

RECEIVED
1972
Department of Water Administration

AFFIDAVIT
OF
PUBLICATION

STATE OF IDAHO, } S.S.
COUNTY OF BOISE

T. R. Adams, being
duly sworn, deposes and says:
that he is the manager and principal clerk of THE IDAHO WORLD a weekly news paper published at Idaho City, in the County of Boise and state of Idaho; that said paper has been and is in general circulation in the county aforesaid, and in the vicinity of Idaho City; that the advertisement, a copy of which is hereto attached, was published in said newspaper once a week for Two consecutive weeks in the entire and regular issue of every number of said paper during the period and time of publication, and was published in the newspaper proper and not in a supplement; that said paper has been established and regularly and continuously published for more than seventy-eight weeks past previous to the first publication of this notice. Such notice was published in the issue beginning

with Aug 31, 1972
and ending with the issue of

Sept 7
T. R. Adams 1972

Subscribed and sworn to before

me this 19th day of September

1972
Robert J. Tuffield
Clerk District Court

Deputy

NOTICE OF APPLICATION
FOR WATER PERMIT

Notice is hereby given that JAMES G. SMITH, 1047 Garfield Street, Boise, Idaho, has on August 21, 1972 submitted Application No. 65-7300 for a permit to appropriate 0.20 cubic feet per second of water from a spring by means of pond and sprinkler system within the NE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 29, T. 9N., R. 3E., B. M. Boise County to be used from Jan. 1 to Dec. 31 for domestic purposes from April 1 to Oct. 31 for the irrigation of 10 acres within the NE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 29, T. 9N., R. 3E., 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 Administration, Statehouse, Boise, Idaho, 83707, on or before September 18, 1972.

R. KEITH HIGGINSON
Director

Published in the Idaho World Idaho City, Idaho, on Aug. 31, 1972 and September 7, 1972

OK.
NPP
9-21-72

65 7300

WATER RIGHT LICENSE

THIS IS TO CERTIFY, that James G. Smith

Total number of acres irrigated 1

Director

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR EXTENSION OF TIME

RECEIVED
JUL 7 1977

Department of Water Resources

State of Idaho)
County of Ada)

Permit No. 65-7300

James G. Smith of 1047 Garfield, Boise
(name) (address)

State of Idaho, being first duly sworn, upon his oath deposes and says:

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. 65-7300.

That under the terms and conditions of said permit, work thereunder was required to be completed on or before Sept 1, 19 77.

That he has heretofore performed the following work described under said permit:

Temporary connection to spring for irrigation with
a single sprinkler and use some domestic use.

Costing \$ 157.76

That he is unable to complete the remainder of the work within the required time for the following reasons, to-wit: full time employment required me
to be out of town in the summer for several years
and I was unable to do any work.

Wherefore, he asks that the Department of Water Resources extend the time for the completion of obligations under said permit to Sept 1, 19 80.

James G. Smith
(signature) *

Subscribed and sworn before me this 28th day of July, 19 77.

seal

Katherine J. Weaver
Notary Public residing at
Boise, Idaho 83705

My commission expires 6-15-81

ACTION OF THE DIRECTOR OF THE 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 proof of beneficial use be extended to
September 1, 1980.

Witness my hand this 9 day of August, 19 77.

Billy D. Elmore
Chief, Operations Bureau

* IF OTHER THAN HOLDER, Power of Attorney must be supplied. Forms are available through the Department of Water Resources, Statehouse, Boise, Idaho 83720.

