

The REXBURG STANDARD and
The REXBURG JOURNAL
REXBURG, IDAHO

Affidavit of Publication

STATE OF IDAHO }
County of Madison } ss.

I, Annette Porter,
being first duly sworn, depose and say,
that I am the printer of THE REXBURG
Journal, a newspaper printed and
published weekly at Rexburg, Madison
County, Idaho; and I do solemnly swear
that the

Notice of Water Permit

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 hav-

ing been made on August 27, 1970
and the last publication having been made

on September 3, 1970.

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 sub-
scribers living within the county of publica-
tion; and that it has been continuously and
uninterruptedly published in said county dur-
a period of seventy-eight consecutive weeks
prior to the first publication of the said not-
ice.

Annette Porter



Subscribed to and sworn to before me

this 3rd day of September, 1970

John C. Porter
Notary Public.

(SEAL)

My commission expires 5-24-72

**NOTICE OF EXISTING
WATER PERMIT**

Notice is hereby given that
Ervin B. Smith, Route No. 1,
Rexburg, Idaho, has received an
approved Permit No. G-32859/22-
2270 issued by the Idaho De-
partment of Water Administra-
tion authorizing the diversion of
6.0 cubic feet per second of
water from a ground water
source. The priority to be es-
tablished under this permit is
March 28, 1966 and the permit
was approved May 3, 1966.

Water is to be diverted by
well, pump, and ditches from a
point within the SE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec.
17, T. 5 N, R. 39 E, B.M.,
Madison County to be used for
irrigation in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec.
17, T. 5 N, R. 39 E, B.M.

Proof of the application of the
water to beneficial use is to be
submitted to the Department on
or before May 3, 1971. Any pro-
tests against the issuance of the
license for the above referenced
permit should be filed with the
Idaho Department of Water Ad-
ministration within ten (10) days
of the last date of publication of
this notice or prior to the lic-
ensing of the permit. Licensing
may commence prior to the date
beneficial use proof is due with-
out further notice.

R. KEITH HIGGINSON,
Director

Idaho Dept. of Water
Administration

Published in the Rexburg Jour-
nal, Rexburg Idaho, on August
27 and September 3, 1970.

dg
OK
9-24-70

Department of Water Administration

22-2270
32859

R. 39 E.

T.
5
N.

(17)



Diagram of System



PUMP

→ to tractor PTO

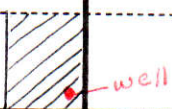
10"

OPEN DITCH

NAME OF APPLICANT ERVIN B. SMITH

Form No. 0

Township 5 N.
Range 39 E.B.M. Sec. 17



Permit Map No. 32859
As Approved
CARL E. TAPPAN
State Reclamation Engineer
MAY 3 1966

532859

State of Idaho
Department of Water Administration

LICENSE OF WATER RIGHT

License of Water Right No. 32859/22-2270 Priority March 29, 1966 Amount 3.33 cfs
(late proof)

THIS IS TO CERTIFY, that ERVIN B. SMITH
of Rexburg, Idaho, has complied with the terms and conditions of Permit
No. 32859/22-2270 issued pursuant to Application for Permit dated March 28, 1966
and has submitted proof to the Department of Water Administration on May 4, 1971
that he has applied water to a beneficial use: an examination by the Department indicates that the
works have a capacity of 3.33 cfs, and that the water has in fact been applied to a
beneficial use: a right to the use of water from a ground water source
tributary of _____, is hereby confirmed in the following amounts:

Amount 3.33 cfs for Irrigation from April 1 to Nov. 1 (both dates inclusive)

Amount _____ for _____ from _____ to _____ (both dates inclusive)

Amount _____ for _____ from _____ to _____ (both dates inclusive)

Subject, however, to the condition that no more than 3.33 cfs of water be diverted at
any one time, said waters to be diverted within the _____

SE¹/₄SE¹/₄ Sec. 17, Twp. 5 N, Rge. 39 E, B. M.

in the county of Madison; and that the amount of water so diverted and to which such
right is entitled and confirmed is for the purposes aforesaid and is limited to the amount which can
actually be beneficially used and shall not exceed 140 acre feet per year or
5.0 acre feet per acre.

