

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 29-07900

Priority: March 6, 1990

Maximum Diversion Rate:

0.48 CFS

Maximum Diversion Volume:

346.9 AF

This is to certify, that EARL H SMITH

9589 E MAUGHAN RD

LAVA HOT SPRINGS ID 83246

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated March 6, 1990; and has submitted Proof of Beneficial Use on June 27, 1991. An examination indicates that the works have a diversion capacity of 0.620 cfs of water from:

DEMPSEY CREEK

tributary to PORTNEUF RIVER

source, and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
FISH PROPAGATION	01/01 to 12/31	0.48 CFS	346.9 AF

LOCATION OF POINT(S) OF DIVERSION:

SWNE , Sec. 29, Township 09S, Range 38E
BANNOCK County

PLACE OF USE: FISH PROPAGATION

TWN RGE SEC

09S 38E 29

NWNE

CONDITIONS OF APPROVAL AND REMARKS

1. The maximum diversion volume is defined as the maximum allowable volume of water that may be diverted annually from the source under this right. The use of water confirmed by this right is limited to the amount which can actually be beneficially used. The maximum diversion volume may be adjusted to more accurately describe the beneficial use or to implement accepted standards of diversion and use efficiency.
2. This water right is appurtenant to the described place of use.
3. This right is subject to all prior water rights and may be forfeited by five years of non-use.
4. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
5. The use of water under this right shall not give rise to any claim against the holder of a senior water right based upon the theories of forfeiture, abandonment, adverse possession, waiver, equitable estoppel, estoppel by laches or customary preference.
6. The Director retains jurisdiction of the right to incorporate the use into a water district, require streamflow augmentation or other action needed to protect prior surface water and groundwater rights.

State of Idaho
Department of Water Resources**WATER RIGHT LICENSE**

WATER RIGHT NO. 29-07900

CONDITIONS OF APPROVAL AND REMARKS

7. Use of water under this right shall be non-consumptive.
8. Use of water under this water right will be regulated by the watermaster of State Water District No. 29.
9. Use of water under this right is subject to policies set forth in the State of Idaho Water Plan, including Policy No. 5G.
10. Water used under this right if discharged into a natural channel shall meet Idaho Water Quality Standards.
11. Facility volume = 47,432 cubic feet.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. Witness the seal and signature of the Director, affixed at Boise, this 24TH day of FEBRUARY, 1997.

Acting for

KARL J. DREHER, Director

RECEIVED

MAR 10 1997

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF PERMIT NO. 29-07900 IN)
THE NAME OF EARL H. SMITH) ORDER
_____)

WHEREAS, on June 28, 1990, the Department of Water Resources issued Permit No. 29-07900 with a condition of approval which states:

A lockable device, subject to the approval of the Department, shall be installed on the diverting works in a manner that will provide the watermaster suitable control of the diversion prior to diversion of water under this permit,

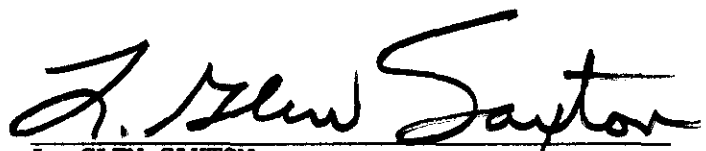
and;

WHEREAS, the Department of Water Resources has determined that the compliance with this condition of approval is not required at this time;

NOW, THEREFORE, IT IS ORDERED that this condition of approval on Permit No. 29-07900 is REMOVED.

IT IS FURTHER ORDERED that the Director retains jurisdiction to require future installation upon a finding of need.

Dated this 23rd day of July, 1991.


L. GLEN SAXTON
Chief, Water Allocation Bureau

RECEIVED

JUL 31 1991

RECEIVED
JUN 27 1991

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
PROOF OF BENEFICIAL USE

Department of Water Resources

The Idaho Department of Water Resources will consider this form as a statement that the permit holder(s) has/have completed all development that will occur under this permit and that water has been applied according to the provisions of the permit for the beneficial use(s) described below. This form must be accompanied by a license examination fee or a completed field examination report prepared by a certified water right examiner who has been appointed by the department.

1. Permit No. 22-07900 Telephone No. 208-776-5348

2. Name(s) of Permit Holder(s): EARL H. SMITH

3. Post Office Address: 9589 E. Maughan RD LAWA HOT SPRINGS, ID 83246

4. Source of Water: DEMPSEY CREEK

a. If ground water, well driller's name: _____ Date drilled: _____

b. Pump horsepower: _____ Pressure (psi): _____ Dynamic pumping level (ft.): _____

5. Extent of Use:

Domestic _____ (No. of households) Irrigation _____ (No. of acres)

Stockwater _____ (No. and type of stock) Other FISH PROPAGATION

6. Total rate and/or volume for which proof is submitted 0.48 cfs _____ acre/feet

7. Refer to the approval conditions on your permit and respond accordingly:

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

OR

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

8. Fee Enclosed: \$ 100.00 (See License Examination Fee Schedule)

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

EARL H SMITH

Name

208-776-5348

Telephone No.

9589 E. Maughan RD

LAWA HOT SPRINGS, IDAHO

83246

Address

10. The above information is my true statement of the extent to which the above numbered permit has been developed and I relinquish any undeveloped portion of the permit to the state of Idaho.

