

Ident No. 11-7551

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

NOTICE OF DIVERSION FOR INSTREAM STOCKWATER USE

(To provide notice of intent to divert surface water from a stream or riparian area to troughs or tanks for the watering of livestock)

APR 26 2006
Department of Water Resources
Eastern Region

1. Name of Right Holder Smith Family Trust Steven Reed Smith Phone 208 339 0855

Mailing address 2674 E Hwy 36 Preston ID 83263

2. Source of water supply Spring tributary to Morgan Creek

3. Point of diversion is in Gov't. Lot NW NE SE SW 1/4, Section 24
Township 12-S Range 42-E, B.M., Bear Lake County.

4. Description of diversion and delivery system:

a) Describe the type of diversion: Collection Box Side of Stream Channel

b) Describe the delivery system: 1 1/4 HDPE Pipe Line

c) Describe the number, type and total capacity of troughs or tanks 5 troughs 1000 Gal
1 tank 10,000 Gal

d) Describe the automatic shutoff or flow control mechanism or means of
Returning unused water to the source: troughs will have floats with a pipe returning from tank

e) Describe how the system is designed to allow measurement of the rate of
diversion: Has a 2" Ram Pump Pump Curves

5. Describe the place of use by placing an X in the appropriate 40-acre tract(s) below:

TWP	RGE	SEC	NE				NW				SW				SE			
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE
12S	42E	24	X	X													X	X
12S	42E	13																X

6. Priority date claimed or established: 1900

7. Rate of diversion: .02 cfs

8. Season of use: From APRIL to OCT
9. a) Who owns the property at the point of diversion? Ruth Smith *Passed Away APRIL 17 06*
b) Who owns the property at the place of use? Ruth Smith *So the Land owner is Smith family trust*
10. When will construction occur? SUMMER 06
11. Comments: _____

I hereby assert the following:

- a) Diversion is from a surface water source to which the livestock would otherwise have access. The land where the watering tanks or troughs will be located is land from which the livestock had access to the source of water from which diversion is being made.
- b) The diversion of water out of the stream as described in this notice is for watering livestock and will not injure other water rights.
- c) I will not alter the bed and banks of the source as the term is defined in section 42-3802, Idaho Code. I understand that I may place an inlet conduit into the source in a manner that does not require excavation or obstruction of the stream channel, unless the director of the department of water resources approves a stream channel alteration permit for additional work.
- d) I understand that upon determination of interference with other water rights, the Director may order curtailment of diversion or use of water under this notice or may require the diversion and delivery system to be modified to prevent injury.
- e) I will not divert more than 13,000 gallons per day for livestock watering from this diversion, and I will not use more than one point of diversion under this notice.
- f) I am authorized to make the changes described in this notice and that if the notice involves a federal grazing allotment, the permittee consents to the changes described in this notice.
- g) I understand that any willful misrepresentation on this notice will void any right to divert water for livestock under this notice.

Dated this APRIL 4 day of APRIL, 2006

Steve Smith
Right Holder or Authorized Representative

FOR DEPARTMENT USE

Received by RW Date 4/4/06 Preliminary check by _____
Fee: \$ 25 Receipted by SC Receipt No. ED31749 Date 4/4/06
Water District No. _____ Entered into data base 5/8/06 By SC

