PUBLISHER'S AFFIDAVIT OF PUBLICATION

STATE OF IDAHO,
County of Nez Perce } ss.

Linda Lou McCall, being duly sworn deposes and says, I am the Classified Bookkeeper of the Tribune Publishing Company, a corporation organized and existing under and by virtue of the laws of the State of Idaho, publishers of the LEWISTON MORNING TRIBUNE, a newspaper of general circulation published at Lewiston, Nez Perce County, Idaho; That the said Lewiston Morning Tribune is an established paper and has been published regularly and issued regularly at least once a day for more than 20 consecutive years immediately preceding the first publication of this notice, and has been so published uninterruptedly for said period; that the Notice Of Amended Application For Permit attached hereto and which is made a part of this affidavit was published in the said Lewiston Morning Tribune, once a week for two consecutive weeks, the first publication thereof being on the 13th day of September, A. D. 19 79, and the last publication thereof being on the 20th day of September, A. D. 19 79, and said Notice Of Amended Application For Permit was so published in the regular and entire issue of the said newspaper and not in a supplement thereof and was so published in every issue and number of the said paper, during the period and times of publication as set forth above.

Linda Lou McCall

SUBSCRIBED AND SWORN TO BEFORE ME THIS THE 20th day of September, 19 79.

Dorothy R. Ritter

Notary Public in and for the State of Idaho, residing at Lewiston, therein.

OK 9-21-79

NOTICE OF AMENDED APPLICATION FOR PERMIT

Notice is hereby given that Harold G. Smith has filed with the Department of Water Resources August 27, 1979, an Amended Application for Permit No. 85-7207 changing the point of diversion as well as the place of use. The point of diversion and place of use on the original application for Permit was located in the NE¼NW¼ of Section 17 Township 33n Range 4W.B.M. Nez Perce County. The applicant now wishes to amend said original Application for Permit No. 85-7207 to show the point of diversion and place of use as follows: E½SW¼NW¼ of Section 17 Township 33N Range 4W.B.M. Nez Perce County.

Any protest to the proposed amended Application for Permit may be filed with the Idaho Department of Water Resources, 4055 Government Way, Coeur d'Alene, Idaho 83814 on or before October 1, 1979.

C STEPHEN ALLRED
Director

RECEIVED
SEP 21 1979
Department of Water Resources
Northern District Office

3M 5-72 LT 42669

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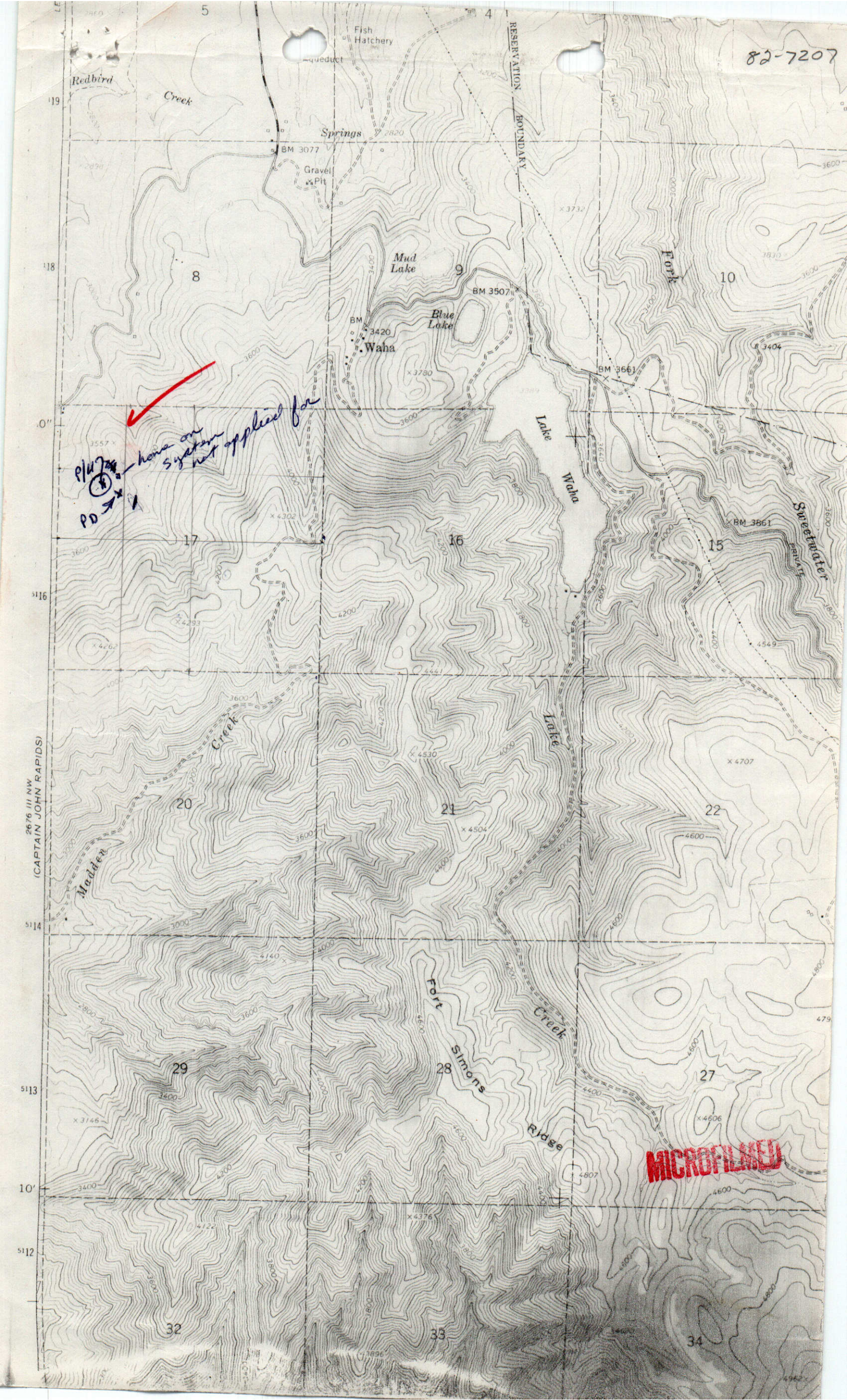
82-7207
Redbird
Creek
Springs
Fish Hatchery
Aqueduct
RESERVATION BOUNDARY
BM 3077
Gravel Pit
Mud Lake
Blue Lake
BM 3507
BM 3420
Waha
BM 3661
Lake Waha
Fork
Sweetwater
PRIVATE
BM 3861
Madden
Creek
Lake
Fort Simons
Creek
Ridge
MICROFILMED
(CAPTAIN JOHN RAPIDS)
2676 III NW

State of Idaho

Department of Water Resources

WATER RIGHT LICENSE

License of Water Right No. 85-7207 Priority (Late Proof) July 22, 1979 Amount 0.02 cfs

THIS IS TO CERTIFY, that Larry R. Delane & Cheri E. Delane

of Lewiston, Idaho, has complied with the terms and conditions of Permit No. 85-7207 issued pursuant to Application for Permit dated July 17, 1979, and has submitted proof to the Department of Water Resources on September 23, 1982, 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 0.02 cfs of water from a spring, tributary to Redbird Creek, 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
Domestic (1 Unit)	from January 1	to December 31	at 0.02	cfs and	1.2 acre feet
	from	to	at	cfs and	
	from	to	at	cfs and	

(both dates inclusive)

Subject, however, to the condition that no more than 0.02 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 is 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 SW¼NW¼ Section 17, Twp 33N, Rge 4W in the County of Nez Perce

Description and location of place of use:

Twp.	Range	Sec.	NE¼				NW¼				SW¼				SE¼				Totals
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
33N	4W	17							X										

Total number of acres irrigated _____

DEPARTMENT OF WATER RESOURCES

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CONDITIONS OF APPROVAL

a. 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.

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

c. Any water right confirmed in this license for hydropower purposes shall be junior and subordinate to all rights to the use of water, other than hydropower, within the State of Idaho that are initiated later in time than the priority of this license and shall not give rise to any right or claim against any future rights to the use of water other than hydropower, within the State of Idaho initiated later in time than the priority of this license.

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 17TH day of MARCH, 19 86.

Acting for the Director Norman C Young

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

IN THE MATTER OF CORRECTING THE PRIORITY DATE OF PERMIT NO. 85-7207 IN THE NAME OF LARRY AND CHERI E. DELANE	ORDER

WHEREAS, on July 17, 1979, the Department received Application for Permit No. 85-7207; and,

WHEREAS, on August 27, 1979, the Department received an amended Application for Permit No. 85-7207 which did not enlarge the original water right application; and,

WHEREAS, the Department issued Permit No. 85-7207 with a priority date of August 27, 1979 instead of July 17, 1979; and,

WHEREAS, the Department issued Permit No. 85-7207 with the condition that proof of construction of works and application of water to beneficial use be submitted on or before March 1, 1982; and,

WHEREAS, on March 2, 1982, the department received an assignment showing that the permit holder assigned all right, title, and interest in and to Permit No. 85-7207 to Larry R. and Cheri E. Delane; and,

WHEREAS, the Department failed to notify the permit holder that proof was due until August 23, 1982 when a letter was sent requesting that proof be submitted within 25 days (by September 18, 1982); and,

WHEREAS, proof of beneficial use was not received until September 23, 1982, five days late; and,

WHEREAS, on January 12, 1983, the Department issued an Order of

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Reinstatement which advanced the priority to September 1, 1979; and,

WHEREAS, the Order of Reinstatement was issued incorrectly since the new priority was calculated from the date the amended application was filed instead of the date the original application was filed;

THEREFORE, it has been determined that the original priority date is July 17, 1979;

IT IS FURTHER DETERMINED AND ORDERED that with an advance of priority due to late submittal of proof of beneficial use, the current priority date is July 22, 1979.

Dated this 31st day of December, 1985.

L. Glen Saxton

L. GLEN SAXTON
Chief, Operations Bureau

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BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

IN THE MATTER OF PERMIT NO. 85-7207 IN THE NAME OF LARRY R. & CHERI E. DELANE

ORDER OF REINSTATEMENT

WHEREAS, the Department has issued the above-captioned permit with the condition that proof of construction of works and application of water to beneficial use be submitted on or before September 18, 1982; and,

WHEREAS, the Department has notified the permit holders by certified mail that proof was due and instructed the permit holders as to the steps to be taken to make said proof; and,

WHEREAS, the Department has notified the permit holders that the permit has lapsed for failure of the permit holders 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 of the date of the notice of lapsing; and,

WHEREAS, the permit holders have provided a reasonable showing as to why said permit should be reinstated by submitting proof of beneficial use on September 23, 1982;

IT IS, THEREFORE, HEREBY ORDERED that Permit No. 85-7207 be REINSTATED and the priority advanced to September 1, 1979.

Dated this 12th day of January, 1983.

L. Glen Saxton

L. GLEN SAXTON

Chief, Operations Bureau

RECEIVED RECEIVED

State of Idaho

Department of Water Resources MAR 8 1982 MAR 2 1982

ASSIGNMENT OF PERMIT Department of Water Resources Department of Water Resources
Northern District Office

I, HAROLD G. SMITH, hereby assign to LARRY R. DELANE and CHERI E. DELANE
of 3326 4th Street, Lewiston, Idaho 83501
Address

CHECK ONE

[X] All my right, title, and interest in and to Permit No. 85-7207 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 listing 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 9 day of November, 19 81.

Harold G. Smith
Permit Holder HAROLD G. SMITH

Ellen R. Smith
Spouse of Permit Holder ELLEN R. SMITH

State of Idaho)
) ss.
County of IDAHO)

On this 9 day of NOVEMBER, 19 81, personally appeared before me the signer(s) of the above instrument, who duly acknowledged to me that he (she) (they) executed the same.

C. McVoy
Notary Public residing at Rigby, Idaho

seal

My commission expires:
NON-EXPIRING

MICROFILMED

Form 204
5/78

Identification No. 85-7207

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED
DEC 15 1980
Dept. of Water Resources

REQUEST FOR EXTENSION OF TIME

To provide additional time in which to submit proof of beneficial use on a water right permit

HAROLD G. SMITH (Name) of Star Route Riggins (Address)

State of Idaho, deposes and says:

That he is the holder, or the duly authorized agent of the holder*, of Permit to Appropriate the Public Waters of the State of Idaho No. 85-7207.

That under the terms and conditions of said permit, work thereunder was required to be completed on or before March 1, 19 81.