JUL 31 1991

6/20/91
Date

Earl H Smith
Signature (and title if on behalf of a company or organization)

State of Idaho
Department of Water Resources
Permit To Appropriate Water

NO. 29-07900

Proposed Priority: March 6, 1990 Maximum Diversion Rate: 0.48 CFS
This is to certify, that **EARL H. SMITH**
9589 E. MAUGHAN RD.
LAVA HOT SPRINGS, ID 83246
has applied for a permit to appropriate water from:

DEMPSEY CREEK tributary of **PORINEUF RIVER**

and a permit is **APPROVED** for development of water as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>
FISH PROPAGATION	01/01 to 12/31	0.48 CFS
<u>LOCATION OF POINT(S) OF DIVERSION:</u>		SWNE Sec. 29, Township 09S, Range 38E BANNOCK County

PLACE OF USE: FISH PROPAGATION

TWN RGE SEC

09S 38E 29 NWNE

CONDITIONS/REMARKS:

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before July 1, 1991.
2. Subject to all prior water rights.
3. Assignment or sale of this permit is subject to a determination by the Department that the permit holder has proceeded to develop the permit with due diligence and without speculation.
4. The right to the use of water acquired under this permit shall not give rise to any right or claim against the holder of a senior right based upon the theories of forfeiture, abandonment, adverse possession, waiver, equitable estoppel, estoppel by laches or customary preference.
5. The Director retains jurisdiction of the permit and any license subsequently issued to incorporate the use into a water district, require streamflow augmentation or other action needed to protect prior surface water and groundwater rights.
6. The issuance of this permit in no way grants any right-of-way or easement across the land of another.
7. Water used under this permit if discharged into a natural channel shall meet Idaho Water Quality Standards.
8. Use of water under this permit shall be non-consumptive.
9. The permit holder shall be required to provide the Department, upon request, information showing volume changes per hour necessary to maintain an adequate environment for the fish propagation facility. Volume changes per hour shall be based upon actual fish production.

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JUL 20 1990

State of Idaho
Department of Water Resources**Permit To Appropriate Water**

NO. 29-07900

CONDITIONS/REMARKS:

10. A lockable device, subject to the approval of the Department, shall be installed on the diverting works in a manner that will provide the watermaster suitable control of the diversion prior to diversion of water under this permit.
11. Use of water under this right is subject to policies set forth in the State of Idaho Water Plan, including Policy No. 5G.
12. Use of water under this permit is subject to control by the watermaster of State Water District No. 29.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code.
Witness the seal and signature of the Director, affixed at Boise, this

28th day of June, 1990.

for R. Keith Higginson
R. Keith Higginson, Director

MICROFILMED

JUL 20 1990

Ident. No. 29-07900

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name: EARL H. SMITH 208-776-5348
Address: 9589 E. MAUGHAN RD.
LAVA HOT SPRINGS, ID 83246
2. Source: DEMPSEY CREEK Trib. to: PORTNEUF RIVER
3. Location of Point of Diversion: SWNE Sec. 29, Township 09S, Range 38E
BANNOCK County
4. Water will be used for the following purposes:

Purpose	From	To	CFS	(or)	AF
FISH PROPAGATION	01/01	12/31	0.480		
5. Total quantity to be appropriated is:
0.480 CFS (and/or) AF
6. Proposed diverting works:
 - a. Description of ditches, flumes, pumps, headgates, etc.
HEADGATE AND PIPE TO TWO PONDS FOR FISH PROPAGATION.
 - b. Height of storage dam feet; active reservoir capacity
acre-feet; total reservoir capacity acre-feet; period of
year when water will be diverted to storage: to inclusive.
 - c. Proposed well diameter is inches; proposed depth of well is
feet.
 - d. Is groundwater with a temperature greater than 90F being sought? NO
7. Time required for the completion of the works and application of
the water to the proposed beneficial use is 1 years.
8. Description of proposed uses:
FISH PROPAGATION FOR RECREATIONAL USE BY PUBLIC.
9. Place of Use: FISH PROPAGATION

TWN RGE SEC
09S 38E 29 NWNE
10. Describe any other water rights used for the same purposes.
NONE

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JUL 20 1990

11. a. Who owns the property at the point of diversion?
HENRY ETCHEVERRY
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.
APPLICANT HAS WRITTEN AGREEMENT ALLOWING ACCESS AND USE OF P/D.

12. Remarks:

TWO PONDS:

- 1) 30 FEET X 40 FEET X 10 FEET DEEP
2) 60 FEET X 80 FEET X 12 FEET DEEP

DURING IRRIGATION SEASON WATER IS USED UNDER 29-00182A.

13. Map of proposed point of diversion and place of use attached? ☒

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.

Earl H. Smith
Applicant

Received by CW EMC Date 3-28-90 Time 3/6/90 Preliminary check by DMD
Fee \$ 45⁰⁰ Receipted by EMC # E012227 Date 3/6/1990
Publication prepared by RB Date 5-17-90 Published in ID State Jnl
Publication approved RB Date 6-5-90

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JUL 20 1990

A29-07900

7.5 MINUTE SERIES (ORTHO)

2' 30"

