

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

T
7
N

P.D.
P.U.
33 Ac.

P.D.
P.U.

2

P.D.
P.U.
3 Ac.

P.D.
P.U.
26 Ac.

P.D.
P.U.

P.D.
P.U.
26 Ac.

P.D.
P.U.

R4W

Scale: 2 inches equal 1 mile.

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

Robert A. Smith
(Applicant)

Affidavit of Publication

STATE OF IDAHO,
COUNTY OF PAYETTE

SS.

Copy of Notice
(First Copy)

Notice of Application for water Right
TITLE OF PUBLICATION

SPONSOR OR PLAINTIFF

State of Idaho, Dept. of Water Resources
PLAINTIFF OR LEGAL AGENT

duly sworn, deposes and says:

That *he* is the *principle clerk* of
THE INDEPENDENT-ENTERPRISE, a weekly newspaper published at
Payette, in the County of Payette and State of Idaho; that said paper
has been and is in general circulation in the county aforesaid, and in
the vicinity of Payette; that the advertisement, a copy of which is
attached hereto, was published in said newspaper once a week for
(2) two consecutive weeks in the regular and entire issue of said
paper during the period and time of publication, and was published
in the newspaper proper and not a supplement; that said paper has
been established and regularly published for more than seventy-eight
consecutive weeks prior to the date of first publication of said adver-
tisement.

Such notice was published in the issue beginning with
Dec. 1, 19 *82*, and ending with the issue
of *Dec. 8*, 19 *82*.

Subscribed and sworn to before me this *13th* day
of *December*, 19 *82*.

Mark E. McClary
Notary Public, Residing at Payette, Idaho.

My Commission Expires *3-1*, 19 *84*.

STATEMENT

Independent-Enterprise

PAYETTE, IDAHO

Number of Lines *25 dbl. lines*

Number of Insertions *(2) two*

25 Lines @ *574* . . . \$ *14.25*

25 Lines @ *384* . . . \$ *9.50*

TOTAL COST
WILL BE \$ *23.75*

NOTICE OF APPLICATION FOR WATER RIGHT
The following application(s) have been filed to ap-
propriate the public waters of the State of Idaho.

65-12579

SMITH, ROBERT A. &/or SHARON R. *J SP*

P.O. BOX 586, NEW PLYMOUTH, ID 83655

Source: SPRINGS tributary to UNNAMED DRAIN

UNNAMED DRAIN tributary to PAYETTE RIVER

Date Filed: 10/15/1982

Amount: 6.00 CFS

Diversion Point: NWSE NESW NWSW SENW SWNW Sec
02 T 07N R 04W, PAYETTE Co.

Use: IRRIGATION (1.24 CFS) from 03/15 to 11/15

STOCKWATER (0.12 CFS) from 01/01 to 12/31

POWER (6.00 CFS) from 01/01 to 12/31

FISH PROP. (6.00 CFS) from 01/01 to 12/31

Place of Use: SWNW NESW NWSW Sec. 02 T 07N R 04W
SESW NWSE

Sec 02 T 07N R 04W FOR 62 ACRES

Diversion Means: PIPELINE & RACEWAYS

The permit(s) will be subject to all prior water rights.
Protests must be filed with the Director, Dept. of Water
Resources, Western Region, Statehouse, Boise, Idaho
83720 on or before DECEMBER 13, 1982.

KEN DUNN, Dir.

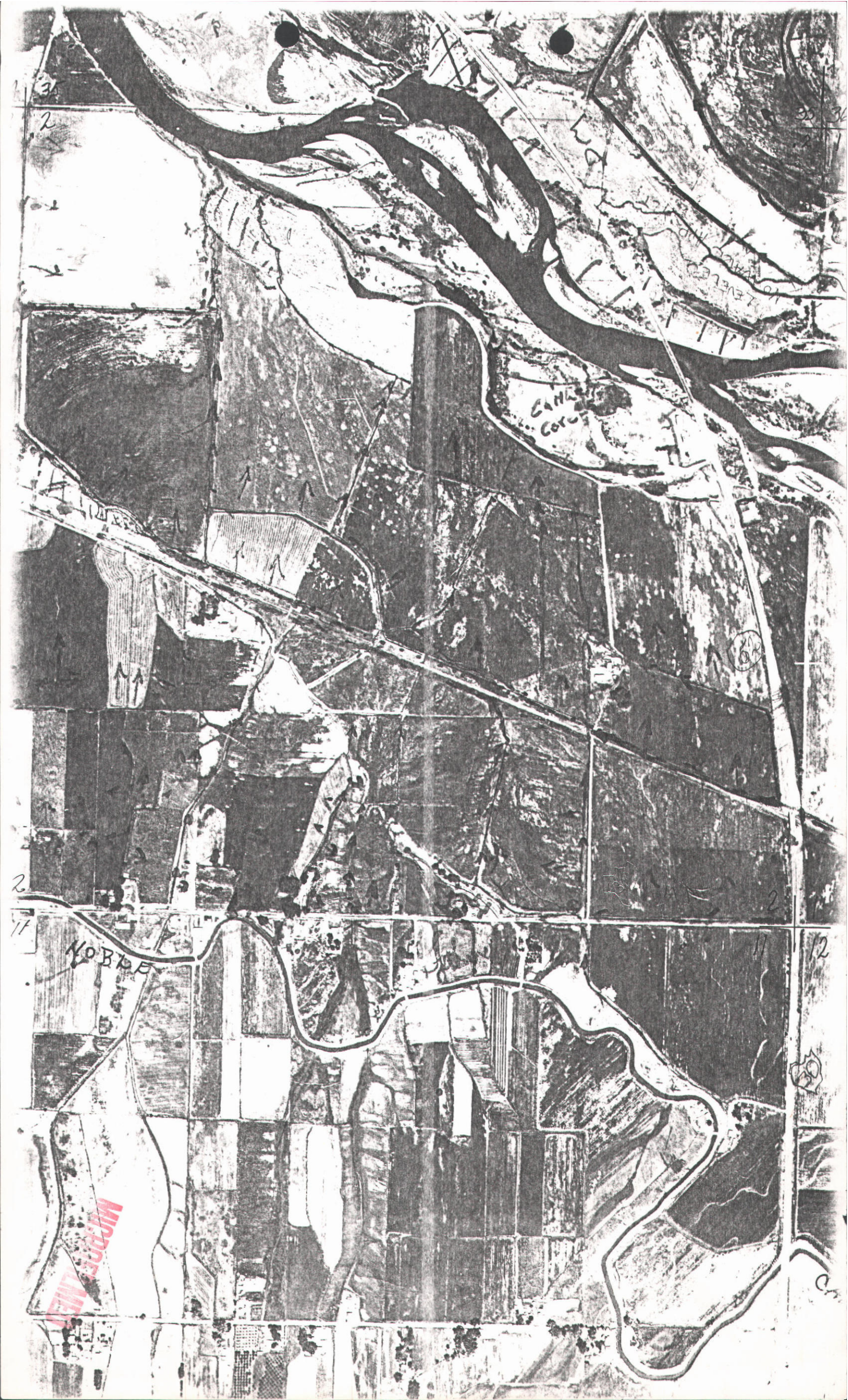
No. 2488

Dec. 1, 8

NO 2488 RECEIVED

DEC 15 1982

Department of Water Resources
Western Regional Office



State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 65-12579

Priority: October 15, 1982

Maximum Diversion Rate: 6.00 CFS
Maximum Diversion Volume: 8968.0 AF

This is to certify, that SHARON R SMITH
ROBERT A SMITH

PO BOX 586

NEW PLYMOUTH ID 83655

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated October 15, 1982; and has submitted Proof of Beneficial Use on November 27, 1987. An examination indicates that the works have a diversion capacity of 38.360 cfs of water from:

SPRINGS
UNNAMED DRAIN

tributary to UNNAMED DRAIN
tributary to PAYETTE RIVER

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

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	03/15 to 11/15	1.24 CFS	279.0 AF
STOCKWATER	01/01 to 12/31	0.02 CFS	1.3 AF
FISH PROPAGATION	01/01 to 12/31	6.00 CFS	4343.8 AF
POWER	01/01 to 12/31	6.00 CFS	4343.9 AF
	Totals	6.00 CFS	8968.0 AF

LOCATION OF POINT(S) OF DIVERSION:

SWNW , Sec. 2, Township 07N, Range 04W
NESW , Sec. 2, Township 07N, Range 04W
NWSW , Sec. 2, Township 07N, Range 04W
SWSE , Sec. 2, Township 07N, Range 04W
PAYETTE County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
07N	04W	2	SWNW 33	NESW 26	NWSW 3	62
Total number of acres irrigated:						62