Description and location of place of use:

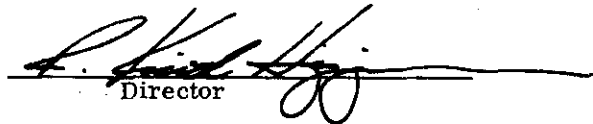
TWP.	RANGE	SEC.	NE ¹ / ₄				NW ¹ / ₄				SW ¹ / ₄				SE ¹ / ₄				TOTALS
			NE ¹ / ₄	NW ¹ / ₄	SW ¹ / ₄	SE ¹ / ₄	NE ¹ / ₄	NW ¹ / ₄	SW ¹ / ₄	SE ¹ / ₄	NE ¹ / ₄	NW ¹ / ₄	SW ¹ / ₄	SE ¹ / ₄	NE ¹ / ₄	NW ¹ / ₄	SW ¹ / ₄	SE ¹ / ₄	
5 N	39 E	17																28	28

Total number of acres irrigated 28

The right to the use of the water hereby confirmed is restricted and appurtenant to the lands
or place of use herein described, as provided by the laws of Idaho.

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 10 day of

April, 1972.


Director

22 2270

22-32859
22-32859

APPLICATION FOR PERMIT

To Appropriate the Subterranean Waters of The State of Idaho

% Mary Smith, Attorney
Rexburg, Idaho 83440

Application No. G- 41030
Permit No. G- 32859
District No.

1. Name of Applicant: **ERVIN B. SMITH**
Postoffice address: **Rexburg** County: **Madison** State: **Idaho**
2. Quantity of water claimed:
 - (a) Rate of withdrawal in cubic feet per second **6.0** or Idaho not to exceed 150 acre feet per
Miners' inches or gallons per minute annum.
 - (b) Annual withdrawal in acre feet per annum
3. Source of water supply: **Subterranean**
4. Location of point of diversion or well is in the **SE 1/4 of the SE 1/4 of Section 17**
Twp. **5 N**, Rge. **39 E**, B.M., County of **Madison**
5. Water is to be used for: **Irrigation**
6. If for municipal, industrial or recreational purposes, give:
 - (a) Point of use of water is in the **1/4 of the 1/4 of Section**, Twp.
Rge., B.M.
 - (b) Waste water or sewage effluent is to be returned to
at a point in the **1/4 of the 1/4 of Section**, Twp., Rge., B.M.
7. Kind of works: **well, pump, and ditches for flood irrigation.**
8. Estimated cost of works: \$ **15,000.00**
9. (a) Is reservoir to be used?
(b) Capacity of reservoir:
10. The time required for the completion of such work and complete application of the water to the proposed use is
years. **Five**
11. If applicant is a corporation, give:
 - I. (a) Date and place of incorporation:
(b) Amount of capital stock: \$ (c) Amount paid in: \$
(d) Names and addresses of directors:
 - II. The financial resources of the applicant are (a) Cash on hand: \$
(b) Treasury stock: (c) Bonds to be issued:
(d) Other resources:
12. The land to be irrigated is described in the following tabulation:
13. Existing water rights and/or valid permits appurtenant to the lands to be irrigated are: **none**
 - (a) (cubic feet per second, inches or gallons per minute) of the water herein applied for is to be supplemental to the existing water rights.
 - (b) **6.0** (cubic feet per second, ~~inches or gallons per minute~~) is for new lands.

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

Applicant.

Agent.

Returned to applicant for correction:

Corrected application received: April 25, 1966 9:00 A.M.

The number of this permit is G— 32859

This is to certify that I have examined the within application for a permit to appropriate the public waters of the State of Idaho, and hereby approve the same, subject to the following limitations and conditions:

Bond in the sum of \$ _____ to be filed on or before _____

Work to begin on or before

and to continue diligently and uninterruptedly to completion, unless

temporarily interrupted by circumstances over which the permit holder has no control.

One-fifth of the work above specified to be completed on or before

November 3, 1968

The whole of said work to be completed and beneficial use of water appropriated in accordance herewith, to be made and proofs offered on or before **May 3, 1971**

Witness my hand this

3rd

day of

May 1966

/s/ CARL E. TAPPAN

STATE RECLAMATION ENGINEER.

IN TESTIMONY WHEREOF, We, ROBERT E. SMYLIE, Governor of the State of Idaho,
and LOUIS E. CLAPP, Secretary of State of the State of Idaho, have caused this instrument to
be executed in the name of the State of Idaho, and caused the Great Seal of the State of Idaho to be hereunto affixed, this 3rd
day of May, 19 66.

Countersigned:

STATE OF IDAHO

(SEAL)

By /s/ LOUIS E. CLAPP

By /s/ ROBERT E. SMYLIE

Governor

12.

Twp.	Range	Sec.	NE ¹ / ₄				NW ¹ / ₄				SW ¹ / ₄				SE ¹ / ₄				Totals
			NE ¹ / ₄	NW ¹ / ₄	SW ¹ / ₄	SE ¹ / ₄	NE ¹ / ₄	NW ¹ / ₄	SW ¹ / ₄	SE ¹ / ₄	NE ¹ / ₄	NW ¹ / ₄	SW ¹ / ₄	SE ¹ / ₄	NE ¹ / ₄	NW ¹ / ₄	SW ¹ / ₄	SE ¹ / ₄	
5N	39 E	17																30	30

LICENSE ISSUED FOR 3.33 SEC. FT.
 LICENSE PAGE NO.

