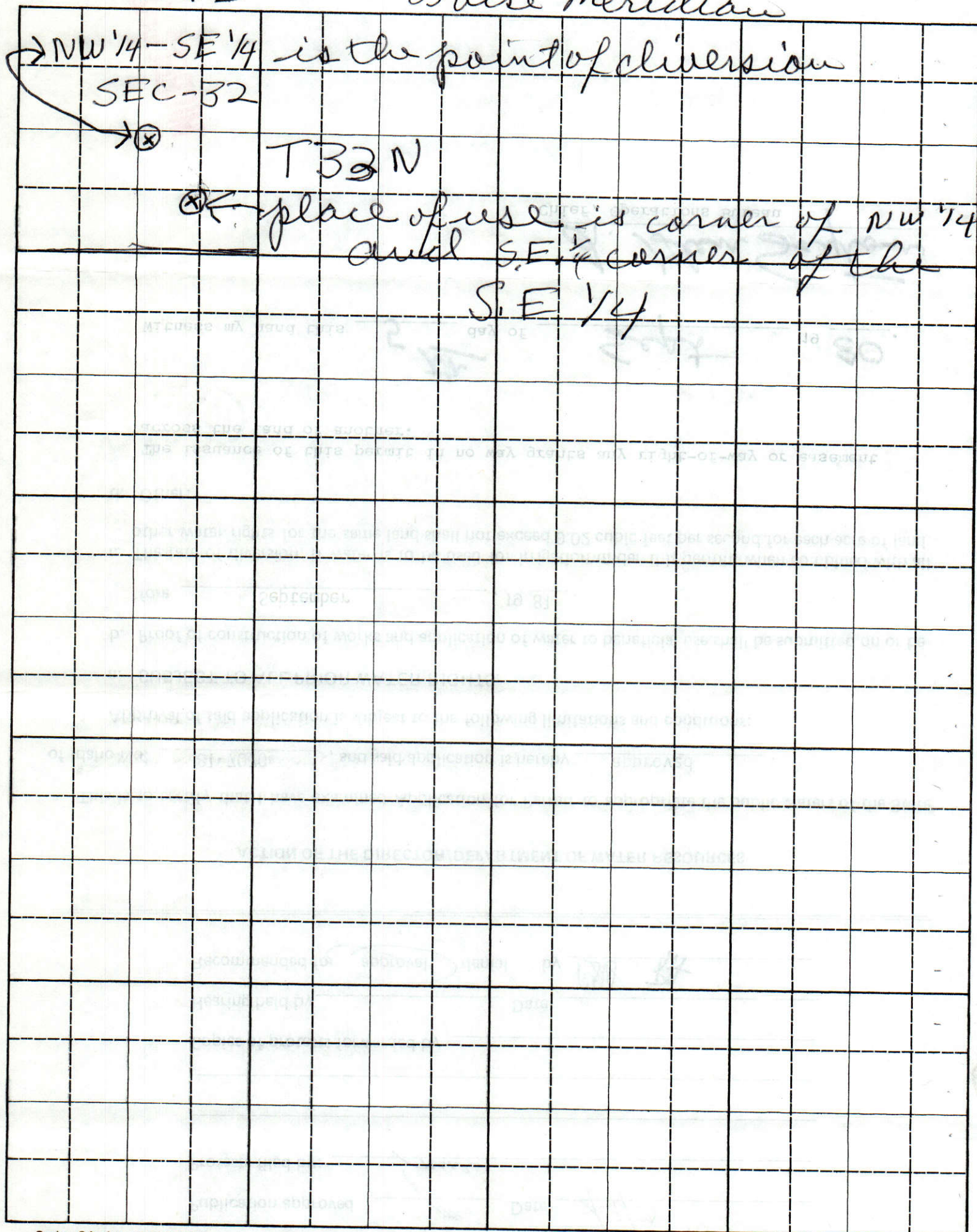


11. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.

R 6 E

- Base Meridian



Scale: 2 inches equal 1 mile.

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

MICROFILMED

John M. Smith
(Applicant)
Milly Sue Smith

**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:

81-7070

SMITH, JOHN M. &/or
MILLYSUE
STAR RT., KOOSKIA, ID
83539

Source: LITTLE SMITH
CREEK tributary to
CLEARWATER RIVER,
MIDDLE FORK

Date Filed: 07/28/1980

Amount: 0.02 CFS

Diversion Point: NWSE Sec
32 T 33N R 06E, IDAHO Co.