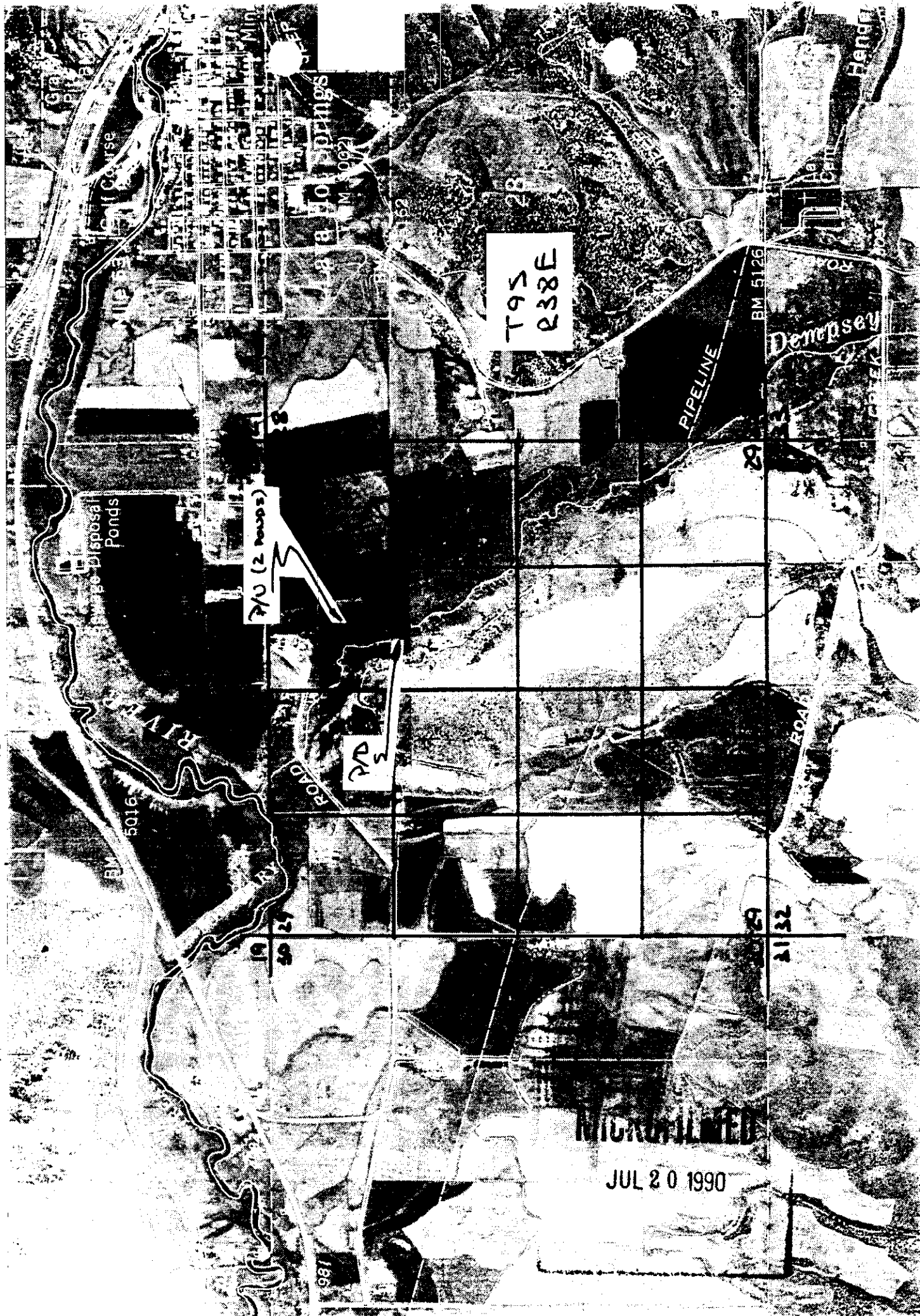
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415

416

540 000 FEET

417



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JUL 20 1990

PROOF OF PUBLICATION

RECEIVED

MAY 25 1990

STATE OF IDAHO
County of Bannock

ss.

Department of Water Resources
Eastern District Office

Sandra K. Wann

NOTICE OF APPLICATION FOR WATER RIGHT

The Following application(s) have
been filed to appropriate the public
waters of the State of Idaho:

29-07898

JOHNSON, DEAN C.
JOHNSON, JAQUELYN
193 N. OLD HIGHWAY 91
POCATELLO, ID 83245
Source: PORTNEUF RIVER
Tributary: SNAKE RIVER
Diversion Pt:
SWSW Sec 35 T 07S R 36E
Use: IRRIGATION (.060 CFS)
Total Diversion: (.060 CFS)
Date Filed: 3-6-1990
In: T07S R36E S35 SWSW
2.0 ACRES TOTAL

29-07900

SMITH, EARL H.
9589 E. MAUGHAN RD.
LAVA HOT SPRINGS, ID 83246
Source: DEMPSEY CREEK
Tributary: PORTNEUF RIVER
Diversion Pt:
SWNE Sec 29 T 09S R 38E
Use: FISH PROPAGATION (.480
CFS)
Total Diversion: (.480 CFS)
Date Filed: 3-6-1990
In: T09S R38E S29 NWNE
29-07908

MARINI, JAMES
1502 S. OLD HIGHWAY 91
INKOM, ID 83245
Source: SPRING
Tributary: SINKS
Diversion Pt:
NWNWSE Sec 11 T 08S R 36E
Use: STOCKWATER (.020 CFS)
IRRIGATION (.010 CFS)
Total Diversion: (.030 CFS)
Date Filed: 3-26-1990
In: T08S R36E S11 NWSE
0.5 ACRES TOTAL

29-07930

ANTHONY, JAY N.
ANTHONY, GOLDIE O.
P.O. BOX 210
INKOM, ID 83245
Source: SPRING
Tributary: SINKS
Diversion Pt:
NESWNE Sec 9 T 10S R 38E
Use: DOMESTIC (.040 CFS)
Total Diversion: (.040 CFS)
Date Filed: 3-15-1990
In: T10S R38E S09 SWNE
29-07935

