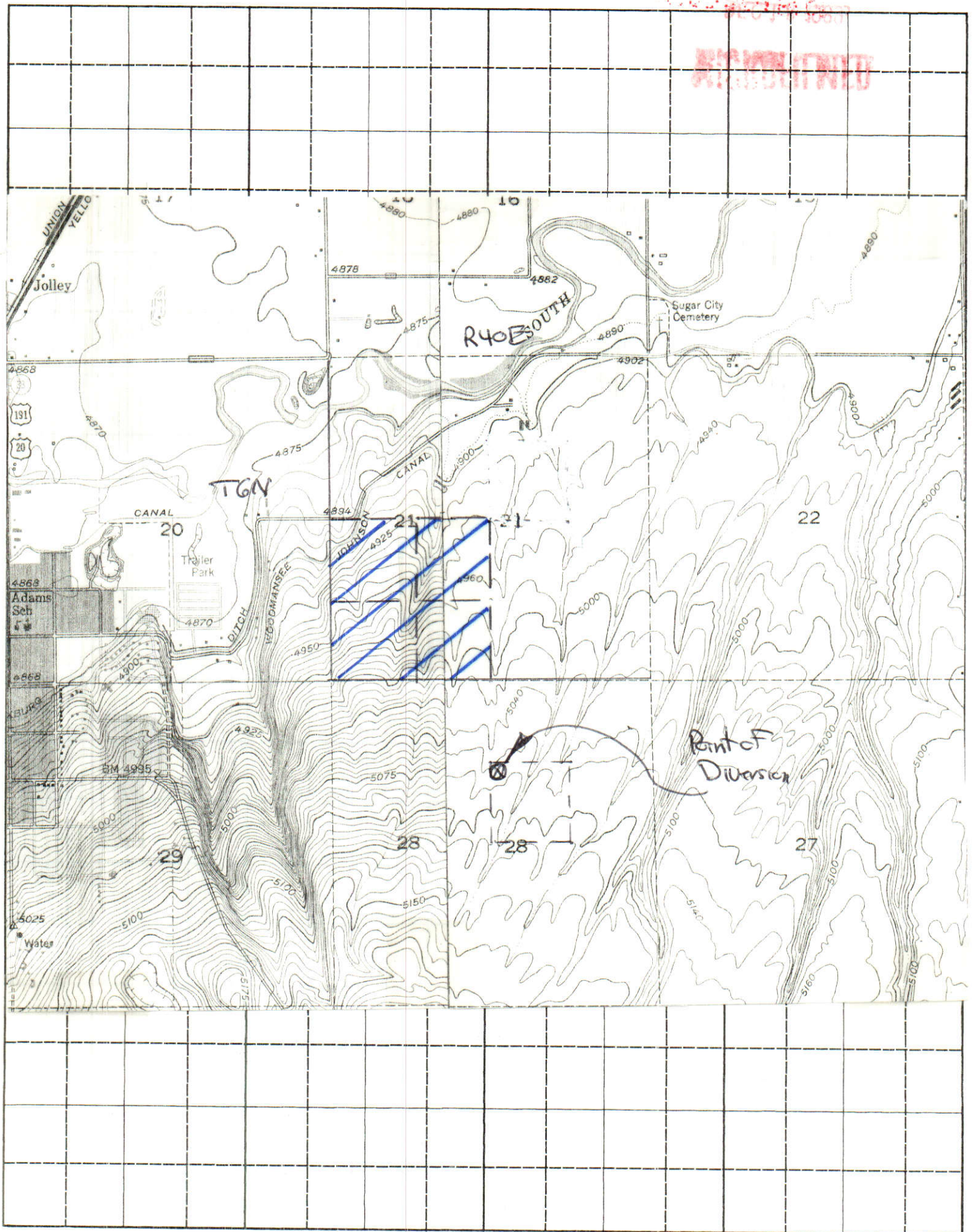


11. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



Scale: 2 inches equal 1 mile.

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

MICROFILMED

DEC 18 1989

John W. Smith
(Applicant)

RECEIVED

NOV 7 1994

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

Department of Water Resources

22-7510

A. GENERAL INFORMATION

1. Owner: John A. Smith
Current Address: P.O. Box 375 Rexburg Id 83440
2. Accompanied by: Craig Smith
Address: P.O. Box 375 Rexburg Id 83440
Relationship to Permit Holder: operator/owner
3. Source: Groundwater tributary to _____

Permit No. 22-7538/7509/7510

Phone No. 356-3935

EXAM. DATE: 31 July 1992

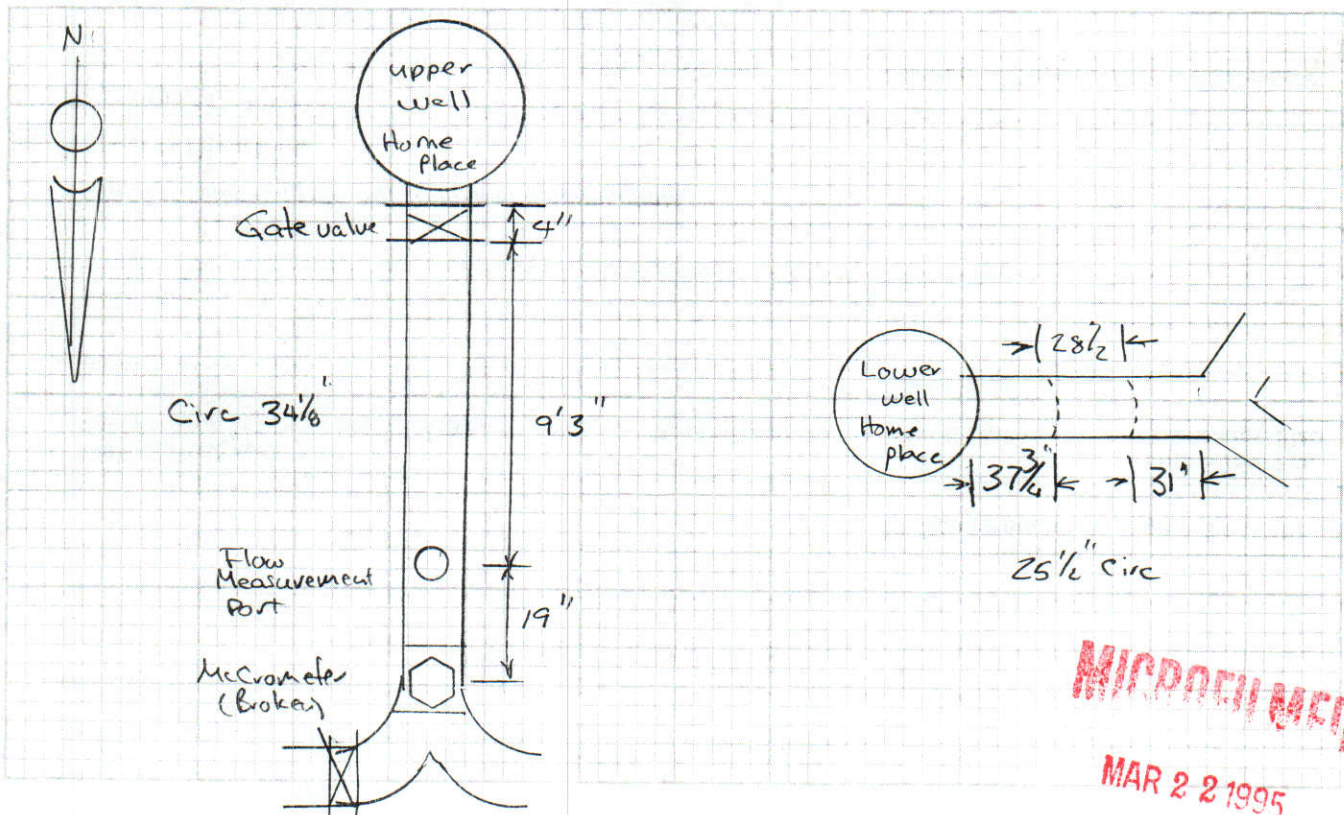
Phone No. _____

B. OVERLAP REVIEW

1. Other water rights with same place of use: _____
☐ Copies Attached
2. Other water rights with same point of diversion: 22-07538, -7509, -2156, -7054, -2156
☐ Copies Attached ☐ Copies of Field Exam's Attached

