

80.0 AC

80.0 AC

80.0 AC

40.0 AC

31.0 AC

U.S. HWY 36

980
 (63 R)

MICROFILMED

APR 16 2003

Braed - Pink
Bois - yellow

40.0 AC

TWIN LAKES IRRIGATION CO. PAPER

524 (RTS)

190814

1675'

BEAR RIVER

196766

ALONG CREST OF HILL

30.8 (495')

23.8 m/l to road

300 (495')

196766

224 (363')

196766

224 (363')

196766

224 (363')

196766

224 (363')

196766

224 (363')

196766

224 (363')

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196766

224 (363')

196766

224 (363')

196766

224 (363')

196766

224 (363')

196766

224 (363')

MICROFILMED

APR 16 2003

See
9I-Hi
584
Clifford

T1219

T1220

11.6
1481
Brad
Smith

CRP
190-99
NHENW

2

16.3

NHENW

1002

Bob Erickson

T1234

2.0

55 NHENW

Jean Marie Smith

T1233

1.5

55 NHENW

Jean Marie Smith

T1242

3

18.4

NHENW

T1231

4

6.3

NHENW

Robert

Jack

1526

Samuel St

MICROFILM
APR 16 2003

51-224

51-498
80A

J. Smith Trust
185651
190088

Dallas Clyde Gilbert
156064

21
51-57
T10
43R
52-

Myron R. Frederick
132959

T12

Robert B. Smith
128909

Robert Boyacke
195385

Robert Boyacke
195385

Elroy W. Smith
Memorial Family Trust
170680

James J. Miley
192517

Bear River

Samuel L. Smith
49-379
184746
Family Trust
178952

David Smith
49-252
44-342
556
33A11-5
41-441
40R

Wendell H. Smith
128912
17.5A
15337

Wendell Smith
51-637
41-441

Wendell Smith
152372

Samuel L. Smith
153284

Samuel L. Smith
49-379
41-198
184746
Family Trust
178952

Rivendale
Wholesale
194108

Samuel L. Smith
41-198
Family Trust
184746 178952

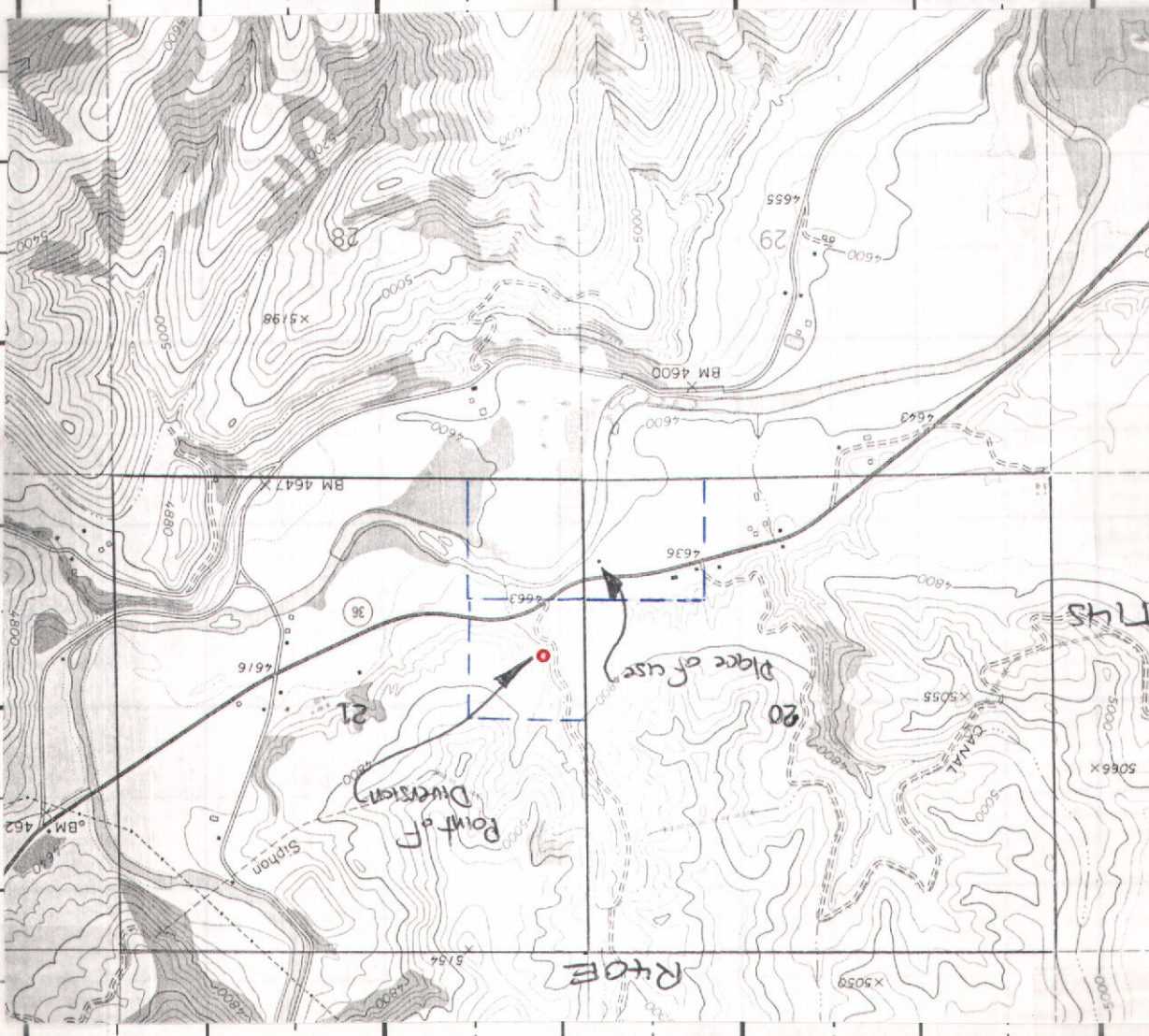
MICROFILMED
APR 16 2003

Samuel Smith
159575

28

MAP (Attach Aerial Photo)

MICROFILMED



SCHEMATIC DIAGRAM OF SYSTEM

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

Point(s) of diversion: *NW 1/4 sec. 21 T14S R40E*

Place(s) of Use

TWP.	RGE.	SEC.	NE 1/4				NW 1/4				SE 1/4				SW 1/4				TOTALS			
			NE%	NW%	SW%	SE%	NE%	NW%	SW%	SE%	NE%	NW%	SW%	SE%	NE%	NW%	SW%	SE%	NE%	NW%	SW%	SE%
14S	40E	20																				X

Recommended Amendments:

- ☒ Change P.D. as reflected above
☒ Change P.U. as reflected above

- ☐ Add P.D. as reflected above
☐ Add P.U. as reflected above

- ☐ None
☐ Other

Examiner's Signature

Checked by

Approved by

Key Weber
Kathy Weber

Date

12-23-83

Date

29 Mar 1984

4-17-84



225
Bear River

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

RECEIVED

JAN 21 2003

Please print or type. Attach pages with additional information. Instructions are included at the end of this form.
Incomplete forms will be returned.

