

RECORD OF SURVEY
situate in
S 1/2 SE 1/4, Section 3,
T.16N., R.1W., B.M.,
Adams County, Idaho
for

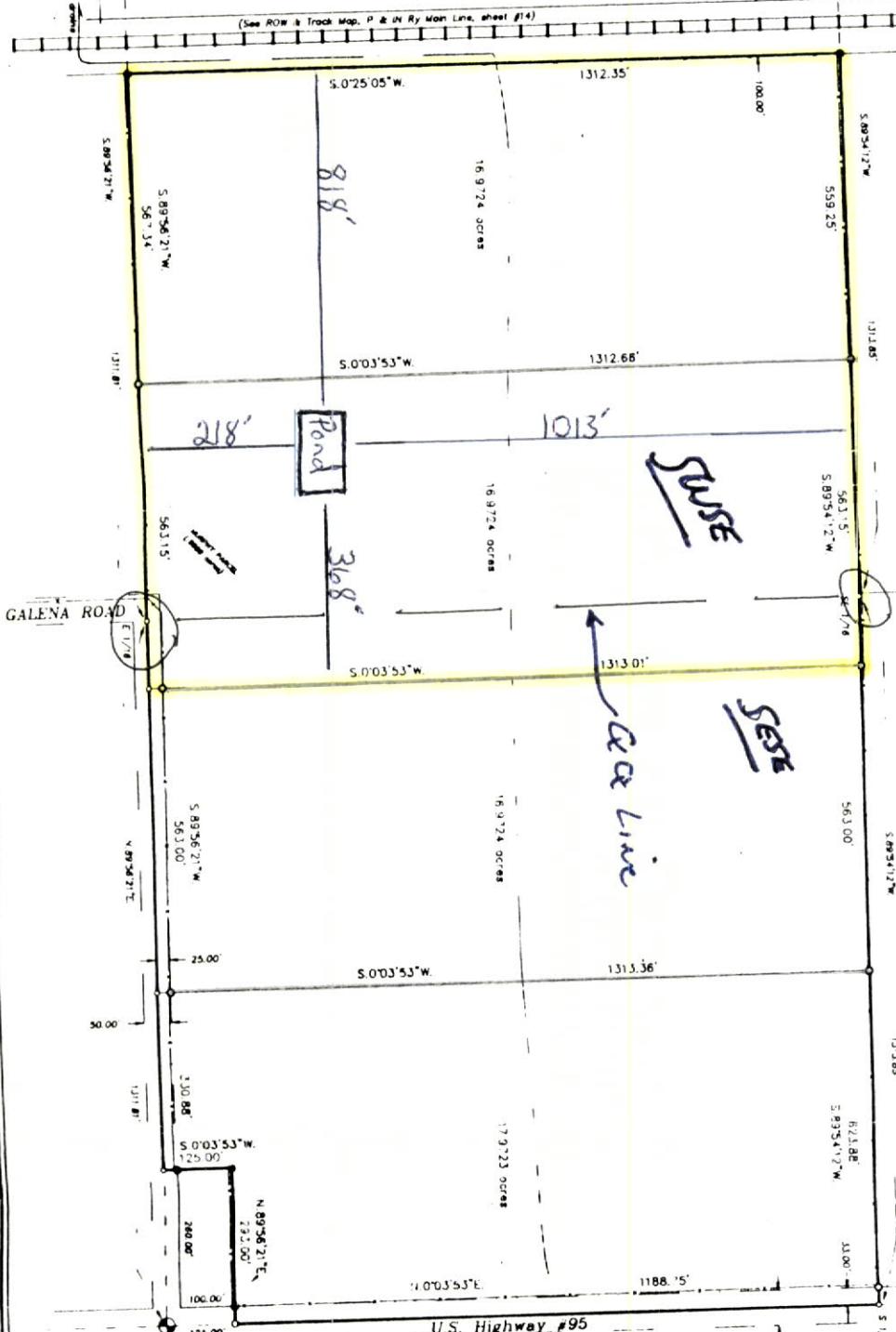
LILLIAN BALLARD

by Russell Surveying, Inc.
McCall Idaho
October 1992.

Pond
125' Long
60' wide

Douglas W. Smith

*gov't lots N 1/2 N 1/2
S. 3 only - 8/9/94*



Book Page
of Records of Surveys
Instrument No.

RECORDERS STAMP

NOV 07 1994

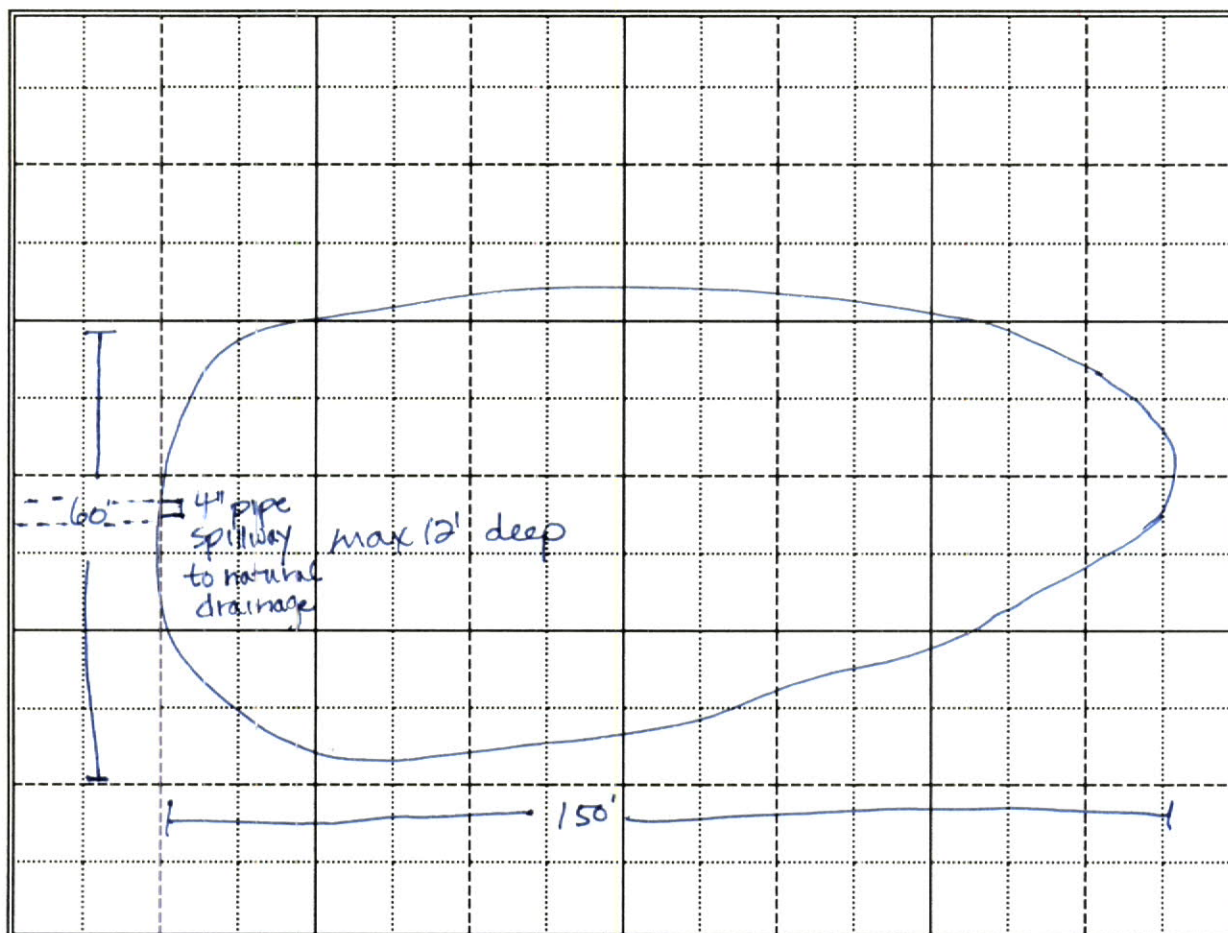
SCALE: 1" = 150'
Bearings based on Record of Survey
Inst. #66158