C. SYSTEM DESCRIPTION

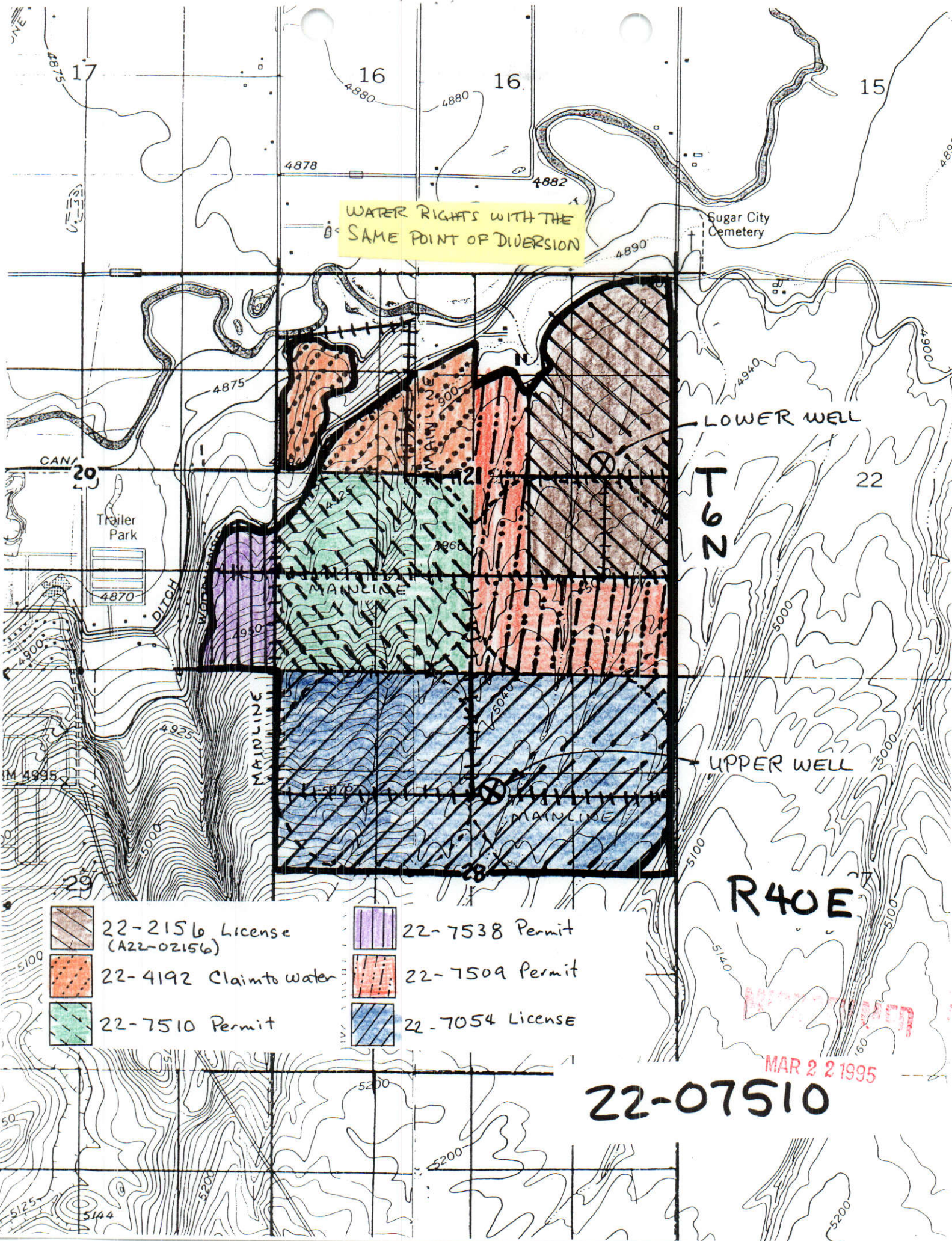
1. **Diversion System Diagram:** Indicate all major components and distances between components. Indicate weir size/ditch size/pipe i.d. as applicable. ☐ Alternative diagram attached



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).
- ☐ Photo of Diversion and System Attached
(required for all but single household domestic groundwater, and stockwater).
- ☐ Aerial Photo Attached
(required for irrigation of 10 acres or more).

