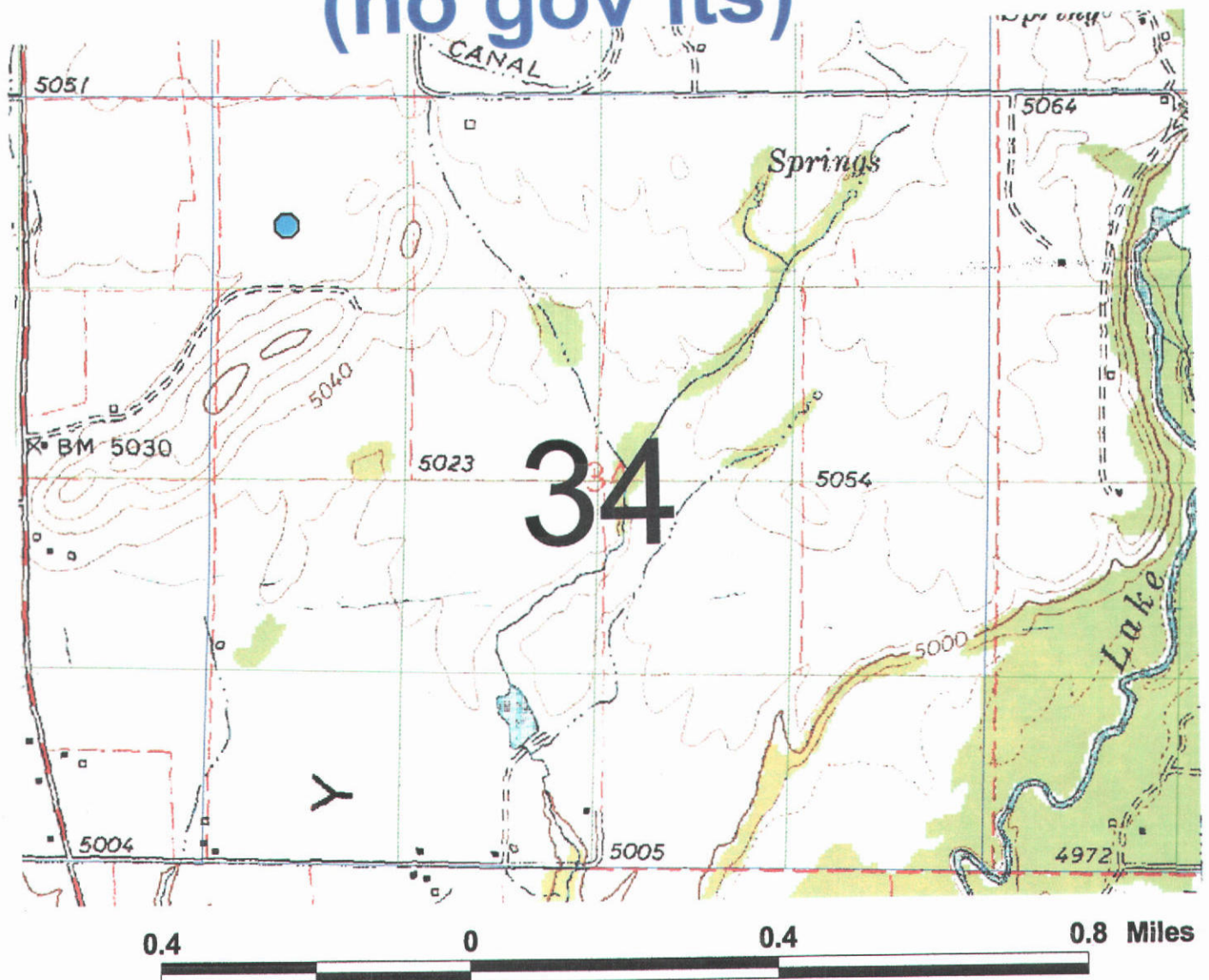
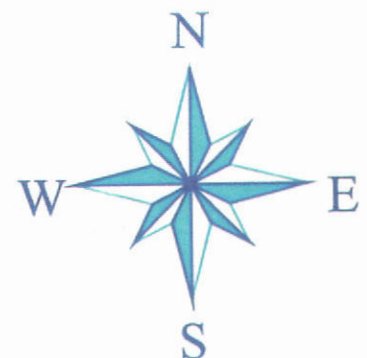


● 65-13797 ●
T18N R3E S34
(no gov lts)



