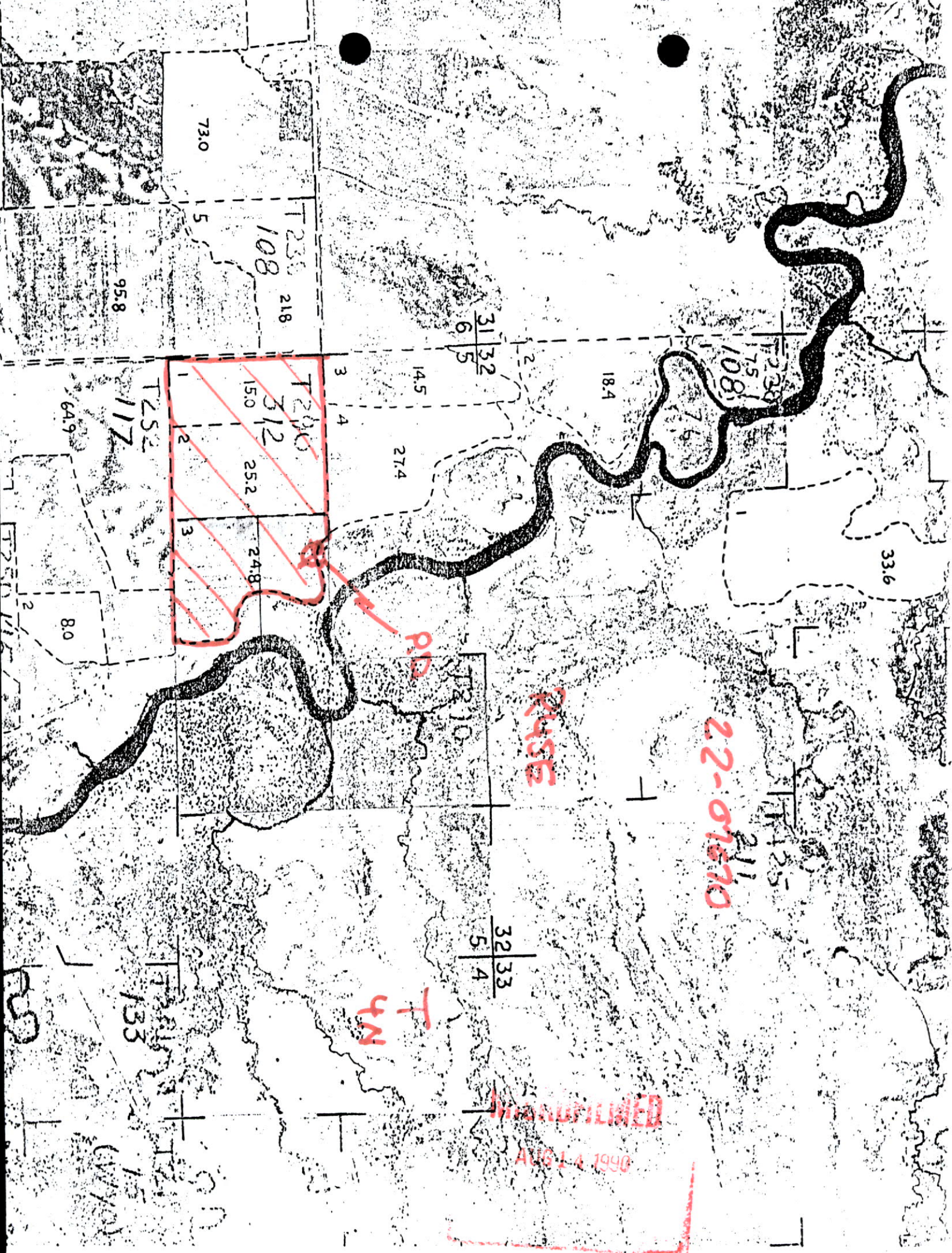
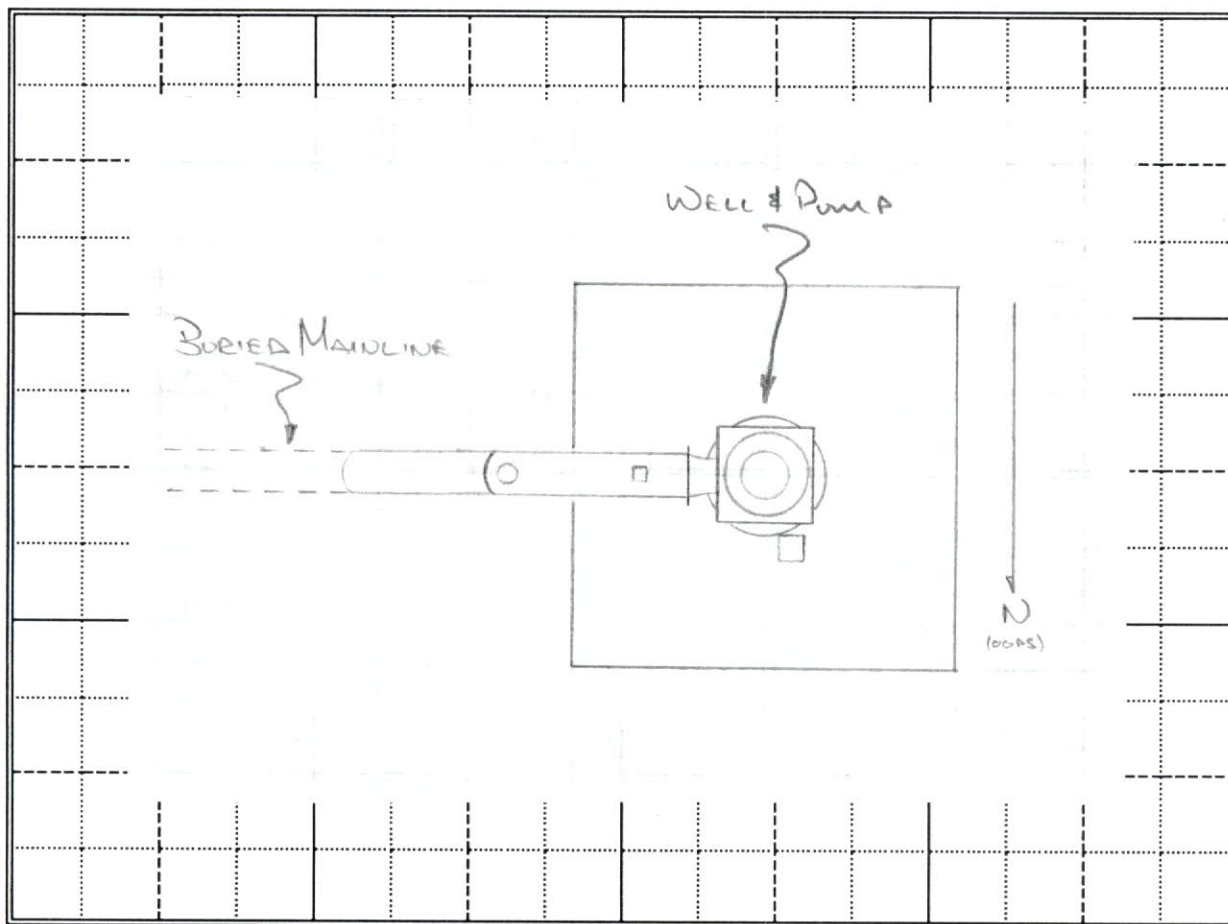




UNIDENTIFIED  
AUG 14 1990

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



Scale: 1" = \_\_\_\_\_

\_\_\_\_ 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 |
|---------------------------------------|------------|----|------------------|----------------|-----------------------------------|
|                                       | US Motors  | 30 | 9902754-6-654    | INGRESOLL/PAND | 6" FLARE TO 8"                    |
|                                       |            |    |                  |                |                                   |
|                                       |            |    |                  |                |                                   |