LEGEND
● = Set 5/8" x 30" rebar, marked LS 6021
○ = Set 1/2" x 24" rebar, marked LS 6021
○ = Point not monumented



John Russell, a Registered Land Surveyor, do hereby certify that this plat was prepared from notes taken during an actual survey made on the October, 1992, and that it correctly shows the points, courses and distances as determined and noted.

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



Scale: 1" = NTS

DISTANCE EST. BY PACING

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

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

☐ 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.

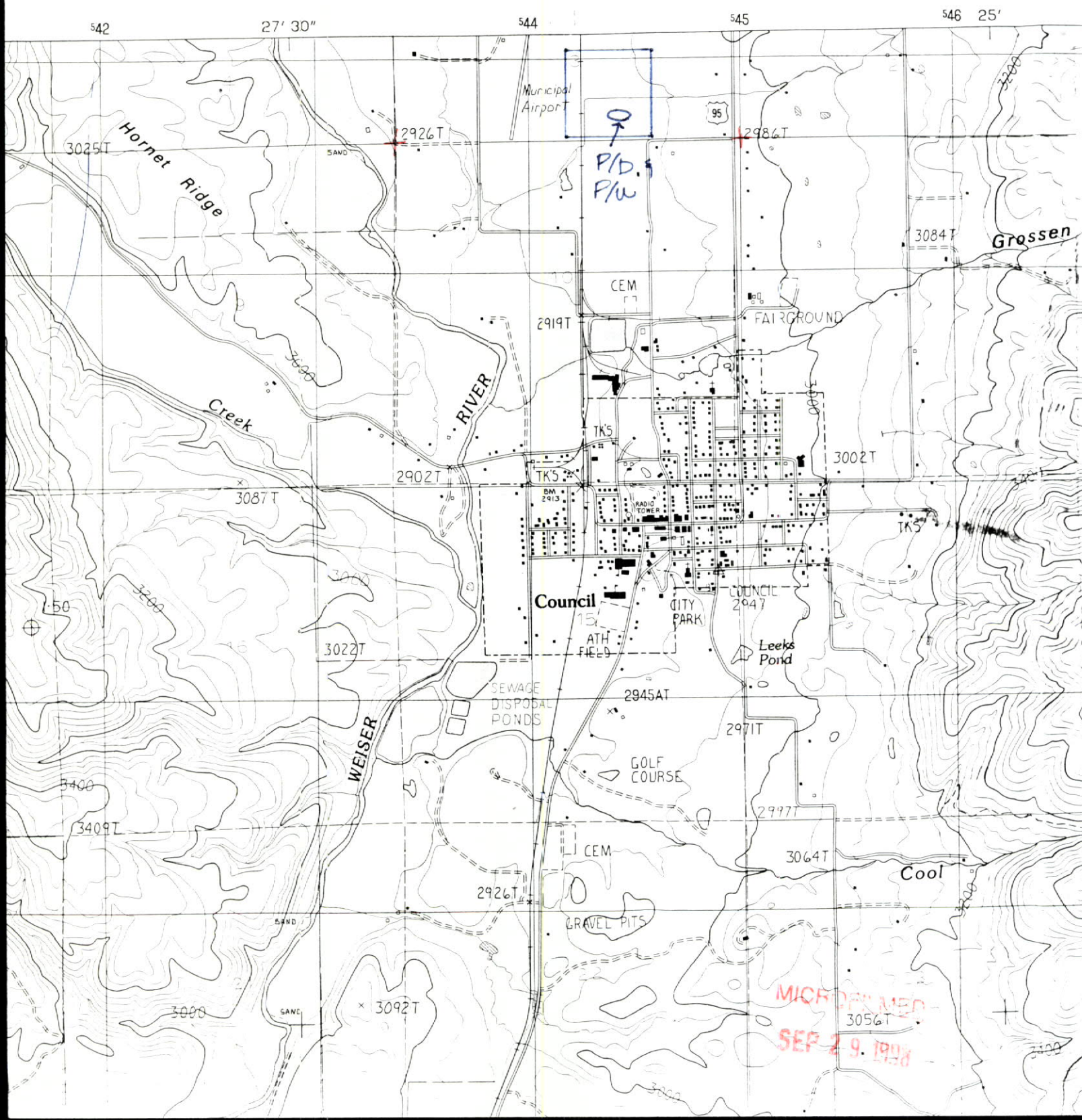
Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date

2. Measurements: NONE POSSIBLE

MICROFILMED

SEP 29 1998

7-7





P/W/P/D
view to west,
length of pond



attet @ West
end

MICROFILMED
SEP 29 1998

67-07971

State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 67-07971

Priority: July 15, 1994

Maximum Diversion Rate:

0.02 CFS

Maximum Diversion Volume:

1.3 AF

This is to certify, that DOUGLAS W SMITH
PO BOX 305

COUNCIL ID 83612-0305 has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated July 15, 1994; and has submitted Proof of Beneficial Use on September 19, 1995. An examination indicates that the works have a diversion capacity of 0.020 cfs of water from a **GROUNDWATER** source, and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
STOCKWATER	01/01 to 12/31	0.02 CFS	0.3 AF
STOCKWATER STORAGE	01/01 to 12/31		1.0 AF
	Totals	0.02 CFS	1.3 AF

LOCATION OF POINT(S) OF DIVERSION:

SWSE , Sec. 3, Township 16N, Range 01W
ADAMS County

PLACE OF USE: STOCKWATER

TWN RGE SEC

16N 01W 3 SWSE

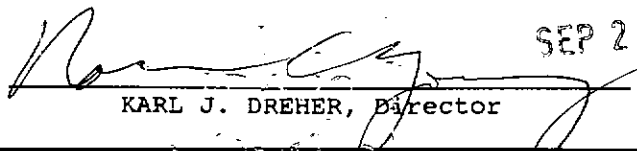
CONDITIONS OF APPROVAL AND REMARKS

1. The maximum diversion volume is defined as the maximum allowable volume of water that may be diverted annually from the source under this right. The use of water confirmed by this right is limited to the amount which can actually be beneficially used. The maximum diversion volume may be adjusted to more accurately describe the beneficial use or to implement accepted standards of diversion and use efficiency.
2. This water right is appurtenant to the described place of use.
3. This right is subject to all prior water rights and may be forfeited by five years of non-use.
4. Modifications to or variance from this license shall be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code, Witness the seal and signature of the Director, affixed at Boise, this day of AUGUST, 1998.

