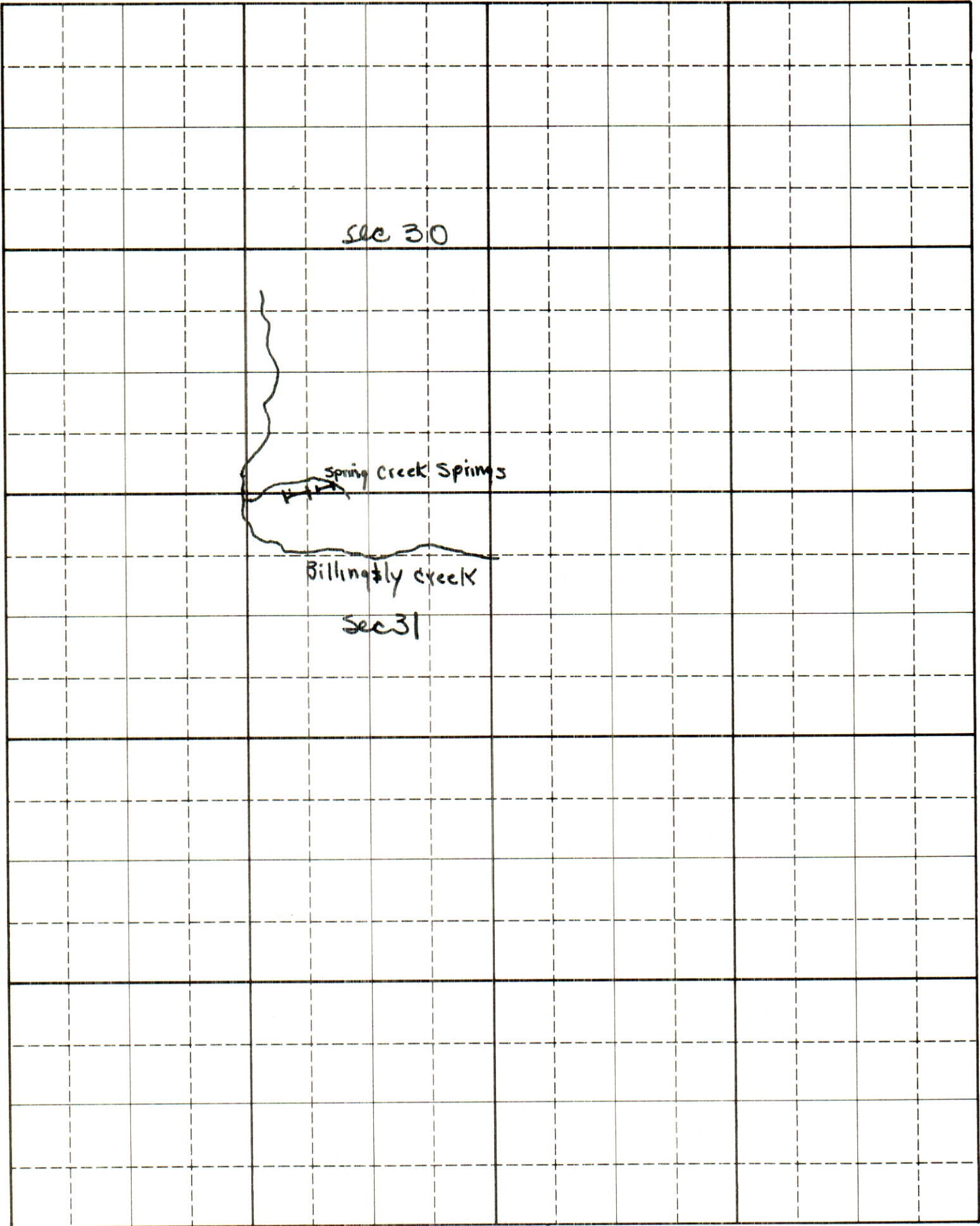


11. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



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.

Harold W. Smith
(Applicant)

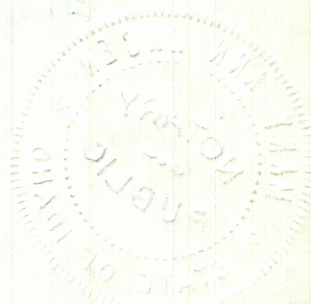
**NOTICE OF APPLICATION
FOR WATER PERMIT**

Notice is hereby given that Harold W. and/or Wilma A. Smith, Route 5, Rupert, ID has on Dec. 8, 1972 submitted Application No. 36-7278 for a permit to appropriate 6.0 cubic feet per second of water from Spring Creek Spring, tributary of Billingsley Creek by means of pipeline within the SE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 30, T. 7S, R. 14E, B.M., Gooding County to be used from Jan. 1 to Dec. 31 for fish propagation and domestic purposes within the NE $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 31, T. 7S, R. 14E, 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, 1041 Blue Lakes Boulevard North, Twin Falls, Idaho, 83301 on or before Jan. 2, 1973.

