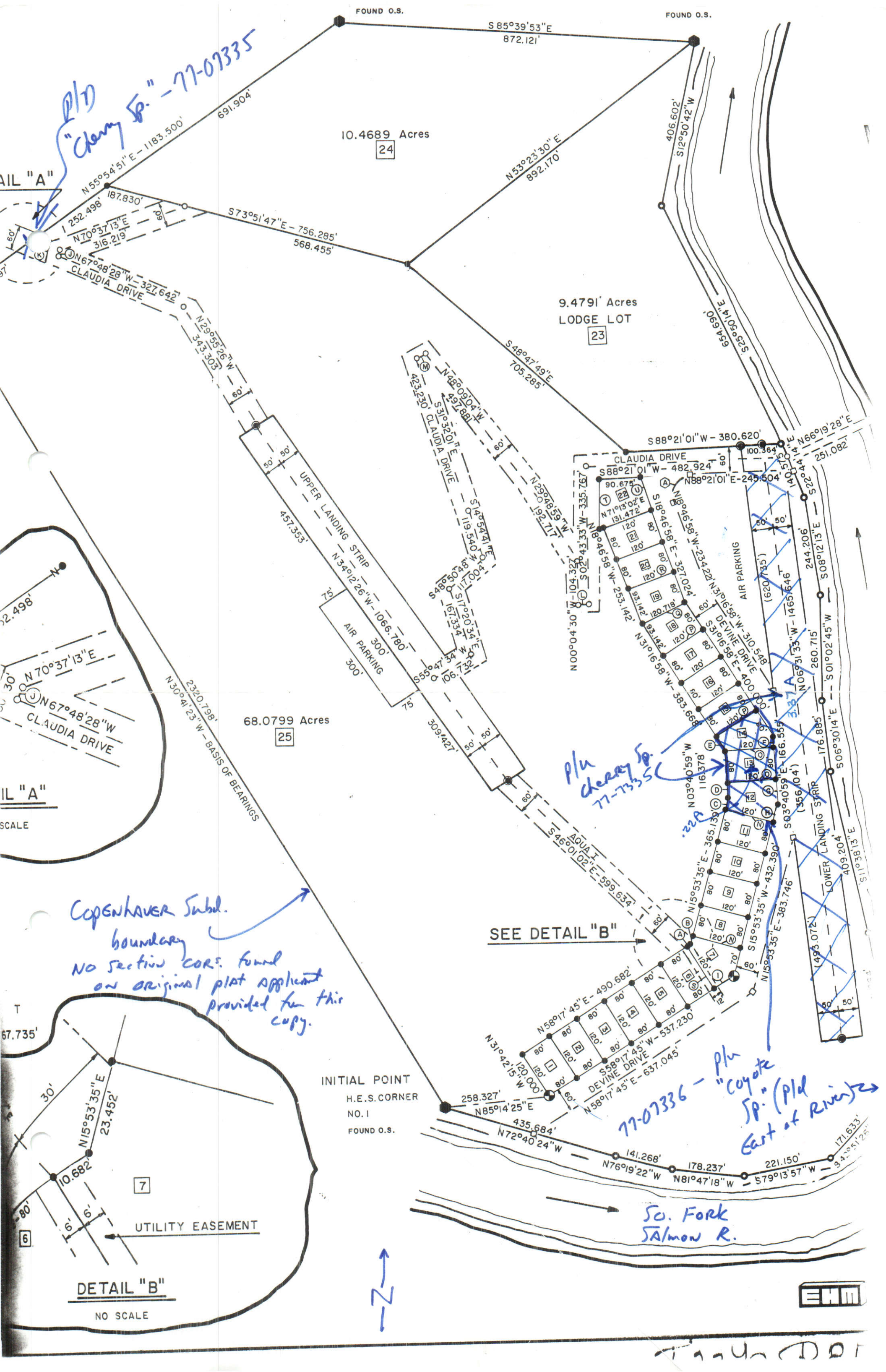




77-07335

EAST HALF

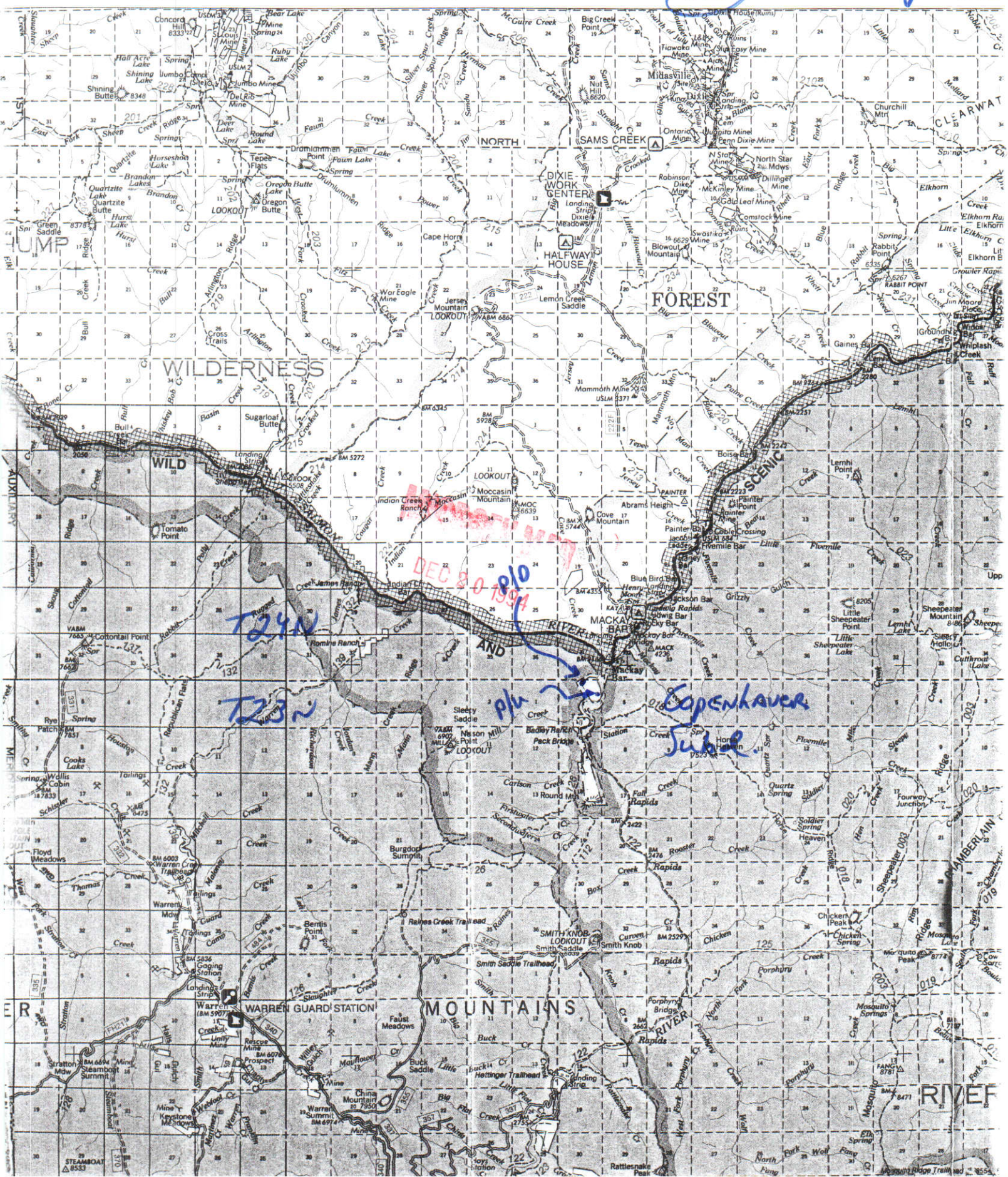
Payette N.F.
map

R. 6 E.

R. 7 E.

R. 8 E.

R. 9 E.



- ACCESS & UTILITY EASEMENT
- ⊙ EASEMENT CORNER, SET 5/8" X
- EASEMENT CENTERLINE, NOT SE
- EASEMENT CORNER, NOT SET

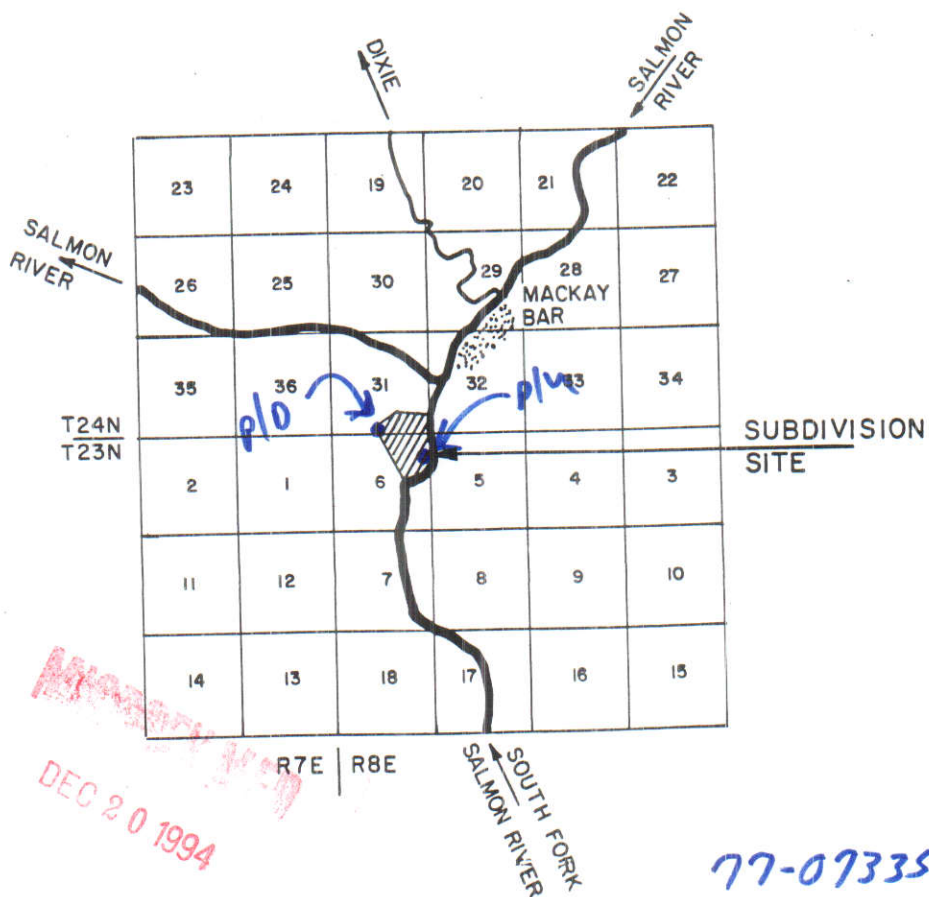
TA

COPENHAVER SUBDIVISION RESTRICTIVE COVENANTS ARE FILED AS INSTRUMENT NO. 2324731

VICINITY MAP

Scale: 1" = 2 Miles

SEE 7 1/2' topo
for best approx.
of legal description



613 614 32' 30" 616 1560 000 FEET 617 115° 30' 45° 22' 30"

1.3 MINUTE STUDIES (NOT COGNATE LINES)

36

36 31

36 31

32

36 31

36 31

32

P/O "Coyote Spring" (77-07336)

72440 3420

51198

3269

1350 000 FEET

1

5

Approximate Copeland Area
Subd. Boundary

Creek

Creek

3892 T

4394 T

3354 T

3958 T

Station

Station

Station

Station

4000

4000

4000

4000

4000

CH-RIVER OF NO RETURN

5581

2956 T

2518 T

3362 T

3362 T

3022

3022

3022

WILDERNESS

R7E

R8E

Carlson

Salmon

Salmon

Salmon

Salmon

"Cherry Spring" = 77-07335

"Coyote Spring" = 77-07336

Round Mountain

Round Mountain

Round Mountain

Round Mountain

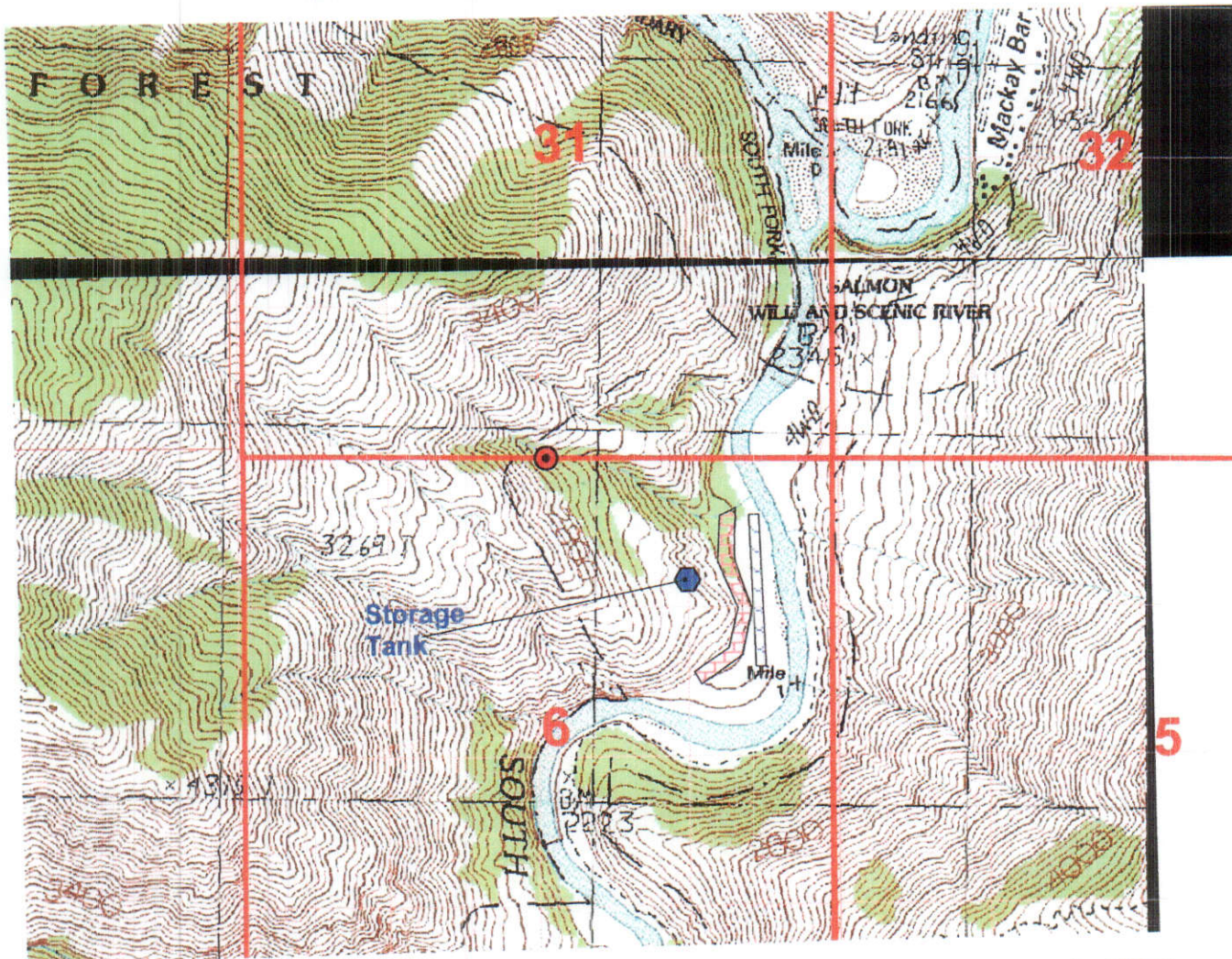
DEC 20 1994

Projected Section Lines from SE cor. S. 33 T24N R7E Upper left portion of Quad Q64)