Department of Water Resources

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided, if the change in ownership is limited to a portion of a water right in which case division of the existing water right or adjudication claim record will be required.

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
13-7193	NO				
13-4274	yes				
13-969B	yes				

2. The following **REQUIRED** information must be submitted with this form:

- A. The appropriate **FILING FEE**. See instructions for fee amounts.
- B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.
- C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
PLAT OF PROPERTY or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).

OR

If your water right(s) and/or adjudication claim(s) are for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY** or **SURVEY MAP**.

3. Name and Address of Former Owner/Claimant(s)

DEAN C. SMITH (WENDELL)
"SAME"

4. New Owner/Claimant(s)

Bob or Olivia Boyack

Name Connector (Check one): ☐ and, ☐ or, ☐ and/or

New Mailing Address

3168 E Hwy 36

City, State and ZIP Code

PRESTON IDAHO 83263

New Telephone Number

(208) 852-0448

5. Date you acquired the property

27 MARCH 1996

MICROFILMED

JAN 18 2003

6. If the change in ownership affects the entire water right for each water right or adjudication claim number listed in item 1, THEN SKIP THIS ITEM AND GO TO ITEM 7. If the change in ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (one water right per box, you may copy this page as necessary). If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number <u>13-4274</u>		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	<u>150 cfs 90ac</u>	<u>total</u>
Stock		
Domestic	<u>owner 5 acres of sec 20 SESE</u>	
Other	<u>plus stockwater</u>	
Total		

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number <u>13-969B</u>		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	<u>owns</u>	<u>13 acres of this water right</u>
Stock		
Domestic		
Other		
Total		

7.

Signature of New Owner(s) or Claimant(s) X [Signature]
(include title if applicable)

For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him/her for all matters related to your claims.

For Office Use Only

Received by _____ Date _____ Fee 225⁰⁰
 Receipted by Regan Date 1/14/2003 Receipt No. E028434
 Processed by _____ AJ Date _____ WR _____ Date _____

RECEIVED
APR 16 2003

8102
ARB 3.2, W1/2SW
ARB 4.1 SESE

Recorded at the request of
Preston Land Title

a.m. FEB 16 1996 12:20 p.m.

195385 12
WARRANTY DEED

V. ELLIOTT LARSEN, RECORDER
By Camille Larsen Deputy
FRANKLIN COUNTY, IDAHO

For Value Received **JEAN MARIE PERRY, formerly known as JEAN MARIE SMITH, and GLENN H. PERRY, as to any community interest he may have therein, wife and husband,**

the grantors, do hereby grant, bargain, sell and convey unto

ROBERT BOYACK and OLIVIA BOYACK,
husband and wife,

whose current address is 546 South State
Preston, Idaho 83263

the grantees, the following described premises, in FRANKLIN County, Idaho, to-wit:

SEE ATTACHED EXHIBIT "A".

SUBJECT TO Reservations in United States and State Patents, existing and recorded rights-of-way and easements, zoning, subdivision and building ordinances, and taxes and assessments as prorated between the parties hereto.

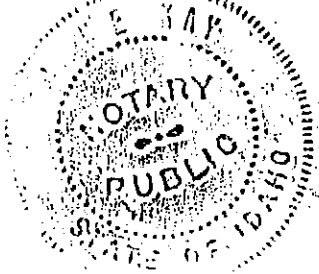
TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantees, their heirs and assigns forever. And the said Grantors do hereby covenant to and with the said Grantees, that they are the owners in fee simple of said premises, and that they are free from all encumbrances and that they will warrant and defend the same from all lawful claims whatsoever.

DATED: January 2, 1996

Jean Marie Perry
Glenn H. Perry

STATE OF IDAHO
COUNTY OF FRANKLIN

On this 2nd day of January, 1996, before me, a Notary Public in and for said State, personally appeared JEAN MARIE PERRY, formerly known as JEAN MARIE SMITH, and GLENN H. PERRY, wife and husband, known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.



Diane Kay
Notary Public for State of Idaho
Residing at: Swan Lake
Comm. Expires: 5/25/2000

MICROFILMED
APR 16 2007

195385 2-2

EXHIBIT "A"

Township 14 South, Range 40 East of the Boise Meridian, Franklin County, Idaho

Section 20: Commencing at the Northeast corner of the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 20, thence South 685 feet, more or less, to the center of Bear River; thence West 247.5 feet; thence North 330 feet, more or less, to the right of way of the highway approach; thence Northwesterly 180 feet, more or less, following the approach right of way and across State Highway #36; thence Westerly following the Northerly boundary of State Highway #36 to a point 280.5 feet South and 767.25 feet West of the place of beginning; thence North 280.5 feet; thence East 767.25 feet to the place of beginning.

Township 14 South, Range 40 East of the Boise Meridian, Franklin County, Idaho

Section 21: That portion of the following described property lying South of State Highway #36:

Commencing at the Northwest corner of the SW $\frac{1}{4}$ of Section 21, and running South 117 rods, more or less, to a point on the North bank of Bear River; thence Easterly along the North bank of Bear River to the center of the mouth of what is known as Big Hollow; thence following the center of Big Hollow Northwesterly to a point on the North line of the SW $\frac{1}{4}$, which is 13 rods East of the place of beginning, thence West 13 rods to the place of beginning.

MICROFILMED
SEP 16 2009

THIS INDENTURE, made this 25th day of March
in the year of our Lord one thousand nine hundred and Forty-six between
S. L. Smith and Minnie M. Smith, his wife

of Preston County of Franklin
State of Idaho the part 1st of the first part, and
Dean C. Smith

of Preston County of Franklin
State of Idaho the part y of the second part.