Use: DOMESTIC (0.02 CFS)
from 04/01 to 10/31

Place of Use: NWSE Sec 32 T
33N R 06E

Diversion Means:
GRAVITY-FLOW
PIPELINE.

82-7073

SUTLEY, RICHARD M.
GENERAL DELIVERY,
ELK CITY, ID 83525

Source: SPRING

Date Filed: 07/28/1980

Amount: 0.02 CFS

Diversion Point: NWNE Sec
21 T 29N R 08E, IDAHO Co.

Use: INDUSTRIAL (0.01
CFS) from 01/01 to 12/31

DOMESTIC (0.01 CFS) from
01/01 to 12/31

Place of Use: NWNE Sec 21
T 29N R 08E

Diversion Means:
DEVELOPED SPRING,
PUMP AND PIPELINE.

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, 4055 Gov't Way, Coeur D'Alene, Id, 83814 on or before AUGUST 25, 1980.

C. STEPHEN ALLRED
Director

Published 8/6 & 8/13/80.

A6-13

AFFIDAVIT OF PUBLICATION

.....Nona C. Donaldson..... being first duly

sworn, says he is the Office Manager.....
of the IDAHO COUNTY FREE PRESS, a weekly newspaper which
is published and issued weekly at Grangeville, Idaho County,
State of Idaho, and which is of general circulation in said county
and state; that the said notice, of which the one hereto attached
is a true copy, was published in said paper for two..... weeks,
being published two..... times, the first publication being
on the 6..... day of August....., 1980.....,
and the last publication on the 13..... day of
.....August..... 1980....; and that the said notice
was published in the newspaper proper and not a supplement;
that said newspaper has been continuously and uninterruptedly
published in said county during a period of more than seventy-
eight consecutive weeks prior to the first publication of said
notice or advertisement.

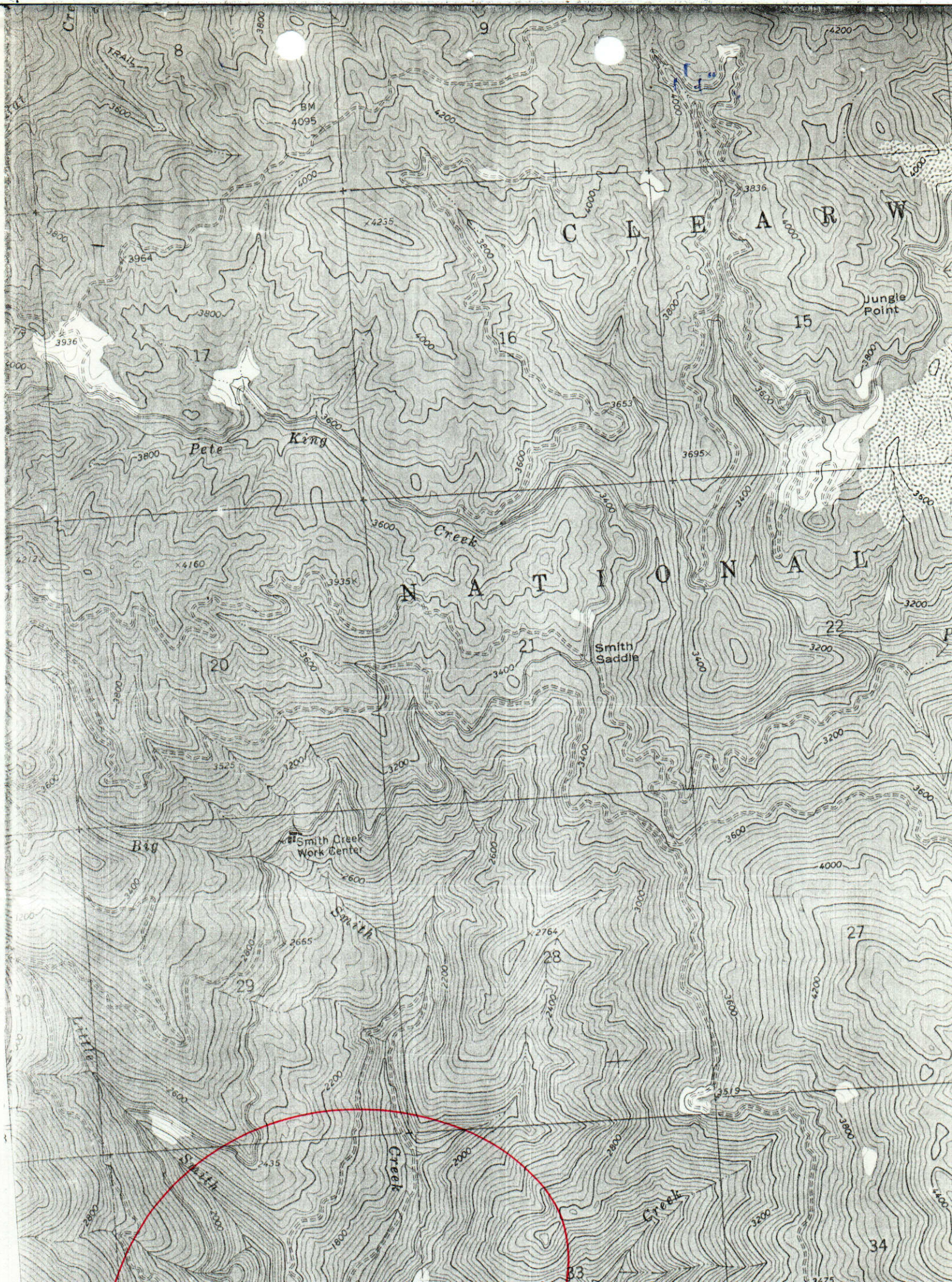
.....Nona C. Donaldson.....