LICENSE ISSUED FOR 3.33 SEC. FT.
 LICENSE PAGE NO.

BEFORE THE DEPARTMENT OF WATER ADMINISTRATION

OF THE

STATE OF IDAHO

IN THE MATTER OF PERMIT NO. G-32859/22-2270)

in the name of Ervin B. Smith)

) ORDER MODIFYING REQUIREMENTS
) FOR COMPLETION OF PERMIT TO
) APPROPRIATE WATER
)

WHEREAS, the 39th Idaho Legislature made certain amendments to the Idaho Water Law; and,

WHEREAS, these changes raised questions as to the procedures to be followed by holders of permits issued prior to the effective date of the amendments, May 31, 1967; and,

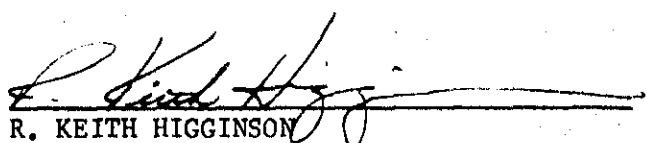
WHEREAS, on August 1, 1968, the Department of Water Administration adopted Rules of Practice and Procedure for the processing of such permits issued prior to May 31, 1967; and,

WHEREAS, Permit No. G-32859 was issued previous to that date;

NOW THEREFORE, the requirements for completion of the above numbered permit are hereby modified to conform to the adopted Rules of Practice and Procedure as follows:

1. The above numbered permit will be completed under the terms of Title 42, Chapter 2, Idaho Code, as amended by the 39th Idaho Legislature.
2. The conditions of the above numbered permit are modified as follows:
 - a. Notice of the issuance of the permit will be published at the permit holders expense for two weekly issues in the official newspaper of the county in which the point of diversion lies.

Dated this 23rd day of May, 1970.


R. KEITH HIGGINSON
Director

RKH/DG

22-2270
32859

The REXBURG STANDARD and
The REXBURG JOURNAL
REXBURG, IDAHO

Affidavit of Publication

STATE OF IDAHO }
County of Madison } ss.

I, Annette Porter,
being first duly sworn, depose and say,
that I am the printer of THE REXBURG
Journal, a newspaper printed and
published weekly at Rexburg, Madison
County, Idaho; and I do solemnly swear
that the

Notice of Water Permit
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 hav-
ing been made on August 27, 1970
and the last publication having been made
on September 3, 1970.

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 sub-
scribers living within the county of publica-
tion; and that it has been continuously and
uninterruptedly published in said county dur-
a period of seventy-eight consecutive weeks
prior to the first publication of the said not-
ice.

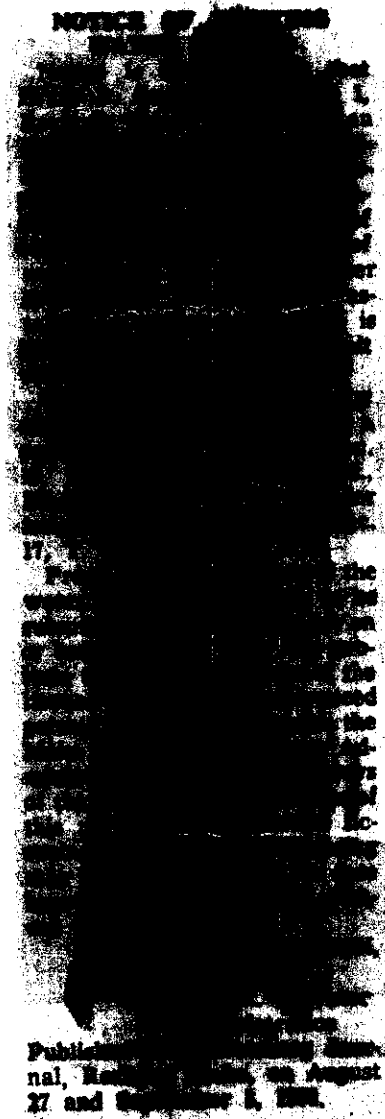
Annette Porter



Subscribed to and sworn to before me
this 3rd day of September, 1970

John C. Porter
Notary Public.
(SEAL)

My commission expires 5-24-72



dg
OK
9-24-70

22-2270
32859

April 11, 1972

Re: Permit No. 32859/22-2270

Mr. Ervin B. Smith
Route # 1
Rexburg, Idaho 83440

Dear Mr. Smith:

Enclosed herewith is your Water License issued on the above referenced permit.

