

RECEIVED
APR 4 1973

Department of Water Administration

**NOTICE OF EXISTING
WATER PERMIT**

Notice is hereby given that Victor Acarregui, Route A—Box 57, Mountain Home, Idaho, has received an approved Permit No. 31100/63-3335 issued by the Idaho Department of Water Administration authorizing the diversion of 4.0 cubic feet per second of water from Smith Creek. The priority to be established under this permit is April 23, 1963, and the permit was approved April 24, 1963.

Water is to be diverted by headgate, ditch and dam from a point within the NE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 7, Twp. 2N, Rge. 8E, B. M., Elmore County, to be used for irrigation purposes in the NE $\frac{1}{4}$, Sec. 2, Twp. 1N, Rge. 7E, B. M.

Proof of the application of the water to beneficial use is to be submitted to the Department on or before April 24, 1974. Any protest against the issuance of the license for the above referenced permit should be filed with the Idaho Dept. of Water Administration, Statehouse, Boise, Idaho, 83707, 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

Published in the Mountain Home News, Mtn. Home, Idaho, on August 3 and August 10, 1972.

also NWSE
okay

Affidavit of Publication

County of Elmore }
STATE OF IDAHO } ss.

I, Lloyd S. Waters do
solemnly swear that I am the foreman, or
publisher of the

MOUNTAIN HOME NEWS

a weekly newspaper of general circulation,
published once a week at MOUNTAIN HOME,
IDAHO, that the notice attached hereto and
which is a part of the proof of publication
thereof, was published in said newspaper for

... 2 ... consecutive weeks, the first publica-
tion having been made on the ... 3 ... day
of .. August .., 19 72 and
the last publication having been made on the
... 10 ... day of August ...
19 72; every Thursday issue of the paper
during the period and time of publication and
that the notice was published in the newspaper
proper and not in a supplement thereof.

And I further swear that the said MOUN-
TAIN HOME NEWS has been continuously and
uninterruptedly published in said Elmore County
during a period of 78 consecutive weeks prior
to the first publication of the attached notice.

Lloyd S. Waters

Subscribed and sworn to me this 10 ...
day of August .., 19 72

Lincoln M. Waters
Notary Public

63 3335



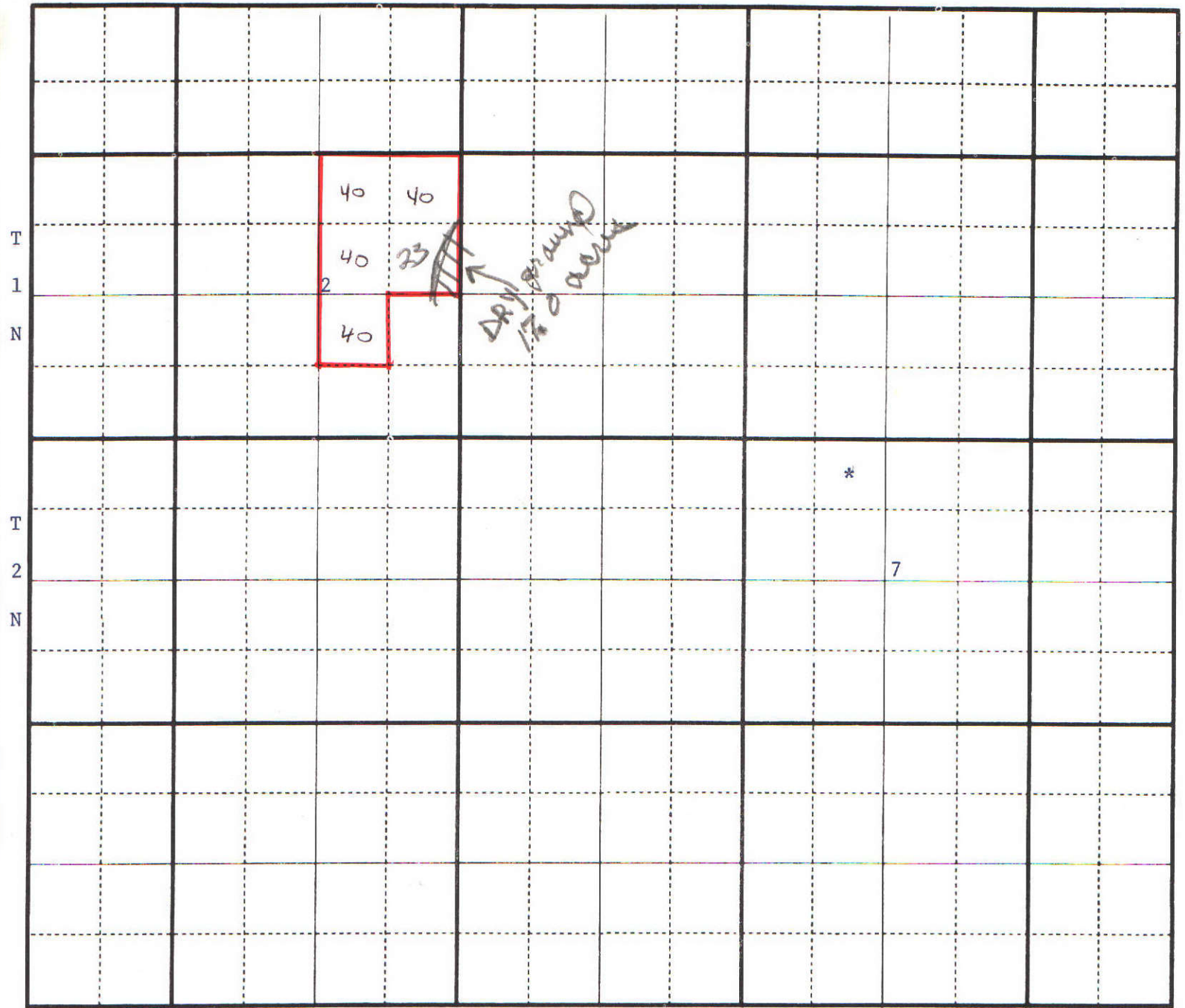
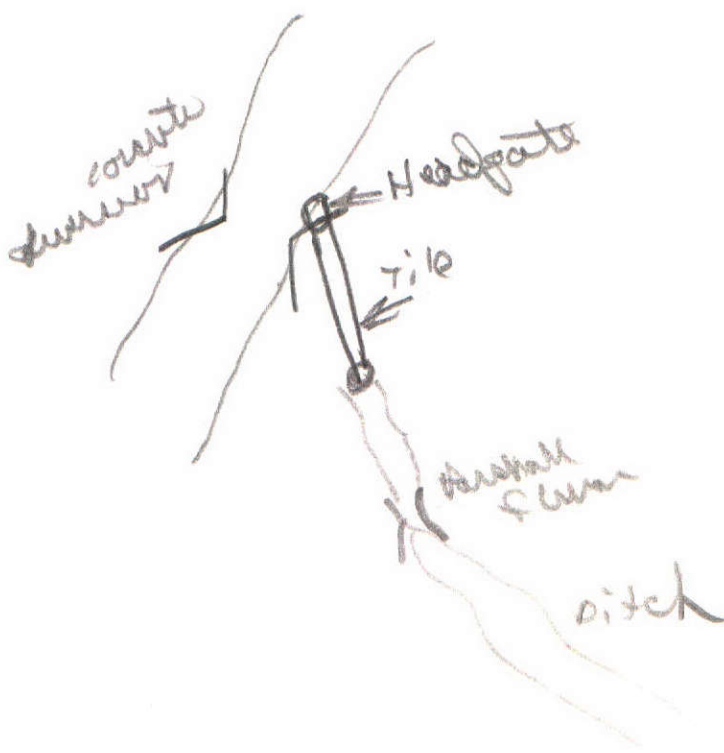


