

PUBLISHER'S AFFIDAVIT

MICROFILMED

R.W.H.

STATE OF IDAHO)
) ss.
 County of Valley)

Donald E. McMahan, being first duly sworn, deposes and says: That he is the co-editor of the Star-News, a weekly newspaper published at Cascade and McCall, in the County of Valley, State of Idaho; that said newspaper is in general circulation in the county of aforesaid and is a legal newspaper; that the advertisement, a copy of which is hereto attached, was published in said newspaper once a week for Two consecutive weeks in the regular and entire issue of every number thereof during the period and time of publication, and was published in the newspaper proper and not in a supplement; and that publication of such notice began November 4, 1976, and ended

November 11, 1976

D.E. McMahan

Subscribed and sworn to before me a Notary Public in and for the County of Valley, and the State of Idaho, this 11 day of November, 1976.

Janet J. McMahan, Notary Public.

My commission expires July, 1980.

RECEIVED
 NOV 22 1976

Department of Water Resources
 Western Regional Office

OK
 11-22-76
 CS

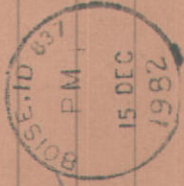
NOTICE OF APPLICATION FOR WATER PERMIT

Notice is hereby given that JAMES E. &-or BETH CAROTHERS, Grand View, ID has on October 27, 1976 submitted Application No. 65-7711 for a permit to appropriate 0.04 cubic feet per second of water from a groundwater source by means of well, pump and pressure system within the NE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec 33 T16N-R3E B.M., Valley County to be used from Jan 1 to Dec 31 for domestic purposes within the Lot 6, Pebble Beach Subdivision, Sec 33 T16N-R3E B.M. If issued, this permit will be subject to all prior water rights. Protests against the granting of the permit must be filed with the Idaho Department of Water Resources, Statehouse, Boise, Idaho, 83720, on or before November 22, 1976.

R. KEITH HIGGINSON
 Director

Published in the Star News, McCall, ID on November 4, 1976 and November 11, 1976.

C.B. Smith
10812 Highland View Dr.
Boise, Id



Dept. of Water Resources
Hydrobase
Boise, Id 83720

State of Idaho
Department of Water Resources



WATER RIGHT LICENSE

License No. 65-7711 Priority December 10, 1976 Amount 0.04 CFS 1.2 AF

THIS IS TO CERTIFY that CHARLES E. SMITH of BOISE, IDAHO, has complied with the terms and conditions of the permit issued pursuant to Application for Permit dated October 27, 1976, and has submitted proof to the Department of Water Resources on December 16, 1982, that water has been applied to a beneficial use; an examination by the Department indicates that the works have a capacity of 0.04 cfs of water from a groundwater source and that a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>VOLUME</u>
Domestic (1 Unit)	01/01 - 12/31	0.04 cfs	1.2 af

Location of point of diversion: NESE, Sec. 33, Twp 16N, Rge 3E, Valley Co.

Place of use:

			NE				NW				SW				SE				TOTAL
TWP	RGE	SEC	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
16N	3E	33	:	:	:	:	:	:	:	:	:	:	:	:	X	:	:	:	:
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			:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:

Total number of acres irrigated:

Priority advanced due to Late Proof.
P/U also known as Lot 26, Pebble Beach Subd.

NOTE: The right to the use of the water hereby confirmed is restricted and appurtenant to the lands or place of use herein described, as provided by the laws of Idaho. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho Law.

This right is subject to all prior water rights and may be forfeited by five years of non-use.

Witness the seal and signature of the Director, affixed at Boise, this 3RD day of

OCTOBER, 1986

MICROFILMED

Acting for the Director

Norman C. Young

kw kl

IN THE MATTER OF PERMIT NO. 65-7711 IN THE
NAME OF CHARLES E. SMITH

WHEREAS, the Department has issued the above-captioned permit with the condition that proof of construction of works and application of water to beneficial use be submitted on or before December 1, 1982; and,

WHEREAS, the Department has notified the permit holder by certified mail that proof was due and instructed the permit holder as to the steps to be taken to make said proof; and,

WHEREAS, the Department has notified the permit holder that the permit has lapsed for failure of the permit holder to submit proof of beneficial use; and,

WHEREAS, Section 42-218a of the Idaho Code provides that a permit may be reinstated upon a showing of reasonable cause within sixty days of the date of the notice of lapsing; and,

WHEREAS, the permit holder has provided a reasonable showing as to why said permit should be reinstated by submitting proof of beneficial use on December 16, 1982;

IT IS, THEREFORE, HEREBY ORDERED that Permit No. 65-7711 be REINSTATED and the priority advanced to December 10, 1976.

Dated this 3rd day of February , 1983.

L. Glen Saxton

L. GLEN SAXTON

Chief, Operations Bureau

25

RECEIVED
Identification No. _____

DEC 30 1981

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
REQUEST FOR EXTENSION OF TIMEDepartment of Water Resources
Western Regional OfficeTo provide additional time in which to submit
proof of beneficial use on a water right permit

FEB 5 1982

Department of Water Resources

Dr. & Mrs. Charles E. Smith of 108 W. Highland View Dr
(Name) (Address)
State of Idaho, deposes and says: re: Lot 26 at Cascade
Pebble Beach

That he is the holder, or the duly authorized agent of the holder*, of Permit to Appropriate the Public
Waters of the State of Idaho No. 65-7711.