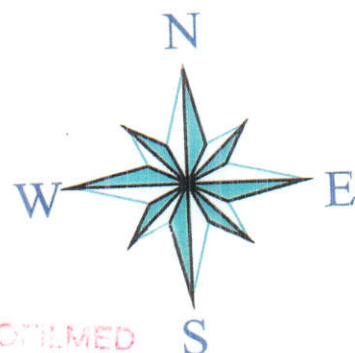
Unsurveyed Area, Sect. 12 N/A

3/22/94

Copenhaver Subdivision



-  Air strip
-  Sub lots
-  Spring P/D
-  Sections 1/41/4



MICROFILMED

MAR 20 2003

77-0-360

NO 17001 LOT 7

1237 RBE Sub (C) 45-397

COPENHAVER SUBDIVISION

1986

ALL OF H.E.S. NO. 701
LOCATED WITHIN UNSURVEYED SECTION 6, T.23N., R.8E.,
S. SECTION 31, 124N., R.8E., B.M., DAHO COUNTY, IDAHO



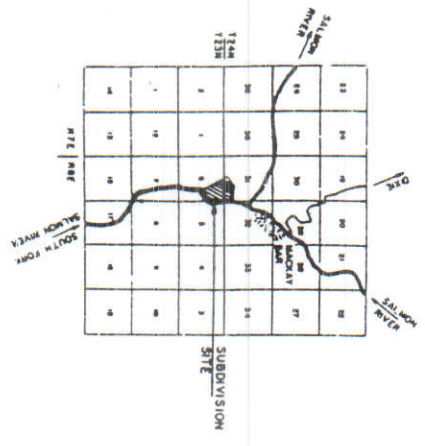
LEGEND

- H.E.S. CORNER, FOUND ORIGINAL STONE
- H.E.S. MEANDER CORNER, NOT SET
- LOT CORNER, SET 2" X 30" G.I.P. W/B.C.
- LOT CORNER, SET 5/8" X 30" REBAR W/SERV. CAP
- SUBDIVISION BOUNDARY LINE
- LOT LINE
- EASEMENT CENTERLINE
- ACCESS & UTILITY EASEMENT
- UTILITY EASEMENT
- ACCESS & UTILITY EASEMENT
- EASEMENT CORNER, SET 5/8" X 30" REBAR W/SERV. CAP
- EASEMENT CENTERLINE, NOT SET
- EASEMENT CORNER, NOT SET

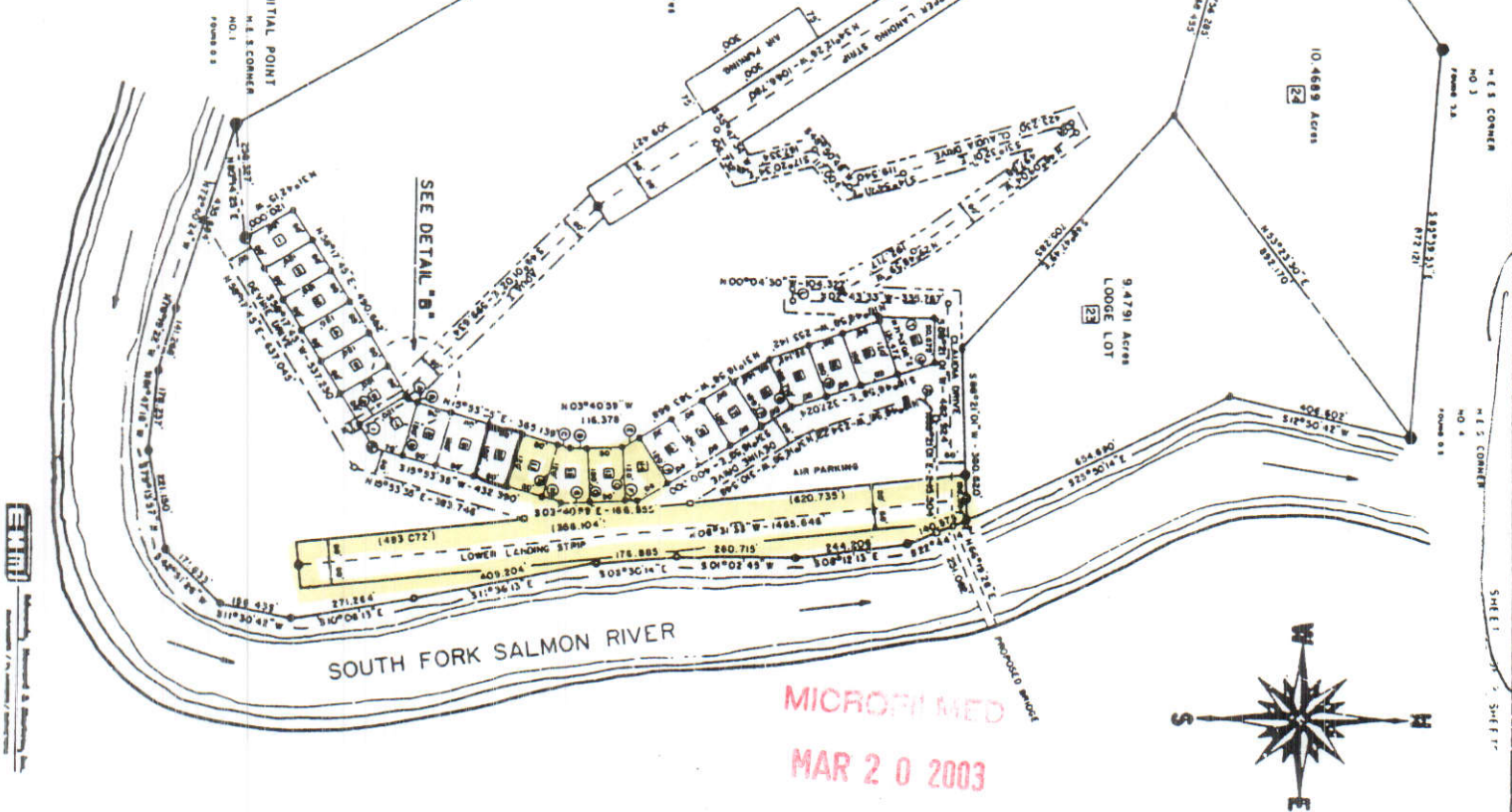
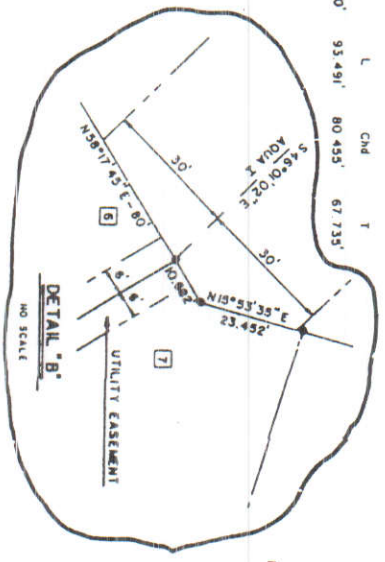
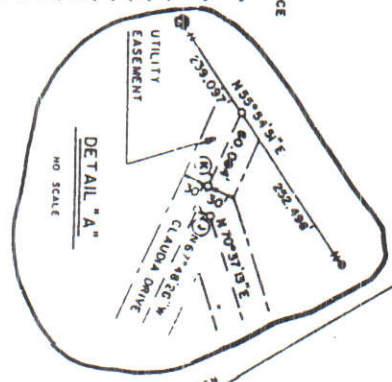
COPENHAVER SUBDIVISION RESTRICTIVE
COVENANTS ARE FILED AS INSTRUMENT
NO 3304731

VICINITY MAP

Scale: 1" = 2 Miles



	TANGENT	BEARING	DISTANCE
A	N 88°17'46"E	10.842'	
B	N 15°35'35"E	23.402'	
C	N 15°35'35"E	21.467'	
D	N 03°40'59"W	46.884'	
E	N 31°16'58"W	50.516'	
F	S 03°40'59"E	29.475'	
G	S 03°40'59"E	57.080'	
H	S 15°35'35"W	42.380'	
I	S 58°17'45"W	57.230'	
J	N 23°04'00"E	20.000'	
K	N 67°46'28"W	60.084'	
L	N 85°34'03"W	20.000'	
M	S 50°42'56"W	20.000'	
N	S 74°06'25"E	120.000'	
O	N 86°19'01"E	120.000'	
P	S 58°43'02"W	120.000'	
Q	S 04°36'02"W	120.718'	
R	S 71°13'02"W	120.000'	
S	N 31°42'15"W	120.000'	
T	S 02°43'33"W	122.249'	
U	S 18°46'58"E	87.024'	
O			
A	107°07'39"E	50.000'	
R			
L	95.491'		
CND	80.455'		
T	67.735'		



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MAR 20 2003

77-07361

SOUTH FORK SALMON RIVER

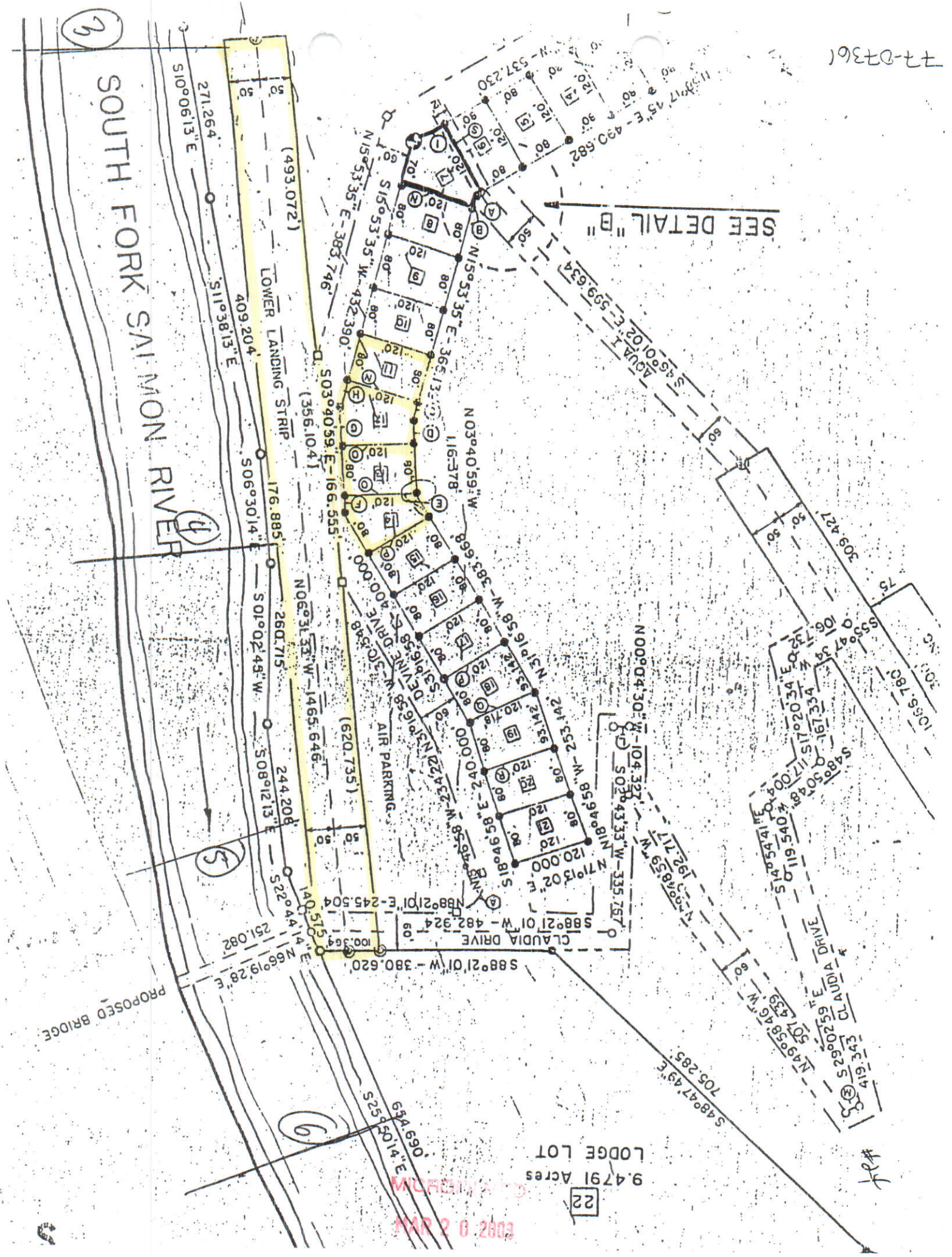
SEE DETAIL "B"

PROPOSED BRIDGE

9.4791 Acres
LODGE LOT

APR 20 2003

22





Air Strip



Lawn area
on Lt 14

MICROFILMED

MAR 20 2003



MICROFILMED

AUG 23 1999

AFFIDAVIT OF PUBLICATION

NOTICE OF APPLICATION FOR WATER RIGHT

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

77-07335 ✓
SMITH, DUANE B.
207 N. 3RD
MC CALL, ID 83638
Source: SPRING Tributary: SINKS
Diversion Pt: NESESW Sec 31 T 24N R 08E in IDAHO County. SESESW Sec. 31 T 24N R 08E in IDAHO County. NWSWE Sec. 31 T 24N R 08E in IDAHO County. SWSWE Sec. 31 T 24N R 08E in IDAHO County.
Use: IRRIGATION (.090 CFS)
DOMESTIC (.060 CFS) Total Diversion: (.150 CFS)

Date Filed: 3/21/1994
In: IDAHO County T23N R08E S06
NENE 3.0 ACRES TOTAL
77-07336

SMITH, DUANE B.
207 N. 3RD
MC CALL, ID 83638
Source: SPRING Tributary: SINKS
Diversion Pt: NENENW Sec 5 T 23N R 08E in IDAHO County.
Use: IRRIGATION (.120 CFS)
DOMESTIC (.040 CFS) Total Diversion: (.160 CFS)

Date Filed: 3/21/1994
In: IDAHO County T23N R08E S06
NENE SENE T24N R08E S31 SESE
6.0 ACRES TOTAL

78-07356
DRYDEN, MARSHALL
DRYDEN, MARJORIE
P.O. BOX 187
POLLOCK, ID 83547
Source: LITTLE SALMON RIVER
Tributary: SALMON RIVER
Diversion Pt: SWSE Sec. 29 T 23N R 01E in IDAHO County.
Use: IRRIGATION (.300 CFS)
STOCKWATER (.030 CFS) Total Diversion: (.330 CFS)

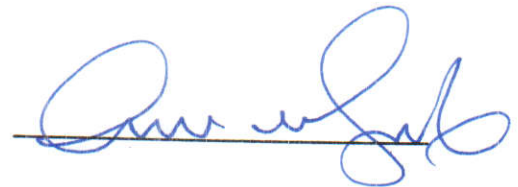
Date Filed: 3/23/1994
In: IDAHO County T23N R01E S29
NWSE 15.0 ACRES TOTAL
Permits will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec. 42-203A, Idaho Code. Protests must be filed with the Director, Dept. of Water Resources, Western Region, 2735 Airport Way, Boise, Idaho 83705 on or before APRIL 25, 1994.

R. KEITH HIGGINSON, Director
Published: 4/7/1994 & 4/14/1994

A7-14

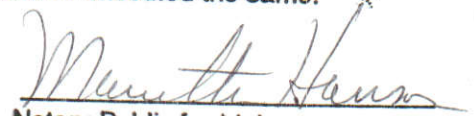
STATE OF IDAHO
County of Idaho - ss.

Andrew J. McNab, being first duly sworn, says he is the Publisher of the IDAHO COUNTY FREE PRESS, a weekly newspaper published and issued weekly at Grangeville, Idaho county, State of Idaho, and is of general circulation in said county and state, that the said notice, of which the one hereto attached is a true copy, was published in said paper for two weeks, being published two times, the first publication being on the 7th day of April, 19 94, and the last publication on the 14th day of April, 19 94; and that the said notice was published in the newspaper proper and not a supplement; that said newspaper has been continuously and uninterruptedly published in said county during a period of seventy-eight consecutive weeks prior to the publication of said notice or advertisement.



STATE OF IDAHO }
COUNTY OF } IDAHO

On this 14th day of April in the year of 1994, Before me, a Notary Public, personally appeared Andrew J. McNab, known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that he executed the same.