That he has heretofore performed the following work described under said permit: Constructed concrete diverter enclosing poly-pipe at source of pick-up or origin of pipeline. Laid out 850' of poly-pipe and connected same. Had Soil Conservation personnel shoot grade. Constructed concrete cistern and installed pump.

Problem: The grade that was shot does not permit water to flow by gravity.

Costing $ 950.00

That he is unable to complete the remainder of the work within the required time for the following reasons, to-wit: I still own the property but I have moved over 100 miles from there. A new grade will need to be established and the pipe covered..otherwise the system would be workable as I had it before.

Wherefore, he asks that the Department of Water Resources extend the time for the completion of obligations under said permit to March 1, 19 84.

Harold G. Smith
(Signature)*

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

IT IS HEREBY ORDERED that the above application for extension of time be APPROVED and the time within which to submit the statement of beneficial use is extended to March 1, 1982.

Signed this 17th day of December, 19 80.

L. Glen Saxton
Chief, Operations Bureau

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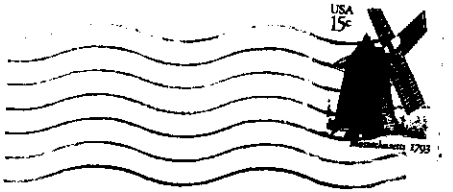
* IF OTHER THAN HOLDER, Power of Attorney must be supplied.

79- 12-16-80 #17414 $15.00

HAROLD G. SMITH
Star Route
Riggins, Idaho 83549



DEPARTMENT OF WATER RESOURCES
450 W. State St.
Boise, Idaho 83720

MICROFILMED

Attn: Jim Johnson

DEPARTMENT OF WATER RESOURCES

STATE OF IDAHO)
)
COUNTY OF ADA)

CERTIFICATE OF MAILING

I HEREBY CERTIFY that I have on this date served a true and correct copy of the foregoing ORDER by depositing a copy thereof in the United States mail, postage prepaid and addressed to:

Mr. E. B. Ponack
1428 "G" Street
Lewiston, Idaho 83501

Dr. & Mrs. Larry R. Delane
3326 4th Bryden Canyon Center
Lewiston, Idaho 83501

Dated this 13th day of February, 1980.

Maureen Reardon

On this 13 day of February, 1980. personally appeared before me the signer of the above instrument, who duly acknowledged to me that he (she) executed the same.

David R. Tothill
Notary Public
Residing at Boise Id

Commission expires Sept 10, 1980

MICROFILMED

BEFORE THE DIRECTOR OF THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

IN THE MATTER OF PROTESTS AGAINST APPROVAL)
OF APPLICATION FOR PERMIT NO. 85-7207 IN) O R D E R
THE NAME OF HAROLD G. SMITH.)

WHEREAS, on July 11, 1979, Harold G. Smith filed with the Department of Water Resources an application for permit No. 85-7207 to appropriate 0.02 cubic feet per second of water from an unnamed spring which is a tributary of Redbird Creek with a diversion point located in the E½SW¼NW¼ of Section 17, Township 33 North, Range 4 West, Boise Meridian, Nez Perce County, to be used for Domestic purposes; and,

WHEREAS, on September 13 and 20, 1979, notice of this proposed appropriation was published in the Lewiston Morning Tribune, Lewiston, Idaho; and,

WHEREAS, on August 8, 1979, the Department received a protest against the approval of said application from E. B. Ponack; and on August 10, 1979, from Larry and Cheri DeLane; and,

WHEREAS, on October 26, 1979, a conference concerning this matter was held at Lewiston, Idaho, at which the protestant E. B. Ponack, failed to appear; and,

WHEREAS, on December 17, 1979, the Department sent an Order to Show Cause on or before January 7, 1980, why the protest of E. B. Ponack should not be dismissed for failure of the protestant to appear at the hearing; and,

WHEREAS, protestant failed to show adequate cause why his protest should not be dismissed;

IT IS, THEREFORE, HEREBY ORDERED that the protest of E. B. Ponack against Application for Permit No. 85-7207 is DISMISSED for failure of said protestant to appear at said hearing.

DATED: This 8 day of February, 1980.

C. STEPHEN ALLRED
Director

MICROFILMED

Form 202
3/78

Ident. No. 85-7207

assigned to:
Larry R. Delane
& Cheri E. Delane

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
AMENDED
APPLICATION FOR PERMIT

APPROVED

To appropriate the public waters of the State of Idaho

1. Name of applicant Harold G. Smith Phone No home phone Reach at 743-5476

Post office address 1685 Redbird Road, Lewiston, Idaho 83501

2. Source of water supply Unnamed Spring which is a tributary of Redbird Creek

3. Location of point of diversion is E½ SW ¼ of NW ¼ of Section 17 Township 33N

Range 4W B.M. Nez Perce County, additional points of diversion if any:

4. Water will be used for the following purposes:

Amount 0.02 (cfs or acre-feet per annum) for Domestic purposes from 1/1 to 12/31 (both dates inclusive)

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

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

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

5. Total quantity to be appropriated:

a. 0.02 cubic feet per second and/or b. _____ acre-feet per annum.

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. Spring is diverted into 3/4" pipe inlet via concrete, then flows 850' to storage cistern where it is picked up by pressure system (tank & pump) and distributed to house.

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 _____ (Month/Day) to _____ (Month/Day) inclusive.

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 1 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: E½ SW ¼ of NW ¼ of Section 17 Township 33N
      Range 4W 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 _____
      (4) Name of municipality to be served _____, or number of families to be supplied with domestic water 1.
      (5) If water is to be used for other purposes describe: _____

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

TWP	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	

Total number of acres to be irrigated _____

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 Applicant

b. Who owns the land to be irrigated or place of use Applicant

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 _____

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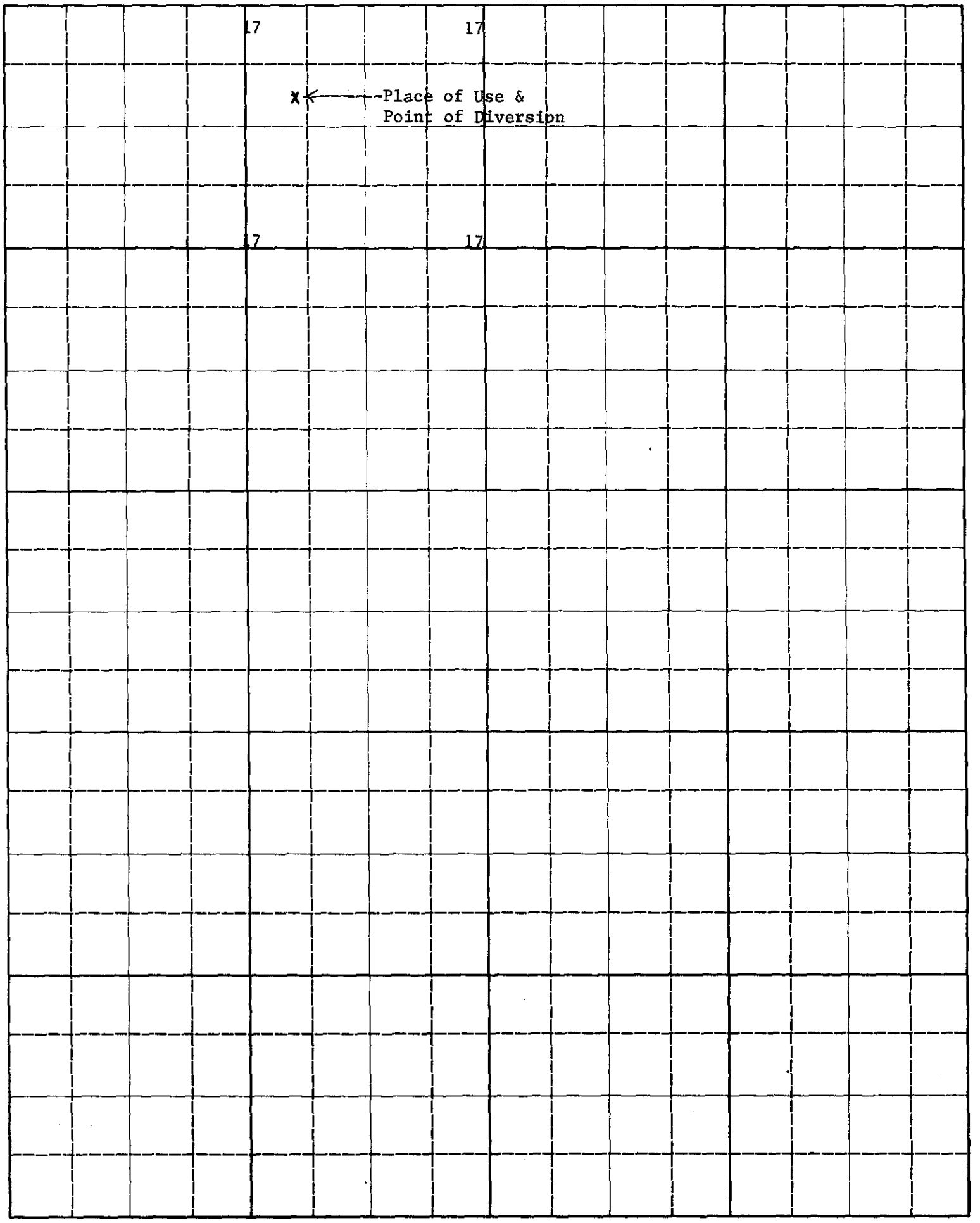
11. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



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.

Harold G. Smith
(Applicant)

Proposed Priority: August 27, 1979

Received by RB Date 8-27-79 Time 2:00

Preliminary check by TK Fee $ 20.00

Receipted by pm Date 8/31/79 (15005)

Publication prepared by pm Date 9/12/79

Published in Lewiston Morning Tribune

Publication dates 9/13-20/79

Publication approved pm Date 9/21/79

Protests filed by: none

Copies of protests forwarded by

Hearing held by Date

Recommended for (approval) denial by

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. 85-7207, 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 March 1, 1981.

   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 8 day of February, 1980.

Director

PUBLISHER'S AFFIDAVIT OF PUBLICATION

STATE OF IDAHO,
County of Nez Perce } ss.

Linda Lou McCall, being duly sworn deposes and says, I am the Classified Bookkeeper of the Tribune Publishing Company, a corporation organized and existing under and by virtue of the laws of the State of Idaho, publishers of the LEWISTON MORNING TRIBUNE, a newspaper of general circulation published at Lewiston, Nez Perce County, Idaho; That the said Lewiston Morning Tribune is an established paper and has been published regularly and issued regularly at least once a day for more than 20 consecutive years immediately preceding the first publication of this notice, and has been so published uninterruptedly for said period; that the Notice Of Amended Application For Permit attached hereto and which is made a part of this affidavit was published in the said Lewiston Morning Tribune, once a week for two consecutive weeks, the first publication thereof being on the 13th day of September, A. D. 19 79, and the last publication thereof being on the 20th day of September, A. D. 19 79, and said Notice Of Amended Application For Permit was so published in the regular and entire issue of the said newspaper and not in a supplement thereof and was so published in every issue and number of the said paper, during the period and times of publication as set forth above.

Linda Lou McCall

SUBSCRIBED AND SWORN TO BEFORE ME THIS THE 20th day of September, 19 79.

Dorothy R. Hitter

Notary Public in and for the State of Idaho, residing at Lewiston, therein.

OK 9-21-79

[redacted]

RECEIVED
SEP 21 1979
Department of Resources
Northern District Office

3M 5-72 LT 42669

MICROFILM

Galley Proof of legal to be published 9-13-79

OK 9-14-79

RECEIVED

SEP 12 1979

Department of Water Resources
Northern District Office

NOTICE OF AMENDED APPLICATION FOR PERMIT

Notice is hereby given that Harold G. Smith has filed with the Department of Water Resources August 27, 1979, an Amended Application for Permit No. 85-7207 changing the point of diversion as well as the place of use. The point of diversion and place of use on the original application for Permit was located in the NE¼NW¼ of Section 17 Township 33n Range 4W.B.M. Nez Perce County. The applicant now wishes to amend said original Application for Permit No. 85-7207 to show the point of diversion and place of use as follows: E½SW¼NW¼ of Section 17 Township 33N Range 4W.B.M. Nez Perce County.

Any protest to the proposed amended Application for Permit may be filed with the Idaho Department of Water Resources, 4055 Government Way, Coeur d'Alene, Idaho 83814 on or before October 1, 1979.