That under the terms and conditions of said permit, work thereunder was required to be completed on or
before Dec 31, 1981.

That he has heretofore performed the following work described under said permit: No actual physical
work has begun on digging a well. Mr. Halloway of HA+H Well Drilling, out of
Donnelly, Idaho estimated the cost would be approximately \$1400. We
would have given him the go ahead but he said he could not proceed until a 50'
septic line & a 100' drain line had been placed on the property. We had been unaware that
Costing \$ the septic line had to (over)

That he is unable to complete the remainder of the work within the required time for the following
reasons, to-wit: We spoke to Jeff Logan of the State Health Dept
in McCall this fall when we wanted to proceed with well
drilling. His advise was to wait until June of 1982 and
have spring test holes dug to assure proper placement of
water source. We were also unaware that our septic lines should be
Wherefore, he asks that the Department of Water Resources extend the time for the completion of
obligations under said permit to Dec 31, 1982. Completed prior
to digging the
well.

Charles E. Smith Charles E. Smith
(Signature)*

*IF OTHER THAN HOLDER, Power of Attorney must be supplied.

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

IT IS HEREBY ORDERED that the above application for extension of time be APPROVED and the time
within which to submit the statement of beneficial use is extended to December 1, 1982.
IT IS FURTHER ORDERED that the permit be REINSTATED and the priority advanced to
November 25, 1976, pursuant to Section 42-218a, Idaho Code.

Signed this 17th day of February, 1982.

J. Glen Saylor
Chief, Operations Bureau

15.00 fee received by JS Date 1-5-82 Receipt # 21851

RECEIVED

precede the water line. It was at this ~~spot~~ point that I spoke to Jeff Lapin of the State Health Dept (see next response). We felt it would be best to try for the extension so that the spring test holes could be run.

RECEIVED

RECEIVED 5/5 750

State of Idaho
Department of Water Resources

FEB 22 1978

ASSIGNMENT OF PERMIT

Department of Water Resources

I, JAMES E. CAROTHERS, hereby assign to CHARLES E. SMITH
of 430 Winter Dr, Boise, ID 83706 (no warranty deed)
Address

CHECK ONE



All my right, title, and interest in and to Permit No. 65-7711
to appropriate the public waters of the State of Idaho.



The following described portion of my right, title, and interest in and to Permit
No. _____ to appropriate the public waters of the State of Idaho.

(Describe that portion of the permit being assigned by listing the acreage within
each 40 acre subdivision, the point of diversion and the amount of water in cubic
feet per second for direct diversion, or acre feet for storage)

Made this 14th day of February, 19 78.

James E. Carothers
Permit Holder

Charlie But Carothers
Spouse of Permit Holder

State of Idaho)
County of Ada) ss.

On this 14th day of February, 19 78, personally
appeared before me the signer(s) of the above instrument, who duly acknowledged to me
that he (she) (they) executed the same.

MICHAEL
Notary Public
My commission expires:
April 1, 1981

James E. Carothers
Notary Public residing at
Boise, Idaho

7

ASSIGNED TO: CHARLES E. SMITH
2-22-78

Identification No _____

Application No 65-7711

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

APPROVED

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

1 Name of applicant James E. &/or Beth Carothers Phone: 834-2271
post office address P. O. Box 322, Grand View, ID 83624

2 Source of water supply Groundwater which is a tributary of _____

3 a Location of point of diversion is NE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 33 Township 16N
Range 3E B M Valley County; additional points of diversion if any: _____

b If water is not consumed, it will be discharged into _____ at a point in _____ $\frac{1}{4}$
of _____ $\frac{1}{4}$ of Section _____ Township _____ Range _____ B.M. _____

4 Water will be used for the following purposes:

Amount 0.04 cfs for Domestic purpose from Jan 1 to Dec 31 (both dates inclusive)
(cfs or acre-feet per annum)

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

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

5. Total quantity to be appropriated

a 0.04 cfs cubic feet per second and/or

b _____ acre feet per annum

6 Proposed diverting works

a Description of ditches, flumes, pumps, headgates, etc. well, pump & pressure system

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

Period of year during which storage will occur _____ to _____ inclusive
(Mo Day) (Mo Day)

c Proposed well diameter is _____ inches, proposed depth of well is _____ feet

7 a Time required for the completion of the works and application of the water to the proposed beneficial use
is 5 years

b Estimated construction cost is \$ _____

8 Description of proposed uses

a If water is **not** for irrigation Lot 6 Pebble Beach Subdivision

(1) Give the place of use of water _____ $\frac{1}{4}$ of _____ $\frac{1}{4}$ of Section _____ Township _____
Range _____ B M

(2) Amount of power to be generated _____ hp under _____ feet of head

(3) List number of each kind of livestock to be watered _____

(4) Name of municipality to be served _____, or number of families to be
supplied with domestic water 1

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

RECORDED

C 2

This image shows a single sheet of white paper with horizontal ruling lines. The lines are evenly spaced and run across the width of the page. There are no margins or other markings on the paper.

