

State of Idaho  
Department of Water Resources

# WATER RIGHT LICENSE

WATER RIGHT NO. 45-07266

Priority: April 20, 1976

Maximum Diversion Rate:  
Maximum Diversion Volume:<sup>1</sup>

0.29 CFS  
4.0 AF

This is to certify, that T. R. SMITH  
P.O. BOX 233  
OAKLEY, ID 83346

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated April 8, 1976; and has submitted Proof of Beneficial Use on July 13, 1981. An examination indicates that the works have a diversion capacity of .290 cfs of water from:

BOSTETTAR SPRING

tributary to SPRING CREEK

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> |
|-----------------------|----------------------|--------------------------|----------------------|
| RECREATION            | 01/01 to 12/31       | 0.29 CFS                 | 4.0 AF               |
| RECREATION STORAGE    | 01/01 to 12/31       |                          | 4.0 AF               |
|                       | Totals               | 0.29 CFS                 | 4.0 AF               |

LOCATION OF POINT(S) OF DIVERSION:

SWNESW , Sec. 3, Township 14S, Range 23E  
CASSIA County

PLACE OF USE: RECREATION

TWN RGE SEC

14S 23E 3

NESW

NWSW

PLACE OF USE: RECREATION STORAGE, same as RECREATION use

CONDITIONS/REMARKS:

1. The maximum diversion volume is defined as the maximum allowable volume of water that may be diverted annually from the source under this right. The use of water confirmed by this right is limited to the amount which can actually be beneficially used. The maximum diversion volume may be adjusted to more accurately describe the beneficial use or to implement accepted standards of diversion and use efficiency.
2. This water right is appurtenant to the described place of use.
3. This right is subject to all prior water rights and may be forfeited by five years of non-use.
4. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.

MICROFILMED

JAN 17 1991

State of Idaho  
Department of Water Resources

**WATER RIGHT LICENSE**

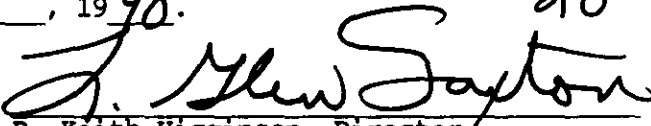
WATER RIGHT NO. 45-07266

CONDITIONS/REMARKS:

5. A measuring device of a type approved by this Department shall be maintained as a part of the diverting works.
6. The pond shall be maintained in such a manner that the flow of Bostettar Spring will not be diminished.
7. Outlet works capable of releasing sufficient water to satisfy downstream water rights shall be maintained.

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 20<sup>th</sup> day of December, 1990.

Acting for

  
R. Keith Higginson, Director

RECEIVED

45-07266

State of Idaho  
Department of Water Resources

APPLICATION FOR AMENDMENT

(For Licensing Purposes)

WATER RIGHT NO. 45-07266



Date of Priority: April 20, 1976

Maximum Diversion Rate:

0.29 CFS

Maximum Diversion Volume:<sup>1</sup>

4.0 AF

Comes now

T. R. SMITH

P.O. BOX 233

OAKLEY, ID 83346

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. 45-07266, and requests that the permit be changed as follows:

Source: BOSTETTAR SPRING

tributary to SPRING CREEK

| <u>BENEFICIAL USE</u> | <u>PERIOD OF USE</u> | <u>RATE OF DIVERSION</u> | <u>ANNUAL VOLUME</u> |
|-----------------------|----------------------|--------------------------|----------------------|
| RECREATION            | 01/01 to 12/31       | 0.29 CFS                 | 4.0 AF               |
| RECREATION STORAGE    | 01/01 to 12/31       |                          | 4.0 AF               |
|                       | Totals               | 0.29 CFS                 | 4.0 AF               |

LOCATION OF POINT(S) OF DIVERSION:

SWNESW , Sec. 3, Township 14S, Range 23E  
CASSIA County

PLACE OF USE: RECREATION

TWN RGE SEC

14S 23E 3

NESW

NWSW

PLACE OF USE: RECREATION STORAGE, same as RECREATION use

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 Oakley, Idaho, this 12 day of November, 1990.

