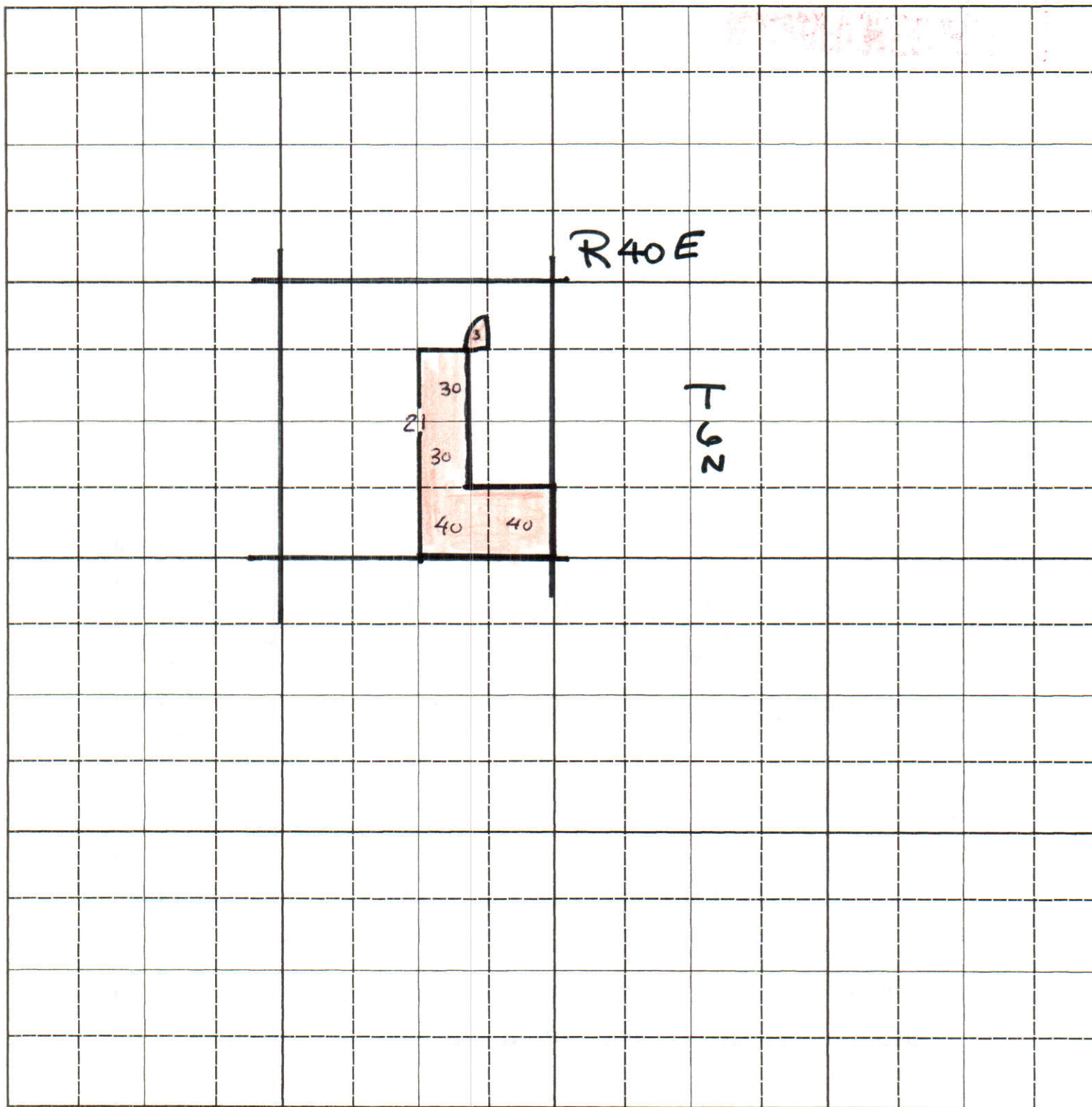


13. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



Scale: 2 inches equal 1 mile.

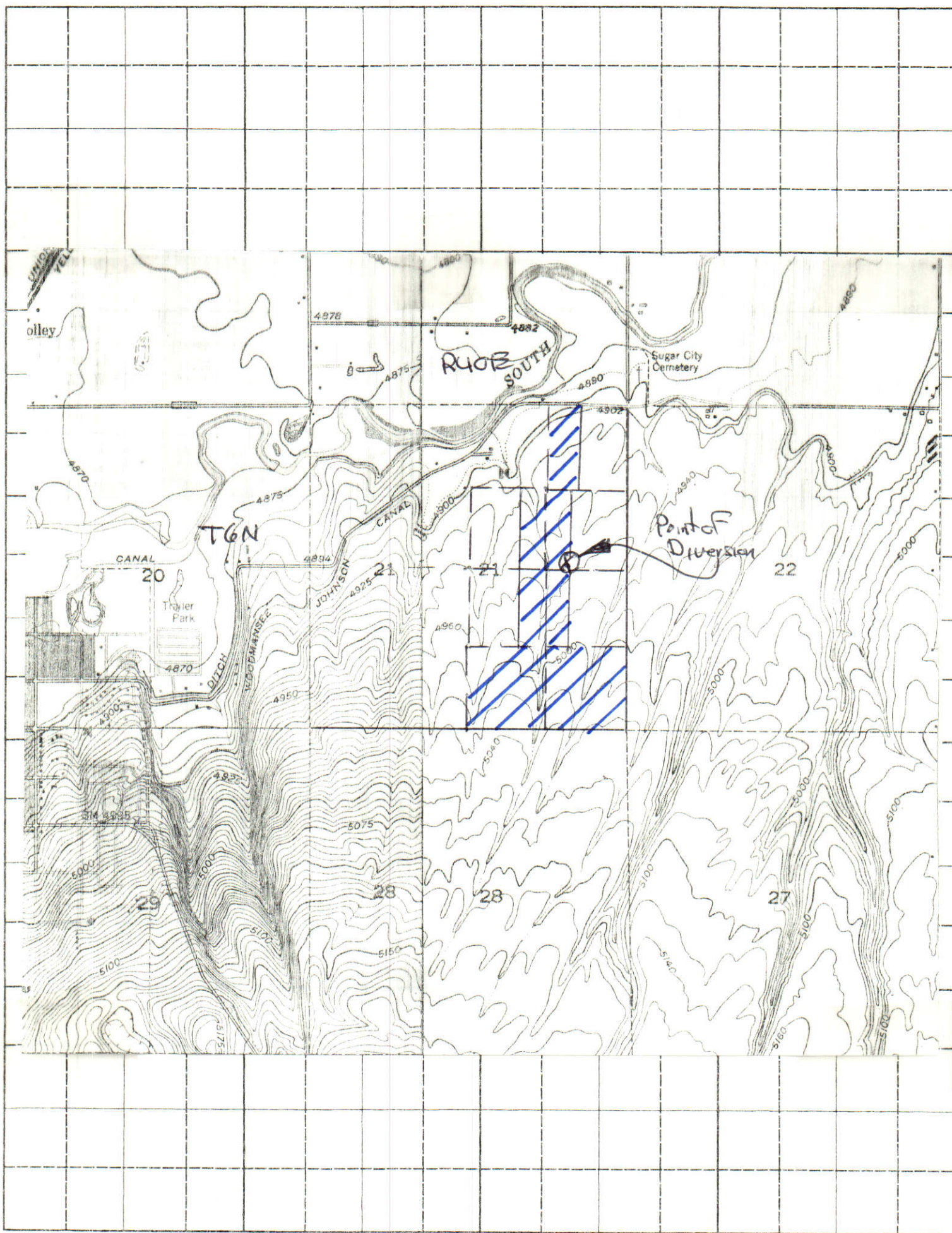
BE IT KNOWN that the undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.