C STEPHEN ALLRED
Director

ED

Form 202
3/78

Ident. No. 85-7207

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name of applicant Harold G. Smith Phone No Home Phone Reach at 743-5476

   Post office address 1685 Redbird Road, Lewiston, Idaho 83501

2. Source of water supply Unnamed Spring which is a tributary of Redbird Creek

3. Location of point of diversion is NE ¼ of NW ¼ of Section 17 Township 33N

   Range 4W B.M. Nez Perce County, additional points of diversion if any: ____

4. Water will be used for the following purposes:

   Amount 0.02 (cfs or acre-feet per annum) for Domestic purposes from 1/1 to 12/31 (both dates inclusive)

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

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

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

5. Total quantity to be appropriated:

   a. 0.02 cubic feet per second and/or b. _____ acre-feet per annum.

6. Proposed diverting works:

   a. Description of ditches, flumes, pumps, headgates, etc. Spring is diverted into 3/4 pipe inlet via concrete, then flows 850' to storage cistern where it is picked up by pressure system (tank & pump) and distributed to house.

   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 _____ (Month/Day) to _____ (Month/Day) inclusive.

   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 1 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: NE ¼ of NW ¼ of Section 17 Township 33N

      Range 4W 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 _____

      (4) Name of municipality to be served _____, or number of families to be supplied with domestic water 1.

      (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.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	

Total number of acres to be irrigated _____

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 Applicant

b. Who owns the land to be irrigated or place of use Applicant

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 _____

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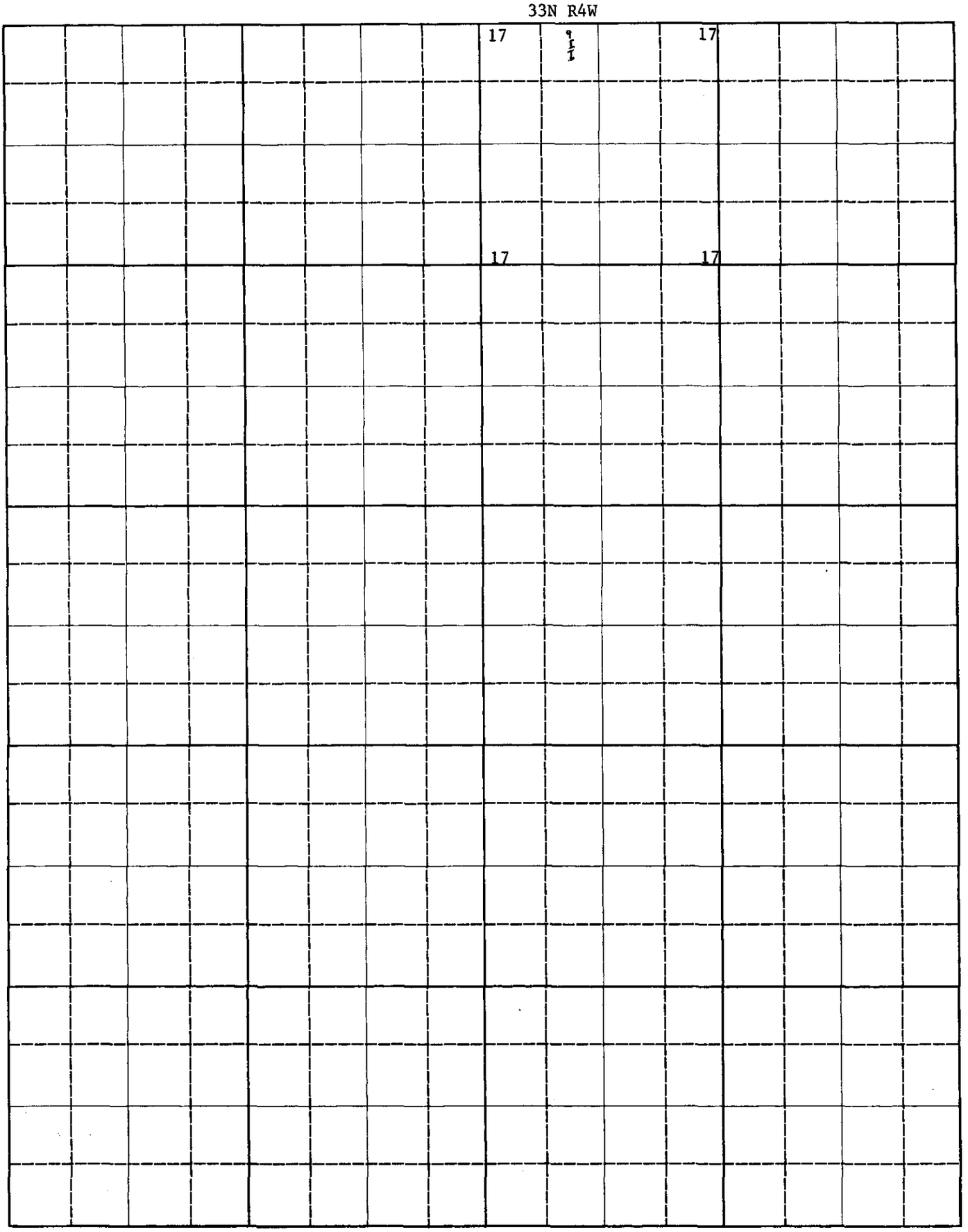
11. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



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)

Received by [illegible] Date 7/17/79 Time 9:00am

Preliminary check by KK Fee $ 20.00

Receipted by [illegible] Date 7/17/79 (14100)

Publication prepared by [illegible] Date 7/18/79

Published in Lewiston Morning Tribune

Publication dates 7/26-8/2/79

Publication approved [illegible] Date 8/10/79

Protests filed by: Lawyer Clark DeLaney 8/10/79

E. D. Smith 8/8/79

Copies of protests forwarded by [illegible] 8/14/79

Hearing held by BOF & DWR Date 10-26-79

Recommended for approval denial by _____

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. _____ , and said application is hereby _____ .

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 _____ , 19____ .

   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 _____ day of _____ , 19____ .

_____

Director

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NORTHERN REGION

John V. Evans
Governor

C. Stephen Allred
Director

Suite No. 1
4055 Government Way
Coeur d'Alene, Idaho 83814
(208) 667-6484

July 13, 1979

Mr. Harold G. Smith
1685 Redbird Road
Lewiston, Idaho 83501

Dear Mr. Smith:

We are returning your Check No. 92-30 in the amount of $20.00 and your Application for Permit for clarification.

Please correct the following:

1. Item 4 is for 0.20 cfs; whereas, Item 5.a. is for 0.02 cfs.

2. Items 3. and 8.a.1. list the SWNW, the map indicates the point of diversion within the NENW, and the place of use in the SENW and NESW.

If you have any questions, please contact this office.

Sincerely,

TOM D. KING
Senior Water Resource Agent

TDK/pms

Enc. - Check
Application

Form 202
3/78

Ident. No. _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name of applicant HAROLD G. SMITH Phone No Home..Business 743-54[illegible]

   Post office address 1685 Redbird Road Lewiston, Idaho 83501

2. Source of water supply Unnamed spring which is a tributary of Redbird Creek

3. Location of point of diversion is [illegible] ¼ of NW ¼ of Section 17 Township 33N

   Range 4W B.M. Nez Perce County, additional points of diversion if any: ____

4. Water will be used for the following purposes:

   Amount .02 (cfs or acre-feet per annum) for domestic purposes from 1/1 to 12/31 (both dates inclusive)

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

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

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

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. Spring is diverted into 3/4 pipe inlet via concrete, then flows 850' to storage cistern where it is picked up by pressure system (tank and pump) and distributed to house.

   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 _____ (Month/Day) to _____ (Month/Day) inclusive.

   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 1 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: [illegible]NE NW ¼ of _____ ¼ of Section 17 Township 33N

      Range 4W 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 _____

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

      (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.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SE¼	SW¼	

Total number of acres to be irrigated _____

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 Applicant

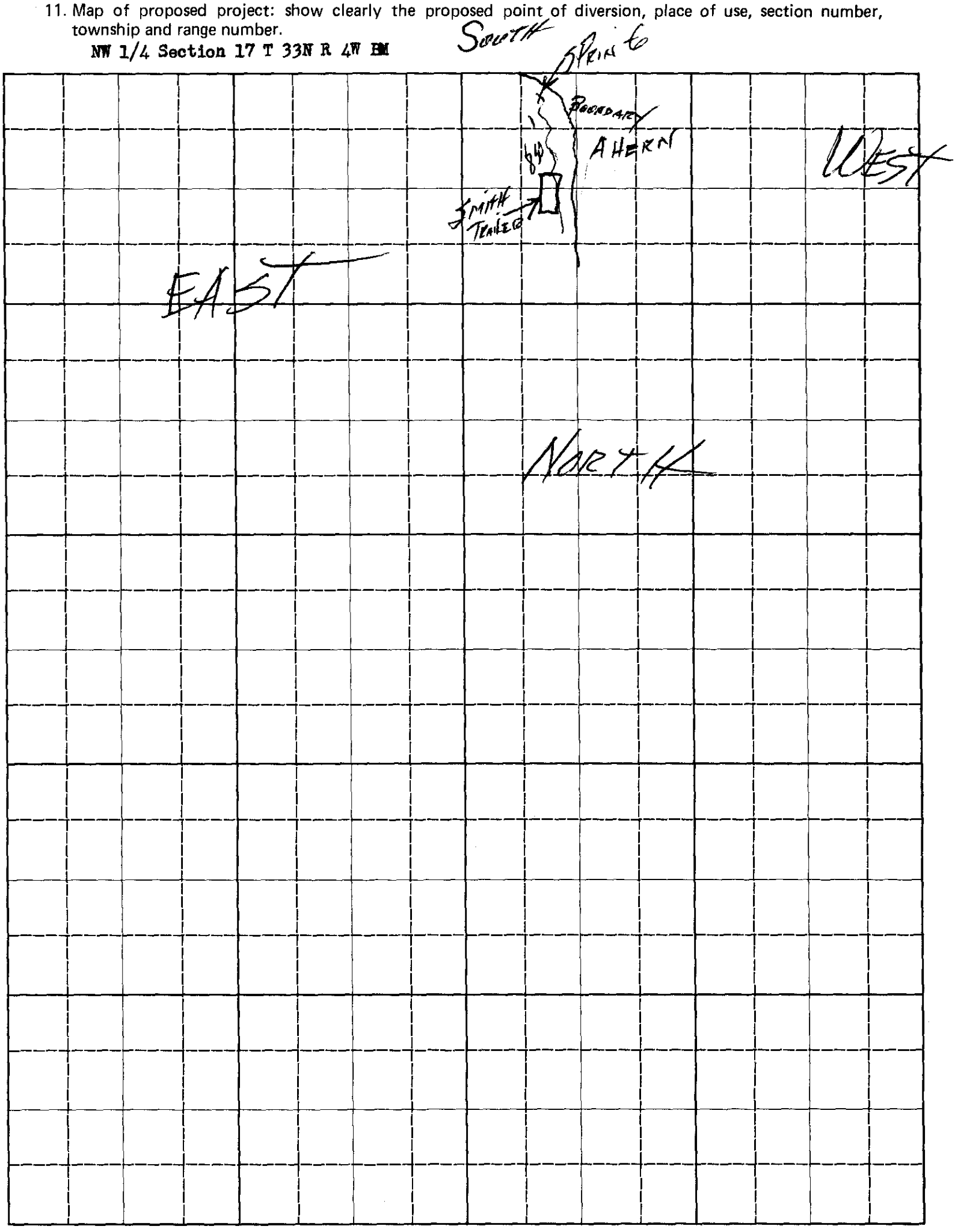
b. Who owns the land to be irrigated or place of use Applicant

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.

NW 1/4 Section 17 T 33N R 4W BM



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.

Harold G. Smith
(Applicant)

Received by mm Date 7/11/79 Time 11:35am

Preliminary check by KK Fee $ 20.50

Receipted by mm Date 7/17/79 (14100)

Publication prepared by _____ Date _____

Published in _____

Publication dates _____

Publication approved _____ Date _____

Protests filed by: _____

_____

_____

Copies of protests forwarded by _____

Hearing held by _____ Date _____

Recommended for approval denial by _____

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. _____ , and said application is hereby _____ .

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 _____ , 19____ .

   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 _____ day of _____ , 19____ .

_____

Director

PUBLISHER'S AFFIDAVIT OF PUBLICATION

STATE OF IDAHO, }
County of Nez Perce } ss.

