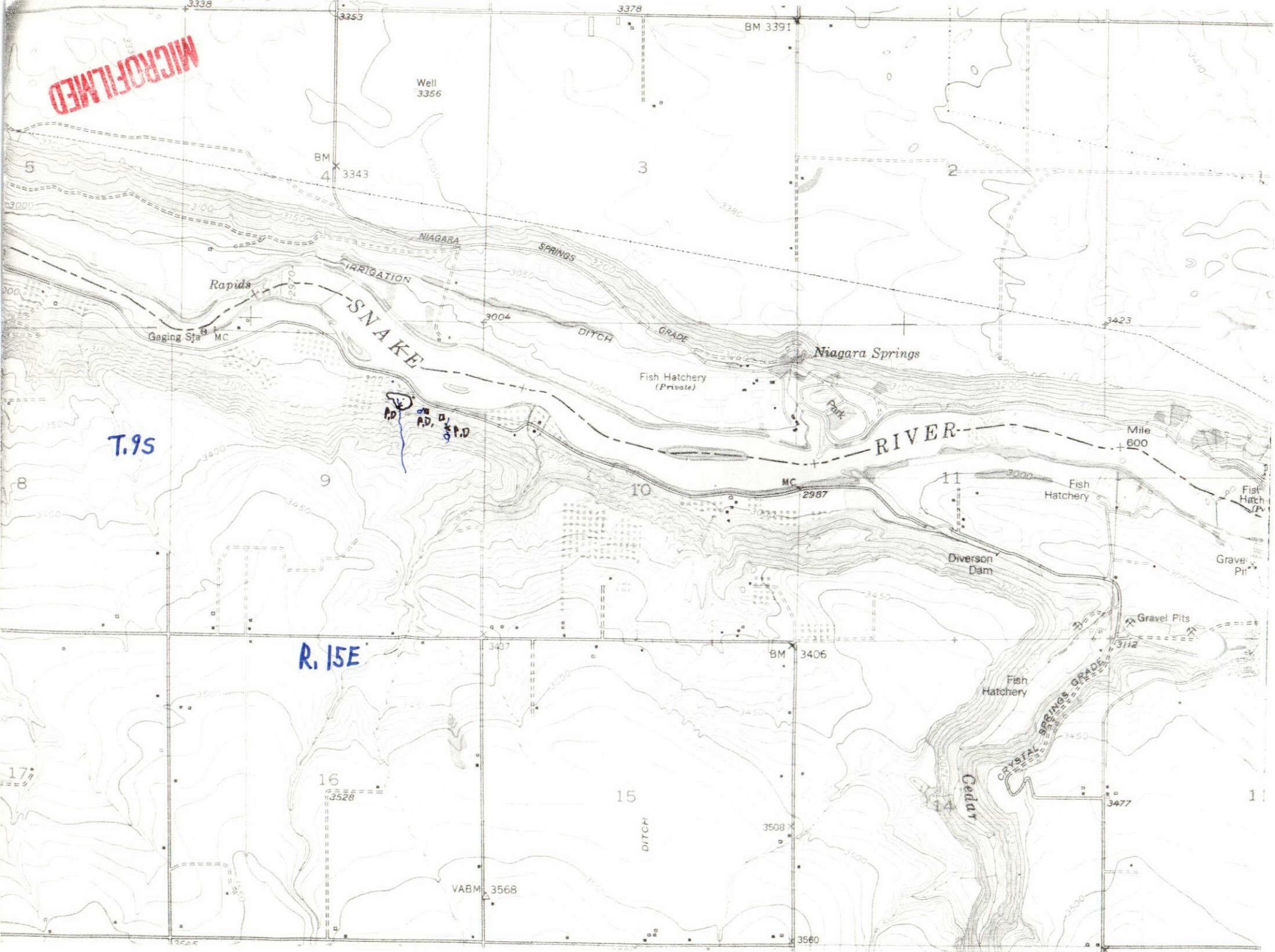


MICROFILMED



**NOTICE OF APPLICATION
FOR WATER RIGHT**

Notice is hereby given that the following application(s) have been submitted for permit to appropriate the public waters of the State of Idaho:

47-7723
SMITH, PHILIP &/or
JOSEPHINE
P.O. BOX 308, BUHL, ID
83316
Source: SPRINGS tributary
to SNAKE RIVER
WASTE WATER tributary
to SNAKE RIVER
Date Filed: 04/03/1981
Amount: 0.23 CFS
Diversion Point: LOT 07
(NWNE) LOT 14 (NENE)
Sec 09 T 09S R 15E, TWIN
FALLS Co.
Use: IRRIGATION (0.15 CFS)
from 03/15 to 11/15
STOCKWATER (0.02 CFS)
from 04/01 to 12/01
DOMESTIC (0.06 CFS)
from 01/01 to 12/31
Place of Use: LOT 14 (NENE)
LOT 07 (NWNE) Sec 09 T
09S R 15E FOR 5 ACRES
Diversion Means: HEAD-
BOXES, PUMPS, DITCHES

Affidavit of Publication

Nº 10508

STATE OF IDAHO,)
COUNTY OF TWIN FALLS) ss.

