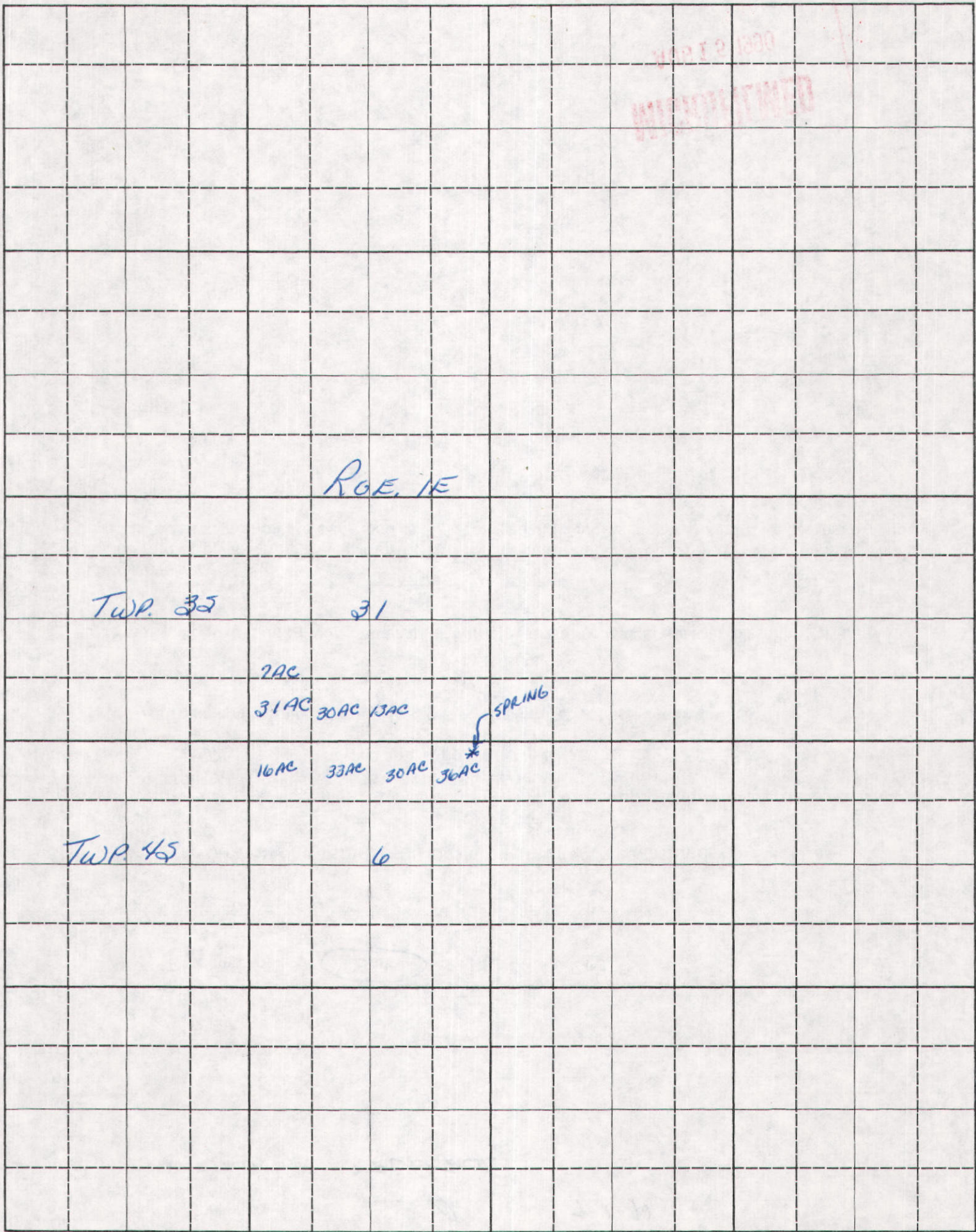


11. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



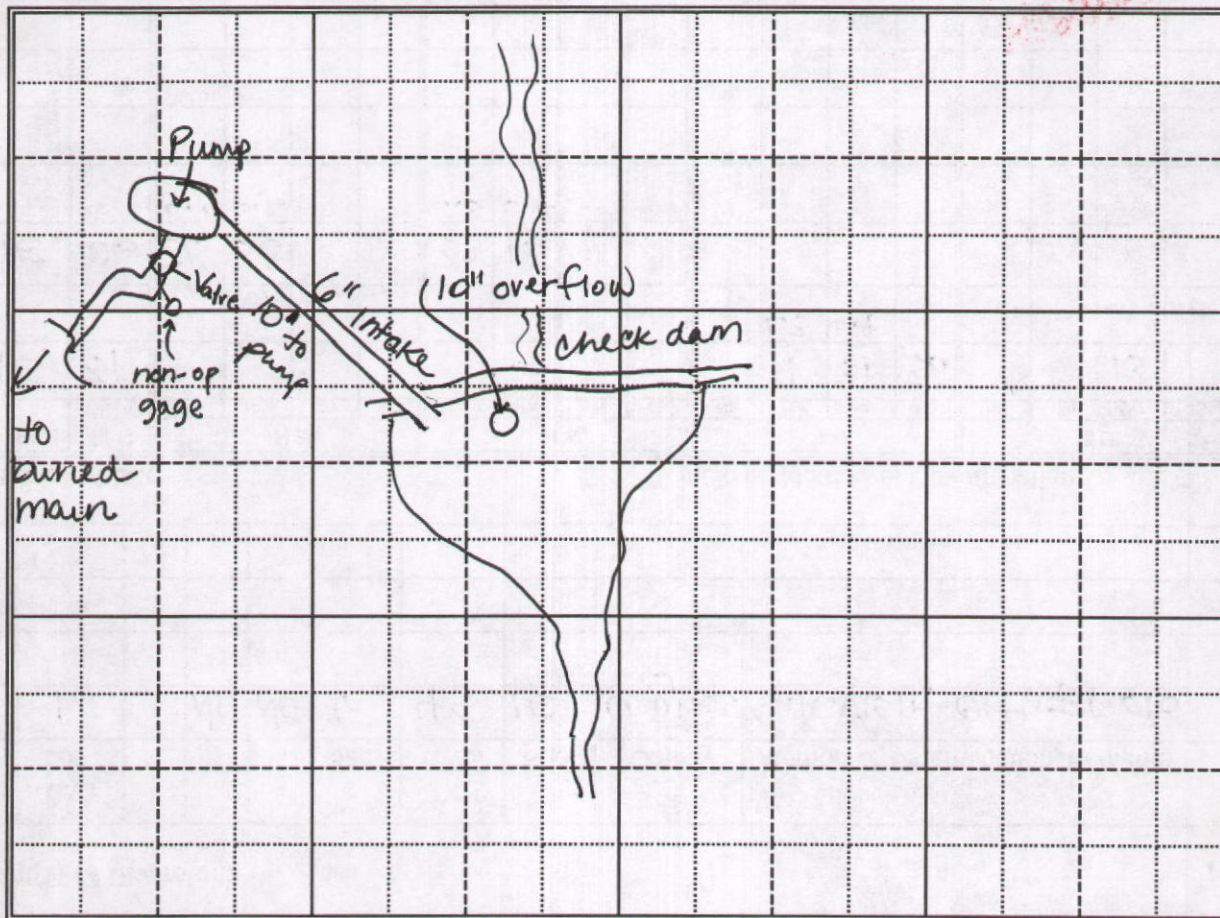
Scale: 2 inches equal 1 mile.

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.

**MICROFILMED**  
AUG 15 1990

Patricia A. Smith  
(Applicant)

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 |
|---------------------------------------|------------|----|------------------|---------------------|-----------------------------------|
|                                       | Century    | 20 | 6-324261-00      | unknown Centrifugal | 3"                                |
|                                       |            |    |                  |                     |                                   |
|                                       |            |    |                  |                     |                                   |

\*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 |
|-----------------------|------|-------|-----------|------------|------|-------------|
| Pygmy Meter           | AA   | Price |           | 090137     |      |             |
|                       |      |       |           |            |      |             |