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

Remarks Lot 26, Pebble Beach Subdivision

10. Remarks	Lot 26, Pebble Beach Subdivision

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

33

③ P.D. + use

R. 3E. B.M.

T. 16N.

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

James E. Carothers
(Applicant)

Proposed Priority 10-27-76

Received by RWH Date 10-27-76 Time 3:25 PM

Preliminary check by RWH Fee \$ 10.00 # 6027

Received by SS Date October 27, 1976

Publication prepared by My Date 10-28-76

Published in The Idaho Farmer

Publication dates Nov 4 & 11

Publication approved SS Date 11-22-76

Priority reduced to _____ Reason _____

Protests filed by _____

Copies of protests forwarded by _____

Hearing held by _____ Date _____

Recommended for approval denial by WJH

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 65-7711, 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 December 1, 1981.

c. Other _____

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

Witness my hand this 1 day of December 1976.

[Signature]
Director

PUBLISHER'S AFFIDAVIT

STATE OF IDAHO)
County of Valley) ss.

RECEIVED
NOV 22 1976

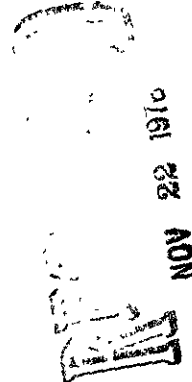
Donald E. McMahan, being first duly sworn, deposes and says: That he is the co-editor of the Star-News, a weekly newspaper published at Cascade and McCall, in the County of Valley, State of Idaho; that said newspaper is in general circulation in the county of aforesaid and is a legal newspaper; that the advertisement, a copy of which is hereto attached, was published in said newspaper once a week for ~~two~~ consecutive weeks in the regular and entire issue of every number thereof during the period and time of publication, and was published in the newspaper proper and not in a supplement; and that publication of such notice began ~~November 11~~ ^{November 12}, 19 ~~75~~ ⁷⁶, and ended ~~November 11~~ ^{November 12}, 19 ~~75~~ ⁷⁶.

D. E. McMahan

Subscribed and sworn to before me a Notary Public in and for the County of Valley, and the State of Idaho, this ~~11th~~ ^{12th} day of ~~November~~ ^{January}, 19 ~~75~~ ⁷⁶.
My commission expires ~~July~~ ^{January}, 19 ~~75~~ ⁷⁶.
Donald E. McMahan, Notary Public.



OK
11-22-76
es



NOV 22 1976
Department of Water Resources
Western Regional Office

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

65-7711
Permit No.

Staff Analysis Sheet
for
Beneficial Use Field Report

A. Prior to Conducting the Exam, the File Contains:

- ☒ Blank Field Report Form
- ☒ Copy of Permit
- ☒ Copies of any Amendments/Orders with conditions of approval
- ☒ Computer Data Proof Report
- ☐ Copy of U.S.G.S. Quad N/A For Single Household Domestic
- ☐ Check for Government Lots. If so, make a copy of Government Plat Not Required for Single Household Domestic
Check of P/D index N/A For Single Household Domestic (Initial and date)
Overlap? ☐ yes ☐ no If yes: ☐ copy of exam(s) attached?
Type of Overlap? ☐ Add acres or uses to existing system
☐ Increase rate of flow or volume
☐ Other: _____
- Check of P/U index N/A For Single Household Domestic (Initial and date)
Overlap? ☐ yes ☐ no If yes: ☐ copy of water right(s) attached?
Type of Overlap? ☐ Increase rate of flow or volume
☐ Add P/D's
☐ Increase number of acres within tracts
☐ Other: _____
- Aerial Photo
Required? ☐ yes ☒ no If yes: ☐ copy attached?
Scheduling Letter sent? N/A for Single Household Domestic (Initial and date)
→ ☐ Appointment made and telephone conversation memo attached N/A for single household domestic

B. After Conducting the Exam, the File Contains:

- ☒ Fully completed and signed Field Report Form
- ☐ Photographs of Point of Diversion and Place of Use N/A for Single Household Domestic
- ☒ Corrected Computer Data Proof Report with recommended license information, and date and signature of examiner.

C. Review and Processing:

Exam Completed James Shute 6/20/86 (Signature of examiner and date)
Exam Reviewed by Senior Water Resource Agent JD 7/25/86 (Initial and date)
Exam Reviewed by Manager of Regional Office DM 7/30/86 (Initial and date)
Exam Date Entered in Computer 88 8-2-86 (Initial and date)
Exam sent to State Office RD 8-15-86 (Initial and date)
Copy of Staff Analysis Sheet [redacted]
Refiled in White File 88 8-18-86 (Initial and date)

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

Phone No. _____

1. Owner: Charles E. + Barbara J. Smith
Current Address: 108 W. Highland Kew Dr.

2. Accompanied by: _____ EXAM. DATE: June 20, 1986
Address: _____ Phone No. _____
Relationship to Permit Holder: _____

3. Source: groundwater tributary to _____

Well/Diversion* No.	Motor Make	HP	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
		N/A			

*Code with points of diversion, system diagram & photos on reverse side. Disregard if only one.