I, Rinda Capps McSwine being first duly sworn upon oath, depose and say that I am Print Clerk of the TIMES-NEWS, published daily, at Twin Falls, Idaho, and do solemnly swear that a copy of the notice of advertisement, as per clipping attached, was published in the regular and entire issue of said newspaper, and not in any supplement thereof, for two consecutive weeks, commencing with the issue dated April 30, 1981, and ending with the issue dated May 7, 1981.

And I do further certify that said newspaper is a consolidation, effective February 16, 1942, of the Idaho Evening Times, published theretofore daily except Sunday, and the Twin Falls News, published theretofore daily except Monday, both of which newspapers prior to consolidation had been published under said names in said city and county continuously and uninterruptedly during a period of more than twelve consecutive months, and said TIMES-NEWS, since such consolidation, has been published as a daily newspaper except Saturday, until July 31, 1978, at which time said newspaper began daily publication under said name in said city and county continuously and uninterruptedly.

And I further certify that pursuant to Section 60-108 Idaho Code, Thursday of each week has been designated as the day on which legal notice by law or by order of any court of competent jurisdiction within the state of Idaho, to be published weekly, will be published; and that at the head of the editorial column of said combined newspapers, and in each issue thereof, Thursday is announced as the day on which said legal notices will be published.

Rinda Capps McSwine
Subscribed and sworn to before me on this 11 day of

May, 1981.

Melba Rowlett-Smith
Notary Public in and for the County of Twin Falls,
State of Idaho, residing at Twin Falls, Idaho

RECEIVED

RECEIVED

JUN 1 1981
Department of Water
Southern District Office

WATER RIGHT SUMMARY

<u>ACTION</u>	<u>RIGHT NO.</u>	<u>NAME</u>	<u>AMOUNT CFS</u>
ORIGINAL APPLICATION	47-07723	SMITH, PHILIP, SR. SMITH, JOSEPHINE	0.23
FULL ASSIGNMENT	47-07723	SMITH, PHILIP A, JR. SMITH, MARGARET J.	0.23

1/30/97

MICROFILMED
FEB 27 1997

RECEIVED

JAN 27 1997

State of Idaho
 DEPARTMENT OF WATER RESOURCES

Department of Water Resources
 Southern Region

ASSIGNMENT OF PERMIT
 To change the ownership of a permit

RECEIVED

JAN 29 1997

I, Philip Smith SR, hereby assign to Philip A. S. Martinez J. Smith Jr
(Permit Holder)
 of 1795 River Rd Buhl ID 83316 208-543-9270
(Full Address and Phone Number)

All my right, title, and interest in and to Permit No. 47-07723
 to appropriate the public waters of the State of Idaho.

OR (for partial assignments)

The following described portion of my right, title, and interest in and to
 Permit No. 47-07723 to appropriate the public waters of the State of Idaho.

Describe portion of the permit assigned listing the number of acres in each 40 acre subdivision,
 point of diversion location, and the amount of water in cubic feet per second.

Made this 22 day of Nov., 1996.

X [Signature]
 Permit Holder(s)

State of Idaho)
 County of Twin Falls)
 SS

On this 22 day of November, 1996, personally appeared before me
 the signer of the above instrument, duly acknowledged to me that he/she/they executed the same.

[Signature]
 Notary Public

SEAL

[Signature]
 Signature

My commission expires: 11-97

MICROFILMED
 FEB 17 1997

RECEIVED
OCT 3 1985

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
PROOF OF BENEFICIAL USE

RECEIVED

SEP 30 1985

Department of Water Resources
Southern District Office

Department of Water Resources

The Idaho Department of Water Resources will consider this form as a statement that the permit holder(s) has completed development under this permit and that water has been applied according to the provisions of the permit for the beneficial use(s) described below:

Permit No. 47-7723

Name(s) of Permit Holder: Philip & Josephine Smith

Post Office Address: Rt. 4 Box 223 Buhl, ID 83316

Telephone No. 543-6749

Source of Water: Springs & wastewater

Extent of Use:

Domestic 2 (number of households)

Stockwater 3 cows 2 horses (number and type of stock)

Irrigation 5 (acres)

Other/Remarks _____

Indicate the date water was first diverted and beneficially used under this permit: April 3, 1981

Measuring Device: Required? ☐ Yes ☒ No
Installed? ☐ Yes ☒ No

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

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

Permit Holder
(Name)

(Address)

MICROFILMED
(Telephone Number)

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

Sept 30 1985
Date

[Signature]
Signature of Permit Holder (and Title, if appropriate)

126
MD

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

APPROVED

To appropriate the public waters of the State of Idaho

1. Name of applicant Philip &/or Josephine Smith Phone 543-6749 or 326-5918

Post office address P. O. Box 308, Buhl, Idaho 83316

2. Source of water supply Springs & wastewater which is a tributary of Snake River

3. Location of point of diversion is $\frac{1}{4}$ of Lt 7 $\frac{1}{4}$ of Section 9 Township 9S

Range 15E B.M. Twin Falls County, additional points of diversion if any:

Lot 14 Sec. 9 T. 9S R. 15E

4. Water will be used for the following purposes:

Amount 0.06cfs for Domestic purposes from Jan 1 to Dec 31 (both dates inclusive)
(cfs or acre-feet per annum)

Amount 0.02cfs for Livestock purposes from Apr 1 to Dec 1 (both dates inclusive)
(cfs or acre-feet per annum)

Amount 0.15cfs for Irrigation purposes from Mar 15 to Nov 15 (both dates inclusive)
(cfs or acre-feet per annum)

Amount for purposes from to (both dates inclusive)
(cfs or acre-feet per annum)

5. Total quantity to be appropriated:

a. 0.23 cfs cubic feet per second and/or b. acre-feet per annum.

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. Buried perforated pipes to headboxes,
pumps to homes; check dam & ditch to gravity irrigation system

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

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

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

7. Time required for the completion of the works and application of the water to the proposed beneficial

use is 5 years (minimum 1 year — maximum 5 years).

8. Description of proposed uses:

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

(1) Give the place of use of water: $\frac{1}{4}$ of Lt 14 $\frac{1}{4}$ of Section 9 Township 9S

Range 15E B.M.

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

(3) List number of each kind of livestock to be watered 3 cows, 2 horses

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

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

MICROFILMED

▲

[illegible]

Total number of acres to be irrigated 5

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

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

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 _____

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

[illegible]

Scale: 2 inches equal 1 mile.

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


(Applicant)

Proposed Priority 4/3/81

Received by gs Date 4-3-81 Time 11 am

Preliminary check by ADM Fee \$ 45.00

Received by gs Date 4-3-81 # 16944

Publication prepared by Lh Date 4/13/81

Published in Times news

Publication dates 4/30 + 5/7/81

Publication approved maef Date 6/1/81

Protests filed by: None

Copies of protests forwarded by _____

Hearing held by _____ Date _____

Recommended for (approval) denial by ADM R

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. 47-7723, and said application is hereby approved.

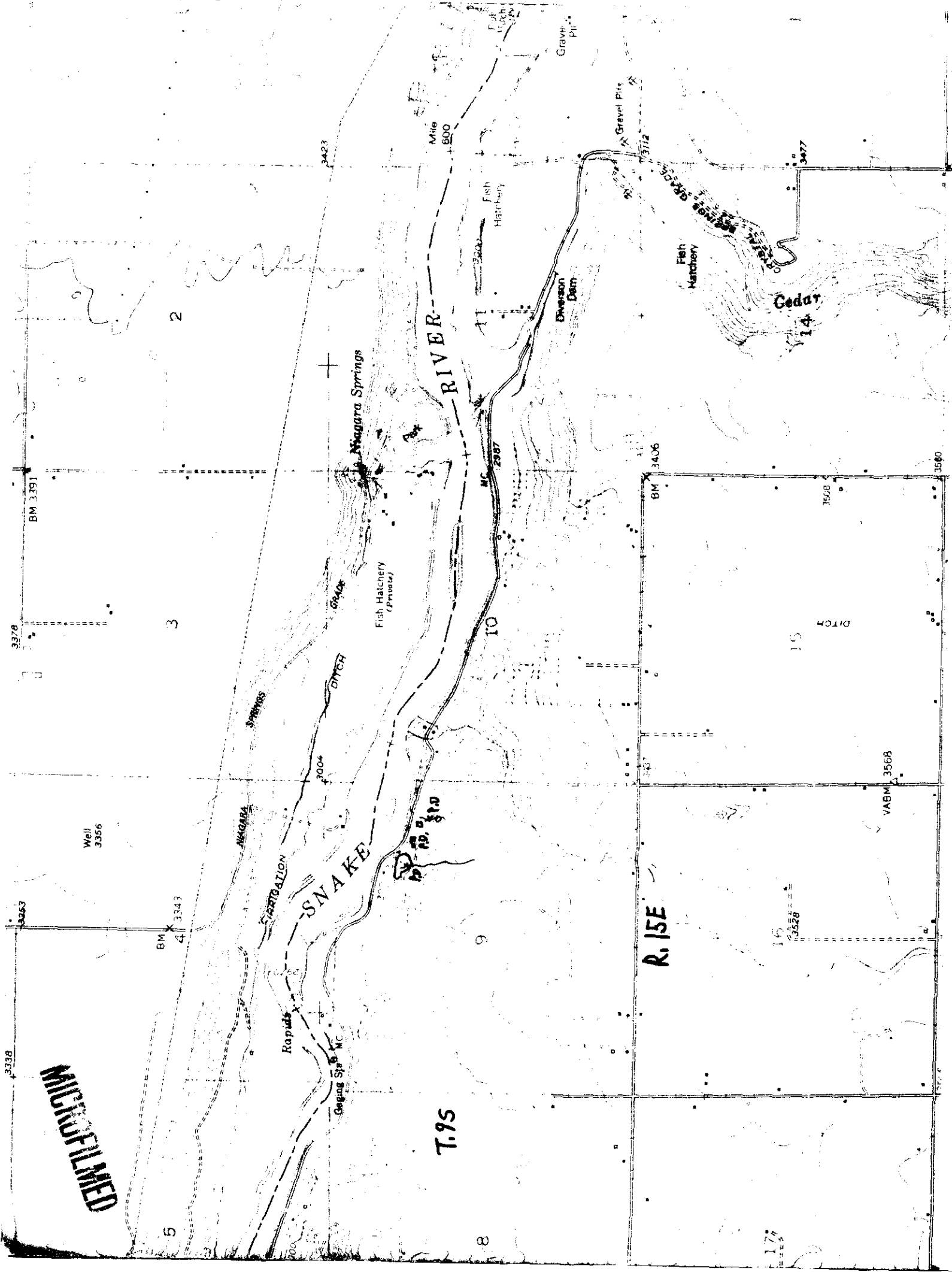
1. Approval of said application is subject to the following limitations and conditions:

- 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 June 1, 19 86.
- c. The rate of diversion, if water is to be used for irrigation under this permit, when combined with all other water rights for the same land shall not exceed 0.02 cubic feet per second for each acre of land.
- d. Other:

Witness my hand this 23rd day of June, 1981.

J. Glen Saxton
Chief, Operations Bureau

UNCLASSIFIED



T.95

R. 15E

17

33528

VABM 3568

DITCH

Cedar

Fish Hatchery

Diversion Dam

Fish Hatchery

1 mile

Niagara Springs

Fish Hatchery (Private)

Gravel

DITCH

SNAKE

Rapids

NIAGARA

SPRINGS

3423

3400

MC 2387

BM 3406

3508

3580

3477

3312

Gravel Pit

Gravel Pit

BM 3391

3378

3353

3338

2

3

5

8

9

15

16

17

3477

3312

Gravel Pit

Gravel Pit

BM 3391

3378

3353

3338

2

3

5

8

9

15

16

17

**NOTICE OF APPLICATION
FOR WATER RIGHT**

Notice is hereby given that the following application(s) have been submitted for permit to appropriate the public waters of the State of Idaho:

47-7723
SMITH, PHILIP & for
JOSEPHINE
P.O. BOX 308, BUHL, ID
83318

Source: SPRINGS tributary
to SNAKE RIVER
WASTE WATER tributary
to SNAKE RIVER

Date Filed: 04/03/1981

Amount: 0.23 CFS

Diversion Point: LOT 07
(NWNE) LOT 14 (NENE)
Sec 09 T 09S R 15E, TWIN
FALLS Co.

Use: IRRIGATION (0.15 CFS)
from 03/15 to 11/15
STOCKWATER (0.02 CFS)
from 04/01 to 12/01
DOMESTIC (0.06 CFS)
from 01/01 to 12/31

Place of Use: LOT 14 (NENE)
LOT 07 (NWNE) Sec 09
09S R 15E FOR 5 ACRES

Diversion Means: HEAD
BOXES, PUMPS,
CHES

Affidavit of Publication

Nº 10508

STATE OF IDAHO, }
COUNTY OF TWIN FALLS } ss.

I, Rinda Capps McSwine being first duly sworn upon
oath, depose and say that I am Print Clerk of the TIMES-NEWS,
published daily, at Twin Falls, Idaho, and do solemnly swear that a copy of
the notice of advertisement, as per clipping attached, was published in the regular and
entire issue of said newspaper, and not in any supplement thereof, for Two
consecutive Weeks, commencing with the issue dated
April 30, 1981, and ending with the issue dated
May 7, 1981.

And I do further certify that said newspaper is a consolidation, effective February 16, 1942, of the Idaho Evening Times, published theretofore daily except Sunday, and the Twin Falls News, published theretofore daily except Monday, both of which newspapers prior to consolidation had been published under said names in said city and county continuously and uninterruptedly during a period of more than twelve consecutive months, and said TIMES-NEWS, since such consolidation, has been published as a daily newspaper except Saturday, until July 31, 1978, at which time said newspaper began daily publication under said name in said city and county continuously and uninterruptedly.

And I further certify that pursuant to Section 60-108 Idaho Code, Thursday of each week has been designated as the day on which legal notice by law or by order of any court of competent jurisdiction within the state of Idaho, to be published weekly, will be published; and that at the head of the editorial column of said combined newspapers, and in each issue there Thursday is announced as the day on which said legal notices will be published.

Rinda Capps McSwine
Subscribed and sworn to before me on this 11 day of
May, 1981.