WITNESSETH, That the said part 1st of the first part, for and in consideration of the sum of
One Dollar and other valuable considerations - - - - -

lawful money of the United States of America, to them in hand paid by the said part y of the second
part, the receipt whereof is hereby acknowledged, ha granted, bargained and sold, and by these presents do
grant, bargain, sell, convey and confirm unto the said part y of the second part, and to his heirs and
assigns forever, all the following described real estate, situated in the County of Franklin, State of Idaho, to-wit:

Part of the Southeast Quarter of the Southeast Quarter (SE $\frac{1}{4}$ SE $\frac{1}{4}$) of
Section 20, Township 14 South, Range Forty, East of the Boise Meridian,
and parte of the North Half of the Northeast Quarter of the Northeast
Quarter (NE $\frac{1}{2}$ NE $\frac{1}{4}$) of Section 29, Township 14 South, Range 40, East of
the Boise Meridian as follows: Commencing at the Northeast corner of
the Southeast Quarter of the Southeast Quarter (SE $\frac{1}{4}$ SE $\frac{1}{4}$) of Section 20,
and running thence West Forty-six and one-half rods (46 $\frac{1}{2}$); thence South
Seventeen (17) rods; thence West Seven and One-half rods (7 $\frac{1}{2}$); thence
South Ninety (90) rods; thence East fifty-four (54) rods; thence North
One Hundred Seven (107) rods to the place of beginning.

Together with water rights and works including one-tenth (1/10) interest
in Smith Hill Ditch, One-sixth (1/6) interest in Water Hallow Ditch, and
waters of Bear River.

DEED
VT
MAY 1946

TOGETHER With all and singular the tenements, hereditaments and appurtenances thereunto belonging or in
anywise appertaining, the reversion and reversions, remainder and remainders, rents, issues and profits thereof; and
all estate, right, title and interest in and to said property, as well in law as in equity, of the said part 1st
of the first part.

TO HAVE AND TO HOLD, All and singular the above mentioned and described premises, together with the
appurtenances, unto the part y of the second part, and to his heirs and assigns forever, And the
said part 1st of the first part, and their heirs, the said premises in the quiet and peaceable possession of
the said part y of the second part his heirs and assigns, against the said part 1st of the first
part, and their heirs, and against all and every person and persons whomsoever, lawfully claiming or to claim
the same, shall and will WARRANT and by these presents, forever DEFEND.

IN WITNESS WHEREOF, The said parties of the first part have hereunto set their hand s and
seal s to the day and year first above written.

SIGNED, SEALED AND DELIVERED IN PRESENCE OF

S. L. Smith (SEAL)

Minnie M. Smith (SEAL)

MICHAEL (SEAL)

MICHAEL (SEAL)

APR 15 2003

80.0 AC

80.0 AC

BB-B AC

40.0 AC

31.0 AC

U.S. HWY 36

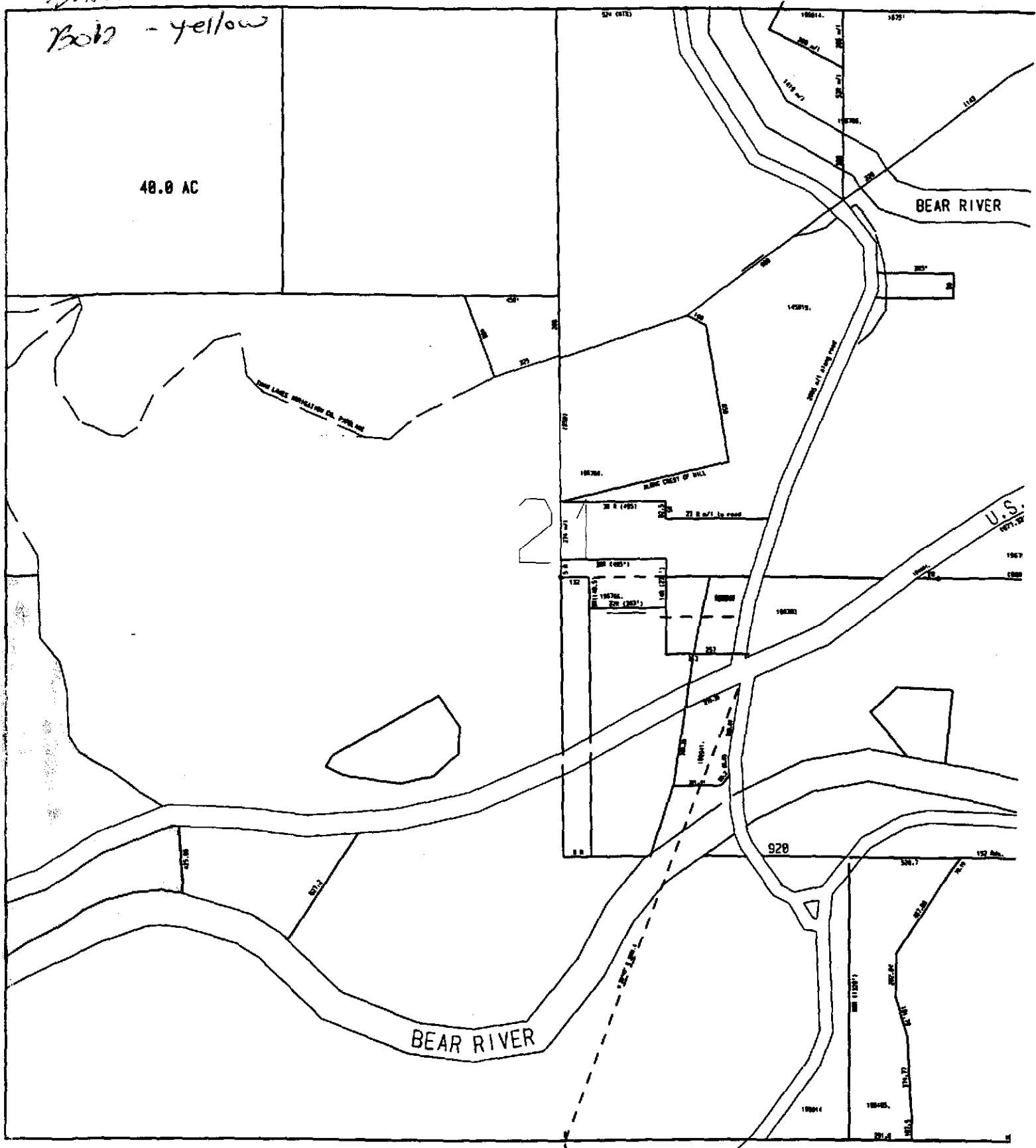
980
 (63 R)