Linda Lou McCall, being duly sworn deposes and says, I am the Classified Bookkeeper of the Tribune Publishing Company, a corporation organized and existing under and by virtue of the laws of the State of Idaho, publishers of the LEWISTON MORNING TRIBUNE, a newspaper of general circulation published at Lewiston, Nez Perce County, Idaho; That the said Lewiston Morning Tribune is an established paper and has been published regularly and issued regularly at least once a day for more than 20 consecutive years immediately preceding the first publication of this notice, and has been so published uninterruptedly for said period; that the Notice of Application For Water Right attached hereto and which is made a part of this affidavit was published in the said Lewiston Morning Tribune, once a week for two consecutive weeks, the first publication thereof being on the 26th day of July, A. D. 19 79, and the last publication thereof being on the 2nd day of August, A. D. 19 79, and said Notice of Application For was so published in the regular and entire issue of the said newspaper and not in a supplement thereof and was so published in every issue and number of the said paper, during the period and times of publication as set forth above.

Linda Lou McCall

SUBSCRIBED AND SWORN TO BEFORE ME THIS THE 2nd day of August, 19 79

Dorothy C. Ritter

Notary Public in and for the State of Idaho, residing at Lewiston, therein.

3M 5-72 LT 42669

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:

85-7206

WEINENT, PAUL N., 6200 TAMMANY CREEK RD., LEWISTON, ID 83501.

Source: GROUNDWATER

Date Filed: 07/09/1979

Amount: 0.20 CFS

Diversion Point: SWSE Sec 22 T 35N R 05W, NEZ PERCE Co.

Use: IRRIGATION (0.14 CFS) from 03/06 to 10/31; STOCKWATER (0.02 CFS) from 01/01 to 12/31; DOMESTIC (0.04 CFS) from 01/01 to 12/31.

Place of Use: SWSE Sec 22 T 35N R 05W FOR 10 ACRES.

Diversion Means: PUMP.

85-7207

SMITH, HAROLD G., 1685 REDBIRD RD., LEWISTON, ID 83501.

Source: UNNAMED SPRING tributary to REDBIRD CREEK.

Date Filed: 07/11/1979.

Amount: 0.02 CFS

Diversion Point: NENW Sec. 17 T 33N R 04W, NEZ PERCE Co.

Use: DOMESTIC (0.02 CFS) from 01/01 to 12/31.

Place of Use: NENW Sec. 17 T 33N R 04W

Diversion Means: CISTERN, TANK, PUMP & PIPE.

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 13, 1979.

C. STEPHEN ALLRED
Director

Water Right
OK
8/10/79

7-20-79

Galley Proof of Legal to be published
July 26, 1979 Thursday

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:

85-7206

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Place of Use: SWSE Sec 22 T 35N R 05W FOR 10 ACRES.

Diversion Means: PUMP.

85-7207

SMITH, HAROLD G., 1685 REDBIRD RD., LEWISTON, ID 83501.

Source: UNNAMED SPRING tributary to REDBIRD CREEK.

Date Filed: 07/11/1979.

Amount: 0.02 CFS

Diversion Point: NENW Sec 27 T 33N R 04W, NEZ PERCE Co.

Use: DOMESTIC (0.02 CFS) from 01/01 to 12/31.

Place of Use: NENW Sec. 17 T 33N R 04W

Diversion Means: CISTERN, TANK, PUMP & PIPE.

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 13, 1979.

C. STEPHEN ALLRED
Director

called Lewiston Tribune they will correct before advertising

1p5

RECEIVED
JUL
Department of Water Resources
Northern Idaho Office

Form 219
12/79

RECEIVED
OCT 4 1983
Department of Water Resources

RECEIVED
SEP 13 1984
Department of Water Resources

State of Idaho
DEPARTMENT OF WATER RESOURCES
FIELD REPORT

85-7207
~~82-7207~~
Permit No.

CONTACT WITH PERMIT HOLDER

	DATE	INITIALS	REMARKS
☐ Appointment letter mailed:			
☐ Telephone call made: (List Telephone No. used)			
☐ Appointment scheduled for: (Date, time, location)			

EXAMINATION

Date 8/23/83 Accompanied by App Total Q measured ~est. 0.02

If source is surface water, estimate total flow of source

Methods of measurement Est Meets Permit requirements? yes

Measurement calculations:

Two homes L & G - 1 home allowable under this right.

System completely buried

WELL/DIVERSION* NO.	HP	MOTOR MAKE	MOTOR SERIAL NO.	PUMP MAKE	PUMP SERIAL NO.	MEASURING DEVICE TYPE	CONDITION OF MEAS. DEV.	REMARKS
								Gravity

System Description 4'x12' diameter concrete cistern in spring with 3/4" pipe to 20,000 gal concrete tank then gravity flow to home

*Code with map on reverse side. Disregard code if only one.

RECOMMENDED AMOUNTS

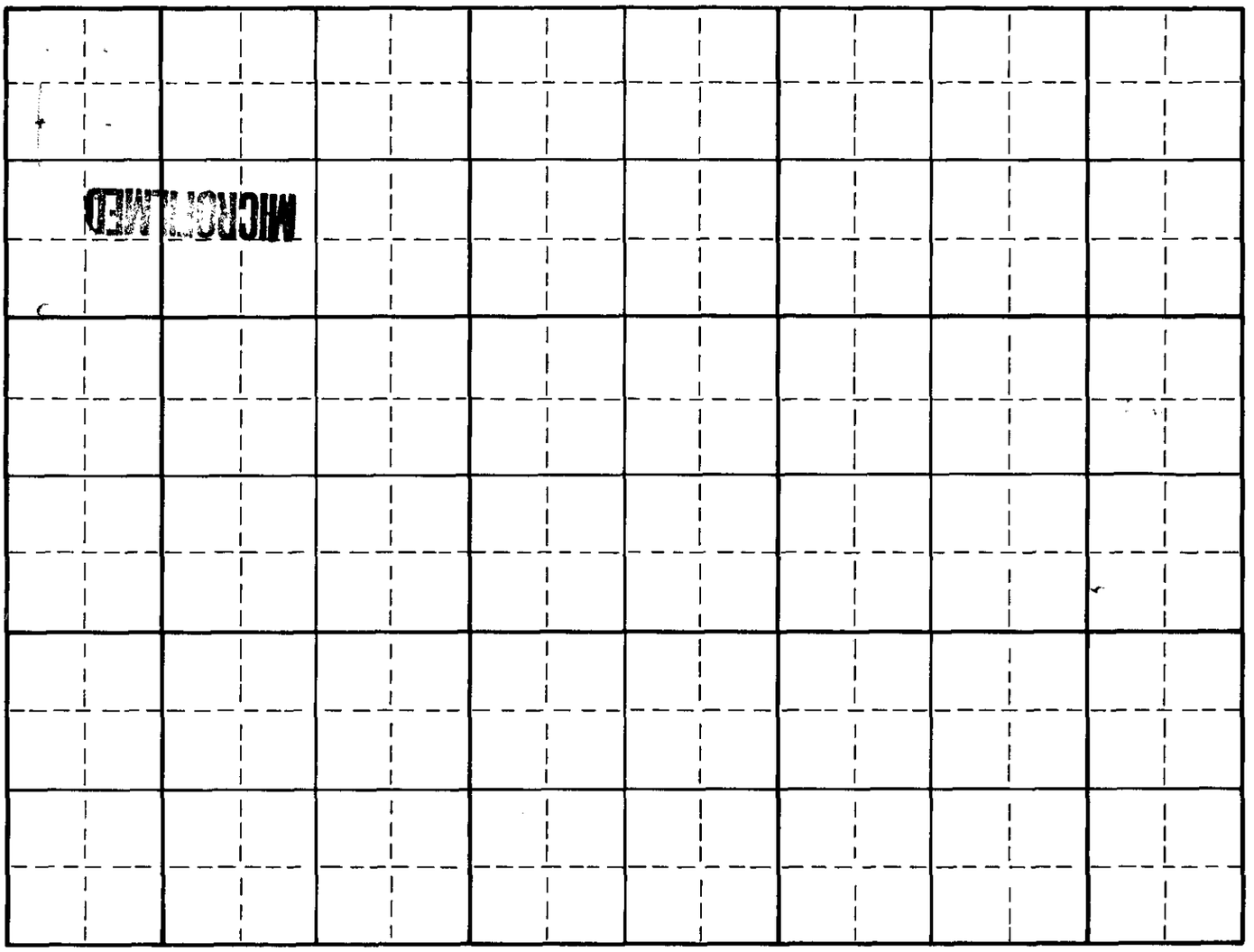
Irrigation requirement = _____ AFA/Acre

USE	Q (cfs)	V (afa)	FROM	TO
Domestic ✓ allowed per permit → (1 unit)	0.02 ✓	1.2 ✓	1-1 ✓	12-31 ✓
Total	0.02 cfs	1.2 AF		

Remarks needs permit for second home

MICROFILMED

MAP (Attach Aerial Photo)



SCHEMATIC DIAGRAM OF SYSTEM

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

Point(s) of diversion: E²SWNW, Sec. 17, T33N, R4W

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	4W	17							X										

Recommended Amendments:

☐ Change P.D. as reflected above ☐ Add P.D. as reflected above ☒ None

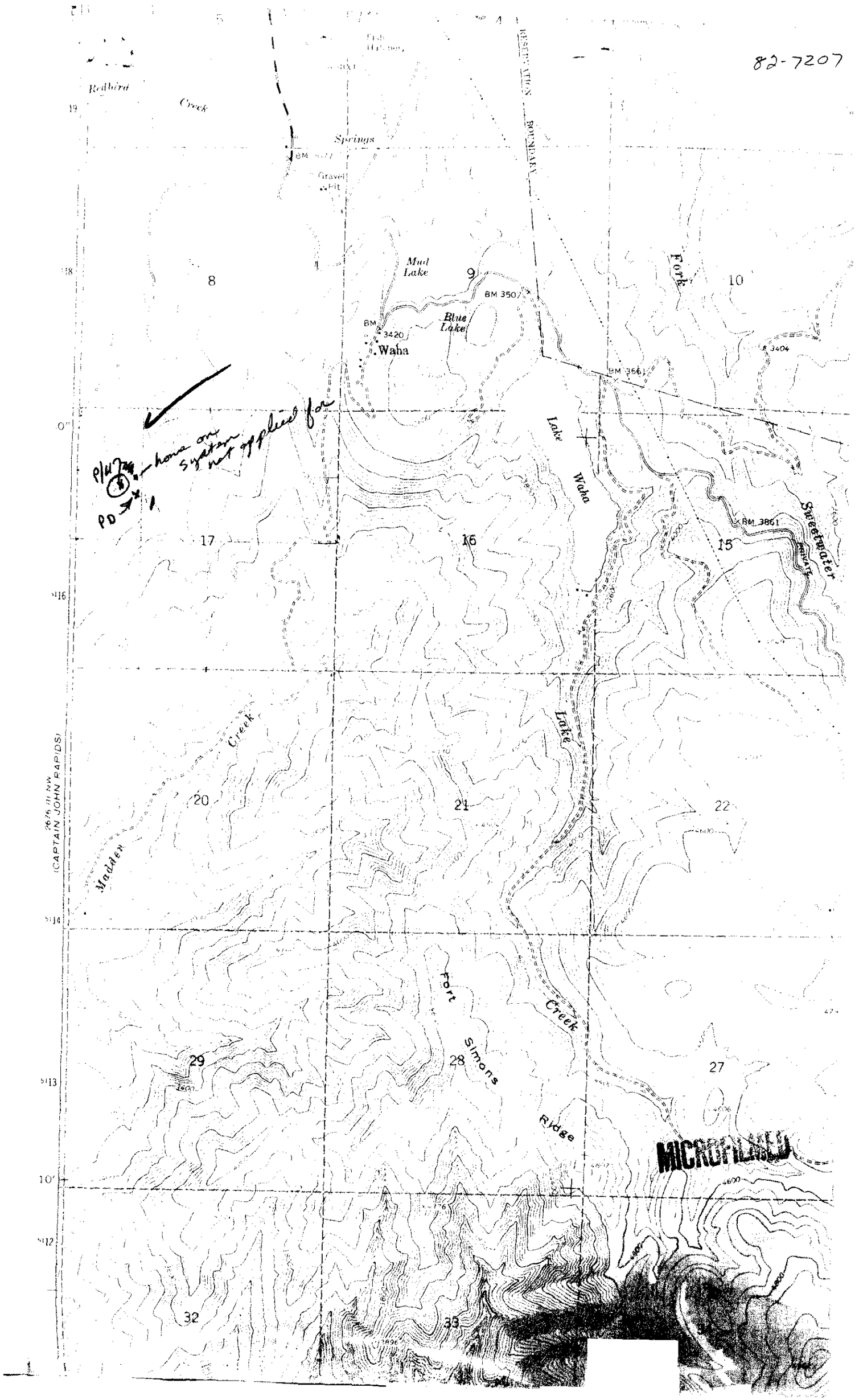
☐ Change P.U. as reflected above ☐ Add P.U. as reflected above ☐ Other

Examiner's Signature T.K. Kirby Date 9/1/83

Checked by Bob Haynes Date 9/27/83

Approved by R. Walker Date 3-6-86

82-7207


Redbird Creek
Springs
Gravel Pit
RESERVATION BOUNDARY
Mud Lake
Blue Lake
BM 3420
Waha
BM 3507
BM 3661
Fork
Lake Waha
Sweetwater
PRIVATE
BM 3861
Lake
Madden Creek
Fort Simons Creek
Ridge
(CAPTAIN JOHN RAPIDS)
8
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R 3404
MICROFILMED

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

March 17, 1986

RE: Permit No. 85-7207

Larry R. & Cheri E. Delane
3326 4th St.
Lewiston, ID 83501

Dear Mr. and Mrs. Delane:

Enclosed herewith is a copy of the Water Right License issued on the above referenced Permit. Also enclosed is an Order correcting the date of priority.