28TH
MICROFILMED

SEP 29 1998


KARL J. DREHER, Director

RECEIVED

SEP 19 1995

FOR OFFICE USE ONLY

Amt. of Fee \$: _____

Receipt No. _____

Receipt By: _____

Date Received: _____

Department of Water Resources **STATE OF IDAHO**
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. 167-07971 Telephone No. 208-253-4813
2. Name(s) of Permit Holder(s): Douglas W. Smith
3. Mailing Address: PO Box 305 Council ID 83612
4. Source of Water: Groundwater 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):
Domestic (No. of households): _____ Stockwater (No. and type of stock): 4 Horse 25 cows
Irrigation (No. of acres): _____ Other: _____
6. Total rate of diversion and/or volume for which proof is submitted: 0.02 cfs OR 1.0 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 <u>X</u>
	Has the measuring device been installed?	Yes _____	or	No <u>X</u>
Flow Measurement Port:	Is a flow measurement port required?	Yes _____	or	No <u>X</u>
	Has the measurement port been installed?	Yes _____	or	No <u>X</u>
8. Fee Enclosed: \$ _____ (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.
Name: Douglas W. Smith Telephone Number: 208-253-4813
Address: Box 305 Council ID 83612
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: _____

Douglas W. Smith
(include your title, if on behalf of company or organization)

Date: 9-18-95

NOV 14 1995

State of Idaho
Department of Water Resources
Permit To Appropriate Water

NO. 67-07971

Proposed Priority: July 15, 1994 Maximum Diversion Rate: 0.02 CFS

This is to certify, that DOUGLAS W SMITH

PO BOX 305

COUNCIL ID 83612-0305

has applied for a permit to appropriate water from: GROUNDWATER

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>	<u>ANNUAL VOLUME</u>
STOCKWATER	01/01 to 12/31	0.02 CFS	
STOCKWATER STORAGE	01/01 to 12/31		1.0 AF
	Totals	0.02 CFS	

LOCATION OF POINT(S) OF DIVERSION:

SWSE , Sec. 3, Township 16N, Range 01W
ADAMS County

PLACE OF USE: STOCKWATER

TWN RGE SEC

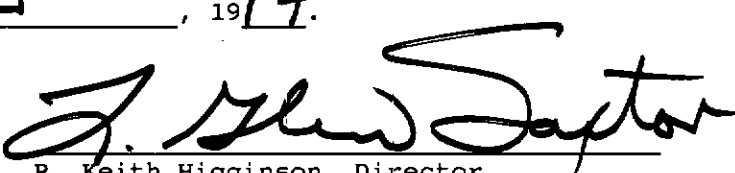
16N 01W 3 SWSE

CONDITIONS/REMARKS:

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before November 1, 1995.
2. Subject to all prior water rights.
3. Stockwater is for 3 horses and 25 range cattle.

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

28th day of October, 1994.

for 
R. Keith Higginson, Director

RECEIVED
NOV 07 1994

Ident. No. 67-07971

RECEIVED

SEP 23 1994

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

Department of Water Resources

To appropriate the public waters of the State of Idaho

1. Name: DOUGLAS W SMITH
Address: BOX 305
COUNCIL ID 83612

208-253-4813

2. Source: GROUNDWATER

Trib. to:

3. Location of Point of Diversion:

SWSE Sec. 3, Township 16N, Range 01W
ADAMS County

4. Water will be used for the following purposes:

Purpose	From	To	CFS	(or)	AF
STOCKWATER	01/01	12/31	0.020		
STOCKWATER STORAGE	01/01	12/31			1.00

5. Total quantity to be appropriated is:

0.020 CFS (and/or) AF

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc.

EXISTING POND

b. Height of storage dam feet; active reservoir capacity 1.00
acre-feet; total reservoir capacity 1.00 acre-feet; period of
year when water will be diverted to storage: 1/01 to 12/31 inclusive.

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

d. Is groundwater with a temperature greater than 85F being sought? NO

e. 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 1 year(s).

8. Place of Use: STOCKWATER

TWN RGE SEC

16N 01W 3

SWSE

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NOV 07 1994

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:

Stockwater is for 3 horses and 25 range cattle.

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.

Applicant

Received by _____ Date _____ Time _____ Preliminary check by _____

Fee \$ 50.00 Receipted by _____ #W017755 Date 7/15/1994

Publication prepared by _____ Date _____ Published in _____

Publication approved _____ Date _____

NOV 07 1994

Comments: Date: 8/10/1994 User-ID: STAYLOR

Subject:

Development of Pond

Development of pond is to have groundwater that originated and disapates on my property for stockwater and to dry out surrounding ground so I can cross area and farm ground closer to swamp.

NOV 07 1994

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

Ident. No. 67-7971

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JUL 15 1994

WATER RESOURCES
WESTERN REGION

To appropriate the public waters of the State of Idaho

1. Name of applicant Douglas W Smith Phone 208-253-4813
Post office address Box 305 Council Idaho 83612

2. Source of water supply GROUND WATER which is a tributary of NONE

3. Location of point of diversion is — $\frac{1}{4}$ of SW $\frac{1}{4}$ of SE $\frac{1}{4}$, Govt. Lot 3
Sec. 3 Township 11 North Range 1 WEST B.M. ADAMS County; additional
points of diversion if any: NONE

4. Water will be used for the following purposes:

Amount .02 for Stock Water purposes from Jan 1 to Dec 31 (both dates inclusive)
(cfs or acre-feet per annum)

Amount 1.0 for Stockwater storage purposes from Jan 1 to Dec 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) .02 and/or (b)
cubic feet per second acre feet per annum

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. Existing Excavated pond
125' x 60' x 6'

b. Height of storage dam N/A feet; active reservoir capacity 1.0 acre-feet; total
reservoir capacity 1.0 acre-feet; period of year when water will be diverted to storage:
1/1 to 12/31 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? NO

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

Well was drilled for (well owner)

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

* clarified per telecon with Mrs. Smith. Not
add'l. uses - just standard scenario for
small pond. -82 8/9/94

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. 3 HORSES & 25 RANGE CATTLE *
- c. Municipal; show name of municipality. _____
- d. Domestic; show number of households. _____
- 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.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
16N	1W	3															S		—

Total number of acres to be irrigated _____

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

11. a. Who owns the property at the point of diversion? Douglas W. Smith
- b. Who owns the land to be irrigated or place of use? Douglas W. Smith
- c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing. _____

12. Remarks: My development of my pond is to have ground water that originates and originates on my property for stock water and to dry out surrounding ground so I can cross area and farm ground closer to swamp. Comment.

* per 8/6/94 with Mrs. Smith & per applicant's map.