Diagram of System



OK MRP 8-1-72

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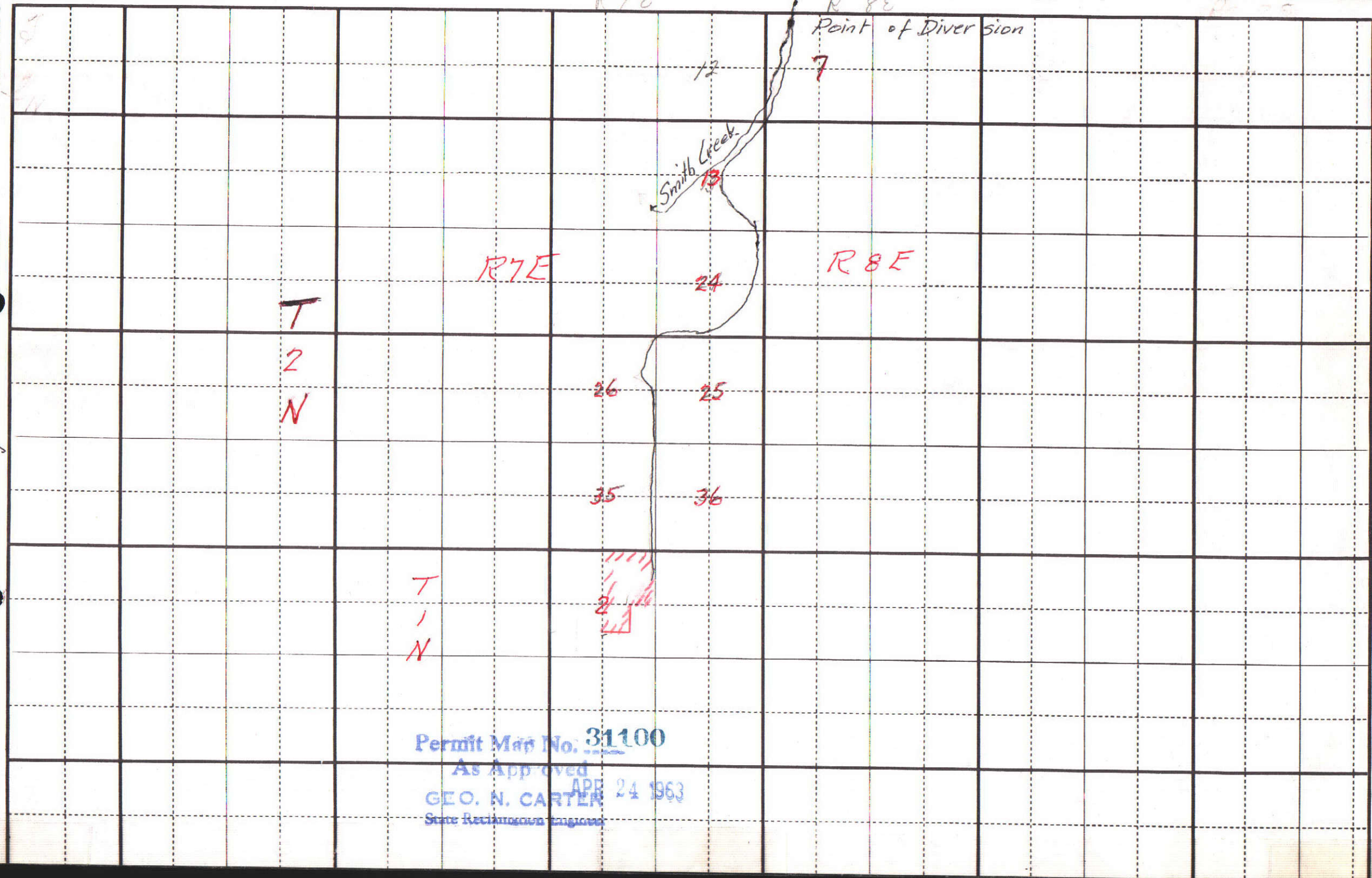
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R. KEITH HIGGINSON
Director

Published in the Mountain Home News, Mtn. Home, Idaho, on August 3 and August 10, 1972.

63
3335



State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

License of Water Right No. 31100/63-3335 Priority June 24, 1963 Amount 3.66 cfs

THIS IS TO CERTIFY, that JOE T. ACARREGUI
of Mountain Home, Idaho, has complied with the terms and conditions of Permit
No. 31100/63-3335 issued pursuant to Application for Permit dated April 23, 1963,
and has submitted proof to the Department of Water Resources on June 25, 1974 (late proof),
that he has applied water to a beneficial use; an examination by the Department indicates that the works have a
capacity for the diversion of 3.66 cfs of water from Smith Creek,
tributary to South Fork Boise River, and that the permit holder has applied to a beneficial use and
established a right to use water as follows:

Beneficial Use	Period of Use	Rate of Diversion	Annual Volume
<u>Irrigation</u>	from <u>April 1</u> to <u>Nov. 1</u>	at <u>3.66</u> cfs and	<u>732 acre feet or</u>
	from _____ to _____	at _____ cfs and	<u>4.0 af per acre</u>
	from _____ to _____	at _____ cfs and	
	(both dates inclusive)		

Subject, however, to the condition that no more than 3.66 cfs of water be diverted at any one time, and
that the amount of water so diverted and to which such right is entitled and confirmed is for the purpose
aforementioned and is limited to the amount which can actually be beneficially used and shall not exceed
732 acre feet per year, said waters to be diverted within the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Sec. 7,
Twp. 2 N, Rge. 8 E, B.M. in the County of Elmore

Description and location of place of use:

Twp.	Range	Sec.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				Totals
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
1 N	7 E	2	40	40	40	28									40				183

Total number of acres irrigated 183

NOTE: Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho Law. This right may be forfeited by five years of non-use.