MICROFILMED

Identification No. _____

Application No. 65-7300

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION
APPLICATION FOR PERMIT

APPROVED

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

- ✓ 1. Name of applicant JAMES G. Smith
post office address 1047 Garfield St., Boise, Idaho 83706
- ✓ 2. Source of water supply Spring which is a tributary of _____
- ✓ 3 a. Location of point of diversion is NE ¼ of NW ¼ of Section 29 Township 9N
Range 3E B.M. Boise County; additional points of diversion if any: _____
- b. If water is not consumed, it will be discharged into _____ at a point in _____ ¼
of _____ ¼ of Section _____ Township _____ Range _____ B.M. _____
4. Water will be used for the following purposes:
Amount .02 for Domestic purpose from 1/1 to 12/31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount .20 for Irrigation purpose from 4/1 to 10/31 (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 .20 cubic feet per second and/or
b _____ acre feet per annum.
6. Proposed diverting works.
a. Description of ditches, flumes, pumps, headgates, etc. pond & sprinklers

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 \$ 500⁰⁰.
8. Description of proposed uses
a. If water is **not** for irrigation
(1) Give the place of use of water: NE ¼ of NW ¼ of Section 29 Township 9N
Range 3E 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: _____

65 7300

TOTALS

2

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

9. a. Who owns the property at the point of diversion ~~applicant~~

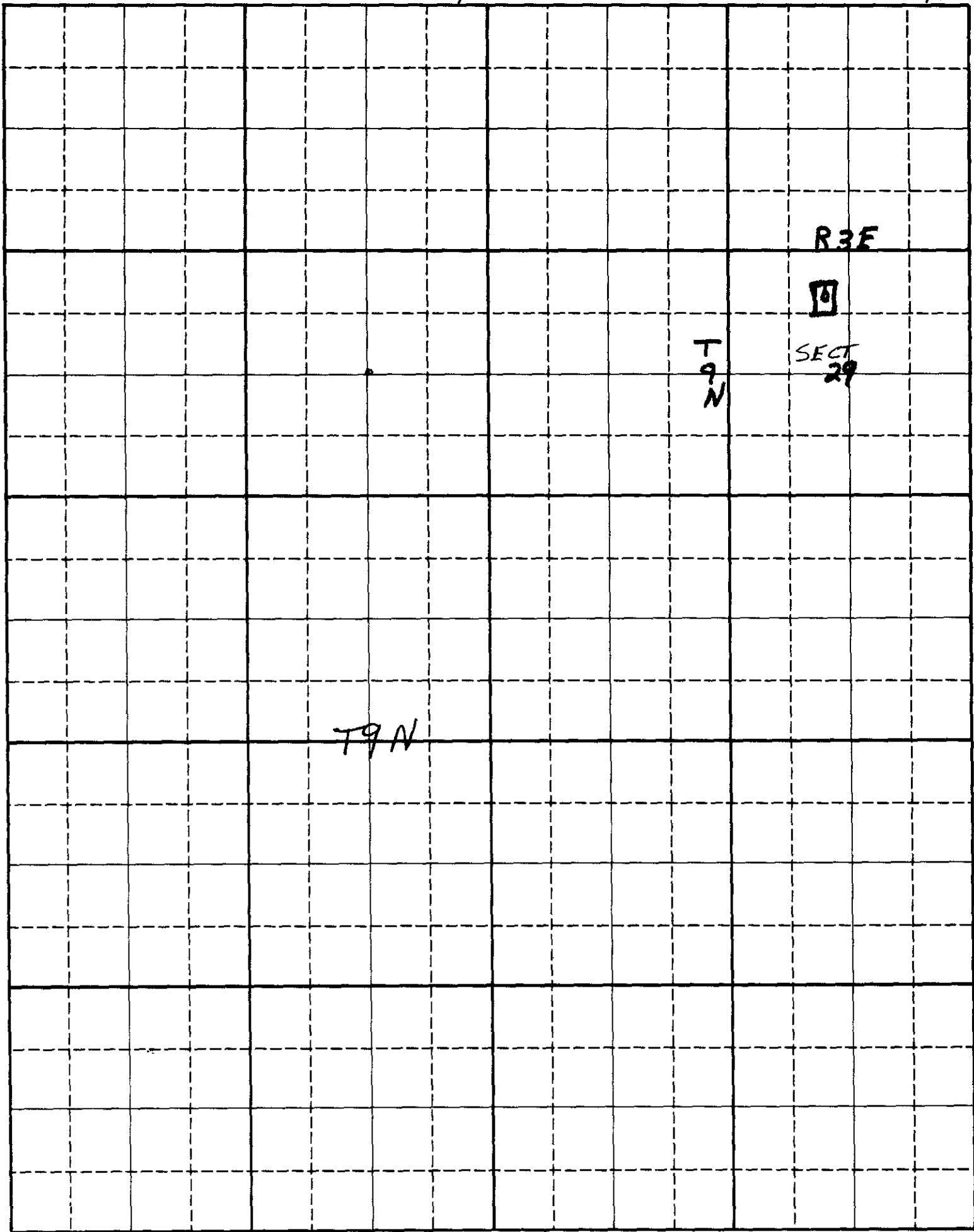
b. Who owns the land to be irrigated or place of use applicant