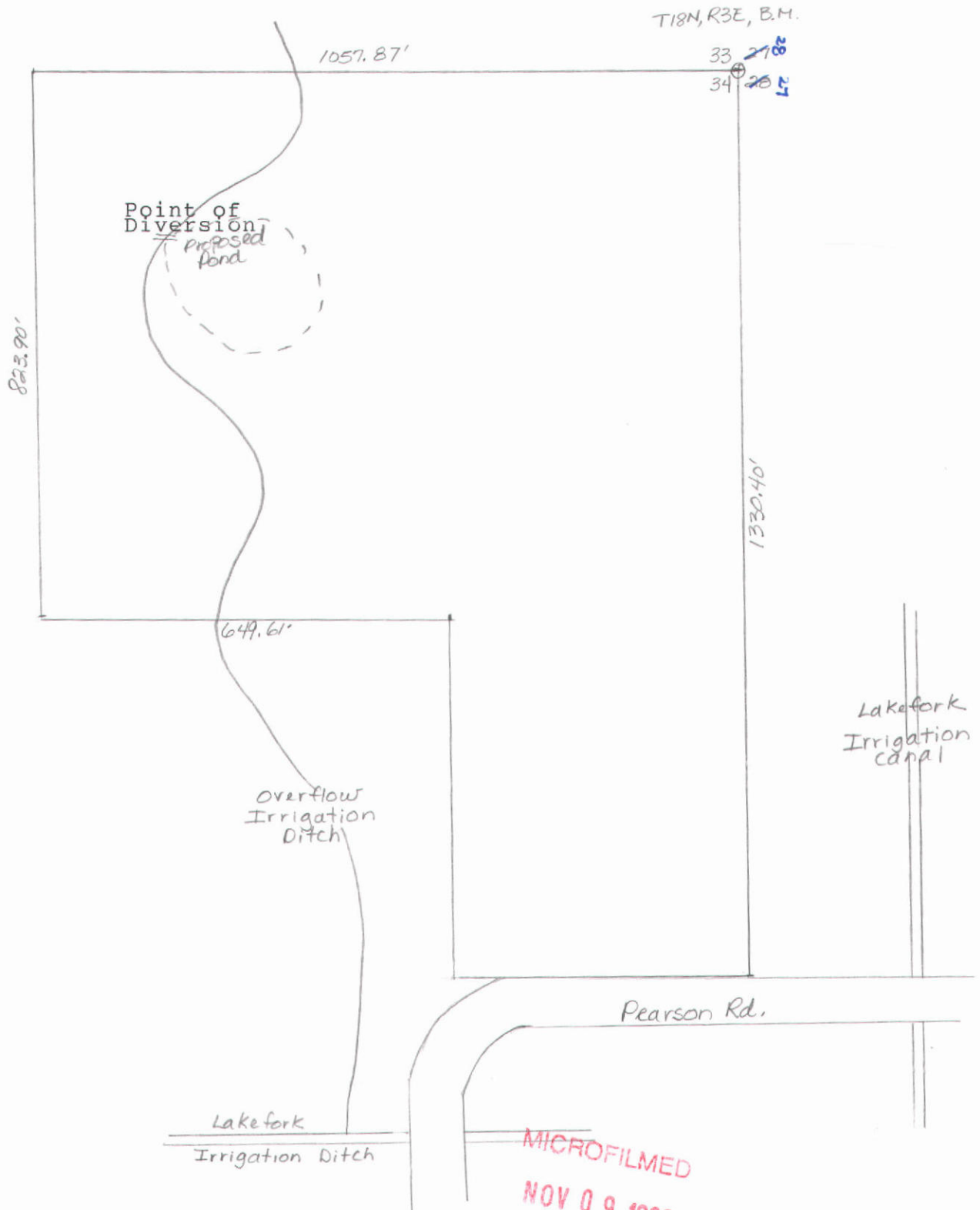
● Pond
Sections
1/41/4

MICROFILMED
DEC 17 2003



Duane B. and/or Alberta M. Smith
Application for Water Permit

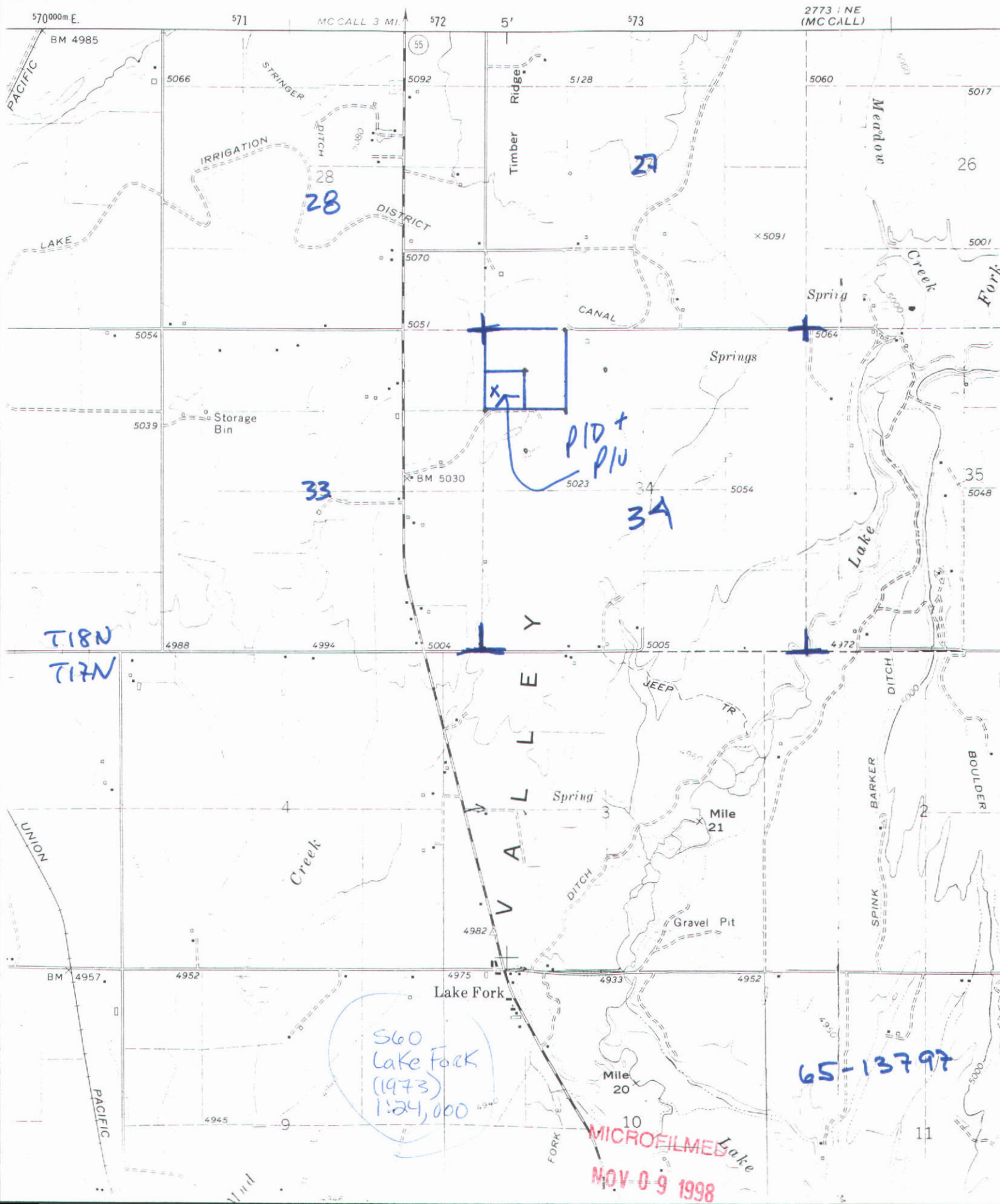
MAP OF PROPOSED PROJECT



65-13797

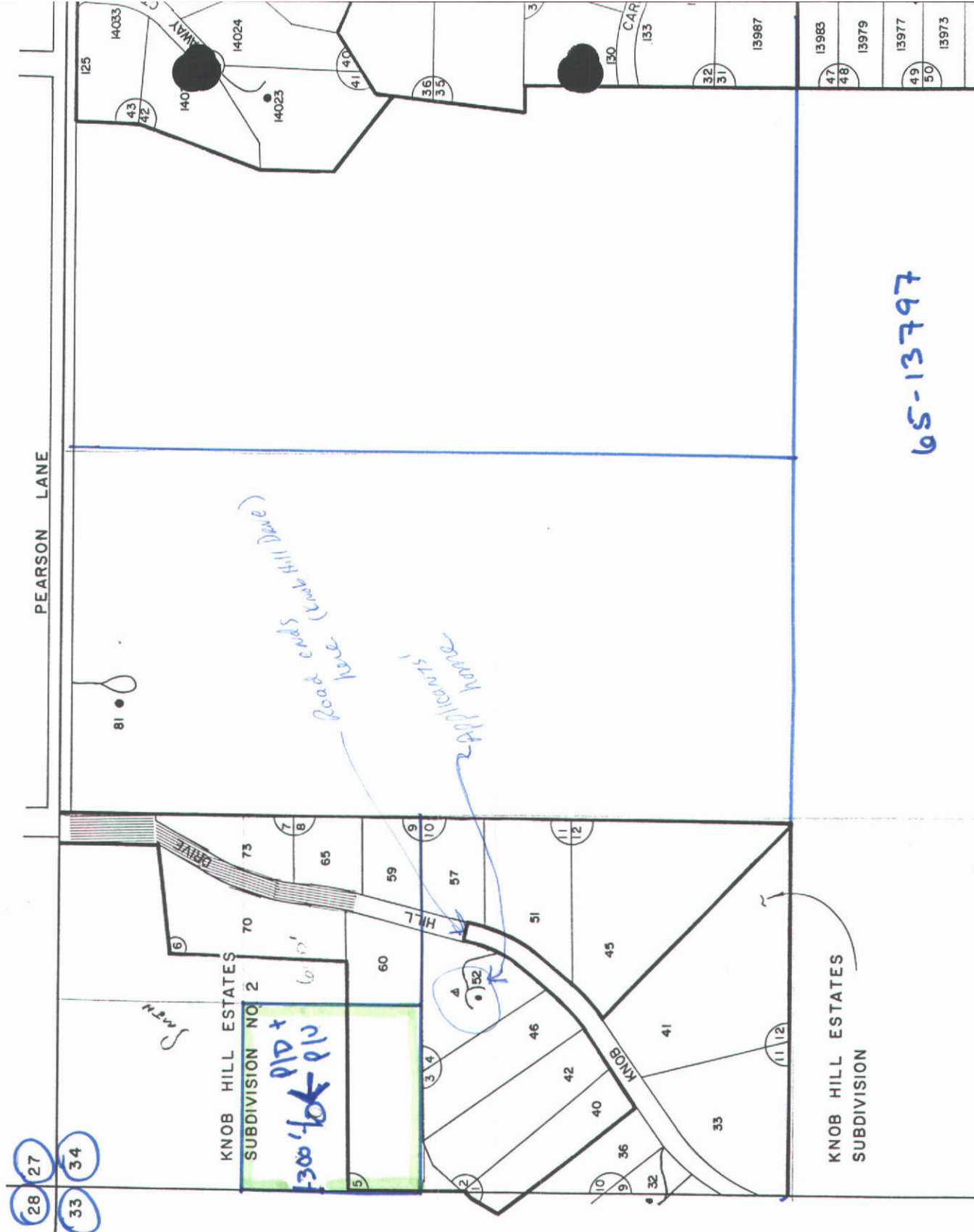
ALBERTA / Duane Smith
T18N R3E S.34 SWNWNW

UNITED STATES
OF THE INTERIOR
CADASTRAL SURVEY



65-13797

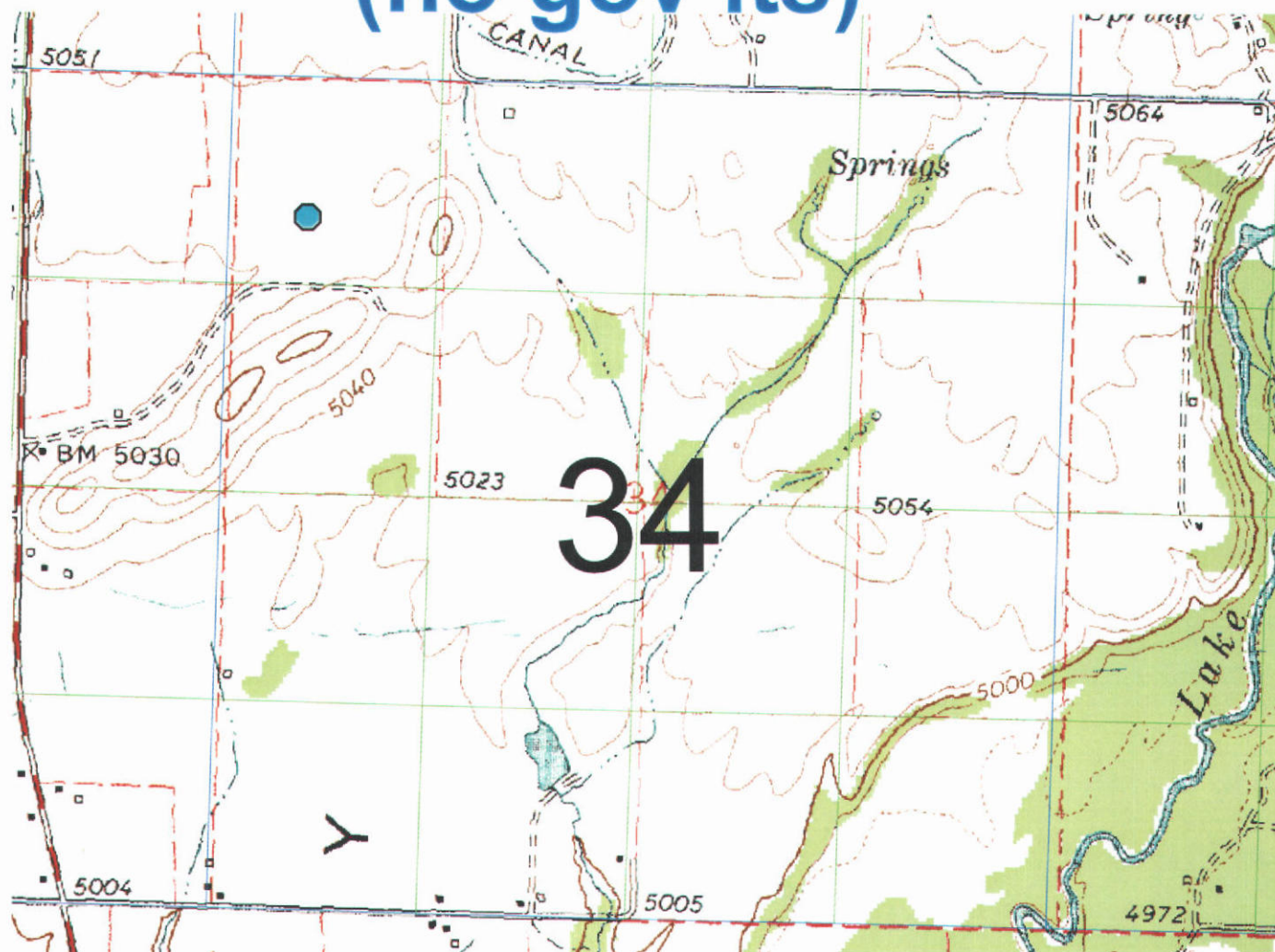
T18N R3W S34
S4W NW NW



65-13797

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NOV 09 1998

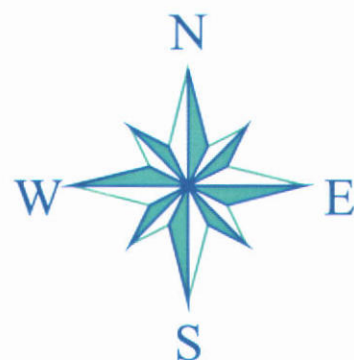
65-13797
T18N R3E S34
(no gov lts)



0.4 0 0.4 0.8 Miles

● Pond
Sections
1/41/4

MICROFILMED
OCT 19 2001





P/D + P/u

Publisher's Affidavit of Publication

STATE OF IDAHO

} .ss

County of Valley

I, Carol J. Wright, being duly sworn and say, I am the receptionist of The Star-News, a weekly newspaper published at McCall, in the County of Valley, State of Idaho; that said newspaper is in general circulation in the county of afore said and is a legal newspaper; that the PUBLIC NOTICE, a copy of which is enclosed hereto and is a part hereof, was published in said newspaper once a week for a period of two weeks in the regular and entire issue of every number thereof during the period of time of publication, and was published in the newspaper proper and not in a supplement; and that publication of such notice began August 6, 1998, and ended August 13, 1998.

