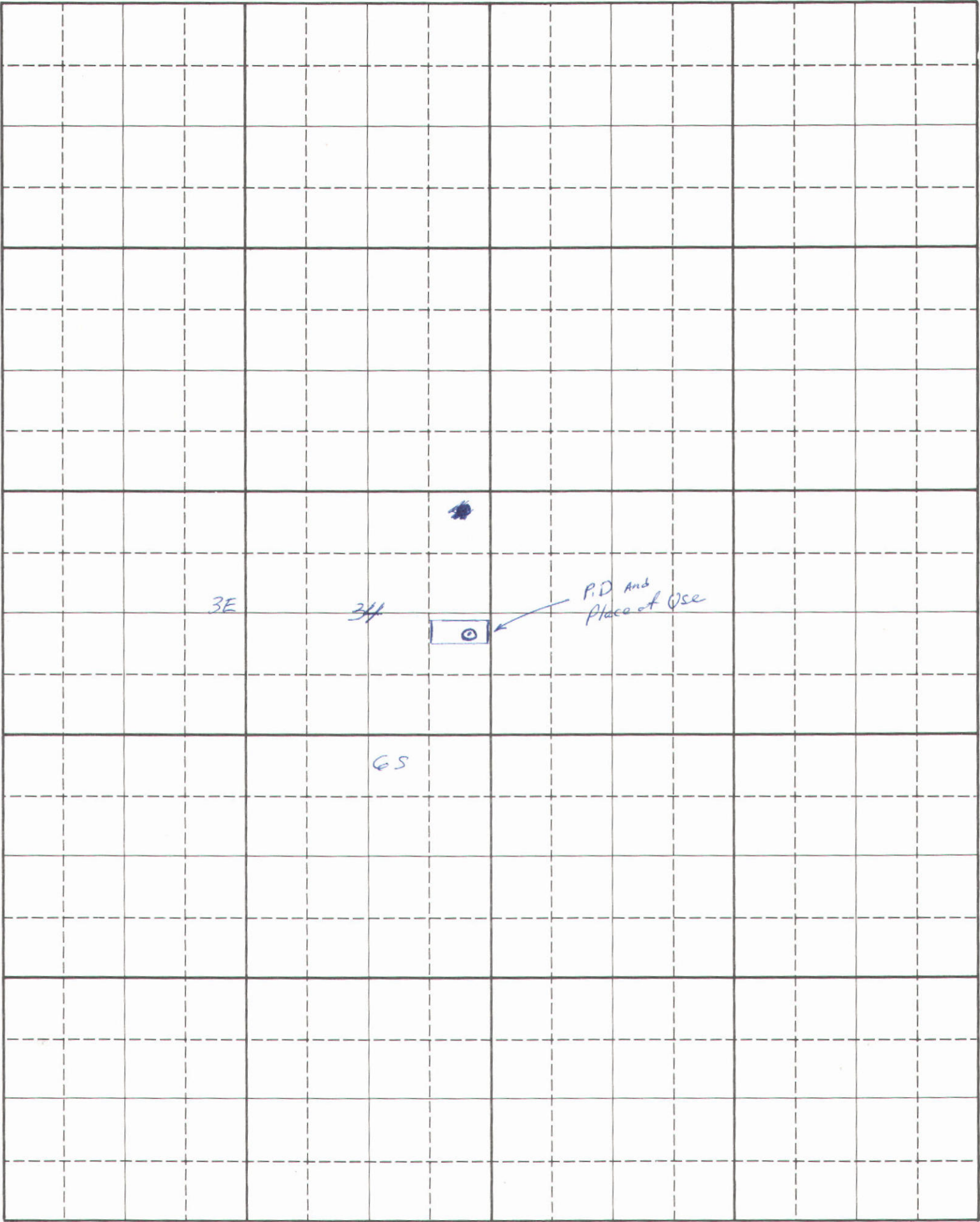


11. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



Scale: 2 inches equal 1 mile

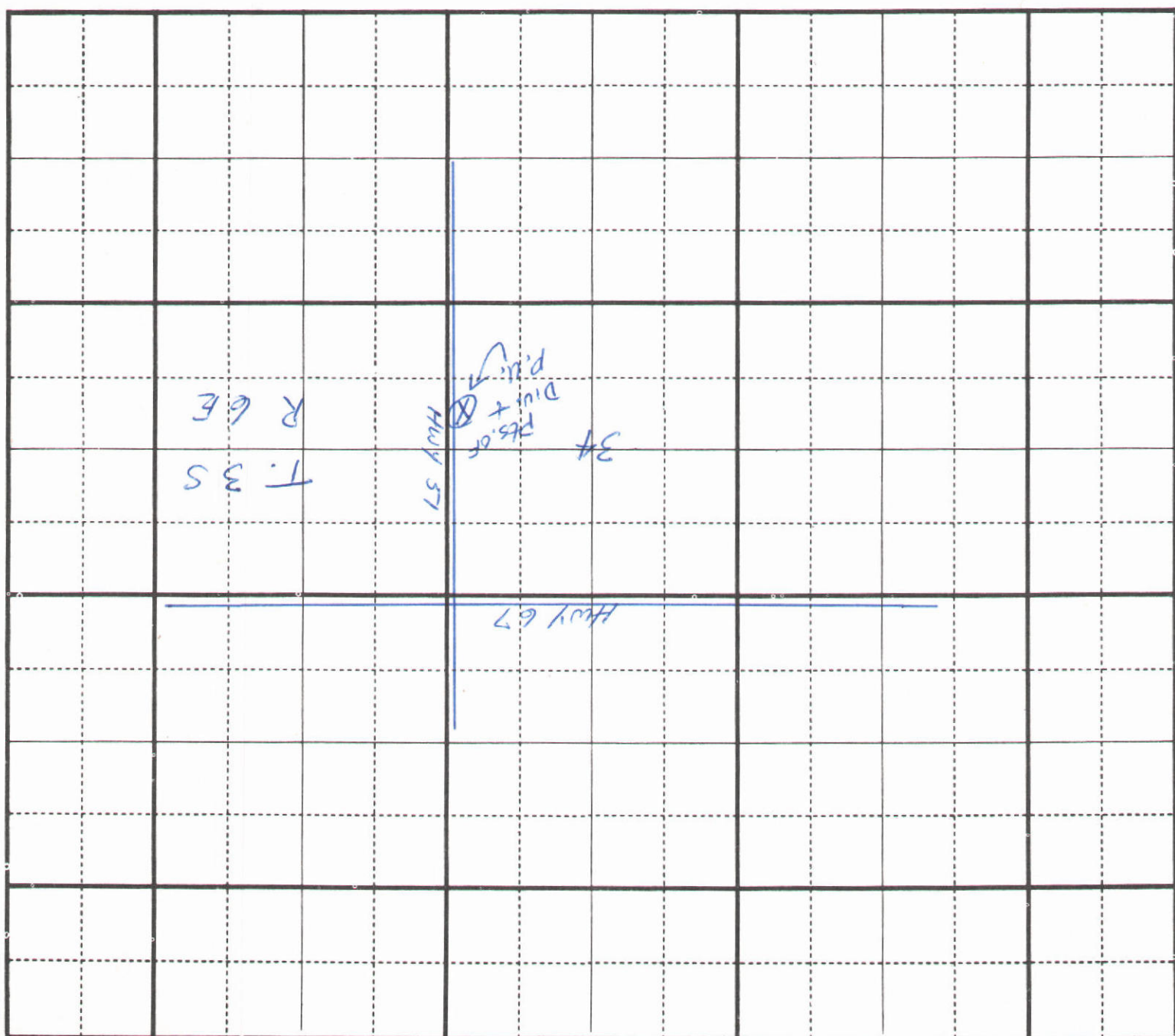
BE IT KNOWN that the undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.

Clement W. Smith
(Applicant)

61 7104

MICROFILMED

Diagram of System



State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

License of Water Right No. 61-7104 Priority 1/5/1972 Amount .13 cfs

THIS IS TO CERTIFY, that ERNEST W. SMISEK
of Mountain Home, ID, has complied with the terms and conditions of Permit
No. 61-7104 issued pursuant to Application for Permit dated 1/5/1972,
and has submitted proof to the Department of Water Resources on 12/9/1976,
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 .43 cfs of water from a groundwater source,
tributary to _____, 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
Irrigation	from <u>3/15</u> to <u>11/15</u>	at <u>.10</u> cfs and	<u>22.5 AF</u>
Domestic	from <u>1/1</u> to <u>1/31</u>	at <u>.3</u> cfs and	<u>1.2 AF</u>
(1 unit)	from _____ to _____	at _____ cfs and	_____
(both dates inclusive)			

Subject, however, to the condition that no more than .13 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 for the purpose
aforementioned and is limited to the amount which can actually be beneficially used and shall not exceed
23.7 acre feet per year, said waters to be diverted within the (2 pts) NESE, Sec. 34,
T3S, R6E in the County of Elmore

Description and location of place of use:

Twp.	Range	Sec.	Section												Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
3S	6E	34													5

Total number of acres irrigated 5

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, as provided by the laws of Idaho.