Sincerely,

BOBBY D. FLEENOR
Assistant Director

BDF:DR

Enc: License

cc: Mary Smith
Smith & Hancock
30 So. 2nd West, Rexburg

bc: Eastern District Office

STATE OF IDAHO

DEPARTMENT OF WATER ADMINISTRATION

Statehouse - Annex 2
Boise, Idaho 83707
(208) 384-2215



R. Keith Higginson
Director

Water Rights Administration
Water Resource Investigations
Dam and Reservoir Safety
Water Well Drilling
Flood Plain Management
Irrigation and
Flood Control Districts

March 29, 1972

Mr. Ervin B. Smith
Route # 1
Rensburg, Idaho 83440

Dear Mr. Smith:

A representative of this Department has made an examination of the works covered by your Permit No. 32859/22-2270 and has found the following:

Quantity of water diverted: 3.33 cfs

Amount of water that can be recognized as beneficially used under Idaho law: 3.33 cfs

The maximum quantity diverted shall not exceed 140 acre feet per season.

Beneficial use: Irrigation of 28 acres within the SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 17,
Twp. 5 N. Rge. 39 E. B.M.

Point of diversion: SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Sec. 17

The priority date established is: March 29, 1966 (late proof)

If you do not concur with these findings, please advise us within 10 days; otherwise, a license will be issued as set forth in this letter.

Sincerely,

BOBBY D. FLEENOR
Assistant Director

BDF:DR
cc: Mary Smith, Attorney-at-Law

22 2270

R. 39 E.

T.
5
N.

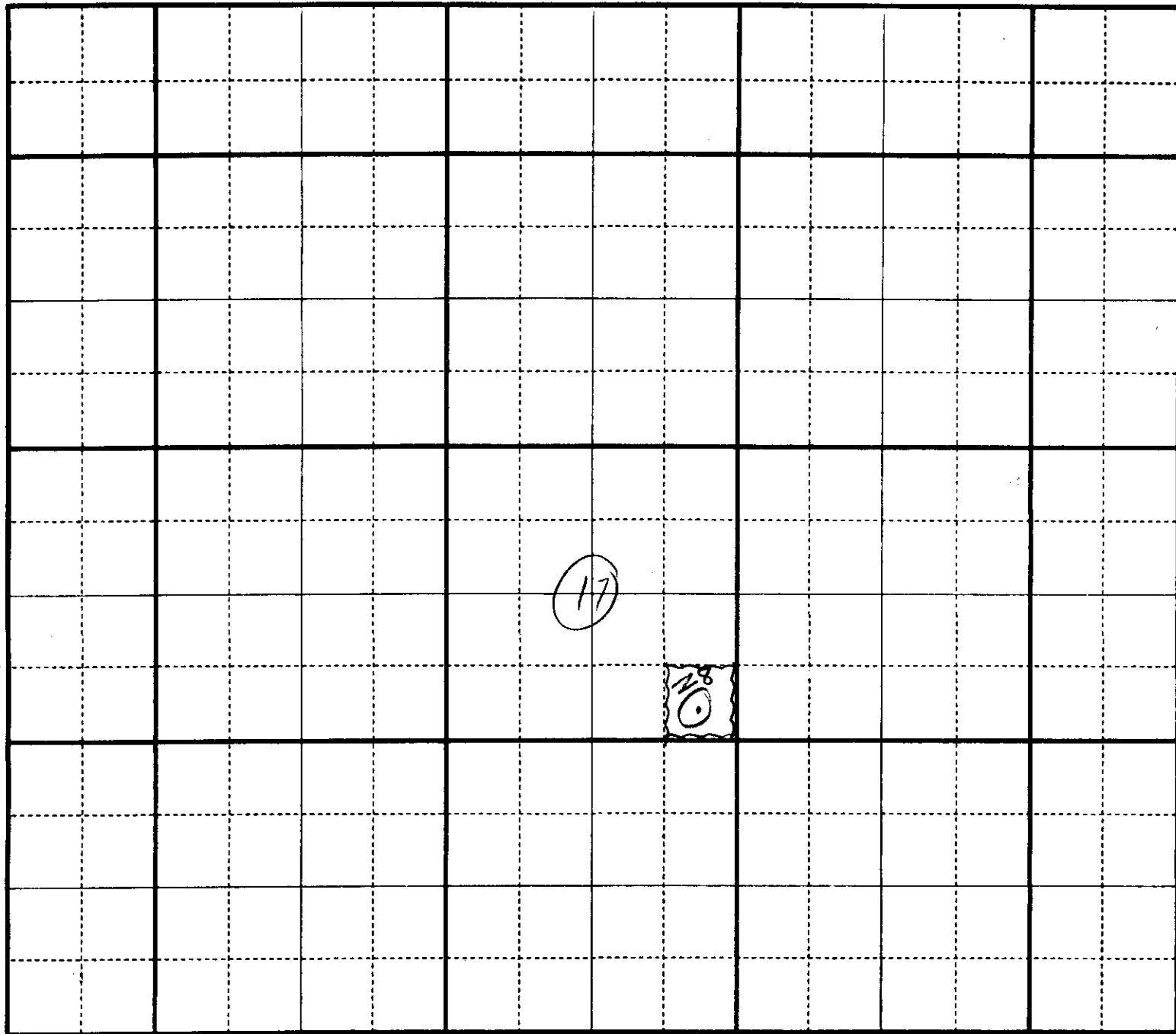
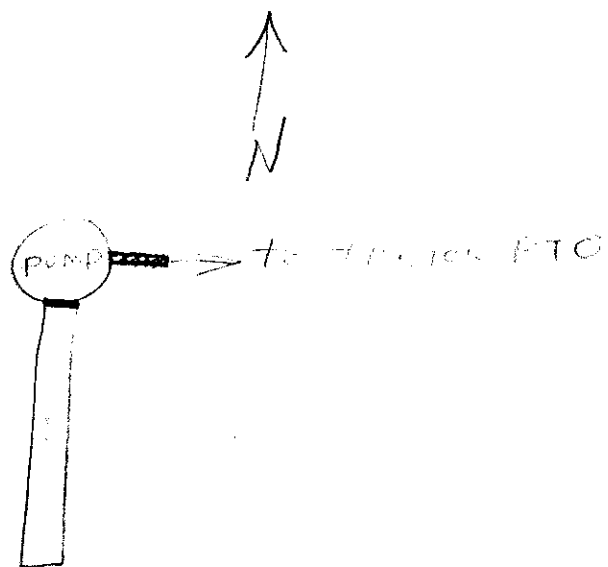