MICROFILMED

DEC 18 1989

John D. Smith
(Applicant)

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

(Applicant)

John H. Smith

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

RECEIVED

NOV 7 1994

Department of Water Resources

A. GENERAL INFORMATION

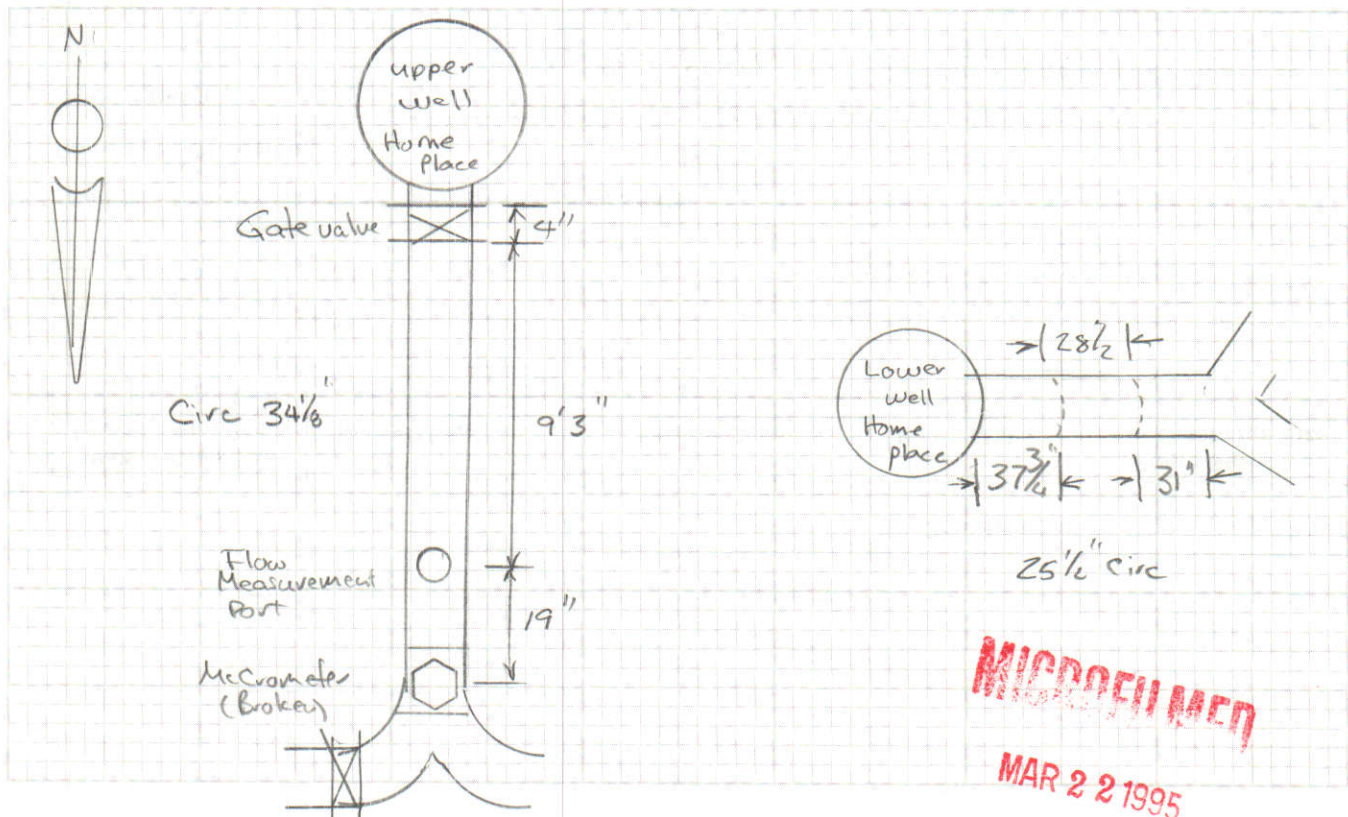
1. Owner: John H. Smith Permit No. 22-7538/7509/7510
Current Address: P.O. Box 375 Rexburg Id 83440 Phone No. 356-3935
2. Accompanied by: Craig Smith EXAM. DATE: 31 July 1992
Address: P.O. Box 375 Rexburg Id 83440 Phone No. _____
Relationship to Permit Holder: operator/owner
3. Source: Groundwater tributary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

B. OVERLAP REVIEW

1. Other water rights with same place of use: _____ ☐ Copies Attached
2. Other water rights with same point of diversion: 22-2156, -7538, -7510, -7509, -7054
_____ ☐ Copies Attached ☐ Copies of Field Exam's Attached