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

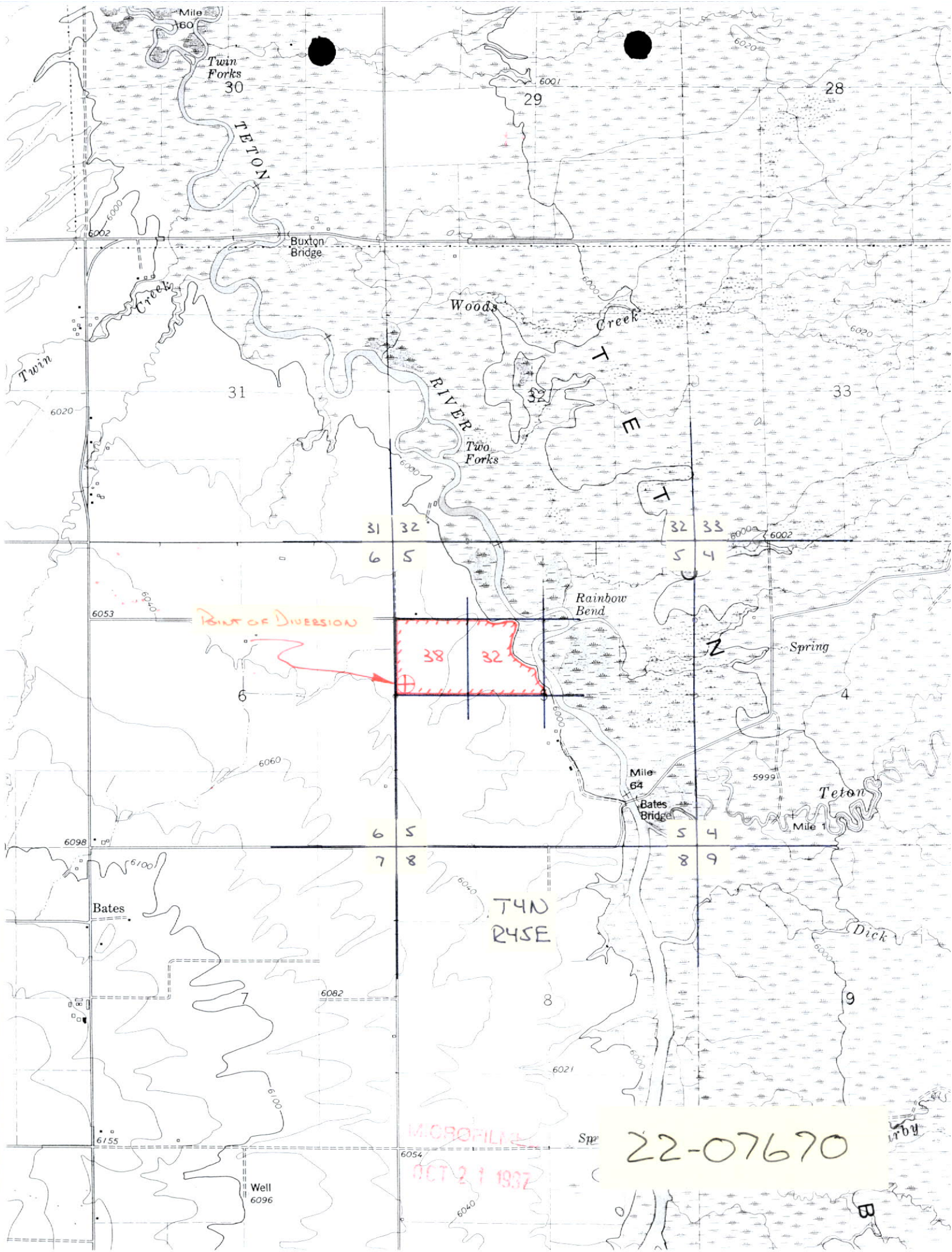
#### D. FLOW MEASUREMENTS

1.

| Measurement Equipment | Type | Make | Model No. | Serial No. | Size | Calib. Date |
|-----------------------|------|------|-----------|------------|------|-------------|
| POLYSONIC TIMEFLITE   |      |      |           |            |      |             |
|                       |      |      |           |            |      |             |

2. Measurements:  $Q_{MEAS} = 461.508 \text{ GPM} = 1.03 \text{ cfs}$

12/10/01/11/11  
OCT 21 1937



T5N

T4N

31

32

6

5

POINT OF DIVERSION

574  
T290

NHEL

NHEL

NHEL

150

2 252

3 248

117  
T252

2 80

22-07670

OCT 21 1997

NHEL

649

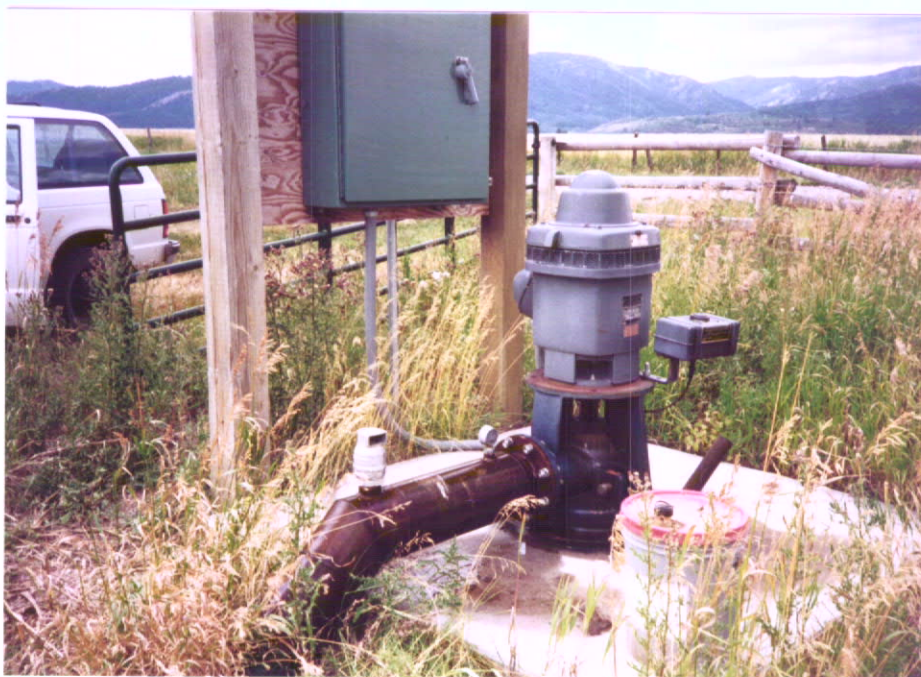


Plate 3 - Motor and pump assembly at point of diversion.

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OCT 21 1997

22-07670



Plate 1 - Place of use looking east from point of diversion.



Plate 2 - Place of use looking northeast from point of diversion.

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22-07670

State of Idaho  
Department of Water Resources

# WATER RIGHT LICENSE

WATER RIGHT NO. 22-07670

Priority: May 17, 1990

Maximum Diversion Rate: 1.03 CFS  
Maximum Diversion Volume: 245.0 AF

This is to certify, that BOYD CHARLES & JILL JOHNSON SMITH TRUST  
PO BOX 69

DRIGGS ID 83422-0069 has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated May 17, 1990; and has submitted Proof of Beneficial Use on July 30, 1993. An examination indicates that the works have a diversion capacity of 1.030 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> |
|-----------------------|----------------------|--------------------------|----------------------|
| IRRIGATION            | 04/15 to 10/15       | 1.03 CFS                 | 245.0 AF             |

LOCATION OF POINT(S) OF DIVERSION: SWNW , Sec. 5, Township 04N, Range 45E  
TETON 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> |
|------------|------------|------------|--------------|--------------|--------------|--------------|
| 04N        | 45E        | 5          | SWNW 38      | SENE 32      |              | 70           |

Total number of acres irrigated: 70

## 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 that 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 must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
5. The use of water under this right shall not give rise to any claim against the holder of a senior water right based upon the theories of forfeiture, abandonment, adverse possession, waiver, equitable estoppel, estoppel by laches or customary preference.
6. The Director retains jurisdiction of the right to incorporate the use into a water district, require streamflow augmentation or other action needed to protect prior surface water and groundwater rights.

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1997

State of Idaho  
Department of Water Resources

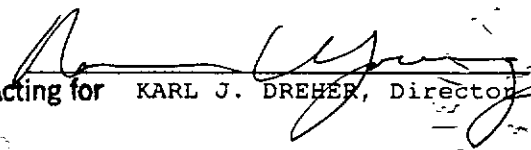
# WATER RIGHT LICENSE

WATER RIGHT NO. 22-07670

## CONDITIONS OF APPROVAL AND REMARKS

7. This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 3.5 afa per acre for the lands above.

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 25<sup>TH</sup> day of September, 1997.

  
Acting for KARL J. DREHER, Director



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ACT 21 1997

State of Idaho  
Department of Water Resources

**APPLICATION FOR AMENDMENT**  
(For Licensing Purposes)  
**WATER RIGHT NO. 22-07670**

Date of Priority: May 17, 1990

Maximum Diversion Rate: 1.03 CFS  
Maximum Diversion Volume: 245.0 AF

Comes now  
PO BOX 69

BOYD CHARLES & JILL JOHNSON SMITH TRUST

DRIGGS ID 83422-0069

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. 22-07670, and requests that the permit be changed as follows:

Source: **GROUNDWATER**

| <u>BENEFICIAL USE</u> | <u>PERIOD OF USE</u> | <u>RATE OF DIVERSION</u> | <u>ANNUAL VOLUME</u> |
|-----------------------|----------------------|--------------------------|----------------------|
| IRRIGATION            | 04/15 to 10/15       | 1.03 CFS                 | 245.0 AF             |

LOCATION OF POINT(S) OF DIVERSION: SWNW , Sec. 5, Township 04N, Range 45E  
TETON 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> |
|------------|------------|------------|--------------|--------------|--------------|--------------|
| 04N        | 45E        | 5          | SWNW 38      | SENEW 32     |              | 70           |

Total number of acres irrigated: 70

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 at Palo Alto  
California

this 6 day of Feb, 1997  
MICROFILMED  
OCT 2 1997  
(Signature)

PAGE 2

State of Idaho  
Department of Water Resources**APPLICATION FOR AMENDMENT**  
(For Licensing Purposes)  
**WATER RIGHT NO. 22-07670**\*\*\*\*\*  
FOR DEPARTMENT USE ONLYPreliminary check by Ket Fee = \$50.00 Received by Ket # C037995 Date 2-10-97

## 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. 22-07670 with the following;

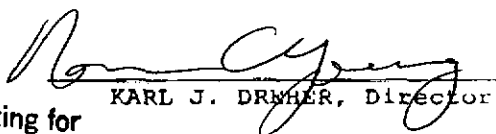
**CONDITIONS OF APPROVAL AND REMARKS**

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 that 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 must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
5. The use of water under this right shall not give rise to any claim against the holder of a senior water right based upon the theories of forfeiture, abandonment, adverse possession, waiver, equitable estoppel, estoppel by laches or customary preference.
6. The Director retains jurisdiction of the right to incorporate the use into a water district, require streamflow augmentation or other action needed to protect prior surface water and groundwater rights.
7. This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 3.5 afa per acre for the lands above.

Witness my hand this 25<sup>TH</sup> day of September, 1997.

