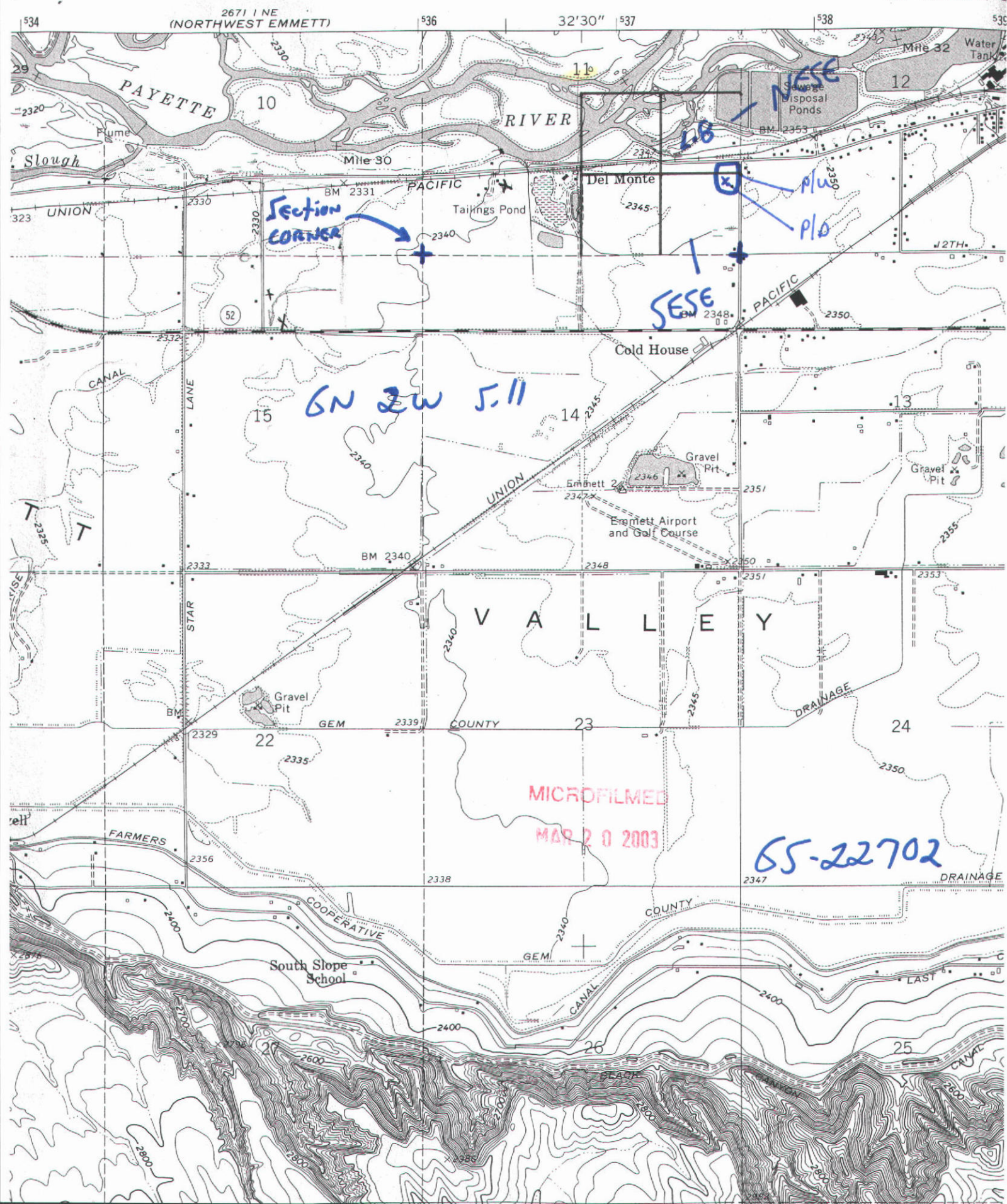
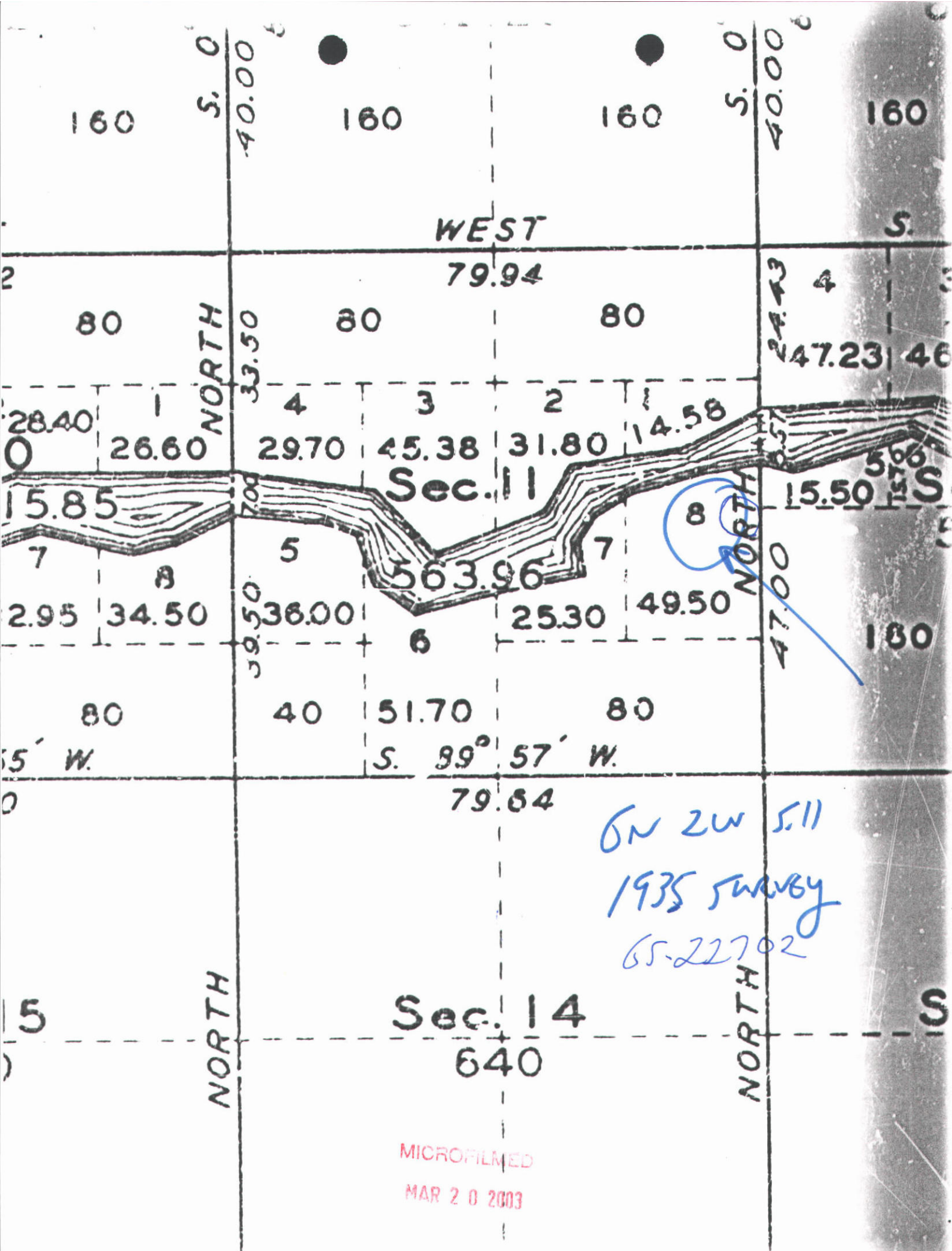