Subscribed and sworn to before me this 15..... day
of August....., 197..... 80

.....Marilyn J. Stalley....., Notary Public
for State of Idaho, residing at Grangeville, Idaho.

RECEIVED

0706-14



State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

License of Water Right No. 81-7070 Priority July 28, 1980 Amount .02 cfs

THIS IS TO CERTIFY, that John M. or Milly Sue Smith
of Kooskia, ID, has complied with the terms and conditions of Permit
No. 81-7070 issued pursuant to Application for Permit dated July 28, 1980,
and has submitted proof to the Department of Water Resources on August 3, 1981,
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 .02 cfs of water from Little Smith Creek,
tributary to Clearwater River, Middle, and that the permit holder has applied to a beneficial use and
established a right to use water as follows: Fork

Beneficial Use	Period of Use	Rate of Diversion	Annual Volume
Domestic (1 unit)	from <u>January 1</u> to <u>December 31</u> at <u>.02</u> cfs and <u>1.2</u> acre feet		
	from _____ to _____ at _____ cfs and _____		
	from _____ to _____ at _____ cfs and _____		

(both dates inclusive)

Subject, however, to the condition that no more than .02 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 for the purpose
aforementioned and is limited to the amount which can actually be beneficially used and shall not exceed
1.2 acre feet per year, said waters to be diverted within the NWSE Sec 32
T33N R6E in the County of Idaho

Description and location of place of use:

Twp.	Range	Sec.	NE 1/4				NW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SE 1/4	SW 1/4	NE 1/4	NW 1/4	SE 1/4	SW 1/4	NE 1/4	NW 1/4	SE 1/4	SW 1/4	
33N	6E	32													

Total number of acres irrigated _____

NOTE: Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, 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 31 day of
August, 19 82.

Director

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 JOHN-M. (OR) MILLY-SUE-SMITH Phone 926-4633
Post office address STAR-ROUTE-KOOSKIA-IDAHO-83539
2. Source of water supply LITTLE SMITH-CR. which is a tributary of MIDDLE-FORK CLERRWATER-RIVER
3. Location of point of diversion is NW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 32 Township 33N
Boise meridian
Range 6E B.M. IDAHO County, additional points of diversion if any: _____

4. Water will be used for the following purposes:

Amount .02 for SINGLE HOUSEHOLD DOMESTIC purposes from April 1 to October 31 (both dates inclusive)
(cfs or acre-feet per annum)

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

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

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

5. Total quantity to be appropriated:

- a. .02 cubic feet per second and/or b. _____ acre-feet per annum.