R. KEITH HIGGINSON,
Director

12-14-2tc



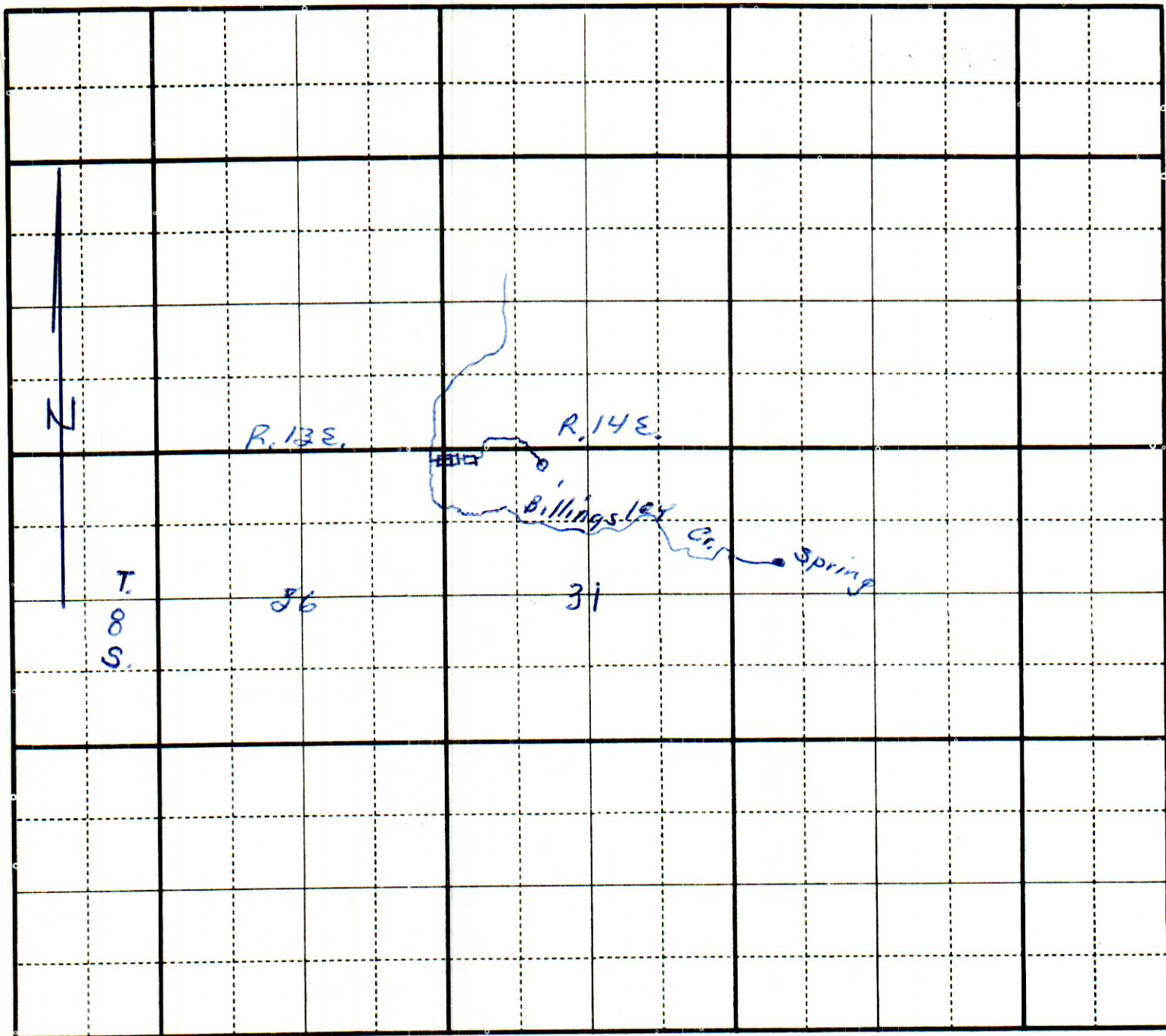
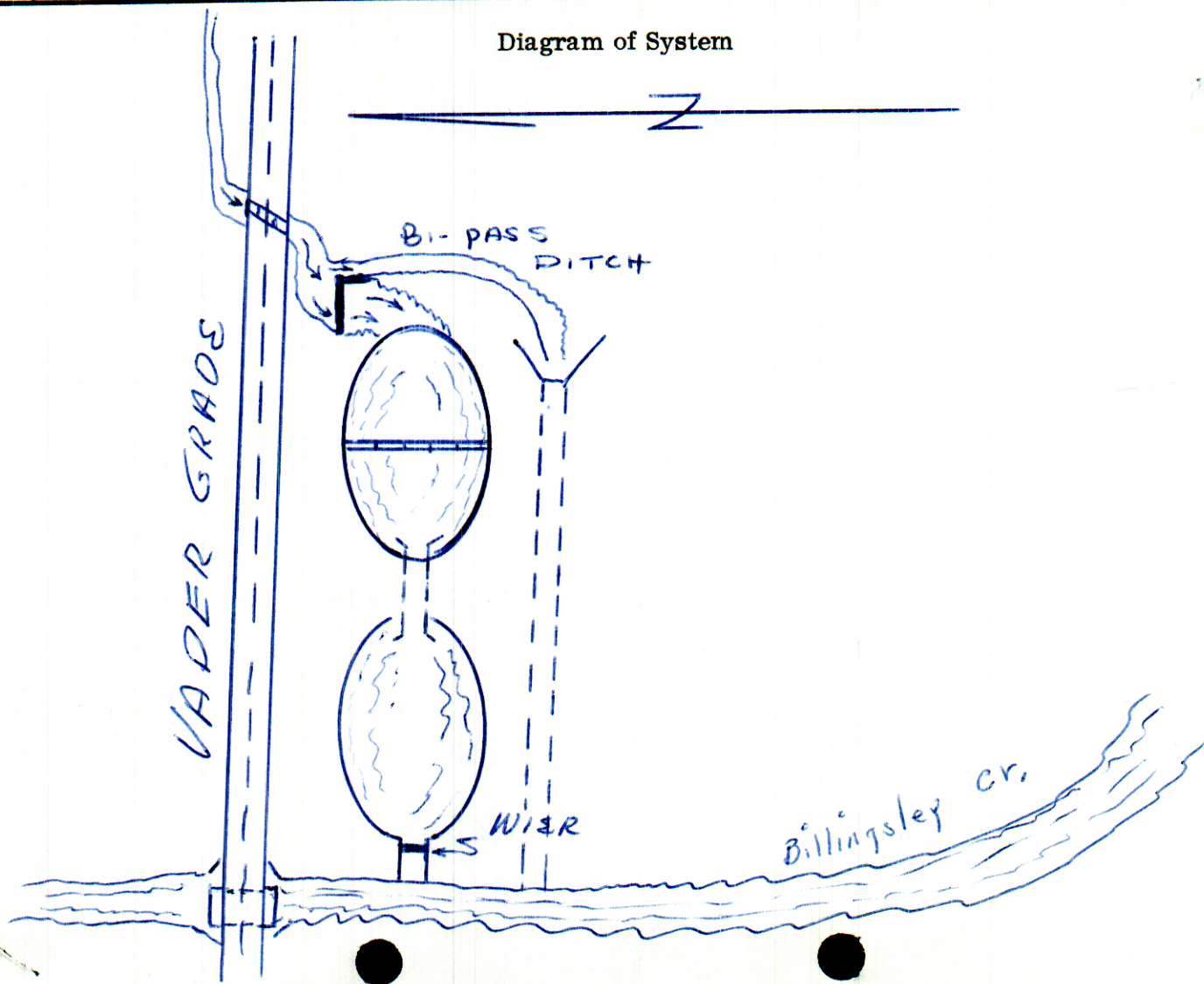


Diagram of System



February 1, 1973

Bill Jones
Jones & Sandy
Route 1
Hagerman, ID 83332

Dear Bill:

Enclosed is a copy of the Amended Application filed by Harold Smith. If this satisfies your objections, would you please write us withdrawing your protest.

Thanks.

Bob Haynes
District Engineer
Southern District

BH:alw

Enc.

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

License of Water Right No. 36-7278 (late proof)
Priority February 14, 1973 Amount 4.69 cfs

THIS IS TO CERTIFY, that CHARLES P. JOHNSON
of Hagerman, Idaho, has complied with the terms and conditions of Permit
No. 36-7278 issued pursuant to Application for Permit dated January 26, 1973,
and has submitted proof to the Department of Water Resources on April 20, 1978,
that he has applied water to a beneficial use; an examination by the Department indicates that the works have a
capacity for the diversion of 4.69 cfs of water from Spring Creek Spring,
tributary to Billingsley Creek, and that the permit holder has applied to a beneficial use and
established a right to use water as follows:

Beneficial Use	Period of Use	Rate of Diversion	Annual Volume
Fish			
Propagation	from <u>January 1</u> to <u>December 31</u> at <u>4.69</u> cfs and <u>N/A</u>		
	from _____ to _____ at _____ cfs and _____		
	from _____ to _____ at _____ cfs and _____		

(both dates inclusive)

Subject, however, to the condition that no more than 4.69 cfs of water be diverted at any one time, and
that the amount of water so diverted and to which such right is entitled and confirmed is for the purpose
aforementioned and is limited to the amount which can actually be beneficially used and shall not exceed
N/A acre feet per year, said waters to be diverted within the NW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 31, Twp. 7S,
Rge. 14E, B.M. in the County of Gooding

Description and location of place of use:

Twp.	Range	Sec.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				Totals
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
7S	13E	36	X																
7S	14E	31					X												

Total number of acres irrigated _____

SEE CONDITIONS ON FOLLOWING PAGE.

NOTE: 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 may be forfeited by five years of non-use.

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.

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 30 day of
November, 19 79.

Director

MICROFILMED

CONDITIONS:

1. Facility volume = 25,920 ft.³
2. A measuring device of a type approved by the Department shall be permanently maintained as part of the diverting works.
3. Use of water under this permit is subject to control by the water-master of State Water District No. 36-A, Billingsley Creek.

MICROFILMED

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF PERMIT NO. 36-7278
IN THE NAME OF CHARLES P. JOHNSON

ORDER OF REINSTATEMENT

WHEREAS, on January 26, 1973, Harold W. Smith &/or Wilma A. Smith filed with the Department of Water Resources an application for permit to appropriate 6.00 cubic feet per second of water from Spring Creek Spring, tributary to Billingsley Creek, to be diverted within the NW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 31, NE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 36, Twp. 7S, Rge. 13E, B.M., Gooding County, to be used for fish propagation purposes; and,

WHEREAS, on April 24, 1973, the Department approved said application and issued Permit No. 36-7278 with the condition that proof of construction of works and application of water to beneficial use be submitted to the Department on or before April 1, 1978; and,

WHEREAS, on January 31, 1977, the Department notified the permit holders by certified mail that proof of beneficial use of water was due and instructed the permit holders as to the steps to be taken to make said proof; and,

WHEREAS, on April 1, 1978, this permit no. 36-7278 automatically lapsed for failure to submit proof of beneficial use of water; and,

WHEREAS, on April 20, 1978, this permit was assigned to Charles P. Johnson and proof of beneficial use of water was also submitted on April 20, 1978; and,

WHEREAS, Section 42-218a of the Idaho Code provides that a permit may be reinstated upon a showing of reasonable cause within 60 days from the date of the lapsing; and,

WHEREAS, the permit holder has provided a reasonable showing as to why said permit should be reinstated; and,

IT IS, THEREFORE, HEREBY ORDERED that Permit No. 36-7278 be REINSTATED and the priority advanced to February 14, 1973.

Dated this 21st day of April, 1978.


L. GLEN SAXTON
Chief, Operations Bureau

MICROFILMED

State of Idaho
Department of Water Resources

5/5
750
RECEIVED

APR 20 1978

ASSIGNMENT OF PERMIT

Department of Water Resources

I, HAROLD W. SMITH, hereby assign to CHARLE P. JOHNSON
of RT-1- BOX 271 HAGERMAN, IDAHO 83332
Address

CHECK ONE



All my right, title, and interest in and to Permit No. 36-7278
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 13 day of APRIL, 1978.