DAYLEY, MORRIS J.
6919 W. PORTNEUF RD.
POCATELLO, ID 83204
Source: GROUNDWATER
Diversion Pt:
SESW Sec 22 T 07S R 35E
Use: IRRIGATION (.400 CFS)
Total Diversion: (.400 CFS)
Date Filed: 3-15-1990
In: T07S R35E S22 NESW SESW
20.0 ACRES TOTAL

29-07936

CITY OF LAVA HOT SPRINGS
P.O. BOX 187
LAVA HOT SPRINGS, ID 83246
Source: SPRING
Tributary: PORTNEUF RIVER
Diversion Pt:
LOT 6 (SWSWSW) Sec 22 T 08S R
38E
Use: MUNICIPAL (1.000 CFS)
Total Diversion: (1.000 CFS)
Date Filed: 3-14-1990
In: T09S R38E S21
S22
S28

29-07939

KIRKHAM, DALE B.
KIRKHAM, JR., DALE B.
P.O. BOX 4026
POCATELLO, ID 83201
Source: SPRING
Tributary: SINKS
Diversion Pt:
NENESW Sec 8 T 07S R 35E
Use: IRRIGATION (.200 CFS)
Total Diversion: (.200 CFS)
Date Filed: 3-26-1990
In: T07S R35E S08 SENW NESW
NWSE
12.0 ACRES TOTAL

29-07940

DAVIS, GLADE H.
21128 S. MARSH CREEK RD.
DOWNEY, ID 83234
Source: GROUNDWATER
Diversion Pt:
NWSE Sec 23 T 11S R 34E
Use: IRRIGATION (2.400 CFS)
Total Diversion: (2.400 CFS)

being first duly sworn on oath deposes and says: That she
was at all times herein mentioned a citizen of the United States of Ameri-
ca, more than 21 years of age, and the Principal Clerk of THE IDAHO
STATE JOURNAL, a daily newspaper, printed and published at Pocatello,
Bannock County, Idaho, and having a general circulation therein.

That the document or notice, a true copy of which is attached, was
published in the said IDAHO STATE JOURNAL, on the following dates,
to-wit:

17 May	19 90	19
24 May	19 90	19
	19	19
	19	19
	19	19

That said paper has been continuously and uninterruptedly published
in said County for a period of seventy-eight weeks prior to the publication
of said notice or advertisement and is a newspaper within the meaning
of the laws of Idaho.

Sandra K. Wann

STATE OF IDAHO

COUNTY OF Bannock

On this 24th day of May in the year of 1990, before me,
a Notary Public, personally appeared Sandra K. Wann,
known or identified to me to be the person whose name subscribed to the within instrument,
and being by me first duly sworn, declared that the statements therein are true, and
acknowledged to me that he executed the same.

John L. Wilson
Notary Public for Idaho

Residing at Pocatello

My commission expires July 1991

MICROFILMED

JUL 20 1990



State of Idaho
DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000
Phone: (208) 327-7900 FAX: (208) 327-7866

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

February 26, 1997

EARL H SMITH
9589 E MAUGHAN RD
LAVA HOT SPRINGS ID 83246

RE: WATER RIGHT NO. 29-07900

Dear Water Right Holders:

The Department of Water Resources (the Department) has issued the enclosed license confirming that a water right has been established in accordance with the permit referenced above. The license is a preliminary order issued by the Department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action of the Department unless a party petitions for reconsideration within fourteen (14) days after issuance as further described below:

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the Department within fourteen (14) days of the service date of this order. The Department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See section 67-5243(3), Idaho Code.

EXCEPTIONS AND BRIEFS

Within twenty-one (21) days after (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding. Otherwise, this preliminary order will become a final order of the Department.

If any party appeals or takes exceptions to this preliminary order, opposing parties shall have twenty-one (21) days to respond to any party's appeal. Written briefs in support of or taking exceptions to the preliminary order shall be filed with the Department. The Department retains the right to review the preliminary order on its own motion.

ORAL ARGUMENT

If the Department grants a petition to review the preliminary order, the Department shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Department will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Department orders otherwise, all oral arguments will be heard in Boise, Idaho.

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Department in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with Rules of Procedure 302 and 303.

FINAL ORDER

The Department will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Department may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The Department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its issuance if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) the petition for reconsideration is disposed of; or
- (b) the petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or

- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

If you have questions, please contact me at (208) 327-7946.

Sincerely,

A handwritten signature in black ink, reading "Shelley W. Keen". The signature is fluid and cursive, with the first letters of each name being capitalized and prominent.

Shelley W. Keen
Water Rights Supervisor

c: Eastern Region

Enclosures

CERTIFICATE OF MAILING

I hereby certify that on the 26th day of February, 1997, I mailed a true and correct copy, postage prepaid, of the foregoing **PRELIMINARY ORDER (Approved License)** to the person(s) listed below:

Water Right No. 29-07900

**EARL H SMITH
9589 E MAUGHAN RD
LAVA HOT SPRINGS ID 83246**



Sharla Curtis

Water Resource Agent

MEMORANDUM

TO: File 29-07900

FROM: Sharla

DATE: January 9, 1997

RE: Recommendation Adjustment(s)

The final license recommendations for Right 29-07900 are based on the following:

C. DIVERSION AND DELIVERY SYSTEM

1. Point(s) of Diversion:
SWNE, S29, T9S, R38E

The location of the point of diversion identified on the map attached to the exam report is in the SWNE. The examiner did not indicate any amendments to the right; the point of diversion identified in the permit was also the SWNE.