MICROFILMED

OCT 21 1997

  
KARL J. DREHER, Director  
Acting for

## WATER RIGHT SUMMARY

| <u>ACTION</u>        | <u>RIGHT NO.</u> | <u>NAME</u>                                          | <u>AMOUNT CFS</u> |
|----------------------|------------------|------------------------------------------------------|-------------------|
| Original Application | 22-07670         | Drake Brothers                                       | 1.46              |
| Full Assignment      | 22-07670         | Boyd Charles Smith Trust<br>Jill Johnson Smith Trust | 1.46              |

### REDUCED AT LICENSING TO MEASURED CAPACITY

|         |          |                                                      |      |
|---------|----------|------------------------------------------------------|------|
| License | 22-07670 | Boyd Charles Smith Trust<br>Jill Johnson Smith Trust | 1.03 |
|---------|----------|------------------------------------------------------|------|

MICROFILMED  
OCT 21 1997

BEFORE THE DEPARTMENT OF WATER RESOURCES  
OF THE  
STATE OF IDAHO

IN THE MATTER OF PERMIT NO. 22-07670 )  
IN THE NAME OF BOYD CHARLES SMITH ) ORDER OF  
REINSTATEMENT

WHEREAS, the Department issued the above-captioned permit with the condition that proof of construction of works and application of water to beneficial use be submitted on or before August 1, 1993; and,

WHEREAS, on July 30, 1993, the permit holder submitted proof of beneficial use; and,

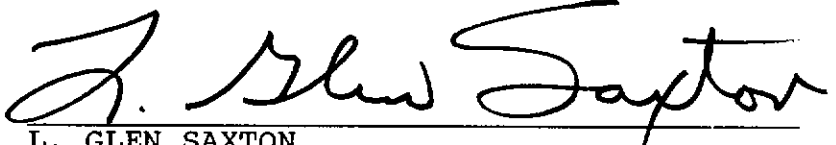
WHEREAS, the Department lapsed the permit in error; and,

WHEREAS, Section 42-218a of the Idaho Code provides that a permit may be reinstated upon a showing of reasonable cause; and,

WHEREAS, the permit holder provided a reasonable showing why the permit should be reinstated by submitting proof of beneficial use;

IT IS, THEREFORE, HEREBY ORDERED that permit no. 22-07670 be REINSTATED with no advance in priority.

Dated this 7<sup>th</sup> day of December, 1993.

  
L. GLEN SAXTON  
Chief, Water Allocation Bureau

MICROFILMED

OCT 21 1997

RECEIVED

JUL 30 1993

RECEIVED

AUG 05 1993

OFFICE USE ONLY

Amt. of Fee \$ 125.00  
Date 7-30-93  
Receipt No. E018976  
Receipt by HWT

STATE OF IDAHO  
Department of Water Resources  
DEPARTMENT OF WATER RESOURCES

Department of Water Resources  
Eastern District Office

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 a completed field examination report prepared by a certified water right examiner who has been appointed by the department.

1. Permit No. 22-07670 Telephone No. (415) 493-5310

2. Name(s) of Permit Holder(s): BOYD CHARLES SMITH and JILL JOHNSON SMITH TRUST, Boyd Charles Smith and Jill Johnson Smith, Trustees

3. Mailing Address: 301 Coleridge Avenue, Palo Alto, California 94301

4. Source of Water: groundwater  
If **GROUNDWATER**, Well Driller's Name: Charles Frandson Date Drilled: START: 03/29/91  
FINISH: 04/20/91

OPTIONAL:

Pump horsepower: 30 Pressure (psi): \_\_\_\_\_ Dynamic pumping level (ft.): \_\_\_\_\_

5. Extent of Use (as authorized by the permit):

Domestic 2 (No. of households) Stockwater \_\_\_\_\_ (No. and type of stock)

Irrigation 70 (No. of acres) Other \_\_\_\_\_

6. Total rate and/or volume for which proof is submitted 1.46 cfs OR \_\_\_\_\_ acre/feet

7. Refer to the approval conditions on your permit and respond accordingly:

Measuring device: Required? \_\_\_\_\_ Yes X No Installed? \_\_\_\_\_ Yes X No

OR

Flow Measurement Port: Required? \_\_\_\_\_ Yes X No Installed? \_\_\_\_\_ Yes X No

8. Fee Enclosed: \$ 125.00 (See License Fee Schedule on back of Instruction Sheet)

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

Vergie Scroughams (208) 354-8135  
Name Telephone No.

P.O. Box 69, Driggs, Idaho 83422  
Address

10. The above information 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.

July 23, 1993 [Signature], Trustee  
Date Signature (and title, if on behalf of a company or organization)

State of Idaho  
Department of Water Resources  
ASSIGNMENT OF PERMIT

DRAKE BROTHERS % Asa Drake, hereby assign to BOYD CHARLES SMITH and JILL JOHNSON  
of 301 Coleridge Avenue, Palo Alto, California 94301  
Address SMITH TRUST

CHECK ONE

- ☒ All my right, title, and interest in and to Permit No. 22-07670  
to appropriate the public waters of the State of Idaho.
- ☐ The following described portion of my right, title, and interest in and to Permit  
No. \_\_\_\_\_ to appropriate the public waters of the State of Idaho.  
(Describe that portion of the permit being assigned by listing the acreage within  
each 40 acre subdivision, the point of diversion and the amount of water in cubic  
feet per second for direct diversion, or acre feet for storage)

Made this 22nd day of July, 19 93.

Asa J. Drake  
Permit Holder

John P. Drake  
Spouse of Permit Holder

State of Idaho

County of Teton

ss.

On this 22nd day of July, 19 93, personally  
appeared before me the signer(s) of the above instrument, who duly acknowledged to me  
that he (she) (they) executed the same.

seal

John P. Drake  
Notary Public residing at

Driggs

My commission expires: 8-9-96 Oct 21 1997

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

NO. 22-07670

Proposed Priority: May 17, 1990      Maximum Diversion Rate: 1.46 CFS  
This is to certify, that **DRAKE BROTHERS**

C/O ASA J. DRAKE  
641 S. 450 W.  
VICTOR, ID 83455

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> |
|-----------------------|----------------------|--------------------------|
| IRRIGATION            | 04/01 to 11/01       | 1.40 CFS                 |
| DOMESTIC              | 01/01 to 12/31       | 0.06 CFS                 |
|                       | Totals               | 1.46 CFS                 |

LOCATION OF POINT(S) OF DIVERSION:      SENW    Sec. 5, Township 04N, Range 45E  
TETON 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> |
|----------------------------------|------------|------------|--------------|--------------|--------------|--------------|
| 04N                              | 45E        | 5          | SWNW 38      | SENW 32      |              | 70           |
| Total number of acres irrigated: |            |            |              |              |              | 70           |

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 **August 1, 1993**.
2. Subject to all prior water rights.
3. The right to the use of water acquired under this permit shall not give rise to any right or claim against the holder of a senior right based upon the theories of forfeiture, abandonment, adverse possession, waiver, equitable estoppel, estoppel by laches or customary preference.
4. The Director retains jurisdiction of the permit and any license subsequently issued to incorporate the use into a water district, require streamflow augmentation or other action needed to protect prior surface water and groundwater rights.
5. Permit holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
6. Permit holder shall commence the excavation or construction of diverting works within one year of the date this permit is issued and shall proceed diligently until the project is complete.
7. The rate of diversion of water for irrigation under this permit and all other water rights on the same land shall not exceed 0.02 cubic feet per second for each acre of land.

**MICROFILMED**

AUG 14 1990

State of Idaho  
Department of Water Resources

# Permit To Appropriate Water

NO. 22-07670

CONDITIONS/REMARKS:

8. Domestic use is for 2 homes.

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

31<sup>st</sup> day of July, 1990.

*for* R. Keith Higginson, Director

MICROFILMED

AUG 14 1990

Ident. No. 22-07670

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name: DRAKE BROTHERS  
Address: C/O ASA J. DRAKE  
641 S. 450 W.  
VICTOR, ID 83455

208-354-2501

2. Source: GROUNDWATER

Trib. to:

3. Location of Point of Diversion: SENW Sec. 5, Township 04N, Range 45E  
TETON County

4. Water will be used for the following purposes:

| Purpose    | From  | To    | CFS   | (or) | AF |
|------------|-------|-------|-------|------|----|
| IRRIGATION | 04/01 | 11/01 | 1.400 |      |    |
| DOMESTIC   | 01/01 | 12/31 | 0.060 |      |    |

5. Total quantity appropriated is:  
1.460 CFS (and/or) AF

6. Proposed diverting works:

- Description of ditches, flumes, pumps, headgates, etc.  
WELL AND PUMP TO SPRINKLERS AND TWO HOMES
- 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 16 inches; proposed depth of well is 230  
feet.
- Is groundwater with a temperature greater than 90F being sought? NO

7. Time required for the completion of the works and application of  
the water to the proposed beneficial use is 3 years.

8. Description of proposed uses:  
IRRIGATION AND DOMESTIC

9. Place of Use: IRRIGATION

| TWN                              | RGE | SEC | ACRES   | ACRES   | ACRES | TOTAL |
|----------------------------------|-----|-----|---------|---------|-------|-------|
| 04N                              | 45E | 5   | SWNW 38 | SENW 32 |       | 70    |
| Total number of acres irrigated: |     |     |         |         |       | 70    |

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AUG 14 1990

Ident. No. 22-07670  
Page 2

Place of Use: DOMESTIC, same as IRRIGATION use

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

11. a. Who owns the property at the point of diversion?  
APPLIC.

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

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:  
REPLACES 22-07395 ; Asa + Garl constitute Drake Bros H&J

13. 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.