Harold W. Smith
Permit Holder

Wilma A. Smith
Spouse of Permit Holder

State of Idaho)
County of Gooding) ss.

On this 13th day of April, 1978, personally
appeared before me the signer(s) of the above instrument, who duly acknowledged to me
that he (she) (they) executed the same.

seal

R. D. L. Luginbuhl
Notary Public residing at
Hagerman, Idaho

My commission expires:
8-23-78 - Board Expires
21st the Commission

MICROFILMED

ASSIGNED TO: CHARLES P. JOHNSON

AMENDED

Identification No. _____

Application No. 36-7278

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION **APPROVED**
APPLICATION FOR PERMIT

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

1. Name of applicant Harold W. and/or Wilma A. Smith
post office address Route 1, Hagerman, ID 83332
2. Source of water supply Spring Creek Spring which is a tributary of Billingsley Creek
3. a. Location of point of diversion is NW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 31 Township 7S
Range 14E B.M. Gooding County; additional points of diversion if any: _____
NE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 36, T. 7S, R. 13E, B.M.
- 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 6.0 for Fish Prop. 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. 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. gravity check

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 \$ 1000.00.
8. Description of proposed uses:
a. If water is **not** for irrigation:

	NE	NE	36	7S
(1) Give the place of use of water:	<u>NW</u>	$\frac{1}{4}$ of <u>NW</u>	$\frac{1}{4}$ of Section <u>31</u>	Township <u>7S</u>
	<u>13E</u>			
	Range <u>14E</u>	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 _____.
(5) If water is to be used for other purposes describe: Fish ponds

36 7278

36 7278

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

[illegible]

Total number of acres to be irrigated_____

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

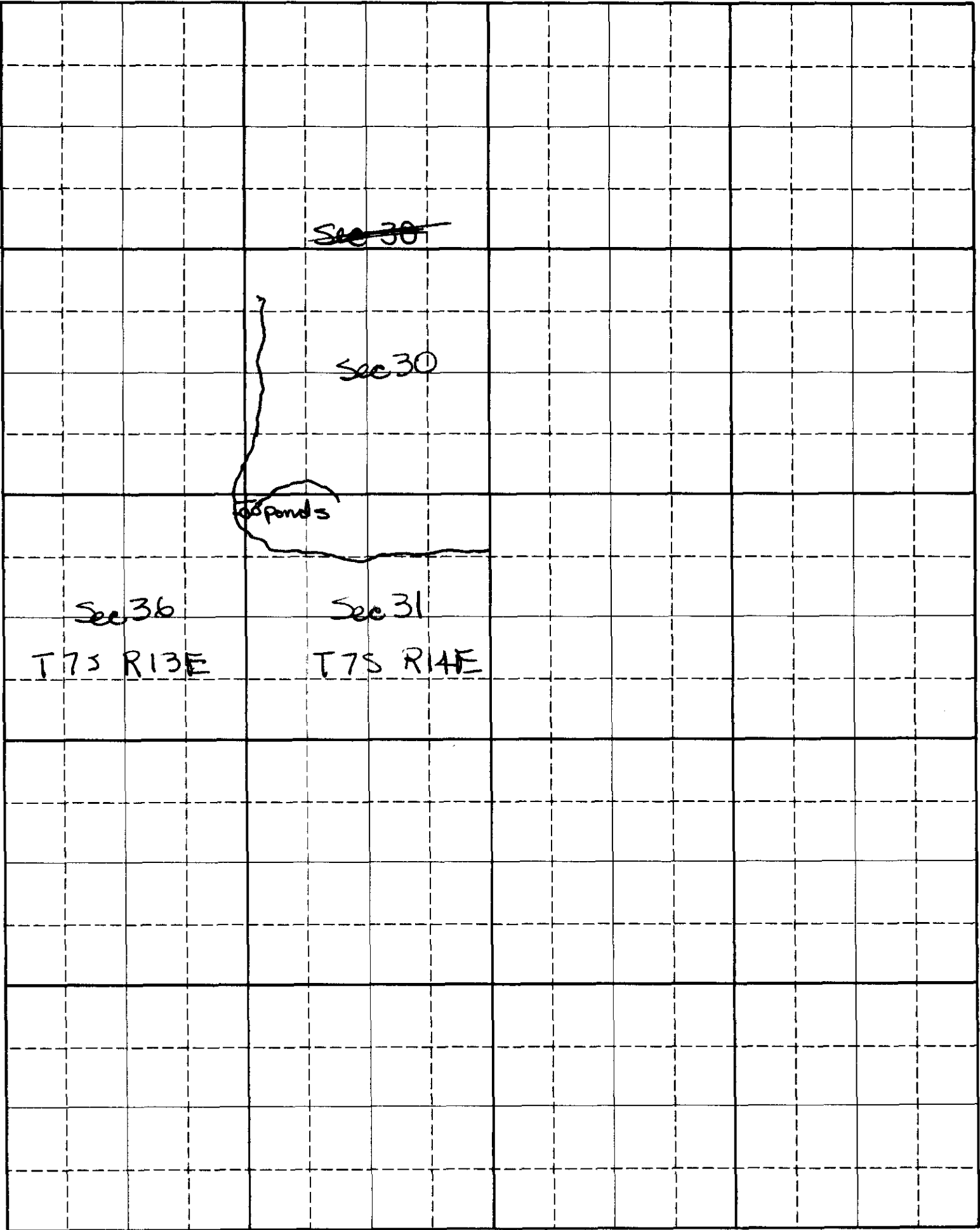
9. a. Who owns the property at the point of diversion Applicant

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.

Harold W. Smith
(Applicant)

36 7278

Received by DN Date 1-26-73 Time 5:00PMPreliminary check by PR Fee \$ 10⁰⁰Receipted by alw Date 1-26-73 # 9535PR Application prepared by alw Date 2-1-73Published in Gooding County Leader, Gooding, IDPublication dates 2-8 & 2-15-73

Publication approved _____ Date _____

Priority ~~reduced to~~ 1-26-73 Reason _____

Protests filed by: _____

Copies of protests forwarded by _____

Hearing held by _____ Date _____

Recommended for approval denial by de BDF

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. 36-7278, 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 April 1, 19 78.
- c. Other: A measuring device of a type approved by this Department shall be permanently installed and maintained as part of the diverting works.

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

Witness my hand this 24 day of April 19 73.

R. Keith Higgins
Director

Identification No. _____

Application No. 36-7278

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION

APPLICATION FOR PERMIT

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

1. Name of applicant Harold W. and/or Wilma A. Smith
post office address Route 5, Rupert, ID 83350
2. Source of water supply Spring Creek Spring which is a tributary of Billingsley Creek
3. a. Location of point of diversion is SE $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 30 Township 7S
Range 14E B.M. Gooding 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 6.0 for Fish Prop. purpose from Jan. 1 to Dec. 31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount 0.04 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)
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. Steel pipeline

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 \$1000.00 approx.
8. Description of proposed uses:
a. If water is **not** for irrigation:
(1) Give the place of use of water: NE
NW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 31 Township 7S
Range 14E 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 _____.
(5) If water is to be used for other purposes describe: fish ponds

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	

Total number of acres to be irrigated_____

c. Describe any other water rights used for the same purposes as described above. None