PLACE OF USE: STOCKWATER, same as IRRIGATION use

PLACE OF USE: FISH PROPAGATION

TWN RGE SEC

07N 04W 2	SWNE	SENE	NENW
	SENW	NESW	NWSE

MICROFILMED

FEB 18 1993

State of Idaho
Department of Water Resources**WATER RIGHT LICENSE**

WATER RIGHT NO. 65-12579

PLACE OF USE: POWER
TWN RGE SEC

07N 04W 2 SENW

CONDITIONS/REMARKS:

1. The maximum diversion volume is defined as the maximum allowable volume of water that may be diverted annually from the source under this right. The use of water confirmed by this right limited to the amount that can actually be beneficially use used. The maximum diversion volume may be adjusted to more accurately describe the beneficial use or to implement accepted standards of diversion and use efficiency.
2. This water right is appurtenant to the described place of use.
3. This right is subject to all prior water rights and may be forfeited by five years of non-use.
4. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
5. Use of water under this water right will be regulated by the watermaster of State Water District No. 65.
6. Return flow if discharged to a surface water system shall meet Idaho Water Quality Standards.
7. The water right confirmed in this license for hydropower purposes shall be junior and subordinate to all rights to the use of water, other than hydropower, within the State of Idaho that are initiated later in time than the priority of this license and shall not give rise to any right or claim against any future rights to the use of water, other than hydropower, within the State of Idaho initiated later in time than the priority of this license.
8. This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 4.5 afa per acre for the lands above.
9. The diversion and use of water under this right is subject to review by the Director on January 1, 2017. Upon appropriate findings relative to the interest of the public, the Director may cancel all or any part of the use authorized herein and may revise, delete or add conditions under which the right may be exercised.
10. This right is used for fish propagation and power uses in combination with Right Nos. 65-12598 and 65-12717. The total fish propagation facility volume under these rights is 15,211,152 cubic feet.
11. Stockwater use is for 100 range cattle.

FEB 18 1993

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE
WATER RIGHT NO. 65-12579

This license is issued pursuant to the provisions of Section 42-219, Idaho Code.
Witness the seal and signature of the Director, affixed at Boise, this 8TH
day of FEBRUARY, 1993.

Acting for R. Keith Higginson, Director

RECEIVED
FEB 18 1993

State of Idaho
Department of Water Resources

APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 65-12579

APPROVED

Date of Priority: October 15, 1982

Maximum Diversion Rate:

6.00 CFS

Maximum Diversion Volume:

280.3 AF

Comes now

ROBERT A SMITH
SHARON R SMITH

PO BOX 586
NEW PLYMOUTH ID 83655

and represents to the Director of the

Idaho Department of Water Resources:

That he is the owner and holder of Permit to Appropriate the Public Waters of the State of Idaho No. 65-12579, and requests that the permit be changed as follows:

Source: SPRINGS

tributary to UNNAMED DRAIN

Source: UNNAMED DRAIN

tributary to PAYETTE RIVER

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	03/15 to 11/15	1.24 CFS	279.0 AF
STOCKWATER	01/01 to 12/31	0.02 CFS	1.3 AF
FISH PROPAGATION	01/01 to 12/31	6.00 CFS	
POWER	01/01 to 12/31	6.00 CFS	
	Totals	6.00 CFS	280.3 AF

LOCATION OF POINT(S) OF DIVERSION:

SWNW , Sec. 2, Township 07N, Range 04W
NESW , Sec. 2, Township 07N, Range 04W
NWSW , Sec. 2, Township 07N, Range 04W
SWSE , Sec. 2, Township 07N, Range 04W
PAYETTE County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
07N	04W	2	SWNW 33	NESW 26	NWSW 3	62

Total number of acres irrigated: 62

PLACE OF USE: STOCKWATER, same as IRRIGATION use

PLACE OF USE: FISH PROPAGATION

TWN RGE SEC

07N	04W	2	SWNE	SENE	NENW
			SENE	NESW	NWSE

RECORDED
FEB 18 1993

State of Idaho
Department of Water Resources

APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 65-12579

PLACE OF USE: POWER
TWN RGE SEC

07N 04W 2 SENW

Permit holder asserts that no one will be injured by such change and that such change will be made at permit holder's own risk.

Signed at _____, this _____ day of _____, 1993.

Robert D. Smith
(Signature)

RECEIVED
FEB 18 1993

State of Idaho
Department of Water Resources

APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 65-12579

FOR DEPARTMENT USE ONLY

Preliminary check by SA Fee = 20.00 Received by JG # C024659 Date 2/2/93

ACTION OF THE DEPARTMENT OF WATER RESOURCES

I, R. Keith Higginson, of the Department of Water Resources hereby approve the above Application for Amendment for Permit No. 65-12579 with the following;

CONDITIONS/REMARKS:

1. The maximum diversion volume is defined as the maximum allowable volume of water that may be diverted annually from the source under this right. The use of water confirmed by this right limited to the amount that can actually be beneficially use used. The maximum diversion volume may be adjusted to more accurately describe the beneficial use or to implement accepted standards of diversion and use efficiency.
2. This water right is appurtenant to the described place of use.
3. This right is subject to all prior water rights and may be forfeited by five years of non-use.
4. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
5. Use of water under this water right will be regulated by the watermaster of State Water District No. 65.
6. Return flow if discharged to a surface water system shall meet Idaho Water Quality Standards.
7. The diversion and use of water under this right is subject to review by the Director 35 years from the date of issuance. Upon appropriate findings relative to the interest of the public, the Director may cancel all or any part of the use authorized herein and may revise, delete or add conditions under which the right may be exercised.
8. The water right confirmed in this license for hydropower purposes shall be junior and subordinate to all rights to the use of water, other than hydropower, within the State of Idaho that are initiated later in time than the priority of this license and shall not give rise to any right or claim against any future rights to the use of water, other than hydropower, within the

FEB 18 1993

State of Idaho
Department of Water Resources

APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 65-12579

CONDITIONS/REMARKS:

- State of Idaho initiated later in time than the priority of this license.
9. This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 4.5 afa per acre for the lands above.
 10. This right is used for fish propagation and power uses in combination with Right Nos. 65-12717 and 65-12598. The total fish propagation facility volume under these rights is 15,211,152 cubic feet. The total annual volume for power purposes under these rights is 27,511.2 acre feet.
 11. Stockwater use is for 100 range cattle.

Witness my hand this 8TH day of FEBRUARY, 1993.

Acting for R. Keith Higginson Director

RECEIVED
FEB 18 1993

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

APPROVED

To appropriate the public waters of the State of Idaho

1. Name of applicant Robert A. &/or Sharon R. Smith Phone 278-3743

Post office address Box #586, New Plymouth, ID 83655

2. Source of water supply Springs
Unnamed Drain which is a tributary of Unnamed Drain
Payette River

3. Location of point of diversion is NW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 2 Township 7N

Range 4W B.M. Payette County, additional points of diversion if any: _____

NESE, NWSW, SENW, SESE, SWNW, S.2, T.7N, R.4W

4. Water will be used for the following purposes:

Fish

Amount 6.0 Cfs for Propagation purposes from 1/1 to 12/31 (both dates inclusive)
(cfs or acre-feet per annum)

Amount 6.0 Cfs for Power purposes from 1/1 to 12/31 (both dates inclusive)
(cfs or acre-feet per annum)

Amount 1.24 Cfs for Irrigation purposes from 3/15 to 11/15 (both dates inclusive)
(cfs or acre-feet per annum)

Amount .12 for Stockwater purposes from 1/1 to 12/31 (both dates inclusive)
(cfs or acre-feet per annum)

5. Total quantity to be appropriated:

a. 6.0 cubic feet per second and/or b. _____ acre-feet per annum.

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. Developed springs and Unnamed Drains
piped into system of fish raceways with automatic feeders and Oxygen maintenance
equipment

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

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

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

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

8. Description of proposed uses:

a. If water is not for irrigation: NE _____ SW ☒
SE _____ NW _____

(1) Give the place of use of water: SW _____ $\frac{1}{4}$ of NW ☒ $\frac{1}{4}$ of Section 2 Township 7N

Range 4W B.M. _____ SE _____ SW ☒
NW _____ SE ☒ RODED PER PHONE 10/22/82 PER

(2) Amount of power to be generated: 3.2 KW horsepower under 9 feet of head.

(3) List number of each kind of livestock to be watered 500 Head Range

(4) Name of municipality to be served _____, or number of families to be

supplied with domestic water _____

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

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

TWP	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
7N	4W	2							33		26	3							62

Total number of acres to be irrigated 62

c. Describe any other water rights used for the same purposes as described above. Noble Ditch for 70 Shares on 111 acres, but with no proper means for delivery to Place of Use.