RECEIVED
MAR 22 1995



WATER RIGHTS WITH THE
SAME POINT OF DIVERSION

SUGAR CITY
CEMETERY

Trailer
Park

DITCH

MAINLINE

LOWER WELL

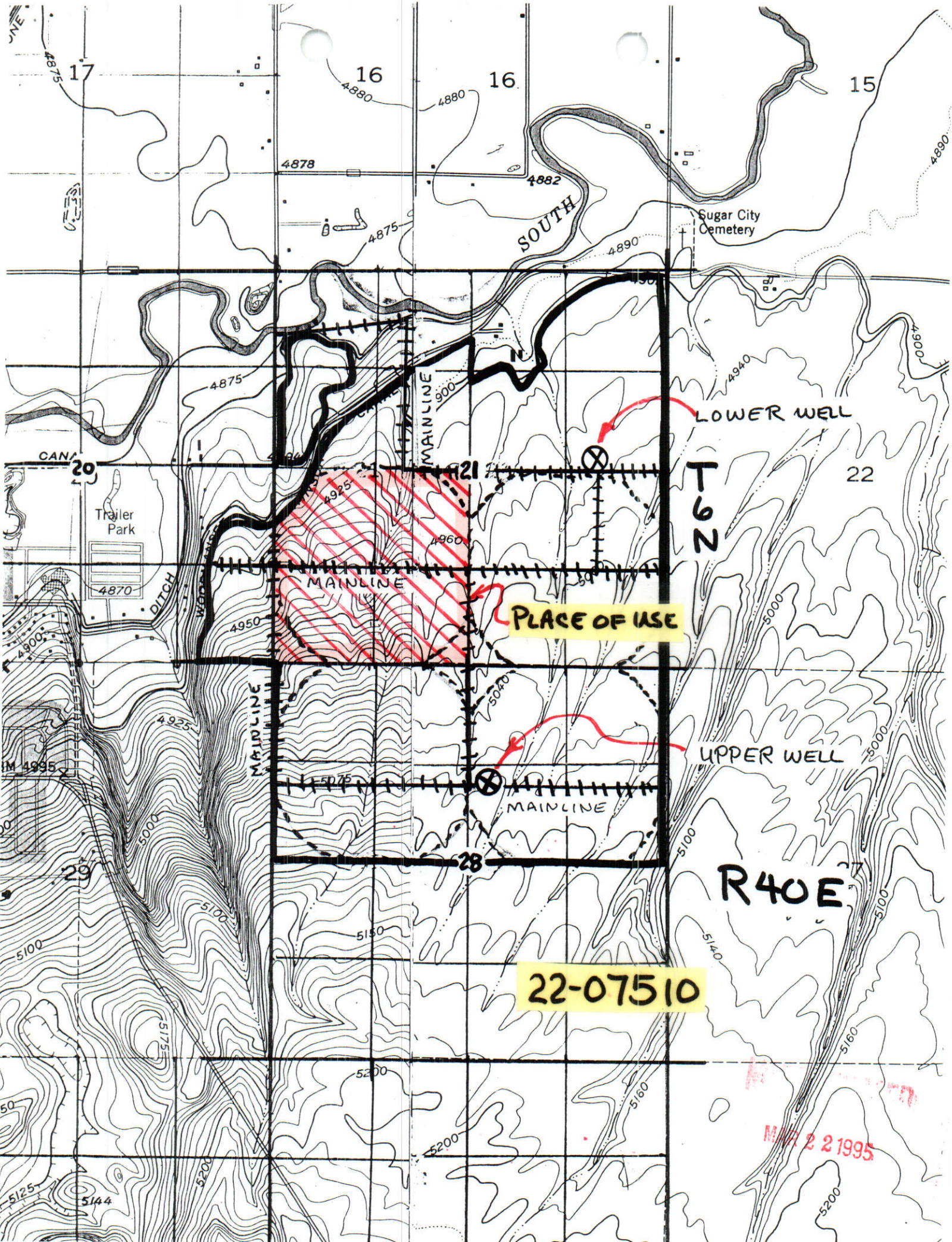
UPPER WELL

R40E

22-07510

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 |

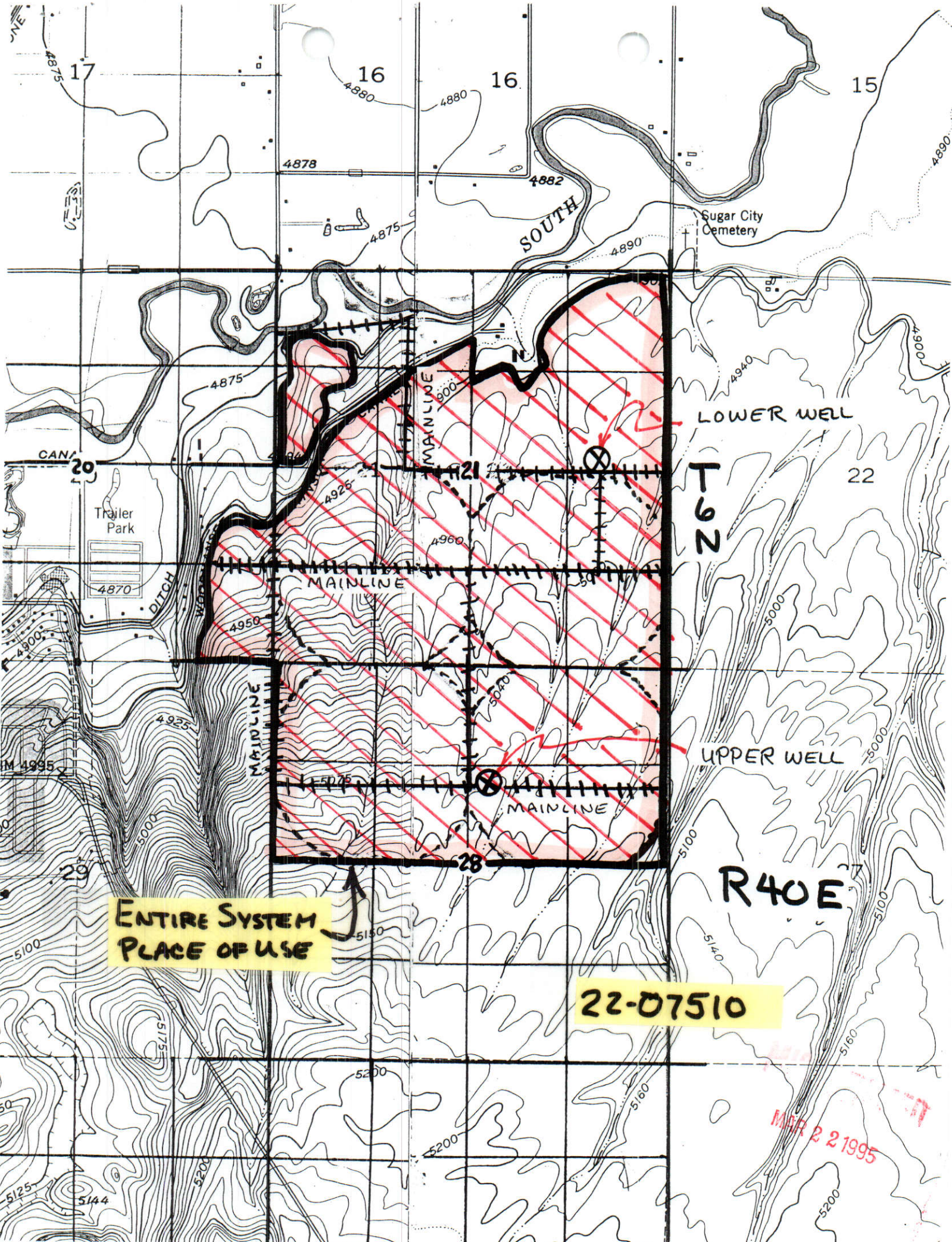


PLACE OF USE

22-07510

R40E

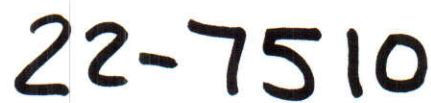
MAR 22 1995



ENTIRE SYSTEM
PLACE OF USE

22-07510

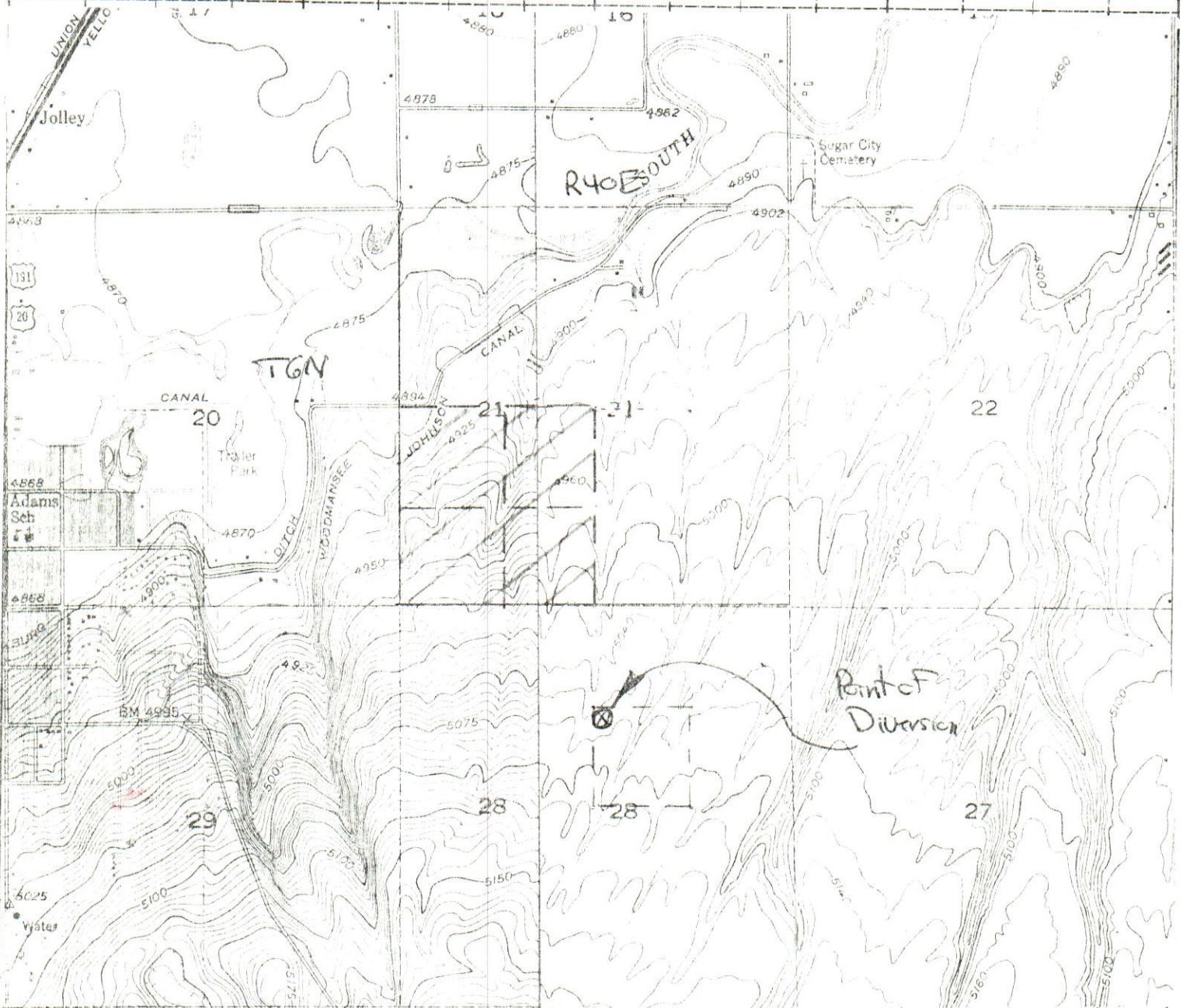
MAR 22 1995



John H. Schiffl

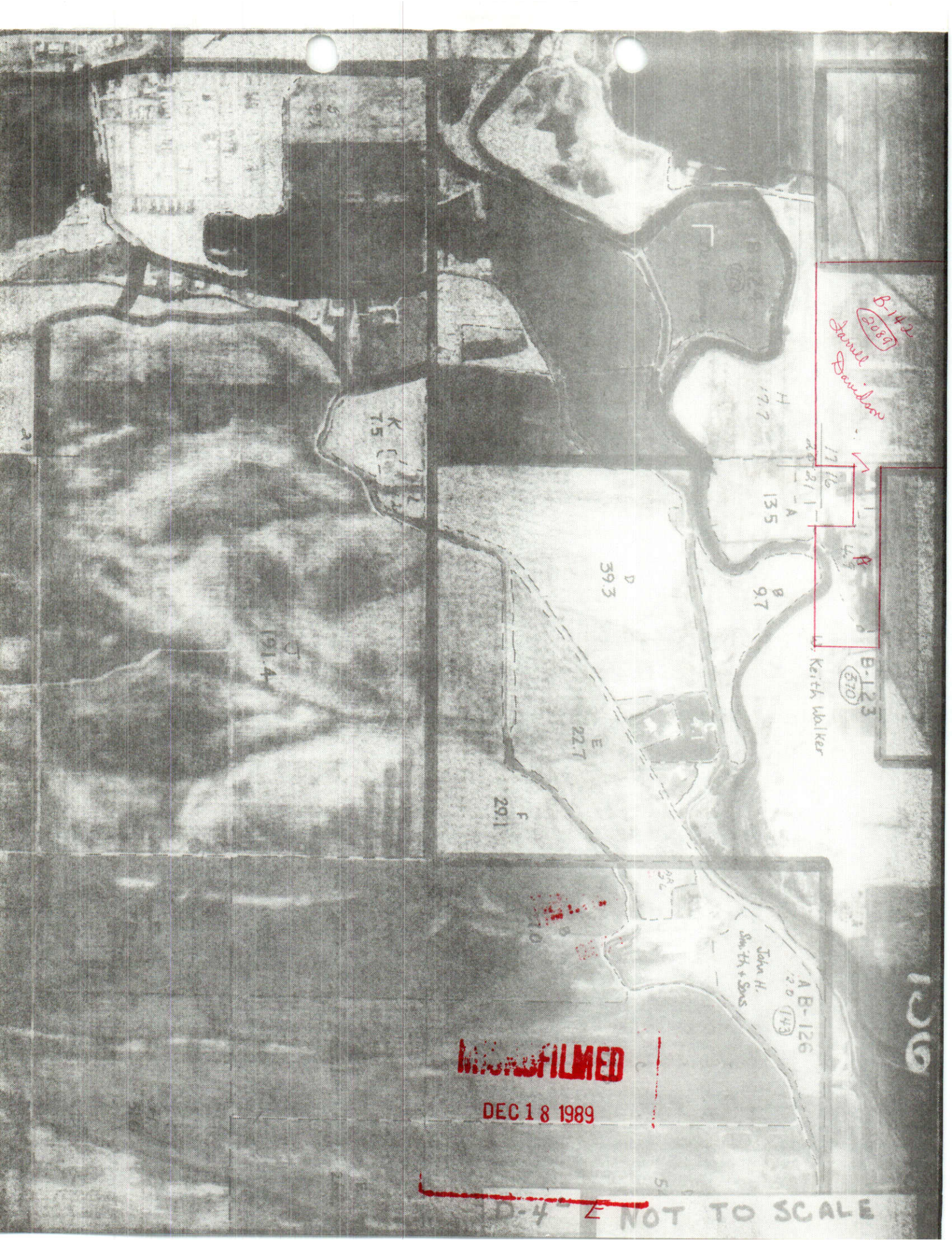
11. Map of proposed project: w clearly the proposed point of div n, place of use, section number, township and range number.