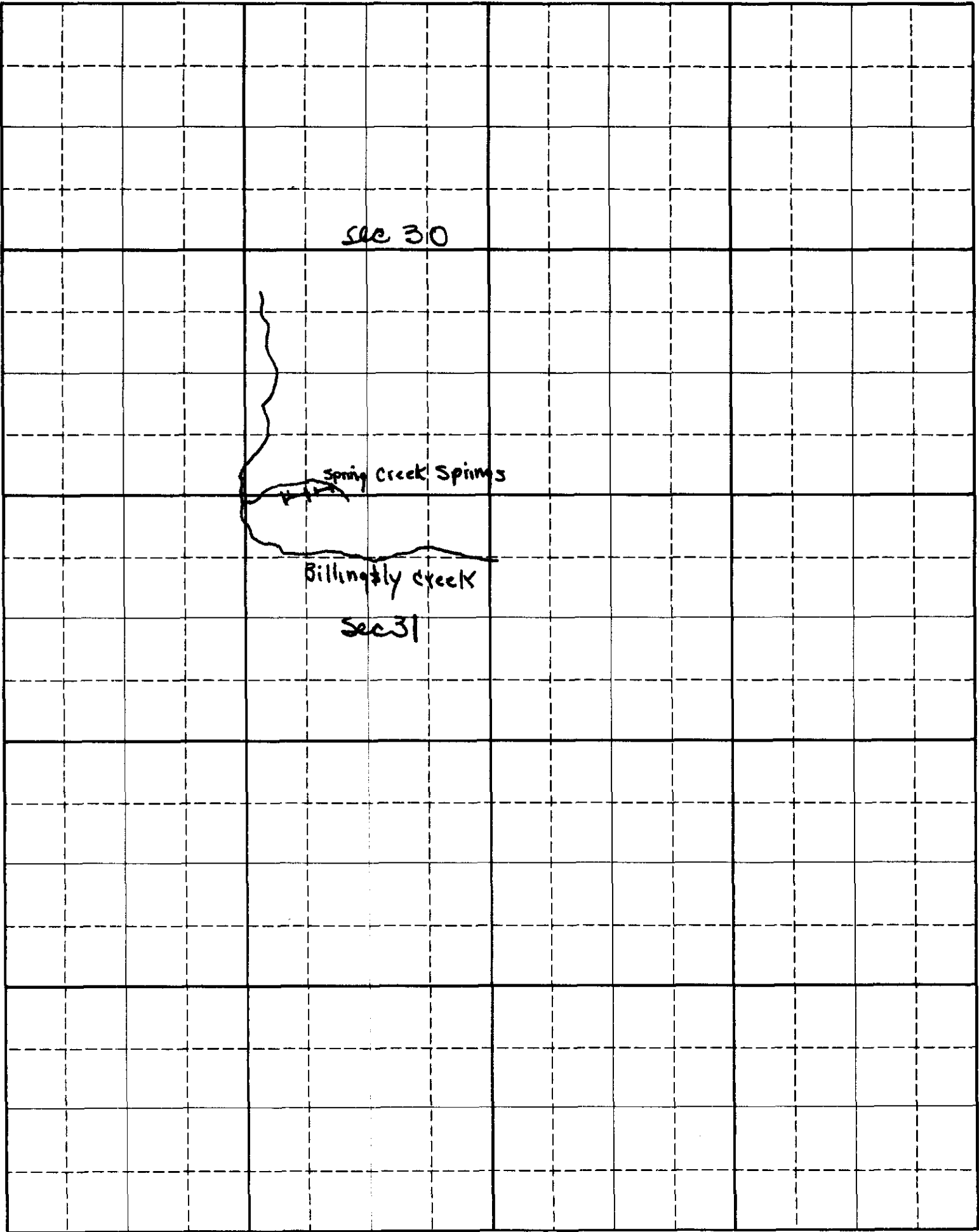
9. a. Who owns the property at the point of diversion Jones and Sandy

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 Applicant will negotiate an easement from Jones and Sandy

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.

Harold W. Smith
(Applicant)

Received by AKA Date 12-8-72 Time 2:45 pm
Preliminary check by AKA Fee \$ 75.00 # 9491

36 7278

AKA Receipted by alw Date 12-8-72
Publication prepared by alw Date 12-8-72
Published in Gooding County Leader, Gooding, ID
Publication dates 12-14 & 12-21-72
Publication approved alw Date 12-22-72
Priority reduced to _____ Reason _____

Protests filed by: Jones and Sandy Livestock Co

Copies of protests forwarded by alw

Hearing held by _____ Date _____

Recommended for approval denial by _____

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. _____, and said application is hereby _____.

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 _____, 19____.

c. Other: _____

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

Witness my hand this _____ day of _____ 19____.

Director

DEPARTMENT OF WATER ADMINISTRATION
- STAFF ANALYSIS -

Item	Initial	Date	
(1)	<u>RA</u>		Application No. <u>36-7278</u> Name <u>Harold W. and/or Wilma A. Smith</u>
(2)			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/I ☒ Place of Use ☒ Map ☒ Fee
(3)			Send copies to: ☐ Idaho State Health Department ☐ Idaho Fish and Game Department ☐ Bureau of Land Management
(4)			☐ Request Special Use Permit from U.S.F.S. ☐ Request Easement from B.L.M.
(5)	<u>RA</u>		In form for advertising _____
(6)	<u>chw</u>	<u>12-22-72</u>	Affidavit of Publication received _____
(7)			Final date for protests <u>Jan 2, 1973</u> Protests received: yes <u>1</u> no _____
(8)			Date and Place of hearing <u>Protest withdrawn</u> Decision reached at hearing _____
(9)			Located within Water District No. <u>36-A</u>
(10)			Critical groundwater area: yes _____ no _____
(11)			Groundwater levels: ☐ Decline (comment) _____ ☐ Stable (comment) _____ ☐ Increasing (comment) _____
(12)			Comments: _____
(13)			Action recommended: ☒ Approve Priority <u>12-8-72</u> ^{OK} _{DDF} ☐ Deny Reason for Reduction _____ <u>✓</u> See attached sheet for conditions of approval No conditions for approval
(14)			District <u>Southern</u> By <u>Bob Haynes</u> Date <u>4-16-73</u> Title <u>Dad [unclear]</u>

36 7278

Department of Water Administration

RECOMMENDED

CONDITIONS OF APPROVAL

- ☒ A measuring device of a type approved by this Department shall be permanently installed and maintained as part of the diverting works.
- ☐ Measuring devices of a type approved by this 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 supplemental to all existing water rights with the same purpose and place of use.
- ☐ Maximum rate of diversion shall not exceed _____ c.f.s.
- ☐ Settling ponds shall be installed which are capable of reducing the silt load in the return water to such a level that the quality of the waters of _____ Creek will not be impaired for other beneficial uses.
- ☐ Return water shall be treated to insure that the effluent meets (interstate) (intrastate) stream water quality standards.
- ☐ Use of water under this permit is subject to control by the watermaster of State Water District No. _____, _____ River.
- ☐ The proposed well shall not be drilled within _____ feet of another well.
- ☐ The issuance of this permit in no way grants any right-of-way or easement across the land of another person.
- ☐ The permit shall not be assigned or sold without first securing the written approval of the Department of Water Administration.
- ☐ This permit cannot be assigned, mortgaged, or conveyed without complying with Section 42-208, Idaho Code.
- ☐ Other: _____

1 HEPWORTH, NUNGESTER & FELTON
1020 Main, Buhl, Idaho 83316
2 Tel. No. 208-543-4368
Attorneys for Protestants
3
4
5
6
7

8 STATE OF IDAHO

9 DEPARTMENT OF WATER ADMINISTRATION

10 * * * * *

11 IN the Matter of Application of)
12 HAROLD W. and/or) PROTEST
13 WILMA A. SMITH)

14 * * * * *

15 The undersigned, being the owners of property adjacent
16 to the proposed place of use in the above application, protest
17 the granting of said application on the grounds and for the
18 following reasons:

19 (1) The undersigned claim a prior right to such water
20 for stock watering and other purposes. Their right stems from
21 actual use dating back more than fifty (50) years. In this con-
22 nection it is not possible from the notice given to determine if
23 the applicants propose to return the water to the stream bed prior
24 to the stream entering the undersigned protestants' property.

25 (2) That the undersigned protestants' adjacent property
26 is enhanced in value by reason of the stream which applicants
27 propose to divert and use running through the property and such

1 esthetic values will be destroyed if the application made is
2 approved.

3 (3) That it would appear from the notice given that
4 the applicants expect to divert and transport said water through
5 a pipe line over and under the undersigned protestants' land.
6 That protestants have given applicants no permission and would
7 refuse permission for such trespass or use and protestants urge
8 this as a further basis of this protest.

9 The names and addresses of the protestants is shown
10 below.

11
12 JONES AND SANDY LIVESTOCK COMPANY

13
14 John W. Jones Jr.
15 Box 265, Hagerman, Idaho

16 W. A. Sandy
17 Route # 1, Hagerman, Idaho

Affidavit of Publication

RECEIVED

FEB 23 1973

State of Idaho, }
County of Gooding } ss.

Department of _____
County of Gooding

Alfred E. Hagen, being first duly sworn, deposes and says that he is the printer (publisher) of the Gooding County Leader, a newspaper published every week in Gooding, County of Gooding, State of Idaho; that said newspaper has been continuously and uninterruptedly published for a period of seventy-eight consecutive weeks prior to the first publication of the annexed notice and is a newspaper qualified to publish legal notices as provided by act of the 1919 session of the legislature of the State of Idaho, known as House Bill 145; that the annexed advertisement

was published once each week for 2 consecutive issues in said newspaper proper and not in a supplement; that the date of the

first publication of said advertisement was on the 8 day

of February, 1973, and the date of the last publication

was on the 15 day of February, 1973.