6. Proposed diverting works:

- a. Description of ditches, flumes, pumps, headgates, etc. 100 feet 1 1/4 pipe reduced down to 400 feet of 1 inch pipe gravity flow no pump needed.
- 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 Allow 1 year RH 8-29-80 years (minimum 1 year - maximum 5 years).

8. Description of proposed uses:

- a. If water is not for irrigation: NW SE 32 33N
(1) Give the place of use of water: _____ $\frac{1}{4}$ of _____ $\frac{1}{4}$ of Section _____ Township _____
Range 6E B.M. IDAHO RH 8-29-80
- (2) Amount of power to be generated: _____ horsepower under _____ feet of head.
- (3) List number of each kind of livestock to be watered _____
- (4) Name of municipality to be served _____, or number of families to be supplied with domestic water _____ On: RH 8-29-80
- (5) If water is to be used for other purposes describe: _____

[illegible]

1/2

b. Who owns the land to be irrigated or place of use ~~John-M. (and) Mily-Sue-Smith~~

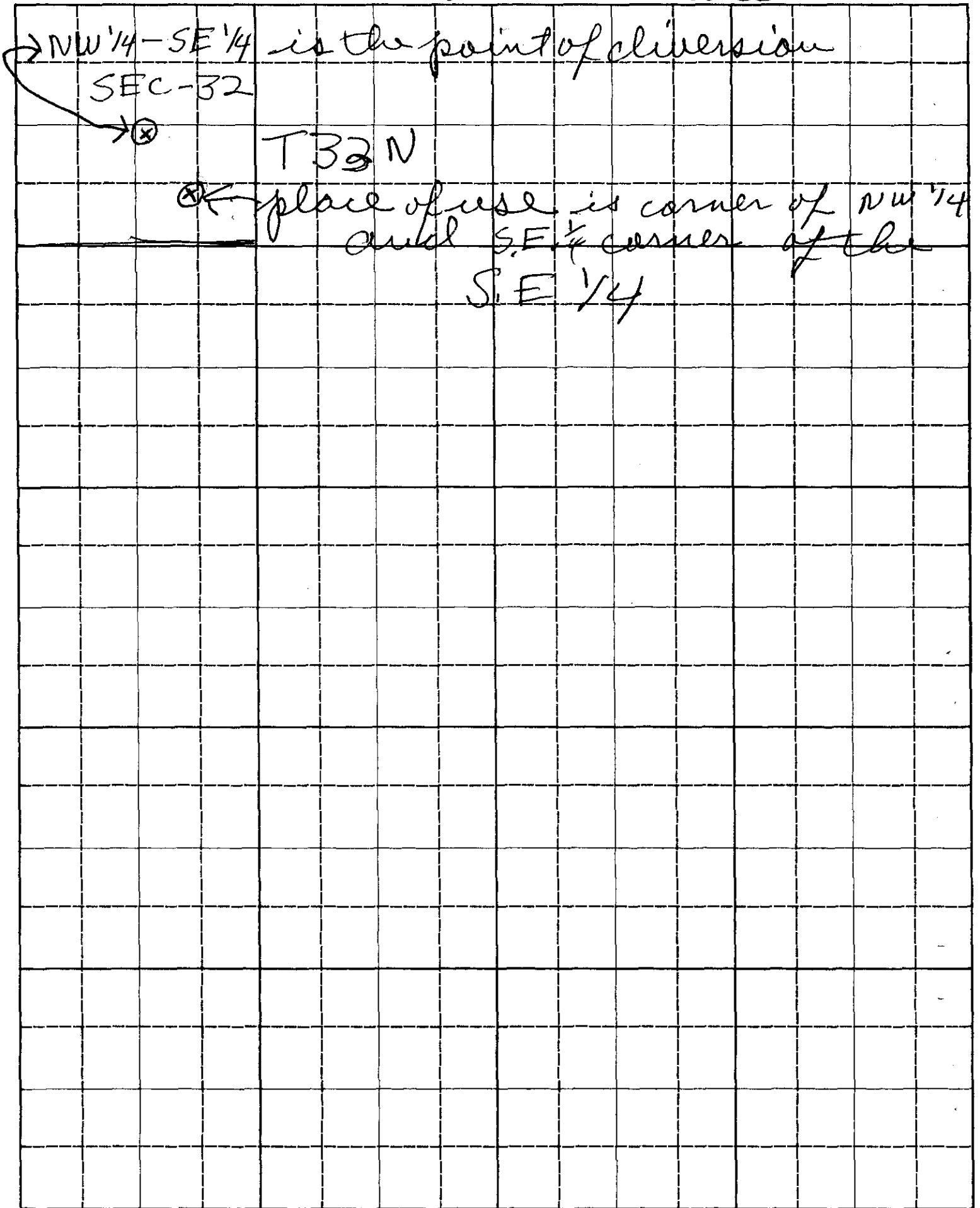
Applicant to make this filing

10. Remarks We have been using water from Little Swift Creek since April - 1974. We only use water for our garden & and lawn which is less than 5 acre total. We have a small western bay and - 500 feet of pipe here which is the total of the system

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

R 6 E

- Base Meridian



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.



John M. Smith
(Applicant)
Milly Sue Smith

Proposed Priority 7/28/80

Received by BA Date 7/28/80 Time 1:40 PM
Preliminary check by BA Fee \$ 3000
Received by me Date 7/31/80 (15336)
Publication prepared by me Date 7/31/80
Published in State Court News
Publication dates 8/6 + 13/80
Publication approved me Date 8/19/80
Protests filed by: me
Copies of protests forwarded by _____
Hearing held by _____ Date _____
Recommended for approval denial by me BA

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. 81-7070, 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 October 1, 19 81.