Examiner: Steve Mueller
Exam Date: August 15, 1995

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MAR 10 1997

MAR 10 1937

3. **Delivery System Diagram:** Indicate all major components and distances between components. Indicate weir size/ditch size/pipe I.d. as applicable.

Scale: 1" = _____

☒ Copy of USGS Quadrangle Attached Showing location(s) of point(s) of diversion and place(s) of use (required).

☒ Aerial Photo Attached (required for irrigation of 10+ acres)

☒ Photo of Diversion and System Attached

4. NA

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size

*Code to correspond with No. on map and aerial photo

D. FLOW MEASUREMENTS

1.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date
<u>Pygmy Meter</u>						

2. Measurements: 0.62 cfs diverted + 1.02 cfs return to Dampier Creek
See attached Discharge meter

MAR 10 1997

E. NARRATIVE/REMARKS/COMMENTS

This system is located on the very bottom of the Drumpsey Creek system approximately 1/4 mile before it empties into the Portneuf River. Since the fish ponds are an in + out system (Flow thru) I do not see the need for a lockable headgate on this system. I would recommend deleting this condition.

2/6/67

Have conditions of permit approval been met? ☐ yes ☐ no

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MAR 10 1967

F. FLOW CALCULATIONS

X Additional Computation Sheets Attached

Measured Method:

Pxy meter

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$$V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = \underline{\hspace{2cm}}$$

$$V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 = \underline{\hspace{2cm}}$$

$$V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} = \underline{\hspace{2cm}}$$

2. Volume Calculations for Other Uses:

$$\text{Pond \#1} = 77' \times 44' \times 4' \text{ deep} = 0.3 \text{ af} \quad \left. \vphantom{\text{Pond \#1}} \right\} \text{Pond capacity}$$

$$\text{Pond \#2} = 77' \times 110' \times 4' \text{ deep} = 0.8 \text{ af}$$

$$0.48 \text{ cfs} \times 365 \text{ days} \times 1.9835 = \underline{\underline{347.5 \text{ af}}} \quad \text{total flow thru in one year}$$

H. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (afa)
	From	To		
<i>Fish Propagation</i>	<i>1-1</i>	<i>12-31</i>	<i>0.48</i>	<i>347.5 af</i>
Totals:			<i>0.48 cfs</i>	<i>347.5 af</i>

2. 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

I. AUTHENTICATION

Field Examiner's Name Steve Mueller Date 11-16-95

Reviewer J. W. Jones Date 11-16-95

SEAL

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MAR 16 1996

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85

85

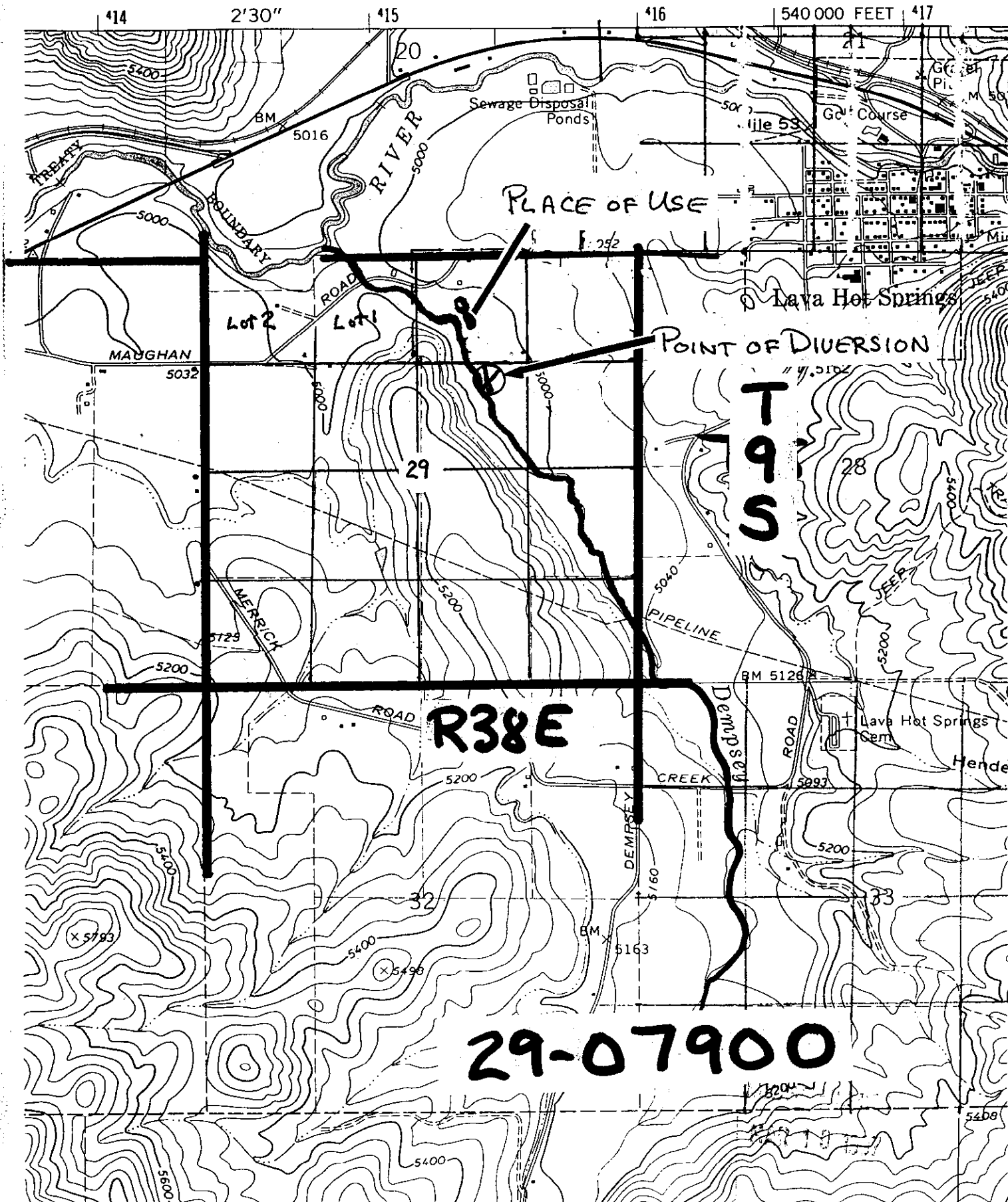
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80