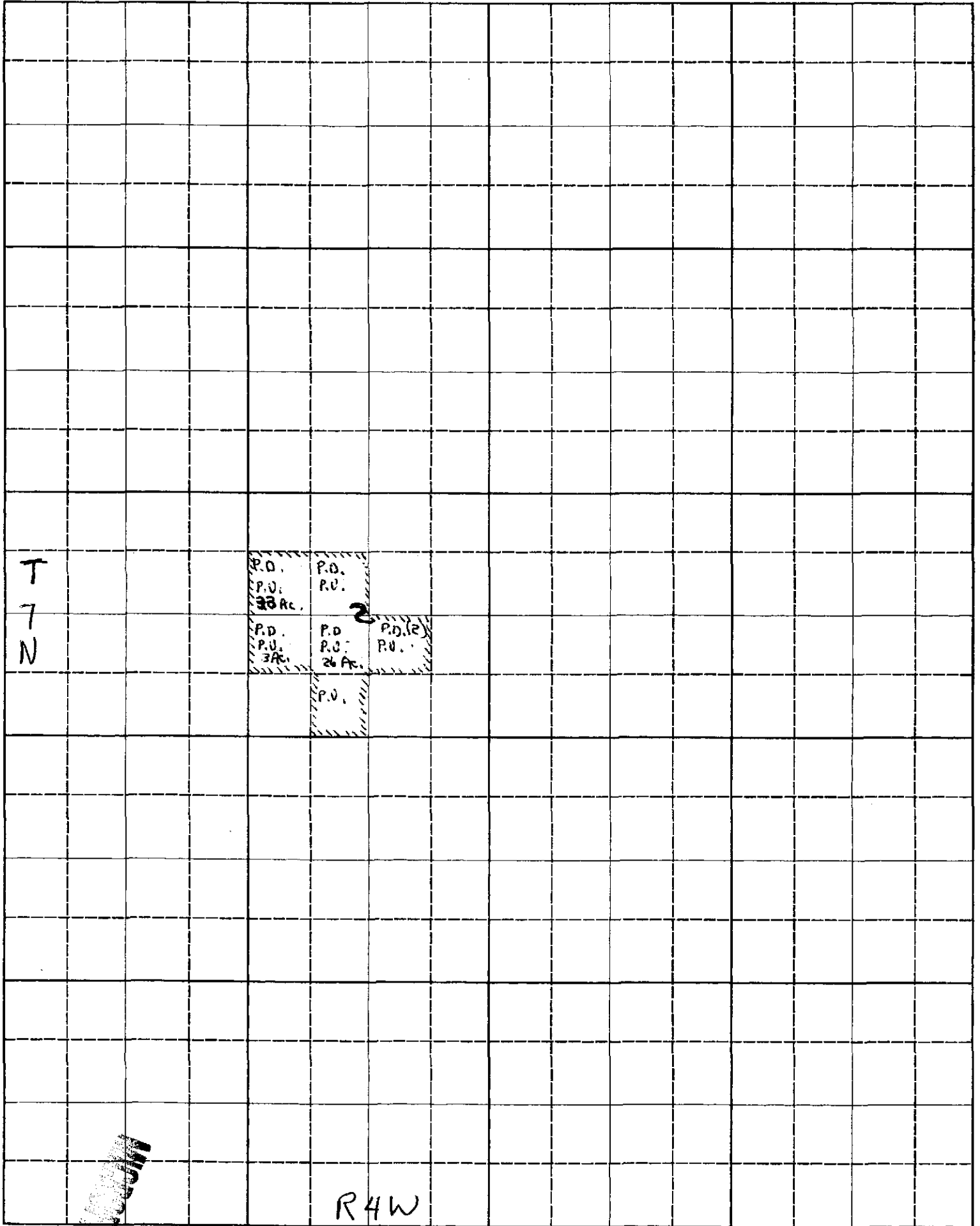
9. a. Who owns the property at the point of diversion Applicant

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

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

10. Remarks Two points of diversion in NWSE S. 2, T.7N, R.4W. The irrigation portion of this filing has been used for over 50 years, but for some unknown reason the former owners did not claim this right with the Payette River Adjudication.

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



Scale: 2 inches equal 1 mile.

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

Robert A. Smith
(Applicant)

Proposed Priority 10/15/1982

Received by ES Date 10/15/82 Time 5:00 P.M.
Preliminary check by jc Fee \$ 145⁰⁰/₁₀₀
Received by ES Date 10/15/82 # 24183
Publication prepared by SP Date 11/18/82
Published in Independent Enterprise
Publication dates 11/25 & 12/2/82
Publication approved SP Date 12/15/82
Protests filed by: None

Copies of protests forwarded by _____
Hearing held by _____ Date _____
Recommended for approval denial by DBS jc

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. 65-12579, and said application is hereby APPROVED.

1. Approval of said application is subject to the following limitations and conditions:

- a. SUBJECT TO ALL PRIOR WATER RIGHTS.
- b. Proof of construction of works and application of water to beneficial use shall be submitted on or before January 1, 19 88.
- c. The rate of diversion, if water is to be used for irrigation under this permit, when combined with all other water rights for the same land shall not exceed 0.02 cubic feet per second for each acre of land.
- d. Other: Permit holder shall commence the excavation or construction of diverting works within one year of the date this permit is issued and shall proceed diligently until the project is complete.

Measuring devices of a type approved by the Department shall be permanently installed and maintained at the point of diversion and the point of effluent discharge.

Use of water under this permit is subject to control by the watermaster of State Water District No. 65, Payette River.

This permit is subject to the provisions of Sections 42-205 through 42-210, Idaho Code, restricting the sale, transfer, assignment, or mortgage of this permit. Failure to comply with these provisions is cause for immediate cancellation of this permit.

This project shall be operated in a manner that will not conflict or interfere with the future diversion of water for irrigation or other beneficial consumption.

This permit does not constitute Idaho Public Utilities Commission or Federal Energy Regulatory Commission approval that may be required.

Witness my hand this 12th day of January, 1983.

J. Glen Saylor
Chief, Operations Bureau

Det

RECEIVED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
AFFIDAVIT FOR WATER RIGHTS TO BE USED
FOR POWER PURPOSES

RECEIVED
DEC 01
NOV 30 1982

A. Establishment of Residency: (Complete either 1, or 2).

Department of Water Resources
Western Regional Office

1. Individual Applicant or Individual Members of a Partnership:

I, Robert A. Smith of New Plymouth,
(name) (city)

county of Payette, State of Idaho, being duly sworn, do
hereby certify that I am a bona fide resident of the State of Idaho.

2. Corporation:

I, _____ of _____,
(name) (city)

County of _____, State of Idaho, being duly sworn, depose
and say: That I am the designated registered agent of the _____

_____ : that as such I am in charge of the registered
(name of corporation)

office of the said corporation as required by Section 30-1-12, Idaho Code, at

_____ Idaho, wherein are kept the corporate records required
(city)

by Section 30-1-52, Idaho Code: and that _____
(name of corporation)

is a corporation qualified to do business in the State of Idaho under the laws of
the State of Idaho.

B. Ownership of Facilities: (To be completed for hydropower projects only)

The hydropower facility to be developed pursuant to the attached Application for
Permit:

- (check one)
- ☐ Will not utilize existing man-made irrigation facilities such as a dam or a canal.
- ☒ Will utilize existing man-made irrigation facilities such as a dam or a canal, and permission of the owner is documented in an affidavit attached hereto.
- ☒ Will utilize existing man-made irrigation facilities such as a dam or a canal and the owner of the facilities is the signee of this affidavit.

State of Idaho)
County of Ada) ss.

Robert A. Smith
Applicant

On this 1 day of December, 19 82, personally
appeared before me the signer(s) of the above instrument, who duly acknowledged
to me that he (she) (they) executed the same.

seal

[Signature]
Notary Public residing at
Boise, ID

My commission expires:

MICROFILMED

In Payette County, Idaho: Township 7 North, Range 4 West, Boise Meridian

In Section 2: NW4/SW4 EXCEPTING THEREFROM the right of way of the Payette Valley Extension Railroad. ALSO all that portion of the NE4/SW4 and NW4/SE4 lying South of the right of way of the Payette Valley Extension Railroad. ALSO all that part of the NE4/SW4 lying North of the Payette Valley Extension Railroad and West of the Drain Ditch as same now crosses said NE4/SW4. ALSO the SW4/NW4 SAVE AND EXCEPTING therefrom the right of way of the Payette Valley Extension Railroad; and further Excepting one square acre in the Southwest corner thereof as described in Deed Recorded January 4, 1915 in Book L, Page 127, Deed Records of Payette County, Idaho.

EXHIBIT B

27 shall begin making all payments due on said Contract of Sale
28 according to the terms of said Contract of Sale. The \$249,300.00
29 unpaid principal balance plus the interest accruing thereon is
30 assumed by the Assignees.