Melba Rowlett Smith
Notary Public in and for the County of Twin Falls,
State of Idaho, residing at Twin Falls, Idaho

MICROFILMED

RECORDED

JUN 1 1981

Department of Water Resources
Southern District Office



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

Phone: (208) 327-7900 FAX: (208) 327-7866

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

January 30, 1997

PHILIP A SMITH, JR
MARGARET J SMITH
1795 RIVER RD
BUHL ID 83316

RE: ASSIGNMENT OF PERMIT NO. 47-07723

Dear Water Right Holder(s):

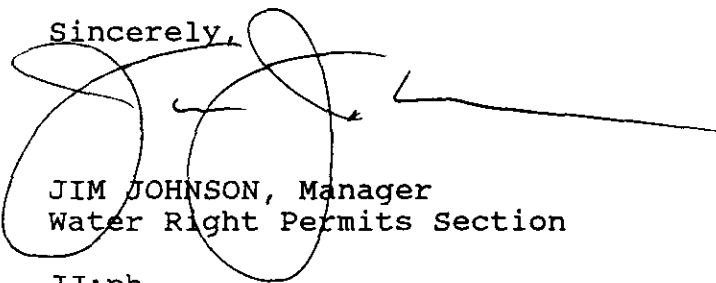
We acknowledge receipt of the correspondence changing ownership of the above referenced water right to you. We have modified our computer records to reflect this change in ownership.

Also, please note that as of July 1, 1996, water right owners are required to report any change of water right ownership and any change of mailing address to the department. If you have acquired a water right or have changed your mailing address **PRIOR** TO July 1, 1996, you have until July 30, 1998, to notify the department. If you acquire a water right or change your mailing address **AFTER** July 1, 1996, you must notify the department within 120 days of the change.

Failure to report these changes could result in a \$100 late filing fee. Contact any office of the department to obtain the proper reporting form.

If you have any questions, please feel free to contact us.

Sincerely,



JIM JOHNSON, Manager
Water Right Permits Section

JJ:ph

MICROFILMED

FEB 07 1997



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301-6105 (208) 736-3033
Fax (208) 736-3037

File

RECEIVED

OCT 02 1996

PHILIP E. BATT
Governor

KARL J. DREHER
Director

Philip Smith Jr.
1795 River Rd
Buhl, ID
83316

Department of Water Resources

October 1, 1996

RE: Water Permit 47-07723

Dear Mr. Smith;

As you have purchased this property from your parents, I am sending an assignment form for the above-referenced permit to you. Please have your father sign this form before a notary before returning it to this office with a \$25. processing fee.

Since you stated that some of the permitted water is no longer being used, I would like to take another look at this water system before sending the permit to our Boise office for licensing. As the water flows are highest in the early part of the irrigation season. I will be contacting your next Spring on this matter. If I should fail to do so, however, feel free to contact me.

Sincerely,

James E. Stanton
Sr. Water Resource Agent

MICROFILMED

FEB 07 1997

47-7723

September 10, 1992

Memo to file:

From: Carolyn Andregg

During the spring and summer of 1992, drought conditions caused record low flows in the Snake River. Twice, the flow of the Snake River fell below 4,750 cfs, the minimum stream flow at the Weiser gauge. Notices were mailed to the water user listed under this right because the priority is later than July 1, 1976, in order to protect the Snake River minimum stream flow. The following is a chronological history of the mailings.

May 19, 1992: Letter sent to water right holder informing holder of possible temporary cessation of diversion rights and notice of public meetings.

June 8, 1992: Letter sent informing water right holder directing immediate cessation of diversion of water until further notice.

June 12, 1992: Letter sent to water right holder authorizing resumption of diversion of water.

June 26, 1992: Letter sent to water right holder directing immediate cessation of diversion of water until further notice.

June 29, 1992: Letter sent to water right holder authorizing resumption of diversion of water.

MAIL RETURNED NOTICE

THIS MEMO HAS BEEN PLACED ONLY IN THE FILES FOR WHICH THE ABOVE LISTED DATES OF LETTERS WERE RETURNED. BEFORE SENDING ANY FUTURE MAILINGS, VERIFY CORRECT ADDRESS.

MICROFILMED

FEB 17 1997

June 8, 1992

PHILIP SMITH
JOSEPHINE SMITH
RT. 4 BOX 223
BUHL ID 83316

RE: Water Right No. 47-07723

Dear Water Right Holder(s):

On May 19, 1992, the department sent you a letter advising that you might be required to temporarily cease diverting water from the Snake River or its tributaries if the established minimum stream flow of the Snake River in the amount of 4,750 cubic feet per second measured near Weiser is not satisfied or likely will not be satisfied.

The flow of the Snake River at Weiser is now less than 4,750 cfs. You are, therefore, directed to immediately cease diverting water under the above referenced water right and to not resume use until authorized by the department.

Past flow records show that the duration of seasonal low flow periods typically last several days to a week. Since your use of water is extremely important to you and since mail notification includes a delay associated with mail delivery time, feel free to call the toll-free telephone number 1-800-451-4129 to determine when you are again authorized to divert and use water under your water right. Please use this phone number only in connection with resumption of use.