5. System Description (As operating at time of measurement. Indicate pressure, number of sprinklers, etc.)

Well, pump & pressure system

6.	Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date
		N/A					

7. Measurements ☐ Additional data/computation sheets attached

DOMESTIC - 104 c/s & 1.9 g/s

8. Point(s) of Diversion:	Indicate Method of Determination
---------------------------	----------------------------------

[illegible]

9.	Place(s) of Use:	Irrigation - give acres served by system at time of exam. Indicate Method of Determination _____
----	------------------	---

[illegible]

Total Acres _____

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USE FILE

CONSULTANT SEAL

Date

6/20/86

Beneficiary Use Examination

IDWR Director's Authorization to Conduct

Consultant's License Number

16. Examiner's/Consultant's Signature

Jan Shultz

Date

7/25/86

7/30/86

Add P.U. as reflected above

☐

Change P.U. as reflected above

☐

Add P.D. as reflected above

☐

Change P.D. as reflected above

☐

15. Recommended Amendments

Other

☐

None

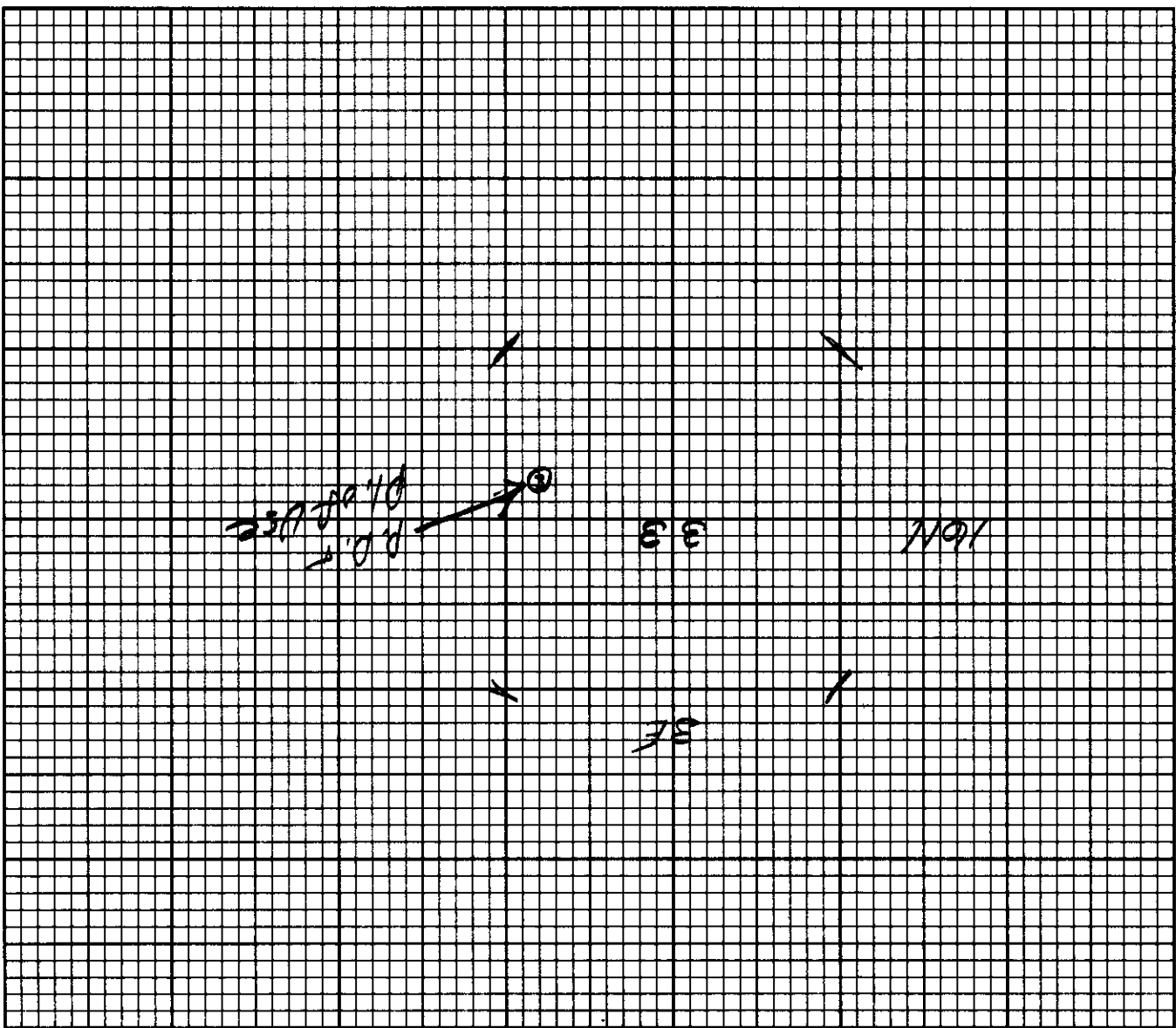
☒

14. Remarks

Pl. of use verified w/ Co. Engineer - All attached memo.

13. ☐ Photo of Diversion & System Attached

☐ Aerial Photo of Place of Use Attached or Map of Irrigated Acreage Attached



12. Diversion and Delivery System Diagram: Indicate all major components and distances between components. Indicate ditch size/pipe i.d. as applicable. Indicate on systems with measurement port the distance between the port and the nearest component/pipe bend/restriction both upstream and downstream, and the inside pipe diameter at the measurement port. On multiple diversion systems indicate how diversion systems are connected.
11. Other water right diverted from same p.d.
10. Other water rights on these lands

INTER-DEPARTMENT MEMO — 1

FROM Linda S.