31 The consideration for this assignment is an exchange of
32 ASSIGNMENT OF CONTRACT OF SALE -1-

UNRECORDED

In Payette County, Idaho: Township 7 North, Range 1 West, Boise Meridian

In Section 2: NW4/SW4 EXCEPTING THEREFROM the right of way of the Payette Valley Extension Railroad. ALSO all that portion of the NE4/SW4 and NW4/SE4 lying South of the right of way of the Payette Valley Extension Railroad. ALSO all that part of the NE4/SW4 lying North of the Payette Valley Extension Railroad and West of the Drain Ditch as same now crosses said NE4/SW4. ALSO the SW4/NW4 SAVE AND EXCEPTING therefrom the right of way of the Payette Valley Extension Railroad; and further Excepting one square acre in the Southwest corner thereof as described in Deed Recorded January 4, 1915 in Book L, Page 127, Deed Records of Payette County, Idaho.

EXHIBIT B

30 Contract in the same manner to all intents and purposes as we
31 ourselves might or could do, were these presents not executed.
32 ASSIGNMENT OF CONTRACT OF SALE -1-

MICROFILMED

In Payette County, Idaho: Township 7 North, Range 4 West of the Boise Meridian:

Section 2: Government Lot 3, SE4/NW4;

All that portion of the NW4/SE4 and of the NE4/SW4 lying North of the right of way of Payette Valley Extension Railroad Company, as described in Deed recorded December 3, 1913 in Book J, Page 586, Deed Records of said County, save and EXCEPT that portion of said NE4/SW4 lying West of the drain ditch as the same now crosses said NE4/SW4,

E2/SE4, save and EXCEPT the right of way of Highway #52, and further EXCEPTING that portion of the SE4/SE4 conveyed to Payette Valley Extension Railroad Company by deed recorded December 3, 1913 in Book J, Page 591, Deed Records of said County, ALSO EXCEPTING that portion lying East of Highway #52.

All that part of the NE4 lying South of the present channel of the Payette River and West of Highway #52.

EXHIBIT A

STATE OF IDAHO, COUNTY OF PAYETTE

On this _____ day of _____, 19____, before me, a notary public in and for said State, personally appeared

ROBERT A. SMITH and SHARON R. SMITH, husband and wife,

known to me to be the person s whose name s are subscribed to the within instrument, and acknowledged to me that they executed the same.

Notary Public
_____, Idaho

Residing at _____
Comm. Expires _____

STATE OF IDAHO, COUNTY OF _____

I hereby certify that this instrument was filed for record at the request of _____

at _____ minutes past _____ o'clock m.,
this _____ day of _____
19____, in my office, and duly recorded in Book _____
of Deeds at page _____

Ex-Officio Recorder

By _____ Deputy
Fees \$ _____
Mail to: _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
AFFIDAVIT FOR WATER RIGHTS TO BE USED
FOR POWER PURPOSES

Ownership of Facilities: (To be completed for hydropower projects only)

The hydropower facility to be developed pursuant to the attached Application for
Permit:

- (check one)
- ☐ Will not utilize existing man-made irrigation facilities such as a dam or a canal.
- ☐ Will utilize existing man-made irrigation facilities such as a dam or a canal, and permission of the owner is documented in an affidavit attached hereto.
- ☒ Will utilize existing man-made irrigation facilities such as a dam or a canal and the owner of the facilities is the signee of this affidavit.

Robert D. Smith
Applicant

State of Idaho
County of ADA) ss.

On this 15 day of OCTOBER, 19 82, personally
appeared before me the signer(s) of the above instrument, who duly acknowledged
to me that he (she) (they) executed the same.

[Signature]
Notary Public residing at

seal

BOISE

My commission expires:

LIFE

NOTARY PUBLIC
IDAHO

P.O. box 349
Fruitland, Idaho 83619

Idaho Dept. of Water Resources
Boise, Idaho

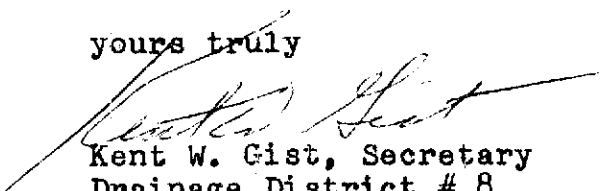
To Whom it may Concern:

Re: Robert Smith

Mr. Smith is filing on wastewater for use in Sections 2 and 11
of Township 7 North, Range 4, West Boise Meridian, Payette County, Idaho.

This letter is to advise you that Drainage District # 8
has no knowledge of any prior filing, and also that Drainage District
8, Payette County, Idaho, has no objections to the filing being
made by Mr. Smith.

yours truly



Kent W. Gist, Secretary
Drainage District # 8
Payette County Idaho

RECEIVED

November 12, 1982

Director of Department of Water Resources:

Concerning my Application for Permit filed on 10/15/82 for myself, Robert A. &/or Sharon A. Smith, the additional information required regarding power and fish propagation is as follows:

The power is for personal consumption and will not be sold therefore, it will not require a FERC exemption.

The size of the fish raceways will be 8 ft., deep by 300 ft. ^{by 55 ft wide} and there will be three in number. These will be located on the drains so no concrete raceways will be utilized. The type of fish to be raised will be a warm water variety so 6 cfs will turn over the pond area and provide oxygen. Area capacity of ^{the} ponds would hold about .82 to 1 acre ft. of water. Also, letter from Drainage District No. 8 is enclosed, plus a copy of proof of ownership.

Sincerely,

Robert A. Smith

Robert A. Smith

Box 586

New Plymouth Lakes
836 55

RECEIVED

November 4, 1982

Robert A. &/or Sharon Smith
Box 586
New Plymouth, ID 83655

Dear Mr. & Mrs. Smith:

The application for permit you recently filed was in the process of review and it was discovered that more information was needed.

The unnamed drain you name as one of your sources appears to fall within the Noble Ditch Company drainage. Therefore, prior to approval of this permit we need a note from the directors of the Ditch Co. approving use of their drainage system for the purposes mentioned on the application. As the water use has been going for some time it is a good idea for you to keep a copy of this agreement for your records also. If there is an old agreement a copy of this agreement would be sufficient.

More information is also required concerning the fish propagation portion of your permit. If a permit application is filed for 1.0 cfs or more then a construction plan which includes sizes and numbers of ponds, and the total proposed facility volume needs to be submitted. Also proof of "possessory interest" of the land where the proposed place of use is located. This prevents speculation by those persons trying to reserve the water and possibly sell it to others before any development has been started. This is not your case as the water has been used for these purposes a number of years. But exceptions are impossible to make and the information should be readily available. Please return this information as soon as possible and as soon as it is received processing can begin.

If you have any questions concerning this matter, please contact us.

Sincerely,

Jan Grover
Senior Water Resource Agent

UG:jp

Affidavit of Publication

Copy of Notice
(First Copy)

STATE OF IDAHO, }
COUNTY OF PAYETTE } ss.

Notice of Application for water Right
TITLE OF PUBLICATION

SPONSOR OR PLAINTIFF
State of Idaho, Dept. of Water Resources
PLAINTIFF OR LEGAL AGENT

, being
duly sworn, deposes and says:

That *he* is the *principle clerk* of
THE INDEPENDENT-ENTERPRISE, a weekly newspaper published at
Payette, in the County of Payette and State of Idaho; that said paper
has been and is in general circulation in the county aforesaid, and in
the vicinity of Payette; that the advertisement, a copy of which is
attached hereto, was published in said newspaper once a week for
(2) two consecutive weeks in the regular and entire issue of said
paper during the period and time of publication, and was published
in the newspaper proper and not a supplement; that said paper has
been established and regularly published for more than seventy-eight
consecutive weeks prior to the date of first publication of said adver-
tisement.

Such notice was published in the issue beginning with
Dec. 1, 19 *82*, and ending with the issue
of *Dec. 8*, 19 *82*

Subscribed and sworn to before me this *13th* day
of *December*, 19 *82*

Mark E. McCall
Notary Public, Residing at Payette, Idaho.

My Commission Expires *3-1*, 19 *84*

STATEMENT Independent-Enterprise

PAYETTE, IDAHO

Number of Lines *25 dbl. lines*

Number of Insertions *(2) two*

25 Lines @ *57¢* *14.25*

25 Lines @ *38¢* *9.50*

TOTAL COST
WILL BE *23.75*

NO 2488
RECEIVED

DEC 15 1982

Department of Water Resources
Western Regional Office



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

February 9, 1993

RE: Permit Nos. 65-12579/12598/12717

Robert A. Smith
Box 586
New Plymouth, ID 83655

Dear Mr. Smith:

Enclosed are the water right licenses issued on the above referenced permits along with copies of the approved applications for amendment.