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 24 day of
December, 19 75.

Director

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

IN THE MATTER OF PERMIT NO. 31100/63-3335)

in the name of JOE T. ACARREGUI)

ORDER OF REINSTATEMENT

WHEREAS, on April 23, 1963, Victor Acarregui applied to the Department of Water Resources (formerly the Department of Water Administration) for a permit to appropriate 4 cubic feet per second of water from Smith Creek, tributary to the South Fork of the Boise River, within the NE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 7, Twp. 2N, Rge. 8E, B.M., Elmore County, to be used for irrigation purposes; and,

WHEREAS, on April 24, 1963, the Department approved said application and issued Permit No. 31100/63-3335 with the condition that one-fifth (1/5) of the work be completed on or before October 24, 1965, that the whole of said work be completed on or before April 24, 1968, and that proof of beneficial use of water be made on or before April 24, 1974; and,

WHEREAS, on March 5, 1968, the Department received the completion of works for said permit; and,

WHEREAS, on January 31, 1974, the Department notified the permit holder by certified mail that proof of beneficial use of water was due and instructed the permit holder as to the steps to be taken to make said proof; and,

WHEREAS, on May 3, 1974, the Department notified the permit holder that Permit No. 31100/63-3335 had lapsed for failure to submit the required proof; and,

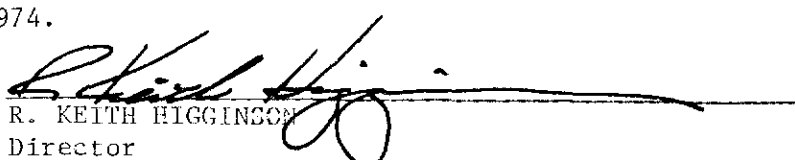
WHEREAS, on June 25, 1974, the Department received the required proof of beneficial use along with an assignment whereby June L. Acarregui, administratrix of the estate of Victor Acarregui, assigned all right, title, and interest in and to Permit No. 31100/63-3335 to Joe T. Acarregui; and,

WHEREAS, Section 42-218a of the Idaho Code provides that a permit may be reinstated upon a showing of reasonable cause within 60 days from the date of the notice of lapsing; and,

WHEREAS, the permit holder has provided a reasonable showing as to why said permit should be reinstated;

IT IS, THEREFORE, HEREBY ORDERED that Permit No. 31100/63-3335 be REINSTATED and the priority advanced to June 24, 1963.

Dated this 3 day of July, 1974.


R. KEITH HIGGINSON
Director

JG

63-3335

State of Idaho

Department of Water Administration

ASSIGNMENT OF PERMIT

I, June L. Acarregui, Administrator, hereby assign to Joe T. Acarregui

of Rt. A., Box 57, Mountain Home, Idaho 83647,
Address

CHECK ONE

☒ All my right, title, and interest, in and to Permit No. 63-3335
to appropriate the public waters of the State of Idaho.

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

Made this 14th day of June, 19 74.

Permit Holder

June L. Acarregui
Spouse of Permit Holder

State of Idaho)
County of Ada) ss.

On this 14 day of June, 19 74, personally
appeared before me the signer(s) of the above instrument, who duly acknowledged
to me that he (she) (they) executed the same.

James D. Hill
Notary Public residing at
Boise, Idaho

My commission expires: 6-18-77

63-3335

ROBERT F. McLAUGHLIN
Attorney at Law
159 North Third East Street
Mountain Home, Idaho 83647
Telephone: 587-4438

RECEIVED
Department of Water Administration

STATE OF IDAHO
County of Elmore

I hereby certify that this is
a true and correct copy of the original now
on file or of record in this office.

Dated 3-22-71

W. H. Hare
Clerk
Ex-officio Auditor and Recorder
by R. M. Rowett
Deputy

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF ELMORE

*
*
IN THE MATTER OF THE ESTATE OF) Case No. 6-432
VICTOR J. ACARREGUI, DECEASED) DECREE OF DISCHARGE
Fee Category: _____
Fee: \$ _____
*
*
*

IT APPEARING That the estate of Victor J. Acarregui, deceased,
has been duly administered and it being shown by the production of
satisfactory vouchers that June L. Acarregui, as executrix of the
estate, has delivered up under order of the Court all property of
the estate to the persons entitled thereto, and it further appearing
that she has performed all acts lawfully required of her as such
executrix.

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED That the said
executrix be and she is hereby released and discharged from all
liability to be hereinafter incurred and that said estate is fully
distributed and the trust settled and closed.

Done in open court this 22nd day of March, 1971.

ROBERT M. ROWETT
Magistrate

63-3385

**NOTICE OF EXISTING
WATER PERMIT**

Notice is hereby given that Victor Acarregui, Route A—Box 57, Mountain Home, Idaho, has received an approved Permit No. 31100/63-3335 issued by the Idaho Department of Water Administration authorizing the diversion of 4.0 cubic feet per second of water from Smith Creek. The priority to be established under this permit is April 23, 1963, and the permit was approved April 24, 1963.

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Proof of the application of the water to beneficial use is to be submitted to the Department on or before April 24, 1974. Any protest against the issuance of the license for the above referenced permit should be filed with the Idaho Dept. of Water Administration, Statehouse, Boise, Idaho, 83707, 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

Published in the Mountain Home News, Mtn. Home, Idaho, on August 3 and August 10, 1972.

Affidavit of Publication

County of Elmore }
STATE OF IDAHO } ss.

I, Lloyd S. Waters do
solemnly swear that I am the foreman, or
publisher of the

MOUNTAIN HOME NEWS

a weekly newspaper of general circulation,
published once a week at MOUNTAIN HOME,
IDAHO, that the notice attached hereto and
which is a part of the proof of publication
thereof, was published in said newspaper for

2 consecutive weeks, the first publica-

tion having been made on the 3 day

of August, 1972 and

the last publication having been made on the

10 day of August

1972; every Thursday issue of the paper

during the period and time of publication and
that the notice was published in the newspaper
proper and not in a supplement thereof.

And I further swear that the said MOUN-
TAIN HOME NEWS has been continuously and
uninterruptedly published in said Elmore County
during a period of 78 consecutive weeks prior
to the first publication of the attached notice.

Lloyd S. Waters

Subscribed and sworn to me this 10

day of August, 1972

Ursula M. Waters
Notary Public

63 3335

BEFORE THE DEPARTMENT OF WATER ADMINISTRATION

OF THE

STATE OF IDAHO

IN THE MATTER OF PERMIT NO. 31100/63-3335)
in the name of VICTOR ACARREGUI)
_____)

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,

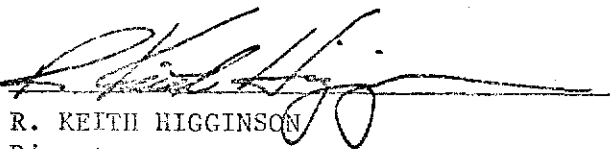
WHEREAS, on August 1, 1968, the Department of Water Administration adopted Rules of Practice and Procedure for the processing of such permits issued prior to May 31, 1967; and,

WHEREAS, Permit No. 31100 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 25th day of June, 1971.