Need ACS Air Photo, include section corner
T & R



UNCLASSIFIED

DEC 18 1989



B-142
(2089)
Davidson

17.16
17.16
13.5
A

B
4.9
B-123
(310)

Keith Walker

A-B-126
20 (143)

John H.
Smith & Sons

D
39.3

B
9.7

E
22.7

F
29.1

K
7.5

J
191.4

NOT FILMED

DEC 18 1989

D-4

NOT TO SCALE

B-142

Farrell Davidson

(2089)

(370)

W. Keith Walker

136

R40E

H
17.7

A
13.5

B
9.7

A E-12
12.0 (143)

John H.
Smith + Sons

D
54.0

D
39.3

E
22.7

C
43.8

B
27.0

F
29.1

K
7.5

HOUSING

J
191.4

G
27.6

F
24.1

E
26.2

I
27.2

H
51.6

**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)

☒ Water Rights Number(s)
Assigned by IDWR:

No ^(R) ^(B)
22-02156 22-07054 22-07510 and 22-07538
WATER RIGHT/NO ADT
WATER RIGHT/NO ADT

☒ 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

☒ New Owner/Claimant (Purchaser):
DS&S, Inc.

☒ New Mailing Address:
3500 East 1496 South
Sugar City, ID 83448

☒ New Telephone Number: (208) 356-3465

☒ 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.

☒ Attach proof of ownership,
describe proof attached: Warranty Deed

MICROFILMED
JUL 21 1998

☒ Signature of New DS&S, Inc.

Owner/Claimant(s) by [Signature] Date 1/29/99
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\KWF\9343\OWNER.CNG:kmc

MICROFILMED
AUG 09 1999

5-12229-1
ALLIANCE TITLE & ESCROW
P.O. BOX 702
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 Woodmansee 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

MICROFILMED

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:

MICROFILMED

AUG 09 1999

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

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 Benneville)

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\GLM934\WDEEDS WD

MICROFILMED
 AUG 09 1999

5 - WARRANTY DEED

State of Idaho)
 County of Madison) 268966
 I hereby certify that the within instrument was
 filed NOV. 07 1997
 to 11-23-99 M. and
 recorded on 11-23-99 Fee 268966
 by GETTIE DEEG, Recorder Deputy
 At the request of Alison Banta



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, 22-07538

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

WATER RIGHT LICENSE

WATER RIGHT NO. 22-07510

Priority: July 1, 1985

Maximum Diversion Rate:

1.55 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 July 1, 1985; and has submitted Proof of Beneficial Use on November 8, 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	1.55 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	21	NESW 40	NWSW 35	SWSW 40	155
			SESW 40			

Number of acres irrigated: 155

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 20-201, 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.

ABANDONED
MAR 22 1995

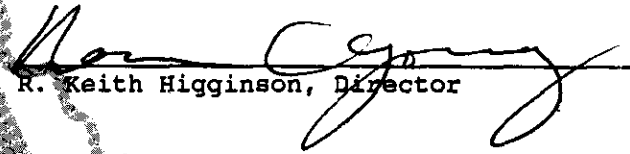
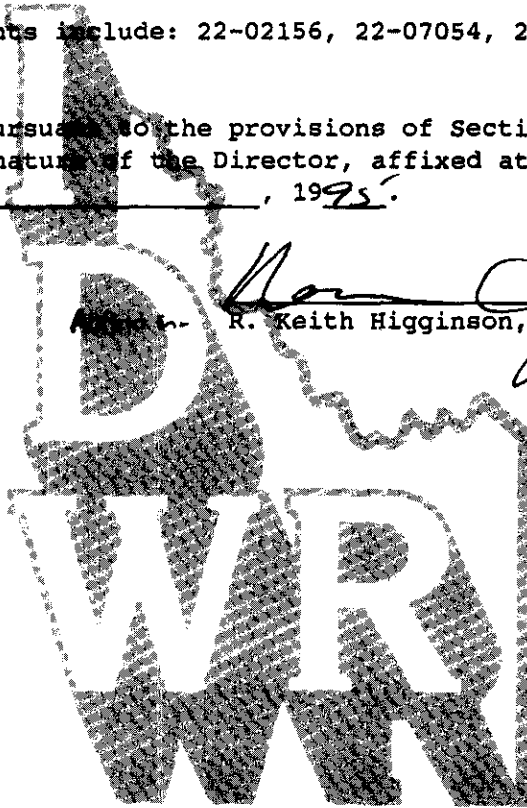
State of Idaho
Department of Water Resources**WATER RIGHT LICENSE**

WATER RIGHT NO. 22-07510

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 542.5 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 22-07538.

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.


R. Keith Higginson, Director

MICROFILMED

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. 22-07510

Date of Priority: July 1, 1985 Maximum Diversion Rate: 1.55 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. 22-07510, 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	1.55 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	21	NESW 40	NWSW 35	SWSW 40	155
			SESW 40			

Total number of acres irrigated: 155

MICROFILMED

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 Rebburg, this 17 day of February, 19 95.

John H. Smith
(Signature)

State of Idaho
Department of Water Resources

APPLICATION FOR AMENDMENT

(For Licensing Purposes)

WATER RIGHT NO. 22-07510

FOR DEPARTMENT USE ONLY

Preliminary check by SWK Fee = 50⁰⁰ Received by Ruby # C032259 Date 3/3/95

ACTION OF THE DEPARTMENT OF WATER RESOURCES

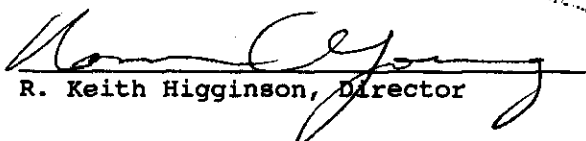
I, R. Keith Higginson, of the Department of Water Resources hereby approve the above Application for Amendment for Permit No. 22-07510 with the following;

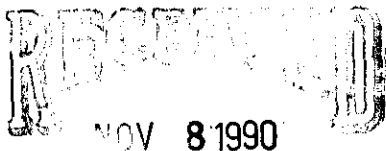
CONDITIONS/REMARKS:

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 542.5 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 22-07538.

RECEIVED
MAR 2 2 1995

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


R. Keith Higginson, Director



STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

For Office Use Only
Amt. of Fee \$ 175
Date 11-8-90
Receipt No. 6015414
Received by DPW
11-19-90

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.

1. Permit No. 22-07510 Telephone No. 2 356-3935

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

3. Post Office Address: P.O. Box 805, REXBURG 83440

4. Source of Water: GROUNDWATER

a. If ground water, well driller's name: ANDREW Date drilled: ~1969

b. Pump horsepower: 400 Pressure (psi): ~60-70 Dynamic pumping level (ft.): ~320

5. Extent of Use:

Domestic _____ (No. of households) Irrigation 160 (No. of acres)

Stockwater _____ (No. and type of stock) Other _____

6. Total rate and/or volume for which proof is submitted 3.20 cfs _____ acre/feet

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

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

OR

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

8. Fee Enclosed: \$ 175⁰⁰ (See License Examination Fee Schedule)

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

CAROL Smith
Name

356-9009
Telephone No.

29 N. 1427 E., REXBURG, ID 83440
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.

Nov. 5, 1990
Date

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

MICROFILMED

DEC 07 1990

State of Idaho
Department of Water Resources
Permit To Appropriate Water

NO. 22-07510

Proposed Priority: July 1, 1985

Maximum Diversion Rate:

3.20 CFS

This is to certify, that **JOHN H. SMITH**
RT. 4 BOX 11
REXBURG, ID 83440

has applied for a permit to appropriate water from: **GROUNDWATER**
and a permit is **APPROVED** for development of water as follows:

BENEFICIAL USE

PERIOD OF USE

RATE OF DIVERSION

IRRIGATION

04/01 to 11/01

3.20 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	21	NESW 40 SESW 40	NWSW 40	SWSW 40	160

Total number of acres irrigated: 160

CONDITIONS/REMARKS:

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before January 1, 1991.
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. 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

DEC 18 1989

State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 22-07510

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

~~14~~ ²⁴ day of December, 1989.

R. Keith Higginson
for R. Keith Higginson, Director

MICROFILMED

DEC 18 1989

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 Rt. 4, Box 11, Rexburg, ID 83440
2. Source of water supply groundwater which is a tributary of _____
3. Location of point of diversion is SW $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 28 Township 6N
Range 40E B.M. Madison County, additional points of diversion if any: _____

4. Water will be used for the following purposes:

Amount 3.20 cfs 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:

a. 3.20 cubic feet per second and/or b. _____ acre-feet per annum.

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. well, pump to pivot

b. Height of storage dam _____ feet, active reservoir capacity _____ acre-feet; total reservoir capacity _____ acre-feet, materials used in storage dam: _____

Period of year when water will be diverted to storage _____ to _____ inclusive.
(Month/Day) (Month/Day)

c. Proposed well diameter is 20 inches; proposed depth of well is 630 feet.

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

8. Description of proposed uses:

a. If water is not for irrigation:

(1) Give the place of use of water: _____ $\frac{1}{4}$ of _____ $\frac{1}{4}$ of Section _____ Township _____
Range _____ B.M.

(2) Amount of power to be generated: _____ horsepower under _____ feet of head.

(3) List number of each kind of livestock to be watered _____

(4) Name of municipality to be served _____, or number of families to be supplied with domestic water _____.