T. R. Smith  
(Signature)

**MICROFILMED**

JAN 07 1991

State of Idaho  
Department of Water Resources

APPLICATION FOR AMENDMENT  
(For Licensing Purposes)  
WATER RIGHT NO. 45-07266

\*\*\*\*\*

FOR DEPARTMENT USE ONLY

Preliminary check by 5c Fee ✓ \$20.00 Received by            Date 11/15/90 # C018867

ACTION OF THE DEPARTMENT OF WATER RESOURCES

I, R. Keith Higginson, of the Department of Water Resources hereby approve the above Application for Amendment for Permit No. 45-07266 with the following;

CONDITIONS/REMARKS:

1. The maximum diversion volume is defined as the maximum allowable volume of water that may be diverted annually from the source under this right. The use of water confirmed by this right is limited to the amount which can actually be beneficially used. The maximum diversion volume may be adjusted to more accurately describe the beneficial use or to implement accepted standards of diversion and use efficiency.
2. This water right is appurtenant to the described place of use.
3. This right is subject to all prior water rights and may be forfeited by five years of non-use.
4. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
5. The pond shall be constructed in such a manner that the flow of Bostettar Spring shall not be diminished.

Witness my hand this 20<sup>th</sup> day of December, 19 90  
R. Keith Higginson  
R. Keith Higginson, Director

RECORDED

JAN 17 1991

BEFORE THE DEPARTMENT OF WATER RESOURCES  
OF THE  
STATE OF IDAHO

IN THE MATTER OF PERMIT NO. 45-7266 }  
IN THE NAME OF T. R. SMITH }

ORDER OF REINSTATEMENT

WHEREAS, on April 8, 1976, T. R. Smith applied to the Department of Water Resources for a permit to appropriate 0.80 cubic feet per second and 6 acre feet per annum of water from Bostettar Spring to be diverted within the NE $\frac{1}{4}$ SW $\frac{1}{4}$ , Sec. 3, Twp. 14S, Rge. 23E B.M. to be used for fish propagation, aesthetics and storage water; and,

WHEREAS, on July 14, 1976, The Department approved said application and issued Permit No. 45-7266 with the condition that proof of construction of works and application of water to beneficial use be submitted on or before July 1, 1981; and,

WHEREAS, on April 30, 1981, the Department notified the permit holder by certified mail that proof was due and instructed the permit holder as to the steps to be taken to make said proof; and,

WHEREAS, on July 9, 1981, the Department notified the permit holder that Permit No. 45-7266 lapsed for failure of the permit holder to submit proof of beneficial use; and,

WHEREAS, Section 42-218a of the Idaho Code provides that a permit may be reinstated upon a showing of reasonable cause within sixty 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 by submitting proof of beneficial use on July 13, 1981;

IT IS, THEREFORE, HEREBY ORDERED that Permit No. 45-7266 be REINSTATED and the priority advanced to April 20, 1976.

Dated this 9<sup>th</sup> day of September, 1981.

  
L. GLEN SAXTON

Chief, Operations Bureau

RECEIVED

Identification No. \_\_\_\_\_

Application No. 45-7266

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

RECEIVED

APPROVED

APPLICATION FOR PERMIT

APR 8 1976

To Appropriate the Public Waters of the State of Idaho  
(TYPE OR PRINT IN INK)

Department of Water Resources  
Southern District Office

3348  
3638

1. Name of applicant T. R. SMITH Phone: 862-3638  
post office address BOX 233 OAKLEY, IDAHO

2. Source of water supply BOSTETAR SPRING which is a tributary of \_\_\_\_\_

3. a. Location of point of diversion is NE  $\frac{1}{4}$  of SW  $\frac{1}{4}$  of Section 3 Township 14S  
Range 23E B.M. CASSIA County; additional points of diversion if any: \_\_\_\_\_

b. If water is not consumed, it will be discharged into SPRING CREEK at a point in \_\_\_\_\_  $\frac{1}{4}$   
of \_\_\_\_\_  $\frac{1}{4}$  of Section \_\_\_\_\_ Township \_\_\_\_\_ Range \_\_\_\_\_ B.M. \_\_\_\_\_

4. Water will be used for the following purposes:

Amount 1.8 for FISH PROP. purpose from Jan 1 to Dec 31 (both dates inclusive)  
(cfs or acre-feet per annum)

Amount 8 for BEAUTY purpose from Jan 1 to Dec 31 (both dates inclusive)  
(cfs or acre-feet per annum)

Amount 6 for STORAGE purpose from Jan 1 to Dec 31 (both dates inclusive)  
(cfs or acre-feet per annum)

5. Total quantity to be appropriated:

a. 1.8 cubic feet per second and/or

b. 6 acre feet per annum.