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 29th day of
May, 19 81.

Director

DRT

Identification No. 61-7104
Application No. _____

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION
APPLICATION FOR PERMIT

APPROVED

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

1. Name of applicant Ernest W. Smisek
post office address Star Route, Box 1A, Mountain Home, Idaho
2. Source of water supply Ground water which is a tributary of _____
3. a. Location of point of diversion is NE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 34 Township 3S
Range 6E B.M. Elmore County; additional points of diversion if any: _____

b. If water is not consumed, it will be discharged into _____ at a point in _____ $\frac{1}{4}$
of _____ $\frac{1}{4}$ of Section _____ Township _____ Range _____ B.M. _____
4. Water will be used for the following purposes:
Amount 0.1 for irrigation purpose from March 15 to Nov. 15 (both dates inclusive)
(cfs or acre-feet per annum)
Amount 0.03 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)
5. Total quantity to be appropriated:
a. 0.13 cubic feet per second and/or
b. _____ acre feet per annum.
6. Proposed diverting works.
a. Description of ditches, flumes, pumps, headgates, etc. pump, motor, and sprinkler

b. Height of storage dam _____ feet, active reservoir capacity _____ acre feet; total reservoir
capacity _____ acre feet, materials used in storage dam _____
Period of year during which storage will occur _____ to _____ inclusive.
(Mo. Day) (Mo. Day)
c. Proposed well diameter is 8 inches; proposed depth of well is 200 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 \$ _____.
8. Description of proposed uses
a. If water is **not** for irrigation
(1) Give the place of use of water NE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 34 Township 3S
Range 6E 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 one.
(5) If water is to be used for other purposes describe _____

61 7104

61 7194

b. If water is for irrigation, indicate acreage in each subdivision in the tabulation below:

TWP.	RANGE	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
3S	6E	34													5				5