You need to be aware that Section 42-351, Idaho Code, provides for penalties of up to \$100 per day for unauthorized diversion.

Thank you for your cooperation in this matter. Please feel free to contact L. Glen Saxton (phone: 208-327-7955) or Gary Spackman (phone: 208-327-7946) of my staff if you have questions.

Sincerely,

R. KEITH HIGGINSON
Director

MICROFILMED
FEB 17 1992

June 12, 1992

PHILIP SMITH
JOSEPHINE SMITH
RT. 4 BOX 223
BUHL ID 83316

RE: Water Right No. 47-07723

Dear Water Right Holder(s):

On June 8, 1992, the department sent you a letter which directed you to immediately cease diverting water under the above referenced water right, since the minimum stream flow of the Snake River in the amount of 4,750 cubic feet per second (cfs) measured near Weiser was not being satisfied.

The flow of the Snake River at Weiser is now above 4,750 cfs. You are, therefore, authorized to again divert water under your water right. If the minimum stream flow is not met later this year, however, the department will again notify you to temporarily cease diversion.

Thank you for your cooperation in this matter. Please feel free to contact L. Glen Saxton (phone: 208-327-7955) or Gary Spackman (phone: 208-327-7946) of my staff if you have questions.

Sincerely,

R. KEITH HIGGINSON
Director

RECORDED

JUN 17 1992

May 19, 1992

PHILIP SMITH
JOSEPHINE SMITH
RT. 4 BOX 223
BUHL ID 83316

RE: Water Right No. 47-07723

Dear Water Right Holder(s):

Department water right records show that you divert water from the Snake River or its tributaries under a water right that has a priority date later than December 29, 1976. This is the priority of the established minimum stream flow of the Snake River at the Weiser Gage (Weiser) in the amount of 4,750 cubic feet per second.

Because of the continuing drought conditions in the Snake River Basin, department hydrologists project that during 1992, there could be periods when the required minimum flow will not be satisfied due to low flows of the Snake River. The department urges you to not divert at a higher rate than authorized by your water right and to not use your right in any manner different than authorized. In addition, when the minimum flow will not be satisfied or is not being satisfied, you are required to cease diverting water under your water right, because your right is of later priority than the minimum stream flow at Weiser.

If the department determines the minimum flow will not be satisfied, the department will advise you and will provide as much lead time as possible in requiring that you temporarily cease your diversion of water. The greatest likelihood for this to occur is during a period from mid-June to late June.

While the department expects good cooperation from junior water right holders, water users should be aware that Section 42-352, Idaho Code, provides for penalties of up to \$100 per day for unauthorized diversions of water.

The department has contacted both the Idaho Power Company and the U.S. Bureau of Reclamation with respect to the timing of storage releases from upstream reservoirs for flow enhancement

NOTED
MAY 27 1992

purposes. This type of coordination could minimize the impact on existing water users and reduce the need to curtail diversions.

The department has scheduled public information meetings relative to this potential regulation as follows:

Mountain Home - June 4, 1992 - 10:00 a.m. - gymnasium at
North Elementary School, 290 E. 12th N.

Caldwell - June 4, 1992 - 7:00 p.m. - Ballroom in the
Student Union Building, Albertson College of Idaho,
2112 Cleveland

If you have questions concerning this letter or wish to provide the name of a different contact person or address to receive department correspondence, please contact the department.

Sincerely,

L. GLEN SAXTON
Chief, Water Allocation Bureau

LGS:klg

16000-0000

2000-0000

4/86

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
EXAMINATION FEE INFORMATION

For Office Use Only
Fee Received ~~400~~ 50⁰⁰
Date 5/7/86
Receipt # 40113
Receipt by 48
Sent to S.O. 5/7/86

RECEIVED

MAY 12 1986

1. Permit No. 47-7723

ONE OF THE FOLLOWING BOXES SHOULD BE MARKED TO DESIGNATE YOUR CHOICE Department of Water Resources

☒ I choose to have the department make the field examination of this permit; attached is the examination fee. (If this box is marked, complete items 1 thru 8.)

2. Permit Holder: PHILIP and/or JOSEPHINE SMITH

3. Post Office Address: RT 4 Box 223

BOULDER, IDAHO Telephone No. 543-6749

4. Source of Water: SPRING & WASTE WATER

5. Extent of Use:

Domestic X (No. of households) Stockwater 1 (No. and type of stock)

Irrigation 5 (acres) Other/Remark _____

6. Total rate &/or volume for which proof is submitted 0.2 cfs _____ acre-feet

7. Show the date water was first diverted and beneficially used under this permit:

CULINARY 8/2/71 IRRIGATION 5/1/72

8. Person to contact to accompany the department representative during the field examination:

PHILIP SMITH
(Name)

RT 4 Box 223 BOULDER 543-6749
(Address) (Telephone Number)

☐ I choose to have the field examination conducted by a certified water right examiner. Attached is a statement from the certified examiner I have selected verifying that he has been retained to conduct the examination. (If this box is marked, complete items 1 thru 7.)