MICROFILMED
MAR 20 2003



AFFIDAVIT OF PUBLICATION

RECEIVED

STATE OF IDAHO)

AUG 29 2002

County of Gem)

SS.

WATER RESOURCES
WESTERN REGION

ANTHONY M. CLARK

of Emmett, Gem County, Idaho, being first duly sworn,
deposes and says:

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

65-22702

JOHNSON E SMITH
617 AIRPORT RD
EMMETT, ID 83617
CRYSTAL A SMITH
617 AIRPORT RD
EMMETT, ID 83617

Point(s) of Diversion L8 SESE S11 T06N R02W GEM County
Source GROUND WATER

Use: IRRIGATION 03/01 To 11/15 0.15 CFS

Use: STOCKWATER 01/01 To 12/31 0.02 CFS
Total Diversion: 0.17 CFS

Date Filed: 07/30/2002

Place Of Use: IRRIGATION
T06N R02W S11

SESE Lot 8

Number of Acres 5

Place Of Use: STOCKWATER
T06N R02W S11

SESE Lot 8

Remark: Applicant agrees to mitigate consumptive use in the future as
needed for shallow ground water to augment or replace surface
water as needed due to ditch problems.

Permits will be subject to all prior water rights. Protests may be submitted
based on the criteria of Sec 42-203A, Idaho Code.

Any protest against the approval of this application must be filed with the
Director, Dept. of Water Resource, Western Region, 2735 Airport Wy, Boise,
ID 83705 together with a protest fee of \$25.00 for each application on or
before 09/09/2002. The protestant must also send a copy of the protest to the
applicant.

KARL J DREHER, Director

Pub: 8-21, 28, 2002

Legal Notice No. 4769
Published in the Messenger Index

1. That I am a citizen of the United States, and at all times
hereinafter mentioned was over the age of eighteen years,
and not a party to the above entitled action.

2. That I am the Principal Clerk of the Messenger Index,
a weekly newspaper published in the City of Emmett in the
County of Gem, State of Idaho; that the said newspaper is
in general circulation in the said County of Gem, and in the
vicinity of Emmett, and has been uninterruptedly published
in said County during a period of fifty-two consecutive
weeks prior to the first publication of the notice, a copy
of which is hereto attached.

3. That the notice, of which the annexed is a printed copy,
was published in the newspaper two times in the regular and
entire issue of said paper, and was printed in the newspaper
proper, and not in a supplement.

4. That said notice was published the following:
August 21, 28, 2002

Anthony M. Clark

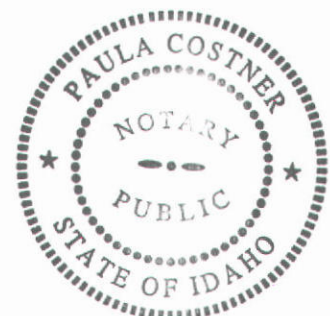
STATE OF IDAHO)
County of Gem)

On this 28th day of August in the year of 2002 before me a
Notary Public, personally appeared. Anthony M. Clark
known or identified to me to be the person whose name
subscribed to the within instrument, and being by me first
duly sworn, declared that the statements therein are true, and
acknowledge to me that she executed the same.

