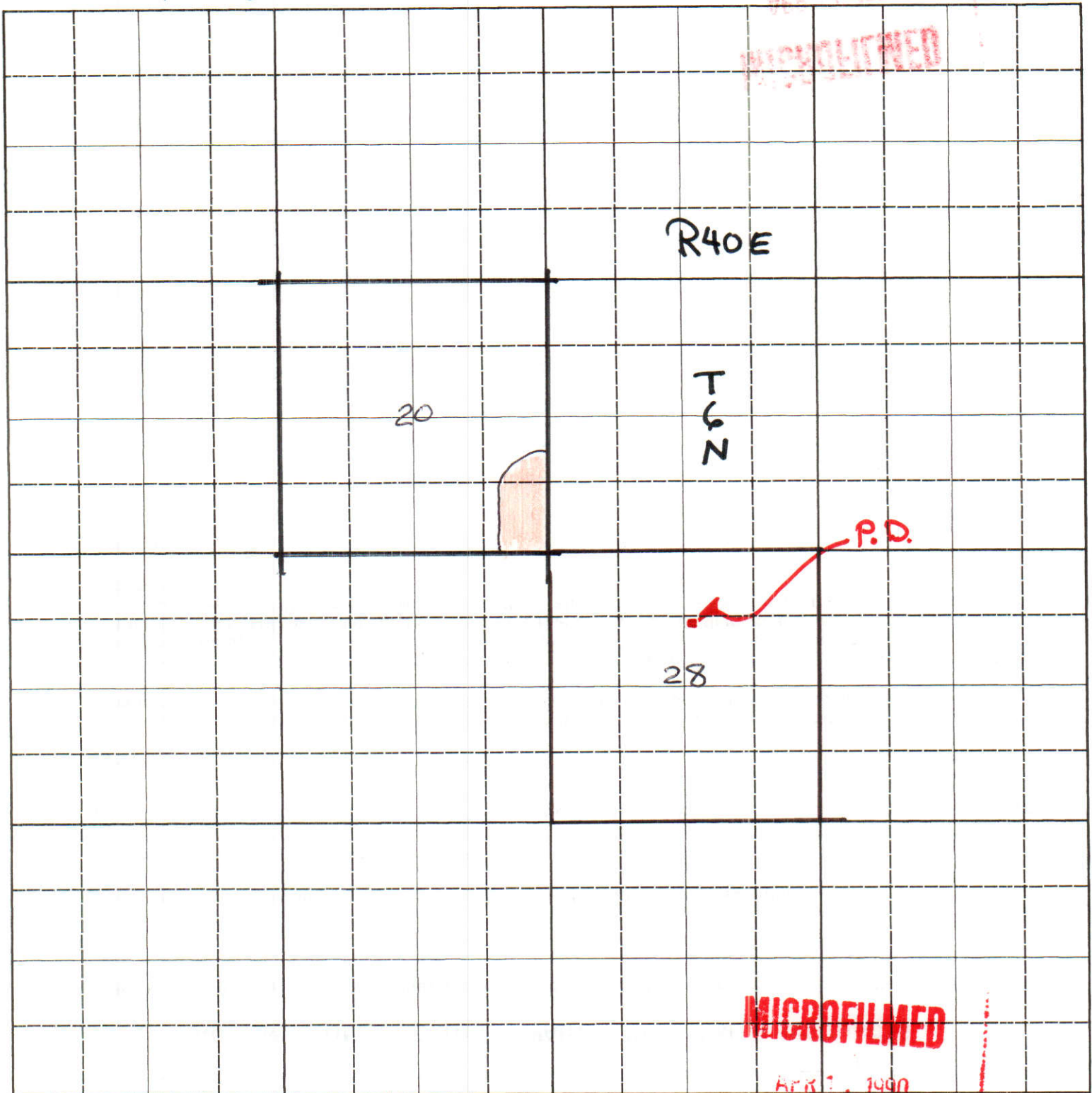


13. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



Scale: 2 inches equal 1 mile.

BE IT KNOWN that the undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.

John W. Smith
(Applicant)

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

RECEIVED

NOV 7 1994

Department of Water Resources

A. GENERAL INFORMATION

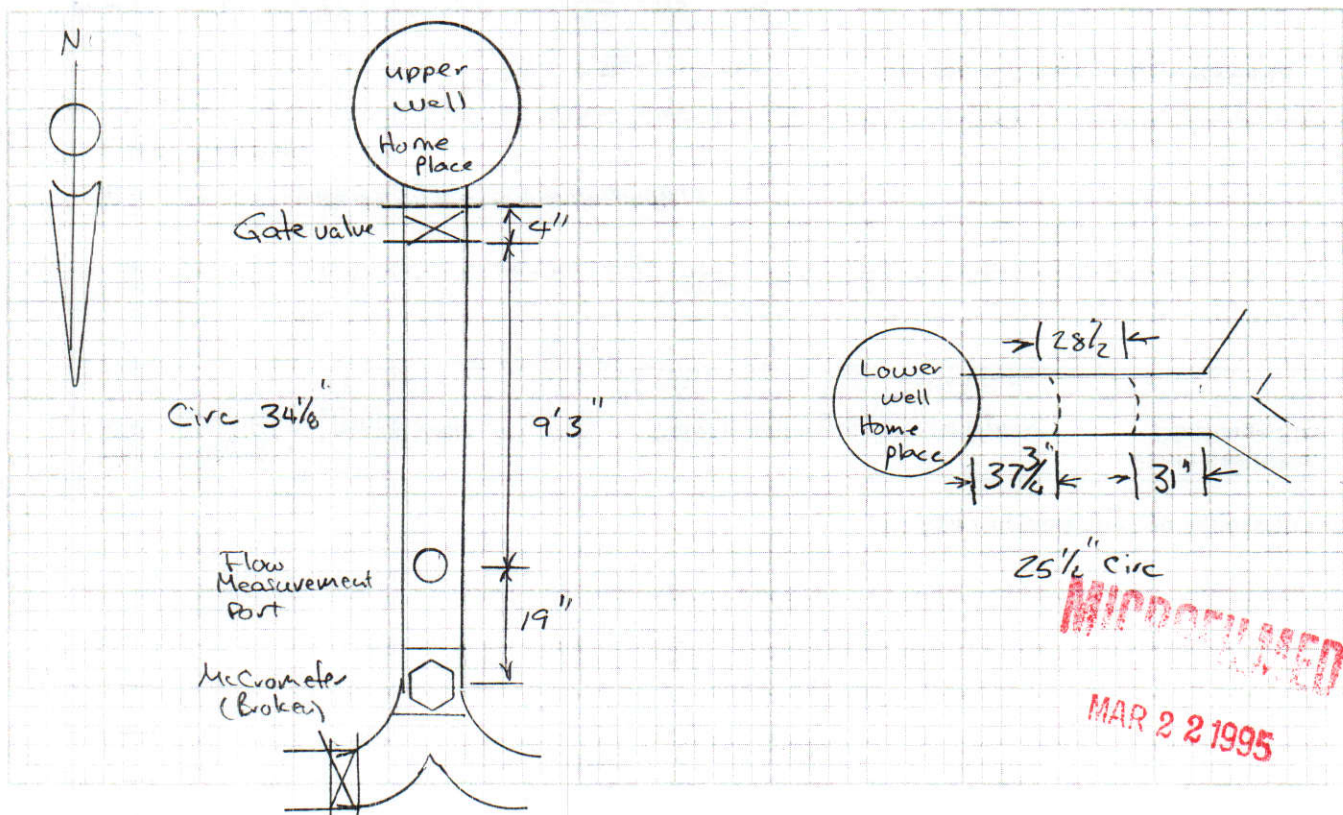
1. Owner: John H. Smith Permit No. 22-7538/7509/7510
Current Address: P.O. Box 375 Rexburg Id 83440 Phone No. 356-3935
2. Accompanied by: Craig Smith EXAM. DATE: 31 July 1992
Address: P.O. Box 375 Rexburg Id 83440 Phone No. _____
Relationship to Permit Holder: operator/owner
3. Source: Groundwater tributary to _____

B. OVERLAP REVIEW

1. Other water rights with same place of use: NONE ☐ Copies Attached
2. Other water rights with same point of diversion: 22-07509, -07510, -2156, -7054
☐ Copies Attached ☐ Copies of Field Exam's Attached

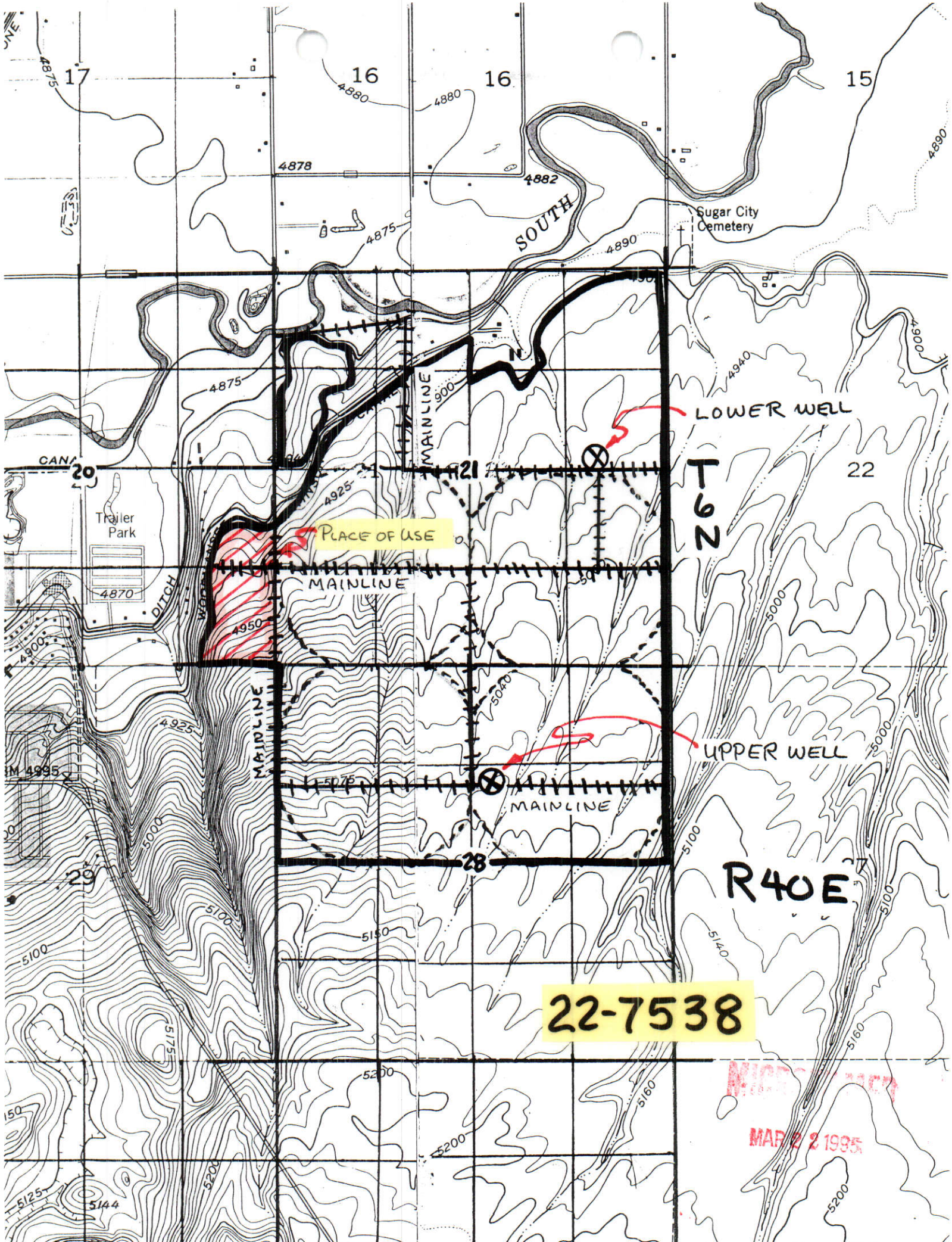
C. SYSTEM DESCRIPTION

1. **Diversion System Diagram:** Indicate all major components and distances between components. Indicate weir size/ditch size/pipe i.d. as applicable. ☐ Alternative diagram attached