(5) If water is to be used for other purposes describe: _____

MICROFILMED

DEC 18 1989

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

TWP	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
6N	40E	21									40	40	40	40					160

Total number of acres to be irrigated 160

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

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

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

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing _____

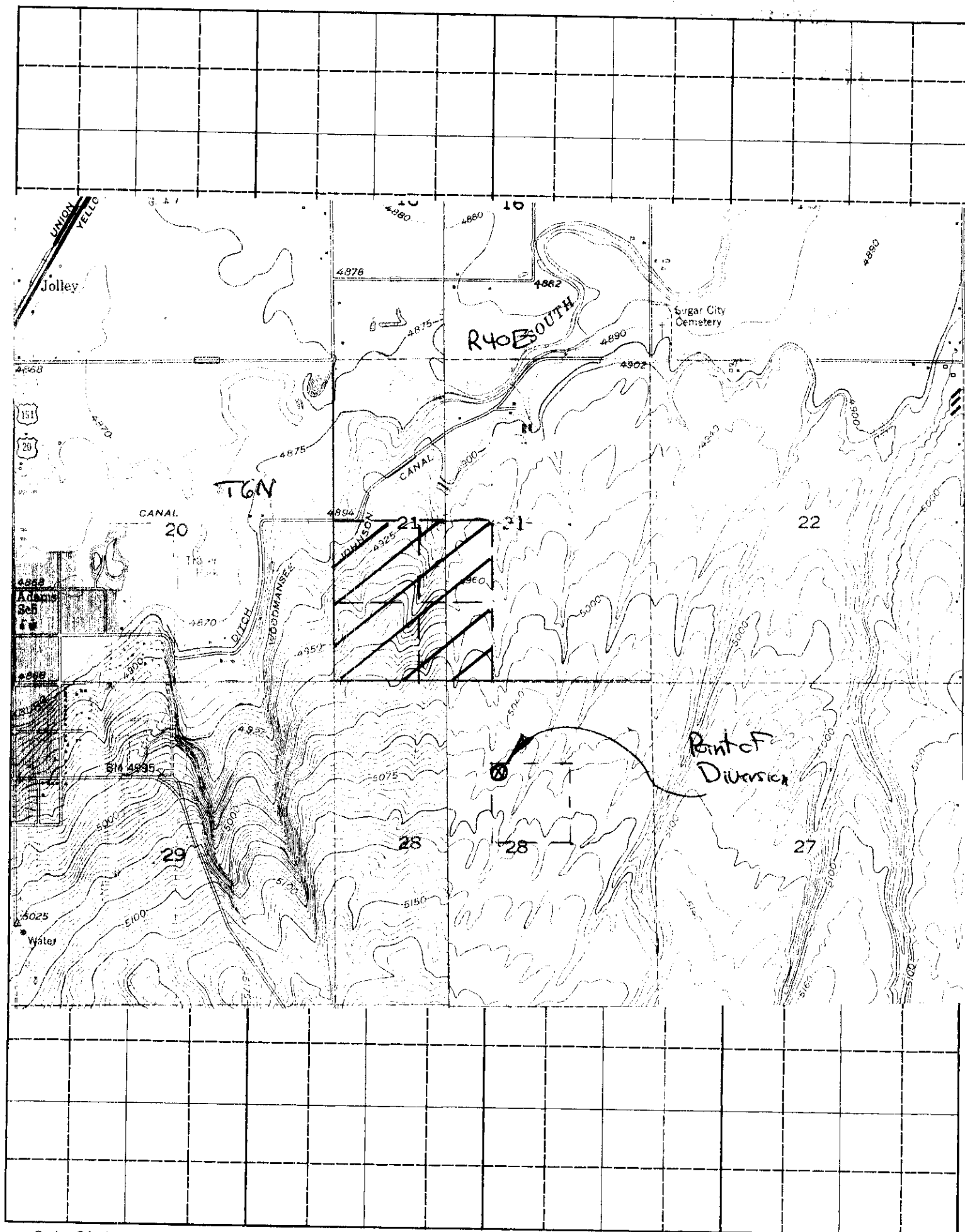
10. Remarks This system was in place and pumping during 1971.

This is the same point of diversion as License 22-7054.

RECEIVED

DEC 18 1989

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



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.

MICROFILMED

DEC 18 1989

John W. Smith
(Applicant)

Asst. Huff

Received by CW Date 2-01-85 Time 10:22 A.

Preliminary check by KW Fee \$ 105⁰⁰

Received by CW Date 2-01-85 # 35411

Publication prepared by ggf Date 8-2-85

Published in Rexburg Standard-Journal

Publication dates 10-19-26-89

Publication approved CW Date 11-06-89

Protests filed by: none

Copies of protests forwarded by _____

Hearing held by _____ Date _____

Recommended for approval denial by HWS

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. Other:

MICROFILMED

DEC 18 1989



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

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.

Microfilm

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

PHILIP E. BATT
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

January 24, 1995

JOHN H SMITH
PO BOX 375
REXBURG ID 83440

RE: WATER RIGHT NO. 22-07510

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

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

December 23, 1994

JOHN H SMITH
PO BOX 375
REXBURG ID 83440

RE: WATER RIGHT NO. 22-07510

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 or have any questions with this information, please contact me as soon as possible. My telephone number is (208) 327-7947.

Sincerely,

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

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.

RECEIVED

DEC 22 1995

LICENS REVIEW CHECKLIST



PERMIT NO. 22-07510 DATE 12-12-94
12-16-94

NAME	Yes ☒ No ☐	Or Address Change? <u>CHECK</u>
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? <u>Add SENE OF SEC 21</u> Overlaps? <u>22-021516/7054/7509 + 7538</u>
PLACE OF USE	☐ ☒	Amendment needed? _____ Overlaps? _____
DIV RATE	☒ ☐	Permit/fee limits: <u>3.20</u> Meas Q = _____ Theo Q = <u>8.40</u> Recommend: <u>1.55</u> <u>SYSTEM RATE PER ACRE @ .01 X 155 ACRES = 1.55 CFS</u> <u>(8.4 ÷ 792 ACRES = .01 CFS PER ACRE)</u> Combined rates exceed capacity <u>(YES) COMBINED = 11.86</u>
ANNUAL VOLUME	☒ ☐	Season of use: <u>B/3.5 (4-15 to 10-15) NEW</u> Calculations: <u>155 x 3.5 = 542.5</u> Flow limit: <u>1.55 cfs x 184 x 1.9835 = 565.7</u> Combined volumes exceed capacity/allowable <u>NO</u>
USES	☐ ☒	Change in Nature of Use or additional uses? _____ Amendment necessary? _____
REMARKS	☒ ☐	Multiple p/d(s) in ¼ ¼? _____ Other <u>WB3 WB8 WB7 WB1 (EDIT)</u>
CONDITIONS	☐ ☒	Measuring/Locking Devices _____ Watermaster control - District _____ Irrigation Overlap _____ Water Quality _____ Other <u>048 + 049</u> Heat/Cool/ Fish verified _____ (NON-TRUST)
COMMENTS:	<u>Supplemental GW</u> <u>Reduce Acres + rate</u> <u>Amend P/D</u>	

RECOMMENDED	CFS	VOL	SRBA Claim Filed	<u>NO</u>
<u>Irrigation</u>	<u>1.55</u>	<u>REMARKS</u>	Adjustment Memo Needed	<u>YES</u>
_____	_____	_____	LICENSE	
_____	_____	_____	1ST AMENDMENT LETTER	<u>P39 + P38</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 line 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	C2894-00-169	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
			SW	NE	28	6N	40E	Madison	
			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	40	519	
		28	40	40	40	35	40	40	40	40									315	
															Acres irrigated		Total			872
Recommended Place of Use																				
6N	40E	21										40	35	40	40				155	

These 80 acres should not be included. Covered by Teton River water right only. $872 - 80 = 792$ acres

Do not use this space

MAR 22 1995

MEMORANDUM

TO: File 22-07510 / 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	1.55	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.

RECORDED

MAR 22 1995

RATE: $Q_{TOTAL} / \text{Total irr. acres} =$

$$8.40 \text{ cfs} / 872 \text{ ac} = 0.0096 \text{ cfs/ac}$$

NUMBER ACRES:

Acres irrigated under 22-7510 = 155 acres

$$155 \text{ acres} \times 0.0096 \text{ cfs/ac} = 1.49 \text{ cfs}$$

22-7510 22-7510

RECEIVED

NOV 7 1994

Form 219
6/86

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

Department of Water Resources

22-7510

A. GENERAL INFORMATION

1. Owner: John H. Smith
Current Address: P.O. Box 375 Rexburg Id 83440
2. Accompanied by: Craig Smith
Address: P.O. Box 375 Rexburg Id 83440
Relationship to Permit Holder: operator/owner
3. Source: Groundwater tributary to _____