Notary Public for Idaho
Residing at Grangeville, ID
My commission expires: 10-8-99

RECEIVED

APR 28 1994

WATER RESOURCES
WESTERN REGION

DEC 20 1994

State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 77-07335

Priority: March 21, 1994

Maximum Diversion Rate: 0.02 CFS
Maximum Diversion Volume: 10.2 AF

It is hereby certified that DUANE B SMITH
PO BOX 754
MC CALL ID 83638-0754 has complied with the terms and
conditions of the permit, issued pursuant to Application for Permit dated March 21, 1994; and has
submitted Proof of Beneficial Use on May 14, 1999. An examination indicates that the works have a
diversion capacity of 0.02 cfs of water from:

SOURCE

SPRING

Tributary: SINKS

and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL DIVERSION VOLUME</u>
DOMESTIC	01/01 to 12/31	0.02 CFS	1.2 AF
IRRIGATION	03/15 to 10/31	0.02 CFS	9.0 AF

LOCATION OF POINT OF DIVERSION:

SPRING SW $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 31, Twp 24N, Rge 08E, B.M., IDAHO County

PLACE OF USE: DOMESTIC

Twp	Rge	Sec	NE				NW				SW				SE				
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
23N	08E	6	X																

PLACE OF USE: IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
23N	08E	6	1.7			1.3													3.0

Total Acres: 3

CONDITIONS OF APPROVAL

1. Domestic use is for 2 homes and does not include lawn, garden, landscape, or other types of irrigation.
2. The domestic use authorized under this right shall not exceed 13,000 gallons per day per home.
3. Place of use for domestic uses are Lots 13 and 14, Copenhaver Subdivision.
4. Point of diversion is located within Lot 25, Copenhaver Subdivision.

MICROFILMED

MAR 20 2003

State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 77-07335

5. Rights 77-07366, 77-07377 and 77-07380 are also diverted through the point of diversion described above.
6. Source is known locally as Cherry Spring.
7. Rights 77-07366, 77-07377, 77-07380 and 77-07335 when combined shall not exceed a total diversion rate of 0.02 cfs, and a total annual maximum diversion volume of 14.5 af.
8. This right when combined with all other rights shall provide no more than 0.03 cfs per acre nor more than 3.0 afa per acre at the field headgate for irrigation of the lands above.
9. The issuance of this right does not grant any right-of-way or easement across the land of another.
10. Place of use for irrigation purposes is located within Lots 11-14, and Lower Landing Strip, Copenhaver Subdivision.

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

Signed and sealed this 27TH day of DECEMBER, 2002.

Acting for 
KARL J. DREHER
Director

MICROFILMED
MAR 20 2003

State of Idaho
Department of Water Resources
APPLICATION FOR AMENDMENT

(For Licensing Purposes)
WATER RIGHT NO. 77-07335

RECEIVED
DEC 26 2002
Department of Water Resources

Date of Priority: March 21, 1994

Maximum Diversion Rate: 0.02 CFS
Maximum Diversion Volume: 10.2 AF

Comes now DUANE B SMITH
207 N 3RD

MC CALL ID 83638 and represents to the Director of the Idaho Department
of Water Resources that he is the owner and holder of Permit to Appropriate the Public Waters of the
State of Idaho No. 77-07335, and requests that the permit be changed as follows:

Source: SPRING

Tributary: SINKS

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
DOMESTIC	01/01 to 12/31	0.02 CFS	1.2 AF
IRRIGATION	03/15 to 10/31	0.02 CFS	9.0 AF

LOCATION OF POINT OF DIVERSION:

SPRING SW $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 31, Twp 24N, Rge 08E, B.M., IDAHO County

PLACE OF USE: DOMESTIC

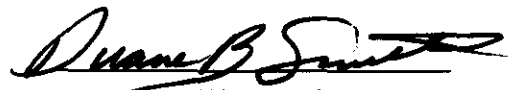
Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
23N 08E 6	X																

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
23N 08E 6	1.7			1.3													3.0

Total Acres: 3

Permit holder asserts that no one will be injured by such change and that such change will be made at
permit holder's own risk. Signed this 20 day of December, 2002.


(Signature)

MICROFILMED

MAR 20 2003

State of Idaho
Department of Water Resources
APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 77-07335

FOR DEPARTMENT USE ONLY

Preliminary check by kw Fee = 50.00 Received by jm #C006533 Date 12-26-02

ACTION OF THE DEPARTMENT OF WATER RESOURCES

I, Karl J. Dreher, of the Department of Water Resources hereby approve the
above Application for Amendment for Permit No. 77-07335 with the following:

CONDITIONS OF APPROVAL

1. Domestic use is for 2 homes and does not include lawn, garden, landscape, or other types of irrigation.
2. The domestic use authorized under this right shall not exceed 13,000 gallons per day per home.
3. Place of use for domestic uses are Lots 13 and 14, Copenhaver Subdivision.
4. Point of diversion is located within Lot 25, Copenhaver Subdivision.
5. Rights 77-07366, 77-07377 and 77-07380 are also diverted through the point of diversion described above.
6. Source is known locally as Cherry Spring.
7. Rights 77-07366, 77-07377, 77-07380 and 77-07335 when combined shall not exceed a total diversion rate of 0.02 cfs, and a total annual maximum diversion volume of 14.5 af.
8. This right when combined with all other rights shall provide no more than 0.03 cfs per acre nor more than 3.0 afa per acre at the field headgate for irrigation of the lands above.
9. The issuance of this right does not grant any right-of-way or easement across the land of another.
10. Place of use for irrigation purposes is located within Lots 11-14, and Lower Landing Strip, Copenhaver Subdivision.

Witness my hand this 27th day of DECEMBER, 2002.


Acting for **KARL J. DREHER**
Director

MICROFILMED

MAR 20 2003

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

DEC 25 2002

CHANGE IN ADDRESS

This form can be used to notify the Department of a change in address of the owners of record for the listed water rights. Department of Water Resources

(Please print or type)

[] Water Right Number(s): 77-07335

[] Name(s): DUANE B SMITH

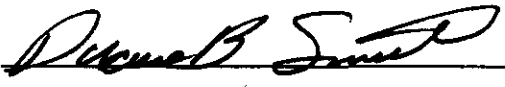
[] Old Mailing Address: 207 N 3RD

MC CALL ID 83638

[] New Mailing Address: PO BOX 754

MC CALL ID 83638-0754

Telephone Number: (208) 634-7016

[] Signature(s) of Owner(s) 

(Include your title if on behalf of company or organization)

Date: 20 December 2002

RECEIVED

RECEIVED

MAY 18 1999

FOR OFFICE USE ONLY
Amt. of Fee \$: 50
Receipt No. W025193
Receipt By: LG
Date Received: 5/14/99

VED

MAY 14 1999

WATER RESOURCES
WESTERN REGION

STATE OF IDAHO
Department of Water Resources
DEPARTMENT OF WATER RESOURCES

PROOF OF BENEFICIAL USE

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

1. Permit No. 77-07335 Telephone No. 634-7015

2. Name(s) of Permit Holder(s): DUANE SMITH

3. Mailing Address: 207 N 3rd Mc CALL 83638

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

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

b. **OPTIONAL:**

Pump Horsepower: _____ Pressure (psi): _____ Dynamic pumping level (ft): _____

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

SHOP
Domestic (No. of households): 2 CABINS Stockwater (No. and type of stock): _____

Irrigation (No. of acres): 3 Other: _____

6. Total rate of diversion and/or volume for which proof is submitted: .15 cfs OR _____ acre feet

7. Measuring Device Requirement: (refer to the approval conditions on your permit and respond accordingly)

(This question is not optional. Please check either yes or no. Proofs returned not checked accordingly, will be considered incomplete)

Measuring Device: Is a measuring device required? Yes _____ or No /
Has the measuring device been installed? Yes _____ or No _____

Flow Measurement Port: Is a flow measurement port required? Yes _____ or No /
Has the measurement port been installed? Yes _____ or No _____

8. Fee Enclosed: \$ 50 (See Fee Schedule on back of the instructions for filing proof of beneficial use)

9. Person to contact to accompany the Department representative during field examination of the water system.

ROBERT DODGE 634-5639 or 634-8111 WK
Name: DUANE SMITH Telephone Number: 634-7015

Address: Mc CALL

10. The information given on this form is my true statement of the extent to which the above numbered permit has been developed and I relinquish any undeveloped portion of the permit to the State of Idaho.

Signature of permit holder: Robert L. Dodge Date: 5-14-99
(include your title, if on behalf of company or organization)

Partner in Cabins

MICROFILMED

AUG 23 1999

State of Idaho
Department of Water Resources
Permit To Appropriate Water

NO. 77-07335

Proposed Priority: March 21, 1994

Maximum Diversion Rate:

0.15 CFS

This is to certify, that **DUANE B SMITH**

207 N 3RD

MC CALL ID 83638

has applied for a permit to appropriate water from:

SPRING

tributary of **SINKS**

and a permit is **APPROVED** for development of water as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>
IRRIGATION	04/15 to 10/15	0.09 CFS
DOMESTIC	01/01 to 12/31	0.06 CFS
	Totals	0.15 CFS

LOCATION OF POINT(S) OF DIVERSION:

NESESW , Sec. 31, Township 24N, Range 08E
SESESW , Sec. 31, Township 24N, Range 08E
NWSWSE , Sec. 31, Township 24N, Range 08E
SWSWSE , Sec. 31, Township 24N, Range 08E
IDAHO County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
23N	08E	6	NENE	3		3

Total number of acres irrigated: 3

PLACE OF USE: DOMESTIC, same as IRRIGATION use

CONDITIONS/REMARKS:

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before **December 1, 1999**.
2. Subject to all prior water rights.
3. Project construction shall commence within one year from the date of permit issuance and shall proceed diligently to completion unless it can be shown to the satisfaction of the Director of the Department of Water Resources that delays were due to circumstances over which permit holder had no control.
4. The rate of diversion of water for irrigation under this right and all other water rights on the same land shall not exceed 0.03 cubic feet per second for each acre of land.
5. The issuance of this right in no way grants any right-of-way or easement across the land of another.

DEC 20 1994

State of Idaho
Department of Water Resources**Permit To Appropriate Water**

NO. 77-07335

CONDITIONS/REMARKS:

6. Source locally known as Cherry Spring.
7. Single point of diversion located on or near the center of NESESW, SESESW, NWSWSE, SWSWSE, S31, T24N, R08E.
8. Point of diversion is located within Lot 25, Copenhaver Subdivision.
9. Places of use are located within Lots 13-14, and Lower Landing Strip, Copenhaver Subdivision.
10. Domestic use is for 2 homes.
11. The domestic use authorized under this permit shall not exceed 13,000 gallons per day per dwelling in accordance with Section 42-111, Idaho Code.

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

12 th day of December, 1994.

R. Keith Higginson
for R. Keith Higginson, Director

DEC 20 1994

RECEIVED

NOV 25 1994

Department of Water Resources

Ident. No. 77-07335

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name: DUANE B SMITH
Address: 207 N 3RD
MC CALL ID 83638

208-634-7015

2. Source: SPRING

Trib. to: SINKS

3. Location of Point of Diversion:

NESESW Sec. 31, Township 24N, Range 08E
SESESW Sec. 31, Township 24N, Range 08E
NWSWSE Sec. 31, Township 24N, Range 08E
SWSWSE Sec. 31, Township 24N, Range 08E
IDAHO County

4. Water will be used for the following purposes:

Purpose	From	To	CFS	(or)	AF
IRRIGATION	04/15	10/15	0.090		
DOMESTIC	01/01	12/31	0.060		

5. Total quantity to be appropriated is:

0.150 CFS (and/or) AF

6. Proposed diverting works:

- Description of ditches, flumes, pumps, headgates, etc.
SPRINGBOX, 3" TO 1.25" PIPELINE TO HOMES, YARDS, PASTURE
- Height of storage dam feet; active reservoir capacity
acre-feet; total reservoir capacity acre-feet; period of
year when water will be diverted to storage: to inclusive.
- Proposed well diameter is inches; proposed depth of well is
feet.
- Is groundwater with a temperature greater than 85F being sought? NO
- If well is already drilled, when?
Drilling Firm
Well was drilled for

7. Time required for the completion of the works and application of
the water to the proposed beneficial use is 5 year(s).

RECEIVED

NOV 28 1994

Department of Water Resources

RECEIVED

DEC 20 1994

8. Place of Use: IRRIGATION

TWN	RGE	SEC	ACRES	ACRES	ACRES	TOTAL
23N	08E	6	NENE	3		3

Total number of acres irrigated: 3

Place of Use: DOMESTIC, same as IRRIGATION use

9. a. Who owns the property at the point of diversion?
ORLAND BADLEY
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.
EASEMENT

10. Remarks:

Source locally known as Cherry Spring and located on or near
center of NESESW, SESESW, NWSWSE, SWSWSE, S31, T24N, R08E.
Point of diversion is within Lot 25 and place of use is within
Lots 13 and 14, Copenhaver Subdivision.
Domestic use is for 2 homes.
Applicant requests exemption from Salmon River Moratorium since
source sinks instead of being tributary to a stream.

11. Map of proposed point of diversion and place of use attached? ☒

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.

See original
Applicant

Received by RZ Date 3/21/94 Time 10:55 Preliminary check by G

Fee \$ 30 Receipted by RZ # W017282 Date 3/21/94

Publication prepared by AT Date 3-29-94 Published in \$10.00 Free Press
Star News

Publication approved AT Date 4-29-94

See 'Comments'

DEC 20 1994

77-07335

Comments: Date: 3/22/1994 User-ID: LESTER

Subject:
MAPPING & MORATORIUM

This is an unsurveyed area. Gov't lots do not apply. Subdivision plat shows some information relating to H.E.S. data but cannot be correlated to a gov't. lot plat. The original application was prepared in-office on 3/21/94 per applicant's information and per best estimate from Payette Nat'l. Forest map. Subsequent staff work allowed a more refined estimate of legal description based on projecting sections lines from nearest known lines several miles to the west of site in question. The corrected legals were affirmed by applicant's wife, Alberta Smith, per 3/22/94 telephn. conversation (she accompanied applicant in office visit on 3/21). This area is adjacent to the Frank Church Wilderness and Salmon River Wild & Scenic River boundaries.

Applicant stated that spring sinks about 50 yards from its origin and therefore requests exemption from moratorium. Item 4, page 2, of Amended Order identifies "Salmon ...River...and tributaries" as within the moratorium. The proximity of the spring to an unnamed stream clearly tributary to So. Fk. Salmon River suggests that the spring may indeed be tributary, but we have no definite knowledge one way or another. If the spring is considered trib., the application could be split into approvable & hold portions where D/2 plus up to 1 acre could be approved as an exemption & the hold portion would be subject to additional moratorium review.