Carol J. Wright

Subscribed and sworn before me this the 14th day of August, 1998.
STATE OF IDAHO

COUNTY OF VALLEY

}

On this 14th day of August, in the year of 1998, before me, a Notary Public, personally appeared Carol J. Wright, 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 acknowledged to me that she executed the same.



Tom Grote
Notary Public for Idaho
Residing at McCall, Idaho
Commission Expires: 1999

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NOV 09 1998

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AUG 31 1998

WATER RESOURCES
WESTERN REGION

APP. NOTICES

These notices inform you of intents to alter public resources. You have the right to comment.

THE FOLLOWING APPLICATION(S) HAVE BEEN FILED TO APPROPRIATE THE PUBLIC WATERS OF THE

STATE OF IDAHO:

65-13797

SMITH, ALBERTA M., SMITH, DUANE B., 207 N. 3rd STREET, McCALL, ID 83638.

Source: SPRING. Tributary: SINKS. Diversion Pt: SWNWNW Sec 34 T 18N R 03E in VALLEY County. Use: WILDLIFE STORAGE (1.00AF). Total Diversion: (1.00 AF). Dated Filed: 6/17/98. In: VALLEY County. T18N R03E S34 NWNW.

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 Resources, Western Region, 2735 Airport Way, Boise, Idaho 83705 together with a protest fee of \$25.00 on or before AUGUST 24, 1998. The protestant must also send a copy of the protest to the applicant.

KARL J. DREHER, Director
2tc/8/13 FUND NAME

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

RECEIVED
OCT 15 2001
 WATER RESOURCES
 WESTERN REGION

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

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

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
65-13797					

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OCT 19 2001

Department of Water Resources

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

\$ 25

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

OR

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

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

DWANE B SMITH + ALBERTA M SMITH
52 KNOB HILL DR, McALL 83638

4. New Owner/Claimant(s)

OSPREY PROPERTIES LLC

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

New Mailing Address

3207 4th ST

City, State and ZIP Code

LEWISTON ID 83501

New Telephone Number

(208) 743-8951

5. Date you acquired the property

1-03-01

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DEC 17 2003

→

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

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

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

7. Signature of New Owner(s) or Claimant(s)
(include title if applicable)

Osprey Properties, LLC
Frank C. Bunnell, managing partner

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

For Office Use Only

Received by AB Date 10-15-01 Fee \$25 -
 Receipted by AB Date 10-15-01 Receipt No. W028413
 Processed by _____ AJ Date _____ WR _____ Date _____

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DEC 17 2003

OSPREY PROPERTIES, LLC SHARE HOLDERS

Frank C. Bruneel 3207 4th St. Lewiston, ID
Sharon L. Bruneel 3207 4th St. Lewiston, ID
Craig Bruneel 5395 Larkwood Meridian, ID
Suzanne Martin 1441 Prohaska, Eagle, ID
Alison Mumford 10 Creighton Pocatello, ID
Vanessa Washinton 10177 So. 3490 W. South Jordan, UT
Frank W. Bruneel 11372 Nelson Rd. Moses Lake, WA
Zach Bruneel 1052 Dune Lake Loop Moses Lake, WA
Debra Fox 8106 Livingston Pasco, WA

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DEC 17 2003

710

WARRANTY DEED

For Value Received, DUANE BURR SMITH and ALBERTA MAE SMITH,
Husband and Wife aka Duane B. Smith and Alberta M.Smi

the Grantors, do hereby grant, bargain, sell and convey unto
OSPREY PROPERTIES, LLC

whose address is: 3207 4th St. Lewiston, Idaho 83501

the Grantee, the following described premises, to-wit:

See attached as Exhibit "A"

TO HAVE AND TO HOLD the premises with their appurtenances unto
the said Grantees, their heirs and assigns forever. And the said
Grantors do hereby covenant to and with the said Grantees, that
they are the owners in fee simple of said premises that said
premises are free from all encumbrances except the 2001 taxes and
assessments and that they will warrant and defend the same from
all lawful claims whatsoever.

Dated: 1/2/2001

Duane Burr Smith
DUANE BURR SMITH

Alberta Mae Smith
ALBERTA MAE SMITH

State of Idaho)
County of Valley) ss

On the 2 day of JAN, 2001 before me, LEONARD L. COLES
a notary public in and for said State,
personally appeared DUANE BURR SMITH and ALBERTA MAE SMITH
known to me to be the persons whose names are subscribed to the
within instrument, and acknowledged to me that they executed the
same.

Leonard L. Coles
Notary Public
Residing at: CASCADE
Commission Expires: 01-14-05

Instrument # 261916
VALLEY COUNTY, CASCADE, IDAHO
2001-01-03 01:16:31 No. of Pages: 3
Recorded for: AMERITITLE
LELAND G. HENRICH Fee: 9.00



EXHIBIT A

Parcel 1:

All that certain lot, piece or parcel of land, situate in Valley County, Idaho, and shown as Lots 3, 4, 5 and 6, Knob Hill Estates Subdivision No. 2, a plat which is recorded in the office of the Recorder of Valley County, Idaho.

Parcel 2:

The NW1/4 NW1/4, Section 34, Township 18 North, Range 3 East, Boise Meridian, Valley County, Idaho, save and except Knob Hill Estates No. 2;

AND

the SW1/4 SW1/4, Section 27, Township 18 North, Range 3 East, Boise Meridian, Valley County, Idaho;

SAVE AND EXCEPT

any portion of Knob Hill Estates No. 2 that lies within the SW1/4 SW1/4, Section 27, Township 18 North, Range 3 East;

FURTHER SAVE AND EXCEPT:

A parcel of land situate in the SW1/4 SW1/4, Section 27, and the SE1/4 SE1/4, Section 28, Township 18 North, Range 3 East, Boise Meridian, Valley County, Idaho, more particularly described as follows:

Commencing at a brass cap marking the South 1/16 corner common to Sections 27 and 28, Township 18 North, Range 3 East, Boise Meridian, Valley County, Idaho, the Real Point of Beginning:

Thence, South 89° 57' 28" East, 655.28 feet along the northerly boundary of said SW1/4 SW1/4, Section 27;

thence, South 00° 38' 00 West, 503.18 feet to the center line of Lake Irrigation District Canal;

- continued -

Commitment No: AMT1142-00
Schedule A Page 2

MICROFILMED
MAR 17 2003

STEWART TITLE
GUARANTY COMPANY

CONTINUATION

EXHIBIT A - continued

thence, southwesterly along said canal center line:

South 75° 00' West, 85.87 feet;
South 66° 00' West, 175.00 feet;
South 61° 00' West, 116.00 feet;
South 58° 00' West, 207.00 feet;
South 63° 00' West, 127.00 feet;
South 72° 00' West, 65.00 feet;

thence, North 00° 38' 00" East, 840.86 feet to the northerly boundary of said SE1/4 SE1/4;

thence, South 89° 51' 00 East, 35.77 feet to the Point of Beginning.

FURTHER SAVE AND EXCEPT:

A parcel of land situate in the SW1/4 SW1/4, Section 27, Township 18 North, Range 3 East, Boise Meridian, Valley County, Idaho, more particularly described as follows:

Commencing at a brass cap marking the South 1/16 corner common to Sections 27 and 28, Township 18 North, Range 3 East, Boise Meridian, Valley County, Idaho; thence, South 89° 57' 28" East, 655.28 feet along the northerly boundary of said SW1/4 SW1/4 to the Real Point of Beginning:

thence, continuing South 89° 57' 28" East, 670.09 feet along said northerly boundary to a brass cap marking the Southwest 1/16 corner of said Section 27;

thence, South 00° 41' 00" West, 819.51 feet to the center line of Lake Irrigation District Canal;

thence, westerly along said canal center line:

North 40° 00' West, 295.00 feet;
North 57° 00' West, 86.00 feet;
North 64° 00' West, 90.00 feet;
North 74° 00' West, 50.00 feet;
North 81° 00' West, 74.90 feet;
North 89° 00' West, 66.00 feet;
South 86° 00' West, 53.00 feet;
South 79° 00' West, 61.00 feet;
South 75° 00' West, 24.13 feet;

thence, North 00° 38' 00" East, 503.18 feet to the Point of Beginning.

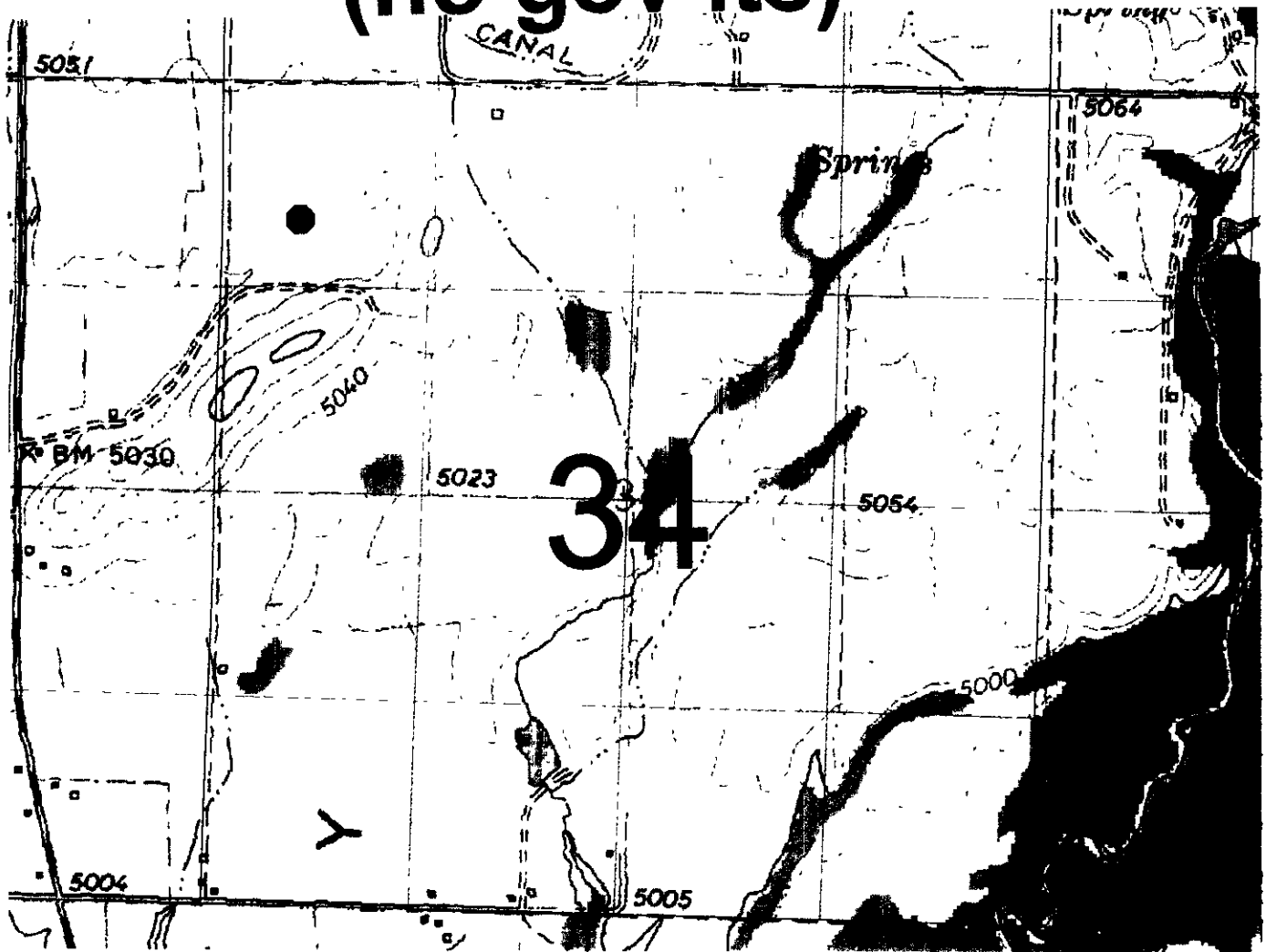
Commitment No: AMT1142-00
Schedule A Page 3