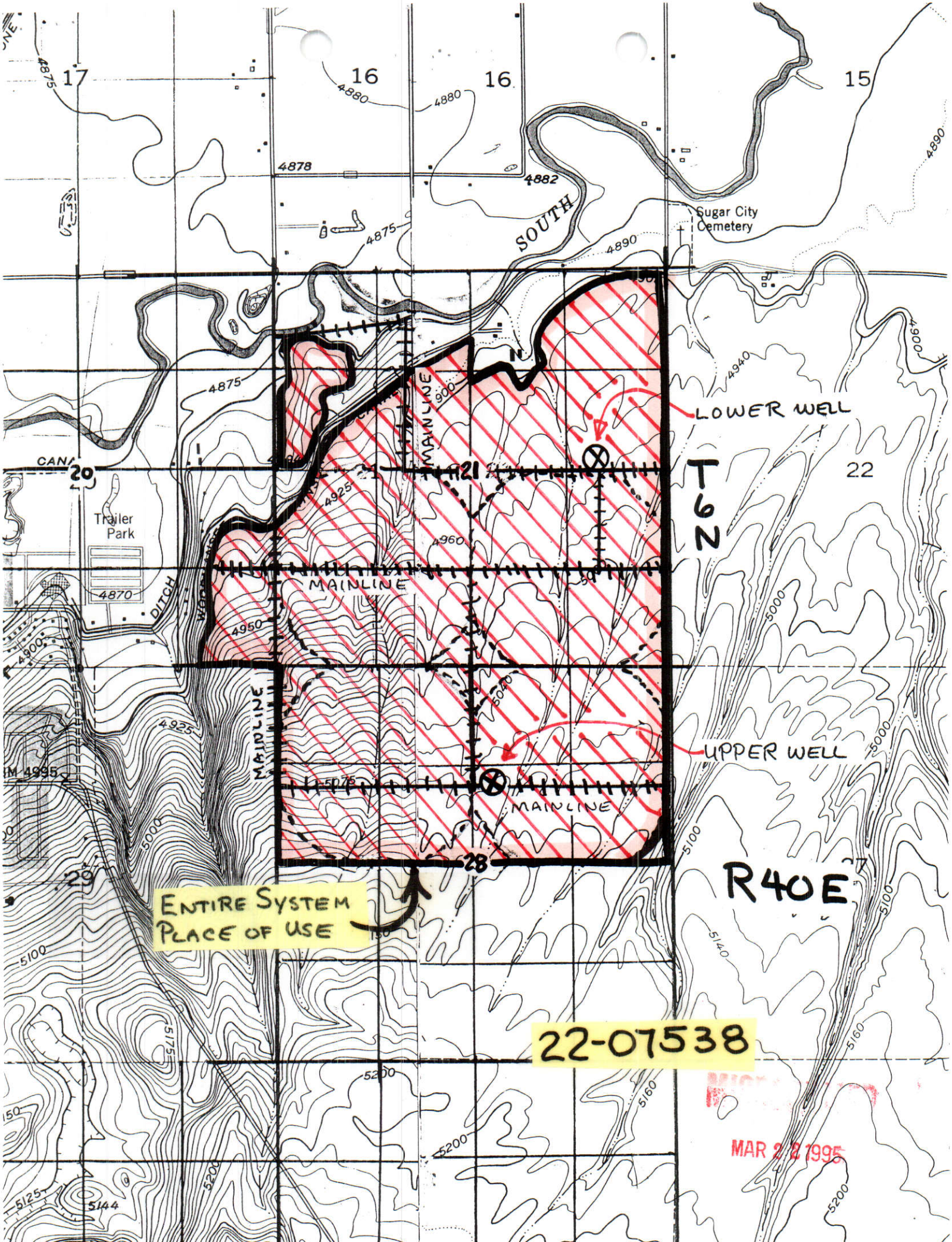
Scale: 1" = _____

2. ☒ Copy of U.S.G.S. 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 or more).
- ☐ Photo of Diversion and System Attached (required for all but single household domestic groundwater, and stockwater).



22-7538

MAR 22 1995



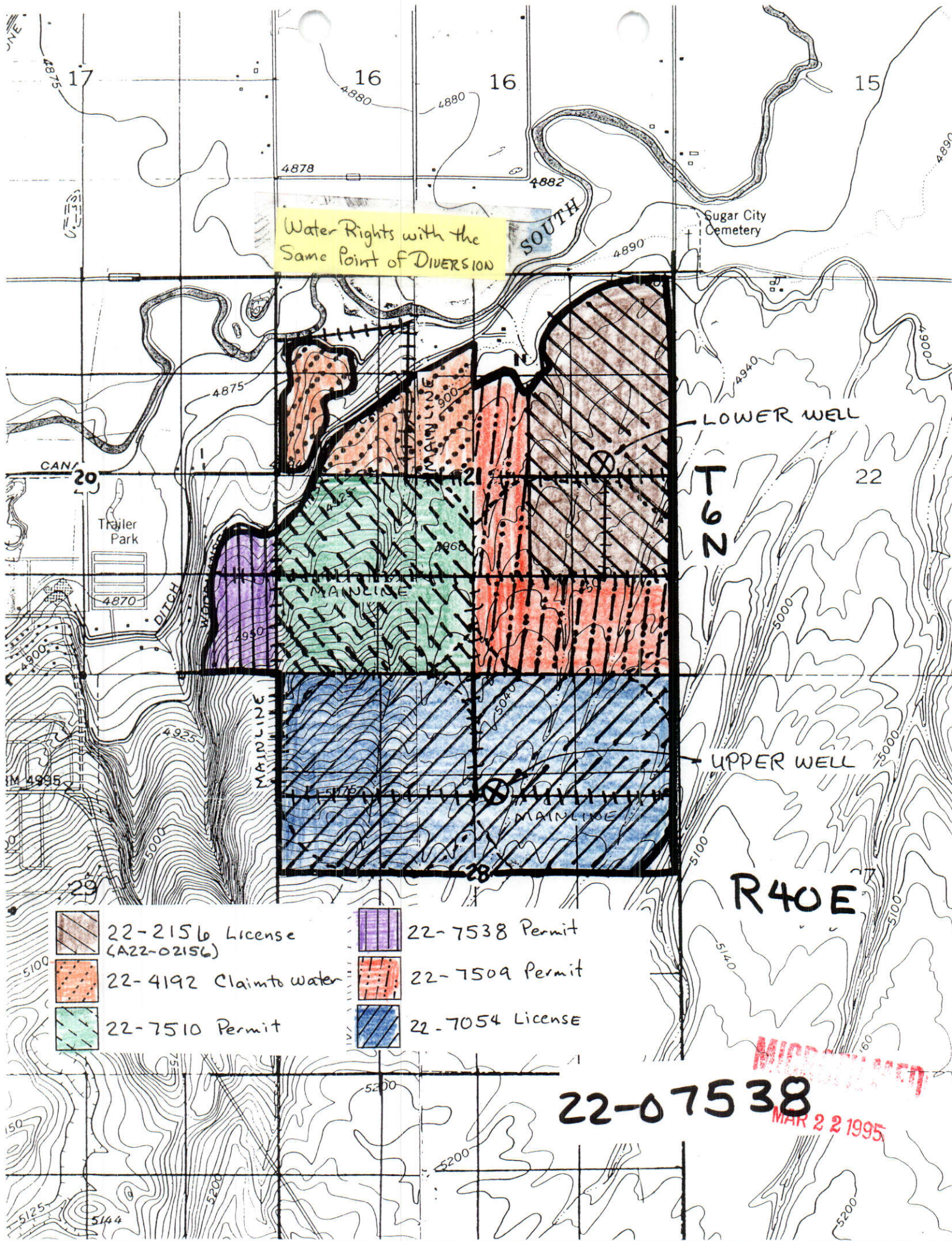
ENTIRE SYSTEM
PLACE OF USE

22-07538

R40E

MAR 22 1995

Water Rights with the
Same Point of DIVERSION



- 22-2156 License (A22-02156)
- 22-4192 Claim to water
- 22-7510 Permit

- 22-7538 Permit
- 22-7509 Permit
- 22-7054 License

22-07538

MICHAEL
MAR 22 1995

THE STANDARD-JOURNAL
Rexburg, Idaho
AFFIDAVIT OF PUBLICATION

RECEIVED

MAR 1 - 1990

Department of Water Resources
Eastern District Office

STATE OF IDAHO
County of Madison

I, Terry Weatherston
first duly sworn, depose and say, that I
am the printer of THE STANDARD-JOURNAL,
a semi-weekly newspaper printed and
published semi-weekly at Rexburg,
Madison County, Idaho; and I do solemnly
swear that the

Notice Of Application a copy
of which notice appears attached hereto,
was published in the regular and entire
issue of said newspaper, and not in any
supplement issue thereof for

Two consecutive issues, the
first publication having been made on
February 1, 1990 and the last
publication having been made on
February 8, 1990

Further, that said newspaper is one
of general circulation in said county;
that it is a legal newspaper, conforming
to legal specifications under the Idaho
Statutes; that it has at least two
hundred bona fide subscribers living
within the county of publication; and
that it has been continuously and
uninterruptedly published in said county
during a period of seventy eight
consecutive weeks prior to the first
publication of the said notice.

Terry Weatherston

STATE OF IDAHO)
COUNTY OF MADISON)

On this 9th day of February in
the year of 1990, before me, a Notary
Public, personally appeared Terry
Weatherston, 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.

Gayle H. Jeld
Notary Public for Idaho

Residing at Rexburg, Idaho
My commission expires: June 8, 1993.