2. Measurements: open ditch current meter

**RECEIVED**

JUL 26 1994

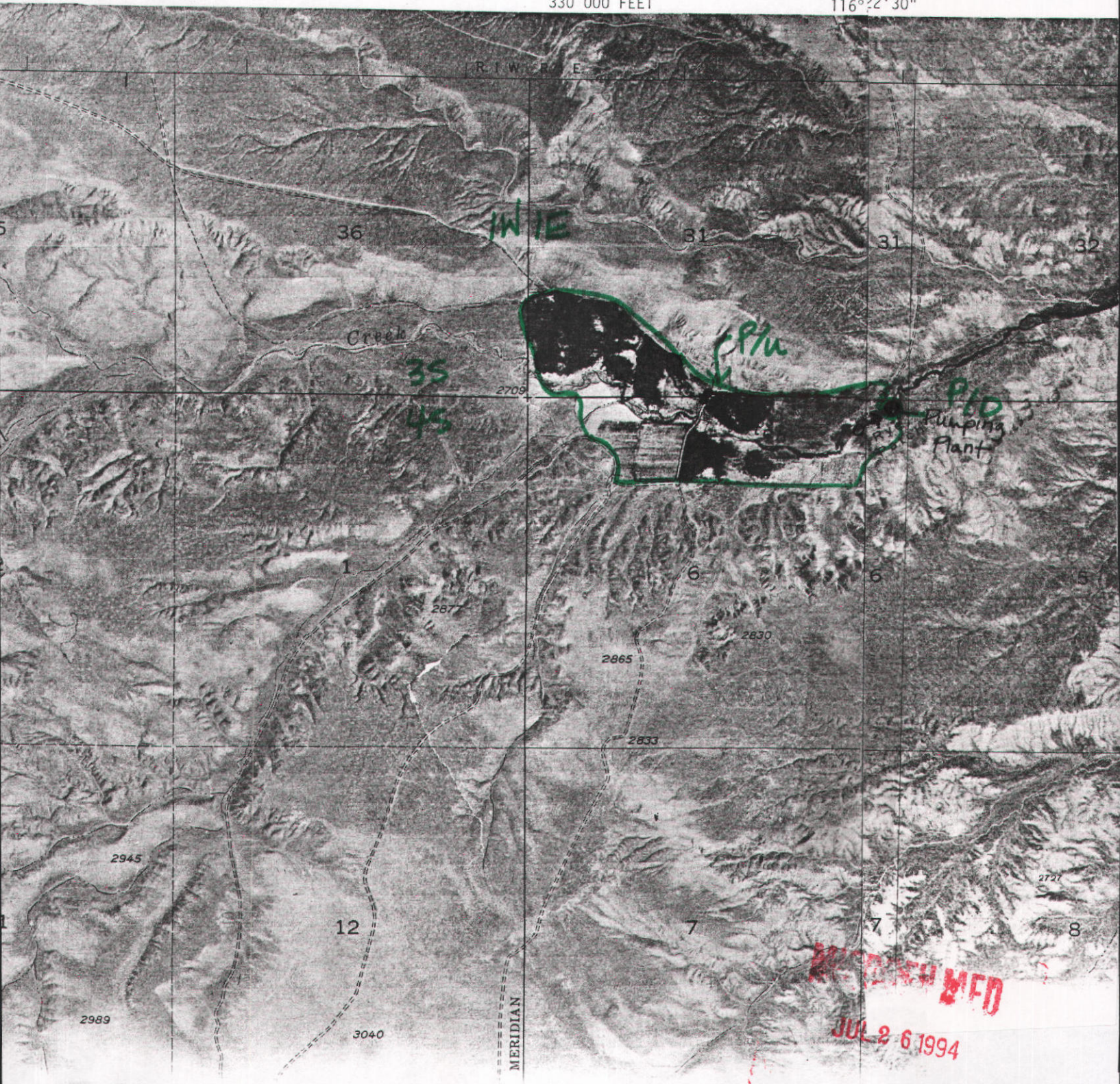
# RIW RIE

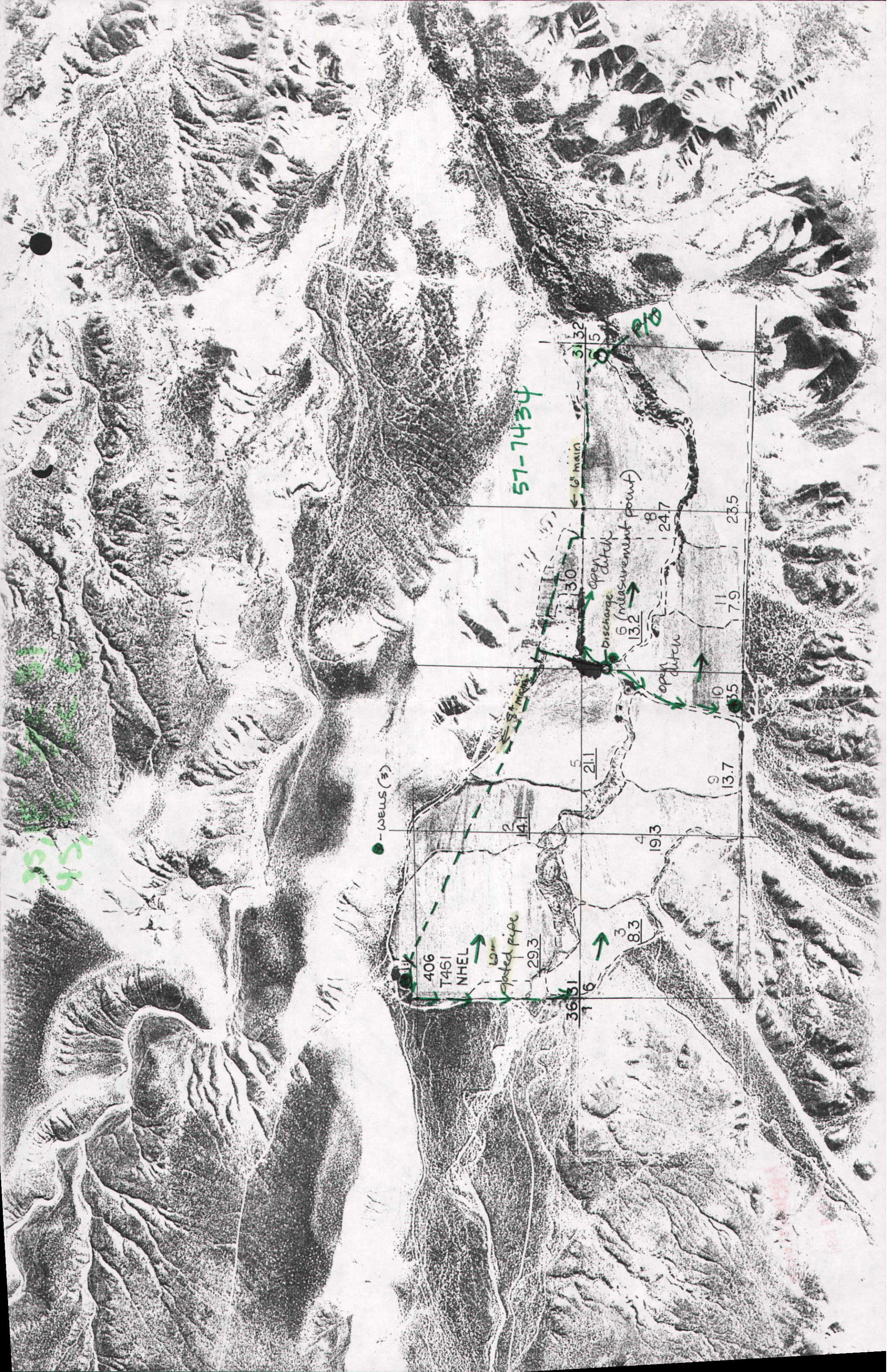
WATER RESOURCE

UNITED STATES  
OREANA ORTHOPHOTOQUAL DEPARTMENT OF THE INTER  
IDAHO GEOLOGICAL SURVEY

330 000 FEET

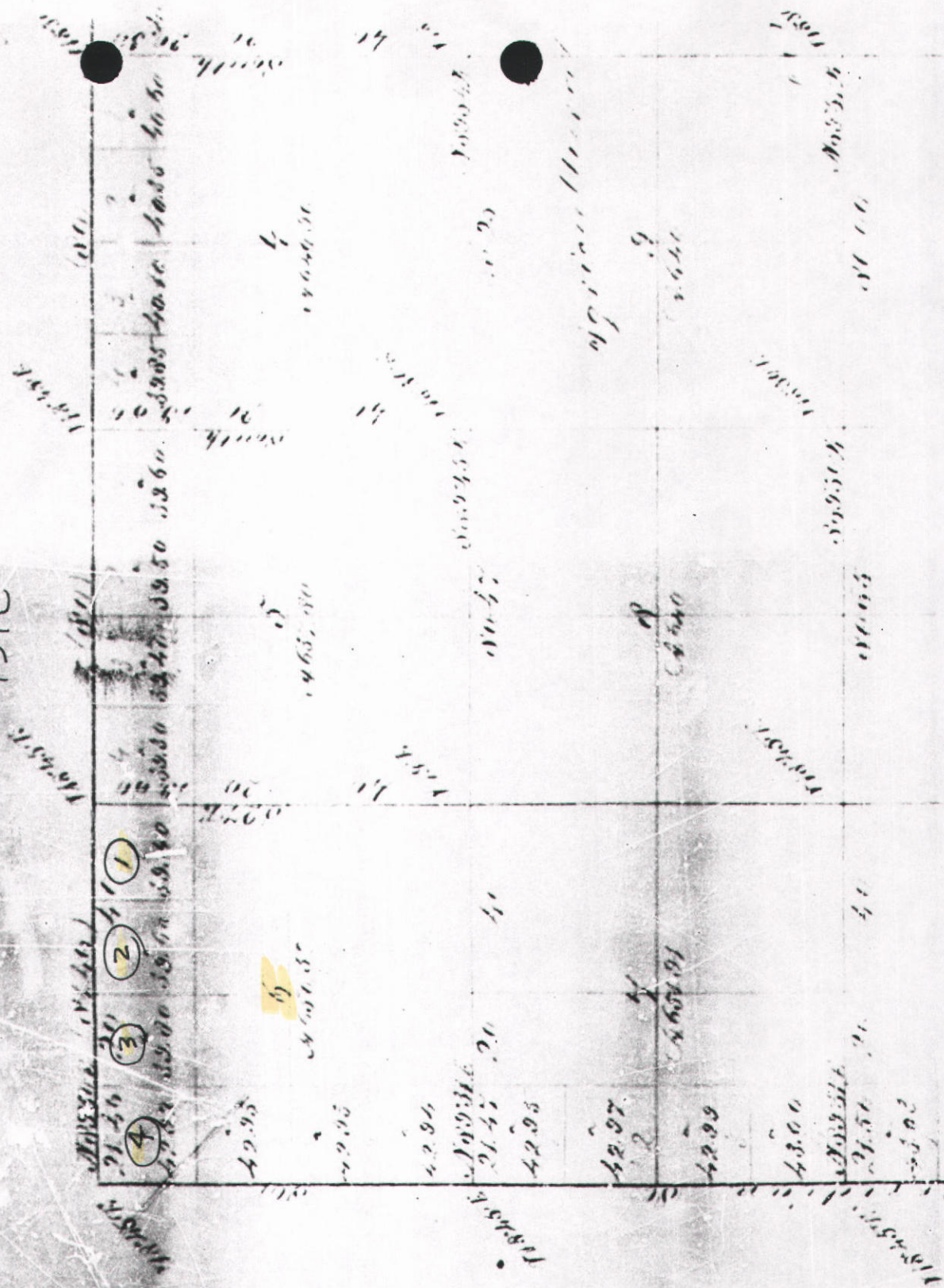
116°22'30"





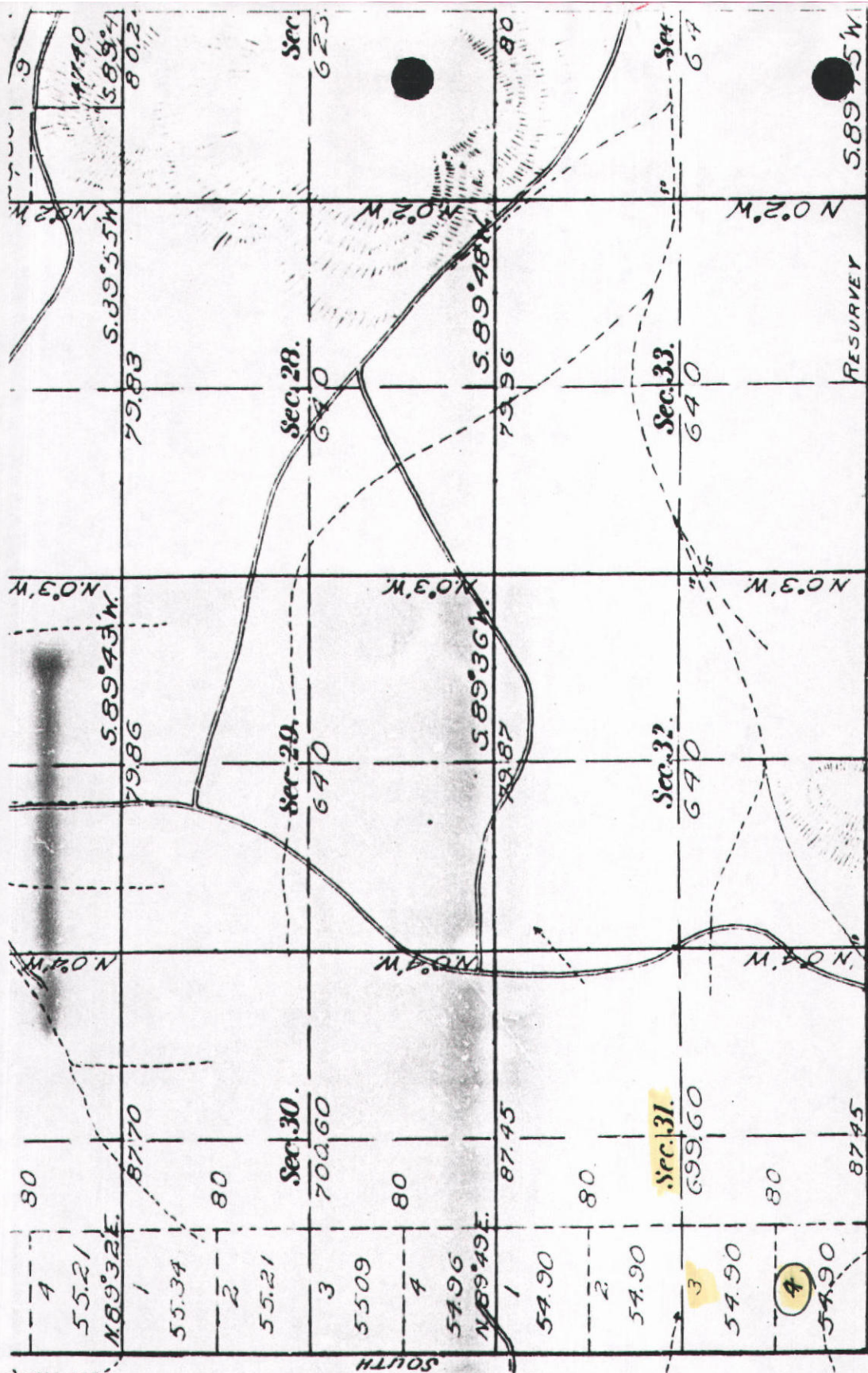
Township 44 S. Range 40 E.

451E



MICROFILMED

JUL 26 1994



Area of Watersurface 632.20 Acre of Public Land 22283994 Total number of Acres 222916.19

| Surveys Designated  | By Whom Surveyed    | Date of Contract  | Amount of Surveys<br>M. Ch. Lk. | When Surveyed              | Mean Declination |
|---------------------|---------------------|-------------------|---------------------------------|----------------------------|------------------|
| N. 30 and E.        |                     |                   |                                 |                            |                  |
| Township lines Res. | George W. Fenley    | 245 Nov. 19, 1903 | 12 13 81                        | Dec. 12, 1903 Jan. 2, 1904 |                  |
| Subdivisions        |                     |                   |                                 |                            |                  |
| Connections         | "                   | "                 | 59 64 40                        | Dec. 15, 1903, 1903        |                  |
| Meanders            | "                   | "                 | 15 34                           | Dec. 14-26, 1903           |                  |
| Meridian, Retr.     | "                   | "                 | 18 33 28                        | Dec. 28, 1903-Jan. 1, 1904 |                  |
| North bdy, Retr.    | "                   | "                 | 2 72 50                         | Dec. 24, 26, 1903          |                  |
| North boundary      | "                   | "                 | 1 30 39                         | Dec. 26, 1903 Jan. 2, 1904 |                  |
|                     | CG and DA Stevenson | 163 June 9, 1894  | 4 36 95                         | November 27, 1894          |                  |

BOISE

351E

JUL 26 1994

51-7434 g4



P/b & intake  
line from  
sump area



Portion of PM  
in NENW  
Sec 6 / SESW  
Sec 31

MIDLAND

JUL 26 1994



Discharge location  
& P/W in N $\frac{1}{2}$ NE  
Sec 6.

Also Shown is  
one wellhead  
used under  
57-2266.



Measurement  
point, in  
ditch above  
crossing.