Sincerely,

A handwritten signature in cursive script that reads 'Sharla Curtis'.

SHARLA CURTIS
Sr. Water Resource Agent

Enclosures

RECORDED

FEB 18 1993

MEMORANDUM

TO: File 65-12579

FROM: Sharla

DATE: February 2, 1993

RE: Annual Volume for Fish Propagation

Per a memo dated 1/15/88, volume is calculated this way:

1. Calculate changes per hour:
total flow into facility x 3600/facility volume(cf)=changes
2. Calculate annual volume:
facility volume(AF) x changes x 8760=AFA
3. Calculate volume given by permitted flow:
flow rate(cfs) x 1.9835 x 365 days=AFA
4. Recommend lower figure

1. 6.0 cfs x 3600/ 15,211,152 cf = .00142

2. 349.2 AF x .00142 x 8760 = 4343.8 AFA

3. 6.0 cfs x 1.9835 x 365 days = 4343.9 AFA

RECOMMENDATION: 4,343.8 AFA

FEB 18 1993



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

January 29, 1993

ROBERT A SMITH
SHARON R SMITH
PO BOX 586
NEW PLYMOUTH ID 83655-0586

RE: WATER RIGHT NOS. 65-12579, 65-12598, & 65-12717

Dear Mr. & Mrs. Smith:

I have completed the review of the beneficial use field examinations for the above referenced water rights. Before licenses can be issued, your permits must be amended to include the point of diversion in the SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 2, Twp. 07N, Rng. 04W. The enclosed applications for amendment contain this information.

With the information you supplied previously concerning the pond dimensions, locations, etc., I was able to finish our recommendations. You will note that the full amounts originally permitted for fish propagation and power uses will be licensed.

Please review the amendments carefully and if you concur, sign them and return with the \$60.00 (\$20.00 per each amendment) filing fee within 15 days.

If you do not concur with these findings or if you have any questions, please contact me within the 15-day period.

Sincerely,

A handwritten signature in cursive script that reads "Sharla Curtis".

SHARLA CURTIS
Senior Water Resource Agent

SC:cz

Enclosures

MICROFILMED

FEB 18 1993

MEMORANDUM

TO: Files 65-12579/12598/12717

FROM: Sharla

DATE: January 28, 1993

RE: License Review

Mr. Smith has made numerous visits and phone calls to the department concerning the above three permits. He is anxious to finish the licensing process on these rights. I originally started review of Permit 65-12579 and sent correspondence on January 9, 1992 regarding information that was needed in order to finish the license process. Mr. Smith then came into the office and supplied most of the information requested. I believe there is sufficient information to issue the licenses.

These permits were inspected by a certified examiner. He recommends a capacity of 38.36 cfs - the flow through the power plant. He explains that there is no other way of actually measuring the capacity. This has been verified by Mr. Smith in his description of his system - water rises almost everywhere on the property, there is no shortage. This does present the problem of being unable to distinguish between the sources. Therefore, in this case the measurement at the power plant will have to suffice.

The map with Mr. Smith's description of ponds, locations of springs, etc. can be found in Right 65-12579.

Because none of the three rights individually were over 25 cfs, the normal conditioning for compliance with FERC requirements was never placed on any of the permits. However, the three rights combined exceed 25 cfs, therefore, the normal conditions placed on power rights will be added at the time of licensing. No documentation is found concerning the amount of power produced under this system. 38.0 cfs was measured for power and fish propagation and has been recommended for licensing. This is how much water is available; it may not be an indication of how much water is actually needed for the power use.

Licensing amendments will be required for each of the three permits to add the spring located in the SWSE, Sec. 2. The groundwater source has been removed from Permit 65-12717; wells were not developed.

No diversion volume has been listed on any of the rights for fish propagation or power uses. Instead, the total facility volume between the three rights is listed in remarks for each. The total annual volume for power use is also listed in remarks under each right.

FEB 18 1993



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

June 11, 1992

RE: Permit Nos. 65-12579/12598/12717

Robert A. Smith
Box 581
New Plymouth, ID 83655

Dear Mr. Smith:

In follow-up to your office visit last week, I am writing to confirm that the above referenced permits are in good standing with the department. All requirements on your part as the permit holder have been met.

As I stated to you in our conversation, the plan of action is to visit the site later this summer and finalize license issuance for the permits. Meanwhile, the permits are valid rights covering your use of water.

Sincerely,

JIM JOHNSON
Water Rights Supervisor

MICROFILMED

FEB 18 1993

RECEIVED
FEB 5 1992

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

Department of Water Resources

65-12579

Permit No. ~~65-12717~~

Phone No. (208) 278-3743

A. GENERAL INFORMATION

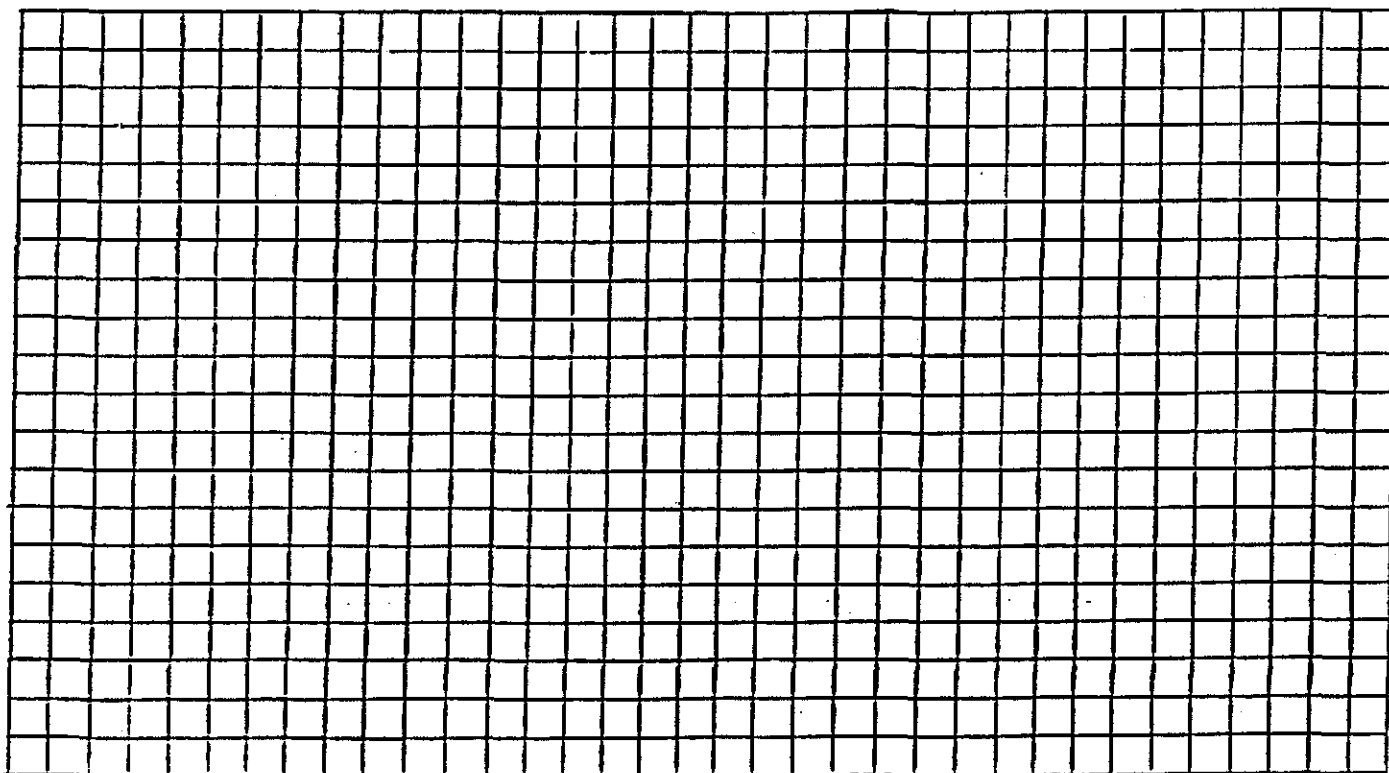
1. Owner: Robert A. and/or Sharon Smith
Current Address: Box 581 New Plymouth, ID 83655
2. Accompanied by: Bob Smith EXAM. DATE: 8/16/89
Address: Same Phone No. Same
Relationship to Permit Holder: Same
3. Source: Springs tributary to Payette River

B. OVERLAP REVIEW

1. Other water rights with same place of use: 65-12579, ~~65-12717~~, 65-12598
166 shares Nobel Ditch ☒ Copies Attached
None ditch
2. Other water rights with same point of diversion: Same
☒ Copies Attached ☐ Copies of Field Exam's Attached