Alfred E. Hagen

Subscribed and sworn to before me this 15

day of February, 1973.
(SEAL)

Maureen Hagen
NOTARY PUBLIC

GOODING COUNTY LEADER

Gooding, Idaho

COST OF PUBLICATION

Number of Lines in Notice.....

Number of Insertions

_____ Lines at 14¢

_____ Lines at 10¢

TOTAL COST.....

COPY OF NOTICE

Title of Notice

Groundwater Permit
Title of Notice

No 36-7278
Plaintiff Attorney

Defendant

Plaintiff

Bill to

Dept of Water Recharge
1041 Blue Lake Blvd
Idaho Falls Id.

PUBLICATION RATES:

(Idaho Code, (Rev. Statutes) 1956
7 pt. per line, straight 14c
7 pt. per line, tabular 20c
7 pt. per line, successive
insertions.....10c
6 pt. per line, straight 15c
6 pt. per line, tabular 20c
6 pt. per line, successive
insertions.....10c

No 1719

36 7278

**NOTICE OF AMENDED
APPLICATION FOR WATER
PERMIT**

Notice is hereby given that Application for Permit No. 36-7278 in the name of Harold W. and/or Wilma A. Smith was filed for the diversion of 6.0 c.f.s. of water from Spring Creek Spring, tributary of the Billingsley Creek, with a point of diversion within the SE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 30, T. 7S, R. 14E, B.M., Gooding County, to be used for fish propagation and domestic purposes from Jan. 1 to Dec. 31 within the NE $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 31, T. 7S, R. 14E, B.M.

The applicants now propose to amend Application No. 36-7278, requesting 6.0 c.f.s. of water from Spring Creek Spring, tributary of the Billingsley Creek, to be diverted within NW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 31, T. 7S, R. 14E: NE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 36, T. 7S, R. 13E, B.M., Gooding County, to be used for fish propagation from Jan. 1 to Dec. 31 in portions of NE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 36, T. 7S, R. 13E: NW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 31, T. 7S, R. 14E, B.M.

Protests against the granting of the permit must be filed with the Idaho Department of Water Administration, 1041 Blue Lakes Boulevard North, Twin Falls, Idaho 83301 on or before Feb. 26, 1973.

R. KEITH HIGGINSON,
Director

2-8-2tc

Affidavit of Publication

State of Idaho, }
County of Gooding } ss.

Alfred E. Hagen, being first duly sworn, deposes and says that he is the printer (publisher) of the Gooding County Leader, a newspaper published every week in Gooding, County of Gooding, State of Idaho; that said newspaper has been continuously and uninterruptedly published for a period of seventy-eight consecutive weeks prior to the first publication of the annexed notice and is a newspaper qualified to publish legal notices as provided by act of the 1919 session of the legislature of the State of Idaho, known as House Bill 145; that the annexed advertisement

was published once each week for 2 consecutive issues in said newspaper proper and not in a supplement; that the date of the

first publication of said advertisement was on the 14 day of December, 1972, and the date of the last publication was on the 21 day of December, 1972

Alfred E. Hagen
Subscribed and sworn to before me this 21 day of December, 1972.
(SEAL)

Mary Ann Hagen
NOTARY PUBLIC

GOODING COUNTY LEADER

Gooding, Idaho

COST OF PUBLICATION

Number of Lines in Notice.....

Number of Insertions

Lines at 14¢

Lines at 10¢

TOTAL COST.....

36 7278

COPY OF NOTICE

Title of Notice

Water Permit
Title of Notice

Harold - Wilma Smith
Plaintiff Attorney

Defendant

Plaintiff

Bill to

Dept of Water Admin
1041 Blue Lakes Blvd
N.

Idaho Falls Id
83301

RECEIVED

DEC 2 1972

Department of Water Administration
Bureau of Water Control

*gally
perry*

PUBLICATION RATES:

(Idaho Code, (Rev. Statutes) 1956
7 pt. per line, straight 14c
7 pt. per line, tabular 20c
7 pt. per line, successive
insertions 10c
6 pt. per line, straight 15c
6 pt. per line, tabular 20c
6 pt. per line, successive
insertions 10c

Nº 1670

Notice is hereby given that Harold W. and/or Wilma A. Smith, Route 5, Rupert, ID has on Dec. 3, 1972 submitted Application No. 36-7278 for a permit to appropriate 6.0 cubic feet per second of water from Spring Creek Spring, tributary of Billingsley Creek by means of pipeline within the SE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 30, T. 7S, R. 14E, B.M., Gooding County to be used from Jan. 1 to Dec. 31 for fish propagation and domestic purposes within the NE $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 31, T. 7S, R. 14E, 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, 1041 Blue Lakes Boulevard North, Twin Falls, Idaho, 83301 on or before Jan. 2, 1973.

R. KIRCH HIGGINSON,
Director

13-64-2tc



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

December 12, 1979

Charles P. Johnson
Route # 1 Box 271
Hagerman, Idaho 83332

Dear Mr. Johnson,

RE: Permit No. 36-7278

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

Sincerely,

Jan Grover
JAN GROVER
Water Rights Supervisor

JG:lr

Enclosure

MICROFILMED



STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

John V. Evans
Governor

C. Stephen Allred
Director

Statehouse
Boise, Idaho 83720
(208) 384-2215

November 8, 1979

Re: Permit No. 36-7278

Charles P. Johnson
Route #1, Box 271
Hagerman, ID 83332

Dear Mr. Johnson:

A representative of this Department made an examination of the works covered by your Permit No. 36-7278 on February 28, 1979, and has found the following:

Amount of water that can be recognized as beneficially used under
Idaho law: 4.69 cfs Source: Spring Creek Spring

The maximum quantity diverted shall not exceed N/A acre feet per
year.

Point of diversion: NW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 21, Twp. 7S, Rge. 14E, B.M.

Beneficial use: Fish propagation purposes within the NE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 36,
Twp. 7S, Rge. 13E; NW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 31, Twp. 7S, Rge. 14E, B.M.

Priority date established: February 14, 1973 (late proof)

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,

JAN GROVER
Water Rights Supervisor

JG/kw

RECEIVED 1979

FIELD REPORT

Person to contact _____ Phone _____

3. Water will be used for the following purposes:

Other uses: _____

4. Total amount to be appropriated:

Max Rate of Diversion 6.0 cubic feet per second and annual volume _____ AF/Annum.

5. Location of Point(s) of Diversion:

Township 7S N/S, Range 14E E/W, B.M., Section 31, Subdivision Nw $\frac{1}{4}$ Nw $\frac{1}{4}$, Gooding County

Township " N/S, Range 13E E/W, B.M., Section 36, Subdivision Ne $\frac{1}{4}$ Ne $\frac{1}{4}$, _____ County

Township _____ N/S, Range _____ E/W, B.M., Section _____, Subdivision _____ $\frac{1}{4}$ _____ $\frac{1}{4}$, _____ County

Other Points of Diversions:

Description of diverting works: from spring to 2 separate earthen ponds & emptied by 3 1/2" fall to Billingsley Cr. 4" pipe 2 bypass ditches for clearing, f1 bad, etc.