R. KEITH HIGGINSON
Director

63 3335

Application For Permit 62-3335

To Appropriate the Public Waters of the State of Idaho

ASSIGNED TO: JOE T. ACARREGUI
6/25/74 Route A., Box 57
Mountain Home, ID 83647

APPLICATION No. 39195
PERMIT No. 31100
DISTRICT No.

LICENSE ISSUED FOR 366280
LICENSE PAID

1. Name of Applicant: Victor Acarregui
Postoffice address: Prairie Stage
Mtn. Home

County: Elmore

State: Idaho

I. If applicant is a corporation, give:

- (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) Bond to be issued:

(d) Other resources:

2. Quantity of water claimed: 4

cubic feet per second.

3. Source of water supply: Smith Creek

which is a tributary of South Fork Boise

4. Location of point of diversion:

feet distant from the

corner of Section , T. , R. , B.M., and is in the NE $\frac{1}{4}$ NW $\frac{1}{4}$

of section 7 , T. 2 N , R. 8 E , B. M., County of Elmore

5. Water is to be used for Irrigation

6. If for mining, milling, power or manufacturing purposes, give:

(a) Point of use of water: feet distant from corner of Section

T. , R. , B.M., in the of Section of , T. , R. , B.M.

(b) Amount of power generated: H.P., under feet head.

(c) Water is to be returned to at a point feet

distant from the corner of Section , T. , R. , B.M., in the
of Section , T. , R. , B.M.

7. Estimated cost of works: \$ 2,500

8. Kind of works: Headgate, widening ditch, diversion dam

9. Height of dam 6 feet; length of dam at top 14 feet; length of dam at bottom 10

feet; material used in dam: Earth & rock

10. Size of headgate: Width 6 feet; height 4 feet.

11. Ditch: Width at bottom 0 feet; width at water line 8 feet; depth of water 2 feet;

dimensions of flume:

Diameter of pipe inches; length of ~~conduit~~ ditch 1 miles.

Average grade per mile 10 feet.

12. The time required for the completion of such work is 5 years.

13. The time required for the complete application of the water to the proposed use is 6 additional years.

14. The land to be irrigated is described in the following tabulation: See remarks.

15. Existing water rights and/or valid permits appurtenant to the lands to be irrigated are: None

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	
T1N	7 E	2	40	40	40	40									40				200
PERMIT NO. 31100																			
CERTIFICATE OF COMPLETION OF WORKS																			
TO ALL WHOM IT MAY CONCERN:																			
This is to certify that VICTOR ACARREGUI of Mountain Home, County of Elmore, and State of Idaho, the holder of Permit No. 31100, issued upon Application No. 39195 bearing date of priority of April 23, 1963, authorizing the diversion of 4 second feet of waters of Smith Creek County of Elmore, State of Idaho, for irrigation purposes, has fully complied with the provisions of the laws of the State of Idaho relating to the proof of completion of the works of diversion set out and described in said Permit; that said works are adequate for diverting and conveying to the place of intended use 4.0 second feet of the waters of Smith Creek tributary of South Fork Boise that the point of diversion of said waters is in the NE ¹ / ₄ NW ¹ / ₄ Section 7, Township 2 North, Range 8 East, Boise Meridian; and that the lands proposed to be irrigated by the use or place of use of said water are described as follows, to-wit:																			
NE ¹ / ₄ , NW ¹ / ₄ SE ¹ / ₄ Section 2, Township 1 North, Range 7 East, Boise Meridian.																			
Proof of Completion of Works made: March 5, 1968																			
Witness my hand this 5 day of March, A.D. 1968																			
/S/ R. KEITH HIGGINSON State Reclamation Engineer																			

WATER RIGHT NUMBER 63-3335

OWNER LAST NAME - ACARREGUI
OWNER LAST NAME - ACARREGUI
ADDRESS LINE 1 - RT. A BOX 57
ADDRESS LINE 3 -

FIRST NAME - JOE T.
FIRST NAME - VICTOR

ORIG OWNER -
ORIG OWNER - 0

ADDRESS LINE 2 -

CITY - MOUNTAIN HOME

STATE - ID ZIP CODE - 83647

SOURCE - SMITH CREEK

TRIBUTARY OF - BOISE RIVER, SOUTH FORK

STAGE - LICENSE

STATUS -

PRIORITY - 06-24-1963 COUNTY - ELMORE

TOTAL DIV. RATE - 3.6600 -CFS

TOTAL DIV. VOLUME - 732.00 AFA TRFR/AMEND -

WATER DIST. - 63B DLE/CAREY ACT - RIGHT BASIS -

DIVERSION POINT - NENW 07 02N 08E LOT REDIV -

272.0 312.0 96.0 12.0 0.0 0.0 0.0 0.0 0.0 0.0 13.0

FROM - 04-01 TO - 11-01 USE - IRRIGATION

USE DIV. RATE - 3.6600 CFS USE DIV. VOLUME - 732.00 AFA

USE - IRRIGATION

PLACE OF USE - TWN 01N RNG 07E SEC 02 TRACT NENE LOT AC 40 TRACT NWNE LOT AC 40

TRACT SWNE LOT AC 40 TRACT SENE LOT AC 23

TRACT NWSE LOT AC 40

DECREE NAME -

DATE -

TOTAL ACRES 183

REMARKS -

NON IRRIG USE -

OTHER RIGHTS FOR SAME USE -

PROOF DUE -

PERMIT/DENIED -

PROTESTED -

HEARING -

OLD NO. - 31100

PROOF MADE - FLD EXAM - COND. OF APPROVAL -

DIVERSION MEANS -

December 29, 1975

Re: Permit No. 31100/63-3335

Joe T. Acarregui
Route A, Box 57
Mountain Home, ID 83647

Dear Mr. Acarregui:

Enclosed herewith is a copy of your water license issued on the above referenced permit.

Sincerely,

D. DARLENE REICH
Water Rights Supervisor

DDR:rb

Enc.

December 8, 1975

Mr. Joe T. Acarregui
Route A, Box 57
Mountain Home, Idaho 83647

Dear Mr. Acarregui:

A representative of this Department has made an examination of the works covered by your Permit No. 31100/63-3335 and has found the following:

Quantity of water diverted: 3.66 cfs Source: Smith Creek

Amount of water that can be recognized as beneficially used under Idaho law: 3.66 cfs

The maximum quantity diverted shall not exceed 732 acre feet, or 4.0 acre feet per acre, per year.