C. SYSTEM DESCRIPTION

1. Diversion System Diagram: Indicate all major components and distances between components. Indicate weir size/ditch size/pipe i.d. as applicable. ☒ Alternative diagram attached



Scale: 1" = _____

2. ☐ Copy of U.S.G.S. Quadrangle Attached
Showing location(s) of point(s) of diversion and place(s) of use (required).
- ☒ Photo of Diversion and System Attached
(required for all but single household domestic groundwater, and stockwater).
- ☒ Aerial Photo Attached
(required for irrigation of 10 acres or more)

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FEB 18 1993

ROBERT SMITH POWER PLANT

WATER DEPTH 1.54 FEET
CHANNEL 4.50 FEET

MEASUREMENT LOCATION	VELOCITY 0.6 DEPTH	X SECTION AREA	FLOW CFS
19.0	5.9	3.27	19.31
32.0	5.4	1.67	9.01
45.0	5.2	1.99	10.34
			38.66

OVERFLOW

WATER DEPTH 0.10
WATER WIDTH 1.00
VELOCITY 3.00
FLOW CFS 0.30

FLOW CFS THROUGH THE POWER PLANT 38.36

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System Description (continue)

3. Narrative: Description (As operating at time of measurement. Indicate pressure, number of sprinklers, etc.)

GEN Tractor driven alternator Model No. 12/12 PT2

Cont Kw 12 amps 83.3 Volts 120/240

Cycles 60 Phase 1 PTO RPM 520

Diversion or made by installing a dam in ditch. Diversion for power and fish propagation was by construction of dikes to create the ponds

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

5. Point(s) of Diversion:

Ident. No.	Gov't. Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Method of Determination/Remarks
			NW	SW	2	7N	4W	Payette	Spring
			SW	NW					Spring
			SW	SE					Spring
			NE	SW					Drain

6. Place(s) of Use:

Indicate Method of Determination Aerial Photo

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
7N	4W	2							33		26	3							62
																			62

Do not use this space

8 1993

Do not use this space

D. FLOW MEASUREMENTS

☐ Additional Data Sheets Attached

1.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date
Velocity Probe	2 Range	Mead	HP-302	3846	5/10 f/s	7/86

2. Measurements:

See attached table

E. FLOW CALCULATIONS

☒ Additional Computation Sheets Attached

1. Measured Method:

2. Alternate Method for Checking Purposes:

F. PUMP EFFICIENCY DATA (Optional)

Discharge Pressure: _____ psi x 2.31 = _____ ft (1); Dynamic pumping level: _____ ft (2)

Total Head: (1) + (2) = _____ (3) ; Flow rate: _____ cfs (4)

Water HP: (3) x (4) ÷ 8.8 = _____ (5)

Meter Input KW: 3.6 x _____ KH x _____ CTR or _____ MULT x _____ PTR x _____ N/ _____ T = _____ (6)

Meter Input HP: (6) x 1.34 = _____ (7)

Panel Input KW: _____ Ave PF x _____ Ave Volts x _____ Ave Amps x .001732 = _____ (6)

Panel Input HP: (6) x 1.34 = _____ (7) Efficiency: (5)/(7) x 100 = _____ %

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$V_{ir} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = 102 \times 3 = 186$

$V_{or} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 = 1.24 \times 200 \times 1.9835 = 491.9$

$V = \text{Smaller of } V_{ir} \text{ and } V_{or} = 186$

2. Volume Calculations for Other Uses:

FEB 18 1993

H. REMARKS AND OVERLAP REVIEW ANALYSIS

The source of water is springs and seepage into drains, thus the amount of water diverted is very difficult to measure because it comes up everywhere. The hydrostatic head is apparently above ground surface, so when the soil surface is removed the water starts flowing. The only reasonable method of measurement is measure the water used for hydropower which is a collection point for almost all of the water used including water used for fish propagation.

Power water is a continuous diversion of 6 cfs. Stock water is for 100 head of cattle ($100 \times 0.0134 = 1.34$)

Fish propagation - To be calculated by Water Resources

I. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (afs)
	From	To		
Fish Propagation	1/1	12/31	38 cfs See above	
Power	1/1	12/31	38 cfs	
Irrigation	3/15	11/15	1.24 cfs	
Stockwater	1/1	12/31	1.34 cfs	
Totals:			38 cfs	

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

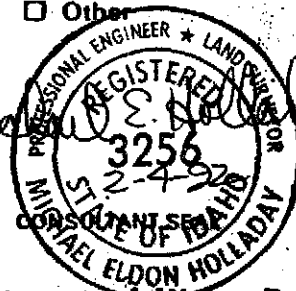
J. AUTHENTICATION

Field Examiner's Name Michael E. Holladay

Signature Michael E. Holladay

Certification Date Feb 4, 1992

Field Report Preparation Date Feb 3, 1992



K. Licensing recommendation shall be prepared by an Idaho Department of Water Resources employee on a computer printout attached hereto.

RECEIVED
FEB 18 1993



FG
G-7

Not to Scale

Average depth 4 ft.

15,211,152 cubic ft.

FEB 18 1993

T 7 N R 4 W B M 2



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

January 9, 1992

Michael E. Holiday, P.E.
Holiday Engineering Company
P.O. Box 211
Payette, ID 83661

RE: Permit No. 65-12579

Dear Mr. Holiday:

This office is currently reviewing the above referenced permit for license issuance. Enclosed is the beneficial use field report you submitted back in June of 1988 based upon the field inspection of your system. I need clarification from you for the following areas:

- A. Under item 5 you have given a legal description of the actual power site. We need, instead, the legal description(s) of the actual diversions from the source of water (springs).
- B. Under item 6, irrigation of a total of 118.5 acres is indicated. This permit was originally approved for a total of 62 acres. Therefore, clarification from you is needed as to which 62 acres are to be licensed under this right.
- C. Item I. (1) requires an annual volume calculation for each of the water uses identified. The volume for fish propagation is calculated upon the number of changes per hour; volume for power is dependent upon the number of hours and days used per year; volume for irrigation is calculated upon the number of acres multiplied by the field headgate volume used for that area; and volume for stockwater is based on the number of stock. Please indicate under item H the number and kind of stock watered, and also the facility volume of the fish propagation site. I would be more than happy to discuss any of the above calculations with you.
- D. Under item B. (3), please indicate a general description of how the irrigation diversions are made.

FEB 18 1993

Michael E. Holiday, P.E.
January 9, 1992
Page - 2

Please submit the field report with the above requested information within thirty (30) days. If you have any questions, please feel free to give me a call.

Sincerely,

Sharla Curtis

SHARLA CURTIS
Water Right Agent

SC:js

Enclosure

cc: Robert Smith

RECORDED

FEB 18 1993

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
COMMENCEMENT OF WORKS

Permit No. 65-12579

Name(s) of Permit Holder(s): _____

Post Office Address: Box 586 New Plymouth

Tel. No. 208-3743

☒ I hereby certify that construction of diversion works for the above referenced permit began on April 1983 (date). I understand that I must continue to develop the water system with due diligence and maintain a valid permit.

☐ I hereby certify that construction of diverting works on the above referenced project has not yet begun due to the following reason beyond my control*:

*Note: A financing difficulty is not an acceptable reason.

Jan 10/84
Date

Robert A. Smith
Signature of Permit Holder

PLACE

RECEIVED

STAMP
HERE

JAN 10 1984

Department of Water Resources

UNRECORDED

FEB 18 1993



IDAHO DEPARTMENT OF WATER RESOURCES
STATEHOUSE
BOISE, IDAHO 83720

1/88

PROOF OF BENEFICIAL USE

ANALYSIS SHEET

Permit No. 65-12579

Date: 1-11-89

General Considerations:

Y Name same as permit
Y Signature the same as permit holder
N Address change _____ If yes, prepare a data entry
Y Proof received timely _____
_____ Reinstated

Source of Water:

Y Surface water
_____ Groundwater
_____ 1. well log in file
_____ 2. drilling permit
_____ A. amount of drilling fee paid for proposed uses

Extent of Use and Rate of Diversion:

Y Rate of diversion appropriate for uses
Y Is rate or volume and fee appropriate?
Y Has permit holder indicated when water was first put to a beneficial use?

Measuring Device:

Y Is a measuring device or access port required?
Y Has one been installed?
N/A Waiver or modification of measuring device requested

Remarks:

Proof acceptable
Certified water right exam completed

N/A

Priority Calculation:

Date proof received	_____	_____
Date proof due	_____	-
No. of days late	_____	=
Priority date	_____	+
NEW PRIORITY DATE	_____	=

SEND FILES TO DATA ENTRY AND THEN TO MICROFILM

RECEIVED
NOV 27 1987

Department of Water Resources
STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

PROOF OF BENEFICIAL USE

For Office Use Only
Fee Received N/A
Date 11/25/87
Receipt # N/A
Receipt by N/A
Reviewed by SL
Sent to region 11/25/87
S.O.