.9	.10	.20	.30	.40	.50	.60	.70	.75
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AT 98 1037

LAVA HOT SPRINGS QU
IDAHO - BANNOCK
7.5 MINUTE SERIES (TOP



5.3

20 21
29 28

Earl Sm
T33M

PLACE OF USE

18
682
4723

POINT OF DIVERSION

T
9
S

R38E

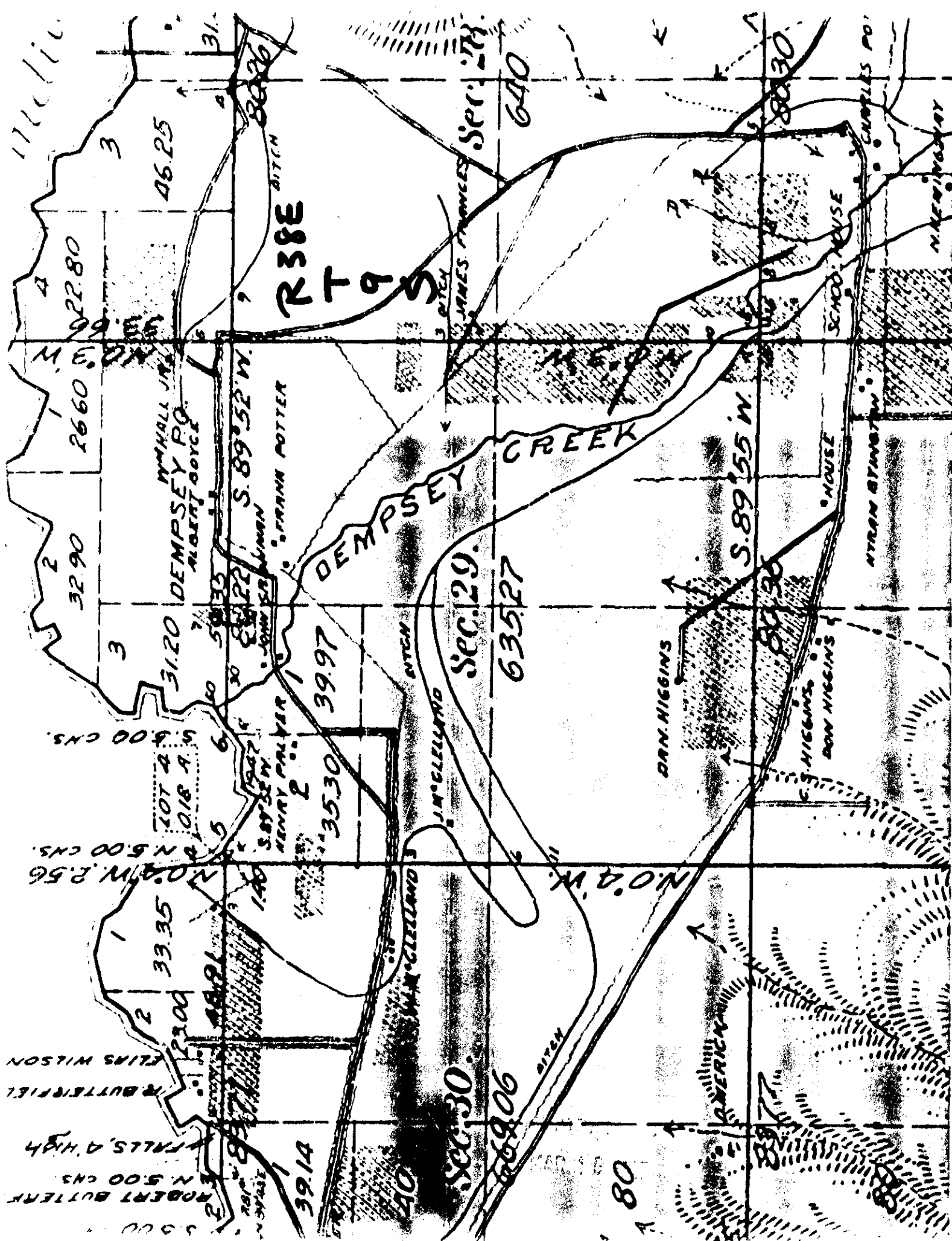
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29-07900