Total number of acres to be irrigated 5

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

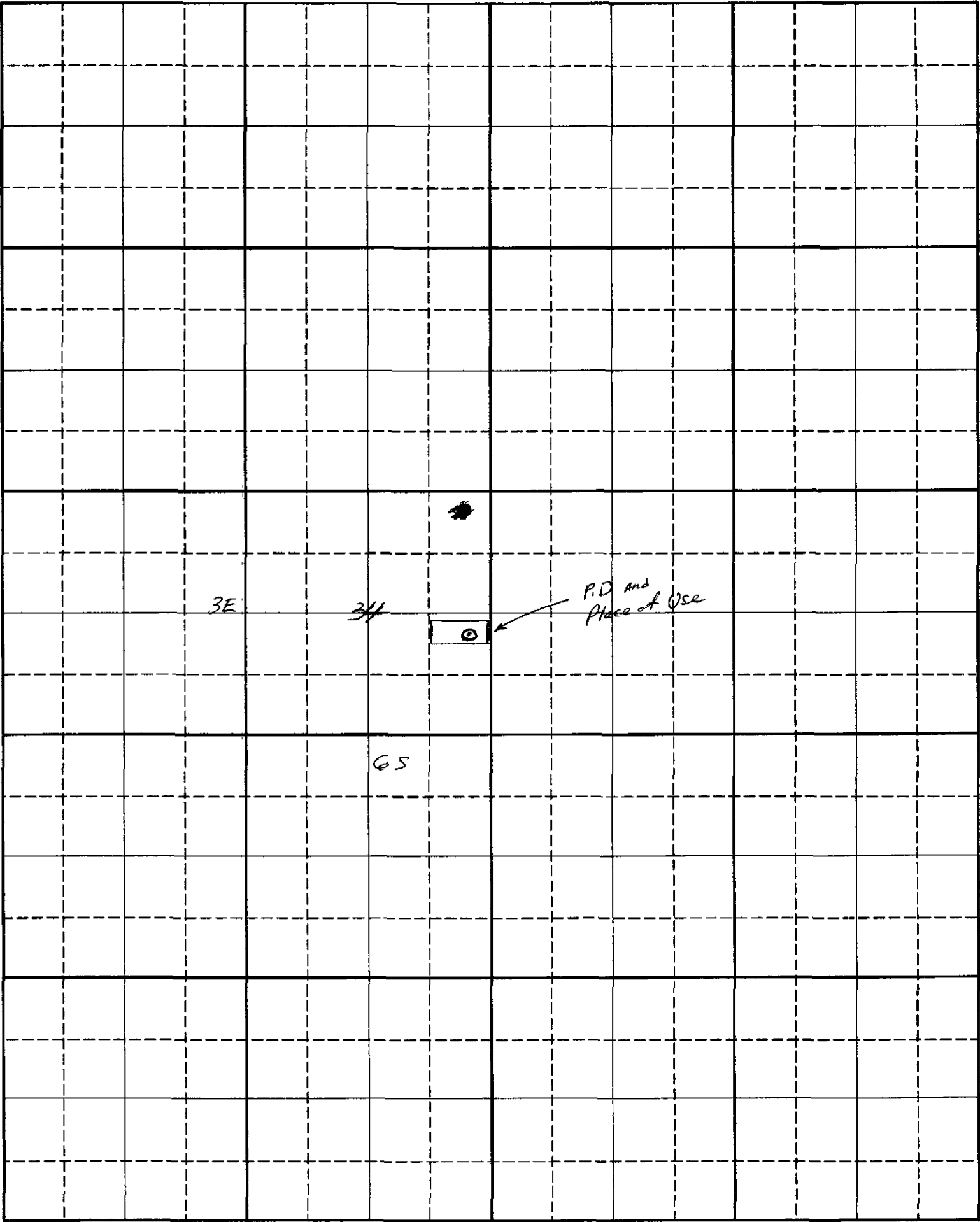
9. a. Who owns the property at the point of diversion Applicant

b. Who owns the land to be irrigated or 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

10. Remarks

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



Scale: 2 inches equal 1 mile

BE IT KNOWN that the undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.

C. Mervin Smith
(Applicant)

Received by JE Date 1/5/72 Time 10:50 A
Preliminary check by JE Fee \$ 10.00 filed # 8651
Receipted by ej Date 1-5-72
Publication prepared by bb Date 1-20-72
Published in Mountain Home News
Publication dates 1-27 & 2-3-72
Publication approved CR Date 2-8-72
Priority reduced to _____ Reason _____

Protests filed by _____

Copies of protests forwarded by _____
Hearing held by _____ Date _____
Recommended for approval denial by JE D BDF
CH

61-7104

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER ADMINISTRATION

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. 61-7104, 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 February 1, 1977.
- c. Other: _____

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

Witness my hand this 18 day of February, 1972.

R. Keith Higgins
Director

**NOTICE OF APPLICATION
FOR WATER PERMIT**

Notice is hereby given that Daniel W. Grist, Star Route, Box 12, Mountain Home, Idaho has on Jan. 3, 1972, submitted Application No. 61-7104 for a permit to appropriate 13 cubic feet per second of water from a groundwater source by means of pump and pipe and sprinkler within the NE 1/4, Sec. 34, T. 33, R. 6E, E. M., Elmore County to be used from Jan. 1-Dec. 31 for domestic purposes and from March 15-Nov. 15 for the irrigation of 5 acres, all within the NE 1/4, Sec. 34, T. 33, R. 6E, E. M.

It is noted this permit will be subject to all prior water rights. Protests against the granting of the permit must be filed with the Idaho Department of Water Administration, Statehouse, Boise, Idaho 83707, on or before Feb. 14, 1972.

ARTH HIGGINSON

Recorder

Mountain Home, Idaho

Affidavit of Publication

County of Elmore }
STATE OF IDAHO } ss.

I, Lloyd S. Waters do
solemnly swear that I am the foreman, or
publisher of the

MOUNTAIN HOME NEWS

a weekly newspaper of general circulation,
published once a week at MOUNTAIN HOME,
IDAHO, that the notice attached hereto and
which is a part of the proof of publication
thereof, was published in said newspaper for

2 consecutive weeks, the first publica-
tion having been made on the 27 day
of January, 1972 and
the last publication having been made on the
3 day of February
1972; every Thursday issue of the paper

during the period and time of publication and
that the notice was published in the newspaper
proper and not in a supplement thereof.