Paula Costner exp 3/11/08

MICROFILMED

MAR 20 2003



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
PROOF OF BENEFICIAL USE

RECEIVED
SEP 17 2003
Department of Water Resources

The Idaho Department of Water Resources considers this form a statement that the permit holder(s) has/have completed all development that will occur under this permit and that water has been applied according to the provisions of the permit for the beneficial use(s) described below. This form must be accompanied by a license examination fee, when necessary, or be accompanied by a completed field examination report prepared by a certified water right examiner

1 Permit No NO. 65 22702 Telephone No. _____

2 Name of Permit Holder(s): Johnson E. Smith

3 Mailing Address: 617 Airport Rd Emmett Id

City Emmett State Id Zip 83617

4. Source of Water: Ground water If **GROUNDWATER** (well), Date Drilled: mo. Sept 17 2003

a Well Driller: Shallow Well 17' Drp Drilling Permit Number: _____

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

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

Irrigation (No. of acres). 5 Other: _____

6. Total rate of diversion and/or volume for which proof is submitted: 0.17 cfs OR _____ acre feet

7. Measuring Device Requirement: (refer to the approval conditions on your permit and respond accordingly)

(This question is not optional. Please check either yes or no. Proofs returned not checked accordingly, will be considered incomplete)

Measuring Device: Is a measuring device required? Yes _____ or No X
Has the measuring device been installed? Yes _____ or No X

8. Fee Enclosed: \$ 50.00 (See Fee Schedule on back of the instructions for filing proof of beneficial use)

9 Person to contact to accompany the Department representative during field examination of the water system.

Name: Johnson E. Smith Telephone Number 1-208-365-5585

Address: 617 Airport Rd Emmett Id 83617

10 The information given on this form is my true statement of the extent to which the above numbered permit has been developed and water has been diverted. I agree to relinquish any undeveloped portion of the permit to the State of Idaho.

Signature of permit holder Johnson E. Smith Date 9-16-03
(include your title, if on behalf of company or organization)

MICROFILMED

NOV 26 2003

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 65-22702

Priority. July 30, 2002

Maximum Diversion Rate 0.17 CFS

This is to certify, that JOHNSON E SMITH And/Or
CRYSTAL A SMITH
617 AIRPORT RD
EMMETT ID 83617

has applied for a permit to appropriate water from

Source: GROUND WATER

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	03/01 to 11/15	0.15 CFS
STOCKWATER	01/01 to 12/31	0.02 CFS

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec 11, Twp 06N, Rge 02W, B M., GEM County

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
06N 02W 11													20			30	5.0
													L 8				
																	Total Acres. 5 0

PLACE OF USE: STOCKWATER same as Irrigation

CONDITIONS OF APPROVAL

- 1 Proof of application of water to beneficial use shall be submitted on or before November 01, 2003.
- 2 Subject to all prior water rights
3. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
- 4 The Director retains jurisdiction to require the right holder to provide purchased or leased natural flow or stored water to offset depletion of Lower Snake River flows if needed for salmon migration purposes. The amount of water required to be released into the Snake River or a tributary, if needed for this purpose, will be determined by the Director based upon the reduction in flow caused by the use of water pursuant to this permit
- 5 The right holder shall use the full allotment of appurtenant surface water rights in conjunction with groundwater diverted for irrigation purposes under this right and shall only divert groundwater under this right for irrigation purposes when water from the appurtenant surface water rights cannot be delivered to the right holder.
- 6 If the surface water right(s) appurtenant to the place of use is sold, transferred, leased or used on any other place of use, this right to divert groundwater shall not be used for irrigation purposes without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required

MICROFILMED

MAR 20 2003

State of Idaho
Department of Water Resources
Permit to Appropriate Water
NO. 65-22702

7. This right when combined with all other rights shall provide no more than 0.03 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the lands above
8. Stockwater use is for 20 cows, goats & sheep

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of the Director, affixed at Boise, this 30th day of October, 2002


for KARL J DREHER, Director

MICROFILMED
MAR 20 2003

Ident. No. 65-22762

RECEIVED

OCT 29 2002

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

Department of Water Resources

1. Name of Applicant Johnson E. aka Crystal A. Smith Phone 208-365-5585
Mailing address 617 Airport Rd Emmett ID 83617

2. Source of water supply groundwater which is a tributary of _____

3. Location of point of diversion is Township 6N Range 2W Sec 11, in the SE 1/4, 5E 1/4, Govt. Lot 96, B.M., 96m County;

additional points of diversion if any: _____

4. Water will be used for the following purposes:

Amount .1015 for Irrigation purposes from 3/1 to 11/15 (both dates inclusive)
(cfs or acre-feet per annum)

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

Amount .02 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)

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

5. Total quantity to be appropriated is (a) .12 .17 and/or (b) _____
cubic feet per second acre feet per annum

6. Proposed diverting works.

a. Describe type and size of devices used to divert water from the source 24" culvert, 15' deep
for "shallow well", pump + pipeline

b. Height of storage dam _____ feet; active reservoir capacity _____ acre-feet; total
reservoir capacity _____ acre-feet

c. Proposed well diameter is N/A inches; proposed depth of well is _____ feet

d. Is ground water with a temperature of greater than 85°F being sought? No

e. If well is already drilled, when? N/A; Drilling firm _____
Well was drilled for (well owner) _____; Drilling Permit No. _____

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

8. Description of proposed uses (if irrigation only, go to item 9):

a. Hydropower; show total feet of head and proposed capacity in kW _____

b. Stockwatering, list number and kind of livestock. up to 20 cows, goats, sheep

c. Municipal; show name of municipality _____

d. Domestic; show number of households. _____

e. Other; describe fully. _____

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1998

PLEASE expedite due to ditch problems

3 Description of place of use:

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

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

TWP	RGE	SEC	NE				NW				SW				SE				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
6N	2W	11				2									2			3	5
						5									5			5	
						2.8													

Total number of acres to be irrigated 5

10. Describe any other water rights used for the same purposes as described above. 65-5558 Smith

11. a. Who owns the property at the point of diversion? 3 Applicants

b. Who owns the land to be irrigated or place of use? 3

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

12. Remarks: Groundwater will be used to compensate for any d-7R supply problems that will occur. It's possible that d-7R water will not be available due to ongoing changes related to this d-7R.

13 MAP OF PROPOSED PROJECT REQUIRED - Attach an 8½"x11" map clearly identifying the proposed point of diversion, place of use, section #, township & range. (A photocopy of a USGS 7.5 minute topographic quadrangle map is preferred.)