MICROFILMED
JUN 11 2007

STEWART TITLE
GUARANTY COMPANY

CONTINUATION

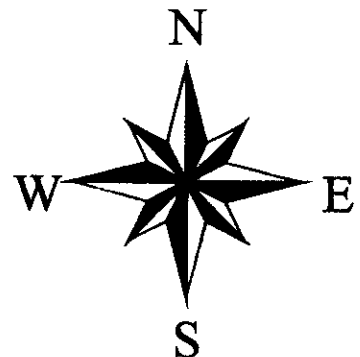
65-13797
T18N R3E S34
(no gov lts)



0.4 0 0.4 0.8 Miles

● Pond
Sections
1/41/4

MICRO
DEC 17 2003



State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 65-13797

Priority: June 17, 1998

Maximum Diversion Volume: 0.5 AF

It is hereby certified that ALBERTA M SMITH and
DUANE B SMITH
52 KNOB HILL RD
MCCALL ID 83638 have complied with the terms and
conditions of the permit, issued pursuant to Application for Permit dated June 17, 1998; and have
submitted Proof of Beneficial Use on September 29, 1999. An examination indicates that the works
have a diversion capacity of 0.5 af of water from:

SOURCE

SPRING

Tributary: SINKS

and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL DIVERSION VOLUME</u>
WILDLIFE STORAGE	01/01 to 12/31	N/A	0.5 AF

LOCATION OF POINT(S) OF DIVERSION:

SPRING SW $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 34, Twp 18N, Rge 03E, B.M. VALLEY County

PLACE OF USE: WILDLIFE STORAGE

Twp	Rge	Sec	NE	NW	SW	SE	Totals
18N	03E	34	X				

CONDITIONS OF APPROVAL

1. Point of diversion and place of use are located within Lot 4, Knob Hill Estates No. 2

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. The water right confirmed by this license is subject to all prior water rights and shall be used in accordance with Idaho law and applicable rules of the Department of Water Resources.

Signed and sealed this 10TH day of OCTOBER, 2001.

MICROFILMED
OCT 19 2001

Acting for

KARL J. DREHER
Director

RECEIVED

SEP 29 1999

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Department of Water Resources

PROOF OF BENEFICIAL USE

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 who has been appointed by the department.

1. Permit No. 65-13797 Telephone No. (208) 634-7016

2. Name(s) of Permit Holder(s): Duane B. Smith & Alberta M. Smith

3. Mailing Address: 52 Knob Hill Dr., McCall, ID. 83638

4. Source of Water: SPRING If GROUNDWATER (well), Date Drilled: mo. NA / yr. NA

a. Well Driller: NA Drilling Permit Number: NA - NA - NA

b. OPTIONAL:
Pump Horsepower: NA Pressure (psi): NA Dynamic pumping level (ft): NA

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

Domestic (No. of households): NA Stockwater (No. and type of stock): NA

Irrigation (No. of acres): NA Other: Wildlife Storage Pond

6. Total rate of diversion and/or volume for which proof is submitted: NA cfs OR 1.0 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 NA or No X

Has the measuring device been installed? Yes NA or No X

Flow Measurement Port: Is a flow measurement port required? Yes NA or No X

Has the measurement port been installed? Yes NA 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: Duane or Alberta Smith Telephone Number: (208) 634-7016

Address: 52 Knob Hill Dr., McCall, ID 83638

10. The information given on this form 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.

Signature of permit holder: Alberta M. Smith Date: 9/28/99
(include your title, if on behalf of company or organization)

JAN 31 2000

State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 65-13797

Proposed Priority: June 17, 1998

Maximum Storage Volume:

1.0 AF

This is to certify, that **ALBERTA M SMITH**
DUANE B SMITH
207 N 3RD ST
MCCALL ID 83638

has applied for a permit to appropriate water from:
SPRING tributary of **SINKS**

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>	<u>ANNUAL VOLUME</u>
WILDLIFE STORAGE	01/01 to 12/31		1.0 AF

LOCATION OF POINT(S) OF DIVERSION: SWNNW , Sec. 34, Township 18N, Range 03E
VALLEY County

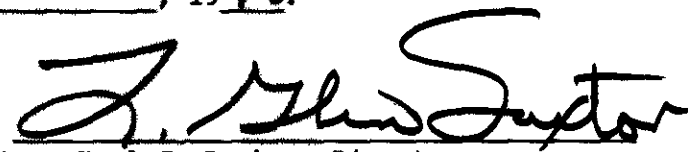
PLACE OF USE: WILDLIFE STORAGE
TWN RGE SEC
18N 03E 34 NWNW

CONDITIONS OF APPROVAL AND REMARKS

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before **November 1, 1999**.
2. Subject to all prior water rights.
3. Point of diversion and place of use are located within Lot 4, Knob Hill Estates No. 2.

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

2nd day of November, 1998


for Karl J. Dreher, Director

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NOV 09 1998

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JUN 17 1998

WATER RESOURCES
WESTERN REGIONSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

Ident. No. 165-13797

RECEIVED

OCT 09 1998

DEPARTMENT OF WATER RESOURCES

1. Name of Applicant Duane B. Smith AND/ or Alberta M. Smith Phone (208) 634-7015Post Office address 207 N. 3rd Street, McCall, ID 83638* 2. Source of water supply Waste water from Lakefork Irrig. Unnamed stream
1st. 6 unnamed stream spring which is a tributary of Little Lake Res. sinks3. Location of point of diversion is SW 1/4 of NW 1/4 of 1/4, Govt. Lot 34
Sec. 34 Township 18N Range 3E B.M. Valley County; additional points of
diversion if any: _____

4. Water will be used for the following purposes:

Amount 1.0 - .6 for Storage - WLD purposes from Jan. 1 to Dec 31 (both dates inclusive)
(cfs or acre-feet per annum)Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)5. Total quantity to be appropriated is (a) _____ and/or (b) .6 1.0 minimum
cubic feet per second acre feet per annum

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. headgate to be 4' high in the existing
ditch with 12" pipe with headgate mechanismb. Height of storage dam 4' feet; active reservoir capacity .6 acre-feet; total
reservoir capacity .6 acre-feet; period of year when water will be diverted to storage: 60x90x5
Jan. 1 to Dec. 31 inclusive. (0.12 acre surface area)
(10/30/98 est.)

c. Proposed well diameter is _____ 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? _____; Drilling firm _____

Well was drilled for (well owner) _____

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 if KW. _____

b. Stockwatering; list number and kind of livestock. _____

c. Municipal; show name of municipality. _____

d. Domestic; show number of households. _____

* * e. Other; describe fully. Storage Pond, Natural Habitat Pond for ducks, geese, andWildlife. Supports natural vegetation. Have dam in ditch to fill pond;overflow to return to ditch. Pond is approximately 60'x90' with one
end being deep.* * See. cond. letter regarding source + pond.
* Source of water will be limited to spring, per cond w/Alberta
Smith 6/23/1998. TTT TR16 to SW F.S.

NOV 09 1998

9. 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	
18N	3E	34	✓					✓											
		34	✓																

Total number of acres to be irrigated 0

10. Describe any other water rights used for the same purposes as described above. none

11. a. Who owns the property at the point of diversion? Duane and Alberta Smith

b. Who owns the land to be irrigated or place of use? Duane and Alberta Smith

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

12. Remarks: _____

13. MAP OF PROPOSED PROJECT ATTACHED ☒ Show clearly the proposed point of diversion, place of use, section number, township and range number.

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.

* Per corrected per telephone conversation w/ Alberta Smith 2/23/1998. 777

Alberta M Smith
(Applicant)

MICROFILMED

NOV 09 1998

Received by Kh Date 6/17/98 Time 11:35 Preliminary check by 117
 Fee \$ 100.00 Receipted by Kh # W024032 Date 6/17/98
 Publication prepared by ST Date 7/29/98 Published in Star News on 8-6-98
 Publication approved ST Date 9-21-98

Comments: Date: 7/23/1998 User-ID: MMINICUC

Subject: Applicants' remarks

Storage pond, natural habitat pond for ducks, geese, and wildlife
Supports natural vegetation. Pond is approximately 60 X 90 X 5.