And I further swear that the said MOUN-
TAIN HOME NEWS has been continuously and
uninterruptedly published in said Elmore County
during a period of 78 consecutive weeks prior
to the first publication of the attached notice.

Lloyd S. Waters

Subscribed and sworn to me this 3
day of February, 1972

William M. Waters
Notary Public



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

JOHN V. EVANS

Governor

A. KENNETH DUNN

~~STEPHEN K. LUKES~~

Director

Mailing address

Statehouse

Boise, Idaho 83720

(208) 334-4440

June 1, 1981

Ernest W. Smisek
St. Rt. B, Box 1A
Mountain Home, Idaho 83647

Dear Mr. Smisek,

RE: License No. 61-7104

Enclosed is a copy of the Water Right License issued on the above referenced Permit.

Sincerely,

JIM JOHNSON
Water Distribution Supervisor

JJ:mr

Enclosure

MICROFILMED

DEPARTMENT OF WATER RESOURCES
FIELD REPORT

I. Name of permit holder Ernest W. Smisek
Postoffice address St. Rt. B, Box 1A, Mountain Home Phone _____
Person to contact _____ Phone _____

2. Source of water supply: Groundwater ☒ Surface water ☐ _____
(name spring, stream, etc.)
Tributary to _____

3. Water will be used for the following purposes:

Amount 0.10 c.f.s. for Irrig.
 AF/Annum (nature of use)

Period of Use: from Mar. 15 to Nov. 15
(mo.-day) inclusive (mo.-day)

Amount 0.03 c.f.s. for Dom. (1)
AF/Annum (nature of use)

Period of Use: from Jan. 1 to Dec. 31
(mo.-day) inclusive (mo.-day)

Amount _____ c.f.s. for _____
 _____ AF/Annum (nature of use)

Period of Use: from _____ to _____
(mo.-day) inclusive (mo.-day)

Other uses: _____

Permit No. 61-7104
Examination for b/u

4. Total amount to be appropriated-

Max Rate of Diversion 0.13 cubic feet per second and annual volume _____ AF/Annum.

5. **Location of Point(s) of Diversion:**

Township 3S N/S, Range 6E E/W, B.M., Section 34, Subdivision NE 1/4 SE 1/4, Elmore
County

Township _____ N/S, Range _____ E/W, B.M., Section _____, Subdivision _____ 1/4 _____ 1/4 _____ County _____

Township _____ N/S, Range _____ E/W, B.M., Section _____, Subdivision _____ 1/4 _____ 1/4 _____ County _____