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

Permit No. 65-12579

Name(s) of Permit Holder: Robert A - Sharon A Smith

Post Office Address: Box 586 New Plymouth Idaho 83665

Telephone No. 278-3743

Source of Water: Spring + unnamed drain

Extent of Use:

Domestic _____ (number of households) Stockwater 500 HEAD RANGE - (number and type of stock)

Irrigation yes 62 ac (acres) Other/Remark 32 kw Power + Fish Propagator

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

Show the date water was first diverted and beneficially used under this permit: 1982

Measuring Device: Required? ☒ Yes _____ No
Installed? ☒ Yes _____ No

Fee enclosed \$ N/A App. _____
(See License Examination Fee Schedule)

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

Person to contact to accompany the Department representative during the field examination:
Mike Holladay Payette (Name) Michael E. Holladay R.E.
Idaho (Address) Holladay Engineering Co.
Payette (Address) PO. Box 211
Idaho (Address) Payette ID. 83861
642-3304 (Telephone Number)

(Certified examiner)

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

Nov 25, 1987
Date

Robert A Smith
Signature of Permit Holder (and title, if appropriate)

FEB 09 1988

MICROFILMED

State of Idaho

Department of Water Resources

LICENSE EXAMINATION FEE SCHEDULE

(c.f.s. = cubic feet per second
AF = acre feet)

cfs	AF	Fee
0 - 0.04	0 - 4	\$ 0
.05 - 0.20	5 - 20	50.00
.21 - 1.0	21 - 100	100.00
1.01 - 2.0	101 - 200	125.00
2.01 - 3.0	201 - 300	150.00
3.01 - 4.0	301 - 400	175.00
4.01 - 5.0	401 - 500	200.00
5.01 - 6.0	501 - 600	225.00
6.01 - 7.0	601 - 700	250.00
7.01 - 8.0	701 - 800	275.00
8.01 - 9.0	801 - 900	300.00
9.01 - 10.0	901 - 1000	325.00
10.01 - 11.0	1001 - 1100	350.00
11.01 - 12.0	1101 - 1200	375.00
12.01 - 13.0	1201 - 1300	400.00
13.01 - 14.0	1301 - 1400	425.00
14.01 - 15.0	1401 - 1500	450.00
15.01 - 16.0	1501 - 1600	475.00
16.01 - 17.0	1601 - 1700	500.00
17.01 - 18.0	1701 - 1800	525.00
18.01 - 19.0	1801 - 1900	550.00
19.01 - 20.0	1901 - 2000	575.00
20.01 & over	2001 & over	600.00

Checks should be made payable to the
Department of Water Resources

No fee is required for single family
domestic use or stockwater use.

January 19, 1988

Robert A. &/or Sharon R. Smith
Box 581
New Plymouth, ID 83655

Dear Mr. and Mrs. Smith:

Re: Permit No. 65-12579

This office acknowledges receipt of the proof of beneficial use form submitted on November 27, 1987.

It is the department's understanding that you have hired Michael E. Holladay to complete the field report for this permit. The department also understands that it may be impossible to get a realistic interpretation of the use of water this time of year. Consequently, the department is willing to allow you to July 1, 1988 to submit the field report and make the proof submittal complete.

If you have any questions concerning this matter, please feel free to contact this office.

Sincerely,

RITA I. FLECK
Secretary/Records Manager

c: Michael Holladay

MICROFILMED

FEB 09 1989

Sir.

This exam will be done when
water can be diverted to the
system, to amount of permit.

Robert D. Smith
Mar 25, 1987

MICROFILMED

FEB 09 1989

138053
CERTIFIED MAIL
October 31, 1987

SMITH, ROBERT A. & SHARON R.
P.O. BOX 586
NEW PLYMOUTH, ID 83655

PROOF DUE NOTICE

RE: Permit No. 65-12579

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 January 1, 1988. (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 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, or the permit will no longer be of any force nor effect.

Sincerely,

RITA FLECK
Secretary/Records Manager

Enclosures

MICROFILMED

FEB 09 1989

January 12, 1983

RE: Permit No. 65-12579

Robert A. &/or Sharon R. Smith
Box 586
New Plymouth, ID 83655

Dear Mr. and Mrs. Smith:

Enclosed is a copy of your approved Application for Permit. We direct your attention to the conditions of approval on the fourth page.

Be sure to note the special condition requiring you to install and maintain a measuring device at your point of diversion. We have enclosed a description of the different types of measuring devices accepted by this office.

Please be advised that your plans for fish propagation may be subject to regulations of the Idaho Department of Fish and Game. We suggest that you check with them before starting construction.

Please be advised that prior applications for permit have been filed to appropriate water from your source which may impact the availability of water to be used under this permit. Therefore, you should be sure to analyze the impact of these rights before making a major investment into your water use project.

The exercise of this permit may also be affected by the outcome of a case that has recently been decided by the Idaho Supreme Court entitled Idaho Power Company vs. State of Idaho, et al., Idaho Supreme Court Case No. 13794. The decision, filed on November 19, 1982, indicates that flows of water through the power plant at Swan Falls are entitled to protection from uncompensated depletion of flows upstream of Swan Falls. The court found that such flows in the Hells Canyon reach of the Snake River are not similarly protected, but rather are subordinated to future upstream depletions for consumptive uses. The full impacts of this decision are not yet clear, and the case has been partly remanded to the District Court so further litigation on the matter is forthcoming. The Department of Water Resources has been advised that Idaho Power Company is not waiving any rights to contest or limit the exercise of your permit or subsequent license.

The 1982 Idaho Legislature added a requirement that as a permit holder you must commence the excavation or construction of diverting works within one year of the date the permit was issued, and you must proceed diligently until the project is completed. The enclosed blue card must be completed and returned to this office as soon as you commence construction, no later than one year from the date the permit was approved.

We have enclosed instructions entitled "Making Proof of Beneficial Use". Please read the instructions carefully since you must take further action to develop this permit into a license.

Sincerely,

DAVID R. TUTHILL, JR., P.E.
Supervisor, Water Allocation Section

DRT:kw
Enclosures

POWER CALCULATIONS FOR APPLICATION NO. 65-12579

P = Kilowatts .74 X hp

Q = cfs

H = feet

e = efficiency

proposed

3.2 Kw

6.0 cfs

9 ft

?

$$e = \frac{P(11.8)}{QH} = \frac{3.2(11.8)}{6 \times 9} = \frac{37.76}{54} = .699$$

Based on the above calculations the proposed project must have an 70 % efficiency.

Overlap Review

P/D Sec 2 NWSE 65-11367 Irr

NESW 65-4921 (Dom & St) 65-6530 (Dom & St) 65-6533 (Dom)

NWSW 65-4920 (Dom)

SE NW None

P/U Sec 2 NESW 65-0403X (Irr) 65-11367 (Irr) 65-4921 (Dom) 65-6533 (Dom)

SE NW 65-0403X (Irr) 65-11367 (Irr)

SW NW 65-0403X (Irr)

NWSW 65-0403X (Irr) 65-4920 (Dom)

SE SW 65-0403X (Irr) 65-4902 (Dom)

NWSE 65-11367 (Irr)

Recommend #114

RC 12-27-82

State of Idaho
Department of Water Resources

APPLICATION FOR PERMIT ANALYSIS SHEET

INITIAL REVIEW BY Jan Jones
CHECK:

APPLICATION NUMBER: 65-12579

- ☒ Source.
☒ Point of diversion.
☒ County.
☒ Quantity of water and period of use.
☒ Description of diverting works.
☒ Time required for beneficial use of water.
☒ Place of use or acres irrigated.
☒ Map.
☒ Signature.
☒ Fee.
☒ Yes ☒ No Field check required.
☒ Yes ☒ No Critical groundwater area.
☒ Yes ☒ No Request dam safety information. Sent by: _____ Date: _____
☒ Yes ☒ No* In form to receipt.

Field check by: _____
Date: _____
Comments: _____

*REQUEST THE FOLLOWING ADDITIONAL INFORMATION FROM THE APPLICANT:

SEE LETTER OF 11/4/82 - SEE RESPONSE REC'D 11/12/82.

ON AFF. TO EST. RESIDENCE - I SPOKE TO FORREST & HE STATED A LOAN FOLDER WAS GOING TO BE COMING IN, HOWEVER, IT WAS NOT REC'D WITH THE OTHER INFO ON 11/12/82. REC'D 11/10/82

SEND COPIES TO:

- ☒ Idaho State Health Department.
☒ Idaho Fish and Game Department.
☒ Idaho Department of Lands.
☒ U.S. Bureau of Land Management.
☒ U.S. Forest Service.
☒ Other _____

Copies sent by: JP Date: 12/2/82
JP 12/2/82

PROCESSING:

- ☒ Yes ☒ No Platted by: _____ Map No. _____
☒ Yes ☒ No Other rights on same place of use. _____
☒ Yes ☒ No* In form for advertising.
Final date for protests: 12/13/82
☒ Yes ☒ No Protests received. If yes, record information on 4th page of application.