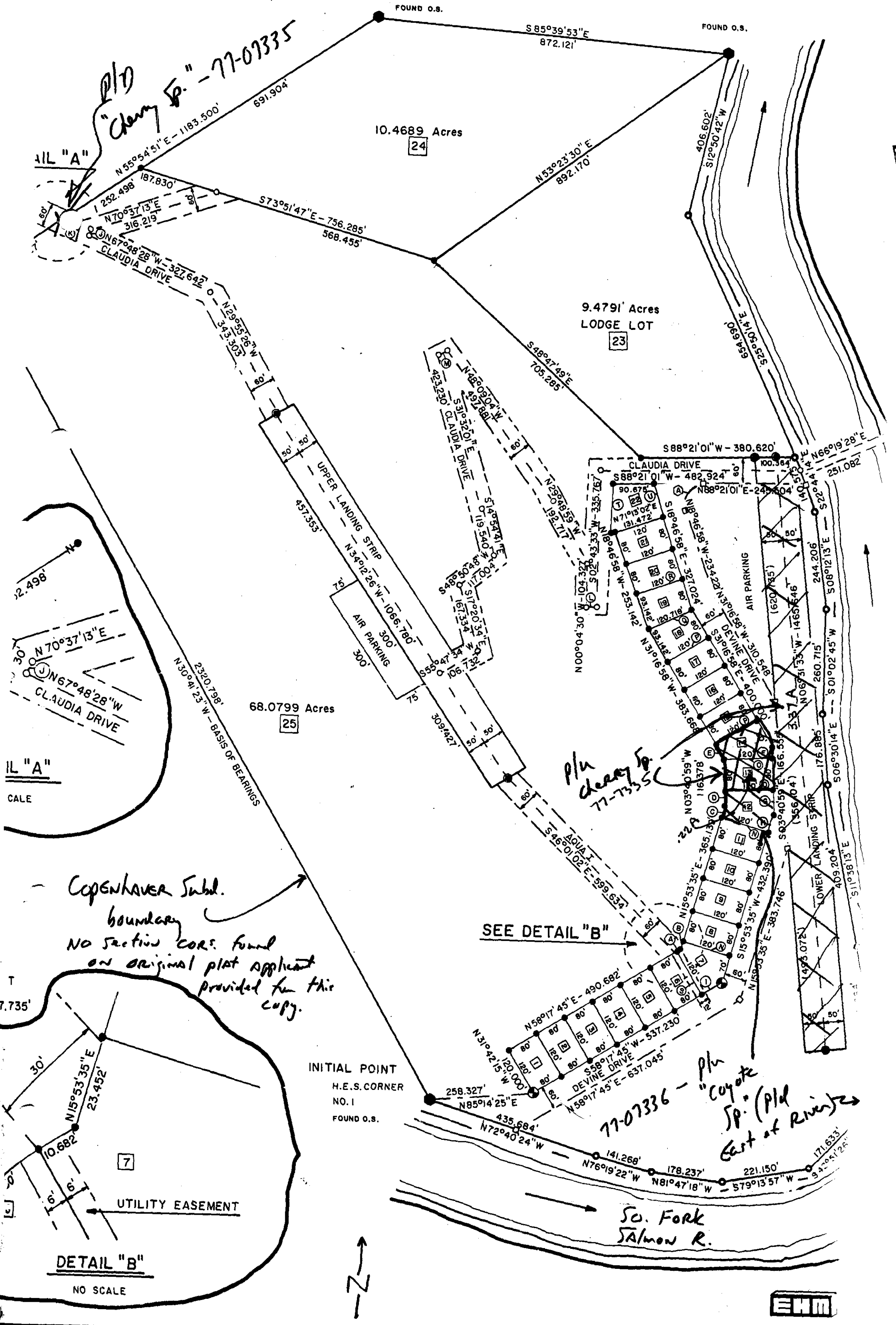
The map & moratorium comments in this application also apply to

DEC 20 1994

applicant's other filing, 77-07336, which will serve a home in
Lot 12 plus irrigation of an airstrip.

RECEIVED
DEC 20 1994

Pl'd
"Coyote Sp." - 77-07335



1/4 IL "A"

10.4689 Acres
24

9.4791 Acres
LODGE LOT
23

68.0799 Acres
25

CLAUDIA DRIVE
N 67° 48' 28" W
N 70° 37' 13" E

IL "A"
SCALE

COPENHAVER Subd.
boundary
NO SECTION CORRS. FOUND
ON ORIGINAL PLAT APPLICANT
PROVIDED FOR THIS
COPY.

INITIAL POINT
H.E.S. CORNER
NO. 1
FOUND O.S.

DETAIL "B"
NO SCALE

SEE DETAIL "B"

Pl'd
"Coyote Sp." (Pl'd
East of River)
77-07336

So. Fork
Salmon R.

EWM

TANU DDI

77-07335

EAST HALF

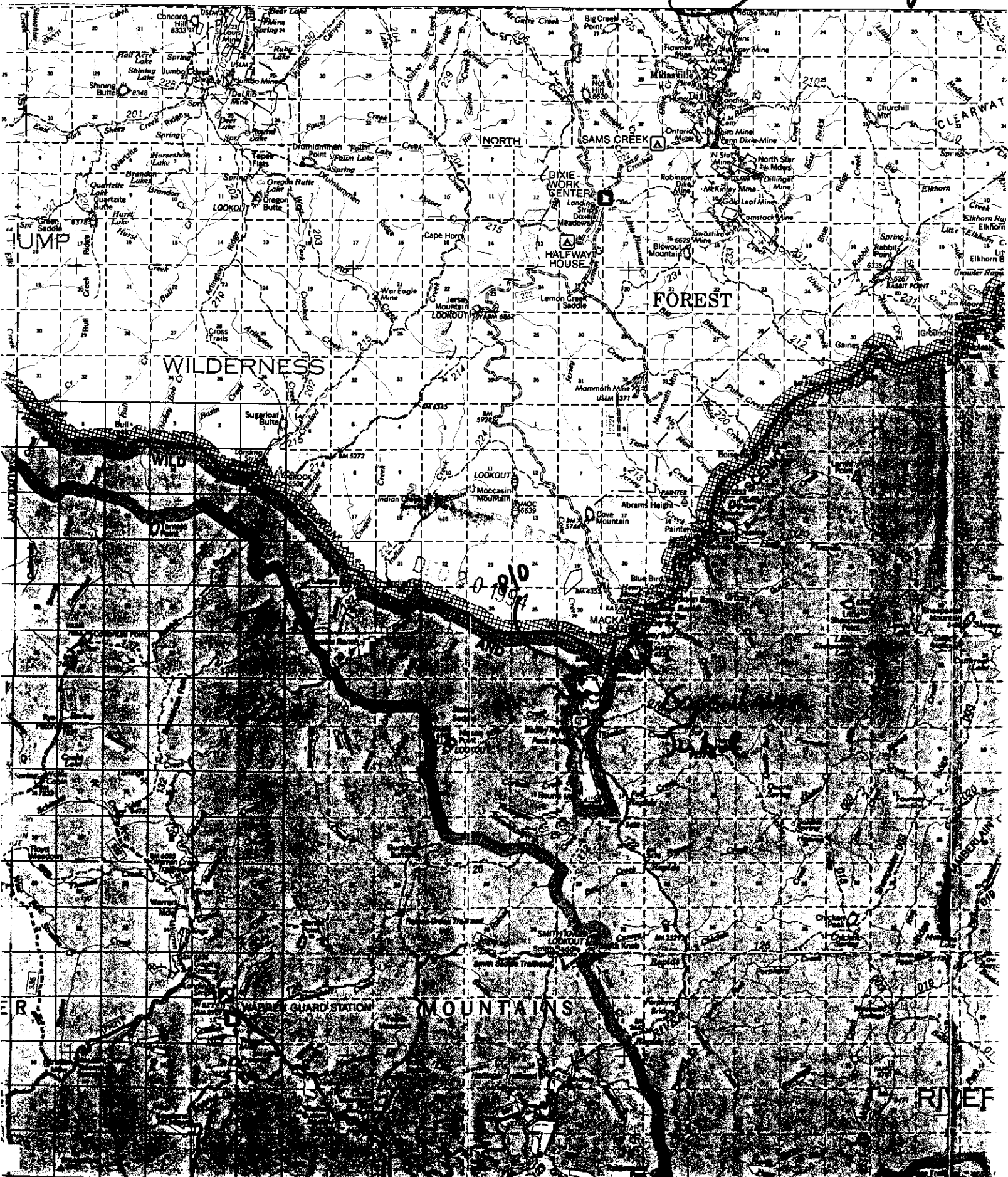
Payette N.F.
map

R. 6 E.

R. 7 E.

R. 8 E.

R. 9 E.



- ACCESS & UTILITY EASEMENT
- ⊙ EASEMENT CORNER, SET 5/8" X
- EASEMENT CENTERLINE, NOT SET
- EASEMENT CORNER, NOT SET

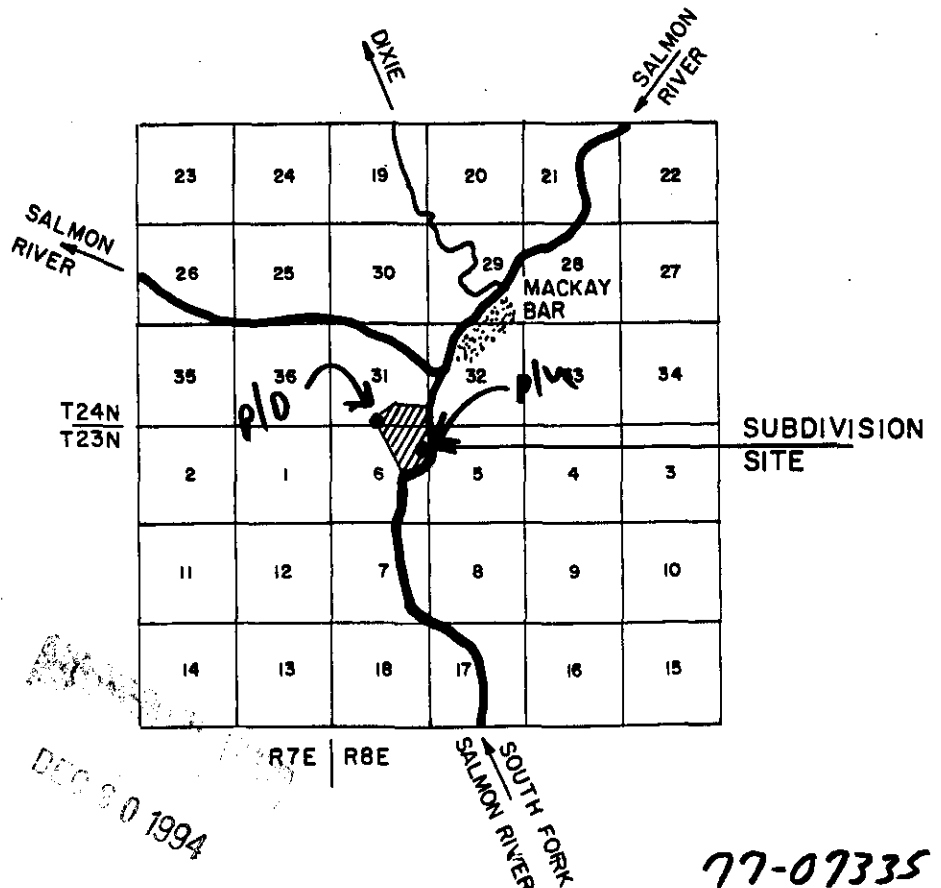
TA

COPENHAVER SUBDIVISION RESTRICTIVE
COVENANTS ARE FILED AS INSTRUMENT
NO. 23247231

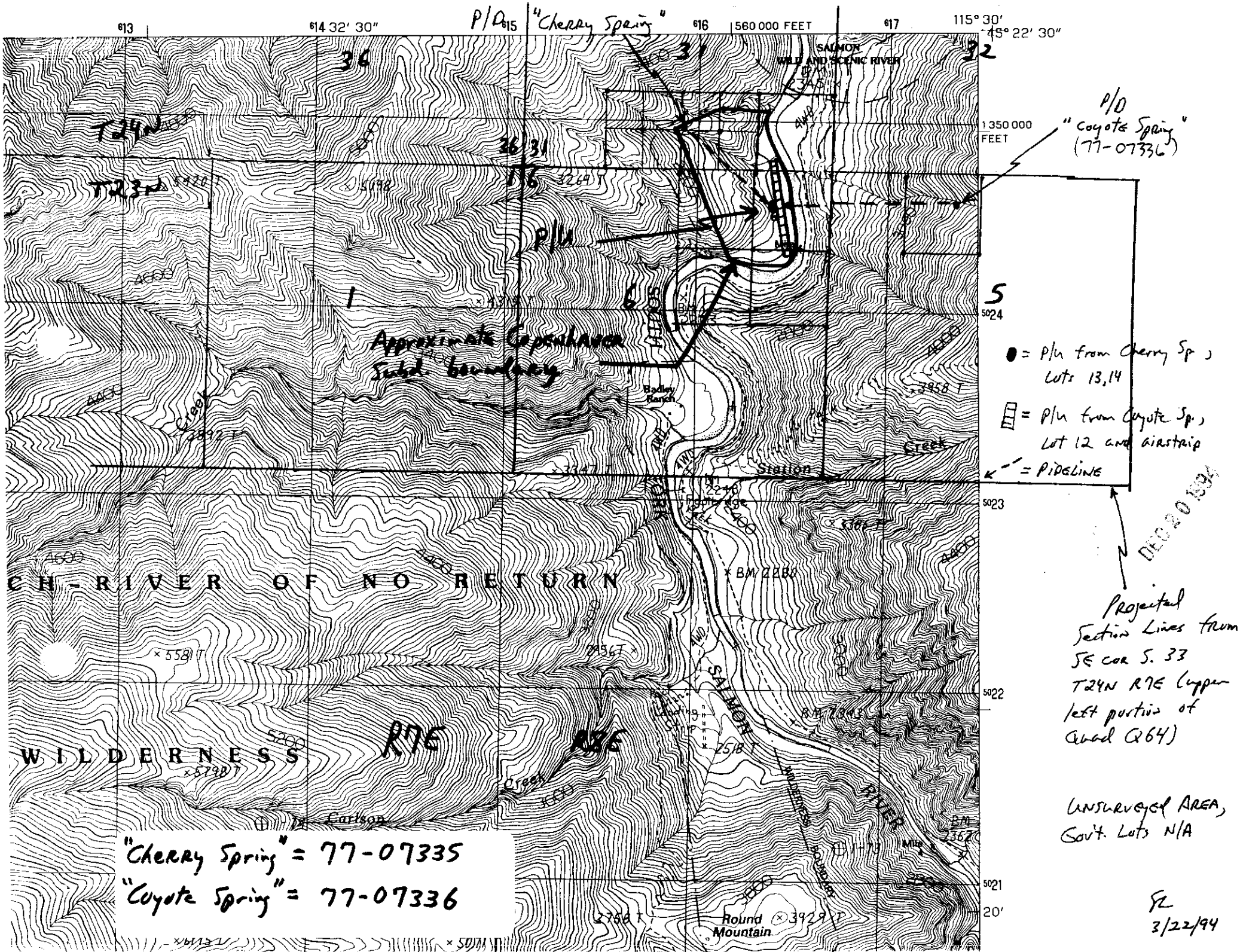
VICINITY MAP

Scale: 1" = 2 Miles

SEE 7 1/2' topo
for best approx.
of legal description



77-07335



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

"Clay Springs"

To appropriate the public waters of the State of Idaho

1. Name of applicant Duane B. Smith Phone 634-7015
Post office address 207 N. 3rd McCall IO 83638

2. Source of water supply Spring which is a tributary of sinks

3. Location of point of diversion is NW 1/4 of NW 1/4 of NE 1/4, Govt. Lot —
Sec. 6 Township 23N Range 8E B.M. Idaho County; additional

points of diversion if any: SWSWSE 5.31 T24N R8E NESESW 5.31
NW SWSE 5.31 SESESW 5.31 *

4. Water will be used for the following purposes:

Amount .09 for Irrigation purposes from 4/15 to 10/15 (both dates inclusive)
(cfs or acre-feet per annum)

Amount .06 for Domestic purposes from 1/1 to 12/31 (both dates inclusive)
(cfs or acre-feet per annum)

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

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

5. Total quantity to be appropriated is (a) .15 and/or (b)
cubic feet per second acre feet per annum

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. Springbox, 3" to 1 1/4"
pipe to lower 3 yards & pasture

b. Height of storage dam feet; active reservoir capacity acre-feet; total
reservoir capacity acre-feet; period of year when water will be diverted to storage:
 to inclusive.

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

d. Is ground water with a temperature of greater than 85°F being sought?

e. If well is already drilled, when? ; Drilling firm ;

Well was drilled for (well owner)

DEC 20 1994

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

— ORIGINAL —
* per projected lines on 7 1/2' top & agreed to by Alberta Smith
per 3/22/94 T6/6 con. ~52

8. Description of proposed uses (if irrigation only, go to item 9):

- a. Hydropower; show total feet of head and proposed capacity in KW. _____
- b. Stockwatering; list number and kind of livestock. _____
- c. Municipal; show name of municipality. _____
- d. Domestic; show number of households. 2
- e. Other; describe fully. _____

9. Description of place of use:

- a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- b. If water is used for other purposes, place a symbol of the use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
23N	8E	6	3			~~X~~													3
			D			~~X~~													

Total number of acres to be irrigated 3

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

11. a. Who owns the property at the point of diversion? Orland Badley
- 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. Easement

DEC 20 1994

12. Remarks: One point of diversion locally known as Cherry
Spring on or near line between ~~NW¼, S6, T22N, R8E~~
and ~~SW¼, S31, T24N, R8E~~ NE¼, S6, T22N, R8E, NE¼, S6, T24N, R8E, S31, T24N, R8E.
Domestic use is for two homes.
Applicant requests exemption from Salmon R. moratorium
since source is within about 50 yards of proposed point of
diversion.
Point of diversion is Lot 25 and place of use is Lots 13 14

* per agreement with Alaska Irrigation District
 3/22/94 follow on type.