Point of diversion: NE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 7, Twp. 2 N, Rge. 8 E, B.M.

Beneficial use: Irrigation of 183 acres within the NE $\frac{1}{4}$ (143), NW $\frac{1}{4}$ SE $\frac{1}{4}$ (40), Sec. 2, Twp. 1 N, Rge. 7 E, B.M.

Priority established: June 24, 1963

If you do not concur with these findings please contact us within 10 days, otherwise a water license will be issued as set forth above.

Sincerely,

BOBBY D. FLEENOR
Chief, Water Rights

BDF:DR

Microfilm

DEPARTMENT OF WATER ADMINISTRATION

FIELD REPORT

wed. Black Cr. Rd.
to P.D.
Prerogative

- Name of permit holder Joe T. Acarregui
Post office address Route A., Box 57, Mtn. Home, ID 83647 Phone 587 8345
Person to contact _____ Phone Tel-Answr ml. home
587-8111
2. Source of water supply: Groundwater ☐ Surface water ☒ Smith Creek
(name spring, stream, etc.) 1458
Tributary to S. Fork Boise we do.

- Water will be used for the following purposes:
Amount 4 c.f.s. for irrigation
_____ AF/Annum (nature of use)
Period of Use: from Apr. 1 to Nov. 1
(mo.-day) inclusive (mo.-day)
Amount _____ c.f.s. for _____
_____ AF/Annum (nature of use)
Period of Use: from _____ to _____
(mo.-day) inclusive (mo.-day)
Amount _____ c.f.s. for _____
_____ AF/Annum (nature of use)
Period of Use: from _____ to _____
(mo.-day) inclusive (mo.-day)
Other uses: _____

Permit No. 63-3335
Examination for b/u

- Total amount to be appropriated:
Max Rate of Diversion 4 cubic feet per second and annual volume _____ AF/Annum.
- Location of Point(s) of Diversion:
Township 2N N/S, Range 8E E/W, B.M., Section 7, Subdivision NE 1/4 NW 1/4, Elmore County
Township _____ N/S, Range _____ E/W, B.M., Section _____, Subdivision _____ 1/4 _____ 1/4, _____ County
Township _____ N/S, Range _____ E/W, B.M., Section _____, Subdivision _____ 1/4 _____ 1/4, _____ County
Other Points of Diversions: _____

Description of diverting works: Cement diversion dam w/headgate & gravity ditch

Measuring device required: yes ☐ no ☒

- Lands to be irrigated or 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	
1N	7E	2	40	40	40	40										40			200

TOTAL ACREAGE 200

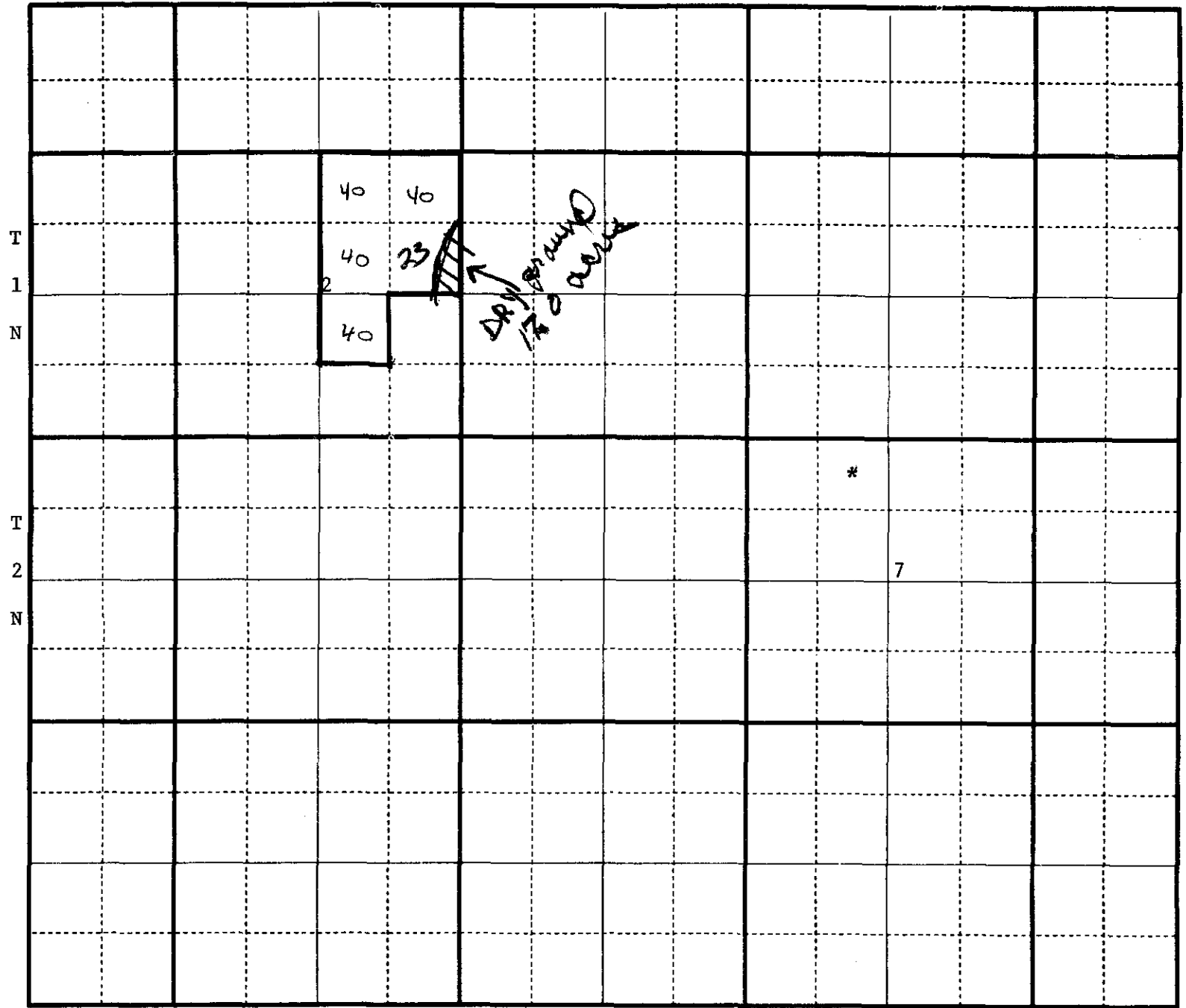
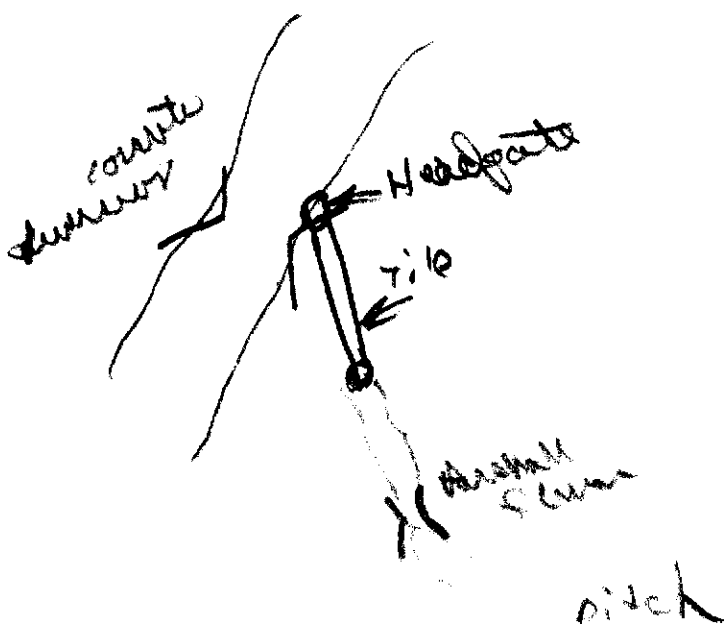