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:

The issuance of this permit in no way grants any right-of-way or easement across the land of another.

Witness my hand this 5th day of Sept, 19 80.

D. Allen Saylor
Chief, Operations Bureau

AFFIDAVIT OF PUBLICATION

*OK
8/19/80*

.....Nona C. Donaldson..... being first duly sworn, says he is the Office Manager..... of the IDAHO COUNTY FREE PRESS, a weekly newspaper which is published and issued weekly at Grangeville, Idaho County, State of Idaho, and which is of general circulation in said county and state; that the said notice, of which the one hereto attached is a true copy, was published in said paper for two..... weeks, being published two..... times, the first publication being on the 6..... day of August....., 1980, and the last publication on the 13..... day of August..... 1980; and that the said notice was published in the newspaper proper and not a supplement; that said newspaper has been continuously and uninterruptedly published in said county during a period of more than seventy-eight consecutive weeks prior to the first publication of said notice or advertisement.

.....Nona C. Donaldson.....

Subscribed and sworn to before me this 15..... day of August....., 1978

.....Marilyn J. Stolley....., Notary Public
for State of Idaho, residing at Grangeville, Idaho.

RECEIVED

AUG 19 1980

Department of Corrections
Northern District Office

RECEIVED

WATER RIGHT NUMBER 81-7070

OWNER LAST NAME - SMITH ✓

OWNER LAST NAME - SMITH ✓

ADDRESS LINE 1 - STAR RT.

ADDRESS LINE 3 -

SOURCE - LITTLE SMITH CREEK ✓

STAGE - LICENSE ✓ STATUS -

TOTAL DIV. VOLUME - 1.20 AFA ✓ TRFR/AMEND -

DIVERSION POINT - NWSE 32 33N 06E LOT 1 REDIV -

FROM - 01-01 TO - 12-31 USE - DOMESTIC

USE - DOMESTIC ✓

DECREE NAME -

REMARKS -

NON IRRIG USE -

OTHER RIGHTS FOR SAME USE -

PROOF DUE - 10-01-1981 PERMIT/DENIED - 09-05-1980 PROTESTED -

PROOF MADE - FLD EXAM - COND. OF APPROVAL -

DIVERSION MEANS - GRAVITY-FLOW PIPELINE.