Date 5/7/86 Signature of Permit Holder (and title, if appropriate) Philip Smith

FEB 17 1987

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES
Southern Region

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

FEBRUARY 11, 1986

PHILIP & JOSEPHINE SMITH
RT. 4 - BOX 223
BUHL ID 83316

RE: Permit No. 47-7723

Dear Permit Holder:

We acknowledge receipt of your statement 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.

A field examiner will contact you to arrange to examine your system.

If you have any questions regarding the field examination, please contact this office by phone at 734-3578 or in person at our office at 1041 Blue Lakes Blvd. N. Twin Falls, Idaho.

Sincerely,
s/Mary A. Newby
Secretary

MICROFILMED
FEB 07 1987



State of Idaho

DEPARTMENT OF WATER RESOURCES

STATE OFFICE, 450 W. State Street, Boise, Idaho

JOHN V. EVANS

Governor

A. KENNETH DUNN

Director

Mailing address:

Statehouse

Boise, Idaho 83720

(208) 334-4440

SEPTEMBER 1, 1985

DEAR PERMIT HOLDER:

ACCORDING TO OUR RECORDS, YOU ARE THE HOLDER OF A WATER PERMIT ON WHICH PROOF OF BENEFICIAL USE OF WATER WAS NOT SUBMITTED BEFORE JULY 1, 1985, WHICH INDICATES YOUR PROJECT IS NOT COMPLETE. THEREFORE, YOU NEED TO BE AWARE OF CHANGES IN IDAHO LAW, EFFECTIVE JULY 1, 1985, WHICH IMPACT ALL WATER PERMITS ISSUED BY THIS DEPARTMENT.

SPECIFICALLY, PURSUANT TO SECTION 42-203D, IDAHO CODE, THE DEPARTMENT MUST REVIEW ALL PERMITS FOR WHICH DEVELOPMENT OF WATER USE WAS NO COMPLETED ON OR BEFORE JULY 1, 1985, TO DETERMINE IF THEY MEET THE NEW REQUIREMENTS OF CHAPTER 2, TITLE 42, IDAHO CODE. RULES AND REGULATIONS GOVERNING THE RE-EVALUATION OF PERMITS ARE NOT YET FINALIZED. HOWEVER, IF YOU COMPLETED THE DEVELOPMENT UNDER YOUR PERMIT BEFORE JULY 1, 1985, YOU SHOULD SUBMIT A PROOF OF BENEFICIAL USE STATEMENT, STATING THAT THE PROJECT WAS COMPLETED BEFORE JULY 1, 1985 SO THAT YOUR PERMIT WILL NOT BE SUBJECT TO THE REVIEW REQUIREMENTS OF SECTION 42-203D, WHICH READS AS FOLLOWS:

42-203D. REVIEW OF PERMITS - OPPORTUNITY FOR HEARING. - (1)THE DEPARTMENT SHALL REVIEW ALL PERMITS ISSUED PRIOR TO THE EFFECTIVE DATE [JULY 1, 1985] OF THIS SECTION, EXCEPT TO THE EXTENT A PERMIT HAS BEEN PUT TO BENEFICIAL USE PRIOR TO JULY 1, 1985, TO DETERMINE WHETHER THEY COMPLY WITH THE PROVISIONS OF CHAPTER 2, TITLE 42, IDAHO CODE. IF THE DEPARTMENT FINDS THAT THE PROPOSED USE DOES NOT SATISFY THE CRITERIA OF CHAPTER 2, TITLE 42, IDAHO CODE, THEN THE DEPARTMENT SHALL EITHER CANCEL THE PERMIT OR IMPOSE THE CONDITIONS REQUIRED TO BRING THE PERMIT INTO COMPLIANCE WITH CHAPTER 2, TITLE 42, IDAHO CODE. IF THE DEPARTMENT FINDS THAT THE PERMIT SATISFIES THE CRITERIA ESTABLISHED IN CHAPTER 2, TITLE 42, IDAHO CODE, THEN THE DEPARTMENT SHALL ENTER AN ORDER CONTINUING THE PERMIT. (2)THE DEPARTMENT SHALL PROVIDE AN OPPORTUNITY FOR HEARING IN ACCORDANCE WITH SECTION 42-1701A, IDAHO CODE, AND SECTIONS 67-5209 THROUGH 67-5215, IDAHO CODE, FOR EACH HOLDER OF A PERMIT THAT IS PROPOSED EITHER TO BE CANCELLED OR MADE SUBJECT TO NEW CONDITIONS.

YOU MAY OBTAIN PROOF OF BENEFICIAL USE FORMS FROM THE DEPARTMENT. IF YOU HAVE ANY QUESTIONS, PLEASE LET US KNOW.