Diagram of System



OPEN SWITCH

DATE OF EXAM July 29-71

ACREAGE
Found 28
Recommended 28

Irrigation Requirement 3.5 Ac Ft/Ac

USE
Irrigation Q = 0.56 c.f.s. V = 98 AF/Ann. from APRIL 1 to Nov. 1
Domestic Q = _____ c.f.s. V = _____ AF/Ann. from _____ to _____
Livestock Q = _____ c.f.s. V = _____ AF/Ann. from _____ to _____

Is water co-mingled? yes _____ no ☒

Name source: _____
twp. _____ N/S, Rge _____ E/W, B.M., Sec. _____, Sub. _____ 1/4 _____ 1/4 _____
County _____

Exchange? yes _____ no ☒

Name source exchanged with: _____
twp. _____ N/S, Rge _____ E/W, B.M., Sec. _____, Sub. _____ 1/4 _____ 1/4 _____
County _____

Point of injection: _____
twp. _____ N/S, Rge _____ E/W, B.M., Sec. _____, Sub. _____ 1/4 _____ 1/4 _____
County _____

Point of exchange: _____
twp. _____ N/S, Rge _____ E/W, B.M., Sec. _____, Sub. _____ 1/4 _____ 1/4 _____
County _____

Total Q measured 3.33 cfs Method of measurement McCrometer

Total Q recommended 0.56 Meter No 6412174 Type _____ Condition _____

Total V recommended 98 AF/ANN

Recommended Amendments:

P.D. _____
Place of Use _____
Other _____
None

MEASUREMENT CALCULATION:

McCrometer - 3.33 cfs or 1500 GPM

SYSTEM DESCRIPTION:

Amelio right L pump drive - ser # DL-40-72339 - Ratio-driven 1 pump 3 - 40 hp at 1760 RPM - 40 hp Ford tractor PTO 10" discharge south for 15' to open ditch that runs west

REMARKS:

Examiner's Signature Rex L. Chapman Date July 29-71

Checked by mjl Date 8-2-71

Approved by _____ Date _____

May 11, 1971

Re: Permit No. G-32859/22-2270

Mr. Ervin B. Smith
Route 1
Rexburg, Idaho 83440

Dear Mr. Smith:

We acknowledge receipt of your affidavit submitted as proof of beneficial use for the above referenced permit.

Before a license can be issued, a field examination must be made by a representative from this Department. We cannot tell just when this examination will be made, but our examiner will try to contact you at the time he makes the examination so that you may show him the system.