Permit No. ~~22-7538/7509/7510~~

Phone No. 356-3935

EXAM. DATE: 31 July 1992

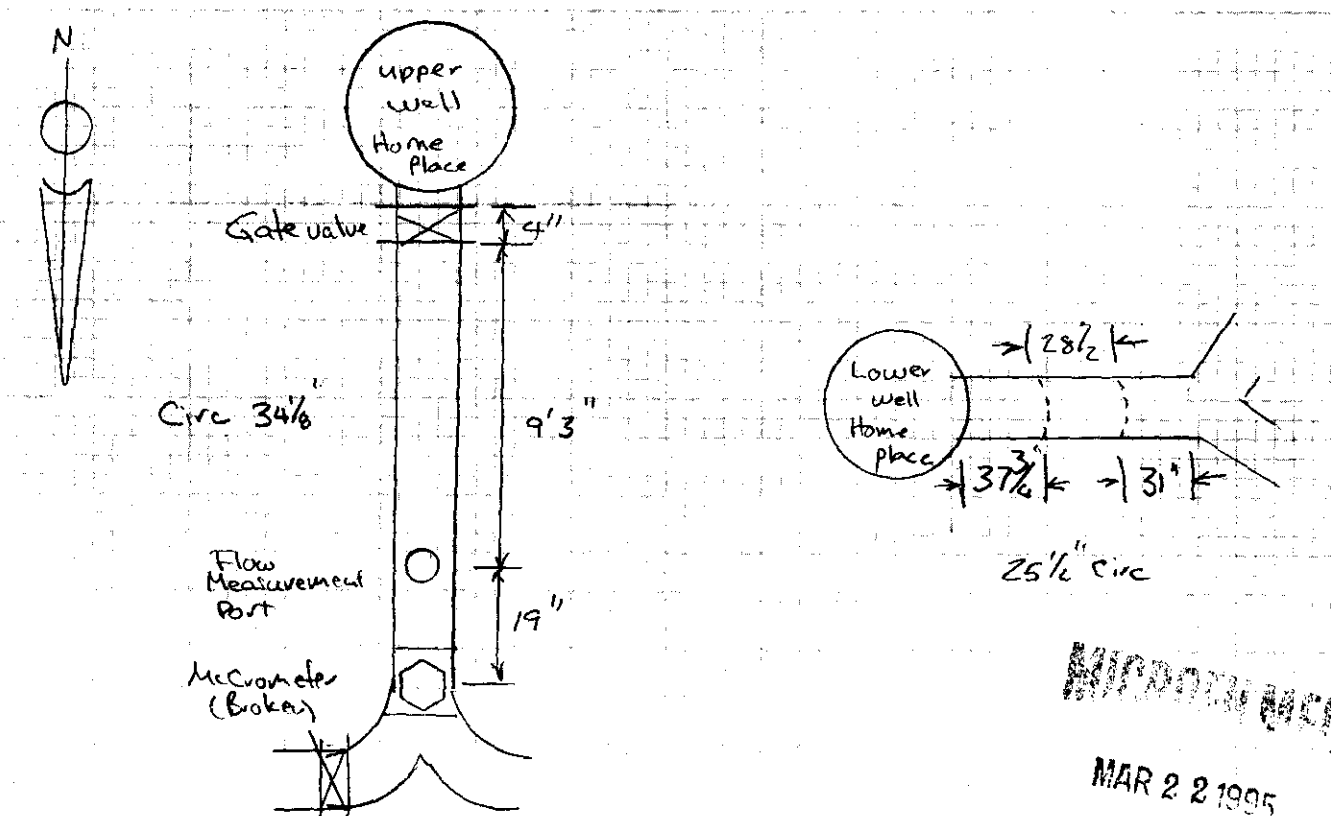
Phone No. _____

B. OVERLAP REVIEW

1. Other water rights with same place of use: _____
_____ ☐ Copies Attached
2. Other water rights with same point of diversion: 22-07538, -7509, -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).
- ☐ Photo of Diversion and System Attached
(required for all but single household domestic groundwater, and stockwater).
- ☐ Aerial Photo Attached
(required for irrigation of 10 acres or more).

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 Homeplace 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
			SW	NE	28	6N	40E	Madison	
			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																			
6 N	40 E	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	40 E	21									40	35	40	40					155

*

* See attached 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			16.02	
	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

$$Q = \frac{hp(8.814) \text{ eff}}{\text{Lift} + (8.814 \times 2.308)} = \frac{hp=150 \text{ Lift}=161'}{161 + (86 \times 2.308)} = \frac{150(8.814)(.8)}{161 + (86 \times 2.308)} = 2.942 \text{ cfs} \approx 2.94$$

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:

$$V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = 155 \text{ ac} (3.5) = 542.5$$

$$V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 = 1.49 \text{ cfs} (183) 1.9835 = 540.8$$

$$V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} = 540.8$$

2. Volume Calculations for Other Uses:

1995

2 1995

H. REMARKS AND OVERLAP REVIEW ANALYSIS

This right (22-07510) in combination with 22-04192, 22-2156, 22-7054, 22-07538 & 22-07509 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		
<i>IRRIGATION</i>	<i>4/15</i>	<i>10/15</i>	<i>1.49 cfs</i>	<i>540.8</i>
Totals:			<i>1.49 cfs</i>	<i>540.8</i>

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 *KEITH C. WILSON*
Signature *Keith C Wilson*
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 memo. bc*

MAR 22 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 H. Smith

Permit No. ~~22-7538/1509/7510~~
22-7510

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 X CIR) - T] = ... 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

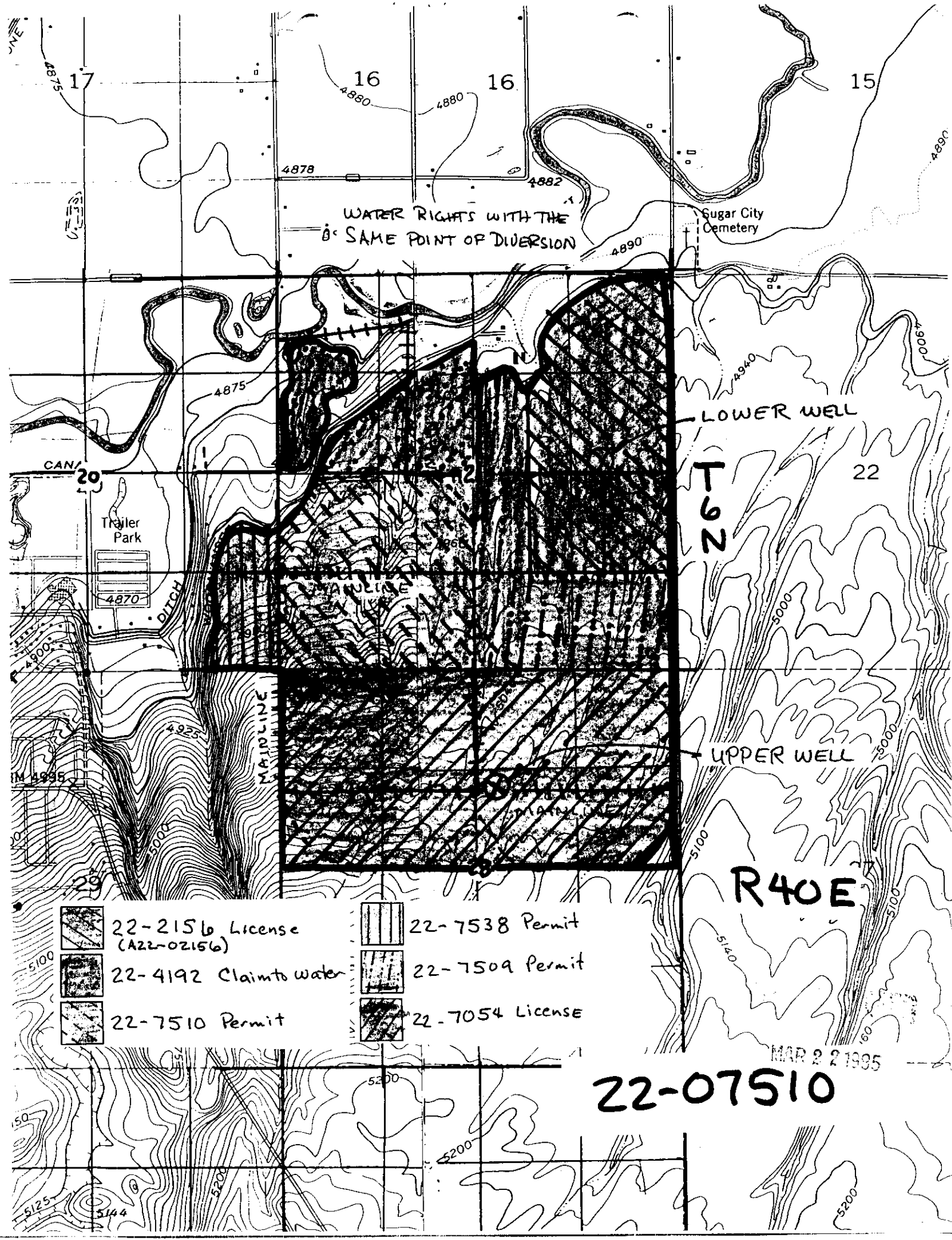
High - Low = H = ... 32

CALCULATION OF DISCHARGE IN CFS (Q)

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

$$Q = \frac{(10.489)^2 (\sqrt{32}) (3.94)}{448.8} = 5.46 \text{ cfs}$$

SKETCH (If not shown on Field Report)