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

See 4 attached maps

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.

X Diane B. Smith
(Applicant)

Received by RL Date 3-21-94 Time 10:55 Preliminary check by _____
Fee \$ 30 Received by RL # W017282 Date 3-21-94
Publication prepared by _____ Date _____ Published in _____
Publication approved _____ Date _____

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. _____, 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. The rate of diversion, if water is to be used for irrigation under this permit, when combined with all other water rights for the same land shall not exceed 0.02 cubic feet per second for each acre of land.

d. The water right acquired under this permit if for hydropower purposes shall be junior and subordinate to all rights to the use of water, other than hydropower, within the State of Idaho that are initiated later in time than the priority of this permit and shall not give rise to any right or claim against any future rights to the use of water, other than hydropower, within the State of Idaho initiated later in time than the priority of this permit.

e. Other:

DEC 20 1994



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

December 27, 2002

DUANE B SMITH
PO BOX 754
MC CALL ID 83638-0754

RE: License No. 77-7335 - Issuance of License

Dear Water Right Holder(s):

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

The license is a PRELIMINARY ORDER issued by the Department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action by the Department unless a party petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the service date as described in the enclosed information sheet.

Enclosed is a copy of the approved Application for Amendment.

Please note that water right owners are required to report any change of water right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact any office of the Department or visit the Department's homepage on the Internet to obtain the proper forms and instructions.

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

Sincerely,

Shelley W. Keen

Water Rights Supervisor

SWK:klt

Enclosure(s)

MICROFILMED
MAR 20 2003

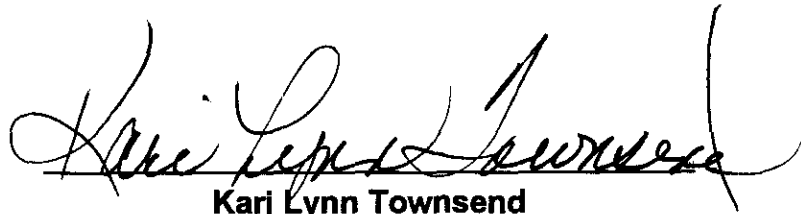
CERTIFICATE OF SERVICE

I hereby certify that on December 27, 2002 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER(Approved License) to the person(s) listed below:

RE: WATER RIGHT NO.

77-7335

**DUANE B SMITH
PO BOX 754
MC CALL ID 83638-0754**

A handwritten signature in cursive script, reading "Kari Lynn Townsend", written over a horizontal line.

**Kari Lynn Townsend
Secretary**

MICROFILM
MAR 20 2003

**EXPLANATORY INFORMATION
TO ACCOMPANY A
PRELIMINARY ORDER**

The accompanying order or approved document is a "Preliminary Order" issued by the department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action of the Department of Water Resources (department) unless a party petitions for reconsideration, files an exception and brief, or requests a hearing as further described below:

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the department within fourteen (14) days of the service date of this order. The department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See Section 67-5243(3) Idaho Code.

EXCEPTIONS AND BRIEFS

Within fourteen (14) days after (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding with the Director. Otherwise, this preliminary order will become a final order of the agency.

REQUEST FOR HEARING

Unless a right to a hearing before the department or the Idaho Water Resource Board (Board) is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

ORAL ARGUMENT

If the Director grants a petition to review the preliminary order, the Director shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director orders otherwise, all oral arguments will be heard in Boise, Idaho.

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

FINAL ORDER

The Director will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Director may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its issuance if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) the petition for reconsideration is disposed of; or
- (b) the petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

P.O. Box 754
McCall, Id
83638-0754

7th Service Requested

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
1301 North Orchard Street, P.O. Box 83720
Boise, Idaho 83720-0098

RECEIVED

DEC 10 2002

Department of Water Resources

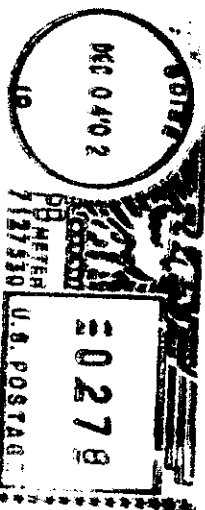
Permit 77-7335 -
Mail resent to PO Box 754
w/ address change form.

Kari Lynn
12.10.02



NO MAIL
RECEIPTABLE

PRESORTED
FIRST CLASS



MICROFILMED

MAR 20 2003

JAGTMS 03638

00000000000000000000



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

December 4, 2002

DUANE B SMITH
207 N 3RD
MC CALL ID 83638

RE: Water Right Permit No. 77-07335

Dear Permit Holder:

The Department of Water Resources is reviewing the permit referenced above prior to issuing a water right license. By issuing a license, the Department confirms the extent of development that has been established in compliance with the terms of the permit. The examiner who verified your water use reported that certain elements of the permit have been developed differently than described on your permit. Changes that do not increase the authorized use of water under the permit can be requested and approved in accordance with Section 42-211, Idaho Code. Before a license can be issued, your permit must be amended to depict your water use as it was actually developed.

Based on the examiner's report, the following elements were developed differently than described on your permit:

☒ **Place of Use for Irrigation**

The enclosed Application for Amendment form depicts the elements of the water right as they will appear on the license when it is issued. Please review the amendment form carefully. If you concur with the information presented, please sign the form and return it with the \$50.00 filing fee within 14 days.

If you have any questions, please call me at 208-327-7944.

Sincerely,

KAY WALKER
Sr. Water Resource Agent

Enclosure

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MAR 26 2003

Comment Report

77-7335

1. kwalker 11/29/2002 Point of Diversion

Comment: When I created the shape for the point of diversion, arc view determined it was located in SWSWSE, S31, T24N, R8E. Examiner found it located on the line between S31 and S06 but in looking at the orthophoto quad of this area it appears that arc view is accurate.

2. kwalker 11/29/2002 Place of Use

Comment: I found while creating the shape for the place of use under this proposed license that the domestic uses for Lots 13 and 14 are located in NENE, S6. The irrigation place of use covers lands in NENE and SENE, S06. Arc View determined the acreages in these 2 areas which is different than reported by examiner but true according to arc view.

3. LESTER 3/22/1994 MAPPING & MORATORIUM

Comment: This is an unsurveyed area. Gov't lots do not apply. Subdivision plat shows some information relating to H.E.S. data but cannot be correlated to a gov't. lot plat. The original application was prepared in-office on 3/21/94 per applicant's information and per best estimate from Payette Nat'l. Forest map. Subsequent staff work allowed a more refined estimate of legal description based on projecting sections lines from nearest known lines several miles to the west of site in question. The corrected legals were affirmed by applicant's wife, Alberta Smith, per 3/22/94 telephn. conversation (she accompanied applicant in office visit on 3/21). This area is adjacent to the Frank Church Wilderness and Salmon River Wild & Scenic River boundaries. Applicant stated that spring sinks about 50 yards from its origin and therefore requests exemption from moratorium. Item 4, page 2, of Amended Order identifies "Salmon ...River...and tributaries" as within the moratorium. The proximity of the spring to an unnamed stream clearly tributary to So. Fk. Salmon River suggests that the spring may indeed be tributary, but we have no definite knowledge one way or another. If the spring is considered trib., the application could be split into approvable & hold portions where D/2 plus up to 1 acre could be approved as an exemption & the hold portion would be subject to additional moratorium review. The map & moratorium comments in this application also apply to applicant's other filing, 77-07336, which will serve a home in Lot 12 plus irrigation of an airstrip.

4. VAULT 5/18/1999 Proof of Beneficial Use Rcvd

Comment: Proof of Beneficial Use Rcvd

MICRON LENSE

MAR 26 2003

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

RECEIVED
SEP 28 2001
DEPARTMENT OF WATER RESOURCES

A. GENERAL INFORMATION

Permit No. 77-7335

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

Current Address: 207 N 3rd, McCall ID 83638

2. Accompanied by: David Dewey EXAM DATE : 9/7/01

Address: PO Box 616, Lakefork ID 83635 Phone No. 325-8661

Relationship to Permit Holder: Neighbor

3. Source: Spring tributary to Sinks

B. OVERLAP REVIEW

1. Other water rights with the same place of use: 77-7362

2. Other water rights with the same point of diversion: 77-7366, 77-7377, 77-7380.

C. DIVERSION AND DELIVERY SYSTEM

1. Point(s) of Diversion:

Ident No.	Govt. Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Method of Determination/Remarks
		NW	NW	NE	6	23N	8E	Idaho	GPS, Topo
		SW	SW	SE	31	24N	8E	Idaho	GPS, Topo

2. Place(s) of Use:

Indicate Method of Determination

Field Exam. Plat Map. Topo

Twp.	Rge.	Sec.	NE				NW				SW				SE				Total
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
23N	8E	6	1.5			1.5													3
			D			D													

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MAR 20 2003

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

SEE ATTACHED MAPS

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

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

Y Photo of Diversion and System Attached

4.

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size

*Code to correspond with No. on map and aerial photo

D. FLOW MEASUREMENTS

1.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date
5 Gallon Bucket						

2. **Measurements:**

5 gallons x 60 seconds/50 seconds = 6 gpm.

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MAR 26 2003

E. NARRATIVE/REMARKS/COMMENTS

A spring, locally known as Cherry Spring, is diverted on the line between the NWNWNE S6 and the SWSWSE S31 for domestic and irrigation uses in Copenhaver Subdivision. The spring flows from a side slope of a draw and is captured and diverted through a 2" buried PVC pipe to a 3000 gallon storage tank located above the subdivision in the NENE S6. From there, the water gravity flows through another 2" buried PVC line to a water stub in Lot 13 that provides internal domestic uses to a home and a guest cabin located in lots 13 and 14 and irrigation of ~ ½ acre lawn area within lots 11 through 14 of Copenhaver Subdivision, along with irrigation of ~2.5 acres of common area and air strip serving the subdivision. Irrigation occurs via buried and portable sprinklers. S.E. Salmon River water is also used on the above lots per right 77-7362. Although the permit owner does not individually own the 2.5 acres of common area that is

irrigated by the spring source, the acres were recommended for licensing on this permit since later permits, such as 77-7377 for Copenhagen Water Users Assoc., were limited to internal domestic use due to the Wilderness Moratorium. Fortunately, 2.5 acres of common area, which includes the air strip can be licensed on this permit. The permit holder and other subdivision owners understand the circumstances and are not concerned with assignments or splits at this time.

The spring supplies water to a total of 9 stubs within the subdivision. The specific locations of the 9 stubs are indicated on the attached plat map. The lot owners limited development to 9 stubs to remain exempt from DEQ's community system regulations. They plan to develop a separate source, possibly ground water or the S.E. Salmon River, for additional domestic uses if necessary. No other stubs will be added in the subdivision for use of Cherry Spring. At the time of the exam, 7 homes and 1 guest house were built or partially built. The 9 Cherry spring stubs serve the following:

1. Lt 1, home (77-7377)
2. Lt 6, home (77-7377)
3. Lts 9 & 10, home on Lt 10, irrigation on Lt 9 (77-7366)
4. Lts 11, 12, 13, 14, home on Lt 14, guest cabin on Lt 13, irrigation on Lts 11 & 12 (77-7335)
5. Lt 15, home (77-7377)
6. Lt 16, home (77-7377)
7. Lt 18, home (77-7380)
8. Lt 19, stub only, not developed (77-7377)
9. Lt 21, stub only, not developed (77-7377)

Have conditions of permit approval been met? ☒ Y_ yes ☐ no

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MAR 20 2003

F. FLOW CALCULATIONS

_____ Additional Computation Sheets Attached

Measured Method:

5 gallons x 60 seconds/50 seconds = 6 gpm = .013 cfs (allow .02 cfs)**G. VOLUME CALCULATIONS****1. Volume Calculations for Irrigation:**

$$V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = 3 \times 3 = 9$$

$$V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 = .02 \times 231 \times 1.9835 = 9.2$$

$$V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} = 9$$

2. Volume Calculations for Other Uses:**Internal domestic use for 1 home and 1 guest cabin = 1.2 afa****H. RECOMMENDATIONS****1. Recommended Amounts**

Beneficial Use	Period Of Use		Rate Of Diversion Q (CFS)	Annual Volume V (AFA)
	From	To		
Irrigation	3/15	10/31	.02	9
Domestic	1/1	12/31	.02	1.2
TOTAL			.02 cfs	10.2 afa

2. Recommended Amendments

☐ Change P.D. as reflected above ☐ Add P.D. as reflected above ☐ None
☐ Change P.U. as reflected above ☒ Add P.U. as reflected above ☐ Other

I. AUTHENTICATION

Lori Graves -Senior Agent

Field Examiner's Name Lori Graves Date 9/18/01

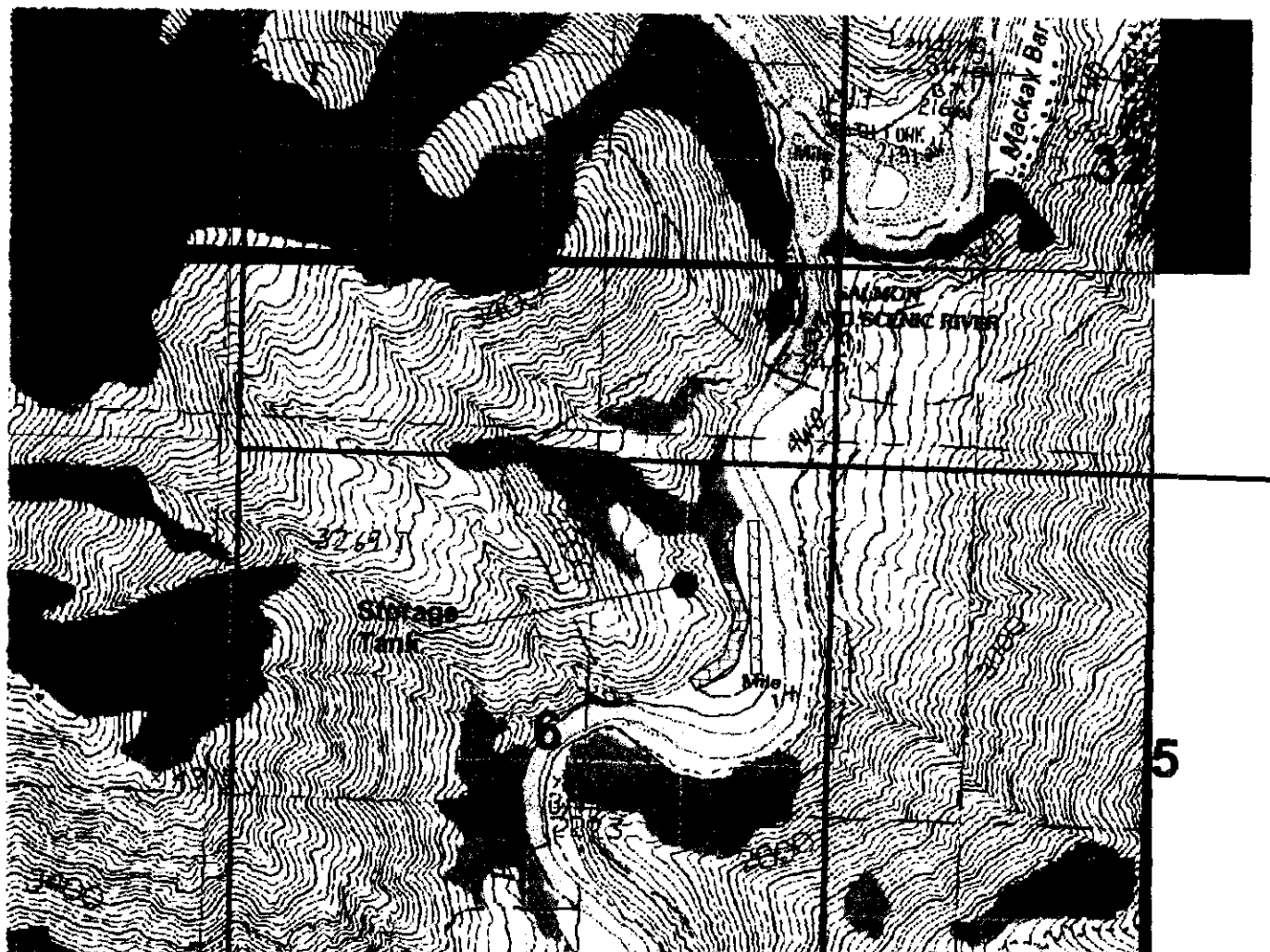
Reviewer _____ Date _____

SEAL

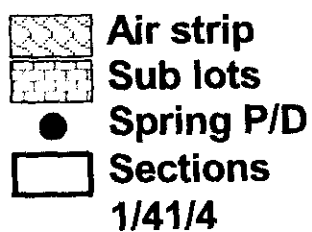
MICROFILMED

MAR 10 2003

Copenhagen Subdivision



0.5 0 0.5 1 Miles



MACRO-100

MAR 2 3 2003

77-034730

COPENHAVER SUBDIVISION 1986

ALL OF M.E.S. NO. 701
LOCATED WITHIN UNSURVEYED SECTION 6, T.23N., R.8E.
S. SECTION 31, 124M. RBE, B.M., BANO COUNTY, IDAHO.