Asa J. Drake - Partner  
Applicant

Received by H&J Date 5-17-90 Time 2:10pm Preliminary check by \_\_\_\_\_

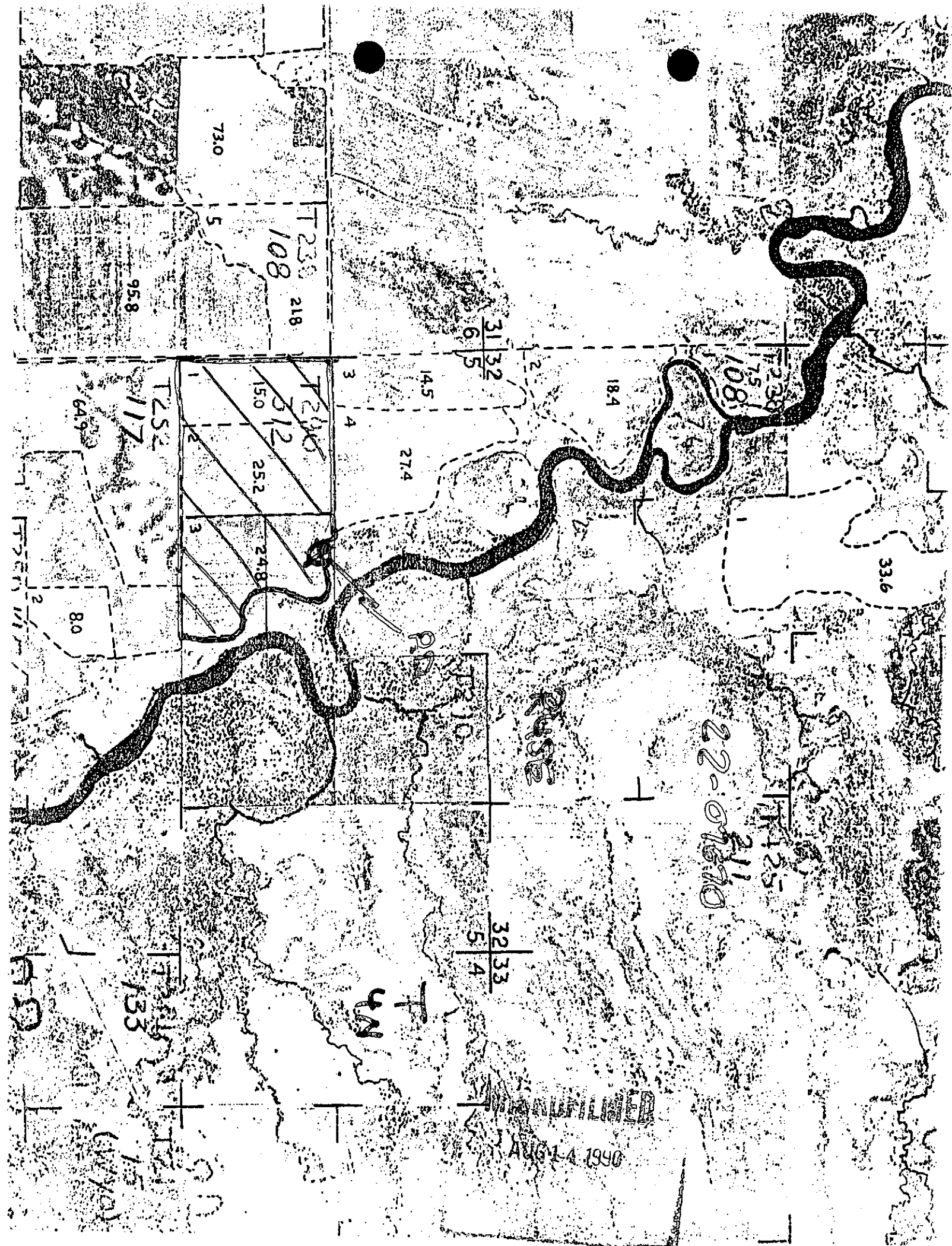
Fee \$ 65<sup>00</sup>/<sub>100</sub> Receipted by H&J # E014589 Date 5-17-90

Publication prepared by RB Date 6-7-90 Published in Teton Valley News

Publication approved RB Date 6-26-90

MICROFILMED

AUG 14 1990



# AFFIDAVIT OF PUBLICATION

State of Idaho )

County of Teton )

I, Nadine Soose.....  
being first duly sworn, depose and say that I am  
the secretary of the Teton Valley News,  
a newspaper as defined by Idaho Codes An-  
notated, Section 58-106, as amended, and that  
said newspaper is a weekly newspaper printed and  
published at Driggs, in Teton County, Idaho,  
having a general circulation in said county, and  
that said newspaper has been printed in said  
county for more than 78 consecutive weeks prior  
to the first publication of the attached notice, ad-  
vertisement, or publication of

notice of application  
for water rights  
And affiant further says that said attached notice,  
advertisement, or publication, as per clipping at-  
tached, was published in said newspaper, in the  
regular and entire issue thereof, and not in any  
supplement issue thereof, for two consecutive  
issues thereof; first publication having been  
made on the 7th day of June...  
1990.

And affiant further says that at the times herein  
mentioned said newspaper was made up of at  
least eight pages of at least five columns each,  
printed from typed matter, of at least sixteen in-  
ches deep.

Nadine Soose

State of Idaho )

County of Teton )

On this 19th day of June  
in the year of 1990 before me, a Notary Public,  
personally appeared Nadine Soose  
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.

Reida A. Reub  
Notary Public for Idaho

Residing at Driggs Idaho

My commission expires 12-2-91

**MICROFILMED RECEIVED**

AUG 14 1990

JUN 20 1990

Department of Water Resources  
Eastern District Office

## NOTICE OF APPLICATION FOR WATER RIGHT

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

22-07669

TARGHEE RANCHES II LTD.  
C/O RICHARD L. OLSEN  
P.O. BOX 1087  
POCATELLO, ID 83204

Source: GROUNDWATER

Diversion Pt: SENE Sec 19 T 05N  
R 46E  
Use: DOMESTIC (.270 CFS)  
Total Diversion: (.270 CFS)

Date Filed: 4-3-1990

In: T05N R46E S19 SENE NESE  
NWSE

22-07670

DRAKE BROTHERS  
C/O ASA J. DRAKE  
641 S. 450 W.  
VICTOR, ID 83455

Source: GROUNDWATER

Diversion Pt: SENW Sec 5 T 04N  
R 45E

Use: IRRIGATION (1.400 CFS)  
DOMESTIC (.060 CFS)  
Total Diversion: (1.460 CFS)

Date Filed: 5-17-1990

In: T04N R45E S05 SWNW  
SENW

70.0 ACRES TOTAL

22-07671

SCHIESS, LYNN  
SCHIESS, LYLE  
478 W. 675 S.  
VICTOR, ID 83455

Source: GROUNDWATER

Diversion Pt: NENESE Sec 7 T  
04N R 45E

Use: IRRIGATION (3.200 CFS)  
Total Diversion: (3.200 CFS)

Date Filed: 4-26-1990

In: T04N R45E S08 SWNW  
SENW NESW NWSW

160.0 ACRES TOTAL

The permit(s) will be subject to  
all prior water rights. Protests may  
be submitted based on the criteria  
of Sec. 42-203A, Idaho Code  
and/or the new public interest  
criteria of Sec. 42-203C, Idaho  
Code. Protests must be filed with  
the Director, Dept. of Water  
Resources, 150 Shoup Ave., Suite  
15, Idaho Falls, Idaho 83402 on or  
before JUNE 25, 1990.

R. Keith Higginson, Director

Published in the Teton Valley  
News June 7 and 14, 1990.



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

September 26, 1997

PHILIP E. BATT  
GOVERNOR

KARL J. DREHER  
DIRECTOR

BOYD CHARLES & JILL JOHNSON SMITH TRUST  
PO BOX 69  
DRIGGS ID 83422-0069

RE: WATER RIGHT NO. 22-07670

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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### 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.

For your records I have also enclosed a copy of your Application for Amendment of Permit, which was approved.

Sincerely,

A handwritten signature in cursive script, reading "Shelley W. Keen". The signature is written in dark ink and is positioned above the typed name and title.

Shelley W. Keen  
Water Rights Supervisor

SK:klt

Enclosure

CERTIFICATE OF MAILING

I hereby certify that on the 26th day of September, 1997, 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. 22-07670

BOYD CHARLES & JILL JOHNSON SMITH TRUST  
PO BOX 69  
DRIGGS ID 83422-0069

  
Kari Lynn Townsend  
Secretary

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OCT 21 1997



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 22, 1997

BOYD CHARLES & JILL JOHNSON SMITH TRUST  
PO BOX 69  
DRIGGS ID 834220069

RE: WATER RIGHT NO. 22-07670

Dear Water Right Holder(s):

The above referenced water right is in the process of being licensed. However, before a license can be issued, your permit must be amended to depict your water right as it has actually been developed.

The enclosed Application for Amendment contains information that will be included on the license when it is issued. The amendment reflects a change in the location of the point(s) of diversion. Please review carefully and if you concur, sign the amendment and return with the \$50.00 filing fee within 14 days.

The last page of the Application for Amendment form contains a list of Conditions of Approval and Remarks proposed for the license when it is issued. These conditions of approval and remarks may be modified upon further administrative review.

If you do not concur, or if you have any questions about this information, please contact me as soon as possible. My telephone number is (208) 327-7946.

Sincerely,

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

Shelley W. Keen  
Water Rights Supervisor

SK:ph

Enclosure

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## B/U FIELD EXAM REVIEW

**Cindy Zimmerman**

Permit #: 22-7670 Name: Smith Date: 1/16/96 ✓ Lots ✓

NAME Chng Same Or Address Change? PO Box 69 Driggs 83422-0069  
354-8135

SOURCE \_\_\_\_\_ ✓ Clarify source \_\_\_\_\_  
\_\_\_\_\_ Prelim. Order to Void - Source change.

P/D ✓ Amendment Needed? SSSWND P39  
Overlap(s) \_\_\_\_\_

P/U      ✓      Amendment Needed? \_\_\_\_\_ P41  
Overlap(s) \_\_\_\_\_  
(Gov't use special T's)      \*P/D & P/U Amend? P37

RATE                       ✓ Permit/proof fee limits            1.46 /            1.46  
                      ✓ Measured Quantity =            1.03 cfs Theoretical Quantity =            cfs  
                      Polysonic measurement @ 461.508 gpm = 1.03 cfs  
           (HP)  $\frac{8.8 \times 0.70 \times 30}{38 + (2.31 \times 60)} = 1.05$  cfs

VOLUME

|   |                      |                                                             |                       |
|---|----------------------|-------------------------------------------------------------|-----------------------|
| ✓ | Recommended capacity | 1.03                                                        | cfs                   |
| ✓ | Recommended rate     | 1.03                                                        | cfs                   |
| ✓ | Season:              | ( B 1 3.5 )                                                 | 4/15-10/15 = 184 days |
|   | Calculations:        | $70 \text{ ac} \times 3.5 \text{ AF/ac} = 245.0 \text{ AF}$ |                       |
|   |                      | $70 \times 3.5 =$                                           |                       |

Flow limit:  $1.03 \text{ cfs} \times 184 \text{ days/yr.} \times 1.9835 = 375.9 \text{ AF}$   
 Recommended volume  $245.0 \text{ AF}$

USES \_\_\_\_\_ ☒ Same Nature of Use? No domestic use found. P46  
Amendment Needed?