Comments: Date: 7/23/1998 User-ID: MMINICUC

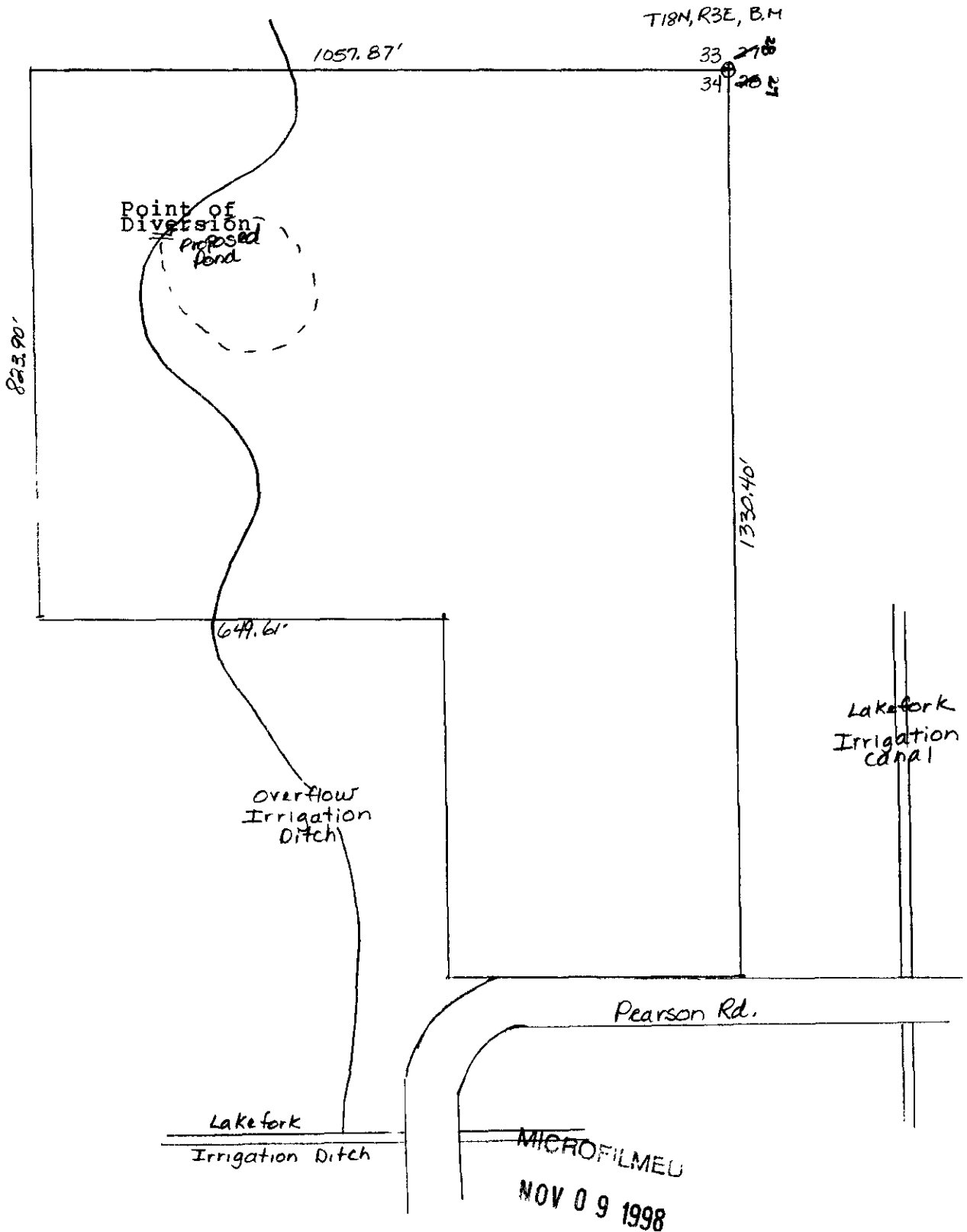
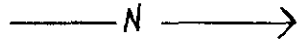
Subject: Source/legal

Applicants originally proposed diversion from Lake Fork Irr Distr ditch. Complications with that proposal lead to the current application. Source is a spring which will be dug out for a pond. Location of spring was determined in telephone consultation with Alberta Smith. Spring is located just north of north line of Lot 5 in Knob Hill Estates No. 2, and approximately 300 ft east of the west line of s. 34. It is located on an unplatted portion of the applicants' property. (At one time they owned the entire QQ but have sold some lots.) The applicants' home is located on Lot 4 of Knob Hill Estates No. 2.

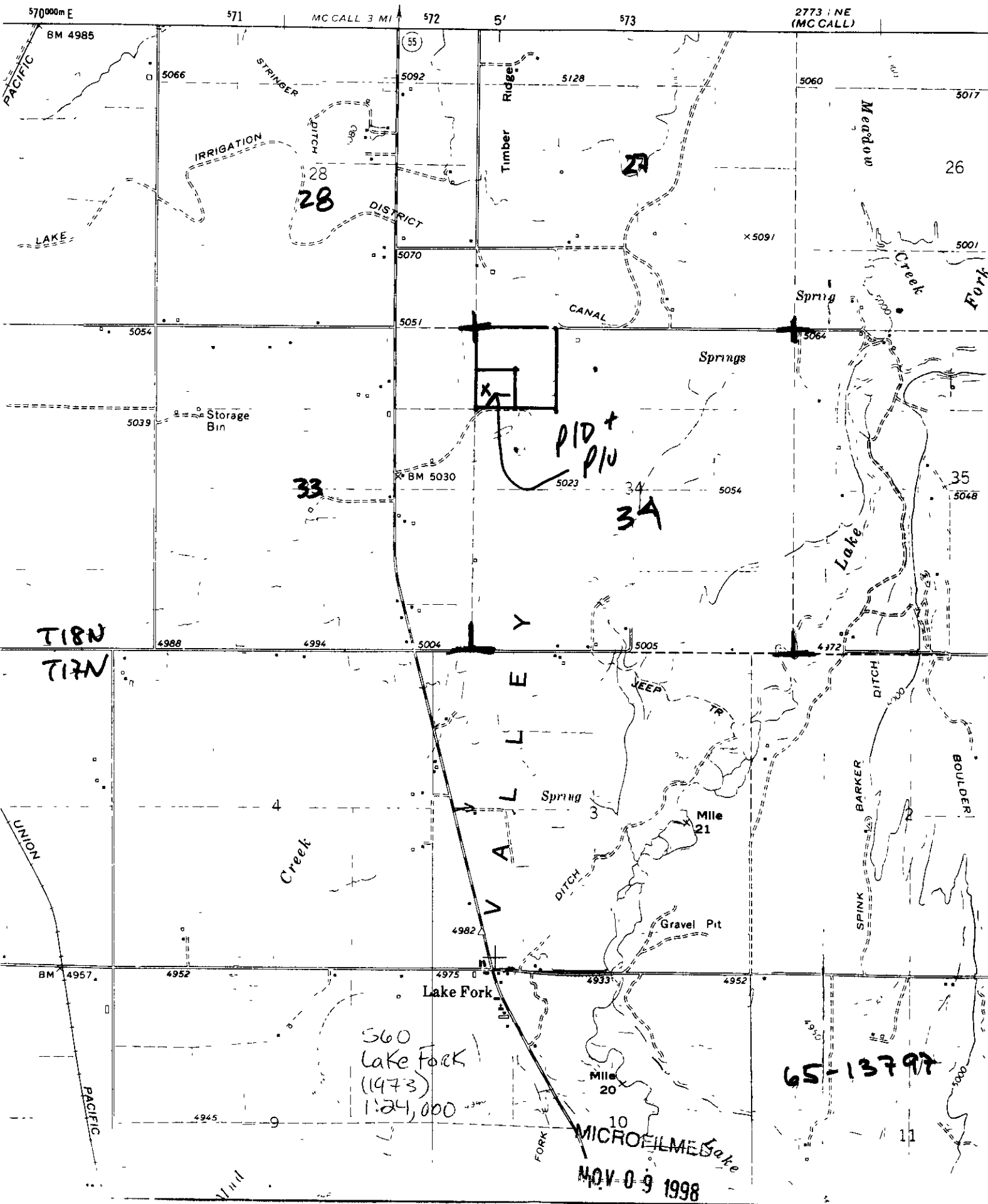
MICROFILMED
NOV 09 1998

Duane B. and/or Alberta M. Smith
Application for Water Permit

MAP OF PROPOSED PROJECT



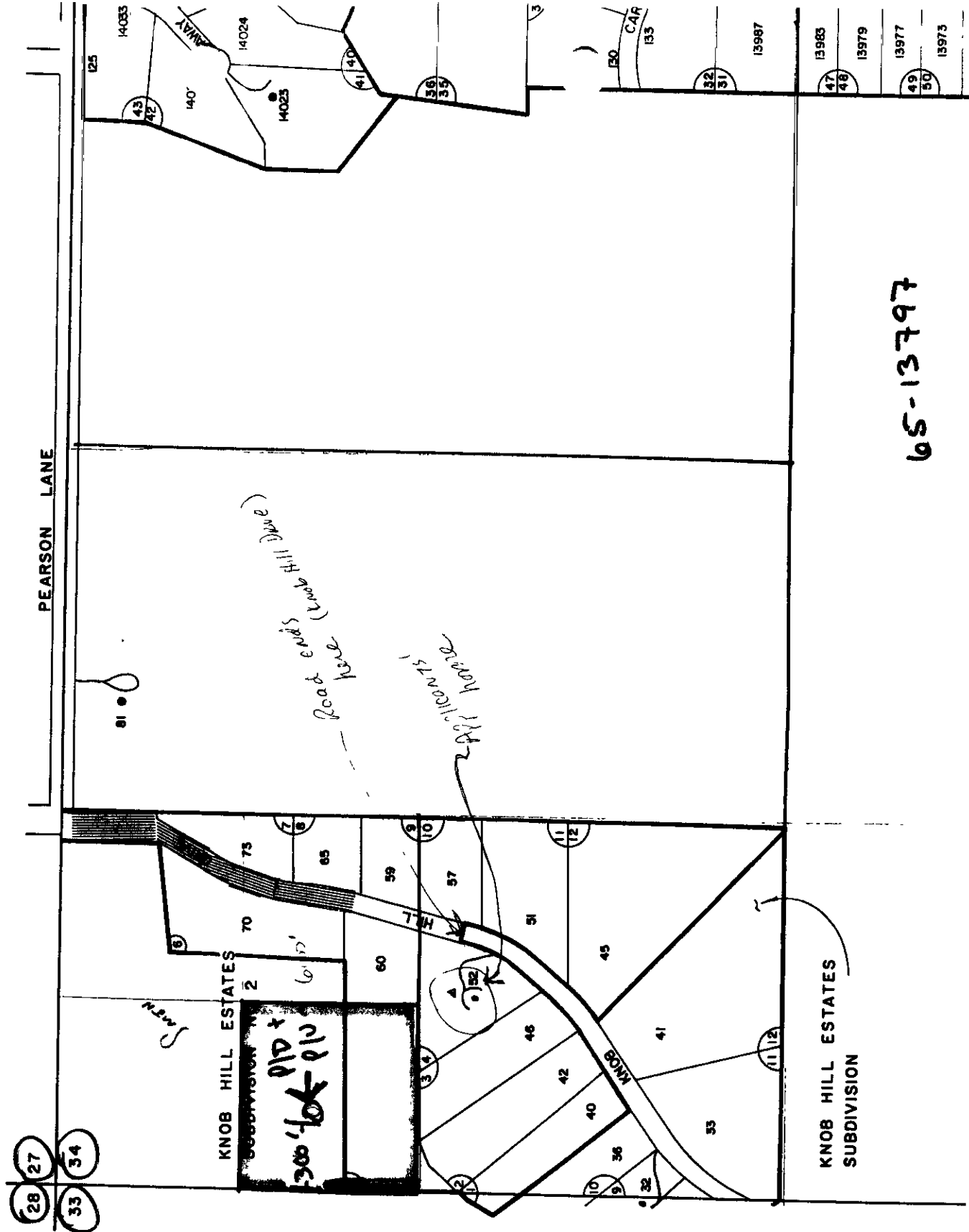
Alb TA / Duane Smith
T18N R3E S.34 SWNWNW