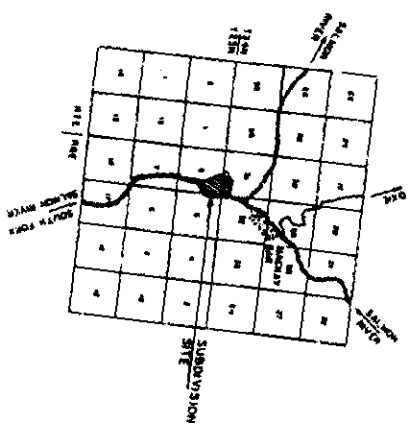


LEGEND

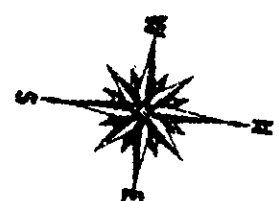
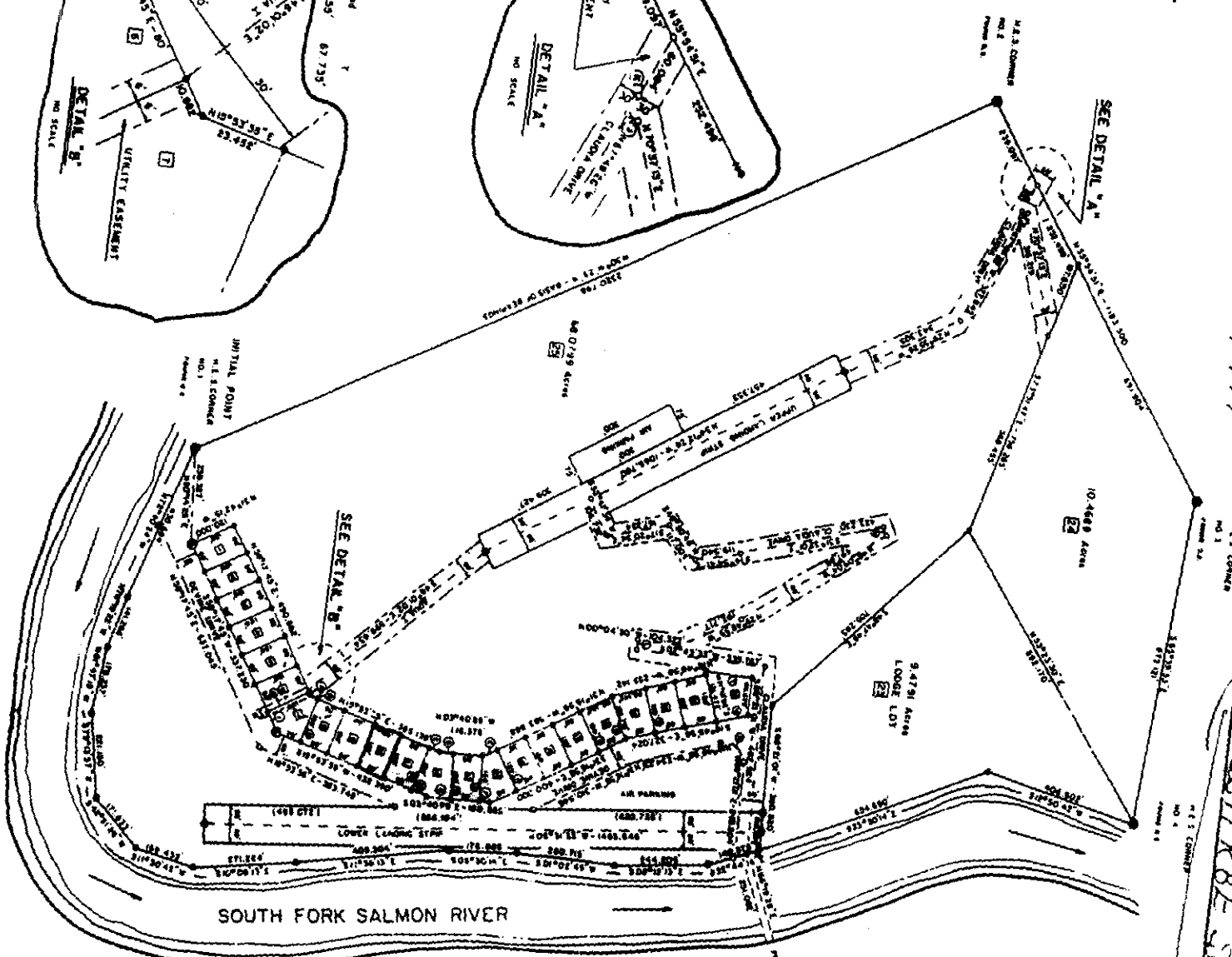
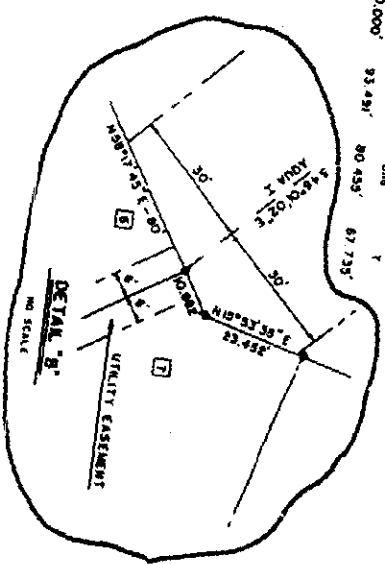
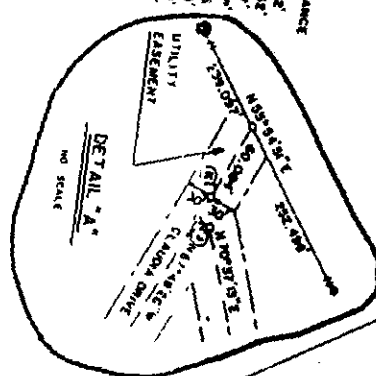
- M.E.S. CORNER, FOUND ORIGINAL STONE
- N.E.S. MEANDER CORNER, NOT SET
- LOT CORNER, SET 2" X 30" S.I.R. W/B.C.
- LOT CORNER, SET 3/8" X 30" NEAR W/ SERV. CAP
- SUBDIVISION BOUNDARY LINE
- LOT LINE
- EASEMENT CENTERLINE
- ACCESS & UTILITY EASEMENT
- UTILITY EASEMENT
- ACCESS & UTILITY EASEMENT
- EASEMENT CORNER, SET 3/8" X 30" NEAR W/ SERV. CAP
- EASEMENT CENTERLINE, NOT SET
- EASEMENT CORNER, NOT SET

77-034730

VICINITY MAP



POINT	BEARING	DISTANCE
A	N 50° 17' 40" E	10.000'
B	N 19° 53' 30" E	23.000'
C	N 02° 50' 30" E	21.000'
D	N 71° 16' 50" W	30.515'
E	S 03° 40' 50" E	29.070'
F	S 02° 40' 30" E	37.000'
G	S 19° 53' 30" E	42.350'
H	S 08° 17' 40" W	27.210'
I	N 23° 04' 00" E	20.000'
J	N 87° 48' 30" W	80.000'
K	S 50° 42' 50" W	20.000'
L	S 74° 08' 25" E	120.000'
M	N 66° 19' 00" E	120.000'
N	S 28° 43' 02" W	120.000'
O	S 04° 28' 02" W	120.000'
P	S 71° 15' 02" W	120.000'
Q	S 31° 42' 15" W	120.000'
R	S 02° 43' 33" W	122.248'
S	S 18° 46' 30" E	87.024'
T	CONVE	



MICRO
MAR 2 11 2003

NO. 1001 LOT 2
77-034730/1997

7237788E
SHEET 6 OF 6
77-034730

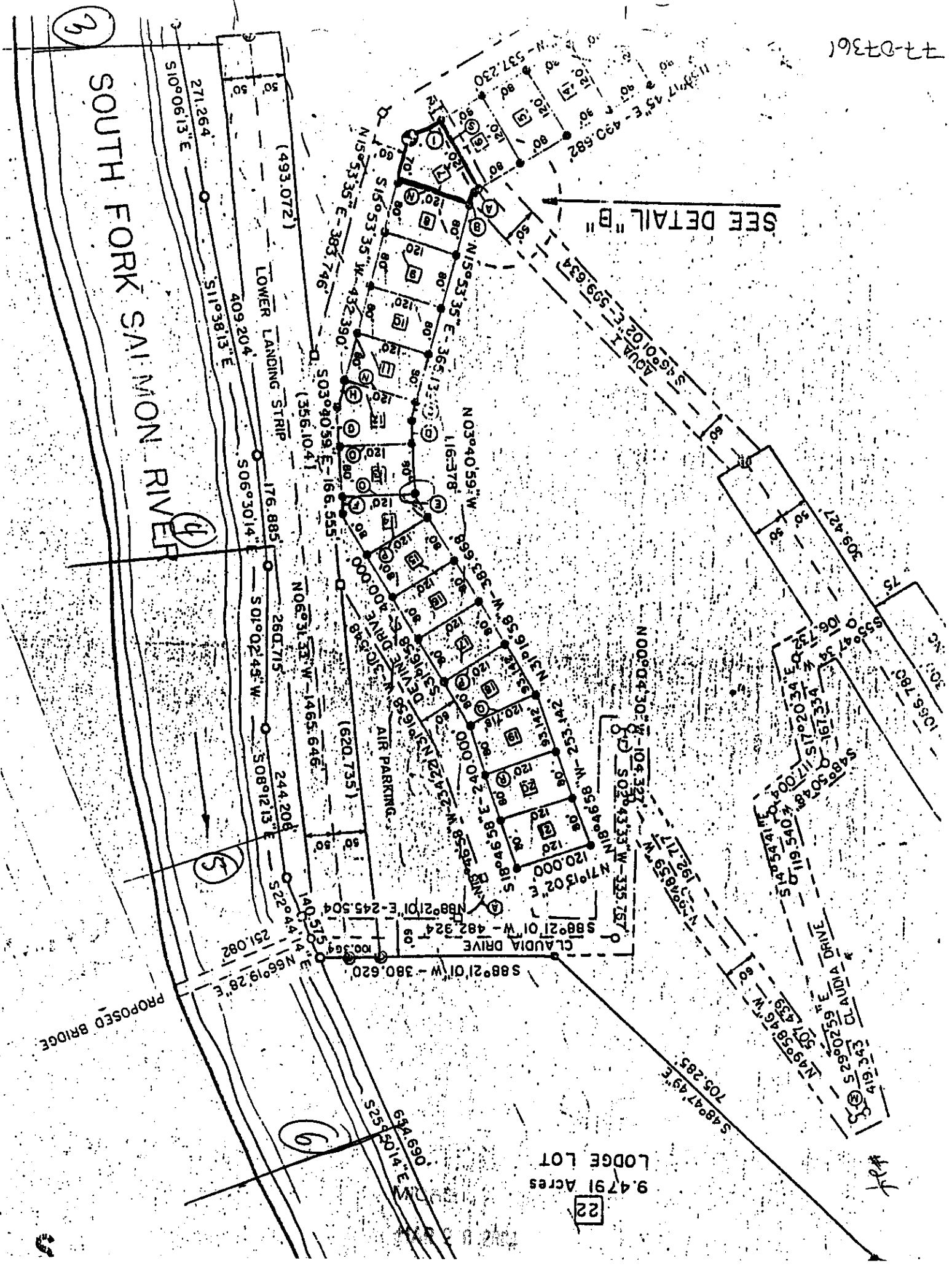
77-07361

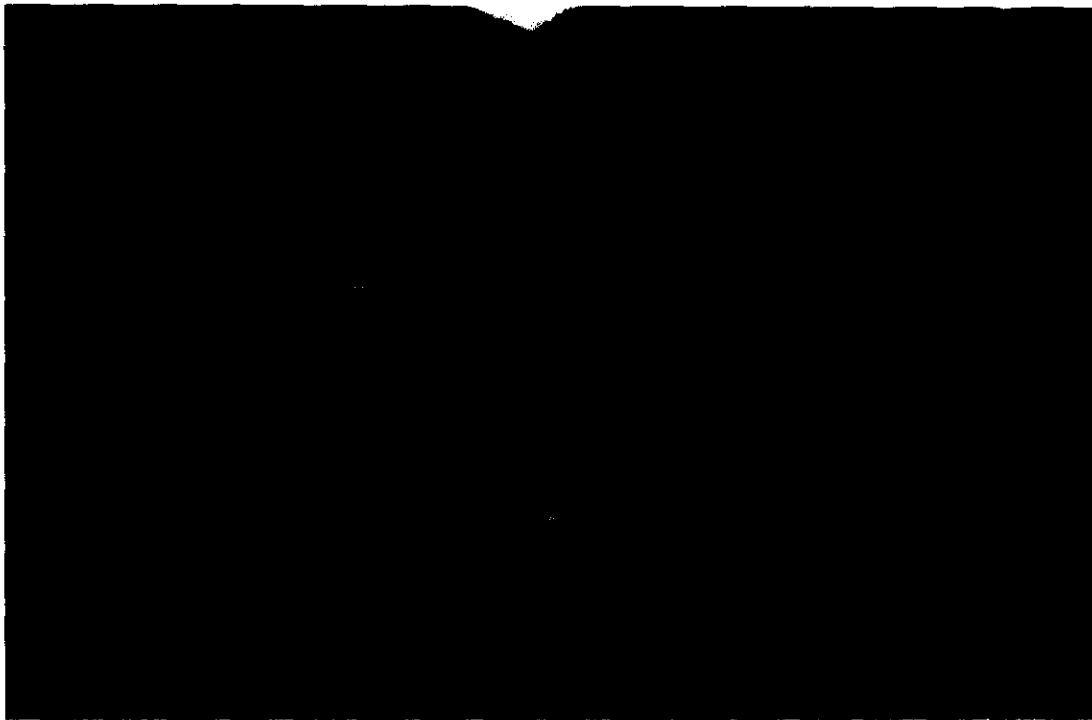
SOUTH FORK SALMON RIVER

SEE DETAIL "B"

9.4791 Acres
LODGE LOT

22





air strip

lawn area
on Lt 14



MICRO-11-13

SEP 2 0 2011

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Staff Analysis Sheet
Beneficial Use Field Report

RECEIVED
SEP 20 2001

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

- ☒ Blank Field Report Form
☒ Copy of Permit
☒ Copy of Proof of Beneficial Use
☒ Copies of any Amendments/Orders with Conditions of Approval
☒ Well Inspection Form (If Needed)
☒ Aerial Photo Required? ☐ yes ☒ no If yes: ☐ copy attached
☒ SRBA Claim Required (required if proof filed by 11-19-1987)
☐ Yes ☒ No If yes: ☐ claim filed? (check AJ5, AJQ1, AJQ4)
☒ Copy of U.S.G.S. Quad
☒ Check for Government Lots. If so, make a copy of government plat
☒ Check of P/D index by 9/6/01 (initial & date)
Overlap ☒ yes ☐ no If yes: ☐ copy of exam(s) attached? *
Type of Overlap: ☐ Same source ☐ Other source
☒ Check of P/U index by 9/6/01 (initial & date)
Overlap? ☒ yes ☐ no If yes: ☐ copy of water right(s) attached? *
Type of Overlap: ☐ Same land, same source
☐ Same land, other source
☐ Other land &/or other uses

*copies attached only if needed for analysis

N Irrigation from groundwater (all basins):

Surface water currently or previously used ☐ Yes ☐ No

If yes: identify water source, water right, and explain current or previous use.