REMARKS Multiple p/d's in same 1/4? Use W32

CONDITIONS

☒ Measuring Device (R01) or Lockable Controlling Works (R02)

☒ Watermaster Control (R04) - WD # \_\_\_\_\_

☒ R30 Irrigation rate/annual volume overlap

☒ GW irrigation replaces surface water (050)

☒ GW irrigation supplements surface water (065)

☒ Water Quality

☒ Other 048,049

PRIORITY App Rod 5/17/90 Due 8/1/93 Rcd 7/30/93  
Receipt# E 018976 Fee OK? (Yes)/No  
Order to Reinstate Needed? Yes No Done?      Advanced to:       
Priority 5/17/90 Examined 8/23/95

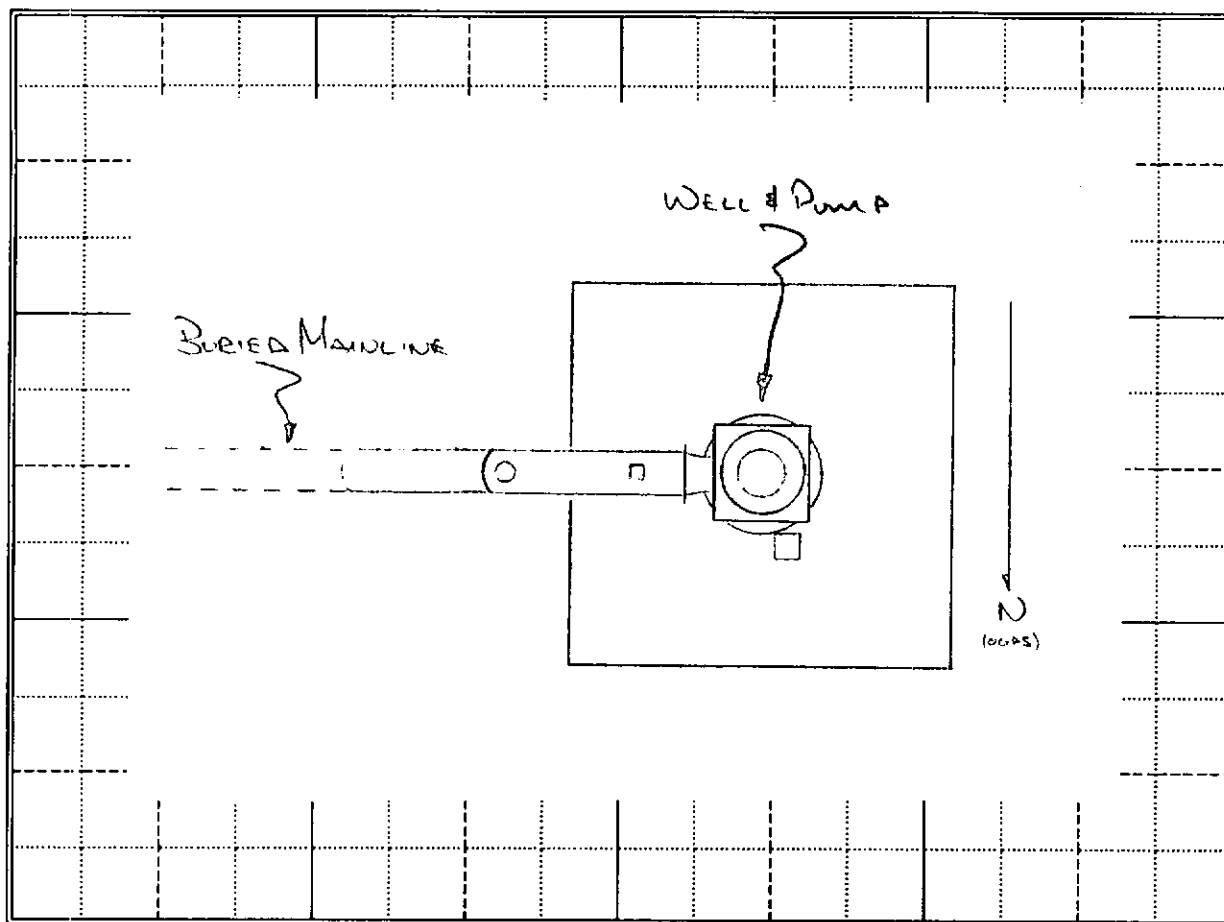
COMMENTS:

| USE   | CFS  | VOLUME |
|-------|------|--------|
| 100   | 1.03 | 245.0  |
|       |      |        |
|       |      |        |
|       |      |        |
| TOTAL | 1.03 | 245.0  |

SRBA Overlap none  
Adjustment Memo       
~~LICENSE LTR: P40~~  
#1 AMEND LTR: P39/P38  
#2 AMEND LTR: P42/P47

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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" = \_\_\_\_\_

\_\_\_\_ Copy of USGS Quadrange 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 |
|---------------------------------------|------------|----|------------------|----------------|-----------------------------------|
|                                       | US Motors  | 30 | 9902754-6-654    | JUGRESOLI/BAUD | 6" FLARE TO 8"                    |
|                                       |            |    |                  |                |                                   |
|                                       |            |    |                  |                |                                   |

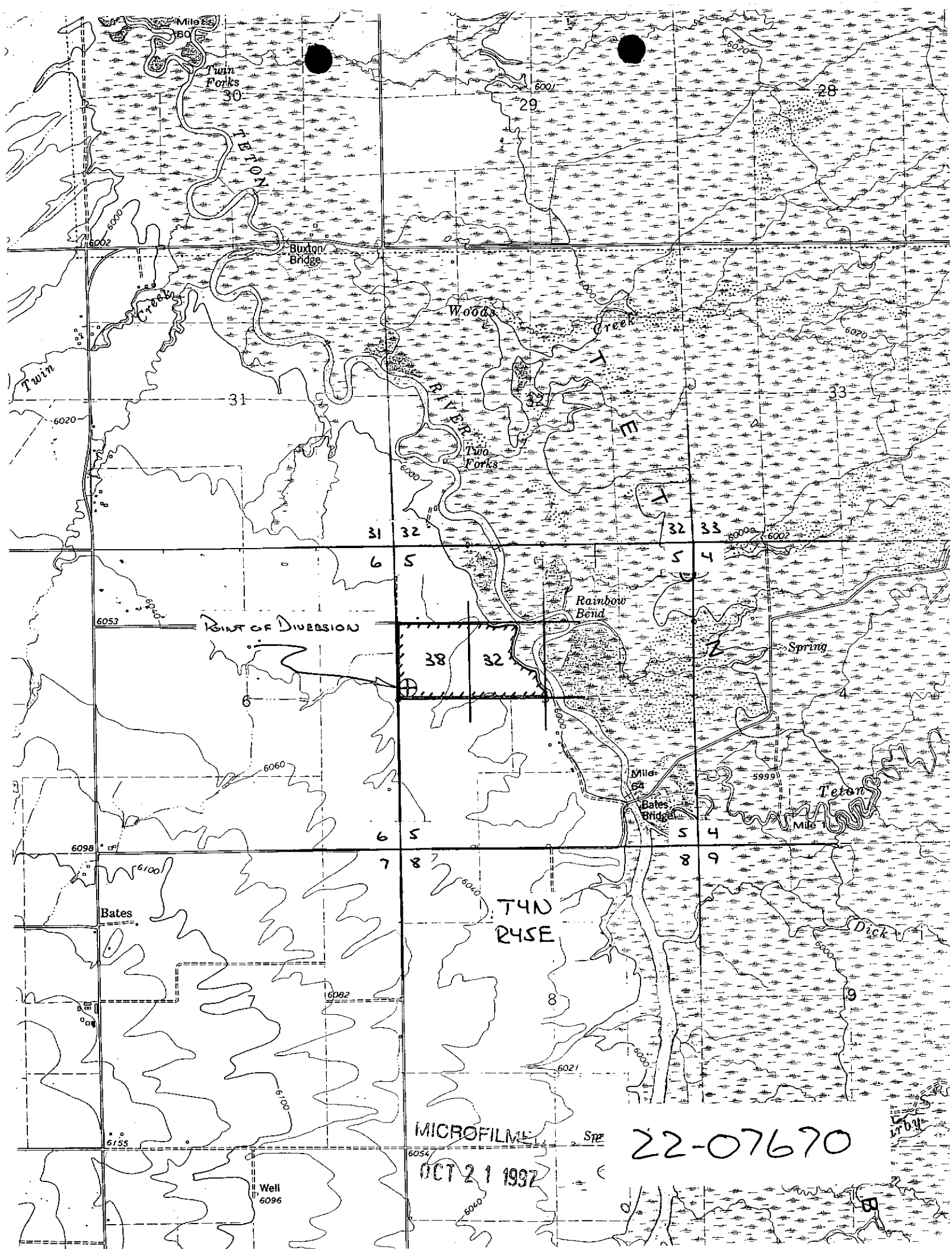
\*Code to correspond with No. on map and aerial photo

#### D. FLOW MEASUREMENTS

1.

| Measurement Equipment | Type | Make | Model No. | Serial No. | Size | Calib. Date |
|-----------------------|------|------|-----------|------------|------|-------------|
| ULTRASONIC TIME-FLITE |      |      |           |            |      |             |
|                       |      |      |           |            |      |             |

2. Measurements:  $Q_{MEAS} = 461.508 \text{ GPM} = 1.03 \text{ cfs}$



|    |    |
|----|----|
| 31 | 32 |
| 6  | 5  |

POINT OF DIVERSION

274  
T290  
NHFL NHFL NHFL  
150 2352 248

117  
T252  
280

22-07670

NHFL

0296.0 MMSEC  
100.16 % T0

08-23 10:4500 \*R  
+003.00 % AI2

OUTER DIAMETER  
7.9598 IN

PIPE MATERIAL  
? CS,SS

WALL THICKNESS  
0.1350 IN

SOUND VELOCITY  
1430 M/S-

SPACING  
5.544 IN U

08-23 10:5000 \*R  
+447.243E 0GPM

08-23 10:5000 \*R  
+448.564E 0GPM

08-23 11:0400 \*R  
+450.413E 0GPM

08-23 11:1700 \*R  
+457.281E 0GPM

08-23 11:1700 \*R  
+461.508E 0GPM

08-23 11:1800 \*R  
+460.451E 0GPM

0296.0 MMSEC  
100.16 % T0

08-23 10:4500 \*R  
+003.00 % AI2

OUTER DIAMETER  
7.9598 IN

PIPE MATERIAL  
? CS,SS

WALL THICKNESS  
0.1350 IN

SOUND VELOCITY  
1430 M/S-

SPACING  
5.544 IN U

08-23 10:5000 \*R  
+447.243E 0GPM

08-23 10:5000 \*R  
+448.564E 0GPM

08-23 11:0400 \*R  
+450.413E 0GPM

08-23 11:1700 \*R  
+457.281E 0GPM

08-23 11:1700 \*R  
+461.508E 0GPM

08-23 11:1800 \*R  
+460.451E 0GPM

22-07670

22-07670

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22-07670  
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Plate 3 - Motor and pump assembly at point of diversion.