DATE July 9, 1986

TO File

SUBJECT

The county assessor's office has been contacted to verify whether or not the applicant owns the property at the place of use.

MICROFILMED

Linda D. Smith
SIGNATURE



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

JOHN V. EVANS

Governor

A. KENNETH DUNN

Director

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 334-4440

October 7, 1986

RE: Permit No. 65-7711

Charles E. Smith
108 W. Highland View Dr.
Boise, ID 83702

Dear Mr. Smith:

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

Sincerely,

JIM JOHNSON
Water Distribution Supervisor

JJ:sc

Enclosure

RECEIVED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Western Region

Statehouse
Boise, Idaho 83720
(208) 334-2190

MARCH 1, 1983

CHARLES E. SMITH
108 W. HIGHLAND VIEW DR.
BOISE ID 83702

RE: Permit No. 65-7711

Dear Permit Holder:

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

Enclosed please find a copy of an order involving your permit.

Before a license can be issued, a field examination must be made by a representative of this department.

A field examiner will contact you to arrange to examine your system.

If you have any questions regarding the field examination, please contact this office by phone at 334-2190 or in person in the third floor State Towers Building, 450 West State Street, Boise.

Sincerely,
s/Judy Pense
Secretary

Enclosure

RECEIVED
MARCH 1 1983

CALCULATION OF NEW PRIORITY DATE

FROM: Rita Fleck

TO: File # 65-7711

DATE: 2-2-1983

Date Proof Received

350

Dec 16, 1982

Proof Due

335

Dec. 1

Number of Days Proof Late

15

Priority Date

329

Nov. 25, 1976

Number of Days Proof Late

15

New Priority Date

344

= Dec. 10, 1976

Remarks

65-7711-177

12-15-80

Dear Sir,

enclosed find the postcard
indicating we had the work
completed on this this past
Monday.

Our response permit was for the
31 Dec '81 and I thought our
extension was for a 12 month
period. I hope this won't be
a problem because it's after the 1 Dec

Sincerely,

William Smith

Don Phelps billing and the work

DEPARTMENT OF WATER RESOURCES

The Idaho Department of Water Resources will consider this card as a statement that the permit holder(s) has completed development to the extent shown below of Permit No. 65-774.

Name(s) of Permit Holder: Charles E & Barbara J Smith

Post Office Address: 108 W. Highland View Dr.

Boise, Id Tel. No. 336-0687

Source of Water Well - ground water

Extent of Use: ☒ Domestic _____ (number of households)

☐ Stockwater _____ (number and type of stock)

☐ Irrigation _____ (acres)

☐ Other _____

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

Access Port: Required? ☐ Yes ☒ No Installed? ☐ Yes ☒ No

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

4/18/82 Date Barbara J Smith Signature of Permit Holder

PLACE
TEN CENT
STAMP
HERE

REGISTERED

DEC 16 1982



DEPARTMENT OF WATER RESOURCES
STATEHOUSE

BOISE, IDAHO 83720



S T A T E O F I D A H O
D E P A R T M E N T O F W A T E R R E S O U R C E S

STATEHOUSE
BOISE, IDAHO 83720
(208) 334-4440
CERTIFIED MAIL

138732

SMITH, CHARLES E. & BARBARA J.
108 W. HIGHLAND VIEW DR.
BOISE, ID 83702

SEPTEMBER 30, 1982

DEAR PERMIT HOLDER:

ONE OF THE CONDITIONS OF APPROVAL OF YOUR WATER PERMIT NO. 65-7711 WAS THAT EVIDENCE OF THE EXTENT OF DEVELOPMENT MUST BE SUBMITTED TO THIS OFFICE ON OR BEFORE DECEMBER 01, 1982. (SEE LAST PAGE OF YOUR APPROVED PERMIT). ENCLOSED IS A POST CARD WHICH MAY BE USED TO SUBMIT THE REQUIRED PROOF OF BENEFICIAL USE.

IF YOU HAVE NOT FULLY COMPLETED YOUR PROJECT, AND YOU HAVE NOT PREVIOUSLY RECEIVED AN EXTENSION OF TIME, YOU MAY REQUEST AN EXTENSION OF TIME PROVIDED THE DELAY IS FOR REASONABLE CAUSE AS INDICATED IN SECTION 42-204, IDAHO CODE, AMENDED. IF YOU HAVE BEEN PREVENTED FROM PROCEEDING BY A GOVERNMENTAL AGENCY OR BY LITIGATION, MORE THAN ONE EXTENSION OF TIME CAN BE GRANTED.

EITHER THE BENEFICIAL USE POST CARD OR A REQUEST FOR AN EXTENSION OF TIME MUST BE RECEIVED BY THIS DEPARTMENT ON OR BEFORE THE ABOVE MENTIONED DATE, OTHERWISE, THE PERMIT WILL LAPSE AND BE OF NO FURTHER FORCE OR EFFECT WITHIN 60 DAYS.

