Idaho 83402-1718 - (208) 525-7161- Fax (208) 525-7177

EASTERN REGION

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

MARCH 30, 1999

Legal Notices Department
CARIBOU COUNTY SUN
P.O. BOX 815
SODA SPRINGS, ID 83276

Dear Legal Dept.:

Enclosed you will find legal notices which we wish to have published on the dates indicated (once a week for two consecutive weekly issues) in your newspaper. If you cannot publish the notice on the proposed dates, please contact us immediately.

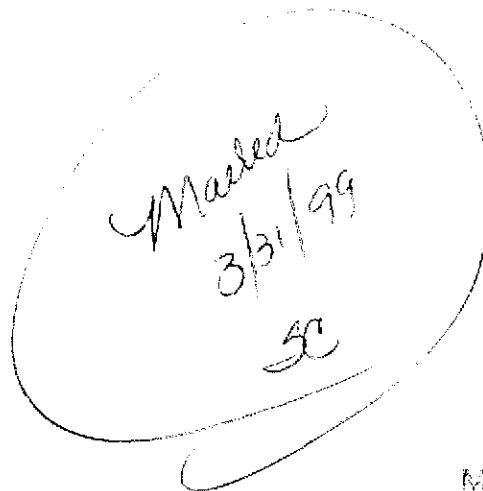
An affidavit of publication must be submitted to the Department along with the publication bill. Your cooperation is appreciated.

Please send the affidavit of publication and publication billing to this office before APRIL 26, 1999.

Yours truly,

Sharla Cox
Senior Secretary

Encl.



MICROFILMED

MAY 26 1999

NOTICE OF APPLICATION FOR WATER RIGHT

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

13-07561

SMITH, EDWIN P
405 RIVER RD
GRACE, ID 83241

Source: SPRINGS

Tributary: SMITH CREEK

Diversion Pt: SESESE Sec 8 T 11S R 40E in CARIBOU County.

Use: DIVERSION TO STORAGE	(	1.800 CFS)	
FISH PROPAGATION	(	0.100 CFS)	(0.10 AF)
Total Diversion:	(	1.800 CFS)	

Date Filed: 3/18/1999

In: CARIBOU County
T11S R40E S09 SWSW

Any protests against the proposed application must be filed with the Dept. of Water Resources, 900 N Skyline Dr., Ste A, Idaho Falls ID 83402, together with a protest fee of \$25.00 on or before APRIL 26, 1999. to be considered by the Department in its decision to grant or deny any part of the proposed application. The protestant must also send a copy of the protest to the applicant.

KARL J. DREHER, Director

Published: 4/ 7/1999 & 4/14/1999

MICROFILMED

MAY 26 1999



State of Idaho
DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, Idaho 83402-1718 - (208) 525-7161- Fax (208) 525-7177

EASTERN REGION

March 30, 1999

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

FISH & GAME
1345 BARTON RD
POCATELLO ID 83201

RE: Applications for Permit #13-07561

Dear Sir:

We are enclosing a copy of the application (s) that may be of interest to your department. Please review the application (s) and submit any comments you may have to our Department as soon as possible. The last date of protest is April 26, 1999, and we are required to take final action shortly thereafter.

If we may be of further assistance, please feel free to contact us.

Respectfully submitted,

A handwritten signature in cursive script that reads "Harold W. Jones".

Harold W. Jones
Water Right Supervisor

HWJ: sc

Enc.

MICROFILMED

MAY 26 1999



State of Idaho
DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, Idaho 83402-1718 - (208) 525-7161- Fax (208) 525-7177

EASTERN REGION

March 30, 1999

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

KRUSE LANDA & MAYCOCK LLC
C/O JODY WILLIAMS
50 W BROADWAY 8TH FLOOR
SALT LAKE CITY UT 84101

RE: Applications for Permit #13-07561

Dear Jody:

We are enclosing a copy of the application (s) that may be of interest to your department. Please review the application (s) and submit any comments you may have to our Department as soon as possible. The last date of protest is April 26, 1999, and we are required to take final action shortly thereafter.

If we may be of further assistance, please feel free to contact us.

Respectfully submitted,

Harold W. Jones
Water Right Supervisor

HWJ: sc

Enc.

MICROFILMED

MAY 26 1999



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March 30, 1999

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

EDWIN P SMITH
405 RIVER RD
GRACE ID 83241

RE: Application for Permit #13-07561

Dear Applicant:

This office is currently in the process of advertising the application in the Caribou County Sun on April 7 and 14, 1999. The advertisement will be published once a week for two consecutive weeks, and a period of ten days following the second publication will be allowed for the submittal of protests.

If the application is protested, you will be sent a copy of the protest. The protest must be resolved before the application is approved or denied. If the protest is not resolved voluntarily, this Department will conduct a conference and/or hearing on the matter.

Please feel free to contact this office if you have any questions regarding this procedure.

Sincerely,

Harold W. Jones
Water Right Supervisor

HWJ::sc

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DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

March 30, 1999

PETE PETERSON
WATERMASTER # 11
2483 RIVERDALE
PRESTON ID 83263

RE: Application for Application #13-07561

Dear Pete:

Please find enclosed a copy of the above referenced application. Please review the application and submit any comments you may have to our Department by April 26, 1999.

If you have any questions, please feel free to contact us.
Thank you for your cooperation in this matter.

Respectfully submitted,

Harold W. Jones
Water Right Supervisor

HWJ:sc

enc.

MICROFILMED

MAY 26 1999