FIRST NAME - JOHN M. ✓

FIRST NAME - MILLY SUE ✓

ORIG OWNER -

ORIG OWNER -

ADDRESS LINE 2 -

CITY - KOOSKIA ✓

STATE - ID ZIP CODE - 83539 ✓

TRIBUTARY OF - CLEARWATER RIVER, MIDDLE FORK ✓

PRIORITY - 07-28-1980 ✓ COUNTY - IDAHO

TOTAL DIV. RATE - .0200 CFS ✓

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

272.0 48.0 34.0 19.0 0.0 0.0 0.0 0.0 0.0 0.0 0.4

USE DIV. RATE - .0200 CFS USE DIV. VOLUME - 1.20 AFA ✓

PLACE OF USE - TWN 33N RNG 06E SEC 32 TRACT NWSE LOT AC

DATE -

TOTAL ACRES 0

HEARING -

OLD NO. -

11-27-84

September 22, 1982

RE: Permit No. 81-7070

John M. & Milly Sue Smith
Star Route
Kooskia, ID 83539

Dear Mr. and Mrs. Smith:

Enclosed herewith is a copy of the Water Right License issued on the above referenced Permit.

Sincerely,



JIM JOHNSON
Water Distribution Supervisor

JJ:kw
Enclosure

MICROFILMED

MAP (Attach Aerial Photo)

SCHEMATIC DIAGRAM OF SYSTEM

(Include distance from pump to measuring device, if applicable.)

Point(s) of diversion: NWSE, 32, 33N, 6E

Place(s) of Use

TWP.	RGE.	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
33N	6E	32														X			

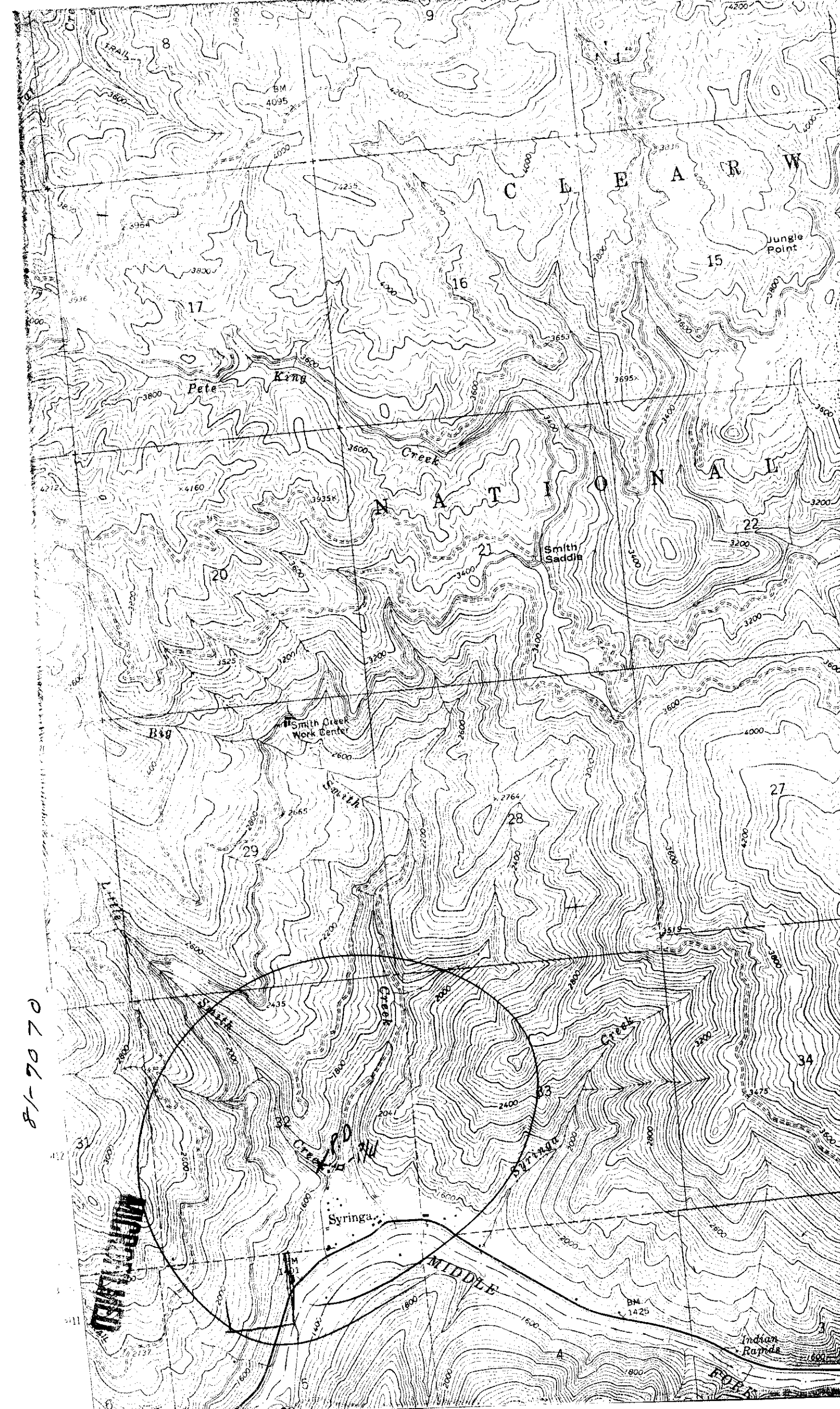
Recommended Amendments:

☐ 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

Examiner's Signature: King Date: 7-7-82
 Checked by: Boyle Date: 7/14/82
 Approved by: Boyle Date: 8/13/82

8-7070

MICROFILMED



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Northern Region

JOHN W. EVANS
Governor
A. KENNETH DUNN
Director

4055 Government Way
Coeur d'Alene, ID 83814
(208) 667-6484

August 18, 1981

Mr. John Smith
Star Route
Kooskia, Id. 83539

RE: 81-7070

Dear Mr. Smith:

We acknowledge receipt of your statement of completion of water development and 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 do not know at this time when he will be able to conduct the examination; however, the examiner will try to contact you at the time he makes the examination so that you may show him the system. If you will not be available to show the system, please provide this office with the name and address of someone who will be able to do so. Your permit will remain valid until the examination is made.

If you have any questions concerning the field examination, please contact this office. Please be sure to use the above-referenced permit number in all future correspondence concerning this examination.

Very truly yours,

TOM D. KING
Senior Water Resource Agent

TDK/fms

cc: IDWR - State Office

MICROFILMED

John K. Smith
Star R.P. Koos
Idaho 83539



RECEIVED

3 1981



Department of Water Resources
IDAHO DEPARTMENT OF WATER RESOURCES
STATEHOUSE
BOISE, IDAHO 83720

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. 81-7070.

Name(s) of Permit Holder: John M. or Wilby Sue Smith

Post Office Address: 5 Star Rd. Kootenai Idaho

8359

Tel. No. 926-4633

Source of Water: LITTLE SMITH CREEK

Extent of Use: ☐ Domestic (number of households)
☐ Stockwater (number and type of stock)
☒ Irrigation 1/2 (acres)
☐ Other

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

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

7/31/81
Date

John M. Smith
Signature of Permit Holder

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

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

SMITH, JOHN M. & MILLY SUE
STAR RT.
KOOSKIA, ID 83539

138465

JULY 31, 1981

DEAR PERMIT HOLDER:

ONE OF THE CONDITIONS OF APPROVAL OF YOUR WATER PERMIT NO. 81-7070 WAS THAT EVIDENCE OF THE EXTENT OF DEVELOPMENT MUST BE SUBMITTED TO THIS OFFICE ON OR BEFORE OCTOBER 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