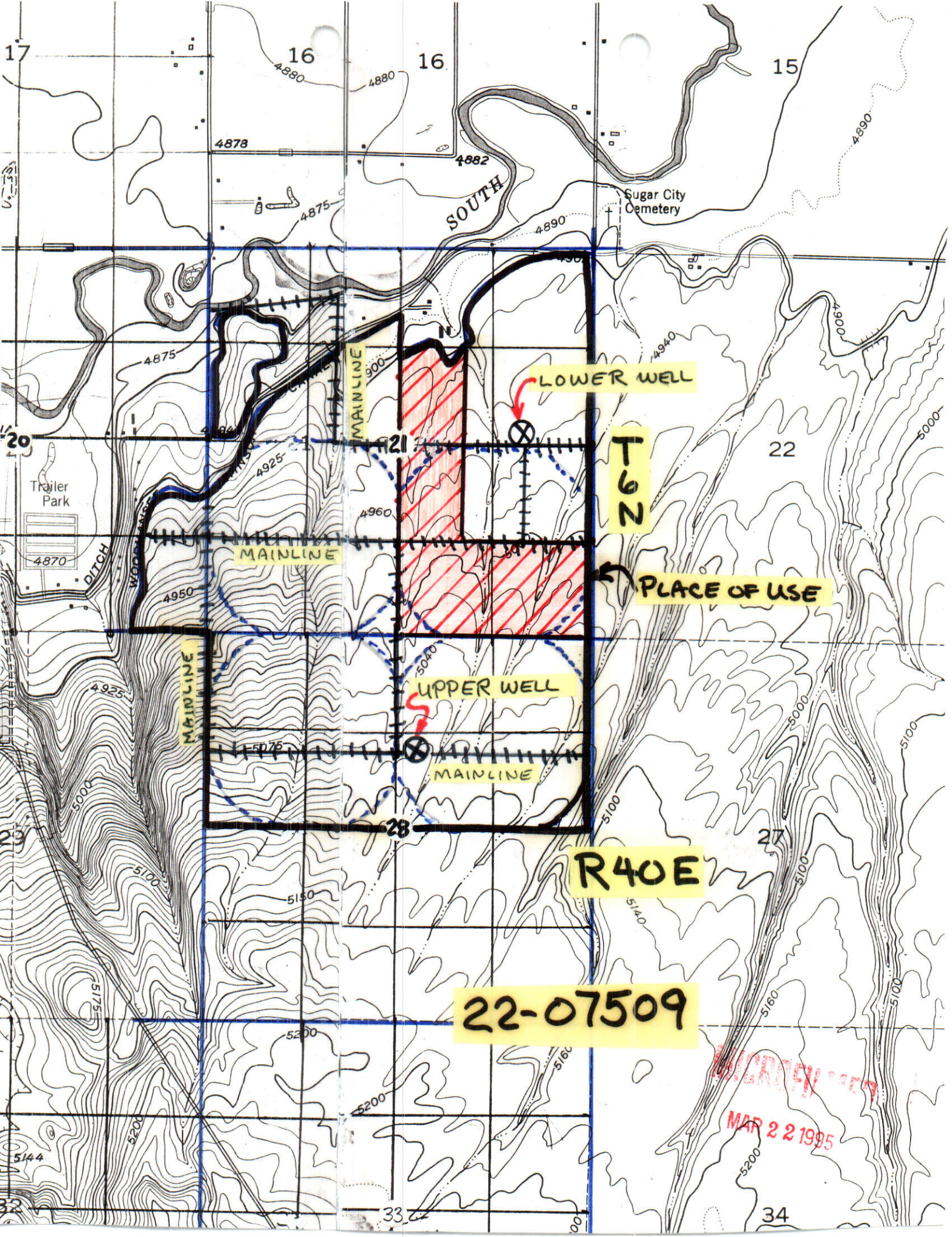
C. SYSTEM DESCRIPTION

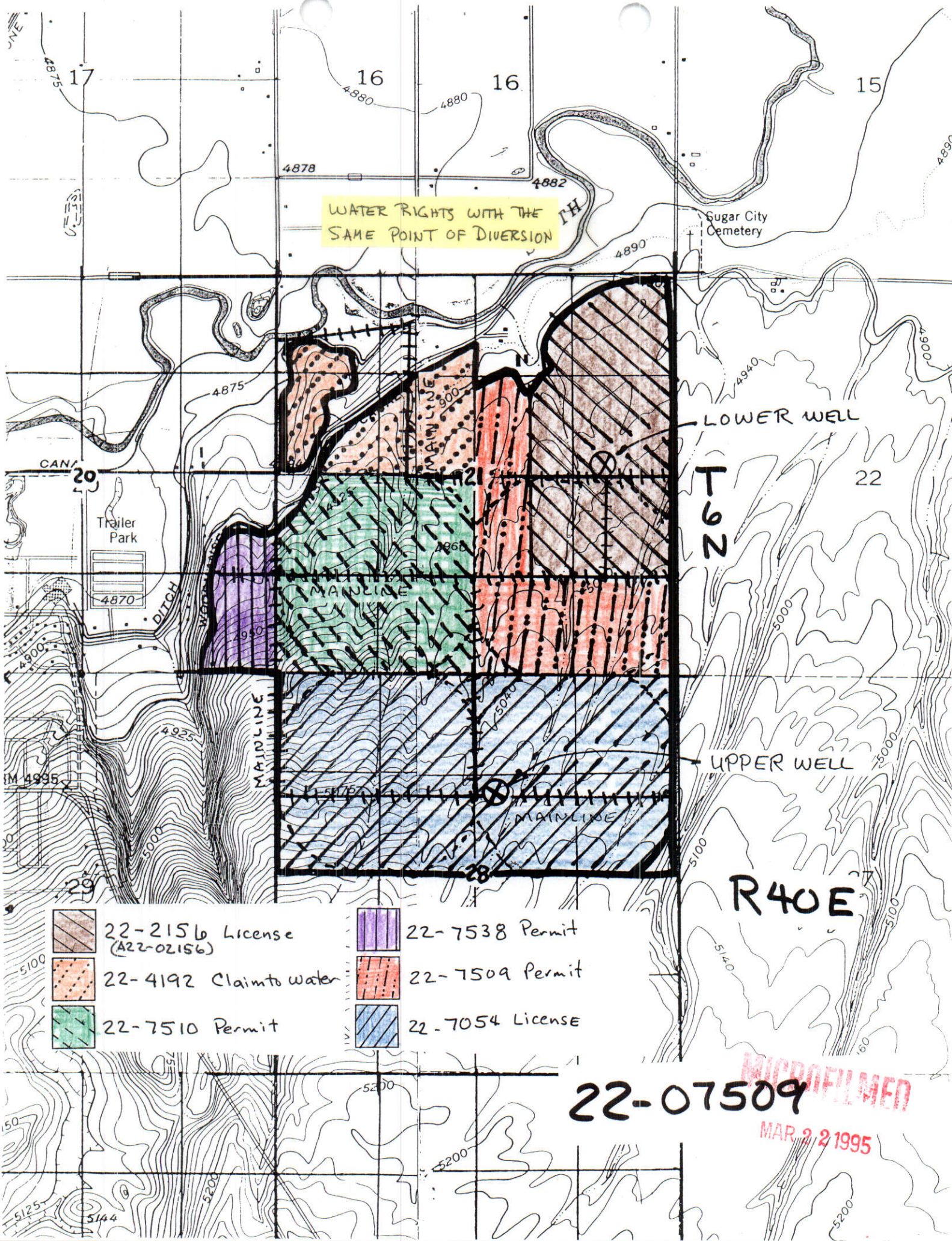
1. **Diversion System Diagram:** Indicate all major components and distances between components. Indicate weir size/ditch size/pipe i.d. as applicable. ☐ Alternative diagram attached



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).





WATER RIGHTS WITH THE
SAME POINT OF DIVERSION

LOWER WELL

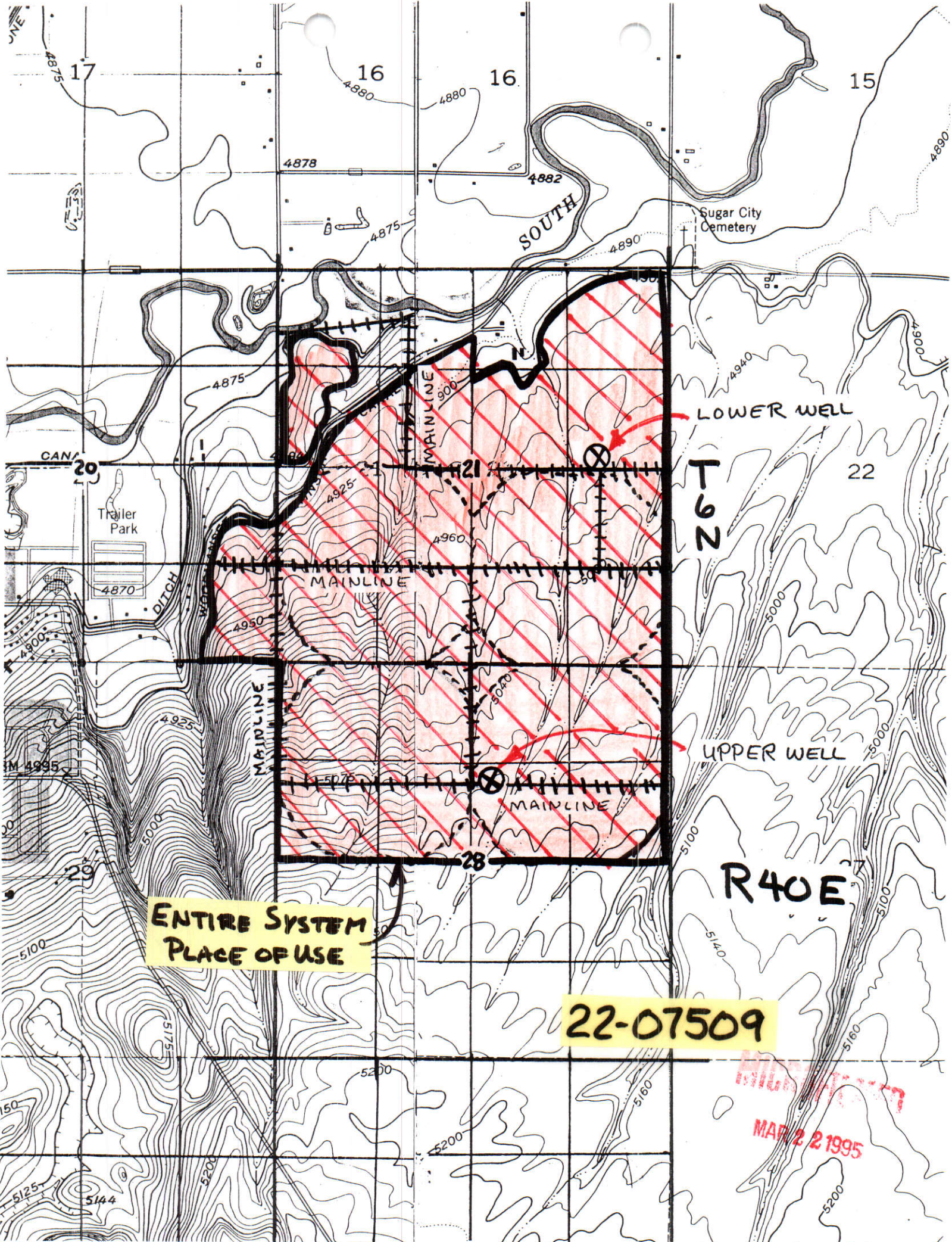
UPPER WELL

R40E

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

22-07509

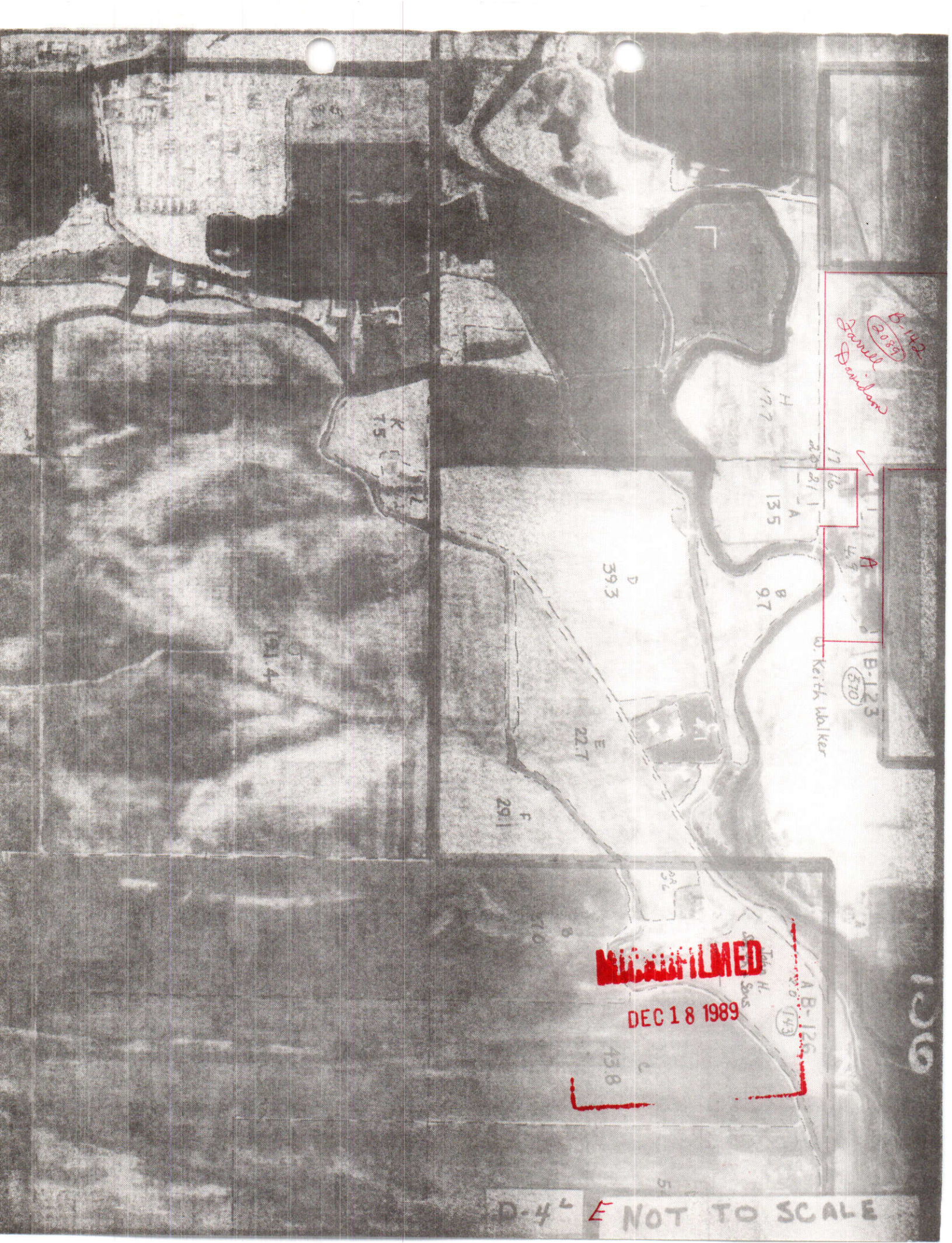
MICROFILMED
MAR 22 1995



ENTIRE SYSTEM
PLACE OF USE

22-07509

MAR 22 1995



B-142
2089
Davidson
Davidson

A
4.9
B-123
(570)