MICROFILM

APR 18 2003

Brad - Pink
Bob - yellow

48.0 AC



MICROFILM

APR 15 2003

See
9I-Hi
584
Clifford

T1219

T1220

11.6
1481
Brad
Smith
CRP
190-99
NH4W

16.3 NH4W

1002
Bob Erickson

T1234

2.0 55 NH4W
Jean Marie Smith

9.5 T
55 Marie
Jean Smith

4.4 63 NH4W

T1231

NH4W
Robert
Jack

T1233

T1242

6.6 NH4W

51-224

51-488
80A

J. Smith Trust

185651
190048

Ballas Clyde Gilbert
156064

21
51-52
T10
43R
52-
156064

Hyman R. Frederick
152859

T12

Robert H. Smith
128909

Elroy W. Smith
Mammoth County
197068

Robert Boyce
195385

James J. Willey
192517

T12

Bear River

Samuel L. Smith
49-379
184746

Family Trust
198452

20 21
22 28

Wendell Smith
51-637 41-441

Wendell Smith
154952

Samuel L. Smith
193746

Samuel L. Smith
49-379
41-198
184746

28

Rivendale
Wholesale
194108

Samuel L. Smith
41-198
Family Trust
184746

Samuel L. Smith
155078

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

License of Water Right No. 13-7193 Priority May 27, 1977 Amount 0.02 cfs

THIS IS TO CERTIFY, that Dean C. Smith
of Preston, Idaho, has complied with the terms and conditions of Permit
No. 13-7193 issued pursuant to Application for Permit dated May 27, 1977,
and has submitted proof to the Department of Water Resources on October 3, 1979,
that he has applied water to a beneficial use; an examination by the Department indicates that the works have a
capacity for the diversion of 0.02 cfs of water from a spring,
tributary to Bear River, and that the permit holder has applied to a beneficial use and
established a right to use water as follows:

Beneficial Use	Period of Use	Rate of Diversion	Annual Volume
Domestic (1 Unit)	from <u>January 1</u> to <u>December 31</u>	at <u>0.02</u> cfs and	<u>1.2</u> acre feet
	from _____ to _____	at _____ cfs and	_____
	from _____ to _____	at _____ cfs and	_____

(both dates inclusive)

Subject, however, to the condition that no more than 0.02 cfs of water be diverted at any one time, and
that the amount of water so diverted and to which such right is entitled and confirmed is for the purpose
aforementioned and is limited to the amount which can actually be beneficially used and shall not exceed
1.2 acre feet per year, said waters to be diverted within the NW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 21,
Twp 14S, Rge 40E in the County of Franklin

Description and location of place of use:

Twp.	Range	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 $\frac{1}{4}$	
14S	40E	20																X	

Total number of acres irrigated _____

NOTE: Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho Law. This right may be forfeited by five years of non-use.

The right to the use of the water hereby confirmed is restricted and appurtenant to the lands or place of use herein described, and is subject to all prior water rights, as provided by the laws of Idaho.

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 19TH day of
MAY, 19 84.

DEPARTMENT OF WATER RESOURCES

Acting for the

Director

Norman C. Young

STATE OF IDAHO
Licensing
APPLICATION FOR AMENDMENT OF A PERMIT

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

Comes now Dean C. Smith Phone 852-0681
of (address) Rt. 2, Box 443 Preston, ID 83263, and represents to the
Director of the Idaho Department of Water Resources:

That he is the owner and holder of Permit to appropriate the Public Waters of the State of Idaho
No. 13-7193, and requests that the permit and permit map be changed as follows:

1. Point of diversion: NW ¼ SW ¼, Section 21, Township 14S, Range 40E, B.M.,
County of Franklin. Other points of diversion: _____

2. Period and nature of use: (irrigation, domestic, stockwatering, industrial, etc.)
No change
Amount .02 for domestic 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)
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)

3. Place of use or land to be irrigated:

TWP	RGE	SEC	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
14S	40E	20																X	

Total number of acres to be irrigated = _____

4. a. Who owns the property at the point of diversion? Dean J. Smith
b. Who owns the land to be irrigated or the place of use? Applicant
c. If the property is owned by a person other than the applicant, describe the arrangement enabling the
applicant to make this filing: The land located at point of diversion was
formerly owned by applicant & was sold to Dean J. Smith
without any claim or right to the springs

RECEIVED

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

Scale: 2 inches equal 1 mile.

Signed at Winnipeg, this 15 day of May, 1984.

19 74

Received by CEW Date 5-17-84 # 34622

Publication dates

ACTION OF THE DEPARTMENT OF WATER RESOURCES

Approve the above Application for Permit No. 13-7193.

May

For the Director
Norman C Young

Identification No. 13 7193

Application No. _____

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

APPLICATION FOR PERMIT APPROVED

To Appropriate the Public Waters of the State of Idaho
(TYPE OR PRINT IN INK)

1. Name of applicant Dean C. Smith Phone: 852-0681
post office address Rt. #2, Preston, ID 83263

2. Source of water supply unnamed spring which is a tributary of Bear River

3. a. Location of point of diversion is NW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 30 Township 14S
Range 40E B.M. Franklin County; additional points of diversion if any: _____

b. If water is not consumed, it will be discharged into Bear River at a point in NW $\frac{1}{4}$
of NE $\frac{1}{4}$ of Section 31 Township 14S Range 40E B.M. _____

4. Water will be used for the following purposes:

Amount 0.04 for domestic purpose from Jan. 1 to Dec. 31 (both dates inclusive)
(cfs or acre-feet per annum)

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

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

5. Total quantity to be appropriated:

a. 0.04 cubic feet per second and/or

b. _____ acre feet per annum.

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. collection box and pipeline to house

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 \$ existing.

8. Description of proposed uses:

a. If water is **not** for irrigation:

(1) Give the place of use of water: NW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 30 Township 14S
Range 40E B.M.

(2) Amount of power to be generated: _____ hp under _____ feet of head.