N Scheduling Letter Sent? ☐ (initial & date)

☒ Appointment Made and Telephone Conversation Memo Attached

B. After Conducting the Exam, the File Contains:

- ☒ Fully Completed and Signed Field Report Form
☒ Photographs of Point of Diversion and Place of Use

C. Review and Processing:

Exam Completed by 9/18/01 (signature of examiner & date)

Exam Sent to State Office 9-28-01 AT (initial & date)



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

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

DIRK KEMPTHORNE
GOVERNOR

August 17, 1999

KARL J. DREHER
DIRECTOR

Duane Smith
207 N 3rd
McCall ID 83638

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 77-07335

Dear Permit Holder:

The department acknowledges receipt of the proof of beneficial use form submitted for the above referenced permit. The next step in the process of developing a water right is for the department to conduct a field examination to determine and confirm the use being made of the water.

Be advised that Section 42-248, Idaho Code, requires you or the owner of this water right to maintain current ownership and address records on file with the department. Forms to file a change of ownership of a water right and/or a change in the address of the water right owner are available from any department office.

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

Sincerely,

JULIE L. YARBROUGH, Administrative Assistant
Water Allocation Bureau

c: IDWR - Regional Office

MICROFILMED
AUG 23 1999

**ANALYSIS SHEET
FOR
PROOF OF BENEFICIAL USE**

Permit No. 77-07335 Reviewed by [Signature] Date 8-11-99

GENERAL CONSIDERATIONS

TYPES OF USE

yes Name same as permit?
yes Address same as permit?
yes Proof timely received? Correct Uses? yes
If not, complete calculation below.

SOURCE OF WATER

☒ Surface water source
☐ Ground water source
☐ Drilling permit required?
☐ Copy in the file? Drilling Permit No. _____
☐ Amount paid for permit _____ Correct?
☐ Well log in the file?

LICENSE EXAMINATION FEE

MEASURING DEVICE

yes Required?
50- Amount Submitted
yes Correct?
NO Required?
f Installed?
 Waiver requested?

PRIORITY CALCULATION

Date proof received	_____	$\begin{array}{r} - \\ = \\ + \end{array}$	_____
Date proof due	_____		_____
No. of days late	_____		_____
Priority Date	_____		_____
New Priority Date	_____		_____

DEFICIENCIES OR ACTION ITEMS

Proof acceptable

DATA ENTRY

New Address [X] Proof Made 5-14-99



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

May 28, 1999

RECEIVED

PHILIP E. BATT
GOVERNOR

JUN - 3 1999

KARL J. DREHER
DIRECTOR

Department of Water Resources

ROBERT DODGE
PRES COPENHAVER WATER SYSTEM #1
PO BOX 283
DONNELLY ID 83615

RE: SURFACE WATER FOR COPENHAVER SUBDIVISION

Dear Mr. Dodge:

Your recent application for a limited use community system from "Cherry Spring" for some of the lots in Copenhaver Subdivision has been reviewed. Before this office can process the filing, two steps are needed.

One, the Idaho Department of Fish & Game (IDFG) must determine that the proposal will not have an adverse effect on anadromous fish. If that occurs, step two involves a waiver to the Salmon River Moratorium (see attached). While the Salmon River Moratorium does not normally contemplate approval for community systems from surface water, it is possible that IDWR could issue a waiver and thereby approve the application based on IDFG's advice.

I sent a letter to IDFG regarding step one. After hearing from IDFG, I will contact you about step two. Meanwhile, please note the information listed below.

1) Lot 14 is already covered for in-house use from "Cherry Spring" under right no. 77-07335.

2) Lot 10 is already covered for in-house and yard uses from the same spring under right no. 77-07366.

3) Duplicate coverage from the same source cannot be approved.

4) The application can include in-house use for lots 1, 6, 11, 15, 16, 19 and 21 (7 units).

5) Yard irrigation can include Lots 1, 6, 11, 14, 15, 16, 19 and 21 (8 units)

6) Total area for lots in item 5 is about 2 acres based on the subdivision plat, and a generous estimate of actual land that would be irrigated is about 1 acre.

RECEIVED
AUG 23 1999

May 28, 1999
Page 2

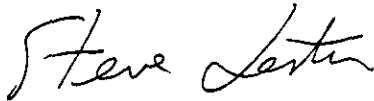
7) The applicant included a limit of 2,500 gallons/day per unit and eight unique units are involved per items 4 and 5.

8) If approvable, the application would provide up to .12 cfs for in-house use and up to .03 cfs for irrigation (department limits), not to exceed 2,500 gallons per day per home (applicant's self-imposed limit). The total rate of flow would be limited to .15 cfs per department standards.

9) Only \$50 is needed for .15 cfs, and a \$50 refund will be processed for the overpayment (paid \$100).

I will let you know how IDFG responds as soon as I hear from that agency, which should be soon. Please let me know if you have any questions about this situation.

Sincerely,



Steve Lester
Water Rights Supervisor

Enclosure

MICROFILMED
AUG 23 1999

RECEIVED

OCT 21 1997

Department of Water Resources

- OVERLAP Summary - COPENHAGEN Subd

DATE
1994

"Cherry Spring" 77-07335-Smith stated that sinter to permit
issued for 0/2 Lots 13-14 & inv. 3 acres
to include airstrip.

"Coyote Spring" 77-07336 Relinquished

77-07359	Blakstead	L. 9	} Source = So. Fork Salmon R. pending (advertised but need connect letters re IDfy)
77-07360	"	L. 10	
77-07361	Saleen	L. 7	

Summer
1997

77-07365	Blakstead	L. 9	} "Cherry Spring" (non-trib) for 0/1 as above
77-07366	"	L. 10	

Fall
1997

Will add 1/2 (inver) to 77-07335 division to leave 2 cabins.
wants separate inv's in case sells a cabin.

MICROFILMED

AUG 23 1999

* NOTES AS of
10/20/97

** Blakstead fax 376-2784 per discussion 10/20/97
Issue + IDfy coordination - Bull Trout issues.

50 SHEETS
22-141
100 SHEETS
22-142
200 SHEETS
22-144





State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

January 16, 1996

Duane B. Smith
207 N. 3rd
McCall, ID 83638

RE: Permit No. 77-07335

Dear Mr. Smith:

Thank you for the letter and photographs demonstrating your compliance with the condition that project construction be commenced within one year of the date your permit was issued. This information will be placed in your water right file.

Proof of beneficial use of water (upon the completion of your water delivery project) is due on December 1, 1999. Sixty days prior to this date, the department will notify you that proof is due and will send the necessary forms for you to fulfill this requirement.

Sincerely,

SHELLEY W. KEEN
Water Rights Supervisor

SWK:sc

MICROFILMED

AUG 23 1999

RECEIVED

JAN 10 1996

Department of Water Resources

Duane Smith
207 N. 3rd Street
McCall, Idaho 83638
(208)634-7015

State of Idaho
Dept. of Water Resources
1301 N. Orchard Street
Statehouse Mail
Boise, Idaho 83720-9000

January 5, 1995

RE: Permit #77-07335

Attention: Jim Johnson, Manager
Water Right Permit Section

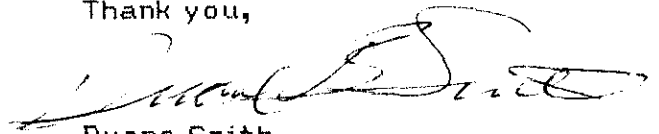
Dear Mr. Johnson,

I've enclosed 2 pictures showing our efforts on the Cherry Springs project. We are diligently proceeding with the development of this project in order to complete it according to schedule.

These pictures were taken in June of 1995 - during our one year commencement period. Picture #1 shows that we have tapped into the spring and put in a collection box. Picture #2 is the pipeline coming out of the collection box to turn the water on and off to service our home. We are currently using spring water for domestic use.

Please let us know if there is anything else we need to insure our permit is current and all conditions are met.

Thank you,



Duane Smith

MICROFILMED

MAR 23 1999



MICROFILMED

AUG 23 1999



State of Idaho
DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000
Phone: (208) 327-7900 FAX: (208) 327-7866

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

December 13, 1994

DUANE B SMITH
207 N 3RD
MC CALL ID 83638

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 77-07335

Dear Permit Holder:

Enclosed is a copy of your approved application for permit. Please be sure to thoroughly review the "CONDITIONS/REMARKS:" listing on the permit.

As a permit owner you must commence the excavation or construction of the diverting works within one year of the date the permit was issued, and you must proceed diligently until the project is completed. The date shown under condition no. 1 is the date when the project must be completed.

The Department will send you a "Proof Due Notice" approximately 60 days prior to the above referenced date requesting you to file either a Proof of Beneficial Use form or a Request for Extension of Time form.

Sincerely,

A handwritten signature in black ink, appearing to read 'JJ', followed by a horizontal line.

JIM JOHNSON, Manager
Water Right Permits Section

JJ:dc

Enclosures

DEC 20 1994

APPLICATION FOR PERMIT
STATE OFFICE REVIEW
by Cindy Zimmerman

No.: 77-7335 Name: Smith Date: 12/2/94 ^{12/6/94} Correct Fee? ☒

AREA OF CONCERN? - No/Yes S/C Mor GWMA Trust/Non-trust

SYSTEM COMPLETED: - 26A-P17 - spring/sinks

No - P16
Complete in 1 year - P16

Yes
Proof not submitted - P16
Proof submitted - NA

GROUNDWATER:

+ 0.2 cfs <FLO-CH> - 01G (new), 01K (existing), No MD
- 0.2 cfs - No MD <FLOW CHART>

Drilling Permit:

Included w/permit - Permit No. , P99
Existing well - NA (pre 7/1/87)
No WD permit? - 046-46A(Irr)-46B-P23 (post 7/1/87)

SURFACE WATER: not in WD - T17 (+.2 w/pump), No MD <FLOW CHART>

LOCATION:

Water District(~~dem~~) - WD No.
*Surface water - 005 (req) 01J-P08 <FLOW CHART>
(doesn't sink) or 01H-P01 <FLOW CHART>; No MD
Groundwater - P05 (new irrigation well)
In stream channel - 030 (stream channel alteration)
Irr Dist/Canal Co. - 023 (Twin Falls area)
Drainage Districts - 024
Flood Control Dist. - 063
Boise Front (63) - 058 (-85° GW temp only)
Swan Falls Flag - B <SEE CONDITION CODE CHART>
Trust - 051-052-053-P74 (Consumptive Uses), NA
Non Trust <1> - 048-049 (Consumptive Uses), NA

RIVER BASINS (*Surface water):

Boise R(63) - 05A (if WD), 11E (non-domestic use), NA
Payette R(65) - 064(consump. use), 047-P04(Payette Lake), NA
Snake R(01/02/03) - 11A-P04 (01), 061-P07 (02/03 No WD Cond.), NA

USE:

Fish Propagation - 07A-042 (req) & 010/06A/09E(WQ)-P10
044 (N 1000 Spr)
Irrigation - 03A/057, 803(if GW use SW 1st)(+5A PU comp), NA
Power - 08A-17K-025-027(req); 01F(MD)-P19; 09E(WQ)-P10;
+25 cfs-P18; 17G(FERC) or 17M(FERC); 18B-P09
Mining - 054 (req) & 06A/010/09E-P10
Storage(✓ 3 compo.) - 18A(multi MD in WD), 18B-P09 (+10' dam), NA
Domestic (surface) - 021(Boise R ↑ L Peak), 064(Payette R), NA

OWNERSHIP:

Non land owner - 004 (PD/PU) Orland Badley/leasehold

PROTESTED:

- 020(Prehearing agreement)/W10(See Order)

OTHER CONDITIONS:

REMARKS:

- ① W33 ② W01/2 ③ W04 ④ PU LT 13.14, Copenhagen Subd. & Lower Landing Strip
⑤ PU LT 25 Copenhagen Subd. ⑥ Source locally known as Cherry Spring.

BENEFICIAL USE DUE:

- 12-1-1999

COMMENTS:

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
DIVERSION APPLICATION ANALYSIS SHEET

INITIAL REVIEW BY: lg DATE: 3/23/94 APPLICATION: 77-07335

REQUIRED INFORMATION

☒ Name: (If applicant is a corporation or partnership, names and addresses for the director, officers, and other partners must be included.)
☒ Address:
☒ Source: (See USGS Quad for names of water sources)
☒ Point of Diversion: (10 acres for spring, lot & block descriptions for subdivisions, local name)
☒ County:
☒ Quantity: (flow and/or volume)
☒ Period of use: Gov't. Lots: ☒ P/D
☒ Nature of proposed use: (Include description of use) ☒ P/U
☒ Description of diverting works:
☒ Time required for beneficial use of water:
☒ Place of use or acres irrigated:
☒ Map:
☒ Signature: (If applicant is corp., partnership, or municipality, title of signatory is required)
☒ Fee:
☒ Yes ☐ No* In form to receipt:

ADDITIONAL INFORMATION

YES	NO	
☐	☒	Overlapping place of use: (Describe source & relationship to present application on the back.)
☐	☒	Overlapping point of diversion:
☐	☐	Field check required: Field check by: _____
☐	☐	Field report attached:
☐	☒	Critical groundwater area:
☐	☒	Groundwater management area:
☐	☒	1992 moratorium <i>see comments</i>
☐	☒	Copy to SCA staff (perennial stream, non-pump diversion):
☐	☒	Send dam safety information:
☐	☒	Send power requirement letter:
☐	☒	Send fish farm requirement letter:
☐	☒	Power residency affidavit:
☐	☒	Power efficiency form:
☐	☒	Within trust water boundary: (If yes, attach Trust Water Supplementary Analysis Sheet.)
☐	☒	Diversion greater than 5 cfs or 500 af or irrigation greater than 200 acres: (If yes, attach Large Diversion supplementary analysis sheet.)
☐	☒	<u>*REQUEST ADDITIONAL INFORMATION FROM THE APPLICANT</u>

DATE REQUESTED: _____

☒ Additional information on reverse side:

RECEIVED
NOV 28 1994

Department of Water Resources

PROCESSING

APPLICATION NO. _____

17-07335

YES NO

☒ ☐
☐ ☒
☒ ☐

In form for advertising:

Statewide advertising: (> 10 cfs &/or 1000 af)

Fee amount, receipt number and date recorded on application:

SEND COPIES TO

YES NO

☐ ☒
☐ ☒
☐ ☒
☐ ☒

I.D. Health and Welfare

I.D. Fish and Game

I.D. Lands

Adjudication Bureau

YES NO

☐ ☒
☐ ☒
☐ ☒
☐ ☒

U.S. BLM

U.S. Forest Svc.

Water Dist. # _____

Other _____

FINAL REGIONAL PROCESSING REVIEW

YES NO

☒ ☐
☒ ☐

Affidavit of publication received:

Application published correctly: If not, record action taken.

Publication dates and paper recorded on application:

Protests received. Final date for protest 4-25-94

Protest dates, resolution of protest recorded on application:

Recommendations attached:

Measuring device required:

Measuring port required:

Water delivered by water master? District # _____

Special conditions of approval or cover letter: _____

See below for additional information

Recommended Date or Priority _____

Recommended by: _____ Date _____

STATE OFFICE REVIEW

See below for additional information. By _____ Date _____

ADDITIONAL INFORMATION



State of Idaho
DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

November 22, 1994

LINDA L FITCH DIST RANGER
US FOREST SERVICE
PO BOX 1026
MCCALL ID 83638

Re: Application for Permit No. 77-7335 in the Name of Duane B. Smith

Dear Protestant:

This letter is to acknowledge your withdrawal of protest against the above-referenced application for water right.