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. \_\_\_\_\_

SMALL RESERVOIR DAM AT

b. Height of storage dam 6 feet, active reservoir capacity 6 acre feet; total reservoir capacity 6 acre feet, materials used in storage dam: Earth

Period of year during which storage will occur NOV-15 to MAR-15 inclusive.  
(Mo. Day) (Mo. Day)

c. Proposed well diameter is \_\_\_\_\_ inches; proposed depth of well is \_\_\_\_\_ feet.

7. a. Time required for the completion of the works and application of the water to the proposed beneficial use is 5 years.

b. Estimated construction cost is \$ 1,000.00

8. Description of proposed uses:

a. If water is **not** for irrigation:

(1) Give the place of use of water: NE  $\frac{1}{4}$  of SW  $\frac{1}{4}$  of Section 3 Township 14 S.  
Range 23 E. B.M.

(2) Amount of power to be generated: \_\_\_\_\_ hp 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: \_\_\_\_\_

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

| 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 |        |
| 14S  | 33E   | 3    |        |        |        |        |        |        |        |        | X      |        |        |        |        |        |        |        |        |
|      |       |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |       |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |       |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |       |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |       |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |       |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |       |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |       |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |

Total number of acres to be irrigated \_\_\_\_\_

c. Describe any other water rights used for the same purposes as described above. \_\_\_\_\_

MINE

9. a. Who owns the property at the point of diversion T. R. SMITH

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 \_\_\_\_\_

10. Remarks \_\_\_\_\_

THIS WATER IS TO BE USED FOR  
NON CONSUMPTIVE USE, A POND STORAGE  
FOR RECHARGE.



Proposed Priority 4-8-76

Received by CC Date 4-8-76 Time 3:00 P.M.

Preliminary check by GLP Fee \$ 25.00 # 2068

Received by ALF Date 4-8-76

Publication prepared by MS Date 4-23-76

Published in South Idaho Press

Publication dates 5-4 & 5-11-76

Publication approved CC Date 5-13-76

Priority reduced to \_\_\_\_\_ Reason \_\_\_\_\_

Protests filed by: \_\_\_\_\_

Copies of protests forwarded by \_\_\_\_\_

Hearing held by \_\_\_\_\_ Date \_\_\_\_\_

Recommended for approval denial by mts DRT

#### 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. 45-7266, and said application is hereby APPROVED.

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 July 1, 19 81.

c. Other: 1. A measuring device of a type approved by the Director shall be

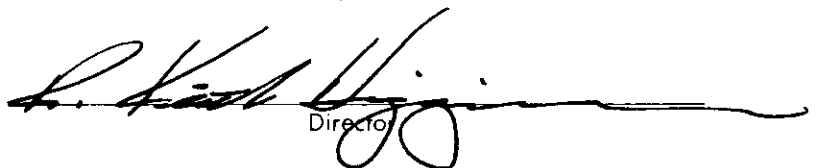
permanently installed and maintained as part of the diverting works.

2. The pond shall be constructed in such a manner that the flow of Bostettar Spring shall not be diminished.

3. No dam shall be constructed that will raise the water level over the spring above its present normal level.

4. Adequate outlet works shall be installed and maintained capable of releasing sufficient water to satisfy the downstream water rights to the extent of the entire flow of Botettar Springs.

Witness my hand this 14 day of July, 19 76.

  
Director

**SOUTH IDAHO PRESS**

**BURLEY, IDAHO**

**AFFIDAVIT OF PUBLICATION**

County of Cassia, )

) ss.

STATE OF IDAHO )

*Zelma Stevenson* being first

duly sworn, deposes and says that *he* is the

*bookkeeper* of the South Idaho Press, a daily newspaper published at Burley, Idaho, in the county aforesaid and that the paper is of general circulation therein. Deponent further states that the printed notice attached hereto was duly published according to law in the regular editions of