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.

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.

James S. Smith
(Applicant)

65 7350

Received by 81P Date 8/21/72 Time 4:40 PM
Preliminary check by 81P Fee \$ 1.00

Received by MP Date 8-21-72 # 8736

Publication prepared by MP Date 8-25-72

Published in Idaho World

Publication dates Aug. 31 & Sept. 7, 1972

Publication approved 8/21/72 Date 9-21-72

Priority reduced to 8/21/72 Reason _____

Protests filed by: _____

Copies of protests forwarded by _____

Hearing held by _____ Date _____

Recommended for approval denial by D 30F

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER ADMINISTRATION

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. 65-7300, 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 September 1, 19 77.

c. Other: _____

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

Witness my hand this 22 day of September 1972.

Director

DEPARTMENT OF WATER ADMINISTRATION
- STAFF ANALYSIS -

Item	Initial	Date	
(1)	KAR	8/22/72	Application No. <u>65-7300</u> Name <u>Smith</u>
(2)	KAR	8/22	Check: ☒ Signature ☒ Point of Diversion ☒ Quantity of Water and Period of Use ☒ Description of Diverting Works ☒ Time required for C/W and application of water to B/U ☒ Place of Use ☒ Map ☒ Fee
(3)	KAR	8/22	Send copies to: <u>none</u> ☐ Idaho State Health Department ☐ Idaho Fish and Game Department ☐ Bureau of Land Management
(4)	KAR	8/22	☐ Request Special Use Permit from U.S.F.S. <u>none</u> ☐ Request Easement from B.L.M.
(5)	KAR	8/22	In form for advertising <u>Idaho World</u>
(6)	DX	9-20	Affidavit of Publication received <u>9-20-72</u>
(7)	SLP	9/19/72	Final date for protests <u>9/18/1972</u> Protests received: yes <u>no</u> ☒
(8)	NA		Date and Place of hearing _____ Decision reached at hearing _____
(9)	None		Located within Water District No. _____
(10)	NA		Critical groundwater area: yes _____ no _____
(11)	NA		Groundwater levels: ☐ Decline (comment) _____ ☐ Stable (comment) _____ ☐ Increasing (comment) _____
(12)	KAR	8/21	Comments: <u>not near Pat Allen problem</u>
(13)	KAR	9/21	Action recommended: ☒ Approve Priority <u>8/21/72</u> ☐ Deny Reason for Reduction _____ See attached sheet for conditions of approval
(14)	KAR	9/21	No conditions for approval District <u>Western</u> By <u>Ken Fort</u> Date <u>9/21/72</u> Title <u>WDE</u>

65 7300

**AFFIDAVIT
OF
PUBLICATION**

STATE OF IDAHO, } S.S.
COUNTY OF BOISE }

T. R. Adams, being
duly sworn, deposes and says:
that he is the manager and prin-
cipal clerk of THE IDAHO
WORLD a weekly news paper
published at Idaho City, in the
County of Boise and state of
Idaho; that said paper has been
and is in general circulation
in the county aforesaid, and in
the vicinity of Idaho City; that
the advertisement, a copy of
which is hereto attached, was
published in said newspaper

once a week for Two con-
secutive weeks in the entire and
regular issue of every number
of said paper during the period
and time of publication, and was
published in the newspaper pro-
per and not in a supplement;
that said paper has been estab-
lished and regularly and contin-
uously published for more than
seventy-eight weeks past pre-
vious to the first publication of
this notice. Such notice was pub-
lished in the issue beginning

with Aug 31, 1972
and ending with the issue of
Sept 19, 1972
T. R. Adams 1972

Subscribed and sworn to before
me this 19th day of September

1972
Robert J. Tuffield
Clerk District Court

Deputy

OK.
RPP
9-21-72

65 7360



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

December 10, 1981

RE: Permit No. 65-7300

James G. Smith
36 Dean Road
East Lyme, CT 06333

Dear Mr. Smith:

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

Sincerely,

Jim Johnson

JIM JOHNSON
Water Distribution Supervisor

Enclosure

MICROFILMED



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

JOHN V. EVANS
Governor

C. STEPHEN ALLRED
Director

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

November 23, 1981

RE: Permit No. 65-7300

James G. Smith
36 Dean Road
East Lyme, CT 06333

Dear Mr. Smith:

A representative of this Department has made an examination of the works covered by your Permit No. **65-7300**, and has found the following:

Amount of water that can be recognized as beneficially used under Idaho law: **0.03 cfs** Source: **spring trib. to sinks**

The maximum quantity diverted shall not exceed **4.7** acre feet per year.

Point(s) of diversion: **NELMA, Sec. 29, Twp. 9N, Rge. 3E, Boise County**

Beneficial use: **Domestic (1 unit) and irrigation of 1 acre within the NELMA, Sec. 29, Twp. 9N, Rge. 3E**

Priority date established: **August 21, 1972**

Conditions (if any):

If you do not concur with these findings please contact us within 10 days, otherwise a water license will ~~be issued~~ **remain** as set forth above.

Sincerely,

JIM JOHNSON
Water Distribution Supervisor

URGENT
NOV 24 1981

~~sten~~

KAY

Send 10 clary

letter to

36 Dean Road

East Lyme, Connecticut

06333

NOT FILMED

16 OF 10 VHS
DEPARTMENT OF WATER RESOURCES
Statehouse
Boise Idaho 83720

RECEIVED

NOV 13 1981

James G. Smith
1047 Garfield
Boise, ID 83706

Department of Water Resources

SMI 4/ 281209N1 11.12/81

RETURN TO SENDER
NOT DELIVERABLE AS ADDRESSED
(UNABLE TO FORWARD)



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

JOHN V. EVANS
Governor

C. STEPHEN ALLRED
Director

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

November 6, 1981

RE: Permit No. 65-7300

James G. Smith
1047 Garfield
Boise, ID 83706

Dear Mr. Smith:

A representative of this Department has made an examination of the works covered by your Permit No. 65-7300, and has found the following:

Amount of water that can be recognized as beneficially used under
Idaho law: 0.03 cfs Source: spring trib. to sinks

The maximum quantity diverted shall not exceed 4.7 acre feet per year.

Point(s) of diversion: NE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 29, Twp. 9N, Rge. 3E, Boise County

Beneficial use: Domestic (1 unit) and irrigation of 1 acre within the NE $\frac{1}{4}$ NW $\frac{1}{4}$,
Sec. 29, Twp. 9N, Rge. 3E

Priority date established: August 21, 1972

Conditions (if any):

If you do not concur with these findings please contact us within 10 days, otherwise a water license will be issued as set forth above.

Sincerely,

JIM JOHNSON
Water Distribution Supervisor

MICROFILMED



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

November 19, 1981

RE: Permit No. 65-7300

James G. Smith
1047 Garfield
Boise, ID 83706

Dear Mr. Smith:

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

Sincerely,

Jim Johnson

JIM JOHNSON
Water Distribution Supervisor

Enclosure

MICROFILMED



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

JOHN V. EVANS
Governor

C. STEPHEN ALLRED
Director

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

November 6, 1981

RE: Permit No. 65-7300

James G. Smith
1047 Garfield
Boise, ID 83706

Dear Mr. Smith:

A representative of this Department has made an examination of the works covered by your Permit No. 65-7300, and has found the following:

Amount of water that can be recognized as beneficially used under
Idaho law: 0.03 cfs Source: spring trib. to sinks

The maximum quantity diverted shall not exceed 4.7 acre feet per year.