10/4/97 15021

RECORD OF SURVEY
situate in
S 1/2 SE 1/4, Section 3,
T.16N., R.1W., B.M.,
Adams County, Idaho
for

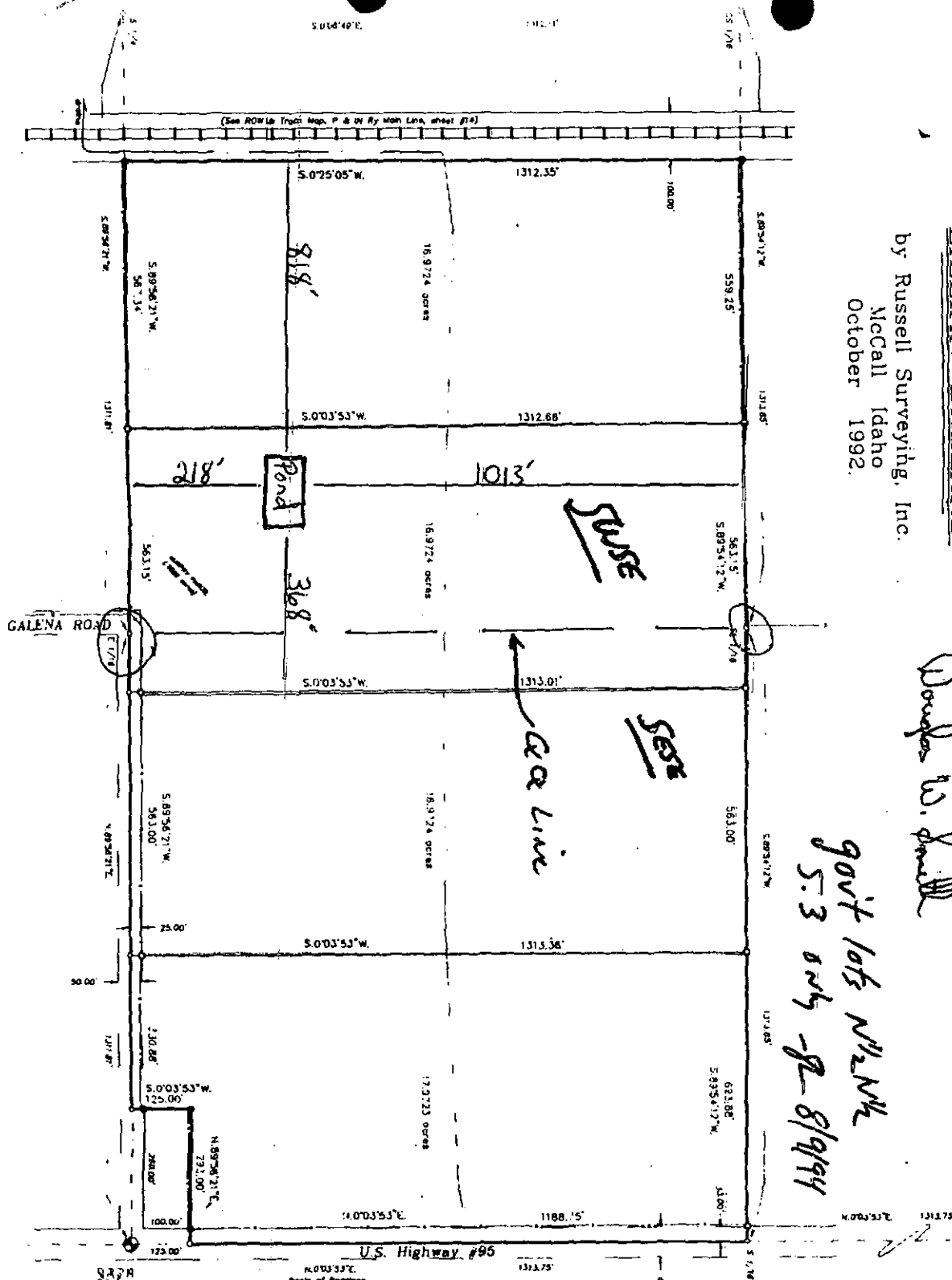
LILLIAN BALLARD

by Russell Surveying, Inc.
McCall Idaho
October 1992.

Pond
125' Long
60' wide

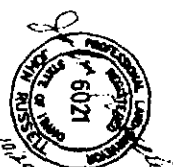
Douglas W. Russell

gov't lots N¹/₂N¹/₂
S. 3 only - 8/9/94



SCALE: 1" = 150'
Bearings based on Record of Survey
Inst. #66158

- LEGEND
- - Set 5/8" x 30" iron, marked LS 6021
 - - Set 1/2" x 24" iron, marked LS 6021
 - - - - - Pond not monumented



I, *Douglas W. Russell*, a Registered Land Surveyor,
do hereby certify that this plat was prepared from
notes taken during an actual survey made on
October, 1992, and that it correctly represents the
points, courses and distances as ascertained by me.
My note.

Russell Surveying, Inc.

P.O.Box 945 — 702 W. Lakeside
McCall, Idaho 83638
(208) 634-7607

RECEIVED

JUL 15 1994

WATER RESOURCES
WESTERN REGION

LEGAL DESCRIPTIONS

Four parcels of land, situated in the S 1/2 SE 1/4, Section 3, Township 16 North, Range 1 West, Boise Meridian, Adams County, Idaho, more particularly described as follows:

Parcel 1

Beginning at the Southeast corner of Section 3, above noted Township, at the intersection of the centerlines of Galena Road and State Highway #95, thence along the Section line common to Sections 2 and 3, N.0°03'53"E., 125.00 feet to the REAL POINT OF BEGINNING; thence, continuing along the Section line, N.0°03'53"E., 1188.75 feet to the S 1/16 corner common to Sections 2 and 3, noted above; thence along the 1/16 line, S.89°54'12"W., 623.88 feet to a point; thence, departing the 1/16 line, S.0°03'53"W., 1313.36 feet to a point on the Section line common to Sections 3 and 10, also on the centerline of Galena Road; thence along said Section line, N.89°56'21"E., 330.88 feet to a point; thence, departing the Section line, N.0°03'53"E., 125.00 feet to a point; thence N.89°56'21"E., 293.00 feet to a point, the REAL POINT OF BEGINNING.

Containing 17.9723 acres.

Parcel 2

Beginning at the Southeast corner of Section 3, above noted Township, at the intersection of the centerlines of Galena Road and State Highway #95, thence along the Section line common to Sections 3 and 10, also the centerline of Galena Road, S.89°56'21"W., 623.87 feet to the REAL POINT OF BEGINNING; thence departing the Section line, N.0°03'53"E., 1313.36 feet to a point on the 1/16 line of said Section 3; thence, along the 1/16 line, S.89°54'12"W., 563.00 feet to a point; thence, departing the 1/16 line, S.0°03'53"W., 1313.01 feet to a point on the Section line common to Sections 3 and 10, also the centerline of Galena Road; thence along the Section line, N.89°56'21"E., 563.00 feet to the REAL POINT OF BEGINNING.

Containing 16.9724 acres.

Parcel 3 — *Douglas W. Smith*

Beginning at the Southeast corner of Section 3, above noted Township, at the intersection of the centerlines of Galena Road and State Highway #95, thence along the Section line common to Sections 3 and 10, also the centerline of Galena Road, S.89°56'21"W., 1186.87 feet to the REAL POINT OF BEGINNING; thence departing the Section line, N.0°03'53"E., 1313.01 feet to a point on the 1/16 line of said Section 3; thence, along the 1/16 line, S.89°54'12"W., 563.15 feet to a point; thence, departing the 1/16 line, S.0°03'53"W., 1312.66 feet to a point on the Section line common to Sections 3 and 10; thence along the Section line, N.89°56'21"E., 563.15 feet to the REAL POINT OF BEGINNING.