W. Keith Walker

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A-B-126
143

43.8

D-4 NOT TO SCALE

B 147
Barney Davisson
2089

23
(370)

W. Keith Walker

H
17.7

B
9.7

A
13.5

D
39.3

E
22.7

F
29.1

John H.
Smith & Sons

AB-126
12.0 (143)

C
43.8

D
54.0

B
27.0

C
27.6

F
24.1

E
26.2

K
7.5

D
191.4

I
27.2

H
51.6

136

R40E

29.48

28.47

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 22-07509

Priority: July 1, 1985

Maximum Diversion Rate:

2.78 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 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	2.78 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	SWNE 29	NWSE 30	SWSE 40	139
			SESE 40			

Total number of acres irrigated: 139

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.

MAR 22 1995

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

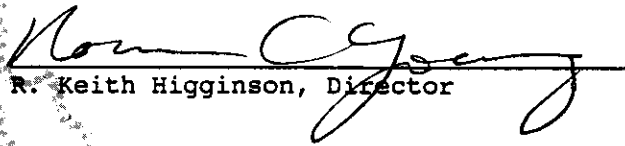
WATER RIGHT NO. 22-07509

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 486.5 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, 22-07510 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.

Acting for


R. Keith Higginson, Director

MAR 22 1995

APPROVED

State of Idaho
Department of Water Resources

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FEB 27 1995

Department of Water Resources

APPLICATION FOR AMENDMENT

(For Licensing Purposes)

WATER RIGHT NO. 22-07509

Date of Priority: July 1, 1985

Maximum Diversion Rate:

2.78 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. 22-07509, 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	2.78 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 RGE SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
06N 40E 21	SWNE 29	NWSE 30	SWSE 40	
	SESE 40			139

Total number of acres irrigated: 139

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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, 19 .

John H. Smith
(Signature)

150

For Office Use Only
Amt. of Fee \$ 150.00
Date 10/30/90
Receipt No. 001575
Received by [Signature]
11-7-90

OCT 29 1990

Department of Water Resources

STATE OF IDAHO
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. 22-07509 Telephone No. 356-3935

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

Post Office Address: P.O. Box 805 - Rexburg Id 83440

Source of Water: Groundwater

If ground water, well driller's name: Andrews Well Drilling Date drilled: 1969

Extent of Use:
Domestic _____ (No. of households) Irrigation 143 (No. of acres)
Stockwater _____ (No. and type of stock) Other _____

Total rate and/or volume for which proof is submitted 2.86 cfs _____ acre/feet

Show date water was first diverted and beneficially used under this permit: July 1 1985

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: \$ 150.00 (See License Examination Fee Schedule)

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

Applicant John H. Smith 356-3935
Name Telephone No.
P.O. Box 805 - Rexburg, Idaho 83440
Address

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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.

DEC 07 1990

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

State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 22-07509

Proposed Priority: July 1, 1985

Maximum Diversion Rate:

2.86 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:

BENEFICIAL USE

PERIOD OF USE

RATE OF DIVERSION

IRRIGATION

04/01 to 11/01

2.86 CFS

LOCATION OF POINT(S) OF DIVERSION:

SENE Sec. 21, 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	NWNE 3	SWNE 30	NWSE 30	
			SWSE 40	SESE 40		143

Total number of acres irrigated: 143

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.

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DEC 18 1989

State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 22-07509

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

14th day of December, 1989.

for *R. Keith Higginson*
R. Keith Higginson, Director

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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 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 _____ $\frac{1}{4}$ of SE $\frac{1}{4}$ of NE $\frac{1}{4}$, Govt. Lot _____
Sec. 21 Township 6 N Range 40 E B.M. Madison County; additional
points of diversion if any: _____
4. Water will be used for the following purposes:
Amount 2.86 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) 2.86 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 handlines
and center pivot
 - 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 12 inches; proposed depth of well is 204 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 **MICROFILMED** beneficial use is
1 years (minimum 1 year).

DEC 18 1989

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

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

9. Description of place of use:

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

TWP	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
6N	40E	21		3	30											30	40	40	143

Total number of acres to be irrigated 143

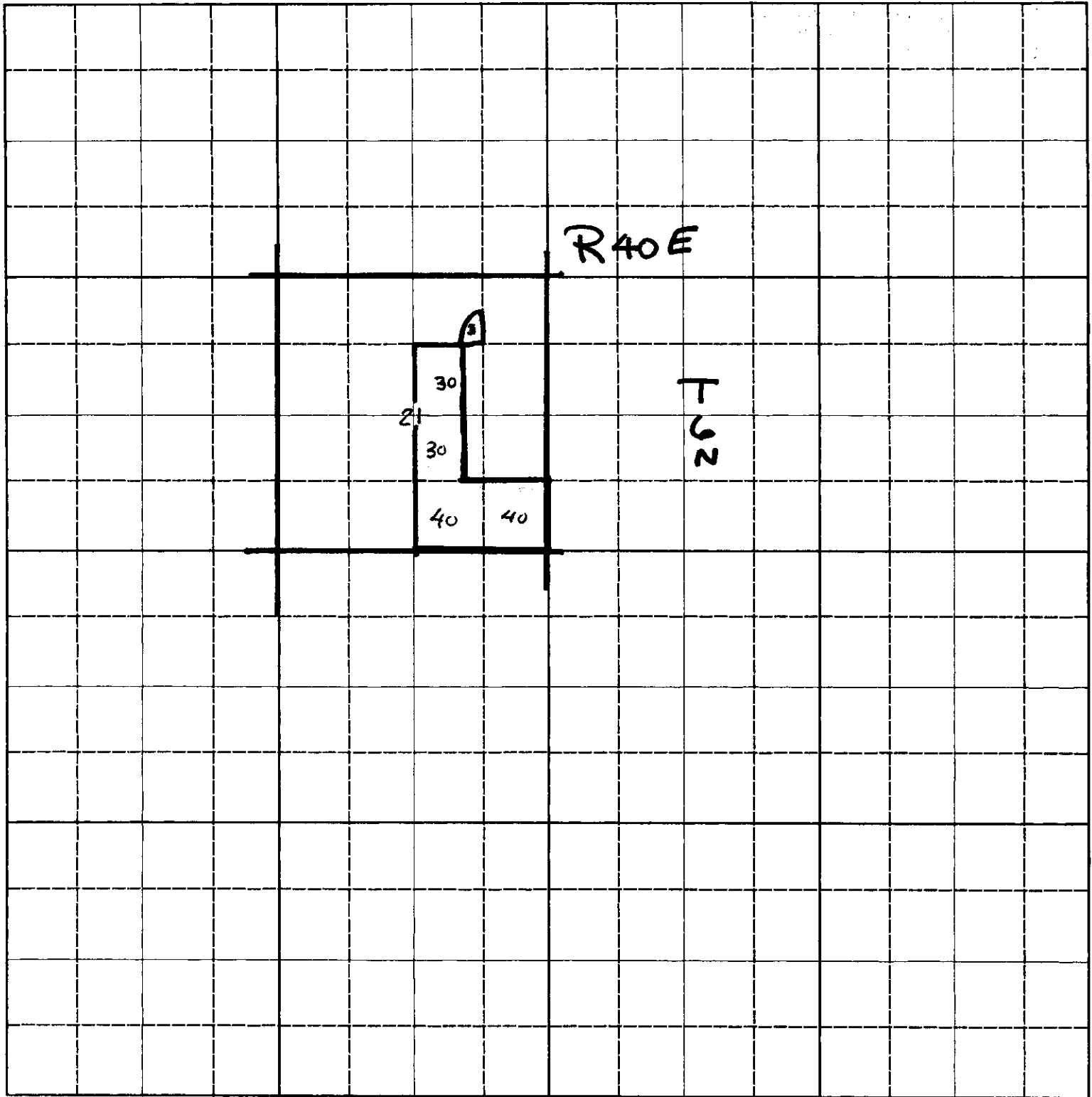
10. Describe any other water rights used for the same purposes as described above. NONE

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

12. Remarks: System same P/D as 22-2156
System irrigating P/u since 1965

DEC 18 1989

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.