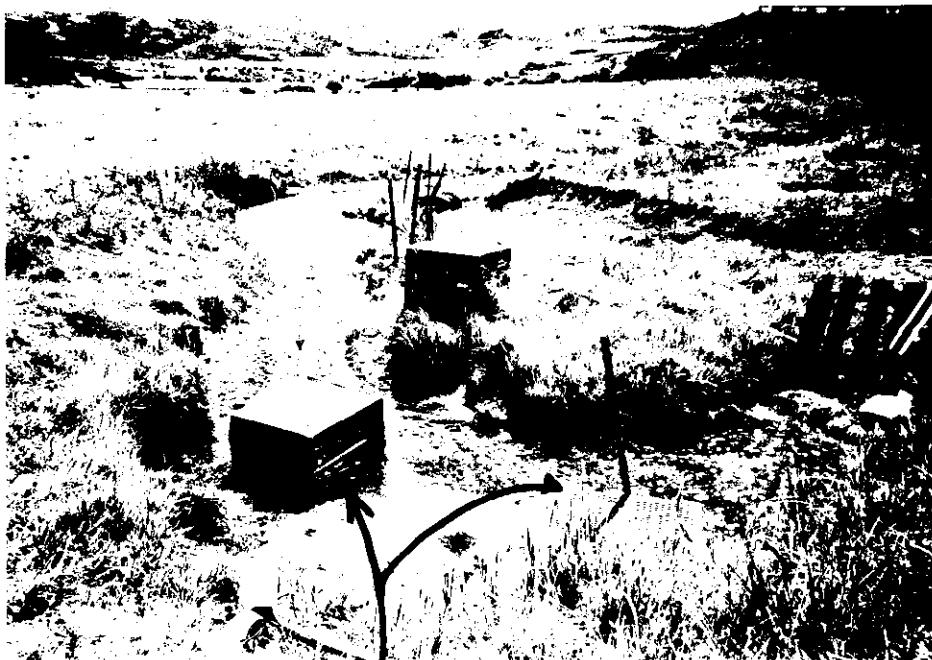
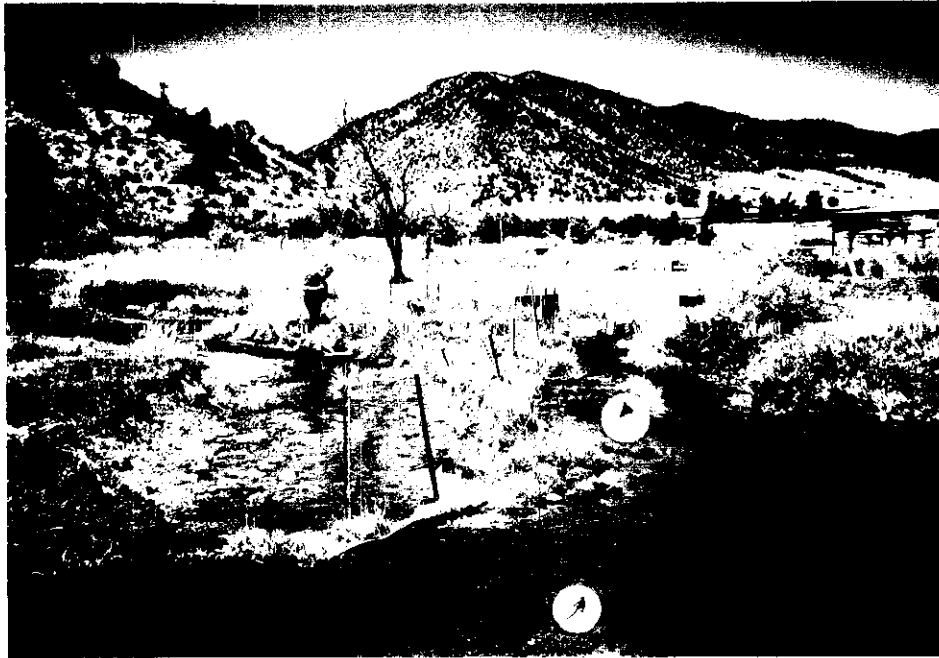
T9S

R
38E

29 28
32 33



Point of diversion



Filter Boxes

29-7900

Fish Ponds



29-7900



29-7900

July 25, 1991

EARL H. SMITH
9589 E. MAUGHAN RD.
LAVA HOT SPRINGS, ID 83246

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 29-07900

Dear Permit Holder:

The department acknowledges receipt of the proof of beneficial use form submitted for the above referenced permit. The next step in the process of developing a water right is for the department to conduct a field examination to determine and confirm the use being made of the water.

If you have questions concerning this matter, please feel free to contact the EASTERN Regional Office in Idaho Falls at (208)525-7161.

Sincerely,

Rita Fleck
Secretary/Records Manager

c: IDWR - Region

JUL 31 1991

MEMORANDUM

TO: Glen

FROM: TIM LUKE

RE: Permit No. 29-7900

DATE: 7-16-91

=====

In regard to the returned proof and attached letter concerning exemption from measuring device requirement; the applicant is correct about item 1. of his letter. The department has excluded Dempsey Creek from it's order requiring measuring devices within Water District 29. Our exclusion of Dempsey was based on the recommendations of the watermaster. The watermaster has told me that Dempsey was excluded because there are several early priority rights on Dempsey which take most of the available supply after spring runoff. Regulation on Dempsey apparently is simplified due to this situation. I recommend waiving the measuring device requirement.