NOV 07 1994

Containing 16.9724 acres.

Parcel 4

Beginning at the Southeast corner of Section 3, above noted Township, at the intersection of the centerlines of Galena Road and State Highway #95, thence along the Section line common to Sections 3 and 10, also the centerline of Galena Road, S.89°56'21"W., 1750.02 feet to the REAL POINT OF BEGINNING; thence departing the Section line, N.0°03'53"E., 1312.66 feet to a point on the 1/16 line of said Section 3; thence, along the 1/16 line, S.89°54'12"W., 559.25 feet to a point where the 1/16 line intersects the East Right of Way of the Union Pacific Railroad; thence, departing the 1/16 line, along said East Right of Way, S.0°25'05"W., 1312.35 feet to a point on the Section line common to Sections 3 and 10; thence, departing the East Right of Way, along the Section line, N.89°56'21"E., 567.35 feet to the REAL POINT OF BEGINNING.

Containing 16.9724 acres.

Said parcels have been designed at the request of Lillian Ballard, of Boise, Idaho, said request being as follows:

Calculate the total area of the parcel, first deeded to Perle and Esther Clarke, 7/28/41, minus the area of two parcels since sold from the original. Split this total area into 4 equal area pieces, add the Murphy parcel area to Parcel one. First parcel sold from the original to J. and L. Franklin, 7/30/54 (#36237), then to A. and Z. Thorpe, 9/15/62 (#42089), then to Mader, a portion of which quitclaimed back to Clarke, 9/17/52, (Bk.26, Pg.73), hereinafter known as the Mader parcel, bounded on the South by the North Right of Way of Galena Road, and on the East by the West Right of Way of State Highway #95, creating a potential hiatus, hereinafter known as the Mader Right of Way parcel. Second parcel sold to D. and D. Murphy, 3/16/73, hereinafter known as the Murphy parcel.

Parcels of land, situated in the SE 1/4 SE 1/4, Section 3, Township 16 North, Range 1 West, Boise Meridian, Adams County, Idaho, more particularly described as follows:

Original Parcel

Beginning at the Southeast corner of Section 3, above noted Township, at the intersection of the centerlines of Galena Road and State Highway #95, thence along the Section line common to Sections 2 and 3, N.0°03'53"E., 1313.75 feet to the S 1/16 corner common to Sections 2 and 3, noted above; thence along the 1/16 line, S.89°54'12"W., 2309.28 feet to a point where the 1/16 line intersects the East Right of Way of the Union Pacific Railroad; thence, departing the 1/16 line, along said East Right of Way, S.0°25'05"W., 1312.35 feet to a point on the Section line common to Sections 3 and 10; thence, departing the East Right of Way, along the Section line, N.89°56'21"E., 2317.37 feet to the point of beginning.

Containing 69.7301 acres.

NOV 07 1994

Mader Parcel

Beginning at the Southeast corner of Section 3, above noted Township, at the intersection of the centerlines of Galena Road and State Highway #95, thence along the Section line common to Sections 2 and 3, N.0°03'53"E., 125.00 feet to the REAL POINT OF BEGINNING; thence, departing the Section line, S.89°56'21"W., 33.00 feet, to a point on the West Right of Way of State Highway #95; thence, departing the Right of Way, S.89°56'21"W., 260.00 feet; thence S.0°03'53"W., 100.00 feet to a point on the North Right of Way of Galena Road; thence, along said North Right of Way, N.89°56'21"E., 260.00 feet to a point on the West Right of Way of State Highway #95; thence, along said West Right of Way, N.0°03'53"E., 100.00 feet to the REAL POINT OF BEGINNING.

Containing .5969 acres.

Mader Right of Way Parcel

Beginning at the Southeast corner of Section 3, above noted Township, at the intersection of the centerlines of Galena Road and State Highway #95, thence along the Section line common to Sections 2 and 3, N.0°03'53"E., 125.00 feet to a point; thence, departing the Section line, S.89°56'21"W., 33.00 feet, to a point on the West Right of Way of State Highway #95; thence, along said West Right of Way, S.0°03'53"W., 100.00 feet, to a point where said West Right of Way intersects the North Right of Way of Galena Road; thence, along said North Right of Way, S.89°56'21"W., 260.00 feet to a point; thence, departing said North Right of Way, S.0°03'53"W., 25.00 feet to a point on the Section line common to Sections 3 and 10, and the centerline of Galena Road; thence along said Section line, N.89°56'21"E., 293.00 feet to the point of beginning.

Containing .2439 acres.

Murphy Parcel

Beginning at the Southeast corner of Section 3, above noted Township, at the intersection of the centerlines of Galena Road and State Highway #95, thence along the Section line common to Sections 3 and 10, also the centerline of Galena Road, S.89°56'21"W., 1311.81 feet to the E 1/16 corner common to Sections 3 and 10, REAL POINT OF BEGINNING; thence departing the Section line, along the 1/16 line, N.0°01'27"W., 208.70 feet to a point; thence, S.89°56'21"W., 208.70 feet to a point; thence S.0°01'27"E., 208.70 feet to a point on the Section line common to Sections 3 and 10; thence along the Section line, N.89°56'21"E., 208.70 feet to the REAL POINT OF BEGINNING.

Containing .9999 acres.

Original parcel
Mader parcel
Mader Right of Ways
Murphy parcel

TOTAL AREA TO BE SPLIT

RECORDED
NOV 07 1994
69.7301
-.5969
-.2439
-.9999
67.8894

See applicant's map +
Surveying info
-R 8/9/94

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.

Douglas W. Smith
(Applicant)

Received by VR Date 7-15-94 Time 11:00 am Preliminary check by JL
Fee \$ 50.00 Receipted by VR # W017755 Date 7-15-94
Publication prepared by ST Date 8-10-94 Published in The Record
Publication approved ST Date 9/15/94

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:

NOV 07 1994



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

August 31, 1998

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

DOUGLAS W SMITH
PO BOX 305
COUNCIL ID 83612-0305

RE: WATER RIGHT NO. 67-07971

Dear Water Right Holder(s):

The Department of Water Resources (the Department) has issued the enclosed license confirming that a water right has been established in accordance with the permit referenced above. 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 of the Department unless a party petitions for reconsideration or files an exception and/or brief 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 twenty-one (21) 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. Otherwise, this preliminary order will become a final order of the Department.

If any party appeals or takes exceptions to this preliminary order, opposing parties shall have twenty-one (21) days to respond to any party's appeal. Written briefs in support of or taking exceptions to the preliminary order shall be filed with the Department. The Department retains the right to review the preliminary order on its own motion.

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SEP 29 1998

ORAL ARGUMENT

If the Department grants a petition to review the preliminary order, the Department 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 Department will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Department 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 Department in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with Rules of Procedure 302 and 303.

FINAL ORDER

The Department 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 Department 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:

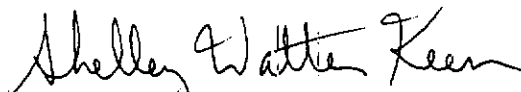
- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

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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.

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

Sincerely,

A handwritten signature in cursive script that reads "Shelley W. Keen".