MICROFILMED

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

DEC 18 1989

John D. Smith
(Applicant)

Received by CW Date 7-1-85 Time 10:22 AM Preliminary check by KCW
Fee \$ 85⁰⁰ Receipted by CW # 35411 Date 7-1-85
Publication prepared by da Date 7-28-88 Published in 10-19-86-87
Publication approved da Date 8-2-85 Published in Lexburg Standard-Jrnl
Publication approved da Date 11-06-89

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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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 SE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 21 Township 6N

Range 40E B.M. Madison County, additional points of diversion if any: _____

4. Water will be used for the following purposes:

Amount 2.94 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. 2.94 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 with pivot.
(This is the same point of diversion as License 22-2156.)

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 12 inches; proposed depth of well is 204 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: _____

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DEC 18 1980

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	15		13	13									13	13	40	40	147

Total number of acres to be irrigated 147

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

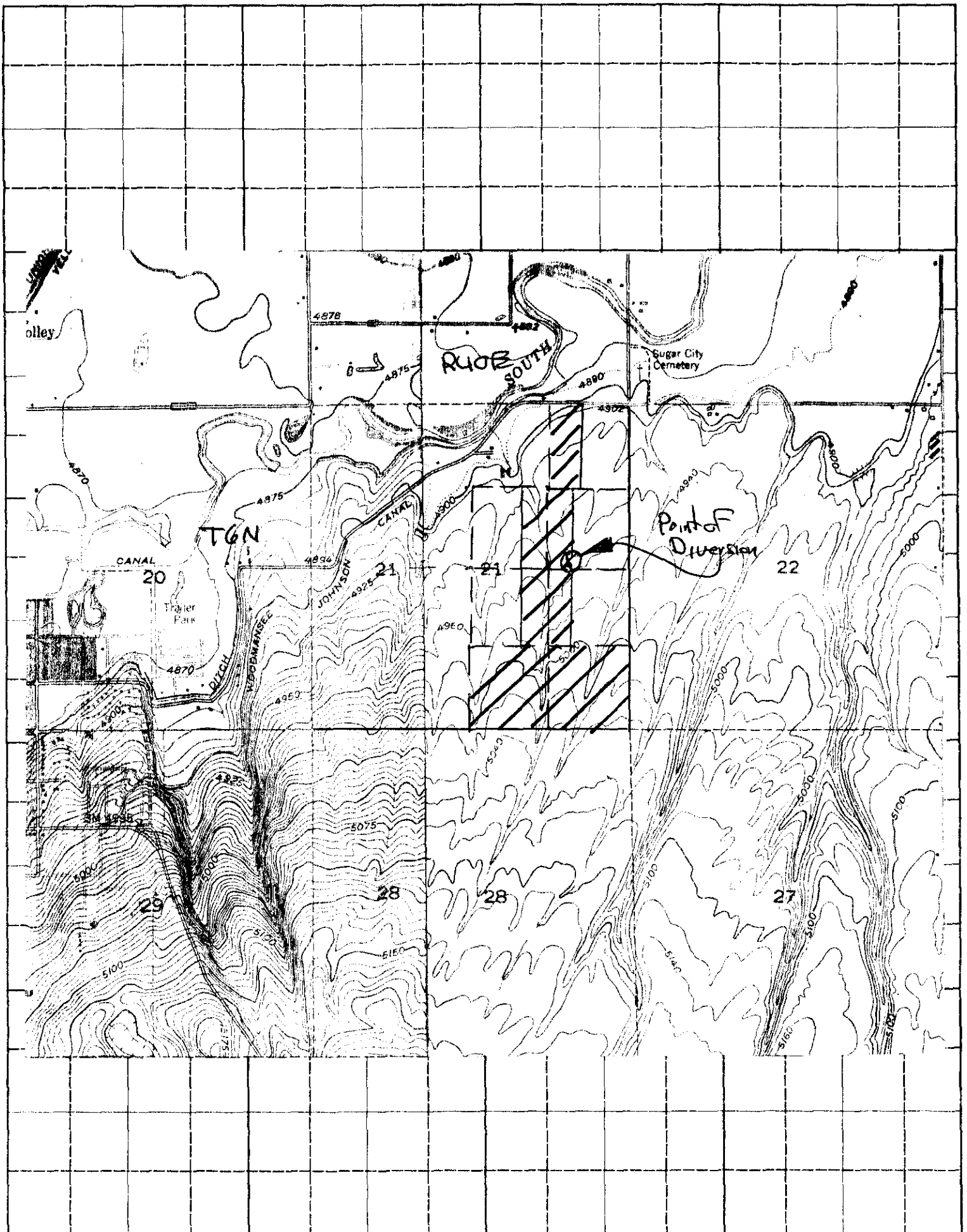
9. a. Who owns the property at the point of diversion Applicant
- b. Who owns the land to be irrigated or place of use Applicant
- c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing

10. Remarks This system was irrigating on this place of use since 1965.

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DEC 18 1989

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

(Applicant)

John W. Smith

Asst. Hwys

Received by CCW Date 7-01-85 Time 10:30 A.
Preliminary check by KCW Fee \$ 85.00
Receipted by CCW Date 7-01-85 # 35411
Publication prepared by ggj Date 8-2-85
Published in _____
Publication dates _____
Publication approved _____ Date _____
Protests filed by: _____

Copies of protests forwarded by _____
Hearing held by _____ Date _____
Recommended for approval denial by _____

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:

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DEC 18 1988



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

RECORDED

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

MARCH 1, 1995

JOHN H SMITH
P O BOX 375
REXBURG ID 83440

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

Dear Water Right Holder(s):

We received the signed licensing amendments for the above referenced permits; however, the \$50.00 filing fee for each amendment (total of \$150.00) was not enclosed. For your reference, I will enclose a copy of the original amendment notice letter.

Please return the \$50.00 fee for each of the 3 amendments (\$150.) within 14 days to prevent any further undue delay in licensing these permits. Please send the check to my attention to help expedite the process..

Thank you for your assistance and 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 Walter Keen".

Shelley Walter Keen
Water Rights Supervisor

SWK:rl

Enclosure

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.

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

PHILIP E. BATT
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

January 24, 1995

JOHN H SMITH
PO BOX 375
REXBURG ID 83440

RE: WATER RIGHT NO. 22-07509

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

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. 22-07509

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.

MAR 22 1995

LICENSE REVIEW CHECKLIST

PERMIT NO. 22-07509 DATE 11-17-94
12-16-94



NAME Yes No Or Address Change? CHECK

PRIORITY DATE — ✓ Advance? — Advanced to: —
Order to reinstate needed? —
Incorrect fee for rate recommended? NO

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

POINT OF DIV ✓ — Amendment needed? ADD SWNE OF SEC 29
✓ — Overlaps? SHARES PIVOT WITH 22-02156 @ .013 PER ACRE
— — + 22-07054, 22-07510, AND 22-07538

PLACE OF USE — ✓ Amendment needed? DELETE NWNE 1/4 1/4
— ✓ Overlaps? —

DIV RATE ✓ — Permit/fee limits: 2.86 CFS
Meas Q = — Theo Q = 8.4 Recommend: 2.78
22-2156 rate = 139 x .013 = 1.81
SYSTEM RATE = 139 x .010 = 1.39
3.20 SYSTEM RATE PER ACRE = 8.4 ÷ 792 = .01 CFS PER ACRE
Combined rates exceed capacity YES COMBINED = 11.86 CFS

ANNUAL VOLUME ✓ — Season of use: 8/3.5 (4-15 to 10-15)
Calculations: 139 x 3.5 = 486.5
Flow limit: 8.4 cfs x 194 x 1.9835 = 3065.7
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: Reduce rate (PIVOT RATE + SYSTEM RATE UP TO AN INCH PER ACRE)
Supplemental GW AMEND P/D

RECOMMENDED	CFS	VOL	SRBA Claim Filed	<u>NO</u>
<u>Irrigation</u>	<u>2.78</u>	<u>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	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
			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			29											30	40	40	139	

Highlighted acres should not be included in total acres in the system. 872-80 = 792 acres irrigated by Teton River, South Fork only.