NO. APPLICATION
FOR WATER RIGHT

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

22-07538

SMITH, JOHN H.
P.O. BOX 805
REXBURG, ID 83440
Source: GROUNDWATER
Diversions Pt: SWNE Sec 28 T 06N R 40

E Use: IRRIGATION (.860 CFS) Total
Diversions: (.860 CFS)
Date Filed: 6/27/1988
In: T06N R40E S20 NESE SESE 43.0
ACRES TOTAL

22-07561

GREEN CANYON HOT SPRINGS INC.
P.O. BOX 235
NEWDALE, ID 83436
Source: GROUNDWATER
Diversions Pt: Lot 4 (NENENW) Sec 6 T
05N R 43E

E Use: IRRIGATION (.060 CFS) COM-
MERCIAL (.060 CFS) Total Diversions:
(.060 CFS)
Date Filed: 8/23/1988
In: T05N R43E S06 Lot 8 (NWNW) Lot 4
(SWNW) 2.0 ACRES TOTAL

22-07564

CHANTRILL INC.
C/O BART ROBERTS
NEWDALE, ID 83436
Source: GROUNDWATER
Diversions Pt: NWSWNW Sec 5 T 06N R
42E

E Use: IRRIGATION (3.330 CFS) Total
Diversions: (3.30 CFS)
Date Filed: 8/31/1988
In: T06N R42E S04 SWSW SESW, S05
NWNW SWNW NWSW SWSW, S06
NESW SESW NESE NWSE SWSE
SESE, S09 SENE NENW NWNW, S10
SWNW SENW 640.0 ACRES TOTAL

22-07568

DAVIS, RICHARD L.
P.O. BOX 391
REXBURG, ID 83440
Source: GROUNDWATER
Diversions Pt: NENWNW Sec 31 T 06N
R 40E
E Use: IRRIGATION (.200 CFS)
STOCKWATER (.020 CFS) DOMESTIC
(.040 CFS) Total Diversions: (.260 CFS)
Date Filed: 8/01/1988
In: T06N R40E S31 NWNW 9.6 ACRES
TOTAL

22-07569

DIET CENTER INC.
220 S. 2nd W.
REXBURG, ID 83440
Source: GROUNDWATER
Diversions Pt: SENW Sec 30 T 06N R 40

E Use: IRRIGATION (.120 CFS) Total
Diversions: (.120 CFS)
Date Filed: 8/15/1988
In: T06N R40E S30 SENW 4.0 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. Pro-
tests must be filed with the Director, Dept.
of Water Resources, 150 Shoup Ave.,
Suite 15, Idaho Falls, Idaho 83402 on or
before FEBRUARY 19, 1990.

R. KEITH HIGGINSON
Director

Publ. Feb. 1 and 8, 1990SJ.

MICROFILMED

APR 17 1990

NEW PROPERTY OWNER
NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

RECEIVED
JUL 17 1998
DEPARTMENT OF WATER RESOURCES

DATE OF CLOSING: October, 1997

LEGAL DESCRIPTION OF PROPERTY: See attached copy of Warranty Deed

[] Served Only by a Public Service Water Supply (all water is received from a city or company who maintains water supply system, owns the water right, and bills the customer on a regular basis)

[x] Water Rights Number(s)
Assigned by IDWR:

No (A) (B)
22-02156 22-07054 22-07510 and [REDACTED]
WATER RIGHT/NO ADJ
WATER RIGHT/NO ADJ

[x] Name and Address of Former
Owner/Claimant(s)(Seller): Craig J. Smith, P.O. Box 375, Rexburg, ID 83440
Jay Fred Smith and Sharon Smith
803 Barney Dairy Road
Rexburg, ID 83440

[x] New Owner/Claimant
(Purchaser):

DS&S, Inc.

[x] New Mailing Address:

3500 East 1496 South
Sugar City, ID 83448

[x] New Telephone Number:

(208) 356-3465

[x] Does the change in ownership result in a splitting of the water right owned/claimed?
x yes _____ no. If yes, then describe the portion of the water right that is
now owned/claimed by the new owner:

no overlap

With respect to water rights 22-07150 and 22-07538, all of said rights are appurtenant to the above described property and there will be no splitting. With respect to water right number 22-02156 that portion appurtenant to the land described in the Warranty Deed is now owned by the new owner and with respect to water right number 22-07054, that portion which is appurtenant to the land described in the Warranty Deed is also now owned by the new owner.

[x] Attach proof of ownership,
describe proof attached: Warranty Deed

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AUG 09 1999

[x] Signature of New DS&S, Inc.

Owner/Claimant(s) by [Signature] Date 1/20/99
its press

[] Signature of Former _____ Date _____
Owner/Claimant(s) _____ Date _____

(Signature of former claimant(s) is not required if
proof of ownership is attached)

FOR IDWR USE ONLY:

Initial Review and Data-Entry
Date: _____ By: _____

Further Action Needed:

Further Action Taken
Date: _____ By: _____

Final Review and Data-Entry
Date: _____ By: _____

Claim Number of Split, if any:

Original to be mailed to Idaho Department of
Water Resources. Copies to Former Owner and
New Owner

G:\WPDATA\KWF9343\OWNER.CNG:kmc

MICROFILMED
AUG 09 1999

5-12229-1
ALLIANCE TITLE & ESCROW
P.O. BOX 732
REXBURG, ID 83440

268966

WARRANTY DEED

THIS INDENTURE is made this 11th day of October, 1997, by Craig J. Smith, a married man dealing with his sole and separate property, and Jay Fred Smith and Sharon Smith, husband and wife, referred to collectively as the Grantor, and D S & S, Inc., the Grantee, whose mailing address is 3500 East 1496 South, Sugar City, Idaho, 83448.

WITNESSETH, that the Grantor, for and in consideration of the sum of Ten Dollars (\$10.00) lawful money of the United States of America, and other good and valuable consideration, to the Grantor in hand paid by the Grantee, the receipt whereof is hereby acknowledged, has granted, bargained, sold, and by these presents does grant, bargain, sell, convey and confirm unto the Grantee, and to the Grantee's heirs and assigns forever, all of the following described property in the County of Madison, State of Idaho, to-wit:

Tract 1:

A parcel of property lying in Madison County, State of Idaho, in the East Half of the Southeast Quarter of Section 20, Township 6 North, Range 40 East of the Boise Meridian, and more particularly described as follows: Beginning at the Southeast Corner of Section 20, point also being the true point of beginning; thence South 89°47'43" West along the South line of Section 20, 1063.04 feet; thence North 00°00'00" East 879.15 feet to a point that is in the approximate centerline of the Woodmanssee Canal; thence continuing in a Northerly direction along the centerline of canal North 0°56'45" East 360.30 feet; thence North 17°42'06" East 249.36 feet; thence North 8°08'07" East 137.57 feet; thence North 21°03'00" East 142.63 feet; thence North 36°49'48" East 198.28 feet; thence North 45°19'10" East 138.37 feet; thence North 66°19'54" East 127.54 feet; thence North 73°35'59" East 99.07 feet; thence South 84°48'33" East 36.48 feet; thence South 45°41'16" East 33.48 feet; thence South 35°58'27" East 58.11 feet; thence South 47°42'46" East 28.64 feet; thence South 66°41'00" East 37.27 feet; thence South 75°37'29" East 97.79 feet; thence South 68°42'46" East 67.73 feet; thence South 63°02'39" East 60.11 feet; thence South 81°06'41" East 48.73 feet; thence North 65°13'51" East 38.07 feet; thence North 41°43'15" East 41.93 feet; thence North 28°26'48" East 53.24 feet to the East line of

MICROFILMED
AUG 09 1999

Section 20, thence South 00°27'19" East 1980.32 feet to the true point of beginning.

Tract 2:

Southwest Quarter, Section 21, Township 6 North, Range 40 East Boise Meridian, Madison County, Idaho.

Less any portion of the following parcel lying within Tract 2: A tract of land lying in Madison County, State of Idaho, in Sections 20 and 21, Township 6 North, Range 40 East of the Boise Meridian, and more particularly described as follows: Beginning at the East Quarter Corner of Section 20, said corner being South 89°58'57" East 2642.80 feet of the center corner of Section 20, said corner being the true point of beginning: thence along the quarter section line North 89°58'57" West 632.84 feet to the centerline of the Old Rexburg Milling Ditch; thence South 17°00'00" East along the centerline of said ditch 570.70 feet to the centerline of a canal; thence along the centerline of said canal the following 22 courses: S. 45°41'16" E. 33.48 feet; S. 35°58'27" E. 58.11 feet; S. 47°42'46" E. 28.64 feet; S. 66°41'00" E. 37.27 feet; S. 75°37'29" E. 97.79 feet; S. 68°42'46" E. 67.73 feet; S. 63°02'39" E. 60.11 feet; S. 81°06'41" E. 48.73 feet; N. 65°13'51" E. 38.07 feet; N. 41°43'15" E. 41.93 feet; N. 28°26'48" E. 72.99 feet; N. 25°11'32" E. 119.90 feet; N. 37°01'28" E. 75.59 feet; N. 56°21'13" E. 57.38 feet; N. 65°27'01" E. 75.02 feet; N. 70°41'10" E. 59.31 feet; N. 63°26'14" E. 39.94 feet; N. 37°26'07" E. 61.10 feet; N. 22°52'22" E. 63.66 feet; N. 21°47'55" E. 101.79 feet; N. 25°36'47" E. 105.76 feet; N. 23°12'54" E. 57.06 feet; to a point which falls on the Quarter Section line of Section 21, said point being North 89°35'15" West 2167.03 feet of the center corner of Section 21; thence along quarter section line North 89°35'15" West 476.51 feet to the true point of beginning.

Tract 3:

Northwest Quarter of Section 28, Township 6 North, Range 40 East Boise Meridian, Madison County, Idaho.

NW 1/4

22-7054

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AUG 09 1999

SUBJECT TO:

(1) Easements, or claims of easements, not shown by the public records.

(2) (i) unpatented mining claims; or (ii) reservations or exceptions in patents or in Acts authorizing the issuance thereof, whether or not the matters excepted are shown by the public records.

(3) Levies and assessments of the Fremont-Madison Irrigation District, and the rights, powers and easements of said district as by law provided.

(4) Easement for power line over and across a portion of the West Half of the Northeast Quarter of above described Section 21, granted by instrument dated March 7, 1955, executed by John N. Smith and June Smith, his wife, to Utah Power and Light Company, a corporation; recorded April 8, 1955, as Bk/Dr. 178 of Miscellaneous, No. 89, Instrument No. 103455, records of said county. Reference to the recorded instrument is hereby made for full particulars.

(5) Easement for power line over and across a portion of the South Half of the Northeast Quarter of said Section 21, granted by instrument dated March 7, 1955, executed by J. Fred Smith and Josephine N. Smith, his wife, to Utah Power & Light Company, a corporation recorded April 8, 1955, as Bk/Dr. 178 of Miscellaneous, No. 90, Instrument No. 103456, records of said County, to the record of which reference is hereby made for full particulars.

(6) An easement for the purpose shown below and rights incidental thereto as set forth in document: Granted to: Utah Power & Light; Purpose: Public Utilities; Recorded: August 28, 1974; Instrument No. 153538 & 153539 of Official Records. (Section 28-6-40).

(7) An easement for the purpose shown below and rights incidental thereto as set forth in document: Granted to:

Utah Power & Light; Purpose: Public Utilities; Recorded: April 10, 1979; Instrument No. 177949 of Official Records.

(8) Any questions that may arise due to any variation of the Woodmansec/Johnston Irrigation Ditch, or the Rexburg Milling Ditch.

(9) Encroachments, overlaps, boundary line disputes, and any other matters which would be disclosed by an accurate survey or inspection of the Property.

TOGETHER with the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, and any reversions, any remainders, rents, issues and profits therefrom; and all estate, right, title and interest in and to the property, as well in law as in equity, of the Grantor.

TO HAVE AND TO HOLD the premises and the appurtenances unto the Grantee, and to the Grantee's heirs and assigns forever. The Grantor and the Grantor's heirs shall warrant and defend the premises in the quiet and peaceable possession of the Grantee and the Grantee's heirs and assigns, against the Grantor and the Grantor's heirs, and against every person whomsoever who lawfully holds (or who later lawfully claims to have held) rights in the premises as of the date hereof.

In construing this Warranty Deed and where the context so requires, the singular includes the plural.

IN WITNESS WHEREOF, the Grantor has executed the within instrument the day and year first above written.