Shelley W. Keen
Water Rights Supervisor

SK:klt

Enclosure

MICROFILMED

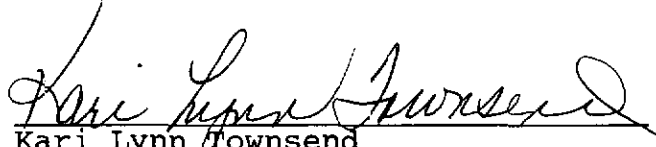
SEP 29 1998

CERTIFICATE OF MAILING

I hereby certify that on the 31st day of August, 1998, I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Approved License) to the person(s) listed below:

Water Right No. 67-07971

DOUGLAS W SMITH
PO BOX 305
COUNCIL ID 83612-0305


Kari Lynn Townsend
Secretary

MICROFILMED

SEP 29 1998

LICENSE REVIEW CHECKLIST

PERMIT NO. 67-07971 DATE 8/25/98 REVIEWER: SHARLA

NAME OK Change/OK
 Address OK
 SOURCE OK Does change clarify orig. intended source? If no, Void permit
 POINT OF DIV OK ☐ Change (P39 /P47) ☐ Add (P45/P42) Feds - P40
 W32 (multiple in 1/4/4)
 W36 (overlap)
 W59 (subd. desc)

Overlaps: Right(s): _____
 File reviewed _____ Profile reports printed _____
 PLACE OF USE OK ☐ Change (P41/P47) ☐ Add (P41/P42) Feds - P43
 W60 (subd. desc)
 W27 (ppu acre limit)

Overlaps: Right(s): _____
 File reviewed _____ Profile reports printed _____
 PD & PU amend (P37) Feds - P48

RATE OF DIV
 Permitted Rate .02 cfs
 Fee limit .04 cfs NO FEE PD.
 Measured ✓ cfs
 Theoretical _____ cfs
 Recommended Total Div Rate .02 cfs

WATER USES		Change (P46)			
<u>Stock</u>	<u>.02</u> cfs	<u>3</u>	af	Irrig -	overlap (R58-R61, R62-R65, R66-R69)
<u>" stor.</u>	_____ cfs	<u>1.0</u>	af		supp. gw (WB7/065/079)
_____	_____ cfs	_____	af		overlap spec. combined rts (W35)
_____	_____ cfs	_____	af		<1acre (W31)
_____	_____ cfs	_____	af	Domestic	(W01/WB5/070/071/075)
TOTALS	<u>.02</u> cfs	<u>1.3</u>	af	Power	(W42 or W43/025/027/R22 or R23)
				Fish (042)	Fire (077) Wtr Quality (081/R07)

Flow rate .02 cfs X 365 days X 1.98 = 14.5 af

REMARKS _____

ADD'L CONDITIONS ☐ Watermaster Control WD# _____
☐ GW Measurement/Measuring Device
☐ Others Trust (052/R55 - remove 051) Non-trust (048/049)

Advance Priority ☐ yes ☒ no SRBA Claim NA Adjust Memo _____
 Amend letters _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORTRECEIVED
APR 24 1997
Department of Water Resources**A. GENERAL INFORMATION**Permit No. 67.79711. Owner: DOUGLAS W SMITH Phone No. 208.253.4813Current Address: PO Bx 305 COUNCIL ID 836122. Accompanied by: Emily EXAM DATE: 8.6.96Address: _____ Phone No. 8.6.96Relationship to Permit Holder: wife3. Source: GROUND WATER tributary to _____**B. OVERLAP REVIEW**1. Other water rights with the same place of use: NONE2. Other water rights with the same point of diversion: NONE**C. DIVERSION AND DELIVERY SYSTEM**

1. Point(s) of Diversion:

Ident No.	Gov't Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Method of Determination/Remarks
			SW	SE	3	16N	1W	ADAMS	Site Visit, Plat Map

2. Place(s) of Use:

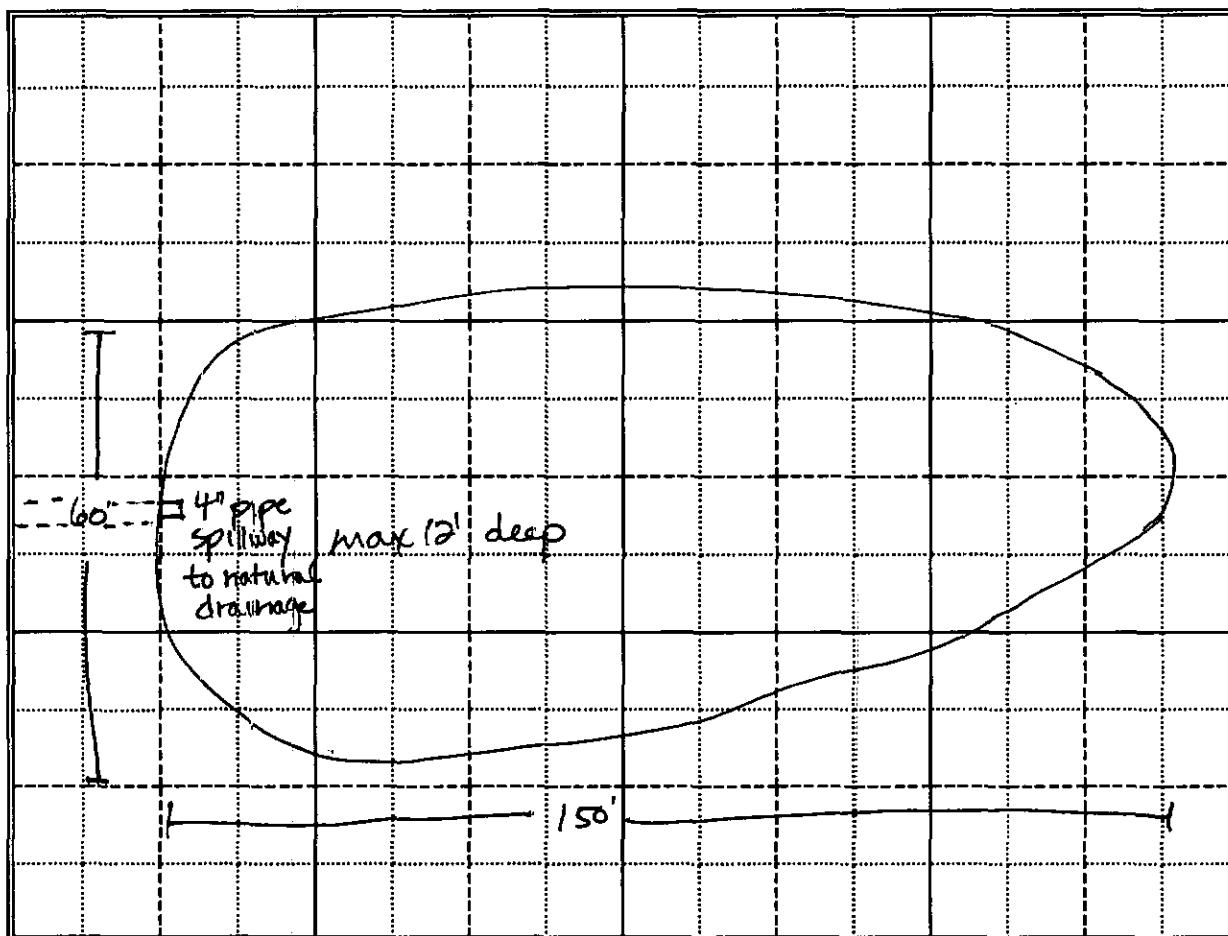
Indicate Method of Determination Above

TWP	RGE	SEC	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
16N	1W	3															X		

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



Scale: 1" = NTS

DISTANCE EST. BY PACING

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

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

☐ 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

2. Measurements: NONE POSSIBLE

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SEP 29 1998

E. NARRATIVE/REMARKS/COMMENTS

Pond excavated in marshy area - fills naturally from shallow G.W. Spillway has been installed to handle surface water runoff which also may be captured during rains. Stockwater only - 25 hd. range cattle, 3 horses. No irrigation at this time - may fill later.