Diagram of System



DATE OF EXAM 9 July 75

ACREAGE
Found 177 183
Recommended 177 183

Irrigation Requirement 4.0 Ac Ft/Ac

USE

Irrigation	Q = $\frac{3.66}{3.54}$	c.f.s.	V = $\frac{732.}{708.0}$	AF/Ann.	from 4-1	to end of flood
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: at point of diversion (see remarks)
 twp. N/S, Rge E/W, B.M., Sec. , Sub. $\frac{1}{4}$ $\frac{1}{4}$
 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 _____

County _____

Total Q measured 1.20' x 4' = 21.33 cfs Method of measurement 4' Parshall flume

Total Q recommended 3.66 cfs Meter No. 4 Type Parshall Condition Very Good

Total V recommended 732.0 AF

Recommended Amendments:

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

MEASUREMENT CALCULATION:

MEASUREMENT CALCULATION:
1.20' pipe height x 4' parshall flume = 21.33 cfs
still on flood water at base of dam

SYSTEM DESCRIPTION:

SYSTEM DESCRIPTION:
35' concrete diversion dam w/ check boards
water thru 48" culvert to ditch w/ 4' parshall flume

REMARKS:

REMARKS: Low 15 Bayshore, Springfield, Pitt Island and Jai
acquiring all the water from this diversion. they absorb
water by thru individual gut patches - system operating
vrs. clearance prethru other water users have
absorbed water ~~by~~ but acquiring water is flood water

Examiner's Signature Mr. Salas Date 9 July 75

Checked by JH Date 10-28-13

Approved by _____ Date _____

only

July 5, 1974

Re: Permit No. 31100/63-3335

Joe T. Acarregui
Route A., Box 57
Mountain Home, ID 83647

Dear Mr. Acarregui:

We acknowledge receipt of the assignment conveying the above referenced permit to you. The assignment has been recorded and the Department's records changed. We also acknowledge receipt of the affidavit submitted as proof of beneficial use for this permit. Enclosed is an Order of Reinstatement; please note that the priority has been advanced to June 24, 1963.

Before a license can be issued, a field examination must be made by a representative of 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.

If you have any questions concerning this matter, please contact us.

Sincerely,

BOBBY D. FLEENOR
Chief, Water Rights

BDF:JG
Enclosure

63-3335

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

PROOF OF APPLICATION OF WATER TO BENEFICIAL USE

RECEIVED

1. a) Name of Permit Holder June L. Acarregui, Administrator
b) Post Office Address Rt. A., Box 57, Mountain Home, Idaho 83647
2. Permit Number 63-3335
3. Date of Priority that you are prepared to establish April 23, 1963
4. a) Source from which water was appropriated Smith Creek
b) Location of the point of diversion: NE 1/4 NW 1/4, Section 7
Township 2 N., Range 8 E., Boise Meridian, Other points of diversion:
5. a) The amount of water and use to which the water has been applied:
amount 4.0 c.f.s. for Irrigation purposes from April 1 to Oct. 31 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 4.0 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: At headgate by owner
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) Cement diversion dam with headgate and gravity ditch.
b) Describe the type and size of measuring device which you have installed at your point of diversion: _____
c) Give well drillers name and address and date the well was completed _____

Exam typed 7/5/24 by js

63-3335

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.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
1 N.	7 E.	2	40	40	40	40										40			200

Total number of acres irrigated 200

10. Remarks: Victor Acarregui died and I am now heir and owner of this property. I wasn't aware that my husband had not submitted the proof and I didn't know what to do, so I am sending a copy of the estate probate and an assignment transferring the permit to my son who is now buying the property from me.

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

(Date)

June L. Acarregui

(Signature)

State of Idaho)

County of Ada) ss.

On this 14th day of June, 19 74, personally appeared before me the signer(s) of the above instrument, who duly acknowledged to me that he (she) (they) executed the same.

Notary Public

Notary Public residing at Boise, Idaho

My commission expires June 15, 1977

INTER-DEPARTMENT MEMO — 1

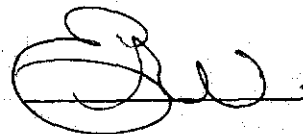
DATE June 14, 1974

FROM Ervin Ballou

TO 63-3335

SUBJECT Office visit by Mrs. Acarregui

Mrs. Acarregui was in office today. She is now administrator of Victor Acarregui's estate and will file proof before July 3rd and give us a copy of the estate order, so do not lapse permit until she comes in or contacts us.



SIGNATURE

63-3335

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION



Cecil D. Andrus
Governor
R. Keith Higginson
Director

614 State Street
Statehouse - Annex 2
Boise, Idaho 83720
(208) 384-2190

Water Rights Administration
Water Resource Investigations
Dam and Reservoir Safety
Water Well Drilling
Waste Disposal Wells
Stream Channel Protection

May 3, 1974

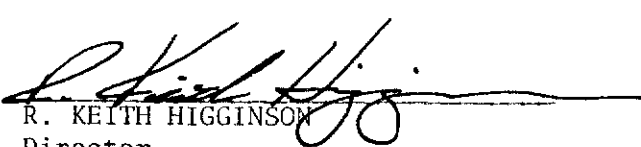
Re: Permit No. 31100/63-3335

Victor Acarregui
Route A, Box 57
Mountain Home, ID 83647

Dear Mr. Acarregui:

You are hereby notified that under the provisions of Section 42-218a of the Idaho Code, Permit No. 63-3335 has lapsed.

You are further advised that the Department cannot reinstate the permit except upon a showing of reasonable cause within 60 days from the date of this notice of lapsing.