MICROFILMED

WATER RIGHT NUMBER 81-7070

WATER RIGHTS EDIT REPORT

09/11/80

PAGE 40

ACT
ION

L STAGE - PERMIT

PROOF DUE - 10-01-1981 PERMIT/DENIED - 09-05-1980

L COND. OF APPRVL - 04

ACT
ION

N OWNER LAST NAME - SMITH ✓

FIRST NAME - JOHN M. ✓

N OWNER LAST NAME - SMITH ✓

FIRST NAME - MILLY SUE ✓

N ADDRESS LINE 1 - STAR RT. ✓

N SOURCE - LITTLE SMITH CREEK ✓

CITY - KOOSKIA ✓

STATE - ID ✓ ZIP CODE - 83539 ✓

N STAGE - APPLICATION ✓

TRIBUTARY OF - CLEARWATER RIVER, MIDDLE FORK ✓

N DIVERSION POINT - NWSE 32, 33N 06E ✓

PRIORITY - 07-28-1980 ✓ COUNTY - IDAHO ✓

TOTAL DIV. RATE - .0200CFS ✓

N FROM - 04-01 TO 10-31 ✓ USE - DOMESTIC ✓

USE DIV. RATE - .0200CFS ✓

N USE - DOMESTIC ✓

PLACE OF USE - TWN 33N RNG 06E SEC 32 TRACT NWSE ✓

N DIVERSION MEANS - GRAVITY-FLOW PIPELINE. ✓

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

STATEHOUSE
BOISE, IDAHO 83720
(208) 334-4440

SMITH, JOHN M. & MILLY SUE
STAR RT.
KOOSKIA, ID 83539

SEPTEMBER 24, 1980

RE: PERMIT NO. 81-7070

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
SEP 28 1980
FBI - BOISE

State of Idaho
Department of Water Resources

APPLICATION FOR PERMIT ANALYSIS SHEET

INITIAL REVIEW BY: RAH

APPLICATION NUMBER: 81-7070

CHECK:

- ☒ Source.
☒ Point of diversion.
☒ County.
☒ Quantity of water and period of use.
☒ Description of diverting works.
☒ Time required for beneficial use of water.
☒ Place of use or acres irrigated.
☒ Map.
☒ Signature.
☒ Fee.
☐ Yes ☒ No Field check required.
☐ Yes ☒ No Critical groundwater area.
☐ Yes ☒ No Request dam safety information. Sent by: _____ Date: _____
☒ Yes ☐ No* In form to receipt.

Field check by: _____

Date: _____

Comments: _____

*REQUEST THE FOLLOWING ADDITIONAL INFORMATION FROM THE APPLICANT: _____

SEND COPIES TO:

- ☐ Idaho State Health Department.
☐ Idaho Fish and Game Department.
☐ Idaho Department of Lands.
☐ U.S. Bureau of Land Management.
☒ U.S. Forest Service.
☐ Other _____

Copies sent by: _____ Date: _____

PROCESSING:

- ☐ Yes ☐ No Platted by: _____ Map No. _____
☐ Yes ☒ No Other rights on same place of use. _____
☒ Yes ☐ No* In form for advertising.
☐ Yes ☒ No Final date for protests: 8/25/80 ✓
☐ Yes ☒ No Protests received. If yes, record information on 4th page of application.

FINAL REGIONAL PROCESSING REVIEW:

- ☒ Affidavit of publication received. Date: 8/19/80 ✓
☒ Application published correctly. If not, record action taken: _____
☒ Fee amount, receipt date & number, recorded on application.
☒ Publication dates and paper, recorded on application.
☒ Protests, dates, withdrawal, etc., recorded on application.
☒ Recommendation & initial, recorded on application.
☐ Yes ☒ No Measuring device required.
☐ Yes ☒ No Access port required.
☐ Yes ☒ No Will water be delivered by watermaster? If yes, what district? _____
☒ 7/28/80 Date of priority recommended.
Special conditions of approval or cover letter. _____

By: RAH Date: 8/26/80

STATE OFFICE REVIEW:

Return receipt w/ cover letter Cor items 7, 8A1, 8A4

SLW/o cond

04

- ☐ See attached sheet for more information.

By: Robyn Date: 9/2/80

MICROFILMED

81-2020-

SMITH, JOHN M. &/or MILLY SUE

STAR RT., KOOSKIA, ID 83539

Source: LITTLE SMITH CREEK tributary to CLEARWATER RIVER, MIDDLE FORK

Date Filed: 07/28/1980

Amount: 0.02 CFS

Diversion Point: NWSE Sec 32 T 33N R 06E, IDAHO Co.

Use: DOMESTIC (0.02 CFS) from 04/01 to 10/31

Place of Use: NWSE Sec 32 T 33N R 06E

Diversion Means: GRAVITY-FLOW PIPELINE.

RECEIVED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Northern Region

JOHN V. EVANS
Governor
C. STEPHEN ALLRED
Director

4055 Government Way
Coeur d'Alene, ID 83814
(208) 667-6484

August 25, 1980

U.S. Forest Service
Clearwater National Forests
Orofino, Idaho 83544

RE: 81-7070

Gentlemen:

Enclosed is information which may be of interest to your Agency relating
to an application recently filed with the Department of Water Resources.

Very truly yours,

Robert G. Haynes, P.E.
Regional Supervisor

RGH/pms

Enclosure

MICROFILMED