POND VOL: $1150 \times 60 \times 6'$ avg depth: 1.23 AF
43560

At time of exam, pond has lost some stored flows due to seepage & evaporation.

No way to calculate or measure natural inflows.
OK to recommend minimal .02 cfs.

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

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F. FLOW CALCULATIONS

_____ Additional Computation Sheets Attached

Measured Method:

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$$V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = \underline{\hspace{2cm}}$$

$$V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 = \underline{\hspace{2cm}}$$

$$V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} = \underline{\hspace{2cm}}$$

2. Volume Calculations for Other Uses:

S/25 range

$$25 \text{ hd} \times 12 \text{ gpd/hd} \times 365 \text{ days/yr} \times \frac{1}{305850 \text{ AF}} = .3 \text{ AFA}$$

H. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (afa)
	From	To		
STOCKWATER	1/1	12/31	.02	.3
STOCK STORAGE	1/1	12/31		1.0
Totals:			.02	1.0

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

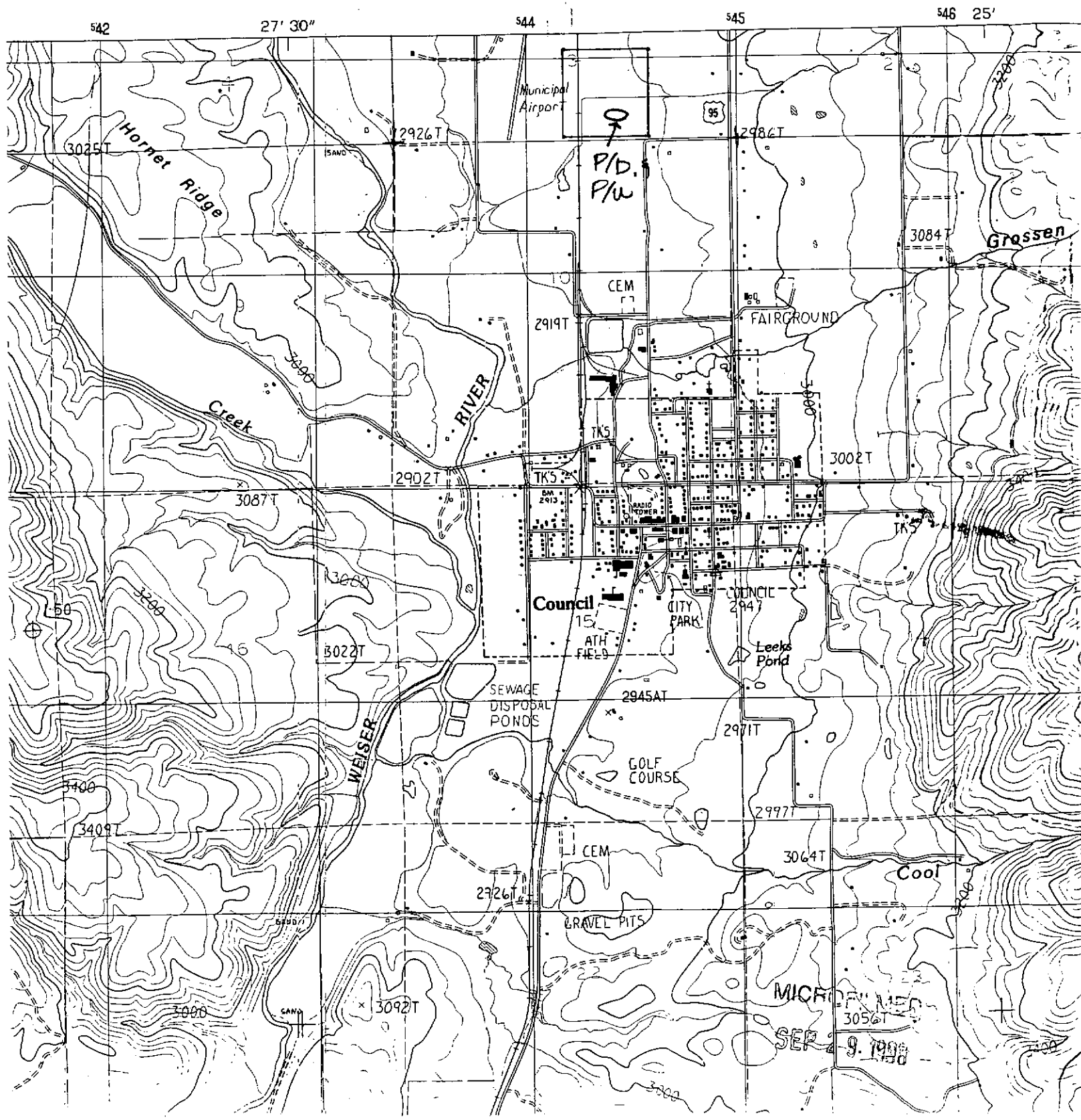
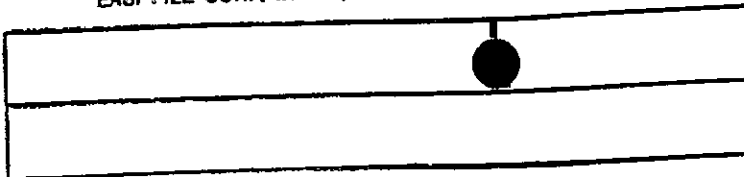
I. AUTHENTICATIONField Examiner's Name Cindy J. Hodges Date 8.6.96

Reviewer _____ Date _____

SEAL

MICROFILMED
SEP 29 1998

7





P/W/P/D
view to west,
length of pond



outlet @ West
end

MICROFILMED
SEP 29 1998

67-07971

**ANALYSIS SHEET
FOR
PROOF OF BENEFICIAL USE**

Permit No. 67-07971 Reviewed by [Signature] Date 9-25-95

GENERAL CONSIDERATIONS

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

TYPES OF USE

Stockwater

Correct Uses? yes

SOURCE OF WATER

 Surface water source

✓ Ground water source

no Drilling permit required?

1 Copy in the file? Drilling Permit No.

1 Amount paid for permit Correct?

 Well log in the file?

LICENSE EXAMINATION FEE

no Required?

1 Amount Submitted

1 Correct?

MEASURING DEVICE

no Required?

1 Installed?

 Waiver requested?