Sincerely,

JIM JOHNSON
Water Distribution Supervisor

JJ:sc

Enclosure

MICROFILMED

MEMORANDUM

TO: File 85-7207

FROM: Kay Walker KW

DATE: 12/30/85

File Summary:

Application submitted	-	July 11, 1979
Returned for correction	-	July 13, 1979
[illegible]	-	July 17, 1979
Amended application submitted	-	August 27, 1979
Proof due	-	March 1, 1981
12/17/80 extension granted, proof due	-	March 1, 1982
Proof due notice sent to Smith		December 31, 1981
Assignment received to Delane		March 2, 1982
Assignment acknowledged, no mention of proof due		March 25, 1982
Proof requested within 25 days, [illegible]		August 23, 1982
Proof received - 5 days late		September 23, 1982

Date proof received	-	September 23, 1982
Proof due	-	September 18, 1982
Number of days proof late		5
Priority date	-	July 17, 1979
Number of days proof late		5
New priority date		July 22, 1979

While reviewing this permit for licensing, I found that the application was given an incorrect "proposed priority" date. The original priority date should have been July 17, 1979. Subsequently, when the permit was reinstated, due to the late submittal of proof of beneficial use, the advanced priority date was in error.

I recommend we correct the priority date to July 22, 1979 prior to licensing.

MICROFILMED

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES
Northern Region

JOHN V. EVANS
Governor
R. KENNETH DUNN
Director

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

January 21, 1983

Dr. Larry DeLane
3326 4th
Lewiston, Id. 83501

RE: 85-7207

Dear Dr. DeLane:

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 in all future correspondence concerning this examination.

Very truly yours,

TOM D. KING
Senior Water Resource Agent

TDK/rms

cc: IDWR - State Office

MICROFILMED

CALCULATION OF NEW PRIORITY DATE

FROM: Rita Fleck

TO: File # 85-7207

DATE: ~~Nov~~ Nov 5, 1983.

Date Proof Received

Proof Due

Number of Days Proof Late

266 Sept 23, 1982
261 * Sept 18, 1982
5

Priority Date

Number of Days Proof Late

New Priority Date

239 Aug 27, 1979
5
244
= Sept 1, 1979

Remarks

* This date was determined by the letter dated Aug 23. The letter states we will lapse the permit 25 days from the date of the letter:

Aug 23 = 236
25
261 = Sept 18

To be timely, the statement needed to be submitted ~~by~~ or before Sept 18. It was not received until Sept 23. An advance in priority of 5 days.

DEPARTMENT OF WATER RESOURCES

The Idaho Department of Water Resources will consider this card statement that the permit holder(s) has completed development to the extent shown below on permit No. 85-7207.

Name(s) of Permit Holder HARRY & Cheri DeHAVE

Post Office Address: 3326 4th

Lewiston Id Tel. No. 2087468233

Source of Water: surface spring

Extent of Use:
- ☑ Domestic 1 seasonal (number of households)
- ☑ Stockwater 5 head horses (number and type of stock)
- ☐ Irrigation _____ (acres)
- ☐ Other _____

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

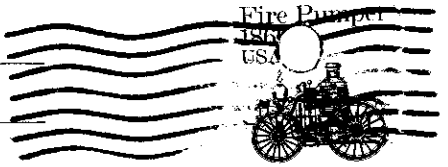
Access Port: Required? ☐ Yes ☐ No Installed? ☐ Yes ☑ No

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

8-31-82
Date

Harry R DeHave
Signature of Permit Holder

Dewane
3326 4th
Lewiston Id 83501



IDAHO DEPARTMENT OF WATER RESOURCES
STATEHOUSE
BOISE, IDAHO 83720

August 23, 1982

Larry R. &/or Cheri E. Delane
3326 4th Street
Lewiston, ID 83501

Re: Permit No. 85-7207

Dear Mr. and Mrs. Delane:

The purpose of this letter is to inform you that filing requirements for the above-referenced permit have not been completed. On December 31, 1982, the previous owner of the permit, Mr. Harold O. Smith was notified that proof of beneficial use was due for the permit by March 1, 1982. On March 2, 1982, this office received the assignment of permit from Mr. Smith to you. On March 25, 1982 we notified you that the assignment had properly been recorded and the permit was changed to your name. At that time we inadvertantly omitted a reminder that proof of beneficial use was necessary.

The delay in filing since March 25 can be contributed to the fact that you were not informed of the proof requirement by our letter. Therefore, we will allow 25 days from the date of this letter with no further lapsing of the permit to give you an opportunity to submit the enclosed Statement of Beneficial Use. Any delay after 25 days from this date will result in a delay in the date of priority of the permit, up to 60 days. After 60 days of lapsing the permit will no longer be of any force or effect. We have enclosed in addition to the Beneficial Use postcard, a request for Extension of Time form that you may complete; however, please be advised that this permit has already been extended once and can be extended again only if you have been prevented from developing the system by a governmental agency or litigation.

If you have any questions about this matter, please contact this office.

Sincerely,

CERTIFICATION OF MAILING
I hereby certify that on Aug 25 1982
a copy/an original of this document was deposited in the United States mail, postage prepaid addressed to the individual(s) named above.

DAVID R. TUTHILL, JR.
Supervisor, Water Allocation Section

Enclosures

DRT:gm

March 25, 1982

RE: Permit No. 85-7207 and Permit No. 85-7186

Larry R. &/or Cheri E. Delane
3326 4th St.
Lewiston, ID 83501

Dear Permit Holder:

This is to acknowledge receipt of the assignment conveying the above referenced permit to you. The assignment has been recorded and the Department records changed accordingly.

Enclosed for your records is a copy of the permit. Please note the conditions of approval on the fourth page.

Sincerely,

ROBYN CARLSON
Chief Clerk

RC:kw
Enclosure

138063

December 31, 1981

Harold O. Smith
Star Route
Riggins, ID 83549

Dear Mr. Smith:

One of the conditions of approval of your water permit No. 85-7207 was that evidence of the extent of development must be submitted to this office on or before March 1, 1982. (See last page of your approved permit). Enclosed is a postcard 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 postcard 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 sixty days.

Sincerely,

RITA I. FLECK
Sr. Secretary

Enclosures

December 18, 1980

Harold G. Smith
Star Route
Riggins, ID 83549

Dear Mr. Smith:

Re: Permit No. 85-7207

Enclosed is a copy of the approved request for extension of time submitted on the above-referenced permit. The time within which to submit the statement of beneficial use is extended to March 1, 1982.

Enclosed also is receipt No. 17414 in the amount of $15.00.

Sincerely,

RITA FLECK
Sr. Secretary

Enclosures

November 26, 1980

Harold G. Smith
1685 Redbird Road
Lewiston, Idaho 83501

Dear Mr. Smith,

Thank you for your letter of November 14, 1980.

Enclosed is an extension of time request form. Please fill it out being sure to include any developments you have already made, listing also the last of these developments.

As of July 1, 1980 all requests for extension of time require a $15.00 filing fee. Please return the extension form with the $15.00 fee.

If I can be of any further assistance on this matter you can contact me at 334-4162.

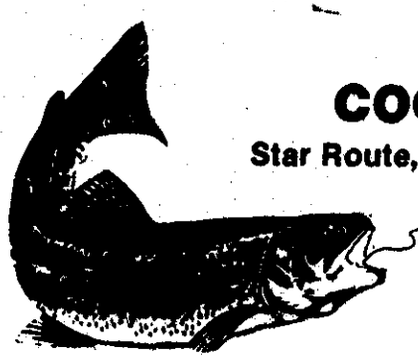
Sincerely,

JIM JOHNSON
Water Distribution Supervisor

JJ:mr

Enclosure

MICROFILMED



COOLWATER TROUT FARM

Star Route, Riggins, Idaho 83549 • Telephone 208-628-3706

Nov 14, 1 980

IDAHO DEPARTMENT OF WATER RESOURCES
Route 5 Box 203 Suite 1
Coeur d'Alene, Idaho 83814

Ref: Permit 85-7207

Gentlemen:

I have moved from the property for which I received an approved permit for domestic water.

I request an extension of time in which to complete proof of application of water to beneficial use in view of the fact that the water is not being used, and I live over 100 miles from there.

I still own the property and still plan to develope as I stated on the application but I request a 5 year extension in time to do so.

Sincerely,

Harold G. Smith

HAROLD G. SMITH

RECEIVED
NOV 17 1980
Department of Water Resources
Northern District Office

RECEIVED
NOV 24 1980
Department of Water Resources

rate of Idaho
DEPARTMENT OF WATER RESOURCES
STATE OFFICE, 450 W. State Street, Boise, Idaho

JOHN V. EVANS
Governor

C. STEPHEN ALLRED
Director

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 334-4440

July 18, 1980

Harold G. Smith
1685 Redbird Road
Lewiston, Idaho 83501

Dear Mr. Smith,

RE: Permit No. 85-7207

Enclosed is a corrected copy of the last page of your approved Application for Permit. Please disregard the former last page sent. Your proof of construction of works for beneficial use date is March 1, 1981.

We are sorry for any inconvenience this may have caused you.

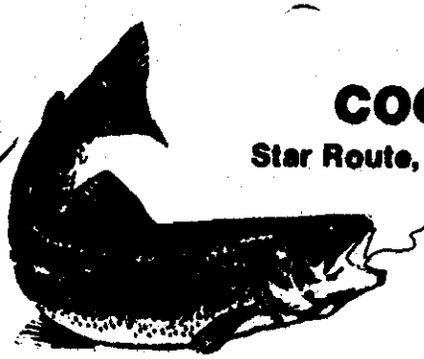
Sincerely,

Maureen Reardon

MAUREEN REARDON
Senior Clerk

MR

Enclosure



COOLWATER TROUT FARM

Star Route, Riggins, Idaho 83549 • Telephone 208-628-3706

July 14, 1980

DEPT OF WATER RESOURCES
Statehouse
Boise, Idaho 83720

Ref: Permit 85-7207

Gentlemen:

Again I am writing about Water Application Permit # 85-7207 approved February 8th, 1980.

You show on the permit that proof of construction and application of water to beneficial use as February 1, 1980 OR a week prior t o the permit being approved.

Please write me as to the correct time of proof of construction etc.

Sincerely,

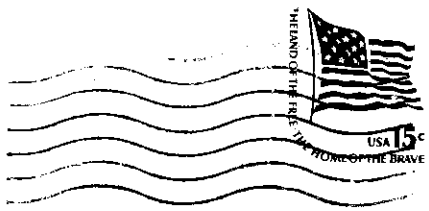
HAROLD G. SMITH
Director

RECEIVED
JUL 15 1980
Department of Water Resources

MICROFILMED

COOLWATER TROUT FARM
Star Route
Riggins, Idaho 83549

)



DEPT. OF WATER RESOURCES
Statehouse
Boise, Idaho 83720

MICROFILMED

Star Route
Riggins, Ida 83549

DEPARTMENT OF WATER RESOURCES
Statehouse
Boise, Idaho 83720

RECEIVED
FEB 1980
Department of Water Resources

Reference: 85-7207

Gentlemen:

Thank you for the approved permit #85-7207 which I received the other day.