F18N K3N S34
S4 NW NW

65-13797

MICROFILMED
NOV 09 1998





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

December 18, 2003

OSPREY PROPERTIES LLC
3207 4TH ST
LEWISTON ID 83501

RE: Change of Ownership for Water Right 65-13797

Dear Water Right Holder(s):

The department acknowledges receipt of correspondence changing ownership of the above referenced water right to you. The department has modified its records to reflect the change in ownership and has enclosed a computer-generated report for your records. Also enclosed is a receipt for \$125.00 for miscellaneous filing fees.

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

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

Sincerely,

for 
Jeff Peppersack, Manager
Water Right Permits Section

JP:klt

Enclosures

MICROFILMED

DEC 17 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 20, 2003

OSPREY PROPERTIES LLC
FRANK C BRUNEEL
3207 4TH ST
LEWISTON ID 83501

RE: Change in Ownership of Water Right 65-13797

Dear Mr Bruneel:

The Department of Water Resources acknowledges receipt of your Notice of Change in Water Right Ownership. Our review of your notice indicates that additional information is required before we can process the change. The information required is indicated below:

☒ **Evidence of Water Right Ownership:** copy of Deed, Title Policy, Contract of Sale, or other legal document indicating your ownership of the property and/or water rights in question

☒ **Legal Description of Property**

Because the Department cannot process the ownership change without proper documentation, we will hold any action on your notice pending receipt of the necessary information. If we do not receive the necessary information within 30 days we will return your notice and all attachments and your notice will not be processed.

Please note that water right owners are required to report any change in 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 (<http://www.idwr.state.id.us>) on the Internet to obtain the proper forms and instructions.

Please feel free to contact the Department if you have any questions.

Sincerely,

Kari Lynn Townsend
Secretary

KLT:k

MICROFILMED
DEC 17 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

October 11, 2001

DUANE B SMITH
ALBERTA M SMITH
52 KNOB HILL RD
MCCALL ID 83638

RE: License No. 65-13797 - Issuance of License

Dear Water Right Holder(s):

The Department of Water Resources has issued the enclosed Water Right License confirming that a water right has been established in accordance with your permit. Please be sure to thoroughly review the conditions of approval and remarks listed on your license.

The license 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.

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,

Shelley W. Keen
Water Rights Supervisor

SWK:klt

Enclosure(s)

MICROFILMED

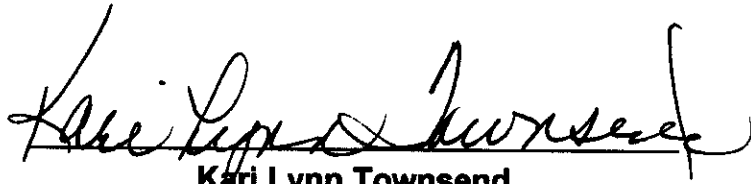
OCT 19 2001

CERTIFICATE OF MAILING

I hereby certify that on October 11, 2001 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER(Approved License) to the person(s) listed below:

RE: WATER RIGHT NO. 65-13797

**DUANE B SMITH
ALBERTA M SMITH
52 KNOB HILL RD
MCCALL ID 83638**


**Kari Lynn Townsend
Secretary**

MICROFILMED

OCT 19 2001

**EXPLANATORY INFORMATION
TO ACCOMPANY A
PRELIMINARY ORDER**

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 Idaho Water Resource Board (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).

MICROFILMED
OCT 19 2001

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.

Comment Report

65-13797

1. skeen 10/5/2001 Licensing Review

Comment: Licensing review by S. Keen on 10/5/2001. No place of use or point of diversion overlaps. Digitized place of use and point of diversion are only estimates based on the field examiners map

2. MMINICUC 7/23/1998 DIVERSION DESCRIPTION

Comment. Storage pond, natural habitat pond for ducks, geese, and wildlife Supports natural vegetation. Pond is approximately 60 X 90 X 5. Source/legal Applicants originally proposed diversion from Lake Fork Irr Distr ditch. Complications with that proposal lead to the current application. Source is a spring which will be dug out for a pond Location of spring was determined in telephone consultation with Alberta Smith Spring is located just north of north line of Lot 5 in Knob Hill Estates No. 2, and approximately 300 ft east of the west line of s. 34. It is located on an unplatted portion of the applicants property. (At one time they owned the entire QQ but have sold some lots.) The applicants home is located on Lot 4 of Knob Hill Estates No. 2.

3. KTOWNSEN 1/13/2000 Proof of Beneficial Use Rcvd

Comment: Proof of Beneficial Use Rcvd

4 KWALKER 10/1/2001 Field Exam

Comment: Field exam returned to Western pursuant to their request.

MICROFILMED
OCT 19 2001

Received
10/5/2001
S. Kern
IDWR

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

A. GENERAL INFORMATION

Permit No. 65-13797

1. Owner: Duane and Alberta Smith Phone No. 634-7016

Current Address: 52 Knob Hill Rd. McCall ID 83638

2. Accompanied by: Osprey Properties, LLC c/o Frank Bruneel EXAM DATE : 9/26/01

Address: 3207 4th st, Lewiston ID 83501 Phone No. 208-743-8951

Relationship to Permit Holder: New Owners

3. Source: Spring tributary to Sinks

B. OVERLAP REVIEW

1. Other water rights with the same place of use: None

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

C. DIVERSION AND DELIVERY SYSTEM

1. Point(s) of Diversion:

Ident No.	Govt. Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Method of Determination/Remarks
		SW	NW	NW	34	18N	3E	Valley	GPS Reading, Topo Map, Exam

2. Place(s) of Use:

Indicate Method of Determination same as above

TWP	RGE	SEC	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
18N	3E	34						WS											

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OCT 19 2001

3. **Delivery System Diagram:** Indicate all major components and distances between components. Indicate weir size/ditch size/pipe i.d. as applicable.

Y Copy of USGS Quadrange Attached Showing location(s) of point(s) of diversion and place(s) of use (required).

N Aerial Photo Attached (required for irrigation of 10+ acres).

Y 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

*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

2. Measurements:

Pond Size: 80' x 50' x 5' = .5 af

E. NARRATIVE/REMARKS/COMMENTS

A 1/2 AF pond was developed on the site of a spring for wildlife storage. No other rights are used. New owners want to expand the pond to 2 AF and are filing a new application for additional volume. A completed change of ownership form for this permit will also accompany the new application.

MICROFILMED
OCT 19 2001

Have conditions of permit approval been met? ___x yes ___ no

F. FLOW CALCULATIONS

_____ Additional Computation Sheets Attached

Measured Method:

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

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

$$V_{DR} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 =$$

$$V = \text{Smaller of } V_{IR} \text{ and } V_{DR} =$$

2. Volume Calculations for Other Uses:

Pond Size: 80' x 50' x 5' = .5 af

H. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period Of Use		Rate Of Diversion Q (CFS)	Annual Volume V (AFA)
	From	To		
Wildlife Storage	1/1	12/31		.5
TOTAL				.5 afa

2. Recommended Amendments

☐ 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**I. AUTHENTICATION**

Lori Graves - Senior Agent

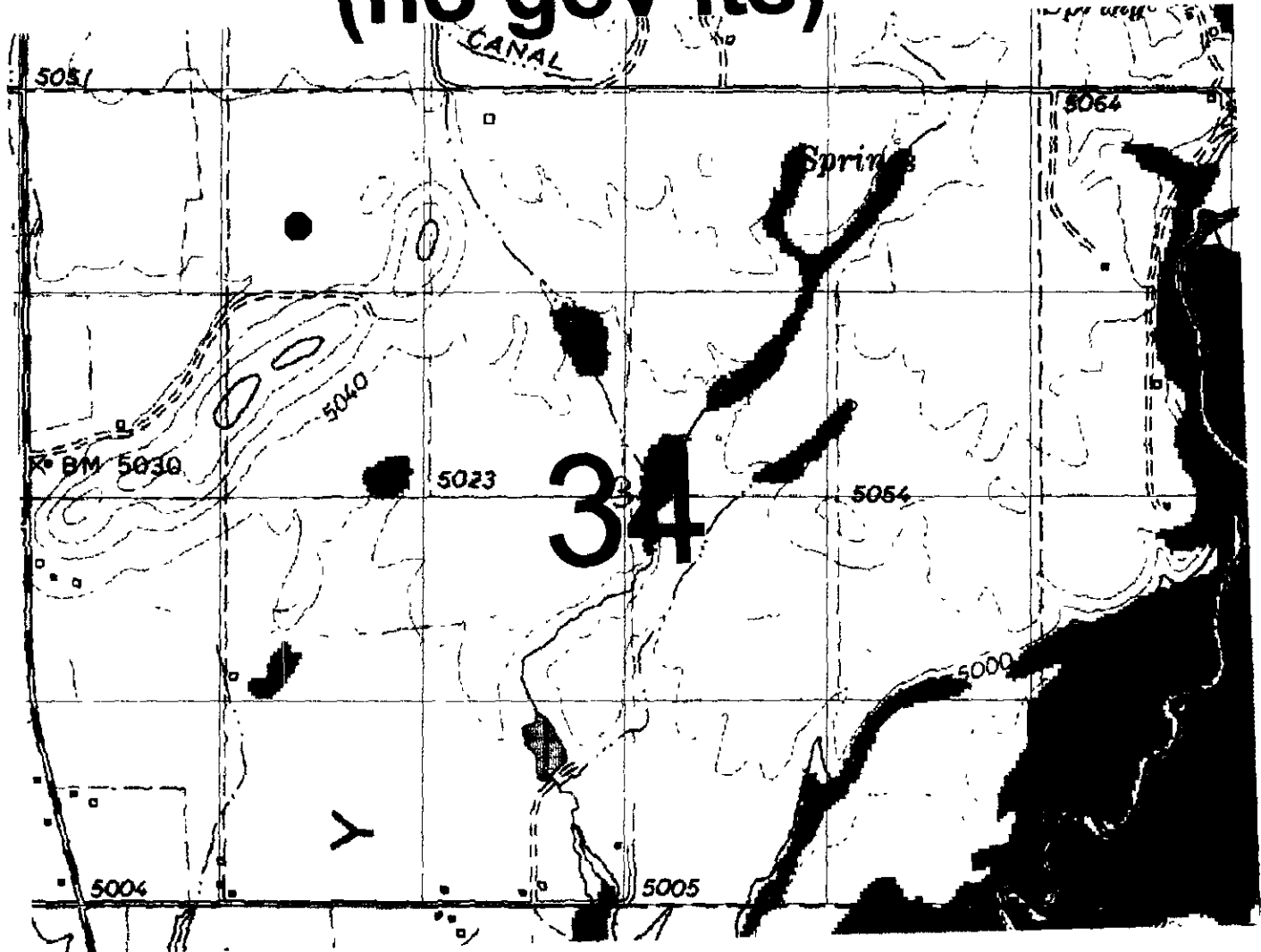
Field Examiner's Name Lori Graves Date 10/1/01