Other Points of Diversions: _____

Description of diverting works: 4" pump, 3 hp, motor 3 hp, 8" well, 200' deep

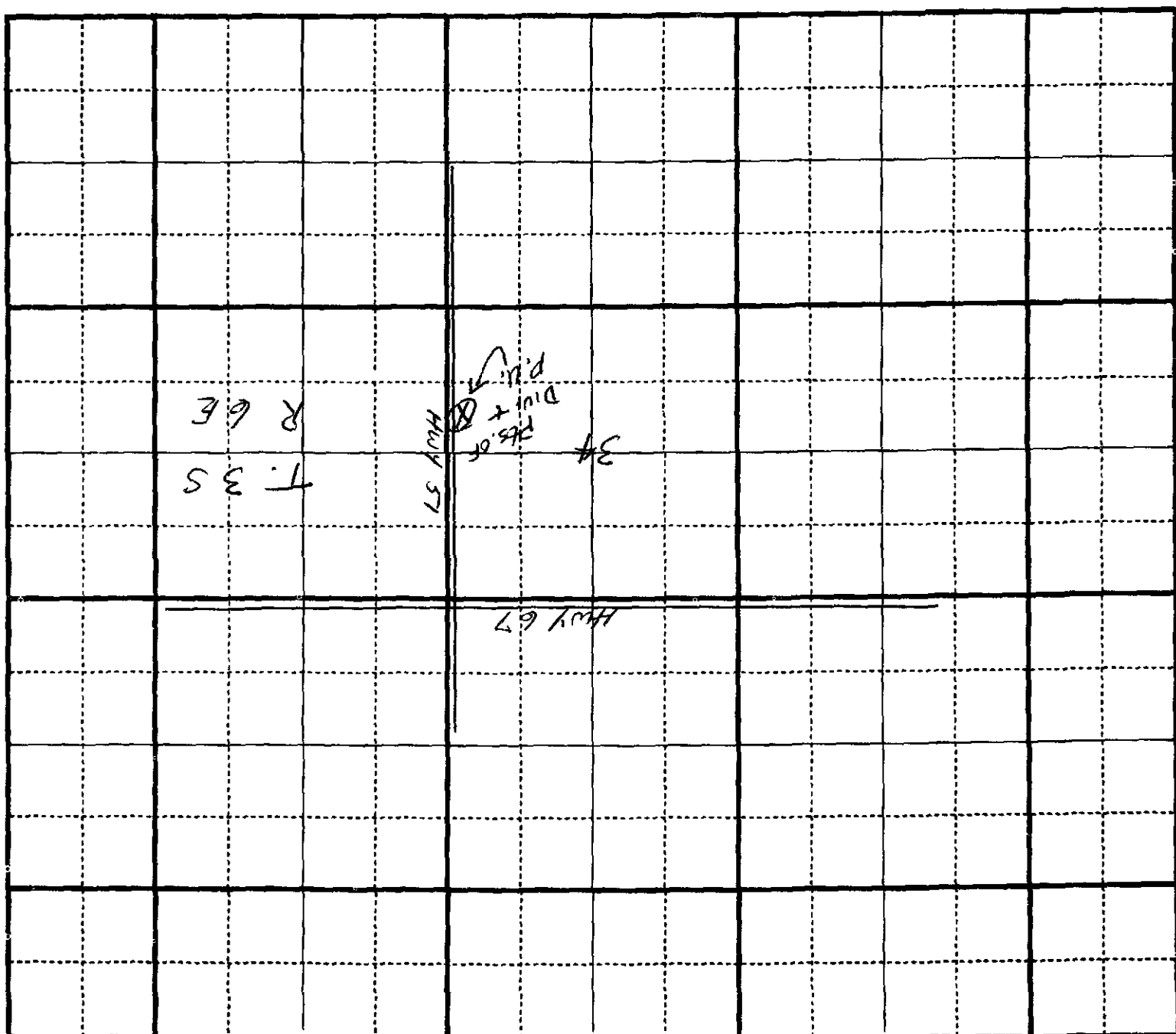
Measuring device required: yes ☐ no ☒

6. Lands to be irrigated or place of use.

[illegible]**TOTAL ACREAGE**

MICROFILMED

Diagram of System



DATE OF EXAM 7/20/79

ACREAGE
Found 5 ✓
Recommended 5

Irrigation Requirement 4.5 ✓ Ac Ft/Ac

USE
Irrigation Q = 0.10 c.f.s. V = 22.5 AF/Ann. from 3/15 to 11/15
Domestic Q = 0.03 c.f.s. V = 1.2 AF/Ann. from 1/1 to 12/31
Livestock Q = 0.00 c.f.s. V = 0.0 AF/Ann. from to
TOTALS 0.13 23.7

Is water co-mingled? yes no ✓

Name source:
twp. N/S, Rge E/W, B.M., Sec. , Sub. 1/4 1/4 County

Exchange? yes no ✓

Name source exchanged with:
twp. N/S, Rge E/W, B.M., Sec. , Sub. 1/4 1/4 County

Point of injection:
twp. N/S, Rge E/W, B.M., Sec. , Sub. 1/4 1/4 County

Point of exchange:
twp. N/S, Rge E/W, B.M., Sec. , Sub. 1/4 1/4 County

Total Q measured 0.43 cfs Method of measurement CALCULATION/OBSERVATION

Total Q recommended 0.13 Meter No. Type Condition

Total V recommended 23.7

Recommended Amendments:

P.D.
Place of Use
Other
None ✓

MEASUREMENT CALCULATION:
 $Q = 5hp (30\% \text{ EFF}) (8.8) / 4022 (1/4'') + 40' \text{ LIFT} = 0.27 \text{ cfs IRRIG}$
 $Q = 3hp (10\% \text{ EFF}) (8.8) / 4022 (1/4'') + 40' \text{ LIFT} = 0.16 \text{ cfs Dom}$
TOTAL .43 CAPACITY
 $V = 5 \text{ acres} (4.5 \text{ AF/Acre}) = 22.5 \text{ AF/Ann} + 1.2 \text{ AF/Ann} = 23.7 \text{ AF/Ann}$
 $V = 0.1 \text{ cfs} (1.98) (24.5 \text{ days/yr}) + 0.03 \text{ cfs} (1.98) (365 \text{ days/yr}) = 70.19 \text{ AF/Ann}$