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

John Smith
Signature of Applicant (and title, if applicable)

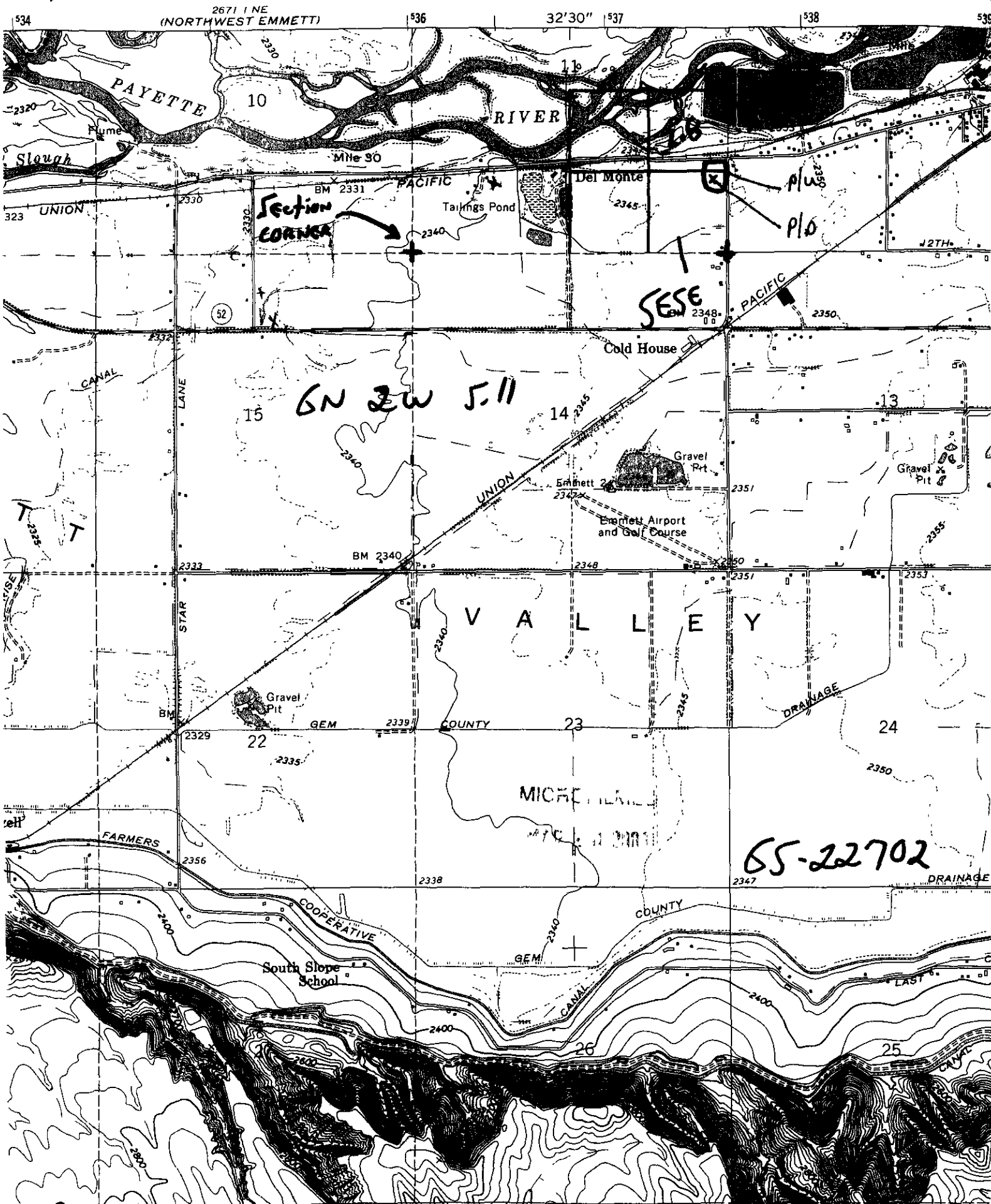
Received by SL Date 7/30/02 Time 9:15 Preliminary check by SL
Fee \$ 100 Receipted by SL # W029523 Date 7-30-02
Publication prepared by SL Date 8-21-02 Published in MESSANGER INDEX
Publication approved SL Date 9-9-02