SINCERELY,

RITA FLECK
SR. SECRETARY

ENC: 1

10/1/82

February 18, 1982

Re: Permit 65-7711
Receipt 21851

Enclosed is a copy of the approved request for extension of time. The time within which to submit the statement of beneficial use beneficial use is extended to December 1, 1982.

Please note that the permit has been reinstated with an advance in priority since the extension of time request was submitted after the proof due date.

If I can be of further assistance please contact me.

Sincerely

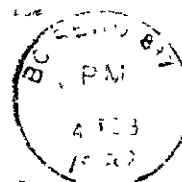
Rita Fleck
Sr. Secretary

ccp

Enclosures



Mr. Charles Smith
108 W. Highland View Dr.
Boise, ID 83702



MICROFILMED

STATE OF IDAHO
DEPT OF WATER RESOURCES
450 W. STATE ST.
BOISE, ID
83720

ATTN: JIM JOHNSON



State of Idaho
DEPARTMENT OF WATER RESOURCES
STATE OFFICE, 450 W. State Street, Boise, Idaho

JOHN V. EVANS
Governor

A. KENNETH DUNN
Director

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 334-4440

January 21, 1982

RE: Permit No. 65-7711

Dr. and Mrs. Charles E. Smith
108 W. Highland View Dr.
Boise, ID 83702

Dear Dr. and Mrs. Smith:

Thank you for responding to our letter of September 30, 1981 by sending us a request for an extension of time on Permit No. 65-7711.

We find, however, that we cannot process your request because you did not fill in the area of the form which asked you to describe how much work had been completed toward development of the permit. The Idaho Code allows the Director to approve additional time for permit development if the permit holder can show that he has proceeded with reasonable diligence. Please describe as completely as possible any and all work including estimated costs associated with water developed under this permit.

Please return the enclosed extension form by February 5, 1982. If you have any questions, please let me know at 334-4162.

Sincerely,

A handwritten signature in cursive script, appearing to read "Jim Johnson", with a long horizontal flourish extending to the right.

JIM JOHNSON
Water Distribution Supervisor

JJ:kw
Enclosure



MEMO

To: Glen Saxton

From: Jim Johnson *Jim*

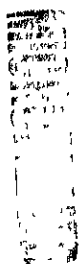
February 16, 1982

Re: Request for Extension of Time

Based upon Mrs. Smith's comments I recommend that the Department approve the request for extension of time to December 1, 1982.

Although while they have not invested any money into the permit development it is clear that they intend to develop the right.

Actual development expense has been post poned until spring of 1982 at the advice of a State Health Department employee. We should only allow 1 year.





State of Idaho

DEPARTMENT OF WATER RESOURCES

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

JOHN V. EVANS

Governor

A. KENNETH DUNN

Attorney General

Mailing address
Statehouse
Boise, Idaho 83720
(208) 334-4440

January 21, 1982

RE: Permit No. 65-7711

Dr. and Mrs. Charles E. Smith
108 W. Highland View Dr.
Boise, ID 83702

Dear Dr. and Mrs. Smith:

Thank you for responding to our letter of September 30, 1981 by sending us a request for an extension of time on Permit No. 65-7711.

We find, however, that we cannot process your request because you did not fill in the area of the form which asked you to describe how much work had been completed toward development of the permit. The Idaho Code allows the Director to approve additional time for permit development if the permit holder can show that he has proceeded with reasonable diligence. Please describe as completely as possible any and all work including estimated costs associated with water developed under this permit.

Please return the enclosed extension form by February 5, 1982. If you have any questions, please let me know at 334-4162.

Sincerely,

JIM JOHNSON
Water Distribution Supervisor

JJ:kw
Enclosure

RECEIVED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

STATEHOUSE
BOISE, IDAHO 83720
(208) 334-4440
CERTIFIED MAIL

138834

SMITH, CHARLES E. & BARBARA J.
430 WINTER DRIVE
BOISE, ID 83706

SEPTEMBER 30, 1981

DEAR PERMIT HOLDER:

ONE OF THE CONDITIONS OF APPROVAL OF YOUR WATER PERMIT NO. 65-7711 WAS THAT EVIDENCE OF THE EXTENT OF DEVELOPMENT MUST BE SUBMITTED TO THIS OFFICE ON OR BEFORE DECEMBER 01, 1981. (SEE LAST PAGE OF YOUR APPROVED PERMIT). ENCLOSED IS A POST CARD WHICH MAY BE USED TO SUBMIT THE REQUIRED PROOF OF BENEFICIAL USE.

IF YOU HAVE NOT FULLY COMPLETED YOUR PROJECT, AND YOU HAVE NOT PREVIOUSLY RECEIVED AN EXTENSION OF TIME, YOU MAY REQUEST AN EXTENSION OF TIME PROVIDED THE DELAY IS FOR REASONABLE CAUSE AS INDICATED IN SECTION 42-204, IDAHO CODE, AMENDED. IF YOU HAVE BEEN PREVENTED FROM PROCEEDING BY A GOVERNMENTAL AGENCY OR BY LITIGATION, MORE THAN ONE EXTENSION OF TIME CAN BE GRANTED. A REQUEST FOR EXTENSION OF TIME FORM IS ENCLOSED FOR YOUR CONVENIENCE. PLEASE NOTE THAT A FEE OF \$15.00 MUST BE SUBMITTED WITH THIS FORM.