SYSTEM DESCRIPTION:
2 PDS DIVERSION, 5hp for IRRIG., 3hp for Dom.
15 TURFID 7502

$Q \text{ for Irr} = \text{Allow } .02 \text{ cfs/AC } 5 \text{ AC} \times .02 = .10 \text{ cfs}$
 $Q \text{ for Dom} = \text{Allow } .03 \text{ cfs as per permit}$

REMARKS: TWO POINTS OF DIVERSION IN SAME QTR.

MICROFILMED

Inspector's Signature Charles A. Buzyn Date 1/16/80
Checked by DJS Date 1/30/80
Approved by Reup Date 5/8/81

December 14, 1976

Re: Permit No. 61-7104

Ernest W. Smisek
Star Route B, Box 1A
Mountain Home, Idaho 83647

Dear Mr. Smisek:

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

Before a license can be issued, a field examination must be made by a representative of this Department. We cannot tell during which part of the irrigation season this examination will be made, but our examiner will try to contact you at the time he makes the exam so that you may show him the system.

If you have any questions regarding the field examination, please contact our Regional Office in Boise.

Sincerely,

JANICE RENK
Water Rights Bureau

/jr

MICROFILMED

Identification No. _____

Permit No. 61-7104

RECEIVED

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

DEC 9 1976

PROOF OF APPLICATION OF WATER TO BENEFICIAL USE

Department of Water Resources

1. a) Name of Permit Holder ERNEST W OR LINDA R. SMISEK
- b) Post Office Address STAR RT. B Box 1A MT. HOME, ID 83647
2. Permit Number 61-7104
3. Date of Priority that you are prepared to establish 1-5-72
4. a) Source from which water was appropriated WELL
- b) Location of the point of diversion: NE 1/4 SE 1/4, Section 34
Township 3 S, Range 6 E Boise Meridian, Other points of diversion: _____

5. a) The amount of water and use to which the water has been applied:
Amount 0.1 for IRRIGATION purposes from 3-15 to 11-15 incl.
(cfs and/or acre-feet per annum) (Month-Day) (Month-Day)
Amount 0.03 for domestic purposes from 1-1 to 12-31 incl.
(cfs and/or acre-feet per annum) (Month-Day) (Month-Day)
Amount _____ for _____ purposes from _____ to _____ incl.
(cfs and/or acre-feet per annum) (Month-Day) (Month-Day)

b) Total amount appropriated 0.13 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: Amount of water determined by SPRINKLER OFFICES.

6. 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: None

b) Describe the agreement or understanding by which you take water from the works: SELF OWNED

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) 4" pump 3 horse power - MOTOR 3 HRS.

SIZE OF WELL 8" DEPTH OF WELL 200'

b) Describe the type and size of measuring device which you have installed at your point of diversion: None

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

HIDDLESTON WELL DRILLERS - MT. HOME, ID
3-22-71

8. If for other than irrigation, describe the beneficial use to which you have applied the water and the place of use:

3 ACRES

12/14/76

If you are irrigating 15 or more acres, please submit an aerial photo of the property with this affidavit.

9. Irrigation uses: describe the lands irrigated by giving the acreages irrigated within each 40-acre subdivision.

T	R	SEC.	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
3S	6E	34				3													3

Total number of acres irrigated 3

10. Remarks:

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

12/6/76
(Date)

A. Ernest W. Smith
(Signature)

State of IDAH0)
County of ELMORE) ss.

On this 6 day of ~~Dec~~ DEC, 19 76, personally appeared before me the signer(s) of the above instrument, who duly acknowledged to me that he (she) (they) executed the same.