I have a question.....on page 4 you have indicated that I HAD until Feb. 1 1980 for proof of contstruction but it was not signed or approved until Feb. 8, 1980. I assume it was meant to be "1981" but please advise.

Please note change of mailing address to: STAR ROUTE
Riggins, Idaho 83549

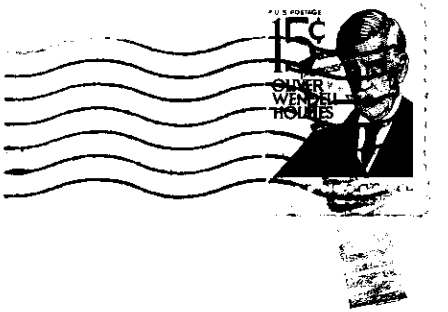
Sincerely,

Harold G. Smith
HAROLD G. SMITH

MED

HAROLD G. SMITH
Star Route
Riggins, Ida 83549

RIGGINS
FEB 19
PM
IDAHO



DEPT OF WATER RESOURCES
Statehouse
Boise, Idaho 83720

State of Idaho
DEPARTMENT OF WATER RESOURCES
STATE OFFICE, 450 W. State Street, Boise, Idaho

JOHN V. EVANS
Governor

C. STEPHEN ALLRED
Director

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 334-4440

February 13, 1980

Harold G. Smith
1685 Redbird Road
Lewiston, Idaho 83501

Dear Mr. Smith,

RE: Permit No. 85-7207

Enclosed is a copy of your approved Application for Permit. We direct your attention to the conditions of approval as listed on the fourth page.

Sincerely,

David R. Tuthill Jr.

DAVID R. TUTHILL, JR.
Supervisor, Water Allocations Section

DRT:mr

Enclosure

16 January 1980

Mr. Harold G. Smith
1685 Redbird Road
Lewiston, ID 83501

Dear Mr. Smith:

Regarding your first application, our State office is in the final review process and I anticipate a final decision shortly. We were unable to get a withdrawal of Mr. Ponack's protest and had to send an Order to Show Cause for Dismissal. That was just recently completed and I would anticipate the permit being issued shortly.

If you have any further questions, please do not hesitate to contact us.

Sincerely,

ROBERT G. HAYNES
Regional Supervisor

RGH:nh

MICROFILMED

Jan 8, 1980

DEPARTMENT OF WATER RESOURCES
Suite No. 1
4055 Gov't Way
Coeur d'Alene, Idaho 83814

REF: 85-7207 & 85-7186

Dear Mr. Haynes:

Can you tell me anything about the status of the two water applications I filed and for which hearings were held quite some time ago? Surely some ruling or determination has been made by now.

I would appreciate any information you can give me on it because it has been a long wait.

Sincerely,

Harold G. Smith

HAROLD G. (NICK) SMITH

RECEIVED
JAN 10 1980
Department of Water Resources
Northern District Office

1685 Redbird Rd
Lewiston

MICROFILMED

Form No. 202a
2/79

State of Idaho

Department of Water Resources

APPLICATION FOR PERMIT ANALYSIS SHEET

INITIAL REVIEW BY: JK APPLICATION NUMBER: 85-7207 Amendment

CHECK:

- ☑ Source.
- ☑ Point of diversion.
- ☑ County.
- ☑ Description of diverting works.
- ☑ Time required for beneficial use of water.
- ☑ Place of use or acres irrigated.
- ☑ Map.
- ☑ Signature.
- ☑ Fee.

Field check by: _____
Date: _____
Comments: _____

- ☐ 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.

*REQUEST THE FOLLOWING ADDITIONAL INFORMATION FROM THE APPLICANT: _____

SEND COPIES TO:

- ☐ Idaho State Health Department. Copies sent by: _____ Date: _____
- ☐ Idaho Fish and Game Department.
- ☐ Idaho Department of Lands.
- ☐ U.S. Bureau of Land Management.
- ☐ U.S. Forest Service.
- ☐ Other _____

PROCESSING:

- ☐ Yes ☒ No Platted by: _____ Map No. _____
- ☐ Yes ☐ No Other rights on same place of use. _____
- ☑ Yes ☐ No* In form for advertising.
  Final date for protests: 10/1/1979
- ☐ Yes ☒ No Protests received. If yes, record information on 4th page of application.

FINAL REGIONAL PROCESSING REVIEW:

- ☑ Affidavit of publication received. Date: 9/21/1979
- ☑ 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? _____

✓ 7-11-79 Date of priority recommended.

Special conditions of approval or cover letter. _____

By: _____ Date: 1-11-80

STATE OFFICE REVIEW:

Short letter w/o cond.

☐ See attached sheet for more information.

By: _____ Date: 1/31/80

PS Form 3811, Aug. 1978

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

● SENDER: Complete items 1, 2, and 3.
Add your address in the "RETURN TO" space on reverse.

1. ~~~ following service is requested (check one).
- [X] Show to whom and date delivered ____¢
- [ ] Show to whom, date, and address of delivery ____¢
- [ ] RESTRICTED DELIVERY
  Show to whom and date delivered ____¢
- [ ] RESTRICTED DELIVERY.
  Show to whom, date, and address of delivery $____
  (CONSULT POSTMASTER FOR FEES)

2. ARTICLE ADDRESSED TO:
Mr. E. B. Ponack
1428 "G" Street
Lewiston, Idaho 83501

3. ARTICLE DESCRIPTION:

REGISTERED NO.	CERTIFIED NO.	INSURED NO.
	13475	

(Always obtain signature of addressee or agent)

I have received the article described above.
SIGNATURE ☐ Addressee ☐ Authorized agent

4. DATE OF DELIVERY RECEIVED DEC 20 1979 POSTMARK

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE:

Depar[illegible] of Water Resources
Northern District Office

85-7207

GPO: 1978-272-382

UNITED STATES POSTAL SERVICE
OFFICIAL BUSINESS

SENDER INSTRUCTIONS

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

- Complete items 1, 2, and 3 on the reverse.
- Attach to front of article if space permits. Otherwise affix to back of article.
- Endorse article "Return Receipt Requested" adjacent to number.

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

U.S.MAIL

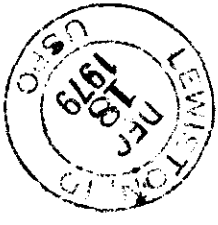
RETURN TO

IDAHO DEPARTMENT OF WATER RESOURCES
NORTHERN DISTRICT OFFICE
ROUTE 3
COEUR D' ALENE, ID 83814

(Name of Sender)

(Street or P. O. Box)

(City, State, and ZIP Code)



Show Order to Cancel

NAME AND ADDRESS OF SENDER

Indicate type of mail
☐ INSURED ☐ C. O. D. ☒ CERTIFIED

Affix stamp here if issued as certificate of mailing or for additional copies of this bill.
POSTMARK AND DATE OF RECEIPT

	NUMBER OF ARTICLE	NAME OF ADDRESSEE, STREET, AND POST-OFFICE ADDRESS	POSTAGE	FEE	DUE SENDER IF C. O. D.	ENDORSEMENT [1]	R. R. FEE	S. D. FEE	S. H. FEE [2]	RESTRICTED DELIVERY FEE / REMARKS
1	13475	Mr. E. B. Ponack, 1428 "G" St., Lewisotn, Id. 83501	15	80			45			
2										
3										
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DEC 17 1979

TOTAL NUMBER OF PIECES LISTED BY SENDER

TOTAL NUMBER OF PIECES RECEIVED AT POST OFFICE

POSTMASTER, PER *(Name of receiving employee)*

[1] Mark "E" if "Fragile," "P" if "Perishable," "E" if "Eggs," "EH" if "Eggs for Hatching," "B" if "Butter," "FL" if "Fragile-Liquid," and "FLU" if "Fragile-Liquid—This Side Up."
[2] Special-handling charges apply only to fourth-class parcels. Special-delivery service also includes special-handling service.

U. S. GOVERNMENT PRINTING OFFICE C48—16—72948-2

POD Form 3877-A—July 1956

MICROFILMED

BEFORE THE DIRECTOR OF THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

IN THE MATTER OF PROTESTS AGAINST APPROVAL)
OF APPLICATION FOR PERMIT NO. 85-7207 IN) ORDER TO SHOW CAUSE
THE NAME OF HAROLD G. SMITH.)

WHEREAS, on July 11, 1979, Harold G. Smith filed with the Department of Water Resources an application for permit No. 85-7207 to appropriate 0.02 cubic feet per second of water from an unnamed spring which is a tributary of Redbird Creek with a diversion point located in the E½SW¼NW¼ of Section 17, Township 33 North, Range 4 West, Boise Meridian, Nez Perce County, to be used for Domestic purposes; and,

WHEREAS, on September 13 and 20, 1979, notice of this proposed appropriation was published in the Lewiston Morning Tribune, Lewiston, Idaho; and,

WHEREAS, on August 8, 1979, the Department received a protest against the approval of said application from E. B. Ponack; and on August 10, 1979, from Larry and Cheri DeLane; and,

WHEREAS, on October 5, 1979, notice of a conference and/or hearing was sent by certified mail to all concerned parties; and,

WHEREAS, on October 26, 1979, a conference concerning this matter was held at Lewiston, Idaho, at which the protestant, E. B. Ponack, failed to appear;

IT IS, THEREFORE, HEREBY ORDERED that the protestant, E. B. Ponack, show cause on or before January 7, 1980, why his protest should not be set aside for failure to appear at the conference.

DATED: This 17th day of December, 1979.

Robert G. Haynes

ROBERT G. HAYNES, P.E.
Regional Supervisor

MICROFILMED

In the matter of Application for)
Permit No 85-7207 in the name) Stipulation
of Harold G. Smith.)

I hereby stipulate that the spring that will be developed and used under this application for permit is located on the west side of my property.

Signed at Lewiston, Idaho on October 26, 1979

Harold G. Smith

MICROFILMED

Name: Harold G. Smith
File: 85-7207
Place: Conference room, Brammer Buldg., 1225 Idaho St. Lewiston, ID
Date: 10/26/79 9 a.m

ROSTER OF ATTENDANCE

Name	Address	Representing
Amy R DeLaney MD	3326 4th Lewiston	self
Cheri E. DeLane	3326 4th Lewiston	self
Harold G. Smith	Star Rt	Riggins, Ida
Ellen R. Smith	Star Rt	Riggins Ida

October 9, 1979

Ms. Karen Byington
County Commissioners' Office
Nez Perce County Courthouse
Lewiston, Idaho 83501

Re: 85-7207

Dear Ms. Byington:

This is to confirm reservations for a conference and/or hearing to be held by this Department on Friday, October 26, 1979, at 9:00 a.m., in the conference room of the Brammer Building.

Sincerely,

ROBERT G. HAYNES, P.E.
Regional Supervisor

pms

MICROFILMED

October 5, 1979

Dr. and Mrs. Larry DeLane
3326 4th Bryden Canyon Center
Lewiston, Idaho 83501

Dear Dr. and Mrs. DeLane:

Re: 85-7207

Attached is a Notice of Hearing for the last application filed by Mr. Harold C. Smith.

I am in receipt of your letter withdrawing your protest on Mr. Smith's application. However, there are stipulations in that withdrawal that I am not sure are agreeable to Mr. Smith.

I have forwarded a copy of your letter to Mr. Smith asking if the conditions specified in your letter are compatible with his intent in filing the application. If they are, I will notify you prior to the hearing that you need not appear. If you do not hear from me prior to the hearing, you should assume that the conditions specified in your letter are not compatible with Mr. Smith's application and make an appearance at the hearing.

If you have any questions, please contact me.

Sincerely,

ROBERT G. HAYNES, P.E.
Regional Supervisor

RGH/pms

Enc. - Notice

MICROFILMED

October 5, 1979

Mr. E. B. Ponack
1428 "G" Street
Lewiston, Idaho 83501

Re: 85-7207

Dear Mr. Ponack:

Attached is a Notice of Hearing regarding the above-referenced application of Mr. Harold G. Smith.

Please be advised that Mr. Smith has amended his application to list the point of diversion and place of use as being located within the Ely SW¼ NW¼ of Section 17 Township 33N Range 4W.

If this amendment resolves your protest of Mr. Smith's application, please notify me in writing so that you may be removed as a protestant on the application.

Should you remove your protest, it will not be necessary for you to appear at the hearing.