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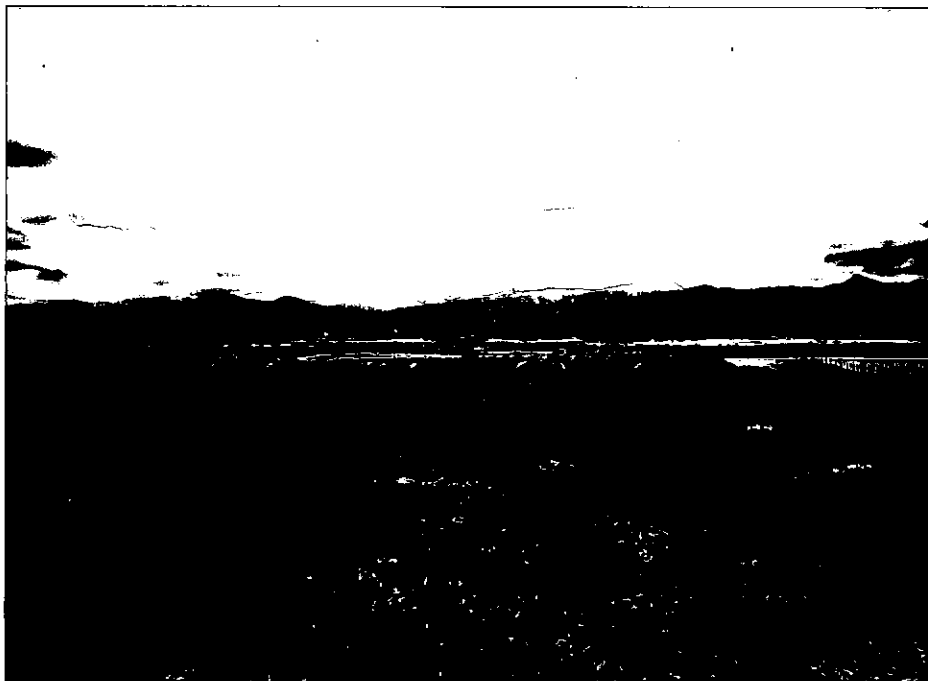


Plate 1 - Place of use looking east from point of diversion.



Plate 2 - Place of use looking northeast from point of diversion.

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22-07670

E. NARRATIVE/REMARKS/COMMENTS

WELL, PUMP AND MAINLINE TO SPRINKLER SYSTEM FOR IRRIGATION  
OF CROPLAND.

\* NO DOMESTIC USE

\* 60 PSI OPERATING PRESSURE

\* WELL LOG INDICATES STATIC WATER AT 18'. ESTIMATE 20'  
DRAWDOWN TO DYNAMIC HEAD OF 38'

\* NOTE: NO OTHER WATER RIGHTS PRESENTLY USED ON THIS PLACE  
OF USE. PERMIT 22-07395 RECOMMENDED FOR CANCELLATION  
AS WELL WAS NOT IN PLACE AT TIME OF EXAM OF 22-07395.  
WELL DRILLED IN 1991 FOR 22-07670.

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

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**F. FLOW CALCULATIONS**

\_\_\_\_ Additional Computation Sheets Attached

Measured Method:

$$Q_{THEOR} = \frac{(30 \text{ in}) (8.814) (.762)}{(38.414) + (60 \text{ in} \times 2.808)} = 1.05 \text{ cfs}$$

$$Q_{MEAS} = \underline{1.03 \text{ cfs}}$$

RECOMMENDED AS MEASURED: 1.03 cfs**G. VOLUME CALCULATIONS**

1. Volume Calculations for Irrigation:

$$V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = 70 \times 3.5 = 245 \text{ afa}$$

$$V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 = 1.03 (185) 1.9835 = 384.86$$

$$V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} = \underline{245}$$

2. Volume Calculations for Other Uses:

**H. RECOMMENDATIONS**

## 1. Recommended Amounts

| Beneficial Use    | Period of Use |              | Rate of Diversion<br>Q (cfs) | Annual Volume<br>V (afa) |
|-------------------|---------------|--------------|------------------------------|--------------------------|
|                   | From          | To           |                              |                          |
| <u>IRRIGATION</u> | <u>4-15</u>   | <u>10-15</u> | <u>1.03</u>                  | <u>245.0</u>             |
| _____             | _____         | _____        | _____                        | _____                    |
| _____             | _____         | _____        | _____                        | _____                    |
| _____             | _____         | _____        | _____                        | _____                    |
| Totals:           |               |              | <u>1.03</u>                  | <u>245.0</u>             |

## 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**Field Examiner's Name SEN Date 7-29-96

Reviewer \_\_\_\_\_ Date \_\_\_\_\_

SEAL

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
**WELL DRILLER'S REPORT**

USE TYPEWRITER OR  
BALLPOINT PEN

State law requires that this report be filed with the Director, Department of Water Resources  
within 30 days after the completion or abandonment of the well.

1. WELL OWNER

Name Boyd & C. Smith  
Address P.O. Box 49 Driggs Idaho  
Drilling Permit No. 22-93-E-0190-000  
Water Right Permit No. 22-07670

7. WATER LEVEL

Static water level 18' feet below land surface.  
Flowing? ☐ Yes ☒ No G.P.M. flow \_\_\_\_\_  
Artesian closed-in pressure \_\_\_\_\_ p.s.i.  
Controlled by: ☐ Valve ☐ Cap ☐ Plug  
Temperature 62°F Quality \_\_\_\_\_  
Describe artesian or temperature zones below.

2. NATURE OF WORK

☒ New well ☐ Deepened ☐ Replacement  
☐ Well diameter increase  
☐ Abandoned (describe abandonment procedures such as  
materials, plug depths, etc. in lithologic log)

8. WELL TEST DATA

☐ Pump ☐ Baller ☐ Air ☐ Other \_\_\_\_\_

Discharge G.P.M. \_\_\_\_\_ Pumping level \_\_\_\_\_ Hours Pumped \_\_\_\_\_

3. PROPOSED USE

☐ Domestic ☒ Irrigation ☐ Test ☐ Municipal  
☐ Industrial ☐ Stock ☐ Waste disposal or injection  
☐ Other \_\_\_\_\_ (specify type)

9. LITHOLOGIC LOG

| Bore<br>Diam. | Depth<br>From To | Material           | Water<br>Yes No |
|---------------|------------------|--------------------|-----------------|
| 16            | 0 29             | BROWN CLAY         |                 |
|               | 29 40            | Muddy Red Gravel   | X               |
|               | 40 45            | BROWN CLAY         |                 |
|               | 45 55            | Muddy BROWN CLAY   |                 |
|               | 55 67            | BROWN SOFT CLAY    | X               |
|               | 67 80            | Muddy Gravel       |                 |
|               | 80 107           | SOFT BROWN CLAY    | X               |
|               | 107 114          | Muddy Brown Gravel | X               |
|               | 114 131          | SOFT BROWN CLAY    | X               |
|               | 131 150          | Muddy BROWN Gravel |                 |
|               | 150 160          | BROWN CLAY         | X               |
|               | 160 166          | BROWN CLAY         |                 |
|               | 166 180          | GRAVEL             | X               |
|               | 180 195          | BROWN CLAY         | X               |
|               | 195 220          | WHITE BROWN CLAY   |                 |
|               | 220 237          | GRAVEL             | X               |
|               | 237 240          | BROWN CLAY         |                 |
|               | 240 250          | Muddy BROWN Gravel | X               |
|               | 250 254          | BROWN CLAY         |                 |
|               | 254 258          | WHITE GRAY CLAY    |                 |