FINAL REGIONAL PROCESSING REVIEW:

- ☒ Affidavit of publication received. Date: 12/15/82
☒ Application published correctly. If not, record action taken: _____
☒ Fee amount, receipt date & number, recorded on application. 145.00 # 24183
☒ Publication dates and paper, recorded on application. 11/25/82 12/2/82 Independent Enterprise
☒ Protests, dates, withdrawal, etc., recorded on application.
☒ Recommendation & initial, recorded on application.
☒ Yes ☒ No Measuring device required.
☒ Yes ☒ No Access port required.
☒ Yes ☒ No Will water be delivered by watermaster? If yes, what district? 65
10/15/82 Date of priority recommended.
Special conditions of approval or cover letter. I.P. letter
Basin 65 W. M. Condition.

By: DBS
STATE OFFICE REVIEW:

Date: 12/16/82 08A 17 25

SL/L17, L05, L02, L06, L14

26 02 05/65

☒ See attached sheet for more information.
By: John

Date: 12/27/82

RECEIVED

DEC 22 1982

POINT OF DIVERSION AND STREAM INDEX INFORMATION

SECTION 10, MAP 1, 1900, 1901, 1902

OF 1901 1902



TRACT	SEC	TWP	RGE	gov't lot	rediv. (R)	REACH
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IDAHO STREAM CODE INDEX

TRACT	SEC	TWP	RGE	gov't lot	rediv. (R)	REACH
-------	-----	-----	-----	--------------	---------------	-------

IDAHO STREAM CODE INDEX

TRACT	SEC	TWP	RGE	gov't lot	rediv. (R)	REACH
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IDAHO STREAM CODE INDEX

TRACT	SEC	TWP	RGE	gov't lot	rediv. (R)	REACH
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IDAHO STREAM CODE INDEX

TRACT	SEC	TWP	RGE	gov't lot	rediv. (R)	REACH
-------	-----	-----	-----	--------------	---------------	-------

IDAHO STREAM CODE INDEX





State of Idaho
DEPARTMENT OF WATER RESOURCES
WESTERN REGION, 450 W. State Street, Boise, Idaho

JOHN V. EVANS
Governor

A. KENNETH DUNN
Director

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 334-2190

October 19, 1982

Robert A. &/or Sharon R. Smith
Box # 586,
New Plymouth, ID 83655

Dear Mr. and Mrs. Smith:

In the final check of your Application for Permit before its entry into the processing mill, I questioned a couple of items.

It was not clear to me why the NWSE should not also be listed with the non-irrigation places of use. It appeared to me that both a fish raceway and stockwater use could be developed in that forty. If you agree that this is correct, please confirm it at your earliest opportunity.

At the same time would you also please confirm that we have correctly described the forties for irrigation and their proper amounts of acreage?

I have included a diagram of Section 2 with information as we presently have it on the Application. Also included is a copy of the old aerial photo we were working with the other day. It perhaps will assist you in re-checking that we have things described as they should be.

If there are any questions, please call or write.

Sincerely

Forrest E. Luthy
Water Resource Agent

Enc./

ADDED NWSE SEC 2 T7N R4W TO NON-IRR PU. PER PHONE 10/22/82.
REMOVED DUP. TYPO P.D. SE NW PER PHONE 10/22/82

Sec 2 Twp. 7N R64W, PAYETTE Co.

P.D. NON-IRR. P.U. IRR. P.U. (33 AC)	P.D. NON-IRR. P.U.	
P.D. NON-IRR. P.U. IRR. P.U. (3 AC)	P.D. NON-IRR. P.U. IRRIG. P.U. (26 AC)	P.D. [(NON-IRR. P.U.?)]
	NON-IRR. P.U.	

RECORDED



STATE OF IDAHO

DEPARTMENT OF HEALTH AND WELFARE

Division of Environment - 801 Reserve Street, Boise, Idaho 83702

DIVISION OF ENVIRONMENT

Statehouse
Boise, Idaho 83720

December 13, 1982

Mr. David B. Shaw
Western Region Supervisor
Idaho Department of Water Resources
92 South Cole Road
Boise, Idaho 83709
Statehouse Mail

RE: 65-12579 (Smith)

Dear Mr. Shaw:

This office has reviewed the above described application and has no objections to this appropriation.

Sincerely,

A handwritten signature in black ink, appearing to read "Jon Wroten".

Jon Wroten
Sr. Environmental Specialist

JW/bg

cc: Craig Shepard, IDHW/DOE

RECEIVED
DEC 15 1982

Department of Water Resources
Western Regional Office



IDAHO DEPARTMENT OF FISH AND GAME
REGION 3

109 West Forty-fourth Street
Boise • Idaho • 83704

December 8, 1982

Mr. David B. Shaw
Western Region Supervisor
Department of Water Resources
450 W. State Street
Boise, ID 83720

Re: 65-12579 (Robert A. &/or Sharon R. Smith)
Unnamed Drain, Springs tributary of Unnamed Drain Payette River

Dear Dave:

Idaho Department of Fish and Game personnel have reviewed the above referenced application to appropriate public waters and have no objection to issuance of a permit.

Sincerely,

Stacy Gebhards
Region 3

cc: Bureau of Program Coordination

RECEIVED
DEC 13 1982

Department of Water Resources
Western Regional Office



State of Idaho

DEPARTMENT OF WATER RESOURCES

WESTERN REGION, 450 W. State Street, Boise, Idaho

JOHN V. EVANS
Governor

A. KENNETH DUNN
Director

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 334-2190

December 2, 1982

George Varin
State of Idaho
Department of Health & Welfare
Statehouse
Boise, ID 83720

Re: 65-12579

Dear Mr. Varin:

Enclosed is a copy of the above referenced application for permit which may be of interest to your agency. 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 your agency desires to file a formal protest against the approval of this application, your written protest must be received in this office by December 17, 1982.

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

Sincerely,

DAVID B. SHAW
Western Regional Supervisor

DBS:jp

Enclosure

RECEIVED
DEC 10 1982
STATE OF IDAHO



State of Idaho
DEPARTMENT OF WATER RESOURCES
WESTERN REGION, 450 W. State Street, Boise, Idaho

JOHN V. EVANS
Governor

A. KENNETH DUNN
Director

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 334-2190

December 2, 1982

Stacy Gebhards
Regional Supervisor
Idaho Department of Fish & Game
Region 3
Statehouse
Boise, ID 83720

Re: 65-12579

Dear Stacy:

Enclosed is a copy of the above referenced application for permit which may be of interest to your agency. 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 your agency desires to file a formal protest against the approval of this application, your written protest must be received in this office by December 17, 1982.

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

Sincerely,

DAVID B. SHAW
Western Regional Supervisor

DBS:jp

Enclosure

MICROFILMED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Western Region

Statehouse
Boise, Idaho 83728
(208) 334-2190

NOVEMBER 18, 1982

Independent Enterprise
Box 520
Payette, ID 83661

Gentlemen:

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 billings to this office before DECEMBER 13, 1982.

Yours truly,

JUDY PENSE
Secretary

Encl.

NOV 22 1982

NOTICE OF APPLICATION FOR WATER RIGHT

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

The permit(s) will be subject to all prior water rights. Protests must be filed with the Director, Dept. of Water Resources, Western Region, Statehouse, Boise, Idaho 83720 on or before DECEMBER 13, 1982.

KEN DUNN, Dir.

Published 11/25 & 12/02/82.

MICROFILMED

65-12579

SMITH, ROBERT A. &/or SHARON R.

P.O. BOX 386, NEW PLYMOUTH, ID 83653

Source: SPRINGS tributary to UNNAMED DRAIN
UNNAMED DRAIN tributary to PAVETTE RIVER

Date Filed: 10/15/1982

Amount: 6.00 CFS

Diversion Point: NWSE NESW NWSW SENW SNNW Sec 02 T 07N R 04W, PAVETTE Co.

Use: IRRIGATION	(1.24 CFS)	from 03/15 to 11/15
STOCKWATER	(0.12 CFS)	from 01/01 to 12/31
POWER	(6.00 CFS)	from 01/01 to 12/31
FISH PROP.	(6.00 CFS)	from 01/01 to 12/31

Place of Use: SNNW NESW NWSW Sec 02 T 07N R 04W SENW SESW NWSE
Sec 02 T 07N R 04W FOR 62 ACRES

Diversion Means: PIPELINE & RACEWAYS

MICROFILMED