R. KEITH HIGGINSON
Director

63-3335

SENDER: Be sure to follow instructions on other side

PLEASE FURNISH SERVICE(S) INDICATED BY CHECKED BLOCK(S)

(Additional charges required for these services)

☐

Show 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.

①

Victor Acarregui

25110

INSURED NO.

②

SIGNATURE OF ADDRESSEE'S AGENT, IF ANY

Donna Acarregui

DATE DELIVERED

SHOW WHERE DELIVERED (Only if requested, and include ZIP Code)

2-4-75

③

63-3885

U.S. POSTAL SERVICE
OFFICIAL BUSINESS



PENALTY FOR PRIVATE
USE TO AVOID PAYMENT
OF POSTAGE, \$300

ALWAYS USE



Postmark of Delivering Office

SENDER INSTRUCTIONS

Print in the space below your name, address, including ZIP Code.



- If special services are desired, check block(s) on other side.
- Moisten gummed ends and attach to back of article.

RETURN
TO



January 31, 1974

CERTIFIED MAIL

#25110

Re: Permit No. 31100/63-3335

Victor Acarregui
Route A, Box 57
Mountain Home, ID 83647

Dear Mr. Acarregui:

One of the conditions of approval of your water Permit No. 31100/63-3335 (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 April 24, 1974. 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

63 3335

April 16, 1973

Re: Permit No. 31100/63-3335

**Mr. Victor Acarregui
Route A, Box 57
Mountain Home, Idaho 83647**

Dear Mr. Acarregui:

We acknowledge receipt of the affidavit of publication submitted in connection with the above referenced permit. We are returning the paid receipt from the newspaper for your records.

Proof of beneficial use of water is due under this permit on or before April 24, 1974. The Department will notify you 60 days in advance of the proof due date.

Sincerely,

**BOBBY D. FLEENOR
Assistant Director**

**BDF:DR
Enclosure**

63 3335

March 16, 1973

Re: Permit No. 31100/63-3835

Mr. Victor Acarregui
Route A - Box 57
Mtn. Home, Idaho 83647

Dear Mr. Acarregui:

As of this date, we have not yet received the affidavit of publication to be submitted in connection with the above referenced permit. The legal notice was to have been published in the Mountain Home News on August 3 and 10, 1972.

Proof of beneficial use of water is not required until April 24, 1974, however, many newspaper do not keep copies of these advertisements in their files. We, therefore, recommend that you obtain the affidavit from the above mentioned newspaper and submit it to this office as soon as possible. This insures that when you are ready to make proof of beneficial use there will be no unnecessary delay or added expense.

Sincerely,

BOBBY D. FLEENOR
Assistant Director

BDF:DR

63 3335

July 25, 1972

Re: Permit No. 31100/63-3335 - Victor Acarregui

Mrs. June Acarregui
Route A - Box 57
Mountain Home, Idaho 83647

Dear Mrs. Acarregui:

The legal notice for the above-referenced permit is being published in the
~~Mountain Home News at Mtn. Home, Idaho,~~ on August 3, 1972,
and August 10, 1972.

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:DR

63 3335

July 25, 1972

C
O
P
Y
Re: Permit No. 31100/63-3335 - Victor Acarregui

Mountain Home News
P.O. Drawer O
Mtn. Home, Idaho 83647

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 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 this office immediately.

The expense of the publication is to be paid by:

June Acarregui
Route A - Box 57
Mtn. Home, Idaho 83647

to whom you should furnish an affidavit of publication.

Very truly yours,

BOBBY D. FLEENOR
Assistant Director

BDF:DR
Enc: Legal notice

63 3335

NOTICE OF EXISTING WATER PERMIT

Notice is hereby given that Victor Acarregui, Route A - Box 57,
Mountain Home, Idaho, has received an approved Permit No.
31100/63-3335 issued by the Idaho Department of Water Administration auth-
orizing the diversion ~~storage~~ of 4.0 cubic feet per second ~~more feet~~
~~per second~~ of water from Smith Creek.
The priority to be established under this permit is April 23, 1963,
and the permit was approved April 24, 1963.

Water is to be diverted by headgate, ditch and dam
from a point within the NE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 7, T. 2N, R. 8E, B.M., Elmore County,
to be used for irrigation purposes
in the NE $\frac{1}{4}$, Sec. 2, T. 1N, Rge. 7E, B.M.

Proof of the application of the water to beneficial use ~~was~~ is to be
submitted to the Department on or before April 24, 1974. Any protest
against the issuance of the license for the above referenced permit should
be filed with the Idaho Dept. of Water Administration, Statehouse, Boise,
Idaho, 83707, 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

Published in the Mountain Home News, Mtn. Home, Idaho,
on August 3 and August 10, 1972.

Permit No. 3110/63-3335

Director:

You are hereby authorized to have the above notice published at my expense
in the Mountain Home News of Mtn. Home, Idaho;
published in the county in which the works are situated.

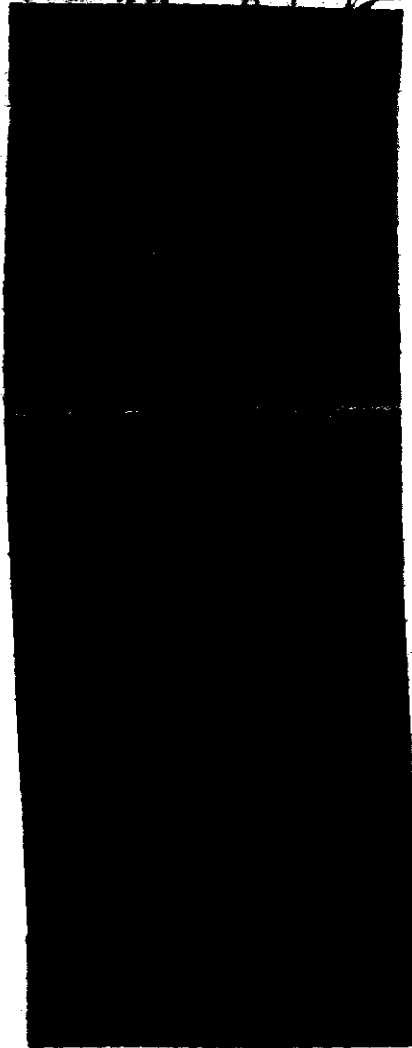
Victor Acarregui
(Signature)

Rt. A - Box 57 Mtn. Home, Idaho
(Address)

July 6, 1972
(Date)

63 3335

OK MP 8-1-72



63 3335

June 28, 1971

Re: Permit No. 31100 (New No. 63-3335)

C
Mr. Victor Acarregui
Route A - Box 57
Mtn. Home, Idaho 83647

O
Dear Mr. Acarregui:

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.