4. METHOD DRILLED

☐ Rotary ☐ Air ☐ Hydraulic ☐ Reverse rotary  
☒ Cable ☐ Dug ☐ Other \_\_\_\_\_

5. WELL CONSTRUCTION

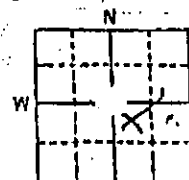
Casing schedule: ☒ Steel ☐ Concrete ☐ Other \_\_\_\_\_  
Thickness \_\_\_\_\_ Diameter \_\_\_\_\_ From \_\_\_\_\_ To \_\_\_\_\_  
Inches \_\_\_\_\_ Inches \_\_\_\_\_ feet \_\_\_\_\_ feet \_\_\_\_\_  
Inches \_\_\_\_\_ Inches \_\_\_\_\_ feet \_\_\_\_\_ feet \_\_\_\_\_  
Inches \_\_\_\_\_ Inches \_\_\_\_\_ feet \_\_\_\_\_ feet \_\_\_\_\_  
Was casing drive shoe used? ☒ Yes ☐ No  
Was a packer or seal used? ☐ Yes ☒ No  
Perforated? ☒ Yes ☐ No  
How perforated? ☐ Factory ☐ Knife ☒ Torch ☐ Gun  
Size of perforation \_\_\_\_\_ inches by \_\_\_\_\_ inches  
Number \_\_\_\_\_ From \_\_\_\_\_ To \_\_\_\_\_  
perforations \_\_\_\_\_ feet \_\_\_\_\_ feet \_\_\_\_\_  
perforations \_\_\_\_\_ feet \_\_\_\_\_ feet \_\_\_\_\_  
perforations \_\_\_\_\_ feet \_\_\_\_\_ feet \_\_\_\_\_  
Well screen installed? ☐ Yes ☒ No  
Manufacturer's name \_\_\_\_\_ Type \_\_\_\_\_ Model No. \_\_\_\_\_  
Diameter \_\_\_\_\_ Slot size \_\_\_\_\_ Set from \_\_\_\_\_ feet to \_\_\_\_\_ feet  
Diameter \_\_\_\_\_ Slot size \_\_\_\_\_ Set from \_\_\_\_\_ feet to \_\_\_\_\_ feet  
Gravel packed? ☐ Yes ☒ No ☐ Size of gravel \_\_\_\_\_  
Placed from \_\_\_\_\_ feet to \_\_\_\_\_ feet  
Surface seal depth \_\_\_\_\_ Material used in seal: ☐ Cement grout  
☐ Bentonite ☒ Pudding clay ☐ \_\_\_\_\_  
Sealing procedure used: ☐ Slurry pit ☐ Temp. surface casing  
☒ Overbore to seal depth  
Method of joining casing: ☐ Threaded ☒ Welded ☐ Solvent  
Weld \_\_\_\_\_  
Describe access port \_\_\_\_\_

10.

Work started 3-29-91 finished 4-20-91

6. LOCATION OF WELL

Sketch map location must agree with written location.



Subdivision Name MICROFILMED

Lot No. \_\_\_\_\_ Block No. \_\_\_\_\_

County Teton

11. DRILLERS CERTIFICATION

I/We certify that all minimum well construction standards were  
complied with at the time the rig was removed.

Firm Name John M. Riehl Firm No. 106

Address LAUA IDAHO Date 4-23-91

Signed by (Firm Official) Charles F. Lander

and  
(Operator) Charles F. Lander



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 6, 1993

BOYD CHARLES SMITH  
301 COLERIDGE AVE  
PALO ALTO CA 94301

PROOF ACKNOWLEDGEMENT LETTER

RE: PERMIT NO. 22-07670

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.

If you have questions concerning this matter, please feel free to contact the EASTERN Regional Office in Twin Falls, at (208)525-7161.

Sincerely,

JULIE L. YARBROUGH  
Senior Secretary

c: IDWR - Region

MICROFILMED

OCT 21 1997

State of Idaho  
Department of Water Resources

**APPLICATION FOR DRILLING PERMIT**

RECEIVED

NOV 15 1993

Department of Water Resources

1. Applicant (please print) Boyd Charles Smith and Jill Johnson Smith Trust

2. Mailing Address 301 Coleridge Ave.

City & State Palo Alto, California Zip Code 94301 Telephone (415) 493-5310

☒ Well Owner ( ) Well Operator ( ) Other, specify \_\_\_\_\_

3. Proposed well location SE 1/4 NW 1/4, or Gov't Lot No. \_\_\_\_\_

Sec. 5, Twp. 4N, Rge. 45E, County Teton

Street Address of Well Site \_\_\_\_\_

Lot, block and subdivision \_\_\_\_\_

4. Proposed use of well:

( ) Domestic: The use of water for homes, organization camps, public campgrounds, livestock and for any other purpose in connection therewith, including irrigation of up to 1/2 acre of land, if the total use is not in excess of 13,000 gpd; or any other uses, if the total use does not exceed a diversion rate of 0.04 cfs and a diversion volume of 2500 gpd.

Domestic does not include water for multiple ownership subdivisions, mobile home parks, commercial or business establishments, unless the use does not exceed a diversion rate of 0.04 cfs and a diversion volume of 2500 gpd.

( ) Non-Domestic: Any beneficial use not included within the definition of domestic.

( ) Injection

( ) Monitoring - A well bore schematic and map is required for each well.

No. of proposed wells: \_\_\_\_\_

☒ Other Irrigation  
(Describe) \_\_\_\_\_

5. Well construction information:

A. ☒ New well ( ) Deepen ( ) Enlarge ( ) Replace - See Condition 9

B. Proposed Surface Diameter 16 inches Proposed Maximum Depth 250 feet

C. Anticipated bottom hole temperature:

- ☒ 85°F or less (Cold water well)  
( ) 85°F to 212°F (Low temp. geothermal well)  
( ) 212° or more (Geothermal well)

6. Construction Start Date March 29, 1991

7. Anticipated Well Driller Charles Frandson  
NOTE: The actual well driller must be identified prior to drilling.

8. Applicant's signature [Signature] Date 4 Nov 93

Title Trustee

(Owner, Firm Representative, Other)

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## ACTION OF THE DEPARTMENT OF WATER RESOURCES

This Permit is Approved

Date Nov. 23, 1993

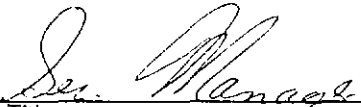
If approved, this permit authorizes the construction or modification of a well subject to the following conditions. READ CAREFULLY!

### GENERAL CONDITIONS:

1. The well must be constructed in compliance with the applicable statutes, specific conditions of approval shown on the water right permit, injection well permit, transfer or amendment and the rules and regulations of the Department for water appropriation, injection wells and well construction standards.
2. This drilling permit is valid for two (2) months from the above approval date for the start of construction and is valid for one (1) year from the approval date for completion of the well unless an extension has been granted.
3. This permit does not constitute an approval of the District Health Department or the Idaho Department of Health and Welfare which may be required before construction of this well. All wells must be drilled a minimum distance of 100 feet from a drain field. Domestic and Public Water Supply wells must be drilled a minimum distance of 50 feet and 100 feet respectively from a septic tank.
4. The well shall be constructed by a driller currently licensed in the State of Idaho who must maintain a copy of the drilling permit at the drilling site.
5. Approval of this drilling permit does not authorize trespass on the land of another party.
6. This permit does not constitute other local, county, state or federal approvals which may be required for construction of a well.
7. This drilling permit does not represent a right to divert and use the water of the State of Idaho.
8. If a bottom hole temperature of 85° or greater is encountered, well construction shall cease and the well driller and the well owner shall contact the Department immediately.
9. If this permit is for a replacement well, the well being replaced must be abandoned in accordance with Department Rules and Regulations.

### SPECIFIC CONDITIONS:

  
Signature of Authorized Department Representative

  
Title

Receipt No. C029012 Received by ju Fee 200.00 Date 11-16-93

### EXTENSION OF DRILLING PERMIT

Extension approved by \_\_\_\_\_ Approval Date \_\_\_\_\_

This extension is good for 60 days beyond the above extension approval date DEC 21 1993

RECEIPT  
For Monies Paid  
to the  
Idaho Department of Water Resource

Receipt No: C029012

Date: 11/16/1993  
Time: 10:55:31

Received  
From: SMITH, BOYD C

| Type of Payment          | Program Acct      | Amount   |
|--------------------------|-------------------|----------|
| DRILLING PERMIT 22-07670 | 54104 229 21 1205 | 200.00   |
| Total                    |                   |          |
| CHECK 847                |                   | \$200.00 |

Region: STATE

Signature: J. Wyatt

MICROFILMED  
OCT 21 1997



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 1, 1993

Kent Foster  
Holden Kidwell Hahn and Crapo  
PO Box 50130  
Idaho Falls, ID 83434

Re: Permit No. 22-07670 in the name of Boyd Charles and  
Jill Johnson Smith

Dear Mr Foster:

On September 30, the Department corresponded with you and explained the need to apply for an "after the fact" drilling permit for the well drilled in association with the above referenced water right permit. The Department asked that you submit the drilling permit and \$200 fee within 30 days DIRECTLY TO ME. As of this date, I have not received the drilling permit or fee.

The Department will allow an additional 15 days in which to submit the previously requested information. If the Department has not received it at the end of that time, the proof of beneficial use will be returned and the permit lapsed for failure to comply with all conditions, namely condition 5 which states that the permit holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.

As you know, once the permit is lapsed, it will be of no further force nor effect.

If you have any questions, or if I can be of any further assistance, please feel free to contact me.

Sincerely,

Karen L. Gustafson  
Senior Secretary

MICROFILMED  
OCT 21 1997



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

September 30, 1993

Kent Foster  
Holden Kidwell Hahn and Crapo  
PO Box 50130  
Idaho Falls, ID 83434

Re: Permit No. 22-07670 in the name of Boyd Charles and Jill Johnson Smith

Dear Mr. Foster:

As suspected, this office has also been unable to locate a drilling permit which should have been applied for before the opening of your well began. Though you have submitted a copy of a well log, it does not contain the drilling permit number.

Therefore, in order to be in compliance with the conditions of your water right, you must apply for a drilling permit at this time. I have enclosed a drilling permit application for your convenience. Please complete the form and return it DIRECTLY TO ME along with a \$200 filing fee. Your response, with the form and fee attached, should be received within 30 days of the date of this mailing.

This information is needed before the department can proceed further with the examination of your system and the eventual issuance of a license of water right.

If you have any questions or if I can be of any further assistance, please feel free to contact me.

Sincerely,

A handwritten signature in cursive script that reads 'Karen L. Gustafson'.