Point(s) of diversion: NE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 29, Twp. 9N, Rge. 3E, Boise County

Beneficial use: Domestic (1 unit) and irrigation within the NE $\frac{1}{4}$ NW $\frac{1}{4}$,
Sec. 29, Twp. 9N, Rge. 3E

Priority date established: August 21, 1972

Conditions (if any):

If you do not concur with these findings please contact us within 10 days, otherwise a water license will be issued as set forth above.

Sincerely,

JIM JOHNSON
Water Distribution Supervisor

RECEIVED
NOV 11 1981

Department of Water Resources 65-7300
Permit No.

CONTACT WITH PERMIT HOLDER

	DATE	INITIALS	REMARKS
☒ Appointment letter mailed:	10/17/80	h/h	
☐ Telephone call made:			
(List Telephone No. used)			
☐ Appointment scheduled for:			
(Date, time, location)			

EXAMINATION

Date 4/16/81 Accompanied by _____ Total Q measured .03
If source is surface water, estimate total flow of source _____
Methods of measurement calculated estimate Meets Permit requirements? _____

Measurement calculations:

Domestic, 0.2 cfs - 1.2 AF
Irrigation - 0.3 cfs $1 \text{ ac} \times 3.5 = \underline{3.5 \text{ AFM}}$

[illegible]

System Description 1100 ft of 3/4" PVC pipeline to building with a shower -
one sprinkler led to irrigate one acre of orchard.

**Code with map on reverse side. Disregard code if only one.*

RECOMMENDED AMOUNTS		Irrigation requirement = _____ AFA/Acre			
USE		Q (cfs)	V (afa)	FROM	TO
Domestic		.02 ✓	1.2 ✓	1/1	12/31
irrigation		.03 ✓	3.5 ✓	4/1	11/1
	Total	.03 ✓	4.7 ✓		

Remarks
1100' of
made field exam 4/16/81 found 1 1/2 inch PVC pipeline
to place of use. house on trailer at site.
sprinkler hd for irrigation. Tried to contact
applicant with no success. Sent letter to applicant
for details 5/13/81
6/15/81 Telephone conversation with Mr Smith - he stated
that he has a shower in a little building & irrigates about
1 acre.
No Overlapping rights

$$\begin{array}{r} 18 \overline{) 22101} \\ \underline{18} \\ 4 \\ \underline{18} \\ 2 \\ \underline{18} \\ 4 \end{array}$$

Recommendations and Amendments:

- ☐ Change P.U. as reflected above
- ☐ Change D. as reflected above

☐ Add P.D. as reflected above

☐ Add P.U. as reflected above

Other ☐

NOR

[illegible]

Place(s) of Use

Point(s) of diversion:

NE NW 8th 29 T 9 N R 3 E

(Include distance from pump to measuring device, if applicable.)

SCHEMATIC DIAGRAM OF SYSTEM

A 10x10 grid with handwritten labels in the bottom right corner. The labels are arranged in a small cluster:

- R3E** (top left of the cluster)
- R0E** (middle left of the cluster)
- 1A** (middle right of the cluster)
- T** (bottom left of the cluster)
- 9** (bottom middle of the cluster)
- N** (bottom right of the cluster)

MAP (Attach Aerial Photo)

May 14, 1981

James G. Smith
36 Dean Road
East Lyme, Connecticut 06333

Dear Mr. Smith:

I made a field examination of Permit No. 65-7300 and was unable to determine the amount of use. I noticed a PUC pipeline to place of use, but do not know the extent of use. Are you using the water for domestic and irrigation?

If I can be of any assistance, feel free to contact me.