SS 268668

MICROFILMED

Craig J. Smith

Jay Fred Smith
Jay Fred Smith

Sharon Smith

MICROFILMED

AUG 09 1999

STATE OF IDAHO)
)ss.
 County of Madison)

On this 14th day of October, 1997, before me the undersigned, a Notary Public, in and for said State, personally appeared Craig J. Smith, a married man dealing with his sole and separate property, known or identified to me to be the persons whose name is subscribed to the within instrument and acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year in this certificate first above written.

(seal) ALISON BANTA Alison Banta
 NOTARY PUBLIC, STATE OF IDAHO Notary Public for Idaho
 COMMISSION EXPIRES: 11-23-99 Residing at St. Anthony, Id
 My Commission Expires: 11-23-99

STATE OF IDAHO)
)ss.
 County of Madison)
Bonneville)

On this 14th day of October, 1997, before me the undersigned, a Notary Public, in and for said State, personally appeared Jay Fred Smith and Sharon Smith, husband and wife, known or identified to me to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year in this certificate first above written.

(seal) ALISON BANTA Alison Banta
 NOTARY PUBLIC, STATE OF IDAHO Notary Public for Idaho
 COMMISSION EXPIRES: 11-23-99 Residing at St. Anthony, Id
 My Commission Expires: 11-23-99

GAWPDATA\GLM\914\NDDEEDS\WD

5 - WARRANTY DEED

MICROFILMED
 AUG 09 1999

State of Idaho
 County of Madison
 I hereby certify that the within instrument was
 filed NOV. 07 1997
 19 11-23-99 at St. Anthony, Id
 recorded on 11-23-99
 268966 Fee 1.00
 by GETTIE DEEG, Recorder
 by Alison Banta, Deputy
 At the request of Alison Banta
 FILED

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 22-07538

Priority: June 27, 1988

Maximum Diversion Rate:

0.38 CFS

This is to certify, that JOHN H SMITH

PO BOX 375

REXBURG ID 83440

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated June 27, 1988; and has submitted Proof of Beneficial Use on October 29, 1990. An examination indicates that the works have a diversion capacity of 8.400 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	0.38 CFS	
------------	----------------	----------	--

LOCATION OF POINT(S) OF DIVERSION:

SENE , Sec. 21, Township 06N, Range 40E

SWNE , Sec. 28, Township 06N, Range 40E

MADISON 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>
06N	40E	20	NESE 12	SESE 26		38

Total number of acres irrigated: 38

CONDITIONS/REMARKS:

1. This water right is appurtenant to the described place of use.
2. This right is subject to all prior water rights and may be forfeited by five years of non-use.
3. Modifications to or variance from this license must be made within the limits of Section 43-302, Idaho Code, or the applicable Idaho law.
4. 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.
5. 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.
6. The right holder shall use the full allotment of appurtenant surface water rights, to the extent they are available, in conjunction with groundwater diverted pursuant to this right.
7. This right to divert groundwater shall not be used if the surface water right(s) appurtenant to the place of use is so transferred, leased or used on any other place of use without the approval of the Department.

MAR 22 1995

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

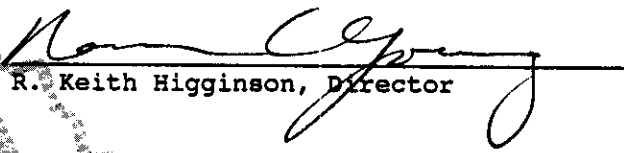
WATER RIGHT NO. 22-07538

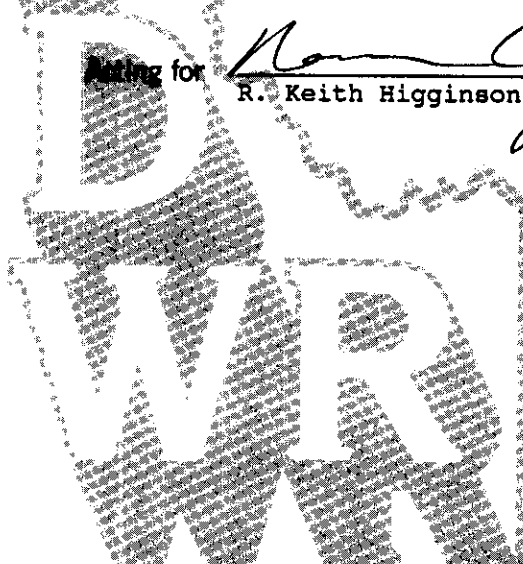
CONDITIONS/REMARKS:

8. This right when combined with all other rights shall provide no more than .02 cfs per acre nor exceed a combined annual diversion volume of 133.0 af for the lands above.
9. This right uses the same wells as the rights listed below and when combined with those rights shall not exceed a diversion rate of 8.4 cfs.
10. The combined rights include: 22-02156, 22-07054, 22-07509 and 22-07510.

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 9TH day of MARCH, 1995.

Attest for


R. Keith Higginson, Director



RECORDED
MAR 22 1995

APPROVED

State of Idaho
Department of Water Resources

RECEIVED
FEB 27 1995

Department of Water Resources

APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 22-07538

Date of Priority: June 27, 1988

Maximum Diversion Rate:

0.38 CFS

Comes now

JOHN H SMITH

PO BOX 375

REXBURG ID 83440

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. 22-07538, 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	0.38 CFS	

LOCATION OF POINT(S) OF DIVERSION:

SENE , Sec. 21, Township 06N, Range 40E
SWNE , Sec. 28, Township 06N, Range 40E
MADISON 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>
06N	40E	20	NESE 12	SESE 26		38

Total number of acres irrigated: 38

RECEIVED

MAR 22 1995

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 Rexburg, this 17 day of February, 1995.

John H. Smith
(Signature)

State of Idaho
Department of Water Resources

APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 22-07538

FOR DEPARTMENT USE ONLY

Preliminary check by SK Fee = 50.00 Receipted by Ruby # C032259 Date 3/3/95

ACTION OF THE DEPARTMENT OF WATER RESOURCES

I, R. Keith Higginson, of the Department of Water Resources hereby approve the above Application for Amendment for Permit No. 22-07538 with the following;

CONDITIONS/REMARKS:

1. This water right is appurtenant to the described place of use.
2. This right is subject to all prior water rights and may be forfeited by five years of non-use.
3. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
4. 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.
5. 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.
6. The right holder shall use the full allotment of appurtenant surface water rights, to the extent they are available, in conjunction with groundwater diverted pursuant to this right.
7. This right to divert groundwater shall not be used if the surface water right(s) appurtenant to the place of use is sold, transferred, leased or used on any other place of use without the approval of the Department.
8. This right when combined with all other rights shall provide no more than .02 cfs per acre nor exceed a combined annual diversion volume of 133.0 af for the lands above.
9. This right uses the same wells as the rights listed below and when combined with those rights shall not exceed a diversion rate of 8.4 cfs.
10. The combined rights include: 22-02156, 22-07054, 22-07509 and 22-07510.

RECORDED

MAR 22 1995

Witness my hand this 9TH day of MARCH, 1995.

R. Keith Higginson
R. Keith Higginson, Director

100⁰⁰

For Office Use Only

Am't. of Fee \$ 100.00

Date 10/29/90

Receipt No. C-018711

Received by [Signature]
11-8-90

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

OCT 29 1990

Department of Water Resources

PROOF OF BENEFICIAL USE

The Idaho Department of Water Resources will consider this form as 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 or a completed field examination report prepared by a certified water right examiner who has been appointed by the department.

Permit No. 22-07538

Telephone No. 356-3935

Name(s) of Permit Holder(s): John H Smith

Post Office Address: PO Box 805 - Rexburg Idaho 83440

Source of Water: Groundwater

If ground water, well driller's name: Anders well Drilling Date drilled: 1953

Extent of Use:

Domestic _____ (No. of households)

Irrigation 43 (No. of acres)

Stockwater _____ (No. and type of stock)

Other _____

Total rate and/or volume for which proof is submitted .86 cfs _____ acre/feet

Show date water was first diverted and beneficially used under this permit: June 27-1988

One of the following may be a condition of approval of your permit:

Measuring device: Required? ☐ Yes ☒ No Installed? ☐ Yes ☒ No

OR

Flow Measurement Port: Required? ☒ Yes ☐ No Installed? ☐ Yes ☒ No

Fee Enclosed: \$ 100⁰⁰ (See License Examination Fee Schedule)

Person to contact to accompany the Department representative during the field examination:

John H. Smith
Name

356-3935
Telephone No.

P.O. Box 805 - Rexburg, Idaho 83440
Address

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.

FILED

DEC 17 1990

Date _____

John H. Smith
Signature (and title if on behalf of a company or organization)

State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 22-07538

Proposed Priority: June 27, 1988 Maximum Diversion Rate: 0.86 CFS
This is to certify, that JOHN H. SMITH

P.O. BOX 805
REXBURG, ID 83440

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	0.86 CFS

LOCATION OF POINT(S) OF DIVERSION: SWNE Sec. 28, Township 06N, Range 40E
MADISON 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>
06N	40E	20	NESE 13	SESE 30		43
Total number of acres irrigated:						43

CONDITIONS/REMARKS:

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before April 1, 1991.
2. Subject to all prior water rights.
3. Permit holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
4. 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.
5. 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.
6. Prior to the diversion of water under this permit a flow measurement port or other device as specified by the Department shall be installed to provide for the installation of measuring equipment and the determination of the rate of diversion by the Department.
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

APR 17 1990

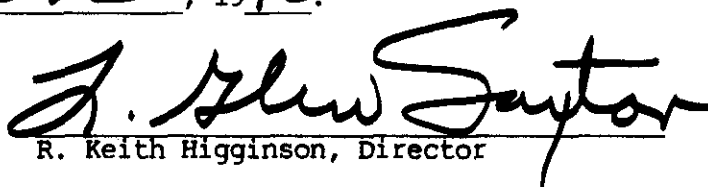
State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 22-07538

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

29th day of March, 1990.


R. Keith Higginson, Director

MICROFILMED

APR 17 1990

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name of applicant John H. Smith Phone 356-3935
Post office address P.O. Box 805 Rexburg Id 83440
2. Source of water supply GROUNDWATER which is a tributary of _____
3. Location of point of diversion is _____ 1/4 of SW 1/4 of NE 1/4, Govt. Lot _____
Sec. 28 Township 6N Range 40 E B.M. Madison County; additional
points of diversion if any: _____
4. Water will be used for the following purposes:
Amount 0.86 for IRRIGATION purposes from 4/1 to 11/1 (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)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
5. Total quantity to be appropriated is (a) 0.86 and/or (b) _____
cubic feet per second acre feet per annum
6. Proposed diverting works:
 - a. Description of ditches, flumes, pumps, headgates, etc. well pump mainline to center pivots and hand lines
 - b. Height of storage dam _____ feet; active reservoir capacity _____ acre-feet; total reservoir capacity _____ acre-feet; period of year when water will be diverted to storage: _____ to _____ inclusive.
 - c. Proposed well diameter is 20 inches; proposed depth of well is 630 feet.
 - d. Is ground water with a temperature of greater than 90°F being sought? NO
7. Time required for the completion of the works and application of the water to the project is 1 years (minimum 1 year).