Reviewer _____ Date _____

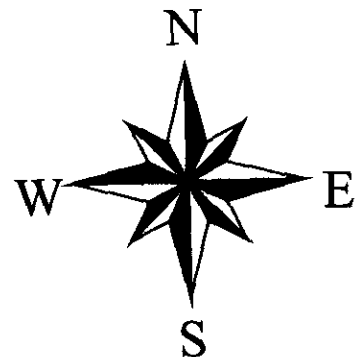
SEAL

MICROFILMED
OCT 19 2001

65-13797
T18N R3E S34
(no gov lts)



● Pond
Sections
1/41/4
MICROFILMED
OCT 19 2001





P/D + P/u

Comment Report

65-13797

1. MMINICUC 7/23/1998 DIVERSION DESCRIPTION

Comment: Storage pond, natural habitat pond for ducks, geese, and wildlife Supports natural vegetation. Pond is approximately 60 X 90 X 5. Source/legal Applicants originally proposed diversion from Lake Fork Irr Distr ditch. Complications with that proposal lead to the current application. Source is a spring which will be dug out for a pond Location of spring was determined in telephone consultation with Alberta Smith. Spring is located just north of north line of Lot 5 in Knob Hill Estates No. 2, and approximately 300 ft east of the west line of s. 34. It is located on an unplatted portion of the applicants property. (At one time they owned the entire QQ but have sold some lots.) The applicants home is located on Lot 4 of Knob Hill Estates No. 2.

2. KTOWNSEN 1/13/2000 Proof of Beneficial Use Rcvd

Comment: Proof of Beneficial Use Rcvd

kw **3. KWALKER 10/1/2001 Field Exam**

Comment: Field exam returned to Western pursuant to their request.

MICROFILMED

OCT 19 2001



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

January 13, 2000

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

DUANE B SMITH
ALBERTA M SMITH
52 KNOB HILL DR
MC CALL ID 83638

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 65-13797

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.

Be advised that Section 42-248, Idaho Code, requires you or the owner of this water right 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.

If you have questions concerning the field examination, please contact the **WESTERN** Regional Office of the department in Boise at (208) 334-2190.

Sincerely,

Kari Lynn Townsend
Secretary

c: IDWR - Regional Office

MICROFILMED

JAN 31 2000

ANALYSIS SHEET
FOR
PROOF OF BENEFICIAL USE

Permit No. 65-13797 Reviewed by JG Date 1-11-00

GENERAL CONSIDERATIONS

yes Name same as permit?
No Address same as permit?
yes Proof timely received?
If not, complete calculation below.

TYPES OF USE

wildlife

Correct Uses? yes

SOURCE OF WATER

☒ Surface water source

☐ Ground water source

☐ Drilling permit required?

☐ Copy in the file? Drilling Permit No. _____

☐ Amount paid for permit

☐ Well log in the file?

☐ Correct?

LICENSE EXAMINATION FEE

yes Required?
50 Amount Submitted
yes Correct?

MEASURING DEVICE

NO Required?
☐ Installed?
☐ Waiver requested?

PRIORITY CALCULATION

Date proof received	<u> </u>	<u> </u>
Date proof due	<u> </u>	<u> </u>
No. of days late	<u> </u>	<u> </u>
Priority Date	<u> </u>	<u> </u>
New Priority Date	<u> </u>	<u> </u>

DEFICIENCIES OR ACTION ITEMS

None - Acknow proof

DATA ENTRY

New Address 52 Knob Hill Dr. Proof Made 9-29-99
McCall, Id 83638

August 31, 1999

ALBERTA M SMITH
DUANE B SMITH
207 N 3RD ST
MCCALL ID 83638

PROOF DUE NOTICE

RE: PERMIT NO. 65-13797

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 1, 1999. (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.

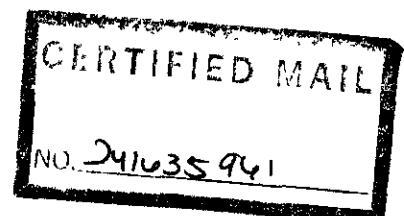
SINCERELY,

JULIE L. YARBROUGH
Senior Secretary

Enclosures

MICROFILMED

JAN 31 2000





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

November 3, 1998

PHILIP E. BATT
GOVERNOR

ALBERTA M SMITH
DUANE B SMITH
207 N 3RD ST
MCCALL ID 83638

KARL J. DREHER
DIRECTOR

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 65-13797

Dear Permit Holder:

The Department of Water Resources (IDWR) 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 IDWR pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action by IDWR unless a party petitions for reconsideration or files an exception and/or brief 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.

Also, please note that water right owners are required to report any change of water right ownership and/or change of 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 reporting form.

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

Sincerely,

Shelley W. Keen
Water Rights Supervisor

SK:klt
Enclosures

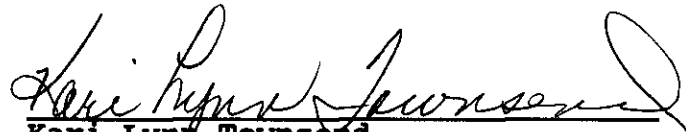
MICROFILMED
NOV 09 1998

CERTIFICATE OF MAILING

I hereby certify that on the 3rd day of November, 1998, I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Approved Permit) to the person(s) listed below:

Water Right No. 65-13797

ALBERTA M SMITH
DUANE B SMITH
207 N 3RD ST
MCCALL ID 83638


Kari Lynn Townsend
Secretary

MICROFILMED
NOV 09 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.

MICROFILMED

NOV 09 1998

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.

MICROFILMED

NOV 09 1998

APPLICATION FOR PERMIT STATE OFFICE ANALYSIS

by *Cindy Lou*

No.: 65-13797 Name: Smith Date: 10/15/98 Ad OK? ☒ / Gvmt Lts: ☒

AREA OF CONCERN:

- No/Yes: _____ Mor / _____ GWMA / Trust / Non-trust

PROTESTED:

- 020 (Protest Agreement) or *W19 (Order)

SYSTEM COMPLETED:

> 1 year

- 26A-P17

≤ 1 year/no proof

- P18**GROUNDWATER: (✓ FLO-CH)**

WMD (✓ MAP)

- North / East / West

> 0.24 cfs/5 acres

- 067 or No MD (in-stream stock or power)

≤ 0.24 cfs/5 acres

- No MD

WMD Supplemental use

- 065-079 (if GW use SW 1st-statewide)-(cannot move SW off)

> 0.24 cfs/5 acres

- 01M (report when notified)

≤ 0.24 cfs/5 acres

- No MD

DRILLING PERMIT:

All wells (✓ WDQ3)

- 046-P23

In Basin 34?

- 085

Irr. within WD

- P05 (new well location)

SURFACE WATER: (✓ FLO-CH) (Surface water that doesn't sink is regulated)**FISH & GAME CONTACTED:** 10/15/98- Yes / No, RESPONSE: None

IN/ABOVE MIN. STR FLOW (✓ MAP)

- *WB9

WD (✓ MAP & LISTING)

- R04 (WD # _____)

> 0.10 cfs

- 01J-P08 (MD & LD)

≤ 0.10 cfs

- 01H-P01 (LD), 01P or No MD (in-stream stock)

WMD (✓ MAP)

> 0.24 cfs/5 acres

- 067 or No MD (in-stream stock or power)

≤ 0.24 cfs/5 acres

- No MD

SPRINGS/SINK, INACTIVE WD & REST OF STATE

> 0.24 cfs/5 acres

- 01M or No MD (in-stream stock or power)

≤ 0.24 cfs/5 acres

- No MD

RIVER BASINS: (*Surface water)

Snake R (01)

- *W22-P04, NA

(02/03-irr)

- 007 (w/ remark *WB9 if above Weiser), NA

Payette R (65)

- *W22 (regulated uses), 047-P04 (Payette Lake), NA

Salmon R (70's)

- 029 (fish screens), NA

Weiser R (67)

- 086, 087

USE:

Domestic surface

- *WB5 (Big Wood R or Boise R ↑ Star Bridge); 27A (Payette River), NA

> 1 in rest area

- 071-070

Fire Protection

- 077

Fish Propagation

- 029(70's only)-007-042(req)-081 (WQ)-P10

Heating/Cooling

- R07 (injection well)

Irr ≤ 5 acres

- R66/R67/R68/R69 (0 03 cfs/acre + 3 0/3 5/4 0/4 5 AF)

> 5 acres

- R62/R63/R64/R65 (0 02 cfs/acre + 3 0/3 5/4 0/4 5 AF)

Mining

- 054(req)-081-P10

Municipal

- 022, 075, 004 (+memo?), NA (not in restricted area)

Power

- 17H/17K(+uses)-08A-025(P18)-01N-028-081(P10)-027 (if no other cons. use),

17G (FERC) or 17M (FERG), 18B-P09, >25 cfs-P18

Stockwater

- R37 (BLM/USFS); NA

Storage (✓ 3 compo)

- 18A (in & out MD for on-stream storage), 18B-P09 (>10' dam), NA

60'x90'x5'd.