MEASURED

JUL 26 1994

SD-0611-2 Basin: 57 Starting Water Right: 07434

| S           | O            | S                              |
|-------------|--------------|--------------------------------|
| E           | W            | Y                              |
| L           | N            | S                              |
| Water       | Priority     | Use                            |
| Right No.   | Date         | Desc                           |
| Name        | STS          | Source                         |
| Last, First |              |                                |
| 57-07434    | SMITH, WAYNE | C 06/29/1984 L/ UNNAMED STREAM |
|             |              | IRR STOCK                      |
|             |              | WR                             |

(GOLD6=Print Profile Rpt For All Rights/Claims on Screen)  
(Enter=Continue) (GOLD7=This Query) (GOLD8=Cancel) (Menu \_\_\_\_\_)

WR5747NP

IDAHO DEPARTMENT OF WATER RESOURCES  
WATER RIGHTS NUMBER INDEX

DATE: 06/29/98  
PAGE: 1

| WATER RIGHT<br>NUMBER | NAME          | CFS  |
|-----------------------|---------------|------|
| 57-07434              | SMITH , WAYNE | 0.48 |

MICROFILMED  
JUN 18 1998

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

**TRANSFER OF WATER RIGHT**

TRANSFER NO. 5075  
WATER RIGHT NO(S). 57-02266/57-07434

This is to certify that: **WAYNE SMITH**  
**RYE PATCH RANCH**  
**PO BOX 12**  
**MURPHY ID 83650**

has requested a change to the above captioned water right(s). This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code, provided the conditions listed below are met.

| <u>BENEFICIAL USE</u> | <u>PERIOD OF USE</u> | <u>DIVERSION RATE</u> | <u>ANNUAL VOLUME</u> |
|-----------------------|----------------------|-----------------------|----------------------|
| Right No. 57-02266 :  |                      |                       |                      |
| IRRIGATION            | 03/15 to 11/15       | 3.73 CFS              | 877.5 AF             |
| Priority: 12/13/1963  |                      |                       |                      |
| Right No. 57-07434 :  |                      |                       |                      |
| IRRIGATION            | 03/15 to 11/15       | 0.48 CFS              | 234.2 AF             |
| STOCKWATER            | 01/01 to 12/31       | 0.03 CFS              | 1.6 AF               |
| Priority: 06/29/1984  |                      |                       |                      |
|                       |                      | <u>0.48 CFS</u>       | <u>235.8 AF</u>      |
| <b>TOTAL:</b>         |                      | <b>* 3.93 CFS</b>     | <b>* 879.1 AF</b>    |

| <u>SOURCE</u>        | <u>TRIBUTARY</u> |
|----------------------|------------------|
| Right No. 57-02266 : |                  |
| GROUNDWATER          |                  |
| Right No. 57-07434 : |                  |
| UNNAMED STREAM       | FOSSIL CREEK     |

LOCATION OF POINT(S) OF DIVERSION:

Right No. 57-02266 :  
NWSW , Sec. 31, Township 03S, Range 01E  
NWNE , Sec. 6, Township 04S, Range 01E  
NENW , Sec. 6, Township 04S, Range 01E

Right No. 57-07434 :  
Lot 1( NENE), Sec. 6, Township 04S, Range 01E  
OWYHEE County

PLACE OF USE: IRRIGATION

| <u>TWN</u> | <u>RGE</u> | <u>SEC</u> | <u>ACRES</u>   | <u>ACRES</u>   | <u>ACRES</u>   | <u>TOTAL</u> |
|------------|------------|------------|----------------|----------------|----------------|--------------|
| 03S        | 01E        | 31         | Lot 4(SWSW) 49 | SESW 19        |                | 68           |
| 04S        | 01E        | 6          | Lot 1(NENE) 34 | Lot 2(NWNE) 37 | Lot 3(NENW) 35 | 127          |
|            |            |            | Lot 4(NWNW) 21 |                |                | 195          |

Total number of acres irrigated:

MICROFILMED

PLACE OF USE: STOCKWATER, same as IRRIGATION use

546 06 1998

TRANSFER NO. 5075  
WATER RIGHT NO(S). 57-02266/57-07434

CONDITIONS OF APPROVAL AND REMARKS

1. After specific notification by the department, the right holder shall install a suitable measuring device or shall enter into an agreement with the department to determine the amount of water diverted from power records and shall annually report the information to the department.
2. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the lands above.
3. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
4. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
5. Approval of Transfer 5075 does not grant any right-of-way or easement for use of a delivery system owned by person(s) other than the right owner.
- \* 6. Rights 57-02266 and 57-07434 when combined shall not exceed a total diversion rate of 3.93 cfs, a total annual maximum diversion volume of 879.1 af at the field headgate, the irrigation of 196.0 acres, and the authorized stockwater use.

Dated this 29<sup>th</sup> day of

June

, 1998



Chief, Water Allocation Bureau

MICROFILMED

2018 06 1998

## MEMORANDUM

**TO:** Files 57-02266 & 57-07434

**FROM:** Pam Skaggs<sup>es</sup>/State Office

**SUBJECT:** Transfer 5075

**DATE:** June 26, 1998

---

Transfer 5075 changes the place of use and reduces total irrigated acres by one (1) under Rights 57-02266 and 57-07434. 20 acres are being moved from land owned by BLM to the applicant's private land. BLM has agreed to the transfer as a correction to move all the irrigated acres from their land. There is a separate agreement authorizing use of a well located on BLM land.

The new place of use reduces the total irrigation by one (1) acre and the diversion volume has been adjusted to reflect the change. The rights when combined shall not exceed the standard irrigation limits for rate and volume for 195 0 acres plus the stockwater use under Right 57-07434 ✓

Recommended conditions include future measuring devices & reporting, right-of-way, combined limits, irrigation overlap and standard transfer conditions.

MICHAEL

JUN 30 1998

State of Idaho  
Department of Water Resources

# WATER RIGHT LICENSE

WATER RIGHT NO. 57-07434

Priority: June 29, 1984

Maximum Diversion Rate: 0.48 CFS  
Maximum Diversion Volume: 235.8 AF

This is to certify, that WAYNE F SMITH  
PATRICIA A SMITH

PO BOX 12  
RYE PATCH RANCH  
MURPHY ID 83650

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated June 29, 1984; and has submitted Proof of Beneficial Use on August 22, 1991. An examination indicates that the works have a diversion capacity of .480 cfs of water from:

UNNAMED STREAM tributary to FOSSIL CREEK

source, and a water right has been established as follows:

| <u>BENEFICIAL USE</u> | <u>PERIOD OF USE</u> | <u>RATE OF DIVERSION</u> | <u>ANNUAL VOLUME</u> |
|-----------------------|----------------------|--------------------------|----------------------|
| IRRIGATION            | 03/15 to 11/15       | 0.48 CFS                 | 234.2 AF             |
| STOCKWATER            | 01/01 to 12/31       | 0.03 CFS                 | 1.6 AF               |
|                       | Totals               | 0.48 CFS                 | 235.8 AF             |

LOCATION OF POINT(S) OF DIVERSION: Lot 1( NENE), Sec. 6, Township 04S, Range 01E  
OWYHEE County

PLACE OF USE: IRRIGATION

| <u>TWN</u> | <u>RGE</u> | <u>SEC</u> | <u>ACRES</u>   | <u>ACRES</u>   | <u>ACRES</u>   | <u>TOTAL</u> |
|------------|------------|------------|----------------|----------------|----------------|--------------|
| 03S        | 01E        | 31         | Lot 3(NWSW) 7  | Lot 4(SWSW) 31 | SESW 30        | 81           |
|            |            |            | SWSE 13        |                |                |              |
| 04S        | 01E        | 6          | Lot 1(NENE) 36 | Lot 2(NWNE) 30 | Lot 3(NENW) 33 | 115          |
|            |            |            | Lot 4(NWNW) 16 |                |                |              |

Total number of acres irrigated 196

PLACE OF USE:

STOCKWATER, same as IRRIGATION use

JUL 26 1994

CONDITIONS/REMARKS:

1. The maximum diversion volume is defined as the maximum allowable volume of water that may be diverted annually from the source under this right. The use of water confirmed by this right is limited to the amount that can actually be beneficially used. The maximum diversion volume may be adjusted to more accurately describe the beneficial use or to implement accepted standards of diversion and use efficiency.
2. This water right is appurtenant to the described place of use.
3. This right is subject to all prior water rights and may be forfeited by five years of non-use.

State of Idaho  
Department of Water Resources

# WATER RIGHT LICENSE

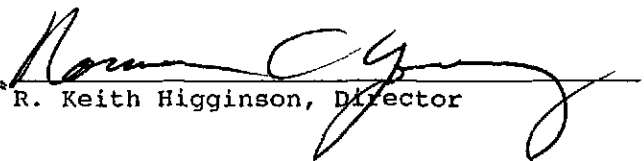
WATER RIGHT NO. 57-07434

CONDITIONS/REMARKS:

4. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
5. This right when combined with Right 57-02266 shall provide no more than .02 cfs per acre nor more than 4.5 afa per acre for the lands above.
6. Stockwater use is for 120 range cattle.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code, Witness the seal and signature of the Director, affixed at Boise, this 15<sup>TH</sup> day of July, 1994.

Acting for

  
R. Keith Higginson, Director

JUL 26 1994

**RECEIVED**

AUG 22 1991

## STATE OF IDAHO

## DEPARTMENT OF WATER RESOURCES

For Office Use Only  
 Amt of Fee \$100  
 Date 8-22-91  
 Received 0013209  
 Received 706

AUG 26 1991

Department of Water Resources  
 Western Regional Office

**PROOF OF BENEFICIAL USE**

Department of Water Resources

The Idaho Department of Water Resources will consider this form as 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 or a completed field examination report prepared by a certified water right examiner who has been appointed by the department

- 1 Permit No 57-07434 Telephone No. 834-2409
- 2 Name(s) of Permit Holder(s) Wayne F. Patricia A. Smith
- 3 Post Office Address Box 12 Rye Patch Ranch Murphy Id 83650
- 4 Source of Water Spring
- a If ground water, well driller's name \_\_\_\_\_ Date drilled: \_\_\_\_\_
- b Pump horsepower \_\_\_\_\_ Pressure (psi) \_\_\_\_\_ Dynamic pumping level (ft) \_\_\_\_\_
- 5 Extent of Use:

Domestic \_\_\_\_\_ (No. of households)

Irrigation 140 feet (No. of acres) for use on 300<sup>±</sup>Stockwater 60 Beef Cows + calves (No and type of stock)

Other \_\_\_\_\_

- 6 Total rate and/or volume for which proof is submitted 10 cfs \_\_\_\_\_ acre/feet

- 7 Refer to the approval conditions on your permit and respond accordingly:

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

OR

Flow Measurement Port: Required? Yes ☒ No ☐ Installed? Yes ☐ No ☐

- 8 Fee Enclosed: \$ 100.00 (See License Examination Fee Schedule)

- 9 Person to contact to accompany the Department representative during the field examination:

Wayne F. Smith 834-2409  
 Name Telephone No

Box 12 Murphy Id. 83650  
 Address

- 10 The above information is my true statement of the extent to which the above numbered permit has been developed and I relinquish any undeveloped portion of the permit to the state of Idaho

Aug 10 1991  
 Date

Wayne F. Smith  
 Signature (and title if on behalf of a company or organization)

NOV 19 1991

State of Idaho  
Department of Water Resources  
**Permit To Appropriate Water**

NO. 57-07434

Proposed Priority: June 29, 1984      Maximum Diversion Rate: 1.00 CFS

This is to certify, that **WAYNE F. SMITH**  
**PATRICIA A. SMITH**  
P.O. BOX 12  
RYE PATCH RANCH  
MURPHY, ID 83650

has applied for a permit to appropriate water from:

**SPRING**

tributary of **FOSSIL 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> |
|-----------------------|----------------------|--------------------------|
| IRRIGATION            | 03/15 to 11/15       | 1.00 CFS                 |
| STOCKWATER            | 01/01 to 12/31       | 0.03 CFS                 |
|                       | Totals               | 1.00 CFS                 |

LOCATION OF POINT(S) OF DIVERSION:

NENE Sec. 6, Township 04S, Range 01E  
OWYHEE County

PLACE OF USE: IRRIGATION

| <u>TWN</u> | <u>RGE</u> | <u>SEC</u> | <u>ACRES</u> | <u>ACRES</u> | <u>ACRES</u> | <u>TOTAL</u> |
|------------|------------|------------|--------------|--------------|--------------|--------------|
| 03S        | 01E        | 31         | NWSW 7       | SWSW 31      | SESW 30      | 81           |
|            |            |            | SWSE 13      |              |              |              |
| 04S        | 01E        | 6          | NENE 36      | NWNE 30      | NENW 33      | 115          |
|            |            |            | NWNW 16      |              |              |              |

Total number of acres irrigated: 196

PLACE OF USE: STOCKWATER, same as IRRIGATION use

CONDITIONS/REMARKS:

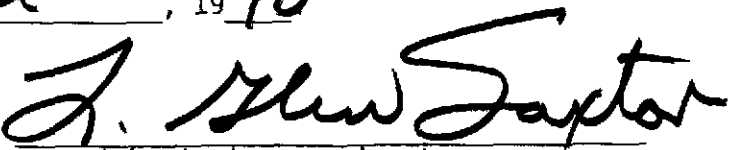
1. Proof of construction of works and application of water to beneficial use shall be submitted on or before **September 1, 1991**.
2. Subject to all prior water rights.
3. Stockwater use is for 120 cattle.

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

**13<sup>th</sup>** day of **August**, 19**90**

**MICROFILMED**

AUG 15 1990

*for*   
R. Keith Higginson, Director

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name of applicant WAYNE F. & OR PATRICIA A. SMITH Phone 834-2409  
Post office address Box 13, RYE PATCH RANCH, MURPHY, ID 83650  
2. Source of water supply SPRING which is a tributary of FOSSIL CREEK  
3. Location of point of diversion is NE  $\frac{1}{4}$  of NE  $\frac{1}{4}$  of Section 6 Township 4S  
Range 1E B.M. OWYHEE County, additional points of diversion if any: \_\_\_\_\_

4. Water will be used for the following purposes:

Amount 1.0 for IRRIGATION purposes from 3-15 to 11-15 (both dates inclusive)  
(cfs or acre-feet per annum)  
Amount .03 for STOCKWATER 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)

5. Total quantity to be appropriated:

a. 1.0 cubic feet per second and/or b. \_\_\_\_\_ acre-feet per annum.

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. 20 HP PUMP INTO PIPELINE  
TO TOP OF PROPERTY & IRRIGATION VIA GRAVITY FLOW.

b. Height of storage dam \_\_\_\_\_ feet, active reservoir capacity \_\_\_\_\_ acre-feet; total reservoir  
capacity \_\_\_\_\_ acre-feet, materials used in storage dam: \_\_\_\_\_

Period of year when water will be diverted to storage \_\_\_\_\_ to \_\_\_\_\_ inclusive.  
(Month/Day) (Month/Day)

c. Proposed well diameter is \_\_\_\_\_ inches; proposed depth of well is \_\_\_\_\_ feet.