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APR 17 1990

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

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

9. Description of place of use:

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

TWP	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
6N	40E	20													13			30	43
																			43

Total number of acres to be irrigated _____

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

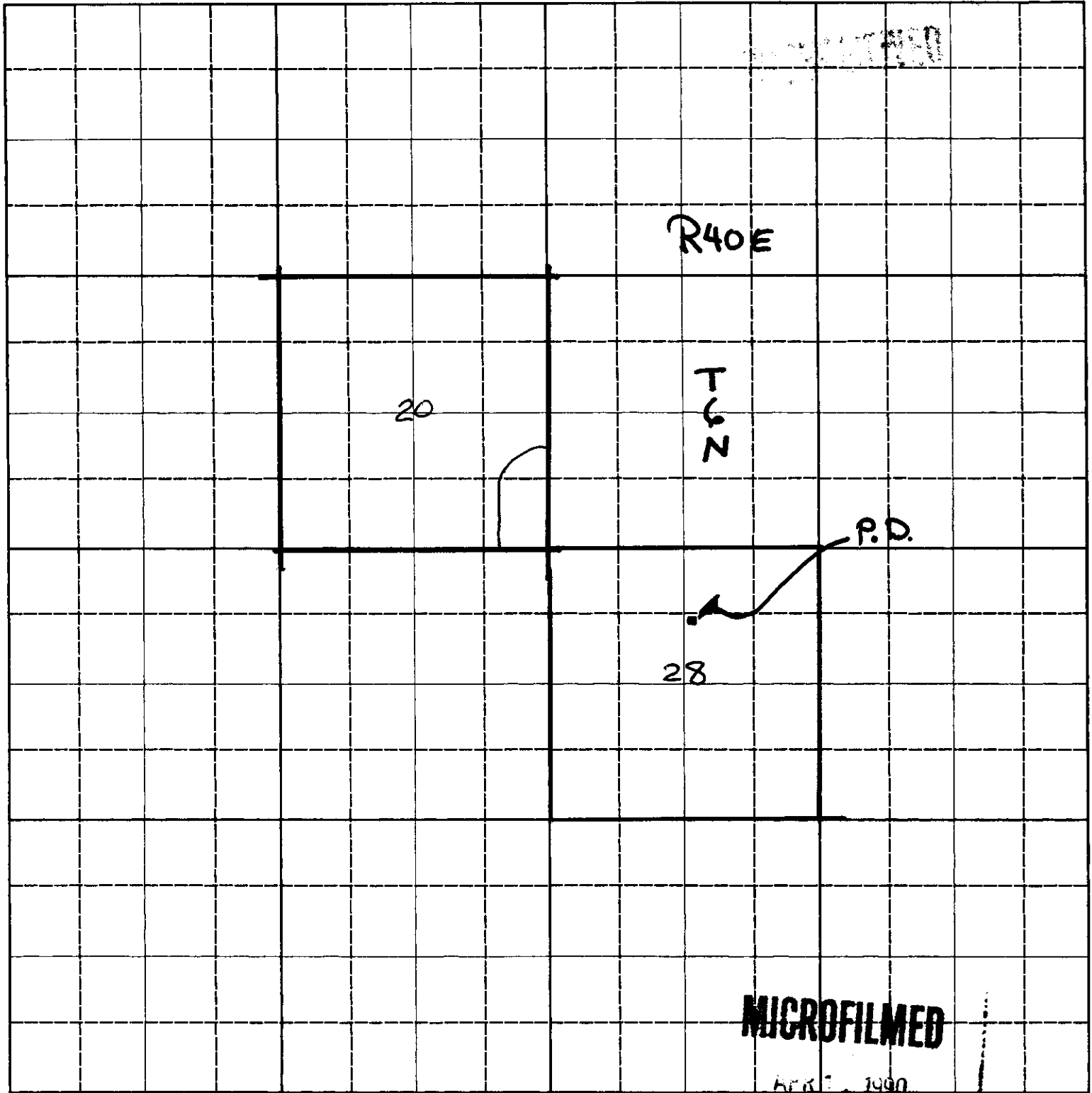
- Who owns the property at the point of diversion? Applicant
- Who owns the land to be irrigated or place of use? "
- If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing. _____

12. Remarks: System also under 22-7054 & 22-7510 (App for Permit)

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APR 17 1990

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



Scale: 2 inches equal 1 mile.

BE IT KNOWN that the undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.

John W. Smith
(Applicant)

Received by OW Date 6-27-88 Time 12:20p Preliminary check by SM
Fee \$ 45⁰⁰ Receipted by dg # E000658 Date 7-8-88
Publication prepared by RB Date 2-18-90 Published in Lexburg Standard-Tribune
Publication approved OW Date 3-2-90

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:

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APR 17 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

June 30, 1999

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

D S & S INC
3500 E 1496 S
SUGAR CITY ID 83448

RE: Water Rights 22-07510 & 22-07538

Dear Water Right Holder(s):

The department acknowledges receipt of correspondence changing ownership of the above referenced water rights to you. The department has modified its records to reflect the changes in ownership and has enclosed computer-generated reports for your records.

Please note that as of July 1, 1996, water right owners are required to report any change of water right ownership and any change of mailing address of the owner of a water right to the department. Notice of the change must be provided to the department within 120 days of the change. Change reporting forms are available from any office of the department.

Please feel free to contact the department if you have questions.

Sincerely,

L. Glen Saxton
L. GLEN SAXTON, Chief
Water Allocations Bureau

LGS:klt

Enclosure

cc: IDWR-Eastern Region

MICROFILMED

AUG 09 1999



State of Idaho
DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Idaho Falls, Idaho 83402-1718 - (208) 525-7161 - Fax (208) 525-7177

EASTERN REGION

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

February 18, 1998

DS & S INC
3500 E 1496 S
SUGAR CITY ID 83448

RE: CHANGE OF OWNERSHIP FOR 22-02156, 22-07510, [REDACTED]

Dear Claimant:

The request for Change in Ownership for the above referenced Notices cannot be processed by this office.

Since 22-07510 and 22-07538 are not adjudication claims, I sent them to our state office in Boise on 2/19/98 for processing. Should you want to follow up on the status of these claims, contact Water Rights Allocations secretary Kari Lynn Townsend at (208) 327-7900.

The place of use for claim 22-02156 does not correspond to the place of use on the warranty deed from Craig Smith to DS & S Inc. Unless you can provide further information that indicates 22-02156 is appurtenant to the property purchased by DS & S Inc., our office cannot process this change of ownership. If you have questions regarding this claim, please contact Senior Water Agent Dave Carlson at (208) 525-7161.

Respectfully submitted,

Jennifer Hoagland
Technical Records Specialist

cc: John H. Smith

MICROFILMED

AUG 09 1999



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

PHILIP E. BATT
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

MARCH 14, 1995

JOHN H SMITH
P O BOX 805
REXBURG ID 83440

RE: WATER RIGHT NOS. 22-07509/22-07510/22-07538

DEAR WATER RIGHT HOLDER:

Enclosed are copies of the Water Right Licenses issued on the above referenced permits along with a copy of each of your approved Application for Amendment.

Should you have any questions regarding these documents, please contact me.

Sincerely,

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

Shelley Walter Keen
Water Right Supervisor

SK:rl

Enclosures

RECEIVED

MAR 22 1995

MEMORANDUM

TO: Files 22-07509, 22-07510, and 22-07538
In the name of John H. Smith

FROM: Brenda Chapman

DATE: February 15, 1995

RE: Licensing Amendments

=====

Today I telephoned the permit holder's son, Craig Smith, concerning the licensing amendments on the above referenced permits. He thought because he had spoke with Shelley on 12/15/94 that the amendments did not need to be returned. John Smith, is in Yuma, AZ. Craig said he would FED/EX them to him right away.

An additional two weeks will be given to Mr. Smith to review and return the amendments and fees to us.

MISSOURI

MAR 2 2 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

PHILIP E. BATT
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

January 24, 1995

JOHN H SMITH
PO BOX 375
REXBURG ID 83440

RE: WATER RIGHT NO. 22-07538

Dear Water Right Holder(s):

I previously forwarded to you an Application for Amendment so that you could amend your permit to correspond with the findings of the Department's field examiner.

As of this date, I have not received the amendment. If I do not receive it within fourteen (14) days, I will assume you no longer have any interest in the permit and cancellation proceedings will begin. Enclosed for your convenience is another amendment form in the event the first one was misplaced.

If you have any questions, please contact me. 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:rl

Enclosure

RECEIVED

MAR 22 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

December 23, 1994

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

JOHN H SMITH
PO BOX 375
REXBURG ID 83440-0375

RE: WATER RIGHT NO. 22-07538

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 correspond with the findings of the Department's field examiner.

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/REMARKS proposed for the license when it is issued. These conditions/remarks may be modified upon further administrative review.

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

Sincerely,

Shelley W. Keen
Water Rights Supervisor

SK:dc

Enclosure

RECEIVED
MAR 22 1995

M E M O R A N D U M

DATE: December 15, 1994

TO: Files 22-07510, 22-07509, and 22-07538

FROM: Shelley W. Keen (SUK)

RE: Use in Combination with Surface Water

=====

Permits 22-07510, 22-07509, and 22-07538 cover part of a groundwater irrigation system that also includes licensed rights 22-02156 and 22-07054. The same system also irrigates a number of acres in the NW $\frac{1}{4}$ of Sec. 21, T6N, R40E, without a recorded groundwater right to do so. The total land area covered is about 872 acres.

There is, however, a statutory claim, numbered 22-04192, and a corresponding SRBA claim to irrigate the NW $\frac{1}{4}$ of Sec. 21, T6N, R40E, from the Teton River. Also, the Woodmansee-Johnson Ditch Co. has filed SRBA claims indicating they have surface water rights appurtenant to the NW $\frac{1}{4}$ of Sec. 21, T6N, R40E. Due to the relatively low diversion rate per acre supplied by the groundwater system on the 872 acres, I wondered if the surface water might be commingled with the groundwater and applied over the entire area.

In seeking an answer, I called 208-356-9009 and spoke with Craig Smith, son of the permit holder of record for 22-07510, 22-07509, and 22-07538. He told me that he leases the NW $\frac{1}{4}$ of Sec. 21, T6N, R40E, and has farmed it for about 10 years. He affirmed that irrigation of the NW $\frac{1}{4}$ of Sec. 21, T6N, R40E, is accomplished with the groundwater system.

Craig Smith also told me that for a minimum of two weeks each year he uses a diesel powered motor and pump to take water from the Woodmansee-Johnson Ditch and run it through his mainlines and onto the land he farms, including his father's land and the leased land. In this way, he said, he saves on power bills associated with groundwater pumping.

Although unconfirmed, it may be that Craig Smith's use of the ditch water reflects the claimed right, 22-04192, which has a late (1950) priority that would not be available except during a short period each year. At any rate, the regular use of surface water over the entire 872 acres could be an indication that a full-season volume from groundwater may never have been developed under permits 22-07510, 22-07509, and 22-07538.

RECORDED
MAR 22 1995

LICENS: REVIEW CHECKLIST

PERMIT NO. 22-07538 DATE 12-16-94



NAME ✓ Yes No Or Address Change? Check

PRIORITY DATE ✓ Advance? Advanced to:
 Order to reinstate needed?
 Incorrect fee for rate recommended?

SOURCE ✓ Changes or just clarification of originally intended source?
 Notice of Intent to Void necessary?

POINT OF DIV ✓ Amendment needed? Add SENE SEC 21 well
✓ Overlaps? 22-02156, 07054, 07509 + 07510

PLACE OF USE ✓ Amendment needed?
 ✓ Overlaps?