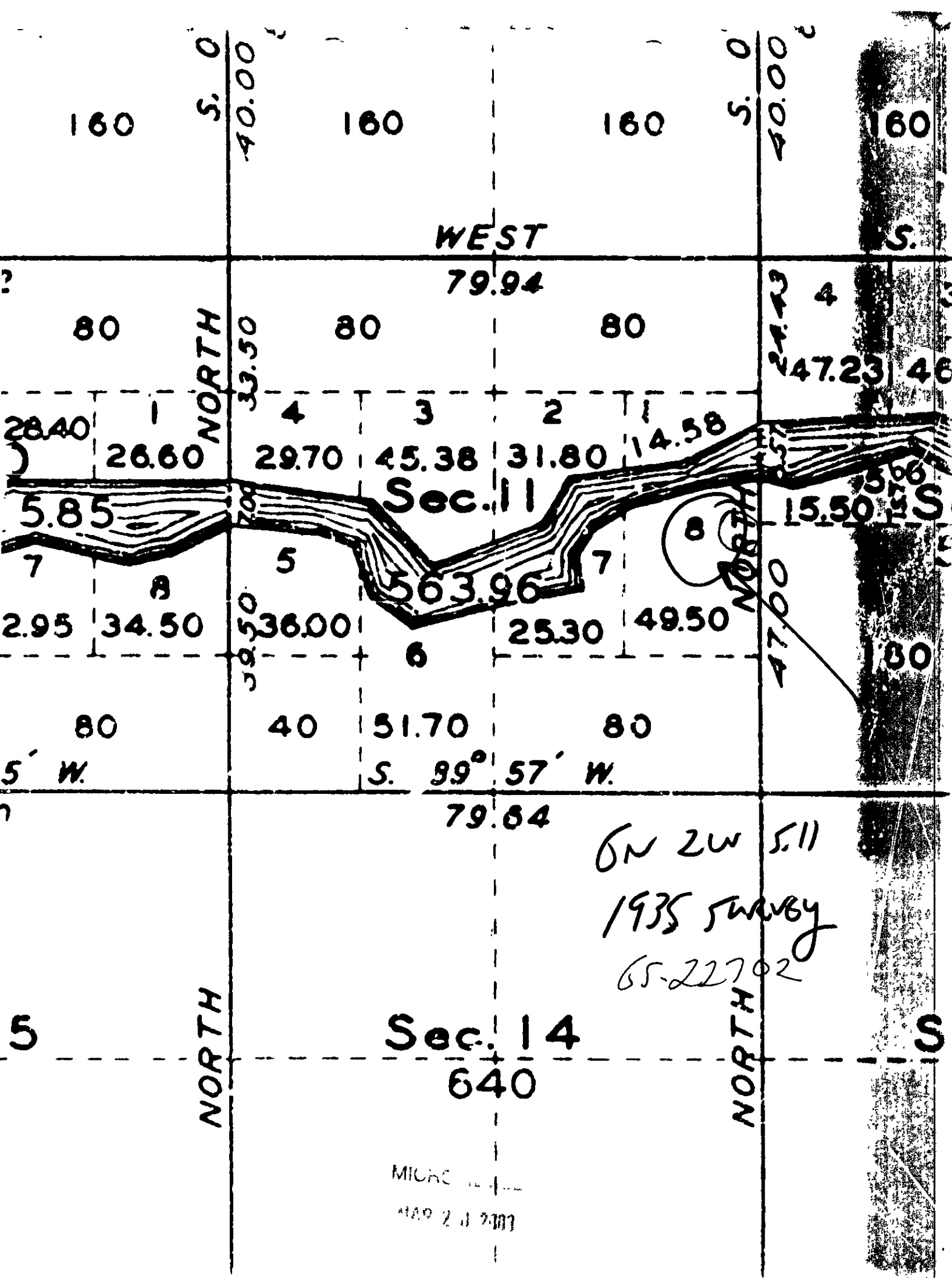
MICROFILM

200 - 10000

SOUTHWEST

7.5 MINUTE





REQUEST TO PROCESS

COMPLETE REQUEST IF YOU WANT YOUR APPLICATION TO BE PROCESSED USING ONE OF THE
THREE ALTERNATIVES BELOW

Name of Applicant

Johnson E. & Crystal A. Smith

Mailing Address

517 Airport Rd.

Emmett ID 83617

Application No.
(if known)

65-22702

 IN LOCAL PUBLIC INTEREST

Yes, I want my application processed and before it is advertised, I will amend my application to demonstrate that the proposed appropriation is in the local public interest including the need to preserve flows in the Snake River during the migration periods of anadromous fish.

 PROPOSE MITIGATION NOW

Yes, I want my application processed and before it is advertised, I will amend my application to include proposed mitigation to offset anticipated depletions in the Snake River during periods of anadromous fish migration.

X WILL AGREE TO MITIGATION IN THE FUTURE IF NECESSARY

Yes, I want my application processed at this time, and I will accept a condition of approval that will require mitigation should the Director of the Idaho Department of Water Resources determine that mitigation is necessary to offset depletions from this appropriation to flows in the Snake River during periods of anadromous fish migration. I understand that mitigation is not required now but may be needed in the future. I also understand that the Director will not require mitigation until I have an opportunity to review the process by which the need for mitigation is established and the amount of water required is quantified.

Signature

John E. Smith

Date

7-29-02

Please return this form to:

Idaho Dept. of Water Resources
Western Regional Office
2735 Airport Way
Boise, ID 83705-5082

SEP 2 2 2003



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

November 10, 2003

JOHNSON E SMITH
CRYSTAL A SMITH
617 AIRPORT RD
EMMETT ID 83617

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 65-22702

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 contact you to schedule a field examination to determine and confirm the use being made of the water, and that it meets the permitted beneficial use.

Be advised that Section 42-248, Idaho Code, requires you or the owner of these water rights to maintain current ownership and address records on file with the department. Forms to file a change of ownership of a water right and/or a change in the address of the water right owner are available from any department office, or at the department's website at: www.idwr.state.id.us.

If you have questions, please contact the **Western** Regional Office of the department in Boise (208) 334-2190.

Sincerely,

Deborah J. Gibson
Administrative Assistant
Water Allocation Bureau

Encl.

c: IDWR - Regional Office (w/encl.)

MICROFILMED

NOV 26 2003

ANALYSIS SHEET FOR PROOF OF BENEFICIAL USE

Permit No.. 65-22702

Reviewed By: dgibson

Date: November 7, 2003

	<u>Yes</u>	<u>No</u>		<u>Yes</u>	<u>No</u>
Proof received timely?	X		Drilling permit required?	X	
License examination fee required?	X		Drilling permit No :		
Appropriate fee submitted?	X		Drilling permit upgrade needed?		
Receipt No.:		W029523, C070921	Well driller's report filed?		
Additional Amount Due.			Measuring device required?		X
Name and address same as permit?	X		Measuring device installed?		
Are the water uses correct?	X		Measure device waiver requested?		

Priority Calculation

Date proof received	09/17/2003
Date proof due	- 11/01/2003
Lapse notice sent	-
No. of days late	= 0
Holiday allowance	+
Priority date	+ 07/30/2002
New priority date	= 07/30/2002

Deficiencies of Actions Items

Acknowledge proof.

August 31, 2003

JOHNSON E SMITH
CRYSTAL A SMITH
617 AIRPORT RD
EMMETT, ID 83617

PROOF DUE NOTICE

RE: PERMIT NO. 65-22702

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 November 01, 2003. (See last page of your approval permit or your last approved extension request.) Enclosed is a form which when accompanied by the license examination fee or a completed field examination report prepared by a certified water right examiner may be used to submit the required proof.