Karen L. Gustafson  
Senior Secretary

Enclosure

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OCT 21 1997

LAW OFFICES  
**HOLDEN, KIDWELL, HAHN & CRAPO**

IDAHO FALLS OFFICE

FRED J. HAHN  
KENT W. FOSTER  
ROBERT E. FARNAM  
WILLIAM D. FALER  
STEPHEN E. MARTIN  
CHARLES A. HOMER  
GARY L. MEIKLE  
GAYLE A. SORENSON, P.A.  
DONALD L. HARRIS  
MARIE T. TYLER  
JOHN G. SIMMONS, P.A.  
ROBERT M. FOLLETT  
KUMEN L. TAYLOR  
JAMES K. SLAVENS

WEST ONE BANK  
P.O. BOX 50130  
330 SHOUP AVENUE  
IDAHO FALLS, IDAHO 83405

TELEPHONE (208) 523-0620  
TELEFAX (208) 523-9518

KEY FINANCIAL CENTER  
702 W. IDAHO SUITE 810  
BOISE, IDAHO 83702

TELEPHONE (208) 343-0820  
TELEFAX (208) 343-8078

BOISE OFFICE

RANDALL B. REED  
FREDERICK J. HAHN III  
RONALD D. CHRISTIAN

ARTHUR W. HOLDEN  
(1877-1967)  
ROBERT B. HOLDEN  
(1911-1971)  
TERRY L. CRAPO  
(1939-1982)  
WILLIAM S. HOLDEN  
(1907-1988)

September 27, 1993

Idaho Department of Water Resources  
1301 N. Orchard Street  
Statehouse Mail  
Boise, Idaho 83720-9000  
Attn: Karen L. Gustafson

RECEIVED  
SEP 29 1993  
Department of Water Resources

Re: Permit #22-07670

Dear Karen:

We are enclosing with this letter a copy of the well drillers report for the above numbered permit.

As I indicated in our telephone conversation, we have looked into this matter fairly thoroughly with Mr. Ernest Carlson of the Idaho Falls office and Mr. Carlson has concluded that no drilling permit was ever issued.

If we can provide additional information or be of any assistance please feel free to call at your convenience.

Yours very truly,



Kent W. Foster

#8527.00/kep

MICROFILMED  
OCT 21 1997



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

August 9, 1993

Boyd Charles and Jill Johnson Smith Trust  
301 Coleridge Ave  
Palo Alto, CA 94301

Re: Permit No. 22-07670

Dear Ben:

In the department's review of the proof of beneficial use submitted in connection with the above referenced permit, the department was not able to locate a drilling permit which should have been applied for before the opening of your well began. We have also been unable to locate a well log which should have been submitted by your well driller 30 days after completion of the construction of your wells. We realize you were probably not the owner at the time the well was drilled, however, as the current owner, you will need to locate the necessary information.

If you have a drilling permit or a copy of the well log, please provide this office with a copy of each. If you do not have a copy of the well log, please contact your driller and ask that he submit a copy. In your return letter, please be sure to show the above referenced permit number on any documents. Also, please address any correspondence directly to me. Your response, with both forms attached, should be received within 30 days of the date of this mailing.

This information is needed before the department can proceed further with the examination of your system and the eventual issuance of a license of water right.

If you have any questions or if I can be of any further assistance, please feel free to contact me.

Sincerely,

Karen L. Gustafson  
Secretary/Records Manager

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OCT 21 1997



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

August 9, 1993

Boyd Charles & Jill Johnson Smith Trust  
301 Coleridge Ave  
Palo Alto, CA 94301

Re: Permit No. 22-07670

Dear Permit Holder:

We acknowledge receipt of the correspondence and assignment of permit form transferring ownership of the above referenced water right to you. I have modified our computer records to reflect this change in ownership.

If you have any questions or if I can be of any further assistance, please feel free to contact me.

Sincerely,

Karen L. Gustafson  
Secretary/Records Manager

C: IDWR - Regional Office

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OCT 21 1997

LAW OFFICES  
**HOLDEN, KIDWELL, HAHN & CRAPO**

IDAHO FALLS OFFICE

FRED J. HAHN  
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ROBERT E. FARNAM  
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STEPHEN E. MARTIN  
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(1911-1971)  
TERRY L. CRAPO  
(1939-1982)  
WILLIAM S. HOLDEN  
(1907-1988)

July 29, 1993

**RECEIVED**

JUL 30 1993

Department of Water Resources  
Eastern District Office

Idaho Department of Water Resources  
900 North Skyline Drive  
Idaho Falls, Idaho 83402-1718

Gentlemen:

We are enclosing with this letter an Assignment of Permit form for Permit No. 22-07670 from the Drake Brothers in care of Asa Drake to the Boyd Charles Smith and Jill Johnson Smith Trust. We have also enclosed a Proof of Beneficial Use form on this permit and our check in the amount of \$125.00 for the fee in connection with it.

Yours very truly,



Kent W. Foster

#8527.00/srs

Enclosure

pc: Boyd C. Smith

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OCT 21 1993

August 5, 1993

DRAKE BROTHERS  
C/O ASA J. DRAKE  
641 S. 450 W.  
VICTOR ID 83455

LAPSE NOTICE

RE: PERMIT NO. 22-07670

Dear Permit Holder:

You are hereby notified that under the provisions of Section 42-218A, Idaho Code, the above referenced permit has lapsed and is of no further force nor effect. The department provided the proper forms to you in our proof due notice dated May 31, 1993. No further construction or additional development is authorized under this permit unless it is reinstated.

The permit can only be reinstated if you submit an acceptable proof of beneficial use or an acceptable request for extension of time to the department within sixty (60) days of the mailing of this lapse notice. An acceptable proof of beneficial use submittal must include the examination fee or a completed field examination report. A request for extension of time must be accompanied by a fifteen dollar (\$15) fee.

Enclosed again for your use are a proof of beneficial use form and a request for extension of time form. Please note that only one extension of time can be granted unless the project has not been completed because of lack of a necessary approval by a government agency or by litigation which may bring title to the water in question.

L. GLEN SAXTON  
Chief, Water Allocation Bureau

Enclosures

CERTIFICATION OF MAILING

I hereby certify that on 8/5/93  
~~a copy~~/an original of this document was  
deposited in the United States mail,  
postage prepaid addressed to the  
individual(s) named above.

*Klg*

MICROFILMED

OCT 21 1997

May 31, 1993

DRAKE BROTHERS  
C/O ASA J. DRAKE  
641 S. 450 W.  
VICTOR ID 83455

PROOF DUE NOTICE

RE: PERMIT NO. 22-07670

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 August 1, 1993. (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.

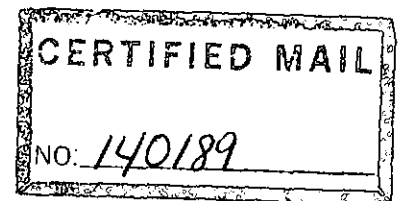
If you have not fully completed your project, and you or a previous owner of this permit have not received a prior extension of time, you may request an extension of time if the delay is for reasonable cause as provided in Section 42-204, Idaho Code. If you have been prevented from proceeding by a governmental 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,

Karen L. Gustafson  
Secretary/Records Manager

Enclosures



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OCT 21 1997

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

-----

Statehouse  
Boise, Idaho 83720  
(208) 327-7900  
August 1, 1990

DRAKE BROTHERS  
C/O ASA J. DRAKE  
641 S. 450 W.  
VICTOR, ID 83455

P E R M I T   A P P R O V A L   N O T I C E

RE: PERMIT NO.        22-07670

Dear Permit Holder:

Enclosed is a copy of your approved application for permit. We direct your attention to the conditions of approval on the final page.

You should be aware that the groundwater you propose to divert is located within a drainage basin where surface waters are regulated during the months of low flow. It is possible that diversion of groundwater may have an adverse impact on these surface water flows. Information available to us at this time does not warrant refusing to issue permits in your area, but we do caution that diversions of groundwater are not allowed to deplete flows available for surface water users with earlier priority dates. Siting your well as far from surface sources as possible and casing out upper water producing zones may reduce the potential of interference.

Section 42-235, Idaho Code, requires that a "drilling permit" must be obtained from the department for all wells constructed after July 1, 1987. A drilling permit is a separate permit that must be issued in addition to your permit to appropriate water. Commencement of well construction or diversion of water under your permit to appropriate water is prohibited unless a drilling permit is obtained.

Please note the requirement that as a permit holder you must commence the excavation or construction of diverting works within one year of the date the permit was issued, and you must proceed diligently until the project is completed. The enclosed blue card must be completed and returned to this office as soon as you

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AUG 14 1990

1

commence construction, no later than one year from the date the permit was approved.

We have enclosed a form entitled "Instructions for Proof of Beneficial Use". Please read the instructions carefully since you must take further action to develop this permit into a license.

Sincerely,

GARY SPACKMAN, Supervisor  
Water Right Permits Section

GS: SC  
Enclosures

MICROFILMED

AUG 14 1990

23-May-1990

Asa J. Drake  
641 S. 450 W.  
Victor, ID 83455

RE: Application for Permit No. 22-7670

Dear Water Right Applicant:

The Department of Water Resources acknowledges receipt of your water right permit. This office is currently in the process of advertising the application in the Teton Valley News on June 7 & 14, 1990. The advertisement will be published for two consecutive weeks, and a period of ten days following the second publication will be allowed for the submittal of protests.

If the application is protested, you will be sent a copy of the protest. The protest must be resolved before the application is approved or denied. If the protest is not resolved voluntarily, this Department will conduct a conference and/or hearing on the matter.

If the application is not protested, it will be forwarded to our state office in about five weeks. State office personnel will conduct a complete review prior to final processing of the application and will notify you of the outcome of this review. When a permit is issued, you will be sent a copy. A typical processing time for an unprotested application is about eight weeks.

Please feel free to contact this office if you have any questions regarding this procedure.

Sincerely,

HAROLD W. JONES  
Water Rights Supervisor

HWJ/rb

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AUG 14 1991

22-07670

DRAKE BROTHERS  
C/O ASA J. DRAKE  
641 S. 450 W.  
VICTOR, ID 83455

Source: GROUNDWATER

Diversion Pt:                SENW        Sec 5 T 04N R 45E

Use: IRRIGATION                ( 1.400 CFS)  
     DOMESTIC                ( .060 CFS)  
              Total Diversion: ( 1.460 CFS)

Date Filed: 5/17/ 1990

In: T04N R45E S05                SWNW                SENW

70.0 ACRES TOTAL

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AUG 14 1990