7. Time required for the completion of the works and application of the water to the proposed beneficial  
use is 5 years (minimum 1 year - maximum 5 years).

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 NE  $\frac{1}{4}$  of Section 6 Township 4S  
Range 1E B.M.

(2) Amount of power to be generated: \_\_\_\_\_ horsepower under \_\_\_\_\_ feet of head.

(3) List number of each kind of livestock to be watered 60 HD COWS & CALVES

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

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

MICROFILMED

AUG 15 1990

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

[illegible]

Total number of acres to be irrigated 196

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

THIS WATER IS SUPPLEMENTAL TO LICENSE NO.  
57-2246.

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*

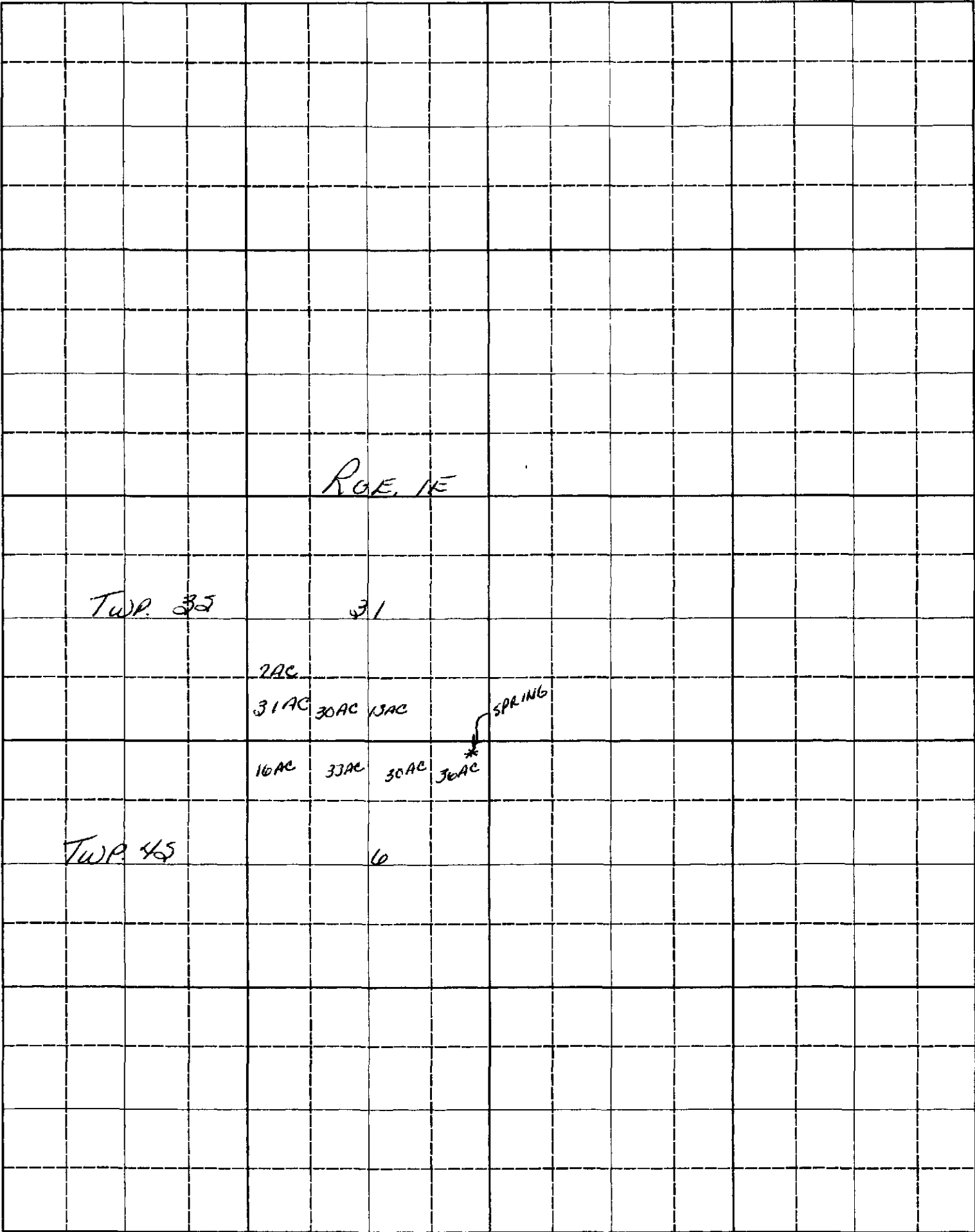
c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing

### 10. Remarks

# UNCLASSIFIED

AUG 15 1940

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.

**MICROFILMED**  
AUG 15 1990

Patricia A. Smith  
(Applicant)

Received by JG Date 6/29/84 Time 3:00 P.M.  
Preliminary check by JG Fee \$ 45.00  
Receipted by JG Date 6/29/84 # 34506  
Publication prepared by JP Date 7/5/84  
Published in Owyhee Nugget  
Publication dates 6/20 & 6/27/90  
Publication approved AI Date 7-2-90  
Protests filed by: none  
  
Copies of protests forwarded by \_\_\_\_\_  
Hearing held by \_\_\_\_\_ Date \_\_\_\_\_  
Recommended for approval denial by DR

**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. \_\_\_\_\_, and said application is hereby \_\_\_\_\_.

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 \_\_\_\_\_, 19 \_\_\_\_.
- c. The rate of diversion, if water is to be used for irrigation under this permit, when combined with all other water rights for the same land shall not exceed 0.02 cubic feet per second for each acre of land.
- d. Other:

**MICROFILMED**  
AUG 15 1990



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

June 30, 1998

PHILIP E. BATT  
GOVERNOR

KARL J. DREHER  
DIRECTOR

WAYNE SMITH-  
RYE PATCH RANCH  
PO BOX 12  
MURPHY ID 83650

RE: Water Rights 57-02266/57-07434 (Transfer 5075)

Dear Mr. Smith:

Enclosed is the copy of your approved Transfer of Water Right for the above referenced water rights (Transfer 5075). Please be sure to thoroughly read the Conditions and Remarks listed on the transfer. Also, please be advised that the accompanying transfer approval should be considered and treated as a **preliminary order** of the department issued pursuant to section 67-5243, Idaho Code. Enclosed are instructions for responding to **Preliminary Orders** if you are in disagreement with the approved transfer.

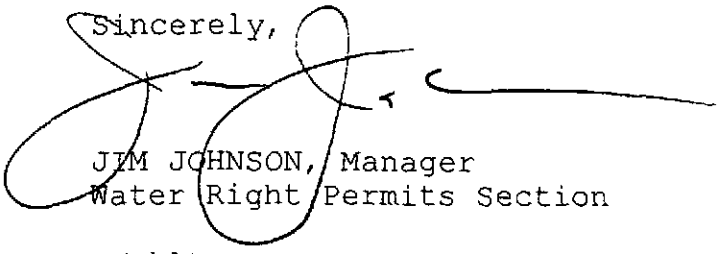
As of July 1, 1996, all water right owners are required to report any change in water right ownership and any change of mailing address to the department.

If you have acquired any other water right or have changed your mailing address **PRIOR TO** July 1, 1996, you have until July 30, 1998, to record the ownership and/or address change with the department.

If you acquired other water rights or changed your mailing address **AFTER** July 1, 1996, you must notify the department within 120 days of the change.

Failure to report these changes in a timely manner could result in a \$100 late filing fee. You can contact any office of the department for more information. If you have any questions concerning your water right listed above you can contact me at (208) 327-7947.

Sincerely,

  
JIM JOHNSON, Manager  
Water Right Permits Section

JJ:klt  
Enclosures

MICROFILMED  
AUG 06 1998

CERTIFICATE OF MAILING

I hereby certify that on the 30th day of June, 1998, I mailed a true and correct copy, postage prepaid, of the foregoing TRANSFER APPROVAL to the person(s) listed below:

WATER RIGHTS 57-02266/57-07434 (Transfer 5075)

WAYNE SMITH  
RYE PATCH RANCH  
PO BOX 12  
MURPHY ID 83650

  
Kari Lynn Townsend  
Secretary

RECEIVED  
JUN 30 1998

## **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.

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### 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.

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AUG 06 1998



State of Idaho

**DEPARTMENT OF WATER RESOURCES**

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

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

CECIL D. ANDRUS  
GOVERNOR

R. KEITH HIGGINSON  
DIRECTOR

July 18, 1994

WAYNE F SMITH  
PATRICIA A SMITH  
PO BOX 12  
RYE PATCH RANCH  
MURPHY ID 83650

RE: WATER RIGHT NO. 57-07434

Dear Water Right Holder(s):

Enclosed herewith is a copy of the Water Right License issued on the above referenced permit. If you have any questions, please contact me within 10 days of receipt of this license.

Sincerely,

JIM JOHNSON, Manager  
Water Right Permits Section

JJ:dc

Enclosure

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0749NP  
. L57-07434

IDAHO DEPARTMENT OF WATER RESOURCES  
WATER RIGHT PROFILE REPORT

DATE: 06/27/94  
PAGE: 1

| OWNER<br>CODE    | NAME & ADDRESS                                                                     | PRIORITY<br>DATE | WATER USE                | USE PERIOD<br>FROM TO      | DIVERSION<br>RATE    | DIVERSION<br>VOLUME    |
|------------------|------------------------------------------------------------------------------------|------------------|--------------------------|----------------------------|----------------------|------------------------|
| C                | WAYNE F SMITH<br>PO BOX 12<br>RYE PATCH RANCH<br>MURPHY ID 83650<br>(208) 834-2409 | 06/29/1984       | IRRIGATION<br>STOCKWATER | 03-15 11-15<br>01-01 12-31 | 0.48 CFS<br>0.03 CFS | 234.20 AFA<br>1.60 AFA |
| TOTAL DIVERSION: |                                                                                    |                  |                          |                            | 0.48 CFS             | 235.80 AFA             |

C PATRICIA A SMITH

Water Source: UNNAMED STREAM

Tributary to: FOSSIL CREEK

Stage: LICENSE

Point(s) of Diversion Capacity: 0.48 CFS

Point(s) of Diversion: T04S R01E S06 Lot 01( NENE)

OWYHEE County

Place of use Legal Description for: IRRIGATION

|     |     |    |   | NE    |    |       |    | NW |    |       |    | SW    |    |    |    | SE |    |    |    |             |       |
|-----|-----|----|---|-------|----|-------|----|----|----|-------|----|-------|----|----|----|----|----|----|----|-------------|-------|
| T   | R   | S  | : | Lt    | Ac | Lt    | Ac | Lt | Ac | Lt    | Ac | Lt    | Ac | Lt | Ac | Lt | Ac | Lt | Ac | :           | SUM   |
| 03S | 01E | 31 | : |       |    |       |    |    |    |       |    |       |    |    |    |    |    |    |    | :           |       |
| 04S | 01E | 6  | : | 01-36 |    | 02-30 |    |    |    | 03-33 |    | 04-16 |    |    |    |    |    |    |    | :           |       |
|     |     |    |   |       |    |       |    |    |    |       |    |       |    |    |    |    |    |    |    | TOTAL ACRES | 196.0 |

Place of use location for STOCKWATER is the same location as described for: IRRIGATION

Pou County: OWYHEE

Other Rights: 57-2266

Other Water Rights Listing Overlapping Place(s) of use:  
57-02266 57-07434

Remarks: This right when combined with Right 57-02266 shall provide  
no more than .02 cfs per acre nor more than 4.5 afa per acre  
for the lands above.  
Stockwater use is for 120 range cattle.

Dates: App. Received: 06/29/1984 Priority Date: 06/29/1984  
Proof Due Date: 09/01/1991 Proof Made Date: 08/22/1991  
Exam Made Date: 06/18/1993 Exam Sent to S.O.: 08/17/1993  
Licensed Date:

Misc: Water District Number: Field Exam Fee: R (Received)

Comments: Date: 06/27/1994 User-ID: BCHAPMAN Subject: SUPPLEMENTAL RIGHT  
This right is supplemental to the primary groundwater right

WR0749NP  
No. L57-07434

IDAHO DEPARTMENT OF WATER RESOURCES  
WATER RIGHT PROFILE REPORT

DATE: 06/27/94  
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=====  
Comments: Date: 06/27/1994 User-ID: BCHAPMAN Subject: SUPPLEMENTAL RIGHT  
This right is supplemental to the primary groundwater right  
57-02266.