EITHER THE BENEFICIAL USE POST CARD OR A REQUEST FOR AN EXTENSION OF TIME MUST BE RECEIVED BY THIS DEPARTMENT ON OR BEFORE THE ABOVE MENTIONED DATE, OTHERWISE, THE PERMIT WILL LAPSE AND BE OF NO FURTHER FORCE OR EFFECT WITHIN 60 DAYS.

SINCERELY,

RITA FLECK
SR. SECRETARY

ENCLOSURES

RECEIVED

March 6, 1978

Re: Permit No. 65-7711

Mr. Charles E. Smith
400 1st Dr.
Pocatello, Idaho 83706

Dear Mr. Smith:

We acknowledge receipt of the assignment conveying the above referenced permit to you. The assignment has been entered into the Department's records.

Sincerely,

JAMES RANK
State Rights

MICROFILMED

WALLIS & CHURCHILL

RANDALL WALLIS
WINSTON H CHURCHILL
THOMAS L SMITH

ATTORNEYS AT LAW
POST OFFICE BOX 1253
BOISE, IDAHO 83701

210 IDAHO BUILDING
AREA CODE 208
TELEPHONE 342-5693

February 21, 1978

RECEIVED

FEB 22 1978

Department of Water Resources

Ms. Jan Grover
Water Rights Supervisor
Dept. of Water Resources
Statehouse
Boise, ID 83720

Re: PERMIT NO. 65-7711

Dear Ms. Grover:

Enclosed is the signed Assignment of Permit from James E. Carothers to Charles E. Smith.

Very truly yours,


W. H. CHURCHILL

WHC:hfc
Enclosure

MICROFILMED

February 6, 1978

Re: Permit No. 65-7711

Winston H. Churchill
P. O. Box 1253
Boise, ID 83701

Dear Mr. Churchill:

Enclosed is the assignment of permit form per my phone conversation with your office on this date.

If you have any questions, please contact us.

Sincerely,

JAN GROVER
Water Rights Supervisor

JG/kw
Enclosure

MICROFILMED
1980

WALLIS & CHURCHILL

RANDALL WALLIS
WINSTON H CHURCHILL
THOMAS L SMITH

ATTORNEYS AT LAW
POST OFFICE BOX 1253
BOISE, IDAHO 83701

210 IDAHO BUILDING
AREA CODE 208
TELEPHONE 342-5693

January 26, 1978

RECEIVED

JAN 27 1978

Department of Water Resources

Mr. Bill McCollister
Water Department
State of Idaho
Boise, ID 83720

Re: PERMIT NO. 65-7711

Dear Mr. McCollister:

On January 3, 1978, I talked with you in reference to the above permit. You asked me to send you a copy of the warranty deed once the transaction was completed. The transaction has now been completed and I am enclosing a copy of the recorded warranty deed. If you need any further information, please let me know.

The address of the Smiths is 430 Winter Drive, Boise, Idaho 83706, just as set out in the warranty deed.

Very truly yours,

W. H. Churchill
W.H. CHURCHILL

WHC:hfc
Enclosure
cc: James E. Carothers

MICROFILMED

WARRANTY DEED

For Value Received , JAMES E. CAROTHERS and BETH CAROTHERS,
husband and wife,

the grantor s, do hereby grant, bargain, sell and convey unto CHARLES E. SMITH and
BARBARA J. SMITH, husband and wife,
the grantee s, whose current address is 430 Winter Drive, Boise, Idaho 83706,

the following described premises, in Valley County Idaho, to-wit:

Lot 26, Pebble Beach Subdivision, according to the official plat
thereof on file and of record in the office of the Recorder of
Valley County, Idaho.

TOGETHER WITH all water, water rights, ditches and rights of
way for ditches thereunto belonging or appertaining.

SUBJECT to any easements and restrictions of record in the office
of the Recorder of Valley County, Idaho.

SUBJECT to the reservation of a perpetual easement and flowage
right, including the permanent right to construct, reconstruct,
enlarge, operate and maintain a reservoir thereon and to flood
the same with the water of said reservoir, and to seep, erode,
or otherwise damage the land by action of the existing or enlarged
Cascade Reservoir.

SUBJECT to the reservation of presently used rights of way for
canals, ditches, flumes, pipelines, railroads, highways, roads,
telephone, telegraph and power transmission lines created in favor
of the public or public utilities.

SUBJECT to the reservation of the covenant or burden running with
the above described land of the subordination of all claims for
damages against the United States sustained by such land or
structures thereon by reason of the operation and maintenance of
the Cascade Dam and Reservoir as presently constructed.

Cont'd on page 2

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee s ,
their heirs and assigns forever. And the said Grantor s do hereby covenant to and
with the said Grantee s, that they are the owner s in fee simple of said premises; that they are free
from all incumbrances

and that they will warrant and defend the same from all lawful claims whatsoever.

Dated: This 22nd day of December, 1977.

JAMES E. CAROTHERS

BETH CAROTHERS

STATE OF IDAHO, COUNTY OF

On this day of Dec. , 19 77,
before me, a notary public in and for said State, personally
appeared JAMES E. CAROTHERS and
BETH CAROTHERS, 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

Residing at
Comm. Expires

STATE OF IDAHO, COUNTY OF Valley)es.