Very truly yours,

Donald W. McEldowney
Appropriation Supervisor

DWM:DR

cc: Mary Smith
SMITH & HANCOCK
30 South 2nd West
Rexburg, Idaho

CC 2270

Identification No. _____

Permit No. _____

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION

PROOF OF APPLICATION OF WATER TO BENEFICIAL USE

1. a) Name of Permit Holder Ervin B. Smith
b) Post Office Address Route 1, Rexburg, Idaho, 83440
2. Permit Number G32859/ 22-2270
3. Date of Priority that you are prepared to establish March 28, 1966
4. a) Source from which water was appropriated subterranean
b) Location of the point of diversion: SE ¼ SE ¼, Section 17
Township 5 N, Range 39 E Boise Meridian, Other points of diversion:

5. a) The amount of water and use to which the water has been applied:
amount 6 cfs for irrigation purposes from May 15 to Nov. 1 incl.
(cfs and/or acre feet per annum) (Month-Day) (Month-Day)
amount _____ for _____ purposes from _____ to _____ incl.
(cfs and/or acre feet per annum) (Month-Day) (Month-Day)
amount _____ for _____ purposes from _____ to _____ incl.
(cfs and/or acre feet per annum) (Month-Day) (Month-Day)
b) Total amount appropriated 6 cfs and/or acre feet per annum
c) Describe how and by whom measurement of rate of flow or amount of storage was made and the qualifications of the person making the measurement: Gem State Irrigation Co.

6. If the means of diversion and conveyance are owned by someone other than the Permit Holder:
a) Give the name or description of the canal, ditch or other works by which the water is conducted to the place of use: _____

b) Describe the agreement or understanding by which you take water from the works: _____

7. a) Briefly describe the works for diverting and conveying the water to the place of use/ (If from a subterranean source, give the pump size, motor size, size of well casing, depth of well; if from surface water, give brief description of diversion structure and/or canal or ditch) well, pump and ditches
Pump size 12½"x 10"; discharge head-25' of 10" col. 1½"x 1" tube and shaft - 1 stage 10ls bowl 6 3/16" dia. with 10" basket strainer. Power source gear head 1:3 ratio for 1800 rpm on pump shaft for 200" water. 20" casing 33' total depth.
b) Describe the type and size of measuring device which you have installed at your point of diversion: Model 33 Metraflex Flow Meter for 10"-12"-14" -16" pipe size.
c) Give well drillers name and address and date the well was completed Lewis G. Hopkins & Son, Rt. 1, Thornton, Idaho
Completed by May, 1966

Exam typed 5-21-71. (C)

8. If for other than irrigation, describe the beneficial use to which you have applied the water and the place of use _____

9. Irrigation uses: Describe the lands irrigated by giving the acreages irrigated within each 40 acre subdivision: _____

TWP.	RANGE	SEC.	NE1/4				NW1/4				SW1/4				SE1/4				TOTALS
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
5 N	39 E	17																30	30A

Total number of acres irrigated 30 A

10. Remarks: This soil must be leached each year, requiring a high application rate. It is necessary to flood irrigate this land as it is alkali and needs to be washed out to sweeten the soil.

The above information is a true statement of the extent to which the above numbered permit has been developed.

April 29, 1971. (Date) Erwin B Smith (Signature)

State of Idaho) ss. County of Madison)

On this 29th day of April, 1971, personally appeared before me the signer(s) of the above instrument, who duly acknowledged to me that he (she) (they) executed the same.

Mary Smith Notary Public residing at Rexburg, Idaho

My commission expires June 25, 1971

SMITH & HANCOCK

Attorneys at Law

MARY SMITH
J. D. HANCOCK
W. LLOYD ADAMS (1885-1969)

80 SOUTH 2ND WEST
REXBURG, IDAHO 83440
PHONE: 208-356-5493

May 3, 1971

Mr. R. Keith Higginson, Director
Idaho Department of Water Administration
Statehouse - Annex 2
Boise, Idaho 83707

Dear Mr. Higginson:

I am enclosing herewith Proof of Application of Water to Beneficial Use for Ervin B. Smith, Permit No. G32859/22-2270.

Yours very truly,

Mary Smith
Mary Smith

rs

Enclosure

22 2270

PLEASE FURNISH SERVICE(S) INDICATED BY CHECKED BLOCK(S).
REQUIRED FEE(S) PAID.

☐ Show to whom, date and address
where delivered

☐ Deliver ONLY
to addressee

RECEIPT

Received the numbered article described below.

REGISTERED NO.

SIGNATURE OR NAME OF ADDRESSEE (*Must always be filled in*)

CERTIFIED NO.

22502

1

Mr. Edwin Smith

2

SIGNATURE OF ADDRESSEE'S AGENT, IF ANY

22 2270

INSURED NO.