Audit: 06/27/94 BCHAPMAN

(WATER RIGHT NUMBERS THAT BEGIN WITH AN '\*' ARE ADJUDICATION CLAIMS)

| WR-NUMBER | SOURCE                       | NE |    |    |    | NW |    |    |    | SW    |       |    |    | SE |    |    |    | SUM |
|-----------|------------------------------|----|----|----|----|----|----|----|----|-------|-------|----|----|----|----|----|----|-----|
|           |                              | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac | Lt    | Ac    | Lt | Ac | Lt | Ac | Lt | Ac |     |
| L5707434  | T03S R01E S31 UNNAMED STREAM |    |    |    |    |    |    |    |    |       |       |    |    |    |    |    |    |     |
|           | :                            |    |    |    |    |    |    |    |    | 03-07 | 04-31 | 30 | :  |    |    | 13 | :  | 81  |
| 5702266   | GROUNDWATE :                 |    |    |    |    |    |    |    |    | 07    | 31    | 30 | :  |    |    | 13 | :  | 81  |
| *5702266  | GROUNDWATE :                 |    |    |    |    |    |    |    |    | 07    | 31    | 30 | :  |    |    | 13 | :  | 81  |
| A5702266  | GROUNDWATE :                 |    |    |    |    |    |    |    |    | 07    | 31    | 30 | :  |    |    | 13 | :  | 81  |
| 5707434   | SPRING :                     |    |    |    |    |    |    |    |    | 07    | 31    | 30 | :  |    |    | 13 | :  | 81  |
| L5707434  | T04S R01E S 6 UNNAMED STREAM |    |    |    |    |    |    |    |    |       |       |    |    |    |    |    |    |     |
|           | : 01-36 02-30                |    |    |    |    |    |    |    |    | 03-33 | 04-16 |    | :  |    |    |    |    | 115 |
| 5702266   | GROUNDWATE :                 | 36 | 30 |    |    | 33 | 16 |    |    |       |       |    | :  |    |    |    |    | 115 |
| *5702266  | GROUNDWATE :                 | 36 | 30 |    |    | 33 | 16 |    |    |       |       |    | :  |    |    |    |    | 115 |
| A5702266  | GROUNDWATE :                 | 36 | 30 |    |    | 33 | 16 |    |    |       |       |    | :  |    |    |    |    | 115 |
| 5707434   | SPRING :                     | 36 | 30 |    |    | 33 | 16 |    |    |       |       |    | :  |    |    |    |    | 115 |

\* Different source / same acres.

POU COMPARISON

WR5809NP  
No. 57-02266

IDAHO DEPARTMENT OF WATER RESOURCES  
WATER RIGHT PROFILE REPORT

DATE: 06/27/94  
PAGE: 1

| OWNER<br>CODE    | NAME & ADDRESS                    | PRIORITY<br>DATE | WATER USE  | USE PERIOD<br>FROM TO | DIVERSION<br>RATE | DIVERSION<br>VOLUME |
|------------------|-----------------------------------|------------------|------------|-----------------------|-------------------|---------------------|
| C                | WAYNE F. SMITH<br>OREANA ID 83659 | 12/13/1963       | IRRIGATION | 04-01 10-31           | 3.73 CFS          | 975.00 AFA          |
| TOTAL DIVERSION: |                                   |                  |            |                       | 3.73 CFS          | 975.00 AFA          |

Water Source: GROUNDWATER

Tributary to:

Stage: LICENSE

|                        |                                |              |      |                                |
|------------------------|--------------------------------|--------------|------|--------------------------------|
| Point(s) of Diversion: | T03S R01E S31<br>T04S R01E S06 | NWSW<br>NWNE | NENW | OWYHEE County<br>OWYHEE County |
|------------------------|--------------------------------|--------------|------|--------------------------------|

Place of use Legal Description for: IRRIGATION

|     |     |    |   | NE |    |    |    | NW |    |    |    | SW |    |    |    | SE |    |    |    |             |       |
|-----|-----|----|---|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|-------------|-------|
| T   | R   | S  | : | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac | :           | SUM   |
| 03S | 01E | 31 | : |    |    |    |    |    |    |    |    |    |    | 07 | 31 | 30 |    |    |    | 13          | 81.0  |
| 04S | 01E | 6  | : | 36 |    | 30 |    |    |    | 33 | 16 |    |    |    |    |    |    |    |    |             | 115.0 |
|     |     |    |   |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    | TOTAL ACRES | 196.0 |

Pou County: OWYHEE

Other Water Rights Listing Overlapping Place(s) of use:  
57-07434

Remarks: AC. IRR.=195.

|        |                 |                    |            |
|--------|-----------------|--------------------|------------|
| Dates: | App. Received:  | Priority Date:     | 12/13/1963 |
|        | Proof Due Date: | Proof Made Date:   |            |
|        | Exam Made Date: | Exam Sent to S.O.: |            |
|        | Licensed Date:  | 06/07/1979         |            |

Misc: Water District Number: Field Exam Fee:

Audit: 02/20/85 05/01/88 CONVERT

# LICENSE REVIEW CHECKLIST



PERMIT NO. 57-7434 DATE 6-27-94

|                                                                            |                                                                                                                                                        |                                     |                                                                                                                                         |                                     |                                                                   |
|----------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------|-------------------------------------------------------------------|
| NAME                                                                       | Yes                                                                                                                                                    | No                                  | <input type="checkbox"/>                                                                                                                | <input checked="" type="checkbox"/> | Or Address Change? <u>Can't drop Patricia without assignment.</u> |
| PRIORITY DATE                                                              | <input type="checkbox"/>                                                                                                                               | <input checked="" type="checkbox"/> | Advance? <u>Advanced to:</u><br>Order to reinstate needed? <u>                    </u><br>Incorrect fee for rate recommended? <u>NO</u> |                                     |                                                                   |
| SOURCE                                                                     | <input checked="" type="checkbox"/>                                                                                                                    | <input type="checkbox"/>            | Changes or just clarification of originally intended source? <u>Unnamed Stream</u><br>Notice of Intent to Void necessary? <u>NO</u>     |                                     |                                                                   |
| POINT OF DIV                                                               | <input type="checkbox"/>                                                                                                                               | <input checked="" type="checkbox"/> | Amendment needed? <u>Add Gov LOT # 1</u>                                                                                                |                                     |                                                                   |
| PLACE OF USE                                                               | <input checked="" type="checkbox"/>                                                                                                                    | <input checked="" type="checkbox"/> | Overlaps? <u>                    </u>                                                                                                   |                                     |                                                                   |
| DIV RATE                                                                   | <input type="checkbox"/>                                                                                                                               | <input checked="" type="checkbox"/> | Amendment needed? <u>Add Gov lots</u>                                                                                                   |                                     |                                                                   |
| IRR allowable 3.92 (at .02 per acre)                                       | <input type="checkbox"/>                                                                                                                               | <input checked="" type="checkbox"/> | Overlaps? <u>57-2266/gw - same acre / 3.73 CFS</u><br><u>975 af</u>                                                                     |                                     |                                                                   |
| 57-2266 3.73                                                               | Measurement Q = <u>.48</u> Theoretical Q = <u>                    </u>                                                                                 |                                     |                                                                                                                                         |                                     |                                                                   |
| Need .19 CFS                                                               | <u>196 x .02 = 3.92</u><br><u>120 head = .03</u>                                                                                                       |                                     |                                                                                                                                         |                                     |                                                                   |
| ANNUAL VOLUME                                                              | Capacity: <u>.48</u> Combined rates exceed capacity <u>NO</u><br>Permit/fee limits: <u>1.0 CFS</u> Allowable: <u>But exceeds allowable - condition</u> |                                     |                                                                                                                                         |                                     |                                                                   |
|                                                                            | Season of use: <u>D/4.5 3/15 - 11/15</u>                                                                                                               |                                     |                                                                                                                                         |                                     |                                                                   |
|                                                                            | Calculations: <u>196 x 4.5 = 882 af</u><br><u>120 head = 1.6 af</u>                                                                                    |                                     |                                                                                                                                         |                                     |                                                                   |
|                                                                            | Flow limit: <u>.48</u> cfs x <u>246</u> x <u>1.9835</u> = <u>234.2</u>                                                                                 |                                     |                                                                                                                                         |                                     |                                                                   |
|                                                                            | Combined volumes exceed capacity/allowable <u>Condition</u>                                                                                            |                                     |                                                                                                                                         |                                     |                                                                   |
| USES                                                                       | <input type="checkbox"/>                                                                                                                               | <input checked="" type="checkbox"/> | Change in Nature of Use or additional uses? <u>                    </u><br>Amendment necessary? <u>                    </u>             |                                     |                                                                   |
| REMARKS                                                                    | <input type="checkbox"/>                                                                                                                               | <input checked="" type="checkbox"/> | Multiple p/d(s) in 1/4 1/4? <u>                    </u><br><u>034</u> Other <u>.02 CFS / 4.5 per acre</u>                               |                                     |                                                                   |
| CONDITIONS                                                                 | <input type="checkbox"/>                                                                                                                               | <input checked="" type="checkbox"/> | Measuring/Locking Devices <u>                    </u>                                                                                   |                                     |                                                                   |
|                                                                            | <input type="checkbox"/>                                                                                                                               | <input checked="" type="checkbox"/> | Watermaster control - District <u>                    </u>                                                                              |                                     |                                                                   |
|                                                                            | <input type="checkbox"/>                                                                                                                               | <input checked="" type="checkbox"/> | Irrigation Overlap <u>                    </u>                                                                                          |                                     |                                                                   |
|                                                                            | <input type="checkbox"/>                                                                                                                               | <input checked="" type="checkbox"/> | Water Quality <u>                    </u>                                                                                               |                                     |                                                                   |
|                                                                            | <input type="checkbox"/>                                                                                                                               | <input checked="" type="checkbox"/> | Other <u>                    </u>                                                                                                       |                                     |                                                                   |
| COMMENTS: <u>(Supplemental to 57-2266)</u> <u>Reduce rate to capacity.</u> |                                                                                                                                                        |                                     |                                                                                                                                         |                                     |                                                                   |

|                   |            |              |                                                    |
|-------------------|------------|--------------|----------------------------------------------------|
| RECOMMENDED       | CFS        | VOLUME       | LICENSE <input checked="" type="checkbox"/>        |
| <u>Irrigation</u> | <u>.48</u> | <u>234.2</u> |                                                    |
| <u>Stockwater</u> | <u>.03</u> | <u>1.6</u>   | 1ST AMENDMENT LETTER <u>                    </u>   |
| <u>TOTAL</u>      | <u>.48</u> | <u>235.8</u> | FINAL AMENDMENT LETTER <u>                    </u> |

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
**BENEFICIAL USE FIELD REPORT**

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Department of Water Resources

**A. GENERAL INFORMATION** Note: Drop Patricia

Permit No. 57-7434

1. Owner: Wayne ~~Smith~~ Smith

Phone No. 834 2409

Current Address: Bx 12 Murphy ID 83650

2. Accompanied by: Wayne

EXAM DATE: 6/18/93

Address: \_\_\_\_\_

Phone No. \_\_\_\_\_

Relationship to Permit Holder: \_\_\_\_\_

3. Source: \* Unnamed Stream tributary to Fossil Creek

**B. OVERLAP REVIEW**

1. Other water rights with the same place of use: 57-2266

2. Other water rights with the same point of diversion: NONE

**C. DIVERSION AND DELIVERY SYSTEM**

1. Point(s) of Diversion:

| Ident No. | Gov't Lot | 1/4 | 1/4 | 1/4 | Sec. | Twp. | Rge. | County | Method of Determination/Remarks |
|-----------|-----------|-----|-----|-----|------|------|------|--------|---------------------------------|
|           | 1         |     | NE  | NE  | 6    | 4S   | 1E   | Owyhee | Site Visit, Orthophoto          |
|           |           |     |     |     |      |      |      |        |                                 |
|           |           |     |     |     |      |      |      |        |                                 |
|           |           |     |     |     |      |      |      |        |                                 |

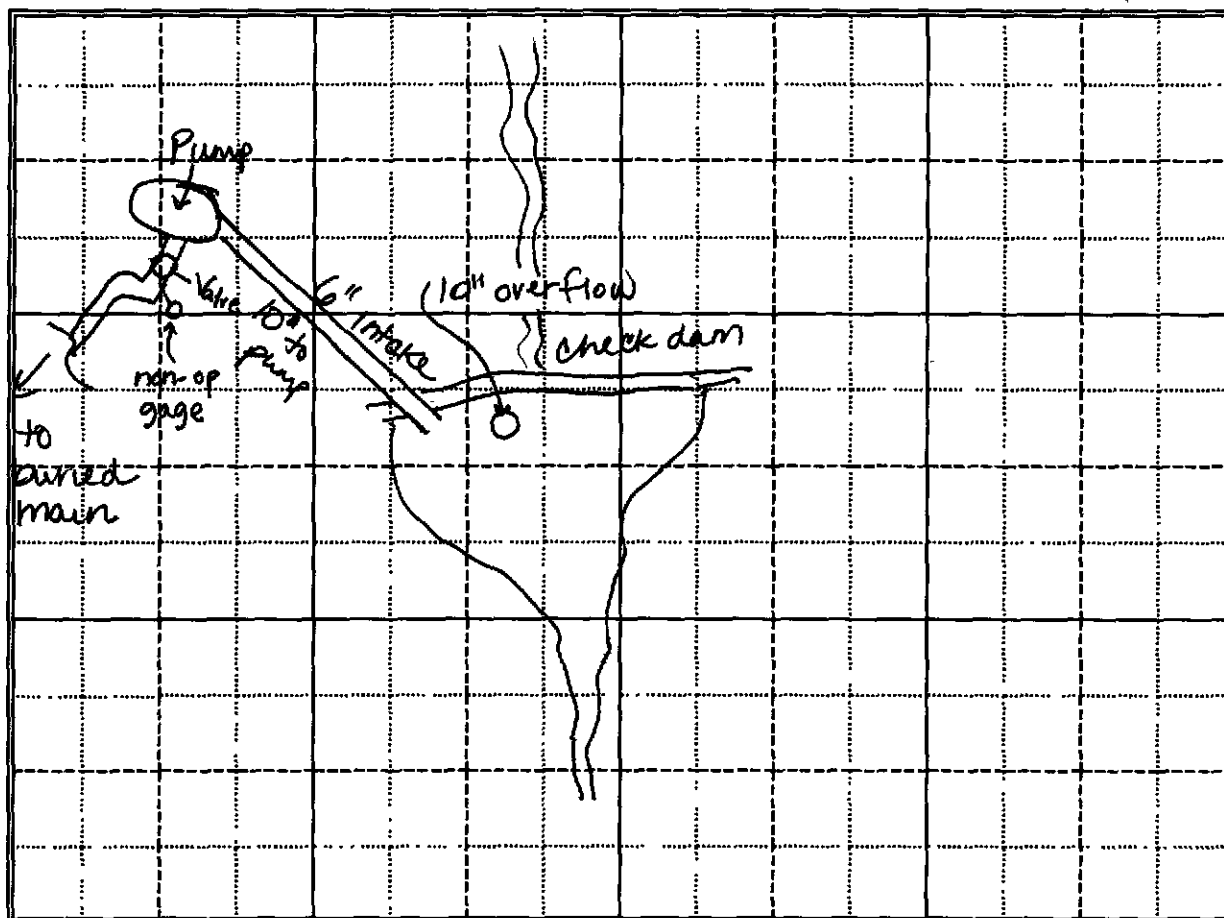
2. Place(s) of Use:

Indicate Method of Determination

| TWP | RGE | SEC | NE  |     |    |    | NW  |     |    |    | SW  |     |    |    | SE |    |    |    | Totals |
|-----|-----|-----|-----|-----|----|----|-----|-----|----|----|-----|-----|----|----|----|----|----|----|--------|
|     |     |     | NE  | NW  | SW | SE | NE  | NW  | SW | SE | NE  | NW  | SW | SE | NE | NW | SW | SE |        |
| 3S  | 1E  | 31  |     |     |    |    |     |     |    |    | 7   | 31  | 30 |    |    |    | 13 |    | 81     |
|     |     |     |     |     |    |    |     |     |    |    | L.3 | L.4 |    |    |    |    |    |    |        |
| 4S  | 1E  | 06  | 36  | 30  |    |    | 33  | 16  |    |    |     |     |    |    |    |    |    |    | 115    |
|     |     |     | L.1 | L.2 |    |    | L.3 | L.4 |    |    |     |     |    |    |    |    |    |    |        |
|     |     |     |     |     |    |    |     |     |    |    |     |     |    |    |    |    |    |    |        |
|     |     |     |     |     |    |    |     |     |    |    |     |     |    |    |    |    |    |    |        |
|     |     |     |     |     |    |    |     |     |    |    |     |     |    |    |    |    |    |    |        |
|     |     |     |     |     |    |    |     |     |    |    |     |     |    |    |    |    |    |    |        |
|     |     |     |     |     |    |    |     |     |    |    |     |     |    |    |    |    |    |    | 196    |

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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 |
|---------------------------------------|------------|----|------------------|---------------------|-----------------------------------|
|                                       | Century    | 20 | 6-324261-00      | unknown Centrifugal | 3"                                |
|                                       |            |    |                  |                     |                                   |
|                                       |            |    |                  |                     |                                   |

\*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 |
|-----------------------|------|-------|-----------|------------|------|-------------|
| Pygmy Meter           | AA   | Price |           | 090137     |      |             |
|                       |      |       |           |            |      |             |

2. Measurements: Open ditch current meter

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E. NARRATIVE/REMARKS/COMMENTS

System utilizes Spring-fed drainage. Development is not at Springhead.

est 90 psi at pump (gauge not working.) 3" discharge to 6" main to 8" discharge (open) into catch basin, gravity flow to approx 200 acres. There are 2 discharge locations - One or two of 3 <sup>(57-2266)</sup> wells may be comingled at discharge points w/ the surface water.

See A) file 57-2266 for information ~~on~~ on groundwater system. This permit supplemental to primary groundwater source.

→ Clarification of source as 'unnamed stream'.

Stockwater for 120 cattle.

\* When used with 57-2266, may not exceed .02 cfs/ac or 4.5 AFA.

57-2266 recommended in SRBA for same 196 acres at .019 cfs/ac.

lift from pump → discharge = 100 ft.

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

APPROVED

JUL 26 1994

**Additional Computation Sheets Attached**

current meter, -48 cfs system capacity

Check: HP  $\frac{20 \times 8.8 \times .7}{(90 \times 2.31)} = .59$  90 psi est at pump.

### 1. Volume Calculations for Irrigation:

$$V_{IR} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = 196 \times 4.5 = 882$$

$$V_{D,R} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 = \frac{.48 \times 214 \times 1.9835}{214} = 234.2$$

$$V = \text{Smaller of } V_{LB} \text{ and } V_{DB} = 234.2$$

Stockwater, 120 head all year, 2.7 AFA  
(from table, 101-200 head)

## 1. Recommended Amounts

| Beneficial Use | Period of Use |         | Rate of Diversion | Annual Volume                      |
|----------------|---------------|---------|-------------------|------------------------------------|
|                | From          | To      | Q (cfs)           | <del>V (afa)</del>                 |
| * IRR _____    | 3/15          | 11/15   | .48               | <del>234.2</del>                   |
| STOCK _____    | 1/1           | 12/31   | .03               | <del>2.7</del> 1.6                 |
| _____          | _____         | _____   | _____             | _____                              |
| _____          | _____         | _____   | _____             | _____                              |
| _____          | _____         | _____   | _____             | _____                              |
|                |               | Totals: | .48               | <del>234.2</del><br>236.9    235.8 |

☐ Change P.D. as reflected above    ☐ Add P.D. as reflected above    ☐ None  
☐ Change P.U. as reflected above    ☐ Add P.U. as reflected above    ☒ Other *Source clarification*

Field Examiner's Name CINDY HODGES Date 7/1/93

Reviewer \_\_\_\_\_ Date \_\_\_\_\_

SEAL

\* Changed stock to current unit rates.

191 2 6 1964

## WATER RESOURCES

1100

River at

(hand calculated)

JUL 26 1964

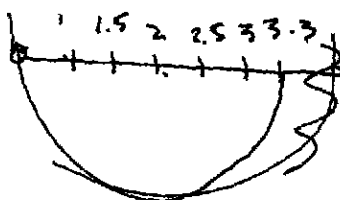
No. \_\_\_\_\_ of \_\_\_\_\_ Sheets. Comp. by \_\_\_\_\_ Chk by \_\_\_\_\_

$$\begin{array}{r} 30 \\ 41 \overline{) 130} \\ \underline{123} \\ 70 \end{array}$$

$$\begin{array}{r} .3 \\ 40 \overline{) 14.0} \\ \underline{120} \\ 20 \end{array}$$

$$\begin{array}{r} 805 \\ 40 \overline{) 340} \\ \underline{320} \\ 20 \end{array}$$

$$\begin{array}{r} 0 \\ 42 \overline{) 110} \\ \underline{110} \\ 0 \end{array}$$



RECEIVED

JUL 26 1994

OPEN CHANNEL DISCHARGE MEASUREMENT NOTES (cjh 1/5/92)

1. Name of stream or ditch: Irrigation ditch  
 2. Location: At lower surface water discharge  
 3. Person conducting measure: Cindy Hodges  
 4. Date and time of measure: 6/18/93 1100  
 5. Accompanied by: Wayne Smith  
 6. Measuring device size and ID: Price AA 090137  
 7. Spin test OK? Before: Yes After: Yes  
 8. Purpose of measure: B/U exam 57-7434

| DIST<br>FROM LEW<br>(feet) | WIDTH<br>(feet) | DEPTH<br>(feet) | OBS<br>DEPTH | REVS | TIME<br>(secs) | VELOCITY<br>(ft/sec) | DISCHARGE<br>(cfs) |
|----------------------------|-----------------|-----------------|--------------|------|----------------|----------------------|--------------------|
| 0.0                        |                 |                 |              |      |                |                      |                    |
| 1.0                        | 0.8             | 0.4             | 0.6          | 13   | 41             | 0.32                 | 0.10               |
| 1.5                        | 0.5             | 0.5             | 0.6          | 14   | 40             | 0.35                 | 0.09               |
| 2.0                        | 0.5             | 0.5             | 0.6          | 34   | 40             | 0.85                 | 0.21               |
| 2.5                        | 0.7             | 0.5             | 0.6          | 11   | 42             | 0.26                 | 0.09               |
| 3.3                        |                 |                 |              |      |                |                      | 0.00               |
|                            |                 |                 |              |      |                |                      | 0.00               |
|                            |                 |                 |              |      |                |                      | 0.00               |
|                            |                 |                 |              |      |                |                      | 0.00               |
|                            |                 |                 |              |      |                |                      | 0.00               |
|                            |                 |                 |              |      |                |                      | 0.00               |
|                            |                 |                 |              |      |                |                      | 0.00               |
|                            |                 |                 |              |      |                |                      | 0.00               |
|                            |                 |                 |              |      |                |                      | 0.00               |