I hereby certify that this instrument was filed for record at
the request of Mountain Title Co.
at 37 minutes past 3 o'clock P. m.,
this 13th day of January
19 78, in my office, and duly recorded in Book Dr. #2
of Deeds

J. W. Crutcher

Ex-Officio Recorder

By P. Miller

Fees \$ 2.00
Mail to:

COMPARED
INDEXED
INDEXED
DEC. STAMPS AFFIXED

INSTRUMENT No.

94623

SUBJECT to the reservation of a right of way for ditches or
canals constructed or to be constructed by authority of the
United States, this reservation being of the same character
and scope as that created with respect to certain public lands
by the act of August 30, 1890 (26 Stat. 371, 391), as it has
been or may hereafter be amended.

December 2, 1976

Re: Permit No. 65-7711

James E. &/or Beth Carothers
P.O. Box 322
Grand View, ID 83624

Dear Mr. and Mrs. Carothers:

Enclosed is a copy of your approved Application for Permit No. 65-7711 . We direct your attention to the conditions of approval as listed on the fourth page.

Sincerely,

BOBBY D. FLEENOR
Chief, Water Rights

BDF:mef

Enclosure

DEPARTMENT OF WATER RESOURCES
- STAFF ANALYSIS -

Item Initial Date

Application No. 65-7711

☒ Source
☒ Point of Diversion
☒ County
☒ Quantity of Water and Period of Use
☒ Description of Diverting Works
☒ Time required for B/U of water
☒ Place of Use or Acres Irrigated
☒ Map
☒ Signature
☒ Fee

☐ Pre-permit exam
☐ Adjudication Claim
☐ Dam Construction
☐ Papers Sent

(1) R.W.H. 10-27-76

In form to receipt

(2) _____

Send Copies to:

_____ Idaho State Health Department
_____ Idaho Fish and Game Department
_____ Bureau of Land Management

(3) _____

_____ Request Special Use Permit from U.S.F.S.
_____ Request Easement from B.L.M.
_____ Request Information from Applicant

(4) R.W.H. 10-27-76

In form for advertising

(5) _____

Platted on Map No. _____

(6) _____

Located within Water District No. _____

(7) _____

Critical groundwater area: yes _____ no ☒

(8) _____

Groundwater levels:

_____ Declining, ☒ Stable, _____ Increasing

(comment) _____

(9) _____

Other rights on the same place of use

(10) _____

Comments: _____

(11) C.S. 11-22-76

Affidavit of Publication received(date) 11-22-76

(12) _____

Final date for protests 11-22-76
Protests received: yes _____ no ☒

(13) _____

All requested information received from agencies or applicant: yes _____ no _____

(14) _____

Action recommended:

☒ Approve _____ Deny

_____ Proposed Priority

_____ Reason for Reduction _____

NO Measuring device required

_____ See attached sheet for other conditions of approval

_____ No special conditions for approval

(15) District W

By

144

Date

11-23-76



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
WESTERN DISTRICT — ANNEX 3

Cecil D. Andrus
Governor

R. Keith Higginson
Director

Statehouse
Boise, Idaho 83720
(208) 384-2190

October 29, 1976

Re: See attached sheet

The Star News
Box 985
McCall, ID 83638

Gentlemen:

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

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

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

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

(Signature of Claimant)

Sincerely,

Bill Submitted
11-22-76
CS

RECEIVED

PUBLISHED IN THE STAR NEWS on November 4 & 11, 1976

65-7704 - Fred &/or Ferne M. Romjue

65-7705 - Earl W. MacLeod

65-7706 - Burt &/or LaRane Smith

65-7707 - Burt &/or LaRane Smith

65-7710 - John W. &/or Ina E. Knauff

65-7711 - James E. &/or Beth Carothers

65-7712 - Clarence Hall &/or W. E. Brown

65-7713 - State of Idaho, Department of Lands

65-7714 - Ambrose H. &/or Judith A. Burroughs III

65-7715 - Robert R. &/or Alice K. Hartzell

65-7716 - LaVerne R. &/or Elaine E. Larsen &/or
Gene &/or Mattie Francome

MICROFILMED

NOTICE OF APPLICATION FOR WATER PERMIT

Notice is hereby given that JAMES E. &/or BETH CAROTHERS,
Grand View, ID
has on October 27, 1976 submitted Application No. 65-7711
for a permit to appropriate 0.04 cubic feet per second ~~acre feet~~
~~quantity~~ of water from a groundwater source
by means of well, pump and pressure system
within the NELSE Sec 33 T16N-R3E B.M., Valley County

to be used from Jan 1 to Dec 31
for domestic purposes

within the Lot 6, Pebble Beach Subdivision, Sec 33 T16N-R3E B.M.

If issued, this permit will be subject to all prior water rights. Protests against the granting of the permit must be filed with the Idaho Department of Water Resources, Statehouse, Boise, Idaho, 83720, on or before November 22, 1976.

R. KEITH HIGGINSON

Director

Published in the The Star News, McCall, ID
on November 4, 1976 and November 11, 1976.