DATE DELIVERED

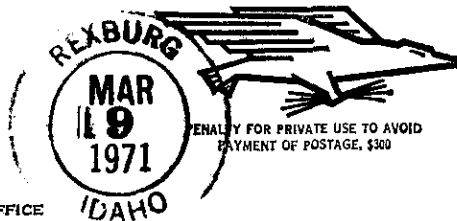
MAR 9 1971

3

SHOW WHERE DELIVERED (*only if requested*)

22-2270

POST OFFICE DEPARTMENT
OFFICIAL BUSINESS



POSTMARK OF DELIVERING OFFICE

Print your name and address below. If you want to restrict delivery, or to have the address of delivery shown on this receipt, check block(s) on other side. Moisten gummed ends and attach this card to back of article.



RETURN
TO

22 2270

March 1, 1971

CERTIFIED MAIL *#22502*

Re: Permit No. G-32859/22-2270

Ervin B. Smith
Route 1
Rexburg, Idaho 83440

Dear Mr. Smith:

One of the conditions of approval of your water Permit No. G-32859/22-2270 (see last page of your approved permit) was that evidence of the extent of development be submitted as proof of application of water to beneficial use to this office on or before May 3, 1971. Enclosed is an affidavit form which must be used to submit the required proof of beneficial use.

If you have not fully completed your project, and you have not previously received an extension of time, you may request an extension of time provided the delay is for reasonable cause as indicated in Section 42-204, Idaho Code, amended. If you have been prevented from proceeding by a governmental agency or by litigation, more than one extension of time can be granted.

Either the beneficial use affidavit or a request for an extension of time must be received by this Department on or before the above mentioned date, otherwise the permit will lapse and be of no further force or effect.



R. KEITH HIGGINSON
Director

Enc: Proof affidavit
dr

cc: Mary Smith, Attny.
Rexburg, Idaho

22 2270

September 24, 1970

Re: Permit No. G-32859/22-2270

Mr. Ervin B. Smith
% Mary Smith, Attorney
Rexburg, Idaho 83440

Dear Mr. Smith:

We acknowledge receipt of the affidavit of publication submitted in connection with the above referenced permit. Since proof of beneficial use of the water is not required until May 3, 1971, the Department will notify you sixty days in advance of this date as to further requirements. We wish to advise you, however, that if you have fulfilled the requirements under the permit you may submit proof anytime prior to the above date.

Very truly yours,

Donald W. McEldowney
Appropriation Supervisor

DWM/DG

22-2270
32859

MARY SMITH
W. LLOYD ADAMS

Attorneys at Law

30 SOUTH SECOND WEST
REXBURG, IDAHO 83440
PHONE: 208-356-5493

September 22, 1970

Mr. Donald W. McEldowney
Appropriation Supervisor
Department of Water Administration
Statehouse - Annex 2
Boise, Idaho 83707

Dear Mr. McEldowney:

I am enclosing herewith Affidavit of Publication of Ervin B. Smith, Permit No. G-32859/22-2270.

Yours very truly,

Mary Smith
Mary Smith

rs

Enclosure

22-2270
32859

August 14, 1970

Re: Permit No. G-32859/22-2270

Mr. Ervin B. Smith
% Mary Smith, Attorney
Rexburg, Idaho 83440

Dear Mr. Smith:

The legal notice for the above-referenced permit is being published in the
Rexburg Journal, Rexburg, Idaho on August 27
and September 3, 1970.

You will be required to submit an affidavit of publication to this department.
The affidavit may be obtained from the above-mentioned newspaper upon payment of
the bill of publication.

Thank you for your cooperation in this matter.

Very truly yours,

Donald W. McEldowney
Appropriation Supervisor

DWM/DG

22-2270
32859

August 14, 1970

Re: Permit No. G-32859/22-2270

Rexburg Journal
23 South 1st East
Rexburg, Idaho 83440

Gentlemen:

Enclosed is a legal notice which we wish to have published for two consecutive weekly issues of your newspaper. We have inserted the publication dates, allowing ample time for you to submit to us a galley proof for our review before publication.

After sending us a galley proof, proceed with the publication on the dates we have inserted, assuming the notice is correct. If we have any corrections, we will notify you before the first publication date. If you cannot publish the notice on the proposed dates, please contact the Department of Water Administration immediately.

The expense of the publication is to be paid by Ervin B. Smith, % Mary Smith,
Attorney, Rexburg, Idaho, to whom you should furnish
an affidavit of publication.

Very truly yours,

Donald W. McEldowney
Appropriation Supervisor

DWM/DG
Enc: legal notice

22-2270
32859

NOTICE OF EXISTING WATER PERMIT

RECEIVED

Notice is hereby given that Ervin B. Smith, Rexburg, Idaho Route #1,
has received an approved Permit No. G-32859/22-2270 issued by the Idaho Department of Water Administration authorizing the diversion ~~storage~~ of 6.0 cubic feet per second ~~4000/5000~~ ~~600/4000~~ of water from a ground water source.
The priority to be established under this permit is March 28, 1966 and the permit was approved May 3, 1966.