Measuring device required: yes ☐ no ☒

6. Lands to be irrigated or place of use.

[illegible]**TOTAL ACREAGE**

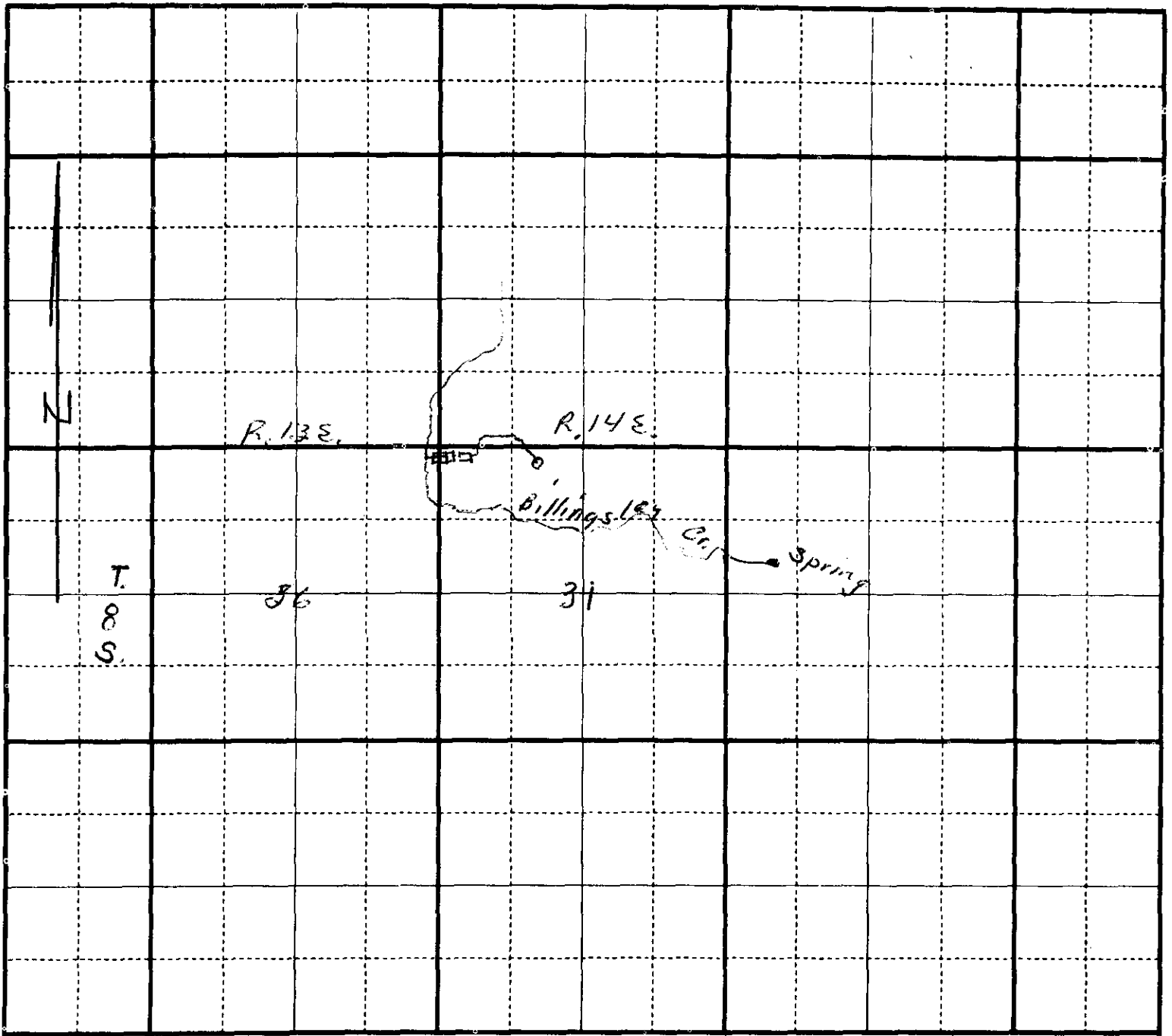
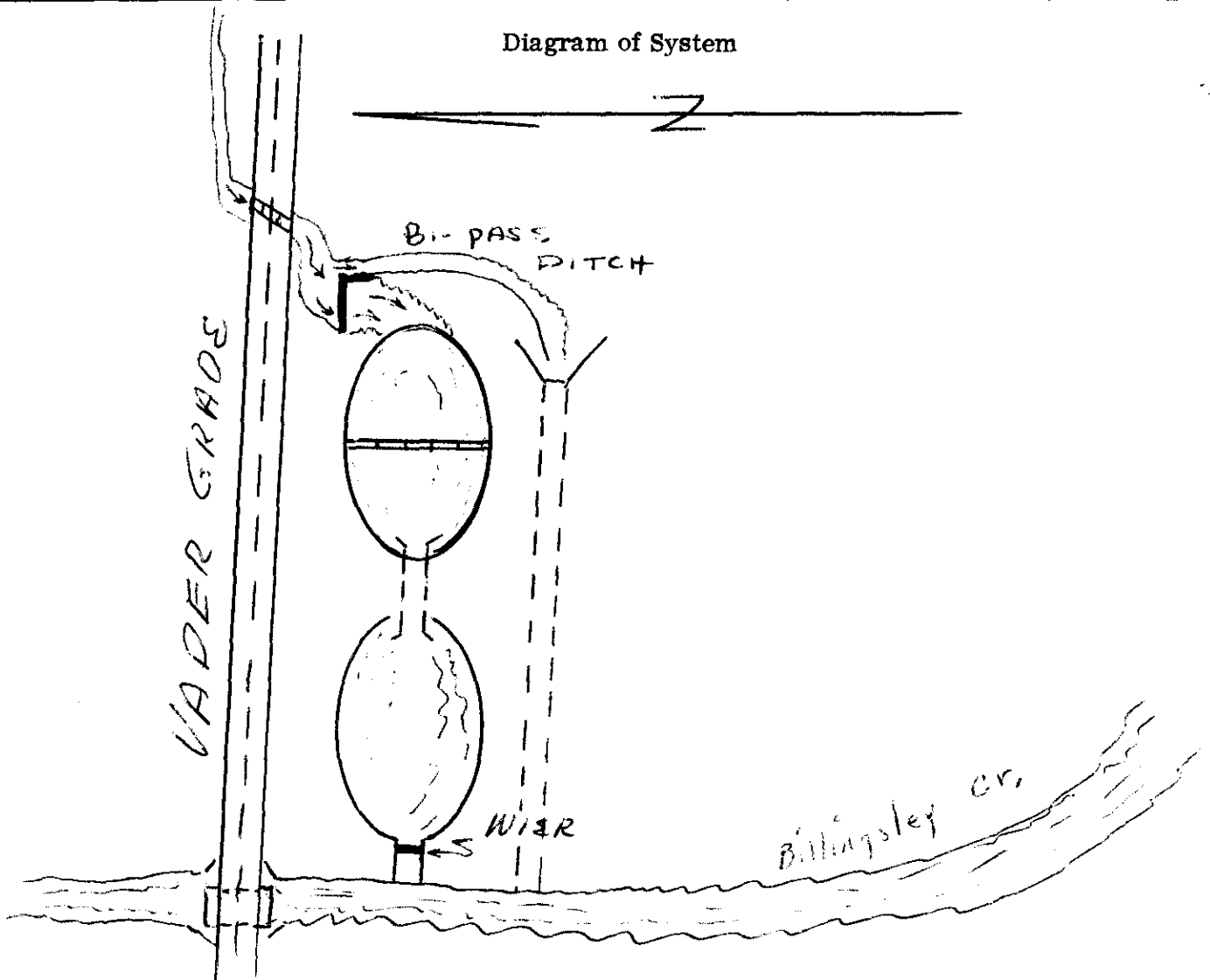


Diagram of System



DATE OF EXAM 2-28-79

ACREAGE
Found ✓
Recommended ✓

Irrigation Requirement ✓ Ac Ft/Ac

USE
Irrigation Q= c.f.s. V= AF/Ann. from to
Domestic Q= c.f.s. V= AF/Ann. from to
Livestock Q= c.f.s. V= AF/Ann. from to
FISH PROPAGATION Q= from JAN, 1 to DEC, 31

Is water co-mingled? yes no ✓

Name source: _____
twp. N/S, Rge E/W, B.M., Sec. Sub. 1/4 1/4
County

Exchange? yes no ✓

Name source exchanged with: _____
twp. N/S, Rge E/W, B.M., Sec. Sub. 1/4 1/4
County

Point of injection: _____
twp. N/S, Rge E/W, B.M., Sec. Sub. 1/4 1/4
County

Point of exchange: _____
twp. N/S, Rge E/W, B.M., Sec. Sub. 1/4 1/4
County

Total Q measured 4.64 CFS. Method of measurement Cipolletti WIER

Total Q recommended 4.64 CFS Meter No. ✓ Type (2') 24" Condition Good

Total V recommended N/A

Recommended Amendments:

P.D. NW 1/4 NW 1/4, Sec 31 T 7S R 14E only
Place of Use OK
Other _____
None _____

MEASUREMENT CALCULATION:

MEASURED READING .78 W/24" CIP. WIER = 4.64 CFS

SYSTEM DESCRIPTION:

Spring water is diverted from the Spring Cr. and
conveyed to the fish ponds and discharged into Billingsley
Cr. See diagram.
2 ponds 36' wide x 120' long x 3' deep (dirt pond
average)

REMARKS:

MR. CLARK P. JOHNSON WAS PRESENT DURING THE
FIELD EXAM.