TOTAL DISCHARGE: 0.48

RECORDED  
 JUL 26 1994

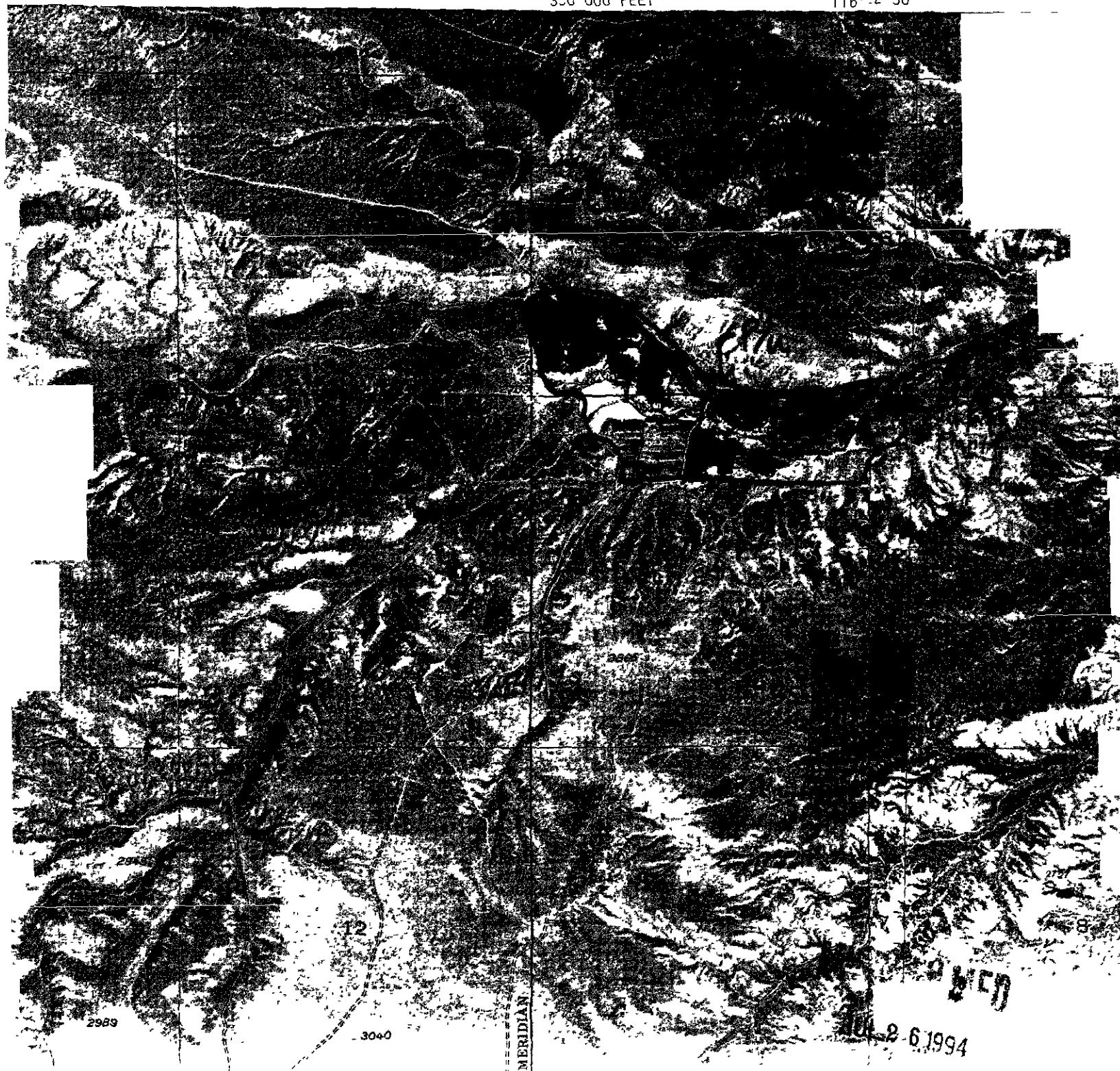
# RIW RIE

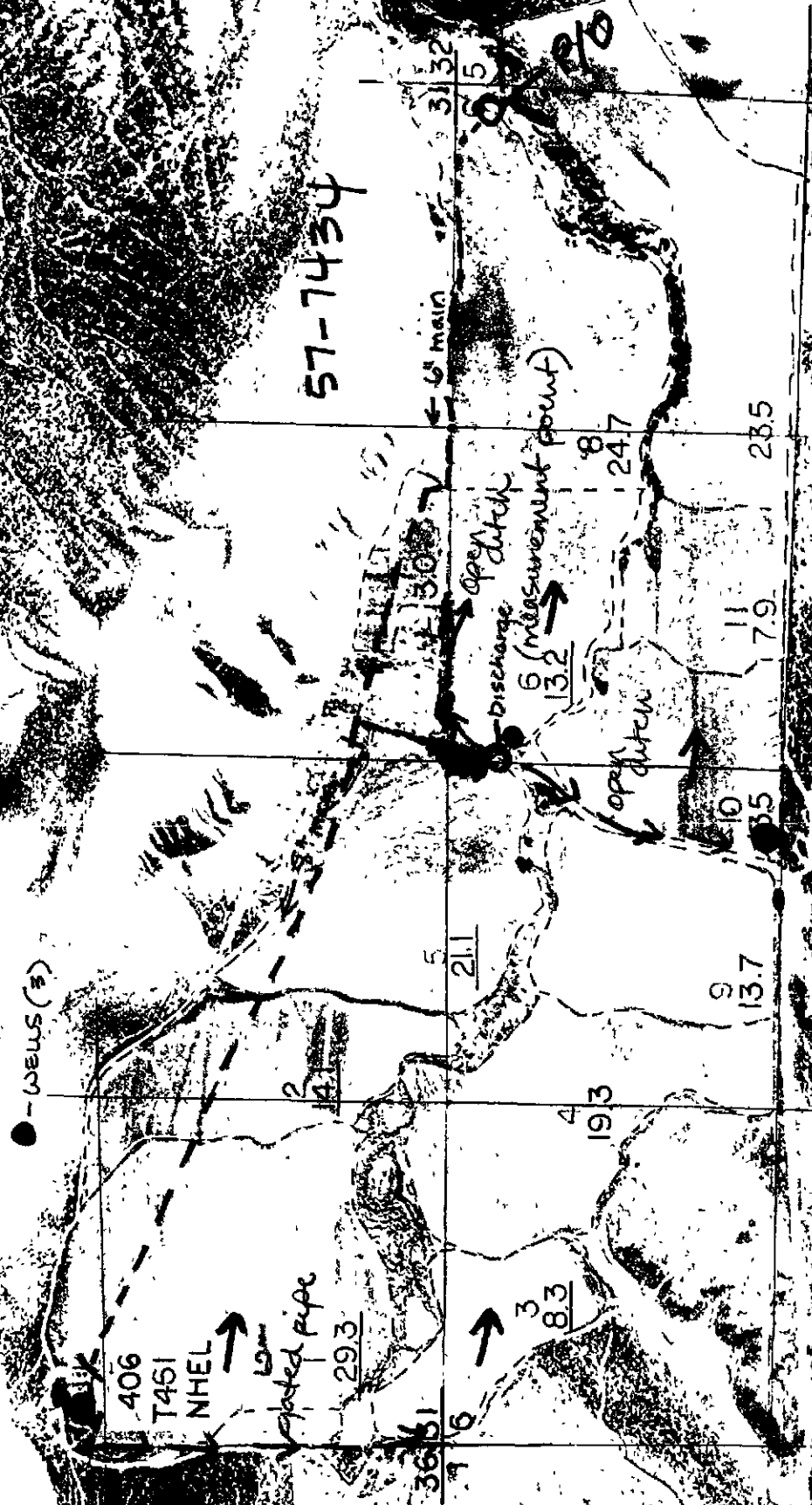
WATER RESOURCE

OREANA ORTHOPHOTOQUAL DEPARTMENT OF THE INTERIOR  
IDAHO GEOLOGICAL SURVEY

320 000 FEET

116°22'30"

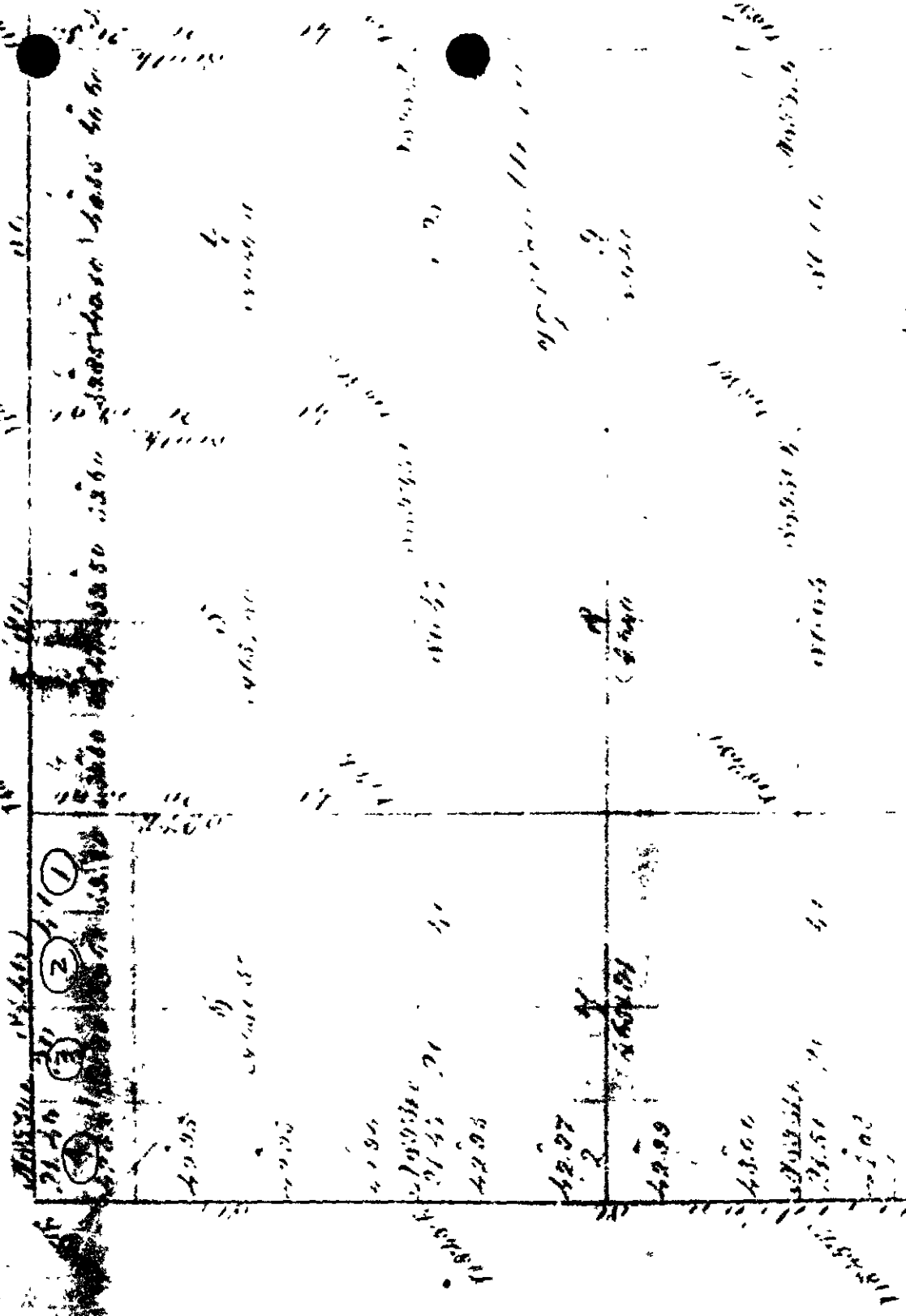




Transcript of St. South Record 4012

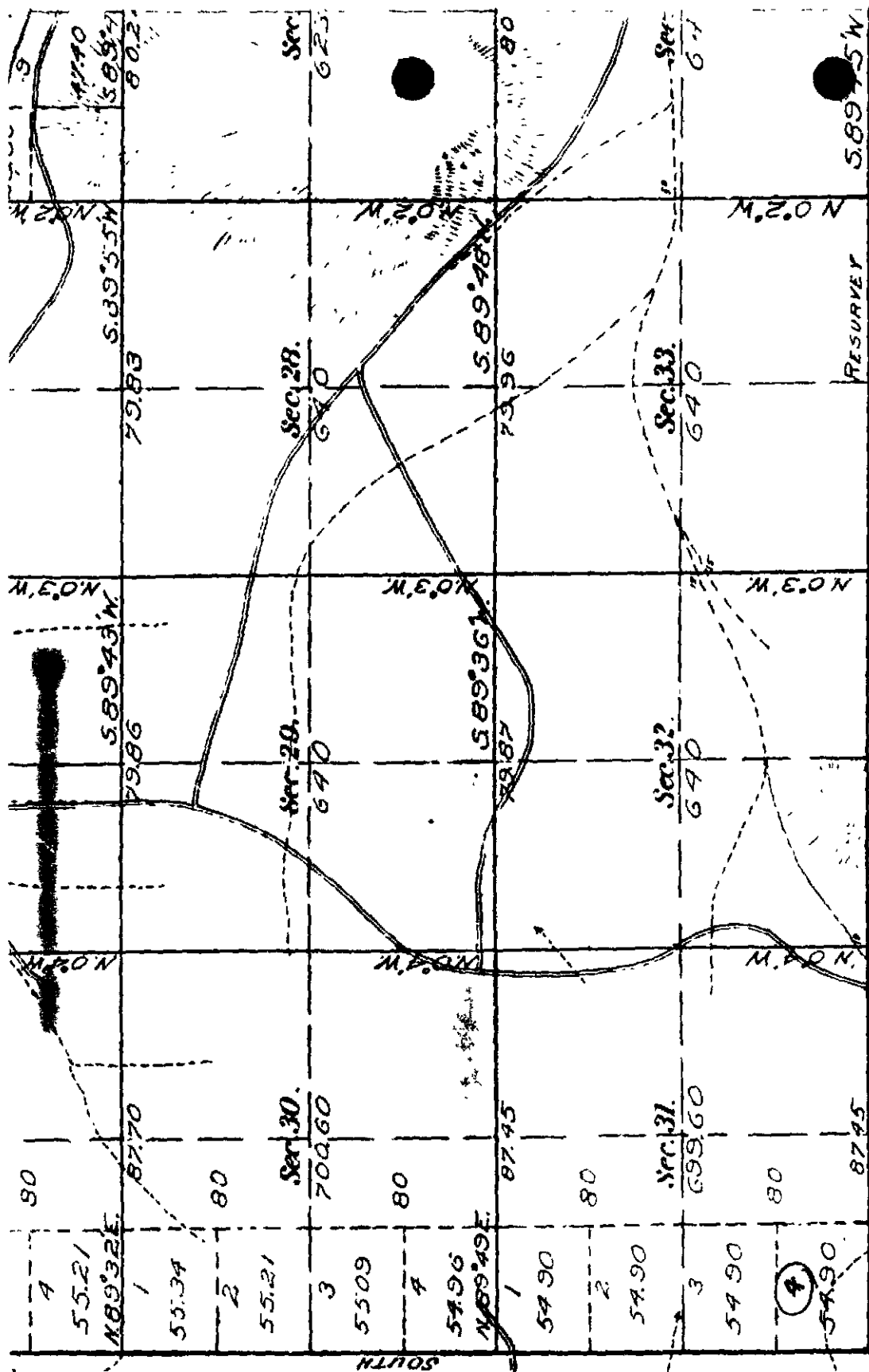
451E

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RECEIVED

JUL 26 1994



Area of Watersurface 632.20 Acre of Public Land 22283.94 Total number of Acres 222916.19

| Survey Designated   | By Whom Surveyed          | Date of Contract  | Amount of Survey M. Ch. Lk. | When Surveyed              | Mean Declination |
|---------------------|---------------------------|-------------------|-----------------------------|----------------------------|------------------|
| N. 30 and 21        |                           |                   |                             |                            |                  |
| Township lines Res. | George W. Farley          | 245 Nov. 10, 1903 | 12 13 81                    | Dec. 12, 1903 Jan. 2, 1904 |                  |
| Subdivisions        |                           |                   |                             |                            |                  |
| Connections         | "                         | "                 | 52 64 40                    | Dec. 15, 26, 1903          |                  |
| Meanders            | "                         | "                 | 18 33 28                    | Dec. 18-26, 1903           |                  |
| Meridian, Retr.     | "                         | "                 | 3 72 50                     | Dec. 28, 1903-Jan. 1, 1904 |                  |
| North bdy, Retr.    | "                         | "                 | 1 30 39                     | Dec. 24, 26, 1903          |                  |
| North boundary      | W. G. and D. A. Stevenson | 163 June 9, 1894  | 4 36 95                     | Dec. 26, 1903 Jan. 2, 1904 |                  |
|                     |                           |                   |                             | November 27, 1894          |                  |

JUL 26 1894

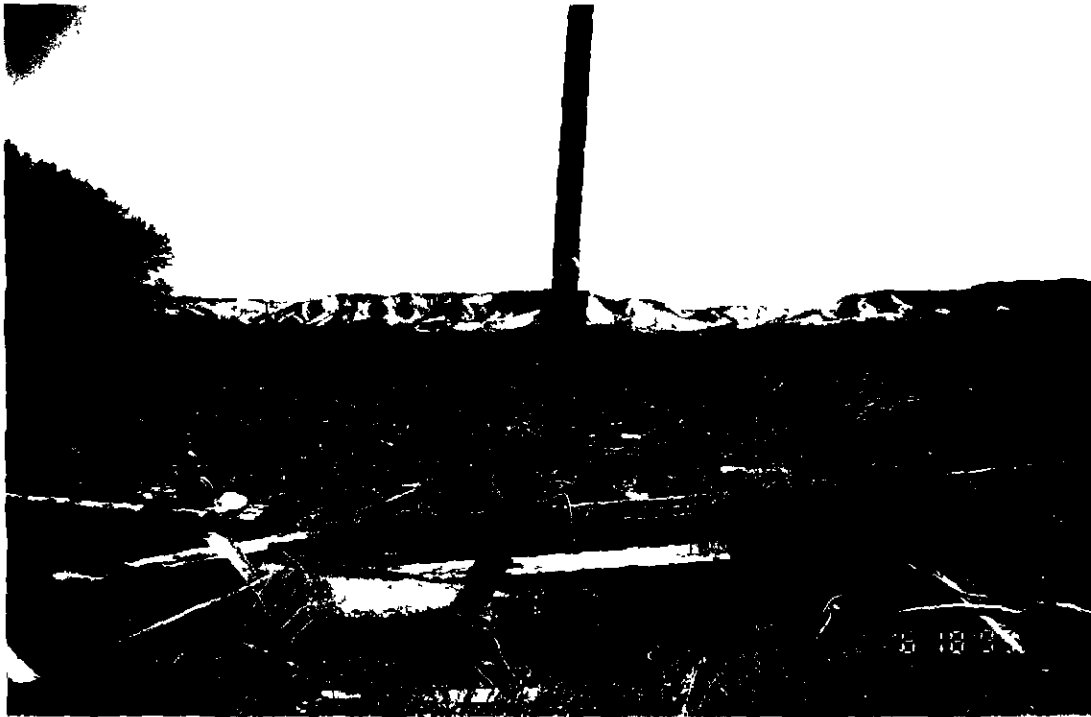
57-7434 g4



P/O & intake  
line from  
swamp area



Portion of PM  
in NENW  
Sec 6 / SESW  
Sec 31



Discharge location  
 & P/W in N $\frac{1}{2}$ NE  
 Sec 6.