PRIORITY CALCULATION

Date proof received	<u> </u>
Date proof due	<u> </u>
No. of days late	<u> </u>
Priority Date	<u> </u>
New Priority Date	<u> </u>

DEFICIENCIES OR ACTION ITEMS

Proof acceptable

DATA ENTRY

New Address [Signature] Proof Made 9-19-95

September 25, 1995

DOUGLAS W SMITH
PO BOX 305
COUNCIL ID 836120305

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 67-07971

Dear Permit Hclder:

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.

If you have questions concerning this matter, please feel free to contact the WESTERN Regional Office in Boise at (208)334-2190.

Sincerely,

JULIE L. YARBROUGH
Senior Secretary

c: IDWR - Region

RECEIVED

NOV 14 1995

August 31, 1995

DOUGLAS W SMITH
PO BOX 305
COUNCIL ID 836120305

PROOF DUE NOTICE

RE: PERMIT NO. 67-07971

Dear Permit Holder:

One of the conditions of approval of the above referenced water permit was that proof of the extent of your beneficial use must be submitted to this office on or before November 1, 1995. (See last page of your approved permit or your last approved extension request.) Enclosed is a form which when accompanied by the license examination fee or a complete field examination report prepared by a certified water right examiner may be used to submit the required proof.

If you have not fully completed your project, and you or a previous owner of this permit have not received a prior extension of time, you may request an extension of time if the delay is for reasonable cause as provided in Section 42-204, Idaho Code. If you have been prevented from proceeding by a governmental agency or by litigation which might bring title to the water in question, more than one extension of time can be granted. An extension of time request form is enclosed for your convenience.

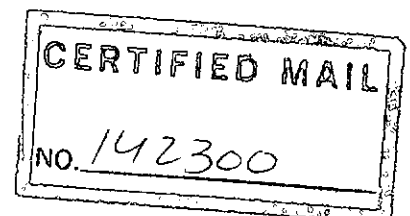
Either an acceptable proof of beneficial use submittal or an acceptable request for an extension of time must be received by this department on or before the above described proof due date. If neither is received, the department will send you a lapse notice. Within sixty (60) days of the mailing of the lapse notice, the permit will no longer be of any force nor effect.

SINCERELY,

JULIE L. YARBROUGH
Senior Secretary

Enclosures

NOV 14 1995





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

November 2, 1994

DOUGLAS W SMITH
PO BOX 605
COUNCIL ID 83612-0305

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 67-07971

Dear Permit Holder(s):

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

Enclosed is a form entitled "Instructions for Proof of Beneficial Use". Please read the instructions carefully since you must take further action to develop this permit. Also enclosed is a form entitled "Proof of Beneficial Use". If your project is already completed you should complete and submit this form immediately.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jim Johnson', written over a horizontal line.

JIM JOHNSON, Manager
Water Right Permits Section

JJ:dc

Enclosures

NOV 07 1994

APPLICATION FOR PERMIT
STATE OFFICE REVIEW
by Cindy Zimmerman

No.: 67-7971 Name: Smith Date: 10/20/94 Correct Fee? ✓

AREA OF CONCERN? - No/Yes _____ Mor _____ GWMA Trust/Non-trust
SYSTEM COMPLETED:

No - 26A-P17

Complete in 1 year - P16

Yes

Proof not submitted - P16

Proof submitted - NA

GROUNDWATER: (Pond not well)

+ 0.2 cfs <FLO-CH> - T17 (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. 67

*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)

PROTESTED: - 020(Prehearing agreement)/W19(See Order)

OTHER CONDITIONS:

REMARKS:

DW02(3H425RC)

BENEFICIAL USE DUE:

- 11-1-1995

COMMENTS:

- Groundwater is pond not well.

DATE: 10/20/94
PAGE: 1

Audit: 10/20/94 CZIMMERM

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPROPRIATION APPLICATION ANALYSIS SHEET

INITIAL REVIEW BY: FL DATE: 8/9/94 APPLICATION: 67-7971

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:
Nature of proposed use: (Include description of use)
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:

Gov't. Lots:

N P/D,
P/U

ADDITIONAL INFORMATION

YES NO

N/A Stockwater
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
Copy to SCA staff (perennial stream, non-pump diversion):
Send dam safety information: too small
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.)
*REQUEST ADDITIONAL INFORMATION FROM THE APPLICANT

DATE REQUESTED: _____

Additional information on reverse side:

RECEIVED

SEP 23 1994

PROCESSING

APPLICATION

67-7971

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

9-6-94

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 7/15/1994

Recommended by:

DET

Date 9/20/1994

STATE OFFICE REVIEW

☐ See below for additional information. By

Date

ADDITIONAL INFORMATION

Excavated site fills with groundwater, pond c 125'x60'x6' ≈ 1 AF,
Storage required for >24 hr. Fill.

LEGAL NOTICE

NOTICE OF APPLICATION FOR WATER RIGHT

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

67-07969

GILES, DEAN
GILES, MARIANNA
1032 W INDIAN VALLEY RD
INDIAN VALLEY, ID 83632

Source: GROUNDWATER

Diversion Pt: NESESW Sec 33 T 15N R 01W in ADAMS County.

Use: IRRIGATION (.200 CFS)
Total Diversion: (.200 CFS)

Date Filed: 8/ 8/1994

In: ADAMS County
T15N R01W S33 SESW

10.0 ACRES TOTAL

67-07971

SMITH, DOUGLAS W
BOX 305
COUNCIL, ID 83612

Source: GROUNDWATER

Diversion Pt: SWSE Sec 3 T 16N R 01W in ADAMS County.

Use: STOCKWATER (.020 CFS)
STOCKWATER STORAGE (1.00 AF)
Total Diversion: (.020 CFS)

Date Filed: 7/15/94

In: ADAMS County
T16N R01W S03 SWSE

78-07347

BELKOVA, DASHA
BOX 88
NEWMEADOWS, ID 83654

Source: LITTLE CREEK Tributary: BIG CREEK

Diversion Pt: NWNW Sec 9 T 18N R 02E in ADAMS County.

Use: WILDLIFE (.200 CFS)
WILDLIFE STORAGE (3.00 AF)
RECREATION (.200 CFS)
RECREATION STORAGE (3.00 AF)
Total Diversion: (.200 CFS)

Date Filed: 7/20/1993

In: ADAMS County
T18N R02E S09 NWNW

Pond on Little Creek will be filled and used only during high water period in May and June each year.

Permits will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec. 42-203A, Idaho Code. Any protest against the approval of this application must be filed with the Director, Dept. of Water Resources, Western Region, 2735 Airport Way, Boise, Idaho 83705 together with a protest fee of \$25.00 on or before SEPTEMBER 6, 1994. The protestant must also send a copy of the protest to the applicant.

R. KEITH HIGGINSON, Director

Published: 8/18/1994 & 8/25/1994

NOV 07 1994

67-07971

SMITH, DOUGLAS W
BOX 305
COUNCIL, ID 83612

Source: GROUNDWATER

Diversion Pt: SWSE Sec 3 T 16N R 01W in ADAMS County.

Use: STOCKWATER (.020 CFS)
STOCKWATER STORAGE (1.00 AF)
Total Diversion: (.020 CFS)

Date Filed: 7/15/1994

In: ADAMS County
T16N R01W S03 SWSE

NOV 07 1994