James K. Wells
Notary Public residing at 77th Ave, SE #3647

My commission expires 25 Aug 81

November 30, 1976

CERTIFIED MAIL

138110

Re: Permit No. 61-7104

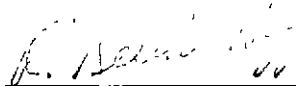
Ernest W. Smisek
Star Route, Box 1A
Mountain Home, Idaho 83647

Dear Mr. Smisek:

One of the conditions of approval of your water Permit No. 61-7104 (see last page of your approved permit) was that evidence of the extent of development be submitted as proof of application of water to beneficial use to this office on or before February 1, 1977. Enclosed is an affidavit form which must be used to submit the required proof of beneficial use.

If you have not fully completed your project, and you have not previously received an extension of time, you may request an extension of time provided the delay is for reasonable cause as indicated in Section 42-204, Idaho Code, amended. If you have been prevented from proceeding by a governmental agency or by litigation, more than one extension of time can be granted.

Either the beneficial use affidavit or a request for an extension of time must be received by this Department on or before the above mentioned date, otherwise the permit will lapse and be of no further force or effect.



R. KEITH HIGGINSON
Director

RKH:jg
Enc: Proof affidavit



R. Keith Higginson
Director

Water Rights Administration
Water Resource Investigations
Dam and Reservoir Safety
Water Well Drilling
Flood Plain Management
Irrigation and
Flood Control Districts

STATE OF IDAHO

DEPARTMENT OF WATER ADMINISTRATION

Statehouse -- Annex 2
Boise, Idaho 83707
(208) 384-2215

February 23, 1972

Re: Permit No. 61-7104 - Ernest W. Smisek

Ernest W. Smisek
Star Route, Box 1A
Mountain Home, Idaho 83647

Dear Mr. Smisek:

Enclosed is a copy of your approved Application for Permit No. 61-7104. We direct your attention to the conditions of approval as listed on the fourth page.

Very truly yours,

BOBBY D. FLEENOR
Assistant Director

BDF:cr

Enclosure

61 7104

January 20, 1972

Re: Application No. 61-7104 - Ernest W. Smisek

Mountain Home News
P.O. Drawer 0
Mountain Home, Idaho 83647

Gentlemen:

Enclosed you will find a legal notice which we wish to have published once a week for two consecutive weekly issues of your newspaper. We have inserted the publication dates allowing ample time for you to submit us a galley proof for review before publication.

After sending us a galley proof, proceed with the publication on the dates we have inserted, assuming the notice is correct. If we have any corrections, we will notify you before the first publication. If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. In order to receive payment, the following certification must appear on the bill:

"I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

(signature of claimant)

Very truly yours,

61 7104

Fred Eisenbarth
Appropriation Examiner

FE:cr

Enc: Legal Notice

Not submitted to the court

NOTICE OF APPLICATION FOR WATER PERMIT

Notice is hereby given that Ernest W. Smith, Elm Route, Box 12, Mountain Home, Idaho has on Jan. 5, 1972, submitted Application No. 61-7104 for a permit to appropriate 13 cubic feet per second of water from a ground water source by means of pump, motor and sprinkler within the NE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 34, T. 2S, R. 6E, B. M., Elmore County to be used from Jan. 1, Dec. 31 for domestic purposes and from March 15-Nov. 15 for the irrigation of 5 acres, all within the NE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 34, T. 2S, R. 6E, 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 Administration, Statehouse, Boise, Idaho, 83707, on or before Feb. 14, 1972.

R. KEITH HIGGINSON
Director

Published in the Mountain Home News, Mountain Home, Idaho on Jan. 27, and Feb. 3,

61-7104

NOTICE OF APPLICATION FOR WATER PERMIT

Notice is hereby given that Ernest W. Smisek
Star Route, Box 1A, Mountain Home, Idaho
has on Jan. 5, 1972 submitted Application No. 61-7104
for a permit to appropriate .13 cubic feet per second ~~xxx feet per second~~
of water from a groundwater source
by means of pump, motor and sprinkler
within the NE¹SE¹, Sec. 34, T. 3S, R. 6E, B.M., Elmore County
to be used from Jan. 1 - Dec. 31 for domestic purposes and from March 15 - Nov. 15
for the irrigation of 5 acres, all
within the NE¹SE¹, Sec. 34, T. 3S, R. 6E, 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 Administration, Statehouse, Boise, Idaho, 83707, on or before Feb. 14, 1972.

R. KEITH HIGGINS

Director

61 7104

Published in the Mountain Home News, Mountain Home, Idaho
on Jan. 27 and Feb. 3, 1972.