Do not use this space

MAR 26 1995

AJ5809NP
No. A22-02156

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 12/13/94
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	JOSEPHINE H. SMITH N/A ID 00000	08/03/1954	IRRIGATION	04-01 11-01	1.90 CFS	
C	JOHN H. SMITH P. O. BOX 805 REXBURG ID 83440 (208) 356-3935				TOTAL DIVERSION: CONSUMPTIVE USE:	1.90 CFS 292.00 AFA

Water Source: GROUNDWATER

Tributary to:

Stage: LICENSE

Point(s) of Diversion:

T06N R40E S21

SENE

MADISON County

Place of use Legal Description for: IRRIGATION

				NE				NW				SW				SE									
T	R	S	:	NENE	NWNE	SWNE	SENE	:	NENW	NWNW	SWNW	SENW	:	NESW	NWSW	SWSW	SESW	:	NESE	NWSE	SWSE	SESE	:	SUM	
				Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac			
06N	40E	21	:	36		10			10		40		:					:	40		10			:	146.0
																							TOTAL ACRES	:	146.0

POU County: MADISON

Other Rights: APPLICATION 22-7509

Other Water Rights Listing Overlapping Place(s) of use:

A22-00205	A22-00235	A22-00288	A22-00344	A22-00354	A22-00421	A22-00422	A22-00476	A22-00477	A22-00571
A22-00589B	A22-00591	A22-00592	A22-00593	A22-00594	A22-11259	A22-11260	A22-12694	A22-12695	A22-12696
A22-12697									

Remarks: APPLICATION FOR PERMIT 22-7509 MADE IN JULY 1985 TO COVER
ADDITIONAL GROUND UNDER THIS SYSTEM.

Dates: Exam Made Date: Verified Date: 03/26/1985

Misc: Water District Number: Field Inspection Flag:
Presumption Flag:

Audit: 10/07/88 MULLINS

Brown one of
the wells
ACRES
ON MAP
Same Owner

Share
same
plot w
7509

MEMORANDUM

TO: File 22-07509
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	2.78	Not listed

The system rate per acre has changed to 0.010 cfs per acre. [See item G.] Rate adjusted based on the rate per acre for overlapping right 22-02156 @ .013 cfs per acre (share same pivot) + the new rate per acre @ 0.010 cfs up to an inch per acre.

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

RECEIVED

MAR 2 2 1995

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

RECEIVED

NOV 7 1994

Department of Water Resources

A. GENERAL INFORMATION

Permit No. 22-7538/7509/7510

1. Owner: John H. Smith
Current Address: P.O. Box 375 Rexburg Id 83440

Phone No. 356-3935

2. Accompanied by: Craig Smith
Address: P.O. Box 375 Rexburg Id 83440

EXAM. DATE: 31 July 1992

Phone No. _____

Relationship to Permit Holder: operator/owner

3. Source: Groundwater tributary to _____

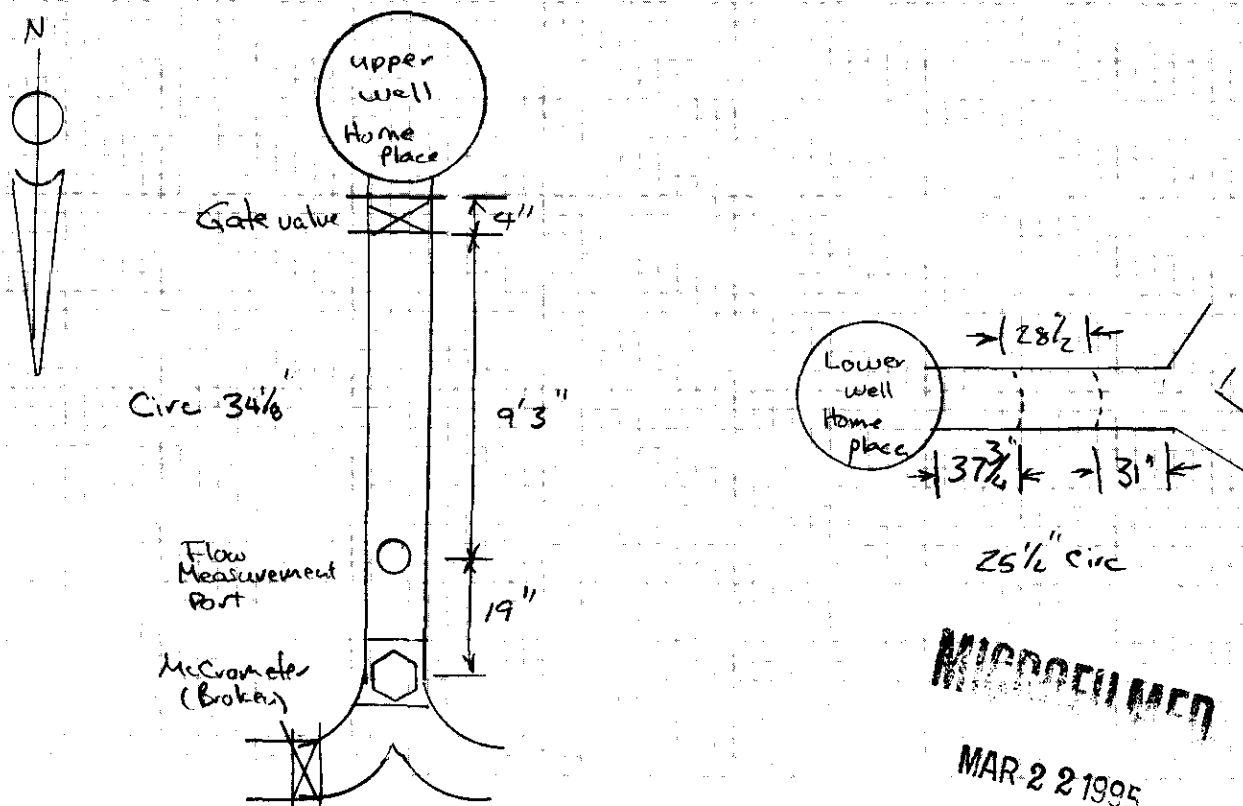
B. OVERLAP REVIEW

1. Other water rights with same place of use: _____ ☐ Copies Attached

2. Other water rights with same point of diversion: 22-2156, -7538, -7510, -7509, -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 wells 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					29									30	40	40	139	

* See attached memo. BC

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MAR 22 1995

Do not use this space

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			16-82	
	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

$$Q = \frac{hp(8.814) \text{ eff}}{Lift + (R/K \times 2.306)} = \frac{hp=150 \text{ Lift}=161'}{Lift + (R/K \times 2.306)} = \frac{150(8.814)(.8)}{161 + (82 \times 2.306)} = 2.942 \text{ cfs} \approx 2.94$$

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:

$$V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = 139(3.5) = 486.5 \text{ afu}$$

$$V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 = (1.34 \text{ cfs})(83)(1.9835) = 486.4$$

$$V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} = 486.4$$

2. Volume Calculations for Other Uses:

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MAR 22 1995

H. REMARKS AND OVERLAP REVIEW ANALYSIS

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

NOTE: TO FACILITATE LICENSING I USED THE ADJUDICATION CLAIM A22-02156 PLACE OF USE.

I. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (afa)
	From	To		
* <u>IRRIGATION</u>	<u>4/15</u>	<u>10/15</u>	<u>1.34</u>	<u>486.4</u>
Totals:			<u>1.34</u>	<u>486.4</u>

2. Recommended Amendments

☐ Change P.D. as reflected above

☒ Add P.D. as reflected above

☐ None

☐ Change P.U. as reflected above

☐ Add P.U. as reflected above

☐ Other

J. AUTHENTICATION

Field Examiner's Name

Signature

Certification Date

Field Report Preparation Date

KEITH C. WILSON
Keith C Wilson

CONSULTANT SEAL

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

* See memo attached. BC

RECEIVED

MAR 22 1995

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

Measured by: KERRA C. WILSON

Date 31 July 1992

Owner: John A. Smith

Permit No. 22-7538/1509/7510
22-7509

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 = $2 [(0.1592 \times CIR) - T] = \dots\dots\dots 10.4894$

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)

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

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

SKETCH (If not shown on Field Report)