LOCATION:

42-248 area

- P84 (in 20/30/40/50/60/70/80 (87) basin)

Boise Front LoGeo

- 058 (<85° GW temp only)

In-stream dev

- P52 (stream channel alteration)

Mitigation

- 120

SWAN FALLS FLAG (See Code Chart)

Trust

- 051-052-053-P74 (Consumptive Uses), NA

Non-Trust (1)

- 048-049 (Consumptive Uses), NA

OWNERSHIP:

- 004 (PD/PU)

OTHER CONDITIONS:**STANDARD REMARKS:**- 1 W57-60 LT 4 Knob Hill Sub #2.**BENEFICIAL USE DUE:**- 10/1/1999**COMMENTS:**- F&G letter sent 10/15/98.



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

October 15, 1998

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

Idaho Dept of Fish & Game
Southwest Region, McCall Office
555 Deinhard Ln
McCall ID 83638-0905

RE: Application for Permit No. 65-13797

To Whom It May Concern:

The Department of Water Resources (IDWR) is preparing to issue a water appropriation permit for the above application. Before proceeding, IDWR would appreciate receiving your comments, if any, on the proposed diversion and use of surface water. I have enclosed copies of the application for your review. Please respond with your comments by October 30, 1998. If I have not heard from you by then, I will assume you have no comment and will proceed with issuing the permit.

If you have any questions, you may contact me directly at (208) 327-7944 or by electronic mail at czimmerm@idwr.state.id.us.

Respectfully,

Cindy Zimmerman
Water Resource Agent

Enclosure

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NOV 09 1998

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPROPRIATION APPLICATION ANALYSIS SHEET

OCT 09 1998

DEPARTMENT OF WATER RESOURCES

INITIAL REVIEW BY: TPT DATE: 7/17/1998 APPLICATION: 65-13797

REQUIRED INFORMATION

- ☒ Name: (If applicant is a corporation or partnership, names and addresses for the director, officers, and other partners must be included.)
- ☒ Address:
- ☒ Source: (See USGS Quad for names of water sources) *Per conv. w/applicant: Spring tributary to SWKS*
- ☒ Point of Diversion: (10 acres for spring, lot & block descriptions for Subdivisions, local name) *SWKS*
- ☒ 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. $\geq$ 5 homes in non-restricted area)
- ☒ Signature: (If applicant is corp., partnership, or municipality, title of signatory is required)
- ☒ Correct fee paid
- Gov't. Lots:
NO P/D
NO P/U

NO ADVERTISE REMARK(S)
(Reviewer identify which remarks)

ADDITIONAL INFORMATION

N/A T FLAG CHANGED TO P FLAG

YES NO

- ☒ Overlapping place of use: (Describe source & relationship to present application on next page.)
- ☒ Overlapping point of diversion.
- ☒ Critical groundwater area:
- ☒ Groundwater management area:
- ☒ 1992 moratorium:
- ☒ Bull trout impact area
- ☒ 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. *< 1/2 acre storage (surface area)*
☐ immediate = acceptable plan required and submitted.
☐ future = open areas, acceptance of condition of approval is in file.
- ☒ Send power requirement letter:
- ☒ Send 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

Source, diverting works, off stream storage
Source is spring, to be dug out a source. No other water.

Date Requested 7/17/1998 Date Response Received 7/23/1998

PROCESSING

APP. NO. 65-13797

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. Health & Welfare
☐ ☒ I.D. District Health
☐ ☒ I.D. Fish & Game
☐ ☒ I.D. Lands

YES NO

☐ ☒ U.S. BLM
☐ ☒ U.S. Forest Service
☐ ☒ Water Dist. # Not a regulated source.
☐ ☒ Other _____

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 8-24-98
☐ ☒ Protests received.
☐ ☒ Recommendations attached:
☐ ☒ Measuring device required:
☐ ☒ Measuring port required:
☐ ☒ Water delivered by water master? District # _____
☒ ☐ Special conditions of approval or cover letter: 120

See below for additional information

Recommended Date or Priority 6/17/98

Recommended by: Gary S Date: 10/1/98

STATE OFFICE REVIEW _____

See below for additional information. By _____ Date _____

ADDITIONAL INFORMATION:

Publisher's Affidavit of Publication

STATE OF IDAHO

.SS

County of Valley

RECEIVED
AUG 31 1998

RECEIVED

AUG 31 1998

WATER RESOURCES
WESTERN REGION

I, Carol J. Wright, being duly sworn and say, I am the receptionist of The Star-News, a weekly newspaper published at McCall, in the County of Valley, State of Idaho, that said newspaper is in general circulation in the county of afore said and is a legal newspaper; that the PUBLIC NOTICE, a copy of which is enclosed hereto and is a part hereof, was published in said newspaper once a week for a period of two weeks in the regular and entire issue of every number there of during the period of time of publication, and was published in the newspaper proper and not in a supplement; and that publication of such notice began August 6, 1998, and ended August 13, 1998.

Carol J. Wright

Subscribed and sworn before me this the 14th day of August, 1998.

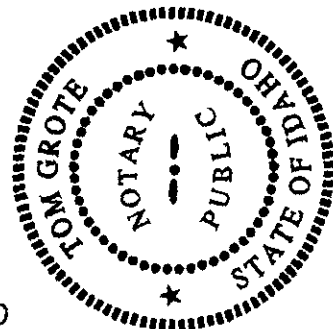
STATE OF IDAHO

COUNTY OF VALLEY

MICROFILMED

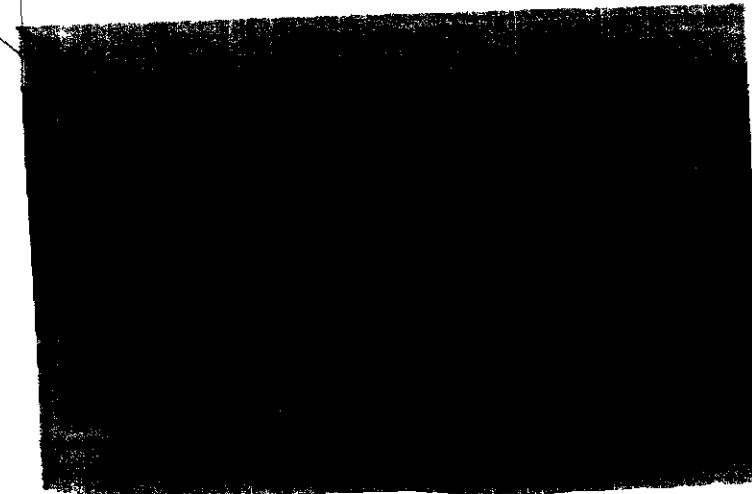
NOV 09 1998

On this 14th day of August, in the year of 1998, before me, a Notary Public, personally appeared Carol J. Wright, 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 acknowledged to me that she executed the same.



Tom Grote

Tom Grote
Notary Public for Idaho
Residing at McCall, Idaho
Commission Expires 1999





State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

JULY 29, 1998

Legal Notices Department
The Star News
PO Box 985
McCall, ID 83638

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 AUGUST 24, 1998.

Yours truly,

SUE TAYLOR
Secretary/Office Coordinator

Encl.

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NOV 09 1998

NOTICE OF APPLICATION FOR WATER RIGHT

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

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NOV 09 1998

65-13797

SMITH, ALBERTA M
SMITH, DUANE B
207 N 3RD ST
MCCALL, ID 83638

Source: SPRING

Tributary: SINKS

Diversion Pt: SWNWNW Sec 34 T 18N R 03E in VALLEY County.

Use: WILDLIFE STORAGE	(	1.00 AF)
Total Diversion:	(	1.00 AF)

Date Filed: 6/17/1998

In: VALLEY County	
T18N R03E S34	NWNW

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NOV 09 1998

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 Resources, Western Region, 2735 Airport Way, Boise, Idaho 83705 together with a protest fee of \$25.00 on or before AUGUST 24, 1998. The protestant must also send a copy of the protest to the applicant.

KARL J. DREHER, Director

Published: 8/ 6/1998 & 8/13/1998

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NOV 09 1998

7-17-1998

Alberta (Duane Smith) 634 7015

Out of town until next week

left msg that I would call her late next week.

TTT

07/23/1998

Alberta Smith

Source will be spring / wet area

Dig out pond 60' x 90' x 5' (deepest point)

Wildlife storage

4:00 Alberta Smith

Spring is located in portion of NWNW that has not been platted.

Location is approximately 300 ft ^{east} from the west section line, and 600 ft west of the road as platted. Road comes from south west and ends @ Smith's home.

(Lot 4, Knob Hill Estates No. 2)

Smith owned entire subdivision at one time - not all lots are sold.

Agreed location is probably SWNWNW 34
Sec Valley county plat

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NOV 04 1998

65-13797

DUANE B. & ALBERTA M. SMITH
207 N. 3RD STREET
MCCALL, ID 83638
(208) 634-7015

State of Idaho
Department of Water Resources
Western Region
Attn: Maria Minicucci
2735 Airport Way
Boise, Id 83705-5082

RECEIVED

JUL 08 1998

WATER RESOURCES
WESTERN REGION

July 2, 1998

RE: Response to letter dated 6/22/98,
Application for water permit.

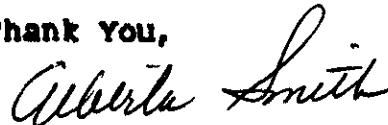
Dear Maria,

I would like to revise my water permit application for a storage pond.

We are still planning to dig the pond at the same approximate location, however, we are changing the source of water supply. We will depend on ground water and/or spring runoff to fill the pond. We will not be building a head gate or using Lakefork Irrigation ditch water.

Please advise if further application procedures are necessary.

Thank You,



Alberta Smith

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NOV 09 1998



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

June 22, 1998

ALBERTA M SMITH
DUANE B SMITH
207 N 3RD ST
MCCALL ID 83638

RE: *Application for Permit*

Dear Ms. and Mr. Smith:

This office has received your application for permit to divert waste water into a pond. Additional information is required in order to process your application.

IDWR requires a letter from the Lake Fork Irrigation District indicating their approval of your proposed project. The letter should acknowledge the location, source, and scope of the proposed project.

Your application will be held pending receipt of the requested information. If no response is received within 30 days of the date of this letter, IDWR will move to void the application and your fees will be returned to you.

If you have any questions or comments, please do not hesitate to contact me at this office.

Sincerely,

Maria Minicucci
Sr. Water Agent

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NOV 09 1998

65-13797