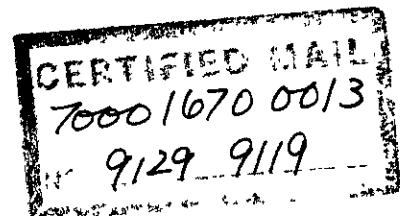
If you have not fully completed your project, and you or a previous owner of this permit have not received a prior extension of time, you may request an extension of time if the delay is for reasonable cause as provided in Section 42-204, Idaho Code. If you have been prevented from proceeding by a governmental agency or by litigation which might bring title to the water in question, more than one extension of time can be granted. An extension of time request form is enclosed for your convenience.

Either an acceptable proof of beneficial use submittal or an acceptable request for an extension of time must be received by this department on or before the above described proof due date. If neither is received, the department will send you a lapse notice. Within sixty (60) days of the mailing of the lapse notice, the permit will no longer be of any force nor effect.

Sincerely,

Deborah J. Gibson, Administrative Assistant
Water Allocation Bureau

Enclosures



MICROFILMED

NOV 26 2003



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

November 1, 2002

JOHNSON E SMITH
CRYSTAL A SMITH
617 AIRPORT RD
EMMETT ID 83617

RE. Permit No. 65-22702

Permit Approval Notice

Dear Permit Holder:

The Department of Water Resources has issued the enclosed permit authorizing you to establish a new water right. Please be sure to thoroughly review the conditions of approval and remarks listed on your permit.

The permit is a PRELIMINARY ORDER issued by the Department pursuant to Section 67-5243, Idaho Code. It can and will become a final order without further action by the Department unless a party petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the service date as described in the enclosed information sheet.

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

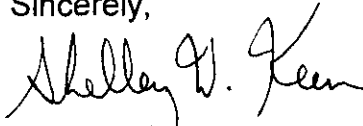
The right to drill a well is not a part of this permit to appropriate water. Beginning in July of 1987, a statute was enacted which requires a drilling permit for new well construction and deepening of existing wells. If the well(s) proposed for use under this water right permit were drilled or deepened after July 1, 1987, a separate drilling permit must be obtained from this Department. Please contact the Ground Water Protection Section located here at this office or our regional office nearest you.

MICROFILMED
NOV 10 2003

Also, please note that water right owners are required to report any change of water right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact any office of the Department or visit the Department's homepage on the Internet to obtain the proper forms and instructions.

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

Sincerely,

A handwritten signature in cursive script that reads "Shelley W. Keen".

Shelley W. Keen

Water Rights Supervisor

Enclosure(s)

MICHAEL
MAE

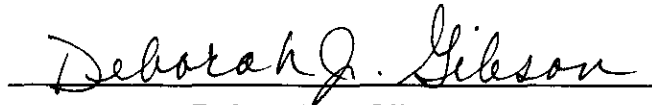
CERTIFICATE OF SERVICE

I hereby certify that on November 1, 2002 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER(Approved Permit) to the person(s) listed below:

RE: WATER RIGHT NO.

65-22702

**CRYSTAL A SMITH
JOHNSON E SMITH
617 AIRPORT RD
EMMETT ID 83617**

A handwritten signature in cursive script, reading "Deborah J. Gibson", is written over a horizontal line.

**Deborah J. Gibson
Secretary**

MICROFILMED
SEP 10 2003

**EXPLANATORY INFORMATION
TO ACCOMPANY A
PRELIMINARY ORDER**

(To be used in connection with actions when a hearing was not held)

(Required by Rule of Procedure 730.02)

The accompanying order or approved document is a "**Preliminary Order**" issued by the department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action of the Department of Water Resources ("department") unless a party petitions for reconsideration, files an exception and brief, or requests a hearing 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 this 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 fourteen (14) 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 this 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 with the Director. Otherwise, this preliminary order will become a final order of the agency.

REQUEST FOR HEARING

Unless a right to a hearing before the Department or the Water Resource Board is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

ORAL ARGUMENT

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

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

FINAL ORDER

The Director 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 Director 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.

MICROFILMED
MAY 10 2003

MEMORANDUM

Date: October 30, 2002
To: Water Right File 65-22702
From: dgibson
Re: Permit Review

Review completed for issuance of permit with conditions to utilize surface water right before groundwater can be used for irrigaiton of 5 acres

MICRO...
FILE... 2002

IDAHO DEPARTMENT OF WATER RESOURCES
APPROPRIATION APPLICATION ANALYSIS SHEET

Initial review by R Date 8/1/02 Application # 65-22702

REQUIRED INFORMATION

- ☒ Name (If applicant is a corporation or partnership, the names and addresses for the director, officers, and other partners must be included)
- ☒ Address
- ☒ Source (See USGS Quad for names of water sources)
- ☒ Point of Diversion (10 acres for spring, lot & block descriptions for Subdivisions, local name)
- ☒ County
- ☒ Quantity (Flow and /or Volume)
- ☒ Period of use
- ☒ Nature of proposed use (Include description of use)
- ☒ Description of diverting works
- ☒ Time required for beneficial use of water
- ☒ Place of use or acres irrigated
- ☒ Map (Show T, R, S, QQ &/OR QQQ)
- ☒ Subdivision plat (for > 1 home in restricted area ≥ 5 homes in non-restricted area)
- ☒ Signature (If applicant is corporation, partnership, or municipality, title of signatory is required)
- ☒ Correct fee paid
- Government Lots
y P/D
P/U

ADDITIONAL INFORMATION

yes ADVERTISE REMARKS (Yes or No)