The South Idaho Press for *2*

consecutive weeks, commencing with the issue

dated *May 4* 19*76*, and ending

with the issue dated *May 11*, 19*76*

*Zelma Stevenson*

Subscribed and sworn to before me

this *12th* day of *May*

19*76*

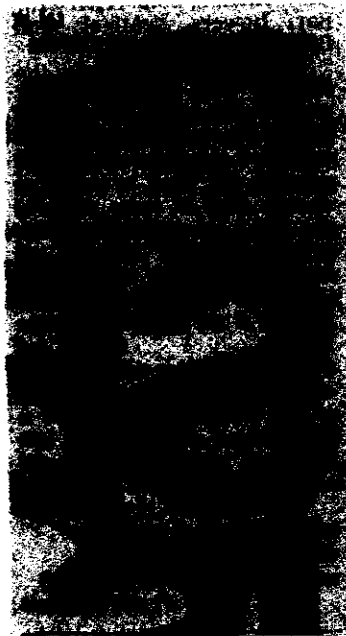
*Edith Rantall* Notary Public

Cost of Publication *9.10*

Notary Fee

Total Cost

My Commission expires October 23, 1979



*O.K.c  
5/13/76*

**RECEIVED**

**MAY 13 1976**

Department of Water Resources  
Southern District Office

SOUTH IDAHO PRESS

BURLEY, IDAHO

AFFIDAVIT OF PUBLICATION

County of Cassia, )

) ss.

STATE OF IDAHO )

*Helma Stevenson* being first

duly sworn, deposes and says that she is the

*bookkeeper* of the South Idaho Press, a daily newspaper published at Burley, Idaho, in the county aforesaid and that the paper is of general circulation therein. Deponent further states that the printed notice attached hereto was duly published according to law in the regular editions of

The South Idaho Press for

consecutive weeks, commencing with the issue

dated *May 4* 1976, and ending

with the issue dated *May 11* 1976.

*Helma Stevenson*

Subscribed and sworn to before me

this *12th* day of *May*

1976.

*Earl A. Hunt* Notary Public

Cost of Publication *7.15*

Notary Fee

Total Cost

My Commission expires October 23, 1979

76-161

NOTICE OF APPLICATION FOR  
WATER PERMIT

Notice is hereby given that T.R. Smith, Box 233, Oakley, Idaho has on 4-8-76 submitted Application No. 45-7266 for a permit to appropriate .8 cubic feet per second of water from Bostettar Spring by means of small reservoir within the NE $\frac{1}{4}$ SW $\frac{1}{4}$ , Sec. 3, Twp. 14S, Rge. 23E, B.M., Cassia County to be used from Jan 1, to Dec. 31, for Fish Prop., Aesthetic Beauty, and Storage within the NE $\frac{1}{4}$ SW $\frac{1}{4}$ , Sec. 3, Twp. 14S, Rge. 23E, B.M.

If issued, this permit will be subject to all prior water rights. Protests against the granting of the permit must be filed with the Idaho Department of Water Resources, 1041 Blue Lakes Blvd., North, Twin Falls, Idaho, 83301 on or before May 21, 1976.

R. KEITH HIGGINSON

Director

Published in the South Idaho Press on May 4, and May 11, 1976.

*OK  
5/13/76*

December 24, 1990

T. R. SMITH  
P.O. BOX 233  
OAKLEY, ID 83346

RE: WATER RIGHT NO. 45-07266

Dear Water Right Holder(s):

Enclosed herewith is a copy of the Water Right License issued on the above referenced permit along with a copy of your approved application for amendment.

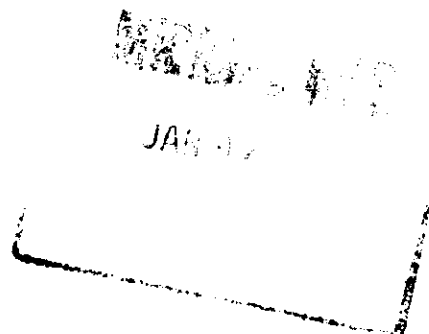
Should you have any questions regarding these documents, please feel free to contact our office.

Sincerely,

JIM JOHNSON  
Water Rights Supervisor

JJ:blm

Enclosure



November 7, 1990

T. R. SMITH  
P.O. BOX 233  
OAKLEY, ID 83346

RE: WATER RIGHT NO. 45-07266

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. Please review carefully and if you concur, sign the amendment and return with the \$20.00 filing fee within 30 days.

If you do not concur with these findings or if you have any questions, please contact us within the 30-day period.