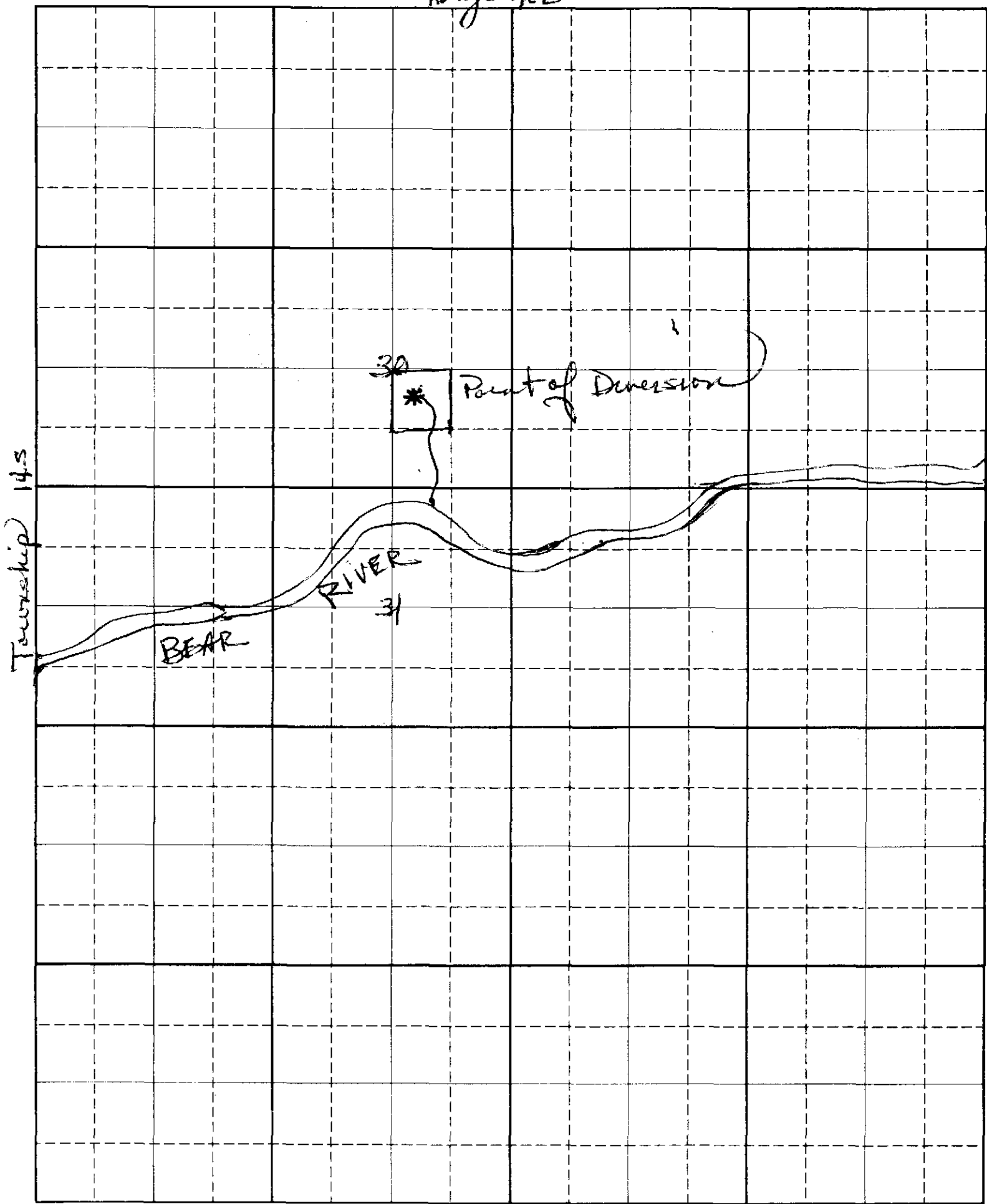
(3) List number of each kind of livestock to be watered _____

(4) Name of municipality to be served _____, or number of families to be
supplied with domestic water 1.

(5) If water is to be used for other purposes describe: _____

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

Range 40E



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.

Dean Smith
(Applicant)

Proposed Priority 5/27/77

Received by WJ Date 5-27-77 Time 9:58
Preliminary check by WJ Fee \$ 10.00
Received by WJ Date 5-27-77 # 79317
Publication prepared by WJ Date 6-13-77
Published in (Director's Office) June 9 + 16-1977
Publication dates June 29, 1977
Publication approved WJ Date June 29, 1977
Priority reduced to _____ Reason _____
Protests filed by: _____
Copies of protests forwarded by _____
Hearing held by _____ Date _____
Recommended for approval denial WJ

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. 13-7193, 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 August 1, 19 82.

c. Other: Use of water under this permit is subject to control by the watermaster of State Water District No. 11, Bear River.

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

Witness my hand this 22 day of August 19 77.

Deputy Director

[Signature]

JUN 30 1977

AFFIDAVIT OF PUBLICATION

Department of Water Resources
Eastern District OfficeSTATE OF IDAHO, }
County of Franklin } ss.

RICHARD A. STOCKDALE

being duly sworn,

deposes and says:

That he is the Office Manager of THE PRESTON CITIZEN, a weekly newspaper published at Preston, in the County of Franklin and State of Idaho; that said paper has been and is in general circulation in the county aforesaid, and in the vicinity of Preston; that the advertisement, a copy of which is attached hereto, was published in said newspaper once a week for 2 consecutive weeks in the regular and entire issue of said paper during the period of time of publication, and was published in the newspaper proper and not a supplement; that said paper has been established and regularly published for more than seventy-eight consecutive weeks prior to the date of first publication of said advertisement.

Such notice was published in the issue beginning with

June 9th, 1977, and endingwith the issue of June 16th, 1977.Richard D. StockdaleFee \$ 11.47Subscribed and sworn to before me this 27th dayof June, 1977.

Notary Public, Residing at Preston, Idaho

My Commission Expires August 11, 1978NOTICE OF APPLICATION
FOR WATER PERMIT

Notice is hereby given that Dean C. Smith, Preston, Idaho has on 5-27-77 submitted Application No. 13-7193 for a permit to appropriate 0.04 cubic feet per second of water from an unnamed spring tributary to Bear River by means of collection box and pipeline within the NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 30, T. 14S, R. 40E, B.M., Franklin County; to be used from Jan. 1 to Dec. 31 for domestic purposes for one family within the NW $\frac{1}{4}$ -SE $\frac{1}{4}$, Sec. 30, T. 14S, R. 40E, B.M.

If issued, this permit will be subject to all prior water rights. Protests against the granting of the permit must be filed with the Idaho Department of Water Resources, 1515 Lincoln Road, Idaho Falls, Idaho, 83401 on or before June 27, 1977.

C. STEPHEN ALLRED
Director

Published in the Preston Citizen, Preston, Idaho on June 9 and June 16, 1977.

Legal No. 405 — Pub. June 9 and 16, 1977.



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

March 28, 2003

BOB BOYACK
OLIVIA BOYACK
3168 E HWY 36
PRESTON ID 83263

RE: Change of Ownership for Water Rights 13-7193, 13-7632, 13-7634

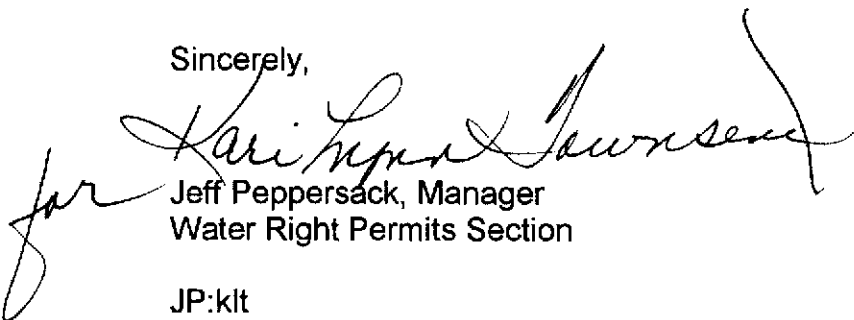
Dear Water Right Holder(s):

The department acknowledges receipt of correspondence changing ownership of the above referenced water rights to you. The department has modified its records to reflect the changes in ownership and has enclosed computer-generated reports for your records.