The Department now will continue to process the application, subject to certain conditions of approval.

We also note that you still have a protest against application #77-7336. Would you please let us know the disposition of this protest.

If you have any questions please call this office.

Sincerely,

A handwritten signature in cursive script that reads "David R. Tuthill, Jr." followed by a large, stylized flourish.

DAVID R. TUTHILL, JR., P.E.
Manager, Western Regional Office

DRT:st

CC: Duane B. Smith
Randy Zuniga, USFS

DEC 20 1994



United States Forest
Department of Service
Agriculture

Payette
National
Forest

McCall
Ranger
District

P.O. Box 1026
McCall, ID
83638

Reply To: 2720

Date: November 8, 1994

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
WESTERN REGION
2735 AIRPORT WAY
BOISE ID 83705-5082

Dear Mr. Tuthill, Jr.:

The McCall Ranger District of the Payette National Forest would like to withdraw its protest for an application for Permit No. 77-7335 in the name of Duane B. Smith. It has been determined that Mr. Smith does not intend to draw or have any points of diversion for any water from the Cherry Springs Permit that would be on National Forest System Lands. All the water will be diverted on private property (see attached letter, dated June 8, 1994).

Please contact Gary Elliot at (208)634-0415 for further information.

Sincerely,

L. L. Fitch

LINDA L. FITCH
District Ranger

Enclosure

RECEIVED

NOV 14 1994

WATER RESOURCES
WESTERN REGION

DEC 20 1994



Caring for the Land and Serving People



Duane Smith
Bob Dodge
207 N. 3rd Street
McCall, Idaho 83638

Allison Nelson
United States Forest Service
Payette National Forest
McCall, Idaho 83638

June 8, 1994

Dear Allison,

This letter is to let you know that we do not intend to draw or have any points of diversion for any water from Cherry Springs--Permit No. 77-7335--that would be on National Forest system lands. All water used or points of diversion will be on private property.

With this in view, we request that the Forest Service withdraw their protest to our application for Permit No. 77-7335 in the name of Duane B. Smith.

Thank you for your help in this matter. We would like to proceed with the State of Idaho Department of Water Resources to have our permit approved as soon as possible. Please contact us if there would be anything further we need to do to resolve this matter.

Sincerely,


DUANE B. SMITH


BOB DODGE

DBS/ams

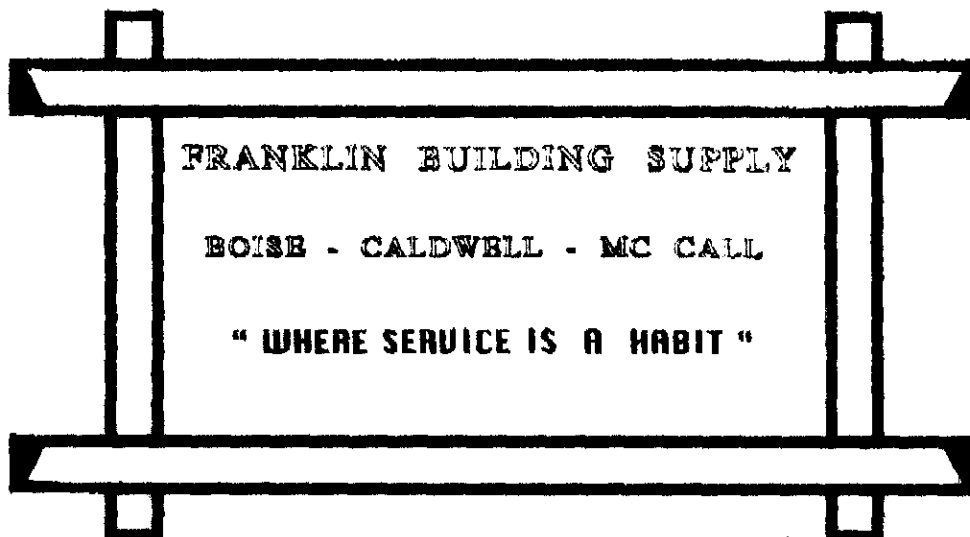
CC: David R. Tuthill, Water Resources, Boise, ID

RECEIVED

NOV 14 1994

WATER RESOURCES
WESTERN REGION

DEC 20 1994



PHONE NO. : 208 - 634-8111

DATE: 11/15/94

FAX NO.: 208 - 634-4811

NO. of PAGES 2COMPANY : Water ResourcesATTENTION : Jane TaylorFROM : Bob Nodge (Diane Smith)

REFERENCE:

Jane - Here is a copy
of the letter from PNE withdrawing
their protest for permit # 77-7335.
They supposedly mailed it Nov. 10th.
Please let us know if you don't
receive it in the next few days.
Albina Smith 634-7015 or Bob Nodge
c 634-8111 -

THANKS!

DEC 20 1994



United States
Department of
Agriculture

Forest
Service

Payette
National
Forest

McCall
Ranger
District

P.O. Box 1026
McCall, ID
83638

Reply To: 2720

Date: November 8, 1994

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
WESTERN REGION
2735 AIRPORT WAY
BOISE ID 83705-5082

Dear Mr. Tuthill, Jr.:

The McCall Ranger District of the Payette National Forest would like to withdraw its protest for an application for Permit No. 77-7335 in the name of Duane B. Smith. It has been determined that Mr. Smith does not intend to draw or have any points of diversion for any water from the Cherry Springs Permit that would be on National Forest System Lands. All the water will be diverted on private property (see attached letter, dated June 8, 1994).

Please contact Gary Elliot at (208)634-0415 for further information.

Sincerely,

LINDA L. FITCH
District Ranger

Enclosure

cc:

SO

Duane B. Smith

Bob Lodge

MAILED
NOV 15 1994

DEC 20 1994



Caring for the Land and Serving People



State of Idaho Dept. of Water Resources
Western Region
2735 Airport Way
Boise, Idaho 83705-5082

RECEIVED

OCT 03 1994

WATER RESOURCES
WESTERN REGION

September 28, 1994

ATTENTION: Sue Taylor

Enclosed is a copy of the letter sent to the United States Forest Service and your office on June 8, 1994. Apparently, the first copy of this letter was lost and does not appear in our file. Please place this copy in our file for future reference. The United States Forest Service has not responded yet, but we will continue correspondence with them.

Thank You.

Alberta Smith
207 N. 3rd. St.
McCall, Id. 83638
(208) 634-7015

RECEIVED
DEC 20 1994

RECEIVED

OCT 03 1994

WATER RESOURCES
WESTERN REGION

Duane Smith
Bob Dodge
207 N. 3rd Street
McCall, Idaho 83638

Allison Nelson
United States Forest Service
Payette National Forest
McCall, Idaho 83638

June 8, 1994

Dear Allison,

This letter is to let you know that we do not intend to draw or have any points of diversion for any water from Cherry Springs--Permit No. 77-7335--that would be on National Forest system lands. All water used on points of diversion will be on private property.

With this in view, we request that the Forest Service withdraw their protest to our application for Permit No. 77-7335 in the name of Duane B. Smith.

Thank you for your help in this matter. We would like to proceed with the State of Idaho Department of Water Resources to have our permit approved as soon as possible. Please contact us if there would be anything further we need to do to resolve this matter.

Sincerely,


DUANE B. SMITH


BOB DODGE

DBS/ams

CC: David R. Tuthill, Water Resources, Boise, ID

DEC 20 1994



State of Idaho
DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

September 22, 1994

RANDY ZUNIGA
US FOREST SERVICE
PAYETTE NATIONAL FOREST
PO BOX 1026
MCCALL ID 83638

Re: Applications for Permit Nos. 77-7339 in the Name of Dwight
&/or Linda Cross, 77-7332 in the Name of Arnold &/or Sue
Johnson and 77-7335 and 77-7336 in the Name of Duane Smith

Dear Randy:

Enclosed are copies of the above-referenced applications for
permit. Please review these and let us know their status so we
can update our files.

Thanks for your help.

Sincerely,

DAVID R. TUTHILL, JR., P.E.
Manager, Western Regional Office

DRT:st

Encl.

DEC 20 1994

✓ DMR

File

RECEIVED

JUN 16 1994

WATER RESOURCES
WESTERN REGION

Duane Smith
Bob Dodge
207 N. 3rd Street
McCall, Idaho 83638

Allison Nelson
United States Forest Service
Payette National Forest
McCall, Idaho 83638

June 8, 1994

Dear Allison,

This letter is to let you know that we do not intend to draw or have any points of diversion for any water from Cherry Springs--Permit No. 77-7335--that would be on National Forest system lands. All water used or points of diversion will be on private property.

With this in view, we request that the Forest Service withdraw their protest to our application for Permit No. 77-7335 in the name of Duane B. Smith.

Thank you for your help in this matter. We would like to proceed with the State of Idaho Department of Water Resources to have our permit approved as soon as possible. Please contact us if there would be anything further we need to do to resolve this matter.

Sincerely,


DUANE B. SMITH


BOB DODGE

DBS/ams

CC: David R. Tuthill, Water Resources, Boise, ID

DEC 20 1994

CONVERSATION MEMORANDUM

DATE 5/26/94FILE 77-07335NAME OF PARTY Alberta Smith

-07336

EMPLOYEE Steve LesterRE: Protested Appls.Called to convey info provided by Forest Service to applicant:

77-07335 - "Cherry Spring" P/O on/over F.S./Private property boundary. F.S. has no objection if develop pld on non-F.S. land. If F.S. Sends letter w/ drawing protest, perhaps with specific language @ this concern, dept. can proceed with application.

→ May be receiving letter from F.S. @ withdrawal of protest soon.

77-07336 - "Coyote Spring" P/O in wilderness area.

F.S. has no means to grant special use permit for this. F.S. suggested applicant may need to work with higher level beyond F.S. to resolve this. So this filing will probably

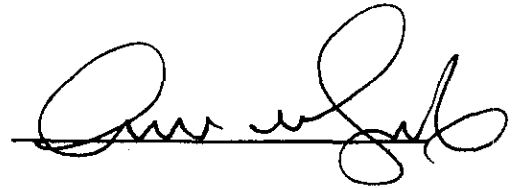
→ remain protested pending outcome of applicant's add'l contacts. She said they (applicant) might write to Pres. Clinton on this.

DEC 20 1994

AFFIDAVIT OF PUBLICATION

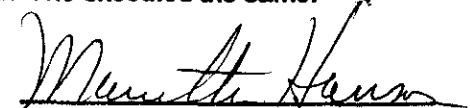
STATE OF IDAHO
County of Idaho - ss.

Andrew J. McNab, being first duly sworn, says he is the Publisher of the IDAHO COUNTY FREE PRESS, a weekly newspaper published and issued weekly at Grangeville, Idaho county, State of Idaho, and is of general circulation in said county and state, that the said notice, of which the one hereto attached is a true copy, was published in said paper for two weeks, being published two times, the first publication being on the 7th day of April, 19 94, and the last publication on the 14th day of April, 19 94; and that the said notice was published in the newspaper proper and not a supplement; that said newspaper has been continuously and uninterruptedly published in said county during a period of seventy-eight consecutive weeks prior to the publication of said notice or advertisement.



STATE OF IDAHO }
COUNTY OF } IDAHO

On this 14th day of April in the year of 1994,
Before me, a Notary Public, personally appeared _____
Andrew J. McNab, known or identified to me
to be the person whose name subscribed to the within instrument, and
being by me first duly sworn, declared that the statements therein are
true, and acknowledged to me that he executed the same.


Notary Public for Idaho
Residing at Grangeville, ID
My commission expires: 10-8-99

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APR 28 1994

WATER RESOURCES
WESTERN REGION

DEC 20 1994



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

April 20, 1994

CECIL D. ANDRUS
GOVERNOR

ROBERT C JOSLIN
ACTING REGIONAL FORESTER
USDA FOREST SERVICE
324 25TH ST
OGDEN UT 84401

R. KEITH HIGGINSON
DIRECTOR

Re: Applications for Permit Nos. 77-7335 and 77-7336 in the
Name of Duane B. Smith

Dear Protestant:

This office acknowledges receipt of your protest to the issuance of a permit pursuant to the above referenced application. The Department suggests you contact the applicant(s) directly in an effort to determine what is proposed by the application and to attempt to resolve the protest.

If this office has not been advised within twenty (20) days that the protest has been resolved, the matter will be scheduled for conference. At such a conference, the following are the principle items the Department can consider 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. Has the applicant sufficient financial resources with which to complete the project?
5. Will the proposed use under this permit conflict with the local public interest?
6. Will the proposed use be contrary to conservation of water resources within the state of Idaho?

If this office can be of further assistance, please contact us.

Sincerely,

DAVID R. TUTHILL, JR., P. E.
Manager, Western Regional Office

DRT/st

CC: Randy Zuniga, USFS, McCall, ID

DEC 24 1994



State of Idaho
DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

April 20, 1994

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

DUANE B SMITH
207 N 3RD
MCCALL ID 83638

Re: Applications for Permit Nos. 77-7335 and 77-7336

Dear Applicant:

Enclosed is a copy of a protest(s) filed against the issuance of a permit pursuant to the above-referenced application. The Department suggests that you contact the protestant(s) and attempt to resolve the protest(s).

If this office has not been advised within twenty (20) days that the protest(s) has been resolved, the matter will be scheduled for a conference. At such a conference, the following are the principle items the Department will review (per 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. Has the applicant sufficient financial resources with which to complete the project?
5. Will the proposed use under this permit conflict with the local public interest?
6. Will the proposed use be contrary to conservation of water resources within the state of Idaho?

Please contact this office if you have questions regarding this procedure.

Sincerely,

DAVID R. TUTHILL, JR., P.E.
Manager, Western Regional Office

Enclosure: Copy of protest(s)

RECEIVED
APR 20 1994



RECEIVED

APR 18 1994

WATER RESOURCES
WESTERN REGION

RECEIVED

APR 15 1994

Department of Water Resources

Reply to: 2540-1

Date: APR 13 1994

Mr. R. Keith Higginson
Director
Idaho Department of Water Resources
1301 North Orchard Street
Statehouse Mail
Boise, ID 83720

Dear Mr. Higginson:

We are writing to protest Applications for Permit Nos. 77-7335 and 77-7336 filed by Duane Smith to appropriate 0.15 cfs from each of two sources for irrigation and domestic uses. We believe these Applications should be denied for the following reasons:

1. The points of diversion as described on the Application for Permit No. 77-7335 appear to be on National Forest system lands. No Special Use Permit (SUP) has been applied for by the applicant. Without a SUP the applicant would not be able to put the water to beneficial use.

2. Both Applications are associated with water within anadromous fish drainages. Therefore, a Biological Assessment (BA) is required before any activities may occur. The BA cannot be prepared until an appropriate environment document has been issued. It could be up to two years before this could be accomplished.

3. Application No. 77-7336 also lies within a congressionally designated Wilderness. Water developments within a Wilderness require Presidential authorization to accomplish. The Forest has no authority to permit such developments within a Wilderness.

In view of the above, any action on these Permits should be denied.

Sincerely,

Robert C. Joslin
ROBERT C. JOSLIN
Acting Regional Forester

APR 20 1994



77-07335

SMITH, DUANE B
207 N 3RD
MC CALL, ID 83638

Source: SPRING

Tributary: SINKS

Diversion Pt: NESESW Sec 31 T 24N R 08E in IDAHO County.
 SESESW Sec 31 T 24N R 08E in IDAHO County.
 NWSWSE Sec 31 T 24N R 08E in IDAHO County.
 SWSWSE Sec 31 T 24N R 08E in IDAHO County.

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Use: IRRIGATION      ( .090 CFS)
    DOMESTIC         ( .060 CFS)
        Total Diversion: ( .150 CFS)

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Date Filed: 3/21/1994

In: IDAHO County
T23N R08E S06 NENE

3.0 ACRES TOTAL

20 1994