Sincerely,

JIM JOHNSON  
Water Rights Supervisor

JJ:blm

Enclosure

RECEIVED

JAN 17 1991

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
**BENEFICIAL USE FIELD REPORT**

Permit No. 45-7266  
Phone No. 862-3638  
Bas. 862-3348

1. Owner: T. R. Smith  
Current Address: Box 233, Oakley Idaho

2. Accompanied by: T. R. Smith EXAM. DATE: 5-22-84  
Address: Same Phone No. Same  
Relationship to Permit Holder: \_\_\_\_\_

3. Source: Bostetter Springs tributary to \_\_\_\_\_

| Well/Diversion*<br>No. | Motor<br>Make | HP | Motor<br>Serial No. | Pump<br>Make | Pump Serial No. or<br>Discharge Size |
|------------------------|---------------|----|---------------------|--------------|--------------------------------------|
|                        |               |    |                     |              |                                      |
|                        |               |    |                     |              |                                      |
|                        |               |    |                     |              |                                      |
|                        |               |    |                     |              |                                      |
|                        |               |    |                     |              |                                      |

\*Code with points of diversion, system diagram & photos on reverse side. Disregard if only one.

5. System Description (As operating at time of measurement. Indicate pressure, number of sprinklers, etc.)

Earth ditch diverting water from springs to 120' x 130'  
pond with an average depth of 10'

| Measurement Equipment | Type | Make | Model No. | Serial No. | Size | Calib.<br>Date |
|-----------------------|------|------|-----------|------------|------|----------------|
|                       |      |      |           |            |      |                |
|                       |      |      |           |            |      |                |
|                       |      |      |           |            |      |                |
|                       |      |      |           |            |      |                |

7. Measurements ☐ Additional data/computation sheets attached

Measured 0.42' on a 90° V-Notch Weir = 0.289 CFS  
Pond Size 120' x 130' Pond Depth Approx 10' - Approx 4 AF

8. Point(s) of Diversion: Indicate Method of Determination

| Ident # | 1/4 | 1/4 | 1/4 | Sec. | Twp. | Rge. | Survey Information from Known Corner | County | Remarks          |
|---------|-----|-----|-----|------|------|------|--------------------------------------|--------|------------------|
| 2015    | SW  | NE  | SW  | 3    | 14S  | 23E  |                                      | COIDA  | ASCS<br>Area 100 |
|         |     |     |     |      |      |      |                                      |        |                  |
|         |     |     |     |      |      |      |                                      |        |                  |
|         |     |     |     |      |      |      |                                      |        |                  |

9. Place(s) of Use: Irrigation - give acres served by system at time of exam.  
Indicate Method of Determination

| Twp. | Rge. | 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 |        |
| 14S  | 23E  | 3    |        |        |        |        |        |        |        |        | X*     | X*     |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
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|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |

\* All uses are at the same location, Pond 100' x 130' x 10' Total Acres \_\_\_\_\_

10. Other water rights on these lands \_\_\_\_\_
11. Other water right diverted from same p.d. 45-0620

12. **Diversion and Delivery System Diagram:** Indicate all major components and distances between components. Indicate measurement port the distance between both upstream and downstream of the diversion systems indicate how



13. ☒ **Photo of Diversion & System Attached**
- ☒ **Aerial Photo of Place of Use Attached or Map of Irrigated Acreage Attached**

14. Remarks \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

15. 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

16. Examiner's/Consultant's Signature Terry D. Blau

Consultant's License Number \_\_\_\_\_

IDWR Director's Authorization to Conduct Beneficial Use Examination \_\_\_\_\_

Date 10-26-84

RECEIVED  
CONSULTANT SEAL  
AUG 7 1991

Twp 14 S. Rge. 23 E

B  
50.6

34 35  
+  
3 2

PPR  
109.8

QQQ  
31.9

RRR

SSS

TTT

UUU  
24.2

VVV  
32.6

T 14

4.2

WW

A  
14.2

XXX  
5.3

|     |     |      |
|-----|-----|------|
| E   | D   | C    |
| 4.1 | 5.4 | 12.6 |

PU  
B  
9.8  
MP  
PDS

324

F  
2.2

G  
7.8

10

JAN 07 1991

## RECOMMENDED AMOUNTS

| 3. | Permit No. | Priority | Amount | App. Date | Date Proof Submitted | System Capacity |
|----|------------|----------|--------|-----------|----------------------|-----------------|
|    |            |          |        |           |                      |                 |

4. Permit Holder: \_\_\_\_\_

Address: \_\_\_\_\_

5. Source: \_\_\_\_\_ tributary to \_\_\_\_\_

[illegible]