SINCERELY,

L. GLEN SAXTON
CHIEF, OPERATIONS BUREAU

MICROFILMED

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

STATEHOUSE
BOISE, IDAHO 83720
(208) 334-4440

SMITH, PHILIP & JOSEPHINE
P.O. BOX 308
BUHL, ID 83316

JUNE 30, 1981

RE: PERMIT NO. 47-7723

DEAR PERMIT HOLDER:

ENCLOSED IS A COPY OF YOUR APPROVED APPLICATION FOR PERMIT. WE DIRECT YOUR ATTENTION TO THE CONDITIONS OF APPROVAL ON THE FOURTH PAGE.

WE HAVE ENCLOSED A FORM ENTITLED "MAKING PROOF OF BENEFICIAL USE". PLEASE READ THE INSTRUCTIONS CAREFULLY SINCE YOU MUST TAKE FURTHER ACTION TO DEVELOP THIS PERMIT INTO A LICENSE.

SINCERELY,

DAVID R. TUTHILL, JR., P.E.
SUPERVISOR, WATER ALLOCATION SECTION

ENCLOSURE

MICROFILMED



TWIN FALLS CANAL COMPANY

POST OFFICE BOX 326

TWIN FALLS, IDAHO, 83301



May 1, 1981

RECEIVED

MAY 4 1981

Department of Water Resources
1041 Blue Lakes Blvd. North
Twin Falls, Idaho 83301

Department of Water Resources
Southern District Office

RE: App. for Permit No. 47-7723
Name: Philip &/or Josephine Smith

Gentlemen:

The Twin Falls Canal Company after researching filed water right permit has concluded that water sought to be appropriated is waste water, which would accrue below the Company's last delivery. However, we are advised that many others hold prior rights to this waste water and of course the holder has a right to cease wasting water.

The Canal Company will continue to make deliveries to their shareholders to the extent possible, but makes no effort to put additional water in the ditches so as to insure that waste water would be available for permits such as this one.

Respectfully Submitted,

C.W. Travis
General Manager

CWT:brw

RECEIVED

INTER-DEPARTMENT MEMO — 1

FROM Gary L. Funderburg

DATE April 22, 1981

TO File 47-7723

SUBJECT Surface Water

These Springs arise upon applicant's property and can be used for irrigation and livestock and domestic use. The springs are now being used for one house and for irrigation of some land below applicant's house. This water runs through other users below applicant's place of use.

MICROFILMED

SIGNATURE



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
SOUTHERN REGION

John V. Evans
Governor

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

C. Stephen Allred
Director

April 21, 1981

Warren Travis - Manager
Twin Falls Canal Company
Box 326
Twin Falls, Idaho 83301

Re: Application for Permit No. 47-7723 and 47-7725

Dear Mr. Travis:

Enclosed for your information is a copy of a notice of application for water permit which has been filed with this office.

The application seeks to divert surface water within your service area, and may therefore, be of interest to you.

Any permit issued will be subject to all prior water rights and will not constitute an easement or right-of-way upon lands or in ditches not belonging to the applicant.

If you have any questions regarding this application, please feel free to contact this office.

Very truly yours,

Loren O. Holmes
Southern Region Supervisor

LOH:marya

Encl:

MICROFILMED

NOTICE OF APPLICATION FOR WATER RIGHT

Notice is hereby given that the following application(s) have been submitted for permit to appropriate the public waters of the State of Idaho:

42-2223-

SMITH, PHILIP &/or JOSEPHINE

P.O. BOX 308, BUHL, ID 83316

Source: SPRINGS tributary to SNAKE RIVER
WASTE WATER tributary to SNAKE RIVER

Date Filed: 04/03/1981

Amount: 0.23 CFS

Diversion Point: LOT 07 (NWNE) LOT 14 (NENE) Sec 09 T 09S R 15E, TWIN FALLS Co.

Use: IRRIGATION	(0.15 CFS)	from 03/15 to 11/15
STOCKWATER	(0.02 CFS)	from 04/01 to 12/01
DOMESTIC	(0.06 CFS)	from 01/01 to 12/31

Place of Use: LOT 14 (NENE) LOT 07 (NWNE) Sec 09 T 09S R 15E
FOR 5 ACRES

Diversion Means: HEADBOXES, PUMPS, DITCHES

If issued, the permit(s) will be subject to all prior water rights. Protests against the granting of any permit must be filed with the Director of the Idaho Department of Water Resources, 1041 Blue Lakes Blvd. North, Twin Falls, Idaho 83301 and received on or before MAY 18, 1981.

A. KENNETH DUNN

Director

Published 4/30 & 5/7/81.

MICROFILMED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Southern Region

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

APRIL 14, 1981

Times News
P. O. Box 548
Twin Falls, Idaho 83301

Gentlemen:

Enclosed you will find a legal notice which we wish to have published on the dates indicated (once a week for two consecutive weekly issues) in your newspaper. We have allowed ample time for you to submit a galley proof to this office for review before the first publication date. If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Your cooperation is appreciated.

Please send the affidavit of publication and publication billing to this office before MAY 18, 1981.

Yours truly,

Mary A. Hill
Secretary

Encl.

RECEIVED