WATER RIGHTS WITH THE
SAME POINT OF DIVERSION

LOWER WELL

T92

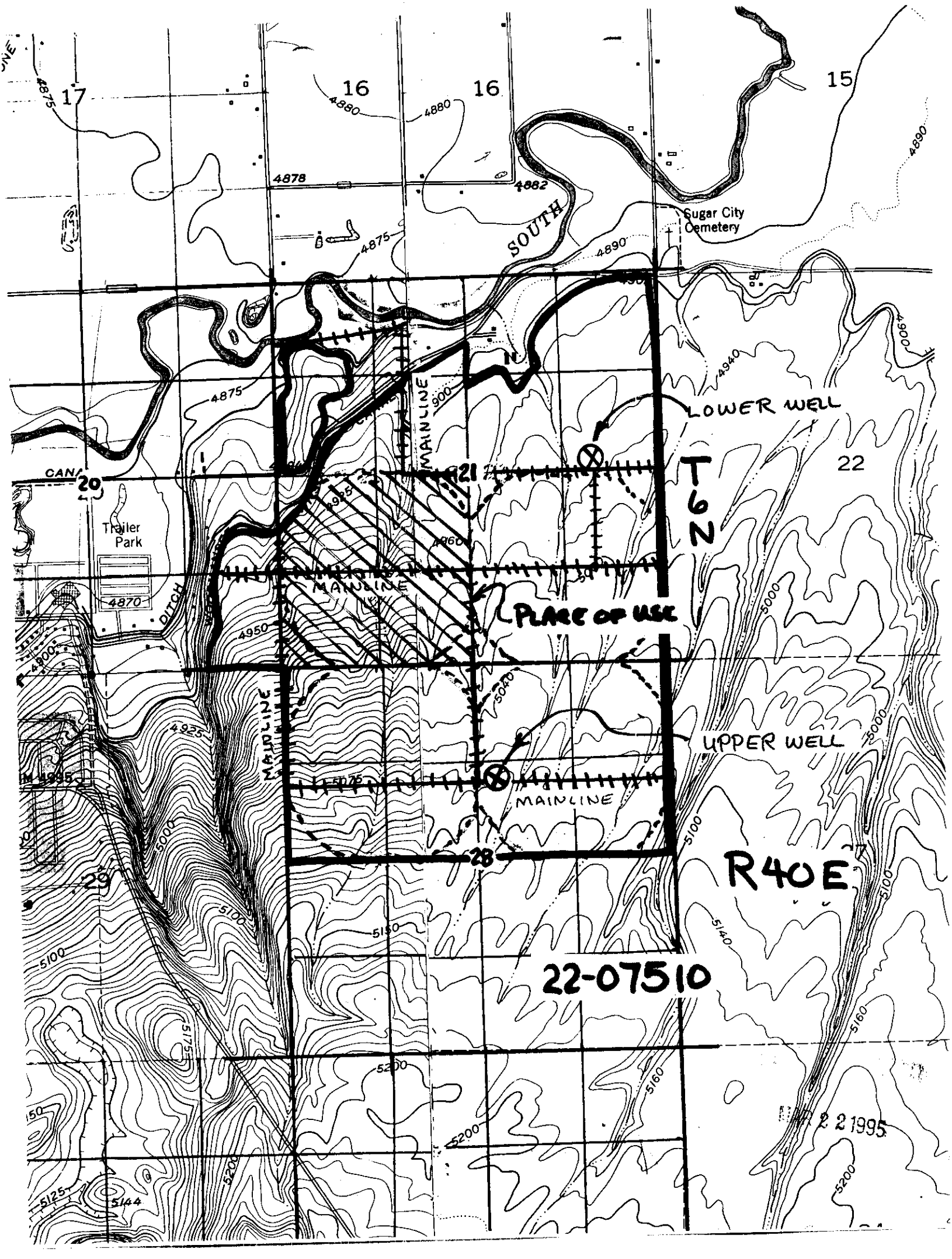
UPPER WELL

R40E

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

22-07510

MAR 22 1995



16

16

15

17

4878

4880

4882

4890

Sugar City Cemetery

SOUTH

4890

4875

MAINLINE

LOWER WELL

22

T
26

20

Trailer Park

4870

DITCH

MAINLINE

PLACE OF USE

MAINLINE

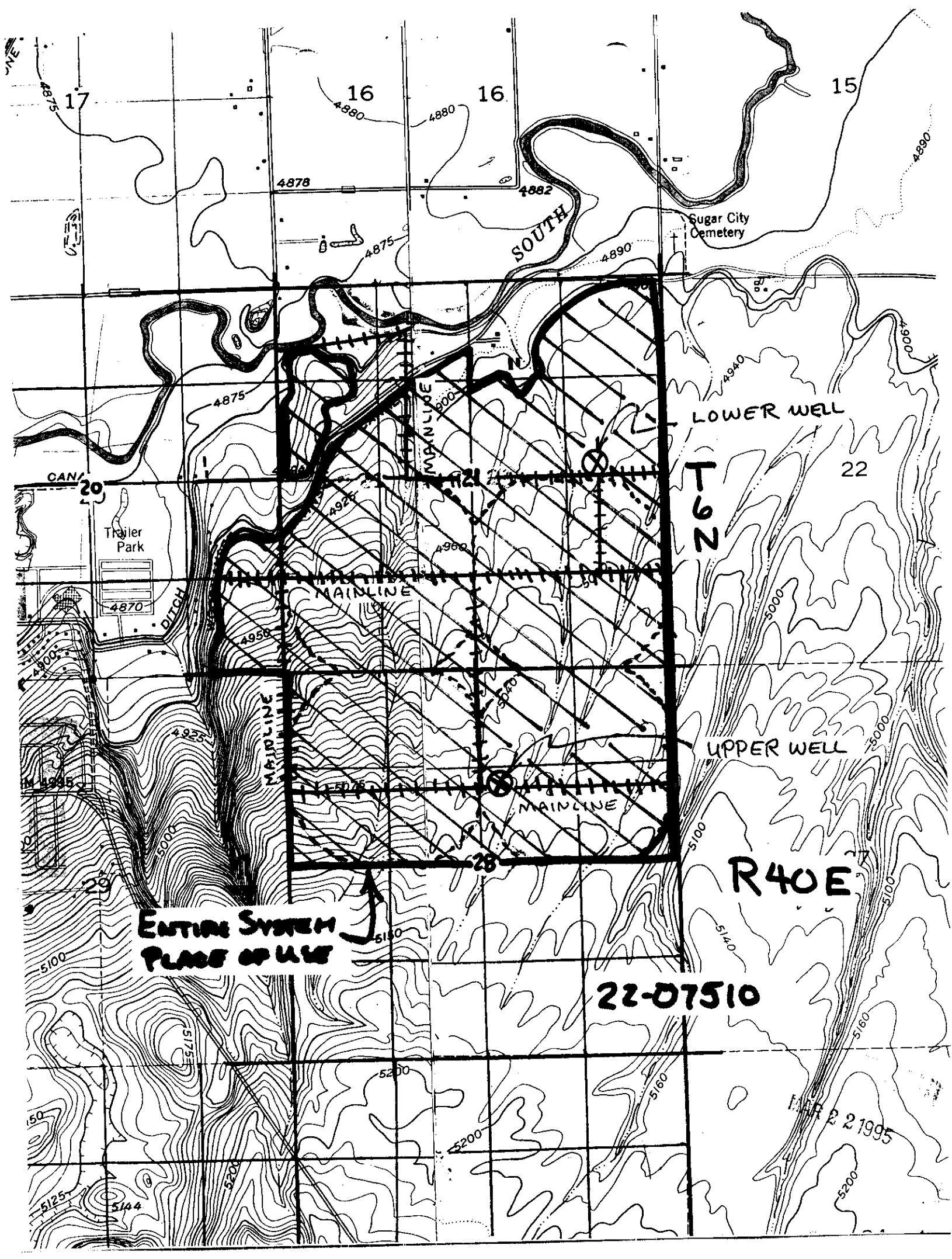
MAINLINE

UPPER WELL

R40E

22-07510

2 2 1995



ENTIRE SYSTEM
PLACE OF USE

22-07510

R40E

LOWER WELL

UPPER WELL

SOUTH

Trailer Park

26T

221995

November 23, 1990

JOHN H. SMITH
RT. 4 BOX 11
REXBURG, ID 83440

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 22-07510

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 07 1990

138552

October 31, 1990

JOHN H. SMITH
RT. 4 BOX 11
REXBURG, ID 83440

PROOF DUE NOTICE

RE: PERMIT NO. 22-07510

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 January 1, 1991. (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,

Rita Fleck
Secretary/Records Manager

Enclosures

MICROFILMED

DEC 07 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
December 15, 1989

JOHN H. SMITH
RT. 4 BOX 11
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. P22-07510

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.

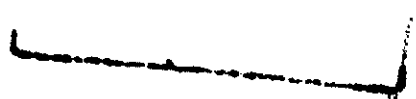
You should be aware that the groundwater you propose to divert is located within a drainage basin where surface waters are regulated during the months of low flow. It is possible that diversion of groundwater may have an adverse impact on these surface water flows. Information available to us at this 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.

RECEIVED

DEC 18 1989



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

MICROFILMED

DEC 18 1989

THE STANDARD-JOURNAL
Rexburg, Idaho
AFFIDAVIT OF PUBLICATION

STATE OF IDAHO
County of Madison

I, Terry Weatherston being 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 October 19, 1989 and the last publication having been made on October 26, 1989.

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 27th day of October in the year of 1989, 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.