Recreational Fishing JAN1 Dec.31 0.29 cfs

Aesthetics      Jan      Dec      1, 2016

Storage for Rec. Fishing JAN1 Dec 31 4.0 AF

Storage for Aesthetics Jan. Dec. 31 4.0 AF

Allowable Maximums: 0.29 cfs 4.0 AF

**7. Point(s) of Diversion:**

[illegible]

**8. Place(s) of Use**

[illegible]

9. Recommended Conditions/Remarks: Ditch is Set up So Water Can be  
diverted Around Pond if Necessary

# NOT FILMED

**JAN 07 1991**

## 10. 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

11. Examiner's Signature Terry D. Blay Date 10-26-84

Checked in Regional Office by Louise Anderson 7/1 Date 11-22-80

Approved in State Office by \_\_\_\_\_ Date \_\_\_\_\_

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
LICENSING REPORT

RECEIVED

DEC 5 1985

45-7266  
Permit No.

Department of Water Resources

1. Measurement Calculations

- a) Field Measurement Calculations (Include theoretical capacities and system capacity)

- b) Volume Calculations for Irrigation:

$V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) =$  \_\_\_\_\_  
 $V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 =$  \_\_\_\_\_  
 $V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} =$  \_\_\_\_\_

- c) Volume Calculations for Other Uses:

$130' \times 120' \times 10' = 156,000 \text{ CF} \div 43,560 \text{ CF/A.F.} = 3.58 \text{ A.F.}$

2. Overlap Review

- a) Other water rights with same place of use: \_\_\_\_\_

- b) Other water rights with same point of diversion: \_\_\_\_\_

- c) Analysis:

MICROFILMED

JAN 07 1991



**STATE OF IDAHO**  
**DEPARTMENT OF WATER RESOURCES**  
*SOUTHERN REGION*

John V. Evans  
Governor

C. Stephen Alfred  
Director

1041 Blue Lakes Blvd. North  
Twin Falls, Idaho 83301  
(208) 734-3578

September 19, 1981

T. R. Smith  
Box 233  
Oakley, Idaho 83346

Re: Permit No. 45-7266

Dear Mr. Smith:

We acknowledge receipt of the 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 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.

Field examinations must be done while the system is in operation. For this reason we concentrate on irrigation permits during the summer months and do examinations on permits for other uses during the non-irrigating months.

If you have any questions regarding the field examination, please contact our office.

Sincerely,

Gary L. Funderburg  
Senior Water Resource Agent

GLF:marya

MICROFILMED

# DEPARTMENT OF WATER RESOURCES

The Idaho Department of Water Resources will consider this card as a statement that the permit holder(s) has completed development to the extent shown below of Permit No. 45-72-06

Name(s) of Permit Holder:

T. R. Smith

Post Office Address:

Box 233 Oakley Idaho

Tel. No.

862-3348

Source of Water:

Extent of Use:

☐ Domestic

(number of households)

☐ Stockwater

(number and type of stock)

☐ Irrigation

(acres)

☒ Other

Measuring Device:

Required?

☒ Yes ☐ No

Installed?

☒ Yes ☐ No

Access Port:

Required?

☐ Yes ☒ No

Installed?

☐ Yes ☐ No

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

7/10/81

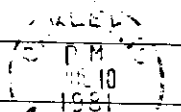
T. R. Smith

Signature of Permit Holder

T. Smith

Box 233.

Obley, Idaho 83346



RECEIVED



JUL 13 1981

IDAHO DEPARTMENT OF WATER RESOURCES

STATEHOUSE

BOISE, IDAHO 83720

Department of Water Resources

S T A T E O F I D A H O  
DEPARTMENT OF WATER RESOURCES

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STATEHOUSE  
BOISE, IDAHO 83720  
(208) 334-4440

SMITH, T.R.  
P.O. BOX 233  
OAKLEY, ID 83346

JULY

<sup>9</sup>  
~~21~~, 1981

DEAR PERMIT HOLDER:

YOU ARE HEREBY NOTIFIED THAT UNDER THE PROVISIONS OF SECTION 42-218A OF THE IDAHO CODE, PERMIT NO. 45-7266 HAS LAPSED. THIS OFFICE DID NOT RECEIVE EITHER A NOTICE THAT YOU HAVE COMPLETED THE PROJECT BY THE DATE REQUIRED ON YOUR PERMIT, OR A REQUEST FOR AN EXTENSION OF TIME. YOU WERE PROVIDED THE PROPER FORMS IN OUR NOTICE TO YOU DATED APRIL 30, 1981.