Sincerely,

JOHN K. NOYES
Senior Water Resource Agent

JKN:aje

Replied 6/15/81

MICHAEL
JUN 15 1981



State of Idaho
DEPARTMENT OF WATER RESOURCES
WESTERN REGION, 92 South Cole Road, Boise, Idaho 83709

JOHN V. EVANS
Governor

(Office at the corner of
Franklin and Cole Roads)

C. STEPHEN ALLRED
Director

(208) 384-2190

October 17, 1980

James G. Smith
36 Dean Rd.
East Lyme, CT 06333

RE: Permit No. 65-7300

Dear Mr. Smith:

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

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

☐ A field examination of your system has been scheduled for

If this time and date is not convenient for you, please contact this office as soon as possible.

☒ 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.

Sincerely,

Kay Walker
Secretary

MICROFILMED

REGISTERED

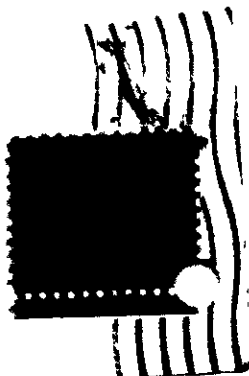
OCT C 1980

Department of Water Resources, ES

IDAHO DEPARTMENT OF WATER RESOURCES
STATEHOUSE
BOISE, IDAHO 83720



J. SMITH
W DEAN RD.
EAST LYME, CT 06033



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. 65-1000

Name(s) of Permit Holder: James G. Smith

Post Office Address: 36 Dean Rd

Source of Water: Spring Tel. No. 203 739

Extent of Use: Domestic Partial for 1

☒ Domestic

☐ Stockwater

☒ Irrigation 2

☐ Other

(number of households)

(number and type of stock)

(acres)

Measuring Device: Required? ☐ Yes ☒ No

Access Port: Required? ☐ Yes ☒ No

Installed? ☐ Yes ☐ No

Installed? ☐ Yes ☐ No

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

Oct 1, 1980

Date

James G. Smith

Signature of Permit Holder

September 23, 1980

James G. Smith
36 Dean Road
East Lyme, CT

06333

Dear Mr. Smith:

Re: Permit No. 65-7300

Enclosed is a copy of the denied request for extension of time. The extension request was denied since the Idaho Code provides for only one extension of time unless the delay is due to litigation or delay by a governmental agency.

I did note that you do have some of the water right developed. I suggest that you file the statement of beneficial use for that portion of this right that is developed and return it within twenty days; and submit another application for permit for that portion of this right which is yet to be developed. The second application would allow more time in which to develop the remainder of the work, but would have a later priority date. (I have enclosed the necessary forms).

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

Sincerely,

L. GLEN SAXTON
Chief, Operations Bureau

LGS:rf

Enclosures

MICROFILMED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

REQUEST FOR EXTENSION OF TIME

AUG 29 1980

To provide additional time in which to submit
proof of beneficial use on a water right permit

Department of Water Resources

DENIED
James G. Smith of 36 Dean Rd., East Lyme,
(Name) (Address)

State of Connecticut, deposes and says:

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. 65-7300.

That under the terms and conditions of said permit, work thereunder was required to be completed on or
before September 1, 1980.

That he has heretofore performed the following work described under said permit: Tapped
spring and utilized water for irrigation and
some domestic purposes.

Costing \$ 275.-

That he is unable to complete the remainder of the work within the required time for the following
reasons, to-wit: Pond has not been built and full irrigation
potential not used. In 1979 my employer transferred
me to Connecticut from Idaho and in these two
1979 & 1980, I've been unable to perform any work.

Wherefore, he asks that the Department of Water Resources extend the time for the completion of
obligations under said permit to September 1, 1983.

James G. Smith
(Signature)*

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

IT IS HEREBY ORDERED that the above application for extension of time be DENIED, pursuant to
Sec. 42-204, Idaho Code which states that a permit holder may only be granted one
extension of time.

Signed this 15 day of September, 1980.