Also shown is  
 one wellhead  
 used under  
 57-2266.



Measurement  
 point, in  
 ditch above  
 crossing.

October 9, 1991

WAYNE F. SMITH  
PATRICIA A. SMITH  
P.O. BOX 12  
RYE PATCH RANCH  
MURPHY ID 83650

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 57-07434

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 of the water.

If you have questions concerning this matter, please feel free to contact the WESTERN Regional Office in Boise at (208)334-2190.

Sincerely,

Nina Shields  
Secretary/Records Manager

c: IDWR - Region

NOV 19 1991

138799  
June 30, 1991

WAYNE F. SMITH  
PATRICIA A. SMITH  
P.O. BOX 12  
RYE PATCH RANCH  
MURPHY, ID 83650

PROOF DUE NOTICE

RE: PERMIT NO. 57-07434

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 September 1, 1991. (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,

Rita Fleck  
Secretary/Records Manager

Enclosures

NOV 19 1991

S T A T E   O F   I D A H O

DEPARTMENT OF WATER RESOURCES

-----

Statehouse  
Boise, Idaho 83720  
(208) 327-7900  
August 13, 1990

WAYNE F. SMITH  
PATRICIA A. SMITH  
P.O. BOX 12  
RYE PATCH RANCH  
MURPHY, ID 83650

PERMIT APPROVAL NOTICE

RE: PERMIT NO.        57-07434

Dear Permit Holder:

Enclosed is a copy of your approved application for permit. We direct your attention to the conditions of approval on the final page.

We have enclosed a form entitled "Instructions for Proof of Beneficial Use". Please read the instructions carefully since you must take further action to develop this permit. Also enclosed for your convenience is a form entitled "Proof of Beneficial Use" that must be submitted to the Department when your project is completed. If development is complete, you may submit proof of beneficial use immediately.

Sincerely,

GARY SPACKMAN, Supervisor  
Water Right Permits Section

GS: SC  
Enclosures

**MICROFILMED**

AUG 15 1990

FROM

Tim Luke

RECEIVED

INTER-DEPARTMENT MEMO — 1

MAY 31 1990

DATE 5-30-90

TO

Western Region/Gail or Sue

Department of Water Resources  
Western Regional Office

SUBJECT

App No 57-7434

Plz advise this application as a normal filing.  
I've recommended that app. not be considered a first water -  
Swan Falls filing. Normal processing therefore may commence.

*[Signature]*

SIGNATURE

57-2434

SMITH, WAYNE F. &/or PATRICIA A.

P.O. BOX 12, RYE PATCH RANCH, MURPHY, ID 83650

Source: SPRING trib. to FOSSIL CREEK

Date Filed: 06/29/1984

Diversion Pt: NENE Sec 06 T 04S R 01E

|                 |            |
|-----------------|------------|
| Use: IRRIGATION | (1.00 CFS) |
| STOCKWATER      | (0.03 CFS) |

In: N1/4SW S1/4SW S1/4SE S1/4SE Sec 31 T 03S R 01E NENE NWNE NENW NWNW  
Sec 06 T 04S R 01E FOR 196 ACRES

**MICROFILMED**

AUG 15 1990

S T A T E   O F   I D A H O  
D E P A R T M E N T   O F   W A T E R   R E S O U R C E S  
Western Region  
2735 AIRPORT WAY

---

Boise, Idaho 83705  
(208) 334-2190

JUNE 13, 1990

Owyhee Avalanche  
P.O. Box 97  
Homedale, ID 83628

Dear Legal Dept.:

Enclosed you will find a legal notice 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 JULY 9, 1990.

Yours truly,

GAIL GARRETT  
Secretary

Encl.

MicroFILMED

AUG 13 1990

57-07434

SMITH, WAYNE F.  
SMITH, PATRICIA A.  
P.O. BOX 12  
RYE PATCH RANCH  
MURPHY, ID 83650

Source: SPRING

Tributary: FOSSIL CREEK

Diversion Pt:                NENE        Sec   6 T 04S R 01E

Use: IRRIGATION                                ( 1.000 CFS)

STOCKWATER                                    ( .030 CFS)

Total Diversion: ( 1.000 CFS)

Date Filed: 6/29/ 1984

In: T03S R01E S31  
T04S R01E S06

NWSW  
NENE

SWSW  
NWNW

SESW  
NENW

SWSE  
NWNW

196.0 ACRES TOTAL

**MICROFILMED**

AUG 15 1990

MEMORANDUM

TO: FILE/APPLICATION NO. 57-7434

FROM: TIM LUKE

RE: SWAN FALLS PROCESSING

DATE: 5-30-90

=====

The applicant has returned the trust water questionnaire and has noted that this filing supplements an existing groundwater license. The source under this application is essentially waste water derived from the groundwater use.

All of the land identified under this application is covered by the existing license (see attached place of use overlap report). The applicant states that the supplemental source represented by this application was developed and used prior to October of 1984. The attached report also shows 1986 irrigated acreage as classified in IDWR remote sensing report for Owyhee County. The report shows that total classified irrigated acreage is slightly less than the total licensed acreage.

Based upon the information above and comments given by the applicant, I recommend that the Department accept the claim concerning prior development and allow this filing to be exempt from the review and processing requirements of Section 42-203C. The application will be returned to the region for routine advertising.

**MICROFILMED**

AUG 15 1990

### PLACE OF USE 1/4 1/4 OVERLAP REPORT

05/30/90

| WR-NUMBER | NAME                      | STG | SOURCE      | T   | R   | S  | NE |    |    |    | NW |    |    |    | SW |    |    |    | SE |    |     |    | SUM |   |   |    |
|-----------|---------------------------|-----|-------------|-----|-----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|-----|----|-----|---|---|----|
|           |                           |     |             |     |     |    | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW  | SE |     |   |   |    |
| 5707434   |                           |     |             |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |     |    |     |   |   |    |
| 5702266   | SMITH                     | L   | GROUNDWATER | 03S | 01E | 31 |    |    |    |    | :  |    |    |    | :  | 7  | 31 | 30 | :  | 13 | 81  |    |     |   |   |    |
| 5707434   | SMITH                     | A   | SPRING      | 03S | 01E | 31 |    |    |    |    | :  |    |    |    | :  | 7  | 31 | 30 | :  | 13 | 81  |    |     |   |   |    |
|           | NO MAPPING INFO AVAILABLE |     |             |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |     |    |     |   |   |    |
|           | 1986 DATA                 |     |             |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |     | 9  | 50  | 0 | 8 | 67 |
| 5707434   |                           |     |             |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |     |    |     |   |   |    |
| 5702266   | SMITH                     | L   | GROUNDWATER | 04S | 01E | 6  | 36 | 30 |    |    | :  | 33 | 16 |    | :  |    |    |    | :  |    | 115 |    |     |   |   |    |
| 5707434   | SMITH                     | A   | SPRING      | 04S | 01E | 6  | 36 | 30 |    |    | :  | 33 | 16 |    | :  |    |    |    | :  |    | 115 |    |     |   |   |    |
|           | NO MAPPING INFO AVAILABLE |     |             |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |     |    |     |   |   |    |
|           | 1986 DATA                 |     |             |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |     |    |     |   |   |    |
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|           |                           |     |             |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |     |    |     |   |   |    |
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|           |                           |     |             |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |     |    |     |   |   |    |
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MICROFILMED  
 AUG 15 1990

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
TRUST WATER INFORMATION QUESTIONNAIRE

RECEIVED  
MAY 29 1990

Application No. 57-7434

Department of Water Resources

INSTRUCTIONS: IF YOU ARE NOT INTERESTED IN HAVING THE APPLICATION PROCESSED, PLEASE COMPLETE AND RETURN THE ENCLOSED WITHDRAWAL FORM.

IF YOU WISH TO HAVE THE APPLICATION PROCESSED, PLEASE ANSWER THE FOLLOWING QUESTIONS AS THOROUGHLY AS POSSIBLE. FAILURE TO RETURN EITHER THE WITHDRAWAL FORM OR QUESTIONNAIRE IS CAUSE FOR THE DEPARTMENT TO VOID THE APPLICATION.

- 1a. Are you the current owner of the land or place of use described under this application? Yes ☒ No ☐  
b. If you are not the property owner, please describe the arrangement enabling you to develop the proposed project.

- 2a. Has the source of water listed on this application been used to irrigate any of the land described under this same application prior to October 1, 1984? Yes ☒ No ☐  
b. If yes, please describe the extent of development and number of acres irrigated. (Note: Uses developed after October, 1984 are considered trust water diversions and may be subject to certain restrictions and/or conditions. You may be asked to verify uses established prior to October, 1984.)

Project was completed and designed by the Soil Conservation Service and is used on 200 acres.

3. If you answered NO to ques #2a, please state the number of acres you have irrigated with this source after October 1, 1984. \_\_\_\_\_

4. If you have not irrigated lands under this application, please state the number of acres you plan to complete. \_\_\_\_\_

5. If the permit is a supplemental filing please identify other water rights which are used on the same land.

License No G-31597/57-2266

Use the reverse side of this form if you wish to add any comments. You may mark changes on the enclosed application to designate any proposed amendments. (Note: Proposed changes which result in an expansion of use will not be considered by the department.)

I hereby assert that the responses provided above are true to the best of my knowledge. I understand that any willful misrepresentations may result in voiding of the application.

Applicant Wagner F Smith

Date May 20<sup>th</sup> 1990

MICROFILMED

AUG 15 1990

This Spring is basically my waste water.  
if I do not irrigate, there is no spring.  
What we are doing is relifting our own  
waste water to the top end of our land  
and reusing it.

MICROFILMED

AUG 15 1990

Dept of Water

# THE OWYHEE AVALANCHE

P.O. BOX 97 • HOMEDALE, ID 83628 • 208/337-4681

## AFFIDAVIT OF PUBLICATION

STATE OF IDAHO )  
 )ss  
COUNTY OF OWYHEE )

I, Joe E. Aman, being first duly sworn, depose and say:

1 That I am a citizen of the United States of America, and at all times hereinafter mentioned was and now over the age of twenty-one years, not a party to nor interested in the proceedings hereinafter mentioned

2 That during the time of the publication of the notice hereinafter mentioned, I was and now am the publisher of **The Owyhee Avalanche**, a newspaper of general circulation printed and published weekly, on Wednesday of each and every week, in the City of Homedale, County of Owyhee and State of Idaho

3 That the said **The Owyhee Avalanche** has been printed and published continuously and uninterruptedly in said County during a period of more than seventy-eight weeks prior to the first publication of the attached notice

4 That said notice of which a printed copy, taken from said newspaper, is hereto affixed, was published in the regular issue thereof, and not a supplement thereto, in said newspaper, in two (2)

(consecutive) calendar weekly issue(s) of said newspaper, in the following date(s)

June 20 & 27, 1990

Signed

*Joe E. Aman*

Subscribed and sworn to before me this 27<sup>th</sup> day of June A.D., 1990

*Chris Bahem*

Notary Public in and for the State of Idaho  
Residing at Homedale, Idaho  
Commission expires October 1996

### NOTICE OF APPLICATION FOR WATER RIGHT

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

57-07434 ✓

SMITH, WAYNE F.

SMITH, PATRICIA A.

P.O. BOX 12

RYE PATCH RANCH

MURPHY, ID 83650

Source: SPRING Tributary:

FOSSIL CREEK

Diversion Pt: NENE Sec 6 T

04S R 01E

Use: IRRIGATION (1.000

CFS)

STOCKWATER ( 030 CFS)

Total Diversion (1.000 CFS)

Date Filed 6/29/1984

In: T03S R01E S31 NWSW

SWSW SESW SWSE

T04S R01E S06 NENE NWNE

NENW NWNW

196.0 ACRES TOTAL

The permit(s) will be subject to all prior water rights. Protests must be filed with the Director, Dept. of Water Resources, Western Region, 2735 Airport Way, Boise, Idaho 83705 on or before JULY 9, 1990.

R. KEITH HIGGINSON,

Director

Publish June 20 & 27, 1990

MICROFILMED

AUG 15 1990

RECEIVED

JUL 2 1990

Department of Water Resources  
Western Regional Office