YOUR PERMIT CANNOT BE REINSTATED UNLESS YOU SUBMIT THE STATEMENT OF BENEFICIAL USE POSTCARD OR SUBMIT AN EXTENSION OF TIME REQUEST SHOWING REASONABLE CAUSE FOR DELAY. EITHER THE COMPLETED POSTCARD OR THE EXTENSION REQUEST MUST BE RECEIVED BY THIS OFFICE WITHIN SIXTY DAYS OF THE DATE OF THIS LAPSE NOTICE OR THE PERMIT WILL NO LONGER BE OF ANY FORCE OR EFFECT.

A STATEMENT OF BENEFICIAL USE POSTCARD AND A REQUEST FOR EXTENSION OF TIME FORM ARE ENCLOSED FOR YOUR USE. PLEASE NOTE THAT A FEE OF \$15.00 MUST ACCOMPANY AN EXTENSION OF TIME REQUEST.

L. GLEN SAXTON  
CHIEF, OPERATIONS BUREAU

ENCLOSURES

CERTIFICATION OF MAILING

I hereby certify that on 7/9/81  
a copy/an original of this document was  
deposited in the United States mail,  
postage prepaid addressed to the  
individual(s) named above.

Jan Grover

MAIL ROOM

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

---

STATEHOUSE  
BOISE, IDAHO 83720  
(208) 334-4440  
CERTIFIED MAIL

SMITH, T.R.  
P.O. BOX 233  
OAKLEY, ID 83346

138139

APRIL 30, 1981

DEAR PERMIT HOLDER:

ONE OF THE CONDITIONS OF APPROVAL OF YOUR WATER PERMIT NO. 45-7266 WAS THAT EVIDENCE OF THE EXTENT OF DEVELOPMENT MUST BE SUBMITTED TO THIS OFFICE ON OR BEFORE JULY 01, 1981. (SEE LAST PAGE OF YOUR APPROVED PERMIT). ENCLOSED IS A POST CARD WHICH MAY 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. A REQUEST FOR EXTENSION OF TIME FORM IS ENCLOSED FOR YOUR CONVENIENCE. PLEASE NOTE THAT A FEE OF \$15.00 MUST BE SUBMITTED WITH THIS FORM.

EITHER THE BENEFICIAL USE POST CARD 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 WITHIN 60 DAYS.

SINCERELY,

RITA FLECK  
SR. SECRETARY

ENCLOSURES

RECEIVED

July 15, 1976

Re: Permit No. 45-7266

T. R. Smith  
Box 233  
Oakley, ID 83346

Dear Mr. Smith:

Enclosed is a copy of your approved Application for Permit No.45-7266 . We direct your attention to the conditions of approval as listed on the fourth page.

Be sure to note that a special condition requiring you to install and maintain a measuring device at your point of diversion has been placed upon your permit. We are enclosing a letter describing different types of measuring devices accepted by this office.

Sincerely,

BOBBY D. FLEENOR  
Chief, Water Rights

Enclosure: Copy of permit

INTER-DEPARTMENT MEMO — 1

FROM Dave Tuthill

DATE July 14, 1976

TO File

SUBJECT 45-7266

Pursuant to a request from Keith Higginson, an investigation was commenced as to the availability of water from Bostettar Springs for the proposed pond. It was found that all water from the springs are appropriated during the irrigation season. However, T. R. Smith has stated that the proposed pond is simply an excavation of the existing springs. The water level will not be raised and thus the flow of the springs should not be decreased. The only consumptive use involved will be evaporation losses which will have to be compensated for by Smith to enable the springs to flow from the pond in their entirety. The four conditions imposed on the application should carefully protect downstream users.

DRT

SIGNATURE

RECEIVED

INTER-DEPARTMENT MEMO — 1

To: ~~from~~ Dave Tuthill  
From: GARY  
~~from~~ Mike Steele

JUN 21 1976 DATE June 17, 1976

Department of Resources  
Southern District Office

SUBJECT 45-7266

There is some concern as to the water available from Bostettar Spring during the irrigation season. Some replacement flow would be needed to maintain Smith's pond at a constant level. A measurement device may be necessary at his point of diversion and point of return. This way he could lower the level of the pond during the summer to compensate for losses.