Stephen Allred
C. STEPHEN ALLRED, Director

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

\$15 fee received by sg Date 9-5-80 Receipt # 16416

J. SMITH
30 DEAN RD.
EAST LYME, CT 06025

Department of Water Resources
Statehouse
Boise Idaho 83720

MICROFILMED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Boise Idaho 83720

RECEIVED

JUL 3 1980

Department of Water Resources

Let's

NOT DELIVERABLE
AS ADDRESSED -
UNABLE TO FORWARD



James G. Smith
1047 Garfield
Boise, ID 83706

628

Sent to:

36 Dean Rd.

~~East Lyme, CT~~
East Lyme, CT
06423

7/2/80
95

CERTIFIED MAIL
108221

MISSING



State of Idaho
DEPARTMENT OF WATER RESOURCES
STATE OFFICE, 373 W. Franklin Street, Boise, Idaho

JOHN V. EVANS
Governor

C. STEPHEN ALLRED
Director

Mailing address
Statehouse
Boise, Idaho 83720
(208) 384-2215

June 30, 1980

138724

James G. Smith
1047 Garfield
Boise, ID 83706

Dear Mr. Smith:

One of the conditions of approval of your water Permit No. 65-7300 was that evidence of the extent of development must be submitted to this office on or before September 1, 1980. (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

RECEIVED

August 15, 1977

Re: Permit No. 65-7300

James G. Smith
1047 Garfield St.
Boise, Idaho 83706

Dear Mr. Smith:

Enclosed is a copy of the approved application for extension of time in connection with the above referenced permit.

The time within which to submit proof of beneficial use of water has been extended to September 1, 1980.

Sincerely,

Jan Grover
Water Rights Supervisor

RECEIVED
MED

June 30, 1977

CERTIFIED MAIL

1387202

Re: Permit No. 65-7300

James G. Smith
1047 Garfield St.
Boise, Idaho 83706

Dear Mr. Smith:

One of the conditions of approval of your water Permit No. 65-7300 (see last page of your approved permit) was that evidence of the extent of development be submitted as proof of application of water to beneficial use to this office on or before September 1, 1977. Enclosed is an affidavit form which must 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 affidavit 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.


C. STEPHEN ALLRED
Director

CSA:jfr

Enc: Proof affidavit

RECEIVED

TO: 65-7300
65-3897

DATE: December 26, 1972

FROM: M. Clayne Barron

Mr. James G. Smith came into the office today and was concerned about a letter he received from Mr. Dovel's attorney. Mr. Smith stated that the spring that he filed on rises on his land (NE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 29, T. 9 N., R. 3 E., B.M.) and falls just after leaving his property in the NW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 29, T. 9 N., R. 3 E., B.M. He does not feel his right will endanger any other right in the area, specifically Mr. Dovel's right. Mr. Smith intends to develop his right based on permit no. 65-7300.


M. CLAYNE BARRON

65 7300

ANDERSON, KAUFMAN, ANDERSON AND RINGERT
LAWYERS

IDAHO BUILDING
BOISE, IDAHO 83701

EUGENE H. ANDERSON
SAMUEL KAUFMAN
RICHARD ANDERSON
WILLIAM F. RINGERT
D. BLAIR CLARK

September 21, 1972

AREA CODE 208
TELEPHONE 342-4591
POST OFFICE BOX 2773

Department of Water Administration
614 W. State Street
Boise, Idaho

Re: Application No. 65-7300

Gentlemen:

I write for George Dovel.

Reference is made to the above-numbered application, being an application by James G. Smith to appropriate .2 cubic feet per second of water from a spring.

This application is for use on land situate in the Northeast Quarter of the Northwest Quarter of Section 29, Township 9 North, Range 3 East, Boise Meridian.

Mr. Dovel owns a tract of land in the Southwest Quarter of the Northeast Quarter of the above-numbered Section.

Mr. Dovel is using .05 cubic feet per second of this spring. The spring arises on forest service land, flows through the property of Mr. Smith and through the property of Mr. Dovel.

Mr. Dovel and his predecessors in interest have been using this spring since February 24, 1908, and have filed Notice of Claim to Water Right in the Payette River adjudication, No. 65-3897.

Mr. Dovel has informed me that, in his opinion, there are only 3 miners inches of water flowing in the spring. Mr. Smith is claiming over three times this. Mr. Smith's use of this water

65 7300

Department of Water Administration
September 21, 1972
Page 2

as contemplated by his application for permit would have the effect of denying Mr. Dovel the water right hereinbefore mentioned.