YES NO

- ☒ Overlapping place of use (Describe source and relationship to present application on next page)
- ☒ Overlapping point of diversion } only significant item is RIVER water
- ☒ Critical groundwater area } for some areas, 65-5558
- ☒ Ground water management area
- ☒ 1992 moratorium
- ☒ Surface water source, IDFG letter needed
- ☒ Protected river or minimum flow reach, notify water planning bureau
- ☒ E-mail to SCA staff (perennial stream, non-pump diversion &/or any mining)
- ☒ E-mail to Dam Safety staff (for any storage)
- ☒ Mitigation plan Check any that apply
- ☒ N/A Immediate = acceptable plan required and submitted
- ☒ ✓ Future = open areas, acceptance of condition of approval is in file w/ Appl.
- ☒ Send power requirement letter &/or fish farm requirement letter
- ☒ Power residency affidavit
- ☒ Diversion greater than 5 cfs or 500 af or irrigation greater than 200 acres (if YES, attach Large Diversion supplementary analysis sheet)
- ☒ REQUEST ADDITIONAL INFORMATION FROM THE APPLICANT

Date Requested _____ Date Response Received _____

REQUESTED EXPEDITED PROCESSING

PROCESSING

APPLICATION #

65-22702

YES NO

- ☒ ☐ In form for advertising
☒ ☐ Statewide advertising (> 10 cfs &/or 1000 af)
☒ ☐ Fee amount, receipt number, and date recorded on application

SEND COPIES TO NOTE IF E-MAIL COMMENT LETTER USED

YES NO

- ☐ ☒ I.D. Environmental Quality
☐ ☒ I.D. District Health
☐ ☒ I.D. Fish & Game
☐ ☒ I.D. Lands

YES NO

- ☐ ☒ US BLM
☐ ☒ US Forest Service
☐ ☒ Water Dist #
☐ ☒ Water Planning Bureau
☒ ☐ Other To Applicant in

Transfers # 69981 Unimind

69984 Boise Cascade

FINAL REGIONAL PROCESSING REVIEW

YES NO

- ☒ ☐ Affidavit of publication received
☒ ☐ Application published correctly? If not, record action taken

- ☒ ☐ Publication dates and paper recorded on application

Final date for protest 9-9-02

- ☒ ☐ Protests received

- ☒ ☒ Recommendations attached

Measuring device required - AS NEEDED

- ☒ ☒ Water delivered by water master? District #

- ☒ ☐ Special conditions of approval or cover letter

dep conditions, use SW to extent can i do not lease/remove SW
from plan, MEAS/required it required in future, future mitigation,
allow 1 year

Recommended Date of Priority 7/30/02Recommendation ☒ Approve ☐ Deny by JL Latta Date 10/28/02**ADDITIONAL INFORMATION**

- ☒ See attached proof report, note any Legal Notice Remarks &/or Comments

- ☒ See attached shapefile by

* Smith (with other neighbors) filed protest against these 2 transfers.
One issue is that transfers might affect Smith's ability to keep getting ditch
water. Comment letters are warranted. ... NO REPLIER RECEIVED 9/13/02.

IDAHO DEPARTMENT OF WATER RESOURCES

Water Application Report 65-22702

WATER RIGHT NUMBER 65-22702

Owner Type Name and Address
 Current Owner JOHNSON E SMITH
 617 AIRPORT RD
 EMMETT, ID 83617
 (208)365-5585

Current Owner CRYSTAL A SMITH
 617 AIRPORT RD
 EMMETT, ID 83617
 (208)365-5585

Priority Date 07/30/2002

Basis

Status Active

Source Tributary

GROUND WATER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	03/01 to 11/15	0 150 CFS	
STOCKWATER	01/01 to 12/31	0 020 CFS	
	<u>Total Diversion.</u>	0.170 CFS	

Location of Point(s) of Diversion

GROUND WATER SE1/4SE1/4 Sec 11, Twp 06N, Rge 02W, B.M
 GEM County

Place of Use

IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
06N 02W 11													2 0			3 0	5 0
													L 8				

Total Acres: 5

STOCKWATER

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
06N 02W 11													X			X	
													L 8				

IDAHO DEPARTMENT OF WATER RESOURCES

Water Application Report 65-22702

Conditions of Approval:Remarks:Comments:

1 slester 8/1/2002 1 44 14 PM Additional Information Supporting Application

Comment:

Mitigation Plan or acceptance form Attached

2 slester 8/1/2002 **Comment/Analysis**

Comment: Applicants want replacement water if anticipated ditch problems develop. In that case ground water will be a primary source. If problems do not develop as anticipated, ground water will be a supplemental source. Suggest condition requiring use of surface water to extent possible where surface water cannot be transferred or otherwise removed from P/U if ground water needs to be primary. Ditch water is 65-5558 for same acres. Applicants requested expedited processing in case a water shortage occurs later in 2002.

3 slester 8/1/2002 **Legal Notice Remarks**

Comment: Applicant agrees to mitigate consumptive use in the future as needed for shallow ground water to augment or replace surface water as needed due to ditch problems.

Dates and Other Information

Application Received Date 7/30/2002

Application Denied Date:

Last Date of Beneficial Use

Extension End Date

Protest Deadline Date 9/9/2002

Number of Protests 0

Enlargement Use Priority Date

Enlargement Statute Priority Date:

State or Federal

Owner Name Connector AND/OR

Water District Number

Generic Max Rate Per Acre:

Generic Max Volume Per Acre

Application Type: New Appropriation

Applicant Remarks: Ground water will be used to compensate for any ditch supply problems that will occur. It is possible that ditch water will not be available due to ongoing changes related to this ditch.

Other Water Rights 65-5558 Smith Ditch from Payette River, partial decree issued 8/1/02 for same acres as application

Time to Complete Works 1

Transfer Affected Description

Transfer Affected Contracts:

Old Transfer Number:

Transfer Reason

Transfer Return Flows

Swan Falls Trust or Nontrust:

Swan Falls Dismissed

DLE Act Number:

Carey Act Number:

Mitigation Plan: False



AFFIDAVIT OF PUBLICATION

RECEIVED

STATE OF IDAHO)

AUG 29 2002

County of Gem)

SS.