Examiner's Signature Jerry J. Underberg Date 2-28-79

Checked by Levy A. Blair Date 3-1-79

Approved by _____ Date _____

April 24, 1978

Re: Permit No. 36-7278

Mr. Charles P. Johnson
Route 1, Box 271
Hagerman, Idaho 83332

Dear Mr. Johnson:

We acknowledge receipt of the assignment conveying the above referenced permit to you. The assignment has been entered into the Department's records. We also acknowledge receipt of the affidavit submitted as proof of beneficial use for the permit.

From a review of the proof of beneficial use submitted April 20, 1978, in connection with this permit, it appears that you may not have installed a measuring device as part of your diverting works. I have reviewed all the correspondence in the file and have found nothing to indicate that the measuring device requirement has been waived by the Department. Please advise me soon on this matter, since I may be misinterpreting your comment on the proof which states "lieu of installing measuring device, measurements by District Watermaster are acceptable".

It also is possible that since the measuring device is required, the field examiner who eventually will inspect the system probably will recommend pre-cancellation of the permit if the measuring device in fact has not been installed.

Please advise me or the regional office in Twin Falls in this matter since there appears to be a misunderstanding.

Sincerely,

L. GLEN SAXTON
Chief, Operations Bureau

LGS:jfr

Identification No.

Permit No. 36-7278
RECEIVED

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

APR 20 1978

PROOF OF APPLICATION OF WATER TO BENEFICIAL USE Department of Water Resources

1. a) Name of Permit Holder Applicant Charles P. Johnson - assigned by former permit holder Harold & Wilma Smith
 b) Post Office Address Rt. 1 Box 271 Nagerman Idaho 83332
 2. Permit Number 36-7278
 3. Date of Priority that you are prepared to establish Jan. 26, 73
 4. a) Source from which water was appropriated Spring Creek Spring
 b) Location of the point of diversion: NW 1/4 NW 1/4, Section 31
 Township 78, Range 14 E Boise Meridian, Other points of diversion: NE 1/4 NE 1/4 Sec. 36 T. 78 R 13 E BM

5. a) The amount of water and use to which the water has been applied:

4.44 cfs Amount 6.0 for Fish Prop. purposes from Jan 1 to Dec 31 incl.
 (cfs and/or acre-feet per annum) (Month-Day) (Month-Day)
 Amount _____ for _____ purposes from _____ to _____ incl.
 (cfs and/or acre-feet per annum) (Month-Day) (Month-Day)
 Amount _____ for _____ purposes from _____ to _____ incl.
 (cfs and/or acre-feet per annum) (Month-Day) (Month-Day)

b) Total amount appropriated 6.0 cfs and/or acre-feet per annum

c) Describe how and by whom measurement of rate of flow or amount of storage was made and the qualifications of the person making the measurement: First meas. using canvas weir by Soil Conservation Engineer & later by Geo. Lemmon (Dist. Watermaster). Latest meas. 3/30/78 by Geo. Lemmon using hand scale method shows 4.44 cfs.

6. If the means of diversion and conveyance are owned by someone other than the Permit Holder:

a) Give the name or description of the canal, ditch or other works by which the water is conducted to the place of use:

b) Describe the agreement or understanding by which you take water from the works:

7. a) Briefly describe the works for diverting and conveying the water to the place of use, (if from a subterranean source, give the pump size, motor size, size of well casing, depth of well; if from surface water, give brief description of diversion structure and/or canal or ditch)

Water follows original stream channel, falls by gravity check three grates at heads of two separate earthen ponds & empties thru grates & a 3 1/2 ft. fall into Billingsly Creek. Some water for aeration controlling silt & temperature imbalance is shot from a 4" pipe from water appropriated house & other property from an early Decree. There are two bypass ditches for cleaning blood etc.

b) Describe the type and size of measuring device which you have installed at your point of diversion: Bob Haines (former Twin Falls Supervisor) stated "like of installing measuring device, measurements by Dist Watermaster are acceptable".

c) Give well driller's name and address and the date the well was completed:

8. If for other than irrigation, describe the beneficial use to which you have applied the water and the place of use:

4/24/78 **MICROFILMED**

9. Irrigation uses: describe the lands irrigated by giving the acreages irrigated within each 40 acre subdivision: _____

T	R	SEC.	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	

Total number of acres irrigated _____

10. Remarks: _____

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

April 18, 1978 (Date) Charles P. Johnson (Signature)

State of Idaho)
) ss.
 County of Gooding)

On this 18th day of April, 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.

R. J. [Signature]
 Notary Public residing at Hayman, Idaho

My commission expires Bond Expires 8-23-78
LIFETIME Commission

Janice Renk
Idaho State Dept. Water Resources

RECEIVED

APR 20 1978

Department of Water Resources

April 17, 78

Dear Miss Renk:

Sorry for delay in returning these forms to your office.

Have had some unforeseen family problems.

If there is any other information I can furnish, I assure you further correspondence will be most prompt.

Sincerely,

Charles P. Johnson

Rt. 1 Box 271

Hagerman, Idaho

83332

MICROFILMED

State of Idaho
Dept of Water Resources
attn. C. S. Allred

RECEIVED

APR 3 1978

Department of Water Resources

3/31/78

Dear Sir:

I have assumed most of the Harold-Wilma Smith water rights (Permit 36-7278) to the same property they filed for early in 1973. I am purchasing some of this property. Water is used for irrigation, household and fish propagation of 4 fish ponds.

A request for all information on previous & present filings for Spring Creek spring & stream was made thru your Twin Falls office to your Boise office earlier in March.

The reply was so unhelpful that I will be forced to make a special trip to your office next Friday April 7th.

As I havent been able to obtain complete information I request a 2 wk. extension to fill out proof of application of water for beneficial use. This should be possible next Friday in your office.

Respectfully,
Charles P. Johnson

RT, 1
Hagerman, Ida

83332

UNRECORDED

January 31, 1978

CERTIFIED MAIL

138346

Re: Permit No. 36-7278

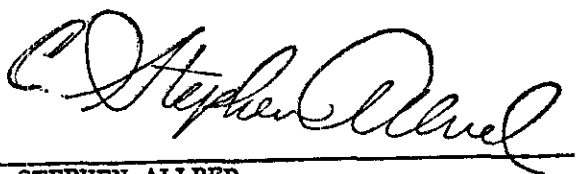
Harold W. &/or Wilma A. Smith
Rt. 1
Hagerman, Idaho 83332

Dear Mr. & Mrs. Smith:

One of the conditions of approval of your water Permit No. 36-7278 (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 April 1, 1978. 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

MICROFILMED



R. Keith Higginson
Director

Water Rights Administration
Water Resource Investigations
Dam and Reservoir Safety
Water Well Drilling
Flood Plain Management
Irrigation and
Flood Control Districts

STATE OF IDAHO

DEPARTMENT OF WATER ADMINISTRATION

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

April 25, 1973

Re: Permit No. 36-7278

Harold & Wilma Smith
Route #1
Hagerman, ID 83332

Dear Mr. & Mrs. Smith:

Enclosed is a copy of your approved Application for Permit No. 36-7278. We direct your attention to the conditions of approval as listed on the fourth page.

Be sure to note that a special condition requiring you to install and maintain a measuring device at your point of diversion has been placed upon your permit. We are enclosing a letter describing different types of measuring devices accepted by this office.

Very truly yours,

BOBBY D. FLEENOR
Assistant Director

BDF:cr

Enclosures

36 7278

RECEIVED

APR 10 1973

Idaho Department of Water Administration
Southern Block Office

April 9, 1973

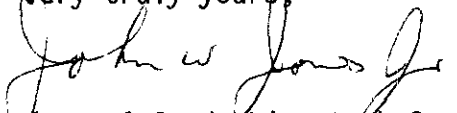
RE: Application for Permit No. 36-7278 - Harold W. and/or Wilma A. Smith

Idaho Department of Water Administration
1041 Blue Lakes Boulevard North
Twin Falls, ID 83301

Gentlemen:

Due to the applicant having amended Permit No. 36-7278 to change his points of diversion and place of use, we formally withdraw our protest filed with your department on January 2, 1973.

Very truly yours,


Jones & Sandy Livestock Company

36 7278

February 1, 1973

Bill Jones
Jones & Sandy
Route 1
Hagerman, ID 83332

Dear Bill:

Enclosed is a copy of the Amended Application filed by Harold Smith. If this satisfies your objections, would you please write us withdrawing your protest.

Thanks.

Bob Haynes
District Engineer
Southern District

BH:alw

Enc.

February 1, 1973

Re: Application Nos. 36-7278 - Harold W. and/or Wilma A. Smith
37-7200 - Norman S. Standal

Mr. Robert Bell
Idaho Fish and Game Department
P. O. Box 138
Jerome, ID 83338

Dear Bob:

We are enclosing a copy of the above referenced applications for permit, which may be of interest to your agency.