Please note that as of July 1, 1996, water right owners are required to report any change of water right ownership and any change of mailing address of the owner of a water right to the department. Notice of the change must be provided to the department within 120 days of the change. Change reporting forms are available from any office of the department.

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

Sincerely,


Jeff Peppersack, Manager
Water Right Permits Section

JP:klt

Enclosures

MICROFILMED
APR 1 2 2003

May 22, 1984

RE: Permit No. 13-7193

Dean C. Smith
Rt. 2, Box 443
Preston, ID 83263

Dear Mr. Smith:

Enclosed herewith is a copy of your Water Right License issued on the above referenced permit along with a copy of your approved application for amendment. Also enclosed is Departmental Receipt No. 34622 in the amount of \$20.00.

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

Sincerely,

JIM JOHNSON
Water Distribution Supervisor

JJ:sc
Enclosures

MICROFILMED



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

(208) 334-4440

May 7, 1984

RE: Permit No. 13-7198

Dean C. Smith
Rt. 2, Box 443
Preston, ID 83263

Dear Mr. Smith:

A representative of this Department made an examination of the works covered by your Permit No. 13-7193 and has found the following:

Amount of water that can be recognized as beneficially used under
Idaho law: 0.02 cfs Source: a spring trib to Bear River

The maximum quantity diverted shall not exceed 1.2 acre feet
per year.

Point of diversion: NW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 21, Twp 14S, Rge 40E

Beneficial use: Domestic use for 1 unit within SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 20, Twp 14S,
Rge 40E

Priority date established: May 27, 1977

In order for the Department to issue the above license, it will be necessary for you to amend the permit to correspond with the findings of the field examiner. We are enclosing a partially completed amendment form for your use in this matter.

Please sign the amendment application and return it to this office along with a \$20.00 filing fee within 30 days in order that we might issue your license as set forth above. If you do not concur with these findings or have any questions, please contact us within the 30-day period.

Sincerely,

JIM JOHNSON
Water Distribution Supervisor

JJ:kw
Enclosure

RECEIVED

APR 2 1984

State of Idaho
DEPARTMENT OF WATER RESOURCES
FIELD REPORT

13-7193

Permit No.

Department of Water Resources

CONTACT WITH PERMIT HOLDER

	DATE	INITIALS	REMARKS
☐ Appointment letter mailed:			
☐ Telephone call made: (List Telephone No. used)			
☐ Appointment scheduled for: (Date, time, location)			

EXAMINATION

Date 8-06-1982 Accompanied by Dean Smith Total Q measured allow 0.02 cfs
If source is surface water, estimate total flow of source _____
Methods of measurement Bucket + stopwatch Meets Permit requirements? _____

Measurement calculations:

2 gal./40 sec.

or

3 gpm flow

allow 0.02 cfs for Domestic use with 1.2 afa ✓

WELL/DIVERSION* NO.	HP	MOTOR MAKE	MOTOR SERIAL NO.	PUMP MAKE	PUMP SERIAL NO.	MEASURING DEVICE TYPE	CONDITION OF MEAS. DEV.	REMARKS

System Description Spring to collection box and 1" pipeline to one home

*Code with map on reverse side. Disregard code if only one.

RECOMMENDED AMOUNTS

Irrigation requirement = _____ AFA/Acre

USE

Domestic ✓

Q (cfs)

0.02 ✓

V (afa)

1.2 ✓

FROM

1-1 ✓

TO

12-31 ✓

Total

Remarks Need to amend P.O.U. + P.D. ✓

MICROFILMED

Examiner's Signature

Date _____

12-23-83
29 May 1984
4-7-84

11/15/19
 Keith Miller
 Ray Waples

Recommended Amendments:

☒	Change P.D. as reflected above
☒	Change P.U. as reflected above

☐ Add P.U. as reflected above

☐ Add P.U. as reflected above

☐ Other

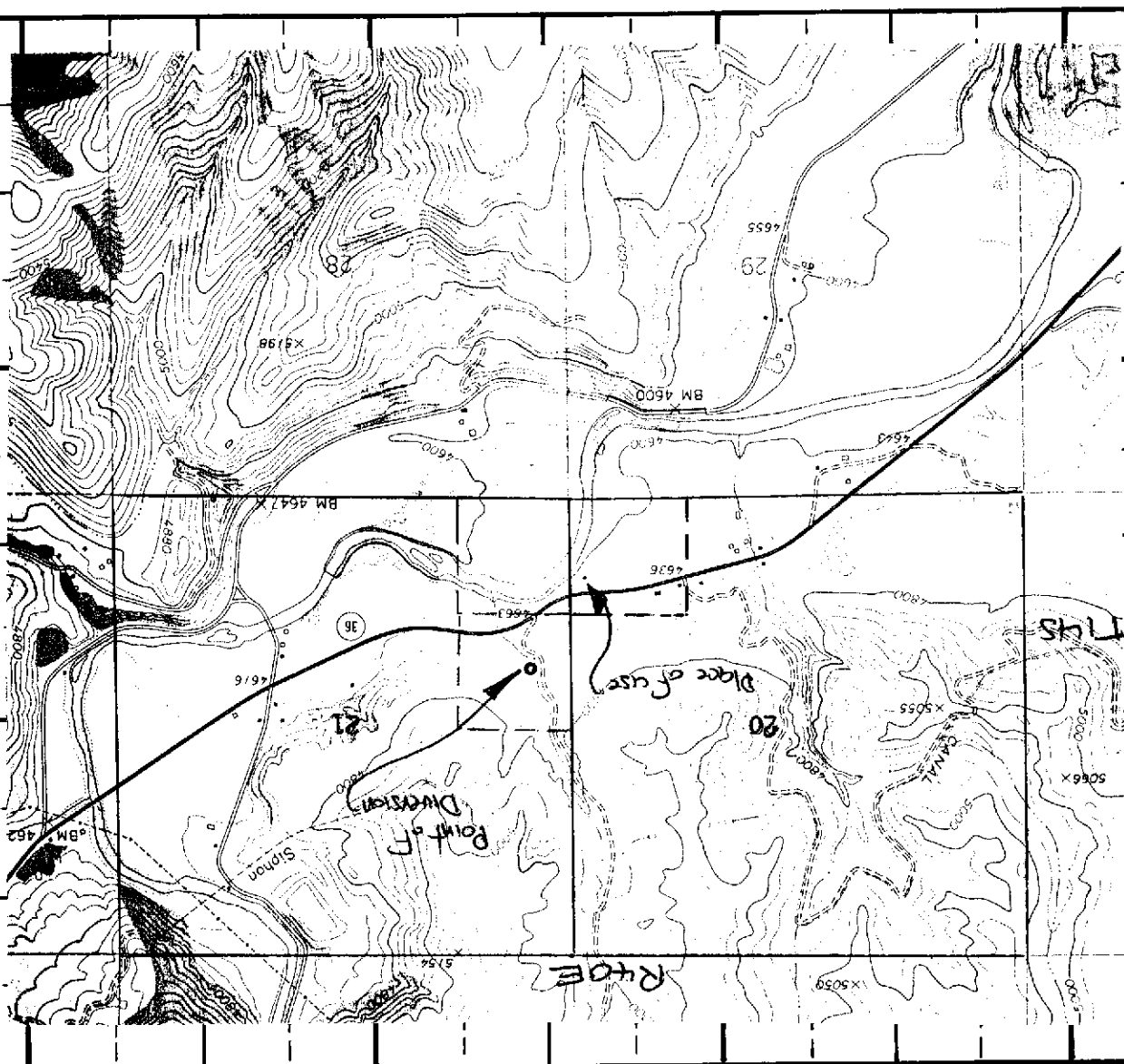
☐ None

[illegible]

Point(s) of diversion: Nussu scd. 21 Tlys R40E

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

SCHEMATIC DIAGRAM OF SYSTEM



MAP (Attach Aerial Photo)

13-7193

8/5/80

Legal description was wrong.

amend to 14 S 40 E Sect 20 P4

SE of SE

PD - Sect 21

No well or pump - Spring & collection box
+ gravity pipeline - Under ground

8/6/80 - 82

allow

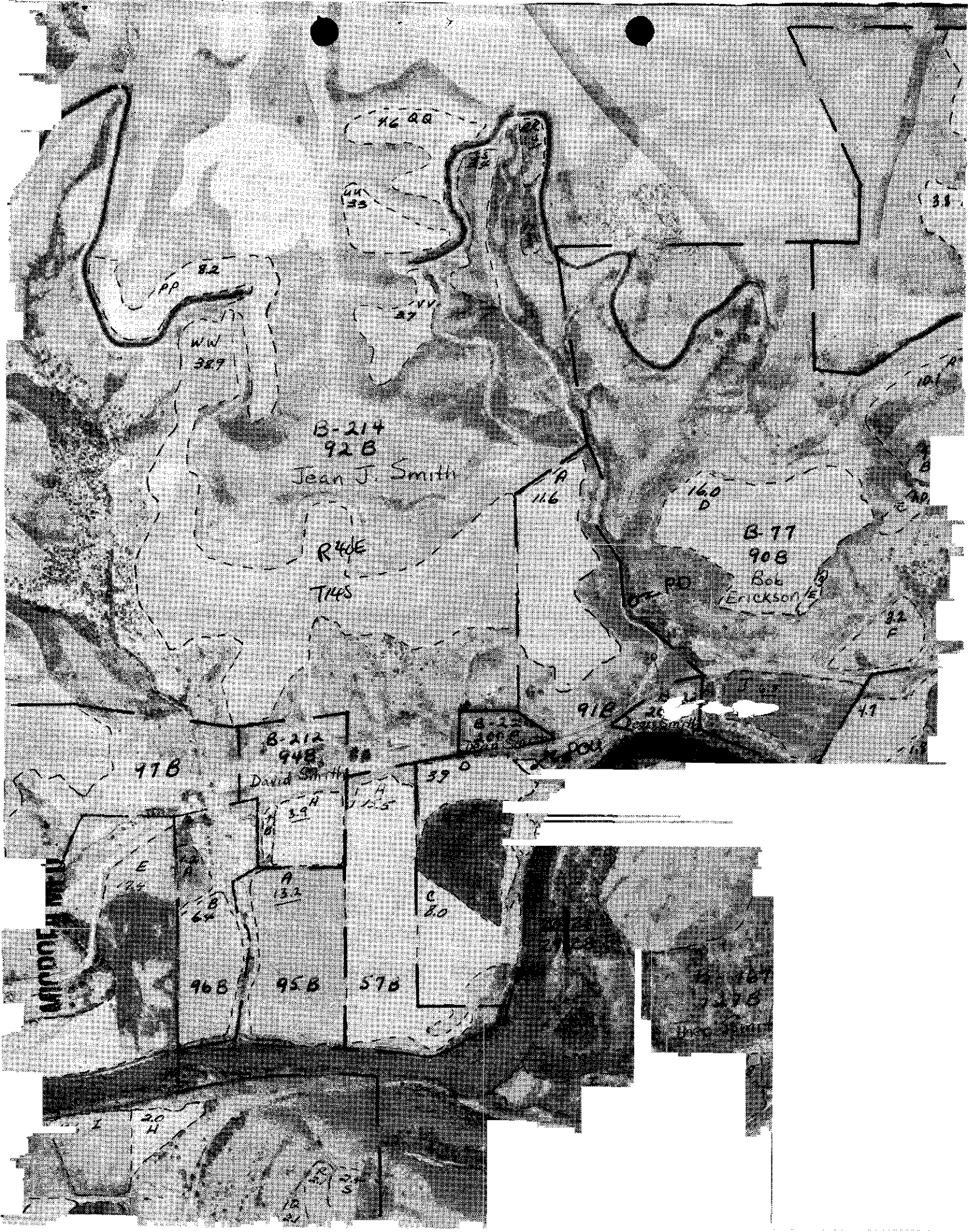
0.02 cfs ✓

actual measure

2 gal/40 sec

MICROFILMED

1" ppc From storage box
to home



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

OCT 3 1979

PROOF OF APPLICATION
OF WATER TO BENEFICIAL USE

Department of Water Resources

1. a) Name of permit holder Dean C. Smith
b) Post office address R#2 Box 443 Preston, Idaho 83263
2. Permit number 13-7193
3. Date of priority that you are prepared to establish July 1, 1955
4. a) Source from which water was appropriated Unnamed Spring
b) Location of the point of diversion: NW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 30
Township 14S, Range 40E Boise Meridian. Other points of diversion: None
5. a) The amount of water and use to which the water has been applied:
Amount .04 for Domestic purposes from Jan. 1 to Dec. 31 incl.
(cfs &/or acre-feet per annum) (month-day) (month-day)
Amount _____ for _____ purposes from _____ to _____ incl.
(cfs &/or acre-feet per annum) (month-day) (month-day)
Amount _____ for _____ purposes from _____ to _____ incl.
(cfs &/or acre-feet per annum) (month-day) (month-day)
b) Total amount appropriated _____ cfs and/or acre-feet per annum.
c) Describe how and by whom measurement of rate of flow or amount of storage was made and the qualifications of the person making the measurement:

☒ If the means of diversion and conveyance are owned by someone other than the permit holder:
a) Give the name or description of the canal, ditch or other works by which the water is conducted to the place of use:
Owned by permit holder

b) Describe the agreement of understanding by which you take water from the works: _____
Expense of installation & maintenance of same is borne
by permit holder

7. a) Briefly describe the works for diverting and conveying the water to the place of use, (if from a subterranean source, give the pump size, motor size, size of well casing, depth of well; if from surface water, give brief description of diversion structure and/or canal or ditch):
Collection box & pipeline to house

b) Describe the provision for making a measurement which you have at your point of diversion: (i.e., installed measuring device, access port, other)

Microfilm

Typed by RF
1/3/80

2/12

Handwritten signature

On this 5th day of September, 1975, personally appeared before me the

SS. (((

Franklin

Sept. 5, 1979 (Date)

March 1894

Collection box & pipette has been used since late 1800's
It replaced it in 1955 & installed tile drain behind in
grate to insure adequate supply of all kinds of water service.

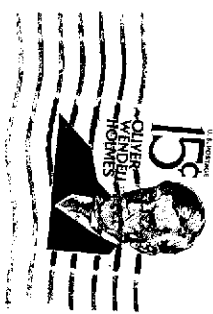
Total number of acres irrigated

[illegible]

c) Give well driller's name and address and the date the well was completed:

Wear C. Smith
R # 2 Box 443
Proctor, Idaho 83263

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



MICROFILMED

August 30, 1977

Re: Permit No. 13-7193

Russell Stoker
279 East 3rd North
Soda Springs, ID 83276

Dear Mr. Stoker:

Enclosed, please find a copy of Permit No. 13-7193, which was approved August 22, 1977, for you water district.

Sincerely,

BOBBY D. FLEENOR
Chief, Operations Bureau

Enclosure

Microfilm

August 25, 1977

Re: Permit No. 13-7193

Dean C. Smith
Route #2
Preston, ID 83263

Dear Mr. Smith:

Enclosed is a copy of your approved Application for Permit No. 13-7193 . We direct your attention to the conditions of approval as listed on the fourth page.

Sincerely,

BOBBY D. FLEENOR
Chief, Water Rights

BDF:mef

Enclosure





STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
EASTERN REGION

John V. Evans
Governor

C. Stephen Allred
Director

1515 Lincoln Road
Idaho Falls, Idaho 83401
(208) 523-7186

June 27, 1977

RE: Application for Permit No. 13-7193

Preston Citizen
Box 472
Preston, Idaho 83263

Gentlemen:

Would you please submit an affidavit of publication and certified bill in connection with the above referenced application. The legal notice was to have been published in your paper on June 9 and June 16, 1977.

Your cooperation in this matter is greatly appreciated.

Very truly yours,

RONALD D. CARLSON
Supervisor
Eastern Region

RDC:TH

cc: IDWR - State Office



June 9, 1977

RE: Application for Permit No. 13-7193 SMITH

Mr. Russell Stoker, Watermaster
Water District 11
279 East 3rd North
Soda Springs, Idaho 83276

Dear Mr. Stoker:

We are enclosing a copy of an application that may be of interest to your water district. Please review the application and if you have any comments, submit them to our Department as soon as possible. The last date of protest is June 27, 1977, and we are required to take final action shortly thereafter.

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

Very truly yours,

RONALD D. CARLSON
Supervisor,
Eastern Region

RDC:CW

Enclosure

MAIL ROOM

June 3, 1977

RE: Application for Permit No. 13-7193 SMITH

Preston Citizen
Box 472
Preston, Idaho 83263

Gentlemen:

Enclosed you will find a legal notice which we wish to have published once a week for two consecutive weekly issues of your newspaper. We have inserted the publication dates allowing 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.

Very truly yours,

RONALD D. CARLSON
Supervisor,
Eastern Region

Bill submitted 6-29-30 by 77

RDC:CN

Enc: Legal Notice (1)

5

NOTICE OF APPLICATION FOR WATER PERMIT

Notice is hereby given that Dean C. Smith,
Preston, Idaho

has on 5-27-77 submitted Application No. 13-7193
for a permit to appropriate 0.04 cubic feet per second ~~acre feet per annum~~
of water from an unnamed spring tributary to Bear River
by means of collection box and pipeline
within the NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 30, T. 14S, R. 40E, B.M., Franklin County;

to be used from Jan. 1 to Dec. 31
for domestic purposes for one family

within the NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 30, T. 14S, R. 40E, B.M.

If issued, this permit will be subject to all prior water rights. Protests against the granting of the permit must be filed with the Idaho Department of Water Resources, 1515 Lincoln Road, Idaho Falls, Idaho, 83401 on or before June 27, 1977.

C. STEPHEN ALLRED
CCCCCCCCCCCCCCCCCC
R. KEITH HIGGINSON

Director

Published in the Preston Citizen, Preston, Idaho
on June 9 and June 16, 1977

RECEIVED

the
-J.
the
-D.

DEPARTMENT OF WATER RESOURCES
- STAFF ANALYSIS -

Item Initial Date

Application No. Smith

☒ Source Surface
☒ 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

(1) BR 5/27

In form to receipt

(2) ll ll

Send Copies to:

Idaho State Health Department
Idaho Fish and Game Department
Bureau of Land Management
WA for master #11
Request Special Use Permit from U.S.F.S.
Request Easement from B.L.M.
Request Information from Applicant
Request Dam Safety Information

(3) ll ll

(4) ll ll

In form for advertising

(5) ll ll

Platted on Map No. _____

(6) ll ll

Located within Water District No. 11

(7) ll ll

Critical groundwater area: yes WA no _____

(8) ll ll

Groundwater levels: N. A.

_____ Declining, _____ Stable, _____ Increasing

(comment) _____

(9) ll ll

Other rights on the same place of use None

(10) _____

Comments: System is existing prop
should be filed in 1 year

(11) CD 6-29-77

Affidavit of Publication received (date) June 27-1977

(12) CD 6-29-77

Final date for protests June 27-1977

Protests received: yes _____ no ✓

(13) RDC 6/29/77

All requested information received from agencies or applicant: yes _____ no _____

(14) ll ll

Action recommended:

☒ Approve

_____ Deny

5/27/77 Proposed Priority

_____ Reason for Reduction _____

_____ Measuring device required

☒ See attached sheet for other conditions of approval

☒ No special conditions for approval

Subject to the control
of water master
W.P. #11

(15) District E

By RDC

Date 6/29/77

Copy
Sent