WATER RESOURCES
WESTERN REGION

ANTHONY M. CLARK

of Emmett, Gem County, Idaho, being first duly sworn,
deposes and says:

1. That I am a citizen of the United States, and at all times hereinafter mentioned was over the age of eighteen years, and not a party to the above entitled action.

2. That I am the Principal Clerk of the Messenger Index, a weekly newspaper published in the City of Emmett in the County of Gem, State of Idaho; that the said newspaper is in general circulation in the said County of Gem, and in the vicinity of Emmett, and has been uninterruptedly published in said County during a period of fifty-two consecutive weeks prior to the first publication of the notice, a copy of which is hereto attached.

3. That the notice, of which the annexed is a printed copy, was published in the newspaper two times in the regular and entire issue of said paper, and was printed in the newspaper proper, and not in a supplement.

4. That said notice was published the following:
August 21, 28, 2002

Anthony M. Clark

STATE OF IDAHO)

County of Gem)

On this 28th day of August in the year of 2002 before me a Notary Public, personally appeared Anthony M. Clark known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledge to me that she executed the same.

Paula Costner exp 3/11/08

MICROFILMED

MAY 20 2003





State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

FAX (208) 334-2348

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

August 16 2002

UNIMAN CORPORATION
4601 CASCADE RD
EMMETT ID 83617

Re: Application for Permit No. 65-22702 in the Name of Johnson &/or Crystal Smith

Dear Sir:

Enclosed is a copy of **corrected** application for permit no. 65-22702. The first application contained incorrect legal descriptions that are now corrected as shown. Please review the application and submit any comments you may have.

This office normally completes the processing of an application within a six-week period and is required to take final action shortly thereafter. However, if you desire to file a formal protest against the approval of this application(s), your written protest along with the \$25.00 protest fee must be received in this office by September 9, 2002.

If you have any questions regarding the application, please contact this office.

Sincerely,

Steve Lester

SL:st

Encl: Copy of Application

MICROFILMED

MAR 20 2003



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

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Encl: Copy of Application

MICROFILM

MAR 20 2003



State of Idaho

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FAX (208) 334-2348

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

August 14, 2002

BOISE CASCADE CORPORATION
PO BOX 476
EMMETT ID 83617

Re: Application for Permit No. 65-22702 in the Name of Johnson &/or Crystal Smith

Dear Sir:

Enclosed is a copy of the above-referenced application for permit that may be of interest to you. Please review the application and submit any comments you may have.

This office normally completes the processing of an application within a six-week period and is required to take final action shortly thereafter. However, if you desire to file a formal protest against the approval of this application(s), your written protest along with the \$25.00 protest fee must be received in this office by September 9, 2002.

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SL:st

Encl: Copy of Application

MICHELLE

MAR 20 2003



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

FAX (208) 334-2348

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

August 14, 2002

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Steve Lester

SL:st

Encl: Copy of Application

MICROFILMED

SEP 10 2003

OK

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

65-22702

JOHNSON E SMITH
617 AIRPORT RD
EMMETT, ID 83617
CRYSTAL A SMITH
617 AIRPORT RD
EMMETT, ID 83617

SESE

Point(s) of Diversion ~~NESE~~
Source GROUND WATER

S11 T06N R02W GEM County

Use: IRRIGATION 03/01 To 11/15 0.15 CFS

Use: STOCKWATER 01/01 To 12/31 0.02 CFS
Total Diversion: 0.17 CFS

Date Filed: 07/30/2002
Place Of Use: IRRIGATION
T06N R02W S11

~~SESE Lot 8~~ SESE

Number of Acres 5
Place Of Use: STOCKWATER
T06N R02W S11

~~SESE Lot 8~~ SESE

Remark: Applicant agrees to mitigate consumptive use in the future as needed for shallow ground water to augment or replace surface water as needed due to ditch problems.

Permits will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec 42-203A, Idaho Code.

Any protest against the approval of this application must be filed with the Director, Dept. of Water Resource, Western Region, 2735 Airport Wy, Boise, ID 83705 together with a protest fee of \$25.00 for each application on or before 09/09/2002. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director

Pub: 8-21, 28, 2002

Legal Notice No. 4769
Published in the Messenger Index

Sue,
For your Review.
Fax back any changes
AT 365-6068.

Thanks,

Tony

Hi Tony, please call if you have questions.

these were my changes, NOT
your errors.

Thanks,
Sue

MICROFILMED
MAR 20 2003

TOTAL P.01

(called Messenger Index 8-20-02 - changes were made)

August 14, 2002

Legal Notice Department
Messenger-Index
PO Box 577
Emmett ID 83617

RE: Application for Permit No. 65-22702

Dear LEGAL NOTICE DEPARTMENT:

Enclosed you will find a legal notice which we wish to have published in your newspaper on the dates indicated (once a week for two consecutive weekly issues). 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. Please send the affidavit and bill to this office before 09/09/2002. Your cooperation is appreciated.

Sincerely,

Sue Taylor

MICROFILMED
AUG 20 2003

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

65-22702

JOHNSON E SMITH
617 AIRPORT RD
EMMETT ID 83617
CRYSTAL A SMITH
617 AIRPORT RD
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Point(s) of Diversion SESE S11 T06N R02W GEM County Source GROUND WATER

Use: IRRIGATION 03/01 To 11/15 0.15 CFS

Use: STOCKWATER 01/01 To 12/31 0.02 CFS

Total Diversion. 0.17 CFS

Date Filed: 07/30/2002

Place Of Use. IRRIGATION

T06N R02W S11 NESE Lot 8 SESE

Number of Acres 5

Place Of Use. STOCKWATER

T06N R02W S11 NESE Lot 8 SESE

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KARL J DREHER, Director

Published on August 21 and 28, 2002.

RECEIVED

AUG 21 2002