Please review the applications and if you have any comments, please submit them to our Department as soon as possible.

We normally complete the processing of an application within a six (6) week period and we are required to take final action shortly thereafter.

If we may be of any assistance to you in the meantime, please donnot hesitate to contact this Department.

Sincerely,

Bob Haynes
District Engineer
Southern District

BH:alw

Enc.

36 7278

February 1, 1973

Re: Application Nos. 36-7278 - Harold W. and/or Wilma A. Smith

36-7295 - A. E. Ambrose

37-7198 - Twin V Ranch Inc.

37-7200 - Norman S. Standal

Claim Nos. 37-4031 - Norman S. Standal

37-4032 - Norman S. Standal

37-4033 - Norman S. Standal

37-4034 - Norman S. Standal

Gooding County Leader

Box 1

Gooding, ID 83330

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)

Very truly yours,

Bob Haynes
District Engineer
Southern District

Bill submitted 3-2-73 by alu

BH:alw

36 7278

Enc: Legal Notices (8)

February 1, 1973

Re: Application Nos. 36-7278 - Harold W. and/or Wilma A. Smith

36-7295 - A. H. Ambrose

37-7198 - Twin V Ranch Inc.

37-7200 - Norman S. Standal

Claim Nos. 37-4031 - Norman S. Standal

37-4032 - Norman S. Standal

37-4033 - Norman S. Standal

37-4034 - Norman S. Standal

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Box 1

Gooding, ID 83330

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(signature of claimant)

Very truly yours,

Bob Haynes
District Engineer
Southern District

Bill submitted 3-2-73 by alu

BH:alw

36 7278

Enc: Legal Notices (8)

NOTICE OF AMENDED APPLICATION FOR WATER PERMIT

Notice is hereby given that Application for Permit No. 36-7278 in the name of Harold W. and/or Wilma A. Smith was filed for the diversion of 6.0 c.f.s. of water from Spring Creek Spring, tributary of the Billingsley Creek, with a point of diversion within the SE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 30, T. 7S, R. 14E, S.M., Gooding County, to be used for fish propagation and domestic purposes from Jan. 1 to Dec. 31 within the NE $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 31, T. 7S, R. 14E, S.M.

The applicants now propose to amend Application No. 36-7278, requesting 6.0 c.f.s. of water from Spring Creek Spring, tributary of the Billingsley Creek, to be diverted within NW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 31, T. 7S, R. 14E; NE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 36, T. 7S, R. 13E, S.M., Gooding County, to be used for fish propagation from Jan. 1 to Dec. 31 in portions of NE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 36, T. 7S, R. 13E; NW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 31, T. 7S, R. 14E, S.M.

Protests against the granting of the permit must be filed with the Idaho Department of Water Administration, 1041 Blue Lakes Boulevard North, Twin Falls, Idaho 83301 on or before Feb. 26, 1973.

R. KEITH HIGGINSON

Director

Published in the Gooding County Leader, Gooding, ID on Feb. 8 and Feb. 15, 1973.

Need Galley Proof
**NOTICE OF AMENDED
APPLICATION FOR WATER
PERMIT**

Notice is hereby given that Application for Permit No. 36-7278 in the name of Harold W. and/or Wilma A. Smith was filed for the diversion of 6.0 c.f.s. of water from Spring Creek Spring, tributary of the Billingsley Creek, with a point of diversion within the SE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 30, T. 7S, R. 14E, B.M., Gooding County, to be used for fish propagation and domestic purposes from Jan. 1 to Dec. 31 within the NE $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 31, T. 7S, R. 14E, B.M.

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Protests against the granting of the permit must be filed with the Idaho Department of Water Administration, 1041 Blue Lakes Boulevard North, Twin Falls, Idaho 83301 on or before Feb. 26, 1973.

alw R. KEITH HIGGINSON,
Director

2-8-2tc

Q-7-73

36-7278

Amended by phone 2-7-73 to 7S alw

January 3, 1973

Re: Application No. 36-7278 - Harold W. and/or Wilma A. Smith

JONES AND SANDY LIVESTOCK COMPANY

Box 265

Hagerman, ID 83332

Gentlemen:

This is to acknowledge receipt of your protest to issuance of a permit pursuant to the above referenced application. The following are the principle items we can consider at a conference and/or hearing in either approving or denying an application for permit (Section 42-203, Idaho Code):

1. Will the proposed use reduce the quantity of water under existing water rights?
2. Is the proposed water supply insufficient for the purposes intended?
3. Is the application made in good faith or for delay or speculative purposes?
4. Was the applicant sufficient financial resources with which to complete the project?

The Department may reject an application and refuse issuance of a permit, partially approve the permit, approve the permit for a quantity of water less than applied for, or approve the permit subject to special conditions.

A permit issued by this office is subject to all prior water rights and does not in any way convey or establish a right-of-way over private or governmental lands. Any right-of-way or easement must be obtained by the individuals concerned through action outside of the water right proceedings.

You will be notified at a later date as to the time and place set for conference and/or hearing to discuss the matters of protest. If we may be of further assistance, please contact us.

Very truly yours,

Bob Haynes
District Engineer
Southern District

BH:alw

36 7278

January 3, 1973

Re: Application No. 36-7278 - Harold W. and/or Wilma A. Smith

Harold W. Smith
Route 5
Rupert, ID 83350

Dear Mr. Smith:

We have enclosed a copy of the protest filed against the issuance of a permit pursuant to your Application No. 36-7278. You should be aware that the following are the principle items we can consider at a conference and/or hearing in either approving or denying an application for permit (Section 429203, Idaho Code):

1. Will the proposed use reduce the quantity of water under existing water rights?
2. Is the proposed water supply insufficient for the purposes intended?
3. Is the application made in good faith or for delay or speculative purposes?
4. Has the applicant sufficient financial resources with which to complete the project?

A permit issued by this office is subject to all prior water rights and does not in any way convey or establish a right-of-way over private or governmental lands. Any right-of-way or easement must be obtained by the applicant through action outside of the water right proceedings.

You will be notified at a later date as to the time and place set for a conference and/or hearing to discuss the matters of protest. Legal counsel is not mandatory at any proceeding before the Department, although you may desire to employ an attorney in your behalf.

If we may be of any assistance, please contact us.

Very truly yours,

Bob Haynes
District Engineer
Southern District

36 7278

BH:alw
Enc.

December 8, 1972

Re: Application No. 36-7278 - Harold W. and/or Wilma A. Smith

Gooding County Leader
Box 56
Gooding, ID 83330

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.

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" 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)

Very truly yours,

Bob Haynes
District Engineer
Southern District

Bill submitted 1-8-73 by alw

BH:alw

Enc: Legal Notice

36 7278

NOTICE OF APPLICATION FOR WATER PERMIT

Notice is hereby given that Harold W. and/or Wilma A. Smith,
Route 5, Rupert, ID
has on Dec. 8, 1972 submitted Application No. 36-7278
for a permit to appropriate 6.0 cubic feet per second ~~across feet per second~~
of water from Spring Creek Spring, tributary of Billingsley Creek
by means of pipeline
within the SE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 30, T. 7S, R. 14E, B.M., Gooding County

to be used from Jan. 1 to Dec. 31 for fish propagation and domestic purposes
~~for~~ _____
within the NE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 31, T. 7S, R. 14E, 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, 1041 Blue Lakes Boulevard North, Twin Falls, Idaho, 83301 on or before Jan. 2, 1973.

R. KEITH HIGGINSON
Director

Published in the Gooding County Leader, Gooding, ID
on Dec. 14 and Dec. 21, 1972

36 7278

Need Galley Proof
**NOTICE OF APPLICATION
FOR WATER PERMIT**

Notice is hereby given that Harold W. and/or Wilma A. Smith, Route 5, Rupert, ID has on Dec. 8, 1972 submitted Application No. 36-7278 for a permit to appropriate 6.0 cubic feet per second of water from Spring Creek Spring, tributary of Billingsley Creek by means of pipeline within the SE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 30, T. 7S, R. 14E, B.M., Gooding County to be used from Jan. 1 to Dec. 31 for fish propagation and domestic purposes within the NE $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 31, T. 7S, R. 14E, 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, 1041 Blue Lakes Boulevard North, Twin Falls, Idaho, 83301 on or before Jan. 2, 1973.

R. KEITH HIGGINSON,
Director

OK Dec 12-19-72 12-14-2tc

36-7278