P
The enclosed order modifies the above referenced permit to comply with these rules and regulations. Although proof of beneficial use is not required until April 24, 1974, you will be required to publish a notice at your expense for two consecutive weeks in a newspaper as prescribed by the Department. If you will complete and return the enclosed advertising authorization, we will cause the notice to be published.

Y
If you have any questions regarding this matter, please contact us.

Very truly yours,

Donald W. McEldowney
Appropriation Supervisor

DWM:DR
Enc: Order
Adv. authorization

63 3335

March 5, 1968

Re: Permit No. 31100

Victor Acarregui
Prarie Stage
Mountain Home, Idaho 83647

Dear Mr. Acarregui:

Enclosed is your Certificate of Completion of Works on
the above numbered permit.

Very truly yours,

C. Stephen Allred, Assistant
State Reclamation Engineer

CSA:kd

Enclosure

C
O
P
Y

31100

Certificate of Completion of Works

TO ALL WHOM IT MAY CONCERN:

This is to certify that VICTOR ACARREGUI
 of Mountain Home, County of Elmore, and State of
Idaho, the holder of Permit No. 31100, issued upon
 Application No. 39195 bearing date of priority of April 23, 1963, authorizing the
 diversion of 4 second feet of waters of Smith Creek

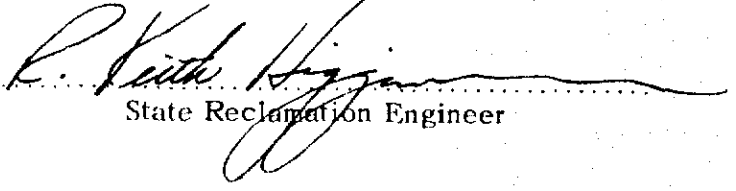
County of Elmore, State of Idaho, for Irrigation
 purposes, has fully complied with the provisions of the laws of the State of Idaho
 relating to the proof of completion of the works of diversion set out and described in said
 Permit; that said works are adequate for diverting and conveying to the place of intended
 use 4.0 second feet of the waters of Smith Creek tributary of
South Fork Boise

that the point of diversion of said waters is in the NE 1 NW 1 Section 7, Township
2 North, Range 8 East, Boise Meridian;

and that the lands proposed to be irrigated by the use or place of use of said water are
 described as follows, to-wit: NE 1, NW 1 SE 1 Section 2, Township 1 North, Range
7 East, Boise Meridian.

Proof of Completion of Works made: March 5, 1968

Witness my hand this 5 day of March, A. D. 19 68


 State Reclamation Engineer

31100

Permit No. 31100STATE OF IDAHO
Department of Reclamation

Proof of Completion of Works

AFFIDAVIT OF HOLDER

STATE OF IDAHO

County of ADA } ss.VICTOR A CARREGUI, being first duly sworn, upon his oath deposes and says:First: That he is the holder and owner of Permit to appropriate the Public Waters of the State of Idaho, No. 31100, and that his postoffice address is ROUTE 4, BOX 57, MT. HOME, State of IDAHO.Second: That the name of the stream from which said water is to be diverted is SMITH CREEK.Third: That the point of diversion of said water is NE 1/4 NW 1/4 SEC 7, T2N, R8E.Fourth: That under the terms and conditions of said permit, construction thereunder was required to be completed by APRIL 24, 1968.Fifth: That the use for which said water is intended is IRRIGATION.

Sixth: That on the date above mentioned, the works constructed under said permit were (or were not) fully completed and consisted of the following:

I. Kind of Works: DIVERSION DAM, DITCHES
(RESERVOIR, DAM, DITCH, FLUME, PIPE OR OTHERWISE)

II. Dimensions of work:

(a) Height of dam 3 feet, length of dam at top 20 feet, length of dam at bottom 17 feet. Material used in construction ROCK, LOGS & DIRT.

(STATE WHETHER WOOD, EARTH STONE OR CONCRETE)

(b) Capacity of reservoir N.A. acre feet.(c) Size of headgate: Width 6 feet, height 4 feet.(d) Conduit DITCH width at bottom 12 feet, width at water line 16 feet, depth of water 3 feet; diameter of pipe N.A. inches, average grade per mile is 10 feet. Length of conduit is 4 miles.

(STATE WHETHER DITCH, FLUME OR PIPE)

Seventh: That said works are capable of conducting to the place of intended use 4.0 second feet of water.Eighth: That water appropriated under said permit is available for 200 acres of land described as follows: NE 1/4, NW 1/4 SE 1/4 Sec 2, T1N, R7E.Ninth: Remarks:—That Main canal used by several users & this flood water is taken through the canal used by neighbors.Subscribed and sworn to before me this 5th day of MARCH, 1968Victor A Carregui
(SIGN HERE)Don Russell Smith
NOTARY PUBLICMy commission expires Jan 19, 1969

31100

S T A T E O F I D A H O

DEPARTMENT OF RECLAMATION

Boise, Idaho
February 1, 1968

Re: Permit No. 31100

Victor Acarrequi
Prarie Stage
Mountain Home, Idaho 83647

Dear Mr. Acarrequi:

Under the terms of your Permit No. 31100 you are required to complete your diversion works on or before April 24, 1968. I enclose blank affidavit to be filled out, sworn to by you before a Notary Public, or a Justice of the Peace, and returned to this office on or before the above date, or within ten days thereafter, for the purpose of making proof of completion under the said permit. Upon receipt of this affidavit in this office, provided the same satisfactorily shows the completion of the works substantially in accordance with the terms of the permit, a Certificate of Completion will be issued to you.

The certificate to be issued under this proof will not give a perpetual right to the use of water for which application was made, as it only confirms the completion of works of a capacity to divert and convey to the place of intended use a certain amount of water. The law requires that another proof be submitted when the water has been fully applied to a beneficial use, at which time license is issued for the amount of water actually in use. Information in regard to this last proof will be furnished on request.

Very truly yours,

State Reclamation Engineer

Enc. Form 6

31100

April 30, 1963

Re: Permit No. 31100

Mr. Victor Acarregui,
Prairie Stage,
Mountain Home, Idaho.

Dear Mr. Acarregui:

We enclose Permit No. 31100 in which we direct your attention to the limitations and conditions as given on the fourth page under approval of the State Reclamation Engineer.

We also enclose Departmental Receipt No. 31530 which was issued covering payment in the amount of \$5.75 for the filing fee of the above mentioned permit.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer
By

(Mrs.) Edna P. Rule
Chief Clerk

EPR:pmk
Encl. --

31100

Victor A. Carreaga

NAME OF APPLICANT

R 7 E

R 8 E

Point of Diversion

12

7

Smith Creek

R 7 E

R 8 E

T

2

N

24

26

25

35

36

T
1
N

2

Permit Map No. 31100

As Amended
O. C. N. CARTER
State Reclamation Engineer

31100