RECORDED
MAR 22 1995

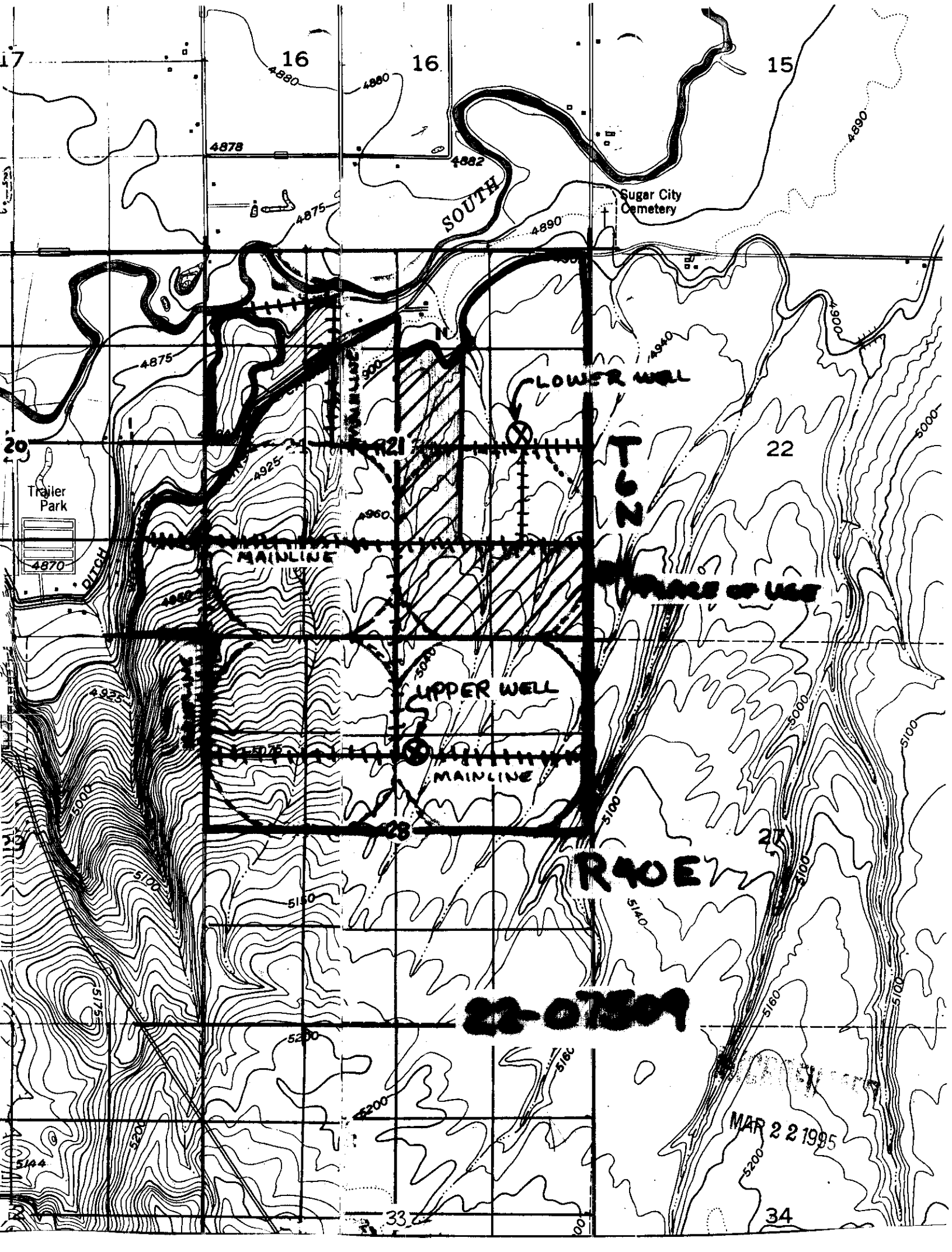
42-381	50 SHEETS EYE-EASE	5 SQUARE
42-382	100 SHEETS EYE-EASE	5 SQUARE
42-389	200 SHEETS EYE-EASE	5 SQUARE
42-392	100 RECYCLED WHITE	5 SQUARE
42-399	200 RECYCLED WHITE	5 SQUARE