DIV RATE ✓ Permit/fee limits: .86 CFS
 Meas Q = Theo Q = 3.40 Recommend: .38 CFS
SEC 21 well Q = 2.94
SEC 28 well Q = 5.46
SYSTEM RATE PER ACRE = .01 X 38 ACRES = .38 CFS
(8.4 ÷ 792 acres = .01 CFS PER ACRE)
 Combined rates exceed capacity (YES) COMBINED = 11.86 CFS

ANNUAL VOLUME ✓ Season of use: B/3.5 (4-15 to 10-15)
 Calculations: 38 X 3.5 = 133
8.4 X 184 X 1.9835 = 3065.7 Flow limit: .38 cfs x 184 x 1.9835 = 138.16
 Combined volumes exceed capacity/allowable NO

USES ✓ Change in Nature of Use or additional uses?
 Amendment necessary?

REMARKS ✓ ✓ Multiple p/d(s) in 1/4 1/4?
✓ Other WB3 WB3 WB7 WB1 (edit)

CONDITIONS ✓ Measuring/Locking Devices
 ✓ Watermaster control - District
 ✓ Irrigation Overlap
 ✓ Water Quality
✓ Other NON-TRUST Heat/Cool/ Fish verified
048 + 049

COMMENTS: Supplemental GW
Reduce acres & rate 7/10/94 P/D

RECOMMENDED	CFS	VOL	SRBA Claim Filed	<u>NO</u>
<u>Irrigation</u>	<u>.38</u>	<u>IN REMARKS</u>	Adjustment Memo Needed	<u>YES</u>
<u> </u>	<u> </u>	<u> </u>	LICENSE	
<u> </u>	<u> </u>	<u> </u>	1ST AMENDMENT LETTER	<u>P39+P38</u>
<u> </u>	<u> </u>	<u> </u>	FINAL AMENDMENT LETTER	<u>P47</u>

System Description (continued)

3. Narrative: Description (As operating at time of measurement. Indicate pressure, number of sprinklers, etc.)

Two cells mainline to

8 hand lines 1/4 mile

2 center pivots @ 1000 gal (pivot

@ 70 psi Home place Upper Well

☐ See Remarks on page 4 for continuation

4.

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
Home Place Upper Well	U.S. Motors	350	D700A150	Johnston	10"
Home Place Lower Well	U.S. Motors	150	C2894-00-168	Peerless	167665

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

5. Point(s) of Diversion:

Ident. No.	Gov't. Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Method of Determination/Remarks
Upper Home			SW	NE	28	6N	40E	Madison	
Lower Home			SE	NE	21	6N	40E	Madison	

6. Place(s) of Use:

Indicate Method of Determination

Twp.	Rge.	Sec.	NE¼				NW¼				SW¼				SE¼				Totals	
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼		
Complete Placed Use																				
6 N	40E	20													12			26	38	
		21	36	9	39	40	5	8	29	38	40	35	40	40	40	40	40	40	519	
		28	40	40	40	35	40	40	40	40									315	
														Acres irrigated				Total		872
Recommended Place of Use																				
6 N	40E	20													12			26	38	

Acres in highlighted areas should not be included. Or covered by a Teton River license only. 872-80= 792 acres in system

NOV 22 1995
Do not use this space

22-07538

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

RECEIVED

NOV 7 1994

Department of Water Resources

A. GENERAL INFORMATION

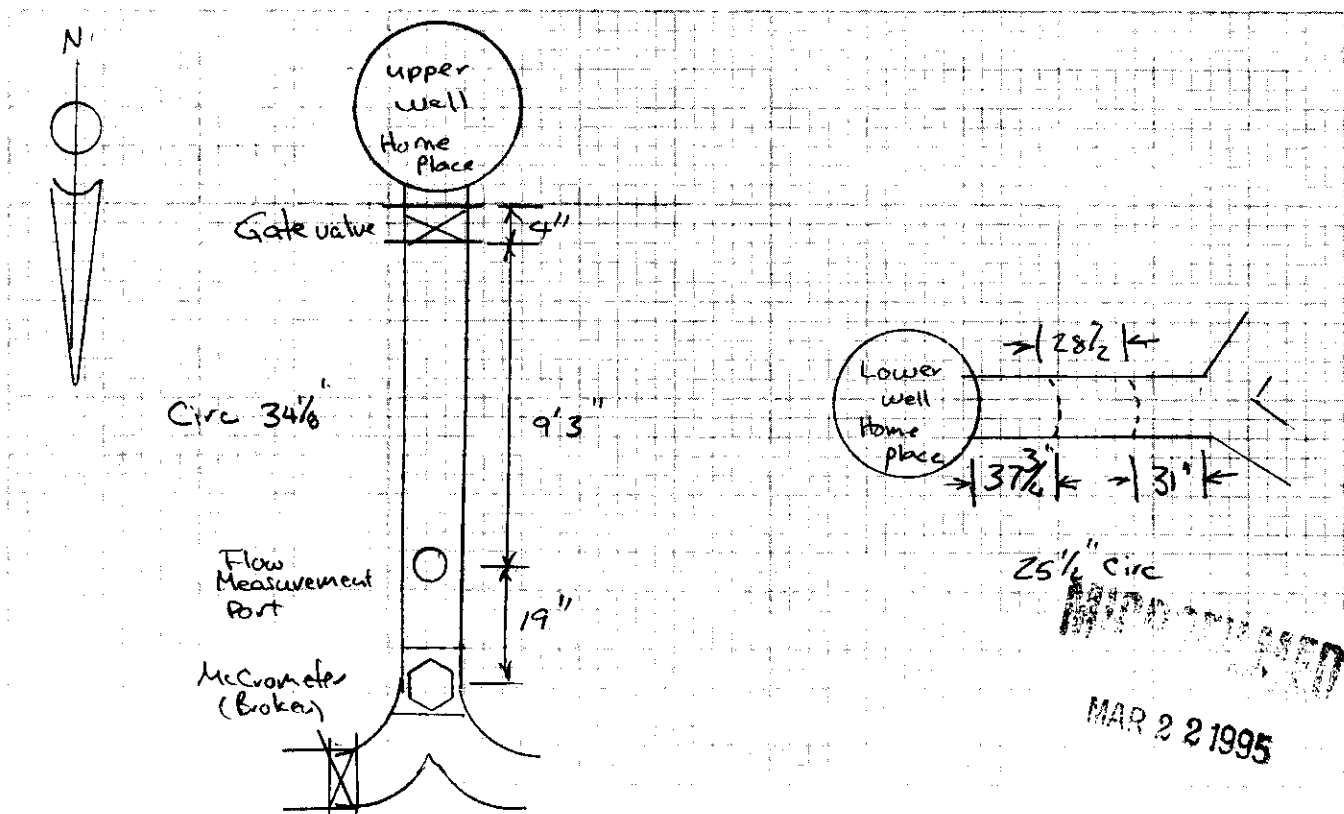
1. Owner: John H. Smith Permit No. 22-7538/7509/7510
Current Address: P.O. Box 375 Rexburg Ia 83440 Phone No. 356-3935
2. Accompanied by: Craig Smith EXAM. DATE: 31 July 1992
Address: P.O. Box 375 Rexburg Ia 83440 Phone No. _____
Relationship to Permit Holder: operator/owner
3. Source: Groundwater tributary to _____

B. OVERLAP REVIEW

1. Other water rights with same place of use: NONE ☐ Copies Attached
2. Other water rights with same point of diversion: 22-07509, -07510, -2156, -7054
☐ Copies Attached ☐ Copies of Field Exam's Attached

C. SYSTEM DESCRIPTION

1. **Diversion System Diagram:** Indicate all major components and distances between components. Indicate weir size/ditch size/pipe i.d. as applicable. ☐ Alternative diagram attached



MAR 22 1995

Scale: 1" = _____

2. ☒ Copy of U.S.G.S. 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 or more).
- ☐ Photo of Diversion and System Attached (required for all but single household domestic groundwater, and stockwater).

System Description (continued)

3. Narrative: Description (As operating at time of measurement. Indicate pressure, number of sprinklers, etc.)

Two cells mainline to

8 hand lines 1/4 mile

2 center pivots @ 1000 gal / pivot

@ 70 psi Home place Upper Well

☐ See Remarks on page 4 for continuation

4.

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
Home Place Upper Well	U.S. Motors	350	D7004150	Johnston	10"
Home Place Lower Well	U.S. Motors	150	C2894-00-168	Peerless	167665

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

5. Point(s) of Diversion:

Ident. No.	Gov't. Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Method of Determination/Remarks
Upper Home			SW	NE	28	6N	40E	Madison	
Lower Home			SE	NE	21	6N	40E	Madison	

6. Place(s) of Use:

Indicate Method of Determination

Twp.	Rge.	Sec.	NE¼				NW¼				SW¼				SE¼				Totals
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
Complete Place of Use																			
6N	40E	20												12			26	38	
		21	36	9	39	40	5	8	29	38	40	35	40	40	40	40	40	519	
		28	40	40	40	35	40	40	40	40								315	
														Acres irrigated		Total			872
Recommended Place of Use																			
6N	40E	20												12			26	38	

* See attached explanation memo. BC

Do not use this space

MAR 22 1995

Do not use this space

D. FLOW MEASUREMENTS

☐ Additional Data Sheets Attached

1.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date
Flow Meter station	annubar	Deitrich			16.62	
	Manometer				57"	

2. Measurements:

upper Home place well 70 psi annubar

Lower Home place well 161' dynamic pumping depth
86 psi

E. FLOW CALCULATIONS

☒ Additional Computation Sheets Attached

1. Measured Method: 5.46 cfs upper Home place well

$$Q_{TOTAL} = 5.46 + 2.94 = 8.40 \text{ cfs}$$

2. Alternate Method for Checking Purposes: LOWER HOME WELL

$$Q = \frac{hp (8.814) \text{ eff}}{Lift + (PTR \times 2.308)} = \frac{hp=150 \text{ Lift}=161'}{161 + (82 \times 2.308)} = \frac{150 (8.814) (.8)}{161 + (82 \times 2.308)} = 2.942 \text{ cfs} \approx 2.94$$

F. PUMP EFFICIENCY DATA (Optional)

Discharge Pressure: _____ psi x 2.31 = _____ ft (1); Dynamic pumping level: _____ ft (2)

Total Head: (1) + (2) = _____ (3)

; Flow rate: _____ cfs (4)

Water HP: (3) x (4) ÷ 8.8 = _____ (5)

Meter Input KW: 3.6 x _____ KH x _____ CTR or _____ MULT x _____ PTR x _____ N/ _____ T = _____ (6)

Meter Input HP: (6) x 1.34 = _____ (7)

Panel Input KW: _____ Ave PF x _____ Ave Volts x _____ Ave Amps x .001732 = _____ (6)

Panel Input HP: (6) x 1.34 = _____ (7) Efficiency: (5)/(7) x 100 = _____ %

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$$V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = 38 \text{ ac} \times 3.5 \text{ cfs} = 133$$

$$V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 = 0.37 (183) 1.9835 = 134.3 \text{ } 130.7$$

$$V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} = 133 \text{ } 130.7$$

2. Volume Calculations for Other Uses:

MAR 22 1995

H. REMARKS AND OVERLAP REVIEW ANALYSIS

This right (22-07538) in combination with 22-04192, 22-2156, 22-7054, 22-07509 & 22-07510 shall not exceed 8.40 cfs or 3.5 afa

I. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (afa)
	From	To		
* IRRIGATION	4/15	10/15	~~0.37~~ 0.36	~~133~~ 130.7
Totals:			~~0.37~~ 0.36	~~133~~ 130.7

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

J. AUTHENTICATION

Field Examiner's Name

Signature

Certification Date

Field Report Preparation Date

CONSULTANT SEAL

K. Licensing recommendation shall be prepared by an Idaho Department of Water Resources employee on a computer printout attached hereto.