Please return your comments on this plan as well as more detailed info on the field exam.

RECEIVED

Dave

SIGNATURE

MEMORANDUM

TO: Dave Tuthill

DATE: June 24, 1976

FROM: Gary Funderburg

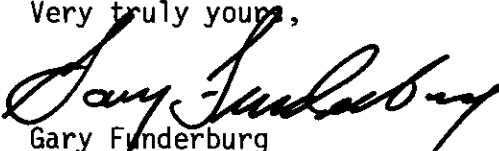
SUBJECT: T. R. Smith Permit No. 45-7266

It is my understanding the pond will be built over the spring, an inlet measuring device cannot be used if they construct the pond where the springs come into the pond. This information came from T. R. Smith when I talked with him at the time when he submitted his application. My comments for this application would be as follows:

1. Measuring devices at inlet and outlet.
2. The soil is very porous and a liner must be used to avoid percolation loss.
3. If there is a consumptive use, the permit would be denied.
4. A natural storage shall occur during the non-irrigation months.
5. Headgate for control of the water at the outlet works in case the rights below are not completely delivered. No 12
6. The pond must not be built over the spring. This may impair the flow, then cause additional silt to be deposited.
7. A controlling device at the outlet for the water of the reservoir must be located at a point where it will allow complete drainage of the storage pond.

If further information pertaining to this permit is required, please contact us.

Very truly yours,

  
Gary Funderburg  
Senior Water Resource Agent

NOTICE OF APPLICATION FOR WATER PERMIT

Notice is hereby given that T.R. Smith

Box 233, Oakley, Idaho

has on 4-8-76 submitted Application No. 45-7266

for a permit to appropriate .8 cubic feet per second ~~area feet per second~~  
of water from Bostettar Spring.

by means of small reservoir.

within the NE $\frac{1}{4}$ SW $\frac{1}{4}$ , Sec. 3, Twp. 14S, Rge. 23E, B.M., Cassia County.

to be used from Jan 1, to Dec. 31, for Fish Prop., Aesthetic Beauty, and Storage.  
for \_\_\_\_\_

within the NE $\frac{1}{4}$ SW $\frac{1}{4}$ , Sec. 3, Twp. 14S, Rge. 23E, B.M.

If issued, this permit will be subject to all prior water rights. Protests  
against the granting of the permit must be filed with the Idaho Department of  
Water Resources, 1041 Blue Lakes Blvd., North, Twin Falls, Idaho, 83301 on or be-  
fore May 21, 1976.

R. KEITH HIGGINSON

Director

Published in the South Idaho Press

on May 4, and May 11, 1976.

76-161

**NOTICE OF APPLICATION FOR  
WATER PERMIT**

Notice is hereby given that T.R. Smith, Box 233, Oakley, Idaho has on 4-8-76 submitted Application No. 45-7266 for a permit to appropriate .8 cubic feet per second of water from Bostettar Spring by means of small reservoir within the NE $\frac{1}{4}$ SW $\frac{1}{4}$ , Sec. 3, Twp. 14S, Rge. 23E, B.M., Cassia County to be used from Jan 1, to Dec. 31, for Fish Prop., Aesthetic Beauty, and Storage within the NE $\frac{1}{4}$ SW $\frac{1}{4}$ , Sec. 3, Twp. 14S, Rge. 23E, B.M.

If issued, this permit will be subject to all prior water rights. Protests against the granting of the permit must be filed with the Idaho Department of Water Resources, 1041 Blue Lakes Blvd., North, Twin Falls, Idaho, 83301 on or before May 21, 1976.

R. KEITH HIGGINSON  
Director

Published in the South Idaho Press on  
May 4, and May 11, 1976.

April 23, 1976

South Idaho Press  
Box 190  
Burley, ID 83318

Gentlemen:

Enclosed you will find a legal notice which we wish to have published once a week for two consecutive weekly issues of your newspaper. We have inserted the publication dates allowing ample time for you to submit us a galley proof for 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. If you cannot publish the notice on the proposed dates, please contact us immediately.

In order to receive payment, an affidavit of publication must be submitted to the Department along with the publication bill.

Sincerely,

Michael L. Steele  
Southern Region Supervisor

ms

Enclosure:

Bill submitted: 5-13-76 cc