Edith M. Paul
Notary Public for Idaho

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

NOTICE OF APPLICATION
FOR WATER

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

22-07507
SMITH, RICHARD F.
P.O. BOX 8
REXBURG, ID 83440
Source: GROUNDWATER
Diversions Pt: SESE Sec 28 T 06N R 40E NESW Sec 33 T 06N R 40E
Use: IRRIGATION (3.200 CFS)
Date Filed: 6/28/1985
In: T06N R40E S32 NENE SENE NESE
SESE 160.0 ACRES TOTAL

22-07509
SMITH, JOHN H.
P.O. BOX 805
REXBURG, ID 83440
Source: GROUNDWATER
Diversions Pt: SENE Sec 21 T 06N R 40E
Use: IRRIGATION (2.860 CFS)
Date Filed: 7/01/1985
In: T06N R40E S21 NWNE SWNE
NWSE SWSE SESE 143.0 ACRES
TOTAL

22-07510
SMITH, JOHN H.
RT. 4 BOX 11
REXBURG, ID 83440
Source: GROUNDWATER
Diversions Pt: SWNE Sec 28 T 06N R 40E
Use: IRRIGATION (3.200 CFS)

Date Filed: 7/01/1985
In: T06N R40E S21 NESW NWSW
SWSW SESW 160.0 ACRES TOTAL

22-07511
WOOD BROTHERS FARMS
P.O. BOX 482
REXBURG, ID. 83440
Source: GROUNDWATER
Diversions Pt: NWSE Sec 10 T06N R 41E
Use: IRRIGATION (1.300 CFS)
Date Filed: 6/28/1985
In: T06N R41E S03 SWSW SESW 65.0
ACRES TOTAL

22-07512
BROWN INC.
1425 CAMBRIDGE DR.
IDAHO FALLS, ID. 83401
Source: GROUNDWATER
Diversions Pt: SESW Sec 35 T 06N R 41E

Use: IRRIGATION (7.000 CFS)
Date Filed: 6/27/1985
In: T05N R41E S01 NWNW SWNW
SENE NESW NWSW SWSW SESW S02
NENE NWNE SWNE SENE NENW
NWNW SWNW SENW NESW NWSW
SWSW SESW NESE NWSE SWSE
SESE S03 NENE SENE NESE S11
NENE NWNE S12 NENW NWNW T06N
R41E S34 SWNE SENE NESW SESW
NESE NWSE SWSE SESE S35 NENE
SWNE SENE SWNW SENW NESW
NWSW SWSW SESW NESE NWSE
SWSE SESE 1568.0 ACRES TOTAL

22-07515
IDAHO CORP.
SUMMERCO INC.
RT. 1
SUGAR CITY, ID 83448
Source: GROUNDWATER
Diversions Pt: NWSW Sec 25 T 06N R 40E NWNE Sec 26 T 06N R 40E SWSW Sec 26 T 06N R 40E
Use: IRRIGATION (8.500 CFS)
Date Filed: 6/28/1985
In: T06N R40E S22 NENE NWNE
SWNE SENE NESE NWSE SWSE
S23 NENE NWNE S24 NESE NWSE
SWSE SESE S25 NENE NWNE SWNE
SENE NESW NWSW SWSW SESW
NESE NWSE SWSE S26 NESW NWSW
SWSW SESW 881.0 ACRES TOTAL

The permit(s) will be subject to all prior water rights. Protests may be submitted

PROCESSED

NOV 5 1989

Department of Water Resources
Eastern District Office

Suite 15, Idaho Falls, Idaho 83401
before NOVEMBER 6, 1989.
R. KEITH HIGG

Publ. Oct. 19 and 26, 1989SJ.

MICROFILMED

DEC 18 1989

22-07510

SMITH, JOHN H.
RT. 4 BOX 11
REXBURG, ID 83440

Source: GROUNDWATER

Diversion Pt: SWNE Sec 28 T 06N R 40E

Use: IRRIGATION (3.200 CFS)

Date Filed: 7/01/1985

In: T06N R40E S21 NESW NWSW SWSW SESW

160.0 ACRES TOTAL

RECORDED
DEC 18 1989

IN THE MATTER OF:)
Application for Permit)

AFFIDAVIT

100-CEW-100
JUL 1985
Department of Water Resources
Eastern District Office

State of Idaho)
County of Madison)

William L Webster being first duly sworn,
deposes and says: The point of diversion (well) described
as the SWNE Sect. 28 T6N R40E has irrigated
the SW 1/4 of Sect. 21 T6N R40E since 1971

N

William L Webster
(Signature)

Subscribed and sworn to before me this 2 day of July, 1985

Ang S Sharp
(Notary Public)

Residing at Rebburg Id.
My Commission Expires 3/88

RECEIVED

DEC 18 1985

IN THE MATTER OF:

Application for Permit

AFFIDAVIT

JUL

Department of Water Resources
Eastern District Office

State of Idaho

County of Madison

John W. Smith being first duly sworn,
deposes and says: The point of diversion (well) described
as the SWNE Sect. 28 T6N R40E has irrigated
the SW 1/4 of Sect. 21 T6N R40E since 1971

John W. Smith
(Signature)

Subscribed and sworn to before me this 2 day of July, 1985

Shirley L. Sharp
(Notary Public)

Residing at Rexford, ID.

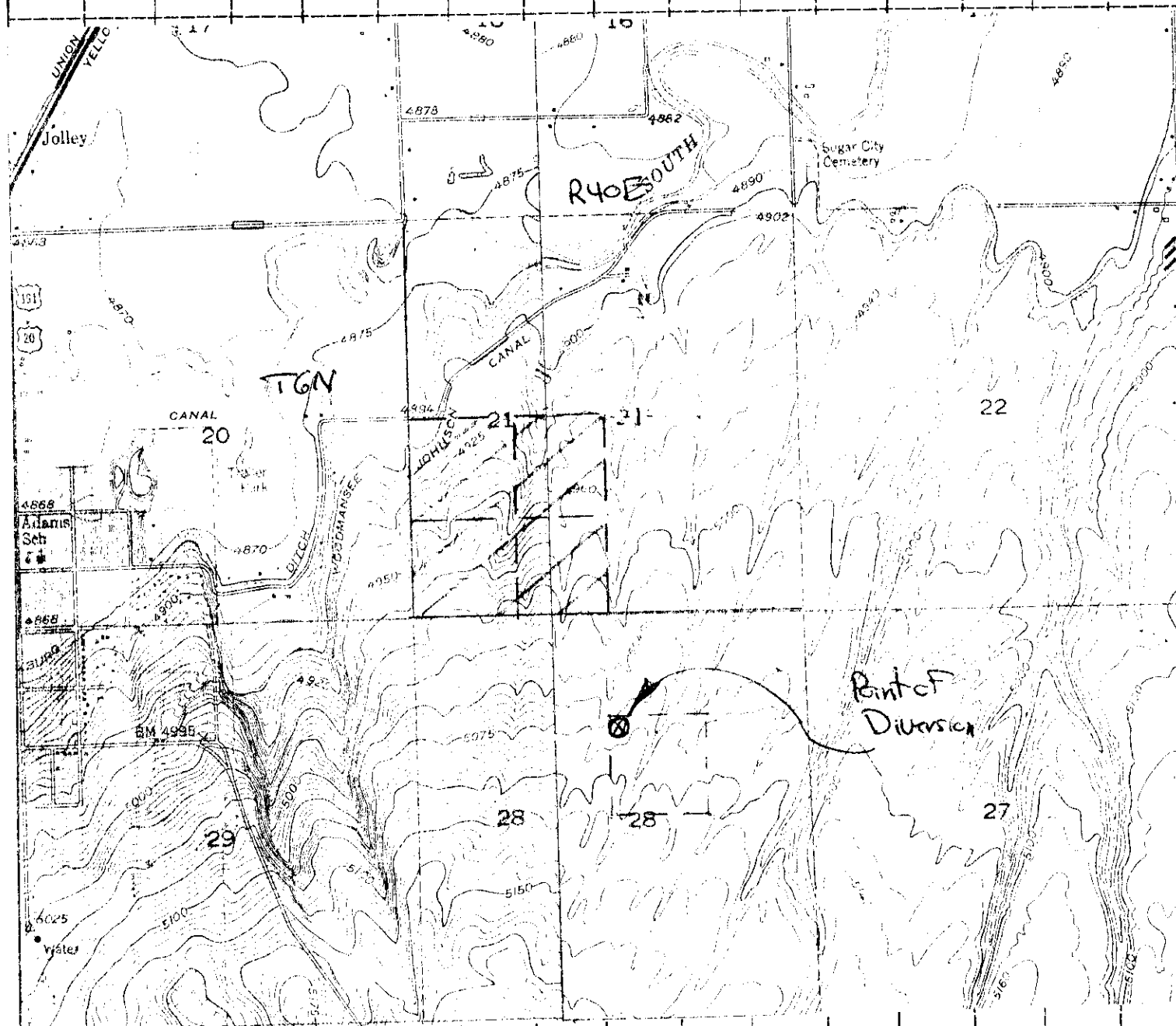
My Commission Expires 3/88

RECORDED

DEC 18 1985

11. Map of proposed project: w clearly the proposed point of div. n, place of use, section number, township and range number.

Need ASCS Air Photo, include section corner
T. & R.



Intermittent

DEC 18 1989



R-1
2069
Daniel Davidson

K 6-1
75

E 22.7

F 29.1

E-123

A-12

FILMED

JUL 16 1989

0-4' 10' SCALE

B. 142
Homer Davidson
2088

23
(510)

W. Keith Walker

B
9.7

A
13.5

H
17.7

A. E. L. I.
12.0 (143)

John H.
Smith & Sons

D
54.0

B
13.8

B
7.0

E
22.7

D
39.3

F
29.1

K
7.5

SHOWING

C
27.6

E
26.2

91.4

136

20

29

28

21

22-2510-

SMITH, JOHN H.

RT. 4 BOX 11. REXBURG, ID 83440

Source: GROUNDWATER

Date Filed: 07/01/1985

Diversion Pt: SWNE Sec 28 T 06N R 40E

Use: IRRIGATION (3.20 CFS)

In: NESW NWSW SWSW SESW Sec 21 T 06N R 40E FOR 160 ACRES

MICROFILMED

DEC 18 1989