Sincerely,

ROBERT G. HAYNES, P.E.
Regional Supervisor

RGH/pms
Enc. - Notice

MICROFILMED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NORTHERN REGION

John V. Evans
Governor

C. Stephen Allred
Director

Suite No. 1
4055 Government Way
Coeur d'Alene, Idaho 83814
(208) 667-6484

October 5, 1979

Mr. Harold G. Smith
1685 Redbird Road
Lewiston, Idaho 83501

Re: 85-7207 and 85-7186

Dear Mr. Smith:

Attached is a notice of hearing on your most recent application together with a copy of a letter withdrawing the protest of Dr. and Mrs. DeLane.

The DeLanes' letter has language regarding conditions on which the DeLanes are willing to withdraw their protest. If thos conditions are acceptable to you, please notify me so that the DeLanes' protest can officially be removed in this matter.

I have also notified Mr. Ponack of the change in your application and it is possible that he may also withdraw his protest. Should that happen and both protests are withdrawn, I will notify you setting aside the hearing.

Your letter of September 26th raised questions concerning the dispositions of the prior application. That matter has been held. This is being done because the DeLanes have raised questions concerning whether the water is from the same source as your most recent application.

If you have any questions, please contact me.

Sincerely,

ROBERT G. HAYNES, P.E.
Regional Supervisor

RGH/pms

Enc. - Notice
Letter

MICROFILMED

PS Form 3811, Aug. 1978

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED

● SENDER Complete items 1, 2, and 3.
Add your address in the "RETURN TO" space on reverse.

1. The following service is requested (check one).
- [X] Show to whom and date delivered ____¢
- [X] Show to whom, date, and address of delivery ____¢
- [ ] RESTRICTED DELIVERY
  Show to whom and date delivered ____¢
- [ ] RESTRICTED DELIVERY.
  Show to whom, date, and address of delivery $____
  (CONSULT POSTMASTER FOR FEES)

2. ARTICLE ADDRESSED TO:
Mr. E. B. Ponack
1428 G. St.
Lewiston., ID 83501

3. ARTICLE DESCRIPTION:

REGISTERED NO.	CERTIFIED NO.	INSURED NO.
	13481	

(Always obtain signature of addressee or agent)

I have received the article described above.
SIGNATURE [X] Addressee [ ] Authorized agent

4. DATE OF DELIVERY OCT 9 1979

POSTMARK

5. ADDRESS (Complete only if requested)
Box 383

6. UNABLE TO DELIVER BECAUSE:

CLERK'S INITIALS

☆ GPO: 1978-272-382

85-7207

'NITED STATES POSTAL SERVICE
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SENDER INSTRUCTIONS

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- Complete items 1, 2, and 3 on the reverse.
- Attach to front of article if space permits. Otherwise affix to back of article.
- Endorse article "Return Receipt Requested" adjacent to number.

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

U.S.MAIL

RETURN TO

[illegible] OFFICES

[illegible]

RECEIVED

(Name of Sender)

OCT 11 1979

(Street or P. O. Box)

Department of Water Re[illegible]es
Northern District Office

(City, State, and ZIP Code)

OCT 9 1979

PS Form 3811, Aug. 1978

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED M

● SENDER: Complete items 1, 2, and 3.
Add your address in the "RETURN TO" space on reverse.

1. The following service is requested (check one).
- ☐ Show to whom and date delivered ..... ¢
- ☐ Show to whom, date, and address of delivery .... ¢
- ☐ RESTRICTED DELIVERY
  Show to whom and date delivered ..... ¢
- ☐ RESTRICTED DELIVERY.
  Show to whom, date, and address of delivery. $
  (CONSULT POSTMASTER FOR FEES)

2. ARTICLE ADDRESSED TO:

Dr. Larry R. Delane
3326 4th Bryden Canyon Center
Lewiston, ID 83501

3. ARTICLE DESCRIPTION:

REGISTERED NO.	CERTIFIED NO.	INSURED NO.
	13480	

(Always obtain signature of addressee or agent)

I have received the article described above.
SIGNATURE ☐ Addressee ☐ Authorized agent

4. Chris E DeLane

DATE OF DELIVERY 10/6/14

POSTMARK

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE:

CLERK'S INITIALS

☆ GPO: 1978-272-382

85-7207

NITED STATES POSTAL SERVICE
OFFICIAL BUSINESS

SENDER INSTRUCTIONS

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

- Complete items 1, 2, and 3 on the reverse.
- Attach to front of article if space permits. Otherwise affix to back of article.
- Endorse article "Return Receipt Requested" adjacent to number.

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

U.S.MAIL

RETURN TO

[illegible] SOURCES
[illegible]
ROUTE 3, BOX [illegible] SUITE #1
COEUR D'ALENE ID 83814

(Name of Sender)

LEWISTON, ID OCT 9 1979 USPO

RECEIVED
OCT 11 1979

(Street or P. O. Box)

Department of [illegible]
Northern Dist[illegible]

(City, State, and ZIP Code)

PS Form 3811, Aug. 1978

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED

● SENDER: Complete items 1, 2, and 3.
Add your address in the "RETURN TO" space on reverse.

1. The following service is requested (check one).

- [X] Show to whom and date delivered ..... ¢
- [ ] Show to whom, date, and address of delivery ..... ¢
- [ ] RESTRICTED DELIVERY
  Show to whom and date delivered ..... ¢
- [ ] RESTRICTED DELIVERY.
  Show to whom, date, and address of delivery .$

(CONSULT POSTMASTER FOR FEES)

2. ARTICLE ADDRESSED TO:

Mr. Harold G. Smith
1685 Redbird Rd.
Lewiston, ID 93501

3. ARTICLE DESCRIPTION:

REGISTERED NO.	CERTIFIED NO.	INSURED NO.
	13482	

(Always obtain signature of addressee or agent)

I have received the article described above.

SIGNATURE [ ] Addressee [ ] Authorized agent

Harold G. Smith

4. DATE OF DELIVERY 10-26-79

POSTMARK

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE:

CLERK'S INITIALS

☆ GPO: 1979-272-382

85-7207

'NITED STATES POSTAL SERVICE
OFFICIAL BUSINESS

SENDER INSTRUCTIONS

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

- Complete items 1, 2, and 3 on the reverse.
- Attach to front of article if space permits. Otherwise affix to back of article.
- Endorse article "Return Receipt Requested" adjacent to number.

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

U.S.MAIL

RETURN TO

[illegible]
[illegible]
ROUTE 3, BOX [illegible], POST [illegible]
COEUR D' ALENE, ID 83814

LEWISTON ID OCT 9 1979

RECEIVED

(Name of Sender)

OCT 11 1979

(Street or P. O. Box)

Department of Water Resources
Northern District Office

(City, State, and ZIP Code)

NAME AND ADDRESS OF SENDER

Indicate type of mail
☐ INSURED ☐ C. O. D. ☒ CERTIFIED

Affix stamp here if issued as certificate of mailing or for additional copies of this bill.
POSTMARK AND DATE OF RECEIPT

	NUMBER OF ARTICLE	NAME OF ADDRESSEE, STREET, AND POST-OFFICE ADDRESS	POSTAGE	FEE	DUE SENDER IF C. O. D.	ENDORSEMENT [1]	R. R. FEE	S. D. FEE	S. H. FEE [2]	RESTRICTED DELIVERY FEE / REMARKS
1	13466	Mr. Robert Savage, Rt. 6 Box 34 Priest River ID 83856	15	80			45			
2	13467	Mr. & Mrs. John Bahler, Rt. 6 Box 29, Priest River, ID	"	"			"			
3	13468	Mr. Dag Grudem, 202 S. First Ave., Sandpoint, ID 83864	"	"			"			
4	13469	Mr. & Mrs. Ernest D. Little, P. O. Box 606, Sandpoint ID	"	"			"			
5	13470	Mr. David Goldman. Star RT. 1, Bonners Ferry, ID 83805	"	"			"			
6	13471	Mr. Ernest G. Krause, 507 Iva Dr. Farmington NM 87401	"	"			"			
7	13472	Mr. Robert R. Krause, Star Rt. 1, Porthill, ID 83853	"	"			"			
8	13473	Mr. Raymond O. Hinthorn, Star Rt. 1 Box 76, B. F. ID	"	"			"			
9	13474	Mr. Francis D. Chicane, Rt. 1 Box 106, Grangeville, ID	"	"			"			
10	13475	Mr. Vernon Workman, Rt. 1 Box 100A, Grangeville, ID	"	"			"			
11	13476	Mr. & Mrs. Sydney Smith, P. O. Box 129, Cocolalla, ID	"	"			"			
12	13477	Mr. Bruce A. Scott, Rt. 2 Box 319, Kooskia, ID 83539	"	"			"			
13	13478 ✓	Mr. Dennis W. McGuire, P. O. Box 271, Kamiah, ID 83536	"	"			"			
14	13479	Mr. William B. Taylor, P. O. Box 326, Grangrville, ID	"	"			"			
15	13480	Dr. Larry R. Delane, 3326 4th Bryden C. C. Lewiston, ID	"	"			"			X 10-11-79
16	13481	Mr. E. B. Ponack, 1428 G. St., Lewiston, ID 83501	"	"			"			X 10-11-79
17	13482	Mr. Harold G. Smith, 1685 Redbird Rd. Lewiston, ID	"	"			"			X 10-11-79
18										
19										
20										

HAYDEN LAKE ID 1979 OCT 12

TOTAL NUMBER OF PIECES LISTED BY SENDER	TOTAL NUMBER OF PIECES RECEIVED AT POST OFFICE	POSTMASTER, PER (Name of receiving employee)
36	36 TOTAL	J Holen

[1] Mark "F" if "Fragile," "P" if "Perishable," "E" if "Eggs," "EH" if "Eggs for Hatching," "B" if "Butter," "FL" if "Fragile-Liquid," and "FLU" if "Fragile-Liquid—This Side Up."
[2] Special-handling charges apply only to fourth-class parcels. Special-delivery service also includes special-handling service.

POD Form 3877 July 1958

U. S. GOVERNMENT PRINTING OFFICE C48—16—72948-2

97-7134 9-6-79 Bonners 45-7205 98-7314 Bonners 44 8-7-79 85-7207 8-7-79

BEFORE THE DIRECTOR OF THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

IN THE MATTER OF PROTESTS AGAINST APPROVAL)
OF APPLICATION FOR PERMIT NO. 85-7207 IN)
THE NAME OF HAROLD G. SMITH.)

NOTICE OF CONFERENCE

AND/OR HEARING

On July 11, 1979, Harold G. Smith filed with the Department of Water Resources an application for Permit No. 85-7207. The Department received a protest against approval of said permit from E. B. Ponack on August 8, 1979; and from Larry R. and Cheri E. DeLane on August 10, 1979.

The Department has set the matter of protests for conference and/or hearing for Friday, October 26, 1979, at 9:00 a.m., in the conference room of the Brammer Building, 1225 Idaho Street, Lewiston, Idaho. Any hearing will be held in accordance with the Rules and Regulations of the Idaho Code and adopted Rules of Practice and Procedure of the Department of Water Resources. Opportunity shall be afforded all parties to respond and present evidence and argument on all issues involved.

Any party may request in writing five (5) days before any hearing that the oral proceedings thereof be taken in the form of stenographic notes. Any party may have such stenographic notes of the oral proceedings, or part thereof, transcribed at his own expense. A taped record of the proceedings will be maintained for the appeal period.

Failure to appear at the time and place set for hearing by the applicant or protestants may allow the Department without prejudice to dismiss the protests or the application. Any and all costs incurred by reasons of such non-appearance may be assessed against such non-appearing parties.

DATED: This 5th day of October, 1979.

Robert G. Haynes

ROBERT G. HAYNES, P.E.
Regional Supervisor

MICROFILMED

RECEIVED
SEP 28 1979
Department of Water Resources
Northern District Office

Larry R. DeLane, M.D.
DIPLOMATE, AMERICAN BOARD OF FAMILY PRACTICE
3326 4TH, BRYDEN CANYON CENTER
LEWISTON, IDAHO 83501

TELEPHONE (208) 746-8233

September 26, 1979

Mr. Robert G. Haynes, P.E.
Regional Supervisor
State of Idaho - Department of Water Resources
Suite No. 1 - 4055 Government Way
Coeur d'Alene, Idaho 83814

Re: Harold G. Smith - 85-7207

Dear Mr. Haynes:

We respectfully withdraw our protest to Harold G. Smith's modified application for domestic spring water originating on his property in the amount of 0.02 cfs, as per his application 85-7207. His corrected application has moved the unknown, unnamed water source from our property and into the appropriate quarter section.