16

16

15

4878

4882

Sugar City Cemetery

SOUTH

4890

4890

4875

4940

4900

5000

22

Trailer Park

4870

DITCH

MAINLINE

LOWER WELL

T6N

R40E

UPPER WELL

MAINLINE

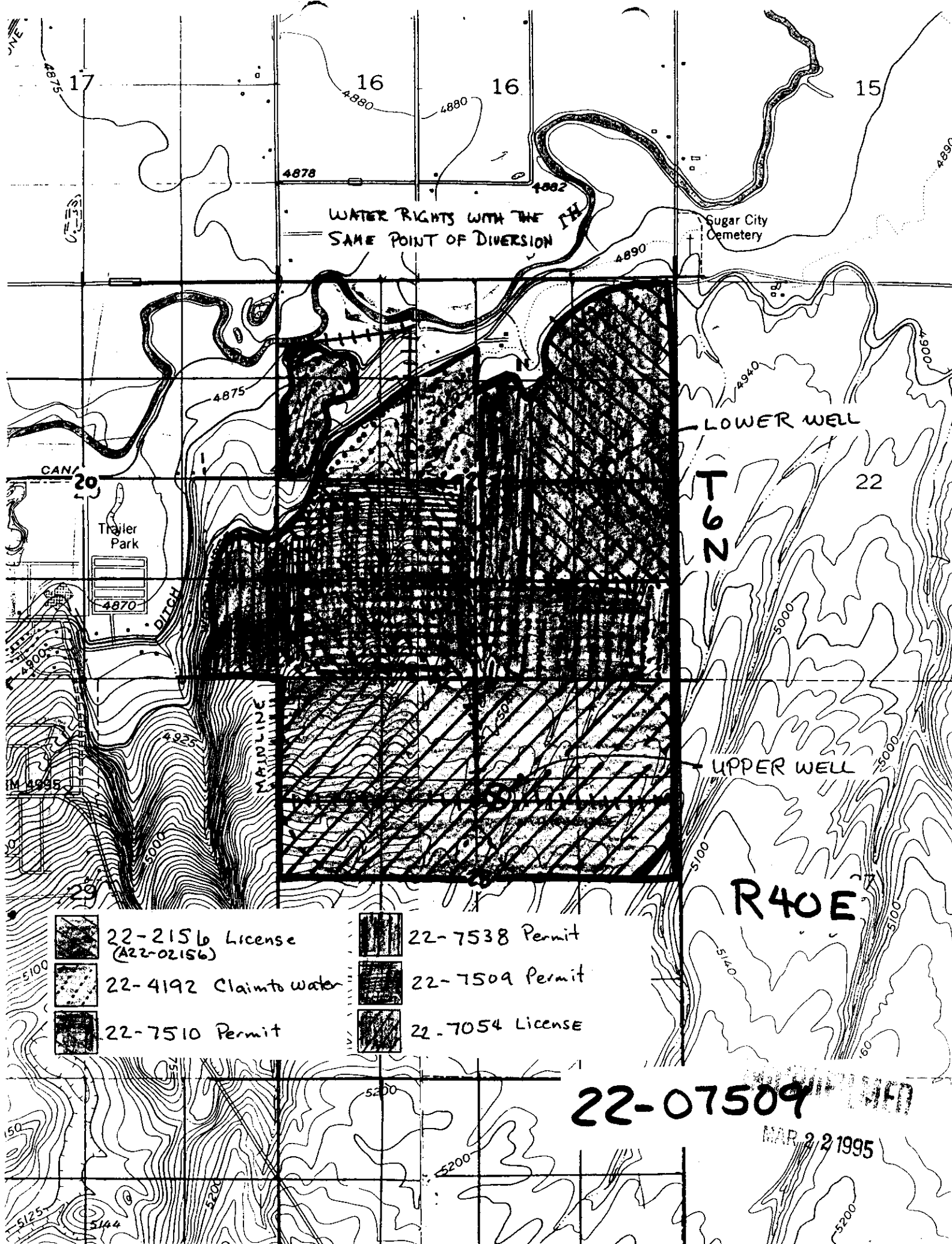
R40E

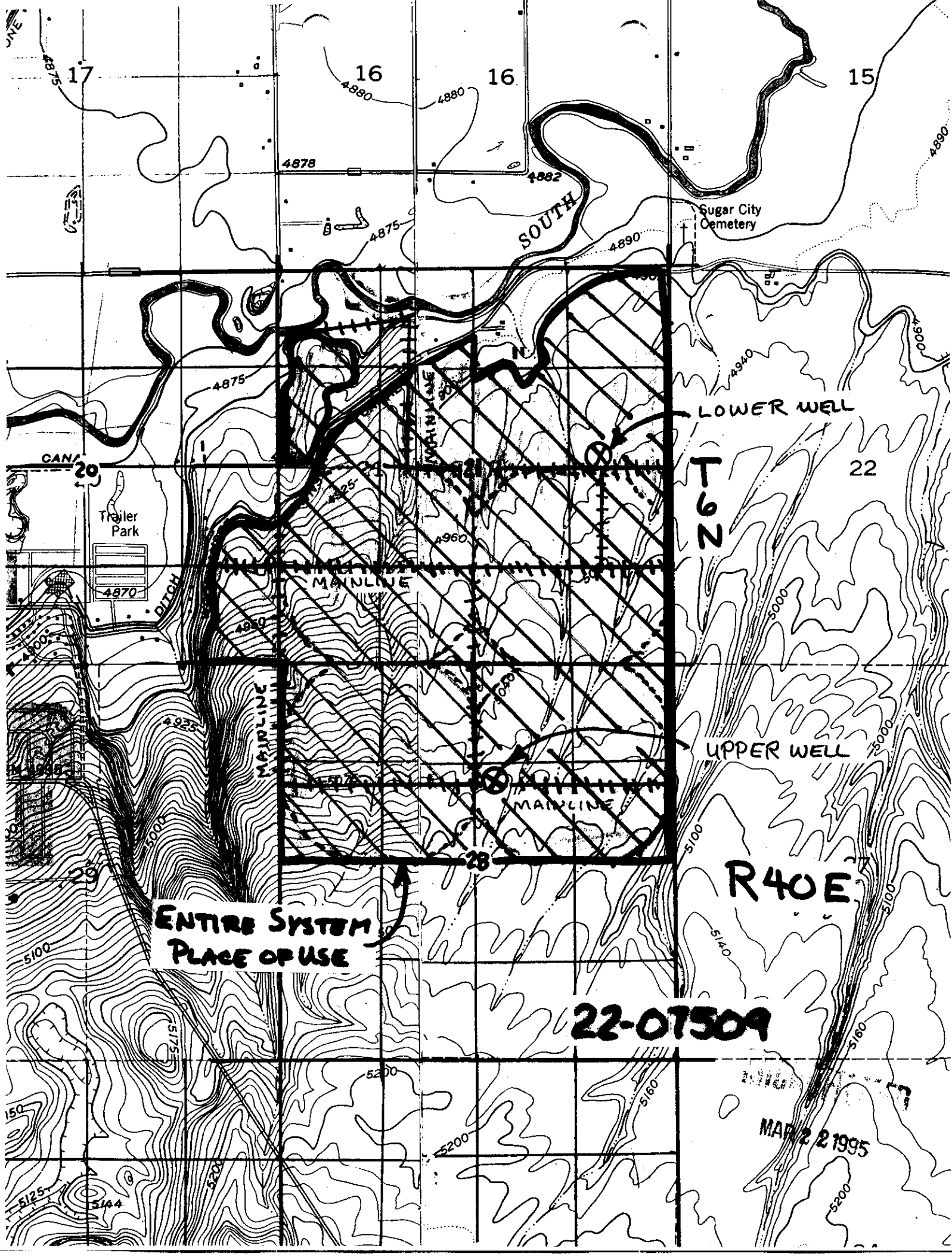
22-07509

MAR 22 1995

34

33





ENTIRE SYSTEM
PLACE OF USE

22-07509

MAR 22 1995

November 15, 1990

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

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 22-07509

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.

I note that the permit issued to you by the department requires the installation of a flow measurement port to allow the department to determine the rate of diversion. The proof which you submitted does not show that you have installed this equipment.

The installation of the flow measurement port must be complete by the time the department representative conducts the examination of your system unless the department has rescinded the requirement prior to the field examination. In some cases, the equipment requirement can be rescinded because the equipment cannot be physically installed, is not appropriate or can be accommodated with other measuring methods.

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

138551

October 31, 1990

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

PROOF DUE NOTICE

RE: PERMIT NO. 22-07509

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
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. P22-07509

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

27-Sep-1989

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

RE: Application for Permit No. 22-7509 & 22-7510

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. 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

RECEIVED

DEC 18 1989

IN THE MATTER OF:

AFFIDAVIT

Application For Permit

State of Idaho

County of Madison

JUL

William J. Webster being first duly sworn,

deposes and says: That the point of diversion (well)
described as the SENE Sect. 21 T6N R40E
has irrigated the ground in the E 1/2 of Section
21 T6N R40E previously unlicensed since 1965

William J. Webster
(Signature)

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

Greg S. Sharp
(Notary Public)

Residing at

My Commission Expires

Reynolds, Id.
3/88

MICROFILMED

DEC 18 1989

IN THE MATTER OF:

AFFIDAVIT

Application For Permit

JUL

State of Idaho

County of Madison

Department of Water Resources
Eastern Area Office

John D. Smith being first duly sworn,

deposes and says: That the point of diversion (well)
described as the SENE Sect. 21 T6N R40E
has irrigated the ground in the E 1/2 of Section
21 T6N R40E previously unlicensed since 1965

John D. Smith
(Signature)

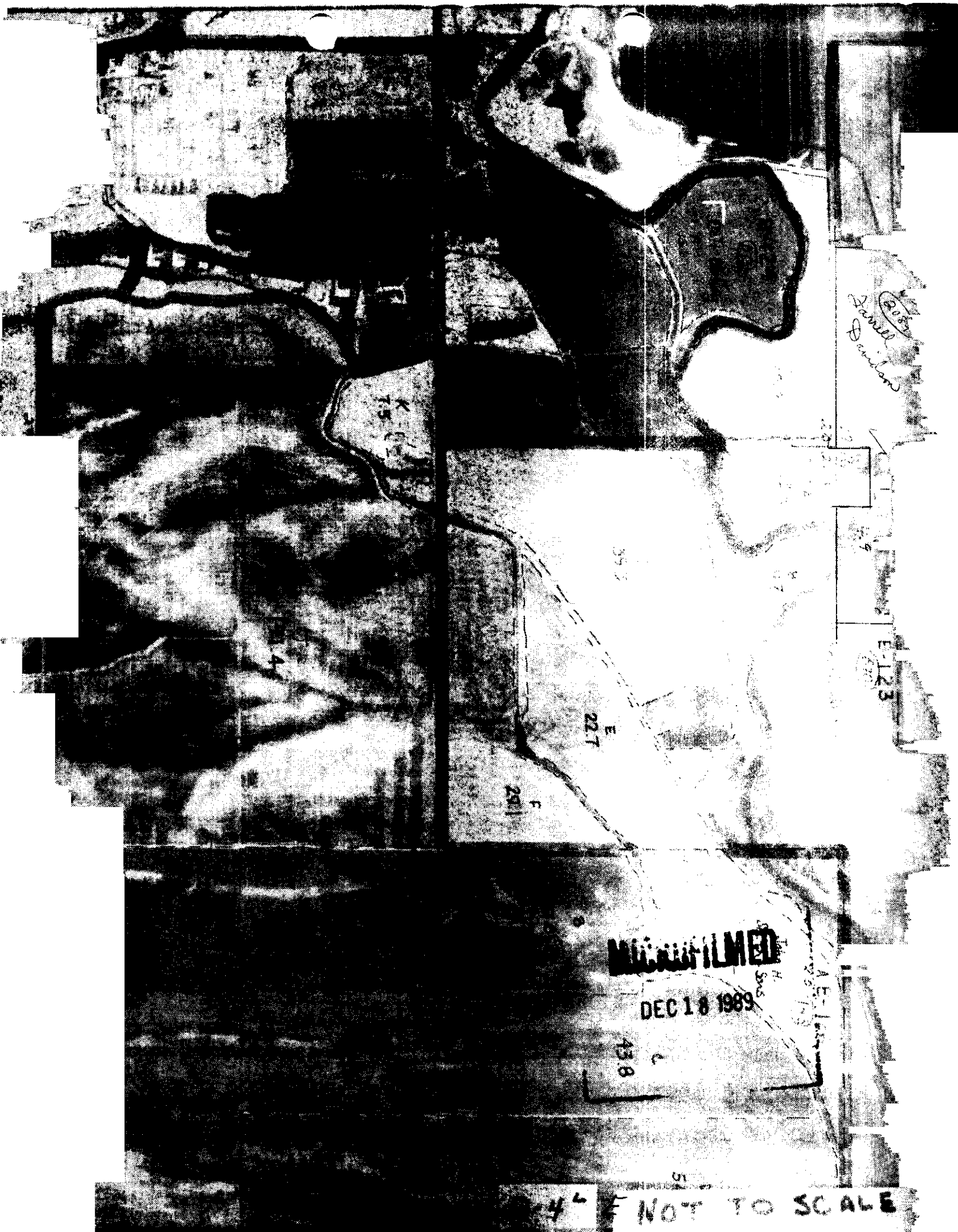
Subscribed and sworn to before me this 2 day of July, 1985

Shirley I. Sharp
(Notary Public)

Residing at Rexburg Id.

My Commission Expires 3/88

DEC 18 1989



Clearly the proposed point of divergence, place of use, section number,

Topographic map showing a mountainous region with a grid overlay. The map includes contour lines, a river labeled "SOUTH", and a "Point of Diversion" marked with a circle and arrow. Grid lines are numbered 20, 21, 22, 27, 28, and 29. A "Sugar City Cemetery" is labeled in the upper right. A "DITCH" and "ROAD" are also visible. A large "FILMED" stamp is at the bottom right, with "DEC 16 1989" below it.

DEC 18 1989

B-142
Harris, Davidson
(2089)

23
(370)

W. Keith Walker

H
17.7

A
13.5

B
9.7

D
39.3

E
22.7

F
29.1

A-E-12
12.0 (143)

John H.
Smith & Sons

B
8.8

D
54.0

E
26.2

HOUSING

K
7.5

191.4

136

10E

20

39

7

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.

Lydia L. Paul
Notary Public for Idaho

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

NOTICE OF APPLICATION
FOR WATER RIGHT

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
Diversion 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
Diversion 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
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

22-07511
WOOD BROTHERS FARMS
P.O. BOX 482
REXBURG, ID. 83440
Source: GROUNDWATER
Diversion 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
Diversion 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
Diversion 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 3 1989

Department of Water Resources
Eastern District Office

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

Publ. Oct. 19 and 26, 1989SJ.

NOT RECORDED

DEC 18 1989

22-07509

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

Source: GROUNDWATER

Diversion 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

MICROFILMED

DEC 18 1989