* See attached explanation memo. BC

MAR 22 1995

MEMORANDUM

TO: File 22-07538 / John H. Smith
FROM: Brenda Chapman
DATE: December 19, 1994
RE: Recommendation Adjustment(s)

=====

The final licensing recommendations for the above referenced water right are based on the information below:

C. DIVERSION AND DELIVERY SYSTEM

2. Place of Use: The system entire place of use has been reduced to 792 acres. The NW $\frac{1}{4}$ of Section 21 is covered by a surface water statutory claim only (22-04192).

H. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period of Use	Rate of Div	Annual Vol
Irrigation	4-15 to 10-15	.38	Not listed

The system rate per acre has changed to 0.010 cfs per acre.
[See item G.]

All volume recommendations are addressed in the remarks based on current supplemental groundwater processing procedures.

12/20
12/1995

State of Idaho
DEPARTMENT OF WATER RESOURCES
SUPPLEMENTAL FIELD REPORT FOR ANNUBAR MEASUREMENT

Measured by: KETHA C. WILSON

Date 31 July 1992

Owner: John A. Smith

Permit No. 22-7538 ~~1509/1510~~

Description of well &/or measuring site

- Include any clarifications of the sketch
- Include legal description if more than one p.d. is described in the Field Report

Upper Home place well

MEASURED INSIDE PIPE DIAMETER IN INCHES (ID)

CIR = Pipe Circumference in Inches = 34 1/8"

T = Pipe Thickness in Inches = 0.188

ID = $2 [(0.1592 \times \text{CIR}) - T] = \dots\dots\dots 10.4894$

ANNUBAR DESCRIPTION & CONSTANT (C)

Size Used in Test _____

State ID No. _____

Select C based on size from Table below.

Nominal Pipe Size	C
4"	4.23
6"	3.75
8"	3.87
10"	<u>3.94</u>
12"	3.99
14" - 16"	4.01
18" - 24"	4.02
30" or larger	4.03

C selected 3.94

DIFFERENTIAL PRESSURE READING IN INCHES OF H₂O (H)

High Reading = 40.0 39.7

Low Reading = 8.0 7.5

High - Low = H = 32

CALCULATION OF DISCHARGE IN CFS (Q)

$$Q = \frac{(ID)^2 (\sqrt{H}) (C)}{448.8}$$

$$Q = \frac{(10.4894)^2 (\sqrt{32}) (3.94)}{448.8} = \underline{5.46} \text{ cfs}$$

SKETCH (If not shown on Field Report)

MAR 2 2 1995

Rate: $Q_{TOTAL} = 8.40 \text{ cfs} / 872 \text{ ac}$ Total Ac. irr. = 872 ac

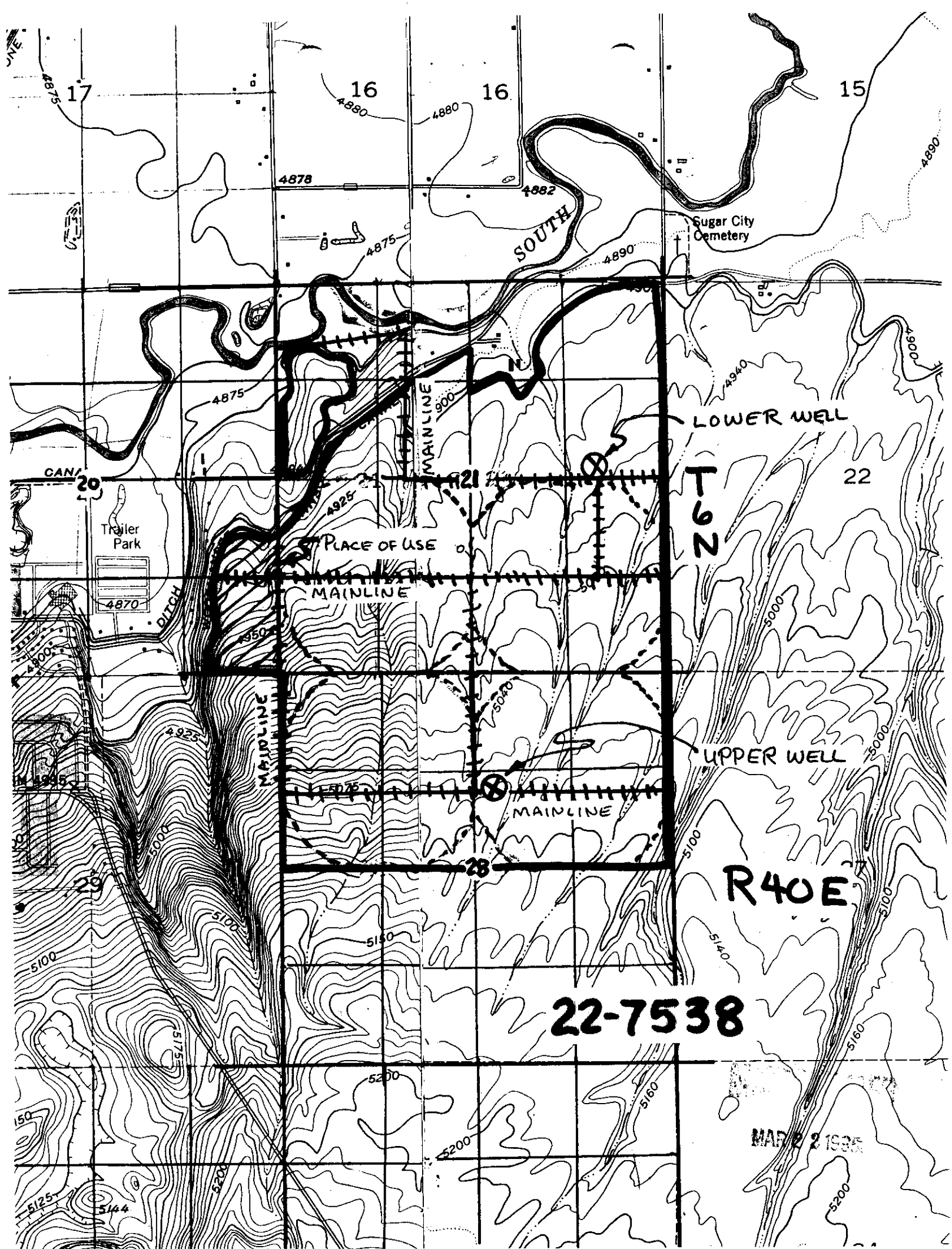
$$Q_{cfs/ac} = 0.0096 \text{ cfs/ac}$$

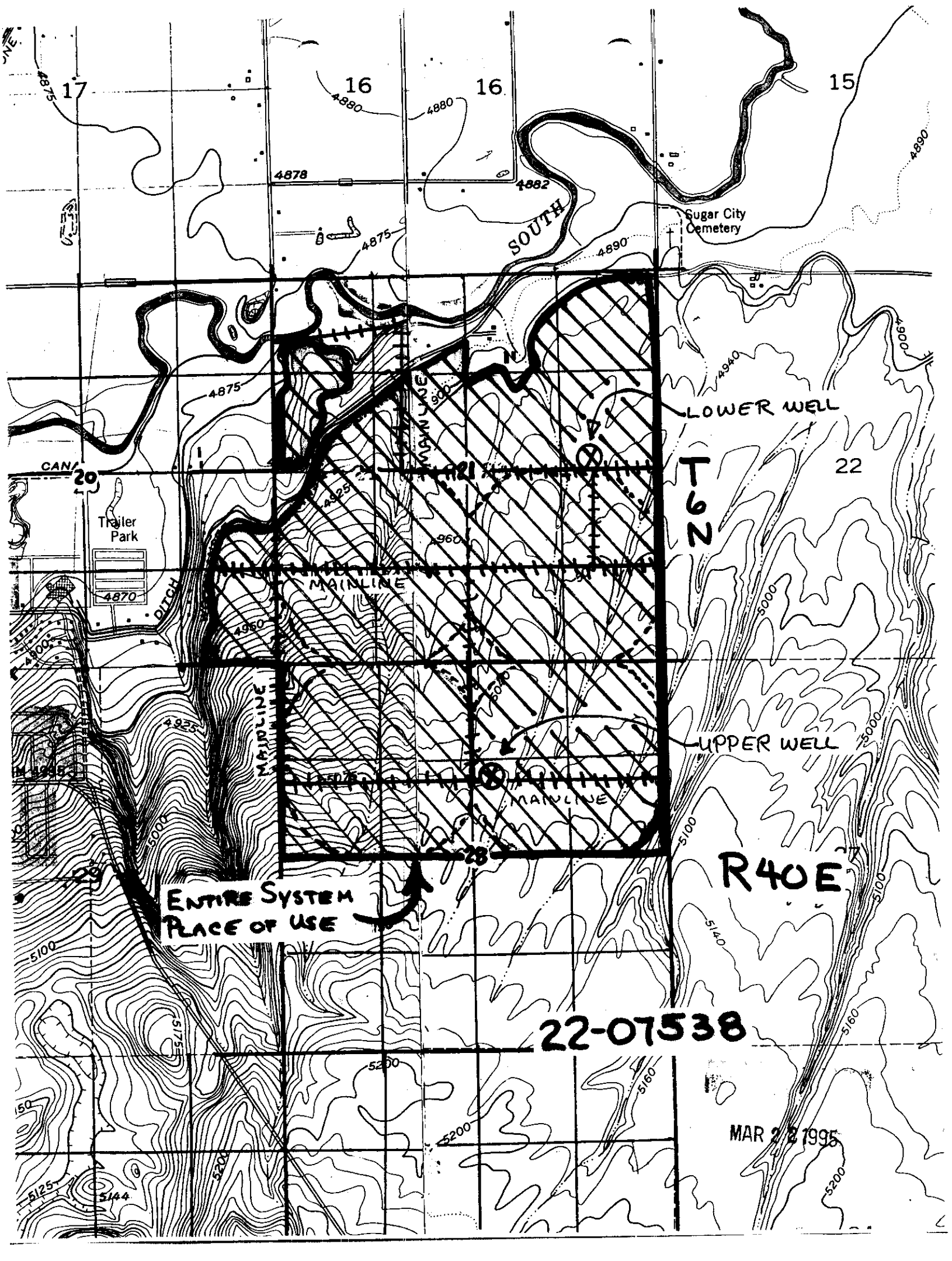
Acres 22-7583

Acres irrigated under 22-7583 = 38 ac

$$38 \text{ ac} \times 0.0096 \text{ cfs/ac} = 0.366 \text{ cfs} = 0.37 \text{ cfs}$$
$$0.364 \sim 0.36 \text{ cfs}$$