Our withdrawal of the protest is based solely on Mr. Smith's testimony that his new water source originates on the west side of his property and is carried some 850 ft by pvc pipe to a cistern and thusly pumped into his trailer. As he did in the prior hearing on June 26th of this year, he denies using domestic water from the spring source exiting our property.

Sincerely yours,

Larry R DeLane MD

Larry R. DeLane, M.D.

Cheri E. DeLane

Cheri E. DeLane

LRD/cd

MICROFILMED

September 6, 1979

Dr. and Mrs. Larry R. DeLane
3326 4th, Bryden Canyon Center
Lewiston, Idaho 83501

Re: 85-7207

Dear Dr. and Mrs. DeLane:

Enclosed is a copy of Mr. Smith's Amended Application for Permit for the above-referenced matter.

It will be advertised in the Lewiston Morning Tribune on September 13 and 20, 1979.

Sincerely,

ROBERT G. HAYNES, P.E.
Regional Supervisor

pms

Enc. - Amended Application

MICROFILMED

NOTICE OF AMENDED APPLICATION FOR PERMIT

Notice is hereby given that Harold G. Smith has filed with the Department of Water Resources August 27, 1979, an Amended Application for Permit No. 85-7207 changing the point of diversion as well as the place of use. The point of diversion and place of use on the original Application for Permit was located in the NE¼NW¼ of Section 17 Township 33N Range 4W.B.M. Nez Perce County. The applicant now wishes to amend said original Application for Permit No. 85-7207 to show the point of diversion and place of use as follows: E½SW¼NW¼ of Section 17 Township 33N Range 4W.B.M. Nez Perce County.

Any protest to the proposed amended Application for Permit may be filed with the Idaho Department of Water Resources, 4055 Government Way, Coeur d'Alene, Idaho 83814 on or before October 1, 1979.

C. STEPHEN ALLRED

Director

Published in the Lewiston Morning Tribune, Lewiston, Idaho, on September 13 and 20, 1979.

MICROFILMED

August 22, 1979

Mr. Harold G. Smith
1685 Redbird Road
Lewiston, Idaho 83501

Re: 85-7207 - Amendment

Dear Mr. Smith:

In regard to your letter of August 18, I have taken the liberty of preparing an Amended Application for Permit based on the information given in your letter.

Since this Amendment must be advertised in the local newspaper, it will necessitate another filing fee of $20.00.

Please read the enclosed Amendment and if everything is in order, please sign and return to our office with a $20.00 filing fee.

Sincerely,

Patricia M. Stypa
Senior Secretary

Enc. - Amendment

MICROFILMED

August 18, 1979

STATE OF IDAHO
Dept of Water Resources
4055 Govt Way
Coeur d'Alene, Idaho 83814

Gentlemen:

Please be advised that I have contacted Mr. E. B. PONACK, one of the protestors on my application #85-7207. Mr. Ponack tells me his reason for protesting is due to the fact that the legal description is wrong and I am in fact filing on land owned by him which is not my intention at all.

I would like to amend my application to read: "East half of SW of NW of Sec. 17."

Mr. Ponack is the land developer on this project so this description should be correct.

I have not contacted De Lane on his protest, but this amendment should take cabe of Ponack's protestation.

Sincerely,

Harold G. Smith

HAROLD G. SMITH

RECEIVED
AUG 21 1979
Department of Water Resources
Northern District Office

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 14, 1979

Dr. and Mrs. Larry R. DeLane
3326 4th, Bryden Canyon Center
Lewiston, Idaho 83501

RE: 85-7207

Dear Dr. and Mrs. DeLane:

Your protest against the approval of the above-referenced application has been received and a copy has been sent to the applicant. The Department suggests that you contact the applicant directly in an effort to determine what is proposed by the application and to attempt to resolve the protest.

If you do not advise us within twenty (20) days that the protest has been resolved, the matter will be scheduled for conference and/or hearing. At such a conference and/or hearing, the following are the principle items the Department can consider in either approving or denying the application for permit (Section 42-203, IDAHO CODE):

1. Will the proposed use reduce the quantity of water under existing water rights?

2. Is the proposed water supply insufficient for the purpose intended?

3. Is the application made in good faith or for delay or speculation?

4. Has the applicant sufficient financial resources with which to complete the project?

5. Will the proposed use conflict with the local public interest?

You will be notified at a later date of the time and place of the conference and/or hearing. If we can be of any assistance, please contact us.

Sincerely,

ROBERT G. HAYNES, P.E.
Regional Supervisor

RGH: pms

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 14, 1979

Mr. Harold G. Smith
1685 Redbird Road
Lewiston, Idaho 83501

RE: 85-7207

Dear Mr. Smith:

Enclosed is a copy of a protest filed against the approval of a permit pursuant to the above-referenced application. The Department suggests you contact the protestants directly in an effort to determine the nature of the protest and attempt to resolve the protest.

If you do not advise us within twenty (20) days that the protest has been resolved, the matter will be scheduled for conference and/or hearing. At such a conference and/or hearing, the following are the principle items the Department can consider in either approving or denying the application for permit (Section 42-203, IDAHO CODE):

1. Will the proposed use reduce the quantity fo water under existing water rights?

2. Is the proposed water supply insufficient for the purposes intended?

3. Is the application made in good faith or for delay or speculative purposes?

4. Has the applicant sufficient financial resources with which to complete the project?

5. Will the proposed use conflict with the local public interest?

You will be notified at a later date of the time and place of the conference and/or hearing. If we can be of any assistance, please contact us.

Sincerely,

ROBERT G. HAYNES, P.E.
Regional Supervisor

RGH: pms

Enclosure (2)

APPROVED

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 14, 1979

Mr. E. B. Ponack
1428 "G" Street
Lewiston, Idaho 83501

RE: 85-7207

Dear Mr. Ponack:

Your protest against the approval of the above-referenced application has been received and a copy has been sent to the applicant. The Department suggests that you contact the applicant directly in an effort to determine what is proposed by the application and to attempt to resolve the protest.

If you do not advise us within twenty (20) days that the protest has been resolved, the matter will be scheduled for conference and/or hearing. At such a conference and/or hearing, the following are the principle items the Department can consider in either approving or denying the application for permit (Section 42-203, IDAHO CODE):

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3. Is the application made in good faith or for delay or speculation?

4. Has the applicant sufficient financial resources with which to complete the project?

5. Will the proposed use conflict with the local public interest?

You will be notified at a later date of the time and place of the conference and/or hearing. If we can be of any assistance, please contact us.

Sincerely,

ROBERT G. HAYNES, P.E.
Regional Supervisor

RGH: pms

RECEIVED

Larry R. DeLane, M.D.
DIPLOMATE, AMERICAN BOARD OF FAMILY PRACTICE
3326 4TH, BRYDEN CANYON CENTER
LEWISTON, IDAHO 83501

TELEPHONE (208) 746-8233

CERTIFIED MAIL

August 8, 1979

State of Idaho
Department of Water Resources
4055 Government Way
Coeur d'Alene, Idaho 83814

Re: Application No. 85-7207
Harold G. Smith

Gentlemen:

We protest application 85-7207, amount 0.02CFS, NE NW Sec 17 Township 33 N, R 04W.

Sincerely,

Larry R. DeLane, M.D.

(Mrs.)Cheri E. DeLane

LRD/cd

RECEIVED
AUG
Department of Water Resources
Northern District Office
MICROFILMED

TITLE INSURANCE
ESCROWS

NEZ PERCE COUNTY TITLE COMPANY
1428 "G" STREET
LEWISTON, IDAHO 83501

PHONE (208) 746-2323
P. O. BOX 383

August 6, 1979

Mr. C. Stephen Allred
Director of the Idaho Department
of Water Resources
4055 Government Way
Coeur d' Alene, Idaho 83814

Dear Mr. Allred:

I wish to file a protest against the granting of a permit to Harold G. Smith, under application No. 85-7207.

Sincerely,

E. B. Ponack

EBP
jtb

RECEIVED
Idaho Department of Water Resources
Water Allocation Bureau
Basin Office

Form No. 202a
2/79

State of Idaho

Department of Water Resources

APPLICATION FOR PERMIT ANALYSIS SHEET

INITIAL REVIEW BY: KK APPLICATION NUMBER: 85-7207

CHECK:

- ☒ Source.
- ☒ Point of diversion.
- ☒ County.
- ☒ Description of diverting works.
- ☒ Time required for beneficial use of water.
- ☒ Place of use or acres irrigated.
- ☒ Map.
- ☒ Signature.
- ☒ Fee.

Field check by: _____
Date: _____
Comments: _____

- ☐ 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.

*REQUEST THE FOLLOWING ADDITIONAL INFORMATION FROM THE APPLICANT: _____

SEND COPIES TO:

- ☐ Idaho State Health Department. Copies sent by: _____ Date: _____
- ☐ Idaho Fish and Game Department.
- ☐ Idaho Department of Lands.
- ☐ U.S. Bureau of Land Management.
- ☐ U.S. Forest Service.
- ☐ Other

PROCESSING:

- ☐ Yes ☐ No Platted by: _____ Map No. _____
- ☐ Yes ☐ No Other rights on same place of use. _____
- ☒ Yes ☐ No* In form for advertising.
  Final date for protests: 8/3/79 10-1-79
- ☑ Yes ☐ No Protests received. If yes, record information on 4th page of application.

FINAL REGIONAL PROCESSING REVIEW:

- ☑ Affidavit of publication received. Date: 8/6/79 8-21-79
- ☐ 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? _____
  _____ Date of priority recommended.

Special conditions of approval or cover letter. _____

By: _____ Date: _____

STATE OFFICE REVIEW:

- ☐ See attached sheet for more information.

By: _____ Date: _____

85-2202

SMITH, HAROLD G.

1685 REDBIRD RD., LEWISTON, ID 83501

Source: UNNAMED SPRING tributary to REDBIRD CREEK

Date Filed: 07/11/1979

Amount: 0.02 CFS

Diversion Point: NENW Sec 27 T 33N R 04W, NEZ PERCE Co.

Use: DOMESTIC (0.02 CFS) from 01/01 to 12/31

Place of Use: NENW Sec 17 T 33N R 04W

Diversion Means: CISTERN, TANK, PUMP & PIPE

July 13, 1979

Mr. Harold G. Smith
1685 Redbird Road
Lewiston, Idaho 83501

Dear Mr. Smith:

We are returning your Check No. 92-30 in the amount of $20.00 and your Application for Permit for clarification.

Please correct the following:

1. Item 4 is for 0.20 cfs; whereas, Item 5.a. is for 0.02 cfs.

2. Items 3 and 8.A.1. list the SWNW, the map indicates the point of diversion within the NENW, and the place of use in the SENW and NESW.

If you have any questions, please contact this office.

Sincerely,

TOM D. KING
Senior Water Resource Agent

TDK/pms

Enc. - Check
Application

MICROFILMED

KAMP TOMAHAWK CAMPGROUNDS

IN IDAHO . . . . .

32 Miles east of Lewiston
4 Miles east of Lenore –

ON HIGHWAY 12.

Nestled at the foot of Ponderosa Pines – overlooking the beautiful Clearwater River.

~~Route 2, Box 44, Lenore, Idaho 83541~~
~~208-486-2807~~
1685 Redbird Rd
Lewiston, Idaho 83501

DEPARTMENT OF WATER RESOURCES
4055 Govt Way
Coeur d'Alene, Idaho 83814

Gentlemen:

If you have not forwarded me water permit application blanks in the last couple of days, please do so. I need 4 copies to allow for carbon copies.

Thank You

Harold G. Smith

HAROLD G. SMITH
1685 Redbird Road
Lewiston, Idaho 83501

Sent 2 yesterday

RECEIVED
JUL 5 1979
Department of Water Resources
Northern District Office

MICROFILMED

IDENT. NO. 85-7207

IDAHO DEPARTMENT OF WATER RESOURCES Amendment

WATER RIGHT
DATA ENTRY LOG

Initials	Date	Item
pmo	9/5/79	Original form entered
pm	9/6/79	Edit Report Correct
		Date Protested
		Date of Hearing
WL	2/25/80	Date Approved/Denied (Proof due date, stage and/or status, conditions of approval, water district)
		Record Verified
		Amendment Approved
		Extension Approved
		Partial Proof
		Proof Complete
		Field Exam Received
		Field Exam Accepted and changes entered
VERIFIED SRC	4/4/86	License ~~Signed~~
		Transfer Approved
		Keypunched by State Office