Water is to be diverted by well, pump, and ditches from a point within the SE1/4 Sec. 17, T. 5 N, R. 39 E, B. M., Madison County to be used for irrigation in the SE1/4 Sec. 17, T. 5 N, R. 39 E, B. M.

Proof of the application of the water to beneficial use is to be submitted to the Department on or before May 3, 1971. Any protests against the issuance of the license for the above referenced permit should be filed with the Idaho Department of Water Administration within ten (10) days of the last date of publication of this notice or prior to the licensing of the permit. Licensing may commence prior to the date beneficial use proof is due without further notice.

R. KEITH HIGGINSON, Director
Idaho Dept. of Water Administration

Published in the Rexburg Journal, Rexburg, Idaho on August 27 and September 3, 1970.

Permit No. 22-2270

Director:

You are hereby authorized to have the above notice published at my expense in the Rexburg Journal of Rexburg, Idaho; published in the county in which the works are situated.

Ervin B. Smith
(Signature)

Route 1 Rexburg, Idaho
(Address)

August 12, 1970
(Date)

22-2270
32859

August 5, 1970

Re: Permit No. G-32859/22-2270

Mr. Ervin B. Smith
% Mary Smith, Attorney
Rexburg, Idaho

Dear Mr. Smith:

During the 1967 session of the Idaho Legislature, certain amendments were made in the law pertaining to the procedures for making proof of beneficial use of water. In order for the Department to comply with these changes, Rules of Practice and Procedure were adopted on August 1, 1968. Generally, these procedures and the amended law make it simpler for a person to make proof and relieve the permit holder from making separate proofs of completion of works and beneficial use of water.

The enclosed order modifies your permit to comply with these rules and regulations. As a part of the new procedure, you will be required to publish a notice at your expense for two consecutive weeks in a paper as prescribed by the Department; previously, a permit holder had to publish a notice for four weeks when he submitted proof under his permit.

If you will complete the enclosed forms, we will cause the notice to be published. Should you require additional forms or information, we will be glad to supply them upon request at any time.

Very truly yours,

Donald W. McEldowney
Appropriation Supervisor

DWM/DG

Enc: order
advertising package

22-2270
32859

May 6, 1966

Re: Permit No. **G-32859**
Ervin B. Smith

Mrs. Mary Smith
Attorney at Law
Rexburg, Idaho 83440

Dear Mrs. Smith:

G-32859

We enclose Permit No. _____ in which we direct your attention to the limitations and conditions as given on the fourth page under approval of the State Reclamation Engineer

G-10904

We also enclose Departmental Receipt No. 6.25 which was issued covering payment in the amount of \$ _____ for the filing fee of the above mentioned permit.

Very truly yours,

M. RUSSELL BOSCH
Office Manager

MRB:efw
permit
Enc: **receipt**

cc: Ervin B. Smith
Rexburg, Idaho

G32859

NAME OF APPLICANT.

ERVIN B. SMITH

Form No. 0

Township 5 N.
Range 39 E.B.M.

Sec. 17

CARL E. TAPPAN
State Reclamation Engineer

SCALE: 2 inches Equal 1 Mile. Draw Plan In Ink.

532859

11 32859

March 28, 1966

RE: Application for Permit
Ervin B. Smith

Mary Smith
Attorney at Law
Rexburg, Idaho 83440

Dear Miss Smith:

Your application for permit is herewith returned for correction in the following particulars:

Under 4 the point of diversion is stated to be in the SE~~SE~~, Sec. 13, T. 5 N., R. 39 E., B.M. The map shows the SE~~SE~~, Sec. 17, T. 5 N., R. 39 E., B.M.

The application is for 6 c.f.s. while the maximum allowable for 30 acres is .6 c.f.s.

Statutes provide for sixty (60) days from the date of first return for filing a completed application. If it is received after that date the priority will be advanced to the actual date of receipt of corrected application.

Very truly yours,

Donald J. Watts
Office Engineer

DJW:mr

Enc. application, check

11 32859

MARY SMITH
W. LLOYD ADAMS

Attorneys at Law

70 EAST MAIN
REXBURG, IDAHO 83440
PHONE: 208 - 356-5493

March 25, 1966

Mrs. Edna P. Rule, Chief Clerk
Department of Reclamation
State House
Boise, Idaho

RECEIVED
MAR 28 1966

Department of Reclamation

Dear Mrs. Rule:

I am enclosing herewith, an application for permit signed by Ervin B. Smith. If everything is in order, I would appreciate it if you would grant the same.

My check in blank for your fee is enclosed.

Very truly yours,

Mary Smith
Mary Smith

MS/p

Encls: 2

b 32859