22-7538

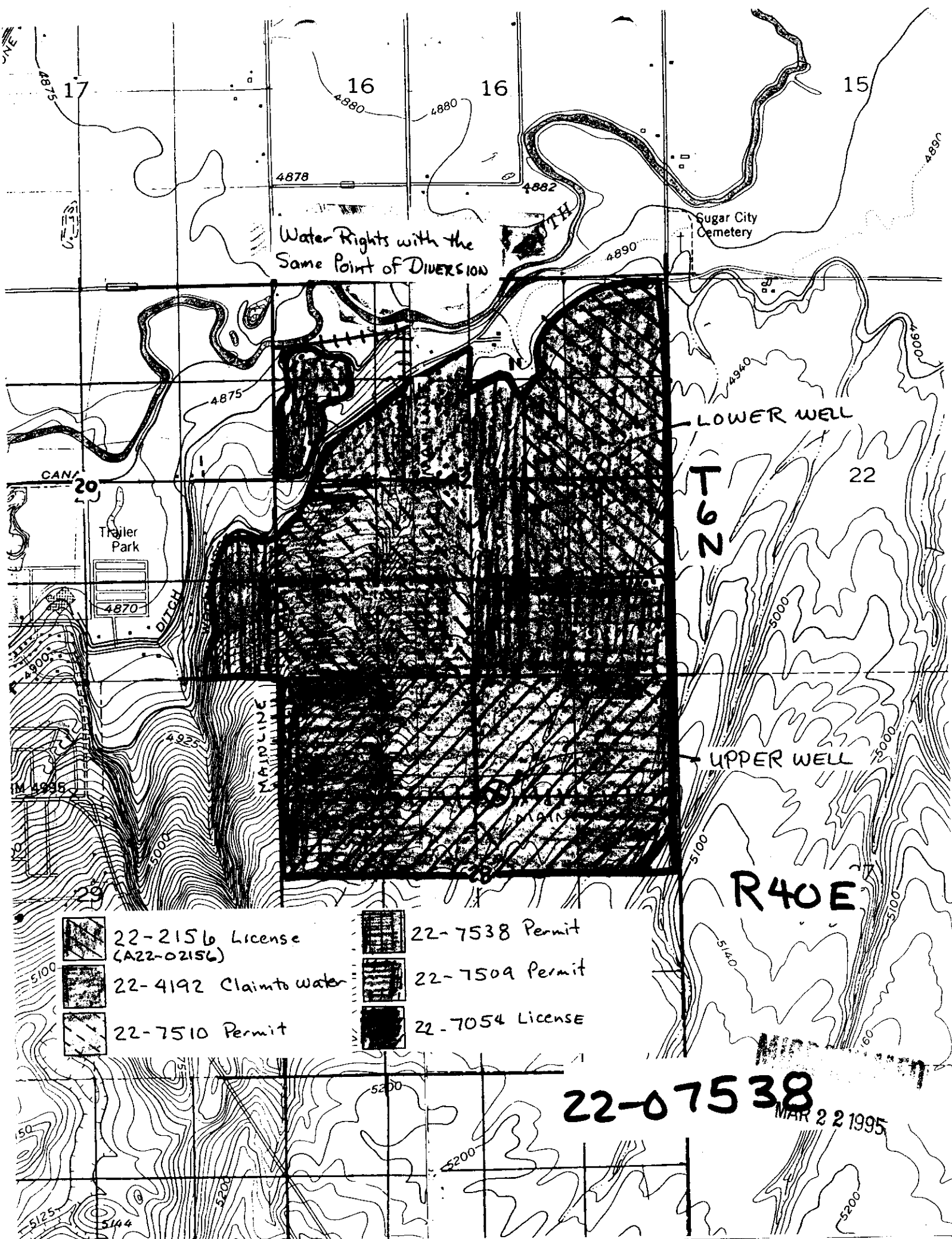




ENTIRE SYSTEM
PLACE OF USE

22-07538

MAR 2 1995



Water Rights with the
Same Point of DIVERSION

LOWER WELL

UPPER WELL

R40E

T26N

Trailer
Park

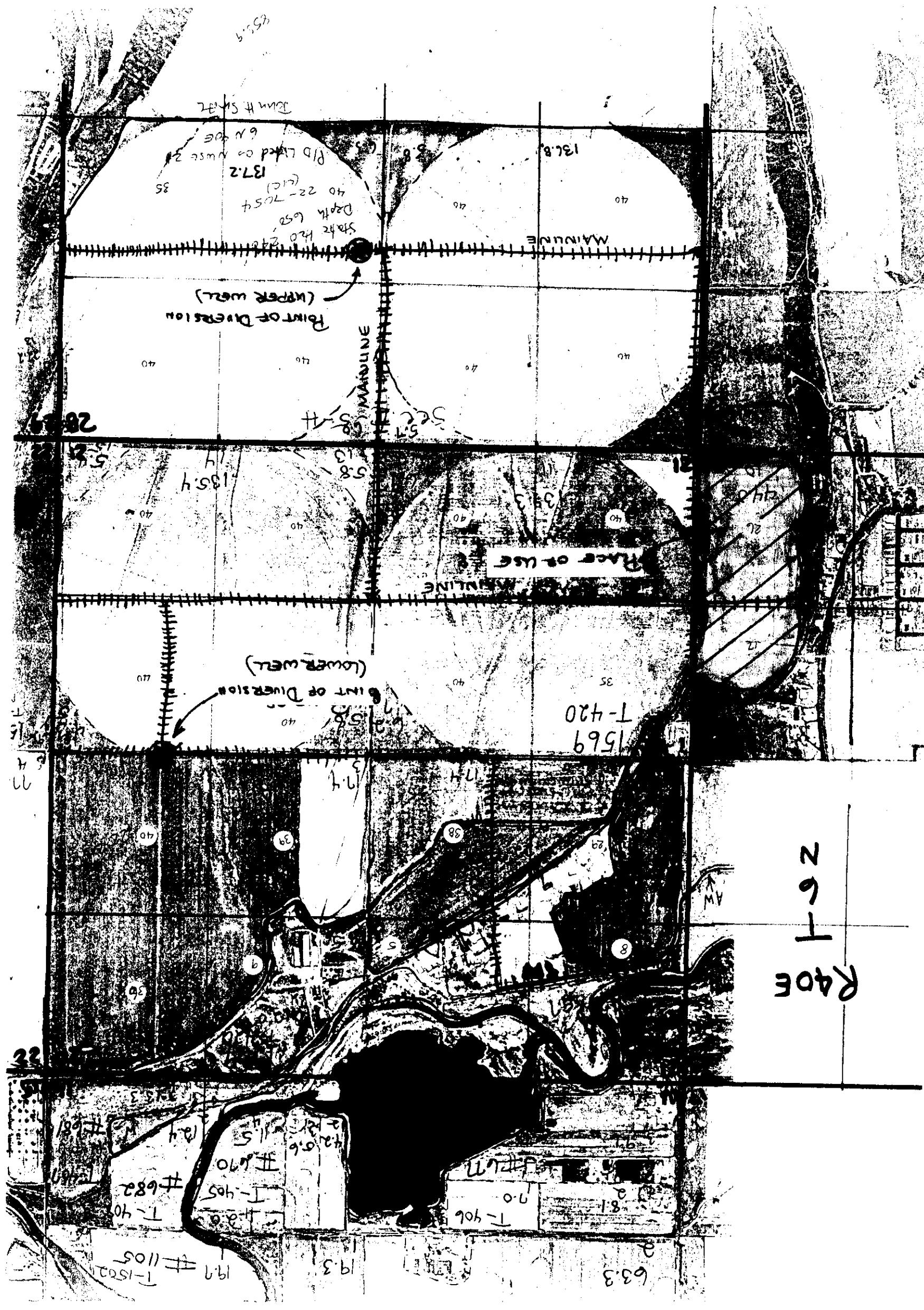
MAR 22 1995

- | | | | |
|---|--------------------------------|---|-----------------|
|  | 22-2156 License
(A22-02156) |  | 22-7538 Permit |
|  | 22-4192 Claim to water |  | 22-7509 Permit |
|  | 22-7510 Permit |  | 22-7054 License |

22-07538

MAR 22 1995

22-07538



November 15, 1990

JOHN H. SMITH
P.O. BOX 805
REXBURG, ID 83440

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 22-07538

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 Idaho Falls at (208)525-7161.

Sincerely,

Rita Fleck
Secretary/Records Manager

c: IDWR - Region

MICROFILMED

DEC 17 1990

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
March 30, 1990

JOHN H. SMITH
P.O. BOX 805
REXBURG, ID 83440

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

RE: PERMIT NO. 22-07538

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.

Be sure to note the special condition requiring you to install a measuring device, or a flow measurement port to provide for the installation of measuring equipment by the Department. Enclosed please find a list of measuring device options, and specifications for the installation of the flow measurement port.

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APR 17 1990

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. Also enclosed for your convenience is a form entitled "Proof of Beneficial Use" that must be submitted to the Department when your project is completed. If development is complete, you may submit proof of beneficial use immediately.

Sincerely,

GARY SPACKMAN, Supervisor
Water Right Permits Section

GS: SC
Enclosures

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APR 17 1990

24-Jan-1990

John H. Smith
P.O. Box 805
Rexburg, ID 83440

RE: Application for Permit No. 22-7538

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 Rexburg Standard-Journal on. 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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APR 17 1990

RECEIVED

MAR 1 - 1990

Department of Water Resources
being
Eastern District Office

Further, that said newspaper is one of general circulation in said county; that it is a legal newspaper, conforming to legal specifications under the Idaho Statutes; that it has at least two hundred bona fide subscribers living within the county of publication; and that it has been continuously and uninterruptedly published in said county during a period of seventy eight consecutive weeks prior to the first publication of the said notice.

Sam Weatherston

On this 9th day of February in the year of 1990, before me, a Notary Public, personally appeared Terry Weatherston, 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.

Residing at Rexburg, Idaho
My commission expires: June 8, 1993.

MICROFILME

APR 17 1990

[illegible]

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Eastern Region
150 Shoup Ave., Suite 15

Idaho Falls, Idaho 83402
(208) 525-7161

JANUARY 23, 1990

THE REXBURG STANDARD-JOURNAL
P.O. BOX 10
REXBURG, ID 83440

Gentlemen:

Enclosed you will find a legal notice which we wish to have published on the dates indicated (once a week for two consecutive weekly issues) in your newspaper. If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Your cooperation is appreciated.

Please send the affidavit of publication and publication billing to this office before FEBRUARY 19, 1990.

Yours truly,

Rita Bodell
Secretary

Encl.

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APR 17 1990

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 FEBRUARY 19, 1990.

R. Keith Higginson, Director

Published 2/01/1990 & 2/08/1990

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APR 17 1990



State of Idaho

DEPARTMENT OF WATER RESOURCES

150 Shoup Ave., Suite 15, Idaho Falls, Idaho 83402 - (208) 525-7161

EASTERN REGION

CECIL D. ANDRUS
GOVERNOR
R. KEITH HIGGINSON
DIRECTOR

July 29, 1988

John H. Smith
P.O. Box 805
Rexburg, Idaho 83440

RE: Application for Permit #22-07538

Dear Water Right Applicant:

The Department of Water Resources acknowledges receipt of your application for water right permit. The application has been assigned identification No. 22-07538. Please refer to this number in all future correspondence.

The Department can not proceed with the processing of your application at this time. It seeks the appropriation of water within the area covered by the civil suit of Idaho Power Company vs. Idaho Department of Water Resources, et al., Ada County Civil No. 81375 (Swan Falls Suit). Until there has been a final resolution to this suit and rules and regulations promulgated for considering new appropriations, the processing of applications in this area has been suspended. During the interim, your application will be held in this office.

The staff in our office will be glad to answer any questions you have concerning the above matter.

Respectfully submitted,

Ernest Carlsen
Water Rights Supervisor

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APR 17 1990