There is insufficient water in this spring to supply Mr. Smith's permit, and there is barely enough in the spring to satisfy Mr. Dovel's right acquired by diversion and application to beneficial use.

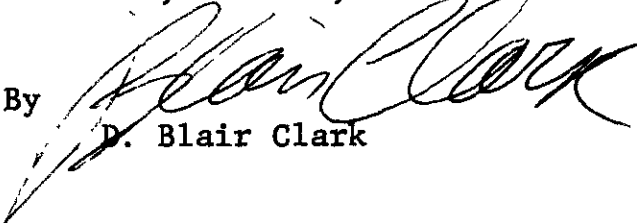
Mr. Dovel did not discover Mr. Smith's application until September 18, 1972.

Thank you for your attention.

Yours very truly,

ANDERSON, KAUFMAN, ANDERSON & RINGERT

By


D. Blair Clark

DBC:sa

65 7300

December 18, 1972

Mr. James G. Smith
1047 Garfield Street
Boise, Idaho 83706

Dear Mr. Smith:

We would like to bring your attention to a letter which has been submitted in opposition to your application for a permit. We have enclosed a copy of that letter.

Our office would also like to bring your attention to one of the conditions for approval of your permit, the condition being that your right is subsequent to any right which has already been established.

If you have any questions, please feel free to contact our office.

Sincerely,

GARY L. PAGE
W. R. Supervisor

GLP:def

Enclosure

65 7300

December 18, 1972

Re: Application for Permit No. 65-7300

Mr. D. Blair Clark
Anderson, Kaufman, Anderson & Ringert
Idaho Building
Boise, Idaho 83701

Dear Mr. Clark:

The protest that you filed for Mr. George Doval was received on September 22, 1972. The permit was approved on September 21, 1972.

However, we have written Mr. James G. Smith a letter making him aware that there could be prior rights to the use of the spring and his right is subsequent to any that has already been established.

We are sorry for the delay in the response. If we can be of any further service, please feel free to contact our office.

Sincerely,

GARY L. PAGE
W. R. Supervisor

GLP:def

65 7300

September 25, 1972

James G. Smith
1047 Garfield St.
Boise, Idaho 83706

Dear Mr. Smith:

Enclosed is a copy of your approved Application for Permit No. 65-7300. We

direct your attention to the conditions of approval as listed on the fourth page.

Very truly yours,

ROBERT D. FLEMMING
Assistant Director

BDF: cd

Enclosure

65 7300

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION

Cecil D. Andrus
Governor

R. Keith Higginson
Director

Statehouse - Annex 2
Boise, Idaho 83707
(208) 384-2215
Western District Office



Water Rights Administration
Water Resource Investigations
Dam and Reservoir Safety
Water Well Drilling
Waste Disposal Wells
Stream Channel Protection

August 23, 1972

RE: APPLICATION FOR PERMIT NO. 65-7300 James G. Smith

The Idaho World
Box 144
Idaho City, Idaho 83631

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 on 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,

65 7300

NOTICE OF APPLICATION FOR WATER PERMIT

Notice is hereby given that JAMES G. SMITH, 1047 Garfield Street,
Boise, Idaho
has on August 21, 1972 submitted Application No. 65-7300
for a permit to appropriate .20 cubic feet per second ~~XXXXXX~~
~~XXXXXXXXXX~~ of water from a spring
by means of pond and sprinkler system
within the NE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 29, T. 9 N., R. 3 E., B.M., Boise County
to be used from Jan. 1 to Dec. 31
for domestic purposes and from April 1 to Oct. 31 for the irrigation of
10 acres
within the NE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 29, T. 9 N., R. 3 E., 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 Administration, Statehouse, Boise, Idaho, 83707, on or before Sept. 18, 1972.

R. KEITH HIGGINSON
Director

65 7300

Published in the Idaho World, Idaho City, Idaho
on Aug. 31, 1972 and ~~AMGX~~ Sept. 7, 1972.