JUL 31 1991

LAVA HOT SPRINGS, IDAHO 83246
June 25, 1991

STATE OF IDAHO
DEPT. OF WATER RESOURCES
STATEHOUSE
BOISE, IDAHO 83720

RE: PERMIT NO. p29-07900

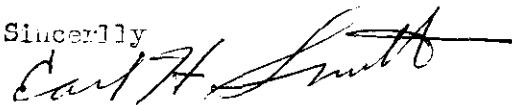
DEAR SIR:

I have not complied with condition # 10 for the following reasons;

1. In all correspondence I have recieved from the water resources board they state that all diversions of water on the Portneuf River and its tributaries, excluding Dempsey Creek require a measuring device and/ or lockout device. My permit is on Dempsey Creek.
2. I am on the end of Dempsey Creek just before it dumps into the Portneuf River and thier little or no water above my right at this point.
3. I am using my own prior water right during the water season that is prior to all rights below me and most rights above my point of diversion.
4. I do not consume the water, I simply run it through my ponds and return it to the Creek again. In fact I return more than I take out because the water comes up in my ponds.

For the above four reasons I feel that this condition is a cost that would have no beneficial use. If after carefull consideration you feel it is still nessesary please contact me and I will comply. Thank you for your consideration and attention to this matter.

Sincerely



Earl H. Smith

RECEIVED
JUL 31 1991

138401
April 30, 1991

EARL H. SMITH
9589 E. MAUGHAN RD.
LAVA HOT SPRINGS, ID 83246

PROOF DUE NOTICE
RE: PERMIT NO. 29-07900

Dear Permit Holder:

One of the conditions of approval of the above referenced water permit was that proof of the extent of your beneficial use must be submitted to this office on or before July 1, 1991. (See last page of your approved permit or your last approved extension request.) Enclosed is a form which when accompanied by the license examination fee or a complete field examination report prepared by a certified water right examiner may be used to submit the required proof.

If you have not fully completed your project, and you or a previous owner of this permit have not received a prior extension of time, you may request an extension of time if the delay is for reasonable cause as provided in Section 42-204, Idaho Code. If you have been prevented from proceeding by a governmental agency or by litigation which might bring title to the water in question, more than one extension of time can be granted. An extension of time request form is enclosed for your convenience.

Either an acceptable proof of beneficial use submittal or an acceptable request for an extension of time must be received by this department on or before the above described proof due date. If neither is received, the department will send you a lapse notice. Within sixty (60) days of the mailing of the lapse notice, the permit will no longer be of any force nor effect.

SINCERELY,

Rita Fleck
Secretary/Records Manager

Enclosures

JUL 31 1991

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

DEPARTMENT OF WATER RESOURCES

Statehouse
Boise, Idaho 83720
(208) 327-7900
June 29, 1990

EARL H. SMITH
9589 E. MAUGHAN RD.
LAVA HOT SPRINGS, ID 83246

PERMIT APPROVAL NOTICE

RE: PERMIT NO. P29-07900

Dear Permit Holder:

Enclosed is a copy of your approved application for permit. We direct your attention to the conditions of approval on the final page.

Be sure to note the special condition requiring you to install a lockable device that will provide the watermaster control on your diversion.

We have enclosed a form entitled "Instructions for Proof of Beneficial Use". Please read the instructions carefully since you must take further action to develop this permit. Also enclosed for your convenience is a form entitled "Proof of Beneficial Use" that must be submitted to the Department when your project is completed. If development is complete, you may submit proof of beneficial use immediately.

Sincerely,

GARY SPACKMAN, Supervisor
Water Right Permits Section

GS: SC
Enclosures

MICROFILMED

JUL 20 1990

11-May-1990

Arlin Olson
P.O. Box 644
Lava, ID 83246

RE: Application for Permit No. 29-7898 & 29-7900

Dear Watermaster:

Please find enclosed a copy of the above referenced application. Please review the application and submit any comments you may have to our Department as soon as possible. The last date of protest is June 4, 1990, and we are required to take action shortly thereafter.

If we may be of further assistance, please feel free to contact us.

Thank you for your cooperation in this matter.

Respectfully submitted,

Harold Jones
Water Rights Supervisor

HJ/rb
Enclosure

MICROFILMED

JUL 20 1990

10-May-1990

Earl H. Smith

Lava Hot Springs, ID 83246

RE: Application for Permit No. 29-7900

Dear Water Right Applicant:

The Department of Water Resources acknowledges receipt of your water right permit. This office is currently in the process of advertising the application in the Idaho State Journal on MAY 17 & 24, 1990. The advertisement will be published for two consecutive weeks, and a period of ten days following the second publication will be allowed for the submittal of protests.

If the application is protested, you will be sent a copy of the protest. The protest must be resolved before the application is approved or denied. If the protest is not resolved voluntarily, this Department will conduct a conference and/or hearing on the matter.

If the application is not protested, it will be forwarded to our state office in about five weeks. State office personnel will conduct a complete review prior to final processing of the application and will notify you of the outcome of this review. When a permit is issued, you will be sent a copy. A typical processing time for an unprotested application is about eight weeks.

Please feel free to contact this office if you have any questions regarding this procedure.

Sincerely,

HAROLD W. JONES
Water Rights Supervisor

HWJ/rb

MICROFILMED

JUL 20 1990

29-07900

SMITH, EARL H.
9589 E. MAUGHAN RD.
LAVA HOT SPRINGS, ID 83246

Source: DEMPSEY CREEK

Tributary: PORTNEUF RIVER

Diversion Pt: SWNE Sec 29 T 09S R 38E

Use: FISH PROPAGATION (.480 CFS)
Total Diversion: (.480 CFS)

Date Filed: 3/ 6/ 1990

In: T09S R38E S29 NWNE

MICROFILMED

JUL 20 1990